UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS
FIRST SESSION

VOLUME 151—PART 9

JUNE 7, 2005 TO JUNE 17, 2005
(PAGES 11677 TO 13103)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 2005

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

SENATE—*Tuesday, June 7, 2005*

The Senate met at 9:45 a.m. and was called to order by the Honorable JOHN ENSIGN, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of all mercies, open our hearts to the forgiving, healing work of Your Spirit that we may find our greatness in serving You and bringing good into the hearts and homes and work and play of others.

Sustain the Members of this body in their labors today. May they so strive to please You that even enemies will be transformed into friends. Remind them that a love of justice brings true power. Help them to speak with such kindness that others will want to listen. Teach them that though they make important decisions, You alone determine what happens.

God of grace and mercy, so bless our land that the people of the Earth will glorify Your name.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN ENSIGN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read as follows:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 7, 2005.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN ENSIGN, a Senator from the State of Nevada, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. ENSIGN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will resume the debate on Executive Calendar No. 72, the nomination of Janice Rogers Brown to be a U.S. circuit judge for the DC Circuit. The cloture vote is scheduled for noon today. We will have a debate equally divided until then. I expect that cloture will be invoked, and once that vote is concluded, I will discuss with the Democratic leader a time for the up-or-down vote on Janice Rogers Brown. I remind everyone that following that confirmation vote, we will proceed to the cloture vote on the Pryor nomination.

Again, I hope we can expedite the final vote on each of these nominations once the cloture votes have been completed. We have other nominations to consider this week, including the additional judicial nominations that have time agreements already locked in place.

VISIT BY TURKISH PRIME MINISTER RECEP TAYYIP ERDOGAN

Mr. FRIST. Mr. President, on Wednesday, I will have the honor of meeting with Turkish Prime Minister Recep Tayyip Erdogan here in the Capitol. We will be meeting to discuss the importance of the United States-Turkish relationship and the ways in which we can strengthen that bond to achieve our common goals. I have had the opportunity to meet with the Prime Minister twice before over the past 12 months.

During a trip to the Middle East this spring, I sat down with Prime Minister Erdogan in Jerusalem. Prior to that, we met in Istanbul in the summer of 2004.

I look forward to continuing our dialog on the importance of the Turkish-American relationship. Turkey is a critical NATO ally and an indispensable partner in the global war on terror.

Despite our two countries' strong ties and close cooperation, there have been strains in the recent past that began with the liberation of Iraq in the spring of 2003. Some in the press speculate that Istanbul and Washington are going their separate ways. This is simply not the case.

It is true that March of 2003, the Turkish parliament rejected our request to permit the deployment of U.S. troops to Turkey in order to open a northern front against Saddam's forces. Clearly, we were not pleased. However, Turkey's subsequent offer to send troops to Iraq and President Bush's visit to Turkey last June moved our partnership beyond that matter.

Turkey has granted coalition forces overflight rights through Turkish airspace throughout the war in Iraq and has permitted the use of its ports, airbases, and roads for resupplying coalition troops an supporting reconstruction efforts in Iraq. Because of its proximity, Turkey's Incirlik airbase has also served as a vital transit location for coalition troops rotating in and out of Iraq. In fact, from January to April 2004, half of all U.S. troops rotating in and out of Iraq went through Incirlik, and Turkey recently agreed to allow coalition forces to use the base as a logistics hub. Turkey's assistance and support has been invaluable.

Turkey has also been a leader in Iraq's reconstruction efforts. At the 2003 Madrid donors' conference, Turkey generously pledged to donate $50 million in aid over 5 years. In addition, Turkish businesses are functioning in Iraq and helping to provide fuel, electricity, and water to the Iraqi people. And many brave Turkish men and women have given the ultimate sacrifice to help build Iraq's nascent democracy. We honor them for their courage.

Turkey's contribution to the reconstruction project in Afghanistan must also not be overlooked. Turkey has

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

taken the lead for the International Security Assistance Force twice in the last 3 years, most recently in February of this year.

And we must not forget that Turkey had been challenged by terrorism at home by the PKK for years before 9/11. Turkey is threatened today as well. Some PKK terrorists are seeking safe haven in northern Iraq, and so I urge the administration and the Iraqi government to take more aggressive action against the terrorists, and deny them any safe haven from which to launch attacks.

Since 9/11, Turkey has also been the target of al-Qaida. In November 2003, 62 people were killed and more than 700 injured in multiple bombings in Istanbul. It was a tragic event that saddened and angered the world, and fortified our resolve to win the war on terror.

Turkey has been a dedicated and reliable ally. Our intelligence communities are in close contact in this war, and Turkey has been instrumental in capturing terrorists, disrupting their logistics and planning, and dismantling their vast financial networks.

I am confident that Turkey will remain determined and resolute in the war on terror, and that enhanced cooperation between our two countries will prove to be fruitful. Turkey's role as a vital and strategic ally can only be enhanced by its membership in the European Union. The United States strongly supports this.

On December 17 last year, EU member states accepted the recommendation of the European commission for the commencement of accession negotiations with Turkey. These talks are scheduled to begin in October. In order to reach this stage, the Turkish government has undertaken sweeping reforms to fulfill the political and economic criteria for membership in the EU.

Since October of 2001, the Turkish parliament has passed nine reform packages to bring Turkish laws into line with EU benchmarks—five under the leadership of Prime Minister Endrogan. Reforms include the legalization of Kurdish broadcasting and education, the enhancement of freedoms of speech and association, greater civilian control over the military, and more thorough and transparent investigations into allegations of human rights abuses. It is crucial that Turkey continue to take steps to meet all of the EU's criteria. This will allow the United States to remain a steady and effective supporter of Turkey's ambitions to join the EU.

Turkey's accession to the EU will have a profound impact on Muslim populations within Europe, in the broader Middle East and beyond. It will further demonstrate that democratic governance and respect for the rule of law are not unique to one religion or one culture, but are the birthright of all peoples everywhere. Just as the people of Iraq, Lebanon, and Afghanistan are setting a remarkable example for the entire Middle East, Turkey's membership in the EU will inspire hope throughout the entire Muslim world.

And, finally, as a secular democracy with a predominantly Muslim population, Turkey's membership in the EU—as in NATO—will demonstrate the United States' and Europe's commitment to diversity and tolerance.

We may not always agree on the same course of action—and sometimes we may not agree on the same ends—but Turkey has, for decades, been a friend. And it has consistently expressed its dedication to the values, ideals, and interests that the United States holds dear.

Like the United States, Turkey is committed to a democratic Iraq that respects the rights of its own people and is at peace with its neighbors. It is committed to a just resolution to the Israeli-Palestinian conflict in which two democratic states, Israel and Palestine, live side-by-side in peace and security. It stands against Iran's nuclear ambitions, and squarely for victory in the war against terror.

The United States and Turkey share the same objectives: peace, security, and the spread of freedom and opportunity.

The partnership between the United States and Turkey has survived disagreements in the past and has been consistently vital in the pursuit of our shared interests. The key has always been strong leadership at the highest levels that articulates our partnership and defends the bilateral ties that help us advance our common goals.

Today, we face a golden opportunity to move beyond recent tensions and strengthen our partnership. The first step is for Prime Minister Erdogan to speak clearly in defense of our partnership, and to dispel a wave of anti-Americanism that runs counter to the last 5 decades of cooperation.

I'm confident that the prime minister will do so during his visit this week, and when he returns home to Turkey. And I'm confident that the United States-Turkish partnership will endure as we confront the challenges of the 21st century together.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Will the Chair inform me as to what the situation is concerning morning business or debate.

The ACTING PRESIDENT pro tempore. We are supposed to go into executive session at this time.

Mr. DURBIN. I thank the Chair.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF JANICE ROGERS BROWN TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will go into executive session to resume consideration of calendar No. 72, which the clerk will report.

The assistant legislative clerk read the nomination of Janice Rogers Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12 noon shall be equally divided for debate between the two leaders or their designees, provided that the last 20 minutes prior to the vote be divided, with 10 minutes under the control of the Democratic leader or his designee, to be followed by 10 minutes under the control of the majority leader or his designee.

The assistant Democratic leader is recognized.

Mr. DURBIN. Mr. President, under the order, the time is equally divided; is that right?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. DURBIN. I seek recognition under the terms of that order.

The ACTING PRESIDENT pro tempore. The Senator from Illinois, the assistant Democratic leader, is recognized.

Mr. DURBIN. Mr. President, I am sorry that this day has come. Janice Rogers Brown is one of President Bush's most ideological and extreme judicial nominees. This is not just my opinion. I invite anyone, please, read her speeches, read her opinions. They reflect the views of a judicial activist and a person who is, in fact, an ideological warrior. They reflect the views of someone who is outside of the mainstream of American thought. They reflect the views of someone who should not be given a lifetime appointment to the second highest court in America—a court second only to the United States Supreme Court.

I am a member of the Senate Judiciary Committee. I served as the ranking Democrat at Justice Brown's hearing in October of 2003. I asked her a lot of questions. Her answers offered little assurance that she will be anything but a judicial activist with a far-right agenda.

She is a very engaging person. She has a great life story. You cannot help but like her when you first meet her. But then, as you read what she has said and ask her questions about it, you cannot help but be troubled, if you are looking for someone who is moderate and centrist and who will be fair in the way they view the most important cases coming before the court.

Do not take my word for that. Listen to the words of George Will, one of the most well-known, conservative voices in America. Two weeks ago in the Washington Post, George Will wrote the following:

> Janice Rogers Brown is out of that mainstream. That should not be an automatic disqualification, but it is a fact: She has expressed admiration for the Supreme Court's pre-1937 hyper-activism in declaring unconstitutional many laws and regulations of the sort that now define the new post-New Deal regulatory state.

I agree with George Will. So do hundreds of other individuals and organizations. Newspaper editorial boards across America are deeply troubled about her nomination by President Bush.

Justice Brown's ideological rants about the role of government in our society are found most often in her speeches. She called the year of 1937 "the triumph of our own socialist revolution." Socialism in America, in the eyes of Justice Brown. Why? Because the Supreme Court decisions that year upheld the constitutionality of Social Security and other major parts of the New Deal. So in the eyes of Justice Brown, the New Deal and Social Security are socialist ideas? That shows how far removed she is from the reality of thinking in America.

She stated:

> Where Government moves in, community retreats, civil society disintegrates, and our ability to control our own destiny atrophies.

That is a wonderful line to throw in a novel but to announce that as your philosophy as you take off to preside over a bench making decisions involving the lives of hundreds of thousands of Americans is just too extreme.

Justice Brown has praised an infamous case, Lochner v. New York. It is a 100-year-old case. The Supreme Court struck down maximum-hour laws for bakers and ruled that Government regulations interfered with the constitutional right to "freedom of contract." The Lochner case has been repudiated by both liberals and conservatives. They said it went too far. They believed it was extreme, but not Justice Brown. She not only accepts the Lochner decision, she embraces it.

In another speech, Justice Brown said our Federal Government is like slavery. She said:

> We no longer find slavery abhorrent. We embrace it. We demand more. Big government is not just the opiate of the masses. It is the opiate.

Think about these words. Interesting things to read. You might want to read them from time to time and say, let's see what the far right thinks about things, except these are the words of a woman who is seeking to bring her views to a lifetime appointment on the Federal bench.

She has blasted Government programs that help seniors, and here is what she said:

> Today's senior citizens blithely cannibalize their grandchildren because they have a right to get as much "free" stuff as the political system will permit them to extract.

Think about that. Think of the cynicism in that remark and think about whether she is the judge you would want to face with a critical decision involving your life, your family, your community, or our country—Janice Rogers Brown.

She rebuked elected officials for "handing out new rights like lollipops in the dentist's office." She has complained that "in the last 100 years, and particularly in the last 30, the Constitution has been demoted to the status of a bad chain novel."

Think about that. Is Roe v. Wade chapter 1 of Justice Brown's bad chain novel? How about Brown v. Board of Education, Justice Brown? Is that another bad chapter in America's novel? How about Miranda, a decision which has now been accepted across America, another bad chapter in America's novel?

Justice Brown just does not get it. America has changed, thank God, in recognizing the right of privacy, in recognizing that we are putting behind us segregation, separate but equal schools, in recognizing that when it comes to the power of the State, there are limitations and there are rights of individuals. For Justice Brown, these are part of a bad chain novel. What a choice of words.

Justice Brown's rhetoric suggests she is guided more by "The Fountainhead," "Atlas Shrugged," and "The Road to Serfdom" than by our Constitution and Bill of Rights. And she wants a lifetime appointment on the bench?

The Washington Post asked a question in an editorial this morning of Republicans in the Senate: If you truly want moderate people who are not activist, who do not come to the bench with an agenda, how can you support Justice Brown? When you take a look at what she has done and said, how can you honestly believe she is going to be moderate in her approach on the bench?

The question is whether Republican Senators will march in lockstep because President Bush says take it or leave it. It is Justice Janice Rogers Brown, you have to have her. If they take it, they are basically turning their backs on the fact they have argued against activism on the bench. Hers is activism from the right, not from the left. But if you are opposed to judicial activism, how could you support her based on what she said?

In her confirmation hearing, Justice Brown dismissed her speeches. She said they were just an attempt to stir the pot. They did more than stir the pot. They set the kitchen on fire. Her speeches show she has the temperament and ideology of a rightwing radio talk show host, not of a person we want to serve on the second highest court of the land for a lifetime—a lifetime.

Justice Brown's nomination to the DC Circuit of all courts is particularly troubling. The DC Circuit is a unique court. It is the court that most closely oversees the operations of Government, such as dealing with worker safety and unfair labor practices. It is the only appellate court with exclusive jurisdiction over many aspects of environmental and energy laws. How ironic and unfortunate to have someone considered for that position who is so openly hostile to the role of the Government when it comes to the environment, when it comes to protecting individual rights.

As a member of the California Supreme Court, Justice Brown has put her theories into practice. In case after case, Justice Brown has sided with anti-Government positions, and she has sided consistently against victims seeking rights and remedies. She is a tough judge. Sometimes you want a tough judge, but you also want a balanced judge, one who is going to be fair in what they do on the bench.

Oftentimes she is the loan dissenter—remarkable—because the California Supreme Court has six Republicans and only one Democrat. Senator BARBARA BOXER of California has counted at least 31 cases where Justice Brown was the sole dissenter. Let me give a few examples.

She was the only member of the California Supreme Court to find the California Fair Employment and Housing Commission did not have the authority to award damages to housing discrimination victims.

She was the only member of the court to conclude that age discrimination victims should not have the right to sue under common law, an interpretation directly contrary to the will of the California Legislature.

She was the only member of the California Supreme Court who voted to strike down a San Francisco law that provided housing assistance to displaced low-income, elderly, and disabled people.

In a case last year, Justice Brown was the sole member of her court who voted to strike down a law that required health insurance plans that cover prescription drugs to include prescription contraceptives in that coverage. Her open hostility to access to contraception is particularly worth noting today, June 7, 2005. Today is the 40th anniversary of the landmark Supreme Court case Griswold v. Connecticut, which established a constitutional right to marital privacy. That case really was a watershed decision.

In the State of Connecticut and several other States, a religious group had been successful in convincing the State legislature to dramatically limit the availability of birth control and contraception. Forty years ago, some of us did not know it was happening, but it was happening. In some States, you could not buy birth control because the legislature said no. That is a decision the State had decided that you could not make as an individual.

The Griswold case overthrew that law and said that your personal right to privacy trumped State rights when it came to access to contraception.

It turns out that Justice Brown's hostility to access to contraception runs counter to 40 years of thinking in America about our rights as individuals to privacy and to make those decisions involving personal responsibility. Justice Janice Rogers Brown might take that right away.

To reward her for this extreme and fringe view, President Bush wants to give her a lifetime appointment to the second highest court of the land. There she will sit day after day, week after week, and month after month making decisions that affect the lives of individuals. It is her point of view that will prevail. She has shown no inclination toward moderation. She will push that agenda on that court, and people will come into that courtroom and wonder what country they are living in, where this court might be meeting because it is so inconsistent with what America has stood for.

In another case, Justice Brown was the only member of the California Supreme Court who voted to make it easier to sell cigarettes to minors. Isn't that perfect? She wants the Government to invade your privacy when it comes to the decisions about birth control and your family, but she does not want the Government to stop the gas station down the street from selling cigarettes to a 12-year-old.

She was the only member of her court who dissented in two rulings that permitted counties to ban guns or gun sales on fairgrounds or other public property.

She was the only member of her court who voted to overturn the rape conviction of a 17-year-old girl because she believed the victim gave mixed messages to the rapist. She was the only member to dissent. She read the facts and concluded that she sided with the rapist and not the victim—the only member to dissent.

She was the only member of her court who concluded there was nothing improper about requiring a criminal defendant to wear a 50,000-bolt stun belt at his trial—the only member of the court, a court of six Republicans and one Democrat. In many of these cases, there were clear precedents, decisions by the court which Justice Brown chose to ignore. Her personal philosophy was more important to her than the law. That is known as judicial activism. That is what Republicans have condemned, and that is what they will endorse if they vote for her nomination.

Why does she ignore the law so often? It gets in the way of her personal beliefs. Those are the most important things from her point of view.

This is not a new revelation about Justice Brown. Back in 1996, the California State Bar Commission rated Justice Brown as "not qualified"—not qualified—for the California Supreme Court. Here is what they said about her: She had a tendency "to interject her political and philosophical views into her opinions." No surprise. Read what she has done on that court. Read what she said about the law. And do not be a bit surprised when she comes to this DC Circuit Court, if she is approved by the Senate for a lifetime appointment, and does exactly the same thing. It is not as if we can say 2 years from now: Well, we guessed wrong; she is not independent, she is not moderate, she is an activist, we will remove her. No way. This is a lifetime appointment to this court by the Bush administration, just the kind of ideologue they want to put on that bench to influence decision after decision as long as she lives.

Nine years later, the American Bar Association, in evaluating Justice Brown for the position we are voting on today, gave her the lowest passing grade. Several members of the ABA screening committee rated Justice Brown "not qualified" again.

In the editorial I mentioned earlier, entitled "Reject Justice Brown," the Washington Post today asserted:

> No Senator who votes for her will have standing any longer to complain about legislating from the bench.

And the Washington Post is right. Do not complain about judicial activism if you vote for Janice Rogers Brown. She is a judicial activist. She has an agenda, and she has been loyal to it on the California Supreme Court. There is no reason to expect anything different on the DC Circuit Court.

A Los Angeles Times editorial entitled "A Bad Fit for a Key Court" stated:

> In opinions and speeches, Brown has articulated disdainful views of the Constitution and Government that are so strong and so far from the mainstream as to raise questions about whether they would control her decisions.

That is from a Los Angeles Times editorial which, incidentally, is her home State newspaper. They know her best.

The New York Times stated that Justice Brown "is an outspoken supporter of a radical movement to take constitutional law back to before 1937, when the Federal Government had little power to prevent discrimination, protect workers from unsafe conditions or prohibit child labor."

The Detroit Free Press put it this way:

> Since her appointment to the State court in 1996, Brown has all but hung a banner above her head declaring herself a foe to privacy rights, civil rights, legal precedent and even colleagues who don't share her extremist leanings.

Over 100 organizations oppose Justice Brown. It takes something in this town to get 100 groups to oppose someone. She pulled it off, including almost every major African-American organization in America, despite the fact that Janice Rogers Brown is an African American.

Dr. Dorothy Height, the great civil rights leader, recipient of the Congressional Gold Medal, attended a press conference before the Judiciary Committee vote on Justice Brown in November of 2003 and said this:

> I cannot stand by and be silent when a jurist with the record of performance of California Supreme Court Justice Janice Rogers Brown is nominated to a Federal court, even though she is an African-American woman. In her speeches and decisions, Justice Janice Rogers Brown has articulated positions that weaken the civil rights legislation and progress that I and others have fought so long and hard to achieve.

How hard it must have been for Dorothy Height, this great civil rights leader, to come out and publicly say that this African-American woman, Janice Rogers Brown, was not the right choice for the DC Circuit Court, the same city that Dorothy Height calls home.

The Senate rejected the nomination of Janice Rogers Brown in 2003. Her renomination this year is less about confirmation than it is about confrontation. It is evident the White House wants to pick a fight over this nomination. Well, they will get their wish today.

This White House strategy of confrontation does a great disservice to the American people, who have every right to expect their elected representatives to work together to address the real problems facing our Nation, rather than fighting the same battles over and over.

I know my colleagues across the aisle have steadfastly supported President Bush's judicial nominees, but I urge them to at least stand up to the President on this one.

I ask them to consider the story of Stephen Barnett, a distinguished constitutional law professor at the University of California at Berkeley. Professor Barnett enthusiastically endorsed Janice Rogers Brown before her October 2003 hearing, and Senator HATCH specifically mentioned Professor Barnett and his endorsement in his opening statement at Justice Brown's hearing.

But Professor Barnett changed his mind after he learned more about her record. After the Brown confirmation hearing, Professor Barnett sent a letter to Senator HATCH withdrawing his support. Here is what he said:

> Having read the speeches of Justice Brown that have now been disclosed, and having watched her testimony before the Committee on October 22, I no longer support the

> nomination. Those speeches, with their government-bashing and their extreme and outdated ideological positions, put Justice Brown outside the mainstream of today's constitutional law.

I urge my colleagues across the aisle, who were initially inclined to support the Brown nomination, like Professor Barnett, to reconsider. Federal judges serve for life. The views of Janice Rogers Brown are too extreme and too radical for a lifetime of service on the second highest court in America.

It is well known that the last time the nomination of Janice Rogers Brown came before the Senate, it was filibustered. I voted to continue that filibuster because I do not believe she is the right person for the job. There was a big controversy over the use of the filibuster, and a decision was reached that Janice Rogers Brown would not be subject to a filibuster when she came up this week. That is an effort to move the Senate forward, to put the nuclear option and that constitutional confrontation behind us.

I urge my colleagues who believe in good faith we need to be bipartisan to show that bipartisanship today. Take an honest look at her record. Understand she is not a good person for a lifetime appointment. Join us in defeating the nomination of Janice Rogers Brown.

I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I rise to speak on the same subject as my good colleague from Illinois. I hope everyone heard his outstanding comments on Janice Rogers Brown. If there were ever a nominee who is out of the mainstream of every nominee of all the 219 who have come before us, there is no one more extreme than Janice Rogers Brown.

I have a special plea today. It is to my moderate colleagues across the aisle. They have stood with their party and their President on wanting an up-or-down vote, but that does not mean they have to vote yes. If there was ever a nominee whose views are different from theirs, it is Janice Rogers Brown. She is so far out of the mainstream that conservative commentators such as George Will who have defended the other nominees have said that she is out of the mainstream.

She is so far out of the mainstream that she makes Justice Scalia look like a liberal. She is so far out of the mainstream that she wishes to roll back not 20, not 40, not 60, not 80, but 100 years of law and jurisprudence. She is typical of the kind of nominee we should not have on the bench, whether they be far right or far left, someone who thinks their own views ought to take precedence over the views of the law, over the views of the people, over the views of the legislature and the President.

There is no doubt that Janice Rogers Brown is smart and accomplished. There is no doubt that she rose from humble beginnings, and that is truly impressive, but none of that can offset her radical and regressive approach to the law. None of that can mitigate her hostility to a host of litigants who have appeared before her. The biography, as wonderful as it is, is no justification to put on the courts someone who clearly does not belong there. Particularly to place such a nominee on the DC Court of Appeals, the second highest court in the land, would be one of the worst wrongs we would have done in the short span of the 21st century for which this Congress has met.

To my mind, Janice Rogers Brown is the least deserving of all of President Bush's appeal court nominees. Before I review the reasons I will vote against her, I wish to ask a question that continues to nag at me. I asked it yesterday, but let me ask it again in a different way because I do not have a good answer, and I do not think there is a good answer. Why are even moderate Republican Senators boarding the Brown bandwagon when clearly her views are so far away from what any moderate, Democrat or Republican, believes? A second question: Why are so many self-described conservatives voting for her when she stands against all the things this conservative movement has said they believe in?

Does this nominee embody the conservative ideal of an appellate judge? If the rhetoric from the President and the Republican leadership is to be believed, a conservative nominee must be at least three things: He or she must be a strict constructionist, he or she must be judicially restrained, and he or she must be mainstream.

I ask my friends on the other side of the aisle to take this little multiple-choice quiz before they vote for Janice Rogers Brown. Which of these describes the nominee? Is she a strict constructionist if she says the whole history of the New Deal should be washed away? Is she a strict constructionist if she says zoning laws, which have been with us for over 100 years, are unconstitutional? Is she judicially restrained when she says that the elderly are cannibalizing the young because they want benefits? Is she mainstream when she asks question after question and then takes views that 99.9 percent of the American people would oppose?

I would argue, and I do not think there is very little dispute, that Janice Rogers Brown is not a strict constructionist, is not judicially restrained, and is not mainstream.

Let us see if she is a proud and principled strict constructionist, and let us use President Bush's definition of what a strict constructionist is. It is a judge who will not legislate from the bench. Well, Janice Rogers Brown is no more of a strict constructionist than I am a starting center for the New York Knicks.

Listen to what a conservative commentator, Ramesh Ponnuru of the National Review, wrote about her:

> Republicans, and their conservative allies, have been willing to make . . . lame arguments to rescue even nominees whose jurisprudence is questionable. Janice Rogers Brown . . . has argued that there is properly an extra constitutional dimension to constitutional law. . . .

Well, I say to my conservative strict constructionist colleagues, if they are opening the door to this extra constitutional dimension, they are going to reap what they have sown. They are going to find someone sooner or later put on the court who is way to the left and says there is an extra constitutional dimension. My guess is that some of their allies on the hard right already think that has happened in, say, Justice Kennedy's decision in Lawrence. But what is good for the goose is good for the gander.

Ponnuru goes on to write:

> . . . She has said that judges should be willing to invoke a "higher law" than the Constitution.

Let me repeat that. Janice Rogers Brown has said that judges should be willing to invoke a higher law than the Constitution. Does she want a theocracy? Does she want a dictatorship? The Constitution is our highest law. We may have many other beliefs, and the Constitution protects our right to practice those beliefs, but for a judge to say they will invoke a higher law than the Constitution—how can any conservative stand here with a straight face and tell us that they are for Janice Rogers Brown?

Let us look at her own words. Here is what she said about California proposition 209. She decided she should "look to the analytical and philosophical evolution of the interpretation and application of Title VII to develop the historical context behind proposition 209.

Not what the people voted for, not strict constructionism, but her own view.

Let us go to the next choice. Is she otherwise a dependable warrior against the scourge of conservatives everywhere—judicial activism? Well, here are her own words:

> We cannot simply cloak ourselves in the doctrine of stare decisis.
>
> [I am] disinclined to perpetuate dubious law for no better reason than it exists.

Please. This is not someone who is a strict constructionist. It is somebody who is saying, with, I might say, intellectual arrogance, that her views supersede the views of the law. For those who did not go to law school or school where they learned Latin, "stare decisis" means decisions that have been already made by the courts, and they imply a grand tradition often going back to England and Anglo-Saxon law to the 1200s.

We cannot cloak ourselves in the doctrine of stare decisis? Again, what does Janice Rogers Brown want to be nominated for—dictator or grand exalted ruler? Please. How can a conservative who believes we are to follow the rule of law, who believes that there should be strict constructionism and is against activist judges, support someone who says, "I am disinclined to perpetuate dubious law for no better reason than it exists"?

What arrogance. What gall. And most importantly, why would we even think—why did President Bush think and why do my colleagues think—of putting someone on the bench who says that? Whether you are the most conservative Republican or the most moderate Republican, whether you are the most liberal Democrat or the most moderate Democrat, we don't believe this. None of us believe this. This is against our entire American tradition, from the Magna Carta, through common law, through our Constitution, through the next wonderful 200 years.

The California State Bar Judicial Nominees Commission, which gave her a "nonqualified" rating when she was first nominated to the court in 1996, said that the rating was in part because of complaints that she was "insensitive to legal precedent."

Here is what Andrew Sullivan says, another conservative writer. This is not CHUCK SCHUMER, Democrat of Brooklyn, NY. This is Andrew Sullivan, conservative writer. He said there is a very good case to be made for the:

> . . . constitutional extremism of one of the president's favorite nominees, Janice Rogers Brown. Whatever else she is, she does not fit the description of a judge who simply applies the law. If she isn't a "judicial activist," I don't know who would be.

My colleagues, whether you are here in the Senate or out in the conservative movement, you spent a 20-year battle fighting judicial activism, but all of a sudden you are saying: Never mind. If we like the views of the nominee, strict construction goes out the window, and we will put in our own variety of judicial activist.

That is not going to bode well for consistency in your arguments, but more importantly for the Republic, and for the keystone of article 3, the article 3 branch of Government, the judiciary, which is that judges interpret the law and follow the precedent of law and do not make law.

Mr. Ponnuru, the National Review writer, said:

> She has said that judicial activism is not troubling per se. . . .

Here is the point of Mr. Sullivan, who was the author of this other quote. He said:

> I might add, I am not unsympathetic to her . . . views. But she should run for office, not the courts.

I couldn't say it better myself. This is somebody who has such passionate views that she has to take those views, which are so radically different—our Constitution says our way of governing is you do not do that from the bench. You do it by running for office.

My guess is if she actually ran for office—of course she ran for judge, but she was unopposed. I am sure if right now you asked the people of California, Who is Janice Rogers Brown, maybe 3 or 4 percent would know and they might not know her views.

You run for office.

What about her substantive views, are they mainstream? To call Justice Brown mainstream is a distortion of her record. No one is further from the mainstream. I cannot think of a single Clinton nominee who is as far to the left as Janice Rogers Brown is to the right. I cannot think of a single George Bush nominee, George Bush 41; I cannot think of a single Ronald Reagan nominee; I cannot think of a single nominee, in at least my lifetime, who is more out of the mainstream than Janice Rogers Brown.

But don't take my word for it. How about George Will—hardly a leftwing liberal—on the approach of this nominee? Here is what he said:

> Janice Rogers Brown is out of the mainstream of conservative jurisprudence.
>
> It is a fact: She has expressed admiration for the Supreme Court's pre-1937 hyper-activism in declaring unconstitutional many laws and regulations of the sort that now define the post-New Deal regulatory state.

There may be some people who feel we should go back before the New Deal, where the rich and powerful got their way almost all the time. But, again, as was said by Andrew Sullivan, if she believes that, let her run for office. But here is the dirty little secret of those on the hard right who believe, as Janice Rogers Brown does, that the New Deal was wrong, the Commerce Clause should be dismantled and wages and hours laws are unconstitutional. The dirty little secret is they know they cannot win in the court of public opinion, and their plan is to impose their views on the rest of us by capturing the judiciary. Nobody—nobody personifies those views more than Janice Rogers Brown.

Let me go over a few other of her views before I conclude. She has described the New Deal as the "triumph" of America's "socialist revolution." Does that place her in the mainstream?

She has said the Lochner case—which said basically that wage-and-hours laws passed by the States are unconstitutional—was correct. Does that place her in the mainstream, taking a case from 1906 that has been repudiated from the 1930s onward and saying that it was correctly decided?

On another occasion she said that:

> Today's senior citizens blithely cannibalize their grandchildren because they have a right to get as much free stuff as the political system will permit.

I would like the senior citizens of America, whether they be liberal Democrats or conservative Republicans, to answer the question: Is she out of the mainstream? By getting Social Security, is she asking are they cannibalizing the young? Or Medicare? Because I don't know what other benefits senior citizens get.

Janice Rogers Brown, by this quote, seems to believe we should not have Social Security. It is probably part of the New Deal Socialist revolution. We should not have Medicare. That is part of Lyndon Johnson's furtherance of the Socialist revolution. How mainstream is that?

Again, I want to ask my moderate colleagues—not only the 7 who signed the document but the 10 or 12 others—how can you vote for her? I mean, I understand marching in lockstep. I understand we are going to have different views on a whole lot of judges. But how about once—once showing a little independence. Because I know that Janice Rogers Brown's views are not your views. She is not nominated for a district court. She is nominated for the second highest court in the land, where those views will be heard over and over and over again.

I am left with the same question. It is clear that her record shows she is not strict in her constructionism; she is not mainstream in her conservatism; and she is not quiet about her activism. Again, let me ask the question: Why is Janice Rogers Brown touted as the model of a conservative judge when she is anything but conservative in her judicial approach?

I believe there are many Senators across the aisle who would vote against such a candidate because her judicial philosophy could not be more out of sync with theirs. But we know there is tremendous political pressure, party pressure on the moderate Senators.

We have a new chart because we have had a few new votes. Of all the votes we have had on judicial nominees, cloture and up-or-down votes, here is how the Republican side of the aisle has stacked up: 2,811 to 2. Only twice in all the votes, 2,813, has any Member of the other side voted against; once, when TRENT LOTT voted against Judge Gregory, and just last week on Justice Owen, Senator CHAFEE voted against her.

If we want up-or-down votes, doesn't that imply some independence of thought? Doesn't that imply we not march in lockstep? Doesn't that imply, when somebody is so far out of the mainstream, such as Janice Rogers Brown, that there will be some opposition to her from the other side of the aisle?

Senator FRIST, last week, or a few weeks ago, spoke about leader-led filibusters of judges—whatever that means. Is the vote for Janice Rogers Brown not a leader-led rubberstamping of nominees, nominees who have not even convinced conservatives that they belong on the bench?

I continue to believe Judge Brown was the least worthy pick this President has made in the appellate courts, and that is based on her record—not her background, not her story, not her race, not her gender. We should vote for judges based on their record, and I, once again, ask my colleagues across the aisle to look at that record.

If my colleagues across the aisle ask three simple questions—Is the nominee a strict constructionist? Is the nominee a judicial activist? And is the nominee a mainstream conservative?—I don't believe many could bring themselves to vote for Janice Rogers Brown.

I could not support Judge Brown's nomination the first time. I cannot support it now. I urge my colleagues, particularly my moderate friends from the other side of the aisle, to vote against her this afternoon.

I yield the floor and suggest the absence of a quorum and I ask the time of the quorum be charged equally to each side as the quorum moves forward.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would like to share a few thoughts about the nomination of Janice Rogers Brown, one of the best nominations the President has made. She is a woman of integrity and ability, with proven skill as an appellate jurist. She has won the support and admiration of her colleagues on the California appellate courts with whom she served and has won the support of the people of California, as evidenced by her being reelected to the California Supreme Court with 76 percent of the vote.

What do we hear from my colleague, the great advocate that he is, and my friend, Senator SCHUMER? It is sad. He uses words of radicalism to declare that she is outside the mainstream. He says she is far over and out of the mainstream; her radical and regressive approach to the law is so off the charts; she expresses hostility to a host of litigants; the most out of the mainstream; a radical. Everything she believes in is what they believe—he is talking about President Bush, I suppose, and Republicans. He says she is no more a strict constructionist than he is a second baseman for the New York Yankees. This morning he said that she is no more a strict constructionist than he is a center for the New York Jets.

Saying it does not make it so. There has been a systematic effort—and I have watched with amazement—to declare this fine justice on the California Supreme Court an extremist. Get past the allegations of extremism, the charges, and the mud throwing—extremist, radical, out of the mainstream. This morning, Senator SCHUMER used words that were interesting: Did she want to be a dictator? What in her record indicates she wants to be a dictator?

Then he said this: Did she want to be a grand exalted ruler? Was that some reference to the Ku Klux Klan? This African American from my home State of Alabama left as a teenager. I am sure one reason she went to California was for discrimination and segregation that existed in rural Alabama where she grew up at that time. She is the daughter of sharecroppers. To have it suggested that somehow her ideas are consistent with the Ku Klux Klan is offensive. It ought to be offensive to Americans.

Where is the meat? What is it that shows Justice Brown is not fair, that she is incapable? I don't see it. As a matter of fact, they have examined her record in great detail, every speech she has given, everything she has done in her life, remarks she has made, opinions she has written. She is a restrained jurist, respected by her colleagues and the people before whom she practices. She is one of the most deserving nominees. I am proud of her. I am proud she came from Alabama. I am sorry she left the State of Alabama. I am proud of what she has accomplished in the State of California.

She currently serves as an associate justice on the California Supreme Court and has held that job since 1996. Prior to that, she served for 2 years as an associate on the Third District Court of Appeals.

Let me add, if she is such a radical dictator, grand exalted ruler, if that is her mentality and way of doing business, would every member of the Third District Court of Appeals with whom she served and four of her six fellow justices on the California Supreme Court write a letter to Senator HATCH, then Chairman of the Senate Judiciary Committee, saying to confirm this wonderful woman, asking that she be confirmed, and saying glowing things about her? One of the justices on the California Supreme Court who supports her is Justice Stanley Mosk, one of the most liberal justices in America, recognized in that vein throughout the country. Why would Justice Mosk and the others support Janice Rogers Brown if she is such an out-of-the-mainstream radical justice? The truth is, she is not. This has been conjured up by certain groups, left-wing attack groups who have been smearing and besmirching and sullying the reputation of excellent nominees for many years. It is not right what is being done to this lady. She is a person of sterling character. She writes beautifully. She is respected by her colleagues. She is very much appreciated by the people of California. Four judges were on the ballot when she ran for reelection, and she got the highest number of votes of any.

We have Senators from California telling us she is out of the mainstream. Maybe she believes in carrying out the duly elected death penalty statutes of California. Maybe she believes the constitutional amendment they passed, Proposition 209, ought to be enforced. Maybe she believes the Pledge of Allegiance shouldn't be struck down as unconstitutional. Maybe that is what they want. Maybe that is what they think is a mainstream judge. I don't think she is there. She is the kind of judge President Bush promised to appoint. It was an important issue in this past election. The people of America debated and discussed it and spoke clearly in the reelection of President Bush that they want judges who enforce the law and follow the law—not make the law.

They say she is out of the mainstream, but in 2002 on the California Supreme Court—surely everyone recognizes California is not a right-wing State. It is a State in which a higher percentage voted for John Kerry. But in 2002, her colleagues on the California Supreme Court asked her to write the majority opinion for the court more times than any other justice on the court. Why would they do that if she is out of the mainstream? Why would they have written letters on her behalf?

The way it works on the court, the justices meet and they discuss a case, then the justices indicate how they are going to decide the case, what their decision is, a majority gets together, and someone is asked to write the opinion for the majority. The rest of the justices sign onto the majority opinion, if they agree to it. Sometimes they will file a separate occurrence if they do not agree with everything in the opinion. In 2002, she was asked by her colleagues to write more majority opinions than any other justice on the court. That speaks well for the respect they have for her.

There has been much distortion of her record in an attempt to justify these mud-slinging charges that have been made against her. Senator SCHUMER and others have cited the High-Voltage Wire Works case, saying she dissented in this case. They claim that she dissented from it and that shows her to be a radical judge, because it dealt with affirmative action and quotas and the California constitutional amendment that was passed by the people of California to eliminate quotas in California.

Let me state the truth: She did not dissent. She anchored and wrote and authored the unanimous decision of the California Supreme Court. They asked her to write this affirmative action / California constitutional amendment / Proposition 209 opinion. Her colleagues asked her to write it. She wrote it. They all joined in. It was a unanimous opinion. It was based on California Proposition 209 that said:

> The State shall not discriminate against, or grant preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.

The case involved the city of San Jose. They had a minority contracting program that required minority contractors bidding on the city projects to either utilize a specified percentage of minority and women contractors or document efforts to include women and subcontractors in their bids.

Every judge who reviewed the case, including the trial judge, the intermediate appellate court judges where she previously sat, and the California Supreme Court Justices, agreed that the San Jose program constituted "preferential treatment" within the meaning of Proposition 209. They struck down the program.

And they suggest somehow she is against all affirmative action programs in America and that she does not believe in those things. She has explicitly stated otherwise. For example, in the High-Voltage Wire Works opinion she explicitly stated this: "equal protection does not preclude race-conscious programs." In other words, she is saying that there can be race-conscious programs in legislation under the equal protection clause, but they cannot be too broadly used. It is a dangerous trend. You have to watch it and be careful. This is what the Supreme Court has said about it. She also said there are many lawful ways for businesses to reach out to minorities and women. She favors that. That is mainstream law in America. I don't know what they are talking about when they suggest her opinion, joined by all the justices of the California Supreme Court, was out of the mainstream. That is beyond the pale.

It is suggested she does not believe in stare decisis, the doctrine that courts should tend to follow the previous opinions of courts. But all of us know, and I know Senator SCHUMER and anyone who believes in civil liberties knows, a court opinion is not the same thing as the Constitution of the United States. Some prior court opinions have been rendered and made the law of the land which were not consistent with the Constitution of the United States.

What about Plessy v. Ferguson? Justice Harlan dissented from that opinion, which said separate but equal was constitutional. Justice Harlan believed that separate but equal was unconstitutional. Were the judges who later reversed Plessy v. Ferguson activists? I don't think so. I think they were acting consistent with a clearer understanding of the equal protection clause and the due process clause of the Constitution of the United States than the Court in Plessy. Why attack her on that basis? It is not legitimate.

The twelve judges on the California Third District Court of Appeals wrote on her behalf. They said:

> Justice Brown has served California well. She has written many important decisions establishing and reaffirming important points of law. Her opinions reflect her belief in the doctrine of stare decisis.

So the 12 judges who wrote on her behalf say she is a believer in stare decisis. Yet we have one or two Senators standing up and saying she does not believe in that. Not so. In fact, she has a proven record of following and showing respect for precedent.

For example, in Kasler v. Lockyer, Justice Brown, in a California opinion, wrote the majority opinion for the court upholding an assault weapons ban. She followed a prior decision by the California Supreme Court even though she believed that prior decision was wrongly decided and had dissented in it. But when it came back up, and the case had been decided, she deferred to the California Supreme Court's decision even though that wasn't her personal view. Doesn't that show she is properly respectful of precedent?

Sometimes it is important that cases be challenged and judges overrule a prior decision. Sometimes, even if you think it is wrong, it is better to let it stand just to provide stability in the law. Judges have to make that call frequently.

Senator SCHUMER says Justice Brown is an extremist and "President Clinton would never have nominated someone like this." But he has probably forgotten Judge Paez, who was nominated to the Ninth Circuit Court of Appeals by President Clinton. This is what a real activist is. This speaks to what an activist judge is. This is what Judge Paez, who we confirmed, says about his judicial philosophy: It includes "an appreciation of the courts to act when they must, when the issue has been generated as a result of the failure of the political process to resolve a certain political question" because in such instances, Judge Paez says, "there's no choice but for the courts to resolve the question that perhaps ideally and preferably should be resolved through the legislative process."

I see the Presiding Officer, Senator VITTER, listened to that phrase. That is what activism is. It is a belief that a judge can act even though the legislature does not. It is a belief that if the legislature does not act, the judge has a right to act. That is a stated judicial philosophy of activism. Janice Rogers Brown never said anything like that, nothing close to that.

So I repeat again, this is a nominee with a sterling record. She has served on the Third District Court of Appeals in California. She served in the attorney general's office of the State of California where she wrote appellate briefs to the appellate courts and argued cases involving criminal justice to defend convictions in the State. She now serves on the Supreme Court of California. She was reelected by an overwhelming vote, the highest vote of any judge on the ballot. We have received a letter on her behalf from all of the court of appeals justices who have served with her on the court of appeals, and four of the six justices on the California Supreme Court, including the liberal icon, Justice Stanley Mosk.

I think this is a nominee who is worthy of confirmation. I am disappointed and hurt by some of the mischaracterizations of her record and her philosophy. I believe if Senators review this nominee's record, they will see she will make an outstanding justice. I am pleased she is a native of my State, and I wish her every success.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURR). The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague from Massachusetts for allowing me to go out of turn. I will be fairly short.

Mr. President, we have been debating the circuit court nominations of Justice Janice Rogers Brown and too many other nominees for way too long. Justice Brown was first nominated to the DC Circuit Court of Appeals in July of 2003.

Over the years, I have grown accustomed to the talking points of Brown's liberal opposition. I think I have them committed to memory now. Some liberal elitists charge she is extreme. Some liberal elitists charge she is out of the mainstream. Some liberal elitists charge she is a radical conservative.

This same broken record has been spun now for too many years, and with too many nominees. Here is what is left out of this tired song and dance.

Justice Janice Rogers Brown is a proven jurist. Her credentials and her character are beyond reproach. She is a lifetime public servant committed to the extension of civil rights and equal justice under law, and there can be no doubt that these deep commitments grew in part out of a childhood that witnessed the true evil of Jim Crow segregation.

She came up the hard way. She served for 2 years as an associate justice on California's Third District Court of Appeals prior to being appointed to the California Supreme Court.

What has her record been there? To listen to the interest groups, you would think she has led a one-woman crusade to destroy the civil rights of all Californians. Given Justice Brown's background, I have to say this is an astonishing charge.

In order to once again dispel the false charge that Justice Janice Rogers Brown is extreme, consider the following facts.

In 2002, Justice Brown's colleagues on the California Supreme Court turned to her more than any other justice to write the majority opinion for the court. Is this out of the mainstream?

When Justice Brown was retained with 76 percent of the vote in her last election, were the people of California installing a radical revolutionary on the bench? Were there any mainstream Californians who voted for her? That is a pretty impressive majority. After all, the junior Senator from California, who has spoken vociferously against Justice Brown, and many of the other of the President's circuit court nominees, one of Justice Brown's most vocal critics, once, I might say, won reelection with only 53 percent of the vote.

Truth be told, there is nothing radical about Janice Rogers Brown. She refuses to supplant her moral views for the law she is charged with interpreting as a judge. Maybe the refusal to engage in activist decisionmaking is radical at some predominantly liberal law schools, but it is fully within the mainstream of American jurisprudence.

We have heard a lot about the background of Janice Rogers Brown in this debate. I have been at the forefront of discussing her rise from the Jim Crow South to her appointment as the first African-American woman to serve on the California Supreme Court. We talk about her background because her story demonstrates that while America is not perfect, its commitment to the preservation and extension of civil rights is without parallel in the history of the world.

Let me also add that no party has a monopoly on the promotion of diversity. Yet, unfortunately, some of those who frequently speak about the need for diversity on the bench have a rather limited definition of diversity. As we saw with several other recent nominees, apparently some believe only liberal minorities are sufficiently diverse for high Federal office, especially the Federal courts.

In the end, it is hard to avoid the conclusions of Justice Brown's colleagues. I have here a letter written to me in my former capacity as chairman of the Judiciary Committee from a bipartisan group of Justice Brown's colleagues, including all of her former colleagues on the California Court of Appeals and Third Appellate District, as well as four current members of the California Supreme Court.

Let me take a second or two and read you their assessment of Justice Brown.

Dear Mr. Chairman:

We are members of and present and former colleagues of Justice Janice Rogers Brown on the California Supreme Court and California Court of Appeals for the Third Appellate District. Although we span the spectrum of ideologies, we endorse her for appointment to the U.S. Court of Appeals for the D.C. Circuit.

Much has been written about Justice Brown's humble beginnings, and the story of her rise to the California Supreme Court is truly compelling. But that alone would not be enough to gain our endorsement for a seat on the federal bench. We believe that Justice Brown is qualified because she is a superb judge. We who have worked with her on a daily basis know her to be extremely intelligent, keenly analytical, and very hard working. We know that she is a jurist who applies the law without favor, without bias, and with an even hand. Because of these qualities, she has quickly become one of the most prolific authors of majority opinions on the California Supreme Court.

Although losing Justice Brown would remove an important voice from the Supreme Court of California, she would be a tremendous addition to the D.C. Circuit. Justice Brown would bring to the court a rare blend of collegiality, modesty, and intellectual stimulation. Her judicial opinions are consistently thoughtful and eloquent. She interacts collegially with her colleagues and maintains appropriate judicial temperament in dealing with colleagues, court personnel and counsel.

Mr. President, I ask unanimous consent that the entire letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

McDONOUGH HOLLAND & ALLEN PC
ATTORNEYS AT LAW,
October 16, 2003.

Re Nomination of Justice Janice Rogers Brown to the U.S. Court of Appeals for the D.C. Circuit

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We are members of and present and former colleagues of Justice Janice Rogers Brown on the California Supreme Court and California Court of Appeal for the Third Appellate District. Although we span the spectrum of ideologies, we endorse her for appointment to the U.S. Court of Appeals for the D.C. Circuit.

Much has been written about Justice Brown's humble beginnings, and the story of her rise to the California Supreme Court is truly compelling. But that alone would not be enough to gain our endorsement for a seat on the federal bench. We believe that Justice Brown is qualified because she is a superb judge. We who have worked with her on a daily basis know her to be extremely intelligent, keenly analytical, and very hard working. We know that she is a jurist who applies the law without favor, without bias, and with an even hand. Because of these qualities, she has quickly become one of the most prolific authors of majority opinions on the California Supreme Court.

Although losing Justice Brown would remove an important voice from the Supreme Court of California, she would be a tremendous addition to the D.C. Circuit. Justice Brown would bring to the court a rare blend of collegiality, modesty, and intellectual stimulation. Her judicial opinions are consistently thoughtful and eloquent. She interacts collegially with her colleagues and maintains appropriate judicial temperament in dealing with colleagues, court personnel and counsel.

If Justice Brown is placed on the D.C. Circuit, she will serve with distinction and will bring credit to the U.S. Senate that confirms her. We strongly urge that the Senate take all necessary steps to approve her appointment as expeditiously as possible.

Joining me in this letter are Justices Marvin R. Baxter, Ming W. Chin and Carlos R. Moreno of the California Supreme Court and Presiding Justice Arthur G. Scotland and Justices Rodney Davis, Harry E. Hull, Jr., Daniel M. Kolkey, Fred K. Morrison, George W. Nicholson, Vance W. Ray and Ronald B. Robie of the California Court of Appeal, Third Appellate District.

I am informed that Justice Joyce L. Kennard of the California Supreme Court has already written a letter in support of Justice Brown's nomination.

Chief Justice Ronald M. George and Justice Kathryn M. Werdegar of the California Supreme Court are not opposed to Justice Brown's appointment but it is their long standing policy not to write or join in letters of support for judicial nominees.

Thank you for your consideration of this letter.

Very truly yours,
ROBERT K. PUGLIA,
Retired Presiding Justice, Court of Appeal, Third Appellate District.

Mr. HATCH. Let me put in the RECORD a couple comments by Ellis Horvitz and Regis Lane. Ellis Horvitz, a Democrat, one of the deans of the Appellate Bar in California, has written in support of Justice Brown, noting:

In my opinion, Justice Brown possesses those qualities an appellate justice should have. She is extremely intelligent, very conscientious and hard working, refreshingly articulate, and possessing great common sense and integrity. She is courteous and gracious to the litigants and counsel who appear before her.

Mr. President, I ask unanimous consent that the entire letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HORVITZ & LEVY LLP,
Encino, CA, September 29, 2003.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Re Justice Janice Rodgers Brown nomination.

DEAR CHAIRMAN HATCH: This letter is sent in support of President Bush's nomination of Justice Janice Rodgers Brown to the District of Columbia Court of Appeal.

Let me first introduce myself. I have been practicing law in California for more than fifty years, almost all of that time as a civil appellate specialist. Our firm of more than thirty lawyers specializes in civil appeals. We appear regularly in the California Court of Appeal and in the California Supreme Court.

I have followed Justice Brown's career since she was appointed to the California Supreme Court. Our firm has appeared before her on many occasions. I have appeared before her on several occasions. We have also studied her opinions, majority, (concurring and dissenting), in many civil cases.

In my opinion, Justice Brown posses those qualities an appellate justice should have. She is extremely intelligent, very conscientious and hard working, refreshingly articulate, and possessing great common sense and integrity. She is courteous and gracious to the litigants and counsel who appear before her.

I hope your Committee will approve her nomination expeditiously. The President has made an excellent choice.

Very truly yours,
ELLIS J. HORVITZ.

Mr. HATCH. Regis Lane, the executive director of Minorities in Law Enforcement, a coalition of minority law enforcement officers in California, wrote:

> We recommend the confirmation of Justice Brown based on her broad range of experience, personal integrity, good standing in the community and dedication to public service. . . .
>
> In many conversations with Justice Brown, I have discovered that she is very passionate about the plight of racial minorities in America, based on her upbringing in the South. Justice Brown's views that all individuals who desire the American dream, regardless of their race or creed, can and should succeed in this country are consistent with MILE's mission to ensure brighter futures for disadvantaged youth of color.

Mr. President, I ask unanimous consent that the entire letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MINORITIES IN LAW ENFORCEMENT,
Sacramento, CA.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Executive Board and members of the Minorities In Law Enforcement organization (MILE), we recommend that you confirm President George W. Bush's nomination of California Supreme Court Associate Justice Janice Rogers Brown to the United States Circuit Court of Appeals for the District of Columbia. MILE is a coalition of ethnic minority law enforcement officers in California dedicated to ensuring brighter futures for disadvantaged youth and ensuring that no child is left behind.

We recommend the confirmation of Justice Brown based on her broad range of experience, personal integrity, good standing in the community and dedication to public service. Justice Brown's powerful and exhilarating display of jurisprudence exhibited in the written legal opinions she has issued as a California Supreme Court justice, is respected by all, regardless of race, political affiliation, or religious background. Justice Brown is a fair and just person with impeccable honesty, which is the standard by which justice is carried out.

In many conversations with Justice Brown, I have discovered that she is very passionate about the plight of racial minorities in America, based on her upbringing in the south. Justice Brown's views that all individuals who desire the American dream, regardless of their race or creed, can and should succeed in this country are consistent with MILE's mission to ensure brighter futures for disadvantaged youth of color.

It is with great honor and pleasure that MILE and our members urge you to confirm President Bush's nomination of California Supreme Court Associate Justice Janice Rogers Brown to the United States Circuit Court of Appeals for the District of Columbia.

Respectfully submitted,
REGIS LANE,
Executive Director.

Mr. HATCH. Well, she is not, as represented, a radical revolutionary bent on undoing the American dream. Who are you going to believe? I say you should believe those who served with her on the bench in California, and that is over a period of years.

Because of the astonishing failure to give Justice Brown an up-or-down vote, I have had ample time to review her record, and it is clear to me, without any doubt, that those who worked with her every day on these courts have it right. She is a model jurist. You cannot have anybody who has been in court as long as she has that somebody cannot pluck cases out of the air and distort them or find some fault with them. I am sure I can find fault with some of her cases. But the point is, this is a woman who does what is right.

Justice Brown would be a welcome addition to the DC Circuit Court of Appeals. I look forward to finally closing the debate on this nomination, bringing her nomination to a vote, and seeing her on the Federal bench.

Now, let me close by saying that voting for cloture is the right thing to do on the nomination of Justice Janice Rogers Brown and the rest of the President's judicial nominees. Allowing an up-or-down vote on these nominees will return us to the Senate's 214-year tradition. So I ask my colleagues to vote yea on cloture, and hopefully we can have an up-or-down vote in a short time after that.

Mr. President, again, I thank my colleague and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand it, there is 7 minutes remaining.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Mr. President, I yield myself all 7 minutes, and I ask if the Chair will be kind enough to let me know when there is 1 minute left.

The PRESIDING OFFICER. The Chair will so notify.

Mr. KENNEDY. Mr. President, I think it is important for those watching the debate to understand this decision is not a decision about the life history of Janice Rogers Brown. What we are voting on in this particular decision is, on the DC Circuit Court, whether the nominee is going to speak for the struggling middle class of Americans, whether they are going to speak for minorities who have been trying to be a part of the American dream, whether they are going to speak for the rights and liberties of working families, particularly those who are covered by the Occupational Safety and Health Act who work hard every day and have had their lives threatened with inadequate kinds of protection, whether that voice is going to be standing up for children whose lives are going to be affected by the Clean Air Act, or whether they are going to stand up for the children whose lives will be affected by the Clean Water Act.

So many of the important decisions that we have addressed in the Senate over the last 30 years, in order to make this a fairer country, a more just Nation, to advance the cause of economic progress and social justice, ultimately come to the DC Circuit. In many instances, the DC Circuit is the final arbiter of these issues. That is why this is so important. Any judge is important, but I think, for most of us, we raise the level when we consider who is going to serve on the Supreme Court, since that will be a defining aspect of the laws of this country, and a defining voice in terms of the rights and liberties of this Nation as defined in the Constitution of the United States.

It seems to me it is fair enough to ask someone who wants a job on the DC Circuit whether they have a core commitment to these fundamental acts of fairness and justice and basic liberty, and if there are indications during their service on the court that this jurist has demonstrated a hostility toward these basic principles.

That is really the basic issue. I am going to have more time this afternoon to get into the particulars, but it is enormously important that the American people understand that this is not just another circuit court, as important as that is. This is the very specialized DC Circuit Court that has special responsibilities in interpreting the laws, many cases of which never go to the Supreme Court, and, therefore, we should take a careful view of this nominee. When we take a careful view of the nominee, we find that this nominee fails the standard by which we ought to judge advancement to the second most important and powerful court in the land, and that is the DC Circuit Court.

That is true on the issue of civil rights. No one can seriously contend that the overwhelming opposition to her nomination from the African-American community is motivated by bias against Blacks. She is opposed by respected civil rights leaders, including Julian Bond, Chairman of the NAACP; by Dorothy Height, President Emeritus of the National Council of Negro Women, a leader in the battle for equality for women and African Americans over her lifetime, an outstanding and distinguished American who happens to be Black but has struggled to make this a fairer and more just country—for Black women in particular—for all Americans. She is universally admired and respected by Republicans and Democrats. She believes that we would make a major mistake by promoting this nominee to the DC circuit.

She is opposed by the Reverend Joseph Lowery, President Emeritus of the Southern Christian Leadership Conference, who was there with Dr. Martin Luther King, Jr., during the most difficult and trying times in the late 1950s and the early 1960s. I believe, unless I am wrong, he was there at the time of Dr. King's death. He is one of the giants in awakening America to be America by knocking down walls of discrimination. Joseph Lowery believes we should not promote this individual. He has been a leader in the civil rights movement and has worked tirelessly for many years to make civil rights a reality for all Americans.

She is opposed by the Congressional Black Caucus, the Leadership Conference on Civil Rights, and many others concerned with the rights of minorities.

The PRESIDING OFFICER. The Senator from Massachusetts has 1 minute remaining.

Mr. KENNEDY. Mr. President, I will have the opportunity to go into the reasons these individuals and organizations take exception to this nominee. It isn't just those I have mentioned but other important leaders who have a keen awareness and understanding of the record and history of the decisions of this jurist. I do not believe she has demonstrated the kind of core commitment to constitutional values which are so essential on such a major and important court. She fails that test. She should not be promoted. There are other distinguished jurists across the country of all different races, religions, and ethnic backgrounds who have demonstrated a core commitment to these values over a long time and are in the mainstream of judicial thinking. We ought to have such a nominee. This nominee does not meet that criteria and, therefore, should not be accepted.

The PRESIDING OFFICER. The time of the minority has expired. Who yields time?

The Senator from South Carolina.

Mr. DEMINT. Mr. President, it is often said that politicians are out of touch with the average citizen. In fact, media outlets have been reporting that Congress's approval ratings are at record lows. I am not one to put much stock in one poll or another, but I do believe Americans are frustrated with politics here in our Nation's Capital. Americans are dealing with record gas prices, yet Congress can't find the time to debate and pass an energy bill that was proposed years ago. Americans see weekly reports about scandals and backroom deals at the United Nations, yet we can't find the time to vote yes or no on the President's nominee to the United Nations. And a strong majority of Americans who just elected President Bush to a second term now cannot understand why his judicial nominees can't get a timely up-or-down vote.

A perfect example of the frustration the American people have with Congress can be found in the nomination of Justice Janice Rogers Brown. Justice Brown is the daughter of a sharecropper who grew up in rural Alabama and attended segregated schools. She went on to become the first African-American woman to serve on the California Supreme Court after being overwhelmingly elected by more than three-quarters of California voters. Despite this extraordinary success story, Democrats have used filibusters for more than a year and a half to deny Justice Brown a simple and fair vote.

I am pleased that a few of my colleagues on the other side choose to allow a vote on Justice Brown. Now I hope we can give her actual record a fair assessment instead of relying on the heated rhetoric of the past year and a half.

Justice Brown recently stated:

> It may sound odd to describe a judge as both passionate and restrained, but it is precisely this apparent paradox—passionate devotion to the rule of law and humility in the judicial role—that allows freedom to prevail in a democratic Republic.

This paradox is a good description of our Nation's leading jurists, including, in my opinion, Justice Brown. I believe men and women of intellectual and judicial passion are necessary to the continued strength of our legal system. Those jurists whose names still ring through history—Marshall, Holmes, Cardozo—suffered no shortage of passion. Yet, as Justice Brown reminds us, such passion would corrupt the very system it sustains were it not tempered by restraint and humility.

The tension between passion and restraint has been a feature of our legal system since its beginning. In fact, it was enshrined in the Constitution itself. The Founders created the framework for a Federal judiciary that would be unaffected by the political storms raging at any given time. Thanks to their lifetime appointment, Federal jurists are free to interpret and apply the laws of this land without fear of political repercussions. At first glance, such an arrangement places a great deal of power in the hands of a select few who attain the Federal bench. The Founders, however, were mindful of such concerns. They placed two popularly elected institutions at the gates of the Federal bench so that admission would be denied to those who would use their judicial power to override Congress's exclusive power to create the law. They invested the President with the power to nominate individuals worthy of the Federal bench. They endowed Congress's deliberative body, this very Senate, with the responsibility to review the President's nominees and consent to the confirmation of only those with properly restrained judicial passions.

When in the past a President has nominated an individual of unchecked passion, it has fallen to the Senate to deny his or her confirmation. This is how our constitutional system has functioned for over 200 years. Unfortunately, the nomination and appointment of Federal jurists has recently become a game of political dodge ball, with Democrats throwing heated rhetoric at nominees, hoping to take them out of the game.

As the deliberation over judicial nominees has boiled over, the term "judicial activist" has surfaced as the preferred slur used by critics harboring political animosity toward a particular nominee, regardless of whether that nominee is objectively qualified for the job. In my mind, the term "judicial activist" signifies one who has or would use the bench as a platform for promoting their own agenda and personal opinions. Such a person is in need of the restraint identified by Justice Brown and is, therefore, unsuited for the Federal bench. The nomination of a judicial activist is a nomination that deserves the opposition of every Member of this body, regardless of the political connection between the nominee and any particular Member. According to the Constitution, we as Senators stand here to guard the Federal bench from the confirmation of any judicial activist who would seek to infringe upon our constitutional role.

I believe Justice Brown has proven she is not an activist judge. Her critics have labeled her such simply because she has deeply held personal beliefs that are not shared by many Democrats. This is precisely the type of partisan game that is causing Americans to become disinterested and disillusioned with politics in Washington. Americans fairly elected President Bush, and his nominations deserve a fair debate and a fair vote.

People sitting at home watching the nomination process on TV see that it has gotten out of control. If we allow the President's judicial nominees to continue to be blocked and delayed because they have deeply held beliefs, many good judges will be disqualified, and many more will refuse to be considered. A person with strong beliefs and personal convictions should not be barred from being a judge. In fact, I would rather have an honest liberal serve as a judge than one who has been neutered by fear of public opinion. We need judges who have demonstrated integrity in how they live their lives as well as consistency in how they interpret the law.

Justice Brown has demonstrated this kind of integrity. I believe she should be confirmed immediately. Some Democrats may enjoy calling Justice Brown an activist for the media sound bite it creates, but calling the Earth flat does not make it so. There is overwhelming evidence that during her time on the California Supreme Court, Justice Brown has exercised her judicial authority with restraint and humility. While she would likely describe herself as a person who believes in small government and limited regulations, she regularly votes against her personal beliefs when justice and legal precedent require her to do so.

For example, Justice Brown has voted consistently to uphold economic, environmental, consumer, and labor regulations. She joined in an opinion upholding the Safe Drinking Water and Toxic Enforcement Act of 1986 and interpreted the act to allow the plaintiffs to proceed with their case. She upheld the right of a plaintiff to sue for exposure to toxic chemicals using the Government's environmental regulations. She joined in an opinion validating State regulations regarding overtime pay. She upheld California's very stringent standards for identifying and labeling milk and milk products, thereby ensuring that the government has a role in protecting the safety of children.

It is fundamental to the judicial structure to have judges who respect the Constitution and judicial precedent. Justice Brown believes that the role of courts and the rule of law are deeply rooted in the Constitution.

In a recent column, law professor Jonathan Turley, a self-described prochoice social liberal, points out that "Brown's legal opinions show a willingness to vote against conservative views . . . when justice demands it."

In a letter to the Senate Judiciary Committee, 12 bipartisan judges who served on the bench with Justice Brown said the following:

> We who have worked with her on a daily basis know her to be extremely intelligent, keenly analytical, and very hard working. We know that she is a jurist who applies the law without favor, without bias, and with an even hand. Because of these qualities, she has quickly become one of the most prolific authors of the majority opinions on the California Supreme Court.

Arguments that Justice Brown is a judicial activist amount to nothing more than empty rhetoric. She is a jurist of great intelligence and achievement, with views about interpreting the law that are sensible and reliable.

After many hours of debate, the main criticisms I have heard of Justice Brown have nothing to do with her judicial decisions but with her personal beliefs that have been expressed in speeches and comments outside the courtroom. This Senate should not confirm or reject judges based on their personal beliefs. We should confirm Justice Brown based on the fact that her judicial performance has been documented by colleagues and critics alike and because she understands that her job is to interpret the law, not to invent the law.

Americans are tired and frustrated with Congress spending its time on partisan games. They want the Senate to give the President's judicial nominees a timely up-or-down vote.

Justice Brown's nomination has been pending for more than a year and a half without any evidence that she lacks integrity, intellect, or experience. There has been plenty of time for debate, and now it is time to vote.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEMINT). Without objection, it is so ordered.

Mr. BURR. Mr. President, I rise today in support of Janice Rogers Brown to the DC Appellate Court. I also rise today as a proud North Carolinian of those who served in this Chamber before me. In the heat of debate, Senator SCHUMER from New York suggested that Senator Helms, our former Member from North Carolina, was a racist; that, in fact, he objected to the nomination of Roger Gregory to the appellate court, the Fourth Circuit Court in Richmond, because he was a minority.

It is unfair to characterize that of Senator Helms. I am personally offended by the comments of Senator SCHUMER, and so are North Carolinians.

At the time of Roger Gregory's nomination to the Fourth Circuit Court in Richmond, the Fourth Circuit Court had the largest makeup of minorities of any appellate court in the country. The seat for which Roger Gregory was nominated was intended to be filled by a North Carolinian. There is only one problem—Roger Gregory was from Virginia, and he was so thought of that he was even introduced by Senator George Allen in his first speech on the Senate floor.

Roger Gregory was not from North Carolina, he was from Virginia. Senator Helms argued that North Carolina was underrepresented on the Fourth Circuit Court and that if any nominee was necessary for the Fourth Circuit Court, he or she should come from North Carolina. Senator Helms opposed Roger Gregory because Senator Helms had nominated Terrance Boyle, and that nomination had been blocked for several years at that time by Democrats. Terrance Boyle was originally nominated by George H. W. Bush, 41, long before Roger Gregory was nominated.

I might add, Terrance Boyle still is a judicial nominee judge for the Fourth Circuit Court. He has never made it through this process.

Former Judiciary Chairman HATCH, who spoke earlier, maintained at the time that judicial nominees favored by each party should have to move forward together and that political games should not be played with judicial nominees. Senator Helms agreed there should be no movement on other judges until Judge Boyle received the attention of this body, the Senate.

How did it end up? President Clinton, bypassing Congress, made a recess appointment of Roger Gregory, and it was seen as a swipe to Senator Helms.

I am not here today to suggest Roger Gregory was not a good pick. I am here to tell you we have an obligation on this floor to speak factually. History does not prove that Senator Helms' objection was over anything other than to receive the attention of his nominee to the Fourth Circuit Court, to allow North Carolina, which was underrepresented, to be represented fully on the Fourth Circuit Court.

Today I am proud to suggest that we should all support Janice Rogers Brown. We should have her confirmed, not because she is minority, but because she is qualified, because she meets the threshold of what America expects out of the judges who sit on the bench.

I am confident this body will do the right thing on cloture, and I am confident she will serve on the DC Circuit Court.

I thank the President, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, recently 14 of our colleagues brought to us a bipartisan plan to avoid what I thought was the majority leader's shortsighted bid for one-party rule. As part of the plan to avert the nuclear option, which would have changed more than 200 years of Senate tradition and precedent, rules protecting minority rights and checks and balances, those Senators have agreed to vote for cloture on this controversial and divisive renomination. I have no doubt they will follow through on their commitment, but in all likelihood, it is going to result in the appointment for life of a judge for Court of Appeals for the DC Circuit whose disturbing view of the Constitution would set back life for American workers and consumers more than 100 years and remove protections for people and their communities we now take for granted. The preservation of our system of checks and balances in connection with the appointment of lifetimers to the Federal judiciary requires that all Senators, both Republicans and Democrats, take seriously the Senate's constitutionally mandated role as a partner in making these determinations.

So again I urge all Senators of both parties to take these matters seriously and vote their conscience. Senators need to evaluate with clear eyes the fitness of Justice Janice Rogers Brown for the lifetime appointment. My opposition to her, as it has always been, has been based on her long and troubling record. I will be speaking about this more in the future, but apparently she will be treated far more fairly than President Clinton's nominees to the court.

The Senate has already considered one of the three controversial nominees mentioned in part IA of the Memorandum of Understanding our colleagues brought us. We are now beginning consideration of the second, and I expect the third will follow shortly. What I do not expect is any repeat by Democrats of the extraordinary obstruction by Republicans of President Clinton's judicial nominees. For example, I do not expect any of the tactics used by Republicans during the extensive delay in Senate consideration of the Richard Paez nomination. Judge Paez waited more than 4 years before we were able to get a vote on his confirmation, and even then Republicans mounted an extraordinary motion after the filibuster of his nomination was broken to indefinitely postpone the vote—a last-ditch, unprecedented effort that was ultimately unsuccessful.

More than 60 of President Clinton's moderate and qualified judicial nominations were subjected to a Republican pocket filibuster, including nominees to the DC Circuit. First we were told by the Republicans that we do not need more judges added, but that changed dramatically once they had a Republican President in power. But they also blocked by committee filibusters highly qualified people for that circuit. Allen Snyder, for example, who was nominated by President Clinton, was a former clerk to Chief Justice Rehnquist—no wide-eyed liberal, he—and he was a widely respected and highly regarded partner at the law firm of Hogan & Hartson. He was filibustered by pocket filibuster by the Republicans and not allowed to come to a vote. Elena Kagan was pocket filibustered by the Republicans, not allowed to have a vote for the DC Circuit. Her qualifications: She is now a dean of the most prestigious law school in this country, Harvard Law School. They were each nominated to vacancies on the DC Circuit. They were not allowed to have either a committee vote or Senate consideration.

The bipartisan coalition of Senators who joined together last month to avert an unnecessary showdown in the Senate over the White House-inspired effort to invoke the nuclear option was right to include in the agreement the following provision:

> We believe that under Article II, Section 2, of the United States Constitution, the word "Advice" speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations. We encourage the Executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration.
>
> Such a return to the early practices of our government may well serve to reduce the rancor that unfortunately accompanies the advice and consent process in the Senate.
>
> We firmly believe this agreement is consistent with the traditions of the United States Senate that we as Senators seek to uphold.

I agree with their fundamental point. I have served here with six Presidents. Five of them did consult on major judicial nominations. They consulted with members of both parties. That included President Ford, President Carter, President Reagan, former President Bush, and President Clinton. In this case, there was no meaningful consultation with the nomination of Janice Rogers Brown. Maybe that is one reason neither of her home State Senators support her. In the past, Republicans always said if home State Senators do not support a nominee, we cannot go forward. All of these rules changed with a different President. There was no consultation with these Senators in this case.

But I am hoping things may be better. I was pleased to see President Bush respond to a question in a news conference last week. He has agreed to consult with the Senate about his nomination should a vacancy arise in the Supreme Court. I see that as a positive development, and I am hoping that now that he has been reelected, he may take the opportunity to be a uniter and not a divider on these issues. Certainly I, as one on this side of the aisle, will be happy to work with him in that regard. If he does, as the other five Presidents I have served with have done, I believe it would be a good sign for the country but especially for our Federal judiciary.

In advance of any vacancy on the Supreme Court, I would urge the President to follow through on his commitment to consult with the Senate. In the next few weeks, the U.S. Supreme Court will complete its current term. Speculation will soon accelerate, again, about the potential for a Supreme Court vacancy this summer. In advance of any such vacancy, I urge the President to follow through on his commitment to consult with the Senate. As I said, previous Presidents of both parties have set constructive and successful examples by engaging in meaningful consultation with the Senate, including both Republicans and Democrats, no matter who was in the majority or the minority, before deciding on nominees. It would be shortsighted to ignore such an established and successful precedent.

It would be wise for the President to follow the precedent set by distinguished Presidents of both parties, and I stand ready to work with him in that regard. I stand ready to work with the President to help select a nominee to the Supreme Court who can unite Americans. I know that the Democratic leader is likewise ready to be helpful. After all, Senator REID and I joined in an April 11 letter to the President offering our help in facilitating his identification, selection, and nomination of lower court judges to the 28 vacancies without a nominee that then existed throughout the Federal judiciary. Regrettably, the President did not respond to our previous offer, and the vacancies without a nominee have since grown to 30.

Some Presidents, including most recently President Clinton, found consultation with the Senate in advance of a nomination most beneficial in helping pave the way for a smooth and successful process. President Reagan, on the other hand, disregarded the advice offered by Senate Democratic leaders and chose a controversial, divisive nominee who was ultimately rejected by the full Senate.

In his book "Square Peg," Senator HATCH tells how, in 1993, as the ranking minority member of the Senate Judiciary Committee, he advised President Clinton about possible Supreme Court nominees. In his book, Senator HATCH recounts that he warned President Clinton away from a nominee whose confirmation he believed "would not be easy." Senator HATCH goes on to describe how he suggested the names of Stephen Breyer and Ruth Bader Ginsburg, both of whom were eventually nominated and confirmed "with relative ease." Indeed, 96 Senators voted in favor of Justice Ginsburg's confirmation, and only 3 Senators voted against; Justice Breyer received 87 affirmative votes, and only 9 Senators voted against.

In its report on the Supreme Court appointment process, the Congressional Research Service of the Library of Congress has long noted:

> It is common practice for Presidents, as a matter of courtesy, to consult with Senate party leaders as well as with members of the Senate Judiciary Committee before choosing a nominee.

What I am suggesting has been standard and accepted practice. Thorough bipartisan consultation would not only make the choice a better one, it would also reassure the Senate and the American people that the process of selecting a Supreme Court Justice has not become politicized. The Supreme Court often serves as a final arbiter and protector of our individual rights and freedoms. Decisions regarding nominees are too important to all Americans to be unnecessarily embroiled in partisan politics.

Though the landscape ahead is sown with the potential for controversy and contention over vacancies that may arise on the Supreme Court, confrontation is unnecessary and consensus should be our goal. I would hope that the President's objective will not be to send the Senate nominees so polarizing that their confirmations are eked out in narrow margins. This would come at a steep and gratuitous price that the entire Nation would have to pay in needless division. It would serve the country better to choose a qualified consensus candidate who can be broadly supported by the public and by the Senate.

The process begins with the President. He is the only participant in the process who can nominate candidates to fill Supreme Court vacancies. If there is a vacancy, the decisions made in the White House will determine whether the nominee chosen will unite the Nation or will divide the Nation. The power to avoid political warfare with regard to the Supreme Court is in the hands of the President. No one in the Senate is spoiling for a fight. Only one person will decide whether this will be a divisive or unifying process and nomination. If consensus is a goal, bipartisan consultation will help achieve it. I believe that is what the American people want and what they deserve.

Over the last several years I have stressed the need for consultation and moderation as two guiding principles for selecting judicial nominees. I have been largely disappointed up to this point, but if there is a vacancy on the Supreme Court of the United States, I hope that the President will live up to his pledge to consult with Senators of both parties to identify consensus nominees who will unite us instead of divide us. There is no need to pit Republicans against Democrats or to divide the American people.

This is a difficult time for our country and we face many challenges. Providing adequate health care for all Americans, improving the economic prospects of Americans, defending against threats, the proliferation of nuclear weapons, the continuing upheaval and American military presence in Iraq, are all fundamental matters on which we need to improve. It is my hope that we can work together on many issues important to the American people, including our maintaining a fair and independent judiciary. I am confident that a smooth nomination and confirmation process can be developed on a bipartisan basis if we work together. The American people we represent and serve are entitled to no less.

The decisions of the Supreme Court have a lasting effect on the meaning of the Constitution and statutes intended by Congress to protect the rights of all Americans, such as the right to equal protection of the laws and the right to privacy, as well as the best opportunity to have clean air and clean water ourselves and in future generations. This is the forum where Federal regulations protecting workers' rights will be upheld or overturned, where reproductive rights will be retained or lost and where intrusive Government action will be allowed or curtailed. This is the Court to which thousands of individuals will appeal in matters affecting their health, their lives, their liberty, and their financial well-being.

If the President chooses a Supreme Court nominee because of that nominee's ideology or record of activism in the hopes that he or she will deliver predetermined political victories, the President will have done so with full knowledge that he is starting a confirmation confrontation. The Supreme Court should not be an arm of the Republican Party, nor should it be a wing of the Democratic Party. If the right-wing activists who were disappointed that the nuclear option was averted convince the President to choose a divisive nominee in order to tilt the ideological balance on the Supreme Court, they will not prevail without a difficult Senate battle. And if they do, what will they have wrought? While they would celebrate the ideological takeover of the Supreme Court, the American people will be the losers: The legitimacy of the judiciary will have suffered a damaging blow from which it may not soon recover. Such a contest would itself confirm that the Supreme Court is just another setting for partisan contests and partisan outcomes. People will perceive the Federal courts as places in which "the fix is in.".

Our Constitution establishes an independent Federal judiciary to be a bulwark of individual liberty against incursions or expansions of power by the political branches. The independence of our Federal courts has been called by Chief Justice Rehnquist the crown jewel of our justice system, but that independence is at grave risk when a President seeks to pack the courts with activists from either side of the political spectrum. One of the most serious mistakes a President can make is the partisan engineering to take over the Supreme Court. Even if successful, such an effort would lead to decisionmaking based on politics and forever diminish public confidence in our justice system.

I urge, respectfully but emphatically, that the President in advance of any nomination consult with Senators from both parties and seek consensus. The American people will cheer if the President chooses someone who unifies the Nation. This is not the time and a vacancy on this Supreme Court is not the setting in which to accentuate the political and ideological division within our country. In our lifetimes, there has never been a greater need for a unifying pick for the Supreme Court. The independence of the Federal judiciary is critical to our American concept of justice for all. We should expect and accept nothing less. We all want Justices who exhibit the kind of fidelity to the law that we all respect. We want them to have a strong commitment to our shared constitutional values of individual liberties and equal protection. We expect them to have had a demonstrated record of commitment to equal rights. There are many conservatives who can meet these critieria and who are not rigid ideologues.

Two years ago, I was invited to address the National Press Club on this topic and noted that the Supreme Court confirmation process does not have to be a political Armageddon. I continue to believe that and I urge the President to take the course that would better serve the American people and the Supreme Court. I was encouraged by the President's recent statement indicating he will consult with leaders in the Senate on both sides of the aisle in advance of a nomination. That should allow him to bring forward a consensus nominee able to unite all Americans and who could be confirmed by the Senate with 95 to 100 votes. At a time when too many partisans seem fixated on devising strategies to force the Senate to confirm the most extreme candidate with the least number of votes possible, I have been urging cooperation and consultation to bring the country together. There is no more important opportunity than this to lead the Nation in a direction of cooperation and unity. I hope this President heeds the lesson of history set by his predecessors who chose the good of the country over the good of a political party.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, in a few moments, we will vote to conclude debate on the nomination of Janice Rogers Brown to serve on the Court of Appeals for the DC Circuit. I do want to thank the chairman and ranking member for getting us to this point. It has taken awhile for us to reach this point, and I am pleased that in an orderly process and regular order, we are on the way to getting an up-or-down vote for Janice Rogers Brown.

It has been nearly 2 years since President Bush first nominated Justice Brown as a Federal judge. During those 2 years, she has been thoroughly debated, exhaustively investigated in committee and on the Senate floor. She has endured more than 5 hours of committee hearings, answered more than 180 questions, submitted 33 pages of responses to an additional 120 written questions, has set aside weeks at a time to personally meet with individual Senators, has waited patiently while the Judiciary Committee debated and voted on her nomination. On the Senate floor, we have debated her nomination for over 50 hours. That is more time than the Senate debated any one of the current Supreme Court Justices, but still as of yet she has not received an up-or-down vote on her nomination on the floor, not one. Why? Because of an orchestrated campaign of obstruction that has denied her that up-or-down vote until now. So she has been waiting for far too long for a simple up-or-down vote on the Senate floor. As a matter of principle, as a matter of fairness, as a matter of our constitutional duties as Senators to give up-or-down votes, it is time to bring the debate to a close and to vote.

Fairness is not just about the process of a vote. It is about treating a good, decent, hard-working American with the respect and the dignity she deserves.

Justice Brown is an inspiration. All of us have heard her story, how she was born the daughter of an Alabama sharecropper and educated in segregated schools; how she worked her way through college and law school; how she has dedicated her life to public service and to others, having spent all but 2 years of her 26-year legal career as a public servant; how she is the first African-American woman to serve as an associate justice on the California Supreme Court, the State's highest court. We have heard about her exemplary qualifications and credentials, including her 8 years of experience on the California appellate bench. We have heard about her impressive record and her commitment to judicial restraint and the rule of law. We have heard the bipartisan praises of Justice Brown from those who know her best: her current and former colleagues on the California Supreme Court and California Court of Appeals. They agree that Janice Rogers Brown is a superb judge and have said she is a jurist who applies the law without favor, without bias, and with an even hand.

We have heard the people of California speaking with their votes. As a justice on the California Supreme Court, she was retained by 76 percent of the electorate, the highest vote percentage of all justices on the ballot. If 76 percent of the people of California voted for Janice Rogers Brown, how can she be considered out of the mainstream, as some of our colleagues on the other side of the aisle have suggested? Are 76 percent of the California voters out of the mainstream? Janice Rogers Brown is in the mainstream.

The overwhelming support of the people of California and the support of her colleagues proves her nomination transcends partisan labels and ideology. Janice Rogers Brown is a distinguished mainstream jurist. She deserves to be treated fairly. She has been investigated and debated thoroughly. Now she deserves the courtesy of a vote. Vote yes or no. Vote to confirm or reject, but let us vote.

I remain optimistic the Senate is moving in a new direction on judicial nominees, rejecting the partisan obstructionism of the past and embracing the principle that all judicial nominees deserve a fair up-or-down vote. I urge my colleagues to join me in bringing debate on this nomination to a close and ensuring that Judge Brown will get an up-or-down vote.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. Under the previous order, the hour of 12 noon having arrived, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of Senate, do hereby move to bring to a close debate on Executive Calendar No. 72, the nomination of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia.

Bill Frist, Arlen Specter, Trent Lott, Lamar Alexander, Jon Kyl, Jim Talent, Wayne Allard, Richard G. Lugar, John Ensign, C.S. Bond, Norm Coleman, Saxby Chambliss, James Inhofe, Mel Martinez, Jim DeMint, George Allen, Kay Bailey Hutchison, John Cornyn.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of Senate that debate on Executive Calendar No. 72, the nomination of Janice R. Brown, of California, to be the U.S. circuit judge for the District of Columbia Circuit, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS), the Senator from Wisconsin (Mr. KOHL), and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 65, nays 32, as follows:

[Rollcall Vote No. 130 Ex.]

YEAS—65

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Byrd
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kyl
Landrieu
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Salazar
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—32

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Cantwell
Clinton
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Johnson
Kennedy
Kerry
Leahy
Levin
Lincoln
Mikulski
Murray
Obama
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—3

Jeffords
Kohl
Lautenberg

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Republican whip.

ORDER OF PROCEDURE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 today and that the time during the recess count under the provisions of rule XXII; provided further that the vote on the confirmation of the Brown nomination occur at 5 p.m. tomorrow, Wednesday, with all time until then equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. The Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. THUNE).

EXECUTIVE SESSION

NOMINATION OF JANICE ROGERS BROWN TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA—Continued

The PRESIDING OFFICER. The Senator from North Carolina.

NATIONAL HUNGER AWARENESS DAY

Mrs. DOLE. Mr. President, for the past two years I have come to the Senate floor on National Hunger Awareness Day to talk about the battle against hunger, both here in America and around the world. In fact, I reserved my maiden speech for this topic—one of my top priorities as a U.S. Senator. I have stated over and over again that the battle against hunger is one that can't be won in a matter of months or even a few years but it is a victory that we can claim if we continue to make the issue a priority.

As Washington Post columnist David Broder said about hunger, "America has some problems that seem to defy solution. This one does not. It just needs caring people and a caring government, working together." I could not agree more.

Last year on Hunger Awareness Day, Senators SMITH, DURBIN, LINCOLN, and I launched the Senate Hunger Caucus, with the express purpose of providing a bi-partisan forum for Senators and staff to engage each other on national and international hunger and food insecurity issues. By hosting briefings and disseminating information, the caucus has been striving to bring awareness to these issues, while at the same time finding ways to collaborate on legislation. I want to thank 34 of my colleagues for joining the Senate Hunger Caucus and their staffs for their diligent work. In addition, I am excited to see our friends in the House of Representatives start their own Hunger Caucus and I look forward to working with them as both houses of Congress continue to find solutions to eliminating hunger.

It is truly astounding how so many of our fellow citizens go hungry or are living on the edge of hunger each and every day. Thirteen million of these hungry Americans are deemed to be children.

As we know, when children are hungry they do not learn. This is a travesty that can and should be prevented. Currently over 90,000 schools and 28 million children participate each school day in the School Lunch Program. The children of families whose income levels are below 130 percent of poverty are eligible for free school meals and those families whose income levels are between 130 percent of poverty and 185 percent of poverty are eligible for reduced price meals.

Unfortunately, many State and local school boards have informed me that parents are finding it difficult to pay the reduced fee, and for some families the fee is an insurmountable barrier to participation. That is why I am a strong supporter of legislation to eliminate the reduced price fee and harmonize the free income guideline with the WIC income guideline. I am proud to say that a pilot program to eliminate the reduced price fee in up to five states was included in last year's reauthorization of Child Nutrition and WIC. I have encouraged the Appropriations Committee to include funding for this pilot program, and I look forward to working with them on this very important issue which touches so many families going through difficult times.

In my home State of North Carolina, more than 900,000 of our 8.2 million residents are dealing with hunger, according to the most recent numbers from the U.S. Department of Agriculture. Our State has faced significant economic hardship over the last few years as once thriving towns have been hit hard by the closing of textile mills and furniture factories. And this story is not unlike so many others across the country.

Many Americans who have lost their manufacturing jobs have been fortunate enough to find new employment in the changing climate of today's workforce. Simply being able to hold down job doesn't necessarily guarantee your family three square meals a day. But there are organizations who are addressing this need as a mission field.

Groups like the Society of St. Andrew, the only comprehensive program in North Carolina that gleans available produce from farms, and then sorts, packages, processes, transports and delivers excess food to feed the hungry. In 2004, the Society gleaned more than 4.2 million pounds of food—or 12.8 million servings. Incredibly—it only costs one penny a serving to glean and deliver this food to those in need. And all of this work is done by the hands of the 9,200 volunteers and a tiny staff.

Gleaning is a practice we should utilize much more extensively today. It's astounding that the most recent figures available indicate that approximately 96 billion pounds of good, nutritious food—including that at the farm and retail level—is left over or thrown away. A tomato farmer in western North Carolina sends 20,000 pounds of tomatoes to landfills each day during harvest season.

This can't be good for the environment. In fact, food is the single largest component of our solid waste stream—more than yard trimmings or even newspaper. Some of it does decompose, but it often takes several years. Other food just sits in landfills, literally mummified. Putting this food to good use through gleaning will reduce the amount of waste going to our already overburdened landfills. And I am so appreciative of my friends at Environmental Defense for working closely with us on this issue.

Like any humanitarian endeavor, the gleaning system works because of cooperative efforts. Clearly private organizations and individuals are doing a great job, but they are doing so with limited resources. It is up to us to make some changes on the public side and help leverage scarce dollars to feed the hungry.

I continue to hear that transportation is the single biggest concern for gleaners. I am proud to say that with the help of organizations such as the American Trucking Association, the Society of Saint Andrew and America's Second Harvest, we are taking steps to ease that transportation concern. In February of this year, I reintroduced a bill that will change the tax code to give transportation companies tax incentives for volunteering trucks to transfer gleaned food. I am proud to have the support of my colleagues, Senators DODD, BURR, LUGAR, ALEXANDER, SANTORUM, DURBIN, LAUTENBERG, and LINCOLN, original cosponsors, and I look forward to working with them on passage of this important bill.

I am also privileged to work with Senators LINCOLN and LAUTENBERG on a soon-to-be-introduced bill to provide up to $200,000 per fiscal year to eligible entities willing to carry out food rescue and job training. Entities like the Community Culinary School of Charlotte, a private, non-profit organization in my home State that provides training and job placement in the food service industry for people who are employed or underemployed.

Here is how it works. The Community Culinary School recruits students from social service agencies, homeless shelters, halfway houses and work release programs. They then work in collaboration with food rescue agencies in the area to provide meals to homebound individuals and to local homeless shelters. The food they rescue is donated and picked up from restaurants, grocers and wholesalers. The students then prepare nutritious meals using the donated food while at the same time developing both culinary and life skills.

Take a young lady from this program named Sibyl. After years of drugs, prisons and unplanned pregnancies, Sibyl entered the Community Culinary School of Charlotte. Her willingness and determination made her the top student of her class and she is today working full time as a chef.

Or take Bobby, who also graduated from the program. Bobby went from unemployment and homelessness to becoming a top graduate, now working two jobs and living independently. Our bill is intended to complement these kinds of private efforts that support food rescue and job skills that can make the greatest impact on individual lives.

In Deuteronomy 15:7, the Bible tells us, "If there is among you a poor man, one of your brethren, in any of your towns within your land which the Lord your God gives you, you shall not harden your heart or shut your hand against your poor brother." So, as our fellow citizens in the private sector continue to be a giving people, let us find ways as public servants to once again harness the great public-private effort, and fight as one to end hunger in America. I again thank my colleagues who have worked so hard to build these partnerships. And I implore our friends on both sides of the aisle—as well as the good people throughout this great country—to join in this heartfelt mission—this grassroots network of compassion that transcends political ideology and will provide hope and security not only for those in need today—but for future generations as well. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, due to his graciousness, I ask unanimous consent that Senator KENNEDY be allowed to speak directly after I complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I want to pay a tremendous compliment with a huge sense of gratitude to my colleague from North Carolina for her tirelessness with regard to this issue. She has been such an incredible fighter against the issue of hunger among Americans and really among her fellow man globally. I compliment her and thank her so much for the opportunity to work with her on something in which she has been a true leader. I am looking forward to many more things that we can do together, but she has made a huge effort in eliminating hunger.

We are here today to refocus ourselves and rededicate ourselves to bringing about a tremendous awareness to hunger as it exists in our Nation and certainly as it exists among our fellow man across the globe. I thank the Senator from North Carolina for all of her hard work.

I do come to the floor to join my colleague from North Carolina on an issue that I take very seriously. Thirty-six million Americans, including 13 million children, live on the verge of hunger. It is absolutely phenomenal to me, growing up as a farmer's daughter in the Mississippi Delta where there was such plenty in the fields, as I drive past them, to think that there are Americans, particularly American children, who go hungry every day not because we don't have the means but because we don't organize ourselves and set the priority of making sure these future generations, the future leaders of this great Nation, can at least have their tummies full enough that they can pay attention in school, grow healthy to become the kind of leaders that we want and need for our great Nation.

Today is National Hunger Awareness Day. It is a time when Americans are called to remember the hungry children and adults living across our Nation. We have all just come from our weekly caucus lunches. We have had plenty at this time. We are thinking about the opportunities that lie ahead of us, particularly the fun things that children do in the summertime. Yet we forget that there are many who have not had a good lunch today, or perhaps we forget that as school is letting out, those children who normally get a nutritious meal at school will not be getting those nutritious meals during the summertime while school is out.

Most importantly, it is a day when we are called to put our words into action, to help end hunger in our communities and across this great land.

At this time last year, Senators SMITH, DURBIN, DOLE, and myself formed the Senate Hunger Caucus to forge a bipartisan effort to end hunger in our Nation and around the world. I am so proud to be working with these three other Senators in moving this caucus forward. Our staffs have worked tirelessly in bringing us together, along with the other Members of the Senate, in order to make a difference. We are working with local, State, and national antihunger organizations to raise awareness about hunger, build partnerships, and build solutions to end hunger.

We have many challenges that face our Nation, and so many challenges that face this body itself. Yet this is one problem we know has an answer. And we know how to end hunger.

Recently I introduced, with Senators DURBIN, SMITH, and LUGAR, the Hunger-Free Communities Act of 2005. This bill calls for a renewed national commitment to ending hunger in the United States by 2015, reaffirms our congressional commitment to protecting the funding and integrity of Federal food and nutrition programs, and it creates a national grant program to support community-based antihunger efforts. I urge all of our colleagues to support this worthy and commonsense legislation. It sets a goal for a monumental concern and problem that we have in this Nation. It presents the answer, and it sets the time in which we want to reach that goal.

Mr. President, I want to take this opportunity to talk about the 36 million Americans, including 13 million children, who live on the verge of hunger.

Some people may ask—what can I do to help end hunger in America? I want to talk about some of the ways Americans can help join the hunger-relief effort. Acting on this call to feed the hungry requires the effort of every American and every sector of the economy.

The backbone of this effort is the willingness of Congress and the American people to support the Federal food and nutrition programs. These programs provide an essential safety net to working Americans, preventing the most vulnerable among us from suffering, and even dying, from malnutrition. Our continued investment in these programs is vital to the health of this nation.

The most significant of these programs, the Food Stamp Program, provides nutritious food to over 23 million Americans a year. More Americans find themselves in need of this program every year. Despite this growing need, the Administration proposes to cut the Food Stamp Program by $500 million over the next 5 years by cutting more than 300,000 low-income people off the program in an average month.

I understand our current budget constraints. However, even in these tight fiscal times, I believe that we must maintain our commitment to feed the hungry.

Therefore, we must first protect programs like the Food Stamp Program, the National School Breakfast and Lunch Program, Summer Feeding Program, WIC, and the Child and Adult Care Food Program. I urge Americans to contact their congressional representatives to voice their support for these programs. I urge my colleagues to support these programs and protect them from cuts and structural changes that will undermine their ability to serve our Nation's most vulnerable citizens.

In addition to the Federal food programs, eliminating hunger in America requires the help of community organizations. Government programs provide a basis of support, but they cannot do the work alone. Community and faith-based organizations are essential to locating and rooting out hunger wherever it persists. We rely on the work of local food banks, food pantries, soup kitchens, and community action centers across America to go where government cannot. I will do all I can to provide the resources these community organizations need to continue with the difficult but necessary work they perform.

Private corporations and small businesses also have a role to play in eliminating hunger in America. Our corporations and small businesses generate most of our Nation's wealth and have throughout history supported many of our greatest endeavors. Many corporations and businesses already contribute to efforts to eliminate hunger, and I hope others will begin to participate as opportunities to do so present themselves in the future.

A great example of how businesses and non-profits can partner to feed hungry people occurred this past Friday in Little Rock. Arkansas-based Tyson Foods and Riceland Foods, along with Jonesboro's Kraft Foods Post Division and Nestle's Prepared Foods Facility, donated truck loads of food as a special donation in honor of National Hunger Awareness Day. This food will go to the Arkansas Rice Depot, Potluck, Inc. and the Arkansas Hunger Relief Alliance, which represents six food banks located across Arkansas. These organizations will in turn use the food to help feed hungry Arkansans. I am grateful to these companies and nonprofit organizations for their leadership in this effort to feed the over 450,000 Arkansans who have limited access to food.

Ending hunger in America requires the commitment of individual Americans. Our greatest national strength is the power that comes from individual initiatives and the collective will of the American people. I believe we are called by a higher power to care for our fellow men and women, and as a part of my Christian faith I know we are called to serve the poor and the hungry. I know it is a common denominator among almost all of our faiths that it is those, the poor and the hungry, the orphaned and the widowed, whom we are here, as our fellow man, to take care of, to help to lift them up.

If we believe in this call, we must live it every day—in our schools and in our homes, in our workplaces, our places of worship, in our volunteering, and, yes, in our prayers. This personal responsibility is a great one, but it holds tremendous power. It is a common denominator that can bring us together, the one problem that we all agree on and to which we know there is a solution. For as we have seen throughout American history, when individuals in this Nation bind together to serve a common cause, they can achieve the greatest of accomplishments. By sharing the many blessings and resources our Nation provides, I am confident that we can alleviate hunger at home and abroad.

I thank the Chair. I yield the floor.

Mr. KENNEDY. Mr. President, today is National Hunger Awareness Day, and it is an opportunity for all of us in Congress to pledge a greater effort to deal effectively with this festering problem that shames our Nation and has grown even more serious in recent years. It is a chance to live out our moral commitment to care for our neighbors and fellow citizens who have fallen on hard times.

The number of Americans living in hunger, or on the brink of hunger, now totals 36 million, 3 million more since President Bush took office. That total includes 13 million children, 400,000 more since 2001.

Day in and day out, the needs of millions of Americans living in hunger are widely ignored, and too often their voices have been silenced. Their battle is a constant ongoing struggle. It undermines their productivity, their earning power, and their health. It keeps their children from concentrating and learning in school. We all need to do more to combat it—government, corporations, communities, and citizens must work together to develop better policies and faster responses.

In Massachusetts, organizations such as the Greater Boston Food Bank, Project Bread, the Worcester County Food Bank, and many others serve on the frontlines every day, and they deserve our full support, but they should not have to wage the battle alone.

In 1996, the Clinton administration pledged to begin an effort to cut hunger in half in the United States by 2010, and the strong economy enabled us to make significant progress toward that goal. Hunger decreased steadily through 2000. We now have 5 years left to fulfill that commitment.

The fastest, most direct way to reduce hunger in the Nation is to improve and expand current Federal nutrition programs. Sadly, the current Administration and the Republican Congress propose to reduce, not increase, funds for important programs such as Food Stamps, and the Community Nutrition Program.

The Food Stamp Program is designed to be available to all eligible individuals and households in the United States. It provides a basic and essential safety net to millions of people. In 2003, on average, over 21 million Americans received food stamp benefits. Over half of all food stamp recipients are children.

Now, the administration plans to reduce, or even cut off, food stamps for recipients who rely on Medicare to afford the prescription drugs they need.

That is why I have introduced legislation to ensure that individuals who receive Medicare prescription drug benefits do not lose their food stamps. This legislation ensures that seniors do not have to choose between food and medicine. I urge my colleagues to support this important legislation.

It is time to do more for the most vulnerable in our society. National Hunger Awareness Day is our chance to pledge to eradicate hunger in America and to mean it when we say it.

Mr. President, I would like to congratulate Senator DOLE and Senator LINCOLN for giving focus and attention to National Hunger Awareness Day and for all they do on this particular issue. I had the opportunity yesterday to visit The Greater Boston Food Bank in Massachusetts—a successful food bank. We have 517,000 people who are hungry in eastern Massachusetts alone, over 173,000 of those individuals are children, and over 50,000 are elderly.

One thing we know how to do in this country is grow food. We can do that better than any other place in the world. Secondly, we know how to deliver packages of food with Federal Express, other kinds of delivery services, virtually overnight. The fact that we have hunger in this Nation, we have children who are hungry, frail elderly who are hungry, working families who are hungry, or other homeless people who are hungry, we as a nation are failing our humanity. We know what can be done. It needs the combination of a governmental framework, private framework, and a very important involvement from the nonprofit framework and other groups at the local level, religious groups that have done such important work.

So I commend my friends and colleagues for bringing focus and attention to this issue. It has enormous implications. We find out in terms of education provided to the children, the needy children at breakfast for them early in the morning, the results in terms of their willingness, ability, and interest in cooperating with their teacher and learning go up immensely. We have information that documents all of that. Try to teach a hungry child to learn, and any teacher will tell you the complexities and difficulties and the frustrations in doing that.

I thank my two friends and others who are part of this movement. I look forward to working with them on a matter of enormous importance and consequence.

Mr DURBIN. Mr. President, I rise today to note National Hunger Awareness Day.

I am meeting today with 35 people here from Illinois who came to Washington to remind us that hunger is not a Democratic or Republican issue.

Basic sustenance ought to be a guarantee in a civilized society, not a gamble.

If children—or adults—are hungry in America, that's a problem for all of us. And it is a problem we can do something about.

For instance, we know that Federal nutrition programs work. WIC, food stamps, school lnch and breakfast programs, and other Federal nutrition programs are reaching record numbers of Americans today, and making lives better.

The problem is we are not reaching enough people. There are still too many parents in this country who skip meals because there is not enough money in the family food budget for them and their children to eat every night.

There are still too many babies and toddlers in America who are not getting the nutrition their minds and bodies need to develop to their fullest potential. There are still too many seniors and children who go to bed hungry.

There are 36 million Americans who are hungry or at risk of hunger. In the richest Nation in the history of the world, that is unacceptable.

Last week, I joined with several of my Senate colleagues to introduce the Hunger-Free Communities Act.

The bill is designed to promote local collaboration in the fight against hunger. But it also reminds us that we as a country are committed to ending hunger. We know how. We need to muster the political will.

We started this week by challenging our own offices to participate in a Senate food drive. I commend Senators LINCOLN, SMITH, and DOLE for their help in collecting food that will be donated to the Capitol Area Community Food Bank.

I look forward to working with people in the anti-hunger community and with my colleagues to eliminate domestic hunger in our lifetime.

Mr. SALAZAR. Mr. President, I rise to commend the efforts of our Nation's civic, business and faith leaders to call attention to the increasing number of Americans who are unable to put food on their tables. Today, on National Hunger Awareness Day, I am proud to join with communities in every region of my State that are taking on the charge to end hunger in the United States.

Growing up in Colorado's San Luis Valley, one of the poorest regions in the country, my family did not have electricity or running water in our home. But our family farm ensured that my brothers and sisters and I never went to bed hungry or arrived at school on an empty stomach. My classmates were not always as fortunate.

Sadly, not much has changed since my youth.

Currently, in Conejos County, where my family's farm is located, one in four residents are living in poverty. That is twice the national average, and three times our State poverty rate. And increasingly, the stories behind these numbers are of working poor households who struggle to pay their mortgages, escalating electricity bills and fuel costs. In Colorado Springs, the Care and Share Food Bank estimated that close to 50 percent of the households receiving their emergency food assistance last year had at least one working parent. More and more, these families need to turn to their local food bank or church pantry in the very same communities where food is harvested; serving as a sad reminder that there is much more work to be done.

When speaking with hunger relief organizations throughout Colorado, they express concern when forced to turn families away, and the number of people they cannot help continues to grow. For example, the Marian House, which is operated by Catholic Charities of Colorado Springs, serves approximately 600 meals. Over the past several years, they have seen the daily number of people coming into food banks nearly double.

Unfortunately, their stories of growing demands reflect the problems facing much of the rural West. In fact, according to the U.S. Department of Agriculture, 16 percent of households in this region did not know where their next meal would come from—that is the highest rate of so-called "food insecurity" in any region of the country.

In the face of these staggering statistics, Coloradans are doing their part to eliminate hunger. Whether it is organizing a food drive in their school or office, volunteering at a soup kitchen, or donating to their local food bank, they are answering the call to reduce the number of hungry Americans. In Denver, where poverty is also on the rise, groups like the Food Bank of the Rockies have stepped up their food distribution. In 2004, hard-working, committed workers and volunteers distributed over 16 million pounds of food and essential household items, more than ever before.

However, today is a special day, where national, regional and local organizations collectively are raising awareness of hunger in America. I am particularly proud that National Hunger Awareness Day events have been organized in communities throughout Colorado, including Colorado Springs, Denver, Fort Collins, Grand Junction, Greeley, and Hot Sulphur Springs. I applaud Coloradans involved in these activities, and all those participating in the day's related events. I look forward to working with the Senate Hunger Caucus and the Senate Agriculture Committee in the movement to end hunger.

Mr. SMITH. Mr. President, I rise today to speak about a problem impacting communities across the United States and throughout the world. As many of my colleagues know, today is National Hunger Awareness Day. It is a day meant to focus our attention on those for whom putting food on the table continues to be a daily struggle.

For the last several years, my home State of Oregon has been at or near the top of repeated nationwide studies of hunger and food insecurity in the United States. While we have made some progress in fighting hunger in Oregon, there is still a long way to go to ensuring that children and families in my State and around the country do not go to bed hungry. According the U.S. Department of Agriculture's Economic Research Service, in 2003, approximately 36.3 million Americans lived in households that at some point during the year did not have access to enough food to meet their basic needs. Of those 36.3 million, 3.9 million were considered hungry.

In 2003, Oregon State University published a study on food insecurity and hunger in Oregon. The study found that pressures related to the high-cost of housing, health care, and the high-level of unemployment all contribute to food insecurity and hunger in our State. One of the more striking findings in the report is that underemployment is also a major factor leading to hunger and food insecurity: working families throughout Oregon are having a difficult time accessing food.

On the horizon, Oregon's economy appears to be brightening. While there are no quick fixes, I believe that solving hunger is within our grasp. Federal nutrition programs certainly serve an important safety net role in combating hunger; however, they are only one piece of the puzzle. Community organizations, churches, business groups, and private citizens all have a part to play. Ultimately, winning the fight against hunger in Oregon and around the country requires that families are able to provide for themselves—that means having access to living wage jobs.

Many of my colleagues will remember that last year I asked them to join me in forming a Senate caucus devoted to raising awareness of the root causes of hunger and food insecurity. I appreciate very much the work of my Senate Hunger Caucus cochairs Senator LINCOLN, Senator DOLE, and Senator DURBIN—in helping to get the caucus off the ground. I am proud to say that today, the Senate Hunger Caucus counts 34 members, with both Republicans and Democrats.

This is clearly not a battle that will be won overnight, but it is something about which our conscience calls us to act. If we are to end hunger, we must work to address its root causes. Being successful in this mission will require that we are innovative and find new ways of doing things. I look forward to continuing to work with my colleagues in Congress and groups in Oregon to win this fight.

UPWARD MOBILITY

Mr. KENNEDY. Mr. President, before speaking on what I want to address to the Senate, and that is the pending business on the nominee, I want to bring to the attention of my colleagues an excellent editorial in the New York Times today: "Crushing Upward Mobility." It is basically an analysis of a regulation that was put forward by the Department of Education that will save the Department of Education some resources, but at the cost of those middle-class families, working families, who are eligible for student loan programs. That is not the direction in which we should be going.

At the current time, we have a number of these young students who are paying 9.5 percent on guaranteed student loans. Can you imagine having a deal like that? You put out money and the Federal Government guarantees that you have nothing to lose, and it still costs these students 9.5 percent. We ought to be doing something about that, like taking the profits and making a difference in terms of lowering the burden on working families and middle-income families who are trying to help their children go on to college, rather than put more burden on them.

This is an excellent article. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times]

CRUSHING UPWARD MOBILITY

The United States is rapidly abandoning a long-standing policy aimed at keeping college affordable for all Americans who qualify academically. Thanks to a steep decline in aid to poor and working-class students and lagging state support for the public college systems that grant more than two-thirds of the nation's degrees, record numbers of Americans are being priced out of higher education. This is an ominous trend, given that the diploma has become the minimum price of admission to the new economy.

Greg Winter of The Times reported yesterday that the federal government has rejiggered the formula that determines how much families have to pay out of pocket before they become eligible for the student aid package, which consists of grants and low-interest loans. The new formula, which will save the government about $300 million in federal aid under the Pell program, will cause some lower-income students to lose federal grants entirely. The families of others will have to put up more money before they can qualify for financial aid. Perversely, single-parent households will have to pay more than two-parent households before they become eligible.

The federal Pell Grant program, which is aimed at making college possible for poor and working-class students, has fallen to a small fraction of its former value. The states, meanwhile, have trimmed aid to public colleges, partly as a consequence of soaring Medicaid costs. The states have deepened

> the problem by shifting need-based tuition to middle-class and upper-class students under the guise of handing out so-called merit scholarships.
>
> The political clamor around the new formula is likely to lead to changes, but they will be aimed at upper-income families who are most able to pay. Tinkering with formulas in Washington will not solve this problem. The nation as a whole has been disinvesting in higher education at a time when college has become crucial to work force participation and to the nation's ability to meet the challenges of global economic competition.
>
> Until the country renews its commitment to making college affordable for everyone, the American dream of upward mobility through education will be in danger of dying out.

Mr. KENNEDY. Mr. President, I intend to introduce later on in the afternoon the technical language and legislation that will block that particular provision by the Department of Education from going into effect.

Mr. President, Janice Rogers Brown's nomination to the DC Circuit is opposed more strongly by civil rights organizations than almost any other nominee I can recall to the Federal courts of appeals.

She is opposed by respected civil rights leaders, including Julian Bond, the chairman of the NAACP, and Reverend Joseph Lowery, president emeritus of the Southern Christian Leadership Conference, who worked with Dr. Martin Luther King, Jr., in the civil rights movement, and who has fought tirelessly for many years to make civil rights a reality for all Americans.

Her nomination is also opposed by the Congressional Black Caucus, the National Bar Association, the Coalition of Black Trade Unions, the California Association of Black Lawyers, and Delta Sigma Theta Sorority, the second oldest sorority founded by African-American women.

Justice Brown's nomination is opposed by Dorothy Height, president emeritus of the National Council of Negro Women, and a leader in the battle for equality for women and African Americans. Dr. Height has dedicated her life to fighting for equal opportunities for all Americans. She is universally respected by Republicans and Democrats, and last year she received the Congressional Gold Medal, and President Bush joined Members of Congress in honoring her service.

In opposing Justice Brown's nomination, Dr. Height says:

> I have always championed and applauded the progress of women, and especially African American women; but I cannot stand by and be silent when a jurist with a record of performance of California Supreme Court Justice Janice Rogers Brown is nominated to a Federal court, even though she is an African American woman. In her speeches and decisions, Justice Janice Rogers Brown has articulated positions that weaken the civil rights legislation and progress that I and others have fought so long and hard to achieve.

Justice Brown's nomination is opposed equally strongly by over 100 other organizations, including 24 in California, representing seniors, working families, and citizens concerned about corporate abuses and the environment.

Some of Justice Brown's supporters suggest that she should be confirmed because she is an African-American woman with a compelling personal story. While all of us respect her ability to rise above difficult circumstances, we cannot confirm nominees to lifetime positions on the Federal courts because of their backgrounds. We have a constitutional duty to confirm only those who would uphold the law and would decide cases fairly and reject those who would issue decisions based on personal ideology.

It is clear why this nomination is so vigorously opposed by those who care about civil rights. Her record leaves no doubt that she would attempt to impose her own extreme views on people's everyday lives instead of following the law. The courts are too important to allow such persons to become lifetime appointees as Federal judges.

Janice Rogers Brown's record makes clear that she is a judicial activist and would roll back not only civil rights but laws that protect public safety, workers' rights, and the environment, as well as laws that limit corporate abuse, which are precisely the cases the DC Circuit hears most often.

Our decision on this nomination is profoundly important to America's everyday life. All Americans, wherever they live, should be concerned about such a nomination to the DC Circuit, which interprets Federal laws that protect our civil liberties, worker safety, our ability to breathe clean air and drink clean water in our communities.

The DC Circuit is the crown jewel of Federal appellate courts and has often been the stepping stone to the Supreme Court. It has a unique role among the Federal courts in interpreting Federal power. Although located here in the District of Columbia, its decisions have national reach because it has exclusive jurisdiction over many laws that protect consumers' rights, employees' rights, civil rights, and the environment. Only the DC Circuit can review the national drinking water standards under the Safe Drinking Water Act to ensure clean water for our children. Only the DC Circuit can review national air quality standards under the Clean Air Act to combat pollution in our communities. This court also hears the lion's share of cases involving the rights of workers under the Occupational Safety and Health Act which helps ensure that working Americans are not exposed to hazardous conditions on the job. It has a large number of cases under the National Labor Relations Act. As a practical matter, because the Supreme Court can review only a small number of lower court decisions, the judges on the DC Circuit often have the last word on these important rights.

Because of the court's importance to issues that affect so many lives, the Senate should take special care in appointing judges for lifetime positions on the DC Circuit. We must be completely confident that appointees to this prestigious court have the highest qualifications and ethical standards and will fairly interpret the laws, particularly laws that protect our basic rights.

The important work we do in Congress to improve health care, reform public schools, protect working families, and enforce civil rights is undermined if we fail in our responsibility to provide the best possible advice and consent on judicial nominations. Needed environmental laws mean little to a community that cannot enforce them in Federal courts. Fair labor laws and civil rights laws mean little if we confirm judges who ignore them.

In the 1960s and 1970s, the DC Circuit expanded public access to administrative proceedings and protected the interests of the public against the egregious actions of many large businesses. It enabled more plaintiffs to challenge agency decisions. It held that a religious group, as a member of the listening public, could oppose the license renewal of a television station accused of racial and religious discrimination. It held that an organization of welfare recipients was entitled to intervene in proceedings before a Federal agency. These decisions empowered individuals and organizations to shine a brighter light on governmental agencies. No longer would these agencies be able to ignore the interests of those they were created to protect.

But in recent years, the DC Circuit has begun to deny access to the courts. It held that a labor union could not challenge the denial of benefits to its members, a decision later overturned by the Supreme Court. It held that environmental groups are not qualified to seek review of Federal standards under the Clean Air Act. These decisions are characteristic of the DC Circuit's flip-flop.

After decades of landmark decisions allowing effective implementation of important laws and principles, the court now is creating precedence on labor rights, civil rights, and the environment that will set back these basic principles for years to come. It is, therefore, especially important to ensure that judges appointed to this important court will not use their position to advance an extreme ideological agenda.

Janice Rogers Brown would be exactly that kind of ideological judge. How can we confirm someone to the DC Circuit who is hostile to civil rights, to workers' rights, to consumer protections, to governmental actions that protect the environment and the public in so many other areas—the very issues that predominate in the DC Circuit? How can we confirm someone who is so deeply opposed to the core protections that the DC Circuit is required to enforce? It is hard to imagine a worse choice for the DC Circuit.

Perhaps most disturbing is the contempt she has repeatedly expressed for the very idea of democratic self-government. She has stated that where government moves in, community retreats, and civil society disintegrates. She has said that government leads to families under siege, war in the streets. In her view, when government advances, freedom is imperiled, and civilization itself is jeopardized. These views could hardly be further from legal mainstream. They are not the views of someone who should be confirmed to the second most important court in the land and the court with the highest frequency of cases involving governmental action. Congress and the White House are the places you go to change the law, not the Federal courts.

She has criticized the New Deal which gave us Social Security, the minimum wage, and the fair labor laws. She questioned whether age discrimination laws benefit the public interest. She has even said that today's senior citizens blithely cannibalize their children because they have the right to get as much free stuff as the political system will permit them to extract. No one with these views should be confirmed to any Federal court, and certainly not to the Federal court most responsible for cases respecting governmental action. It is no wonder that an organization seeking to dismantle Social Security is running ads supporting her nomination to the second most powerful court in the country.

Of course, like every nominee who comes before the Senate, Justice Brown assures us that she will follow the law. But merely saying so is not enough when there is clear and extensive evidence to the contrary. The Senate is more than a rubberstamp in the judicial confirmation process. We must examine the record and vote our conscience.

Justice Brown and her supporters ask us to believe that her contempt for the role of government and government regulation and her opinions against workers' rights and consumer protections are not an indication of how she would act as a Federal judge. It is hard to believe that anyone would repeatedly use such extreme rhetoric and not mean it. It is even harder to believe that her carelessness and intemperance somehow qualify her to be a Federal judge.

Moreover, Justice Brown's decisions match her extreme rhetoric. She has written opinions that would undermine these basic protections. I was especially troubled by her opinion in a case in which ethnic slurs have been proven to create hostile working conditions for Latino workers. Justice Brown wrote that the first amendment prevents courts from stopping ethnic slurs in the workplace even when those slurs create a hostile work environment, in violation of job discrimination laws.

Her opinion even went beyond the State law involved in the case and suggested that title VII and other Federal antidiscrimination laws may not prohibit this kind of harassment in the workplace. Her opinion contradicts decades of precedent protecting workers from harassment based on race, gender, ethnicity, and religion. Fortunately, a majority of California's Supreme Court disagreed with her views.

We cannot risk giving Justice Brown a lifetime appointment to a court on which she will have a greater opportunity to apply her extreme views on our Federal civil rights laws. This Nation has made too much progress toward our shared goal of equal opportunity to risk appointing a judge who will roll back civil rights.

Other opinions by Justice Brown would have prevented victims of age and race discrimination from obtaining relief in State court. She dissented from a holding that victims of discrimination may obtain damages from administrative agencies for their emotional distress. Time and again, she has issued opinions that would cut back on laws that rein in corporate special interests. When there is a choice between protecting the interests of working Americans and siding with big business, Janice Rogers Brown sides with big business, and she does so in ways that go far beyond the mainstream conservative thinking.

She wrote an opinion striking down a State fee requiring paint companies to pay for screening and treating children exposed to lead paint. Most of us are familiar with the dangers of lead paint. It is a contributing cause to mental retardation with regards to children. Many of the older communities all over this country have paint that has a lead content, and children have a habit of picking off the pieces. Even if it is in playgrounds, they have a way of ingesting these pieces. We find that children develop severe illness and sickness and in too many instances mental retardation. We tried here for years to eliminate the issues of lead in paint. We have made some important progress.

As I understand it, one of the proposals was a small State fee requiring paint companies to pay for screening and treating children exposed to lead paint, and she struck down that State fee. Fortunately, she was unanimously reversed by the California Supreme Court. But because the United States Supreme Court hears so few cases, there is no guarantee that her mistakes will be corrected if she receives a lifetime position on the DC court.

In another case, she wrote a dissent urging the California Supreme Court to strike down a San Francisco law providing housing assistance to low-income elderly and disabled people.

Justice Brown has also clearly demonstrated her willingness to ignore established precedent. She wrote a dissent, arguing that the California Supreme Court "cannot simply cloak ourselves in the doctrine of stare decisis," which is the rule that judges should follow the settled law. That is the basic concept of upholding the law, interpreting law, stare decisis, following the law which currently exists.

She wrote a dissent urging the California Supreme Court, saying we cannot simply cloak ourselves in that doctrine.

She again showed her willingness to disregard legal precedent just this year. In People v. Robert Young, Justice Brown tried to overturn a precedent protecting the rights of racial minorities and women not to be eliminated from juries for discriminatory reasons. In a concurring opinion not joined by any of her colleagues, she criticized the precedent stating that for the purposes of deciding whether a prosecuting attorney had discriminated in selecting a jury, black women could not be considered a separate group. The California Supreme Court had held two decades ago that prosecutors may not exclude jurors solely because they are black women.

Justice Brown argued that this precedent should be overruled because she saw no evidentiary basis that black women might be the victims of a unique type of group discrimination justifying their designation as a cognizable group.

It is not just Senate Democrats who are troubled about the record of Janice Rogers Brown. Conservatives have also expressed concern about the judicial activism of Janice Rogers Brown. The conservative publication National Review had this to say:

> Janice Rogers Brown . . . has said that judicial activism is not troubling per se: what matters is the "worldview" of the judicial activist. If a liberal nominee to the courts said similar things, conservatives would make short work of her.

Even conservative columnist George Will has said that Janice Rogers Brown is out of the mainstream.

In the past, some members of the press, and even some in Congress, have accused us of bias when we raise questions about a nominee. That is nonsense. Justice Brown has received the same treatment as other nominees. We have asked about her record, looked at her statements, and reviewed her opinions. We have raised questions when her record cast doubt on her commitment to the rule of law.

During the recent debate on judicial nominees, almost all of us, Republicans and Democrats, have emphasized that we want an independent judiciary. If that is truly what we believe, we must vote no on the nomination of Janice Rogers Brown. She opposes many of our society's most basic values shared by both Republicans and Democrats.

Throughout its history, America has embraced the ideals of fairness, opportunity, and justice. We all believe our laws are there to help ensure everyone can share in the American dream and that everyone should be free from discrimination. Janice Rogers Brown has expressed hostility to some of the protections most important to the American people, including those that protect workers, civil rights, and the environment. We believe that judges should be impartial, not beholden to powerful corporate interests. If we believe in these basic protections, it makes no sense to confirm a judge who would undermine them and turn back the clock on many of our most basic rights.

The Senate's role in confirming judges to the Federal courts is one of our most important responsibilities under the Constitution. We count on Federal judges to be openminded, fair, and respect the rule of law. Despite what Justice Brown thinks, laws passed by Congress to give Government a role in protecting the environment, immigrants, workers, consumers, public health and safety, have helped to make America a stronger, better, and more fair country. A nominee so deeply hostile to so many basic laws does not deserve to be appointed to such an important Federal court.

Last month, we celebrated the 51st anniversary of the Supreme Court's landmark decision in Brown v. Board of Education. Nothing can be a more important reminder of the role of our courts in upholding individual rights. In confirming Federal judges, we must ensure that they will uphold the progress our country has made in so many areas, especially in civil rights.

Justice Brown's record and her many intemperate statements give me no confidence that she will do so, and I urge my colleagues to vote against her nomination.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

BIRTH CONTROL

Mr. DURBIN. Mr. President, today is a very important day in American history. On June 7, 1965, 40 years ago today, the U.S. Supreme Court struck down a Connecticut law making it a crime to use or prescribe any form of birth control or even to give advice about birth control. Forty years ago it was a crime to prescribe any form of birth control in the State of Connecticut, or to use it, or to give advice about it: 40 years ago.

It is hard to imagine, isn't it? Even married couples in Connecticut could be convicted of a crime, fined, and sentenced to up to a year in prison for using forms of birth control. Doctors who prescribed contraceptives, pharmacists who filled the prescriptions, even people who simply provided advice about birth control, could be charged with aiding and abetting a crime, fined, and sent to prison for up to a year.

But 40 years ago today, just across the street, by a vote of 7 to 2, the Supreme Court struck down the Connecticut law. The case was called Griswold v. Connecticut, a famous case. The Court's ruling held for the first time in our Nation's history that the Constitution guarantees all Americans the right to privacy in family planning decisions. Such decisions were so intensely personal, their consequences so profound, the Court said the State, the Government, may not intrude, it may not impose its will upon others.

You can search our Constitution, every single word of it, as short a document as it is, and never find the word "privacy" in this document. Yet the Supreme Court said they believed the concept of our privacy was built into our rights, our individual rights and liberties.

I referred briefly to this landmark ruling earlier today in remarks opposing the nomination of Janice Rogers Brown to serve as a Federal circuit court judge in the District of Columbia. That nomination is before the Senate at this moment. It is for a lifetime appointment. Janice Rogers Brown is a justice in the California Supreme Court who has stated explicitly her own personal philosophy, her own judicial philosophy, and it runs counter to many of the concepts and values I will be discussing as part of this commemoration of the Griswold decision.

I am glad there is a bipartisan resolution sponsored by my colleague from Illinois, Senator BARACK OBAMA, and Senator OLYMPIA SNOWE of Maine, calling on the Senate to celebrate the 40th anniversary of the Griswold decision. In that resolution, my two colleagues, one Democrat, one Republican, ask the Senate to renew its commitment to make sure that all women, including poor women, have access to affordable, reliable, safe family planning.

Right at the heart of the Griswold decision, the right to make the most intimate personal decisions about our lives in private, without Government interference, we find the foundation for future decisions that expanded reproductive rights. In 1972, in Eisenstadt v. Baird, the Supreme Court granted unmarried people in America access to family planning and contraception—1972—and, in 1973, the famous case, Roe v. Wade, a 7-to-2 decision by the Supreme Court said that women have a fundamental right to decide whether to continue a pregnancy, depending on the state of the pregnancy. Supreme Court Justice Harry Blackmun was nominated to serve on the Supreme Court by Richard Nixon—obviously a Republican President. Justice Blackmun had been on the Court less than a year and a half when he was assigned to write the majority opinion in Roe v. Wade.

There is a brilliant new biography called "Becoming Justice Blackmun" by Linda Greenhouse. I finished it and recommend it to my colleagues. Justice Blackmun served on the Court at several different levels and kept copious notes. From those notes, which were donated, they have derived this biography, which I recommend to anyone, regardless of your political background, to understand what happens behind those closed doors at the Supreme Court.

Justice Blackmun revealed in this book how he struggled with the assignment of writing the majority opinion on Roe v. Wade. You see, he had been the general counsel for the Mayo Clinic, one of the most outstanding hospitals in America, which happens to be in the State of our Presiding Officer, Minnesota, in Rochester. So Justice Blackmun left Washington and went back to the library of the Mayo Clinic as he wrote this decision. He worked for long periods of time, plowing through books and articles on the whole question of abortion. He listened to a lot of people, including his own daughter, who dropped out of college in her sophomore year after becoming pregnant.

In his notes for the Roe decision, Justice Blackmun made two predictions. Here is what he said. The Court will be excoriated at first for its decision. Then, he went on to say, there will be an unsettled period for a while as States brought their laws into compliance with the Roe v. Wade decision.

The first prediction proved accurate; the second, overly optimistic. Thirty-two years after the Roe decision, 40 years after the Griswold decision, America today remains unsettled, not only about reproductive rights, but about many other fundamental matters of conscience as well. We are struggling today with a question that is as old as our democracy itself: What is the appropriate, what is the proper relationship between personal religious belief and public policy? How many battles, how many debates do we struggle through that go to that single issue? When should one group in America be able to impose its own moral code on the rest of society?

It is worth remembering that the Griswold decision overturned Connecticut's version of a Federal law called the Comstock Act. In 20 years on Capitol Hill, I have never heard anyone refer to the Comstock Act. Listen to the history. This law was named after its author, Anthony Comstock, a morals crusader and a zealot anti-abortion advocate.

In 1868, Anthony Comstock was the driving force behind a State anti-obscenity law in New York. In 1873, he brought his crusade to Washington. He lobbied Congress to pass a Federal law making it a crime to advertise or mail not only "every lewd, lascivious, or filthy book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character" but also any information "for preventing conception or producing abortion."

Congress passed the Comstock law unanimously, with little debate. It then commissioned—this is something I find almost hard to believe—it commissioned Anthony Comstock as a special agent of the U.S. Post Office, gave him the power under the law to define what should be banned in America, and also vested in Mr. Comstock the power of arrest and gave him a huge travel budget. Imagine that: Mr. Comstock spent the next 30 years crisscrossing America, enforcing his law as he saw fit.

Two years before he died in 1915, Anthony Comstock bragged that he had been personally responsible for the criminal conviction of enough people to fill a 61-car passenger train. He prosecuted Margaret Sanger, the family planning pioneer, on eight counts of obscenity because she published articles on birth control. Druggists were punished and criminalized for giving out information to Americans about family planning and contraception. Publishers revised their texts and books so as to avoid the wrath of Mr. Comstock and his law, deleting banned words such as "pregnant," and Americans lived with his censorship of the mail.

The Irish playwright George Bernard Shaw dismissed the Comstock Act as "a standing joke at the expense of the United States." There was nothing funny about the Comstock Act, nothing funny to those who were forced by the law to conform with Anthony Comstock's rigid personal moral code. The penalty for violating the Comstock Act was up to 5 years in prison at hard labor and a fine of up to $2,000. For every victim who was prosecuted, there were untold others whose lives, health, and family suffered as a result of being denied basic information about family planning.

Linn Duvall Harwell is one of those who suffered. Miss Harwell now lives in New Hampshire. She is 82 years old. In 1929, when she was 6 years old, her mother, who was then 34 and pregnant for the eighth time, lost her life. She tried to abort her own pregnancy using knitting needles and bled to death, leaving behind a husband and five small children. Linn Duvall Harwell has spent her life trying to spare other women her mother's fate by protecting women's right to safe and legal contraception and abortion.

In 1958, Linn Harwell moved to Connecticut. A woman at her church asked her to volunteer for Planned Parenthood. She and other young mothers were trained in medical understanding of birth control by Estelle Griswold, the director of Planned Parenthood in Connecticut, and Charles Lee Buxton, the league's medical director. These were the two people who brought the lawsuit that later became the Griswold case before the Supreme Court. Years before the Court struck down Connecticut's Comstock law, Linn Duvall Harwell defied the law to teach poor women in housing projects about birth control and family planning.

Yesterday, the Chicago Sun-Times carried an article written by Miss Harwell about her life's work and the renewed threats today to the rights identified in Griswold and Roe. In her op-ed, Miss Harwell recalled a woman she met in 1968 named Rosie. Rosie was 32 years old. She and her husband, a short-order cook, were the parents of 11 children.

Miss Harwell wrote:

> By the time I met Rosie and her family, I could not help her, for she had so many children already. She and her family were imprisoned in poverty because she was unable to access the preventive medicine that I easily obtained.

She added:

> The Comstock law denied health care to millions of Rosies because of religious bigotry, legalized injustice and ignorance.

Today, it is estimated that 95 percent of American women will use birth control during their childbearing years. Reliable birth control is now a critical part of preventive health care for women. And Roe, although it has been weakened, is still the law of the land.

The widespread use of birth control has helped reduce maternal and infant mortality by an astonishing two-thirds in the last 40 years. Since Griswold, we have reduced infant and maternal mortality in America by two-thirds. In 1999, the U.S. Centers for Disease Control and Prevention included family planning on the list of "Ten Great Public Health Achievements in the 20th Century."

But Comstockery seems to be making a return. You can see it in efforts to impose gag rules on doctors and other measures designed to make it harder for women to get information and services related to family planning and abortion. You can see it in the stories of women who are harassed by pharmacists when they attempt to fill prescriptions for contraceptives—in some cases, even after these women have been victims of sexual assault.

A chill wind blows for reproductive rights and possibly other issues of conscience as well. You can hear that wind in the rhetoric of extremists who rail about the "culture war" in America and misrepresent legitimate political debate as attacks on people of faith.

We heard the chill wind of religious intolerance in some of the sad debate over the tragedy of Terri Schiavo. We heard it in the dangerous, vitriolic condemnations of judges, like George Greer, the judge in the Schiavo case, who dared to enforce the law as he believed the Constitution required.

We can hear that chill wind of religious and social intolerance today in the debate over stem cell research. Once again, as with the Comstock laws, a passionate group who sees itself as the moral guardians of America would use the power of our Government to deny life-saving medical care to those who need it. They believe that a cell blastocyst deserves the same legal standing and protections as a full-grown child or adult suffering from Parkinson's or diabetes or terrible injury to their spinal cords. I respect their opinion. I respect their religious beliefs. In most cases, I don't share them. Neither do most Americans. I don't believe this vocal minority, no matter how well intentioned they may be, no matter how moral they believe themselves to be, should have a veto power over medical research that offers apparently unlimited potential to heal broken bodies and minds and save lives.

Will our courts continue to recognize the constitutional right to privacy on family planning and other profoundly personal issues? Or will we fill the Federal bench with judicial activists who see themselves as soldiers in a cultural war, who want to put their own agendas ahead of the Constitution? That is one of the questions that is at the heart of the debate on the Federal judges.

The filibuster debate is not about old Senate rules. It is about whether self-described cultural warriors can use our Government to impose their personal moral agenda on America.

In April, a group of organizations held a televised rally to condemn the Senate filibuster rule as a weapon against people of faith. They called it "Justice Sunday." That day, Janice Rogers Brown, the nominee now before the Senate, gave a speech in which she argued that "people of faith are embroiled in a war against secular humanists." According to newspaper accounts, she went on to say:

> [T]here seems to have been no time since the Civil War that this country was so bitterly divided. It's not a shooting war, but it's a war.

Mr. President, Americans are not at war with one another. We are at war in

Afghanistan and Iraq. wars, sadly, fueled by religious extremism in many respects. Expressing honest, fundamental differences of opinion on political and social questions here at home is not an act of war. It is an act of democracy. It is our democratic process and our Constitution at work.

I respect the right of every person to express his or her beliefs about religion or anything else. That is part of the beauty of being a citizen in this great Nation. But we cannot allow the beliefs of a majority, or even a vocal minority, to determine moral choices for every American. As the Supreme Court ruled so wisely 40 years ago, there are decisions that are so intensely private that the Government has no right to intrude.

Soon I hope we take up the issue which the House considered just several days ago on stem cell research. It strikes me as strange, maybe unfair, that some believe we should oppose in vitro fertilization in every circumstance. I have friends of my family, friends for years, who have spent small fortunes in the hopes that a mother and father who cannot conceive by natural means can use this process to have a child whom they will rear and love all of their lives. One of my friends has spent $80,000 in two separate, thank goodness successful, efforts, and she has two beautiful children to show for it.

I cannot imagine why that is an immoral act, when a husband and wife will go to those extremes to bring a life into this world that they will love and nurture. But we know, just as in normal conception, there will be, during the process, some of the fertilized eggs that will not lodge in a mother's womb and lead to human life. That is the natural thing that occurs.

The same thing happens during in vitro fertilization. If they are successful in creating this fertilized egg, and then implanting it in a woman's womb so she can have a baby, it is a miracle, but as part of that miracle there will be some of these fertilized eggs which cannot be used.

So the question before us in stem cell research is very clear: Should stem cells from blastocysts be used to save others' lives, to prevent disease, to give someone hope and a future? That is what it is about. There are some who say no, some who would say we should not allow in vitro fertilization, and others who say, if you allow it, you should never allow those discarded blastocysts to be used for medical research.

The position of the Bush administration is close to that. The President, in August of 2001, said he would approve certain stem cell lines being used for research but no others. Well, it turns out those stem cell lines were very limited in their number and quality, and scientists and medical researchers have told us that the President's approach is not going to give us the opportunity we need to develop these stem cells into cures for diseases. So many of us believe we should move forward.

We should have strict rules against cloning. I do not know of a single Member of Congress, of either political party, who supports human cloning. We are all opposed to that. It should be condemned, and we should have strict ethical guidelines on the use of these stem cells so that they are used legitimately for research, not for profit or commercialization, but legitimately used for research to try to find the cures to these vexing diseases.

Many of us believe that this is as pro-life as it gets. If you can take stem cells that would be otherwise discarded and never used for any purpose and use them for the purpose of giving a youngster who has to inject with insulin three times a day a chance to be rid of diabetes, if you can use it for a person afflicted in their forties or fifties with Parkinson's disease, which is a progressively degenerative disease in most instances, if you can use it to try to regenerate the spinal column and all the things that are necessary so someone can walk again after a spinal cord injury—how in the world can that be wrong?

That strikes me as promoting life. Yet some will come to the floor, even threatening a filibuster, saying that we cannot do this because it violates their personal moral and religious beliefs. Well, I understand that. And that is how they should vote. But to stop the rest of the Nation—because of their personal moral and religious beliefs—from this type of medical research seems to me to be counterproductive, if you are truly committed to life and the health of those who surround us.

Forty years ago, the decision was made across the street that there are certain elements of privacy, there are certain elements of personal decisions made by individuals and families which the State, the Government cannot overrule because of anyone's personal religious, moral belief. They said that privacy is critically important in America. Those private decisions should be protected.

Every nominee for the Supreme Court I have heard in recent times has faced a Judiciary Committee question from some member, Democrat or Republican: Do you still agree with the Griswold v. Connecticut decision? Do you still believe that, even though this Constitution does not include the word "privacy," that is part of what we have as Americans as part of our individual rights and liberties? The only one who tried to, I guess, split the difference and find some way to argue around it was Robert Bork. His nomination was ill-fated after he made some of those statements.

I believe most Americans feel we should be personally responsible, that we should be allowed to have our own personal religious beliefs, but they also think we should stay away from the Government imposing religious beliefs on one group or the other. That is what happened with the Comstock laws. That is what led to the laws in Connecticut, which were stricken in Griswold. Sadly, that is part of the debate today when it comes to stem cell research.

I am urging Senator FRIST, a medical doctor, one I greatly respect, to bring this bill up and bring it up quickly. I know there is a feeling by the White House, and maybe even by some in Congress, that we should avoid this stem cell research debate. But when you think of the millions of Americans and their families who are counting on us to move medical research forward, is there anything more important on our political agenda?

I sincerely hope President Bush, who made an exception for some stem cell lines for research, will understand that you cannot take an absolute position on this issue. It is a tough issue. It is one where we should draw good, ethical guidelines for the use of this research, but not prohibit it, not close the door to this research and the cures that could emanate from it. That, I think, would be a lesson well learned, a lesson consistent with the decision made by the Supreme Court 40 years ago today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I would like to get us back on the topic at hand. It is a topic that has been denied for some period of time. It is the Honorable Janice Rogers Brown nomination to the U.S. Court of Appeals for the DC Circuit. "Justice delayed is justice denied" is an old saying under the law. This lady has been delayed a long time. It is time to get this nomination through.

I am glad to see the cloture vote move us forward. She is going to be now approved, I believe, by a majority vote and a majority opinion. And I think if the country had to vote on Janice Rogers Brown, it would be a 90-plus percent vote for this lady, given her background, given her judicial expertise, given her demeanor, given her nature.

I think the country would look at this lady, whom I have a picture of here, and say: That is the type of person I want on the bench. This is a good, honorable person, with a great heart, a well-trained mind, who is thoughtful, with great experience. This is the type of person we ought to have on the bench. Yet we have just heard litany after litany of excuses, the dissecting of cases that you try to then parse to say she should not be on the bench for whatever reason.

I want to go through some of what has been stated previously. I want to go through, again, her background to get us back on topic. And then I want to go through some of the specifics.

She is currently serving as an associate justice on the California Supreme Court. She has held that position since 1996. She is the first African-American woman to serve on the State's highest court. She was retained with 76 percent of the vote in the last election. Certainly, that does not seem to be the sort of extreme case anyone can come up with; that 76 percent of Californians think she should be retained on the court. If she is so extreme, if she is so off the mark, if she is so out of the mainstream, why, in California, wasn't she voted off the bench?

Why didn't at least 24 percent of Californians or more than 24 percent vote her off the bench? Why didn't she have a much closer election than that? Where is the beef, an old advertising phrase?

In 2002, Justice Brown's colleagues relied on her to write the majority opinion for the court more times than any other justice. Prior to appointment and confirmation to the California Supreme Court, Justice Brown served from 1994 to 1996 as an associate justice on the Third District Court of Appeals, an intermediate State appellate court.

Justice Brown enjoys bipartisan support from those in California who know her best. A bipartisan group of 15 California law professors has written to the Senate Judiciary Committee in support of Justice Brown. The letter notes that:

> We know Justice Brown to be a person of high integrity, intelligence, unquestioned integrity, and evenhandedness. Since we have differing political beliefs and perspectives, Democratic, Republican and Independent, we wish especially to emphasize what we believe is Justice Brown's strongest credential for appointment on the D.C. Circuit Court: her open-minded and thorough appraisal of legal argumentation—even when her personal views may conflict with those arguments.

This is a bipartisan group that says she is open-minded and thorough in her appraisal of legal arguments.

A bipartisan group of Justice Brown's current and former judicial colleagues has also written a letter in support of her nomination. Twelve current and former colleagues noted in a letter to the committee that:

> Much has been written about Justice Brown's humble beginnings, and the story of her rise to the California Supreme Court is truly compelling. But that alone would not be enough to gain our endorsement for a seat on the Federal bench. We believe that Justice Brown is qualified because she is a superb judge. We who have worked with her on a daily basis know her to be extremely intelligent, keenly analytical, and very hard working. We know that she is a jurist who applies the law without favor, without bias and with an even hand.

This doesn't sound like the same lady who is being discussed on this floor by some of my colleagues on the other side.

Ellis Horvitz, a Democrat and one of the deans of the appellate bar in California, has written in support of Justice Brown noting that:

> . . . in my opinion, Justice Brown [possesses] those qualities an appellate jurist should have. She is extremely intelligent, very conscientious and hard working, refreshingly articulate, and possessing great common sense and integrity. She is courteous and gracious to the litigants and counsel who appear before her.

Regis Lane, director of Minorities in Law Enforcement, a coalition of ethnic minority law enforcement officers in California, wrote:

> We recommend the confirmation of Justice Brown based on her broad range of experience, personal integrity, good standing in the community, and dedication to public service . . . In many conversations with Justice Brown, I have discovered that she is very passionate about the plight of racial minorities in America, based on her upbringing in the south. Justice Brown's views that all individuals who desire the American dream regardless of their race or creed can and should succeed in this country, are consistent with [that group's] mission to ensure brighter futures for disadvantaged youth of color.

These are some of the people who know her the best. These are the statements they make about her. This is why she should be on the DC appellate court.

Justice Brown is an outstanding and highly qualified candidate as evidenced by her background, credentials, and training. This has been covered and covered. But she is a sharecropper's daughter, born in Greenville, AL, in 1949. During her childhood she attended segregated schools, came of age in the midst of Jim Crow policies in the South. She grew up listening to her grandmother's stories about NAACP lawyer Fred Gray, who defended Dr. Martin Luther King, Jr., and Rosa Parks. Her experience as a child of the South motivated her desire to be a lawyer. Her family moved to Sacramento, CA, when Justice Brown was in her teens. She later received a B.A. in economics from California State in Sacramento in 1974, and her J.D. from UCLA School of Law in 1977. She also received honorary law degrees from Pepperdine University Law School, Catholic University, and Southwestern University School of Law.

She has dedicated all but 2 years of her 26-year legal career to public service. For only 2 years has she not been in public service, 24 years of public service. Where is the person who is out of the mainstream? Where is the person who is irrational? Where is the person who doesn't hold or have the judicial temperament or doesn't have the intellect or the open-mindedness to be a judge in all of this? She has dedicated most of her life, 24 years, to public service.

Prior to more than 8 years as a judge in State courts, Justice Brown served from 1991 to 1994 as legal affairs secretary to California Governor Pete Wilson where she provided legal advice on litigation, legislation, and policy matters. From 1987 to 1990, she served as deputy secretary and general counsel to the California Business, Transportation, and Housing Agency where she supervised the State banking, real estate, corporations, thrift, and insurance departments.

From 1972 to 1987, she was deputy attorney general of the Office of the California Attorney General where she prepared briefs and participated in oral arguments on behalf of the State in criminal appeals, prosecuted criminal cases, and litigated a variety of civil issues. She began her legal career in 1977, when she served 2 years as deputy legislative counsel in the California Legislative Counsel Bureau. She has a broad base of experience from which to draw to be an excellent person to sit on the Federal appellate court bench.

She has participated in a variety of statewide and community organizations dedicated to improving the quality of life for all citizens of California. Justice Brown has served as a member of the California Commission on the Status of African-American Males—the commission was chaired by now-U.S. Representative BARBARA LEE—and made recommendations on how to address inequalities in the treatment of African-American males in employment, business development, the criminal justice, and health care systems.

She is a member of the Governor's Child Support Task Force, which reviewed and made recommendations on how to improve California's child support enforcement laws. She serves as a member of the Community Learning Advisory Board of the Rio Americano High School and developed the Academia Civitas Program to provide government service internships to high school students in Sacramento. She has also assisted in the development of a curriculum to teach civics and reinforce the values of public service.

She has volunteered time with the Center for Law-Related Education, a program that uses moot courts and mock trials to teach high school students how to solve everyday problems. She has taught Sunday school class at Cordova Church of Christ for more than 10 years. That is Justice Janice Rogers Brown. Those are the facts. That is who she actually is.

So why has it taken that long a period of time for us to be able to get her to the floor? Why is there such consternation about her becoming a DC appellate court judge? Why have we spent years to get her to the point where we will vote on—I would love to see it today, but at least this week—her approval to the DC appellate court bench? I think it goes to the fact that she is a lady, nominated by President Bush, who will strictly construe the Constitution, stay within the bounds of the document, not try to write new opinion as to a new constitutional right or a new issue that is not within the Constitution or not within the law. She is what lawyers would call a strict constructionist. She says if the law says this—and it was passed to say that—that is what we enforce, if that is what the Constitution says.

It is not the living, breathing document of let's try to create another right or privilege here and take three or four of the amendments to the Constitution, provisions of the Constitution, frame them together, and then let's find a new right in the Constitution because we think this is good for the country. If it is a change to the Constitution that needs to happen, then it should happen. And it should go through this body with a two-thirds vote. It should go through the House with a two-thirds vote. It should go to the State legislatures for a three-fourths vote. It should not be a majority opinion of a bench somewhere.

She says she will stay within the confines of the law. That is what the President is trying to nominate, judges who will stay strict constructionists within the confines of the law and be what judges should be, interpreters of the law, enforcers of the Constitution as it is written, not as they wish it were written. That is what this nomination is about.

Others want to see a court that will expand and look and read different things in, even if it doesn't pass through this body or doesn't pass through the legislature or isn't signed into law by the President. We really are at a point of what it is that the judiciary is to be about in America. You are seeing the face of somebody who is a strict constructionist, saying that this is what it is about.

The judiciary has a role. It has a constitutional role. It is an extraordinarily important role. But it is defined and it is set. She believes it should stay within. That is why we have had so much trouble with so many of these judicial nominations.

During the first 4 years of the Presidency of George W. Bush, the Senate accumulated the worst circuit court confirmation record in modern times, thanks to partisan obstruction. Only 35 of President Bush's 52 circuit court nominees were confirmed, a confirmation rate of 67 percent. To give you a comparison on that:

People have said that is not so low; we approved a number of these lower court judges. But let's take President Johnson's term in office. There was a Democrat Senate and a Democrat President. What was his circuit court nomination rate? It was 95 percent.

President Bush: Republican Senate, Republican Presidency, 67 percent.

What about President Carter? Democratic President, Democratic Senate, and 93 percent of his circuit court nominees were approved.

President Bush: 67 percent.

What has taken place is a filibuster of good people, such as Janice Rogers Brown, who has served honorably most of her professional career in public service but does believe there are confines within which they rule. It is in the Constitution or it is not; it is in the law or it is not; it is constitutional or it is not. It is not what I wish it were, it is what is actually there. It is what the precedents have said that matters.

The average American may not be familiar with Senate rules on cloture or on the unprecedented low confirmation rate of President Bush's circuit court nominees, but the average American can tell you one thing: that the Constitution and common sense require the Government to be accountable to the people for its actions. This is especially the case of what we do in the House and the Senate as we move forward in this country.

I want to address some of the items that have been coming up in some of these debates. Various Members have raised specific points, and I want to address a few of those points.

Certain liberal special interest groups have tried to distort Janice Rogers Brown's decision when she served on the State court of appeals in the case of Sinclair Paint Company v. Board of Equalization. They claimed she was insensitive to the legislature's desire to protect children from lead poisoning.

What was really at issue in the case was the respect for the will of the California voters who wanted to make it more difficult for the California Legislature to raise taxes.

California proposition 13—people remember that—enacted in June of 1978, requires a two-thirds vote of the legislature to increase State taxes. That is what proposition 13 did. In 1991, the California Legislature voted by a simple majority to assess fees on manufacturers engaged in commerce involving products containing lead in order to fund a program to provide education, screening, and medical services for children at risk for lead poisoning. Justice Brown simply held for a unanimous court of appeals—a unanimous court of appeals—in affirming the judgment of the trial court that the assessment constituted a tax within the meaning of proposition 13 and thus had to be passed by a two-thirds vote.

That seems to be pretty basic and pretty common sense and not about her insensitivity to cases involving lead poisoning but simply what her role is under the law and her role as a jurist.

Under applicable California case law where payment is exacted solely for revenue purposes and its payment gives the right to carry on the business without any further conditions, the payment constitutes a tax. The Childhood Lead Poisoning Protection Act did not require the plaintiff to comply with any other conditions. It was merely required to pay its share of the program cost. Justice Brown reasonably concluded the assessment was a tax.

There are several other cases that have been brought up that I want to address.

Several liberal interest groups have attacked Justice Brown's dissent in Aguilar v. Avis Rent-a-Car Systems in which she argued racial discrimination in the workplace, even when it rises to the level of illegal race discrimination, cannot be prohibited by an injunction under the first amendment. I want to talk about this.

Justice Brown, as I have cited, is the daughter of a sharecropper from rural Alabama. She grew up under the shadow of Jim Crow laws. I think she understands the lingering effects of racial classification. In light of her personal history, the allegation she is insensitive to discrimination is absurd.

Notwithstanding her personal experiences with racism, Judge Brown's role as a judge has been to apply the law which she has done faithfully and rigorously. As I discussed earlier, it is the role of the judge to apply the law and apply the Constitution, not rewrite the law the way they wish it were, not to rewrite the Constitution the way they think it ought to be, but to apply it in a particular case. And this is a case she could have looked at from her background and said: I understand this situation. I have been in this situation. Yet what does the law itself say?

Judge Brown's opinions demonstrate her firm commitment to the bedrock principle of civil rights. Discrimination on the basis of race is illegal, it is immoral, unconstitutional, inherently wrong, and destructive of a democratic society. Those are her statements.

In the Aguilar case, Justice Brown described the defendants' comments as disgusting, offensive, and abhorrent, and she voted to permit a large damage award under California's fair employment law to stand. Her dissent only pertained to an injunction that placed an absolute prohibition on speech. This is commonly called a prior restraint which most free speech advocates strenuously oppose.

Justice Brown's opinions demonstrate her firm commitment to the first amendment. She cited a long line of Supreme Court cases for the proposition that speech cannot be banned simply because it is offensive.

Justice Brown's opinions also demonstrate her commitment to equality in the workplace. Justice Mosk and Justice Kennard, considered one of the most liberal members of the California Supreme Court, also dissented on first amendment grounds.

Here we see the core of the person, the commitment to the law and to the rule of law. Here was something she had experienced, she understood, and yet had to say: OK, what does the law actually say, and what are the first amendment rights? Then she applied them in the case. That is the type of justice who looks at what is their role and what is it that they are required to do under the Constitution.

Judge Brown's opinion was so powerful that it prompted one member of the U.S. Supreme Court to take the unusual step of publishing an opinion dissenting from the denial of certiorari.

I find it amazing that the very same liberal outside groups who never hesitate to level accusations of censorship, perhaps, against the administration or even Congress are attacking Justice Brown for standing up for what she interpreted and looked at clearly as a first amendment issue which she had to stand by even though she found the comments herself so offensive and wrong.

Justice Brown has been attacked as being insensitive on women's issues because she has voted to strike down a State antidiscrimination law that provided a contraceptive drug benefit to women. Some have claimed her to be hostile to these women's issues.

What one has to do is look at the actual case, the actual facts, the actual law in front of her because her role as a justice is to take the law and the facts applied in this particular case, not what she wished it was, not what she hoped it would be, not what she thinks it should be in a perfect world, but what is it.

The law involved in the case actually required health and disability insurance policies to cover contraceptives. Justice Brown did not vote to strike down the law, she simply argued that the law should not be applied to force a religious institution—here Catholic Charities of Sacramento—to do something that violated its religious beliefs. This case was about religious freedom under the first amendment, not about gender discrimination or revisiting the right to contraceptives. It is about discrimination based on religion, and Justice Brown stood against this discrimination. Telling us about this case without saying a word about religious freedom on the issue misinforms people totally about this particular case and this person.

Justice Brown has been attacked for rendering opinions that have been considered outside the mainstream. These allegations are spurious. As I have stated, she has been affirmed by the population, the public voting in California, with a 76-percent approval rating. If her opinions are so out of the mainstream and so wrong, why weren't more Californians than roughly 25 percent concerned about this?

The flip side of this is that I have never won an election by a 75-percent margin. I would love to win an election by that margin. This is a confirmation election. It is different than what we face in the Senate.

Still, as somebody who has run for elections, when you get up to that three-fourths mark, that is really good, standing in front of the public and asking them to endorse your status, endorse your position, particularly if this allegation were true. If it were true that she is way out of the mainstream of public opinion in California and she is way out, on a consistent basis, so that her opinions are in the paper all the time and they are way out there, contrary to California public opinion, would you not think more than 25 percent of Californians would say, I am going to vote against confirming this lady?

I think probably a lot of people would look down the ballot box on judges and say, Which ones can I vote against because I am used to voting for all of them, particularly if somebody was so out of the mainstream on such a consistent basis that she is in the papers all the time about being in this dissent or being overruled in this case, that there would be some recognition of her and more people would be concerned. Yet that is not the case. I submit it is because it is just not true. She is not outside the mainstream.

I believe the criticism is utterly baseless. Among the eight justices who served on the California Supreme Court between 1996 and 2003, Justice Brown tied with another judge as the author of the second most majority opinions for the court. Only the chief justice wrote more majority opinions. Now, those are her colleagues on the bench saying: We think you are the right person to write this opinion. You are expressing the opinion for most of us. You are a hard worker. You are intelligent. You are an excellent wordsmith. These are all traits we would want in a justice.

Justice Brown also ranked fourth among the eight justices for the number of times she dissented alone. This puts her squarely in the middle, certainly not on either fringe in that category. It is wrong for Justice Brown's opponents to throw out numbers without offering any basis for comparison on her court.

I wish to talk about a particular case, the case of People v. McKay. Justice Brown stood alone among her colleagues in arguing for the exclusion of evidence of drug possession that was discovered after the defendant, Conrad McKay, was arrested for riding his bicycle the wrong way on a residential street. Her dissent is remarkable for its pointed suggestion of the possibility that the defendant was a victim of racial profiling.

Justice Brown commented:

> Questions have been raised about the disparate impact of stop-and-search procedures of the California Highway Patrol. The practice is so prevalent, it has a name: "Driving While Black."

This is somebody who is insensitive? I do not think that is the case with Justice Brown.

I will go on and read from the conclusion of her dissent. She added the following stirring comments:

> In the spring of 1963, civil rights protests in Birmingham united this country in a new way.

This is a native of Alabama.

> Seeing peaceful protesters jabbed with cattle prods, held at bay by snarling police dogs, and flattened by powerful streams of water from fire hoses galvanized the nation. Without being constitutional scholars, we understood violence, coercion, and oppression.

These are the words of Justice Janice Rogers Brown. And I continue:

> We understood what constitutional limits are designed to restrain. We reclaimed our constitutional aspirations. What is happening now is more subtle, more diffuse, and less visible, but it is only a difference in degree. If harm is still being done to people because they are black, or brown, or poor, the oppression is not lessened by the absence of television cameras.
>
> I do not know Mr. McKay's ethnic background. One thing I would bet on: he was not riding his bike a few doors down from his home in Bel Air, or Brentwood, or Rancho Palos Verdes—places where no resident would be arrested for riding the "wrong way" on a bicycle whether he had his driver's license or not. Well . . . it would not get anyone arrested unless he looked like he did not belong in the neighborhood. That is the problem.

That was her dissenting opinion, a stirring opinion, quoting things that in her growing up and in her childhood she had witnessed. She is very sensitive on racial issues.

Last month, Ginger Rutland, who is on the editorial board of the Sacramento Bee, wrote this in her newspaper about Justice Brown's judicial courage:

> I know Janice Rogers Brown, and she knows me, but we're not friends. The associate justice on the California Supreme Court has never been to my house, and I've never been to hers. Ours is a wary relationship, one that befits a journalist of generally liberal leanings and a public official with a hard-right reputation fiercely targeted by the left. . . . I find myself rooting for Brown. I hope she survives the storm and eventually becomes the first black woman on the nation's highest court.

In describing Justice Brown's position in the McKay case that I quoted Justice Brown earlier, Rutland, the editorialist from the Sacramento Bee, says the following:

> Brown was the lone dissenter. What she wrote should give pause to all my friends who dismiss her as an arch conservative bent on rolling back constitutional rights. In the circumstances surrounding McKay's arrest, the only black judge on the State's highest court saw an obvious and grave injustice that her fellow jurists did not. . . . In her dissent, Brown even lashed out at the U.S. Supreme Court and—pay close attention, my liberal friends—criticized an opinion written by its most conservative member, Justice Antonin Scalia, for allowing police to use traffic stops to obliterate the expectation of privacy the Fourth Amendment bestows.

This is an admitted liberal editorial writer talking about Brown's courage.

This is a lady who is going to do an outstanding job on the DC Circuit Court of Appeals. The only tragedy is that she has not been there years earlier. The tragedy is that she has been held up because she looks at doing her job for what it is, which is staying within the Constitution and enforcing it, looking at the law and enforcing it; or if it goes against what is in the Constitution, ruling it unconstitutional, but not looking at the Constitution as she hoped it would be or mixing together a series of ideas in the Constitution and finding a new right; or looking at the law and thinking it should be this way or that and expanding it that way. This is a person who looks at her job as being a judge, in an honorable role, but it is a role that has a set to it and a way, and she is upholding that.

I believe that is really what is at the cornerstone of this debate. Unfortunately, we get it mired so often in personalities and accusations and hyperbole, comments of a personal nature toward an individual that are simply not true, when really what we are talking about is the role of courts.

Courts, like every institution, are people. People are on the courts. We have judges who are appointed to the courts, and they have their views and they have a way of looking at the Constitution or they have a way of looking at various documents or laws. She looks at it as more of a strict constructionist. That is an honorable way to look at it. I believe it is the right way to look at it. Yet she gets painted with all the other sorts of accusations that are simply not based on fact but are a disguise for what the real debate is about, which is the role of the judiciary in America today.

We are having a rolling debate about that issue. We are having a lot of discussion about that. We are having discussions in various States and in the Nation about what is the appropriate role of the judiciary. I believe this is a lady who would stand by that role.

Those are a series of issues. I may visit some others later on, but this is a lady who is eminently qualified, will do a wonderful job. I support her nomination, and I hope we can get to a strong vote fairly soon on it.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from North Dakota.

Mr. DORGAN. Mr. President, this is a debate that is worth having. There has been a great deal of discussion about this nominee for the lifetime appointment to the Federal bench.

There is no entitlement, of course, to a lifetime appointment to the Federal bench. The Constitution provides how this is done. First, the President shall nominate a candidate for a lifetime service on the Federal courts, and, second, the Congress shall provide its advice and consent, and determine whether to confirm the nominee. So the President nominates, sends a name, and the Congress does what is called in the Constitution advise and consent, says yes or no.

In most cases, the Congress says yes. This President, President George W. Bush, has sent us 218 names of people he wanted to send to the Federal courts for a lifetime. This Congress has said "yes" to 209 of the 218. That is pretty remarkable, when you think about it—209 out of 218 we have said "yes." There are a few we have delayed and held up and have been subject to cloture votes. Some have said they haven't gotten a vote. Yes, they have gotten a vote. The procedure on the floor, of course, is there is a cloture vote, and they didn't get the 60 votes, but 60 votes is what requires consensus in the Senate. It has been that way for decades and decades.

I have voted for the vast, vast majority of the 209 Federal judges that the President has nominated, including, incidentally, both of the Federal judgeships in North Dakota which were open. Both of which are now filled with Republicans. I was pleased to support them. I think they are first-rate Federal judges. I am a Democrat. The names that came down from the President to fill the two judgeships in North Dakota were names of Republicans. I am proud of their service. I testified in front of the Judiciary Committee for both of them and introduced both of them.

So the fact is this is not about partisanship. It is about nominating good people, nominating people in the mainstream of political thought here in this country.

I take no joy in opposing a nominee, but I do think that if Members of the Senate will think carefully about the views of this nominee, they will decide that she really ought not be put on the second most important court in this country for a lifetime of service. Let me go through a few things that this nominee, Janice Rogers Brown, has said.

Let me say to my colleague who was speaking when I came in, this is not innuendo, not argumentative; these are quotes from the nominee. Facts are stubborn things. We are all entitled to our own opinions, but we are not all entitled to our own set of facts. Let me read the facts, and let me read the quotes that come from this nominee.

This nominee, Janice Rogers Brown, says that the year 1937 was "the triumph of our own socialist revolution." Why? In 1937, that is when the courts, including the Supreme Court, upheld the constitutionality of Social Security and the other major tenets of the New Deal. The triumph of socialism? I don't think so. What planet does that sort of thinking come from, a "triumph of socialism"?

This nominee says that zoning laws are a "theft" of property, a taking, under the Constitution; therefore, a theft of property. Well, we have zoning laws in this country for a reason. Communities decide to establish zoning laws so you don't build an auto salvage yard next to a church, and then have somebody move in with a porn shop next to a school and a massage parlor next to a funeral home. But this nominee thinks zoning is a theft of property. It is just unbelievable, it is so far outside the mainstream thought.

Here is what she says about senior citizens in America.

> Today's senior citizens blithely cannibalize their grandchildren because they have a right to get as much free stuff as the political system will permit them to extract.

I guess she is talking about maybe Social Security and Medicare. I don't know for sure. All I know is that a good many decades ago, before there was Social Security and Medicare, fully one-half of all elderly in this country lived in poverty.

Think of that. What a wonderful country this is. This big old planet spins around the Sun, we have 6 billion neighbors inhabiting this planet called Earth, and we reside in the United States of America. What a gift and blessing it is to be here. But think, in 1935, one-half of America's elderly, if they were lucky enough to grow old, to age to the point where they were called elderly, one-half of them lived in poverty. One-half of them lived in poverty. So this country did something important, very important. We put together a Social Security Program and a Medicare Program. What did this nominee say about that? She said:

> Today's senior citizens blithely cannibalize their grandchildren because they have a right to get as much free stuff as the political system will permit them to extract.

Really? I wish perhaps she could have been with me one evening at the end of a meeting in a small town of about 300 people. A woman came up to me after the meeting and she grabbed a hold of my elbow. She was probably 80 years old. She said: Mr. Senator, can you help me?

I said I would try.

Then her chin began to quiver and her eyes welled up with tears and she said: I live alone. And she said: My doctor says I have to take medicine for my heart disease and diabetes, and I can't afford it. I don't have the money. Then she began to get tears in her eyes.

I wish perhaps Janice Rogers Brown understood something about that. She thinks this old lady, this elderly woman, struggling to find a way to pay for medicine to keep her alive, is cannibalizing somebody? I don't think so. I think it is incredible that someone would say this.

Now the President wants to put this nominee on the second highest court in the land for a lifetime of service.

She says again:

> We are handing out new rights like lollipops in the dentist's office.

I guess I never thought the basic rights that we have in this country ought to be antithetical to what we believe is most important in America. I have traveled over most of this world and been in countries where there aren't rights. I have been in a country where, if people have the wrong piece of paper in their pocket and they are picked up, they are sent to prison for 12 years. I have seen the tyranny of dictatorships and the tyranny of communism. I happen to think basic rights that exist in this country for the American people are critically important; that "We the people," the first three words of that document that represents the constitutional framework for this country's governance, is not something that ought to be taken lightly.

Let me read a couple of other things that this nominee has said. She was the only member of the California Supreme Court to conclude that age discrimination victims should not have the right to sue under common law. Age discrimination victims should not have the right to sue?

She was the only member of the California Supreme Court who voted to strike down a San Francisco law that provided housing assistance to displaced and low-income and disabled people.

I don't understand the President sending us this nominee. Is it the case that this administration really wants to put on the Federal bench for a lifetime someone who is opposed to the basic tenets of the New Deal that have lifted so many people out of poverty in this country, that represents, in many cases, some of the best in this country—telling old folks that when you reach that retirement age you don't have to lay awake at night worrying about whether you are going to be able to go to the doctor when you get sick because there will be Medicare; or telling people that Social Security will be there when you need it—you work, you invest in it, when you retire, you can collect it. Do we really want to put someone on this circuit court who believes that is a triumph of socialism? I don't think so.

There is a kind of arrogance here these days that is regrettable. I was here in the 1990s, and I watched 60 Americans who were nominated for judgeships never even have the courtesy of a day of hearings, let alone get to the floor of the Senate for a cloture vote or a vote up or down—60 of them. We are not even given the courtesy of a day of hearings. The President sends the name down in the 1990s. The majority party said, tough luck, we don't intend to do anything about it; you will not have a hearing; you will not have a vote. This name will not advance.

We did not do that. This caucus has not done that; in fact, just the opposite. Of the 218 names that have been sent to this Congress from this President, the Senate has approved 209 of them. Those who did not get confirmed had a cloture vote in the Senate. They had a day of hearings. They had an opportunity to testify before the Judiciary Committee. Their name was brought to the floor. We had cloture votes.

Now we have Members coming to the Senate on the other side saying, look, our policy is, everyone needs an up-or-down vote; not a cloture vote, an up-or-down vote. These Members did not hold that view at all in the 1990s. In fact, they did exactly the opposite. There are terms for that which I shall not use here.

The fact is, we are proceeding on the Janice Rogers Brown nomination because of an agreement made 2 weeks ago. I hope, however, having read what I have read about her views on a wide range of issues, that we will have sufficient colleagues in the Senate to say to this President, this is so far outside the mainstream, we will not approve this nominee.

It is not unusual for a political party to tell its President that you cannot pack the court. The members of Thomas Jefferson's own political party told Thomas Jefferson that. Members of the political party of Franklin Delano Roosevelt did the same thing, in his attempt to pack the Court.

My hope with respect to this nominee is that we will have sufficient numbers on the majority side—moderates and others—who will take a look at this record and say this is not the kind of record that we believe should commend someone for a lifetime of service on the DC Circuit. This is not what we should be doing.

I conclude as I started. I take no joy in coming to the Senate and opposing someone. I would rather be here speaking for a proposition, speaking for someone. It was Mark Twain who once was asked if he would engage in debate. He said, sure, as long as I can take the negative time. He was told, we didn't tell you the subject. He said, the negative side will take no preparation.

I am mindful that it is very easy to oppose. Let me say this: On this issue, on this nominee, this is not a close call. This is not a close call. I wish I could be here to support this nomination. I will not support the nomination of someone who believes the elements of that which has made this country such a wonderful place in which to work and live represents a triumph of socialism. It is not the triumph of socialism. It is a reflection of the interests of this country, we the people of this country who said we will lift the senior citizens of this country out of poverty. And we have done that. We went from 50 percent in poverty to less than 10 percent in poverty. Why? Because we did something important in this country, Social Security and Medicare.

With respect to environmental issues, with respect to workers' rights, with respect to a whole series of issues, this nominee is profoundly wrong. She has a record, a long record, an aggressive record of activism in support of what are, in my judgment, outdated and discredited concepts.

My hope is that in the remaining hours in this debate—I think we will vote on this tomorrow—my hope is there will be sufficient moderates on the other side who will understand this record does not justify confirmation to the Federal bench for a lifetime. I hope the next time I come to the Senate to speak on a judicial nomination, I will be able to speak in favor of a nomination that is a strong candidate.

This President has nominated some good people. I mentioned two from my State. I will say it again: both Republicans, both terrific people, both people I was proud to introduce to the Judiciary Committee and proud to support. While we might disagree on some issues, these are extraordinary jurists. I am proud they are Federal judges in my State. I felt the same way about some of the other nominees.

But this President has sent us a handful of nominees who do not deserve the backing and support of this Congress. It is long past the time for this Congress to stand up and speak with an independent voice. This Congress is not some sort of subsidiary of the White House. It is not an adjunct to the Presidency. This Congress is a separate branch of Government under this Constitution. The President nominates but we advise and consent. It is up to the Senate to determine whether judicial nominees are confirmed or not. My hope is we will make the right decision with this nomination.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROLE OF THE FEDERAL GOVERNMENT

Mr. THOMAS. Mr. President, I know it has been a busy day and we are very much involved, of course, in moving forward with the judge arrangement, as we should be.

I spent a week in my home State. I guess we always come back with different ideas. I spent the whole time talking with people and having town meetings and those kinds of things, and in certainly a little different atmosphere.

People see a great deal in the news media about what is happening here, but, of course, what they get is what the media is intending for them to get, and somehow it is a little bit different. So frankly, people are a little impatient that we are not moving forward as much as we might. Certainly, we are working hard here, but the fact is, we have not moved to many different issues. I believe many of us want to do so.

I think we have spent an awful lot of time on internal kinds of issues that do not mean a lot to people out in the country. I understand that. I realize the way things are done here is important to us, such as changing procedures and all those things. But folks are talking about energy, folks are interested in a highway bill, people are interested in health and the cost of health care, such as what you do in rural areas with health care. There are a lot of these things that are so very important to people on the ground, and here we are continuing to talk about how we are going to vote on judges. So they get a little impatient. I understand that. So I hope we are in the process of doing something about that.

There is also a great deal of concern, of course, in Government spending and the deficit. I certainly share that concern. I have been more and more concerned about it as time has gone by. We have Social Security before us, about which we need to continue to do something.

Interestingly enough, the issue that came up most often when I was home in Wyoming is the idea of illegal aliens and illegal immigration and the great concern about that. I share that concern. Most people here do. Of course, we are seeking to do something. But perhaps we need to focus on some of those issues a little more.

I particularly will talk a little bit about spending and about the deficit. I think that is one of our most important issues. In relation to that, it seems to me we need to get some sort of an idea of what we think the role of the Federal Government is. We have kind of gotten in the position that for anything that is wanted by anyone, why, let's get the Federal Government to do it. Then we have somebody here on the Hill who will introduce a bill to do that, and perhaps it has very little relationship to what we normally think is the role of the Federal Government.

I think most people would agree with the notion we want to limit the size of the Federal Government, that we, in fact, want Government to be as close to the people as can be, and that the things that can be done at the State level and the county level, the city level, should be done there, the things that can be done in the private sector should be done there. I would hope we could come up with some kind of general idea, an evaluation, of what we think the role of the Federal Government specifically should be.

The other thing I will comment on a little bit is having some kind of a system for evaluating programs. We have programs we put into place when there is a need. Hopefully, there is a need for them. I think it is also apparent that over a period of time that need may change. But yet, once a program is in place and people are involved, they build a constituency around it. It stays in place without a good look at it to see whether it still belongs there.

These are some of the issues of concern. I think the first step toward reducing the $400 billion deficit is eliminating waste. Of course, what is waste to one person may not be waste to another. But there has to be, again, some definition as to how important things are relative to our goals and to assess programs that stay in place because they are there or that are not managed as well as they might be. I think we have some responsibility to try to ensure that we take a look at that issue.

There are serious problems facing our Nation today, of course. The President's budget that he put out proposes eliminating 150 inefficient and ineffective Government programs. You can imagine what that is going to mean to people who are involved. "Something in my town? Something in my State? We are not going to mess around with that."

There needs to be some kind of a relatively nonpolitical idea as to how you do that and what the purposes are. Of course, I see some of that right now in the military changes that obviously need to be made. They are difficult to make. So I hope the administration will pursue this idea of setting up some kind of a program—and I am here to support it—that evaluates those programs that are in place to see if, indeed, they are still as important as they were in the beginning.

We have to even go further than that, of course, to curb runaway spending. I think we can consolidate a number of the duplicative programs that are out there and save money and make it more efficient in their services. There are organizations that could manage a number of programs, each of which now has its own bureaucracy, and to put them together to make it efficient. I know you will always have people who say: Well, you are taking away jobs. That is not the purpose of programs. The purpose of programs is to deliver a service, and to do it in a way that is as efficient as it can be.

Of course, there are programs that should be eliminated. They have accomplished what they were there for. We need to have a system. I hope and I am interested in helping to put together a program that would do that. There is probably some merit in having a termination to a program so that after 5 or 10 years, it has to be reevaluated to be extended. That is one way of doing it. I don't know if it is the only way. That is something we are going to do, and I would like to do some of that.

The role of the Federal Government, again, if you talk in generalities, if you talk to people in terms of philosophy, most would say, we want to keep the Federal Government small. How many times do you hear people saying: Keep the Federal Government out of my life? Yet at the same time we have created this kind of culture where whenever anything is needed or wanted, mostly money, then let's get the Federal Government to do it.

If we step back and take a look at it and say: Wait a minute, is this the kind of thing the Federal Government should be involved in or is this something that could be done more efficiently by a government closer to the people, I believe we ought to do that.

Some lawmakers here believe the Government is the solution to all of society's ills. I don't agree with that. I don't believe that. Our role in the Federal Government is a limited role. Our role is to provide opportunities, not to provide programs for everything.

Ronald Reagan said: Government is not the solution to our problem. Government often is the problem. That is true. That doesn't mean there isn't a role. There is a role, an important role. But we need to help define that somehow. That vision of limited government has, to a large extent, been lost. We need to debate. We need to have some discussion, some idea as to what that role is.

Unfortunately, sometimes the politics of government are are you going to do everything for everybody because it is good politics. Politics is not our only goal here. Our goal is to limit government, to provide services, to provide them efficiently, and to evaluate them as time goes by.

Unfortunately, when a program gets put into place, it becomes institutionalized. It is there often without sufficient change. It is a real challenge. Something we need to do is to develop a plan, a consistent and organized plan to evaluate programs, to determine whether they are outdated, to determine whether they are still necessary, to determine if they could be done in a little different way to be more efficient and more effective.

Clearly the Federal Government does have a role. It has a role in many matters. So our challenge is to determine what the roles are and then to set it up so that we are as efficient as can be. I know I am talking in generalities, but I believe these are some things that are basic to some of the ideas we ought to be talking about and evaluating. I sense that doesn't happen very much. We sort of are challenged to see how many programs we can get going. We seem to be challenged to see how much money we can spend.

I appreciate what the administration is seeking to do to try and reduce some of the spending. That is very difficult. You can see what kind of reaction you get cutting back on programs or changing them. Our budget group is working on doing some of that. We need to be more involved in that.

As I mentioned, evaluating programs is something we should do. We have a constitutional obligation to appropriate hard-earned tax dollars in the most efficient manner we possibly can. New government programs get institutionalized. They go on forever. So I think there are some things we could do that would be important, and that we should.

There will be some proposals coming from OMB. I intend to seek to help put them into place if we can and have a system that deals with efficiency, a system that deals with identifying what the proper role of the various levels of government is. We will hear the States saying: We need more money. That is probably true. But nevertheless, we ought to have some other definitions besides where the money will go.

I hope we have one where we can review some things. I know these are general ideas. I have not gotten into the specifics. But from time to time, I think we have to look at ourselves and say: How do we deal with some of these issues? Clearly, everyone would agree we have to do something about spending. We have to do something about the deficit. We have to look at the future as to how we are going to make this thing work.

You can take a look at Social Security. In about 10 years, we will have to take trillions of dollars out of the general fund to put them back where they belong in the Social Security fund. That is going to be very difficult. It is a tremendous amount of money. But that is what we have done, of course, and it is reasonable because that money has to be drawing interest and it is drawing interest. But those things are going to be more and more difficult.

We are seeking to try and review and renew the Tax Code so it can be simpler and more efficient and hopefully provide better opportunities for the economy to grow and have incentives for growing by being able to put that money into developing jobs as opposed to coming into the Federal Government.

These are real challenges, but they are worthwhile: the challenge of evaluating government programs to see if they are still important, to see if they are still being done the way they were designed to meet the needs they were designed to meet when they were first there, to do something about the idea of controlling spending and the size of the Federal Government so that doesn't continue to expand into every area that is open. We ought to take a look at all the programs that are in place, that we are talking about putting in place, all the bills that are brought in here, and see what a wide breadth of subjects we talk about. Some you could make a pretty good case are not within the area of normal recognition of Federal Government activity.

I hope the role of the Federal Government is something we could talk about. We ought to talk about it with the State leadership and get a little clearer idea of how we define these things and get some kind of a measurement against these roles.

There are lots of challenges. I will be happy when we can move on through this judicial debate. It is very important, but we should not be spending all this much time on it in terms of how we do these things and get on with the things that have an impact on what we are doing out in the country.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I want to take up the discussion of Justice Janice Rogers Brown and her qualifications for serving on the DC Circuit Court of Appeals and some of the accusations and charges that have been brought against her. There have been a number that have been put forth. I had a lengthy discussion earlier about what I think this is really about, that it is about her being a strict constructionist, wanting to stay within the confines of the Constitution and the law and her interpretation rather than an expansive reading of it. I think that is really what is at the root of this, but people bring forth all sorts of allegations and charges, and I want to address some of them.

One of them is on a particular case, the Lochner case. As it might be described, this is getting into the weeds and details of some items, but I think it is meritorious to raise. She has been charged by some of our colleagues that in the Santa Monica Beach v. Superior Court case that Justice Brown called the demise of the Lochner decision, which was overruled in 1937, the revolution of 1937, and "she wants to undo" this overruling. A couple of my colleagues on the other side of the aisle said that Justice Brown believes in Lochner and wants the New Deal undone. That is the charge against Janice Rogers Brown. I want to talk about that particular charge because the opposite is what is actually true. This is the opposite of what Justice Brown said, and I want to go through her words of what she said to refute that particular case.

They are accusing her of wanting to undo the New Deal and the legislation that has been in place surrounding and regarding the New Deal.

In the Santa Monica case, which is the case that is cited for her opinion that she wants to undo the New Deal legislation of Roosevelt—FDR—she clearly criticized Lochner as wrongly decided:

> [T]he Lochner court was justly criticized for using the due process clause as though it provided a blank check to alter the meaning of the Constitution as written.

It was in the very next sentence that Justice Brown mentioned "revolution of 1937." In context, it is clear that Brown felt the end of Lochner was a good thing, that the end of Lochner was a good thing, and she says that. Moreover, the ranking member of the Senate Judiciary Committee flatly asked Justice Brown at the hearing—we are at her confirmation hearing—this issue has been put forward. This charge has been made that you want to undo the New Deal legislation, that you want to overturn FDR, and the legacy of FDR. That is what you want to do. The ranking member of the Senate Judiciary Committee flatly asked Justice Brown at her confirmation hearing:

> Do you agree with the holding in Lochner?

She answered just as directly, "No." This evidence is out there for all to see.

Why pretend it is not there is what I would say. She says no, she does not want to undo the New Deal legislation. She said it in sworn testimony at the Senate Judiciary Committee. She says that in her opinion in the Santa Monica Beach case. She does not want to overrule the case.

Others have attacked Justice Brown's speech to the Federalist Society when she lamented the demise of the Lochner era, in which the Supreme Court violated property or other economic rights. That is the allegation.

Justice Brown's speeches illustrate her personal views. To suggest that her critique of the Holmes dissent in Lochner is evidence of how she would rule in a certain case belies the facts. Indeed, Justice Brown has taken issue with the Lochner decision, criticizing the Supreme Court's "usurpation of power," stating the Lochner court was justly criticized for using the due process clause:

> . . . as though it were a blank check to alter the meaning of the Constitution as written.

That is what she actually said.

Discussing the history of the judiciary, which Hamilton stated was to be the branch "least dangerous to the political rights of the Constitution," Justice Brown has stated her personal views that judges too often have strayed from this framework and engaged in judicial activism.

That is something we have talked about a lot, about judicial activism. She believes that too often judges have strayed from this framework and engaged in judicial activism. It was in this context that Justice Brown stated the standards of scrutiny employed by the judiciary, which are not enumerated in the Constitution, often are used by judicial activists to reach the results they want.

Justice Brown's record shows she is committed to following precedent, even when she might personally disagree with it. Partisan attack groups, lacking evidence that Brown is unable to follow precedent, have indicated their opposition stems from Justice Brown's supposed incorporating her personal views into judicial decisionmaking. They assert she injected her personal views on property rights into judicial opinions, but nothing could be further from the truth.

The two cases cited by the attack groups in this context deal with the Takings clause. The groups fail to point out the Supreme Court itself expressed the view that Justice Brown herself is now accused of advocating, that property rights were intended to carry the same import as other rights in the Constitution.

In Dolan v. City of Tigard, the Supreme Court majority wrote:

> We see no reason why the Takings Clause of the Fifth Amendment, as much a part of the Bill of Rights as the First Amendment or Fourth Amendment, should be relegated to the status of a poor relation in these comparable circumstances.

That is a 1994 case.

The reason I point these out is I want people to know the factual setting here, that she does not support an opinion to overrule New Deal legislation.

She has been attacked on her judicial qualifications, which I covered in an earlier presentation, but I want to also state here clearly and for the record, the ABA recently found Justice Brown qualified and concluded—this is from the ABA, the American Bar Association—that Justice Brown:

> . . . meets the Committee's very high standards with respect to integrity, professional competence and judicial temperament and that the Committee believes that the nominee will be able to perform satisfactorily all of the duties and responsibilities required by the high office of a federal judge.

If we are going to consider outside evaluations of judges, I would think the ABA's assessment that she is fit to serve on the DC Circuit is far more relevant than any others that might come forward.

I mentioned these to address some of the attacks on her that I think are based on her more limited strict constructionist view than on what others are basing their attacks, by trying to piece things together. Justice Brown is enormously qualified by her set of personal experiences, public service, good legal mind, good legal temperament, sound training and abilities to serve on the DC Circuit Court of Appeals. She will make an outstanding judge on that court of appeals.

Mrs. CLINTON. Mr. President, while I commend my colleagues for the compromise that momentarily spared this body from the so-called nuclear option, their agreement did nothing to change the fact that several of President Bush's judicial nominees fall well outside the mainstream and the parameters of what is an acceptable jurist. This nominee in particular, Janice Rogers Brown, has shown a disdain for the rule of law and precedent and is undeserving of lifetime tenure on the Federal bench.

The administration's agenda has become evident throughout the course of the debate over judicial nominees. The President, the Republican leaders, and their supporters have turned our Federal judiciary into their own personal political battleground. To satisfy the demands of their most ardent right wing supporters, the Republicans have not chosen to appoint capable Federal jurists but rather the political activists willing to contort the law, precedent, and the Constitution in order to promote their own conservative political agenda.

Our Federal courts have drifted well to the right in the past two or three decades. Today's so-called moderates would have been called conservatives in the 1970s. And while I personally think that this drift is not in the best interest of oui country, I understand and accept that the President is certainly entitled to nominate conservatives to the bench. In fact, I have voted for the vast majority of this President's judicial nominees despite the fact that they maintain a conservative philosophy and support positions on issues that I do not necessarily agree with. I have done so because these nominees have demonstrated a respect for justice and the rule of law.

But even accounting for this drift, some of his nominees, such as Janice Rogers Brown, are far outside of even today's conservative mainstream.

Justice Brown is an agenda driven judge who, usually as a lone dissenter, shows little respect for the considered policy judgments of legislatures, repeatedly misconstrues precedent and brazenly criticizes U.S. Supreme Court rulings. She has a record of routinely voting to strike down property regulations, invalidate worker and consumer protections and restrict civil rights laws.

What makes Justice Brown particularly ill suited for a lifetime appointment to District of Columbia Court of Appeals is her disdain for Government. Among other things, she has long advocated for the demise of the New Deal. She equates democratic Government with "slavery," claims that the New Deal "inoculated the federal Constitution with a kind of collectivist mentality," calls Supreme Court decisions upholding the New Deal "the triumph of our own socialist revolution," accuses social security recipients of "blithely cannibaliz[ing] their grandchildren because they have a right to get as much 'free' stuff as the political system permits them to extract," and advocates returning to the widely discredited, early 20th century Lochner era, where the Supreme Court regularly invalidated economic regulations, like workplace protections.

"Where government moves in," Justice Brown has stated, "community retreats, civil society disintegrates, and our ability to control our own destiny atrophies. The result is: families under siege; war in the streets; unapologetic expropriation of property; the precipitous decline of the rule of law; the rapid rise of corruption; the loss of civility and the triumph of deceit. The result is a debased, debauched culture which finds moral depravity entertaining and virtue contemptible." Justice Brown's contempt for government runs so deep that she urges "conservative" judges to invalidate legislation that expands the role of government, saying that it "inevitably transform[s] . . . democracy . . . into a kleptocracy."

Furthermore, Justice Brown takes issue with one of the basic tenets of our entire judicial system—precedent. When she does not like the result established case law dictates, Justice Brown tries single-handedly to change it. In one dissent, she proclaimed, "(w)e cannot simply cloak ourselves in the doctrine of stare decisis."

These and other comments have prompted her colleagues on the California Supreme Court to criticize her for "imposing . . . [a] personal theory of political economy on the people of a democratic state." Her fellow justices have taken her to task for asserting "an activist role for the courts." They have noted that she "quarrel[s] . . . not with our holding in this case, but with this court's previous decision . . . and, even more fundamentally, with the Legislature itself." And finally, they contend that Justice Brown's brand of judicial activism, if allowed, would "permit a court . . . to reweigh the policy choices that underlay a legislative or quasi-legislative classification or to reevaluate the efficacy of the legislative measure."

Justice Brown's nomination makes clear that we have entered an era in which conservative politicians are seeking to nominate and confirm judges who read the Constitution and the law to coincide with the Republican Party's platform. The expectation is that these judicial appointees will toe the party line. This politicization of the judiciary carries disastrous consequences. Because when our judges are viewed as politicians, it diminishes the influence and the respect afforded our courts, which is the lifeblood of their efficacy. Our independent judiciary is the most respected in the world, and our courts' ability to reach unpopular but just decisions is made possible only because of the deep wells of legitimacy they have dug.

I urge my colleagues to take the longer view for the good of the American people. Think carefully about what the result to our judiciary will be if we continue to pack our courts with extremists who ignore justice and the law. I implore my colleagues to take seriously their constitutional charge of advice and consent and to reject the nomination of Janice Rogers Brown.

Mr. JOHNSON. Mr. President, I rise today in opposition to President Bush's nomination of Janice Rogers Brown to be United States Circuit Court Judge to the Court of Appeals for the DC Circuit.

This morning, the Washington Post editorialized against the nomination of Justice Brown, writing that she "is that rare nominee for whom one can draw a direct line between intellectual advocacy of aggressive judicial behavior and actual conduct as a judge," I agree with this respected newspaper's assessment and ask unanimous consent that this editorial be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JOHNSON. I have several concerns about Justice Brown's ability to serve on this important court. On the California Supreme Court, Justice Brown has proven to be an activist judge when it suits her political agenda. Consistently, and despite precedent to the contrary, Justice Brown has ruled on the side of corporations. For example, in a cigarette sales case, she ignored relevant law and protected corporations in lieu of protecting minors. In other cases she has placed corporate interests above law that intended to shield consumers and women.

Justice Brown has also attempted to remove protections for teachers, and has been hostile to such New Deal era programs as Social Security. She has called government assistance programs "[t]he drug of choice for . . . Midwestern farmers, and militant senior citizens." These views are out of touch with most Americans and South Dakotans.

During today's debate, colleagues argued that because Justice Brown has been reelected by California voters by a 76 percent margin, she should not be considered "out of the mainstream." This argument is misplaced. First, many other judges get reelected at a higher rate. It should also be noted that her retention reelection took place only 1½ years into her tenure on the California Supreme Court, at a time before her extreme views and activist agenda could have been known by voters.

Both the American Bar Association and the California Judicial Commission have questioned Justice Brown qualifications to serve on the bench. The California Judicial Commission specifically noted questions about her deviation from precedent and her "tendency to interject her political and philosophical views into her opinions." We should note their concerns and seriously consider them.

Justice Brown's views and history of judicial activism is especially dangerous in the DC Circuit. She is a nominee who is far outside of the mainstream. For these reasons, I stand in opposition of the confirmation and lifelong appointment of Janice Rogers Brown.

REJECT JUSTICE BROWN

[From the Washington Post, June 7, 2005]

The Senate filibuster agreement guaranteeing up-or-down votes for most judicial nominees creates a test for conservatives who rail against judicial activism. For decades, conservative politicians have objected to the use of the courts to bring about liberal policy results, arguing that judges should take a restrained view of their role. Now, with Republicans in control of the presidency and the Senate, President Bush has nominated a judge to the U.S. Court of Appeals for the D.C. Circuit who has been more open about her enthusiasm for judicial adventurism than any nominee of either party in a long time. But Janice Rogers Brown's activism comes from the right, not the left; the rights she would write into the Constitution are economic, not social. Suddenly, all but a few conservatives seem to have lost their qualms about judicial activism. Justice Brown, who serves on the California Supreme Court, will get her vote as early as tomorrow. No senator who votes for her will have standing any longer to complain about legislating from the bench.

Justice Brown, in speeches, has openly embraced the "Lochner" era of Supreme Court jurisprudence. During this period a century ago, the court struck down worker protection laws that, the justices held, violated a right to free contract they found in the Constitution's due process protections. There exist few areas of greater agreement in the study of constitutional law than the disrepute of the "Lochner" era, whose very name—taken from the 1905 case of Lochner v. New York—has become a code word for judicial overreaching. Justice Brown, however, has dismissed the famed dissent in Lochner by Justice Oliver Wendell Holmes, saying it "annoyed her" and was "simply wrong." And she has celebrated the possibility of a revival of "what might be called Lochnerism-lite" using a different provision of the Constitution—the prohibition against governmental "takings" of private property without just compensation.

In the context of her nomination, Justice Brown has trivialized such statements as merely attempts to be provocative. But she has not just given provocative speeches: "Lochnerism-lite" is a fairly good shorthand for her work on the bench, where she has sought to use the takings doctrine aggressively. She began one dissent, in a case challenging regulation of a hotel, by noting that "private property, already an endangered species in California, is now entirely extinct in San Francisco." Her colleagues on the California Supreme Court certainly got what she was up to. In response, they quoted Justice Holmes's Lochner dissent and noted that "nothing in the law of takings would justify an appointed judiciary in imposing [any] personal theory of political economy on the people of a democratic state."

Justice Brown is that rare nominee for whom one can draw a direct line between intellectual advocacy of aggressive judicial behavior and actual conduct as a judge. Time was when conservatives were wary of judges who openly yearned for courts, as Justice Brown puts it, "audacious enough to invoke higher law"—instead of, say, the laws the people's elected representatives see fit to pass. That Justice Brown will now get a vote means that each senator must take a stand on whether some forms of judicial activism are more acceptable than others.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PENSION SECURITY

Mr. REID. Mr. President, throughout this Congress, I have argued that the Senate ought to spend less time debating radical judges and more time focusing on issues that can improve the lives of working Americans. One such issue is the gradual erosion of retirement security. Instead of working to replace Social Security's guaranteed benefit with a risky privatization scheme, we should work to strengthen retirement by shoring up our pension system. In no industry is this looming pension crisis more acute than the airline industry. The Finance Committee held a hearing on pension problems facing the airline industry this morning, and I hope that the committee will move soon on legislation to fix those problems.

Last month we learned just how worrisome this issue is, as the Pension Benefit Guaranty Corporation and United Airlines agreed to terminate the four pension plans maintained by the airline as that company struggles to emerge from bankruptcy. At the same time. Northwest. Delta and American Airlines face similar pension liabilities and are requesting Congress' help so that they can avoid bankruptcy. To their credit they are fighting to preserve their workers' pensions but need some time to allow them to recover from the effects of the post-9/11 travel downturn.

While the pension funding problems facing the airline industry are substantial, the industry is not alone in inadequately funding their employee pension plans. Congress needs to carefully review the rules that apply to the broad spectrum of employers that offer pension plans to their employees. Congress needs to make sure that those rules are strengthened to require greater funding for the pension promises being made. Let me be very clear about one thing; the pension promises made by companies to their employees carry with them an obligation to make sure those promises are kept. An employer's obligation is to have sufficient funds set aside to meet the pension promises it has made, not merely to have met the minimum funding requirements of the tax code or ERISA.

As Congress strengthens the pension funding rules, we also need to be cognizant of the potential negative consequences of these changes. Pension plans, like all employee benefits, are voluntarily offered by employers. Congress created tax and other incentives that encourage companies to offer pension plans because it believes these are important benefits for employees. Many of the administration's proposals go too far and will discourage companies from maintaining and offering these important benefits. The proposal Congress considers must be more balanced. We should join together to enhance retirement security for all Americans by strengthening Social Security, shoring up our pension system and encouraging more Americans to save.

ADMINISTRATIVE SUBPOENAS AND PATRIOT ACT REAUTHORIZATION

Mr. KYL. Mr. President, I understand that the senior Senator from Oregon, Mr. WYDEN, spoke yesterday regarding the reauthorization of the USA PATRIOT Act. I look forward to the Senate acting later this year on PATRIOT Act reauthorization, but today I just want to address one aspect of the Senator's speech, his opposition to administrative subpoena power.

In his speech, the Senator argued that any reauthorization should not extend those subpoena powers to FBI terrorism investigators. He correctly noted that Intelligence Committee Chairman ROBERTS has held hearings about extending this authority, which is common within the Government, to FBI agents investigating terrorism. I was happy to see Chairman ROBERTS do this because last year I cosponsored S. 2555, the Judicially Enforceable Terrorism Subpoenas Act. On June 22, 2004, I chaired a hearing in the Judiciary Subcommittee on Terrorism, Technology, and Homeland Security that examined this subpoena power and heard testimony regarding how the subpoenas work and how the government protects civil liberties when using them.

One of the things that struck me as I learned about administrative subpoena power was how widespread it is in our Government and how unremarkable a law enforcement tool it really is. It was for that reason that I asked the Senate Republican Policy Committee, which I chair, to examine this issue in greater detail, to study the constitutional and civil liberties questions that critics have raised, and to identify the other contexts where the Federal Government has this power. The resulting report was consistent with my previous research and the testimony that I had heard during my subcommittee hearings. We give this subpoena power to postal investigators and Small Business Administration bank loan auditors and IRS agents, and we do not have a problem with Government abuse or deprivation of civil liberties. Shouldn't we also give it to those who are charged with rooting out terrorism before it strikes our neighborhoods?

I look forward to the upcoming debate on PATRIOT Act reauthorization, and I certainly intend to support it. At the same time, I commend Chairman ROBERTS for his efforts and hope that we will have the opportunity to ensure that our FBI terrorism investigators are not hamstrung as they continue to work to protect our Nation.

I ask unanimous consent that this policy paper, dated September 9, 2004, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Should Postal Inspectors Have More Power Than Federal Terrorism Investigators?

INTRODUCTION

Congress is undermining federal terrorism investigations by failing to provide terrorism investigators the tools that are commonly available to others who enforce the law. In particular, in the three years after September 11th, Congress has not updated the law to provide terrorism investigators with administrative subpoena authority. Such authority is a perfectly constitutional and efficient means to gather information about terrorist suspects and their activities from third parties without necessarily alerting the suspects to the investigation. Congress has granted this authority to government investigators in hundreds of other contexts, few of which are as compelling or life-threatening as the war on terror. These include investigations relating to everything from tax or Medicare fraud to labor-law violations to Small Business Administration inquiries into financial crimes. Indeed, Congress has even granted administrative subpoena authority to postal inspectors, but not to terrorism investigators.

This deficiency in the law must be corrected immediately. Postal inspectors and bank loan auditors should not have stronger tools to investigate the criminal acts in their jurisdictions than do those who investigate terrorist acts. The Senate can remedy this deficiency by passing legislation like the Judicially Enforceable Terrorism Subpoenas (JETS) Act, S. 2555. The JETS Act would update the law so that the FBI has the authority to issue administrative subpoenas to investigate possible terrorist cells before they attack the innocent. The Act would ensure more efficient and speedy investigations, while also guaranteeing that criminal suspects will have the same civil liberties protections that they do under current law.

TERRORISM INVESTIGATORS' SUBPOENA AUTHORITY IS TOO LIMITED

Federal investigators routinely need third-party information when attempting to unravel a criminal enterprise. In the context of a terrorism investigation, that information could include: financial transaction records that show the flow of terrorist financing; telephone records that could identify other terrorist conspirators; or retail sales receipts or credit card statements that could help investigators uncover the plot at hand and capture the suspects. When third parties holding that information decline to cooperate, some form of subpoena demanding the information be conveyed must be issued. The Supreme Court unanimously has approved the use of subpoenas to gather information, recognizing that they are necessary and wholly constitutional tools in law enforcement investigations that do not offend any protected civil liberties. [See unanimous decision written by Justice Thurgood Marshall in *SEC* v. *Jerry T. O'Brien, Inc.*, 467 U.S. 735 (1984).]

There are different kinds of subpoenas, however, and under current law, the only way that a terrorism investigator (typically, the FBI) can obtain that third-party information is through a "grand jury subpoena." If a grand jury has been convened, investigators can usually obtain a grand jury subpoena and get the information they need, but that process takes time and is dependent on a number of factors. First, investigators themselves cannot issue grand jury subpoenas; instead, they must involve an assistant U.S. Attorney so that he or she can issue the subpoena. This process can be cumbersome, however, because assistant U.S. Attorneys are burdened with their prosecutorial caseloads and are not always immediately available when the investigators need the subpoena. Second, a grand jury subpoena is limited by the schedule of a grand jury itself, because the grand jury must be "sitting" on the day that the subpoena demands that the items or documents be returned. Grand juries do not sit at all times; indeed, in smaller jurisdictions, the only impaneled grand jury may meet as little as "one to five consecutive days per month." [See United States Dept of Justice, Federal Grand Jury Practice, at §1.6 (2000 ed.). For example, in Madison, Wisc., the federal grand jury only meets a few days every three weeks. See Clerk of the Court for the Western District of Wisconsin, "Grand Jury Service," revised April 15, 2004.]

The following hypothetical illustrates the deficiency of current law. Take the fact that Timothy McVeigh built the bomb that destroyed the Oklahoma City Federal Building while he was in Kansas: and take the fact that under current practices, grand juries often are not sitting for 10-day stretches in that state. If FBI agents had been tracking McVeigh at that time and wanted information from non-cooperative third parties—perhaps the supplier of materials used in the bomb—those agents would have been unable to move quickly if forced to rely on grand jury subpoenas. McVeigh could have continued his bomb-building activities, and the FBI would have been powerless to gather that third-party information until the grand jury returned—as many as 10 days later. [Information on Kansas federal grand jury schedules provided to Senate Republican Policy Committee by Department of Justice. In addition, Department of Justice officials have testified to another scenario: even where grand juries meet more often (such as in New York City), an investigator realizing she urgently needs third-party information on Friday afternoon still could not get that information until Monday, because the grand jury would have gone home for the weekend. See Testimony of Principal Deputy Assistant Attorney General Rachel Brand before the Senate Judiciary Subcommittee on Terrorism, Technology and Homeland Security on June 22, 2004.]

The current dependence on the availability of an assistant U.S. Attorney and the schedule of a grand jury means that if time is of the essence—as is often the case in terrorism investigations—federal investigators, lacking the necessary authority, could see a trail turn cold.

THE BETTER ALTERNATIVE: ADMINISTRATIVE SUBPOENA AUTHORITY

The deficiency of grand jury subpoenas described above can be remedied if Congress provides "administrative subpoena" authority for specific terrorism-related contexts. Congress has authorized administrative subpoenas in no fewer than 335 different areas of federal law, as discussed below. [See U.S. Department of Justice, Office of Legal Policy, Report to Congress on the Use of Administrative Subpoena Authorities by Executive Branch Agencies and Entities, May 13, 2002, at p. 5 (hereinafter "DOJ Report").] Where administrative subpoena authority already exists, government officials can make an independent determination that the records are needed to aid a pending investigation and then issue and serve the third party with the subpoena. This authority allows the federal investigator to obtain information quickly without being forced to conform to the timing of grand jury sittings and without requiring the help of an assistant U.S. Attorney. And, as simply another type of subpoena, the Supreme Court has made clear that it is wholly constitutional. [See *Jerry T. O'Brien*, 467 U.S. at 747–50.]

The advantages of updating this authority are substantial. The most important advantage is speed: terrorism investigations can be fast-moving, and terrorist suspects are trained to move quickly when the FBI is on their trail. The FBI needs the ability to request third-party information and obtain it immediately, not when a grand jury convenes. Moreover, this subpoena power will help with third-party compliance. As Assistant Attorney General Christopher Wray stated in testimony before the Senate Judiciary Committee, "Granting [the] FBI the use of [administrative subpoena authority] would speed those terrorism investigations in which subpoena recipients are not inclined to contest the subpoena in court and are willing to comply. Avoiding delays in these situations would allow agents to track and disrupt terrorist activity more effectively." [Assistant Attorney General Christopher Wray, in testimony before the Senate Judiciary Committee, October 21, 2003.] Thus, Congress will provide protection for a legitimate business owner who is more than willing to comply with law enforcement, but who would prefer to do so pursuant to a subpoena rather than through an informal FBI request.

CONSTITUTIONAL PROTECTIONS

It is important to note that nothing in the administrative subpoena process offends constitutionally protected civil liberties, as has been repeatedly recognized by the federal courts.

First, the government cannot seek an administrative subpoena unless the authorized federal investigator has found the information relevant to an ongoing investigation. [See S. 2555, §2(a) (proposed 18 U.S.C. §2332g(a)(1)). The Attorney General has the authority to delegate this power to subordinates within the Department of Justice. See 28 U.S.C. §510.] The executive branch—whether Republican or Democrat—carefully monitors its agents to ensure that civil liberties are being protected and that authorities are not being abused. [See, for example, Executive Order Establishing the President's Board on Safeguarding Americans' Civil Liberties (August 27, 2004), detailing extensive interagency oversight of civil liberties protections for Americans.]

Second, the administrative subpoena is not self-enforcing. There is no fine or penalty to the recipient if he refuses to comply. Thus, if the recipient of an administrative subpoena believes that the documents or items should not be turned over, he can file a petition in federal court to quash the subpoena, or he can simply refuse to comply with the subpoena and force the government to seek a court order enforcing the subpoena. And, as one federal court has emphasized, the district court's "role is not that of a mere rubber stamp." [*Wearly* v. *Federal Trade Comm'n*, 616 F.2d 662, 665 (3rd Cir. 1980).] Just as a grand jury subpoena cannot be unreasonable or oppressive in scope [Federal Grand Jury Practice, at §5.40], an administrative subpoena must not overreach by asking for irrelevant or otherwise-protected information.

The Supreme Court has addressed the standards for enforcing administrative subpoenas.

In United States v. Powell, the Supreme Court held that an administrative subpoena will be enforced where (1) the investigation is "conducted pursuant to a legitimate purpose," (2) the subpoenaed information "may be relevant to that purpose," (3) the information sought is not already in the government's possession, and (4) the requesting agency's internal procedures have been followed. [379 U.S. 48, 57–58 (1964); see also *EEOC* v. *Shell Oil*, 466 U.S. 54, 73 n.26 (1984) (citing Powell in EEOC context and adding that the request for information cannot be "too indefinite" or made for an "illegitimate purpose"); *Jerry T. O'Brien*, 467 U.S. at 747–48 (reaffirming Powell in context of SEC administrative subpoena).] In addition, the Supreme Court has stated that the recipient may challenge the subpoena on "any appropriate ground" [*Reisman* v. *Caplin*, 375 U.S. 440, 449 (1964)], which could include a privilege against self-incrimination, religious freedom, freedom of association, attorney-client privilege, or other grounds for resisting subpoenas in the grand jury context. [See cases collected in Graham Hughes, Administrative Subpoenas and the Grand Jury: Converging Streams of Civil and Compulsory Process, 47 Vand. L. Rev. 573, 589 (1994), cited in DOJ Report, at p. 9 n.19.] This "bifurcation of power, on the one hand of the agency to issue subpoenas and on the other hand of the courts to enforce them, is an inherent protection against abuse of subpoena power." [*United States* v. *Security Bank and Trust*, 473 F.2d 638, 641 (5th Cir. 1973).]

Third, where the authorized agent has not specifically ordered the administrative subpoena recipient not to disclose the existence of the subpoena to a third party, the recipient can notify the relevant individual and that individual may have the right to block enforcement of the subpoena himself. [In Jerry T. O'Brien, the Supreme Court noted that a "target may seek permissive intervention in an enforcement action brought by the [Securities & Exchange] Commission against the subpoena recipient" or may seek to restrain enforcement of the administrative subpoena. 467 U.S. at 748.] In many cases the "target" (as opposed to the recipient) will have full knowledge of the subpoena.

However, this is not always the case; sometimes the administrative subpoena authority includes a provision prohibiting the recipient from discussing the subpoena with anyone other than his or her attorney. Some critics have argued that federal investigators should not be able to gather information related to an individual without notifying that individual, and that every person has an inherent right to know about those investigations. [See generally *Jerry T. O'Brien*, 467 U.S. at 749–50 (rejecting demand that SEC must notify any potential defendant of existence of pending administrative subpoena).] But, as the Supreme Court has held, there is no constitutional requirement that the subject of an investigation receive notice that the administrative subpoena has been served on a third party. Justice Thurgood Marshall wrote for a unanimous Court that a blanket rule requiring notification to all individuals would set an unwise standard. [Id. at 749–51. The issue in that case was the nondisclosure provisions of the administrative subpoena authority used by the SEC when investigating securities fraud.] He explained that investigators use administrative subpoenas to investigate suspicious activities without any prior government knowledge of who the wrongdoers are, so requiring notice often would be impossible. [Id. at 749.] Moreover, granting notice to individuals being investigated would "have the effect of laying bare the state of the [government's] knowledge and intentions midway through investigations" and would "significantly hamper" law enforcement. [Id. at 750 n.23.] Providing notice to the potential target would "enable an unscrupulous target to destroy or alter documents, intimidate witnesses," or otherwise obstruct the investigation. [Id. at 750.] The Court further emphasized that where "speed in locating and halting violations of the law is so important," it would be foolhardy to provide notice of the government's administrative subpoenas. [Id. at 751.]

MOST GOVERNMENT AGENCIES HAVE ADMINISTRATIVE SUBPOENA AUTHORITY

Given these extensive constitutional protections, it is unsurprising that Congress has extended administrative subpoena authority so widely. Current provisions of federal law grant this authority to most government departments and agencies. [DOJ Report, at p. 5. See appendices A–C to DOJ Report that describe and provide the legal authorization for each of these administrative subpoena powers.] These authorities are not restricted to high-profile agencies conducting life-or-death investigations. To the contrary, Congress has granted administrative subpoena authority in far less important contexts. For example, 18 US.C. §3061 authorizes postal inspectors to issue administrative subpoenas when investigating any "criminal matters related to the Postal Service and the mails." One can hardly contend that federal investigators should be able to issue administrative subpoenas to investigate Mohammed Atta if they suspect he broke into a mailbox but should not have the same authority if they suspect he is plotting to fly airplanes into buildings.

It is not just postal inspectors who have more powerful investigative tools than terrorism investigators. Congress has granted administrative subpoena authorities for a wide variety of other criminal investigations. A partial list follows:

Small Business Administration investigations of criminal activities under the Small Business Investment Act, such as embezzlement and fraud. [Congress granted administrative subpoena authority to the Small Business Administration through section 310 of the Small Business Investment Act of 1958. Delegation to investigators and other officials is authorized by 15 U.S.C. §634(b). Relevant criminal provisions also include the offer of loan or gratuity to bank examiner (18 U.S.C. §212), acceptance of a loan or gratuity by bank examiner (18 U.S.C. §213), and receipt of commissions or gifts for procuring loans (18 U.S.C. §215).]

Internal Revenue Service investigations of such crimes as tax evasion. [Congress granted administrative subpoena authority to the Small Business Administration through section 310 of the Small Business Investment Act of 1958. Delegation to investigators and other officials is authorized by 15 U.S.C. §634(b). Relevant criminal provisions also include the offer of loan or gratuity to bank examiner (18 U.S.C. §212), acceptance of a loan or gratuity by bank examiner (18 U.S.C. §213), and receipt of commissions or gifts for procuring loans (18 U.S.C. §215).]

The Bureau of Immigration and Customs Enforcement investigations of violations of immigration law. [See 8 U.S.C. §1225(d)(4) (granting administrative subpoena power to "any immigration officer" seeking to enforce the Immigration and Naturalization Act).]

Federal Communications Commission investigations of criminal activities, including obscene, harassing, and wrongful use of telecommunications facilities. [See 47 U.S.C. 409(e) (granting subpoena authority to FCC); 47 U.S.C. §155(c)(1) (granting broad delegation power so that investigators and other officials can issue administrative subpoenas); 47 U.S.C. §223 (identifying criminal provision for use of telecommunications system to harass).]

Nuclear Regulatory Commission investigations of criminal activities under the Atomic Energy Act. [See 42 U.S.C. §2201(c) (providing subpoena authority to Nuclear Regulatory Commission); 42 U.S.C. §2201(n) (empowering the Commission to delegate authority to General Manager or "other officers" of the Commission).]

Department of Labor investigations of criminal activities under the Employee Retirement Income Security Act (ERISA). [See 29 U.S.C. §1134(c) (authorizing administrative subpoenas); Labor Secretary's Order 1-87 (April 13, 1987) (allowing for delegation of administrative subpoena authority to regional directors).]

Criminal investigations under the Export Administration Act, such as the dissemination or discussion of export-controlled information to foreign nationals or representatives of a foreign entity, without first obtaining approval or license. [See 50 App. U.S.C. §2411 (granting administrative subpoena authority for criminal investigations).]

Corporation of Foreign Security Holders investigations of criminal activities relating to securities laws. [See 15 U.S.C. §77t(b) (granting administrative subpoena authority in pursuit of criminal investigations).]

Department of Justice investigations into health care fraud [See 18 U.S.C. §3486(a)(1)(A)(i)(I) (granting administrative subpoena authority).] and any offense involving the sexual exploitation or abuse of children. [See 18 U.S.C. §3486(a) (granting administrative subpoena authority).]

Moreover, Congress has authorized the use of administrative subpoenas in a great number of purely civil and regulatory contexts—where the stakes to the public are even lower than in the criminal contexts above. Those include enforcement in major regulatory areas such as securities and antitrust, but also enforcement for laws such as the Farm Credit Act, the Shore Protection Act, the Land Remote Sensing Policy Act, and the Federal Credit Union Act. [DOJ Report, App. A1 & A2.]

Nor are these authorities dormant. The Department of Justice reports, for example, that federal investigators in 2001 issued more than 2,100 administrative subpoenas in connection with investigations to combat health care fraud, arid more than 1,800 administrative subpoenas in child exploitation investigations. [DOJ Report, at p. 41.] These authorities are common and pervasive in government—just not where it arguably counts most, in terrorism investigations.

S. 2555 WOULD UPDATE THE ADMINISTRATIVE SUBPOENA AUTHORITY

S. 2555, the Judicially Enforceable Terrorism Subpoenas Act of 2004 (the "JETS Act"), would enable terrorism investigators to subpoena documents and records in any investigation concerning a federal crime of terrorism—whether before or after an incident. As is customary with administrative subpoena authorities, the recipient of a JET subpoena could petition a federal district court to modify or quash the subpoena. Conversely, if the JET subpoena recipient simply refused to comply, the Department of Justice would have to petition a federal district court to enforce the subpoena. In each case, civil liberties would be respected, just as they are in the typical administrative subpoena process discussed above.

The JETS Act also would allow the Department of Justice to temporarily bar the recipient of an administrative subpoena from disclosing to anyone other than his lawyer that he has received it, therefore protecting the integrity of the investigation. However, the bill imposes certain safeguards on this non-disclosure provision: disclosure would be prohibited only if the Attorney General certifies that "there may result a danger to the national security of the United States" if any other person were told of the subpoena's existence. [S. 2555, §2(a) (proposed 18 U.S.C. §2332g(c)).] Moreover, the JET subpoena recipient would have the right to go to court to challenge the nondisclosure order, and the Act would protect the recipient from any civil liability that might otherwise result from his good-faith compliance with such a subpoena.

Given the protections for civil liberties built into the authority and its widespread availability in other contexts, there is little excuse for failing to extend it to the FBI agents who are tracking down terrorists among us.

CONCLUSION

Congress is hamstringing law enforcement in the war on terror in failing to provide a proven tool—administrative subpoena authority—for immediate use for the common good. Federal investigators should have the same tools available to fight terrorism as do investigators of mail theft, Small Business Administration loan fraud, income-tax evasion, and employee-pension violations. S. 2555 provides a means to update the law and accomplish that worthy goal.

40TH ANNIVERSARY OF GRISWOLD V. CONNECTICUT

Ms. CANTWELL. Mr. President, I rise today to commemorate the 40th anniversary of the Supreme Court's crucial decision in Griswold v. Connecticut.

Forty years ago, Estelle Griswold and Dr. Lee Buxton were arrested and convicted for counseling married couples on birth control methods, and prescribing married couples contraceptives. They challenged their convictions, and the Supreme Court overturned them, ruling that the Connecticut law under which they were charged was unconstitutional. The Court found that the Government had no place in interfering in the intimately private marital bedroom. Justice William O. Douglas, in writing the Court's opinion, scoffed at the notion of police searching private bedrooms for evidence of contraceptive use. This landmark decision, cited in countless numbers of decisions since then on the constitutional right to privacy, guarantees the right of married couples to use birth control.

Yet the relevance of this decision goes far beyond contraceptive use. In rendering its decision, the Court recognized a "zone of privacy" arising from several constitutional guarantees. The Court acknowledged that while the right of privacy is not enumerated specifically in anyone place, it is inherent in several areas within the Bill of Rights and throughout the Constitution. This very American notion of privacy served as a cornerstone of precedent, paving the way for other decisions and further solidifying as established law the constitutional right to privacy. Roe v. Wade, guaranteeing a woman's right to choose, was a logical application of Griswold.

Today, Americans' privacy rights are threatened on many fronts. The Government is asserting greater and greater investigative powers. Some pharmacists are refusing to fill prescriptions for legal contraceptives. The anniversary of Griswold gives us all an opportunity to reflect on the importance of preserving our privacy rights. The Court recognized that we are born with privacy rights as Americans, and we have a particular responsibility as Senators to protect these rights for our constituents.

MORT CAPLIN ON THE NATION'S TAX SYSTEM

Mr. KENNEDY. Mr. President, earlier this year, Mort Caplin, a founding partner of the law firm Caplin & Drysdale in Washington, DC, and the outstanding IRS Commissioner under President Kennedy, delivered the Erwin Griswold Lecture at the annual meeting of the American College of Tax Counsel, which was held in San Diego.

In his eloquent and very readable address, Mr. Caplin summarizes the evolution of our modern tax system, the current challenges it faces, the recent efforts by Congress to achieve reform, the alarming drop in compliance and revenue collection, and the ethical responsibilities of the tax bar.

Mr. Caplin's remarks are especially timely today as Congress struggles to deal with its own responsibility for the effectiveness, integrity and fairness of our tax laws. All of us in the Senate and House can benefit from his wise words, and I ask unanimous consent that his lecture be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Virginia Tax Review, Spring 2005]

THE TAX LAWYER'S ROLE IN THE WAY THE AMERICAN TAX SYSTEM WORKS

(By Mortimer M. Caplin)

It is a high privilege to be asked to deliver this Erwin N. Griswold Lecture and a treat too to see so many old friends and meet so many new ones. In honor of our namesake, I would like to touch on four matters of relevance: (1) Dean Griswold's impact on the tax law, (2) the role of the U.S. Tax Court, (3) the role of the IRS, and (4) the tax lawyer's role in the way the American tax system works.

My first contact with the Dean was in my early days as a young law professor at the University of Virginia School of Law—struggling in the classroom using Griswold, Cases and Materials on Federal Taxation. Not that the casebook was entirely new to me; for, with the good help of the G.I. bill, I'd become well-acquainted with it at N.Y.U. in my post-World War II doctoral efforts. It's hard to believe, but the Griswold casebook was the first ever devoted entirely to federal income taxation; and it proved a godsend to me as I segued from New York law practice to teaching at UVA in the fall of 1950.

Erwin Griswold and I met at law professor gatherings and bar meetings, especially in the early 1950's at American Law Institute sessions in Washington as members of ALI's Tax Advisory Group. We both were hard at work on its comprehensive tax report, which later became part of the 1954 Code. Never did I tell him though that, in using his casebook, my custom was to try a personal touch by distributing mimeograph materials that totally rearranged the order of presentation and reading assignments. Nor did I ever hint that, after a year or two, I switched entirely to his major competitor, the more comprehensive Surrey and Warren. He probably learned about it faster than I thought skimming through his royalty reports—reports which he undoubtedly scrutinized with great care.

He had graduated from Harvard Law School in 1929, and his first real contact with the tax law was during his five-year stint as a fledgling attorney in the Office of the Solicitor General of the United States. Federal tax rates and tax receipts were at a low point then and handling tax cases was not the most sought after assignment. By default, he soon became the office's tax expert, arguing the bulk of its tax cases both in the U.S. Supreme Court and the U.S. Courts of Appeals. I should mention that, just before leaving the S.G.'s office, he was instrumental in the rule change that allowed appeals in tax cases to be made under the general title "Commissioner of Internal Revenue," without the need to specify the name of the incumbent. That's why you see older tax cases bearing the names of particular Commissioners—David Burnet or Guy T. Helvering, for example—and, later, hardly any with names like Latham, Caplin, Cohen, Thrower and the like. Let me mournfully add: "Sic transit gloria mundi"—so passes away the glory of this world!

Erwin Griswold left the S.G.'s office in 1934 to become a Harvard Law School professor for 12 years, and then dean for the next 21. He had a major influence on tens of thousands of law students as well as lawyers throughout the world. As years went by, he reminisced that he found "less exhilaration" in teaching the federal tax course as "the tax law had become far more technical and complicated . . . In the early days, the statute was less than one hundred pages long and the income tax regulations . . . were in a single, rather slight, volume." Oh, for the good old days!

In the fall of 1967, he returned to the S.G.'s office, but this time as the Solicitor General of the United States—a position he held for six years. He'd been appointed by President Lyndon B. Johnson during the last years of his administration, and in 1969 was reappointed by President Richard M. Nixon. President Nixon for his second term, however, preferred as his S.G. a Yale law professor, Robert H. Bork, someone more closely in tune with his philosophy. Erwin Griswold's duties ended in June 1973, at the close of the Supreme Court's term, well in time to avoid the heavy lifting of Watergate and the "Saturday Night Massacre." Although, he later said that he would not have followed Solicitor General Bork in carrying out the President's order to fire Special Watergate Prosecutor Archibald Cox.

Shortly after leaving office, he joined Jones, Day, Reavis & Pogue as a partner and engaged in law practice and bar activities for some 20 years, until his death in 1994 at the age of 90. Erwin Griswold was honored many times over, not only for his innumerable contributions to the law, but for "his moral courage and intellectual energy . . . meeting the social responsibilities of the profession."

I always suspected that any special feeling the Dean may have had for me had roots in my strong backing of his plea for a single federal court of tax appeals—to resolve conflicts and provide "speedier final resolution of tax issues." He observed, "The Supreme Court hates tax cases, and there is often no practical way to resolve such conflicts"; and he anguished over the practicing bar's opposition to his proposal, convinced that "the real reason is that tax lawyers find it advantageous to have uncertainty and delay"—a preference for forum-shopping, if you will. But in the end, in his 1992 biography, Ould Fields, New Corne, he sounded a bit more hopeful: "Eventually, something along the lines proposed will have to come as it makes no sense to have tax cases decided by thirteen different courts of appeals, with no effective guidance on most questions from the Supreme Court."

One Supreme Court Justice, who'd had hands-on experience in tax administration, and well understood weaknesses in our appellate review system, was former Justice Robert H. Jackson. The Court's most informed member on taxation, he had previously served successively as "General Counsel" of the Bureau of Internal Revenue (succeeding E. Barrett Prettyman), Assistant Attorney General in charge of the Tax Division, Solicitor General, and then Attorney General of the United States. In 1943, in his famous Dobson opinion, Justice Jackson made a determined effort to strengthen the Tax Court's status in the decision-making process so as to minimize conflicts and attain a greater degree of uniformity. To these ends, he laid down a stringent standard in appellate review of Tax Court decisions:"

[W]hen the [appellate] court cannot separate the elements of a decision so as to identify a clear-cut mistake of law, the decision of the Tax Court must stand . . . While its decisions may not be binding precedents for courts dealing with similar problems, uniform administration would be promoted by conforming to them where possible."

The message was straightforward and seemingly clear; but it didn't cover District Court decisions or those of the Court of Federal Claims. Also, other problems were encountered by judges and members of the bar, and dissatisfaction was high. Ultimately this led to the 1948 statutory reversal of Dobson by enactment of the review standard now in the Internal Revenue Code, which requires U.S. Courts of Appeals to review Tax Court decisions "in the same manner and to the same extent as decisions of the district courts in civil actions tried without a jury." And that's where the situation lies today—save for those still aspiring, as Erwin Griswold did for the rest of his life, for greater uniformity and earlier resolution of conflicts.

Justice Jackson never did change his view about the critical importance of the Tax Court. In his 1952 dissent in Arrowsmith v. Commissioner, he underscored this in strikingly poignant fashion, saying: "In spite of the gelding of Dobson v. Commissioner . . . by the recent revision of the Judicial Code . . . I still think the Tax Court is a more competent and steady influence toward a systematic body of tax law than our sporadic omnipotence in a field beset with invisible boomerangs."

Members of the tax bar readily endorse this strong vote of confidence in the role of the Tax Court. As our nationwide tax tribunal for over 80 years, it has served effectively and with distinction as our most important court of original jurisdiction in tax cases.

Today's tax system has its genesis in World War II when income taxes rapidly expanded from a tax touching the better off only, to a mass tax reaching out to the workers of America. Revenue collection was turned upside down with Beardsley Ruml's "pay-as-you-go," collection-at-the-source, withholding and estimated quarterly payments, and floods of paper filings. Commissioner Guy Helvering said it couldn't be done. And, in fact, the old Bureau of Internal Revenue, with its politically-appointed Collectors of Internal Revenue, was not fully up to the task. Subcommittee hearings chaired by Congressman Cecil R. King, D-California, revealed incompetence, political influence and corruption; and directly led to a total overhaul under President Harry Truman's 1952 Presidential Reorganization Plan. New district offices and intermediate regional offices, replaced the old Collectors' offices; and, except for the Commissioner and Chief Counsel, who still require presidential nomination and Senate confirmation, the entire staff was put under civil service. The last step a year later was the official name change to "Internal Revenue Service."

The new IRS made remarkable headway turning itself completely around by the end of the 1950's; and it was not long before it was recognized as one of government's leading agencies. In the early 1960's, new heights were reached through a fortunate confluence of events, strong White House endorsement and unflagging budgetary support. President John F. Kennedy had a special interest in tax law and tax administration and almost immediately called on Congress for anti-abuse tax legislation and strengthening of tax law enforcement, including Attorney General Robert F. Kennedy's drive against organized crime. Of key importance was the final congressional go-ahead for installing a nationwide automatic data processing system (ADP), backed by approval of individual account numbers and a master file of taxpayers housed in a central national computer center. IRS had entered the modern age. But it is this same ADP design, now badly out-of-date, which is still in use, albeit patched with additions and alterations. And it is the dire need to modernize this 44-year old system which is IRS' chief challenge today.

Starting in the 1970's, IRS began to encounter its present serious difficulties. A series of complex legislative changes, tightened budgets, an exploding workload, and expensive failures to complete its "tax systems modernization" (TSM) project— all contributed to weakened performance and heightened congressional oversight. In 1995 and 1996, Congress created the National Commission on Restructuring the Internal Revenue Service "to review the present practices of the IRS, and recommend how to modernize and improve the efficiency and productivity of the IRS while improving taxpayer services." A year later, the Commission issued its report, "A Vision for a New IRS," which led to the enactment of the Internal Revenue Service Restructuring and Reform Act of 1998 (RRA 98).

The report centered chiefly on governance and managerial type changes, including IRS modernization, a publicly-controlled Oversight Board, a business-type Commissioner of Internal Revenue, electronic filing and a paperless tax system, taxpayer rights, and finally—and of primary importance—changing IRS' culture and mission so as to place emphasis on enhanced "customer service" and functioning like "a first rate financial institution." Congress was asked to do its part too: simplified tax legislation; complexity analyses reports; multiyear budgeting; joint hearings and coordinated reports of the different oversight committees. To the more sophisticated, the suggestions to Congress appeared more aspirational than realistic.

The House largely followed the Commission's recommendations (H.R. 2676). But the legislation found itself pending at a tumultuous time, when the air was filled with words of U.S. Senators—if you can believe it—like: "end the IRS as we know it," "tear the IRS out by the roots," "drive a stake in the heart of the corrupt culture at the IRS," and "stop a war on taxpayers." At this point, Senator William V. Roth, Jr., R-Delaware, Senate Finance Committee Chairman, took over and ran a series of dramatic, highly televised hearings, carefully prepared by his staff, and featuring a handful of allegedly abused taxpayers and IRS employees who gave testimony that shocked the nation. Never at the time did the IRS have the opportunity to tell its side of the story; nor was the testimony tested for accuracy or placed in proper context. Later, however, after enactment of RRA 98, court proceedings and various government reports by the GAO and Treasury Inspector General for Tax Administration (TIGTA) clearly established that much of the testimony was not only misleading but false; IRS may have made mistakes, but they were not malicious or systemic. Numerous corrective news stories began to appear with sharp headlines like the following: "IRS Abuse Charges Discredited"; "Highly Publicized Horror Story That Led to Curbs on IRS Quietly Unravels"; "IRS Watchdog Finds Complaints Unfounded"; "Court is Asked to Block False Complaints against IRS"; "Secret GAO Report is Latest to Discredit Roth's IRS Hearings." But publication came too late; the damage was already done.

Congress, the public and ultimately the Clinton administration had all been outraged by the Senate testimony and, almost overnight, sweeping support was given to Senator Roth's proposed highly stringent treatment of the IRS. His Senate version added some 100 new provisions to the House bill. Some are praiseworthy and reasonably protective of taxpayer rights, but others step over the line, unduly micromanaging IRS daily operations and laying the groundwork for serious delaying tactics by taxpayers and damage to the administrative process. In the end, the legislation was adopted by an overwhelming vote. One of the most criticized provisions is the "10 Deadly Sins" sanction in section 1203 of RRA 98. This peremptory discharge procedure, which directs the Commissioner to terminate an employee for any one of certain specified violations, is deeply disturbing to IRS personnel. Some hesitate to enforce the tax law because of possible unfair exposure to complaints by disgruntled taxpayers. Both Commissioner Mark W. Everson and former Commissioner Charles O. Rossotti have noted this erratic impact and have requested modification. In my mind, there is little doubt that section 1203 should be totally repealed.

Commissioner Rossotti very ably captained the transition to the new culture. But with Congress' continuing emphasis on the "customer service" aspect of tax administration, it was not until his last years that the word "enforcement" began to trickle out, along with warnings of the "continuing deterioration" and "dangerous downtrend in the tax system." This shift in emphasis was quickly hastened by new Commissioner Mark Everson, who early announced: "At the IRS our working equation is service plus enforcement equals compliance." (This to me is the basic "S-E-C of taxation.") He underscores repeatedly the significant "diminution of resources"; the continuing fall in audits, collection, notices to non-filers; the 36 percent drop in enforcement personnel since 1996; and, since 1998, the audit rate drop of 57 percent!

Perhaps of even greater importance is the negative impact this weakened enforcement has had on compliance and self-assessment. Commissioner Everson often quotes President Kennedy's admonition: "Large continued avoidance of tax on the part of some has a steadily demoralizing effect on the compliance of others." Indeed, the annual tax gap continues to grow: Last reported as a $311 billion tax loss each year—from underreporting, nonpayment and non-filing—new findings of a major increase are anticipated in the IRS study now underway

With repeated annual deficits and a burgeoning national debt, the Commissioner recently confessed: "The IRS, frankly speaking, needs to bring in more money to the Treasury." The White House had confirmed this by supporting a 2005 budget increase and allocating to enforcement alone an increase of 11 percent. But this was not to be. For in the cut-back in the increase, House majority leader Tom DeLay, R-Texas, commented rather imprudently: "I don't shed any tears for the IRS. Our priority as far as the IRS is concerned is to put them out of business." So much for the looming crisis in meeting the revenue needs of our democracy!

IRS' final 2005 appropriation reflected hardly a one percent increase—an overall grant of $10.3 billion, almost $400 million below the President's request. This tight squeeze tells clearly why IRS went along with outsourcing to private debt-collection agencies the collection of certain delinquent tax accounts. The statutory authorization to pay outsiders up to 25 percent of tax debts collected is technically "off-book"; and through this backdoor financing, IRS' appropriations takes no direct hit.

This then is the very serious state of affairs confronting those directly concerned with the fair and balanced administration of our tax law.

The proper functioning of our tax system is largely dependent upon the quality and responsible involvement of well-trained tax practitioners, primarily tax lawyers and tax accountants. Well over half the public seeks their help for tax advice and return preparation—inquiring, time and again, about the "rules of the road," what's right and what's wrong, what's lawful and what's not. The integrity and standards of these tax professionals serve as the nation's guideposts, with direct impact on taxpayer compliance and the self-assessment concept itself. The significance of their good faith practices cannot be overstated.

Recent congressional and IRS investigations, however, have identified an alarming spread of extremely questionable practices, some approaching outright fraud, by a number of previously well-regarded tax practitioners. The Senate Finance Committee has zeroed in directly on practitioners as a whole, emphasizing the "important role tax advisors play in our tax system." Chairman Charles Grassley, R-Iowa, caustically observed: "At the heart of every abusive tax shelter is a tax lawyer or accountant." In full agreement, Senator Max Baucus, D-Montana, the committee's ranking minority member, added: "Let's stop these unsavory practices in their tracks by restoring integrity and professionalism in the practitioner community." In their follow-up letter to the Treasury Secretary John N. Snow, they called for reinvigoration of IRS' Office of Professional Responsibility (OPR), for its proper funding, and for extension of the authority of its new head, Cono Namorato. Much has happened since, legislatively and administratively.

Taking the lead, the American Jobs Creation Act of 2004 greatly enhances OPR's effectiveness through a series of new provisions that expand Circular 230's reach: (1) confirming authority to impose standards on tax-shelter opinion writers, (2) clarifying authority to "censure" practitioners, as well as to suspend or disbar them, (3) granting authority, for the first time, to impose monetary penalties on individual practitioners, as well as on employers or entities for which they act, and (4) granting injunction authority, for the first time, to prevent recurrence of Circular 230 violations.

In turn, publication of Treasury's long-awaited Circular 230 amendments on tax-shelter opinion writing puts OPR's momentum in high gear. The official release advises that these "final regulations provide best practices for all tax advisors, mandatory requirements for written advice that presents a greater potential for concern, and minimum standards for other advice." No doubt is left, however, that the amendments' underlying intent is to "Promote Ethical Practice," "improve ethical standards," and "restore and maintain public confidence in tax professionals." Highlighted too is the caution that "one of the IRS' top four enforcement goals" is "[e]nsuring that attorneys, accountants and other tax practitioners adhere to professional standards and follow the law."

This is a harsh estimate of tax practitioners in general. As members of the profession of tax lawyers, it is difficult to ignore our collective responsibility to respond. What do we do about it? Certainly the tax bar has not been asleep. Both the ABA Tax Section and the AICPA separately have been working on standards of practice for over 40 years; and each has published a series of guiding principles which continue as works in progress. The issue remains, however, whether the tax bar has probed deeply enough.

Have we been willing to grapple with more subtle, more difficult issues? Have we articulated what we regard as "best practices" for tax lawyers, keeping in mind that Circular 230 applies to a broad range of "practitioners"? Tax lawyers are clearly quite distinguishable from other "practitioners" and, indeed, from lawyers in general. And it seems fair to ask: Which practices are acceptable to the tax bar, and which are not? At what point does the tax bar regard tax advice or tax practice as crossing the line? As "too aggressive"? As "things that are not done"?

These questions, of course, transcend the current concern with tax shelters only. It may not be long, in my view, before we will be asked to revisit a broader question: "Whether, in a system that requires each taxpayer to self-assess the taxes that are legally due, a tax lawyer can properly advise a client that he or she may take an undisclosed tax return position absent the lawyer's good faith belief that the position is 'more likely than not' correct?" In considering the issue some 20 years ago, ABA Formal Opinion 85–352 crafted as a more flexible answer the "realistic possibility of success" test, which later became a touchstone used by Congress and the Treasury in assessing certain penalties. In light of unacceptable developments since then, it would seem timely for the entire subject matter to undergo a thorough review.

In his speech on The Public Influence of the Bar, Supreme Court Chief Justice Harlan F. Stone addressed the same theme of lawyers' ethics in relation to the great Wall Street stock market crash. Critical of "clever legal devices," and critical of lawyers having done "relatively so little to remedy the evils of the investment market," he observed that "whatever standards of conduct in the performance of its function the Bar consciously adopts must at once be reflected in the character of the world of business and finance." In his view, "the possibilities of its influence are almost beyond calculation"; and he went on to advise, "It is needful that we look beyond the club of the policeman as a civilizing agency to the sanctions of professional standards which condemn the doing of what the law has not yet forbidden."

The point is: Though we are a long-recognized profession, allowed the privilege of autonomy and essentially self-regulation, no insurmountable barriers exist to prevent encroachment on this privilege, or even its end, if our practices or standards are regarded as inadequate or unrealistic. Today, we already see a gradual erosion flowing from a series of new governmental rules—by Congress, for example through the Internal Revenue Code or legislation like Sarbanes-Oxley, or by the SEC or Public Company Accounting Oversight Board ("Peekaboo"), or by Treasury through Circular 230 or other regulations.

Our profession of tax lawyers must take the initiative and become more intently involved—more proactive and not simply defensive. Problems need be identified and solutions developed by ourselves, and where necessary recommended for implementation by the bar in general or by appropriate governmental bodies. We cannot wait for others to compel answers. Nor can we move at the pace of the ALI project that required 13 years to complete a two-volume Restatement of the Law Governing Lawyers. Ours would naturally be more immediate in time and focus, and might well look to the leadership of the ABA Section on Taxation, this organization, the American College of Tax Counsel, or some other concerned and qualified group.

As tax lawyers, we face many different responsibilities daily—to our clients, to the profession, to the public, to ourselves. How we maintain our own self-respect as lawyers; how we desire to be viewed by others; and how we use our special skills to improve the nation's revenue raising system—are all questions crossing our minds every day, some at times in conflict and in need of balancing as we confront different tasks. In this regard, Dean Griswold counseled us to preserve our "independence of view"—separating our representation of clients from our role as public citizens seeking to improve the functioning of government.

The one exemplar he acclaimed is Randolph E. Paul, Treasury's General Counsel and tax policy leader during World War II, whom the Dean refers to as "one of the early giants in the tax field." Randolph, with whom I practiced during my beginning days as a lawyer, asserted this individual independence throughout his entire career, while he developed a remarkable tax practice. In the closing lines of his classic Taxation in the United States, he makes these seminal observations on "the responsibilities of tax experts":

"The most I can say is that I do not think surrender needs to be unconditional . . . I know tax advisers who accomplish the double job of ably representing their clients and faithfully working for the tax system taxpayers deserve . . . At another level I venture the opinion that they lead a more comfortable life than do many of their colleagues. Of one thing I am very sure—that both taxpayers and the government need many more of these independent advisers."

Tonight this room is filled with many of these independent, responsible advisers—some surely to become the giants we will salute in the future. I am certain that together we will overcome our present challenge "to restore and maintain public confidence in tax professionals." At the same time, I have no doubt too that we will not fail in our ongoing commitment to better the way in which our nation's needs for revenue are fulfilled, fairly and honorably.

ADDITIONAL STATEMENTS

RETIREMENT OF 10 UTICA COMMUNITY SCHOOL ADMINISTRATORS

• Mr. LEVIN. Mr. President, I take this opportunity to recognize 10 individuals in Michigan for their dedication and service to public education. The Utica Community School District can be proud of these men and women for their devotion to improving the lives of countless young people.

The Utica Community School District encompasses Utica, most of Sterling Heights, Shelby Township and parts of Ray, Washington, and Macomb Townships. It is the second largest school district in Michigan, with a current enrollment of over 29,000 students. Utica takes pride in its educational standards, dedication, and service to its students. These goals would not have been possible without the efforts of the following 10 school administrators who have a combined 300-plus years of service and have collectively touched the lives of more than 500,000 children over the course of their careers. The accomplishments and the impacts on public education these individuals have had over the years are numerous and impressive.

Each of these individuals has played a vital role in building strong relationships with students, parents, teachers, and the community at large in this diverse and vibrant region of southeast Michigan. They exemplify the necessary dedication, determination, and professionalism to foster individualized attention to each student. I am pleased to honor each of them:

David A. Berube, Assistant Superintendent of Human Resources; Vivian V. Constand, Director of Elementary Education; Joseph F. Jeannette, Assistant Director of Elementary Education; Susan E. Meyer, Director of Secondary Education; Glenn A. Patterson, Director of Human Resources; Diane M. Robinson, Supervisor of Employee Benefits; Nancy M. Searing, Assistant Director of Secondary Education; Linda M. Theut, Administrative Assistant to the Superintendent, Judith M. Wagner, Supervisor of Special Education; and John S. Zoellner, Director of Fiscal Services.

On July 1, 2005, these individuals will retire from their respective careers in education, and their leadership and talents will surely be missed. I know my Senate colleagues join me in congratulating these 10 distinguished individuals for their many efforts throughout the years, and to recognize their record of service to the Utica community schools and to the surrounding community.•

TRIBUTE TO GEORGE DEMENT, MAYOR OF BOSSIER CITY, LOUISIANA

• Mr. VITTER. Mr. President, I rise today to recognize George Dement, mayor of Bossier City, LA. Mayor Dement will retire from office on June 30, 2005, after 16 years of service to northwest Louisiana. Mayor Dement is retiring from public service on the same date he was inaugurated 16 years earlier. Today, I take a moment to offer warm thanks for his years of service to Bossier City and best wishes for his coming commendation ceremonies.

A native of Princeton, LA, Mayor Dement served in the U.S. Submarine Service in both the Atlantic and Pacific Theaters during World War II and was present when the Japanese surrendered at Tokyo Bay. After 5 years of military service, he attended Centenary College and Louisiana State University Shreveport. Upon completing his studies, Mayor Dement began a 22-year tenure with Holiday Inn and was named Innkeeper of the Year in 1976. In 1989, he was elected mayor of Bossier City where he has been reelected three times—all with large margins of victory.

As mayor, Mr. Dement will be remembered for his leadership and accessibility. During his tenure, Mayor Dement led the way on four different phases of the Arthur Ray Teague Parkway and also poured large amounts of energy into revitalizing key areas of Bossier City.

Fondly referred to as "the people's mayor," Mr. Dement is known for his honesty and commonsense approach to governing. I come to the Senate floor today to join the residents of Bossier City in personally commending, honoring, and thanking him for his 16 years of service to northwest Louisiana.•

RESCUE AND RESTORE PROGRAM

• Mr. BROWNBACK. Mr. President, I rise to mark the occasion of the 500th nonprofit and faith-based group joining Rescue & Restore Victims of Human Trafficking, an initiative by the U.S. Department of Health and Human Services. Rescue & Restore is a project to help protect the victims of trafficking in human beings.

After years of working on a bipartisan level with colleagues to pass the Trafficking Victims Protection Act of 2000, it is my distinct pleasure to commemorate this landmark achievement. Rescue & Restore is a multicity, decentralized national coalition to find, identify and rescue victims of human trafficking in the United States and restore them to a condition of human dignity. The program does this through the engagement of thousands of individuals and hundreds of government and community organizations. TVPA was designed to protect the victims of involuntary servitude, sexual exploitation, forced labor and other forms of a contemporary slave trade.

Since the launch of the first Rescue & Restore city coalition in 2004, the rate of trafficking victims rescued has more than doubled over the previous reporting period—from 107 victims receiving certification letters, to 224. More victims are being identified every day. There are now more than 10,000 "boots on the ground" in 14 cities and trained advocates actively seeking out trafficking victims.

Today, June 7, a statewide Rescue & Restore coalition is set to be launched in Illinois in cooperation with the administration of Governor Rod Blagojevich. The Chicago rollout is a true watershed in the mission to locate, identify, rescue, and restore trafficking victims to a condition of human dignity. This is a statewide endeavor, the first of its kind, involving the full panoply of Illinois state and local government law enforcement and health and human welfare agencies working in a coalition with more than 60 nongovernmental and social welfare organizations, child advocates, and health care professionals mobilized to combat trafficking. Other coalition launches are planned for Long Island NY, Houston, and Los Angeles later this year for a total of 17 geographical regions to be served.

Human trafficking is the fastest growing criminal industry in the world today, affecting as many as 900,000 victims worldwide. The CIA estimates that as many as 17,500 men, women and children are brought into the U.S. annually by force, fraud or coercion as victims of human trafficking. Others are victimized right here in America, trafficked into prostitution or forced labor. Many of the victims are women or children who are forced into prostitution; others are pressed into labor slavery such as sweatshops, peonage, or domestic servitude.

Rescue & Restore coalition partners are using their existing channels of communication and growing public awareness to help Americans recognize the existence of human trafficking. They are educating their associates and constituents on how to identify and assist trafficking victims. We now have taken vital steps toward wiping the scourge of human trafficking from our shores.•

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2452. A communication from the Director, Office of Executive Secretariat, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Conforming Amendments to Implement the No Child Left Behind Act of 2000" (RIN1076–AE54) received on June 6, 2005; to the Committee on Indian Affairs.

EC–2453. A communication from the Director, Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans Education: Non-payment of VA Educational Assistance to Fugitive Felons" (RIN2900–AL79) received on June 3, 2005; to the Committee on Veterans' Affairs.

EC–2454. A communication from the Chairman, National Endowment for the Arts, National Foundation on the Arts and the Humanities, transmitting, the Foundation's Annual report on the Arts and Artifacts Indemnity Program for Fiscal Year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–2455. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Testing for Rapid Detection of Adulteration of Food"; to the Committee on Health, Education, Labor, and Pensions.

EC–2456. A communication from the Acting Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Oregon State Plan; Final Approval Determination" (RIN1218–AC13) received on June 2, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–2457. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Disability and Rehabilitation Research Projects and Centers Programs—Rehabilitation Engineering Research Centers" received on June 1, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–2458. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Disability and Rehabilitation Research Projects—Knowledge Dissemination and Utilization Projects" (RIN1820–ZA36) received on June 1, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–2459. A communication from the Chief of Staff, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the Agency's annual reports for fiscal years 2003 and 2004, four issues of the Quarterly Journal of the Office of the Comptroller of the Currency (OCC) for calendar year 2003 and one for calendar year 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–2460. A communication from the Deputy General Counsel for Equal Opportunity and Administrative Law, Office of General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Community Planning and Development, received on June 3, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2461. A communication from the Deputy General Counsel for Equal Opportunity and Administrative Law, Office of General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Housing/Federal Housing Commissioner, received on June 3, 2005;

to the Committee on Banking, Housing, and Urban Affairs.

EC–2462. A communication from the Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, transmitting, pursuant to law, a report that funding for the Commonwealth of Massachusetts as a result of the record/near record snow on January 22–23, 2005, has exceeded $5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC–2463. A communication from the Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, transmitting, pursuant to law, a report that funding for the State of Indiana as a result of the record/near record snow on December 21–23, 2004, has exceeded $5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC–2464. A communication from the Secretary of the Treasury, transmitting, pursuant to the National Emergencies Act, a report relative to the national emergency that was declared in Executive Order 13047 of May 20, 1997 with respect to Burma; to the Committee on Banking, Housing, and Urban Affairs.

EC–2465. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Financial Crimes Enforcement Network; Anti-Money Laundering Programs for Dealers in Precious Metals, Stones, or Jewels" (RIN1506–AA58) received on June 6, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2466. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report relative to the country of origin and the sellers of uranium and uranium enrichment services purchased by owners and operators of U.S. nuclear power reactors for 2004; to the Committee on Energy and Natural Resources.

EC–2467. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Standards for Business Practices of Interstate Natural Gas Pipelines" (RIN1902–AC63) received on June 6, 2005; to the Committee on Energy and Natural Resources.

EC–2468. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Amendment of Lower St. Johns River Manatee Refuge in Florida" (RIN1018–AU10) received on May 26, 2005; to the Committee on Energy and Natural Resources.

EC–2469. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, a report relative to probable violations of the Antideficiency Act; to the Committee on Appropriations.

EC–2470. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report on violations of the Antideficiency Act; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 714. A bill to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions (Rept. No. 109–76).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DEMINT:

S. 1173. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 1174. A bill to authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 1175. A bill to require the Secretary of the Treasury to mint coins in commemoration of Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA:

S. 1176. A bill to improve the provision of health care and services to veterans in Hawaii, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. AKAKA:

S. 1177. A bill to improve mental health services at all facilities of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. MARTINEZ:

S. 1178. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance; to the Committee on Finance.

By Mr. KENNEDY:

S. 1179. A bill to amend title XVIII of the Social Security Act to ensure that benefits under part D of such title have no impact on benefits under other Federal programs; to the Committee on Finance.

By Mr. OBAMA:

S. 1180. A bill to amend title 38, United States Code, to reauthorize various programs servicing the needs of homeless veterans for fiscal years 2007 through 2011, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CORNYN (for himself, Mr. LEAHY, Mr. FEINGOLD, and Mr. ALEXANDER):

S. 1181. A bill to ensure an open and deliberate process in Congress by providing that any future legislation to establish a new exemption to section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) be stated explicitly within the text of the bill; to the Committee on the Judiciary.

By Mr. CRAIG:

S. 1182. A bill to amend title 38, United States Code, to improve health care for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WARNER (for himself, Mr. LIEBERMAN, Mr. ROBERTS, Ms. STABENOW, Mr. DURBIN, and Mr. ALLEN):

S. 1183. A bill to provide additional assistance to recipients of Federal Pell Grants who are pursuing programs of study in engineering, mathematics, science, or foreign languages; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN:

S. 1184. A bill to waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member; to the Committee on Foreign Relations.

By Mr. DODD:

S. 1185. A bill to protect United States workers from competition of foreign workforces for performance of Federal and State contracts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DOMENICI (for himself, Mr. SCHUMER, Mr. COCHRAN, Mr. ALLARD, and Mr. COLEMAN):

S. 1186. A bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

By Mr. ALLEN:

S. 1187. A bill for the relief of James Symington; to the Committee on the Judiciary.

By Mr. ALLEN:

S. 1188. A bill for the relief of Fereshteh Sani; to the Committee on the Judiciary.

By Mr. SALAZAR:

S. 1189. A bill to require the Secretary of Veterans Affairs to publish a strategic plan for long-term care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SALAZAR:

S. 1190. A bill to provide sufficient blind rehabilitation outpatient specialists at medical centers of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. SALAZAR:

S. 1191. A bill to establish a grant program to provide innovative transportation options to veterans in remote rural areas; to the Committee on Veterans' Affairs.

By Mr. SALAZAR:

S. 1192. A bill to amend section 51 of the Internal Revenue Code of 1986 to expand the eligibility for the work opportunity tax credit to all disabled veterans; to the Committee on Finance.

By Mrs. BOXER (for herself and Mr. SCHUMER):

S. 1193. A bill to direct the Assistant Secretary of Homeland Security for the Transportation Security Administration to issue regulations requiring turbojet aircraft of air carriers to be equipped with missile defense systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Res. 161. A resolution honoring the life of Robert M. La Follette, Sr., on the sesquicentennial of his birth; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mr. OBAMA, Mr. CORZINE, Mrs. BOXER, Mrs. MURRAY, Mrs. CLINTON, Mr. HARKIN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. REID, Mr. FEINGOLD, and Mr. JEFFORDS):

S. Res. 162. A resolution expressing the sense of the Senate concerning Griswold v. Connecticut; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Utah (Mr. HATCH) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 65, a bill to amend the age restrictions for pilots.

S. 98

At the request of Mr. ALLARD, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 104

At the request of Mr. TALENT, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 104, a bill to amend the Internal Revenue Code of 1986 to provide tax-exempt financing of highway projects and rail-truck transfer facilities.

S. 151

At the request of Mr. PRYOR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 151, a bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs.

S. 181

At the request of Mr. ENSIGN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 181, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers owning certain commercial power takeoff vehicles.

S. 340

At the request of Mr. LUGAR, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 340, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 350

At the request of Mr. LUGAR, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 350, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

S. 369

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 369, a bill to establish protections against compelled disclosure of sources, and news information, by persons providing services for the news media.

S. 390

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 390, a bill to amend title XVIII of the Social Security Act to provide for coverage of ultrasound screening for abdominal aortic aneurysms under part B of the medicare program.

S. 392

At the request of Mr. LEVIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 484

At the request of Mr. WARNER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 489

At the request of Mr. ALEXANDER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 489, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes.

S. 549

At the request of Mr. ALLARD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 549, a bill to extend a certain high priority corridor in the States of Colorado, Nebraska, South Dakota, and Wyoming.

S. 580

At the request of Mr. SMITH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 580, a bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust.

S. 603

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 603, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 614

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 614, a bill to amend title 38, United States Code, to permit medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 647

At the request of Mrs. LINCOLN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 647, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 750

At the request of Mr. KYL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 750, a bill to amend the Internal Revenue Code of 1986 to allow look-through treatment of payments between related foreign corporations.

S. 756

At the request of Mr. BENNETT, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 756, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 828

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 853

At the request of Mr. LUGAR, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 853, a bill to direct the Secretary of State to establish a program to bolster the mutual security and safety of the United States, Canada, and Mexico, and for other purposes.

S. 859

At the request of Mr. SANTORUM, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 859, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 863

At the request of Mr. CONRAD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 863, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 877

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 877, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 980

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 980, a bill to provide state and local governments with financial assistance that will increase their ability and effectiveness in monitoring convicted sex offenders by developing and implementing a program using global positioning systems to monitor convicted sexual offenders or sexual predators released from confinement.

S. 1002

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1002, a bill to amend title XVIII of the Social Security Act to make improvements in payments to hospitals under the medicare program, and for other purposes.

S. 1022

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow for an energy efficient appliance credit.

S. 1057

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1057, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

S. 1062

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1062, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 1076

At the request of Mr. TALENT, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1076, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax and income tax credits for the production of biodiesel.

S. 1104

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1104, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs.

S. 1123

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1123, a bill to suspend temporarily the duty on certain microphones used in automotive interiors.

S. 1160

At the request of Mr. SMITH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1160, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plan.

S.J. RES. 12

At the request of Mr. HATCH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S.J. Res. 12, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. CON. RES. 16

At the request of Mr. BINGAMAN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Con. Res. 16, a concurrent resolution conveying the sympathy of Congress to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

S. CON. RES. 24

At the request of Mr. GRAHAM, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Con. Res. 24, a concurrent resolution expressing the grave concern of Congress regarding the recent passage of the anti-secession law by the National People's Congress of the People's Republic of China.

S. RES. 39

At the request of Ms. LANDRIEU, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Oklahoma (Mr. COBURN), the Senator from Minnesota (Mr. COLEMAN), the Senator from Idaho (Mr. CRAIG), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

S. RES. 42

At the request of Mr. LUGAR, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 42, a resolution expressing the sense of the Senate on promoting initiatives to develop an HIV vaccine.

S. RES. 134

At the request of Mr. SMITH, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Res. 134, a resolution expressing the sense of the Senate regarding the massacre at Srebrenica in July 1995.

S. RES. 155

At the request of Mr. BIDEN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Colorado (Mr. SALAZAR), the Senator from Washington (Ms. CANTWELL), the Senator from Delaware (Mr. CARPER) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. Res. 155, a resolution designating the week of November 6 through November 12, 2005, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DEMINT:

S. 1173. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEMINT. Mr. President, today I introduce the Secret Ballot Protection Act, a measure that would amend the National Labor Relations Act, NLRA, to ensure the right of employees to a secret ballot election conducted by the National Labor Relations Board, NLRB, when deciding whether to be represented by a labor organization.

The legislation would prohibit a union from being recognized based on a "card check" campaign. Under a card check system, a union gathers authorization cards purportedly signed by workers expressing their desire for the union to represent them. By their very nature, card checks strip employees of the right to choose freely, safely, and anonymously, whether to unionize and leave them open to harassment, intimidation, and union pressure.

The bill also addresses the increasing pressure faced by employers from union bosses to recognize unions based on a card check campaign and forego the customary secret ballot election supervised by the National Labor Relations Board, NLRB, which gives workers the ability to vote their conscience without fear of reprisal.

Under current law, employers may voluntarily recognize unions based on these card checks, but are not required to do so. However, threats, boycotts, and other forms of public pressure are increasingly being used to force employers to recognize unions based on a card-check rather than the customary secret ballot election. The need for legislation to protect workers' rights could not be more clear.

It is no secret that hostile campaigns against American businesses to discredit employers have become a key organizing tactic used by union bosses across the country. These and other pressure tactics are often designed to hurt employers, their workers, and the economy, unless the demands of union leaders are met. It is wrong that union bosses are using these types of tactics at the expense of secret ballot elections, depriving rank-and-file workers of the ability to freely vote their conscience without fear of retaliation.

The Secret Ballot Protection Act will preserve the integrity of workers' freedom of choice and the right to a secret ballot election; it will protect workers from fear, threats, misinformation, and coercion by a union or coworkers to sign union authorization cards; and it will eliminate a union's ability to coercively terrorize an employer into recognition under duress. These fundamental protections can be achieved by simply requiring unions to win a majority of worker support in an anonymous, secret ballot election which eliminates the shroud of union intimidation tactics.

Supporting the right to a private vote and outlawing the corrupt card check practice of allowing union thugs to bully, harass, and scare workers who object to union membership is absolutely critical to democracy and freedom of choice.

Secret ballots are an absolutely essential ingredient for any functioning democratic system. The lack of secret ballot elections is how oppressive regimes manage to stay in power without majority support. Repelling such oppression hinges on the ability to walk into a voting booth, pull the curtain, and vote for anyone or anything we please with confidence the vote will be counted but never revealed to anyone who could use the knowledge to retaliate.

Evidence clearly demonstrates that secret ballot elections are more accurate indicators than card checks of whether employees actually wish to be recognized by a union. Numerous court decisions echo this fact. For example, in the case NLRB v. S.S. Logan Packing Co., the court said:

> It would be difficult to imagine a more unreliable method of ascertaining the real wishes of employees than a card check, unless it were an employer's request for an open show of hands. The one is no more reliable than the other.

There is no question that card checks leave employees open to harassment, intimidation, and union pressure. Workers' democratic rights should be protected, and the Secret Ballot Protection Act will make sure that happens by preserving the secret ballot election process. This important measure would guarantee workers the right to an anonymous, secret ballot election conducted by the NLRB and eliminate the use of intimidation and threats by organizers to coerce workers into joining a union.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Secret Ballot Protection Act of 2005".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The right of employees under the National Labor Relations Act (29 U.S.C. 151 et seq.) to choose whether to be represented by a labor organization by way of secret ballot election conducted by the National Labor Relations Board is among the most important protections afforded under Federal labor law.

(2) The right of employees to choose by secret ballot is the only method that ensures a choice free of coercion, intimidation, irregularity, or illegality.

(3) The recognition of a labor organization by using a private agreement, rather than a secret ballot election overseen by the National Labor Relations Board, threatens the freedom of employees to choose whether to be represented by a labor organization, and severely limits the ability of the National Labor Relations Board to ensure the protection of workers.

SEC. 3. NATIONAL LABOR RELATIONS ACT.

(a) RECOGNITION OF REPRESENTATIVE.—

(1) IN GENERAL.—Section 8(a)(2) of the National Labor Relations Act (29 U.S.C. 158(a)(2)) is amended by inserting before the colon the following: "or to recognize or bargain collectively with a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the National Labor Relations Board in accordance with section 9".

(2) APPLICATION.—The amendment made by paragraph (1) shall not apply to collective bargaining relationships in which a labor organization with majority support was lawfully recognized prior to the date of enactment of this Act.

(b) ELECTION REQUIRED.—

(1) IN GENERAL.—Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended—

(A) in paragraph (6), by striking "and" at the end:

(B) in paragraph (7), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(8) to cause or attempt to cause an employer to recognize or bargain collectively with a representative of a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the National Labor Relations Board in accordance with section 9.".

(2) APPLICATION.—The amendment made by paragraph (1) shall not apply to collective bargaining relationships that were recognized prior to the date of enactment of this Act.

(c) SECRET BALLOT ELECTION.—Section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)), is amended—

(1) by striking "Representatives" and inserting "(1) Representatives";

(2) by inserting after "designated or selected" the following: "by a secret ballot election conducted by the National Labor Relations Board in accordance with this section"; and

(3) by adding at the end the following:

"(b) The secret ballot election requirement under paragraph (1) shall not apply to collective bargaining relationships that were recognized before the date of the enactment of the Secret Ballot Protection Act of 2005.".

SEC. 4. REGULATIONS.

Not later than 6 months after the date of the enactment of this Act, the National Labor Relations Board shall review and revise all regulations promulgated prior to such date of enactment to implement the amendments made by this Act.

By Mr. AKAKA:

S. 1176. A bill to improve the provision of health care and services to veterans in Hawaii, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the "Neighbor Islands Veterans Health Care Improvements Act." My State of Hawaii is home to 115,000 veterans, nearly 18,000 of whom avail themselves of VA health care. Unfortunately, the level of care provided to those living on Oahu and the Neighbor Islands—Kauai, Molokai, Lanai, Maui, and the Big Island—is not at the optimal level. My legislation would significantly improve the level of care the veterans residing in Hawaii have so bravely earned.

Hawaii is undoubtedly an exceptional place to make one's home, and its population continues to grow each year. As such, the number of veterans seeking VA health care has grown. However, the level of services provided to

Hawaii's veterans has failed to keep pace. Additionally, each day more veterans are returning home to Hawaii from the Global War on Terror, including Operations Enduring and Iraqi Freedom. It is critical that these brave men and women receive adequate care. It is equally critical that today's veterans receive needed long-term care and mental health care.

My bill would ensure that care and facilities are optimized, that the burden of VA personnel is diminished, and that veterans throughout the state receive specialized care. Specifically, my legislation calls for new Community Based Outpatient Clinics and Vet Centers in areas that desperately need additional health care facilities, as well as expanding services at those already in existence. Satellite clinics providing both medical care and mental health counseling would be opened on the islands of Molokai and Lanai, which currently lack VA facilities. Staff levels at existing clinics and Vet Centers would be increased to compensate for these new clinics and to provide needed community-based long-term care, such as home care. My legislation also authorizes the construction of a $10 million mental health center on the grounds of Tripler Army Medical Center, which will include an inpatient Post-Traumatic Stress Disorder residential treatment program.

That our veterans receive the long-term care to which they are entitled is of major concern to me. In fact, the Committee on Veterans' Affairs, of which I am Ranking Member, held a hearing on the potential demand for long-term care just this May. I would like to point out that the VA Center for Aging in Honolulu—the only VA nursing home in the State—has a mere 60 beds. This is nowhere near sufficient to care for the number of veterans who reside there. Furthermore, community nursing home beds are limited. Given the dearth of nursing home beds, both VA and community, the Neighbor Islands Veterans Health Care Improvements Act authorizes a medical care foster program on the Island of Oahu. Modeled on the successful Medical Care Foster Program at the Central Arkansas Veterans Health Care System, such a system places veterans in a permanent foster home, allowing them to remain in the community while receiving the care they need.

Because I believe specialized care, such as orthopedics and opthamology, are limited on the neighbor islands, the bill directs that VA fully study the provision of such care. VA would then be required to make a formal determination as to the adequacy of specialized care. I may seek to direct improvements in this area at a later date.

This bill is vital to those veterans residing in Hawaii. Though they may live far from the other veterans on the mainland, they are just as entitled to quality health care.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Neighbor Islands Veterans Health Care Improvements Act of 2005".

SEC. 2. VET CENTER ENHANCEMENTS.

(a) ADDITIONAL COUNSELORS FOR CERTAIN CLINICS.—The Secretary of Veterans Affairs shall assign an additional counselor to each vet center as follows:

(1) The vet center on the Island of Maui, Hawaii.

(2) The vet center in Hilo, Hawaii.

(b) ESTABLISHMENT OF NEW VET CENTER.—The Secretary shall establish and operate a new vet center on the Island of Oahu, Hawaii, at a location to be selected by the Secretary.

(c) VET CENTER DEFINED.—In this section, the term "vet center" means a center for the provision of readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code.

SEC. 3. HEALTH CARE CLINICS.

(a) ESTABLISHMENT OF CLINICS.—

(1) SATELLITE CLINICS.—The Secretary of Veterans Affairs shall establish and operate a satellite health care clinic at a location selected by the Secretary on each island as follows:

(A) The Island of Lanai, Hawaii.

(B) The Island of Molokai, Hawaii.

(2) MEDICAL CARE CLINIC.—The Secretary may establish and operate a medical care clinic at a location selected by the Secretary on the west side of the Island of Kauai, Hawaii.

(b) ELEMENTS OF SATELLITE CLINICS.—Each satellite clinic established under subsection (a)(1) shall include—

(1) a vet center, which shall provide readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code; and

(2) a community based outpatient clinic (CBOC), which shall provide to veterans—

(A) the medical services and other health-care related services provided by community based outpatient clinics operated by the Department of Veterans Affairs; and

(B) such other care and services as the Secretary considers appropriate.

(c) STAFFING AND OTHER RESOURCES.—

(1) SATELLITE CLINICS.—(A) The staff of the satellite clinics established under subsection (a)(1) shall be derived from staff of the vet center, and of the community based outpatient clinic, on the Island of Maui, Hawaii, who shall be assigned by the Secretary to such satellite clinics under this section. In making such assignments, the Secretary may not reduce the size of the staff of the vet center, or of the community based outpatient clinic, on the Island of Maui below its size as of the date of the enactment of this Act.

(B) Each satellite clinic established under subsection (a)(1) shall have a computer system of nature and quality equivalent to the computer systems of the community based outpatient clinics operated by the Department, including the capability to conduct medical tracking.

(C) Each satellite clinic established under subsection (a)(1) shall have appropriate telemedicine equipment.

(2) MEDICAL CARE CLINIC.—The medical care clinic established under subsection (a)(2) shall have such staff as the Secretary considers appropriate for its activities.

(d) HOURS OF OPERATION.—

(1) SATELLITE CLINICS.—Each satellite clinic established under subsection (a)(1) shall have hours of operation each week determined by the Secretary. The number of hours so determined for a week shall consist of a number of hours equivalent to not less than three working days in such week.

(2) MEDICAL CARE CLINIC.—The medical care clinic established under subsection (a)(2) shall have such hours of operation as the Secretary considers appropriate for its activities.

SEC. 4. LONG-TERM CARE.

(a) MEDICAL CARE FOSTER PROGRAM.—The Secretary of Veterans Affairs shall establish and operate on the Island of Oahu, Hawaii, a medical care foster program. The program shall be established utilizing as a model the Medical Care Foster Program at the Center Arkansas Veterans Health Care System of the Department of Veterans Affairs.

(b) ADDITIONAL CLINICAL STAFF FOR NON-INSTITUTIONAL LONG-TERM CARE.—

(1) ASSIGNMENT OF STAFF.—The Secretary shall assign to the community based outpatient clinics (CBOCs) of the Department of Veterans Affairs referred to in paragraph (2) such additional clinical staff as the Secretary considers appropriate in order to ensure that such clinics provide non-institutional long-term care for veterans in accordance with the provisions of subtitle A of title I of the Veterans Millennium Health Care and Benefits Act (Public Law 106-117) and the amendments made by such provisions. Such additional clinical staff shall include a home health nurse.

(2) COVERED COMMUNITY BASED OUTPATIENT CLINICS.—The community based outpatient clinics referred to in this paragraph are the community based outpatient clinics as follows:

(A) The community based outpatient clinic in Hilo, Hawaii.

(B) The community based outpatient clinic on the Island of Kauai, Hawaii.

(C) The community based outpatient clinic in Kona, Hawaii.

(D) The community based outpatient clinic on the Island of Maui, Hawaii.

SEC. 5. MENTAL HEALTH CARE.

(a) ESTABLISHMENT OF MENTAL HEALTH CENTER.—The Secretary of Veterans Affairs shall establish and operate in Hilo, Hawaii, at an appropriate location selected by the Secretary, a new center for the provision of mental health care and services to veterans.

(b) CARE AND TREATMENT AVAILABLE THROUGH CENTER.—The mental health center established under subsection (a) shall provide the following:

(1) Day mental health care and treatment.

(2) Outpatient mental health care and treatment.

(3) Such other mental health care and treatment as the Secretary considers appropriate.

(c) STAFF.—The mental health center established under subsection (a) shall have as its staff a drug abuse counselor, a nurse practitioner, and such other staff as the Secretary considers appropriate for its activities.

SEC. 6. STUDY ON ACCESS TO SPECIALIZED CARE AND FEE-BASIS CARE.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a study of the demand for, and access to, specialized care and fee-basis care from the Department of Veterans Affairs for veterans on the neighbor islands of Hawaii, including whether or not the specialized care or fee-basis care, as the case may be, available to veterans from the Department on the neighbor islands is adequate to meet the demands of veterans for such care.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the study required by subsection (a). The report shall set forth the results of the study and include such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the study.

SEC. 7. CONSTRUCTION OF MENTAL HEALTH CENTER AT TRIPLER ARMY MEDICAL CENTER, HAWAII.

(a) AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT.—The Secretary of Veterans Affairs may carry out a major medical facility project for the construction of a mental health center at Tripler Army Medical Center, Hawaii, in the amount of $10,000,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2006 for the Construction, Major Projects, account, $10,000,000 for the project authorized by subsection (a).

(2) LIMITATION.—The project authorized by subsection (a) may only be carried out using—

(A) funds appropriated for fiscal year 2006 pursuant to the authorization of appropriations in paragraph (1);

(B) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2006 that remain available for obligation; and

(C) funds appropriated for Construction, Major Projects, for fiscal year 2006 for a category of activity not specific to a project.

(c) FACILITIES.—The facilities at the mental health center authorized to be constructed by subsection (a) shall include residential rehabilitation beds for patients with Post Traumatic Stress Disorder (PTSD) and such other facilities as the Secretary considers appropriate.

SEC. 8. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2006 such sums as may be necessary to carry out sections 2 through 6.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall be available only to carry out sections 2 through 6.

(c) CONSTRUCTION WITH OTHER FUNDING FOR HEALTH CARE FOR VETERANS IN HAWAII.—It is the sense of Congress that the amount authorized to be appropriated by subsection (a) for fiscal year 2006 should—

(1) supplement amounts authorized to be appropriated to the Secretary of Veterans Affairs for that fiscal year for health care for veterans in Hawaii for activities other than those specified in sections 2 through 6; and

(2) not result in any reduction in the amount that would have been appropriated to the Secretary of Veterans Affairs for that fiscal year for health care for veterans in Hawaii for such activities had the amount in subsection (a) not been authorized to be appropriated.

By Mr. AKAKA:

S. 1177. A bill to improve mental health services at all facilities of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise proudly today to introduce legislation that would enhance the Department of Veterans Affairs' (VA) ability to provide mental health and other specialized services to its patients. At a time when our Nation is at war, it is imperative that we ensure that all veterans have access to top quality mental health care, whether they visit a VA hospital or clinic.

At the time of its creation, the VA health care system was tasked with meeting the special needs of its veteran patients. Those veterans who suffered from spinal cord injuries, amputations, blindness, Post-Traumatic Stress Disorder, substance abuse, and homelessness required unique forms of treatment and rehabilitation. During the past few decades, VA has emerged as the industry leader in providing specialized services to these types of patients. Much of VA's expertise in these areas remains unparalleled in the larger health care community—particularly with regard to mental health care.

However, it is with great dismay that I rise today, as VA's specialized programs are in jeopardy due to budget constraints. Increased demand and flatline budget increases over the past few years have literally starved the system. Sadly, this problem is not a new one. Back in 1996, Congress recognized the merits of these specialized programs and that they could be vulnerable to cuts because of their smaller scale. As such, we enacted legislation that required VA to retain its capacity to provide specialized services at the levels in place at the time of the bill's passage in 1996, and to annually report as to the status of its compliance with this requirement.

Despite this effort by Congress and the actions of my predecessors on this Committee to subsequently strengthen the original legislation to protect VA's specialized services, VA continues to underfund and cut back resources for these vital programs. Additionally, VA has employed measures such as counting dollars according to 1996 levels to appear as if they are in compliance. In the area of mental health care, this has been especially true. My proposed legislation amends the statute to ensure that capacity funding levels are adjusted for inflation. We need to be talking about real dollars—not 1996 dollars—to get a true sense of VA's capacity to care for veterans with mental health needs.

This legislation would also mandate that VA carry out a number of measures designed to improve mental health and substance abuse treatment capacity at Community-Based Outpatient Clinics and throughout the VA system. Currently, many clinics do not even provide mental health services at all. My bill would ensure that at least 90 percent of all clinics can provide mental health services, either onsite or through referrals. Furthermore, it would establish more comprehensive performance measures to provide incentives for clinics to maintain mental health capacity, for primary care doctors to screen patients for mental illness, and require that every primary health care facility be able to provide at least five days of inpatient detoxification services.

Finally, the bill seeks to foster greater cooperation between VA and the Department of Defense (DoD) in treating servicemembers and subsequently veterans who suffer from some form of mental health or readjustment disorder. It has been estimated that anywhere from 20 to 30 percent of the men and women who are currently serving in Iraq and Afghanistan will require treatment for a mental health issue. The bill would direct the two Departments to agree upon standardized separation screening procedures for sexual trauma and mental health disorders, as well as establish a joint VA-DoD Workgroup to examine potential ways of combating stigma associated with mental illness, educate servicemembers' families, and make VA's expertise in the field of mental health more readily available to DoD providers.

We still have much work to do in the area of mental illness associated with service in the armed forces. But this bill is a step in the right direction. I ask my colleagues for their support of this bill, for it not only seeks to combat disorders that can be very debilitating, but it also would protect specialized services that are at the heart of VA's mission.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Mental Health Care Capacity Enhancement Act of 2005".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Mental health treatment capacity at community-based outpatient clinics remains inadequate and inconsistent, despite the requirement under section 1706(c) of title 38, United States Code, that every primary care health care facility of the Department of Veterans Affairs develop and carry out a plan to meet the mental health care needs of veterans who require such services.

(2) In 2001, the minority staff of the Committee on Veterans' Affairs of the Senate conducted a survey of community-based outpatient clinics and found that there was no

established systemwide baseline of acceptable mental health service levels at such clinics.

(3) In 2004, the Department of Veterans Affairs workgroup on mental health care, which developed and submitted a Comprehensive Mental Health Strategic Plan to the Secretary of Veterans Affairs, found service and funding gaps within the Department of Veterans Affairs health care system, and made numerous recommendations for improvements. As of May 2005, Congress had not received a final report on the workgroup's findings.

(4) In February 2005, the Government Accountability Office reported that the Department of Veterans Affairs had not fully met any of the 24 clinical care and education recommendations made in 2004 by the Special Committee on Post-Traumatic Stress Disorder of the Under Secretary for Health, Veterans Health Administration.

SEC. 3. REQUIRED CAPACITY FOR COMMUNITY-BASED OUTPATIENT CLINICS.

(a) STRENGTHENING OF PERFORMANCE MEASURES FOR MENTAL HEALTH PROGRAMS.—Section 1706(b)(6) of title 38, United States Code, is amended by adding at the end the following:

"(D) The Under Secretary shall include, as goals in the performance contracts entered into with Network Directors to prioritize mental health services—

"(i) establishing appropriate staff-patient ratio levels for various programs (including mental health services at community-based outpatient clinics);

"(ii) fostering collaborative environments for providers; and

"(iii) encouraging clinicians to conduct mental health consultations during primary care visits.".

(b) INFLATIONARY INDEXING OF CAPACITY REQUIREMENTS.—Section 1706(b) of title 38, United States Code, is amended by adding at the end the following:

"(7) For the purposes of meeting and reporting on the capacity requirements under paragraph (1), the Secretary shall ensure that the funding levels allocated for specialized treatment and rehabilitative services for disabled veterans are adjusted for inflation each fiscal year.".

(c) MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES.—Section 1706(c) of title 38, United States Code, is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end the following:

"(2) The Secretary shall ensure that not less than 90 percent of community-based outpatient clinics have the capacity to provide onsite, contract-referral, or tele-mental health services—

"(A) for at least 10 percent of all clinic visits by not later than September 30, 2006; and

"(B) for at least 15 percent of all clinic visits by not later than September 30, 2007.

"(3) The Secretary shall ensure that not less than 2 years after the date of enactment of this paragraph—

"(A) each primary care health care facility of the Department has the capacity and resources to provide not less than 5 days of inpatient, residential detoxification services onsite or at a nearby contracted or Department facility; and

"(B) a case manager is assigned to coordinate follow up outpatient services at each community-based outpatient clinic.".

(d) REPORTING REQUIREMENT.—Not later than January 31, 2008, the Secretary of Veterans Affairs shall submit a report to Congress that—

(1) describes the status and availability of mental health services at community-based outpatient clinics;

(2) describes the substance of services available at such clinics;

(3) includes the ratios between mental health staff and patients at such clinics; and

(4) includes the certification of the Inspector General of the Department of Veterans Affairs.

SEC. 4. COOPERATION ON MENTAL HEALTH AWARENESS AND PREVENTION.

(a) AGREEMENT.—The Secretary of Defense and the Secretary of Veterans Affairs shall enter into a Memorandum of Understanding—

(1) to ensure that separating servicemembers receive standardized individual mental health and sexual trauma assessments as part of separation exams; and

(2) includes the development of shared guidelines on how to conduct the assessments.

(b) ESTABLISHMENT OF JOINT VA–DOD WORKGROUP ON MENTAL HEALTH.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall establish a joint workgroup on mental health, which shall be comprised of not less than 7 leaders in the field of mental health appointed from their respective departments.

(2) STUDY.—Not later than 1 year after the establishment of the workgroup under paragraph (1), the workgroup shall analyze the feasibility, content, and scope of initiatives related to—

(A) combating stigmas and prejudices associated with servicemembers who suffer from mental health disorders or readjustment issues, through the use of peer counseling programs or other educational initiatives;

(B) ways in which the Department of Veterans Affairs can make their expertise in treating mental health disorders more readily available to Department of Defense mental health care providers;

(C) family and spousal education to assist family members of veterans and servicemembers to recognize and deal with signs of potential readjustment issues or other mental health disorders; and

(D) seamless transition of servicemembers who have been diagnosed with mental health disorders from active duty to veteran status (in consultation with the Seamless Transition Task Force and other entities assisting in this effort).

(3) REPORT.—Not later than June 30, 2007, the Secretary of Defense and the Secretary of Veterans Affairs shall submit a report to Congress containing the findings and recommendations of the workgroup established under this subsection.

SEC. 5. PRIMARY CARE CONSULTATIONS FOR MENTAL HEALTH.

(a) GUIDELINES.—The Under Secretary for Health, Veterans Health Administration, shall establish systemwide guidelines for screening primary care patients for mental health disorders and illnesses.

(b) TRAINING.—Based upon the guidelines established under subsection (a), the Under Secretary for Health, Veterans Health Administration, shall conduct appropriate training for clinicians of the Department of Veterans Affairs to carry out mental health consultations.

By Mr. OBAMA:

S. 1180. A bill to amend title 38, United States Code, to reauthorize various programs servicing the needs of homeless veterans for fiscal years 2007 through 2011, and for other purposes; to the Committee on Veterans' Affairs.

Mr. OBAMA. Mr. President, the Department of Veterans Affairs estimates that on any given day, as many as 200,000 veterans are homeless. That is 200,000 men and women who have fought for this country who will go without the comfort of knowing that they will have a roof over their head and a place to call home.

If 200,000 of our Nation's veterans will go homeless tonight, the VA estimates that about twice as many veterans will experience homelessness this year. Again, that is 400,000 men and women who defended this great Nation, who will be left out on the streets at some point this year.

I hope my colleagues are as distressed as I am by these numbers, and I hope my colleagues will join me in supporting the bill I introduce today—the Shelter All Veterans Everywhere or "SAVE" Reauthorization Act of 2005.

This bill reauthorizes many of the soon-to-expire homeless veterans programs currently serving this needy population, including the Homeless Providers Grant and Per Diem Program and the Homeless Veterans Reintegration Program. These programs work to provide much-needed services to homeless veterans so that they can find jobs and ultimately find a stable home. These programs deserve to be continued. The SAVE Reauthorization Act actually expands the reach of the Homeless Veterans Reintegration Program, which provides job placement and training assistance, to include those veterans at risk of homelessness as well as those actually homeless, so that we can work to prevent homelessness before it happens.

At a time when so many of my colleagues are working to ensure that our Nation's veterans receive the benefits and services they have earned and deserve, we cannot forget the neediest of our veterans—the homeless veterans. I hope my colleagues will join me in supporting these worthy programs.

Mr. CORNYN (for himself, Mr. LEAHY, Mr. FEINGOLD, and Mr. ALEXANDER):

S. 1181. A bill to ensure an open and deliberate process in Congress by providing that any future legislation to establish a new exemption to section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) be stated explicitly within the text of the bill; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, on February 16, shortly before the President's Day recess, the Senator from Vermont and I introduced the OPEN Government Act of 2005 (S. 394)—bipartisan legislation to promote accountability, accessibility, and openness in government, principally by strengthening and enhancing the Federal law commonly known as the Freedom of Information Act.

When I served as Attorney General of Texas, it was my responsibility to enforce Texas's open government laws. I am pleased to report that Texas is known for having one of the strongest sets of open government laws in our Nation. And since that experience, I have long believed that our Federal Government could use "a little Texas sunshine." I am thus especially enthusiastic about the OPEN Government Act, because that legislation attempts to incorporate some of the most important principles and elements of Texas law into the Federal Freedom of Information Act. And I am gratified that Senators ALEXANDER, FEINGOLD, ISAKSON, and NELSON of Nebraska are cosponsors of the bipartisan Cornyn-Leahy bill.

This legislation enjoys broad support across the ideological spectrum. Indeed, since its introduction on February 16, the legislation has attracted additional support. In particular, I am pleased to report the endorsements of three conservative public interest groups—one devoted to the defense of property rights, Defenders of Property Rights, led by Nancie G. Marzulla, one devoted to the issue of racial preferences in affirmative action programs, One Nation Indivisible, led by Linda Chavez, and one devoted to the protection of religious liberty, Liberty Legal Institute, led by Kelly Shackelford. I ask unanimous consent that their endorsement letters be printed in the RECORD at the close of my remarks. The point of including these letters in the RECORD, of course, is not that these groups are right or wrong in the pursuit of their respective causes, but that the cause of open government is neither a Republican nor a Democrat issue—neither a conservative nor a liberal issue—rather, it is an American issue.

I would like to take a few moments to emphasize one particular provision of the Cornyn-Leahy bill—section 8. It is a common sense provision. This provision should not be at all controversial, and indeed, I am not aware of any opposition whatsoever to it. The provision would simply help to ensure an open and deliberate process in Congress, by providing that any future legislation to establish a new exemption to the Federal Freedom of Information Act must be stated explicitly within the text of the bill. Specifically, any future attempt to create a new so-called "(b)(3) exemption" to the Federal FOIA law must specifically cite section (b)(3) of FOIA if it is to take effect. The justification for this provision is simple: Congress should not establish new secrecy provisions through secret means. If Congress is to establish a new exemption to FOIA, it should do so in the open and in the light of day.

A recent news report published by the Cox News Service amply demonstrates the importance of this issue, and specifically emphasizes the need for section 8 of the Cornyn-Leahy bill. I ask unanimous consent that a copy of this news report be printed at the close of my remarks.

Senator LEAHY and I firmly believe that all of the provisions of the OPEN Government Act are important—and that, as the recent Cox News Service report demonstrates, section 8 in particular is a worthy provision that can and should be quickly enacted into law. We note that July 4 is the anniversary of the 1966 enactment of the original Federal Freedom of Information Act. Accordingly, we plan to devote our efforts this month to getting section 8 approved by Congress and submitted to the President for his signature by that anniversary date.

Toward that end, we rise today to introduce separate legislation to enact section 8 of the OPEN Government Act into law. We ask our colleagues in this chamber to support this measure, first in the Senate Judiciary Committee, and then on the floor of the United States Senate. And we look forward to working with our colleagues in the House—including Representative LAMAR SMITH, the lead sponsor of the OPEN Government Act in the House, H.R. 867, as well as Chairman TOM DAVIS, who leads the House Committee on Government Reform, and Chairman TODD PLATTS, who leads the House Government Reform subcommittee that recently held a hearing to review the Federal FOIA law.

Section 8 of the Cornyn-Leahy bill is a common-sense, uncontroversial provision that deserves the support of every member of Congress. It simply provides that, when Congress enacts legislation—specifically, legislation to exempt certain documents from disclosure under FOIA—it do so in the open. After all, if documents are to be kept secret by an act of Congress, we should at least make sure that that very act of Congress itself not be undertaken in secret.

A Senate Judiciary subcommittee held a hearing on the OPEN Government Act on March 15. I hope that at least section 8 of the legislation can be enacted into law quickly, and that Congress will then move to consider the other important provisions of the bill.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MAY 25, 2005.

Hon. JOHN CORNYN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CORNYN: On behalf of the Defenders of Property Rights, I would like to commend you on your introduction of the Openness Promotes Effectiveness in our National Government Act of 2005 (OPEN Government Act). With this legislation, Americans can have confidence that their government is operating honestly and efficiently.

This proposed bill would be invaluable in aiding our quest to protect the private property rights of all Americans. The bill is beneficial for property rights plaintiffs—it puts teeth into the requirement that the government timely respond to requests while still protecting private property rights. For instance, under the bill, if an agency does not respond within the required 20 days, the agency may not assert any exemption under subsection (b) of the bill unless disclosure would endanger national security, "disclose personal private information protected by section 552a or proprietary information," or would otherwise be prohibited by law. The bill also provides for better review of agencies' responses to FOIA requests and for disciplinary actions for arbitrary and capricious rejections of requests. If passed, this bill would surely help private property owners obtain faster access to information regarding actions that have taken their property—and provide better enforcement if they do not.

Your bill has our full and enthusiastic endorsement. We thank you for your steadfast commitment to liberty, open government, and constitutionally guaranteed property rights.

Yours truly,

NANCIE G. MARZULLA,
President.

ONE NATION INDIVISIBLE,
May 19, 2005.

Senator JOHN CORNYN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CORNYN: I am writing to tell you that One Nation Indivisible supports the OPEN Government Act of 2005. Good luck with its passage.

Sincerely,

Linda Chavez.

LIBERTY LEGAL INSTITUTE,
June 1, 2005.

Re: "OPEN Government Act" bill

Hon. JOHN CORNYN,
U.S. Senate, Washington, DC.

DEAR SENATOR CORNYN: We are fully on board with your efforts on Freedom of Information Act improvements. The government should be open to its people. This is a core requirement in any free society.

FOIA currently has little enforcement capability and was also hurt by the wrongly decided Buckhannon decision. Citizens deserve the protection of FOIA and the changes you are proposing.

Please put us on your endorsement list for the "OPEN Government Act" bill. In fact, we strongly believe the Buckhannon error needs to be corrected for all §1983 cases.

Last, even more abusive recently is the abuse of Rule 68 to threaten and intimidate citizens already victimized once by government officials. The idea that civil rights victims, who win their suit (usually for just nominal damages), may have to pay the government's costs is obscene and a complete violation of Congressional intent. I hope we can fix this as well.

Thank you for your service to all Texans.

Sincerely,

KELLY SHACKELFORD,
Chief Counsel, Liberty Legal Institute.

There being no objection, the news report was ordered to be printed in the RECORD, as follows:

[From the Cox News Service, June 3, 2005]

CONGRESS CLOAKS MORE INFORMATION IN SECRECY

(By Rebecca Carr)

WASHINGTON.—Few would argue with the need for a national livestock identification system to help the federal government handle a disease outbreak such as mad cow.

But pending legislation calling for the nation's first electronic livestock tracking system would prohibit the public from finding out anything about animals in the system, including the history of a cow sick with bovine spongiform encephalopathy.

The only way the public can find out such details is if the secretary of agriculture makes the information public.

That's because the legislation, sponsored by Rep. Collin C. Peterson, D-Minn., includes a provision that exempts information about the system from being released under the Freedom of Information Act.

Formally called the "third exemption," it is one of nine exemptions the government can use to deny the release of information requested under the FOI Act.

Open government advocates say it is the most troubling of the nine exemptions because it allows Congress to cloak vital information in secrecy through legislation, often without a public hearing or debate. They say Congress frequently invokes the exemption to appease private sector businesses, which argue it is necessary to protect proprietary information.

"It is an easy way to slap a secrecy stamp on the information," said Rick Blum, director of openthegovernment.org, a coalition of more than 30 groups concerned about government secrecy.

The legislative intent of Congress is far more difficult to challenge than a federal agency's denial for the release of information, said Kevin M. Goldberg, general counsel to the American Society of Newspaper Editors.

"This secrecy is often perpetuated in secret as most of the (third exemption) provisions consist of one or two paragraph tucked into a much larger bill with no notice that the Freedom of Information Act will be affected at all," Goldberg said.

There are at least 140 cases where congressional lawmakers have inserted such exemptions, according to a 2003 Justice Department report.

The report notes that Congress has been "increasingly active in enacting such statutory provisions."

The exemptions have become so popular that finding them in proposed legislation is "like playing a game of Wackamole," one staffer to Sen. Patrick Leahy, D-Vt., joked. "As soon as you handle one, another one pops up."

Congress used the exemption in its massive Homeland Security Act three years ago, granting businesses protection from information disclosure if they agreed to share information about the vulnerabilities of their facilities.

And in another twist on the exemption, Congress inserted a provision into the Consolidated Appropriations Act of 2004 that states that "no funds appropriated under this or any other act may be used to disclose" records about firearms tracking to the public.

Government agencies have also sought protection from information disclosure.

For example, Congress passed an amendment to the National Security Act in 1984 that exempted the CIA from having to comply with the search and review requirements of the FOI Act for its "operational files."

Most of the information in those files, which included records about foreign and counterintelligence operations was already protected from disclosure under the other exemptions in the FOI Act.

But before Congress granted the exemption, the agency had to search and review each document to justify withholding the information, which cost time and money.

Open government advocates say many of the exemptions inserted into legislation are not justified.

"This is back door secrecy," said Thomas Blanton, executive director of the National Security Archive at George Washington University, a nonprofit research institute based in Washington.

When an industry wants to keep information secret, it seeks the so-called third exemption, he said.

"It all takes place behind the sausage grinder," Blanton said. "You don't know what gristle is going through the sport, you just have to eat it."

But Daniel J. Metcalfe, co-director of the Justice Department's Office of Information and Privacy, said the exception is crucial to the FOI Act's structure.

In the case of the animal identification bill, the exemption is critical to winning support from the cattle industry and on Capitol Hill.

"If we are going to develop an animal ID system that's effective and meaningful, we have to respect participants' private information," said Peterson, the Minnesota lawmaker who proposed the identification system. "The goal of a national animal I.D. system is to protect livestock owners as well as the public."

As the livestock industry sees it, it is providing information that will help protect the public health. In exchange for proprietary information about their herds, they believe they should receive confidence that their business records will not be shared with the public.

"The producers would be reluctant to support the bill without the protection," said Bryan Dierlam, executive director of government affairs at the National Cattleman's Beef Association.

The animal identification on bill provides the government with the information it needs to protect the public in the event of an disease out break, Dierlam said. "But it would protect the producers from John Q. Public trying to willy-nilly access their information."

Food safety experts agree there is a clear need for an animal identification system to protect the public, but they are not certain that the exemption to the FOI Act is necessary.

"It's sad that Congress feels they have to give away something to the cattle industry to achieve it," said Caroline Smith DeWaal, director of the food safety program at the Center for Science in the Public Interest, a nonprofit organization based in Washington.

Slipping the exemption into legislation without notice is another problem cited by open government advocates!.

It has become such a problem that the Senate's strongest FOI Act supporters, Sen. John Cornyn, R-Texas, and Sen. Patrick Leahy, D-Vt., proposed that lawmakers be required to uniformly identify the exemption in all future bills.

"If Congress wants to create new exemptions, it must do so in the light of day," Cornyn said. "And it must do so in a way that provides an opportunity to argue for or against the new exemption—rather than have new exemptions creep into the law unnoticed."

Leahy agreed, saying that Congress must be diligent in reviewing new exemptions to prevent possible abuses.

"In Washington, loopholes tend to beget more loopholes, and it's the same with FOI Act exemptions," Leahy said. "Focusing more sunshine on this process is an antidote to exemption creep."

Mr. LEAHY. For the third time this year, Senator CORNYN and I have joined to introduce common sense proposals to strengthen open government and the Freedom of Information Act, or FOIA. The Senator from Texas has a long record of promoting open government, most significantly during his tenure as Attorney General of Texas. He and I have forged a valuable partnership in this Congress to support and strengthen FOIA. We introduced two bills earlier this year, and held a hearing on our bill, the Open Government Act, issues during Sunshine Week in March.

The bill we introduce today is simple and straightforward. It simply requires that when Congress sees fit to provide a statutory exemption to FOIA, it must state its intention to do so explicitly. The language of this bill was previously introduced as section eight of S. 394, the Open Government Act.

No one argues with the notion that some government information is appropriately kept from public view. FOIA contains a number of exemptions for national security, law enforcement, confidential business information, personal privacy, and other matters. One provision of FOIA, commonly known as the (b)(3) exemption, states that records that are specifically exempted by statute may be withheld from disclosure. Many bills that are introduced contain statutory exemptions, or contain language that is ambiguous and might be interpreted as such by the courts. In recent years, we have seen more and more such exemptions offered in legislation. A 2003 Justice Department report stated that Congress has been "increasingly active in enacting such statutory provisions." A June 3, 2005, article by the Cox News Service titled, "Congress Cloaks More Information in Secrecy," pointed to 140 instances "where congressional lawmakers have inserted such exemptions" into proposed legislation. I commend this article to my colleagues and understand that Senator CORNYN has placed a copy in the RECORD.

Our shared principles of open government lead us to believe that individual statutory exemptions should be vigorously debated before lawmakers vote in favor of them. Sometimes such proposed exemptions are clearly delineated in proposed legislation, but other times they amount to a few lines within a highly complex and lengthy bill. These are difficult to locate and analyze in a timely manner, even for those of us who stand watch. As a result, such exemptions are often enacted with little scrutiny, and as soon as one is granted, others are requested.

The private sector has sought many exemptions in exchange for agreeing to share information with the government. One example of great concern to me is the statutory exemption for critical infrastructure information that was enacted as part of the Homeland Security Act of 2002, the law that created the Department of Homeland Security. In this case, a reasonable compromise, approved by the White House, to balance the protection of sensitive information with the public's right to know was pulled out of the bill in conference. It was then replaced with text providing an overly broad statutory exemption that undermines Federal and State sunshine laws. I have introduced legislation, called the Restoration of Freedom of Information Act, to revert to that reasonable compromise language.

Not every statutory exemption is inappropriate, but every proposal deserves scrutiny. Congress must be diligent in reviewing new exemptions to prevent possible abuses. Focusing more sunshine on this process is an antidote to exemption creep.

When we introduced the Open Government Act in February, we addressed this matter with a provision that would require Congress to identify proposed statutory exemptions in newly introduced legislation in a uniform manner. Today, we introduce that single section as a new bill that we hope can be enacted quickly.

I want to thank the Senator from Texas for his personal dedication to these issues. I urge all members of the Senate to join us in supporting this bill.

By Mr. CRAIG:

S. 1182. A bill to amend title 38, United States Code, to improve health care for veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I seek recognition today to introduce legislation that will expand the services available to our Nation's veterans and their dependents, and improve the ability of the Department of Veterans Affairs (VA) to provide health care services to this same group of deserving Americans. I take a few moments now to explain the provisions of this legislation.

First, the bill would, in section 2, exempt veterans enrolled for VA care from all copayments for hospice care services provided by VA. Over the past several years, VA has greatly expanded its efforts to provide compassionate end-of-life care for our Nation's heroes. Last year, Congress made efforts to ensure that the surviving spouses and children would not receive bills for such services following the deaths of such veterans who were in the hospice program. Unfortunately, last year's legislation did not go far enough, and today some veterans' families are still paying for this care. This provision would end that practice in all hospice care settings.

Section 3 of the bill would exempt former Prisoners of War from copayments that are applicable to care in a VA extended care facility. Congress has already exempted this deserving group of veterans from other VA medical copayments, and this provision would complete the range of services available to these veterans free of charge. In addition, this section bill would remove the requirement that VA maintain the exact number of nursing home care beds in VA facilities as it had during fiscal year 1998. Now before some suggest that I am advocating the reduction in services available to veterans, I'd like to explain how the current requirement came about and why I believe it should be reconsidered.

The requirement that VA maintain a specified level of nursing home beds was inserted into the law in 1999 when Congress enacted legislation to expand options for non-institutional, long-term care services available to veterans. At that time, some felt that by growing the non-institutional care program, VA would seek simply to shut all of its institutional care capacity. So in a compromise, Congress decided that fiscal year 1998 would be the year against which changes in the institutional care program would be measured. And then it required that VA maintain all of the beds it had in 1998.

Since 1998, VA has increased the number of veterans it treats by nearly 2 million. Yet, year after year, VA reports to Congress that it does not need to maintain the number of nursing home beds required by law. Does that mean VA is closing beds unnecessarily? No. It means VA has followed the progress of medicine and is offering tens-of-thousands of veterans non-institutional care services while keeping them at home rather than in VA nursing home beds. I do not believe that Congress should continue to mandate the maintenance of an arbitrarily-determined number of beds in a system that is trying to effectively use every dollar it can to provide real and needed services to our veterans. This provision reflects that belief.

The fourth section of the legislation, if enacted, would ensure that veterans who seek emergency medical services at the nearby community medical facilities are treated no differently financially than if the care had been provided at a VA medical facility. This is an important issue in the provision of quality health care for our veterans. VA has some evidence that veterans who need emergency services are bypassing local medical facilities, and are attempting to "make it" to a VA facility even in the face of an emergency, because of concerns that VA's reimbursement policies for non-VA provided emergency care will result in the veteran paying more out-of-pocket costs. Clearly, that is not the kind of behavior Congress wants to encourage in our veterans. Nor is it good medicine. This provision would clarify once and for all that veterans will be treated equally regardless of where emergency care treatment is sought.

Section 5 of the bill would authorize VA to provide or pay for up to the first fourteen days of care for a newborn child of an enrolled female veteran who delivers her baby under VA provided, or VA financed, care. As most of my colleagues know, VA provides what it calls a "comprehensive package of health benefits for eligible veterans." Unfortunately, for the increasing number of female veterans enrolling for VA care, the word "comprehensive" does not include coverage for a newborn's first few days of needed care. This type of arrangement is common in the private sector. In my judgment, this is an issue we must address to assure our female service members that, as more and more of them join the service and change the face of the American military, we will make certain that the face of VA changes right along with it.

Section 6 would allow private health care providers to recoup costs for care provided to children afflicted with spina bifida of Vietnam veterans—children who are, by law, entitled to VA-provided care—when the costs are not fully covered by VA reimbursements. This so-called "balance billing" authority would prohibit charging individual patients or veterans themselves. Only a beneficiary with private insurance could have his or her insurance cover charges not covered by VA. This provision is important because it will provide a financial incentive to many providers who, unfortunately in some cases today, are not willing to provide the very specialized services needed by these children because some costs are not reimbursed by VA at a sufficient rate.

Section 7 of this bill would increase the authorized level of funding for the Homeless Grant and Per Diem Program at the Department of Veterans Affairs. I know all of my colleagues would agree that any man or woman who served this country in uniform should not be among the unfortunate Americans who find themselves on the street without shelter. VA has made tremendous strides in this area by providing grant programs, health care services, mental health treatment, and other assistance to those veterans who do find themselves on the street. This provision would ensure that good programs remain on track for the foreseeable future.

The eighth section of this bill would authorize VA medical centers to employ Marriage and Family Therapists. I realize that to some of my colleagues this may sound as though VA is beginning to become a family health care system and not a veterans' health care system. I want to assure any who harbor such concerns that this is not the intention or the purpose of this proposed authority. Rather, this proposal seeks to recognize that for some veterans, the trauma and experiences of war may lead to troubles at home. Often in these situations, treatment as a family is more effective for the betterment of the veteran. Of course, preservation of the family is an extremely important byproduct of this treatment approach as well. I do not believe it is incompatible with the mission of treating our veterans to focus on their family well-being when it is appropriate. The military is offering many of these services already to those who are returning from overseas. These programs are receiving good reviews from those in the mental health and counseling professions. It seems only logical that we extend successful ideas from the military experience to our veterans.

Section 9 would provide pay equity for the national Director of VA's Nursing Service. Currently, this position is paid at a rate that is less than all of the other service chiefs at VA's Central Office. I believe correcting this inequity is not only a matter of fairness, but a long overdue recognition that VA's nursing service is just as important to the provision of health services for our veterans as the pharmacy service, the dental service, and other such services within VA.

Section 10 of this bill would allow VA to conduct cost-comparison studies within its health care system. Mr. President, such studies are invaluable tools for government to measure whether its current workforce has identified the most efficient and effective means of delivering services to our veterans, and value to the taxpayers. In my opinion, any organization that fails to measure its performance against others in the same field will quickly cease to be an effective organization. VA is—and it must continue to be—an effective and efficient health care provider. This small change in the law will provide one additional tool to ensure that is the case far into the future.

Section 11 of my legislation would focus on an area of great importance to many members of the Senate: The treatment of mental health issues for those returning from service in Operations Iraqi Freedom and Enduring Freedom. I know many of us have read reports that estimate that as many as 20 percent of those serving overseas will need some mental health care services to cope with the stress of serving in a war zone. First, I want to say to my colleagues that the Department of Veterans Affairs already has in place numerous programs and services to respond to the needs of those veterans seeking care for mental health issues. Still, as Chairman of the Veterans' Affairs Committee, I believe it is important that we assure our brave servicemen and women, and the American people, that we are not satisfied with merely maintaining VA's ability to provide mental health services. Rather, we must assure that VA continues to improve and expand the treatment options available.

This section of the bill would authorize $95 million in both fiscal years 2006 and 2007 to improve and expand the mental health services available to our Nation's veterans. The Secretary of Veterans Affairs would be required to devote specific resources to certain important areas of treatment including, but not limited to $5 million to expand the number of clinical teams devoted to the treatment of Post-Traumatic Stress Disorder; $50 million to expand the services available to diagnose and treat veterans with substance abuse problems; $10 million to expand telehealth capabilities in areas of the country where access to basic mental health services is nearly impossible; $1 million to improve educational programs available for primary care providers to learn more about diagnosing and treating veterans with mental illness; $20 million to expand the number of community-based outpatient clinics with mental health services; and $5 million to expand VA's Mental Health Intensive Case Management Teams.

I want to make it clear to my colleagues that I am taking this approach because I am concerned about the availability of these services as much as anyone in the Senate. But, I am also concerned about recent moves to "micro-manage" the VA health care system by requiring, for example, that certain percentages of VA's budget be spent on one service or another, or that every VA facility have some certain clinical service available. These approaches, while well-intentioned, run the risk of diverting important resources away from services that are extremely important to our veterans. My approach is to put Congress on record as expecting improvements and expansion in certain important programs, attaching a reasonable amount of money to those efforts, and then monitoring the progress closely from the Veterans' Committee.

Section 12 addresses a point of legal contention that has restricted the sharing of medical information between the Department of Defense and VA. As a result, record transfers for patients who would be VA patients are not arriving in VA hands as quickly and as seamlessly as they should. This provision would make clear that DoD and VA may exchange health records information for the purpose of providing health care to beneficiaries of one system who seek to quickly move to the other for services.

Section 13 of the bill would direct VA to expand the number VA employees dedicated to serving the Veterans Readjustment Counseling Service's Global War on Terrorism (GWOT) Outreach Program. The Committee on Veterans' Affairs held a hearing earlier this year at which two GWOT counselors testified on the numerous services their program provides to returning service members, specifically Guardsmen and Reservists coming back from Iraq and Afghanistan. In many cases, these GWOT counselors are the first VA officials to welcome home our troops at the airport, provide them with their first briefing on VA benefits and services, and steer those in need to counseling services and health care centers. This is a creative, vibrant program with only 50 employees that is just now beginning to reach its peak effect on returning combat veterans. I believe VA should expand its efforts in this area to ensure we are reaching everyone we can.

Section 14 of this bill would require VA to expand the number of Vet Centers capable of providing tele-health services and counseling to veterans returning from combat. Currently there are 21 Vet Center facilities that maintain this capability. And while that is a laudable effort, I believe we can do better. Tele-medicine offers a tremendous opportunity to bring many health services, particularly mental health services, to veterans who reside in areas of the country where those services would not otherwise be available. Practitioners are showing great results with tele-health services for mental health treatment, and our veterans are getting the services they need, closer to home, in a more timely fashion. Expansion of such success only seems logical.

Finally, section 15 of this bill would require the Secretary of Veterans Affairs to submit a report on all of the mental health data maintained by VA, including the actual geographic locations of collection and whether all of these points of data should continue to be collected.

Over the next several weeks, the Committee on Veterans' Affairs will be taking testimony on this bill and other legislation introduced by Senators to improve the range of services and benefits available to our Nation's veterans. I look forward to working with my colleagues throughout the rest of this session of Congress on these and other important efforts.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1182

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the “Veterans Health Care Act of 2005”.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. COPAYMENT EXEMPTION FOR HOSPICE CARE.

Section 1710 is amended—

(1) in subsection (f)(1), by inserting “(other than hospice care)” after “nursing home care”; and

(2) in subsection (g)(1), by inserting “(other than hospice care)” after “medical services”.

SEC. 3. NURSING HOME BED LEVELS; EXEMPTION FROM EXTENDED CARE SERVICES COPAYMENTS FOR FORMER POWS.

Section 1710B is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and.

(3) in subsection (b)(2), as redesignated—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(B) by inserting after subparagraph (A) the following:

“(B) to a veteran who is a former prisoner of war;”.

SEC. 4. REIMBURSEMENT FOR CERTAIN VETERANS' OUTSTANDING EMERGENCY TREATMENT EXPENSES.

(a) IN GENERAL.—Subchapter III of chapter 17 is amended by inserting after section 1725 the following:

“§ 1725A. Reimbursement for emergency treatment expenses for which certain veterans remain personally liable

“(a)(1) Subject to subsection (c), the Secretary may reimburse a veteran described in subsection (b) for expenses resulting from emergency treatment furnished to the veteran in a non-Department facility for which the veteran remains personally liable.

“(2) In any case in which reimbursement is authorized under subsection (a)(1), the Secretary, in the Secretary's discretion, may, in lieu of reimbursing the veteran, make payment—

“(A) to a hospital or other health care provider that furnished the treatment; or

“(B) to the person or organization that paid for such treatment on behalf of the veteran.

“(b) A veteran referred to in subsection (a) is an individual who—

“(1) is enrolled in the health care system established under section 1705(a) of this title;

“(2) received care under this chapter during the 24-month period preceding the furnishing of such emergency treatment;

“(3) is entitled to care or services under a health-plan contract that partially reimburses the cost of the veteran's emergency treatment;

“(4) is financially liable to the provider of emergency care treatment for costs not covered by the veteran's health-plan contract, including copayments and deductibles; and

“(5) is not eligible for reimbursement for medical care or services under section 1725 or 1728 of this title.

“(c)(1) Any amount paid by the Secretary under subsection (a) shall exclude the amount of any payment the veteran would have been required to make to the United States under this chapter if the veteran had received the emergency treatment from the Department.

“(2) The Secretary may not provide reimbursement under this section with respect to any item or service—

“(A) provided or for which payment has been made, or can reasonably be expected to be made, under the veteran's health-plan contract; or

“(B) for which payment has been made or can reasonably be expected to be made by a third party.

“(3)(A) Payment by the Secretary under this section on behalf of a veteran to a provider of emergency treatment shall, unless rejected and refunded by the provider within 30 days of receipt, extinguish any liability on the part of the veteran for that treatment.

“(B) The absence of a contract or agreement between the Secretary and the provider, any provision of a contract or agreement, or an assignment to the contrary shall not operate to modify, limit, or negate the requirement under subparagraph (A).

“(4) In accordance with regulations prescribed by the Secretary, the Secretary shall—

“(A) establish criteria for determining the amount of reimbursement (which may include a maximum amount) payable under this section; and

“(B) delineate the circumstances under which such payment may be made, including requirements for requesting reimbursement.

“(d)(1) In accordance with regulations prescribed by the Secretary, the United States shall have the independent right to recover any amount paid under this section if, and to the extent that, a third party subsequently makes a payment for the same emergency treatment.

“(2) Any amount paid by the United States to the veteran, the veteran's personal representative, successor, dependents, or survivors, or to any other person or organization paying for such treatment shall constitute a lien in favor of the United States against any recovery the payee subsequently receives from a third party for the same treatment.

“(3) Any amount paid by the United States to the provider that furnished the veteran's emergency treatment shall constitute a lien against any subsequent amount the provider receives from a third party for the same emergency treatment for which the United States made payment.

“(4) The veteran or the veteran's personal representative, successor, dependents, or survivors shall—

“(A) ensure that the Secretary is promptly notified of any payment received from any third party for emergency treatment furnished to the veteran;

“(B) immediately forward all documents relating to a payment described in subparagraph (A);

“(C) cooperate with the Secretary in an investigation of a payment described in subparagraph (A); and

“(D) assist the Secretary in enforcing the United States right to recover any payment made under subsection (c)(3).

“(e) The Secretary may waive recovery of a payment made to a veteran under this section that is otherwise required under subsection (d)(1) if the Secretary determines that such waiver would be in the best interest of the United States, as defined by regulations prescribed by the Secretary.

“(f) For purposes of this section—

“(1) the term ‘health-plan contract’ includes—

“(A) an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar arrangement, under which health services for individuals are provided or the expenses of such services are paid;

“(B) an insurance program described in section 1811 of the Social Security Act (42 U.S.C. 1395c) or established by section 1831 of that Act (42 U.S.C. 1395j);

“(C) a State plan for medical assistance approved under title XIX of such Act (42 U.S.C. 1396 et seq.); and

“(D) a workers' compensation law or plan described in section 1729(A)(2)(B) of this title;

“(2) the term ‘third party’ means—

“(A) a Federal entity;

“(B) a State or political subdivision of a State;

“(C) an employer or an employer's insurance carrier; and

“(D) a person or entity obligated to provide, or pay the expenses of, such emergency treatment; and

“(3) the term ‘emergency treatment’ has the meaning given such term in section 1725 of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1725 the following:

“Sec. 1725A. Reimbursement for emergency treatment expenses for which certain veterans remain personally liable.”.

SEC. 5. CARE FOR NEWBORN CHILDREN OF WOMEN VETERANS RECEIVING MATERNITY CARE .

(a) IN GENERAL.—Subchapter VIII of chapter 17 is amended by adding at the end the following:

“§ 1786. Care for newborn children of women veterans receiving maternity care

“The Secretary may furnish care to a newborn child of a woman veteran, who is receiving maternity care furnished by the Department, for not more than 14 days after the birth of the child if the veteran delivered the child in a Department facility or in another facility pursuant to a Department contract for the delivery services.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1785 the following:

“Sec. 1786. Care for newborn children of women veterans receiving maternity care.”.

SEC. 6. ENHANCEMENT OF PAYER PROVISIONS FOR HEALTH CARE FURNISHED TO CERTAIN CHILDREN OF VIETNAM VETERANS.

(a) HEALTH CARE FOR SPINA BIFIDA AND ASSOCIATED DISABILITIES.—Section 1803 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c)(1) If a payment made by the Secretary for health care under this section is less than the amount billed for such health care, the health care provider or agent of the health care provider may, in accordance with paragraphs (2) through (4), seek payment for the difference between the amount billed and the amount paid by the Secretary from a responsible third party to the extent that the provider or agent would be eligible to receive payment for such health care from such third party.

“(2) The health care provider or agent may not impose any additional charge on the beneficiary who received the health care, or the family of such beneficiary, for any service or item for which the Secretary has made payment under this section;

“(3) The total amount of payment a health care provider or agent may receive for health care furnished under this section may not exceed the amount billed to the Secretary.

“(4) The Secretary, upon request, shall disclose to such third party information received for the purposes of carrying out this section.”.

(b) HEALTH CARE FOR BIRTH DEFECTS AND ASSOCIATED DISABILITIES.—Section 1813 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c)(1) If payment made by the Secretary for health care under this section is less than the amount billed for such health care, the health care provider or agent of the health care provider may, in accordance with paragraphs (2) through (4), seek payment for the difference between the amount billed and the amount paid by the Secretary from a responsible third party to the extent that the provider or agent would be eligible to receive payment for such health care from such third party.

“(2) The health care provider or agent may not impose any additional charge on the beneficiary who received health care, or the family of such beneficiary, for any service or item for which the Secretary has made payment under this section;

“(3) The total amount of payment a health care provider or agent may receive for health care furnished under this section may not exceed the amount billed to the Secretary; and

“(4) The Secretary, upon request, shall disclose to such third party information received for the purposes of carrying out this section.”.

SEC. 7. IMPROVEMENTS TO HOMELESS PROVIDERS GRANT AND PER DIEM PROGRAM.

(a) PERMANENT AUTHORITY.—Section 2011 (a) is amended—

(1) in paragraph (1), by striking “(1)”; and

(2) by striking paragraph (2).

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 2013 is amended to read as follows:

“§ 2013. Authorization of appropriations

“There are authorized to be appropriated $130,000,000 for fiscal year 2006 and each subsequent fiscal year to carry out this subchapter.”.

SEC. 8. MARRIAGE AND FAMILY THERAPISTS.

(a) QUALIFICATIONS.—Section 7402(b) is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following:

“(10) MARRIAGE AND FAMILY THERAPIST.—To be eligible to be appointed to a marriage and family therapist position, a person must—

“(A) hold a master's degree in marriage and family therapy, or a comparable degree in mental health, from a college or university approved by the Secretary; and

“(B) be licensed or certified to independently practice marriage and family therapy in a State, except that the Secretary may waive the requirement of licensure or certification for an individual marriage and family therapist for a reasonable period of time recommended by the Under Secretary for Health.”.

(b) REPORT ON MARRIAGE AND FAMILY THERAPY WORKLOAD.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Under Secretary for Health, Department of Veterans Affairs, shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the provisions of post-traumatic stress disorder treatment by marriage and family therapists.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) the actual and projected workloads in facilities of the Veterans Readjustment Counseling Service and the Veterans Health Administration for the provision of marriage and family counseling for veterans diagnosed with, or otherwise in need of treatment for, post-traumatic stress disorder;

(B) the resources available and needed to support the workload projections described in subparagraph (A);

(C) an assessment by the Under Secretary for Health of the effectiveness of treatment by marriage and family therapists; and

(D) recommendations, if any, for improvements in the provision of such counseling treatment.

SEC. 9. PAY COMPARABILITY FOR CHIEF NURSING OFFICER, OFFICE OF NURSING SERVICES.

Section 7404 is amended—

(1) in subsection (d), by striking “subchapter III” and inserting “paragraph (e), subchapter III,”; and

(2) by adding at the end the following:

“(e) The position of Chief Nursing Officer, Office of Nursing Services, shall be exempt from the provisions of section 7451 of this title and shall be paid at a rate not to exceed the maximum rate established for the Senior Executive Service under section 5382 of title 5 United States Code, as determined by the Secretary.”.

SEC. 10. REPEAL OF COST COMPARISON STUDIES PROHIBITION.

Section 8110(a) is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraph (6) as paragraph (5).

SEC. 11. IMPROVEMENTS AND EXPANSION OF MENTAL HEALTH SERVICES.

(a) IN GENERAL.—The Secretary of Veterans affairs shall—

(1) expand the number of clinical treatment teams principally dedicated to the treatment of post-traumatic stress disorder in medical facilities of the Department of Veterans Affairs;

(2) expand and improve the services available to diagnose and treat substance abuse;

(3) expand and improve tele-health initiatives to provide better access to mental health services in areas of the country in which the Secretary determines that a need for such services exist due to the distance of such locations from an appropriate facility of the Department of Veterans Affairs;

(4) improve education programs available to primary care delivery professionals and dedicate such programs to recognize, treat, and clinically manage veterans with mental health care needs;

(5) expand the delivery of mental health services in community-based outpatient clinics of the Department of Veterans Affairs in which such services are not available as of the date of enactment of this Act; and

(6) expand and improve the Mental Health Intensive Case Management Teams for the treatment and clinical case management of veterans with serious or chronic mental illness.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated in each of fiscal years 2006 and 2007, $95,000,000 to improve and expand the treatment services and options available to veterans in need of mental health treatment from the Department of Veterans Affairs, of which—

(1) $5,000,000 shall be allocated to carry out subsection (a)(1);

(2) $50,000,000 shall be allocated to carry out subsection (a)(2);

(3) $10,000,000 shall be allocated to carry out subsection (a)(3);

(4) $1,000,000 shall be allocated to carry out subsection (a)(4);

(5) $20,000,000 shall be allocated to carry out subsection (a)(5); and

(6) $5,000,000 shall be allocated to carry out subsection (a)(6).

SEC. 12. DATA SHARING IMPROVEMENTS.

Notwithstanding any other provision of law, the Department of Veterans Affairs and the Department of Defense may exchange protected health information for—

(1) patients receiving treatment from the Department of Veterans Affairs; or

(2) individuals who may receive treatment from the Department of Veterans Affairs in the future, including all current and former members of the Armed Services.

SEC. 13. EXPANSION OF NATIONAL GUARD OUTREACH PROGRAM.

(a) REQUIREMENT.—The Secretary of Veterans Affairs shall expand the total number of personal employed by the Department of Veterans Affairs as part of the Readjustment Counseling Service's Global War on Terrorism Outreach Program (referred to in this section as the “Program”).

(b) COORDINATION.—In carrying out subsection (a), the Secretary shall coordinate participation in the Program by appropriate employees of the Veterans Benefits Administration and the Veterans Health Administration.

(c) INFORMATION AND ASSESSMENTS.—The Secretary shall ensure that—

(1) all appropriate health, education, and benefits information is available to returning members of the National Guard; and

(2) proper assessments of the needs in each of these areas is made by the Department of Veterans Affairs.

(d) COLLABORATION.—The Secretary of Veterans Affairs shall collaborate with appropriate State National Guard officials and provide such officials with any assets or services of the Department of Veterans Affairs that the Secretary determines to be necessary to carry out the Global War on Terrorism Outreach Program.

SEC. 14. EXPANSION OF TELE-HEALTH SERVICES.

(a) IN GENERAL.—The Secretary shall increase the number of Veterans Readjustment Counseling Service facilities capable of providing health services and counseling through tele-health linkages with facilities of the Veterans Health Administration.

(b) PLAN.—The Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a plan to implement the requirement under subsection (a), which shall describe the facilities that will have such capabilities at the end of each of fiscal years 2005, 2006, and 2007.

SEC. 15. MENTAL HEALTH DATA SOURCES REPORT.

(a) IN GENERAL.—Not less than 180 days after the date of enactment of this Act, the Secretary of Veterans Affairs shall submit a report to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives describing the mental health data maintained by the Department of Veterans Affairs.

(b) CONTENTS.—The report submitted under subsection (a) shall include—

(1) a comprehensive list of the sources of all such data, including the geographic locations of facilities of the Department of Veterans Affairs maintaining such data;

(2) an assessment of the limitations or advantages to maintaining the current data configuration and locations; and

(3) any recommendations, if any, for improving the collection, use, and location of mental health data maintained by the Department of Veterans Affairs.

By Mr. WARNER (for himself, Mr. LIEBERMAN, Mr. ROBERTS, Ms. STABENOW, Mr. DURBIN, and Mr. ALLEN):

S. 1183. A bill to provide additional assistance to recipients of Federal Pell Grants who are pursuing programs of study in engineering, mathematics, science, or foreign languages; to the Committee on Health, Education, Labor, and Pensions.

Mr. WARNER. Mr. President, I rise today to introduce an important bill related to education and our national, homeland, and economic security. I am pleased to be joined in this bipartisan effort with Senators LIEBERMAN, ROBERTS, STABENOW, ALLEN, and DURBIN. I am grateful to each of them for working closely with me in crafting this legislation.

Our ability to remain ahead of the curve in scientific and technological advancements is a key component to ensuring America's national, homeland and economic security in the post 9/11 world of global terrorism. Yet alarmingly, the bottom line is that America faces a huge shortage of home-grown, highly trained scientific minds.

The situation America faces today is not unlike almost fifty years ago. On October 4, 1957, the Soviet Union successfully launched the first man-made satellite into space, Sputnik. The launch shocked America, as many of us had just assumed that we were preeminent in the scientific fields. While prior to that unforgettable day America enjoyed an air of post World War II invincibility, afterwards our nation recognized that there was a cost to its complacency. We had fallen behind.

In the months and years to follow, we would respond with massive investments in science, technology and engineering. In 1958, Congress passed the National Defense Education Act to stimulate advancement in science and math education. In addition, President Eisenhower signed into law legislation that established the National Aeronautics and Space Administration (NASA). And a few years later, in 1961, President Kennedy set the Nation's goal of landing a man on the moon within the decade.

These investments paid off. In the years following the Sputnik launch, America not only closed the scientific and technological gap with the Soviet Union, we surpassed them. Our renewed commitment to science and technology not only enabled us to safely land a man on the moon in 1969, it spurred research and development which helped ensure that our modern military has always had the best equipment and technology in the world. These post-Sputnik investments also laid the foundation for the creation of some of the most significant technologies of modern life, including personal computers and the Internet.

Why is any of this important to us today? Because as the old saying goes—he or she who fails to remember history is bound to repeat it.

The truth of the matter is that today, America's education system is coming up short in training the highly technical American minds that we now need and will continue to need far into the future.

The 2003 Program for International Student Assessment found that the math, problem solving, and science skills of fifteen year old students in the United States were below average when compared to their international counterparts in industrialized countries.

While slightly better news was presented by the recently released 2003 Trends in International Mathematics and Science Study (TIMSS), it is still nothing we should cheer about. TIMSS showed that eighth grade students in the U.S. had lower average math scores than fifteen other participating countries. U.S. science scores weren't much better.

Our colleges and universities are not immune to the waning achievement in math and science education. The National Science Foundation reports the percentage of bachelor degrees in science and engineering have been declining in the U.S. for nearly two decades. In fact, the proportion of college-age students earning degrees in math, science, and engineering was substantially higher in 16 countries in Asia and Europe than it was in the United States.

In the past, this country has been able to compensate for its shortfall in homegrown, highly trained, technical and scientific talent by importing the necessary brain power from foreign countries. However, with increased global competition, this is becoming harder and harder. More and more of our imported brain power is returning home to their native countries. And regrettably, as they return home, many American high tech jobs are being outsourced with them.

The effects of these educational trends are already being felt in various important ways. For example: according to the National Science Board, by 2010, if current trends continue, significantly less than 10 percent of all physical scientists and engineers in the world will be working in America. The American Physical Society reports that the proportion of articles by American authors in the Physical Review, one of the most important research journals in the world, has hit an all time low of 29 percent, down from 61 percent in 1983. And the U.S. production of patents, probably the most direct link between research and economic benefit, has declined steadily relative to the rest of the world for decades, and now stands at only 52 percent of the total.

Fortunately, we already have an existing Federal program up and running that, if modified, can help. Under current law, the $14 billion a year Pell Grant program awards recipients grants regardless of the course of study that the recipient chooses to pursue. So, under current law, two people from the same financial background are eligible for the same grant even though one chooses to major in the liberal arts while the other majors in engineering or science.

While I believe studying the liberal arts is an important component to having an enlightened citizenry, I also believe that given the unique challenges we are facing in this country, it is appropriate for us to add an incentive to the Pell Grant program to encourage individuals to pursue courses of study where graduates are needed to meet our national, homeland, and economic security needs.

That is why today I am introducing this legislation. The legislation is simple. It provides that at least every two years, our Secretary of Education, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and others, should provide a list of courses of study where America needs home-grown talent to meet our national, homeland, and economic security needs. Those students who pursue courses of study in these programs will be rewarded with a doubling of their Pell Grant to help them with the costs associated with obtaining their education.

We in the Congress have an obligation when expending taxpayer money, to do so in a manner that meets our nation's needs. Our Nation desperately needs more highly trained domestic workers. That is an indisputable fact. And, in the Pell Grant program, we have approximately $14 billion that is readily available to help meet this demand.

In closing, our world is vastly different today than it was when the Pell Grant program was created in 1972. My legislation is a common-sense modification of the Pell Grant program that will help America meet its new challenges. I hope my colleagues will join me in this endeavor.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "21st Century Federal Pell Grant Plus Act".

SEC. 2. RECIPIENTS OF FEDERAL PELL GRANTS WHO ARE PURSUING PROGRAMS OF STUDY IN ENGINEERING, MATHEMATICS, SCIENCE, OR FOREIGN LANGUAGES.

Section 401(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(2)) is amended by adding at the end the following:

"(C)(i) Notwithstanding subparagraph (A) and subject to clause (iii), in the case of a student who is eligible under this part and who is pursuing a degree with a major in, or a certificate or program of study relating to, engineering, mathematics, science (such as physics, chemistry, or computer science), or a foreign language, described in a list developed or updated under clause (ii), the amount of the Federal Pell Grant shall be the amount calculated for the student under subparagraph (A) for the academic year involved, multiplied by 2.

"(ii)(I) The Secretary, in consultation with the Secretary of Defense, the Secretary of the Department of Homeland Security, and the Director of the National Science Foundation, shall develop, update not less often than once every 2 years, and publish in the Federal Register, a list of engineering, mathematics, and science degrees, majors, certificates, or programs that if pursued by a student, may enable the student to receive the increased Federal Pell Grant amount under clause (i). In developing and updating the list the Secretaries and Director shall consider the following:

"(aa) The current engineering, mathematics, and science needs of the United States with respect to national security, homeland security, and economic security.

"(bb) Whether institutions of higher education in the United States are currently producing enough graduates with degrees to meet the national security, homeland security, and economic security needs of the United States.

"(cc) The future expected workforce needs of the United States required to help ensure the Nation's national security, homeland security, and economic security.

"(dd) Whether institutions of higher education in the United States are expected to produce enough graduates with degrees to meet the future national security, homeland security, and economic security needs of the United States.

"(II) The Secretary, in consultation with the Secretary of Defense, the Secretary of the Department of Homeland Security, and the Secretary of State, shall develop, update not less often than once every 2 years, and publish in the Federal Register, a list of foreign language degrees, majors, certificates, or programs that if pursued by a student, may enable the student to receive the increased Federal Pell Grant amount under clause (i). In developing and updating the list the Secretaries shall consider the following:

"(aa) The foreign language needs of the United States with respect to national security, homeland security, and economic security.

"(bb) Whether institutions of higher education in the United States are currently producing enough graduates with degrees to meet the national security, homeland security, and economic security needs of the United States.

"(cc) The future expected workforce needs of the United States required to help ensure the Nation's national security, homeland security, and economic security.

"(dd) Whether institutions of higher education in the United States are expected to produce enough graduates with degrees to meet the future national security, homeland security, and economic security needs of the United States.

"(iii) Each student who received an increased Federal Pell Grant amount under clause (i) to pursue a degree, major, certificate, or program described in a list published under subclause (I) or (II) of clause (ii) shall continue to be eligible for the increased Federal Pell Grant amount in subsequent academic years if the degree, major, certificate, or program, respectively, is subsequently removed from the list.

"(iv)(I) If a student who received an increased Federal Pell Grant amount under clause (i) changes the student's course of study to a degree, major, certificate, or program that is not included in a list described in clause (ii), then the Secretary shall reduce the amount of Federal Pell Grant assistance the student is eligible to receive under this section for subsequent academic years by an amount equal to the difference between the total amount the student received under this subparagraph and the total amount the student would have received under this section if this subparagraph had not been applied.

"(II) The Secretary shall reduce the amount of Federal Pell Grant assistance the student is eligible to receive in subsequent academic years by dividing the total amount to be reduced under subclause (I) for the student by the number of years the student received an increased Federal Pell Grant amount under clause (i), and deducting the result from the amount of Federal Pell Grant assistance the student is eligible to receive under this section for a number of subsequent academic years equal to the number of academic years the student received an increased Federal Pell Grant amount under clause (i).".

By Mr. BIDEN:

S. 1184. A bill to waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today I introduce a bill to remedy a small gap in our passport laws. The change that I propose could be important to family members of servicemembers who lose their lives in service of their country.

Under current law, the State Department may not charge a fee to issue a passport to relatives of a deceased member of the Armed Forces who are proceeding abroad to visit the grave of such a member. But the law as applied requires that the family be visiting an official gravesite overseas.

The law does not, however, allow the waiver of passport fees if the family is attending a funeral or memorial service for a servicemember killed in action, but who is buried or memorialized overseas. The need for such a waiver probably does not occur often, but it happens. Last year, a servicemember from my home State of Delaware was killed in action in Iraq. The servicemember was stationed in Germany and his wife was German. She wished for him to be buried in Germany. So all of his relatives in the United States needed to travel quickly, and many of them did not have passports. At a time of such grieving for a lost servicemember, the family of the fallen hero should not have to worry about paying passport fees, which can add up quickly for a family. Waiving the fee in such cases is the least that we can do.

I hope we can approve such a minor change in the law quickly. I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PASSPORT FEES.

Section 1 of the Act of June 4, 1920 (41 Stat. 750, chapter 223; 22 U.S.C. 214) is amended in the third sentence by striking "or from a widow, child, parent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member" and inserting "or from a widow, widower, child, parent, grandparent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member".

By Mr. DOMENICI (for himself, Mr. SCHUMER, Mr. COCHRAN, MR. ALLARD, and Mr. COLEMAN):

S. 1186. A bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

Mr. DOMENICI. Mr. President, I rise today to introduce again legislation to eliminate one of the great inconsistencies in the Internal Revenue Code.

The bill I am introducing today with Senator SCHUMER is designed to restore some internal consistency to the tax code as it applies to art and artists. No one has ever said that the tax code is fair even though it has always been a theoretical objective of the code to treat similar taxpayers similarly.

The bill I am introducing today would address two areas where similarly situated taxpayers are not treated the same.

Internal inconsistency number one deals with the long-term capital gains tax treatment of investments in art and collectibles. If a person invests in stocks or bonds and sells at a gain, the tax treatment is long term capital gains. The top capital gains tax rate is 15 percent. However, if the same person invests in art or collectibles the top rate is hiked up to 28 percent. Art for art's sake should not incur a higher tax rate simply for revenue's sake. That is a big impact on the pocketbook of the beholder.

Art and collectibles are alternatives to financial instruments as an investment choice. To create a tax disadvantage with respect to one investment compared to another creates an artificial market and may lead to poor investment allocations. It also adversely impacts those who make their livelihood in the cultural sectors of the economy.

Santa Fe, NM, is the third largest art market in the country. We have a diverse colony of artists, collectors and gallery owners. We have fabulous Native American rug weavers, potters and carvers. Creative giants like Georgia O'Keeffe, Maria Martinez, E.L. Blumenshein, Allan Houser, R.C. Gorman, and Glenna Goodacre have all chosen New Mexico as their home and as their artistic subject. John Nieto, Wilson Hurley, Clark Hulings, Veryl Goodnight, Bill Acheff, Susan Rothenberg, Bruce Nauman, Agnes Martin, Doug Hyde, Margaret Nez, and Dan Ostermiller are additional examples of living artists creating art in New Mexico.

Art, antiques, and collectibles are a $12 to $20 billion annual industry nationwide. In New Mexico, it has been estimated that art and collectible sales range between $500 million and one billion a year.

Economists have always been interested in the economics of the arts. Adam Smith is a well-known economist. He was also a serious, but little-known essayist on painting, dancing, and poetry. Similarly, Keynes was both a famous economist and a passionate devotee of painting. However, even artistically inclined economists have found it difficult to define art within the context of economic theory.

When asked to define jazz, Louis Armstrong replied: "If you gotta ask, you ain't never going to know." A similar conundrum has challenged Galbraith and other economists who have grappled with the definitional issues associated with bringing art within the economic calculus. Original art objects are, as a commodity group, characterized by a set of attributes: every unit of output is differentiated from every other unit of output; art works can be copied but not reproduced; and the cultural capital of the nation has significant elements of public good.

Because art works can be resold, and their prices may rise over time, they have the characteristics of financial assets, and as such may be sought as a hedge against inflation, as a store of wealth, or as a source of speculative capital gain. A study by Keishiro Matsumoto, Samuel Andoh and James P. Hoban, Jr. assessed the risk-adjusted rates of return on art sold at Sotheby's during the 14-year period ending September 30, 1989. They concluded that art was a good investment in terms of average real rates of return. Several studies found that rates of return from the price appreciation on paintings, comic books, collectibles and modern prints usually made them very attractive long-term investments. Also, when William Goetzmann was at the Columbia Business School, he constructed an art index and concluded that painting price movements and stock market fluctuations are correlated.

I conclude that with art, as well as stocks, past performance is no guarantee of future returns, but the gains should be taxed the same.

In 1990, the editor of Art and Auction asked the question: "Is there an 'efficient' art market?" A well-known art dealer answered "Definitely not. That's one of the things that makes the market so interesting." For everyone who has been watching world financial markets lately, the art market may be a welcome distraction.

Why do people invest in art and collectibles? Art and collectibles are something you can appreciate even if the investment doesn't appreciate. Art is less volatile. If buoyant and not so buoyant bond prices drive you berserk and spiraling stock prices scare you, art may be the appropriate investment for you. Because art and collectibles are investments, the long-term capital gains tax treatment should be the same as for stocks and bonds. This bill would accomplish that.

Artists will benefit. Gallery owners will benefit. Collectors will benefit. And museums benefit from collectors. About 90 percent of what winds up in museums like New York's Metropolitan Museum of Art comes from collectors.

Collecting isn't just for the hoity toity. It seems that everyone collects something. Some collections are better investments than others. Some collections are just bizarre. The Internet makes collecting big business, and flea market fanatics are avid collectors. In fact, people collect the darndest things. Books, duck decoys, chia pets, snowglobes, thimbles, handcuffs, spectacles, baseball cards, and guns are a few such "collectibles."

For most of these collections, capital gains isn't really an issue, but you never know. You may find that your collecting passion has created a tax predicament to phrase it politely. Art and collectibles are tangible assets. When you sell them, capital gains tax is due on any appreciation over your purchase price.

The bill provides capital gains tax parity because it lowers the top capital gains rate from 28 percent to 15 percent.

Internal inconsistency number two deals with the charitable deduction for artists donating their work to a museum or other charitable cause. When someone is asked to make a charitable contribution to a museum or to a fund raising auction, it shouldn't matter whether that person is an artist or not. Under current law, however, it makes a big difference. As the law stands now, an artist/creator can only take a deduction equal to the cost of the art supplies. The bill I am introducing will allow a fair market deduction for the artist.

It's important to note that this bill includes certain safeguards to keep the artist from "painting himself a tax deduction." This bill applies to literary, musical, artistic, and scholarly compositions if the work was created at least 18 months before the donation was made, has been appraised, and is related to the purpose or function of the charitable organization receiving the donation. As with other charitable contributions, it is limited to 50 percent of adjusted gross income (AGI). If it is also a capital gain, there is a 30 percent of AGI limit. I believe these safeguards bring fairness back into the code and protect the Treasury against any potential abuse.

I hope my colleagues will help me put this internal consistency into the Internal Revenue Code.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Art and Collectibles Capital Gains Tax Treatment Parity Act".

SEC. 2. CAPITAL GAINS TREATMENT FOR ART AND COLLECTIBLES.

(a) IN GENERAL.—Section 1(h) of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended by striking paragraphs (4) and (5) and inserting the following new paragraphs:

"(4) 28-PERCENT RATE GAIN.—For purposes of this subsection, the term '28-percent rate gain' means the excess (if any) of—

"(A) section 1202 gain, over

"(B) the sum of—

"(i) the net short-term capital loss, and

"(ii) the amount of long-term capital loss carried under section 1212(b)(1)(B) to the taxable year.

"(5) RESERVED.—.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 3. CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULE FOR CERTAIN CONTRIBUTIONS OF LITERARY, MUSICAL, ARTISTIC, OR SCHOLARLY COMPOSITIONS.—

"(A) IN GENERAL.—In the case of a qualified artistic charitable contribution—

"(i) the amount of such contribution taken into account under this section shall be the fair market value of the property contributed (determined at the time of such contribution), and

"(ii) no reduction in the amount of such contribution shall be made under paragraph (1).

"(B) QUALIFIED ARTISTIC CHARITABLE CONTRIBUTION.—For purposes of this paragraph, the term 'qualified artistic charitable contribution' means a charitable contribution of any literary, musical, artistic, or scholarly composition, or similar property, or the copyright thereon (or both), but only if—

"(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 18 months prior to such contribution,

"(ii) the taxpayer—

"(I) has received a qualified appraisal of the fair market value of such property in accordance with the regulations under this section, and

"(II) attaches to the taxpayer's income tax return for the taxable year in which such contribution was made a copy of such appraisal,

"(iii) the donee is an organization described in subsection (b)(1)(A),

"(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under section 501(c)),

"(v) the taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with the provisions of clause (iv), and

"(vi) the written appraisal referred to in clause (ii) includes evidence of the extent (if any) to which property created by the personal efforts of the taxpayer and of the same type as the donated property is or has been—

"(I) owned, maintained, and displayed by organizations described in subsection (b)(1)(A), and

"(II) sold to or exchanged by persons other than the taxpayer, donee, or any related person (as defined in section 465(b)(3)(C)).

"(C) MAXIMUM DOLLAR LIMITATION; NO CARRYOVER OF INCREASED DEDUCTION.—The increase in the deduction under this section by reason of this paragraph for any taxable year—

"(i) shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year, and

"(ii) shall not be taken into account in determining the amount which may be carried from such taxable year under subsection (d).

"(D) ARTISTIC ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'artistic adjusted gross income' means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to—

"(i) income from the sale or use of property created by the personal efforts of the taxpayer which is of the same type as the donated property, and

"(ii) income from teaching, lecturing, performing, or similar activity with respect to property described in clause (i).

"(E) PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS.—Subparagraph (A) shall not apply to any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while the individual is an officer or employee of any person (including any government agency or instrumentality) unless such letter, memorandum, or similar property is entirely personal.

"(F) COPYRIGHT TREATED AS SEPARATE PROPERTY FOR PARTIAL INTEREST RULE.—In the case of a qualified artistic charitable contribution, the tangible literary, musical, artistic, or scholarly composition, or similar property and the copyright on such work shall be treated as separate properties for purposes of this paragraph and subsection (f)(3).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act in taxable years ending after such date.

By Mrs. BOXER (for herself and Mr. SCHUMER):

S. 1193. A bill to direct the Assistant Secretary of Homeland Security for the Transportation Security Administration to issue regulations requiring turbojet aircraft of air carriers to be equipped with missile defense systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, today I am reintroducing the Commercial Airline Missile Defense Act. This legislation is designed to ensure that our commercial aircraft are protected against the threat posed by shoulder-fired missiles.

I first introduced this legislation in February 2003 in response to two separate attacks attributed to al Qaeda terrorists. The first attack was the attempted shoot down of a U.S. military aircraft in Saudi Arabia. The second attack was against an Israeli passenger jet in Kenya. Fortunately, there were no casualties in either case.

But make no mistake, the threat posed by these weapons—also known as man-portable air defense systems (MANPADS)—is very real. In May 2002, the FBI said, ". . . Given al Qaeda's demonstrated objective to target the U.S. airline industry, its access to U.S. and Russian-made MANPAD systems, and recent apparent targeting of U.S.-led military forces in Saudi Arabia, law enforcement agencies in the United States should remain alert to the potential use of MANPADS against U. S. aircraft."

In February 2004, the Director of the Defense Intelligence Agency, Admiral Lowell Jacoby, testified before the Senate Intelligence Committee on current and projected national security threats. He stated the following: "A MANPAD attack against civilian aircraft would produce large number of casualties, international publicity and a significant economic impact on aviation. These systems are highly portable, easy to conceal, inexpensive, available in the global weapons market and instruction manuals are on the internet. Commercial aircraft are not equipped with countermeasures and commercial pilots are not trained in evasive measures. An attack could occur with little or no warning. Terrorists may attempt to capitalize on these vulnerabilities."

It is estimated that there are between 300,000 and one million shoulder-fired missiles in the world today—thousands are thought to be in the hands of terrorist and other non-state entities.

Since I first introduced my legislation in 2003, progress has been made in adapting countermeasures now being used by the military for use on commercial aircraft. A special program office has been created within the Department of Homeland Security that is working to demonstrate and test two prototype countermeasure systems. Flight testing is scheduled to begin in a matter of weeks.

This legislation, which I am again introducing with my primary cosponsor, Senator SCHUMER, states that the installation of countermeasure systems on commercial aircraft will begin no later than 6 months after the Secretary of Homeland Security certifies that the countermeasure system has successfully completed a program of operational test and evaluation.

We need to continue to move forward to ensure that commercial aircraft are protected from the threat posed by shoulder-fired missiles. I appreciate the hard work of my colleague in the House, Congressman STEVE ISRAEL, who is a real leader on this issue.

I hope my colleagues will support this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 161—HONORING THE LIFE OF ROBERT M. LA FOLLETTE, SR., ON THE SESQUICENTENNIAL OF HIS BIRTH

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 161

Whereas Robert M. La Follette, Sr., better known as "Fighting Bob" La Follette, was born 150 years ago, on June 14, 1855, in Primrose, Wisconsin;

Whereas Fighting Bob was elected to 3 terms in the United States House of Representatives, 3 terms as Governor of Wisconsin, and 4 terms as a United States Senator;

Whereas Fighting Bob founded the Progressive wing of the Republican Party;

Whereas Fighting Bob was a lifelong supporter of civil rights and women's suffrage, earning respect and support from such distinguished Americans as Frederick Douglass and Harriet Tubman Upton;

Whereas Fighting Bob helped to make the "Wisconsin Idea" a reality at the Federal and State level, instituting election reforms, environmental conservation, railroad rate regulation, increased education funding, and business regulation;

Whereas Fighting Bob was a principal advocate for the Seventeenth Amendment to the Constitution of the United States, which calls for the election of United States Senators by popular vote;

Whereas Fighting Bob delivered an historic speech, "Free Speech in Wartime", opposing the public persecution of those who sought to hold their Government accountable;

Whereas Fighting Bob played a key role in exposing the corruption during the Teapot Dome Scandal;

Whereas Fighting Bob and his wife, Belle Case La Follette, founded *La Follette's Weekly*, now renamed *The Progressive*, a monthly magazine for the Progressive community;

Whereas Fighting Bob ran for the presidency on the Progressive ticket in 1924, winning more than 17 percent of the popular vote;

Whereas the Library of Congress recognized Fighting Bob in 1985 by naming the Congressional Research Service reading room in the Madison Building in honor of both Robert M. La Follette, Sr., and his son, Robert M. La Follette, Jr., for their shared commitment to the development of a legislative research service to support the United States Congress;

Whereas Fighting Bob was honored in 1929 with 1 of 2 statues representing the State of Wisconsin in National Statuary Hall in the United States Capitol;

Whereas Fighting Bob was chosen as 1 of "Five Outstanding Senators" by the Special Committee on the Senate Reception Room in 1957;

Whereas a portrait of Fighting Bob was unveiled in the Senate Reception Room in March 1959; and

Whereas Fighting Bob was revered by his supporters for his unwavering commitment to his ideals, and for his tenacious pursuit of a more just and accountable Government: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the sesquicentennial of the birth of Robert M. La Follette, Sr.;

(2) recognizes the important contributions of Robert M. La Follette, Sr., to the Progressive movement, the State of Wisconsin, and the United States of America; and

(3) directs that the Secretary of the Senate transmit an enrolled copy of this resolution to the family of Robert M. La Follette, Sr., and the Wisconsin Historical Society.

Mr. FEINGOLD. Mr. President, I rise today to honor the extraordinary life of Robert M. La Follette Sr. Next week, on June 14th, people around my home State of Wisconsin will mark the 150th anniversary of La Follette's birth. Throughout his life, La Follette was revered for his tireless service to the people of Wisconsin and to the people of the United States. His dogged, full-steam-ahead approach to his life's work earned him the nickname "Fighting Bob."

Robert Marion La Follette, Sr., was born on June 14, 1855, in Primrose, a small town southwest of Madison in Dane County. He graduated from the University of Wisconsin Law School in 1879 and, after being admitted to the State bar, began his long career in public service as Dane County district attorney.

La Follette was elected to the United States House of Representatives in 1884, and he served three terms as a member of that body, where he was a member of the Ways and Means Committee.

After losing his campaign for reelection in 1890, La Follette returned to Wisconsin and continued to serve the people of my State as a judge. Upon his exit from Washington, DC, a reporter wrote, La Follette "is popular at home, popular with his colleagues, and popular in the House. He is so good a fellow that even his enemies like him."

He was elected the 20th Governor of Wisconsin in 1900. He served in that office until 1906, when he stepped down in order to serve the people of Wisconsin in the United States Senate, where he remained until his death in 1925.

As a founder of the national progressive movement, La Follette championed progressive causes as governor of Wisconsin and in the U.S. Congress. As governor, he advanced an agenda that included the country's first workers compensation system, direct election of United States Senators, and railroad rate and tax reforms. Collectively, these reforms would become known as the "Wisconsin Idea." As governor, La Follette also supported cooperation between the State and the University of Wisconsin.

His terms in the House of Representatives and the Senate were spent fighting for women's rights, working to limit the power of monopolies, and opposing pork barrel legislation. La Follette also advocated electoral reforms, and he brought his support of the direct election of United States Senators to this body. His efforts were brought to fruition with the ratification of the Seventeenth Amendment in 1913. Fighting Bob also worked tirelessly to hold the government accountable, and was a key figure in exposing the Teapot Dome Scandal.

La Follette earned the respect of such notable Americans as Frederick Douglass, Booker T. Washington and Harriet Tubman Upton for making civil rights one of his trademark issues. At a speech before the 1886 graduating class of Howard University, La Follette said, "We are one people, one by truth, one almost by blood. Our lives run side by side, our ashes rest in the same soil. [Seize] the waiting world of opportunity. Separatism is snobbish stupidity, it is supreme folly, to talk of non-contact, or exclusion!"

La Follette ran for President three times, twice as a Republican and once on the Progressive ticket. In 1924, as the Progressive candidate for president, La Follette garnered more than 17 percent of the popular vote and carried the State of Wisconsin.

La Follette's years of public service were not without controversy. In 1917, he filibustered a bill to allow the arming of United States merchant ships in response to a series of German submarine attacks. His filibuster was successful in blocking passage of this bill in the closing hours of the 64th Congress. Soon after, La Follette was one of only six Senators who voted against U.S. entry into World War I.

Fighting Bob was outspoken in his belief that the right to free speech did not end when war began. In the fall of 1917, La Follette gave a speech about the war in Minnesota, and he was misquoted in press reports as saying that he supported the sinking of the Lusitania. The Wisconsin State Legislature condemned his supposed statement as treason, and some of La Follette's Senate colleagues introduced a resolution to expel him. In response to this action, he delivered his seminal floor address, "Free Speech in Wartime," on October 16, 1917. If you listen closely, you can almost hear his strong voice echoing through this chamber as he said: "Mr. President, our government, above all others, is founded on the right of the people freely to discuss all matters pertaining to their government, in war not less than in peace, for in this government, the people are the rulers in war no less than in peace."

Of the expulsion petition filed against him, La Follette said:

> I am aware, Mr. President, that in pursuance of this general campaign of vilification and attempted intimidation, requests from various individuals and certain organizations have been submitted to the Senate for my expulsion from this body, and that such requests have been referred to and considered by one of the Committees of the Senate.
>
> If I alone had been made the victim of these attacks, I should not take one moment of the Senate's time for their consideration, and I believe that other Senators who have been unjustly and unfairly assailed, as I have been, hold the same attitude upon this that I do. Neither the clamor of the mob nor the voice of power will ever turn me by the breadth of a hair from the course I mark out for myself, guided by such knowledge as I can obtain and controlled and directed by a solemn conviction of right and duty."

This powerful speech led to a Senate investigation of whether La Follette's conduct constituted treason. In 1919, following the end of World War I, the Senate dropped its investigation and reimbursed La Follette for the legal fees he incurred as a result of the expulsion petition and corresponding investigation. This incident is indicative of Fighting Bob's commitment to his ideals and of his tenacious spirit.

La Follette died on June 18, 1925, in Washington, DC, while serving Wisconsin in this body. His daughter noted, "His passing was mysteriously peaceful for one who had stood so long on the battle line." Mourners visited the Wisconsin Capitol to view his body, and paid respects in a crowd nearing 50,000 people. La Follette's son, Robert M. La Follette, Jr., was appointed to his father's seat, and went on to be elected in his own right and to serve in this body for more than 20 years, following the progressive path blazed by his father.

La Follette has been honored a number of times for his unwavering commitment to his ideals and for his service to the people of Wisconsin and of the United States.

Recently, I was proud to support Senate passage of a bill introduced in the other body by Congresswoman TAMMY BALDWIN that will name the post office at 215 Martin Luther King, Jr., Boulevard in Madison in La Follette's honor. I commend Congresswomen BALDWIN for her efforts to pass this bill.

The Library of Congress recognized La Follette in 1985 by naming the Congressional Research Service reading room in the Madison Building in honor of both Fighting Bob and his son. Robert M. La Follette, Jr., for their shared commitment to the development of a legislative research service to support the United States Congress. In his autobiography, Fighting Bob noted that, as governor of Wisconsin, he "made it a . . . policy to bring all the reserves of knowledge and inspiration of the university more fully to the service of the people. . . . Many of the university staff are now in state service, and a bureau of investigation and research established as a legislative reference library . . . has proved of the greatest assistance to the legislature in furnishing the latest and best thought of the advanced students of government in this and other countries." He went on to call this service "a model which the federal government and ultimately every state in the union will follow." Thus, the legislative reference service that La Follette created in Madison served as the basis for his work to create the Congressional Research Service at the Library of Congress.

The La Follette Reading Room was dedicated on March 5, 1985, the 100th anniversary of Fighting Bob being sworn in for his first term as a Member of Congress.

Across this magnificent Capitol in National Statuary Hall, Fighting Bob is forever immortalized in white marble, still proudly representing the State of Wisconsin. His statue resides in the Old House Chamber, now known as National Statuary Hall, among those of other notable figures who have made their marks in American history. One of the few seated statues is that of Fighting Bob. Though he is sitting, he is shown with one foot forward, and one hand on the arm of his chair, as if he is about to leap to his feet and begin a robust speech.

When then-Senator John F. Kennedy's five-member Special Committee on the Senate Reception Room chose La Follette as one of the "Five Outstanding Senators" whose portraits would hang outside of this chamber in the Senate reception room, he was described as being a "ceaseless battler for the underprivileged" and a "courageous independent." Today, his painting still hangs just outside this chamber, where it bears witness to the proceedings of this body—and, perhaps, challenges his successors here to continue fighting for the social and government reforms he championed.

To honor Robert M. La Follette, Sr., on the sesquicentennial of his birth, today I am introducing three pieces of legislation. I am pleased to be joined in this effort by the senior Senator from Wisconsin, Senator KOHL. The first is a resolution celebrating this event and recognizing the importance of La Follette's important contributions to the Progressive movement, the State of Wisconsin, and the United States of America.

I am also introducing a bill that would direct the Secretary of the Treasury to mint coins to commemorate Fighting Bob's life and legacy. The third bill that I am introducing today would authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. La Follette, Sr. The minting of a commemorative coin and the awarding of the Congressional Gold Medal would be fitting tributes to the memory of Robert M. La Follette, Sr., and to his deeply held beliefs and long record of service to his State and to his country. I hope that my colleagues will support all three of these proposals.

Let us never forget Robert M. La Follette, Sr.'s character, his integrity, his deep commitment to Progressive causes, and his unwillingness to waver from doing what he thought was right. The Senate has known no greater champion of the common man and woman, no greater enemy of corruption and cronyism, than "Fighting Bob" La Follette, and it is an honor to speak in the same chamber, and serve the same great State, as he did.

SENATE RESOLUTION 162—EXPRESSING THE SENSE OF THE SENATE CONCERNING GRISWOLD V. CONNECTICUT

Ms. SNOWE (for herself, Mr. OBAMA, Mr. CORZINE, Mrs. BOXER, Mrs. MURRAY, Mrs. CLINTON, Mr. HARKIN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. REID, Mr. FEINGOLD, and Mr. JEFFORDS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 162

Whereas June 7, 2005, marks the 40th anniversary of the United States Supreme Court decision in *Griswold v. Connecticut* (1965) in which the Court recognized the constitutional right of married couples to use contraception—a right that the Court would extend to unmarried individuals within less than a decade;

Whereas the decision in *Griswold v. Connecticut* paved the way for widespread use of birth control among American women;

Whereas the Centers for Disease Control and Prevention recognized family planning in its published list of the "Ten Great Public Health Achievements in the 20th Century";

Whereas the typical woman in the United States wants only 2 children and therefore spends roughly 30 years of her life trying to prevent pregnancy;

Whereas birth control is a critical component of basic preventive health care for women and has been the driving force in reducing national rates of unintended pregnancy and the need for abortion;

Whereas the ability of women to control their fertility and avoid unintended pregnancy has led to dramatic declines in maternal and infant mortality rates and has improved maternal and infant health;

Whereas in 1965, there were 31.6 maternal deaths per 100,000 live births and in 2000 there were 9.8 maternal deaths per 100,000 live births;

Whereas in 1965, 24.7 infants under 1 year of age died per 1,000 live births and in 2003 this figure had declined to 7 infant deaths per 1,000 live births;

Whereas the ability of women to control their fertility has enabled them to achieve personal educational and professional goals critical to the economic success of the United States;

Whereas in 1965, 7 percent of women completed 4 or more years of college compared to 26 percent in 2004;

Whereas in 1965, women age 16 and over constituted 39 percent of the workforce compared to 59 percent in 2004;

Whereas publicly-funded family planning programs have increased the ability of women, regardless of economic status, to access birth control and experience the resulting health and economic benefits;

Whereas public investment in this most basic preventive health care is extremely cost effective—for every dollar spent on publicly funded family planning, $3 is saved in pregnancy-related and newborn care cost to the Medicaid program alone;

Whereas Congress had repeatedly recognized the importance of a women's ability to access contraceptives through support for Medicaid, title X of the Public Health Service Act, and the Federal Employee Health Benefits Program;

Whereas 40 years after the Griswold decision, many women still face challenges in accessing birth control and using it effectively;

Whereas the United States has one of the highest rates of unintended pregnancy among Western nations and each year, half of all pregnancies in the United States are unintended, and nearly half of those end in abortion;

Whereas teen pregnancy rates have dramatically declined, still, 78 percent of teen pregnancies are unintended and more than one-third of teen girls will become pregnant before age 20; and

Whereas publicly funded family planning clinics are the only source of healthcare for many uninsured and low-income women:

Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) forty years ago the United States Supreme Court in *Griswold v. Connecticut* held that married people have a constitutional right to use contraceptives, a right that the Court would extend to unmarried individuals within less than a decade;

(2) the ability of women to control their fertility through birth control has vastly improved maternal and infant health, has reduced national rates of unintended pregnancy, and has allowed women the ability to achieve personal educational and professional goals critical to the economic success of the United States; and

(3) Congress should take further steps to ensure that all women have universal access to affordable contraception.

Ms. SNOWE. Mr. President, today we mark forty years since a momentous Supreme Court decision. It is difficult for many young Americans to imagine that in the not too distant past, the provision of contraceptives was illegal.

In the 1965 landmark decision of Griswold v. Connecticut, the Supreme Court recognized the right of married couples to obtain contraception and reproductive counseling. This was a watershed moment in public health—indeed such that the CDC has recognized that our subsequent progress in family planning constitutes one of the ten greatest public health achievements of the last century.

Women have faced great obstacles in family planning. While the average woman desires two children, with more than thirty years of fertility a woman's health and the welfare of her family is compromised without modern contraception.

We know that family planning has been practiced throughout history, but the methods used were certainly not always safe and effective. Today we take for granted both the access to modern contraceptives and the individual's right to make reproductive decisions. Among our noblest intentions is that every child is wanted, and that parents will have the resources to ensure their child's health and success. Following the Griswold decision, we have come far closer to that goal.

We certainly can see the results. The maternal death rate in the U.S. is only one third what is was back in 1965. The same is true for infant survival. The health outcomes are indisputable.

The lives of women have also been improved in so many ways. Four times more women are now college educated. This is so vital in an age where a more competitive world demands so much more of American families. It is essential that women can better themselves and ensure the security of their families.

As we commemorate the recognition by the Supreme Court that individuals have a right to that most basic part of life—the planning of their families—we recognize that there is still a great deal of progress to be made. Legal access does not equate to affordability. Certainly we must adequately fund Medicaid, title X, and other programs which provide family planning services. Such access reduces unwanted pregnancies, promotes the economic stability of families, and improves the health of both mother and child, yet we need to do more.

We simply must assure that access to contraceptives is equitable—that a lack of coverage by health plans does not place one of our most effective public health measures out of reach for millions of women. To achieve this aim, I will again introduce the Equity in Prescription Insurance and Contraceptive Act with Senator REID later this week. I invite my colleagues to join us in supporting this legislation to realize the full promise of Griswold v. Connecticut—healthier mothers, healthier children, and healthy, stable families.

Mr. OBAMA. Mr. President, today marks the 40th anniversary of the U.S. Supreme Court decision in Griswold v. Connecticut, which struck down Connecticut laws that prohibited reproductive counseling and the use of contraception. In recognizing a constitutional right to privacy, this landmark decision secured the right of married women to use contraception and laid the groundwork for widespread access to birth control for all American women.

The availability and use of contraceptives has had a profound impact on the health and lives of women across the Nation. Widespread use of birth control has led to dramatic reductions in national rates of sexually transmitted infections, unintended pregnancies, and abortion. Contraceptive use has also significantly improved maternal and infant health outcomes, and reduced maternal and infant mortality rates. Since 1965 maternal and infant mortality rates have declined by more than two-thirds.

The impact of contraception on the professional lives of women has been equally profound. The ability of women to control fertility has allowed them to successfully achieve educational and career goals that would've been impossible a century ago. Women are critical to this nation's economic success, comprising up to one half of the total U.S. labor force.

In 1999, the Centers for Disease Control and Prevention recognized the significant impact of birth control on American society and included family planning in their list of the "Ten Great Public Health Achievements in the 20th Century." However, despite considerable progress in this area, much work remains. The United States has one of the highest rates of unintended pregnancies and sexually transmitted infections among industrialized nations, which in part reflects lack of access to basic preventive health care, including contraception.

A growing number of women—almost 17 million currently—must rely on publicly supported contraceptive care. Between 2000 and 2002, this number increased by 400,000 alone, because of the rising number of uninsured women. Yet, even those women with health insurance are not guaranteed access to contraceptives because some health plans choose not to cover these medications and procedures as they would other basic preventive health measures. And we are increasingly hearing about pharmacists and other providers who refuse to prescribe or fill contraceptive prescriptions, or refer women to those who will, because of their own personal beliefs.

This 40th anniversary of the Griswold decision provides a perfect opportunity to reflect upon the critical importance and impact of this decision on the health and professional lives of millions of women. We must ensure that policy decisions about contraception services remain health decisions and not political ones, and work to ensure that all women have access to contraception when they need it.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Tuesday, June 7, 2005 at 9:30 a.m. in SD–106. The purpose of this hearing will be to review the Dominican Republic-Central America Free Trade Agreement: Potential Impacts on the Agriculture and Food Sectors.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 7, 2005, at 9:30 a.m., in open session to receive testimony on the Department of Defense Inspector General's Management Accountability Review of the Boeing KC–767A Tanker Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 7, 2005, at 10 a.m., to conduct a hearing on "International Monetary Fund Oversight."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday June 7, 2005, at 10 a.m., to hear testimony on "Preventing the Next Pension Collapse: Lessons from the United Airlines Case".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 7, 2005 at 10:30 a.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the

Senate on Tuesday, June 7, 2005 at 2:30 p.m. to hold a hearing on China.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DEMINT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 7, 2005 at 2:30 p.m. to hold a mark-up.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON RETIREMENT SECURITY AND AGING

Mr. DEMINT. Mr. President, I ask unanimous consent that the Subcommittee on Retirement Security and Aging, be authorized to hold a hearing during the session of the Senate on Tuesday, June 7, 2005 at 10 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY AND HOMELAND SECURITY

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY AND CITIZENSHIP

Mr. DEMINT. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Technology and Homeland Security and the subcommittee on Immigration, Border Security and Citizenship be authorized to meet to conduct a joint hearing on "The Southern Border in Crisis: Resources and Strategies to Improve National Security" on Tuesday, June 7, 2005 at 2:30 p.m. in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Mike Carney, Megan Martin, and Charles Kane, interns on my Judiciary Committee staff, be granted floor privileges for the duration of today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the following Senators as members of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the First Session of the 109th Congress: the Senator from Alabama, Mr. SESSIONS, and the Senator from Idaho, Mr. CRAPO.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the following Senator as a member of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the First Session of the 109th Congress: the Senator from Rhode Island, Mr. REED.

ORDERS FOR WEDNESDAY, JUNE 8, 2005

Mr. FRIST. I ask unanimous consent that when the Senate resumes the nomination at 10 a.m. tomorrow morning, the time from 10 to 11 be under the control of the majority leader or his designee, the time from 11 to noon be under the control of the Democratic leader or his designee, provided further that the time rotate in that order until the hour of 4 p.m. I further ask that the time from 4 to 4:10 be under the control of Senator LEAHY or his designee, from 4:10 to 4:20 reserved for Senator SPECTER or his designee, 4:20 to 4:40 for the Democratic leader, and 4:40 to 5 be reserved for the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 8. I further ask that, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and that the Senate then return to executive session and resume consideration of the nomination of Janice Rogers Brown to be a U.S. circuit judge for the DC Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will resume consideration of the nomination of Janice Rogers Brown to be a U.S. circuit judge for the DC Circuit. Earlier today, cloture was invoked by a vote of 65 to 32, and under an earlier agreement we will have an up-or-down vote at 5 p.m. tomorrow. Therefore, tomorrow we will continue with debate on the nomination as provided under the previous agreement. Following that vote, we will immediately proceed to the cloture vote on the nomination of William Pryor to be a U.S. circuit judge for the Eleventh Circuit. We will also consider additional nominations during this week, so Senators can expect votes each day until our executive business is finished.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of the Senator from South Carolina for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

NOMINATION OF JANICE ROGERS BROWN

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I thank the majority leader for allowing me to have this time. I acknowledge all his hard work to bring us to having votes. And that is true of the minority leader. The Senate is back in business and we are voting in the fashion of 214 years of our history and some good people are getting voted on. That is all we can ask or hope for.

I rise to speak on behalf of Justice Janice Rogers Brown. I intend to vote for her tomorrow when the vote is called. Being from the South, being from South Carolina, about to turn 50, I can say it is a long way from Greenville, AL, as a daughter of a sharecropper to the Supreme Court of California; an African-American female who grew up in the segregated South, daughter of a sharecropper in Greenville, AL, growing up, listening to stories from a grandmother about famous NAACP lawyer Fred Gray, who defended Martin Luther King and Rosa Parks.

It is a long way—and most of it is uphill. But she made it. And we ought to all be proud of the fact that someone such as Janice Rogers Brown has accomplished so much in her life. Not only did she go from Greenville, AL, to the Supreme Court of California, she served with distinction.

California has a unique system in the sense that the voters can decide whether they want to retain a judge. The last time she was up for retention vote in California she received 76 percent of the vote. We can talk about this as long as we would like, and apparently 30 hours is as long as we are going to talk about it. I find it hard to believe that someone could be out of the mainstream to the point they are a rightwing judicial fanatic and still get 76 percent of the vote in California. The last time I checked, it is not exactly the haven of rightwing people.

The reason she received 76 percent of the vote in California is because nobody made a big deal about her being a judge. The fact is, she decided a lot of cases with a variety of issues and a consistent manner that made it so that people who came before her did not feel the need to go out and try to get her beat. Only after the fact, only when she gets in this political whirlwind we are in now, where every Federal court nominee is getting attacked in a variety of different ways, mainly on the lines that you are out of the mainstream because you happen to be conservative, only then has she gotten to be a problem.

This is politics, pure and simple, because if it was about competency, if it was about professional qualifications, she would never have been on the Supreme Court in California to start with. She would not have stayed 7 or 8 years, and she would not have gotten 76 percent of the vote. To say otherwise defies common sense.

We are going to take a vote tomorrow. She is going to be confirmed to the Federal bench on the court of appeals. She is a good candidate for that position. Not only is the California Supreme Court a good training ground for such a position, her story as a person is a great reservoir for her to call upon.

The idea that she cannot relate to people who suffer and who have been dealt a difficult time is absurd given her life circumstance. She will be an ideal court of appeals judge because she was a very solid supreme court justice.

Is she conservative? You better believe it. The last time I checked, that is not a disqualifier. As a matter of fact, I think that is exactly what the country needs right now. We need Federal judges who will interpret the law and not make it. The Federal judiciary has lost its way on many occasions. She will be part of the solution, not the problem.

For 25 years she has been a public servant. She has worked for the legal assistance folks in California doing things for people who are less fortunate. She has been an outstanding jurist. She is a smart lady. She graduated near the top of her class and has given back more than she has taken.

The road from Greenville, AL, to the Supreme Court of California now leads to the Federal bench. We all should be proud of the fact that someone like this has done so much for so many people. Instead of picking apart every word she said, we should celebrate her success because come tomorrow, she will be a Federal judge. The country will be better off for it. We will be a stronger nation having someone like her on the Federal bench.

I am very proud of what she has accomplished as a person. I am very supportive of her judicial tenure, her judicial reasoning. She will bring out the best in our Nation's legal system.

One final thought: Politicians live in a world of 50 plus 1. We think of the most awful things we can say about each other just to get these jobs and to hold on to them sometimes. More and more people are turned off by politics because it is 24/7, running each other down. I wish we could stop.

Let me tell you about the present Presiding Officer. He has the perfect demeanor, as far as I am concerned, about a political figure. The Presiding Officer has had many jobs, and he has carried himself well. But we are adrift in politics. We are trying to find who is the least bad among us. By the time we get through with each other, nobody wants to vote for anybody. That needs to be corrected. At least we volunteer for this. We go in it with our eyes wide open. If we continue to do to judges what we have embarked on for the last 15 or 20 years, we will do great damage to the judiciary.

This lady has been called a Neanderthal. She has been called some names you would not call your political opponent. There is a lot that has been said about Janice Rogers Brown that is over the top and is unfair. But she stuck it out and she will have her vote and she will win.

Let me state to all my colleagues on both sides of the aisle, whatever our Democrat friends have done, we are capable of doing the same on our side. If we do not slow down, take a deep breath and reassess what we are doing to judicial nominees, we will destroy the independence of the judiciary because it has become another form. If you have ever had a thought in your life and you have expressed it, it will be used against you in a political fashion, not a qualification fashion.

I hope we will learn from the past 15 or 20 years and declare a cease-fire on the judiciary. If you do not like people, vote against them. If they have bad character or bad ethics, bring it up and we will come together and deal with that. I hope we will stop declaring war on these people in such a personal fashion because the downside of this is good men and women of the future who would want to be judges are going to take a pass. Who in their right mind in the future is going to put their family and themselves through what these nominees have gone through? They do not have to. They have decided not to get in the political arena. They decided to devote themselves to the rule of law.

The difference between my business and the courtroom is the difference between very loud and very quiet. Pack your political agenda at the courthouse door, at the courthouse steps. The courtroom is a quiet place where you are judged based on what you do, not who you are. You do not have to pay in the American legal system because you have a big wallet. In the American political system, we hit the rich pretty routinely. In the American political system, the unpopular have zero chance because they do not poll well.

In a courtroom, we do not take any polls. We look at what you do, not where you came from, and we let your peers, the citizens of the community, decide your fate, with somebody presiding over the trial with no ax to grind. What a marvelous system.

The jury is not special interest groups. They are not out raising money. They do not get rewarded or punished. They leave when the case is over, and they get a few dollars for their time. And do you know what. It works marvelously well. And that person in a black robe is nobody's campaign manager. They are there to call the balls and the strikes. This has worked well for 214 years. And if we do not watch it, we are going to ruin it.

Hopefully, over the next coming weeks, we can get back to the traditions of the Senate, treat people with the courtesy they deserve, and if you do not think they will be a good judge, vote against them. I think that is your obligation. The name-calling needs to stop.

So come tomorrow, at 5 o'clock, Janice Rogers Brown is going to continue her journey from Greenville, AL, and she is going to wear the robe of a Federal court judge. I think that is something we all should celebrate.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 5:20 p.m., adjourned until Wednesday, June 8, 2005, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, June 7, 2005*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 7, 2005.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, infinite and almighty, as Eternal Being You have no beginning, no end. In You there is no past or future; You are simply present.

Without a future, as a people we are doomed, depressed, and limited in creative imagining. Without a past, we are bereft of history, inexperienced and lost forever between success and failure.

Be as present to this Nation today as You were to our Founders. As the Creator and Providential Lord, guide the Members of the House of Representatives and all their efforts to uphold the Constitution and have it interface with present realities until true priorities arise as the Nation's agenda.

Stir within all Americans a solidarity that will always unite and never divide us. Renew in us a spirit that will enable this country to be a righteous leader into a bold future, shaping a new culture of collaboration and understanding for the 21st century.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Michigan (Mrs. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. MILLER of Michigan led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 27, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 27, 2005 at 12:26 pm:

That the Senate passed without amendment H.R. 1760

That the Senate insists on amendment, agrees to conference H.R. 3

That the Senate agreed to without amendment H. Con. Res. 167

Appointments: Chair of the Board of Directors of the Office of Compliance Board of Director of the Office of Compliance.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

SUMMER AGENDA

(Mr. DELAY asked and was given permission to address the House.)

Mr. DELAY. Madam Speaker, this week the House will begin its summer session by hitting the ground running.

Between now and the August recess, the House will take up several major pieces of legislation that will touch every piece of our national agenda.

We will consider bills that will help us continue to fight and win the war on terror.

Among these security proposals will be a bill to reform the institution and the programs of the United Nations, to help begin to make it possible for this vital international organization to meet its global responsibilities.

We will also reauthorize the PATRIOT Act, the anti-terrorism legislation passed after 9/11 that has provided our law enforcement community with the tools they need to combat the unique threats presented by international terror.

We also hope to take up the final conference report on the long-overdue national energy policy that President Bush and the American people have been calling and waiting for since 2000.

By reducing our dependence on foreign oil, the energy bill will provide the United States greater flexibility in dealing with the tumultuous Middle East region, and it is a huge jobs-creation bill.

The energy bill will also empower our national economy, creating jobs and, over the long run, lowering gas prices for American consumers.

The long-awaited conference report on the highway funding bill, which we also hope to take up before the August recess, will improve our national infrastructure, provide greater mobility for the American people, and create millions of new jobs across our country.

Just as important to our economy as our infrastructure is international trade, which will be greatly enhanced in every region of our Nation and every sector of our economy by passage of the Central American Free Trade Agreement, another item we hope to have on our summer agenda.

CAFTA will lower prices for American consumers while opening vast new markets for American businesses, which in turn will create jobs, good high-paying jobs, here at home.

Finally, while we improve our security and bolster our economy, we will serve the pressing interests of individual families by moving a broad agenda to reform our health care system. And all the while, we will continue our work on the President's call to strengthen and improve retirement security for all Americans and complete our work before the Fourth of July on funding the Federal Government within the limits of our budget.

All in all, a busy summer of heavy lifting awaits, Madam Speaker, but the American people demand and deserve nothing less.

DEFEAT CAFTA

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Madam Speaker, we just returned from 10 days in our district, and we found the opposition to the Central American Free Trade Agreement is even greater than before we left. People at home in our districts recognize our trade policy is not working.

Just look at this chart. The first year I ran for Congress, our trade deficit was $38 billion. Today after NAFTA and PNTR and a series of trade agreements, our trade deficit is $618 billion.

These trade agreements cost jobs. They hurt our families. They hurt our communities. They hurt our schools.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Madam Speaker, we should renegotiate the Central American Free Trade Agreement: defeat this bill when it comes to Congress; renegotiate a new Central American Free Trade Agreement, one that lifts up workers in all seven countries.

RX FOR AMERICAN COMPANIES

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Madam Speaker, American businesses are faced with increasing pressure from foreign competitors and skyrocketing health care costs. But they are also faced with the weight placed on them not by the marketplace or their competitors, but by the government itself. Burdensome, duplicative, and outdated regulations cost American businesses literally billions of dollars annually and stifle new job creation.

Many of these regulations do little to improve workplace safety, protect our environment or improve the safety of our workers, but are simply on the books because no one has bothered to review their effectiveness.

Common sense by the government must come into play to help relieve this burden and to improve the environment for job creation. We must do more to make American companies more competitive in the global marketplace and to give our job providers and our workers much needed relief. We must and we will do more.

BAKASSI PENINSULA BELONGS TO CAMEROON

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, Nigeria is deservedly working hard to secure a permanent seat on the Security Council of the United Nations. But in the meantime, Nigeria is holding territory known as the Bakassi Peninsula, which rightfully belongs to the Republic of Cameroon.

The International Court of Justice, in settling a dispute between Nigeria and Cameroon, there is a decree that the territory belongs to Cameroon. Cameroon is a developing democracy which is achieving economic success for its people.

President Obasanjo of Nigeria in his effort to secure a permanent seat on the Security Council should set an example for the international community. I urge President Obasanjo, in the interest of regional harmony for mutual benefit, to remove troops and government personnel from the Bakassi Peninsula and to pursue positive relations with his neighbors, especially the dynamic Republic of Cameroon.

In conclusion, God bless our troops and we will never forget September 11.

MEDICAL LIABILITY INSURANCE CRISIS

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Madam Speaker, the smallest State in the Union has now replaced the biggest State in the Union as one of those States in a crisis state in its medical liability insurance. Okay, there may be those in this body who would argue that Texas is no longer the largest State in the Union; but, Madam Speaker, the good news is that 2 years ago Texas faced up to the challenge of medical liability reform and passed a law on the State level, affirmed it with a constitutional amendment that put a cap on non-economic damages and medical liability lawsuits. This allowed more insurance to come to the State, and, more importantly, Texas Medical Liability Trust, the largest medical liability writer in the State of Texas, has reduced liability fees by 17 percent.

But in the State of Rhode Island, which recently joined the other States in the Union that are in crisis, doctors there are experiencing liability insurance premium increases from 175 to 200 percent since 2002 and fully one-half of their physicians, 48 percent, responded to a recent survey saying they were thinking about doing something else.

Madam Speaker, we passed a good bill in this House 2 years ago that nationwide put a cap on non-economic damages of medical liability lawsuits. I urge this body to take it up, and I urge the other body to pass it as well.

HONORING CHERI REZAK

(Mr. KLINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE. Madam Speaker, I rise today to recognize the efforts of a constituent who looked at tragedy and saw an opportunity to improve lives.

In the wake of last December's tsunami in southeast Asia, Cheri Rezak and a group of like-minded Minnesotans volunteered their time and resources to travel between Sri Lanka and the United States every 6 to 8 weeks to provide medical care, food, and encouragement to affected communities.

Under the name HelpSriLanka.US, these individuals have already helped the men and women of Sri Lanka to build houses and establish and operate a soup kitchen which feeds nearly 500 people each day. They are also purchasing boats, taxis, and sewing machines to re-establish fishing, transportation and garment industries. Their goal is to repeat this community revitalization in villages throughout Sri Lanka.

In addition, Cheri has personally dedicated herself to providing a temporary home, and much needed respite, to children directly affected by the tsunami. Thanks to her diligence in securing temporary visas, the first of her charges is currently living with her family in Minnesota.

Cheri and her fellow volunteers rose above this disaster to help create a better life for the people of Sri Lanka. I commend them for their work and wish them much continued success.

UNFRIENDLY SKIES

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Madam Speaker, the airline pension crisis has proven that the skies are not so friendly for many airline employees getting ready to retire.

Retirement plans that included dreams prepared for over a lifetime are now replaced with just trying to make ends meet. An airline dumping their pension plan is not a solution. This jeopardizes the retirement for thousands and maybe millions of hard-working Americans and increases the burden on our government and taxpayers.

Over the past 2 years, the PBGC and the American taxpayers have assumed close to $10 billion in unfunded pension liabilities, $10 billion.

Is this a winning formula? I do not think so. Just ask over 100,000 United employees having to plan for a future that looks much cloudier today.

H.R. 2106 allows airline carriers to adopt new funding rules for their defined pension benefit systems. This plan, a solution, requires airline carriers to meet their obligations and decreases the need for a taxpayer bailout.

Madam Speaker, this is a solution that could not come at a better time. This legislation is a win-win-win solution, for the airlines, for airline employees, and most importantly, for the American taxpayer.

□ 1415

JOINT REAPPOINTMENT OF INDIVIDUALS TO BOARD OF DIRECTORS OF THE OFFICE OF COMPLIANCE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to section 301 of the Congressional Accountability Act of 1995 (2 U.S.C. 1381), amended by Public Law 108–329, and the order of the House of January 4, 2005, the Chair announces on behalf of the Speaker and Minority Leader of the House of Representatives and the Majority and Minority Leaders of the United States

Senate their joint reappointment on May 26, 2005, of the following individuals to a 5-year term to the board of directors of the Office of Compliance:

Ms. Barbara L. Camens, Washington, D.C.

Ms. Roberta L. Holzwarth, Rockford, Illinois

And, in addition,

their joint redesignation of Ms. Susan Robfogel, Rochester, New York, Chairman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

AUTHORIZING NATIONAL DEFENSE UNIVERSITY TO AWARD DEGREE OF MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY

Mrs. DRAKE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1490) to amend title 10, United States Code, to authorize the National Defense University to award the degree of Master of Science in Joint Campaign Planning and Strategy, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY FOR NATIONAL DEFENSE UNIVERSITY AWARD OF DEGREE OF MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.

(a) JOINT FORCES STAFF COLLEGE PROGRAM.—Section 2163 of title 10, United States Code, is amended to read as follows:

"§2163. National defense university: master of science degrees

"(a) AUTHORITY TO AWARD SPECIFIED DEGREES.—The President of the National Defense University, upon the recommendation of the faculty of the respective college or other school within the University, may confer the master of science degrees specified in subsection (b).

"(b) AUTHORIZED DEGREES.—The following degrees may be awarded under subsection (a):

"(1) MASTER OF SCIENCE IN NATIONAL SECURITY STRATEGY.—The degree of master of science in national security strategy, to graduates of the University who fulfill the requirements of the program of the National War College.

"(2) MASTER OF SCIENCE IN NATIONAL RESOURCE STRATEGY.—The degree of master of science in national resource strategy, to graduates of the University who fulfill the requirements of the program of the Industrial College of the Armed Forces.

"(3) MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.—The degree of master of science in joint campaign planning and strategy, to graduates of the University who fulfill the requirements of the program of the Joint Advanced Warfighting School at the Joint Forces Staff College.

"(c) REGULATIONS.—The authority provided by this section shall be exercised under regulations prescribed by the Secretary of Defense.".

(b) CLERICAL AMENDMENT.—The item relating to section 2163 in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

"2163. National Defense University: master of science degrees.".

(c) EFFECTIVE DATE.—Paragraph (3) of section 2163(b) of title 10, United States Code, as amended by subsection (a), shall take effect for degrees awarded after May 2005.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. DRAKE).

GENERAL LEAVE

Mrs. DRAKE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1490, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. DRAKE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 1490, offered today by the gentleman from Missouri (Mr. SKELTON), the ranking Democrat on the House Committee on Armed Services and a long-time advocate of the necessity for joint professional military education for Armed Forces personnel.

Today, America's Armed Forces successfully operate together, and with allies, across the globe in incredibly complex wartime undertakings that would not have been possible if it were not for an underlying system to educate military officers and other national security leaders in joint, multinational and interagency operational-level planning and warfighting.

For nearly 60 years, the Joint Forces Staff College in Norfolk, Virginia, which I proudly represent, has been a critically important part of that joint professional military educational system. This week, the Joint Forces Staff College achieves another educational milestone with the graduation of the first class to complete the requirements for the Master of Science Degree in Joint Campaign Planning and Strategy.

These graduates of the Joint Advanced Warfighting School will be assigned to critical roles on the Joint Staff and in the joint warfighting commands. These graduates will bring with them a high degree of skill in joint planning, as well as capability for critical analysis that will allow them to be effective, creative, conceptual and innovative planners and commanders.

This bill, H.R. 1490, provides the statutory authorization to the Department of Defense to award these and future graduates of the Joint Advanced Warfighting School their masters-level degrees. It is a milestone not only for these first graduates but also for the Nation. These officers and those who follow are certain to be our future senior military leaders. Their success will be America's success.

I thank the Member from Missouri for his enduring commitment to the education of America's military leaders and urge all my colleagues to vote yes on H.R. 1490.

Madam Speaker, I reserve the balance of my time.

Mr. SKELTON. Madam Speaker, I yield myself such time as I may consume; and I thank the gentlewoman from Virginia (Mrs. DRAKE) for her support for this very, very important bill and thank her for her keen interest in professional military education.

I rise today to support H.R. 1490, which would award a masters of science degree to the officers who complete the Joint Advanced Warfighting School at the Joint Forces Staff College. As the gentlewoman from Virginia noted, this bill will give the Department of Defense the authority to award graduates of the Joint Advanced Warfighting School their masters-level degrees. I also urge my colleagues to vote yes on this bill.

It is important that Congress pass the bill and the President sign it so that we can present those men and women with the accolades that they have earned when the first class of that program graduates this coming Thursday at 9 o'clock in the morning.

Madam Speaker, as my colleagues know, I have spent a great deal of my career promoting the need for a rigorous program of joint professional education. We have two missions as I see it: to fight the war that we are fighting today and to prepare for the next. It was the professional military education system that sustained the warfighting competency during the lean years between the First World War and Second World War. Men like General Troy Middleton, who went on to command an Army corps during the Battle of the Bulge, spent years and years in the school system studying the art and science of war. Warfare is becoming more complex at lower and lower levels, and our professional military education system must continue to evolve to develop the thinking warriors the future will require.

The Joint Advanced Warfighting School, or JAWS as it is called, at the Joint Forces Staff College is a wonderful example of how joint professional military education has grown to meet the new and unique challenges military professionals face. This first class of JAWS has given its graduates the tools to be able to create campaign-quality concepts, employ all elements of national power, and succeed as joint force operational and strategic level planners as well and commanders. These graduates will populate the Joint Staff and Combatant commands with officers expert in the joint planning processes and capable of critical analysis in the application of all aspects of national power across the full range of military operations.

The student of the JAWS program have spent the past year immersed in a rigorous course of study. They have completed a curriculum focused on "high end" operational art consisting of courses such as Foundations in Theory of War, Strategic Foundations, and Operational Art and Campaigning, all of which blend theory foundations and historical evidence to provide them with a developmental framework. They have honed their decision-making, problem-solving, and planning skills using seminar exercises, war games, as well as simulations.

Additionally, the JAWS course included several field research trips. The students participated in a comprehensive historical staff ride to Gettysburg, for example. They also traveled here to Washington and spent a week with senior military and governmental policymakers as well as practitioners.

Madam Speaker, I am sure my colleagues will agree that joint professional military education is so very important. Sir William Francis Butler put it very well when he said, years and years ago, "The Nation that will insist on drawing a broad line of demarcation between the fighting man and the thinking man is liable to find its fighting done by fools and its thinking done by cowards."

That is why I believe, Madam Speaker, that Congress should vote to support H.R. 1490 so we may recognize the students of the Joint Advanced Warfighting School with a degree they have properly earned.

Madam Speaker, having no further speakers, I yield back the balance of my time.

Mrs. DRAKE. Madam Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the bill, H.R. 1490, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE IMPORTANCE OF SUN SAFETY

Mr. BILIRAKIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 169) recognizing the importance of sun safety, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 169

Whereas Americans of all ages cherish the pleasures of outdoor activities, and too few recognize that overexposure to the sun and its ultraviolet radiation, classified by the Department of Health and Human Services as a known carcinogen, is the leading cause of skin cancer;

Whereas it is critically important to be safe in the sun because skin cancer is the fastest growing cancer in our country today, affecting 1 in 5 Americans during their lifetimes and killing 1 person every hour of every day;

Whereas more than 1,000,000 new cases of skin cancer will be diagnosed in the United States this year, accounting for nearly half of all new cases of cancer and exceeding the incidence of breast, prostate, lung, and colon cancer combined;

Whereas most people receive approximately 80 percent of their lifetime sun exposure by age 18, setting the stage for skin cancer later in life;

Whereas skin cancer is highly preventable by taking simple precautions when engaged in outdoor activities;

Whereas research demonstrates that practicing good sun safety has the potential to significantly reduce the risk of skin cancer;

Whereas the Sun Safety Alliance and its members have dedicated themselves to promoting sun safety, eliminating skin cancer from excessive sun exposure, and encouraging sun protection practices, especially among children; and

Whereas the Sun Safety Alliance has designated the week of June 5, 2005, to June 11, 2005, as National Sun Safety Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of sun safety;

(2) encourages all Americans to protect themselves and their children from the dangers of excessive sun exposure;

(3) congratulates organizations like the Sun Safety Alliance for their efforts to promote sun safety and prevent skin cancer; and

(4) supports the goals and ideals of National Sun Safety Week.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 169.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today the House is considering H. Res. 169, a resolution that I have introduced with the gentlewoman from California (Ms. ESHOO), our colleague, to encourage sun safety. I want to thank the gentlewoman from California (Mrs. BONO), the gentleman from Texas (Mr. GENE GREEN), the gentleman from Virginia (Mr. BOUCHER), and the gentleman from New York (Mr. HINCHEY), who also have cosponsored this resolution.

H. Res. 169 is a straightforward resolution which encourages all Americans to protect themselves and their children from the dangers of excessive sun exposure. Most of us, especially those of us from the Sunshine State, enjoy the outdoors, though too few of us protect ourselves and our children from the sun's harmful ultraviolet rays when engaged in outdoor activities.

Skin cancer, Madam Speaker, is the fastest-growing cancer in our country today. One in five Americans will get some form of skin cancer during their lifetimes. More than one million new cases of skin cancer will be diagnosed in the United States this year, accounting for nearly half of all new cancer cases and exceeding the combined number of breast, prostate, lung and colon cancers that will be diagnosed in the coming year.

Many people are surprised to learn that most of us receive nearly 80 percent of our lifetime sun exposure by age 18, exposure which sets the stage for cancer later in life; and I would like to repeat that, Madam Speaker. Many people are surprised to learn that most of us receive nearly 80 percent of our lifetime sun exposure by age 18, exposure which sets the stage for cancer later in life. Therefore, it is critically important that we teach our children that sunburns are more than just the painful remnants of staying in the sun too long. They are potential killers that can cut short promising lives.

The good news is that skin cancer is highly preventable by practicing good sun safety. Good sun safety means using sunscreen, wearing protective clothing and limiting sun exposure, especially during the hottest times when the sun's rays are at their most dangerous. Failing to do so, as we have heard, can have serious and deadly consequences, especially for children.

I hope and believe that passage of this resolution will raise awareness about sun safety, encourage people to protect themselves and their children from excessive sun exposure, help reduce health care costs and save lives.

I want to thank the gentleman from Texas (Mr. BARTON), the Committee on Energy and Commerce chairman, and the gentleman from Georgia (Mr. DEAL), the Subcommittee on Health chairman, for moving this resolution expeditiously through our committee and to the House floor. I certainly want to thank the gentleman from

Michigan (Mr. DINGELL), ranking member of the full committee, and the gentleman from Ohio (Mr. BROWN), the Subcommittee on Health's ranking member, for their support of this measure. I encourage all of our colleagues to join us in approving this simple but important resolution.

Madam Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Madam Speaker, I yield myself as much time as I may consume.

I thank the gentleman from Florida (Mr. BILIRAKIS), my friend from the Sunshine State, and encourage people to travel to my State more often perhaps.

As we head into summer months, it is crucial that Americans be aware of the risks involved in seemingly everyday activities: a day at the beach, a jog in the park, an afternoon out working in the yard.

Overexposure to the sun's dangerous ultraviolet rays is a major risk and, largely because of increasing ozone depletion brought on in part by global warming, a bigger threat than ever to the public health. Every year in the United States there are nearly 60,000 new cases of melanoma, the most serious form of skin cancer. Nearly 8,000 die every year from this disease.

□ 1430

When it comes to risk factors for skin cancer, and I quote from the American Cancer Society's list, "unprotected and/or excessive exposure to ultraviolet radiation" is at the top of that list. The sun's UV rays have been officially classified as a carcinogen by the United States Department of Health and Human Services.

Yet a national survey released yesterday shows that the number of people using sunscreen declined by over 10 percent last year even as skin cancer diagnoses continue to rise. In light of these troubling statistics, I am happy to support this resolution introduced by the gentleman from Florida (Mr. BILIRAKIS) and the gentlewoman from California (Ms. ESHOO). The resolution supports outreach and education efforts like National Sun Safety Week and the groups like the Sun Safety Alliance which work to keep the public informed of the risks of UV exposure.

Sun Safety Alliance teams up health care professionals, educators, and corporate partners to focus on conveying this risk. When it comes to something as basic as being out in the sun, effective public awareness strategies are critical. One of the alliance's priorities is outreach to the youngest Americans. Children are at the highest risk of overexposure to UV rays. Most people receive some 80 percent of their lifetime sun exposure before their 18th birthday. It is essential that we shape and reinforce the right habits early.

Madam Speaker, this resolution is an important step toward stopping an entirely preventable killer. Thousands of lives can be saved with the right understanding of what that prevention entails. I am pleased to support my colleagues and this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Madam Speaker, I yield myself such time as I may consume, kill, or however else we may want to look at it.

Madam Speaker, I appreciate the gentleman from Ohio (Mr. BROWN) supporting this legislation. We worked together for a number of years when I chaired that particular subcommittee; and there were times when we disagreed, but I enjoyed working with the gentleman. I appreciate the gentleman always being helpful and courteous and open-minded most of the time, not always open-minded, but most of the time. I appreciate the gentleman supporting this legislation.

Madam Speaker, we have a lot of legislation on this floor. I suppose some Members would say much more impacting than this legislation is. Certainly a lot more high profile, if you will, and that sort of thing. But, honestly, as the gentleman from Ohio (Mr. BROWN) agreed with me, what this can do to our children and grandchildren. My daughter-in-law has four sons, and she takes my four grandchildren to the beach a lot. They like the beach, and I caution them and remind her about the fact that 80 percent of these skin cancers are really developed before one reaches age 18 and the potential hazards of sun exposure.

It is critical that the American people will be listening to us through this legislation, if you will, on the significance of being just as careful as we possibly can be regarding this disease. I have had two or three skin cancers, if you will, taken off my face over the years. I suppose many of us have. It is critical that we remember that and we educate the American people on this particular issue.

Mr. BROWN of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS) for the good years when we were colleagues on the Subcommittee on Health when he was the chairman and I was the ranking member and the good work we were able to do on most days.

This resolution, as the gentleman points out, is not as important as some things. I would like to go a little further and talk about what all of this means in terms of global warming and some issues like that. I understand today is not the day to do that on this resolution.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ISSA. Madam Speaker, I rise today in support of House Resolution 169, "Recognizing the importance of sun safety." As incidences of skin cancer continue to rise, now affecting one out of every five people in the United States, sun safety is increasingly important to keeping Americans healthy.

I would like to applaud the Sun Safety Alliance for its efforts to enhance national awareness of the importance of sun safety and the need for early childhood protection. I support the efforts by the Sun Safety Alliance to motivate the public to take necessary and appropriate actions to protect themselves and members of their family, especially young children from the dangers of developing skin cancer from over exposure to the sun's UV radiation.

I hope that the designation of the week of June 5–11, 2005, to National Sun Safety Week will remind Americans of the dangers of over exposure to the sun and to encourage safe sun practice. Skin cancer can be a preventable disease if sun safety precautions are followed.

Mr. CASE. Madam Speaker, I rise today in strong support for H. Res. 169, which recognizes the importance of sun safety and encourages all of us to protect ourselves and our children from the dangers of excessive sun exposure.

As kids growing up in Hawaii, many of our best memories are tied to our world-renowned oceans and beaches and other outdoor environments: from catching waves to having potluck dinners or enjoying concerts or hiking. Given what we now know about the dangers of overexposure to ultraviolet radiation and its link to skin cancer, I believe that it is imperative that we stress sun safety as we continue to enjoy these outdoor activities with our families and friends.

I have included an op-ed from the Honolulu Star-Bulletin, written by my wife, Audrey, also a Hawaii native, which details the importance of early detection of preventable skin cancers—specifically skin cancers. Her thoughts say what we all need to know.

Mahalo (thank you) for this opportunity to express support for H. Res. 169.

[From the Honolulu Star Bulletin, May 23, 2005]

PROTECT YOUR SKIN EARLY AND OFTEN WITH SUNSCREEN

(By Audrey Case)

Hawaii is a special place, where we spend time with family and friends or just by ourselves enjoying wonderful outdoor activities so much a part of our islands and culture.

My earliest childhood memories are of Sundays after my dad, an Episcopal minister, and my mom were pau with their duties and would take all five of us kids to the beach for a swim and a picnic dinner. We'd all come home sunburned and happily tired. And my teen years with my friends were beach years as well.

We know so much more now about the sun's power than we did even a decade ago. We know, for example, that the sunburns of our childhood can lead to the skin cancer of our adulthood. We also know that all ethnicities can be affected by skin cancer, not just fair-skinned people like my husband Ed! Our family has seen some brushes with skin cancer and gets checked by a doctor regularly, including Ed and me.

May is Melanoma Skin Cancer Detection and Prevention Month. As a member of Congressional Families Action for Cancer Awareness, I have joined with the spouses of other members of the U.S. House of Representatives to spread the message of early detection of preventable cancers—specifically skin cancers.

Today, skin cancer is the most common and fastest-growing form of cancer in the United States, affecting more than 1 million people each year. One person dies every hour from melanoma, the deadliest form of the disease. The American Cancer Society estimates that in Hawaii there will be 150 new cases of melanoma of the skin this year. And, the fact is, many of these cancers could be prevented.

Of course, we know now that we should protect our skin by using sunscreen—SPF 15 or higher—and wearing protective clothing. Don't forget your hat, lip protection and sunglasses! And, we need to protect our skin in all weather—not just the summer.

Perhaps our greatest opportunity for changing skin cancer statistics rests with our children. Although most skin cancers are diagnosed when people are older than 50, the damage that causes skin cancer is done at an early age. Just one blistering sunburn can double a child's lifetime risk of developing skin cancer. If you are a parent, grandparent, aunt, uncle, caregiver or friend, make sure the kids in your life are protected.

Help your teenagers understand the dangers of tanning beds, which are at least as dangerous as the sun, and some studies suggest they are more damaging. There are safer alternatives—such as sunless tanning products and bronzers—if your teen insists on being tanned for prom night.

Encourage your children's schools, health teachers and school nurses to allow students to apply sunscreen before recess. Encourage sports programs and coaches to have kids apply sunscreen before practice and games.

Examine your skin and your loved ones' skin monthly. Look for: brown or black irregularly pigmented spots with uneven margins; a slow-growing, raised, translucent, pearly nodule that may crust, ulcerate or bleed; a change in sensation, itchiness, tenderness or pain from a mole; a small, smooth, shiny, pale or waxy lump on the skin; and any new mole.

And remember the ABCD rule: Asymmetry, Border irregularly, Color that is not uniform and Diameter greater than 6 millimeters—about the size of a pencil eraser.

If you discover a suspicious growth while conducting your monthly self-examination, have it checked by your doctor. Because your risk of developing skin cancer increases as you age, annual clinical exams are even more important after you reach age 50.

So by all means enjoy the sun and outdoors, but have a healthy regard for the sun's strength and protect yourself and those you love. Sun safety should not be neglected by anyone. If we all take responsibility for ourselves and our children, we can change skin cancer from being the fastest-growing cancer to one that is rare in future generations.

Ms. ESHOO. Madam Speaker, I'm proud to be an original cosponsor of H. Res. 196, which encourages the importance of sun safety and supports the designation of June 5th to June 11th as Sun Safety Week.

Skin cancer is the most commonly occurring cancer in the U.S. and 90 percent of all skin cancers can be attributed to the sun. This year it's estimated that there will be 1.3 million skin cancer cases in the U.S., exceeding the number of breast, lung, prostate and colon cancers combined.

More alarming is that 50 percent of lifetime exposure to UV light occurs during childhood and adolescence, and it can take less than 10 minutes for a child's skin to burn. Failing to take appropriate steps such as using sunscreen, wearing protective clothing, and limiting sun exposure can have serious and deadly consequences, especially for children. Practicing sun safe behaviors during childhood is the first step in reducing the chances of getting skin cancer later in life.

A new survey released on Monday by the nonprofit Sun Safety Alliance shows a 12-point decline in the percentage of Americans who report using sunscreen when outdoors, from 72 percent to 60 percent.

H. Res. 169 recognizes that skin cancer is highly preventable and urges parents to practice good sun safety for their children, which will dramatically reduce its risk.

I urge the entire House to vote yes on this important Resolution.

Mr. BILIRAKIS. Madam Speaker, I thank the gentleman from Ohio (Mr. BROWN) who is usually much more verbose in subcommittee than here today. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Florida (Mrs. BIGGERT) that the House suspend the rules and agree to the resolution, H. Res. 169, as amended.

The question was taken: and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING HISTORICAL SIGNIFICANCE OF THE MEXICAN HOLIDAY OF CINCO DE MAYO

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 44) recognizing the historical significance of the Mexican holiday of Cinco de Mayo.

The Clerk read as follows:

H. CON. RES 44

Whereas May 5, or Cinco de Mayo in Spanish, is celebrated each year as a date of great importance by the Mexican and Mexican-American communities;

Whereas the Cinco de Mayo holiday commemorates May 5, 1862, the date on which the Battle of Puebla was fought by Mexicans who were struggling for their independence and freedom;

Whereas Cinco de Mayo has become one of Mexico's most famous national holidays and is celebrated annually by nearly all Mexicans and Mexican-Americans, north and south of the United States-Mexico border;

Whereas the Battle of Puebla was but one of the many battles that the courageous Mexican people won in their long and brave struggle for independence and freedom;

Whereas the French, confident that their battle-seasoned troops were far superior to the almost amateurish Mexican forces, expected little or no opposition from the Mexican army;

Whereas the French army, which had not experienced defeat against any of Europe's finest troops in over half a century, sustained a disastrous loss at the hands of an outnumbered, ill-equipped, and ragged, but highly spirited and courageous, Mexican force;

Whereas after three bloody assaults upon Puebla in which over a thousand gallant Frenchmen lost their lives, the French troops were finally defeated and driven back by the outnumbered Mexican troops;

Whereas the courageous and heroic spirit that Mexican General Zaragoza and his men displayed during this historic battle can never be forgotten;

Whereas many brave Mexicans willingly gave their lives for the causes of justice and freedom in the Battle of Puebla on Cinco de Mayo;

Whereas the sacrifice of the Mexican fighters was instrumental in keeping Mexico from falling under European domination;

Whereas the Cinco de Mayo holiday is not only the commemoration of the rout of the French troops at the town of Puebla in Mexico, but is also a celebration of the virtues of individual courage and patriotism of all Mexicans and Mexican-Americans who have fought for freedom and independence against foreign aggressors;

Whereas Cinco de Mayo serves as a reminder that the foundation of the United States is built by people from many nations and diverse cultures who are willing to fight and die for freedom;

Whereas Cinco de Mayo also serves as a reminder of the close spiritual and economic ties between the people of Mexico and the people of the United States, and is especially important for the people of the southwestern States where millions of Mexicans and Mexican-Americans make their homes;

Whereas in a larger sense Cinco de Mayo symbolizes the right of a free people to self-determination, just as Benito Juarez once said, "El respeto al derecho ajeno es la paz" ("The respect of other people's rights is peace"); and

Whereas many people celebrate during the entire week in which Cinco de Mayo falls: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes the historical struggle for independence and freedom of the Mexican people and requests the President to issue a proclamation recognizing that struggle and calling upon the people of the United States to observe Cinco de Mayo with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida (Ms. ROS-LEHTINEN)?

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of the resolution offered by the gentleman from California (Mr. BACA), and I commend the gentleman from Illinois (Chairman HYDE) for helping to bring this measure to the floor of the House today.

The Cinco de Mayo holiday commemorates May 5, 1862, the date on which the battle of Puebla was fought by the Mexicans against an invasion of their country by France. Led by Mexican General Ignacio Zaragoza Seguin, a lightly armed group of Mexican patriots, estimated at 4,500 men, was able to stop and defeat a well-outfitted French army of 6,500 soldiers. Although President Abraham Lincoln was sympathetic to Mexico's cause, the U.S. was fighting our Civil War and was unable to provide any direct assistance. After the Civil War ended, however, the U.S. began to provide more political and military assistance to Mexico, which finally succeeded in expelling the French in 1867.

Celebrating Cinco de Mayo has become increasingly popular along the Mexico-U.S. border and in parts of the U.S. where Americans of Mexican heritage live. This holiday is a celebration of Mexican culture, food, music, and customs unique to Mexico.

Increasingly, people across our country are joining our countrymen of Mexican descent in celebrating Cinco de Mayo. Not unlike St. Patrick's Day, which has become a popular celebration of Irish heritage, Cinco de Mayo is a day in which we can all join in celebrating Mexican heritage.

It is very fitting that Congress here in the United States should approve this measure. I ask my colleagues to join me in supporting this resolution which recognizes the historical significance of the Mexican holiday of Cinco de Mayo.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution and first want to commend the gentleman from Illinois (Chairman HYDE), my good friend and colleague, and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for expediting the consideration of this resolution both through the committee and onto the floor of the House. I also applaud the author of the resolution, my neighbor, the gentleman from California (Mr. BACA) who is the first vice chairman of the Congressional Hispanic Caucus, for his leadership on issues which affect our friends and neighbors of Hispanic descent.

Madam Speaker, the Cinco de Mayo holiday commemorates the May 5, 1862, victory of an ill-equipped and vastly outnumbered Mexican army under the command of General Ignacio Zaragoza over Napoleon III's regiments at the Battle of Puebla. Although Napoleon III eventually installed Archduke Maximilian of Austria as a puppet regent over Mexico, the triumph of the Mexican people over the French in this battle has come to symbolize the fight for freedom and justice, not only in Mexico, but throughout the entire western hemisphere.

To many of us, and particularly along the border with Mexico, this holiday is mostly expressed through the enjoyment of Mexican and Mexican-American culture, music, food, and customs.

Cinco de Mayo celebrations are also well-deserved tributes to the many contributions that Mexicans and Mexican-Americans have made and continue to make in the world and across our Nation.

It is a time to take pride in these significant achievements as well as the continuing dedication to the patria of thousands of Hispanic men and women in uniform.

Finally, Madam Speaker, Cinco de Mayo reminds us that our Mexican-American neighbors strive, as we all do, to live a life filled with faith, family, and the hope of sharing in a stronger America and a freer world.

Madam Speaker, as we commemorate the defeat of French colonial oppression by an unrelenting, passionate, and brave band of brothers some 150 years ago, our resolve to stand shoulder to shoulder with the fighters for democracy today around the globe must never waiver.

In our own hemisphere, our dedication to democratic institutions and processes as well as the rule of law is being challenged from the streets of Ecuador to the hills of Bolivia to the presidential palace of Venezuela. We must not, we cannot, fail to take up the banner of freedom against the increasingly authoritarian regimes.

I strongly urge my colleagues to support H. Con. Res. 44.

Madam Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA), a distinguished member of the Committee on International Relations.

Mr. FALEOMAVAEGA. Madam Speaker, I certainly would like to extend my appreciation and gratitude to our senior ranking member, the gentleman from California (Mr. LANTOS), for allowing me this opportunity to share some thoughts concerning this important resolution. I certainly also want to thank our chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), for his support and leadership and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her management of this legislation.

Madam Speaker, I rise today in support of H. Con. Res. 44, recognizing the historical significance of the Mexican holiday well known as Cinco de Mayo. I commend my colleague, the gentleman from California (Mr. BACA), for introducing this legislation certainly as a tribute in his capacity as vice chairman of the Hispanic Congressional Caucus.

This resolution recognizes the significance of Cinco de Mayo, as it truly does serve as a reminder that the United States is a country built by people of many nations and diverse cultures who are willing to fight and die for freedom. To truly appreciate the importance of this holiday to the good people of Mexico, we can compare it to the level of importance we place when our own Nation was divided on the issue of slavery, hence the Civil War. In the same way, Cinco de Mayo commemorates the Battle of Puebla on May 5, 1862, fought by the Mexican people against a transferred ruler by the name of Maximilian from Austria.

Madam Speaker, I want to especially share with my colleagues in the House of Representatives the life and history of a leader who, in my humble opinion, is the greatest hero in Mexico's history, a true statesman, whose name is inextricably linked with the name Cinco de Mayo.

□ 1445

His name is Don Benito Juarez, president of Mexico from 1861 to 1863 and 1867 to 1872. President Juarez led the Mexican people in their fight for independence during this crucial period of their history.

Unbeknownst to many of our fellow Americans, President Juarez was the first Mexican president of indigenous Indian descent. His parents were members of the Zapotec tribe prevalent in the province or state of Oaxaca in Mexico. When he went to Oaxaca City at the age of 13, he could not read, write or speak Spanish. He was adopted by lay members of the Franciscan Order, who taught the young Juarez reading, writing, arithmetic and Spanish grammar. He later entered the Franciscan seminary in Oaxaca and studied Aquinas and other great Catholic philosophers, eventually turning his attention instead to the study of law.

President Juarez was educated in the law in preparation for a political career. In his first political position as a city councilman, he was noted as a strong defender of Indian rights. He participated in the revolutionary overthrow of Santa Anna in 1855, becoming the minister of justice and instituting reforms that were embodied in the constitution of 1857. During the Reform War of 1858 to 1861, President Juarez led the liberals against the conservative faction of Mexico's government. The liberals succeeded only through popular support and the unwavering determination of President Juarez, and he was elected president in 1861.

Madam Speaker, to fully understand the quality of the leadership of Mexico at the time in the person of President Don Benito Juarez, one can compare him to, arguably perhaps, the greatest President in our own country's history, President Abraham Lincoln. Both leaders, in fact, presided over their countries in times of crisis, exhibiting great courage and perseverance in the fight for self-determination. Both grew up in poverty and studied law. Both fought against bigotry and racism.

In fact, President Lincoln and President Juarez were contemporaries who held each other in high regard. In fact, in 1858, upon hearing of Juarez's struggles in Mexico, President Lincoln sent him an encouraging message expressing hope, and I quote, for the liberty of your government and its people. Even in the midst of our own Civil War, President Lincoln provided arms and munitions to President Juarez to support the Mexican people in their fight against France. When the U.S. Confederacy sent an emissary to Mexico to enlist support for their cause, President Juarez jailed the man for 30 days before sending him away, a clear sign of support for President Lincoln's cause.

Madam Speaker, today, the United States and Mexico share close ties. We also share the ideals of freedom and independence. Because of our shared values and the tremendous contributions made by Mexican Americans, I think it is fitting and most proper for us here in Congress to recognize the historical struggle of the Mexican people for independence and freedom as called for in this concurrent resolution. I urge my colleagues to support this legislation.

Mr. BACA. Madam Speaker, I ask unanimous consent to revise and extend my remarks.

Madam Speaker, I rise in support of H. Con. Res. 44, which recognizes the historical significance of the Mexican holiday of Cinco de Mayo.

Every year thousands of Americans mistakenly refer to Cinco de Mayo as Mexico's Independence Day. That is why I introduced this resolution, to draw attention to the historical context of Cinco de Mayo.

On May 5th, 1862, the Mexican army defeated the French at the battle of Puebla, fighting that day for the values of freedom and liberty, the same values that we celebrate today in the United States.

Cinco de Mayo has come to represent a celebration of the contributions that Mexican Americans and all Hispanics have made to America. Many Mexicans and Mexican Americans have made the United States their homes, especially in the Southwestern United States. Their rich culture is one of the threads woven into the blanket of American society and their contributions to our Nation have shaped what we consider to be American culture today.

Today there are nearly 40 million Latinos living in the United States. Latinos are the fastest growing minority population in the United States. Latinos have made great contributions in all aspects of American life—the arts, sports, the corporate world, science, and much more. Latinos have fought in all of America's wars, beginning with the Revolutionary War. Many Latinos are fighting and dying for our country today in Iraq, just as several of their ancestors fought for freedom in Mexico over a century ago.

Though the battle was a Mexican event, the commemoration of this date has become an American Tradition. It serves as a reminder that the foundation of our Nation was built by people from many nations and diverse cultures that were willing to fight and die for freedom.

I urge my colleagues to vote yes on H. Con. Res. 44.

Mr. CROWLEY. Madam Speaker, I rise in strong support of this resolution and would like to thank my good friend from California, Mr. BACA, for introducing this resolution.

Cinco de Mayo represents many things, to Mexicans and Americans alike. To Mexicans and Mexican-Americans, Cinco de Mayo is a celebration of courage, patriotism, and Mexican unity. Cinco de Mayo honors all of the brave soldiers who successfully fought off foreign aggressors, in the town of Puebla, Mexico on May 5, 1862.

Outnumbered, the Mexican Army willingly gave their lives in support of Mexican independence and justice. The battle that ensued in Puebla was instrumental in fighting of French aggressors.

To Americans, Cinco de Mayo is a reminder of how our two nations strive for the same ideals and principles, freedom, justice and unity. It also marks the last time that a foreign power was the aggressor on North American soil. Both of our countries fought for their freedom in the face of great opposition. As a result of our struggles the United States and Mexico share a unique history that strengthens our unity.

Millions of Mexican-Americans work, live, and contribute to our country every single day. Cinco de Mayo is a celebration of the rich culture, heritage, and tradition that Mexican-Americans have brought to the United States.

This resolution recognizes our Mexican-American community and the close spiritual and economic ties the United States has with the people of Mexico.

In honor of their accomplishments and unity, I urge all of my colleagues to support this resolution honoring Cinco de Mayo.

Mr. ORTIZ. Madam Speaker, I rise in support of the Resolution supporting the ideals of Cinco De May, a day that holds much meaning for many people in the South Texas Congressional district I represent. For many Hispanic Americans, we celebrate Independence Day on July 4, and Cinco de Mayo on May 5. Independence Day celebrates our Nation; and Cinco de Mayo celebrates our spirit.

On the eve of May 5, 1862, the commander of the French forces in Mexico sent this message to Napoleon: "We have such superiority over the Mexicans that tomorrow, at the helm of my troops, I will attack, and I will consider that Mexico is mine." He was wrong. When he attacked the forts of Loreto and Guadalupe on May 5, his 8,000 troops were beaten back by 2,000 Mexicans.

It is important to note why we celebrate this day—we celebrate the courage and the strength of a people who will fight against all odds for the things they cherish—freedom, independence and democracy. The lessons of the French commander should not be lost on us today.

I often tell schoolchildren in South Texas to adopt a new take on the French commander's arrogance by saying: "I will go to school, I will study hard, and I will consider that the marketplace is mine, and we will not be beaten."

We must continue to fight in that same spirit that the Mexicans fought the French. Our young people today must fight to learn—fight for the ability to get good jobs—and fight to go further than the previous generation.

I am pleased the House is moving this resolution, albeit just over a month late for Cinco de Mayo celebrations this year. Nevertheless, this is a good opportunity for many of us in the House of Representatives to explain to our colleagues and our countrymen why this celebration means so much to so many of us.

Mr. LANTOS. Madam Speaker, I have no additional requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I have no additional requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 44.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SENSE OF HOUSE REGARDING MANIFESTATIONS OF ANTI-SEMITISM BY UNITED NATIONS MEMBER STATES

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 282) expressing the sense of the House of Representatives regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes.

The Clerk read as follows:

H. RES. 282

Whereas the United Nations Universal Declaration of Human Rights recognizes that "the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world";

Whereas United Nations General Assembly Resolution 3379 (1975) concluded that "Zionism is a form of racism and racial discrimination" and the General Assembly, by a vote of 111 to 25, only revoked Resolution 3379 in 1991 in response to strong leadership by the United States and after Israel made its participation in the Madrid Peace Conference conditional upon repeal of the resolution;

Whereas during the 1991 session of the United Nations Commission on Human Rights, the Syrian Ambassador to the United Nations repeated the outrageous "blood libel" that Jews allegedly have killed non-Jewish children to make unleavened bread for Passover and, despite repeated interventions by the Governments of Israel and the United States, this outrageous lie was not corrected in the record of the Commission for many months;

Whereas in March 1997, the Palestinian observer at the United Nations Commission on Human Rights made the contemptible charge that the Government of Israel had injected 300 Palestinian children with HIV (the human immunodeficiency virus, the pathogen that causes AIDS) despite the fact that an Egyptian newspaper had printed a full retraction to its earlier report of the same charges, and the President of the Commission failed to challenge this baseless and false accusation despite the request of the Government of Israel that he do so;

Whereas Israel was denied membership in any regional grouping of the United Nations until the year 2000, which prevented it from being a candidate for any elected positions within the United Nations system until that time, and Israel continues to be denied the opportunity to hold a rotating seat on the Security Council and it is the only member of the United Nations never to have served on the Security Council although it has been a member of the organization for 56 years;

Whereas Israel continues to be denied the opportunity to serve as a member of the United Nations Commission on Human Rights because it has never been included in a slate of candidates submitted by a regional grouping, and Israel is currently the only member of the Western and Others Group in a conditional status limiting its ability to caucus with its fellow members of this regional grouping;

Whereas the United Nations has permitted itself to be used as a battleground for political warfare against Israel led by Arab states and others, and 6 of the 10 emergency sessions of the United Nations General Assembly have been devoted to criticisms of and attacks against Israel;

Whereas the goals of the 2001 United Nations World Conference Against Racism were undermined by hateful anti-Jewish rhetoric and anti-Israel political agendas, prompting both Israel and the United States to withdraw their delegations from the Conference;

Whereas in 2004, the United Nations Secretary General acknowledged at the first United Nations-sponsored conference on anti-Semitism, that: "It is clear that we are witnessing an alarming resurgence of this phenomenon in new forms and manifestations. This time, the world must not—cannot—be silent.";

Whereas in 2004, the United Nations General Assembly's Third Committee for the first time adopted a resolution on religious tolerance that includes condemnation of anti-Semitism and "recognized with deep concern the overall rise in instances of intolerance and violence directed against members of many religious communities . . . including . . . anti-Semitism . . . ";

Whereas in 2005, the United Nations held an unprecedented session to commemorate the 60th anniversary of the liberation of the Auschwitz concentration camp;

Whereas democratic Israel is annually the object of nearly two dozen redundantly critical resolutions in the United Nations General Assembly, which rarely adopts resolutions relating to specific countries; and

Whereas the viciousness with which Israel is attacked and discriminated against at the United Nations should not be allowed to continue unchallenged: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) welcomes recent attempts by the United Nations Secretary General to address the issue of anti-Semitism;

(B) calls on the United Nations to officially and publicly condemn anti-Semitic statements made at all United Nations meetings and hold accountable United Nations member states that make such statements; and

(C) strongly urges the United Nations Educational, Scientific and Cultural Organization (UNESCO) to develop and implement education awareness programs about the Holocaust throughout the world as part of an effort to combat the rise in anti-Semitism and racial, religious, and ethnic intolerance; and

(2) it is the sense of the House of Representatives that—

(A) the President should direct the United States Permanent Representative to the United Nations to continue working toward further reduction of anti-Semitic language and anti-Israel resolutions;

(B) the President should direct the Secretary of State to include in the Department of State's annual Country Reports on Human Rights Practices and annual Report on International Religious Freedom information on activities at the United Nations and its constituent bodies relating to anti-Semitism by each of the countries included in these reports; and

(C) the President should direct the Secretary of State to use projects funded through the Middle East Partnership Initiative and United States overseas broadcasts to educate Arab and Muslim countries about anti-Semitism, religious intolerance, and incitement to violence.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN), and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I would like to thank the leadership, the gentleman from Illinois (Mr. HYDE), chairman of the Committee on International Relations, as well as the gentleman from California (Mr. LANTOS), our wonderful ranking member, for their efforts in bringing to the floor House Resolution 282.

The resolution, Madam Speaker, expresses the sense of the House of Representatives regarding manifestations of anti-Semitism by United Nations member states and urges action against anti-Semitism by United Nations officials, United Nations member states, and the government of the United States, and for other purposes.

My utmost appreciation goes to the gentleman from California (Mr. LANTOS), the ranking member of the Committee on International Relations, for his work on this resolution, for his commitment to combating the scourge of anti-Semitism, and for being an example of courage in the face of the most deplorable anti-Semitic acts. I thank the gentleman from California.

As we prepare to consider U.N. reform legislation, Madam Speaker, before the full Committee on International Relations tomorrow, the discussion of this measure is timely and it illustrates an important component of our multilateral strategies. For far too long, the United Nations has permitted itself to be used as a battleground for political warfare against Israel led by Arab states and others. Six of the 10 emergency sessions of the United Nations General Assembly have been devoted to criticisms of and attacks against Israel.

During the 1991 session of the United Nations Commission on Human Rights, for example, the Syrian representative to the U.N. repeated the outrageous blood libel that Jews have killed Christian and other non-Jewish children to use their blood to make Matzoth.

In 1997, another terrible example, the Palestinian observer at the Human Rights Commission charged that the Israeli government had injected 300 Palestinian children with the HIV virus. This baseless charge was not challenged by the president of the Human Rights Commission or any other U.N. official.

Another example, the goals of the 2001 U.N. World Conference Against Racism were undermined by hateful anti-Jewish rhetoric and anti-Israel political agendas, prompting both Israel and the United States to withdraw their delegations from the conference.

While recent efforts have been made to address this problem, Madam Speaker, such as the U.N.-sponsored conference on anti-Semitism or the session earlier this year to commemorate the 60th anniversary of the liberation of Auschwitz, much more needs to be done.

In response, the resolution before us, Madam Speaker, calls for the United Nations to officially and publicly condemn anti-Semitic statements in all

U.N. meetings and hold accountable member states who make such statements.

It calls for the United Nations Educational, Scientific, and Cultural Organizations, known as UNESCO, to develop and implement Holocaust education programs throughout the world as part of an effort to combat the rise in anti-Semitism.

Further, Madam Speaker, it calls for the United States Ambassador to the United Nations to continue working toward further reduction of anti-Semitic language and anti-Israel resolutions.

House Resolution 282 requests the Secretary of State to include in the Department of State's annual Country Reports on Human Rights Practices and annual Report on International Religious Freedom information on activities regarding anti-Semitism at U.N. bodies by each of the countries included in these reports; and, further, it requests that projects under the Middle East Partnership Initiative and that U.S. overseas broadcasts include programs that educate Arab and Muslim countries about fighting anti-Semitism, about fighting religious intolerance and fighting incitement to violence.

As we have witnessed, historically and in today's world, such charged rhetoric as anti-Semitism invites violent action. There must, therefore, be renewed vigilance against purveyors of anti-Semitism, and the United Nations must be an integral component of any comprehensive strategy. It must help build a culture of tolerance. The United Nations must hold countries and their representatives accountable. It must make hateful rhetoric and incitement politically and culturally unacceptable, instead of offering an environment that enables the proliferation of anti-Semitism.

As was noted in a meeting last month with Natan Sharansky, strong U.S. leadership in placing human rights front and center on the diplomatic agenda has the potential to bring about dramatic political and social change. We must be willing to take a similar stance regarding anti-Semitism at the United Nations.

Let us begin by rendering our unequivocal support to this resolution and send a clear message to the United Nations and to its member countries that we are resolute in our commitment to fighting this evil.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, first I want to thank my good friend and colleague from Florida for her extraordinarily gracious and generous observations.

Madam Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip.

Mr. HOYER. Madam Speaker, I want to thank the distinguished gentleman from California (Mr. LANTOS), the ranking Democrat on the Committee on International Relations, who does such an extraordinary job and who knows firsthand the extraordinarily adverse consequences of racism and anti-Semitism and other "isms" wrought against human beings.

I also want to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her sponsorship of this resolution and for her leadership on these issues.

Madam Speaker, intolerance based upon one's religious beliefs, ethnicity and race is a poison that has coursed throughout the body of human history; and it has caused untold pain, suffering and strife. Unfortunately, that is not on the ash bin of history. It is present today.

The Members of this House, the elected representatives of the strongest and freest nation on Earth, have a moral responsibility to expose and combat such intolerance and prejudice wherever it rears its head, whether it rears its head in the United States, in the United Nations, or any other place in the world. That is precisely what this important resolution seeks to do.

This resolution calls on the United Nations to officially and publicly condemn anti-Semitic statements made at U.N. meetings and by U.N. member states. It is to the discredit of the United Nations that anti-Semitism continues to find a forum in that body. This resolution also calls on the U.N. to create worldwide programs about the Holocaust in an effort to reduce anti-Semitism, and it directs the Secretary of State to report on anti-Semitic activities by the U.N. and its member countries.

Let me add, Madam Speaker, that last year I strongly supported language included in the omnibus appropriation act that directs the State Department to report on votes in the General Assembly concerning Israel. I regret to inform you, Madam Speaker, that there are nations, many nations, indeed the overwhelming majority of nations, who fail to support the United States and its positions on Israel more than 10 percent of the time, the majority of nations in the United Nations.

The disturbing, undeniable truth, Madam Speaker, is that rank anti-Semitism continues today in the world body ostensibly dedicated to peace, understanding and tolerance.

Israel, Madam Speaker, is the only member of the U.N. to never have served on the Security Council. It is denied the opportunity to serve on the U.N. Commission on Human Rights, while well-known human rights abusers, Syria, Sudan, Libya and countless others, serial abusers of human rights in their own countries, have served on that body. And each year, Madam Speaker, Israel is singled out for criticism nearly two dozen times in the general assembly, each year, while Sudan, who has seen the murder of thousands of people, or Rwanda, millions, or at least over a million, receives not the attention that it should.

□ 1500

Madam Speaker, too many U.N. members believe that they can make anti-Semitic statements and take anti-Semitic actions with impunity. This Nation ought to send a very loud, a very clear, a very definitive message that that is not the case. Anti-Semitism is unacceptable in any corner of the world, in any forum in the world, but particularly so in the forum committed to world peace, to world understanding.

Members who believe that they can act with impunity are wrong, and they must be held accountable. They must know that their anti-Semitic statements and actions not only affect their relationship with this Nation but also eviscerate their credibility in the family of civilized nations.

Again I congratulate the gentlewoman from Florida and the gentleman from California for their leadership, not just on this resolution, Madam Speaker, but every day of every week of every month of every year because that is what it takes to ensure that anti-Semitism, racism, sexism, and every other kind of prejudice and bigotry is rejected in this body and in every place that we find men and women of goodwill.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

I want to thank the distinguished gentleman from Maryland for his powerful and eloquent statement.

I rise in strong support of this resolution, and I want to begin by commending the gentleman from Illinois (Chairman HYDE) for bringing this resolution to the floor today. I also want to thank the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN) for her outstanding leadership on this issue.

Madam Speaker, it is high time to eradicate a sickening deficiency of the United Nations: its pathological persecution of one member, the democratic State of Israel, whose performance and standards are vastly superior to those of most of its nondemocratic detractors.

Over the years, the United States has occasionally used diplomacy at the United Nations to address this sickness, especially during the tenure of our distinguished Ambassadors Daniel Patrick Moynihan and Jeanne Kirkpatrick.

Recently, a renewed spasm of anti-Israeli activism has polluted critical United Nations mechanisms such as the General Assembly and the so-called Commission on Human Rights.

Mr. Speaker, one of the most disturbing experiences I personally have had during my service as a Member of Congress took place in August of 2001 when I was a member of the United States delegation to the United Nations World Conference against Racism at Durban, South Africa.

Secretary General Kofi Annan was anxious to use this conference as an opportunity to reinvigorate the world community in the fight against racism, bigotry, discrimination, and religious and ethnic intolerance. But, instead, we witnessed the hijacking of the conference by those who turned it into a vile outpouring of anti-Semitism and anti-Israel sentiment. This conference was one of the most vicious anti-Semitic displays I have seen since I witnessed the Holocaust in Hungary in the 1940s.

The draft document presented to the conference included phrases such as the "racist practices of Zionism" and where the Holocaust had been cited as an example of racism taken to extremes, Arab and Muslim states proposed replacing it with the term "holocausts" in the plural and lower case, which was yet another manifestation of propaganda to deny and to diminish the unique character of the Holocaust in which 6 million innocent human beings perished.

Despite repeated efforts of the United States and some other delegations to work with the problematic countries at Durban, South Africa, the underlying anti-Semitism, disguised as criticism of Israel, could not be resolved; and it was my privilege to lead the walk-out of the U.S. delegation from that conference. What could have been an important effort to revitalize the fight against racism and intolerance was turned into a lost opportunity.

Mr. Speaker, it is time once and for all for our diplomats to apply themselves in a sustained manner to defeating the absurd series of anti-Israeli resolutions that continue to crowd the agenda of the United Nations, pushing aside long overdue consideration of critical issues such as terrorism, AIDS, climate change, poverty, human rights abuses, and famine. Our resolution takes note of the efforts of some U.N. member countries to delegitimize the State of Israel by denying its opportunity to participate in U.N. organizations including the Security Council and the Human Rights Commission. It also notes that the United Nations has been used to attack the State of Israel. For example, of the emergency sessions of the General Assembly that have been called, six of the 10 were devoted solely to attacks against the State of Israel.

Our resolution, Mr. Speaker, commends recent examples of outstanding leadership in the fight against anti-Semitism. I want to single out Secretary General Kofi Annan, who led the effort to call an unprecedented special session of the General Assembly this past January to mark the 60th anniversary of the liberation of the Auschwitz concentration camp during World War II.

At that special session, Kofi Annan said, "The United Nations must never forget that it was created as a response to the evil of Nazism, or that the horror of the Holocaust helped to shape its mission. That response is enshrined in our Charter and in the Universal Declaration of Human Rights. Such an evil must never be allowed to happen again. We must be on the watch for any revival of anti-Semitism and ready to act against the new forms of it that are happening today." From Secretary General Kofi Annan.

Mr. Speaker, our resolution urges the member states of the United Nations and our own government to step up the fight against anti-Semitism, religious intolerance, and incitement to violence. In keeping with the original mission and the enduring vision of the United Nations as a beacon for humanity's potential at its best, I strongly urge all of my colleagues to support our resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 10 minutes to the gentleman from California (Mr. LANTOS) and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Mr. LANTOS. Mr. Speaker, I thank the gentlewoman for her usual gracious, generous gesture.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from California (Mr. LANTOS) for his leadership on this issue and so many other issues that are important to human rights around the world, and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her leadership on the committee and in bringing this resolution forward and dealing with human rights issues in the Middle East.

I also want to identify myself with the statements made by my colleagues, including the gentleman from Maryland (Mr. HOYER).

The rise of anti-Semitism globally is undisputable and it is unacceptable. As the ranking Democrat on the Helsinki Commission, I have worked with the gentleman from New Jersey (Mr. SMITH), our chairman, to bring up anti-Semitism and fighting anti-Semitism as one of the highest priorities of our Helsinki Commission. I am pleased that as a result of the priority of our delegation, we are now having our third international meeting on anti-Semitism. That will be taking place this week in Spain.

In the second meeting that took place in Berlin, we were able to come out with a Berlin document, a declaration which stated unequivocally the condemnation by all 55 countries in the Organization for Security and Cooperation in Europe to condemn anti-Semitism and develop an action plan to fight anti-Semitism. It deals with law enforcement and sensitizing law enforcement. It deals with educating our children in Holocaust education. It deals with respect and understanding of people who have different religious beliefs.

Mr. Speaker, it is very wrong when individuals commit anti-Semitic actions. It is even worse when it is sponsored by a government or by international organizations. For that reason, Mr. Speaker, I am very pleased that we have the resolution before us today that speaks to the United Nations and to the actions within the United Nations. It must clean up its act in regards to its actions of discrimination and anti-Semitism. It is unacceptable, and this resolution speaks to that. And I urge my colleagues to support this resolution.

Mr. Speaker, I rise in support of H. Res. 282, regarding manifestations of anti-Semitism by United Nations member states, and urging action against anti-Semitism by United Nations officials. We must not allow anti-Semitism to become a part of the leading international organization that proclaims "the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world".

I commend the International Relations Committee for acting on this resolution condemning the resurgence of anti-Semitism around the globe. As Ranking Member of the Helsinki Commission, I believe we must recognize that despite great achievements with respect to human rights around the world, much more can still be done.

The history of anti-Semitism is indisputable. Today, though, I want to discuss trend of a growth of anti-Semitism throughout the world today.

In the last Congress, to address this new wave of discrimination, I was pleased to join with Congressman LANTOS and Helsinki Commission Chairman CHRIS SMITH in working to enact the Global Anti-Semitism Review Act of 2004. The State Department then issued its first-ever global report on anti-Semitism, giving us a roadmap to build upon for the future.

Last year I traveled as part of the U.S. Delegation of the Helsinki Commission, with former Secretary of State Colin Powell, to attend a special conference in Berlin addressing anti-Semitism, held under the auspices of the Organization for Security and Cooperation in Europe (OSCE). During the course of the trip I went to visit Auschwitz for the first time. That factory of death reaffirmed to me how we must tirelessly work to build understanding and respect between different communities to prevent future acts prejudice, discrimination, and ultimately violence.

At the Berlin Conference, I gave the official U.S. statement in the session on tolerance, and the meeting ended with the issuance of the Berlin Declaration of Action. The Declaration laid out a number of specific steps for states to take to combat the rising tide of anti-Semitism, including specific actions regarding Holocaust education, data collection and monitoring of hate crimes against Jews, and improved coordination between non-governmental organizations and European law enforcement agencies.

As the leading international organization in the world, the United Nations must make it clear that anti-Semitism has no place within its walls. It must condemn anti-Semitic statements made at all meetings and hold accountable the United Nations member states that make such statements. This is the first step of many that will discourage anti-Semitic sentiment from having any place with United Nations members.

Unfortunately, the United Nations has a long history of failing to aggressively combat instances of anti-Semitism within its institution. In 1975, the U.N. General Assembly concluded that "Zionism is a form of racism and racial discrimination," and this resolution was not revoked until 1991, after strong leadership from the U.S., and Israel's refusal to participate in the Madrid Peace Conference unless the resolution was repealed.

Until the year 2000, Israel was denied membership in any regional grouping of the United Nations. It continues to be denied the opportunity to hold a rotating seat on the Security Council, making it the only member to have never served on the Security Council despite being a member of the UN for 56 years. Lastly, Israel continues to be denied the opportunity to serve as a member of the United Nations Commission on Human Rights. These anti-Israeli actions must cease if we are serious about stopping anti-Semitism.

However, I am glad to note that the United Nations Secretary General has recently spoken out on the issue of anti-Semitism. In addition, in 2004 the General Assembly's Third Committee adopted a resolution on religious tolerance for the first time, which states in part its "deep concern the overall rise in instances of intolerance and violence directed against members of many religious community . . . including . . . anti-Semitism." As Israeli President Moshe Katsav reminded us at our Berlin conference last year, anti-Semitism should indeed receive special attention from the civilized world.

While I welcome these recent steps forward, the United Nations still has a long way to go to combat anti-Semitism. As this resolution states, we must implement awareness programs about the Holocaust throughout the world. This will promote more than just tolerance; it will help the world to achieve racial, religious, cultural, and ethnic acceptance and diversity, leading to a more peaceful and just society.

This resolution also requests that the United States Permanent Representative to the United Nations continue working toward further reduction of anti-Semitic language and anti-Israel resolutions. It also asks the Department of State to include information on activities at the United Nations relating to anti-Semitism in its reports on Human Rights Practices and International Religious Freedom. Finally, it asks the Secretary of State to fund projects that educate Arab and Muslim countries about religious intolerance.

We must combat this rising tide of anti-Semitism in all of its forms, and ensure that it has no place anywhere in the world, especially the United Nations. I urge my colleagues to support this resolution.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from American Samoa (Mr. FALEOMAVAEGA), my good friend and a very important member of the Committee on International Relations.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to again thank the gentleman from California, our senior ranking member, for yielding me this time to say a few words concerning this resolution.

I also want to thank the gentlewoman from Florida representing the majority and especially the gentleman from Illinois (Chairman HYDE) for his support and leadership in getting this resolution to the floor.

Mr. Speaker, in my visit to the Holocaust Museum here in our Nation's capital, I always come away with this great lesson that I learned about the suffering of some 6 million Jews in that terrible period during Nazi rule by Adolph Hitler. The words that come to my mind every time I visit that museum are the words "never again." "Never again." And I cannot help but express my sense of gratitude to the gentleman from California, not only as a child of the terrible conflict that occurred to his family but certainly who has been a great teacher and a mentor to me in understanding and appreciating what racism and bigotry and hatred is. And the fact that he has had to live that in his own life and has certainly been a great champion not only of the issues affecting the good people of the State of Israel, I want to thank the gentleman from California (Mr. LANTOS) for being that leader whom I admire and respect very much.

Mr. Speaker, the provisions of the resolution speaks for itself. It is time for the United Nations to give serious attention to this problem. Year after year, the only democratic government in the Middle East has been ostracized, condemned, vilified, falsely accused of so many things. I simply say, enough is enough, Mr. Speaker. I sincerely hope that copies of this resolution will be served to every ambassador from every country represented in the United Nations.

☐ 1515

We will let them know that the will of the Congress is expressly stated to this effect in the provisions of the resolution, that enough is enough.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my good friend for his eloquent and strong statement. Mr. Speaker, let me just say that this resolution reflects the values of this body and of the American people, and I urge all of my colleagues to vote for it.

Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to thank our wonderful friend, the gentleman from California (Mr. LANTOS), for his leadership on this resolution, as well as the chairman, the gentleman from Illinois (Mr. HYDE). I urge all of our colleagues to adopt this resolution today.

Mr. CROWLEY. Mr. Speaker, I am speaking today in strong support of the resolution regarding the manifestations of anti-Semitism by United Nations member states.

I would like to praise Ms. ROS-LEHTINEN for her tireless efforts as the chair of the Subcommittee on the Middle East and Central Asia. Her commitment to fighting anti-Semitism is unparalleled and she has raised awareness of the issue both within the United Nations and throughout the world.

The state of Israel ardently strives to attain equality of rights which the United Nations Declaration of Human Rights recognizes as the best hope for freedom throughout the world.

However, the past actions of many United Nations member states have challenged this equality through many of their anti-Semitic resolutions, actions, and statements.

The regular manifestations of this blatant anti-Semitism occur throughout the course of the United Nation's history. Included in these acts are statements by members of the United Nations Commission on Human Rights, those individuals who should be acting upon anti-Semitism rather than participating in it.

I commend the UN for increasing awareness in the past few years of anti-Semitism and refusing to remain silent on this growing global problem. The recent session commemorating the 60th anniversary of the liberation of Auschwitz marks a keystone in the United Nations' efforts to promote awareness of anti-Semitism.

Nevertheless, members states annually remain critical of Israel and refuse to allow Israel equal rights and opportunities within the United Nations. Israel should have the same chance to participate in the United Nations, rather than be ignored by those states which would seek to spread hateful anti-Jewish and anti-Israel agendas.

I believe that the United Nations should implement measures which: Publicly condemn those United Nations member states who make anti-Semitic and racial remarks, hold those same member states who make anti-Semitic remarks accountable, and promote awareness of anti-Semitism.

The United States must take a firm stand on this issue today. We must declare that neglecting the problem of anti-Semitism is unacceptable.

Mr. NADLER. Mr. Speaker, I rise in support of H. Res. 282, which calls on the President to take steps to stem the ugly tide of anti-

Semitism at the United Nations and in the Middle East.

The hijacking of the United Nations by some member states is an attack against international peace and the founding principles of the U.N. The use of blood libels by representatives of member states, in reports, and by NGOs, is unacceptable and a betrayal of the U.N.'s mission.

The U.N. is robbed of its moral authority when member states hijack it for illicit purposes. Slandering an entire people, their aspirations for self-determination, and their homeland, is not acceptable. Excluding a member state from the community of nations because of ancient hatreds and slanders is unworthy of an organization founded to promote world peace and end human suffering.

Holding one nation to a standard no other nation is held to is, whether people wish to admit it or not, bigotry at its worst. No other nation would be denounced for taking steps to protect its citizens from acts of terror aimed intentionally at civilians. No nation has exercised as much restraint as Israel, yet no nation has been subjected to condemnation, indeed vilification and demonization, including those countries that practice slavery, torture, and genocide, some of whom have been privileged to sit on the United Nations Commission on Human Rights—a right denied to Israel in the more than half-century it has been a member.

Mr. Speaker, the United Nations is only as strong and decent as its member nations. That is both its greatest strength and its greatest weakness. When the nations of the world stand by, or worse, participate in, the vilification of the Jewish people, it is a reflection not just on the institution, but on the failings of its members.

I believe it is time for the President to do more to press the U.N., and its member states, to bring an end to institutionalized anti-Semitism. It is not enough to criticize the U.N. It is not enough to denounce anti-Semitism.

This administration must exert pressure on those countries that have gotten a pass on their efforts both in the U.N. and in other forums. Countries like Saudi Arabia and Egypt, who distort the mission of the U.N., must be held to account for their actions.

The United Nations is capable of good and important work, in the eradication of disease, in alleviating poverty. It can and should do more, but it can never live up to its potential and its mission unless it sheds the stain of anti-Semitism.

The United States must take the lead in this important effort. I support this resolution. I hope that the President heeds its message and does what he must do to end the bitter reign of anti-Semitism at the U.N.

Mr. PORTER. Mr. Speaker, I rise today to join with my colleagues in support of House resolution 282 and encourage members of the International community to continue to aggressively condemn anti-Semitic actions and statements.

For over sixty years, world history and international perspectives have been shaped by the painful reminders of the events of World War II. Blind eyes could not hide the effect racism had during the Holocaust that affected millions of Jewish men, women and children. And now, many years later, I join with others to continue to remind the world community to resist the small seeds of hate that once led to the attempted annihilation of an entire race of people.

More now than ever, we must all take a proactive stance against views that promote racial, religious and ethnic intolerance. America's past is certainly imperfect. However, the lessons of the past remind us that through these imperfections we were able to unite and build alliances that promoted a stronger and wiser nation. I now call upon the International community to also build alliances and word for peace by actively condemning the increasing culture of anti-Semitic views and religious intolerance.

Mr. WEINER. Mr. Speaker, today the House of Representatives voted to urge the United Nations to take bold action against anti-Semitism and anti-Israel sentiment. I commend my colleagues for keeping the U.N.'s feet to the fire on an issue of such great importance. And I thank Congresswoman ROS-LEHTINEN for introducing this bill and for her continued vigilance in support of America's greatest ally in the Middle East.

The U.N. is supposed to be a neutral authority working towards global unity. But in fact, it has helped the enemies of Israel internationalize their war against the Jewish state.

Many people know about the 1975 U.N. resolution equating Zionism with racism. Sadly, that is only 1 of the 322 resolutions condemning Israel that the U.N. has passed since 1948.

The U.N. issued Resolution 476 in 1980 declaring Israel's claim to Jerusalem "null and void." It passed Resolution 487 in 1981 to "strongly condemn" Israel for its attack on Iraq's nuclear facility. And in 2003, the U.N. condemned Israel for building its security fences. These are the same fences that have cut suicide bombings by 75% and Israeli fatalities by 55%.

The U.N. is routinely silent on deadly suicide attacks—like the Hamas Passover massacre that killed 30 people at an Israeli hotel. But it will loudly condemn Israel for its military response to such terror. Remarkably, the U.N.'s balance sheet defends countries like Lebanon, Iraq, and Syria, while attacking Israel as a regional aggressor.

This imbalance is unreasonable. But it is hardly the U.N.'s worst masquerading. The U.N. pretends to give a voice to all countries. But when it comes to offering countries a seat on the Security Council, only Israel is barred.

And while 4 of the 7 stage sponsors of terror—Cuba, Libya, Sudan, and Syria—are members of the U.N. Human Rights Commission, Israel cannot even be a candidate. The commission spends 26% of its resolutions condemning Israel, yet Israel doesn't even have a forum to respond.

The news gets worse. The U.N. has decided that its Commission on Human Rights is good enough for all the world's refugees, except the Palestinians. They get their own organization—the U.N. Relief Works Agency (UNRWA).

And instead of being resettled like the rest of the world's 20 million refugees, the Palestinians are kept in camps. It is no surprise that the result has been a breeding ground for violence. More than 48 terrorist operatives have been educated in UNRWA schools. And this past January, the head of UNRWA acknowledged that members of Hamas are on his payroll. Since 1950, UNRWA has been bad for Israelis and Palestinians alike, and it is time the U.N. took responsibility for solving the problem.

Earlier this year, Kofi Annan made a move towards accountability by publicly outlining a series of proposed U.N. reforms. Some of the suggested shakeups of discredited U.N. bodies like the Human Rights Commission are steps in the right direction. But it is hard to trust a Secretary General who spent part of a trip to the Middle East placing a wreath on Yasser Arafat's grave. And even harder to overlook 50 years of U.N. antagonism against Israel.

Mr. HOLT. Mr. Speaker, I rise in support of H. Res. 282, which expresses the sense of the House of Representatives regarding manifestations of anti-Semitism by United Nations member states and urges action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States.

As we commemorate the invasion of Normandy this week, it is important to remember that the evil the world was fighting then persists today. Recent accounts of anti-Semitic assaults are reminiscent of those encountered before and during World War II. In the suburbs of Antwerp, Belgium, four youths were assaulted on their way home from their Jewish school by a group of men yelling anti-Semitic insults. One of the students was stabbed and seriously injured. In Toulon, France a synagogue and a community center were set on fire. In Dusseldorf, Germany, an ancient Jewish cemetery was desecrated with swastikas and SS symbols. In the United Kingdom, a Jewish woman was beaten severely by three of her neighbors because her mail was written in Hebrew, and they suspected her of being Israeli.

The United Nations and the international community must act swiftly and address this immediate threat. The United Nations and world leaders must shake themselves out of indifference and rise above political considerations that have blinded them to the magnitude of rising anti-Semitic assaults. The international community must remember its commitment to prevent a recurrence of horrors the world witnessed 60 years ago and take meaningful actions to combat this rise in anti-Semitism.

In the last few years, the United Nations and Secretary General Kofi Annan have begun to formally recognize and address this rise in anti-Semitism. Just last year, the United Nations sponsored a conference on anti-Semitism and for the first time the United Nations General Assembly's Third Committee adopted a resolution that condemns anti-Semitism.

Although these recent actions by the United Nations are positive steps, I believe that the United Nations must do more to combat this evil. The United Nations should first begin within its own organization and end the practice of tolerating hateful rhetoric. The United Nations must go further in condemning member nations and United Nations officials that use anti-Semitic language. Additionally, the

United Nations should acknowledge the detrimental effects of anti-Israel resolutions and work towards reducing their frequency.

I urge my colleagues to vote in favor of this legislation and to remain committed to combating the evil of anti-Semitism.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BISHOP of Utah). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 282.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 o'clock and 17 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WALDEN of Oregon) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Con. Res. 44, by the yeas and nays; and

H. Res. 282, by the yeas and nays.

RECOGNIZING HISTORICAL SIGNIFICANCE OF THE MEXICAN HOLIDAY OF CINCO DE MAYO

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 44.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 44, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 28, as follows:

[Roll No. 228]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—28

Andrews
Brown, Corrine
Conyers
Cubin
Delahunt
Gutierrez
Hastings (FL)
Honda
Hyde
Jackson-Lee (TX)
Jenkins
Kaptur
Kennedy (RI)
Lucas
McCollum (MN)
Nussle
Otter
Oxley
Payne
Platts
Rothman
Rush
Sanchez, Loretta
Schiff
Scott (GA)
Stark
Weldon (PA)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALDEN of Oregon) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1851

Mr. KINGSTON changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. CUBIN. Mr. Speaker, on rollcall No. 228, I was unavoidably detained. Had I been present, I would have voted "yea".

Mr. SCHIFF. Mr. Speaker, on rollcall No. 228, had I been present, I would have voted "yea".

EXPRESSING SENSE OF HOUSE REGARDING MANIFESTATIONS OF ANTI-SEMITISM BY UNITED NATIONS MEMBER STATES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 282.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 282, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 2, not voting 22, as follows:

[Roll No. 229]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—2

McKinney
Paul

NOT VOTING—22

Andrews
Brown, Corrine
Green, Gene
Gutierrez
Hastings (FL)
Honda
Hyde
Jackson-Lee (TX)
Jenkins
Kennedy (RI)
McCollum (MN)
Nussle
Otter
Oxley
Payne
Platts
Rothman
Rush
Sanchez, Loretta
Scott (GA)
Stark
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALDEN of Oregon) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1908

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, I regret that I missed two votes on June 7, 2005. Had I been present I would have voted yea on rollcall 228 and 229.

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, I was absent from the floor during today's rollcall votes on H. Con. Res. 44 (recognizing the importance of Cinco de Mayo) and H. Res. 282 (expressing the sense of the House regarding anti-Semitism by United Nations members). Had I been present, I would have voted yea on each of these measures.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 65

Mr. LANGEVIN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 65.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE COST OF PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, once again I rise tonight to talk about what Americans pay for prescription drugs compared to what the rest of the industrialized world pays for those same prescription drugs.

And for those who were watching on Sunday night the television show "60 Minutes," there was a very interesting segment, and it featured Dr. Peter Rost, who is both an M.D. and a VP of a very large pharmaceutical company. And what Dr. Rost talked about last night on "60 Minutes" is the same subject that I and many Members of this House have been talking about for several years, and that is that Americans pay by far and away much more for prescription drugs than consumers in any other industrialized country.

I do not know how well Members can see this, but this chart has five of the most commonly prescribed prescription drugs today; and it has prices from London, from Athens, and from the United States. And what we see on these charts is we really have three different price levels. We see the price, for example, of Lipitor in London is $40.88. That same Lipitor, which incidentally Dr. Rost talked about and is made in Ireland, all of it is imported somewhere because it is all made in Ireland; but in London, $40.88; in Athens, $55.65; but a month's supply in the United States is $76.41.

□ 1915

You look at the entire list and then you total them up, the five most commonly prescribed drugs. In London, those five drugs are $195 U.S. In Athens, they are $231 in American dollars. Here in the United States, $507.

Mr. Speaker, the chart can get worse, too. If you look at what we see, for example, in Germany, and these numbers again are from earlier this year, when you compare on this chart we have 10 of the most commonly-prescribed drugs brought at the Metropolitan Pharmacy in Frankfort, Germany, and this is essentially just coming in off the street, not expecting any special discount either in the United States or here, but those 10 in the United States total $1,040. In Germany, you can buy the same drugs for $455.57.

Mr. Speaker, it really is time that we do what they do in Europe. It is called parallel trading. For Members, if we can work out the legalities, we are going to try to make available to Members a copy of that 60 Minutes segment so people can see for themselves and hear from somebody who is actually a pharmaceutical insider.

As I say, he is now a VP of marketing of one of the largest pharmaceutical companies in the world. He formerly though worked in Europe for a big pharmaceutical company, and he was involved in what is called parallel trading. That creates a competitive marketplace. Because, at the end of the day, we Americans understand it does cost money to develop these new drugs, and we are willing to pay our fair share. We ought to be willing to subsidize the starving people in Sub-Saharan Africa. We should not be forced to subsidize the starving Swiss.

Americans deserve world-class drugs at world market prices. The time has come to open up markets and allow Americans to have access to these drugs. When we do, you will see the prices balanced so that the prices in Europe are probably going to go up a little, but the prices here in the United States will go down dramatically.

Please join me in this important effort.

TRIBUTE TO PRIVATE FIRST CLASS WESLEY ROBERT RIGGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. "I don't do it for the money . . . I don't do it for the glory . . . Providing for our future is my responsibility . . . I can't call in sick on Mondays when the weekend has been too strong. I just work straight through the holidays and sometimes all night long. You can bet that I stand ready when the wolf growls at the door . . . I am solid . . . I am steady . . . I am true down to the core . . . I'm an American soldier."

Words from Toby Keith's "American Soldier."

Mr. Speaker, today I rise in honor of a young American soldier, Private First Class Wesley Robert Riggs, who died serving our Nation in Iraq. Private First Class Riggs, in only 19 years, had exhibited a lifetime of dedication and duty. He was killed during a patrol on May 17, 2005, near Tikrit, Iraq, when a roadside bomb exploded.

He was a native of Baytown/Beach City, Texas. Wesley graduated in 3 years from Barbers Hill High School in 2003. He was active in the Future Farmers of America. To Wesley's Ag teachers, he was well devoted to the curriculum and is remembered for his skills in Ag Mechanics and Meats Technology. They recall his love of fishing, hunting and anything outdoors.

Before enlisting in the United States Army in 2004, Wesley spent his days like many other young Texans. He enjoyed hanging around with friends and working on cars. He liked four-wheeling and camping. He was also a member of the Houston Olympic weight lifting team.

He attended Holy Trinity Catholic Church in Mt. Belvieu, Texas. Reverend Andrew Moore, Wesley's Pastor at Holy Trinity, recalls a dedicated young man that was extremely motivated and driven. He dreamed of a career in law enforcement after his years in the military.

A number of his band of brothers in the military paid tribute to Wesley at his funeral service. Others commemorated him at his memorial service that I was able to attend this past Memorial Day weekend. They all spoke of a comrade who illustrated exemplary service.

To date, Mr. Speaker, in Operation Iraqi Freedom, our United States Army alone has lost 93 Texans in combat-related casualties. It is interesting to note that one out of every ten Americans in the United States military comes from the Lone Star State.

Our military cannot replace individuals of such exceptional character as Private First Class Riggs. However, his service will provide a stirring example for the men and women who carry forward his tenacious fight against tyranny, terror and treachery.

Moreover, Private First Class Riggs helped to establish a democracy, the historic start of which I was privileged to witness in Iraq this past January. Freedom does not come, Mr. Speaker, because somebody carries a sign in protest. It comes because of sacrifice.

So if today we could hear from Private First Class Wesley Riggs himself, as a member once and always of the United States Army, as a member of the Infantry, called "the Queen of Battle," he would resonate the remainder of Toby Keith's "American Soldier:"

"And I always will do my duty, no matter what the price. I have counted up the cost, I know the sacrifice . . . I don't want to die for you, but if dying is asked of me, I will bear that cross with honor, cause freedom don't come free . . . I am out here on the front line. Sleep in peace tonight . . . I am an American Soldier, an American, an American Soldier."

Private First Class Riggs might also hear the words that were spoken many years ago regarding the band of brothers in Henry V. He could say, inspired by Shakespeare, "For he that sheds his blood with me is my brother. From this day to the ending of the world. But we in it shall be remembered, we few, we happy few, we band of brothers."

Private First Class Riggs, we will not forget you, an Army of one. He received the Bronze Star, Purple Heart, National Defense Service Medal, Global War on Terrorism Medal and the Army Service Ribbon. We thank you, Private First Class Riggs, for your service, your dedication and sacrifice to your country.

HEARING FROM AMERICA ON UNITED AIRLINES PENSION COLLAPSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, Congress needs to hear from America about the severe loss of private pensions. Tonight, I would like to share with my colleagues some of the testimony my Democratic colleagues and I have received through the first-ever congressional E-hearing.

It is clear from United Airlines' attempt to dump $6.6 billion onto the Federal pension agency known as the Pension Benefit Guarantee Corporation and to cut over $3 billion in pension benefits from its employees that the Federal pension laws are seriously broken.

Like United, other large companies have also abused Federal law to terminate their employees' pension plans and to deeply reduce the retirement security that hard-working Americans had every right to expect to have. These runaway pension terminations threaten employees, investors and taxpayers.

In the case of United, if it is allowed to dump all of its pension obligations onto the Federal Government, then its competitor airlines will seek to do the same. This is a real crisis, and it demands action. This crisis is about hardworking employees who in many cases will lose half or even more than half of the nest egg promised by their employers.

United failed to put away enough for the hard times, but it is the employees and taxpayers that are suffering the consequences. Congress needs to hear from United employees and from other Americans suffering from the collapse of private pension plans.

But, as with so many other important pocketbook issues, this Congress, under the Republican leadership, does not listen. It does not afford average Americans an opportunity to be heard.

Democrats are listening, and we want to hear from America.

To do that, my Democratic colleagues and I on the Committee on Education and the Workforce, and also with the gentlewoman from Illinois (Ms. SCHAKOWSKY), held the first-ever congressional E-hearing. We set up an online forum to hear from experts on the United pension crisis and from the employees and the retirees themselves.

The response has been overwhelming. We have received some 2,000 heartbreaking e-mails. These statements demonstrate what a real crisis looks like. I want to share with my colleagues and the public some of these e-mails. On my Web site you can read all of the testimony at house.gov/georgemiller.

Here is the testimony of Mynette Wijnveldt, of Mililani, Hawaii, who writes: "My husband and I were both employed as United Airlines flight attendants for 27 years. In 2001, he was diagnosed with a rare illness and became totally disabled. At age 50, he had to medically retire because he was no longer able to work. While I am still employed by United, I am seriously concerned about our future.

"If United is allowed to dump this pension our family will be hit very hard. My husband's medical retirement was severely reduced due to the early retirement factors, and I have lost 35 to 40 percent because of cuts in the plans resulting from the negotiated changes to our contract.

"If United is able to dump our pensions on the PBGC and walk away from its promise, we stand to lose our home and I will be working until I can no longer do so."

Here is another testimony, from Proctor Lucius in Carlsbad, California: "I sit in jeopardy of losing over 70 percent of my monthly income and with financial obligations not only for my immediate family but assisted living care for my elderly mother. Our future is very ominously bleak. As you are well aware, the costs for everything, especially medical care, are increasing astronomically and Social Security is pitifully inadequate to compensate. Now Social Security is in jeopardy of being thrown into the giant casino of Wall Street. Where does it end?"

Mrs. E.L. Smith of Hanover, Pennsylvania, wrote: "My husband is a retired United Airline pilot with 33 years of loyal service to the company. He also is a two-tour veteran of the Vietnam War with service to his country. I am a second generation, former United Airlines customer service employee. We have an 18-year-old son starting college and a 9-year-old daughter. The loss of my husband's pension will be very difficult for our family, but the loss of medical care will cripple us. Many retirees are in this position, and due to preexisting medical conditions, they will not be able to afford coverage.

"It is frightening to know that the company that has been the backdrop of our lives for decades would do this to us. For many, this is a life-threatening situation.

"My husband was diagnosed with renal cell carcinoma and had a heart attack in 2002. I was diagnosed with cancer 2 years before that. We have significant out-of-pocket medical expenses at this time, and the pension loss will put us in a very precarious position. We will not be able to afford coverage. Please pass legislation to ensure that they do not terminate our pension."

These and many other statements, over 2,000, were submitted to our congressional E-hearing at the Committee on Education and Workforce. This is what a real crisis looks like. Now is the time for Congress to act. Now is the time to do that.

I urge my colleagues to join me in passing H.R. 2327, a bill that would put a 6-month moratorium on the pension terminations currently planned by United Airlines. During this 6-month period, Congress must act to stop companies from unfairly dumping their pension losses. This will allow United and its employees to negotiate a solution through the collective bargaining process. We must not let these hardworking Americans down. We must listen to these Americans. We must understand the tragedy that has befallen them and the financial situations that they have been thrust into after a lifetime of hard work on behalf of United Airlines.

KEEPING MARINES LIKE SECOND LIEUTENANT ILLARIO PANTANO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, this past Friday I had the pleasure of attending an American Legion fund-raiser in Wilmington, North Carolina, where the guest of honor was Marine Second Lieutenant Illario Pantano. As you know, I have spoken at great length about Lt. Pantano and his dedication and service to the Marine Corps and to our Nation.

Friday was a day of excitement and disappointment for me. I shared in the joy with his family as they celebrated the dismissal of the charges against him. But it was also a bittersweet celebration as Lt. Pantano announced his resignation from the Marine Corps.

I know the future will bring much happiness for him and his beautiful family, but I was saddened to think that the Marines were losing such an outstanding officer because of such an unfortunate situation.

Mr. Speaker, I was overcome with emotion as Lt. Pantano gave me his officer's sword after he announced his resignation. I cannot bring the sword on the floor of the House because of the rules, which I understand. It is an honor I unwillingly accepted but will always treasure.

As I look at the sword, I cannot help but think that this whole matter could have been avoided by a more thorough investigation and appraisal of the charges before an Article 32 hearing was held.

All along, I had confidence that the Marine Corps would ultimately come to the right conclusion and exonerate Lt. Pantano of all charges, and, thankfully, that has indeed happened. My only hope is that, in the future, if any other such allegations are to come forward about another member of our Armed Services, a more efficient and complete investigation will take place before this situation ever gets to the seriousness of an Article 32 hearing.

Mr. Speaker, our men and women in uniform are our Nation's defenders and heroes. We are blessed to have so many young, brave Americans willing to risk their lives in the name of freedom.

Lt. Pantano was an outstanding leader that I would be proud to call my son or son-in-law.

☐ 1930

I believe his resignation is a great loss for the Marine Corps and a great loss for America.

Let us make sure that in the future we do not lose any more of our Nation's defenders the way we have lost Lieutenant Pantano.

Mr. Speaker, I will close by asking God to bless our men and women in uniform. I will ask God to please bless the families of our men and women in uniform, and I will ask God to please bless America and the future of this great Nation.

Mr. DELAHUNT. Mr. Speaker, will the gentleman yield?

Mr. JONES of North Carolina. Mr. Speaker, I am delighted to yield to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I just want to say that I am sure that the good lieutenant has recognized what a wonderful advocate he has had here on the floor of the House. I think that the gentleman should be commended for his perseverance, for his integrity, and for all that he did, not just for this particular young man, but what the gentleman does in terms of the moral integrity of this institution. I congratulate the gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Speaker, the gentleman is extremely kind. I thank him very much, and may God bless America.

THE NICS IMPROVEMENT ACT

The SPEAKER pro tempore (Mr. MACK). Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, the NICS system, the National Instant Criminal Background Check System, is the database used to check potential firearm buyers for any criminal record or history of mental illness.

In large part, NICS has been a success. Since 1994, more than 700,000 individuals were denied a gun for failing the background check. However, the NICS system is only as good as the information States provide. Twenty-five States have automated less than 60 percent of their felony convictions into the NICS system. In these States, many felons will not turn up on the NICS system and would be able to purchase guns with no questions asked. In 13 States, domestic violence restraining orders are not accessible through the NICS system. Common sense would dictate that you do not sell a gun to someone who has been served with a restraining order. Thirty-three States have not automated or do not share mental health records that could disqualify certain individuals from buying a gun.

Sadly, this particular loophole in the NICS system cost two of my constituents their lives. On March 8, 2002, Peter Troy purchased a .22 caliber semiautomatic rifle. He had a history of mental health problems, and his own mother had a restraining order against him as a result of his violent background. It was illegal for him to purchase a gun; but like so many others, he simply slipped through the cracks of the NICS system. Four days later, Peter Troy walked into Our Lady of Peace Church in Lynbrook, New York, opened fire, and killed the Reverend Lawrence Penzes and Eileen Tosner.

Peter Troy had no business buying a gun, and the system created to prevent him from doing so failed. It is only a matter of time before the system's failings provoke larger tragedies. We must fix the NICS system now.

While we lay the responsibility for the NICS system on the States, many State budgets are already overburdened, which is why I introduced H.R. 1415, the NICS Improvement Act. This legislation would provide grants to States to update the NICS system. States would be able to update the NICS databases to include felons, people with certain mental and emotional disabilities, and domestic abusers. It is actually enforcing the 1962 gun control law.

We need the NICS Improvement Act to become law, and we need more bills like this to be passed. These are ideas that impose no new restrictions on gun owners, but give the government the tools to ensure existing laws are effective and enforceable.

In fact, the NICS Improvement Act already passed the House in the 107th Congress by a voice vote. The bill had the endorsement of the National Rifle Association. Unfortunately, the other body never acted on the bill.

This is commonsense gun legislation we can all agree on. This bill will save lives while not infringing on anybody's second amendment rights.

Mr. Speaker, I call on the Congress to act quickly on H.R. 1415. If we can prevent a tragedy like the one that occurred at the Our Lady of Peace Church with a simple voice vote, why should we not do it right away?

HOWARD DEAN AND WASTE, FRAUD, AND ABUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, I had planned to come down to the floor tonight and talk a little bit about some of the things that I had heard from the constituents in my district; but before I get to that, I have to address some of the comments that have been made by Democratic National Committee Chairman Howard Dean.

Everyone knows that Mr. Dean has a reputation for making outrageous and inaccurate statements, and that is really no secret. But one would think he would have toned down the false statements and the unfounded insults, given his new role as leader of the Democratic Party.

In the past month, Mr. Dean has said the House majority leader ought to "go back to Houston where he can serve his jail sentence." Mr. Speaker, that is despite the fact that the leader has not been accused or convicted of a crime.

This past week, Mr. Dean said, Republicans never made an honest living in their lives. He actually thought that was a reasonable, responsible comment. And this is just so asinine, so juvenile, that it is hard to believe that the Democratic Party would choose him to lead their party.

Mr. Speaker, the next example is so awful and so incredibly sad, I really hate to repeat it, but sometimes it is the light of truth that is the only thing that will stop people from saying things like this. In February, while addressing a group of African American Democrats, Mr. Dean said, "You think the Republican National Committee could get this many people of color in a single room? Only if they had the hotel staff in here."

I cannot fathom what is going through his head when he makes comments like these. It is increasingly apparent that he is out of touch with America and with people who do not march in lockstep with his view. We should not just let these comments slide. He is speaking for one of the Nation's major political parties, and his comments are out of line. I am glad to see that several Democratic Members in the House and Senate have disavowed his remarks, and I would hope that minority leaders PELOSI and REID would join them.

If Mr. Dean would like, maybe we should introduce him to plenty of good, hard-working conservatives who have never been given a single solitary thing, people who have made it on their own; people who have built a business, who talk about the sweat equity that is in their business, because they have not only built it with their heart, they have built that business with their hands. They deserve the same respect any other American deserves, regardless of the party, because they know what a hard day's work is all about.

Mr. Dean's attitude and his comments are exactly why his party has failed for a decade to win back either the White House or Congress.

Mr. Speaker, I do not want to end my comments today without discussing some of the things my constituents and I have been talking about back in Tennessee. Like many of my colleagues, I have spent a great week talking with people in my district and getting their take on what we are doing or not doing here in Washington. This is one of the very best parts of my job.

I learned so much from the listening sessions in my district. We talked about our military; we honored our veterans; and, Mr. Speaker, we talked about issues like government spending, illegal immigration, and waste, fraud, and abuse, which are at the top of the list. And it is waste, fraud, and abuse that I want to touch on tonight for just a few minutes.

I have been working over the past months to target the tremendous number of taxpayer dollars that get wasted each and every year right here in Washington, and I want my colleagues to know that the folks back home are talking about this issue. They want to remind us that government has a spending problem, and that when we spend wisely, we spend less. I heard time and again from my constituents, it is a spending problem, it is a spending problem that you folks in Washington have. You do not know how to say no. They know that when we spend less and when we spend wisely, everybody benefits, especially future generations; and they know there is plenty of room, ample room for reform when it comes to government spending. They support the President's plan to reduce and eliminate underperforming programs and agencies, and they support the budget that this Congress passed that reduces by nearly 1 percent discretionary nonhomeland, nondefense spending. They want us to make even larger strides in that same direction.

We know that rooting out waste, fraud, and abuse is not going to be an easy project; it will be a long-term project, but over the next few months, we will be coming back to the floor to talk just about that issue, and I invite my colleagues to join me.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2744, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 2006

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109–105) on the resolution (H. Res. 303) providing for consideration of the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 27, WITHDRAWING THE APPROVAL OF THE UNITED STATES FROM THE AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109–106) on the resolution (H. Res. 304) providing for consideration of the joint resolution (H.J. Res. 27) withdrawing the approval of the United States from the Agreement establishing the World Trade Organization, which was referred to the House Calendar and ordered to be printed.

UNITED AIRLINES PENSION CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, first of all, I will submit for the RECORD an article in the New York Times entitled, "Pension Loopholes Helped United Hide Troubles."

The article, by Mary Williams Walsh, discusses loopholes in the current laws that allow corporations to grossly underfund their employees' pensions, and to do so legally. They use accounting tricks to give the appearance of healthy financial standing; and as Senator GRASSLEY says, "We saw similar practices and events at Enron but, unfortunately, this time it is perfectly legal."

These companies keep the poor health of their pension funds hidden from the public until they decide to terminate them, as United Airlines currently is doing. United knowingly underfunded its pension fund as it faced bankruptcy, shielding from its workers the truth about their retirement futures.

I would like to share two statements from hard-working people in Illinois who are personally affected by pension-accounting sleight of hand. These statements are from the more than 2,000 dedicated United Airlines employees and retirees who submitted testimony to the online hearing that the gentleman from California (Mr. GEORGE MILLER) and I held highlighting the United pension crisis and clearly showed just how devastating losing one's retirement security can be.

The first letter is from Joseph Krist, Jr., Schaumburg, Illinois: "I am 68 years old and worked for United Airlines at O'Hare Field as an aircraft mechanic from September 1959 until October 2000. I was an aircraft mechanic in the United States Air Force from 1954 to 1958.

"My job at United Airlines was very challenging. We accomplished much work outside in all kinds of weather. In the winter months, if the hangars were full, the work was done outside with one man working while another would hold a heater on his hands. We worked with all kinds of hazardous fluids, which has given me and many of my fellow mechanics cancer and other medical problems. My oldest son was a mechanic for United for 11 years when he came down with leukemia and died 9 weeks later at the age of 34.

"Now that the pensions are being dropped by United Airlines, dumping it on the PBGC, we will be losing more of the money promised to us. I do not live high on the hog. We have two older cars and a 28-year-old house in Schaumburg, Illinois, which still carries a $124,000 mortgage on it. We presently have this house on the market, as we will not be able to afford the mortgage and the real estate taxes with the estimated reduction in our pension. How will we pay for the increased cost of gas and other living expenses in the years ahead? How will we pay for medical insurance, treatments, and prescriptions?

"The thousands of people and their families who are being hurt by allowing United Airlines to terminate our pensions will surely snowball and affect everyone in the country as more companies shirk their responsibilities. We need someone to support us and give the retirees who sacrificed and dedicated their lives to making this airline and country great the money they earned by the sweat of their brow."

Another one from Karen Harvey-Kincaid of Streamwood, Illinois, and she writes to Congressman MILLER:

"I have been a United flight attendant for 20½ years, never missing a trip, never being late for check-in. I have truly been the friendly skies. I am now 46 years old, not old enough to retire from United, and not young enough to start over at another company. The truth is I do not want to work anywhere but United. But will I be able to afford to work there? I am not talking about the financial toll this has taken on me. It's the emotional roller coaster they have put us through for the last 2½ years. I honestly believe my health, sleeping, and eating habits have all suffered.

"I am now divorced after 12 years of marriage. I didn't take half of my husband's pension because I wanted to keep mine. If I only would have known. I lie in bed at night worrying if I will lose my house, thinking how many more trips can I pick up this month, knowing that I am paid $9 per hour less, paying for all of my benefits, losing thousands in vacation pay, and now, a reduced pension.

"I implore you to use this letter as part of your CONGRESSIONAL RECORD. I have tears in my eyes as I write this. I got up at 4:15 a.m. and walked into my house at 7:21 p.m. tonight, after going to San Francisco and back. I welcomed and made happy all 694 passengers today. I only wish I was welcomed and happy at work."

That is again from Karen Harvey-Kincaid from Streamwood, Illinois, one of the more than 2,000 people who wrote to tell their personal stories, how they are being affected by the loss of their pensions. This may only be the beginning, Mr. Speaker, of what we hope will not be the opening of a floodgate of companies that want to escape their pension responsibilities.

[From the New York Times, Jun. 7, 2005.]

PENSION LOOPHOLES HELPED UNITED HIDE TROUBLES

(By Mary Williams Walsh)

Loopholes in the federal pension law allowed United Airlines to treat its pension fund as solid for years, when in fact it was dangerously weakening, according to a new analysis by the agency that guarantees pensions. That analysis is scheduled to be presented at a Senate Finance Committee hearing today.

A second report, by the comptroller general, found that most companies that operate pension funds are using the same loopholes. Those loopholes give companies ways—all perfectly legal—to make their pension plans look healthier than they really are, reducing the amount of money the companies must contribute.

United's pension fund failure is now the biggest since the government began guaranteeing pensions 30 years ago. Most companies are able to keep their pension plans going, despite the chronic, hidden weakness, because they are generating enough cash to meet their obligations to current retirees. Only when a company files for bankruptcy, as United did in December 2002, and terminates its pension plan, as United has, does the government step in and make the plan's true economic condition apparent.

"We saw similar practices and events at Enron, but unfortunately, this time it's perfectly legal," said Senator Charles E. Grassley, the Iowa Republican who is chairman of the finance committee. He said he had scheduled today's hearing because he wanted to find ways to keep pension disasters like the $10 billion failure at United from happening at other companies.

"The rules are full of serious holes that need to be fixed as soon as possible," Senator Grassley said. "No on should make the mistake that this is an airline-only problem. The reality is that companies everywhere have used the same arcane pension-funding rules" to shrink their contributions.

Many analysts believe that the federal Pension Benefit Guaranty Corporation will one day require a bailout because it has been forced to pick up a number of large failed private pension plans. The more big defaults there are in the meantime, the more the eventual bailout will cost.

The federal pension law was enacted in 1974 after a number of scandals in which companies went bankrupt and their workers discovered there was little or nothing set aside to pay the pensions they had been promised. The law was supposed to make pension failures a thing of the past by requiring companies to set aside money in advance—enough each year to pay the benefits the work force earned that year.

The law also required that if a pension fund got into trouble, its sponsor was to quickly pump in more money, warn its employees about the problem and pay higher premiums to the federal pension insurance program.

United did none of those things, even as its pension fund withered, because its calculations were making the fund look healthy. The fund is made up of four individual plans for various groups of employees.

United's calculations followed the letter of the law until July 2004, when the airline announced that it owed $72.4 million to its pension fund but would not make the contribution. By that time, the company had filed for bankruptcy protection.

The $72.4 million would have done little good by then, because the pension guaranty agency told the bankruptcy court that the pension fund had a shortfall of $8.3 billion.

In its analysis, the Pension Benefit Guaranty Corporation found that in 2002, when United was determining how much it had to contribute to its four plans, it calculated that the plans for its pilots and its mechanics each had more money than needed. It further calculated that the plans for its flight attendants and its managerial workers were close to being fully funded, and did not need any special attention.

On the basis of those calculations, United, a unit of the UAL Corporation, made no pension contributions that year.

Those numbers are on file with the Labor Department. But they do not square with the pension numbers United provided to the Securities and Exchange Commission. That agency requires companies to calculate pension values in a different way. At United, that method showed the four pension plans to be only 50 percent funded; that is, they had only half as much money as they needed to make good on United's promises to its workers.

Pension calculations done for S.E.C. filings have nothing to do with the rules for calculating contributions. But had United been required to use the S.E.C. pension numbers to determine its contribution that year, it would have had to pump money into the plans quickly. The pension law requires companies to make special catch-up contributions any time their pension funds fall below an 80 percent funded level, or even when they fall below 90 percent funded, if they stay at those levels for several years. A plan that was only 50 percent funded would be considered a real emergency.

But the law allowed United to say its pension plans were fully funded, or nearly so, and, therefore, no more money was needed. United's employees were not informed that anything was amiss, as the law requires of badly weakened plans. Nor did United have to pay the higher premiums to the pension guaranty agency that the law expects.

The discrepancy between a company's pension report to the S.E.C. and the Labor Department is but one example of the problems. At today's Senate hearing, David M. Walker, the comptroller general, is expected to testify that companies have so many ways of tweaking their pension calculations that they almost never have to make the special catch-up contributions that Congress required of plans that are slipping.

A recent study by the Government Accountability Office, which Mr. Walker runs, examined eight years of records for the nation's 100 largest pension funds, and found that only six plans in the entire group ever had to pay the special contributions in that period.

For two of the plans, it was already too late by the time the special contributions came due. Years of insufficient contributions had taken their toll, and those plans collapsed and were taken over by the government.

The G.A.O. study attributes some of the misleading pension math to the use of inappropriate actuarial assumptions in projections and some to a process called "smoothing," in which actuaries attempt to eliminate short-term volatility by spreading changes over several years.

But the pension agency's analysis of United's case shows that the rules for tracking contributions made in prior years have also caused a great deal of trouble. The rules allow companies that put in more than the required minimum in any given year to keep the excess amount on their books and to use it to offset their required contributions in years when cash is tight.

These excess contributions from the past are kept in a running tab called a credit balance.

The trouble is that at United, as at many companies, money contributed in the 1990's was invested in assets that lost value during the bear market that began in 2000. But the pension rules allow companies not only to keep their pension credit balances on the books at the original amount, but they are even permitted to allow their credit balances to compound in value at some interest rate determined by the plan's actuary.

When United's calculations finally began to show that contributions were quickly needed, in 2003, the airline was able to satisfy the requirement with just a small amount of cash and lots of bookkeeping entries from its credit balance.

Senator Grassley said he believed many companies were "booking phony investment gains to hide that workers' pensions are going down the tubes."

He said he hoped the hearing would lead to legislation that would eliminate the loopholes that made such maneuvers possible.

In a later session today, the finance committee is scheduled to hear from executives of some of the major airlines, and from the leaders of some of the unions for airline employees.

□ 1945

SALUTING THE DOC AND JOHNNY SHOW

The SPEAKER pro tempore (Mr. MACK). Under a previous order of the House, the gentleman from Florida (Mr. KELLER) is recognized for 5 minutes.

Mr. KELLER. Mr. Speaker, I rise tonight to pay tribute to two central Floridians marking a special anniversary. Doc Holliday and Johnny Magic have been a team on the Orlando airwaves for 15 years now.

In an industry where many hear the words "you are fired" more often than Donald Trump's would-be apprentices, the Doc and Johnny Show on XL 106.7 has stood the test of time. These guys are like gum under a bus seat. They have survived four presidents, three hurricanes, and have gotten themselves in trouble too many times to count.

The idea for the Doc and Johnny show came the way many great ideas in this country come about, over a beer. Doc Holliday is a huge sports fan with a reputation for enjoying the big game with a big beverage. Johnny Magic is a single guy in his 40s, loved by the station's female fans, which sort of makes him the Fonz of Orlando.

They have worked together 15 years and are still going strong. And behind one of the most successful morning radio shows in Central Florida are two men who have shown a strong commitment to making my home town of Orlando a better place. Let me give you three examples.

First, in 1991, Doc and Johnny helped 30 needy families make sure they had Christmas presents under the tree for their children. Last year, the Baby DJ Program help make sure 5,000 kids had toys at Christmas. It is a program I am proud to have personally donated to.

Second, after the events of September 11, 2001, Doc and Johnny broke from their regular format and instead had numerous elected and law enforcement officials on their radio show to make sure the people of Orlando had the very latest information on the war in terrorism in what was a very uncertain time for our Nation.

Finally, when my State was hit last summer with hurricane after hurricane, Doc and Johnny's Neighbor Helping Neighbor program set up shop at a local mall and gave listeners a place to donate and pick up hurricane relief supplies, all free of charge.

When I asked their long term sidekick, Grace Vazquez, her favorite memory about Doc and Johnny, she wrote about a time when the show was on the road in Key West. Grace fell off a moped and broke her arm. Through it all she writes, "One, they never left my side. Two, they still made me laugh. Or maybe it was the painkillers".

Mr. Speaker, Doc may be a fast-talking guy from New Jersey, and Johnny may be a southerner from North Carolina, but my home town of Orlando, Florida, is a better place because they decided to make their home there. I wish them a happy 15th anniversary on their radio show.

SMART SECURITY AND THE CASE FOR LEAVING IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the common theme to the war in Iraq has been the Bush Administration's ability and willingness to mislead the American people. First, they misled about weapons of mass destruction. Then, nearly 2 years ago, they falsely declared the end of major combat operations.

Now they are openly declaring success of the mission, and President Bush regularly speaks of an increasingly democratic Iraq. This assessment suggests the degree to which the President fails to comprehend the disastrous lack of security that has plagued Iraq over the last 2 years. Personally, I am frightened that our own President has such a failed understanding about the reality of the war that he started.

Just as disturbing were recent comments by the Vice President, DICK CHENEY. In an interview, he said that the Iraqi insurgency was in its last throes. I am not sure which press reports the Vice President has been reading, but somehow I do not think his optimistic assessment of Iraq's insurgency is grounded in fact.

Unfortunately, misleading assessments of the war like these do not magically secure Iraq from the true threats that it faces; and the true threats are an increasingly strengthened Iraqi insurgency, encouraged by the continued U.S. military occupation.

On the ground, a violent wave of car bombings and other attacks killed 80 U.S. soldiers and more than 700 Iraqis in the month of May alone. Vice President CHENEY calls this the last throes?

At some point, the Bush Administration needs to admit what the rest of the American people know, that its current strategy in Iraq is failing. Recent pools show that 58 percent of Americans disapprove of the President's handling of the situation. Now it is time for the President to start listening to the American people.

Members of Congress in both parties understand that our Iraq policy is a disaster. When the House recently debated the Defense Authorization Act for fiscal year 2006, 122 Democrats, 5 Republicans and 1 Independent, totaling 128 Members of Congress, voted in favor of my amendment expressing the sense of Congress that the President should establish a plan for the withdrawal of troops from Iraq.

Mr. Speaker, Americans are less secure, not more secure as a result of the war in Iraq. This war has created a whole new generation of terrorists whose common bond is their hatred for the United States and our aggressive militarism.

Unfortunately, we do not follow a smart plan, but fortunately there is a plan that would secure America for the future, the Smart Security Resolution, H.Con Res 158, which I recently re-introduced with the support of 49 of my House colleagues. Smart is a sensible, multilateral American response to terrorism for the 21st century; and it will help us address the threats we face as a Nation. Smart security will prevent acts of terrorism in countries like Iraq by addressing the very conditions which allow terrorism to take root: poverty, despair, resource scarcity, and lack of educational opportunities, as starters.

Instead of rushing off to war under false pretenses, smart security encourages the United States to work with other nations to address the most pressing global issues, dealing with global crises diplomatically instead of resorting to armed conflict.

Instead of maintaining a long-term military occupation in Iraq, our future efforts to help the Iraqi people should follow the smart approach: humanitarian assistance, coordinated with our international allies, to rebuild Iraq's war-torn physical and economic infrastructure.

Mr. Speaker, the President must create a plan to bring home the hundreds of thousands of U.S. soldiers fighting in Iraq, helping to secure Iraq by giving Iraq back to the Iraqis and saving the lives of thousands of American troops. We must end this long and destructive war.

RENEGOTIATING CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, at a White House news conference last week President Bush, called on this Congress to pass the Central American Free Trade Agreement this summer.

This morning in this Chamber, next to me, the most powerful Republican in the House, the gentleman from Texas (Mr. DELAY), once again promised a vote, this time by July 4. Actually, a month or so ago the gentleman from Texas (Mr. DELAY) promised that there would be a vote in May, but this time he says he actually means it.

Mr. Speaker, those of us who have been speaking out against the Central American Free Trade Agreement have a message in return. Let us scrap this agreement. Clearly, this Congress does not support it. And let us renegotiate a better Central American Free Trade Agreement.

President Bush signed this agreement fully 1 year and 2 weeks ago. Every trade agreement negotiated by this administration, Morocco, Singapore, Chile, Australia, all trade agreements negotiated by this administration have been ratified by Congress within 65 days of the President affixing his signature to them. CAFTA has languished in Congress now for 54 weeks without a vote because this wrong-headed trade agreement offends Republicans and Democrats alike.

Just look at what has happened with our trade policy in the last decade. 1992, the year I ran for Congress, we had a trade deficit in this country of $38 billion. Today, a dozen years later, last year actually, in 2004, our trade deficit was $618 billion.

From $38 billion, when the gentlewoman from Ohio (Ms. KAPTUR) and others of us in this Chamber opposed the North American Free Trade Agreement, from $38 billion a dozen years ago to $618 billion today.

It is clear our trade policy is not working, Mr. Speaker, opponents of CAFTA know that it is simply an extension of the North American Free Trade Agreement, actually a dysfunctional cousin of NAFTA, which clearly did not work for our country.

Look at the chart. Look at the number of jobs we have seen lost in this country as a result of trade policy.

In the last 5 years, not all of these jobs are trade policy, but many of them are. In the last 5 years, the States in red have lost more than 20 percent of their manufacturing jobs. New York, 222,000. Pennsylvania 200,000. Ohio, 217,000. Michigan, 210,000. North and South Carolina, 306,000 combined. Alabama and Mississippi, another 125,000. State after State after State has lost hundreds of thousands of manufacturing jobs.

It is the same old story. Every time there is a trade agreement, every time there is a trade agreement, the President says it will mean more jobs for Americans, it will mean more exports for the U.S., it will mean more manufacturing done in our country and selling those products overseas, and the President promises it will be better wages for workers in the developing countries.

Mr. Speaker, Ben Franklin said the definition of insanity is doing the same thing over and over and over again and expecting a different outcome. The President makes the same promises on NAFTA, on PNTR, on trade promotion authority, the same promises, every trade agreement. And every time it comes out exactly the opposite. That is why there is overwhelming bipartisan opposition to the Central American Free Trade Agreement.

Since then, the administration and the gentleman from Texas (Mr. DELAY) and Republican leadership have tried every trick in the book to pass CAFTA. The administration started off by linking CAFTA to helping democracy in the developing world. Defense Secretary Rumsfeld, Deputy Secretary of State Zoellick both have said CAFTA will help on the war on terrorism. I am not really sure why, but they said that we need to pass this agreement with Central America to help us in the war on terrorism. But we know 10 years of NAFTA has done nothing to improve security between Mexico and the United States, so that argument simply does not sell.

In May, then, the U.S. Chamber of Commerce set up a junket for the six presidents from Central America and the Dominican Republic, taking them to Cincinnati and Los Angeles and Washington and Albuquerque and around the United States, hoping they might be able to sell the American people the press and the Congress on CAFTA. Again they failed.

Earlier this year, the majority leader, the gentleman from Texas (Mr. DELAY), and the Ways and Means Chairman, the gentleman from California (Mr. THOMAS), said there would be a vote on CAFTA by Memorial Day. Memorial Day came and went without a vote. Why? Because they did not have the votes.

Now we have a new deadline for this failed trade agreement. It is July 4th.

Mr. Speaker, Republicans and Democrats, business and labor groups, farmers, ranchers, faith-based groups, the National Council of Churches, the Latin American Council of Churches, churches, business groups, religious leaders environmental groups, all have said, if CAFTA countries and the U.S. renegotiate CAFTA, we can get a better agreement next time.

☐ 2000

KORNER'S FOLLY

The SPEAKER pro tempore (Mr. MACK). Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to honor a unique historic home located in Kernersville in North Carolina's fifth district. It is called Korner's Folly.

Some folks call Korner's Folly the strangest house ever built. Others say they are amazed at its resemblance to a small castle one would more likely find on the banks of the Rhine River. Everyone is certain that few houses equal its unique nature.

Upon entering the building, one walks past the "witch's corner" which is complete with fireplace and chimney. Soon, however, one learns that he or she is welcome as the house is square with entrances on each side for visitors to come and go as they wish.

Built first as a carriage house with stables, bachelor's quarters and studio, Korner's Folly stands proudly on Main Street in Kernersville, North Carolina. It was built by Jules Gilmer Korner, an artist and interior designer, who is credited with painting Bull Durham Tobacco signs in many areas of the country.

Although 1880 is given as the completion date, Mr. Korner's zeal for decorating and altering the house is evident. The stables were soon turned into a library. The reception, or ballroom, on an upper level with a 20-foot ceiling is decorated with fresco-type pictures and features two magnificent fireplaces. At the very top, one is amazed to find a theater named Cupid's Park for the paintings of cherubs on the ceiling. With 22 rooms, which have ceiling heights from under 6 feet to over 20 feet, a tour brings many surprises and attests to the creativity of the builder.

This unique building was saved from deterioration in 1971 by a group of public-spirited Kernersville citizens who purchased it and began the process of preservation and restoration. They understood the importance of preserving this unique building as the cornerstone for tourism in the town of Kernersville. They later gave it to the North Carolina Historical Preservation Society which organized Korner's Folly, Incorporated, in order to continue its preservation.

The home now serves as a wonderful museum and a great place to visit. As the words inscribed on the sidewalk by Mr. Korner say, "Come in, you are at home."

I am proud that Korner's Folly is located in Kernersville, North Carolina, and in the Fifth Congressional District which I now represent.

MISMANAGEMENT OF PUBLIC FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, there is a major political scandal that is unfolding in the State of Ohio; and I am sure Americans remember how important Ohio was in this recent Presidential election.

If citizens wish to know more about it, they should go to the Toledo Blade Web site, the major newspaper that has been involved in helping to put information out to the public and help Ohioans and, indeed, people in this country, understand what is happening.

In Ohio what is happening is that the Governor of our State has permitted millions and millions of dollars of workers' money from the Ohio Workers Compensation Fund to be invested in high-risk instruments, coins and we think perhaps what is called collectibles, although we are not sure yet. And these investments are ones that no other State in the Union has allowed. But what happened was that some of these so-called high-risk investments when they went to try to find them, it appears as though millions of dollars of these coins are now missing.

There is a grand jury that has been seated in Ohio now that is beginning to call people forward because some of these same individuals involved in this scandal were used to channel money to the Bush campaign in Ohio. In fact, the President of the United States has already returned $4,000 to one of the givers. We do not know where this is all going to lead, but it is a huge, huge story.

Our Governor, when asked, what do you think about this, that the State of Ohio has taken all of this money, over $50 million initially and given it to this coin dealer to put into these high-risk investments, what do you think of it, the Governor of Ohio said, hey, we are making money on that. I think it is a pretty good idea.

He thought he was making money on it? Well, think about it. How is it secured? No other State in the Union permitted investments in coins and collectibles. He was only looking at what he thought was yield. But the cardinal rules of investing public money are safety first; liquidity, can you get it back over night if you need it; and only running a distant third, yield.

This is a very serious issue and yesterday in the State of Colorado there was a search warrant that was issued on one of the related individuals involved in this scandal, and they were in his house for over 12 hours pulling out investments in cigars, wine, over half a million dollars of wine I guess in that house alone.

The State of Ohio is now, through the Inspector General of Ohio, trying to find where is the workmen's compensation money that was improperly invested by those responsible, who had public responsibility for this.

Then today a story broke in Ohio that this same Bureau of Workers Compensation admitted it has lost $215 million in a high-risk fund that few people knew about. The bureau had invested $355 million with a Pittsburgh investment firm called MDL Capital Management beginning in 1998. But last year after diverting $225 million into a fund that works like a hedge fund, the fund itself lost $215 million. And although the bureau says it knew about the loss since last year, Governor Taft was only notified about it today.

There are investigations going on, including the Ohio Inspector General, the bureau spokesman, Jeremy Jackson told the Toledo Blade today. But the news came to light as a handful of agencies are looking into the bureau and its dealings with the Toledo area coin dealer, Mr. Tom Noe, who is one of the people that took some of this $50 million and put it into coins and purportedly collectibles.

The Ohio Ethics Commission on Monday said it was looking into other investments held by the bureau, the agency charged with providing assistance to injured workers.

This is where I want to say in my district, the ninth district of Ohio, we have had four deaths of people, iron workers trying to build the largest transportation project in Ohio history over the Meumee River. These were unnecessary deaths because the State of Ohio was not inspecting the project properly. In fact, though the project was a year and a half ahead of schedule, they signed an acceleration agreement with the company to try to make the workers finish the project faster, even though it was a year and a half ahead of schedule. And the cranes that were used in this project collapsed because the company was not securing the foot of the cranes properly.

So the State of Ohio not only has taken workers' compensation money and misinvested it, they have not even done their job in protecting the lives of citizens who are trying to build Ohio forward in a very rough economy. It is unbelievable what is going on in our State.

At the center of this new loss of money was a man named Terry Gasper who was the former chief financial officer for Ohio's Bureau of Workers Compensation that is supposed to be there for the workers. The money is set aside by the companies for the workers, not to be put in these crazy investments that can never be recovered, but for workers who are injured on the job.

By the way, on that transportation project in our district, we have many injured workers who would benefit from that money. I will be submitting for the RECORD the most recent article about additional losses from the State of Ohio.

Shame on the Governor of Ohio. Shame on the State officials of the State of Ohio. What a tragedy they have perpetrated on the people of our State.

[From the Blade, June 7, 2005]

(By Mike Wilkinson and James Drew)

COLUMBUS.—The Ohio Bureau of Workers' Compensation admitted today that it lost $215 million in a high-risk fund that few people knew about.

The bureau had invested $355 million with a Pittsburgh investment firm, MDL Capital Management, beginning in 1998.

But last year, after diverting $225 million into a fund that works like a hedge fund, the fund lost $215 million. Although the bureau has known about the loss since last year, Gov. Bob Taft was notified about it today.

"There are investigations going on, including the [Ohio] Inspector General," bureau spokesman Jeremy Jackson told The Blade.

The news came to light as a handful of agencies are looking into the bureau and its dealings with Toledo-area coin dealer Tom Noe. The Ohio Ethics Commission on Monday said it was looking into other investments held by the bureau, the agency charged with providing assistance to injured workers.

At the center of the MDL deal were Terry Gasper, the former chief financial officer for the bureau, and Jim McLean, the chief investment officer. In a memo to the governor, Tina Kielmeyer, acting bureau administrator, said Mr. Gasper did not notify former bureau Administrator James Conrad about the investment.

In the wake of the growing Noe scandal, Mr. Conrad resigned two week ago and left the agency on Friday. Mr. McLean was put on paid administrative leave today pending a management review of the situation.

The bureau last year asked the Ohio Attorney General to appoint special counsel in the case and ordered Mr. Gasper to either resign or be fired. He resigned Oct. 6, 2004.

MEDAL OF HONOR FOR DICK WINTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening to introduce legislation to authorize and request the President of the United States to award the Medal of Honor to Richard D. Winters of Hershey, Pennsylvania, for acts of valor on June 6, 1944, in Normandy, France while an officer in the 101st Airborne Division.

Mr. Speaker, I do not take this issue lightly. It is with extreme concern that I had to resort to taking this action to right a wrong that occurred 61 years ago. 61 years ago, Mr. Speaker, on D-Day at a placed called Brecourt Manor, Dick Winters led an ad hoc group of paratroopers, mostly from E Company, 506th Parachute Infantry Regiment, against a numerically superior force of German defenders, manning a battery of four 105-millimeter guns.

These guns were zeroed in on firing on Utah Beach during the initial D-Day seaborne landings. With only 12 men, Dick Winters led the attack that destroyed the German battery, killed 15 Germans, wounded many more, and took 12 prisoners.

The base-of-fire technique that Dick Winters used would become a textbook case for assault on a fixed site and is still taught at West Point.

Winters and his men destroyed these guns during a vicious engagement, lasting over 2 hours against heavy machine gun and infantry fire. This action saved countless American lives on Utah Beach. Dick would later be wounded, refused to be evacuated, maintaining that he would stay with his company.

He was nominated for the Medal of Honor by Colonel Robert Sink, his commanding officer of the 506th Regiment, a West Point graduate. His application for denial of the medal was based on an utterly arbitrary reason. The division commander directed that only one Medal of Honor was permitted to be awarded in the 101st Airborne Division for the Normandy campaign.

Mr. Speaker, it was never the intent of Congress to have an artificial limitation imposed on a solder who committed acts of heroism and bravery as documented by his colleagues, by his subordinates, and by his leaders. Winters was awarded the Distinguished Service Cross, the Nation's second highest military award for his actions. This is a high honor, but he deserves the Medal of Honor as recommended by his commanding officer.

The Army has reviewed the matter and maintains that the Distinguished Service Award is appropriate. Thousands of people worldwide disagree. Again, Mr. Speaker, because of an artificial limitation imposed by the commander of the 101st Airborne that only one medal be given for the Normandy campaign, Dick Winters' recognition and the recognition of those who served with him have been denied.

Dick Winters was immortalized by HBO in the miniseries "Band of Brothers," produced by Tom Hanks and Steven Spielberg. Andy Ambrose, the son of Stephen Ambrose who wrote "Band of Brothers," has publicly supported Winters for the Medal of Honor, and so have thousands of other people all across the country, including every military person that served with Dick Winters and observed his heroism.

The entire Pennsylvania congressional delegation, all 19 members, Democrats and Republicans, including the gentleman from Hershey, Pennsylvania (Mr. HOLDEN), where Dick Winters resides, have signed on as original co-sponsors of this legislation. Both chambers of the Pennsylvania State legislation having agreed and have publicly supported and passed legislation encouraging Congress to take this action.

Dick Winters is a humble man. He did not want this kind of attention. In fact, those who have supported this effort who came to me have said that Dick Winters did not want this to take place. But all of those people who served with Dick Winters, all of those soldiers who were there, who saw, who observed, and who realized his heroism in landing on D-Day and taking Easy Company all the way in to Hitler's headquarters, understand that Dick Winters deserves the Congressional Medal of Honor.

Again, Mr. Speaker, when Congress enacted the legislation creating the

Medal of Honor, it did not allow artificial imposition of limitations. It said whatever soldier under any condition that is recognized by his or her peers for their actions should be eligible to receive this commendation.

In the case of Dick Winters, because of an artificial limitation, he has been denied that solemn honor of our country.

My bill does not mandate that the President award this Medal of Honor. It simply authorizes and allows the President to make this honor if he so chooses.

□ 2015

Mr. Speaker, we just celebrated D-Day. Sixty-one years later, when hundreds and thousands of American men stormed the beaches to liberate Europe, one of those bravest heroes, one of those extraordinary of the ordinary people who responded was Dick Winters. I encourage my colleagues to sign on and join us in righting this wrong and providing the support for the President to give Richard D. Winters the Medal of Honor.

THE FUTURE OF THIS GREAT COUNTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from New Mexico (Mr. PEARCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PEARCE. Mr. Speaker, I address the body tonight about the future of this great country, and the previous speaker said we did just have a chance to celebrate Memorial Day.

In the district that I was in, we recognized the anniversary of the D-Day landing, and we understand that it is with the sacrifices of brave young men and women throughout history that a nation is able to sustain itself, and it is only through those sacrifices in each generation. One generation cannot pay for the next generation.

But, tonight, I would like to look a little bit at the economic future that faces us, both in the world and in this country, and would like to have a discussion about what it is that will allow America to offer its promise into the future so that our sons and daughters, our children and grandchildren, would have the opportunities that our generation has seen.

I am the second-oldest year of the baby boom generation, and I will tell my colleagues that my mother and father grew up in very difficult circumstances in West Texas. When my father graduated from high school, he went to work for a cousin of his farming and actually in the role as a sharecropper.

I recently had a chance to visit with my mom and dad in the place where I was born and lived the first 2 years of my life. They were in circumstances that not many Americans would look to these days and find satisfactory, and yet I had parents that were willing to work through all of the circumstances that faced them to raise six children, to give every one of them the opportunity to attend college and graduate from college.

My mother went back to school when I was starting college. She graduated summa cum laude in 3 years, and I graduated somewhat below that in four and a half years, but their sacrifices in my parents' generation made possible the potentials in my generation. Now then we must look beyond our current circumstances into the future, and that is the discussion that I would like to have tonight.

When I am discussing that, I would, first of all, like to keep track with numbers on the chart and do some recognition there. So we will continue the discussion here much like a chalkboard discussion.

The first number I would put on the chalkboard is the number 2.55. That is the approximate size of our outlays, the approximate size of the budget that the United States has every year. It is the approximate size of the government spending. Now if we need a benchmark, and all numbers are relative, and so a benchmark that is very handy to the 2.55, that is trillion, is also then $11 trillion, and that is the approximate size of our economy. So 2.55 is our government size. Eleven is the size then of our economy.

The important thing to understand about those two numbers is the relationship, and I simply divide the 11 into 2.55, and that equals about 23 percent. The 23 percent then is the most important number in the whole relationship. That is the percent of the 2.55 of our overall budget, and we, in fact, as people in our individual households are concerned about that same relationship.

If we want to know how much money that we are saving, we simply take the amount of money that we earn, we subtract the amount of money that we spend, and then we would have the rest available either for discretionary spending or for savings.

If the United States has one weakness going into the future, it is our savings rate, and that rate generally is about 1 percent. For instance, in comparing that, if one looked into mainland China, we would find that the people there, according to recent reports, save almost 60 percent of their total income. That tells us that there is much money available for reinvesting. There is much money available in times of economic downturns. There is much money there for education. There is much money there for the future.

So as we consider the U.S., we are right now the world's leading economy. We are, in fact, one-quarter of the entire world's whole economy, and so we would say that, with that information, that the U.S. is poised for a good future, and I do not doubt that.

As a business owner, as a person who made payroll checks, who looked into the future to ensure that I could write the payroll checks the next 2 weeks and the next month, I always liked to do forecasting. It is at this point, where we begin to examine some of the relationships that exist, some of the pressures in our economic system, that we begin to have deep understandings about things that we should be doing right now.

Always, wisdom is the taking of a current situation, adding time to it, extending it as far into the future as possible and discerning those things, those outcomes from current situations or current activities.

As we begin to take a look at the competitive pressures that we face in the world, all of us know and we recognize that our $11 trillion economy is under duress. Some would say a lot of duress, some would say less duress. But we would know that China, for instance, is causing great trade to occur between the U.S. and China. When any one of us go to the store, we find certain numbers of goods on the store shelves that actually only originate in China, and we know that with each $15 purchase or each $150 purchase that that money goes towards China. So we would say that China represents a downward pressure on our $11 trillion.

Let us say that the 11 becomes 10. Then the important thing is to understand that we still must do the division. If we have a $10 trillion economy, then our relationship here is 2.55. That is, over 25 percent of our economy at that point would be government spending. So anything that drives our overall economic size, the $11 trillion of our economy, to a lower point are things that put us on an unstable ground. Anything that causes this top figure, the numerator, to increase also are things that push us in an unstable direction.

As we consider the effects, we must understand the relationship of what happens when this number begins to increase and what happens when this number begins to decrease. As the 2.33 gets larger, then we can understand, and economists of all kinds agree, that we move toward stagnation if our relationship gets too large.

We have stagnation if the number becomes larger, and if the number becomes smaller, then we have vitality and growth. So if this number is lesser on the scale of vitality, if this number begins to get larger and larger, then we would see stagnation occur.

There are examples of that in the world right now. Our number is .25; and, of course, we must add State and local taxes, State and local governments. Because the effect is cumulative. That as we consider adding about 16 percent State and local, then our number is actually converted to about .40. Since those State and local taxes and spending are beyond the capabilities of the Federal Government to affect, we simply understand that as we approach .25 in this Nation, we move towards stagnation. As we make the number smaller, we move toward vitality and growth; and so .25, according to many economists, is an extremely important position for us.

Now as we look around the globe, we might want to consider other countries, just to verify the example. Germany is an example, and Germany at this current point has a relationship not of .23 but of .52. If the relationship is actually .52, we would say, well, if this theory holds true, if this economic premise holds true, that we would think that Germany has a more stagnant economy, one that is less vital, one that has less potential to create jobs. The Germans themselves say that they have not created a job in 10 years.

They have economic spending of the government that is too high a relationship to the overall economy, and what that does is it begins to soak out the reinvestment dollars. It soaks away the potential for companies to grow and reinvest in research and development. It soaks away the pay raises so that even the people are stagnant in their incomes, and there is not a growth potential.

So we find that, in fact, this number got larger for the European countries, and Germany is just one of the many European countries that is stuck at a low growth rate and with very limited capability to produce jobs and new industries.

If we look even closer, we would have to consider the former Soviet Union. What Ronald Reagan understood was that the Soviet Union had a number that was very high. It was almost a fully controlled state economy, and he understood that, with just a little bit of pressure, the Soviet Union's economic system would simply collapse. He began to arm us, watching them arm in return, watching them drive their government spending higher and higher, knowing that we could sustain it because we had low percentages and they could not sustain it because they had high percentages. In fact, during Ronald Reagan's tenure as President, the economy in the Soviet Union collapsed, the Wall fell down, and freedom moved to many people.

While an astute observer would ask at this point, what about mainland China? Mainland China has got a state economy that has the Communist Party that runs that government exactly the same way as the Soviet Union. But, in fact, what has happened is that the Chinese have recognized, after the mistakes the Soviets have made, they have, in fact, privatized pieces of their economy. So the estimate for China is actually about .40. Estimates range as high .60, which is not much above Germany, and not everything is known about the Chinese economy, but the estimate is that where we are at .23 and, adding in our State and local economies, about .40, the estimation is that China is very similar to that .40.

So one would ask, what about their economy? The Chinese economy is performing very well. There are pockets of poverty throughout China, but the Chinese economy is growing strongly. They are producing jobs. They are, in fact, showing that this relationship between government spending and the entire economic size is, in fact, a very important measure.

It is not enough to simply know right now what the situation is. We must look forward into the future. We must forecast where we are going, and if we allow our economy to decrease down to 10 or 9 because of the competitive pressures of China, the competitive pressures of the European Union are also well-known, the competitive pressures of India, providing much software, those competitive pressures are all realized as taking pieces of our economy because they are providing as good a product as we are at a better price. Then we realize that the downward, the long-term trend is for this economy size to decrease, increasing the relationship of government spending to our economy, moving us towards stagnation, moving us toward a point where our children might not have the hopes and the dreams fulfilled that our generation has had.

□ 2030

Now, if the economic size is sustained and we are able to continue our growth and continue to build our economy against this worldwide competition, we also have to worry about the size of our government spending. If we maintain this $11 trillion or even grow it, our number here could increase simply by increasing the size of our government spending. That is a very important function as we consider our relationships right now. We are fighting currently on the Republican side to hold spending back. We are somewhat hampered because of the mandatory spending programs which are allowed to escalate without us being able to give comment on those each year. In this year's budget process, though, those mandatory programs, welfare, Social Security, Medicaid, Medicare, those mandatory programs are actually coming to review to see if we cannot begin to dampen this down because there is great understanding we are facing increasing economic pressures. Also there is understanding if we can reduce spending, there is movement here toward a smaller relationship and toward a more vital economy, giving promise for the future.

So we have to answer the questions, how are we spending the money and to what purpose, and are we actually achieving anything. One of the more distressing things as I look through many of the programs, we are spending lots of money but we are not coming out with outcomes. The outcomes desired maybe are never measured by the bureaucracy that puts the money in. There is not a relationship between money spent and outcomes, so we have to ask ourselves how can we convert to that sort of a system.

There are considerations in this Congress that would allow us to measure benefit for dollars spent and not just talk about the dollars spent. Many times we in this body are simply urged to spend more money to cure the problem. The problem is not that we do not spend enough money, the problem is that we do not always get the outcomes that we would like.

For instance, there are welfare-to-work programs that for $50 per person operate and there are programs that for $500 per person operate, and then we have some programs trying to put some people back to where the expenditure is $30,000 per person. At some point we can no longer just throw money at the $30,000-per-person program saying that it is worth any cost to put people back to work. Instead, we need to put the most people back to work the most effectively for the fewest number of dollars. Those are business decisions that anyone in business would have to make, and they are business decisions that we in this country are going to have to make. We are either going to make those decisions while we have a nice future looking at us, or we are going to wait until we move into stagnation and then try to correct it from a point of weakness.

For myself as a former business owner, I wish we would go ahead as a Congress, both Democrats and Republicans, and recognize that Republicans and Democrats are not enemies of each other. The enemies of the country are those who would decrease our economic size; they are those who would force us into greater spending for no greater output; and they are those, as the terrorists say their ambition is, who would annihilate America. Those are the enemies of America. Republicans and Democrats have different philosophies and different points of view, but in my mind those are simply tensions on the system to pull us back and forth. But we are not enemies; we each want to see our kids and grandkids have a future that we ourselves have seen. That is my commitment in coming to Congress, to see what we can do to ensure that the future of this great country has the vitality and the vibrancy to continue to offer promise for new generations.

If we are going to consider the spending, we have to understand the competitive models of government. We often are very familiar with competitive models in companies. Formerly, much of the retail buying in this country was done at Montgomery Wards, maybe Wacker's if we went back far enough. Today, the great amount of retailing is done by large chains like Wal-Mart and Target. They provide great avenues for shoppers to go and satisfy their daily needs: but those companies came about, replacing other companies that did not see the efficiencies of greater distribution points, the efficiencies of computerization. So each one of us in our own way is familiar with competition that occasionally will drive one company out of business while raising up a new replacement in its place.

If we are familiar with competition among companies, we also to an extent have seen competition among States. One State will offer incentives so that a company would come in and provide jobs in that State. We find States that will simply bid away jobs from another State by offering greater incentives. So in our mind-set, we are very familiar with competition among companies.

We are somewhat familiar with competition among States. What we must begin to be aware of is that there is competition among countries. Entire nations are beginning to compete the cost of government. They are saying we can regulate you in the same way except at a better price. Large international companies are beginning to move around. They have flexibility. The Internet allows the exchange of data freely; and if a company can find a nation that charges a lower tax rate, they are just as liable to go there to find their home as they are to go to a nation that provides higher tax rates.

Now, that all needs to be considered in this entire economic discussion, and so we will flip the chart here. We will begin to look at one nation. Many of us are aware of the Irish miracle, that is the miracle of Ireland where they went from an economy of one size and grew it proportionally larger. What Ireland did was no miracle at all. What Ireland did was they just recognized that companies are looking for competitive governments. Their tax rate internally was very similar to ours, about 36 percent for domestic corporations. They were after the corporations that would come from outside Ireland, and so they offered a 10 percent rate of tax to foreign companies. Foreign companies saw where they could move from the United States, which has a 36 percent Federal tax rate, plus the local and State rates, so companies from many nations began to move to Ireland to take advantage of this low tax rate that was offered to foreign companies.

The European Union saw this as messing up their economic model, and so they browbeat the Irish and said they needed to review that 10 percent tax rate; that 10 percent tax rate needs to be changed. That is, we do not want you competing with us, us European nations. You need to come up to match us, not us begin to figure out how to offer government cheaper.

The Irish, being the Irish, looked at the proposition that they should reconsider their tax rate, and they did. They actually were very accommodating. They went up and said you are correct, the 36 percent is far too high, and they made that 12 percent, creating an economic boom on domestic corporations; and they went to 12 percent here. So we now have, again, the Irish miracle of domestic growth as well as still being extremely competitive with their foreign corporation rate. In fact, this past year, just 5 to 10 miles north of my district in New Mexico, the Irish have come in and are reinvesting in America by building a cheese plant in the area of Portales and Clovis, New Mexico.

Now, the idea that government can and should operate cheaper, just like any company can, is one that is going to affect us. If we as a Nation do not realize that we cannot sustain the high 36 to 45 percent tax rates that we are charging, if we do not realize that and begin to lower this number here, we are going to face a future that moves us toward stagnation and away from economic vitality.

That is extremely important for the next generation, but it is also important for our generation because as 40 million baby boomers move to retirement and we begin to retire in 4 years, 3½ years now, as we begin to move to retirement, we have to understand that Social Security is a pay-as-you-go system, that we do not actually have money in the bank. We simply have those bonds; but if we do not have workers in the system here providing the jobs locally, then we are going to see that pay-as-you-go system under great duress.

If Social Security comes under duress, it is going to have to be bailed out with more government spending which is going to increase this number. It is going to increase this number, and we are going to move toward stagnation just as the Europeans have and just as the Soviet Union did. The stakes are extremely high for this country to begin to realize that it must know how its money is spent, and it must get the value for the dollars that we spend. No company can stay alive and afloat indefinitely by misspending its money, and now we are into a situation worldwide where governments will compete; and we in the United States have to be willing to compete also. Our government has to run more efficiently, more effectively, and with lower tax rates.

Many of my friends have asked why in the world in a period of deficits did the Congress offer tax cuts. Again, it is very simple. The Democrat Governor of New Mexico said it best, tax cuts create jobs. As we cut the taxes, we were looking at the fact that we only had a couple of options. If we want to change this relationship and run a deficit, we either need to cut spending or increase the size of this economy. That 11 needs to become 12 or 13 or 14. Those are really the primary objectives. Anything else is simply window dressing.

The hope is that in cutting taxes we make this relationship less, it moves us toward vitality growth and gives companies and individuals more income of their own to put back into ventures that are most promising and into ventures that can sustain research and development and growth; and so we gave the tax cuts with the anticipation that we would establish a rate of growth.

The rate of growth that we intended to get was we had hoped for a sustained 4 percent. Now, if this were the target, it would be nice to know exactly what kind of growth rate we did get. It is almost 2½ years since the tax cuts, and the first quarter out after the tax cuts was about 8.25 to 8.5 percent rate of growth. There was understanding there was pent-up demand, so we thought this number would actually settle down; and over time it has settled down into the 4 percent range.

As we face the elapsing, or the phasing out, while the tax cuts were temporary, they expire at the end of the year, as we face those expiring tax cuts, we realize that we are going to have pressure for this number to decrease back down. What we as a Congress need to do is be willing to go ahead and continue to extend the tax cuts in order to give our economy the vitality and the growth that we have seen with the tax cuts.

Now, you would ask what is happening in some of the rest of the world. Again if we look at Europe, all of industrialized Europe is about at the 2 percent range.

☐ 2045

So we have been for the last year and a half almost double the rate of growth of the industrialized countries in Europe.

Another factor would have to be the job creation. Initially, our recovery, there was concern that we were not producing enough jobs. That is a valid concern, and so you would have to look at a couple of things. Why did we not create jobs at the beginning of the recovery?

Again, as a business owner, I would tell you that the last thing I wanted to do was hire permanent employees because permanent employees might have to be laid off. As we went through periods of expansion, the first thing we as a company would do was we began to extend overtime hours and asked people to just come in and work a couple of hours a day extra and we will be okay, we will be able to meet the increased demand with that sort of expansion of labor.

When we could no longer ask our employees to work overtime, they all would like to spend time with their families, then the next step that we would do is to hire temporary people, hire people to come in on a part-time basis, people that if the economy began to slow back down, you really have not given them the full promise that they were going to be here for you.

As we then would work our way through temporary employment and still find that we could not solve the demand with overtime and temporary employment, then my wife and I would go out looking for new employees; and then the third step that we would take would be to hire full-time employees.

We were able to do that over a period of years. When we bought the company, we had four employees. We sold the company in late 2003 and we had almost 50 employees. So we had judiciously expanded ourselves through 14 years, one small increment at a time.

One of the most critical times in our business life occurred in the 1999 to 2000 range. We were in the oil and gas business. We did down hole repairs in oil wells. We did not actually own any of the oil wells. We simply repaired them. In 1999 and 2000, the price of oil and gas dropped tremendously. The price of oil in our location had fallen from about $25 down to about $6. Our revenues as a company at one point fell 80 percent. We were working at 20 percent the income rate that previously we had.

It was not just our company. Many companies that were competitors and friends of ours worked in the same industry, and they saw the same 70 and 80 percent declines in their revenues.

We made a decision, my wife and I, that we could not lay off employees, that we would sacrifice the company, if need be, in order to keep the people who had made a promise with us. They had invested their lives with us. We had, in turn, invested our lives with them. So we said, we are not going to lay you off; we will give you 60 days' notice before we actually begin to lay people off or give pay cuts. We continued that line of thinking for almost 11 months.

If companies will take care of their cash, if companies will live within their means, then you have got the capability to do that. But if you have expended every single dime all the way through, then you do not have the means to withstand these deep drains when they occasionally occur.

A nation is exactly the same way. A nation must carefully guard its cash, its reserves. It must carefully, carefully spend its money and understand that it is getting value for every dollar spent, that we are building infrastructure, that we are making our Nation more competitive as a nation and as a government with other governments, because we will at some point in the near future be held to a standard of competing with nations.

Our rate of growth at this point is good, but if we look into the future and see the threats to our economic size, to see the pushes to increase our government spending, then we will understand that there are some dynamics that we must be very aware of because they affect the outcomes of this Nation. Literally the military sacrifices, the sacrifices of our young men and women who are soldiers and who are fighting for freedom, who have fought for freedom in the past, their sacrifices will be somewhat less useful if government does not adequately spend its resources. We must understand that we have got to progress on all fronts and that we simply do not have a path into the future based on what we have done in the past.

If we are to consider another one of the dynamics that is loose in the world today, one of the competitive measures that we have to be concerned with is governments who begin to review their entire government spending, who begin to make changes and make their government more effective. Again, those are competitive pressures from one nation to another. Because a nation that adapts itself to a more lean government, producing the same results with fewer dollars, is going to be a nation that has economic vitality; and a nation that does not carefully marshal its own spending, its own government spending, will be a nation that is moving toward stagnation and toward a noncompetitive situation into the future.

As we consider that particular ramification, one must look at the example of New Zealand. The government in New Zealand several years ago decided to really carefully look at their own situation. As they reviewed industrial economies throughout the world, they said; our economic vitality is not so great. We would like to improve our lot. And they set about having deep discussions internally about what functions should be in government and what functions should not be in government.

That is a discussion that this Nation needs to engage in heartily. I do not know exactly where the balance is. Government always has a function. There is always the need for regulation. There is always the need for oversight. But sometimes I think that our government is delving into things that are not inherently governmental, and other nations are beginning to sort through those pieces, and we will face the competition.

So New Zealand began to look and in their own circumstance, at the time I forget, the numbers are maybe not exactly correct, but they are close enough. They had between 50 and 60,000 people in the Department of Labor. I often ask my audiences, and I did just this last week when I spoke about this in New Mexico, if you think of a government agency that began to trim away fat, began to push nongovernmental projects outside the government back into the private sector where they belonged, how deeply do you think they would cut? How deep do you think that New Zealand went?

Mr. Speaker, that is a question that we must ask ourselves. I will tell you that the answer is New Zealand cut from between 50 and 60,000 employees in the Department of Labor to one. That, by the way, was the individual doing the study. I suspect if he were not getting his own paycheck he might have even eliminated that. When governments begin to get so efficient that they move from 50,000 down to one, I will tell you that the United States in the long term has to answer that same question. Because if we do not recognize that we are under competitive pressure from other nations, if we do not recognize that and begin to lower our government spending, keeping us in a position of vitality, then we are going to be moved by other nations into stagnation, and our children and grandchildren will find that they just do not have the opportunities that we in my generation have had.

If New Zealand can offer those kinds of benefits, we have to ask ourselves what are we doing in the United States. I will tell you that, in my district, there are many national forests. New Mexico is not often identified as a State with water and forests, but we actually do have many national forests. As I go into the Forest Service and I look and I talk to people who are retired and I talk to current people, I think that we have got great people in the field, but we have adopted and adapted programs and philosophies in our Forest Service that make us not so lean as this.

In fact, if we are to look at one particular office that operates in my district to see the relationship that is going on in the United States, and I have been told by a retired forest ranger, he says that I used to work this whole forest. I cut timber, I provided the restoration, I had projects that would clean up streams, clean up the forest, I had some economic enterprises that were going on in and around that I supervised, and I handled all the grazing. He said, it was myself and one person half time in addition to me.

Now, that was maybe 30 years ago. To find out the benefit that we are reaping today from our efforts to control or not control the size of government, you would ask today what are we doing and how many people is it taking. I would tell you that that gentleman says in the area that he and one half-time person formerly operated that now then there are 142.

So when New Zealand went from 50 to 60,000 down to one, in the U.S. we went from one up to 142, and that has occurred over and over and over again throughout many agencies. So that you can see that maybe we are not 142 times a larger government overall, but we are moving and trending in the wrong way.

If we have gone from one to 142, you would think, well, we are running our forests much better, that our forests now are just the examples of forestry that we would like to have. But I will tell you that the exact opposite is true. That when this gentleman was in charge, we were not burning hundreds of thousands and millions of acres of forest land, but we are today. It is not because we are not spending enough money. It is because we have adopted a philosophy that says that we can no longer cut a tree.

At one point in New Mexico 20 years ago, there were 22 lumber mills; and today there are two. Many of the forests in New Mexico have not had a timber sale in decades. If you have not had a timber sale, that means you have not cut timber. So you would think, well, those trees are out there growing and we are not cutting, so they are probably now becoming crowded and, in fact, that assumption is entirely accurate and valid. The historic function of New Mexico forests had fire cleaning out the forest every 8 years. If we look at the tree rings, you will see about every 8 years a very hot fire would come through and with our arid climate and the fires, we would find that New Mexico generally hosted between 30 and 50 trees per acre.

If New Mexico's 142:1 relationship were to be looked at and you think if we are doing a better job or a worse job, you would want to know how our forests are growing, so historically our arid climate would relate to 30 to 50 trees per acre. And again I ask my constituents when I am in New Mexico, what do you think is the population of trees per acre now? We have got 142 people in this one circumstance to 1½. Are we doing a better job?

Now, then, the average number of trees per acre, 1,500, whereas nature by itself kept that number around 30 to 50. We can look at pictures from 100 years ago and realize that nature had a size or had a population density of trees that its area and its climate would support. But we have now, because we have stopped putting out all forest fires and we have stopped cutting trees, 1,500 trees per acre average and some areas are up to 2,500.

If you had people in the same circumstance crowding in like that, you would expect a couple of things. You would expect nutrition to be decreasing. If we had in the same place 30 people per acre used to live and now 1,500 to 2,500, you would expect that disease would be somewhat more prevalent and you would expect catastrophes to be always on the edge. The same is true with our forests. We have now the threat of disease. We have the threat of malnutrition. The trees are starved for light, so they stay small diameter and they grow toward the same height as the big mature trees; and as they get very tall and very small, they do not have enough nutrients to grow larger and they, in fact, are susceptible to insects, to disease.

But the worst susceptibility that they have is to fire. Previously, a fire that would burn along in the grass underneath and char the trees and leave the tree rings, it showed us that every 8 years a hot fire would come, those trees now have enough kindling, they have enough small diameter trees that any fire becomes explosive. The fire spreads up those small diameters. It burns in the top of the trees now, not in the bottom. So that we have the cap fires that run across the top of the forest killing the green part while leaving the tree standing and we have burned millions of acres.

□ 2100

We are succeeding in this example to make our forests less healthy with 142 workers where formerly we had one. Those kinds of inefficiencies must be dealt with in the long term because as we grow to this proportion and we are finding the New Zealand model that pushes away from 50,000 to one, the relationships back here are influenced and affected so that if we cannot control these costs, we have no economic future. It all begins to relate at some point.

The discussion needs to be even far more complete than this. As we consider the effect of our economic size, we must take a look at the number of workers that we have available. Again, we have got about $11 trillion in our economic size right now. We must understand that 40 million workers, baby boomers, are on the verge of or beginning to retire. As we retire, we have to ask ourselves what about the replacements; do we have enough replacements. I will tell the Members, Mr. Speaker, that everywhere I go, I hear the same comment: we need workers. We need workers who will show up tomorrow. We need workers who can pass a drug screen. We need workers who can read and write, and we need workers who are productive. If we are not able to provide those workers or if the workers are not capable of doing the jobs and competing with other nations, our 11 becomes smaller, our relationship becomes larger, and stagnation and even economic collapse are all in the potential field of vision.

So as I go around my district, we begin then to talk where are the workers coming from. Now, we have a great discussion right now about immigration, and I have got good conservative friends who say we need to stop the borders, we need to plug off the borders. For me, I am simply looking at our economic future and saying we have got to replace these 40 million workers. We are about 5 percent unemployment right now, and 5 percent unemployment leaves employers everywhere telling me, Please, Congressman, we need workers, we need people who can show up, people who can be productive, people who can reason and think.

If we do not bring workers in, that is called immigration, I will tell the Members that we have one other choice, and we will do that if we do not bring workers in. The other choice is to send the jobs to where the workers are. Companies cannot work without employees. So we understand if we begin to export jobs to where the workers are, our 11 becomes 10, becomes nine, becomes eight; and again the economic promise of our future is limited because we have a budget right now that is providing very much inflexibility and decreasing. We have shown very little capability to decrease this number.

In my freshman year, the first month we were here, Republicans suggested a 1 percent decrease in the discretionary spending, which would not have even been nearly 1 percent of this overall figure, and the outcry from the American public was tremendous: please cut someone else's program; do not cut mine. We have shown a very deep incapability, either Democrats or Republicans, of reducing the size of the budget. If we also begin to export our jobs to where our jobs go to where the employees are rather than bringing employees into this country and providing jobs, our economic life is equally very difficult.

It is not just that we are needing the workers. We do desperately need them. But the new thoughts, the new ideas, the new inventions, that this Nation was built on immigrants and this Nation will continue to be built on fresh, innovative ideas that come in to us, it is that understanding that must drive us to the final conclusion: that for our economic vitality, for our economic future, this Nation must be open to immigration.

Again, looking at the German models, the European models, immigration is not a word that is friendly there. We find that their societies are not replacing themselves any better than we are. Our birth rate is about .8 for every couple of two. We are not even getting the 50 percent replacement rate in our growth, and the European countries are doing somewhat worse, and they are affected with the problem even worse than we are so that their aging generations do not have the hope, unless they change their immigration policies, that they will actually be able to sustain the high cost of retirees, the high cost of the aging on a decreasing economic pie.

As we then look into the future, we see the need for our economy to sustain or to grow. We need the vitality of new ideas and new workers coming into the system. We must explore the ways that we can restrain our spending. We must look at the ways to make departments more effective and efficient. We must realize the mistakes that we are currently making in our policies that move us toward stagnation, and we must differentiate those policies from the ones that would move us toward vitality.

We need to recognize that nations begin to compete with nations. We need to realize the economic model of Ireland in lowering its tax rates to both domestic and external corporations, creating a tremendous boom there. We must understand that if we cut taxes, it helps us to create growth and jobs; and if we raise taxes, it actually decreases our capability to grow the economy and create jobs.

We must look at the economic models of other nations who are beginning to see how they can run government more effectively than any other nation is operating government. Nations will compete just as States have competed, just as companies have competed. This Nation must understand that it will compete. We need to be able to move to that model of competition before we move into stagnation, before we run into the deep budget problems that come if we allow our jobs to continue to be taken away by high tax policies, by anti-growth policies. Finally, we must understand that the climate for businesses is one that is extremely critical.

I met recently in this building with foreign economic chairmen, chairmen of boards, CEOs of nations from outside this country that are operating in this country. They said that the factors that affect them are overregulation, overtaxation; but one of the most important things they said and the most destructive thing they find is the overlitigation, that in this Nation they will find their litigation costs to be tremendously higher. So we as a Nation must look to the economic numbers. We must look to the relationship between the size of government and the size of our economy. But we must also be aware of those factors that would cause people to say, Even in the stable environment of the United States, I am going to operate somewhere else because of the fear of litigation.

And not litigation to hold them responsible for things that they have done wrong. Many times the class action lawsuits are not intended to stop anything. Class action lawsuits have been in order to create a litigation solution. That is, they did not create a solution in operation, but they simply brought an economic solution, which then generally the trial lawyers have benefited from to the tremendous disadvantage of the people for whom they are suing.

That is one reason this body did two things in the early part of this year that have helped the business climate tremendously: we reformed the class action task load. We have reformed the way that class action lawsuits are allowed to come to the courts. We have given people the capability to present their problems without allowing the abuse of the process. And the second thing that we did that is so pro-business is we began to reform bankruptcy. No longer can people hide assets inside their estates and preserve mansions while not paying their bills. These are two things that generally have great effect on the economic promise of this Nation, two changes that were made by this Republican Congress in this year, both of which have been signed by the President.

We have got more work to do. We must deal with health costs, with both health insurance and with the cost of health care in the Nation. I think that we have committees that are working on that. We must deal with the question of extending the tax cuts if we are going to make the tax cuts permanent or if we are going to allow them to phase out and to realize that we are tampering with the future of the economic vitality of this Nation if we do not recognize the value of lower tax rates.

We need to understand that we also should deal with the regulation. Every day I talk to business owners. They tell me that they are overwhelmed with the paperwork of simply meaningless documents that many times are filled out and sent in and sometimes no one ever looks at them.

These are functions that we must review. We must review the cost of our government. We must review the effectiveness of our government. There are always things that we will do by government and we should do by government, but we must understand that we are going to be competing and that those functions must be done properly and with the best resources available, without waste in the governmental process. And at the end of the day I think all of us have the same ambition: to pass along a Nation that is just as vital as the Nation that we inherited.

Mr. Speaker, I appreciate the opportunity to address this body tonight. I appreciate the indulgence in allowing me to speak on such important matters.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to be before the House of Representatives. I would also like to thank the Democratic leader for allowing the 30-something Working Group to reappear on the floor again for another week to talk about issues that are facing 30-somethings throughout this country and are also facing Americans in general.

When we talk about issues such as Social Security, the debt, national security, health care, education, those are issues that we all care about. And for the last couple of weeks, we have been talking about Social Security, talking about strengthening Social Security, talking about making sure that Social Security is there for not only the 30-somethings but the 20-somethings, those that are receiving survivor benefits, retirees that are receiving benefits from Social Security, the 48 million Americans that we speak of, and also those that are receiving disability because of an injury while they were working.

But it is an honor being here once again with the gentleman from Ohio (Mr. RYAN).

Last week we recessed for Memorial Day, or Memorial week, and I had an opportunity to go to Puerto Rico to speak, along with the Senate president of the Puerto Rican Senate, to put 20-plus names on the wall of proud Puerto Ricans that died in the line of duty defending our great country.

□ 2115

They are great Americans, and I was glad to be there. It was really a moving event for me. They even added the name of a fallen hero from World War II. In Puerto Rico it is kind of hard. Here in the United States they usually say that a person is from the place that they trained or the base where they were assigned, not necessarily where they came from. So the family went through a lot of trouble in trying to get this information up and finally were able to place him on Memorial Wall there by the state capital for Puerto Rico, the capital of that territory.

It is good to see the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, it is good to be back.

Memorial Day is one of the special days. Memorial Day, the 4th of July, Veterans' Day, those are some of the great moments to be a Member of Congress, because you get to go to all the different parades and all the different events and meet some of the great heroes from communities in Florida and Ohio, those people who were just from average homes, average families, and just went and did their duty. I think it is good that several times a year we remind ourselves.

One of the things that I think that generation of soldiers from World War II gave us was a real spirit of what it is like and what it means to be an American. It was great over the past week to have these experiences, because I think in many ways we are losing that, that sense of community, that sense of we are all in this together.

During the war, and I am sure the gentleman has heard stories, as I have, of the kind of sacrifices that each community made, each family made. Some would send soldiers off to fight, some would send soldiers off to be a part of support units, some would serve here at home. But then the women and the mothers had their own roles to play back here at home. Whether it was going to the factory or working in the house or working on the farm or wherever it was, everyone in the country made that sacrifice to have the kind of success we had.

I think if there is one governmental program that is indicative of that spirit, it is the Social Security program. We have been focusing on this for many, many months now, really since the beginning of this Congress, and just trying to hammer away at this issue and trying to get our arms around it.

I think we have come to grips with the fact that this program is not in a crisis state. It is the greatest program that this country runs. It runs at a 1 percent administrative cost. Ninety-nine percent of the money that goes into the system gets back out into the pockets of beneficiaries. Only 1 percent is administrative costs. Even those folks out there that may say government does not run efficiently, and I would agree that there are cases throughout government where programs do not run as efficiently as they should, would say this is efficient.

I think part of what we need to talk about from the Democratic side is about reforming government, about making it run efficiently, about how it should run in an age based on information, with technology and knowledge and communication abilities that we have today. How do we make this government run more efficiently? There is no question that we need to address that problem. Social Security is not one of those programs. Ninety-nine percent of what goes in comes back out and goes to the beneficiary.

One of the kind of myths that we are trying to fight here with our 30-something Working Group is that this program is not in a crisis state. We kind of just want to start the debate from there. We are kind of reacquainting ourselves with this.

Here is a chart for the folks at home to look at. It starts in 2005 and continues to 2070. It basically in the navy blue here, from 2005 to about 2047, 2048, if we do not do anything with Social Security at all, we will still be able to pay 100 percent of the benefits, 100 percent of the benefits. If we do not touch this program, if we do not implement anybody's reform package, we will still be okay until 2047.

Then even after that, to the late 2040s, until 2075 where the light blue is, we are still able to pay 80 percent of the benefits that beneficiaries should be receiving. If we do not touch it, we are 100 percent until 2047 and then still good until 2075.

For the people at home, you make the judgment. Is that a crisis? Is this program being solvent until 2047, 2048, a crisis? That is the real question.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, this is very interesting. I am so glad. For us, we hear it, we know it here in the Halls of this Congress. That is what we were elected for here, to find out this information, to not only share this information with our colleagues in this Chamber and Democrats and Republicans and the one Independent we have here in this House, to share that information with them, but it is important that we do not allow some of these statements that are being made while the President and others are flying around burning all kind of Federal jet fuel saying otherwise, that it is a crisis.

I think the American people know exactly what is going on. It is our job to make sure that in the minority, since we talk about this, we have to explain what the minority-majority issue means. It is important for everyone to know that Democrats, we are in the minority in this House. We cannot agenda bills to come to the floor. We cannot call hearings or committee meetings. All of these privileges are left to the majority, which is the Republican Party at this particular time.

We also have to remember that for many of the issues we are talking about here there are alternatives to those issues. We will be talking about those tonight.

This Federal debt that you have here on the chart right beside you, every American's share of that debt that is on that chart, we had a solution for it and it worked. We were dealing with surpluses. Now we are dealing with that large number.

Mr. RYAN of Ohio. In 1993, a Democratic House, Democratic Senate and Democratic President passed a bill that balanced the budget; and we began to pay down the debt in the country because we were running at the surplus level.

Mr. MEEK of Florida. Reclaiming my time, I will say this: When we balanced the budget, we did it without one Republican vote in this House. Our children did not have to pay $26,349.67. Someone who was just born when we started this Special Order already owes that to the Federal Government. Those are the issues we talk about.

But as relates to Social Security, one may say, what are Democrats standing for? We are standing for strengthening Social Security, bottom line. We stand for what happened when Tip O'Neill was in that Chair and Ronald Reagan was in the White House and how they came together and came up with the bipartisan bill without privatization. That is what we stand for.

We look to go back to the days when we saw the Senate, the other body, voting to adopt a Social Security plan 58 to 14. That is bipartisan, Democrats and Republicans. In 1983, when this House voted to put Social Security where it is now, because, as you mentioned, into 40-plus years, and I would just say 40-plus, even though we know it is higher, 100 percent of the benefits will be provided and then 80 percent after that. But in 1983 this House, and it was a Democratic House at that time, but that did not matter, because we moved in a bipartisan way, some 243 Members of the House versus 102 voted for Social Security. If you want to break it down at the partisan level, it was 80 Republicans that voted for, 48 against; 163 Democrats voted for, 54 against. That is a bipartisan bill that passed this House. The discussion that is going on today is far from that.

To start talking about, well, Democrats, they do not want to do anything, or they just want to keep things in the status quo, well, guess what? My constituents are not calling me complaining about Social Security. I do not think the gentleman's constituents are calling him either. Because it is one of the best Federal programs and initiatives that has ever been launched in this country.

We want to strengthen it. We want to strengthen it without going to privatization. From the beginning they are saying benefits will be cut even if you are not part of the privatization program. If you opt not to be a part of the majority side privatization plan, you still lose benefits. So I do not understand the logic there.

But when I started looking at the information and we started looking at the Congressional Budget Office and what they are saying, the only plus benefit I can see here is $940 billion to Wall Street.

Guess what? I care about the folks that sent me up here from Florida. I care about their well-being. I care about them receiving 100 percent of their benefits versus 70 percent. They paid into it, and they have the right to have their benefits.

Now I just want to say this again, because I want to make sure there is no confusion in this House: To the Members that are watching us, to make sure that they understand that we want to strengthen Social Security without taking us further into debt, and if we have to deal with the whole issue of borrowing the money, at least have a plan to pay it back. That is how we got to that number; not "we," but the majority side, because we have been voting against the budget that they put forth. We have just been spending on a credit card. Where is my credit card? If I can have it, this is the congressional spending credit card right here.

I do not consider myself a hard partisan, because I have some good friends on the other side of the aisle that care about this, that care about this Federal debt. They do not believe in using a credit card to give out all kind of cake and ice cream when we do not need it as relates to the Federal dollar. I am using "cake and ice cream" as a metaphor. Because if I was to feed my kids only cake and ice cream, what kind of health will they be in?

If we just spend and borrow and allow foreign countries to hold 44 percent of our debt and say we are a financial superpower, that is a misstatement, because soon it is going to be over 50 percent, if some of the Members of Congress, and I mean some of our Members on the majority side, if they do not go see the wizard and say, "you know something? I came here as a fiscal conservative and I want to leave here as a fiscal conservative."

But I can tell you one thing. The leadership on the other side is damaging that image of those individuals that came here. So, obviously, we are in a Federal debt situation, and growing.

We are going to have to make one of two things happen: Either the American people are going to have to rise up and say, enough is enough, we are saying we are going to deal with Social Security for future generations and then we hand our children a debt that as far as the eye can see and say you handle it? When the President marched down this aisle here, went up to the podium and said, if you are over 55, do not worry about it? So now grandparents and parents over 55 are supposed to say to their kids and grandchildren, good luck?

That is the reason why I believe we do not have a bill coming to this floor on Social Security. Yes, there is some discussion, but I believe as long as the majority side leadership and the President are talking about the privatization, the gamble of Social Security, and if you look at some of the articles that are coming out now on this whole issue, you have to be very skeptical of what the President is talking about.

Even the poll that came out, the Washington Post-ABC News poll, I wanted to talk about that, because we are not talking about issues facing Americans.

Health care. When a company's employees come in and start looking at the benefit package, and the small business owner says you will be better off getting Medicaid versus the plan that we offer because the premiums are too high, that is not health care.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will yield further, as the gentleman is saying that, this survey that the gentleman was just talking about, the Washington Post-ABC News poll said that 58 percent of those interviewed said that the President is concentrating mainly in his second term on problems and partisan squabbles that these respondents said were unimportant to them. Four in ten, 41 percent, said the President was focused on important problems, a double-digit drop from 3 years ago.

The people are speaking. They are saying that, as the gentleman said, like this chart that we went over a few weeks ago showed, giving our debt over to these foreign countries, reducing the independence of this country, pushing the burden off on our children and grandchildren, the next generation, and asking them to foot the bill, that is the issue.

Health care. We have had a health care crisis in this country for how many years now? How many years? And now we are talking about an issue that does not present itself for another 40 years?

These are the issues that we need to begin to talk about. We need to begin to talk about the escalating costs of health care, year in and year out, 15 percent, 20 percent; the rising, skyrocketing costs of prescription drugs, 10, 15, 20, 30, 40 percent. The most profitable industry in the world, and we are not talking about it?

These are the issues that we need to focus on. And to have this charade going on on the side, this dog-and-pony show about an issue that does not present itself for another 40 years I think is misleading and not the proper execution of I think the top leader in the country. I just really believe that.

□ 2130

It is time for some real leadership in the country, and we just do not seem to be getting it now. The poll is absolutely right. We get into these partisan squabbles. We want to work. We want to solve some of these problems. We know there are different philosophies, and it is okay to have a fight about it, but at the end of the day, do what is best for the country.

Mr. MEEK of Florida. Mr. Speaker, there is nothing wrong with stating your opinion or my opinion or the gentlewoman from Florida's (Ms. WASSERMAN SCHULTZ) opinion or anyone in the 30-something Working Group's opinion, as long as they have merit and foundation, and that it is meaningful and that it is fair play.

And there is nothing personal about what we are talking about. I mean, one may speak of the President, but the bottom line is that the President is term-limited out. There is not anyone who thinks there is some political motivation here to try to make the President look bad: this is not the intent here. The intent is saying that there are leaders in this House, may they be Democrat or Republican, who are going to have to rise up and say, you know, you are wrong, I am sorry.

We are going to talk a little further about young people and dealing with debt; but before the gentleman takes that chart down, I want to make sure, because we are both on the Committee on Armed Services and we are dealing with the issue of national security, and we are dealing with making sure that our democracy stays strong and we protect the homeland. So I think that chart there is very appropriate that the gentleman has up there.

Mr. RYAN of Ohio. Mr. Speaker, we went over this a few weeks ago, and this is a portion of foreign-owned debt. It rose to 41 percent under the Bush administration. In the far left corner here, we have the year 2000 and over here, 2004. The purple is the debt held by foreigners. The aqua, turquoise, either/or, is domestically held debt and the billions of dollars, which comes to about the trillions. And in the blue, as my colleagues can see, the portion of the debt held by domestic banks, domestic concerns, domestic interests, has flat-lined. The purple is the foreign-held debt, and it begins to increase; it is starting to move up into the main and starting to even break through the border here.

We can see that increase right there, and that is what worries us. It is that increase right there that says we are losing a portion of our independence, because when the Chinese, for example, own a higher and higher and higher portion of our debt, then we have to begin to factor that concern in when we are dealing with North Korea, when we are dealing with the situation in Iraq, when we are dealing with the way they are manipulating their currency.

Right now, the Chinese are manipulating their currency, some say up to 40 percent. And why is the U.S. not taking a stronger stand? Why are we not being firm with the Chinese? Well, it is tough to play hardball with the bank when they are funding your debt; and that is really what is happening right now, is that the bank is becoming China and they are funding our debt, so we have less leverage over them as they begin to wipe out the manufacturing.

So here we go, here is our debt, here is the chart that we are becoming way too familiar with, the national debt of $7.79 trillion, and each person shares $26,000. This is the issue. This is the crisis in this Chamber, and this is the crisis that the country needs to come to grips with.

Mr. MEEK of Florida. Mr. Speaker, I want to make sure because, once again, I believe in third-party validators, and I believe that it is important that if folks want the current number as we stand right now as it relates to the Federal debt and where these numbers come from, I think it is important. I just want to make sure that the Members understand. The U.S. Treasury Web site will give this information also; you can go to www.house.gov/budget/democrats_, just to make sure that you are able to get that information and pull it up for yourselves and share it with your family and friends, and I do mean that in the most serious way. I think it is important that we share that information.

Mr. Speaker, one other thing that the gentleman mentioned before I yield back; there are a number of things that are going on in the economic sense. We talk about Social Security, because it is economics for families. And I think that it really, really hits home when families are going to have to find a way, how they are going to make up for that 30 percent that they are going to lose under the President's plan and the majority's plan.

A part of this effort of coming to the floor every week, our working group meets and we talk about these issues, are for the following reasons: one, we want to let folks know that we want to strengthen Social Security. I do not think there is a Member on the Democratic side, and I will even add some of my friends on the Republican side, who do not want to strengthen Social Security. Folks get elected protecting Social Security. But for the life of me, I do not understand why we do not have more of our Republican colleagues letting the President know we appreciate you on their side of the aisle, we voted for you, but you are wrong. And, I mean, that takes courage, and it takes leadership. I think it is important so that we can move on to issues of dealing with Social Security so we are not stuck in neutral or in park on Social Security because someone has said that is the only way we will deal with Social Security unless the private sector gets its cut. So I think it is important that we understand that.

There is an article today in The Washington Post that is talking about "big pension plans fall further behind," and this is exactly what the President is talking about. I have airline pilots, I fly back and forth from Miami to here, and they are telling me, they used to get $12,000 in pension a month on their pension plans. Now it is down to $2,000. That is what we are going to do with Social Security, which is security, the word security, saying that it will be there for you. So I think that is important.

But I just wanted to share that piece, because I think it is important that we add that information in so folks do not feel that this is the Tim Ryan philosophy or the Kendrick Meek philosophy. This is a bipartisan effort here as it relates to getting the information, especially from the Congressional Budget Office.

Mr. RYAN of Ohio. Mr. Speaker, I think the gentleman is absolutely right. When we check and verify our own statistics here that we are using, again, the poll that we had mentioned talking about really what the main issues facing the people of the country are, a strong majority of self-described political Independents, and this is the ABC News Washington Post poll, 68 percent of self-described Independents say they disagree with the President's priorities. Sixty-eight percent. The hard-core numbers on Social Security and the President's priorities are 30, 35, maybe 40 percent in the grand scheme of things. So we are talking about 60 percent of the country not agreeing with the priorities of the President.

As we talk about what the crises are in the country, one thing that I think ties into what we are talking about, the national debt, the annual deficits, the $26,349 that each citizen owes to that debt, the $500 billion annual deficit that we are running, plus, it kind of feeds into a notion in the whole country about debt. So what the 30-something Group wants to talk about a little bit tonight is the issue of young Americans dealing with debt. Because we are really, by the decisions we are making, putting a $26,000 bounty on the heads of young people, tax bounty on the heads of young people, the minute they are born; and they owe the government that much. Then we begin to look at, project that $26,000 out for another 22 years from the day they were born, and then we begin to deal with young Americans in college. And this was a very interesting statistic that we were able to find in an article last week.

According to a survey released by Sallie Mae, the Nation's largest provider of student loans, college seniors expected to graduate this year, probably right around now, with $28,953 in debt; basically $29,000; $26,000 of it is going to be student loans, and another $2,800 of it is going to be credit card debt. So if you are graduating from college today, you owe the 26 grand already from the debt that we need to pay off, which each citizen owes, and then they owe another $28,000, $29,000 basically in student loans and credit card debt.

And that feeds into a real problem that we have in this country. It is a disincentive to go to school, it is a disincentive for college, and really it traps a young man or a young woman coming out of college with a good education, and all this debt. That is not freedom. And we hear freedom, freedom, freedom, freedom in this Chamber time and time and time again.

Mr. MEEK of Florida. Mr. Speaker, there are even some folks who would start a freedom caucus in the Congress.

Mr. RYAN of Ohio. We have freedom french fries down in the House diner. We do not have French fries, we have freedom fries. Freedom. Is this freedom? Is owing $29,000 when you get out of college freedom? Is owing the government $27,000 freedom? Is that freedom? That is not freedom. So we cannot really just apply freedom to little areas that are convenient. And freedom is economics too, and I believe that we are beginning to get into a situation by letting the credit cards run rampant through this Chamber, letting the spending get out of control in this Chamber, and it takes away the freedom for our young men and women.

Mr. MEEK of Florida. Mr. Speaker, I think it is important, and I am glad that the gentleman shared that information as it relates to the debt that young people are in now. But guess what? Who is going to help them pay that debt? Nine times out of 10 they are going to come out and try to get a job and I guarantee you, dealing with that kind of debt, and we want them to be able to move into a home, I mean they are going to be living with their parents writing their name on orange juice saying that they will get out of the house some day because they owe so much.

Now, I am going to talk about what Democrats are doing to put money into the pockets of Americans who are going to educate themselves, making this country strong. Are you ready?

Mr. RYAN of Ohio. Ready. Let us do it.

Mr. MEEK of Florida. We spend a lot of time making sure we have answers to problems, and I think it is important that the Members understand, if this was a Democratic House, as it stands now, this would not even be a discussion, this would already be an action, or some of the stuff that is happening to Americans would not be happening.

Now, Democrats in this House, we introduced a bill that would help over 1.3 million Americans as it relates to not losing money in their student loans and Pell grants. We talk about the Bush administration and the majority. Well, I can tell my colleagues that late last year in the 108th Congress, 1.3 million college students will lose Federal scholarships, will be unfairly reduced, their scholarship money will be reduced starting in the 2005–2006 school year due to congressional change that the Bush administration and the majority side made to the formula. And what Democrats are doing, we have put forth a bill to replace those dollars to make sure that young people who are trying to go to college, they will have an opportunity to go and not come out in that kind of debt.

It is going to get worse. Those are numbers under the present situation. The debt ratio on those kids and those young people that are trying to educate themselves, some are men and women that are serving in uniform, some are individuals that are trying to better themselves, these cuts will make over $300 million in a reduction in their scholarship money. So we have legislation that is on the floor now to replace those dollars.

Now, all we can do as Democrats is try to fight through the tall bushes here in the House, here in Washington, D.C., to try to replace that money for these young people. The gentleman talks about freedom. That is definitely not financial freedom, I say to the gentleman.

I will tell my colleague another thing on top of that: we are not only working with what we have and putting forth legislation, but we are also urging young people now, today, now, and parents and Members of this House that have children that have college debt or loans that they owe, to consolidate those loans now before July 1, because on July 1, the interest rate will go up 2 percentage points.

□ 2145

Mr. MEEK of Florida. So you have the opportunity to do it now and work very hard. If you have a problem in getting good information on how to consolidate, there is information on line that they can use to be able to consolidate that information. You can go on the www.pirg.org/consolidation. That is pirg.org/consolidation to learn more. Or you can go on the House Democrat's Web site, which is www.house.gov/Georgemiller, who is our ranking member on education and workforce. That is house.gov/georgemiller.gov.

I think that is important, to be able to share that information. Because this is for real. This is what everyday Americans are facing. This is not fiction. This is not what we should do or what we want to do. This is exposing what is going on here in Washington, D.C., $300 million to kids and young people that are trying to educate themselves.

Better yet, the President comes up here, tells folks over 55, do not worry about the Social Security issue. You will not be affected. We are doing this for future generations. And this is what we are doing to future generations.

So I would say this again to the gentleman from Ohio (Mr. RYAN) and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) who is here, that when the rubber meets the road this is what we are doing. Well, when it does meet the road, and which it has met the road now, we have this kind of scenario for young people, coming out with not only student loan debts, but only a Federal debt to the Federal Government, so you might as well make that a little under $50,000, when they come out of college in what they owe.

I am so happy that that my colleague from Florida (Ms. WASSERMAN SCHULTZ) is fighting these battles, who used to be chair of the education, higher education committee in the House of Representatives when we were in the Florida House of Representatives a couple of years, well more than a couple of years ago, but dealt with these issues that are facing young people. And I am so glad you are here.

Ms. WASSERMAN SCHULTZ. I am so glad to be here; and I appreciate the gentlewoman from California (Ms. PELOSI's) willingness to put this group together of the members of the 30-something, 10-year period. We each have a few more years to go.

I want to piggyback on something you were just talking about related to the eligibility bar for financial aid. I can tell you just from personal experience all of the way back to when I was entering college and my parents were applying for financial aid for me; and the calculation, even back then, as to what we were eligible for and what the formula said that my parents could afford to pay and lay out that would come out of their pocket for college costs was unbelievable then.

And now, with the changes in the financial aid formula today, I mean, even, I grew up in a middle-class family, you know, regular, average middle-class family, you know, not wealthy at all, parents who certainly did not live paycheck to paycheck but had a mortgage and car payments and credit card debt and, you know, pretty significant month-to-month bills. And none of that is taken into consideration when you calculate financial aid.

I mean, those major expenses, other than your income, have nothing to do with the formula. So when they say, and back then the numbers were something like, my parents, based on their income, could be expected to pay $16,000 a year for my college education. Now, given all of the bills that they were struggling to pay for, there was no way.

Now, fast forward to 2005; and the bar has been raised even higher. And add the credit card debt that has drastically increased, with the bar on the graph at a steep incline. You add that to parents' credit card debt, you have kids now who are starting out with credit card debt even in high school.

I mean, that was unheard of when we were in high school. I mean, kids did not start college with credit card debt. They certainly did not begin having credit card debt as early as they do now, with credit card companies literally preying on brand-spanking-new college students with offers and, you know, kids who are willing to sign up to get a credit card just to get a cool t-shirt.

These are students that are not financially sophisticated enough to make the kinds of decisions that they are going to have to make so that they will understand the ramifications for themselves financially for themselves down the road. And we have got to have policies that are going to be able to help them get along in the years to come.

Mr. RYAN of Ohio. Another part of the Democratic platform, one that we will be issuing in the next few months, is financial literacy. Combat this at a young age, combat this. These kids are in grade school and high school and teach them about the stock market and compounding interest and all of the different aspects to managing money and being debt free, if you save now, and what it turns into 30 years from now. That is another part of the Democratic proposal. We need to teach these kids how not to get in this position here. We need to teach many leaders in the Congress here how not to get ourselves in this position here as well.

Mr. MEEK of Florida. Or allow Americans to get themselves in that position. I know that this is a country based on freedom but not based on ignorance. It is important that we share this information. If we know better, we will do better.

And the bottom line is, if the leadership was in place here in this House, the $300 million that I spoke of that took place in the 108th Congress in the closing days of the Congress has reduced the amount of money that students are able to get as it relates to their Pell Grants, it never would have happened if we were in control, if this was a Democratic House.

So the challenge has to be there for the majority side to do better; and the bottom line is, better is not happening when it comes down to those kinds of statistics that you have there, Mr. RYAN, that the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) just spoke about. I think it is important that we remember.

So we talk about solutions. Solutions is making sure that we make good decisions and we have good leaders in place that will allow legislation to either be stopped that is bad, coming from the other body, or recommendations from the White House, just say no, this will not happen. We are looking for future generations, and we are here to protect future generations.

But the bottom line is, if we continue to do this kind of rubber-stamping that is going on here on Capitol Hill, we are going to continue to go on a downward spiral. The deficit will continue to get higher. In the 108th Congress, Ms. WASSERMAN SCHULTZ, I said, well, this is the highest debt in the history of the Republic. How could it get worse? It is worse now, and it will continue to get worse until something different happens here in this Chamber and in this Capitol and in this city. So it is important that we look at these issues.

Mr. RYAN of Ohio. One of the comments that a previous speaker made here not too long ago was that we do not have many options. You can raise taxes or you cut spending or you grow the economy. Well, you cannot grow the economy if you are putting this tremendous burden on students, the next generation of people who are going to go out and create things and not making the proper investment into education as we have talked about before. A lot of our urban areas and a lot of our rural areas, where many of those kids go to school in poverty, do not have health care, are not getting the kind of education that they get in some of the suburban areas.

Those are the kids that we need to fund, educate, and let them go out and create and grow the economy. But you cannot do that by tying a ball and chain around their neck and throwing them over the river, because they sink, and at the same time not make the kind of investments.

Ms. WASSERMAN SCHULTZ. You talk about financial literacy. You are absolutely right. What is happening now, number one, we are not setting the example at the top of the mountain. I mean, what we are doing here is adding to our deficit month after month, year after year.

What kind of message are we sending to generations that are going to come behind us about the importance of minimizing your debt? I mean, we are deficit spending. So why would most Americans think that that is not a normal way, a responsible way to live?

Most Americans, let me not overstate it, many, many Americans live paycheck to paycheck, and they live right to their means. This is a society where, no, I cannot have that now because I cannot afford it right now, is not instilled in people from the time that they are young. That is why financial literacy is so important.

We have a Financial Literacy Caucus. I am on the Financial Services Committee, and we have begun an effort, especially on the Democratic side, to try to educate generations coming up through life that at some point you have to decide what you can afford to have, and there has to be a now and a someday and not everything can be in the now.

That is also a lesson that Congress and the President could learn, too: Not everything can be in the now. Sometimes we have to make some financial decisions that will say, well, it would be nice if we could afford that humongous tax break for the wealthiest few, but in order to be fiscally responsible we cannot have that now.

Mr. RYAN of Ohio. And patriotic. Quite frankly, tell the wealthiest people in the country, we would love to give you a tax cut. Who would not? Who in politics would not like to tell a really rich person I want to give you a tax cut? I mean, that would be great.

But you have to do the right thing, and you have to say, you have to meet your responsibility to society. We cannot afford to give you a tax cut right now, because we have a $7.79 trillion debt. Now you can be selfish and still want one. Why not give the middle-class guy the tax cut, who has all of this debt burden, who is trying to send their kids to school? We cannot afford to give Warren Buffet a tax cut. I am sorry, Warren.

Ms. WASSERMAN SCHULTZ. I represent a district with a pretty sizable percentage of wealthy individuals. And when I am home, I cannot tell you the numbers of people who come up to me and say, you know, I would love to have a tax break, but I care about my children's education a lot more. I care about the Nation's financial and fiscal health a lot more. Keep your tax break. I barely felt it, and it really is not going to make that much difference in my life.

Many, many people who are wealthy and qualify for those tax breaks understand where their priorities are and should be. It seems that only the administration and the leadership of this Congress does not have their priorities straight.

I mean, even Mr. OBEY, when we were considering the Defense Appropriations Bill in the last couple of weeks, when he offered an amendment to reduce the tax break for the wealthiest few Americans, I think it was half a percent. I think it was an incredibly small amount of money, just a little bit less of a tax break, that the wealthiest few would have received in order to expand the inspections, the percentage of inspections that we perform at our ports, for the cargo in ports, and that, even that amendment was rejected.

We chose tax breaks for the wealthy over our homeland security. Now if that is not priorities being out of whack, then I do not know what is.

Mr. RYAN of Ohio. I remember last year as well, we did the same thing for veterans benefits. It was an increase of, I do not remember how many billions of dollars, but it basically made it full funding. But it had to reduce in kind dollar for dollar what would be needed for the veterans from the tax cut that went to the top 1 percent. Voted right down, party line.

Mr. MEEK of Florida. You know, what is very disturbing is when we commemorate or recognize or reflect on those that have fallen for our democracy, our veterans or our past veterans or those that did not even get an opportunity to be a veteran because they were an enlisted person and they died. Right down the street from here is Arlington Cemetery. When their colleagues or comrades that served with them, you know, side by side, and they come to Washington, D.C., to remember those that have fallen and to know when we honor them on one day, even on Veterans Day, we honor them on two days, their sacrifice to our country, and better yet on that next day, that Tuesday, they are waiting 6 months to see the ophthalmologist or they have to pay more on a copayment.

We did not keep up with our end of the promise. You know something, it is even harder to keep up with it because of this Federal debt. But we would much rather make those that have been extremely, extremely successful in this country to save a few more dollars.

There is actually another article that I am going to bring up a little later, but I just want to share this with you all. My uncle served in Korea, and he took a bus up here with some other veterans when we dedicated the World War II Memorial out in the Mall here.

□ 2200

It was a well-attended event, very historic. My mother came, a past Member of this Congress. We sat out there. And they had all the World War II veterans and veterans in general stand up. Some of them could stand. Some of them could only put their hand up in the air.

When you look at what is happening here with the Federal debt, taking this Federal credit card that I keep pulling up and charging it to the American people and to their future for many of the wrong reasons, it cannot help but make you very upset with the individuals that are making the decisions. And that is where the rubber meets the road.

When you start looking at those who have served, who allow us to celebrate the very freedom that we live under right now, and they are having to run around here worrying about if they can make a co-payment or not. You go to the VA hospital, they do not treat. There are not a lot of veterans, unfortunately, that are Members of Congress, or maybe it would be a lot different in this town. They are waiting and waiting. And some of them call my office. Congressman, this is all I need. Can you help me?

It should not be an act of Congress to get what they need to get out of the VA or veteran benefits in general. And we are about to have a whole other crop of veterans after this war or after some of them leave the military that are going to need those services. And I guarantee you right now there is not an American that I run into that says, Congressman, we are giving the veterans too much. If anything, can you do something. There is a veteran next to me, he is not even part of a meal program because he or she cannot afford to get it.

So I would just leave it at that because I am getting upset talking about it.

Mr. RYAN of Ohio. Look at the numbers here. The reason the gentleman is upset here in trillions of dollars over 10 years, we have a graph. We have to have a graph for everything. Permanent tax cuts, 1.18 trillion over 10 years. Tax cuts for top 1 percent 800 million; VA budget, .3, 300 million. When we need to fully fund this everyone says we do not have the money, but we have the money for this, and we have the money for that. So this is the question.

Mr. MEEK of Florida. I do not want to be greedy on the time, but I just have to say this to my colleagues, what happened? Was it the gentleman from New Jersey (Chairman SMITH) that stood up and said, we are going to do the right thing. A Republican chairman. We are going to do the right thing by our veterans, and I am going to pass a budget that is going to help the veterans.

You know what happened to him. They moved him off the committee. He lost his chairmanship. This is not the Wasserman Schultz/Ryan/Meek story. This happened and veterans throughout this country know it happened.

So when we start talking approximate issues such as Social Security; we start talking about Medicare when we were told $350 billion and now it is up to $724 billion; when we start talking about issues such as Leave No Child Behind authorization bill far beyond what the appropriations actually is, folks have to pay attention to this. And I will guarantee you this, if we had the opportunity to run this House, this would be a nonissue. As a matter of fact, we would be working in a bipartisan way to correct some of these issues. We are not saying Democrats will do it. No, Democrats and Republicans and the one Independent in this House will do it. So this is so very, very important.

You know something, I do not care. I hope that there is a Member in a leadership position right now that is listening that is saying we have got to change this because the pressure is being applied by the Democratic side of this aisle. And if they do not take the leadership responsibility to do what they have to do on behalf of these Americans, then guess what, they may be making a career decision. That is what democracy is all about. So I feel in no way sorry by pointing out the blatant inequities in leadership and being able to provide for those veterans and being able to provide for future veterans when we start talking about Social Security and what we should be doing here in Washington.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, we cannot emphasize enough, this is just another example of how the priorities here are out of whack. We had an opportunity a few weeks ago to visit our troops who were injured in fighting in Iraq and Afghanistan at Walter Reed Army Medical Hospital. These were young men, about a dozen of them, that I had an opportunity to visit, the most heart-wrenching stories, many of whom lost their limbs, mostly lost their legs, had their limbs obliterated, defended our country. Every single one of them said to me that all they wanted to do was to go back and they were so sorry to leave their buddies behind.

These are people that when they become veterans we slap them with a disabled veterans tax. We say to them that for every dollar that they earn in disability payments, we are going to deduct a dollar from their pension. That is the reward we are giving them for serving our country and for becoming injured in the line of duty.

Then we are saying to our members from the National Guard that unless you are within, I think it is, 90 or 180 days of being activated for duty, we are not going to pay for your health care. We do not provide health care to our members of National Guard who we know now are going to be activated at some point, who we know are giving up the salaries that they earn in their regular jobs, who are sometimes covered, sometimes not covered by health insurance at their regular jobs. But one of the things that members of the National Guard have to have to worry about is how to even pay for health care for themselves and their families. Yet we are still providing tax break after tax break for the wealthiest few Americans.

I mean, it just is shocking that the top of the priority list is tax breaks and this trickle-down concept that does not ever seem to go away when it comes to the Republican leadership in this Congress, that if we give the tax breaks to the wealthiest few that somehow their investing and spending is going to flow down and help all the little people.

We are at the point in our lives where we are real live grown-ups now. Has it worked in our lifetime? It still is not working, and we are still not providing for the people who really need the help, who are defending our country. Instead, we are taking money back from them.

We talk about the death tax. We should be talking about the disabled veteran tax, because that is what we are doing to our veterans' pensions when they have been injured in the line of due, and it is absolutely unconscionable.

Mr. RYAN of Ohio. The gentleman from Mississippi (Mr. TAYLOR) offered a motion here to recommit a couple of weeks ago.

Ms. WASSERMAN SCHULTZ. What happened?

Mr. RYAN of Ohio. A party-line vote went down. And that was on the health care side of it. That was on making sure our Guards and Reservists have coverage regardless. And the gentleman brought out the numbers and it was maybe a billion dollars, but these men and women are picking up and they are in all our districts, and they pick up and they leave their families and come back and leave and come back.

Ms. WASSERMAN SCHULTZ. They spent 1.8 on tax cuts.

Mr. RYAN of Ohio. Exactly. And we have the money if we wanted it, if we wanted to ask the top 1 percent to make a sacrifice to help fund this. That money will work its way back into the economy anyway. The fact that that is bad for the economy is an argument that I have never bought into. It is the voodoo economics, the trickle-down economics theory. I would rather have it in the hands of people who are making 50, 60, 70, $80,000 a year that go out and invest in their kids and those kinds of things. But to say we do not have the money, I think, is shameful.

These are good people. These are not bad people. But to choose them when you have to make decisions based on the whole society right now over this group, I think, is shameful.

Mr. MEEK of Florida. Let us get into some closing comments because we have about 5 minutes left.

Mr. RYAN of Ohio. I have a couple of e-mails that I would like to share from last week. We asked everyone 2 weeks ago to e-mail us in what they thought their priorities were in the country. If it was Social Security, they could say it was Social Security. If not, tell us what you think the real crises are in the country.

We have Jim Munroe and Nancy Grover from Albuquerque, New Mexico: "The number one priority has to be turning the deficit around while making the tax system fair and equitable."

Mari Howells from Erie, Pennsylvania, a 30-something Dem who saw us a couple of weeks ago: "Health Insurance! Our health care system is awful. It is bringing the whole country down. Number 2: the war. What a mess. Number 3: poorly funded schools."

I am going to take a minute here to read a beautiful e-mail that we received a couple of weeks ago from a man who saw us three on C–SPAN. He was laid off on September 11, 2002, from a Fortune 500 company in Dallas, Texas. Informed that his position had been dissolved, "and since I was one of the highest paid, 38,000 a year, on their help desk, that I had to be one of the first ones to go. I was given 2 weeks severance pay and found out through my network that the company had outsourced the help desk to an overseas vendor. I am a proud veteran of the U.S. Air Force where I served 8 years and received an honorable discharge. Before being unemployed I had great health insurance and I am in fact a cancer survivor, but after losing my job and not being able to afford the $340 monthly payment to COBRA to keep my health insurance, I had no other choice but to go to the Dallas VA hospital to register for my health care.

"I am 41 years young and I have now been unemployed for almost 3 years. My father was forced into early retirement because of his heart and my mother just recently lost her job of many years at a local bank. They could barely make it on their mediocre salary and his Social Security. I do not know what they are going to do now and now I have nothing to help them with because I do no have a savings, checking account or 401(k).

"When I was working, I used to send my mother $250 a month to help her and my father out a little bit, but I cannot do that any more. He has a temporary job at the bank that pays $13 an hour with no benefits, a lot less than I used to make but I am very happy just to be working again. God bless you."

So these are the real people that I think we need to begin helping.

Ms. WASSERMAN SCHULTZ. There is not a lot more that can be said other than that I think that we need to continue to come to this floor every week and I can commit to you that I will join you and make sure that we can continue to highlight the direction that they are taking this country and the increased debt and the selection of the people who need the least over the people who need the most. And I am not talking about people who are struggling to make ends meet.

You have average working families in America whose priorities include health care and quality education and just making sure that they can stay out of debt. And, instead, the wealthiest few are the priority of the leadership in this Congress.

Mr. RYAN of Ohio. The e-mail is 30somethingdems@mail.house.gov. That is 30somethingdems@mail.house.gov. Send us an e-mail. Tell us what you believe to be the main crises facing this country.

Mr. MEEK of Florida. Www.pirg.org/consolidation. Student loans, get them consolidated before the interest rate goes up almost 2 percent by the first of next month. And 70 percent of our troops are under the age of 30, which is a younger generation right now fighting in Iraq.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MACK). The Chair would like to remind Members that their remarks in debate should be addressed to the Chair and not to the television audience.

STEM CELL RESEARCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, a couple of weeks ago on this floor there was a very prolonged and serious debate on stem cells. Now that we have had time for emotions to subside, I thought it might be productive to spend a little while this evening talking about the subject of stem cells and why there is so much interest in it across the country.

A few months ago there was so much interest in this subject in California, for instance, that the voters voted favorably for a resolution that would make $3 billion from California taxpayers available to do research on embryonic stem cells.

What are stem cells? We have a chart here which kind of shows this.

□ 2215

There are fundamentally two types of stem cells. There are adult stem cells and there are embryonic stem cells.

I guess the ultimate stem cell is the fertilized ovum, which is referred to here as a zygote, because from that cell develops all the cells of the body. That single cell, produced from the union of the egg and the sperm, divides and divides again and again until finally it is a blastocyst; and then it goes to the gastrula stage, and at that stage the three germ layers begin to sort out the cells that are already differentiating, is the technical term that is used for that.

Every cell in our body, of course, has all of the same gene complement. And by mechanisms that are not clearly understood, during the embryonic process genes get turned on and get turned off, and the cells that are destined to produce your skin, for instance, the genes that are producing all the other tissues of the body are turned off, and only those genes necessary for producing the skin are still active.

Here we have the three germ layers: The ectoderm, which is the outer layer, and from that will develop your skin and your nervous system.

Then we have the mesoderm, that will be the middle layer, meso meaning middle, and from that will develop most of the weight of your body, all of your skeletal muscle, your cardiac muscle, much of the kidney, the blood cells, the smooth muscle in your intestines and stomach and so forth.

Then from the innermost layer of this inner cell mass as it is called here, the mass of cells that differentiates into these three germ layers, the endoderm, the internal layer, produces not very much of the mass of your body, the pancreatic cell and the thyroid gland and the line of the things like your lung and intestines and so forth are produced from the endoderm.

Then, of course, there are the unique germ cells produced, the sperm in the male and the egg or the ova in the female.

The reason for the intense interest in these stem cells is because of the perceived potential for affecting the course of many diseases and hopefully curing many of our diseases.

We have fundamentally two kinds of problems with our health. One is from tissue deficiencies when the tissue no longer does the kind of thing that it was destined to do and this embryonic development is wearing out or diseased. Then we have diseases from pathogens. These are organisms that can be outside that invade us.

Primarily, the hope is that stem cells will be useful in treating diseases of tissue deficiency. Although if the pathogens have destroyed a tissue and then the body has marshaled its resources with the help of the doctors with the antibiotics and so forth so that the pathogen is destroyed, then there is some hope that through the use of stem cells that you might be able to repair or replace the tissue damaged by the pathogen.

There are a lot of examples of diseases that might be amenable to cure or at least assistance through these stem cells. One is diabetes, which is a deficiency of insulin. Insulin is produced by some little cells that look like islands under the microscope because they are very dissimilar to the cells that they find themselves in. These cells are distributed through the tissue of the pancreas.

The pancreas is a big gland that produces a lot of enzymes. When the food leaves the stomach and goes into the small intestine, the pancreas produces enzymes for the digestion of fats, carbohydrates and proteins. So it is a very important digestive gland.

There is no real reason why these little islands of tissues, called the islets of Langerhans, named for the person who first described them, need to be in the pancreas, but that is where they are. They could, in fact, be any part of your body and do the same thing, which is secreting insulin.

We use insulin to treat persons with diabetes, but everyone knows, particularly the family of those and the patients who have diabetes, that insulin does not cure the disease. It simply prolongs life, but, ultimately, even with insulin, many of the people who have diabetes will end up having peripheral vascular problems with maybe amputation of toes or limbs, usually the lower limb, have problems in the eyes with the peripheral vascular there in the eyes and have vision problems.

Diabetes is the most expensive disease that we have. It costs more to maintain and treat the people with diabetes than any other disease. There is the hope that if we could generate islets of Langerhans cells from these stem cells that you could eradicate diabetes, that you could implant these cells in the body, and it could be in any tissue. It could be in muscle tissue or under the skin. You could implant these islets of Langerhans cells there that produce insulin and whatever else these cells do that is not done simply by replacing the insulin which is lost. We might be able to eradicate diabetes, which, of course, would be an enormous contribution.

This is one of the most heart-wrenching things that the congressmen see, is when these little kids come to your office, they have to prick their finger maybe a dozen times a day, and they need insulin so frequently that they have an embedded little pump under their skin, about the size of a hockey puck. They may have to wake up during the night and prick their finger so that they can set the pump so it produces the right amount of insulin.

This is just one of many diseases that authorities in medicine and the general public believes might be helped with stem cell research: multiple sclerosis, lateral sclerosis, Lou Gehrig's disease.

That is one that I am personally very familiar with. My grandmother died from that disease. This was a long time ago, and it took quite a long time to diagnose that disease. She was falling. For quite a while they did not know why, and finally they diagnosed it as Lou Gehrig's disease, as was the common name for it then. I remember watching my grandmother deteriorate until the only motion that she had left, that she could communicate with us, was blinking her eyes: once for yes and two for no. Then she slowly died when she could no longer eat or drink. She did not want to be force fed.

We did not have any dream then of stem cells and what they might do for that disease, but I can understand the hope that families have who have a loved one who has a disease like this and the hope that they have that there may be a medical advance and a miracle cure for the disease.

Alzheimer's disease, my mother had Alzheimer's disease. How nice it would have been to have turned back the clock in her mind so that she was the mother that I spent the first 60 years with.

Then, of course, there is a very large category of autoimmune diseases. I have a list here of 63 autoimmune diseases. That is an interesting type of disease. When we are developing in our mother's womb very early and our heart is beating and we have a circulatory system and we have white cells, there is a particular kind of white cell called the T cells. Very early in our embryonic development those T cells are imprinted with who we are, and that is very necessary because they have to understand who we are, who you are, who I am, so that if some foreign invader comes in there or virus or bacterium or something, they recognize that as being foreign so that they can reject it.

For reasons that we do not understand, occasionally our autoimmune mechanisms get confused, and they see some of us as not being us, as being foreign, and so they attack it. We call those autoimmune diseases, and there are a lot of those autoimmune diseases: Addison's disease, autoimmune hemolytic anemia, autoimmune hepatitis. It goes on for 63 of these diseases.

Multiple sclerosis is one of those, by the way. Lupus was one of the first of these diseases that was identified as an autoimmune disease. There is a hope that stem cells could be useful in treating all of these diseases.

Then, of course, there are the injuries of central nervous tissue. We have two kinds of nervous tissue in our body, the central nervous tissue that is in our brain and spinal cord and then the peripheral nerves. That is the nerves that run to and from the brain and spinal cord. For reasons that is difficult to understand, they have two very different responses to injury.

Peripheral nerves regrow very easily. There is a classic phenomenon known as Wallerian degeneration and then regeneration of the nerve. If you cut a nerve well up in your leg that goes to your toe, it may be a long while before you get feeling back to your toe, almost always, unless a lot of scar tissue develops where the nerve was cut.

But for some reason that we do not yet understand central nervous tissue has no power to regenerate. Of course, what we are trying to do medically is to find out why central nervous tissue is different than peripheral nervous tissue, but absent finding out why so that you can turn that around there is the hope that with these stem cells we could grow nerve tissue that could then be placed in the body, injected in the body to help repair.

So there are a lot of diseases out there that medical specialists and the public generally believe could be cured or at least the course of the disease quite favorably changed with the use of stem cell technology.

There are, of course, two kinds of stem cells: embryonic stem cells and adult stem cells. Most of the work that we have done so far is with adult stem cells because we have been working with them for over three decades. We have been working with embryonic stem cells just a little over 6 years, and so the techniques for using adult stem cells are far better developed.

So there are more medical applications from adult stem cells than there are from embryonic stem cells, but we have not had enough time working with embryonic stem cells to determine whether or not they have the increased potential that most people believe they should have. The medical specialists believe this. The general public understands this.

If you are dealing with a cell that is not differentiated, that is, that it has not developed far enough along so that genes are turned off, a lot of leads are turned off, it could then develop into anything and everything with proper manipulation in the laboratory. So that if you are using embryonic stem cells there is the hope that they should have a wider application than adult stem cells.

□ 2230

There is another interesting characteristic of embryonic stem cells, and I do not know how important it will be. Only research will determine that.

At least 50 years ago, embryologists had determined that you could take a mother white mouse and a mother black mouse, each of which was pregnant and they have multiple babies in their uterus, and you could go into the uterus of the black mouse and take a little patch of skin out of the black mice, you could sew it into the skin of one of the white mice. When the white mouse is born, it has a little patch of black skin. Quite amazingly, it is not rejected.

Everybody knows when you transplant an organ from one person to another, there is a big rejection reaction to that. So we have a lot of anti-rejection drugs that we give. The person who gets that organ transplant must take those anti-rejection drugs. As soon as they stop taking them, the T-cells recognize this thing as foreign and start to attack it. Its use in the body is destroyed.

I do not know whether this little mouse experiment, whether the miracle of no rejection is a donor phenomenon or host phenomenon; but when you take skin from one embryo to another, there is no rejection. So using embryo stem cells, they might be less rejected. That would be good news.

I would like to spend just a couple of moments reflecting on some of the elements of a debate here in this Chamber. These debates are a bit like a battle. They are a battle; you are fighting for your position. Like all battles, emotions rise and sometimes things are exaggerated a little by one side or another. Now that emotions have subsided and we are dealing with other issues, I thought it might be instructive to look at some of the arguments made on both sides.

The argument on the pro-life side was that life is sacred, that these little embryos are human life, and the President has a position which I very strongly support, that it is just morally wrong to take one life hoping you can help another life. There has got to be another way to do it.

The bill we were debating said we should take some of those 400,000 surplus embryos that were produced in the in vitro fertilization clinics that were going to be discarded anyhow, we should take those embryos and use them to produce embryonic stem cell lines. For the last 4 years we have been dealing with what started out as maybe 60 cell lines, which has now dwindled down to 22, all of them contaminated with mouse feeder cells so they are only good for research. They would not be good for medical use so there is a need for additional embryo stem cell lines. These are the only stem cell lines we can use Federal money exploring. The private sector can destroy all of the embryos they wish; there is no prohibition. You just cannot use Federal money so there are only 22 cell lines we can use Federal money to explore.

The argument on the pro-life side, and I subscribe to that argument, that for any one embryo, there is no certainty that embryo is going to be destroyed, that it is going to be abandoned. The argument on the other side is there are 400,000 of them. Of course they are, you cannot keep them frozen forever, and by and by they will be discarded. But not all of them, because we now have, I understand, over 100 babies who have been born from adoption of these snowflake embryos.

We have surplus embryos because when you go for in vitro fertilization, under hormone stimulation the mother produces more than one ovum; and they are put in a petri dish and exposed to sperm and fertilized. Then the doctor watches their growth, and the doctor chooses generally several because they do not all adhere to the uterus and grow to become babies, and so he wants to be sure there will be at least a baby. So he implants several in the uterus, and there are several left over that are then frozen in the event none of those take or the mother wants to have a baby later.

I remember when I was running a farm several years ago, I was breeding cattle to a bull that had been dead for 8 years. I do not know how long the sperm and the ovum or these embryos will survive frozen, but they will survive for quite a long time.

The argument on the pro-life side is that for any one of those embryos, it could be adopted; and that is true. If you have a reverence for life, as I do, you need to find another way to pursue embryonic stem cell research without destroying embryos, and we have a bill that does just that. We have talked to experts from NIH and others around the country, and in a few moments I will be talking about that bill.

One of the arguments made by the pro-life people is we have had 58 medical applications from adult stem cells and none from embryonic stem cells, and that is true. But as Paul Harvey would say, the rest of the story is maybe the reason it is true because we have spent 3 decades working with adult stem cells and only about 6 years working with embryonic stem cells, and you will not know if they have the same potential until you have an equivalent amount of time to work with them.

The arguments on the other side were that these cells are going to be thrown away anyhow and why not get some use from them. I have just reiterated my argument, which is the argument of the pro-life community, which is for any one of those embryos, they could be adopted. In fact, some of these snowflake babies came to the White House during this debate, so they can be adopted.

There was another bill that we voted on that night and that was the umbilical cord blood bill which many mothers are now having frozen because there are some stem cell-like cells there that might be useful. But the argument is although they might be useful, they would not be as useful as the embryonic stem cells themselves.

"As a physician-scientist," and this is a direct quote from Curt Civin, co-director, Division of Immunology and Hematopoiesis Sydney Kimmel Comprehensive Cancer Center, one of the centers at John Hopkins University School of Medicine, and we are fortunate in our State to have one of the best universities and one of the best medical schools in the world, that is Johns Hopkins, he says, "As a physician-scientist who has done research involving umbilical blood cord stem cells for over 20 years, I am frequently surprised by the thought from nonscientists that cord blood stem cells may provide an alternative to embryonic stem cells for research. This is simply wrong," he says.

By the way, all of the 58 diseases that have had applications from adult stem cells, all of them are represented by organizations that support embryonic stem cell research because the general belief is there ought to be more potential from embryonic stem cells than from adult stem cells.

Just a little history why I am standing here this evening and how I got involved in this. I did not come to this Congress until, and this was 13 years ago, until I was 66 years old, and so I had a former life. In that former life, I was a scientist. I have a Ph.D. in human physiology. I taught medical school and postgraduate medicine and spent a number of years doing research at medical schools and at the National Institutes of Health.

Several years ago, in 2001, I believe it was, there was a little like symposium at the National Institutes of Health where staff and members went out. I went out with a fairly large number of staff members where the experts from NIH were briefing the staff and members who were there on stem cell research. This was just before the President came down with his executive order on stem cells, and this was kind of an educational activity on the part of NIH. There were several researchers there; and as we can see in the next chart, I suggested it ought to be possible to take cells from an early embryo without hurting the embryo and that was because of my knowledge of what happens in twinning.

Now, the first chart here shows the usual type of twinning. That is where you have two zygotes. That is the mother sloughed two ovum, not just one, and both were fertilized and both came down and were implanted in the uterus and they grew two fetuses, and they are called womb mates because they share the womb.

Well, we also can have twins, and the next chart shows identical twins and what happens with identical twins.

This can occur apparently in at least two different stages in the development of the embryo. Here we have the zygote, which is the union of the egg and the sperm, and that then divides to two cells; and they have left out a lot of stages here because there is a lot of stages between the two cell and the inner mass cell stage.

These embryos can split at the two-cell stage or later on when they grow two inner cell masses. You can tell at what time they split by how they present themselves. If they are presented in two placenta, they split early and they go their separate ways. If they split later, they are generally presented at birth in a single placenta so the doctor knows the approximate time they split.

I recognized what was really happening here was in a sense you were taking half of the cells away from the original embryo, and both halves went on to produce a perfectly normal baby. So it seemed perfectly logical to me that you ought to be able to take a cell or two from an early embryo without hurting the embryo. There has been a lot of research since that.

By the way, the experts at NIH said, yes, that should be feasible. I mentioned this to the President at an event where we had just a few moments to talk about it, and he turned the pursuit of this over to Karl Rove who went to NIH and asked them about my suggestion that you might be able to take cells from an early embryo, and he came back and called me and said they tell me they cannot do that.

I said either they did not understand the question or there is some confusion, because these are the same people that can take a single cell and take the nucleus out of that cell and put another one in it. That is what you do in cloning. If you can do that in a single cell, obviously you have the capability of taking a single cell out of a fairly large mass of cells.

So he went back a second time and asked them and they told him the same thing, and so the President came down a few days later with his executive order that all the stem cell lines we have produced by destroying embryos; and since he was opposed to taking one life with the hope that you might help another life, he could not support the destruction of any additional embryos, but that Federal money could be used in pursuing research and medical applications using what he was told was roughly 60 lines of stem cells that were in existence at that time.

□ 2245

Several years later in my office, just this year, as a matter of fact, talking with the people from NIH, they explained how this misunderstanding occurred. It is awfully easy to have misunderstandings when your backgrounds are very different, which is one of the problems we have in dialogues, of course. You can think that you are carrying on a dialogue when you are really carrying on simultaneous monologues, which was apparently sort of what happened in this discussion between Karl Rove and NIH. Because what they had really told him was that they did not know if they could make a stem cell line from such an early embryo, and that is true, and that is why I wanted animal experimentation to determine whether you could do that or not.

Our next chart shows some of this progression, and it shows what we are talking about and what we were talking about there. This is half of the reproductive life of a mother. It shows an ovary, and there is one on each side, of course. Then it shows a funnel-like thing that sweeps over the ovum, it is called the infundibulum, and then the fallopian tube and down to the uterus. This shows just half of the tract. There is a mirror image of this over on the other side.

By the way, there is an interesting thing that sometimes happens. These sperm are very energetic. They are released, of course, in the vagina of the mother, and they then make their way up into the uterus, through the cervix into the uterus, and then they swim all the way up the fallopian tube, and they can swim out through the end of the fallopian tube out into the body cavity. Sometimes the egg is not picked up by the cilia in the fallopian tube, and it also floats out into the body cavity, and the egg can be fertilized there. We call this an ectopic pregnancy and, of course, the baby cannot grow there, so that has to be removed.

The ovum starts down the fallopian tube and very high up in the fallopian tube, it is fertilized. Then it divides into two cells and four cells and eight cells. It is at the eight-cell stage in the laboratory. This same process of fertilization and growth occurs in the petri dish in the laboratory, and it is at the eight-cell stage in the laboratory that they ordinarily implant the embryos. This goes on, of course, to produce the inner cell mass that we saw in the earlier chart there which then differentiates into the germ layers. It is at these later stages that it actually implants in the mother's uterus.

The convention is ordinarily that implantation is done at the eight-cell stage. So my suggestion was that you could take a cell from the eight-cell stage, and it would not harm the embryo. As a matter of fact, if the embryo splits at this stage or at the two-cell stage or down here at the inner cell mass stage of the two inner cell masses, both groups of cells go on to produce a perfectly normal baby. So, obviously, there was the potential that you could take a cell from an early embryo without harming the embryo.

I have been carrying on this dialogue with the pro-life community and with the scientists at NIH now for these 4 years. During one of these discussions, the representative of the Catholic bishops, Mr. Dorflinger, made a suggestion. There are some things that you see in life that are just so obvious that you say, gee, why didn't I think of that. His contribution was just that kind of thing. He said, in addition to taking a cell out of that inner cell mass, and, by the way, this is now done more than a thousand times around the world. We do not know how many more than a thousand times. But in the laboratory they want to know that this embryo they are going to implant in the mother does not have any genetic defects so that they are going to have a healthy baby. So they take a cell out of the eight-cell stage and they do a preimplantation genetic diagnosis on it and then they implant those remaining cells in the mother and more than a thousand times they have had a normal baby born.

Mr. Dorflinger's suggestion was, and in addition to doing that preimplantation genetic diagnosis that you also establish a repair kit. That is kind of what you hope you are doing when you freeze umbilical cord blood. You hope that there are some stem-cell-like cells in there, that if there are future medical problems and stem cell research development has gone on to the point that you can make some meaningful applications that you could then be using tissues that would not be rejected like the tissues from an embryonic stem cell from another person.

But clearly if the repair kit was established from a cell taken from an early embryo, it would be exactly the genetic composition of the child, of the person, of the adult as they grew, and so any defect could then be very effectively treated with tissues that would not be rejected.

The President has a group of people, the President's Council on Bioethics, and because of the enormous expected potential from stem cell research, they have been looking at alternatives for embryonic stem cell research that might be ethically acceptable and they have just fairly recently issued a report, Alternative Sources of Human Pluripotent Stem Cells. It is called a white paper. In the body of that white paper they describe four different techniques.

The next chart shows a little paragraph from that, and I have highlighted a part of it.

It says it may be some time before stem cells can be reliably derived from single cells extracted from early embryos and in ways that do no harm to the embryo, thus biopsied. But the initial success of the Verlinsky's Group's efforts at least raises the future possibility that pluripotent stem cells could be derived from single blastomeres. A blastomere is simply a cell from the blastula. It merely means a cell removed from the early human embryos without apparently harming them.

Then there is a little asterisk. If you go to the bottom of the page you see, "A similar idea was proposed by Representative ROSCOE BARTLETT of Maryland as far back as 2001." This is the proposal that I made to the President that was pursued by Karl Rove with the misunderstandings that we talked about a few minutes ago.

In the body of their paper, they talk about four different approaches. One of the approaches is to use embryos that obviously are not going to live because they are really bad and they are going to die. You could take cells from them like taking an organ from a person who is brain dead. I would have a little concern, Mr. Speaker, about how good a stem cell I was getting from an embryo that was dead.

Another suggestion is to manipulate the genes of the cells so that if they develop they will never produce a baby. It would be kind of a freak, I guess, and since it is not going to be a baby, then you could take cells from that. Again, I would have a little concern, was I really getting a normal cell when I was taking it from something that was genetically engineered so that it was not going to grow to be a baby?

In the text of their white paper, they do a very good job of talking about developing the repair kit and the fact that the cells could probably be taken without hurting the embryo. They look at all of the pluses and minuses of this.

But then it looks like almost, Mr. Speaker, that somebody else wrote the recommendations, because let me read from the recommendations here. The recommendations say, the second proposal, blastomere extraction from living embryos, we find this proposal to be ethically unacceptable in humans owing to the reasons given in the ethical analysis: We should not impose risk on living embryos destined to become children for the sake of getting stem cells for research.

I agree. That is not what they talked about in the text of their white paper. There they talked about preimplantation genetic diagnosis. This clearly has to be for the benefit of the baby. The mother does not want to have a baby that is going to have a less than optimum opportunity for a good life with a genetic defect, and she has the opportunity to determine that and so she does it. And then they also talk about developing the repair kit.

So what we were proposing is that there would be cells made available, surplus cells from the repair kit, only after the parents had made three decisions which were in the interest of their baby. The first decision was to do in vitro fertilization. I know that there are those who do not believe that we ought to be doing in vitro fertilization. They kind of think that is like playing God. But there is an old axiom that I really subscribe to, Mr. Speaker, and that is that man's extremity is God's opportunity and God is not going to do for us what we can do for ourselves. And these parents have made the decision they want a baby and in vitro fertilization is the only way they are going to get one, so they have made the decision.

Then they have made the decision they really want a healthy baby, so they are going to do preimplantation genetic diagnosis. And, by the way, they refreeze the embryo that was defective. It could be adopted. There are some families and, God bless them, that are really fulfilled by taking into their home handicapped babies, babies with defects, that they are going to be with them for a lifetime and these people feel fulfilled in taking these children into their homes, children who have HIV, crack cocaine babies and so forth and so these embryos could be adopted.

By the way, this is not genetic engineering. There have been some suggestions that this is an unacceptable technique. Just looking at what kind of genes are there, Mr. Speaker, that is not genetic engineering. That is not a very believable argument against this.

Then the parents have made a third choice, and that is to establish a repair kit for their baby. And only after the parents have made those three what I think are ethical choices, they want to have their own baby, they do not want their baby to have a genetic defect and they want their baby to have a repair kit and only after they have made those three decisions, then we would ask for some surplus cells from the repair kit to establish a new stem cell line.

There are two things that I want to refer to here. One is a letter from Dr. Battey, who is the spokesperson at NIH for stem cell research. He wrote me on May 23, fairly recently, a three-page letter in which he says, live births resulting from embryos which undergo preimplantation genetic diagnosis and are subsequently implanted seem to suggest that this procedure does not harm the embryo. At least for a thousand times we have had a normal baby. They are not adults yet, and so the clock has to run for a while before we determine whether there is any defect.

I would be very surprised, Mr. Speaker, if there is a defect. Because you can take half the cells away from an early embryo to produce identical twins, and both halves produce what looks like perfectly normal people. So I would be surprised if there is any long-term effects from this.

Also, it is not known if the single cell removed from the eight-cell stage human embryo has the capacity to become an embryo if cultured in the appropriate environment.

Then I would like to turn, Mr. Speaker, to the Science section, Monday, June 6, just yesterday, Stem Cell Advances May Make Moral Issue Moot. A Dr. Lanza, and our office has spoken to Dr. Lanza, he is publishing a paper imminently. Some of the details could not be in this article because he was holding those for his paper.

In one approach pioneered by Robert Lanza and colleagues at Advanced Cell Technology in Worcester, Massachusetts, researchers plucked single cells from eight-cell embryos, embryos so young they do not have stem cells yet. Stem cells are ordinarily derived from inner cell mass. I do not understand saying that these are not the conventional stem cells but they certainly, I think, have the capacity to produce stem cells.

Fertility doctors have known for years that early embryos seem unfazed by the removal of any one of their eight virtually identical cells called blastomeres. In fact, it is common today to remove a single representative blastomere from a laboratory conceived embryo and test that cell for diseased genes before deciding whether to transfer that embryo into a woman's womb.

If this technique were applied to humans, and I skipped a couple of paragraphs where he talks about work with animals, if this technique were applied to humans, then a single cell taken from an eight-cell fertility clinic embryo could give rise to a self-replicating line of embryonic stem cells without compromising the donor embryo's odds of someday growing into a baby.

So the thing that Dr. Battey said had not yet been, and he was correct because this paper is yet to be published, I think it may be published today or tomorrow, but he has now in mice, and if it is doable in mice it is probably doable in higher animals, including humans, that they have developed stem cell lines from a single cell taken from an early blastomere.

I would just like to spend a few moments now talking about the bill which we have filed. It has a number of cosponsors, and I am very pleased that several doctors in the House have signed on to our bill.

□ 2300

Our bill really has nothing to do with working on humans because we think that we ought to do some animal experimentation before we start working with humans. So what our bill does is simply to make some moneys available for a several-year study, and we ought to go up to nonhuman primates. These are animals like chimpanzees and the great apes. To make sure that what has been done in mice and what has been done more than 1,000 times in these clinics, and what has been done, of course, is taking cells from an early embryo without apparently hurting the embryo, that we could develop these cells into a stem cell line. That has now been done, as was noted in the paper yesterday. This is the science section of The Washington Post. So the potential is there to do this. And all that our research does is to ask for animal experimentation so that we can check and double-check and make really sure that this is a safe procedure for humans.

I would like to put up the last chart that we are going to refer to now. This is a little bit like one that we looked at previously. This shows again half of the reproductive tract of the female; and, of course, what we are talking about are procedures that are done in the laboratory. But they are mimicking what happens in the body. By the way, when the little baby girl is born, she has in her ovary all of the ova that will ever be there, and they mature generally during her reproductive life, which may span 30, 40 years. They generally mature from one side or the other one a month. But they are all in there. And this shows the development of these ovum. And finally they grow and there is like a little blister on the side of the ovary, and then it breaks and the ovum is free.

In the laboratory, of course, these have been washed out of the reproductive tract of the female, and they are now put in petri dishes and exposed to sperm. In the body, the sperm is deposited in the vagina, makes its way through the cervix, up through the uterus, and swims clear up through the Fallopian tube. In a laboratory, of course, they simply with a pipette put the sperm in the petri dish with the ovum. And there will be many sperm. There are millions of sperm. And really quite a miraculous and very rapid transformation takes place. As soon as one sperm enters the egg, the egg then sets up a defense so that no more sperm can enter because if another sperm were able to make its way in and they had three sets of chromosomes instead of two, that would be fatal.

By the way, in flowers that is not fatal. That is called polyploidi, and that is how we get bigger flowers and better smell and so forth. But plants react very differently to extra hormones than humans do. Tisomy-21 produces mongoloid babies. That is just having one extra of one chromosome. So we do not react well to extra chromosomes; and so the ovum, after one sperm has entered, it sets up this defense so that no more sperm can enter.

The same thing happens in the laboratory. And then it divides, and the doctor watches that division. And down at eight-cell stage, they take a cell out and do preimplantation genetic diagnosis; and as recent research has demonstrated, the paper that is going to be published very shortly by Dr. Lanza, they have done this in mice, but if it is possible there, it ought to be possible in higher animals, and our research would determine that. They have produced stem cell lines from a single cell taken. What this means is, Mr. Speaker, that we now have been able to produce, we will be able to produce, embryonic stem cell lines without harming an embryo.

I have heard people say that they are just unalterably opposed to embryonic stem cell research. I hope that is not what they mean. I hope what they are mean is that they are unalterably opposed to embryonic stem cell research if it means killing an embryo. I am unalterably opposed to embryonic stem cell research if it means taking one life with the hope that we will be able to help another life. But with these recent advances in medicine and research in the laboratory, there is the real hope that we can take cells from an early embryo to benefit the embryo.

And I would like to say again the reasons that the parents are taking cells from this early embryo, the fundamental reason they are taking the cell is to do a preimplantation genetic diagnosis. And the President's Council on Bioethics mentions the possibility of creating a repair kit, which certainly would benefit the baby. So the parent has now done three things which they think is ethical. I think that they are ethical, and there ought to be surplus cells from the repair kit, and it is those surplus cells that would be made available for additional stem cell lines.

But I want to reiterate again that the bill which we have just looks at animal experimentation. Although human research, human developments, human applications have gone beyond some of the exploration that we have done with animals, we still think that it is prudent to work with animals where we can determine with more cases and more intense experimental observation to make sure that there are no untoward effects of doing this.

I hope that this research can bring the two sides together. We had a couple of weeks ago a very heated debate. The emotions on both sides were rather obvious: those who wanted to take some of these more than 400,000 frozen embryos that they said were going to be discarded anyhow to get some good from them, and they were so convinced of this in California that they voted for $3 billion to proceed with this. The argument on the other side, which position I take, is that morally I have big problems with taking one life, and this little embryo could become under the right circumstances a baby. More than 100 times it has. From these frozen 400,000, there are about 100 or so, we call Snowflake babies, because this is a program to offer these embryos for adoption, and more than 100 times they have been adopted, and the President had some of those babies at the White House a couple of weeks ago when we were having that debate, and they came to the Hill also when we were having that debate here on the floor.

With the ability to take cells from an early embryo not to establish a stem cell line, that is not why the parents took it. They took the cell to do a preimplantation genetic diagnosis. They then would like to establish a repair kit. We know they would like to do that because they are more and more freezing umbilical cord blood, which, as the one doctor I read from said, is a poor second choice to an embryonic stem cell line, but it is better than nothing. So we know that parents would like to do that. And it is only after that if the animal experimentation supported by our bill shows that this is efficacious and will not harm the baby, only after that would stem cell lines be derived from surplus cells from repair kits that the parents had decided to establish for the benefit of their baby.

I think, Mr. Speaker, that this ought to remove all of the ethical objections. But there is just one more, and I just want to spend a moment talking about that, and this is a good chart to talk about it from. Since these cells at the eight-cell stage are quite undifferentiated, which means they have not really decided what they are going to be, it is possible that they might take that one cell and establish another embryo. The President's Council on Bioethics thinks that is very unlikely. But what I would like to see them pursue is the development of stem cell lines and the preimplantation genetic diagnosis from the inner cell mass stage.

Now, that is the stage at which embryonic stem cells are ordinarily taken from when the embryo is destroyed. That is before the embryo is implanted in the normal process. Here is the inner cell mass, and here is where it is implanted a couple of days later, 2 or 3 days later, in the uterus.

□ 2310

Ordinarily, and I am not sure why they use the eight cell stage in the clinical laboratories, but I would like to see cells taken from the inner cell mass. There is no ethical question involved there because these cells in the inner cell mass cannot produce a baby because they have already lost their ability to produce decidua. The decidua is the amnion and chorion which is commonly known as the placenta, and they have lost the ability to do that, so they cannot produce a baby, but they can produce all of the tissues of a person, because these are what produce, back to our first chart that shows the inner cell mass differentiating into these three germ layers.

So the last possible ethical objection to deriving stem cells from pre-implantation genetic diagnosis and the development of a repair kit would be gone if we could take the cell from the inner cell mass, because the inner cell mass, those cells could not possibly produce a baby, because they are sufficiently differentiated that they cannot produce the decidium.

I have used this term "differentiation" a number of times, and what we try to do with adult stem cells, because they are already differentiated, we try to de-differentiate them. We try to confuse them with ques, with chemicals, with exposing them to other cells and the products from other cells so that they can kind of forget their development and they now go back to a prior less-differentiated state where they could produce more variety of cells. But you avoid those problems with the embryonic stem cell, because it has the capability to produce any and every cell in the body.

Mr. Speaker, I believe that with these recent medical advances, with the knowledge that we have, that it is perfectly feasible to ethically develop embryonic stem cell lines from embryos which should have, in the view of many of the experts, and clearly in the view of most Americans if you poll them, should have more potential than adult stem cells. Only research will tell that, and only time will tell whether or not that is true.

But with the hope that these large numbers of diseases so devastating to our people could be affected or maybe cured with embryonic stem cells, we really must pursue this, and now we have the opportunity to do that without offending those who have a problem with taking one life so that we might help another life.

I think, Mr. Speaker, that we now are on the cusp of advances that will bring these two sides together. We have enough things to be concerned about and to discuss in our country, we do not need to be discussing this, and I think the two sides with these present advances can come together. I hope that we will have an early vote on our bill and it will reach the President's desk so that he has a bill that he can sign that will promote embryonic stem cell research.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. McCOLLUM of Minnesota (at the request of Ms. PELOSI) for today and before 4:00 p.m. June 8 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RYAN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. GUTIERREZ, for 5 minutes, today.

Mr. George Miller of California, for 5 minutes, today.

Mrs. McCarthy, for 5 minutes, today.

Ms. Schakowsky, for 5 minutes, today.

Ms. Woolsey, for 5 minutes, today.

Mr. Brown of Ohio, for 5 minutes, today.

Mr. DeFazio, for 5 minutes, today.

Ms. Kaptur, for 5 minutes, today.

Ms. Carson, for 5 minutes, today.

Ms. Millender-McDonald, for 5 minutes, today.

Mr. Holt, for 5 minutes, today.

(The following Members (at the request of Mr. Gutknecht) to revise and extend their remarks and include extraneous material:)

Mr. Gutknecht, for 5 minutes, today.

Mr. Poe, for 5 minutes, today and June 9.

Mr. Jones of North Carolina, for 5 minutes, today and June 8 and 9.

Mrs. Blackburn, for 5 minutes, today.

Mr. Norwood, for 5 minutes, June 9.

Mr. Keller, for 5 minutes, today and June 8.

Mr. Burton of Indiana, for 5 minutes, today and June 8, 9, and 10.

Mr. Simmons, for 5 minutes, June 9.

Mr. Weldon of Pennsylvania, for 5 minutes, today.

Mr. Osborne, for 5 minutes, June 8.

Ms. Foxx, for 5 minutes, today.

Mr. Bartlett of Maryland, for 5 minutes, June 8.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the House title, which was thereupon signed by the Speaker:

H.R. 1760. an ACT to designate the facility of the United States Postal Service located at 215 Martin Luther King, Jr. Boulevard in Madison, Wisconsin, as the "Robert M. La Follette, Sr. Post Office Building".

A BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on May 27, 2005 he presented to the President of the United States, for his approval, the following bill.

H.R. 2566. To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 13 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 8, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2223. A communication from the President of the United States, transmitting notification of the intention to reallocate funds previously transferred from the Emergency Response Fund; (H. Doc. No. 109–31); to the Committee on Appropriations and ordered to be printed.

2224. A communication from the President of the United States, transmitting certification that the export to the People's Republic of China of the specified items is not detrimental to the United States space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from such exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China, pursuant to Public Law 105–261, section 1512; (H. Doc. No. 109–32); to the Committee on International Relations and ordered to be printed.

2225. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-73, "Closing of a Public Alley in Square 527, S.O. 03-1181, Act of 2005," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2226. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-74, "Rental Housing Act Extension Amendment Act of 2005," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2227. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-75, "Closing of a Public Alley in Square 342, S.O. 03-5369, Act of 2005," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2228. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-89, "Rental Housing Conversion and Sale Amendment Act of 2005," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2229. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-76, "Closing of a Portion of Davenport Street, N.W., abutting Squares 1672 and 1673, S.O. 03-2366, Act of 2005," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2230. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-84, "Victims of Domestic Violence Fund Establishment Temporary Act of 2005," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2231. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-85, "Local, Small, and Disadvantaged Business Enterprises Certification Temporary Amendment Act of 2005," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2232. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2233. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2234. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2235. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2236. A letter from the Director, Office of White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2237. A letter from the Director, Office of White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2238. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2239. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2240. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Anchorage Grounds; Baltimore Harbor Anchorage Project [CGD05-03-036] (RIN: 1625-AA01) received June 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2241. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes [Docket No. FAA-2004-19525; Directorate Identifier 2004-NM-18-AD; Amendment 39-14026; AD 2005-07-02] (RIN: 2120-AA64) received June 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2242. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2005-20631; Directorate Identifier 2005-NM-025-AD; Amendment 39-14012; AD 2005-06-04] (RIN: 2120-AA64) received June 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on May 26, 2005 the following reports were filed on June 2, 2005]

Mr. HOEKSTRA: Permanent Select Committee on Intelligence H.R. 2475. A bill to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with amendment (Rept 109–101). Referred to the Committee of the Whole House on the

State of the Union, and ordered to be printed.

Mr. BONILLA: Committee on Appropriations H.R. 2744. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–102). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

[Filed on June 7, 2005]

Mr. BARTON: Committee on Energy and Commerce. House Resolution 169. Resolution recognizing the importance of sun safety, and for other purposes, with an amendment (Rept. 109–103). Referred to the House Calendar.

Mr. BARTON: Committee on Energy and Commerce. H.R. 1812. A bill to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes (Rept. 109–104). Referred to the Committee of the Whole House on the State of the Union.

Mr. PUTNAM: Committee on Rules. House Resolution 303. Resolution providing for consideration of the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–105). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 304. Resolution providing for consideration of (H.J. Res. 27) withdrawing the approval of the United States from the Agreement establishing the World Trade Organization (Rept. 109–106). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following action occurred on May 27, 2005]

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration H.R. 22 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HYDE (for himself and Mr. PENCE):

H.R. 2745. A bill to reform the United Nations, and for other purposes; to the Committee on International Relations.

By Mr. HOLT:

H.R. 2746. A bill to amend title XVIII of the Social Security Act to ensure that benefits under part D of such title have no impact on benefits under other Federal programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 2747. A bill to amend title 38, United States Code, to enhance military and veterans' life insurance programs administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ANDREWS:

H.R. 2748. A bill to condition the minimum-wage-exempt status of organized camps under the Fair Labor Standards Act of 1938 on compliance with certain safety standards, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 2749. A bill to require cigarette products to be placed under or behind the counter in retail sales; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 2750. A bill to amend section 502(h) of the Housing Act of 1949 to improve the rural housing loan guarantee program, and for other purposes; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 2751. A bill to amend section 526 of the National Housing Act to provide that any certification of a property for meeting energy efficiency requirements for mortgage insurance under such Act shall be conducted by an individual certified by an accredited home energy rating system provider; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 2752. A bill to amend chapter 89 of title 5, United States Code, to make available to Federal employees the option of obtaining health benefits coverage for dependent parents; to the Committee on Government Reform.

By Mr. ANDREWS:

H.R. 2753. A bill to amend the Federal Election Campaign Act of 1971 to provide for public funding for House of Representatives elections, and for other purposes; to the Committee on House Administration.

By Mr. ANDREWS:

H.R. 2754. A bill to amend the Railroad Retirement Act of 1974 to eliminate a limitation on benefits; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 2755. A bill to amend the Internal Revenue Code of 1986 to provide for the income tax treatment of legal fees awarded or received in connection with nonphysical personal injury cases; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 2756. A bill to amend the Internal Revenue Code of 1986 to require the Secretary of the Treasury and the Commissioner of Social Security to disclose certain taxpayer returns and return information upon written request by an order from a State or local court in a family law proceeding; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 2757. A bill to amend the Internal Revenue Code of 1986 to provide an inflation adjustment of the dollar limitation on the exclusion of gain on the sale of a principal residence; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 2758. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of infertility treatment services for individuals entitled to health insurance benefits under that program by reason of a disability; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 2759. A bill to assure equitable treatment of fertility and impotence in health care coverage under group health plans, health insurance coverage, and health plans under the Federal employees' health benefits program; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 2760. A bill to amend title XVIII of the Social Security Act to require the preparation of audit reports based upon the financial auditing of Medicare Advantage organizations and to make such reports available to the public; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 2761. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for any class of covered individuals if the coverage or plans include coverage for diagnostic mammography for such class and to amend title XIX of the Social Security Act to provide for coverage of annual screening mammography under the Medicaid Program; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 2762. A bill to direct the Secretary of Health and Human Services to establish a demonstration project for the use of an Internet-based form for submission of certain claims under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS:

H.R. 2763. A bill to authorize the Director of the Centers for Disease Control and Prevention to make grants to local educational agencies to support the purchase or lease and use of vending machines that offer for sale healthy foods and beverages in schools; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY:

H.R. 2764. A bill to extend the temporary suspension of duty on 2 methyl 5 nitrobenzenesulfonic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2765. A bill to extend the temporary suspension of duty on p-cresidine sulfonic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2766. A bill to extend the temporary suspension of duty on 2,4 disulfo benzaldehyde; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2767. A bill to extend the temporary suspension of duty on n ethyl N (3-sulfobenzyl) aniline; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2768. A bill to extend the temporary suspension of duty on m-hydroxy benzaldehyde; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2769. A bill to extend the temporary suspension of duty on 2 amino 5 sulfobenzoic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2770. A bill to extend the temporary suspension of duty on 2 amino 6 nitro phenol 4 sulfonic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2771. A bill to extend the temporary suspension of duty on 2,5 bis [(1,3 dioxobutyl) amino] benzene sulfonic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2772. A bill to extend the temporary suspension of duty on 4 [(4 amino phenyl) azo] benzene sulfonic acid, monosodium salt; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2773. A bill to suspend temporarily the duty on oleoresin turmeric; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2774. A bill to suspend temporarily the duty on basic yellow 40 chloride based; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2775. A bill to suspend temporarily the duty on direct yellow 119; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2776. A bill to extend the temporary suspension of duty on 4 [(4 amino phenyl) azo] benzene sulfonic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2777. A bill to suspend temporarily the duty on oleoresin paprika; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 2778. A bill to amend the National Voter Registration Act of 1993 to permit a voting registrar to remove an individual from the official list of registered voters for elections for Federal office on the ground that the individual no longer resides in the registrar's jurisdiction if the individual fails to vote in any election held during 2 consecutive Federal election cycles, the registrar sends a notice to the individual at the end of the second cycle, and the individual fails to respond to the notice within 60 days; to the Committee on House Administration.

By Mr. HERGER:

H.R. 2779. A bill to amend the Endangered Species Act of 1973 to enable Federal agencies responsible for the preservation of threatened species and endangered species to rescue and relocate members of any of those species that would be taken in the course of certain reconstruction, maintenance, or repair of Federal or non-Federal manmade flood control levees; to the Committee on Resources.

By Mr. ISRAEL (for himself and Ms. BEAN):

H.R. 2780. A bill to direct the Assistant Secretary of Homeland Security for the Transportation Security Administration to issue regulations requiring turbojet aircraft of air carriers to be equipped with missile defense systems, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut:

H.R. 2781. A bill to suspend temporarily the duty on Naugard 412S; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut:

H.R. 2782. A bill to suspend temporarily the duty on Triacetonamine; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut:

H.R. 2783. A bill to suspend temporarily the duty on Ipconazole; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut:

H.R. 2784. A bill to suspend temporarily the duty on Omite Tech; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut:

H.R. 2785. A bill to suspend temporarily the duty on Pantera Technical; to the Committee on Ways and Means.

By Mr. REYNOLDS (for himself and Mr. THOMPSON of California):

H.R. 2786. A bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Ways and Means.

By Mr. TIAHRT:

H.R. 2787. A bill to amend title 49, United States Code, to restore the mission of the Federal Aviation Administration to promote civil aeronautics; to the Committee on Transportation and Infrastructure.

By Mr. WU (for himself, Mr. DEFAZIO, Mr. BLUMENAUER, and Ms. HOOLEY):

H.R. 2788. A bill to establish the Mark O. Hatfield-Elizabeth Furse Scholarship and Excellence in Tribal Governance Foundation, and for other purposes; to the Committee on Resources.

By Mr. ANDREWS:

H. Res. 305. A resolution supporting the goals and ideals of the National Congenital Heart Defect Awareness Week; to the Committee on Energy and Commerce.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H. Res. 306. A resolution to recognize and honor the world's nearly 20,000,000 refugees; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DENT:

H.R. 2789. A bill for the relief of Gabriella Dee; to the Committee on the Judiciary.

By Mr. WELDON of Pennsylvania:

H.R. 2790. A bill to authorize and request the President to award the Medal of Honor to Richard D. Winters, of Hershey, Pennsylvania, for acts of valor on June 6, 1944, in Normandy, France, while an officer in the 101st Airborne Division; to the Committee on Armed Services.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolution as follows:

H.R. 13: Mr. LIPINSKI and Mr. SNYDER.

H.R. 23: Mrs. NAPOLITANO, Mr. SALAZAR, Mr. COSTA, and Mr. OBERSTAR.

H.R. 41: Mr. YOUNG of Alaska.

H.R. 65: Mr. REICHERT, Mr. BRADY of Texas, Mr. FOLEY, and Mrs. CAPITO.

H.R. 111: Mrs. JONES of Ohio, Mr. BROWN of Ohio, Mr. GOODLATTE, and Mr. GARY G. MILLER of California.

H.R. 115: Mr. COSTELLO.

H.R. 176: Mr. COX, Ms. HARMAN, and Ms. ZOE LOFGREN of California.

H.R. 195: Mr. KOLBE.

H.R. 216: Mr. DANIEL E. LUNGREN of California.

H.R. 224: Mr. CONYERS.

H.R. 282: Mr. JONES of North Carolina, Ms. PELOSI, Mr. GILCHREST, Mr. SMITH of Washington, Mr. SALAZAR, Mr. DANIEL E. LUNGREN of California, Mr. BURGESS, Mr. LYNCH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLYBURN, Mr. BAIRD, and Mr. PEARCE.

H.R. 302: Mr. CONYERS.

H.R. 303: Ms. ESHOO, Mr. LATOURETTE, Mr. POMBO, Mr. MORAN of Virginia, Mr. KELLER, and Mr. NORWOOD.

H.R. 328: Mr. GILCHREST.

H.R. 333: Ms. ZOE LOFGREN of California.

H.R. 363: Mr. DEFAZIO and Mr. COSTELLO.

H.R. 371: Mr. BRADLEY of New Hampshire, Mr. HINOJOSA, Ms. SCHWARTZ of Pennsylvania, and Mr. LARSEN of Washington.

H.R. 389: Mr. BUYER.

H.R. 448: Mr. GONZALEZ.

H.R. 457: Ms. BALDWIN.

H.R. 463: Mr. FILNER.

H.R. 468: Mr. MCGOVERN.

H.R. 503: Mr. DELAHUNT, Mr. SMITH of New Jersey, Mrs. MCCARTHY, Mr. WEINER, Mrs. MYRICK, and Mr. NEAL of Massachusetts.

H.R. 515: Mr. SHERMAN and Mr. FITZPATRICK of Pennsylvania.

H.R. 543: Mr. FRANK of Massachusetts.

H.R. 551: Mr. JEFFERSON, Mr. FRANKS of Arizona, Mr. SABO, Ms. ESHOO, Mr. MORAN of Virginia, and Ms. CARSON.

H.R. 554: Mr. PRICE of Georgia.

H.R. 558: Ms. KAPTUR.

H.R. 602: Ms. SOLIS, Mr. WELDON of Florida, Ms. WASSERMAN SCHULTZ, and Mr. HAYES.

H.R. 615: Mr. ROTHMAN and Mr. BRADY of Pennsylvania.

H.R. 652: Mr. FORD, Mr. HERGER, and Ms. ROS-LEHTINEN.

H.R. 670: Mr. CUMMINGS and Mr. MOORE of Kansas.

H.R. 676: Ms. CARSON, Mr. EVANS, Mr. LANTOS, Mr. SANDERS, and Mr. ENGEL.

H.R. 699: Mr. POMEROY, Mr. BACHUS, Ms. HARMAN, Mr. PETRI, Mr. LARSON of Connecticut, Mr. RYAN of Wisconsin, Mrs. JONES of Ohio, Mr. STRICKLAND, Mr. PORTER, Mr. ISRAEL, and Mr. BISHOP of Utah.

H.R. 713: Mr. MARSHALL and Mr. DAVIS of Kentucky.

H.R. 736: Mrs. CHRISTENSEN.

H.R. 747: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. MENENDEZ.

H.R. 752: Mr. BRADY of Pennsylvania.

H.R. 771: Mr. VAN HOLLEN.

H.R. 780: Mr. HIGGINS and Mr. ISRAEL.

H.R. 783: Mr. CONAWAY, Mr. BOREN, Mr. FRELINGHUYSEN, and Mr. BARTLETT of Maryland.

H.R. 800: Mr. LAHOOD and Mr. STUPAK.

H.R. 801: Mr. BRADY of Pennsylvania.

H.R. 818: Mrs. CHRISTENSEN.

H.R. 820: Mr. HINOJOSA.

H.R. 831: Mr. Davis of Illinois.

H.R. 839: Ms. Schakowsky, Mrs. Christensen, Mr. Tierney, Mr. DeFazio, Mr. Etheridge, Mr. Filner, and Mr. Grijalva.

H.R. 864: Mrs. Maloney, Ms. Schwartz of Pennsylvania, Mr. Ramstad, and Mr. Baird.

H.R. 865: Mr. Putnam.

H.R. 869: Mr. Murphy.

H.R. 880: Mr. Whitfield.

H.R. 887: Mr. Berry, Mr. Higgins, Mr. Norwood, Mr. Gordon, and Mr. McNulty.

H.R. 896: Mr. Ford, Mrs. Johnson of Connecticut, and Mr. Abercrombie.

H.R. 898: Mr. Boswell, Mr. Ruppersberger, Mr. Bachus, Mr. Hinojosa, Mr. Cooper, Mr. Oberstar, Mr. Israel, Mr. Putnam, and Mr. LaHood.

H.R. 916: Mr. Berry, Mr. Meehan, Mr. Marshall, and Mr. Porter.

H.R. 923: Mr. Carnahan, Mr. Holden, Mr. McNulty, Mr. Cummings, and Mrs. Capito.

H.R. 940: Mr. Wamp.

H.R. 945: Ms. McKinney.

H.R. 963: Ms. Roybal-Allard.

H.R. 968: Mr. Kildee, Mr. Ford, Mr. Rahall, Mrs. Davis of California, Mr. Cunningham, and Mr. Taylor of Mississippi.

H.R. 986: Mr. Davis of Tennessee.

H.R. 988: Mr. Allen and Mr. Grijalva.

H.R. 997: Mr. Peterson of Minnesota.

H.R. 998: Mr. Sweeney and Mr. Lucas.

H.R. 1000: Mrs. Lowey.

H.R. 1010: Mr. Ramstad and Mr. Bachus.

H.R. 1020: Mr. Cummings and Mr. Conaway.

H.R. 1079: Mr. Boustany.

H.R. 1102: Mrs. Maloney.

H.R. 1124: Mr. Boozman.

H.R. 1155: Ms. Eshoo.

H.R. 1156: Mr. Whitfield.

H.R. 1157: Mr. Doyle and Mr. Ford.

H.R. 1175: Mr. McCotter.

H.R. 1204: Mr. Rothman, Mr. Smith of Washington, Ms. Roybal-Allard, Mr. Reyes, and Mr. Levin.

H.R. 1216: Mr. Gillmor and Mrs. Myrick.

H.R. 1220: Mr. Udall of New Mexico.

H.R. 1288: Mr. Thornberry, Mr. Pickering, Mrs. Miller of Michigan, Mr. Lewis of Kentucky, Mr. Mica, Mr. Calvert, Mr. Marchant, Mr. Ryun of Kansas, Mr. McCrery, Mr. LaTourette, and Mr. Barrow.

H.R. 1299: Mr. Wamp.

H.R. 1352: Mr. Inslee.

H.R. 1365: Mr. Clyburn.

H.R. 1376: Mr. Weller.

H.R. 1390: Mr. Israel.

H.R. 1409: Ms. Woolsey, Mr. Waxman, Mr. Abercrombie, Mr. Andrews, and Mr. Meek of Florida.

H.R. 1424: Mr. Sherman.

H.R. 1471: Mr. Hobson, Mr. Rahall, and Mr. Shaw.

H.R. 1505: Mr. Israel and Mr. Shimkus.

H.R. 1510: Mr. Cannon.

H.R. 1511: Mr. Ramstad.

H.R. 1520: Mr. Walden of Oregon.

H.R. 1526: Mr. Payne.

H.R. 1547: Mr. Dreier and Mr. Ruppersberger.

H.R. 1558: Mr. Smith of New Jersey.

H.R. 1585: Ms. Ginny Brown-Waite of Florida and Mr. Kennedy of Minnesota.

H.R. 1592: Mr. Matheson.

H.R. 1606: Mr. Kennedy of Minnesota.

H.R. 1607: Mr. Weldon of Florida.

H.R. 1619: Ms. McCollum of Minnesota.

H.R. 1620: Mr. Green of Wisconsin.

H.R. 1642: Mr. Inglis of South Carolina.

H.R. 1652: Mr. Wexler, Mr. Schiff, Mr. Kolbe, and Mr. Serrano.

H.R. 1671: Mr. Etheridge and Ms. Jackson-Lee of Texas.

H.R. 1696: Ms. Norton, Mr. Rangel, Mr. Serrano, Mr. Engel, and Mrs. Lowey.

H.R. 1704: Mrs. McCarthy.

H.R. 1744: Mr. Brown of Ohio.

H.R. 1748: Mrs. Musgrave.

H.R. 1791: Mr. Crowley and Mr. Cooper.

H.R. 1823: Ms. Zoe Lofgren of California.

H.R. 1851: Mr. Doolittle.

H.R. 1861: Mr. Brady of Pennsylvania.

H.R. 1863: Mr. McCotter.

H.R. 1898: Mr. Sullivan, Mr. Pickering, Mr. Lewis of Kentucky, Mr. Gordon, Mr. Pitts, Mr. Norwood, and Mr. Linder.

H.R. 1955: Mr. Schiff and Mrs. Lowey.

H.R. 1973: Mr. Miller of North Carolina, Mr. Wexler, Mr. Cardoza, Ms. Lee, and Mr. Ryan of Ohio.

H.R. 2012: Mr. Feeney.

H.R. 2017: Mr. Cunningham.

H.R. 2044: Mr. Grijalva, Mr. Evans, Mr. McGovern, and Mr. Wexler.

H.R. 2047: Mr. Ortiz and Mrs. Jo Ann Davis of Virginia.

H.R. 2061: Mr. McHenry, Mr. Feeney, Mr. Pence, Mr. Edwards, and Mr. Conaway.

H.R. 2074: Mr. Conyers.

H.R. 2076: Mr. Filner and Mr. Norwood.

H.R. 2106: Mr. Manzullo and Mr. Ramstad.

H.R. 2123: Mr. Murphy.

H.R. 2183: Mr. Menendez and Mr. Holt.

H.R. 2209: Mr. Taylor of North Carolina, Mr. Holden, and Mr. Etheridge.

H.R. 2218: Mr. Gene Green of Texas.

H.R. 2338: Mr. Pallone, Mr. Case, Mr. Menendez, Ms. Zoe Lofgren of California, Mr. Ortiz, and Mr. Markey.

H.R. 2290: Mr. Kennedy of Minnesota.

H.R. 2327: Mr. Van Hollen, Mr. Smith of Washington, Mr. Honda, Mr. Schiff, Ms. DeLauro, Mr. Blumenauer, Mr. Baca, Mr. Scott of Virginia, Mr. Weiner, Ms. Harman, Mr. Wolf, and Mr. Tancredo.

H.R. 2328: Mr. Strickland, Mr. Davis of Illinos, and Mrs. Lowey.

H.R. 2331: Ms. Wasserman Schultz.

H.R. 2350: Mr. Higgins.

H.R. 2355: Mr. Stearns.

H.R. 2363: Mr. Ramstad.

H.R. 2367: Mr. Towns, Mr. Honda, and Ms. Jackson-Lee of Texas.

H.R. 2369: Mr. Davis of Illinois.

H.R. 2370: Mr. Davis of Illinois.

H.R. 2423: Mr. Kuhl of New York, Mr. Wynn, Mr. Boozman, Mrs. Emerson, Ms. Herseth, Mr. Rogers of Michigan, Mr. Kildee, and Mr. Murphy.

H.R. 2427: Mr. Bass, Mr. Barrow, and Mr. Abercrombie.

H.R. 2429: Mr. Dingell.

H.R. 2457: Ms. Moore of Wisconsin and Mr. Owens.

H.R. 2500: Ms. Schakowsky, Mr. Rangel, Mr. Neal of Massachusetts, Mr. Payne, Mr. McGovern, Ms. Norton, Mrs. Maloney, Mr. Kucinich, Mr. Frank of Massachusetts, Mr. Brown of Ohio, Ms. Eshoo, and Mr. Owens.

H.R. 2526: Mr. Engel, Mr. Kirk, Mr. Simmons, Mr. Kuhl of New York, Mr. Fitzpatrick of Pennsylvania, Mr. Holden, and Mr. Strickland.

H.R. 2533: Mr. Shimkus, Mr. Young of Alaska, Mr. Becerra, and Mr. Davis of Illinois.

H.R. 2626: Mr. Stupak, Mr. Boswell, and Ms. Jackson-Lee of Texas.

H.R. 2641: Mr. Scott of Georgia and Mr. Pallone.

H.R. 2646: Mr. Terry, Mr. Bradley of New Hampshire, Mr. Cooper, Mr. Culberson, Mr. Otter, Mr. Paul, Mr. Wilson of South Carolina, and Mr. Thompson of Mississippi.

H.R. 2648: Mr. Barrow, Mr. Crowley, Mr. Burton of Indiana, Mr. Bonner, Mr. McNulty, Mr. Paul, and Mr. Smith of New Jersey.

H.R. 2658: Mr. Davis of Kentucky.

H.R. 2681: Mr. Emanuel, Mr. Clyburn, Mr. Farr, Ms. Norton, and Mr. Dicks.

H.R. 2688: Mr. Weiner.

H.R. 2694: Mr. Strickland, Mr. Gutierrez, Mr. Langevin, Ms. Lee, Mr. Marshall, Mr. Baca, and Mr. Larson of Connecticut.

H.R. 2717: Mr. Scott of Virginia, Ms. Linda T. Sánchez of California, Mr. Pomeroy, Mr. Moore of Kansas, Mr. Brady of Pennsylvania, Ms. Ros-Lehtinen, and Mr. Gerlach.

H.R. 2719: Ms. McKinney.

H.J. Res. 10: Mr. Tiberi, Mr. Bishop of Utah, and Mr. Moran of Kansas.

H.J. Res. 22: Mr. Edwards and Mr. Brown of Ohio.

H.J. Res. 37: Mr. LoBiondo, Mr. Higgins, and Mr. Peterson of Minnesota.

H.J. Res. 38: Mr. Fitzpatrick of Pennsylvania.

H. Con. Res. 71: Ms. Schakowsky, Mr. Fortuño, Ms. Zoe Lofgren of California, and Ms. Bordallo.

H. Con. Res. 85: Mrs. Capito.

H. Con. Res. 154: Mr. Frank of Massachusetts.

H. Con. Res. 159: Mr. Bilirakis.

H. Con. Res. 160: Ms. McKinney, Mr. Brady of Pennsylvania, Ms. Carson, and Mr. Moore of Kansas.

H. Con. Res. 162: Mr. Dent.

H. Con. Res. 164: Mr. Case.

H. Con. Res. 172: Mr. Sherman, Mr. Van Hollen, and Mr. Simmons.

H. Con. Res. 173: Mr. Kingston and Mr. Osborne.

H. Res. 121: Mr. Wexler.

H. Res. 146: Mr. Marchant.

H. Res. 175: Mr. McGovern.

H. Res. 189: Mr. McNulty.

H. Res. 199: Mr. Hoyer, Mr. Kirk, Mr. Ackerman, Mr. Rush, and Ms. Zoe Lofgren of California.

H. Res. 279: Mr. Shaw.

H. Res. 282: Mr. Miller of Florida and Mr. Schwarz of Michigan.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 65: Mr. Langevin.

AMENDMENTS

Under clause 8 of Rule XVIII, proposed amendments were submitted as follows:

H.R. 2744

Offered By: Mr. Garrett of New Jersey

Amendment No. 1: Page 51, line 21, insert the following before the period at the end:

: *Provided further*, That none of the funds made available under this heading may be expended in contravention of section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a)

H.R. 2744

Offered By: Mr. King of Iowa

Amendment No. 2: Page 2, line 19, after the dollar amount insert the following: ": *Provided*, That $875,000 of the funds made available by this appropriation shall not be available until the Secretary of Agriculture submits to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the National Animal Identification Plan, including the lessons learned and the effectiveness of the pilot programs funded in fiscal year 2005, an analysis of the economic impact of the proposed National Animal Identification System on the livestock industry, and the expected cost of implementing the National Animal Identification System".

H.R. 2744

Offered By: Mr. King of Iowa

Amendment No. 3: At the end of the bill (before the short title) insert the following new section:

Sec.   . Not later than 180 days after the date of the enactment of this section, the Secretary of Agriculture shall submit to Congress a report on the National Animal Identification Plan, including—

(1) the lessons learned and the effectiveness of the pilot programs funded in fiscal year 2005;

(2) an analysis of the economic impact of the proposed National Animal Identification System on the livestock industry; and

(3) the expected cost of implementing the National Animal Identification System.

H.R. 2744

Offered By: Mr. Baca

Amendment No. 4: Under the heading "Common Computing Environment", insert after the dollar amount the following: "(reduced by $855,000)".

Under the headings "Cooperative State Research, Education, and Extension Service" and "Research and Education Activities", insert after the first dollar amount, and after the dollar amount relating to an education grants program for Hispanic-serving Institutions, the following: "(increased by $855,000)".

H.R. 2744

Offered By: Mr. Blumenauer

Amendment No. 5: At the end of the bill (before the short title), add the following new section:

Sec. 7   . None of the funds appropriated or otherwise made available by this Act may be used to to pay the salaries and expenses of personnel who make loans available under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) to processors of domestically grown sugarcane at a rate in excess of 17 cents per pound for raw cane sugar or to processors of domestically grown sugar beets at a rate in excess of 21.6 cents per pound for refined beet sugar.

H.R. 2744

Offered By: Mr. Chabot

Amendment No. 6: At the end of the bill (before the short title) insert the following new section:

Sec.   . None of the funds appropriated or otherwise made available by this Act may be used to carry out section 203 of the Agriculture Trade Act of 1978 (7 U.S.C. 5623) or to pay the salaries and expenses of personnel who carry out a market program under such section.

H.R. 2744

Offered By: Mr. Platts

Amendment No. 7: Page 5, line 8, after the dollar amount insert the following: "(reduced by $2,000,000)".

Page 5, line 13, after the dollar amount insert the following: "(reduced by $2,000,000)".

Page 18, line 12, after the dollar amount insert the following: "(increased by $1,227,000)".

H.R. 2744

Offered By: Mr. Rehberg

Amendment No. 8: Strike section 759 (page 80, lines 7 through 10), relating to the delay in country of origin labeling for meat and meat products.

H.R. 2744

Offered By: Mr. Schwarz of Michigan

Amendment No. 9: Add at the end (before the short title) the following new section:

Sec. 7___. It is the sense of Congress that the Secretary of Agriculture should use the transfer authority provided by section 442 of the Plant Protection Act (7 U.S.C. 7772) to implement the strategic plan developed by the Animal and Plant Health Inspection Service for the eradication of Emerald Ash Borer in the States of Michigan, Ohio, and Indiana.

H.R. 2744

Offered By: Mr. Sweeney

Amendment No. 10: At the end of the bill (before the short title), insert the following new section:

Sec.   . None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to inspect horses intended for slaughter, horse carcasses, or horse meat under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127).

EXTENSIONS OF REMARKS

RECOGNITION OF TOP STUDENT HISTORIANS IN COLORADO HISTORY DAY

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. TANCREDO. Mr. Speaker, today I would like to recognize Emily Haskins, a student at Powell Middle School in Littleton, Colorado. Emily created a museum-style exhibit entitled "Nazi Communication: Pompous Propaganda or Subtle Manipulation?" and qualified to compete at the National History Day competition by placing third in her category at the Colorado History Day State Contest, where she was one of 638 competitors.

Colorado History Day is the National History Day program affiliate for the state of Colorado. National History Day is a year-long education program that engages students in grades 6–12 in the process of discovery and interpretation of historical topics. Students produce dramatic performances, museum-style exhibits, multimedia documentaries, and research papers based on their own research related to a broad annual theme. Their projects are then evaluated in a series of local and state competitions, culminating in an annual national competition. Nationwide, more than 800,000 students are involved in the National History Day program. More than 4,000 Colorado students participate in History Day activities at the local level each year, and they represent every type of Colorado community, from the cities and suburbs of the Front Range, to rural plains towns and mountain communities. At the Colorado History Day State Competition on April 23, 2005, held at the University of Colorado at Boulder, 54 students qualified to represent Colorado at the National History Day competition June 12–16 at the University of Maryland, College Park.

This year's National History Day theme, "Communication in History: The Key to Understanding," encompasses endless possibilities for exploration. Students embark on journeys of discovery that teach them about various facets of world, national, regional, and local history as they produce their original research projects. By encouraging young Coloradoans to take advantage of the wealth of primary historical resources available to them, students gain a richer understanding of historical issues, ideas, people, and events. Students in this program learn how to analyze a variety of primary sources such as photographs, letters, diaries, magazines, maps, artifacts, sound recordings, and motion pictures. This significant academic exercise encourages intellectual growth while helping students to develop critical thinking and problem-solving skills that will help them manage and use information, now and in the future. For more than twenty-five years the National History Day program has promoted systemic educational reform related to the teaching and learning of history in America's schools. The combination of creativity and scholarship built into the National History Day program anticipated current educational reforms, making National History Day a leading model of performance-based learning.

These impressive students represent educational excellence in America. Every student in Colorado should have the opportunity to participate in this enriching program.

These students' teachers also deserve our respect. They are fine examples of the best in the teaching profession. Their encouragement and dedication has encouraged these students to strive for excellence and be successful in their endeavors. For this reason, I would also like to recognize Emily's teacher, Denise Shaw-Paswaters.

HONORING BUSINESS FLOORING SPECIALISTS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. BURGESS. Mr. Speaker, I rise today to recognize the service and commitment of Business Flooring Specialists which was recently honored as the number 45 "Fastest-Growing New Business in America" by Entrepreneur Magazine's Hot 100 list.

In 2002, relying on a combined 45 years of experience and knowledge, President Jeff Bennett and Vice President Dale Walton established a successful company that specializes in professional floor covering and installation. Despite its rapid growth and new-found success, Bennett and Walton still personally oversee every project to guarantee that each project is done efficiently and with great detail. Just 3 years later, with the effort and loyalty the two founders have instilled, Business Flooring Specialists has become one of the premier flooring companies in North-Central Texas.

As their Congressman, I am honored to represent a company and group of individuals that are so strongly committed to instilling a tough work ethic and satisfying its customers. I congratulate Business Flooring Specialists for its dedication and wish them continued success.

RECOGNIZING JEFFREY "JEFF" MARKHAM OF LAKEPORT, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Captain Jeffrey "Jeff" Markham of Lakeport, California as he retires from the Lake County Sheriff's Department after serving and protecting our community for the past 35 years.

Captain Markham has been an indispensable member of the Lake County law enforcement team. Since 1969, he has wholeheartedly committed himself to our community, working selflessly and relentlessly towards bettering the lives of Lake County citizens. Whether out patrolling the streets or supervising the office, Jeff has worked day and night to protect Lake County.

A highly respected and revered man, Captain Markham has held many other important positions throughout the county and state including law enforcement liaison between the Lake County Board of Supervisors and the Lake County Sheriff. In addition to his responsibilities in Lake County he has served as the State of California Narcotics Agent for 18 Northern California counties.

Mr. Speaker, when not in uniform, Captain Markham is very active throughout the community. While President of the local Little League he helped lead the development of a new baseball field. He has served as Head Cub Master for local Cub Scouts. For eight years he served on the Konocti Unified School District Board of Trustees and taught police science at Yuba College's Lake County campus in Clearlake. He has been a member of various organizations including the Rotary Club, Kiwanis Club, Elks Lodge, and the Old Car Club.

A native Californian, Captain Markham graduated with a Bachelor of Arts from California State University at San Jose. He then earned his Master's in public Administration from the University of Southern California and later attended the FBI National Academy. Jeff and his wife Jeanne have two sons, David who also lives in Lakeport and Stephen who resides in nearby Clearlake where he is the Vice Mayor. Jeff and Jeanne are also the proud grandparents of six.

Mr. Speaker and colleagues, it is appropriate that we honor and thank Captain Jeffrey Markham for his years of devotion to public service and extend our best wishes to him as he retires.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING JUDY GOFF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the extraodinary career and achievements of Judy Goff of Alameda, California. Judy has been a dynamic and innovative leader in the labor community for more than 30 years, and today receives the Central Labor Council (CLC) of Alameda County, AFL–CIO's Lifetime Achievement Award as Unionist of the Year.

Judy is currently the Executive Secretary Treasurer Emeritus of the CLC of Alameda County, AFL–CIO, representing 135 unions and over 126,000 working families. She is known not only for her historic policy reforms in favor of immigrants' and workers' rights, but has also made a tremendous impact within and outside of the labor community as the first woman in California's history to hold many of the executive positions in which she has served held throughout her career.

Judy is a graduate of Holy Names College in Oakland, where she earned a degree in psychology. She is a former Alameda County social worker, and has worked with the General Assistance Program, providing assistance to single adults with substance dependency problems, and also with the Children's Protective Services Program.

Judy's labor career began when she joined the Service Employees International Union (SEIU) Local 535 in 1972. She first ran for union office in 1973, becoming a member of the Alameda County Chapter Executive Board, a Delegate to the statewide Executive Board, and a Delegate to the Central Labor Council of Alameda County.

In 1976, Judy made history by becoming the first woman elected as statewide president of SEIU Local 535. In that capacity she worked tirelessly to defend the rights of those in need, testifying before Congress as well as the California State Legislature on welfare reform, and advocating for increases in funding for programs that served youth, the disabled, and older adults.

In another historic moment, Judy was elected as president of the Central Labor Council of Alameda County, AFL–CIO in 1983, making her the first woman to serve in that position within any major labor council in California history. Under her leadership, the CLC introduced a resolution to the national AFL–CIO calling for major policy reforms on immigration and workers' rights. Additionally, as part of the Labor Immigrant Organizing Network, she worked to bring together union organizers and community groups to advocate for immigrant rights. During her tenure, the Central Labor Council was also successful in working to pass living wage ordinances in the cities of Berkeley, Oakland and Hayward, as well as at the Port of Oakland.

During the past three decades, Judy's leadership on labor issues has also expanded to include a number of academic and community organizations. She is a member of the California State Assembly Speaker's Commission on Labor Education, and serves as a member of various labor-related advisory committees at San Francisco State University, Laney College and U.C. Berkeley. Judy serves on the board of the Bay Area Economic Forum and the steering committee of the Bay Dredging Action Coalition, and is a member of the Coalition on Labor Union Women AFL–CIO.

On June 10, 2005, friends and members of the labor community will gather to honor the contributions that Judy Goff has made to the circumstances of working people in Alameda County and throughout the State of California. Throughout the past three decades, Judy's work has consistently served to support workers' rights, diversity, fairness, and economic and social justice. The result has not only been a consistent improvement in the lives of working people in Alameda County, but an improvement in the quality of life for all people throughout the Easy Bay. On behalf of the 9th Congressional District, I salute Judy Goff for her immeasurable contributions to our community, and thank her for fighting to protect the rights of workers of generations past, present and future.

TRIBUTE TO MOTHER ODESSA BONNER—USHER OF THE YEAR

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. PAYNE. Mr. Speaker, I am proud to rise today in honor of Mother Odessa Bonner who received the Life Time Achievement Award on June 5, 2005 at the Saint Paul's Calvary United Church of God's Joint Usher Board's 36th Annual Day.

Mother Bonner has been a dedicated member of Saint Paul's Calvary United Church of God's Usher Board for over 30 years. Her willingness to lend a helping hand has made it easy for the Usher Board to declare her 2005's Usher of the Year. She has devoted herself to assisting those in need through her outreach work at community food banks, various shelters and soup kitchens throughout Union and Essex counties.

Mr. Speaker, I invite my colleagues here in the US House of Representatives to join me in honoring Mother Odessa Bonner as she accepts the Life Time Achievement Award as Usher of the Year. I am proud to have had her in my Congressional district and wish her never-ending success in her future endeavors.

STATEMENT REGARDING THE DEATH OF CHARLIE BOINEAU

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. WILSON of South Carolina. Mr. Speaker, Roxanne, our sons, and I are deeply saddened to learn of the death on June 1st of Charlie Boineau, who has been a lifetime hero to us for his courage to pioneer the development of the two party system in South Carolina," said Wilson.

"One of the most meaningful events of my life was to visit the State House for the first time in August 1961 to witness Charlie's swearing in as a member of the S.C. House of Representatives. After winning a special election countywide in Richland County, he became the first Republican of the twentieth century to be elected to the General Assembly, an accomplishment that paved the way for the current Republican legislative and Federal majorities in South Carolina.

"I was always grateful to recognize Charlie as a trailblazer of the Republican Revolution, and I will always be proud he was my third cousin. We were both proud of our French Huguenot heritage.

"Charlie Boineau will always be remembered as a political leader, Rotarian, and Chamber official who made a difference for the people of South Carolina.

"Our family extends its deepest sympathy to Betsy, Bonnie, Fred, and the granddaughters.

Mr. Speaker, I would like to submit the following obituary is from The State newspaper of Columbia, South Carolina, of June 3, 2005.

CHARLES EVANS BOINEAU

COLUMBIA.—Services for Charles Evans Boineau will be held Saturday at 11 a.m. at Trinity Episcopal Cathedral, 1100 Sumter Street. The family will receive friends Friday 5–7 p.m. at 1829 Senate Street, Dunbar Funeral Home, Devine Street Chapel, is assisting the family.

Born in Columbia, Mr. Boineau was the son of the late Bessie T. and Charles Evans Boineau. He was a graduate of Camden High School and was a student at the Citadel in Charleston when World War II began. In 1942, he volunteered for the Naval Air corps and at the age of twenty, was a Navy fighter pilot in the South Pacific aboard the aircraft carrier Hornet (CV–12). He participated in carrier strikes against Luzon, Formosa, South China Sea, French Indochina and Okinawa.

After the war Mr. Boineau returned to Columbia and began working for Boineau's Allied Van Lines. He was affiliated for forty-three years with the moving company that was founded by his father in 1931. He became president of the company in 1971. He had been with the South Carolina Chamber of Commerce as Membership Ambassador since 1994.

Mr. Boineau was elected in 1961 as the first Republican to the South Carolina Legislature since Reconstruction. He was a charter member of St. Martin's-in-the-Fields Episcopal Church where he served on the Vestry and taught Sunday School. He served on the Board of Directors of the Columbia Rotary Club, where he was a member for fifty-five years, the Columbia Chamber of Commerce, The Columbia Navy League, The St. Martin's Foundation, and as vice-president of the Southeastern Warehouseman and Mover's Association. He was a former president of the South Carolina Mover's Association.

Mr. Boineau was awarded the Order of the Palmetto, the highest honor conferred by the State of South Carolina, by Governor James B. Edwards. He was a member of The South Carolina Republican Silver Elephant Club, and was Chairman of the Platform Committee of the party in 1962, and in 1964 was a delegate to the Republican National Convention. He was a lifelong member of American Legion Post No. 6 and was a member of the South Carolina Historical Society. He was a communicant of Trinity Episcopal Cathedral. He held memberships in Forest Lake Club, The Columbia Cotillion Club, The Trantella, The Flamenco and was a charter member of The Summit Club.

Mr. Boineau is survived by his wife, Betsy Boatwright Boineau; daughter and son-in-law, Bonnie and Fred Crawford; and granddaughters, Beverley and Mary Crawford and Jessica Bacon.

Memorials may be made to Carolina Children's Home, Trinity Cathedral Foundation or St. Martin's-in-the-Fields Foundation.

HONORING JERI RICE

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7. 2005

Mr. McDERMOTT. Mr. Speaker, I rise today to honor Jeri Rice, an acclaimed entrepreneur in Seattle who personifies the spirit, courage, and commitment to see peace in her ancestral homeland of Israel. Jeri Rice is a distinguished Citizen Diplomat.

The Israel Policy Forum has selected Jeri Rice as a 2005 "Focus on the Future" Honoree. It is a wise choice and speaks volumes about the profound and positive impact one person can make in our world.

Jeri Rice is fearless in tackling tough issues. I know that firsthand. With a self confidence rooted in faith and family, Jeri guides everyone she comes in contact with toward a path of peace based on mutual respect and moderation. She willingly—and often—opens her home to promote peace in the Mideast. I've joined her personal peace process, and I can affirm that Jeri's involvement is a shining example of personal commitment and heroism.

Jeri's involvement in good and noble causes is well known and highly regarded in Seattle. Jeri is a founding member of the University of Washington Center for Women and Democracy. She is a strong advocate and community leader in many organizations, including: United Way; University of Washington Academic Medical Center; Harborview Medical Center; and, PONCHO. She serves on the board of the Cornish College of the Arts, and since 2000, Jeri has been involved with Steven Spielberg's Shoah Foundation. She is also a member of the International Women's Forum.

Jeri is a person of deep personal conviction and strong family bonds. Without hesitation she proudly proclaims her mother as her heroine. When asked who inspires her, Jeri quickly names her son. As to the world leader she most admires, Jeri names Anwar Sadat.

It is, therefore, worth recalling a passage from the historic speech that Egyptian President Anwar Sadat delivered to the Knesset on November 20, 1977: "I have come to you so that together we should build a durable peace based on justice to avoid the shedding of one single drop of blood by both sides. It is for this reason that I have proclaimed my readiness to go to the farthest corner of the earth."

I ask every American to join me in congratulating Jeri Rice on the honor the Israel Policy Forum will bestow upon her. Her unwavering optimism reminds me of the affirmation contained in the Book of Ecclesiastes, "To every thing there is a season, and a time to every purpose under the heaven."

This is the time for peace in Israel and throughout the Mideast. People like Jeri Rice will do everything possible to make it so. We honor them. We thank them.

HONORING BRANDON HOBON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. BURGESS. Mr. Speaker, I rise today to honor the service and commitment of Mr. Brandon Hobon. Mr. Hobon has established himself as a leader and true patriot to the community of Denton, Texas.

Mr. Hobon was recently recognized by the Denton Police Department as "Volunteer Officer of the Year." After serving in the police department for 11 years, Hobon has received one of the department's most prestigious honors.

After graduating from college with a pre-law degree, Hobon turned down a bright future as a lawyer to better serve and protect his community. After graduation, Brandon Hobon entered the police academy where he finished second in his class, and earned advanced certifications and credentials in crime prevention, hazardous material response and terrorism training. In addition to serving and protecting our citizens, Mr. Hobon dedicates considerable amount of time mentoring young school children, and visiting and assisting in senior citizen programs.

It is with great honor that I stand here today to recognize an individual who has dedicated his life to protecting and assisting others. It is with the service and commitment of men such as Brandon Hobon that ensure the continuing protection and prominence of our communities and nation.

RECOGNIZING PROFESSOR MAUREEN STANTON, RECIPIENT OF THE 2005 UC DAVIS PRIZE FOR UNDERGRADUATE TEACHING AND SCHOLARLY ACHIEVEMENT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Maureen Stanton, Professor of Ecology and Evolution at the University of California, Davis as the 2005 recipient of the UC Davis Prize for Undergraduate Teaching and Scholarly Achievement. The prestigious $30,000 prize, funded by the UC Davis Foundation, is believed to be the largest award of its kind in the nation. The winner is selected on the recommendation of faculty members, students and research peers.

Professor Stanton has made significant contributions throughout her years of University service. She served as the dynamic and extraordinarily productive director of the Center for Population Biology from 1993 to 1998. She frequently advises National Science Foundation panels and has been a National Council member of the Society for the Study of Evolution. She is also the Vice President of the American Society of Naturalists and an elected member of the California Academy of Sciences.

Dr. Stanton began her research of the interactions between plants and insects as a sophomore at Stanford University. At Harvard University she earned her Ph.D. in five years. Dr. Stanton then accepted a position at the Academy of Natural Sciences in Philadelphia, but missing the discovery of science, she soon relocated to Yale University for post-doctoral research. Her findings on the underappreciated importance of male characteristics in flowers lifted her into the top ranks of evolutionary ecologists.

In 1982 she joined the UC Davis faculty as an assistant professor of botany. At 28 she was younger than many of her doctoral students. In her teaching role she continually reshapes course curricula to provoke inquiry. She once stated, "I want to build critical thinking skills. That means I have to teach students to question pre-conceived ideas, to ask 'How confident are we of what we think we know?' "

Mr. Speaker, it is appropriate at this time that we recognize Professor Stanton and her passion for scholarly achievement, university service and undergraduate teaching.

HONORING DR. WADE W. NOBLES AND THE INSTITUTE FOR THE ADVANCED STUDY OF BLACK FAMILY LIFE AND CULTURE, INC.

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life and achievements of Dr. Wade W. Nobles of Oakland California, and the organization he founded, The Institute for the Advanced Study of Black Family Life and Culture, Inc. This month our community comes together to celebrate the Institute's 25th anniversary, and to recognize the groundbreaking work of its founder.

Dr. Nobles is a prominent theoretical scientist in the field of African Psychology and is one of the leading researchers in the area of Black family life and culture. He holds a Ph.D. from Stanford University, and has a special interest in the social, ethnic and cultural relativity of social science, research and evaluation models.

Dr. Nobles is a full-time, tenured professor in the Department of Black Studies in the School of Ethnic Studies at San Francisco State University. He is also the founder and director of the Center for Applied Cultural Studies and Educational Achievement (CACSEA), a California State University System educational research center dedicated to studying and developing models of culturally consistent educational methods.

In 1980 Dr. Nobles founded the Institute for the Advanced Study of Black Family Life and Culture, Inc. to address overarching issues of human development and transformation, while simultaneously developing and implementing educational and informational systems. As the Institute's Executive Director, Dr. Nobles has written and conducted over 67 funded, community-based research, training and development projects, including the HAWK Manhood Development and Transformation Rites of Passage Training Centers Program, which has over 15 sites throughout the U.S.

Dr. Nobles' work is widely known and respected, and in recognition of this he has been invited to serve on a number of advisory groups for the California state and federal governments. He has served as a delegate to the White House Conference on Families, and was also a member of the President's Commission on Mental Health. Furthermore, Dr. Nobles was appointed to serve on the California State Commission on the Status of African-American Males, a commission I created and presided over as a member of the California State Assembly in the mid-1990s.

Also contributing to the success and innovations of the Institute are Dr. Nobles' various professional and international affiliations. He was a founding member of the Association of Black Psychologists, an organization in which he has served as President and received numerous awards, such as Distinguished Psychologist of the Year. Furthermore, in the course of his research he has traveled widely, particularly in Africa. In 1996 he received the high honor of being enstooled as the Nkwasohene of Akwasiho-Kwahu Region of Ghana in West Africa, where he works very closely with the Akwasiho people on development issues.

On June 3, 4 and 5, 2005, we join together to celebrate the life and accomplishments of Dr. Nobles, as well as the impact his work and the work of the Institute have had on our society and institutions of higher learning. Structuring our education and socialization systems in a way that acknowledges the cultural background of the students that are to benefit from them is crucial to the intellectual and social development of our young people. Dr. Nobles' research, teachings and programs have truly revolutionized the way that education and development are now approached, and have made productive and happy lives possible for countless students who would not otherwise have had that opportunity. On behalf of the 9th Congressional District, I salute and thank Dr. Wade W. Nobles for his service to the Bay Area, the State of California, our country and the world.

TRIBUTE TO EARL PHILLIPS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. PAYNE. Mr. Speaker, I am proud to rise today to honor an extraordinary public servant, Earl Phillips, as he says farewell to the Peace Corps and embarks on a new life journey. Mr. Phillips has diligently served as the Country Director for the United States Peace Corps for the Eastern Caribbean for 6 years. However, his lifetime achievements do not stop there.

Ranging from community revitalization to capacity building, Mr. Phillips' incredible generosity has touched many lives. As his wife, 5 children and 7 grandchildren can attest, he has dedicated his life to the betterment of others. So much so, that even after raising his children, he and his wife Victoria decided to join the Peace Corps and served as volunteers in Ghana, West Africa from 1996–1998. While at that post, Mr. Phillips played a significant role in the planning of President Bill Clinton and the First Lady's trip to Ghana—the first leg on their historic tour of the African continent.

He also has incredible ties not only to the great State of New Jersey but also my Congressional District. As a resident of Newark, he excelled as an athlete at South Side High School. After attending Howard University and serving in the military, he returned to our hometown where in 1970, he became President of the Urban League. From 1972–1973, he served as the Director of the High Impact Anti-Crime Commission. During his tenure, he designed and supervised a national program that reduced street crime by 20%. Upon leaving the anti-crime commission, he worked, for 5 years, as the Director of the Redevelopment and Housing Authority (RHA), also in Newark. He later went on to serve as the Executive Director of 4 additional housing authorities in large metropolitan cities.

Mr. Speaker, I invite my colleagues here in the U.S. House of Representatives to join me in honoring Mr. Earl Phillips, as he leaves the United States Peace Corps, and in expressing appreciation to him and his wonderful wife Victoria for their service to our Nation. During his time in the Peace Corps, he served as an outstanding spokesman and goodwill ambassador for his country. Beyond the Peace Corps, his life achievements speak volumes about his generosity and dedication to a cause bigger than himself. I am proud to have him as a dear friend and wish him never-ending success in his future endeavors.

CONGRATULATING ALIYA ROBIN DERI'S EXCEPTIONAL SHOWING IN THE SCRIPPS NATIONAL SPELLING BEE

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. POMBO. Mr. Speaker, I rise today to congratulate Aliya Robin Deri's exceptional showing in the Scripps National Spelling Bee. The sharpest young minds in America gathered to compete in this contest with 278 students competing in the 78th annual spelling bee. Overcoming a litany of complex vocabulary, Aliya tied for second place after 18 rounds of careful spelling and concentration. A resident of Pleasanton, California, Aliya is a champion of many skills. She plays violin, viola, and piano and is a member of two orchestras. She also swims competitively and also enjoys diving, Indian dance, and Tai Chi. While most contestants in the spelling bee were from the United States and its territories, fourteen were foreign students from Canada, Bahamas, Jamaica and New Zealand. Aliya misspelled "trouvaille," meaning windfall, in the 18th round, but I want her to know that our windfall is to have such a gifted and talented individual in California's 11th Congressional District.

Mr. Speaker, please join me in congratulating the outstanding efforts of this bright and gifted young woman. I would also like to include the following article for the record.

[From the Associated Press, June 2, 2005.]

KASHYAP SPELLED "APPOGGIATURA" RIGHT TO WIN

WASHINGTON.—Bursting into tears, eighth-grader Anurag Kashyap of California became the U.S. spelling champ Thursday, beating 272 other spellers in a tough two days of competition. He said he felt "just pure happiness."

Anurag, 13, of Poway clinched "appoggiatura," a melodic tone, to take home some $30,000 in prizes. He won in the 19th round of the 78th Annual National Scripps Spelling Bee.

Anurag, a straight-A middle-school student whose favorite subject is science, tied for 47th in last year's spelling bee. That experience "helped me to know what I should study to . . . like, win this thing," he said afterward, repeatedly hiding his face behind his cardboard number.

Tied for second place were 11-year-old Samir Patel, who is home-schooled in Colleyville, Texas, and Aliya Deri, 13, a Pleasanton, California student.

Aliya was tripped up in the 18th round by "trouvaille," meaning windfall. Just after, Samir fell to "Roscian," meaning skilled in acting. Two years ago, when Samir tied for third place, bee winner Sai Gunturi predicted that he would be a force to be reckoned with in future contests.

When the sixth round ended in the early afternoon of the second day, only 27 spellers remained, including a half dozen home-schoolers. Home-schooled students have won twice before, in 1997 and 2000.

After the 14th round, only three spellers still stood—Anurag, Aliya and Samir.

During the day, Anurag whizzed through relatively easy words such as prosciutto, an Italian dry-cured ham, and more difficult ones like hodiernal, meaning "of this day."

Needing only one more correct spelling to win, he began methodically, going faster and faster as he finished the long word: "A-P-P-O-G-G-I-A-T-U-R-A." He covered his face and rushed to hug his father.

Most of the contestants at the bee's start were from the United States and its territories, but 14 were foreign students. There were 11 from Canada and one each from the Bahamas, Jamaica and New Zealand.

It was in the fourth round Wednesday that Dominic Errazo got a word he could relate to, "emetic," which means inducing one to vomit.

"It sounds like the nervousness I get up here," said the seventh-grader from Goose Creek, SC. He spelled it correctly.

Each speller wins at least $50. The first-place winner gets $28,000 in cash, scholarships and bonds, plus books from Encyclopedia Britannica. That's about $10,000 more than in previous years.

The contest is administered by E.W. Scripps Co. The youngsters all won local contests sponsored by newspapers.

CELEBRATING THE MARRIAGE OF JOHN ROTHROCK AND GLYNDAL BRITT MOSES

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. GARY G. MILLER of California. Mr. Speaker, it is with heartfelt joy that I rise today to offer my best wishes for the recent marriage of John Rothrock and Britt Moses.

For the last 6 years, John Rothrock has served loyally and faithfully as my Chief of Staff. In this capacity, I have witnessed firsthand the depth of John's love for Britt and the strength of his commitment to her. It has been my great fortune to personally observe the warm affection and special bond they share.

Last Saturday, June 4, 2005, John and Britt took their vows, expressing their mutual devotion and love for each other. I was extremely proud to join their friends and family in celebrating this special day.

Marriage is a wonderful institution and I am confident that the union of John and Britt will be another lasting testament to the sanctity of marriage. As they start their new life together, I trust John and Britt will be a blessing to one another, partners in all aspects of life, and forever mindful of the love they feel today.

Mr. Speaker, I ask the 109th Congress to join me in congratulating Mr. and Mrs. Rothrock on their recent union and in wishing this couple a lifetime of happiness together.

CONGRATULATING THE COUNCIL OF COLLEGE PRESIDENTS ON THEIR BEING HONORED BY LEADERSHIP WILKES-BARRE FOR THEIR OUTSTANDING LEADERSHIP EXAMPLE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Council of Presidents from the Wyoming Valley's five institutions of higher education that includes King's College, Wilkes University, College Misericordia, Penn State University and the Luzerne County Community College.

In the mid 1980s, the presidents of these five institutions came together upon realizing that although they compete for students and funding, they are also an invaluable resource to the greater community in which they are located. That realization prompted the formation of the Council of Presidents as a vehicle to promote cooperation and sharing of common goals in a manner that maximizes the effort involved.

Since then, the Council of Presidents has been a positive force in downtown Wilkes-Barre economic development efforts, the formation of the Diamond City Partnership, the Wilkes-Barre Innovation Center, the Great Valley Technology Alliance, City Vest and the Joint Urban Studies Center, to name just a few of their accomplishments.

The Council of Presidents stands as a beacon that focuses a bright light on the positive things that can be achieved through cooperative action. Not only has their outstanding leadership and example proven to be a blueprint for success in the community arena, it has also paid vast dividends to each of the schools the presidents represent.

Cooperation in designing and developing academic course offerings has benefited from the Council of Presidents and their foresight and collective zeal to improve educational opportunities for all students attending their respective institutions.

The Council of Presidents has been especially sensitive to changing elements in society and has responded promptly and efficiently to meet those challenges. The Council of Presidents has worked cooperatively to consolidate Spanish language development to accommodate a growing Hispanic population in the region.

Mr. Speaker, please join me in congratulating the Council of Presidents on this notable occasion. The people of the greater Wyoming Valley are better served because of the work accomplished by this dedicated group of men and women. And their cooperative example should serve as a model for other groups, both public and private, who seek to provide a higher level of service in the performance of their duties.

TRIBUTE TO KATHERINE McMONAGLE

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Ms. McCOLLUM of Minnesota. Mr. Speaker, I am proud to rise today to honor and to recognize Katherine McMonagle—a devoted educator and a life-long learner. Katherine has announced her plans to retire after thirty-four year of service.

Katherine has dedicated her professional career to thousands of students in the North St. Paul-Maplewood-Oakdale school district, located in Minnesota's Fourth Congressional District. From Carver Elementary School to North Saint Paul High School, Kathie has been an inspiring teacher to her students and a caring mentor to her colleagues.

In her first year as a teacher she taught physical education to elementary students and for the following eight years she continued in this subject area and taught middle schoolers the benefits of physical activity. As her portfolio changed to include health studies over 20 years ago, she became committed to helping students learn about the dangers of smoking and helping student smokers to quit.

In fact, she developed a program in conjunction with the Ramsey County chapter of the American Lung Association and her high school. A few years later her idea expanded to include a district-wide K–12 program committed to smoking prevention. Her idea continued to grow as the Lung Association started to move the program to other school districts.

And her ideas and commitment didn't stop there. Kathie also developed and implemented a service learning course where high school students—freshmen through seniors—work with communities to identify and address a need and develop a plan to solve the problem. The students use marketing, communication, math and other skills to come up with an implementation plan. This kind of creativity and innovation in curriculum is admired and supported not only by the students, but also by their parents, the communities, and other teachers who participate.

Kathie's skill and determination to create new and exciting opportunities for students is a consistent theme in her esteemed teaching career. She ensured that her school district would not be the only one to not provide a competitive golf team for girls. She also started up the high school's Knowledge and Quiz bowl teams and she's been their coach for the past eight years.

Over the course of Katherine's career, she has grown and developed confidence, grace, and skill in working with teenagers about personal health and development issues—which can be difficult subjects to broach with teens. Her desire to bring out the best in people and to encourage them to find new ways to lead healthy, successful, and enriching lives echoes through her work and will have a lasting impact on all those lucky enough to have been her student. She has encouraged mutual respect, honesty, and integrity in the classroom—important attributes that students have taken with them.

It is with respect and thanks that I rise to salute a teacher who will be missed, and whose legacy and ideas will continue long after she says her goodbyes to her students and colleagues.

TRIBUTE TO THE LATE FEDERAL DISTRICT COURT JUDGE G. THOMAS VANBEBBER

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. MOORE of Kansas. Mr. Speaker, I rise today to pay tribute to the life and career of Federal District Court Judge for the District of Kansas G. Thomas VanBebber, who died on May 26th.

U.S. District Judge G. Thomas VanBebber, 73, died unexpectedly and peacefully at home in Overland Park, Kansas. He was born to Roy VanBebber and Anne Wenner VanBebber in 1931 and grew up in Troy, Kansas, where he established a law practice after his graduation from the University of Kansas and its School of Law in 1955. There, he was a member of the editorial board of the Law Review and was a member of the Order of the Coif. He served as an Assistant United States Attorney for the District of Kansas for 2 years, and he was the Doniphan County, Kansas, Attorney for 6 years as he established a 25-year private practice in Troy. Before he entered the judiciary, Judge VanBebber was active in politics and was Chairman of the Doniphan County Republican Central Committee. He served 2 terms in the Kansas House of Representatives before being appointed chairman of the Kansas Corporation Commission, the state's utility regulatory agency, by Governor Robert Bennett. Among his memberships was tenure as a Director of the Kansas State Historical Society. In 1982, he was appointed U.S. Magistrate Judge for the District of Kansas, in Topeka, and he was appointed as U.S. District Judge for the District of Kansas in 1989. He sat in Kansas City, Kansas, and became Chief District Judge in April 1995, a position he held until he elected to assume Senior Judge status in December 2000. He had continued to carry an active workload of federal cases until his death.

Judge VanBebber was preceded in death by his parents and his sister, Virginia Anne Henry. He leaves his wife, Alleen, at home; and his stepson, David Castellani, of Los Angeles, California. He also leaves his brother, John Gregory, and his wife, Vondell; his brother, William and his wife, Yvonne; his brother-in-law Ward Henry, and many nieces, nephews, grandnieces and grandnephews, and cousins. I have known Alleen and the Judge for many years. They are wonderful people. We all will miss Tom VanBebber.

On May 28th, the Lawrence Journal-World carried an article reviewing the notable moments of Judge VanBebber's judicial career. I include it with this statement and thank you, Mr. Speaker, for the opportunity to pay tribute to a jurist who was described in the Kansas City Star as a man who "forged a legal career that defines the principles of fairness, courage and intelligence . . . He was known for his gregarious warmth outside the courtroom, but when he put on the black robe he was all business and expected litigants to have the same attitude."

[The Lawrence Journal-World, May 27, 2005]

FEDERAL JUDGE VANBEBBER DIES AT 73

RULINGS INCLUDED OKC BOMB CASE, SOUTH LAWRENCE TRAFFICWAY, PHELPS

U.S. District Court Judge G. Thomas VanBebber died Thursday. He was 73.

"He was an indomitable spirit . . . a wonderful judge," said Steve McAllister, dean of the Kansas University School of Law.

VanBebber, who lived in Overland Park, called in sick Wednesday.

"He died peacefully in his sleep, sometime between 6 and 6:30 a.m.," said Ralph DeLoach, clerk/administrator for the U.S. District Court of Kansas.

"He was respected not only by his peers, but by all court staff who worked for him—highly respected," DeLoach said.

VanBebber was perhaps best known for sentencing Michael Fortier, a key witness for the prosecution in the Oklahoma City bombing trial that led to convictions of Timothy McVeigh and Terry Nichols.

Fortier admitted knowing about the plot to bomb the Alfred P. Murrah Federal Building and choosing not to warn authorities.

VanBebber sentenced Fortier to 12 years in prison and ordered him to pay $200,000 in fines.

Fortier's attorneys appealed the sentence, arguing it was excessive given his cooperation with prosecutors. A federal appeals court upheld the sentence.

Other VanBebber rulings:

1997—Issued an injunction halting work on the proposed South Lawrence Trafficway until after completion of an environmental impact statement.

1999—Denied the Rev. Fred Phelps' attempt to sue Shawnee County Dist. Atty. Joan Hamilton for allegedly prosecuting him in an attempt to limit his anti-homosexual picketing.

2004—Denied an attempt to force Washburn University to remove a statue from campus that some considered anti-Catholic.

The sculpture, entitled "Holier Than Thou," depicted a scowling, heavyset clergyman wearing ceremonial headgear that some said was shaped like a penis.

"The court cannot conclude that a reasonable observer would perceive the university's display of 'Holier Than Thou' as an attack on Catholics," VanBebber wrote in his ruling.

VanBebber grew up in Troy, Kan. (population 1,000). He earned a bachelor's degree from Kansas University in 1953; a law degree in 1955. In 2001, he received the KU Law Society's distinguished alumnus award.

He practiced law in Troy until 1959, when he became an assistant U.S. attorney. He returned to private practice in Troy in 1961, serving as Doniphan County attorney from 1963 to 1969. He was elected to the Kansas House, serving one term from 1973 to 1975.

He served on the Kansas Corporation Commission, from 1975 to 1979.

VanBebber was appointed a federal magistrate in 1982. Seven years later, he was appointed to the federal bench by President George H. W. Bush.

He served as chief judge from 1995 to 2000, assuming senior judge status on Dec. 31, 2000.

"He was a wonderful judge and an even better person," said U.S. Chief Judge John W. Lungstrum, who lives in Lawrence.

"He was a great student of history and literature," he said. "He had a tendency to relate to anecdotes and people he knew while growing up in Troy—I say that not to imply that he was homespun in character; I say it because he related to small-town values in a way that brought a lot of wisdom and common sense to the bench. He was truly brilliant."

Lungstrum succeeded VanBebber as the federal court's chief judge in Kansas.

As a child, VanBebber contracted polio and often relied on crutches and, in recent years, a wheelchair.

"He was in pain every day, but he never let on that there was a problem," Lungstrum said. "His courage and stoicism were tremendously inspirational to the court."

VanBebber is survived by his wife, Alleen, an attorney.

CONFERENCE ON THE DEEPENING CRISIS FOR HAITIANS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. ENGEL. Mr. Speaker, I rise to express my support for an important conference taking place today—the Conference on the Deepening Crisis for Haitians. This conference will bring together members of the Haitian American community, the academic sector, nongovernmental organizations, and representatives from the U.S. and Haitian governments to discuss key issues facing Haitians.

While Haiti has recently celebrated more than 200 years of independence from French colonial rule, the citizens of the island remain vulnerable to poverty, poor health, and political chaos. Tumultuous events in the past year and a half consisted of violent uprisings, the departure of President Jean-Bertrand Aristide, massive floods in May displacing tens of thousands, and Tropical Storm Jeanne in September leading to more than 3,000 deaths in the ensuing floods. Sadly, Haiti has not been able to recover from these recent disasters and many Haitians are living in terrible conditions. This is why I have urged Homeland Security Secretary Michael Chertoff to grant Temporary Protected Status to Haitian nationals living in the United States. With thousands of people killed in the natural disasters and hundreds of thousands left homeless, Haiti is temporarily unable to handle the return of nationals. Haitians already in the U.S. should be allowed to remain in peace and security in the U.S. while the island recovers.

Today, the Organization of American States General Assembly is meeting in Fort Lauderdale, Florida. The Organization's Secretary General, Jose Miguel Insulza, has pledged to raise the subject of Haiti at the OAS during the session. While this is a welcome sign, it is the least of what will be needed if Haiti is to emerge from its deepening crisis. The international community and the United States must get serious about finding a way out of the expanding abyss so that Haiti can once again move forward.

We all would like to see a brighter future for Haiti, and I hope this conference will serve to explore many views. Respect for human rights, freedom, and the rule of law must be established in the poorest nation in our hemisphere. Our Haitian constituents and their relatives are counting on us to help bring Haiti out of its volatile situation. I am pleased to support the Conference on the Deepening Crisis for Haitians, and I commend the Conference for hosting this dialogue.

A TRIBUTE TO ELIZABETH J. COLEMAN, EXECUTIVE DIRECTOR AND GENERAL COUNSEL OF THE NEW YORK STATE TRIAL LAWYERS ASSOCIATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. NADLER. Mr. Speaker, I rise today to honor Elizabeth J. Coleman, who has dedicated her life to the fight for civil rights, and has broken down numerous barriers along the way. Ms. Coleman's legal career has focused on ensuring access for all Americans to a fair and unbiased justice system, one through which they can realize the entirety of their constitutional rights. This principle has guided her throughout her years of service, from work on behalf of indigent consumers in Georgia to her national work for the Anti-Defamation League, and most recently during her stint at the New York State Trial Lawyers Association (NYSTLA), where she was an outstanding Executive Director and General Counsel.

Ms. Coleman has also held many additional posts and has been involved in many endeavors over the years. She was elected Chair of the Board of the National Women's Law Center in 1996 and served in that capacity until 2003. President Clinton appointed Ms. Coleman Vice-Chair of the President's Export Council in 1994 and a United States Delegate to the United Nations Fourth World Conference on Women in Beijing, China, in 1995. More recently, the National Organization for Women's New York City chapter honored her in 2003 as a Woman of Power and Courage. Last year she was honored by New York Women's Agenda as a STAR, an honor bestowed upon women who represent the spirit of New York, provide leadership in business and in the community, and are role models for other women. I can think of no more worthy recipient of such recognition than Ms. Coleman.

As Elizabeth Coleman leaves NYSTLA, she embarks on a new mission, but one with the same goals in mind. She will continue her advocacy for civil and social justice through foundation work and community organizing. As she begins the next chapter of her life, I thank her wholeheartedly for her tireless work, and I wish her the very best in the years to come.

HONORING MAYOR EULINE BROCK

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. BURGESS. Mr. Speaker, I rise today to honor the service and commitment of Mayor Euline Brock. Ms. Brock has established herself as a leader and true servant to my hometown Denton, Texas.

Mayor Brock was recently presented the William J. Pitstick Regional Cooperation Award from the North Central Texas Council of Governments. The award recognizes individuals who have promoted good, strong leadership and spirit of regionalism in solving multi-jurisdictional problems.

Since first elected Denton's mayor in 2000, Mayor Brock has become a lead spokesman for promoting regional and inter-jurisdictional cooperation. In addition to her mayoral duties, Ms. Brock serves on the prestigious Texas Municipal League's Legislative Committee and was recently appointed by the U.S. Council of Mayors to serve on the Energy and Environment Committee.

Mr. Speaker, it is with great honor that I stand here today to recognize an individual, a friend, who has dedicated her time as the Mayor of Denton not only to her constituents but also has reached out and assisted those outside her district as well. It is with the service and commitment of individuals such as Mayor Brock that ensure the continual growth and close relationship of North Texas communities.

RECOGNIZING THOMAS "TOM" ENGSTROM OF LAKEPORT, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Chief of Police Tom Engstrom of Lakeport, California, as he retires after 37 years of dedicated public service.

As a young man in his early 20s, Chief Engstrom was determined to lead a life devoted to protecting his fellow citizens. He began his service in 1968 when he joined the Phoenix, Arizona Police Department. Several years later he moved to California and was promoted to Sergeant with the City of Turlock Police Department. In 1980, at just 33 years of age, Sergeant Engstrom was selected as Chief of Police for the City of Newman becoming the youngest Chief of Police in the State of California. Over a decade later, Tom and his family moved to Lakeport, California where he was selected by the Lakeport City Council to serve as Chief of Police.

For the past 11 years Chief Engstrom has made numerous contributions to his community, enabling the people of Lakeport to live in a safe environment. He has dedicated much of his time towards implementing various educational programs throughout the community including Drug Abuse Resistance Education (D.A.R.E.) and Gang Resistance Education & Training (G.R.E.A.T). With these outreach programs, Chief Engstrom has been able to educate and promote awareness of these important issues to Lakeport citizens of all ages.

Chief Engstrom has also played an active role in creating other law enforcement programs and patrol units including the Canine Program, School Resource Officer Program, Personal Watercraft Patrol and Bicycle Patrol. He is responsible for the creation of the New Police Facility and for raising $1.5 million in grants for the Lakeport Police Department.

The Chief earned his Bachelor of Art's Degree from the University of San Francisco in Public Administration. He continued his education and graduated from the FBI National Academy in Quantico, Virginia.

Tom and his wife of 38 years, Cindy, are the proud parents of seven children and 12 grandchildren.

Mr. Speaker and colleagues, it is appropriate that we thank Police Chief Tom Engstrom for all that he has done to protect the citizens of Lakeport, California, and extend our best wishes to him in retirement.

TRIBUTE TO THE LATE MS. THELMA STINSON, PRINCIPAL OF LILLIE C. EVANS ELEMENTARY SCHOOL

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to a truly great role model and a truly great educator—the late Ms. Thelma Stinson, former Principal of the Lillie C. Evans Elementary School located in Miami's Liberty City community in my Congressional District.

Her passing away provides us with the sobering thought of the dignity of the human spirit and the fragility of life. Even though she was sick with cancer, Ms. Stinson often went straight from the hospital to her school because she felt so deeply about helping her students. By every measure, she was enormously successful.

Ms. Stinson started working for the Dade County School Board in 1968 as a librarian, then as a special-education teacher and assistant principal before becoming Principal of Lillie C. Evans in late 2000.

Under her leadership at Lillie C. Evans, the school proudly rose from an F-graded school in 2001–2002 to an A-graded school in 2003–2004. "The school's turnaround is a testament to her leadership and her commitment," said district spokesman Joseph Garcia. Ms. Stinson also reached out to the community by ensuring that parents were also schooled in the basic skills of reading, math and the sciences through regular sessions at night. Simply put, Ms. Stinson literally bridged the gap between her school and her students' homes, making parental involvement an essential part of the teaching and learning process.

In spite of the odds, Ms. Stinson truly demonstrated to all those called upon by public service that excellence and achievement are never beyond the reach of those willing to make the commitment and dare to dream what seems to most people to be the impossible. She was a source of light—more like a beacon in the night—in our community and in the lives of student and adults alike. It is impossible to measure the impact of a person like Ms. Stinson, for her legacy will live on in all the young lives she touched, for whom she created new possibilities and new opportunities that, without her special touch, would never had existed.

It is sadly inadequate to say that she will be sorely missed. I extend my deepest condolences to her mother Ceola Thompson, brother Errol Thompson, sister Esther Blackshear, daughter Twyla Hilton, her grandsons, her friends and her students.

PENTAGON MEMORIAL FUND

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. ORTIZ. Mr. Speaker, I rise today to offer the thanks of this body to a democratic friend, Taiwan, the Republic of China, for their recent generous gift to the Pentagon Memorial Fund.

9–11 scarred our souls and forever changed the way we view enemy attack and the security of our Nation. The Pentagon is known globally as the place our military policy is created and recommended for implementation. It is a prominent part of the government commanded by the Chief Executive and maintained by the United States Congress.

The targeted component of the surprise coordinated attack there shocked and appalled the civilized nations and people on the planet. This Nation lost 184 souls across the river on that day. The sight of smoke coming from the Pentagon is a picture seared in my memory from that day, seen as I ran out of the U.S. Capitol.

Part of the salve applied to our national injury is in honoring the memory of the 184 men and women who perished on 9–11. So, as a member of the House Armed Services Committee, I thank Taiwan for their part in helping to immortalize their memory by contributing to the Pentagon Memorial Fund. And I ask unanimous consent to include in the RECORD the Washington Post story announcing the generous contribution.

[From the Washington Post, May 5, 2005]

TAIWAN AIDS PENTAGON MEMORIAL FUND

The government of Taiwan has donated $1 million to the Pentagon Memorial Fund, according to James L. Laychak, the fund's president and chief executive. About $6.5 million has been raised to finance the memorial.

which is to be built with private funds. Families of victims of the Sept. 11, 2001, attack on the Pentagon began a fundraising drive in April 2004 with a goal of $30 million—$20 million for construction and $10 million for a maintenance fund. Taiwan's gift is the second for $1 million; the first came from the Anheuser-Busch Foundation.

"The donation does not simply represent our offering of support for the victims of 9-11," said David Tawei Lee, a government representative, in a prepared statement, "but also express our appreciation for the symbols of freedom." The memorial on the Pentagon's west lawn will have 184 cantilevered benches, one in memory of each of the victims of the terrorist attack.

HONORING THE AVIATION FEATS OF ROBERT "HOOT" GIBSON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding accomplishments of Robert "Hoot" Gibson, a resident of my hometown of Murfreesboro, Tennessee, who recently broke two aviation speed records.

Hoot flew a Raytheon Premier I jet into the record books on September 22, 2004, when he flew from Seattle, Washington, to Las Vegas, Nevada, at 499.65 miles per hour and from Las Vegas to Wichita, Kansas, at 540.53 miles per hour. The previous records were set in a Cessna Citation jet in 1991.

Hoot is a former astronaut who made 5 Space Shuttle flights and commanded 4 of them. A retired Navy captain, he now flies commercial jetliners for Southwest Airlines.

Hoot's accomplishments in the aviation arena are exceptional, as well as inspirational. Once again, I congratulate him for an outstanding military career and for his contributions to this Nation's space program.

TRIBUTE TO THE REV. DR. FRANK REID III

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to the outstanding accomplishments of the Rev. Dr. Frank Mason Reid III, pastor of Bethel African Methodist Episcopal Church in Baltimore, Maryland.

Dr. Reid is a nationally recognized preacher, teacher and motivational speaker who is dedicated to changing lives and rebuilding communities. Since becoming spiritual leader of Baltimore's Bethel AME Church, membership has swelled to 17,000, making it one of the largest AME churches in the Nation. Bethel AME has 36 active ministries that give hope and comfort to the people of the Baltimore community, including cancer patients, drug addicts, and those who suffer from HIV/AIDS.

Dr. Reid's message of hope has reached beyond the Baltimore community. He has a weekly local television show on Sunday mornings, and he has been broadcast nationally on the Armed Forces Network. Dr. Reid also has preached in South Korea and South and East Africa.

During his college years at Yale University, Dr. Reid answered the call to the ministry. After graduating from Yale in 1974 and the Harvard Divinity School in 1978, Dr. Reid served congregations in Charlotte, North Carolina and Los Angeles, California before being called to service at Bethel AME Church in Baltimore, Maryland in the late 1980s.

Dr. Reid has a loving and devoted family. His wife Marlaa Hall Reid and three children—Franshon, Faith and Shane—are proud of his work in helping others rebuild their lives.

Mr. Speaker, I call upon my colleagues to join me in applauding the accomplishments of Dr. Reid on the eve of his 54th birthday. He has had a remarkable career serving the people of Baltimore.

IN MEMORY OF LINDA LISS FINE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. BERMAN. Mr. Speaker, I rise today to honor the memory of Linda Liss Fine. Linda was a compassionate and courageous individual whose dedication and service greatly enhanced the lives of many in Chicago's elderly Jewish community.

Linda was respected and admired by her colleagues, friends and family. Her creative and pioneering work as Director of Selfhelp, an independent organization providing the residential and health care needs of the Jewish elderly, has been recognized and greatly appreciated by many. During her time with Selfhelp, Linda immersed herself in community activities focusing on improving the quality of life of everyone with whom she came in contact. Through her devotion and extraordinary sense of caring, she transformed the institution into a vibrant community where elderly residents would enjoy cultural events such as classical music concerts, take part in educational events such as computer classes and otherwise maintain active and full lives. She was an outstanding member of Chicago's Jewish community and she immeasurably improved many people's lives under her care. Her residents viewed Linda not as merely an administrator, but as a cherished member of the family.

Born in Chicago in 1942, Linda Liss Fine attended Chicago's public schools before embarking on career in the health care profession. As a registered nurse, she worked in a variety of hospital and home health care positions. After work, and while raising three children, she worked tirelessly and attended classes at night, completing her university degree in health care administration.

Linda is survived by her husband, Bernard, son David, daughters Dawn and Dana, sister Hedda, several grandchildren and many relatives across the country.

Linda Liss Fine will be missed by all those whose lives she touched and will be remembered affectionately by her many friends and colleagues. I ask my colleagues to join me in honoring an outstanding individual, a loving wife and mother, selfless caretaker and innovative director—Linda Liss Fine, a woman who brought joy and love into the lives of so many.

HONORING LUCY BELLO AS SHE CELEBRATES HER 70TH BIRTHDAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to wish my dear friend, Lucy Bello, a very happy 70th birthday. This is a remarkable milestone for an inspiring individual. Not only is she celebrating 70 years of life, but she is also marking her 10th anniversary of being cancer free!

This is a celebration of life. In her seven decades, Lucy has faced many challenges, but none more so than her battle with cancer. As a cancer survivor myself, I know only too well the fear, concern, and obstacles this disease brings. Lucy faced these challenges with the greatest of dignity and courage—serving as an inspiration to all of those who know her story. Today, Lucy is proudly celebrating a decade of remission and I would be remiss if I did not extend my sincere congratulations to her on this very special occasion.

Throughout her life, Lucy has dedicated her time and energy to enriching her community. Since she could first vote at age twenty-one, she has been an active member of Branford's Democratic Town Committee. For nearly fifty years she has offered her support and encouragement to countless candidates. Candidates and committee members alike will tell you that Lucy is their go-to person—always willing to do the grunt work that no one else wants to do. In fact, I cannot recall an event in Branford that Lucy was not involved in either as an organizer or volunteer. It is because of individuals like Lucy—those who participate in the process by simply being involved—that our democratic process works. She herself served on the local Representative Town Meeting for many years. I consider myself fortunate to call her my friend and cannot thank her enough for all the good work she has done.

Through the last five decades, her kind heart and endless generosity have made all the difference. Later this month, Lucy will be honored by the Democratic Town Committee for her many years of service and I cannot think of a more deserving individual to pay tribute to. Through her hardwork and commitment, Lucy has become a fixture in the Branford community—a local treasure. Every community should be so fortunate!

For her years of outstanding service to the community and for her very special friendship, I am proud to stand today to join the many family, friends, and community leaders who have gathered to wish Lucy Bello a very happy 70th birthday. May you enjoy many more years of health and happiness.

IN HONOR OF OUR UNITED STATES VETERANS AND THE PARMA VETERANS CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of all veterans of the 10th Congressional District of Ohio for their service, bravery, and dedication on behalf of our country. Most significantly, we stand in tribute and remembrance of those veterans who have made the ultimate sacrifice when they answered the call to duty.

The lives of many veterans and their families have been uplifted by the outreach efforts of the Parma Veterans Center—a haven of services and assistance focused on the emotional, psychological, medical, financial, and employment needs of thousands of veterans and their families.

The services and support provided by the Parma Veterans Center is the least we can do on behalf of our veteran—our brothers, sisters, sons and daughters, mothers, fathers and grandfathers—thousands of whom have made significant sacrifices and suffered great losses during and after their unwavering service to our country.

Mr. Speaker and Colleagues, please join me in honor, tribute and gratitude to the men and women of our armed forces—let us forever remember their service, sacrifice and sense of duty—yesterday, today, and for generations to come.

HONORING THE RETIREMENT OF MAYOR THOMAS J. PELLEGRINO

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. ACKERMAN. Mr. Speaker, I rise today to applaud the achievements of a man who exemplifies the finest combination of civic consciousness, personal achievement, and familial responsibility. Thomas J. Pellegrino, Mayor of Port Washington North, has been a catalyst of progress and success for the community he has served for more than three decades.

Half a century ago, Thomas began his career as an advertising media trainee. Fifty years later, he has directed campaigns for some of America's greatest corporate luminaries, founded his own innovative franchise, and supervised operations for three nationally successful magazines.

Despite his national success, Thomas has never faltered in his commitment to his local community. During his years as the Mayor of Port Washington North, Thomas has overseen the construction of hundreds of housing developments built for the elderly as well as the enactment of important safety ordinances in the housing and public health sectors. He has watched an entire generation grow into a thriving community under his tenure. Thomas steps down from his municipal office after thirty-four years as the longest-serving mayor in New York State.

Mr. Speaker, I am proud to recognize such an accomplished individual and commend Mayor Thomas J. Pellegrino for his years of dedicated service to his community. On behalf of his wife, his five children, his fifteen grandchildren, and the Village of Port Washington North, I ask my colleagues in the House of Representatives to please join me in honoring Mayor Thomas J. Pellegrino and wishing him many years of success as he celebrates his well deserved retirement.

HONORING THE STUDENTS OF HALF HOLLOW HILLS HIGH SCHOOL EAST

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. ISRAEL. Mr. Speaker, I rise today to congratulate the students from Half Hollow Hills High School in Dix Hills, New York for their hard work in the "We the People: the Citizen and the Constitution" national finals.

The students, Jason Albert, Matt Bernstein, Bryan Cowan, Jennifer Crupi, Arielle Davidsohn, Danielle Gold, Chelsea Gordon, Brittnay Hershkowitz, Joelle Lichtman, Priya Murthy, Lindsay Nussbaum, Liz Oren, Josh Parker, Sylvia Qu, Beth Reisfeld, Dan Roberts, Jill Rubino, Alida Salins, Aaron Schwartz, Ben Seleznow, Jen Signet, Soyoon Sung, Jessica Wasserman, Matt Young, and Jen Zhao, led by their teacher Scott Edwards, demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional government.

It is truly an honor to call these outstanding young Americans my constituents. Their success in the competition is also a testament to the excellent teachers at Half Hollow Hills East High School and elsewhere on Long Island.

I offer my congratulations on their hard-won honorable mention and commend these students on their dedication to the study of the Constitution and the Bill of Rights.

TRIBUTE TO THE 2005 NATIONAL PUERTO RICAN DAY PARADE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the 47th annual Puerto Rican Day Parade, which will be held on June 12, 2005 in New York City. This parade, which celebrates the heritage of the Puerto Rican people, is one of the largest outdoor events in the United States.

The first New York Puerto Rican Day parade, held on Sunday, April 12, 1958 in "El Barrio" in Manhattan was a wonderful event presented in the heart of the city's Puerto Rican community. In 1995, the overwhelming success of the parade prompted organizers to increase its size, and transform it into a national affair now known as the National Puerto Rican Day Parade. This magnificent New York institution now includes participation from delegates representing thirty one states, including Alaska and Hawaii and attracts over 3 million parade goers every year.

The great success that this parade has enjoyed over the years is a result of the tireless work of many individuals from all walks of life—who are dedicated to preserving and celebrating Puerto Rican heritage and culture. Leading this effort is the National Puerto Rican Day Parade, Inc., a non-profit organization founded in 1995 with the mission of increasing the self awareness and pride of the Puerto Rican people in order to promote economic development, education, cultural recognition, and advancement.

The Parade up New York's Fifth Avenue, while certainly the most visible aspect of the celebration of the Puerto Rican people, is not the only event associated with the National Puerto Rican Day Parade, Inc.'s activities. More than 10,000 people each year attend a variety of award ceremonies, banquets and cultural events which not only help to highlight but also strengthen the special relationship shared by Puerto Ricans and the City of New York. Over the years, the two have developed a symbiotic relationship—Puerto Ricans sharing a vibrant and beautiful culture and helping to turn New York into a bilingual city and the City of New York helping Puerto Ricans to flourish economically, politically and culturally. The annual parade captures the spirit of this special relationship and celebrates its success.

Mr. Speaker, as a Puerto Rican, a New Yorker, and a Member of Congress, it is an honor to participate in this national event every year in which thousands of individuals march along Fifth Avenue in celebration. The National Puerto Rican Day Parade is a communal cultural treasure, national in scope and impact, and one that unites all New Yorkers. I ask my colleagues to join me in paying tribute to the Puerto Rican people and to all who have worked to ensure that the upcoming parade is a success.

TRIBUTE TO ROBERT O. BONNELL, JR.

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to Robert Bonnell, Jr. in recognition of his outstanding work at the Educational Opportunities Program (EOP). A resident of Baltimore, Maryland, he has worked tirelessly to ensure that Baltimore high school students stay in school.

Robert Bonnell founded the EOP in 1986 with the goal of reducing the high school dropout rate in Baltimore. His program assigns a counselor to individual high school students starting in the 9th grade. The counselor then works with that individual for four years to help them overcome obstacles to graduation. In addition, his program encourages students to further their education by attending college, enrolling in a trade school, or seeking an apprenticeship.

Mr. Bonnell's efforts have resulted in a 73% high school graduation rate for participants in the program. Sixty percent of EOP students are accepted into college after matriculation. Other participants actively seek postgraduate employment.

His commitment to his country did not begin with the EOP. He served in the U.S. Air Force, the U.S. Navy, and the U.S. Marine Corps from 1942–1953. He is a successful businessman, philanthropist, and patriot. He and his wife Barbara have a large, loving family that includes five children, ten grandchildren and six great grandchildren.

I urge my colleagues in the U.S. House of Representatives to join me in celebrating the work of Robert Bonnell, Jr. His commitment and dedication to educating America's youth has been an inspiration to all of us.

ANNOUNCING THE PUBLICATION OF AN ENGLISH TRANSLATION OF PASSAGE THROUGH HELL: A MEMOIR

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. BERMAN. Mr. Speaker, I rise to announce the publication of an English translation of Passage Through Hell: A Memoir. The original version was written in 1955 by Armenian poet, educator and author Armen Anush. It has been published by Hagop and Klar Manjikian on the occasion of the 90th anniversary of the Armenian Genocide.

Armen Anush was an eyewitness to the deportation and massacre of Armenians by the Turks during 1915–1916. On April 24, 1915, the Turkish government began to arrest Armenian community members and political leaders. Many were executed without ever being charged with crimes. Then the government deported most Armenians from Turkish Armenia, ordering that they resettle in what is now Syria. Many deportees never reached that destination.

From 1915 to 1918, more than a million Armenians died of starvation and disease on long marches, or were massacred outright by Turkish forces. From 1918 to 1923, Armenians continued to suffer at the hands of the Turkish military, which eventually removed all remaining Armenians from Turkey. The Armenian Genocide was a tragedy not only for the Armenian people but a tragedy for all humanity. Passage Through Hell: A Memoir is critically important because it recounts the horrors of genocide and the psychological impact it had on the survivors.

I hope the day will soon come when it is not just the survivors who honor the dead but also when those whose ancestors perpetrated the horrors acknowledge their terrible responsibility and commemorate the memory of genocide's victims. This book should be read by all whose ancestors were in any way involved and by everyone who cares about understanding history.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Hagop and Klar Manjikian for making this important book available in English.

HONORING DR. BRUCE E. STORM, 2005 EDUCATIONAL LEADER OF THE YEAR

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the Southern Connecticut State University's Department of Educational Leadership and Policy Studies as they honor my good friend, Dr. Bruce E. Storm with the 2005 Educational Leader of the Year Award. Dedicating a lifetime to public education, this award is a true reflection of the dedication and commitment Bruce has demonstrated throughout his career.

I have often spoke of our Nation's need for talented, creative educators ready to help our children learn and grow. With such an extensive background in education, ranging from the elementary level to the university setting, Bruce has been just that kind of teacher and administrator. Beginning his career as an English teacher at the middle and high school levels in Massachusetts and New York, Bruce has also served as an assistant principal, principal as well as a lecturer and teaching fellow at the Harvard Graduate School of Education. For the last 13 years, he has served as Superintendent of Schools in Branford, Connecticut—a district of over 3,700 students. Bruce has also served as an adjunct professor at Southern Connecticut State University and as a guest speaker and presenter at several local and national conferences.

With so much recent attention given to the success of public education in our country, it has always been a comfort to me to know that our community has an individual like Bruce working diligently on behalf of our children and our public school system. Teacher, principal, lecturer, adjunct professor, and superintendent, Bruce has prepared students at every educational level, ensuring that they have the tools and skills they need to be successful. I have had several opportunities to work with Bruce over the years and have always been in awe of his energy, generosity and compassion—every community should be so fortunate.

As the Chair of the South Central Area Superintendent's Association and Treasurer and Executive Board Member of the Connecticut Association of Public School Superintendents, Bruce has used his experience and background to benefit school districts regionally and across the State. In addition to these professional associations, he has also been an active member of several local organizations in Branford. Bruce was also recently recognized with the CABE Award for Excellence in Educational Communication for his electronic newsletter, Across the Fence. Though he will be leaving his position as Superintendent of Schools at the close of this school year, the many invaluable contributions he has made during his tenure will continue to enrich the lives of students for years to come.

For his years of dedicated service and good work, I am proud to stand today to join his wife, Mariah, son, Christian, family, friends and colleagues in extending my sincere congratulations to Dr. Bruce Storm as he is named the 2005 Educational Leader of the Year. He has left an indelible mark on this community and I can think of no one who is more deserving of this very special honor.

LETTER TO DR. MICHAEL D. GRIFFIN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. KUCINICH. Mr. Speaker, on May 26, 2005, I sent the following letter to Dr. Michael D. Griffin, Administrator National Aeronautics and Space Administration (NASA):

HOUSE OF REPRESENTATIVES,
May 26, 2005.

Dr. MICHAEL D. GRIFFIN,
Administrator, National Aeronautics and Space Administration, Washington, DC.

DEAR DR. GRIFFIN: NASA is able to develop long term, high-risk enabling aeronautics technologies that the private sector is unwilling to develop because they are too risky or too expensive. In fact, government funding of basic science has historically been the major role of government-sponsored research in aeronautics as well as the pharmaceutical, defense, and energy industries. When that basic research yields information that could lead to a service or product with profit potential, the private sector transitions the technology from research to development in order to bring it to market.

It is clear that where there is no basic research, there can be no development. Where there is no research and development, there can be no competitive industry. Without a thriving competitive aeronautics industry, we undermine our economy, national security, and airline safety.

Any management decisions that significantly erode NASA's aeronautics programs will require decades and billions of dollars to replace. We urge you to take all possible steps to preserve a robust aeronautics program at NASA.

Sincerely,

DENNIS J. KUCINICH,
Member of Congress.

CONGRATULATING THE EMMANUEL AFRICAN METHODIST EPISCOPAL CHURCH ON THE DEDICATION OF THEIR NEW EDIFICE

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the Emmanuel African Methodist Episcopal Church as they dedicate their new edifice.

The Emmanuel African Methodist Episcopal (A.M.E.) Church has served the San Antonio Community for more than 88 years. When first organized in 1917, the church was comprised of a small shed. As membership grew, the Emmanuel A.M.E. Church expanded, moving from building to building to accommodate their ever-expanding group of churchgoers.

By putting the principles of true stewardship to work, the Emmanuel A.M.E. Church has grown substantially from their humble beginnings. For Church members, the new edifice reflects God's goodness and grace, as well as their Church's dedication and appreciation for the Lord. The congregation now looks forward to worshipping in their new sanctuary.

I am honored to have had this opportunity to congratulate the Emmanuel A.M.E. Church on the dedication of their new edifice. The Emmanuel A.M.E. Church has provided the San Antonio area with guidance and stewardship, helping nurture and enrich faith in their community.

HARLEM RENAISSANCE DAY OF COMMITMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. RANGEL. Mr. Speaker, I rise today to honor the hard work and achievements of the Abyssinian Development Corporation and its Harlem Renaissance Day of Commitment in which I was pleased and honored to participate this morning. This organization has been a committed and active champion of the Harlem community, has worked diligently to promote the best of Harlem, and has created an environment that has facilitated the new Harlem Renaissance.

The Abyssinian Development Corporation is a major not-for-profit organization that works on housing development, family services, economic revitalization, educational development, and civil engagement in Harlem. Starting in the small basement office of the Abyssinian Baptist Church, the Abyssinian Development Corporation has grown in prominence and respect for its handling of complex issues of social, economic, and political challenges facing Harlem. Today, the organization boosts a dedicated staff of 95 employees and community investment projects of over $300 million.

Under the auspice of Reverend Calvin O. Butts III, the Abyssinian Development Corporation has been a faithful advocate for the Harlem community. Through the Central Harlem Local Development Corporation, it has promoted economic development and has attracted various businesses and corporations into Harlem. It has also been mindful of the need to provide essential services to the community and has addressed issues such as the improvement of education. The Thurgood Marshall Academy for Learning and Social Change has operated a successful Head Start program. These programs have been beneficial to the development and revitalization of Harlem and the Abyssinian Development Corporation continues to defend the interests of the community.

Today, the Abyssinian Development Corporation hosted a day focused on community leaders and Harlem culture. They paid tribute to the economic work and leadership of several dignitaries and dedicate time to draw attention to local and historical attractions within the community. A street festival, gospel celebration, and neighborhood tour will further highlight the various aspects of Harlem culture.

The Abyssinian Development Corporation has done a superb job of standing up for the people of Harlem and fighting for their interests. I hope that my colleagues here today will join me in applauding the efforts of this group over the last two decades. I submit for the RECORD the following CaribNews article on the work of the Abyssinian Development Corporation in the Harlem Renaissance Day of Commitment.

HARLEM RENAISSANCE DAY OF COMMITMENT

June 7, 2005.—The Abyssinian Development Corporation (ADC), an innovative not-for-profit organization dedicated to renewing and reclaiming the spirit of community in one of New York City's oldest and storied neighborhoods, announces its eleventh annual Harlem Renaissance Day of Commitment on June 7, 2005. The daylong celebration highlights ADC's accomplishments, diverse programs and services while showcasing the revival of Harlem.

This year's Renaissance Honorees include: Robert Rubin, Chairman of the Executive Committee, Citi-group, Inc; Michael Lee-Chin, Chairman and Chief Executive Office, AIC, Limited; Ralph Lauren, Chairman & CEO of Polo Ralph Lauren Corporation; and Paula Madison, President and General Manager of NBC4 in Los Angeles.

The Leadership Breakfast is ADC's opportunity to honor those who have continually and faithfully donated their time, resources and efforts to furthering the growth and revitalization of Harlem.

The day begins with a Leadership Breakfast, hosted by Rev. Calvin O. Butts III. The breakfast features more than 700 of New York's business, civic and political leaders and is held at the beautiful Great Hall of Shepard Hall, City College in the historic Hamilton Heights section of Harlem. The Leadership Breakfast (set to begin at 7:30 a.m.) will be preceded by a 7 a.m. VIP and press reception. Co-Chairs Rev. Dr. Calvin O. Butts III, Pastor, The Abyssinian Baptist Church; Edward Lewis, Co-founder, Publisher and CEO, Essence Communications; Saundra Parks, Chairman and Creative Director, The Daily Blossom; and Marianne Spraggins, President, Buy Hold America will preside over both the Leadership Breakfast and the presentation of the 2005 Renaissance Awards, during a celebration that will include Gospel Music and Southern-infused Cuisine.

Following the Leadership Breakfast is a tour of Harlem's historic neighborhoods, including Astor Row, Mt. Morris Park, Sugar Hill, and Striver's Row. Guests will see first-hand the various projects and programs of ADC throughout Harlem. The tour concludes at Odell Clark Place and 138th Street, allowing participants to visit Abyssinian Baptist Church. In the afternoon, ADC hosts a Street Fair on Odell Clark Place, complete with free food, music, games, amusement rides, entertainment and health information. The culminating event of the Harlem Renaissance Day of Commitment is an evening reception, A Taste of Harlem by Candlelight, at the Great Hall. The evening will feature entertainment from famed rhythm revue DJ Felix Hernandez, live music from "Soulnites," and a sample from some of Harlem's and New York City's leading restaurants and caterers.

RECOGNIZING THE IMPORTANCE OF GRISWOLD v. CONNECTICUT ON ITS 40TH ANNIVERSARY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. WAXMAN. Mr. Speaker, today, we are fortunate to be able to say that most Americans now take for granted the right to access and use birth control. Yet, the 40th anniversary of Griswold v. Connecticut, which first legalized the use of contraceptives, reminds us that it was not so long ago that this right was in great jeopardy. The importance and impact of this landmark decision cannot be underestimated.

Ninety-five percent of women in the U.S. now use some form of birth control during their childbearing years and the number of unintended pregnancies has dropped significantly as a result of this widespread use. Thanks to the many publicly funded programs, women in all socio-economic groups have increased access to birth control. The ability to control and plan for childbirth has also created considerable improvements in the health and well-being of women, children, and families. We have seen dramatic decreases in the rates of maternal and infant mortality, and, at the same time, dramatic increases in maternal and infant health. Women's ability to control their fertility has enabled them to enter the workforce in unprecedented numbers which has contributed to the overall prosperity of our national economy.

While these successes are certainly worthy of recognition, we cannot lose sight of the challenges that remain. Despite the reductions in unintended pregnancies we've seen, the U.S. continues to have one of the highest rates of unintended pregnancies among Western nations. Among teenage girls, the rate of unintended pregnancies remains above 75 percent and estimates show that more than one-third will become pregnant before the age of 20. Many barriers to widespread access to and use of contraceptives still exist. For instance, a number of states have enacted laws that allow health care providers and pharmacists to refuse to provide birth control. Unfortunately, under the current administration's "abstinence-only" approach to sex education, millions of children and adolescents each year are deprived of basic facts on contraception, and are instead being taught misleading information about reproductive health.

It is important to honor the 40th anniversary of Griswold not only to recognize the many accomplishments we've made in the 40 years since this landmark case, but also to remind ourselves of the work we have yet to do. We must continue to be unrelenting in our pursuit of the goal of creating unencumbered universal access to and use of contraceptives. Given the numerous successes of the last 40 years, I'm confident we can succeed.

KEEPING THE PROMISE TO OUR DISABLED VETERANS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. FILNER. Mr. Speaker and colleagues, I rise today to speak about two bills that I have introduced to better the lives of our Nation's disabled veterans. H.R. 1188, the "Disabled Veterans Right to Commissaries and Space Available Travel Act," will extend commissary and exchange store privileges to service-disabled veterans with a rating of 30% or more and to their families. Congress must do all we reasonably can for the men and women who have become disabled in their service to our Nation. Our disabled veterans are important members of the greater military family, and they should be treated as such with every available opportunity.

This bill will also authorize transportation on military aircraft on a space-available basis to service-disabled veterans with a rating of 50% or more. Currently, members and retirees of the uniformed services and the reserves may travel free on Department of Defense (DoD) aircraft when space is available. This benefit is allowed when it does not interfere with military missions, and it recognizes that military careers are filled with rigorous duty.

But present policies do not extend this benefit to our disabled veterans. What more rigorous duty can be imagined than to become disabled in the service of our country? Why has the DoD chosen not to recognize the brave men and women who sacrificed their health and well-being while serving in uniform? This DoD policy needs to be corrected.

Space-available travel for these disabled veterans would cost the Federal government nothing and would not interfere with active-duty personnel. Current military is always given priority, and H.R. 1188 would do nothing to change that. What my bill will do is allow seats that would otherwise go unused to be occupied by men and women who have been disabled when serving their Nation.

I invite my colleagues to also support a second bill, H.R. 2747, the "Disabled Veterans Life Insurance Enhancement Act." This legislation will make improvements in insurance for veterans who are disabled in their service to our country.

When the Service-Disabled Veterans Insurance (SDVI) began in 1951, it was intended to provide service-disabled veterans with the ability to purchase life insurance coverage at "standard" rates. Unfortunately, these life insurance premiums are based upon mortality rates for 1940, while current standard life insurance policies have premiums based upon the 2001 mortality table. This means that service-disabled veterans are being charged high premiums based on a table that is 60 years out of date. The Independent Budget, prepared and endorsed by many veterans service organizations, has recommended that the mortality table be updated so that service-disabled veterans pay lower premiums for insurance. My bill would provide insurance comparable to standard policies, based on 2001 tables. Another change will increase the amount of insurance available to $50,000, purchased in increments of $10,000.

Second, the VA provides mortgage life insurance (VMLI) to severely service-disabled veterans who qualify for specially adapted housing grants. Currently, this amount covers only about 55% of the outstanding mortgage balances at the veteran's death because the maximum amount has not been increased since 1992. We know how the cost of houses has skyrocketed since then in many areas of our country. In May, 2001, an evaluation by the Department of Veterans Affairs recommended that the coverage be increased, and The Independent Budget has also recommended that the coverage be increased. H.R. 2747 implements those recommendations by increasing the maximum to $200,000 to cover 94% of mortgage balances outstanding. Veterans can choose lower coverage, if they wish.

These bills are the right steps to take for our disabled veterans. They have sacrificed their health and well-being for their country, and they have earned the right to these privileges. Please support these bills and work with me for their passage.

RAINNIE DEANE: A FRIEND OF SMALL BUSINESS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. MANZULLO. Mr. Speaker, I rise to honor and thank a public servant who dedicated a large part of her life to public service and in particular to helping small businesses.

Lorraine "Rainnie" Deane began her Federal career in 1977, serving as a staffer for the Committee on the Budget in the United States Senate and then later as a staffer for the Senate Committee on Small Business from 1981 to 1989. In 1989, "Rainnie" joined the Small Business Administration (SBA) and began working with the Office of Congressional and Legislative Affairs. Ms. Deane retired just recently on May 31, 2005, after 28 years of distinguished service.

She has always been an outstanding help to us here in the Congress, and especially to my staff and their predecessors on the Committee on Small Business.

Prior to entering Federal service, "Rainnie" worked for the private sector in the late 1960's to the late 1970's. In the mid to late 1960's, "Rainnie" was self-employed as a model in the metropolitan DC area. As a take-off on Britain's Twiggy, "Rainnie" was named "The Face of '68" and articles appeared in the London Financial Times and the Washington Post. She also appeared on network TV doing fashion shows. She was a true entrepreneur in her own right.

In addition to her work for small business "Rainnie," a breast cancer survivor, has been very active in raising funds for cancer research. "Rainnie's Dream Team" of over 50 friends and colleagues just participated in the June 3, 2005 Susan G. Komen Race for the Cure in Washington, DC, the most recent of her teams supporting this noble cause.

In conclusion, Mr. Speaker, I would like to reiterate my congratulations and gratitude to "Rainnie" for her excellent service to the Federal government, small business, and society. I wish her a happy and well-deserved retirement.

CONGRATULATING THE CIGARROA FAMILY, LAREDO BUSINESS PERSONS OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the Cigarroa Family, Laredo Business Persons of the Year.

Joaquin Cigarroa Jr., along with his sons Ricardo, Carlos, Francisco, Joaquin, and daughter Patricia comprise a unique group of medical professionals and business entrepreneurs.

The Cigarroas have demonstrated a great ability to seek opportunity and create enterprise within their community. The family has consistently expressed their devotion to Laredo, dedicating their lives to the education and health of their city.

The Cigarroa Family has contributed significantly to the development of the healthcare industry in South Texas, partnering in 2004 with others to create the Laredo Cardiac Rehabilitation and Wellness Center. The family is currently developing the Cigarroa Heart and Vascular Institute.

I am honored to recognize the Cigarroa Family, Laredo Business Persons of the year. I applaud the Cigarroas for their commitment to the medical industry and the positive impact they have had on their local economy.

LESSONS FROM THE LIFE OF MALCOLM X

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. RANGEL. Mr. Speaker, I rise to draw the attention of the 109th Congress to the life of Malcolm X. Four months ago was the 40th anniversary of the tragic assassination of Malcolm X. Last month, I called on this body to recognize and commemorate the 80th birthday of this brilliant man who rose from a life of crime and incarceration to become a famed civil rights leader. Today, I ask this chamber to reflect on the circumstances that led Malcolm X down the path he took and to imagine how his life and our lives might have been different had he lived into his 80s.

Despite much hardship and struggle in his life, he rose to be a powerful voice of a disenfranchised Black America. His father, a believer in Garveyism and a champion of Black Nationalism, was found dead on the railroad tracks near his home. His mother quickly sank into a deep depression and alcoholism. He was split from his brothers, sisters, and mother shortly thereafter. Despite an impressive academic record, he was discouraged from pursuing a career in law by a favorite white teacher. By his 20s, he had turned to a life of crime that appeared to offer more opportunities for a young black man in the 1940s.

To young Malcolm, racism was at the heart of his family breakdown, the barriers to his advancement, and the limitations of Black America. All around him were examples of a system that discriminated against, despised, and debilitated Black America. Crime, drugs, death, limited opportunities, inadequate finances, segregation, and racism were facets of his daily life. They framed his view of the world around him and of the individuals within the political and economic hierarchy.

As a result of a religious conversion he experienced in jail, Malcolm would join the Nation of Islam and become one of its most influential ministers. Motivated by his spirit, pride, and desire to defend his Black people, he would see the Nation of Islam as a voice for the disenfranchised, the poor, and the discriminated. He would connect his life story to the lives of those with whom he came in contact and explain their story through his own experience. Their dismay with the system was his dismay; their need for leadership was his strength. He instilled in those he met in his journey a sense of pride that many had lost. He restored their hope in themselves. He demanded more of himself and more of them.

He told America about the oppression and racism that held his people back and demanded that the injustices be undone. With that demand came a call for Black America to stand up for themselves, to insist upon their freedoms as men and women, and to settle for nothing less. He became the voice for a segment of Black America that would no longer accept the status quo. He became a champion for justice, equality, and self-determination.

While many feared the hatred and determinism that underlined Malcolm X, many also missed his transformation to El-Hajj Malik El-Shabazz. El-Shabazz had traveled to Mecca and seen with his own eyes the kindness of all people and the international extent of oppression. He saw that injustices were not just a White-Black dynamic in the United States, but a challenge that existed across the world, across races, and across systems of government. He returned from his travels with a new developing world philosophy.

Malcolm X was an influential leader of the Civil Rights Movement and is an admired champion of current generations. His struggle is seen as a universal struggle that groups the world over have fought. He influenced change in the role of African-Americans in this country. His thoughts still shape the ideas of the young and old today. This Congress, this Nation, must come to terms with the meaning and significance of this great man, as we advance into this new century.

I submit for the RECORD and for our reflection the following CaribNews article by Michael D. Roberts on Malcolm X. It provides further insight into the development of El-Hajj Malik El-Shabazz and it offers a view of Black Moses.

BLACK MOSES: THE INTERNATIONAL APPEAL FOR THIS BLACK NATIONALIST STILL LIVES

MAY 31, 2005.—As we celebrate the 80th "earthday" of legendary Black Nationalist leader, Malcolm X, he still commands the attention and interest of millions of people—Black, White, and others. And even now there are still attempts to settle once and for all the circumstances surrounding his untimely demise.

Malcolm's contribution to the development of Black people and the Black race the world over serves as a timeless positive lesson in today's troubled climate of racism, petty prejudice and discrimination. His life and times also make the translucent point that greatness can start from very humble circumstances and that ultimately the power of goodness must triumph over those of evil.

Indeed, his example, in so short a lifetime, is a remarkable study in the metamorphosis from ordinary Malcolm Little, born on May 19, 1925, to a Garveyite father and Grenadian mother, to convicted felon and con man, to Malcolm X, the top minister of the Nation of Islam (NOI) and finally to El-Hajj Malik El-Shabazz, internationalist, Black nationalist, and statesman. Incredibly all this was done in less than four decades. To all that I would take the liberty of adding: "Black Moses martyred for the cause of Black Liberation."

But the events which would transform a disillusioned Black street hustler known as "Detroit Red" into an international symbol of Black pride provide serious and objective lessons in today's hostile social and political climate. So, too, the study of the public and international ministries of Malcolm X should never be solely focused on his early radical pronouncements as many of his detractors are wont to do.

After all his early, formative perceptions of society were formed after he saw his father viciously murdered by the racist, white supremacist Ku Klux Klan organization, and his mother fall victim to the debilitating ravages of alcoholism while still barely a teenager.

A young Malcolm witnessed the steady dysfunctionality of a home broken up by the demise of the main breadwinner and the rapid decline into depression and alcoholism of a mother unable to cope with the sheer burden of raising a family alone. The end result was that Malcolm's mother was forced to parcel off the children to family and mends because she was unable to adequately provide for them.

Of course, to many Black people around the world this sounds very familiar and is a situation that has been duplicated over and over again in the Black family even in 2005 on the anniversary of his birth.

But when all is said and done the reason why Malcolm X was able to elevate himself from nonentity, "Detroit Red," a two-bit street hustler, to one of the most gifted and eloquent leaders of the 20th century, was due mainly to his conversion, while in jail, to the religion of Islam.

The early Malcolm, still bitter from his experiences with racism, still hurting from being separated from his family and in particularly his mother that he loved deeply, was a narrow-minded bigot who saw the white man as "a blond blue-eyed devil." And even as he embraced the Quran and was riding the wave to the top of the Black Muslim religious hierarchy, Malcolm still believed that the problems facing the Black race, especially in a still segregated and prejudiced America, were the deliberate creation of "evil" individual White men.

That is why he uttered his famous epitaph on the assassination of President John F. Kennedy calling it a case of "chickens coming home to roost." But while the statement appeared to be fundamentally callous and insensitive to the brutal slaying of a United States president, on closer examination and analysis it could be interpreted to mean that the climate of hostility and racial hatred which was poisoning American society on November 22, 1963 spawned such activities which resulted.

And although felled by several assassins' bullets in New York's Harlem Audobon Ballroom on February 21, 1965, Malcolm X's cultural currency has only increased in the last four decades. Part of his appeal has to do with the controversial figure that he was and his oftentimes uncompromising in-your-face, no-sell-out stance that he took when dealing with white American society and questions of Black oppression. It is this militant revolutionary charisma that still finds acceptance especially by inner city youths who are today still struggling to be free.

Just as he was controversial in life, so too he is in death. In 2005 there are still many unanswered questions about just who was behind his assassination. Following Malcolm's break with the Nation of Islam (NOI) in 1964, enmity grew between him and the Nation of Islam leader Elijah Muhammad. Most members of the group hated Malcolm for "defaming" Muhammad's name.

An FBI memo, uncovered during a congressional probe of the agency's notorious COINTLPRO (Counter Intelligence Program) program, suggests that it was the agency, which hated Malcolm's guts, that used agent provocateurs planted inside the NOI to fuel and foster factional disputes and nurture hatred for Malcolm ultimately culminating in his killing. It was no secret that FBI director, J. Edgar Hoover, wanted Malcolm dead.

But no matter the circumstances of his untimely death, or who was to blame, Malcolm X has left a towering legacy of selfless sacrifice to the greater good of mankind. In less than four decades he made the extraordinary journey from an ordinary man to a leader with international standing ultimately transformed by the power of his pilgrimage to Mecca. It was this change and his new and profound understanding of the root causes of oppression, exploitation and racism that thrust him on a new path to liberating his people. He became in the process, El-Hajj Malik El-Shabazz, the liberated Black Moses of his people as he saw the emancipation of Blacks in America as inextricably entwined and linked with the liberation processes in the Caribbean, in Europe and Africa. Malcolm X will be remembered as one of the clear Black voices of reason whose every thought and action was based on sound moral political principles. As we remember him on his 80th Birthday and 40 years after he was brutally murdered it is correct to say that his legacy still lives on.

Today, history looks kindly on Malcolm X and a generation of young Black leaders all over the world remember him for his militant activism and strong uncompromising leadership. He was truly a "Black Moses" who chose his own path to lead his people. Cut down before his mission was accomplished we can only wonder at what this extraordinary model of human transformation and sound moral principles would have accomplished had he lived. We can only speculate. But Malcolm X achieved in life what many, many would take two and even three lifetimes to achieve. That is his legacy and his lasting gift to his people.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. MENENDEZ. Mr. Speaker, I regret that official business forced me to miss rollcall votes 223–227 on May 26, 2005. Had I been present, I would have voted as follows:

On rollcall vote No. 223, On Ordering the Previous Question providing for consideration of H.R. 2528, the Military Quality of Life and VA Appropriations bill for Fiscal Year 2006, I would have voted "nay."

On rollcall vote No. 224, On Agreeing to the Melancon Amendment to H.R. 2528, I would have voted "aye."

On rollcall vote No. 225, On Agreeing to the Blumenauer Amendment to H.R. 2528, I would have voted "aye."

On rollcall vote No. 226, passage of H.R. 2528, the Military Quality of Life and VA Appropriations bill for Fiscal Year 2006, I would have voted "aye." .

On rollcall vote No. 227, On Agreeing to the Motion to Instruct Conferees on H.R. 3, the Transportation Equity Act: A Legacy for Users, I would have voted "aye."

TRIBUTE TO LAWSON AND JEANNE HAMILTON AS GRADUATES OF DISTINCTION

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mrs. CAPITO. Mr. Speaker, I rise today to pay tribute to a remarkable West Virginia couple, Lawson and Jeanne Hamilton, who are being honored by The Education Alliance as Graduates of Distinction.

"Graduates of Distinction" was established by The Education Alliance to recognize and honor graduates of West Virginia public schools who have attained national or international acclaim in their professions and for their loyalty to West Virginia.

Lawson Hamilton graduated from Charleston High School and went on to become the owner of Ford Coal Company, a major producer which provided good jobs for West Virginians for decades.

Jeanne Hamilton graduated from Elkview High School and has been a leader in many civic and community programs in addition to being named "Mrs. West Virginia Mother of the Year."

As testament to the value they have placed on their educations, Lawson and Jeanne have sponsored wonderful reunions for graduates of Charleston High School, keeping traditions and relationships strong and vibrant even as the student body now enjoys grandchildren and great-grandchildren. They are true believers in education and the arts.

Lawson and Jeanne Hamilton could have taken the skills they gained in public school and launched successful careers anywhere, but chose to put them to work putting West Virginians to work. Our State is sincerely appreciative. Their bountiful nature and giving spirits are unmatched.

We are taught always to leave a place better than we have found it. Lawson and Jeanne have transformed our community in many ways throughout their lives, and all West Virginians and Americans should honor them today.

INTRODUCTION OF H.R. 2746

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. HOLT. Mr. Speaker, in his State of the Union address on February 27, 2001, President George W. Bush stood in these very chambers and correctly stated, "No senior in America should have to choose between buying food and buying prescriptions." Unfortunately, two years later, Congress passed a bill that did not solve that problem.

The Medicare Modernization Act fails to protect the eligibility of low-income seniors for other Federal assistance programs. The statute mandates that use of the transitional discount drug cards will not affect eligibility for Federal assistance programs, like food stamps. However, such protection is not extended to the permanent prescription drug benefit, which will be fully implemented on January 1, 2006.

On May 4, 2005, the Centers for Medicare and Medicaid Services (CMS) notified potential beneficiaries of the Medicare low-income subsidy that they may qualify for extra help paying prescription costs. However, this potential extra help comes with a caveat: If you qualify for extra help, your food stamps may decline. Recipients of the minimum food stamp benefit will see their benefits end.

It is unconscionable to offer a "low-income subsidy" that is contingent on beneficiaries forgoing another necessary commodity. The lowest income seniors should not have to choose between getting help with their expenses for prescription drugs or food.

Today, I introduced H.R. 2746, legislation that would fix this problem with the Medicare Modernization Act. It is a simple correction that extends to the permanent drug benefit the same protection for Federal assistance program eligibility provided in the transitional drug benefit. I encourage Members to support this bill.

Congress and the Bush Administration have repeatedly affirmed that low-income seniors should not have to choose between food and prescription drugs. Our actions as a body have not lived up to that commitment. Congress should act quickly to fix this flaw in the Medicare Modernization Act so that the most vulnerable among us are not faced with an impossible choice.

CONGRATULATING ARACELI LOZANO, SMALL BUSINESS ADVOCATE WOMEN CHAMPION OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize Araceli Lozano, Small Business Advocate Women Champion of the Year.

Araceli is the Director of the Laredo Development Foundation Small Business Development Center (SBDC), which was established to provide vision and leadership to develop, encourage, promote and protect the business interests of the Laredo metropolitan area.

As Director, Araceli works to provide opportunities, motivation, and guidance to current and potential small business owners. Under the stewardship of Ms. Lozano, the SBDC team has achieved an outstanding track record, meeting and exceeding each counseling and training goal. Araceli has consistently reached out to small business owners in rural communities, providing direction to enhance the business skills of these blossoming entrepreneurs.

I am honored to recognize Araceli Lozano as the Small Business Advocate Women Champion of the Year. Araceli's dedication and devotion to the growth and success of small businesses is truly admirable.

CONGRATULATING ALICIA ESPINOZA, SMALL BUSINESS ADVOCATE FINANCIAL CHAMPION OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize Alicia Espinoza, Small Business Advocate Financial Champion of the Year.

Alicia works as a Commercial Loan Officer for the Commerce Bank where she makes and services all types of loans. With over 9 years banking experience, Ms. Espinoza offers clients a wealth of banking knowledge and financial understanding.

Alicia strives to provide personalized attention to her customers. She knows them all by their names, not their account numbers. By offering each customer individualized consideration and tailored advice, she is able to maximize the success of her business transactions. Alicia works hard to serve the needs of her clients, often working beyond a banker's traditional hours.

I am honored to recognize Alicia Espinoza as the Small Business Advocate Financial Champion of the Year. Alicia's exceptional efforts continue to perpetuate the economic and social development of her community.

THE COMMENCEMENT MESSAGE OF DR. DAVID JEFFERSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. RANGEL. Mr. Speaker, I rise to honor the success and contributions of Dr. David Jefferson, Sr. A graduate of Grambling State University, David has been a role model and example for a generation of Grambling students and others who have met him.

In the last thirty years, David has risen up the ranks in the business community and has developed an impressive reputation amongst his colleagues as a fair and wise business leader. He currently serves as the President and CEO of JNET Communications, LLC and is a member of the board of directors of SBLI USA Mutual Life Insurance Company, Inc. He has succeeded in bringing the talents of a young Louisianan and the lessons of a noteworthy academic institution into the decision-making of two major corporations.

Beginning in 2003, JNET has provided a suite of technology and technology-related services to telephone companies, cable television systems, and other businesses. The company has created a number of job opportunities in minority and low-income communities. Through its Up the Ladder training program, it has trained individuals in these communities to work as call center experts, customer acquisition and expansion experts, and maintenance and installation experts. David has been successful in managing an organization that creates jobs for the community and the people that surround him.

Dr. Jefferson is also a senior pastor of the Metropolitan Baptist Church of Newark. Founded in 1938, Metropolitan Baptist has one of the largest congregations in Newark. It has over 80 ministries ranging from choirs and church services to ecommerce and educational development. David has effectively used the church to address the economic and social needs of his congregation and has worked to improve the livelihood of his community.

David is also a willing community activist. He divides his time with a number of social and religious organizations dedicated to making an impact on the community. He is enthusiastically involved in the actions of civil rights organizations, legal associations, and a fraternal order. In addition, David is the director and co-chair of 1,000 Churches Connected Initiative. His commitment to the community and involvement in its development is a testament to the importance of daily activism and individual responsibility.

Dr. Jefferson is a wonderful role model for generations of Americans. He effectively combines the intuitiveness and aggressiveness of the business community with the compassion and care of the neighborhood. He is a dedicated leader to the economic and social fabric of this country and should be recognized for his role in shaping and developing the individual, the family, and the community.

Dr. Jefferson bestowed his sage advice on the graduating class of Grambling State University Sunday, May 22. He advised the graduates of his keys to success and reminded them of the importance of community service, determination, and commitment to their life. I would like to share with this body the thoughtful words of Dr. David Jefferson at the commencement of Grambling State University. I submit for the RECORD the prepared text of that commencement address.

"ACHIEVING YOUR DREAMS AND HOPES"; GRAMBLING STATE UNIVERSITY COMMENCEMENT ADDRESS, MAY 22, 2005

To Dr. Judson, the president of this internationally renowned, remarkable, historical institution; Chairman of the Board of Trustees; faculty; administrators; staff; parents; friends; loved ones; and last but certainly not least the Graduating Class of 2005. When you travel and see the condition of our young people . . . to see those who have reached this level, they deserve a message from us that we are proud of their accomplishments.

Today represents a major milestone and one of significant meaning and enormous joy and fulfillment for all of us. For the graduates and their families, because your hard work, sacrifice and perseverance has finally yielded the first installment of your dividends. It's significant for this great institution because there is a spirit of revival and rebirth in the air at GSU.

I am excited and encouraged about what is happening at my Alma Mater. The campus is receiving a long overdue facelift, buildings are being constructed, dorms are being renovated, academic curriculums are being re-evaluated, and there is a vision and hope for tomorrow.

For me it's significant because I have been invited back to my roots, the place where I started my journey and received my foundation for higher academic training. This is the institution that equipped me and prepared me for my MBA work in finance at the University of Dayton. It is this institution that also equipped me to pursue legal studies at Capital Law School; a Master's of Theology at Drew University; and another master's degree from one of the top schools in the world—the Massachusetts Institute of Technology. It is this institution that paved the way for me to become the Pastor of the Metropolitan Baptist Church in Newark, N.J. which has nearly 6,000 members, and now the President and CEO of JNET Communications. After 34 years I have been invited back to give this commencement address and that's a marvelous blessing. So do not let anyone tell you Grambling is not a great school. Without this school I wouldn't be where I am today.

I am very humbled and emotional, but very excited. And I want to thank Dr. Judson for inviting me to address this class. I've received a number of prestigious honors in my life, many of which were absolutely outstanding. However, in my estimation, this tops them all. To stand here today is extremely significant to me. Everywhere I go young people constantly inquire, "Dr. Jefferson, how have you achieved such significant accomplishments and what advice would you give college students?" And that's what I want to focus on briefly: achieving your dreams and hopes.

The first thing I have to admit is it has not been easy—you really do have to learn how to lean and depend on God. But you also have to have a dream, some hope, some aspiration that takes you beyond the present to what you want for your future. It's called reaching beyond the present. I had and still have a desire to achieve.

Even if you don't know exactly "where" you want to go, you need to possess a desire to "excel beyond your present." Then you need to be inspired because aspiration is not enough, you also need inspiration. I grew up in Doyline, a small rural area just west of here—dirt roads, no running water, outside bathrooms, and bathing in a #3 tub (something many of you perhaps know nothing about). There are 15 children in our family. I'm #10 and nine of us graduated from college. My father, a Baptist minister, was a strong man and an outstanding role model. My mother, who is with me today, is 89 years old and will be 90 in December. Neither of my parents finished high school, but they understood the value of a good education and inspired their children to be somebody, to make something of themselves, to be their best. Without aspiration and without inspiration there is no drive, determination, or will to succeed. Success comes to those who are willing to sweat. And then you need to work at it. It's called preparation. And preparation involves perspiration. Preparation and perspiration always precede realization. Dreams and aspirations can never be achieved without preparation and perspiration. And then you get to the moment of celebration. That's where you are today. So graduates—it is time to celebrate!

But today's accomplishments are to be celebrated with commas, not periods. As a punctuation mark, the period says "stop." It represents the end of a declarative statement. But a comma says simply, "pause," because there's more to follow. I urge you to celebrate today with a comma, meaning that there's more to follow! Seize the moment, but keep going. Make the most of your life. Don't stop. Go for your master's, go for your doctorate, take your life to the next level. Do something that will make a difference, make your mark in life, leave a legacy.

L. Frank Baum in his 1939 epic, "The Wizard of Oz," starts the story when a nasty neighbor tries to have Dorothy's dog put to sleep. Dorothy takes her dog, Toto, to run away. A cyclone appears and carries her to the magical land of Oz. Wishing to return, she begins to travel to the city of Oz, where a great and powerful wizard lives. On her way she meets a Scarecrow who needs a brain, a Tin Man who wants a heart, and a cowardly Lion who desperately needs courage. They all hope the Wizard of Oz will help them, before the Wicked Witch of the West catches up to them. But when they reach Oz and meet the magnificent Wizard they encounter a remarkable discovery. And that is "what they were looking for on the outside was only to be found within." What they wanted the Wizard to give them, they had all along. You have within you brains, the courage and the heart and the spirit to go the distance. Cultivate what you have within! Sometimes up, sometimes down, it won't be easy but go for it!

And perhaps that's what Langston Hughes had in mind when he wrote the poem "Mother to Son," where the mother says to her son . . .

"Well, son, I'll tell you:
Life for me ain't been no crystal stair.
It's had tacks in it,
And splinters,
And boards torn up,
And places with no carpet on the floor—
Bare.
But all the time
I'se been a-climbin' on,
And reachin' landin's,
And turnin' corners,
And sometimes goin' in the dark

Where there ain't been no light.
So, boy, don't you turn back.
Don't you set down on the steps.
'Cause you finds it's kinder hard.
Don't you fall now—
For I'se still goin', honey
I'se still climbin',
And life for me ain't been no crystal stair.

So go for it graduates and one day you'll discover, like I have, there is no place like home, no place like Doyline, no place like Grambling State University! And although today is a great accomplishment, your best is yet to come.

God bless you and God bless Grambling State University!

RECOGNIZING THE RETIREMENT OF DE TEEL PATTERSON (PAT) TILLER

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. McCRERY. Mr. Speaker, today I would like to recognize an individual who has for the past 28 years been a thoughtful and articulate advocate of historic preservation and cultural resources programs serving the 388 national parks and the Nation's heritage partnership programs.

de Teel Patterson (Pat) Tiller, the National Park Service's Deputy Associate Director, Cultural Resources, will retire in June. Since 1999 he has served as both the Deputy and Acting Associate Director of the National Park Service. A native of Washington, DC, Tiller worked as a professional designer in television and regional theater before receiving a Master's degree in Architectural History with a specialty in historic preservation from the University of Virginia, College of Architecture. He was in private practice in West Texas before joining the National Park Service in 1977. Tiller has served in various adjunct faculty positions in architectural history and historic preservation policy and practice at the University of Wyoming, the University of Virginia, Kansas State University, George Washington University in Washington, DC, and Goucher College in Baltimore, Maryland. He received an honorary Doctor of Humane Letters from Goucher in 2003.

In the Fourth Congressional District of Louisiana, Pat Tiller has been instrumental in nurturing and developing a unique relationship among three National Park Service entities in Natchitoches. The synergy of the Cane River Creole National Historical Park, the Cane River National Heritage Area, the National Center for Preservation Technology and Training and local partners is a model for cooperation and productivity among federal agencies and local communities. The American Planning Association recognized this achievement with a Federal Planning Award for Partnerships in 2004.

The community has benefited from Tiller's guidance in two Save America's Treasures awards, numerous visits by National Park Service personnel, and the development of the Creole Heritage Center on the campus of Northwestern State University. The Creole Heritage Center has seen its mission and scope extend beyond a local community group to a national constituency. Pat Tiller has been instrumental in formulating the policies and funding to make this a reality.

Pat Tiller has been a man of vision during his tenure at the National Park Service in improving the Nation's natural and historic resources. He leaves behind a rich legacy, numerous contributions and very large shoes to fill. My staff and I, and I dare say many other members and staff on the Hill, will miss Pat's guidance, hard work, unfailing courtesy, good humor and most of all dedication to his work in the years ahead. But I know that I and many others in the Fourth District will seek opportunities to keep Pat engaged and part of the larger preservation community as he reenters the private sector and begins another phase of an already distinguished career.

SENATE—*Wednesday, June 8, 2005*

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Wondrous sovereign God, thank You for the gift of another sunrise. We trust in Your unfailing love and rejoice in Your salvation. Lord, Your words are right and true. Your plans stand firm forever. In these challenging times, rule our world by Your wise providence.

As the Members of this Congress investigate and legislate, help them to hate the false and cling to the truth. Give them the wisdom to guard their lips and weigh their words. Guide them with righteousness and integrity. May they leave such a legacy of excellence that generations to come will be inspired by what they do now. Remind them of Your precepts, even through the watches of the night.

Lord, You are our help and our shield, and we wait in hope for You.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 8, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standard Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will return to executive session for the final statements regarding the nomination of Janice Rogers Brown. We have the up-or-down vote on her nomination scheduled for 5 p.m. today. And immediately following her vote, under provisions of rule XXII, we will proceed directly to the cloture vote with respect to the nomination of William Pryor. I expect cloture to be invoked on the Pryor nomination as well. Once cloture is invoked, I anticipate we will be able to lock in a time certain for a final up-or-down vote on William Pryor.

As I mentioned over the last couple of days, we also expect to consider the Sixth Circuit judges on which we have time agreements already in place, as well as the nomination of Tom Griffith to the D.C. Circuit Court.

I look forward to the Senate finally working its will with respect to these four or five nominations over the next 2 days. We will have a busy week focused on these judicial nominations.

Mr. President, I have a very brief statement on judges. Does the Democratic leader have any comments with regard to the schedule? I think our schedule is pretty clear. After discussions between the two of us and among our leadership in our various caucuses, we have a good plan for the next 4 weeks focused on judges this week, and then moving to energy next week, with a concentrated push on energy based on a bipartisan bill that came out of committee 2 weeks ago.

Following that, we will be addressing appropriations bills that are currently coming out of the Appropriations Committee.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. REID. Mr. President, I say through the Chair to the distinguished majority leader, we have spoken to staff on the situation involving the Griffith nomination. I have not had the opportunity to speak to the ranking member, Senator LEAHY. Hopefully, we can get that resolved so maybe even on Monday we can complete debate on that nomination.

We are trying to cooperate as much as we can getting through this little hurdle we have had here so we can move on to other issues.

Mr. FRIST. Mr. President, as we try to complete the business we have been addressing over the last several weeks, the one remaining item we have not really settled on is the Bolton nomination. I filed a motion to reconsider that vote. There are a lot of ongoing discussions. That is very important business that we need to address in the near future, and we will continue to discuss, as we have over the last couple of days, what the appropriate time is for that nomination to be brought back. I intend to do that.

NOMINATIONS OF JANICE R. BROWN AND WILLIAM PRYOR

Mr. FRIST. Mr. President, today we will vote on the confirmation of Janice Rogers Brown to serve on the Court of Appeals for the D.C. Circuit. We are on a good path, a constructive, very positive path for getting up-or-down votes for these judicial nominees, and we will stay on that, as I just mentioned, over the remainder of this week, confirming these judges.

After 2 years of delay, Justice Brown will finally get the courtesy of an up-or-down vote. She will finally get the respect she deserves by getting an up-or-down vote. Indeed, all 100 Members, later today, will be able to come to the floor and vote to confirm or reject—yes or no, up or down—her nomination. I am delighted we have finally reached this point.

Following the vote on Justice Brown, we will move to the cloture vote on Judge William Pryor. Similar to Justice Brown, Judge Pryor's nomination, in the past, has faced deliberate delay and postponement and obstruction. But with the progress we are making, I believe William Pryor will also now get a fair up-or-down vote, a vote he deserves.

So I am very happy we have moved beyond the impasse on his nomination and that we are back to fulfilling our constitutional duty for advice and consent. That is what these nominees deserve. It gives them the respect they deserve. It gives them the courtesy they deserve.

Mr. President, I will yield the floor. We will continue to vote on judges this week, and then next week we will be turning our attention to lowering energy prices, to lowering natural gas prices for Americans, and we will be on that bill until completion. That is the Energy bill.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

EXECUTIVE SESSION

NOMINATION OF JANICE R. BROWN TO BE UNITED STATES CIRCUIT JUDGE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of calendar No. 72, which the clerk will report.

The legislative clerk read the nomination of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit.

The ACTING PRESIDENT pro tempore. The Democratic leader.

Mr. REID. Mr. President, I ask unanimous consent that today the Democratic time for debate, with respect to the Brown nomination, be controlled as indicated on the list which I now send to the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

Under the previous order, the time from 11 a.m. until 12 noon shall be under the control of the Democratic leader or his designee.

The Senator from Wisconsin is recognized for 20 minutes.

Mr. FEINGOLD. Mr President, I will vote "no" on Justice Brown's nomination to the D.C. Circuit.

Let me first remind my colleagues of the importance of this particular circuit in our judicial system. The D.C. Circuit is widely regarded as the most important Federal circuit. It has jurisdiction over the actions of most Federal agencies. Many of the highest profile cases that have been decided in recent years by the Supreme Court concerning regulation of economic activity by Federal agencies in areas such as the environment, health and safety regulation, and labor law, went first to the D.C. Circuit. In the area of administrative law and the interpretation of major regulatory statutes such as the Clean Air Act, the Clean Water Act, the Occupational Safety and Health Act, and the National Labor Relations Act, the D.C. Circuit is generally the last word, as the Supreme Court reviews only a tiny minority of circuit court decisions.

The D.C. Circuit is now almost evenly split, and has been for some time, between nominees of Democratic and Republican Presidents. There are five judges who were appointed by Republicans, including John Roberts, who the Senate confirmed earlier this year, and four by Democrats, and there are three vacancies. President Clinton made two excellent nominations that were never acted upon by the Senate Judiciary Committee. In one case, the committee held a hearing but never scheduled a vote, and in another, that of now-Harvard Law School Dean Elena Kagan, the Clinton nominee was not even given the courtesy of a hearing.

I want to express my great disappointment that the administration has not been willing to seek a compromise on the many vacancies that now exist on this court. By insisting on its often highly controversial choices for this circuit in particular, the administration has continued to push the Senate toward the "nuclear" confrontation that loomed over the Senate before the recess. Regrettably, President Bush is responsible for much of the ill will that has plagued this body for the past few years and the potentially disastrous upending of Senate precedents that we faced last month and may well see again.

If only the President had really been a uniter and not a divider; if only he had truly tried to change the tone in Washington and repair some of the damage done to the nomination process by previous Congresses; if only he had not squandered the opportunity that the four vacancies on the D.C. Circuit as of his inauguration in 2001 presented, we would not be in this situation today.

In light of this history and the importance of this Circuit, I believe it is my duty to give this nomination very close scrutiny. After reviewing this nominee's record and her testimony, I will vote "no." I do not believe she is the right person at this time to be given a lifetime appointment to this important court. The fact that a majority of the Senate is apparently willing to confirm a nominee whose record so clearly demonstrates that she is not suited for such an important position is surprising and discouraging. I do not and will never apologize for supporting the filibuster to protect the Federal courts and the people of this country from her ideological, results-oriented judging.

At her hearing, I asked Justice Brown about a case on age discrimination called Stevenson v. Superior Court. The majority in that case said that Ms. Stevenson's wrongful discharge violated a fundamental public policy against age discrimination. Justice Brown dissented, saying that the plaintiff had "failed to establish that public policy against age discrimination . . . is fundamental and substantial." She went on: "Discrimination based on age does not mark its victim with a stigma of inferiority and second class citizenship."

These statements looked shocking when I read them, but I wanted to make sure I understood Justice Brown's views, so I gave her a chance to respond. I questioned her about the case in the Judiciary Committee, and concluded by asking if it was fair to say she believed age discrimination does not stigmatize senior citizens. She agreed that it was. I appreciate her candor, but I have to say I found that testimony very troubling. Senior citizens in this country live every day with the stigma of age discrimination; it is a real problem, and I think everyone here takes it very seriously. Just because we all will be old someday, and, therefore perhaps will be subject to prejudice and discrimination of this type, does not make it any less reprehensible. I have not heard anyone in the Senate trying to defend Justice Brown's view on this issue; nor do I expect to, because it is truly indefensible.

I was also concerned by a comment Justice Brown made in 2000 about senior citizens. She said: "Today senior citizens blithely cannibalize their grandchildren because they have a right to get as much free stuff as the political system will permit them to exact." When I asked her about this statement at her hearing, she made no effort to distance herself from it.

Justice Brown seemed to suggest at her hearing that we should ignore her inflammatory speeches because she was just trying to be provocative in talking to audiences of youthful lawyers. She said that in her judging she is nonideological. The problem with that position is that the caustic style and even some of the extreme language she used in her speeches makes its way into her opinions. For example, in a 2000 speech entitled "50 Ways To Lose Your Freedom" in which Justice Brown suggests there may be some validity to the substantive due process theory of the Lochner case, she says the following: "[I]f we can invoke no ultimate limits on the power of government, a democracy is inevitably transformed into a kleptocracy—a license to steal, a warrant for oppression." That is a pretty provocative statement to be sure.

In 2002, Justice Brown issued a scathing dissent in a zoning case called San Remo Hotel v. San Francisco. In that case, San Francisco had a requirement that when residential hotels were converted into daily hotels, the owners pay a fee to help the government pay for affordable housing that would make up for the housing that was lost in the conversion. This seems like a fairly mild requirement to me, and the majority of the court saw nothing wrong with it. But her dissent used very strong language to criticize the requirement. She said, in words that sounds an awful lot like her speech, that San Francisco was "[t]urning a democracy into a kleptocracy." In case that was not strong enough, she added that the government had imposed a "neo-feudal regime."

Frankly, I had a hard time imagining a more extreme statement than that, but Justice Brown came up with one: "But private property, already an endangered species in California, is now entirely extinct in San Francisco." (*San Remo Hotel L.P.* v. *City and County of San Francisco*, 27 Cal. 4th 643 (2002).) She continued to use this dissent to showcase her extreme views on the takings clause: "Where once government was a necessary evil because it protected private property, now private property is a necessary evil because it funds government programs," she said.

In her dissent, she argued that the zoning fee did not "substantially advance legitimate government interests" and therefore was "obviously" unconstitutional. Justice Brown's colleagues on the California Supreme Court rejected her analysis. They noted that Justice Brown's approach to takings law would open a Pandora's box of judicial activism, in that courts would have to examine the wisdom of a "myriad government economic regulations, a task the courts have been loath to undertake pursuant to either the takings or due process clause."

On May 23, 2005—just last month—the U.S. Supreme Court rejected the "substantially advances" test supported by Justice Brown in the San Remo case and affirmed that courts should not subject regulatory takings cases to heightened scrutiny. Other than Justice Kennedy's two paragraph concurrence, the entire court, including Justices Scalia and Thomas, unanimously agreed with Justice O'Connor's majority opinion in this case, *Lingle* v. *Chevron* (No. 04-163,—S. Ct.—, 2005 WL 1200710 (May 23, 2005).)

The U.S. Supreme Court's critique of the district court in Lingle paralleled the San Remo majority's critique of Justice Brown's dissent. In Lingle, the Supreme Court addressed whether a Hawaiian regulation that prohibited oil companies from charging extraordinary rent to franchisees constituted a regulatory taking. The Supreme Court held that it did not, and the Court explicitly rejected the test Justice Brown used in her takings analysis. Like the majority in the San Remo opinion, the Court noted that if the "substantially advances" test were the law of the land:

> [I]t would require courts to scrutinize the efficacy of a vast array of State and Federal regulations—a task for which courts are not well suited. Moreover, it would empower—and might often require—courts to substitute their predictive judgments for those of elected legislatures and expert agencies. Although the instant case is only the tip of the proverbial iceberg, it foreshadows the hazards of placing courts in this role. . . .

The Supreme Court rejected the district court's decision, and the view of the takings clause advanced by Justice Brown, because it would require that judges substitute their judgments for those of elected legislatures—something that many of Justice Brown's supporters have spoken out against on the Senate floor.

As a former State legislator and now a Federal legislator, I appreciate and respect the Supreme Court's reluctance to endorse this activist view of regulatory takings law promoted by Justice Brown. Some in this body, including many who style themselves advocates of judicial restraint, would like to enact her views by legislation. They have every right to try to do so. I will fight them hard, and fortunately, so far, they have not been successful. But for them to support a judicial nominee who so clearly wants to use her power as a judge to promote such a radical view of the law is disappointing.

Justice Brown's extreme comments in her opinions and speeches, and there are many, many such quotations that were discussed at her hearing, lead me to question whether she has the temperament to be a fair judge. Despite her testimony at the hearing that "I am not an ideologue of any stripe," much of her record demonstrates the contrary. She seems to view the world through an ideological prism, and she expresses her views in the most divisive and striking language of any judicial nominee we have seen thus far.

Referring to cases upholding President Franklin Roosevelt's New Deal legislation, for example, Justice Brown has said that "1937 . . . marks the triumph of our own socialist revolution." She went on to say that "In the New Deal/Great Society Era, a rule that was the polar opposite of American law reigned." At her hearing, Senator DURBIN asked her about another speech, where she said that "Protection of private property was a major casualty of the revolution of 1937." She said, "I don't think that's at all controversial."

The court to which Justice Brown has been nominated has a docket that is laden with challenges to government regulations and interpretations of Federal statutes dealing with economic regulation. I am not confident that Justice Brown will follow the law, rather than her personal views on the law, in hearing those cases.

I have heard my colleagues argue that Justice Brown will follow the law faithfully on the court, that she will be constrained by precedent, but I simply do not find these assurances reassuring. As Justice Brown herself acknowledged in the Hughes Aircraft case, "all judges 'make law'." When they are faced with questions of first impression, they have no choice. And when they sit on a court of last resort, as Justice Brown does now, there is no one to stop them. Federal Courts of Appeals also often hear questions of first impression. And for all practical purposes, they are often courts of last resort, because the Supreme Court—again, an important point—reviews only a tiny percentage of their cases. So we must ask ourselves: How will Justice Brown use her enormous power as a Federal appellate judge when she has the opportunity to make new law?

Justice Brown's record does not give me comfort in answering that question. Too often, she seems to adopt contrary theories of judging and even statutory interpretation depending on which outcome she favors.

When the plaintiffs were victims of employment discrimination, she supported limits on punitive damages. (*Lane* v. *Hughes Aircraft*, Cal. 4th 405 (2000).) But when the plaintiffs were property owners prohibited from increasing rent in a mobile home park, she opposed any limit on damages. (*Galland* v. *City of Clovis*, 24 Cal. 4th 1003.)

When the California Supreme Court ruled that juries must be given a certain instruction to protect criminal defendants, Justice Brown dissented because of her faith in juries: "I would presume, as we do in virtually every other context, that jurors are 'intelligent, capable of understanding instructions and applying them to the facts of the case.'" (*People* v. *Guiuan*, 18 Cal. 4th 558 (1998).)

But she suddenly stopped trusting juries when faced with the possibility that they might award punitive damages to employers found liable for racial discrimination, writing: "When setting punitive damages, a jury does not have the perspective, and the resulting proportionality, that a court has after observing many trials." (*Lane* v. *Hughes Aircraft*, 22 Cal. 4th 405 (2000).)

When property owners would benefit from a literal interpretation of a voter initiative, Justice Brown wrote: "In my view the voters did not intend the courts to look any further than a standard dictionary in applying the terms. . . ." (*Apt. Ass'n of Los Angeles Cty.* v. *City of Los Angeles*, 24 Cal. 4th 830 (Jan. 2000).) But only 11 months later, when those challenging an affirmative action program advocated a broad interpretation of a voter initiative, she had a different view. She said: "We can discern and thereby effectuate the voters' intention only by interpreting this language in a historical context." (*Hi-Voltage* v. *City of San Jose*, 24 Cal. 4th 537 (Nov. 2000).)

When she wanted to limit the explicit right to privacy in the California Constitution, she argued: "Where, as here, a state constitutional protection was modeled on a federal constitutional right, we should be extremely reticent to disregard U.S. Supreme Court precedent delineating the scope and contours of that right." (*American Academy of Pediatricians* v. *Lungren*, 16 Cal. 4th 307 (Aug. 1997).)

But when the majority of her court relied on analysis from the United

States Supreme Court on the question of remedies for a violation of constitutional rights, she said: "Defaulting to the high court fundamentally disserves the independent force and effect of our Constitution. Rather than enrich the texture of our law, this reliance on federal precedent shortchanges future generations." (*Katzburg* v. *Regents*, 29 Cal 4th 300 (Nov. 2002))

I urge my colleagues to review these cases before voting on this nomination. These examples lead me to conclude that the jurisprudence of Justice Brown is a jurisprudence of convenience. She is skilled at finding a legal theory to support a desired result. I do not think that kind of approach to judging should be rewarded with an appointment to the second highest court in the land.

This nominee has complained about "militant judges" while herself openly defying precedent when it suits her; she believes that the New Deal was a "socialist revolution" and that America's elderly "cannibalize" their grandchildren for handouts; she has expressed doubts about the application of the Bill of Rights to the States through the incorporation doctrine and has suggested a return to an era when the courts regularly overturned the judgment of legislatures on questions of economic regulation. Putting it simply, this nominee truly does have extreme views. To confirm her to a seat on the D.C. Circuit would be a grave mistake. So I cannot support this nominee, and I will vote "no."

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. I thank the Chair.

I rise today to speak on the nomination of California Justice Janice Rogers Brown to the D.C. Circuit Court of Appeals. Let me begin by saying that the last thing I would like to be spending my time on right now is talking about judges. I am sure that is true for many in this Chamber. I know that I certainly do not hear about filibusters and judges when I go back to Illinois and hold townhall meetings with people across the State. What I hear about are veterans who are concerned about their disability payments and families who are talking about how high gas prices are or how difficult it is to pay for college. And so I think this argument we have been having over the last several weeks about judicial nominations has been an enormous distraction from some of the work that is most important to the American people.

Moreover, I am not so naive as to think that speaking to an empty Chamber for the benefit of C–SPAN is somehow going to change people's minds or people's votes. I recognize that most of my colleagues, on both sides of the aisle, are fairly locked into their positions.

I do not expect the President to appoint many judges of my liking. One of the things I have told some of my colleagues on this side of the aisle is that there is only one sure way to make sure Democrats are able to block what they consider to be bad judges, and that is to win elections.

And yet I feel compelled to rise on this issue to express, in the strongest terms, my opposition to the nomination of Janice Rogers Brown to the D.C. Circuit.

I think it is important for the American people to know just what it is we are getting. After the Supreme Court, as my esteemed colleague from Wisconsin just stated, the D.C. Circuit is widely viewed as the second highest court in the land. Three of our current Supreme Court Justices came directly from this court. Under its jurisdiction fall laws relating to all sorts of Federal agencies and regulations. This is a special court. It has jurisdiction that other appeals courts do not have. The judges on this court are entrusted with the power to make decisions affecting the health of the environment, the amount of money we allow in politics, the right of workers to bargain for fair wages and find freedom from discrimination, and the Social Security that our seniors will receive. It is because of this power that we deserve to give the American people a qualified judicial nominee to serve on the D.C. Circuit.

Now, the test for a qualified judicial nominee is not simply whether they are intelligent. Some of us who attended law school or were in business know there are a lot of real smart people out there whom you would not put in charge of stuff. The test of whether a judge is qualified to be a judge is not their intelligence. It is their judgment.

The test of a qualified judicial nominee is also not whether that person has their own political views. Every jurist surely does. The test is whether he or she can effectively subordinate their views in order to decide each case on the facts and the merits alone. That is what keeps our judiciary independent in America. That is what our Founders intended.

Unfortunately, as has been stated repeatedly on this floor, in almost every legal decision that she has made and every political speech that she has given, Justice Brown has shown she is not simply a judge with very strong political views, she is a political activist who happens to be a judge. It is a pretty easy observation to make when you look at her judicial decisions. While some judges tend to favor an activist interpretation of the law and others tend to believe in a restrained interpretation of the law providing great deference to the legislature, Justice Brown tends to favor whatever interpretation leads her to the very same ideological conclusions every single time. So when it comes to laws protecting a woman's right to choose or a worker's right to organize, she will claim that the laws that the legislature passed should be interpreted narrowly. Yet when it comes to laws protecting corporations and private property, she has decided that those laws should be interpreted broadly. When the rights of the vulnerable are at stake, then she believes the majority has the right to do whatever it wants. When the minority happens to be the people who have privilege and wealth, then suddenly she is counter-majoritarian and thinks it is very important to constrain the will of the majority.

Let me just give you a couple examples. In a case reviewing California's parental notification law, Justice Brown criticized the California Supreme Court decision overturning that law, saying that the court should have remained "tentative, recognizing the primacy of legislative prerogatives." She has also repeatedly tried to overturn the fact that California law recognizes Tameny claims, a line of cases that establishes that an employer does not have an unfettered right to fire an employee, but that the right has limits according to fundamental public policy. She says judicial restraint is critical. She claims that public policy is "a function first and foremost reserved to the legislature."

So on these cases dealing with a woman's right to choose, worker protections, punitive damages, or discrimination, she wants the judge to stay out of the legislative decision-making process. But Justice Brown doesn't always want the courts to exercise restraint and defer to the legislature. When Justice Brown wanted to limit the ability of juries to punish companies that engage in severe discrimination, a fellow judge on the California Supreme Court accused her of engaging in "judicial law making." Instead of denying it, Justice Brown defended her judicial activism. She called it creativity. This is what she said: "All judges make law. It is arrogance, carelessness and a lack of candor that constitute impermissible judicial practice, not creativity."

Justice Brown has also gone out of her way to use her position in the courts to advocate for increased protections for property owners. In a case about a developer that wanted to break a city rent control law, Justice Brown dismissed the fact that a majority of the city's voters had approved of that law and thought that the case should be an exception to the philosophy of narrow judicial review. Justice Brown believed that this case was one in which "some degree of judicial scrutiny . . . is appropriate." Which is it, Justice Brown? In some cases you think we should defer to the legislature and in some cases, apparently, you think it is appropriate for judges to make law. What seems to distinguish these two types of cases is who the plaintiff is, who the claimant is.

If the claimant is powerful—if they are a property owner, for example—then she is willing to use any tool in her judicial arsenal to make sure the outcome is one they like. If it is a worker or a minority claiming discrimination, then she is nowhere to be found.

Judicial decisions ultimately have to be based on evidence and on fact. They have to be based on precedent and on law. When you bend and twist all of these to cramp them into a conclusion you have already made—a conclusion that is based on your own personal ideology—you do a disservice to the ideal of an independent judiciary and to the American people who count on an independent judiciary.

Because of this tendency, and because of her record, it seems as if Justice Brown's mission is not blind justice but political activism. The only thing that seems to be consistent about her overarching judicial philosophy is an unyielding belief in an unfettered free market and a willingness to consistently side with the powerful over the powerless.

Let's look at some of her speeches outside of the courtroom. In speech after speech, she touts herself as a true conservative who believes that safety nets—such as Social Security, unemployment insurance, and health care—have "cut away the very foundation upon which the Constitution rests."

Justice Brown believes, as has already been stated in the Chamber, that the New Deal, which helped save our country and get it back on its feet after the Great Depression, was a triumph of our very own "Socialist revolution." She has equated altruism with communism. She equates even the most modest efforts to level life's playing field with somehow inhibiting our liberty.

For those who pay attention to legal argument, one of the things that is most troubling is Justice Brown's approval of the Lochner era of the Supreme Court. In the Lochner case, and in a whole series of cases prior to Lochner being overturned, the Supreme Court consistently overturned basic measures like minimum wage laws, child labor safety laws, and rights to organize, deeming those laws as somehow violating a constitutional right to private property. The basic argument in Lochner was you can't regulate the free market because it is going to constrain people's use of their private property. Keep in mind that that same judicial philosophy was the underpinning of Dred Scott, the ruling that overturned the Missouri Compromise and said that it was unconstitutional to forbid slavery from being imported into the free States.

That same judicial philosophy essentially stopped every effort by Franklin Delano Roosevelt to overcome the enormous distress and suffering that occurred during the Great Depression. It was ultimately overturned because Justices, such as Oliver Wendell Holmes, realized that if Supreme Court Justices can overturn any economic regulation—Social Security, minimum wage, basic zoning laws, and so forth—then they would be usurping the rights of a democratically constituted legislature. Suddenly they would be elevated to the point where they were in charge as opposed to democracy being in charge.

Justice Brown, from her speeches, at least, seems to think overturning Lochner was a mistake. She believes the Supreme Court should be able to overturn minimum wage laws. She thinks we should live in a country where the Federal Government cannot enforce the most basic regulations of transparency in our security markets, that we cannot maintain regulations that ensure our food is safe and the drugs that are sold to us have been tested. It means, according to Justice Brown, that local governments or municipalities cannot enforce basic zoning regulations that relieve traffic, no matter how much damage it may be doing a particular community.

What is most ironic about this is that what Justice Brown is calling for is precisely the type of judicial activism that for the last 50 years conservatives have been railing against.

Supreme Court Justice Scalia is not somebody with whom I frequently agree. I do not like a lot of his judicial approaches, but at least the guy is consistent. Justice Scalia says that, generally speaking, the legislature has the power to make laws and the judiciary should only interpret the laws that are made or are explicitly in the Constitution. That is not Justice Brown's philosophy. It is simply intellectually dishonest and logically incoherent to suggest that somehow the Constitution recognizes an unlimited right to do what you want with your private property and yet does not recognize a right to privacy that would forbid the Government from intruding in your bedroom. Yet that seems to be the manner in which Justice Brown would interpret our most cherished document.

It would be one thing if these opinions were confined to her political speeches. The fact is she has carried them over into her judicial decisionmaking. That is why the California State Bar Association rated her as "unqualified" to serve on the State's highest court. That is why not one member of the American Bar Association found her to be very qualified to serve on the D.C. Circuit, and why many members of the bar association found her not qualified at all.

It is also why conservative commentators, such as Andrew Sullivan and George Will, while agreeing with her political philosophy, simply do not see how she can be an effective judge. Here is what Sullivan said:

> She does not fit the description of a judge who simply follows the law. If she isn't a "judicial activist," I don't know who would be.

Sullivan added that he is in agreement with some of her conservative views but thinks "she should run for office, not the courts."

Columnist George Will, not known to be a raving liberal, added recently that he believes Justice Brown is out of the mainstream of conservative jurisprudence.

Let me wrap up by making mention of a subtext to this debate. As was true with Clarence Thomas, as was true with Alberto Gonzales, as was true with Condoleezza Rice, my esteemed colleagues on the other side of the aisle have spent a lot of time during this debate discussing Justice Brown's humble beginnings as a child of a sharecropper. They like to point out she was the first African American to serve on the California Supreme Court.

I, too, am an admirer of Justice Brown's rise from modest means, just as I am an admirer of Alberto Gonzales's rise from modest means, just as I am an admirer of Clarence Thomas's rise from modest means, just as I am an admirer of Condoleezza Rice's rise from modest means. I think it is wonderful. We should all be grateful where opportunity has opened the doors of success for Americans of every background.

Moreover, I am not somebody who subscribes to the view that because somebody is a member of a minority group they somehow have to subscribe to a particular ideology or a particular political party. I think it is wonderful that Asian Americans, Latinos, African Americans, and others are represented in all parties and across the political spectrum. When such representation exists, then those groups are less likely to be taken for granted by any political party.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. OBAMA. Mr. President, I ask unanimous consent for a couple minutes to wrap up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. I thank the Chair.

I do not think that because Justice Brown is an African-American woman she has to adhere to a particular political orthodoxy, something that has been suggested by the other side of the aisle. Just as it would be cynical and offensive that Justice Brown be vilified simply for being a Black conservative, it is equally offensive and cynical to suggest that somehow she should get a pass for her outlandish views simply because she is a Black woman.

I hope we have arrived at a point in our country's history where Black folks can be criticized for holding views that are out of the mainstream, just as Whites are criticized when they hold views that are out of the mainstream. I hope we have come to the point where a woman can be criticized for being insensitive to the rights of women, just as men are criticized when they are insensitive to the rights of women.

Unfortunately, Justice Brown's record on privacy and employment discrimination indicates precisely such an insensitivity. I will give one example. In a case where a group of Latino employees at Avis Rent A Car was subjected to repeated racial slurs in the workplace by another employee, the lower court found that Avis, in allowing this to go on, had created a hostile environment. Justice Brown disagreed with and criticized the decision.

In her opinion, she wrote that racially discriminatory speech in the workplace, even when it rises to the level of illegal race discrimination, is still protected by the first amendment. This was despite U.S. Supreme Court opinions that came to the exact opposite conclusion.

Justice Brown went so far as to suggest that the landmark civil rights law, Title VII of the Civil Rights Act of 1964, could be unconstitutional under the first amendment.

I believe if the American people could truly see what was going on here they would oppose this nomination, not because she is African American, not because she is a woman, but because they fundamentally disagree with a version of America she is trying to create from her position on the bench. It is social Darwinism, a view of America that says there is not a problem that cannot be solved by making sure that the rich get richer and the poor get poorer. It requires no sacrifice on the part of those of us who have won life's lottery and does not consider who our parents were or the education received or the right breaks that came at the right time.

Today, at a time when American families are facing more risk and greater insecurity than they have in recent history, at a time when they have fewer resources and a weaker safety net to protect them against those insecurities, people of all backgrounds in America want a nation where we share life's risks and rewards with each other. And when they make laws that will spread this opportunity to all who are willing to work for it, they expect our judges to uphold those laws, not tear them down because of their political predilections.

Republican, Democrat, or anyone in between. Those are the types of judges the American people deserve. Justice Brown is not one of those judges. I strongly urge my colleagues to vote against this nomination.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that the remaining time until 12 o'clock be allocated to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I thank my colleague. Naturally, I am a little bit inclined to be in his corner because he is from Illinois and he is my colleague in the Senate. But I also think what he demonstrated in his statement is the reason why he not only is so highly regarded in my State of Illinois, but across the Nation, despite his new status in the Senate. With his background as a professor of constitutional law and his life experience, he has brought special talents to this floor. I thank him for his eloquent statement on this important issue.

I guess most people are following this debate and are saying: What is the Senate doing? Why are they sitting around debating day after day, week after week about a handful of judges? Isn't there something more important to do? Shouldn't we be talking about the schools of America, whether they are doing a good job educating our kids? Isn't it about time Congress spends a few minutes talking about the cost of health insurance to businesses, to people working, to families? Why in the world won't somebody on the floor of the Senate stand up and talk about all the people across America who are losing their pensions, people working 25, 30 years, and they are losing everything? So why do they sit there hour after hour and day after day talking about a judge? What in the world is wrong with those people in the Senate? Are they so out of touch with ordinary families in America?

Good question. It is a valid question. We are spending entirely too much time on a handful of judicial nominees, nominees who, frankly, I believe personally, should never have been presented to the Senate in the first place. They are too radical, they are too extreme, they push the envelope. When it comes to the ordinary process where a President picks a judge, it is almost routine around here. Oh, we take a close look at this person. We want to know if that person is honest, has good temperament, has good legal skills, is somewhat moderate in their views, and if the answers to those questions are yes, that judge moves through the process quickly. There is not much to it.

In fact, take a look at the scorecard of what has happened with President Bush's judicial nominees: 209 of these nominees have almost skated through the process. It did not take any time at all. But over the last 4½ years, nine of them have run into resistance and debate, and that leads us to where we are today and where we have been for several weeks discussing nuclear options and constitutional crises and constitutional confrontations. It is because President Bush insists on sending some of the most extreme people to us for approval. If he picks moderate people, they fall into this category of 209 and move through here, but when some special interest groups get the attention of the White House and say, We have to have our person, then the process breaks down and the debate goes on. And instead of talking about issues that matter to the families of America, we end up consumed in this debate over a judge for the D.C. Circuit Court.

So you say to yourself: Why do you do this? Why do you spend all this time talking about one judge, for goodness' sake, out of the hundreds across America? There are several reasons.

No. 1, if you as a voter in America decide to choose a certain man or woman to represent you in Congress—either in the House or in the Senate—you are literally giving that person a contract to work for you, but it is a limited contract. In the House, it is 2 years. I will vote for you, they will swear you in, and I will watch you. If you do a good job, I may vote for you again. If you do a bad job, I will vote against you. It is 2 years in the House and 6 years in the Senate. It is a limited contract. So if I make a mistake as a voter and I choose someone to represent me in Congress and I watch him and say, Who in the world are they representing; they are not representing me or my family, I can try to correct that wrong in the next election—2 years in the House, 6 years in the Senate. The voters speak.

But when it comes to judges, it is a different world. When the judges go through this process and get the approval of the Senate, they are given lifetime appointments. If you love them, you have the benefit of their entire life on the bench committed to justice. If you do not like them, you are stuck with them for a lifetime, which means these men and women who go through this process are never reviewed again. Except for the most extraordinary cases of impeachment, they are there for life. So we take a little more time because this is an important decision. It is a lifetime appointment of someone to the Federal bench, and we should take the time to ask the most important questions, and we certainly should take the time when we find one who is so exceptional that it raises many questions about policy and philosophy.

We should take the time to ask hard questions, questions such as, Do we really want this person presiding on a Federal bench with all the power that brings for a lifetime if that person's views are so out of step with the rest of America? Is that what we want?

Secondly, this is an important court. I will say this: One could call all 100 Senators together today and give them a blank sheet of paper and ask them to write down the names of all the judges on the D.C. Circuit Court of Appeals, and I guess we could not come up with one or two. We kind of know who they are, but it is not as if we get up every morning saying: I wonder how that D.C. Circuit Court of Appeals is doing today. I wonder if they all showed up for work. I wonder what cases they are considering. No, it is not that. The D.C. Circuit Court of Appeals has a reputation. It has a reputation of being the launching pad for the Supreme Court. If one can get there, the highest regarded circuit court in America, they are one step away from the building across the street, the Supreme Court. And, yes, we do know the names of Supreme Court Justices, and we understand that many times each year they make decisions which can change America. So when we talk about the D.C. Circuit Court of Appeals, we are talking about a court with great potential for the judges on it, and we are talking about a court with jurisdiction over some of the most basic questions of government.

It is for those reasons, frankly, that we come to the Senate floor today to talk about Janice Rogers Brown. She is on the California Supreme Court. Of course, that is something that has been brought up many times as an indication of at least the voters in California having a positive view of who she is because they put her on the Supreme Court. But what they do not tell us about Janice Rogers Brown is that when she was first appointed to the California Supreme Court, she was judged not qualified by the Bar Association. Oh, they say, wait a minute, she was reelected with an overwhelming percentage. Ah, but that is not the whole story. She was not running against anybody. It is called retention. We have it in Illinois, too. What it means is you kind of run against yourself. It is not as if you run against another person. It is a "yes" or "no" vote on the ballot. Yes, she had a substantial percentage, but most judges running for retention do.

What we find in Justice Janice Rogers Brown is a person with such extreme views that it raises a serious question as to whether we want to give her a lifetime appointment to the second highest court in America, whether we want to position her for ascendency to the Supreme Court. That is what this boils down to. That is why this debate is beyond the usual debate.

President Bush's term will come to the end in 2008, absent some constitutional amendment, which I do not think will happen, and these judges, like Janice Rogers Brown, will be there long after George W. Bush is off to another career, whatever it happens to be. So we need to ask questions about who she is and what she believes.

What we do when we ask these questions is let her answer them. We have committee hearings where we ask the questions directly, but in other cases we ask the questions in hypothetical terms: What does she believe when it comes to certain things? We look to what she has said and what she has done for those answers.

When one looks at it, they find that she really is on the fringe. She is not a conservative; she is something else. She is something much more extreme. She has accused the courts of "constitutionalizing everything possible" and "taking a few words which are in the Constitution like 'due process' and 'equal protection' and imbuing them with elaborate and highly implausible etymologies." Strip away the highfalutin language, and we get down to the bottom line.

The words "due process" and "equal protection," which may be the foremost important words in that Constitution, she diminishes because she believes they have been used by courts to create rights. What does she say about the rights of Americans? Here is what she says: Elected officials have been "handing out new rights like lollipops in the dentist office." She has complained that "in the last 100 years, and particularly in the last 30, the Constitution has been demoted to the status of a bad chain novel."

This is a woman who wants to sit on the bench and decide what the Constitution means, and the language she uses to describe what courts have turned to in this Constitution I believe gives us pause because we know that when it came 40 years ago yesterday, the Supreme Court across the street found what they thought was in our Constitution, though it was not explicit, and that was the word "privacy."

One can go through this entire Constitution and never find the word "privacy." Forty years ago, the Supreme Court across the street was asked the following question: Can the State of Connecticut make it a crime for a married couple to buy birth control devices, pills, and other things? The State of Connecticut said: Yes, it is a crime, and we will send you to jail if you try to buy it, and we will send the pharmacist to jail who tries to fill the prescription.

Some people who are listening to this must be saying: The Senator from Illinois cannot be right. You mean it was against the law in Connecticut to even buy the birth control pill? Yes, it was.

So 40 years ago, the Supreme Court was asked: Can a State impose a law on its people so basic as to deny them the right to fill a prescription for birth control at a pharmacy? The Supreme Court across the street said: No, because we are dealing with a basic constitutional and human right of privacy. As an individual in America, one should be able to exercise their right of privacy to make their family decision when it comes to family planning. So in the case of Griswold v. Connecticut, 40 years ago yesterday, the Supreme Court said: We find in this Constitution the basic protection of your right of privacy. We do not care that some religious groups pushed through this statute in the State of Connecticut. They went too far. If they want to practice their religion, they can do that. But they cannot impose their religious views on every family who lives in Connecticut.

So today, 95 percent of families go to a drugstore and a pharmacy across America with no questions asked and buy basic family planning. They know what they want, and they are purchasing it. They have the right to do it because nine people sitting on the bench across the street said it is fundamental to being an American.

Listen to Janice Rogers Brown's view of what this Constitution says. Understand that when she faced the issue on whether there would be this basic right of privacy, she was the only dissenter on the California Supreme Court. Seven justices on the Supreme Court, six Republicans and one Democrat—she was one of the Republicans—she was the only dissenter. Here is what the case involved. It was the California antidiscrimination law providing health benefits for women. Janice Rogers Brown was the only dissenter. She argued that California could not require private employers to provide contraceptive drug benefits for women who wanted them. She ignored Griswold v. Connecticut. She ignored the inherent right to privacy. From her point of view, the State of California could prohibit the right of family planning information under health care plans sold in that State.

She wants to turn back the hands of time to a day when it became a legal struggle as to whether married men and women in this country could plan the size of their own families, or make the most intimate personal and private decisions without concern as to whether the Government would be watching over them and arresting them.

So when we say that Janice Rogers Brown is a danger if she comes to the D.C. Circuit Court, it is because she views the Constitution in such restricted terms that she could write out the conclusion of privacy which the Court found in Griswold v. Connecticut. That is how basic this is. That is how fundamental this is.

This is not just another judge in another court making decisions one will never hear about. It is a woman who is poised to move to the D.C. Circuit Court, the second highest court, one step away from the Supreme Court, whose view of America is very different than what we have seen across this country over the last 40 years when it comes to our basic rights of privacy.

The things she said about America trouble me, too. It is not just that she is conservative. President George W. Bush is conservative. He calls himself a compassionate conservative. He defends Social Security as an institution, though he sees its future a lot differently than I do. But when Janice Rogers Brown looks at Social Security and the other programs that came out of Franklin Roosevelt's New Deal, what she sees is socialism. Here is what she said. She calls the year 1937 "the triumph of our own socialist revolution" because the Supreme Court decisions that year upheld the constitutionality of Social Security. Is this a mainstream point of view? How many people do we run into who say we ought to get rid of Social Security because it is just pure socialism, it is too much government, we do not want to have Social Security there as kind of our last effort to provide a safety net for Americans? Janice Rogers Brown essentially reached that conclusion. Because of that extreme view, she became the poster child for the George W. Bush White House to put on the D.C. Circuit Court of Appeals. Why do we have to reach so far afield to find someone to fill this spot? Why do we have to turn to someone who is so out of touch with the mainstream of America?

These are not just her philosophical musings, things she dreams up and talks about among friends. This is how she rules on the bench. Given the opportunity, this is what we can expect in the future. She has been the lone dissenter in so many cases involving the rights of discrimination victims, consumers, and workers. Case after case, in 31 different cases, she was the only California Supreme Court justice to disagree with the majority. She said once in a speech: "Since I have been making a career out of being the lone dissenter, I really didn't think anyone reads this stuff."

Sorry, Justice, we do read it. Words matter, especially when they carry the weight of law and change human lives.

I am concerned not only about the views she has taken but the way she has expressed them. Justice Brown's extreme, often inflammatory rhetoric has no place on the bench. According to press reports, Justice Brown and the chief justice of her court are on such bad terms they do not even speak to one another; they communicate by memo. Boy, is that the kind of person we would like to have on a bench making big decisions, where she reaches the point where she cannot even talk to her fellow justice?

In her lone dissent in the case involving cigarette sales to minors, selling tobacco to kids, Justice Brown wrote: "The result is so exquisitely ridiculous it, it would confound Kafka." She also wrote in her dissent in this case that "the majority chooses to speed us along the path to perdition."

Really? Regulating cigarette sales to kids is going to be leading us on the road to hell? Too much government? And they want this person to sit on the second highest court in the land and decide about safety and health for Americans? What a serious mistake.

The last point I make, as my time runs out, is one expected to be said by a Democrat on this side of the aisle, but not expected to have been read in the Washington Post on Thursday, May 26, in an article by George Will, a well-known conservative. He was very candid about Justice Janice Rogers Brown. He talked about the fact that she is one of the three who are part of the agreement here that is going to move forward. And he says:

> . . . Janice Rogers Brown is out of that mainstream. That should not be an automatic disqualification, but it is a fact: She has expressed admiration for the Supreme Court's pre-1937 hyper-activism in declaring unconstitutional many laws and regulations of the sort that now define the post-New Deal regulatory state. . . .

In a few words, George Will says it more elaborately.

She is out of the mainstream even for a conservative like George Will. If she is out of the mainstream for George Will and other conservatives, the big question today is whether five Republican Senators will agree with most Democrats that she should not be given a lifetime appointment to this bench to make the decisions and change the laws and try to reverse the course of America.

When it comes to matters of personal privacy, when it comes to programs as essential as Social Security, when it comes to protecting our children from tobacco companies and others who would exploit them, do we really want Janice Rogers Brown with the last word on the D.C. Circuit Court of Appeals? I think the answer is clearly no, and that is how I will be voting.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ISAKSON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, in listening to our Democratic colleagues discuss the President's judicial nominees, I have often thought if I had a dollar for every time they use the words "far right" or "extreme," I could one day retire a rich and happy man. Some have reached new heights, though, in histrionics and hyperbole in discussing the Janice Rogers Brown nomination.

For example, our very good friend from New York, Senator SCHUMER, actually said yesterday he could not think of any judicial nominee of President Clinton who was as far to the left as Janice Rogers Brown is to the right.

Just as an initial matter, many Senators on this side of the aisle have noted that 76 percent of Californians—that is not 76 percent of Texans, or 76 percent of Alabamians, or 76 percent of Georgians—voted to reelect Justice Brown to the highest court of our most populous State, not known as a bastion of conservatism.

That certainly belies the notion that she is too conservative for the Federal bench. And with respect to the remainder of Senator SCHUMER's assertion that there were no far-left Clinton nominees who should have been disqualified from judicial service in the way he would disqualify Justice Brown, it seems to me our friend is suffering from a little memory loss. I can think of a number of Clinton nominees who were very much on the far left of the political spectrum and yet who, today, wear the robe of a Federal judge. My friend from Alabama has mentioned Judge Paez, for example. Senator SESSIONS noted that Judge Paez once remarked that a judge ought to be an activist. Judge Paez said a judge ought to be an activist if he believed the legislature was failing to address a problem. That, as Senator SESSIONS points out, is the virtual definition of judicial activism.

There are quite a few other Clinton judicial nominees who reside over on the political "Left Bank." I do not have the time now to go through all of them, but I would like to discuss one, just one Clinton nominee in particular, a nominee with whom we are all very, very familiar. At the time of her confirmation, she had previously made numerous provocative statements and public policy pronouncements. Even when looked at today, almost 30 years removed from when they were first made, these statements are certainly not, by any standard, mainstream. But our Democratic colleagues did not argue then, and I doubt they would argue now, that these statements disqualified this Clinton nominee from Federal judicial service.

I speak of Supreme Court Justice Ruth Bader Ginsburg, whom I supported. Let me note that Justice Ginsburg is a learned and experienced judge. As I just indicated, I and the vast majority of our colleagues voted for her. In 1993, she was approved 96 to 3 for her current position on the Supreme Court. We did so, even though in her private capacity she had made some very thought-provoking comments on public policy issues. She theoretically mused. These kinds of theoretical musings frequently occur, as we all know, in academia and other extrajudicial writings. This is a good thing, frankly, in terms of having a healthy marketplace of ideas. While people's opinions should be considered in evaluating their fitness for the bench, the fact that someone makes a thought-provoking comment is not necessarily a reason to bar them from judicial service. This appears, however, to be the standard our Democratic friends would apply to Justice Brown.

So I ask my friends, what would be their view of Justice Ginsburg, under the new standard that they seek to apply to Justice Brown? For my friends on the other side of the aisle whose recollections may be just a bit foggy, let me remind them of some of her thoughts. She once proposed—this is Justice Ginsburg, for whom I voted and who has had a distinguished record on the Supreme Court. We are not arguing about that. But she once proposed abolishing Mother's and Father's Day in favor of a unisex "Parents' Day."

She also called for making prisons and reformatories co-ed, and sex integrated.

She argued that restrictions on bigamy were of questionable constitutionality, and she opined that the U.S. Constitution might guarantee a right to prostitution.

She argued that there is a constitutional entitlement to have the Government pay for abortions. And, incidentally, when she made this assertion, the Supreme Court had ruled not once but twice that there was no constitutional right to have taxpayers pay for abortions.

Justice Ginsburg has even suggested that statutory rape laws were discriminatory, and that the "current penalty of 15 years for a first offense is excessive." She also suggested the adoption of a statute that would, among other things, lower the age of consent for sexual activity to age 12.

Given their past enthusiastic support for Justice Ginsburg's nomination—a nomination which I also supported—compared to their current vigorous opposition to Justice Brown's nomination, our Democratic colleagues must be saying one of two things: Either they believe that Justice Ginsburg's musings about a possible constitutional right to prostitution and the need to abolish Mother's and Father's Day and all the rest are in the mainstream—they either believe those comments are in the mainstream, or they are saying it is OK for a Democratic nominee to the Nation's highest court to make provocative statements like that, but it is not OK for a Republican nominee to a lower court to make thought-provoking statements about policy issues.

I would be surprised if my Democratic colleagues believed that these various musings of Justice Ginsburg were in the mainstream. In fact, I think they don't believe they were in the mainstream. So what we must have, then, is truly a double standard.

I see my friend from Alabama is on the floor. I ask if Senator SESSIONS is seeking time?

Mr. SESSIONS. Mr. President, I ask if the Majority Whip will yield for a question?

Mr. McCONNELL. I am happy to yield.

Mr. SESSIONS. I thank him, first, for his insightful remarks. It is certainly appropriate and important that we distinguish between an American citizen's right to speak and say things that may be on their heart at a given time and maybe later they are not so sure they agree with. But we don't want to intimidate Americans and say you can never be a Federal judge if you don't say anything but vanilla statements your entire life. I thank him for his wise insight there.

It does seem we have a double standard here. It seems there has just been a deliberate effort to go back and sift through, bit by bit, line by line, speeches and statements and writings of nominees to try to take them out of context and make them appear to be extreme when her record is one of mainstream, effective service. Justice Ginsburg was not a nominee, certainly, that I would choose to nominate for the Supreme Court, but the Senate did not bar her from service on the Court, the highest court in this land, because of her extrajudicial statements that you just mentioned that are quite unusual, that she made in law review articles and such, even though her thoughts and comments were out of the mainstream.

I was not there at the time and the Senator was. But was it not true that, at her confirmation hearing, Justice Ginsburg swore under oath she would follow the law, and was it not also true that during her service on the D.C. Circuit Court of Appeals she often voted with Judge Bork and other conservative judges? In other words, just because she made these statements, once she put on that robe and read the briefs of the parties, she had some record that indicated she was committed to the rule of law?

Mr. McCONNELL. The Senator from Alabama is absolutely correct. She swore she would uphold the law. You are absolutely right. When she put on the robes, she was no longer sort of musing and making provocative thoughts; she was making law. In fact, I think the record reflects that one year on the D.C. Circuit, before she was elevated to the Supreme Court, then-Judge Ginsburg on the D.C. Circuit voted with then-Judge Scalia 95 percent of the time and voted with Judge Bork, believe it or not, 100 percent of the time—100 percent of the time. That, in spite of the fact that she had made some rather provocative—I think we would all agree—observations on a variety of different issues that I expect the Senator from Alabama, and I, and the Senator from Georgia in the chair, and I bet virtually everybody on the other side of the aisle would consider way outside of the mainstream to the left.

Mr. SESSIONS. I couldn't agree more with the Senator from Kentucky. That whole insight and principle cannot be lost here. We can't expect people to be just "Milquetoast" human beings and never engage in debate over important issues in America and never make a provocative statement or they cannot be confirmed to the Federal bench. Frankly, as one who practiced a lot of law, and I note the distinguished Majority Whip has, as well, the true test of a judge is: Will they study the law and will they be faithful to it? Will they read it and study it?

But with regard to these statements, wouldn't you say that compared to what you have mentioned, and some of the statements made by some of the Clinton nominees, that Justice Brown's statements are mild, indeed?

Mr. McCONNELL. I would certainly agree. I know that Senator BOXER made much ado about the fact that Justice Brown had dissented 31 times on the California Supreme Court. But our good friend from California neglected to mention that this puts Justice Brown about in the middle of the pack, in terms of the number of dissents issued on the California Supreme Court. In addition, I would point out to my good friend from Alabama—because of the esteem in which she is held by her peers out there on the California Supreme Court—Justice Brown was selected to write the second-highest number of opinions on the court, second only to the Chief Justice of that court. And numerous California jurists have, to put it mildly, enthusiastically endorsed this nomination—the people who know her best.

Mr. SESSIONS. I couldn't agree more. As I recall from the letter that was sent to Senator HATCH, then-chairman of the Judiciary Committee, all of her colleagues on the California Court of Appeals, which is just below the Supreme Court of California, have supported her, and four of the six sitting Justices on the California Supreme Court have overwhelmingly, strongly advocated for her confirmation. It seems to me the idea that she is out of the mainstream is farfetched and stretched.

I will ask one more question of the Senator. Isn't it true and isn't it sad that in this attempt to portray this nominee and others in a negative light, that there has been, unfortunately, a tendency to take things out of context? And isn't it true that some of these statements, that might seem a bit strange or hard to understand, are not so hard to understand in the context of the entire remarks? Would the Senator agree that is a problem today in the Senate?

Mr. McCONNELL. I think the Senator from Alabama is entirely correct. It is simply amazing for our Democratic colleagues to say that Justice Brown, for example, has embraced the Lochner decision, when she has taken the opposite position and written in a published opinion that Lochner was a "usurpation of power" and the Lochner court seemed to believe it could "alter the meaning of the Constitution as written." Indeed, many times her position has been essentially misrepresented.

To get back to the basic point of our exchange, we ought not hold against nominees—particularly those who have written a good bit, published a good bit—their provocative statements. We clearly did not do that against Justice Ruth Bader Ginsburg, nor should we have. We ought not do that in this unfortunate attempt to demonize Justice Janice Rogers Brown, who has had by any standard not only an outstanding life story but an outstanding record on the California Supreme Court.

I thank my friend from Alabama for being here during this discussion. We hope this will help put the whole issue of provocative musings and writing into context as a relevant factor in considering how we are going to vote to confirm judicial nominees.

Mr. SESSIONS. If the Senator will yield, I will follow up on that.

I remember President Clinton nominated quite a number of justices, judges, who were active members—some lawyers—for the American Civil Liberties Union. If you look at the American Civil Liberties Union Web site, they favor and believe the Constitution allows the legalization of drugs; that there cannot be a law against legalization of drugs.

They oppose all pornography laws—even child pornography laws—on their Web site.

We confirmed Marsha Berzon from California. She was chairman of the litigation committee of the ACLU. There were quite a number of other members of the ACLU. We gave them a fair hearing. We asked their views. Some were answered satisfactorily to my view and some were not. Fundamentally, the question was, will you follow the law of the Supreme Court? Will you be faithful to those laws? Do you have a good reputation among your colleagues? Have you a record of integrity and achievement?

Most of those judges, virtually all of them, were confirmed.

Mr. McCONNELL. The Senator from Alabama is correct, and Berzon and Paez were the poster children for nominees out of the mainstream to the left, yet the Senator from Alabama and others, and myself, joined in making sure these two nominees—dramatically out of the mainstream, to the left—got an up-or-down vote in the Senate. When they did, they were confirmed.

Mr. SESSIONS. I thank the Senator for his wisdom and his fine comments today.

Mr. McCONNELL. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, may I take a few minutes to go over some of the concerns that have been raised about Justice Janice Rogers Brown's rulings on some cases?

As the Senator from Kentucky and I discussed, some of her statements have been taken out of context. It is not fair. We ought to be fair to nominees. We ought to be sure their reasoning, their thought processes, the context of what they are doing, is brought to the attention of the American public before we start twisting it to make them look like someone who is not in the mainstream.

I will talk about a couple of things; there are many we could talk about. I will mention a few cases specifically that have been referred to by the attack groups that are attempting to put down these nominees, and by Senators who have picked up on it—maybe they are not lawyers, maybe they are—but perhaps have not fully comprehended what the case is about or have been careless with the facts.

One of the charges some have heard, I think made again today, is that Janice Rogers Brown opposes all zoning laws. That is not true. That is absolutely not true. One Senator, I believe Senator DORGAN, said she believes that zoning laws are the equivalent of theft and are unconstitutional. That is not true. That is not a fair characterization of her record.

This is what the San Remo case was about. First, she never said the zoning laws were unconstitutional. But the San Remo case in California came before her. It involved a Draconian, overreaching zoning law that forced hotel owners—I know the Presiding Officer has had some association with real estate—forced hotel owners who wanted to convert low-income residential units to hotel units to pay a large fee or replace the residential units that would be lost. It was a takings case. It was a question of whether this zoning law had taken away the ability of private property owners to use their property to the highest and best use.

That is a big deal in America today. Even the liberal Supreme Court of California was troubled by it. It was a 4-to-3 vote. Justice Brown was one of the three, but she was not the only one who dissented from this rule. Her dissent was consistent with U.S. Supreme Court precedent on property.

The classic case, not too far from the State of Georgia, was North or South Carolina. The person bought a lot on the beach, paid a lot of money for this, was going to build a dream home on the beach. They came along and said: We are going to rezone this and you cannot build a house on the beach.

He put all of this money in a lot that he was going to build his dream house on and they said: You can keep the sands, Mr. Property Owner, but you cannot build a house on it. The Supreme Court of the United States of America said—and the same principle I believe applies in California—that this was an effective taking of the value of that property.

If the Government wanted to take it and make it a wildlife refuge, they ought to take the property and pay them the fair market value for it. But what the zoning guys wanted to do, you see, is just say: You cannot use it. You cannot do anything with it. You have to do with it what we want you to do with it, but we are not going to pay you a dime for the ability to have that property set aside for what we want it to be set aside for.

That is why people who are concerned about property rights in America are upset about the abuse of zoning. But normal zoning goes on every day. And there is not one shred of evidence that Janice Rogers Brown opposes all zoning. In fact, she, as I said, had two other judges join with her in that important case. Justice Brown, in the case, complimented the State of California for having a laudable regulation to try to provide more housing opportunities for low-income individuals. She said that in her dissent, but noted that the California takings clause precluded the Government from achieving that goal by police power regulation.

Another case that still bothers me—I mentioned it yesterday; and it is worth talking about again—is the Aguilar case. Senator BOXER and I think maybe others on the floor have said that Justice Brown, an African American, the daughter of a sharecropper from rural Alabama—she grew up not too far from where I grew up—had said, in her opinion, that it was OK for Latinos to have racial slurs uttered against them in the workplace, that that was the position of Justice Janice Rogers Brown.

Now, this was the case of Aguilar v. Avis Rent A Car System. It involved a court injunction that barred a manager of the company from using various racial epithets in the future, raising grave first amendment concerns as a prior restraint. Justice Brown, in her dissent, stated: "Discrimination on the basis of race is illegal, immoral, unconstitutional, inherently wrong, and destructive of democratic society." As to the specific slurs, she called them: "disgusting, offensive, and abhorrent."

In her dissent, however, she relied on the precedent of the Supreme Court of the United States, in expressing her concern about an injunction that placed an absolute prohibition, a prior restraint, on speech. Again, the court in this case was divided, 4 to 3. One of the dissenters who joined with her was the liberal icon, Justice Stanley

Mosk—her colleague on the bench who is recognized as one of the great, most prominent liberal judges in America—because speech is important.

I offered into the RECORD Monday an article by Nat Hentoff in which he dealt with this particular case. He is a great civil libertarian lawyer. He has committed his life to American civil liberties. He believes in free speech. He said the majority opinion in Aguilar was an outrage, that it was totally wrong, that she was exactly correct, that this was a prior restraint of free speech that could not be done under these circumstances. So saying that Justice Brown believes it is OK for Latinos to have racial slurs uttered against them in the workplace is not a fair thing to be saying about her.

Senator BOXER also argued against Janice Rogers Brown, saying that Brown "argued that messages sent by an employee to co-workers criticizing a company's employment practices was not protected by the First Amendment. In other words, you can't use your e-mail to write anything about your employer to another employee."

That is what Justice Brown has been accused of doing in her role as a judge. But the truth of the case is quite different from that. Senator BOXER is apparently referring to Intel v. Hamidi. It involved a disgruntled employee who flooded Intel Corporation's servers with over 200,000 spam E-mails, a costly disruption of the business. It raised serious nuisance and trespass to chattel issues. The question in the case was whether you could commit a trespass to chattel through electronic communications. The California Supreme Court said no because there were no damages to the computer system nor impairments to the way it functioned. Justice Brown's dissent noted that Intel had invested millions of dollars to develop and maintain its computer system to enhance the company's productivity and had a right to protect that property from unauthorized abuse by 200,000 spam e-mails. It was a 4-to-3 vote, again. Two justices on the California Supreme Court joined with her.

This is not an extreme position to take, for heaven's sake. She again found herself on the side of liberal Justice Richard Mosk. He argued that the injunction should have been upheld because he was intruding upon Intel's proprietary network and his e-mails were equivalent to, according to Judge Mosk, "intruding into a private office mail room, commandeering the mail cart, and dropping off unwanted broadsides on 30,000 desks." That is what the liberal Justice Mosk said in agreeing with Janice Rogers Brown.

So, goodness, it is a sad thing that we have to deal with these kinds of distortions of a fine justice's record. If this is all they can find to complain about, statements that are perfectly normal and proper, then there must not be much out here against this nominee. One Senator says: "If a minority claims they are being discriminated against, she is nowhere to be found."

Well, first of all, she is a minority. She left Alabama, I am sure, in some part, because when she was young, segregation was afoot and discrimination was very real to African Americans. She went to California. She commenced her legal career and her education and became a member of the California Supreme Court. But he accuses her of not being found on discrimination. But what about her lone dissents? She authored a lone dissent in People v. McKay, where an African American man was riding his bicycle the wrong way on a street and the police stopped him, searched him, found drugs and prosecuted him. She said that was racial profiling. She was the only one who said that. Who was standing up for someone who could have been a victim of discrimination? Janice Rogers Brown.

Another Senator said that "she favors the powerful over the powerless." But how about her lone dissent in In re Visciotti—only she dissented in this case—where she said a defendant's death sentence should be overturned, because the defendant did not have an adequate counsel, he was given ineffective assistance of counsel. She was very vigorous in her dissent in explaining why she thought it was inadequate and why she thought this individual deserved a new trial.

Well, those facts, to me, do not indicate we have a justice who is out of the mainstream or a justice who is not willing to defend individuals with no power, no prestige, no money, those who deserve a fair hearing by a court. It is clear she is willing to give it to them, to give them that fair hearing, and to dissent even if six other justices on the liberal California Supreme Court do not agree with her. So the other justices did not agree, but she stood up for these people. That is her record. That is her heritage.

She is a wonderful, wonderful nominee. I am pleased she is up. Hopefully, we will get her nomination confirmed today, and she can take her place on the federal courts of the United States. It will be a good day for America and a proud day for the people of Alabama who have seen her do well.

Mr. President, I see my colleague from Mississippi, Senator LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the Senator from Alabama, Mr. SESSIONS, for his leadership on the Judiciary Committee and his aggressive support for this fine nominee to serve in our Federal judiciary.

It is a great pleasure for me to rise today in support of the confirmation of the Honorable Janice Rogers Brown to the U.S. Court of Appeals for the DC Circuit.

There are a lot of people who I would like to commend and congratulate for bringing us to this point of justice for a very fine nominee to our Federal judiciary. We can be critical of how we reached this point, the so-called compromise that was developed by the 14 Senators who came together. You can give credit to the leaders in both parties in certain respects. But the fact of the matter is the Senate voted finally to give Justice Brown an up-or-down vote. I am proud of that.

I think the Senate should take some pride and credit for allowing this nominee to reach this point in the debate and in the voting process. I was pleased, yesterday, to see that 65 Senators voted to invoke cloture to bring this nomination to an up-or-down recorded vote. So a lot of people deserve credit, and I want to make sure they have it. I want to thank them for it.

I also want to ask for the forgiveness of this nominee for the way she has been treated. I do not think this has been one of the Senate's proudest hours.

I think this nominee has such an outstanding personal story to be told, and I will not repeat the history of where she was born and where she was educated and what she has been through, but she has lived the American dream, and she has lived it well. She did not just complain about her status. She worked and got an education. She applied herself. She has been given opportunities, and she has taken advantage of them.

I am proud to say I support her nomination. I think she will make an excellent judge. I really do believe most opposition to her has just been simply the fact that she is an African-American conservative woman. I do not think we should vote for or against judges because they are conservative, moderate, or liberal. I think we should vote on them based on their background, their education, their experience, their decorum. Do they have the ethics for the job? Do they have conflicts of interest?

If they meet all of those qualifications, in my opinion, they should be confirmed. That is what Presidential elections are about. They are about electing men or women to that office who will nominate people to the Federal judiciary who agree with their philosophy. When President Clinton nominated people to the Supreme Court—and I have said this before, but I repeat it again—when he nominated Ruth Bader Ginsburg to the Supreme Court, I knew I did not agree with her philosophy. I knew I would not agree with many of her decisions in the Supreme Court. But she was qualified by experience and by education, by every criteria that we should evaluate, and I voted for her. I voted to confirm other judges whom I did not agree with philosophically.

There have been attacks on Justice Brown that she has a philosophy of life, certain moral values, as though that is disqualifying. I do not understand that. Are we not entitled to our opinions, personal opinions, even as judges, let alone as Senators? We certainly have ours and express them routinely. I think judges have a right to have personal and private lives and to be able to give a speech in which they state positions which may not necessarily be reflected in reasoned decisions as judges. You can have an opinion, but if the law is on the other side, you have to rule that way. There was a recent decision by a Federal district judge in my own State that I don't agree with, and I know he doesn't agree with it personally. But he upheld the law in a very reasoned decision. That is what has happened with Justice Brown. She has strong beliefs based on her life experience, but she hasn't tried to impose those in an unfair way as a member of the California Supreme Court. Yet she is attacked—attacked relentlessly and, in my opinion, unfairly and inaccurately on many occasions.

For instance, she has been attacked here for a quote in her dissent in Stevenson v. Huntington Memorial Hospital in which she distinguished age discrimination from race discrimination. Based on this quote, they suggest Justice Brown doesn't believe in public policy against age discrimination. To draw this conclusion based on what Justice Brown wrote is as wrong as making the same accusation against the U.S. Supreme Court, which drew the same distinction in Massachusetts Board of Retirement v. Murgia, a case Justice Brown cited.

It should be added that both Justice Brown and our Nation's highest court are correct. All of us will eventually get old, and we have parents and grandparents. But most of us will never know what it is like to be Black or Hispanic in America, to be pulled over for no reason other than your skin color, to have grandparents or parents who did not get to go to college or even sit at the same lunch counter or drink from the same water fountain.

These charges are totally out of line with other decisions that she cited and with her own life experience.

She has been attacked for opposing Social Security and Medicare as socialist programs that should be reversed. This is completely untrue. Not a single opinion of hers suggests that she opposes these programs. In fact, the ranking member of the Judiciary Committee directly asked her whether she regards New Deal programs such as Social Security, labor standards, and the Securities and Exchange Commission as socialist, and she replied, unequivocally, "no." Has she raised some questions about some of those programs in her private speeches or even her public speeches? Perhaps so. I think it could be done on a principled and substantive basis. But, again, that doesn't disqualify her. If you look at the reasoning she has used while a member of the California Supreme Court, you will see that she cites the law and upholds the law. What she may have said in some speech should not disqualify her.

Senators here have cited a list of interest groups who oppose Justice Brown. But consider this. She is on the Supreme Court in California, not exactly a hot bed of conservatism or moderation. She was retained by the California voters by a margin of 76 percent of the vote, the highest margin of the four California Supreme Court justices on the ballot, six points higher than Stanley Mosk, a well-known liberal jurist in the State, and higher than California's chief justice. The people believe she is a good supreme court justice, qualified, and has been rational and moderate in her views on the supreme court, or they wouldn't have voted for her with 76 percent of the vote.

She has been attacked for her dissent in a case against companies that sold cigarettes to children. The truth is, Justice Brown clearly wrote in her opinion that selling cigarettes to minors is against the law and those guilty of it should be punished.

To suggest that she did not feel this way is totally inaccurate. Yet that has been said on the floor of the Senate during the days of debate we have had.

There are some people who don't exactly share her views who have endorsed her. I read one newspaper column being very critical of her, saying she should not be confirmed. But it went on to say that she has routinely written the decisions of the court, that her decisions are interesting, almost lyrical, and very professional. Yet you maintain in the same column she is not qualified?

In fact, in a recent column, law professor Jonathan Turley, a self-described pro-choice social liberal, points out that "Brown's legal opinions show a willingness to vote against conservative views . . . when justice demands it" and that Democrats should confirm her.

Even though Justice Brown has expressed personal opinions against too much government regulation, she has consistently voted to uphold regulations in every walk of life. You mean to tell me that you are disqualified for the Federal judiciary if you think that there are too many government regulations? I certainly believe there are. I would hope that we would have Federal judges that would quit compounding it by writing more and more regulations of their own.

Justice Brown joined in an opinion upholding the Safe Drinking Water and Toxic Enforcement Act of 1986, and expansively interpreted the act to allow the plaintiffs to proceed with their clean water claims. Justice Brown upheld the right of plaintiffs to sue for exposure to toxic chemicals using the Government's environmental regulations. Justice Brown upheld California's very stringent consumer safety standards for identifying and labeling milk and milk products, thereby ensuring that the government has a role in protecting the safety of our children and all Californians.

Justice Brown joined in an opinion validating State labor regulations regarding overtime pay. The list goes on and on and on.

I believe Justice Brown has been very unfairly charged. She is highly qualified. Some would even maintain she has been willing to take this abuse and to step down to this court that is not superior to the one on which she now sits. She has been willing to go through this crucible to be confirmed. She should be confirmed. I am pleased to see a woman, a nominee of this caliber, with her American life story, be nominated. I believe, and I certainly hope, she will be confirmed. I think that history will prove that she will be an outstanding member of the Federal judiciary.

I ask unanimous consent to place further examples of rulings by Justice Brown in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

In Hamilton v. Asbestos Corp., she authored the court's opinion on a statute of limitations issue that allowed an injured plaintiff more time in which to file a personal injury claim against various asbestos defendants.

In County of Riverside v. Superior Court, she wrote the court's opinion holding that, under the Public Safety Officers Procedural Bill of Rights, a peace officer is entitled to view adverse comments in his personnel file and file a written response to a background investigation of the officer during probationary employment.

Ramirez v. Yosemite Water Company, she joined in the court's opinion validating State regulations regarding overtime pay.

In Pearl v. Workers Compensation Appeals Board, she upheld the role of the Board in applying a stringent standard of "industrial causation" for a worker's injury, validating the state's role in ensuring worker safety.

And in McKown v. Wal-Mart Stores, she wrote, again for the court's majority, that the employer of an independent contractor is liable for injury to the independent contractor's employee caused by the employer's negligent provision of unsafe equipment.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I come to the floor to speak on behalf of a woman I have never met, Janice Rogers Brown. I do so also to note the delicious irony in the recent comments by the chairman of the Democratic National Committee, former Governor Howard Dean. I am told that yesterday Mr. Dean said:

> Republicans are not very friendly to different kinds of people. They are a pretty monolithic party, behave the same, and they all look the same. You know, it is pretty much a white Christian party.

The delicious irony is that we have been here arguing on behalf of an African-American woman of great distinction for over 4 years. Other names like Miguel Estrada come to mind, and the fights we have had to confirm members to the Federal judiciary of all walks of life, of all kinds of diversity, of all kinds of hyphenations, if you will, who happen to be Republicans, who happen to be conservatives, but certainly represent every race, every ethnic background, and every national origin. Yet the chairman of the Democratic National Committee would make a statement like that. That is something that should not be missed by the American people.

I am not a terribly partisan person. I, frankly, think the American people are deeply weary of all the partisan bickering and name calling. But I also want to note the contrast of style between Chairman Dean and Chairman Mehlman of the Republican National Committee. Ken Mehlman has gone out of his way to speak at African-American universities, to speak to all kinds of groups, to include them in the Republican Party.

I also want to make this comment. When I read the other day Chairman Dean's saying "I hate Republicans," I want to say that I do not hate Democrats. Some of the finest people in this Chamber sit on that side of the aisle. They are my friends, as are my Republican colleagues. This kind of hate speech really doesn't have a productive place in our political discourse. It is important to recognize the humanity of Republicans and Democrats and the diversity that each party has as they try to include majorities of the American people.

I, for one, am tired of the bravado. I am tired of the hyperbole. I am tired of the name calling. But I do want to say that we in the Republican Party are trying to include people, women and minorities, who have historically been kept out of public service and much of the benefit of American law in our history. And I do not think that should be condemned. I think that is to be celebrated when both parties do that.

I, for one, see the Republican Party and our chairman doing that in a dramatic and constructive way. Chairman Dean's comments are not worthy of the great Democratic Party. I am not here to pick a fight with him, but I do want to note that I and others, particularly on the Judiciary Committee, have for a long time been waging the fight for an African-American woman who deserves to be confirmed to the DC Circuit Court of Appeals.

Any fair reading of Justice Brown has to remember that for over 25 years she has provided public service through her legal skills. She has most recently been a member of the California Supreme Court, since 1996. She is the first African-American woman to sit on that court. Prior to her appointment to the California Supreme Court, she was an associate justice of the California Court of Appeals. From 1991 to 1994, she served as a legal affairs secretary to a former colleague of ours from California, the former Governor Pete Wilson. Her office monitored all significant State litigation and had general responsibilities for acting as legal liaison between the Governor's office and executive departments. She performed the heavy duties of her office with unfailing fidelity. And Governor Wilson wrote in his letter to UCLA's nominating committee:

> She often told me what I did not wish to hear.

In her 9 years on the California Supreme Court, Justice Brown has earned a solid reputation of being fair and competent in her jurisprudence and as one who is committed to the rule of law. In fact, it needs to be said again and again what was written of her by 12 of her current and former colleagues in the California judiciary. It is a bipartisan group, as many Democrats as Republicans. They wrote:

> Much has been written about Justice Brown's humble beginnings, and the story of her rise to the California Supreme Court is truly compelling. But that alone would not be enough to gain our endorsement for a seat on the federal bench. We believe that Justice Brown is qualified because she is a superb judge. We have worked with her on a daily basis and know her to be extremely intelligent, keenly analytical, and very hard working. We know that she is a jurist who applies the law without favor and without bias, and with an even hand.

It is notable what many of her colleagues have said before. She was born in 1949 in Alabama to sharecroppers. She attended segregated schools and came of age in the midst of Jim Crow laws. Jim Crow laws were not a product of Republicans.

Janice Rogers Brown, however, is a conservative. Some conservatives, of course, have stated that she is more of a libertarian than a conservative. But I guess that is bad enough as far as liberal Democrats are concerned. At the heart of her judicial philosophy is the notion that property rights and economic liberty deserve judicial protection.

In an opinion on a California rent control ordinance, Justice Brown stated in her dissent:

> . . . arbitrary government actions which infringe property interests cannot be saved from constitutional infirmity by the beneficial purposes of the regulators.

That is, the government and politicians cannot arbitrarily take away a person's right to property for the "common good."

Critics charge that Brown will be unable to separate her personal ideology and philosophy from judicial rulings.

Justice Brown has stated:

> I do recognize the difference in the role between speaking and being a judge."

I urge the confirmation of this distinguished African-American woman and ask my colleagues to support her.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, Janice Rogers Brown should not be confirmed to the D.C. Circuit. I listened to the eloquent statement of my friend from Oregon. This is not an issue where we are voting on a life story. What we are talking about is a vote for a nominee to the D.C. Circuit and whether that person's votes will be consistent with our constitutional values and will that person have an understanding of the very special role the D.C. Circuit has in interpreting the laws which have been passed by the Congress and which are subject to the D.C. Circuit Court's interpretation. That is enormously important because there are so many of those laws that provide important protections—for example, OSHA legislation and whether we are going to have safe working conditions for workers.

As a result of the passage of the OSHA legislation, across this country we have seen a reduction in the number of deaths of workers in plants and factories and construction reduced by half. We have made progress. There are those forces who want to weaken OSHA because many of the companies believe the penalties under OSHA are a cost of doing business, and this puts workers at risk.

These very important legal issues and questions interpreting the legislation which we have passed and have updated are the same ones that will come to the D.C. Circuit.

As impressive as the life of this nominee is, if we are really interested in what is going to happen in the D.C. Circuit as it affects constitutional rights and liberties, as well as legislative actions we have taken, it is fair to insist that the person who is nominated is going to have a core commitment to the constitutional values and also a healthy respect for actions that have been taken by Republicans and Democrats and legislation that has been signed by the President. Using either of those standards, this nomination fails. I wish to take a few moments to elaborate on that issue.

The D.C. Circuit is widely considered the second most important court in the country after the Supreme Court. It is the court that most closely oversees the actions of Federal agencies, and its duty is to give a fair hearing in cases on governmental protections, environmental laws, civil rights, workers' rights, and on public health and safety. Nominees to this important court should have a clear commitment to upholding the law in these areas. And Janice Rogers Brown's record shows not only that she lacks the commitment but that she is hostile to any form of governmental action.

Although located here in the District of Columbia, the D.C. Circuit affects all Americans because its decisions have broad national impact. Some cases, such as those involving review of national air quality standards under the Clean Air Act and national drinking water standards under the Safe Drinking Water Act, can only be heard in the D.C. Circuit.

In this country over the last 4 years, we have doubled the deaths of asthmatic children in this Nation. Why? I think we can point to it: because of the relaxation and the change in the Clean Air Act and the relaxation of rules and regulations. As a result of that, children in downwind States from a lot of these companies that are burning toxins have experienced a dramatic increase in breathing difficulty and in asthma deaths. That is directly attributable to the change in the rules and regulations of the Clean Air Act. When there are new rules and regulations to the Clean Air Act and they are challenged, they go to the D.C. Circuit. The D.C. Circuit makes a judgment that will have a direct impact, for example, on whether your child or children may very well have enhanced problems with asthma.

I have a chronic asthmatic son who happens also to be a Congressman. I follow this issue very closely. I know what has been developing over recent times in terms of the relaxation of the Clean Air Act. We can directly attribute that to the relaxation of rules and regulations. Those judgments and decisions are made virtually jointly by the administration with Executive orders and, secondly, by the D.C. Circuit. That is illustrative of the range of different issues that come before the D.C. Circuit Court.

Some cases, such as those involving the review of national air quality standards under the Clean Water Act and the national drinking water standards under the Safe Drinking Water Act, can only be heard in the D.C. Circuit. We know about the dramatic increase in mercury that is taking place in streams all across this country. It has had a devastating impact on the fish and the ecosystems of so many of the rivers. That has been ingested. It provides an important health hazard for expectant mothers. Those happen to be the health implications as a result of individuals who do not have a strong commitment to issues involving the clean drinking water legislation that has been passed by the Congress.

This court also hears the lion's share of cases involving rights of employees under the Occupational Safety and Health Act and the National Labor Relations Act. As a practical matter, because the Supreme Court can only review a small number of these lower decisions, the judges in the D.C. Circuit often have the last word on these important rights.

Other cases end up in the D.C. Circuit because the party bringing the appeal is allowed to choose to have the case heard there. That is true, for instance, in appeals of the National Labor Relations Board involving fair working conditions. So people from California to Alabama, Texas to Massachusetts, often find their cases decided by the D.C. Circuit.

Janice Rogers Brown has said that where government moves in, community retreats, and civil society disintegrates. She has said that government leads to families under siege, war in the streets. In her view, " . . . when government advances . . . freedom is imperiled [and] civilization itself jeopardized."

Her actions on the California Supreme Court match her words. Time and again she has struck down basic protections. Her supporters try to explain away her record. They say she is conservative but well within the mainstream of conservative thought. But that is not credible. Mainstream does not mean extreme, except possibly in George Orwell's dictionary.

Even George Will, the well-known conservative columnist, has admitted that Janice Rogers Brown is out of the mainstream. She does not belong on any court, much less the second most important court in the land.

President Bush has often said that he wants to appoint judges who will strictly follow settled law, not judges who will legislate from the bench. But Janice Rogers Brown is exactly that sort of judicial legislator. In fact, when she joined the California Supreme Court, the California State Bar Judicial Nominees Evaluation Commission had rated her "not qualified" based not only on her lack of experience but also because she was specifically "prone to inserting conservative political views into her appellate opinions" and was "insensitive to established precedent."

Since joining the California Supreme Court, she has written opinions stating that judges should not follow settled law if they disagree with it. She has said that judicial activism is not troubling, per se; what matters is the world view of judicial activists. As one conservative commentator in the National Review pointed out, "if a liberal nominee . . . said similar things, conservatives would make short work of her."

Last month, the D.C. Circuit decided several claims of discrimination. Yet Janice Rogers Brown has issued opinions that would have prevented victims of age and race discrimination from obtaining relief in State court. She dissented a holding that victims of discrimination may obtain damages from administrative agencies for their emotional distress. She has questioned whether age discrimination laws benefit the public.

Her record on civil rights is so abysmal that her nomination is opposed by respected civil rights leaders such as Julian Bond, chairman of the NAACP, and Rev. Joseph Lowrey, president emeritus of the Southern Christian Leadership Conference who worked with Dr. Martin Luther King, Jr., in the civil rights movement and who has fought tirelessly for many years to make civil rights a reality for all Americans.

Her nomination is also opposed by the Congressional Black Caucus, the Leadership Conference on Civil Rights, the National Bar Association, the Coalition of Black Trade Unionists, the California Association of Black Lawyers, the Delta Sigma Theta Sorority, the second oldest sorority of African-American women. Her nomination is opposed by Dorothy Height, president emeritus of the National Council of Negro Women, who last year received a Congressional Gold Medal for her service to the Nation.

Justice Brown should not be given the chance to rule on discrimination cases on the Nation's second most important court.

In May, the D.C. Circuit decided the cases of two retirees seeking retirement benefits. Yet Janice Rogers Brown has said that senior citizens cannibalize their grandchildren by seeking support from society in their old age. Do we want a judge such as that on the D.C. Circuit deciding claims for retirement benefits?

Last month, the D.C. Circuit also decided a case involving Social Security benefits for a widow and her children. But Janice Rogers Brown has called the New Deal which created Social Security the triumph of a socialistic revolution. Do we really believe she will deal fairly with claims involving Social Security if she is confirmed to the D.C. Circuit?

We have confirmed over 200 of President Bush's nominees. Almost all of them were confirmed with Democratic support. Almost all of them were very conservative. But there is a difference between being conservative, as those nominees were, and being committed to rolling back basic rights, which is what Janice Rogers Brown's record clearly shows.

There are many well-qualified Republican lawyers who would be quickly confirmed, but the President has selected Janice Rogers Brown, who is clearly hostile to the very laws the D.C. Circuit is required to enforce. In doing so, the President has guaranteed that the Senate would spend many weeks dealing with this controversial nomination.

Many people across the Nation are wondering why judicial nominations have recently consumed so much of our time in the Senate. Why have we seen so many more battles over judicial nominations than in other years? The truth is that there would be no need to spend so much time on nominations if the President picked mainstream nominees. Nominees could be more quickly confirmed if the President returned to the tradition of consulting with Republican and Democratic Members of Congress about them.

The bipartisan agreement by our 14 Senate colleagues on the nuclear option emphasized that the word "advice" in the Constitution speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations. The Federal courts are not supposed to decide cases to please special interests that have influence with the party in power. The courts do not belong to either party, Republican or Democrat. Americans expect, and deserve, judges who will treat everyone fairly and decide cases based on the law, not their own ideology. The only way to ensure that result is for Presidents to consult with both parties in the Senate before selecting a nominee.

We have spent endless hours, dozens of days, too many weeks debating radical judges and Republican attempts to abuse power. Meanwhile, look what is happening to the strength and the security of this country. Our military forces are protecting America amidst a growing insurgency and increasingly dangerous conditions. Our men and women in uniform need armored humvees and electronic jammers for protection against roadside explosives in Iraq.

It is unconscionable that month after month the Pentagon kept sending men and women on patrol without proper equipment. The Defense authorization bill will provide $344 million for up-armored humvees and armor kits and $500 million for electronic jammers. This money should be approved without delay. But there is a judgment and decision by the Republican leadership that we are going to spend more time on these judges that are so far out of the mainstream, that are in the extreme in terms of their views about constitutional principles and values.

We know that this body should be finishing. If we are going to be finishing the work on judges this week, we should then be proceeding to the Defense authorization bill. The House of Representatives has completed it. Although the appropriators for the appropriations for the Defense authorization bill have not completed work, generally, that is the first appropriations bill that we consider. Generally, that is the legislation that passes here in the month of July. But, no, it has been the judgment and decision that we are going to spend more time on these judges who are clearly out of the mainstream. Mr. President, 96 percent of the judges have been approved, but it is the judgment of the President and the majority here that we are going to debate these judges who are clearly out of the mainstream of judicial thinking.

It is a question of priorities. It does seem to me this Nation is better served if we have judges in the mainstream of judicial thinking, that we give them the consideration, that we give them the approval, as we have on the 95 percent of those who have already been approved, and then be considering the Defense authorization bill—which is a priority. It is a priority not only getting it passed so the conferences can make progress, but it is an indication of our priorities, and it sends a message to our troops, as well, overseas and to the American people as to what we believe is important. Now that we have effectively spent all this time, these weeks, on judges who are so outside the mainstream—now we are going to be considering an Energy bill next week, not the Defense authorization bill. I think that is the wrong decision and the wrong priority.

Our citizens want lives of opportunity and fulfillment for themselves and their children. They wonder how they can afford the massive tuition cost increases that are putting college beyond the reach of so many students. If the President consulted with the Senate on judicial nominees, as the Constitution anticipates, and which any fair reading of the Constitutional Convention would indicate, we could be working on problems such as that. It is interesting reading about the Constitutional Convention. We find, for the great majority of the time of the Federal Constitutional Convention, the decision of the Founding Fathers was to give the Senate the complete authority for naming Federal judges and approving them. In the last few days, the last 8 days of the Constitutional Convention, they decided that the power should be shared and divided.

In sharing that power, we exercise our judgment, as Members of the Senate, whether we believe these nominees are committed to the values of the Constitution. That is what is tested with these nominees. If we were not considering these nominees who are clearly outside the mainstream, we would have a chance to consider the Defense authorization bill, and we would have a chance to perhaps debate why it is hundreds of thousands of young children of the middle class struggle to pay student loans? Student loans are guaranteed by the Federal Government, but because of a policy of the Department of Education, the loan companies are subsidized at a 9.5 percent rate of return. Why aren't we debating that? It can make a difference to the cost of education, to working families and middle-income families. Do you think that is on our agenda? No, that is not on our agenda. We can't consider that.

We can't consider the Defense authorization bill. We are only going to be considering the qualifications of judges who are out of the mainstream of judicial thinking.

Countless Americans are lying awake at night, wondering how they can afford their health insurance as their premiums constantly go up, year after year. Just today, Families USA released a report that $1,000 of your insurance premium, that is the average premiums Americans are paying—$1,000 comes out of your pocket because we refuse to act on the challenges of health insurance for average working Americans. We are not debating that. We are not discussing it. We refuse to consider it. No, we are right back to where we are in considering these controversial judges.

Here is Families USA: Every American ought to know they are paying $1,000 on their health insurance because someone else is not covered. We have seen the constant number of uninsured go up. So, America, wake up. Your health insurance costs are going to continue to go up, and we see more Americans losing their health insurance. Don't we think that is a national problem? Don't we think that is something we ought to be debating here in the Senate? No, that is not a priority. We are debating these controversial judges.

The working families of this country, the struggling middle class, is concerned about the decline in their standard of living. They have worked hard all their lives, but they keep facing rising prices, jobs that could disappear tomorrow and less secure retirement. They want to pay their bills, put a little aside for tomorrow, but that is harder and harder to do. This article says that General Motors just laid off 25,000. They will reduce hourly workers by 25,000. Plant closings seen. Plants hope to avoid layoffs in the biggest cutback since 1992.

Why aren't we doing something about this, this afternoon? Why aren't we debating what we ought to be doing to help those families? Can you imagine being one of the members of those families who had worked 10, 20, or 30 years and found out you are one of those 25,000 families?

No one is suggesting there is a quick, easy solution to it, but it is a problem, and it is a challenge. Just as we heard yesterday in our Human Resource Committee about the issue of pensions—you could not pick up your newspaper across America yesterday and not find out about unfunded pension plans in the airlines. The guaranty agency, the PBGC agency which is to guarantee these pensions, is $23 billion in deficit, with the prospect of additional airlines going into bankruptcy and the airlines dropping all those individuals where they will not get nearly what they have sacrificed for and paid into retirement. Don't you think that is important enough that we ought to be debating that issue, talking about that here on the floor of the Senate? Isn't that a priority for hundreds of thousands or millions of Americans? It certainly should be. It is in my State. But, oh, no, let's talk about Janice Rogers Brown.

Let's talk about William Pryor, who has an absolute disdain for the voting rights bill. He has a disdain for the Americans with Disability Act. I have been here. My friend TOM HARKIN and others, in a bipartisan way, we passed that Americans with Disabilities Act with the leadership we had with Bob Dole. Read the opinions of Mr. Pryor about that. He has an absolute contempt for the Congress in the way he addressed the Americans With Disabilities Act. We are going to be spending days to make sure the American people understand and know what Mr. Pryor said about the Americans With Disabilities Act, let alone what he said about voting rights, let alone what he said about family and medical leave. That is something which millions of families take advantage of—not paid family leave, but just emergency family leave to be able to go back and take care of a sick child or a sick parent. Not according to Mr. Pryor.

But, nonetheless, Republicans and this President sent this nominee up here, and it is important for us to be able to explain to the American people why we are opposed to that nominee. But they chose to nominate. They send the nominee. That is the President, he has that authority. He sends them up here when they are controversial, the other side supports it, we explain what our position is, they threaten to close us down and muzzle us and gag us by changing the rules in midstream—which we have fortunately been able to resist here. But all of that is a higher priority for the other side, for this administration, than to consider these workers who have been laid off; pension plans which are of such importance; the escalating costs we find out today for students in the middle class in terms of education—that is the failure of this institution at this time.

Oliver Wendell Holmes said we must be involved in the actions or passions of our times or risk not to have lived. What is involved in the actions and passions of the times, certainly for these 25,000 workers, is the fact they are not going to go to work. For the retirees, the millions, what is involved in their actions and passions is their retirement program. And for all Americans, when they are paying an additional $1,000, which they should not be paying, and we are doing nothing about it. They care about that. Those are issues which they care about. The middle class is paying dramatically more than they should, in terms of the interest on student loans, than they should or need to. We ought to be debating those issues, but we are not able to do so because that is not the priority of this administration or this Senate.

Democrats would like nothing better than to turn to other issues rather than debate this controversial nomination. But we know that the work we do in Congress to improve health care, reform public schools, protect working families and enforce civil rights, is undermined if we fail in our responsibility to provide the best possible advice and consent on judicial nominations.

Needed environmental laws mean little to a community that cannot enforce them in the Federal courts. Fair labor laws and civil rights laws mean little if we confirm judges who ignore them.

Deciding who is confirmed to the D.C. Circuit is too important to ignore. The important work we do in Congress on all of these and other issues is undermined if we fail in our responsibility to provide the basic advice and consent on judicial nominations. Basic rights and important laws mean little if we confirm judges who ignore them.

I want to wind up with a headline of today in the Washington Post. Here it is: "Tobacco Escapes Huge Penalty. U.S. Seeks $10 Billion Instead of $130 Billion."

The $130 billion was the recommendation of the professional lawyers in the Justice Department. The political lawyers in the Justice Department recommended $10 billion. That is according to the news reports. We know historically that former Attorney General Ashcroft did not want to bring the case, but nonetheless the case was brought. The recommendation by the Government attorneys was for $130 billion but, oh no, the political lawyers evidently, according to the news reports, won the day and the amount recommended was for $10 billion. Even the tobacco companies were amazed.

What was that $130 billion going to be used for? That $130 billion was going to be used for smoking cessation to get them to stop smoking, to stop them from the addiction of nicotine. An important impact can be made in terms of stopping children from being involved with tobacco and cancer, especially lung cancer, but, no, the Department said: We want just $10 billion.

We ought to be debating that issue. We ought to be finding out—has my time expired?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. The next half hour is allocated to the Senator from New York; is that correct?

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. KENNEDY. I ask unanimous consent to be able to proceed on Senator SCHUMER's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I know my friend from New York is on his way, but that point should not be lost. Here we have just within the last several days an issue that can make such a difference to every parent in this country who has a teenage child. Every single day, 4,000 children start to smoke, and 2,000 become addicted. We have the opportunity with this judgment to have a major national program to discourage young children from going into it, and the Government says: No, we are going to go for not even a slap on the wrist.

We have evidence today about the increase in the cost of health insurance by more than $1,000 a year. That is something families understand. We have the increased cost of education. That is something families understand.

Then there are the pension problems of workers who have worked and contributed to their pensions over the years, and they are now virtually evaporating. These are real issues of real people. But, no, the President and the Republicans want us to spend our time on these controversial judges that fail to meet the fundamental requirement of core commitment to the values of the Constitution and the understanding of the legislative process which protects the lives, the well-being, and the future of our country and families in this Nation.

For all of those reasons, this nominee should be rejected, and we ought to get about the country's business and get away from these controversial judges who are clearly outside of the mainstream of judicial thinking.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I ask unanimous consent that the time that was allocated to Senator FEINSTEIN from 1:30 to 2 be allocated to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I am here once again to debate whether Janice Rogers Brown deserves to be placed on the D.C. Court of Appeals. I have been very actively involved in this issue. I could not feel more strongly about a nominee to the bench. I could not feel more strongly about whether somebody belongs on the bench than Janice Rogers Brown.

We know for a fact that she is intelligent. We know she is articulate. We know she is accomplished and we know she is passionate. I respect every one of those qualities. She has a particular world view. She is not shy about it. It is apparent in her speeches, it is apparent in her opinions, and it is apparent from her testimony before the Judiciary Committee.

Were she to be elected to the Senate, I would relish the opportunity to debate the merits of the various laws she might introduce because if one looks at her writings, it is pretty clear. She well might introduce legislation to repeal Social Security. She well might introduce legislation to erase child labor laws. She well might introduce legislation to eliminate workplace safety laws. She well might introduce a bill to abolish zoning laws because in all of her speeches and opinions she has stood for these things.

Were she a Senator, she would no doubt be a passionate champion of a far right legislative agenda, and that would be her mandate. That is clearly what she believes. That would be her right. She would be free to legislate to her heart's content. That is our job as Senators.

Were she a legislator she could not only continue to fulminate, as she has, about the New Deal being a triumph of our socialist revolution, she could actually introduce legislation to overturn it. Were she a legislator, she could not only vilify, as she has, "senior citizens who blithely cannibalize their grandchildren because they have a right to get free stuff," she could introduce legislation to eliminate benefits for the elderly.

Were she a legislator, she could not only say, as she has, that "where government moves in, community retreats, and civil society disintegrates," she could actually introduce legislation to erase environmental laws, worker protection laws, minimum wage laws and other laws that have protected a wide swath of American people for decades, some even centuries.

Janice Rogers Brown is not a legislator, although sometimes she plays that role. She has been nominated to the bench, not elected to the Senate.

I cannot put it any better than conservative commentator Andrew Sullivan, who said that given her judicial activism, "Janice Rogers Brown should run for office, not the courts."

Now, that is a conservative columnist who is hitting the nail on the head. It is not her views he opposes, it is, rather, the means by which she will attempt to impose those views on the American people, through the courts.

So while Janice Rogers Brown is smart, passionate, and articulate, Janice Rogers Brown is also hands down the worst nominee put forward by President Bush. She wants to make law, not interpret law. I thought that was what mainstream Democrats and mainstream Republicans alike wanted to avoid on the bench at all costs.

I have been asking a question on the floor for the last several days. How can moderates, or moderate conservatives, support Janice Rogers Brown when she does not meet any of the criteria they claim a judge must meet? Is she a strict constructionist? No. When it suits her. Is she a judicial activist? Yes, whenever she wants to find a result that meets her world view. Is she out of the mainstream of even conservative thinking? It seems pretty obvious she is.

I have yet to hear a good answer from my colleagues about why they would vote for her. It should not be her history. It is an admirable history, but that is not why we place people on the bench.

I have heard a lot of rhetoric, I have heard a lot of tortured explanations, I have heard a lot of selective citations, and I have heard a lot of smokescreens. But you know what I have not heard. Little of what I have heard is a real response to the substance of comments made by distinguished conservative thinkers, not statements by DICK DURBIN, TED KENNEDY, HARRY REID, or CHUCK SCHUMER but by vocal conservatives, about Janice Rogers Brown.

My friend from Utah, Senator HATCH, said on this floor yesterday: Over the years, I have grown accustomed to talking points of Brown's liberal opposition. I think I have committed some of them to memory now. Some liberal elitists charge she is extreme. Some liberal elitists charge she is out of the mainstream. Some liberal elitists charge she is a radical conservative.

Liberal elitists? Let us take a look at the record of some of the liberal elitists the Senator from Utah so disdains.

Here is National Review writer, Ramesh Ponnuru, a very conservative writer. He says:

> Republicans, and their conservative allies, have been willing to make . . . lame arguments to rescue even nominees whose jurisprudence is questionable. Janice Rogers Brown . . . has argued that there is properly an "extra-constitutional dimension to constitutional law." She has said that judges should be willing to invoke a higher law than the Constitution.

That is from the National Review—let me repeat, the National Review. How many liberal elitists make their living writing for the National Review?

Here is more from the National Review: Janice Rogers Brown has said that judicial activism is not troubling per se. What matters is the world view of the judicial activist.

Or how about George Will? Is he a liberal elitist, I ask my friend from Utah? Is he out of the mainstream? Well, he thinks Janice Rogers Brown is. He says that Janice Rogers Brown is out of the mainstream of even conservative jurisprudence. Maybe someone can tell me when George Will became a liberal elitist. Here is what he said:

> Janice Rogers Brown is out of that mainstream [of even conservative jurisprudence] . . . It is a fact. She has expressed admiration for the Supreme Court's pre-1937 hyperactivism in declaring unconstitutional many laws and regulations of the sort that now define the post-New Deal regulatory State.

Which mainstream was he talking about? George Will wrote that she was out of the mainstream of conservative jurisprudence.

How can somebody who calls the New Deal a socialist revolution be mainstream?

Or listen to the words of conservative writer Andrew Sullivan. He is such a Brown-bashing liberal elitist that he actually agrees with many of Justice Brown's views. He said there is a case to be made for "the constitutional extremism of one of the President's favorite nominees, Janice Rogers Brown. Whatever else she is, she does not fit the description of a judge who simply applies the law. If she isn't a 'judicial activist' I do not know who would be."

Sullivan also stated: I might add, I am not unsympathetic to her views, but she should run for office, not for the courts.

It is not the liberal elitists but thinking conservatives, remembering the principles that used to guide conservatives in picking judges, who are pointing out Janice Rogers Brown's shortcomings. What we really have on the other side by some is opportunism. Abandon the view of what a judicial activist should be. Abandon the view of what a strict constructionist should be. We like her views. We are supporting her. There has not been anyone like Janice Rogers Brown to come before us in a very long time. A conservative nominee, if the rhetoric from the President and the Republican leaders is to be believed, must be at least three things: a strict constructionist, judicially restrained, and mainstream.

We have not seen a more activist judge nominated than Janice Rogers Brown. We have not seen a judge who believes less in judicial restraint than Janice Rogers Brown. We have not seen a judge nominated more out of the mainstream than Janice Rogers Brown.

She is not a strict constructionist. When it came to proposition 209, she said she should "look to the analytical and philosophical evolution of the interpretation and application of Title VII to develop the historical context behind" proposition 209. That is not the legal analysis you would expect from a strict constructionist.

Is Janice Rogers Brown a dependable warrior against the scourge of conservatives everywhere—judicial activism? No, there has not been a nominee to the bench who is more a judicial activist than Janice Rogers Brown. Her own words demonstrate that she is quick to want to reverse precedent, the very definition of an activist judge.

Time and time again, she has jumped at the chance to reshape settled law. She said:

> We cannot simply cloak ourselves in the doctrine of stare decisis.

That was in People v. Braverman in 1996. That is anathema to the whole way judges make law. Stare decisis, looking at previous cases, is the governing principle; strict constructionists believe in it more than anyone else.

Again, I repeat this comment and I will be incredulous if people—particularly moderates or those who claim to want to uphold conservative judicial principles—can vote for her:

> We cannot simply cloak ourselves in the doctrine of stare decisis.

She also said she was "disinclined to perpetuate dubious law for no better reason than it exists," People v. Williams.

> The commercial speech doctrine needs and deserves reconsideration, and this is as good a place as any to begin.

That was Kasky v. Nike, 2002.

Here is what the California State bar judicial nominees said, who gave her a "not qualified" rating when she was nominated to the supreme court in 1996: She was "insensitive to established legal precedent."

Again, the record shows the President has not nominated a judge more activist than Janice Rogers Brown. The President has not nominated a judge more out of the mainstream than Janice Rogers Brown. The President has not nominated a judge who has less respect for judicial restraint than Janice Rogers Brown.

Some of her views are so far out of the mainstream that for my colleague to compare Justice Ginsburg to Janice Rogers Brown is laughable. Let's remember how Justice Ginsburg was approved. Senator HATCH was called by Bill Clinton. Senator HATCH researched Justice Ginsburg and said she would be acceptable.

Has President Bush called anyone and asked about Janice Rogers Brown? No. If I were President Bush, I would not want to because the answer they would get back would be clear: She does not belong on the bench.

Let me give another example. If you ask most lawyers to name the worst Supreme Court cases of the 20th century, Lochner would be near the top of every list. But Justice Brown thinks it is correctly decided. That is a decision in 1905. Does that place her in the mainstream?

She described the New Deal as a triumph of America's socialist revolution. Does that place her in the mainstream?

On another occasion, she said:

> Today's senior citizens blithely cannibalize their grandchildren because they have a right to get as much 'free' stuff as the political system will permit them to extract.

Does that place her in the mainstream?

In another instance she wrote:

> Where government moves in, community retreats, civil society disintegrates, and our ability to control our own destiny atrophies.

Does that place her in the mainstream?

Janice Rogers Brown is so far out of the mainstream she cannot even see the shoreline. Janice Rogers Brown, as George Will has correctly pointed out, may be many things, but she is not even in the mainstream of conservative jurisprudence.

Some of my colleagues on the other side have said, well, she is being unfairly attacked because of a few "musings" and "extra judicial" comments. At her hearing, Justice Brown herself made the point we should view her speeches separately from her judicial opinions. A little defensive, I would say.

Let's compare her speeches and her judicial opinions. In a speech to the Federalist Society, Justice Brown compared the end of the Lochner era to a socialist revolution. Her words: "socialist revolution."

She distances herself from that comparison by saying that it was part of a speech made to a young audience designed to "stir the pot." I think that is a pretty radical comment for any sitting judge to make in any context, even if it is designed to stir debate.

But I am not satisfied it is just her personal view and has no bearing on her judicial opinions because time and time again what she says in these speeches is repeated in her opinions.

In Santa Monica Beach v. Superior Court she called the demise of the Lochner era the "revolution of 1937." That is nearly identical to what she said in the Federalist Society speech.

Is this what she is going to do when she is on the court? Stir the pot?

It is not the only example. Here is another. She was asked about a speech given to the Institute of Justice where she said:

> If we can invoke no ultimate limits on the powers of government, a democracy is inevitably transformed into a Kleptocracy—a license to steal, a warrant for oppression.

She dismissed that speech saying it does not reflect necessarily her views as a judge.

But in San Remo v. City and County of San Francisco, she said, regarding a planning ordinance:

> Turning a democracy into a Kleptocracy does not enhance the stature of thieves; it only diminishes the legitimacy of government.

Her views as a private citizen, and her views as a judge seem to be, unfortunately, quite the same. It couldn't be more obvious. She cannot explain how virtually identical rhetoric that many would call extreme finds its way into both her speeches and her judicial opinions.

I will go back to my friend from Kentucky, Senator MCCONNELL. He drew a comparison in support of Janice Rogers Brown. He said, like Janice Rogers Brown, Ruth Bader Ginsburg had made some provocative comments early in her career, but she was confirmed by her Senate.

I say to my colleague from Texas: Senator, I know Ruth Bader Ginsburg. Ruth Bader Ginsburg is a friend of mine. Janice Rogers Brown is no Ruth Bader Ginsburg.

Justice Ginsburg established such a record of moderation on the D.C. Circuit Court of Appeals that President Clinton was able to nominate her after getting advice from Senator HATCH that she was a mainstream liberal.

No one expects our President to nominate liberal nominees. They are going to be conservative. We have supported these conservatives up and down the line. Now the number is 209 out of 219 because, with the approval of Priscilla Owen, we have no longer blocked 10. When someone is out of the mainstream, that is when we oppose them.

In the end, what does the record show about Janice Rogers Brown? Not the rhetoric, not the smokescreens. Again, I challenge my colleagues to discuss her record, not dismiss it, saying it is just rhetorical. How can anyone justify a record such as this?

Here is what Janice Rogers Brown's record shows. She is not strict in her construction. She is not mainstream in her conservatism. She is not quiet about her activism.

So I am left with the same question: Why is Janice Rogers Brown touted as the model conservative judge when she is anything but conservative in her judicial approach? There are many Senators from across the aisle who would vote against such a candidate because her judicial philosophy could not be more out of sync with theirs. But I worry that there is enormous political pressure from a few way-off-the-top groups, the Senators from the other side.

Here is the chart that shows the pressure. These are the "yes" votes for court of appeals nominees and "yes" votes for cloture on them compared to the "no" votes. Of all my Republican colleagues, every vote tabulated, 2,811 times did our Republican colleagues vote yes; twice did they vote no. One of those was the Presiding Officer who voted against Priscilla Owen the other day. The other was Senator LOTT who voted against Mr. Gregory on the Fourth Circuit a few years ago. Otherwise, none.

Senator FRIST has spoken in the last few weeks about leader-led filibusters of judges—whatever that means. What I am concerned about is a leader-led rubberstamping of nominees, nominees who have not even convinced noted conservatives they belong on the bench. I continue to believe Judge Brown was one of the worst picks this President has made to our appellate courts. That is based on her record, not on her race or her gender or her background.

I wish my friends across the aisle would look at that record. If my colleagues on the other side ask themselves three simple questions—is the nominee a strict constructionist? Is the nominee a judicial activist? Is the nominee a mainstream conservative?—they would be forced to vote against her.

I could not support Judge Brown's nomination the first time; I cannot support the nomination now. I urge my colleagues, especially my moderate colleagues from the other side of the aisle, to vote against her also.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Parliamentary inquiry: It is my understanding the senior Senator from Utah, Mr. HATCH, is to be recognized at the hour of 2 o'clock; am I correct?

The PRESIDING OFFICER. There is no such order.

Mr. WARNER. Well, then, I just simply, in my own right, seek the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise today in support of the nomination of Justice Janice Rogers Brown to serve as a judge on the U.S. Court of Appeals for the District of Columbia Circuit.

The court to which Justice Brown has been nominated is one with which I am, I say in a humble way, most familiar. I practiced law there. When I was an assistant U.S. attorney I appeared before the Circuit Court of Appeals for the District of Columbia on many occasions. But most significantly, upon my graduation from the University of Virginia Law School in 1953, I was privileged to serve as a law clerk to Judge E. Barrett Prettyman of the U.S. Court of Appeals for the District of Columbia Circuit. Judge Prettyman later became chief judge of this very important circuit court.

As a result of the profound respect so many people had, including myself, for Judge Prettyman, I had the honor several years ago of sponsoring, and with the help of others, passing, legislation to name the Federal courthouse in D.C. after Judge Prettyman.

Now, a half century later, after I had the honor of serving as a law clerk on this court, I am pleased, today, to strongly support the nomination of Justice Janice Rogers Brown to this very same court.

When I started to evaluate Justice Brown's qualifications for this prestigious judgeship, I turned first, as I do with every nomination, to the U.S. Constitution. Article II, section 2 of the Constitution gives the President the responsibility to nominate, with the "Advice and Consent of the Senate," individuals to serve as judges on the Federal courts. Thus, the Constitution provides a role for both the President and the Senate in this process. The President has the responsibility of nominating, and the Senate has the responsibility to render advice and consent on the nomination.

I am very pleased to have been a part of the group of 14 who brought before this body a concept by which we could proceed on these Federal judges. Justice Brown is the second in that series. I speak with pride about our accomplishment. In no way do we intend to usurp the roles of our distinguished majority leader and the Democratic leader. But, nevertheless, after consulting with them, we went forward with our framework agreement. And this agreement now seems to be working for the greater benefit of the Senate and for the important role the Senate has with respect to its constitutional responsibilities of advice and consent to help establish the third branch of our Government—our Federal judiciary. It is essential the vacancies be filled in a timely manner to enable that court to serve the people all across our Nation.

With respect to judicial nominees, I have always considered a number of factors before casting my vote to confirm or give advice and consent, as the case may be. The nominee's character, professional career, experience, integrity and temperament are all important. In addition, I consider whether the nominee is likely to interpret law according to precedent or impose his or her own views. The opinions of the officials from the State in which the nominee would serve, or States in the case of the circuit court of appeals, the views of the persons who have known and have observed the nominee through the years, and the writings and the record of the nominee, all are taken into consideration. That is because I believe our judiciary should reflect a broad diversity of the citizens it serves all across the Nation.

In this instance, I was privileged to invite Justice Brown to my office. We sat down, and I found her to be an extraordinarily accomplished individual. We had a very extensive exchange of views regarding the important post to which she has been nominated and the qualifications which she possesses. And she does possess outstanding qualifications; first, to have earned the nomination from our distinguished President and, secondly, to earn the support of this body in the advice and consent role.

I believe she will make an excellent jurist on this most respected court.

Her legal career spans more than a quarter of a century. After graduating with her bachelor's degree from California State University, Justice Brown went on to earn her law degree in 1977 from the University of California School of Law.

After passing the California bar exam, which I believe is considered nationwide to be one of the most difficult of the bar exams, she began a career in public service, mostly in positions with the State of California. She worked in the deputy attorney general's office for the State of California, and later worked in the deputy secretary and general counsel's office in the Business, Transportation and Housing Agency of California—again, giving her a breadth and depth of experience regarding the problems and challenges that face our citizens all over this country.

After practicing law in the private sector for about a year, Janice Brown returned to public service by working in Gov. Pete Wilson's legal affairs office from 1991 to 1994. How privileged I am to have served with Senator Pete Wilson, later Governor, in this body for a number of years. We became close friends. We worked together, particularly on matters regarding national security and the military. He was a former marine in his lifetime, as was I, and I have a great mutual respect for him.

In 1994, Janice Brown left the Governor's office to serve as a justice on the intermediate California Appellate Court. Subsequently, in 1996, my good friend, then-Gov. Pete Wilson of California, had the honor of promoting Justice Brown to the California Supreme Court. With her appointment, Justice Brown became the first African-American woman to sit on the California high court.

Mr. President, I take humble pride in having, during my career in the Senate, recommended to a President the first African American in our State's history to serve on the United States District Court for the Eastern District of Virginia. His name came before the Senate. Subsequent to confirmation, and years of experience on the court, he rose to become the chief judge of the district in which his court resides in my State. This very fine man, with his customary quiet and dignified pride, his superb knowledge of the law, and understanding, serves Virginia with great distinction today.

And such will be the case with Justice Janice Rogers Brown in her service to the Nation on this prestigious court.

Indeed, since 1996 she has served the citizens of the State of California on the California high court, and she has earned their confidence as a jurist.

In the California system, once a judge is appointed, he or she comes before the voting public for confirmation or rejection in the next general election. That moment came in 1998 for Justice Brown when she and four other justices on the California Supreme Court came before the public in that election. While all were confirmed by the California voters, it is notable that Justice Brown was confirmed with the highest percent of the vote, nearly 76 percent—an astounding vote of confidence.

But Justice Brown's accolades don't just come from the voting public in California, they also come from a wide range of other people who know her well. Judges who served with her on the California Court of Appeals, a bipartisan group of law school professors in California, colleagues on other courts across the Nation, and others—they all agree: Justice Janice Rogers Brown is a brilliant legal scholar who respects the doctrine of stare decisis and who would make an outstanding Federal appeals court judge.

All of this is reason enough to confirm this highly qualified individual. But, when you put all that Justice Brown has achieved in context, it becomes even more apparent what an amazing individual we have before us in the Senate today.

You see, Janice Rogers Brown was born to sharecroppers in Greenville, AL. She attended segregated schools in the South and came of age in the midst of Jim Crow laws. Through hard work, she has earned her education and her legal credentials, and today she comes before us as one of the most brilliant legal minds this country has to offer.

I am proud to speak on behalf of this outstanding nominee, and it is my hope that the Senate will soon confirm Justice Janice Rogers Brown to the Federal bench.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, a few weeks ago, the debate in this Chamber captured the attention of the Nation. At stake was the maintenance of core constitutional principles of separation of powers and a limited judiciary against an unprecedented strategy of filibustering judicial nominees. Prior to 2003, Senators exercised self-restraint. In theory, the opportunity was always there for us to filibuster the President's judicial nominees, but out of proper respect for the President, whoever the President was, his power of appointment, and with an appropriate modesty about our own constitutional role, we refrained from exercising this power to filibuster judges.

We kept ourselves in check. In spite of real philosophical differences about the nature of judging and the meaning of the Constitution's fundamental guarantees, we all agreed on one thing: The Constitution's separation of powers prevented us from adopting a strategy of permanent minority-led filibusters of judicial nominees.

That self-restraint was tossed aside, however, in 2003. Led in large part by my friend and colleague, the senior Senator from New York, the Democratic leadership determined to engage in a full-blown inquiry of what they called the ideology of judicial nominees. Never before have opponents of a limited judiciary been so brazen with their litmus tests. They would now openly reject qualified nominees because of their strongly held personal beliefs, not for their judicial temperament, not for their experience, not for their character. Rather, nominees would be rejected because of their personal beliefs.

For some reason, what they termed "strongly held personal beliefs" were particularly suspect. California Supreme Court Justice Janice Rogers Brown, an eminently qualified jurist, was one of the primary targets of this radical strategy. For a few thought-provoking speeches she had given, some have tried to label her too extreme for the bench.

There is no doubt Janice Rogers Brown is conservative, but her views are hardly out of the ordinary. They are views shared by many millions of regular citizens, citizens of different economic, geographic, financial, ethnic, and religious backgrounds. Most importantly, however, it is clear that her personal views, whatever they are, do not cloud her judgment on the bench. Justice Brown's opinions are fully within the mainstream of American jurisprudence. It is the liberal activist groups that are purposefully misrepresenting Justice Brown's opinions, and what they think are her views, that are stranded out on the far left bank of American politics. Those groups belong on the far left bank of American politics, and that bank is way out of the mainstream.

The President takes his constitutional responsibilities seriously when he nominates individuals to the Federal bench. I have worked closely with the White House for the last 4½ years on these judges, so I know that to be true. I know that as Senators, we take our responsibilities seriously when we review and confirm these individuals. When determining a person's fitness for the Federal bench, we evaluate their character and we inspect their records. We consider judicial experience, public service, legal work, academic achievement, personal character, and the ability for objectivity.

With these qualities in mind, it is worth considering the view of Justice Brown held by a number of prominent California law professors.

In a letter sent to me in my former capacity as chairman of the Judiciary Committee, a group of 15 distinguished California law professors had the following to say about Justice Brown:

> We know Justice Brown to be a person of high intelligence, unquestioned integrity, and evenhandedness. Since we are of differing political beliefs and perspectives, Democratic, Republican and Independent, we wish especially to emphasize what we believe is Justice Brown's strongest credential for appointment to this important seat on the D.C. Circuit: her open-minded and thorough appraisal of legal argumentation—even when her personal views may conflict with those arguments.

Having gotten to know Justice Brown during this unnecessarily protracted confirmation process, I fully concur in this bipartisan consensus. And I can tell you she has cultivated these virtues against many odds.

Janice Rogers Brown was born in Greenville, AL, in 1949. She attended segregated schools. She was a firsthand witness to the injustice of Jim Crow and its failure to extend the promise of the 14th amendment to the descendants of freed slaves. Equal protection under the law was only a dream in the Deep South at that time when young Janice Rogers Brown left her African-American family for California.

Yet this girl who grew up listening to her grandmother's stories about NAACP Fred Gray, the man who courageously defended Martin Luther King, Jr., and Rosa Parks, brought to the golden State of California a passion for civil rights and a need for impartial justice.

Janice Rogers Brown cultivated this passion for justice through a career of almost uninterrupted public service as an attorney. After graduating from law school at UCLA, she served 2 years as deputy legislative counsel in the California Legislative Counsel Bureau. Then from 1979 to 1987, she was deputy attorney general in the office of the California Attorney General. Her work there was of such high quality that it led to her appointment as the deputy secretary and general counsel for the California Business, Transportation, and Housing Agency in 1987 where she supervised the State's banking, real estate, corporations, thrift, and insurance departments. No dunce could have done that. No person as described by some of my colleagues on the other side would have been chosen in that great State of California to do that. She has been very badly derided by picking and choosing little snippets here and there and taking them out of context.

From 1991 until 1994, she served as the legal affairs secretary to California Gov. Pete Wilson. I personally chatted with Pete Wilson, who is an old friend. He said she was terrific. He relied on her legal abilities.

Then in 1994, she embarked on the professional journey that culminated in her nomination to the Circuit Court of Appeals of the District of Columbia. First, she was nominated and confirmed as an associate justice on the California Third District Court of Appeals. Then in 1996, Gov. Pete Wilson elevated her to the position of associate justice on the California Supreme Court.

I ask unanimous consent to print in the RECORD her funeral eulogy for one of the great judges on that first appellate court.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

California Supreme Court Justice Janice Rogers Brown's Eulogy of Retired Justice Robert K. Puglia, Former Presiding Justice of the California Court of Appeal for the Third Appellate District

Justice Robert K. Puglia was described—not too long ago—as "a treasure" to Sacramento's legal community. It is no exaggeration to say that his wit and wisdom will be irreplaceable. Justice Puglia once referred to himself—with the self-deprecating humor that was so characteristic—as "a dinosaur." At his retirement dinner, I ventured to say that he was "not so much a dinosaur as an ancient artifact. Like the Rosetta Stone. A text from which we could decipher the best of our past and—if we are lucky—find our way back to the future."

We are here today, much too soon, to celebrate his life, his legacy to us. The Library and Courts Building was his home for nearly 30 years. He worked there as a newly minted lawyer during a brief stint as a deputy attorney general in 1958 and 1959, and returned in 1974 when he became a member of the Third District Court of Appeal, a court where he served as the presiding justice from 1974 until November 1998. In 1994, after a reception welcoming me to the court, we stood on the steps of the court building and looked across the circle toward Office Building 1 at the words carved on the pediment: "Men to Match My Mountains," a fragment from a poem by Samuel Walter Foss called "The Coming American." Justice Puglia gave me the sidelong, sardonic glance, which I already recognized as a sure prelude to some outrageous comment. Giving an exaggerated sigh, he said: "I suppose we will have to sandblast those words and come up with something more politically correct. Perhaps—"People to Parallel my Promontories." We both laughed. In its fuller exposition, the poem is a paean to the westward expansion of the country:

Bring me men to match my mountains,
Bring me men to match my plains;
Men to chart a starry empire,
Men to make celestial claims.
Men to sail beyond my oceans,
Reaching for the galaxies.
These are men to build a nation,
Join the mountains to the sky;
Men of faith and inspiration . . .

In retrospect, it occurs to me that although Justice Puglia was inordinately proud of his Buckeye roots, like Norton Parker Chipman, the first Chief Justice of the Third Appellate District, he was also a citizen of California who filled a larger-than-life role. He was one of those men who matched her mountains.

As a young lawyer who did appellate work, I quickly came to admire Justice Puglia's jurisprudence. His opinions were intelligent, wise, witty, clear and completely accessible. He did not write in the dry, dull, bureaucratic style of most modern judges. His thoughts, clearly and eloquently expressed, were sometimes impassioned. Indeed, he made passion respectable. His opinions exude the rare sense of style and unique voice that Posner tells us is "inseparable from the idea of a great judge in [the common law] tradition."

Justice Puglia deserves a place in the pantheon of great American judges. He completely understood the role and relished it. He exhibited the classical judicial virtues: impartiality, prudence, practical wisdom, persuasiveness, and candor. He demonstrated complete mastery of his craft. He had a keen awareness of the ebb and flow of history, and of the need for consistent jurisprudence, and, above all, self-restraint. It may sound odd to describe a judge as both passionate and restrained, but it is precisely this apparent paradox—passionate devotion to the rule of law and humility in the judicial role—that allows freedom to prevail in a democratic republic.

The generation that fought in World War II has been labeled "The Greatest Generation" for their courage and selflessness, but that sobriquet belongs as well to their younger brothers who fought in Korea. Their attitudes were shaped by many of the same pivotal moments in American history, and Bob Puglia exemplified the best of his generation. He was born on the cusp of the Great Depression and came of age during Word War II. He became a devoted student of history, and perhaps that is why he seems to have had an instinctive appreciation of valor, duty, and sacrifice.

He scorned political correctness, but he treated every human being with dignity and respect. Whether he was dealing with the janitor or the governor, he never saw people as abstractions, proxies, or means to an end. He saw them as individuals and took them as he found them; expected the best of them; and never demanded more of anyone than he demanded of himself. His sense of fairness and justice applied to everyone, but his sense of humor was irrepressible. In one memorable case where a defendant filed an appeal quibbling over the deprivation of a single day of credit, Justice Puglia agreed with the inmate in a brief unpublished opinion. He found the court had miscalculated, and ended the opinion with the cheery admonition to "have a nice day!"

In my youth, I admired and respected him and wanted to emulate him. As I grew older and had more opportunities to get to know him, to become first an acquaintance, then a colleague, and a friend, I came to love him. I do not think there is one person within his orbit who was not the beneficiary of his wisdom, encouragement, and generosity. He gave us his "Rules to Live By" to amuse us. But, the way he lived his life inspired us. He was devoted to his wife Ingrid and endearingly proud of his children. Indeed, he had a disconcerting tendency to adopt any of us when he felt we needed guidance.

He taught us that character counts and integrity is personal. He never allowed cruelty or deception or hypocrisy to go unchallenged. He did the right thing even when he would have benefited from doing the expedient thing. Freedom is not free he would often remind us, but, in Justice Puglia's view, it was worth the price—however dear.

His life experience and his understanding of history produced in him a certain toughness—the power of facing the difficult and unpleasant without flinching; discipline and intellectual rigor; physical courage; and, even more importantly, the courage to be different. Never one to follow the herd of independent minds, his was a unique voice. As California's Chief Justice has ruefully acknowledged, Justice Puglia was "a strong personality . . . not shy of stating his beliefs, nor about challenging others to justify theirs" but surprisingly willing to listen and modify his views. He was, as his long-time colleague Justice Blease noted: "formidable" and "intimidating," but he had a "heart of gold."

There are so many themes and threads that run through Justice Puglia's life and the history of the Third District Court of Appeal that I do not think it can be mere coincidence. Norton Parker Chipman had stood on the battlefield at Gettysburg when Lincoln gave that memorable speech: Justice Puglia was a student of history—especially the Civil War era. He could speak of Andersonville and Robert E. Lee and the battles of that terrible war as easily as other people recite the latest baseball scores. There are similarities in the descriptions of Justice Puglia and President Lincoln that are striking.

In a speech in 1906, Norton Parker Chipman recalled that his friend Abraham Lincoln was "firm as the granite hills," yet capable of great patience and forbearance. Carl Sandburg described Lincoln as "both steel and velvet . . . hard as rock and soft as the drifting fog." Reading these words caused a shock of recognition, for I had been seeing exactly this sort of paradox and contradiction in the life of Justice Puglia.

Seeing these parallels, I have come to understand that this flexibility is neither paradox nor accommodation. It is just the opposite—a sense of sure-footedness and balance that is often the defining trait of people of great character and impeccable integrity. It is precisely this quality which makes the honest public intellectual, a man like Bob Puglia, so extraordinary.

In his first message to Congress in 1862, Lincoln warned that we might "nobly save, or meanly lose, the last best hope of earth." Lincoln, of course, was referring to the Union. Justice Puglia felt that same sense of fierce commitment to the rule of law. The preservation of the rule of law and of the equality of all people under that rule was, in his view, the core principle of liberty and the only reason America might qualify for such a grand epithet.

My favorite movie scene is in To Kill a Mockingbird. It is the scene where Atticus Finch has argued brilliantly and raised much more than a reasonable doubt, virtually proving the innocence of the accused, but the jury still returns a guilty verdict. Most of the spectators file noisily into the street, gossiping and celebrating. Upstairs, relegated to the balcony, another audience has watched the proceedings and remains seated. As Atticus Finch gathers his papers and walks slowly from the courtroom, they rise silently in unison. The Black minister, Reverend Sykes, taps Scout on the shoulder and says: "Miss Jean Louise, stand up. Your father's passin'." To me, this silent homage to a good and courageous man, who respects and believes in the rule of law—and is willing to defend it even at great personal cost—is the most moving moment in the whole film.

Justice Puglia was just such a man. And he was not a fictional character. Most of us have risen to our feet many times to mark his passage because he was a judge. Court protocol required us to show respect for the robe and what it represented. But Justice Puglia was the kind of man who earned and could command our respect by virtue of his life and character. In a way, the robe was superfluous.

We have had the great good fortune to know this extraordinary man. We can remember what he taught us. We need not be fearless to have courage. We can be tough and tender. We can do the right thing—and face the bad that cannot be avoided unflinchingly. We can laugh. And we must sing—even when people frown at us and advise us to keep our day jobs. We can care for the people around us. We can be generous. We can make our way, against the tide, without rancor or

> bitterness. And when we are tired and overburdened and feel we are not brave enough to go on. we will hear his voice in our ear. Hear him say in that quiet and steely tone: "Yes, you can. You can." And we will know that we are being true to his legacy. The legacy of one who loved liberty. We will know that we are standing up . . . because Justice Puglia is passin'.

Mr. HATCH. Mr. President, Janice Rogers Brown's deep and uncompromising desire to secure equal justice for everyone who appears before her is evident off the bench as well. She has served as a member of the California Commission on the Status of African-American Males. This bipartisan commission made recommendations for addressing inequities in the treatment of African-American males in employment, business development, and the criminal justice and health care systems. This was noble work.

In addition, as a member of the Governor's child support task force, she made recommendations on how to improve California's child support enforcement system. No small matter. She would not have been trusted with that had she been as described by some of my eminent colleagues and friends on the other side.

Justice Brown's critics cannot escape this story, so they turn to her statements off the bench and to her decisions on the bench in California to assert misleadingly that she is extreme. The instances they cite do not support these hysterical charges, and I want to consider them at some length.

One of Justice Brown's speeches received quite a bit of attention. In April 2000, she was invited to speak at the University of Chicago Law School. I have had the same privilege, by the way. Evidently, her critics say what she said there was so radical that we should keep her off the Federal bench.

Never mind that a public speech is an opportunity to be provocative, especially at a law school. Never mind that judges, like most folks, are able to separate out their personal and political beliefs from their professional duties. And never mind that Justice Brown was doing a service to these students by coming to speak before them, jar their imaginations, and give them something more to think about.

The fact is, what she said was not that radical. Groups have keyed in on her colorful critique of the New Deal. Give me a break. The same people who come down here decrying Justice Brown's description of the New Deal as revolutionary turn around 5 minutes later and claim that our current Social Security system cannot be adjusted one iota to address contemporary concerns because it was central to the New Deal's political revolution. Can you imagine, these very same people who find so much fault with her? You cannot have it both ways.

Their real problem is that Justice Brown then went on to criticize some of the unintended social and political consequences of big Government. When she claimed that an increasing public sphere tended to undermine the individualist spirit present at America's founding, she was saying nothing other than what de Tocqueville, Ronald Reagan, Booker T. Washington, Robert F. Kennedy, and countless political philosophers and economists have noted over the years.

Everyone knows that it takes a village—families and communities—not a sterile Government-mandated bureaucracy to raise a child or, rather, that it takes a family, not the Government, to raise young citizens.

Yet her critics treat Justice Brown's claims as trying to prove that the world is flat. The senior Senator from Massachusetts was on the floor yesterday afternoon and today arguing that Justice Brown's claim that an increasing public sphere is detrimental to civil society is outside the legal mainstream. Again, give me a break.

I cannot help but think that for Janice Rogers Brown, this criticism of big Government is related to her experience growing up in the Deep South and her adulthood working for the State of California. She did not have to read about Jim Crow in books. She lived it. My sense is that part of Justice Brown's commitment to rugged individualism is related to this hard-learned lesson: There are limits to what Government can accomplish.

That is precisely what President Reagan stated in his first inaugural address. When he said this in 1981, some of the very same people who attack Janice Rogers Brown today said President Reagan was out of the mainstream. That was the argument by the very same people back then.

Nowhere was this well-intentioned governmental overreach more apparent than in our failed experiment with welfare. Republicans and Democrats alike, originally led by the insights of our former colleague, the late Democratic Senator Daniel Patrick Moynihan, understood the detrimental impact of welfare on the urban poor in particular. I think Janice Rogers Brown understood that lesson as well.

But for articulating a similar skepticism about Government, Janice Rogers Brown has been branded a radical revolutionary. Quite the contrary. Her arguments have been based on reasonable concerns. And hers was a conclusion reached over the years by millions of Americans.

A few of Justice Brown's many decisions while a judge have also served as a source of the criticism that has been unfairly leveled at her. Of all the criticisms of Justice Brown, none more rankles than the claim she opposes civil rights. That is laughable. This is par for the course for some of these left-wing, fringe groups that have been smearing and attacking Republican nominees ever since I can remember, but certainly ever since Justice Rehnquist had his hearings and was confirmed to the Supreme Court as Chief Justice.

Just this week, the chairman of the Democratic National Committee was quoted as telling a group in San Francisco that Republicans are "not very friendly to different kinds of people." He called the GOP "pretty much a monolithic party. They all behave the same. They all look the same. It's pretty much a white Christian party." This is racial demagoguery, pure and simple, done by the chairman of the Democratic National Party. If I didn't know how bright he was, I would call him a raving idiot. But maybe he is just that part of the time.

This desperate rhetoric has a purpose: to mask the increasing attraction of conservative ideas to African Americans, Hispanic Americans, Jewish Americans, and other minorities the Democrats have felt they have an absolute claim to, no matter how outrageous some of their programs and ideas are.

So it is not surprising that when the organized critics of Janice Rogers Brown send their faxes to the press, her argument in the decision People v. McKay is notably absent. This is what she had to say there:

> In the Spring of 1963, civil rights protests in Birmingham united this country in a new way. Seeing peaceful protesters jabbed with cattle prods, held at bay by snarling police dogs, and flattened by powerful streams of water from water hoses galvanized the nation.
>
> Without being constitutional scholars, we understood violence, coercion and oppression. We understood what constitutional limits are designed to restrain. We reclaimed our constitutional aspirations. What is happening now is more subtle, more diffuse, and less visible, but it is only a difference in degree. If harm is still being done to people because they are black, or brown, or poor, the oppression is not lessened by the absence of television cameras.

She wrote those words while arguing for the exclusion of evidence of drug possession discovered after an African-American defendant was arrested for riding his bicycle the wrong way on a residential street. She believed that the only reason this person was stopped was because of his race, and she was the only one of her colleagues on the supreme court to argue for the exclusion of this evidence on the grounds that it was the product of improper racial profiling. Yet our colleagues over here say she is an opponent of civil rights. Give me a break.

I have seen and heard just about everything in my years in the Senate, but the highly partisan campaign of the NAACP against Janice Rogers Brown is particularly shameful. It is sad to see the NAACP, the Nation's foremost civil rights institution, become little more than a partisan special interest group.

The other day I received a fax from their office urging me to vote against Justice Brown's confirmation because she was, "hostile towards civil rights and the civil liberties of African Americans and other racial and ethnic minorities."

My stomach turned when I read this. Not only is this irresponsible rhetoric, not only is it unfair and uncharitable, it is without any real foundation. In other words, it is total bullcorn, and it is wrong.

The NAACP, along with a number of other groups, has turned to Justice Brown's opinion in Hi-Voltage Wire Works, Inc. v. City of San Jose to show that she is inhospitable to minorities because of her supposed stance on affirmative action. These arguments, again, are way off the mark and an analysis of them demonstrates not only that Justice Brown is a mainstream conservative judge but also that these interest groups are extremely liberal outfits attempting to gain through judicial fiat what they cannot fairly win through the legislative process through the elected representatives of the people.

The Hi-Voltage case involved California's proposition 209. In a popular referendum, the people of California were clear: Discrimination or preferential treatment on the basis of race, sex, color, ethnicity, or national origin violates core constitutional principles of equal treatment under the law. Therefore, proposition 209 prevented discrimination in any public employment, public education, or public contracting.

Now, at issue in this case was a San Jose minority contracting program that required contractors bidding on city projects to employ a specified percentage of minority and women contractors. In her opinion, Justice Brown merely did what every judge who ever reviewed this case did. Through the trial court, through the appellate court, to the Supreme Court, all concurred with Justice Brown that this program was exactly the type of noxious racial quota program that proposition 209 was designed to prevent.

Her critics charge this demonstrates her blanket opposition to affirmative action. Such a conclusion depends on a deliberate misreading of Justice Brown's opinion in this case. She could not have been any more clear. She did not oppose affirmative action in all circumstances. These are her words:

> Equal protection does not preclude race-conscious programs.

Contrary to the propaganda being issued by liberal interest groups, Justice Brown's opinion explicitly authorizes affirmative action programs.

I do not blame my colleagues on the other side completely because most of the time they just take what these outside leftwing radical groups give them and read it like it is true. So I say I do not blame them completely. But unlike the Supreme Court of the United States, the people of California have rejected quotas and race-based head counting.

Those are not affirmative action programs that merely take race into account. Programs such as the one under review in the Hi-Voltage case are improper quota programs. For following the mandate of California citizens on this subject, she has been called radical.

The NAACP's criticism is, as usual, overblown. They claim that Justice Brown's decision "makes it extremely difficult to conduct any sort of meaningful affirmative action program in California."

But what is a meaningful affirmative action program? I fear that these leftwing liberal interest groups are suggesting that the only meaningful type of affirmative action program is the type of quota program specifically banned by proposition 209. As it turns out then, Justice Brown's real failure in this case is that she did not tailor the law to suit her own moral and political preferences. For this, she is demonized as a radical. It is her failure to embrace full-blown judicial activism that is her principal failing in the minds of her detractors.

Consider her opinion in American Academy of Pediatrics v. Lundgren. This case involved California's parental consent law. Parental consent laws are not rightwing policies. They are moderate restrictions on abortion rights supported by substantial majorities of the American people.

I find it interesting that the same groups that champion the right of a woman to make an informed choice about obtaining an abortion also reject moderate restrictions on the accessibility of abortion to minors who routinely do not possess the judgment necessary for the profound moral and philosophical decision to obtain an abortion.

We should not forget the U.S. Supreme Court, while acknowledging the right to an abortion, also has held that it is permissible under the Constitution to establish parental consent laws such as California's. California courts have long relied on Supreme Court precedents when defining the boundaries of their State's own constitutional right to privacy. That is the context of this decision, and in it Justice Brown dissented from the determination of an activist court to overturn California's moderate restriction on abortion rights. She wrote:

> When the claim at issue involves fundamentally moral and philosophic questions as to which there is no clear answer, courts must remain tentative, recognizing the primacy of legislative prerogatives.

She continued, adding that:

> The fundamental flaw running through its analysis is the utter lack of deference to the ordinary constraints of judicial decision-making—deference to state precedent, to federal precedent, to the collective judgment of our Legislature, and, ultimately to the people we serve.

This is not some debate over a speech that Justice Brown gave at a law school forum. We know that is not the real threat to these interest groups. They can see that judges such as Janice Rogers Brown take their oaths seriously. They will interpret the law rather than act as super legislators and make the law.

By showing deference to the people's representatives and the legislative and executive branches, these groups which too often today try to take the easy way out will now have to engage in the political process to win their points of view. Personally, I believe this would be a healthy development, but to those uncompromising special interest groups the democratic process is a threat, not a gift.

Soon we are going to have to vote on Justice Brown's nomination. I am glad and thankful that we are finally reaching this point after the number of years we have been at it. I know many people wanted to move beyond these divisive debates over judges. I appreciate their desire to move beyond this messy business of judicial nominations and I understand the desire to applaud the deal that has allowed last week's vote on Priscilla Owen and our vote later today on Janice Rogers Brown. The ultimate meaning of this compromise is yet unknown, but one thing we do know, these qualified women will have long careers on the bench in large part because the majority leader had the guts and decided to press this issue, reestablish longstanding Senate precedents, and tried to support the constitutional separation of powers.

Our senatorial power of advice and consent does not include the right to permanently filibuster judicial nominees. We have gone a long way to reaffirming what used to be an obvious truth, and we owe a debt of gratitude to the leader for helping to make this happen. We should also acknowledge the well-intentioned efforts of the 14 Senators involved in facilitating these votes. I know many conservatives are upset with this arrangement. I am myself. I am certainly not entirely comfortable with all the aspects of it myself, and I have said that it may prove to be a truce, not a treaty. We will have to wait and see what the full implications of this deal really are.

It does seem, however, that the cloture votes on nominees such as Priscilla Owen, Janice Rogers Brown, and William Pryor demonstrate the emergence of a filibuster-proof majority that believes even judges with conservative judicial philosophies are not the extraordinary cases that would trigger a filibuster and that even a conservative African-American woman has a chance to serve in this country. Unfortunately, some have been against her primarily because she is a conservative African-American woman.

We seem to be gaining ground in the fight against the erroneous belief that nominees with whom one disagrees politically are undeserving of an up-or-down vote. Of course, the acid test of this agreement will come in the weeks ahead when the Senate addresses nominees not specifically granted a safe harbor by the compromise.

This debate over Janice Brown and others with her conservative philosophy of judicial restraint is an important one. I will not compromise on the principle that the American people and their elected representatives, not judges, should make social policy. Our courthouses were never intended to be mini-legislatures. Judges do not have the constitutional responsibility, institutional capacity, the staff, or the wisdom to be good policymakers, and judges are not and should not be philosopher kings with some ability to divine the existence of rights not clearly expressed in statutory law created by the people's elected representatives or in constitutions established by the people themselves.

We are told by some that Justice Brown is a radical. Shortly after the President was elected in 2000, the Democratic Party held a retreat at which a number of liberal law professors urged them to "change the ground rules" on judicial nominations. That was radical advice. It upset longstanding constitutional balances, and unfortunately it was accepted by the former minority leader.

We must reject this effort. I, for one, am not afraid to have this debate. The American people know judicial activism when they see it. Just in the last few years we have been told by judges that the Pledge of Allegiance is unconstitutional, that our Bill of Rights should be interpreted in light of decisions by the European Court of Human Rights, and that well-considered bans on partial-birth abortion violate core constitutional principles.

Only a few weeks ago, a Federal judge in Nebraska invalidated the duly passed State constitutional amendment that preserved traditional marriage in that State. The definition of a judicial activist is someone who puts his or her own personal views ahead of what the law really is.

Some of the leading groups opposed to Janice Brown oppose her precisely because she will faithfully interpret the law rather than remaking it according to her own theory of justice. What they really object to is Justice Brown's refusal to revise legal guarantees according to some version of justice not present in a text.

I am proud of this body for allowing Justice Brown's nomination to finally, at long last, come up for a vote. My guess is that she will soon be sworn in as a Federal judge. That will be a great day not only for Janice Rogers Brown, who has had to endure these coordinated, calculated attacks on her character, but it will be a great day for this Nation as well, and it will bring a lot of joy to me personally.

In all of the hundreds of judges who now sit on the bench, Janice Rogers Brown is one of the finest people I have met and interviewed. So is Priscilla Owen. So is William Pryor, whom we will vote upon probably tomorrow. These are outstanding people, and so are the others who have been waiting for so long to just have the opportunity for a vote up or down on this floor.

I am tired of seeing these good people maligned with false facts, to begin with. I am tired of seeing them maligned with misinterpretations of the case law, primarily written by some of these outside groups that have real axes to grind and that are on the far left bank outside of the mainstream of the law itself.

I hope everybody will vote for Janice Rogers Brown. She will make a real difference on the bench. She is a good person. I interviewed her for more than 3 hours. I can say, I have seldom met a person of such capacity, decency, dignity, and honor as she and Priscilla Owen. It will be a great day to confirm her as a judge on the Circuit Court of Appeals for the District of Columbia.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from California.

Mrs. BOXER. Mr. President, I rise to speak to this nomination of this very controversial nominee who is opposed by both Senators from California, which is fairly extraordinary. I remember well a time in the not too distant past when even if one Senator from a State opposed a nominee from his or her State, that sank the nomination. Then they said it had to be both.

We have a situation where both Senators from California oppose this nominee. I can assure the Senator from Utah, if he opposed a nominee who came from his State, and his colleague did as well, I think I would give it a little more, shall we say, attention than he is.

The fact is, if you have watched this debate, you know by now that this nominee is way outside the mainstream. You can stand up here and say all you want that she is in the mainstream and within the mainstream. You can even say that she won election in California. What you are not saying is she came up for election about 11 months after she had served a 12-year appointment, and she had no opposition. Nobody ran against her. Most of her controversial decisions occurred after that vote.

Anyone who knows anything about California politics knows that it is very rare that judges are made into an election issue. We usually approve our judges. It is very different than what is being presented here, that everyone went out and said: Oh, hurrah, Janice Rogers Brown is running. This is not the case at all. We have Senator HATCH coming up and saying this woman is well within the mainstream and all the rest of it, but the two Senators from California are saying: Watch out. Because no statement could be further from the truth.

I have spoken on this nomination and on the broader issue several times. Sometimes you ask yourself, is it worth just one more time? I would say, in answering my own question, to me it is worth it just one more time because the issues surrounding these nominations we are addressing these next days will bring home to the American people why it was that we had all this fuss over 10 judges the Democrats blocked. These are 10 judges put forward by President Bush who were all extraordinary cases, outside the mainstream, whether dealing with employment rights or the environment or civil rights or human rights—any kind of rights you can think about: privacy rights, the right to make sure our kids are protected and our criminals are punished.

In these 10 cases, we found many examples where our people were left in the lurch because of decisions made by these judges. In some cases, these judges, fortunately, were in the minority. In the case of Janice Rogers Brown, she was in the minority many times because she is so out of the mainstream that not even her five Republican colleagues could join her in many of her dissents.

But this number, 208 to 10, reflects where we were when the Republicans threw a fit and the White House threw a fit and said: We want every one of our judges passed. We don't want to lose even 5 percent of our judges. They got 95 percent. They were not happy—208 to 10, and they threatened to change a system that has been in place well before the movie "Mr. Smith Goes to Washington" came out. For more than 200 years, the Senate has had the right to unlimited debate that can only be shut off by a supermajority. We have had that in place for a very long time.

The Republicans did not like it. They only got 95 percent of their judges and, by God, they wanted 100 percent. It reminds me of my kids when they were little, and probably I was that way when I was little. "I want it all. I want everything. I don't want to give up a thing." That is not the way the Senate works. It is not the way the country works.

If you read what the Founders had in mind for our Nation, it was protecting minority rights. So when an appointment such as this, which is a lifetime appointment—at very high pay, by the way, and very good retirement—that there would be a check and balance against this nominee, so only those who deserve to be on the bench, who show that they had judicial temperament, who were qualified—underscore that, very important—and who were in the mainstream, will take their seats. So we had a crisis that, fortunately, I am very pleased to say, was resolved by some Republicans and Democrats who got together and stood up to the Republican leadership and said: Wrong. We are not going to do this. We are not going to see a packing of the courts. We are going to preserve the filibuster.

But what happened was three very controversial judges got past that filibuster. That was the deal that was cut, that Priscilla Owen, that Pryor, and here Janice Rogers Brown would be guaranteed their cloture vote, and then we will now be voting on them. It will take 51 votes to stop Janice Rogers Brown. I hope we can get that.

Senator HATCH said he hopes every single person in the Senate will vote for Janice Rogers Brown. I predict, if she gets confirmed, it will be by the fewest number of votes we have seen around here, probably, in many years. I think so.

Let me talk about the issue of qualifications because this is something I did not discuss with my colleagues up until now. On April 26, 1996, the Los Angeles Times wrote about an evaluation report that was written about Judge Janice Rogers Brown. This is what the Times reported:

> Bar evaluators received complaints that Brown was insensitive to established legal precedent . . . lacked compassion and intellectual tolerance for opposing views, misunderstood legal standards and was slow to produce opinions.

Can you imagine? This is the person who everyone who spoke on the other side today has said is so great, everyone who spoke on the other side said is so wonderful? This is the person they all said deserves to be promoted? Let's read it again because it is important. This woman is going to the circuit court of appeals in Washington. "Bar evaluators"—these are the people who are the experts—"received complaints that Brown was insensitive to established legal precedent . . . lacked compassion"—and we are going to show that—"and intellectual tolerance for opposing views. . . ." In other words, intolerant to opposing views. Can you imagine a judge who is intolerant to opposing views? How can that judge be independent? How can that judge be fair if, going in, they are intolerant to certain views? And they said she "misunderstood legal standards." That is a condemnation for someone who is going to be judging. "And she was slow to produce opinions." We all know that we would like to have justice be swiftly delivered. Justice delayed is justice denied. She was slow to produce opinions.

The LA Times goes on:

> She does not possess the minimum qualifications necessary for appointment to the highest court in the State.

That is my State, the California Supreme Court.

> . . . the bar commission that reviews judicial nominees told Governor Pete Wilson in a confidential report.

Janice Rogers Brown

> . . . does not possess the minimum qualifications necessary for appointment to the highest court in the State, the bar commission that reviews judicial nominees told Governor Pete Wilson in a confidential report.

This is the nominee Senator HATCH says he hopes everybody votes for. Now she is moving over to an area where she hasn't really practiced before, to the Federal bench.

Yesterday, I was at a press conference with some fantastic women lawyers, including Eleanor Holmes Norton, who you know, I think, is the delegate to the House of Representatives from DC, and also Elaine Jones. They went through, chapter and verse, her decisions, her writings, her minority views. They agreed this is a terrible appointment. What is interesting is these are African-American women speaking about an African-American woman. This is not easy to do. It is not easy for a female Senator to say this is a terrible appointment.

This nominee's personal story is remarkable. There are a lot of remarkable stories in America. We are all so proud of our country, that it gives people opportunity. But what I am fearful about is what she is going to do to those who want to grab that dream. Her attitude toward what the government can and cannot do, her attitude about what is permissible in a workplace, is shocking. Her attitude toward senior citizens, her attitude toward children, her attitude toward rape victims, all of this is very frightening, to think this woman, with a great personal story, is going to bring those kinds of values and this kind of record to the court that many consider to be second in importance to the Supreme Court of the United States of America.

There is no question that this nominee is way out of the mainstream. This is one of her famous quotes. You listen to these words. These are not the words of Senator BARBARA BOXER or Senator DIANNE FEINSTEIN or Senator PATRICK LEAHY or Senator HARRY REID or any other Senator who is opposing this nominee; these are the words of the nominee:

> Where government moves in, community retreats, civil society disintegrates, and our ability to control our own destiny atrophies. The result is: Families under siege; war in the streets; unapologetic expropriation of property; the precipitous decline of the rule of law; the rapid rise of corruption; the loss of civility and the triumph of deceit. The result is a debased, debauched culture which finds moral depravity entertaining and virtue contemptible.

I don't know what country she grew up in. I really don't know how she got her views of America because clearly she has been critical of the government in her writings, going back to the 1930s. So, presumably, because she has been in the minority view on all the things she says and does, she has to be miserable about the state of America. She thinks our families are under siege, that there is war in the streets, that people are getting their property taken away from them, that there is a decline in the rule of law. I guess she doesn't know we are doing much better controlling crime. Who does she think is going to control crime if not government? Does she think we should have a private police force?

When government moves in, everything is terrible. Does that mean when we build a highway things get worse, or do they get better? Does that mean if we fund a transit system things get worse, or they get better? Does that mean when we fix a pothole or pass a law that you have to wear a seatbelt that things get worse, or things get better?

She is an idealogue because the answer is sometimes government does good things, and sometimes we don't. Sometimes we do things we should not do, and sometimes we don't do enough. But there is no way you can say when government moves in, deceit triumphs and we have a debauched culture and virtue is contemptible. Is she that critical of this country? Is she that down on this country? Is she that negative about the greatest country in the world? The answer is, she is.

Let's look at some of the other things she said. When we had the New Deal, this country was in the middle of a terrible depression, and the Congress and the President passed some overdue legislation such as the minimum wage because people were starving to death. They said it was important to have a 40-hour workweek because people were being worked to death. Social Security was instituted at that time. She calls this "the triumph of our own Socialist revolution."

I am assuming, therefore, she thinks we should go back to the days when we did not have Social Security. That is interesting because there are other people who feel that way around here. So they happily vote for Janice Rogers Brown. Does she think we should go back to the day when children worked in the workplace? Child labor laws were passed around that time. Does she think a boss can tell you, you have to work 100 hours? I guess she does because it is socialism.

And then her famous quote about senior citizens. This is a woman who this President wants to send to the second highest court in the land. Her view of senior citizens is extraordinary: She called senior citizens "cannibals." I want everyone to think of their grandma right now. Does anyone think of their grandma as a militant? Does anyone think of their grandma as stealing from you? Or, rather, that your grandma thinks much more about you than she does about herself? I can assure you that is what we think of our grandmas. They will do anything for us, for their grandchildren. But not Janice Rogers Brown. She accuses senior citizens of "blithely cannibalizing their grandchildren because they have a right to get as much 'free stuff' as the political system permits them to extract."

What a view of our senior citizens. The greatest generation; the generation that fought in World War II. And now, getting to be the generation that fought Vietnam, one of the toughest wars because it was so controversial, and the suffering that guess on. These are the folks that are now the grandparents and the senior citizens. They are getting as much "free stuff." Why? Because they served in the military and they get veterans' benefits, veterans' health care, and prescription drugs if they are sick. I resent Janice Rogers Brown's statements. I resent that statement on behalf of every senior citizen in this country. You can put lipstick on it, you can put nail polish on it, it is still ugly.

She calls government "the drug of choice." She even goes after rugged midwestern farmers. She says they are looking for big government.

Who does she know—a rugged midwestern farmer who is looking for the Government to support them? And "militant senior citizen." Every time I say that I think of grandmothers in Army uniforms marching down the street. These are visions so ridiculous that they have no place being brought into this D.C. Court of Appeals. At the end of the day, that means there is deep hostility toward our senior citizens, toward our workers, toward our farmers, toward our people.

Janice Rogers Brown is way outside the mainstream to the extreme.

I hope the American people understand why we held her up for so long. The only reason she is getting the up-or-down vote today is she is part of the deal to preserve the filibuster for future out-of-the-mainstream folks. We were on the verge of losing that.

She argued that e-mail messages sent by a former employee to coworkers criticizing a company's employment practices were not protected by the first amendment, but she supported corporate speech. That was in Intel v. Hamidi.

She argued that a city's rent control ordinance was unconstitutional and a result of the "revolution of 1937." The woman is stuck in the past. She keeps going back to the New Deal, to 1937. Get over it. The things that worked well, we have continued—such as Social Security, minimum wage, or the FDIC, where we protect your deposits. Get over it. The American people demand those minimum protections.

But not Janice Rogers Brown. She does not demand it. She argues that it was a revolution that the New Deal began. She opposed it and says it is all about takings and it is all wrong.

Here is an interesting fact. Janice Rogers Brown is on a court with six Republicans and one Democrat. People say, it is California, it is California, everyone there is a liberal Democrat. Wrong. I would not be here if it were not for Republican, Independent voters, and Democratic voters. Here is the deal: She stood alone on a court of six Republicans and one Democrat 31 times. Think about it. You are a judge. You are a Republican. You have five Republican colleagues and one Democratic colleague. Yet 31 times you disagreed with those five Republicans and that one Democrat.

Who could actually stand up here, look the American people in the eye, and say she is a mainstream judge? That is just not true, based on the facts. Members can say whatever they want on the Senate floor, and I would die for a Members' right to free speech. You can put lipstick on it, nail polish, and dress it up, but the facts are the facts: She stood alone 31 times on a court of six Republicans and one Democrat.

Maybe it goes back to what the bar said about her, when she was put up for her position, that she was unqualified, that she did not understand legal precedent. Maybe that explains why she stands alone, she does not know what she is doing. Maybe she does not understand it. Maybe she does not get it; otherwise, why would she find herself alone so many times?

Let's go back to what has been said when she was appointed by Pete Wilson. They received complaints that Brown was "insensitive to established legal precedent." In a court of appeals, that is a key fact. You have to understand what the law is, what has come before. She "lacked compassion and intellectual tolerance for opposing views, misunderstood legal standard and was slow to produce opinions."

Maybe she just couldn't follow the reasoning of her colleagues because she did not understand the legal precedence, or maybe they were moving too fast for her. Or, maybe she chose just not to follow it because she lacked compassion, and she has no intellectual tolerance for opposing views, even if it is legal precedent.

Let's see what else they said:

> She does not possess the minimum qualifications necessary for appointment to the highest court in the State [that is the California State court] the bar commission that reviews judicial nominees told Gov. Pete Wilson in a confidential report.

This was printed in the "Los Angeles Times" April 26, 1996.

One would think that the President's men who came up with this idea would have vetted this person. Why did we stop her from getting a vote? Simply because we knew the facts. If she wasn't qualified for the California Supreme Court, how does she now get to be qualified for this position? It makes no sense.

We will go back to some of the times she stood alone. This case is rather remarkable. We have Janice Rogers Brown, a female. A case comes before her of a woman who was 60 years old. She was a superstar working in a hospital, Huntington Memorial Hospital. She was fired from her job based on age discrimination. Janice Rogers Brown said:

> . . . discrimination based on age does not mark its victims with a stigma of inferiority and second class citizenship.

I ask the average American: A 60-year-old employee is perky, who is sharp, who is wise, who is experienced, who has gotten stellar reviews, who does better than almost anyone else, but she is fired because someone in management said, 60, you are out. So she is out of a job. And this woman had a lot of pride in her work. Maybe it was her whole life, maybe she was so devoted. We know people like that. Janice Rogers Brown makes a statement that "discrimination based on age does not mark its victims with a stigma of inferiority and second class citizenship."

Yesterday in the press conference where I was with a lot of minority women lawyers, one of them, Elaine Jones, made an important point about this case. She said it is fine for Janice Rogers Brown to think that discrimination based on age does not mark its victim with a stigma of inferiority and second class citizenship. If she feels that way, she should run for public office, run for the Senate, go to the House and change the laws we have written which say, in fact, it is a stigma to be the victim of age discrimination. This is hurtful, and it does confer second-class citizenship on the individual.

Her position is her own opinion. Everyone has a right to his or her own opinion. I don't have a problem with that. I don't agree with her. I think it is mean. I think it is nasty. I think it hurts our people. But she has a right to think that if she wants. What she does not have a right to do as a judge is to say that the law we passed simply does not exist. That is why she is so out of the mainstream. We have found that age discrimination brings with it a stigma of inferiority and second-class citizenship. We have said it is illegal. It is not legal. Her position is contrary to State and Federal law and puts her way outside the mainstream.

And now a look at some of the others. She is the only member of the court to vote to overturn the conviction of the rapist of a 17-year-old girl because she felt the victim gave mixed messages to the rapist.

Maybe my colleagues on the other side want to send someone to this very important court that stands with a rapist against a victim. I wouldn't think so. If one reads details of the case, members will be shocked by the details. The young woman already was raped once. This was a second rape. The first man pleaded guilty. He claimed innocence, but she was the only member of the court to say this young woman did not have a right to see this rapist confined to prison.

It is shocking to me that my colleagues on the other side of the aisle think this woman is in the mainstream. Is it in the mainstream of America to side with a rapist over a 17-year-old girl? Is it in the mainstream of America to side with an employer who fires you because you turn 60? It is totally against the State and Federal law.

She was the only member of the court to oppose an effort to stop the sale of cigarettes to children. That case was Stop Youth Addiction v. Lucky Stores. There is a reason there is an organization called Stop Youth Addiction—because we all know that tobacco is so addictive. When you start young, it is very hard to kick the habit. I am sure everyone in this Chamber who has ever smoked knows how hard it is to kick the habit. The younger you start, the more hooked you get.

Therefore, parents and others who are advocates are trying to make sure they cannot go into the store and purchase cigarettes at an underage level. She was the only member of the court to oppose the effort we had going on to ensure that kids do not buy cigarettes.

Is that mainstream thought, to go up against parents and families and say it is fine for a retail store to go ahead and sell cigarettes to a kid—your kid, my kid, my grandson? That is not mainstream. It is out of the mainstream.

This woman is out of the mainstream. That is why the Democrats have stopped her, until today. We did use the filibuster on her. We were glad to use the filibuster on her. If it did not happen that we had this deal, we would still be using the filibuster on her, to protect the people of the United States of America from her kind of values which stand with a rapist, which stand with the tobacco companies, which stand with those who discriminate.

She can explain in any way she wants. We know the results of her thinking. She could come up with a fancy explanation to tell this young 17-year-old woman, but look her in the eye and say: Well, your rapist has to get out because you didn't say it exactly the right way—when every other member of the court sided with this 17-year-old girl.

I am shocked my colleagues are supporting this nominee. And this issue is not going to go away. These decisions are not going to go away. There are going to be writings about these decisions. There is going to be discussion about them. People will be held accountable for their votes here. They should be, one way or the other.

If people in my home State are going to write and say, Why are you speaking out against someone from California, a woman who is a sharecropper's daughter. I am going to say, That is a good question, and let me tell you why. She is out of the mainstream to the extreme, and she is hurting our people. It is pretty simple for me.

She is bad on discrimination. She is the only member of the court to find that a State fair housing commission could not award certain damages to housing discrimination victims. And how about this? An African-American policewoman needed to rent a place and knocked on a door and had the door slammed in her face—more than once, again and again. She sued for discrimination. Every single member of that court, the highest court in California, ruled in favor of this policewoman—except Janice Rogers Brown. Oh, no. Oh, no. She said: You do not deserve any damages. You do not deserve any award for what you went through. Too bad.

Now, she may not have written it like that in her statement, but at the end of the day she had to look in this woman's eyes, this policewoman's, and say: Got the door slammed in your face three times? Too bad. That is the bottom line with how she ruled. She might as well have said that. And she stood alone. Is that American values? Is that mainstream America, that someone would stand on the side of someone who slammed the door in the face of someone simply because they did not like their appearance, they did not look like them? Seriously, folks, this is pretty basic American values 101.

She is the only member of the court to find that a disabled worker who was the victim of employment discrimination did not have the right to raise past instances of discrimination that had occurred. So here is someone who is saying they were victimized in an employment situation because they were disabled, they wanted to be able to tell about the series of events that led up to this particular lawsuit, how many times this had happened—she had MS and these discriminatory acts had taken place over many years—and Janice Rogers Brown stood alone and said she did not have the right to raise the past instances of discrimination.

Is that an American value, to tell someone who has multiple sclerosis, who has been discriminated against for years: Well, we are not interested; we are not interested in hearing about the past; just stick to this one case?

I do not think, if my colleagues really took the time and the energy and the effort to do the kind of work my great staff has done on this—and I have to say, I heard Senator HATCH say, well, all this comes from—what did he say?—liberal groups writing these things. This is painstakingly difficult work done by my staff. And they went through it because I said: Did she ever stand alone—because I knew her reputation is so out of the mainstream—did she ever stand alone? And they came back to me with this: She stood alone on the side of a rapist. She stood alone on the side of people who would discriminate. She stood alone on the side of tobacco companies against families. That is how I look at it.

She said a manager could use racial slurs against his Latino employees. Can you imagine coming to work every day and having to put up with a slur about yourself, about your ethnicity, about your religion, about your disability? There has to be some value placed on human dignity. Well, you do not get it when you look at the writings of Janice Rogers Brown. You do not get it when you look at the way she comes down on a lot of these cases.

She was the only member of the court who voted to strike down a State antidiscrimination law that provided a contraceptive drug benefit to women. There is a very important law in my State that says if a woman wants to get contraceptives through her insurance, she should be allowed to. We talk around here a lot about the right to choose and all of that. All of us, I would hope, would come together in saying we do not want to see so many abortions. That is right. We want to make sure we reduce the number of abortions. Well, the way you do that is through contraception.

There was a time and place when contraception use was illegal in this country, until there was a case in the Supreme Court that was actually memorialized yesterday, the Griswold case, which said: No. It is legal. Well, if contraception is legal, why on Earth would we discriminate against people who try to use their health insurance to get it, their drug benefit to get it?

So this case comes before the California Supreme Court, and every member of the court—five Republicans and one Democrat—except her, except Janice Rogers Brown, says that is an appropriate law. So, again, we have someone out of the mainstream. If she is so out of the mainstream on contraception, imagine where she will be on the right to privacy, if she gets into that issue.

She is the only member of the court to find that a jury should not hear expert testimony in a domestic violence case about "battered women's syndrome." Now, this one really touches my heart because, fortunately, many years ago, Senator JOE BIDEN phoned me when I was a House Member, and he said that he had written a bill called the Violence Against Women Act. We knew women were being battered and women were being raped. The violence against women was growing, and yet there was no Federal response. We have made tremendous progress in this area. We still have a long way to go.

Mr. President, I have been asked a question. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

Mrs. BOXER. Mr. President. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. As we learned more about stopping violence against women, we found out something very ugly, which is sometimes women are in such a desperate circumstance, after being battered for so long, that they lose their center and their balance and they fight back. Sometimes you will have a case that comes before a court, and in defending a woman they want to bring in an expert to talk about battered women syndrome—why is it that a woman, who is otherwise peaceful, otherwise decent, with no criminal record, no criminal history, would suddenly break out and do violence to another.

If you do not understand battered women syndrome, it makes it difficult. Janice Rogers Brown was the only member of the court to say a jury should not hear expert testimony in a domestic violence case about "battered women's syndrome"—the only one. How is that in the mainstream of thinking? How is that in the mainstream of American values? How is that going to help us learn more about why people would act in a certain way? It does not say how a jury has to find. They just wanted to have this testimony. All of her colleagues found it would be perfectly appropriate. Not Janice Rogers Brown—out of the mainstream, in the extreme, standing alone time after time.

Janice Rogers Brown, the only member of the court who voted to bar an employee from suing for sexual harassment because she had signed a standard workers' compensation release form. She was the only member of the court who said: You do not have the right to sue if you have been sexually harassed because you have already signed a workers' comp release form. They are two different things. Yet for her, no, it was one and the same, and she stood alone in this case as well.

She was the only member of the court to find nothing improper about requiring a criminal defendant to wear a 50,000 volt stun belt while testifying. I think we discussed the fact that the U.S. Supreme Court recently made a judgment on this, that it is very important, in order to have a fair trial—and in America that is what we believe in.

Now, I, myself, am very tough on a criminal. I would do the worst of the worst to someone convicted of a heinous crime because I believe people give up their right to be among us if they commit a heinous crime. So I am very tough. At the same time, I understand you do not want to do something that would prejudice a case. When you bring someone into court, before they have been found guilty of anything, and they are wearing a 50,000 volt stun belt, it may give a message to the jury. And that may just result in an overturning of a conviction later on.

So the California Supreme Court found, except for Janice Rogers Brown, it was a mistake. She stood alone.

So let me finish up in this way. It is really an extraordinary nomination, this particular nomination. When the Democrats stood tall against this nominee, there were reasons. There were reasons we stood tall against 10 nominees. We allowed 208 to move forward, but we stood against 10. We stood against 10 and said: Do you know what. We are going to follow historic precedent. If we believe these nominees are out of the mainstream, we are going to stand and be counted.

It is not pleasant. It is not nice. It is not enjoyable. It is not something anyone looks forward to.

It is unusual to do it, and we did it 10 times. We gave this President a 95-percent "yes" record of judge confirmations, but he is not a happy camper unless he gets 100 percent. If I got 95 percent of the vote, I would be soaring high. If I got 95 percent of my bills passed through here, I would be soaring high. I would be so happy if my kids listened to me 95 percent of the time. I would be smiling. I would say: Yes, I think you are wrong on that 5 percent, but I feel good about it.

Not this President; he wants 100 percent. It is called the arrogance of power. It is called one-party rule. I think the American people want to be governed, not ruled. We had a King George once. It didn't work out very well. We like President George better than King George. But President George, as every President, whether it was Bill or Harry or you name it—some day it will be a woman, I can hope—every President who reads the Constitution knows there is an advice and consent clause. That means when you put people up for these lifetime appointments, the Senate has an important role to play. And instead of being annoyed about it, instead of being bothered about it, instead of feeling it is cramping your style, you should use your power, your effectiveness, your political capital, your charm, use whatever you have to come over to the Senate, to sit down with Senators, to say: Look, I am thinking of putting up Mr. X or Mrs. X. What do you think?

It is frustrating because early in the Bush Presidency, Alberto Gonzales, who was the White House counsel, came over and he did say to me—because I was against a Ninth Circuit Court nominee—do you have any good ideas for who else you might support? I did. I talked to my people, to my Republican supporters. We came in. We had six terrific Republican names. We sent them. Nothing. So they asked, but they never acted. Some of these people were quite conservative. I think they would have been pleased. But this seems to be an administration that wants 100 percent of what they want. They don't want the shared responsibility of governing. Either they don't want or they don't understand or they don't like the balance of powers, which is such a centerpiece of our Government.

We see it on the Bolton nomination as well. That is not for a judgeship. That is a nomination for U.N. ambassador. But, again, if we could just talk to each other, we could come up with someone who would be terrific, instead of having these standoffs, which are difficult. They are not pleasant. We are not getting a lot of work done because of how much time we are talking about Janice Rogers Brown, because many of us believe she is so out of the mainstream, we can't let it go. That is why I so respect the moderates who came up with the agreement because part of that agreement said in the future the President should talk to us more, especially about Supreme Court nominees.

We are at a place and time where we have proven one point, that when we stood up against these 10 judges and allowed 208 to go through, it wasn't arbitrary or capricious or nasty or personal. It was because these people are out of the mainstream. I well remember when George Bush was declared the winner in 2000, he came right out and said: I am going to govern from the middle.

Here is where we are: George Will, "'Extraordinary' Rhetoric." George Will calls Janice Rogers Brown out of the mainstream. George Will is very rightwing and he calls her out of the mainstream. He says it is a fact that she is out of the mainstream.

The Mercury News says:

> As an appellate judge who would hear the bulk of challenges to Federal laws coming out of Washington, Janice Rogers Brown's appointment would be disastrous. She'd be likely to strike down critical environmental, labor laws and antidiscrimination protections. Brown, though, has infused her legal opinions with her ideology, ignoring higher court rulings that should temper her judgment.

That was the from San Jose Mercury News, a very mainstream newspaper in Silicon Valley.

From the Sacramento Bee that sits in the heart of the capital of California:

> The minority in the Senate certainly is justified in filibustering a lifetime appointment of Brown.
>
> . . . The Court of Appeals for the District of Columbia Circuit is the last place we need a judge who would impose 19th century economic theory on the Constitution and 21st century problems.

The issue isn't Brown's qualifications; it's her judicial philosophy.

I see my friend from Colorado is here. I will stop now and thank him for the work he did on that compromise on the filibuster. I was not a happy person that Janice Rogers Brown was in the group, but our side had to give up something. I have spent days expressing why I hope there will be a strong vote against her. She is out of the mainstream.

I thank the Chair and yield the balance of my time to Senator SALAZAR.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank the distinguished Senator from California for her eloquent statement concerning Janice Rogers Brown.

I rise today to state my opposition to her confirmation to serve as a judge on the U.S. Court of Appeals for the District of Columbia. I have carefully considered her record and have unfortunately concluded that Ms. Brown is not the right choice to serve as a judge on the District of Columbia Federal court.

I have had the privilege of extensive experience in judicial selection in the State of Colorado, both for the Federal and State courts. For the years when I served the Governor of Colorado as his lawyer, I administered for the Governor the process of choosing judges in Colorado. When I later served as attorney general for my State, I chose, with Governor Owens and the chief justice of Colorado, those who could select judges under Colorado's Constitution.

My views on the qualifications of judges to serve on any court have been forged over years of working on judicial selections. Among the most important characteristics we rightly demand of our Federal judges are that they have an open mind, are free from bias, and a temperament that does not inflame passions. Janice Rogers Brown, in my view, fails these tests.

First, I do not think Ms. Brown will be fair in the ways a Federal judge must be fair. I have come to believe Ms. Brown is driven ideologically and that she will prejudge some of the most important legal cases and issues that come before a Federal appellate court. I base my conclusions on her written record and on her own statements. When any person has a case to bring before a Federal judge on any issue, that person has a right to insist that the judge will listen carefully to all the arguments on the facts and the law with an especially fair and open mind that considers carefully all the points made on every subject, pro or con. This right to absolute fairness by a Federal tribunal is a bedrock of our constitutional judicial system. It is just commonsense, and it is an idea that is very well understood by everyone in this Nation.

There is another simple way to say this. No one wants to walk into court before a case is heard and know already how the judge is going to rule. Yet this is exactly the problem with Janice Rogers Brown. She is so driven by her ideology on issues such as the proper role of the Government and administrative agencies—or the role of ideas of private property that separates constitutional and unconstitutional government regulation—that it is very obvious how Ms. Brown is going to rule on these matters, even before she hears a case.

There are many quotes from Ms. Brown that illustrate this point. A good example is from a speech to the Federalist Society on April 20, 2000, where she said:

> Where government moves in, community retreats, civil society disintegrates and our ability to control our own destiny atrophies. The result is: families under siege; war in the streets; unapologetic expropriation of property; the precipitous decline of the rule of law; the rapid rise of corruption; the loss of civility and the triumph of deceit. The result is a debased, debauched culture which finds moral depravity entertaining and virtue contemptible.

These are extreme views, to say the least.

Second, Ms. Brown is an activist judge. From my review of her record, I believe she will use the court as a vehicle to forward her own personal view of the law in society. She has done it consistently in the past. I believe that is the role of a legislator, not the role of a judge. I believe that kind of judicial activism is absolutely wrong in our courts, no matter what ideology it spawns from.

Third, I believe Janice Rogers Brown does not have the right temperament to be a judge on the Federal appellate bench. When a person accepts the solemn mantle of the robes and the duties of the judiciary, I believe she must agree by temperament to place her own personal legal and social views in the background. She must accept that while a judge, though she can have her own personal views, she must not cause people to perceive her as unfair, if she is as strident about those views as she has been demonstrated by her record.

Again, Janice Rogers Brown does not meet the test of the temperament of someone to be on the Circuit Court of Appeals for the D.C. Circuit. I believe litigants and others who watch the judiciary are correct to perceive that Janice Rogers Brown may not treat them fairly as she considers a particular case against the backdrop of her own personal views that are obviously so strongly felt.

I also believe Ms. Brown is nominated to serve on the wrong court. She is nominated to serve on the appellate court where her ideology can do the most damage to our Federal and State governments.

The Circuit Court of Appeals for the District of Columbia is our Nation's most prestigious court of appeals with regard to all matters dealing with Government. Through venue provisions found throughout the Federal statutes, Congress often and intentionally chooses this court exclusively to hear matters concerning Government agencies. These are legal matters that go to the very heart of how our Government operates through our administrative agencies, agencies that affect the lives of our citizens every day all across our country.

The District of Columbia court is our Nation's expert court in administrative law. While that is an abstract legal concept, it is also a very important matter to all ordinary citizens in Colorado and across the Nation.

Yet Janice Rogers Brown is absolutely hostile to our Government and to administrative agencies and to their essential work. Janice Rogers Brown is the wrong person to elevate to this important Federal appellate court. It is for these reasons that I will vote to oppose the nomination of Janice Rogers Brown to the District of Columbia Court of Appeals.

I also want to add another quick point. As I have listened to the debate here on the floor of the Senate today, there has been some sentiment expressed that perhaps the opposition of some of my colleagues in the Democratic caucus has to do with her background, with the fact that she is African American. I will tell you, from the work of my colleagues on this side of the aisle, they have been champions of opportunity for all people, they believe we live in America, that we should be talking about uniting our country and not dividing our country, and yet it is a nomination of Janice Rogers Brown, with her views of activism in the Federal court, which they have called appropriately into question and which some of my colleagues on the other side have now been saying somehow has the Democratic caucus as being anti-African American.

There could be nothing further from the truth. The opposition that has been voiced against Janice Rogers Brown has nothing to do with her personal ethnicity. It has to do with the fact that the conclusions that have been reached based on a review of her record indicate that she will inject her own personal views as an activist judge into the D.C. Circuit Court of Appeals. Therefore, I again reiterate my position that I will vote against her confirmation, and I urge my colleagues in the Senate to do the same.

I yield the floor.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. JEFFORDS. Mr. President, I would like to express my opposition to the nomination of Janice Rogers Brown to the D.C. Circuit Court of Appeals.

The D.C. Circuit Court of Appeals is considered the second highest court in the Nation. This court of appeals, compared to other circuit courts of appeals, has sole jurisdiction over many laws and Federal agency regulations and decisions. Given the limited number of cases the U.S. Supreme Court considers every year, this means the DC Circuit Court of Appeals has the last word on important laws and their interpretation.

Justice Janice Rogers Brown has a compelling life story, but a compelling life story is not enough to be confirmed to a lifetime appointment to the federal bench. While she deserves recognition for her upbringing and work in the community, I am concerned that Justice Brown's personal opinion, rather than the law, compels her decisions in some cases.

Some other areas of concern I have with Justice Brown's nomination include:

Justice Brown has advocated for a return to the time when the Supreme Court struck down many important economic regulations and workplace laws on constitutional grounds. The case is Santa Monica Beach v. Sup. Ct. of LA County, 1999, dissenting.

Justice Brown has argued that those seeking to enforce the statutory prohibition against disability discrimination are "individuals whose only concern is their own narrow interest." The case is Richards v. CH2M Hill, Inc., 2001, dissenting.

Justice Brown has ignored or misconstrued Supreme Court precedent and legislative language to reach her decisions. The cases are San Remo Hotel v. City-County of San Francisco, 2002, dissenting; Richards v. CH2M Hill, Inc., 2001, dissenting; Catholic Charities of Sacramento v. Superior Court of Sacramento County, 2004, dissenting.

Justice Brown has stated in a lone dissent concerning the State statute requiring prescription contraceptive coverage that if the corporation's female employees do not like being discriminated against, they are free to find, "more congenial employment." The case is Catholic Charities of Sacramento v. Superior Court of Sacramento County, 2004, dissenting.

Taken individually, these stances might not be cause for some to oppose this nomination. However, looking at the whole picture I believe there is a pattern of behavior that leads me to conclude that Justice Brown is not qualified to serve on the D.C. Circuit Court of Appeals. For these reasons, I opposed limiting debate on her nomination in 2003, and continue to do so today.

Unfortunately, I will be necessarily absent for the votes that will occur related to this nominee. However, I did feel it necessary to express my position on this important nomination.●

Mr. CORZINE. Mr. President, I urge all of my colleagues in the U.S. Senate to reject the nomination of Janice Rogers Brown to the District of Columbia Circuit Court of Appeals. I strenuously oppose this nomination because I believe that her appointment to a lifetime tenured position on the D.C. Circuit Court will lead to the destruction of so many of the achievements we have struggled to achieve during the past 70 years—the creation of a social safety net, the advancement of civil rights for all Americans, and the protection of workers throughout our country. When I say achievements I am talking about many of the laws passed by the U.S. Congress, for during the past 70 years we have created the heart of what is today our modern American government. Congress has set the standard for our Nation—from social security and minimum-wage laws to homeland security and regulation of the business industry—by establishing laws that provide tremendous benefits and protections for all Americans.

I am deeply troubled by the nomination of Janice Rogers Brown, a jurist who has made no secret of her disdain for government and her desire to overturn many of the most important laws passed by Congress during the past 70 years. She will dismantle the foundation of our democracy, challenging the right of Congress to pass laws to help our citizens. Keep in mind that when I speak about Congress, I am not discussing people from one political party or the other; rather, I speak of the collective will of the American people, which is forged so often through bipartisan agreement and compromise between legislators from both political parties. And so I ask, who is Justice Brown to try to dismantle the very laws that we have forged over time through debate and consensus to protect our rights and keep us safe in America today?

During the past 9 years, Justice Brown has made her legal philosophy clear through both her public speeches and her legal opinions as a Justice on the California Supreme Court. She has, time and time again, demonstrated that she will be a movement judge—someone who will determine the ultimate outcome of a case based on her political beliefs instead of on the facts and law before her. Justice Brown has been inconsistent in her interpretation of the law, following precedent when it helps her to arrive at a desired result and rejecting precedent as non-binding when it will not achieve her desired ends. This is precisely the type of individual who should not receive a seat on the D.C. Circuit Court of Appeals, which is considered the second highest court in the country and a steppingstone to a seat on the U.S. Supreme Court.

We should not approve any individual for a lifetime tenure position as a Federal judge who would use her position to achieve results consistent with an extreme political philosophy regardless of the facts and law. And I believe this to be true regardless of what the extreme political philosophy may be. Our goal must always be to ensure the independence and fairness of our courts. This is the very reason that Federal judges receive lifetime appointments: to guarantee that they will not be susceptible to political pressure or undue influence. Our goal must be to sustain this level of independence so that all citizens can be confident that, when they bring a case in Federal court, they will receive a fair hearing, based on the facts and law and not upon one individual's political beliefs.

We must place the value of an independent judiciary above the partisan politics of the day and refuse to approve purely partisan political nominees such as Janice Rogers Brown. The U.S. Senate has a constitutional obligation to advise the President on judicial nominations. As part of this obligation, the Senate must fight to ensure the continued existence of an independent and fair judiciary. We must never forget that our courts depend, first and foremost, on the judges who hear arguments, preside over trials, and issue rulings each and every day. The only way we can maintain a strong judiciary is if we approve only the most qualified individuals to lifetime appointments as Federal judges. And so we must approve nominees who possess the very traits we value most in our judiciary—fairness, independence, and an allegiance to the rule of law. That is why I urge my colleagues to reject Janice Rogers Brown, an individual who has consistently failed to demonstrate these traits. An individual who would, in my view, insert her extremist legal philosophy into the courts in an attempt to undo years of Congressional legislation and legal precedent.

There should be no doubt that Justice Brown espouses an extreme legal philosophy far outside the mainstream of American legal thought. The President has selected a number of appellate court nominees, including Justice Brown, who embrace a radical legal theory frequently referred to as the "Constitution in Exile." The "Constitution in Exile" theory is based on arguments put forth by Judge Douglas Ginsburg and Professor Richard Epstein. Ginsburg and Epstein believe that individuals have certain rights and liberties, including "economic liberties", and that any government that infringes upon these so-called liberties is "repressive." This theory, advocated by Justice Brown, argues that the U.S. government represses its citizens when it takes land to build schools and pays the owner fair market value, establishes worker safety and minimum-wage laws, and institutes zoning and other regulations. Indeed, the "Constitution in Exile" theorists call into question the decisions of some of the most important government agencies—

the EPA, the FCC, the SEC, and even the Federal Reserve—and argue that these agencies are themselves unconstitutional.

This legal theory is so far outside the mainstream that even the most conservative jurists on the U.S. Supreme Court recently rejected its premise. A unanimous Supreme Court—including conservative justices such as Scalia and Thomas, with whom I don't generally agree—handed down a decision on May 23, 2005, in *Lingle* v. *Chevron*, No. 04-163, — S.Ct. —, 2005 WL 1200710 (May 23, 2005) that squarely rejects the "economic liberty" theory of takings asserted by "Constitution in Exile" theorists.

Lingle addressed questions of economic liberty in the context of challenges to Hawaii's rent-control regulations. The case tested whether the "Constitution in Exile" theory operates within the mainstream of American legal thought because advocates of the theory, including Richard Epstein, argued that the Supreme Court should look more critically on economic regulations and give less deference to legislative judgments. The Supreme Court strongly rejected this approach; writing for the Court, Justice O'Connor dismissed the argument that the Court should adopt a more critical approach to economic regulations and noted the strong need for deference to the judgment of state legislatures. O'Connor further stated that "'government regulation—by definition—involves the adjustment of rights for the public good."

Lingle demonstrates that Justice Brown stands far outside the legal mainstream. Beyond the defeat of the general principles espoused by the "Constitution in Exile" theorists, the Lingle decision serves as an explicit rejection of the legal theory set forth by Justice Brown in a lone dissent—one of her many—on the California Supreme Court. In San Remo Hotel L.P. v. City and County of San Francisco, a case contesting the legality of a San Francisco development fee used to promote affordable housing, Justice Brown issued a dissent espousing the same legal argument outlined by Epstein in Lingle—that the court should look more critically on economic regulations and give less weight to the wishes of the legislature. In rejecting the principles of the Constitution in Exile theorists, the Supreme Court explicitly rejected the argument set forth by Justice Brown in her San Remo dissent. Although there should be no need for additional evidence that Justice Brown's legal philosophy falls outside of the mainstream, the decision in Lingle provides powerful proof that Justice Brown falls far outside the boundaries of established legal thought.

For all these reasons, let me again urge my fellow colleagues to reject the nomination of Janice Rogers Brown. We must reject extremist judges like this who fall outside of the mainstream and who will use the federal judiciary to dismantle so many of the progressive accomplishments we have fought so hard to achieve during the past 70 years.

Mrs. FEINSTEIN. Mr. President, of all the nominations contested in the past few weeks, Justice Brown's is the clearest cut. Justice Brown has given numerous speeches over the years that express an extreme ideology that is far outside the mainstream of American jurisprudence. In those speeches, Justice Brown used stark hyperbole, and startlingly vitriolic language which has been surprising, especially for a State supreme court justice.

But statements alone would not be enough for me to oppose her nomination. Rather, my concern is that her personal views drive her legal decisionmaking. On far too many occasions, she has issued legal opinions based on her personal beliefs, rather than existing legal precedent.

I am troubled that Justice Brown is bound by her personal views of what the law should be rather than following the law as written and enacted. This is especially troubling for a candidate who is being nominated to the D.C. Circuit Court of Appeals.

The D.C. Circuit is an especially important court in our Nation's judicial system. It is recognized as the most prestigious and powerful appellate court below the Supreme Court because of its exclusive jurisdiction over constitutional rights and government regulations.

Given this exclusive role, the judges serving on this court play a special role in evaluating government actions.

Each year, the Supreme Court routinely reviews fewer than 100 cases. Therefore, circuit courts, like the D.C. Circuit, end up as the forums of last resort for nearly 30,000 cases each year. These cases affect the interpretation of the Constitution as well as statutes intended by Congress to protect the rights of all Americans, such as the right to equal protection of the laws and the right to privacy. Specifically, the D.C. Circuit Court is the most likely venue where Federal regulations and government actions will be upheld or overturned.

Yet Justice Brown, throughout her career, has demonstrated an open hostility towards government. This hostility is concerning given that, if Justice Brown serves on the D.C. Circuit, she will play a decisive role in evaluating government actions.

For example:

In a 1999 speech Justice Brown stated:

> My thesis is simple. Where government advances—and it advances relentlessly—freedom is imperiled; community impoverished; religion marginalized; and civilization itself marginalized.

At a 2000 Federalist Society event, Justice Brown stated:

> Where government moves in, community retreats, civil society disintegrates, and our ability to control our own destiny atrophies. The result is: families under siege; war in the streets; unapologetic expropriation of property; the precipitous decline of the rule of law; the rapid rise of corruption; the loss of civility and the triumph of deceit. The result is a debased, debauched, culture which finds moral depravity entertaining and virtue contemptible.

The Senate should not confirm a judge to this important court who has shown such blatant contempt for the government. Again, to be clear, if it were only hyperbolic statements in speeches then maybe we could look past the rhetoric. However, the extreme views expressed in Justice Brown's speeches also emerge in the opinions she has rendered as a judge.

In various cases involving even modest government regulations she has issued opinions that ignore the law and established precedent.

One example I would like to discuss involves a property issue in my home city, San Francisco, and it is a case with which I am familiar since the ordinance was enacted during the time I served in San Francisco's government.

The case is San Remo Hotel v. San Francisco. In response to a low-income housing emergency for elderly residents, San Francisco enacted an ordinance requiring hotels to obtain a permit before converting long-term residential housing into short-term tourist hotel rooms.

To obtain a permit, hotels either had to provide mitigation for the removal of the residential rooms by offering alternative housing, or pay a fee to be used for the relocation of tenants. In San Remo Hotel v. San Francisco, the owners of a hotel sued the City of San Francisco, claiming that the ordinance constituted an illegal "taking" of property by the city.

Following U.S. Supreme Court precedent, the California Supreme Court held that the ordinance did not constitute a "taking" of the hotel's property since the ordinance did not physically "invade" the property and since the ordinance "substantially advance[d] legitimate state interests."

In contrast, Justice Brown wrote in her dissent in the San Remo case that:

> Private property, already an endangered species in California, is now entirely extinct in San Francisco. The City and County of San Francisco has implemented a neo-feudal regime where the nominal owner of property must use that property according to the preferences of majorities that prevail in the political process—or worse, the political powerbrokers who often control the government independently of majoritarian preferences.

The majority described Justice Brown's dissenting opinion by saying that she argued, with little citation or support, that "government should regulate property only through rules that the affected owners would agree indirectly enhance the value of their properties."

If this view were the law it would make it almost impossible for any city, State, or local government to make any policies for the benefit of the community as a whole. No local government could downzone property, no Federal agency could prepare a habitat conservation plan. Under Justice Brown's analysis they would all be illegal takings of one kind or another.

The majority decision of the California Supreme Court went on to criticize Justice Brown for attempting to "impose" her own "personal theory of political economy on the people of a democratic state."

Furthermore, Justice Brown's written opinion was at odds with the current legal precedent of the U.S. Supreme Court at that time. And, in fact, earlier this year, Lingle v. Chevron, the U.S. Supreme Court unanimously rejected a takings analysis similar to the one set forth in Brown's dissent in San Remo.

Nevertheless, Justice Brown permitted her personal views to overwhelm her obligation as a judge to follow the law. While Justice Brown certainly has a right to private views that may conflict with the law, a judge may not substitute her personal opinions for the law.

I also believe it is illuminating to put Justice Brown's views and legal opinions in the context of the court of which she is a member.

Justice Brown often stands on an island by herself as the lone dissenter on a court made up of six Republican justices and only one Democratic justice—approximately one-third of the cases she has written have been dissents, and in 10 percent of those cases, she has been the lone dissenter.

For example, in the 2004 case of Catholic Charities of Sacramento v. Superior Court of Sacramento County, Justice Brown cast the sole dissenting vote. She argued against upholding a State statute that requires employers whose insurance covers prescription drugs to include prescription contraceptives in their coverage. In her dissent, she suggested that, if women had a problem with their inequitable treatment, they were free to find "more congenial employment," and stated that because women seeking contraception were a minority of insured employees, striking down the law would have a "negligible effect."

Based on her pattern of taking this contrarian role, she has been widely criticized, even among her Republican colleagues, for her caustic writings. Sources on the court reportedly stated that her fellow justices have privately complained about her "poison pen" and have called Justice Brown a "loose cannon when she has a typewriter in front of her."

Republican Chief Justice Ronald M. George has even taken the unusual step of pulling her aside and asking her to tone down her scathing criticism of majority rulings.

In addition to her tone, her legal reasoning has often been criticized by her colleagues. In one example, Nike v. Kasky, Nike was accused of providing abusive conditions for their overseas workers including forced overtime, exposing workers to health hazards, and subjecting workers to verbal, physical and sexual mistreatment.

Nike denied the mistreatment and made numerous statements touting a positive record and was sued for misrepresenting its labor practices at Asian factories.

The majority of the California Supreme Court determined the statements made by Nike were commercial speech and thus entitled to less constitutional protection.

Justice Brown dissented, saying the speech should have been protected even if false. In her dissent, Brown called on the U.S. Supreme Court to overturn a long line of cases which distinguish commercial and noncommercial speech.

Republican Justice Kenard criticized Brown's dissent, saying:

> Sprinkled with references to a series of children's books about wizardry and sorcery, Justice Brown's dissent itself tries to find the magic formula or incantation that will transform a business enterprise's factual representations in defense of its own products and profits into noncommercial speech exempt from our state's consumer protection laws.

I am deeply troubled when a Justice's own colleagues express grave concerns about an individual's legal reasoning, and demonstrate a willingness to openly criticize a fellow member of the bench.

An overarching principle of both Republicans and Democrats is that the role of a judge is to follow the law, regardless of one's personal ideology. Yet, repeatedly, Justice Brown has allowed her personal opinion to override a fair application of the law and has altered her legal reasoning in order to achieve a desired result. Law school professor Gerald Uelmen said that Justice Brown's opinions may be interpreted as "motivated by politics rather than the law."

When examining her record, it appears that the thread of logic sewn through her legal opinions is her desire to achieve a predetermined outcome based on her personal views. In case after case, Justice Brown significantly changes her legal reasoning to implement a results-oriented approach based on her view of what the law should be.

When Justice Brown wanted to limit the explicit right to privacy in California's Constitution, she argued: "Where, as here, a state constitutional protection was modeled on a Federal constitutional right, we should be extremely reticent to disregard U.S. Supreme Court precedent delineating the scope and contours of that right."

But when the question of remedies for a violation of constitutional rights arose, she said: "Defaulting to the high court fundamentally disserves the independent force and effect of our Constitution. Rather than enrich the texture of our law, this reliance on Federal precedent shortchanges future generations."

These cases both involved the role of precedent and following the decisions of previous courts. However, depending on the facts of the case Justice Brown changed her legal opinion about whether judges should follow precedent; in one case she discussed the importance of following precedent, yet in the other she argued that reliance on precedent can be harmful.

When examining the role of juries and their ability to evaluate a case, once again, Justice Brown makes conflicting arguments.

In order to limit damages against employers in worker discrimination suits, Brown wrote:

> When setting punitive damages, a jury does not have the perspective, and the resulting sense of proportionality, that a court has after observing many trials.

But, when criminal defendants' cases—not businesses—were being evaluated, Justice Brown wrote:

> I do not share the majority's dim view of jurors. Rather, I would presume, as we do in virtually every other context, that jurors are intelligent, capable of understanding instructions and applying them to the facts of the case.

Justice Brown's conflicting legal reasoning also appears when her decisions examine the assessment of damages. When the plaintiffs were victims of employment discrimination, Justice Brown supported limits on punitive damages. But, when the plaintiffs were property owners in a mobile home park who had to previously abide by rent control laws, she opposed any limit on damages.

In each of these contrasting examples, Justice Brown has used legal reasoning that has conflicted. It is concerning when a judge seems to alter her legal reasoning based on her personal view of a case, rather than employing consistent legal reasoning regardless of who is making the argument, or who would be impacted by its effect.

Based on this record, parties in a case have no idea whether Justice Brown will rely on precedent or decide it is an impediment, whether she will defer to the legislature or decide it's time for her or other judges to make law; whether she will trust the jury to evaluate the case or decide they cannot make the necessary evaluations; or whether she will protect unlimited damages or order that there needs to be limits on damages.

Those who come before a court need to be assured that they are going to be given a fair hearing with an impartial arbiter. Justice Brown's record demonstrates that those who come before her court will not have such assurances.

Not surprisingly, Justice Brown's nomination has ignited strong and far-reaching opposition. Both Senators from her home State and almost two dozen members of California's congressional delegation oppose her nomination.

The Congressional Black Caucus opposes her nomination, as does every major African American organization in the country, including the National Black Chamber of Commerce, NAACP, the National Bar Association, the California Association of Black Lawyers, and the Leadership Conference on Civil Rights.

The California Association of Black Lawyers stated:

> We would like to see an African American female be elevated to a higher court.

But as the group's president went on to explain:

> We do not see how we can support someone who is diametrically opposed to our goals.

In adddition, unlikely conservative commentators have affirmed concerns raised by opponents of Justice Brown's nomination:

> National Review Senior Editor Romesh Ponnuru discussed Brown's troubling statements and her willingness to embrace judicial activism and concluded that "if a liberal nominee to the courts said similar things, conservatives would make quick work of her."

George Will concluded that Justice Brown is "outside of that mainstream" of conservative jurisprudence; and

Conservative columnist Andrew Sullivan wrote:

> Whatever else she is, she does not fit the description of a judge who simply applies the law. If she isn't a 'judicial activist,' I don't know who would be.

Evaluating judicial nominations is a very difficult process, and it is one that ignites passionate feelings from all sides. Clearly, Presidents from different parties will choose very different nominees for the Federal courts. However, there are basic principles that every nominee must follow regardless of which party is in power.

As Senator HATCH stated in 1996 when opposing the confirmation of Judge H. Lee Sarokin to the U.S. Court of Appeals for the Third Circuit and Judge Rosemary Barkett to the U.S. Court of Appeals for the Eleventh Circuit:

> Many of these judges are activists who simply cannot understand that their role is to interpret the law, not to make it . . . I led the fight to oppose the confirmation of these two judges because their judicial records indicated that they would be activists who would legislate from the bench.

Legislating from the bench, being an "activist" judge, has been a concern of members of both parties. It is a basic principle used when evaluating nominees—judges must follow the law, not manipulate the law to serve their own political ideology.

As I have discussed today, Janice Rogers Brown is widely opposed by a broad coalition of prominent leaders and organizations, she has been criticized by her Republican colleagues on the court, and she has made astoundingly vitriolic statements about everything from senior citizens to the government.

While each of these concerns raises significant questions about her qualifications to serve on the D.C. Circuit Court of Appeals, for me, most importantly, Janice Rogers Brown does not meet the basic principle used to evaluate judicial nominees by both parties—will they follow the law?

Unfortunately, Janice Rogers Brown's record does not demonstrate that she will be able to put aside her personal views and follow the law.

Mr. KOHL. Mr. President, I oppose the confirmation of Justice Janice Rogers Brown to the U.S. Court of Appeals for the D.C. Circuit. It is unfortunate that the President has chosen to resubmit for our consideration this failed nomination from the President's first term. Both in her public record on the California Supreme Court and in her writings and speeches off the bench, Justice Brown has compiled a remarkable record of extremism, of ideologically motivated decision making, of intemperance in her public statements, and of a judicial philosophy unquestionably out of the mainstream. Such a record makes her entirely unsuitable for a life tenured position on the D.C. Circuit.

Justice Brown's extraordinary views on the role and nature of government convince me that there is a substantial risk that her views and legal philosophy are so far outside the mainstream as to pose a very real threat to our civil rights and civil liberties. Her views on the role and work of Government in modern America are particularly disturbing for someone nominated to the Federal bench, and specifically the D.C. Circuit.

Justice Brown has been nominated to what is considered by many to be the second most important court in the nation. The D.C. Circuit is unique among the Federal courts of appeals as the court that reviews decisions of the executive branch and the independent agencies. The rules and regulations reviewed by this court are felt by average citizens across the Nation every day. These include worker safety rules issued by the Occupational Safety and Health Administration; the rules of the Environmental Protection Agency regarding the purity of the water we drink and the air we breath; workers' right to the minimum wage and overtime compensation guaranteed by the Fair Labor Standards Act; rights to organize unions and bargain over the terms and conditions of employment under the National Labor Relations Act; and decisions by the Federal Trade Commission regarding deceptive or unfair trade practices that injure consumers. The decisions of the D.C. Circuit on these and many other subjects have a real and immediate impact on the lives of all Americans.

Justice Brown's hostility to the role and work of government in modern America are particularly disturbing for someone nominated to the D.C. Circuit. She has repeatedly said that she views government as a negative influence on American life, contrary to the moral fiber of our Nation. On one occasion, she stated that "when government moves in, community retreats, civil society disintegrates, and our ability to control our own destiny atrophies. . . . The result is a debased, debauched culture which finds moral depravity entertaining and virtue contemptible." On another occasion, she wrote that "where government advances . . . freedom is imperiled; community impoverished; religion marginalized and civilization itself jeopardized." She has also remarked that the New Deal era of the 1930s "marks the triumph of our own socialist revolution."

Her commentary on legal theory is no less extreme.

She has railed against what she sees as a judiciary that has distorted and misinterpreted the Constitution. She has stated that since the 1960s, "we have witnessed the rise of the judge militant." She also claims that modern judicial rulings have caused the Constitution to be "demoted to the status of a bad chain novel." She continues to argue in favor of long discredited and overturned legal doctrines which were used to strike down worker protection and social welfare laws over 100 years ago.

Other examples of Justice Brown's thinking are equally troubling. She has contended that senior citizens "cannibalize" their grandchildren by asking for society's support in old age via social security. And speaking recently at a church on "Justice Sunday," Brown proclaimed a "war" between religious people and the rest of America.

We have heard nominees that have come before us before argue that they should not be held to their record because it merely reflects positions they advanced as advocates for their clients. This defense is not available to Justice Brown. These are opinions that she held solely on her own behalf, in her own speeches and writings in which she was advancing no one's agenda but her own.

Her record on the California Supreme Court does not allay our concerns. She has been consistently unsympathetic to the rights of those asserting civil rights or employment discrimination claims. And, on many occasions, she has been the lone dissenter on an already conservative court. She dissented from a case which upheld a prohibition on an employee's use of hateful racial invective in the workplace; from a decision that held that a city rent control ordinance did not constitute an unconstitutional taking of private property; from allowing workers over age 40 to bring age discrimination claims; and from a case which found that sexual intercourse after a woman told her assailant to stop constituted rape. Her frequent dissents are compelling evidence regarding how her personal views affect her judicial decisionmaking.

In light of this record, it is not surprising—but nonetheless telling—that both of Justice Brown's home state Senators oppose her confirmation, a virtually unprecedented situation for an appellate court nominee.

An appeals court judge's solemn duty and paramount obligation is to do justice fairly, impartially, and without favor. An appeals court judge must be judicious—that is, she must be open minded, must be willing to set his personal preferences aside, and judge without predisposition. And, of course, she must follow controlling precedent faithfully, and be able to disregard completely any views she holds to the contrary. In the case of Justice Brown, we are presented with a nominee who has a well-documented record, in numerous writings and speeches, of views that are so extreme, and so far outside the mainstream, that she fails this basic test.

For these reasons, I must continue my opposition to her confirmation to this crucial judgeship.

Ms. LANDRIEU. Mr. President, Socrates said, "Four things belong to a judge: to hear courteously, to answer wisely, to consider soberly, and to decide impartially." To date, the Senate has confirmed 209 of President Bush's judicial nominees. The vast majority of them received overwhelming support from this body. We looked at their records and decided that they had the qualities that Socrates described. Janice Rogers Brown, however, lacks these qualities and falls far short of this ideal. I sincerely regret that the President has asked this body to confirm her to a lifetime appointment to the District of Columbia Circuit Court of Appeals.

This is no reflection on her individual accomplishments. She comes from a very humble background, a sharecropper's daughter, and has taken full advantage of all that this country has to offer to become a Supreme Court judge. She has gained some wisdom from this experience, I am sure, and I have no doubt that she will take her job as a judge seriously, soberly.

My greatest concern lies with her impartiality. Some of her statements and her decisions on the California Supreme Court lead me to believe that she will let her personal bias dictate her consideration of issues of law. I cannot trust the impartiality of someone who may be considering issues involving Medicare or Social Security who says that senior citizens "blithely cannibalize their grandchildren because they have the right to get as much 'free' stuff from the political system." Nor can I accept that she will be impartial when she says that age discrimination "does not mark its victim with a stigma of inferiority." Tell that to the 50 year old waitress who loses a job because she doesn't look "pretty" anymore, and ends up getting replaced by a younger, less experienced person.

Janice Rogers Brown has been nominated to the Court of Appeals for the District of Columbia Circuit, the court that closely oversees the actions of Federal agencies—more than any other Circuit Court. It is widely recognized in the legal community as the second most important court in the country. Citizens come to the D.C. Circuit to enforce fair labor practice decisions made by the National Labor Relations Board, worker safety protection regulations of the Occupational Safety and Health Administration, regulatory decisions made by the Federal Communications Commission and the Environmental Protection Agency, and much, much more.

But Janice Rogers Brown has said that "where government moves in community retreats, civil society disintegrates. . . . The result is: families under siege; war in the streets; unapologetic expropriation of property; the . . . decline of the rule of law . . . a debased, debauched culture which finds moral depravity entertaining. . . . " She also called the New Deal, which gave us Social Security and the Tennessee Valley Authority, programs that exist today, "the triumph of our own socialist revolution." With sentiments such as these I can only wonder what she thinks of Medicare, Medicaid, child nutrition programs, agricultural subsidies, No Child Left Behind, and a whole host of other programs that give opportunity to our citizens and help people live up to their given potential. To me, these programs are not socialism; they are what a compassionate society does for its people.

So I will vote against the confirmation of Janice Rogers Brown. I do so knowing that she will likely be confirmed. Her nomination is moving forward because she was one of the nominees that 13 of my colleagues and I agreed to no longer filibuster. I want to talk about this agreement just for a moment.

First, I must say that the compromise was essential to avoid a serious breakdown in the Senate rules and its functions. It represents the Senate at its best and upholds the traditional constitutional role of the Senate as the protector of the rights of minority interests when they were seriously threatened and perhaps irrevocably ended.

But more than this, my colleagues and I helped steer a better course with this compromise. A course for jobs, opportunity, better education, and future peace. I hope the President will reflect upon the resolve of these 14 Senators to protect and respect the minority and do so by sending us nominees who will respect the law and not come exclusively from the far fringes of the political spectrum.

I am open to discussing nominees with the President. I make this offer in good faith and in the same spirit as one of his original campaign promises from 2000: to change the culture in Washington. Here is what then-Governor Bush said in a speech at that time: "There is too much argument in Washington and not enough shared accomplishment. . . . As President, I will set a new tone in Washington. I will do everything I can to restore civility to our national politics."

My colleagues on this compromise have already helped set that new tone for the Senate. I urge him to work with the entire Senate on judicial nominees. I am ready to forge this new civility in Washington. I know future nominees will be conservative just as all of the 208 previously confirmed Bush nominees have been. I fully accept that fact. But I also expect future nominees to be fair and to have shown their fairness and impartiality by their words and their deeds. Janice Rogers Brown has not.

The PRESIDING OFFICER. The time is now controlled from 4 to 4:10 by the Senator from Vermont.

Mr. LEAHY. Mr. President, I see the distinguished President pro tempore on the Senate floor. I understand that he is going to ask consent that we recess. I first ask unanimous consent that my time not begin until after the time necessary for the distinguished senior Senator from Alaska, and I yield to him.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY MEMBERS OF THE U.S.-CHINA INTERPARLIAMENTARY GROUP

Mr. STEVENS. Mr. President, I have the honor to present to the Senate the Chinese delegation from the National People's Congress to the U.S.-China Interparliamentary Group meeting. Its leaders standing beside me are Vice Chairman and Secretary General of the Standing Committee of the National People's Congress, Mr. Sheng Huaren. He is joined by the Chairman of the National People's Congress Foreign Affairs Committee, Mr. Jiang Enzhu. We also have the Vice Chairman of the National People's Congress Law Committee, Mr. Hu Kangsheng; the Vice

Chairman of the National People's Congress Foreign Affairs Committee, Mr. Yang Guoliang; then the Vice Chairman of the National People's Congress Foreign Affairs Committee, Mr. Lu Congmin; Mr. Lu Baifu, who is a member of the National People's Congress Economic and Financial Affairs Committee; and the Deputy Chief of Mission from the People's Republic of China to the United States, Mr. Zheng Zeguang.

I ask that the Senate stand in recess for a few minutes so that Members may greet our guests and have an opportunity to thank them for coming to join us for these historic talks.

The PRESIDING OFFICER. Is there objection?

Mr. DAYTON. Mr. President, reserving the right for a minute, I note that Senator STEVENS and Senator INOUYE performed a magnificent service to our Senate and to our country by hosting our distinguished guests from China in such a superb manner. They and their staffs put on a superlative discussion over these 2 days, and Senator STEVENS recognized with his foresight the two countries will determine the future of the world. I commend Senator STEVENS and Senator INOUYE in particular for recognizing that and initiating these exchanges which are now in their second year. On behalf of the Senate and the country, we are in their debt.

Mr. STEVENS. I personally thank Senator INOUYE, who is our co-chairman, for his work on this matter. We went to China last year to meet with this delegation, and we have been honored to host them in our country.

RECESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess so Members may greet our guests.

There being no objection, the Senate, at 4:04 p.m., recessed until 4:10 p.m. and reassembled when called to order by the Presiding Officer (Mr. COBURN).

NOMINATION OF JANICE ROGERS BROWN TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT—Continued

The PRESIDING OFFICER. The Senator from Vermont is recognized for 10 minutes.

Mr. LEAHY. Mr. President, over the course of the Senate's consideration of the nomination of Janice Rogers Brown, we have heard many compelling statements in opposition. Significantly, we have heard from both Senators from California in opposition. Their opposition, like mine, is based on Justice Brown's record.

Through bipartisan action, the Senate has deterred the misguided bid by some on the other side of the aisle for one-party rule by means of their so-called nuclear option. Thanks to the hard work of a bipartisan group of 14 Senators, we have, for now, preserved the system of checks and balances. I mention this because as we vote on the nomination of Janice Rogers Brown, I urge all Senators to take seriously the Senate's constitutionally mandated role in determining who is going to serve lifetime appointments in the Federal judiciary.

I wish all Senators, Republicans and Democrats alike, would take these matters seriously and vote their consciences and evaluate with clear eyes the fitness of this woman for this lifetime appointment. After all, some of my Republican colleagues have admitted to me privately how they would like to vote. They know that Justice Brown is a consummate judicial activist whose record shows she favors rolling back the clock 100 years on workers' and consumer rights and consistently has taken the side of corporations against average Americans.

Her record shows she does not believe in clean air and clean water protections for Americans and their communities. She does not believe in laws providing affordable housing, and she would, if she could, wipe out zoning laws that protect homeowners. Her record shows she takes an extremely narrow view of protections against sexual harassment, race discrimination, employment discrimination, and age discrimination. In fact, she has such a hostility toward such programs as Social Security that she has argued that Social Security is unconstitutional. She has said that "[t]oday's senior citizens blithely cannibalize their grandchildren . . ."

Why is this important? Because she would be on a court that would handle every one of these issues, and it would mean that as a judicial activist, she would rule entirely different in the cases that court decides.

We have heard a lot about her life story. If this were a vote on a Senate resolution commemorating her life story, I am sure the entire Senate would gladly support it. Instead, this is a vote about the lives of multiple millions of other Americans whose lives would be affected by this nominee's ideological activist penchants. This is, after all, a lifetime appointment on a Federal circuit court on which her ideology would be especially harmful and destructive to the people. That is why she has earned opposition of African-American leaders, law professors, and newspapers around the country. In fact, the list of African-American organizations and individuals opposing Justice Brown's nomination is one of the most troubling indications that this is another divisive, ideologically driven nomination. All 39 members of the Congressional Black Caucus oppose her nomination. The Nation's oldest and largest association of predominantly African-American lawyers and judges, the National Bar Association, and its state counterpart, the California Association of Black Lawyers, both oppose this nomination. The foremost national civil rights organization, the Leadership Conference on Civil Rights, opposes it.

The women of Delta Sigma Theta oppose this nomination.

I ask unanimous consent that letters detailing opposition, as well as a list of such letters, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS OF OPPOSITION TO THE NOMINATION OF JANICE ROGERS BROWN TO THE D.C. CIRCUIT COURT OF APPEALS

PUBLIC OFFICIALS

Congressional Black Caucus; 23 Members of the California Delegation to the United States House of Representatives: Diane E. Watson, 33rd District; Maxine Waters, 35th District; Lucille Roybal-Allard, 34th District; Bob Filner, 51st District; Tom Lantos, 12th District; George Miller, 7th District; Lynn Woolsey, 6th District; Mike Honda, 15th District; Lois Capps, 23rd District; Barbara Lee, 9th District; Hilda L. Solis, 32nd District; Loretta Sánchez, 47th District; Linda Sanchez, 39th District; Joe Baca, 43rd District; Anna Eshoo, 14th District; Pete Stark, 13th District; Juanita Millender-McDonald, 37th District; Grace F. Napolitano, 38th District; Xavier Becerra, 31st District; Nancy Pelosi, 8th District; Henry A. Waxman, 30th District; Dennis Cardoza, 18th District; Carol Moseley Braun, Paul Strauss.

CALIFORNIA ORGANIZATIONS

California Association of Black Lawyers; California State Conference of the NAACP; California Teachers' Association; Justice for All Project; Committee for Judicial Independence; Black Women Lawyers of Los Angeles; SEIU Local 99; Feminist Majority; Sierra Club, Southern California; Western Law Center for Disability Rights; Planned Parenthood Los Angeles; Stonewall Democratic Club; NAACP Legal Defense Fund; People for the American Way, California; California Women's Law Center; Universalist-Unitarian Project Freedom of Religion; National Council of Jewish Women—California; Pacific Institute for Women's Health; Equal Justice Society; California Association of Black Lawyers; California Federation of Labor, AFL–CIO; Sierra Club Environmental Law Program; National Center for Lesbian Rights; National Organization for Women, California; San Francisco La Raza Lawyers; Planned Parenthood Golden Gate; California Abortion and Reproductive Rights Action League; Disability Rights Education & Defense Fund; Chinese for Affirmative Action; National Employment Lawyers Association.

NATIONAL ORGANIZATIONS

AFCSME; AFL–CIO; American Association of University Women, National and Vermont chapters; Americans for Democratic Action; Americans United for Separation of Church and State; Committee for Judicial Independence; Delta Sigma Theta Sorority; EarthJustice; International Brotherhood of Electrical Workers; Leadership Conference on Civil Rights; League of Conservation Voters; Legal Momentum (NOW LDF); MALDEF; NAACP, National and District of

Columbia Organizations; NARAL Pro-Choice America; National Abortion Federation; National Bar Association; National Black Chamber of Commerce; National Council of Jewish Women; National Employment Lawyers Association; National Family Planning & Reproductive Health Association; National Organization for Women; National Partnership for Women and Families; Natural Resource Defense Council; National Senior Citizens Law Center, on behalf of: National Committee to Preserve Social Security & Medicare; Alliance of Retired Americans; Families USA; AFSCME Retirees Program; Gray Panthers; Center for Medicare Advocacy; National Health Law Program; National Women's Law Center; National Urban League; People for the American Way; Planned Parenthood Federation of America; Service Employees International Union; Sierra Club.

Coalition letter from the following environmental organizations: American Planning Association; American Rivers; Citizens Coal Council; Clean Water Action; Coast Alliance; Community Rights Council; Defenders of Wildlife; Earthjustice; Endangered Species Coalition; Friends of the Earth; Mineral Policy Center; National Resources Defense Council; Sierra Club; The Wilderness Society; Advocates for the West; Alabama Environmental Council; American Lands Alliance; Amigos Bravos; Buckeye Forest Council; California League of Conservation Voters; California Native Plant Society; Californians for Alternatives to Toxics; Center for Biological Diversity; Clean Air Council; Clean Water Action Council; The Committee for the Preservation of the Lake Purdy Area; Earthwins; Environmental Defense Center; Environmental Law Foundation; Friends of Hurricane Creek; Georgia Center for Law in the Public Interest; Great Rivers Environmental Law Center; Hurricane Creekkeeper; John Muir Project; Kentucky Resources Council, Inc.; Natural Heritage Institute; New Mexico Environmental Law Center; Northwest Environmental Advocates; Oilfield Waste Policy Institute; Omni Center for Peace, Justice, and Ecology; San Bruno Mountain Watch; Southern Appalachian Biodiversity Project; Valley Watch, Inc.; Washington Environmental Council; Western Land Exchange Project; Wild Alabama; Wildlaw; Coalition of African-American Labor Leaders.

LAW PROFESSORS

Stephen R. Barnett, University of California, Berkeley; Letter signed by more than 200 law professors.

NATIONAL BAR ASSOCIATION,
Washington, DC, September 10, 2003.

Re Justice Janice Rogers Brown Nominee to the U.S. Court of Appeals for the District of Columbia Circuit.

SENATE JUDICIARY COMMITTEE,
U.S. Senate,
Washington, DC.

DEAR SENATOR: The National Bar Association, this nation's oldest and largest Association of predominantly African American lawyers and judges, deems that Justice Rogers Brown is unfit to serve on the U.S. Court of Appeals of the District of Columbia.

Justice Brown has served the California Supreme Court for seven years, providing a substantial body of work for analysis by critics and supporters alike. If appointed, Brown would follow Justice Judith Rogers, a President Clinton appointee, to become the second African American woman judge on the D.C. Circuit Court. Many people consider this appointment as preliminary grooming for a future nomination to the U.S. Supreme Court. This consideration is not without merit: Justices Antonin Scalia, Clarence Thomas, and Ruth Ginsberg all previously served on the prestigious D.C. Circuit Court.

The National Bar Association must consider, among other things, whether a judicial nominee will be a responsible voice upon which all people, particularly people in the traditionally underserved communities, for instance African Americans, other ethnic minorities and women, can depend when fundamental legal issues of race, ethnicity, or gender may profoundly impact the designated population in the areas of advancement in business, education, civil rights, and the judicial arenas arise.

A rigorous review of several of Justice Brown's opinions in the California Supreme Court undertaken by the California Association of Black Lawyers (copy attached), an affiliate of the National Bar Association, indicates a most disturbing view and what may be in store for minorities under her stewardship on the bench. In for instance Hi-Voltage Wire Works, Inc. v. City of San Jose, 24 Cal 4th 537 (2000), Justice Brown wrote the majority opinion striking down a San Jose ordinance that required the City of San Jose to solicit bids from companies owned by minority and women subcontractors. She reasoned that the plan to seek minority subcontractors violated Proposition 209, which is the 1996 voter-adopted state constitutional amendment that banned racial preferences. She further concluded that instead of affirmative action, "equality of individual opportunity is what the constitution demands."

In view thereof, the National Bar Association strongly urges and recommends that the Senate Judiciary Committee reject the nomination of Justice Janice Rogers Brown to the U.S. Circuit Court of Appeals for the D.C. Circuit.

Sincerely,

CLYDE E. BAILEY, Sr.,
President.

CALIFORNIA ASSOCIATION OF
BLACK LAWYERS,
Mill Valley, CA, October 17, 2003.

Hon. ORRIN G. HATCH,
Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

Hon. PATRICK LEAHY,
Ranking Member, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS HATCH AND LEAHY: On behalf of the California Association of Black Lawyers ("CABL"), I write to express our strong opposition to the nomination of Janice Rogers Brown to the U.S. Court of Appeals for the D.C. Circuit.

CABL is the only statewide organization of African American lawyers, judges, professors and law students in the State of California. We are an affiliate of the National Bar Association (the "NBA") and we join the National Bar Association in its opposition to Justice Brown. (The NBA recently forwarded CABL's Official Position Paper opposing Justice Brown's nomination to you. I am enclosing a copy, for your easy reference.)

As California lawyers, we are familiar with Justice Brown and her record on the California Supreme Court. We are deeply concerned about her extremist judicial philosophy, that she has manifested in numerous opinions over the years. It is clear to us that she misuses precedent and challenges precedent, in order to achieve the result she desires. A prime example is her opinion in *Hi-Voltage Wire Works, Inc. v. City of San Jose,* the California's Supreme Court's first application of Proposition 209. According to Chief Justice Ronald George, who refused to join her opinion, Justice Brown seriously distorted the history of civil rights jurisprudence and concluded outright that the U.S. Supreme Court decisions supporting affirmative action were wrongly decided.

California has strong civil rights statutes, and many of us litigate pursuant to these statutes. Yet Justice Brown has repeatedly deviated from precedent in order to narrowly interpret these statutes and render them virtually inaccessible to victims of discrimination.

We urge you to undertake an extremely careful review of Justice Brown and her record. We hope that you will conclude, as we have done, that she is simply not within the mainstream of legal thought. She is therefore not suited for appointment to the second most important court in our nation, the D.C. Circuit.

Respectfully yours,

GILLIAN G.M. SMALL,
President.

Mr. LEAHY. Mr. President, and, of course, both the Senators from her home State have opposed her. In fact, if she is confirmed, this may be the first such Senate confirmation over the opposition of both home State Senators in the history of the Senate, something, I might say, that during President Clinton's time was inconceivable that Republicans would even consider a nomination if one Senator from the home State opposed the nominee and, of course, under no circumstances both. Here both Senators do oppose her, and yet her nomination is going forward.

There remain 36 Republican Senators serving today who voted against the nomination of Justice Ronnie White of Missouri in 1999. Justice White is now the chief justice of the Missouri Supreme Court, having been that high court's first African-American member. Former Senator Ashcroft came to the floor and vilified Justice White as pro criminal in 1999, after action on that nomination had been delayed more than 2 years. Then, in a surprise party-line vote, Republican Senators all voted against his confirmation. In fact, that is the only party-line vote to defeat a judicial nomination that I can remember in my 31 years here.

Immediately after this party-line vote, by which Republican Senators defeated the nomination of Justice Ronnie White, many of them told us: We know he is qualified, but we had no choice because both home State Senators opposed the nomination. In order to respect the views of these home State Senators, they had to vote against a nominee who many felt was highly qualified.

Both Justice Brown's home State Senators oppose her confirmation. They have been consistent in that opposition. Republican Senators felt compelled to vote against Justice White, a nominee of President Clinton, in 1999 because of the opposition of his home State Senators. It is hard to see how they can now turn around and say: Well, but we can vote for a Republican nominee notwithstanding the same kind of opposition.

It is not just the two distinguished Senators from California who oppose her. Her views are so extreme that more than 200 law school professors around the Nation wrote to the Judiciary Committee expressing opposition.

The "Los Angeles Times" concludes she is a "bad fit for a key court." The "Detroit Free Press" concluded she "has all but hung a banner above her head declaring herself a foe to privacy rights, civil rights, legal precedent, and even colleagues who don't share her extreme leanings."

I ask unanimous consent that these editorials, as well as a list of other editorials opposing the Brown nomination, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Published Opposition to the Nomination of Janice Rogers Brown, Nominee to the D.C. Circuit Court of Appeals

EDITORIALS

Reject Justice Brown, The Washington Post, June 7, 2005.

No on Judge Brown: D.C. Court Is Wrong Place for Her Views, The Sacramento Bee, May 20, 2005.

Brown Does It Again, Contra Costa Times, April 29, 2005.

Democrats Must Block Activist Judges, San Jose Mercury News, February 24, 2005.

The Quality of the Judiciary Is at Stake! Want Good Judges? So Does Kerry, Philadelphia Daily News, August 11, 2004.

"All Black Ain't Coal!", The Bay State Banner (Massachusetts), November 20, 2003.

A Bad Fit for a Key Court, The Los Angeles Times, November 5, 2003.

Extreme Nominee; With Brown, Bush Deepens Partisanship Over Judges, Detroit Free Press, October 31, 2003.

Nasty Tactics, Fort Worth Star Telegram (Texas), October 31, 2003.

Fueling the Fight, The Washington Post, October 30, 2003.

Judicial Pick Not Fit for U.S. Court, The Atlanta Journal and Constitution, October 29, 2003.

Out of the Mainstream, Again, The New York Times, October 25, 2003.

A Nominee to Filibuster, Copley News Service, October 24, 2003.

Bush Adds Another Ultra-Conservative, Howard University Hilltop, October 20, 2003.

Fueling the Fire, The Washington Post, August 1, 2003.

More Conservatives for the Courts, The New York Times, July 29, 2003.

OP-EDS

If Republicans Look at Her Record, They Will Vote Brown Down, Douglas T. Kendall and Jennifer Bradley, Roll Call, June 7, 2005.

This Judge Is More Right-Wing Than Thomas, Simon Lazarus and Lauren Saunders, The Hill, June 17, 2005.

Must Filibuster Justice Brown, Cynthia Tucker, Atlanta Journal and Constitution, May 1, 2005.

Kennedy Does Justice to Approval Process, Howard Manly, Boston Herald, February 6, 2005.

The Bushes are poor Judges of Judges, Diane Roberts, St. Petersburg Times (Florida), December 13, 2003.

Judicial Nominees Show Disrespect For System Of Law, John David Blakley, The Battalion (Texas A&M University), December 2, 2003.

Looking at Justice From Both Sides Now: Opponents Decry Nominee for Same Reason She Was picked by White House: Her Record, Susan Lerner, The L.A. Daily Journal, November 28, 2003.

A Record with some Praise, Robyn Blumner, St. Petersburg Times (Florida), November 23, 2003.

Commentary, Ralph G. Neas, (President, People For the American Way), National Public Radio 'Morning Edition', November 12, 2003.

Nominee's Views Will Affect Court, DeWayne Wickham, USA TODAY, November 3, 2003.

GOP Senators: Remember Anita Hill?, Linda Campbell, The Tallahassee Democrat, November 3, 2003.

Bush's Court-Nominee 'Diversity' Is a Cynical Ploy; These Minority Members and Women Are Out of the Mainstream, Robert L. Harris, Los Angeles Times, November 12, 2003.

California Contender: A federal appeals court nominee could one day become the first black woman justice on the U.S. Supreme Court, Bob Egelko, San Francisco Chronicle, Sunday, October 26, 2003.

Judicial Throwback, Douglas T. Kendall and Timothy J. Dowling, The Washington Post, September 19, 2003.

LETTERS TO THE EDITOR

What Op Ed Forgot To Tell Us, Eric Kane, Boston Globe, May 13, 2005.

Candidates' Past Rulings Show Danger, Nancy Goodban, The Modesto Bee (CA), May 11, 2005.

Senate Democrats' Filibuster Not Racist, Scott DeLeve, The Daily Mississippian, December 11, 2003.

Congressional Black Caucus; An Open Letter on Why Five Judicial Nominees Must Be Rejected, Ethnic NewsWatch, November 20, 2003.

Bush Judges Deserve To Be Filibustered, Muriel Messer, The Journal Standard (Illinois), November 13, 2003.

Justice Brown's Manifesto, T.J. Pierce, The San Francisco Chronicle, November 8, 2003.

Judging Ms. Flowers, Arline Jolles Lotman, Philadelphia Daily News, November 7, 2003.

Plantation Politics, Jerome Redding, St. Louis Post-Dispatch (Missouri), November 3, 2003.

Jerome J. Shestack, former ABA President, The New York Times, November 1, 2003.

[From the Los Angeles Times, Nov. 5, 2003.]

A Bad Fit for a Key Court

The U.S. Court of Appeals for the District of Columbia Circuit is the triple-A farm team for the Supreme Court. Three of the high court's current members—Antonin Scalia, Clarence Thomas and Ruth Bader Ginsburg—came from the D.C. circuit. So did onetime Chief Justices Warren Burger and Fred Vinson, among others.

Presidents also give special attention to the D.C. court's appointments because it often hears high-profile challenges to presidential and congressional actions, defining the government's authority. This year the D.C. Circuit Court upheld the indefinite detention of potential terrorists at Guantanamo, Cuba. In past years, it expanded police search and seizure powers and upheld the 1971 campaign spending law and environmental and workplace safety Laws. Before it now is a challenge by California and other states to the administration's view that the Clean Air Act does not allow regulation of carbon dioxide and other greenhouse gases.

That President Bush may view California Supreme Court Justice Janice Rogers Brown as a future U.S. Supreme Court justice could explain why he nominated her to the D.C. court, 3,000 miles from her San Francisco base. But during her seven years on California's high court, Brown has shown doctrinaire and peculiar views that make her a troubling choice for this appeals court.

Judges are supposed to consider disputes with an open mind, weighing facts against the law and precedent. Conscientious judges sometimes find that their decisions conflict with their personal beliefs. However, in opinions and speeches, Brown has articulated disdainful views of the Constitution and government that are so strong and so far from the mainstream as to raise questions about whether they would control her decisions.

'Where government advances,' she told a college audience, 'freedom is imperiled, community impoverished, religion marginalized and civilization itself jeopardized'—a startling view for someone who would be charged with reviewing government actions. Brown has spoken disapprovingly of what she called the U.S. Supreme Court's 'hypervigilance' with respect to such 'judicially proclaimed fundamental rights' as privacy, calling them 'highly suspect, incoherent and constitutionally invalid.'

These views may have prompted Brown's bitter dissents in cases in which her colleagues upheld regulatory actions such as local zoning and land-use laws. They seem to have fueled her skepticism toward employment discrimination claims, cases involving the rights of people with disabilities and the meaning of consent in rape.

Brown's dogmatism and a style bordering on vituperation earned her only a 'qualified' rather than 'well qualified' rating from the American Bar Assn. Some committee members found her unfit for the appeals court.

The Senate Judiciary Committee could vote on Brown's nomination Thursday. There's little question that Brown is an intellectually sharp and hard-working jurist, but that is not enough. Her own words are unrelentingly hostile to government's role in regulatory matters and protection of individual rights. These are the very things on which she would rule most often. Brown is a bad fit for the District of Columbia appeals court.

Judicial Pick Not Fit for U.S. Court.

[From the Atlanta Journal and Constitution, Oct. 29, 2003]

President Bush has once again nominated a right-wing judge for one of the nation's most influential appellate courts. Worse yet, Janice Rogers Brown, a California Supreme Court justice, is not qualified for the U.S. Court of Appeals for the D.C. Circuit.

Despite Bush's penchant for politics over professional qualifications in judicial appointments, Democrats are not blameless in the current standoff. They filibustered the nomination of Hispanic conservative Miguel Estrada for the same appellate court vacancy. Estrada, who finally withdrew from consideration, had unquestioned scholarly and legal qualifications for a federal judgeship.

Rather than select another highly qualified conservative for the key appellate bench, the president took the low road, choosing a judge who previously received an 'unqualified' rating from the California bar's evaluation commission and last month got a mixed rating of 'qualified/unqualified' from the American Bar Association. By contrast, Estrada received a unanimous ABA rating of 'well qualified.'

Brown's views, as espoused in speeches to ultraconservative groups, are far out of the mainstream of accepted legal principles. For example, she has disputed whether the Bill of Rights, as incorporated in the U.S. Constitution, should have been applied to the states.

While the African-American jurist claims her tendency to 'stir the pot' wouldn't affect her rulings, such a radical view causes the public to wonder if she will respect basic individual liberties guaranteed in the Bill of Rights.

Brown meets the GOP's litmus test of being anti-affirmative action and anti-abortion, but that is a sorry measure of judicial excellence. Bush knows that Brown will fall victim to a Democratic filibuster. Apparently, this president would rather have a campaign issue than a qualified federal judiciary.

[From the New York Times, Oct. 25, 2003]

OUT OF THE MAINSTREAM, AGAIN

Of the many unworthy judicial nominees President Bush has put forward, Janice Rogers Brown is among the very worst. As an archconservative justice on the California Supreme Court, she has declared war on the mainstream legal values that most Americans hold dear. And she has let ideology be her guide in deciding cases. At her confirmation hearing this week, Justice Brown only ratified her critics' worst fears. Both Republican and Democratic senators should oppose her confirmation.

Justice Brown, who has been nominated to the United States Court of Appeals for the District of Columbia Circuit, has made it clear in her public pronouncements how extreme her views are. She has attacked the New Deal, which gave us Social Security and other programs now central to American life, as "the triumph of our socialist revolution." And she has praised the infamous Lochner line of cases, in which the Supreme Court, from 1905 to 1937, struck down worker health and safety laws as infringing on the rights of business.

Justice Brown's record as a judge is also cause for alarm. She regularly stakes out extreme positions, often dissenting alone. In one case, her court ordered a rental car company to stop its supervisor from calling Hispanic employees by racial epithets. Justice Brown dissented, arguing that doing so violated the company's free speech rights.

Last year, her court upheld a $10,000 award for emotional distress to a black woman who had been refused an apartment because of her race. Justice Brown, the sole dissenter, argued that the agency involved had no power to award the damages.

In an important civil rights case, the chief justice of her court criticized Justice Brown for "presenting an unfair and inaccurate caricature" of affirmative action. The American Bar Association, all but a rubber stamp for the administration's nominees, has given Justice Brown a mediocre rating of qualified/not qualified, which means a majority of the evaluation committee found her qualified, a minority found her not qualified, and no one found her well qualified.

The Bush administration has packaged Justice Brown, an African-American born in segregated Alabama, as an American success story. The 39-member Congressional Black Caucus, however, has come out against her confirmation.

President Bush, who promised as a candidate to be a "uniter, not a divider," has selected the most divisive judicial nominees in modern times. The Senate should help the president keep his campaign promise by insisting on a more unifying alternative than Justice Brown.

Mr. LEAHY. Mr. President, I have voted to confirm hundreds of nominees with whom I differ. I vote for them when I think they will be fair and impartial. I voted for hundreds of President Bush's nominees, as I did his father, President Reagan, and President Ford, all Presidents with whom I have been proud to serve. But I voted against those, whether Republican or Democratic nominees, if I disagreed with them, if I felt they could not be impartial.

I believe Judge Brown has proven herself to be a results-oriented, agenda-driven judge whose respect for precedent and rules of judicial interpretation change depending upon the subject before her and the results she wants to reach. She is the definition of an activist judge, the sort of person President Bush said he would not nominate.

Whether it is protection of the elderly, workers and consumers, privacy rights, free speech, civil liberties, and many more issues, she has inserted her radical views into her judicial opinions time and again.

She repeatedly and consistently has advocated turning back the clock 100 years to return to an era where worker protection laws were found unconstitutional.

It is no small irony this President, who spoke of being a uniter, has used his position to renominate Justice Brown and others after they failed to get consent of the Senate.

These provocative nominees have divided the Senate and the American people, and they brought us to the edge of a nuclear winter in the Senate.

This confrontational approach and divisiveness have continued, despite the confirmation of 209 out of his 218 jurdicial nominees.

I oppose giving Justice Brown this lifetime promotion to the second highest court in our land because the American people deserve judges who will interpret the law fairly and objectively. Janice Rogers Brown is a committed judicial activist who has a record of using her position as a member of a court to put her views above the law and above the interests of working men and women and families across the Nation.

We must not enable her to bring her "jurisprudence of convenience" to one of the most important Federal courts in the Nation.

Over the course of the Senate's consideration of the nomination of Janice Rogers Brown to be a judge on the United States Court of Appeals for the D.C. Circuit, I have publicly explained why I cannot support it. My opposition is based on Justice Brown's extensive record, which raises unavoidable concerns about her pursuit from the bench of her extremist judicial philosophy and therefore about her fitness for this lifetime appointment. Justice Brown failed to gain the consent of the Senate last year. As I explained in April when voting against her confirmation in the Senate Judiciary Committee, not only has Justice Brown failed to resolve any of my concerns since her hearing in late 2003, but Justice Brown's opinions issued since that time reinforce and deepen the troubling patterns in her record.

Through bipartisan action, the Senate has deterred the misguided bid by some on the other side of the aisle for one-party rule by means of their nuclear option. Thanks to the hard work of a bipartisan group of 14 Senators, we have, for now, preserved the system of checks and balances, designed by the Founders, that are so integral to the function of the Senate and to its role. As we turn now to the nomination of Janice Rogers Brown, I urge all Senators to take seriously the Senate's constitutionally mandated role as a partner with the executive branch in determining who will serve lifetime appointments in the federal judiciary. I urge all Senators, Republicans and Democrats alike, to take these matters seriously and vote their consciences. Republican Senators and Democratic Senators alike will need to evaluate, with clear eyes, the fitness of Justice Brown for this lifetime judicial appointment before casting a difficult vote on this problematic and highly controversial nominee. My opposition to Justice Brown's nomination is based, as it has always been, on her record.

Justice Brown is a consummate judicial activist whose record shows that she favors rolling back the clock 100 years on workers' and consumers' rights and taking the side of corporations against average Americans. Her record shows she does not believe in clean air and clean water protections for Americans and their communities, she does not believe in laws providing affordable housing, and that she would, if she could, wipe out zoning laws that protect homeowners by keeping porn shops and factories from moving in next door. Her record shows she takes an extremely narrow view of protections against sexual harassment, race discrimination, employment discrimination, and, most of all, age discrimination. In fact, Justice Brown has a hostility toward such programs as Social Security that is so great that she has argued that Social Security is unconstitutional, and has said that "[t]oday's senior citizens blithely cannibalize their grandchildren. . . ."

We have heard a great deal from Justice Brown's supporters about her life accomplishments. It is an impressive story, and Justice Brown's accomplishments in the face of so much adversity are commendable. But we cannot base our votes on the confirmation of a lifetime appointee to a Federal court on biography alone. If this were a vote on a Senate resolution commemorating her life story, I am sure the entire Senate would gladly support it. But instead, this is a vote about the lives of multiple millions of other Americans whose lives would be affected by this nominee's ideological penchants.

I hope that, as debate Justice Brown's nomination, we will not—as we did 2½ years ago—hear the whispering of unfounded smears against those who oppose this nomination. I have spoken recently about my disappointment in the White House and Republican partisans for fanning the flames of bigotry and refusing to tamp down unfounded claims that amount to religious McCarthyism. I urged the White House, Republican leaders, and moderate Republicans to join me in condemning the injection of such smears into the consideration of nominations. The failure to do so risks subverting this constitutional process and the independence of our federal courts.

The unfounded charges of bigotry are belied by the numbers of major African-American leaders, newspapers and law professors across the country who also oppose this nomination based on Justice Brown's record of extremism. The list of the African-American organizations and individuals who oppose Justice Brown's nomination is a clear indication that this is another divisive, ideologically driven nomination. The 39 members of the Congressional Black Caucus oppose Justice Brown's nomination, including the respected congressional delegate from the District of Columbia, ELEANOR HOLMES NORTON, and Representatives CHARLES RANGEL, ELIJAH CUMMINGS and JOHN CONYERS, and the chair of the Congressional Black Caucus, Representative MEL WATT. The nation's oldest and largest association of predominantly African-American lawyers and judges—the National Bar Association—and its State counterpart—the California Association of Black Lawyers—both oppose this nomination. The foremost national civil rights organization, the Leadership Conference on Civil Rights, opposes this nomination. The women of Delta Sigma Theta oppose this nomination. Dr. Dorothy Height, Dr. Joseph Lowery and Julian Bond, historic leaders in the fight for equal rights, have spoken out against this nomination.

The baseless smears that we have heard are irresponsible, harmful and demonstrably false. Democrats have voted to confirm each of the other 15 African-American judges nominated by President Bush and brought to the Senate for a vote, including all four of the other African-Americans confirmed to appellate courts. Democrats have fought hard to integrate the Fourth Circuit, working with Senator WARNER through the confirmation of Judge Roger Gregory, and with Senator Edwards on the confirmation of Judge Allyson Duncan. And it was Democratic Members who were outraged at the Republicans' partyline vote against Justice Ronnie White and Republican pocket filibusters of Judge Beatty, Judge Wynn, Kathleen McCree Lewis, and so many outstanding African-Americans judges and lawyers blocked during the Clinton years.

Let us not see that shameful card dealt from the deck of unfounded charges that some stalwarts of this President's most extreme nominees have come more and more to rely upon. Let us stick to the merits. As so many have explained in such detail over the last few days, those who oppose her do so because they retain serious doubts about her nomination and see her as an ideologue or a judicial activist.

The basis for my opposition is the extremism of Justice Brown's record. That, too, is the reason both of her home State Senators oppose her. As we have heard in the Judiciary Committee and here on the Senate Floor, both Senators from California, who arguably know this nominee and her record better than most, strongly oppose Justice Brown's confirmation. There was a time in the Senate, not that long ago, when opposition by a nominee's home State Senators, no matter how late in the day it was announced, was enough to halt a nomination. I remember how that tradition was adhered to scrupulously by Republican Senators 5½ years ago when the Senate voted on the confirmation of Ronnie White to be a judge in Missouri. Even though one of his home State Senators had warmly endorsed him at his hearing, an eleventh hour reversal by that Senator led to every Republican Senator voting against Justice White. Thirty-six of those Senators are still serving in the Senate today, and if the approval of a nominee's home State Senator is as important today as it was in 1999, then the Senate will reject this nomination. The former Chairman of the Judiciary Committee came to the Senate after the defeat of Justice White's nomination to explain explicitly the importance of home State opposition in that unprecedented party-line vote.

As I have detailed, Justice Brown's home State Senators are not the only ones who oppose her. Her views, both in speeches and in opinions issued from the bench, are so extreme that more than 200 law school professors from around the country wrote to the Committee, prior to her hearing, expressing their opposition.

The Senate is faced with several extreme nominees who have clear records of trying to rewrite the law from the bench. In Justice Brown's hearing before the Committee, then-Chairman HATCH began the hearing by referring to President Bush's description of his judicial nomination standard: "Every judge I appoint will be a person who clearly understands the role of the judge is to interpret the law, not to legislate from the bench. My judicial nominees will know the difference." Regretfully, Justice Brown, a practitioner of a results-oriented brand of judicial activism so radical she is frequently the lone dissenter from a 6-1 Republican majority court, represents the antithesis of the President's purported standard. In re-nominating Justice Brown after she failed to gain consent of the Senate, the President has, again, selected a judicial nominee who deeply divides the American people and the Senate.

After Justice Brown's record was examined in the hearing on her nomination, editorial pages across the country came to the same conclusion. Justice Brown's home State newspaper, The Los Angeles Times, concluded she is a "bad fit for a key court," after finding that "in opinions and speeches, Brown has articulated disdainful views of the Constitution and government that are so strong and so far from the mainstream as to raise questions about whether they would control her decisions." The Detroit Free Press concluded: "Brown has all but hung a banner above her head declaring herself a foe to privacy rights, civil rights, legal precedent and even colleagues who don't share her extremist leanings." The Atlanta Journal and Constitution concluded that Janice Rogers Brown is "not qualified for the U.S. Court of Appeals for the D.C. Circuit." The Washington Post found that Justice Brown is "one of the most unapologetically ideological nominees of either party in many years." And The New York Times concluded that, based on Justice Brown's record as a judge, she has "let ideology be her guide in deciding cases." I would ask that these editorials expressing opposition, as well as a list of all of the editorials opposing the Brown nomination be entered in the RECORD.

Justice Brown has a lengthy record of opinions, of speeches and of writings. She has very strong opinions, and there is little mystery about her views, even though she sought to moderate them when she appeared before the Judiciary Committee. I come to my decision, after reviewing Justice Brown's record—her judicial opinions, her speeches and writings—and considering her testimony and oral and written answers provided to the Senate Judiciary Committee.

My opposition is not about whether Justice Brown would vote like me if she were a member of the United States Senate. I have voted to confirm probably hundreds of nominees with whom I differ. Nor is this about one dissent or one speech. This is about Justice Brown's approach to the law, an approach which she has consistently used to promote her own ideological agenda that is out of the mainstream. Her hostility both to Supreme Court precedent and to the intent of the legislature does not entitle her to a lifetime appointment to this highly important appellate court.

As I have said—and as remains true today—Janice Rogers Brown's approach to the law can be best described as a "jurisprudence of convenience." Justice Brown has proven herself to be a results-oriented, agenda-driven judge whose respect for precedent and rules of judicial interpretation change and shift depending on the subject matter before her and the results she wants to reach.

Hers is a record of sharp-elbowed ideological activism.

While Justice Brown's approach to the law has been inconsistent—she has taken whatever approach she needs to in order to get to a result she desires—the results which she has worked toward have been very consistent, throughout her public record. At her hearing, Justice Brown attempted to separate her speeches from her role as a judge. However, on issue after issue—the protection of the elderly, workers and consumers; equal protection; the takings clause; privacy rights; free speech; civil liberties; remedies; the use of peremptory challenges, and many more—Justice Brown has inserted her radical views into her judicial opinions time and time again. In fact, Justice Brown's comments to groups across the country over the last 10 years repeated the same themes—sometimes even the same words—as she has written in her bench opinions.

In *Santa Monica Beach* v. *Superior Court of L.A. County*, Justice Brown wrote of the demise of the Lochner era, claiming "the 'revolution of 1937' ended the era of economic substantive due process but it did not dampen the court's penchant for rewriting the Constitution." Similarly, in a speech to the Federalist Society, she said of the year 1937: it "marks the triumph of our own socialist revolution."

In San Remo Hotel v. City and County of San Francisco, Justice Brown wrote, "[t]urning a democracy into a kleptocracy does not enhance the stature of the thieves; it only diminishes the legitimacy of the government." Similarly, two years earlier, she told an audience at the Institute for Justice: "If we can invoke no ultimate limits on the power of government, a democracy is inevitably transformed into a kleptocracy—a license to steal, a warrant for oppression."

As Berkeley Law School Professor Stephen Barnett pointed out about Justice Brown's "apparent claim that these are 'just speeches' that exist in an entirely different world from her judicial opinions," "that defense not only is implausible but trivializes the judicial role." I agree with Professor Barnett on this and understand his determination to oppose her nomination. Justice Brown's provocative speeches are disturbing in their own right, and they are made more so by their reprise in her opinions.

During her hearing, Justice Brown told the Committee that she will "follow the law." However, her opinions from the bench speak much louder than her words to the Committee. In such a judicial dissent she wrote, "We cannot simply cloak ourselves in the doctrine of stare decisis."

Justice Brown's disregard for precedent in her opinions in order to expand the rights of corporations and wealthy property owners, at the expense of workers and individuals who have been the victims of discrimination, stands among the clearest illustrations of Justice Brown's results-oriented jurisprudence. In several dissents, Justice Brown called for overturning an exception to at-will employment that has been long recognized by the California Supreme Court, and was created to protect workers from discrimination. She has repeatedly argued for overturning precedent to provide more leeway for corporations against attempts to stop the sale of cigarettes to minors, prevent consumer fraud, and prevent the exclusion of women and homosexuals.

Justice Brown has also been inconsistent in the application of rules of judicial interpretation—again depending on the result that she wants to reach in order to fulfill her extremist ideological agenda.

These legal trends—her disregard for precedent, her inconsistency in judicial interpretation, and her tendency to inject her personal opinions into her judicial opinions—lead to no other conclusion but that Janice Rogers Brown is—in the true sense of the words—a judicial activist.

When it is needed to reach a conclusion that meets her own ideological beliefs, Justice Brown stresses the need for deference to the legislature and the electorate. However, when the laws—as passed by legislators and voters—are different than laws she believes are necessary, she has shown no deference, presses her own agenda and advocates for judicial activism.

One stark example comes in an opinion she wrote where in order to support her view that judges should be able to limit damages in employment discrimination cases, she concluded that "creativity" was a permissible judicial practice and that all judges "make law."

Justice Brown's approach to the law has led to many opinions which are highly troubling. She repeatedly and consistently has advocated turning back the clock 100 years to return to an era where worker protection laws were found unconstitutional. She has attacked the New Deal, an era which created Social Security, fair labor standards and child labor laws, by calling it "fundamentally incompatible with the vision that undergirded this country's founding." Justice Brown's antipathy to the New Deal and Social Security is so strong, that she stated, in *Santa Monica Beach* v. *Superior Court of L.A. County*, 19 Cal. 4th 952 (1999), that "1937 [the year in which much of President Roosevelt's New Deal legislation took effect] . . . marks the triumph of our own socialist revolution . . ."

Justice Brown's hostility toward Social Security is part of larger hostility toward the needs and the rights of senior citizens. In a 2000 speech to a right-wing group, Justice Brown claimed that, "Today's senior citizens blithely cannibalize their grandchildren because they have a right to get as much 'free' stuff as the political system will permit them to extract." Justice Brown has injected this hostility into her opinions. In *Stevenson* v. *Superior Court of Los Angeles County*, 16 Cal. 4th 880 (1997), Justice Brown was the only member of the court to find that age discrimination victims cannot sue under common law because, as she stated in that case, she does not believe age discrimination stigmatizes senior citizens.

And she has repeatedly opposed protections against discrimination of individuals—in their jobs and in their homes. Justice Brown's claims that her words do not mean what they say are simply unconvincing.

Another troubling aspect of Justice Brown's nomination is the court for which she has been nominated. She is being considered for a position on the premier administrative law court in the nation—a court that is charged with overseeing the actions of federal agencies that are responsible for worker protections, environmental standards, consumer safeguards, and civil rights protections.

I am concerned about her ability to be a fair arbitrator on this court. Justice Brown has made no secret of her disdain for government's role in upholding protections against the abuse of the powerless, those who struggle in our society, and our environment. She has said, ". . . where government moves in, community retreats, civil society disintegrates, and our ability to control our own destiny atrophies."

How can someone who has demonstrated her activism be entrusted to make fair and neutral decisions when faced with the responsibility of interpreting the powers of the federal government and the breadth of regulatory statutes? Justice Brown responded to this question at her hearing by calling on us to review her record as a judge to see that she does not "hate government." Well, I did review her record. And, what I found was disturbing: She has used her position on and off the bench to argue for the dismantling of government from the inside out.

Since the Senate last considered Justice Brown's nomination, her troubling jurisprudence has not changed. As demonstrated by her recent opinions, Justice Brown has continued to be a results-oriented judge with little consistency in judicial interpretation who gives great deference to her own agenda rather than to precedent, to the intent of the legislature, or to the Constitution.

In the last 18 months, since Justice Brown appeared before the Judiciary Committee:

She has expressly ignored Supreme Court precedent in seeking judicial repeal of a State antidiscrimination statute giving drug benefits to women, despite her own finding that the statute met the Supreme Court's test.

She has denigrated the constitutional right to privacy and bodily integrity as mere "sympathy" by the majority.

She has shown deference to the intent of employers rather than to precedent, to the detriment of the retirement benefits of long-term workers.

She has sought to replace the legislature's judgment regarding the value of expert testimony related to "Battered Women's Syndrome" with her own judgment that domestic violence is "simply a label, now codified," which would make it more difficult to prosecute domestic violence.

She has sought to overturn a long line of precedent that African-American women are considered a "cognizable group" for the purpose of assessing where a prosecuting attorney has violated equal protection in the use of peremptory challenges.

She has demonstrated her hostility to common law by overturning California's century-old second-degree felony murder rule.

She has sought to make it more difficult for a worker to pursue a sexual harassment claim against her employer by strictly enforcing release language in a separate worker's compensation settlement, even though this result would, according to the majority, "create a trap for the unwary worker."

Justice Brown's record since her hearing—and since she was last rejected by the Senate—has only brought into sharper focus the radicalism of her opinions and only deepened my concern about her extremism.

Indeed, in the last several days the United States Supreme Court decision in a regulatory takings case demonstrates anew just how far out of the mainstream she is. In this case, a strong majority of the Supreme Court rejected the approach that Justice Brown has endorsed in her efforts to expand the takings clause of the Constitution to thwart local government regulation for health, safety, controlled growth and economic development.

America would look like and be a very different place if Justice Brown had her way. She would do away with many of the core protections Americans count on to keep their jobs and communities safe and their retirements secure. There would be few if any laws protecting Americans from race discrimination, employment discrimination or age discrimination, or protecting a woman's right to choose. Corporate speech would be protected, but not the first amendment rights of employees to criticize an employer's practices. Corporations would be protected against suits for stock fraud and for illegally selling cigarettes to minors, but private employers would not be required to provide contraceptive drug benefits for women.

Justice Brown's America would mean a return to the widely and justifiably discredited Lochner era, an era named after a Supreme Court decision so widely-derided that even Robert Bork called its judicial activism an "abomination." A return to the Lochner era would mean a return to a time without protections against child labor. It would mean a return to a time without zoning protections to prevent porn shops and factories and rat-infested slaughterhouses from moving in next door to Americans' homes; a time without consumer protection and laws providing for affordable housing; a time without worker safety laws and without fair labor standards; and a time without laws protecting clean air and clean water. And it would mean a return to a time without Social Security.

It is no small irony that this President, who spoke of being a uniter, has used his position to re-nominate Justice Brown and others after they failed to gain consent of the Senate. These provocative nominees have divided the Senate and the American people and brought the Senate to the edge of a "nuclear winter." His divisiveness has continued, despite the confirmation of 209 out of his 218 judicial nominees. It is no small irony that this President, who spoke with disdain of "judicial activism," has nominated several of the most consummate judicial activists ever chosen by any President. None of the President's nominees is more in the mold of a judicial activist than this nominee.

I oppose giving Justice Brown this lifetime promotion to the second highest court in our land because the American people deserve judges who will interpret the law fairly and objectively. Janice Rogers Brown is a committed judicial activist who has a consistent record of using her position as a member of the court to put her views above the law and above the interests of working men and women and families across the Nation. We should not enable her to bring her "jurisprudence of convenience" to one of the most important Federal courts in the Nation.

The PRESIDING OFFICER. The Senator from Pennsylvania controls the next 10 minutes.

Mr. SPECTER. Mr. President, as the debate winds down on the nomination of California State Supreme Court Justice Janice Rogers Brown, I suggest to my colleagues that this debate is really not about Justice Brown at all, but it is about the escalating battle which has been going on between the two parties since the last 2 years of President Reagan's administration and continuing up to the present time.

I was on the Judiciary Committee in the last 2 years of the Reagan administration, having served since I was elected in 1980 on that committee, and there was a limited list to be confirmed after the Democrats took control of the Senate in the 1986 election, for 1987 and 1988.

Then the policy was continued during the 4 years of President George Herbert Walker Bush. I recall pending Third Circuit nominees who were not going to be considered because we were not going to confirm any more of the President's nominees.

Then the situation was exacerbated to a new level during the years of President Clinton, when some 60 judges were bottled up. I opposed that practice at the time as a Republican on the Judiciary Committee and supported Judge Berzon, Judge Paez, and others, and urged that we not have party payback.

Then the matter was exacerbated to new levels with the unprecedented use of systematic filibusters, the first time in the history of the country that has been done.

Then the President responded with an interim appointment, the first interim appointment in the history of the Senate on a Senate rejection, albeit by the filibuster route.

Then we came to the critical issue of how we were going to handle the future with the heavy debate on the so-called constitutional or nuclear option. And finally, we worked our way through on individual judges, without reviewing all of that history.

What this nomination is all about is party payback time. That is what it is. In the 25 years I have been on the Judiciary Committee, I have seen the committee routinely confirm circuit judges who were no better qualified and, in many cases, not as well qualified as Justice Brown.

We had two very celebrated cases where two nominees for circuit court went through with relative ease, and then their records were subjected to very intense scrutiny during nomination hearings for the Supreme Court of the United States. But the practice has been to confirm the circuit judges.

The argument is made that circuit judges play a critical role, and will make law because their cases will not be reviewed by the U.S. Supreme Court, which grants certiorari in so few cases. But the fact is that no one judge can do that on the circuit. The judges sit in panels of three. So if one judge is way out of line, does something egregious, there has to be a second judge concurring. And if there is concurrence on something that is out of line, the circuit courts have the court en banc to correct it. And then there is always the appeal or petition to the Supreme Court of the United States.

One thing that has troubled me is the unwillingness of Senators to concede that both sides have been wrong—to make the explicit concession that their side has been wrong at least in part.

I have scoured the RECORD and noted a comment made by the leader of the Democrats, Senator REID, who said this on May 19:

> Let's not dwell on what went on in the 4 years of President Bush's administration. I am sure there is plenty of blame to go around. As we look back, I am not sure—and it is difficult to say this and I say it—I am not sure either was handled properly. I have known it wasn't right to simply bury 69 nominations. And in hindsight, maybe we could have done these 10 a little differently.

It seems to me that we really ought to be able to admit the wrongs on both sides—to have a clean slate, to start over and try to have Senators vote their individual consciences on matters such as filibusters. In talking to my colleagues who are Democrats, I heard many say they did not like the systematic filibusters; it was not the right thing to do. But there is a party straitjacket on, so it is done. Similarly, in the Republican cloakroom and Republican caucus, many of my colleagues voiced objections to the so-called constitutional or nuclear option. But there again, party loyalty has come into play.

We have admitted our mistakes in the past, historical mistakes, egregious mistakes on race, women's suffrage and women's rights, the rights of criminal defendants, and many, many things. It would not be too much for both sides to say we have both been wrong and let's move ahead. But there has been payback and payback, and the American people are sick and tired of the rankling.

When you put aside those factors, I suggest that State Supreme Court Justice Janice Rogers Brown stacks up fine against the long litany of circuit judges who have been confirmed by the Senate. We know the details. I spoke at length on this nomination on Monday of this week, before the floor became congested with many Senators who wanted to speak, and spoke at that time in my capacity as chairman of the committee. Now I have been allotted 10 minutes to speak as we wind down this debate.

Her record is really exemplary. She was born in Alabama in 1949 to sharecroppers. She had an excellent record in college and in law school. She went back to get a master's degree from the University of Virginia after she was on the State supreme court in California.

She has been pilloried for statements that have been made in speeches. As is well known, not to be unduly repetitious—I made a comment about this on Monday—if everybody in public life, including Senators, were held to everything they have said, none of us would be elected, confirmed, appointed, or asked to do anything in the public sphere. If somebody put a microscope on the countless tracks of statements I have made in the CONGRESSIONAL RECORD—a court reporter is taking this down, and it will be in the CONGRESSIONAL RECORD forever—if I were to be suggested for some important job, it is not hard to find something someone has said at some time that would be a disqualifier.

The proof is in the pudding on her cases. She has handled a lot of cases, and I went through those cases in great detail.

It is true that she has made undiplomatic statements, but she is not in the State Department. In speeches, she has talked about limiting Government, but when her cases were reviewed and analyzed, she has upheld the authority of the Government in many lines which I detailed in a speech the day before yesterday. Similarly, she has upheld individual rights.

On the merits, this is a nominee who, in my view, is worthy of confirmation to the Court of Appeals.

On Monday, I made a brief reference to an opinion by Supreme Court Justice Oliver Wendell Holmes about 80 years ago where he talks about the importance of individualization, free thinking, and free speech, and has one of the most poignant phrases in any Supreme Court opinion: that "time has upset many fighting faiths." Time has upset many fighting faiths, and in the free interplay of ideas, we come to the best values and the best ideas in the marketplace.

If you have a nominee who exercises some independence and individuality in her speeches but has solid judicial opinions and a solid professional record, solid work in the State government, that is the test as to whether she ought to be confirmed. If it were not party payback time, this ferocious debate would not be undertaken. That is why I am going to vote to confirm State supreme court justice Janice Rogers Brown.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Nevada.

Mr. REID. Mr. President, yesterday the Senate invoked cloture on the nomination now before this body. That came about as a result of a bipartisan agreement that was reached several weeks ago. The agreement, though, did not proclaim in any way that Justice Brown would be confirmed. The agreement does not obligate any Senator to vote for this or any other nominee. Nor did the agreement establish Janice Rogers Brown as the benchmark for what is acceptable, as far as judicial nominees go.

Whether one is from the left or the right, this nominee should be rejected. We should reject any nominee who twists the law to advance his or her own ideological bent. We should reject any nominee who does not believe in or abide by precedent, and we should reject any nominee who holds deep hostility to Government, such deep hostility that it renders them blind to what the law mandates.

Janice Rogers Brown does not fail on just one of these standards, she fails on all three. She is an exceptional candidate, there is no question—but in a negative sense. She twists the law and does it routinely. She does not follow precedent. She has a hostility to Government I have never seen in a judge at any time during my years as a lawyer and as a member of a legislative body.

Under these standards, of course, her nomination should fail resoundingly. In speeches and opinions, Janice Rogers Brown has repeatedly assailed protections for the elderly, for workers, for the environment, for victims of racial discrimination. If confirmed today, she will be a newly empowered person to destroy those protections. Why? Because the D.C. Circuit, where she is intending to go, is the second most powerful court in our land. It has special jurisdiction over protections for the environment, for consumers, for workers, for women, for the elderly. Putting her on the D.C. Circuit Court of Appeals is truly like putting the fox in to guard the henhouse.

The concerns about this woman have not been developed in the last 6 months. Deep concerns over her objectivity and fairness, or lack thereof, have followed her through her whole career. In 1996, when Justice Brown was up for her current job—that is a member of the Supreme Court of the State of California—she was rated unqualified by a 23-member commission that was set up by the State of California to review people going to the court. Twenty out of 23 said she was unqualified to be a member of the California Supreme Court. The commission specifically found that as a lower court judge, Brown exhibited:

> a tendency to interject her political and philosophical views into her opinions.

Press reports at the time indicated that commission members had received complaints that she was insensitive to established legal precedent, lacked compassion, lacked intellectual tolerance for opposing views, and misapplied legal standards.

These are not the words coming from Democratic Senators. This is from a commission set up to review candidates the Governor was going to appoint in the State of California. They found her unqualified, not by a narrow margin—

overwhelmingly. Twenty out of the 23 said she was unqualified.

I will say one thing, in the 10 years since they did their work, the State commission has been proven to be visionary, to have had foresight, because she has definitively proven them right. She has established a record as a habitual lone dissenter who lacks an open mind. I heard one of the Senators over here on the majority side say there have been other dissents. She dissented alone 31 times. In a Republican supreme court—6 of the 7 members are Republicans—she has dissented alone 31 times.

Justice Brown's record is the record of a judge who would discard the foundation of our basic legal system, precedent, in order to elevate her own extreme views over the law.

When I was going to law school, they taught us a lot of Latin terms. One of the Latin terms they have in the law we learned as new law students is something called stare decisis. What do those words mean? They are Latin words that mean "to stand by decided matter." It stands for certainty. Janice Rogers Brown is a judge; she is not a legislator. She has no right to do the things she does. I am dumbfounded that we are going to have Republican Senators who have decried for decades about activism—she is the epitome of an activist judge. She does not follow precedent. She is not a legislator, she is a judge.

This is not HARRY REID coming up with some new theory. In Federalist Paper 78, the brilliant Alexander Hamilton wrote, explaining the importance of a judiciary bound by precedent:

> To avoid arbitrary discretion in the courts it is indispensable that they should be bound by strict rules and precedent.

Yet we are going to have people on the other side of the aisle walk over here and vote for this woman. She stands for everything I have heard my Republican colleagues rail against for years. The fact that you are a so-called conservative does not make your activism any better. I believe in stare decisis. When the Court over here across the street renders a decision based on precedent, I support that. I don't like judges to be legislators and that is what she is.

I think it would be hard to find a Senator, if the truth came out, with everyone being candid, who would not agree with Hamilton's view. But with Brown we have a nominee who doesn't believe in precedent. She not only doesn't believe in it, she doesn't abide by it. Here are a few examples.

In the case called People v. McKay, she argued against existing precedent by saying:

> If our hands are tied it behooves us to gnaw through the ropes.

To gnaw through the ropes of precedent? Why did Alexander Hamilton want judges bound by precedent? Because you need stability in the law. You can't have judges acting as legislators. That is what people complain about. I thought most of the complaints about this problem, in fact, came from this side of the aisle.

In Kasky v. Nike, she argued for overturning precedent because it "did not take into account realities of the modern world."

That is what we hear. We hear that the Federalist Society and all these other so-called conservative groups who want the Constitution to be interpreted based on the words of that Constitution, not her "realities of the modern world."

In People v. Williams, she summarized her views stating she is "disinclined to perpetuate dubious law for no better reason than that it exists."

How could a judge say that? But she does. These are the words of a judicial activist.

I said yesterday, when somebody asked me:

> If you like judicial activism, she is a doozy.

I wanted to make sure I didn't insult her. I went and looked up in the dictionary what a doozy is. Doozy is "extraordinary." She is an extraordinary activist, not even a mainstream activist. She is the most activist judge, in my many years in the courts and in the legislature, I have ever seen.

She has a deep disdain for Government. Don't take my word it. Listen to what she says, for example, about Government.

> Where government moves in, community retreats, civil society disintegrates, our ability to control our own destinies atrophies.

We have a world out there that is looking to America for guidance. Why are they looking to us? It is our ability to govern, our Government. We are the envy of the rest of the world, with our constitutional form of Government. What does she think of it? Not much.

She also says the result of Government is:

> Families under siege; war on the streets; unapologetic expropriation of property; the precipitous decline of the rule of law; the rapid rise of corruption; the loss of civility and the triumph of deceit.

What world is she living in? She also says the result of Government is:

> a debased, debauched culture which finds moral depravity entertaining and virtue contemptible.

I don't recognize that government she describes. Is a government which strives to provide children with a better education one which leads to war in the streets? Is a government which works to provide health care to people one which results in families under siege? Is a government which protects beautiful landmarks of our land one which leads to an unapologetic expropriation of property?

I don't think mainstream Americans would agree to this, mainstream Democrats, Republicans, Independents. These views are not those of a person who should be awarded tremendous power in our federal court system.

Take one area of the D.C. Circuit's special jurisdiction, hearing appeals from the National Labor Relations Board. These cases involve employee rights to unionize to achieve better health care, better wages, and a decent standard of living. In Nevada, our culinary union, which represents almost 60,000 people who work in our leisure-time industry, has so effectively represented the position of these tens of thousands of employees that such jobs are the best jobs for maids, cooks, waitresses, waiters, and car valets of any place in the world. Over the years, farsighted casino owners have worked with this union because they know that in the hospitality industry, staff can make or break an enterprise. Our labor laws encourage businesses to work with laborers so both sides benefit.

In 1905, a case was decided by the U.S. Supreme Court called Lochner. It invalidated worker protection laws—things such as how many hours you could work, do you get paid overtime, basic safety measures in the workplace. In Lochner, the U.S. Supreme Court said, No, you can't do that. So for 32 years that was the law of the land.

In a unique situation, the Supreme Court said: Times have changed. We are going to change that. They did that in 1937. Lochner is a case that we look back at, not with as much dread as the Dred Scott case, but it is pretty bad. In that case, the Lochner case, they invalidated the New York labor statute that limited the number of hours employees could work.

Over the passionate dissent, and I heard the distinguished chairman of the Judiciary Committee, the distinguished Senator SPECTER from Pennsylvania talk about Oliver Wendell Holmes—Oliver Wendell Holmes dissented in the Lochner case and his dissent was one of the most beautifully written opinions in our history. For decades, Lochner stood as a hard-hearted barrier to worker protections enjoyed by Americans today. Its reversal by the Supreme Court was one of the most pivotal moments in our Nation's history.

Where does Janice Rogers Brown come in here? She laments that the case was overturned. She wants to return to the way it used to be. She said of Holmes' famous dissent in Lochner—in this case he was simply wrong. She said the Lochner dissent has troubled me and has annoyed me for a long time.

She has compared the demise of Lochner and the worker protections that followed in its wake as a socialist revolution.

She seeks to return to Lochner, and if confirmed, she will have power to effect those changes she wants. Why should we have a 40-hour workweek, according to Janice Rogers Brown? Why should we have workers compensation law, worker safety laws? Why should people have to be paid by their employers overtime? They should not be, according to Janice Rogers Brown.

She has attempted to distinguish between her legal opinions and her speeches, which she said are designed to stir the pot. But she can't. But that is not true. It is simply not true. She is being disingenuous. Her speeches are carried forward in her opinions. The inflammatory rhetoric in her speeches carries over into her opinions as if copied on the old copying machines.

For example, in a speech at the Institute of Justice, she said:

> If we can invoke no ultimate limits on the power of government, a democracy is inevitably transformed into a Kleptocracy—a license to steal, a warrant for oppression.

She wrote an opinion in the San Remo Hotel v. City and County of San Francisco case where she said the same thing, almost identical words:

> Turning a democracy into Kleptocracy does not enhance the stature of thieves; it only diminishes the legitimacy of government.

In another speech, she assailed senior citizens with this verbiage:

> . . . today's senior citizens blithely cannibalize their grandchildren because they have a right to extract as much "free" stuff as a political system will permit them to extract.

In a case involving discrimination against a senior citizen, Stevenson v. Superior, she said the same thing—in a dissent, of course—that California's public policy against age discrimination cannot benefit the public. She said that such age discrimination:

> is not . . . Like race and sex discrimination. It does not mark its victims with a stigma of inferiority and second class citizenship; it is an unavoidable consequence of that universal level of time.

She is saying you get old, you take the consequence, and if you get a little gray hair and you have worked there 30 years, they can dump you just because your hair is gray.

I am not making this up. Setting her speeches aside, and these few opinions, her judicial opinions are enough to disqualify her for the job.

There is another case, Aguilar vs. Avis Rent A Car. I cannot in good taste on the Senate floor repeat what this Hispanic employee, Aguilar, was being called in the workplace. I cannot repeat it. They are the most vile words we have in English. I cannot do that. I have them. I cannot do that. Vile. What did she say? There was a race discrimination suit against an employee who had repeatedly been subjected to racial slurs. She argued the slurs were protected by the first amendment. While the majority soundly rejected this defense, she, in her single dissent, endorsed these people being able to say that. I am not making this up. She argued that even an illegal racial discriminatory speech in the workplace—discrimination prohibited by title VII of our Civil Rights Act—is protected by the first amendment. She believes racial slurs in the workplace are acceptable in America. This is a woman who is going to the second highest court in the land?

Take another case, Konig v. Fair Employment and Housing Commission. There—again in a dissent, what else—she argued that an African-American police officer who had been discriminated against should not be awarded damages for this illegal conduct perpetrated against her.

In her world, discrimination is without an effective remedy, and wrongdoers are rewarded.

While she displays hostility toward victims of discrimination—willing to twist the law to deny relief—she exhibits the opposite view when it comes to corporations. Corporations can do no wrong.

In Kasky v. Nike, the plaintiff sued Nike, alleging Nike had engaged in false and misleading advertising in a false campaign to deny it had mistreated its overseas workers. The majority held that these false statements were not protected by the Constitution. Again, in dissent, Justice Brown argued they are protected.

Under Justice Brown's reasoning of this case, corporate lies should be protected and public protections rejected. That was her opinion.

As the Enron wrongdoers finally head to trial 4 years after they destroyed the retirement security of its employees and devastated investors, do we want a judge who believes that corporate lies are protected by the Constitution?

Justice Brown also believes that the takings clause of the Constitution should be transformed into a weapon to tear government down. For example, in the San Remo case, a hotel owner challenged a city permitting requirement. In dissent—again—she argued this scheme was a taking of property requiring compensation under the Constitution. Her assertion that a permit fee was a taking requiring compensation is totally at odds with longstanding U.S. Supreme Court precedent. That does not matter to her. Her radical view would mandate compensation for everything. That is her point. She does not want government and her view is a way to achieve that end.

If you disapprove of zoning laws which keep strip clubs and factories from opening next door to your house, or an adult bookstore, if you dislike the environmental process which saved the bald eagle, our golden eagle, if you oppose the communication laws which protect our children from indecent programming, then Janice Rogers Brown is your kind of a judge. She does not believe in these protections and wants to twist the Constitution to abolish them.

I said she was a doozy as an activist, and I think I have proven my case. Her views, in my word and I think the word of the American people, are absurd. They are without any basis in the law. They should not be given voice on the DC Circuit.

I say to my colleagues, to the American people, if you believe in America—and I know we do—where workers are entitled to a fair wage for a fair day's work, where racial slurs are not condoned, where discrimination is not tolerated, where corporations are not given license to lie, where senior citizens are valued and honored, where we have protections for the air we breathe, the food we eat, the water we drink, and these are embraced instead of evaded, if you believe in these things, no one in good conscience can approve this nomination. The record is too clear, too disturbing, too expansive.

The influence of this court, the DC Circuit Court, is too important, too fundamental to the rights Americans hold dear. If there were ever a nominee whom my colleagues, Republicans and Democrats, should reject, this is it.

This bipartisan rejection would do more to change the tenor of the debate on judicial nominations than any step we could take. It would send a signal to President Bush that while we may confirm the conservative nominee—and we have confirmed 209 so far—the Senate will not approve results-oriented activist ideologues to our Federal courts. It would breathe new life into the "advice" part of the advice and consent clause of our Constitution, encouraging partnership between the President and the Congress.

The American people want to see us—Democrats and Republicans—working together to improve the retirement security, their health care, their children's education. Because of the time we have spent on judges for weeks and weeks, we will never catch up. We have the Energy bill to do. We have the armed services bill we have to do. We have TANF. We hope to do something on estate tax. It goes on and on. It is all catchup time. Why? Because of five judges and the President did not get his way. And it will be catchup time for a long time because of it.

The people want to see us work together. They want to see the President bring forward fair judicial nominees who will not bring an ideological agenda to this body, whether liberal or conservative, to these lifetime positions. The American people should demand, the Senate should demand, that a nominee possess a fair, open mind, and an instinctual understanding that the job of a judge is not to make law but to interpret our laws. It is this very basic standard that this nominee so utterly and completely fails to meet.

I urge my colleagues to reject this very bad nomination.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in a few moments, we will vote on the confirmation of Justice Janice Rogers Brown to serve on the U.S. Court of Appeals for the DC Circuit. Justice Brown is a highly qualified nominee. She is kind. She is smart. She is thoughtful. She has endured a protracted and often bitter nominations process with grace and dignity. I look forward to her confirmation to the Federal bench in just a few short minutes.

It has been a long road to get to this point. Justice Brown was nominated by the President of the United States in July 2003. She has endured 184 questions and nearly 5 hours of debate in the Judiciary Committee hearing, two committee votes—both of which were favorable to Justice Brown's nomination—and one failed cloture vote despite majority support among the Members of the Senate. She also answered over 120 written questions and sat down for countless meetings with individual Senators. In all, we have debated Justice Brown for over 50 hours on the Senate floor.

Now, after 2 years, Senators will finally be able to fulfill their constitutional duty of advice and consent on the President's nominee. Janice Rogers Brown will finally get an up-or-down vote. She will finally get the courtesy and the respect she deserves.

During this 2-year process, Senators on the other side of the aisle have leveled harsh and I believe unfair attacks against Justice Brown. A careful review of her record, however, shows Justice Brown has an unwavering commitment to judicial restraint and the rule of law.

Opponents have called Justice Brown an extremist. But we have heard the bipartisan praises of Justice Brown from those who know her best—her former and current colleagues on the California Supreme Court and California Court of Appeals. They agree that Janice Rogers Brown is a "superb judge" and have said that "she is a jurist who applies the law without favor, without bias, and with an even hand."

Opponents have called Justice Brown "out of the mainstream." Yet, as a justice on the California Supreme Court, California voters reelected her with 76 percent of the vote, the highest vote percentage of all the justices on the ballot. Can 76 percent of Californians be out of the mainstream? Senators denying Janice Rogers Brown the fairness of an up-or-down vote is what has been out of the mainstream.

Justice Brown's life is an inspiring story of the American dream. It is an extraordinary journey from a sharecropper's field in segregated Greenville, AL, to the California Supreme Court, and to the D.C. Circuit Court of Appeals. Thanks to hard work and persistence and a strong intellect, Justice Brown has risen to the top of the legal profession.

A true public servant, she has dedicated her life to serving others. For 24 years, she has served in various prominent positions in California State government. In 1996, she became the first African-American woman to serve as an associate justice on the California Supreme Court, the State's highest court.

Janice Rogers Brown is a distinguished, respected, and mainstream jurist. I am proud that today, after almost 2 years, the Senate will finally give Janice Rogers Brown the vote she has waited so long to receive.

With the confirmation last week of Justice Owen and the upcoming vote on Justice Brown, the Senate continues to make progress, placing principle before partisan politics and results before rhetoric. I hope we can continue working together to do our constitutional duty as Senators and give other judicial nominees the fair up-or-down votes they deserve.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

All time is expired.

The question is, Will the Senate advise and consent to the nomination of Janice R. Brown, of California, to be United States District Court Judge for the District of Columbia Circuit? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS), is necessarily absent.

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 131 Ex.]

YEAS—56

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—1

Jeffords

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader is recognized.

NOMINATION OF WILLIAM H. PRYOR TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH DISTRICT—Resumed

Mr. FRIST. Mr. President, we have just voted to confirm Justice Janice Rogers Brown to the D.C. Circuit Court of Appeals. We are making progress. We are securing up-or-down votes on previously blocked nominees. We will now turn to another judge who has been considered in the past, Judge William H. Pryor.

For the information of our colleagues, we are going to go immediately to the cloture vote. If cloture is invoked on the Pryor nomination, it is my expectation that we will be able to lock in a time certain for the final up-or-down vote on that nomination. That would be for tomorrow. The Democratic leader and I have consulted back and forth, and we will lock in a vote for 4 p.m. tomorrow, if cloture is invoked through the next vote.

Following that vote, tomorrow we will consider the Sixth Circuit nominations and hopefully not use all of the allocated time to which we previously agreed. We will be doing that after the vote tomorrow, and we will be voting on those nominations, as well, tomorrow—late afternoon, hopefully, maybe early evening.

President Bush nominated Judge Pryor on April 9, 2003, to serve on the Eleventh Circuit Court of Appeals.

While the individual nominees may change, the debate continues to be centered on a simple and unequivocal principle.

It is based on fairness, and it is grounded in the Constitution of our great Nation.

It is the principle that every judicial nominee that comes to this floor deserves an up or down vote.

Judge Pryor is also a qualified nominee. He deserves a fair vote, and it is our duty to cast one.

Judge Pryor has broad legal experience as a public servant, as a practicing attorney, and as a law professor.

Judge Pryor has served with distinction on the appellate bench since he was recess appointed last year. Many of his opinions have been supported by judges appointed by both Democrats and Republicans.

He enjoys bipartisan support inside and outside the Senate chamber.

Yet he has had to wait more than 2 years for a fair, simple, and courteous up or down vote on the Senate floor.

It is time to close debate and vote on this nominee, up or down, yes or no, confirm or reject.

I will continue to work to ensure that Judge Pryor and every other judicial nominee get an up-or-down vote on the floor of the U.S. Senate.

We are working on a process to start the Energy bill next week, as well as to consider the Griffith nomination on Monday and will announce more on that schedule tomorrow. But Members should expect a vote Monday evening.

That pretty much outlines, I believe, the schedule for tonight and tomorrow.

Mr. REID. Mr. President, it is my understanding the vote Monday will be around 6 o'clock rather than our normal 5:30 p.m. time.

Mr. FRIST. That is correct. The vote will be at approximately 6 o'clock instead of the usual 5 o'clock on Monday.

The PRESIDING OFFICER. Under the previous order, the clerk will report Executive Calendar No. 100.

The legislative clerk read the nomination of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 100, William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

Bill Frist, Craig Thomas, Richard Burr, Pat Roberts, Mitch McConnell, Jeff Sessions, Wayne Allard, Jon Kyl, Richard G. Lugar, Jim DeMint, David Vitter, Richard C. Shelby, Lindsey Graham, John Ensign, Pete Domenici, Bob Bennett, George Allen.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit, shall be brought to a close? The yeas and nays are mandatory under the rules. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 67, nays 32, as follows:

[Rollcall Vote No. 132 Ex.]

YEAS—67

Alexander
Allard
Allen
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Byrd
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kyl
Landrieu
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Salazar
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—32

Akaka
Baucus
Bayh
Biden
Boxer
Cantwell
Clinton
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Obama
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—1

Jeffords

The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Mississippi.

Mr. LOTT. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. LOTT are printed in today's RECORD under "Morning Business.")

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, in the last hour or so we made huge progress on an issue that has been very difficult for this body over the last 3 to 4 weeks, in fact I would say difficult for the last 2½ years. The progress we have made is that for these nominees who had not received a fair up-or-down vote for 2 years, 3 years, 4 years, we are finally back in gear and getting up-or-down votes, fulfilling our constitutional responsibility of advice and consent.

I am very pleased and I am very proud of this body. People who have been blocked for partisan reasons in the past, who have been obstructed, have been prevented from getting votes, have been allowed to get votes through regular order by going through the Judiciary Committee. Although it took way too long—2 years, 3 years, 4 years—finally they have been allowed to get an up-or-down vote. I hope it sets the tone, and I believe it will set the tone, as we proceed over the coming weeks and months and address circuit court nominees and, of course, Supreme Court nominees who may or may not occur in the very near future.

Justice Janice Rogers Brown will now serve on the U.S. Court of Appeals for the D.C. Circuit. The vote was 56 to 43, a bipartisan vote, which shows that once these up-or-down votes are allowed and the body can express itself the will of the Senate will work and that this highly qualified nominee, as I mentioned a bit ago, who is kind, smart, thoughtful, and qualified, who has had to endure a lot of protracted and often bitter nomination discussions, is now going to be on the D.C. Circuit. The will of the Senate expressed itself. The bipartisan vote was 56 to 43.

This last vote on William Pryor, the fact that in the past he had been obstructed through a partisan leadership-led effort in the past, once we sort of broke through that impasse, he received 67 votes on cloture. The vote was 67 to 32, overwhelming bipartisan support, which now will guarantee him what has been denied in the past, and that is a fair up-or-down vote. Again, the body will be able to speak.

Everybody who sits at these desks, the people who are in the Chamber now, will be able to express themselves with a vote. That is how we give advice and consent. The vote was 67 to 32. Tomorrow at 4, he, too, will get an up-or-down vote, confirm or reject, on whether Members believe he is a qualified nominee. Members can vote their conscience, vote their judgment of his qualifications. The candidate, the nominee, will receive the up-or-down vote he deserves.

We should treat these nominees with respect and in a reasonable period of time when they come to the floor, or they make it to this Executive Calendar, so that they receive that up-or-down vote.

I am very pleased where we are. It is huge progress. Both sides of the aisle are working together on this very important judicial nominee process. We will continue that process tomorrow in which case by the end of tomorrow we should have three more up-or-down votes at 4, again tremendous progress. Two of the Michigan judges will be voted on sometime late afternoon or early evening. They will be given up-or-down votes, and I expect all three will be confirmed.

I believe we have broken the impasse, as I have said, and we are making real progress. The early part of next week we will be having one more up-or-down vote. That will be on Tom Griffith, and then we will go to the Energy bill. We want to spend plenty of time to give everybody the opportunity to debate and amend. I expect we would spend that whole first week and likely into that second week which would give everybody the opportunity to come forward and express themselves on a bill that I believe will lower gasoline prices—I cannot say that with certainty, but I believe this bill will—and will lower natural gas prices. For people who are thinking about driving on vacations, driving to work, driving their truck, or worried about heating in the future, the American people will know we are doing the Nation's business, that we are doing our very best to lower those prices for them as individuals.

I am pleased where we are today. We are making real progress. I know there will be some other comments made tonight before we close.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the President be immediately notified of the Senate's earlier action on the Brown nomination; provided further that the vote on the confirmation of the Pryor nomination occur at 4 p.m. tomorrow, and that the time for consideration be divided as follows: from 10 to 10:30 tomorrow morning under the control of the majority leader or his designee; from 10:30 to 11 under the control of the Democratic leader or his designee; that the time rotate as above until the hour of 3 o'clock; that from 3 to 3:15 be under the control of the majority; 3:15 to 3:30 under the control of the minority; 3:30 to 3:45 under the control of the Democratic leader; and, finally, the majority leader from 3:45 to 4.

I further ask consent that following that vote, the President be immediately notified of the Senate's action, and the Senate proceed to the consideration of the Sixth Circuit judges under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ANGEL CAMPBELL, COUNSEL AND SPECIAL PROJECTS DIRECTOR

Mr. LOTT. Mr. President, I rise today to pay a special tribute to Angel Campbell. She is my counsel and director of my Special Projects Office. This outstanding staffer will be leaving my office after 8 years of exceptional service to spend more time with her growing family.

Angel is the epitome of a dedicated, hard-working public servant. She has been remarkably gifted at advocating for Mississippi, the place we both call home, to Federal executives in the many government departments and to fellow congressional staffers. I know that many constituents from the State of Mississippi will also feel her absence. There are many staffers working in Congress who will miss her detailed, knowledgeable explanations of the infrastructure features that are unique to our home State to help them while drafting legislative initiatives. And that is why I want to take a moment with my colleagues to recognize and to thank Angel for her many genuine contributions to my office and to the citizens of Mississippi.

Angel is a native of Southaven, MS. She received her bachelor's degree from the University of Mississippi and later earned her law degree from Samford University. She and her husband, Terry, have three wonderful and energetic children; Taylor, Trey, and Jackson. Even as her family grew while on my staff, she continued to balance her priorities and served both her family and Mississippi well.

Angel truly loved fixing the problems and challenges our Mississippi constituents called and wrote about. She understood their frustrations and would take them to heart. Then she would dedicate herself to solving their individual cases while simultaneously looking for a systemic solution to save others the same aggravation. To say that Angel was relentless in finding answers to difficult problems is an understatement. She aggressively worked for each and every Mississippian. She became so proficient in her responsibilities, other congressional staffers, and even some of our colleagues, would often seek her advice.

Angel had several hats and one vital job was that of providing excellent legal advice to everyone in the office. In a time frame when many large legal matters were being considered, like the confirmation of judges to tort reform to class action reforms, the staff needed and valued her wisdom. She could clearly explain the law and the bill's provisions in ways that were understandable. She was there to teach and lead the staff.

Angel started as one of my staff assistants, but she quickly moved up the ladder to become the director of my special projects. There she also had direct responsibility for a wide range of appropriation matters that affect all facets of Mississippi's life. She was a leader with a steady confident managerial style that was accepted by our new and young staffers. She rapidly molded them into experienced staffers who became effective surefooted Mississippi advocates who helped "shepherd" hundreds of millions of infrastructure and business investments dollars into Mississippi.

Angel looked beyond constituent complaints and appropriation issues, that were important, and also devoted time to a much larger problem area, the root of many of the constituent challenges. She helped create a long term program for economic development and creating transportation, communication, technology infrastructure solutions for Mississippi. She ensured that these projects, both big and small, were both sustainable and cordinated with the State government. She ensured that no corner of the State was ignored and she was always looking for ways to leverage an idea into reinforcing the existing economic development aspects of Mississippi's marketplace. This was especially challenging because of the dynamics of the State, but because Angel was trusted by numerous local officials and she got it done. In this capacity she made many lasting tangible contributions that "will positively affect Mississippi for decades to come. There are many Mississippians who have jobs because of her vision and stick-to-it-ness.

It is simply not possible to point out all of the contributions Angel made to Mississippi, but I would like to highlight three of the major ones.

First, let me mention I–69. This interstate highway, which will eventually connect the United States with Canada and Mexico, will run through Mississippi in DeSoto County and the Delta because of Angel's focused hard work and determination. Many folks said I–69 would never be built. Boy, did she prove these naysayers wrong. She helped secure over $100 million for the Greenville Bridge over the Mississippi River and the first segments of this interstate are currently under construction in DeSoto and Tunica Counties. I–69 will provide the impoverished Mississippi Delta with the opportunity to market itself to companies around the world and hopefully this region of our State can take its place in the new global economy with this infrastructure.

Second, let me mention the Nissan Plant. Many were involved in getting the company to decide on Mississippi and many had the grad ideas, but Angel was part of a small cadre of folks who turned the ideas into reality by knocking down the bureaucratic, regulatory barriers to make the idea a reality. Eighteen months after the announcement, the field I would I drive past in Canton is now a bustling factory producing quality vehicles driven and loved by thousands of Americans. We can thank Angel for her tireless work behind the scenes on one of the largest economic development projects in the United States in recent years. The new Nissan plant represents approximately $950 million in direct investment and almost 4,000 new jobs for the people of Mississippi. These numbers do not include the countless spinoffs and suppliers which have been needed for such a massive undertaking. Nissan's positive ripple effect on the Mississippi economy will be felt for decades to come.

Finally, let me mention Angel's instrumental role in securing millions of dollars for Mississippi transportation projects such as the Canal Road Connector, improving Mississippi's formula for receipt of highway funds, and for retaining existing jobs at the Babcock & Wilcox plant in West Point, MS.

These are just a few of the things that Angel Campbell has been involved with during her tenure with me. I know everyone will miss seeing Angel on a regular basis and I will miss her work, her spunk and her good cheer and humor. She has been a valuable asset to me and trusted advisor. Everyone in the office benefited from her energy and enjoyed her company.

It saddens me to see Angel depart my staff, yet I fully understand the priorities of her family. I respect her desire to watch her children grow. Her husband and children have many reasons to be proud of her work her in the Senate for nearly a decade. She made a Mississippi difference, a difference that will be seen and felt for the next decade. I will be forever grateful for her loyal service and dedication to me, and to the State of Mississippi. I wish Angel Campbell good luck and pray God may continue to richly bless her and her family.

TRIBUTE TO LOUIS EDWARD "SPANKY" FISTER

Mr. McCONNELL. Mr. President, I rise today to pay tribute to Louis Edward Fister, a Kentuckian who was committed not only to his family and friends, but to his country and his religion as well. Known to many simply as "Spanky," Mr. Fister was a permanent deacon in the Roman Catholic Church, a calling he served for 20 years. He was also an influential realtor and sales representative in the Lexington area. Mr. Fister passed away April 30, 2005, at the age of 66.

Spanky got his nickname as a child because he reminded people of Spanky from "The Little Rascals." Perhaps the name stuck because Spanky made it his goal to create "gangs of people," especially during his ministerial work. One of Spanky's greatest joys was serving as a chaplain for Eastern State Hospital where he ministered to the patients and offered prayer services. He also witnessed marriage vows, baptisms, and assisted with funerals in Lexington and the surrounding area as a deacon at St. Paul Catholic Church in Lexington.

Born in Jackson, TN, on January 3, 1939, Mr. Fister moved to Kentucky when he was about 4 years old and lived the rest of his life in the Commonwealth. He graduated from Lexington Catholic High School in 1956. Following graduation, he joined the U.S. Army and served until 1958. He then studied business at the University of Kentucky and later attended Thomas More College in preparation for the diaconate. He earned a BA degree in organizational management from Midway College, graduating with Summa Cum Laude honors in 1998.

Mr. Fister was a member of the Lexington Board of Realtors and worked for Smith Realty Group before his passing. He was also an independent sales representative for Unishippers. A civic-oriented individual, Mr. Fister was president of the Jaycees and had been active in the Knights of Columbus.

Mr. Fister is survived by his wife of 45 years, Nancy Jo Hostetter, and his five children, all of Lexington; his four siblings; eight grandchildren; and two sisters-in-law.

Today I ask my colleagues to join me in expressing our sympathy to the family and friends of the late Louis Edward "Spanky" Fister. He will be missed.

PULMONARY FIBROSIS FOUNDATION

Mr. DURBIN. Mr. President, I rise to speak today in order to recognize the fifth anniversary of the Pulmonary Fibrosis Foundation. This foundation, headquartered in Chicago, strives to educate, advocate, and fund research on pulmonary fibrosis, a terminal lung disease.

A few weeks ago, the Daily Herald, a newspaper based in Arlington Heights, Illinois, published a story about the Lukasik family. John A. Lukasik died at the age of 58, just 9 weeks after he was diagnosed with pulmonary fibrosis. Mr. Lukasik and his family didn't know anyone with the disease, or what to expect from it. After Mr. Lukasik passed away, his daughter Jennifer Bulandr helped organize support groups and joined the Pulmonary Fibrosis Foundation as director of community relations. Mrs. Bulandr wanted to be a part of the solution in helping those with pulmonary fibrosis. The Pulmonary Fibrosis Foundation has provided a channel for her—and many others—to reach this goal.

Since the formation of the Pulmonary Fibrosis Foundation in 2000, it has succeeded in raising crucial funds to research a disease that kills approximately 40,000 people annually. While the progression of the disease, along with factors relating to its origin, are not fully understood, there are a variety of causes—inhaled environmental and occupational pollutants, certain medications or drugs, genetics, and therapeutic radiation contribute to the progression of the disease.

Pulmonary fibrosis has a number of effects on people. It causes shortness of breath, discomfort in the chest, and fatigue. Once scar tissue is formed on the lungs, it cannot be removed. Although medication can limit the inflammation of the lungs caused by pulmonary fibrosis, there is no cure.

The foundation is dedicated to finding a cure and raising awareness about pulmonary fibrosis. It seeks to improve quality of life for the people affected by the disease through support services for patients and their families.

It is my pleasure to congratulate the Pulmonary Fibrosis Foundation on the occasion of its fifth anniversary and to commend the foundation for its efforts to find a cure and help those who suffer from this devastating illness.

CLEAN SPORTS ACT OF 2005

Mr. GRASSLEY. Mr. President, today I am pleased to join my colleagues Senator McCAIN and Senator STEVENS, to cosponsor the Clean Sports Act of 2005. While I regret that we have had to come to this point, it is clear that Major League Baseball and other professional leagues are more concerned with protecting their own collective bargaining rights than doing the right thing.

Unfortunately, the abuse of illegal steroids by professional athletes is something we can no longer ignore. Steroid use is now affecting the most impressionable and vulnerable among us. The most recent studies indicate that as many as 5 percent to 7 percent of students, even as young as middle school, have admitted to using illegal steroids. Clearly we must act to curb this growing problem.

Every day, millions of young people dream of one day playing in the big leagues. When superstar athletes, with their multimillion-dollar contracts and lucrative endorsements are seen using steroids to improve their performance, it should not be surprising that many young athletes would want to use steroids to improve their own performance.

Professional athletes must be held to a higher standard when it comes to illegal substances such as steroids. Like it or not, young people look up to professional athletes as role models. The Clean Sports Act will require all professional sports leagues to adopt a unified standard for testing as well as tougher penalties for an athlete found in violation of these standards. Unlike testing today, this act will require athletes to test during the off-season and frequently during their season of play. Athletes will face severe penalties for a positive test: 2-year ban for the first offense and a lifetime ban for the second.

I have little doubt that this will go a long way to rid professional sports of these dangerous substances and bring integrity back to the game. We must send a strong message to professional athletes. If you choose to cheat and use illegal steroids, you risk ending your career. In turn, our young people will hopefully get the message that using steroids to improve athletic performance is absolutely the wrong way to go.

While this bill specifically addresses professional athletics, the importance of stopping steroid abuse extends well beyond the track, baseball diamond, or football field. We must continue to focus on the health and future of our children. I encourage my colleagues to join in support of this legislation to set the standard for fair competition.

NATIONAL HUNGER AWARENESS DAY

Mr. SARBANES. Mr. President, yesterday was National Hunger Awareness Day. Second Harvest, the lead sponsor of the June 7 observance, has performed an important public service in challenging us to reflect on the very real problem of hunger in America. I commend Second Harvest and all the sponsoring organizations for their efforts.

Our Nation has enormous wealth, and yet far too many Americans must deal with the pain and consequences of hunger. Approximately 36 million Americans, including 13 million children, are "food insecure"—quite simply inadequately nourished.

Hunger may be more subtler in its manifestations and effects than malnutrition but it relentlessly undermines health, and it compromises one's ability to do well in school or on the job. Inadequate nutrition in children correlates with anemia, stunted growth, weight loss and extreme fatigue. Studies done by the highly respected Center on Hunger, Poverty and Nutrition Policy at Tufts University show that inadequate nutrition can adversely affect a child's achievement in school. Hunger also can cause severe anxiety and depression.

Although Congress has taken measures to prevent hunger and food insecurity, much remains to be done. Federally funded programs like the Food Stamp Program and the Supplemental Nutrition Program for Women, Infants and Children, commonly referred to as the WIC program, provide assistance to low-income children by improving access to nutritional meals. It is therefore deeply regrettable that the President's 2006 budget has made it more difficult for low-income families to receive nutritional assistance. The White House's budget request for the Food Stamp Program amounts to a staggering cut of more than $500 million over 5 years by forcing over 300,000 low-income participants out of a program that acts as a crucial safety net for millions of Americans. Substantial cuts to the WIC program would result in 670,000 women and children losing important nutritional assistance by the year 2010. It is deeply regrettable that the Budget conference report approved by the Congress mandates a mandatory cut of $3 billion in agriculture appropriations, leaving Food Stamps and other domestic hunger-relief programs vulnerable.

At a time when more families are forced to struggle with unemployment and low wages, a lack of affordable housing, rising health care costs, and the disappearance of hard-earned pensions, National Hunger Day serves to remind us of the need to vanquish hunger; in this prosperous Nation, there is no reason why millions of Americans should have to face the prospect of hunger, or watch their children go hungry. The conference report on the fiscal year 2006 budget resolution Budget conference report is a callous response to an urgent challenge, and National Hunger Awareness Day is a time to pledge that we will not rest until the challenge is met.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, at each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

A 25-year-old gay man was physically assaulted by a group of white males last year in Ohio. The victim was followed from a well-known Columbus gay bar after the bar closed. The victim was dragged from his car, severely beaten and later found by the Columbus Police Department several blocks from his car.

I believe that the government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

RECOGNIZING DR. JAMES SCHLESINGER

Mr. KYL. Mr. President, the George C. Marshall Institute will honor Dr. James Schlesinger on June 16 with its Founders Award, which is given annually in recognition of distinguished contributions to science and public policy. This year's award acknowledges Dr. Schlesinger's stellar career in public service.

James Schlesinger served three presidents as Director of the Central Intelligence Agency, Secretary of Defense, and Secretary of Energy. His career has been a model of dedication to public service, and has been marked by his intelligence, integrity, and commitment to our Nation's well being. We continue to benefit from his wisdom, strength of character, and willingness to contribute when called.

Dr. Schlesinger's insight and expertise—both during and after his time in government—have been instrumental in winning key policy battles. For example, his active role in the national debate over the Comprehensive Test Ban Treaty aided those Senators, myself included, who argued strongly that ratifying the treaty would lead to the decline of our nuclear weapons infrastructure and would damage U.S. national security interests. There is no doubt that Dr. Schlesinger's stature and contribution were instrumental in bringing about the treaty's defeat. Since that time, I have continued to regularly consult with him on the future of our nuclear capability and other issues. Indeed, Dr. Schlesinger's advice on a broad range of key national security issues has been invaluable; I am grateful for his counsel.

The Marshall Institute should be commended for recognizing a true national treasure, Dr. James Schlesinger.

Mrs. CLINTON. Mr. President, I am pleased today to note the anniversary of the Griswold v. Connecticut Supreme Court decision.

Griswold v. Connecticut marked a major turning point for generations of women. For the first time, the Supreme Court recognized that women have the fundamental right to make their own, private decisions about family planning. The decision paved the way for widespread access to contraception that has dramatically reduced unintended pregnancies, STDs, and abortions, and opened the door of opportunity for women to educational and career advancement that has made women a critical part of our workforce. However, we still have significant work to do. The United States has one of the highest rates of unintended pregnancies and STDs among industrialized nations, and too many women do not have access to basic preventive health care while the ranks of uninsured Americans continue to grow.

As we commemorate the Griswold decision, it is critical that we keep taking steps forward to reduce the number of unintended pregnancies and improve access to women's health care. Therefore, I have introduced legislation, the

Prevention First Act, which would improve women's health, reduce the rate of unintended pregnancies, and prevent abortions. The legislation takes common sense steps towards strengthening access to contraception for women while also reducing health care costs borne by taxpayers and employers.

We should all be able to agree that reducing the number of unintended pregnancies and improving access to women's health care should be a priority. I will continue to fight for the Prevention First bill so that we can keep building on the progress of Griswold v. Connecticut for generations to come.

2005 VERMONT SBA AWARDS

Mr. LEAHY. Mr. President, today I call to the attention of the Senate several successful Vermont businesses being honored this year by the Small Business Administration, SBA. An outstanding group of Vermonters are being awarded 2005 Vermont Small Business Champion Awards, and the prestigious Vermont Small Business Person of the Year Award is being awarded to the owner and president of Four Seasons Garden Center, Oliver Gardner.

It is a great pleasure to recognize the enterprises and business leaders who will receive Vermont Small Business Champion Awards: Karen and Brian Zecchinelli of the Wayside Restaurant, Family-Owned Business of the Year; Emily Kaminsky of Community Capital of Central Vermont, Financial Services Champion of the Year; Jean Elizabeth Temple of Jean Elizabeth's Soap Company, Home-Based Business Champion of the Year; Paula Cope of Cope & Associates, Small Business Woman of the Year; Claudia Clark of Moosewood Hollow, Vermont Microenterprise of the Year; Edward Walbridge of Walbridge Electric, Veteran Small Business Champion of the Year; and Linda Ingold of the Vermont Women's Business Center, Women in Business Champion of the Year.

I would like to take a moment to draw special attention to my friend Oliver Gardner, the 2005 Vermont Small Business Person of the Year. His Four Seasons Garden Center in Williston is one of Vermont's great small business success stories, built on Yankee determination and responsible business practices. Gardner was selected for outstanding leadership related to his company's staying power, employee growth, increase in sales, innovative ingenuity, response to adversity, and contributions to the community.

Following Gardner's purchase of Four Seasons in 1978, the company has seen steady growth. Employee numbers have risen from 50 to 98 during peak season, and annual revenues have increased from $800,000 in 1977, to $4 million, as of October 2004. Now, Four Seasons is considered one of Vermont's largest local gardening resources. When Gardner learned of the imminent arrival of Home Depot and Wal-Mart back in 1994, he implemented a dynamic plan to boost Four Seasons' competitive edge. The business expanded and relocated to a 10-acre lot less than a mile from the big-box stores in Williston. The plan was a stellar success and promoted increased sales at a time when many independent garden centers were closing due to pressure from chain store giants.

Despite a progressive, 20-year spinal cord disease that restricts his mobility, Gardner has demonstrated extraordinary determination, persistence, and creativity. Also exceptional is Gardner's commitment to his goals for social and environmental responsibility in business. Four Seasons promotes gardening programs for the entire family and offers free access to its new facility to all organizations interested in gardening and a healthy environment.

I congratulate Oliver and all of the 2005 winners, who are accepting their prestigious awards today in Burlington, for jobs well done.

ADDITIONAL STATEMENTS

SALUTE TO PORTLAND TRANSMISSION WAREHOUSE

• Mr. SMITH. Mr. President, as someone who has been involved in family-owned business for many years, I know the hard work and sacrifice it takes to make such a business a success. I also know that small businesses are the backbone of the American economy and the economy of Oregon. I am very proud today to salute an Oregon small business which has achieved some national recognition. Portland Transmission Warehouse was recently honored with the "National Family Business of the Year" award for companies with 50 or fewer employees.

Portland Transmission Warehouse was founded in 1943, when Gene Bradshaw fulfilled his dream of opening an automobile repair business. John Bradshaw—Gene's son—joined his father in the business upon graduating from college in 1964. Ross Bradshaw—John's son—continued the family legacy when he joined the business in 1991. Under the leadership of three generations of Bradshaw family members, Portland Transmission Warehouse now boasts 20 employees, and has earned a reputation for outstanding customer service and for outstanding service to the community.

For nearly a quarter of a century, Portland Transmission Warehouse has sponsored a neighborhood car show as a thank you to customers and the community. Over the years, the show has grown from 28 cars to over 500 cars.

The Bradshaw family has also understood that their employees are really part of their extended family. Portland Transmission Warehouse is hailed by employees as a business that has helped some of them through some difficult times. It is no wonder that the average tenure of Portland Transmission Warehouse employees is 14 years.

It was Ronald Reagan who put it best when he said, "When you're talking about the strength and character of America, you're talking about the small business community, about the owners of that store down the street, the faithful who support their churches and defend their freedom, and all the brave men and women who are not afraid to take risks and invest in the future to build a better America."

I know John Bradshaw and am proud to call him a friend. I also know that he and his family are living proof of the truth of President Reagan's words. They are the strength and character of America. I salute three generations of the Bradshaw family for the risks they have taken, for the example they have set, and for the difference they have made. They are truly worthy of recognition as the National Family Business of the Year.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:56 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1490. An act to amend title 10, United States Code, to authorize the National Defense University to award the degree of Master of Science in Joint Campaign Planning and Strategy, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 44. A concurrent resolution recognizing the historical significance of the Mexican holiday of Cinco de Mayo.

The message further announced that pursuant to section 301 of the Congressional Accountability Act of 1995 (2

U.S.C. 1381), amended by Public Law 108–329, and the order of the House of January 4, 2005, the Speaker and Minority Leader of the House of Representatives and the Majority and Minority Leaders of the Senate jointly redesignate on May 26, 2005 the following individual as Chairman of the Board of Directors of the Office of Compliance: Ms. Susan S. Robfogel of Rochester, New York.

The message also announced that pursuant to section 301 of the Congressional Accountability Act of 1995 (2 U.S.C. 1381), amended by Public Law 108–392, and the order of the House of January 4, 2005, the Speaker and Minority Leader of the House of Representatives and the Majority and Minority Leaders of the Senate jointly reappoint on May 26, 2005 the following individuals to a 5-year term to the Board of Directors of the Office of Compliance: Ms. Barbara L. Camens of Washington, D.C., and Ms. Roberta L. Holzwarth of Rockford, Illinois.

ENROLLED BILL SIGNED

The message further announced that the Speaker of the House of Representatives has signed the following enrolled bill:

H.R. 1760 An act to designate the facility of the United States Postal Service located at 215 Martin Luther King, Jr. Boulevard in Madison, Wisconsin, as the "Robert M. La Follette, Sr. Post Office Building".

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1490. An act to amend title 10, United States Code, to authorize the National Defense University to award the degree of Master of Science in Joint Campaign Planning and Strategy, and for other purposes; to the Committee on Armed Services.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 44. Concurrent resolution recognizing the historical significance of the Mexican holiday of Cinco de Mayo; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2471. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, the report of the Proceedings of the Judicial Conference of the United States for the March and September 2004 sessions; to the Committee on the Judiciary.

EC–2472. A communication from the President, American Academy of Arts and Letters, transmitting, pursuant to law, the report of activities during the year ending December 31, 2003; to the Committee on the Judiciary.

EC–2473. A communication from the Secretary, Judicial Conference of the United States, transmitting, the report of a draft bill entitled "Federal Courts Improvement Act of 2005" received on June 6, 2005; to the Committee on the Judiciary.

EC–2474. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Preventing the Accumulation of Surplus Controlled Substances at Long Term Care Facilities" (RIN1117–AA75) received on June 3, 2005; to the Committee on the Judiciary.

EC–2475. A communication from the Program Manager, Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Identification Markings Placed on Imported Explosive Materials and Miscellaneous Amendments" (RIN1140–AA02) received on June 1, 2005; to the Committee on the Judiciary.

EC–2476. A communication from the Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Inspection of Records Relating to Depiction of Sexually Explicit Performances" (CRM 103; AG Order No. 2765–2005) received on June 1, 2005; to the Committee on the Judiciary.

EC–2477. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the 2005 Annual Report of the Supplemental Security Income Program; to the Committee on Finance.

EC–2478. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Electronic Submission of Cost Reports: Revision to Effective Date of Cost Reporting Period" (RIN0938–AN87) received on May 31, 2005; to the Committee on Finance.

EC–2479. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement and Report Concerning Pre-Filing Agreements" (Announcement 2005–42) received on June 6, 2005; to the Committee on Finance.

EC–2480. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Deductions for Entertainment Use of Business Aircraft" (Notice 2005–45) received on June 1, 2005; to the Committee on Finance.

EC–2481. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Abandonment Losses for Intangible Assets" (UIL: 165.13–00) received on June 1, 2005; to the Committee on Finance.

EC–2482. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Like-Kind Exchanges Involving Federal Communications Commission Licenses" (UIL: 1031.02–00) received on June 1, 2005; to the Committee on Finance.

EC–2483. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—June 2005" (Rev. Rul. 2005–32) received on June 1, 2005; to the Committee on Finance.

EC–2484. A communication from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Upper Midwest Marketing Area—Interim Order" (DA–04–03A; AO–361–A39) received on June 2, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2485. A communication from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Revision of User Fees for 2005 Crop Cotton Classification Services to Growers" ((RIN0581–AC43) (Docket No.: CN–05–001)) received on June 2, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2486. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Updating Generic Pesticide Chemical Tolerance Regulations" (FRL No. 7706–9) received on June 6, 2005; to the Committee on Agriculture, Nutrition, and Forestry

EC–2487. A communication from the Director, Legislative Affairs Staff, Financial Assistance Programs Division, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Conservation Security Program, Interim Final Rule with Request for Comments" (RIN0578–AA36) received on June 1, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2488. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a certification regarding the proposed transfer of major defense equipment valued (in terms of its original acquisition cost) at $14,000,000 or more from the Government of the Australia to L–3 MAS, a Canadian private entity; to the Committee on Foreign Relations.

EC–2489. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to extending the "Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material from the Prehispanic Cultures of the Republic of El Salvador"; to the Committee on Foreign Relations.

EC–2490. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–2491. A communication from the President of the United States of America, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the United States space launch industry; to the Committee on Foreign Relations.

EC–2492. A communication from the Secretary of State, transmitting, pursuant to law, a report entitled "Authorization for Use of Military Force Against Iraq Resolution of 2002 (February 15, 2005–April 15, 2005)"; to the Committee on Foreign Relations.

EC–2493. A communication from the Acting Deputy Secretary of Defense (Legislative Affairs), transmitting, pursuant to law, a report on the military operations of the Armed Forces and the reconstruction activities of the Department of Defense in Iraq and Afghanistan for the period ending April 30, 2005; to the Committee on Armed Services.

EC–2494. A communication from the Deputy Assistant Secretary of the Army (Infrastructure Analysis), Department of Defense, transmitting, pursuant to law, a report relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2495. A communication from the Deputy Secretary of Defense transmitting, pursuant to law, a report entitled "Ground Force Equipment Repair, Replacement, and Recapitalization Requirements Resulting from Sustained Combat Operations"; to the Committee on Armed Services.

EC–2496. A communication from the Acting Undersecretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to advance billing in the month of April, 2005; to the Committee on Armed Services.

EC–2497. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, the Annual Report on the Department of Defense Mentor-Protege Program for Fiscal Year 2004; to the Committee on Armed Services.

EC–2498. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2499. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Australia; to the Committee on Armed Services.

EC–2500. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–2501. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the authorization of the wearing of the insignia of the grade of admiral; to the Committee on Armed Services.

EC–2502. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the authorization of the wearing of the insignia of the grade of general; to the Committee on Armed Services.

EC–2503. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the authorization of the wearing of the insignia of the grade of lieutenant general; to the Committee on Armed Services.

EC–2504. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the authorization of the wearing of the insignia of the grade of lieutenant general; to the Committee on Armed Services.

EC–2505. A communication from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting, the report of a draft bill entitled "George Washington Memorial Parkway Boundary Revision Act" received on June 3, 2005; to the Committee on Environment and Public Works.

EC–2506. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Agency's biennial report on the status and effectiveness of the Coastal Wetlands Conservation Plan for the State of Louisiana to the Committee on Environment and Public Works.

EC–2507. A communication from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Export and Import of Nuclear Equipment and Material; Exports to Syria Embargoed" (RIN3150–AH67) received on June 3, 2005; to the Committee on Environment and Public Works.

EC–2508. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Correction to Preamble; Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants from Electric Utility Steam Generating Units and the Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units from the Section 112 (c) List" (FRL No. 7921–5) received on June 6, 2005; to the Committee on Environment and Public Works.

EC–2509. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Arizona SIP: Revisions to the Arizona State Implementation Plan, Maricopa County Environmental Services Department" (FRL No. 7912–4) received on June 6, 2005; to the Committee on Environment and Public Works.

EC–2510. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Louisiana Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 7922–8) received on June 6, 2005; to the Committee on Environment and Public Works.

EC–2511. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "WEST VIRGINIA SIP. New Manchester-Grant Magisterial District SO_2 Nonattainment Area and Approval of the Maintenance Plan" (FRL No. 7922–1) received on June 6, 2005; to the Committee on Environment and Public Works.

EC–2512. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Control of Air Pollution from New Motor Vehicles: In-use, Not-to-Exceed Emission Standard Testing for Heavy-duty Diesel Engines and Vehicles" (FRL No. 7922–4) received on June 6, 2005; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. OBAMA:

S. 1194. A bill to direct the Nuclear Regulatory Commission to establish guidelines and procedures for tracking, controlling, and accounting for individual spent fuel rods and segments; to the Committee on Environment and Public Works.

By Mr. STEVENS (for himself and Mr. Inouye) (by request):

S. 1195. A bill to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORZINE (for himself and Mr. Lautenberg):

S. 1196. A bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN (for himself, Mr. Hatch, Mr. Specter, Mr. Leahy, Mr. DeWine, Mr. Kohl, Mr. Grassley, Mr. Kennedy, Mrs. Boxer, Ms. Stabenow, Mr. Schumer, and Mrs. Murray):

S. 1197. A bill to reauthorize the Violence Against Women Act of 1994; to the Committee on the Judiciary.

By Ms. STABENOW (for herself and Mr. Levin):

S. 1198. A bill to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste, to implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BURNS:

S. 1199. A bill to amend title II of the Social Security Act to shorten the waiting period for social security disability benefits for individuals with mesothelioma; to the Committee on Finance.

By Mr. BUNNING (for himself, Mr. Talent, Mr. Chambliss, Mr. DeMint, and Mr. Lott):

S. 1200. A bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for certain roof systems; to the Committee on Finance.

By Mr. CORNYN:

S. 1201. A bill to prevent certain discriminatory taxation of natural gas pipeline property; to the Committee on Finance.

By Mr. ALLARD:

S. 1202. A bill to provide environmental assistance to non-Federal interests in the State of Colorado; to the Committee on Environment and Public Works.

By Mr. HAGEL (for himself, Mr. Pryor, Mr. Alexander, Mr. Craig, Mrs. Dole, and Ms. Murkowski):

S. 1203. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the investment in greenhouse gas intensity reduction projects, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself, Mr. Durbin, and Ms. Stabenow):

S. 1204. A bill to encourage students to pursue graduate education and to assist students in affording graduate education; to the Committee on Finance.

By Mr. INHOFE:

S. 1205. A bill to require a study of the effects on disadvantaged individuals of actions by utilities intended to reduce carbon dioxide emissions, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself, Mr. SALAZAR, Mr. MARTINEZ, and Mr. BINGAMAN):

S. Res. 163. A resolution designating June 5 through June 11, 2005, as "National Hispanic Media Week", in honor of the Hispanic Media of America; considered and agreed to.

By Mr. COCHRAN (for himself and Mr. BYRD):

S. Res. 164. A resolution authorizing the printing with illustrations of a document entitled "Committee on Appropriations, United States Senate, 138th Anniversary, 1867–2005"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 21

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 21, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 94

At the request of Mr. LUGAR, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 94, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 172

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 172, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

S. 340

At the request of Mr. LUGAR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 340, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 441

At the request of Mr. SANTORUM, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 441, a bill to amend the Internal Revenue Code of 1986 to make permanent the classification of a motorsports entertainment complex.

S. 471

At the request of Mr. SPECTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 471, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 521

At the request of Mrs. HUTCHISON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 521, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 582

At the request of Mr. PRYOR, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 582, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

S. 628

At the request of Mr. LUGAR, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 628, a bill to provide for increased planning and funding for health promotion programs of the Department of Health and Human Services.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 665

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 665, a bill to reauthorize and improve the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 to establish a program to commercialize hydrogen and fuel cell technology, and for other purposes.

S. 681

At the request of Mr. HATCH, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 681, a bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells.

S. 689

At the request of Mr. DOMENICI, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 689, a bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 784

At the request of Mr. THOMAS, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 784, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 861

At the request of Mr. ISAKSON, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 861, a bill to amend the Internal Revenue Code of 1986 to provide transition funding rules for certain plans electing to cease future benefit accruals, and for other purposes.

S. 863

At the request of Mr. CONRAD, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 863, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 936

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 936, a bill to ensure privacy for e-mail communications.

S. 950

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 950, a bill to provide assistance to combat tuberculosis, malaria, and other infectious diseases, and for other purposes.

S. 963

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 963, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans' health care, to direct the Secretary of Veterans Affairs to conduct a pilot program to improve access to health care for rural veterans, and for other purposes.

S. 1002

At the request of Mr. BAUCUS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1002, a bill to amend title XVIII of the Social Security Act to make improvements in payments to hospitals under the medicare program, and for other purposes.

S. 1010

At the request of Mr. SANTORUM, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1010, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1064

At the request of Mr. COCHRAN, the names of the Senator from Washington (Mrs. MURRAY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1064, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1081

At the request of Mr. KYL, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1103

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1103, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. 1112

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1114

At the request of Mr. MCCAIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1114, a bill to establish minimum drug testing standards for major professional sports leagues.

S. 1120

At the request of Mr. DURBIN, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Connecticut (Mr. DODD) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1134

At the request of Mrs. CLINTON, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1134, a bill to express the sense of Congress on women in combat.

S. 1152

At the request of Mr. KERRY, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Rhode Island (Mr. REED) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1152, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1177

At the request of Mr. AKAKA, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1177, a bill to improve mental health services at all facilities of the Department of Veterans Affairs.

S. 1181

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1181, a bill to ensure an open and deliberate process in Congress by providing that any future legislation to establish a new exemption to section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) be stated explicitly within the text of the bill.

S. CON. RES. 37

At the request of Mr. DEWINE, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Minnesota (Mr. COLEMAN), the Senator from New Jersey (Mr. CORZINE), the Senator from Connecticut (Mr. DODD) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Con. Res. 37, a concurrent resolution honoring the life of Sister Dorothy Stang.

S. RES. 39

At the request of Ms. LANDRIEU, the names of the Senator from Washington (Ms. CANTWELL), the Senator from South Carolina (Mr. DEMINT) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. Res. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

S. RES. 134

At the request of Mr. SMITH, the names of the Senator from Utah (Mr. HATCH), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 134, a resolution expressing the sense of the Senate regarding the massacre at Srebrenica in July 1995.

S. RES. 153

At the request of Mr. SESSIONS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 153, a resolution expressing the support of Congress for the observation of the National Moment of Remembrance at 3:00 p.m. local time on this and every Memorial Day to acknowledge the sacrifices made on the behalf of all Americans for the cause of liberty.

S. RES. 155

At the request of Mr. BIDEN, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from New Jersey (Mr. CORZINE), the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MIKULSKI), the Senator from California (Mrs. FEINSTEIN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. Res. 155, a resolution designating the week of November 6 through November 12, 2005, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. OBAMA:

S. 1194. A bill to direct the Nuclear Regulatory Commission to establish guidelines and procedures for tracking, controlling, and accounting for individual spent fuel rods and segments; to the Committee on Environment and Public Works.

Mr. OBAMA. Mr. President, today I introduce a bill that is long overdue and would require American nuclear power plants to follow the same procedures that we would like to impose on nuclear power plants in other countries.

Each year, the Nation's nuclear power plants produce over 2,000 metric tons of spent fuel, which is the used fuel that is periodically removed from nuclear reactors. According to the Government Accountability Office, GAO, spent nuclear fuel is "one of the most hazardous materials made by humans." Within minutes, the intense radiation in the fuel can kill a person without protective shielding; in smaller doses, the fuel can cause cancer.

In the hands of terrorists, such highly radioactive materials, when coupled with conventional explosives, could be turned into a dirty bomb that could pose a critical threat to public safety.

In April of this year, GAO issued a report concluding that "[n]uclear power plants' performance in controlling and accounting for spent nuclear fuel has been uneven." In recent years, three U.S. nuclear power plants—Millstone, Vermont Yankee, and Humboldt Bay—have reported missing spent fuel. The Millstone fuel was never located, the Vermont Yankee fuel was located three months later in a different location, and the Nuclear Regulatory Commission (NRC) is still investigating the missing Humboldt Bay fuel. In all three cases, the missing spent fuel had been contained in loose fuel rods or fuel rod segments.

Currently, NRC provides little or no guidance on how nuclear power plants should conduct physical inventories of their spent fuel or how they must control, store, and account for loose spent fuel rods and fragments. NRC also does not conduct routine inspections to monitor compliance with regulations relating to spent fuel.

As a result of its investigation, GAO made a series of recommendations for how NRC should improve its regulation and oversight. My bill—the Spent Nuclear Fuel Tracking and Accountability Act—would implement those recommendations and require NRC to establish: 1. specific and uniform guidelines for tracking, controlling, and accounting for spent fuel rods or segments; and 2. uniform inspection procedures to verify compliance with these guidelines. Within six months, NRC would be required to report to Congress on its progress in establishing these guidelines.

Tracking spent nuclear material used in the United States is just as important as tracking spent nuclear material in the former Soviet Union. This is a common-sense solution to an important problem.

I urge my colleagues to support this measure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spent Nuclear Fuel Tracking and Accountability Act".

SEC. 2. SPENT FUEL RODS.

(a) GUIDELINES.—Not later than 260 days after the date of enactment of this Act, the Nuclear Regulatory Commission shall establish—

(1) specific and uniform guidelines for tracking, controlling, and accounting for individual spent fuel rods or segments at nuclear power plants, including procedures for conducting physical inventories; and

(2) uniform inspection procedures to verify any action taken by a nuclear power plant to implement those guidelines.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Nuclear Regulatory Commission shall submit to Congress a report describing the progress of the Nuclear Regulatory Commission in establishing the guidelines under subsection (a).

By Mr. STEVENS (for himself and Mr. INOUYE) (by request):

S. 1195. A bill to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, by request of the Administration, Senator INOUYE and I introduce today the "National Offshore Aquaculture Act of 2005", a bill to provide the regulatory framework for the development of aquaculture in the United States Exclusive Economic Zone (EEZ). Concurrently, we have introduced an amendment to this bill to allow coastal States to decide whether or not they want offshore aquaculture in the EEZ off that State's coastline. We are cosponsoring Senator SNOWE's amendment to strike the Jones Act waiver for vessels supporting offshore aquaculture facilities contained in the Administration's bill. I am also a cosponsor of Senator INOUYE's amendment to better clarify language that environmental protections apply. As we review the Administration's measure in detail, there may be additional amendments offered to this bill and I look forward to working with my colleagues to address any concerns with the legislation.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 1196. A bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today to introduce the "Campus Fire Safety Right-to-Know Act of 2005". I first introduced this legislation in the 107th Congress in response to a tragic fire at New Jersey's Seton Hall University that claimed the lives of three students and injured more than fifty others. This legislation is designed to curb the epidemic of dangerous college campus fires.

Since the Seton Hall fire, campus fires have continued to take the lives of our college students and their families. According to the Center for Campus Fire Safety, more than 75 fire-related deaths have occurred in student housing at colleges across the country since January of 2000. Campus fires have claimed lives in nearly half the States of this Nation, from New Jersey to Texas, Indiana to Pennsylvania, and Ohio to right here in Washington, DC. This legislation will finally bring to light the extent of this tragic danger facing our Nation's best and brightest.

The "Campus Fire Safety Right-to-Know Act" requires disclosure of fire safety information on campuses as well as a report from the Secretary of Education to Congress on the depth of the problem and possible solutions. The bill implements the same procedure that requires schools to disclose crime statistics and other safety information. While the bill does not mandate colleges to upgrade their systems, it does offer a powerful incentive for them to do so by providing prospective students and their parents the opportunity to review and compare the quality and record of fire safety protections at all colleges and universities.

Only 35 percent of university-sponsored student housing that suffer fires are equipped with sprinkler systems. Each year, approximately 1,600 fires break out in dormitories, fraternity and sorority houses, and other housing controlled by student groups. Parents and students deserve to know what steps their school has taken to prevent and prepare for these harmful and often fatal catastrophes.

The "Campus Fire Safety Right-to-Know Act" will put important fire safety information in the hands of students and their parents who entrust their children to our Nation's colleges and universities. I believe this bill will make important strides in the effort to make our college campuses safer and I urge my colleagues to support it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Campus Fire Safety Right-to-Know Act of 2005".

SEC. 2. DISCLOSURE OF FIRE SAFETY OF CAMPUS BUILDINGS.

Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(1)—

(A) by striking "and" at the end of subparagraph (N);

(B) by striking the period at the end of subparagraph (O) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(P) the fire safety report prepared by the institution pursuant to subsection (h)."; and

(2) by adding at the end the following new subsection:

"(h) DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES.—

"(1) ANNUAL FIRE SAFETY REPORTS REQUIRED.—Each institution participating in any program under this title shall, beginning in the first academic year that begins after the date of enactment of the Campus Fire Safety Right-to-Know Act of 2005, and each year thereafter, prepare, publish, and distribute, through appropriate publications (including the Internet) or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual fire safety report. Such reports shall contain at least the following information with respect to the campus fire safety practices and standards of that institution:

"(A) A statement that identifies each institution owned or controlled student housing facility, and whether or not such facility is equipped with a fire sprinkler system or other fire safety system, or has fire escape planning or protocols.

"(B) Statistics for each such facility concerning the occurrence of fires and false alarms in such facility, during the 2 preceding calendar years for which data are available.

"(C) For each such occurrence in each such facility, a summary of the human injuries or deaths, structural or property damage, or combination thereof.

"(D) Information regarding rules on portable electrical appliances, smoking and open flames (such as candles), regular mandatory supervised fire drills, and planned and future improvements in fire safety.

"(E) Information about fire safety education and training provided to students, faculty, and staff.

"(F) Information concerning fire safety at any housing facility owned or controlled by a fraternity, sorority, or student group that is recognized by the institution, including—

"(i) information reported to the institution under paragraph (4); and

"(ii) a statement concerning whether and how the institution works with recognized student fraternities and sororities, and other recognized student groups owning or controlling housing facilities, to make building and property owned or controlled by such fraternities, sororities, and groups more fire safe.

"(2) FRATERNITIES, SORORITIES, AND OTHER GROUPS.—Each institution participating in a program under this title shall request each fraternity and sorority that is recognized by the institution, and any other student group that is recognized by the institution and that owns or controls housing facilities, to collect and report to the institution the information described in subparagraphs (A) through (E) of paragraph (1), as applied to the fraternity, sorority, or recognized student group, respectively, for each building and property owned or controlled by the fraternity, sorority, or group, respectively.

"(3) CURRENT INFORMATION TO CAMPUS COMMUNITY.—Each institution participating in any program under this title shall make, keep, and maintain a log, written in a form that can be easily understood, recording all on-campus fires, including the nature, date, time, and general location of each fire and all false fire alarms. All entries that are required pursuant to this paragraph shall, except where disclosure of such information is prohibited by law, be open to public inspection, and each such institution shall make annual reports to the campus community on such fires and false fire alarms in a manner that will aid the prevention of similar occurrences.

"(4) REPORTS TO THE SECRETARY.—On an annual basis, each institution participating in any program under this title shall submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(B). The Secretary shall—

"(A) review such statistics;

"(B) make copies of the statistics submitted to the Secretary available to the public; and

"(C) in coordination with nationally recognized fire organizations and representatives of institutions of higher education, identify exemplary fire safety policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus fires.

"(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to fire safety.

"(6) DEFINITIONS.—In this subsection, the term 'campus' has the meaning provided in subsection (f)(6).".

SEC. 3. REPORT TO CONGRESS BY THE SECRETARY OF EDUCATION.

(a) DEFINITION OF FACILITY.—In this section the term "facility" means a student housing facility owned or controlled by an institution of higher education, or a housing facility owned or controlled by a fraternity, sorority, or student group that is recognized by the institution.

(b) REPORT.—Within two years after the date of enactment of this Act, the Secretary of Education shall prepare and submit to the Congress a report containing—

(1) an analysis of the current status of fire safety systems in facilities of institutions participating in programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), including sprinkler systems;

(2) an analysis of the appropriate fire safety standards to apply to such facilities, which the Secretary shall prepare after consultation with such fire safety experts, representatives of institutions of higher education, and other Federal agencies as the Secretary, in the Secretary's discretion, considers appropriate;

(3) an estimate of the cost of bringing all nonconforming such facilities up to current building codes; and

(4) recommendations from the Secretary concerning the best means of meeting fire safety standards in all such facilities, including recommendations for methods to fund such cost.

By Mr. BIDEN (for himself, Mr. HATCH, Mr. SPECTER, Mr. LEAHY, Mr. DEWINE, Mr. KOHL, Mr. GRASSLEY, Mr. KENNEDY, Mrs. BOXER, Ms. STABENOW, Mr. SCHUMER, and Mrs. MURRAY):

S. 1197. A bill to reauthorize the Violence Against Women Act of 1994; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I am pleased to announce today the introduction of the Biden/Hatch/Specter Violence Against Women Act of 2005. Many in this chamber are well aware that I consider the Violence Against Women Act the single most significant legislation that I've crafted during my 32–year tenure in the Senate. This law is my baby, so to speak, and I take very seriously my responsibilities to ensure that it is adequately funded and renewed. What was once an infant statute seeking legitimacy in the public eye and in the halls of government is now a feisty ten-year law that has made its presence known from Long Beach, CA to Dover, DE. But in September 2005, the Act will expire. Congress and the President must act quickly in the next three months to renew the backbone of our country's fight to end domestic violence and sexual assault, the Violence Against Women Act. We simply cannot let the Act lapse or become buried in partisan bickering.

The enactment of the Violence Against Women Act in 1994 was the beginning of a national and historic commitment to women and children victimized by domestic violence and sexual assault. Thus far, our commitment has yielded extraordinary progress. Since the Act's passage, domestic violence has dropped by almost 50 percent. Incidents of rape are down by 60 percent. The number of women killed by an abusive husband or boyfriend is down by 22 percent. More than half of all rape victims are stepping forward to report the crime. Over a million women have found justice in our courtrooms and obtained domestic violence protective orders.

The Violence Against Women Act provides critical resources so that our communities may implement big and small improvements that can make all the difference in the world. For instance, in my home State of Delaware, the Act's rural grant program helped the Delaware State Police establish fully-equipped, dedicated domestic violence units in two counties. The STOP program provided a Hispanic shelter with funding to purchase a van to pick up battered women and their children who have nowhere else to turn.

Today, we uphold our commitment to America's families. Despite the incredible strides made, far too many women remain afraid to go home or afraid to tell anyone about the rape that happened at last night's party. We cannot let the Violence Against Women Act become a victim of its own success. Instead, we need to usher the Act into the 21st century and implement it with the next generation—recent police academy graduates who want to be trained on handling family violence, newly elected State legislators who want to update State laws on sexual assault, and the next generation of children who must be taught that abuse will not be tolerated.

Today's achievement—introduction of a bipartisan, compromise bill that both reinvigorates existing programs and creates bold initiatives to tackle new issues—has been a year in the making. As I drafted this next iteration of the Violence Against Women Act, I listened closely to the recommendations of those on the front lines to end the violence—police, emergency room nurses, victim advocates, shelter directors, and prosecutors—and made targeted improvements to existing grant programs and tightened up criminal laws. A wide variety of groups worked hard with Senator SPECTER, Senator HATCH and I to create this bill, including the National Coalition Against Domestic Violence, the National Network to End Domestic Violence, the Family Violence Prevention Fund, Legal Momentum, the National Alliance to End Sexual Violence, the National Center for Victims for Crime, the American Bar Association, the National District Attorneys Association, the National Council on Family and Juvenile Court Judges, the National Association of Chiefs of Police, the National Sheriffs' Association and many others.

Before previewing the particulars of today's bill, I want to explain a few of my principles guiding the drafting of the Violence Against Women Act of 2005. First, I remain dedicated to the cornerstone programs in the Act such as the STOP grant program, the Rural Grant program and the National Domestic Violence Hotline. These are enormously successful initiatives that are the scaffolding of the Act. These foundations must be strengthened, not neglected.

Second, ending domestic violence and sexual assault has, and will continue to cost money. This is simply not a goal that can be accomplished on the cheap. Our success in ending family violence is not a signal to reduce funding; rather the opposite is so. We can't afford to lose the gains that we have made. We've found a winning combination, and Congress should continue to spend its money so effectively.

Third, today's bill is an ambitious, but reasoned, effort to solve the next level of challenges for battered women and their children. We've made tremendous strides in treating domestic violence and sexual assaults as public crimes with accountable offenders and creating coordinated community responses to help victims. Our next task is to look beyond the immediate crisis and provide long-term solutions for victims, as well as redouble our prevention efforts. Therefore, this bill includes important efforts to ease the housing crisis for victims fleeing their homes, provide more economic security for victims by preserving their employment stability, engage boys and men in initiatives to prevent domestic violence from occurring in the first place, and enlist the healthcare community in identifying and treating victims.

My final principle is that ending violence against women is truly a shared goal—one that is held by Democrats and Republicans, one that is upheld by men and women, and one that is desired by both government and by the private sector. The continued success of the Violence Against Women Act depends upon bipartisanship commitment.

Today's bill includes the following components. Title I on the criminal justice system includes provisions to: 1. Renew and increase funding to over $400 million a year for existing fundamental grant programs for law enforcement, lawyers, judges and advocates; 2. stiffen existing criminal penalties for repeat Federal domestic violence offenders; and 3. update the criminal law on stalking to incorporate new surveillance technology like Global Positioning Systems (GPS).

Title II on critical victim services will: 1. Create a new, dedicated grant program for sexual assault victims that will strengthen the 1,300 rape crisis centers across the country; 2. reinvigorate programs to help older and disabled victims of domestic violence; 3. strengthen existing programs for rural victims and victims in underserved areas; and 4. increase funding to $5 million annually for the National Domestic Violence Hotline.

Reports indicate that up to ten million children experience domestic violence in their homes each year. Experts agree that domestic violence affects children in multiple, complicated and long-lasting ways. Every risk, every injury, and every disruption that a battered woman endures is one that her children experiences as well. The complex impact of domestic violence—fear for one's safety at home, depression, loss of income, moving from the family home, school disruptions and grieving for a father—are complicated and traumatic for children. Treating children who witness domestic violence, dealing effectively with violent teenage relationships and teaching prevention strategies to children are keys to ending the violence. Title III includes measures to: 1. Promote collaboration between domestic violence experts and child welfare agencies; and 2. enhance to $15 million a year, grants to reduce violence against women on college campuses. Title IV focuses on prevention strategies and includes programs supporting home visitations and specifically engaging men and boys in efforts to end domestic and sexual violence.

Doctors and nurses, like police officers on the beat, are often the first witnesses of the devastating aftermath of abuse. As first responders, they must be fully engaged in the effort to end the violence and possess the tools they need to faithfully screen, treat, and study family violence. Title V strengthens the health care system's response to family violence with programs to train and educate health care professionals on domestic and sexual violence, foster family violence screening for patients, and more studies on the health ramifications of family violence.

In some instances, women face the untenable choice of returning to their abuser or becoming homeless. Indeed, 44 percent of the Nation's mayors identified domestic violence as a primary cause of homelessness. Efforts to ease the housing problems for battered women are contained in Title VI, including: 1. Collaborative grant programs between domestic violence organizations and housing providers; 2. programs to combat family violence in public and assisted housing; and 3. enhancements to transitional housing resources.

Leaving a violent partner often requires battered women to achieve a level of economic security. Title VII seeks to help abused women maintain secure employment by permitting battered women to take limited employment leave to address domestic violence, such as attend court proceedings, or move to a shelter. This is an issue long championed by the late Senator Wellstone and Senator MURRAY, and I glad that we are able to include this provision in today's bill.

Despite the historic immigration law changes made in the Violence Against Women Act of 2000 that opened new and safe routes to immigration status, battered immigrant women often have a very difficult time escaping abuse because of immigration laws, language barriers, and social isolation. Title VIII's immigration provisions go a long way toward wresting immigration control away from the batterer and pave the way for the victim to leave a violent home. In addition, it would ensure that victims of trafficking are supported with measures such as permitting their families to join them in certain circumstances, expanding the duration of a T-visa, and providing resources to victims who assist in investigations or prosecutions of trafficking cases brought by State or Federal authorities.

In an effort to focus more closely on violence against Indian women, Title IX creates a new tribal Deputy Director in the Office on Violence Against Women dedicated to coordinating Federal tribal policy. In addition, Title IX authorizes tribal governments to access and upload domestic violence and protection order data on criminal databases, as well as create tribal sex offender registries.

I am proud to introduce with Senators HATCH and SPECTER this comprehensive bill to reauthorize the Violence Against Women Act. I want to thank Senator HATCH, a longstanding champion on this issue, for diligently working on this bill with Senator SPECTER and me. Since 1990, Senator HATCH and I have worked together to end family violence in this country, so it is no great surprise that once again he worked side-by-side with us to craft today's bill. I am also deeply indebted to Senator KENNEDY for his unwavering commitment to battered immigrant women and his work on the bill's immigration provisions. I also thank Senator LEAHY who has long-supported the

Violence Against Women Act and in particular, has worked on the rural programs and transitional housing provisions. Finally, I thank my very good friend from Pennsylvania for his commitment and leadership on this bill. It is a pleasure to work with Senator SPECTER. I know that he will adeptly and expeditiously move the Violence Against Women Act through his Committee.

In closing, I urge my colleagues to review today's Violence Against Women Act of 2005 and add their support. I understand that there are other proposals that should be considered before the full Senate debates this legislation. Refinements will certainly be made to improve what is currently in this bill. I welcome any suggestions that you may have, and look forward to coming back to the floor to urge final passage of the Violence Against Women Act of 2005.

Mr. LEAHY. Mr. President, I am proud to join Senators BIDEN, HATCH, SPECTER and other cosponsors to introduce today the bipartisan VAWA, the Violence Against Women Act of 2005.

Our Nation has made remarkable progress over the past 25 years in recognizing that domestic violence and sexual assault are crimes, providing legal remedies, social supports and coordinated community responses. Millions of women, men, children and families, however, continue to be traumatized by abuse, leading to increased rates of crime, violence and suffering.

I witnessed the devastating effects of domestic violence early in my career as the Vermont State's Attorney for Chittenden County. Violence and abuse affect people of all walks of life every day and regardless of gender, race, culture, age, class or sexuality. Such violence is a crime and it is always wrong, whether the abuser is a family member, someone the victim is dating, a current or past spouse, boyfriend, or girlfriend, an acquaintance or a stranger.

The National Crime Victimization Survey estimates there were 691,710 non-fatal, violent incidents committed against victims by current and former spouses, boyfriends or girlfriends now termed intimate partners by DOJ—during 2001. Eight-five percent of those incidents were against women. The rate of non-fatal intimate partner violence against women has fallen steadily since 1993, when the rate was 9.8 incidents per 1,000 people. In 2001, the number fell to 5.0 incidents per 1,000 people, nearly a 50 percent reduction. Tragically, however, the survey found that 1,600 women were killed in 1976 by a current or former spouse or boyfriend, while in 2000 some 1,247 women were killed by their intimate partners.

VAWA became law in 1994 and was reauthorized in 2000. It has provided aid to law enforcement officers and prosecutors, encouraged arrest policies, stemmed domestic violence and child abuse, established training programs for victim advocates and counselors, and trained probation and parole officers who work with released sex offenders. This Congress we have the opportunity to reauthorize VAWA and make improvements to vital core programs, tighten criminal penalties against domestic abusers, and create new solutions to challenges in other crucial aspects of domestic violence and sexual assault, such as treating children victims of violence, augmenting health care for rape victims, holding repeat offenders and Internet stalkers accountable, and helping domestic violence victims keep their jobs.

I am particularly proud to note that included in VAWA 2005 are reauthorizations for two programs that I authored. In a small, rural Sate like Vermont, our county and local law enforcement agencies rely on cooperative, interagency efforts to combat and solve significant problems. That is why I authored the Rural Domestic Violence and Child Victimization Enforcement Grant Program as part of the original VAWA. This program helps services available to rural victims and children by encouraging community involvement in developing a coordinated response to combat domestic violence, dating violence and child abuse. Adequate resources combined with sustained commitment will bring about significant improvements in rural areas to the lives of those victimized by domestic and sexual violence.

The Rural Grants Program section of VAWA 2005 reauthorizes and expands the existing education, training and services grant programs that address violence against women in rural areas. This provision renews the rural VAWA program, extends direct grants to state and local governments for services in rural areas and expands areas to include community collaboration projects in rural areas and the creation or expansion of additional victim services. This provision includes new language that expands the program coverage to sexual assault, child sexual assault and stalking. It also expands eligibility from rural states to rural communities, increasing access to rural sections of otherwise highly populated states. This section authorizes $55,000,000 annually for 2006 through 2010, which is an increase of $15 million per year.

The second grant program I authored that is included in VAWA 2005 is the Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking. This program, which became law as part of the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today, the PROTECT Act of 2003, authorizes grants for transitional housing and related services for people fleeing domestic violence, sexual assault or stalkers. At a time when the availability of affordable housing has sunk to record lows, transitional housing for victims is especially needed. Today more than 50 percent of homeless individuals are women and children fleeing domestic violence. We have a clear problem that is in dire need of a solution. I want this program to be part of the solution.

Transitional housing allows women to bridge the gap between leaving violence in their homes and becoming self-sufficient. VAWA 2005 amends the existing transitional housing program administered by the Office on Violence Against Women in the Department of Justice. This section expands the current direct-assistance grants to include funds for operational, capital and renovation costs. Other changes include providing services to victims of dating violence, sexual assault and stalking; extending the length of time for receipt of benefits to match that used by Housing and Urban Development transitional housing programs; and updating the existing program to reflect the concerns of the service provision community. The provision would increase the authorized funding for the grant from $30,000,000 to $40,000,000.

Now it is time to strengthen the prevention of violence against women and children and its devastating costs and consequences. This legislation goes beyond simple words of recognition and efforts to increase awareness of the problem of violence to save the lives of battered women, rape victims and children who grow up with violence. I look forward to working further with fellow Senators on VAWA 2005 and I urge the Senate to take prompt action on this legislation.

Mr. KENNEDY. Mr. President, I strongly support the Violence Against Women Act of 2005, and I commend Senator BIDEN, Senator SPECTER, and Senator HATCH for their bipartisan leadership on these major issues.

Violence against women is a very real and very serious continuing problem in the United States. The statistics are shocking.

Every 15 seconds, somewhere in America, a woman is battered, usually by her intimate partner.

Every 90 seconds, somewhere in America, someone is sexually assaulted.

On average, three women are murdered by their husbands or boyfriends in America every day.

One out of every six American women have been the victims of a rape in their lifetime.

These statistics are not just numbers. These violent acts are happening to mothers, sisters, daughters, and friends. We cannot tolerate this violence in our communities.

In 1994, Congress allocated funds to initiate efforts to prevent violence against women and families. The programs established under the Violence

Against Women Act, and later expanded and reauthorized in 2000, have worked, and so will this legislation, because it takes needed additional steps to prevent such violence. It enhances law enforcement and judicial procedures to combat violence against women, and it also reinvigorates programs to help older and disabled victims of domestic violence.

Forty-four percent of the Nation's mayors identified domestic violence as a primary cause of homelessness. This bill eases housing problems for battered women.

Victims of domestic violence need time off from work to obtain medical attention, counseling, and other support. This bill will provide that flexibility.

Doctors, nurses, and other health professionals are often the first responders for treating the injuries women suffer from domestic and sexual violence. It is essential for those who help them to be able to respond effectively and compassionately. When health providers screen for domestic violence and follow up on such cases, women are more likely to be safer over the long term. This bill includes new funds for training health professionals to recognize and respond to domestic and sexual violence, and to enable public health officials to recognize the need as well. The research funds provided by this bill are vital because we need the best possible interventions in health care settings to prevent future violence and help the victims.

Violence against women can occur throughout women's lives, beginning in childhood, continuing in adolescence, and in numerous contexts and settings. It is important for any bill on such violence to focus on girls and young women as well, and this bill does that.

In 1994, we included an important innovative provision in the bill to fund a National Domestic Violence Hotline. When the hotline opened in February 1996, victims of domestic violence across the nation finally had help available toll-free, 24 hours a day, 365 days a year. This legislation increases funding for that very important support.

Another important section of the bill provides greater help to immigrant victims of domestic violence, sexual assault, trafficking and similar offenses. This section builds on the current Act and is designed to remove the obstacles in immigration laws that prevent such victims from safely fleeing the violence in their lives, and to dispel the fear that often prevents them from prosecuting their abusers.

Eliminating domestic violence is especially challenging in immigrant communities, where victims often face additional cultural, linguistic and immigration barriers to seeking safety. Abusers of immigrant spouses or children are liable to use threats of deportation against them, trapping them in endless years of violence. Many of us have heard horrific stories of violence in cases where the threat of deportation was used against immigrant spouses and children—"If you leave me, I'll report you to the immigration authorities, and you'll never see the children again." Or the abuser says, "If you tell the police what I did, I'll have immigration deport you."

Congress has made significant progress in enacting protections for these immigrant victims, but there are still many women and children whose lives are in danger. Our bill extends immigration relief to all victims of family violence, including victims of elder abuse, incest and stalking. It ensures economic security for immigrant victims and their children by providing work authorization for victims with valid immigration cases. It makes it easier for victims of trafficking to obtain federal benefits if they assist in the investigation or prosecution of trafficking crimes.

I commend the sponsors of this legislation for working with us on this issue and for making domestic violence in immigrant communities an important priority in our overall effort to combat violence against women.

We have a responsibility in Congress to do all we can to eradicate domestic violence. Our bill gives the safety of women and their families the high priority it deserves, and I urge my colleagues to support it.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 1198. A bill to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste, to implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes; to the Committee on Environment and Public Works.

Ms. STABENOW. Mr. President, I rise today to introduce the International Solid Waste Importation and Management Act. I want to thank Senator Levin for cosponsoring this bill and for his tireless work to stop Canadian trash imports into our State. The purpose of our bill is to finally put an end to the river of garbage flowing from Canada into Michigan's landfills.

Our legislation is a companion bill to H.R. 2491 which is being voted on in the Subcommittee on Environment and Hazardous Material of the House Energy and Commerce Committee today. I am extremely pleased that Congress is starting to take action on this critical bill.

I cannot overstate the importance of this legislation to Michigan. The number of trash trucks entering our State has continually increased. In fact, since the summer of 2003 the number of trash trucks coming from Canada has jumped from 180 per day to about 415 per day. The result is that Michigan is the third largest importer of trash out of all of the States in the Nation.

Not only does this waste dramatically decrease Michigan's own landfill capacity, but it has a tremendous negative impact on Michigan's environment and on the public health of its citizens. Canadian waste also hampers the effectiveness of Michigan's state and local recycling efforts, since Ontario does not have a bottle law requiring recycling. Trash trucks also present a security risk at our Michigan-Canadian border, since, by their nature, trucks full of garbage are harder for Customs agents to inspect then traditional cargo.

Michigan already has protections contained in an international agreement between the United States and Canada, but they are being ignored. Under the Agreement Concerning the Transboundary Movement of Hazardous Waste, which was entered into in 1986, shipments of waste across the Canadian-U.S. border require government-to-government notification. The Environmental Protection Agency (EPA) as the designated authority for the United States would receive notification of a trash shipment and then consent or object to the shipment within 30 days. Unfortunately, these notification provisions have never been enforced by the EPA.

This legislation will give Michigan residents the protection they are entitled to under this bilateral treaty. The bill would allow the State of Michigan to pass laws to stop the Canadian trash shipments until the EPA finally enforces this treaty. Once the EPA begins enforcing the treaty, they would have to consider certain criteria when deciding whether to consent or object to a shipment, such as the State's views on the shipment, and the shipment's impact on landfill capacity, air emissions, public health, and the environment. These waste shipments should no longer be accepted without an examination of the impacts on the health and welfare of Michigan families.

Michiganians and the Michigan Congressional delegation are united in our opposition to Canadian trash shipments. We have waged a continuous battle to end trash importation and we will continue to fight until we succeed. I urge my colleagues on the Senate Environment and Public Works Committee to take action on this crucial legislation as quickly as they can.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Solid Waste Importation and Management Act of 2005".

SEC. 2. CANADIAN MUNICIPAL SOLID WASTE.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following:

"SEC. 4011. CANADIAN MUNICIPAL SOLID WASTE.

"(a) DEFINITIONS.—In this section:

"(1) AGREEMENT.—The term 'Agreement' means—

"(A) the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, signed at Ottawa on October 28, 1986 (TIAS 11099) and amended on November 25, 1992; and

"(B) any regulations promulgated and orders issued to implement and enforce that Agreement.

"(2) FOREIGN MUNICIPAL SOLID WASTE.—The term 'foreign municipal solid waste' means municipal solid waste that is generated outside of the United States.

"(3) MUNICIPAL SOLID WASTE.—

"(A) IN GENERAL.—The term 'municipal solid waste' means—

"(i) material discarded for disposal by—

"(I) households (including single and multifamily residences); and

"(II) public lodgings such as hotels and motels; and

"(ii) material discarded for disposal that was generated by commercial, institutional, and industrial sources, to the extent that the material—

"(I)(aa) is essentially the same as material described in clause (i); or

"(bb) is collected and disposed of with material described in clause (i) as part of a normal municipal solid waste collection service; and

"(II) is not subject to regulation under subtitle C.

"(B) INCLUSIONS.—The term 'municipal solid waste' includes—

"(i) appliances;

"(ii) clothing;

"(iii) consumer product packaging;

"(iv) cosmetics;

"(v) debris resulting from construction, remodeling, repair, or demolition of a structure;

"(vi) disposable diapers;

"(vii) food containers made of glass or metal;

"(viii) food waste;

"(ix) household hazardous waste;

"(x) office supplies;

"(xi) paper; and

"(xii) yard waste.

"(C) EXCLUSIONS.—The term 'municipal solid waste' does not include—

"(i) solid waste identified or listed as a hazardous waste under section 3001, except for household hazardous waste;

"(ii) solid waste, including contaminated soil and debris, resulting from—

"(I) a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604, 9606);

"(II) a response action taken under a State law with authorities comparable to the authorities contained in either of those sections; or

"(III) a corrective action taken under this Act;

"(iii) recyclable material—

"(I) that has been separated, at the source of the material, from waste destined for disposal; or

"(II) that has been managed separately from waste destined for disposal, including scrap rubber to be used as a fuel source;

"(iv) a material or product returned from a dispenser or distributor to the manufacturer or an agent of the manufacturer for credit, evaluation, and possible potential reuse;

"(v) solid waste that is—

"(I) generated by an industrial facility; and

"(II) transported for the purpose of treatment, storage, or disposal to a facility (which facility is in compliance with applicable State and local land use and zoning laws and regulations) or facility unit—

"(aa) that is owned or operated by the generator of the waste;

"(bb) that is located on property owned by the generator of the waste or a company with which the generator is affiliated; or

"(cc) the capacity of which is contractually dedicated exclusively to a specific generator;

"(vi) medical waste that is segregated from or not mixed with solid waste;

"(vii) sewage sludge or residuals from a sewage treatment plant;

"(viii) combustion ash generated by a resource recovery facility or municipal incinerator; or

"(ix) waste from a manufacturing or processing (including pollution control) operation that is not essentially the same as waste normally generated by households.

"(b) MANAGEMENT OF FOREIGN MUNICIPAL SOLID WASTE.—

"(1) STATE ACTION.—

"(A) IN GENERAL.—Except as provided in paragraph (2) and subject to subparagraph (B), until the date on which the Administrator promulgates regulations to implement and enforce the Agreement (including notice and consent provisions of the Agreement), a State may enact 1 or more laws, promulgate regulations, or issue orders imposing limitations on the receipt and disposal of foreign municipal solid waste within the State.

"(B) NO EFFECT ON EXISTING AUTHORITY.—A State law, regulation, or order that is enacted, promulgated, or issued before the date on which the Administrator promulgates regulations under subparagraph (A)—

"(i) may continue in effect after that date; and

"(ii) shall not be affected by the regulations promulgated by the Administrator.

"(2) EFFECT ON INTERSTATE AND FOREIGN COMMERCE.—No State action taken in accordance with this section shall be considered—

"(A) to impose an undue burden on interstate or foreign commerce; or

"(B) to otherwise impair, restrain, or discriminate against interstate or foreign commerce.

"(3) TRADE AND TREATY OBLIGATIONS.—Nothing in this section affects, replaces, or amends prior law relating to the need for consistency with international trade obligations.

"(c) AUTHORITY OF ADMINISTRATOR.—

"(1) IN GENERAL.—Beginning immediately after the date of enactment of this section, the Administrator shall—

"(A) perform the functions of the Designated Authority of the United States described in the Agreement with respect to the importation and exportation of municipal solid waste under the Agreement; and

"(B) implement and enforce the Agreement (including notice and consent provisions of the Agreement).

"(2) REGULATIONS.—Not later than 2 years after the date of enactment of this section, the Administrator shall promulgate final regulations with respect to the responsibilities of the Administrator under paragraph (1).

"(3) CONSENT TO IMPORTATION.—In considering whether to consent to the importation of Canadian municipal solid waste under article 3(c) of the Agreement, the Administrator shall—

"(A) give substantial weight to the views of each State into which the foreign municipal solid waste is to be imported, and consider the views of the local government with jurisdiction over the location at which the waste is to be disposed;

"(B) consider the impact of the importation on—

"(i) continued public support for and adherence to State and local recycling programs;

"(ii) landfill capacity as provided in comprehensive waste management plans;

"(iii) air emissions from increased vehicular traffic; and

"(iv) road deterioration from increased vehicular traffic; and

"(C) consider the impact of the importation on—

"(i) homeland security;

"(ii) public health; and

"(iii) the environment.

"(4) ACTIONS IN VIOLATION OF THE AGREEMENT.—No person shall import, transport, or export municipal solid waste for final disposal or for incineration in violation of the Agreement.

"(d) COMPLIANCE ORDERS.—

"(1) IN GENERAL.—If, on the basis of any information, the Administrator determines that any person has violated or is in violation of this section, the Administrator may—

"(A) issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both; or

"(B) commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(2) SPECIFICITY.—Any order issued pursuant to this subsection shall state with reasonable specificity the nature of the violation.

"(3) MAXIMUM AMOUNT OF PENALTY.—Any penalty assessed in an order described in paragraph (1) shall not exceed $25,000 per day of noncompliance for each violation.

"(4) PENALTY ASSESSMENT.—In assessing a penalty under paragraph (1), the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

"(e) PUBLIC HEARING.—

"(1) IN GENERAL.—Any order issued under this section shall become final unless, not later than 30 days after the date on which the order is served, 1 or more persons named in the order request a public hearing.

"(2) PROCEDURE FOR HEARING.—The Administrator—

"(A) shall promptly conduct a public hearing on receipt of a request under paragraph (1);

"(B) in connection with any proceeding under this section, may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents; and

"(C) may promulgate rules for discovery procedures.

"(f) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order issued under this section, the Administrator may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order.".

(b) CONFORMING AMENDMENT.—The table of contents of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4010 the following:

"Sec. 4011. Foreign municipal solid waste".

Mr. LEVIN. Mr. President, every week, thousands of truckloads of solid municipal waste are being imported into the United States for disposal in US. landfills. Most of these shipments enter at three border crossings in Michigan: Port Huron, Sault Ste. Marie, and Detroit. Canadian shipments are entering this country' without regulatory controls to protect the environment and public safety as required by a treaty between the US. and Canada. The loads of municipal solid waste are more than just a nuisance. Canada's weekly importation of thousands of truckloads of trash into Michigan is a potential threat to our environment, health, and security.

I join with my colleague Senator STABENOW today in introducing S. 1198, the companion to H.R. 2491, which was reported by the House Energy and Commerce Subcommittee on Environment and Hazardous Waste today. It is long overdue for Congress to address this critical issue for Michigan and the rest of the U.S. This bill has the support of the entire Michigan Congressional delegation.

Our legislation requires the EPA Administrator to implement regulations enforcing terms of the United States-Canada treaty within 24 months, and it gives States the authority to regulate foreign waste transported into the U.S. until those regulations to implement and enforce the treaty become effective. Our bill implements the treaty's requirement that the Canadian environmental department notify the EPA of each shipment of waste that enters the United States. The EPA then has 30 days to object to the shipment or accept it.

I believe this legislation will help to protect the health and environment of the people of Michigan. I am pleased to have worked on this bipartisan initiative with the other members of our State's congressional delegation and with Gov. Jennifer Granholm. I urge the members of the Senate Environment and Public Works Committee to take action on this legislation as quickly as possible.

By Mr. BURNS:

S. 1199. A bill to amend title II of the Social Security Act to shorten the waiting period for social security disability benefits for individuals with mesothelioma; to the Committee on Finance.

Mr. BURNS. Mr. President, I come to the floor today to introduce legislation that would significantly reduce the Social Security Disability payment waiting period for people diagnosed with the fatal cancer of mesothelioma.

Seventy to eighty percent of all documented cases of mesothelioma share the common denominator of a history of asbestos. While symptoms of mesothelioma can remain latent over many decades, this rare cancer violently attacks its victims, and drastically reduce their life expectancy.

The Social Security Administration currently has a mandatory five-month "waiting period" for all people applying for disability. The victims of mesothelioma simply cannot wait 5 months for their disability payments to begin. This bill will significantly reduce the waiting period from 5 months to 30 days for victims of mesothelioma.

I encourage my colleagues to support this measure and join me in ensuring these victims get their payments in a timely fashion.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prompt Disability Payment to Mesothelioma Victims Act of 2005".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Mesothelioma is a quickly advancing form of cancer.

(2) Most cases of mesothelioma arise from exposure to asbestos fibers.

(3) The National Cancer Institute estimates that in 2002, approximately 2,000 new mesothelioma diagnoses were made in the United States.

SEC. 3. SHORTENED WAITING PERIOD FOR SOCIAL SECURITY DISABILITY BENEFITS FOR INDIVIDUALS WITH MESOTHELIOMA.

(a) IN GENERAL.—Section 223(c)(2) of the Social Security Act (42 U.S.C. (c)(2)) is amended—

(1) in the matter preceding subparagraph (A), by inserting "(or, in the case of an individual with mesothelioma, 30 days)" after "months"; and

(2) in subparagraph (B)—

(A) in clause (i), by inserting "(or, in the case of an individual with mesothelioma, the thirteenth month)" after "seventeenth month"; and

(B) in clause (ii), by inserting "(or, in the case of an individual with mesothelioma, such thirteenth month)" after "such seventeenth month".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to applications for disability benefits filed or pending on or after the date of enactment of this Act and to any individuals with filed applications for such benefits as of that date who are within a waiting period on such date.

By Mr. ALLARD:

S. 1202. A bill to provide environmental assistance to non-Federal interests in the State of Colorado; to the Committee on Environment and Public Works.

Mr. ALLARD. Mr. President, the ability of communities to provide its citizens with clean, safe drinking water is one of the most important public utility services any municipality can offer. I support many of the goals of the Clean Water Act and believe that the United States has made great progress in eliminating dangerous substances from drinking water. It has helped make our national drinking water infrastructure more reliable and more effective. Unfortunately, many of the small, financially strapped, rural communities in Colorado cannot meet the obligations of the Clean Water Act or the regulations of the Environmental Protection Agency because of increasingly onerous unfunded Federal drinking water mandates. As a result, communities in my home State are faced with two options: increase taxes and utility rates to exorbitant levels or end municipal water delivery. Neither option is acceptable.

That is why I am introducing the Rural Colorado Water Infrastructure Act, a bill that will allow Colorado to participate in a program known as Section 595 of the Water Resources Development Act. My legislation authorizes $50 million for design and construction assistance to non-Federal interests in the most desperate Colorado communities for publicly owned water related environmental infrastructure and resource protection and development projects.

The Rural Colorado Water Infrastructure Act will allow local communities to enter into cost share agreements with the U.S. Corps of Engineers to develop wastewater treatment and related facility water supply, conservation and related facilities, storm water retention and remediation, environmental restoration, and surface water resources protection and development.

Cities in Colorado like Alamosa, Sterling, and Julesburg that face enormous costs to develop new facilities may be able to utilize the program and save themselves from economic hardship. The Corps of Engineers Section 595 program has been a great ally to many Western States, and, under my legislation, Colorado would also be able to benefit from this successful public-private partnership.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1202

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Colorado Water Infrastructure Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(2) STATE.—The term "State" means the State of Colorado.

SEC. 3. PROGRAM.

(a) ESTABLISHMENT.—The Secretary may establish a pilot program to provide environmental assistance to non-Federal interests in the State.

(b) FORM OF ASSISTANCE.—Assistance under this section may be provided in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the State, including projects for—

(1) wastewater treatment and related facilities;

(2) water supply and related facilities;

(3) water conservation and related facilities;

(4) stormwater retention and remediation;

(5) environmental restoration; and

(6) surface water resource protection and development.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, III consultation and coordination with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement entered into under this subsection—

(i) shall be 75 percent; and

(ii) may be in the form of grants or reimbursements of project costs.

(B) PRE-COOPERATIVE AGREEMENT ACTIVITIES.—The Federal share of the cost of activities carried out by the Secretary under this section before the execution of a local coopera- tive agreement shall be 100 percent.

(C) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit, not to exceed 6 percent of the total construction costs of a project, for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for the project.

(D) CREDIT FOR INTEREST.—In case of a delay in the funding of the Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the Federal share of the costs of the project.

(E) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT. The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(F) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for the period beginning with fiscal year 2006, to remain available until expended.

By Mr. DODD (for himself, Mr. DURBIN, and Ms. STABENOW):

S. 1204. A bill to encourage students to pursue graduate education and to assist students in affording graduate education; to the Committee on Finance.

Mr. DODD. Mr. President, I rise today with Senators DURBIN and STABENOW to introduce GRAD, the Getting Results for Advanced Degrees Act. The purpose of this bill is to encourage students to pursue graduate education and to assist them in affording it.

The percentage of individuals pursuing graduate education has increased dramatically in recent decades as individuals seek the education and skills needed to participate in a global economy. In the last 25 years alone, graduate enrollment in the United States has increased by 38 percent bringing the number of graduate students in this country to 1.85 million.

The benefits of graduate education for our country are enormous. This year's graduate and professional students are the doctors, scientists, and inventors of tomorrow. Their ideas and innovations will be the basis of America's economic strength in the years to come. The benefits for individuals are significant as well. The median earnings of a worker with a master's degree are twice that of a high school graduate and $10,000 more than an individual with a bachelor's degree. The median earnings of a worker with a doctoral degree are 2½ times that of a high school graduate, $30,000 more than an individual with a bachelor's degree and $20,000 more than someone with a master's. An individual with a professional degree can expect to make three times the amount of a high school graduate, almost double the amount of an individual with a bachelor's, $35,000 more than individuals with a master's and $15,000 more than someone with a doctoral degree. Clearly, one's earning power increases, in some cases exponentially, with increasing education.

Despite the immediate and long-term benefits of graduate education for individuals and our Nation as a whole, graduate education is, for many, financially out of reach. In 2002-03 the average graduate school tuition at public institutions was $4,855 and $15,279 at private institutions. The average debt reported by graduate students today is $45,900. For medical students it is $115,000, for dental students it is $122,000 and for law students it is $86,000. These are astounding figures.

To increase access to graduate education, I have put together a series of proposals that will make graduate and professional school more accessible affordable for all qualified applicants, the Getting Results for Advanced Degrees Act. First, the GRAD Act raises the authorization levels of GAANN, the Graduate Assistance in Areas of National Need Program and the Jacob Javits Fellowship Program so that there are more opportunities at more universities for students to pursue advanced degrees. GAANN supports graduate study in areas of national need such as chemistry, computer science, engineering, and physics, while the Jacob Javits Program helps support graduate study in the arts, humanities and social sciences.

To encourage greater participation by minority students in advanced programs the GRAD Act creates the Patsy T. Mink Fellowship Program. Named for former Congresswoman Patsy Mink, the first woman of Asian descent and the first woman of color to serve in the U.S. Congress, this program would offer assistance to underrepresented minorities pursuing doctoral degrees. It is fitting that such a program be named after Congresswoman Mink, a long-time champion for immigrants, minorities, women and children. I can think of no better tribute to her lifetime achievements than this program.

To help students afford the costs of graduation education, the GRAD Act expands the tax-exempt status of scholarships to treat reasonable room-and-board allowances as part of permitted higher education expenses. GRAD revises the cost of attendance calculations for financial aid for students with dependents to reflect the true cost-of-living expenses for themselves and the families that they support. GRAD also increases the unsubsidized Stafford loan limit for graduate and professional students from $10,000 to $12,000 so they are less likely to have to turn to more expensive private loans.

Mr. President, the Getting Results for Advanced Degrees Act will help students meet the financial challenges faced in pursuing graduate studies. The act strengthens programs that support graduate students in areas of vital importance to our nation and makes assistance available to underrepresented minority students pursuing a doctoral degree. By helping students to pursue and afford graduate education, the

GRAD Act will help individuals, families and the nation as a whole recognize and achieve the important benefits of graduate education.

I hope my colleagues will join me in support of graduate education by supporting this bill. By working together, I believe that the Senate can act to ensure that more individuals are able to pursue graduate education and assist our nation in meeting the challenges faced in a global economy. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Getting Results for Advanced Degrees Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) From 1976 to 2000, graduate enrollment in the United States increased 38 percent. In the fall of 2000, there were 1,850,000 graduate students enrolled in the United States.

(2) In 2003, 84 percent of graduate students in the United States were citizens of the United States or resident aliens, and 16 percent were temporary residents who were foreign or international students.

(3) In a 2002 borrower's survey, the average debt reported by graduate students was $45,900.

(4) In 1999–2000, 60 percent of all graduate and first-professional students, and 82 percent of those enrolled full-time and full-year, received some type of financial aid, including grants, loans, assistantships, or work study. The average amount of aid received by aided full-time, full-year students was approximately $19,500 per year.

(5) Annual aid in the form of grants to full-time, full-year recipients was awarded in larger average amounts to doctoral students ($13,400) than to either master's students ($7,600) or first-professional students ($6,900). First-professional students took out larger loans on average overall ($20,100) than did their counterparts at the master's level ($14,800) and doctoral level ($14,100).

(6) Median annual earnings in 2003 increased with educational attainment. There was a substantial earnings differential from the highest to the lowest levels of attainment:

(A) The median earnings of workers who had a master's degree were almost twice those of high school graduates and $10,000 more than those of individuals with a bachelor's degree.

(B) The median earnings of workers who had a doctoral degree were 2½ times those of high school graduates, $30,000 more than those of individuals with a bachelor's degree, and $20,000 more than those of individuals with a master's degree.

(C) The median earnings of workers with a professional degree were more than 3 times those of high school graduates, almost double those of individuals with a bachelor's degree, $35,000 more than those of individuals with a master's degree, and $15,000 more than those of individuals with a doctoral degree.

SEC. 3. JACOB K. JAVITS FELLOWSHIP PROGRAM.

(a) CRITERIA FOR AWARDS.—Section 701(a) of the Higher Education Act of 1965 (20 U.S.C. 1134(a)) is amended by striking ", financial need,".

(b) QUALIFICATIONS OF BOARD.—Section 702(a) of the Higher Education Act of 1965 (20 U.S.C. 1134a(a)) is amended by striking paragraph (1) and inserting the following:

"(1) APPOINTMENT.—

"(A) IN GENERAL.—The Secretary shall appoint a Jacob K. Javits Fellows Program Fellowship Board (referred to in this subpart as the 'Board') consisting of 9 individuals representative of both public and private institutions of higher education who are especially qualified to serve on the Board.

"(B) QUALIFICATIONS.—In making appointments under subparagraph (A), the Secretary shall—

"(i) give due consideration to the appointment of individuals who are highly respected in the academic community;

"(ii) assure that individuals appointed to the Board are broadly representative of a range of disciplines in graduate education in arts, humanities, and social sciences;

"(iii) appoint members to represent the various geographic regions of the United States; and

"(iv) include representatives from minority serving institutions.".

(c) AMOUNT OF STIPENDS.—Section 703(a) of the Higher Education Act of 1965 (20 U.S.C. 1134b(a)) is amended by striking "graduate fellowships," and all that follows through the period and inserting "Graduate Research Fellowship Program.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 705 of the Higher Education Act of 1965 (20 U.S.C. 1134d) is amended by striking "$30,000,000 for fiscal year 1999" and inserting "$35,000,000 for fiscal year 2006".

SEC. 4. GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED.

(a) APPLICATION CONTENTS.—Section 713(b)(5) of the Higher Education Act of 1965 (20 U.S.C. 1135b(b)(5)) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) AMOUNT OF STIPENDS.—Section 714(b) of the Higher Education Act of 1965 (20 U.S.C. 1135c(b)) is amended by striking "graduate fellowships," and all that follows through the period and inserting "Graduate Research Fellowship Program.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 716 of the Higher Education Act of 1965 (20 U.S.C. 1135e) is amended by striking "$35,000,000 for fiscal year 1999" and inserting "$50,000,000 for fiscal year 2006".

(d) TECHNICAL AMENDMENTS.—Section 714(c) of the Higher Education Act of 1965 (20 U.S.C. 1135c(c)) is amended—

(1) by striking "716(a)" and inserting "715(a)"; and

(2) by striking "714(b)(2)" and inserting "713(b)(2)".

SEC. 5. PATSY T. MINK FELLOWSHIP PROGRAM.

Part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1134 et seq.) is amended—

(1) by redesignating subpart 4 as subpart 5;

(2) by redesignating section 731 as section 740;

(3) in section 740 (as redesignated by paragraph (2))—

(A) in the section heading, by striking "**AND 3.**" and inserting "**3, AND 4.**";

(B) in subsection (a), by striking "and 3" and inserting "3, and 4";

(C) in subsection (b), by striking "and 3" and inserting "3, and 4"; and

(D) in subsection (d), by striking "or 3" and inserting "3, or 4"; and

(4) by inserting after subpart 3 the following:

"Subpart 4—Patsy T. Mink Fellowship Program

"SEC. 731. PURPOSE AND DESIGNATION.

"(a) PURPOSE.—It is the purpose of this subpart to provide, through eligible institutions, a program of fellowship awards to assist highly qualified minorities and women to acquire the doctoral degree, or highest possible degree available, in academic areas in which such individuals are underrepresented for the purpose of enabling such individuals to enter the higher education professoriate.

"(b) DESIGNATION.—Each recipient of a fellowship award from an eligible institution receiving a grant under this subpart shall be known as a 'Patsy T. Mink Graduate Fellow'.

"SEC. 732. DEFINITION OF ELIGIBLE INSTITUTION.

"In this subpart, the term 'eligible institution' means an institution of higher education, or a consortium of such institutions, that offers a program of postbaccalaureate study leading to a graduate degree.

"SEC. 733. PROGRAM AUTHORIZED.

"(a) GRANTS BY SECRETARY.—

"(1) IN GENERAL.—The Secretary shall award grants to eligible institutions to enable such institutions to make fellowship awards to individuals in accordance with the provisions of this subpart.

"(2) PRIORITY CONSIDERATION.—In awarding grants under this subpart, the Secretary shall consider the eligible institution's prior experience in producing doctoral degree, or highest possible degree available, holders who are minorities and women, and shall give priority consideration in making grants under this subpart to those eligible institutions with a demonstrated record of producing minorities and women who have earned such degrees.

"(b) APPLICATIONS.—

"(1) IN GENERAL.—An eligible institution that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) APPLICATIONS MADE ON BEHALF.—

"(A) IN GENERAL.—The following entities may submit an application on behalf of an eligible institution:

"(i) A graduate school or department of such institution.

"(ii) A graduate school or department of such institution in collaboration with an undergraduate college or university of such institution.

"(iii) An organizational unit within such institution that offers a program of postbaccalaureate study leading to a graduate degree, including an interdisciplinary or an interdepartmental program.

"(iv) A nonprofit organization with a demonstrated record of helping minorities and women earn postbaccalaureate degrees.

"(B) NONPROFIT ORGANIZATIONS.—Nothing in this paragraph shall be construed to permit the Secretary to award a grant under this subpart to an entity other than an eligible institution.

"(c) SELECTION OF APPLICATIONS.—In awarding grants under subsection (a), the Secretary shall—

"(1) take into account—

"(A) the number and distribution of minority and female faculty nationally;

"(B) the current and projected need for highly trained individuals in all areas of the higher education professoriate; and

"(C) the present and projected need for highly trained individuals in academic career fields in which minorities and women are underrepresented in the higher education professoriate; and

"(2) consider the need to prepare a large number of minorities and women generally in academic career fields of high national priority, especially in areas in which such individuals are traditionally underrepresented in college and university faculties.

"(d) DISTRIBUTION AND AMOUNTS OF GRANTS.—

"(1) EQUITABLE DISTRIBUTION.—In awarding grants under this subpart, the Secretary shall, to the maximum extent feasible, ensure an equitable geographic distribution of awards and an equitable distribution among public and independent eligible institutions that apply for grants under this subpart and that demonstrate an ability to achieve the purpose of this subpart.

"(2) SPECIAL RULE.—To the maximum extent practicable, the Secretary shall use not less than 50 percent of the amount appropriated pursuant to section 736 to award grants to eligible institutions that—

"(A) are eligible for assistance under title III or title V; or

"(B) have formed a consortium that includes both non-minority serving institutions and minority serving institutions.

"(3) ALLOCATION.—In awarding grants under this subpart, the Secretary shall allocate appropriate funds to those eligible institutions whose applications indicate an ability to significantly increase the numbers of minorities and women entering the higher education professoriate and that commit institutional resources to the attainment of the purpose of this subpart.

"(4) NUMBER OF FELLOWSHIP AWARDS.—An eligible institution that receives a grant under this subpart shall make not less than 15 fellowship awards.

"(5) REALLOTMENT.—If the Secretary determines that an eligible institution awarded a grant under this subpart is unable to use all of the grant funds awarded to the institution, the Secretary shall reallot, on such date during each fiscal year as the Secretary may fix, the unused funds to other eligible institutions that demonstrate that such institutions can use any reallocated grant funds to make fellowship awards to individuals under this subpart.

"(e) INSTITUTIONAL ALLOWANCE.—

"(1) IN GENERAL.—

"(A) NUMBER OF ALLOWANCES.—In awarding grants under this subpart, the Secretary shall pay to each eligible institution awarded a grant, for each individual awarded a fellowship by such institution under this subpart, an institutional allowance.

"(B) AMOUNT.—Except as provided in paragraph (3), an institutional allowance shall be in an amount equal to, for academic year 2006–2007 and succeeding academic years, the amount of institutional allowance made to an institution of higher education under section 715 for such academic year.

"(2) USE OF FUNDS.—Institutional allowances may be expended in the discretion of the eligible institution and may be used to provide, except as prohibited under paragraph (4), academic support and career transition services for individuals awarded fellowships by such institution.

"(3) REDUCTION.—The institutional allowance paid under paragraph (1) shall be reduced by the amount the eligible institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.

"(4) USE FOR OVERHEAD PROHIBITED.—Funds made available under this subpart may not be used for general operational overhead of the academic department or institution receiving funds under this subpart.

"SEC. 734. FELLOWSHIP RECIPIENTS.

"(a) AUTHORIZATION.—An eligible institution that receives a grant under this subpart shall use the grant funds to make fellowship awards to minorities and women who are enrolled at such institution in a doctoral degree, or highest possible degree available, program and—

"(1) intend to pursue a career in instruction at—

"(A) an institution of higher education (as the term is defined in section 101);

"(B) an institution of higher education (as the term is defined in section 102(a)(1));

"(C) an institution of higher education outside the United States (as the term is described in section 102(a)(2)); or

"(D) a proprietary institution of higher education (as the term is defined in section 102(b)); and

"(2) sign an agreement with the Secretary agreeing to begin employment at an institution described in paragraph (1) not later than 5 years after receiving the doctoral degree or highest possible degree available, and to be employed by such institution for 1 year for each year of fellowship assistance received under this subpart.

"(b) FAILURE TO COMPLY.—If an individual who receives a fellowship award under this subpart fails to comply with the agreement signed pursuant to subsection (a)(2), then the Secretary shall do 1 or both of the following:

"(1) Require the individual to repay all or the applicable portion of the total fellowship amount awarded to the individual by converting the balance due to a loan at the interest rate applicable to loans made under part B of title IV.

"(2) Impose a fine or penalty in an amount to be determined by the Secretary.

"(c) WAIVER AND MODIFICATION.—

"(1) REGULATIONS.—The Secretary shall promulgate regulations setting forth criteria to be considered in granting a waiver for the service requirement under subsection (a)(2).

"(2) CONTENT.—The criteria under paragraph (1) shall include whether compliance with the service requirement by the fellowship recipient would be—

"(A) inequitable and represent a substantial hardship; or

"(B) deemed impossible because the individual is permanently and totally disabled at the time of the waiver request.

"(d) AMOUNT OF FELLOWSHIP AWARDS.—Fellowship awards under this subpart shall consist of a stipend in an amount equal to the level of support provided to the National Science Foundation graduate fellows, except that such stipend shall be adjusted as necessary so as not to exceed the fellow's tuition and fees or demonstrated need (as determined by the institution of higher education where the graduate student is enrolled), whichever is greater.

"(e) ACADEMIC PROGRESS REQUIRED.—An individual student shall not be eligible to receive a fellowship award—

"(1) except during periods in which such student is enrolled, and such student is maintaining satisfactory academic progress in, and devoting essentially full time to, study or research in the pursuit of the degree for which the fellowship support was awarded; and

"(2) if the student is engaged in gainful employment, other than part-time employment in teaching, research, or similar activity determined by the eligible institution to be consistent with and supportive of the student's progress toward the appropriate degree.

"SEC. 735. RULE OF CONSTRUCTION.

"Nothing in this subpart shall be construed to require an eligible institution that receives a grant under this subpart—

"(1) to grant a preference or to differentially treat any applicant for a faculty position as a result of the institution's participation in the program under this subpart; or

"(2) to hire a Patsy T. Mink Fellow who completes this program and seeks employment at such institution.

"SEC. 736. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this subpart $25,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

SEC. 6. COST OF ATTENDANCE FOR STUDENTS WITH 1 OR MORE DEPENDENTS.

Section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll) is amended by striking paragraph (8) and inserting the following:

"(8) for a student with 1 or more dependents—

"(A) an allowance based on the estimated actual expenses incurred for such dependent care, based on the number and age of such dependents, except that—

"(i) such allowance shall not exceed the reasonable cost in the community in which such student resides for the kind of care provided; and

"(ii) the period for which dependent care is required includes class-time, study-time, field work, internships, and commuting time; and

"(B) if the student is a graduate student, an allowance based on the estimated actual living expenses incurred for such dependents, based on the number and age of such dependents, including—

"(i) room and board for such dependents; and

"(ii) health insurance for such dependents;".

SEC. 7. UNSUBSIDIZED STAFFORD LOAN LIMITS FOR GRADUATE AND PROFESSIONAL STUDENTS.

Section 428H(d)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1078–8(d)(2)(C)) is amended by striking "$10,000" and inserting "$12,000".

SEC. 8. ALLOWANCE OF ROOM, BOARD, AND SPECIAL NEEDS SERVICES IN THE CASE OF SCHOLARSHIPS AND TUITION REDUCTION PROGRAMS WITH RESPECT TO HIGHER EDUCATION.

(a) IN GENERAL.—Paragraph (1) of section 117(b) of the Internal Revenue Code of 1986 (defining qualified scholarship) is amended by inserting before the period at the end the following: "or, in the case of enrollment or attendance at an eligible educational institution, for qualified higher education expenses".

(b) DEFINITIONS.—Subsection (b) of section 117 of such Code is amended by adding at the end the following new paragraph:

"(3) QUALIFIED HIGHER EDUCATION EXPENSES; ELIGIBLE EDUCATIONAL INSTITUTION.—The terms 'qualified higher education expenses' and 'eligible educational institution' have the meanings given such terms in section 529(e).".

(c) TUITION REDUCTION PROGRAMS.—Paragraph (5) of section 117(d) of such Code (relating to special rules for teaching and research assistants) is amended by striking "shall be applied as if it did not contain the phrase '(below the graduate level)'." and inserting "shall be applied—

"(A) as if it did not contain the phrase '(below the graduate level)', and

"(B) by substituting 'qualified higher education expenses' for 'tuition' the second place it appears.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid after December 31, 2004 (in taxable years ending after such date), for education furnished in academic periods beginning after such date.

SEC. 9. PROGRAM FUNDING THROUGH TAX-EXEMPT SECURITIES.

(a) SPECIAL ALLOWANCES.—

(1) TECHNICAL CORRECTION.—Section 2 of the Taxpayer-Teacher Protection Act of 2004 (Public Law 108–409; 118 Stat. 2299) is amended in the matter preceding paragraph (1) by inserting "of the Higher Education Act of 1965" after "Section 438(b)(2)(B)".

(2) IN GENERAL.—Section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(B)) (as amended by section 2 of the Taxpayer-Teacher Protection Act of 2004) is amended—

(A) in clause (iv), by striking "1993, or refunded after September 30, 2004, and before January 1, 2006, the" and inserting "1993, or refunded on or after the date of enactment of the Taxpayer-Teacher Protection Act of 2004, the"; and

(B) by striking clause (v) and inserting the following:

"(v) Notwithstanding clauses (i) and (ii), the quarterly rate of the special allowance shall be the rate determined under subparagraph (A), (E), (F), (G), (H), or (I) of this paragraph, or paragraph (4), as the case may be, for loans—

"(I) originated, transferred, or purchased on or after the date of enactment of the Taxpayer-Teacher Protection Act of 2004;

"(II) financed by an obligation that has matured, been retired, or defeased on or after the date of enactment of the Taxpayer-Teacher Protection Act of 2004;

"(III) which the special allowance was determined under such subparagraphs or paragraph, as the case may be, on or after the date of enactment of the Taxpayer-Teacher Protection Act of 2004;

"(IV) for which the maturity date of the obligation from which funds were obtained for such loans was extended on or after the date of enactment of the Taxpayer-Teacher Protection Act of 2004; or

"(V) sold or transferred to any other holder on or after the date of enactment of the Taxpayer-Teacher Protection Act of 2004.".

(3) RULE OF CONSTRUCTION.—Nothing in the amendment made by paragraph (2) shall be construed to abrogate a contractual agreement between the Federal Government and a student loan provider.

(b) AVAILABLE FUNDS FROM REDUCED EXPENDITURES.—Any funds available to the Secretary of Education as a result of reduced expenditures under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087-1) secured by the enactment of subsection (a) shall be used by the Secretary to carry out the programs and activities authorized under this Act.

By Mr. INHOFE:

S. 1205. A bill to require a study of the effects on disadvantaged individuals of actions by utilities intended to reduce carbon dioxide emissions, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. INHOFE. Mr. President, today I am introducing the Ratepayers Protection Act of 2005. This bill will ensure that the poor and elderly and other groups who are disproportionately harmed by rising energy prices are not forced to pick up the tab for utilities that incur costs to control carbon dioxide.

The science underlying the climate change theory does not justify the enormous expenditures mandatory climate bills would impose. Moreover, implementing these climate bills would have virtually no effect on reducing temperatures even if climate alarmists are correct. Yet those in our society least able to bear the costs of these mandatory schemes will be hit the hardest. With my bill, disadvantaged individuals will not be saddled with these costs.

I understand that this bill will be referred to the Energy Committee. I do not plan to move this bill as standalone bill, however, but instead to offer it as an amendment to any mandatory climate bill that sets caps on greenhouse gases.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ratepayers Protection Act of 2005".

SEC. 2. STUDY.

(a) DEFINITIONS.—In this section:

(1) DISADVANTAGED INDIVIDUAL.—The term "disadvantaged individual" means—

(A) an individual with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(B) a member of a family whose income does not exceed the poverty line, as defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902);

(C) an individual who belongs to a minority group;

(D) a senior citizen; and

(E) other disadvantaged individuals.

(2) UTILITY.—The term "utility" means any organization that—

(A) provides retail customers with electricity services; and

(B) is regulated, either by price or terms of service, by 1 or more State utility or public service commissions.

(b) STUDY.—Not later than 30 days after the date of enactment of this Act, the Congressional Budget Office, in consultation with other appropriate organizations, shall initiate a study to determine the effect on disadvantaged individuals of actions taken or considered, or likely to be taken or considered, by utilities to reduce the carbon dioxide emissions of the utilities.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Congressional Budget Office shall submit to Congress a report that specifically describes the results of the study, including the economic costs to disadvantaged individuals of actions by utilities intended to reduce carbon dioxide emissions.

(2) REVIEW PERIOD.—Congress shall have 180 days after the date of receipt by Congress of the report described in paragraph (1) to review the report.

(3) EFFECTIVE DATE.—If the Congressional Budget Office determines that there would be an additional economic burden on any of the classes of disadvantaged individuals if the costs of actions by utilities intended to reduce carbon dioxide emissions were recovered from ratepayers, the amendment made by section 3 shall take effect on the day after the end of the review period described in paragraph (2).

SEC. 3. UTILITY ACTIONS TO REDUCE CARBON DIOXIDE EMISSIONS.

The National Climate Program Act (15 U.S.C. 2901 et seq.) is amended by adding at the end the following:

"SEC. 9. UTILITY ACTIONS TO REDUCE CARBON DIOXIDE EMISSIONS.

"(a) DEFINITION OF UTILITY.—In this section, the term 'utility' means any organization that—

"(1) provides retail customers with electricity services; and

"(2) is regulated, either by price or terms of service, by 1 or more State utility or public service commissions.

"(b) RATEPAYER PROTECTIONS.—

"(1) IN GENERAL.—No utility may recover from ratepayers any costs, expenses, fees, or other outlays incurred for the stated purpose by the utility to reduce carbon dioxide emissions.

"(2) PROHIBITION ON CERTAIN COMMISSION ACTIONS.—No State utility commission, public service commission, or similar entity may compel ratepayers to pay the costs, expenses, fees, or other outlays incurred for the stated purpose by a utility to reduce carbon dioxide emissions.

"(c) SHAREHOLDER OBLIGATIONS UNAFFECTED.—Nothing in this section prevents the shareholders of, or other parties associated with (other than ratepayers), a utility from paying for any action by the utility to reduce carbon dioxide emissions.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 163—DESIGNATING JUNE 5 THROUGH JUNE 11, 2005, AS "NATIONAL HISPANIC MEDIA WEEK", IN HONOR OF THE HISPANIC MEDIA OF AMERICA

Mr. DOMENICI (for himself, Mr. SALAZAR, Mr. MARTINEZ, and Mr. BINGAMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 163

Whereas for almost 470 years the United States has benefitted from the work of Hispanic writers and publishers;

Whereas over 600 Hispanic publications circulate over 20,000,000 copies every week in the United States;

Whereas 1 in 8 Americans is served by a Hispanic publication;

Whereas the Hispanic press informs many Americans about great political, economic, and social issues of our day;

Whereas the Hispanic press in the United States focuses in particular on informing and promoting the well being of our country's Hispanic community; and

Whereas commemorating the achievements of the Hispanic press acknowledges the important role the Hispanic press has played in United States history: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 5 through June 11, 2005, as "National Hispanic Media Week", in honor of the Hispanic Media of America; and

(2) encourages the people of the United States to observe the week with appropriate programs and activities.

SENATE RESOLUTION 164—AUTHORIZING THE PRINTING WITH ILLUSTRATIONS OF A DOCUMENT ENTITLED "COMMITTEE ON APPROPRIATIONS, UNITED STATES SENATE, 138TH ANNIVERSARY, 1867–2005"

Mr. COCHRAN (for himself and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 164

Resolved, That there be printed with illustrations as a Senate document a compilation of materials entitled "Committee on Appropriations, United States Senate, 138th Anniversary, 1867–2005", and that there be printed two thousand additional copies of such document for the use of the Committee on Appropriations.

AMENDMENTS SUBMITTED AND PROPOSED

SA 766. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1195, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was ordered to lie on the table.

SA 767. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1195, supra; which was ordered to lie on the table.

SA 768. Ms. SNOWE (for herself, Mr. STEVENS, and Mr. INOUYE) submitted an amendment intended to be proposed by her to the bill S. 1195, supra; which was ordered to lie on the table.

SA 769. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 1195, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 766. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1195, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was ordered to lie on the table; as follows:

Strike paragraph (4) of section 4(a) and insert the following:

(4) An offshore aquaculture permit holder shall be—

(A) a citizen or resident of the United States; or

(B) a corporation, partnership, or other entity organized and existing under the laws of a State or the United States.

SA 767. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1195, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 5(a) and insert the following:

(a) ENVIRONMENTAL REQUIREMENTS.—The Secretary shall consult as appropriate with other Federal agencies, the coastal States, and regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) to identify the environmental requirements applicable to offshore aquaculture under existing laws and regulations. The Secretary shall establish additional environmental requirements for offshore aquaculture facilities in consultation with appropriate Federal agencies, coastal States, regional fishery management councils, and the public needed to address any environmental risks and impacts associated with such facilities. Environmental requirements may include, but are not limited to, environmental monitoring, data archiving, and reporting by the permit holder, as deemed necessary or prudent by the Secretary. The environmental requirements shall address risks to and impacts on—

(1) natural fish stocks, including safeguards needed to conserve genetic resources and prevent or minimize the transmission of disease, parasites, or invasive species to wild stocks,

(2) marine ecosystems,

(3) biological, chemical and physical features of water quality and habitat,

(4) marine mammals, other forms of marine life, birds, and endangered species, and

(5) other features of the environment,

as identified by the Secretary, in consultation as appropriate with other Federal agencies.

SA 768. Ms. SNOWE (for herself, Mr. STEVENS, and Mr. INOUYE) submitted an amendment intended to be proposed by her to the bill S. 1195, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was ordered to lie on the table; as follows:

Strike paragraph (8) of section 4(a).

SA 769. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 1195, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ———. STATE OPT-OUT.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, if Secretary receives notice in writing from the chief executive officer of a coastal State that the State does not wish to have the provisions of this Act apply in the State's seaward portion of the Exclusive Economic Zone, then—

(1) the provisions of sections 4 shall not apply in that portion of the Exclusive Economic Zone more than 30 days after the date on which the Secretary receives the notice;

(2) no permit issued under this Act shall be valid in that portion of the Exclusive Economic Zone more than 30 days after the date on which the Secretary receives the notice; and

(3) the Secretary may not utilize the personnel, services, equipment, or facilities of that State under section 7 more than 30 days after the date on which the Secretary receives the notice.

(b) TERMINATION OF AQUACULTURE ACTIVITIES.—If the Secretary receives the notice described in subsection (a) after an offshore aquaculture facility has been established under this Act in the State's seaward portion of the Exclusive Economic Zone or permits have been granted under this Act with respect to that area, the Secretary shall—

(1) revoke any such permit or limit its application to areas not included in the State's seaward portion of the Exclusive Economic Zone;

(2) order the closure of the facility within a period of not more than 30 days and provide for an orderly phase out of any activities associated with the facility under this Act; and

(3) take any other action necessary to ensure that the provisions of this Act (other than this section) are not applied within that area.

(c) REVOCATION.—The chief executive officer of a State that has transmitted a notice to the Secretary under subsection (a) may revoke that notice at any time in writing.

(d) DEFINITIONS.—

(1) COASTAL STATE.—The term "coastal State" has the same meaning as given that term in section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4).

(2) STATE SEAWARD PORTION OF THE EXCLUSIVE ECONOMIC ZONE.—

(A) IN GENERAL.—In this section, the term "State's seaward portion of the Exclusive Economic Zone" shall be determined by extending the seaward boundary (as defined in section 2(b) of the Submerged Lands Act (43 U.S.C. 1301(b))) of each coastal State seaward to the edge of the Exclusive Economic Zone.

(B) LIMITATION.—Nothing in paragraph (1) shall be construed to give a State any right, title, authority, or jurisdiction over that portion of the Exclusive Economic Zone described in paragraph (1).

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing on June 16, 2005, entitled "Civilian Contractors Who Cheat On Their Taxes And What Should Be Done About It." The June 16 hearing will be the second hearing the Permanent Subcommittee on Investigations will hold on tax delinquency problems with Federal contractors. On February 12, 2004, the Subcommittee held a hearing entitled "DoD Contractors Who Cheat on Their Taxes And What Should Be Done About It" which examined the Department of Defense's (DoD) failure to levy contractor payments for unpaid taxes owed by contractors doing business with DoD and getting paid with taxpayers dollars. The February 2004 hearing also demonstrated that the problem of tax delinquent Federal contractors may not be confined to DoD. The Subcommittee requested that the Government Accountability Office (GAO) determine if Federal contractors at civilian agencies were tax delinquent. At the June 16th hearing, the Subcommittee will present the results of this expanded investigation. Additionally, the GAO will be releasing two reports which were requested by the Subcommittee on this matter. The first report covers the extent of tax debt among civilian contractors. The second report covers the extent to which the Federal Government and the states have entered into reciprocal agreements to collect delinquent Federal or State taxes.

The Subcommittee hearing is scheduled for Thursday, June 16, 2005, at 9:30 a.m. in Room 562 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd, III, Staff Director and Chief Counsel to the Permanent Subcommittee on Investigations, at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, June 7, 2005 to conduct a Business Meeting on the following agenda:

Resolutions

To authorize alteration of the James L. King Federal Justice Building in Miami, FL.;

H.R. 483, to designate a United States courthouse in Brownsville, TX, as the "Reynaldo G. Garza and Filemon B. Vela United States Courthouse";

S. 1140, to designate the State Route 1 Bridge in the State of Delaware as the "Senator William V. Roth, Jr. Bridge";

S. 1017 To reauthorize grants for the water resources research and technology institutes established under the Water Resources Research Act of 1984;

S. 260 Partners for Fish and Wildlife Program;

S. 858 NRC Fees/Reform Bill;

S. 865 Price Anderson;

S. 864 Nuclear Security.

The hearing will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday June 8, 2005, at 10 a.m., to hear testimony on "The Tax Code and Land Conservation: Report on Investigations and Proposals for Reform".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 8, 2005 at 2:30 p.m. to hold a hearing on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, June 8, 2005 at 9:50 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 8, 2005 at 2:30 p.m. to hold a briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. LOTT. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet, Wednesday, June 8, 2005 from 2 p.m.-5 p.m. in Dirksen G50 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DISASTER

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Disaster be authorized to meet on Wednesday, June 8, 2005, at 2:30 p.m., on Research and Development to Protect America's Communities from Disaster, in SR-253.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, INNOVATION AND COMPETITIVENESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Innovation, and Competitiveness be authorized to meet on Wednesday, June 8, 2005, at 9:30 a.m. on Current Challenges that Confront American Manufacturers, in SR-253.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Bharat Ramamurti, a legal intern with my Senate Judiciary staff, be granted the privileges of the floor during consideration of the Brown nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, I ask unanimous consent that privileges of the floor be granted to Kate Stephenson of my office staff today.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: 57, 140, 143, 144, 145, 146, and 147. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Daniel R. Levinson, of Maryland, to be Inspector General, Department of Health and Human Services.

DEPARTMENT OF HOMELAND SECURITY

Philip J. Perry, of Virginia, to be General Counsel, Department of Homeland Security.

DEPARTMENT OF JUSTICE

Regina B. Schofield, of Virginia, to be an Assistant Attorney General.

Paul D. Clement, of Virginia, to be Solicitor General of the United States.

Gretchen C. F. Shappert, of North Carolina, to be United States Attorney for the Western District of North Carolina for the term of four years.

Anthony Jerome Jenkins, of Virgin Islands, to be United States Attorney for the District of the Virgin Islands for the term of four years.

Stephen Joseph Murphy III, of Michigan, to be United States Attorney for the Eastern District of Michigan for the term of four years.

NOMINATION OF GRETCHEN C.F. SHAPPERT

Mr. BURR. Mr. President, I rise in support of the nomination of Gretchen C.F. Shappert to be U.S. Attorney for the Western District of North Carolina.

Ms. Shappert has been an Assistant U.S. Attorney for the Western District since 1990 and has served as Acting U.S. Attorney since 2004.

Ms. Shappert brings a wealth of experience to the position, and I am confident that she will continue to serve the President, the State of North Carolina, and the country with honor and distinction.

From 1983 to 1990, Ms. Shappert served as Assistant District Attorney and as Assistant Public Defender for Mecklenburg County, NC.

Before her career in public service, Ms. Shappert was an associate with the law firm of Tucker, Hicks, Sentelle, Moon & Hodge in Charlotte, NC.

Ms. Shappert earned her bachelor's degree from Duke University and her

J.D. from Washington and Lee University School of Law, where she earned the title of managing editor of the Washington and Lee Law Review.

I have no doubt that Ms. Shappert will continue to represent North Carolina well in the judicial branch of our Nation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

NATIONAL HISPANIC MEDIA WEEK

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 163, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 163) designating June 5 through June 11, 2005, as "National Hispanic Media Week," in honor of the Hispanic Media of America.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. Mr. President, I support this important resolution designating June 5 through June 11 as National Hispanic Media Week.

For nearly four centuries, Hispanic publishers, writers, and editors have made immeasurable contributions towards our national commitment to promote free speech and the free exchange of ideas. This group of hard working Americans has dedicated themselves to better informing our communities on the great political, economic, and social issues of the day. Hispanic publications serve a population of over 20 million people meaning that one in every eight Americans receives at least part of their news from a Hispanic media outlet

The designation of a week to honor the Hispanic media of America will help affirm the importance of freedom of speech, civic engagement, and further development of the Hispanic media. This recognition of the Hispanic media will serve as a reminder of the valuable contributions made by Hispanic publishers, journalists and editors.

This resolution is important across the country, but I can personally speak to its importance in my home State of New Mexico. Forty-two percent of New Mexico's population is Hispanic. I know that many of those individuals rely on Hispanic media for news and entertainment. They tap into such New Mexico outlets as El Hispano newspaper, radio stations like KDCE in Española and KLVO in Albuquerque, Spanish-language television stations like KLUZ, and magazines like La Herencia. I am proud to be apart of honoring a group that is so important to so many people in my home State.

This resolution calls on the American people to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the week with appropriate ceremonies and activities.

I strongly urge my colleagues to join us in promptly passing this resolution designating June 5 through June 11 as National Hispanic Media Week.

Mr. BINGAMAN. Mr. President, I am pleased to add my name as a cosponsor of this resolution to recognize Hispanic Media Week. The resolution provides an opportunity to recognize the vital contribution the Hispanic media makes not only to the Hispanic community but to the Nation at large.

As the Hispanic community grows in numbers, business influence, and political power an integral part of their success has been the Hispanic media. Currently there are almost 600 Hispanic publishers in the United States with a combined readership of over 30 million. These publications represent Spanish, bilingual, and English daily, weekly, and periodic newspapers and magazines. Many of these publishers have persevered through years and even decades of low circulation numbers and industrywide skepticism to emerge today as a dynamic and growing segment of the publishing industry.

The number of Hispanic publishers continues to grow larger and play an important role in getting vital information to this important segment of the population. In disseminating vital information to the Hispanic community, Hispanic publishers have performed a service not only to their own communities but to each and every community that strives towards a free and open exchange of ideas in the embodiment of the American dream.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 163) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 163

Whereas for almost 470 years the United States has benefitted from the work of Hispanic writers and publishers;

Whereas over 600 Hispanic publications circulate over 20,000,000 copies every week in the United States;

Whereas 1 in 8 Americans is served by a Hispanic publication;

Whereas the Hispanic press informs many Americans about great political, economic, and social issues of our day;

Whereas the Hispanic press in the United States focuses in particular on informing and promoting the well being of our country's Hispanic community; and

Whereas commemorating the achievements of the Hispanic press acknowledges the important role the Hispanic press has played in United States history: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 5 through June 11, 2005, as "National Hispanic Media Week", in honor of the Hispanic Media of America; and

(2) encourages the people of the United States to observe the week with appropriate programs and activities.

COMMITTEE ON APPROPRIATIONS 138TH ANNIVERSARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 164, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 164) authorizing the printing with illustrations of a document entitled "Committee on Appropriations, United States Senate, 138th Anniversary, 1867–2005."

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 164) was agreed to, as follows:

S. RES. 164

Resolved, That there be printed with illustrations as a Senate document a compilation of materials entitled "Committee on Appropriations, United States Senate, 138th Anniversary, 1867–2005", and that there be printed two thousand additional copies of such document for the use of the Committee on Appropriations.

ORDERS FOR THURSDAY, JUNE 9, 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Thursday, June 9. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then return to executive session and resume consideration of the nomination of William Pryor to be a U.S. circuit judge for the Eleventh Circuit, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Tomorrow, the Senate will resume consideration of the nomination of Bill Pryor to be a

U.S. circuit judge for the Eleventh Circuit. Earlier today, cloture was invoked on the Pryor nomination by a vote of 67 to 32. Under a previous order, the time until 4 p.m. will be equally divided for debate on that nomination. At 4 p.m., the Senate will proceed to a vote on confirmation. The vote on the Pryor nomination will be the first vote of the day.

Following the Pryor confirmation vote, the Senate will consider the Griffin and McKeague nominations to the Sixth Circuit. We will debate those nominations concurrently and vote on confirmation tomorrow evening. I would say to our colleagues, we are not finished when we finish the vote on Judge Pryor tomorrow afternoon. We have two more very important nominations to the Sixth Circuit, a circuit that has been 25-percent vacant for many years. So we will not be able to conclude until we finish all of those nominations tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:46 p.m., adjourned until Thursday, July 9. 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 8. 2005:

THE JUDICIARY

JOHN RICHARD SMOAK, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA, VICE C. ROGER VINSON, RETIRED.

DEPARTMENT OF JUSTICE

KENNETH L. WAINSTEIN, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS, VICE ROSCOE CONKLIN HOWARD, JR., RESIGNED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL CHARLES W. COLLIER, JR., 5754
BRIGADIER GENERAL SCOTT A. HAMMOND, 1613
BRIGADIER GENERAL HENRY C. MORROW, 7671
BRIGADIER GENERAL ROGER C. NAFZIGER, 2043
BRIGADIER GENERAL GARY L. SAYLER, 7927
BRIGADIER GENERAL DARRYLL D.M. WONG, 0536

To be brigadier general

COLONEL MICHAEL D. AKEY, 2758
COLONEL FRANCES M. AUCLAIR, 3080
COLONEL KATHLEEN F. BERG, 2061
COLONEL JAMES A. BUNTYN, 1403
COLONEL STANLEY E. CLARKE III, 5311
COLONEL JAMES F. DAWSON, JR., 8677
COLONEL MICHAEL D. GULLIHUR, 6497
COLONEL TONY A. HART, 2339
COLONEL MARTIN K. HOLLAND, 0105
COLONEL MARY J. KIGHT, 8947
COLONEL JAMES W. KWIATKOWSKI, 5729
COLONEL ULAY W. LITTLETON, JR., 0409
COLONEL PATRICK J. MOISIO, 4550
COLONEL LODA R. MOORE, 7982
COLONEL THOMAS A. PERARO, 2660
COLONEL WILLIAM M. SCHUESSLER, 4670
COLONEL ROBERT M. STONESTREET, 9000
COLONEL JANNETTE YOUNG, 9302

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DAVID G. EHRHART, 5401
COL. RICHARD C. HARDING, 9947

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WALTER L. SHARP, 4862

CONFIRMATIONS

Executive nominations confirmed by the Senate: Wednesday, June 8, 2005:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DANIEL R. LEVINSON, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF HOMELAND SECURITY

PHILIP J. PERRY, OF VIRGINIA, TO BE GENERAL COUNSEL, DEPARTMENT OF HOMELAND SECURITY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

JANICE R. BROWN, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT.

DEPARTMENT OF JUSTICE

REGINA B. SCHOFIELD, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

PAUL D. CLEMENT, OF VIRGINIA, TO BE SOLICITOR GENERAL OF THE UNITED STATES.

GRETCHEN C. F. SHAPPERT, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

ANTHONY JEROME JENKINS, OF VIRGIN ISLANDS, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF THE VIRGIN ISLANDS FOR THE TERM OF FOUR YEARS.

STEPHEN JOSEPH MURPHY III, OF MICHIGAN, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS.

HOUSE OF REPRESENTATIVES—*Wednesday, June 8, 2005*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

Washington, DC, June 8, 2005.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Nelson Quinones, Pastor, St. John's Lutheran Church, Allentown, Pennsylvania, offered the following prayer:

Holy and Eternal God, we come before You with hearts of service. Send Your spirit to stir up our minds and enlighten us in the decisions we make today.

Enable us to remove obstacles; empower us to build bridges; help us to enhance the lives of the people we serve in our Nation and abroad.

Be ever present in the lives of our military people; protect them from the violence and danger found in the service they provide. Comfort grieving families and those who await their loved ones' safe return.

Sustain those who may be sick and low in spirit. In the midst of pain, grant them peace, good medicine, and compassionate caregivers.

Refresh us Spirit of God, keep us faithful to the trust that people have bestowed on us to serve this Nation. As we begin another day of service for Your people, in the name of the one who came to serve, Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Washington (Mr. INSLEE) come forward and lead the House in the Pledge of Allegiance.

Mr. INSLEE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND NELSON QUINONES

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Madam Speaker, I want to thank our guest, the Reverend Nelson Quinones, who is visiting from my home district in Pennsylvania's Lehigh Valley. The Reverend is the assistant pastor at St. John's Lutheran Church in Allentown, Pennsylvania.

Like many members of the clergy, Reverend Quinones is an important voice in the overall community. Reverend Quinones' byline regularly appears in columns and letters in our local and regional newspapers, addressing a variety of important topics that concern the community.

Just as he serves his congregation and community, the Reverend has also served his country. For 6 years, Reverend Quinones was an electronics technician with the United States Naval Reserve.

Also in attendance today is the Reverend's wife, Jessica, who is a kindergarten teacher in the Northampton area school district and their 2-year-old son, Nicholas. They join us today in the gallery.

CLIMATE COOKS ALONG WITH THE BOOKS

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, we have known for some time that the Bush administration refuses to exercise any leadership in dealing with climate change. We now find out not only are they failing to act, they are cooking the books and the science involving this issue.

We read in the New York Times this morning a White House official who once led the oil industry's fight against limits on greenhouse gases has repeatedly edited government climate reports in ways that play down links between such emissions and global warming, according to internal documents.

Philip Cooney, White House counsel and environmental quality chief of staff have been cooking the books that we pay for with our tax money on the science of climate change; and because the administration has turned the government of the United States over to the oil industry lobbyists, they are not sharing the real science with the American people.

It is one thing to debate. I suppose if you want to debate gravity, you can do it, but at least let Americans know what the science is in this regard. We are paying for this science, and the President is cooking the books and not sharing it with us. As a result, we find tundra melting in the Arctic, the glaciers disappearing in Glacier National Park and major changes that our kids are going to have to deal with.

Madam Speaker, the Bush administration should stop cooking the books when it comes to climate change.

HONORING SPECIALIST DUSTIN FISHER

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Madam Speaker, I rise today to mourn the loss of Army Specialist Dustin Fisher. Dustin, a Van Buren, Arkansas, native, gave his life serving his country in Iraq. He was one of three soldiers killed by terrorists when a car bomb was detonated near Dustin's convoy in Baghdad on May 24.

This is especially hard because not only has our State and Nation lost a wonderful young man, but his father, Waldo, is one of the finest people I know. Hundreds of people attended Dustin's funeral on Monday, a tribute to the many lives he touched in the community of Van Buren. He was remembered as a "fun-loving person" who always held a soft-spot for the women in his life: his mother, Brenda; sister, April; and his wife, Alicia, to whom he was wed only weeks before being deployed.

Dustin always admired his father, Waldo, and his brother, Shane, who are both veterans. Dustin shared his father's love of country by following in his footsteps and enlisting in the Army in 2003. Waldo said that Dustin made him more proud than words could describe.

Madam Speaker, Specialist Dustin Fisher, at the age of 22, made the ultimate sacrifice for his country. He is a true American hero. I ask my colleagues to keep Dustin's family and friends in their prayers and thoughts during these very difficult times.

RISING COST OF HEALTH CARE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, in the last few weeks I have had the honor of addressing Chambers of Commerce from districts which have included the gentleman from Florida (Mr. MICA) and the gentleman from Alaska (Mr. YOUNG). In both cases, we ended up having a deep discussion about the rising cost of health care, about how health care is becoming increasingly costly for many American businesses, a threat to their profitability.

Today's news is that General Motors is talking about cutting 25,000 jobs and closing plants. Here is what GM's CEO says in today's news. "A big challenge for General Motors is to cut its soaring health care expenses, $5.6 billion this year for its 1.1 million current and former workers and their families. Health care bills add about $1,500 to the cost of each GM vehicle, a significant disadvantage versus our foreign-based competition."

Madam Speaker, it is time for a universal, single-payer, not-for-profit health care system which will enable businesses to survive and the health care needs of the American people to be provided for.

EXPORTING RICE TO CUBA

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Madam Speaker, I rise this morning to highlight the importance of free trade and the merits of agricultural trade, particularly rice trade, with Cuba. An injunction against tourism is one thing, but our sanctions against Castro's regime, which have been in place since 1963, should not prevent our Nation from selling farm products, specifically rice, to the people there.

The Cuban people will eat rice. If we will not sell it to them, they will get it elsewhere. Why are we economically punishing ourselves and our farmers in the name of punishing Communists in Cuba?

The Cuban market remained closed until this body passed the Trade Sanctions Reform and Export Enhancement Act of 2000. With the reopening mandated by this Act, rice sales to Cuba have grown to $64 million a year. But now we hear that some want to slash back this momentous trade for political reasons.

The Federal Government announced it was redefining the definition of "payment of cash in advance," a ruling which could jeopardize future trade. This bureaucracy is getting in the way of the law. As Cubans begin looking to Vietnam, Thailand and for other sources for rice, I urge colleagues to cosign H.R. 1339 to further explain in simple terms to government bureaucrats that U.S. farmers should be allowed to trade with Cuba on a cash-for-crop basis.

FUNDAMENTAL TAX REFORM NEEDED

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Madam Speaker, today in the Committee on Ways and Means we are holding a hearing on tax reform. We have a tax system that is needlessly complicated, inequitable, and burdensome to the middle class. We need fundamental tax reform that reflects the values and the interests of our middle-class families, not the special interests.

President Bush when he announced the commission said his core principle is that tax reform should not adversely affect government revenues. The democratic core principle of tax reform is it should not adversely affect the middle class, not the government. It is the middle class that is our taxpayer.

In the last 4 years, the Tax Code has been filled with special breaks for special interests. At the same time, the tax burden has shifted from wealth to work, form passive dividends to daily wages.

Madam Speaker, four objectives of tax reform:

Take the five different educational tax breaks for college education and make it one $3,000 credit per child going to college.

Second, simplify family credit. Take the earned income tax credit, the per child and the dependent care and go from 20 pages of code down to 12 questions.

Third, on retirement, bring the 16 different versions of the Tax Code on savings down to a universal pension.

Madam Speaker, these things would help the middle class eliminate burdensome paperwork and eliminate pages and pages of Tax Code and help the middle class achieve a middle-class dream.

DECISIVE ACTION NEEDED ON DARFUR

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, I rise today to talk about the continued reports of rape, mutilation, killings, and racism from Darfur, Sudan. The African Union, the U.N., the international community all know what is happening there. Women are raped and men are killed.

Our government has called it genocide. The U.N. stopped short of using that term but has expressed concern. The fact is the extremist regime in Khartoum is engaging in an ethnic cleansing campaign, so-called Arab Muslims brutalizing and attacking so-called black Muslims. One 21-year-old Sudanese woman was attacked by a group of uniformed men who said, "You are black people. We want to wipe you out."

Madam Speaker, where is our outrage? Where is the outrage of the international community and the U.N.? We have no excuse because we know what is happening. The U.N. does not appear to have the ability to rally the public's popular support among its membership to act decisively because of a few powerful states undermining the process behind the scenes.

The real question is, does the international community care enough to go after the Sudanese government and its puppet militias? I wish I could say we do. People are suffering because of our inaction and inaction of the U.N. and the international community.

MINORITY WOMEN UNITED AGAINST JANICE ROGERS BROWN

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Madam Speaker, today I rise in opposition to the confirmation of Janice Rogers Brown who today will be debated on the floor of the other body. Her extreme views are out of touch with the mainstream and are not in touch with Americans values. She was the only member of the California Supreme Court to find that a jury should not be allowed to hear expert testimony in a domestic violence case regarding battered women's syndrome. She even said that employers may use racial slurs against their employees.

Her record is clear. She does not protect the rights of women, workers or minorities.

Yesterday I and 14 other women members of the Congressional Hispanic Caucus, the Congressional Black Caucus and the Asian Pacific American Caucus sent a letter to Senate leaders stating our strong opposition to the confirmation of Janice Rogers Brown.

Given the serious concerns against Janice Roger Browns' views, I encourage my colleagues in the Senate to vote against her confirmation. Her confirmation would have a detrimental effect on women, minorities and all Americans.

□ 1015

REPUBLICANS PAVE THE WAY FOR AMERICAN HOMEOWNERS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, June is American Homeownership Month, recognizing the benefits of achieving the American Dream. As a former real estate attorney for 25 years, I know firsthand the joy of homeownership. By purchasing a home, Americans are investing in their own futures, ensuring stability and promoting long-term financial security for their families. House Republicans are providing important incentives for homeowners and creating jobs and are paving the way for more American families to own their own homes. Today, homeownership is near record levels, with 69.1 percent of American families now owning their homes. According to the National Association of Realtors, sales of existing U.S. homes climbed 4.5 percent in April.

Increased home sales are just another sign of continued economic growth in America. Last week, the Department of Labor also reported that the Nation's unemployment fell to 5.1 percent in May and that over 3.5 million jobs have been created since May 2003 when President Bush signed into law his tax reductions.

Republicans remain dedicated to a successful, positive agenda that will grow the economy and provide more opportunities to American families.

In conclusion, God bless our troops and we will never forget September 11.

TOBACCO ESCAPES HUGE PENALTY

(Mr. UDALL of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of New Mexico. President Bush, your Justice Department legal team is failing you, and failing you miserably. Tobacco companies have bilked the consumer for hundreds of billions of dollars. I am proud to say that State attorneys general recovered $215 billion for their States. We find out today in The Washington Post the Justice Department has given away the ranch. The headline says it all: "Tobacco Escapes Huge Penalty." Even the tobacco attorneys are mystified.

They said, "They've gone down from $130 billion to $10 billion with absolutely no explanation. It's clear the government has not thought through what it's doing."

President Bush, there is still time. Call your Attorney General and tell him to put on a real case. Otherwise, you are throwing in the towel to Big Tobacco.

HOMEOWNERSHIP AND JOB NUMBERS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, June is Homeownership Month and the housing market continues to be a catalyst for a growing economy. Just last quarter, growth figures were revised higher, growing at a 3.5 percent annual rate. For the past 2 years, the U.S. economy has grown faster than the economy of any major industrialized nation. Since May of 2003, over 3.5 million jobs have been created with 24 straight months of job growth. That is 2 years of putting people back to work, 2 years of more people collecting paychecks. What is even more impressive is the fact that the unemployment rate dropped to 5.1 percent, the lowest level since 9/11.

Many things are behind these positive job numbers, but one thing in particular is the strength of our housing market. Homeownership is at near record levels with nearly 70 percent of American families now owning their own homes. Sales of existing U.S. homes climbed 4.5 percent in April. In 2004, home prices posted the biggest gain in 25 years.

Madam Speaker, these steady gains are great news. They show that more people are working, more people are collecting paychecks, more people are owning their own homes, and more people are realizing the American Dream. This direction should be celebrated.

SOCIAL SECURITY: DEMOCRATS RAISE TAXES

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Madam Speaker, I rise today to continue to shine the light on the need for reform of our Social Security. On Monday, an editorial ran in The Washington Post which criticized the Democratic leadership for not having or supporting a plan for Social Security reform. The editorial also hammered the plan offered by Democrat Robert Wexler as a lopsided quick fix, calling the proposal both unbalanced and inadequate. They say the plan would merely raise payroll taxes and would fail to provide long-term relief. Further, the proposal shows little or no benefit for workers under the age of 55.

One solution which could help improve Social Security and provide long-term relief is through personal retirement accounts. Giving Americans the option of putting a portion of their payroll taxes into small personal accounts is a more balanced and better solution to the Social Security problem. Quick fixes, such as the one proposed by Robert Wexler, will only pass the problem of Social Security to younger generations.

Madam Speaker, our children and grandchildren deserve the best, including a Social Security program which provides generational fairness. And clearly Americans are hearing this clarion call. In fact, a recent Fox News poll showed that 84 percent of workers age 18 to 55 would support having the option of personal accounts.

IN SUPPORT OF THE AIR FORCE ACADEMY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, recent reports paint an unfair picture of the United States Air Force Academy. It has been characterized as a place where religious intolerance is the norm. As someone who has spent considerable time with Air Force personnel and cadets, I know that the academy has always been a place that has indeed taught religious tolerance.

After discovering perceptions of religious bias during a survey in 2004, the academy made considerable efforts to address issues of religious intolerance and has implemented a proactive plan to address this very issue. The academy leadership instituted a new training program for all cadets, staff, and faculty to address the diversity of the Air Force and the need for each person to respect others, regardless of their beliefs or faith.

Like any other university, cases of perceived religious intolerance do occur. But any attempt to brand the academy as a place where intolerance is accepted is just plain false. I applaud the United States Air Force for taking the proper steps to investigate and correct any problems regarding allegations of religious intolerance.

ANNOUNCING INTRODUCTION OF THE SHIELD ACT

(Ms. MOORE of Wisconsin asked and was given permission to address the House for 1 minute.)

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to proudly introduce H.R. 2695, the Safe Housing Identification Exemption for the Lives of Domestic Violence Victims, the SHIELD Act, with the gentlewoman from Florida (Ms. HARRIS). I know of the victims that have finally built up the courage to leave their abusive relationships and have nowhere to go but to a homeless shelter. I know of the women who every day are scared for their lives because their abusers are trying to track them down. I know of the victims who are so scared that they can be tracked down by their predators, and they probably would not seek housing assistance if they knew that HUD required them to disclose their personal information, their Social Security numbers, birth date and location into the homeless management information system database.

I am thinking of those abusers who have ready access to this personal information. They may be their partners.

These abusers may work in one of these agencies and have ready access to this database.

I ask my colleagues to please support H.R. 2695, the SHIELD Act, to exclude personally identifying information. Reaching out for assistance is a really big step for these victims. Let us not put them in grave danger.

METHAMPHETAMINES

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Madam Speaker, there is a growing drug problem in my home State of North Carolina and across America, and it is one we in Congress must face this year. The White House Office of National Drug Control Policy has called methamphetamines one of the fastest growing drugs in America. Worst of all, those producing and trafficking meth often do so in the presence of children. In 2004 alone, 2,754 children were found in 34 percent of the methamphetamine busts.

Along with 14 other Members of Congress, I have introduced H.R. 1616, which would double the maximum jail time of Federal sentencing for those involved in the production or transportation of illicit drugs in the presence of children. Almost as much as abusing meth, being exposed to chemicals involved in its production is extremely dangerous and children found in meth labs have often been physically abused and neglected.

I ask my colleagues to please join me in supporting H.R. 1616 to protect kids from illicit drug production and trafficking.

ANNOUNCING MARKUP OF U.N. REFORM ACT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, as the largest financial contributor to the United Nations, the American people have every right to demand accountability and transparency at the U.N. and the U.N. Reform Act introduced by the gentleman from Illinois (Mr. HYDE) and humbly coauthored by myself will be marked up today in the Committee on International Relations and does just that.

To restore the credibility of this world forum, we have to have real reform: in budgeting, oversight, peacekeeping, and human rights. The Hyde/Pence bill authorizes a variety of methods of leverage to enact reforms, including the withholding of 50 percent of U.S.-assessed dues if certifications are not made in key areas.

The U.N. plays a vital role in the world, but it cannot do so if it is bogged down in bureaucracy and scandal. Hyde/Pence provides a vision for U.N. reform and the tough incentives to accomplish it. Hyde/Pence is U.N. reform with teeth, and I urge its adoption.

CONSIDERING MEMBER AS FIRST SPONSOR OF H.R. 1704

Mr. CANNON. Madam Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 1704, a bill originally introduced by Representative PORTMAN of Ohio, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection to the request of the gentleman from Utah?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the remaining motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

RECOGNIZING THE SACRIFICES BEING MADE BY FAMILIES OF MEMBERS OF THE ARMED FORCES

Mr. JONES of North Carolina. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 159) recognizing the sacrifices being made by the families of members of the Armed Forces and supporting the designation of a week as National Military Families Week, as amended.

The Clerk read as follows:

H. CON. RES. 159

Whereas the people of the United States have a sincere appreciation for the sacrifices being made by the families of members of the Armed Forces while their loved ones are deployed in the service of their country;

Whereas military families face unique challenges while their loved ones are deployed because of the lengthy and dangerous nature of these deployments;

Whereas the strain on military family life is further increased when these deployments become more frequent;

Whereas military families on the home front remain resilient because of their comprehensive and responsive support system;

Whereas the brave members of the Armed Forces who have defended the United States since September 11, 2001, continue to have incredible, unending support from their families; and

Whereas the week of June 12, 2005, has been proposed to be designated as National Military Families Week: Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the sacrifices of military families and the support they provide for their loved ones serving as members of the Armed Forces; and

(2) supports the designation of a week as National Military Families Week.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from Oklahoma (Mr. BOREN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

GENERAL LEAVE

Mr. JONES of North Carolina. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H. Con. Res. 159, offered today by the gentleman from Arkansas (Mr. BOOZMAN). Today as we continue to fight the global war on terrorism, it is entirely appropriate to honor the families of servicemembers who make sacrifices just as real, and no less difficult, as those who deploy to the war fighting zones.

America may not realize it, but in the last 30 years, the military has gone from a predominantly single male establishment to one with a greater emphasis on family. In 1974, for example, 40 percent of enlisted members were married. Today, nearly 50 percent of the active and Reserve component enlisted members on active duty are married. Among officers, 68 percent of active duty officers and 73 percent of Reserve component officers are married.

There is another story to be told by these statistics. America has become heavily reliant on its Reserve components, the National Guard, the Army and Marine Corps Reserves and the Reserves of the other services. So the burden and sacrifice of war is not confined to a small portion of America's military. The effort by military families is taking place in many of the small towns, cities, and counties that each of us represents.

In my view, all military families have responded magnificently. So today I call upon my colleagues to support this resolution to honor military families, to thank them for what they have done, and to ask them for their continued support.

Madam Speaker, I reserve the balance of my time.

☐ 1030

Mr. BOREN. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Concurrent Resolution 159, which proposes to designate the week of June 12, 2005, as National Military Families Week. I want to commend the gentleman from Arkansas (Mr. BOOZMAN) and the gentlewoman from South Dakota (Ms. HERSETH), the bill's sponsors, for bringing this matter to the House.

Today, over 280,000 of the 1.4 million soldiers, sailors, airmen, and Marines are currently deployed around the globe; and, of those currently deployed, more than 200,000 are serving in the CENTCOM area of operation in support of Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan. And I am especially proud of the men and women in uniform from my home State of Oklahoma.

However, times have changed since we drafted young, single service members. Compared to those earlier years, many of today's professional volunteer forces are married and have families. Today, there are approximately 700,000 spouses and more than 1.2 million dependent children between the ages of birth and 18 years, and those numbers continue to climb after each deployment.

A National Military Families Week will provide an opportunity to allow the Nation to recognize the sacrifices not only of those who serve in uniform but of the sacrifices that the families make as well. Military families left behind often face a myriad of challenges when a loved one is deployed. Fear, disappointment, depression, anger, respect, admiration, joy, and pride are just a few of the feelings that military families face during those months of separation. Many children will be born while a parent is deployed to Afghanistan or Iraq. Tragically, some of them will never know their parent who served in uniform.

More so than ever, military families are facing birthdays, they are facing proms, graduations, holidays, and weddings and other family events without their service member. So it is fitting that our Nation recognizes the sacrifices being made by military families and appreciate their contributions during a National Military Families Week with appropriate observance and celebration.

I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. JONES of North Carolina. Madam Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. BOOZMAN), who introduced this resolution.

Mr. BOOZMAN. Madam Speaker, I rise today to support H. Con. Res. 159 to recognize the sacrifices being made by the family members of the Armed Forces and to support the designation of the week of June 12 as National Military Families Week. I want to thank the gentleman from North Carolina (Mr. JONES) and the gentleman from Oklahoma (Mr. BOREN) for their leadership on this issue.

Over the last several years I have traveled around the world and met many young men and women serving our country. They have dedicated their lives to defending this Nation and the principles on which it was founded. They have dedicated their lives to protecting each of us and our families.

We have seen an increased awareness of the sacrifices these men and women have been making. Yet there are many more people that are being overlooked. There are husbands and wives who remain here in the United States while their spouses are making an enormous sacrifice. They are here working and caring for children and other family members left behind. These families face unique challenges while their loved ones are deployed. Yet they remain resilient because of the wonderful support system they have here at home.

As we designate a week to recognize and celebrate these families, I urge our citizens to come forward to support these families. We must get involved in our local communities. Several foundations, like the Armed Forces Foundation, the Wounded Warrior Foundation, and the Love Gift Fund, are busy assisting these families and need our help to carry on.

I also want to thank the gentlewoman from South Dakota (Ms. HERSETH), who is a cosponsor of this bill who is unable to be here this morning.

Recently, I was in Landstuhl in Germany. This is the base that, when the soldiers are injured, they immediately come to out of Iraq. I was there, and we were in the intensive care unit.

A young man that had been wounded on night patrol, I was there in the afternoon, and he had been wounded at four o'clock the previous evening, had lost both his legs below the waist. He wanted to tell his story to us. They literally pulled out the breathing apparatus. He apologized that he could not speak very well and was telling his story, related what had happened. But the first thing he wanted to know was how his wife was doing and was there any way that we could get them paired up, and we reassured him that he would be with her the next day.

But, truly, we have situations like this occurring. We have situations like that. We have got just the day-to-day situation of the separation, the anxiety and things that are going on. So we have a great opportunity. And I want to thank the leadership and I want to thank their staff for giving me the opportunity to bring this resolution to the floor and encourage Members to vote for it and then again just encourage our community and country to take the opportunity to remember these people, not only in their thoughts and prayers but by deeds and action.

Mr. BOREN. Madam Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Madam Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Madam Speaker, I thank the gentleman from North Carolina (Mr. JONES) for yielding me this time.

It is a great honor for me to be here today to speak on behalf of House Current Resolution 159, and I want to congratulate the authors, the gentleman from Arkansas (Mr. BOOZMAN) for his leadership in recognizing the importance of military families and designating June 12 as National Military Families Week.

As I stand before this Chamber, I am very grateful to let the Members know that my appreciation of military families is because we are one, and I am very grateful that our family has multiple generations of recognition of how extraordinary it is and what a great honor it is to represent the people of the United States in uniform.

As I think about the multiple generations, I was inspired by my dad, who served in the Flying Tigers during World War II, the 14th Air Force; and I had the extraordinary opportunity 2 years ago to visit with President Jiang Zemin of China, who told me of how the American military is revered in China for the liberation of their country during World War II.

Additionally, I am inspired because of my late father-in-law, who served in the U.S. Marines during World War II. He had been advised that it was impossible for the American Marines to capture the Japanese headquarters at Okinawa, Shuri Castle. It had been fortified and refortified for 400 years, and of course the U.S. Marines took that as a challenge, and they did capture Shuri Castle, and I am very grateful that my late father-in-law was awarded the Navy Cross. But he understood sacrifice. He, following the conflict on Okinawa, was shot in the back by a sniper, and he spent the rest of his life in a wheelchair. But he never regretted his service to the American people.

And the inspiration was to me. I had the privilege of serving 31 years in the Army National Guard, and the reason I stayed in so long is because the people that we meet in the military are dedicated, they are competent, they are patriotic. They are people that inspire people to want to be associated with them, and I urge young people in particular and families to get involved in the military process.

I also want to give credit to my wife, Roxanne. She has had the great experience of raising three sons who are currently serving in the military today. Our oldest son, Alan, returned in February from serving 1 year and a day in

Iraq in the Army National Guard. We are very proud of him. He is classic National Guard. He was mobilized 16 months ago. He was retrained, served for a year in Iraq. He has come back, and now he is Assistant District Attorney in our home county. In fact, this week he had his first case that began at the courthouse. So it is a real testimonial to our Guard members, how they can serve and be citizen soldiers and be proud of serving.

Additionally, our second son 2 weeks ago was promoted to lieutenant in the U.S. Navy, and he is currently serving at the U.S. Naval Hospital in San Diego. We are very proud that he and his wife and two young sons have what I hope will be a long-term career in the U.S. Navy.

And then this week is a big week for our family in that on Friday our third son will be graduating from officer basic school at Fort Gordon, Georgia. So I am really hopeful that we get out of here early enough on Thursday so I can fly to Columbia and drive to Augusta so I can see his graduation.

So as I tell the Members how much I appreciate military families, indeed it is very personal; and I am so grateful for leadership here in Congress of both parties to recognize families.

I have to point out that I just arrived back last week from my fourth visit to Iraq, and I had the opportunity to meet firsthand with our troops in Fallujah. I had the opportunity to meet with our troops at Balad and then at Camp Victory, and we got to meet with the generals. We got to meet with people from our home State, young enlisted personnel, the junior officers. The enthusiasm of our troops, the morale of our troops, just can warm the hearts of family members and also their employers back at home.

A difference is being made. Our troops understand in the war on terror that they are protecting the American families by taking the war to the enemy oversees and that protects American families whom we are recognizing today.

So, again, I want to thank the leaders on this particular bill. I want to urge support of my colleagues of H. Con. Resolution 159.

And, in conclusion, God bless our troops; and we will never forget September 11.

Mr. JONES of North Carolina. Madam Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Oklahoma (Mr. BOREN) and certainly the gentleman from Arkansas (Mr. BOOZMAN), who introduced this resolution, and my good friend from South Carolina.

I want to make just a few comments, and then I will close.

This is such an important time in the history of our Nation. It is such an important thing that we are doing today in remembering the families. As the Members can see, in front of me is a photograph of a Marine who was getting ready to be deployed. This was a few years ago. In fact, this was before Iraq and Afghanistan. Major Trenchard was getting ready to be deployed to Bosnia, and I have had this photograph for probably 8 years. It is just the greatest shot I have ever seen. Standing on his big boots, we can see his little girl named Megan. This was taken by a newspaper in my State of North Carolina. He is a big man, as we can tell from the photograph, and he is holding in his hands his daughter Bridget.

I believe this is what we are here today about. That is, to thank those who wear the uniform, thank the families who stand beside them. Many times, it is a husband when it is the wife in the military and the wife is overseas, but most of the time it is the wife who is at home and the husband oversees and the wife taking care of the children.

I think about the district I represent, Camp Lejeune Marine Base, Cherry Point Marine Air Station, Seymour Johnson Air Force Base, and I want to share with my colleagues on the floor today that in the 11 years I have been in office, I do not have a military background but I have a real sincere appreciation for those who do wear the uniform and their families; and I want to share very briefly in the few minutes I have left some of my thoughts about being in Congress and what has happened that maybe impacted my life that I will never forget that really dealt with military families.

One being that the third year I was in office I got a call from Mrs. Gloria Underwood in Goldsboro, North Carolina, whose husband, Colonel Paul Underwood, was shot down, a fighter pilot, Air Force, in Vietnam. And she called me. I did not know her, and she did not really know me except she knew I was elected to Congress. She said, "We are going to have a service at Arlington. My husband is coming home 30 years after he was shot down and killed."

I never will forget that day. It was in the fall. It was not too cold, but it was cool. My staff and I went over to the chapel at Arlington. It happened to be a Catholic service, and I just sat there looking at the children of Colonel Paul Underwood. He represented all who have ever fought in war that did not come home.

□ 1045

Mrs. Underwood represented the families whose family member did not come home. When I looked at the children in that chapel and looked at Mrs. Underwood and thought for almost 30 years they did not have a husband, they did not have a father, I thought, what a price to pay. But thank God for those like Colonel Underwood who are willing to pay the price so that we can enjoy the freedom in this great Nation known as America.

The other story I would like to share very quickly, and I am going to put another photograph up, if I may, this is a photograph of a child whose name is Tyler Jordan. Tyler's father was a gunny sergeant, actually at one time stationed at Camp Lejeune, and his name was Phillip Jordan.

I saw this photograph in a newspaper, and I was so taken by the look on this young boy's face. He has got the folded flag under his arm, he has got a little flight jacket on, and he is holding the hand of a military person. You can tell that by the uniform.

This reminded me of a Marine whose funeral I went to at Camp Lejeune. His name was Michael Bitz. Michael was 31 years old. He was killed at Fallujah. He left a wife, Janina, and four children, including twins that he never saw. The twins were born 2 months after he was deployed.

At the funeral, she read the last letter she received from him, and I remember four points very quickly, and then I will make a couple more comments and close.

He talked about how much he missed his family and how much he appreciated the photograph of the twins. He talked about the fact he was a religious man, that Jesus Christ was so important in his life. He made a third point in the letter. He said, "I hope that He," meaning the Lord, "will give me the strength to do what I am supposed to do for my country." Then the fourth point was he said to Janina, "I don't know if I will see you on Earth or in heaven, but one day we will be back together."

I share that because I think this ties right into this resolution introduced by the gentleman from Arizona (Mr. BOOZMAN) and supported by both sides. Too many times, unless we have a loved one in the military, we forget the stress, the pressure, that is on the family. That is why I think this resolution is so, so vital today.

Madam Speaker, one other point I want to make, and this was given to me earlier, there is an article in today's USA Today, June 8, and it talks about soldiers' divorce rates are up sharply. I wanted to read one thing very quickly:

"The trend is severest among officers. Last year, 3,325 army officers' marriages ended in divorce, up 78 percent from 2003, the year of the Iraq invasion, and more than 3½ times the number in 2000, before the Afghanistan operation. Army figures show for enlisted personnel, the 7,152 divorces last year were 28 percent more than in 2003, and up 53 percent from 2000."

Madam Speaker, I share that as we begin to close this debate. It is important what we are doing today with this resolution. It is important that we as a Congress, as we always do in a bipartisan way, work for our military and their families. We shall never forget the cost of freedom, and I know that the people in America feel as passionately as I do, that we need to always remember that those who wear the uniform, whether it is peacetime or wartime, must be supported and their families, with the quality-of-life issues, must be maintained adequately.

Mr. BISHOP of New York. Madam Speaker, I rise in strong support of this resolution recognizing the families of the members of the U.S. Armed Forces and supporting the designation of National Military Families Week.

I commend the gentleman from Arkansas for introducing this important tribute to the families of our brave men and women in Iraq, Afghanistan and along the front lines of the global war on terrorism. American families with sons and daughters deployed overseas deserve our recognition for the support and comfort they provide every day.

Nearly 40 percent of service men and women who are currently deployed or away from their permanent duty stations have left famlies with children, and there are over 3,000,000 family members and dependents of those serving on active duty and in the reserves. These families share unique challenges as they endure unpredictable recalls, extended tours of duty, and deployments that can be as frustrating and painful as recovering from the traumas of war and the readjustment to life back home.

By passing this resolution today, military families will know that America understands and appreciates the critically important link between the support they provide and the readiness of our troops. Having honored our fallen this past Memorial Day, we extend our appreciation to the active duty and reserve personnel, as well as their families, who continue making sacrifices to help our troops honor their commitments to the Armed Forces and to our Nation.

Madam Speaker, I encourage my colleagues to support this resolution and look forward to working toward providing military families the assistance they deserve for their many contributions and dedication to our troops.

Mr. ORTIZ. Madam Speaker, I rise in support of H. Con. Res. 159 because now it is more important than ever for our Nation to show our support for our warfighters. While our Armed Forces are engaged in struggles in Afghanistan against the terrorists that attacked our Nation—and deployed against insurgents in Iraq—they represent the interests of our Nation.

We are at war; and the people who carry the guns and go after our enemies have a job that is harder than any of us can imagine. This Nation asks our men and women in the armed service to carry out a mission in which their lives are frequently in danger. Many do not come home to their families' arms. The ones who do come home must cope with new realities in their lives, and in the lives of their families.

As a senior member of the House Armed Services Committee, there's a wisdom to our recruitment. First, you recruit a soldier. When he re-enlists, you recruit the whole family. Much of our retention problems stem from families simply not being able to handle the emotional strain of a loved one serving, plus the financial detriment military service can present.

While loved ones are away serving our Nation in uniform, families are left with only one parent and all the responsibility of the family. In the case of National Guard and Reserve service members, it nearly always leaves the family with much less earning power and the entire family must make do with less. This breeds a number of challenges for military families.

While we in Congress must do all we can to help those families financially and with appropriate health care and other quality of life components . . . the least we can do today is to have a special week to recognize the difficulties that our military families live through every day. We must remember their sacrifices every day, but it is useful and educational to take a week to officially honor the sacrifice of the families of those who wear the uniform of the United States.

Mr. JONES of North Carolina. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 159, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.J. RES. 27, WITHDRAWING APPROVAL OF THE UNITED STATES FROM AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 304 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 304

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 27) withdrawing the approval of the United States from the Agreement establishing the World Trade Organization. The joint resolution shall be considered as read. The joint resolution shall be debatable for two hours equally divided among and controlled by the chairman and ranking minority member of the Committee on Ways and Means, Representative Paul of Texas, and Representative Sanders of Vermont or their designees. Pursuant to section 152 of the Trade Act of 1974 and section 125 of the Uruguay Round Agreements Act, the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

SEC. 2. During consideration of H.J. Res. 27 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 304 is a rule providing for 2 hours of general debate on H.J. Res. 27, withdrawing the approval of the United States from the agreement establishing the World Trade Organization, to be equally divided among and controlled by the chairman and ranking member of the Committee on Ways and Means, the gentleman from Texas (Mr. PAUL), and the gentleman from Vermont (Mr. SANDERS).

The rule provides that during consideration of H.J. Res. 27 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

Mr. Speaker, I rise today in support of this fair rule, but in opposition to the underlying H.J. Res. 27, withdrawing the approval of the United States from the agreement establishing the World Trade Organization.

In 1994, Congress passed the Uruguay Round Table Agreements Act establishing the World Trade Organization, an independent body charged with monitoring and determining compliance with trade agreements. That law authorized the President to accept the United States' membership in the WTO and requires a report to be submitted to Congress every 5 years on the United States' participation in the WTO.

The law also offers Congress the opportunity every 5 years to assess whether continued membership in this organization is in the best interest of the United States. I believe that Members of the House should be afforded this opportunity to register their views on this question through a vote of the House, which I urge my colleagues to vote on in support of this rule.

The United States already has low tariffs, few subsidies, and a history of abiding bylaws and agreements. Our farmers and producers in my area in central Washington and across the country are some of the most efficient in the world and are capable of competing and winning in world markets, so long as they do not face foreign government policies like subsidies and dumping practices that stack the deck against them.

The enforcement of a rules-based trading system through the World Trade Organization is our best opportunity to gain access to these markets for our Nation's farmers and rural communities. The removal of artificial barriers to trade is of critical importance to apple growers and tree fruit farmers in the agricultural-based economy in central Washington that I represent.

I am pleased that in 2003, the World Trade Organization stood up for the apple growers in central Washington and across the Nation by leveling the playing field in a dispute over Japan's import restrictions on imported U.S. apples. For nearly a decade, U.S. apple growers dealt with Japan's unjustified import requirements, which are imposed with no scientifically sound evidence. Trade restrictions should be based on scientific evidence and should be implemented on a limited basis, not used merely as tools to create unfair trade barriers.

The World Trade Organization ruled that Japan's restrictions were not justified and were in breach of their World Trade Organization obligations. This United States victory brought the hopes of meaningful access to Japan's markets to the domestic apple industry and will help us fight similar trade barriers in markets throughout the world.

Withdrawing from the World Trade Organization would result in our farmers, growers, and producers being shut out of these export opportunities and the loss of millions of jobs depending on them. Therefore, I believe that we must support our Nation's continued membership in the WTO and must continue aggressive enforcement of the rules of international trade. Our Nation's economy can continue to grow if we have access to global markets on a level playing field.

So, Mr. Speaker, I urge my colleagues to support the rule and to oppose the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Washington for yielding me this time.

Mr. Speaker, as my colleagues look around the world today, I have no doubt most would agree that whether the subject is fully engaging our allies on matters of national security and diplomacy, working to protect our shared environment from global warming and other threats or striving to grow our economies in a fashion that is both efficient and humane, the United States should be playing a larger role in the world arena, not withdrawing from it.

Clearly, there are many areas in which the WTO needs reform. However, our continued participation is far too important for walking away to be considered a real option. Simply put, if America were to pull out of the WTO, we would be relegated to the small community of nations who are not members, losing any ability to influence the organization and its negotiations on a wide range of issues.

Ninety-seven percent of all U.S. trade is with other WTO members. No matter where you fall on trade issues these days, it is clear that our economic interests continue to lie with engaging our preeminent trading partners. And we must keep working to ensure that American companies that create jobs here at home by doing business overseas are able to do so in the most transparent, lawful, and predictable business environment possible.

In short, America's long-term economic interests are too important to disengage from this organization, and America is too great a Nation to send yet another signal to the world that we are withdrawing from the community of nations. In recent years we have already done that all too often.

So I commend the gentleman from California (Mr. THOMAS), the gentleman from New York (Mr. RANGEL), and all of the members of both parties on the Committee on Ways and Means for unanimously reporting this legislation with an adverse recommendation. I am pleased that both parties are prepared to make a strong statement about the importance of this Nation's continued engagement in the world economy.

Trade issues today are stirring a great deal of concern among Members of both parties, and my opponents in this debate are men and women of goodwill with real concerns that the American people's ability to maintain appropriate standards for their communities on issues from food safety to environmental protection will be undermined by the lower standards of other countries. These are worthy and real concerns, concerns that reflect the complexity and seriousness of these issues which have real consequences for our economy and our citizens.

America must be tough and smart and represent the interests of all our people in the trade arena, especially as we negotiate new trade agreements. Many Members of both parties in this Chamber have valid and important questions about whether our trade policymakers are doing that. But withdrawing from the WTO is not the answer.

Americans are right to demand that our negotiators look out for the broader community as the United States engages the world economically, but engage it we must. I am hopeful that today the House is prepared to reject this resolution on a bipartisan basis with a vote that will help preserve our leadership role in the world.

Mr. Speaker, I reserve the balance of my time.

□ 1100

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished chairman of the Committee on Rules, the gentleman from San Dimas, California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I rise in support of this rule and in very, very strong opposition to what this resolution is attempting to do.

The great economist Milton Friedman once said, "Underlying most arguments against the free market is a lack of belief in freedom itself." Now, Mr. Speaker, if we listen carefully to the reasons we commonly hear for abandoning our open trade agenda, it becomes very clear that Milton Friedman was absolutely right.

We hear these claims all the time: Free trade agreements will leave working families without good jobs. Trade liberalization will weaken worker rights in developing countries. Lowering barriers to open trade will devastate the environment.

The underlying claim is that greater economic freedom will harm Americans and our trading partners alike, but this fear of freedom is not based in fact.

Following World War II, the world's major trading partners came together, the global leaders, and established the General Agreement on Tariffs and Trade, the GATT. This agreement was designed to establish an international system of fair trade rules, pursuing that goal of the complete elimination of tariff and nontariff barriers, providing a forum for trading partners to settle any disputes that existed. The General Agreement on Tariffs and Trade was the predecessor to what is now known as the World Trade Organization. Through trade liberalization that the GATT and the WTO have enabled, with the existence of those, have seen average tariffs in industrialized countries go from 40 percent down to 4 percent, spurring a six-fold increase in global GDP.

And, of course, remember, a tariff is a tax, so by reducing that tariff burden, through the goal of the GATT and now the WTO, we have been able to reduce the tax burden on consumers throughout the world. So we have seen, by virtue of that 40 percent to 4 percent reduction, a six-fold increase in gross domestic product growth.

Since the creation of the World Trade Organization 11 years ago, U.S. exports have increased by $300 billion. We have seen our exports since the establishment of the WTO increase by $300 billion. Over this time period, exports have come to support over 25 percent of the economic growth that we enjoy in the United States. Remember, we have a, virtually, almost $11 trillion economy here in the United States. 25 percent of the growth in that economy is due to exports. Open trade and investment has netted an extra $1 trillion in

U.S. income every year, or about $10,000 per household, as a result of those reductions that we have seen in tariff and nontariff barriers.

As the world's largest exporter and importer, the United States has the most to gain from the lower trade barriers and fairer global trade rules that the WTO brings. By reducing tariffs, strengthening intellectual property protection, and increasing transparency in all of the 148 member countries, the WTO is our largest, most comprehensive, and most effective forum for expanding markets and creating new opportunities for Americans.

The WTO has also been an important tool for the United States in ensuring that international trade commitments are honored. Of the 47 WTO cases brought by the United States that have been concluded, 44 have been resolved in our favor. That is a 94 percent success rate for the United States of America within the structure of the World Trade Organization.

Our WTO membership has been absolutely critical in maintaining our global economic leadership. With 80 percent of the world's economy and 95 percent of the world's consumers outside of the United States, our role in the WTO remains essential to opening new markets and expanding existing ones for U.S. producers, service providers, and investors.

But the WTO is not our only forum for liberalizing trade rules and expanding foreign markets for American goods and services. The Free Trade Agreement negotiating process has long been highly successful in opening up new opportunities for Americans. We are on the forefront of I hope passing the Dominican Republic Central American Free Trade Agreement, which is critical to continuing on that path of prosperity that began with the GATT back in 1947 and has continued through the WTO, the North American Free Trade Agreement, and a wide range of bilateral agreements that we have put together over the past several years with Israel, Jordan, Chile, Singapore, Australia and Morocco, among others.

DR–CAFTA will make our trading relationship with the region reciprocal by granting U.S. producers the same access to their markets that the Dominican Republic-Central American producers have long enjoyed in ours. It will boost the competitiveness and productivity of American companies and workers by providing an export and investment destination that fully respects the rule of law and protects intellectual property rights.

But even more important, Mr. Speaker, it will empower the Dominican Republic-Central American countries to experience the economic growth, increased prosperity, and rising living standards that Americans have long enjoyed. All of the benefits of trade that I have described, greater family incomes, export-supported growth, transparent and fair trading rules for U.S. companies that participate in the global marketplace, these are all benefits, these are all benefits that our neighbors in Latin America deserve to enjoy along with us.

Again, there are many who will argue against greater economic freedom. They will say that it will cost American jobs. They will say that workers and the environment and the DR–CAFTA bill will be devastating. They will in effect argue that the region is too poor to trade with us. But we cannot let this unfounded fear of economic freedom cause us to abandon our very important open trade agenda.

We are very fortunate to have our former colleague, Rob Portman, now serving as our ambassador, as the representative, the head of focusing on the whole issue of trade, the U.S. Trade Representative for us. We have to work closely with him, through the World Trade Organization, to tear down tariff and nontariff barriers to trade. We must continue to utilize this very important forum to ensure that our trading partners stick with their commitment. Living with a rules-based trading system is the only way that we are going to be able to vigorously pursue the diminution of those barriers to the free flow of goods and services throughout the world.

So, for the sake of the American people, for the sake of those throughout the world who are seeking to get onto the first rung of the economic ladder, it is absolutely imperative that the United States of America maintain its leadership role in the World Trade Organization.

Ms. MATSUI. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank my friend from California for yielding me this time.

Mr. Speaker, I think it is important for us to understand why this resolution is before us that brings forward H.J. Res. 27.

We are now celebrating the tenth anniversary of the creation of the World Trade Organization, the WTO. When Congress passed the legislation for us to join the WTO, Bill Clinton was President of the United States, and Newt Gingrich, Congressman Gingrich, thought it was important to have a mechanism in place where the Congress can exercise its independent authority over trade and that we should have an opportunity to carry out that responsibility by evaluating whether we want to stay in the World Trade Organization or not.

Mr. Speaker, I must tell my colleagues that when that issue was before us I had mixed thoughts as to whether we should have a nuclear option of withdrawing from the WTO or whether there are more effective ways for Congress to exercise its constitutional responsibility in an independent way over trade. I must tell my colleagues that I think that this process is going to be helpful.

So let me make it clear. I support the resolution to bring forward H.J. Res. 27 that has come out of the Committee on Rules. I very much oppose the passage of H.J. Res. 27, which would withdraw us from the WTO.

As the gentleman from California (Mr. DREIER) pointed out and as the gentlewoman from California (Ms. MATSUI) pointed out, it is in the United States' interests to be in a rules-based trading system, and we need to make sure that we continue United States participation within the WTO. However, we also need to understand that we need to improve and make more effective the WTO, and we also need to strengthen the manner in which we review the operations of the WTO.

We have had legislation that we could have acted on that would do that. I heard the gentleman from California (Mr. DREIER) give his analysis of the rulings within the WTO. Quite frankly, my score sheet is different. In two-thirds of the cases that have gone to dispute resolution panels or appellate panels, we have seen that they have overreached. That is, they have gone beyond the negotiated terms and ruled against U.S. interests.

I think we should have a review process of the WTO dispute settlement process. Senator DOLE had suggested that when he was in the United States Senate. I think we should look at that, and that would be a more effective way to have a continuing review in carrying out our responsibility as to whether the WTO is acting effectively to open up markets to all producers and manufacturers and farmers.

We also need to look at the enforcement of our trade rules. We need to spend more effort on enforcement. China's manipulation of currency should be a direct interest to this body. The protection of intellectual property rights of American companies should be more aggressively pursued. We need to be more aggressive against European subsidies. We need to deal with the enforcement of our antidumping laws. All this can be done and should be done, and we should not wait every 5 years in order to review that.

We also need to expand the opportunities within the Doha Round that will be presented to us. We have to help U.S. service industries so they can gain access to foreign markets. We need to work on tariff and nontariff barriers for U.S. manufacturers.

So, Mr. Speaker, I urge my colleagues to vote for this resolution, to vote against House Joint Resolution 27 so that we can move forward to improving the WTO. I urge us to look at ways in which we can help U.S. manufacturers, U.S. producers, and U.S.

farmers to gain greater access to the international markets. We need to do that on an ongoing basis, and the Congress needs to exercise its authority to make sure that we are as aggressive as possible at opening up markets for U.S. interests.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 8 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentlewoman from California for yielding me this time.

Mr. Speaker, I have no illusions that the resolution that we bring up tomorrow is going to win. Five years ago, when the gentleman from Texas (Mr. PAUL) brought it up, I think we received 56 votes. I think we will probably do better tomorrow, but I do not think we are going to win. But I do think that this resolution that is coming up tomorrow, which I strongly support, is enormously important, because it is high time for the United States Congress to take a tough look at our trade policies, our membership in the WTO. I believe that any objective assessment will tell every Member of this body and the American people that our trade policies have failed the American worker, the American middle class in a disastrous way, and that it is high time to rethink our trade policies so that they begin to work for the middle class of this country and not just the CEOs of our major corporations.

Mr. Speaker, the middle class of the United States of America is collapsing. Poverty is increasing. Our trade deficit is soaring.

I find it amazing to hear the gentleman from California (Mr. DREIER) give his portrayal of what is going on in America and the world. He is very much at odds with what the American people perceive.

□ 1115

The average American worker is asking why, with an explosion of technology, with a huge increase in worker productivity, why is the average American worker working longer hours for lower wages? Why is it that real wages in the United States today are 7 percent lower than they were in 1973 for the bottom 90 percent of American workers?

Why is it that with all of this globalization and all of this free trade there are few middle-class families in America where women no longer have the option of staying home with their kids, but they have got to go into the workforce, where people in America are working two jobs, and three jobs just to pay the bills.

The reality of what is going on in America today is that globalization is not working for ordinary people. In the last 4 years alone in the United States, we have lost 2.8 million good-paying manufacturing jobs. Just yesterday, we learned that General Motors is now going to cut back on another 25,000 good-paying jobs for American workers.

Study after study shows that the new jobs that are being created are paying low wages, with minimal benefits, and the jobs that we are losing were good-paying jobs that had good benefits.

Now, the bottom line of this discussion is that, yes, international trade is a good thing. But it is a good thing when it benefits ordinary Americans. It is not a good thing when it simply makes the CEOs of large corporations even wealthier so that they can earn as much as 500 times what the average American worker in their company makes. That is not a good thing.

When we talk about unfettered free trade, let us remember that every single year our trade deficit is going up and up and up. And the singular question that we have got to address is, does our trade policy work when American workers are being forced to compete against desperate people in countries like China who earn 30 cents an hour?

My friends, that is what this debate is about. Large corporations like General Electric, General Motors, all of those companies who are throwing American workers out on the street, they think this agreement is greet, because they are moving to China lock, stock and barrel, hiring desperate people for pennies an hour, people who go to jail when they stand up for their political rights when they try to form a union.

And the result of that is an extremely unfair competitive situation against the needs of the American worker.

My friend, the gentleman from California (Mr. DREIER), talked about the need to pass the Central American Free Trade Agreement, CAFTA. Well, I think he is going to be disappointed, because I think that the results are so clear in terms of what NAFTA has done for American workers, what Permanent Normal Trade Relations with China have done for American workers, that not only are the American people catching on that CAFTA will be a continuation of a failed policy, I think the American people are demanding that it is time for Congress to represent workers and not just the big money interests.

I am not going to suggest that trade alone is the only reason for the decline of the middle class. But I will suggest that it is a very significant reason. The middle class in America will not survive unless we create good-paying jobs here. And what study after study suggests is that the new jobs that are going to be available to our kids are not going to be the high-tech information technology jobs, because they are off to India, they are off to China. The new jobs are going to be in Wal-Mart industry, in the service industry, where people are earning low wages with low benefits.

Mr. Speaker, let me simply conclude by saying this: all of the objective evidence in terms of job loss, in terms of the loss of good-paying jobs, in terms of the growing gap between the rich and the poor in America which is now wider than in any other industrialized country on Earth, wider in the United States than it has been the 1920s, all of that suggests that the economy is not working for the middle class.

My Republican friends talk about a robust economy. President George Bush has not created one new job in the private sector since he has been in office; he has lost jobs. All of the new jobs have been created in the government. And it is obligatory upon us to analyze why our economy is failing the middle class, why poverty is increasing, why the gap between the rich and the poor is growing wider, why the new jobs that are being created are primarily low wage with poor benefits.

Trade is not the only cause of this problem, but it is a significant cause. We need a trade policy that reflects the interests of the middle class and working people of this country and not the CEOs who are busy sending our jobs to China.

Let me quote the CEO of General Electric, Jeffrey Immelt, several years ago. He said, that when I look to the future of General Electric, I see China, China, China.

Well, I think maybe Mr. Immelt should look to the United States for the future of GE, and GM and other corporations should do the same. We cannot continue to hemorrhage decent-paying jobs going to countries that do not have democracy, where people are forced to work for pennies an hour. We and the other industrialized world must do everything we can to uplift the poor of the world. But we do not have to sacrifice the middle class of this country as part of that process.

Mr. HASTINGS of Washington. Mr. Speaker, I just ask my friend from California, I have no more requests for time except for me to close. If she is prepared to yield back, I will be prepared to yield back.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

The WTO reflects many years of development resulting in broad and bipartisan support for expanded trade. Participation is vital to America's interest, be it economic, strategic, or as an avenue to strengthen the rule of law in the world. There is certainly a need to improve the WTO, something I believe can be done.

But this will only be the case if we maintain an active presence in the WTO, engage in negotiations to strengthen American interests. In a few weeks, trade issues will again be before us as this Chamber considers the Central American Free Trade Agreement, or CAFTA.

We should not confuse the debate today about the WTO and the upcoming debate on CAFTA. These are both avenues to advance America's interests through trade partnerships. But CAFTA is a very good example of what can happen when the United States is not looking out for the interests of all of our people and the dangers that can pose for standards that previous generations of Americans worked so hard for and that we benefit from today.

CAFTA would undercut existing protections for workers and United States trade law by requiring only that countries enforce their existing labor laws, which in many cases fail to provide the most basic and internationally recognized protections. Our trade policy should benefit workers, not undermine them.

That is another debate for another day. I mention it only to demonstrate that issues related to international trade are complex, serious, and with real consequences for our economy and our people.

Participation in the WTO is vital to America's interest, be it economic, strategic, or to strengthen the rule of law in the world.

I would like to note while this rule provides for 2 hours of debate, that under our House rules, this resolution and other bills we debate under the procedures established by the Trade Act of 1974 are entitled to 20 hours of debate. While in this case, 20 hours is certainly not necessary, many Members of both parties in this Chamber have valid and important questions about whether our trade policymakers are protecting our interests.

I would hope that when other trade agreements come before this body, and they will, that Members will be able to fully debate the issues and not be limited by stringent time constraints.

I intend to vote against the underlying resolution because I believe that the WTO is essential to a strong rules-based trading system. I hope my colleagues would do as well.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, American workers produce goods that are second to none. However, our success in selling these goods in a global marketplace, and we have to admit that we are in a global market, is dependent on fair and open markets. The World Trade Organization continues to advance and create more fair and open markets.

While I oppose the underlying bill, Members of the Congress should have the opportunity today to examine the merits of the United States' participation in the WTO. The debate on House Resolution 27 is an important one, and one that should be had.

So I urge my colleagues to support the rule, House Resolution 304, and to oppose the underlying bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2744, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 303 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 303

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with the colon on page 54, line 4, through "overseas" on line 9; section 749; page 81, lines 1 though 7; and beginning with "and" on page 81, line 11, through "programs" on line 17. Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

☐ 1130

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 303 is an open rule providing for consideration of H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006.

According to the rule general debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and the ranking minority member of the Committee on Appropriations.

The rule waives all points of order against consideration of the bill, and waives all points of order against provisions in the bill for failure to comply with clause 2 of rule XXI, prohibiting unauthorized appropriations or legislative provisions in an appropriations bill, except as specified in the resolution.

Under the rules of the House, the bill shall be read for amendment by paragraph. After general debate, the bill shall be considered for amendment under the 5-minute rule.

The resolution authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and provides one motion to recommit with or without instructions.

Mr. Speaker, I am very proud to present for consideration this open rule for the agriculture appropriations bill for fiscal year 2006. As with most all appropriations bills, the Committee on Rules has once again afford the entire Chamber an opportunity to offer any amendment to this legislation that complies with the rules of the House.

Members of the House are permitted to come to the floor and bring forth any idea or change they wish to see in this legislation. I am pleased that rule provides a chance for all of our Members to express their views on how our Nation should prioritize spending in this area.

Article 1, section 9 of the United States Constitution says, "No money shall be drawn from the Treasury but in consequence of appropriations made by law."

Our Founding Fathers established the role of the Committee on Appropriations to ensure that our Nation's spending is subject to oversight and approval by its elected representatives. The committee plays an important role in determining the wise use of taxpayer funds.

I want to commend the gentleman from Texas (Chairman BONILLA) and his subcommittee for the tremendously difficult work this year in bringing the spending bill under its budget allocation. The Congressional budget is an important tool of the Congress, allowing us to establish priorities for the coming fiscal year. It is always encouraging to see the budget and the appropriations process work together in tandem, allowing Congress to ensure that our government acts in a fiscally responsible manner.

The Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations has reported out a bill that provides important resources to ensure that our Nation's farmers and ranchers remain competitive in the 21st century. The legislation enhances our ability to safeguard our food supply and addresses the nutritional needs of women and children and the most disadvantaged in our country. The bill also works to maintain and build fiscal discipline.

H.R. 2744 continues to fund important projects at a level consistent with fiscal year 2005, allocating nearly $17 billion plus $83 billion in total mandatory spending. At the same time, it addresses needs such as the protection of health and safety. In an effort to combat harmful pests and disease that threaten America's food supply, the Food Safety and Inspection Service funding is increased by $20 million over last year, and Animal and Plant Health Inspection Service activities are funded at $16 million above last year's level, for a total of $829 million.

In addition, the Farm Service Agency's salaries and expenses are funded at the President's request of $1 billion, allowing the continued efficient delivery of farm and disaster programs that are so critical to wide swaths of our great Nation.

To unlock much-needed advances in agricultural research and allow American farmers to have the tools necessary to produce a safe and wholesome food supply, the Agricultural Research Service is funded at over $1.1 billion.

Additionally, USDA's Conservation Operations activities are increased by $26 million over the President's request, which allows farmers and ranchers to achieve important conservation and environmental goals as our Nation's farmers and ranchers are the original environmentalists in this country.

This appropriations bill is an excellent example of how Congress can attain fiscal discipline and still fund our priorities. H.R. 2744 funds programs over the President's budget request, increasing funding in strategic areas while maintaining a funding level consistent with funding for fiscal year 2005.

I am impressed with the work of the subcommittee, and I am certain the appropriations process this year will serve as a model of how we can achieve responsible and responsive funding simultaneously.

Mr. Speaker, I represent a congressional district in Florida that is among the top in the Nation in production of certain agricultural goods. I want to personally thank the gentleman from Texas (Chairman BONILLA) and the Subcommittee on Agriculture of the Committee on Appropriations and the subcommittee staff for their continued commitment and attention to the needs of all of American agriculture and Florida in particular, especially in the aftermath of the hurricanes that devastated much of Florida's agriculture last summer and fall. The Committee on Appropriations' work is greatly appreciated.

I also wish to thank the gentleman from Texas (Chairman BONILLA) for his attention and dedication to the continued needs resulting from invasive pests and diseases that are affecting a number of crops throughout our country, including citrus canker affecting our citrus industry in Florida. I know that all of America's farmers and ranchers and consumers deeply appreciate the subcommittee's tireless efforts to assist our agricultural community.

I urge Members to support this fair and open rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Florida (Mr. PUTNAM) for yielding me the customary 30 minutes.

Mr. Speaker, passage of this rule will allow the House to consider the Agricultural, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill for Fiscal Year 2006.

I want to express my appreciation to the gentleman from Texas (Chairman BONILLA) and the subcommittee's new ranking member, the gentlewoman from Connecticut (Ms. DELAURO), for working so well together on this bill which clearly deserves the support of all the membership of this House.

This important bill provides the funding for our domestic nutrition and anti-hunger programs, international food aid, the Food and Drug Administration, and food inspection. Although traditionally the bill is not controversial, it is an important appropriations bill because of the vitally important programs that are supported here.

I want to express my strong support for the Department of Agriculture programs that fight to end hunger here at home and around the world. Mr. Speaker, hunger is a political problem, one that can be solved if only we have the political will to do so. Regrettably, the Bush administration and the leadership in this House and the Senate have not made the necessary commitments to reduce poverty and end hunger in our country. Indeed, hunger and poverty are once again on the rise in the United States. More children are going to bed hungry at night right here in the United States of America, the richest and most blessed country in the world. Every year six million children in our world die of hunger-related causes. We cannot and should not stand by and watch these tragedies unfold.

Mr. Speaker, it is time we raise the bar and pledge to end hunger once and for all. It is time to really tackle the issue of poverty. In the meantime, until we make that commitment and back it up with real action and greater resources, we must at least maintain funding for the domestic and international nutrition and anti-hunger programs in this bill. That is why it is so important that this bill increases funding for mandatory programs like food stamps and other child nutrition programs like the school lunch program.

I am also pleased that discretionary programs like WIC also receive increases. These programs are among the most successful of our Federal anti-hunger programs, and they help millions of Americans get the food they could not otherwise afford to buy.

Unfortunately, important programs like the summer food service program are not fully funded. This important program provides meals to low-income children during the summer when they can not receive a school lunch because the schools are closed for summer vacation. There is no reason why a child who receives a lunch at school during the school year should be denied a lunch during the summer merely because school is out of session.

Another important program that needs to be expanded is the school breakfast program. Too many of our children begin their school days hungry. They cannot concentrate as well as children who have something to eat before class. Those children who are fortunate enough to receive a school breakfast usually have to get to school earlier than the other kids. There is a stigma that gets attached to these children because it is plain for all the students to see who cannot afford to eat breakfast at home.

We need to expand the school breakfast program so that it is a truly universal program, and we must provide school breakfast at the start of the school day and not before. These two simple actions will ensure that a nutritious meal is provided to hungry children without attaching any social stigma. The consequences of such basic changes will be measurable increases in learning and test scores, as well as improvements in health.

A third program that needs to be fully funded is the effort to end the reduced price meal. Currently, low-income children are eligible for either a free school lunch or a reduced price lunch. The reduced price lunch costs 40 cents per meal. While that may not seem like a lot to you or me, it can put a real strain on the finances of many low-income families who are struggling to make ends meet. Too often, school lunch administrators report seeing children who are able to buy lunch at the beginning of the month stop eating as the month goes on, merely because their families cannot afford to pay for that reduced price lunch as money gets tighter and tighter towards the end of the paycheck.

The Child Nutrition Reauthorization Bill, a truly bipartisan bill that was signed into law last year, phases out the reduced price meal. Last year, thousands of anti-hunger activists roamed the halls of Capitol Hill with their blue and white ERP buttons on, and Congress responded. Now it is time to back up that promise and fully fund the effort to end the reduced price meal.

Mr. Speaker, the fiscal year 2006 bill also provides funding for the International Food Aid Programs administered by the USDA. These programs provide emergency food aid to regions of the world that need help today. I am pleased that President Bush pledged to release $674 million for humanitarian relief on the Horn of Africa. However, while it is important that the United States provide the funding for humanitarian relief around the world, the Committee on Appropriations must ensure that these funds are replenished for the following year.

Unfortunately, this bill underfunds the Food for Peace Program, which is one of our most important food aid and development programs. I commend the gentleman from Texas (Chairman BONILLA) for restoring $222 million to this program above the President's request. But the program still remains $60 million below last year's level. While emergency funding was included in the tsunami relief package, we should not rely on emergency funding when we can properly fund this important program in the Agriculture Appropriations bill. Nor should we shortchange funding for the ongoing programs that are funded through the Food for Peace and other international food aid programs.

Finally, Mr. Speaker, I also want to commend the gentleman from Texas (Chairman BONILLA) and the ranking member, the gentlewoman from Connecticut (Ms. DELAURO), for increasing funding for the George McGovern-Robert Dole International Food for Education and Child Nutrition Program. This program uses American commodities to provide school meals to hungry children around the world. It is named after two men who have led the fight against child hunger while they served in the United States Senate and as private citizens.

Senator George McGovern is a dear friend of mine who has worked tirelessly on ending hunger over his decades of public service, and I cannot say enough about Senator Bob Dole's work on combating hunger here and abroad. He is a man of great integrity and someone who I respect immensely. I am very pleased, Mr. Speaker, to have the opportunity to work with his wife, Senator ELIZABETH DOLE, on a number of anti-hunger efforts.

The McGovern-Dole International Food for Education and Child Nutrition Program is based on our own school lunch and breakfast program. It provides a nutritious meal for hungry children in a school setting. It has resulted in not only reducing child hunger abroad but in better schools and stronger community support for education in some of the poorest communities in the world. It is a successful program that is developing the long-term support of the Bush administration, and it deserves to be expanded.

I am pleased that the Bush administration and the leadership in the House and Senate agree on the importance of the McGovern-Dole program. The President's budget has included an increase in funding for this program over each of the last 3 years; and, more importantly, the Congress has agreed in increased funding over the past 3 years.

Mr. Speaker, while I believe the funding must be restored to $300 million, the original level of the Global Food for Education Initiative, the pilot program that preceded the McGovern-Dole program, I am pleased that the gentleman from California (Chairman LEWIS) and the gentleman from Texas (Chairman BONILLA) have supported the President's request for increased funding of $100 million for fiscal year 2006.

I am also encouraged by the level of commitment to the McGovern-Dole program in the Senate, and I am hopeful that funding for this program will be further increased when the Senate considers this bill later this year.

Mr. Speaker, in December of 2004, 105 of our House colleagues sent a bipartisan letter to President Bush supporting the McGovern-Dole program. That letter is as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, December 2, 2004.

Hon. GEORGE W. BUSH,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to urge you to provide $300 million in your Fiscal Year 2006 Budget Proposal for the George McGovern-Robert Dole International Food for Education and Child Nutrition Program. We believe it is urgent to restore funding for this program at levels similar to those of the original pilot program.

We strongly believe this funding is critical for sustaining and expanding the McGovern-Dole Program in order to combat terrorism and to help build and consolidate democracy in the Middle East, southern Asia, the Near East, and in other regions critical to U.S. national security. As you are aware, the McGovern-Dole Program provides donations of U.S. agricultural products, as well as financial and technical assistance, for school feeding and maternal and child nutrition programs in low-income countries. We note that recommendations made by the General Accounting Office (GAO) in February 2002 on how to strengthen and improve the administration and implementation of school feeding programs were fully integrated into the law establishing the McGovern-Dole Program, enhancements that we believe have contributed to its current success.

Both the initial plot program and the current McGovern-Dole Program have a proven track record at reducing the incidence of hunger among school-age children and improving literacy and primary education, especially among girls, in areas devastated by war, hunger, poverty, HIV/AIDS, and the mistreatment of women and girls. School meals, teacher training, and related support have helped boost school enrollment and academic performance. McGovern-Dole nutrition and school feeding programs also improve the health and learning capacity of children both before they enter school and during the years of primary and elementary school

In February 2003, the U.S. Department of Agriculture evaluated the McGovern-Dole pilot program and found significant positive results. Specifically—

"The results to date show measurable improvements in school enrollment, including increased access by girls. In projects involving more than 4,000 participating schools, the WFP reports an overall enrollment increase exceeding 10 percent, with an 11.7 percent increase in enrollment by girls. The PVO's report an overall enrollment increase of 5.75 percent in GFE-participating schools. In some projects, increases in enrollment were as high as 32 percent compared with enrollment rates over the previous three years."

(USDA, The Global Food for Education Pilot Program: A Review of Project Implementation and Impact, page 2, February 2003)

We firmly believe that these programs reduce the risk of terrorism by helping to eliminate the hopelessness and despair that breed terrorism. American products and commodities are directly associated with hunger alleviation and educational opportunity, encouraging support and good will for the United States in these communities and countries.

We strongly urge that you restore the capacity of this critically important program by providing $300 million for Fiscal Year 2006.

Sincerely,

James P. McGovern, Nancy Pelosi, James A. Leach, Hilda L. Solis, Todd Tiahrt, Ike Skelton, Jo Ann Emerson, Frank R. Wolf, Tom Lantos, Donald A. Manzullo, Earl Pomeroy, Marcy Kaptur, John Shimkus, George Miller, Roger F. Wicker, Rosa L. DeLauro, Lynn C. Woolsey, Anthony D. Weiner, Chris Van Hollen.

Neil Abercrombie, Ron Kind, Sam Graves, José E. Serrano, Albert R. Wynn, Robert Wexler, Maxine Waters, John F. Tierney, Gary L. Ackerman, Robert E. Andrews, Earl Blumenauer, Leonard L. Boswell, Corrine Brown, Michael E. Capuano, Elijah E. Cummings, William D. Delahunt, Bob Etheridge, Tammy Baldwin, Madeleine Z. Bordallo.

Rick Boucher, Sherrod Brown, Joseph Crowley, Susan A. Davis, Michael F. Doyle, James L. Oberstar, John W.

Olver, David E. Price, Bobby L. Rush, Bernard Sanders, Janice D. Schakowsky, Vic Snyder, Eni F. H. Faleomavaega, Barney Frank, Donald M. Payne, Steven R. Rothman, Martin Olav Sabo, Max Sandlin, Adam Smith, Fortney Pete Stark.

Bob Filner, Charles A. Gonzalez, Raul M. Grijalva, Stephanie Herseth, Tim Holden, Eddie Bernice Johnson, Rick Larsen, Stephen Lynch, Karen McCarthy, Jim Marshall, Alcee L. Hastings, Maurice D. Hinchey, Sheila Jackson-Lee, Dale E. Kildee, Barbara Lee, Carolyn McCarthy, Carolyn B. Maloney, Jim Matheson, Betty McCollum.

Michael R. McNulty, Gregory W. Meeks, Dennis Moore, Richard E. Neal, Jim McDermott, Sam Farr, Christopher H. Smith, Martin T. Meehan, Juanita Millender-McDonald, James P. Moran, Eleanor Holmes Norton, Thaddeus G. McCotter, Major Owens, Linda T. Sánchez, Thomas H. Allen, Doc Hastings, Patrick J. Kennedy, Edward J. Markey, Brad Miller, and Sander M. Levin.

Mr. Speaker, the following is a letter from Secretary of Agriculture Mike Johanns expressing his support for the McGovern-Dole program:

Hon. JAMES P. MCGOVERN,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN MCGOVERN: Thank you for the letter of December 2, 2004, from you and your colleagues to President George W. Bush, expressing your support for the McGovern-Dole International Food for Education and Child Nutrition Program (FFE). The White House forwarded your letter to the Department of Agriculture (USDA) for reply. We apologize for the delay in responding.

This Administration greatly appreciates your support for this very successful program. USDA now has 5 years of experience with FFE and its predecessor, the Global Food for Education Initiative. These programs have reached over 7 million beneficiaries and provided close to 1.3 million tons of agricultural commodities as well as other types of assistance to schools and communities. The positive results include increased school enrollment, especially among girls; declines in absenteeism; improved concentration, energy, and attitudes toward learning; and infrastructure improvements, including classrooms, kitchens, storage facilities, water systems, latrines, and playgrounds.

We are especially gratified that FFE has resulted in greater local commitment to school feeding activities. In many cases, FFE activities have been so successful that local support for school feeding is expanding to the point that FFE assistance can shortly be ended. Examples of these "graduating" countries are Kyrgyzstan, Lebanon, Moldova and Vietnam. We will continue to allocate some FFE resources to these countries this year as we expand the benefits of FFE by implementing programs in additional countries. Additionally, the success of FFE has resulted in other donors becoming involved in school feeding programs. These other donors include the European Union, the German Agency for Technical Cooperation, the Japanese Development Agency, Canada, and the World Health Organization.

We agree that funding for FFE should be expanded in fiscal year (FY) 2006. While the Administration is making a concerted effort to cut the budget deficit, we have requested $100 million in appropriated funding for FFE in FY 2006, which is double the funding for the program in FY 2004 and an increase of 15 percent compared to FY 2005.

Thank you again for writing to support this important program. We look forward to continuing to work with you to improve USDA's overseas food aid programs. A similar letter has been sent to each of your colleagues.

Sincerely,

MIKE JOHANNS,
Secretary.

Mr. Speaker, the gentleman from Texas (Chairman BONILLA) has crafted a bill that deserves to be supported today; and while there is room for improvement, I believe that the gentleman from Texas (Chairman BONILLA) and the ranking member, the gentlewoman from Connecticut (Ms. DELAURO) and the Subcommittee on Agriculture of the Committee on Appropriations did the best they could with the limited resources they were given. Again, I thank my friend from Florida (Mr. PUTNAM).

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Massachusetts' (Mr. MCGOVERN) comments about hunger remind me of an old proverb. "When there is food, there are many problems. When there is no food, there is only one problem." The gentleman speaks very passionately about that issue. It reminds me how fortunate we are that, because of the productivity of the American farmer and rancher, that Americans spend less of their disposable income on food than any other industrialized nation and our greatest threats in terms of childhood illnesses is obesity, not hunger. And I would not trade our problem for anybody else's.

It is clearly a huge issue. I am proud of the work the appropriators have done in allocating $900 million through the emergency bill for those who were ravaged by the tsunami that struck southeast Asia.

☐ 1145

Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I thank the gentleman from Florida for yielding me the time, and I rise in strong support of the rule and the underlying legislation.

The Agriculture appropriations bill is being considered under an open rule that allows all Members to offer their amendments to this important piece of legislation, and I believe that all Members should be able to support this rule.

I commend the gentleman from Texas (Chairman BONILLA) and the other members of his committee for their work on this very important legislation. I would like to highlight a few of the provisions of particular importance to my district of West Virginia.

Resource conservation and development councils across the country, including the Potomac Headwaters and Little Kanawha councils in my district, leverage very successfully Federal, State and local money with private sector dollars to support conservation and economic development activities in our rural communities. I think it is important to note that anytime a successful collaboration between all of the different governmental entities and private sector dollars is able to achieve results that we should recognize that, and I am pleased that this bill does so.

These local councils have years of experience with development and conservation issues and understand the needs of our home areas. The heartfelt letters and phone calls that I receive from constituents and community leaders across West Virginia demonstrate the good work that RC&D councils are doing. I thank the Committee on Appropriations for rejecting the plan to end the Resource Conservation and Development program and instead fully fund the local councils at last year's level.

Also, I want to thank the committee for restoring formula funds for the Hatch Act, the McIntire-Stennis program, and the Animal Health Disease program and rejecting proposals to turn these funds into competitive grants.

West Virginia University has a very successful extension service that does an outstanding job of researching problems facing farmers in my State and across the Nation. Every State has an extension service devoted to solving agriculture programs in their local areas.

Switching to a competitive grant system would have jeopardized the ability of local extension services to deal with local plant disease or animal health problems.

This appropriations bill also provides a $630 million increase for the Child Nutrition program. In West Virginia, my home State, 145,000 children received free or reduced school lunches this past year. That is more than half of our State's K through 12 total enrollment. It is important that we maintain this funding for this important program.

For these reasons and many others, I think it is extremely important that not only do we pass the rule but we also pass the good hard work of the Committee on Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, and their efforts to preserve and enrich the programs that are feeding not only our country but other countries and developing the research to find other ways to maximize our resources.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Before I yield to our next speaker, I would just like to respond to something the gentleman from Florida had said in his comments on hunger.

As I should point out to the gentleman, there are 36 million people in the United States of America who are hungry, and every single one of us in this Chamber should be ashamed of that fact. We can do better.

He mentioned the problem of obesity. I should point out to the gentleman that there is a relationship, believe it or not, between malnutrition and hunger and obesity. A lot of the cases of obesity are directly related to the fact that a lot of families cannot afford to put a decent meal on the table. So these kids end up eating junk food, and it results in the obesity problem.

We have a huge problem here. We should not minimize it, and we have a long way to go.

Mr. Speaker, I yield 6½ minutes to the gentlewoman from Connecticut (Ms. DELAURO), the ranking Democrat on the subcommittee.

Ms. DELAURO. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me time and for all the effort and attention the committee has paid to this important bill on agriculture and the Food and Drug Administration.

I just might say to the gentleman from Massachusetts, I, too, want to applaud his passion and his diligence and vigilance on the issue of hunger and how it affects our children and families in the United States and internationally. I thank him for leading the way for us.

I also want to compliment the gentleman from Texas (Chairman BONILLA) on working under very difficult circumstances to deliver this bill on the floor and for working across the aisle. His staff, the gentleman from Wisconsin's (Mr. OBEY) staff and mine have worked diligently to get us here today, and I thank all of them for their service and for their patience.

This bill, unfortunately, falls short in filling the needs in rural America and in fully protecting our public health. While I believe that the gentleman from Texas (Mr. BONILLA) has done his best with a difficult allocation, regrettably there are shortfalls. We have barely maintained the same funding level as last year, $16.8 billion, in discretionary funds; and we all know that there are increased benefit costs and salary increases that need to be accounted for in that number. A stable number does not mean a stable agriculture and food and drug effort by our government.

The chairman had to make up for a huge gap in the administration's proposal when it included an unauthorized user fee of $139 million in the budget. Finding that amount of money to keep our extremely important food safety efforts for meat and poultry operating was not an easy task. It certainly forced the chairman to leave other needs unmet at USDA.

In addition, Mr. Speaker, the bill still does not include enough funding to cover the food security needs of the elderly under the Commodity Supplemental Food program. There are hundreds of millions more pending requests for building and repairing water and sewer systems and for conserving our precious soil and water resources.

The Commodity Supplemental Food program operating in 32 States and providing surplus food commodities to seniors and to families of young children who no longer qualify for any other help, but who have hungry young ones to feed, is predicted to have to stop feeding at least 45,000 people with the current level of funding in this account.

At the same time, USDA resources are essential so that our agricultural base is not harmed by outbreaks of diseases such as soybean rust or bovine spongiform encephalopathy, BSE or mad cow. United States agriculture is not isolated, and we need to remain vigilant and steady in our support of scientific research institutions in our prevention efforts and in our strategic planning and coordination for these types of challenges to our food supply and our health.

In the natural resources area, the bill is $52 million below last year. Water and waste grants, so critical to public health and economic growth for our rural communities, are funded below 2004.

The agriculture community has so many important needs, from commodity support to export promotion, from building new community facilities in rural areas to conserving farm land, and by combating animal and plant diseases and protecting human health, by enforcing our food safety laws and maintaining basic nutrition for our citizens. Rural areas are not always places with high tax bases and young working people. Rather, we know 90 percent of the country's poorest counties are in rural America, and these counties have a poverty rate that is a disturbing 14.2 percent. If we want these areas to begin to prosper again, we have to help them with infrastructure and community-building.

Some forget that another important public health agency is also funded in this bill, the Food and Drug Administration within the Department of Health and Human Services. Again, the chairman has done a good job in trying to find funding for this budget for the Food and Drug Administration.

This year, the subcommittee was deprived of the opportunity to hear from the Acting Commissioner of FDA due to what we understand was intervention from the administration. This meant that we had to work on their portion of the bill without being able to ask questions that we would ordinarily have used to learn about their current operations. Nevertheless, with the gentleman from Texas' (Mr. BONILLA) help, we have started down a road to building some additional resources for drug safety and the possibility of more effective oversight of postmarket prescription drugs, by increasing the resources of the office that performs direct-to-consumer advertising claims reviews.

FDA is an agency that has demonstrated itself to be in crisis over the last year. We had an influenza outbreak predicted, but we were surprised to learn that another government's regulatory system had found the flu vaccine supply on which we were counting to be flawed.

Drugs like Vioxx and Bextra that scientists at FDA knew were causing illness and death were permitted to remain on the market and be advertized well beyond the point that they should have been voluntarily withdrawn or forced off the market.

Companies that had promised to perform postmarket studies in return for early introduction of their products failed miserably in keeping their promises without penalty.

However, I am pleased that the subcommittee took action on this matter by fencing off 5 percent of the appropriation to the leadership offices of FDA until the head of the agency testifies before our subcommittee. This is a very important provision to maintain in this bill until we get some answers.

I am also pleased that the subcommittee adopted an amendment addressing the reimportation of FDA-approved prescription drugs from FDA-approved facilities from Canada and other developed countries so that our people can buy them at affordable prices. This House has expressed its will on this issue over and over again, most recently with a letter signed by a bipartisan majority of the House to the Speaker, and we want to be able to keep this provision in the bill through conference.

I thank the gentleman from Texas (Chairman BONILLA) for his willingness to work across the aisle to replace many of the cuts sent up by the President. We know that we cannot meet all the actual needs that are out in the country; but this bill is a valiant effort, given the budget parameters.

I know there will be several amendments offered today, especially on behalf of enhanced civil rights and solutions to regional or specific problems. I believe that debate will be a healthy one, and I look forward to it.

I thank the gentleman for yielding me the time.

Mr. PUTNAM. Mr. Speaker, it is a pleasure to yield 4 minutes to the gentleman from Missouri (Mr. BLUNT), our distinguished majority whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding me time, and I rise today in support of the rule and in support of the gentleman from Texas' (Chairman BONILLA) efforts on the underlying bill.

I also in my remarks today want to urge my colleagues to retain the chairman's language on mandatory country-of-origin labeling, more commonly known as COOL, C-O-O-L. This is clearly a marketing issue, not a food safety issue, and puts an unnecessary burden on producers, processors, and consumers if not handled in exactly the right way.

The Agriculture Department has estimated the costs of the current mandatory country-of-origin labeling program could be as much as $4 billion in the first year alone. Assuming that producers figure out a way to pass along that $4 billion, that $4 billion is $4 billion added at grocery stores to shopping-cart prices, and then they talk about a cost of several hundred million dollars a year in the years after the first year.

With so many unanswered questions, now is not the time for this mandate. For example, when COOL goes into effect beginning on September 30, 2006, how will we treat the cattle, hogs and lambs and sheep that were born before that date? Is there any legal market for these hundreds of thousands of animals that are out there on farms and in farming facilities right now? Until we find out the answer to problems like this, there is no reason to move forward with this costly mandate that puts a disproportionate share of the cost on the producer.

A much better approach is for Congress to approve a voluntary program and place control in the hands of consumers at the marketplace. It is for this reason that I have joined the fight with the gentleman from Virginia (Mr. GOODLATTE), who is our Committee on Agriculture authorizing chairman, on our voluntary country-of-origin legislation that would permanently make the country-of-origin legislation a voluntary program for meat and meat products, not, Mr. Speaker, for vegetables, for fruit, for other products, but for meat and meat products, products that have a longer life, products that are more mobile, and products that in many cases are going to be already in the hands of producers, on the farms of producers before September 30, 2006, with potentially no legal way to sell those products.

Voluntary labeling, on the other hand, would give producers added market value rather than a costly Federal mandate. Voluntary COOL would ultimately give consumers, not the Federal Government, control of country-of-origin labeling for products. The voluntary labeling program would add value throughout the food chain, including the producer as well as the consumer.

☐ 1200

Voluntary COOL would also create a brand for products of the United States and encourage consumers to buy American meats where they shop. The label would add value to American agricultural products. Voluntarily labeling beef, pork, lamb and other meat products is a better way to need the needs of consumers and promote American agricultural products without the enormous costs and burdens of a mandatory law.

Mr. Speaker, I appreciate the gentleman's work product, the bill which has been brought to the floor, and the hard work he has done on this issue and urge my colleagues to support the chairman's efforts.

Mr. McGOVERN. Mr. Speaker, I yield 6 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, as we debate the agriculture appropriations bill today, we will consider funding for the Food and Drug Administration. I am very disappointed that the Hinchey FDA reform amendment will not be allowed under this rule. The amendment would give the Food and Drug Administration two new authorities that are badly needed to improve the FDA's drug safety operations and ensure that FDA has the tools to take timely action to protect Americans from unsafe drugs.

It would have empowered the FDA with the authority to require companies to conduct post-marketing studies of FDA-approved drugs and would also have given the FDA the authority to mandate changes to the labels of FDA-approved drugs. Unfortunately, efforts to include the amendment were defeated in the Committee on Rules on a party-line vote.

I am deeply concerned about the FDA's handling, or rather their mishandling, of the consideration to allow emergency contraception to be sold over the counter. For almost 100 years, the FDA has overseen the safety of food, cosmetics, drugs, and medical devices consumed by the American public, but we cannot trust them unconditionally any more.

The agency defines itself as a scientific, regulatory and public health agency. But for what appears to be the first time in the agency's history, the FDA has jettisoned the rigorous standards of science and health in evaluating emergency contraception and has instead taken the counsel of religious and political extremists in its consideration of this important pregnancy-preventive drug.

And the results of such counsel have been predictable. Despite the fact that 23 of 27 members of the FDA's advisory panel voted in favor of allowing over-the-counter sales of Barr Laboratories' Plan B emergency contraceptive and despite the overwhelming scientific evidence in support of the application, the FDA made the unusual decision to disregard its own advisory panel's recommendation and reject the application.

One of the dissenting panelists was evangelical conservative Dr. W. David Hager. In October of 2002, I sent a letter to President Bush expressing my deep reservations about appointing Dr. Hager as Chair of the Advisory Committee for Reproductive Health Drugs at the FDA. Based on Dr. Hager's past conduct, I believed he would not be impartial in his decisions. On numerous occasions, Dr. Hager had already displayed a willingness to substitute his personal beliefs for science. My request, unfortunately, went unheeded by the administration.

Now recent reports have alleged that the FDA, while considering allowing over-the-counter sales of emergency contraceptive, requested a minority opinion by Dr. Hager to justify a politically motivated decision to Barr Laboratories' application, a truly outrageous request which, if true, has further jeopardized the scientific integrity of the FDA.

Clearly the standards of science and the interest of public health have taken a back seat to the political agenda of extremist politicians.

The scientific facts irrefutably show that emergency contraception is a safe and effective way for women to prevent unintended pregnancies. Emergency contraception has been available in the United States by prescription since the late 1990s. It does not cause abortion. Instead, it stops the release of the eggs from the ovary and prevents unwanted pregnancy. If preventing unwanted pregnancy is something we support, no matter what our individual positions are on a woman's reproductive freedom, we should be outraged by this lack of science behind this decision.

Effectively preventing unwanted pregnancies is clearly the best way to reduce the number of abortions, and if my colleagues care about that, they must recognize this fundamental truth.

The Alan Guttmacher Institute estimates that increased use of emergency contraceptives accounted for up to 43 percent of the total decline in abortions between 1994 and the year 2000. In addition, emergency contraception is often the only option for the 300,000 women who are raped each year. It is widely recognized as an integral part of comprehensive and compassionate emergency treatment for sexual assault survivors.

The bottom line here is that over-the-counter approval is the single most effective tool we have to reduce unwanted pregnancies in America, but one man is holding it up. Anyone really serious about reducing the number of abortions will support making it available. There are two only sides of this line Members can be on. They either want to stop apportions or reduce them, or they do not.

As we await again a decision on Barr Laboratories, a decision the FDA promised in January but has not given us yet, I urge them to base this and future decision on science, not politics. It is time the FDA recognizes it must be more accountable to the American public to make the best decisions possible based on scientific evidence which is what they are for. They just do not do that anymore.

Mr. PUTNAM. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, this Congress is owned lock, stock and barrel by the pharmaceutical industry. That was made obvious on passage of the so-called Medicare drug benefit last year when the majority party rammed through this place, after a 3-hour wait, a provision which prevented the Federal Government from negotiating with the drug industry to require lower drug prices under the Medicare program.

Another piece of evidence of the ownership of this Congress by that industry is the fact that this House will not be voting today on an amendment that would give the FDA the enhanced ability to change the label on drugs that have already been approved if later studies demonstrate that those labels need to be changed.

I had a member of my family who almost died because of Vioxx. She took that drug at the suggestion of a doctor, and it virtually ruined her liver. She does not drink alcohol, and yet when the doctor examined her he told her that she effectively had the liver of a 65-year-old chronic alcoholic because of what Vioxx had done to her.

It took 14 months for the FDA to be able to change Vioxx labeling.

Any Congress with any guts whatsoever would have had on this floor a long time ago legislation to give FDA that authority, but that is a big money lobby, and they sure pass it around. Last year, they had 500 lobbyists telling this Congress what to do on the Medicare prescription drug bill. They may as well have had a baby-sitter for every Member of Congress. That is how many lobbyists they had running around Capitol Hill.

On that bill on that issue, instead of being the greatest legislative body in the world, Capitol Hill was effectively a trash heap.

I intend to vote for this bill because I think the chairman has done a reasonable job with limited resources, but I do not intend to vote for this rule if there is a rollcall because I think this rule should have made the Hinchey amendment in order. It is about time that this institution and the President of the United States starts talking about and dealing with issues that the American people care about, rather than issues that we care about in terms of our internal operations, such as the filibuster in the Senate or these other nonsense issues that are really inside baseball.

Mr. Speaker, I just wanted to get that off my chest so in case there is a rollcall on the rule, Members will know why I voted against it.

I also want to raise one other point. We are not starting on the bill itself until some time after 12. We had other filler on the floor here today before we got to this appropriations bill. There are 11 must-pass bills a session, all of them appropriation bills. We have been asked on the minority side of the aisle, even though we regard most of those bills as being inadequate, we have been asked to provide procedural cooperation in order to facilitate the ability of the majority to do the House's work, and we have provided that procedural cooperation. But I have to say I get very frustrated when we are told that the Committee on Appropriations has to be prepared to work until 10 or 11 tonight because you have certain Members of Congress off on a golfing tournament this morning and early this afternoon.

I resent the fact that there are not going to be any votes until after 2 so a few of our colleagues can go off and golf while we are here trying to slog through the 11 appropriation bills that have to pass before this Congress can adjourn. I do not raise that fact because I am a lousy golfer, although I am. I raise that fact simply because sooner or later it would be nice if this place puts the public's business first and puts appropriation bills first rather than dragging in other legislation that is put on the floor simply to delay the time before the Committee on Appropriations gets to the amendment stage of its bills.

So, with all due respect, I will vote for this bill, but I think the process by which we have gotten to this bill is a sorry one.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Respecting the gentleman's right to get off his chest whatever he chooses to get off of his chest, I would point out that the appropriations process is far ahead of schedule, and we are on track to complete the program of passing the bills through the House before July 4.

I would also point out our appreciation to the gentleman for his support for the bill and recognition of the hard work the gentleman from Texas (Mr. BONILLA) and his subcommittee have put in to an outstanding agriculture appropriation bill, and appreciate the fact that, despite his misgivings about the process, he likes the work product that this committee has produced.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for yielding me this time to speak on the rule.

I favor the rule. It will enable us today later in the debate to consider an amendment that, if approved, will reduce by 6 percent the sugar subsidy that we have under our current system.

We will hear in the course of this debate how the current sugar subsidization is a serious misallocation of resources to a few large farmers and agribusiness interests when we are unable to meet the needs under the ag bill for America's small- and medium-sized farmers.

We will learn how the current policies damage the environment, especially in the Everglades. The Everglades are polluted from the practice of cane sugar production, threatening drinking water for south Florida, maritime habitat is seriously damaged, and makes the $8 billion down payment that we have made on the cleanup of the Everglades harder, larger and ultimately more expensive.

The current policies violate our own principles of free trade. Forty-one other sugar-producing countries cannot compete with the lavishly subsidized American market, where they are largely excluded, particularly for poor countries. It makes our free trade arguments hypocritical.

□ 1215

It is costing American consumers with this unjustified subsidy, forcing them to pay two or three times the world price for sugar. And it is costing jobs. There are seven times more businesses that use sugar than produce sugar and is forcing them, I see my colleague from Illinois here, where the confectionery industry in Illinois is being driven across the border to Canada because the raw material is so much cheaper.

There will be an opportunity, thankfully, to discuss this under an open rule, and I am hopeful that we will take this small step to put a little sanity in the way we treat sugar.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Speaker, I want to express my thanks to the gentleman from Texas (Mr. BONILLA) and to the gentlewoman from Connecticut (Ms. DELAURO). This is a very good bill. I am privileged to be on this subcommittee and to serve with two distinguished leaders, the gentlewoman from Connecticut and the gentleman from Texas. They both have worked very hard together. This is a very good bill for agriculture. It is a very good bill for our farmers. I represent farmers in central Illinois who produce a lot of food and fiber for the world, particularly corn and beans.

One of the things that the chairman and ranking member have done has also really put a lot of emphasis on the research title, providing the research dollars to places like the University of Illinois in Champaign and to the ag research lab. I have one of the four ag research labs in the country in my hometown of Peoria. They do great work there. They collaborate with many different people in the community to really think outside of the box about how we take the food and fiber that we produce and the commodities we produce and stretch them into many different opportunities for farmers, and also for researchers. We have some of the smartest people that work in the ag research lab in Peoria. They could not do their work without the kind of dollars that are provided through this bill. The chairman has really done an extraordinary job in working with all the members of the subcommittee and the committee, really, to reach out and try to provide the dollars that are necessary.

This is a very good bill for agriculture. It is a good bill for America. I ask all Members to support the rule and ultimately to support the bill.

Mr. McGOVERN. Mr. Speaker, I yield myself the balance of my time.

I thank the gentleman from Texas (Mr. BONILLA) and the gentlewoman from Connecticut (Ms. DELAURO) for this bill which I think is a good bill despite an unsatisfactory allocation. I think this bill deserves support by all our colleagues. However, I would respectfully suggest that this Congress in the future focus more on alleviating hunger and poverty in this country.

Yesterday was National Hunger Awareness Day. There were thousands of people that descended on Capitol Hill from all over the country urging Congress to do more. I hope we will do more. They are right. There is much more for us to do.

Mr. Speaker, I yield back the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield myself the balance of my time.

I thank the gentleman from Massachusetts for his comments. His passion for ending hunger in this country is laudable. This is a fair rule. It is an open rule. With the exception of those amendments that are legislating on an appropriations bill, anyone can come down here and have the opportunity to make their case for changes. So while Members have been here expressing frustrations about certain policy issues, there has been widespread agreement, including from the gentleman on the Rules Committee and including from the distinguished ranking member of the Committee on Appropriations and the ranking member of the subcommittee. There has been a general agreement of support for the underlying bill that the gentleman from Texas (Mr. BONILLA) has produced. I am glad to see that type of bipartisan cooperation that has not been given the credit that is due here in Washington.

This is a great bill for America's resources and for the conservation element that America's farmers and ranchers are so vital in participating in. It provides the necessary framework for disaster programs and commodity programs that allow us to continue to provide the safest, cheapest, most wholesome food supply in abundance in the world with a very small percentage of our population; and it allows us to continue to be in the forefront of technology and research and development, continuing to be on the cutting edge of having greater production, greater yields on fewer acres in the most environmentally conscious manner possible, in addition to dealing with our nutrition issues, our women, infant and children issues and school lunch programs and the other important issues for our underserved in this country.

It is a great bill, Mr. Speaker. I encourage this entire House to support the rule and the underlying bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON THE JUDICIARY

The SPEAKER pro tempore (Mr. PUTNAM) laid before the House the following resignation as a member of the Committee on the Judiciary:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 8, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

I am respectfully requesting that you accept my resignation from the House Judiciary Committee, effective immediately.

Thank you for the opportunity to be a member of the committee.

Sincerely,

ADAM SMITH,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Ms. DELAURO. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 307) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 307

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON THE JUDICIARY.—Ms. Wasserman Schultz.

(2) COMMITTEE ON SCIENCE.—Mr. Moore of Kansas.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2744 and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 303 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2744.

The Chair designates the gentleman from Wisconsin (Mr. RYAN) as chairman of the Committee of the Whole, and requests the gentleman from California (Mr. ISSA) to assume the chair temporarily.

☐ 1224

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, with Mr. ISSA (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas (Mr. BONILLA) and the gentlewoman from Connecticut (Ms. DELAURO) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring before the House today the fiscal year 2006 appropriations bill for agriculture, rural development, the FDA and related agencies. As many people know, this bill does not just fund agriculture issues that are so important for the Nation and the world but also funds the Food and Drug Administration, the Women, Infants and Children program, and the food stamp program. There are a wide variety of issues that are very significant to this Nation and the world.

This is a bipartisan bill, Mr. Chairman. I am very proud this year to have worked for the first time with the gentlewoman from Connecticut (Ms. DELAURO), who was a great partner in putting this bill together, as are all the members of the subcommittee. This is a great subcommittee that comes to the table every day with sometimes differences of opinion, but at the end of the day want to get a bill done. As chairman of this subcommittee, it has been a very fulfilling experience to have gone through this process with this great group.

We have difficult challenges every year when we put this subcommittee mark together and when we put the bill together. We had over 2,100 individual requests from Members; so with the good staff that we have that I will get into a little more later, we have had to go through with a fine-tooth comb every request to make sure that it does not overlap with another request and then to prioritize all of these very important issues that come from Members all over the country.

I would also like to thank the staff for working on this. I want to take a moment to mention some very important names who have worked on this bill, sometimes day and night and on weekends as well: Martha Foley of the minority staff; and Maureen Holohan, Leslie Barrack, and Jamie Swafford of the majority staff. In addition, I want to thank our detailee Tom O'Brien and Walt Smith from my personal staff; and, of course, my distinguished clerk, Martin Delgado, who does a fabulous job on this bill. I also want to take a brief moment to recognize Joanne Perdue who worked on the committee for several years and retired from the committee just this past month.

Mr. Chairman, I would also like to point out just in very broad terms that this bill takes care of a lot of issues that are critical not just to agriculture producers but to consumers in terms of food safety, research projects that are going on in every State in this Nation. A lot of people go to the grocery store, Mr. Chairman, and they see that big truck pulling up in the back of the store and unloading goods that are put on shelves and in the freezers at the local grocery store and their products that are sold at a high quality for a good price. Quite frankly, most Americans do not know all of the policy and all of the research and all of the hard work that goes into putting that product on the shelf so that Americans can go into the store, use those coupons and enjoy themselves and the quality of life that it brings to Americans all across the country. Again, there is a lot of detail that goes into putting this bill together.

I am also very proud to work hand in hand with the gentleman from Virginia (Mr. GOODLATTE), our authorizing chairman, who has been a partner in this process not just this year but every year. So all of these policies and all of these programs that I am talking about here have been a team effort.

Mr. Chairman, I include at this point in the RECORD the following tabular material related to the bill:

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 2744)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - AGRICULTURAL PROGRAMS					
Production, Processing, and Marketing					
Office of the Secretary	5,083	5,127	5,127	+44	---
Executive Operations:					
Chief Economist	10,234	10,539	10,539	+305	---
National Appeals Division	14,216	14,524	14,524	+308	---
Office of Budget and Program Analysis	8,162	8,298	8,298	+136	---
Homeland Security staff	769	1,466	934	+165	-532
Office of the Chief Information Officer	16,462	16,726	16,462	---	-264
Common computing environment	124,580	142,465	124,580	---	-17,885
Office of the Chief Financial Officer	5,696	5,874	5,874	+178	---
Working capital fund	12,747	---	---	-12,747	---
Total, Executive Operations	192,866	199,892	181,211	-11,655	-18,681
Office of the Assistant Secretary for Civil Rights	811	821	811	---	-10
Office of Civil Rights	19,730	20,109	20,109	+379	---
Office of the Assistant Secretary for Administration	664	676	676	+12	---
Agriculture buildings and facilities and rental payments	(162,559)	(221,924)	(183,133)	(+20,574)	(-38,791)
Payments to GSA	127,292	147,734	147,734	+20,442	---
Building operations and maintenance	35,267	74,190	35,399	+132	-38,791
Hazardous materials management	15,408	15,644	15,644	+236	---
Departmental administration	22,445	23,103	23,103	+658	---
Office of the Assistant Secretary for Congressional Relations	3,821	3,846	3,821	---	-25
Office of Communications	9,290	9,509	9,509	+219	---
Office of the Inspector General	77,663	81,045	79,626	+1,963	-1,419
Office of the General Counsel	35,574	40,263	38,439	+2,865	-1,824
Office of the Under Secretary for Research, Education, and Economics	587	598	598	+11	---
Economic Research Service	74,170	80,749	75,931	+1,761	-4,818
National Agricultural Statistics Service	128,444	145,159	136,241	+7,797	-8,918
Census of Agriculture	(22,226)	(29,115)	(29,115)	(+6,889)	---
Agricultural Research Service:					
Salaries and expenses	1,102,000	996,107	1,035,475	-66,525	+39,368
Buildings and facilities	186,335	64,800	87,300	-99,035	+22,500
Total, Agricultural Research Service	1,288,335	1,060,907	1,122,775	-165,560	+61,868
Cooperative State Research, Education, and Extension Service:					
Research and education activities	655,495	545,500	661,691	+6,196	+116,191
Native American Institutions Endowment Fund	(12,000)	(12,000)	(12,000)	---	---
Extension activities	445,631	431,743	444,871	-760	+13,128
Integrated activities	54,712	35,013	15,513	-39,199	-19,500
Outreach for socially disadvantaged farmers	5,888	5,935	5,935	+47	---
Total, Cooperative State Research, Education, and Extension Service	1,161,726	1,018,191	1,128,010	-33,716	+109,819
Office of the Under Secretary for Marketing and Regulatory Programs	715	724	724	+9	---
Animal and Plant Health Inspection Service:					
Salaries and expenses	808,106	855,162	823,635	+15,529	-31,527
Animal welfare (user fees) (leg. proposal) NA.	---	(10,858)	---	---	(-10,858)
Buildings and facilities	4,927	4,996	4,996	+69	---
Total, Animal and Plant Health Inspection Service	813,033	860,158	828,631	+15,598	-31,527

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 2744)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Agricultural Marketing Service:					
Marketing Services	75,092	84,114	78,032	+2,940	-6,082
Agriculture marketing service standardization (user fees) (leg. proposal) NA	---	(2,918)	---	---	(-2,918)
Standardization user fees	(5,000)	---	---	(-5,000)	---
(Limitation on administrative expenses, from fees collected)	(64,459)	(65,667)	(65,667)	(+1,208)	---
Funds for strengthening markets, income, and supply (transfer from section 32)	15,800	16,055	16,055	+255	---
Payments to states and possessions	3,816	1,347	1,347	-2,469	---
Total, Agricultural Marketing Service	94,708	101,516	95,434	+726	-6,082
Grain Inspection, Packers and Stockyards Administration:					
Salaries and expenses	37,001	15,717	38,400	+1,399	+22,683
Grain inspection, packers and stockyards administration (user fees) (leg. proposal)NA	---	(24,701)	---	---	(-24,701)
Limitation on inspection and weighing services	(42,463)	(42,463)	(42,463)	---	---
Office of the Under Secretary for Food Safety	590	602	590	---	-12
Food Safety and Inspection Service	817,170	710,717	837,264	+20,094	+126,547
Food safety inspection (user fees) (leg. prop) NA.	---	(139,000)	---	---	(-139,000)
Lab accreditation fees	(1,000)	(1,000)	(1,000)	---	---
Total, Production, Processing, and Marketing	4,962,393	4,616,997	4,825,807	-136,586	+208,810
Farm Assistance Programs					
Office of the Under Secretary for Farm and Foreign Agricultural Services	626	635	635	+9	---
Farm Service Agency:					
Salaries and expenses	999,536	1,050,875	1,023,738	+24,202	-27,137
(Transfer from export loans)	(994)	(1,839)	(1,839)	(+845)	---
(Transfer from P.L. 480)	(2,914)	(3,217)	(3,217)	(+303)	---
(Transfer from ACIF)	(291,414)	(309,137)	(297,127)	(+5,713)	(-12,010)
Subtotal, transfers from program accounts	(295,322)	(314,193)	(302,183)	(+6,861)	(-12,010)
Total, Salaries and expenses	(1,294,858)	(1,365,068)	(1,325,921)	(+31,063)	(-39,147)
State mediation grants	3,968	4,500	4,250	+282	-250
Dairy indemnity program	100	100	100	---	---
Subtotal, Farm Service Agency	1,003,604	1,055,475	1,028,088	+24,484	-27,387
Agricultural Credit Insurance Fund Program Account:					
Loan authorizations:					
Farm ownership loans:					
Direct	(208,320)	(200,000)	(200,000)	(-8,320)	---
Guaranteed	(1,388,800)	(1,400,000)	(1,400,000)	(+11,200)	---
Subtotal	(1,597,120)	(1,600,000)	(1,600,000)	(+2,880)	---
Farm operating loans:					
Direct	(644,800)	(650,000)	(650,000)	(+5,200)	---
Unsubsidized guaranteed	(1,091,200)	(1,200,000)	(1,200,000)	(+108,800)	---
Subsidized guaranteed	(282,720)	(266,253)	(266,256)	(-16,464)	(+3)
Subtotal	(2,018,720)	(2,116,253)	(2,116,256)	(+97,536)	(+3)

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 2744)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Indian tribe land acquisition loans	(2,000)	(2,000)	(2,020)	(+20)	(+20)
Natural disasters emergency insured loans	---	(25,000)	---	---	(-25,000)
Boll weevil eradication loans	(100,000)	(60,000)	(100,000)	---	(+40,000)
Total, Loan authorizations	(3,717,840)	(3,803,253)	(3,818,276)	(+100,436)	(+15,023)
Loan subsidies:					
Farm ownership loans:					
Direct	11,145	10,240	10,240	-905	---
Guaranteed	7,361	6,720	6,720	-641	---
Subtotal	18,506	16,960	16,960	-1,546	---
Farm operating loans:					
Direct	65,060	64,675	64,675	-385	---
Unsubsidized guaranteed	35,246	36,360	36,360	+1,114	---
Subsidized guaranteed	37,631	33,282	33,282	-4,349	---
Subtotal	137,937	134,317	134,317	-3,620	---
Indian tribe land acquisition	105	80	81	-24	+1
Natural disasters emergency insured loans	---	2,735	---	---	-2,735
Total, Loan subsidies	156,548	154,092	151,358	-5,190	-2,734
ACIF expenses:					
Salaries and expense (transfer to FSA)	291,414	309,137	297,127	+5,713	-12,010
Administrative expenses	7,936	8,000	8,000	+64	---
Total, ACIF expenses	299,350	317,137	305,127	+5,777	-12,010
Total, Agricultural Credit Insurance Fund	455,898	471,229	456,485	+587	-14,744
(Loan authorization)	(3,717,840)	(3,803,253)	(3,818,276)	(+100,436)	(+15,023)
Total, Farm Service Agency	1,459,502	1,526,704	1,484,573	+25,071	-42,131
Risk Management Agency	71,468	87,806	77,806	+6,338	-10,000
Total, Farm Assistance Programs	1,531,596	1,615,145	1,563,014	+31,418	-52,131
Corporations					
Federal Crop Insurance Corporation:					
Federal crop insurance corporation fund	4,095,128	3,159,379	3,159,379	-935,749	---
Commodity Credit Corporation Fund:					
Reimbursement for net realized losses	16,452,377	25,690,000	25,690,000	+9,237,623	---
Hazardous waste management (limitation on expenses)	(5,000)	(5,000)	(5,000)	---	---
Total, Corporations	20,547,505	28,849,379	28,849,379	+8,301,874	---
Total, title I, Agricultural Programs	27,041,494	35,081,521	35,238,200	+8,196,706	+156,679
(By transfer)	(295,322)	(314,193)	(302,183)	(+6,881)	(-12,010)
(Loan authorization)	(3,717,840)	(3,803,253)	(3,818,276)	(+100,436)	(+15,023)
(Limitation on administrative expenses)	(111,922)	(113,130)	(113,130)	(+1,208)	---

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 2744)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE II - CONSERVATION PROGRAMS					
Office of the Under Secretary for Natural Resources and Environment	735	744	744	+9	---
Natural Resources Conservation Service:					
Conservation operations	830,661	767,783	793,640	-37,021	+25,857
Watershed surveys and planning	7,026	5,141	7,026	---	+1,885
Watershed and flood prevention operations	74,971	---	60,000	-14,971	+60,000
Watershed rehabilitation program	27,280	15,125	27,000	-280	+11,875
Resource conservation and development	51,228	25,600	51,360	+132	+25,760
Total, Natural Resources Conservation Service	991,166	813,649	939,026	-52,140	+125,377
Total, title II, Conservation Programs	991,901	814,393	939,770	-52,131	+125,377
TITLE III - RURAL DEVELOPMENT PROGRAMS					
Office of the Under Secretary for Rural Development	627	635	627	---	-8
Rural Development:					
Rural community advancement program	710,321	521,689	657,389	-52,932	+135,700
(Transfer out)	(-27,776)	---	---	(+27,776)	---
Total, Rural community advancement program	710,321	521,689	657,389	-52,932	+135,700
RD expenses:					
Salaries and expenses	147,264	167,849	152,623	+5,359	-15,226
(Transfer from RHIF)	(444,755)	(465,886)	(455,242)	(+10,487)	(-10,644)
(Transfer from RDLFP)	(4,281)	(6,656)	(4,719)	(+438)	(-1,937)
(Transfer from RETLP)	(37,971)	(39,933)	(38,907)	(+936)	(-1,026)
(Transfer from RTB)	(3,127)	(2,500)	(2,500)	(-627)	---
Subtotal, Transfers from program accounts	(490,134)	(514,975)	(501,368)	(+11,234)	(-13,607)
Total, RD expenses	(637,398)	(682,824)	(653,991)	(+16,593)	(-28,833)
Total, Rural Development	857,585	689,538	810,012	-47,573	+120,474
Rural Housing Service:					
Rural Housing Insurance Fund Program Account:					
Loan authorizations:					
Single family direct (sec. 502)	(1,140,800)	(1,000,000)	(1,140,799)	(-1)	(+140,799)
Unsubsidized guaranteed	(3,282,823)	(3,681,033)	(3,681,033)	(+398,210)	---
Subtotal, Single family	(4,423,623)	(4,681,033)	(4,821,832)	(+398,209)	(+140,799)
Housing repair (sec. 504)	(34,720)	(35,969)	(35,969)	(+1,249)	---
Rental housing (sec. 515)	(99,200)	(27,027)	(100,000)	(+800)	(+72,973)
Site loans (sec. 524)	(5,045)	(5,000)	(5,000)	(-45)	---
Multi-family housing guarantees (sec. 538)	(99,200)	(200,000)	(100,000)	(+800)	(-100,000)
Multi-family housing credit sales	(1,489)	(1,500)	(1,500)	(+11)	---
Single family housing credit sales	(10,000)	(10,000)	(10,000)	---	---
Self-help housing land develop. (sec. 523)	(10,000)	(5,048)	(5,048)	(-4,952)	---
Total, Loan authorizations	(4,683,277)	(4,965,577)	(5,079,349)	(+396,072)	(+113,772)
Loan subsidies:					
Single family direct (sec. 502)	132,105	113,900	129,937	-2,168	+16,037
Unsubsidized guaranteed	33,339	40,900	40,900	+7,561	---
Subtotal, Single family	165,444	154,800	170,837	+5,393	+16,037
Housing repair (sec. 504)	10,090	10,521	10,521	+431	---
Rental housing (sec. 515)	46,713	12,400	45,880	-833	+33,480

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 2744)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Multi-family housing guarantees (sec. 538)	3,462	10,840	5,420	+1,958	-5,420
Multi-family housing credit sales	721	681	681	-40	---
Self-help housing land develop. (sec. 523)	---	52	52	+52	---
Total, Loan subsidies	226,430	189,294	233,391	+6,961	+44,097
RHIF administrative expenses (transfer to RD)	444,755	465,886	455,242	+10,487	-10,644
Rental assistance program:					
(Sec. 521)	581,411	644,126	644,126	+62,715	---
(Sec. 502(c)(5)(D))	5,853	5,900	5,900	+47	---
Total, Rental assistance program	587,264	650,026	650,026	+62,762	---
Total, Rural Housing Insurance Fund	1,258,449	1,305,206	1,338,659	+80,210	+33,453
(Loan authorization)	(4,683,277)	(4,965,577)	(5,079,349)	(+396,072)	(+113,772)
Rural housing voucher program	---	214,000	---	---	-214,000
Mutual and self-help housing grants	33,728	34,000	34,000	+272	---
Rural housing assistance grants	43,640	41,000	41,000	-2,640	---
Farm labor program account	33,845	32,728	32,728	-1,117	---
Subtotal, grants and payments	111,213	107,728	107,728	-3,485	---
Total, Rural Housing Service	1,369,662	1,626,934	1,446,387	+76,725	-180,547
(Loan authorization)	(4,683,277)	(4,965,577)	(5,079,349)	(+396,072)	(+113,772)
Rural Business-Cooperative Service:					
Rural Development Loan Fund Program Account:					
(Loan authorization)	(33,939)	(34,212)	(34,212)	(+273)	---
Loan subsidy	15,741	14,718	14,718	-1,023	---
Administrative expenses (transfer to RD)	4,281	6,656	4,719	+438	-1,937
Total, Rural Development Loan Fund	20,022	21,374	19,437	-585	-1,937
Rural Economic Development Loans Program Account:					
(Loan authorization)	(24,803)	(25,003)	(25,003)	(+200)	---
Direct subsidy	4,660	4,993	4,993	+333	---
Rural cooperative development grants	23,808	21,000	24,000	+192	+3,000
Rural empowerment zones and enterprise communities grants	12,400	---	10,000	-2,400	+10,000
Renewable energy program	22,816	10,000	23,000	+184	+13,000
Total, Rural Business-Cooperative Service	83,706	57,367	81,430	-2,276	+24,063
(Loan authorization)	(58,742)	(59,215)	(59,215)	(+473)	---
Rural Utilities Service:					
Rural Electrification and Telecommunications Loans Program Account:					
Loan authorizations:					
Electric:					
Direct, 5%	(119,040)	(100,000)	(100,000)	(-19,040)	---
Direct, Municipal rate	(99,200)	(100,000)	(100,000)	(+800)	---
Direct, FFB	(2,000,000)	(1,620,000)	(2,000,000)	---	(+380,000)
Direct, Treasury rate	(1,000,000)	(700,000)	(1,000,000)	---	(+300,000)
Guaranteed electric	(99,200)	---	(100,000)	(+800)	(+100,000)
Guaranteed underwriting	(1,000,000)	---	(1,000,000)	---	(+1,000,000)
Subtotal, Electric	(4,317,440)	(2,520,000)	(4,300,000)	(-17,440)	(+1,780,000)
Telecommunications:					
Direct, 5%	(145,000)	(145,000)	(145,000)	---	---
Direct, Treasury rate	(248,000)	(425,000)	(424,000)	(+176,000)	(-1,000)

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 2744)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Direct, FFB	(125,000)	(100,000)	(125,000)	---	(+25,000)
Subtotal, Telecommunications	(518,000)	(670,000)	(694,000)	(+176,000)	(+24,000)
Total, Loan authorizations	(4,835,440)	(3,190,000)	(4,994,000)	(+158,560)	(+1,804,000)
Loan subsidies:					
Electric:					
Direct, 5%	3,619	920	920	-2,699	---
Direct, Municipal rate	1,339	5,050	5,050	+3,711	---
Guaranteed electric	60	---	90	+30	+90
Direct, Treasury rate	---	70	100	+100	+30
Subtotal, Electric	5,018	6,040	6,160	+1,142	+120
Telecommunications:					
Direct, Treasury rate	99	212	212	+113	---
Subtotal, Telecommunications	99	212	212	+113	---
Total, Loan subsidies	5,117	6,252	6,372	+1,255	+120
RETLP administrative expenses (transfer to RD)	37,971	39,933	38,907	+936	-1,026
Total, Rural Electrification and Telecommunications Loans Program Account	43,088	46,185	45,279	+2,191	-906
(Loan authorization)	(4,835,440)	(3,190,000)	(4,994,000)	(+158,560)	(+1,804,000)
Rural Telephone Bank Program Account:					
(Loan authorization)	(175,000)	---	---	(-175,000)	---
RTB administrative expenses (transfer to RD)	3,127	2,500	2,500	-627	---
Total, Rural Telephone Bank Program Account	3,127	2,500	2,500	-627	---
High energy costs grants (by transfer)	(27,776)	---	---	(-27,776)	---
Distance learning, telemedicine, and broadband program:					
Loan authorizations:					
Distance learning and telemedicine	(50,000)	---	(50,000)	---	(+50,000)
Broadband telecommunications	(545,600)	(358,875)	(463,860)	(-81,740)	(+104,985)
Total, Loan authorizations	(595,600)	(358,875)	(513,860)	(-81,740)	(+154,985)
Loan subsidies:					
Distance learning and telemedicine:					
Direct	704	---	750	+46	+750
Grants	34,720	25,000	25,000	-9,720	---
Broadband telecommunications:					
Direct	11,621	9,973	9,973	-1,648	---
Grants	8,928	---	9,000	+72	+9,000
Total, Loan subsidies and grants	55,973	34,973	44,723	-11,250	+9,750
Total, Rural Utilities Service	102,188	83,658	92,502	-9,686	+8,844
(Loan authorization)	(5,606,040)	(3,548,875)	(5,507,860)	(-98,180)	(+1,958,985)
Total, title III, Rural Economic and Community Development Programs	2,413,768	2,458,132	2,430,958	+17,190	-27,174
(By transfer)	(517,910)	(514,975)	(501,368)	(-16,542)	(-13,607)
(Loan authorization)	(10,348,059)	(8,573,667)	(10,646,424)	(+298,365)	(+2,072,757)

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 2744)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV - DOMESTIC FOOD PROGRAMS					
Office of the Under Secretary for Food, Nutrition and Consumer Services	590	599	599	+9	---
Food and Nutrition Service:					
Child nutrition programs	6,629,038	7,304,207	7,224,406	+595,368	-79,801
Transfer from section 32	5,152,962	5,111,820	5,187,621	+34,659	+75,801
Total, Child nutrition programs	11,782,000	12,416,027	12,412,027	+630,027	-4,000
Special supplemental nutrition program for women, infants, and children (WIC)	5,235,032	5,510,000	5,257,000	+21,968	-253,000
Food stamp program:					
Expenses	30,499,527	36,034,599	36,034,599	+5,535,072	---
Armed forces provision	---	1,000	1,000	+1,000	---
Reserve	3,000,000	3,000,000	3,000,000	---	---
Nutrition assistance for Puerto Rico and Samoa	1,515,027	1,535,796	1,535,796	+20,769	---
The emergency food assistance program	140,000	140,000	140,000	---	---
Total, Food stamp program	35,154,554	40,711,395	40,711,395	+5,556,841	---
Commodity assistance program	177,367	177,935	178,797	+1,430	+862
Nutrition programs administration	138,818	140,761	140,761	+1,943	---
Total, Food and Nutrition Service	52,487,771	58,956,118	58,699,980	+6,212,209	-256,138
Total, title IV, Domestic Food Programs	52,488,361	58,956,717	58,700,579	+6,212,218	-256,138
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS					
Foreign Agricultural Service:					
Salaries and expenses, direct appropriation	136,719	148,792	148,224	+11,505	-568
(Transfer from export loans)	(3,394)	(3,440)	(3,440)	(+46)	---
(Transfer from P.L. 480)	(1,088)	(168)	(168)	(-920)	---
Total, Salaries and expenses program level	(141,201)	(152,400)	(151,832)	(+10,631)	(-568)
Public Law 480 Program and Grant Accounts:					
Program account:					
Loan authorization, direct	(109,000)	(74,032)	(74,032)	(-34,968)	---
Loan subsidies	93,444	65,040	65,040	-28,404	---
Ocean freight differential grants	22,541	11,940	11,940	-10,601	---
Title II - Commodities for disposition abroad:					
Program level	(1,173,041)	(885,000)	(1,107,094)	(-65,947)	(+222,094)
Appropriation	1,173,041	885,000	1,107,094	-65,947	+222,094
Salaries and expenses:					
Foreign Agricultural Service (transfer to FAS)	1,088	168	168	-920	---
Farm Service Agency (transfer to FSA)	2,914	3,217	3,217	+303	---
Subtotal	4,002	3,385	3,385	-617	---
Total, Public Law 480:					
Program level	(1,173,041)	(885,000)	(1,107,094)	(-65,947)	(+222,094)
Appropriation	1,293,028	965,365	1,187,459	-105,569	+222,094
CCC Export Loans Program Account (administrative expenses):					
Salaries and expenses (Export Loans):					
General Sales Manager (transfer to FAS)	3,394	3,440	3,440	+46	---
Farm Service Agency (transfer to FSA)	994	1,839	1,839	+845	---
Total, CCC Export Loans Program Account	4,388	5,279	5,279	+891	---

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 2744)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
McGovern-Dole international food for education and child nutrition program grants	86,800	100,000	100,000	+13,200	---
Total, title V, Foreign Assistance and Related Programs	1,520,935	1,219,436	1,440,962	-79,973	+221,526
(By transfer)	(4,482)	(3,608)	(3,608)	(-874)	---
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION					
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Food and Drug Administration					
Salaries and expenses, direct appropriation	1,450,098	1,492,726	1,480,978	+30,880	-11,748
Prescription drug user fee act	(284,394)	(305,332)	(305,332)	(+20,938)	---
Medical device user fee act	(33,938)	(40,300)	(40,300)	(+6,362)	---
Animal drug user fee act	(8,354)	(11,318)	(11,318)	(+2,964)	---
Subtotal	(1,776,784)	(1,849,676)	(1,837,928)	(+61,144)	(-11,748)
Mammography clinics user fee (outlay savings)	(16,919)	(17,173)	(17,173)	(+254)	---
Export and color certification	(6,838)	(7,640)	(7,640)	(+802)	---
Payments to GSA	(129,815)	(134,853)	(134,853)	(+5,038)	---
Buildings and facilities	---	7,000	5,000	+5,000	-2,000
Total, Food and Drug Administration	1,450,098	1,499,726	1,485,978	+35,880	-13,748
INDEPENDENT AGENCIES					
Commodity Futures Trading Commission	93,572	99,386	98,386	+4,814	-1,000
Farm Credit Administration (limitation on administrative expenses)	(42,350)	---	(44,250)	(+1,900)	(+44,250)
Total, title VI, Related Agencies and Food and Drug Administration	1,543,670	1,599,112	1,584,364	+40,694	-14,748
TITLE VII - GENERAL PROVISIONS					
Hunger fellowships (sec. 722)	2,480	---	2,500	+20	+2,500
National Sheep Industry Improvement Center revolving fund (sec. 724)	992	---	500	-492	+500
Citrus canker compensation (sec. 761)	29,760	---	10,000	-19,760	+10,000
Northern Great Plains Regional Authority	1,479	---	---	-1,479	---
Rural housing assistance grants (rescission)	-1,000	---	---	+1,000	---
Rural housing insurance fund (rescission)	-3,000	---	---	+3,000	---
Denali Commission	1,488	---	---	-1,488	---
Local TV loan guarantee (rescission)	-88,000	---	---	+88,000	---
Agricultural conservation prog. (rescission)	-3,500	---	---	+3,500	---
Section 32 (rescission)	-163,000	---	---	+163,000	---
P.L. 480 Title I (rescission)	-191,108	---	---	+191,108	---
Milk processing and packaging facilities	992	---	---	-992	---
Alaska private lands wildlife management	496	---	---	-496	---
Livestock Expo Center (sec. 754)	992	---	1,000	+8	+1,000
Virginia Horse Center	992	---	---	-992	---
Great Plains conservation program, unobligated balances (rescissions)	-8,000	---	---	+8,000	---

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 2744)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs Enacted	Bill vs. Request
Wisconsin Federation of Cooperatives	2,232	---	---	-2,232	---
Florida citrus promotion	5,952	---	---	-5,952	---
Data mining and data warehousing activities	---	3,600	---	---	-3,600
WIC contingency reserve (rescission) (sec. 763)	---	---	-32,000	-32,000	-32,000
Specialty crop grants (sec. 767)	---	---	7,000	+7,000	+7,000
Total, title VII, General provisions	-409,753	3,600	-11,000	+398,753	-14,600
OTHER APPROPRIATIONS					
Hurricane Disaster Assistance Act, 2005 (P.L.108-324)					
Farm Assistance Programs: Farm Service Agency:					
Emergency conservation program (emergency)	100,000	---	---	-100,000	---
Conservation Programs: Natural Resources Conservation Service: Emerg watershed protection program (emerg)	250,000	---	---	-250,000	---
Rural Development Programs:					
Rural community advancement proram (emergency)	68,000	---	---	-68,000	---
Rural Housing Insurance Fund Program Account:					
Housing repairs (sec. 504):					
Loan authorization (emergency)	(17,000)	---	---	(-17,000)	---
Loan subsidies (emergency)	5,000	---	---	-5,000	---
Rural housing assistance grants (emergency)	13,000	---	---	-13,000	---
Emergency watershed protection program/emergency conservation program (emergency)	50,000	---	---	-50,000	---
Section 32 transfer (emergency)	90,000	---	---	-90,000	---
Producer assistance (emergency)	2,928,500	---	---	-2,928,500	---
Total, Public Law 108-324 (emergency)	3,504,500	---	---	-3,504,500	---
Emerg. Supplemental Approps. for Defense, The Global War on Terror, and Tsunami Relief, 2005 (P.L.109-13)					
Foreign Agricultural Service:					
Public Law 480 Title II Grants (emergency)	240,000	---	---	-240,000	---
Natural Resources Conservation Service:					
Emergency watershed protection program (emergency)	104,500	---	---	-104,500	---
Total, Public Law 109-13 (emergency)	344,500	---	---	-344,500	---
Total, Other appropriations (emergency)	3,849,000	---	---	-3,849,000	---
Grand total:					
New budget (obligational) authority	89,439,376	100,132,911	100,323,833	+10,884,457	+190,922
Appropriations	(86,047,984)	(100,132,911)	(100,355,833)	(+14,307,849)	(+222,922)
Emergency Appropriations	3,849,000	---	---	-3,849,000	---
Contingent emergency Appropriations	---	---	---	---	---
(By transfer)	(817,714)	(832,776)	(807,159)	(-10,555)	(-25,617)
(Loan authorization)	(14,191,899)	(12,450,952)	(14,538,732)	(+346,833)	(+2,087,780)
(Limitation on administrative expenses)	(154,272)	(113,130)	(157,380)	(+3,108)	(+44,250)

Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman for his statement. I am pleased to join him for the first time in my capacity as ranking member of the agriculture appropriations subcommittee. It has been a pleasure working with the gentleman from Texas and his staff to put together the 2006 agriculture appropriations bill and with the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) as we worked in full committee to get here today.

I, too, would like to say thank you to the staff of the subcommittee: to Martha Foley; to my own personal staff, to Karen Wilcox, Ashley Turton and Becky Salay; the majority office, Martin Delgado, Maureen Holohan, Leslie Barrack, Tom O'Brien, Jami Burgess. I really again say thank you for your expertise and for your patience. Let me also compliment the chairman on doing the very best with limited resources in this bill. Unfortunately, we know that the budget situation means that the funding allocation for this subcommittee was simply not sufficient to meet all the needs of rural America and our Nation's farmers.

When I chose to sit on this subcommittee 9 years ago, I did so because I believed that the issues overseen by this subcommittee are core responsibilities of the Federal Government. This is the only subcommittee where farm policy, rural development and conservation, nutrition programs, food safety, drug regulations, and public health all come together. Although some might be surprised to learn, I have nearly 400 farms in my district ranging from dairy farms to horticulture and aquaculture, to orchards and vegetable cultivation. In fact, the first experiment station in the United States still does cutting-edge research in New Haven.

Another area that I have spent time on is determining how we can best secure our food supply, something in which every American has a stake. My duties as cochair and founder of the bipartisan Food Safety Caucus have informed my understanding of the importance of the responsibilities of USDA and FDA alike, giving me the opportunity to visit slaughter plants and feed lots as well as fruit and vegetable farms across the country.

☐ 1230

I see food safety as a public health issue. I look forward to finding ways that can mutually benefit the health of our people, our farms, and our food supply. In addition, urban areas like New Haven rely on feeding programs for women, infants and children, for schools, for seniors, and for some of the disabled living on the edge of poverty.

Yesterday was National Hunger Awareness Day, and our subcommittee is certainly aware that the President's budget predicted an increase in the use of food stamps in 2006. Unfortunately, this bill does not provide enough funding to maintain current participation in the Commodity Supplemental Food Program. At least 45,000 participants, the overwhelming majority of older Americans, will have to be dropped from this program unless there are more funds provided.

Ensuring that these programs are funded is, in my opinion, among the very serious moral obligations of government. It is my belief that the bill before us today is more than a list of programs and funding levels. It is statement of values, of principles and priorities, a moral document so that when we discuss the bill and how it allocates $16.8 billion for USDA, I believe we must think of it in those terms.

We should remember that the farm programs and the international trade promotion and advocacy that help our farmers across the country and sell our products have profound implications on our Nation's overall economy and our quality of life, that research programs at USDA are critical to our efforts to protect our agricultural plant and animal products, our environment, and our public health.

Unfortunately, in some of these area this bill falls short. I believe that the President's budget failed to meet the needs of rural America, decimating rural development programs. This bill makes headway in reversing cuts made by the President. However, I am concerned that funding for water and waste grants, for example, remains below the level of last year's House bill and well below the 2004 bill.

Rural America faces serious economic development challenges: affordable housing, clean drinking water, sewerage systems, access to remote educational and medical resources. I am afraid that this funding shortfall will lead to long-term deficiencies in rural infrastructure.

Of course, this bill covers the funding of one of the most important agencies in our entire government, the Food and Drug Administration within the Department of Health and Human Services. FDA oversees some of the most critical products that our citizens rely on every single day. The vast majority are processed and fresh foods, except for meat, poultry, and egg products; our prescription and over-the-counter drugs; medical devices; our blood supply.

This agency had many problems over the last year, from the recalls of Bextra and Vioxx to hearings in which its drug safety scientists have been at odds with the senior management of FDA. It is troubling, very troubling, that the FDA's acting commissioner was not permitted to come before our subcommittee to testify this year, and that failure made it difficult for the committee to make informed decisions.

I thank the chairman for accepting the amendment that I offered in subcommittee to withhold 5 percent of the funds from the Food and Drug Administration's central offices until the head of the agency testifies regarding their budget request. This will not affect food or drug safety. It will only affect FDA's administrative offices. But I am sure that it will serve to get the administration's and the leadership of FDA's attention.

On that same topic, I thank the chairman for working with me to include funding to double the annual funding for review and direct-to-consumer ads by FDA, as well as another $5 million for drug safety at the FDA.

In 2001, the drug industry spent $2.7 billion on direct-to-consumer advertising, but the FDA office charged with ensuring that those ads are accurate was funded at less than $1 million, $884,000 to be precise. Doubling that amount is a small start toward remedying the inequitable advantage, and the $5 million will be devoted to the most critical aspects of drug safety.

I find it unfortunate the bill includes a 1-year limitation on implementation of the country of origin labeling for meat and meat products. Country of origin labeling would give people the information they need to make an informed choice to protect the safety of their families. Thirty-five other countries that we trade with, including Canada, Mexico, members of the European Union, already have a country of origin labeling system in place. I believe it is a mistake to not move forward on implementing country of origin labeling.

On International Food Aid, the subcommittee bill restores $222 million of funds under Public Law 480 that the administration sought to move to USAID, and I thank the chairman for preventing that move. However, we remain well below the funding level the past few years for that critical aid program. This law not only benefits those in dire need around the world, many of whom are starving to death, it benefits our farmers and our maritime shippers by utilizing our farm products and sources of transportation, and I hope that we can bring that funding level up before this bill becomes law.

I am pleased that the President's proposals to change formula funding for agriculture research institutions and to alter the funding stream for the Food and Safety Inspection Service through user fees were not included in the bill.

I also appreciate the chairman's working with the Democratic members of the subcommittee to begin to fund last year's Specialty Crop Competitiveness Act to enhance specialty crops such as fruits, vegetables, tree nuts, dried fruits, and nursery crops in this bill and for the Farmers Market Promotion Program, a function that can expand the farmer-consumer relationship in many areas of our country.

The programs funded through this bill directly impact the everyday lives of every American, from public health and FDA to rural development, infrastructure maintenance, environmental conservation and preservation, to nutrition assistance at home and abroad. Failure to adequately invest in these programs will have serious long-term consequences for our Nation.

Again, I have enjoyed working with the chairman and his staff, and I believe that we can take pride in the progress we have made in significantly improving the bill over the proposals that we did receive from the President.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise to engage in a colloquy with the distinguished gentleman from Texas (Mr. BONILLA), chairman of the subcommittee.

I want to thank the chairman and the gentlewoman from Connecticut (Ms. DELAURO), ranking member, for their work on this fiscal year 2006 agriculture appropriations bill. I appreciate what they have done with what they have had to work with. I also want to thank the professional staff: Martin, Maureen, Leslie, Tom, and Martha. They have done a tremendous job in putting together a balanced bill.

Mr. Chairman, under our tight budget constraints, we are happy to see that the USDA CSREES Integrated programs, such as the Section 406 Organic Transition Program, that were moved into the National Research Initiative are directed to be funded at last year's levels.

As a point of clarification, I would like to verify my understanding that the committee's intent is that the Organic Transition Program, although proposed to be funded through the National Research Initiative, will continue to be managed, as it was in fiscal year 2004 and fiscal year 2005, as part of the Integrated Organic Program. Specifically, that the request for proposals will continue to be issued jointly with that of the Organic Research Initiative under the management of USDA CSREES staff, including the Organic National Program leader.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. FARR. I yield to the gentleman from Texas.

Mr. BONILLA. Yes, Mr. Chairman. It is my understanding that there are benefits to the Organic Transition Program being managed as part of the Integrated Organic Program, and my intention is that it should continue to be managed as it was in fiscal years 2004 and 2005.

Mr. FARR. Mr. Chairman, reclaiming my time, I thank the chairman for that clarification, and I appreciate the work he has done.

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of our committee.

Mr. OBEY. Mr. Chairman, as I indicated earlier, I intend to vote for this bill because I think the gentleman from Texas has done a reasonable job, given the limitations placed on him by the budget resolution.

Having said that, I do not want anyone to think that I am enthusiastic about the result. I am not. I think that after we pass this bill today the Food and Drug Administration will still be left with inadequate authority to protect the public health from dangerous drugs. The FDA will still have a terrible time trying to provide new labels for drugs which had been initially approved but which later had been found to be, in some cases, a threat to public health. This Congress has an obligation to fix that. It is being prevented from fixing that by the rule that passed earlier today.

Secondly, I want to say that I think the bill is inadequate in a number of areas. I think that with respect to having a full-fledged animal identification program to help protect the public health against problems like Mad Cow disease, I think that the funding for that is inadequate.

I certainly think that funding for rural sewer and water is grossly inadequate. There is probably more demand in my district for rural sewer and water grants than any other program in the Federal budget. When one lives in a community in which more than 50 percent of the households are headed either by someone over 65 or by a woman who has no long work history outside of the home, that means that that community has very little tax base and very little economic ability to meet environmental standards for water and sewer, and the Congress is doing precious little to help those communities.

I think we are also very negligent with respect to rural housing, and I think that this bill is totally inadequate with respect to International Food Aid.

There are a number of other concerns I have about it. But those are the main ones that I would focus on at this moment.

I will vote for the bill because I think the major fault for the inadequacies of the bill lies with the Committee on the Budget, not with the gentleman who produced the bill. But I think Members need to understand this bill is not adequate to meet the economic development needs of rural America. It is not adequate to meet the environmental needs of rural America. It is not adequate to meet the public health requirements of the American people. I wish it were. Maybe some day it will.

Ms. DELAURO. Mr. Chairman, I yield myself 2 minutes.

Let me just say that I want to make it clear that what we tried to do with regard to the Food and Drug Administration was to call attention to the series of crises that, in fact, have been rampant over the last several months, whether it is Vioxx or whether it is Bextra or whether it is the post-marketing studies that were to occur that never did occur or the slighting, I believe, of our committee in not coming forward and having the director come before our committee.

What we tried to do is to create a balance, and that is to provide additional funding for the Office of Drug Safety to look at direct-to-consumer advertising in order to try to protect the public and to provide additional funding to create some more infrastructure.

I, too, believe that we should have made in order the amendments offered by the gentleman from New York (Mr. HINCHEY). Really what should be happening is FDA should be coming to the Congress for authority in order to be able to change the labeling that, in fact, ultimately protects the public interest and that we ought to have the opportunity and they ought to come and demand from us authority in order to do post-marketing surveys about the risks of some of the products that are on the market. They should be coming to us.

Instead, we want to provide that authority but are not allowed to be able to do that. I think that it was a mistake for us not to do that, but I think we need to continue this effort about trying to provide the agency which has the regulatory power over the pharmaceutical industry to develop some spine in order to be able to protect the public interest.

☐ 1245

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield 5 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank my colleague, the ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations, for yielding me this time in support of H.R. 2744; and I want to commend and thank the gentleman from Texas (Chairman BONILLA) and his fine staff for their work on this important bill. We know it is not easy under the budget constraints, and we appreciate all the work that has been done.

I especially want to thank and compliment our new ranking member, the gentlewoman from Connecticut (Ms. DELAURO), and her staff for her efforts to be sure our Nation's diverse needs are met, including in agriculture, in food safety, in pharmaceutical safety, and all of the responsibilities this subcommittee has. It has been a privilege for me to have served as ranking member for several years on this subcommittee, and I have full confidence that the gentlewoman from Connecticut (Ms. DELAURO) will continue to distinguish herself doing an outstanding job in this new role as demonstrated by this very impressive start.

I want to take a brief moment today to raise two issues which are part of this appropriations bill and thank the committee for its support. Two aspects of this legislation will help rural America produce for the future, produce for the marketplace and develop expanding markets and be value-added for the benefit of both producers and consumers as well as for our Nation.

I have been a very strong supporter of bioenergy funding every year since we first added the first-ever energy title to the farm bill in the year 2001. It took us to this new century and millenium to envision a new energy future based on American agriculture. It is amazing it has been such an uphill struggle to get the Department of Agriculture to help the farmers of our country pull this new industry forward. Sadly, it is the Department of Agriculture that has been the most lax in this partnership.

Every citizen knows America cannot continue importing our fuels. We must restore energy independence here at home. No group is better situated to do it immediately than our farmers and ranchers. More ethanol and biodiesel are being produced each year. America is only beginning to realize the full potential of American agriculture to help move America toward energy independence sooner rather than later.

Just yesterday, producers from around our country displayed a broad array of bio-based products here up on Capitol Hill, ranging from everything from trash cans to lubricants to carpeting to new materials to ethanol to soy diesel, all from American agriculture, as we unlock the mystery of organic chemistry and renewable energy for our future.

The President of the United States has gone to a number of events around the country claiming he supports biofuels. He was at another one in Virginia last week. But one of the key facts that the press fails to report is that the President's budget keeps proposing cuts in the programs he claims to support. Year after year, we have seen cuts of $50 million or more proposed in the bioenergy program at the U.S. Department of Agriculture, which is a very small program. Year after year, we have to work here in this House and in this Congress to restore it.

I am very pleased that this bill includes $23 million for section 9006 renewable energy grants and loans. Given the growing support for this program, I am happy that we were able to obtain the money in the base bill without the need to offer amendments, as we have had to do over the past 2 years.

One of the real success stories in American agriculture in recent years, beyond this effort to try to convert to renewable fuels, has been the rapid rise of farmers markets and roadside stands across our country to help our small family and medium-sized farmers direct market. As cartels take over our food system, this is a way forward for independent farmers across our country.

These markets are not just in rural areas. They are in urban areas where there are no big grocery stores. They are in urban areas where ethnic markets offer great opportunities. They are in urban areas offering economic development activity that links knowledgeable consumers with appreciative vendors. They are in suburban areas. In fact, they are right here behind the U.S. Department of Agriculture, where we had to fight to get the Department to allow a farmers market to operate so the millions of tourists who come here every year could buy products grown in Virginia and Maryland and help our local producers realize some of that income directly.

We were able to secure, with the help of the gentleman from Texas (Chairman BONILLA) and the ranking member, the gentlewoman from Connecticut (Ms. DELAURO), as part of this bill to begin funding for the Farmers Market Promotion Program authorized in the farm bill several years ago. Competitive applications from across the country will be solicited to help expand the availability of fruits and vegetables to consumers who want these products but cannot get them as readily as you might believe. It will help link our farmers to the real consumer market that they deserve to connect to.

One regret I do have is we were not able to increase funding for the Seniors Farmers Market Nutrition program, which has shown that linking senior citizens with area farmers is an absolute win-win for both nutrition and for American agriculture. The $15 million provided by the farm bill is only about half of what the Nation is already saying that it needs. But there is no doubt that this program could expand greatly in the years to come, and we are going to make every effort to do that.

I look forward to working to help these programs expand to meet the true need among our Nation's seniors as well as others as we move to conference and urge support for the fiscal 2006 agriculture appropriations bill.

Again, I thank the gentleman from Texas (Chairman BONILLA) for his great composure during committee meetings and his great leadership, and also the gentlewoman from Connecticut (Ms. DELAURO) and congratulate her for the great job she has done on this bill.

Mr. BONILLA. Madam Chairman, I reserve the balance of my time.

Ms. DELAURO. Madam Chairman, I yield 2¼ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Madam Chairman, I thank my colleague from Connecticut for her great work.

Madam Chairman, this year, just like last year and the year before, an amendment banning the use of funds to stop reimportation of prescription drugs has been added to this legislation. It does feel like Ground Hog Day around here. We all know the next part of the story. So if you are going to stay up late at night watching C–SPAN, just put it on TiVo. You do not have to stay up.

Once again, after we pass it here, and we are going to stand and give our speeches, the conferees from both parties, both Chambers, are going to go to the conference, and in the dark of night this provision is going to be stripped from the bill that would help our senior citizens and our taxpayers get affordable drugs at affordable prices. The pharmaceutical companies will come in and do their bidding, and this Congress will turn around and heed their interests.

After the American people have spoken clearly, this Congress last year when we voted for this overwhelmingly, just as recently as 2 weeks ago 221 bipartisan Members of Congress sent a letter to the Speaker asking for an up-or-down vote on this legislation. Here we have an attempt to make sure that the Congress and the voice of the American people is clear on the issue of funding for reimportation; and in the dark of night, mark my words, they will strip this out, as they did last year, as they did the year before, and Ground Hog Day will come to the United States Congress.

Instead of using the money and the limited resources we have to help develop a system to allow for drug reimportation, the FDA has insisted on using their time and the precious resources of the American people to crack down on elderly Americans who purchase affordable prescription drugs from Canada, England, Ireland, and the rest of Europe because they cannot afford those medications here.

The FDA has even seized the drugs purchased through the State-sponsored programs like the Illinois I-Save Rx program. As Senator FRIST would say, all we are asking is for an up-or-down vote, and that is what we would like on reimportation.

Let us listen to the American people, to the will of the bipartisan Members of Congress and allow a vote on this comprehensive prescription drug importation legislation this year.

I would like to thank my colleague from Connecticut for her leadership on this. For the Members who want it to be clear, I would just hope the American people have an opportunity to watch what happens in the dark of night so we do not repeat Ground Hog Day around here.

Mr. BONILLA. Madam Chairman, I yield 4 minutes to the distinguished gentleman from Iowa (Mr. LATHAM), a member of the subcommittee.

Mr. LATHAM. Madam Chairman, first of all I want to thank the gentleman from Texas (Chairman BONILLA) for doing such a great job on this bill and for his hard work leading the subcommittee through a very difficult, tight allocation and really coming out with an excellent bill, and also the gentlewoman from Connecticut (Ms. DELAURO), such a great ranking Member and true professional. I appreciate that very much. I also want to express my appreciation to the extremely professional staff that we have on the subcommittee. It really makes our job so much easier.

Like I mentioned, this was a difficult bill with a tight allocation, and I think we have a very good product in the end here because of that.

I especially want to point out something I think is very important to all livestock producers, anyone concerned about food safety, which is the final $58.8 million going to National Animal Disease Center at Ames, Iowa. This is the last of the $462 million that we have appropriated since the year 2000 for this extraordinarily important facility. I hope this year that the Senate will concur and get their number so we do not have to revisit this issue again next year with the appropriation bill.

I am very pleased that the bill includes funding for renewable energy. Obviously, this is very important for Iowa and our country as far as soy diesel, ethanol, biomass, all of those things that are critically important long term as far as gaining energy independence for the United States, but also doing it in a renewable way that is environmentally friendly. This is extraordinarily important; and because of the work we have done here, we are able to finally experience true value-added agriculture for our farmers at home, so they are able to reap the profits from renewable energy.

I am very pleased that the chairman has included funding to fight the potential problem and the very real potential problem of soybean rust that has gotten into our country, which could be absolutely devastating to a tremendous crop throughout this country, Iowa and the Midwest in particular.

I am very pleased also that the bill includes funding for continued work as far as the Animal ID System that we are trying to get in place so that we can in fact find when we have an outbreak of, say, mad cow disease, something like that, that we are able to identify where that animal came from and that we can ensure the food safety.

One issue that was of some controversy through the hearings was continued funding under the Hatch Act for agricultural research. I believe that by continuing the funding of the Hatch Act and getting the dollars to the universities where they absolutely are needed, the Hatch Act funding will allow continued vital research at our land grant universities and allow them to continue the great job that they do for agriculture, for our farmers today to ensure that the breakthroughs of the future will be in the hands of the farmers and for their benefit.

Also we have to make sure, and this bill does it, that we have a continuing, strong Risk Management Crop Insurance program. We all have concerns about how it has been administered, and we wanted to make sure that the agency reports to us on a quarterly basis so that we can in fact make sure that that vital program stays in place.

Again, in closing, I just want to say thank you once again to the chairman and the ranking member and all the committee staff. This is a tough year, and it is a great bill. I encourage all of my colleagues here in the House to support this bill.

Ms. DELAURO. Madam Chairman, I yield 5 minutes to the gentleman from New York (Mr. HINCHEY), a member of the subcommittee.

□ 1300

Mr. HINCHEY. Madam Chairman, first of all, let me express my appreciation to the leader on our side on this subcommittee, the gentlewoman from Connecticut (Ms. DELAURO). This is her first year as the minority rank on this subcommittee, and she is doing an outstandingly good job, and we all very much appreciate the work that she is doing.

I also want to express my appreciation to my chairman. He also is doing a very good job, particularly under a very difficult set of circumstances; and those difficult set of circumstances are, particularly, the allocation that this subcommittee has been afforded. But that, of course, is universally true. All of these subcommittees have been afforded very small, ineffective allocations, ineffective to do all the things that need to be done. But, nevertheless, in spite of that, I think the chairman has done a good job.

There is one aspect of this bill, however, to which I would like to draw attention, because it is an aspect of the bill that is entirely deficient and not only deficient but, because of these deficiencies, the result is a potential for serious harm to a large number of American citizens. That is the way in which the Food and Drug Administration is treated in this legislation, and the fact that the Congress has not provided to the FDA the kinds of authority that it needs in order to protect the general public against the marketing of prescription drugs in ways that are causing serious harm to large numbers of the American people.

Now, recently we have had two experiences, that is, the Nation has had two experiences, with drugs that have been very difficult and dangerous. The first is antidepressants and the way that they have been marketed. They have been marketed largely to people who were targeted for marketing off-label. A lot of the people who they were marketed to and who used them were young folks, young people, teenagers. The effect of these antidepressants on young folks, youngsters, teenagers, people in their early 20s particularly, has been to engender in them a deep sense of depression which, in many cases, has led to suicide; and it has taken us a long time to get attention focused on that problem.

Another example is the so-called Cox-2 inhibitors, or prescriptions such as Vioxx. Vioxx has presented a major, major problem to consumers across the country. It is likely that several hundred thousand people, as a result of the use of Vioxx, have fallen into conditions where their health has been seriously injured; and it may be, and probably is, that more than 100,000 people suffered death as a result of the use of this prescription drug Vioxx.

Now, that comes about as a result of the failure of this Congress to give the FDA the kind of authority it needs to deal with the drug companies; and I later in the debate on this legislation will offer two amendments to deal with this problem.

But, right now, I want to draw the attention of the Members of this House to this issue. This is a serious issue which affects the health and safety of the American people in material and very dramatic ways. It is an issue that is causing the unnecessary death of large numbers of Americans, and it is an issue that we have not dealt with and should deal with, and if we do address it properly, it will alleviate this condition and stop placing so many of American citizens in the kind of dangerous, desperate circumstances that they have fallen into which have caused serious injury to their health and death in large numbers of people.

So what we need to do is to give the Food and Drug Administration the authority to deal with the pharmaceutical companies in the way that any regulatory agency would deal with the entity that it is regulating.

For example, in the case of Vioxx, once that drug got on the market and it became clear that people were being injured as a result of exposure to it, and the off-label marketing of that drug particularly, once that became clear, the Food and Drug Administration was not in a position to tell the drug company that they had to engage in an educational program which would ensure that people to whom the drug would be dangerous would not be using it. They could not order the pharmaceutical company to do anything with regard to the labeling on that drug. They had to negotiate with the company.

So these are some of the major issues that we are facing, one of the major deficiencies in this legislation that needs to be addressed, and I will be offering two amendments later on in the debate, and I hope that the Members of this Congress will embrace those amendments.

Mr. BONILLA. Madam Chairman, I reserve the balance of my time.

Ms. DELAURO. Madam Chairman, I would like to inquire about how much time is remaining on both sides.

The Acting CHAIRMAN (Mrs. CAPITO). The gentlewoman from Connecticut has 2½ minutes remaining; the gentleman from Texas has 22½ minutes remaining.

Ms. DELAURO. Madam Chairman, I reserve the balance of my time.

Mr. BONILLA. Madam Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Madam Chairman, I appreciate the gentleman yielding me this time, and I want to explain a problem that we discovered as the bill has been moving through.

Since 1997, by Executive order, a program was created known as the American Heritage Rivers Initiative. In that program, there are 14 rivers, one of which is the Hudson River in New York State and the Susquehanna in Pennsylvania. As a combined effort over the last 5 or 6 years, funding for the river navigator has come through the program of the Natural Resources Conservation Service. Either inadvertently or otherwise, even though we have had bipartisan support for the support of these two navigator positions for the Hudson River and the Susquehanna, the Susquehanna was inadvertently not included in report language on page 51 of the report, where only the Hudson River is indicated.

What I would request from the chairman is assurances that during conference that report language would be amended to include the Susquehanna River for funding the navigator.

Just as a justification for that, I want to point out that the Susquehanna River has been designated by American Rivers as one of the most polluted and endangered rivers in the country. Toward that end, the navigator presently in place has been involved in two areas: improving water quality and use, and increased economic development in the region.

To give my colleagues an example, we are now in the throes of more than $100 million in projects as a result of the effort of the navigator position: remodeling an old hotel in downtown Wilkes-Barre on the waterfront that exceeds $24 million in costs; riverfront revitalization that is between $25 million and $30 million; a program of $10 million of the GIS project to include the entire Susquehanna watershed so that we can work on water quality problems in that area of the Susquehanna River; and a project, an ongoing project presently of over $30 million to service the combined sewage overflows into the Susquehanna River. Without the key leadership of the navigator, we will lose that $100 or $150 million in projects and return to really zero.

What I am urging the chairman to indicate is his willingness to amend the report language as this bill proceeds through conference to include not only the Hudson River but also the Susquehanna River. I may assure the chairman that we have worked in a very bipartisan effort with members of the New York delegation and Governor Pataki's office that both of these river navigator positions should be funded in this bill, as the other 12 navigators are funded in other appropriations bills across the country. But to leave out the Susquehanna River, either inadvertently or by error, would be catastrophic to my congressional district.

Mr. BONILLA. Madam Chairman, will the gentleman yield?

Mr. KANJORSKI. I yield to the gentleman from Texas.

Mr. BONILLA. Madam Chairman, the gentleman has worked very hard on this project; and at this time, as chairman, I would like to commit to trying to resolve this problem to his satisfaction between now and the conference.

Mr. KANJORSKI. Madam Chairman, I appreciate the chairman's interest; and I will rely on the chairman's good faith to accomplish to that end. As a result, I think we can all say that we have resolved this problem.

Mr. BONILLA. Madam Chairman, I reserve the balance of my time.

Ms. DELAURO. Madam Chairman, I would ask the chairman if he has any additional speakers.

Mr. BONILLA. Madam Chairman, we have no additional speakers at this time.

Ms. DELAURO. Madam Chairman, I yield myself the remaining 2½ minutes to close.

Madam Chairman, as we conclude the general debate, I wanted to reiterate that it has been a pleasure to work with the gentleman from Texas (Chairman BONILLA) on the bill. Given limited resources, I think we have tried to do a good job to meet the needs of rural America, our Nation's farmers, and other accounts funded in the bill.

As we begin to move through the amendment process, I look forward to trying to address several areas in the bill that I believe could use some improvement.

I mentioned earlier the Commodity Supplemental Food Program. A majority of older Americans, nearly 45,000 participants, will have to be dropped from this vital program unless more funds are provided.

Also of concern to me is the 1-year limitation on implementation of country of origin labeling for meat and meat products. Consumers in this country need the information to make informed decisions for their safety and the safety of their families, and I hope that the House will reconsider the country of origin labeling provision in this bill.

Overall, I think that the committee can feel good about the work that it has done on this legislation thus far. I am hoping that we can look at an amendment process where we can improve the bill even more in just a few critical areas.

I would hope that with regard to the Food and Drug Administration that, in fact, we will be able to provide them with the authorities that I think the Nation would believe that they desperately need, and that is to be able to do post-marketing studies on drug products on the market and also to change labels that would need changing in order to protect the citizenry of this country.

Mr. PETERSON of Minnesota. Madam Chairman, I rise in strong support of H.R. 2744.

Madam Chairman, the Chairman and the new Ranking Minority Member of the Agriculture Appropriations Subcommittee have done an excellent job under very difficult circumstances.

Madam Chairman, I support this bill because it will ensure that important farm bill programs are administered—as well as many of the important discretionary programs of USDA.

Madam Chairman, the Farm Bill was developed in a responsible, forward-looking manner. It was devised within the terms of the Congressional budget, and while it addressed farm income, it also made substantial investments in research, in conservation, and in enhancing the nutrition programs that protect the needy.

But because of this Congress' failure to take a similar, forward-looking approach to government debt, this bill makes deep cuts in those farm bill programs that were so strongly supported in this House. The FY 2004 Agriculture Appropriations bill made substantial cuts in Farm Bill programs, the FY 2005 bill went even farther, and this bill cuts them even more.

Madam Chairman, the Appropriations Committee can't be blamed for this situation. They have worked on a bipartisan basis to provide the best bill possible in a bad situation.

But in order to meet the cap, this bill cuts these mandatory farm bill programs: the Initiative for Future Agriculture and Food Systems; rural broadband and local television initiatives, the Wetlands Reserve Program, bioenergy and renewable energy development; the EQIP program, the Conservation Security Program, the Wildlife Habitat Incentives Program, the Farmland Protection Program, and others as well

Madam Chairman, the Farm Bill—which was developed in a very inclusive and bipartisan manner—has been working very well. In fact, during the time it has been in effect, commodity program spending has been $15 billion less than originally projected. But our current fiscal policies are tearing the Farm Bill apart bit by bit. I hope that soon we can end the partisanship that characterizes fiscal policy and work together towards a common solution.

Madam Chairman, once again I commend Appropriations Committee members on both sides for their work on this important bill and I urge my colleagues to vote for its passage.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I rise today to express my disappointment at the under-funding of the Commodity Supplemental Food Program under the Agriculture Appropriations bill for FY 06.

The Commodity Supplemental Food Program is a federal program designed to improve the health of senior citizens, pregnant women and children whose income is not enough to pay for nutritious food.

Through this program, seniors, pregnant and breastfeeding women, and children younger than 5 in 34 States in this country have access to a monthly basket, which provides them with basic food, such as milk, rice, pasta, juice, canned vegetables, meat and fish, and cheese.

Each basket is designed to satisfy the specific needs for people who often have to choose between purchasing food and satisfying other necessities. Each basket has the purpose of assisting elder people to stay healthy and active, and children to grow healthy and productive.

Inadequate funding for the Commodity Supplemental Food Program would result in the removal of more than 75,000 people currently participating in the program. Seniors, women and children in poverty cannot wait until next year to get adequate funding for the food they need.

For these reasons, I recommended to the Committee that funding for the Commodity Supplemental Food Program be increased to $148 million. Unfortunately, the House appropriation falls far below the amount necessary. I can only hope that my colleagues in the other Chamber will approve the adequate funds to avoid this social catastrophe.

By approving increasing fund for this program we will show seniors, women and children in need, that we care and work for them.

Mr. NUSSLE. Madam Chairman, I rise to speak on the measure before us, providing budget authority for programming by the U.S. Department of Agriculture and others. It provides for about 20 percent of total USDA budget authority. As Chairman of the Budget Committee, I am pleased to note that this bill is consistent with the levels established in H. Con. Res. 95, the House concurrent resolution on the budget for fiscal year 2006. Overall spending in the bill is $29 million more than the 2005 enacted level and $22 million above the President's request.

DEPARTMENT OF AGRICULTURE

In most areas within USDA, appropriators ended up somewhere between the President's request and the 2005 enacted level. None of the President's initiatives to collect $178 million in new or increased user fees was taken up, making up the difference through spending reductions in some discretionary programs and through $1.4 billion in reductions in some mandatory programs authorized for the first time in the 2002 farm bill.

The bill makes changes in various mandatory programs that reduce net budget authority by $1.4 billion. Specifically, it reduces budget authority by about 25 percent for a number of mandatory conservation programs and eliminates funding for a subset of agricultural research and rural development programs. While the use of one-year savers in mandatory programs to stay within the Subcommittee's 302(b) allocation has become routine, the Agriculture Committee could change some of these same mandatory programs themselves in order to comply with the reconciliation instructions in the Fiscal Year 2006 budget resolution.

FOOD AND DRUG ADMINISTRATION

H.R. 2744 provides $1.8 billion for the salaries and expenses of the Food and Drug Administration [FDA], an increase of $55.3 million, or 3.1 percent, above the 2005 enacted level and a decrease of $17.7 million below the President's request. Of the appropriated funds, $357 million is financed from on-going drug, device and animal drug user fees. Under provisions of the Prescription Drug User Fee Act, the FDA will collect $305 million as user fees to offset part of the costs of prescription drug approval. This bill provides an increase of $12.4 million for food safety and counterterrorism activities to ensure consumers are protected against intentional and accidental risks that threaten our food supply.

H.R. 2744 does not contain any emergency-designated BA, which is exempt from budget limits. The bill does rescind $32 million in the unobligated balances of the Special Supplemental Nutrition Program for Women, Infants, and Children.

IOWA CONCERNS

I am particularly pleased that this legislation contains critical funding for ag and food safety programs in my home state of Iowa. Specifically, I would like to commend the committee for funding the completion of the National Centers for Animal Health in Ames, Iowa, where vital research to keep our nation's food supply safe is being done everyday. In addition, this bill continues funding for the Agriculture-Based Industrial Lubricants (ABIL) program at the University of Northern Iowa in my Congressional district. The ABIL program continues to promote value-added and environmentally safe agriculture products.

As we continue the appropriations season, I commend Chairman LEWIS and our colleagues on the Appropriations Committee for meeting the needs of the American public within the framework established by the budget resolution. In conclusion, I express my support for H.R. 2744.

Mr. DELAURO. Madam Chairman, I yield back the remainder of my time.

Mr. BONILLA. Madam Chairman, in the interest of moving forward and moving to the amendment process, I yield back the balance of my time.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $5,127,000: *Provided*, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $10,539,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $14,524,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $8,298,000.

HOMELAND SECURITY STAFF

For necessary expenses of the Homeland Security Staff, $934,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $16,462,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service, and Rural Development mission areas for information technology, systems, and services, $124,580,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915-16 and 40 U.S.C. 1421-28: *Provided*, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

AMENDMENT OFFERED BY MR. BONILLA

Mr. BONILLA. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BONILLA:

On page 3, line 12, insert after the dollar amount the following: "(decreased by $40,000,000)";

On page 30, line 19, insert after the dollar amount the following: "(decreased by $20,000,000)";

On page 33, line 2, insert after the dollar amount the following: "(increased by $20,000,000)";

On page 44, line 1, insert after the dollar amount the following: "(increased by $40,000,000)"; and

On page 44, line 10, insert after the dollar amount the following: "(increased by $40,000,000)".

Mr. BONILLA (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BONILLA. Madam Chairman, I would like to briefly explain the amendment and the purpose of the amendment.

First of all, the amendment cuts $40 million from the Common Computing Environment account and increases the value-added market development grants by $40 million. The amendment also reduces the Conservation Operations account by $20 million, and it increases the Watershed Rehabilitation account by the same amount.

I understand that Members may have some concern with these transactions that we are involved with here, but the reason that we are doing this today is to accommodate some legitimate concerns raised by the authorizing committee about some of the mandatory limitations in this bill. I have worked closely with the gentleman from Virginia (Chairman GOODLATTE) over the years, and I intend to work with him closely in the future, especially as he prepares to write a new farm bill. While I would have preferred to keep the CCE account funded at the highest level possible, I am confident that when we get to the conference with the Senate that we will be able to restore funding to this account.

So let us keep this funding moving forward, and I ask for Members' support on this amendment. It is my understanding that the minority has agreed to this amendment, so we hope to expedite debate.

□ 1315

The Acting CHAIRMAN (Mrs. CAPITO). Is there further debate on the amendment?

The question is on the amendment offered by the gentleman from Texas (Mr. BONILLA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BUTTERFIELD

Mr. BUTTERFIELD. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUTTERFIELD:

Page 3, line 12, after the dollar amount, insert the following: "(reduced by $2,000,000)".

Page 17, line 18, after the dollar amount, insert the following: "(increased by $1,875,000)".

Mr. BUTTERFIELD. Madam Chairman, I bring this amendment to the floor today on behalf of myself, the gentleman from California (Mr. BACA), the gentleman from Texas (Mr. REYES), and the gentleman from Georgia (Mr. SCOTT) in order to provide much needed financial assistance to our Nation's minority farmers, and to the 1890 Land Grant Colleges and Universities.

While I generally support this legislation, it falls short, in my estimation, in the area of funding for rural development. We must, Madam Chairwoman, offer more outreach and more technical assistance to our farmers. During fiscal year 1983, President Reagan initiated the Small Farmer Outreach Training and Technical Assistance program in response to the USDA task force on black farm ownership.

It reflected a commitment to implement Reagan's Presidential Executive Order 123-20 dated September 15, 1981, to support Historically Black Colleges and Universities by addressing the many civil rights issues that are confronted by the agency.

This is the only program, the only program implemented by the USDA that directly helps minority farmers who are losing their farms at a rate that far exceeds their white counterparts. I, therefore, Madam Chairman, urge my colleagues to support this amendment.

Mr. BONILLA. Madam Chairman, we are willing to accept this amendment and move forward.

Mr. BACA. Madam Chairman, I rise in strong support of the Butterfield-Scott-Baca-Reyes amendment.

This amendment increases the funding to the 2501 Socially Disadvantaged Farmer and Rancher program by $2 million from $5.935 million to $7.935 million.

These grants are meant to provide outreach and technical assistance to encourage and assist socially disadvantaged farmers and ranchers to own and operate farms and ranches and participate in agricultural programs.

This assistance includes information on application and bidding procedures, farm managements, and other essential information to participate in agricultural programs.

These grants may also be awarded to Hispanic Serving Institutions, Tribal Colleges and Historically Black Colleges and Universities that engage in outreach to minority farmers.

This program helps to mitigate a long history of unequal treatment of minority farmers and ranchers.

The USDA has already paid over $1 billion to settle discrimination lawsuits. By investing in the 2501 program, we can improve relationships between the USDA and socially disadvantaged farmers and prevent future lawsuits.

This is a small investment that could potentially save millions in the future.

I urge my colleagues to vote "yes" on the Butterfield-Scott-Baca amendment.

Mr. REYES. Madam Chairman, I rise in strong support of the Butterfield Amendment, which would add $2 million to the USDA's Small Farmer Outreach Training and Technical Assistance Program.

As a young man growing up in the El Paso Upper Valley Community of Canutillo, I experienced the many challenges that small and medium farmers face daily. My grandfather, father and close family members contributed to the operation of the family farms in the El Paso and Dell City Valley, Texas.

Also, throughout my tenure in Congress, I have met with many minority farmers from my Congressional District of El Paso, Texas. These Hispanic farmers have faced many challenges. Outreach, training, and technical assistance are essential to help them succeed in today's challenging agriculture economy.

Unfortunately, while Hispanics are the fastest-growing population in the country, they remain a disadvantaged minority when it comes to having the resources to own and farm our nation's land. Farming and ranching are full time, 24 hour, seven day endeavors, and our small and disadvantaged farmers and ranchers merit our consideration and assistance. Adequate funding for this program would provide the farmers with technical, farm management, and marketing assistance, all of which are important to keeping our farmers productive on their land.

The Small Farmer Outreach Training and Technical Assistance Program has made a great impact in the El Paso and Las Cruces region, and without the proper funding for the program I fear our farmers will be lacking the means to succeed. I strongly urge my colleagues to join me in supporting our nation's minority farmers by ensuring the passage of this important amendment, and I appreciate the efforts of Mr. BUTTERFIELD and others on this important issue.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. BUTTERFIELD).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. HINOJOSA

Mr. HINOJOSA. Madam Chairman, I offer amendment No. 4 on behalf of the gentleman from California (Mr. BACA).

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HINOJOSA:

Under the heading "COMMON COMPUTING ENVIRONMENT", insert after the dollar amount the following: "(reduced by $855,000)".

Under the headings "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE" and "RESEARCH AND EDUCATION ACTIVITIES", insert after the first dollar amount, and after the dollar amount relating to an education grants program for Hispanic-serving Institutions, the following: "(increased by $855,000)".

Mr. HINOJOSA. Madam Chairman, I am offering this amendment on behalf of myself and my colleague, the gentleman from California (Mr. BACA).

I want to thank the chairman, the gentleman from Texas (Mr. BONILLA), and the ranking member, the gentlewoman from Connecticut (Ms. DELAURO), for putting together this bipartisan bill.

I believe this amendment will be an important improvement. The Baca/Hinojosa amendment would take $855,000 from the Common Computing Environment program and transfer it to the Hispanic Serving Institutions Education grant program under the Cooperative State Research Education and Extension Service.

This competitive USDA/HSI grant program is designed to promote and strengthen the ability of HSIs to carry out education programs that attract, retain, and graduate outstanding students capable of enhancing the Nation's food and agriculture, scientific and professional work force. This program is making a difference in the Latino community. Coastal Bend Community College in Beeville, Texas has used its USDA/HSI grant to improve retention, expand and strengthen the agriculture curriculum, engage high school students in agriculture-related fields through dual enrollment programs, and increase the number of articulation agreements with area universities like Texas A&M at Kingsville and many universities throughout the country and the territories!

Although Title VIII of the Farm Bill authorizes $20 million for this program, actual appropriations remain at only 28 percent of the authorized level.

Only 2.7 percent of HSI college graduates earn a degree in agriculture-related areas. The continued underrepresentation of Hispanics in these important areas of agriculture demands a greater investment in such programs to expand funding to additional HSIs to better meet USDA goals.

With over 200 HSIs, serving over 1.4 million students, it is time to increase the appropriations for this program beyond current levels. Our amendment is a modest step in that direction.

I strongly urge my colleagues to support this amendment.

Mr. BONILLA. Madam Chairman, will the gentleman yield?

Mr. HINOJOSA. I yield to the gentleman from Texas.

Mr. BONILLA. Madam Chairman, the gentleman has worked very hard on this important issue, which is very important to students around the country; and we would be happy to accept the amendment and move forward and move it to a vote if the gentleman would like.

Mr. HINOJOSA. I would accept that. If the gentleman from Texas will accept the amendment, I will.

Mr. BACA. Madam Chairman, I rise in strong support of this amendment, which I have introduced with my colleague Congressman HINOJOSA.

This amendment provides an additional $855,000 in funding for grants to Hispanic Serving Institutions, which are colleges and universities with at least 25 percent Hispanic enrollment. The funding will be offset from the Common Computing Environment, which is funded at $130 million.

This account was funded at $5.6 million last year. The appropriations act for Fiscal Year 2006 funds the account at $5.645 million, only $45,000 more than last year's level. The Baca-Hinojosa amendment will bring this funding to $6.5 million, the amount requested by the Congressional Hispanic Caucus.

This funding is given out on a competitive basis to Hispanic Serving Institutions for agricultural research. These grants increase the ability of colleges and universities to serve Hispanic and low-income students. In my own district, California State University San Bernardino has benefited from these funds in the past.

Forty-one percent of all USDA research project proposals from HSIs are funded, a remarkable success rate for proposal acceptance. Clearly, this is a great resource that needs to be further funded to reach its true potential.

Other important institutions that serve minority communities each receive more than double the funding of HISs. We must ensure that HSIs are funded at the same level as other similar programs.

I commend Chairman BONILLA for his effort to gradually increase funding for Hispanic Serving Institutions. However, an inequity still remains and must be corrected.

If this Congress is going to be dedicated to providing a top-quality education for all students in America, then we need to ensure that we fully fund HSIs and other institutions that reach out to our underserved communities.

I urge my colleagues to vote "yes" on the Baca-Hinojosa amendment.

Mr. CARDOZA. Madam Chairman, I rise today, in support of the Baca-Hinojosa amendment to the agriculture appropriation bill to increase funding for Hispanic serving institutions.

This increase would grant additional funding for 193 of our Nation's Hispanic serving colleges and universities who are committed to ensuring greater Hispanic representation in higher education in the U.S.

There are 54 Hispanic serving institutions in my home State of California, and in my congressional district, which ranks among the highest in agriculture producing districts in the country, there are four Hispanic serving institutions. One Hispanic serving institution in particular that will benefit is UC Merced, an exceptional research institution committed to reducing under-representation of valley students in the fields of agricultural sciences and natural resources.

Madam Chairman, I support an increase in ag-related educational funding. I believe that it will not only benefit my district but also the agricultural education and production of our country on a whole.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HINOJOSA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Page 3, line 12, after the dollar amount insert the following: "(reduced by $21,000,000)".

Page 18, line 12, after the first dollar amount, insert the following: "(increased by $18,885,000)".

Mr. WEINER. Madam Chairman, pictured on this chart is an Asian long-horned beetle. This is one of the many pests that are under the responsibility of APHIS, the Animal and Plant Health Inspection Service. This is an insect that bores its way into trees, primarily in Illinois, in the northeast, and kills them.

There is no way to stop this pest except by cutting down the tree. And we in New York and in New Jersey and Illinois have had to chop down a lot of them.

What my amendment will do is to increase the funding for APHIS, to bring it up to the level that the Bush administration proposed in their preliminary budget. It is estimated that the amendment that we are offering today with the gentleman from Michigan (Mr. MCCOTTER) and my colleagues from New York and others around the country, by increasing by $19 million, we will wind up preventing more than $700 billion worth of damage to trees throughout the country.

This is not just a problem that will be solved for the Asian long-horned beetle. If you have the emerald ash borer in Indiana, Ohio or Michigan, or in the Pacific Coast, or suffer from sudden oak death in California or Oregon, or are dealing with the glassy-winged sharpshooter in California, or of course boll weevils throughout the South, all of these are pests which are having a dramatic impact on our economy, or is having a budget cut in this round to an unacceptable level.

First let me say of the chairman and the ranking member, they are doing a lot with less and less. The staffs of both the minority and majority side should be commended for taking a very small allocation and trying to make it as best they can. However, what my amendment will do is it will take a program that essentially does the computing and data processing part of the Agriculture Department and moves it into dealing with these pests.

Obviously, I would like not to have to cut any part of the Agriculture Department, but this is an offset that works. We found, when this House weighed into this debate in the past and increased funding through an amendment on the floor, we wound up having a substantial positive impact. When the Asian long-horn beetle was first kind of discovered in 1999 here in the east coast, there were 2,500 trees that were affected. It was down to just 66 in 2004. Unfortunately, that downward trend has recently been reversed.

This, the House bill that we are considering today, allocates $22 million less for APHIS than President Bush had requested. The Nature Conservancy, which studies the impact of pests like the Asian long-horn beetles, says that we really need a $44 million increase. We are not going to be able to get a $44 million increase in this bill.

What the amendment does is try to reach a point that we at least start to win the battle again, start to lead to a reduction in the amount of trees that are infected, not only by the Asian long-horn beetle, but by the emerald ash borer and others that I mentioned.

There is hardly a State in the Union that has not found its trees impacted by these pernicious insects. APHIS has been an effective way to reverse the course. A combination of research and remediation has proven that the dollars spent on these things turn out to be extraordinarily helpful. Whether it is the cactus moth or the gypsy moth in Washington-Oregon, I would urge my colleagues in virtually every State of the Union to look to see if you have an insect that represents a pest that is impacting not only the trees in the abstract sense of our environment, but also our economy.

There is hardly a State in the Union that would not benefit from this amendment. As I said, I believe that the ranking member, the gentlewoman from Connecticut (Ms. DELAURO), and the chairman, the gentleman from Texas (Mr. BONILLA), deserve great credit for how they have done more with less. We are making a minor change to increase the funding for APHIS by $19 million to allow even more work.

The gentleman from Michigan (Mr. MCCOTTER), who is sponsoring this amendment with some of us in the New York and New Jersey delegation, is detained. He is expected on the floor shortly, but he represents, as so many other Members do, a bipartisan effort to make sure that insects like this are vanquished once and for all.

Mr. BONILLA. Madam Chairman, I rise to oppose the amendment.

Although I certainly understand and share the concerns that many Members have about plant, pests and diseases that devastate crops and trees, I must say that we have done our absolute best to fund eradication and control of plant pests in the bill that you see before you today.

Funding includes, among other things, for the Asian long-horn beetle, it is at $15.3 million. Also, across the country, the glassy-winged sharpshooter, 24 million; the emerald ash borer, 14 million; Citrus canker, $36 million, very important to our Members in Florida. And the list goes on.

Emerging plant pests alone are funded at over $100 million in this bill. In addition, tens of millions of dollars go to fund programs to stop Medfly, the boll weevil, brucellosis, the gypsy moth, and many others. Every Member has some interest represented. And we have carefully balanced things out so that agriculture is best protected, and that is what we all want.

Those are the appropriated amounts, and when there is an emergency situation, the Secretary has authority to use funds from the Commodity Credit Corporation for eradication and control. For sudden oak death, an additional $9 million was approved this year, and requests are pending for 11 million for the emerald ash borer and $5 million for the glassy-winged sharpshooter.

We are watching the use of emergency funds closely. There is no way that appropriated dollars substitute for the emergency funding that these agriculture emergencies demand. I am also very concerned about the amendment due to the offset proposed to cut the common computing environment. I do oppose this amendment once again and urge a "no" vote.

Mrs. MALONEY. Madam Chairman, I move to strike the last word.

I rise in support of the Weiner/McCotter amendment and really urge all of my colleagues to join them in this important issue. Their amendment would merely add $19 million to the Animal and Plant Health Inspection Service and raise it to the level that the President put in his own budget.

This would attack all types of invasive species, including the sudden oak death, the glassy-winged sharpshooter; but I would like to focus on this terrible Asian long-horn beetle, which has had a devastating economic and environmental impact in New York State. The Asian long-horn beetle was first discovered in 1995 in Green Point, Brooklyn, in the district that I represent.

We had to cut down every single tree in one of our beautiful parks in Brooklyn, and really cut down trees in a whole section of Brooklyn in an attempt to contain this terrible invasive species, which we do not know how to get rid of. The one approach that we have now is once you discover it, you have to literally chop down the tree, cut it into small pieces and burn it.

That is the only way they know how to get rid of this terrible bug. Regrettably, the Asian long-horn beetle moved into Queens and into Manhattan. There was a tremendous effort from the city, State and Federal Government to contain it, to keep it out of Central Park, which is many people's favorite spot in New York; yet, regrettably, 2 months ago, the beetle was spotted in Central Park.

We have had to chop down over 4,000 trees in New York City in our attempts to contain this invasive species.

□ 1330

We need to contain it in New York City. If it moves into upper New York and to the Northeast, it could destroy literally all of the trees; and it is a problem that really all of us should be concerned about. Believe me, my colleagues do not want this invasive species in their State. Work with us in supporting this amendment to contain it and other invasive species that are found in our country.

Our amendment merely raises the amount to the amount that President Bush put in the budget, and it is an investment in the economy and the environment of our State. I urge my colleagues to support the Weiner-McCotter amendment.

Ms. DELAURO. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of this amendment. Unfortunately, plant diseases are continuously emerging; and they can threaten not only our agriculture but our environment and our public health. I think that in Connecticut, for instance, I will talk about sudden oak death, which has been identified recently. We are looking at potentially massive deforestation, and we are working hard at the New Haven Experiment Station to cooperate on research on the plant disease before our forests of Connecticut are heavily impacted.

We all know the results of massive deforestation: Bad for our land conservation, bad for our environment, and it contributes to the lowering of, the actual lowering of our air quality.

Madam Chairman, I urge a "yes" vote on this amendment.

Mr. LEVIN. Madam Chairman, I urge my colleagues to support the Weiner/McCotter amendment. We need to boost federal funding to fight the invasive species that are destroying native trees across the United States.

This amendment would provide an additional $19 million to help fight invasive species like the Asian longhorn beetle, the emerald ash borer, and the boll weevil. If you've never heard of these insects, or have never lost a tree in your district to these invaders, count yourself lucky. The emerald ash borer has been simply devastating to ash trees in my district in Southeast Michigan. The borer is native to China and was only discovered in the United States in 2002, but already it has killed more than 7 million ash trees. The emerald ash borer arrived in North America years earlier, so we have a huge job on our hands to contain this insect and stop its spread.

I can't overemphasize how destructive this small green insect is. Once it gets underneath the bark of an ash tree, the borer will kill the tree within a couple years. All species of ash trees are vulnerable. It is sobering to see so many beautiful trees that have stood in neighborhoods for decades become sick and die. It is also extremely costly to homeowners and communities to remove the ash trees and replace them.

By working quickly, we've managed to significantly slow the spread of the emerald ash borer, but people need to understand that every ash tree in the country is at risk if we don't contain this insect now. So far, the infestation has been limited to Michigan, Ohio, Indiana and Ontario. To give you some idea of the dimension of the threat, there are 750 million ash trees in Michigan alone, and 7.5 billion ash trees nationwide. We need to make additional resources available now to fight the emerald ash borer, or there will be a much higher price to pay down the road.

I urge the House to support the amendment.

The Acting CHAIRMAN (Mrs. CAPITO). The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The question was taken, and the Acting Chairman announced that the noes appeared to have it.

Mr. WEINER. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. WEINER) will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $5,874,000: *Provided*, That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center: *Provided further*, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, $811,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $20,109,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, $676,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $183,133,000, to remain available until expended, as follows: for payments to the General Services Administration and the Department of Homeland Security for building security, $147,734,000, and for buildings operations and maintenance, $35,399,000: *Provided*, That amounts which are made available for space rental and related costs for the Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of additional, new, or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

AMENDMENT OFFERED BY MR. PLATTS

Mr. PLATTS. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PLATTS:

Page 5, line 8, after the dollar amount insert the following: "(reduced by $2,650,000)".

Page 5, line 13, after the dollar amount insert the following: "(reduced by $2,650,000)".

Page 18, line 12, after the dollar amount insert the following: "(increased by $1,227,000)".

Mr. PLATTS. Madam Chairman, this amendment I offer would increase funding for the Animal and Plant Health Inspection Service, APHIS, by $1.227 million for the purpose of eradicating plum pox disease. This funding effort would allow for the total amount of funding for this program at APHIS to be $3.443 million, the same level that was appropriated in fiscal year 2005.

The amendment I offer is important to the fruit growers both in Pennsylvania and across our Nation. It would help to bring an end to the most significant and destructive virus that affects our stone fruit grower, plum pox. The virus is extremely damaging to fruit production. The plum pox virus is capable of causing disease in fruits such as peaches, plums, apricots, nectarines, sweet and sour cherries. Tree yields can be severely affected. Some reports claim 80 to 100 percent premature fruit drop in some plum varieties. Infected fruit may be unsightly and difficult to sell as table fruit. Export of fruit is difficult; export of budwood and nursery stock is next to impossible.

With the discovery of plum pox virus in Pennsylvania in September of 1999, a survey and eradication program was put in place. Through 5 years of survey, research and control action, the program has been successful in both containing and almost completely eradicating the virus. In fact, in 2004, for the first time no plum pox virus was found outside of existing quarantine areas. Three years of negative data in several of these quarantine areas allowed the rescinding of those quarantines. After 5 years of testing, no plum pox virus has been found in the United States outside the remaining quarantine zone in Pennsylvania.

Although we have made considerable progress, the virus is still present. As evidence of the virus' persistence, on June 3 of this year, last week, the Pennsylvania Secretary of Agriculture announced the discovery of plum pox virus in Adams County once again. Both the Pennsylvania Department of Agriculture and the United States Department of Agriculture are currently following the standard procedures to survey and quarantine the area in question.

Level fund for the plum pox virus program at APHIS will likely eradicate this virus from both Pennsylvania and the United States, thereby being a smart Federal investment. Without adequate funding, the plum pox virus program will not be able to complete an appropriate survey and the associated procedures, which in turn will leave questions about the status of the virus. Eradication of the virus may not be completed and the possibility of virus spreading beyond the quarantine area will be left open.

Complete eradication of the plum pox virus, on the other hand, will allow U.S. stone fruits and nursery industries to continue operating without further impairment by this virus menace.

Level funding, as this amendment proposes, is critical to helping to eradicate this devastating disease once and for all.

Mr. WEINER. Madam Chairman, I move to strike the last word.

Madam Chairman, I commend the gentleman for acknowledging what I think we all should in the last amendment, that we are not giving funding, sufficient funding to this APHIS account.

Now the gentleman's amendment does not speak to plum pox because that would be legislating, so I would encourage the gentleman to support my amendment which we just voted on here because it would permit plum pox. That was one of the many pests on the list that would be increased in that case.

But I commend the gentleman. He is exactly right. Just like in the gentleman's district, in the gentleman's State, just like in New York, just like in Louisiana with imported fire ants, just like in Texas with the Mexican fruit fly, just like in California with the Mediterranean fruit fly, this is an underfunded area. We will never get it what they probably should ultimately get, but at least we should give them a little more, and I think the gentleman is exactly right.

Plum pox, Asian long horn beetle, this is another reason why I hope all of my colleagues will support the amendment that we just voted down and will be having a recorded vote on later.

Mr. BONILLA. Madam Chairman, I rise in opposition the gentleman's amendment.

This is a very important issue, and we tried our best to fund it at the appropriate level. I have had discussions with the gentleman about trying to work with him as we move to conference to attempt to increase this line item somewhat, to address the problem that the gentleman is addressing in a very sincere way here today.

Mr. PLATTS. Madam Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Pennsylvania.

Mr. PLATTS. Madam Chairman, I certainly appreciate the difficult fiscal times we are in. The gentleman and his staff have done a great job of trying to balance all the concerns, and certainly I appreciate the gentleman's efforts and his staff's efforts to address this specific concern. I look forward to working with the gentleman as we go to conference with the Senate. In light of that effort, when we get to conference, I will be glad withdraw the amendment at the time and work with the gentleman and his staff in the months to come.

Mr. BONILLA. I thank the gentleman.

Mr. PLATTS. Madam Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. WEINER. Madam Chairman, reserving the right to object, I would ask the author of the amendment that would increase by $1 million, does he intend to support the amendment that was just passed that would increase the account that he wants to solve the problem in by $19 million?

Mr. PLATTS. Madam Chairman, will the gentleman yield?

Mr. WEINER. I yield to the gentleman from Pennsylvania.

Mr. PLATTS. I will be glad to take a more in-depth look at that amendment. I think we all have a shared purpose, but we will look at the specifics of the amendment.

Mr. WEINER. Madam Chairman, I withdraw my reservation of objection.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Clerk will read.

The Clerk read as follows:

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $15,644,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $23,103,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,821,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $9,509,000: *Provided*, That not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, $79,626,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $38,439,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $598,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $75,931,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627 and 2204g, and other laws, $136,241,000, of which up to $29,115,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,035,475,000: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political sub-division, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: *Provided further*, That the Secretary, through the Agricultural Research Service, or successor, is authorized to lease approximately 40 acres of land at the Central Plains Experiment Station, Nunn, Colorado, to the Board of Governors of the Colorado State University System, for its Shortgrass Steppe Biological Field Station, on such terms and conditions as the Secretary deems in the public interest: *Provided further*, That the Secretary understands that it is the intent of the University to construct research and educational buildings on the subject acreage and to conduct agricultural research and educational activities in these buildings: *Provided further*, That as consideration for a lease, the Secretary may accept the benefits of mutual cooperative research to be conducted by the Colorado State University and the Government at the Shortgrass Steppe Biological Field Station: *Provided further*, That the term of any lease shall be for no more than 20 years, but a lease may be renewed at the option of the Secretary on such terms and conditions as the Secretary deems in the public interest.

None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $87,300,000, to remain available until expended.

Cooperative State Research, Education, and Extension Service

Research and Education Activities

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $661,691,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $178,807,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $22,255,000; for payments to the 1890 land-grant colleges, including Tuskegee University and West Virginia State University (7 U.S.C. 3222), $37,704,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $92,064,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $15,038,000; for competitive research grants (7 U.S.C. 450i(b)), $214,634,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,057,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $1,187,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,102,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,000,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $1,000,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $4,500,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,500,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $998,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $5,645,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $2,997,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $1,000,000; for aquaculture grants (7 U.S.C. 3322), $3,968,000; for sustainable agriculture research and education (7 U.S.C. 5811), $12,400,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University and West Virginia State University, $12,312,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $2,250,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), $500,000; and for necessary expenses of Research and Education Activities, $39,773,000, of which $2,750,000 for the Research, Education, and Economics Information System and $2,173,000 for the Electronic Grants Information System, are to remain available until expended.

None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: *Provided*, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

Native American Institutions Endowment Fund

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $12,000,000, to remain available until expended.

Extension Activities

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $444,871,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $275,940,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,273,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $62,409,000; payments for the pest management program under section 3(d) of the Act, $10,000,000; payments for the farm safety program under section 3(d) of the Act, $4,563,000; payments for New Technologies for Ag Extension under section 3(d) of the Act, $1,000,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University and West Virginia State University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $16,777,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $7,978,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $444,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,060,000; payments for Indian reservation agents under section 3(d) of the Smith-Lever Act, $1,996,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,067,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $1,965,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University and West Virginia State University, $33,868,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; and for necessary expenses of Extension Activities, $16,531,000.

Integrated Activities

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $15,513,000, as follows: for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $1,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $1,000,000, to remain available until September 30, 2007 for the critical issues program, and $1,513,000 for the regional rural development centers program; and $12,000,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2007.

Outreach for Socially Disadvantaged Farmers

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $5,935,000, to remain available until expended.

Office of the Under Secretary for Marketing and Regulatory Programs

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $724,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Salaries and Expenses

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $823,635,000, of which $4,140,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $38,634,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones; of which $33,340,000 shall be available for a National Animal Identification program: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building:

In fiscal year 2006, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Buildings and Facilities

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $4,996,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

Marketing Services

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, $78,032,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $65,667,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

Funds for Strengthening Markets, Income, and Supply (Section 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $16,055,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

Payments to States and Possessions

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,347,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

Salaries and Expenses

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, $38,400,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Limitation on Inspection and Weighing Services Expenses

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

Office of the Under Secretary for Food Safety

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $590,000.

FOOD SAFETY AND INSPECTION SERVICE

Salaries and Expenses

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $837,264,000, of which no less than $756,152,000 shall be available for Federal food safety inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That of the total amount made available under this heading, no less than $20,653,000 shall be obligated for regulatory and scientific training: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Office of the Under Secretary for Farm and Foreign Agricultural Services

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $635,000.

FARM SERVICE AGENCY

Salaries and Expenses

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $1,023,738,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.

State Mediation Grants

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $4,250,000.

Dairy Indemnity Program

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, $100,000, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

Agricultural Credit Insurance Fund Program Account

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,600,000,000, of which $1,400,000,000 shall be for guaranteed loans and $200,000,000 shall be for direct loans; operating loans, $2,116,256,000, of which $1,200,000,000 shall be for unsubsidized guaranteed loans, $266,256,000 shall be for subsidized guaranteed loans and $650,000,000 shall be for direct loans; Indian tribe land acquisition loans, $2,020,000; and for boll weevil eradication program loans, $100,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $16,960,000, of which $6,720,000 shall be for guaranteed loans, and $10,240,000 shall be for direct loans; operating loans, $134,317,000, of which $36,360,000 shall be for unsubsidized guaranteed loans, $33,282,000 shall be for subsidized guaranteed loans, and $64,675,000 shall be for direct loans; and Indian tribe land acquisition loans, $81,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $305,127,000, of which $297,127,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

Administrative and Operating Expenses

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $77,806,000: *Provided*, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

Corporations

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

Federal Crop Insurance Corporation Fund

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C.

1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $744,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $793,640,000, to remain available until March 31, 2007, of which not less than $10,457,000 is for snow survey and water forecasting, and not less than $10,547,000 is for operation and establishment of the plant materials centers, and of which not less than $27,312,000 shall be for the grazing lands conservation initiative: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), $7,026,000.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $60,000,000, to remain available until expended; of which up to $10,000,000 may be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a): *Provided*, That not to exceed $25,000,000 of this appropriation shall be available for technical assistance: *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $27,000,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $51,360,000, to remain available until expended: *Provided*, That the Secretary shall enter into a cooperative or contribution agreement, within 45 days of enactment of this Act, with a national association regarding a Resource Conservation and Development program and such agreement shall contain the same matching, contribution requirements, and funding level, set forth in a similar cooperative or contribution agreement with a national association in fiscal year 2002: *Provided further*, That not to exceed $3,411,000 shall be available for national headquarters activities.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $627,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $657,389,000, to remain available until expended, of which $38,006,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $531,162,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act, of which not to exceed $500,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306E of such Act; and of which $88,221,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: *Provided*, That of the total amount appropriated in this account, $24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which $4,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That of the amount appropriated for rural community programs, $6,200,000 shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; $1,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any purpose under this heading: *Provided further*, That of the amount appropriated for rural utilities programs, not to exceed $25,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act: not to exceed $17,500,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $5,600,000 shall be for Rural Community Assistance Programs; and not to exceed $14,000,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amount appropriated, not to exceed $21,367,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $1,067,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $12,000,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $8,300,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: *Provided further*, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the "Rural Utilities Service, High Energy Costs Grants Account".

RURAL DEVELOPMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $152,623,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further*, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,821,832,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,140,799,000 shall be for direct loans, and of which $3,681,033,000 shall be for unsubsidized guaranteed loans; $35,969,000 for section 504 housing repair loans; $100,000,000 for section 515 rental housing; $100,000,000 for section 538 guaranteed multi-family housing loans; $5,000,000 for section 524 site loans; $11,500,000 for credit sales of acquired property, of which up to $1,500,000 may be for multi-family credit sales; and $5,048,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $170,837,000, of which $129,937,000 shall be for direct loans, and of which $40,900,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,521,000; section 515 rental housing, $45,880,000; section 538 multi-family housing guaranteed loans, $5,420,000; multi-family credit sales of acquired property, $681,000; and section 523 self-help housing and development loans, $52,000: *Provided*, That of the total amount appropriated in this paragraph, $2,500,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $455,242,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $650,026,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $20,000 per project for advances to non-profit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during the current fiscal year shall be funded for a four-year period: *Provided further*, That any unexpended balances remaining at the end of such four-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation: and rental assistance activities authorized under title V of the Act.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $34,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $41,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $32,728,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $34,212,000.

For the cost of direct loans, $14,718,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2006, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2006, for the Delta Regional Authority (7 U.S.C. 1921 et seq.): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated, $887,000 shall be available through June 30, 2006, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,719,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $25,003,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $4,993,000, to remain available until expended.

Of the funds derived from interest on the cushion of credit payments in the current fiscal year, as authorized by section 313 of the Rural Electrification Act of 1936, $18,877,000 shall not be obligated and $18,877,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $24,000,000, of which $500,000 shall be for cooperative research agreements; and of which $2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed $1,000,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority; and of which not to exceed $15,500,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 6401 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note).

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITY GRANTS

For grants in connection with second and third rounds of empowerment zones and enterprise communities, $10,000,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277): *Provided*, That of the funds appropriated, $1,000,000 shall be made available to third round empowerment zones, as authorized by the Community Renewal Tax Relief Act (Public Law 106–554).

Renewable Energy Program

For the cost of a program of direct loans, loan guarantees, and grants, under the same terms and conditions as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), $23,000,000 for direct and guaranteed renewable energy loans and grants: *Provided*, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

Rural Electrification and Telecommunications

Loans Program Account

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $100,000,000; municipal rate rural electric loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $2,100,000,000; Treasury rate direct electric loans, $1,000,000,000; guaranteed under-writing loans pursuant to section 313A, $1,000,000,000; 5 percent rural telecommunications loans, $145,000,000; cost of money rural telecommunications loans, $424,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $125,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $6,160,000, and the cost of telecommunications loans, $212,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $38,907,000 which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

Rural Telephone Bank Program Account

(INCLUDING TRANSFER OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs.

For administrative expenses, including audits, necessary to continue to service existing loans, $2,500,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

Of the unobligated balances from the Rural Telephone Bank Liquidating Account, $2,500,000 shall not be obligated and $2,500,000 are rescinded.

Distance Learning, Telemedicine, and Broadband Program

For the principal amount of direct distance learning and telemedicine loans, $50,000,000; and for the principal amount of direct broadband telecommunication loans, $463,860,000.

For the cost of direct loans and grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $25,750,000, to remain available until expended, of which $750,000 shall be for direct loans: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

For the cost of broadband loans, as authorized by 7 U.S.C. 901 et seq., $9,973,000, to remain available until expended: *Provided*, That the interest rate for such loans shall be the cost of borrowing to the Department of the Treasury for obligations of comparable maturity: *Provided further*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $9,000,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

Office of the Under Secretary for Food, Nutrition and Consumer Services

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $599,000.

FOOD AND NUTRITION SERVICE

Child Nutrition Programs

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $12,412,027,000, to remain available through September 30, 2007, of which $7,224,406,000 is hereby appropriated and $5,187,621,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That up to $5,235,000 shall be available for independent verification of school food service claims.

Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $5,257,000,000, to remain available through September 30, 2007: *Provided*, That of the total amount available, the Secretary shall obligate not less than $15,000,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): *Provided further*, That only the provisions of section 17(h)(10)(B)(i) shall be effective in 2006; including $14,000,000 for the purposes specified in section 17(h)(10)(B)*(i)*: *Provided further*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That on or after October 1, 2005, or the date of enactment of this act, whichever is later, any individual seeking certification or recertification for benefits under the income eligibility provisions of section 17(d)(2)(iii) of the Child Nutrition Act of 1966 shall meet such eligibility requirements only if the income, as determined under title XIX of the Social Security Act, of the individual or the family of which the individual is a member is less than 250 percent of the applicable nonfarm income poverty guideline: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

Food Stamp Program

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $40,711,395,000, of which $3,000,000,000 to remain available through September 30, 2007, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: *Provided further*, That notwithstanding section 5(d) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

Commodity Assistance Program

For necessary expenses to carry out disaster assistance and the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance (in a form determined by the Secretary of Agriculture) for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $178,797,000, to remain available through September 30, 2007: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2006 to support the Senior Farmers' Market Nutrition Program, as authorized by section 4402 of Public Law 107–171, such funds shall remain available through September 30, 2007.

Nutrition Programs Administration

For necessary administrative expenses of the domestic nutrition assistance programs funded under this Act, $140,761,000.

TITLE V

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $148,224,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, $65,040,000, to remain available until expended: *Provided*, That the Secretary of Agriculture may implement a commodity monetization program under existing provisions of the Food for Progress Act of 1985 to provide no less than $5,000,000 in local-currency funding support for rural electrification development overseas.

☐ 1345

POINT OF ORDER

Mr. GOODLATTE. Madam Chairman, I raise a point of order.

The Acting CHAIRMAN (Mrs. CAPITO). The gentleman will state his point of order.

Mr. GOODLATTE. Madam Chairman, I make a point of order to the provision in title V Public Law 480 title I Direct Credit and Food for Progress Program Account, that begins with the colon on page 54, line 4 through "overseas" on line 9 of H.R. 2744, the Agricultural, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

I make a point of order against the provision that begins with the colon on page 54, line 4 through "overseas" on line 9 in that it violates House rule XXI, clause 2 by changing existing law and inserting legislative language in an appropriations bill.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this provision includes language conferring authority. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the provision is stricken from the bill.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83-480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83–480 are utilized, $3,385,000, of which $168,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $3,217,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFER OF FUNDS)

For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, $11,940,000, to remain available until expended: *Provided*, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $1,107,094,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $5,279,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,440,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $1,839,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $100,000,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $1,837,928,000: *Provided*, That of the amount provided under this heading, $305,332,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2007 but collected in fiscal year 2006; $40,300,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and $11,318,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, and animal drug assessments received during fiscal year 2006, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2006 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $444,095,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $519,814,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $178,713,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $99,787,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $243,939,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $41,152,000 shall be for the National Center for Toxicological Research; (7) $58,515,000 shall be for Rent and Related activities, of which $21,974,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) $134,853,000 shall be for payments to the General Services Administration for rent; and (9) $117,060,000 shall be for other activities, including the Office of the Commissioner; the Office of Management; the Office of External Relations; the Office of Policy and Planning; and central services for these offices: *Provided further*, That of the funds provided herein for other activities, $5,853,000 may not be obligated until the Commissioner or Acting Commissioner has presented public testimony on the President's 2006 budget request before the Committee on Appropriations of the House of Representatives: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $5,000,000 to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURE TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $98,386,000, including not to exceed $3,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $44,250,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

Mr. BONILLA. Mr. Chairman, I ask unanimous consent that title VII be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIRMAN (Mr. FORBES). Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of title VII is as follows:

TITLE VII—GENERAL PROVISIONS

(INCLUDING RESCISSION OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 320 passenger motor vehicles, of which 320 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Funds appropriated by this Act shall be available for employment pursuant to the second sentence of section 706(a) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2225) and 5 U.S.C. 3109.

SEC. 704. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, boll weevil program, up to $8,000,000 in the low pathogen avian influenza program for indemnities, up to $1,500,000 in the scrapie program for indemnities, up to $33,340,000 in animal health monitoring and surveillance for the animal identification system, up to $3,009,000 in the emergency management systems program for the vaccine bank, up to $1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)); Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to $1,565,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 705. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 20 percent of total Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 713. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 714. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 715. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 716. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 717. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 718. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which:

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, which-ever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 719. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred in prior fiscal years, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 720. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2007 appropriations Act.

SEC. 721. None of the funds made available by this or any other Act may be used to close or relocate a State Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 722. In addition to amounts otherwise appropriated or made available by this Act, $2,500,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, through the Congressional Hunger Center.

SEC. 723. Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f), any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 724. Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)(B)) is amended by striking "$27,998,000" and inserting "$28,498,000".

SEC. 725. Of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than $25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities; and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

SEC. 726. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the Kane County, Illinois, Indian Creek Watershed Flood Prevention Project, from funds available for the Watershed and Flood Prevention Operations program, not to exceed $1,000,000 and Hickory Creek Special Drainage District, Bureau County, Illinois, not to exceed $50,000.

SEC. 727. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriation Act.

SEC. 728. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 22 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 729. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 730. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd through dd–7).

SEC. 731. Agencies and offices of the Department of Agriculture may utilize any unobligated salaries and expenses funds to reimburse the Office of the General Counsel for salaries and expenses of personnel, and for other related expenses, incurred in representing such agencies and offices in the resolution of complaints by employees or applicants for employment, and in cases and other matters pending before the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, or the Merit Systems Protection Board with the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 732. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 6405 of Public Law 107–171 (7 U.S.C. 2655).

SEC. 733. Of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $10,000,000 for costs associated with the distribution of commodities.

SEC. 734. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to enroll in excess of 154,500 acres in the calendar year 2006 wetlands reserve program as authorized by 16 U.S.C. 3837.

SEC. 735. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $1,012,000,000.

SEC. 736. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the $23,000,000 made available by section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)).

SEC. 737. With the exception of funds provided in fiscal year 2003, none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the $50,000,000 made available by section 601(j)(1)(A) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(j)(1)(A)).

SEC. 738. None of the funds made available in fiscal year 2005 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): *Provided*, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 739. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the $120,000,000 made available by section 6401(a) of Public Law 107–171.

SEC. 740. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

SEC. 741. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Conservation Security Program authorized by 16 U.S.C. 3838 et seq., in excess of $258,000,000.

SEC. 742. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2502 of Public Law 107-171 in excess of $60,000,000.

SEC. 743. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2503 of Public Law 107–171 in excess of $83,500,000.

SEC. 744. With the exception of funds provided in fiscal year 2005, none of the funds appropriated or otherwise made available by this or any other Act shall be used to carry out section 6029 of Public Law 107–171.

SEC. 745. None of the funds appropriated or otherwise made available in this Act shall be expended to violate Public Law 105–264.

SEC. 746. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a ground and surface water conservation program authorized by section 2301 of Public Law 107–171 in excess of $51,000,000.

SEC. 747. None of the funds made available by this Act may be used to issue a final rule in furtherance of, or otherwise implement, the proposed rule on cost-sharing for animal and plant health emergency programs of the Animal and Plant Health Inspection Service published on July 8, 2003 (Docket No. 02–062–1; 68 Fed. Reg. 40541).

SEC. 748. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

SEC. 749. Hereafter, notwithstanding any other provision of law, the Secretary of Agriculture may use appropriations available to the Secretary for activities authorized under sections 426–426c of title 7, United States Code, under this or any other Act, to enter into cooperative agreements, with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, to lease aircraft if the Secretary determines that the objectives of the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Animal and Plant Health Inspection Service, Wildlife Services; and (2) all parties will contribute resources to the accomplishment of these objectives; award of a cooperative agreement authorized by the Secretary may be made for an initial term not to exceed 5 years.

SEC. 750. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 9010 of Public Law 107–171 in excess of $60,000,000.

SEC. 751. Agencies and offices of the Department of Agriculture may utilize any available discretionary funds to cover the costs of preparing, or contracting for the preparation of, final agency decisions regarding complaints of discrimination in employment or program activities arising within such agencies and offices.

SEC. 752. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 in fiscal year 2006 shall remain available until expended to cover obligations made in fiscal year 2006, and are not available for new obligations.

SEC. 753. None of the funds made available under this Act shall be available to pay the administrative expenses of a State agency that, after the date of enactment of this Act and prior to implementation of interim final regulations regarding vendor cost containment in accordance with the provisions set forth in section 17(h)(11)(G) of the Child Nutrition Act of 1966, authorizes any new for-profit vendor(s) to transact food instruments under the Special Supplemental Nutrition Program for Women, Infants, and Children if it is expected that more than 50 percent of the annual revenue of the vendor from the sale of food items will be derived from the sale of supplemental foods that are obtained with WIC food instruments, except that the Secretary may approve the authorization of such a vendor if the approval is necessary to assure participant access to program benefits or is in accordance with the provisions set forth in section 17(h)(11)(E) of the Child Nutrition Act of 1966.

SEC. 754. There is hereby appropriated $1,000,000, to remain available until expended, for a grant to the Ohio Livestock Expo Center in Springfield, Ohio.

SEC. 755. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out an Agricultural Management Assistance Program as authorized by section 524 of the Federal Crop Insurance Act in excess of $6,000,000 (7 U.S.C. 1524).

SEC. 756. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Biomass Research and Development Program in excess of $12,000,000, as authorized by Public Law 106–224 (7 U.S.C. 7624 note).

SEC. 757. Notwithstanding 40 U.S.C. 524, 571, and 572, the Secretary of Agriculture may sell the US Water Conservation Laboratory, Phoenix, Arizona, and the Western Cotton Research Center, Phoenix, Arizona, and credit the net proceeds of such sales as offsetting collections to its Agricultural Research Service Buildings and Facilities account. Such funds shall be available until September 30, 2007 to be used to replace these facilities and to improve other USDA-owned facilities.

SEC. 758. None of the funds provided in this Act may be used for salaries and expenses to draft or implement any regulation or rule insofar as it would require recertification of rural status for each electric and telecommunications borrower for the Rural Electrification and Telecommunication Loans program.

SEC. 759. None of the funds appropriated or otherwise made available by this Act shall be used for the implementation of Country of Origin Labeling for meat or meat products.

SEC. 760. (a) Notwithstanding any other provision of law, and until the receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider—

(1) the City of Bridgeton, New Jersey, the City of Kinston, North Carolina, and the City of Portsmouth, Ohio as rural areas for the purposes of Rural Housing Service Community Facilities Program loans and grants;

(2) the Township of Bloomington, Illinois (including individuals and entities with projects within the Township) eligible for Rural Housing Service Community Facilities Programs loans and grants;

(3) the City of Hidalgo, Texas as a rural area for the purposes of the Rural Business-Cooperative Service Rural Business Enterprise Grant Program;

(4) the City of Elgin, Oklahoma (including individuals and entities with projects within the city) eligible for Rural Utilities Service water and waste water loans and grants;

(5) the City of Lone Grove, Oklahoma (including individuals and entities with projects within the city) eligible for Rural Housing Service Community Facilities Program loans and grants; and

(6) the Municipalities of Vega Baja, Manati, Guayama, Fajardo, Humacao, and Naguabo (including individuals and entities with projects within the Municipalities) eligible for Rural Community Advancement Program loans and grants and intermediate relending programs.

SEC. 761. The Secretary of Agriculture shall use $10,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, to compensate commercial citrus and lime growers in the State of Florida for tree replacement and for lost production with respect to trees removed to control citrus canker, and with respect to certified citrus nursery stocks within the citrus canker quarantine areas, as determined by the Secretary. For a grower to receive assistance for a tree under this section, the tree must have been removed after September 30, 2001.

SEC. 762. The counties of Burlington and Camden, New Jersey (including individuals and entities with projects within these counties) shall be eligible for loans and grants under the Rural Community Advancement Program for fiscal year 2006 to the same extent they were eligible for such assistance during the fiscal year 2005 under section 106 of Chapter 1 of Division B of Public Law 108–324 (188 Stat. 1236).

SEC. 763. Of the unobligated balances available in the Special Supplemental Nutrition Program for Women, Infants, and Children reserve account, $32,000,000 is hereby rescinded.

SEC. 764. None of the funds provided by this Act shall be used to pay salaries and expenses and other costs associated with implementing or administering section 508(e)(3) of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the 2006 reinsurance year.

SEC. 765. None of the funds appropriated or otherwise made available by this Act for the Food and Drug Administration may be used under section 801 of the Federal Food, Drug, and Cosmetic Act to prevent an individual not in the business of importing a prescription drug within the meaning of section 801(g) of such Act, wholesalers, or pharmacists from importing a prescription drug which complies with sections 501, 502, and 505.

SEC. 766. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 767. In addition to other amounts appropriated or otherwise made available by this Act, there is hereby appropriated to the Secretary of Agriculture $7,000,000, of which not to exceed 5 percent may be available for administrative expenses, to remain available until expended, to make specialty crop block grants under section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

The Acting CHAIRMAN. Are there any points of order to that portion of the bill?

POINTS OF ORDER

Mr. GOODLATTE. Mr. Chairman, I make a point of order against section 749 that begins on page 77, line 1, and ends on page 77, line 16, in that it violates House rule XXI, clause 2, by changing existing law and inserting legislative language in an appropriation bill.

The Acting CHAIRMAN. Does anybody wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this provision explicitly supersedes existing law. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the provision is stricken from the bill.

Are there any other points of order to this bill?

Mr. GOODLATTE. Mr. Chairman, I make a point of order against section 760 that begins on page 81, line 1 through 7 and beginning with "and" on page 81, line 11 through "programs" on line 17 in that it violates House rule XXI, clause 2, by changing existing law and inserting legislative language in an appropriation bill.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this provision includes language conferring authority. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the provision is stricken from the bill.

AMENDMENT OFFERED BY MR. BONILLA

Mr. BONILLA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BONILLA:

On page 73, line 16, insert after the dollar amount the following: "(increased by $40,000,000)";

On page 75, line 10, insert after the dollar amount the following: "(decreased by $13,000,000)";

On page 75, line 15, insert after the dollar amount the following: "(decreased by $17,000,000)"; and,

On page 75, line 20, insert after the dollar amount the following: "(decreased by $10,000,000)".

Mr. BONILLA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BONILLA. Mr. Chairman, I am offering this amendment as part of the agreement that I referred to earlier with the chairman of the Committee on Agriculture.

I am offering the amendment under the agreement that we would add $40 million back to the Environmental Quality Incentives program account. That is what the amendment does, and it is paid for by increasing the limitations on the Conservation Security program, the Wildlife Habitat Incentives program, and the Farm and Ranchlands Protection program.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BONILLA).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. DE LAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DELAURO:

In section 757, strike "and the Western Cotton Research Center, Phoenix, Arizona, and credit the net proceeds of such sales" and insert "and credit the net proceeds of such sale".

Mr. KOLBE. Mr. Chairman, I rise today in suppor of Ms. DELAURO's amendment to strike part of Section 757 of Title VII of the Agriculture Appropriations bill for Fiscal Year 2006.

In 1966, the Arizona Cotton Growers Association and the Arizona Cotton Planting Seed Distributors deeded a piece of property located at 4135 East Broadway Road in Phoenix To USDA for $1.00 to help with the construction of the Western Cotton Research Center. With the construction of a new facility for the research center at the University of Arizona'a Maricopa Agricultural Center, the research and its staff will move within the next two years, leaving this property behind.

I think it is appropriate that this property, which abuts the headquarters of the Arizona Cotton Growers Association, revert back to that group, since they deeded this property to USDA originally for only $1.00.

I fully support removing the language allowing the Secretary of Agriculture to sell the Wester Cotton Research Center, Phoenix, Arizona and crediting the net proceeds of that sale as offsetting collections to the ARS Buildings and Facilities account.

Mr. BONILLA. Mr. Chairman, this is a good amendment that the gentleman from Arizona (Mr. PASTOR) has worked very hard on for some time and the gentlewoman from Connecticut (Ms. DELAURO) is offering on his behalf, and we are happy to accept the amendment.

The Acting CHAIRMAN. The gentlewoman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

Ms. DELAURO. Mr. Chairman, I thank the gentleman for accepting the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MORAN OF KANSAS

Mr. MORAN of Kansas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORAN of Kansas:

Add at the end (before the short title), the following new section:

SEC. 7 . Of the amount made available under the heading "ANIMAL AND PLANT HEATH INSPECTION SERVICE—SALARIES AND EXPENSES", $15,000,000 shall be used by the Secretary of Agriculture to carry out sections 454 and 455 of the Plant Protection Act (7 U.S.C. 7783, 7784).

Mr. BONILLA. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved. The gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Chairman, today I offer an amendment to appropriate funds for the eradication of noxious weeds.

I first would like to thank the gentleman from Texas (Mr. BONILLA), the chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, as well as the gentlewoman from Connecticut (Ms. DELAURO), for their leadership in what I know is a very difficult task of allocating funds within the budgetary restraints that we find ourselves. I would also like to thank their staff for their hard work and their efforts to accommodate my amendment.

This amendment would allocate within the Animal and Plant Health Inspection Service $15 million to fund the Noxious Weed Control and Eradication Act of 2004. This legislation, the act, was authorized for the past 2 years, but no funding has yet been appropriated to carry out the purpose of the program.

The Noxious Weed Control and Eradication Act passed the House in October of 2004 and allows the Secretary of the Department of Agriculture to establish a grant program to control and eradicate noxious weeds.

This legislation gives local weed management entities the ability to control local weed problems and provides the funding necessary for them to meet a very serious need in many places across the country.

This legislation has broad bipartisan support and will benefit the entire Nation.

Noxious weeds are a significant environmental and economic concern. I know from my own experiences in Kansas, we have a difficult time controlling the very difficult and noxious weeds. Sericea lespedeza is a weed that has invaded many acres of the foothills region of Kansas, which contain some of the few remaining acres of native tall grass prairie.

Sericea lespedeza is just one example of many invasive species that create economic hardship across the country; and by finally providing these funds, we can help in the battle to eradicate this and prevent a major outbreak of noxious weeds.

This is a matter in which timing is critical; and we need to give our communities, our local entities, and our farmers, landowners, the tools they need to manage our natural landscapes.

Mr. Chairman, I thank my colleagues for the offering of this amendment.

☐ 1400

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, is it the gentleman's intention to withdraw his amendment?

Mr. MORAN of Kansas. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Kansas.

Mr. MORAN of Kansas. Mr. Chairman, based upon previous conversations with the gentleman from Texas and the staff of the agriculture subcommittee, I am willing to withdraw my amendment under the understanding that we have reached in regard to cooperation on this issue in the future.

Mr. BONILLA. Mr. Chairman, absolutely. Let me point out that the gentleman from Kansas is not only working hard on this particular issue, but he is a key player on agricultural issues that we deal with on a daily basis here in Washington. I am not only on this issue, but whatever issue the gentleman brings forward, we are ready and willing to discuss, work with and solve problems with him. He comes to the table every day very serious about these issues and truly in his heart wants to solve issues that face agriculture across the country.

Mr. MORAN of Kansas. Mr. Chairman, I ask unanimous consent to withdraw my amendment and look forward to working with the gentleman from Texas (Mr. BONILLA) in regard to this issue being considered in the future.

The Acting CHAIRMAN (Mr. FORBES). Is there objection to the request of the gentleman from Kansas?

There was no objection.

The Acting CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 8 OFFERED BY MR. REHBERG

Mr. REHBERG. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 8 offered by Mr. REHBERG:
>
> Strike section 759 (page 80, lines 7 through 10), relating to the delay in country of origin labeling for meat and meat products.

Mr. REHBERG. Mr. Chairman, here we are addressing an issue we have addressed many times over the last several years. I find myself in a precarious position because I do support the agriculture appropriations bill, and I think the gentleman from Texas (Mr. BONILLA) deserves a pat on the back for the fine work he has accomplished over the last several months in putting this piece of legislation together.

The issue I am talking about today is country-of-origin labeling. The thing we cannot kid ourselves about is that the actions that were taken within the Committee on Appropriations will effectively delay country-of-origin labeling's implementation, but, unfortunately, it probably kills it because there is that attempt that is occurring.

This was an issue supported by the House of Representatives and passed, supported by the Senate and passed, and ultimately signed by the President of the United States. What I find ironic is the opponents say this would be costly, difficult to implement, and it is not a safety issue. I brought along a number of articles today that kind of take the wind out of the sails of that argument.

I find interesting that, in the Auburn Journal in northern California, one of the areas that has been allowed to be implemented is seafood. Fruits and vegetables are shortly behind. The only ones that are not being able to be implemented are cattle. So I draw Members' attention to an article in the Auburn Journal dated May 25, 2005.

What this article says is, "Seafood savvy now know where their meal grew up." It states, "In the seafood section at Raley's supermarket, small blue containers line the shelves, filled with red and tan fish. Labels on the clear wrappers give traditional information about the seafood type and nutritional facts. In the bottom right-hand corner, however, a new label is attached: a small white rectangle with bold black print that reads 'Product of Ecuador,' 'Product of China,' or 'Product of U.S.A.'

"Raley's has been labeling its seafood products since January, said Keith Allen, Auburn Raley's meat department manager. While the burden of labeling falls on grocers, it has not been difficult for the meat department staff to adjust to the change. 'It is just a matter of putting the sticker on the package,' he said Monday.

"By naming the country of origin, the labels give savvy customers the opportunity to choose fish from countries with high sanitation standards and better growing conditions. Several customers have already commented on the change, Allen said.

"Annette Eastman, shopping at Raley's Tuesday morning, said she was glad to see the new labels. She would prefer not to buy seafood from countries such as Mexico because she worries that the quality of the water where the fish that are raised is poor.

"'I would much rather buy something from the U.S.A.,' she said, pointing to the fish fillet labeled 'Product of the U.S.A.' Another shopper, Tammieh Vernon, also said the labels would influence her seafood purchases."

Interesting as well, I pulled this article off the Internet. The title: Country-of-origin labeling good news for Texas shrimp enthusiasts. May 15, 2005.

"Texans who are picky about where their shrimp comes from can now rest assured that they are getting exactly what they want. As of April 4, labeling of fish and shellfish for country of origin and method of production became mandatory. The announcement by the USDA requires retailers to notify their customers of the country of origin of the seafood they buy.

"'It is a win/win situation for Texas,' said Agriculture Commissioner Susan Combs. 'Texans love to buy Texas products, and this way they will know they are getting the quality they love. In turn, sales will increase, providing a boost to Texas shrimp producers and the State's economy.'

"With these new rules and regulations, more Texas consumers will have the opportunity to buy Lone Star State shrimp. This new regulation enables consumers to quickly differentiate between domestic and imported products, said D'Anne Stites, Texas Department of Agriculture's coordinator.

"Country-of-origin labeling or COOL regulations will make marketing easier as customers can see firsthand what they are getting. Stites said, 'Consumers will be able to ask for Texas shrimp with the knowledge of what is available in front of them.'"

So it is a marketing issue, very clearly. But I think the people of America want to know where their livestock does in fact come from.

It was interesting to see that Japan shut our markets down on Christmas Eve of 2003 and still have not opened them. Unfortunately, 23 percent of our exports go to Japan. And why did they not open their markets and why did they close them in the first place? Because we could not prove that our livestock that we are exporting to Japan did not come from Canada.

So it is not a trade issue. In some ways, it is a safety issue; and that is unfortunate.

I might also point out on May 25 of this year the USDA closed its border to cattle from Durango, Mexico. Agriculture Secretary Mike Johanns on Tuesday announced that USDA Animal and Plant Health Inspection Service has closed the U.S. border to cattle from Mexico's state of Durango due to inadequate health inspection programs there.

The ACTING Chairman. The gentleman's time has expired.

Mr. REHBERG. Mr. Chairman, I ask unanimous consent for 2 additional minutes.

The ACTING Chairman. Is there objection to the request of the gentleman from Montana?

Mr. BONILLA. Mr. Chairman, reserving the right to object, I ask unanimous consent from this point on debate on this amendment be limited to 30 minutes with 15 minutes allotted to the gentleman from Montana (Mr. REHBERG) and 15 minutes allotted to myself who will rise to oppose this amendment.

Mr. OBEY. Mr. Chairman, if the gentleman will yield, I have no problem with the time limit, but I would not want a time limit that boxed the minority out of control of any time.

Mr. BONILLA. Mr. Chairman, my unanimous consent request is to allow 15 minutes for the proponent of the amendment and 15 minutes in opposition to the amendment.

Mr. OBEY. Mr. Chairman, could the gentleman split the time in opposition to the amendment in two?

Mr. BONILLA. Mr. Chairman, I ask unanimous consent for the gentleman from Montana (Mr. REHBERG) to control 15 minutes and to be split between myself and the minority 7½ minutes each in opposition to the amendment.

Mr. OBEY. Mr. Chairman, I have no objection.

Mr. REHBERG. Mr. Chairman, point of clarification, if the intent is to split the proponents of the amendment, so I am a proponent, 15 minutes in favor of my amendment and 7½ minutes each to those that are opposed to the amendment, is that what the unanimous consent requests?

Mr. BONILLA. Mr. Chairman, the gentleman's understanding is correct. In reality, there will probably be more speakers in favor of the Rehberg amendment.

The Acting CHAIRMAN. Does the request of the gentleman from Texas include any amendments to the amendment of the gentleman from Montana (Mr. REHBERG)?

Mr. BONILLA. No.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Acting CHAIRMAN. The gentleman from Montana (Mr. REHBERG) will control 15 minutes, the gentleman from Texas (Mr. BONILLA) will control 7½ minutes, and the gentlewoman from Connecticut (Ms. DELAURO) will control 7½ minutes.

The Chair recognizes the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to the gentleman's amendment. This is an issue that many of us have been working on for many years. The country-of-origin labeling provisions that were part of the last farm bill would present a nightmare to many producers in this country. Good, salt-of-the-earth people in agriculture know that this would impose up to $1 billion in additional costs to their already overworked people and to their budgets, which are already being taxed.

This is also an issue for anybody who believes that grocery stores and retailers are part of Americana in this country, and they would rise in strong opposition to this amendment because there is a liability in the country-of-origin labeling that would in essence make your friendly corner grocery store liable for trial lawyers to come in and say you did not put the fact that this calf may have been born in one country, processed in another country, and now on the meat counter in your local grocery store. Now the lawyers can come along and say, we are taking you to court, causing the price of beef to go up for American families. That is not something that would reflect favorably for anyone in this country, whether you are a producer, a retailer or a consumer.

This is a marketing issue. I realize there is an intent by this country-of-origin labeling provision to mandate that these labels be put on products. Nothing could be more anti free enterprise than to mandate labeling on a product. If consumers want this, they will ask their retailer to put it on the product so they can favor that product over another.

I am not sure what the origin of the country-of-origin labeling provision was in the last farm bill, but there is no doubt it would create additional costs that consumers would have to bear.

I would also want to compliment the chairman of the authorizing committee, the gentleman from Virginia (Mr. GOODLATTE), for introducing a bill to make this country-of-origin labeling provision voluntary. There are dozens of cosponsors on the bill. It is a bipartisan effort. Many of us have been working on that for a long time, and we hope that this provision that I have put in this bill remains by voting no on the Rehberg amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. REHBERG. Mr. Chairman, I yield 10 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I simply want to rise in support of the gentleman's amendment. There is no earthly reason why consumers should not know where their food is coming from, and I would hope the House would pass the amendment.

Mr. REHBERG. Mr. Chairman, I yield 3 minutes to the gentlewoman from South Dakota (Ms. HERSETH).

Ms. HERSETH. Mr. Chairman, I rise in complete support of this amendment, and I want to commend the strong and tenacious leadership of the gentleman from Montana (Mr. REHBERG) for his offering of the amendment today. I also rise with no small measure of frustration and exasperation that this amendment is even necessary today.

The 2002 farm bill made a promise to farmers and ranchers across this country. It promised them that the Secretary of Agriculture would implement a program to inform consumers where their meat and vegetables come from. Producers in South Dakota see tremendous potential in this program and urged its inclusion in the farm bill. In fact, had this provision not been in the bill, I think that many of them would not have supported its passage. This promise was supposed to be fulfilled by September 30 of last year.

☐ 1415

The program should already be up and running. Instead, the large meat packers have rallied to kill this program because they do not want American consumers to discover how much of the meat in the grocery case is actually imported. And these packing interests have found strong and willing allies here in this body. Two years ago in an appropriations bill, Congress voted to delay the implementation of this program until September 30 of next year.

Now we see that this 2-year delay was not enough for them. Their allies in this Chamber are at it again today, seeking to delay implementation of this important program for yet another year. This is unconscionable and it is just the tip of the iceberg. Leadership in this body is breaking faith with rural America on a host of important issues. The administration is leading the fight to reopen our border to Canadian beef despite ongoing concerns about the safety of their beef supply and over the strong objections of many U.S. ranchers and consumer groups.

Rural America is also under attack in the budget process. The 2007 budget, which recently passed this body with only Republican votes, will cut $3 billion from farm safety net programs in the coming years. The President's budget was even worse, seeking a cut of almost $6 billion in farm bill programs. Because of this budget, the farm income safety net, conservation programs and food stamps are now facing huge cuts in the coming years. I see mandatory country-of-origin legislation as a win-win situation and no more delays are justified. It is a win for consumers who get the security of knowing where their meat comes from, and it is a win for our producers who can build a stronger marketplace for their meat based on the quality of the product.

Let us not forget that American consumers have shown overwhelming support for COOL. A nationwide poll taken last year found that 82 percent of consumers think food should be labeled with country-of-origin information; 85 percent said they would be more inclined to purchase U.S. products; and 81 percent said they would be willing to pay a few cents extra for food that is grown here at home. American consumers want the ability to be as informed about their food purchase decisions as they are about virtually all of the other consumers goods they purchase. Country-of-origin labeling gives them this tool and they support it.

Let us restore our commitment to rural America. I urge my colleagues to support this amendment. A 2-year delay is long enough. Let us allow the Agriculture Secretary to fulfill the promise of the 2002 farm bill by giving producers the marketing tools that they need and consumers the information that they are seeking on the origin of the food they buy.

Mr. REHBERG. Mr. Chairman, I yield 4 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Chairman, I thank the gentleman for yielding me this time.

I agree with the statements made by my colleague from Montana, and I thank him for the leadership he has shown on this issue. Our amendment is very simple. It would allow country-of-origin labeling, better known as COOL, which was approved by a majority of this House in the last farm bill, to go forward this next year. We have got to stop yet another backdoor attempt to halt country-of-origin food labeling rules. Consumers deserve to know where their meat is produced and that it is safe, and farmers and ranchers deserve the fair deal provided by open and honest labeling.

The gentleman from Montana is up here today for the same reason I am. Like me, he represents an agricultural district and country-of-origin labeling is something that our farmers want. That is why country-of-origin labeling enjoys such broad support in the agriculture community. Our amendment is supported by the National Farmers Union and over 120 other organizations.

Over the last few days, I have received letters of encouragement from many Oregon farmers thanking me for helping to bring this amendment forward. Our farms grow the best produce and raise the best livestock in the world, and American consumers know this. Studies have shown that Americans want to buy American commodities and are even willing to pay a premium to do so. Our Nation's farmers and ranchers produce the best and safest commodities in the world and consumers deserve the chance to know where their food is born, raised, and processed.

Country-of-origin labeling provides U.S. agriculture producers the opportunity to promote their excellent products. The labeling law does not violate international trade agreements, would not drastically increase producer and consumer costs, does not require third-party documentation for trace-back or disadvantage any commodity. Thirty-five other countries require country-of-origin labeling, and COOL has already gone into effect for fish and shellfish. Labeling products is simply a promotional tool for U.S. producers and an information source for consumers.

For these reasons, we had country-of-origin labeling provisions added to the last farm bill. Country-of-origin labeling has been delayed for several years and has been studied to death. This provision in the agriculture appropriations bill continues that trend.

Country-of-origin labeling is good for American farmers and good for American consumers. I encourage my colleagues on both sides of the aisle to stand up for their constituents and vote for the Rehberg/Hooley amendment.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I thank the gentlewoman from Connecticut for yielding me this time. I certainly think that of all the discussions we have had on this floor, everyone on both sides of the aisle has nothing but the best intentions, and I respect that. I think that as we move forward in the protection of our food supply, it is important for us not to burden an industry with requirements and costs that go above and beyond what is necessary for us to protect the public health and safety. I think that this bill goes too far when it absolutely requires mandatory labeling of the products.

I think that we can do this on a voluntary basis, give our producers the right to put the label that they wish as far as the origin of their product on their product, and put it on the grocery store shelf and see what happens. We have no indication that just labeling the country of origin makes a significant difference in the marketing of these products, and I think it is an unnecessary extra layer of regulation that we are about to put on an industry that many times has a very difficult time staying in business anyway.

I rise in opposition to this amendment and recognize that everyone on both sides of the issue has nothing but the best of intentions and certainly wishes the industry well and especially our grass-roots producers. We want to do what is necessary to help them all we can. But I still would encourage a "no" vote on this amendment and look forward to seeing this issue at some date, maybe long after I am gone from this place, resolved, because it has been around a long time.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), the distinguished chairman of the Committee on Agriculture.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding time, and I join him in rising in strong opposition to this amendment. This amendment is foolhardy just like the underlying provision that was placed in the farm bill at the last minute. We debated this thoroughly in the House Agriculture Committee prior to the writing of that farm bill and the committee members, 51 members, all from agricultural districts, overwhelmingly rejected this amendment as not in the best interest of America's farmers and ranchers. The Senate held no hearings, insisted on this provision, and it was put into law.

What we found after it was put into law was that it does harm. It does exactly the opposite of what farmers and ranchers intended. It increases the cost an estimated $10 per head for cattle, $1.50 for hogs, a similar amount for sheep; and it has the effect, the opposite of what was intended. It will make our products less competitive with foreign meat products, not more competitive. That is wrongheaded.

Secondly, it imposes unbelievably stringent liability on the retailers, and every one of them is writing their own separate set of regulations, so that if this law is allowed to take effect, and I commend the gentleman from Texas (Mr. BONILLA) for postponing that because we need to have a voluntary system, if it goes into effect, we are going to have a separate set of regulations for each retailer that farmers and ranchers will have to comply with in order to get their products sold. Once again they will say no liability risk if we buy the foreign product, no problem complying with additional regulations, they are going to buy more foreign product, not less.

Finally, last year I offered in the Committee on Agriculture legislation to do this the right way, to make it voluntary. When we did so, again the committee members overwhelmingly voted not to do this mandatory system, but to make it voluntary. That is what we should continue to work toward today. The way to do that is to keep the provision of the gentleman from Texas in this bill and delay the implementation of this very bad legislation.

Mr. REHBERG. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, today I rise in support of this amendment to strike the language which would once again delay full implementation and rightful implementation of country-of-origin labeling for meat and meat products. Congress authorized mandatory COOL in the 2002 farm bill, and delaying it further is an injustice to American farmers, ranchers, and consumers.

According to the Food and Drug Administration, which is the Federal agency charged with ensuring food safety, less than 1 percent of all food products imported into the United States are inspected by customs. If a meat product enters the country shelf-ready, such as ground beef, it is not required at all to be inspected by the USDA. A USDA approval stamp only appears on meat products which have been transformed into a graded cut. What this means is that less than 1 percent of the beef that is imported from foreign countries is inspected by the USDA. The USDA is in place to protect us. As a housewife and a mother, I would gladly pay a few extra cents on every pound of hamburger or on every pound of beef that I buy if I knew that that beef was produced in the United States, because I would have a sense of safety that my family was eating meat that was inspected, because all American beef is inspected.

Essentially, a shipment such as ground beef could be imported into America from a foreign country and wind up on a family's dinner table having never been inspected by American authorities. Without the implementation of mandatory COOL, we will continue under a voluntary program, and the status quo clearly does not effectively protect the safety of American consumers.

America's agriculture industry produces some of the safest, highest quality products in the world. If given a chance, Americans will choose American products time and time again.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Chairman, I rise in support of the Bonilla provision to delay implementing mandatory country of origin labeling, which is known as COOL, for meat and meat products for 1 year. This distinction is important. This delay is for meat and associated products alone. In the 2002 farm bill, we added the COOL requirement for fruits and vegetables. The conference, however, expanded the mandate to meat, fish, perishable agricultural commodities, and peanuts. As most things not vetted by committees, these regulations brought a number of problems and unintended consequences. Several government and private studies have identified numerous costs added, especially for consumers.

American families should not pay the price for marketing beef without it being any safer than it is now. The House has previously voted to delay mandatory COOL in order to review the law and develop a voluntary option. The Bonilla provision to delay COOL labeling for meat is the right thing to do. I ask the House to join me in keeping this provision and oppose the motion to strike.

Mr. REHBERG. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

□ 1430

Ms. DELAURO. Mr. Chairman, I thank the gentleman for yielding me this time.

I hear a lot of talk about voluntary, but we have no mandatory right to recall tainted products. We have voluntary labeling of drugs, which can hurt people. We have voluntary marketing studies after a drug has been brought to market. When are we going to do something that makes sure that we are protecting people's interests?

Country-of-origin labeling is about providing people the information they need to make an informed choice to protect the safety of their families. Thirty-five other countries that we trade with, including Canada, Mexico, members of the European Union, have country-of-origin labeling. Seven out of ten people say they are willing to pay more to know where their food is coming from.

Food imports are increasing. The number of inspections of imported meat is actually decreasing. Consumers have a right to know, given the fact that we continue to have major recalls of meat products. This year we have had over 30 recalls.

This effort is about being able to trace back contaminated product in the event of a recall. Knowing the source of an outbreak is a critical part of the process so that we can quickly take action to prevent people from getting sick. It is critically important considering the 76 million sicknesses, 5,000 deaths that occur every year from food-borne illness.

Some say that if we halt the implementation of the country-of-origin labeling for meat, it will allow more time to consider the impact on the food industry. Congress has given the USDA more than 2 years to design a program that is fair to all parties including industry and consumers. Country-of-origin labeling will not violate trade agreements, lead to retaliation. It will not bankrupt the food industry. It simply says to consumers they will know where their food comes from. We owe the American people that.

I urge my colleagues to support the Rehberg-Hooley amendment.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the chairman for yielding me this time.

I would address it this way, that I am cool towards mandatory COOL, not towards Montana or my colleague from up there. We have a situation here where we have our cart ahead of our horse. We cannot identify our meat until we can identify where it comes from.

We have initiated a trace-back system for an animal ID in this Congress. That needs to be done first. I introduced that amendment in the Committee on Agriculture last year. Identify where the livestock comes from first, then have the discussion about whether it is mandatory or whether it is going to be an option for our producers. And whether it is a benefit to us from an economic standpoint, a retail standpoint, that really needs to be looked at from the marketing perspective and the more voluntary perspective. But I say delay that until we know where these animals come from. We are going to get that done in this Congress in the next couple of years, and then we can take a look at it from the perspective of what is the most legitimate approach. But right now we have our cart in front of our horse.

Ms. DELAURO. Mr. Chairman, I reserve the balance of my time.

Mr. REHBERG. Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CONAWAY), a distinguished Member from the great City of Midland.

Mr. CONAWAY. Mr. Chairman, with all due respect to my good colleagues from Montana and others who have spoken in favor of this, I rise in opposition to it.

It is not about food safety. If it were about food safety, then the 52 percent of meat that Americans consume would be involved in this labeling process, and that is not the case. Any meat consumed in retail food establishments is not affected by this labeling. So when one goes into their local restaurant and orders a steak, it will not come out labeled as to where that steak comes from. So if it was really about food safety, my colleagues would be speaking about that.

It is really a marketing program, a heavy-handed approach by this Federal Government to demand a marketing program that may or may not work. The voluntary COOL program that the gentleman from Virginia (Mr. GOODLATTE) is proposing, of which I am a cosponsor, will give the industry an opportunity to design a system that works for them. We all have to look at the Certified Angus Beef programs and Idaho potatoes to understand that the free market can, in fact, devise labeling opportunities or labeling programs that do benefit consumers and allow consumers to make that choice. So I stand against this amendment, with all due respect.

Ms. DELAURO. Mr. Chairman, I reserve the balance of my time.

Mr. REHBERG. Mr. Chairman, I yield myself such time as I may consume.

As my colleagues noticed, this is about marketing essentially, and it is about the fact that an entire industry was created in places like Texas to take advantage of cheap Mexican calves, bringing them across the border, fattening them up, and selling them in our food system without any knowledge of where they come from. Born, raised, and processed means we are proud of USA agriculture, USA livestock.

There is an unintended consequence, Mr. Chairman. The unintended consequence is the gentleman from Texas's (Mr. ORTIZ) very own State loves the country-of-origin labeling that was mandated by that same farm bill on fish. I will read one more time that quote: "It's a win-win situation for

Texas," said Agriculture Commissioner Susan Combs. "Texans love to buy Texas products, and this way they'll know they're getting the quality they love. In turn, sales will increase, providing a boost to Texas shrimp producers and the State's economy."

They love it when it works to their advantage. They are opposed to it when they think it might change something.

This is a good piece of legislation. It may not. it may not be a health issue to the gentleman from Texas, but it obviously is a health issue to some of our trading partners.

On December 23, when the cow was found in the State of Washington that had Mad Cow disease, it took exactly 24 hours for 60 of our trading partners to shut off our exports, 60 of them. One-third have now reopened those markets. Our largest export market has not, and that is Japan. So it is a health issue with them.

The problem that exists right now, and it was very quietly done, but on May 21, as I mentioned before, the state of Durango in Mexico can no longer send live cattle to the United States along the Texas border because they were mixing cattle between two regions within their state, one that has the ability to be exported and the other that does not. These are the trading partners that are sending us their livestock that we do not have the ability to label where it came from.

Unfortunately, bovine TB is contagious, infectious, and a communicable disease. It affects cattle, bison, deer, elk, goats, and other species, including humans, and it could be fatal.

We want to know where our livestock came from. Is it so simple that we cannot understand that we currently exempt some of the issues or some of the products like beads and ball bearings and bolts and nuts and buttons, feathers, hair nets? There are not many exceptions to the labeling laws in this country: rags, ribbons, screws, sponges, wicking, candle, and livestock. Livestock because it is about the pocketbook.

I am here to stand before the Members today and ask them to support the amendment. Give us the opportunity to show that labeling livestock will be met with the same kind of enthusiasm by the consumer and those of us who are truly cattle producers. I am a producer. I still have to deal with this. Perhaps I will have to pay for it. But I know the American consumer will want the opportunity to purchase my livestock because I know where it came from. It is a closed herd. It was born, it was raised, and it is processed in America.

That is what makes America great, is the opportunity to label. Voluntary does not work. If voluntary worked, we would be doing it now. But it does not. Why? Because the meat processors and the supermarkets will not allow us the opportunity to have it labeled. They say they can. They say they might. But we cannot make them, and when we cannot make them, we have no influence nor ability to do it.

Fruits and nuts will soon have country-of-origin labeling as well. It has been allowed to move forward, and what they did is they segregated our support for country-of-origin labeling. They let the fish go. The Texas producers love it. They let fruits and nuts go. California and the rest of the producers will like it. But they will not let livestock go for purely economic reasons.

It is time we send a message to those that are standing in the way and allow us the opportunity to tell the American consumer born, raised, and processed in America means something. Buy American.

Mr. HAYES. Mr. Chairman, I rise today in opposition to the amendment offered by Mr. REHBERG and Ms. HOOLEY, I applaud Chairman BONILLA for including a provision in the agriculture appropriations bill that would limit USDA's funding for implementing the mandatory country-of-origin labeling law for meat and meat products. The country-of-origin labeling laws as currently written clearly requires more Congressional attention before going into effect by September 30, 2006.

As a member of the Agriculture Committee and as Chairman of the Livestock and Horticulture Subcommittee, I have held hearings to discuss how mandatory country-of-origin labeling will affect the entire livestock industry. I have personally heard the numerous concerns of producers, processors, suppliers, and retailers in trying to implement this onerous program. These hearings raised many questions, and the livestock witnesses specifically pointed out the tremendous potential for increased costs and unintended consequences. All of the witnesses, regardless of being for or against country-of-origin labeling, unanimously stated that this is not a food safety issue but a marketing issue. Saying labeling is needed because of recent cases of BSE, for example, is bogus—especially since this particular disease does not occur in the muscle cuts we consume!

I have also heard concerns from many of my constituents in North Carolina about this issue. I can tell you that not one of them has said this law will bring them additional revenue or market advantages. They all express their deep concern that this law will instead cause significant burdens and headaches in order to be in compliance with the law.

Having participated in the hearings and listening to the worries of my constituents, I firmly believe a voluntary approach is a better solution. I am pleased to cosponsor the Meat Promotion Act introduced by Agriculture Committee Chairman GOODLATTE which requires the Secretary of Agriculture to establish a voluntary program for labeling meat and meat products. I believe this legislation better fits the true intent of country-of-origin labeling—to maximize producer benefits and avoid the costs and regulatory intrusions that a government-mandated program would entail.

Unfortunately, a "Fire, Ready, Aim" approach led to the creation of the current mandatory country-of-origin labeling law. This issue clearly needs further attention and delaying the implementation of the law for meat and meat products is a step in the right direction. I would like to reiterate that the provision included in the agriculture appropriations bill only affects meat and meat products.

I urge my colleagues to support the appropriations bill and reject the Rehberg-Hooley amendment.

Mr. REHBERG. Mr. Chairman, I yield back the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana (Mr. REHBERG).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. REHBERG. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Montana (Mr. REHBERG) will be postponed.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, last night I went before the Committee on Rules to seek the ability to offer an amendment to the bill today that would have given the Food and Drug Administration, the FDA, two critically important new authorities to improve the agency's drug safety operations. It would have given FDA the authority to require drug companies to conduct post-marketing studies of FDA-approved drugs and the authority to mandate changes to the labels of FDA-approved drugs. But the Committee on Rules would not allow the amendment.

Almost every week we hear about another unsafe drug and the significant harm that those drugs are doing to millions of people. Yet Congress has done nothing. The most recent case is the cholesterol-lowering drug Crestor, which a recent study found is significantly more likely than other drugs in its class to cause muscle deterioration that can lead to kidney disease and kidney failure.

Flip through the headlines of the last few months, and we will see many more examples. Of the two most significant drug failures of the last year, they are antidepressants and Vioxx. For years, evidence was building that antidepressants seem to cause an increased rate of suicide among users, particularly young people. The FDA, however, failed to heed this evidence and delayed taking any action for years because the agency said it did not have enough data to do anything about these reports of suicide.

The reason for this was FDA could not order the drug companies to conduct further clinical trials after a drug is approved. When the agency finally did have enough data back in 2003, it first sought to hide it but eventually told antidepressant makers that there needed to be a warning on suicide. However, it took more than 9 months before that warning was placed on any drug label because the FDA had to negotiate with the drug companies over the label's wording. Patients went 9 extra months without knowing all the risks.

Vioxx was finally removed from the market last September because it increased the risk of heart attacks and strokes. Notably, it was the drug manufacturer, Merck, that removed the drug, not the FDA. An estimated 90,000 to 140,000 Americans suffered heart attacks and strokes as a result of Vioxx. Of these, 30 to 40 percent, or as many as 60,000 people, probably died.

Dr. David Graham, a heroic doctor at the FDA, put these numbers into perspective when he testified before the Senate Finance Committee last November. He compared the number of heart attacks and strokes caused by Vioxx to plane crashes. Dr. Graham stated the Vioxx numbers are the equivalent of two to four airplane crashes every week, week in and week out, week after week, for the past 5 years. If it really were planes that were crashing, then the Congress would be doing something about it. Yet we have done nothing to empower the FDA to prevent another Vioxx.

FDA knew about the dangers of Vioxx more than 5 years ago, and in 2002 the agency decided Vioxx's label needed to have a warning about the increased risk of heart disease. Yet it took nearly 14 months before that warning was added to Vioxx's label because the FDA again had to negotiate the wording with the drug company. FDA could not simply tell Merck that its label must say Vioxx causes increased risk of heart attacks and strokes. Nor could FDA order Merck to conduct a new clinical trial about Vioxx's safety when the FDA learned of other studies indicating safety problems.

□ 1445

My amendment would change that. These commonsense changes are nearly universally accepted by patient safety organizations, endorsed by nearly every major medical journal, and even by a few drug companies. FDA's own director of the Office of New Drugs has said she believes it would be extremely helpful for the agency to have these powers and authorities. They are also endorsed on a bipartisan basis, including by Senators CHARLES GRASSLEY and THAD COCHRAN, who have cosponsored a bill that would do almost exactly what I am proposing today.

These changes cannot wait to happen. They cannot wait any longer. Delay is going to cost lives, many lives, tens of thousands of lives in all probability. The amendment should have been made in order by the Committee on Rules, and I am asking the House now today to make this amendment in order. This amendment needs to be considered by the full House of Representatives, and it needs to be considered for no other reason than because by not considering it, we are placing hundreds of thousands of people across this country in dire jeopardy.

We need a Food and Drug Administration that can deal with the drug companies and with the medical manufacturing establishments that it allegedly regulates, deal with them in an effective way, so that we can have true regulation on behalf of the safety and security of the American people, which we do not have today and which this Congress has refused to bring about.

So I am taking this opportunity, Mr. Chairman, to bring this amendment to the floor of the House. I want this amendment considered, and I hope that every Member of the House will see it his or her duty to adopt this amendment today.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

At the end of the bill, insert after the last section the following:

SEC. 7 . (a) POSTMARKET STUDIES.—Chapter V of the the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505B the following section:

"SEC. 505C. POSTMARKET STUDIES REGARDING SAFETY OF DRUGS; PHASE 4 STUDIES.

"The Secretary may require that the manufacturer of an approved drug conduct one or more studies to confirm or refute an empirical or theoretical hypothesis of a significant safety issue with the drug (whether raised with respect to the product directly or with respect to the class of the product) that has been identified pursuant to—

"(1) the MedWatch postmarket surveillance system;

"(2) a clinical or epidemiological study;

"(3) the scientific literature;

"(4) a foreign government that regulates drugs or devices;

"(5) an international organization concerned with the safety or effectiveness of drugs or devices; or

"(6) such other sources as the Secretary determines to be appropriate.".

(b) ORDER REGARDING POSTMARKET LABELING.—Section 502 of the the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

"(x) If it is a drug and the Secretary determines that its labeling fails to provide information, including specific wording, required by the Secretary by order on the basis that the information is necessary to ensure its safe and effective use.".

Mr. BONILLA. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. The gentleman from New York (Mr. HINCHEY) is recognized in support of his amendment.

Mr. HINCHEY. Mr. Chairman, I know that this issue is controversial. I know that there are Members of the House who really do not want to address it this afternoon. But we should put that aside. We should put it aside because the safety and security of the American people are at stake here.

The Food and Drug Administration was established by this Congress in order to ensure that pharmaceuticals and subsequently various forms of medical devices and other materials which are used by people who are ill, that those devices and materials can be used by people in a way that is safe and secure and sound. But the fact of the matter is that that is not happening, and we have the ocular proof in front of us every single day.

I mentioned a few moments ago the situation of antidepressants. These antidepressants came on the market without proper, careful review; and in addition to that, they began to be marketed for off-label uses. As a result, large numbers of teenagers, young people, people in their twenties, began to use them when they should not have been using them, and the usage of those antidepressants induced suicidal potential in those people, and many of them carried it out. Many, many people took their lives in direct relationship to the use of those antidepressant drugs.

When that became apparent, the Food and Drug Administration was not able to deal effectively with the drug manufacturers because they did not have the authority. They do not have the authority to tell the drug manufacturers that when a problem becomes evident after the drug is on the market that the drug company should, at the very least, change the label, put information on the label that tells people this kind of experience has been shown to happen by this group of people so that people can be warned about it and therefore not be likely to take it and so that doctors can understand that and not be likely to prescribe it.

That simple act would save the lives of tens of thousands of people. Failing to do it almost inevitably is going to cost the lives of tens of thousands of Americans, because it will not be much longer before we see another antidepressant situation or Cox-2 inhibitor situation, Vioxx situation, come on the market if we do not change the rules, if we do not give the FDA the power to deal effectively with these drug manufacturers.

The Vioxx case is a very clear, strong case in point. After a certain period of time when that drug was on the market, it became obvious that people who were taking it were suffering strokes and/or heart attacks. The FDA, when it became aware of that, was not able to do anything effectively about it. They did not even ask the drug company to take the drug off the market.

Finally, Merck came to the table and properly removed Vioxx from the market, but only after hundreds of thousands of people in this country were seriously affected, and we estimate at least 60,000 people lost their lives, and the number may be higher than that; and all of that began to get the attention of the press and people across the country began to understand it.

Now, for God's sake, what are we doing here? Are we just going to stand by idly while these circumstances continue to happen, while more and more drugs come on the market, week after week, month after month, while more and more people take them without understanding the implications and more and more people suffer, even die, as a result of that?

This Congress has the responsibility to act. We need to make that Food and Drug Administration live up to its responsibilities. And by simply saying in a technical way that, no, we cannot do it today, that does not meet the need, not by any stretch of the imagination.

This amendment needs to come to the floor, and this amendment needs to get the kind of attention that it properly deserves on behalf of the safety and security and the lives of the American people and to be adopted.

So I move the amendment, and I ask my colleagues to embrace it today. Vote for it; support it. Let us pass it this afternoon.

POINT OF ORDER

Mr. BONILLA. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BONILLA. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI. The rule states in pertinent part: "An amendment to a general appropriations bill shall not be in order if changing existing law."

This amendment directly amends existing law.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I would like to be heard on the point of order.

Mr. Chairman, it is hard for me to believe that the rules of this House do not help ensure that the people we represent can trust their government. It is hard for me to believe that the rules of the House would mean that this House can busy itself telling other people how they should deal with end-of-life issues for dear ones, telling independent courts that they should not be quite so independent, and yet would not allow the supposedly greatest legislative body in the world to deal with a direct obligation of government, which is to ensure the public safety of the American people.

This amendment would be in order if no Member objects to it. The Committee on Rules, as I understand, when they passed out the rule from the Committee on Rules, they did not protect this amendment under the rule. That does not mean that it cannot be considered by the House. The House can only avoid dealing with this issue if a Member chooses to block the House from acting on it.

Mr. Chairman, I would urge the gentleman from Texas to withdraw his point of order so that we can vote on this most crucial issue. But if the gentleman does not withdraw his motion, then I would, reluctantly, as I am sure would the sponsor of the amendment, have to concede the point of order.

The CHAIRMAN. Does any other Member wish to be heard?

Ms. DELAURO. Mr. Chairman, I wish to speak on the point of order.

Mr. Chairman, I want to echo my colleagues' comments, because I think that we have an obligation. In my opening comments, I said that I believed that this bill is about what the House of Representatives and Members who are part of this effort have been asked to do, and we have been asked to protect the public interest on a whole variety of measures, and, in this case, we are talking about life and death.

The CHAIRMAN. The gentlewoman must confine her remarks to the point of order.

Ms. DELAURO. Mr. Chairman, it would seem to me that the regular order of the House would be to allow legislation that in fact meets the definition or the goal of the mission that we have been entrusted with. I wish that the Committee on Rules would have made this amendment in order because it is so critical to public safety.

I concur with my colleague when he says if it is not made in order, then we have to concede the point of order. But what we are conceding is the life and death of American people, and that is not the regular order.

The CHAIRMAN. The Chair is prepared to rule.

The Chair finds that this amendment proposes directly to change existing law. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT NO. 9 OFFERED BY MR. SCHWARZ of MICHIGAN

Mr. SCHWARZ of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. SCHWARZ of Michigan:

Add at the end (before the short title) the following new section:

SEC. 7____. It is the sense of Congress that the Secretary of Agriculture should use the transfer authority provided by section 442 of the Plant Protection Act (7 U.S.C. 7772) to implement the strategic plan developed by the Animal and Plant Health Inspection Service for the eradication of Emerald Ash Borer in the States of Michigan, Ohio, and Indiana.

Mr. SCHWARZ of Michigan. Mr. Chairman, CCC funds are transferred to APHIS because of foreign Animals, Pests & Diseases that have come into the United States and are destroying agriculture resources and products. Since this is a tight budget year and the dollars appropriated will not fully take care of the emergency situation of the spread of EAB and the millions of ash trees in need of more attention from the CCC and OMB.

Therefore, this amendment is a sense of Congress to support the requests of USDA and APHIS to fund the eradication program of EAB within Michigan before it spreads to other states.

Michigan has natural barriers which are the great lakes that provide a natural containment with this emergency eradication plan.

This is an emergency situation for our agriculture community and as with any invasive species, we continue to run in to the obstacle of funding from OMB. With this amendment we want the OMB to reconsider the severity of the EAB situation. This amendment is meant to suggest, in strong terms, that it is Congress's intent that the mechanism within this statute is to be used to meet the foreign pest emergency needs of Indiana, Ohio, Virginia, Maryland & Michigan.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. SCHWARZ of Michigan. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, the gentleman has discussed this amendment with us and with the minority; and to forgo further debate. I would be happy to accept the amendment.

Mr. SCHWARZ of Michigan. Mr. Chairman, reclaiming my time, I thank the chairman and am delighted that he has decided to accept the amendment, and we will move on.

Ms. KAPTUR. Mr. Chairman, I rise in support of the Schwarz amendment emphasizing the intent of Congress that full funding for the control of Emerald Ash Borer must be provided. I had intended to offer an amendment emphasizing the need for emergency funding and thank Chairman BONILLA for his work with us on this issue, and with respect and appreciation knowing we still have much to work on will not extend floor debate today.

It is vital that we take action as quickly as possible to deal with control and containment this year. USDA, at the order of the Office of Management and Budget, has not been able to fully respond to the requests for funds from Ohio and Michigan. Ohio recently requested an additional $10.1 million that is needed immediately.

The Emerald Ash Borer was identified in Michigan in July, 2002. It has been in Michigan for perhaps five years, having come in packing material from Asia.

Since then, several counties in southeastern Michigan and now counties in northwestern Ohio have been infected with this creature. Literally billions of ash trees are at risk unless this creature is stopped. Regrettably, there is no known way to eradicate the insect without starving it from new wood sources. So as trees by the thousands are being cut down in our region.

As I said, the State of Ohio has recently asked the Department of Agriculture for an additional $10.1 million in emergency funding to control the spread of this insect. This is in addition to the $11.6 million that was requested earlier this year, although USDA provided only $10.2 million. This is in addition to more than $50 million that has already been provided to Michigan to control the spread of the insect from its primary infestation site.

Mr. Chairman, Ohio needs more funding now to control this insect for which it bears no responsibility. Neighborhoods are being devastated in Ohio, as they already have been in Michigan. Businesses are adversely affected. Property values are being adversely affected. The longer we take the provide effective controls, the more damage will be caused, the broader the area of infestation will become, and the more it will ultimately cost to end this infestation.

I had planned to offer my own amendment calling for emergency use of funds to deal with this problem, even though I know that the bill already provides some funding for emerald ash control in the coming year—$14 million even though expert opinion suggests that we will need $55 million. Hopefully this money will come via the emergency route.

Chairman BONILLA and ranking member DELAURO, I thank you for your support. I want to work with you to secure the right level of funding to deal with this disease, as well as the many other invasive species pests that plague several states. They may be different in their makeup, but they are equally devastating to the communities they infest.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. SCHWARZ).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

Page 83, after line 19, insert the following section:

SEC. 7 . None of the funds made available in this Act may be used—

(1) to grant a waiver of a financial conflict of interest requirement pursuant to section 505(n)(4) of the Federal Food, Drug, and Cosmetic Act for any voting member of an advisory committee or panel of the Food and Drug Administration; or

(2) to make a certification under section 208(b)(3) of title 18, United States Code, for any such voting member.

□ 1500

Mr. HINCHEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BONILLA. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 30 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from New York (Mr. HINCHEY) will control 15 minutes, and the gentleman from Texas (Mr. BONILLA) will control 15 minutes in opposition.

The Chair recognizes the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment would prohibit the Food and Drug Administration from appointing scientists who have conflicts of interest to FDA advisory committees. The amendment does not change current law; it simply makes sure that the FDA is adhering to current law.

The FDA is charged with protecting the public health and, to assist with this mission, the FDA relies heavily on advisory committees composed of outside scientists to guide the agency policy on the safety and effectiveness of drugs and medical devices when questions arise regarding those products. While the FDA is not bound by the decisions of these panels, the agency itself calls advisory committees one of its most important resources for helping to regulate the over 150,000 marketed medical products that the FDA oversees.

Because of the critically important nature of these committees, there should be no question as to whether the committee members are looking out for the public health. But recent FDA actions have created serious doubts about whether committee members are serving only the public interests and, as a result, industry biases now taint many advisory panel decisions.

Over the past few years, the FDA has routinely waived conflict of interest prohibitions and appointed scientists with direct conflicts of interest to serve on these critical public panels. These appointments completely undermine the objectivity of this outside advice and bias the committee's recommendations, which are reached by a vote of the panel members, some of whom have financial ties to the products being reviewed by that very same panel.

There have been numerous high-profile examples of this over the past 18 months. Just this past April, for example, the FDA convened an advisory committee to examine whether or not to allow silicon breast implants back on the market. That committee contained a scientist who had just recently made a promotional video for a manufacturer of those implants.

Two months prior to that, the FDA convened an advisory panel to review the safety of Cox-2 inhibitors, drugs like Vioxx, which have caused tens of thousands of heart attacks and strokes. Ten of the 32 scientists on that panel had direct financial links to the manufacturers of those drugs. When it came time for the committee to make its recommendations, those ties made all the difference. Without the votes of the ten conflicted scientists, two of those three drugs and the Cox-2 inhibitor class would have been voted down by the panel, instead of receiving the very narrow support and approval they did as a result of those conflicted scientists' votes.

Last year, when there was a huge controversy around the link between antidepressants and suicide, especially among young people, the FDA convened an advisory panel to make recommendations on how the agency should handle those drugs. Three of the 11 scientists on that committee had been paid consultants to the manufacturers of those antidepressants.

These examples are just the tip of the iceberg. Advisory panels on OxyContin, oncology drugs, even over-the-counter athletes' foot creams, all had scientists with conflicts of interest. Almost every advisory committee meeting begins with an FDA statement waiving the conflicts of interest of some of the scientists on that panel.

If you think that scientists who rely on drug companies for their financial wherewithal are going to recommend that the FDA take action that will harm the company that is paying them, then you are living in a fantasy world.

The FDA claims that it cannot find enough qualified scientists without conflicts of interest to fill its advisory committees. This statement is laughable on its surface and an insult to the thousands of independent doctors across this country. It is also not accurate. As the medical journal, The Lancet, recently editorialized, "It is hard to believe that in a country with 125 medical schools, not to mention the pool of international experts, the FDA cannot find experts who do not have financial ties with companies whose products are under review." Of course, the FDA can find scientists without conflicts of interest. They just do not want to do it, and they are not doing it.

Advisory committees are critical parts of the FDA's regulatory scheme, and they should be free of any direct conflict of interest. Without this, there is no way to assure the public that a panel's recommendations are fair and unbiased and in the interest of the public health.

After one of the most tumultuous years in the FDA's history, this amendment is needed to restore the public's confidence and integrity that has been lost in the FDA's advisory system. A wide range of public health groups support this amendment, and numerous recent editorials have called for this kind of reform. I urge all of my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LATHAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. Let me explain what this extreme restriction on the Food and Drug Administration would do. The amendment would not allow funding to grant conflict of interest waivers for any Food and Drug Administration advisory committee. The effect would be that the top experts in the field of vaccine research or cancer treatments or cardiac devices would not be able to advise the Federal Government about vaccines, biological products, medical devices, and drugs.

The conflict of interest waivers exist so that the most knowledgeable scientists, the ones you would want to consult if your own family was ill, can advise government agencies. These top scientists are few in number and very specialized. Most of them have worked in research sponsored by industry at some point in their careers. We in Congress devised this waiver system so that such experts could serve the government when the need for their services outweighed the potential of conflict of interest due to financial ties to the industry.

Since many fields of research are specialized and unique, the conflict of interest waivers are necessary. The granting of a waiver is not pro forma but a measured decision by an impartial party. In some cases, waivers are granted only for participation in the advisory group discussion, and the individual is not permitted to vote on the advisory committee recommendation.

I would also like to draw the attention of my colleagues to the term "advisory." Advisory committees make recommendations to FDA but do not vote on product approvals. Product approval decisions are made by federally employed scientists.

I would ask my colleagues not to cripple the advisory committee system by making it impossible to recruit the appropriate level of scientific expertise. Please vote no on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HINCHEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise to speak on the Hinchey amendment to require that the FDA stop waiving conflict of interest revelations by their advisors and to start to make an affirmative search for scientists who can give unconflicted advice to this critically important agency.

Unfortunately, there is abundant evidence that scientists are being invited onto and accepted onto these committees, even when they tell the FDA that they have a conflict. They are permitted to serve, regardless of conflict. This must stop.

Other agencies, such as the NIH, have regularly found unconflicted, fully qualified professional advisors so that the agency can receive the best, unbiased advice possible.

I am mindful that there may be scientists whose expertise deserves to be presented to an advisory committee, and nothing in this amendment, as I understand it, precludes these individuals from being asked to testify before a committee.

When enacted, this amendment will also start to contribute to and rebuild the credibility of the actions of FDA. We cannot have even the aura of influence by the pharmaceutical industry or other regulated industries when it comes to the FDA.

Surely, in a country that is renowned for its scientific and medical expertise, I think we have 125 medical schools in the United States, that it is possible to find scientists without conflicts of interest to advise the FDA and to protect the public health.

I urge support for the Hinchey amendment.

Mr. HINCHEY. Mr. Chairman, can I inquire as to how much time is remaining?

The CHAIRMAN. The gentleman from New York has 8 minutes remaining.

Mr. HINCHEY. Mr. Chairman, is there anyone on the other side who wishes to speak on the amendment?

Mr. LATHAM. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Iowa has 13 minutes remaining and reserves the balance of his time.

Mr. HINCHEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I thank the gentleman from New York for yielding me this time.

As I hear this discussion move forward, I find it nothing short of absolutely amazing that anybody can rise to defend the current system.

The pharmaceutical industry in this country is corrupt from top to bottom. They have corrupted the Food and Drug Administration. They have corrupted academia to the point where they pay anybody that might ever issue an opinion about any of their products, and this continues to get worse day by day. We have evidence to all of these things, and it is absolutely and utterly ridiculous that we do not hold FDA accountable to provide a system of unbiased opinions so that the American people can get a safe product. We have seen the results of this corrupt system and the willingness of our own government to allow the pharmaceutical industry to continue to rob our own people, and it goes on and on and on. It is wrong. It does not make any sense. It puts the public health at risk.

We just had a big debate on whether or not to label meat and where it comes from. We know what these drugs will do, we have plenty of people that know what they will do, and when we put the information out there, anybody can figure it out. You do not have to be all broke out in brilliance to know when this stuff is bad. But when you are on the payroll of these companies, folks just kind of seem to have a little trouble saying, this is a terrible drug and we do not want to put it on the market. It is a bad idea.

I am the only registered pharmacist in the United States Congress, and it is astounding to me to see what has happened to this industry in the last 30 years and the willingness for them to take advantage of the American people over and over and over again.

Mr. Chairman, if this body is going to do anything to serve the public health and welfare of our people on this day, we should pass this amendment, and I thank the gentleman from New York for courageously bringing it to the floor of this House.

Mr. LATHAM. Mr. Chairman, I continue to reserve my time.

Mr. HINCHEY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I rise today in support of the Hinchey amendment, and I appreciate the effort he has been doing with these last two amendments, and I hope we will continue his work, because the amendment is very important. It will help us put a stop to the conflict of interests which actually weakens the drug approval process.

The FDA advisory committees are charged with ensuring that the medicines our families take are safe and effective.

□ 1515

Current law prohibits conflicts of interest between the members on the advisory committee and the companies whose drug is being examined by the advisory committee.

Though the FDA has the authority to waive this prohibition under certain limited circumstances, this exception has now become the rule, and too often the FDA places scientists with financial connections to the drugs they are examining on the advisory committees.

Conflicts of interest create disastrous consequences. In some cases, one-third of the advisory committee's appointees do part-time consulting work, research or own stock in the companies whose drugs they are considering. Such a committee approved the drug Vioxx. As many as 100,000 people have been injured by taking Vioxx. Had the members of the advisory committee with ties to the industry been removed, Vioxx would not have been approved.

Some will argue and some may argue that scientists with financial connections to the industry may still be unbiased. However, this week an article in the Philadelphia Inquirer reported that senior executives at Merck threatened to damage a Harvard researcher's career if he publicly lectured about the health effects of Vioxx.

In such an environment, where those who are trying to help protect our families are threatened by drug companies, it is inconceivable that advisory committee members can remain unbiased as they examine their part-time employer's drugs. The financial interests are too great, not only for those who sit on the advisory committee, but also the drug companies who produce these drugs, and do whatever they can to get them approved.

We have so much work to do in this area. The Hinchey amendment does not put any new requirements upon the FDA, merely enforces the law as is written; and this Congress should stand up and enforce the law as explained in previous Congresses.

Mr. LATHAM. Mr. Chairman, I yield myself such time as I may consume.

I would like to note that in response to past amendments in the same effect, the Office of Government Ethics has said the government would be depriving itself of much of the best and most relevant outside expertise in many areas.

The amendment would prohibit waivers for financial interests that are so insubstantial, remote, or inconsequential that they are typically permitted, even for regular full-time government employees.

They went on to say, existing law strikes the correct balance between protecting the government from inappropriate conflicts of interest and recognizing the need for temporary experts who may have unavoidable conflicts in relevant fields of inquiry. I think those concerns are relevant to the Hinchey amendment before us and support a "no" vote on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I frankly find the arguments that have been presented against this amendment, in a word, incredible. They seem to me to be coming from the entities in our country, in our economy, that need regulation. It seems as if the words were written by them.

We have 125 medical schools in this country. We have a bevy of expert scientists who are capable of dealing with these kinds of issues. For anyone to stand on the floor of this House and say that you cannot construct a panel, an advisory panel to advise the Food and Drug Administration with regard to the safety and security of a particular drug without putting on that panel one-third of the members who are conflicted in their interests, who are being paid by the economic entities that are about to be regulated, or should be regulated, or who have done commercial advertisements for some of those entities, that you cannot construct a panel without having a third of the members with that kind of conflict of interest, is the most absurd statement I think I have ever heard uttered on the floor of this House.

We have scientific bodies throughout our government and throughout the private sector, throughout the National Institutes of Health, throughout any number of scientific organizations, who put together panels; and they are never obliged to include within those panels people who are conflicted in their interests with regard to the decisions that are going to be made by those panels. It is ridiculous, absurd to stipulate that you cannot construct a panel without having people with a conflict of interest.

I am just asking the Members of this body to tell the Food and Drug Administration that when you draw together a panel, do the same thing that other regulatory bodies do. Make sure that among the members of those panels, there is no one who is conflicted in their interests.

No one who is being monetarily compensated by the entity that is being regulated; in the case of the drug companies no one who is getting money from the drug companies, no one who is on the payroll of drug companies. That is all you have to do. It is a very simple thing. There are thousands of people to reach out to who are capable and qualified to come onto those panels and make those kinds of decisions.

To say that you cannot put together a panel without including in it one-third of the members who are conflicted in their interests is absolutely ridiculous.

And so, Mr. Chairman, I ask the Members of this body to do something that is in the best interests of the people of our Nation. Let us have a Food and Drug Administration that is actually carrying out its regulatory authorities as this Congress set them up to do.

Let us have an FDA that actually regulates the entities.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, let me just ask a point of inquiry here. As I understand it, this amendment is for a year's duration?

Mr. HINCHEY. Mr. Chairman, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from New York.

Mr. HINCHEY. That is correct.

Ms. DELAURO. Does it not make sense that we try this to see what is workable? I mean, we are not talking about in perpetuity. Am I right in my assessment of that?

Mr. HINCHEY. The gentlewoman from Connecticut (Ms. DELAURO) is correct. This would simply be for 1 year. It is a trial, in effect; and we ought to put it in place.

Mr. LATHAM. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

AMENDMENT OFFERED BY MR. SWEENEY

Mr. SWEENEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SWEENEY:

At the end of the bill (before the short title), insert the following new section:

SEC. . None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603) or under the guidelines issued under section 903 the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127).

Mr. BONILLA. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendment thereto be limited to 30 minutes to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, several weeks ago we passed on the floor here an amendment banning the slaughter of wild horses that had been sneaked into the omnibus bill by a substantial bipartisan vote.

This amendment I offer today is a supplement to that amendment, and one that we have sought a vote on, an up-or-down vote, for several years in this body. For that reason in particular, I want to thank the subcommittee chairman for affording us this opportunity.

The amendment essentially would end the use of taxpayer dollars to enable and subsidize foreign enterprises, largely operating in opposition to the vast opinion and support of United States citizens, and in fact the majority of States have outlawed the slaughter of horses for human consumption; and yet this process continues on.

Mr. Chairman, there has been a lot of misinformation spread about this issue. The opposition will say this amendment will lead to an increase in the abuse of horses, or horses running wild in our streets. Such statements are not true, and I want to offer some facts.

First of all, each year 65,000 horses are slaughtered in this country for human consumption in Europe and in Asia, not here, where they are sold as a delicacy.

Another 30,000 are trucked to Canada and Mexico for slaughter. Misstatement number one, that slaughter is the same as humane euthanasia, it is not, Mr. Chairman. Slaughter is not the same as humane euthanasia administered by a veterinarian. Euthanasia of horses is administered by lethal injection, whereas slaughter is administered by unskilled, untrained workers using the captive bolt. Many times this is administered improperly, causing unnecessary pain and suffering before death, and that is after these horses have been transported in excess of 1,000 miles in the most inhumane conditions perceived.

Misstatement number two, that if this legislation is successful, we will cause an overpopulation of horses. Passage of this amendment will not cause an overpopulation of horses, since each year the numbers are this, about 690,000 horses die in the U.S., many of which are euthanized by licensed veterinarians.

Slaughter represents only 1 percent of the horses that die each year, and this would not result in overpopulation of horses as some have suggested.

Mr. Chairman, it is simply this: Americans do not profit from slaughtering horses. Horses are not bred in the United States for that purpose. This is an export-driven market. Foreigners eat our horses and foreign companies make money off the sale of the meat. This amendment simply says that the use of American taxpayer dollars to pay for the salaries and the work of USDA inspectors ought to stop, and those resources ought to be committed to making sure the food supply and the food chain here in this country are fully protected.

Let us stop this practice, a practice that flies in the face of generations of precedent here in Congress and strong opposition by the American public.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I do rise in opposition to this amendment, and yield myself such time as I may consume.

The gentleman from New York (Mr. SWEENEY), for whom I have a great deal of respect, has worked on this issue for some time. I know he also has a separate legislating bill that he is trying to move through the process, where this issue and this whole topic could be more appropriately addressed through the authorizing committee.

This amendment will shut down an industry without having a hearing, or any due process. The amendment creates a crisis for animal health issues. It prohibits USDA from inspecting horses that may have West Nile virus, or vesicular stomatitis, both of which can affect other animals and humans if those horses are destined for slaughter.

The estimated cost to feed and care for 50,000 horses is at least 60 to $100 million per year. Who will pay, or will more horses go to the rendering plant instead? What is the real effect of this measure? There is no way of knowing, because it has not been vetted through the process.

Demand for the product will not change. Almost all of the meat from the U.S. is exported, and those countries will simply find another source. I oppose this amendment very strongly.

Mr. Chairman, I yield for as much time as he may consume to the chairman of the authorizing committee, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I rise in strong opposition to this amendment. This amendment is a piece of legislation that has been introduced by Members of the House that would ban horse slaughter in the country.

And, quite frankly, this legislation has been opposed by me and many others, but it is also a fact that this particular amendment is far worse than the legislation that the gentleman has offered for this reason: the principal concern stated by the gentleman from New York (Mr. SWEENEY) is that the manner of the transport and the actual slaughter of these horses is inhumane.

But this amendment would simply limit the inspection of the horses for the purpose of slaughter; does not in any way stop what his other legislation at least attempts to do, that is, the transport of the horses to Canada, Mexico or anywhere else for the purpose of slaughter. The effect of that then is that the inhumane transport and the slaughter itself continue, but the horses are transported far greater distances.

Now, the gentleman makes reference to the fact that this is only 1 percent of the horses that die each year. And he cites 65,000 as a figure. But I would suggest to the gentleman that he is way, way, way off on his numbers, because there are not 65,000 times 100 or 6½ million horses dying each year in this country.

With the average life expectancy of a horse of more than 25 years, that would mean that we have more than 150 million horses in the United States. We do not have anywhere near that number. So this percentage is a far higher percentage.

That gives rise to the concern raised by the gentleman from Texas (Mr. BONILLA) and many others that you are going to have hundreds of thousands of unwanted horses, perhaps at the rate of as many as 50,000 a year according to the American Veterinary Medical Association. At a cost of $2,000 per horse to take care of them, that is a hundred million dollars times the average life expectancy that would remain in the lives of these horses if they were not sent to slaughter.

If that average is 10 years, you are talking about a billion dollars after you get 10 years out from now in terms of having to support and take care of these horses.

Now, the gentleman says no problem with that, but the evidence is pretty sparse that there will not be any problem with that because no country anywhere ever, ever has banned the slaughter of horses. That is what his amendment would accomplish.

□ 1530

So I suggest that that is a very, very bad idea with far-reaching complications.

I am not by any means alone in this concern. More than 60 reputable horse organizations, animal health organizations, and agricultural organizations have banded together to oppose this amendment, and they are some of the most respected people who own horses and take care of horses in the United States. The American Quarter Horse Association, the largest association of horse owners in the world, strongly opposes this amendment. The American Painted Horse Association, the second largest association of horse owners, opposes this amendment. More than a dozen State horse councils, including the New York State Horse Council and the Virginia State Horse Council, oppose the gentleman's legislation.

It is also opposed by those who take care of the health of our horses, very respected organizations like the American Veterinarian Medical Association, the American Association of Equine Practitioners. More than 7,000 horse doctors, the people who take care of horses themselves, are concerned about the implications of what this amendment will have if it is allowed to go into effect and ban the slaughter of horses.

Now, I do not believe anybody in this room eats horses. What this is about is what is the best approach for the humane treatment of horses, and the American Veterinarian Medical Association and the American Association of Equine Practitioners recognize the method by which horses are slaughtered in the United States as a humane method of euthanasia of disposing of horses.

So the bill does not prohibit other means of deposition of horses. If people still want to put down their horse by some other means, it does not stop them from doing that. It will simply stop the proper inspection of these horses, which, as the gentleman from Texas correctly notes, will deprive us of a lot of useful information that will be gathered by those veterinarians about diseases and so on that will confront these horses if indeed they do not get properly inspected and they have serious diseases.

Other organizations that oppose this: The American Farm Bureau opposes this legislation. The American Meat Institute opposes this legislation. The Equine Nutrition and Physiology Society opposes this legislation. The Animal Welfare Council opposes this legislation. The National Horse Show Commission opposes this legislation. Organizations that represent literally millions of horse owners in this country and elsewhere around the world oppose this legislation because of their concern, not about whether somebody is eating horses or not but whether or not these horses will be treated humanely if they are not allowed to go through the process they go through today.

So I urge my colleagues to oppose this amendment. It is not in the best interest of America's horses, it is not in the best interest of America's horse owners, and it is not in the best interest of the fiscal concerns that we must have if we are confronted down the road with the possibility of having to take care of these many, many horses.

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me quickly respond to some of the information that has been put out there.

First of all, on the cost end of it, CBO said already this is a cost-neutral proposition. In fact, it is my contention that it will give the USDA extra resources to do the job of protecting the American food chain.

Secondly, we talked about the failure of a lack of a hearing. We looked for a hearing for 2 years. That necessitated bringing this legislation.

Finally, if we are simply going to get into a debate over which organizations support it, there are vastly more organizations, some of the most preeminent experts in the horse industry who support this legislation, including Congress's top veterinarian, Senator ENSIGN, who is introducing a counterpart bill in the Senate.

Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, first question, what is the effect of this amendment?

This amendment in simple terms will stop the slaughter or human consumption of horses, the meat of which will be exported to foreign countries. It does not stop, affect or any way impede euthanasia by veterinarians. It stops the brutal slaughter at slaughterhouses. Sometimes horses are jacked up by their hind legs and have their throats slit. This is the kind of slaughter that this bill will prohibit so that the meat can be exported to Europe and other places.

Secondly, who is affected? Slaughterhouses in two States. That is it. Three different slaughterhouse locations in two States. That is it. Those are the net effects because, you see, Americans do not eat horse meat.

These horses are not slaughtered in this country, 65,000 last year, for consumption here. They are slaughtered for consumption in Europe and Asia, and 35,000 were not trucked to Mexico and Canada only to be euthanized there. They were shipped there to be slaughtered. So this affects foreign consumers of American horse meat. That is all. No Americans are affected, and only three plants in two States are actually affected.

Who is for it and who is against it? I will leave this 7-page memorandum which shows individuals, organizations, horse raisers, horse racers, horse farmers, horse lovers of all kinds who support it, including a substantial number of veterinarians. Seven pages long, that is how many people are in favor of it.

Next question: What do we know about the consequences of this? What happens when you stop the slaughter of horses at, albeit, just three plants? Well, we know from practical experience in five States, including California, the largest State for the last 7 years, this law has been in effect Statewide in California and four other States and in California since 1998. What has been the effect? Have there been horses that have been left for neglect, derelict horses? No, there have been no effects. Have there been horses that have been too numerous to be euthanized? No. Practically, in the five States that have implemented this law, there has been no effect whatsoever.

Finally, what is the legislative history of this bill? The legislative history is we filed a bill like this in the last Congress. We filed it again in this Congress. In the last Congress, after we put on an effort to win support for it, we collected 225 co-sponsors. We never had a hearing. We were entitled to one. So we come here today using a different parliamentary procedure.

But this bill has been thoroughly exposed, thoroughly supported, thoroughly argued for and against; and today we are entitled to this vote on the House floor. And if the 225 Members who have supported our bill in the past come forward, we will see that the will of the House is that this becomes the law of the land.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the chairman for yielding me time, and I appreciate the opportunity to say a few words on this issue.

As I listen to this debate and I am listening to the points that are being made by the other side, and, by the way, I rise in opposition to the Sweeney amendment, one of the questions that has not been answered here is what is the distinction between a steer, a hog, and a horse? Why would we elevate the horse to a level beyond that of another animal? Does it have a certain intrinsic value that distinguishes it?

That is something that I would like to hear, but I think it is important for the people who own horses to manage their horses.

Another question is, should horses be eaten? I have not really heard the answer to that. I know they do that in other places of the world. I have never eaten a horse. I had some zebra in Africa last year and, actually, it was the best meat I had on the continent. I never felt the desire to eat a horse, but they do that in other countries.

We have a horse herd that needs to be managed. Whatever that is, whether it is a 1 percent, a 2 percent or a 10 percent of the herd that is slaughtered, all of it does something that allows them to cull out the herd. It saves those horses from disease and starvation. And if you have seen those horses as I have in dry lot that were not taken care of, you do not want to turn these horses over to the people who do not have the means to take care of them.

But the U.S. horse herd should be managed. We should be humane with our animals. We should treat them well and give them veterinarian treatment, and those that do not fit into the plans need to be managed and taken care of and euthanized.

Now there is also the address made that we are doing this for foreign interests, that this is for the interests of foreign markets and foreign palates. We have a balance of trade that is now a minus $617 billion a year. What is wrong with marketing American products that help that, reduce the deficit in the balance of trade? And, by the way, if it is the euros that come from France, that is okay with me. I think that is a great way for us to start to repair the balance of trade.

Another thing we cannot do is set up a species in this country that sets it up as a sacred species. American horses cannot be turned into sacred cows by the Sweeney amendment.

Mr. SWEENEY. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from New York (Mr. SWEENEY) has 8½ minutes remaining. The gentleman from Texas (Mr. BONILLA) has 6 minutes remaining.

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me quickly answer my good friend, the gentleman from Iowa (Mr. KING) by saying 2 things.

When Ferdinand, the great horse champion, was sold for slaughter, he was marketed as "eating an American champion." There is a distinction there.

Number two, I would ask how many zebras, how many cows do we know the names of? We know the names of many horses, and the fact is horses are not raised in this Nation for human consumption.

Mr. Chairman, I yield 4 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Chairman, I want to commend the gentleman from South Carolina (Mr. SPRATT) and the gentleman from West Virginia (Mr. RAHALL) and the gentleman from New York (Mr. SWEENEY) for bringing this amendment to the floor.

I would point out that we hear a lot from the American Equine Veterinarian Practitioners and the American Quarter Horse Association about their great concern for these horses, and yet there are hundreds of organizations in the country today who provide funding through their foundation to provide retirement homes for unwanted horses. Yet I am not aware that the American Equine Veterinarian Practitioners do that through a foundation, nor the American Quarter Horse Association, nor do they do it through a foundation; and they are the most prolific breeders of any breed in the country.

I will also say we are talking about two foreign-owned companies here, one owned by a French family, one owned by a Belgium family. They are the only ones slaughtering horses in America.

In addition to that, the Attorney General of Texas, who is now a U.S. Senator, wrote a legal opinion while he was Attorney General stating that it was illegal to slaughter horses in Texas. And yet, despite that, the slaughterhouse brought a lawsuit, and that case is now pending in U.S. District Court.

The Mayor of Kaufman, Texas, where one of plants is located, has written a letter to us urging us to try to shut these plants down because of their consistent violation of environmental laws.

But one of the things that is most difficult about this process is that, first of all, I think everyone would agree horses have not been raised for slaughter. Unlike cows, pigs and chickens, they have not been raised for slaughter.

When you take a cow, pig, chicken or whatever to an auction house you know it is going to be slaughtered. But many people when they take a horse to an auction are unaware because there is a lack of disclosure. In fact, there is an effort made to conceal that self-described "killer buyers" are at the auction house and they take the horses to slaughter.

Then the process of the captive penetrating bolt being administered by low-skilled workers, low-paid workers who frequently have to do it two or three times before the horse is stunned and then his throat is slit, I would dare to say that is not humane. Now the leadership of the American Equine Practitioners say that it is humane. But if you talk to individual veterinarians, they would take controversy with that.

For every page of supporters opposing this legislation, we have pages of entities and individuals and organizations that support this legislation. And I might add a few of them that support it.

We have the owners of the last 12 Kentucky Derby winners supporting it. We have the National Thoroughbred Racing Association supporting it. We have the Thoroughbred Owners and Breeders Association supporting it. We have the New York Racing Authority supporting it. We have Churchill Downs supporting it. I could go on and on and on. But, most important, we have an inconsistent policy in the U.S. Government today on this issue. We prohibit sending horses out of America by sea for the purpose of slaughter, and yet we allow them to be slaughtered in the United States.

So it is an inconsistent policy. There is a lack of disclosure at the auction house. And when California banned horse slaughter, the only thing that they found was that, one, horse theft went down and horse abuse and neglect did not go up.

☐ 1545

With that, I would urge the support of the Sweeney amendment.

Mr. BONILLA. Mr. Chairman, I yield for as much time as he may consume to the gentleman from Virginia (Mr. GOODLATTE), chairman of the authorizing committee.

Mr. GOODLATTE. Mr. Chairman, I thank the chairman for the time.

I want to respond to a few of the remarks made by the gentleman from Kentucky and the gentleman from New York.

First of all, he talked about an inconsistent policy because we do not allow horses to be shipped overseas for slaughter purposes by boat. We do nothing to stop that from being done with regard to transport to Canada or Mexico. The fact of the matter is this amendment does not stop it.

So when my colleagues talk about the humane treatment of horses, this amendment is going to result in more inhumane treatment of horses if that is their guide, because they are going to be shipped greater distances to Canada and Mexico because they cannot be sent to slaughter facilities in the U.S.

Second, the gentleman from New York makes reference to the great racehorse Ferdinand, like this amendment would have stopped Ferdinand from having gone to slaughter. It absolutely would not have. I did not like seeing Ferdinand go to slaughter, but Ferdinand was sold to a Japanese owner and exported not for slaughter purposes but for breeding purposes; and later on in Japan, he was slaughtered. This amendment will do absolutely nothing to stop that same situation from happening to any other racehorse in the world.

Thirdly, the gentleman makes references to just three slaughter facilities. That is not true either. There are other slaughter facilities for horses. For example, there is a slaughterhouse in Nebraska which solely slaughters horses for zoos and sanctuaries for big cats which would be essentially shut down by this amendment because horses provide the proper type of high protein diet for those animals, when they are not out racing across the savannahs, because beef simply is not good for cats, these large cats.

The gentleman from New York says it is budget neutral, but the fact of the matter is all he is talking about there is budget neutral in terms of this particular amendment not costing any money; but consequences of the amendment will cost a lot of money because this amendment does absolutely nothing to stop the many practices that occur in this country that create unwanted horses, everything from nurse mares in the thoroughbred racing industry, to Premarin mares to produce the drug Premarin, to the foals of those mares, to the fact that for every Smarty Jones that is created, there are hundreds and hundreds of unwanted racehorses who do not make the grade and other horses that are unsuitable for riding and other pleasure purposes or showing. Those horses, as well, will fall into that category of unwanted horses.

Nor does the amendment do anything to take care of all those unwanted horses as they start to accumulate in our society. We have already talked about the massive estimated costs that will take place as a result of that.

Finally, the gentleman from Kentucky talks about the facilities that exist that would take care of horses, and we have some of those facilities in the country today. This amendment does not establish standards of care that horse rescue facilities must meet.

The humane society of the United States, which supports the amendment, admits that equine shelters are less well-established than cat and dog shelters. Citing extreme costs and staff time needed to shelter horses, the humane society warned of needing to be aware of distinctions between sheltering horses and sheltering other companion animals. Current horse-rescue facilities are overwhelmed with the amount of horses they already care for without this amendment being in effect and are in desperate search of additional funding.

The American Association of Equine Practitioners estimated that in the first year alone of a slaughter ban 2,700 additional equine facilities would be needed to keep up with unwanted horses displaced by the ban, compounding the problem by adding additional facilities that will also be searching for additional funding.

This is a bad, bad idea. I know there is a lot of emotion that says this is a great thing to do. It is not and it is not in the best interests of the horses of this country to pass this amendment. I urge my colleagues to oppose it.

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

I just simply say, before I recognize, that the gentleman raises some interesting points; and I would hope that the authorizing committee could go to hearings in the near future.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank my friends, the gentleman from New York (Mr. SWEENEY); the gentleman from South Carolina (Mr. SPRATT); and the gentleman from Kentucky (Mr. WHITFIELD).

What has become of us as a country, selling these horses off for horse meat to be eaten on the other side of our oceans?

The wild horse is an icon of American history. The gentleman from Iowa asked what is the difference between a horse and a steer and a hog? The horse is an icon along with the bald eagle. What is the difference between a bald eagle and a pigeon or a turkey? And if you do not know the difference, we cannot explain it to you.

Shakespeare once said that "Horses are as full of spirit as the month of May and as gorgeous as the sun in midsummer". Does everything have to be converted to the bottom line? There are so many alternatives to slaughtering these beautiful creatures that are on public lands. We used to have 1 million at the turn of the century. We are down to 35,000 wild horses on public lands. That is sad and wrong.

We have responsibility over these beautiful creatures. They ought not be cut up in such an inhumane way, and shipped overseas for people who want to eat horse meat. That is not what we are about as a country. There are so many other alternatives.

We can use animal contraception methods. We could reopen over 100 herd management areas that the Bureau of Land Management has closed. We could start centers such as the one I saw this weekend, 61 horses brought from the wild West for adoption. They came from Nevada and Wyoming and California, beautiful creatures. People in the east coast are adopting them.

There are so many things we could be doing rather than selling these beautiful creatures for horse meat. We are not just about dollars and cents. We are about the things that made our country great. The wild horse is one of those things. It inspires poetry; and if my colleagues do not understand that, I guess we can't very well communicate why this is so important to us. But I trust the majority of this Congress knows what we are talking about.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Before I recognize my final speaker to close, Mr. Chairman, let me just point out if it is about the bottom line, it is about making sure USDA inspectors inspect the American food chain and not foreign food chains.

Mr. Chairman, I yield the balance of the time to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I thank the gentleman from New York for yielding me time, and I appreciate his leadership, as well as the gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from South Carolina (Mr. SPRATT).

I want to remind my colleagues that this particular amendment, which is a funding limitation, however, is still very similar to an amendment that the House voted on shortly before we broke before the Memorial Day district work period. That particular amendment passed in an overwhelming fashion and in a bipartisan fashion. So this is truly bipartisan when it comes to recognizing how valuable the horse is to this country and what a symbol it is of our freedom and how important it is to recognize this truly American icon.

When Americans think of the horse, I do not believe they think of it in terms of foreign cuisine on the tables of countries around the European area.

This amendment has invoked a lot of emotion and misinformation. The opposition has said that this will increase the abuse of horses and horses running wild out West. Such statements are not true.

Here are the facts. Each year some 65,000 horses are slaughtered in this country for human consumption in Europe and Asia where they are sold in restaurants as a delicacy. Another 30,000 are trucked to Canada and Mexico for slaughter. This amendment will end that slaughter of American horses for human consumption overseas.

Slaughter is not the same as humane euthanasia administered by a veterinarian in a very controlled environment. Euthanasia of horses is administered by legal injection, whereas slaughtered is administered by unskilled, untrained workers using the captive bolt. Many times this is administered improperly, causing unnecessary pain and suffering before death.

Passage of this amendment will not cause an overpopulation of horses. Each year 690,000 horses die in the U.S. many of which are euthanized by a licensed veterinarian. Slaughtered horses represent only 1 percent of horses that die each year. This would not result in an overpopulation of horses as some suggest.

There are alternatives available. Americans do not profit from slaughtering horses. This is an export-driven market. Foreigners eat our horses and foreign companies make money, and we should stop looking at it in that perspective and start looking at it in the American perspective.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SWEENEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SWEENEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. SWEENEY) will be postponed.

Mr. BONILLA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KING of Iowa) having assumed the chair, Mr. RYAN of Wisconsin, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2744, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2744 in the Committee of the Whole pursuant to House Resolution 303, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments printed in the CONGRESSIONAL RECORD and numbered 3 and 6;

Amendment printed in the CONGRESSIONAL RECORD and numbered 5, which shall be debatable for 30 minutes;

An amendment by Mr. HEFLEY, regarding an across-the-board cut;

an amendment by Mr. TIAHRT, regarding regulations;

an amendment by Mr. BROWN of Ohio, regarding school food program;

an amendment by Mr. KUCINICH, regarding genetically engineered fish;

an amendment by Mr. KUCINICH, regarding BSE testing;

an amendment by Mr. WEINER, regarding minimum guarantees for agriculture funding for States;

an amendment by Mr. STUPAK, regarding FDA clinical trials;

an amendment by Mr. STUPAK, regarding FDA whistleblowers;

an amendment by Ms. KAPTUR, regarding Emerald Ash borer;

an amendment by Mr. GARRETT of New Jersey, regarding 213A of the Immigration and Nationality Act.

Each such amendment may be offered only by the Member named in this request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 303 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2744.

□ 1600

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, for the fiscal year ending September 30, 2006, and for other purposes, with Mr. RYAN of Wisconsin in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment by the gentleman from New York (Mr. SWEENEY) had been postponed.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments printed in the CONGRESSIONAL RECORD and numbered 3 and 6;

An amendment printed in the CONGRESSIONAL RECORD and numbered 5, which shall be debatable for 30 minutes;

an amendment by the gentleman from Colorado (Mr. HEFLEY) regarding an across-the-board cut;

an amendment by the gentleman from Kansas (Mr. TIAHRT) regarding regulations;

an amendment by the gentleman from Ohio (Mr. BROWN) regarding school food programs;

an amendment by the gentleman from Ohio (Mr. KUCINICH) regarding genetically engineered fish;

an amendment by the gentleman from Ohio (Mr. KUCINICH) regarding BSE testing;

an amendment by the gentleman from New York (Mr. WEINER) regarding minimum guarantees for agriculture funding for States;

an amendment by the gentleman from Michigan (Mr. STUPAK) regarding FDA whistleblowers;

an amendment by the gentleman from Michigan (Mr. STUPAK) regarding FDA clinical trials;

an amendment by the gentlewoman from Ohio (Ms. KAPTUR) regarding Emerald Ash borer; and

an amendment by the gentleman from New Jersey (Mr. GARRETT) regarding 213A of the Immigration and Nationality Act.

Each such amendment may be offered only by the Member named in the request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

AMENDMENT NO. 5 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. BLUMENAUER:

At the end of the bill (before the short title), add the following new section:

SEC. 7 . None of the funds appropriated or otherwise made available by this Act may be used to to pay the salaries and expenses of personnel who make loans available under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) to processors of domestically grown sugarcane at a rate in excess of 17 cents per pound for raw cane sugar or to processors of domestically grown sugar beets at a rate in excess of 21.6 cents per pound for refined beet sugar.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Oregon (Mr. BLUMENAUER) and the gentleman from Texas (Mr. BONILLA) each will control 15 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I yield myself 3 minutes.

The United States sugar program is an archaic remnant of a Depression-era policy to artificially raise prices of sugar. Today, it harms American companies and consumers, while preventing developing nations from competing in the global market place. Everybody pays. U.S. consumers alone paid an additional 1 to $2 billion directly, and much more indirectly.

This is not a program that benefits our average family farmer. Under the 2002 farm bill, the sugar program has 42 percent of the sugar benefits going to the most profitable 1 percent of large corporate sugar farmers. This policy weakens our credibility for trade liberalization as it continues protection of sugar policies that restrict trade. These continuing subsidies are harming progress in the current Doha Round, a key component of which is to reduce unnecessary agricultural subsidies worldwide.

We saw an example in the discussion of the Australian Free Trade Agreement where, to keep our outrageous sugar subsidies in place, the United States acceded to Australia's position on maintaining monopolies for the export of wheat, barley and rice, therefore closing off export opportunities to United States farmers producing these crops.

It is, I think, outrageous in current American free trade CAFTA, where we are watching the door barely open over the next 15 years. If it were to pass, these countries would be able to export only 1.7 percent of the U.S. consumption.

This policy of supporting high-cost producers and limiting imports through quotas deprives more low, cost-efficient producers in developing nations. These protectionist policies in developed countries have deprived poor, desperately poor countries like Ethiopia, Mozambique and Malawi of $238 million in sales since 2001.

The current U.S. sugar program emphasis on overproduction has caused environmental degradation in environmentally sensitive areas, particularly the Florida Everglades and the Mississippi Delta wetlands. The down payment on cleaning up the Everglades that are significantly damaged by sugar production is nearly $8 billion.

Mr. Chairman, the impact on jobs in the United States is also unfortunate. The number of employees in sugar-using industries, an estimated 724,000 jobs, is 12 times the 61,000 sugar production jobs in the United States. It produces a loss of jobs as sugar-intensive industries like confectionery move to Canada and other low-cost areas. This is an opportunity today to correct that.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I thank the gentleman from Texas (Mr. BONILLA) for the great job the gentleman has done on the appropriations bill, along with the ranking member, the gentlewoman from Connecticut (Ms. DELAURO). It is kind of surprising that we have this many controversial amendments on the floor today after we worked things out in subcommittee pretty well.

I think it is an amazing thing that we are one of the few countries in the whole world that is still able to feed itself, and we arrived at this point because we had a government that supported programs that guaranteed and made sure that we always had an adequate supply and processing capacity of food and fiber so we never had to worry about whether or not we were going to have enough.

These programs do not enrich farmers. They may keep them in business in hard times, but they do not enrich them, but they do provide for adequate production of food and fiber.

Now we bring an amendment to attack the sugar industry. The last time we did away with the sugar program, the price of sugar went wild, absolutely wild.

We hear those that are opposed to the sugar program come to the floor and talk about how cheap sugar is in the world market. The fact is, all of the sugar production in the world is supported by the countries where it is produced. What is in the world market is what is excess to their own needs. It is a matter of fact that it is essential to our own well-being to have the ability to produce enough sugar in this country to take care of our own needs. Any country that cannot supply adequate food and fiber production and processing capacity is at risk in a far greater way than we have ever faced in the United States of America. Over and over again these very modest programs that keep this production at a safe level are attacked over and over by those that just simply do not understand what it is all about.

Now I hear them talk about how farm programs enrich people. I happen to have been involved with farm programs my entire life. If anybody thinks it is a way to get rich, let me encourage them to go buy one. They are for sale every day because people go broke trying to make a living on them. Go buy one and get just rich with them. I do not know anybody who would tell Members that is the best way to make a dollar in this country. These people do it because they love it and because they are good at it, and they do not ask the government to take care of them.

It is for the well-being of the American people that we provide these programs that guarantee an adequate production of not only sugar but a lot of other food and fiber products that are necessary for our own national security. It is not a give-away program or an enrichment program for a few, as it has been described. Let me encourage this body to follow the recommendations of the subcommittee and to vote against this amendment.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I have great respect for the gentleman from Arkansas (Mr. BERRY), but the fact is that the people who are involved with sugar are not going broke. The point I made is that the top 1 percent get 42 percent of the benefits.

We do not have a problem of sugar production in this country. First of all, we produce so much sugar and if it falls below the target level they just turn the sugar over to the government and walk away from the loans. In 2002, we were paying more than a million dollars a month just to store the surplus sugar, just to store the surplus sugar.

We have 41 other countries around the world that are ready, willing and able to go into the United States market, but are not able to do so. Some of us say we believe in free trade, but we will not allow free trade when it comes to sugar because it is so intensely protected.

I have here and include for the RECORD an open letter to the United States Congress and the President signed by 50 prominent academicians, consumer experts, trade advocates, taxpayer advocates, and people who care about the environment that talk about what an outrage it is to continue this pattern.

Mr. Chairman, we just heard "people are not asking the government to take care of this." Wait a minute, the government absolutely is taking care of the sugar industry in this country.

I am not talking about the problems that genuinely affect family farms. If we were doing the right thing instead of lavishing subsidy on people who do not need it and funding the promise of the agriculture bill for things like environmental cleanup, we could help those family farmers. I think it is about time to get this in perspective and not confuse lavish sugar benefits with helping ordinary family farmers.

March 15, 2005.

Open Letter to The President and the U.S. Congress

SOUR SUBSIDIES—U.S. SUGAR POLICY IS UNFAIR TO AMERICAN CONSUMERS AND TO POOR COUNTRIES; HARMS THE ENVIRONMENT

Summary: The current sugar policy in the United States—a system of price supports and import restrictions—cannot be justified on economic or humanitarian grounds. It imposes high costs on U.S. consumers and taxpayers and causes job losses in the U.S. In addition, the sugar program causes enironmental damage and blights economic opportunities for many small farmers in poor countries, primarily for the benefit of a small group of well-off producers.

The U.S. sugar policy started 70 years ago during the Great Depression as a temporary support program for U.S. growers. The system of price supports and import restrictions allows growers in the U.S. to charge consumers and other users artificially high prices for sugar and other sweeteners, currently more than two to three times the world market price. During those 70 years, 18 presidential elections have taken place, and still consumers and taxpayers are paying to support sugar beet and sugar cane growers.

The sugar program is a transfer of wealth from those who often can least afford it to a smalll group of sugar producers. The American public transfers about $1.3 billion each year to support the sugar beet and cane growers in the U.S. The primary beneficiaries of the program are a few large corporations rather than small family farm operations, as was originally intended.

The disadvantaged lose the most when food prices are manipulated to support sugar producers. American consumers are forced to pay two to three times the world market price for sugar. Because sugar is a key ingredient in many foods, including whole grain breads, high-fiber cereals, and fruit preserves, the higher prices have a disproportionate impact on those families, who pay a larger percentage of their income on food. As a result, families with children and people on low and fixed incomes are hit the hardest by the U.S. sugar program. Sugar reform would give American families a real break for their food budget.

The miguided support policy destroys precious natural habitats. The current sugar policy's incentives for overproduction have caused environmental degradation in ecologically sensitive areas, including the Florida Everglades and the Mississippi Delta wetlands. The impact is particularly acute in the Everglades, as the U.S. grows much of its cane sugar in Florida, resulting in the diversion of sorely-needed water from the country's most famous and endangered wetland. Sugar producers are seriously polluting these valuable wetlands to produce sugar that could be produced with less cost and pollution in a number of other countries. In addition, the U.S. is growing sugar beets with high costs and poor sugar yields per acre on land that could readily be shifted to crops with higher comparative advantage, such as feedstuffs.

Domestic sugar policy has contributed to the loss of jobs in the sugar-using industry. The number of employees in the sugar-using industry—an estimated 724,000—vastly outnumbers the 61,000 sugar production jobs in the United States. The artificially inflated domestic sugar price increases the costs of production for sugar-using industries, which has led to some companies moving their facilities to other countries and has added to U.S. job losses in these industries.

Sugar producers in developing countries bear the brunt of rich countries' support programs. Domestic subsidies and protectionism distort the price of sugar on the world market. Poor farmers in developing countries—no matter how efficient—cannot compete with sugar unloaded on the world market by rich countries' subsidized producers, and a valuable opportunity for achieving higher living standards is lost.

The United States undermines its global leadership role in promoting open trade by insisting on indefensible sugar protectionism. While the U.S. promotes open trade in many venues, it is one of the worst offenders in distorting world sugar markets. The United States' exemption of sugar from recent trade negotiations has undermined the country's ability to negotiate and achieve more open trade with other nations. This special protection of sugar has cost other U.S. producers broader export opportunities and U.S. consumers the chance to benefit from more open trade with these countries.

The U.S. sugar policy affects other economic and policy objectives besides trade. Reforming one of the most protectionist agricultural programs could contribute to economic growth and stability in other parts of the world and demonstrate U.S. willingness to embrace broader international cooperation.

As a group of non-profit organizations representing consumers, citizens, and taxpayers, we support a fundamental reform of the United States' sugar policy.

Removing protectionist barriers to sugar around the world could lower the price for U.S. consumers by 25 percent from current, artificially high levels.

Reducing support in the U.S. could save consumers and taxpayers up to $1.3 billion per year.

The net loss to the U.S. economy due to the sugar support program in 1998, the most recent year for which analysis is available, is about $900 million, according to the U.S. General Accounting Office.

Reducing sugar cane production in Florida could improve environmental quality as water-retention capacity in the Florida Everglades watershed could be increased.

Lowering sugar overproduction can help reduce the impact of pesticide and fertilizer usage on the environment.

Reducing costs for sugar-using industries could help retain workers.

The benefits for developing countries would also be substantial:

If rich countries' sugar subsidies and trade barriers were eliminated, it is estimated that the world market price of sugar could rise by almost 40 percent, providing valuable economic opportunities. At the same time, consumers in heavily protected markets such as the U.S. would still enjoy an overall benefit of a reduction in prices of about 25 percent.

If the U.S. is serious about helping poorer countries, it has to open up its markets for those countries' products, which would help U.S. consumers and create employment not only in poor countries but also in the large sugar-using sectors in the U.S.

The undersigned urge our public and political representatives to debate the need for reforming this destructive policy that hurts consumers and taxpayers in the United States, harms the environment, and holds back further ecommic development in many poor countries around the world.

Frances B. Smith—Consumer Alert; Barbara Rippel—Consumer Alert; Rhoda Karpatkin—Consumers Union; Mark Silbergeld—Consumer Federation of America; Pam Slater—Consumers for World Trade; John Frydenlund—Citizens Against Government Waste; Dennis Avery—Hudson Institute—Center for Global Food Issues; Alex Avery—Hudson Institute—Center for Global Food Issues; Greg Conko—Competitive Enterprise Institute; Fred Smith—Competitive Enterprise Institute; Fred Oladeinde—The Foundation for Democracy in Aftica; Tad DeHaven—National Taxpayers Union; Chad Dobson—Oxfam America; Philip D. Harvey—DKT Liberty Project; Phil Kerpen—Free Enterprise Fund;

Clayton Yeutter—Former U.S. Trade Representative and former U.S. Secretary of Agriculture; Nathaniel P. Reed—Chairman Emeritus, 1000 Friends of Florida and former Assistant Secretary of the Interior; Professor William L. Anderson—Dept. of Economics, Frostburg State University; Professor James T. Bennett—Dept. of Economics, George Mason University; Sam Bostaph, Ph.D.—Associate Professor and Chairman, Dept. of Economics, University of Dallas; Donald J. Boudreaux—Chairman, Dept. of Economics, George Mason University; John Brätland, Ph.D.—Economist, U.S. Department of the Interior;

Peter T. Calcagno, Ph.D.—Assistant Professor of Economics, Department of Economics and Finance, College of Charleston; Professor Lloyd Cohen—School of Law, George Mason University; Professor John P. Cochran—Metropolitan State College of Denver; James Rolph Edwards, Ph.D.—Professor of Economics, Montana State University-Northern; Professor Kenneth G. Elzinga—Robert C. Taylor Professor of Economics, Dept. of Economics, University of Virginia; Professor William P. Field—Dept. of Economics (emeritus), Nicholls State University; Professor Gary Galles—Professor of Economics, Pepperdine University; S. D. Garthoff—Adjunct Faculty, Dept. of Economics, Summit College—The University of Akron;

Professor Robin Hanson—George Mason University; David R. Henderson—Research Fellow, Hoover Institution; Robert Higgs, Ph.D.—The Independent Institute; Professor Steven Horwitz—Professor of Economics, Associate Dean of the First Year, St. Lawrence University, Canton, NY; Professor Daniel Klein—Dept. of Economics, Santa Clara University; Professor Laurence Iannaccone—Dept. of Economics, George Mason University; Dr. Arnold Kling—www.econlog.org; Professor Dwight R. Lee—Ramsey Professor of Economics, University of Georgia; Professor Leonard P. Liggio—Atlas Economic Research Foundation; Professor Roger Meiners—University of Texas at Arlington;

Professor Andrew Morriss—School of Law and Dept. of Economics, Case Western Reserve University; Professor Svetozar Pejovich—Dept. of Economics (emeritus), Texas A&M University; Dr. William H. Peterson—Independent economist, Washington, DC; Professor Adam Pritchard—University of Michigan; Professor Gary Quinlivan—Dean of the Alex G. McKenna School, St. Vincent College; Professor Charles K. Rowley—General Director, The Locke Institute; Karen Vaughn, Ph.D—Professor of Economics (ret.), George Mason University; Professor John T. Wenders—Dept. of Economics, University of Idaho; Bart Wilson—Associate Professor, Dept. of Economics, George Mason University; Professor William Woolsey—Dept. of Economics, The Citadel.

Mr. BONILLA. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the authorizing committee.

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the Blumenauer-Flake amendment which calls for reductions of the loan rates established in the 2002 farm bill for both sugar beets and sugarcane.

Farmers have crafted their business plans based on the assurances of the 2002 farm bill. Much of the crop of sugar that will be placed under loan in fiscal year 2006 is already in the ground. Farmers have invested time and money in that crop, often with capital borrowed from the bank. It is unfair now to reduce the returns that farmers counted on when planning, financing and planting that crop.

This debate concerning the sugar program is an important one. However, it is a debate we should conduct at the appropriate time: during authorization of a new farm bill.

☐ 1615

As chairman of the House Agriculture Committee, I have announced my intention to hold hearings, and the committee will begin work on a new farm bill this fall. During that process and not when we are on the House floor debating an appropriations bill is the correct time for discussing and possibly making important changes to U.S. sugar policy.

Mr. Chairman, in my capacity as chairman, it is my responsibility to look at all of agriculture and consider what is best for the United States and our farmers and ranchers. However, I must note that the U.S. sugar industry does not take the same view when it comes to CAFTA. That free trade agreement is good for U.S. agriculture, but U.S. sugar is the only major agriculture group opposing it. I am disappointed that we do not have total agricultural support for that FTA. I hope that sugar interests will look to help us with that legislation and find a way to close the gap and see that it is passed.

But regardless, the policy that was put in place by the 2002 farm bill must remain intact. I urge my colleagues to vote "no" on this amendment.

Mr. BLUMENAUER. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona (Mr. FLAKE), the coauthor of this amendment.

Mr. FLAKE. I thank the gentleman for yielding me this time, and I thank the gentleman for bringing this amendment forward.

Mr. Chairman, this represents a bipartisan step in the right direction. There are much needed reforms in this area. These agriculture subsidy programs are out of control, not just in the area of sugar but sugar is right on top. It is amazing that you could have something as sweet as sugar that leaves such a bitter, sour taste in consumers' mouths when you realize that we pay more than $1 billion a year extra just from the inflated cost of sugar to support this program.

Supporters of the sugar program like to say this does not cost taxpayers any money, but they ignore the fact that it costs to store the sugar. It costs to implement the program. And when you levy a tax on consumers by inflating the cost, it is just like a tax. It is just like a tax. So we are paying. Every time you bite into a candy bar, that is a couple of cents that you are paying extra. It is the principle of diffuse costs/concentrated benefits. No one is going to come to Washington to lobby to get 4 cents off their candy bar price, but the top 1 percent of those who are getting this subsidy are sure going to come here to lobby and they do and they are. That is why it is so difficult to get rid of these subsidies.

Let me just remind my colleagues some of the organizations that are for this amendment. The National Taxpayers Union, a statement from them says, Sugar interests like to make the claim that the sugar program is at no cost to taxpayers. As I said, they conveniently ignore that this monstrous program costs staffing and operating the bureaucracy necessary to support it.

Another statement from Citizens Against Government Waste: It is bad enough that the archaic sugar program forces American consumers to pay two or three times the world price for sugar and sugar-containing products. Even worse is the fact that more than any other farm program, this is an obstacle to advancing freer international trade for all agricultural products. We saw in our free trade agreement with Australia, for example, this was a stumbling block. It is a stumbling block right now to CAFTA. So it comes up again and again and again.

We have got to stand for free trade. I do not know how in the world you can support this program and truly stand for the principles of free trade. The Free Enterprise Fund said, In 2004 government price controls through quotas and loan guarantees priced U.S. sugar at more than 20 cents a pound, more than double the world price of 8.6 cents. So it is inflating the cost all over.

Also, for those conservatives out here, the Club For Growth has come out against this subsidy program and for the Blumenauer/Flake amendment. The Club For Growth will be scoring this amendment. For those who feel that fiscal responsibility is important, vote for the Blumenauer/Flake amendment.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. BOYD), a distinguished member of our subcommittee.

Mr. BOYD. Mr. Chairman, I want to thank the gentleman from Texas for yielding me the time.

Mr. Chairman, I am troubled by the attack on sugar cane and sugar beet growers that this amendment represents, and I strongly would like to urge all my colleagues to reject this proposal. Mr. Chairman, all U.S. commodities covered by the 2002 farm bill are eligible for loans from the Federal Government. So sugar cane and sugar beet farmers are not receiving special treatment. The only difference between the sugar loan program and other commodity loan programs is there is no cost to the taxpayer. Sugar farmers have had the same loan level for 20 years. Inflation continues to increase production prices.

Mr. Chairman, this amendment reopens the farm bill and singles out one commodity. This is an issue that we should discuss when the 5-year farm bill expires and is reenacted in 2007. I would urge my colleagues to reject this proposal and not yank the rug out from our American farmers who are trying to produce food and fiber for our country and others around the world.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 1 minute. I have great respect for my friend from Florida, but I have three brief observations. First of all, the notion that there is no cost to the taxpayer is just simply not the case. Consumers in this country by all independent estimates are paying between $1 billion and $2 billion a year extra in the price that they pay for sugar and sugar-related products. Second, there is never a good time to consider this. This amendment is not pulling the rug out from underneath sugar producers. It would be a 6 percent reduction in the lavish Federal subsidy. This will be a good signal for people to get serious about making a change.

I heard my friend from Virginia talk about the problem under CAFTA. That is an example of how hard-nosed and extreme the sugar interests are. Getting 1.7 percent of the market over 15 years is such that they consider it being tantamount to World War III. I think that is an example of the mindset of this industry, how intransigent they are and why we need to address it today.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment. I know a great many sugar producers who have had to buy the sugar beet factory in order to have a viable business. In doing so, they have taken out extensive loans and the whole financial structure is based on the current sugar program. And so to change the program in the middle of the stream when these people are oftentimes selling at marginal rates, sometimes below the forfeiture level, and then to say, well, we are just going to change it 5 or 6 percent, the margin of profit sometimes is no more than 2 or 3 percent.

So to say to these people, it makes no difference and we are going to just willy-nilly change the farm bill makes absolutely no sense. You can do it for wheat, you can do it for corn, you can do it for any crop; and that is why we have a farm bill, to make sure that people have some continuity, have something to hang their hat on.

I certainly rise in opposition and I urge a "no" vote.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Idaho (Mr. SIMPSON), who is a member of the Committee on Appropriations.

Mr. SIMPSON. Mr. Chairman, I appreciate the gentleman yielding me this time.

First, let me talk about some of the comments that were just made and tell you that the world cost of production of sugar is about 16 cents, (not the 8.5 cents) is the world price. The world price is a dumped price. That means when a country overproduces sugar and cannot get enough money for it, it just dumps it on the market for whatever it can get. That is the dumped price. What happens, as the gentleman from Oregon said, this does not cost jobs in the United States.

The reality is that if you look at Mexico and Canada, right now the price of sugar in the United States is around 22 cents. The price of sugar in Mexico is 23 cents. The price of sugar in Canada is about 21 cents. These companies are not moving to these foreign countries because of the price of sugar.

The reason they are moving there is the same reason they are moving to Mexico, where Mexico will allow a company to move there, build their facility, employ their people, buy world-dumped-price sugar, and then sell it back into the United States but not allow it to be sold into Mexico to compete with their domestic sugar supply. That is what we are dealing with. We would allow free and fairer trade across the country, free trade and fairer trade in sugar, but this is not it.

I urge my colleagues to reject this amendment.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 1 minute. No one has more respect for the gentleman from Idaho than I have, but the dynamic that is going on here is that we provide the most lavish support for sugar production in the world. These other countries cannot compete with us. I have mentioned and I have entered into the RECORD areas where countries like Mozambique and Malawi, where they are losing business, they cannot compete in terms of what the United States does with our dramatically subsidized sugar.

Were we to stop this program, and bear in mind I am not suggesting stopping it, everybody is exercised because we are talking about a 6 percent reduction, but if we were to go to a world market price we would find that the world price would increase but we would find that prices in the United States would decrease, and we would save damage to the environment and to United States production. I think it is a win-win situation.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I am not here to protect the industries in Mozambique. I am here to protect the people in Belle Glade, Florida. If the gentleman from Florida (Mr. HASTINGS) were with us today, he would tell you the same thing. It is about jobs in this country. I appreciate all this ruckus being made on the floor about subsidies. There are no subsidies. Sugar is at the lowest price it has been in decades. When was the last time a candy bar reduced its price? When was the last time a Coca-Cola was sold cheaper in the machine? Has it happened? No. It has not happened. We are talking about trying to reintroduce an amendment that has been introduced for now 10 years, since I have been in this process.

They talk about wealthy growers, wealthy farmers. You come out to Belle Glade and see people that are farming sugar in my district, people that need jobs, people of all races and ethnicities, people that are working hard for a living supplying America's sugar needs. They are not on the dole. They are not on the take. They have not forfeited their sugar. They have not turned in their goods. They have not asked the government for special favors or money. They have worked hard and paid their taxes. But all of a sudden on the floor I am told I have got to help the people in Mozambique. Well, God bless America. I will help my people. You help Mozambique.

Mr. BLUMENAUER. Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I thank my colleague from Oregon for yielding me this time. I rise in strong support of this amendment by both my colleague from Oregon and my colleague from Arizona. It is very important to note that if we talk about free trade and we talk about free markets, we ought to follow that talk with action. The reality is you simply cannot defend current policy. I listened to one of my colleagues on the floor just a few moments ago who talked about the dire consequences of this amendment.

Let me tell you how precisely how dire they are. It would reduce the effect of the sugar loan program by 6 percent. Quite frankly, we have to begin at some point. If we believe in free markets, if we believe there ought to be open trade on these issues, then we need to begin somewhere.

I just listened to my other colleague from Florida, a gentleman I admire greatly. He said visit these poor sugar farmers and see that they are barely making their living. I understand that. Except that on that theory, the government owes it to everyone in America to subsidize their income. That simply is not the kind of America that I believe in. It is not the kind of America that the Founding Fathers envisioned. U.S. sugar policy today, the subsidies we provide, the loan programs we provide cost American consumers as much as $2 billion each year. How do we defend that policy back home? Is it not appropriate now that we begin to send the message that we should wean ourselves from unproductive subsidies and policies that discourage productive capacity and production by people of goods and services we need?

No one wants to put today's sugar farmers out of work, but we do need to make sure that there is free trade in America and that no product is given beneficial treatment. This is a reasonable start. I urge my colleagues to support the amendment.

☐ 1630

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise today in opposition to the Blumenauer-Flake amendment to H.R. 2744. I have lots of respect for the gentleman from Oregon (Mr. BLUMENAUER), but I must speak up for our sugar producers and for jobs in South Texas.

Nearly every year an anti-sugar-farmer amendment is offered to the agriculture appropriations bill, and almost every year the same misinformation is recklessly spread about sugar farmers. Before voting on the Blumenauer-Flake amendment to H.R. 2744, consider these facts:

I repeat what the gentleman from Florida (Mr. BOYD) said earlier. All U.S. commodities covered under the 2002 farm bill receive loans from the Federal Government. Sugar is not receiving a special treatment. I represent lots of ag producers, and it is a fact that loan levels for sugar farmers have remained unchanged for 20 years.

Therefore, I urge my colleagues to vote "no" on the Blumenauer-Flake amendment to H.R. 2744.

Sugar prices in the United States are low by world standards. Grocery shoppers in other developed countries pay 30 percent more for sugar than U.S. consumers.

America already has one of the most open sugar markets in the world, importing sugar from 41 countries whether we need the sugar or not. As the world's fourth largest net sugar importer, we're the only major sugar-producing country that is a net importer.

146,000 Americans are employed by the U.S. sugar industry. A vote for the Blumenauer-Flake Amendment to H.R. 2744 is a vote against 146,000 hard-working farmers and workers in 19 States.

Therefore, I urge my colleagues to vote "no" on the Blumenauer-Flake Amendment to H.R. 2744 and save over 100,000 American jobs.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding me this time.

It seems curious to me that at a time when our trade deficit is the deepest in the history of our country and that we face the prospect that this year the United States may actually import more agriculture goods than it exports, that we would hear in the urging of the passage of this amendment that bringing in foreign product is the thing we need to do.

I represent sugar beet growers in the Red River Valley. This is an industry that they have built from scratch with sweat and toil at an enormous financial risk. Presently, it makes a $2 billion contribution to our economy and employs directly 2,500; indirectly, 30,000. This is a vital industry to the region I represent and needs to be protected.

It is simply not responsible to take on a component of the economy as important as, for example, this industry is in the region I represent by amendments offered in the course of appropriations debate.

I urge my colleagues to reject this amendment.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. PETERSON), the distinguished ranking member of the authorizing committee.

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, I rise in opposition to the Blumenauer-Flake amendment; and I just want to correct some misinformation that is put out here, some of it by the gentleman from Oregon (Mr. BLUMENAUER).

We are not the highest-priced support system in the world. In fact, CAFTA was brought up. I was in Guatemala, and the internal price in Guatemala is actually higher than the internal support price in the United States. We are importing 1½ million tons of sugar that we do not need that the gentleman from North Dakota (Mr. POMEROY) and I could grow in the Red River Valley with our farmers, and here we are in CAFTA letting sugar come in from a country that has an internal price support that is higher than the United States. The Europeans are 50 percent higher than we are in this country, and this program does not cost any money directly for the government.

But the irony of this amendment, if we pass it, we probably will have forfeitures for the first time in 20 years, and we will cost the government money.

So oppose the Blumenauer amendment.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Chairman, I thank the gentleman from Texas for yielding me this time.

I stand here today, and if sugar is such a great and wonderful and high-priced subsidized commodity, someone needs to call Hugh Andre or Nooni Duplantis or call the management at the two sugar mills that shut down in Louisiana. They did not shut down because they were making money. These boys are not having problems getting their production loans because they are making money. They are having problems because they are having a tough time making the bottom line, and it is just not working.

When we start talking about free trade, we are getting things confused here. Sugar in the GATT gave up 15 percent of the imports allowed in this country under the agreement with the United States Government that that would be it, no further depletions in the future agreements. Yet every time there is an agreement, sugar is in it. Do the Members know that there is not another agreement in a third world developing country that grows sugar, that sugar has been included? Canada got out of the agreement. They produce sugar.

I ask that the Members vote against this amendment.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. ENGEL), who will wrap up this debate for our side, again strongly opposing this amendment.

Mr. ENGEL. Mr. Chairman, I rise in very strong opposition to this amendment.

I want to come clean and say that I have an extremely large sugar refinery in my district, so I have followed the sugar industry throughout the course of my career in the House of Representatives.

It is very easy to hoist up a straw man and say that they are the root of all evil. But remember the old series "Dragnet" where they said, "Just the facts, ma'am, just the facts"?

The facts are that this is an agriculture bill, not a farm bill. Congress made promises to farmers in the 2002 farm bill, and sugar farmers made decisions based on these promises. Sugar is not receiving special treatment. All U.S. commodities covered under this farm bill receive loans from the Federal Government, and loan levels for farmers have remained unchanged for 20 years. Sugar policy, unlike other farm policies, operates at no cost to the taxpayers, that is, no cost to the taxpayers. In fact, sugar prices in the United States are low by world standards.

So America's sugar farmers cost taxpayers nothing, provide U.S. consumers with prices that are lower than the rest of the world, and open their market to imports more than other countries.

This northeasterner from New York absolutely opposes this amendment.

Mr. BLUMENAUER. Mr. Chairman, I yield myself such time as I may consume.

It is a fascinating debate that we are having. I appreciate the spirited nature, and I hope that it leads to a broader discussion, because I hope each and every Member does his or her own individual research and considers some of the fantastic claims that have been made here.

I had one of my colleagues say, "We have the most open market in the world for sugar in the United States." Let us take a step back and have people examine that, because no expert that I have heard suggests that that is remotely the case.

"Sugar does not receive any special benefits or treatment"? Not true. Sugar alone has this system of keeping out production from 41 other countries except under tightly controlled circumstances and providing lavish guarantees to many large sugar producers.

The point I made earlier, was not that somebody couldn't cite a poor sugar farmer that he or she may know someplace. The point I made is that if the Members care about poor farmers and other areas of agriculture, take a look at this program. Forty-two percent of the benefit goes to the top 1 percent of the producers. It is outrageous. It is how they are able to become the top agricultural contributors to political campaigns in the United States Congress, even though sugar farmers are only 1 percent of our farm production.

I heard the gentleman from Florida (Mr. FOLEY) say he did not care about people in Mozambique. It was about jobs in Belle Glade, FL. That is an interesting quotation to come from him as a champion of open trade and a member of our Committee on Ways and Means. I will look forward to hearing his saying something like that when it comes to CAFTA or the next trade legislation. That is completely contrary to what I have understood his position to be in the past.

The fact of the matter is that when it comes to lavish support for the sugar industry, we turn a blind eye, either for politics or for sentimentality, but the fact is that we are consistently, consistently, paying raw sugar prices two to three times the world price. Do not take my word for it. Go to the nonpartisan Congressional Research Service that we rely upon or, as I mentioned, the experts that I am putting in the RECORD.

We consistently, consistently in this country pay more. That is why we are taking $1 to $2 billion out of the pockets of the consumer and into the hands of the sugar industry, and that is the tip of the iceberg in terms of the costs.

I mentioned Florida. We would not be putting 450,000 acres in sugarcane production in Florida draining into the Everglades if it were not for this lavish program. But we are as a Congress because of the legacy of the explosive growth.

I will wrap up by saying there is a lot to say. I urge colleagues to examine it and to approve the Blumenauer-Flake amendment.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BLUMENAUER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER) will be postponed.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, energy prices, specifically natural gas prices, in the United States have reached drastically high levels and are devastating our agricultural sector. Maintaining abundant supplies of natural gas and other various forms of energy are essential to keeping American agriculture competitive within the world marketplace.

According to the Fertilizer Institute on May 26 of this year, "Natural gas is the feedstock for producing nitrogen fertilizer and accounts for up to 90 percent of the cost of its production. As a result of the ongoing natural gas crisis in the United States, 21 nitrogen fertilizer production facilities have closed since 1998. Sixteen of those plants have closed permanently, while five plants remain idle."

If present policy of denial of access to decades of natural gas reserves continues in this country, the future offers no hope for relief. The U.S. Department of Energy projects that by 2010 the Nation's demand for natural gas will increase by another 30 percent. We cannot continue to have the highest natural gas prices in world. We are at $7. Canada is at $6. Europe is at $5. China is at $4. and the rest of the world is below $2. and two countries are below $1.

Mr. Chairman, as we move toward a conference with the Senate, may I have the gentleman from Texas's (Chairman BONILLA) commitment to work with me in securing report language calling for the Economic Research Service to examine the impact of rising natural gas prices on our domestic agricultural economy and the effects that has on American agriculture in the world marketplace?

Mr. BONILLA. Mr. Chairman, reclaiming my time, I would be happy to work with the gentleman and anyone associated with this issue to ensure that the Economic Research Service examine the high energy costs of natural gas prices and their impact on the rural agricultural economy.

Mr. PETERSON of Pennsylvania. Mr. Chairman, if the gentleman will continue to yield, I thank him for his answer.

AMENDMENT NO. 6 OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. CHABOT:

At the end of the bill (before the short title) insert the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act may be used to carry out section 203 of the Agriculture Trade Act of 1978 (7 U.S.C. 5623) or to pay the salaries and expenses of personnel who carry out a market program under such section.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. CHABOT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

□ 1645

Mr. CHABOT. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the rationale behind this amendment is simple: hard-working taxpayers should not have to subsidize the advertising costs of food industry associations or cooperatives, or State and regional trade groups. Yet this is exactly what the Market Access Program does.

Since 1997, MAP has cost the American taxpayers nearly $1 billion. Let me put that another way. Despite a massive budget deficit and unsustainable spending on entitlement programs like Social Security and Medicaid, the Federal Government continues to spend more than $100 million annually to underwrite the overseas advertising costs of groups like the Popcorn Institute and the Catfish Institute and the Ginseng Board, just to name a few.

Let me be clear. I strongly support American businesses of all kinds marketing their products around the world. I just do not think that the American taxpayer should have to pay for their advertising costs. It seems reasonable to believe that if trade associations felt that advertising their products in other countries would be beneficial, they would do it, and they would pay for it.

Mr. Chairman, the General Accounting Office, the GAO, has reviewed the MAP program and has concluded that MAP has no discernible effect on U.S. agricultural exports. Let me repeat that: no discernible effect. But at an estimated cost of $140 million last year, MAP does have a discernible impact on the American people in the form of lighter wallets and in the red ink of our budget deficit.

Let us be honest. Most American businesses do not benefit and do not try to take advantage of government handouts like MAP. Most businesses want to keep more of what they earn. They want fewer burdensome regulations that limit growth and stifle productivity, and they would like the opportunity to compete on a level playing field in markets around the world. That would be a true Market Access Program.

However, the U.S. Department of Agriculture plans to spend $125 million on MAP in the 2006 fiscal year. If recent history is any indication, those groups that market pistachios and prunes and papaya and pears and pet food and popcorn will do pretty well, getting nearly $6 million in 2004. The National Watermelon Promotion Board benefited from MAP in the past too.

We should ask ourselves, if these groups truly thought it would benefit their bottom line to advertise in foreign markets, would they not do it on their own dime? Would they not do it themselves? If it was their own money, would they not be more likely to work harder to make sure the money was well spent? Would that not make for more effective market access?

MAP is the poster child for corporate welfare. It is wasteful spending in the name of job creation and market access that fails to provide either.

I urge my fellow Members of Congress to join me and the gentleman from Ohio (Mr. BROWN) and join the National Taxpayers Union, Citizens Against Government Waste, Taxpayers For Common Sense, and U.S. PIRG in casting a vote for the overburdened American taxpayer. Please vote "yes" on this amendment.

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is interesting to hear the term "corporate welfare" that was brought before the public to a large degree in the previous administration to try to attack a lot of private sector investment opportunities that helped create jobs. This does not fall into that category.

This is a situation where individual companies that receive assistance from the MAP program have to match 50 percent of any funds received. In addition, participants are required to certify that Federal funds used under the program are to supplement and not replace private sector funds.

Farmers, ranchers, and rural business owners from all regions of the country benefit from the program's employment and economic effects from expanded agricultural export markets. More than 1 million Americans have jobs that depend on exports. This program helps to ensure that American agricultural products have export markets.

MAP is an effective program and deserves everyone's support. I urge a "no" vote on this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Chairman GOODLATTE), also in opposition to this amendment.

Mr. GOODLATTE. Mr. Chairman, I also rise in opposition to the amendment. This is not the time for unilateral disarmament when you are talking about the trade competition that we face in the world.

The gentleman mentions it is a $140 million program. The European Union alone spends $2 billion each year on export subsidies. So the opportunity for us to promote exports by giving companies an incentive to buy American agricultural products when they then provide sales and services overseas is well worth it, if indeed you are facing that kind of competition.

The European Union has a trade surplus in agriculture with the United States. One of the reasons they do is because they provide far more of this type of support than we do. So to take away what little we have while we are in the midst of intense negotiations with the World Trade Organization is, to me, unilateral disarmament.

What this program does is promote the export of American agricultural products. It is estimated that for every $1 billion of U.S. agricultural exports, we create 15,000 jobs in this country. Last year we exported over $60 billion worth of agricultural products, creating nearly 1 million jobs. Taking away this program is going to take away some of those jobs. It is not a good idea. I urge my colleagues to reject the amendment.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

Mr. CHABOT. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank my friend from Ohio for his commonsense amendment. If this Congress were not a captive of special interests, the Chabot/Brown amendment would pass unanimously.

We in this body, we preach balanced budgets; yet we spent, as the gentleman from Ohio (Mr. CHABOT) said, $1 billion on this program, on this welfare program. We preach in this body prudent spending, yet we are suggesting spending $125 million for fiscal year 2006 on this program. We preach free enterprise in this body day after day after day, yet we are using government dollars to advertise on behalf of private interests.

The Market Access Program, as the gentleman from Ohio (Mr. CHABOT) said, gives away $100 million annually to groups like the Catfish Institute, the Popcorn Institute, the Ginseng Board to market their products overseas. We encourage these organizations, these private for-profit or not-for-profit, it does not matter, we encourage them to advertise overseas if that helps their bottom line. But they should do it on their dime, not on the taxpayer's dime. It simply does not make sense.

I know what budget cuts mean to my district in Cleveland when we have seen the cuts that happened to NASA and the kinds of job loss in my community. We have seen what Medicaid cuts cost in terms of quality health care. Yet we are going to spend $125 million on a program that clearly shows no real benefit to those organizations. If they did show benefit, they would be spending their own money.

Mr. Chairman, I urge my colleagues to support the Chabot amendment, to join National Taxpayers Union, Citizens Against Government Waste, Taxpayers For Common Sense, U.S. PIRG, and a whole host of other groups in passing this amendment.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. CHABOT) will be postponed.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. KING of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I appreciate the gentleman yielding on this important subject matter. It is an issue that I know the gentleman has done due diligence on and paid attention to.

I rise today to address the issue of an amendment that I had prepared to offer that I will not be offering that would require the Secretary of Agriculture to report to Congress on the National Animal Identification System, including the effectiveness of the pilot programs funded in the FY 2005 budget year. Analysis of the economic impact of the proposed system on the livestock industry and the expected costs of the implementation of the system need to be part of a report.

USDA has been working diligently to establish a National Animal Identification System since December of 2003. That is when they discovered bovine spongiform encephalopathy, BSE, in a Canadian cow in Washington State. On May 5, 2005, USDA announced their Draft Strategic Plan and Draft Program Standards. The Department plans on making this a mandatory system by 2009, which would identify animals for disease surveillance.

It is not a new concept, Mr. Chairman. In fact, in the 90s we had implemented a plan to address and identify cattle vaccinated for brucellosis, which is a bacterial disease that affects cattle, hogs, and other livestock. This program has been successful and is scheduled to be phased out. This is not a new thing for the USDA.

I have been saying since before the discovery of BSE that we need an animal identification system that is up and running. It would be an insurance policy for livestock owners in the case of a disease outbreak. It would also be a system that is beneficial for foreign trade. It would be creative, and it would be invaluable for our marketing opportunities and for our breeding information.

Overall, the need for this system is immediate. The Canadians and the Australians, whose system I have visited and observed, and others already have electronic systems in place that they continue to refine.

For the sake of disease surveillance in trade, for the future of the livestock industry, I would like to see a system up and running as soon as possible. In fact, I am in the process of finishing my own bill on animal identification that I plan to introduce in the coming weeks.

One of the most important and immediate needs is to know what the USDA has been doing. They have invested approximately $18 million in a pilot program working in cooperative agreements between the States and the tribes, and the accountability of the USDA yet has not been apparent to us. We need to know how these projects are progressing and how they justify their worth to the taxpayer.

Also the USDA has spent another $15 million on development, infrastructure, promotion and staff overhead of the animal identification system that they are seeking to implement. It may only be the tip of the iceberg, but when the USDA issued its Draft Strategic Plan and Draft Program Standards in May, many hoped to see a cost estimate for the system.

Farmers are concerned about the costs that they might have to invest into them out of their profit margins. So I have those similar concerns. I am asking the USDA to produce that report. In fact, last year in the report language of the same appropriations bill, there was a request for a report on BSE itself, and that was to be before this Congress on July 15 of 2004. We have not seen that report yet, and I hope we are able to get one. The CBO score for this proposal, by the way, I did have it scored, scored it at zero; so there is not a cost to our budget.

Again, I hope we would be able to get some report language that could address this important topic of animal identification.

I thank the chairman for his diligence on this issue and for yielding to me.

Mr. BONILLA. Mr. Chairman, reclaiming my time, I thank the gentleman for bringing this issue to the forefront. It is something that I have been working on and many other Members as well, and we are committed to working through conference to address the gentleman's needs.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I simply want to express my pleasure with the gentleman raising the issue of animal identification. I would simply like to say that I, for one, believe that we are not moving ahead on this matter nearly fast enough. We need a national program. We need to get to 48-hour track-back as soon as possible, and we should be doing everything possible to move USDA forward.

We have a pilot project on this issue going on in Wisconsin which appears to be very successful, but I am afraid that there is much more foot-dragging than we can afford on this issue. I would simply say that I would hope that both the USDA and the Congress would become much more aggressive than it has been so far in establishing a truly effective national animal ID program, so that we can assure the consuming public that every bit of meat that is produced is in fact safe to eat. The sooner we do, the sooner we set up this kind of a system, the sooner every farmer, every rancher, and every consumer will be better off.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment offered by Mr. WEINER of New York; amendment No. 8 offered by Mr. REHBERG of Montana; amendment offered by Mr.

HINCHEY of New York; amendment offered by Mr. SWEENEY of New York; amendment No. 5 offered by Mr. BLUMENAUER of Oregon; and amendment No. 6 offered by Mr. CHABOT of Ohio.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

☐ 1700

AMENDMENT OFFERED BY MR. WEINER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 201, not voting 6, as follows:

[Roll No. 230]

AYES—226

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Camp
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cubin
Cuellar
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fossella
Frank (MA)
Gibbons
Gilchrest
Gingrey
Gonzalez
Gordon
Green (WI)
Green, Al
Grijalva
Gutierrez
Harman
Hayworth
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Jindal
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Rogers (MI)
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—201

Abercrombie
Aderholt
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Culberson
Cummings
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Farr
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Hobson
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pastor
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Akin
Cox
Hastings (FL)
Jackson-Lee (TX)
Menendez
Rush

☐ 1726

Messrs. PEARCE, ORTIZ, ALEXANDER, GALLEGLY, GARY G. MILLER of California, LINDER, BARTLETT of Maryland, and Mrs. BONO changed their vote from "aye" to "no."

Messrs. CUELLAR, MARSHALL, TANNER, BRADLEY of New Hampshire, EDWARDS, HOEKSTRA, GORDON, SCHWARZ of Michigan, Ms. CORRINE BROWN of Florida, Mrs. KELLY, Mrs. JONES of Ohio, and Mrs. CUBIN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. REHBERG

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Montana (Mr. REHBERG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 240, not voting 6, as follows:

[Roll No. 231]

AYES—187

Abercrombie
Ackerman
Allen
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Bonner
Bono
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Carson
Conyers
Costa
Cramer
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Evans
Everett
Fattah
Filner
Fortenberry
Frank (MA)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Istook
Jackson (IL)
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McKinney
McMorris
Meehan
Meek (FL)
Melancon
Michaud
Millender-McDonald

Miller (FL)
Miller, George
Mollohan
Moore (WI)
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Osborne
Owens
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Pickering
Pomeroy
Rahall
Rangel
Regula
Rehberg
Rogers (AL)
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Simmons
Smith (NJ)
Smith (WA)
Solis
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wilson (NM)
Woolsey
Wu
Young (AK)
Young (FL)

NOES—240

Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costello
Crenshaw
Cuellar
Culberson
Cunningham
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Etheridge
Farr
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Inglis (SC)
Issa
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McIntyre
McKeon
McNulty
Meeks (NY)
Mica
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Otter
Oxley
Pastor
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Reichert
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Schwarz (MI)
Scott (GA)
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Visclosky
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn

NOT VOTING—6

Cox
Ford
Hastings (FL)
Jackson-Lee (TX)
Menendez
Rush

☐ 1735

Mr. FORBES changed his vote from "aye" to "no".

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HINCHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 210, not voting 6, as follows:

[Roll No. 232]

AYES—218

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Conyers
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jenkins
Jindal
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (PA)
Platts
Pomeroy
Rahall
Rangel
Reyes
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—210

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Brady (TX)
Burgess
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
English (PA)
Etheridge
Everett
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher

Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Walden (OR)
Walsh
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Cox
Hastings (FL)
Jackson-Lee (TX)
Menendez
Rush
Slaughter

☐ 1745

Messrs. SHAYS, THOMPSON of Mississippi, BOREN, WYNN and MORAN of Kansas changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SWEENEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. SWEENEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 269, noes 158, not voting 6, as follows:

[Roll No. 233]

AYES—269

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Capito
Capps
Capuano
Cardin
Carnahan
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Costello
Cramer
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doyle
Dreier
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gohmert
Gonzalez
Goode
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hayworth
Herseth
Higgins
Hinchey
Holden
Holt
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Pence
Pickering
Pitts
Platts
Poe
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Reichert
Renzi
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Simmons
Smith (NJ)
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—158

Akin
Alexander
Baker
Barrett (SC)
Barton (TX)
Beauprez
Berry
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Buyer
Calvert
Camp
Cannon
Cantor
Cardoza
Carson
Carter
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Crenshaw
Cubin
Cuellar
Culberson
Davis (TN)
Deal (GA)
Delahunt
DeLay
Dingell
Doolittle
Drake
Duncan
Edwards
Emerson
Feeney
Flake
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Goodlatte
Granger
Graves
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Honda
Hulshof
Istook
Jenkins
Johnson, Sam
King (IA)
Kingston
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lucas
Mack
Manzullo
Marchant
Marshall
Matheson
McCrery
McHenry
McHugh
McKeon
McKinney
McMorris
Melancon
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Otter
Oxley
Pastor
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pombo
Pomeroy
Price (GA)
Putnam
Radanovich
Rangel
Regula
Rehberg
Reyes
Reynolds
Rogers (AL)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Scott (GA)
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Sullivan
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Walden (OR)
Walsh
Watt
Weldon (FL)
Westmoreland
Wicker
Wilson (NM)
Young (AK)

NOT VOTING—6

Cox
Hastings (FL)
Jackson-Lee (TX)
Menendez
Rush
Slaughter

☐ 1755

Mr. ROGERS of Michigan, Ms. WATERS and Ms. CORRINE BROWN of Florida changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Chairman, on rollcall No. 232, 233, had I been present, I would have voted "aye" on both.

AMENDMENT NO. 5 OFFERED BY MR. BLUMENAUER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 146, noes 280, not voting 7, as follows:

[Roll No. 234]

AYES—146

Akin
Allen
Andrews
Baldwin
Bartlett (MD)
Bass
Bean
Berkley
Berman
Biggert
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Boucher
Bradley (NH)
Brady (PA)
Brown (SC)
Burgess
Burton (IN)
Capps
Capuano
Carson
Castle
Chabot
Chocola
Conyers
Cooper
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
Dent
Doggett
Doyle
Duncan
Ehlers
Emanuel
English (PA)
Eshoo
Fattah
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gingrey
Gordon
Green (WI)
Hart
Hayworth
Hefley
Hensarling
Herger
Holt
Hostettler
Inglis (SC)
Inslee
Istook
Jackson (IL)
Johnson, Sam

Kanjorski
Keller
Kennedy (RI)
Kind
Kingston
Kirk
Kolbe
Kuhl (NY)
Langevin
Lee
Lewis (GA)
Linder
Lipinski
LoBiondo
Lowey
Manzullo
Markey
Matheson
McDermott
McHenry
McKinney
McNulty
Meehan
Meeks (NY)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Myrick
Ney
Owens
Pallone
Pascrell
Paul
Payne
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Ramstad
Rohrabacher
Royce
Ryan (WI)
Schiff
Schwartz (PA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shuster
Simmons
Smith (NJ)
Smith (WA)
Solis
Souder
Stark
Sweeney
Tancredo
Tiberi
Tierney
Udall (NM)
Upton
Van Hollen
Velázquez
Wamp
Watson
Waxman
Weiner
Wilson (SC)
Young (FL)

NOES—280

Abercrombie
Ackerman
Aderholt
Alexander
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Barton (TX)
Beauprez
Becerra
Berry
Bishop (GA)
Bishop (UT)
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carter
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Drake
Dreier
Edwards
Emerson
Engel
Etheridge
Evans
Everett
Farr
Feeney
Filner
Foley
Ford
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (WA)
Hayes
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Israel
Issa
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kline
Knollenberg
Kucinich
LaHood
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pastor
Pearce
Pelosi
Peterson (MN)
Pickering
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schwarz (MI)
Scott (GA)
Serrano
Sherman
Sherwood
Shimkus
Simpson
Skelton
Slaughter
Smith (TX)
Snyder
Sodrel
Spratt
Stearns
Strickland
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Towns
Turner
Udall (CO)
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watt
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—7

Cox
Hastings (FL)
Hinojosa
Jackson-Lee (TX)
Larson (CT)
Menendez
Rush

□ 1803

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. HINOJOSA. Mr. Chairman, on rollcall No. 234, had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mrs. NORTHUP. Mr. Chairman, I inadvertently voted "no" on an amendment to the fiscal year 2006 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, H.R. 2744. I intended to vote "aye" on the Blumenauer-Flake Amendment regarding payments to the Sugar Loan Program, rollcall vote number 234.

AMENDMENT NO. 6 OFFERED BY MR. CHABOT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. CHABOT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 66, noes 356, not voting 11, as follows:

[Roll No. 235]

AYES—66

Akin
Andrews
Bachus
Barrett (SC)
Bartlett (MD)
Bass
Berkley
Bradley (NH)
Brown (OH)
Burgess
Capuano
Carson
Castle
Chabot
Davis, Jo Ann
DeGette
Dent
Doggett
Duncan
Ehlers
English (PA)
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gibbons
Hayworth
Hensarling
Hostettler
Hyde
Inglis (SC)
Istook
Kucinich
Linder
Lipinski
LoBiondo
Manzullo
Markey
Matheson
McDermott
McHenry
McKinney
Miller, Gary
Moore (WI)
Myrick
Paul
Pence
Price (GA)
Ramstad
Rohrabacher
Royce
Schakowsky
Sensenbrenner
Shadegg
Shays
Smith (NJ)
Tancredo
Tiberi
Tierney
Van Hollen
Waxman
Wilson (SC)

NOES—356

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bean
Beauprez
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carter
Case
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney

Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Stark
Stearns
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Camp
Cox
Crenshaw
Hastings (FL)
Jackson-Lee (TX)
Menendez
Moore (KS)
Rush
Slaughter
Spratt
Sullivan

□ 1811

Mr. RYAN of Ohio changed his vote from "aye" to "no."

Mr. BARRETT of South Carolina changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN (Mr. TERRY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STUPAK:

Page 83, after line 19, insert the following sections:

SEC. 7____. None of the funds made available in this Act may be used by the Secretary of Health and Human Services to keep in effect an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act for a clinical trial that concerns a serious or life-threatening disease or condition and is not included in the registry of such trials under section 402(j) of the Public Health Service Act.

SEC. 7____. None of the funds made available in this Act may be used by the Secretary of Health and Human Services to approve an application under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act that—

(1) is for a drug for a serious or life-threatening disease or condition; and

(2) is under subparagraph (A) of such section supported by a clinical trial that—

(A) has received an exemption under section 505(i) of such Act; and

(B) is not included in the registry of clinical trials under section 402(j) of the Public Health Service Act.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The gentleman from Texas (Mr. BONILLA) reserves a point of order on the amendment.

Pursuant to the order of the House of today, the gentleman from Michigan (Mr. STUPAK) and the gentleman from Texas (Mr. BONILLA) each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to give patients and doctors the information they deserve about the safety and effectiveness of prescription drugs.

My amendment is simple. It requires the Secretary of Health and Human Services to make sure clinical trials that are required to be listed in a public database by law are in fact listed, and it requires those clinical trials to be listed before a drug is approved to be marketed.

My amendment requires nothing of HHS but to enforce the current law. As part of the Food and Drug Administration Modernization Act of 1997, Congress mandated that a central drug trial database be created to house all clinical trials for all serious and life-threatening diseases and conditions. Three years later, in 2000, clinicaltrials.gov became the online site of the clinical trials data bank. FDA issued guidance on registering their trials in the clinical trials data bank in March of 2002. Two years after the guidance for the industry has been issued, compliance with the law has been dismal at best.

While 80 percent of drug trials are privately conducted, only 13 percent of them are listed on clinicaltrials.gov. FDA analysis from 2002 showed that less than half of all cancer trials are on the FDA Web site. An FDA official last year told The Washington Post that they have seen no "big increase in the monthly submission of privately sponsored protocols" since 2002. Drug company compliance has been so lax that last year even the editor in chief of the Journal of the American Medical Association, JAMA, assumed the registry was only for federally funded clinical trials.

□ 1815

The reality is that this law is not a lack of understanding, but the law has been ignored by the drug companies. This amendment is simple. Before the FDA can approve a new drug application, the clinical trials must be registered at clinicaltrials.gov first. FDA cannot allow these drug companies to continue to ignore the law. We said in 1997 that the drug companies must share their drug trial information with patients and doctors, especially those with serious injuries and illnesses or life-threatening disease.

This issue is not controversial. Last June, the American Medical Association adopted a resolution calling for a Federal database of clinical trials. The AMA and others are concerned that drug companies emphasize the results of positive tests while playing down the negative or inconclusive results as they did with Vioxx, Accutane, and the adolescent antidepressant drugs. The New England Journal of Medicine and others require studies to be listed on the Web site before the journals will publish articles about the studies.

This amendment does not create any new duties. This amendment does not expand the database to other drugs. No drugs are going to be denied approval, as long as the trials get listed. It just requires the enforcement of this widely supported, lifesaving law. I urge my colleagues to support my amendment.

Mr. Chairman, I reserve the balance of my time.

POINT OF ORDER

Mr. BONILLA. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI. The rule states in pertinent part: "An amendment to a general appropriations bill shall not be in order if changing existing law." The amendment imposes additional duties.

I ask for a ruling from the Chair.

The Acting CHAIRMAN (Mr. TERRY). Does any Member wish to be heard on the point of order?

Mr. STUPAK. Mr. Chairman, this does not require any new duties, none whatsoever. If the chairman would point that out to me, maybe we could have a discussion about it; but there are no new duties being required here. It does not require the drug companies to do anything different than they were required to do in 1997. They do not have to report the results of the studies. They just have to report it. In addition, it does not mandate posting trials for anything else, because we have limited it more to the serious and life-threatening, exactly what the law said in 1997. We did not expand the scope of it. The FDA simply has to enforce what they are supposed to enforce by law. The FDA has already published several guidelines to drug companies about which drug trials have to be listed, when they have to be listed, and what has to be listed. If they can get them listed, it can be approved. The amendment simply instructs the Secretary of HHS, not FDA but HHS, to ensure compliance. It makes sure one hand of the HHS talks to the other.

When we drafted this amendment, it should be made germane because it concerns the use of funds for carrying out the Federal Food, Drug and Cosmetic Act and funds for that purpose provided in the bill. As to whether there are those duties, I referred to the Secretary here. I did not refer to anyone else, the same as the 1997 law. We have said "Secretary" because it is used in both the Food, Drug and Cosmetic Act and also the Public Health Service Act, that is, HHS administers both of these acts. Therefore, there is nothing new.

The argument is not that there is a new duty for HHS to check whether clinical trials are registered because the Public Health Service Act section, 402(j), states that the database, and I am using the exact language now, 402(j) of the Public Health Act says, shall include a registry of clinical trials, end of quote, for which investigative and new drugs have been provided.

There is nothing here new. All we are saying is the concepts used in my amendment are used in current law. We use the word "exemption." That is in current law. We use "registry of clinical trials." Current law. We refer to only serious or life-threatening disease or condition. That is current law. There are no new duties here.

The Acting CHAIRMAN. The gentleman from Texas makes a point of order that the amendment offered by the gentleman from Michigan proposes to change existing law in violation of clause 2 of rule XXI.

As recorded in Deschler's Precedents, volume 8, chapter 26, section 52, even though a limitation or exception therefrom might refrain from explicitly assigning new duties to officers of the government, if it implicitly requires them to make investigations, compile evidence, or make judgments and determinations not otherwise required of them by law, then it assumes the character of legislation and is subject to a point of order under clause 2(c) of rule XXI.

The proponent of a limitation assumes the burden of establishing that any duties imposed by the provision either are merely ministerial or are already required by law.

In the statutory context chosen by the amendment, a Federal official at the Food and Drug Administration would be required to examine a registry of clinical trials maintained by a different entity, the National Institutes of Health, before exempting a drug for a clinical trial or approving an application for a drug under existing law. Under the terms of section 402(j) of the Public Health Service Act, the registry of clinical trials is fluid, with each clinical trial sponsor being allowed 21 days after the approval of a drug to submit required information. In the opinion of the Chair, an examination of the contents of that fluid registry of data maintained by the NIH would constitute a new duty on the Federal officials at the FDA. The Chair finds that the gentleman from Michigan has not met his burden to show that the new duty imposed is ministerial.

Accordingly, the point of order is sustained and the amendment is not in order.

PARLIAMENTARY INQUIRY

Mr. STUPAK. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman may state his inquiry.

Mr. STUPAK. Mr. Chairman, does the Federal Food and Drug Administration and NIH not fall underneath the Health and Human Services, HHS, Department?

The Acting CHAIRMAN. As the Chair has ruled, although the two entities are within the same Department, the amendment would require that one entity examine the other entity's registry.

The Chair has ruled on the point of order.

Mr. STUPAK. Mr. Chairman, in all due respect, I do not require any of that. I require the Secretary of Health and Human Services to do it; not the FDA, not the NIH, the Secretary of Health and Human Services. These agencies, Food and Drug Administration, NIH, are underneath their jurisdiction. That is why we drafted it this way, to get around the germaneness issue. We are not requiring FDA or NIH. It is only the Secretary of HHS.

As to the second part of your ruling, Mr. Chairman, you said we are creating new law. We were very careful, as I pointed out, that every word used in the proposed amendment is the same words used in the Public Health Service Act and the Federal Food, Drug and Cosmetic Act. That is exemption, that is in both acts; registry of clinical trials, exact same words; and limits to, quote, serious or life-threatening disease or condition, again words all found in the 1997 act which we require the Secretary to do, so we do not get into this thing about putting a new requirement on FDA or NIH.

The Acting CHAIRMAN. The Chair has ruled. The gentleman's comments are post-facto argument and not a proper parliamentary inquiry.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. HEFLEY:
>
> At the end of the bill (before the short title), insert the following:
>
> SEC. 7___. Appropriations made in this Act are hereby reduced in the amount of $168,320,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Texas (Mr. BONILLA) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

I will not take a lot of time with this. I rise again today to offer an amendment to cut the level of funding in this appropriations bill by 1 percent. This amount equals $168.32 million, which represents only one penny off every dollar.

As most Members are aware, I have offered a series of amendments on appropriations bills like this. It is no criticism of the committee or the job that they have done. It is just the idea that we need somewhere to begin to draw the line, and the budget we have next year is simply too large, and we can do something about the deficit right now.

By voting for this amendment, you are stating that American taxpayers should not have to pay higher taxes in the future because we could not control our spending today. This fiscal year 2006 agriculture appropriations bill provides nearly $17 billion in total discretionary resources and represents an increase of $93 million over the President's request.

Mr. Chairman, I ask for support of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Again in a bipartisan way, this subcommittee works very hard to put a bill together each year with the majority-passed budget constraints that we have to live under. The gentleman from Colorado is a good Member who comes to the table year in and year out, and sometimes week in and week out, with an effort to cut the bill even further. However, again, with all due respect to his efforts, the bills that we put together on appropriations are done as a part of a team effort. We feel like we are at the rock bottom number that we could possibly be at at this point and strongly oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. HEFLEY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KUCINICH:

Page 83, after line 19, insert the following section:

SEC. 7___. None of the funds made available in this Act for the Food and Drug Administration may be used for the approval or process of approval, under section 512 of the Federal Food, Drug, and Cosmetic Act, of an application for an animal drug for creating transgenic salmon or any other transgenic fish.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

The Chair recognizes the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering this amendment today to begin a discussion in this House which is aimed at ensuring the livelihood of commercial fishermen and protecting our oceans, lakes, and streams. This amendment is a reasonable and moderate safeguard. It will delay FDA approval of genetically engineered fish for a year. This amendment is necessary because commercial fishermen and environmentalists have raised concerns that GE fish may pose ecological risks. Scientists from Purdue University and the University of Minnesota have raised a number of serious questions about the ecological impacts of GE fish. These risks include GE fish escape from ocean pens into the environment, which could impact wild populations of fish.

In this first chart, Mr. Chairman, GE fish are being engineered to grow faster and bigger. However, several fish ecologists from the University of Minnesota and Purdue University have expressed concerns with these salmon, as their accidental release may create environmentally disastrous extinctions of natural wild salmon species.

In the second chart, the bottom fish is the same age as the two smaller fish on top.

□ 1830

But, of course, what we have here is a genetically engineered fish on the bottom.

The third chart, scientists have determined that a larger fish has an advantage in mating. Thus, larger GE fish, which are more aggressive and consume more food, attract more mates than wild fish. In essence, one could call this one the "handsomely big GE fish" is more successful than the "lonely natural fish."

Scientists have also determined that these GE fish may survive for only a limited number of generations in the wild. Their offspring will be less fit and less likely to survive. So we are talking about the survival of species here.

On the fourth chart, mutant fish are created as GE fish escape into the wild and mate with natural fish. The mutant's fish larger size gives an advantage in mating, forcing new genetic traits to be integrated into the wild. But these mutant fish may only survive for a limited number of generations in the wild. The implications are serious. After several generations, natural fish may go extinct because larger GE fish are more successful than natural fish in mating. Mutant fish also go extinct because their mutant genes decrease the survivability of the species.

As a result of GE fish producing unfit offspring that are more successful in mating, the Purdue scientists predict that if 60 genetically engineered fish were introduced into a population of 60,000 wild fish, the species would become extinct within only 40 fish generations.

Scientists call this outcome the Trojan Gene Effect. The end result is a possible extinction of important commercial fish species like salmon. The National Academy of Sciences has examined this issue in their report "Animal Biotechnology: Science Based Concerns, 2002," and found "considerable risk" and a need for more research.

"Transgenic Atlantic salmon pose a near-term regulatory issue. A brief review of the hazards they pose provides a useful illustration of the environmental hazards posed by GE aquatic species more generally.

"The committee's review," continuing on of the quote, "of ecologic principles and empirical data suggests a considerable risk of ecologic hazards being realized should transgenic fish or shellfish enter the natural ecosystems. In particular, greater empirical knowledge is needed to predict the outcome should transgenes become introgressed into natural populations of aquatic organisms."

The American Society of Ichthyologists and Herpetologists, the science society of experts on fish, amphibians, and reptiles, has joined the call for a 1-year moratorium. This amendment is strongly supported by commercial fishermen because their struggling industry cannot afford a negative ecological impact on the wild fish species that they depend on for their livelihood.

Several States have passed legislation regulating GE fish, including prohibitions, labeling requirements, and permit requirements. The States include Alaska, California, Maryland, Oregon, Michigan, Minnesota, Wisconsin, and Washington.

Mr. Chairman, I brought this discussion to this House for the purposes of alerting the Members of Congress that we need to have a deep debate about this, that we need to do more research, we need to get into this; and for that reason I would have the debate continue.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN (Mr. TERRY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

Page 83, after line 19, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 768. None of the funds made available under the heading "FOOD AND NUTRITION SERVICE—Food Stamp Program" in title IV may be expended in contravention of section 213a of the Immigration and Nationality Act (8 U.S.C. 1183a).

The Acting CHAIRMAN. Pursuant to the order of the House today, the gentleman from New Jersey (Mr. GARRETT) and the gentleman from Texas (Mr. BONILLA) each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Today I rise to support an amendment that hopefully will be seen as a common sense amendment. It deals with H.R. 2744, more specifically with the Food Stamp Program aspect of it, and simply says that we should be complying with the Immigration and Nationality Act when we pass this legislation. The amendment is common sense because it simply says that we should always abide by current Federal law.

As it stands right now with regard to current Federal law, 8 USC 1183(a), it states that an affidavit must be filed by a sponsor of an alien who is in this country legally today. This affidavit of support is a legally binding guarantee on the part of a sponsor that the immigrant that is in this country that they are sponsoring will not become a public charge of this country. That is, that they will not become dependent on welfare. And it is limited for a period of 10 years or until that person becomes a citizen, whichever comes first. This "public charge" requirement is nothing new. It goes all the way back to our immigration policy way back in 1880.

Secondly, with regard to current law, current Federal law states that this affidavit is enforceable against the sponsor of the immigrant by any Federal Government or State, or political subdivision thereof, or any other entity that provides any means-tested public benefit. This means that the sponsor and not the U.S. taxpayer is to be the individual that is responsible for the alien. It also requires providers of these benefits to seek reimbursement from the sponsors and even allows the government to sue for noncompliance.

Just a side note here of interest, there is another law currently on the books in this country, 8 USC 1227, and it makes it clear that aliens who are in country who do become public charges within 5 years of their entry into this country that they are actually subject to deportation in some cases.

The amendment that is before us simply says this: It simply states that no funds appropriated in this Act under the Food Stamp Program will be spent in noncompliance of current Federal law. This amendment is simply about enforcing current law. If one does not like the current law that goes all the way back to 1880, they certainly have a right to try to change that, but that should be done in another piece of legislation and not through this vehicle. So by not supporting my amendment, they are publicly admitting on the floor in the United States that our laws elsewhere on the books are not to be complied with.

I will just end with this: Yesterday, a group of constituents was in my office from a group called Bread for the World, and they came to emphasize the fact that people in this country are going hungry and that there is not quite enough money in the Food Stamp Program today, in their opinion, that it is not adequate to provide all that is needed. So, under such circumstances, we should not be adding to the incentive for other people to become part of this program and become public charges to the taxpayer.

I, therefore, conclude by saying I urge of all my colleagues to support this common sense amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. This is somewhat unusual, and I appreciate the gentleman from New Jersey's (Mr. GARRETT) concern in this area. However, this is almost like going into a neighborhood and seeing a family that is playing by the rules and respecting the law and we are going to pass a law that says you have to do that all over again. So, in our view, it is unnecessary and duplicative and there is no indication that USDA is doing anything to contradict statutory provisions right now related to collection from sponsors of food stamp benefits paid to sponsored aliens.

So, because of the redundancy and the statement of the obvious, frankly, I would oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the comments, and if we can be provided with some evidence that the Department is, in fact, complying with the law, that would be greatly appreciated. It is our understanding that currently aliens who are in this country under this program who have a sponsor are, in fact, receiving food stamps under the current law and that there has been no effort whatsoever, ever, in any cases to go after and reclaim those funds from the sponsor in the case. So I would be appreciative of that information at a later date or now if the gentleman has it.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, I would just note that the responsibility for enforcing the laws that the gentleman is referring to actually fall under the U.S. Citizenship and Immigration Services, USCIS, and the State welfare departments. States are responsible for making demand for and collecting from sponsors any benefits paid to sponsored aliens. So there is no indication that the USDA is violating any of these regulations and rules, again emphasizing that the responsibility for compliance here lies with other agencies and some at the State level.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield back the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) will be postponed.

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STUPAK:

Page 83, after line 19, insert the following section:

SEC. 7 . None of the funds made available in this Act may be used by the Food and Drug Administration to conduct any investigation of, or take any employment action against, an officer or employee of the Food and Drug Administration pursuant to the officer or employee providing to the Congress or the public information or opinions that concern such Administration and are not prohibited from disclosure under section 301(j) of the Federal Food, Drug, and Cosmetic Act.

Mr. BONILLA. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The Acting CHAIRMAN. Pursuant to the order of the House today, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I yield myself such time as I may consume.

I rise to offer an amendment that will ensure that the FDA continues to carry out its mission to promote drug safety and effectiveness and assist the public in obtaining accurate science-based information.

The FDA's mission is not to conduct secret investigation of its own employees. Unfortunately, some of the FDA's recent actions seem like they are more about protecting themselves than protecting the American public.

My amendment is very simple. It forbids the use of funds by the FDA to conduct any investigation of or take any action against an FDA employee who provides information or an opinion to the public or Congress that concerns the FDA and is not prohibited from being released under the law.

Congress has expressed serious concerns regarding recent reports that FDA has asked Dr. David Graham to leave his current position within the Office of Drug Safety after more than 20 years of service. Dr. Graham has been a dedicated public servant, working to ensure the safety of America's drug supply. Dr. Graham was asked to testify before Congress at the request of a committee Chair and was under an obligation to answer a question posed by the committee based on his expertise. And Dr. Graham, to his credit, answered, in his opinion, there are five more drugs that we should look at, including the drug called Accutane, which has over 250 suicides associated with it. The public's interest and society's safety is certainly not served when the FDA goes around and asks their safety officers to leave their job because they have done their job and honestly answered a question put forth by committee members in a congressional setting.

In the words of Dr. Janet Woodcock, the former director of the Center of Drug Evaluation and Research, " . . . FDA thrives on differences of scientific opinion. That reality is our culture. Our scientists have the right to speak up and disagree and have a vigorous scientific debate. That's how we arrive at the best decisions."

However, the FDA actions are contrary to this statement. The treatment of Dr. Graham and other employees undoubtedly has had a chilling effect on the willingness of FDA's employees to speak up and disagree when they believe the public's health is at risk.

Other reports have said that the Director of the Center of Drug Safety himself, Dr. Steve Galson, contacted the editor of the Lancet to suggest that Dr. Graham manipulated a study to be published in the Lancet. At the same time, according to the Government Accountability Project, FDA managers posed as whistleblowers, attacking Dr. Graham's credibility in an effort to discourage the Government Accountability Project from taking from Dr. Graham as a client.

The FDA also launched an investigation into Dr. Andrew Mosholder when a newspaper reported he was not able to testify before an advisory committee about his concerns about antidepressant use in children. This shameful behavior by management of the FDA cannot continue, and we demand that we put a stop to it.

I ask for support of my amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the gentleman from Michigan's (Mr. STUPAK) amendment to provide whistleblower protection to FDA employees.

We have talked a lot today about scientific and management problems at the FDA, about whether their scientific advisory committees have been corrupted by pharmaceutical company influence, about how we can be sure that FDA has the tools that it needs to do its job to protect the health of the American people.

□ 1845

Yet I might just quote to you the White House Chief of Staff, Andrew Card, who said, "The agency is doing a spectacular job," and should "continue to do the job they do."

Unfortunately, we know that the FDA has not always lived up to its responsibilities; and rather than encouraging employees to speak out and engage in scientific debate, the FDA has worked hard to silence employees who believe that a drug on the market is harmful to the health of the American people.

Dr. David Graham, as my colleague pointed out, is just one example of how things have gone wrong at the FDA. After 20 years of service, when Dr. Graham testified before the Senate Finance Committee at the request of the committee chairman in November of 2004, in response to a question, he listed, as has been stated, five drugs he believed to pose serious health risks.

His concerns turned out to be warranted. One of the drugs he mentioned, Vioxx, has since been removed from the market, following reports that it causes heart attack and stroke, and others on the list have been shown to have equally serious and sometimes deadly side effects.

FDA employees did all they could to stop Dr. Graham from testifying. A statement by the head of the agency, Dr. Crawford, was e-mailed to the reporters quoting something that Graham said in an internal e-mail. After the hearing, Dr. Graham himself said, "Senior management at the FDA did everything in their power to intimidate me prior to my testimony."

FDA employees went out of their way to slander Dr. Graham. The director of the Center of Drug Safety, Dr. Steven Galson, contacted the editor of the Lancet to suggest that Dr. Graham manipulated a study which was about to be published.

The Government Accountability Project has reported that FDA managers posed as whistleblowers to attack his credibility. Fortunately, they were foolish enough to call from government phones so that the source of the calls was easy to trace and the trail ended at the FDA.

FDA has since said that they are working to improve the handling of differences of opinion and that it acknowledged the right of employees to raise concerns to oversight groups. In that case, they should welcome the passage of this amendment to give its employees whistleblower attention.

Mr. Chairman, the Food and Drug Administration is charged with such an important responsibility. It ensures that medications that Americans take every day are safe. It should be simple; it should be done without influence, by industry or anyone else.

Unfortunately, that is not always the case; and when things go wrong, we depend on scientists at the agency to alert the American public that they may be putting their health in serious jeopardy with a certain medication. This amendment simply says that we will ensure that they can do that without fear of reprisal.

I urge my colleagues to support the amendment.

POINT OF ORDER

Mr. BONILLA. Mr. Chairman, I make a point of order.

The Acting CHAIRMAN (Mr. TERRY). The gentleman will state his point of order.

Mr. BONILLA. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI. The rule states in pertinent part: "An amendment to a general appropriations bill shall not be in order if changing existing law." The amendment imposes additional duties.

I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. STUPAK. Mr. Chairman, if I may, I ask for the learned chairman to tell me where we are imposing a new duty on the FDA. What we are asking here is simply that the FDA follow the law; that they not use funds, as my colleague put it, for reprisals against employees who are encouraged to speak their mind, and when they speak their mind, they are investigated and harassed and intimidated and asked to leave their jobs.

My amendment specifically says we do not disclose, and make sure we do not disclose, anything that is confidential, proprietary, proprietary interests of the drug companies. As long as those are not disclosed and not confidential in that manner and no one does it, then there is no reason to be harassing, intimidating, and investigating people who testify before advisory committees.

There is no new change in the law. All we are saying is FDA, you are also subject to law. You have to follow the law. And those things that are confidential and proprietary in interest, we do not expect you will disclose them; therefore we do not do it.

So if someone can tell me what is the new duty, I will be happy to draft my amendment before we are done tonight, and we will make it in order then. I really do not see any new duty being imposed here, with all honesty. I am not trying to be flippant; I am just trying to get an answer to my question. Just like the last one, there is no new duty.

So if someone can tell me that, I will be happy to change the amendment to make it germane.

The Acting CHAIRMAN. The gentleman from Texas makes a point of order that the amendment offered by the gentleman from Michigan proposes to change existing law, in violation of clause 2(c) of rule XXI.

As recorded in Deschler's Precedents, volume 8, chapter 26, section 52, even though a limitation or exception therefrom might refrain from explicitly assigning new duties to officers of the government, if it implicitly requires them to make investigations, compile evidence or make judgments and determinations not otherwise required of them by law, then it assumes the character of legislation and is subject to a point of order under clause 2(c) of rule XXI.

The proponent of a limitation assumes the burden of establishing that any duties imposed by the provision either are merely ministerial or are already required by law.

The Chair finds that the limitation proposed in the amendment offered by the gentleman from Michigan does more than merely decline to fund employment investigations. Instead, it requires the officials concerned to make determinations regarding a specific type of employee behavior prior to initiating an employment investigation. This is a matter which they are not charged with under existing law.

On these premises, the Chair concludes that the amendment offered by the gentleman from Michigan proposes to change existing law.

Accordingly, the point of order is sustained.

PARLIAMENTARY INQUIRY

Mr. STUPAK. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state it.

Mr. STUPAK. Mr. Chairman, we drafted these amendments carefully with legislative counsel and others to make sure they were germane. If you want to rule that they are not germane, I guess you have the right to do that; and I will not appeal the ruling of the Chair because I can count the votes.

But the thing I would ask, when a Member has a parliamentary inquiry, if someone would at least tell us where the amendment is wrong so it can be corrected. With all due respect to the chairman, you read what was put forth, but you never say what is wrong with our amendment.

What is wrong with these last two amendments that made them not germane, so we can correct it to be within the parliamentary setting of this body? We have part of the House institution telling us our amendments are in order. We get to the floor, and we find them not in order.

I guess it is just a little frustrating when we talk about the health and safety of the American people, and we have examples where the FDA has not done their job, so we try to correct it in the only body we can, through legislative amendments, and we come here and we get this "speak-legalese," and I do not have anything against legals since I am an attorney myself. But just a simple question like where are we legislating in this appropriations bill, when we have such tightly crafted amendments that are even taken from existing law so we do not legislate on an appropriations bill and we are still ruled out of order or not germane.

If you can answer that parliamentary inquiry, I would appreciate it.

The Acting CHAIRMAN. With regard to the inquiry, the Chair states again that the amendment, by limiting funds for some, but not all, employment investigations, requires the officials concerned to make determinations regarding a specific type of employee behavior prior to initiating an employment investigation in order to discern whether it is an employment investigation of the type for which funds have been limited. Those are determinations which they are not charged with under existing law.

Mr. STUPAK. But, Mr. Chairman, with all due respect, the FDA does make investigations under current law under their own administration. So how can you say they are not charged with the duty of doing investigations of their employees? They make that determination every day, whether a member can speak at an advisory committee, whether a member can answer a question, an FDA doctor, at a congressional hearing, as we saw with Dr. Graham.

I am bemused, to say the least.

The Acting CHAIRMAN. The Chair has ruled.

AMENDMENT OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. TIAHRT:
>
> At the end of the bill (before the short title) insert the following:
>
> SEC. . None of the funds made available in this Act may be used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on the gentleman's amendment, but I do understand that the gentleman is going to withdraw his amendment.

The Acting CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have the number one economy in the world. It is the envy of the world. But we are looking at some signs that I think indicate a long-term problem. Where will this economy and this country be 10 years, 15 years, 20 years from now? We have a lot going on around the world as far as other countries trying to develop a stronger economy, looking forward, eliminating the barriers that were created by their own governments, so that they can keep and create jobs in their own country and outside the United States.

Last year our trade deficit was $670 billion. This year it looks like our Federal deficit is going to be down from the projected $375 billion to down around $300 billion. But still that is a lot of money. Even though we have seen some good things happen because of the tax relief that President Bush pushed and was passed by the House and Senate, we still need to look forward and see how we are going to create a strong economy, not only in the agricultural area, but in all facets of the United States.

Right now we know that in the agricultural community regulatory costs are creating problems down on the farm. We already know that less government regulation not only means granting freedom to allow Americans to pursue their dreams; it also means providing the space for businesses to thrive in agricultural areas and creating more jobs in those same areas communities. Instead, our Federal Government has become a creeping ivy of regulations that strangle enterprise and that makes it more difficult to keep and create jobs in rural America.

Unrealistic and unnecessary prohibitions, along with burdensome mandates, are creating difficulties for our farmers, ranchers, and those involved in the agricultural industry. How can we expect our agriculture economy to develop and grow when bureaucracy prevents farm businesses from starting or expanding? With the decreasing numbers of farms and the growing average age of farmers, we need to be doing everything we can to eliminate the barricades farmers and ranchers face so that, as they provide the food to feed our Nation and the world, they can do so in an easier fashion.

One area where the United States Department of Agriculture has an opportunity to reduce burdens for the private industry is in the area of national animal identification. I know there is concern among private industry that implementing a national system to track cattle and other animals will end up creating huge costs that will get passed on back to the producer. There is even greater concern among the private industry that there will be no value added to the end product, despite the increased costs associated with implementing an animal identification program.

As the Department of Agriculture looks at implementing national animal ID, I think they should work closely with industry to find a private solution to help pay for the costs associated with creating such a vast and complex system.

While working with State governments and universities is an important process, I hope that USDA will be forward-thinking in forging public-private partnerships to pursue market solutions that will help producers recover costs associated with implementing technology needed for animal identification.

I believe that anytime that we can provide support through private initiatives that will deliver objectives sought by the Federal Government, I think we should jump at the opportunity to forge these partnerships and create a win-win-win situation, for the government, for the taxpayer and for industry.

Each and every Federal agency should take into consideration the effect proposed policies will have on competitiveness of U.S. businesses, including farms and ranches.

I plan to withdraw this amendment today because I am very encouraged by the forward thinking of our subcommittee chairman on agriculture in appropriations, the gentleman from Texas (Chairman BONILLA). I believe we can work together and strengthen farmers and ranchers and agriculture businesses financially through less regulation.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

AMENDMENT OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROWN of Ohio:

At the end of the bill (before the short title) insert the following:

SEC.   . None of the funds made available by this Act to the Secretary of Agriculture may be used, after December 31, 2005, to purchase chickens, including chicken products, under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, unless the Secretary shall take into account whether such purchases are in compliance with standards relating to the wholesomeness of food for human consumption, pursuant to section 14(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a(d)).

Mr. BONILLA. Mr. Chairman, I know the gentleman is going to speak on his amendment, but I just want to let the gentlemen know that we are happy to accept the amendment and move forward with the vote as soon as he would like.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. BROWN) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN).

☐ 1900

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume. My remarks will be brief. I thank the gentleman from Texas (Chairman BONILLA) for his support.

We all know the importance of antibiotics to our public health, beginning some 60 years ago with penicillin and other antibiotics. We also know the increasing problem of antibiotic resistance in people who have not been cured because of their resistance to antibiotics that have been administered to them.

This amendment says the USDA can only buy chicken products for school nutrition programs if it complies with the requirement of existing law that foods purchased for these programs be "wholesome," meaning protected from antibiotic resistance. This amendment tells the USDA that we are serious, this Congress is serious about protecting the American people from the dangers of antibiotic resistance. I ask my colleagues to support the amendment.

On March 14, 1942, the world changed.

A woman named Anne Miller had been hospitalized in New Haven, Connecticut, for more than a month with a strep infection. Every conventional treatment had failed, and doctors feared she would not last the day.

But then, Anne Miller got an experimental injection of a new medicine called Penicillin. And in just over 12 hours, her temperature had returned to normal.

A half-century ago, America's hospitals were jammed with patients suffering from strep, pneumonia, meningitis, typhoid fever, rheumatic fever, and other killers.

Penicillin and other antibiotics allowed us to bring these lethal infections under control and save millions of lives. These new miracle drugs changed the world.

But a new danger—antibiotic resistance—is threatening to turn back the clock, by making the antibiotics we rely on ineffective.

When an antibiotic is used on a person or animal, it may kill some of the bacteria, but it will not kill all of them. The survivors reproduce, propagating these hardier "antibiotic resistant" bacteria.

Antibiotic resistance is a serious and growing public health problem: 38 Americans die every day from antibiotic resistant infections, according to the World Health Organization—some estimates suggest the number is more than twice that large; Antibiotic resistance costs America's health care system an estimated $4 billion every year; The Centers for Disease Control has called antibiotic resistance one of its "top concerns"

Human medicine is partly to blame. Doctors are often pressured to overprescribe antibiotics, leading to the spread of resistance. And both the medical profession and the CDC have taken this seriously, with outreach campaigns to educate both doctors and patients about the dangers of antibiotic overuse.

But animal agriculture is also to blame. About 70 percent of antibiotic use in America is not for people but for the cows, pigs, chickens, and other animals people eat. And about 70 percent of those antibiotics are not even used to treat sick animals, but to prevent illness or just to make healthy animals grow faster.

And the overuse of antibiotics in animal agriculture has serious consequences. Fluoroquinolones—the class of antibiotics that includes Cipro—are an important example.

Cipro, as we know all too well, is used to threat Anthrax. But Cipro is also used to treat infections by a foodborne bacterium called Campylobacter.

The FDA approved fluoroquinolones for use in human medicine in 1986. And FDA approved fluoroquinolones for use in chickens in 1995.

During the 9 years between 1986 and 1995, no more than 3 percent of Campylobacter cases in the U.S. involved resistant bacteria. But just 2 years after FDA approved fluoroquinolones for use in chickens, resistance in humans had jumped to 13 percent. By 2001, 19 percent of the Campylobacter infections in humans were antibiotic-resistant.

The FDA has begun a response to this problem—by proposing to ban fluorquinolone use in poultry. But the company that makes them has sued, and litigation could take several years to resolve.

Private industry also has recognized the problem. Leading fast food chains like McDonald's and Wendy's have told their suppliers they will not buy products made from chickens raised with fluoroquinolones. And leading chicken producers like Tyson, Gold Kist, and Purdue have also committed to stop using fluoruoquinolones.

But the National School Lunch Program lags behind, and the USDA still buys our children chicken raised with fluoroquinolones.

Congress acted in 2004—adding report language of the FY2004 Agriculture Appropriations bill that asked USDA to initiate "a policy to not purchase chickens for these programs from companies that do not have a stated policy that they do not use fluoroquinolones in their chickens."

That language was approved by a bipartisan majority in this House. It was approved by a bipartisan majority in the Senate. And the bill accompanying it was signed by President Bush.

Unfortunately—but not surprisingly—USDA did nothing to implement that provision.

It is time for Congress to order USDA to step up to the plate. And that is exactly what my amendment does.

Existing law requires that USDA take steps to ensure the wholesomeness of food delivered through school nutrition programs. If USDA actually applies that requirement when purchasing chicken products, I believe the agency will be unable to conclude that a substance FDA wants to take off the market because of public health concerns is wholesome.

Last year, we asked the USDA to do the right thing. The USDA ignored our request.

This year: tell the USDA that we are serious about protecting the American people from the dangers of antibiotic resistance; Let us pass this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. TERRY). The question is on the amendment offered by the gentleman from Ohio (Mr. BROWN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KUCINICH:

Add at the end (before the short title), the following new section:

SEC. 7   . The Department of Agriculture, at the request of a producer or processor, shall test ruminants, ruminant products, and ruminant by-products for the presence of bovine spongiform encephalopathy, subject to reimbursement by the producer or processor of the costs incurred by the Department to conduct the test, and none of the funds made available in this Act may be used to pay the salaries and expenses of personnel of the Department to enforce any regulatory prohibition on such testing by the Department of Agriculture of ruminants, ruminant products, or ruminant by-products for the presence of bovine spongiform encephalopathy.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of today, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

My amendment would permit anyone to test for Mad Cow if they so desired. It would require the USDA to perform the test and require the requestor to pay for it.

This amendment may strike my colleagues as unnecessary. After all, any food manufacturer should be able to test their own product for safety. Let me explain.

Mad Cow disease has been detected in 187,000 cows all over the world. Its early symptoms include weight loss, loss of balance, and acting skittish. The cow later descends into drooling, arching its back, waving its head, and exhibiting unusually aggressive behavior. It is inevitably fatal.

Variant CJD, as it is called, which is the disease humans can get from eating infected cattle, has resulted in over 150 deaths in Europe. Most of those occurred in the U.K., the epicenter of the human and bovine outbreaks. The U.S. was spared until 2003 when the first case of Mad Cow was detected in Washington State.

Immediately, countries that had invested heavily in their own testing and processing infrastructure in order to assure a safe beef supply closed their borders to American beef exports. Countries like Japan, which now tests every cattle slaughtered, demanded similar testing rates and practices of their own of any importer, including the United States. In the case of Japan, the U.S. refused to meet their demands. As a result, an industry trade group claimed losses of $4.7 billion for cattle producers.

Small businesses like Gateway Beef Cooperative, which processes 200 cattle per week, were losing $50,000 per week. Creekstone Farms Premium Beef was losing about $40,000 per day. Some businesses responded with a logical plan. They wanted to test all of their cattle, just like Japan. Not only would it restore access to a crucial overseas market, but it would give them a competitive advantage in parts of the world where consumers demanded the highest safety standards. It was a solution that let the free market work its purported magic by allowing consumers to choose how safe they wanted their beef.

But, Mr. Chairman, the USDA stopped them. They invoked a 1913 law, originally intended to "protect the farmer and stock raiser from improperly made and prepared serums, toxins, and viruses." The law gives them control over "veterinary biologics" like diagnostic tests. In this case, the USDA took control over who could test their cattle and when by using this law to license use of the diagnostic test only to themselves. An American company was forbidden from testing their own product for safety.

Their reasoning? Allowing companies to test all of their cattle, FDA says, "would have implied a consumer safety aspect that is not scientifically warranted." In other words, the FDA worried that consumers will see a label indicating that their meat has been tested for Mad Cow disease and assume it is safer than meat that has not been tested.

Why would they worry about that? Is this not the way it is supposed to be? If your food has been tested, you can be assured it is safer. It is not a reason to prevent testing. In fact, it is a strong argument in favor of allowing testing.

The real reason the USDA will not let a business owner test their own product is that the beef industry is afraid that a new standard of safety will be set and the marginal cost of adequate testing will cut into their shareholder profits. They also stand to lose if a sufficient number of tests are conducted and another Mad Cow case surfaces. In the meantime, Japan and South Korea are under enormous pressure to lower their beef testing standards and reopen their borders to American beef. They look at all their options.

Option number one is to require the U.S. to bring their testing rates up to speed with other industrialized nations. France and Germany test over half their cattle. The U.K. tests all cattle over 24 months old. Japan tests every single one. Meanwhile, the United States boasts about their ramped-up testing rate. In 2004, the year after we found our first case of Mad Cow, the USDA tested 176,468 out of roughly 35 million cattle. That is about a rate of one-half of 1 percent. In other words, about one out of every 200 cattle was tested.

On top of that, the administration proposed to reduce funding for surveillance by two-thirds this year, from $69 million to $29 million.

The second option for Japan and South Korea is to give in to U.S. demands, drastically lower their safety standards, and allow beef that is held to a safety benchmark that is orders of magnitude lower than their own. In so doing, they would risk undermining fragile public confidence in meat safety. It is not right that the administration would play politics with global food supply.

Now, my amendment would allow voluntary testing to occur by requiring the USDA to perform the test on demand. That way the integrity of the testing procedures is maintained under close supervision, and there is accountability and transparency.

In the future, there must be a provision to ensure that Congress does not reduce the amount of USDA funding with funds paid by industry for the testing program.

In trying to rescue their business by giving consumers what they want, some American beef producers could help fill the leadership vacuum left by the USDA. They should be allowed to.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. BONILLA. Mr. Chairman, I make a point of order.

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. BONILLA. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of Rule XXI.

The rule states in pertinent part:

"An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment imposes additional duties.

I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. KUCINICH. Mr. Chairman, I want to say that the gentleman is right. There is a point of order, because we need to legislate to fix this problem. I hope that when the authorizing and appropriating committees meet next year that they will consider this approach, giving it the consideration it deserves. It is for both American cattlemen and consumers.

The gentleman is correct. I will concede the point of order, and I thank the Chair.

The Acting CHAIRMAN. The point of order is conceded and sustained.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WEINER:

Add at the end (before the short title) the following new section:

SEC. 7___. Using funds that would otherwise be paid during fiscal year 2006 with regard to cotton, tobacco, and rice production, the Secretary of Agriculture shall make grants to the several States in an amount, for each State, equal to at least 0.75 percent of such funds, to be distributed to active agricultural producers in the State in a manner approved by the Secretary.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of today, the gentleman from New York (Mr. WEINER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

First of all, I think this represents the final amendment on the bill and gives me another chance to offer my thanks to the chairman and ranking member for doing well with a bill that provides far too little funding for the important agriculture programs of this country.

What does this amendment do? My amendment would require that every State in the Union, all of the States, get at least .75 percent of the funding provided for cotton, tobacco, and rice in this bill. Every single State should get .75 percent. Even though 24 States in the Union have no cotton, have no rice, have no tobacco, this amendment would require that .75 percent of the funding be reserved for those States.

Before the chairman has a chance to say it, I will say it for him: It is a preposterous concept. It is a mind-boggling concept, in fact. Why would we allocate funds in an agriculture bill for places like I represent in New York City that have no agriculture programs?

But I say to my colleagues, that is exactly what we recently did in the homeland security bill. We said that we are going to allocate a fixed amount of money in the homeland security bill, notwithstanding the fact that there might be little or no homeland security needs. Did this create a wise funding formula? Well, only if one thinks that Wyoming should have the highest per capita funding in the country for homeland security grants, and California and New York will be one and two for the least per capita.

Now, of course, one would not want to leave Wyoming unprotected, but I believe that having a minimum guarantee in that bill was simply foolish. After all, New York City had been the target of actual terrorism six times between 1993 and 2001. Twice the World Trade Center was attacked. Efforts were foiled to destroy the Holland and Lincoln Tunnels and the GW Bridge. We were a target in the Anthrax attacks, a subway bomb plot and, of course, a mission that was disrupted to blow up the Brooklyn Bridge by al Qaeda in 2003.

I am not saying that we should not find a way to make every city and locality safe. But are we really better off because of this formula that has .75 percent going to every State? Have we not perhaps reached a point that now cities and States are trying to figure out, how the heck do we spend this money? Well, the answer is, yes, we have reached that point.

Madisonville, Texas, population 4,200, I understand one of the nicer places in Texas, used a $30,000 homeland security grant to buy a custom trailer, and I am not making this up, a custom trailer that will be used during the annual October Mushroom Festival for people who are overheated or injured; and it will double, forgive me, no disrespect to the people of Madisonville, Texas intended, it will double as a command center during supposed emergencies should al Qaeda attack Madisonville, Texas.

Now, Mr. Chairman, it would be absurd for my amendment to become law. It would be a mockery of this House to say that every State should get the same amount of tobacco funding even if there are no tobacco farms, the same amount of cotton funding even if there are no cotton farms, and the same amount of funding even if there are no rice farms. It would be absurd. Why, then, do we have other elements of the bill, other elements of our law, other appropriation bills that are allocated that way? It does not make any sense. Is it really the way it should be?

I have to tell my colleagues something. I am going to be magnanimous. I am a representative from Brooklyn and Queens and the beautiful City of New York. We do not have tobacco farms. I will tell my colleagues what I am going to do: Keep your cotton and tobacco subsidy. Keep your agriculture subsidy. We are not farmers, and we are very grateful to the men and women of this country who are. They make it possible for all of us to eat at prices that are extraordinary. We are the envy of the world when it comes to agriculture.

But can we not also agree that when it comes to things that are not so enviable, like the challenge that cities like New York face when dealing with homeland security, maybe, just maybe, my colleagues can be equally magnanimous? Maybe, just maybe, they can say, you know what? Where we have need, where we have threat, we are going to ask for money. Where there is no threat, where there is no need, we are not.

So I would urge my colleagues to vote no on the Weiner amendment, but I would urge my colleagues to keep it in mind the next time we consider homeland security grants.

Mr. Chairman, I, to the relief of everyone, I am sure, yield back the balance of my time.

POINT OF ORDER

Mr. BONILLA. Mr. Chairman, I make a point of order.

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. BONILLA. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of Rule XXI.

The rule states in pertinent part:

"An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment gives affirmative direction in effect.

I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does anyone wish to be heard on the point of order?

Mr. WEINER. Mr. Chairman, to paraphrase a line from a movie, I am out of order; this whole House is out of order in the way it allocates homeland security funds. I do not dispute the point of order, and I will yield to the ruling of the Chair.

The Acting CHAIRMAN. The Chair finds that this amendment includes language imparting direction. The amendment, therefore, constitutes legislation in violation of clause 2, Rule XXI.

The point of order is sustained, and the amendment is not in order.

□ 1915

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN (Mr. TERRY). Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Mr. HEFLEY of Colorado and Mr. GARRETT of New Jersey.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. HEFLEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 80, noes 335, not voting 18, as follows:

[Roll No. 236]

AYES—80

Akin
Baker
Barrett (SC)
Bartlett (MD)
Bass
Bean
Beauprez
Bishop (UT)
Blackburn
Bradley (NH)
Brady (TX)
Burgess
Buyer
Chabot
Chocola
Coble
Cox
Cubin
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, M.
Duncan
Everett
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Graves
Gutknecht
Hayworth
Hefley
Hensarling
Herger
Hostettler
Inglis (SC)
Issa
Jenkins
Jones (NC)
Keller
Linder
Lungren, Daniel E.
Mack
Manzullo
Matheson
McCotter
Miller (FL)
Miller, Gary
Myrick
Norwood
Paul
Pence
Petri
Pitts
Price (GA)
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Terry
Wamp
Westmoreland
Wilson (SC)

NOES—335

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Jackson (IL)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Marchant
Markey
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—18

Cannon
Culberson
Gohmert
Gordon
Hastings (FL)
Istook
Jackson-Lee (TX)
Johnson, Sam
King (IA)
Marshall
McHenry
Menendez
Payne
Pickering
Reynolds
Rush
Wasserman Schultz
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. TERRY) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1938

Messrs. BAIRD, LYNCH, INSLEE, RANGEL, KENNEDY of Rhode Island, Ms. VELÁZQUEZ, and Ms. HART changed their vote from "aye" to "no."

Mr. FOSSELLA changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. McHENRY. Mr. Chairman, on rollcall No. 236 I was unavoidably detained. Had I been present, I would have voted "aye."

Stated against:

Mr. PICKERING. Mr. Chairman, on rollcall No. 236 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 258, not voting 6, as follows:

[Roll No. 237]

AYES—169

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Calvert
Camp
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Cramer
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Feeney
Flake
Foley
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Kolbe
Kuhl (NY)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Otter
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shuster
Simmons
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Tiahrt
Tiberi
Upton
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (FL)

NOES—258

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bonilla
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Cannon
Cantor
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Fortenberry
Frank (MA)
Gerlach
Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hart
Hastings (WA)
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)

Kind
King (NY)
Kirk
Knollenberg
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sherman
Sherwood
Shimkus
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—6

Gordon
Hastings (FL)
Jackson-Lee (TX)
Menendez
Pickering
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in the vote.

☐ 1948

Mr. COLE of Oklahoma and Mr. BARROW changed their vote from "no" to "aye."

Miss MCMORRIS changed her vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. PICKERING. Mr. Chairman, on rollcall No. 237 I was unavoidably detained. Had I been present, I would have voted "aye."

The Acting CHAIRMAN (Mr. TERRY). The Clerk will read the last three lines.

The Clerk read as follows:

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006".

Mr. BONILLA. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS) having assumed the chair, Mr. TERRY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 303, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 18, not voting 7, as follows:

[Roll No. 238]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—18

Bass
Bean
Bradley (NH)
Flake
Fossella
Franks (AZ)
Hefley
Kucinich
McDermott
Miller, Gary
Paul
Rohrabacher
Royce
Sensenbrenner
Shays
Stark
Tancredo
Taylor (MS)

NOT VOTING—7

Gordon
Hastings (FL)
Jackson-Lee (TX)
Menendez
Owens
Smith (TX)
Young (AK)

☐ 2006

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore (Mr. BASS). Pursuant to 22 U.S.C. 276h, and the order of the House of January 4, 2005, the Chair announce the Speaker's appointment of the following Members of the House to the Mexico-United States Interparliamentary Group, in addition to Mr. KOLBE of Arizona, chairman, and Ms. HARRIS of Florida, vice chairman, appointed on April 14, 2005:

Mr. DREIER of California;
Mr. BERMAN of California;
Mr. BARTON of Texas;
Mr. MANZULLO of Illinois;
Mr. WELLER of Illinois;
Mr. REYES of Texas; and
Mr. MCCAUL of Texas.

THERE HE GOES AGAIN

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, yesterday I came to the floor to ask my colleagues across the aisle to speak out against their party leader Democratic National Committee Chairman Howard Dean. I listed a few of the absolutely ridiculous, and in many cases offensive, comments he has made since January, but apparently I spoke too soon. It appears that Mr. Dean was not through embarrassing himself and his party and in the process offending millions of Americans.

Yesterday, in an interview, he said Republicans, and I am quoting here, "all behave the same, and they all look the same. It's pretty much a white Christian party."

Mr. Speaker, today he defended those remarks. And what is more, the gentlewoman from California (Ms. PELOSI), the minority leader, said that she thought Chairman Dean was "doing a good job."

All I can say is that I hope the Members across the aisle will let the gentlewoman from California (Ms. PELOSI) know that Howard Dean should not be given a pass for his behavior, it is unacceptable, and it is offensive.

OPEN SEASON ON CHRISTIAN WHITE FOLKS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I stand in support of the comments of the gentlewoman from Tennessee (Mrs. BLACKBURN). It is too bad more Members are not here, but I think it is proper for the Democrat Members of this Chamber to demand an apology of their Democrat leader, rather than the endorsement the gentlewoman from California (Ms. PELOSI) has given him when he dismissed the Republican Party as a bunch of white Christians.

I am not worried as a Republican. I am offended as a white Christian. I know that the season is always open for people like Mr. Dean who loves divisive politics. It is always open season on Christian and on white folks because they are the group you can kick and you can get away with it. It is politically correct.

But I am sick and tired of it, and I would call on my Democrat colleagues to ask the gentlewoman from California (Ms. PELOSI) to rethink her assessment of Mr. Dean when she says he is doing a good job representing their party. And I would also call on my Democrat friends to ask Mr. Dean to apologize, maybe not to the Christians of the world, because, obviously, he does not care about them, but maybe to any of the other groups that he seems to constantly offend as each week goes by while he is chairman of the Democratic National Committee.

WHITE HOUSE ENERGY POLICY

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. MCDERMOTT. Mr. Speaker, I am here to express gratitude for the free press, in England. Because it is only for the English that we can finally find out what went on in the White House with Mr. CHENEY and the oil boys. It says in the Guardian this morning, after the meeting with Mr. Blair yesterday, President Bush's decision not to sign the United States up for the Kyoto Treaty was partly a result of pressure from ExxonMobil, the world's largest oil company.

In briefing papers given before the meeting to the U.S. Secretary of State, Paula Dobriansky, between 2001 and 2004, the administration is found thanking Exxon executives for the company's, quote, active involvement in helping to determine climate policy.

The President of the United States rejected Kyoto in part, and this is a quote, rejected in part on the input from you, the Global Climate Coalition.

Mr. Speaker, the President of the United States runs the most secretive operation down there and does not tell us that the oil companies are running our energy policy. As long as that is what is going on in this country, we will continue to continue to be enmeshed in the Bush war and whatever goes on in Iran and whatever goes on anyplace else, and we will continue to destroy the environment.

It is time to end that, Mr. Speaker.

[From the Guardian, May 8, 2005]

REVEALED: HOW OIL GIANT INFLUENCED BUSH

WHITE HOUSE SOUGHT ADVICE FROM EXXON ON KYOTO STANCE

(By John Vidal)

President's George Bush's decision not to sign the United States up to the Kyoto global warming treaty was partly a result of pressure from ExxonMobil, the world's most powerful oil company, and other industries, according to U.S. State Department papers seen by the Guardian.

The documents, which emerged as Tony Blair visited the White House for discussions on climate change before next month's G8 meeting, reinforce widely-held suspicions of how close the company is to the administration and its role in helping to formulate U.S. policy.

In briefing papers given before meetings to the U.S. under-secretary of state, Paula Dobriansky, between 2002 and 2004, the administration is found thanking Exxon executives for the company's "active involvement" in helping to determine climate change policy, and also seeking its advice on what climate change policies the company might find acceptable.

Other papers suggest that Ms. Dobriansky should sound out Exxon executives and other anti-Kyoto business groups on potential alternatives to Kyoto.

Until now Exxon has publicly maintained that it had no involvement in the U.S. government's rejection of Kyoto. But the documents, obtained by Greenpeace under U.S. freedom of information legislation, suggest this is not the case.

"Potus [president of the United States] rejected Kyoto in part based on input from you [the Global Climate Coalition]," says one briefing note before Ms. Dobriansky's meeting with the GCC, the main anti-Kyoto U.S. industry group, which was dominated by Exxon.

The papers further state that the White House considered Exxon "among the companies most actively and prominently opposed to binding approaches [like Kyoto] to cut greenhouse gas emissions".

But in evidence to the UK House of Lords science and technology committee in 2003, Exxon's head of public affairs, Nick Thomas, said: "I think we can say categorically we have not campaigned with the United States government or any other government to take any sort of position over Kyoto."

Exxon, officially the U.S.'s most valuable company valued at $379bn (£206bn) earlier this year, is seen in the papers to share the White House's unwavering scepticism of international efforts to address climate change.

The documents, which reflect unanimity between the company and the U.S. administration on the need for more global warming science and the unacceptable costs of Kyoto, state that Exxon believes that joining Kyoto "would be unjustifiably drastic and premature".

This line has been taken consistently by President Bush, and was expected to be continued in yesterday's talks with Tony Blair who has said that climate change is "the most pressing issue facing mankind".

"President Bush tells Mr. Blair he's concerned about climate change, but these documents reveal the alarming truth, that policy in this White House is being written by the world's most powerful oil company. This administration's climate policy is a menace to humanity," said Stephen Tindale, Greenpeace's executive director in London last night.

"The prime minister needs to tell Mr. Bush he's calling in some favours. Only by securing mandatory cuts in U.S. emissions can Blair live up to his rhetoric," said Mr. Tindale.

In other meetings documented in the papers, Ms. Dobriansky meets Don Pearlman, an international anti-Kyoto lobbyist who has been a paid adviser to the Saudi and Kuwaiti governments, both of which have followed the U.S. line against Kyoto.

The purpose of the meeting with Mr. Pearlman, who also represents the secretive anti-Kyoto Climate Council, which the administration says "works against most U.S. government efforts to address climate change", is said to be to "solicit [his] views as part of our dialogue with friends and allies".

ExxonMobil, which was yesterday contacted by the Guardian in the U.S. but did not return calls, is spending millions of pounds on an advertising campaign aimed at influencing politicians, opinion formers and business leaders in the UK and other pro-Kyoto countries in the weeks before the G8 meeting at Gleneagles.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MAY JOBS NUMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, when is President Bush going to level with the American people about the U.S. economy? This past weekend during his weekly radio address he said the economy is on the right track. The President's statement came one day after disappointing job numbers showed our economy only created 78,000 new jobs in May, the smallest number in almost 2 years.

Keep in mind the economy has to create 150,000 each month just to keep pace with more workers entering the workforce. Last month's numbers created only half that number.

Mr. Speaker, President Bush has yet to create his first job since coming to office 5 years ago. In fact, the economy has to create an additional 24,000 jobs just to get back to where it was when he took office in 2001.

Let us compare President Bush's 5-year jobs record to past Presidents. No other modern day President has presided over an economy where not a single job was created over a 4-year period. The Center for American Progress averaged the number of jobs created by modern Presidents who served 2 years. The Center determined the average number of jobs created by those Presidents through 52 months was 5.9 million jobs. The largest job creation came under the last two Democratic Presidents to serve two terms, President Clinton, who created 11.9 million jobs during his 52 months of his Presidency, followed by President Lyndon Johnson who created 7.6 million jobs.

It is hard for me to believe after hearing these numbers President Bush could possibly be satisfied with the fact that his policies have yet to create one single private sector job. It is also hard to believe that congressional Republicans seem satisfied with these abysmal job numbers.

☐ 2015

You do not hear any of my Republican colleagues questioning the President's economic proposals of the last 4 years.

You also do not hear President Bush or congressional Republicans voice any concern over the sharp cut in manufacturing jobs that has taken place on their watch. Since President Bush took office 5 years ago, our economy has lost 2.8 million manufacturing jobs, including 7,000 more in May. Yet neither the President nor congressional Republicans are willing to do anything to strengthen the manufacturing sector. In fact, congressional Republicans have blocked Democratic initiatives to help the manufacturing industry. Instead, they are more interested in passing $36 billion worth of tax incentives for large corporations to ship American jobs overseas.

The weakness of the job market is also showing up, Mr. Speaker, in the continued stagnation of workers' earnings. It is almost hard to believe, but wages have actually declined since the end of the recession. Again, according to a report from the Center For American Progress, real average hourly earnings declined to $16 in April of this year. That is 7 cents lower than the earnings mark at the end of the recession in November 2001. This means that over the last 4 years, on average, American workers are not getting paid any more than they were when our economy was actually in a recession.

It is no wonder Americans are trying to squeeze every last dollar out of every paycheck. While wages have stalled in my home State of New Jersey, health care, college tuition, child care and gasoline costs have increased an average of $6,000 for a New Jersey family every year.

President Bush and congressional Republicans tell the American people that the policies they have implemented over the last 4 years are working. If the President and congressional Republicans believe this economy is on the right track, I shudder to imagine what a wrong-track economy would look like.

Mr. Speaker, polls show only 32 percent of the American people think the economy is moving in the right direction. It is clear the Republican way of growing this economy simply is not working. If they would only admit that the economy is a concern, maybe we could begin to fix it collectively. I think it is time for a new economic plan that creates millions of high-paying jobs, penalizes companies that send job overseas, and helps companies confront skyrocketing health care costs. Our economy will not be back on track again until the middle class stops feeling squeezed.

SMART SECURITY AND THE NPT CONFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I am more than disappointed by reports that last month's conference to review the nuclear nonproliferation treaty was not a success. At the treaty review conference, representatives from more than 150 nations met at the United Nations headquarters in New York for a month of meetings to address the most urgent global threat we face, the proliferation of nuclear weapons. This conference provided a great opportunity for the global community to improve its collective efforts to prevent other nations from developing nuclear weapons capabilities, deter terrorists from obtaining nuclear weapons, and ensure that the current nuclear states work to reduce their nuclear stockpiles.

Let us not forget that the nuclear nonproliferation treaty, which the United States ratified in 1972, does not just declare that non-nuclear states cannot develop nuclear weapons. It also states that the countries currently in possession of nuclear weapons must work to reduce their stockpiles, with the ultimate goal of getting rid of nuclear weapons altogether. Clearly, the goals for the treaty review conference were challenging; but the United States could have, and should have, made headway by living up to our international commitments.

Unfortunately, a major reason that the NPT conference was considered a failure was America's focus on the threats posed by Iran and North Korea, while at the same time failing to agree to reduce our own nuclear arsenal. The United States currently possesses more than 10,000 nuclear weapons. In fact, at the same time the NPT conference was taking place, the Bush administration and many Republicans in Congress were actually pushing ahead with plans to fund a new nuclear weapon, the so-called bunker buster bomb. The Bush administration's continued pursuit of nuclear weapons, while demanding that Iran and North Korea disarm, demonstrates a rare level of supreme arrogance and hypocrisy, even for this most arrogant of Presidential administrations.

Mr. Speaker, I wholeheartedly agree that the threats posed by Iran and North Korea must be taken seriously. If we fail to take the proper diplomatic actions, both nations could soon possess a sizable and dangerous nuclear arsenal. But why would we expect other countries to dismantle their nuclear infrastructures unless we maintain our nonproliferation commitments?

SMART security, H. Con. Res. 158, which is a Sensible, Multilateral, American Response to Terrorism, is a positive approach to this very challenge. SMART security promotes efforts to reduce the buildup of nuclear weapons and materials, using the cooperative threat reduction program as an example of how to accomplish this important goal. Through CTR, the United States and Russia are working together to dismantle excess nuclear weapons and materials in the states of the former Soviet Union. And because of CTR, 20,000 Russian scientists who formerly worked to create nuclear weapons are now working to destroy them.

SMART security also urges an expansion of the successful CTR program to countries like Libya and Pakistan. Using our diplomatic relationships with these countries to encourage them to give up their dangerous nuclear materials is part of SMART security. But CTR is merely one of the broad array of national security initiatives in the SMART security platform. Any attempt to rid the world of nuclear weapons must begin with nonproliferation efforts here at home, in the United States of America. We must fulfill our international pledge to reduce our own nuclear stockpiles and resist building new nuclear weapons. President Bush's continued efforts to study and fund the bunker buster bomb is the exact opposite of these efforts.

The United States must set an example for the rest of the world by pursuing smart policies, policies that promote nuclear reduction, not nuclear proliferation; policies that support global initiatives to secure nuclear materials, not global nuclear buildup. It is time to end the era of nuclear weapons. This effort begins here in the United States Congress with SMART security.

ORDER OF BUSINESS

Mr. BARTLETT of Maryland. Mr. Speaker, I ask unanimous consent to give my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PEAK OIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BARTLETT) is recognized for 5 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, several times during the past few weeks, I have stood on this floor to talk about peak oil. The chart I have here symbolically shows what we are talking about. The blue curve here represents the amount of oil that the world produces and uses. Of course, over a period of time, the world will use as much oil as it has been producing and that has been going on now for 100 years. Currently, the increase in use rate of oil is about 2 percent. That is what this curve represents. Knowing that, we can put some time on the abscissa of this curve because a 2 percent compound growth will double in 35 years. This use curve, which goes up from here to here, has doubled in that amount of time, so that is a 35-year period.

What this chart shows is that at some point in time, and the only argument is when, the world will peak in its oil production. But before the world peaks in oil production, it is noted from this curve that the demand will be exceeding for several years, it is like a decade, if this is the curve which is followed, the demand will be exceeding supply.

What this has given rise to, of course, is a look for oil around the world. The second largest importer of oil in the world, which is China, has been scouring the world for oil. This chart shows the places where China has secured leases for oil. It is in Canada, it is in Colombia, Venezuela, Brazil, Argentina, negotiating in Russia, in Africa and all over the Middle East, of course; and we have a symbol here showing that they were negotiating for an oil company in our country, Unocal.

When I spoke on the floor the last time about this, I noted that Chevron had bought this oil company, had bought Unocal; but now just in the June 6 issue, this year, just this week, Time magazine, there is an article called "The Great Grab." It says: "In quest of oil, China is on a collision course with U.S. firms and U.S. policy. Chevron, one of the world's oil giants, announced in early April that it was buying Unocal, a smaller rival, for about $17 billion. The Chinese National Offshore Oil Corporation, CNOOC, may make a counteroffer for Unocal, the world's ninth largest oil company. If it does, it would mark the first major takeover fight between a U.S. company and a Chinese competitor."

Think about it, Mr. Speaker. The Chinese have now secured rights for oil north of us in Canada, to our neighbors to the south, and now they are about to buy a major oil company, the ninth largest oil company in the world, right on our soil. Competitors are worried, the article says, that China is so eager to do deals that it will warp the market. Western oil majors are concerned that they won't be able to compete, according to Gary Ross, CEO of Petroleum Industry Research Associates, because the Chinese companies, most still state-owned, are willing to accept a lower rate of return. To acquire Unocal, CNOOC would have to offer more than the $17 billion that Chevron said they would pay for it, plus the $500 million breakup fee that Chevron booby-trapped to its Unocal bid.

This is not the only place in the world that China is doing the great oil grab. It says: "But Beijing is completing a long-term $70 billion oil and gas deal with the Iranian regime." I would like to note, Mr. Speaker, that this crisis is not just noted now, because almost a year ago, Jane Bryant Quinn, in an article in Newsweek, it was August 16, 2004, called "Gas Guzzlers' Shock Therapy," had this to say:

> My fellow Americans, drop the fantasy that we'll return to cheap gasoline, that was a year ago, it was a lot cheaper, and pump it for as long as our withered hands can steer an SUV. As the prophet saith, the end is nigh. Demand for oil is running high. In fact, we're gobbling up the stuff. But world production grew by only 0.6 percent a year for the past 5 years. At some point, supplies will shrink, not grow.

Mr. Speaker, this is really quite alarming, that in our country the second largest importer of oil in the world is now buying a major company.

EXCHANGE OF SPECIAL ORDER TIME

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that I may replace the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

HONORING DR. LEWIS L. HAYNES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor the life and legacy of a true World War II hero, Dr. Lewis L. Haynes. Dr. Haynes was the physician aboard the ill-fated USS *Indianapolis*, the ship that carried integral components of the weapon that brought about the end of World War II. However, the Indy, as she was called by her crew, has been immortalized in history for another distinction. On July 30, 1945, she was sunk by a Japanese submarine. It would take nearly 5 days of wading in the shark-infested Pacific Ocean for the survivors to be rescued.

During the closing weeks of World War II, Captain Charles McVay, III, Dr. Haynes, and the rest of the crew of the USS *Indianapolis* were charged, albeit unknowingly, with the daunting task of transporting key components of the atomic bomb from San Francisco Bay to the island of Tinian.

□ 2030

After completing their mission and dropping off their cargo, the Indy set sail for the Philippines where she was to meet up with the rest of the Pacific Fleet to prepare for what everyone believed was going to be an invasion of mainland Japan. Very few people knew about the top secret weapon that could potentially end the war, including Captain McVay.

Just 3 days into their voyage to the Philippines, a Japanese submarine spotted the Indy just after midnight. The submarine then fired six torpedoes at her, two of which struck the battleship and would prove her undoing. Amid the chaos, Dr. Haynes tried to do everything he could to help the survivors stay alive to make it off the ship. As the Indy sank, he treated as many of the ship's crew as he could with morphine and wrapped them with bandages. Realizing he was running out of time, he began fastening life vests around the men, directing them off the ship into the dark, unknowing water below. Simultaneously, a radio distress signal from the Indy was received on the island of Leyte. Although it was reported, no action was taken to save the crew.

It took only 12 minutes for the USS Indianapolis to sink into the Pacific Ocean. About 300 men died in the attack, leaving 900 more to fend for their lives in the deadly water. In the midst of the pandemonium, the crew of the Indy was scattered throughout the ocean. Some groups were lucky enough to have a lifeboat and some supplies. Others were fortunate enough to have life vests. However, some had nothing to help keep them alive.

Dr. Haynes found himself in charge of the largest group of survivors. Although they did not have a lifeboat, the group, called the "swimmers" by Dr. Haynes, was fortunate enough to have life vests and belts. Dr. Haynes and Father Conway, the ship's chaplain, would swim around to the crew to treat the sick and injured and to round up the lone men floating adrift.

Days would go by, and Dr. Haynes would watch helplessly as more of the young crew passed away from disease, dehydration, and shark attacks. He did what he could to ease their pain and suffering. He fought off attacks when the men went mad from hallucination. He gave those men hope and a reason to live when all seemed lost. However, with no food, water, or medical supplies, Dr. Haynes was no longer a physician but more of a coroner. After Father Conway died, Dr. Haynes would give the dead their last rights by reciting the Lord's Prayer. He knew he had to stay alive. His boys depended upon him.

Finally, on August 3, 1945, after 4½ days in the deadly ocean, the survivors would be rescued. In the end, only 317 of the 1,196 crew survived the catastrophe. Those who did survive would go through weeks of intense therapy for their injuries. It would take Dr. Haynes a month of convalescence before he could walk again. Additionally, he suffered third-degree burns on his face and hands from the explosions aboard the Indy.

Because of the bravery of the crew of the USS *Indianapolis* in transporting the atomic bomb across the ocean, they helped end World War II and subsequently saved countless American lives. We will forever be grateful to those men for their contributions to freedom. Moreover, we should acknowledge the individual heroism of men like Dr. Lewis Haynes who helped save lives by keeping hope.

Mr. Speaker, although Dr. Haynes' life ended on March 11, 2001, when he died at his home in Florida, his legacy will live forever. May we never forget the sacrifices made by our greatest generation and all of the members past and present of our Armed Forces. It is because of their selflessness that we enjoy the freedom we have today.

METAMORPHOSIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODE) is recognized for 5 minutes.

Mr. GOODE. Mr. Speaker, I rise this evening to read a poem by Molly Brown. Molly is a 13-year-old who suffers from cerebral palsy, and she is the daughter of a college professor at Sweet Briar and his wife. She read this poem at an Adaptive Ski event for injured soldiers from Iraq and Afghanistan that was held at Wintergreen in Nelson County in my district.

Commander William L. Shade of Nelson County American Legion Post 17 sent me this poem, and I want to share it with the United States House of Representatives.

The poem is entitled "Metamorphosis."

For every soldier who lost something in Iraq:
What do I say to those
Who have looked time's end in the eye
And faced it, heads raised,
With their own eyes open
Not afraid to fear?
What comfort can I offer those
Who lost the life they knew,
And must begin again
With eyes that see
A world transformed?
How do I greet the boy
Who donned an Army jacket
And stepped on a bus,
Ending his childhood
Before his time?
I speak slowly,
Knowing this is all I can say:
I hope that on the mountain,
As you take your first fall
And powder, cool as moonlight, hits your cheek
That you can regain
If only for a moment
All that you have lost
And see before yourselves
A future uninhibited and bright.

By Molly Brown.

UNITED AIRLINES PENSION COLLAPSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. GEORGE MILLER) is recognized for 60 minutes as the designee of the minority leader.

Mr. GEORGE MILLER of California. Mr. Speaker, last night the gentlewoman from Illinois (Ms. SCHAKOWSKY) and I myself read into the RECORD statements that we have received from the employees and the retirees of United Airlines who were worried to death about the fact that their pensions are going to be severely cut as a result of United's decision to terminate their employee pension plans as part of its bankruptcy proceedings.

Tonight, we would like to again read many of the e-mails that we have received from these retirees and these employees outlining what the real human toll is of the actions of United Airlines and the inactions of this Congress to deal with this growing crisis in the American pension plans for workers.

As the Members will later hear, Mr. Speaker, some of these 2,000 people who responded to the first ever congressional E-hearing by my Democratic colleagues on the Committee on Education and the Workforce, through their ingenuity, we were able to extend an opportunity to these individuals to be heard because there was no forum in this Congress for them to be heard. There was no forum that said that the average people who are being impacted by this policy will be heard. So we came up with the idea of having a congressional on-line E-hearing where the retirees and the employees of United

Airlines could express directly to the Congress the concerns that these changes have made to them. I think these average Americans are beginning to notice and beginning to articulate the fact that this Congress has not dealt with these concerns. with the concerns that affect their daily lives.

So, Mr. Speaker, I would like to read an e-mail from Fred P. Euler from Santa Barbara, California. He writes to us in the e-mail: "As a retired United Airlines pilot, I need your help to stop United Airlines from dumping our pension plan in the lap of the Pension Benefit Guarantee Corporation and possibly the taxpayers. The Retiree Pilot Pension Plan is adequately funded and should be paid by United Airlines, not the PBGC. The amount that the PBGC will pay out will have a devastating impact on thousands of retired pilots who devoted their careers to United Airlines and are now shocked, saddened and angry about the callous disregard displayed by United Airlines and the PBGC if it succeeds in seizing our pension plan. I am 69 years old with 32 years of service. It is estimated that my monthly loss will be about $2,000, which is over 30 percent of my pension."

Jeanne Miller of Murrieta, California, writes: "I am writing this in the hope it might save the termination of United Airlines pension plans . . . I worked as a dedicated flight attendant for over 33 years. I am a single mom with one child who has graduated from college, we are both still paying tuition, and a son who is in his first year of college. I retired reluctantly in June, 2003. United offered a deal to those flight attendants willing to retire early that was hard to resist: good medical benefits and a pension that was enough to support me and my son . . . Now they are threatening to take all of that away." Under the previous plan, she "would have been able to be the caregiver for both of my parents, who are disabled and unable to live by themselves without care.

"If United turns over our pension to the PBGC, it will create a tremendous hardship."

John Givens of Redondo Beach, California: "I was a 36½-year employee who was forced into retirement when United closed my reservation office in Long Beach, California. My retirement was good enough that my wife, who is disabled, and I thought we could make it. We have raised seven children, two who are still in college. They work part time but will have to drop out because I will no longer be able to help them. I will lose approximately 55 percent of my pension due to the rules."

Mr. Speaker, these are e-mails from United retirees and United employees who now see their economic future deeply clouded, deeply threatened by these actions by United. They see the fact that they worked hard for 30 years, for 33 years, for 36 years. There is no way now that they have retired where they can go and accumulate the necessary resources to have the retirement that they carefully planned for by their hard work on behalf of United Airlines. These are the people who are crying out for help before their retirement nest eggs are destroyed by the United Airlines.

The gentlewoman from Illinois (Ms. SCHAKOWSKY) and I have introduced legislation to put a 6-month moratorium to see whether or not the pilots, the machinists, and the others can negotiate with United to try to protect these individuals' retirement.

Mr. Speaker, the gentlewoman from Illinois (Ms. SCHAKOWSKY) joined me last night, and I yield to her tonight for her comments and for the letters that she has received through this e-mail hearing.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding to me.

I want to express my appreciation for all that he has done to draw attention to the plight of United employees and how what has been happening with them really reflects the larger looming pension crisis in our country. He has repeatedly called on Congress to protect defined benefit plans and to ensure that the rank and file workers have the same retirement security that executives with golden parachutes do. As he frequently says, "What is good for the captain is good for the sailor." I thank him for his leadership and his fight for workers, and I really appreciate working with him on this important issue.

As he knows, United Airlines, like so many other corporations, has exploited loopholes in the law to disguise the true financial standing of its pension funds. The company knowingly underfunded its pensions and hid the truth from its workers about their retirement security, all quite legally. The nearly $10 billion shortfall at United was only revealed when the company asked the bankruptcy court to terminate its pension plans and now the employees are the ones that are going to have to pay the price. These dedicated employees have had the rug swept out from under them, and their retirement security is in serious question through no fault of their own.

United employees have tried to be responsible. They have tried to plan ahead. When they signed up for their jobs they believed they were making informed financial decisions for today and for their retirement. United offered luring packages of benefits, included defined benefit pensions, meaning employees were guaranteed a set figure for their retirement when their years of work for United Airlines were done, years down the road.

Now, because United is using the bankruptcy court to back out of its pension agreements, United employees and retirees are being tossed into retirement without a parachute. Tens of thousands of the flight attendants and machinists that are affected are in Illinois, 10,000 of them. It seems now that the only ones who are making honestly informed decisions about what they were getting into were the executives like Chairman Glenn Tilton, who squirreled away his $4.5 million retirement fund in a trust that cannot be touched during bankruptcy proceedings. He made sure to protect his retirement package because he, like his employees, knows exactly how important planning ahead is.

I would like to share a few stories from United employees in Illinois who, because they were being fiscally responsible, know exactly how losing their pensions will affect them. These are letters that came through the E-hearing, the on-line hearing that the gentleman and his committee held.

☐ 2045

This is the story of Michael Moore from Crystal Lake, Illinois. It is the other Michael Moore. He writes: "I hope you have some time to hear from a small voice and on a quiet street in Illinois. I am a 54-year-old maintenance mechanic for United Airlines. Having 25 years for the company in today's world is a trick in itself. My wife and I have raised our four children and they are out building a life of their own. You work, you plan and you save for this point in your life, only to have lost it all. I have only 4 months until I was planning to retire and now I can't. I have lost $60,000 in the United Airlines employee stock option plan back in 2001, gave up a total 23 percent wages in the last few years, sold my home and now will lose my pension and health care. What is next?

"There has to be a better way. We can't just allow large corporations to just terminate pension plans. The pension plan is our deferred wages traded from our current wage to provide a retirement in the future, a legal contract. Now it is not worth the paper it was written on.

"I feel I am a perfect example of how Mr. Bush's Social Security plan will fail. As the employees of United continue to give and give and give, our top management make more and more. Something isn't right."

If I could go on, I have a couple more. This is what Paula Carlson from Oak Lawn, Illinois, had to say: "I have been a flight attendant for almost 20 years for United Airlines, and if my pension is terminated I will be paid as if I terminated my employment at 47, even if I continue to work and retire from United Airlines when I am 62. My retirement plans were for the full pension I was promised, a 401(k) and Social Security. Now I will have to live off of $400 monthly approximately from my pension, instead of $2,800 monthly.

"I can hardly contribute to my 401(k) due to pay cuts at United. I will be at poverty level and may have to be a burden on my son, who is only 16, but hopes will make a decent enough living to help me out.

"We have been deceived our whole lives about hard work paying off. The only ones paid off are the CEO and the board of directors. They come in with their guaranteed payoff and the company they have been hired to build or maintain can collapse right from under them, while the workers who built the companies lose everything and become a burden on their children and our society. What has happened to our country?"

Let me read one more. This is a good one. The following is Joseph Gillick's story. He is a flight attendant based out of Chicago, lives in Espyville, Pennsylvania:

"If you have traveled frequently on United Airlines during the last 13 years, chances are you have become familiar with my voice and face. I have worked as a flight attendant for United Airlines for 29-plus years. My name is Joseph Gillick, I am based in Chicago Illinois, and I am the safety video spokesperson seen on United flights worldwide.

"I submit United senior executive's bankruptcy strategy under the leadership of CEO Glenn Tilton is an affront to basic human values, financially wrong and unquestionably unpatriotic.

"If senior executives are successful in dumping pension obligations, forcing the PBGC to take responsibility, I will immediately lose 50 percent of my meager $1,100-a-month pension benefit. I am presently the primary caretaker of my 89-year-old mother. With ever-increasing health care and home care expense, my mother and myself are just two out of countless thousands of citizens who will be unquestionably harmed and placed in dire financial circumstances.

"No question United is operating under severe financial circumstances. Difficult decisions must be made. Corporate change must occur. Yet at the end of the day, will we be able to say all possible solutions were explored before allowing United executives to dump employee pension responsibilities?"

Mr. GEORGE MILLER of California. Mr. Speaker, reclaiming my time. I think the gentlewoman has raised a number of people who wrote her from Illinois, the retirees and employees of United raised this point, that it was actually the President that said what is good for the crew is good for the captain.

What we see here clearly is what so many of these employees recognize, and what we have watched now is company after company that terminates these employee pension plans, that go into bankruptcy, at the end of the day the company goes on, less these liabilities, and the very people who administered the company into the bankruptcy, their pensions in many cases were guaranteed, they were moved outside of bankruptcy, they were put into trusts, or as the company is reorganized, they then go back to issuing stock options for themselves, issuing bonuses, as if nothing happened.

Yet what we see here is tens of thousands of United employees who are left in the dust bin. Many of these people cannot go back to work. They cannot go back and accumulate a retirement nest egg again, and I think it is something we see run through all of our letters. I want to thank the gentlewoman for raising that point.

Ms. SCHAKOWSKY. Mr. Speaker, if the gentleman will yield further, let me say one thing about that. It is not as if they are saying we want things to be exactly as we were promised when we came in. These employees have given up about $3 billion in benefits already.

Mr. GEORGE MILLER of California. Reclaiming my time, time and again these employees have given back on retirement, have given back on wages, have given back on hours to keep this airline flying; and yet at the end of the day, the executives walk out to the new company and the employees are stuck without their retirement, without their health care benefit.

I now recognize my colleague, the gentleman from Massachusetts (Mr. TIERNEY), who was part of our e-hearing, the first-ever Congress e-hearing to provide this kind of access to ordinary Americans who are suffering the disaster, the personal disaster of the larger disaster of the United Airlines decision to go into bankruptcy and get rid of these pensions and health care plans.

Mr. TIERNEY. Mr. Speaker, I want to thank the ranking member, the gentleman from California (Mr. GEORGE MILLER), and thank the gentlewoman from Illinois (Ms. SCHAKOWSKY) as well for your leadership on this issue, and for convening this e-hearing and also taking this time on the floor tonight.

I think it is imperative to read as many of these e-mails as possible into the RECORD and express the voice of so many people that earned their pensions, that worked their long work lives and took as a form of deferred compensation the rights to these pension benefits. They sacrificed pay raises and sacrificed other benefits in exchange for what they thought was a promise from the company that they were going to get this pension when they retired.

One UAL person wrote in and said, "I joined UAL with stars in my eyes believing the promise of opportunity, a secure benefit package and the enthusiasm of being part of something great."

Well, it really has not been something great for them. As the gentleman mentioned, in every way the employees tried to work it out with the company. I am so used, as the gentleman is, from hearing executives tell us, oh, the employees will not cooperate, the employees and their high costs are driving this company down.

Well, it was the employees at UAL that actually went into an ESOP program, an employee stock option program, that turned out to be near worthless for them in the long run. Some lost hundreds of thousands of dollars trying to help the company out. They underwent cuts in pay, they forewent benefits, and all of this to find the company surreptitiously sneaks into bankruptcy for 2½ years and then slides their benefits into bankruptcy and they end up going into the Pension Benefit Guarantee Corporation and getting about 30 to 40 percent of the benefits, if they are lucky.

These letters, these e-mails, are written about feelings of betrayal, absolute feelings of betrayal. They say it is a sign of what they think is happening to the moral fiber of this country. They wonder on a philosophical level how this is going to impact the values that they have been brought up with and they have been instilling in their children.

Jacob Acker said not too long ago that in 1938 FDR talked about the last great unconquered frontier of America was the frontier of uncertainty and insecurity. And then as a country we set out to do something about it. We worked with corporations, with employee groups, we worked with private groups and our government and we put in Social Security, we put in pensions, we put in health care benefits, the minimum wage, the GI Bill. We put in structures and security so people in this country would no longer feel that they were confronting that frontier of insecurity and uncertainty.

But here we are in 2005, we find out executives and management of a company can turn it around and take their promises and turn them into dust and take their employees and put them into sheer desperation, so that again in 2005 we are again facing a frontier of uncertainty and insecurity. And it is incumbent on this Congress to finally act.

I say to the gentleman from California (Mr. GEORGE MILLER), as ranking member of this Committee on Education and Workforce, and the members on the minority side who have been banging away for some time now saying this is an impending problem that has to be addressed, where is Congress on this matter? Where is the White House on this matter? They are dealing with issues the American public does not even care about. You look at what has happened so far this year on the agenda of this Congress and the

White House. It is not about jobs, it is not about health care, it is not about education for people's children, and it is not about pension protection and retirement.

The closest the President comes is trying to privatize Social Security, which would put these people in further jeopardy. And that is what I hear often from the people at United. Boy, if they ever realized about the guaranteed benefit of Social Security being important, they now realize it, because what they thought was a benefit due them from their employment has gone out the window.

As I said, these stories are touching. But they are more than touching; they are tragic. For many of the people here, it is too late to start over. I think in one of the letters that either the gentleman or the gentlewoman from Illinois (Ms. SCHAKOWSKY) read, they talked about dedicating their life to the company for a promise and now being faced with decisions that they never thought they would have to face and making choices they never thought they would have to make.

What about their health care? Are they going to be able to afford it for themselves, for their loved ones, particularly for their children? There are 120,000 employees that face these deep benefit cuts. It is going to make a serious impact, and many of them are concerned for themselves, but, even more so, for what happens if other companies follow in the footsteps of United.

What happens if this Congress under Republican leadership continues to fail to act to shore up these defined benefit pensions, to shore up the Pension Benefit Guarantee Corporation system so that it takes care of people, to make sure that every corporation does not decide to slide into bankruptcy and dump its responsibilities onto the PBGC and to hurt their employees and leave them no recourse. We need to act.

Let me read one letter, if I can, from my district, Kevin P. Creighan and Cathy J. Hampton from Lynn, Massachusetts. They e-mailed in: "We know that approximately 120,000 current and former employees will suffer if United Airlines is allowed to hand its pensions over to the PBGC. I will address the concerns of two of those current employees, my wife Cathy and myself, as examples of the upcoming devastation.

"Cathy has been with United for 27 years, and I have been there for 29, a combined 56 years of working hard, earning a living, and all along expecting a pension in 7 years' time when we planned to retire. At our retirement, between us we expected to have 70 years of loyal service to our employer, single employer; and we each expected to receive monthly pension checks of about $2,500 per month.

"If United is allowed to break its promise to pay our pensions, our actuaries tell us we would each probably receive less than $1,000 per month. We are already told that we could work an additional 15 years and we might get closer to our current pension, but that is predicated upon a very strong stock market and successful investments. Work 15 more years, and only to get closer to something else.

"Our retirement income would drop by 60 percent unless we choose to work beyond 70 years of age. This is not the American way. We thank you for considering how dreadful this situation is, not only for the two of us, but for our 120,000 colleagues who have worked every bit as hard."

We have letter after letter from Massachusetts residents and people in my district that show, exactly as the gentleman's have, this is a tragic failure of Congress to respond and a tragic action by a corporation that should know better and should have acted differently.

Mr. GEORGE MILLER of California. Mr. Speaker, reclaiming my time, I thank the gentleman. Again, he has raised an important point. These employees of United Airlines, these employees for the last several years have worked with this company to give back part of their retirement, give back part of their health care, give back part of their wages, give back part of their hours, all the rest of it. They were struggling to stay in the middle class. These are good, middle-class jobs. They were struggling to stay in those jobs, to stay in the middle class with the assurance of that retirement.

Very often people think, well, the retirement is something you get at the end of your employment. The fact of the matter is, every hour of pay you have negotiated, you give something for retirement. You earn it on an hourly basis. Your employer decides how much they want to pay you and they figure in your benefits and all of the rest of it. It is a package.

Now, of course, here at the end, people after 30, 40 years, finding out that they have lost a huge percentage of their retirement and have no ability to replace it.

Mr. TIERNEY. If the gentleman will yield further, one of the things not true is most of these executives have not worked anywhere near the number of years that these employees have worked for that company. Many of them come on as directors of the board or in high-level positions for a much shorter period of time, qualify for some pretty extravagant pension rights of their own, solidify them by putting them in a trust that cannot be touched in a bankruptcy proceeding, and go out merrily into the sunset having destroyed a company, or at least their employees' chances to have a decent, dignified retirement.

Mr. GEORGE MILLER of California. Mr. Speaker, reclaiming my time, over the last several years, the gentleman is quite correct, we have seen CEOs and other corporate officers who are retiring, and they have worked for the company for 3 years and they are given a retirement package as if they worked at that company for 23 years, if they worked at that company for 15 years. So they just make up the retirement package for the CEOs and they go on their way.

The CEOs that ran United into the ground here, that have destroyed this company, they get severance packages, they get golden parachutes, they go on their way. The employees who are left struggling trying to rebuild this airline to try to keep it competitive, they are the ones that take the slicing and the dicing of the loss of the pensions, the loss of the health care, the loss of the retirement.

Mr. TIERNEY. If the gentleman will yield further, compare that to John Lagadinos from Billerica, Massachusetts. He is a retired aircraft mechanic with 42 years of service with United Airlines, 35 years were spent working the nightshift, afternoons, midnights, working most weekends, Saturdays, Sundays and holidays, with, as he says, no social life to speak of.

He says, "We also worked in rain, sleet and cold, heat and cold. The executives didn't. So cold in the winter our hands would be cracked and bleeding from working on the aircraft outside.

"Contractually our monthly medical insurance for my wife and I was $22 per month pre-65 years of age and $24 per month post-65.

□ 2100

But, recently, that has been increased to $214 per month, with a decrease in coverage and an increase in out-of-pocket cost. So it is not bad enough that their pension rights are being shaved down to less than 15 percent but that they are heaped on with additional medical expenses, another promise that was made to them that is not being kept by corporations, as more and more companies are starting to default on their retirement health benefits as well. So it is a double whammy.

The prescription drug costs have increased from the $5 generic, $10 name brand to $19 generic, $51 name brand. His wife and he use four name brand drugs costing $204, that used to cost them $40.

Then he talks about what the gentleman from California (Mr. GEORGE MILLER) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) talked about earlier. These same employees went into an employee stock option plan at the request of the company to try to save the company. They were not allowed to contribute to the 401(k) that they paid on their own. The company never contributed to the 401(k). In lieu of wages, they were given useless stocks and ended up selling on the employees for about a dollar a share. For this individual, it was costing about $160,000, which he lost.

He says, with all of these losses and losing a portion of our pension, too, I do not know how we will make it. They do not want this to become a precedent for other companies. Thank you for your concern and action.

Concern is something that we have here. Action is what this Congress needs to do and which it has not been doing.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman very much for participating in this.

I would like, before I recognize the gentleman from New York (Mr. OWENS), to read one last letter that we have here tonight, and I will read others in the coming days, from Ann Clegg of San Francisco, California:

"I retired as a flight attendant from United Airlines in 2002 after 37 years of service. I was promised a pension and quit at age 58 after carefully considering the money I would live on, and my pension was a big part of that. Now, with the threat of the reduction of my pension, obviously, my standard of living will be greatly reduced. I ask you, if there is anything good, right, and honest in this country, why is this happening? I worked and believed a promise that should be upheld by my company and the government. I would not have retired early had I known that United Airlines would be allowed to renege on its promise. This is wrong and shameful. Please help."

The point is, again, these people upheld their end of the promise. The promise was between the employees and the company, the handshake was between the employees and the company, and that is why these people are so devastated when the company made the decision to go into bankruptcy and to discharge these pension obligations and their health care.

I know the gentlewoman from Illinois (Ms. SCHAKOWSKY) and I knew the gentleman from New York (Mr. OWENS) and I know the gentleman from Massachusetts (Mr. TIERNEY) have read these letters.

So very often, these very same families that are losing their retirement income have serious health problems within their families, either their children, their spouse, their parents, who they are taking care of. Their own retirement benefits and their health care benefits for their family were very important to them, and now they are saddled with increasing health care costs, with a diminished health care plan, if any at all, and, obviously, a greatly diminished pension. So these people are really suffering a double hit by the actions of United.

We have written to our committee, the Committee on Education and the Workforce, for several years now, asking them to have hearings, asking them to look at this problem, asking them to look into the PBGC. Only today, as the Senate held its hearings, did people start talking about the loopholes.

We have known about those loopholes on the committee for years, to bring to everyone's attention how the pension plan was gamed, how the real figures are not disclosed to the employees, not disclosed to the investors, not disclosed to the public, the conditions of these pension plans. Only when it is too late are those disclosures made as the company enters into bankruptcy and there is very little the employees can do about that.

It is absolutely a scandal what has taken place here and the inaction of this Congress. Only now do we start to see them take action. But no inquiry before, no discussion of the problem, and even as we start to take this action we will not have the full information before us about the extent of this problem, and not just United Airlines but in major corporations all across the country.

I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Speaker, I do not have to remind the gentleman from California about his efforts to have the committee go to the administration and get that information about where does the rest of the employment situation lie, where are the rest of these pensions in terms of their viability. The fact of the matter is we have been unable to get that information until very recently. We got some of it.

But what is the problem with disclosing that to the American public? What is the problem with the Congress knowing the full extent and the public knowing the full extent, how many companies are in this precarious situation? That, if anything, would force Congress hopefully to get up and act.

Something that we have known, something that the gentleman has led the way in writing to the committee, speaking to the committee and the administration on this issue and now trying to get the information that will compel them to act on it. Because it is devastating to learn just how many companies are in a situation that are near default or problematic.

Mr. GEORGE MILLER of California. Mr. Speaker, I just recently wrote to the chairman of the committee and, after reviewing that information that was given to us by the PBGC, I asked him, I think it is very important that the committee go ahead and have a vote and make this information public. Because, obviously, what we have seen is there is a huge disparity between what the public has been told of the pension problems of these companies and what the PBGC has been told in secret, out of the public eye, not for disclosure, what the real situation of these pension plans are.

So that we have millions of Americans who believe the conditions of their company's pension plan is one thing, and the company knows it is another. In many cases, as we wrote to the chairman and said, the difference is hundreds of millions of dollars and, in some cases, billions of dollars in terms of those liabilities. I think that those employees, when they see how this can happen with the United case, those employees are entitled to that information.

Interestingly enough, the President of the United States asked 4 years ago that this information be made public, but the companies are lobbying hard so it will not be made public, and, so far, the committee has not responded to our letter. But certainly before we begin writing a new pension bill we ought to have this information laid out on the public record so people can comment on it to see whether or not the bill that we are considering, the ideas that the President has will make this worse or make it better. I thank the gentleman for raising that point.

I would like at this time to recognize another member of the Committee on Education and the Workforce, a member of long standing of the Committee on Education and the Workforce who, in every session of this Congress, has taken on the responsibilities of this committee to look at these issues that confront working families in the workplace, in their health care, in their daily lives in the workplaces of America, and that is the gentleman from New York (Mr. OWENS).

Mr. Speaker, I am going to yield the balance of our time to the gentleman from New York (Mr. OWENS) for the purposes of this discussion and to read the communications from individuals from New York.

Mr. Speaker, I thank the gentleman for joining us tonight.

HUMAN SUFFERING AS A RESULT OF CORPORATE THEFT

The SPEAKER pro tempore (Mr. MACK). Under the Speaker's announced policy of January 7, 2003, the gentleman from New York (Mr. OWENS) is recognized for the remainder of the designee of the Minority Leader's time.

Mr. OWENS. Mr. Speaker, may I ask how much time I have left?

The SPEAKER pro tempore. Approximately 30 minutes.

Mr. OWENS. Mr. Speaker, I want to begin by thanking and congratulating my colleagues on the Committee on Education and the Workforce, the ranking member, the gentleman from California (Mr. MILLER), the gentlewoman from Illinois (Ms. SCHAKOWSKY), and the gentleman from Massachusetts (Mr. TIERNEY). I want to thank them for their invention of the congressional e-hearing. This is not a small thing. We now have a device, one more productive milestone for communication, that can allow us to reach out into the entire Nation, beyond the Beltway, beyond the partisan arguments of the Congress.

This is a very important new instrument for freedom of speech and for freedom of the minority party. We are, as Democrats, a minority party, and we are an oppressed minority party in that we are not given the right to call hearings or we are not allowed to recommend hearings and have the majority party follow through on those hearings. That was not the case when the Democrats were in the majority, but that is the way it has developed with the present Republican majority.

So we have a device now whereby any citizen can participate. They do not have to pay the fare to come to Washington, but you can participate in a hearing, and I think this is a device that we should look forward to using more often.

We should understand that in street language what my colleagues have been talking about is a legal swindling, legal theft. How can there be legal theft? Well, whatever the Congress approves is legal. They sometimes approve things that are immoral and illegal, really. They sometimes approve things that are devastating for people. But legality means we made it legal, because it is a law.

By law, we are allowing corporations to run rampant over the rights of individuals in a most profound and basic way, and that is they are taking their money. They are taking the money of people who have put their money aside in a pension plan and who entrusted the corporation to be the guardian for the money that they have saved over the years.

I am going to begin with one letter, because I think it is very important to keep this on a plane where we understand that the people of America are speaking. I think the e-hearing solicited at least 1,000 responses, and I think that some of those responses need to be amplified, and we need to hear them and the rest of America.

I want to begin with one which does not come from New York State. I am going to read a few from New York State, but this one happens to come from a lady who lives in Doylestown, Pennsylvania, Carolyn A. Rosenberg. I give her name, I give her location, because I think she wanted to participate in a hearing, and she wants to be heard. She wants it to be public, what she is about to say. I must say that what is in this letter is very intimate, very painful, it shows a great deal of human suffering, and I congratulate her, I thank her, for being willing to share it with the rest of America.

"Representative George," she says, "my vivid recall of 9/11 is lying on the kitchen floor in a fetal position crying uncontrollably, feeling like I am going to vomit, praying to God to keep my husband safe, and wondering where my husband is, what he is experiencing, and what the hell is going on. My next thought, rational or not, was to jump in the car and go pick up my son from his Jewish preschool, figuring these lunatics would want to kill him because of how we choose to worship God, yet my body wouldn't let me get up off the cold floor. I desperately hoped for someone to call me, anyone, and tell me my husband was safe.

"Presently, as I write this, my body is shaking. It is difficult to keep my emotions in check and to focus on what I want to say. My husband recently retired from United Airlines after a 24-year pilot career with them and a 40-year career as a professional aviator. What is happening at United to all its employees, present and past, is appalling. The people with the power of this company belong to the group that boasts Ken Lay, Bernie Ebbers and Dennis Kozlowski as some of its members. The Executive Council for the Pilots Union is also right there with them.

"The effects of the United Airlines bankruptcy has been staggering to my family. The stress on my husband and myself individually is enormous, not to mention the strain on our marriage. We have lost a significant portion of our savings due to United's collapse. At mid-life I am forced to go back to school to switch careers, and wondering how I will pay for it. I have to find a job that will pay me what I was making, plus the 61 percent retirement loss my husband is going to suffer. Yes, that percentage is accurate. My husband used the Pension Benefits Guarantee Corporation formula. My kids want to know why we won't buy them Game Boys, why we never eat out anymore, why the house was freezing in the winter, why we are canceling the cable, why we might sell the house, and why we won't buy a replacement vehicle to our 13-year-old minivan with the loud noises.

"I'm not a rocket scientist, but I know that United's employee pension funds don't have to be turned over to the PBGC to allow UAL to emerge from bankruptcy. I expect, no, I demand, that these smart people at the top actually formulate a plan to preserve what all the employees have worked so hard to earn.

"I feel pretty darned (not the word I want to use) mad, betrayed, and depressed. I feel that my husband and I have no control over our financial future and also feel, unfortunately, that this won't be resolved for years. Congress, it's your turn to step up to the plate and do something since United Airlines' management isn't, nor this administration (and I'm a Republican). Carolyn A. Rosenberg, Doylestown, Pennsylvania."

I want to thank Mrs. Rosenberg for sharing that with us. I want to thank her for participating in the e-hearing. I hope that we will be able in the future to have many more e-mail hearings since we are not allowed to have hearings of people in person.

Mr. Speaker, I will enter the entire letter of Ms. Rosenberg into the RECORD.

REPRESENTATIVE GEORGE. My vivid recall of 9/11 is lying on the kitchen floor in a fetal position; crying uncontrollably; feeling like I'm going to vomit; praying to G d to keep my husband safe; and wondering where my husband is, what he's experiencing, and what the hell is going on! My next thought, rational or not, was to jump in the car and go pick up my son from his Jewish preschool, figuring these lunatics will want to kill him because of how we choose to worship G d, yet my body wouldn't let me get up off the cold floor. I desperately kept hoping for someone to call me—anyone—and tell me my husband was safe.

Presently, as I write this, my body is shaking; it's difficult to keep my emotions in check and focus on what I want to say. My husband recently retired from United Airlines after a 24-year pilot career with them and a 40-year career as a professional aviator. What's happening at United to all its employees, present and past, is appalling. The people with the power at this company belong to the group that boasts Ken Lay, Bernie Ebbers, and Dennis Kozlowski as some of its members. The executive council for the pilots' union is also right there with them.

The effects of the United Airlines bankruptcy has been staggering to my family. The stress on my husband and myself individually is enormous, not to mention the strain on our marriage. We've lost a SIGNIFICANT portion of our savings due to United's collapse. At mid-life I'm forced to go back to school to switch careers (and wondering how I'll pay for it). I have to find a job that will pay me what I was making plus the 61% retirement loss my husband is going to suffer—yes, that percentage is accurate; my husband used the PBGC formula. My kids want to know why we won't buy them Game Boys, why we never eat out anymore, why the house was freezing in the winter, why we're canceling the cable, why we might sell the house, and why we won't buy a replacement vehicle to our 13-year old minivan with the "loud noises."

I'm not a rocket scientist, but I know that United's employee pension funds don't have to be turned over to the PBGC to allow UAL to emerge from bankruptcy! I expect—no, I demand that these smart people at the top actually formulate a plan to preserve what all the employees have worked so hard to earn.

I feel pretty darned (not the word I want to use) mad, betrayed, and depressed. I feel that my husband and I have no control over our financial future and also feel, unfortunately, that this won't be resolved for years. Congress, it's your turn to step up the plate and do something since UAL's management isn't, nor this Administration (and I'm a Republican).

CAROLYN A. ROSENBERG,
Doylestown, PA.

I want to just take one moment to reminisce about the early days, my early days in Congress. Within a few years after I came to Congress, more than 23 years ago, we had what is called the savings and loan bailout scandal.

□ 2115

Savings and loans bailout scandal. I call it scandal. It was another one of those swindles, legal swindles, legal stealing, sanctified by the Congress. We have spent more than half a trillion dollars of the taxpayers' money paying for the swindling and the crookedness that went on in the savings and loans banks.

I said more than half a trillion, because whenever I try to get the final figure, and really how much taxpayers were charged for that swindle, nobody ever can come up with a hard figure. So I recommend that there are some sophomores out there listening, high school sophomores, and bright students, you might want to go and check out and see if you can research and search out the amount of money that the United States Government, the taxpayers, had to put up to pay for the transgressions of the savings and loans failures.

Legal swindling. That is what it was. Stealing. Legal stealing. Systematic swindling. Sanctioned and guaranteed by the government. And I use those harsh words because we are about to enter another one of those fantastic bailouts. It has already begun. The airlines now are going to have what the savings and loan banks had, a bailout by the taxpayers.

Now, there are two things at work here. I want the fullest possible sympathy for the people who are suffering, like Mrs. Rosenberg, and some of the other people's whose letters I will read in a few minutes. But we must sympathize fully. We must understand that those are human beings, families that need somehow to be justly compensated.

They need the full amount that they have invested returned to them. And that is our first priority. It must be our first priority. If in the end the only way they can get that is through the Federal Government, taxpayers, then I guess we will have to do that. But what a shame.

These are individuals who never expected, never wanted to be the beneficiaries of taxpayer welfare. That is what it is going to be, a subsidy given to them from the government to make up for something that they should have gotten as a result of their own individual responsibility.

We stress a great deal, and certainly this administration and this White House and the present domineering majority party in the Senate and in the House of Representatives, they stress personal responsibility. But the personal responsibility does not seem to extend to the corporate executives who take the money of the people, the investors, and the money of the employees and illegally use it and end up empty handed, expecting a bailout again from the taxpayers. That is what we are dealing with here.

We must sympathize. We must try to get ways to get more than 60 percent. Now, once as you heard from the letter, in this case the pilot says, I will only get 60 percent. Now, I face a 60 percent loss. That means I will only get 40 percent of what I should have gotten. The loss is 61 percent. You know, we would like to see them get a hundred percent of what they should get.

And I do not want anything I say now to let us lose sight of that important consideration. But we must understand the job of Congress now is to stop further thievery. Stop further swindling. Let it by known right now that this whole acquiescence, surrender to rule by corporations, which has gotten completely out of control under the present administration, this has got to stop. You cannot let corporations continue to plunder the economy and plunder its citizens.

Yes, we have had other plunders. We know the military industrial complex, which President Eisenhower, as he was going out of office, said, beware. Beware of the military industrial complex. They will rob America blind. They had taxpayer's money in this amount, and they are doing that. They are still doing that. It is an open bottomless pit that we are dropping money into, military expenditures.

Above and beyond Iraq. Iraq had to have a special appropriation. But we are spending more than a half trillion dollars on the military already. Today the New York Times had on its front page a story of how the program for the procurement and the development of weapons has gotten completely out of control; and it cited as an example, in the early part of the story, a naval weapon that has been under consideration for some time. And when it was tested, the missile blew up, melted and was no good.

But, yet, it was reported to have been a success, and additional money was given to keep the development going. Thus far, that development process has cost $400 million; $400 million to develop a weapon which blew up and obviously is not workable. But, also, they pointed out that we do not need to be in a weapons race. Who are we racing against? Who is it that has better weapons already than the United States of America? Why do we need to madly pour money down the drain after building more weapons?

The military industrial complex continues to rip off the taxpayers of America. The banking and credit card complex is what the savings and loan people were all about. The savings and loan scandal started with the failure of a few big banks, a few big banks after being mismanaged. Can you imagine banks with billions of dollars being mismanaged, on the verge of bankruptcy, and the United States Federal Reserve Board, the guy who was there at the time, who was in the particular banking regulation agency, recommended that we not allow them to fail?

The phrase was, they are too big to fail. If they fail, they will drag down many other industries with them. Well, first it was one bank, then in a few months it was four banks. And then it came out that the savings and loans, all of the hundreds of savings and loans banks across the country many of them were in serious difficulty because of the fact that the savings and loans program, the Federal Government guaranteed $100,000. If any individual put their money in the bank, up to $100,000 was guaranteed by the Federal Government; therefore they were abusing that, and in some places they were offering tremendous interest to get people to deposit up to $100,000, and it ran away from them.

They did not have the money to cover when people came to collect their money. And this happened in large amounts across the whole country. Everybody got in on the swindle who was in the savings and loan industry, not everybody became crooked, but a large percentage. So in the end it cost us more than a half a trillion dollars.

And I wager that we probably have gotten close to a trillion dollars, but you cannot go find that figure. It was all so cleverly done, with the approval of so many very important and powerful people, and so you cannot get the full story.

We are on our way now to a bailout of the airline industry. Phase 1: shortly after 9/11, we all agreed that the airlines had been unfavorably, unjustly penalized economically, that because they were grounded as a result of trying to ensure the safety of the American people from the air they had lost a tremendous amount of revenue. So we did an unprecedented thing. We gave a single industry money to make up for their losses.

The airlines got billions of dollars, appropriated by Congress, taxpayers' money, to help cover their losses. Step 1: but, evidently, you know, their business practices are such that they did not look at the situation and say, well, you know, like a farmer has to worry about the drought, and manufacturing has to worry about a declining interest of consumers, you have to make your adjustments, you have to do things differently. No, the airlines did not adjust, so they continued to lose money, because they did not make adjustments in terms of their commitment of volume and employees, et cetera; and they are still losing tremendous amounts of money.

And now they wade into the pension funds of the employees. And we are expected, we taxpayers are expected to cover that cost. Where will it go? How many billions will it be? Do you know? There is no way to know, because we are so compliant in our obedience to corporations, we bow down in America. The America of the last 20 or 25 years has been more and more bowing down to the power of the corporations. We do not demand that corporations act responsibly.

We do not demand that corporations, which are part of the Pension Benefit Guarantee Fund Corporation, that they disclose the situation with respect to their pension funds. It seems to me that that is a reasonable demand; it ought to be an automatic demand. Any common sense will tell you if you are going to take the responsibility of bailing out someone in the future if they get into trouble, the least that you should be able to do is to be able to demand that they show us how they are proceeding in their business, what is the likelihood that they may get into trouble, and what is the trend, what may be the place in which the crisis occurs.

We have every right to demand that corporations disclose the basic information about their pension funds. And yet we are not getting that information. The transparency is not there. The regular reporting is not there. Why does Congress allow the taxpayers to take on responsibility of insuring these people, while at the same time making no demands? That is what the new legislation is all about. It is old legislation. We Democrats on the committee, as the gentleman from California (Mr. GEORGE MILLER), the ranking member of the committee, pointed out before, we have been saying for years, we need to strengthen our pension laws. We need to deal with this in a different way. We need to be more responsible as a government. We have been saying it, but in the last 8 years we did not have control; the Republican majority did. And they seem to believe that there is nothing corporations can do that is wrong.

You know, we had the great theory that persists even until today, laissez faire is better, laissez faire, fancy French means "leave it alone."

Businesses say laissez faire, leave us alone. Government is best by following a laissez faire policy, leave business alone. And that has been the story of American capitalism. We have left business alone. But it has not worked the other way. Business has not been willing to leave government alone. And here is our dilemma.

Business has taken over government. Business has taken over government, and business demands that laws be made in ways which guarantee that their profits will be maximized, that whatever damage occurs in their case that they will be bailed out. You know, we just finished an agricultural appropriation bill today. The agricultural industry is one of those industrial complexes, the agricultural industrial complex feeds off the taxpayers enormously.

The agricultural industry is still giving subsidies to farmers. In most cases they are not going to individual farmers; they go to farm corporations, because when Roosevelt started the program for the dirt farmers of the country, small amounts of money went to them to help them grow crops, participate in the program, use experimental information from the various county agents, et cetera.

Small amounts went to individuals farmers. But the individual farmers had the right to sell their so-called quota allotment to someone else. So corporations have, over the years, bought up all of those allotments, and you have corporations now that get tremendous amounts of subsidies as a result of that original program to bail out poor farmers. The poor are not benefiting from the agricultural industrial complex at this point. The agracorporations, the big agricultural industry, benefits now.

We struggled more than a year ago to bring down the amount of money that each agricultural corporation can get. Taxpayers should not give them any more than $275,000 per year. We should not give away any more than $275,000 a year. I think the House passed that. I was surprised to learn a few months ago that it was overridden by the Senate, and then at a conference, we all agreed, and the number is not now $275,000.

Agricultural corporations can get from the taxpayers of America up to $340,000 a year; $340,000 in welfare. That is what it is, a subsidy from the government, money from the government. If you are going to call one subsidy welfare, any subsidy from the government is a welfare payment.

I do not think welfare is a dirty word. But let us call it what it is. The only difference is that a family of four in America right now can only get about $7,000 a year, family of four on welfare, you know, children and one adult, really, because it is for mothers. Aid to Families With Dependent Children, and that means it has to be a single-family home, in most cases there is no father, because one adult and three kids, 6 or $7,000 per family per year, versus $340,000 for a farm, an agricultural corporation farm program.

□ 2130

That is what we are doing in America. The farm bill that we passed today has billions of dollars in there to give away to farm subsidies, sometimes for not growing grain, et cetera, but it is a giveaway of American taxpayers' money.

The farmers now constitute less than 2 percent of the population. Less than 2 percent of the population is walking off with a tremendous percentage that is available for needy groups. $340,000 for each corporation, that is the maximum amount they can get. Is it not wonderful we set a maximum, that they cannot go to a million?

This is a nature of a corpaucracy, the corpaucracy that we have allowed ourselves to get entangled in. The old terminology for economic systems and political systems is obsolete, to talk about communism or fascism or any other "ism." I think in terms of it being a system that is set and being run a certain way, and you can talk about it in term of certain theoretical principles that will follow, there is always a pattern. Not the case.

We have a situation now where in America we have social for the rich. Socialism bailed out the savings and loan banks. Socialism meant the government, the people distributed their wealth into the banks to make up for what they had lost. Socialism means the government, the people will bail out the airlines. The government, the people will distribute money to the farmers to keep the market healthy and to see to it they do not overflow with certain commodities and see to it our exports.

For whatever reason, it is a government action, and I do not condemn all government action. I think the complexities of our civilization are such that we need a mixture, but let us recognize and admit that it is a mixture. Sometimes socialist principles need to be applied.

Socialist principles involve central planning. Central planning is necessary in order for the agriculture bills to work. Central planning is necessary in order to bail out the savings and loans. Central planning is necessary to have a Pension Benefit Guarantee Corporation. There is some central planning that societies in this day and age need. But let us not fool ourselves. That is government coming to the aid of business, the private sector being helped greatly by the public sector, by the ordinary taxpayers.

It is very interesting now, we have a great deal to worry about China. China is an economic giant coming on so fast until it is beginning to worry even the capitalists who are making the most money as a result of their relationship with China. We get cheap goods from China. We sell it at high prices here, big profits. Our relationship with China was too good to pass up. You can get things too cheap. You can get them so cheap manufactured and you can come back here and sell them in a market which has a different standard of living and you make tremendous profits. That is how we have caved in to China.

China is a Communist government politically. China is as totalitarian as a government can get in the final analysis. They do not hesitate and they do not pretend to be democratic. They will not hesitate to step in and change the rules if they want to change the rules in terms of any one of the industries in China. They put a great deal of conditions on our businesses when they go there. It is a planned economy. It is a totalitarian economy which still restricts people a great deal.

They are finding trouble restricting people because of the Internet and they cannot keep information from flowing. There are a number of things that a modern world is going to undue the Chinese totalitarian approach. But they at this point are a Communist totalitarian state with a mixed economy, and where capitalism suits them and they can make profits off of capitalism they are doing that.

We are a mixed economy here, but we do not admit it. We now need socialism to bail out the airline industries. You need socialistic actions, just as we had socialism to bail out the savings and loan industry.

Mr. Speaker, in the last few minutes I want to read a couple more of these letters, because I think it is very important to get it down to what this e-mail hearing was trying to get to, ordinary Americans suffering in this situation, not the Beltway theoretician or politicians but ordinary Americans who deserve better.

"Dear Congressman, I am a 49-year-old flight attendant based in the JFK New York area and a 28-year veteran with United Airlines. If United Airlines is allowed to terminate our defined pension plan and the Public Benefits Guarantee Corporation takes over, I will be losing over 50 percent, half, of my promised benefits. The elimination of our retirement plan will result in my inability to maintain my family's basic necessities in retirement.

"The employees at United Airlines have already lost their savings from the ESOP program, 401(k) UAL stock Stock Investments, UAL Employee Stock Purchase Program, and wages and benefit cuts that average between 30 percent and 50 percent. Currently, we are barely making ends meet and have lost much of our savings. Ironically, our CEO, chief executive officer, of the corporation, Mr. Glenn Tilton, of 2 years will retire with a $4.5 million package. Please, please help stop this assault on our lives, our families, and our airline. Help save our pensions and what is left of our dignity. Frank Annunziata, East Meadow, New York."

Here is another statement from Arthur Mount, a retiree living in Stony Brook, New York.

"In 2003, I retired from this once great company after almost 38 years of continuous service. I started with United in June of 1965 as a ramp serviceman at JFK airport, and in April in 1967 became a pilot, finishing my career in April, 2003, as a captain. There are many things that I am concerned about regarding a loss of my pension, but my biggest apprehension is in regards to my wife. With the termination of my pension as proposed by the management of United Airlines, what sort of life can she expect? Who will take care of her? Where will the money be for the things she will need? Is she to end up as a financial burden to our children? It has been said that a true leader leads by example. Apparently the senior management of United Airlines does not hold to such a high standard. Their pensions are secure. Somehow or another I cannot help but believe that if the pensions of this company's senior management were to be treated exactly as they proposed mine to be, that another solution, other than termination, would have been proposed. Arthur Mounts, retiree, Stony Brook, New York."

Mr. Speaker, I will also include in the RECORD a letter from Leola Robinson from the Bronx, New York and a letter from James P. Lattimer from Bronxville, New York.

Mr. Speaker, I would like to close by saying it is the business of the Congress to protect the American people from these kinds of legal swindles and legal thefts. This is suffering that should not take place in the United States of America in the year 2005. We can do better.

We have bills that are being proposed which will make certain that no future employees of other large corporations will have to suffer what the United Airline people have suffered. We urge you to participate if you have the opportunity to participate in any future e-hearings and that we have your participation fully.

DEAR CONGRESSMAN MILLER: As a result of the termination of my pension with UAL I will be the only one, and the first in my family, to not have a pension. I have been in the airline industry for 32 years working for Saturn Airline in the 70's, then Trans America, enduring with Seaboard and finally with Capital (dollar sign on the tail). With each airline I've had to support my daughter and myself on a "Flight Attendant salary" which was never enough living in New York City. I have survived under great duress.

I finally came to UAL hoping to get some decent benefits and a retirement plan which is the very least an employee should expect after devoting time and giving loyalty to this company.

Needless to say I am extremely disappointed at recent events in which UAL sought to dissolve the defined pension benefits. Now my future looks bleak. At my encouragement, my daughter became a UAL Flight Attendant as well as her husband and they now cannot support their family of five and they have no hope of future benefits and retirement. How cruel.

Sincerely,

LEOLA ROBINSON,
Bronx, New York.

DEAR CONGRESSMAN MILLER: I know you have been inundated by communications from UAL employees and retirees concerning the termination of our pension funds. I would like to add my voice to protest this termination of my pension. I flew for UAL for thirty two plus years (retiring at 60 in August of 2002). My loyalty, labor and perseverance could not be questioned. Now, in return for my labors, I find that the company is attempting to greatly diminish the pension that was promised by contracts and that I worked hard to obtain. Since there are alternatives (e.g. freezing the pension) to termination that would be a better solution, these avenues should be given time to explore.

Personally, should the plan be terminated, I could see a reduction of 60–75 percent in my retirement income, with no potential to replace this income. This would necessitate sale of our house and a drastic change in our lifestyle. I am also aware that thousands of my fellow employees and retirees would suffer similar situations, many of them very drastic changes. But I also see further beyond that and foresee a domino effect where other airlines (e.g. Delta, Northwest, American) could seek the same relief; along with some of the larger national companies (Ford, GM). This would put an undue burden on the PBGC, necessitating a government bailout, and a possible depression and recession. I don't feel this is a house of cards, but a real and viable outcome. I strongly feel that our burdens should not be passed along to our children and grandchildren.

I fully support you in your efforts and the efforts of Rep. Janice Schakowsky to sponsor HR 2327 and my appreciation of your actions cannot be measured.

Thank You.

JAMES P. LATTIMER,
Bronxville, New York.

IRAN STUDY GROUP

The SPEAKER pro tempore (Mr. MACK). Under the Speaker's announced policy of January 4, 2005, the gentleman from Illinois (Mr. KIRK) is recognized for 60 minutes as the designee of the majority leader.

Mr. KIRK. Mr. Speaker, there are key moments in the life of our country in the course of this Congress when the United States faces a path towards democracy or towards war. That choice may be approaching in the policies we face regarding Iran's development of nuclear weapons.

I, for one, choose diplomacy over conflict; and I believe that the United States and our allies can achieve our ends to the Iranian nuclear program without a shot being fired in anger. This should be our goal; and towards that end I join with my Democratic colleague, the gentleman from New Jersey (Mr. ANDREWS), to form the bipartisan House Iran Study Group.

The mission of our group is to review the situation in Iran, to measure the potential threat, to examine our military options, but most importantly to find and promote diplomatic policies that advance our security interests without a resort to arms.

I could not have chosen a better partner for this effort than my colleague from New Jersey. He is, first and foremost, not a Republican or a Democrat. He is an American. We both agree with Senator Arthur Vandenberg's dictum, who said that partisanship should end at the water's edge. We are also dedicated to the ideal that, when acting abroad, Republicans and Democrats are joined together as Americans.

We formed the Iran Study Group last year to carefully review the facts about

Iran, to make sure the U.S. government is reviewing all of its policy options and to push diplomacy towards a successful conclusion. And I want to recognize my colleague from New Jersey.

Mr. ANDREWS. Mr. Speaker, I appreciate this opportunity tonight. I want to thank my friend from Illinois for his compliment. It is truly appreciated, and I know it is shared on my side that I very much appreciate, Mr. Speaker, my work with my colleague from Illinois. I also want to point out that he is one of the Members here who simply does not talk about his patriotism but he practices it.

He is active reservist. He serves his country in uniform on a regular basis, as do his brother and sister reservists. I think he honors this institution and this country by his service, and I thank him for it.

I appreciate the work we have done in our Iran Study Group. The emphasis is on the word "study." We think the country faces a truly perilous situation with the prospect of the mullahs who run the Iranian government obtaining a nuclear weapon. We have devoted ourselves to analyzing how this problem came about and to carefully analyzing how we might solve it.

Our intention tonight is to have a discussion of those solutions that would be based on diplomacy, and I look forward to having my friend from Illinois lead that discussion, and I will join it so I can complement his points as to how we can solve this problem.

Mr. KIRK. Mr. Speaker, I thank the gentleman from New Jersey (Mr. ANDREWS).

When we review the situation in Iran, we see a nation with a proud Persian language and a culture that now is under a religious regime that has a very weak hold on the voters of its nation.

Time and again old revolutionary leaders of Iran have lost elections to reformers, but they keep power through the religious Guardian Council, Revolutionary Guards and the Iranian Intelligence Service. These ruling extremists have kept Iran as a pariah nation, unable to build lasting ties to the West.

While nearly everyone under 40 in Iran favors good relations with the West and even the United States, Iran's current Guardian Council maintains her isolation.

Now, all U.S. Presidents, Republican and Democrat, since 1979 have certified that Iran is a state sponsor of terrorism, that Hezbollah would collapse in the Middle East without the direct support of Iran's intelligence service, the MOIS. And under the Guardian Council, Iran took a clear turn towards nuclear weapons despite her status as a signatory to the nuclear non-proliferation treaty.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I want to explicate the nature of the regime of which he speaks. This Congress and our Presidents of both parties did not choose the terrorists label lightly.

This is a regime which has its antecedent roots in the holding of American diplomats hostage for 444 days, an image which we will not soon forget. It is a regime where people are imprisoned and tortured for dancing at wedding celebrations. It is a regime in which women who express their points of view are brutalized, assaulted and tortured in Iranian prisons. And perhaps the most striking piece of evidence as to the real nature of this regime is found in the run-up to the elections which are going to be held in Iran on the 17th of June, in 9 days.

1,014 people registered to be part of that election, to be on the ballot for this election, and the ruling council that the gentleman from Illinois (Mr. KIRK) made reference to under the Iranian system has the right to chose who goes on the ballot and who does not.

I say this again. If you want to run for office, you file your nominating petitions, and then a ruling council decides whether or not you are worthy to be on the ballot. Of the 1,014 persons who filed to be on the ballot on the June 17 election in Iran, six of them were permitted to be on the ballot by the ruling council, six people out of 1,014 people.

□ 2145

This is not a regime that can have a nuclear weapon. We have to start this discussion from the proposition that it is unacceptable for a regime of this dark nature to have a nuclear weapon.

Mr. KIRK. Mr. Speaker, I would agree. Iran had grand ambitions under the Shah who planned to build 29 nuclear reactors. His plans and those of his successors are ironic given Iran's location atop one of the largest reserves of oil that emerged from the ground at less than a cost of $2 a barrel. With the fall of the Shah, Iran's nuclear ambitions were cut back but then revived with the help of Russia. Based at Bushehr, the Russian nuclear reactor project gives Iran a clear path to the production of plutonium despite Russia's assertions otherwise.

Until 2002, we had strong suspicions about Iran, but no clear allegations that she had violated her solemn commitment to the United Nations under the non-proliferation treaty; but then an exile group, the National Council For Resistance of Iran, exposed clear, undeclared nuclear activities, indicating uranium enrichment at that task; and the Arak heavy water production facility gives Iran a clear path towards the refinement of products which would become the center of a nuclear weapon.

This was just not according to the exile group. After 2 years of extensive inspections by the United Nations International Atomic Energy Agency, they reported that Iran had undeclared centrifuge atomic vapor, a laser isotope separation, a molecular laser isotope separation and plutonium separation activities, all in direct violation of Iran's formal obligations under the nuclear non-proliferation treaty and the safeguards agreement.

I yield to my colleague on these points.

Mr. ANDREWS. Mr. Speaker, I again thank my friend. It is important to note that we have nearly a quarter century of active deception from the Iranian regime on this point.

As recently as 4 years ago, 3 years ago, in international forums, the representatives of this government were actively denying that they were in pursuit of a nuclear weapon. For nearly a quarter century, we were told by the Iranian regime that activities which appear to be nuclear in nature were for a domestic energy program.

Now, one must find it curious that a nation that is sitting on one of the largest supplies of crude oil in the world, that is an exporter to the States, whose main export is crude, would find the need for a nuclear energy program. That alone is a rather curious proposition; but putting that aside, we had a quarter century of deception until, as the gentleman from Illinois (Mr. KIRK) says, in 2002 resistance leaders blew the whistle about the facilities at Arak and Natanz.

I want to be very clear, Mr. Speaker, that there has been controversy in this Chamber about the existence of weapons of mass destruction and ideological views coloring that discussion. There is no ideological dispute here. There is factual understanding by the French, by the Germans, by the British, by the EU, by the U.N., by every objective party in this case. It is not in factual dispute that there is a nuclear program going on in Iran.

Since the disclosures that became public in December of 2002, as the gentleman from Illinois (Mr. KIRK) just said, we had a 2-year process of inspections under the jurisdiction of the IAEA of the United Nations, and they confirmed the existence of plutonium, or rather of uranium, enrichment facilities. They confirmed the equipment and the infrastructure necessary to make the other parts of a reactor, including a centrifuge, that would lead up to the construction of a nuclear weapon.

So we want to be very clear tonight that what is in controversy is what will happen next with respect to development of this Iranian program. What is in controversy is what we ought to do about it. What is not in controversy is that the Iranians actively pursued a nuclear weapons program and that they actively deceived the rest of the world about that pursuit for a quarter of a century.

Mr. KIRK. Mr. Speaker, I thank my friend and I want to emphasize his point that the violations we are talking about were not based on faulty intelligence from the U.S. CIA. These violations that we are talking about are documented in formal, open reports by the United Nations international staff under Dr. Mohamed ElBaradei of the IAEA. Inspections through June of 2003 showed many reporting failures by Iran; and by mid-year, Iran admitted to enriching uranium, purification, reprocessing and later admitted to the United Nations of losing nuclear material that had been covered by her U.N. safeguards agreement.

Iran built a centrifuge enrichment plant at Natanz with 1,000 rotors and started construction at another facility with 50,000 rotors. Iran first claimed that it had not enriched uranium at all, and the IAEA reported then that it had found contaminations of enriched uranium at the Kalaye Electric Company, at one place, of 36 percent enriched uranium; at another, 54 percent on imported components; and at another, 70 percent enriched uranium inside its workshop. Until these discoveries by the U.N., Iran had only admitted to enriching uranium once to a level of 7 percent.

After the A.Q. Khan network was exposed in Libya, Iran also admitted to using advanced rotors of Pakistani design to enrich uranium. It also admitted in May 2004 that it had separated plutonium in much larger amounts than previously reported.

All of these actions point to a continuing effort by Iran to develop nuclear materials beyond an enrichment level ever needed for civilian power, giving us and the United Nations clear and convincing evidence that it is dedicated to the production of a nuclear weapon in violation of its commitment under the non-proliferation treaty at the U.N.

Now, Iran also has backed up its public statements with policy and announced just last month enacting legislation requiring the Iranian Government to develop nuclear technology, including enrichment of uranium, but this is not just the only part of the threat.

Iran not only has a nuclear program; it also has an aggressive missile development program, based on a North Korean missile, the No Dong, which the Iranians call the Shahab 3.

Iran's missile program brings many key U.S. facilities and friends into range, especially Israel. This is a picture of the latest Shahab 3 missile, almost 98 percent North Korean; and when you look at the range of these systems, you see that U.S. facilities like the Fifth Fleet, or our allies in Israel, come clearly into range.

When we look at this, we have a real danger now, nuclear weapons and missiles to promptly deliver them that represent a long-term threat to the Jewish State.

I yield to my colleague from New Jersey.

Mr. ANDREWS. Mr. Speaker, I thank the gentleman for yielding.

This is truly a toxic combination of a dishonest regime that has actively deceived the rest of the world for a quarter century, the most lethal and deadly weapons known to man, and the ability to use those weapons both in a conventional and unconventional sense.

As the gentleman from Illinois' (Mr. KIRK) map shows very clearly, Iran tonight has the ballistic capability, has the ability to fire a missile that could cause nuclear havoc to U.S. troops in Iraq, in Kuwait, could cause the destruction of America's great friend in Israel. This is a real and present danger, but beyond the conventional danger is the asymmetric unconventional danger of the unconventional use of a nuclear weapon in an unconventional way: in a suitcase, in a rental truck, on a container being shipped into a port of the United States.

The risk that we are discussing tonight is not only the risk that one of the missiles that the gentleman from Illinois (Mr. KIRK) just described would rain down on U.S. troops in the Middle East or on our friends in Israel or in a friendly Arab state: the risk is that this risk could manifest itself in Times Square or in the Nation's capitol through the use of a nuclear weapon in an unconventional way. A toxic combination of a Jihadist regime, a 25-year record of deception, and the possession of this lethal technology is something we simply cannot countenance.

Now there have been efforts, intense efforts over the last 18 months or so to address this problem. I know that the gentleman from Illinois (Mr. KIRK) is going to outline them, and we are going to talk about how we support the intent of those efforts, how we are working through our working group to try to buttress the efforts, but how we believe that our country must be prepared both in the eventuality of the success of the negotiations or the failure of the negotiations in order to protect ourselves.

Mr. KIRK. Mr. Speaker, I point out the record of Iran is already clear in the late 1980s and early 1990s when she used chemical weapons and fired several hundred missiles in her war with Iraq.

Now, the U.S. and Israel, they are already spending hundreds of millions of dollars building a defense system against incoming Iranian missiles. If Iran's nuclear and missile programs go further, then the United States and Israel will have to commit hundreds of millions of more dollars to make sure that our allies in the Jewish State are able to resist incoming Iranian weapons. I will note that a missile fired from Iran, aimed, for example, at Tel-Aviv would arrive just 11 minutes after lift off, putting the Middle East on a hair trigger.

Given all of this, the United Nations' reports of violations, Iran's record of terror, nuclear and missile developments, all reported not by the CIA or MI6, but by the United Nations, what should we do?

Some say that we should let Iran have nuclear weapons, that we cannot stop technology, that we should not be able to classify the laws of physics, and so Iran will get nuclear weapons; but if we acquiesce to this, then this policy would commit us to a vast and expensive course of building missile defenses to protect our allies. While the Middle East would descend into a tense hair trigger peace, one irrational leader, one miscalculation and millions could die in a nuclear Jihad.

It would also put nuclear weapons in the hands of the Guardian Council, the same council that Presidents Carter and Reagan and Bush and Clinton and Bush all certified were the number one supporters of state terror, the men and women who funded operations like the gentleman said who would put a suitcase or a car bomb in a Western city.

I think we can do better. Some might say if this is so bad, then let Israel remove this threat by military means. In fact, in 1981 Israel destroyed Iraq's path to plutonium when it bombed the Osiraq reactor; but when we look at Israel and a potential attack on Iran, we see a vastly complicated operation of great cost and a chance of failure. At best, such an operation could set back Iran for a few years. At worst, it would enrage an enemy who would then use all of the means at her disposal to attack the Jewish homeland.

An attack by Israel on Iran would also destroy what is our greatest long-term asset in Iran, her young people, her young people who overwhelmingly report that they support better relations with America.

I think we can do better. We can stand between appeasement under an Iranian nuclear trigger or an attack against Iran. What could America do?

Mr. Speaker, I yield to my colleague from New Jersey.

Mr. ANDREWS. Mr. Speaker, I thank my colleague for yielding.

I certainly share the view that the Israelis did peace-loving people around the world a huge favor in 1981 when they took out Saddam Hussein's nuclear reactor program. The first Gulf War in 1991 and the recent hostilities which endure to today would have looked very different and much worse had Saddam been able to proceed with that program.

It is tempting to exercise the so-called Israeli option this time, to condone an action by the Israelis that would solve this problem. It is tempting, but it is illusory because the nature of this program is literally subterranean. Much of the developmental activity of the Iranian nuclear program is underneath the Earth.

□ 2200

They are not easily penetrated or perhaps not penetrable at all by an air assault. As the gentleman from Illinois (Mr. KIRK) has pointed out, in addition to the dubious prospects of success as a military proposition, there would be the unbelievable fallout of probably unifying the Iranian population against us and our Israeli allies and forfeiting what I believe is the best hope for a peaceful solution to this problem which would be voluntary, indigenous change led by progressive young Iranians who want to live in a country where they can speak and worship and vote and live as they choose. Running the risk of offending and alienating that block of forward-looking young Iranians would be a risk I do not believe we should bear.

As the gentleman from Illinois (Mr. KIRK) suggests, we need to resist the temptation of saying that the Israelis can once again take care of this problem as they did in 1981, because I do not think the record shows that. What we need to do is devise a robust, effective plan to sanction and leverage the Iranians toward a path of peace, rather than a path of development of nuclear weapons.

There is a sincere attempt led by the British and the Germans and the French to reach such a result. Most recently, that attempt has resulted in an agreement in November of 2004 which calls for the suspension of the Iranian enrichment program by the Iranians, an active inspection program by the United Nations, and then the extension of economic incentives so the Iranian economy may grow and prosper as a result of that proposition. There is hope that that will succeed. I hope it will succeed. I know the gentleman from Illinois (Mr. KIRK) does as well.

But the record must also show that since November of 2004 there have been at least three very serious problems reported with respect to compliance with the agreement. According to the IAEA, that is the United Nations arms inspection regime, Iran has limited IAEA access to two secret Iranian military sites, including a large complex at Parchin where suspected nuclear access may be taking place. Only two. The IAEA inspectors visited the site in January of 2005, but Iran has not allowed visits subsequently. So they have already begun to shut down the inspections.

Secondly, Iran is also alleged to have withheld information and conducted maintenance and other work on centrifuge equipment and uranium conversion activities. So there is centrifuge work continuing even though the official posture of the Iranian government is they have suspended nuclear weapons activities.

Finally, Iran is also beginning construction of a heavy water research reactor which could well be suited to plutonium production, and I would note for the record that discussions between our European allies and the Iranians do not cover plutonium development of a weapon, they cover uranium enrichment. There are two major pathways to achieve a nuclear weapon. One is based on uranium, and one is based on plutonium. Even in its best day, this agreement is not addressing plutonium.

So to answer the gentleman's question directly, what should we do, we should anticipate what would happen if this agreement does not succeed, and we would define success as the abandonment of the nuclear weapons development program by the Iranians followed by a transparent inspection regime so the rest of the world could verify that it has not yet been restarted.

In order to do that, the gentleman from Illinois (Mr. KIRK) and I believe, and I think Democrats and Republicans can come together and believe, that a robust and effective program of economic sanctions is what we need. I know the gentleman from Illinois (Mr. KIRK) has worked on one particular idea which I think has very strong merit and ask the gentleman to outline that.

Mr. KIRK. Mr. Speaker, the gentleman from New Jersey (Mr. ANDREWS) and I support diplomacy with teeth. Over the last 18 months, the Iran Study Group has met with our allies, the U.K., Germany and France, and they have formed the EU-3 group to bring Iran back from the brink of an unstable and expensive nuclear arms race.

The essence of the EU-3 offer is to provide Iran with a set of carrots, spare parts for civilian aircraft, membership in the WTO, access to loans, all if Iran provides international guarantees and inspections to end the development of nuclear weapons. The EU-3's goal is not quite as idealistic as it may sound. South Africa, Argentina, Brazil and Ukraine all gave up nuclear weapons programs, and recently so did Libya. Iran can, too, if we can find the right mix of diplomatic incentives and disincentives for them.

I find the current U.S. policy debate on Iran is too simplistic. It is just two-dimensional: Either let Iran have the bomb, putting the Middle East under a nuclear hair trigger, or let Israel do it and have another war.

President Kennedy faced a similar dilemma looking at Cuba, but he broke out of the intellectual box that some would have him in to either let the Cubans have nuclear weapons or invade. He thought of a new policy, a quarantine, which allowed us to resolve the Cuban missile crisis without a shot being fired.

Are there policies which we can employ which will help the European Union succeed? I think there are. We all know this matter could be referred to the United Nations Security Council. We know, using its broad powers under Chapter 7 of the U.N. charter, the Security Council could impose sanctions, putting enormous pressure on Iran and isolate her completely.

What could those sanctions look like? We could do small things like outlaw Iran's participation in the Football Soccer World Cup. We could also ban airline flights in and out of Iran. We could block travel of anyone in the Iranian government outside her borders. We could impose comprehensive sanctions that would shrink Iran's economy. All of these means have been authorized by the U.N. Security Council against other countries and could be authorized by the United Nations against Iran if she says no to the European Union.

But what if one member of the Security Council vetoes action against Iran? Russia could veto action against Iran. She is, in fact, building a reactor in Iran. China also has extensive and growing relations with Iran. They could also veto action.

Some have talked about an oil quarantine against Iran. In fact, 20 percent of Iran's income is dependent on oil sales. An oil quarantine would implode Iran's economy, but it would also hurt our economy. The mullahs have threatened, if their sales were stopped, oil on the world market could hit $100 a barrel. That would hurt us. It would also hurt our allies in Japan and in Europe.

Are there other options available? In our bipartisan work in the Congressional Iran Study Group, we found that Iran has a unique vulnerability, one that opens a new window of diplomacy that could help us achieve all of our objectives without a shot being fired, and here is the vulnerability she has. Despite being a leading member of OPEC and one of the largest oil producers in the world, Iran is heavily dependent on foreign gasoline for her economic progress. In fact, one-third of all Iranian gasoline must be imported from overseas.

Iran's director of planning at the National Iranian Oil Derivative Distribution Company reported that Iran uses 67 million liters of gasoline. Only 39 million liters can be produced in Iran. Policies to expand oil refining capacity in Iran could in no way meet the demand; and in fact in Tehran they regularly debate rationing gasoline, ironically in a country that is a leading OPEC nation.

So we have this lever, a potential gasoline quarantine on Iran, a quarantine which would not affect international oil markets but would heavily affect just Iran alone. And if this policy was discussed, it could give a huge impetus to the European Union effort which my colleague, the gentleman from New Jersey (Mr. ANDREWS), and I both think offers the best chance for working our way out of this threat without anyone being hurt.

Mr. Speaker, I yield to the gentleman.

Mr. ANDREWS. Mr. Speaker, gasoline is the Achilles' heel of the Iranian autocrats. They have presided over such a dysfunctional country that they are in a situation where they sell crude oil in huge amounts to the rest of the world but import gasoline. Think about that. A country that is literally awash in the basic stuff that gasoline is made of cannot produce its own gasoline. Estimates go as high as 40 percent of the gasoline consumed by Iranian consumers is imported from other countries.

Now another measure of the importance of what the gentleman from Illinois (Mr. KIRK) is saying is this. Today when a citizen of Tehran fills up his or her tank of gas, they pay 40 cents a gallon. I wish I could go home and tell my constituents they were going to fill up their gas tanks for 40 cents a gallon. Obviously, it costs a lot more to produce gasoline than 40 cents a gallon in Iran, but this is such a sensitive issue for the population of the country that the Iranian parliament has voted, and as a matter of fact in January of this year the Iranian parliament voted to freeze domestic prices for gasoline and other fuels at 2003 levels.

Why did they do that? They did it because it would be so disruptive to the society and the economy to have a price shock that would reflect the true cost of a gallon of gasoline. If such a disruption occurred, it would shake the control, the iron grip the autocrats have over this country. They have identified their own weakness by freezing the price of domestic gasoline.

What the gentleman from Illinois (Mr. KIRK) is suggesting is a surgical sanction. We are going to be I believe going to the U.N. Security Council in this calendar year. That is my prediction. The gentleman from Illinois (Mr. KIRK) may not share that, but as I see things unfolding. On June 6, Monday, the Iranians once again said they would voluntarily suspend their uranium enrichment program until more talks ensued with the Europeans.

The election I made reference to earlier, the one where 98 percent of the candidates or more were expelled from the ballot, if we can call that an election, will take place on June 17. The talks will resume at some point in Geneva shortly after June 17.

I truly believe, given the track record we have seen thus far, that a referral to the U.N. Security Council is very near. We have seen after a dozen years of frustration with Iraqi sanctions that the U.N. Security Council taking a vote does not do a lot in and of itself. They took a lot of votes against Saddam Hussein over the course of a dozen years, but people still suffered and died and nothing really changed.

The key question if, and I think when, we reach the point of the U.N. Security Council, is what are we going to be asking for? Simply passing a resolution that condemns the Iranians for deceiving the rest of the world, violating their responsibilities under the nonproliferation treaty and continuing with the development of a nuclear weapon is not going to do it. It is going to take a meaningful sanction.

The gentleman from Illinois (Mr. KIRK) has laid out a very meaningful sanction. He has wisely avoided the stick-your-head-in-the-sand approach of saying, if they have a few weapons, so what, they are a small country. I fear we would find out the "so what" would be very soon.

He has also avoided the risk to rush headlong into a military solution to this problem. Military action should never be taken off the table, never, but they should never be the first instinct or the first option. I believe what the gentleman from Illinois (Mr. KIRK) has outlined makes eminent sense, given the internal politics of Iran.

□ 2215

If Iran could only consume the gasoline that she produces domestically, one of two things would happen and they are both very disruptive to the regime. The first is that they would have to heavily subsidize the production that they already have internally; they would have to ration what people can use to hold the price down; and they would have to give up something else. Either food prices would rise, housing prices would rise, other energy prices would rise and the standard of living of the average Iranian would drop rather precipitously.

The other option would be to let the price of gasoline rise to meet the market curve of supply and demand, which I believe would cause chaos in that society. I believe that the hundreds and thousands of young Iranians who have taken to the streets in recent years want a change, and if the grip that their rulers have is weakened by the plan that has been set forth here, so be it.

The gentleman from Illinois said a few minutes ago about optimism, and he talked about Ukraine and about Libya and other countries giving up nuclear weapons. Another source of optimism I would daresay is this: If one went back and researched speeches made on this floor in 1985, if Members had stood and said, you know, within 6 years, millions of people in the Warsaw Pact countries are going to rise up and make changes within their countries without a violent revolution by simply demanding that change occur, they would have been hooted off this floor as being hopelessly naive and unaware of the way things really were.

I am not suggesting that Iran is like the Eastern European countries. I know the religion is different, the history is different, the culture is different. But I truly believe that human nature is not different. And I think that our 25-year-old students that we hear from in Tehran want the same thing that our constituents want and the same thing those brave Poles and Czechs and Germans and Ukrainians and Russians wanted, which is to live freely. And if we send a message that we will stand by them, I believe that they will be emboldened to try. And I think that the gentleman from Illinois' idea is not only an effective sanction but it is that powerful message.

Mr. KIRK. When we look at Iran, we have got an election coming up, not only just six candidates, they just added two more, but there is a key choice for the Iranian nation and the government to make, whether to pursue this nuclear weapons program, against the wishes of France, against the wishes of the United Kingdom, against the wishes of Germany and the United Nations, the IAEA and the formal commitments of Iran under the nuclear nonproliferation path, or to join the community of nations and build a growing economy in Central Asia, at peace with her neighbors, offering economic opportunity to her families.

But if she chooses the path of nuclear weapons and confrontation with the European Union, we do not have to resort, in my judgment, to any military means. We could impose a gasoline quarantine on Iran that would quickly implode her economy. This gasoline quarantine on Iran could be imposed by a coalition of the willing naval powers. But when you look at the position of anyone trying to import gasoline into Iran under an order of quarantine, you would find quickly that it would make no economic sense to try to run that quarantine. In fact, in my judgment, working with our British allies, Lloyd's of London likely would pull the insurance contracts for nearly all of the tankers attempting to service the Iranian market.

And working with our allies in the gulf who largely supply Iran's need for gasoline, they could by bilateral action simply abrogate contracts with Iran, making this quarantine fairly simple to operate and administer. The effect of this would be heavily on Iran, would put a number of people out of work, and with those thousands unemployed, then asking their government, why are we embracing a policy of confrontation, violating treaty commitments of our government and throwing me and my family out of work instead of going the direction that most people under the age of 40 would like to go in Iran, and that is embracing the West and having positive direction.

I think this is diplomacy with teeth. This is a way to break out of the intellectual box of either surrendering to an Iranian nuclear program run by a government who has the most extensive terror connections in the world or having some sort of war break out in the Middle East between our Israeli allies and Iran. I for one think that we should embrace a creative diplomatic posture that supports the European Union, that increases their likelihood of success and makes the Iranian government want to embrace a verifiable inspection regime that follows the path of Ukraine, that follows the path of Libya, that follows the path of Brazil and Argentina and South Africa and embraces a non-nuclear future.

For us, this is tense times ahead. My colleague talked about reference to the U.N. Security Council and any further action. We think that Iran is quickly moving towards a nuclear capability and, if the Guardian Council gets their way, could bring about a Middle East on a nuclear hair trigger. I think we can do much better. I think pitting our strength against their weakness, we can resolve this in a way that everyone is much more secure.

I thank my colleague. I also want to conclude by saying this, before I hand it over to him. We have had this debate on this floor as two colleagues from different parties working together in a bipartisan fashion. We have worked through the problem. We have met with ambassadors, with officials from the State Department, with our Israeli allies and reviewed carefully all of the options. I think on a bipartisan level when you work through all of these options and you listen to our allies and you listen to the experts, you will come to about where we are, a chance for a peaceful resolution of this that enhances security on a bipartisan basis. I think that represents the best traditions of this House, especially in our foreign policy where we set partisan differences aside.

I yield to conclude to my colleague from New Jersey.

Mr. ANDREWS. I thank my friend. It is characteristic of the gentleman from Illinois that he is a creative thinker and someone who wants to problem-solve rather than score political points. Working with him has been a terrific experience and one that I look forward to continuing on this and other ventures.

I think there is broad consensus in this House and in this country between the two parties on two points. The first is that there is a real and present threat to our survival in the form of Islamic jihadist terror. September 11 is the most dramatic example, but there are others. I think there are scarcely any people who believe that is not a very serious threat.

Mr. KIRK. Did you lose constituents on September 11?

Mr. ANDREWS. Of course I did. And lost people I knew personally. I think virtually everyone in New Jersey did in some way.

The second point of consensus is that America should always first use its economic and diplomatic and spiritual creativity to work with our friends and solve problems. No one here wants to rush to military conflict. And when we do get in military conflict, that is when it can be divisive and, frankly, should be, that we should have vigorous debate. What I like so much about the gentleman from Illinois' idea is that it fully employs the diplomatic and economic creativity of our country, and I think it does rise to a spiritual level of what our relationship will be with our friends in Iran for years to come. This is a surgical sanction that uses the might of our private sector.

The gentleman from Illinois made reference to the insurance sector. It is very true that the insurance industry is very unlikely to insure vessels that would run afoul of a quarantine of gasoline. And if the insurers will not insure the cargo, the cargo does not flow. If the cargo does not flow, you do not need a naval quarantine. Frankly, the economics work in that advantage.

Secondly, this is a recognition that we want to share in the success of our European friends. They deserve credit for bringing us to a point where the Iranians are at least taking the position that they want to suspend this program. They deserve credit for saying they are ready to go to the Security Council, our British and French and German friends, should that need become evident. So this is an extension of a friendship with our allies in Western Europe, and it is a way to build on the success that they have had without resorting to armed conflict but by using the creative, economic and diplomatic tools at our disposal.

Finally, I would say spiritually, I do not doubt that someday, my daughters are 12 and 10, Jackie and Josie, and I think someday they will go to Iran. I want them to go to Iran as exchange students or as performers or as athletes or as people to visit friends that they have met in college or graduate school. I do not want them to go there as soldiers. We cannot ignore the reality that a jihadist despotic regime is trying to get a nuclear weapon, and we cannot ignore the high probability they will use it in ways that will terrify the world. But understanding of that threat does not imply a rush to military action. Instead, it implies a thoughtful, constructive plan such as the gentleman from Illinois has laid out.

It is our intention to introduce a resolution that lays out the ideas behind the gentleman from Illinois' discussion tonight. We want to persuade both Democratic and Republican colleagues and the administration to be supportive of this idea. We want to show that it is a reflection of our partnership with our Western European allies. And we want it to succeed. It is my hope that it is never necessary, that the mere fact that this is being discussed will embolden progressive, freedom-loving Iranians to take matters into their own hands. But I think it is going to take more than that. And I think that the idea the gentleman from Illinois has sketched out is one that will work. It is pragmatic, it represents our best tools and values, and I look forward to supporting it.

Mr. KIRK. I thank the gentleman and look forward to working with him and advancing this. We will be introducing our resolution next week.

ANNOUNCING INTRODUCTION OF THE NEW APOLLO ENERGY PROJECT

The SPEAKER pro tempore (Mr. MACK). Under the Speaker's announced policy of January 4, 2005, the gentleman from Washington (Mr. INSLEE) is recognized for half of the remaining time until midnight.

Mr. INSLEE. Mr. Speaker, I come to the floor tonight both to talk about a serious challenge of our country and some very optimistic news in that challenge. The challenge is to adopt an energy policy that will really be up to the problems we today face; and the optimistic news is that tomorrow with 15 of my colleagues, I will introduce the New Apollo Energy Project. The New Apollo Energy Project is a project that will really create a vision for this country's energy future that is up to the technological prowess of this country, that recognizes our can-do spirit, that recognizes the three challenges that I will talk about tonight, and will step up to the plate and solve those challenges. And it is about time for the New Apollo Energy Project because, indeed, we have challenges.

The New Apollo Energy Project of the bill we will introduce tomorrow will face three distinct challenges that we have in this country. It will face them head-on, and it will solve them. The first challenge that we face is somewhat related to the problems in the Mideast, the oil-producing region of the world that my colleagues were just talking about for the last hour. We know on a bipartisan basis that it is unhealthy for our personal national security; it is unhealthy for our ability to advance the cause of democracy, to be addicted to oil from the Mideast. It is unhealthy for any party who is in control of the White House. It is unhealthy for us across this country to have to make judgments about our foreign policy based on the politics, for instance, of the Saudi royal house.

Our addiction to Middle Eastern oil has cost this country dearly, and we must break that addiction. As I will talk about later, there is one way to do it and that is to adopt new technological fixes to wean ourselves off of oil so that this country can experience a new burst of democracy and spread it around the world, not afflicted and shackled to this pernicious addiction to Middle Eastern oil. The New Apollo Energy Project, I am happy to say, we will introduce it tomorrow, and it will take, I believe, the strongest, boldest, most ambitious step that this Congress has seen to try to deal with that problem.

The second problem: we are losing manufacturing jobs in this country by the thousands. We had a 14 percent reduction in manufacturing just in the last several years, since this last President took office. That is unconscionable. We need to adopt a new high-tech, new energy vision in this country that will make sure that the jobs associated with the efficient use of energy and the new production of energy are grown here in the United States. It is a sad commentary that the most fuel-efficient cars now are being built in Japan. The jobs of the future, building fuel-efficient cars, need to be in the United States of America. Those jobs need to be here.

☐ 2230

Why are the jobs associated with the production of wind turbine technology which is actually the fastest-growing energy source in the United States, why are those jobs going to Denmark? Those jobs ought to be here. Why are the jobs associated with the solar cell industry going to Germany? Those jobs need to be in the United States.

The New Apollo Energy Project will seize on the basic can-do spirit of America to grow our homegrown technologies to bring those high-tech jobs and manufacturing jobs and construction jobs. We need to lay a lot of steel and copper to wire this country for the new sources of technologies that we need. Those jobs need to be in the United States of America. As I will talk about in a little more detail, the New Apollo Energy project will address that problem by growing over 3 million jobs in the next 6 years in this country associated with these new energy resources and efficiency systems.

So, first, we have a security concern. Second, we have a jobs concern. And the third concern is a global one, and that is the challenge of global warming. As we know from the National Academy of Sciences today, which came out with another report, another nail in the coffin of those who urged to take no action based on global warming, it is a fact. Arguing it would be like arguing gravity at this point. There are uncertainties of how significant it will be, but we need to step up to the plate and address global warming, and the New Apollo Energy Project is the most ambitious bill that has ever been introduced in this House to deal with that issue in ways that we will address.

So this New Apollo Energy Project will address three problems: A security problem associated with our addiction to Middle Eastern oil; a jobs problem associated with the loss of jobs going overseas due to other countries being advanced and getting ahead of us in this game; and, third, the need for our Nation to stop global warming. Rarely do we have a trifecta in one bill that will address three separate issues. But this needs to be done.

The reason we define our bill as the New Apollo Energy Project is it draws some inspiration from John Kennedy, who stood behind me here May 9, 1961, and said that America was going to put a man on the Moon in 10 years and bring him back safely. When he challenged America to do that, it was a very audacious, bold challenge. We had not even invented Tang yet. Rockets were blowing up on the launch pad. Many thought Kennedy had really engaged in a hallucinatory plan. But Kennedy recognized something that we should now recognize, which is that Americans, when they are challenged to invent new responses to problems we have, Americans come through.

In my district, we understand the power of innovation. Boeing Company, I represent the area north of Seattle, where we are going to build the most fuel-efficient jet in the world, the Boeing 787. It is going to have 20 percent more fuel efficiency. It is going to be one of the most comfortable jets ever. I am looking forward to riding in it. That is the power of innovation.

My district includes the Microsoft campus. We understand the power of innovation. America has the greatest innovators the world has ever seen, and now it is time to harken back to the Kennedy spirit of putting a man on the Moon, to say we need to adopt a new energy policy that is equally ambitious and equally optimistic, and this is a very optimistic plan.

If I can, I would like to say that we have good news, too. We are developing a more bipartisan, I think, and across the ideological spectrum viewpoint that we have to deal with these issues: security, jobs, and global climate change.

I want to address the security issue. I happen to be a Democrat, but this is not just a Democratic issue. I am very interested in a letter sent to President George Bush on May 24, 2005, signed by a whole host of past Cabinet officers in Republican administrations and Democratic administrations, people who have been involved in the security challenges of the United States: Robert McFarland; James Woolsey, former official in the Bush and Clinton administrations, former chief of the CIA; C. Boyden Gray, former chief of the Agency in the Bush administration; Admiral William Crowe, U.S. Navy retired; Honorable David Oliver, former Principal Deputy Under Secretary of Defense. A whole score of folks involved in the defense of the security of this Nation.

Basically, their message to President Bush was simple, that we have to develop alternatives to oil and that our addiction to oil presents a security risk to the United States. They said very pointedly, I thought, that with only 2 percent of the world's oil reserves but 25 percent of the current world consumption, the United States cannot, cannot, eliminate its need for its imports through increased domestic production alone. They understand that the dinosaurs went to die somewhere else, mostly in the Mid East, and we need to develop alternatives to oil.

They went on to urge the President to adopt improved efficiencies and rapid deployment and development of advanced biomass, alcohol, and other available petroleum alternatives. They said that action to prepare for the day that when we need to wean ourselves from oil will pay dividends for our national security, our international competitiveness, and our future prosperity.

They made some really specific proposals, these security experts. They said that we should make it a national top security priority to significantly reduce our consumption of foreign oil through improved efficiency and the rapid substitution of advanced biomass, alcohol, and other available alternative fuels; and this effort should be funded at a level proportionate with other priorities for the defense our Nation. They look at this as a defense issue, as does our New Apollo Energy Project. They said the Federal Government should consider mandating substantial incorporation of hybrids, plug-in hybrids, and flexible fuel vehicles into Federal, State, municipal, and other government fleets.

The New Apollo Energy Project that we will introduce tomorrow does these things and much more because it recognizes the security threat to the United States that these security officials recognize and it takes action today.

Now I would like to, if I can, talk about the threat of global warming. That is one of the reasons we need to take action associated with the New Apollo Energy Project. There are some very interesting things that happened this week on the front of new energy. The National Academy of Sciences essentially yesterday came out with a report which concluded, as have the International Panel of Sciences previously studying this effort, that the earth is warming. A substantial portion of that is caused by human activity, that warming will occur even if we stop today because the carbon dioxide that causes global warming stays in the atmosphere for decades, and called for action now, not 10 years from now.

to deal with this threat. This is the National Academy of Sciences, one of the most nonpartisan, prestigious groups in America. It joined other academies across the world actually yesterday in issuing this manifesto.

The reason they are saying that is quite clear. Global warming is a well-understood principle. Energy light, an ultraviolet spectrum can come through the atmosphere. When it bounces back, it is in the infrared spectrum. Unfortunately, in part, carbon dioxide traps infrared energy and does not allow it to radiate back to space.

Actually, it is a wonderful thing. If it was not for this aspect, we would have a frozen planet on our hands. But the fact of the matter is too much carbon dioxide causes global warming. We know that is happening. As the Academy of Sciences said today, we know it is happening through melting glaciers, changes in biological standards up and down the coastline, melting tundra in the Arctic, the disappearance. Glacier National Park will not have glaciers in 75 years at this rate due to global warming.

So how do we know this is occurring? If I can refer to a couple of charts here, we see with our own eyes some changes, and I will get to the theory of why this is happening. But we have seen with our own eyes some very substantial changes in our world as a result of global warming already.

This is a picture of the ice sheet in the Antarctic. And if I can refer to the glacier, it is the Pine Island Glacier as it comes down into the sea. It shows pictures on September 16, 2000; November 4, 2001; November 12, 2001. It shows a breakup of the ice coming down into the Antarctic. This piece of ice here is roughly 26 miles long and 11 miles wide. That is a substantial piece of the Antarctic breaking off, and this phenomenon we have now seen in substantial places across the Antarctic.

Now, obviously, one piece of ice does not the puzzle make, but what we are seeing now is these things with our own eyes. This is not a hypothetical issue.

If one travels to the Glacier National Park, they may say, where did the glaciers go? They melted. If they travel to Alaska and they see some buckled housing, it is because the tundra is melting. If one goes to Denali National Park and ask why trees have moved up, it is because the weather is getting warmer. We see this with our own eyes. The reason this has happened is because of carbon dioxide.

I actually stumbled across a pretty amazing chart today, disturbing and amazing. What this chart shows is the carbon dioxide and temperature levels going back from today, which starts here at zero, going backwards 400,000 years. So, basically, this chart shows carbon dioxide and temperature levels over the last 400,000 years.

Scientists know this because they find trapped particles of air, air bubbles essentially in glacier ice going back during that period; and they can analyze the air to determine both the carbon dioxide in these bubbles when they were trapped 400,000 years ago and the temperature by looking at the isotopes of oxygen and the concentration of trace materials. So we have a very good unarguable, all the scientists agree on this, record of what the earth has done.

There are three salient things from this record.

Number one, we see that there is a very close correlation between deviations in carbon dioxide levels in the atmosphere and global temperatures. The CO_2 levels as shown in the red line, we will see deviations over the last 400,000 years up and down. These are parts per million from about 180 at the bottom to 380 at the top of this yellow section.

So what we see is carbon dioxide levels have gone up and down, in some cycles, over the last 400,000 years. But it is pretty interesting because the temperatures, if the Members notice the blue line, pretty much follow in a regular path the red line. And what we see is that temperatures have followed changes in carbon dioxide levels. It is a very close correlation, as we are seeing now. Because what we are seeing now is an explosion of carbon dioxide. It is sort of human-caused volcanic of carbon dioxide which is sending CO_2 levels through the roof.

The second thing that was interesting in this chart is that when we come to today, which is this spot right here on this graph, this red line shows CO_2 levels, and it shows the CO_2 levels that are expected by the scientists as a result of our burning fossil fuels, putting CO_2 into the atmosphere. And what it shows is today we are at about 375 parts per million. For every million molecules, there are about 375 molecules of carbon dioxide in the atmosphere. That is higher today than at any time in the last 400,000 years on earth. Anytime in the last 400,000 years, we have more CO_2 in the atmosphere than we have ever had in the last 400,000 years, and it is getting hotter rapidly. Ten of the last hottest years we have had in the last decade. Temperatures are rising.

But what is disturbing is that the scientists are projecting CO_2 levels to continue to go up essentially on a vertical line looked at geological time. By 2050, we are expected to have 550 parts per million. Our CO_2 will be up here, almost twice the highest level ever in the last 400,000 years of unrecorded history. That is under a business as usual if things go well.

Now, there is uncertainty in this. We do not know exactly what is going to happen. If things go well, the optimistic assumption, if we do business as usual, is by 2050, my children's lifetime, we will have 550 parts per million, almost double the carbon dioxide we had then. By 2100, my grandkids' lifetime, we will have 980 parts per million, almost three times as much carbon dioxide in the atmosphere than has ever been in global history as far as we can tell. It is disturbing when we see what has happened already in our world to think of this curve exploding in this nature.

☐ 2245

That is why the National Academy of Sciences is calling for action today.

That is the good news. We have some scientists who want us to act. The bad news is the Bush administration refuses to do so. In fact, we read in today's New York Times that the chief of staff of the Department of Environmental Quality for the administration actually cooked the books and edited reports to change them to make it look like this is not such a big deal. That is very disturbing when you look at the real science that the National Academy of Sciences has projected.

Well, those are the challenges we have. The fact of the matter is, we can take action on this. We can take action now, starting tomorrow with the New Apollo Energy Project.

Basically, the New Apollo Energy Project is going to take a multiple approach to this. It recognizes that there is no silver bullet to this issue. There are many things that we all need to do and industry needs to help in to solve these multiple energy policies.

But one thing it does not do, it does not do like the energy bill did that passed this House, that gave 94 percent of all the taxpayer dollars to the oil and gas industry, one of the largest obscene subsidies, using taxpayer money to subsidize one of the wealthiest industries in American history already. It does not do that. It does not take the money out of taxpayer dollars and give it to the likes of Exxon, who last quarter had $7.5 billion profits. Why do they need subsidies when fuel is at $55 a barrel already? It does not do that. It uses a host of approaches to deal with this issue.

Now, one of the first things it does is it does what you would do if you want to reduce your energy consumption. The first thing is we stop wasting energy. The best way to create energy is not to waste it, not to throw it away. Unfortunately, because of some industrial policies that have not used efficiency, we are not using our heads when it comes to being efficient in use of energy. Let me show you one of the most discouraging things when you look at our national policy of some years.

This is a chart of the fuel economy, fleet fuel economy, both truck and car, from 1975 to 2005. I think it is one of the most troublesome graphs I have seen, because it shows a real failure by this U.S. Congress and, frankly, by some folks in deciding what cars and trucks to make for us.

What it shows is in 1975, this middle line basically is the average fuel mileage that a combination of our cars and trucks got. In 1975 we were getting a combination of about 14 miles per gallon, back in 1975. In 1975 we made a conscious decision to demand that our auto industry produce more fuel efficient vehicles, and they did. They were supremely successful in responding to that congressional mandate.

They almost, well, not doubled, but went up at least 65 percent, up to about 1984, when our fuel economy got up to about 22 miles per gallon combined. So we went from about 14 miles a gallon to 22 miles a gallon in less than a decade. A pretty good achievement, because we put our minds to it. We used our design capability, we advanced safer, roomier, more comfortable, more fuel efficient cars, and we did it because we used our brains. People designed and built cars that did that because we demanded through the U.S. Congress that that happen through something we called the corporate average fuel economy standards.

Then in 1985 the government basically fell off the wagon. They stopped making any more requests for further fuel efficiency, and our fuel efficiency since that time has actually gone down since 1985. So today the industry as a group provides us vehicles that get less gas mileage than our vehicles did in 1985.

Now, think about that. Since 1985 we have invented the entire Internet, we have perfected space travel, we have mapped the human genome, we have got cell phones for our kids coming out our ears, but the cars we drive get less fuel mileage than they did in 1985. That is a failure, and we need to do something about that.

We need to put our heads together, and the New Apollo Energy Project in part takes a small step. It does not specifically increase the standards, but it suggests we do research, we do research in finding how to have more fuel efficient cars in a whole host of ways, just like these national security experts suggested that we do.

It was pointed out to me by the architect of this plan, if we had simply continued this rate of improvement to 2005, if we had not stopped in 1985, we would be free of imported oil today from Saudi Arabia. Think how that would be a better situation.

So the first thing we do is we do not waste fuel. We do not waste energy in our buildings, and our new Apollo Energy Project has new building research and standards to try to encourage industry to provide us more fuel efficient buildings, one of which is to have the U.S. Government adopt more advanced standards for building Federal buildings. That is just a start.

States are doing this around the country. My State, the State of Washington, just adopted the most progressive efficiency standard for public buildings, and we ought to do the same. And we do this in the New Apollo Energy Project so we do not waste.

We do this in a variety of ways. We give consumers incentives. We give advanced tax breaks. If you buy a fuel efficient car, we give a tax break, unlike the House bill that passed here a few weeks ago. It gives producers incentives.

We want to save the domestic auto industry in the United States. It is in deep, deep trouble and we want to save it. There are two ways. Number one, we give it substantial assistance to get back on its feet through use of in some of its retooling expenditures and its tax treatment, and in a way I hope we will also assume some of the health care costs ultimately, the legacy costs of our domestic auto industry.

But that is not all we have to do to save the domestic auto industry. We also have to grab back the market share we are losing to the Japanese and soon the Chinese in fuel efficient cars. We take steps in that direction.

Third, we take some regulatory approaches. We realize there are certain things we simply have to do to get this genie back in the bottle. One of the things we have to do is limit the amount of carbon dioxide we are putting into the atmosphere. We do that by incorporating the standards over in the Senate. Senators MCCAIN and LIEBERMAN are leading an effort to establish a cap on the amount of carbon dioxide that goes into the air. We do this now for nitrogen and for sulfur. It is time to do it for carbon dioxide. We have learned that that gas, that toxic material, that pollutant, could cause us more problems than all of these put together.

We have been very effective. This is one of the real success stories in what we have done to clean up our air. We have cleaned it up of nitrogen, for sulfur to a significant degree. If the administration does not roll back our mercury standards we hope to increase our safety for our kids from mercury. But we have not done it for carbon dioxide. That is the granddaddy of it all when it comes to changing our entire climatic system. So we need to add that pollutant to the list we control.

We know this works. We do a cap and trade system and we force polluting industries to bid, if you will, so we have the most efficient way to bring efficiencies to our production and manufacturing systems. Then we use the money generated from that auction to pay for the research and application of these fuel efficiency standards.

By the way, this is one of the great virtues of the New Apollo Energy Project. It is paid for. We have a $600 billion in real terms deficit, and we need to pay for things, and this is paid for.

We have provided a mechanism for paying for every penny of expenditures in the New Apollo Energy Project through two means: Number one, this auction of permits to put carbon dioxide in the air, which will generate billions of dollars; and, secondly, by closing a couple of corporate tax loopholes that allow corporations to move jobs offshore and then get tax breaks for doing that. On a bipartisan basis we ought to close some of those. So we pay for this bill, it is fiscally responsible, and I think that is important to do.

Now, why do we have optimism this is going to work? Well, for one reason, it is working. Let me tell you about some successes we are having in that regard.

First off, it should be noted this is not pie-in-the-sky by any means. I will just show you a picture and note a couple successes. This is a picture of the Hathaways' home in Loudoun County, Virginia. They built this home for about $365,000, which is in the realm of building costs here, not too different from houses of this nature.

When they built this home, they wanted to incorporate state-of-the-art technologies to try to reduce their energy usage. They built a home that did just that. They built a home that incorporates solar cell technology in the roof, some passive solar heating in the way they designed the home and oriented it, an in-ground heat pump, which is extremely efficient. This in-ground heat pump is just amazingly efficient. They used additional insulation and a few other whiz-bang items to try to reduce their energy consumption.

What they did is they produced, and I cannot recall the exact square footage, but you can see it is a pretty good-sized home, it looks nice, they produced a home that is attractive, comfortable and uses zero net energy off the grid, because they produce energy.

First off, they use it efficiently, and they produce energy through their solar roof system and their net consumption is zero. The way they can make it zero is while they are producing more energy than they are using, which happens frequently, they are feeding energy back into the grid, so their meter on the side of the home runs backwards a good part of the time when they sell back to the energy utility the energy they are generating. When you net the two out, they have a zero consumption. This is today, within about 60 miles of where I am standing, and it is working today.

But it is not just solar and those techniques. The good news is that our investments in these technologies over the last several decades are paying off big time, as they say. If you look at all of these new technologies, you find a very consistent dynamic, and that dynamic is that the more we build, the cheaper it becomes.

Right now in wind power we are building the largest wind turbine farm in North America in the southeast corner of Washington State. Some farmers are going to do pretty well in the leases associated with these wind farms.

These wind farms 20 years ago would have been very expensive. They started about 20 years ago and the electricity produced from them was much more expensive than gas or coal. As we developed the technology and produced more turbines, the cost has come down. Now in Washington State the cost of wind power is just about market-based with the cost of alternative fuel of gas turbines that you would have to produce to provide an alternative. In fact, I just saw some plans, one of our utilities is going to have 5 percent in the next decade of their energy produced through wind.

This is a real functioning system. If you look at what has happened at the cost, in 1980, the cost was about 35 cents per kilowatt hour. That has come down to by 2000 to about 3, 4, 5 cents, depending where you are, this incredible reduction just in the last two decades. That a combination of new technology and the scales of production as you ramp up.

What we find as we start to implement these things is they become much less costly. That is why a lot of people who sort have been naysayers of new technology say it will cost too much. Of course it will. The first time you build something it usually costs quite a bit. Look at our defense array. Guess how much the first laser beam we built cost for the Defense Department?

The same thing in solar cell. PV is photovoltaic. We see it cost about 100 cents per kilowatt hour in 1980. That has come down to 21–23 cents in the year 2000, and that curve is going to continue.

The same for biomass, which we are very excited about. We have a plant going in we hope in Monroe, Washington, shortly for biomass.

I met about a month ago with farmers in Eastern Washington who want to start an industry around mustard and grape seed to develop oils to fuel our cars and heat our homes. You look at biomass, 1980 again about 12 cents per kilowatt hour. That is down to about 7 cents now, and that line is projected to continue down. The same with geothermal and the same with solar thermal, basically just heating water on top of our roofs, which is very efficient as well.

□ 2300

So the good news is that as we focus on these energy systems they become much more efficient and thereby less expensive. So this is one reason that we have a sense of optimism in that regard.

Now I want to come back to, if I can just for a moment, to the certainty both of the reasons for optimism and the certainty for the need for action here. We know that we are the best innovators in the world, and we know we are people of science. And the science has shown that science works, and that is why these costs are coming down. The science has also shown the necessity for action.

I do want to refer to this report that was just issued by the National Academies of Science yesterday. It says that there is now strong evidence that significant global warming is occurring. The evidence comes from direct measurements of rising surface air temperatures and subsurface ocean temperatures and from phenomena such as increases in average global sea levels, retreating glaciers, and changes to many physical and biological systems.

Here is a pivotal statement. It is likely that most of the warming in recent decades can be attributed to human activities. This warming has already led to changes in the earth's climate. The scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action. Even if greenhouse gas emissions were stabilized instantly at today's levels, the climate would still continue to change and adapt to the increased emission of recent decades.

It went on to talk about the negative ramifications of climate change, increases in the frequency and severity of weather events such as heat waves and heavy rainfall. Increasing temperatures could lead to large-scale effects such as melting of large ice sheets, a major impact on low-lying regions in the world. At the level that the sea is predicted to rise, which is .1 to .9 meters, in Bangladesh alone 6 million people would be at risk for flooding.

Science tells us that we need to act, and there is no excuse, no excuse whatsoever for this administration to dig in its heels and refuse to act.

The President, it is interesting, because I have heard him say both publicly and to me personally that he realizes that this is an issue that he has to address. Yet he has refused to lift a finger to limit carbon dioxide emissions. He has refused to lift a finger to address the rest of the world, to try to engage the rest of the world in dealing with this issue. He has refused to lift a finger to stop this Chamber from adopting an oil-soaked policy that might make former friends in the oil and gas industry rich but will impoverish the taxpayer directly through their taxes and our grandchildren through its climate.

This is inexcusable. Anyone with any respect, any decent shred of respect for the whole nature of scientific inquiry who willfully blinds themselves to this great threat, to this beautiful little blue globe we live on, cannot be said to be acting as a steward of the Creator's Earth. We are stewards of this Earth for future generations. It is our primary reason for living, and this administration is woefully inadequate in its discharge of that responsibility.

That is why I am pleased that myself and others tomorrow will introduce a bill that will get this great Nation engaged in using its talents to solve this problem. Because a country that did put a man on the Moon, who responded to John F. Kennedy's challenge in the 1960s, is equally able to respond to the challenge of energies in this century and much more so. Because we have seen, we have witnessed firsthand the incredible powers of this country when we challenge ourselves to use our technological prowess to invent our way out of the pickle which we are in now.

So I am happy that we are going to use not just one technology here, and it is not just solar and it is not just wind. We should do research, and my bill will call for research, in clean coal technology. If we can find a way to burn coal and not put carbon dioxide in the air, we should do so.

There are significant challenges in that: Where we will store the carbon dioxide if we cannot separate it from the gas stream? Those are big challenges, but we need to do the research, and we should not be blinded from those potential solutions as well.

It has to do with simple things like using management of our transportation systems to try to reduce our costs. It is by maximizing some of our public transportation systems. It is like some of even our zoning requirements to try to reduce the number of miles we have to drive to get to work. And, fortunately, with the Internet explosion, we are finding ways to reduce some of those, some of those expenses as well.

The point is that we have to let a thousand flowers bloom when it comes to energy, and our bill will do so by encouraging a whole raft of new research projects from soup to nuts on dealing with this issue.

I am very pleased to say that this bill will be introduced tomorrow, and I would encourage my colleagues to take a good look at this. Because we are all, all in this together, and this should not be a partisan bill. We see good leadership from John McCain on this over in the Senate and others. We see leaders in renewable technology on the Republican side of the aisle here in the House. And we are hoping as time goes on we will adopt a bipartisan vision along the way of the new Apollo Energy Project. America deserves it. We are up to it.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MENENDEZ (at the request of Ms. PELOSI) for today after 4:00 p.m. and the balance of the week on account of his daughter's graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. BARTLETT of Maryland) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 5 minutes, today and June 9.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GOODE, for 5 minutes, today.

ADJOURNMENT

Mr. INSLEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Thursday, June 9, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2243. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period February 1, 2005 through March 31, 2005; to the Committee on International Relations.

2244. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2245. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2246. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2247. A letter from the Acting Chief Financial Officer, Export-Import Bank of the United States, transmitting the Bank's Annual Management Report for the fiscal year ended September 30,2004, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

2248. A letter from the Comptroller General, Government Accountability Office, transmitting information concerning GAO employees who were assigned to congressional committees during fiscal year 2004, pursuant to 31 U.S.C. 719(b)(1)(C); to the Committee on Government Reform.

2249. A letter from the Administrator, Small Business Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2250. A letter from the Special Trustee for Amerian Indians, Department of the Interior, transmitting a draft bill, "To resolve certain accounting discrepancies within the Individual Indian Money Account Pool and for other puroses"; to the Committee on Resources.

2251. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the Report of the Proceedings of the Judicial Conference of the United States for the March and September 2004 sessions, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

2252. A letter from the Director, Federal Judicial Center, transmitting the Federal Judicial Center's Annual Report for the 2004 calendar year, pursuant to 28 U.S.C. 623(b); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 481. A bill to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000, with an amendment (Rept. 109–107). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 774. A bill to adjust the boundary of Rocky Mountain National Park in the State of Colorado (Rept. 109–108). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 853. A bill to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States (Rept. 109–109). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 873. A bill to provide for a nonvoting delegate to the House of Representatives to represent the Commonwealth of the Northern Marina Islands, and for other purposes (Rept. 109–110). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1084. A bill to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and for other purposes (Rept. 109–111). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1428. A bill to authorize appropriations for the National Fish and Wildlife Foundation, and for other purposes, with an amendment (Rept. 109–112). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2362. A bill to reauthorize and amend the National Geologic Mapping Act of 1992 (Rept. 109–113). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 432. A bill to require the Secretary of the Interior to permit continued occupancy and use of certain lands and improvements within Rocky Mountain National Park (Rept. 109–114). Referred to the Private Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER (for himself, Mr. SMITH of Texas, Mr. GOODLATTE, Mr. BERMAN, Mr. BOUCHER, Mr. CONYERS, Mr. CHABOT, Mr. JENKINS, Ms. ZOE LOFGREN of California, Mr. COBLE, and Mr. WEXLER):

H.R. 2791. A bill to amend title 35, United States Code, with respect to patent fees, and for other purposes; to the Committee on the Judiciary.

By Mr. BURTON of Indiana (for himself and Mr. DEFAZIO):

H.R. 2792. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BURGESS (for himself, Mr. STRICKLAND, and Mr. BLUNT):

H.R. 2793. A bill to promote health care coverage parity for individuals engaged in legal use of certain modes of transportation; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky (for himself, Mr. POMEROY, Mr. RAMSTAD, Mr. BEAUPREZ, and Mr. WELLER):

H.R. 2794. A bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself, Mr. BERMAN, Mr. GOODLATTE, Mr. BOUCHER, Ms. ZOE LOFGREN of California, Mr. CANNON, Mr. SCHIFF, Mr. ISSA, Mr. CONYERS, and Mr. COBLE):

H.R. 2795. A bill to amend title 35, United States Code, relating to the procurement, enforcement, and validity of patents; to the Committee on the Judiciary.

By Mr. GREEN of Wisconsin:

H.R. 2796. A bill to expand the use of DNA for the identification and prosecution of sex offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. GREEN of Wisconsin:

H.R. 2797. A bill to amend the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act to extend registration requirements to juvenile sex offenders; to the Committee on the Judiciary.

By Mrs. BONO:

H.R. 2798. A bill to authorize the disinterment from the American Ardennes Cemetery at Neuville-en-Condroz, Belgium of the remains of Sergeant Roaul R. Prieto, who died in combat in April 1945, and to authorize the transfer of his remains to his next of kin; to the Committee on Veterans' Affairs.

By Mr. BRADLEY of New Hampshire (for himself and Mr. CANTOR):

H.R. 2799. A bill to amend title II of the Social Security Act to authorize waivers by the Commissioner of Social Security of the 5-month waiting period for entitlement to benefits based on disability in cases in which the Commissioner determines that such waiting period would cause undue hardship to terminally ill beneficiaries; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 2800. A bill to designate the State Route 1 Bridge in the State of Delaware as the "Senator William V. Roth, Jr. Bridge"; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Florida (for himself, Mr. LARSEN of Washington, Mrs. DAVIS of California, Ms. HOOLEY, Mr. FORD, Mr. SNYDER, Mr. SMITH of Washington, Mr. PAUL, and Mrs. McCARTHY):

H.R. 2801. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for the costs of providing technical training for employees; to the Committee on Ways and Means.

By Mr. ENGEL:

H.R. 2802. A bill to prohibit the manufacture, marketing, sale, or shipment in interstate commerce of products designed to assist in defrauding a drug test; to the Committee on Energy and Commerce.

By Mr. FEENEY (for himself and Mr. FRANK of Massachusetts):

H.R. 2803. A bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act; to the Committee on Financial Services.

By Mr. FOLEY (for himself, Mr. SHAW, Mr. LEWIS of California, Mr. THOMAS, Mr. COX, Mr. CAMP, Mr. CUNNINGHAM, Mr. MACK, Mr. KELLER, Mr. HERGER, Mr. ISSA, Mr. McHUGH, Mr. GREEN of Wisconsin, Mr. TERRY, Mr. KOLBE, Mr. BARTLETT of Maryland, Mr. HUNTER, and Mr. PAUL):

H.R. 2804. A bill to amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas:

H.R. 2805. A bill to direct the Secretary of Labor to revise regulations concerning the recording and reporting of occupational injuries and illnesses under the Occupational Safety and Health Act of 1970; to the Committee on Education and the Workforce.

By Mr. GENE GREEN of Texas:

H.R. 2806. A bill to reduce temporarily the duty on Paraquat Dichloride; to the Committee on Ways and Means.

By Mr. HULSHOF (for himself and Mr. THOMPSON of California):

H.R. 2807. A bill to improve the provision of telehealth services under the Medicare Program, to provide grants for the development of telehealth networks, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LaHOOD (for himself, Mr. JACKSON of Illinois, Mr. HASTERT, Mr. EMANUEL, Mr. DAVIS of Illinois, Ms. BEAN, Mr. KIRK, Mr. COSTELLO, Mrs. BIGGERT, Mr. SHIMKUS, Mr. LIPINSKI, Mr. MANZULLO, Mr. WELLER, Mr. EVANS, Mr. HYDE, Ms. SCHAKOWSKY, Mr. RUSH, Mr. JOHNSON of Illinois, and Mr. GUTIERREZ):

H.R. 2808. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicenntenial of the birth of Abraham Lincoln; to the Committee on Financial Services.

By Mr. LaHOOD:

H.R. 2809. A bill to temporarily suspend the duty on Carfentrazone; to the Committee on Ways and Means.

By Mr. LaHOOD:

H.R. 2810. A bill to extend the temporary suspension of duty on 3-(Ethylsulfonly)-2-pyridinesulfonamide; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. CROWLEY, Mr. RUSH, Mr. LANTOS, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. McDERMOTT, Mr. OWENS, Mr. McNULTY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of Washington, Mr. GRIJALVA, and Mr. HONDA):

H.R. 2811. A bill to provide a United States voluntary contribution to the United Nations Population Fund only for the prevention and repair of obstetric fistula; to the Committee on International Relations.

By Mrs. MALONEY:

H.R. 2812. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage of screening for breast, prostate, and colorectal cancer; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McHUGH (for himself, Mr. TOM DAVIS of Virginia, Mr. WAXMAN, and Mr. DAVIS of Illinois):

H.R. 2813. A bill to amend title 39, United States Code, to make cigarettes and certain other tobacco products nonmailable; to the Committee on Government Reform.

By Mr. McNULTY (for himself, Mr. HERGER, Mrs. McCARTHY, and Mr. DAVIS of Florida):

H.R. 2814. A bill to provide that no Federal funds may be expended for the payment or reimbursement of a drug that is prescribed to a sex offender for the treatment of sexual or erectile dysfunction; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Government Reform, Armed Services, Veterans' Affairs, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ:

H.R. 2815. A bill to amend the Internal Revenue Code of 1986 to expand and enhance the HOPE and Lifetime Learning Credits, and to amend the Higher Education Act of 1965 to provide loan forgiveness opportunities for public service employees; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts:

H.R. 2816. A bill to provide duty-free treatment for certain tuna; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 2817. A bill to suspend temporarily the duty on certain basketballs; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 2818. A bill to suspend temporarily the duty on certain leather basketballs; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 2819. A bill to suspend temporarily the duty on certain rubber basketballs; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 2820. A bill to suspend temporarily the duty on certain volleyballs; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 2821. A bill to suspend temporarily the duty on certain synthetic basketballs; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 2822. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for police officers and professional firefighters, and to exclude from income certain benefits received by public safety volunteers; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 2823. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit for law enforcement officers who purchase armor vests, and for other purposes; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself and Mr. TAYLOR of Mississippi):

H.R. 2824. A bill to amend title 10, United States Code, to provide TRICARE Standard coverage for members of reserve components of the Armed Forces who serve at least one year on active duty oversea; to the Committee on Armed Services.

By Mr. SPRATT:

H.R. 2825. A bill to suspend temporarily the duty on 4-Chloro-3-[[3-(4-methoxyphenyl)-1,3-dioxopropyl]-amino]-do decyl ester; to the Committee on Ways and Means.

By Mrs. WILSON of New Mexico (for herself, Ms. HERSETH, Mr. SANDERS, and Mr. LANGEVIN):

H.R. 2826. A bill to amend the Public Health Service Act to revise the amount of minimum allotments under the Projects for Assistance in Transition from Homelessness program; to the Committee on Energy and Commerce.

By Mrs. MYRICK (for herself, Mrs. CAPPS, Mr. ISRAEL, Ms. PRYCE of Ohio, Ms. ESHOO, Ms. DeLAURO, Mrs. LOWEY, Mr. WAXMAN, Mr. HIGGINS, Mr. BISHOP of Georgia, Mr. MARSHALL, and Ms. BALDWIN):

H. Con. Res. 174. Concurrent resolution expressing the sense of the Congress regarding fertility issues facing cancer survivors; to the Committee on Energy and Commerce.

By Mr. RANGEL (for himself, Mr. PAYNE, Ms. LEE, Mr. MEEKS of New York, and Mr. JEFFERSON):

H. Con. Res. 175. Concurrent resolution acknowledging African descendants of the transatlantic slave trade in all of the Americas with an emphasis on descendants in Latin America and the Caribbean, recognizing the injustices suffered by these African descendants, and recommending that the United States and the international community work to improve the situation of Afro-descendant communities in Latin America and the Caribbean; to the Committee on International Relations.

By Ms. DELAURO:

H. Res. 307. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. DICKS:

H. Res. 308. A resolution supporting the goals of National Marina Day and urging marinas continue providing environmentally friendly gateways to boating; to the Committee on Transportation and Infrastructure.

By Mr. POMBO:

H. Res. 309. A resolution expressing the importance of immediately reopening the famous Beartooth All-American Highway from Red Lodge, Montana, to Yellowstone National Park in Wyoming; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ROTHMAN introduced a bill (H.R. 2827) for the relief of Malachy McAllister, Nicola McAllister, and Sean Ryan McAllister; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. BLUNT and Ms. GINNY BROWN-WAITE of Florida.

H.R. 34: Mr. PLATTS.

H.R. 47: Mr. NEUGEBAUER and Mr. BACHUS.

H.R. 63: Mr. BACA, Ms. McCOLLUM of Minnesota, and Mr. McGOVERN.

H.R. 98: Mr. FRANKS of Arizona.

H.R. 111: Mrs. TAUSCHER, Mr. CRENSHAW, and Ms. CORRINE BROWN of Florida.

H.R. 153: Mr. PASCRELL.

H.R. 156: Mr. LIPINSKI, Mr. LANTOS, Mr. BRADY of Pennsylvania, Ms. KILPATRICK of Michigan, Mr. SCOTT of Virginia, Ms. NORTON, and Mr. CLEAVER.

H.R. 158: Mr. FALEOMAVAEGA and Mr. BURTON of Indiana.

H.R. 161: Mr. BRADLEY of New Hampshire, Mr. HIGGINS, Mr. McNULTY, Mr. TOWNS, and Mr. FILNER.

H.R. 164: Mr. SERRANO.

H.R. 166: Mr. BARROW, Mr. THOMPSON of Mississippi, and Mr. CLEAVER.

H.R. 167: Mr. CLEAVER, Mr. VAN HOLLEN, Ms. DELAURO, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 195: Mr. McHUGH and Mr. TERRY.

H.R. 202: Mr. CROWLEY and Mr. McDERMOTT.

H.R. 215: Mr. ROGERS of Alabama.

H.R. 302: Mr. STARK.

H.R. 303: Mr. LYNCH and Mrs. JO ANN DAVIS of Virginia.

H.R. 312: Mr. PLATTS, Mr. LANTOS, Mr. TERRY, Mr. MICHAUD, Mr. WYNN, Mr. HOSTETTLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GONZALEZ, Mr. HALL, Mr. ROSS, Mr. SCHIFF, Mr. BRADLEY of New Hampshire, and Mr. DINGELL.

H.R. 332: Mr. FOSSELLA.

H.R. 363: Mr. INSLEE.

H.R. 478: Mr. FALEOMAVAEGA, Mr. FILNER, Mr. OWENS, Mr. RUPPERSBERGER, Mr. BRADY of Pennsylvania, Ms. LEE, Mr. McGOVERN, Mrs. DAVIS of California, Mr. RANGEL, Ms. LORETTA SANCHEZ of California, Mr. SCOTT of Virginia, Mr. LANTOS, Ms. NORTON, and Ms. SCHWARTZ of Pennsylvania.

H.R. 500: Mr. NEUGEBAUER, Mr. TOM DAVIS of Virginia, Mr. CANNON, and Mr. BILIRAKIS.

H.R. 547: Mr. ISRAEL.

H.R. 581: Mr. BEAUPREZ, Mr. ETHERIDGE, Mr. HINCHEY, Mr. PASTOR, and Ms. MILLENDER-McDONALD.

H.R. 583: Mr. CLAY and Mr. SIMMONS.

H.R. 605: Mr. FORD and Mr. GORDON.

H.R. 670: Mr. PUTNAM.

H.R. 700: Mr. GRIJALVA.

H.R. 712: Mr. DANIEL E. LUNGREN of California and Mrs. MYRICK.

H.R. 761: Mr. ISRAEL.

H.R. 763: Mr. HASTINGS of Florida.

H.R. 822: Mr. TOWNS, Mr. OWENS, Mr. RANGEL, Mr. BRADY of Pennsylvania, Mrs. JONES of Ohio, Mr. GRIJALVA, Mr. WEXLER, Mr. AL GREEN of Texas, Mr. KILDEE, Mr. GEORGE MILLER of California, Mr. McDERMOTT, Mr. COOPER, Mr. CARDOZA, and Ms. NORTON.

H.R. 823: Mr. McHUGH and Ms. SCHAKOWSKY.

H.R. 839: Mr. SANDERS, Ms. NORTON, Mrs. MALONEY, Mr. DAVIS of Illinois, Mr. HINCHEY, Mr. ALLEN, and Mr. MORAN of Virginia.

H.R. 874: Mr. TANCREDO and Mr. CONAWAY.

H.R. 887: Ms. WOOLSEY and Mr. BISHOP of Georgia.

H.R. 893: Mr. GRIJALVA, Mr. AL GREEN of Texas, Mr. OWENS, Mr. JEFFERSON, Mrs. CHRISTENSEN, Mr. TOWNS, and Mr. DOGGETT.

H.R. 896: Mr. LAHOOD, and Mr. McDERMOTT.

H.R. 930: Mr. PORTER, Mr. SESSIONS, and Mrs. MYRICK.

H.R. 968: Mr. HINCHEY.

H.R. 997: Mr. BASS.

H.R. 998: Mr. BOREN.

H.R. 999: Mr. GORDON, Mr. SCHIFF, Mr. SANDERS, and Mr. TOWNS.

H.R. 1002: Mr. DOYLE, Ms. LINDA T. SÁNCHEZ of California, and Mr. ETHERIDGE.

H.R. 1070: Mr. JENKINS, Mr. BROWN of South Carolina, and Mr. AKIN.

H.R. 1100: Mr. MORAN of Kansas.

H.R. 1116: Mr. WEXLER.

H.R. 1130: Mr. LYNCH, Mr. OLVER, and Mr. BISHOP of Georgia.

H.R. 1167: Mr. MILLER of Florida, Mrs. BLACKBURN, and Mr. OTTER.

H.R. 1195: Mr. BERMAN and Ms. HARMAN.

H.R. 1217: Ms. VELÁZQUEZ, Ms. LINDA T. SÁNCHEZ of California, Mr. LEVIN, Mr. RANGEL, and Mr. KENNEDY of Rhode Island.

H.R. 1220: Mr. HOLDEN and Mr. KILDEE.

H.R. 1243: Mr. CARTER and Mr. BISHOP of Utah.

H.R. 1245: Mr. GORDON, Mr. SIMMONS, Mr. BROWN of Ohio, Mr. HINOJOSA, Mr. CARDIN, Mr. BRADLEY of New Hampshire, Mr. FOSSELLA, Ms. HERSETH, and Mr. BRADY of Pennsylvania.

H.R. 1246: Mr. ABERCROMBIE, Mr. GRIJALVA, Mr. EMANUEL, Mr. RYAN of Ohio, and Mr. CLAY.

H.R. 1259: Mr. MILLER of Florida, Mr. GONZALEZ, Mrs. JONES of Ohio, Mrs. MALONEY, Mr. ISRAEL, Mr. CLEAVER, and Mr. LARSON of Connecticut.

H.R. 1282: Mr. PAYNE.

H.R. 1295: Mr. MOORE of Kansas.

H.R. 1312: Mr. BERMAN, Mr. ISRAEL, and Mrs. MALONEY.

H.R. 1322: Ms. WOOLSEY and Mr. DINGELL.

H.R. 1335: Mr. REYES, Mr. GRIJALVA, Mr. BECERRA, Mr. HINOJOSA, Mr. BARTON of Texas, Mr. STRICKLAND, Mr. DREIER, Mr. EVANS, Mr. SIMPSON, Mr. STEARNS, Mr. BERRY, Mr. TANNER, Mr. ROSS, Mr. ISRAEL, Mr. SKELTON, Mr. COOPER, Mr. GONZALEZ, Mr. EMANUEL, Ms. LINDA T. SÁNCHEZ of California, and Mr. ROTHMAN.

H.R. 1337: Mr. MORAN of Kansas, Mr. ROGERS of Michigan, and Mr. MARSHALL.

H.R. 1345: Mr. RANGEL.

H.R. 1358: Mr. CUMMINGS.

H.R. 1366: Mr. LYNCH.

H.R. 1373: Mr. ISRAEL.

H.R. 1376: Mr. HONDA and Mr. KENNEDY of Rhode Island.

H.R. 1402: Mr. MOORE of Kansas, Mr. KUCINICH, Mr. INSLEE, and Ms. WOOLSEY.

H.R. 1415: Mr. BERMAN and Mr. ISRAEL.

H.R. 1426: Mr. ACKERMAN, Mr. BURTON of Indiana, and Mr. TURNER.

H.R. 1491: Mr. MILLER of North Carolina.

H.R. 1498: Mr. GILLMOR, Mr. KUCINICH, Mr. BOEHLERT, Ms. FOXX, and Mr. PLATTS.

H.R. 1505: Mr. MURPHY.

H.R. 1517: Mr. BURTON of Indiana.

H.R. 1518: Ms. HART.

H.R. 1594: Mr. BASS.

H.R. 1599: Mrs. MUSGRAVE.

H.R. 1637: Mr. BUTTERFIELD.

H.R. 1651: Mr. SWEENEY, Mr. KING of Iowa, Mr. HOSTETTLER, Mr. GOODE, and Mr. GUTKNECHT.

H.R. 1668: Mr. OLVER and Mr. AL GREEN of Texas.

H.R. 1674: Mr. FARR.

H.R. 1689: Mr. KUHL of New York.

H.R. 1707: Mr. BROWN of Ohio and Mr. GEORGE MILLER of California.

H.R. 1708: Mr. BILIRAKIS.

H.R. 1709: Mrs. LOWEY, Ms. JACKSON-LEE of Texas, Mr. DEFAZIO, Mrs. McCARTHY, Mr. PAYNE, Mr. HINCHEY, Mr. OWENS, Mr. GRIJALVA, Mr. BROWN of Ohio, Mr. WEINER, Mr. BERMAN, Mr. BACA, and Ms. SCHWARTZ of Pennsylvania.

H.R. 1736: Mr. ISSA.

H.R. 1816: Mr. PUTNAM and Mr. TANCREDO.

H.R. 1945: Mr. HOLDEN, Mrs. BLACKBURN, Mr. McINTYRE, and Mr. JEFFERSON.

H.R. 1951: Mr. EVANS.

H.R. 1952: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1954: Mr. PAUL and Mr. FORD.

H.R. 2048: Mr. BALDWIN, Mr. LYNCH, Mr. WAXMAN, and Mr. FRANKS of Arizona.

H.R. 2076: Mrs. JO ANN DAVIS of Virginia.

H.R. 2103: Ms. ROS-LEHTINEN, Ms. MILLENDER-McDONALD, Mr. WOLF, Mr. BRADY of Pennsylvania, and Mr. CONAWAY.

H.R. 2123: Mr. EHLERS.

H.R. 2178: Mr. MICHAUD.

H.R. 2199: Mr. GRIJALVA and Mr. MARSHALL.

H.R. 2208: Mr. WESTMORELAND.

H.R. 2209: Mr. ALEXANDER.

H.R. 2238: Mr. GREEN of Wisconsin, Ms. SCHWARTZ of Pennsylvania, Mr. LARSEN of Washington, and Mr. BOUCHER.

H.R. 2259: Mr. GORDON and Mr. SCHWARTZ of Pennsylvania.

H.R. 2317: Ms. CORRINE BROWN of Florida, Mr. SIMMONS, Mr. LARSON of Connecticut, Mr. MILLER of Florida, Ms. WOOLSEY, Mr. FILNER, and Mr. CALVERT.

H.R. 2327: Mr. SHERMAN, Mr. CARDOZA, and Mr. RAHALL.

H.R. 2331: Mr. RANGEL.

H.R. 2335: Mr. BISHOP of Georgia and Mr. CUMMINGS.

H.R. 2356: Mr. PAUL, Mr. UDALL of Colorado, Mr. CARDOZA, Mr. MARSHALL, Mr. GORDON, Mr. DOYLE, Ms. ESHOO, Mrs. JO ANN DAVIS of Virginia, Mr. GIBBONS, Ms. GINNY BROWN-WAITE of Florida, and Mr. THORNBERRY.

H.R. 2357: Mr. BURTON of Indiana, Mr. BRADY of Pennsylvania, and Mr. KINGSTON.

H.R. 2363: Mr. MCHUGH and Mr. LANTOS.

H.R. 2412: Mr. LEVIN.

H.R. 2423: Mr. GORDON and Mr. CHABOT.

H.R. 2426: Mr. MCHENRY.

H.R. 2427: Mr. BAIRD, Mr. REHBERG, and Mr. PALLONE.

H.R. 2458: Mr. INGLIS of South Carolina.

H.R. 2574: Mr. MARSHALL.

H.R. 2594: Mr. MCNULTY.

H.R. 2600: Ms. GINNY BROWN-WAITE of Florida.

H.R. 2629: Ms. JACKSON-LEE of Texas.

H.R. 2642: Mr. BOSWELL, Mr. LEWIS of Georgia, Mr. UDALL of New Mexico, Ms. HERSETH, and Mrs. MCCARTHY.

H.R. 2646: Mr. MILLER of Florida.

H.R. 2648: Mr. FITZPATRICK of Pennsylvania, Ms. GINNY BROWN-WAITE of Florida, and Mr. BILIRAKIS.

H.R. 2662: Mr. STRICKLAND, Ms. BEAN, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WAXMAN, Mr. MICHAUD, and Mr. HIGGINS.

H.R. 2679: Mr. HERGER.

H.R. 2739: Mr. OBERSTAR and Mr. STARK.

H.J. Res. 10: Mr. JINDAL, Mr. ROSS, Mr. SKELTON, Mr. KINGSTON, and Mr. DEAL of Georgia.

H. Con. Res. 59: Mr. ROHRABACHER.

H. Con. Res. 90: Mr. CLAY, Mr. PAYNE, and Mr. HINCHEY.

H. Con. Res. 122: Mr. KUHL of New York.

H. Con. Res. 146: Mr. HONDA, Mr. MEEHAN, Mr. MCDERMOTT, Ms. MCCOLLUM of Minnesota, Ms. BERKLEY, and Mr. COX.

H. Con. Res. 162: Mr. FRELINGHUYSEN.

H. Res. 17: Mr. BILIRAKIS.

H. Res. 83: Mr. CROWLEY.

H. Res. 121: Mr. UDALL of Colorado.

H. Res. 215: Mr. GARRETT of New Jersey and Mrs. MYRICK.

H. Res. 247: Mr. LEWIS of California.

H. Res. 272: Mr. MCDERMOTT and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 288: Mr. WEXLER, Mr. CUMMINGS, Mr. CLEAVER, Ms. KILPATRICK of Michigan, Ms. WOOLSEY, Mr. MCDERMOTT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCOTT of Virginia, Mr. LAHOOD, Ms. KAPTUR, and Mr. PASTOR.

H. Res. 297: Mr. MCDERMOTT, Mr. GREEN of Wisconsin, and Mr. RANGEL.

H. Res. 299: Mr. STUPAK, Mr. SANDERS, Ms. DELAURO, and Mrs. LOWEY.

EXTENSIONS OF REMARKS

RECOGNIZING THE 30TH ANNIVERSARY OF VICTIMS SERVICES CENTER OF MONTGOMERY COUNTY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. GERLACH. Mr. Speaker, I rise today to recognize Victim Services Center (VSC) of Montgomery County, Inc. on its 30th anniversary.

In 1974, a group of five women from Montgomery County, Pennsylvania organized VSC, then called Women Against Rape, due to concerns over the lack of a sensitive and uniform response to victims of sexual assault. As awareness of sexual assault grew, the need to recognize that both men and women are victims, and that both sexes can contribute to the solution, transformed the agency into what was known as the Rape Crisis Center. In 1985, additional services were added to support victims of other serious crimes, including a victim witness program. To reflect this expansion of services, the name of the organization was subsequently changed to Victim Services Center of Montgomery County, Inc. and it is thus known today.

Victim Services Center has become a comprehensive crime victims organization that provides free, confidential 24-hour crisis intervention, advocacy, and counseling service to victims of crime and safety education programs to schools from preschool to college. It likewise provides outstanding training services to professionals and law enforcement personnel.

Approaching nearly 30 years of service, Victim Services Center has achieved a exemplary reputation in Montgomery County for confidential, supportive services that have aided thousands of people seeking help. Without the presence of Victim Services Center in the community, crime victims would be left to fend for themselves through a maze of government agencies and court proceedings, while also having to cope with the trauma of criminal victimization.

Mr. Speaker, I ask my colleagues to join me today in recognizing Victim Services Center of Montgomery County, Inc. on its 30th anniversary. The VSC's tremendous efforts in aiding victims of sexual assault and other crimes have truly made a difference in our community.

TRIBUTE TO DAVE CARLSON ON THE OCCASION OF HIS RETIREMENT FROM THE CITY OF RIVERSIDE FIRE DEPARTMENT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor Fire Chief Dave Carlson for his dedicated service to our country and our community. Mr. Carlson recently retired as the Fire Chief of the city of Riverside, California. He has protected our citizens as a warrior and fireman over a 39-year career in public service.

Dave grew up in Sacramento and graduated from Luther Burbank High School in 1966. Two weeks later he enlisted in the Navy to pursue his childhood dream of becoming a "frogman." Dave graduated from Underwater Demolition/SEAL training and went on to serve two tours of duty in Vietnam. In 1972 he became a firefighter in Santa Barbara County, California. Dave worked his way through the ranks and became a Battalion Chief in 1981. Constantly striving for self improvement, Dave attended college on his days off. He earned a Bachelor's Degree in Public Service Management and a Master's Degree in Public Administration from the University of La Verne. In 1991, Dave became the Fire Chief in the City of Norco, California. In 1994, he became the Deputy Fire Chief of the City of Riverside and in 1996 he was appointed Fire Chief.

Dave Carlson is always looking for innovative ways to provide better public safety service to the community. In 1999 he implemented a paramedic program through a joint partnership with American Medical Response and the Riverside County Medical Services Agency. This partnership resulted in a higher level of emergency care and faster emergency response at no cost to the City of Riverside's general fund.

Throughout his career, Dave has served in professional and public organizations. He has always been active in the California Fire Chiefs' Organization, serving a two-year term as President from 2000 to 2002. He is also the Chair of the Department of Corrections Citizens' Advisory Committee for the California Rehabilitation Center. In 2004, Dave's accomplishments were justly recognized when he received the Distinguished Public Service Career Award from the City of Riverside and was named the "Fire Chief of the Year" by the California Fire Chiefs' Association.

Fire Chiefs such as Dave Carlson provide a remarkable level of protection to our communities. They work just as hard at preventing fires and accidents as they do in responding to them. Dave has had an exceptional career keeping our community safe. He has earned my many thanks and I wish him great success in all his future endeavors.

RECOGNIZING ALOK WADHWANI

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to recognize Alok Wadhwani for his award of Best Student Scenic Design in the 11th annual High School Music Theatre HONORS awards in San Jose.

This year, over 25 Bay Area High Schools competed in 10 unique categories. Judges from the American Musical Theatre were sent to each school to watch and evaluate performances. Judges were instructed to evaluate the quality of each production and performance, while keeping in mind each school's budget and available resources. This annual competition awarded four students who reside within California's 16th district.

Alok is a student from Valley Christian High School. He won the Best Student Scenic Design award for his work in "Godspell".

The High School Music Theatre HONORS awards promote artistic creativity in a way that is vital to a youth's development. The performances that these youth stage are extremely labor intensive, and promote discipline, team work, and dedication. High School Performing Arts programs are generally underfunded and have been greatly reduced in recent years. I recognize the hard work, time, and energy that these students and teachers put into these productions.

I am proud to stand here today and recognize Alok for his accomplishments. I urge him and all students to continue to take interest in the performing arts.

INSURANCE OPTION HAS WORKERS PAY MORE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. KUCINICH. Mr. Speaker, I wish to bring the following article on associated health plans to the attention of my colleagues. We must continue to work to bring health care coverage to the more than 45 million Americans who are uninsured. This article clearly shows that associated health plans are not the solution. I will continue to push for the adoption of a truly comprehensive and universal, single-payer health care program.

[From the Los Angeles Times, May 23, 2005]

INSURANCE OPTION HAS WORKERS PAY MORE

(By Ricardo Alonso-Zaldivar)

For years, they were the kinds of health insurance plans one found at small businesses or among the self-employed, plans that had huge deductibles and required workers to pay a lot of medical bills themselves—such as allergy shots, chest X-rays and the cost of a new baby.

They weren't the policies most people preferred, but they were the best some people could afford, better than no insurance at all.

Now, as medical costs keep climbing, those high-deductible plans are spreading to the giant corporations that have long been the backbone of traditional job-related, low deductible health insurance. And if the trend continues, it could reshape the medical insurance landscape and sharply redistribute costs, risks and responsibilities for many of the 160 million Americans with private coverage.

A number of large employers, including defense contractor Northrop Grumman Corp., the Wendy's hamburger chain, high-tech conglomerate Fujitsu and office supply retailer Staples Inc., are adding what they call consumer-directed health plans to their menus of insurance options.

In a recent survey, 26 percent of large employers said they would offer such plans in 2006, up from 14 percent this year. Another survey found that about half of large companies were considering adding them.

A few companies are pursuing a "full replacement" strategy that leaves workers with no other choice. But even where such plans are optional, they are proving popular with workers who might once have scorned a plan that could leave them with several thousand dollars in medical bills each year. At Fujitsu, about half of 5,000 eligible U.S. employees have signed up for the option.

What suddenly makes such plans attractive to workers is that many are caught in a painful bind: In recent years, pay increases have been small at best. At the same time, employers have been requiring workers to pay a larger and larger share of their health insurance premiums. It's not uncommon for higher payroll deductions for health care to more than offset any pay raises.

With the high-deductible plan, workers pay lower monthly premiums and their employers commonly help them build up a special savings account to cushion the impact of a larger annual deductible. The accounts are controlled by the employees, which has led insurers and employers to label the plans "consumer-directed."

Even if high-deductible plans offer immediate relief for many workers, and big cost savings to employers, the allure may not last. And the plans may do little or nothing to solve the basic problem of soaring health costs.

"You're beginning to see a lot of growth in these plans, not because they're going to solve America's health care challenge, but because it's a way for employers to cut their out-of-control benefit costs," said Robert Laszewski, a consultant to health insurance companies. "Any time an employer can raise deductibles from $200 to $1,000, it is going to reduce their costs. But will it reduce U.S. health costs generally? The jury is still really out on that."

The reason, he said, is that 10 percent of the people—the sickest Americans—account for 70 percent of total health care costs. "Once the sick people have gone through their deductible, they're back to regular health plan—the incentives for them don't really change," Laszewski said.

"This is a cost shift device, and not a means to fundamentally control health care costs."

Moreover, the willingness of workers to sign up for less generous plans may change over time, as workers and their families get older and more likely to encounter serious medical costs.

"To make these plans truly work, they have to work for the sickest population—it can't be a plan that only works for the healthy," said Joe Walshe, a principal with the consulting firm PricewaterhouseCoopers. "It's very difficult, but that's where the challenge is."

In the meantime, the short-term appeal of high-deductible plans is easy to see. Employees get a bit more take-home pay. Employers get some relief from higher health care costs.

For big companies, the new plans represent an upfront savings of about 10 percent and the expectation of more gradual cost increases over time. Last year, large employers spent an average of $5,584 per worker for coverage through a high-deductible plan, compared with $6,181 for a worker in the typical preferred provider network, according to a Mercer Human Resource Consulting survey.

Employers say the new plans are not designed primarily to shift costs to workers. The ultimate goal, they say, is to cut health care costs by changing consumers' behavior—teaching them to be more cost-conscious about things such as generic drugs.

"In three to five years, every company is going to offer them," predicted Alexander Domaszewicz, a Mercer senior consultant based in Newport Beach. "People are going to be coming over from companies that have them, and they are going to want them."

When the city of Las Vegas began offering a consumer-directed plan to 2,200 eligible employees last year, 60 percent signed up.

"When I was growing up in the 1950s, no one had insurance for day-to-day going to the doctor," said Victoria Robinson, the city's insurance manager. "You covered those expenses yourself and had major medical if you had to have your appendix out or something like that.

"It's almost like going back to the future," she said.

Yes and no, analysts say.

When employers began offering health insurance, it was a way to attract workers by offering them something of value without directly raising their pay. Today, in purely economic terms, shifting insurance costs to workers amounts to reducing compensation.

Although workers may think they will only face the high deductible if serious illness strikes, those receiving routine medical care can also face fairly hefty medical bills.

Many of the new plans "confront people with a lot more cost sharing than they are currently experiencing," said Sherry Glied, a health policy professor at Columbia University. "If you are the kind of person who can't keep $2,000 in an account, it could be a really bad idea for you."

The experience of Mark Pung, a general contractor in Grand Rapids, Mich., shows why such plans can be enticing.

The father of four children, Pung says he would never dream of going without health insurance. Yet he and his wife, Dana, paid for the births of their two youngest children out their own pockets—$3,600 for each healthy baby girl. That's because their medical insurance carries a $5,000 deductible for the family.

Since their premiums are $180 a month, or $2,160 a year, they could find themselves with as much as $7,160 in out-of-pocket health care costs in a single year.

On the other hand, the Pungs face much lower monthly premiums than they would have to pay for a traditional plan: between $800 and $1,400 a month for family coverage—at least $9,600 a year in premiums alone.

Initially, Pung said, "I felt more exposure. But it wasn't enough to stop me from doing it, because I could run the numbers and see how much sense it made."

The numbers would not be so dramatic for workers in company plans. Employers help pay premiums and the deductibles are lower. In 2004, the median deductible for a family in a company-provided plan was $3,000. The employer contributed $1,200 toward that through a special account, according to Mercer, leaving the employee responsible for $1,800.

Proponents of consumer-directed health care say another advantage of the plans is that higher deductibles encourage consumers to shop smarter.

The two major firms that administer the plans for large employers—Lumenos Inc. in Alexandria, Va., and Definity Health Corp. in Minneapolis—also supply employees with ideas for saving money, online health care information and related services.

"The key thing is the whole concept of getting the consumer engaged," said Doug Kronenberg, chief strategy officer for Lumenos. "We've got to see behavior change for us as a country to be able to address the escalating health care costs we've got."

When patients have no "skin in the game," he said, they don't think about how to save.

In Washington, Republican policy-makers have encouraged the trend toward high deductible insurance plans.

Congress expanded tax-sheltered medical accounts and renamed them health savings accounts, or HSAs, in the 2003 Medicare prescription drug bill. A year earlier, the Treasury Department had quietly issued a ruling that enabled employers to offer a plan known as a health reimbursement arrangement.

The savings accounts are available to people who buy health coverage with deductibles of at least $1,000 for individuals and $2,000 for families. Employees and employers can make pretax contributions to cover the deductible. The accounts belong to employees, who can take them along when they switch jobs. With reimbursement accounts, employees don't own the health care accounts. They can roll over unused balances at the end of the year, but they cannot take their accounts with them if they switch jobs.

In a typical reimbursement account, an employer would create an account for an employee and family, and commit to cover the first $2,000 of their health care costs. The employee would then be responsible for the next $1,000.

After that, traditional health coverage would kick in, with the policy paying 90 percent of the costs and the employee 10 percent. Both the reimbursement and savings accounts have caps on how much an individual can be required to pay in a year.

Still, financial incentives can change—especially as individuals realize they need greater levels of health care.

"The real concern is that people will want to switch out of these plans when they get sick," said Glied, the Columbia professor. "Then it will be very expensive for employers."

HONORING TRUETT OTT

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Truett Ott, former Florida State Senator and District Court of Appeals Judge, whose passing last month was a great loss to our community.

Always a dedicated public servant, Truett appropriately began his career by serving his country as a pilot in World War II and later as an officer at Tampa Bay's MacDill Air Force Base during the Korean War. But Truett would become better known for his work in the field of law—a career which he launched by graduating with honors from the University of Florida Law School. He joined Tampa's Carlton Fields law firm before founding a firm of his own in 1956.

Just ten years later, Truett set his mind to running for the State Senate and beat an incumbent to win his seat. Among his many notable accomplishments in office, Truett was a force behind legislation to improve our state's vocational schools and he convinced his colleagues to support a law providing judges discretion in sentencing for certain first-time drug offenders while increasing penalties for repeat offenders and dealers. Truett became known as a uniquely fair but independent minded lawmaker—a reputation which he would carry throughout his career.

In 1972, Truett returned to the full-time practice of law, but just four years later he chose to run for a seat on Florida's Second District Court of Appeal. He not only won the seat, but was reelected in 1982 with a nearly 90 percent approval rating in a Florida Bar Association poll. When Truett retired from the bench in 1986, he was serving as Chief Judge.

Truett Ott's service to his community did not end at the office door. A faithful servant of God, Truett taught Sunday school for 55 years and gave back to others through his work with a host of service organizations including the Boy Scouts of America, YMCA, United Way, Metropolitan Ministries, the Billy Graham Crusade, the Boys Club and the Pike County Association.

Truett Ott was a role model for us all. On behalf of the entire Tampa Bay community, I would like to thank him for his service and extend my deepest sympathies to his family. His contributions and his character will not be forgotten and set high standards for generations to come.

HONORING CONOR MICHAEL O'ROURKE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor Conor Michael O'Rourke of Arlington, Virginia. Conor has not only achieved the rank of Eagle Scout in the Boy Scouts of America; he has pursued his accomplishments with a sincere commitment to the fundamental ideals of improving our community. As a member of Troop 50 in the National Capital Area Council, Conor has exemplified the finest qualities of leadership and citizenship in earning Boy Scouts' most prestigious award. He is currently a junior at Bishop Denis J. O'Connell High School in Arlington, Virginia and is the older son of Mary Anne and Michael O'Rourke.

At Troop 50, Conor has provided leadership in a variety of positions. He has led his troop as Patrol Leader (twice), Assistant Senior Patrol Leader, and High Adventure Assistant Crew Chief. In addition, he served for several years as Den Chief, in which he was a role model and guide to a group of Cub Scouts at St. Thomas More School in Arlington.

As a Boy Scout, Conor has trekked through the mountains of New Mexico on horseback, explored underground caves, sailed the Florida Keys and went on numerous camping trips. He has earned 28 merit badges and four religious awards, including the Boy Scout Ad Altare Dei. He is truly an exemplary Scout.

For his Eagle Scout Leadership Service Project, Conor directed three dozen volunteers, who donated over 140 hours of labor to the Arlington County Department of Parks and Recreation for the construction of a new park trail.

Because of his dedication and service to the community, I have great expectations for Conor—he will be among the young men who leads our Nation through the 21st. Century. Mr. Speaker, I proudly ask you to join me in commending Conor Michael O'Rourke for achiving the highest distinction of Eagle Scout, and wish him luck on all of his future endeavors.

CONGRATULATING RUTH ANN NORTON

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. RUPPERSBERGER. Mr. Speaker, it is my pleasure today to congratulate Ruth Ann Norton, whose important work in preventing lead positioning has received national acclaim. Ms. Norton recently received the Nation's top community health honor, a 2005 Robert Wood Johnson Community Health Leadership award.

Ms. Norton is one of 10 recipients nationwide recognized for their outstanding contributions to community health. As part of the award, Ms. Norton will receive a grant of more than $100,000 to augment her efforts.

As recently as 2002, one out of every 25 children nationwide was diagnosed with lead poisoning. The City of Baltimore, where Ms. Norton's efforts are focused, has among the highest numbers of pre-1940 rental properties in the Nation—and buildings constructed in that timeframe often contain lead paint. The children living in these buildings often develop asthma or lead poisoning that can cause serious disabilities and impairments.

Unwilling to accept the fact that children are exposed to hazardous environments, especially in their own homes, Ms. Norton left the business world to become Executive Director of the Coalition to End Childhood Lead Poisoning in 1994. She transformed the Coalition from a one-person organization to a 30–person primary prevention organization that has provided direct program services to thousands of at-risk clients. The majority of those helped by the Coalition are single, African-American mothers and pregnant women living in high risk and low-income communities in Baltimore.

Under her leadership, the Coalition has played a significant role in reducing childhood lead poisoning in Baltimore by 91 percent in less than a decade. This success is the result of preventative strategies and public policy changes advocated for by the Coalition, such as requiring lead reductions in housing stock, providing relocation opportunities for families living in hazardous buildings, and testing children for lead paint poisoning. The Coalition has also been credited with playing a primary role in the dramatic decline in lead-poisoned children statewide—from 14,000 in 1993 to less than 2,000 in 2003.

Mr. Speaker, I am honored to recognize Ms. Norton's dedication to improving the health of Maryland's children, and to congratulate her for this well-deserved Community Health Leadership award.

TRIBUTE TO JULIE PUENTES

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor Julie Puentes for her dedicated service to the people of Orange County, California. Ms. Puentes has demonstrated a commitment to excellence and has made our community a better place to live.

Julie Puentes is the Executive Vice President of Public Affairs for the Orange County Business Council, a countywide organization comprised primarily of Orange County's largest employers and small businesses dedicated to Orange County's economic vitality. She serves as a member of the organization's executive management team and manages the Business Council's Advocacy program. She coordinates the Business Council Investor lobbying efforts which are intended to foster a positive business climate and preserve Orange County's quality of life. During her time at the OCBC, Julie has done an exemplary job of building relationships, particularly with Orange County's federal, state and local representatives. She also works closely with other chambers of commerce and regional economic development organizations.

Before she joined the Orange County Business Council professional staff Ms. Puentes was the owner of JFConsulting, a public affairs consulting firm. Her firm focused on engaging the business community in the development of public policy and more business-friendly environmental regulation. From 1978–1991, Ms. Puentes served as Chief of Staff to Senator Marian Bergeson, culminating a 20-year career in public service for five state legislators.

Ms. Puentes served in the Wilson Administration as a member of the State Job Training

Coordinating Council (now the state Workforce Investment Board) and the Governor's School-to-Career Advisory Council. She serves on the Board of Directors of the Orange County Public Affairs Association and Citizens Against Lawsuit Abuse, and is a member of the California Chamber of Commerce Advocacy Council.

We rely upon citizens like Julie Puentes to sustain the spirit of our communities. I have relied on her advice in addressing various water and transportation challenges facing our community and state. Julie Puentes has earned my many thanks and I wish her great success in all her future endeavors.

RECOGNIZING KELLY BLACK

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to recognize Kelly Black for her award as Best Female Performer in the 11th annual High School Music Theatre HONORS awards in San Jose.

This year, over 25 Bay Area High Schools competed in 10 unique categories. Judges from the American Musical Theatre were sent to each school to watch and evaluate performances. Judges were instructed to evaluate the quality of each production and performance, while keeping in mind each school's budget and available resources. This annual competition awarded four students who reside within California's 16th district.

Kelly is a student from Oak Grove High School. She won the Best Female Performer award for her role of Velma Kelly in "Chicago". Kelly will receive a scholarship to the American Musical Theatre Artists Institute, a nine-week intensive professional training program.

The High School Music Theatre HONORS awards promote artistic creativity in a way that is vital to a youth's development. The performances that these youth stage are extremely labor intensive, and promote discipline, team work, and dedication. High School Performing Arts programs are generally underfunded and have been greatly reduced in recent years. I recognize the hard work, time, and energy that these students and teachers put into these productions.

I am proud to stand here today and recognize Kelly for her accomplishments. I urge her and all students to continue to take interest in the performing arts.

HONORING RABBI MICHAEL DATZ

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. LAHOOD. Mr. Speaker, I rise today to honor the accomplishments and services of Rabbi Michael Datz of Springfield, Illinois for his thirteen years of spiritual guidance and leadership.

Rabbi Datz draws on his extraordinary life experiences to provide insight to his congregation at the Temple B'rith Sholom. He has lived in South Africa, the Netherlands, and Australia, as well, his birth-state of Texas. Yet, the community of Springfield is of profound importance to him. His extensive involvement in numerous religious and civic community organizations greatly benefits his adopted home. He is a board member of the Springfield Board of Jewish Education, the Springfield Jewish Federation, the Central Illinois Food Bank, the Springfield Liturgical Arts Council, the Greater Springfield Interfaith Association, and he is Chairman of the Dept. of Community Relations of the City of Springfield. In addition to being a dedicated servant of the community, the rabbi is a lawyer, a children's author, a husband, and a father of two.

Yet above and beyond these accomplishments, the people who know the rabbi best testify that his courage and his sense of humor are traits that make him an excellent community leader. The people of Springfield and the members of the Temple B'rith Sholom are pleased and honored to have Rabbi Michael Datz as a servant of their community, and I am pleased to honor him on the occasion of a special dinner in recognition of his service.

RECOGNITION OF THE AMHERST COMMUNITY HISTORY MURAL

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. OLVER. Mr. Speaker, I rise today to recognize the dedication of the Amherst Community History Mural at West Cemetery. The event marks the completion of a community-wide effort by the Amherst Historical Commission to raise funds and install a mural on the back wall of the Carriage Shops which abut historic West Cemetery in Amherst.

West Cemetery is Amherst's oldest burying ground and was laid out in 1730 for settlers of the East District of Hadley. It is a true historical site that represents some of Amherst's original unchanged landscape, which today would still be recognizable to the early settlers who lie there next to their fellow farmers, mill workers, servants, soldiers, professors and poets.

The Amherst Community History Mural addresses five aspects of Amherst's history: farming, literature, domestic life, education and the military, and industry and economic life. Notable figures portrayed in the mural standing on the balcony of the Amherst Hotel include Robert Gilbert "Gil" Roberts, a member of the New Black Eagle Jazz Band of Boston who also played with Louis Armstrong and Josephine Baker; Chief Justice Harlan Fiske Stone; Peter Merzbach, a 20th-century obstetrician; the Reverend David Parsons, Amherst's first minister; and Charley Thompson, a janitor and friend to Amherst College students during the 1800s.

Again I congratulate Amherst, my home town, on creating this mural that honors and remembers the great history of our community.

TRIBUTE TO DANIEL J. MASIELLO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to pay tribute to the life and memory of a great Western New Yorker, Mr. Daniel J. Masiello, a remarkable man dedicated to public service, his family and his nation.

Born on the West Side of Buffalo in 1913, as a young man Mr. Masiello enlisted in the United States Army and went on to defend this Country's freedom overseas for five years during World War II.

A hard-working man, Mr. Masiello was a member of Teamsters Local 375 as an employee of Dorn's Transportation and went on to work in the City of Buffalo Streets Department for 27 years, eventually serving as the department's Supervisor.

Mr. Masiello was a devoted family man, married to Bridget DeGeorge for 59 years, they enjoyed spending time with their seven children, fourteen grandchildren and five great-grandchildren.

For 91 years the Buffalo and Western New York community was fortunate to have Daniel J. Masiello as a trusted friend and I am pleased to honor his memory today.

TRIBUTE TO JAMES E. MIZELL II

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor the late James E. Mizell II for his dedicated service to our country and community. Born in February 1948, in Bakersfield, Jim was a fourth generation Californian and remained devoted to the betterment of the state throughout his personal and professional life. Growing up in Taft, in the San Joaquin Valley, Jim developed an early appreciation for the importance of water resources to farmers and businessmen living in a desert. At the age of 14, he moved to Orange County and, soon after, met his future wife Pamela Mosier while attending Corona Del Mar High School.

After his marriage to Pam, Jim was deployed by the United States Navy to South East Asia aboard the aircraft carrier USS *Midway*. After fulfilling his military duty, he returned to Orange Coast College, finished his Bachelor of Science in Economics at Loyola Marymount and received an MBA from the Anderson School of Business at UCLA. Jim's interest in California's growth led him to specialize in real estate development. Jim also leaves a legacy of balanced and practical environmental stewardship, business and financial acumen, as well as decade of leadership as an elected director of the Santa Margarita Water District.

Jim passed away on January 14th of this year while taking his morning run. He is survived by his wife and four boys.

Jim was fascinated by issues that shaped the future of "his State". He understood the complex issues which impacted Southern California's ocean, in which he loved to surf and sail, and the beauty of Northern California's wilderness where he hiked and skied. He understood California's vital farming communities, and the necessary growth of the housing market to a growing economy.

Jim was a man of integrity who believed in the goodness of people, and that most individuals are motivated by a sincere desire to accomplish positive results. However, he also believed man is limited by his ability to appreciate the opposing side of an argument. It is this dichotomy which Jim tried to bridge. His favorite adage was, "No information is bad information." He urged those around him to embrace knowledge as friendly even if it was not "good" news, because the only bad information is no information at all. Jim could and would play "Devil's Advocate" to advance another's understanding of the other side of an issue, to move groups toward agreement. He always sought a compromise because he believed that there should be no "loser." The example he set is one we can all learn from.

It was Jim's sincere desire that each of us contribute the best of ourselves today in order to prepare California for a better tomorrow. Jim Mizell served his family, country and his community with distinction and honor and I am truly proud to have called him a friend.

RECOGNIZING TOMMY JERNIGAN

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to recognize Tommy Jernigan for his award of Best Student Lighting Design in the 11th annual High School Music Theatre HONORS awards in San Jose.

This year, over 25 Bay Area High Schools competed in 10 unique categories. Judges from the American Musical Theatre were sent to each school to watch and evaluate performances. Judges were instructed to evaluate the quality of each production and performance, while keeping in mind each school's budget and available resources. This annual competition awarded four students who reside within California's 16th district.

Tommy is a student from Live Oak High School. He won the Best Student Lighting Design award for his work in "Fiddler on the Roof".

The High School Music Theatre HONORS awards promote artistic creativity in a way that is vital to a youth's development. The performances that these youth stage are extremely labor intensive, and promote discipline, team work, and dedication. High School Performing Arts programs are generally underfunded and have been greatly reduced in recent years. I recognize the hard work, time, and energy that these students and teachers put into these productions.

I am proud to stand here today and recognize Tommy for his accomplishments. I urge him and all students to continue to take interest in the performing arts.

FINANCING DRUG RESEARCH: WHAT ARE THE ISSUES?

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. KUCINICH. Mr. Speaker, I would like to bring the following article to the attention of my colleagues. The article details the reasons that the U.S. pays excessively high prices for prescription drugs. The Free Market Drug Act gets at the heart of the problem outlined below.

[From the Center for Economic and Policy Research, Sept. 21, 2004.

FINANCING DRUG RESEARCH: WHAT ARE THE ISSUES?

(By Dean Baker)

EXECUTIVE SUMMARY

Rising drug prices are placing an ever larger burden on family budgets and the economy. The Center for Medicare and Medicaid Services estimates 2004 expenditures at $207 billion (more than $700 per person), and projects that annual spending will grow to more than $500 billion by 2013 (more than $1,600 per person). The immediate cause of high drug prices is government granted patent monopolies, which allow drug companies to charge prices that are often 400 percent, or more, above competitive market prices.

Patent monopolies are one possible mechanism for financing prescription drug research. Rapidly increasing drug costs, and the economic distortions they imply, have led researchers to consider alternative mechanisms for financing drug research. This paper outlines some of the key issues in evaluating patents and other mechanisms for financing prescription drug research. It then assesses how four proposed alternatives to the patent system perform by these criteria.

The most obvious problem stemming from patent protection for prescription drugs is the huge gap it creates between the cost of producing drugs and the price. In addition, to making drugs unaffordable in many cases, high drug prices also lead to enormous economic inefficiency.

Patent monopolies cause economic distortions in the same way that trade tariffs or quotas lead to economic distortions, but the size of the distortions are far greater. While trade barriers rarely increase prices by more than 10 to 20 percent, drug patents increase prices by an average of 300–400 percent above the competitive market price, and in some cases the increase is more than 1000 percent. Simple calculations suggest that the deadweight efficiency losses from patent protection are roughly comparable in size to the amount of research currently supported by the patent system—approximately $25 billion in 2004. Projections of rapidly rising research costs, and therefore a growing gap between price and marginal cost, imply that the deadweight loss due to drug patents will exceed $100 billion a year by 2013.

As economic theory predicts, government granted patent monopolies lead not only to deadweight efficiency losses due to the gap between the patent protected price and the competitive market price, but also to a variety of other distortions. Among these distortions are:

(1) Excessive marketing expenses, as firms seek to pursue the monopoly profits associated with patent protection—data from the industry suggests that marketing costs are currently comparable to the amount of money spent on research; (2) wasted research spending into duplicative drugs—industry data indicates that roughly two thirds of research spending goes to developing duplicative drugs rather than drugs that represent qualitative breakthroughs over existing drugs; (3) the neglect of research that is not likely to lead to patentable drugs; (4) concealing research findings in ways that impede the progress of research, and prevent the medical profession and the public from becoming aware of evidence that some drugs may not be effective, or could even be harmful.

In addition, the patent system for financing prescription drug research poses large and growing problems in an international context. Disputes over patent rules have increasingly dominated trade negotiations. Furthermore, problems of enforcement have persisted even after agreements have been reached. These problems are likely to worsen through time, as the pharmaceutical industry seeks to increase the amount of money it extracts from other countries through patent rents.

This paper examines four alternatives to the patent system:

(1) A proposal by Tim Hubbard and James Love for a mandatory employer-based research fee to be distributed through intermediaries to researchers (Love 2003); (2) A proposal by Aidan Hollis for zero-cost compulsory licensing patents, in which the patent holder is compensated based on the rated quality of life improvement generated by the drug, and the extent of its use (Hollis 2004); (3) A proposal by Michael Kremer for an auction system in which the government purchases most drug patents and places them in the public domain (Kremer 1998); and (4) A proposal by Representative Dennis Kucinich to finance pharmaceutical research through a set of competing publicly supported research centers (Kucinich 2004).

All four of these proposals finance prescription drugs in ways that allow most drugs to be sold in a competitive market, without patent monopolies. These proposals also would eliminate many of the economic distortions created by the patent system.

These proposals, along with other plausible alternatives to the patent system, deserve serious consideration. Current projections for drug spending imply that patent supported prescription drug research will lead to ever larger distortions through time. For this reason, it is important to consciously select the best system for financing prescription drug research, not to just accept the patent system due to inertia.

HONORING ANN LOWRY MURPHEY

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Ann Lowry Murphey, a tireless public servant who lost her struggle with cancer last month.

Ann truly left no stone unturned in her quest to improve the Tampa Bay community. She energetically led a host of charitable and community organizations, and in attempting to highlight Ann's causes, any tribute will inevitably fail to recognize all of her contributions.

A faithful servant of God, Ann was a longtime parishioner and member of the vestry of

St. John's Episcopal Church. A supporter of the arts, Ann was active with The Tampa Philharmonic and The Museum Society at the University of Tampa. As a successful businesswoman, she served on the board of First Citizens Bank and Barnett Bank of Tampa and as Vice President of Murphey Capital. Ann worked on the Judicial Nominating Commission for the 13th Circuit and was on the board of governors of the Greater Tampa Chamber of Commerce. And Ann never just participated in any activities—she was a supreme doer and always a leader.

Throughout her years, she was president and Sustainer of the Year of The Junior League of Tampa, president of the Lowry Family Foundation and served on the board of directors for The H. Lee Moffitt Cancer Center & Research Institute. And in 1992, for all her hard work, the Tampa Civitan Club gave her the Citizen of the Year Award.

But above all these contributions, Ann will be best remembered for her work on behalf of children—in particular, her efforts to transform The Children's Home. Whether she was serving as the organization's president of the board of directors, chairwoman of the board of trustees, associate director or director of development, Ann was constantly working not only to improve the quality of care that The Children's Home provides, but also to spend as much time as she could with the children who depend on these services. For all her efforts, it was fitting that last year Voices for Children chose Ann as the first recipient of its Guardian Angel Award.

Through all her work, Ann was an unstoppable, passionate force for change. There were no bounds to her compassion and generosity. She was truly a blessing to the whole community.

On behalf of all of those who benefited so greatly from her tireless efforts, I would like to extend my deepest sympathies to Ann's loved ones. Ann shared so much with us. We can only try to follow in her footsteps and do our best to live up to her very high standards.

HONORING MS. BETTY B. MICHALIGA

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor Ms. Betty B. Michaliga, a resident of Virginia's 8th Congressional District that I am proud to represent. Ms. Michaliga has contributed greatly to our high quality of life in Northern Virginia. Specifically, she has distinguished herself with exceptionally meritorious achievements in public service to this Nation by serving the United States Army for over thirty-four years.

In 1971, Ms. Michaliga began her superior career as a United States Army Civil Service employee in the Headquarters, United States Army Corps of Engineers. Because of her demonstrated abilities, she moved in 1983 to the Army Secretariat in the Office of the Deputy Assistant Secretary of the Army (Installations and Housing), Assistant Secretary of the Army (Installations and Environment). Currently Ms. Michaliga is a Program Analyst responsible for developing and monitoring the legislative process and Congressional reporting requirements for Army installations.

Throughout her career, Ms. Michaliga has provided outstanding advice, and sound professional judgment on significant issues that affected both the Army and the Congress. Her actions and counsel were invaluable to Army leaders as they considered the impact of important issues, and her dedication to accomplishing the Army's mission has been extraordinary. Mr. Speaker, Ms. Michaliga has been a truly outstanding career civil servant and will be missed by the United States Army.

THE PATENT ACT OF 2005

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. BERMAN. Mr. Speaker, today I join Representative SMITH (TX), BOUCHER, GOODLATTE, LOFGREN and SCHIFF in introducing the Patent Act of 2005 (PA Act). Introduction of this legislation follows the acknowledgment by multiple sources that the current patent system is flawed. The release of the Patent and Trademark Office's Twenty-First Century Strategic Plan, the Federal Trade Commission's report entitled "To Promote Innovation: the Proper Balance of Competition and Patent Law and Policy," the National Research Council's compilation of articles "A Patent System for the 21st Century" and an economic analysis of patent law in a book titled Innovation and Its Discontents all speak to the challenges facing the patent system today. These accounts make a number of recommendations for increasing patent quality and ensuring that patent protection promotes, rather than inhibits, economic growth and scientific progress. Consistent with the goals and recommendations of those reports, the PA Act contains a number of provisions designed to improve patent quality, deter abusive practices by unscrupulous patent holders, and provide meaningful, low-cost alternatives to litigation for challenging the patent validity. Additionally, the PA Act begins to harmonize U.S. patent law with those of foreign countries.

I firmly believe that robust patent protection promotes innovation. However, I also believe that the patent system is strongest, and that incentives for innovation are greatest, when patents protect only those patents that are truly inventive. When functioning properly, the patent system should encourage and enable inventors to push the boundaries of knowledge and possibility. If the patent system allows questionable patents to issue and does not provide adequate safeguards against patent abuses, the system may stifle innovation and interfere with competitive market forces.

This bill represents our latest perspectives in an ongoing discussion about legislative solutions to patent quality concerns, patent litigation abuses and patent harmonization. We have considered the multitude of comments received on prior patent bills as well as the more recent subcommittee print. We acknowledge that the problems are difficult and, as yet, without agreed-upon solutions. It is clear, however, that introduction of this legislation will focus and advance the discussion. It is also clear that the problems with the patent system have been exacerbated by a decrease in patent quality and an increase in litigation abuses. With or without consensus, Congress must act soon to address these problems.

Thus, we introduce this bill in the beginning of this Congress with the intent of framing the debate and with every intention of passing legislation in the 109th Congress.

The bill contains a number of initiatives designed to improve patent quality, limit litigation abuses, and harmonize U.S. patent law with those of foreign countries, thereby ensuring that patents are positive forces in the marketplace. I will highlight a number of them below.

Section 3 alters the conditions for patentability. Currently, the U.S. grants patents to whomever is "first to invent." The bill amends this standard so that the "first inventor to file" is entitled to the ownership of a patent. This distinction encourages inventors to file immediately, enabling the invention to enter the public realm more quickly. Additionally, this modification will bring U.S. patent laws into harmony with the patent law in many foreign countries.

Section 6 addresses the unfair incentives currently existing for patent holders who indiscriminately issue licensing letters. Patent holders frequently assert that another party is using a patented invention and for a fee, offer to grant a license for such use. Current law does little to dissuade patent holders from mailing such licensing letters. Frequently these letters are vague and fail to identify the patent being infringed and the manner of infringement. In fact, the law tacitly promotes this strategy since a recipient, upon notice of the letter, may be liable for treble damages as a willful infringer. Section 6 addresses this situation by ensuring that recipients of licensing letters will not be exposed to liability for willful infringement unless the letter specifically states the acts of infringement and identifies each particular claim and each product that the patent owners believes have been infringed.

Section 7 is designed to address the negative effect on innovation created by patent "trolls." We have learned of countless situations in which patent holders, making no effort to commercialize their inventions, lurk in the shadows until another party has invested substantial resources in a business or product that may infringe on the unutilized invention. The patent troll then steps out of the shadows and demands that the alleged infringer pay a significant licensing fee to avoid an infringement suit. The alleged infringer often feels compelled to pay almost any price named by the patent troll because, under current law, a permanent injunction issues automatically upon a finding of infringement. Issuance of a permanent injunction would, in turn, cause the alleged infringer to lose the substantial investment made in the allegedly infringing business or product.

While we may question their motives, we do not question the right of patent trolls to sue for patent infringement, obtain damages, and seek a permanent injunction. However, the issuance of a permanent injunction should not be granted automatically upon a finding of infringement. Rather, when deciding whether to issue a permanent injunction, courts should weigh all the equities, including for example, the "unclean hands" of the patent trolls, the failure to commercialize the patented invention, the social utility of the infringing activity, and the loss of invested resources by the infringer. After weighing the equities, the court may still decide to issue a permanent injunction, but at least the court will have ensured that the injunction serves the public interest. Section 7 accomplishes this goal.

Section 8 allows the Director of the USPTO to establish regulations limiting the circumstances under which a patent applicant may file a continuation application. Unfortunately, current practice guiding continuation applications is prone to abuse. There are limited restrictions specifying the circumstances under which an applicant can broaden the claims described in the patent application and still retain the original filing date. This practice may enable the applicant to claim the priority rights to another's invention by appropriating that new invention as an expansion of the claims in the original application. By authorizing the Director to change current policy on continuation applications, the bill tasks the PTO with tackling current abuses in the application process.

Section 9 creates a post-grant opposition procedure. In certain limited circumstances, opposition allows parties to challenge a granted patent through an expeditious and less costly alternative to litigation. In addition, Section 9 provides a severely needed fix for the inter partes re-examination procedure, which provides third parties a limited opportunity to request that the PTO Director re-examine an issued patent. The current limitations on the inter partes re-examination process restricts its utility so drastically that it has been employed only a handful of times. Section 9 increases the utility of this re-examination process by relaxing its estoppel provisions. Further, it expands the scope of the re-examination procedure to include redress for all patent applications regardless of when filed.

Section 10 permits patent examiners, to consider certain materials within a limited time frame submitted by third parties regarding a pending patent application. Allowing such third party submissions will increase the likelihood that examiners are cognizant of the most relevant "prior art," thereby constituting a front-end solution for strengthening patent quality.

Other provisions include an expansion of prior user rights, publication of all application at 18 months, limitation on the calculation of damages to the value of the invention, and changes to the duty of candor defense and elimination of the best mode requirement.

When considering these provisions together, we believe that this bill provides the comprehensive reform necessary for the patent system to achieve its primary goal of promoting innovation.

The Chairman of the Subcommittee on Courts, the Internet and Intellectual Property, Mr. SMITH, deserves credit for bringing these issues to the forefront through numerous hearings on patent quality. In addition, I would especially like to thank Congressman BOUCHER with whom I have been working on patent reform for the past few years. Also deserving of thanks are the many constitutional scholars, policy advocates, private parties, and government agencies that continue to contribute their time, thoughts, and drafting talents to this effort. I am pleased that, finally, at least a consensus has emerged among the various collaborators in support of the basic "post grant opposition" approach embodied in the legislation. This bill is the latest iteration of a process we started over four years ago.

Though we developed this bill in a highly collaborative and deliberative manner, I do not want to suggest that it is a "perfect" solution. Thus, I remain open to suggestions for amending the language to improve its efficacy or rectify any unintended consequences.

As I have said previously, "The bottom line in this: there should be no question that the U.S. patent system produces high quality patents. Since questions have been raised about whether this is the case, the responsibility of Congress is to take a close look at the functioning of the patent system." High patent quality is essential to continued innovation. Litigation abuses, especially those which thrive on low quality patents, impede the promotion of the progress of science and the useful arts. Thus, we must act during the 109th Congress to maintain the integrity of the patent system.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, on the evening of June 7, I missed 3 rollcall votes.

It was my intention to vote: "yes" on rollcall No. 228, H. Con. Res. 44—Recognizing the historical significance of the Mexican holiday of Cinco de Mayo; "yes" on rollcall No. 229, H. Res. 282—Expressing the sense of the House of Representatives regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States.

INTRODUCTION OF CANCER SCREENING ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mrs. MALONEY. Mr. Speaker, today I am reintroducing the Cancer Screening Coverage Act, a bill that will ensure that a greater number of Americans are covered for breast, cervical, prostate, and colorectal cancer screening. This legislation will increase the access to cancer screening exams for patients of private insurance and the Federal Employees Health Benefits plan.

Cancer is the second leading cause of death among Americans. According to the American Cancer Society, more than 1,500 Americans die of cancer everyday. Cancer screening allows for the detection of cancer in its earliest form, when the cost of treatment is the least.

Many advances have been made, but the key to survival is early detection. It is estimated that the rate of survival would increase from 80 percent to 95 percent if all Americans participated in regular cancer screening. By providing increased access to screening procedures, the Cancer Screening Coverage Act would help save the lives of many Americans from this deadly disease.

REGARDING JOYCE McMILLIN AND HER LEGACY TO THE TRI-CITIES COMMUNITY

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. HASTINGS of Washington. Mr. Speaker, I rise today to pay tribute to Joyce McMillin, a constituent of mine who dedicated so much of her time and energy to honoring the brave men and women who have served our Nation in uniform. Honoring. our veterans was a priority for Joyce—as it should be for all Americans.

Along with her husband Tom, who himself is a veteran of the Korean War, Joyce made it one of her final missions in life to create a memorial to those who have fought to protect our Nation. It is because of her vision, hard work and perseverance that the Regional Veterans Memorial now stands in Kennewick's Columbia Park.

Creating the Regional Veterans Memorial was not an easy process. After coming up with the idea, Joyce and Tom had to sell their vision to the community, secure a location and raise the funds necessary to build it.

Tragically, Joyce lost her battle with cancer shortly before the Regional Veterans Memorial ribbon cutting ceremony, which she had organized. I recently had the opportunity to visit the Memorial, and it is an impressive and fitting monument to American soldiers—past and present. It is a special place for current and future generations to reflect on the sacrifices made by those who have served in our Armed Forces. This Memorial is truly Joyce McMillin's legacy to the Tri-Cities. Our community is a better place because of her.

I would like to conclude by noting how proud I am to live in a community that is so committed to our veterans. I commend the McMillin family, the Tri-Cities Memorial Committee and everyone who helped make the new Regional Veterans Memorial a reality.

RECOGNIZING LIVE OAK HIGH SCHOOL ORCHESTRA

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to recognize the Live

Oak High School orchestra for its award of Best Student Orchestra in the 11th annual High School Music Theatre HONORS awards in San Jose.

This year, over 25 Bay Area High Schools competed in 10 unique categories. Judges from the American Musical Theatre were sent to each school to watch and evaluate performances. Judges were instructed to evaluate the quality of each production and performance, while keeping in mind each school's budget and available resources. This annual competition awarded four students who reside within California's 16th district.

The Live Oak High School Orchestra is conducted by Greg Bergantz. Live Oak High School won the Best Student Orchestra award for its performance in "Fiddler on the Roof".

The High School Music Theatre HONORS awards promote artistic creativity in a way that is vital to a youth's development. The performances that these youth stage are extremely labor intensive, and promote discipline, team work, and dedication. High School Performing Arts program's are generally underfunded and have been greatly reduced in recent years. I recognize the hard work, time, and energy that these students and teachers put into these productions.

I am proud to stand here today and recognize the Live Oak High School orchestra for its accomplishments. I urge all students to continue to take interest in the performing arts.

BIGGER THAN SOCIAL SECURITY CRISIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. KUCINICH. Mr. Speaker, I wish to bring the following article to the attention of my colleagues. This article discusses how the savings from creating a truly competitive market for prescription drugs, as is proposed by the Free Market Drug Act, could be used to eliminate any projected shortfall in Social Security. The American people demand that we focus our attention on the very real crisis that the soaring price of prescription drugs presents to their daily lives.

[From the Center for Economic and Policy Research, Apr., 2005]

BIGGER THAN THE SOCIAL SECURITY CRISIS: WASTEFUL SPENDING ON PRESCRIPTION DRUGS

(By Dean Baker)

EXECUTIVE SUMMARY

President Bush started a national debate on the future of Social Security when he announced his plan for private accounts shortly after the November election. In order to promote his plan, he has argued that Social Security faces a serious long-term funding gap.

It is easy to show that the projected funding gap for Social Security is relatively minor. The Social Security trustees estimate that the gap over the program's 75-year planning period is equal to 0.6 percent of GDP over this period. The non-partisan Congressional Budget Office (CBO) estimates this gap at 0.4 percent of GDP. By comparison, the increase in annual defense spending since 2000 has been equal to 1.0 percent of GDP, more than 1.5 times the size of the shortfall projected by the Social Security trustees and 2.5 times as large as the shortfall projected by CBO.

Given the size of the projected Social Security shortfall it is reasonable to argue that attention should be focused on bigger problems. One glaring example is the soaring price of prescription drugs, which is imposing huge costs on both the private and public sectors. This paper examines the relationship between the potential savings from creating a free market in prescription drugs and the size of the Social Security shortfall.

Specifically, it calculates the savings that the federal government could accrue in Medicare if drug research was publicly financed and then the resulting patents were placed in the public domain, as proposed in the Free Market Drug Act (FMDA). This would allow prescription drugs to be sold in a competitive market, like other products. By eliminating government imposed patent monopolies, drug prices would decline by approximately 70 percent.

This paper calculates that the savings to the federal government from having drugs sold in a competitive market could reach $110 billion annually by 2014. By the end of the period (in 2080) the annual savings would be equal to 1.2 percent of GDP. The cumulative savings over the 75-year planning horizon would be $3.3 trillion (in discounted 2005 dollars): this is slightly larger than the $3.2 trillion Social Security shortfall projected by the CBO. In other words, if the federal government's savings on prescription drugs from the FMDA were attributed to the Social Security trust fund, it would be more than enough to make Social Security fully solvent over its 75-year planning period.

The enormous potential savings from developing a free market in prescription drugs should be a powerful argument for moving in this direction in any case, but the possibility of using the savings to eliminate the projected Social Security shortfall could make the policy even more attractive. Of course, the savings to the private sector from having drugs sold in a free market would be even larger than the savings to the federal government.

However, the most important benefit is that the FMDA would eliminate the incentives that government patent monopolies create to conceal or misrepresent research findings, as was recently exposed with drugs like Vioxx and Celebrex. If research is no longer financed by government patent monopolies, the perverse incentives they create will be eliminated. This will lead to better health care, in addition to much lower drug prices.

THE HIPAA RECREATIONAL INJURY TECHNICAL CORRECTION ACT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. BURGESS. Mr. Speaker, I am pleased to join my colleagues Congressman BLUNT and Congressman STRICKLAND in introducing legislation that would prohibit insurers from denying payment to health plan participants for injuries sustained while engaged in certain recreational activities like horseback riding or motorcycling.

In January 2001, the Department of Labor, the Internal Revenue Service and the Health Care Financing Administration, issued a rule in accordance to the Health Insurance and Portability and Accountability Act of 1996 (HIPAA) that was designed to guard against discrimination in coverage in the group health market. These rules prohibited health plans from denying coverage to people who engage in recreational activities like horseback riding and motorcycling. However a loophole was created that allowed insurers to deny payment for services based upon the source of the injury.

The rule states that: "While a person cannot be excluded from a plan for engaging in certain recreational activities, benefits for a particular injury can, in some cases, be excluded based on the source of the injury." A plan could, for example, include a general exclusion for injuries sustained while doing a specified list of recreational activities, even though treatment for those injuries, a broken arm for instance, would have been covered under the plan if the individual had tripped and fallen.

This loophole creates a situation that is especially unfair to people who ride motorcycles, horses, snowmobiles, or any other form of motorized recreation. Millions of Americans enjoy these activities safely every year within the framework of state laws and utilizing proper safety precautions. Should something extraordinary occur resulting in an injury, these individuals deserve the same consideration when it comes to their medical expenses as every other American. They should not be denied payment for health services for the mere fact that the injury occurred on horseback or on a motorcycle.

The legislation that we are introducing today will remove any ambiguity when it comes to participation in certain recreational activities or modes of transportation should an injury occur. I want to thank Mr. BLUNT and Mr. STRICKLAND for joining me on this legislation. I look forward to working with them along with the multitude of groups that have made this legislation such a high priority, especially the American Motorcyclist Association and the Motorcycle Industry Council. I urge all of our colleagues to join us as cosponsors and stand with America's riders.

IN RECOGNITION OF MRS. DORETHA WARD KENT ON THE OCCASION OF HER RETIREMENT FROM WILSON COUNTY SCHOOLS

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. BUTTERFIELD. Mr. Speaker, I rise today to honor an outstanding American citizen, Mrs. Doretha Ward Kent, on the occasion of her much deserved retirement. For 25 years, Doretha Kent faithfully and diligently served in various capacities with the Wilson County School System and as a community volunteer.

Mrs. Kent was one of three daughters born to William and Dora Ward of Stantonsburg, North Carolina. She attended Springfield High School and then further pursued her education at Wilson County Technical Community College where she received an Associate Degree in Computer Technology.

Mr. Speaker, Mrs. Kent dedicated 20 long years of her life as a Teacher's Assistant at Wells Elementary School where she nurtured and helped to develop the young minds of thousands of students. She spent five years as a Media Assistant at Beddingfield High School highlighting the positive activities of students. Mr. Speaker, I am certain that both educational institutions will truly miss the valuable services that Doretha Kent provided over the years.

In addition to being a dedicated public servant Mrs. Kent founded NC Love in Action, a medical assistance program aimed at helping disadvantaged citizens of Wilson County. She is a member of Mt. Zion FWB Church and serves on the Usher Board and Finance Committee.

My relationship with Doretha Kent is one of personal friend and fellow community leader. We have worked together for so long in our effort to improve the quality of life for all of our citizens. I am honored to sponsor this tribute on this occasion.

Mr. Speaker, I ask my colleagues to join with me in honoring this great woman of uncompromising moral integrity and devotion to God and community. Her service to her community, the State of North Carolina, and the United States of America are greatly appreciated.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Tuesday, June 7, 2005, I was unavoidably absent due to a previous commitment. Had I been present and voting, I would have voted as follows: on rollcall No. 228: "yes" on Final Passage of H. Con. Res 44; on rollcall No. 229: "yes" on Final Passage of H. Res. 282.

WITHDRAW FROM IRAQ

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, one the ablest Members of the current Congress, JIM MCGOVERN, has joined with one of the ablest Members in the history of the Congress, George McGovern to address the troubling issue of Iraq, and they make an eloquent case—with which I completely agree—that "the United States must now begin an orderly withdrawal of our forces from this mistaken foreign venture."

Mr. Speaker, it is our custom in introducing relevant material of this sort into this RECORD to put some gloss on the material entered. In this case, I feel absolutely no need to do this, because the authors—former Senator George McGovern and Congressman JIM MCGOVERN—do a superb job of explaining why we should pull out of Iraq. I will note that I join them not only in their basic argument, but in their note that as "earlier opponents of the U.S. invasion of Iraq . . . we hoped that our concerns would be proven wrong." None of us take any joy in the fact that this has worked out so much worse than the Administration had predicted, but we must draw the consequences from this mistake and not continue with a seriously flawed policy which drains us financially, costs the lives of our military, and makes the situation in the Middle East worse rather than better in so many ways.

Mr. Speaker, I ask that the essay by George McGovern and JIM MCGOVERN from the Monday, June 6 Boston Globe be printed here.

[From the Boston Globe, June 6, 2005]

WITHDRAW FROM IRAQ

(By George McGovern and Jim McGovern)

We were early opponents of the U.S. invasion of Iraq. Nonetheless, once American forces were committed, we hoped that our concerns would be proven wrong. That has not been the case.

The United States must now begin an orderly withdrawal of our forces from this mistaken foreign venture.

The justification for the war was based on false or falsified information. What had been initially characterized by the Bush administration as an uncomplicated military operation has turned into a violent quagmire. Our leaders underestimated not only the insurgency, but also the deep-rooted ethnic divisions in Iraqi society.

There are no clear answers from the administration or the Congress on how long our forces will need to stay in Iraq, what the anticipated costs in human life and treasure will be, or even what would constitute success.

Instead, many of our policymakers seem resigned to an open-ended occupation. Former Defense Undersecretary Paul Wolfowitz has told Congress that we will be there for at least another 10 years. It is common to hear even some who voted against the war say, "now that we're there, we have no choice but to stay."

We very much disagree. Calls to maintain the status quo echo the same rationale used to keep us in Vietnam. To those who contend that we would weaken our credibility if we withdraw, we believe that the Nation's standing would greatly improve if we demonstrate the judgment to terminate an unwise course.

Our continuing presence in Iraq feeds the insurgency and gives the insurgents a certain legitimacy in the eyes of much of the world. We know from our own history that armies of occupation are seldom welcome.

There have been elections in Iraq, and yet it remains unclear whether the different political, ethnic, and religious factions want to work together.

One thing, however, is clear: Washington cannot determine Iraq's destiny. It doesn't matter how many times Condoleezza Rice or Donald Rumsfeld visit. It doesn't matter how many soldiers we deploy. The myriad factions in Iraq themselves must display the political will to demand a system of government that respects the diversity that exists in their country.

There are no easy answers in Iraq. But we are convinced that the United States should now set a dramatically different course—one that anticipates U.S. military withdrawal sooner rather than later. We should begin the discussions now as to how we can bring our troops home.

The United States should accelerate and pay for the training of Iraqi security forces with the help of Egypt, Jordan, and other Arab allies. We can begin drawing down American forces to coincide with the number of trained Iraqi forces. By that measure, we should bring 30,000 of our troops home now.

President Bush should consult with the current Iraqi government and other Arab nations about the necessity for an Arab-led security force to complement the Iraqis in the short term. Again, the United States should finance this effort.

We should also work with the United Nations to solicit ideas and assistance from the international community on how we can best disengage.

There are no guarantees that militarily withdrawing from Iraq would contribute to stability or would not result in chaos. On the other hand, we do know that under our occupation the violence will continue. We also know that our occupation is one of the chief reasons for hatred of the United States, not only in the Arab world but elsewhere.

Wars are easy to get into, but hard as hell to get out of. After two years in Iraq and the loss of more than 1,600 American soldiers, it is simply not enough to embrace the status quo.

We are not suggesting a "cut-and-run" strategy. The United States must continue to finance security, training, and reconstruction.

But the combination of stubbornness and saving face is not an adequate rationale for continuing this war. This is not a liberal or conservative issue. It is time for lawmakers in Washington—and for concerned citizens across the Nation—to demand that this sad chapter in our history come to an end and not be repeated in some other hapless country.

The path of endless war will bankrupt our treasury, devour our soldiers, and degrade the moral and spiritual values of the Nation. It is past time to change course.

TRIBUTE TO CAPTAIN STEVEN C. MILLER, USN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor Captain Steven C. Miller, United States Navy, for his twenty-six years of active duty service to our country. He is the Commanding Officer of the Naval Surface Warfare Center in Corona, California and will retire on June 17, 2005.

Captain Miller graduated from the United States Naval Academy in 1979. After being commissioned as an officer he embarked on an extraordinary active duty career as a Surface Warfare Officer. He has deployed throughout the world in support of America's global naval presence and power projection. Captain Miller has served as a Surface Warfare Officer on destroyers, frigates and cruisers. He was the Executive Officer of the USS *Ticonderoga* (CG 47) when she went to war in support of Operation Desert Shield and Desert Storm in 1990 and 1991. Captain Miller was hand picked to be the first Commanding Officer of the USS *Stethem* (DDG 63) when she entered service in 1995. Under his leadership, the crew of the *Stethem* earned the coveted Battle "E" award for combat readiness in the first year of the ship's service.

Besides being a true warrior at sea, Captain Miller has had a distinguished career ashore. He has served in the office of the Chief of Naval Operations as the Executive Secretary for Joint Chiefs of Staff Affairs and as the Flag Secretary for the Commander Naval Surface Force, U.S. Atlantic Fleet. Following his command tour on the USS *Stethem*, Captain Miller shaped the future of the Navy's surface combat force while working on the program start of the DD(X). This new destroyer program will lead the Navy into the twenty-first century. Captain Miller has earned a Master's Degree in National Security Strategy at the Naval War College and qualified as a U.S. Navy Acquisition Professional.

I first met Captain Miller when he assumed command of the Naval Surface Warfare Center in my district. NSWC, Corona provides independent assessment and testing and evaluation to the fleet on weapons systems and operations and provides quality control for the tools our Navy uses to fight the Global War on Terrorism. I have come to know him as a strong leader who accomplishes the mission and takes care of his people.

Captain Steve Miller has done much to preserve our way of life. Our country, our Navy and my community have benefited from his selfless service. He is a fantastic example for today's young people who want to serve their country and for those who dream of attending one of our service academies. He has earned my many thanks. I wish him well in his retirement from the Navy and all his future endeavors.

NEED FOR NATIONAL HEALTHCARE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. KUCINICH. Mr. Speaker, on Saturday, May 21, I had the honor of chairing a citizens hearing on the need for national health care which took place in Aliquippa, Pennsylvania. I heard testimony from citizens from a wide variety of backgrounds including labor, elected officials, seniors, youth, and physicians and health care workers. What I heard powerfully demonstrates the need for fundamental changes in how America takes care of its people. The hearing clearly showed that the time is long overdue to bring our health care system up to the same standards that other industrialized countries have enjoyed for years. I wish to share some of the testimony I received with my colleagues.

Carol McMann, a retiree and an active member of the Steelworkers Organization of Active Retirees (SOAR) Chapter 2020:

"I am disappointed and frustrated about the way our health care system is going in the United States. A lot of people do not want national health care, but when you get in my situation it would be appreciated!"

"When LTV Steel liquidated and took my health insurance in the year 2002, it totally left me out in the cold."

"I had two choices for health care and the expensive one was the one that I had to take because I needed a prescription drug program. I had to purchase individual health care from Highmark Blue Shield/Blue Cross. If I chose an HMO and was accepted, then I had a year that I would not be covered for pre-existing conditions."

"This individual policy costs me $411.95 a month with a $1,000 deductible. It increases each year in September. Who knows what the total will be in two more years! My husband and I figured out our total cost for health care each year, including prescription drugs, and it came out to more than $10,000. It takes all of my social security just to pay the premium alone. I am a homemaker!"

"At the end of the month, we have to watch because if our fixed income is gone, we must use our savings again and again. We fear it may be gone in the future. To wind this down, we no longer vacation, go on shopping sprees, buy our sons much, or enjoy life as before. It has depressed us at times and causes us to feel as though my husband worked for absolutely no reason! He served in the Army and also the Reserves. Our health care just meant everything to us in our retirement. Just everything!

"We feel this administration and other elected leaders will not fix this problem. Everyone in this country now is just expected to take care of themselves."

Mike Sabat, an unemployed Anchor Hocking worker whose son Mikey suffers from autism:

"Whatever happened to the American dream of hard work at a good job with medical benefits? Now we have to ask employers what kind of medical insurance they offer, how much it costs, and then deal with an endless assortment of HMOs, PPOs, and managed care and third-party administrators. And don't forget the eye care, dental, orthotics, and mental health coverage. It seems like we have been working all our lives just for our medical benefits!"

"I am laid-off again at the present time, however, a union contract saved my medical insurance for four months."

"In a country so rich, no one should have to go without food, water, clothing, shelter, quality education, and especially health care!"

"People should not be in debt, as I am, over their medical insurance or bills!"

"Those commercials about insurance fraud kill me. I think when you have insurance and you go to the doctor or hospital thinking you are covered then you get a large bill, that's the real insurance fraud!"

Ian Thompson, a recent graduate of Penn State University who will soon be losing his health coverage:

"Simply put, to say that the current health care system is failing to meet the needs of America's young adults is at best a gross understatement. While young people between the ages of 19 to 29 account for a mere 15 percent of the U.S. population, they are disproportionately represented among the roughly 45 million Americans who currently lack health insurance, accounting for roughly 30 percent according to recent census figures. These findings have shown that young people account for the highest percentage of uninsured Americans."

"Nineteen to 29 year olds represent one of the biggest and fastest growing segments of the population living day to day without health insurance, yet individuals in this age group rarely appear in the national debate on health insurance."

"It probably comes as no surprise that one of the largest barriers for young adults in seeking health insurance coverage is cost. In many instances, the price of coverage simply rises faster than incomes, making it especially difficult for younger people to obtain coverage.

"For many younger people, the consequences of going without health insurance don't seem as immediate as cutting back on grocery bills, losing car insurance, or missing a rent or mortgage payment. So they decide to take a chance—a calculated risk that they won't face a serious and costly health crisis—and forgo health coverage for months and often years at a time. Sadly, for many this proves to be a devastating gamble. When catastrophes hit the uninsured, as they can and do to individuals in every age group, many are left completely buried in massive amounts of debt, unable to afford even basic medical necessities.

"With the numbers of uninsured Americans steadily increasing, today's young people face the sad prospect of being sicker and less econeconomicallyductive over the course of their lives. Amid a soft job market and ever increasing insurance costs, many experts fear that more and more young adults will forgo medical care altogether. Research has in fact shown that it is a common practice among uninsured young people to go to a doctor less often and later into an illness, often ending up with so many other countless uninsured Americans in hospital emergency rooms for conditions that easily could have been treated at an earlier time.

Those who argue that younger adults are an age group that does not have the same health needs as other segments of the population simply have not been paying attention to the facts. Younger adults have the highest number of annual visits to emergency rooms each year (usually from injuries). They account for a third of new HIV diagnoses. And nearly four million pregnancies occur in women in their 20s every year. The results of a lack of insurance for young people are truly shocking and should act as a wake-up call to the consciences of Americans from across the political spectrum. The Institute of Medicine estimates that 18,000 young adults die each year because they lack health insurance to cover their problems. Additionally, uninsured adults are 25 percent more likely to die prematurely than those with private health insurance coverage.

"There is something inherently perverted and fundamentally flawed with a health care system that prides itself as being the best and most advanced in the world while at the same time allowing 18,000 young people to die each and every year from illnesses and diseases that in many cases could be avoided with simple preventive treatment.

"The time is long overdue to change our outrageously costly and grossly inefficient health care system to one that meets the basic needs of the American public in terms of gaining universal, efficient, available, and affordable access to the highest quality health care. H.R. 676, the U.S. National Health Insurance Act goes a long way towards accomplishing this very goal. This legislation would improve and expand upon what older Americans already receive through the very successful Medicare program to include all U.S. residents. To say it is needed is an understatement. The current for-profit system of health care must be replaced with one that puts the interests of people first."

HONORING THE LIFE ACHIEVEMENTS OF JUANA BORDAS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Juana Bordas, a leader in Denver's Hispanic community and a great Coloradan. At a time when immigration is so hotly debated and in such divisive ways, the story of Juana Bordas is inspiring.

Juana Bordas was born in El Salvador, but emigrated to the United States from Nicaragua when she was just three years old. Her parents and her seven siblings made a difficult journey over many miles in the hull of a banana boat!

From these humble beginnings, Juana has gone on to become one of the most respected women in Colorado, not only as a member of the Colorado Women's Hall of Fame, but also the National Hispana Leadership Institute. From this place of stature, she speaks eloquently of the importance of embracing one's history—particularly for Latina women and their mothers. Juana said that it was difficult as a child to be poor and dark-skinned. She acknowledges that there were times as a child that she was embarrassed to know that her mother only achieved a fifth grade education, mothered eight children and worked in the cafeteria of Juana's elementary school. She says that the shame she once felt for her mother's history has now become a great source of pride. The tremendous courage and sacrifice her mother exhibited have been the foundation for her children to lead a better life. Juana calls this "servant leadership." She makes the point that instead of looking at her mother's experience as subservient, it really embodies the qualities of a true leader: hard work, driving purpose, courage and dedication to a cause greater than one's own self-interest. Those qualities should be admired, embraced and emulated as young Latinas strive to achieve their goals. From my vantage point, the example of Juana's mother—and Juana's own life—are truly inspiring.

In the early 1970s Juana Bordas started the MiCasa Resource Center for Women in Denver which continues to this day to help low-income Latinas and youth with job training and life skills. As President of a multicultural consulting firm, Mestiza Leadership International, she travels the country developing diversity in the workforce. She has said that, "my mission is to help with the birth of a multi-cultural nation." She notes how Latinos in other countries are heads of government and industry, and believes that there is no reason why it should be different here in the United States. Juana served with the Denver Election Commission to register more voters and to put her beliefs into practical effect. Today, Latino leaders are emerging in public office as never before. Thoughtful and hard-working people like Juana Bordas have helped to pave this path of progress.

Juana Bordas reminds of us of something that should be important to every American. Each of us owes an enormous debt to the strength and courage of families who sacrificed for their children in order to realize the American dream. Our country was founded by such people, and that continues to be our greatest strength. As a successful business woman, Juana Bordas has given an immeasurable amount back to our community in time, skill, wisdom, and by simply being a role model. It is with great admiration that I ask my colleagues to join me in honoring Juana Bordas, a great American success story and a woman worth knowing and learning from. I wish her continued success in the future.

BUSH AND THE G–8 AGENDA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. RANGEL. Mr. Speaker, the current state of the African continent has been an ongoing issue of concern for policy makers in this country and elsewhere. As the rest of the world is reaping the rewards of development, Africa seems to be sinking deeper into a health and poverty crisis.

In pursuit of a solution, British Prime Minister Tony Blair met with President Bush at the White House yesterday to discuss next month's Group of Eight (G–8) summit. Specifically, the two men discussed Prime Minister Blair's ambitious plan to bring a historic combination of debt relief, trade concessions, and aid to the African continent.

A major component of the plan would entail a large increase of aid payments to Africa to around $25 billion annually, before increasing to $50 billion annually within three to five years. This would be in-line with the UN's goal to have industrialized nations allocate 0.7 percent of their GDP to development assistance. While Mr. Blair's exciting proposal should be applauded, agreement as to how it will be achieved is still awaited.

Mr. Blair and British Finance Minister Gordon Brown argue that the aid should be funded through a mechanism they call the "International Finance Facility" (IFF). The IFF would raise aid funds by issuing bonds on world capital markets. The IFF bonds would be backed by a promise from the G7 economic powers to repay them after 2015.

The Bush Administration has not been supportive of the IFF, which it views as incompatible with U.S. Congressional budgetary rules. However, while aspects of the IFF proposal may be problematic, the necessity for increased aid to Africa is not in question. At current assistance rates, Sub Saharan Africa will unquestionably fall short of the Millennium Development Goals to cut poverty on the continent in half by 2015. As such, Blair's call for further aid to the continent is merited.

To its credit, the Bush Administration has substantially increased aid to Sub-Saharan Africa, which amounted to around $3.2 billion in 2004. Though this ranks the U.S. among the world leaders in total African assistance, we still trail much of the industrialized world in the amount of aid we give as a percentage of GDP. In addition, large amounts of the Bush Administration's; aid pledges to Africa have been slow in coming. For example, the $4 billion committed to the region under the Millennium Challenge Account has yet to actually be delivered in earnest. Indeed, a June 8th Op-Ed in New York Times entitled "Crumbs for Africa" describes just how much more we can do.

On Tuesday, the Bush Administration announced that the U.S. will provide $674 million in additional famine assistance to Africa this year from funds already appropriated by Congress. While this is to be commended, Prime Minister Blair is pushing for a broad, long-term effort to help Africa's economy get on its feet, not just emergency food aid. He also wants G–8 countries to commit new money for Africa rather than reallocating funds already earmarked for foreign assistance. It is my hope that the Administration will work with its G–8 partners in the coming weeks to arrive at a more substantial and comprehensive aid package for Africa.

While the issue of increased aid will be difficult, the related goal of debt relief is very attainable, as long as all parties involved dedicate themselves to that outcome. Both Prime Minister Blair and Finance Minister Brown have voiced optimism about the prospects for reaching G–8 agreement on the issue. The U.S. and other G–8 members already agree in principle on 100 percent debt relief for Africa's poorest nations, but the exact formula for how the debt will be cancelled is still being resolved.

The U.S. is calling for a simple write-off of the debt, while Britain and others have called for the debt to be paid off, so as to replenish the resources of the International Development Banks. Among other things, Blair advocates selling a portion of International Monetary Fund (IMF) gold reserves to help pay off the debt. Whatever the mechanism, Africa needs debt relief as soon as possible. Many African countries are crippled by debt burdens that in some cases consume nearly 40 percent of their annual budgets. It is thus imperative that negotiations on this issue continue.

President Bush now has a golden opportunity to join with Prime Minister Blair and other members of the G–8 in helping to establish a new era for Africa. Such an opportunity is unprecedented in Africa's post colonial history. To turn back now would be more than shameful.

The United States has already spent nearly $200 billion on the war in Iraq—a country of 26 million people. Prime Minister Blair is calling on us to now spend a few billion dollars more to help save an entire continent encompassing over 700 million people. That is what I call making our money count, and the legacy of such an effort will yield immeasurable benefits for Africa, and the world as a whole.

Again, I thank Mr. Blair for his bold and ambitious vision, and I pray that our country will be able to stand with him in making it a reality.

[From the New York Times, June 8, 2005]

CRUMBS FOR AFRICA

President Bush kept a remarkably straight face yesterday when he strode to the microphones with Britain's prime minister, Tony Blair, and told the world that the United States would now get around to spending $674 million in emergency aid that Congress had already approved for needy countries. That's it. Not a penny more to buy treated mosquito nets to help save the thousands of children in Sierra Leone who die every year of preventable malaria. Nothing more to train and pay teachers so 11-year-old girls in Kenya may go to school. And not a cent more to help Ghana develop the programs it needs to get legions of young boys off the streets.

Mr. Blair, who will be the host when the G-8, the club of eight leading economic powers, holds its annual meeting next month, is trying to line up pledges to double overall aid for Africa over the next 10 years. That extra $25 billion a year would do all those things, and much more, to raise the continent from dire poverty. Before getting to Washington, Mr. Blair had done very well, securing pledges of large increases from European Union members.

According to a poll, most Americans believe that the United States spends 24 percent of its budget on aid to poor countries; it actually spends well under a quarter of 1 percent. As Jeffrey Sachs, the Columbia University economist in charge of the United Nations' Millennium Project, put it so well, the notion that there is a flood of American aid going to Africa "is one of our great national myths."

The United States currently gives just 0.16 percent of its national income to help poor countries, despite signing a United Nations declaration three years ago in which rich countries agreed to increase their aid to 0.7 percent by 2015. Since then, Britain, France and Germany have all announced plans for how to get to 0.7 percent; America has not. The piddling amount Mr. Bush announced yesterday is not even 0.007 percent.

What is 0.7 percent of the American economy? About $80 billion. That is about the amount the Senate just approved for additional military spending, mostly in Iraq. It's not remotely close to the $140 billion corporate tax cut last year.

This should not be the image Mr. Bush wants to project around a world that is intently watching American actions on this issue. At a time when rich countries are mounting a noble and worthy effort to make poverty history, the Bush administration is showing itself to be completely out of touch by offering such a miserly drop in the bucket. It's no surprise that Mr. Bush's offer was greeted with scorn in television broadcasts and newspaper headlines around the world. "Bush Opposes U.K. Africa Debt Plan," blared the headline on the AllAfrica news service, based in Johannesburg. "Blair's Gambit: Shame Bush Into Paying" chimed in The Sydney Morning Herald in Australia.

The American people have a great heart. President Bush needs to stop concealing it.

A TRIBUTE TO MIKE PFANKUCH

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. CUNNINGHAM. Mr. Speaker, I rise today in recognizing the outstanding achievements of Mike Pfankuch, the outgoing president of the Carlsbad Hi-Noon Rotary Club. In this 2004–2005 service, Mike has contributed enormously and made a tremendous difference to the Rotary Club and the citizens of Carlsbad.

Mike's accomplishments are many and varied. Under his guidance, the Rotary Club has completed and dedicated its three-year Centennial Project, the Carlsbad Hosp Grove Picnic Area. The project included a cleanup of the grove, the planting of 1,000 trees and the donation of picnic tables and benches, a very welcome amenity to the city.

In addition, the Second Annual Hi-Noon Rotary golf tournament fundraiser was successfully completed and the funds dedicated to providing scholarships to local high school students, a Rotaract Club has been established, and the Annual Oktoberfest fundraiser sponsored in conjunction with the Carlsbad Evening Rotary Club completed a record year. The 26,000 of proceeds was donated to the Women's Resource Center, the Boys and Girls Club of Carlsbad and Community Youth Services. The Oktoberfest was a project originally initiated by the Hi-Noon Rotary Club.

Mike's leadership is also making a difference to people in need of a helping hand. He initiated a program to provide financial aid to the Store Front, a San Diego organization dedicated to helping homeless children get a fresh start in life. During Mike's tenure a number of other projects were completed which enhanced public safety, provided volunteers and supplies to do maintenance and repair work for the elderly and needy in the community, to distribute food, clothing and toys to needy families in conjunction with he Carlsbad Christmas Bureau, and sponsored a Christmas party and dinner for elementary school children of very low income families.

During Mike's tenure, in an effort to promote literacy, a Dictionary Distribution program was initiated and the Carlsbad Hi-Noon Rotarians distributed English and Spanish dictionaries to needy elementary school children.

On the international front, Mike also provided extraordinary leadership by establishing a Model UN Program, exposing high school students to world affairs, led the way to provide sponsors for exchange students from foreign countries, initiated and obtained an AIDS Education Program grant, initiated an aid program for the victims of the tsunami in Southeast Asia, and provided the leadership necessary to provide financial assistance for dental care and a dental clinic for the needy children of Honduras. In addition, during his tenure a partnership project was established with a Rotary Club in Ensenada, Mexico to provide water, electricity, plumbing and painting, a project that will benefit approximately 1,000 people.

Mr. Speaker, I hope you will join me in recognizing the many fine achievements of Mike Pfankuch. Without question, his leadership and the fine work of the Carlsbad Hi-Noon Rotary Club are worthy of recognition by the House today.

HONORING THE VOLUNTEERS OF THE BATTLESHIP NEW JERSEY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. ANDREWS. Mr. Speaker, I rise today to honor the volunteers of the USS *New Jersey*, which is located in my district in Camden, New Jersey. The ship has been open to the public since 2000 and is our Nation's most decorated battleship, having heroically served in three major conflicts: World War II, Korea, and Vietnam.

The volunteers of the USS *New Jersey* are responsible for many things on the ship, including restoration and maintenance, giving tours, clerical work, and educating the community about the ship and its history. Volunteers work 7 days a week, rain or shine, and have logged over 300,000 hours of volunteer time. In 2000, they won the Governor's Volunteerism Award for their extraordinary work.

Below are the names of the dedicated volunteers of the USS *New Jersey*:

Mike Aaron, Edward Adams, Harry Aharon, Edwina Alber, John Alberta, Ricardo Alciniega, Craig Allen, Adam M. Allibone, April Allstaedt, Bob Allstaedt, Joshua Allstaedt, Ryan Allstaedt, Tyler Allstaedt, Anthony Altadonna, David M. Ambrosio, Frank C. Annaloro, Theresa E. Annaloro, Ricardo Arciniega, Carl A. Arzillo, Gus W. Augustin, William Bacon, John P. Bader, William J. Baehr, Christina Baessler, Arlene Baker, Cameron M. Balaban, Charles B. Ball, Sam Ballinger, Thomas Banit, Elaine Barnes, Clifford Barr, Albert Beatty, Don R. Beck, John C. Becker, Harry P. Becky, Pat A. Becky, Frances Bender, Paul A. Benner, Sam Bennett, Bill Berman, Art Beyer, Jim Bibbo, Bob Bieber, Ed Bilger, Randy K. Binter, Bill Bittner, Richard J. Blash, William Blazer, Michael K. Boggess, Peter Bomm, Abel Boney, David Boone, Steven A. Borkowski, Cathy Bosley, Charles Bosley, Tom E. Boughton.

Mike R. Bowser, Joe Boyle, Fred Branyan, Norm Branyan, Frank J. Brennan, Robert Bretz, Ralph A. Bringhurst, Steven A. Bromhead, Eric A. Brown, Kimberly A. Brown, Rob Brown, Robert Brown, William V. Brown, Jr., Harry V. Bryant, Dave Buchanan, David R. Burgess, Margaret D. Burgess, Charles Burns, Walt Burshtin, Dan Bush, Brian L. Callahan, Peggy F. Caltabiano, Joseph Campbell, Jeffery L. Cantor, Earl M. Cargen, Jose Caringal, Paul Carman, Robert W. Carmint, Jr., Mark B. Carney, Eugene V. Carr, Lauren Carter, Carol Cassel, Robert Cassel, Fred Cassentino, Edwin Cassidy, Jr., Richard A. Castro, Robert Catando, Michael Cauto, Tony Cellucia, Stuart L. Chalkley, Edward Cheeseman, Kurt E. Cheesman, William Chew, Frank Chiacchio, Merwyn B. Claaria, Edward R. Clark, Jeff Cochrane, Ronald B. Cohen, Anita Collings, Joseph Collins, Russell Collins, Gary Conover, Ken Conte, Ted Cooper, George A. Corbeels, Larry A. Cote, Arthur Covello, Utta Covello, Joseph R. Cramer, Robert Creamer, Pat Crespo, Virgil R. Crider, Gary Crispin, John D. Croghan, Stewart Cross, David W. Cunningham, Michael Cutrera, Wayne Dahl, Bob A. Daniels, Tony Dawson, Bob Day, David Deaner, Patrick C. Dechirico, Gennaro DeFrancesco.

Skip Deglavina, Michael Del Pidio, Robert Delconte, Dominador DelRosario, Tony Deluca, Frank DeRoberts, Peter DeStefano, Klaus Dewedoff, Hugo Di Bona, John A. Diblasio, Phil Diciano, Jerry T. Dickinson, Charles Dieterich, David J. Dimarzio, Frances E. Doak, Anne Dobbs, Welford L. Dolbow, Roger Doll, William J. Domzalski, Joe Donnelly, Jerry M. Donovan, John M. Dorosky, Gail Dougherty, Paul Dougherty, Sara Dougherty, Bob Downs, Joseph F. Drebes, Bill

Dreisbach, Joseph Duffin, Joseph J. Dugan, Esther Duke, James J. Duross, Linda Duross, James J. Dziemian, Joseph V. Dzurenda, Don Ebert, Robert L. Eboch, Jr., Dick Edwards, Erik C. Efsen, Jen E. Efsen, Walter Eife, Chris D. Eme, Lawrence J. Engel, Harry E. Engleman, Nicholas Erisman, Mayer Falk, Joseph Falker, Vincent Falso, Louis J. Fantacone, Peter Fantacone, Paul A. Farber, Dan Farrell, Dave Farren, Joe A. Fassano, Albert Faulkner, Paul D. Fazekas, Thomas J. Fee, Joseph Fillmyer, Kara Fillmyer, Conor Finnegan, William Finnegan, Jr., Allen P. Fisher, George A. Foglia, Frank Foord, George Fore, Reita Forsythe, Elenor Forsythe, Wayne G. Fox, Harry Frank, Ron Frantz, Michael D. Frazer, Woody Freeman, Bruce Frey, Bj Frullo.

Millicent Frye, Bill Fuentes, Gene F. Furmanski, Robert Furmanski, Charles Gallagher, Ted Gallagher, Philip Galluccio, Rolland Garber, George Gasper, Christine Gaudet, Steve Gava, Douglas G. Gehring, Bernie Gelman, Philip J. Gentile, George Gershelski, Hoot Gibson, Frank Gilbert, Matt Gilbert, John J. Gildea, Albert Giumetti, Michael Glauberman, John P. Goheen, Art Gordon, Jack P. Gordon, Bob Gramigna, Lee H. Gray, Dane J. Greene, Peter Greene, Charles Gronek, Joe Groppenbacher, James Grossi, Rachael Grossman, John Grunwald, Scott Gunt, Edward Grygo, Edward A. Haas, Bruce Haegly, William H. Hague, Kathleen Haines, Patricia A. Haines, Arthur Hall, Paul Halter, Sandy Halo, Charles Hamilton, Edward J. Hamilton, Jim Hamilton, William H. Hamilton, Dick Hammond, Ivan B. Hancock, William P. Hansche, Paul D. Hanson, Tom R. Hanson, Paul Hanstein, Kenneth Hardcassel, Fred Harron, Walter Haswell, Ken J. Hattrick, Walter Hause, John C. Heacock, Chris F. Heller, Ebe Helm, William Helmetag, Tom Helvig, Greg Henderson, Kevin Henry, Elmer Heppard, Charles A. Higgins, William H. Higgins, Art T. Hilkert, Arthur Hill, John B. Hinds, John Hoban, Martin J. Hoffman, Stan Hojnacki.

Eugene F. Holben, Gary Holden, Gary A. Hollenbaugh, Carl R. Holmstrom, George Holston, William Holstrom, Robert Homan, Fred Honigman, Joseph A. Hopkins, John R. Horan, Robert Houck, Ursula Houser, Glenn E. Hughes, Jerold Humphreys, George Hunt, Carl S. Hyde, Spud Ignatius, Thomas J. Jaskel, Philip S. Jaworskj, William R. Jensen, David M. Jimick, Charlie Johnson, R. Kevin Johnson, James E. Jones, Robert Jones, Harry L. Josephsen, Willaim Jubb, Ruben E. Kafenbaum, Roland Kane, Cheryl L. Kaplan, Ted J. Katz, Dennis Kauffmann, Ed Keenan, William Kehler, Glen W. Kelley, Richard Kellum, John F. Kelly.

John R. Kelty, Brian Kerrigan, Karen Kersch, Kenneth E. Kersch, Ruth Keser, Al Kidder, Edith Kinesky, Bill Kinsky, Chet W. Klabe, Robert W. Koch, Arnold B. Kohler, Martin Kokoska, Matthew Kokoska, Edward Kolbe, Ed Komczyk, Christian M. Kraft, Walter Krilov, Robert L. Krukowski, Raymond A. Kuehner, Joe Kulesa, Sam Kuncevich, Paul M. Kupiec, Ben G. Kyler, Bob LaVine, Lydia LaVine, Frank Laber, Nan L. Lacorte, Howard Lafianza, Jim Lafianzia, Raymond J. Lavanture, Jack W. Ledeboer, Skip Leeson, Bill Leibfrid, Elizabeth Lerch, Fred Lesser, Aaron D. Levitsky, Dennis Levitt, William Lewis, William Linder, Bruce T. Lindstrom, Nancy Lobel, Bob C. Locke, Janet Locke, Joseph Lodovico, Art Lohan, Bruce R. Lomonaco, Charles W. Long, George Lopresti, Juergen E. Lorenz, Milton H. Lowe, William G. Lutz, Alfred J. Lynch, Dale Lynch, George R. Macculloch, Joseph W. Macmillan Chris. W. Macready, James T. Maher, John Makara, Chet K. Malik, James Malloy, Vincent Mancini, Larry G. Margulis, Patrick Marion, Craig W. Martin, Marji Martin, Edward Martino, Tony Martorana, Richard F. Maska, Norman G. Mathews, Calvin B. Mattson, Warren Mattson, Richard L. Mauger, Dave May, Pat McBride.

Gerald McCloskey, John McClernan, Todd McConnell, Tom McCorkell, Robert G. McCord, Doug McCray, Hugh McElroy, Leslie McGeoch, John F. McGranahan, Gene McLaughlin, Jean McLaughlin, Dennis McMichael, Jack McNally, Jacki McPhee, Paul M. McPike, Allan McVey, Michael Meaney, Richard W. Meanor, Duane Meller, David A. Mellish, Bernadette Menna, Matthew L. Merry, Frank V. Mevoli, Edward Miller, Donald A. Miller, Gary H. Miller, James Miller, John L. Miller, William R. Miller, John (Jack) Mills, John Mills, Barney M. Milstein, Joe Moloney, Susan Monsour, Calvin Moon, Martin C. Mooney, James R. Moore, David Morales, Joe Moran, Robert F. Moritz, Frank Morrone, Harvey D. Morton, Daniel Muckel, Dave Mull, David I. Mullan, Joseph A. Mullan, Marta A. Mullan, Jack F. Muller, Lewis Murchison, Timothy M. Murphy, Thomas A. Muskett Jr., Larry S. Natelson, Deandre Nelson, Christopher Newcombe, Max R. Newhart, Paul Niessner, Ernest Ng, Don Noonan, Ronald Noreen, Frank J. Obermeier, Frank S. O'Keefe, Charles T. Olinda, Kenneth J. Olivier, Walter E. Olkowski, Charles O'Neill, Frank O'Neill, Joan O'Rourke, Frances Orzechowski, Larry Otreba, Richard R. Palazzo, Peg Palmer, George H. Parks Iii, Robert D. Patrick, Aj J. Patten.

John M. Pavek, Keith Pavulak, Adam Paz, Bruce Penny, John J. Percy, Joe Perno, Dave J. Peroné, John Perry, Richard P. Pietrow, Charles Pine, Albert Piong, Walt Piotrowski, Tony Pizzi, Ernest G. Posner, Bruce Powell, Earl Preis, Jeannette R. Priestley, Louis Priestley, Larry Pyle, Pat Quinn, John Quinesso, Roy F. Radil, Jim Ramentol, Frank Randolph, Dave M. Ratcliffe, Susan Ratcliffe, Howard Reed, Marie D. Reimel, Michael Renish, Camilo M. Reyes, Walter G. Ribeiro, Mark H. Richardson, Norma L. Rightler, Chris G. Robinson, Adam Roch, Alexander Rodriguez, Glenn T. Roggio, Kevin Rooney, Andrew C. Roppoli, Michael Rosado, Ed Rosenheim, Marie Rossi, Ted Roth, James Rothman, Norman C. Roton, John Rowey, Ronald Ruban Sr., Joseph K. Rubino, Jon Rudolph, Harry Ruhle, Maria Rumil, John Ryan, Lois A. Ryan, Aldo Saggese, Mary A. Samson, Eric Saperstein, John F. Saracen, Kristine Sawaya, James D. Scamuffa, William Sahacht, Henry Schafer, David Schmidt, Raymond Schnapp, Alfred C. Schneider, Barbara B. Schneider, Wayne H. Schofield, Alfred Schuler, Ralph Schwank, Don T. Schwendt, Howard B. Scott, George Seaman, Allan Segal, Jason Seiberlich, William M. Seiberlich.

Walter Seitz, Kevin Sekula, Sharon Seybold, Rochelle Shakti, Robert Shea, Joseph Shields, Joel Shusterman, Alfred R. Signor, Frederick G. Siler, Harry Silvers, Richard L. Silvers, Dolores Silvestri, Adam Simkins, Brian Simmons, Joanne M. Simmons, Harry J. Simonini, Bill Smart, David Smith, Mary Smith, Ronald Smitherman, Daniel Soldano, Lon Somora, Dick Sowers, Ted J. Speer, Kelly S. Spina, Charles V. Spinetta, Claire Spinetta, Neil E. St. Clair, Jr., Richard J. Stafanick, Carmine Staino, James Standiford, Joseph Stalter, Jeri Stephens, David Stephnowski, Charles Stewart, Ed Stewart, John Stickney, John Stolarik, William Stokes, Brian Stoner, Brian Stower, Bill Stroup, Dennis Strasser Sr., Robert E. Straub, Lee Sturgell, Sharlene S. Sullivan, William Sullivan, Jack E. Surline, Wayne J. Surline, Fred Sutherland, Alex Svincov, Claire M. Svitak, Richard E. Svitak, John M. Sweeney, Leona L. Sweeney, Martin Swiiecicki, Stephen S. Swift, Paul T. Syers Jr., Stan Szumel, Stanley Szumel, Irv Tannenbaum, Gabriel Tatarian, Jim J. Taylor, Ken Temme, Robert Teti, Terry A. Thayer, Dudley Thomas, Paul A. Thomas, Charles F. Thompson, Mary Thompson, Richard G. Thrash Jr., Vera H. Tierno, Michael J. Timothy.

Paul J. Tine, Robert Titus, Cal S. Tobias, Theresa Tonte, George Townsend, Jesse Trace, Christopher M. Troche, Ed Troche, Don Trouland, Don Trucano, John H. Truman, Thomas Underwood, Walt Urban, Richard Valenzuela, Charles F. Vaughan, William Vaughan, Victor Vergara, Bill Vets, Elaine M. Vets, Paul Viens, Howard A. Villalobos, Richard Vojir, Anson J. Wager Jr., Barry Wagner, Don M. Walker, Martin Waltemyer, Rob Walters, Dennis Walton, Larry Ward, Frank Watson, Bruce J. Weaver, Ashlyne M. Webb, David R. Webb, James Webb, Thomas Weber, Richard Wedman, Charles Weiss, Dick Weiss, Robert Werner, Roy West, Robert Westcott, David Wetherspoon, Robert M. Whomsley, Kenneth Wiegand, Mary Wiegand, Thomas H. Wilkie, Bill Will, Bruce A. Williams, Carl A. Williams, Roger Willig, Michael D. Wills, James Wilson, Wayne A. Wilson, Dan J. Windfelder, John J. Windfelder, Joseph Wojciechowski, Gary Wolf, Carl Woodcock, Bob Wright, Steven Wright, Bryan H. Young, John Yurkow, Larry Zack, Art Ziemer, Barbara Zimmerman, Michael Zimmerman, Richard Zimmermann, and Charles A. Zingrone.

A TRIBUTE TO SEAN SWARNER

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Sean Swarner, a fellow climber and an enormously courageous young man.

When he was just 13 years old, Sean was diagnosed with Hodgkin's disease and was given a mere three months to live. With his family's support, prayer, and resolute determination, he beat the disease. Just one year later, doctors found a golf-ball sized tumor in his right lung. The diagnosis was Askin's sarcoma. This time, doctors gave him just two wees. Again, he beat back the disease with his tremendous resolve. Still, the cancer left him with just one functioning lung.

Sean Swarner is now 30 years old. He is the only person known to have survived both Hodgkin's disease and Askin's sarcoma. Given his unique life experience, Sean has a sense of purpose unusually focused for a young man. Sean decided to climb Mount Everest in part to prove that people facing cancer can survive and go on to accomplish things most people never even think to try. When setting out to plan his trip, he said "most of the outfitters told me that there's no way they would take a one-lung, two-time cancer survivor lunatic up the highest mountain in the world." Once he was actually on the mountain he says, "the sherpas were kind of scared too because in Nepal there is no such thing as a cancer survivor."

Sean Swarner is the only known cancer survivor to reach the summit of Mt. Everest. He has also climbed Aconcagua in Argentina, Mt. Elbrus in Russia and Mt. Kilimanjaro in Africa. He hopes to complete the "adventure grand slam" which means summiting the highest peak on each of the seven continents and visiting the North and South Poles.

Sean visits young people with cancer after each of his climbs and during his training. While this is tremendously rewarding because it lifts their spirits, it is also very difficult because he is so familiar with what the kids are going through. Still, his example gives them a role model who has conquered what they are going through and hopefully gives them inspiration to believe that they too can conquer the mountains before them.

Sean Swarner's courage and kindness are qualities to which we should all aspire. I ask my colleagues to join me in paying tribute to Sean Swarner—a great climber, Coloradan and human being. I wish him continued success on his future climbs.

NEW YORK'S CARIBBEAN COMMUNITY—CONCERNS AND OPPORTUNITIES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. RANGEL. Mr. Speaker, on Friday, June 3rd I had the pleasure to attend an event sponsored by Bronx Borough President Adolfo Carrion Jr., NY CaribNews, and the Bronx Overall Economic Development Corporation. The event was entitled Caribbean NYC: The Future is Today, and it brought together hundreds of individuals to discuss issues of importance to New York's ever-growing Caribbean community.

Issues such as immigration policy, entrepreneurship, and Caribbean natural disaster relief, were discussed at the event and served to remind those in attendance of the ties that bind the Caribbean population of New York, and the opportunities that we have yet to exploit.

Without question, the New York City area holds the largest Caribbean population in the United States. The metro area boasts approximately 1.5 million Spanish Caribbean residents, including nearly 900,000 Puerto Ricans, and 600,000 Dominicans. According to the CUNY Albany, the Dominican population alone grew over 70 percent from 1990–2000. The New York area also encompasses more than 800,000 residents from the English-speaking Caribbean, a population which grew over 40 percent in the last decade. In New York City itself, three of the top five immigrant groups are from the Caribbean: Dominican Republic (Ist), Jamaica (3rd), Guyana (4th).

Though Caribbean New Yorkers may speak with different accents and languages, and have cultural practices unique to each, they all share a desire to succeed in this country. Their unbreakable work ethnic and entrepreneurial spirit has provided a cornerstone for our city's growth and success for more than half a century.

This entrepreneurial spirit can be found throughout our city. One example is the story of Lowell Hawthorne, and the "Golden Krust" food franchise. The company, which specializes in making Jamaican patties, started 15 years ago in a small bakery in the Bronx, and has since expanded into a chain of 80 franchises throughout the New York area. The company now has plans to expand across the East Coast, before going nationwide. If Golden Krust stays with their plan the Jamaican pattie may one day become as omnipresent in America as the hamburger, pizza, or taco. The entrepreneurial spirit of this community will only grow, as they become increasingly integrated into the socio-economic fabric of our city.

Another factor which binds the Caribbean community is their common concern for their home nations. The Caribbean continues to face many critical issues related to natural disasters, economic development, and HIV/AIDS. The U.S. Government has sought to assist in addressing this issue, but more is needed.

Several hurricanes and tropical storms hit nations across the Caribbean in the 2004 hurricane season causing billions of dollars in damage, and killing thousands.

I was joined by other members of the Congressional Black Caucus in urging the Bush Administration and Congress to maximize their Caribbean Hurricane relief effort. These disasters caused long-term damage to the agricultural and tourism sectors of the region, so it will continue to require our assistance moving forward. In addition, recent reports by U.S. government sources have predicted that the 2005 Hurricane season will likely be worse than 2004, so the U.S. must stand ready to adequately assist our neighbors in what promises to be a trying hurricane season.

We must also closely examine how our policies might hinder the region's recovery. One such hindrance is the Bush Administration's proposed Western Hemisphere Travel Initiative. The initiative, which will require all travelers to and from the Caribbean, and Bermuda to have a passport to enter or re-enter the United States, is being imposed on the Caribbean before other regions in the Hemisphere.

With a large percenage of U.S. visitors to the Caribbean not utilizing a passport when they travel, it can be expected that the new requirements will have a negative impact on Caribbean tourism, as many U.S. tourists may choose vacation options that entail less hassle.

In addition, the U.S. must continue to increase non-emergency assistance. Though U.S. assistance to the Caribbean has increased in recent years, it still lags behind the amounts given to the Caribbean during the 1980's. The Cold War is over, but the Caribbean still faces many threats to its development and security.

The growing impact of narco-trafficking is increasingly evident, and will continue unless the U.S. continues to help the Caribbean in its development objectives. Equally important is the ability of the Carribbean to keep its borders secure in the post 9–11 environment. With these countries burdened by slow economic development, and annual crises arising from natural disasters, they will be increasingly hard pressed to invest in the border security measures which hold implications for them and United States.

The United States must also continue to help the Caribbean wage the war against HIV/AIDS, as the epidemic in the region continues to grow. Infection rates are among the highest outside of sub-Saharan Africa, and an estimated 430,000 people in the region are living with HIV. Many experts have predicted that this will significantly retard the economic and political growth of the region if it continues on its present course. Overall U.S. HIV assistance to the Caribbean is estimated at $53 million for 2005, but this is largely due to the two Caribbean nations that are covered by the President's Emergency Plan for AIDS Relief (PEPFAR).

As such, more countries in the region, besides Haiti and Guyana, should be placed under the PEPFAR program. There has been activity in Congress to bring about this result, but legislation has yet be approved.

Again, I thank the organizers of the Caribbean NYC event; it not only illuminated the great strides that have been taken by the Caribbean Community in New York, but also the need for the U.S. to remain committed to assisting the Caribbean region—a region near to our shores and to our hearts.

HONORING AN INNOVATIVE COMPANY—HEMCON

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. WU. Mr. Speaker, I rise today to honor an innovative company in my Congressional district—HemCon.

Today, HemCon is being recognized by the U.S. Army Research, Development and Engineering Command for developing one of the 2004 "Top 10 Greatest Inventions." This is a prestigious accolade, and HemCon is deserving of this award.

Hemcon has developed a revolutionary bandage that has the potential to change medicine as we know it. More importantly, it has the potential to save countless lives. According to military physicians, 90 percent of soldiers killed in war die before they reach a medical facility, most often because of significant blood loss. Yet it is this exact situation that the military considers the main preventable cause of death in military action.

The HemCon bandage is revolutionary in that it can stop severe hemorrhaging based on the use of a natural product called chitosan, a substance found in the shells of shrimp, crab, and other crustaceans. This chitosan material has the ability to bond with red blood cells and form a clot that stops bleeding. In October 2002, based on the strength of this product, the HemCon Bandage was ushered through the FDA and it is the second fastest approval of a medical device granted by the Agency. It was approved in only 48 hours.

Today, the use of the HemCon Bandage is considered standard treatment for severe hemorrhaging, and it is being used by the military to save the lives of our brave men and women in Afghanistan and Iraq. It is also being used by first responders in emergency medical situations to control blood loss.

Jonathan Swift wrote, "Discovery consists of seeing what everybody has seen and thinking what nobody else has thought." Dr. Kenton Gregory and Dr. Bill Wiesmann are a testament to this statement. Through their research, they have taken a natural product that had been overlooked for too long and used it in a revolutionary new way. Because of their efforts, lives have already been saved.

I applaud, Dr. Gregory, Dr. Wiesmann, and the staff of HemCon for their work, and I congratulate them for this very deserving award.

CONGRATULATING THE 2005 NCAA MEN'S DIVISION I NATIONAL LACROSSE CHAMPIONS

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. CARDIN. Mr. Speaker, I rise today to invite my colleagues to join me in congratulating the 2005 NCAA Men's Division I National Lacrosse Champions, the Johns Hopkins University Bluejays.

Johns Hopkins University is the cradle of college lacrosse. Their faculty, fans, alumni, students, coaches and players have waited since 1987 to regain their position as the premier lacrosse program in the country. For three out of the last four years, the Hopkins Bluejays have made it to the final four, but the championship has remained just out of reach.

Under the leadership of Coach Dave Pietramala, seniors on the team played all four years never losing a game on Homewood Field at Hopkins, and this year had a perfect season, 16–0.

Coach Pietramala also has the distinction of being the only coach to have won a national championship as a player and a coach. Coach Pietramala was a four time All-American defensive player on Hopkins' 1987 championship team.

Six members of the team are my constituents: Joe Benson, Benson Erwin, Kyle Harrison, Kevin Huntley, Nolan Matthews and Matt Pinto. All deserve congratulations for their contributions to the team. Kevin Huntley and Nolan Matthews, sons of former Hopkins' All-Americans and Joe Benson, brother of a Hopkins All-American will be returning to Homewood Field to carry on the winning tradition. Also returning will be Jesse Schwartzman, who was awarded most valuable player of the NCAA tournament when in the championship game his skill as goal keeper kept Hopkins in the game and eliminated threats by the Duke Blue Devils.

This year's graduates Kyle Harrison and Benson Erwin are best friends, great players and outstanding role models. This year, after being named a Tewaaraton Award finalist for the past two years, Kyle, a three time All-American, won the Award given to the most outstanding male varsity collegiate lacrosse player in the nation. Benson was the unsung hero of the team. His work ethic and reliability made him the man to turn to when hope seemed lost in the final seconds of the semifinal game. A young man of few words, Benson leads by example.

I ask my colleagues to join me in congratulating the Johns Hopkins University Men's 2005 Lacrosse Team for their outstanding achievements as players and students. I ask you to join in saying congratulations and "Go Blue."

PERSONAL EXPLANATION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. HYDE. Mr. Speaker, on the evening of June 7, 2005, I was absent for several votes and regret missing them. Had I been present, I would have voted: Vote No. 228, Historical significance of Mexican holiday Cinco de Mayo, "yea;" Vote No. 229, Manifestation of anti-Semitism by UN member states, "yea."

HONORING PARTICIPANTS OF NATIONAL HISTORY DAY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor the participants of the 2005 National History Day who will be in Washington DC June 16–19th. Specifically I would like to congratulate Filip Maksimovic, Alex Grossman, Mary Kate Quinn, Andrew Hastie, Megan Duffy, Natasha Steinmann, Connie Ge, Anika Megan McEwan, and all students from Colorado who competed in Colorado History Day and qualified to compete on the national level.

Students from grade 6 through 12 have been participating in National History Day for the past 25 years. In Colorado 4000 students produced dramatic performances, museum-style exhibits, multimedia documentaries or research papers all focusing on a central theme of Communication in History: The Key to Understanding. The program encourages students to take advantage of primary historical resources available to them. Students in this program learn how to analyze a variety of primary sources such as photographs, letters, diaries, magazines, maps, artifacts, sound recordings, and motion pictures. This significant academic exercise encourages intellectual growth while helping students.to develop critical thinking and problem-solving skills that will help them manage and use information, now and in the future.

At the Colorado History Day State Competition on April 23, 2005, held at the University of Colorado at Boulder, 54 students qualified to represent Colorado at the National History Day competition at the University of Maryland, College Park. The projects from students in the 2nd Congressional District ranged from "Communication in Irish Step Dance," to "Communication through Hobo Code Signs during the Great Depression." These students represent excellence in their study of history and will be able to continue to utilize the skills gained through their experience with National History Day into the future.

Mr. Speaker, I ask my colleagues to join me in commending Filip Maksimovic, Alex Grossman, Mary Kate Quinn, Andrew Hastie, Megan Duffy, Natasha Steinmann, Connie Ge, and Anika Megan McEwan for their achievements at the Colorado History Day and wish them good luck as they compete in the 2005 National History Day.

TRIBUTE TO ROCHE ON THE OCCASION OF THEIR 100TH ANNIVERSARY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. CLYBURN. Mr. Speaker, I rise today in honor of the 100th Anniversary of Roche, a true trailblazer in healthcare. Roche is a specialty care company employing over 10,000 people in the U.S. and 60,000 globally. I am pleased that Florence, South Carolina is home to Roche Carolina, Inc., which employs over 270 people, all of whom are dedicated to improving the quality of healthcare for millions of people,

For a century now, Roche has invested in advanced research and manufacturing techniques that have yielded breakthroughs in healthcare, Founded in Switzerland in 1896, Roche's roots in America are deep and strong, dating back to the opening of its New York office: in 1905. From its start in Manhattan, Roche has extended its reach to nine sites across the United States in South Carolina, New Jersey, Indiana, California and Colorado.

In Florence, the employees of Roche Carolina work in one of the most advanced pharmaceutical manfanufacturing facilities in the world. They produce a potent oral antiviral that is a promising weapon against the threat of pandemic influenza. In addition, it manufactures a novel oral medication for cancer patients—allowing them to be treated at home and greatly improving their quality of life. These are just two examples of their revolutionary therapies used to treat millions of people every day.

I also would like to applaud Roche Carolina for being such an active corporate citizen. In Florence, Roche Carolina has established a High Performance Partnership with Lester Elementary School through which their workers offer math tutoring to 4th grade students. Further, Roche Carolina has endowed a chemistry scholarship and initiated a student exchange program at Francis Marion University. These efforts help build the Florence community in ways that will resonate for years to come, and they set an example for us all.

I commend the people of Roche Carolina in Florence and Roche employees worldwide for their outstanding achievements, and wish them the very best on this special 100th Anniversary.

HONORING DEBORAH JIN AND LINDA CORDELL

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize two women, Deborah Jin and Linda Cordell, from Boulder, Colorado, who were recently elected to the National Academy of Sciences.

Deborah Jin, a physicist at the National Institute of Standards and Technology and an associate adjunct professor in the Physics Department at the University of Colorado, is one of the youngest women elected to the National Academy of Sciences.

She came to Boulder as a postdoctoral student in 1995. In 2003 she won what is commonly called the "genius grant," a $500,000 MacArthur Fellowship for her work with ultracold atoms. One of the three criteria for receiving this award is that the candidate show exceptional creativity. Dr. Jin's career is a testament to her creativity. In 2004, she and her team won an international race to create a fermionic condensate made from a tiny cluster of super-cold potassium atoms which is used to better understand super conductors.

Linda Cordell is the director of the University of Colorado Museum and a professor of archaeology at CU. Her research interests include the archaeology of Pueblo people in the southwest, specifically the agricultural and settlement strategies of ancestral Pueblo peoples of New Mexico. She also studies how large villages supported themselves in times of unpredictable precipitation.

Members of the National Academy of Sciences make up the most accomplished scientists in our country and election to the academy is one of the highest honors for any scientist. At a time when we are seeing fewer young people, particularly women, entering into the science disciplines, these scientists are taking their creativity and skill to inspire our youth.

Mr. Speaker, I ask my colleagues to join me in commending Deborah Jin and Linda Cordell for their achievements in science and offer congratulations on their new post as members of the National Academy of Sciences.

JERUSALEM DAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. TOWNS. Mr. Speaker. I rise today to join the Jewish people in Jerusalem and throughout the world in celebration of Yom Yerushalyim, Jerusalem Day.

On June 7, 1967 the 28th of Iyar 5727, the Israel Defense Forces in the heat of the Six-Day War, unified the city of Jerusalem under Jewish control. At approximately 10 a.m. on that day, the earth shattering proclamation "The Temple Mount is ours, It is in our hands" reverberated in the hearts of Jews across the globe. The dream of once again being able to visit the Kotel, The Western Wall, and other previously inaccessible holy sites of Jerusalem, had become a reality. In the subsequent years to follow, Jewish people from every nation on earth would make pilgrimages to the holy city of Jerusalem to visit its revered sites and offer their heartfelt prayers.

Every stone in Jerusalem is saturated with Jewish history, every street has some story and saga of biblical times and modem times. Even though Jerusalem is a city laden with rich archeological artifacts, and remnants of ancient times, it has become a thriving city that has preserved its historic nature and adapted to modem life. Beautiful shopping malls, fresh food markets and restaurants are commonplace in Jerusalem, which emphasize the cultural advancements Israel has made in such a short period of time.

Perhaps one of the most moving aspects of modem day Jerusalem is its abundance of Yeshivas, Kollels and the prominence of Jewish religious life. It is truly inspiring to see Jews, young and old immersed in the deep study of Jewish texts. Many Hasidic sects and other Orthodox institutions based in my district have satellite branches in Jerusalem and quite a few of my young constituents study Judaism in Jerusalem and return to the United States invigorated from their experiences.

Mr. Speaker, I am honored to recognize this very jubilant day and reaffirm my unflinching support for the City of Jerusalem and the State of Israel.

IN HONOR OF THE CALIFORNIA STRAWBERRY COMMISSION

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. FARR. Mr. Speaker, I rise today to honor an extraordinary organization based in my community: the California Strawberry Commission. Since 1994, the Commission's California Strawberry Scholarship Program has awarded numerous students with scholarships to show the industry's appreciation to the farm workers whose jobs are a vital part of the strawberry industry's success.

Students receiving a scholarship from the Commission are entering their first year in colleges and universities throughout the nation. To qualify, applicants must have at least one parent who has been employed as a strawberry farm worker for the past two consecutive seasons. The California Strawberry Scholarship Program has awarded over $183,000 to 264 children of strawberry farm workers, giving these students the opportunity to achieve their full potential. This year alone, they have awarded $32,500 to 34 high school seniors. Each student has tremendous potential and these scholarships give them the opportunity to excel as first-year students in colleges and universities throughout the nation.

In addition to the Strawberry Scholarship Program, in 1995 the Strawberry Commission implemented the California Strawberry Growers' Scholarship Fund. The California Strawberry Growers' Scholarship Fund is funded by California strawberry farmers and allied industry members to help children of strawberry farm workers to continue their college education. To date, the Fund has awarded over $349,000 to 165 students. This year 65 continuing college students were awarded a total of $68,000 by the California Strawberry Growers' Scholarship Fund.

Through the hard work of California's strawberry farm workers, generous contributions from strawberry industry leaders, and the commitment of the California Strawberry Commission, a new generation of students is able to achieve its dreams. Mr. Speaker, it is truly an honor to recognize the California Strawberry Commission today.

HONORING THE MEMORY OF MR. SPALDING WATHEN

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. COSTA. Mr. Speaker, I rise today to honor the memory of Mr. Spalding Wathen of Fresno, California. Mr. Wathen served his country and his community with remarkable distinction. He is survived by his wife Della Ann Wathen and five daughters, Judy, Shelley, Leslie, Terry and Cindy. On this day, we mourn his passing, but also celebrate his life.

Born in Fresno on March 1, 1925, Mr. Wathen attended Roosevelt High School. Upon graduation he joined the military and served as a Navy pilot in World War II. After the war, Mr. Wathen returned to California where he continued his education at the University of California, Berkeley and received a Bachelor of Science in civil engineering. Mr. Wathen was a member of the Chi Epsilon and Tau Beta Pi Engineering Scholastic Fraternities and graduated at the top of his class.

Upon returning to Fresno, Mr. Wathen received his contractor and real estate broker licenses. His life is a fitting example of the motto: "Hard work pays off." Mr. Wathen was Chief Executive Officer of Wathen Brothers, Headliner Homes and Mansionette Homes. His businesses are well known and respected for their committed effort to combine fine workmanship with affordable housing.

Mr. Wathen's business endeavors and civic mindedness brought him into contact with many community groups who recognized and applauded his efforts. He served as the President of the Builders Industry Association four times and was inducted into the West Coast Builders Association Hall of Fame in 1996. Mr. Wathen was also one of a select number of builders who were granted the Oscar Spano Award for Lifetime Achievement.

Within the community, Mr. Wathen will be remembered as a true visionary and a strong employer of local citizens. While Mr. Wathen had a keen eye for business ventures, he was also a community advocate who dedicated himself to giving back to the community that had allowed him to succeed. His numerous donations include the Fresno State University Tennis Center, the 33 acres of land upon which St. Agnes Medical Center was built, and the 10-acre site for the new Holy Spirit Catholic Church. Mr. Wathen was also a founding member of the Board of Directors for the Bank of Fresno.

The passing of Spalding Wathen has left a community in mourning. We have lost a passionate businessperson, a true leader and a committed advocate. His memory will live on, however, in the many lives he touched along the way.

PUBLIC SAFETY TAX CUT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. PAUL. Mr. Speaker, I am pleased to introduce the Public Safety Tax Cut Act. This legislation will achieve two important public policy goals. First, it will effectively overturn a ruling of the Internal Revenue Service which has declared as taxable income the waiving of fees by local governments who provide service for public safety volunteers.

Many local governments use volunteer firefighters and auxiliary police either in place of, or as a supplement to, their public safety professionals. Often as an incentive to would-be volunteers, the local entities might waive all or a portion of the fees typically charged for city services such as the provision of drinking water, sewerage charges, or debris pick up. Local entities make these decisions for the purpose of encouraging folks to volunteer, and seldom do these benefits come anywhere near the level of a true compensation for the many hours of training and service required of the volunteers. This, of course, not even to mention the fact that these volunteers could very possibly be called into a situation where they may have to put their lives on the line.

Rather than encouraging this type of volunteerism, which is so crucial, particularly to America's rural communities, the IRS has decided that the provision of the benefits described above amount to taxable income. Not only does this adversely affect the financial position of the volunteer by foisting new taxes about him or her, it has in fact led local entities to stop providing these benefits, thus taking away a key tool they have used to recruit volunteers. That is why the IRS ruling in this instance has a substantial deleterious impact on the spirit of American volunteerism. How far could this go? For example, would consistent application mean that a local Salvation Army volunteer be taxed for the value of a complimentary ticket to that organization's annual county dinner? This is obviously bad policy.

This legislation would rectify this situation by specifically exempting these types of benefits from federal taxation.

Next, this legislation would also provide paid professional police and fire officers with a $1,000 per year tax credit. These professional public safety officers put their lives on the line each and every day, and I think we all agree that there is no way to properly compensate them for the fabulous services they provide. In America we have a tradition of local law enforcement and public safety provision. So, while it is not the role of our federal government to increase the salaries of these, it certainly is within our authority to increase their take-home pay by reducing the amount of money that we take from their pockets via federal taxation, and that is something this bill specifically does as well.

President George Bush has called on Americans to volunteer their time and energy to enhancing public safety. Shouldn't Congress do its part by reducing taxes that discourage public safety volunteerism? Shouldn't Congress also show its appreciation to police officers and firefighters by reducing their taxes? I believe the answer to both of these questions is a resounding "yes" and therefore I am proud to introduce the Public Safety Tax Cut Act. I request that my fellow Members join in support of this key legislation.

A TRIBUTE TO GERALDINE BAKER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. TOWNS. Mr. Speaker, I rise today to honor Geraldine Baker for her academic accomplishments and contributions to the field of education.

Geraldine "Gerry" Baker was born in the Bedford-Stuyvesant section of Brooklyn, New York, and is one of the twin daughters of Marie G. and the late Henry W. Baker. Ms. Baker was raised in the Concord Baptist Church of Christ in Brooklyn. Here she was greatly influenced by the Reverend Dr. Gardner C. Taylor's ministry of activism and leadership and studied classical music under the tutelage of the late John T. Lucas, organist. Following the tradition of great Black families, Ms. Baker's parents inspired her life-long pursuit of excellence.

Ms. Baker is a distinguished alumna of the New York City Public School System. At an early age she exhibited leadership skills when she was elected class president at Eastern District High School. She was later selected to participate in a pilot program under the auspices of the Carnegie High School Language program, and won a National Defense Foreign Language Fellowship in Chinese for the summer program at Columbia University. She then pursued a Bachelor of Arts in anthropology and linguistics at CUNY Richmond College.

Ms. Baker culminated her education at Pace University, where she received a Master of Science in Education Administration and Supervision and was accepted into the Phi Delta Kappa organization. She has also participated in Harvard University's Graduate School of Education in the Principals' Center for Critical Issues of Urban Education, completed a three-year Partnership for the Prevention of Violence Training Program at the Harvard School of Public Health, and studied at NOVA Southeastern University.

Ms. Baker is now a senior staff member at the Edward R. Murrow High School Special Education Department. Her teaching career has spanned the spectrum of the education profession from teaching the gifted and talented to the emotionally, neurologically and physically challenged. In addition, she has been certified by the New York State Department of Education, as an Impartial Hearing Officer, to adjudicate cases on special education problems. In her spare time, Ms. Baker taught at CUNY La Guardia Community College in a specially funded program to provide academic and career curricula for developmentally delayed adults. She has also begun working with Dr. Michael Carrera, pioneer child advocate and sexuality expert, who inspired her to serve as a member of the Murrow HIV/AIDS health Resource team.

While Ms. Baker continues to be a source of inspiration and support to fellow professionals, paraprofessionals, interns and parents, she is committed to pursuing excellence in academic performance for her students and other teenagers outside of the Murrow community. She also addresses health, safety, moral issues and personal growth of those in her learning community and interacts with community service and agencies to advocate for students and their families.

As an educator, Ms. Baker has avowed a personal commission to touch the lives of all her students by encouraging their ability to fulfill their hopes and dreams in the pursuit of personal, academic and social excellence. In fact, she secured donations from the private sector to establish the novel "Angel Network" in order to provide disadvantaged young women with contemporary, designer outfits and accessories, at no cost, for their proms, graduations and various other affairs.

Above all, her mission, established during childhood, to inspire young persons to follow in her footsteps, remains strong and for these reasons we honor her today.

IN HONOR OF DR. MARTHA HERZOG

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. FARR. Mr. Speaker, I rise today to honor Dr. Martha Herzog, who retired on June 3, 2005 from her position as Vice-Chancellor of Evaluation and Standards at the Defense Language Institute, Foreign Language Center here in the 17th district of California which I represent. Within the executive branch of our government there are many employees who, through their actions and their leadership, have an enduring impact on the federal government, their organization and their fellow employees. One such person of outstanding talent and lasting achievement throughout her career is Dr. Martha Herzog.

Before beginning her 31 years as a federal employee, Dr. Herzog received her PhD in English from The University of Texas at Austin. She taught writing at that great institution and performed similar duties at the Austin Community College and the San Antonio campus of Webster University before beginning her career in 1974 as a Training Instructor in San Antonio, Texas at the Defense Language Institute, English Language Center. In 1977 she was promoted and transferred to the Defense Language Institute Foreign Language Center at the Presidio of Monterey, California. She initially assumed a position in the DLIFLC Testing Division and subsequent promotions led to her serving as the Dean of the School of Romance languages, the Dean of the School of Central European Languages and finally, the Dean of the DLIFLC Korean School. She also served as the Assistant Provost for Curriculum and Instruction. In 1998 she was promoted to her current position as Vice-Chancellor for Evaluation and Standards.

As an educator and a leader, she has been able to motivate those who served under her as well as those she served with. She was instrumental in creating greater awareness of different learning styles for each student and encouraging more professional training for the instructional staff as well as always providing an attentive ear to her subordinates. Perhaps one of her more enduring accomplishments was her work on creating the Faculty Personnel System at DLIFLC. Her efforts along with those of others, has enabled the establishment of a rank in person, merit-based pay system that rewards those teachers who make the greatest contributions to the DLIFLC mission.

In her capacity as the head of the DLIFLC test development and program evaluation, she revised the testing materials to meet the pressing needs of our military for quality linguists who must know a second or third language to carry out their duties. For the past ten years she has served on and headed the NATO Bureau for International Language Coordination working group for testing and assessment, involving over 30,000 military linguists each year. During this time she provided great leadership to that committee in revising the language descriptors for the NATO STANG 6001. Additionally, she designed and taught a two-week language-testing seminar for newly admitted nations to NATO. Furthermore, throughout her career, she has been an active contributor to her field's professional publications. She has written several articles and provided many papers to the American Council for Teaching Foreign Language, the Teachers of English to Speakers of Other Languages and the Defense Exchange Committee on Language Efforts. She also has given extensive and long-time service to the U.S. government's Interagency Language Roundtable.

Mr. Speaker, I wish to highlight Dr. Herzog's dedicated service to our country throughout the years. As she retires from active government service she shows all who know her a model of accomplishment and service. In all her service, she has given the very best of mature leadership, innovation, and concrete results. I join my colleagues in wishing her the best in her retirement.

HONORING THE MEMORY OF MR. FRED MARTELLA

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. COSTA. Mr. Speaker, I rise today to honor the memory of Mr. Fred Martella of Hanford, California. He is survived by his daughters, Loretta Montgomery, Barbara Caviezel and Celine Henning; his brother Art Martella; and his sisters Virginia Ribeiro, Dorothy Vierra and Violet Vierra. Mr. Martella's passing marks the end of a golden era.

Mr. Martella is remembered by all in the Hanford community as a kind, giving and persistently optimistic citizen. He met each challenge in life with a unique energy and spirit.

Mr. Martella's commitment to his family dates back to 1933 when he quit high school to dedicate his time to milking cows on the family farm. Undaunted by not having received a high school diploma, he successfully ran the farm and dairy, a testament to the adage that hard work and perseverance pay off.

As the years passed, Mr. Martella became well-known in the community through his volunteer activities, civic engagements, and random acts of kindness. He was a member of the Knights of Columbus, Elks Lodge, Sons of Italy, California Holstein Association, and Kings County Citizens for a Healthy Environment.

Despite managing the farm and dairy and participating in numerous organizations, Mr. Martella miraculously found time to help others. When it came to his attention that St. Rose-McCarthy School did not have computers, he helped collect $80,000 in donations for the school. He also assisted students of the Future Farmers of America association by finding buyers for Holstein heifers and cleaning up the grounds at the Kings County Fair. Mr. Martella's record of community service goes on forever, and the community honored him many times for his efforts.

Mr. Martella was Dairyman of the Year twice, Distinguished Citizen of the Year in 1993 and received countless other 4–H and Future Farmers of America Awards. Yet, in the face of all of these awards, he remained a humble servant of the community.

Fred Martella had a zest for life and an infectious smile and sense of humor. He serves as a prime example of how we should all live our lives. Although he will be greatly missed, his memory will live on among the many people whose lives he touched.

POLICE SECURITY PROTECTION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. PAUL. Mr. Speaker, I am pleased to help America's law enforcement officers by introducing the Police Security Protection Act. This legislation provides police officers a tax credit for the purchase of armored vests.

Professional law enforcement officers put their lives on the line each and every day. Reducing the tax liability of law enforcement officers so they can afford armored vests is one of the best ways Congress can help and encourage these brave men and women. After all, an armored vest could literally make the difference between life or death for a police officer, I hope my colleagues will join me in helping our nation's law enforcement officers by cosponsoring the Police Security Protection Act.

A TRIBUTE TO JOHN I. SOUTHERLAND

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. TOWNS. Mr. Speaker, I rise today to honor John I. Southerland for his loyal service to the community.

John I. Southerland was born in Sanford, N.C. to the late Annie Bell Southerland. He graduated from W.B. Wicker High School in 1959, then relocated to New Jersey and later to Brooklyn, N.Y. He is married to Eva Thomas Southerland and they are the proud parents of Jonathan Southerland, Stephanie Southerland-Raimer and Nydia Southerland.

In 1968, Mr. Southerland joined the New York City Police Department. During his 27 years with the department, he earned numerous commendations and certificates. He received the Certificate of Merit for 27 years of service and a Certificate of Attendance, which is given to staff members who had not been late or absent for five more years. After retiring from the Police Department in 1995, he pursued his interest in fire safety. He then received a certificate and worked as a fire safety officer in the World Trade Center until September 11. Also during the 1990's, Mr. Southerland was installed as a Deacon, by the late Rev. Dr. Paul C. Hayes, at Mercy Seat Baptist Church of Brooklyn.

In 2001, Mr. Southerland turned his attention to community advocacy. He is a member of the Executive Board of the Community Action Project (CAP), a community organization located in East Flatbush. As a board member, he has met with local politicians to lobby against fraudulent immigration services and rampant illegal truck traffic. Currently, he and the board strive to sustain the area's economic growth through better coordination of city services, specifically sanitation and police. He is also attending Queens College to broaden his understanding of political activism to better serve his community.

Mr. Southerland is an active member of local DC 37. He was chosen as a delegate to go to Albany to meet with state representative to discuss issues pertaining to the union and its members.

He continues to show commitment to the community by visiting the sick and helping senior citizens. He is always willing to share a smile and words of encouragement with everyone he meets. As a result, Mr. Speaker, today we acknowledge John I. Southerland, an asset to the community.

IN RECOGNITION OF NATIONAL CHAMPION KELLER HIGH SCHOOL GIRL'S SOFTBALL TEAM

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. BURGESS. Mr. Speaker, I rise today to honor the teamwork and spirit of the State and National Champion Keller High School girls' softball team. These young women have established themselves as true champions among the citizens of Keller, Texas.

The Keller High Lady Indians Girls softball team recently won the State Championship in Austin, Texas, and was crowned National Champion by the USA Today National Fastpitch Coaches Association.

The Lady Indians have exhibited their commitment to each other and their common goals this past season by completing their District 5–5A schedule undefeated. Among their successes were four victories at the prestigious Tournament of Champions in Arizona. Throughout the season these outstanding women have shown the success that comes from working as a team to achieve a great goal. Under the leadership of head coach Moe Fritz and assistant coach Lesley Weaver, the team—Aly Presswood, Amber Tramp, Kirsten Shortridge, Becca Byers, Brittany Cusumano, Kori Pickowitz, Michele Huffman, Kylie King, Erin McInally, Adria Park, Kati Pickowitz, Tiffanie Boone, Alisha Rams, Erin Hinojosa, Hayley Siebman, Sara LaSala, Maria Levasseur—has demonstrated the essence of the American spirit.

It is with great honor that I stand here today to recognize this group of individuals who have made their community so proud. It is this dedication and perseverance that is personified by these women that makes us certain that the future is bright for our nation and for our communities.

RECOGNIZING AMBASSADOR RASTISLAV KACER

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. CLEAVER. Mr. Speaker, I rise today in honor of Rastislav Kacer, the Ambassador of the Slovak Republic to the United States and welcome him to the Fifth Congressional District of Missouri. Ambassador Kacer has the distinct honor of representing one of America's closest allies. This new democracy dates back to 1993 when Slovakia peacefully seceded from Czechoslovakia in what has become known as the "Velvet Divorce." Since the beginning of the war in Iraq, the Slovak Republic has fought by our side, joining the United States under flags of red, white and blue.

Ambassador Kacer's legacy is entrenched in his efforts to promote the Slovak Republic's stature in the world and at home. He served as Director General of the Division of International Organizations and Security Policy at the Slovak Ministry of Foreign Affairs. As State Secretary with the Ministry of Defense, he was instrumental in obtaining full membership for the Slovak Republic in NATO and the European Union. He was appointed Ambassador of the Slovak Republic to the United States in July 2003 and on September 8, 2003 was named Ambassador Extraordinary and Plenipotentiary of the Slovak Republic to the United States of America.

During his first visit to the Fifth Congressional District of Missouri, the Ambassador will participate in the 20th Anniversary of the Sugar Creek Slavic Festival promoting our country's rich Slavic heritage. This is a wonderful opportunity to experience the rich traditions and cultural customs of the beautiful mountainous region now known as the Slovak Republic. The festival will feature ethnic dancing, including the polka, folk singing, and Slovakian music.

The Ambassador's agenda includes meetings with civic, business and community leaders, fostering new partnerships and renewing old initiatives. They will explore trade and cultural exchange between the heartland of the United States and the geographic heart of Europe, the Slovak Republic.

Mr. Speaker, please join with me in expressing our appreciation to Ambassador Rastislav Kacer and the Slovak Republic. This new democratic republic has gained worldwide stature through membership in NATO and continues to grow in world recognition as they preserve their identity through culture and heritage. In Sugar Creek, and all around Missouri's Fifth Congressional District, Slovakian immigrants celebrate their roots with new generations, linking America's heartland to the heart of Europe. By preserving our past, we will foster an understanding for the future. I ask my colleagues to join me today in paying tribute to the Slovak Republic and its Ambassador, Rastislav Kacer.

TRIBUTE TO MR. STEVE PACZOLT OF LA GRANGE, IL

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. LIPINSKI. Mr. Speaker, I rise to pay tribute to an outstanding community leader in my district, Mr. Steve Paczolt, who recently completed 12 years of service with the Park District of La Grange's Board of Commissioners.

A lifelong resident of La Grange, Mr. Paczolt has helped guide the tremendous growth and improvements the Park District has enjoyed, including the community's recent approval for the construction of a new indoor recreation facility. Steve's community involvement and service goes well beyond his dedication to providing recreation opportunities for his fellow residents. He has served as leader in innumerable other organizations, including: the Rich Port YMCA Board; the H-Foundation, which raises funds for brain cancer research; the Arts and Business Council of Chicago; the Illinois Association of Park Districts; Stage Left Theater Board; the Theatre Building of Chicago Board; the Western Springs Police Department as an Auxiliary Officer; the La Grange Business Association; and West Suburban Chamber of Commerce.

Steve has also found the time to build a thriving insurance and financial services business in the community. He specializes in insuring theatrical productions and musical concerts. He has worked with some of the biggest names in show business, yet he still treats every one of his customers like a superstar. He has also served his profession as an active member of the Independent Insurance Agents of Illinois, including serving on the Education and Government Affairs and Federal Legislative committees.

Mr. Speaker, I ask my colleagues to join me in a salute to Steve Paczolt for his great service on the Park District of La Grange Board, as well as for his lifetime of dedication and service to the community of La Grange. I give him my best wishes for many more years of giving back to his community.

TRIBUTE TO KARL WALKES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. TOWNS. Mr. Speaker, I rise today to honor Karl Walkes for his contributions to the public school system and noble service in the community.

Karl Walkes was born in Brooklyn, New York. He is the fourth of Fitz and Eileen's seven children. He grew up in the Brownsville section of Brooklyn and attended the New York City public schools. After graduating from the Brooklyn High School of Automotive Trades, Mr. Walkes was introduced to Zeke Clement, a charismatic community leader and legendary basketball coach. Through the effort of Mr. Clement, he was awarded an athletic scholarship to Virginia Union University in Richmond, Virginia where he pursued a teaching career in elementary education.

At Virginia Union University, Mr. Walkes was greatly impressed with the accessibility of the University President, Rev. Dr. Samuel D. Proctor. He watched Dr. Proctor assist students in resolving difficult problems. Most notably, conversations with Dr. Proctor and Mr. Clement inspired him to devote his adult life to helping community youth to embrace their intellect, in order to obtain the unlimited resources that are available to them.

After receiving a Bachelors Degree and completing a tour of duty in the United States Army, Mr. Walkes began a teaching career in Brooklyn at the historic Weeksville Elementary School (P.S. 243). He continued his education by completing the Master's Degree course of study programs in Elementary Education at Brooklyn College and the Administration Supervision program at The City College of New York. He worked at the historic Weeksville Elementary School for more than 32 years, serving as teacher, Dean and Assistant Principal. He has often remarked, "I knew retirement was near when the offspring of past students began registering for kindergarten and completing the sixth grade."

After retirement from the Board of Education in 1995, Mr. Walkes joined the community-based Jackie Robinson Center, JRC, after-school program full-time under the leadership of Mr. Zeke Clement. The Jackie Robinson Center, JRC, for Physical Culture, which focuses on the improvement of student academic skills, sought to encourage participation in academic, sports and cultural activities. At the JRC, Mr. Walkes functioned as the program's sports and cultural director.

His memberships and affiliation over the years include: Brooklyn USA Athletic Association Inc., Council of School Supervisors and Administrators, CSA, Retired School Supervisors and Administrators, RSSA, Alpha Phi Alpha Fraternity, Committee to Honor, NAACP, Tournament of Champions, Trustee of Community School Board District No. 16 and the St. John's Flashes.

He has received awards from: Community School District No. 16 "Teacher of the Year"; Boy Scouts of America; Jackie Robinson Center for Physical Culture; Brooklyn USA Athletic Association Inc; National Old Timers Clubs Inc.; and Parents of the Weeksville School.

Mr. Walkes is married toVerniece Shiver Walkes. They have one son, Kevin, and presently reside in East Flatbush. He is grateful for Rev. Dr. Samuel D. Proctor and Mr. Zeke Clement who taught him through example that we must work diligently with our youth, for they are the most valuable resource that we have. Mr. Speaker, we in turn acknowledge his commitment and contributions today.

HONORING CAPTAIN WILLIAM MICHAEL CARD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. FARR. Mr. Speaker, I rise today to honor Captain William Michael Card for his 32-year career in civil service with the Capitola Police Department.

Captain Card is retiring as Police Captain to accept the Chief of Police in position in Sheridan, Wyoming. Captain Card moved to Santa Cruz with his family in 1957, and attended various local schools, eventually graduating from San Lorenzo Valley High School and continuing his education at Cabrillo Community College and the Monterey College of Law.

Captain Card's successful career was underlined by his commitment to open communication with employees, citizens and the media. Additionally, his foresight aided in the development of a positive police service image by implementing a community oriented policing philosophy. As Police Captain, Card developed and managed several community programs and activities. He has a successful management record of improving employee productivity, morale and organizational efficiency. He was elected as Capitola's Police Officer of the Year in 1986 after receiving many commendations from staff and citizens.

Aside from his duties with the Police Department, Captain Card worked as a consultant to Cyrun Corporation, aiding them in the development of a complete software system for policing agencies. He was also a Research Associate of the BOTEC Analysis Corporation where he managed a six-month study on crime and drug importation in Puerto Rico.

Mr. Speaker, I join the Capitola Police Department in thanking Captain William Michael Card for his years of dedicated civil service and wishing him the best of luck in his further endeavors.

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. HONDA. Mr. Speaker, on Tuesday, June 7, I was unavoidably detained and missed rollcall votes on that day.

Had I been present I would have voted the following: "yea" on rollcall vote number 228 H. Con. Res 44—Recognizing the historical significance of the Mexican holiday of Cinco de Mayo; "yea" on rollcall vote number 229 H. Res. 282—Expressing the sense of the House of Representatives regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States.

AMERICA'S GLOBAL IMAGE HAS CONSEQUENCES FOR US AT HOME

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. DELAHUNT. Mr. Speaker, at a national summit last month hosted by the Travel Business Roundtable and U.S. Chamber of Commerce, hundreds of travel and tourism executives gathered in Washington to discuss the impact of America's deteriorating global image on the U.S. economy. As a Representative of coastal Massachusetts, where declining international travel and tourism is a local economic development issue—and as a member of the International Relations Committee, which grapples with our foreign policy, as well as the Judiciary Committee, which oversees our visa protocols—I was asked to address the summit. I sought to convey that the perception of America around the world has lasting consequences for us at home, and was pleased to see these themes highlighted in a June 1st column by Tom Friedman of the New York Times. His admonitions, like those of scores of business leaders at the summit, are serious and disturbing—and I commend the Friedman column to my congressional colleagues.

[From the New York Times, June 1, 2005]

AMERICA'S DNA

(By Thomas L. Friedman)

A few years ago my youngest daughter participated in the National History Day program for eighth graders. The question that year was "turning points" in history, and schoolchildren across the land were invited to submit a research project that illuminated any turning point in history. My daughter's project was "How Sputnik Led to the Internet" It traced how we reacted to the Russian launch of Sputnik by better networking our scientific research centers and how those early, crude networks spread and eventually were woven into the Internet. The subtext was how our reaction to one turning point unintentionally triggered another decades later.

I worry that 20 years from now some eighth grader will be doing her National History Day project on how America's reaction to 9/11 unintentionally led to an erosion of core elements of American identity. What sparks such dark thoughts on a trip from London to New Delhi?

In part it is the awful barriers that now surround the U.S. Embassy in London on Grosvenor Square. "They have these cages all around the embassy now, and these huge concrete blocks, and the whole message is: 'Go away!'" said Kate Jones, a British literary agent who often walks by there. "That is how people think of America now, and it's a really sad thing because that is not your country."

In part it was a conversation with friends in London, one a professor at Oxford, another an investment banker, both of whom spoke about the hassles, fingerprinting, paperwork and costs that they, pro-American professionals, now must go through to get a visa to the U.S.

In part it was a recent chat with the folks at Intel about the obstacles they met trying to get visas for Muslim youths from Pakistan and South Africa who were finalists for this year's Intel science contest. And in part it was a conversation with M.I.T. scientists about the new restrictions on Pentagon research contracts—in terms of the nationalities of the researchers who could be involved and the secrecy required—that were constricting their ability to do cutting-edge work in some areas and forcing intellectual capital offshore. The advisory committee of the World Wide Web recently shifted its semiannual meeting from Boston to Montreal so as not to put members through the hassle of getting visas to the U.S.

The other day I went to see the play "Billy Elliot" in London. During intermission, a man approached me and asked, "Are you Mr. Friedman?" When I said yes, he introduced himself—Emad Tinawi, a Syrian-American working for Booz Allen. He told me that while he disagreed with some things I wrote, there was one column he still keeps. "It was the one called, "Where Birds Don't Fly,"' he said.

I remembered writing that headline, but I couldn't remember the column. Then he reminded me: It was about the new post–9/II U.S. Consulate in Istanbul, which looks exactly like a maximum-security prison, so much so that a captured Turkish terrorist said that while his pals considered bombing it, they concluded that the place was so secure that even birds couldn't fly there. Mr. Tinawi and I then swapped impressions about the corrosive impact such security restrictions were having on foreigners' perceptions of America.

In New Delhi, the Indian writer Gurcharan Das remarked to me that with each visit to the U.S. lately, he has been forced by border officials to explain why he is coming to America. They "make you feel so unwanted now," said Mr. Das. America was a country "that was always reinventing itself," he added, because it was a country that always welcomed "all kinds of oddballs" and had "this wonderful spirit of openness." American openness has always been an inspiration for the whole world, he concluded. "If you go dark, the world goes dark."

Bottom line: We urgently need a national commission to look at all the little changes we have made in response to 9/11—from visa policies to research funding, to the way we've sealed off our federal buildings, to legal rulings around prisoners of war—and ask this question: While no single change is decisive, could it all add up in a way so that 20 years from now we will discover that some of America's cultural and legal essence—our DNA as a nation—has become badly deformed or mutated?

This would be a tragedy for us and for the world. Because, as I've argued, where birds don't fly, people don't mix, ideas don't get sparked, friendships don't get forged, stereotypes don't get broken, and freedom doesn't ring.

TRIBUTE TO REGINALD H. BOWMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. TOWNS. Mr. Speaker, I rise today to honor Reginald H. Bowman for his outstanding community service and activism.

Reginald H. Bowman is a well-known community activist with more than 30 years in the Ocean Hill-Brownsville neighborhood. Known as a "Street Corner" activist who has been on the front line in every movement, since the late Rev. Milton Galamison boycotted the NYC public schools. He has led numerous civic demonstrations with grassroots activists on various civil rights issues, including schools, jails, housing, transportation, and economic development.

Mr. Bowman is a product of the New York City Public Schools and the Upward Bound Program created by the civil rights leaders, such as Dr. C.T. Vivian and Dr. Bernard Lafayette. He also attended the New York City University System under the SEEK Program. Since moving to the Brownsville community, he has served with distinction on Community Board 16 and co-founded the Business and Community Coalition to Save Brownsville.

Mr. Bowman is also an Il-year member of Community School Board 23, most notably as its President from 1999 to the present. Under Mr. Bowman's leadership, the School District launched a comprehensive strategy of sixteen directives, entitled "Creating a National Model of Urban Education." These initiatives improved academic performance in the district, led to the removal of all but one school from the SURR list, the building of Teachers High School, the creation of the P.S. 156/Gifted Middle School Project, and the removal of Community School District 23 from the Chancellor's Districts in Need of Improvement list.

He is also presently the Chairman of the Council of Presidents of Brooklyn East and the 1st Vice President of the City-wide Council of the New York City Housing Authority. His innovative approach to strategic planning and framing issues in context for effective civic action, led to paving the road in the Brooklyn East public housing community, for access to cable television, the Task Force Initiatives framework, and more access to Section 3 Jobs. These initiatives also help to frame the speedy response to resident issues and are helping to reposition and put a human face on the Public Housing residents of New York City.

Currently, Mr. Bowman is on the staff of U.S. Congressman MAJOR R. OWENS. He has also served as an inspirational founder and leader of a variety of groups and organizations. As a result, he is regarded as an "authentic grassroots community activist and a servant of the community." In addition, Mr. Bowman has been married to Jenny Ortiz-Bowman for 23 years and is the proud father of six children and grandfather of four. Therefore, Mr. Speaker, Reginald Bowman's accomplishments and commitment to his community are more than worthy of our recognition today.

CONGRATULATIONS TO MAY YING LY

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Ms. MATSUI. Mr. Speaker, I rise today to congratulate May Ying Ly, Executive Director of the Hmong Women's Heritage Association in Sacramento, California. Ms. Ly was recently selected from a field nearly 700 nominees to receive one of just 10 Robert Wood Johnson Community Health Leadership Program awards. As part of the award, she will receive funding to continue her work helping Hmong refugees from Laos access health care and adapt to life in this country.

Ms. Ly's story is one of courage and dedication to her community. After she and her family escaped the communist regime in Laos, they first lived in poverty in a Thai refugee camp, and later worked to bridge the vast cultural divide that confronts Hmong refugees as they attempt to adjust to life in the United States.

Breaking with the traditional, domestic role assigned to Hmong women, Ms. Ly attended college and then worked as a Human Services Specialist for Sacramento County. Seeking a broader platform to help her community, she founded the Hmong Women's Heritage Association; providing Hmong families with culturally appropriate health and social services—including health plan enrollment assistance. Further through collaboration with several media organizations, Ms. Ly drew attention to the physical and mental health problems affecting traumatized Hmong newcomers.

Given the patriarchal structure of Hmong society, she has often faced stiff resistance to her activities from within her own community. The Hmong traditionally believe that all family problems should be handled within the family and clan; however, most family and clan members lack the appropriate prevention and intervention skills necessary to intervene in some chronic and critical cases.

In order to reach Hmong refugees while still respecting traditional values, Ms. Ly established a "clan advisory council," training its members to understand the mediation principles of this country and merging those with traditional advice and interventions of Hmong elders to assist families with crises.

With the funds from this award, Ms. Ly will continue to provide mental health services, send her staff to college and graduate school, and to expand the activities of her advisory council of Hmong clan leaders.

Mr. Speaker, I am proud to recognize May Ying for this award, and commend her for her courage and ingenuity as she helps Hmong refugees and immigrants access the health care they desperately need.

INTRODUCTION OF THE "REPAIRING YOUNG WOMEN'S LIVES AROUND THE WORLD ACT"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mrs. MALONEY. Mr. Speaker, today, I, along with Representatives CROWLEY and RUSH, am reintroducing the "Repairing Young Women's Lives Around the World Act," which would ensure that the entire $34 million U.S. contribution to UNFPA would be dedicated to the prevention, repair and treatment of obstetric fistula.

Obstetric fistula is a devastating condition that results when young adolescent girls are left to deliver their babies unassisted or with limited medical intervention. After several days of painful labor, the baby is delivered stillborn and the young mother's insides are literally ripped apart leaving tears or fistulas in her rectum and bladder. Without medical treatment, these young girls are relegated to a life of shame and misery as they are no longer able to control their bodily functions and are left unable to have another child. They are almost always abandoned by their husbands and shunned by their families. About two million women suffer this condition worldwide.

The good news is that fistula is preventable and treatable. A preventive Caesarean section costs a mere $60. Surgery to repair fistula has a 90 percent success rate even after a woman has had the condition for several years. Once cured, a woman can reclaim her life.

Since its launch in 2003, the UNFPA-led Campaign to End Fistula has grown remarkably to include more than thirty countries. The Campaign works to prevent fistula from occurring, treat women who are affected, and support women after surgery. It is imperative that we in Congress support these efforts to eradicate the devastating condition of obstetric fistula.

A TRIBUTE TO LYNN MARTIN BROWN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. TOWNS. Mr. Speaker, I rise today to honor Lynn Martin Brown for pivotal work in the community.

A native New Yorker, Lynn Brown has spent much of her professional life serving underprivileged communities. She has worked tirelessly at Healthfirst to secure jobs and comprehensive health insurance for many children and adults who would have otherwise gone without.

Recently, Ms. Brown helped sponsor several basketball tournaments for underprivileged youth, providing equipment and uniforms. She worked in Brooklyn correctional facilities to provide health insurance to families of inmates. She created a much-appreciated Mother's/Father's Day Family Photography Event at Interfaith Medical Center, and continues to use her creativity to brighten the lives of others.

Lynn Brown is the recipient of many awards, and serves on numerous community boards. In 2004, she was awarded "Woman of the Year" by Senator John L. Sampson Esq., for her outstanding humanitarian efforts, and exemplary service to the community and city at large. She is a board member for the Five Towns YMCA, enforcing the mission: to put Christian principles into practice through programs that build healthy spirits, mind and body for all.

Ms. Brown is a member of a women's group: Sister to Sister-In-Law, a group where women help other women by assisting them in literacy instruction, legal and childcare referrals. She was also honored by the Caribbean American Chamber of Commerce as a Visionary 2004. Ms. Brown is also a member of the Women's Caucus for Congressman Edolphus Towns.

As a member of Berean Missionary Baptist Church, Ms. Brown assists in special events and annual fundraisers. She works tirelessly in the community and remains an advocate for her own children. Lynn Brown is a mother of two girls Aurelia and Kayse, and is even raising her niece Navasia. She has also found the time to continue her education at the College of New Rochelle, where she is majoring in Human Psychology.

Ms. Brown's life's work is to analyze and understand humanity in order to build strong families and communities, and inspire confidence in children. As a result, Mr. Speaker, we proudly recognize her today.

A TRIBUTE TO JANE ZUCKERMAN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. WAXMAN. Mr. Speaker, I rise today to recognize the extraordinary contributions of Jane Zuckerman, the Executive Director of Temple Israel of Hollywood. Jane is being honored for her 18 years of dedicated service to our community at Temple Israel's Annual Gala on June 11, 2005.

Jane began her impressive career at Temple Israel in 1986 when she served as the Temple's Director of Early Childhood Education. During her tenure, the student population grew from 40 to 115 children with the addition of extended hours for working parents. Jane brought the now popular Parent and Me, TOT Shabbat and Toddler Seder Program to the Temple.

In 1997, Jane was appointed the Temple's Executive Director. She blended her love of children with her keen fiscal management and marketing abilities in her new position. A congregant once said, "Every time I come into the building, Jane is there like a lovely hostess, creating a certain atmosphere of friendliness and welcome."

In her role as chief administrative officer of the Temple, she is responsible for the day-to-day management of its fiscal and administrative affairs as well as the physical plant and security. Jane also spearheads the marketing, membership and fundraising activities of the Temple.

In fall 2004, Jane served as co-chair of the National Association of Temple Administrator's annual convention and has been a guest speaker and presenter on the subject of synagogue management at the University of Judaism and the Women's Rabbinic Network's annual meeting.

Our community owes Jane a debt of gratitude for her tremendous dedication to Temple Israel of Hollywood. Her achievements and record of accomplishments are truly outstanding. I ask my colleagues to join me and Temple Israel of Hollywood in extending our appreciation for her contributions.

A TRIBUTE TO SHERRY FREDMAN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 2005

Mr. WAXMAN. Mr. Speaker, I rise today to recognize the extraordinary contributions of Sherry Fredman, the Nursery School Principal at Temple Israel of Hollywood. Sherry is being honored for her ten years of dedicated service to our community at Temple Israel's Annual Gala on June 11, 2005.

Sherry began her impressive career at Temple Israel in 1995 when she was recruited to teach at the Temple Israel Day School. Two years later, Sherry became the Day School's Resource Coordinator. In this capacity, she served as the administrative designee and After School Enrichment Coordinator. Sherry developed and created Temple Israel's summer "Camp Simcha" which she directed in its initial years to great success. In her many-faceted role in the Day School, Sherry incorporated enrichment and remediation within the general studies of the curricula at the school.

Sherry's love of children and enthusiasm for her community has translated into a significant growth of the school in many exciting ways. She has a strong background and expertise in early childhood development as well as strong marketing and administrative talents.

She has expanded the number of classrooms during her tenure and has incorporated a successful afternoon track at the school. Under her direction, the Saturday morning TOT Shabbat service has grown to standing room only for the grandparents, parents and children who eagerly participate. Sherry has also expanded the parenting education center. Next year, enrollment in the school is expected to grow to 156 students with 100 more on the waiting list.

Sherry is a member of the National Association for the Education of Young Children (NAEYC) as well as a board member and recording secretary of the Association for Early Jewish Education (AEJE) and the Early Childhood Director's Organization.

Our community owes Sherry a debt of gratitude for her tremendous dedication to Temple Israel of Hollywood and particularly its children. Her achievements and record of accomplishments are truly outstanding. I ask my colleagues to join me and Temple Israel of Hollywood in extending our appreciation for her contributions.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Wednesday, June 8, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 9

9:30 a.m.

Judiciary

Business meeting to consider pending calendar business.

SD–226

10 a.m.

Banking, Housing, and Urban Affairs

Business meeting to consider S. 582, to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and the nominations of Ben S. Bernanke, of New Jersey, to be a Member of the Council of Economic Advisers, and Brian D. Montgomery, of Texas, to be Assistant Secretary of Housing and Urban Development, and Federal Housing Commissioner.

SD–538

Health, Education, Labor, and Pensions

To hold hearings to examine protecting America's pensions plans from fraud.

SD–430

Veterans' Affairs

To hold hearings to examine pending health care related legislation.

SR–418

Joint Economic Committee

To hold hearings to examine the current economic outlook.

2118 RHOB

10:30 a.m.

Foreign Relations

To hold hearings to examine the nominations of Richard J. Griffin, of Virginia, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador, and Henrietta Holsman Fore, of Nevada, to be Under Secretary of State for Management.

SD–419

11 a.m.

Commerce, Science, and Transportation

To hold hearings to examine general aviation (GA) security, the Transportation Security Administration's proposed plan to reopen Ronald Reagan Washington National Airport to GA operations, and to examine the security procedures followed during the recent air incursion that caused the emergency evacuation of the White House and the U.S. Capitol buildings.

SR–253

2 p.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the nominations of Walter Lukken, of Indiana, to be a Commissioner of the Commodity Futures Trading Commission, Reuben Jeffery III, of the District of Columbia, to be Commissioner and Chairman of the Commodity Futures Trading Commission.

SR–328A

Appropriations

Business meeting to markup H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and to consider 302 (b) subcommittee allocations of budget outlays and new budget authority allocated to the committee in H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010.

SD–106

Health, Education, Labor, and Pensions

Bioterrorism and Public Health Preparedness Subcommittee

To hold hearings to examine bringing promising medical countermeasures to bioshield.

SD–430

2:30 p.m.

Foreign Relations

Western Hemisphere, Peace Corps and Narcotics Affairs Subcommittee

To hold hearings to examine the Western Hemisphere initiative, regarding safety and convenience in cross-border travel.

SH–216

3 p.m.

Conferees

Meeting of conferees on H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs.

2167 RHOB

JUNE 14

10 a.m.

Appropriations

Homeland Security Subcommittee

Business meeting to markup H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006.

S–128, Capitol

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the Strategy Targeting Organized Piracy (STOP!) initiative, established to stop trade in pirated and counterfeit goods, focusing on activities undertaken by STOP! to date, its effectiveness in coordinating federal government efforts to combat intellectual property theft at home and abroad, and the federal government's ability to recruit, train and retain the workforce necessary to implement STOP!, also the Administration's long-term strategic plan for STOP! and ways the initiative assists small business protect its intellectual property rights.

SD–562

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 206, to designate the Ice Age Floods National Geologic Trail, S. 556, to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona, S. 588, to amend the National Trails System Act to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study on the feasibility of designating the Arizona Trail as a national scenic trail or a national historic trail, and S. 955, to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin.

SD–366

Banking, Housing, and Urban Affairs

Securities and Investment Subcommittee

To hold hearings to examine the role of financial markets in social security.

SD–538

2 p.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the benefits and future developments in agriculture and food biotechnology.

SR–328A

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, and International Security Subcommittee

To hold hearings to examine accountability and results in Federal budgeting, focusing on the specific metrics and tools used by the Office of Management and Budget to determine the effectiveness of Federal programs, the advantages and disadvantages of using these metrics, and how information provided by these metrics is being used to increase effectiveness and accountability in Federal budgeting.

SD–562

2:30 p.m.

Appropriations

Energy and Water, and Related Agencies Subcommittee

Business meeting to markup H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006.

SD–138

Judiciary

Intellectual Property Subcommittee

To hold hearings to examine injunctions and damages relating to patent law reform.

SD–226

Intelligence

Closed business meeting to consider pending calendar business.

SH–219

JUNE 15

9:30 a.m.

Indian Affairs

To hold an oversight hearing to examine youth suicide prevention.

SR–485

Judiciary

To hold hearings to examine issues relating to detainees.

SD–226

Commerce, Science, and Transportation

National Ocean Policy Study Subcommittee

To hold hearings to examine coral reef ballast water.

SR–253

9:50 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider the nomination of Lester M. Crawford, of Maryland, to be Commissioner of Food and Drugs, Department of Health and Human Services.

SD–430

10 a.m.

Budget

To hold hearings to examine current financial condition and potential risks relating to solvency of the Pension Benefit Guaranty Corporation.

SD–608

Homeland Security and Governmental Affairs

To hold hearings to examine if the Federal government is doing enough to secure chemical facilities.

SD–562

2:30 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Linda M. Springer, of Pennsylvania, to be Director of the Office of Personnel Management, Laura A. Cordero, to be Associate Judge of the Superior Court of the District of Columbia, and A. Noel Anketell Kramer, to be Associate Judge of the District of Columbia Court of Appeals.

SD–562

Intelligence

Closed briefing regarding intelligence matters.

SH–219

3 p.m.

Aging

To hold hearings to examine the impact of soaring energy costs on the elderly.

SH–216

JUNE 16

9:30 a.m.

Foreign Relations

To hold hearings to examine stabilization and reconstruction regarding building peace in a hostile environment.

SD–419

Indian Affairs
To hold an oversight hearing to examine Indian education.
SR–485

Homeland Security and Governmental Affairs
Investigations Subcommittee
To resume hearings to examine tax delinquency problems with Federal contractors.
SD–562

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine meeting the housing and service needs of seniors.
SD–538

Commerce, Science, and Transportation
To hold hearings to examine Federal legislative solutions to data breach and identity theft.
SR–253

2 p.m.
Appropriations
Business meeting to markup H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006.
SD–106

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine the nominations of William Alan Jeffrey, of Virginia, to be Director of the National Institute of Standards and Technology, and Israel Hernandez, of Texas, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, both of the Department of Commerce, Ashok G. Kaveeshwar, of Maryland, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation, and Edmund S. Hawley, of California, to be Assistant Secretary of Homeland Security for Transportation Security Administration.
SR–253

3 p.m.
Intelligence
To hold hearings to examine the nomination of Janice B. Gardner, of Virginia, to be Assistant Secretary of the Treasury for Intelligence and Analysis.
SDG–50

JUNE 21

Time to be announced
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
Business meeting to markup proposed legislation making appropriations for the Department of Agriculture.
Room to be announced

Appropriations
Legislative Branch Subcommittee
Business meeting to markup proposed legislation making appropriations for the Legislative Branch.
Room to be announced

10 a.m.
Commerce, Science, and Transportation
Fisheries and Coast Guard Subcommittee
To hold hearings to examine the Coast Guard's revised deepwater implementation plan.
SR–253

2:30 p.m.
Health, Education, Labor, and Pensions
Education and Early Childhood Development Subcommittee
To hold hearings to examine issues relating to American history.
SD–430

JUNE 22

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine the In Re Tribal Lobbying Matters, Et Al.
SH–216

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine telecom mergers.
SR–253

Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

2:30 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine financial stability of airlines.
SR–253

JUNE 23

10 a.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

Health, Education, Labor, and Pensions
To hold hearings to examine Family Medical Leave Act.
SD–430

2 p.m.
Appropriations
Business meeting to markup proposed legislation making appropriations for the Department of Agriculture, and proposed legislation making appropriations for the Legislative Branch.
SD–106

JUNE 28

10 a.m.
Commerce, Science, and Transportation
Global Climate Change and Impacts Subcommittee
To hold hearings to examine coastal impacts.
SR–253

JUNE 29

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine Spectrum-DTV.
SR–253

2:30 p.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold hearings to examine national weather service-severe weather.
SR–253

JUNE 30

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine e-health initiatives.
SR–253

SEPTEMBER 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.
345 CHOB

POSTPONEMENTS

JUNE 14

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine Native American Graves Protection and Repatriation Act.
SR–485

HOUSE OF REPRESENTATIVES—*Thursday, June 9, 2005*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal Father of all and well-spring of youthful dreams, bless the young women and men who have served these past months as pages of the U.S. House of Representatives. As their term of service comes to an end, inspire each of them with expansive hopes and fill them with great aspirations to create powerful futures both for themselves and for this Nation.

We praise You and we thank You for their families and all of those who have mentored the pages in their program: their work, their school, and in their dorm. May this experience of government at work deepen their commitment to learning and their ability to make friends with diverse people from across the Nation, forming them into leaders for tomorrow.

May the Members of Congress surrounded by such youthful presence grow in their tender understanding of America's young people, their needs, their dreams, their problems, their values, and their abilities.

Ever-living Lord, help young and old Americans alike develop skills to cross the generational divide, that we may all grow up to be one Nation under God. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arizona (Mr. FLAKE) come forward and lead the House in the Pledge of Allegiance.

Mr. FLAKE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 1-minute speeches on each side.

BANNING BOOKS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, a 10-year-old Knoxville, Tennessee child, Luke Whitson, and some of his friends chose to read the Bible to each other during recesses instead of playing on the jungle gym or kickball. Luke's principal was not amused. She put a stop on this terrible practice at once and told the students not to bring their Bibles to school again.

Now, we expect principals to protect kids from bullying and ensure a healthy learning environment. We do not expect them to dictate issues of faith or, worse, mandate a faith-free environment. However, this principal is a ground soldier in a national campaign to remove faith, even voluntary expressions of it, from publicly funded programs and facilities.

School children, all people, should have the right to read freely in their own free time, whether it is during recess at school or in the break room during lunch at work.

Our government buys and provides copies of the Koran and prayer rugs to terrorist prisoners at Gitmo. We expect our soldiers to honor a terrorist's right to worship freely, but will we stand for the right of an American child to do so as well? Sounds like somebody is paranoid.

PRINCIPLES OF TAX REFORM

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, we have a tax system that is needlessly complicated and burdensome to the middle class. It is time for fundamental tax reform that reflects the values and the interests of all Americans, not the special interests.

When President Bush announced his tax reform commission, he said his core principle was that it should not hurt government revenues.

Democrats believe that the core principle of tax reform is that tax reform should help the middle class achieve their goals. Tax reform is about the middle class and economic growth, not about government revenue.

In the last 4 years the Tax Code has been filled with special breaks for special interests. At the same time, the tax burdens have shifted from the wealthy to those who work, from dividend to wages.

What should we do?

Combine the five educational tax breaks to one tax break for higher education for $3,000 for everybody going to college; unify the various child credits and earned income tax credit to a single simplified tax family credit; simplify the 16 different versions of the Tax Code for savings to one universal 401(k) pension; and, finally, encourage homeownership. We should create a universal mortgage deduction for all taxpayers.

Mr. Speaker, we need a tax system that reflects the American values and fosters the American Dream, not the current system written by and for the special interests.

SOCIAL SECURITY PROPERTY RIGHTS

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, as I listen to the national debate on Social Security reform, I am left wondering why no one is talking about America's greatest principles, and that is property rights.

I get letters, e-mails, and phone calls every day from my constituents demanding that I do not take away their guaranteed Social Security benefits. That leads me to believe that our Nation's citizens may not understand that they really have no legal right to their Social Security benefits.

The Supreme Court ruled in Flemming v. Nestor that there is no legal right to Social Security benefits. In the eyes of the Court, it is deemed a tax-and-spend program in which Congress can change the rules regarding eligibility at any time, and it has many times over in past years. That is how our current system works.

Mr. Speaker, it is time for reform. It is time to give American taxpayers back their personal property rights. Personal accounts would give workers true legal property rights to their contributions and their benefits. They could not be raided to pay for other programs. Personal accounts are the ultimate lockbox.

NATIONAL HEALTH INSURANCE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, as so many American families struggle with

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the rising costs of health care and with the unavailability of health care, I think it is important to keep in mind that roughly one-third of every health care dollar goes to wasteful administration and profit. The result is that we pay more for our health care than any other industrialized country by a wide margin.

Since American businesses are the main provider of health care in the United States, they bear the burden and it is hurting their competitiveness. How do we know? Our competition tells us so.

The CEO of the Ford Motor Company of Canada, the president and CEO of GM Canada, and the CEO of DaimlerChrysler Canada had this to say in a 2002 letter: "Publicly funded health care thus accounts for a significant portion of Canada's overall labor cost advantage in auto assembly, versus the U.S. which in turn has been a significant factor in maintaining and attracting new auto investment to Canada."

The time has come for national health insurance.

HEALTH CARE COSTS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, America's health care system is indeed in need of fixing on so many levels. You can lose count of the number of problems that it has. One of the major issues is cost.

Recent studies show that the average American pays close to $4,000 a year on health care. However, that figure pales in comparison to the $11,000 that health care costs for America's seniors each.

The last time this study was conducted in 1989, the average cost was only $2,200. Health care has become big business and big government, and patients are further removed from their doctors. Decisions that should be made between doctors and patients are now being decided many times by somebody else. Rising costs affect everyone: patients, doctors, and even small businesses that can no longer afford health insurance for their employees.

Regardless of who pays, patients should have a choice when it comes to their health care, plain and simple. H. Res. 215 would do just that. As we move forward, we must be on the patients' side; they know what is best for themselves.

PROTECT OUR NATION

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, the House Republican leadership pulled the intelligence authorization bill from the floor today because the leadership here is doing the dirty work of Defense Secretary Rumsfeld.

We all know that Rumsfeld was against the intelligence reforms that the 9/11 Commission suggested, and now he is trying to prevent those reforms from moving forward. The Republican leadership is keeping the intelligence bill from coming to the floor today because Secretary Rumsfeld does not want to give up any intelligence control to new Intelligence Director Negroponte.

Let us be clear. Secretary Rumsfeld and the Republican leadership are preventing intelligence reform that could make our Nation safer than it is today.

The 9/11 commissioners warned us earlier this week that time is not on our side. It is time the House Republican leadership stops listening to Rumsfeld and starts listening to the 9/11 Commission so we can finally begin to protect our Nation.

SHELF LIFE FOR PRESCRIPTION DRUGS

(Mr. MURPHY asked and was given permission to address the House for 1 minute.)

Mr. MURPHY. Mr. Speaker, so often people come to this Chamber and say the way we deal with health care costs is to change who pays. What we need to talk about is what we are paying for.

The Department of Defense Extended Shelf Life Program evaluated over 312 drug products and found that even though they were given a date of shelf life, many of them maintain their stability, safety and potency up to as much as an additional 107 months past their expiration dates.

For the $3.9 million the military spent on stability testing on expired drugs, it saved $263 million. These are savings worth exploring, and I would urge my colleagues to support careful scientific review of expiration dates for prescription drugs and ask if the savings gained by the military can be applied to general health care spending.

My colleagues can learn more about these ideas for savings and health care by visiting my Web site at Murphy.house.gov and continue to change the way we look at health care to what we are paying for.

INDIANAPOLIS 500

(Ms. CARSON asked and was given permission to address the House for 1 minute.)

Ms. CARSON. Mr. Speaker, I rise today to commemorate the 89th running of the greatest spectacular in racing, the Indianapolis 500 held at Indianapolis Motor Speedway.

Congratulations to the winner, Dan Wheldon of Andretti-Green Racing, whose victory was not an easy one. Wheldon's winning highlight was a dramatic pass of the sensational rookie Danica Patrick with only six laps left in the race.

Although Danica Patrick may not have won, she made history. Danica Patrick of Rahal-Letterman finished in fourth place, the best finish ever for a woman.

□ 1015

She also had the highest starting position for a woman and was the first woman to lead a lap at the Indianapolis 500.

I would like to congratulate Dan Wheldon, Danica Patrick and the entire field of 33 drivers, their racing teams, the Indianapolis Racing League and the Indianapolis Motor Speedway for a spectacular race. Congratulations again.

ONE THING I KNOW FOR CERTAIN

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, as a former small business owner, one thing that I know for certain is that there is not a nation on this earth that has ever taxed itself into prosperity. Raising taxes and increasing regulation absolutely does not create economic growth. It is a guarantee that you are going to get less of what you want. We know that by reducing regulation and reducing taxes that we see economic growth and we see jobs growth.

Mr. Speaker, America has now recovered economically from the tragedy of September 11. We have grown our economy out of recession and passed the tremendous blow on September of 2001, and we did it by reducing regulation and lowering taxes, by working to change the budget process, by reducing what the Federal Government spends, with the budget we have passed this year, by beginning to root out waste, fraud and abuse and being aggressive in that. In other words, we are working to make America competitive.

Mr. Speaker, I salute our Republican leadership for their commitment to this.

DISBAND THE CURRENT COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTMORELAND. Mr. Speaker, in fairness to Members of this body who have been subjected to a cloud of suspicion over ethics allegations, I rise today to call for the House to disband the current Committee on Standards of Official Conduct and reconstitute it as a panel that can convene and hear the cases pending before it.

A report in the Washington Post today says the committee may be inactive for months and it may not take up politically charged accusations against a high-ranking leader until next year, which just happens to be an election year.

The Post says, "Democrats are hoping to gain political advantage from investigations into DELAY's activities and overseas travel and his ties to lobbyist Jack Abramoff."

Even the Democratic-friendly Washington Post sees the political calculations behind the minority's tactics.

The Committee on Standards of Official Conduct is stalled by a partisan logjam, and I see only one way to unplug it: reconstitute the panel with Members resolved to work together so that it can move forward with its work. If this good-faith effort fails again, the House needs to install a Republican majority on the committee so that the wheels of good government can turn once more.

Mr. Speaker, this body rescinded the ethics rules passed earlier this Congress to appease the minority's demands. Yet, the minority party continues to obstruct the objectives of the Ethics Committee at every turn.

I believe the Republican majority should pass whatever rules necessary so the committee can and will act fairly to hear the pending cases before it—cases that involve both Republicans and Democrats.

Members accused of violations deserve a chance to make their cases and perhaps clear their names.

WE MUST STOP THE BLOODSHED IN SUDAN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I applaud the meeting between the Prime Minister of Britain and this administration.

If one thing has come out of that meeting beyond the need for the $50 billion for the restoration of the continent of Africa, it is that we must act now to stop the bleeding, the bloodshed and the brutality in Darfur and Sudan.

This week is the 10th year recognition commemoration of the million that died in Rwanda, and we are reminded that they died because of our nonaction, our inertia, our refusal to accept the fact that people were being brutalized and killed. The U.S. did not act.

It is important that military assistance be sent to Sudan now and that the President of Chad be included in this process for the 300,000 refugees that are languishing in Chad without any resources from around the world.

The United States must act, the Congress must act. A declaration of genocide has already been declared. Do we want another Rwanda on our hands, more blood, more bloodshed and loss of life? We cannot afford it. The African Union must be sent. We must stop the bloodshed in Sudan and return the people to their land.

JOBS AND THE ECONOMY

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to commend Congress on its successful, pro-growth economic agenda.

In the last month alone, the United States economy created 78,000 new jobs. Take the last 2 years into account, and our economy has created more than 3.5 million jobs.

Mr. Speaker, this growth can be partially credited to the good legislation Congress has passed, legislation that lowers taxes, lets Americans keep more of their hard-earned money, reduces unnecessary regulation, supports our small businesses, and, above all, it encourages economic growth.

Our policies are working. More Americans hold jobs today than ever before. Homeownership is at a near record level, with nearly 70 percent of American families owning their own homes. Small businesses continue to flourish, and our economy is showing steady growth.

Mr. Speaker, it is clear that our economic agenda is the right solution for American families. We will continue passing good legislation to build a stronger economy for all Americans.

PAYING TRIBUTE TO THE HON. HENRY HYDE AND THE HON. ILEANA ROS-LEHTINEN

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, I rise today to pay tribute to the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, and also the gentlewoman from Florida (Ms. ROS-LEHTINEN), who worked with me yesterday to attach an amendment to the State Department authorization bill to allow some of the funding that we provide to the State Department to be spent on scholarships and other programs for Cubans.

For years, we have spent hundreds of millions of dollars at the State Department on public diplomacy programs that have helped individuals in countries transitioning to a democracy. Yet Cuba has been excluded from this. If there is any country that needs this help and a people that need this help, it is the country of Cuba.

So now the State Department has been directed to spend at least $5 million in Fulbright scholarships, Ben Gilman scholarships, Truman scholarships and others to bring worthy Cubans here to the United States to study and help reverse the tide recently of less contact with the Cuban people, to actually have more contact.

This is significant. Again, I pay tribute to the gentleman from Illinois (Mr. HYDE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for working with me on this.

AGRICULTURE APPROPRIATIONS AND COOL LEGISLATION

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to acknowledge the important work this body undertook last night by passing the fiscal year 2006 Agriculture Appropriations Act. This bill took an important step toward helping the farmers of America and my district in North Carolina. Farmers are the backbone of our communities, and we must provide the resources they need. My colleagues and I worked hard to exercise fiscal restraint on this bill without cutting those programs crucial to helping farmers. I feel strongly the bill we passed yesterday did just that.

I would also like to thank this body for voting to uphold a provision that delays the country-of-origin labeling process until it can be dealt with correctly, through current proposed legislation. This delay will allow my colleagues and me on the House Committee on Agriculture time to complete our work on H.R. 2068, the Meat Promotion Act of 2005 sponsored by the gentleman from Virginia (Chairman GOODLATTE).

H.R. 2068 will establish a market-driven, cost-effective, voluntary COOL program for meat such as beef, poultry and pork.

PRODUCTIVITY OF THE 109TH CONGRESS TO DATE

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, with all of the negative press these days, one of the big stories that has been missed is how productive this Congress has been since the first of the year. In fact, this may be one of the most productive Congresses this country has seen since the Second World War.

Let me go through with my colleagues very quickly the 20 pieces of major legislation we have passed this year and the five appropriations bills we have passed since the beginning of the year.

We passed a class action fairness bill. We passed a highway bill and energy bill and our budget and the Real ID Act, which will strengthen our borders, and a bill for broadcast decency. We passed a continuity of the Congress bill, gang deterrence, funding for first responders, vocational and technical funding, homeland security. We have repealed estate tax for the second time, spyware prevention, bankruptcy bill, core blood registry, stem cell funding, restrictions on interstate transport for minors seeking abortions, job training.

Under appropriations, Homeland Security, Interior, funding for the military quality of life and the Agriculture bill yesterday, plus the supplemental earlier in the year, a tremendous record of accomplishment that this Congress could be proud of on a bipartisan basis because most of those bills did pass with a significant number of Democratic votes.

WITHDRAWING APPROVAL OF THE UNITED STATES FROM AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION

Mr. SHAW. Mr. Speaker, pursuant to House Resolution 304, I call up the joint resolution (H.J. Res. 27) withdrawing the approval of the United States from the Agreement establishing the World Trade Organization, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 27 is as follows:

H.J. RES. 27

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress withdraws its approval, provided under section 101(a) of the Uruguay Round Agreements Act, of the WTO Agreement as defined in section 2(9) of that Act.

The SPEAKER pro tempore (Mr. REHBERG). Pursuant to House Resolution 304, the gentleman from Florida (Mr. SHAW), the gentleman from Maryland (Mr. CARDIN), the gentleman from Texas (Mr. PAUL), and the gentleman from Vermont (Mr. SANDERS) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. SHAW).

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 27, the joint resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this morning the House considers the withdrawal of the United States from the World Trade Organization. I strongly oppose this resolution and urge my Members to join me in this opposition.

As a member of the World Trade Organization, the United States is one of 148 member countries. Our role in this global body is tremendously important, not only for the future of the United States trade but for the continuation of global trade liberalization.

As the world's leading economy, the largest economy that has ever been on the face of this earth, we all too often focus our attention on the aspects of trade we disagree with. When Members of Congress meet with our international counterparts, we spend a large amount of time discussing specific trade barriers and little time supporting the broad range of cooperation and successes that we may share.

Continued membership in the World Trade Organization will allow the United States the opportunity to continue cooperating as we work towards free trade benefiting United States consumers, farmers, manufacturers and firms.

Currently, the World Trade Organization is negotiating the Doha Round. Congress has been deeply involved with the administration as the Round continues to move forward. It is tremendously importantly that we remain active in these negotiations and push for a completed Doha.

Finally, I congratulate Mr. Pascal Lamy of France on his selection as the new World Trade Organization Director General. I am hopeful his abilities will enable the World Trade Organization to balance the concerns of its members. I look forward to working with him in the future.

Finally, Mr. Speaker, it is my strong view that the United States greatly benefits from our continued participation in the World Trade Organization.

Mr. Speaker, I reserve the balance of my time.

Mr. SANDERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by mentioning that this is a tripartisan resolution, and I want to thank our cosponsors: the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Arizona (Mr. GRIJALVA), the gentleman from Indiana (Mr. HOSTETTLER), the gentleman from North Carolina (Mr. JONES), the gentleman from Ohio (Mr. KUCINICH), the gentleman from Texas (Mr. PAUL), the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Michigan (Mr. STUPAK) and the gentleman from Colorado (Mr. TANCREDO). I thank them very much for their support.

Mr. Speaker, I do not have any great illusions that this resolution will win today. When the gentleman from Texas (Mr. PAUL) offered it 5 years ago, it only received 56 votes. I hope, however, that as many Members as possible will vote for it today for one simple reason. It is time to send the Bush administration a message and a wake-up call that our current trade policies have failed and need to be completely rethought so that they represent the needs of the middle class and working families of our country and not just the CEOs of large corporations.

Mr. Speaker, international trade is a good thing, if implemented properly, but the evidence is overwhelming that our current trade policies, including NAFTA, including permanent normal trade relations with China, and the current roles of the WTO are not working for average Americans, they are not working for the environment, and they are not working for human rights. If we do not fundamentally change those policies, we can only expect more of the same.

The WTO was signed in 1995, and our current support of unfettered free trade has gone on for some 30 years. And what has been the result of those policies for the middle class of this country? Let us discuss it.

In a period in which technology has exploded, in a period in which worker productivity has significantly increased, we would think that the middle class would be better off.

□ 1030

But the economic reality today is that what every American knows is that the middle class of this country is collapsing. Poverty is increasing, and the gap between the rich and the poor is wider today than at any time since the 1920s. Are our disastrous trade policies the only reason for this? No. But they are an extremely important part of that equation, and that is for sure.

Mr. Speaker, in 1995 when the WTO was established, our trade deficit was $96 billion. Today our trade deficit is a record-breaking $617 billion and is on pace to become $700 billion next year. Our trade deficit with China alone is $162 billion.

Mr. Speaker, while some of my colleagues are going to extol all of the wonderful virtues of unfettered free trade, perhaps they can explain why in the last 4 years alone we have lost 2.8 million good-paying manufacturing jobs, one out of six in this country. One out of six in the last 4 years. In my own small State of Vermont, we have lost 20 percent of our manufacturing jobs in the last 5 years. Many people know that General Motors has just announced they are going to lay off another 25,000 American workers. GM is producing cars in China, and there is some reason to fear that in 10 or 20 years, Detroit and automobile production in this country will be diminished as car manufacturing moves to China.

When my friends come up here and they tell us how great free trade is for our economy, I want them to explain why real inflation accounted for wages in the United States today is 7 percent lower than they were in 1973 for the bottom 90 percent of workers. And why is it that million of workers today in Vermont and throughout this country are forced to work two or three jobs just to keep their heads above water if free trade and globalization are all so great?

When my friends talk about the so-called robust economy that has been created, perhaps they can explain to us why 4 million more Americans now live in poverty than just 4 years ago, 4 million more Americans in poverty; and why incredibly there are 24,000 fewer private sector jobs now than when George Bush first took office. If our trade policies are so successful, how could we have experienced an unprecedented net loss of private sector jobs over the last 5 years? The only new net jobs that have been created by the Bush administration have been government jobs, 917,000 of them. Maybe the Republican Party is becoming the party of big government and creating government jobs, but certainly it has not been private sector jobs that free trade is supposed to create.

Today the gap between the rich and the poor is growing wider. The richest 1 percent of our population now own more wealth than the bottom 90 percent, and unfettered free trade has only made that worse. The gap between the rich and the poor more than doubled from 1979 to 2000. According to the Institute for International Economics, 39 percent of the increase in income equality is due to unfettered free trade.

Further and most ominously, if our present trade and economic policies continue, the likelihood is that the next generation will be the first in the modern history of the United States to have a lower standard of living than we do. According to a recent report from the Department of Labor's Bureau of Labor statistics, over the next decade, seven out of the 10 fastest-growing occupations will be low-paying, low-skilled jobs that do not require a college education. Is that what free trade is giving to our kids, jobs at Wal-Mart, jobs at McDonald's, while the General Motors jobs, the General Electric jobs are going to China?

Mr. Speaker, it is not only blue collar jobs that we are on the cusp of losing. Millions of white collar information technology jobs are also on the line to go to China and India. Andy Grove, the founder of Intel, predicts that the United States will lose the bulk of its information technology to jobs to China and India within the next decade.

Mr. Speaker, the bottom line of this debate, and I want my friends to answer this, is that American workers should not be asked to compete against desperate people in China who make 30 cents an hour and who go to jail when they stand up for their political rights. That is not what we should be engaged in. The race to the bottom has been a disaster for the middle class.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first point out to those who may be following this debate why we are here today. I am sure people are wondering why we have a resolution on the floor that would withdraw us from the WTO and how that comes to the floor from a recommendation of the committee of jurisdiction that it be reported unfavorably, that is, that we vote against this resolution.

The reason we have this resolution before us is that 10 years ago we passed legislation to gain access to the WTO. At that time Bill Clinton was the President of the United States. Congressman Gingrich thought it was important that because the legislative branch of government is the branch responsible for trade that there be a review process every 5 years as to whether we should remain within the WTO, to give Congress the ability to exercise its constitutional responsibility to oversight and be responsible for trade. At that time, Mr. Speaker, I must tell the Members I had certain concerns as to why we would want to have basically a nuclear option in pulling out from the WTO.

Today, I am pleased that we can review the WTO because I think it is important for us to have a debate as to where we are in the WTO. I would suggest, though, we should have a more sophisticated review process than just to vote to withdraw from the WTO. As the ranking Democrat on the Trade Subcommittee working with the gentleman from Florida (Mr. SHAW), we very much oppose this resolution and urge the rejection of the resolution. We believe it is in the interest of the United States to be in a rules-based trading system and to withdraw from a rules-based trading system would be folly, it would be wrong. Do we need to improve it? Yes, we do need to improve the WTO. Can we strengthen it? Yes, we need to strengthen it.

Quite frankly, I think that we should be working more aggressively with our trading partners to enforce our existing trade rules. When we see the manipulation of currency by China and we take no action against it, that is wrong. When we see other countries infringe on our intellectual property rights and we do not enforce our existing rules to make sure that we do not allow the stealing of our intellectual property rights, that is wrong. When we see Europe provide subsidies for everything from aircraft to agriculture products and we do not take efficient action against them, that is wrong. When we do not enforce our own antidumping laws which are permitted to be enforced to stop the surge of products into this country, that is wrong.

So, Mr. Speaker, I do think we need to strengthen these laws, but it would be wrong for us to withdraw. We want a rules-based system, but we want to strengthen that system.

Mr. Speaker, quite frankly, I think we should be spending more time talking about the Doha Round. That is the next stage of trying to move internationally under the WTO to expand opportunity for American manufacturers, farmers, and producers. The so-called Doha Development Agenda negotiations have reached a critical phase. It is generally agreed that in order to have a successful meeting of the ministers this December in Hong Kong, the members of the WTO will have to come to a significant level of agreement by July on three key areas.

First, agriculture. I must tell the Members I am concerned we have not made anywhere near the progress on agriculture that we need to do. I welcomed the announcement last week that the next director-general of the WTO will be Pascal Lamy, the former trade commissioner of EU, who comes from France. Obviously, Mr. Lamy will have a special burden to demonstrate that he can make progress in this area where the European Union has been so outrageous in its subsidies. We need to narrow that gap. We will wait to see whether, in fact, that can be accomplished.

The second area is in manufactured goods. There are two challenges here: tariff reductions particularly by the advanced developing countries and the elimination of the so-called nontariff barriers, the NTBs. And in both of these areas, much work remains to be done if we are going to have a successful Doha Round. I am particularly concerned about the negotiations on the NTBs which lie far behind at this time. This is a critical area for U.S. manufacturing, particularly in large markets such as Japan, Korea, and China.

And, finally, in the area of services, we are far behind where we should be in expanding opportunity for services by U.S. companies in other markets. I hope that our negotiators will be able to make up for lost time in the next couple of months so that an ambitious services package will be approved in Hong Kong.

There is one other area I want to mention, Mr. Speaker, as we review our participation in the WTO, and that is the dispute settlement system. The dispute settlement system is absolutely critical to a successful WTO. I must tell the Members I have major concerns as to how the dispute resolution system is working within the WTO. Under the old GATT system, silence in an agreement meant that a country could do what it deemed appropriate. Under the decisions of the appellate body and the panels of the WTO, silence has been altered to mean that the appellate body and panels do what they think is appropriate. That is just wrong.

The number of cases are disturbing. In 33 cases brought against the United States since 1995, panels or the appellate body have overreached, overreached, in 22 of them. That is two-thirds. We need to have a way to review what the appellate body and dispute resolution panels are doing, and we are not doing that.

The consequences of this overreaching are clear. In 10 years the WTO has not affirmed a single safeguard measure as applied by the United States or any other country. In trade remedy cases involving the United States, anti-dumping duties, countervailing duty measures, and safeguard cases, the WTO has upheld the United States decision in two of 17 cases. That is an 88 percent loss ratio, clearly one that we need to take a better look at.

A growing number of observers are coming to recognize that the extraordinary loss rate is because the WTO panels and its appellate body do not respect the letter of the WTO agreements and are filling in the gaps beyond what the U.S. negotiators agreed to in the Uruguay Round.

Mr. Speaker, I mention this because this is another area that we have to make up for lost ground in our negotiations under the WTO. So make no mistake about it, we should reject this resolution overwhelmingly because it is in the interest of the United States to participate in a rules-based international trading system. I represent a community that includes the port of Baltimore. I want products coming into the United States. I also want products leaving the United States through the port of Baltimore. It is important for our economy. But we have to do a better job in our negotiations within the WTO, and that is what we need to concentrate on. That is what we need to work together on. And if we do that, it will be a win-win for this Nation. We will be able to increase jobs through manufacturing, through production, and through farming.

Mr. Speaker, I reserve the balance of my time.

Mr. PAUL. Mr. Speaker, I first yield 3 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman from Texas and the gentleman from Vermont (Mr. SANDERS) for bringing this joint resolution to the floor.

Mr. Speaker, I come to the floor today because I believe that WTO membership has been a disaster for the U.S. worker. Since WTO, 1995, America's annual trade deficit grew from $96 billion to $617 billion. My home State of North Carolina has lost over 251,000 manufacturing jobs. The United States has lost over 2.9 million manufacturing jobs.

Mr. Speaker, it was not too long ago that, I did not vote for it, but we gave trade promotion authority to the President of the United States. I was opposed to it when Mr. Clinton asked for it. I was opposed to it when Mr. Bush asked for it. And let me tell the Members what has happened since trade promotion authority, August of 2002.

□ 1045

North Carolina has lost over 52,000 manufacturing jobs, and the United States has lost over 600,000 manufacturing jobs.

Let me take just a moment to talk about how WTO membership strips American sovereignty. If the United States does not change its laws to suit WTO, then America's businesses and consumers face trade sanctions. Trade disputes are decided by international panels that are hand-picked by the WTO. The identities of panel members are kept secret, and deliberations are kept confidential. These WTO panels have ruled in favor of the United States less than one-third of the time. They have ruled in favor of the United States less than one-third of the time.

WTO panel rulings go far beyond trade. In fact, the WTO panel recently found a Utah law prohibiting Internet gambling to be illegal. What will the WTO do next?

Let me quote from Robert Stumberg, a trade law expert at Georgetown University, from Business Week, March 7, 2005. I quote: "If Bush successfully engineers the introduction of private Social Security accounts, WTO rules would require the feds to let foreign money managers and insurers bid to manage them."

How far do we have to go before we give up the sovereignty of this Nation? I do not know about you, Mr. Speaker, but I think letting the Chinese manage American Social Security accounts is a bad idea. Unfortunately, under WTO, there is little we can do to prevent it. We have already outsourced 1.5 million jobs since 1989 to the Chinese. We do not need to give control over to the Chinese of Social Security accounts in America.

Mr. Speaker, before I close, I want to make a real quick point. On my right, this chart shows on July 31, 2003, in North Carolina we lost 6,450 jobs. It says, "Five North Carolina plants close in the largest single job loss in the State's history." Just 3 weeks ago, Mr. Speaker, a plant in my district announced that 445 jobs would be going overseas.

Mr. Speaker, I close by asking my colleagues that care about the American workers and care about the sovereignty of America to please join us in this effort.

Mr. PAUL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of our position to remove ourselves from the WTO. My economic position is somewhat different from some of my allies, because I come at it from a free trade position.

I happen to believe in minimum tariffs, if any, but I do not believe that the process of the WTO and world government is a good way to do it. I do not think the WTO achieves its purpose, and I do not think it is permissible under the Constitution. Therefore, I strongly argue the case that, through the process, that we should defend the position of the Congress which gives us the responsibility of dealing with international trade, with international foreign commerce. That is our responsibility. We cannot transfer that responsibility to the President, and we cannot transfer that responsibility to an international government body.

Therefore, there are many of us who ally together to argue that case, although we may have a disagreement on how much tariffs we should have, because the Congress should decide that. We could have no tariffs; we could have a uniform tariff, which the Founders believed in and permitted; or we could have protective tariffs, which some of those individuals on our side defend, and I am not that much interested in. But the issue that unifies us is who should determine it. For me, the determination should be by the U.S. Congress and not to defer to an international government body.

Now this always bewilders me, when my conservative friends and those who believe in limited government are so anxious to deliver this to another giant international body. For instance, the WTO employs over 600 people. Free trade, if you are interested in free trade, all you have to do is write a sentence or two, and you can have free trade. You do not need 600 bureaucrats. It costs $133 million to manage the WTO every year. Of course, we pay the biggest sum, over $25 million for this, just to go and get permission or get our instructions from the WTO.

We all know that we raised taxes not too long ago, not because the American people rose up and called their Congressmen and said we wanted you to repeal this tax and change the taxes. It was done in order to be an upstanding member of the WTO. We responded and took instructions from the WTO and adapted our tax policy to what they desired.

One other issue that I think those who defend the WTO and call themselves free traders ought to recognize is that when we concede the fact that there should be a trade-off, it means they really do not believe in free trade. If you believe in free trade and the people have the right to spend their money the way they want, it would be as simple as that. It would benefit that country, because you could get your goods and services cheaper.

But this whole concession to the management of trade through the WTO says, all right, we are going to do this if you do this, and it acknowledges the fact that free trade does not work unless you get something for it. That may be appealing to some, but a free trader should not argue that way. Because free trade, if it is a benefit, it is simply a benefit.

In the 1990s when the WTO was originally passed, the former Speaker of the House made a statement about this. I want to quote from him. This is from Newt Gingrich. He was talking about the WTO: "I am just saying that we need to be honest about the fact that we are transferring from the United States at a practical level significant authority to a new organization. This is a transformational moment. I would feel better if the people who favor this would be honest about the scale of change. This is not just another trade agreement. This is adopting something which twice, once in the 1940s and once in the 1950s, the U.S. Congress rejected. I am not even saying that we should reject it. I, in fact, lean toward it. But I think we have to be very careful, because it is a very big transfer of power."

I agree with Newt Gingrich on this. It was a huge transfer of power. I happen to believe it was an unconstitutional transfer of power; and, therefore, we are now suffering the consequences because we have lost prerogatives and control of our own trade policy.

Now the President of the Ludwig von Mises Institute, a free market think tank, from Auburn, Alabma said, "The World Trade Organization is supposed to be the great apparatus to push the world to greater economic integration. In reality, it was nothing but the resurrection of the old central planning fallacy that the world needs a central authority to manage it. The WTO has ended up politicizing trade by putting the stamp of officialdom on some very bad policy."

So my message is to appeal to those who believe in limited government, free markets, free trade and the Constitution. I appeal to those who want to use tariffs in a protective way because they defend the process. But I am really appealing to the conservatives who claim they believe in free trade, because I do not believe what we have here is truly free trade.

The WTO has already been able to influence our tax laws. Not too long ago, Utah repealed a ban on electronic gambling for fear the WTO would come in and find that violated free trade.

Another area of importance to so many of us, both on the left and the right of the political spectrum, has to do with the Codex Commission regulation set up by the United Nations. How much regulation are we going to have on vitamins and nutrition products? The UN already indicated the type of regulation. Guess who may, most likely, be the enforcer of these regulations? It will be the WTO. The Europeans have much stricter regulations. This means that some day the WTO may well come to us and regulate the distribution of vitamins and nutritional supplements in this country, something that I do not think we should even contemplate. The case can be made that if they have already pressured us to do things, they may well do it once again.

Our administration is not too interested in the Kyoto Protocol, but that may well come down the road, and the enforcement of the Kyoto Protocol many believe will be enforced by the WTO.

So this is big government, pure and simple. It does not endorse free trade whatsoever. It endorses managed trade; and too often it is managed for the privileges of the very large, well-positioned companies. It does not recognize the basic principle that we should defend as a free society individuals ought to have the right to spend their money the way they want. That is what free trade is, and you can do that unilaterally without pain and suffering.

So I ask Members to consider, why should we not reclaim some of our prerogatives, our authorities, our responsibility? We have given up too much over the years. We have clearly given up our prerogatives on the declaration of war, and on monetary issues. That has been given away by the Congress. And here it is on the trade issue.

I can remember an ad put out in the 1990s when the WTO was being promoted and they talked directly, it was a full page ad, I believe, in the New York Times. They said, "This is the third leg of the new world order." We had the World Bank, we had the IMF, and now we had the World Trade Organization.

So if you are a believer in big government and world government and you believe in giving up the prerogatives of the Congress and not assuming our responsibility, I would say, go with the WTO. But if you believe in freedom, if you believe in the Constitution and if you really believe in free trade, I would say we should vote to get out of the WTO.

Mr. Speaker, I ask unanimous consent that my remaining time be allotted to the gentleman from Vermont (Mr. SANDERS) and that he be able to control that time.

The SPEAKER pro tempore (Mr. REHBERG). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Louisiana (Mr. JEFFERSON), a distinguished member of the Committee on Ways and Means.

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today to stress the importance of our country's participation in the World Trade Organization. Right now, it seems this resolution is destined for rejection. But addressing it today does give us a much-needed opportunity to focus on the WTO and how the U.S. can maximize its membership for the benefit of U.S. firms, workers and farmers.

The success of U.S. participation in the WTO should be measured by our ability to liberalize markets and set fair trade rules for all WTO Members. Clearly, the United States has benefited greatly from its WTO membership and plays a leading role in shaping the way the world trades today.

Since the creation of the WTO, U.S. exports and overall trade have expanded significantly, with a $283 billion or 64 percent increase in U.S. manufacturing exports; a $139 billion or a 70 percent increase in U.S. services exports; and an $18 billion or 39 percent increase in U.S. agricultural exports.

Once WTO agreements are set and commitments are made, however, it is crucial that the U.S. ensure that the countries involved live up to their part of the deal. This is where we have fallen short.

Here, the U.S. has several concerns, such as China's failure to follow through with its commitments to ensure that domestic and foreign firms can distribute products within that country as of December 2004; many countries have failed to meet their TRIPS commitments and have not effectively enforced intellectual property rights and the protection of data privacy; there is concern regarding the establishment of standards, licensing and customs barriers, including the EU's customs procedures and its proposed new chemical regulations; and there is concern about the continued proliferation of many agricultural barriers, such as the unscientific barriers to many agricultural products in Europe, China and elsewhere.

The United States should continue to insist that all WTO members implement the WTO agreements in a timely and comprehensive manner.

Like many of my colleagues, I hope the WTO will successfully conclude the Doha Development Round and continue to contribute to the dynamic global marketplace as a growth engine for WTO member economies.

However, in the Doha Development Round, many developing countries expressed concerns regarding implementation of some commitments, and they have sought extensions and delays. Here, technical assistance and support for capacity building are critical tools needed to advance implementation goals.

I will continue to work with my colleagues on the Committee on Ways and Means and in the Congress to ensure that the U.S. provides technical support and capacity building measures to assist developing countries in meeting their WTO commitments.

□ 1100

If trade is to be a tool of development and growth for our developing-country trading partners, we must play a central role in helping the WTO facilitate compliance with member obligations. I stress this today because I want our new USTR Ambassador Portman to know that this is and should always be a priority for the United States at the World Trade Organization.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume. A lot of astounding remarks have been made since I stood up here and introduced this resolution, in the negative. There are a couple of things I think we need to really talk about.

What has been the economic growth of the United States? How fast is our economy growing? It is growing at the rate of 4 percent. How fast is the economy in Europe growing? It is 1 percent. How fast is the European economy growing? It is 1 percent. The China economy is growing at 9 percent, but let us look at what that means. Nine percent of the Chinese economy is less than 4 percent of our economy. So I can say with all certainty that we have, in terms of dollars, the fastest growing economy in the world. No question about that.

And of this economy, what percentage is exports? It is 25 percent. Are we not concerned about those jobs? And when we talk about the loss of jobs in the United States, we are not talking about a net loss; we are talking about, yes, there has been some loss of jobs and, yes, a lot of these jobs have been because of foreign competition, yes. But our economy has grown in other areas, so it has also created jobs. If we look at just the jobless rate of where we are now and where we were a few years ago, we are doing pretty darn good. If we look at the world economy, we are doing really good.

So why would we want to send a message to the administration by attempting to throw the world economy into chaos? It makes absolutely, absolutely no sense.

Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Florida for yielding me this time, and I want to associate myself with his remarks, and I appreciate his leadership on this.

Mr. Speaker, I rise in opposition to the resolution calling for the U.S. withdrawal from the World Trade Organization.

The WTO is the most important international organization that governs world trade. Decisions are made by the member countries. The WTO has 148 members and 31 observer governments, many of those, most of those are applicants for membership. Its members represent over 95 percent of world trade. Trade agreements administered by the WTO cover a broad range of goods and services trade and apply to virtually all government practices that directly relate to trade; for example, tariffs, subsidies, government procurement, and trade-related intellectual property rights.

U.S. membership and leadership in the World Trade Organization is essential. It is definitely in our national and our political and our economic interests to continue to be a member. Our membership translates into real economic growth in this country, as the gentleman from Florida very correctly said. During the 10 years of U.S. participation in the WTO, international trade and investment have been important forces driving our impressive economic growth. Over that period, trade accounted for one-quarter of all U.S. economic growth and supported an estimated 12 million jobs. Furthermore, trade promotes economic competition, which keeps inflation low.

Now, let me take just one moment to rebut an all-too-often made allegation against U.S. membership in the WTO, namely, that membership is a violation of U.S. sovereignty and the U.S. Constitution. WTO dispute panels cannot overturn or change U.S. Federal, State, or local laws. They have no authority to change a U.S. law or to require the United States or any State or local government to change its laws or decisions. Only the Federal or State governments can change a Federal or State law.

If a U.S. law is inconsistent with the WTO, our trading partners may withdraw trade benefits of equivalent effect. However, under trade agreement rules, the United States retains complete sovereignty in its decision of how to respond to any panel decision against it. That was made abundantly clear the last several years as Congress grappled with changes to our corporate tax structures for foreign sales corporations, or FSC, to accommodate commitments we have made to our trading partners. Only Congress could make those changes to the law as we grapple, and we grappled, with that.

Those who falsely portray the WTO as a violation of U.S. sovereignty are ones who simply want an unfettered ability to preserve or create more protectionism.

I urge my colleagues to vote against this resolution and to continue the U.S. membership in the World Trade Organization.

Mr. SANDERS. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, the economic disaster wrought by a radical free trade policy on the working people of America is well documented, but I am going to focus on another aspect of this WTO agreement that the previous gentleman spoke about. He said that the secretive dispute resolution panel, which has no conflict-of-interest rules, does not allow outside interveners, only allows the two representative governments into the room, and deliberates secretly and comes up with a binding, a binding, decision and cannot change U.S. laws.

Now, I raised this issue with the Clinton administration when they negotiated this misbegotten agreement; and I said, How can you enter us into an agreement where secretive panels can preempt our laws? They said, oh, you do not understand, you are wrong, just like the gentleman before me. Yes, it is technically true, they cannot reach into the United States and change a law. We can, if they find our rule to be non-WTO compliant, which they have more than 90 percent of the time when complaints are brought against the United States of America, we have an option. We can repeal the law, or we can pay a fine to keep it, a huge fine, in many cases. So environmental protection, consumer protection, buy America, buy Oregon, buy your State, all of those things, we can have those laws. That is right. He is technically right. We just have to pay massive penalties to foreign governments to keep them.

This is an extraordinary undermining of the sovereignty of the United States of America and the interests of the American people. This is not about free trade; this is about corporate-managed trade through a secretive body which is dominated by those very same corporations and many dictatorial governments around the world; and the U.S. is bound by their secretive decisions. This is absolutely outrageous.

To date, the WTO has ruled U.S. policies illegal 42 out of 48 cases, 85.7 percent that has been brought against us. They ruled illegal regulation issued under the Clean Air Act; the United States Tax Code; laws to protect companies from unfair dumping or subsidized foreign products, among others. And it is true. We can keep those laws if we are willing to pay massive fines to keep them.

Now, what kind of sovereignty is that? Next in their sights are buy America laws, those referenced by the gentleman from the Carolinas. What he said is he does not want to see a Social Security program administered from China. Now, people would have thought that was a weird thing to say. No. The WTO requires we cannot discriminate in terms of who the vendors will be. In fact, homeland security can be provided by the Chinese, or maybe even by Iran, under the rules of the WTO. Will that not be just peachy?

This is an extraordinarily radical agreement which we do not need. The U.S. did just fine as the greatest trading Nation in the world with bilateral agreements. We can go back to that system, and we can do better than we are doing under this so-called rules-based system.

Mr. SHAW. Mr. Speaker, just one moment. I think, to respond to the gentleman who was just in the well, and that is in the 10 years that we have been members of the World Trade Organization, our environmental laws have never been challenged, have never been challenged, nor will they.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I am now pleased to yield such time as he may consume to the gentleman from Michigan (Mr. LEVIN), the former ranking Democrat on the Subcommittee on Trade, one of the senior members of the committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, I rise in opposition to the proposal that we withdraw from the WTO. I urge that we look at this basic question: on balance, would we be better off if there were not a WTO? And I think the answer to that is we would not be.

Expanded trade has occurred in this country and in this world. It is not a win-win proposition, as some people like to say. There are losers as well as winners, both individually and in nations. It is not an easy proposition, expanded trade. However, globalization is here to stay. There is no turning back the clock. The question is to try to make the hands tick well and in the right direction.

There has been some argument about sovereignty. It is not true that WTO decisions do not impact U.S. laws. That is not true. I supported the GATT agreement; I helped to shape the implementation language. Did it have some impact on U.S. laws? Yes. Were there some requirements that U.S. laws be changed? Yes. By definition, tariff agreements require changes in laws here and everywhere else, unless they are decreed by edict. The WTO changed from GATT, and so now there is a final dispute settlement mechanism. I think on balance that was a good idea because, otherwise, every country could veto, and that was not workable.

But we have to look at the problems as well as the promise, the problems as well as the achievements.

The dispute settlement system is flawed. The answer is not to withdraw from the WTO; it is to work hard to change the dispute settlement system. As was said earlier, it is very opaque, that is true. There is not an openness that there should be; and when it comes to our safeguard provisions that many of us worked hard to put into law, the gentleman from Maryland (Mr. CARDIN), who is the ranking member, was part and parcel of that, as well as the gentleman from New York (Mr. RANGEL), and those on the Republican side, we worked hard to put safeguards in. Every challenge to safeguards has been upheld by the WTO. We have lost every case. We have not known what went into the consideration of the decision fully, we did not see all the briefs, and we did not know the basis for the decisions, in many cases. In some cases they went beyond the language of the WTO agreements.

A Wall Street Journal article earlier this month had this statement about panelists: "They don't have time to develop expertise and procedural and technical aspects of the dispute settlement system." And we are going to have them judge the Boeing, the complicated Boeing case, for example? We need to change, and work harder to change, the dispute settlement system, not to withdraw from the WTO.

So there are some major structural problems.

Also, relating to China, I have been very dissatisfied with the way the WTO has handled the annual review of China's obligations that we worked so hard to bring about. Part of the problem is with the WTO in Geneva, part of the problem has been our administration that has not vigorously, and the gentleman from Maryland (Mr. CARDIN) has worked so hard to illustrate this, the administration has not worked actively enough to get China to live up to its agreements. So more needs to be done by the administration, and we have been losing too many cases, and we have been filing too few cases.

So my suggestion is that we focus today on the accomplishments, but also the barriers, to effective operation of the WTO.

□ 1115

One issue the WTO has totally failed to address relates to core labor standards. On environment, they have kind of a group that looks at environmental issues.

On core labor standards, there has been resistance to address this. Years ago, there was a proposal by the Clinton administration to set up a working group within the WTO. That was resisted, resisted by many, including developing nations.

I think now, as developing nations have to compete with each other, including China, where labor standards essentially are nonexistent, those developing nations are beginning to say, well, maybe the WTO should address it. But it has not.

The argument was, okay, let us use bilateral agreements as building blocks in a number of areas, including core labor standards. And that is why I want to say just a few words now about the failure of this administration to use bilateral agreements effectively as a building block when it comes to basic core labor standards, the ILO labor standards, child labor, forced labor, nondiscrimination, and the right of workers to assemble, to organize, to have unions if they desire, and to bargain collectively.

CAFTA is a vital agreement in terms of where globalization is going. In Latin America, there is growing unrest and changes in government, in part because of the failure to have the large numbers of people, the largest proportion of people, share in the benefits of globalization.

So what did this administration do under these circumstances? It negotiates a standard, enforce your own laws. Enforce your own laws is only used as to core labor standards, not as to intellectual property or tariffs or anything else. And the tragedy of it is that the laws in Central America, to some extent the Dominican Republic, do not meet the basic standards giving people the freedom in the labor market. That is the basic fact. The ILO reports say so, despite what the administration tries to say. Their own State Department reports say that, despite what the administration and our new USTR, Mr. Portman, said this morning.

What is at stake is the development of a middle class that is so critical. And I am going to say more about this later today. The experience in countries is that workers are a critical part of the evolution towards a strong middle class.

There was a reference by Mr. PORTMAN to Jordan. And what he said, that CAFTA is stronger than Jordan, it is simply not true. It is not correct. Jordan has reference in its agreement to the core labor standards, that is not true of CAFTA. And the enforcement capability in Jordan was left to each country to undertake.

So I just wanted to comment on this, because the bilateral agreements were supposed to be a building block where the WTO did not address an issue; and there is a failure at this critical point of globalization, a critical missed opportunity in terms of helping the benefits of globilization being widely shared.

I want to close, and I will say more about this later today, why it matters to the U.S. It matters in terms of Central America, which, as I say, has such income disparities that are true of Latin America generally.

What it means is, as to Central America, if workers are not going to be able to participate, to have freedom, to be able to associate, to become a part of the workplace, and are going to remain in poverty, it is bad for those workers, it is bad for those countries that desperately need a middle class, it is bad for our workers who will not compete with countries where workers are suppressed, and it is bad for our companies if there is no strong middle class to purchase our products.

So I am deeply disappointed by this effort to skirt this basic issue at this important time. A building block? No. CAFTA moves backwards from the present status instead of moving forward. And this notion that we are going to give more money to our Labor Department to enforce the laws, when they are cutting the budget, this Congress and the administration, are cutting these moneys for ILAB and other parts of the Labor Department. You cannot pour money to enforce inadequate laws and have it work out well.

So, in a word, what we need is a trade policy built on a bipartisan foundation, which is not true today. What we need is a trade policy that helps move globalization forward, that makes sure that more and more people share in the benefits of globalization. Pulling out of the WTO is not going to accomplish that. Instead, we need to work together to make the WTO more responsive in all respects and also to make sure that our bilateral agreements meet the challenges that the WTO is not meeting today. On the latter, this administration continues to fail.

Mr. SHAW. Mr. Speaker, so that no one listening to this debate is confused, this vote has nothing to do with DR-CAFTA, it has nothing to do with free trade, it is simply are we going to continue as part of the World Trade Organization.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. THOMAS), the Chairman of the Ways and Means Committee.

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Florida (Mr. SHAW) on that clarification, because I find it kind of ironic, the fact that we are on a fundamental question, should the United States continue to belong to the World Trade Organization or not, complaining about degrees of differences in various pieces of trade legislation.

That is, in fact, how we got here in the first place. Prior to World War II, in fact, many historians argue the reason we got into the Great Depression as deeply as we did is because the United States chose to throw up significant tariffs and barriers to commercial interaction among nations.

Following World War II, there was an agreement that we should not do that again; and we created a rather imperfect agreement called the General Agreement on Tariffs and Trade. It was as good as we could get at the time. As we continued to operate under the General Agreement on Tariffs and Trade, with so-called rounds named after various cities, which has become a tradition now, the Uruguay Round, the Tokyo Round, the Rome Round, we decided that we need to move to another level, a higher level of integration and coordination; and that became the World Trade Organization.

The United States was somewhat frustrated, one, in our dispute resolution mechanism, and the problem was we were winning with no substantive result in those disputes. We thought we needed a better dispute resolution mechanism.

Marginally, the one we have today, I believe is better. Is it good? Not yet. As the gentleman from Michigan (Mr. LEVIN) indicated, I think there needs to be a much higher degree of transparency, especially on the resources used to research decisions. That will be an ongoing point of discussion.

But what is good primarily I think for the United States and the World Trade Organization restructure from the General Agreement on Tariffs and Trade is that agriculture became one of the points of discussion and importantly for the U.S. services and financial instruments and in the protection of intellectual property rights. Those were critical. These were, in essence, new additions; and we are continuing to try to expand those areas that countries sit down and discuss under a structure.

The decision today is, should that imperfect structure remain and we continue to work toward a better structure or should we simply withdraw? That really is not a difficult decision for most Members; and, overwhelmingly, we will agree to stay in the World Trade Organization when we vote on this particular measure.

But what you are hearing primarily are complaints and concerns that we have about the ongoing world trade relationship; and, heaven knows, I can wheel out all of my arguments as well. But, as correctly pointed out by the gentleman from Florida (Mr. SHAW), this is narrowly on the WTO issue.

But let me just select a couple of areas of trade action by the United States in the last several years.

First of all, under the Constitution, all trade-related activity with foreign countries is constitutionally the responsibility of Congress.

Now how many trade agreements do you think we would reach if we went to a country and said, come on in, negotiate with the House and the Senate, wait until we go through a conference committee in deciding what that agreement is going to be, and you ought to agree ahead of time before you see the final product?

Now, obviously, that led to a desire to restain the responsibility but provide the administration the ability to do the negotiating nation to nation. We are currently under the trade promotion authority structure. Can you imagine the World Trade Organization where every country has a veto, you can only to things by unanimous agreement, and how rapidly you can advance concerns that you have when the primary criteria is unanimity?

So one of the reasons we continue to use bilateral country-to-country relationships and regional agreements, in part, so that we do not get bogged down by waiting for the WTO, but also to a certain extent, since we believe in transparency, since this country is the most open large country of trade, import, export, of any in the world, that open markets all over the world are good.

So when you examine a bilateral agreement, for example, like the United States and Singapore, Singapore obviously is not too worried about agricultural product protection. They are worried about intellectual property rights. They are worried about services.

We were able to enter into an agreement with Singapore, the United States and Singapore, to set a mark for other countries on what is the best way to deal with those particular concerns; and that is down now as an agreement which we can point to as a model that we should move forward on dealing with other countries.

A regional agreement would be the Central American Free Trade Agreement, and what is left out of the discussion with CAFTA are just a couple of points I would like to mention.

One, before we decided to deal with the region, we told those countries, initially the five Central American countries, they had to deal with each other. That El Salvador, Guatemala, Honduras, et cetera, all had to come together as a region, which, first of all, is fundamentally significant. They are not looking at themselves as individuals. The final question was an individual one, but they looked at themselves as a region. Once they did that, we then entered into trade negotiations with them.

You need to know something about those trade relations. They were not driven by the Central American countries' desire to get into the U.S. marketplace. Normally, we can say an opportunity to get into the U.S. marketplace is a pretty good club in which we can get them to agree to various things we want them to agree to. Obviously, it is voluntary on both sides, but the incentive of getting into the U.S. market is a terrific reason to push the agreement probably farther than they would want, because the reward is getting into the U.S. market.

Not the case in Central America. We gave away the U.S. market for security, humanitarian reasons. Their products come into the United States tariff free already. If there is no CAFTA, their products still come into the U.S. market virtually tariff free.

Basically, what we are trying to do is open up the Central American market to U.S. goods and services where they have high tariffs. And when you negotiate freely, one of the things you cannot do is dictate to other people what it is that they are going to do internally in their country. You can set standards, you can cajole, you can create a mutual growth structure, you can bring money to the table to assist them in moving forward. That is basically what the United States does with the rest of the world on bilateral and regional agreements.

□ 1130

And the CAFTA agreement is good for the United States in terms of the economics of getting into the Central American marketplace so that we have a little more of a level playing field with other countries around the world. But it also is a chance for these fledgling and growing democracies to have the input of knowledge, training, and financial assistance in growing their responsible labor structure as well.

Most of this is tinted with "protect America" as the argument. America does not really need protection. America needs the opening of markets around the world in voluntary structures whether they be bilateral, regional, or multinational, as the WTO is. There will always be resistance. China coming into the WTO was a good thing. Are we having difficulties with them? Yes. Will they continue to have difficulties with themselves as they advance as the world's largest nation? Yes. But those discussions occur under a framework which over time has gotten better and will get better, especially with the United States leadership.

For the United States to walk away unilaterally from what is the best historical example of nations dealing economically in a meaningful and useful way makes no sense whatsoever. And that is why overwhelmingly the vote today will be "no" on withdrawing from the WTO. Does that resolve any of the ongoing difficulties we have in terms of our perception of the world, how fair the world is, how open markets in the world are, what instruments we need to use to try to push a more transparent and open marketplace, between countries, among countries, and in fact in all trading nations of the world? Of course not.

All of those issues will continue to be before us, but they will be before us in a structure which allows us to measure, allows us to judge, and most importantly allows us to change as the key competitive component between nations of the world today and tomorrow will be the question of trade. And ordered and structured competition is to the advantage of the United States. And that is why overwhelmingly you will see support staying in the WTO, nurturing and growing the WTO, notwithstanding the fact that we have a whole lot of concerns about a whole lot of issues.

Mr. SANDERS. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Vermont (Mr. SANDERS) has 38 minutes remaining. The gentleman from Maryland (Mr. CARDIN) has 8 minutes remaining. The gentleman from Florida (Mr. SHAW) has 12½ minutes remaining.

Mr. SANDERS. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I could hardly believe my ears to hear one of my colleagues say that America does not need protection from the WTO. We have lost almost 3 million manufacturing jobs. Tell that to those millions of families who have seen their lives destroyed by this trade structure which is based, inherently based, on inequality.

We have a $617 billion trade deficit. America does not need protection?

We have workers who are struggling to save their homes; but these trade agreements are causing jobs to be moved out and people do not have the opportunity to save their homes.

I have been all over this country, and I have seen padlocks on gates and grass growing in parking lots where they used to make steel, where they used to make cars, where they used to washing machines, where they used to make bicycles. America does not need protection?

Yes, it is time for us to get out of the WTO because the WTO has set the stage for a driving down of the quality of life in this country. Everyone in this House knows that we cannot write into our laws that workers' rights must be regarded, let us say, in China. I want someone here to contradict that because if we put that China must have the right to organize in any of their conduct of commerce in their country, that would be ruled WTO illegal and the United States would be subject to a fine or sanctions by the WTO just for standing up for workers' rights.

There is a moral imperative here, and that imperative is as old as this country. But it is also consistent with basic Christian morality, and may I quote from a Papal Encyclical, Leo XIII, 1891 in Rerum Novarum said, "Let the working man and the employer make free agreement and in particular let them agree freely as to wages. Nevertheless, there underlies a dictate of natural justice more imperious and ancient than any bargain between man and man, namely, that wages ought not be insufficient to support a frugal and well-behaved wage earner if through necessity or fear of a worse evil the workman accept harder conditions because an employer or contractor will afford him no better. He is made a victim of force and injustice."

I maintain that the WTO helps to keep in place a structure of force and injustice against workers because we in this country cannot pass laws that would lift the yoke of this force and injustice off workers anywhere in the world because the WTO does not permit, does not permit any type of workers' rights to be included or to be regarded. They are WTO illegal. We cannot pass workers' rights and put them in our trade agreements.

Another Papal Encyclical from Pope Paul VI, Populorum Progressio: "But it is unfortunate that on these new conditions of society, a system has been constructed which considers profit as the key motive for economic progress, competition as the supreme law of economics, and private ownership with the means of production as an absolute right that has no limits and carries no corresponding social obligation." He goes on to say that "this leads to a dictatorship rightly denounced by Pius XI by producing the international imperialism of money."

There is a moral imperative here that we have to recognize that we need trade agreements that have workers' rights, human rights, and environmental quality principles; and we cannot have that with the WTO. It is time to get out of the WTO and set up a trade structure based on those principles.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me say that I agree with my colleague that we should be negotiating higher labor standards, at least international labor standards; but I would suggest the way to do that is engagement, not to pull out of the WTO and to do better in our bilateral agreements. I agree with him on CAFTA and to elevate the WTO to do better on international standards.

The withdrawal would leave these countries without any opportunity to improve labor standards.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK of Michigan. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I strongly oppose the pull-out of the U.S. of the WTO. This is a global economy that we live in. We have got to be at the table to work with the companies and work with the countries that are taking our jobs, and I believe the pull-out is the wrong thing to do.

Should it be strengthened? Yes, it should and the administration should reject all principles that would make our trade laws weaker. If we talk about intellectual property rights, we need to enforce those that are in there. And the Bush administration and our U.S. administration, regardless of who sits in that White House, must make sure that those property rights are enforced internationally, and that is what the WTO should be about.

In 1995 when the WTO was established, I thought then and I do hope now that dispute resolution procedures would be those where we could come to the table to resolve some of those disputes. The dispute process has become too cumbersome, too lengthy; and many times we find our companies, U.S. companies, not taking advantage and being very much put out of business.

The steel industries in my district, too much dumping from some other countries into America. We ought to rectify that so that U.S. companies can take U.S. companies and that we be able to employ our citizens.

Too many dislocated workers, the only way to address this is to stay in the WTO to work with the other countries. And our administration must see that our rules, our trade laws, our employees' rights are saved. We want to upgrade and lift up other countries, but we must save America.

America is in crisis. Our workers, too many have lost their jobs and many more to come. I represent General Motors, and this week they announced the closing of more plants, dislocating more workers and at the same time put $2 billion in China last year.

So I say stay in the WTO; make it better. This is a world economy, and the U.S. is the most powerful. I would hope that as we move forward in this discussion, and I know the vote will be overwhelming that we stay, that we build it and that we make sure that the countries that are taking our jobs have a responsibility to the workers of this country.

However Members intend to vote on the resolution before us, the issue of trade remedies under the rules established by the World Trade Organization (WTO) is of paramount concern to the industries of my district in the years ahead. How we address this issue will be an important factor in determining whether we can retain support for open markets and the international trading system as we know it.

Countries like China, Japan, and India that have most consistently dumped in this market and violated international rules are pushed hard to have those disciplines eviscerated. That would be a disaster for U.S. manufacturers, agricultural producers and workers.

Anti-dumping and anti-subsidy laws have already been critically weakened as a result of groundless WTO dispute resolution decisions. If we see yet another new trade agreement that limits the use of these laws, I am afraid they will become completely ineffective.

Our trading partners, in the name of free trade, have been effective in putting forward a number of specific proposals that are designed to weaken U.S. trade laws. Congress is on record as opposing these efforts and I welcome this opportunity to advocate that our top priority should be to preserve core trade disciplines. However, our trade negotiators have not offered meaningful proposals to challenge those who would weaken our trade remedy laws. This is a recipe for failure.

If the Administration comes back with an agreement that waters down our trade remedy laws even further, I am confident we will see a strong backlash in Congress—and a major effect on support for any new trade agreements.

Support for the WTO cannot be taken for granted in Congress or in this country if we cannot maintain the assurance that unfair trade can and will be remedied. I urge the Administration to focus on this issue and to reject any WTO deal that would weaken U.S. trade remedy laws. Otherwise, we may well see the next WTO vote have a very different outcome than is likely today.

Mr. SANDERS. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, in 1994 I supported the establishment of the WTO. I supported the establishment of it because the creation of the WTO was supposed to lower trade barriers. The WTO was supposed to include developed and developing countries, and environmental and labor standards were expected to rise for all.

The WTO was created with the assumption that the rules would be applied fairly to all. Today, I am voting against the WTO because it has failed to deliver on any of its promises. The WTO was created by sovereign nations to create a true international trade community, but today the WTO is manipulated by multinational corporations with a loyalty to nothing but their bottom line. These multilaterals are patronizing, not patriotic. They treat human labor as nothing more than disposable machinery. The only discernable labor standard under the WTO is exploitation.

Under the WTO there are two environmental standards, pollute and to spoil. Moreover, there is no transparency at the WTO. Who is in charge?

The WTO is grossly prejudiced against U.S. interests. As one of my colleagues mentioned earlier today, the U.S. has lost 42 of 48 cases.

I am proud to be an American citizen. I understand, however, that the United States is not always right. But only 12½ percent of the time?

Worse, the WTO struck down steel safeguards that were put in place after record levels of illegal steel dumping caused more than 40 steel companies into bankruptcy and more than 50,000 steel workers to lose their jobs.

In 1994, the last full year before the WTO came into existence, the United States had a trade deficit, unfortunately, of about $150 billion. During 2004 the U.S. trade deficit hit an all-time high of $650 billion, an increase of 333 percent. We have clearly benefited under the WTO.

A more frightening figure is that the U.S. trade deficit last year with China alone was more than our trade deficit was with the entire world the year before the WTO was created. As we debate this resolution today, we will borrow an additional $1.7 billion in these 24 hours for our children to pay off for the rest of their lives just to finance the trade deficit we are accumulating today under the wanted WTO.

I appreciate my colleague from Vermont for bringing this resolution to the floor. I support it and ask my colleagues to do so as well.

Mr. SHAW. Mr. Speaker, I would remind the gentleman in the well that of the 50 cases we have brought before the World Trade Organization, we have won 46 which is a 92 percent success rate.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN), a member of the Committee on Ways and Means.

□ 1145

Mr. RYAN of Wisconsin. Mr. Speaker, I appreciate the gentleman for yielding me time.

Mr. Speaker, this is a good debate. It is a good, healthy debate that we are having here on the floor of Congress.

The earlier speaker, the gentleman from Ohio, cited some papal encyclicals, but, as a practicing Catholic, I will be the first to defend his right to do that here on the floor, but I also think there are some bigger issues we need to talk about.

First of all, how do we keep jobs in America? We all care about that. This is what we are talking about. I would argue we have got to do basically two things: stop pushing jobs overseas and stop countries from unfairly taking jobs overseas.

How do we stop pushing jobs overseas? Well, for starters, we can address health care costs. We can address the fact that we tax our businesses and our jobs more than any other country in the world, save Japan. We can address tort costs, regulatory costs, have a comprehensive energy policy to make energy more affordable.

How do we stop countries from unfairly taking jobs overseas? We have to remember, Mr. Speaker, that 97 percent of the world's consumers are not in this country. They are outside of this country. One in five manufacturing jobs are tied to exports. Exports, on average, pay more than other jobs. We cannot put our head in the sand. Pulling out of the WTO is the economic equivalent of throwing the baby out with the bath water.

What has happened since we have gone into the WTO? Let us look at the challenges that confront us.

We talk about China, a very appropriate topic to discuss here. Since China joined the WTO, do my colleagues know how many laws we had to change and pass in America to go there? Zero. Do my colleagues know how many laws China had to change, laws and regulations, to enter the WTO? 1,100. To get into the WTO, to join countries of fair trade, China had to change 1,100 laws. Are they following all these rules and agreements? Of course not. But because they are in the WTO, because we have the WTO, we finally have a forum, a mechanism, a system to bring these countries into compliance to play by the rules. If we did not have this system, all these countries could play by whatever rules they set.

We are the economic superpower of the world. We play by the rules. We are the most transparent, most honest, most basic system in the world. We need other countries to play by the same rules, too, so we can all join together in growing economic growth here in America and across the world. Pulling out of the WTO would be the economic equivalent of biting off our nose to spite our face.

Since we have had China in the WTO, I have been critical of the administration's stance in its first 3 years. I have joined with my colleagues on the other side of the aisle criticizing the administration on their China policy. However, over the past year and a half, the administration, through the WTO rules, has brought 12 different actions against China.

We are making success. We are bringing accountability. Pull out now, and the situation gets much worse. Stay in it. Fight for fair trade. We can clean up these rules, and that is the only way to bring other nations into the fair trade arena.

Mr. SANDERS. Mr. Speaker, I yield myself such time as I may consume.

My good friend mentioned what has happened since China has joined the WTO. I think he has neglected to mention that our trade deficit with China has soared, that millions of jobs have left the United States to go to China.

Mr. Speaker, I am very pleased to yield 4 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise to support House Joint Resolution 27 to withdraw the United States from the World Trade Organization.

The WTO is not about free trade or fair trade. It is about corporate power. WTO rules allow America's labor, environmental and public interest laws to be challenged by multinational corporations seeking profits and power. Other countries have also seen their domestic laws challenged in order to expand corporate power. The WTO sacrifices the rights of workers, the protection of the environment and the health and safety of working families.

WTO rules support corporations to move their operations from one country to another in search of the cheapest labor and the least government regulation. If a country enacts a minimum wage law, a corporation that does not want to pay a decent wage can simply move its factory to another country. If workers in that country organize a labor union, the corporation can move the factory to a third country. Many corporations prefer to operate in countries such as the People's Republic of China, which outlaw independent labor organizations. The WTO has no restrictions on sweatshops, child labor, prison labor or slave labor.

WTO rules promote investment opportunities for multinational corporations without regard to their impact on workers, the environment or the public interest. Countries' labor, health and environmental laws can be challenged if they have a side effect of restricting trade.

In the 10 years since the WTO was established, a wide variety of U.S. and foreign laws have been challenged. With only two exceptions, every health, food safety and environmental law challenged at the WTO has been ruled illegal. Meanwhile, multinational pharmaceutical companies have used WTO intellectual property rules to deny poor countries the right to provide live-saving medicine to people with terrible diseases like HIV and AIDS.

They tried it with Brazil. The world protest against the attempt to keep Brazil from using generic drugs to save lives, prevent HIV and AIDS was fought off because of the protest, and they had to back down.

But look what they did in South Africa. I wish I had time to tell my colleagues about it.

In 42 out of the 48 completed cases brought against the United States, the WTO has labeled U.S. laws illegal. U.S. laws ruled illegal by WTO include tax laws, anti-dumping laws, sea turtle protections and clean air rules. And when the WTO ruled in favor of the United States in a case on bananas, it was to benefit who? A large corporation, Chiquita, that has now driven Grenada and some of these small countries into poverty. We do not produce any bananas here in the United States. We protected Chiquita, who mistreats its workers in Central America, and we put small Caribbean farmers out of work.

Mr. Speaker, after the WTO rules a country's laws illegal, the WTO authorizes economic sanctions that cost the country millions of dollars. These sanctions put small businesses out of business and workers out of work. History has proven that the WTO does not prevent trade wars. It authorizes trade wars.

The WTO puts profits of the world's wealthiest and most powerful corporations ahead of the health, safety and welfare and well-being of working families.

I urge my colleagues to support the WTO Withdrawal Resolution. It's time to stop the global expansion of corporate power and put working families first.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, I rise today to urge my colleagues to reject any attempts to withdraw the United States from the WTO and vote no on final passage.

When instituted correctly and fairly, trade agreements open up foreign markets to U.S. goods, create new opportunities for companies and their employees, and lift the standard of living for people in the country with whom we are trading. Economists estimate that cutting trade barriers in agriculture, manufacturing and services by one-third would boost the world economy by $613 billion, equivalent to adding an economy the size of Canada to the world economy. The WTO is needed to monitor this process and ensure a level playing field.

However, in certain cases, there is not a level playing field. A great example of this is Airbus. Airbus is currently the world's leading manufacturer of civil aircraft, with about 50 percent of global market share. Airbus received approximately $30 billion in market-distorting subsidies from the European governments, including launch aid, infrastructure support, debt forgiveness, equity infusions, and research and development funding.

These subsidies, in particular launch aid, have lowered Airbus' development costs and shifted the risk of aircraft development to European governments, and thereby enabled Airbus to develop aircraft at an accelerated pace and sell these aircraft at prices and on terms that would otherwise be unsustainable. These unfair actions put Boeing at a major disadvantage and leads to a negative impact to workers and businesses in this country. By most conservative estimates, the unfair subsidies that Airbus receives have led the United States to losing at least 60,000 high-paying jobs.

As a member of the House Committee on International Relations and the fact that John F. Kennedy International Airport is the economic engine of my district, it is imperative that this body support USTR Ambassador Robert Portman's efforts to have a WTO dispute resolution panel put an end to the unfair subsidies to Airbus.

Mr. SANDERS. Mr. Speaker, can I inquire again as to how much time remains?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Vermont (Mr. SANDERS) has 27 minutes remaining. The gentleman from Maryland (Mr. CARDIN) has 3½ minutes remaining. The gentleman from Florida (Mr. SHAW) has 9½ minutes remaining.

Mr. SANDERS. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, it is with a combination of perhaps resignation and frustration with which I stand here.

Will Rogers once said, in explaining the length of a political platform, that it takes a lot of words to straddle an issue, and I have every intention of using a lot of words here this morning.

I think, like many people, like most of us, we have no fear of free trade, that the United States, playing on a level playing field, can easily compete in the world market, and I do not ascribe to some of the statements that I think have been somewhat overzealous or vitriolic in describing policies here. I also agree that in some respects moving out of the policy we have right now without a substantial alternative would be chaotic. Having said that, this is where the "but" comes in.

I intend on either giving a symbolic vote or maybe a symbolic speech in place of that vote with concerns of sovereignty issues that are dealt with here and that some of those voices that are concerned about sovereignty issues are not just simply those fearful of the dark but there are legitimate concerns which require a periodic reanalysis of what we are doing.

I speak specifically about a case which has sent the Attorney General from the State of Utah to join 28 Attorney Generals from other States in protest of the situation in which the World Trade Organization has thrown State statutes in jeopardy.

Antigua, with which we had a policy dating back to 1993, has complained that laws prohibiting Internet gambling as well as gambling and betting paraphernalia, which have been for about 100 years the social policy of Utah, violate trade organizations; and the trade organization ruled in favor of Antigua.

It is inherently wrong for any adjudicative panel of any organization, internationally or trade, to put in jeopardy the kinds of State laws that we have in place, especially when they deal with social policies that have been there for almost 100 years. Whether this is simply a glitch in negotiations that can easily be worked out or whether this is a systemic problem or whether, as the Attorney Generals are arguing, that the States need a greater voice in the organization and the application of these trade policies, especially if it is going to relate to State law, that is the discussion that needs to take place.

My State may have lucked out because a clerical error in this particular case did not refer specifically to the Utah State law; and, therefore, it may not be applicable. But the fear factor is still there, that in the future State efforts, State regulations and State policies may be put in jeopardy not only by our trade policies but also by Federal regulations that affect those trade policies when they ought not to be. That is the issue that needs to be periodically addressed.

I recognize that this particular resolution is very narrow in its application. It may not be specifically on that point, but it does at least give us the opportunity of saying not only is that an issue and a concern for the future but it is an issue that we should take seriously and we should discuss seriously and we should address seriously so that these particular problems, especially as it deals with State issues and State rights, will not be put in jeopardy with the future.

☐ 1200

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, although I disagree with much of what the WTO does, I do not think it is in the best interest of our Nation to withdraw from that organization at this time. Doing so would give the United States little bargaining power as we work to promote a global economy that is both free and fair. Withdrawal would put in jeopardy negotiations that are necessary to meet that goal.

However, my support for the long-term goal of more equitable international trade does not translate into blanket support, but it is difficult to ignore the fact that the U.S. is increasingly the target of WTO action. We are sued more than any other country, and our laws seem to be condemned by the WTO every month. We have been the defendant in 19 of the last 36 cases decided by the appellate body. These negative decisions have threatened American products and American businesses with sanctions. For example, in recent years the WTO has disapproved everything from our tax policies and trade laws to our sovereign right to regulate activity such as Internet gambling and set tariffs against unfair pricing by foreign countries.

It is becoming all too clear that these decisions are not the result of any shortcomings by this country or any true violation of international rules; rather, one must wonder if we are facing a forum that sees our country's prosperity and economic success as an opportunity to further bolster their own industries and markets. It seems as though nations are using the WTO to gain through litigation that they could not secure through negotiation.

But to help our economy, we cannot turn toward a simplistic, bellicose jingoism approach that blames the WTO and seeks protectionism as the answer to all. What we need to do on our own is to pass our energy policy that is otherwise costing us millions of jobs and to pass our own health care reforms to cut costs and not cut care.

Free trade is in everyone's best interest, and the WTO negotiations are vital to securing new markets for American products and creating new jobs for American workers. The negotiations must ultimately bring us to a system that is fair for all member countries while respecting the fundamental rights of a nation to determine its own law.

This administration needs to pay very close attention to the issue as we cannot sit idly by while the world unfairly threatens U.S. laws and remedies designed to protect our Nation against unfair practices.

The WTO clearly is not operating always in the best interests of the United States of America. However, it is the forum that exists; and as such, we need to remain partners with those that are vigilant and vigorous defenders of both free and fair trade in that forum for the benefit of our Nation.

Mr. SANDERS. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. BROWN) who has been leading this Congress in opposition to the disastrous CAFTA agreement.

Mr. BROWN of Ohio. Mr. Speaker, I very much appreciate the good work of my friend, the gentleman from Vermont (Mr. SANDERS).

Mr. Speaker, earlier this week the Committee on Appropriations passed an amendment to prevent the U.S. trade representative from using trade pacts as a tool to block prescription drug reimportation. The fact that appropriators in this body felt compelled to take this dramatic step points to a larger issue. Congress should not have to police the U.S. trade representative to make sure he or she is acting in the best interests of U.S. consumers. We should not have to instruct our trade representative to make sure that he is looking out for U.S. workers and U.S. manufacturers. We should not have to tell the trade representative to protect the environment and our food supply.

Congress should not have to scour every trade pact to make sure that some patent extension or importation barrier or other Big Government crutch designed specifically for the drug industry has not been inserted into the trade agreement by the U.S. trade representative or by the President or by my friends on the other side of the aisle.

Congress should not have to take the U.S. trade representative to task for trying to reverse the world's progress against the global AIDS epidemic, progress partially financed with U.S. tax dollars. Congress should not have to fight the U.S. trade representative in order to ensure jobs for our Nation's workforce, affordable medicine for our Nation's consumers, and manufacturing capacity for our Nation's protection.

Who does the U.S. trade representative work for?

The USTR should be acting in the interest of all Americans. If the international drug industry benefits too, all the better. Instead, the multinational drug industry's interests trump those every day of everyday Americans. The tail is wagging the dog. In fact, our trade representative's office includes a position, and I am not making this up, our trade representative's office includes a position called U.S. Trade Representative for Asia, Pacific and Pharmaceutical Policies. So we are bringing the drug industry into the USTR to make sure these trade agreements protect the drug industry, usually at the expense of American consumers who pay twice as much, three times as much, four times as much for prescription drugs, and even more seriously, frankly, who harm the world's poorest people.

In the CAFTA agreement, as the gentleman from Michigan (Mr. LEVIN) said earlier, in Africa, in Asia, the world's poorest people have to pay more for prescription drugs because the U.S. has, in our trade representative's office, a U.S. trade representative for Asia, Pacific and pharmaceutical policy. It begs the question, What are our trade agreements for?

Mr. Speaker, it is not like they are working. Look what has happened to our trade deficit in the last 12 years. I came to Congress in 1992. We had a trade deficit of $38 billion. In 2004, 12 years later, our trade deficit was $618 billion. From $38 billion to $618 billion, and my friends are arguing our trade policy is working?

Look at our stagnating wages, the fact that the top 10 percent of people in this society are doing very well. Their incomes are going up and up and up. The 90 percent of the rest of the country, their wages are stagnant and partly because of trade policies. Look at our crippling job loss in my State, and especially in manufacturing.

Not only has our trade deficit gone from $38 billion to $618 billion in only a dozen years, look at what has happened in manufacturing. The States in red have all lost 20 percent of their manufacturing in the last 5 years. My State of Ohio, 216; Pennsylvania, 200; Michigan, 210; Alabama and Mississippi combined, 130; Illinois, 225; Virginia, 80,000; New York, 220,000. Our trade policy, Mr. Speaker, simply is not working.

When Members think about this, maybe in fact some people would say our trade agreements are working. After all, these trade agreements do work for the pharmaceutical industry.

Mr. SANDERS. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in thoughtful support for H.J. Res. 27, and I say thoughtful because I believe we should take a good look at what we are doing and what has been proposed and try to figure out what is going to happen in the future, and what are the ideas that these decisions are based upon.

We are living in a time when a significant number of Americans are rushing forward to support any effort to transfer sovereignty from elected officials in the United States to unelected officials elsewhere at a global level who will exercise power and control, mandate policies and shape our lives; yet they are not elected by the people of the United States of America, as if we should expect them in the WTO or even the United Nations to watch out for our interests.

Mr. Speaker, it is our job to watch out for the interests of the American people. We are elected to do so. Transferring our sovereignty and decision-making power to the WTO, to the United Nations, or any other international body is not in the long-term interests of our people.

The United States did this back in the 1950s or 1940s with the United Nations, and it too was a dream, a dream for a better world, a new order that would bring about prosperity and peace. What do we see now in the United Nations, corruption at the highest levels and arrogance. We see United Nations peacekeeping troops stand by as people are massacred. They themselves have participated in atrocities, and yet we see cover-up at the United Nations and corruption. Is that the type of people we want to give sovereignty to? No.

So why do we think the WTO is going to be any different? The WTO is made up of nondemocratic countries as well as democratic countries, just like the United Nations. We are not going to bring them up; they will bring us down if we give up our decision-making process to unelected bodies that have been set up.

They call it the new world order. The new world order, what is that going to bring the American people? A loss of sovereignty, a loss of our ability to control our own destinies. We will see the WTO manipulated by special interests in the same way we have seen other bodies manipulated by special interests, but the WTO will be made up of organizations that are comprised of governments that do not believe in democracy and honesty and free press and free speech and the standards we believe in.

Mr. Speaker, 10 years from now as the WTO evolves, and even today, we will find our huge international corporations and international corporations in general going to these bodies and manipulating them and bribing them. And why not accept the bribes? The people of Burma or China or these other countries who are not democratic, who are not honest, that is their way of life. So why are we transferring authority, putting our faith in an organization, even if today in the short run we can see some examples where it might be in our benefit? In the long run it is not to the benefit of the American people to give up this kind of decisionmaking.

If we want more trade in the world, we should establish bilateral trade agreements with other democratic countries. That way we can control the decision-making process. The major economic countries of the world will enter into those agreements.

I say we should have free trade between free people. We should not be establishing superpowerful, unelected bodies by the WTO to control our destiny in the United States and determine what economic policies we will have in the long run. These things make no sense to me, and it is a great threat looming over us. Whatever examples can be given today of some good things that are happening, just remember what will happen 10 years down the road once these panels and bodies have been corrupted by the vicious dictatorships that we have let into the WTO.

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I will vote against this resolution because it is a little too radical for where I am now, but I am tempted to vote for it because of the failure of our current policies and the blindness of those who defend them.

Those who defend our current policies acknowledge that free trade puts pressure on countries to race to the bottom on environmental and labor standards so they can be the low-cost, high-value producer. But the real disconnect is between the theory of free trade and on-the-ground business reality.

Those who defend the WTO live in a world of theory in which business and consumers will buy American goods if they are good values, subject only to the written transparent regulations and tariff laws of their country. This theory is true in the United States where our businesses and consumers are happy to buy. We have lowered our tariffs, we have lowered our regulations and barriers, and there has been an explosion of imports to the United States.

But the theory is false as to China and many other nations. In those countries, their written laws are almost irrelevant; and so we negotiate hard, we open our markets in return for a change of China's written laws, and then we are surprised when changing those laws does nothing to open their markets and the average person in China buys less than 3 cents, I believe it is, of goods and services from America every day.

Why is this? Because their businesses are told orally, do not buy from America unless you get a co-production agreement, do not buy from America unless you get a disclosure of our technology and our manufacturing techniques. So when an airline in the United States goes to decide which airplane to buy, it does so on economic factors. When China buys, they demand that more and more production be shifted to China. No wonder we have this huge trade deficit and the dollar is certainly in peril.

☐ 1215

Mr. SANDERS. Mr. Speaker, how much time remains for either side?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Vermont (Mr. SANDERS) has 15 minutes remaining, the gentleman from Maryland (Mr. CARDIN) has 1½ minutes remaining, and the gentleman from Florida (Mr. SHAW) has 7 minutes remaining.

The Chair will recognize the closing speeches in the reverse order of the openings: the gentleman from Maryland (Mr. CARDIN), the gentleman from Vermont (Mr. SANDERS), and the gentleman from Florida (Mr. SHAW) has the right to close.

Mr. CARDIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I once again rise to urge my colleagues to reject this resolution. It is important that we work within a rules-based trading system in order to expand opportunities. Only by working within a rules-based trading system can we raise the international bar on labor standards, on environmental standards. If we were to pull out of the WTO, we would have no opportunity to raise at all the labor standards in other countries or the environmental standards. We need to be within a rules-based trading system to reduce barriers.

The U.S. market is the most open market. We want our trading partners to open up their markets. Staying within the WTO offers us that opportunity. We need effective enforcement of our agreements. We need to work within the WTO in order to accomplish those objectives. And, Mr. Speaker, here is an area where we must exercise more of our responsibility by changing laws and strengthening laws so that we can enforce the obligations that we have negotiated within the WTO. I will be introducing legislation to do that, and I urge my colleagues to work with me so that we can enforce the agreements that we have reached with other countries.

Mr. Speaker, I urge my colleagues to reject this resolution. Let us work together to open up markets.

Mr. Speaker, I yield back the balance of my time.

Mr. SANDERS. Mr. Speaker, I yield myself the balance of my time.

To begin with, at a time when there is so much animosity and partisanship in this body, I am very pleased that what we have brought forth together is a true tripartisan effort.

I want to thank the gentleman from Texas (Mr. PAUL), the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Arizona (Mr. GRIJALVA), the gentleman from Indiana (Mr. HOSTETTLER), the gentleman from North Carolina (Mr. JONES), the gentleman from Ohio (Mr. KUCINICH), the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Michigan (Mr. STUPAK), and the gentleman from Colorado (Mr. TANCREDO) for cosponsoring this amendment and, as I think most people know, that covers a very, very broad spectrum of political thought.

Mr. Speaker, some have argued against this resolution by saying it would be a disaster if it were passed, that we would be withdrawing from the international economy, but the reality is that what we are trying to do here is not to withdraw from international trade. Trade is a good thing. What we are saying is let us send a message to the President of the United States to wake up and to fully recognize that our current trade policies are an unmitigated failure and that we have got to renegotiate them. We cannot continue on the policy of the race to the bottom. That has got to change.

Some of my friends say what we are talking about is international rules, and of course we are talking about international rules. The problem is that the rules within this WTO are rigged against the middle class of America. If the United States Congress said, wait a second, we are going to pass a law because we think it is unfair that slave labor in China is producing a product that is exported to the United States, or that child labor around the world is competing against American workers, we will be ruled incorrect by the WTO. A complaint will be waged against us saying, gee, why are you protesting slave labor or child labor? You are violating international free trade.

Another issue that has not been touched on today, a moral issue, which is very important, when I was mayor of the City of Burlington in the 1980s, we passed, as did cities throughout the country, as did the United States Congress, legislation which said to the apartheid regime which had then imprisoned Nelson Mandela, we are going to impose trade restrictions against an apartheid regime. Mr. Speaker, if that occurred today, if the City of Burlington, Vermont, the State of Vermont, the United States Congress, said we want to bring down economically some type of fascistic government running the country, that country would go to the WTO and the WTO would say, gee, you are in violation of free trade agreements. It does not matter the morality of the issue. The only thing that matters is unfettered free trade.

Mr. Speaker, what my friends on the other side of this debate have really failed to discuss is the impact of the unfettered trade policies that we have been developing over the last 30 years. You have not heard them say really one word about that. Yes, they have talked about economic growth that is taking place in America, but they forgot to tell you who was benefiting from that economic growth. They have forgotten to tell you that for the average American worker his or her wages have gone down significantly in the last 30 years.

Yes, the wealthiest people in this country are making out like bandits. Yes, there has been a doubling in the gap between the rich and the poor. That is true. Yes, CEOs of large corporations make 400 times what their workers make. Is that the free trade agreement that we are fighting for?

The reality is, and they know it, Republicans know it, Democrats, conservatives, progressives, when going back to their district. In my State in the last couple of months, I had to talk to workers whose jobs are gone because those companies could not compete against imports coming in from China where workers are paid 30 cents an hour.

I would yield a moment to my friends on the other side if they want to tell the American people that they think it is fair that our working people should have to compete against desperate people working for pennies an hour who go to jail when they stand up for their rights. I would yield to the gentleman from Florida, the gentleman from Maryland, or anyone else who wants to tell me now that that is fair. I do not hear anybody saying that it is fair.

Mr. CARDIN. Mr. Speaker, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Speaker, I believe that is unfair. I agree with my colleague completely. The question is, why are we not negotiating with our trading partners to do something about that?

Mr. SANDERS. Taking back my time, and I thank the gentleman. He says that it is unfair. But we have had this trade agreement, we have been in the WTO for 10 years. We have had a Democratic President. We have had a Republican President. If it is unfair, why is the President of the United States not going to the WTO tomorrow? Why did Bill Clinton not go? I do not want to be partisan here. Why did neither of them go? And they are not going to go.

The issue here is that these trade agreements have been forced on Congress, not forced, Congress willfully did it, because of the power of big money. It is no secret. Some of us who were here for NAFTA, some of us here for the China agreement, we know the millions and millions of dollars in campaign contributions and huge lobbying effort on the part of the large corporations. Because the truth of the matter is that while unfettered free trade is a disaster for the middle class and working families of this country, it really does benefit the heads of large corporations. They are, in fact, doing very well.

We see General Electric, General Motors moving to China. That is not a good thing for Americans.

Let me conclude simply by saying, Mr. Speaker, let us send the President of the United States a message. Let us say that our current trade policies are failing. Let us stand up for working families around the country. Let us pass this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

There is quite a bit of ground that we have covered here this morning. One is that somehow CAFTA has been brought into this debate by a couple of speakers.

I would like to submit for printing in the RECORD a letter dated June 8, 2005, which was just yesterday, from former President Jimmy Carter to Mr. BILL THOMAS, the chairman of the Ways and Means Committee, in support of CAFTA.

In this letter, he says, If the United States Congress were to turn its back on CAFTA, it would undercut these fragile democracies, compel them to retreat to protectionism, and make it harder for them to cooperate with the United States.

This is the type of bipartisan cooperation that we are about here today. It is important, I think, to realize that this resolution came before the Ways and Means Committee because we were required to take it up if it were to be filed under the law originally bringing us into the World Trade Organization. On both sides of the aisle, I believe I am correct on this, that the decision by the Ways and Means Committee to report this out unfavorably to the House, which we had to do procedurally, but to report it out unfavorably, I think, was unanimous on both sides of the aisle.

There is criticism as to what is happening, and some people would like to change some of the things within the framework of the World Trade Organization, but the Ways and Means Committee, I think, was very, very responsible.

Now the question of jobs and the economy has been raised, and China has been brought into this debate. China has got some problems with their currency and some things we need to do and their enforcement of their own laws. I will yield that ground to those that bring that criticism to us. But I think it is important to realize where those jobs are coming from or where those exports, who are the winners and losers with regard to the Chinese exports.

The Chinese exports are draining off the exports from Japan, Korea and other Pacific Asian countries. That is where those jobs are coming from. If you talk about and look at exactly the exports into the United States from that region of the world, you will see that it is fairly flat, not for China, but China is increasing its exports at the expense of these other countries.

The question has been brought into this debate as to the sovereignty of the United States. It is very clear to anyone, any of the lawmakers in this Congress, that Congress and the President make United States laws. The World Trade Organization cannot change laws either today or in the future. The World Trade Organization has no enforcement authority. It cannot impose fines, levies, sanctions, modify tariff rates or change the laws of any country. The only sanction for a violation of the World Trade Organization is that affected World Trade Organization member, and that member country may in some cases impose retaliatory measures on trade of the country that violates the rules. But that is not enforcement by the World Trade Organization. The World Trade Organization agreement permits the United States to regulate and even stop trade to protect United States national security, public health and safety, natural resources and human rights. So we are not giving up any of our sovereignty by remaining in the World Trade Organization.

On the question of jobs and the exporting of American jobs, exports account for about 25 percent of the United States economic growth over the course of the past decade. Exports support an estimated 12 million jobs, and those workers' wages are estimated to pay 13 to 18 percent more on the average than nonexport jobs. United States exports directly support one in every five manufacturing jobs. Workers in most trade-engaged industries where combined exports and imports amount to at least 40 percent of their domestic industrial output earn an annual compensation package that is one-third more than the average compensation in the least trade-engaged sectors. A recent University of Michigan study shows that lowering remaining global trade barriers by just one-third would boost annual average family income by an additional $2,500.

So if you are interested in jobs, vote against this resolution. If you are interested in the economy and the growth of our economy of this United States, vote against this resolution. If you want chaos in world trade, vote for it, because that would exactly be what we would have. We would have total chaos. It would be the wild, wild west. I think that the only responsible vote here today for the American worker and the American economy is to vote no on this resolution.

JUNE 8, 2005.

Hon. BILL THOMAS,
Rayburn House Office Building,
Washington, DC.

TO REPRESENTATIVE BILL THOMAS: As you prepare for your initial consideration of the Central American Free Trade Agreement (CAFTA) with the nations of Central America and the Dominican Republic, I want to express my strong support for this progressive move. From a trade perspective, this will help both the United States and Central America.

Some 80 percent of Central America's exports to the U.S. are already duty free, so they will be opening their markets to U.S. exports more than we will for their remaining products. Independent studies indicate that U.S. incomes will rise by over $15 billion and those in Central America by some $5 billion. New jobs will be created in Central America, and labor standards are likely to improve as a result of CAFTA.

Some improvements could be made in the trade bill, particularly on the labor, protection side, but, more importantly our own national security and hemispheric influence will be enhanced with improved stability, democracy, and development in our poor, fragile neighbors in Central America and the Caribbean. During my presidency and now at The Carter Center, I have been dedicated to the promotion of democracy and stability in the region. From the negotiation of the Panama Canal Treaties and the championing of human rights at the time when the region suffered under military dictatorships to the monitoring of a number of free elections in the region, Central America has been a major focus of my attention.

There now are democratically elected governments in each of the countries covered by CAFTA. In negotiating this agreement, the president of each of the six nations had to content with their own companies that fear competition with U.S. firms. They have put their credibility on the line, not only with this trade agreement but more broadly by promoting market reforms that have been urged for decades by U.S. presidents of both parties. If the U.S. Congress were to turn its back on CAFTA, it would undercut these fragile democracies, compel them to retreat to protectionism, and make it harder for them to cooperate with the U.S.

For the first time ever, we have a chance to reinforce democracies in the region. This is the moment to move forward and to help those leaders that want to modernize and humanize their countries. Moreover, strong economies in the region are the best antidote to illegal immigration from the region.

In appreciate your consideration of my views and hope they will be helpful in your important deliberations.

Sincerely,

JIMMY CARTER.

Mr. HOLT. Mr. Speaker, I rise today to express my concerns about H. Res. 27. H. Res. 27 would withdrawal the United States from participation in the World Trade Organization. I did not support a similar resolution five years ago, and I do not support this resolution today,

International trade is not just inevitable, it is a good thing. We live in a world today where more people can afford ever cheaper goods. But lowering the cost of goods and increasing their availability is not the single goal of trade. Trade done right helps lift the global standard of living and works to protect the irreplaceable environment we inherited. Trade is about values. I want to make sure the United States not only exports our-world class agriculture, but also our respect for the natural environment and enforceable labor laws. We should make sure we export the goods we produce and not the workers who produce them.

That is why we must use the WTO to address these labor and environmental concerns. But if we walk away from the WTO, we won't be able to address any of these issues, Where else can we give voice to issues of child labor or environmentally destructive practices of some industries? The WTO—imperfect as it may be—is the forum that we, along with the other members of the international community, established to enforce trade rules and more importantly allow for an open dialogue on the trade issues that concern us.

We need to realize that even if there are legitimate problems with the WTO, and I agree that some exist, the solution is not to unilaterally withdraw from the WTO. Withdrawing from the WTO would not help to solve any of these problems. Not one. We cannot stop trade, and we cannot end the global economy. What we can do is work within the World Trade Organization to address these concerns. We should not allow any others to dictate to us about what is in our national interest, but we must recognize that we cannot accomplish our national goals in isolation from the rest of the world. We can only work to protect American workers from anticompetitive practices of foreign countries from within the WTO, not by sitting on the sidelines. We should be working with our trade partners and with the WTO to enforce our existing trade rules. I urge my colleagues to vote against this resolution.

Mr. BACA. Mr. Speaker, I rise in opposition to H.J. Res. 27, which withdraws approval of the United States from the agreement establishing the World Trade Organization.

The WTO was created to oversee and regulate international commerce through the establishment of universal trade agreements. The institution of these agreements would provide assurance and accountability between member nations, with the prospect of future economic prosperity. The goal of these trade practices is to ease facilitation of global business for producers, exporters, and importers.

My opposition to this resolution and consequent support of the WTO is not without qualification.

While there is great value in continuing multilateral trade regulations and mailltaining the general integrity of the WTO, this organization has consistently foundered in its role of impartial adjudicator and continues to undermine the domestic trade sovereignty of our Nation.

Over the past decade, we have witnessed a massive increase in the U.S. trade deficit, an alarming number of dislocated American workers, and consistent threats to the autonomy of U.S. domestic trade policy.

The international community has seen the numerous shortcomings of the WTO system, including poorly enforced labor laws that afford many countries an unfortunate competitive advantage in the global marketplace. The premise of independent unionization and equitable development has not been realized in the past 10 years under the WTO and continues to underscore the need for a reevaluation and modification of the institution.

Though the World Trade Organization has failed to deliver on the promises of economic gains to developing countries and general worldwide trade policy, the solution is not to withdraw U.S. support or approval. We must continue to work inside the infrastructure of the WTO and towards progressive policies. As a principal partner in the WTO, we must not disassociate ourselves from the organization or we will realize the regression of our global economy. Our obligations to the American worker necessitate a competent and responsible trade policy that can only be achieved through the refinement of the current system.

Mr. Speaker, I oppose this resolution but reserve judgment over the current policies and procedures of the World Trade Organization. It is in the best interests of our nation to continue our active involvement in the WTO, while reconsidering and reworking current international trade policies.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.J. Res. 27, which would withdraw the United States from further participation in the World Trade Organization (WTO). I do so not because I am against international institutions, or even the stated purpose of the WTO. I am voting yes today to voice my opposition to U.S. trade policies that continue to augment the "race to the bottom" international trade culture that has sent good-paying American jobs overseas in pursuit of ever-lower wages and lax labor and environmental standards. Instead of pursuing policies that lift up and improve the lives of workers in this country and around the world, we have crippled U.S. communities while enabling the exploitation of foreign workforces.

I believe Congress must send a strong signal to the current administration that the past ten years have demonstrated the serious failures of U.S. trade policy. In light of our massive trade deficit, loss of manufacturing jobs and the ongoing currency manipulation by foreign countries, my vote today supports the hard working families in America. To have fair, sustainable, and balanced international trade, we need a fundamental review of U.S. international trade policies, and Congress and the Bush administration should take this opportunity to lead this effort.

There are serious national security considerations inherent in our trade policy, and I believe we ignore these ramifications at our own risk. Our social fabric is also endangered—as jobs leave the country, as people that have worked hard their entire lives lose their pensions and healthcare, what are these families to do? What made the U.S. the greatest country in the world is the ability of high school educated Americans to make a good living in the manufacturing and industrial sectors. These jobs increasingly have moved overseas, and it is hard to support a family on service sector wages. Meanwhile, I have tried twice in the last year to pass an amendment to simply study the issue of the outsourcing of American jobs, and have twice been defeated on close votes.

Mr. Speaker, voting yes today will not solve these problems, but it will signal that we will reevaluate the trade policy of this nation. I urge my colleagues to undertake this work and vote yes on H.J. Res. 27.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise in opposition to H.J. Res, 27, a resolution withdrawing the U.S. approval of the WTO.

While there are legitimate disagreements about how world trade is organized, and how trade agreements are negotiated, I think that it is important to have a forum and structure for international trade. And that's the World Trade Organization.

Let's not overlook the fact that in the 10 years since the WTO's inception, we've seen global tariff rates fall and U.S. exports rise.

Moreover, ninety-seven percent of our international trade is with other WTO nations. Withdrawing from the WTO would upset relations with these important partners and markets.

That being said, the WTO is by no means a perfect institution. It is important that we are having this debate today.

In the ongoing Doha round of trade negotiations, the U.S. and our global partners have the opportunity to substantially improve the WTO by reaching agreements on service negotiations, the reduction of tariffs and non-tariff barriers, and the authority of the WTO dispute resolution system. We need to see these negotiations through to a satisfactory end.

Nevertheless, despite its imperfections, the WTO provides a stable and predictable global trading system that benefits the U.S. both economically and strategically.

And although I will be watching the Doha Round with keen interest, I support U.S. participation in the WTO and therefore oppose this resolution.

Mr. PETERSON of Minnesota. Mr. Speaker, there are many reasons to question whether or not the United States should remain in the WTO. Among them: the current trade deficit of $618 billion; the disappointing enforcement efforts of the Administration on past trade agreements; and the lack of consensus in the WTO on how to move forward with the Doha Round. But at this point, it is too early to give up hope. The WTO is essentially our only chance to address the major distortions in world agricultural markets.

The Organization for Economic Cooperation and Development is a group of 30 countries including the United States, most European countries, Japan, Mexico, Australia, and New Zealand. It is widely regarded as the most reliable source of objective information comparing subsidy levels of various developed countries.

Perhaps the most useful number the OECD calculates is one that compares the amount of each dollar that a farmer receives due to government policies, such as tariffs or farm support programs, versus the amount the farmer receives from the marketplace. They call this number the Producer Support Estimate.

In its 2004 report on Agriculture, the OECD notes that the Producer Support Estimate for the United States decreased in recent years, and that this is a part of a long term trend in U.S. agricultural policy. As the OECD points out, support in the U.S. to producers decreased from 25% in 1986–88 to 18% in 2003, and has remained below the OECD average. Europe has increased support to 37% in 2003.

What this means is that European farmers rely on the government for twice as much of their income as do U.S. farmers—or 37 cents from each dollar versus 18 cents for U.S. farmers.

What relevance do all these statistics have to the current WTO negotiations on agriculture? The framework agreement provides for harmonization in all three major areas of negotiation. On domestic subsidies, the framework states: "Specifically, higher levels of permitted trade-distorting domestic support will be subject to deeper cuts."

In the section of the WTO framework agreement on export competition, it is agreed that export subsidies will be eliminated. The EU remains the largest user of export subsidies in the world, and the elimination of export subsidies will eventually apply additional pressure to its domestic subsidy programs.

In the section of the WTO framework agreement dealing with market access, there is language calling for a tiered formula with "deeper cuts in higher tariffs". Average U.S. tariffs on agricultural products is 12% versus 30% in Europe and 50% in Japan. The world average tariff on agricultural products is 62%. This means that the U.S. tariffs on agricultural imports should be cut less than European, Japanese, or other countries tariffs on our exports to them.

As with all negotiations, the framework agreement reached last July on agriculture allows for a best-case and worst-case scenario to exist, which future negotiations will determine. In these negotiations, we will depend on our U.S. Trade Representative to achieve a result that upholds the principle of harmonization that was set out in the original U.S. negotiating position in June of 2000. If that principle is upheld in the final agreement, we will be glad we rejected this resolution today. If not, it will be time to give serious consideration to leaving the WTO.

Mr. KING of Iowa. Mr. Speaker, I rise today to comment on H.J. Res. 27, which seeks to withdraw the approval of the United States from the Agreement establishing the World Trade Organization.

During my first term in Congress, I witnessed firsthand the breakdown in affairs at the World Trade Organization's trade negations in Mexico. Negotiations collapsed as delegates from many underdeveloped countries celebrated their perceived success as an increasingly powerful band of poor farming countries, known as G–21, held strong to prevent talks from proceeding.

It is important that each participating country have a voice in negotiations, but by banding together to divert trade talks, underdeveloped countries ultimately hurt themselves. No one in Europe or the United States will starve to death because of their efforts, but the citizens in their own countries will be put at risk.

What occurred puts the viability of the WTO in question, but it also allows the U.S. to go forth with trade promotion authorization on its own. While I believe the WTO needs reform, I do not want us to abandon our place at the table. If America were to pull out of the WTO, we would lose the ability to influence the organization and its negotiations internally.

Our farmers and producers in Iowa and across the country are some of the most efficient in the world and are capable of competing and winning in world markets, so long as they do not face unfair foreign government policies. The enforcement of a rules-based trading system through the World Trade Organization is our best opportunity to gain access to these markets for our Nation's farmers and rural communities.

Mr. Speaker, I intend to vote against H.J. Res. 27 because it is clear that our economic interests continue to benefit from engagement with trading partners.

Mr. ENGLISH. Mr. Speaker, today the House will undoubtedly vote down this resolution and signal strong support for remaining in the World Trade Organization. This is the right decision to make.

It is the right decision to make because the WTO, and its predecessor, the GATT, have served as a catalyst to reduce both tariff and non-tariff barriers for U.S. exports. Since the formation of the GATT, average tariffs in industrialized countries have gone down from 40 to less than 4 percent; since the creation of the WTO in 1994, U.S. exports have increased by $300 billion. Of course, the WTO has also served as a useful forum to breakdown barriers to U.S. agricultural exports where bilateral negotiations could not.

While I will vote against this resolution today, it is not without any reservation. Mr. Speaker, I believe the resolution on the floor today provides the ideal time to pause and reflect on the shortcomings of the current WTO system and on ways both the Congress and the Administration can make changes to the WTO structure so that it works better and rebuilds confidence in the system among our constituencies.

I find the lack of any serious effort to reform the current WTO culture and structure to fix the flaws with the unsatisfactory. There are a host of problems with the WTO, and the number of problems is only growing.

The WTO completely lacks any degree of transparency; hearings are closed to the public and public transcripts are not released. Where, in a very limited manner, WTO rules permit limited transparency by allowing the assistance and resources of private parties who are supportive of the U.S. government position, the Administration has chosen not to utilize this allowance.

Transparency is not the only problem contributing to the WTO's failure to move rules-based trade forward globally, but it is the central factor allowing the WTO and its bureaucrats to escape the scrutiny which would quickly eradicate other abuses in Geneva. Through the lack of transparency, the WTO dispute settlement and Appellate bodies are emboldened to disregard the proper standard of review in disputes involving trade laws, for example. In this way, past WTO panels have issued rogue decisions against the U.S. with no basis or standing in the context of previously negotiated Agreements. This rampant judicial activism is rapidly undermining the support for the WTO.

As the WTO is particularly prone to Yankee-bashing, support for the current, broken system is perhaps fading fastest here at home. A slew of activist decisions against the U.S., attacking our trade remedy laws and another decision amounting to micromanagement of U.S. tax policy have come at a steady pace.

These decisions have been particularly frustrating to many Members of Congress because of limited opportunity for oversight by Congress of the WTO or its decisions which affect our domestic laws and domestic employers. I, along with several of my Ways and Means colleagues, last Congress introduced the Trade Law Reform Act. This legislation included a provision to establish a WTO Dispute Settlement Review Commission. This Commission, composed of retired federal judges, would report to Congress after reviewing WTO decisions adverse to the U.S. in order to determine whether the relevant decision makers failed to follow the applicable standard of review or otherwise abused their mandate.

Today, we have spent two hours debating whether Congress should withdraw from the WTO. Yet, absent a new entity to administer and advance rules-based trade, there is no question that we must remain committed to, and engaged in, the WTO. I would submit that instead of debating whether to withdraw from the WTO, Congress should have an active debate on ways we can make the current system work properly, as it was designed to do, and ways to make it better.

The U.S. must move swiftly to put an end to judicial activism in the WTO and reorganize the structure and culture of both the Appellate Body and the dispute settlement body. Additionally, the USTR should deputize private parties with a direct and substantial interest in a case to appear and participate in WTO proceedings and devote greater resources to litigation in WTO disputes. Mr. Speaker, Congress must also establish new mechanisms to increase oversight of the WTO.

Mrs. JONES of Ohio. Mr. Speaker, I concur with my Ways and Means Democratic colleagues regarding the United States continued participation in the World Trade Organization (WTO). I do not agree with House Joint Resolution 27 and withdrawing Congressional approval of the WTO agreement.

Our society is becoming global. There is growing interdependence of countries, resulting from the increasing integration of trade, finance, people, and ideas in one global marketplace. So, as international trade expands due to globalization, we need a set of trade rules and an international body to enforce those rules—the WTO.

The WTO, and its predecessor, the General Agreement on Tariffs and Trade, have opened foreign markets around the world for U.S. goods and services. This has created new opportunities for U.S. businesses, farmers, manufacturers, and workers. The U.S. economy is stronger because of the WTO.

There are improvements, however, that can be made. There has to be better collaboration in understanding the relationship between trade and labor issues. We must ensure that core labor standards are enforced, particularly in developing economies. We must have more meaningful dialogue about environmental issues in trade discussions. We can accomplish this by fully integrating the work of the WTO Committee on Trade and Environment into the work of WTO negotiating groups.

Furthermore, the WTO needs to be fully aware of the vulnerability of our domestic steel industry. Ohio is the nation's leading producer of steel. China's strategy of undervaluing their currency, the yuan, and dumping steel into our domestic market puts Ohioans in danger of losing their jobs. Ohio manufacturers produced $4.59 billion in value-added steel production and processing last year. The steel industry generates over 110,000 jobs in the State of Ohio. We cannot compromise the strength of our domestic steel industry. The WTO must be cognizant of the trade challenges faced by U.S. steel manufacturers.

I believe that the United States should continue to be a member of the WTO and remain committed to free trade. However, we must ensure that our domestic concerns are properly addressed within the WTO.

Mr. ETHERIDGE. Mr. Speaker, I rise today in opposition to House Joint Resolution 27. Withdrawing from the World Trade Organization (WTO) would be an abandonment of America's leadership in trade and an economic disaster for our nation.

For decades, the United States has been the leading voice in the world for the free market system and economic cooperation among nations because capitalism works for America.

We were one of the founders of the General Agreement on Tariffs and Trade as well as its successor, the WTO. America has consistently pushed for a rational, rules-based approach in dealing with international trade because we know our unique, competitive, vibrant, and innovative economy will allow most U.S. economic sectors to compete successfully against any nation provided we have a fair playing field and open access to foreign markets.

If we abandon the WTO, we abandon those years of leadership in trade. Do we want the Europeans or the Japanese to be the economic model other nations look to emulate? Do we really want them to decide the rules by which the rest of the world economy will run? If we shut ourselves out of the process, we put our farmers, manufacturers, businesses, an workers at a strategic disadvantage compared to others in the world.

North Carolina's economy depends on exports, and we need to break down barriers to overseas markets so that our technology, agriculture, manufacturing and other sectors can expand on our progress in international competition. Studies show that one in five manufacturing jobs in North Carolina depend on exports. These jobs on average pay 13–18 percent more than the U.S. average. Every $1 billion in exports creates 20,000 jobs in the United States.

The United States represents only 4.7 percent of the world population. If we want our economy to continue to grow, we need to be able to sell to the other 95.3 percent of the world. The WTO, for all its flaws and faults, remains the best venue for leveling the playing field and gaining access to new markets. That is why I urge my colleagues to vote down this resolution.

Mr. UDALL of Colorado. Mr. Speaker, I would like to clarify my opposition to H.J. Res. 27, a resolution to withdraw U.S. approval of the Uruguay Round Agreement Act establishing the World Trade Organization (WTO).

Although I oppose the resolution, I am glad we are having this debate today. The 1994 law that helped create the WTO included an important provision that allows Congress to reassess U.S. participation in the organization every five years. The constantly shifting global trade landscape makes regular Congressional review of U.S. participation in the WTO especially critical.

Like many of my constituents, I am concerned about investment and jobs moving to other countries that have weaker labor and environmental standards. I am also concerned about the growing U.S. trade deficit, WTO pressure to downgrade our consumer protections, and challenges to our federal laws posed by the WTO's closed dispute resolution tribunals.

But retaining U.S. participation in the WTO doesn't mean we can't or shouldn't work to improve global trading system. The objective should be to mend it, not end it. The WTO is the only international organization dealing with the global rules of trade between nations. Over 90 percent of all world trade is conducted within the WTO.

Withdrawal from the WTO would isolate the U.S. from the international economy. It would also eliminate the best recourse American businesses and workers have when faced with unfair trade barriers: dispute resolution. If we were to withdraw from the WTO, other countries could impose unfair tariffs or other barriers to American goods, or "dump" goods, and we could only retaliate in return and risk getting into a potentially dangerous trade war.

If we want to grow and expand our economic opportunities, we must engage with the rest of the world. I believe that abandoning a rules-based trade system would be detrimental to American families, workers, business, and national security. We need to do all we can to ensure Americans benefit from the global economy. But shutting our doors on the WTO isn't the answer.

Mr. COSTA. Mr. Speaker, I rise to reiterate my reluctant support of Mr. SANDERS's effort last week to withdraw the United States from the World Trade Organization. Make no mistake: I fully support global commerce. Almonds, which I grow on my land in Fresno, have become California's most valuable export through development of foreign markets. In fact, more than two-thirds of this $1 billion crop are shipped outside of the United States every year. So, I truly understand the benefit of opening the world to the abundance of U.S. products.

However, free trade must also be fair trade. Unfortunately, regardless of the diligent work and excellent intentions of our trade negotiators, the bi-lateral and multi-lateral agreements we have entered into are not serving America well, especially the interests of American agriculture.

The evidence of our trade failures is undeniable. Over the last four years, the U.S. trade deficit has grown exponentially. This year, in spite of the Trade Promotion Authority enjoyed by the President and the plethora of agreements brought before this body, America's trade deficit is the largest it has been in nearly fifty years. More alarming is the fact that this year, though the U.S. dollar is valued well-below most other currencies, our nation will import more goods than it exports.

For the sake of the American agricultural economy, we must do better. We must make a serious evaluation of the way in which we conduct trade, beginning with the agreements we negotiate. I am reminded of a quote from the distinguished former Ranking Member of the House Agriculture Committee, Charlie Stenholm: "When you find yourself in a hole, stop digging."

In conclusion, my vote today was a vote of protest. I truly hope and fully expect that we will successfully enter and engage in the WTO process. However, I believe it is time for the Administration to acknowledge that all of us who are concerned about American agricultural trade policy are dissatisfied. The "yea" vote I cast last Thursday is my message to the Administration and my colleagues in Congress that we absolutely must develop a new trade strategy. And, throughout that deliberation, American agriculture must have a seat at the table.

Mr. SHAW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 304, the joint resolution is considered read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

☐ 1230

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SANDERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 86, nays 338, answered "present" 1, not voting 8, as follows:

[Roll No. 239]

YEAS—86

Abercrombie
Aderholt
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bilirakis
Bishop (UT)
Brown (OH)
Cardoza
Coble
Costa
Costello
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
Doyle
Duncan
Evans
Everett
Feeney
Foxx
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goode
Green, Gene
Grijalva
Hinchey
Hostettler
Hunter
Istook
Jackson (IL)
Jenkins
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kucinich
LaTourette
Lee
Lynch
Marshall
McCotter
McIntyre
McKinney
Miller (FL)
Mollohan
Ney
Norwood
Oberstar
Obey
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pombo
Rahall
Rohrabacher
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Sensenbrenner
Strickland
Stupak
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Tierney
Visclosky
Wamp
Waters
Weldon (FL)
Westmoreland
Whitfield

NAYS—338

Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge

Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHenry
McHugh
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Nunes
Nussle
Olver
Ortiz
Osborne
Oxley
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Sweeney
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Lipinski

NOT VOTING—8

Cox
Davis, Jo Ann
Hastings (FL)
Hobson
Hulshof
LaHood
Menendez
Tiberi

☐ 1257

Mrs. CUBIN, Ms. KILPATRICK of Michigan, Ms. McCOLLUM of Minnesota and Messrs. ROGERS of Alabama, BACHUS, BRADY of Texas, KINGSTON and SHADEGG changed their vote from "yea" to "nay."

Messrs. GARRETT of New Jersey, SULLIVAN, FRANKS of Arizona, GINGREY, BARRETT of South Carolina and MOLLOHAN changed their vote from "nay" to "yea."

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FEENEY. Mr. Speaker, in rollcall vote 239 held today on H.J. Res. 27 I was recorded as "yea." This incorrectly represents my view on this resolution. I intended for my vote to be recorded as "no." I have long been a supporter of free trade, and though I believe the WTO may have some faults, I support the United States membership in the organization.

PRIVILEGES OF THE HOUSE—RESTORING PUBLIC CONFIDENCE IN ETHICS PROCESS

Ms. PELOSI. Mr. Speaker, we are halfway through the first session of the 109th Congress and the Committee on Standards of Official Conduct has yet to begin its important work: and because the chairman of the Committee on Standards of Official Conduct refuses to obey the rules of the House and provide for a nonpartisan staff; therefore, pursuant to rule IX, I rise in regard to a question of the privileges of the House and offer a privileged resolution.

The Clerk read the resolution, as follows:

Whereas, in 1968, in furtherance of its constitutional authority and to promote the highest ethical standards for Members of Congress, the House of Representatives established the Committee on Standards of Official Conduct;

Whereas, the ethics procedures in effect during the 108th Congress, and in the three preceding Congresses, were enacted in 1997 in a bipartisan manner by an overwhelming vote of the House of Representatives upon the bipartisan recommendation of the ten member Ethics Reform Task Force which conducted a thorough and lengthy review of the entire ethics process;

Whereas, Rule XI, clause 3(g) of the Rules of the House, first adopted in 1997 upon the recommendation of the task force, provides that the Committee "staff be assembled and retained as a professional non-partisan staff" and "[a]ll staff member shall be appointed by an affirmative vote of the majority of the Members of the Committee;"

Whereas, Rule XI states that each such staff person "shall be professional and demonstrably qualified for the position which he is hired" and is prohibited from engaging in "any partisan political activity directly affecting any congressional or presidential election;"

Whereas, Rule XI also provides that, "in addition to any other staff provided by law, rule or other authority," the Chair and Ranking Minority Member may each appoint, without a vote of the Committee, one person as a shared staff member from his or her personal staff to perform service for the Committee; and further provides such shared staff persons are exempt from the provision requiring that "the staff be assembled and retained as a professional, nonpartisan staff" and the provision stating that "no member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election;"

Whereas, from 1997 through 2004, the Staff Director/Chief Counsel and other professional staff were appointed by an affirmative vote of a majority of the members of the Committee, and the shared staff members exercised no supervisory or other authority over the professional staff;

Whereas, in January of 2005, the Chairman of the Committee improperly and unilaterally fired nonpartisan Committee staff;

Whereas, the Chairman now proposed to designate his shared staff person as the Committee Staff Director, clothed with supervisory authority, without subjecting him to a vote of the Committee;

Whereas, because of the Chairman's proposal and with nearly half of the First Session of the 109th Congress having expired, the committee has been unable to carry out its charge, set out in Rule XI, to investigate allegations of misconduct by Members and staff.

Whereas, the Committee's resulting inability to carry out its duties has subjected the House to public ridicule and produced contempt for the ethics process, thus bringing discredit to the House; now be it

Resolved, That the Committee on Standards of Official Conduct is hereby directed to proceed in accord with clause 3(g) of rule XI, to appoint, upon an affirmative vote of the majority of the Members of the Committee, a non-partisan professional staff.

☐ 1300

The SPEAKER pro tempore (Mr. SIMPSON). In the opinion of the Chair, the resolution constitutes a question of privileges of the House.

MOTION TO TABLE OFFERED BY MR. BLUNT

Mr. BLUNT. Mr. Speaker, I move to table the resolution.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HOYER. Mr. Speaker, am I correct that if the gentleman from Missouri's motion prevails, that we will be unable to discuss the substance of the motion made by the minority leader?

The SPEAKER pro tempore. The adoption of the motion to table would dispose of the resolution.

Mr. HOYER. I thank the Speaker.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Missouri (Mr. BLUNT).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. PELOSI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 219, noes 199, not voting 15, as follows:

[Roll No. 240]

AYES—219

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Thomas
Thornberry
Tiahrt
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Bono
Cox
Everett
Granger
Hastings (FL)
Hobson
Hulshof
King (NY)
LaHood
Menendez
Murtha
Strickland
Sweeney
Terry
Tiberi

□ 1323

Ms. DEGETTE changed her vote from "aye" to "no."

Mr. OXLEY changed his vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT JUNE 10, 2005, TO FILE PRIVILEGED REPORT ON DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, June 10, 2005, to file a privileged report on a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXI, points of order are reserved.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT JUNE 10, 2005, TO FILE PRIVILEGED REPORT ON SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, June 10, 2005, to file a privileged report on a bill making appropriations for Science, the Departments of State, Justice, and Commerce and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection?

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXI, points of order are reserved.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I take this time for the purpose of inquiring of the majority whip the schedule for the week to come.

Mr. BLUNT. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Missouri.

Mr. BLUNT. Mr. Speaker, I thank my friend for yielding and also for the cooperation of those on the appropriations bills this week as we move to an early conclusion of this week's work.

Next Monday, the House will convene at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' office by the end of this week. Any votes called on those measures that Members are given notice of will be rolled until 6:30 p.m. on Monday.

On Tuesday and the balance of the week, the House will consider several bills under a rule. First of all, the Science and Departments of Commerce, State and Justice Appropriation Act for fiscal year 2006. Following that, the Department of Defense Appropriations Act for fiscal year 2006; and then, finally, H.R. 2745, the United Nations Reform Act.

I yield back to my friend, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for that information.

First, if the distinguished whip knows, my presumption is, based upon the schedule that has been submitted, that the probability is we will not have votes on Friday next. Is that a reasonable assumption, do you think, for our Members to make?

Mr. BLUNT. Certainly based on the experience we have had for the last three Fridays, the cooperation of both the ranking member and the leadership of the chairman and the subcommittee chairmen on the appropriations committee, we have been seeing this work go a little faster than we had anticipated. That could happen again next Friday.

The experience again of the last three Fridays would lead one to believe that, but next week we will adopt the same approach. We will get this work done early if we can but would advise Members to plan to be here on Friday because we will want to complete the entire agenda that we have laid out for next week's schedule.

Mr. HOYER. Mr. Speaker, can the gentleman tell us, with respect to the appropriations bills, which day of the week, Tuesday and thereafter, you might expect each of the individual bills to come up in particular?

Of course, the defense appropriations bill is of great interest to our Members.

Mr. BLUNT. Mr. Speaker, I believe we will do those in the order that they appeared starting on Tuesday. So I would expect Tuesday's work to include the Science, Commerce, State, Justice Appropriations Act, and then move on to defense appropriations on Wednesday if we are completed with the previous bill, and then to bring the bill to the floor on United Nations reform after that.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

I note, Mr. Whip, that the intelligence authorization bill, which was schedule to be on the floor today, which had been pulled, is not on the schedule for next week.

That obviously is a very important bill. And it is, I would say to my friend, as I understand it, a bill which has the agreement between the chairman of the Intelligence Committee and the ranking Democrat on the Intelligence Committee. So it would seem to be a bipartisan agreement on the substance of the bill. Can the whip tell us when we might see that bill back?

I am sure you agree it is a very important bill, providing for the work of the national intelligence director and providing to make sure that we can keep this country safe from terrorists, and I know that both sides are hopeful that it will come forward pretty quickly.

Can the gentleman tell us when that might be on the floor?

Mr. BLUNT. I would say, in response, that, interestingly, the discussion on that bill, it is an important discussion, is largely between the new Director of National Intelligence and the Armed Services chairman because of some commitments that seemed to have been made and I think were made during the adoption of the 9/11 bill of things that would be included in this bill.

That discussion is going on. We are going to work hard to do everything we can to facilitate a final and complete understanding between the administration and the House on the issues that they are discussing right now. It involves military intelligence and some commitments and discussions that were conducted last year before we moved forward with what was called at that time the 9/11 bill that created the National Intelligence Director's job and did a number of other things to achieve those goals that the whip just mentioned in terms of securing our country in every way that we can.

Mr. HOYER. Mr. Speaker, I thank the whip for the information.

It may be helpful to know that I believe on our side of the aisle, we believe that the gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN's) agreement was appropriate in the sense that the flexibility be given to the National Intelligence Director to provide for the best possible personnel assignment with reference to maintaining our security and intelligence apparatus in the most effective mode would be correct, if that is of any help to the whip as he considers the support that that proposition may have on the floor.

I realize there are those on his side of the aisle who have some concerns about it. I understand that the Secretary of Defense may have some concern about it. But I think, frankly, I would hope that a very substantial majority of the House would agree both with the Republican chairman of the Intelligence Committee and the Democratic ranking member of the Intelligence Committee.

The gentleman does not have to comment on that, but I thought that it might be useful information for him.

Mr. BLUNT. Mr. Speaker, if I could comment, I would say that we are eager to reach a final understanding on this. But, also, we are eager to be sure that whatever commitments were made and were reached between the administration and the chairman of a significant committee in the House are fully understood and fully complied with. You know, there can be misunderstandings in these kind of discussions, certainly, but we want to be sure that any commitments made by the administration to the Congress and the chairman of its significant committees are fulfilled and, if there are misunderstandings, to be sure that those misunderstandings are worked out before we move forward.

I assure the gentleman that we will be encouraging in that discussion and facilitating it in every way that we can so that it moves forward at the quickest possible time.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

I will ask one more question on the intelligence issue. Does the gentleman know whether the administration is supportive of the position taken by the chairman of the Intelligence Committee and the ranking Democrat on the Intelligence Committee or not? Has the administration taken a position on that?

□ 1330

Mr. BLUNT. I do not know what their position on that is. Again, I am most concerned that we be sure that we understood our positions when commitments were made when that bill was passed that created the National Intelligence Director's position.

Mr. HOYER. Reclaiming my time, I thank the gentleman.

Lastly, we just had a vote on the privileged resolution that was offered by the Democratic leader, the gentlewoman from California (Ms. PELOSI). That resolution, as you know, sought to try to move the ethics process forward so the Ethics Committee could do its work. Hopefully, all of us believe that it is very important that the Ethics Committee be able to undertake its work.

I would hope that the majority would take steps to perhaps discuss in a bipartisan way the implementation of the existing rules which we believe, as you know, require a majority vote for the hiring of a staff director. That is the way it has always been. From our perspective, that is the way it was intended to be. So it would be a bipartisan or, better yet, nonpartisan handling of the responsibility of the Ethics Committee.

I would hope that in the near term, next week and the days thereafter, that we would work together to try to get this moving forward. Because I think it is important to both sides of the aisle, it is important to the integrity of the House, and I think it is important to the American people.

Mr. BLUNT. I would say it would be hard to be more disappointed than I am that this committee has only met once because of continuing concerns. From the point of view of the majority, I am sure it is our view that we removed what we thought were the obstacles of this committee moving forward with its work, only to find that there is another obstacle. And we do need this committee to work, but all sides need to be looking for ways to make the committee work, not to just find the reasons that the committee does not work, which is my view of this. And we clearly want this committee to work, need this committee to work, and I think the majority has made substantial efforts both publicly and privately to create an opportunity where this committee could do its job.

Mr. HOYER. Reclaiming my time, I thank the gentleman, and I have no doubt about his sincerity in that desire. I would simply observe that had we had the opportunity to debate the privileged resolution, which really seeks to redress the House's positions, that perhaps we could have explored more broadly the differences that exist as they relate to the staffing of the committee. Both sides apparently believe that they are correct in their interpretation, but hopefully both sides want a bipartisan and not a partisan staff to proceed with its work.

Unless the gentleman wanted to say something, I would yield back the balance of my time.

Mr. BLUNT. I appreciate what the whip has said and would only say that we could vote on this and solve it that way, but I assume that would not present the right solution as well.

Mr. HOYER. I think the gentleman is probably correct, and of course the resolution offered did not resolve the question. We understand that. But I think the gentleman is correct, it would not resolve it any more than the vote on the rules in January resolved the changing of the rules and the feeling that they were not appropriate to provide the context in which we could proceed.

I know that the gentleman from Missouri (Mr. BLUNT) very honestly and sincerely, as I do, wants to see this matter resolved and see the committee move forward so it could become a matter of history and not a matter of current debate so we can focus on the important issues confronting this country.

I appreciate the gentleman's comments.

ADJOURNMENT TO MONDAY, JUNE 13, 2005

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ANNOUNCEMENT BY COMMITTEE ON RULES ON AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2745, UNITED NATIONS REFORM ACT OF 2005

Mr. BISHOP of Utah. Mr. Speaker, the Committee on Rules may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 2745, the United Nations Reform Act of 2005. The bill was introduced on June 7, 2005, and referred to the Committee on International Relations which ordered the bill reported yesterday and is expected to file its report with the House tomorrow.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H-312 of the Capitol by 10 a.m. on Tuesday, June 14. Members should draft their amendments to the text of the bill as reported by the Committee on International Relations. Members are advised that the text of the bill will be available for their review on the Web sites of both the Committee on International Relations and the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

EXPRESSING THE IMPORTANCE OF IMMEDIATELY REOPENING THE FAMOUS BEARTOOTH ALL-AMERICAN HIGHWAY

Mr. POMBO. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the resolution (H. Res. 309) expressing the importance of immediately reopening the famous Beartooth All-American Highway from Red Lodge, Montana, to Yellowstone National Park in Wyoming, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. REHBERG. Mr. Speaker, reserving the right to object, although I am not going to, I would like to sincerely thank the gentleman from California (Mr. POMBO) of the Committee on Resources and the gentleman from Alaska (Mr. YOUNG) of the Committee on Transportation and Infrastructure. I am sincerely grateful that they were willing to move this through on a unanimous consent as quickly as possible.

A crisis has occurred in Montana one more time. It seems like it is feast or famine for us. We were just going into our eighth year of drought, no rain, well beyond the opportunity to recover. And the prediction was it was going to take as much as 16 feet of snow in the mountain to get us caught up in the moisture. We began getting the rains and, unfortunately, the next thing that happened were mudslides closing off the Beartooth Pass.

Some Members might remember the Beartooth Pass was considered to be the crown jewel on the part of Charles Kuralt. As he traveled around the 50 States, he made the determination that of the 50 States that was the most beautiful part of the entire Nation. I am sure there are a lot of Members in this audience that might object to that definition. But if you look at the recorded list that he put together, the Beartooth Pass was something special.

Feast or famine in that area is nothing new. Cooke City, unfortunately, was the site of the 1988 fires in Yellowstone Park. Unfortunately, a forest fire came down within hundreds of feet of the community. They were able to withstand that economic devastation. This is going to create another economic devastation.

The detour that is going to be required to get to the community of Cooke City until this road is reopened probably is about the size of Illinois by the time you get around that detour. It is not just like taking a different route. It is like taking several different States. I know my colleague, the gentlewoman from Wyoming (Mrs. CUBIN), and my colleagues, the gentleman from Idaho (Mr. SIMPSON) and the gentleman from Idaho (Mr. OTTER), know the importance of Yellowstone Park to the economy of our region. So we really need it.

The sense of urgency shown on the part of the gentleman from California (Chairman POMBO) just cannot be underestimated, and I thank the gentleman for that.

This severely impacts the economy of Carbon County, of Red Lodge, of Cooke City, of Billings, the surrounding area. It is going to be a very complicated fix because it is a switch back. If you have not been there, it ends at the top at about 10,000 feet, a chain of lakes, it is flat, and it is the north entrance to Yellowstone Park. As the mudslides occurred, it took several layers of that switchback out. I think the estimate I heard was about 500 tons of material are sitting on that road.

I will be flying that on Saturday by helicopter, taking a look at the devastation, but it has been an incredible effort, a community effort on the part of the Federal, State, and local jurisdictions as well as the communities coming together.

Again, I thank the gentleman from California (Chairman POMBO) for giving us the opportunity to move this very quickly.

Mrs. CUBIN. Mr. Speaker, will the gentleman yield?

Mr. REHBERG. I yield to the gentlewoman from Wyoming.

Mrs. CUBIN. Mr. Speaker, I too would like to thank the chairman and encourage passage of this resolution.

The Beartooth Highway connects two cities in Montana, but it passes through Wyoming; and many people need to travel on the Beartooth Highway in order to get into Yellowstone National Park. For many, many years this highway has been sorely neglected. It is not safe in its current condition, but it has not been safe for a long time.

Yellowstone National Park is the crown gem of the park system, and it is important to the whole country. So this is something that the country needs to do at this time. I thank the gentleman for yielding.

Mr. POMBO. Mr. Speaker, will the gentleman yield?

Mr. REHBERG. I yield to the gentleman from California.

Mr. POMBO. Mr. Speaker, during the days of May 16 and May 17 of this year, devastating mudslides bisected six sections of the scenic Beartooth All-American Highway between Red Lodge, Montana and Yellowstone National Park. Consequently, visitors to Yellowstone National Park coming from the States of Montana and Wyoming are now and for the foreseeable future required to take a detour to get to the northeast entrance of our Nation's oldest park. This detour could be in place for the entire summer season. Annually, an average of 190,000 visitors come to the park through the northeast entrance.

Mr. Speaker, my resolution acknowledges the importance of the highway in accessing the park and requests that the President take all necessary action to assist the State of Montana in reopening the road.

I thank the gentleman from Alaska (Chairman YOUNG) for allowing this bill to be scheduled. The following is an exchange of letters with him:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, June 9, 2005.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, 2165 Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter dated 9 June 2005 regarding House Resolution 309. I appreciate your willingness to allow the Committee on Transportation and Infrastructure to be discharged to allow it to be considered on the Floor today. I will include a copy of your letter and my response to the CONGRESSIONAL RECORD during deliberations on the bill.

Thank you again for your cooperation.

Sincerely,

RICHARD W. POMBO,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, June 9, 2005.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources,
1324 Longworth Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdiction interest of the Transportation and Infrastructure Committee in matters being considered in H. Res. 309, expressing the importance of immediately reopening the Beartooth All-American Highway from Red Lodge, Montana, to Yellowstone National Park in Wyoming. As you know, the legislation was also referred to the Transportation Committee.

Our Committee recognizes the importance of H. Res. 309 and the need for the legislation to move expeditiously to the House Floor. Therefore, I am willing to have the Transportation Committee discharged from consideration of the resolution. I would appreciate if it you would include a copy of this letter and your response to the CONGRESSIONAL RECORD.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,
Chairman.

I would like to thank the gentleman from Montana (Mr. REHBERG) and the gentlewoman from Wyoming (Mrs. CUBIN) for working with me to move this resolution so quickly through the House.

Mr. REHBERG. Mr. Speaker, I thank the chairman not only for his sense of urgency but his kind consideration in letting me go out of turn in my statement. I thank the chairman. I thank the House of Representatives for its positive consideration of this piece of legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 309

Whereas on March 1, 1872, Yellowstone was established as the world's first national park;

Whereas Yellowstone National Park encompasses over 2 million acres and is one of America's Crown Jewels of the National Park System;

Whereas over 2.8 million people visit Yellowstone National Park annually to admire its world famous geysers, hot springs, and remarkable wildlife, and to hike its more than 950 miles of backcountry trails;

Whereas on May 16–17, 2005, a major mudslide bisected the scenic Beartooth Highway in 6 sections requiring visitors from Montana to undertake a detour to the Northeast Entrance to Yellowstone National Park;

Whereas the scenic Beartooth Highway provides on average 190,000 visitors annually easy access to the Northeast Entrance to Yellowstone National Park;

Whereas the scenic Beartooth Highway has been recognized as one of the most scenic drives in the United States; and

Whereas the scenic Beartooth Highway is the economic artery for the citizens of the gateway communities of Red Lodge, Cooke City, and Silver Gate, Montana: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the critical importance of ensuring unfettered access to visitors of Yellowstone National Park and preserving the economy of Red Lodge, Montana; and

(2) urges the President to take, without hesitation, all necessary actions to assist the Governor of Montana in reopening, as quickly as possible, the scenic Beartooth Highway that provides access to Yellowstone National Park.

The resolution is agreed to.

A motion to reconsider was laid on the table.

HONORING HOUSE PAGES

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I would like to ask the page class of 2005 to come down and take seats in the first two rows. While we are doing that, I would like to yield to my colleague and friend, the minority whip, the gentleman from Maryland (Mr. HOYER), who is on a time crunch and always likes to say good-bye to our page class.

Mr. HOYER. I thank my friend, and I thank him for the work that he does with the Page Board. His leadership and faithfulness in this effort is very much appreciated, I know, by these young people but appreciated also by the Republican Party and the Democratic Party.

I always like to have this opportunity to thank you young people. You have had an extraordinary opportunity which millions and millions of those your age will never have. You have had an opportunity to see firsthand the operations of the people's House, the House that was established by our Founding Fathers to reflect, as they viewed it, the passions of the people from time to time. That is why we have 2-year elections.

□ 1345

That is why the only way you can serve in the House of Representatives is to be elected. You cannot be appointed. You can be appointed to the U.S. Senate. You can be appointed Vice President of the United States, but you cannot be appointed to the House of Representatives.

You have had an opportunity on a day-to-day basis to help us make sure that democracy works. You may not think of what you did as high falutin and it perhaps was not, but it was critical to the functioning of this House.

I would ask you as you leave here to leave with a sense of responsibility, a sense of responsibility to convey to your classmates, to your friends in your neighborhood, to your future college classes, your future workers, coworkers, and your families and others and your fellow citizens your view of democracy as it is represented in this House. It is, of course, not perfect, because it is, obviously, human beings that participate in this, and as I know all of you know too well, we humans are not perfect.

However, as Winston Churchill said, while it may not be perfect, it is better than all other forms of government that have been tried. And I have been here now, this is my 26th year. You were born during part of my fifth or sixth term in office. As president of the Maryland Senate, I had the opportunity to run the page program in Maryland, and I always hoped that they would go back and say, you know what, they care, they care about our country, they care about us. They disagree. There are deep divisions from time to time, but, for the most part, almost everyone is trying to represent what they believe to be the best interests of their country.

Therefore, you will urge your fellow citizens to participate in the process, as hopefully you will as well. Having more knowledge than they, the more you participate, the better our democracy will be.

So I thank you for your service, not only on behalf of myself but on behalf of the Democratic Members of this House. There is no partisanship in the respect and affection that we have for all of you outstanding young people who make us proud of the generations that are coming and are confident that our country will be better for your future service and your service now.

I thank the gentleman from Illinois for giving me this opportunity, and I thank him for his leadership of this page board. Good luck.

Mr. SHIMKUS. Mr. Speaker, I will submit the roster of the 2005 pages for the Record at this point.

Spring 2005 Pages

Katy Ake—CA
Paul Bennett—FL
Rachel Bentley—OH
Emily Berger—CA
Katharine Billingslea—NC
Lauren Boswell—MD
Suzanne Brangan—TX
Stephen Burke—NJ
Kerianna Butler—CA
Jon Calvo—GU
Elsbeth Centola—OR
Joy Chung—IA
Daniel Ciucci—CO
Stella Clingmon—CA
Stephanie Collard—RI
Juleah Cordi—CA
Matthew Cujak—WI
Awapuhi Dancil—HI
Ruben Davis—PA
Lauren DeNunez—CA
Caroline Dickerson—TX
Edward Dumoulin—IL
Timothy Ford—MI
Adam Hammond—ID
Lane Hartley—VA
Alexandra Heard—MD
Lauren Henley—IL
Allison Holmer—CA
Amanda Huth—TX
Sarah Jaeschke—AR
Derek Jennarone—NJ
Holly Johnson—VA
Krystal Johnson—AL
Jaclyn Kahn—NJ
Rosemary Kelley—VA
Zachary Kirihara—CA
Dean Ladin—IL
Thomas Leonard—PA
Peter Linscheid—MI
Seth Lloyd—VI
Anthony Lupo—CA
Tyson McBride—UT
Caitlin McGowan—MN
Conor McManus—FL
Shannon Magnuson—FL
Jeremy Moore—MI
Chelsie Morales—AZ
Richard Moses—KY
Lucy Nicholas—CT
Darren Nowels—MD
Travis Proctor—KS
Danielle Raines—AZ
Rachel Romer—CO
Taylor Salisbury—MO
Matthew Sheldon—NM
Sara Skiles—MS
Kellie Staab—PA
Elizabeth Stone—TN
Joshua Strazanac—MI
Michael Trummel—WY
Dustin Tryggestad—WI
Allison Vanderboll—WA
Sarah Walker—AR
Whitley Wallace—UT
Ginger Wells—KS
Wesley Williams—MA
David Wilson—PA
Kevin Wood—TX

Mr. Speaker, I yield now to the gentlewoman from Guam (Ms. Bordallo), the delegate from Guam, to address you, as she has a special person here from the territory.

Ms. BORDALLO. Mr. Speaker, I rise today to commend Jon Junior Calvo for his service as a congressional page in the United States House of Representatives. Jon is graduating from the congressional page program on June 10, 2005. It is exciting that his parents, Juan and Doris Calvo, and two of his siblings, Jonathan and Joni Ree, were able to come all the way from Guam, 10,000 miles from Washington, D.C., to celebrate this occasion with us. Celebrating with us here in spirit is his sister Krisinda.

The congressional page program brings together a diverse group of outstanding student leaders from around the country to work in Congress and pursue their studies in the Nation's Capital. It fuses classroom learning with real-world work experience, giving students like Jon a front row seat as history unfolds.

I nominated Jon based upon his strong academic record, his demonstrated commitment to public service, and for his character and leadership in the community. He has lived up to and even exceeded my very high expectations for him.

Jon is the kind of young person that lights up a room when he walks into it and makes a lasting impression on everyone he meets. In his first month in the program, Jon was recognized with a citizenship award that is given to one exceptional student in the program each month. Other Members of Congress have even remarked to me on the floor what an outstanding young person Jon is.

Jon has been extremely active in the page program, serving on the yearbook staff and handling the public relations for the 2005 spring page class play, "The Black Rose." While in Washington, D.C., he was also elected incoming president of the National Honor Society chapter at Father Duenas Memorial School in Guam, where he will complete his studies next year.

I have enjoyed Jon's frequent visits to our office, and we always try and have a little taste of home for him when he stops by, whether it is guyuria, Chamorro chip cookies or red rice.

I thought that coming from Guam Jon might have a rough time adjusting to Washington, D.C.'s, cold winter weather, but I think he actually enjoyed the snow and the ice.

Jon has been an excellent ambassador for the people of Guam during his time here in Washington, spreading the "hafa adai" spirit throughout the halls of Congress. As a native speaker of Guam's indigenous language, Chamorro, Jon is a role model and example to other young people in Guam of the importance of preserving one's culture and one's language.

I always enjoy seeing Jon's friendly face on the House floor, and he calls us to let us know that he is going to be on C-SPAN. He will be truly missed when he returns home to Guam. I am sure that I will still see a lot of Jon, though, considering how active he is in the community through his church and school.

Jon is a young man of many talents, and I am excited to see what he will do in life. Whatever he does, I am sure he will continue making a positive contribution to our island.

Before I close, I would like to say congratulations to all the wonderful pages that have come from all over the States in our Nation. You have been a wonderful group of people.

Jon, you have made your family, your church, your school and the people of Guam proud. Si Yu'os Ma'ase for your service, and God bless you.

Mr. SHIMKUS. Mr. Speaker, this always gives me an opportunity to bounce back and forth between the podiums because this is really a special time. I will get a chance to address you all tomorrow at the departure ceremony, which will be a first for me, although being with the page program for a long time. The work and effort that you have put in, you know what you have done, and we really thank you for your efforts and the sacrifice you have made.

You have heard now from two Members of Congress. There are Members who you know who always pay a little closer attention to the pages because of love and admiration, maybe a history in the program, and we have one of those with us. I would invite him to come up and say his good-byes.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Illinois for yielding to me. And it is true, I have a very special affection for the page program. I think many of you know it is because I was a page. That is how I got started. Most of you also know the dirty little secret that it was as a Senate page, that I was over on the other side there. That is okay. I was still in the page program.

It was a very special moment in my life to have spent the time that I did here, 3 years. In those days, you could come anytime in your high school years and stay as long as your sponsor would let you stay, as long as you could keep up your grades so that you did not flunk out and leave, and you got to stay around here. I did, and I graduated from the page school. So I know what a difference it has made in my life.

I guess you could say here I am today. I cannot say that the page program propelled me to Congress itself. The vast majority of you will not ever serve in government at all or in elected office perhaps, but I think some of you will. There is no question about that. Some of you will, and you will be very successful at all the things you do. But whether or not you go into government, whether or not you run for office or you enter some other kind of position in the government or go into business or a profession, I think you will find that this experience will stand you in very, very, very good stead.

You will find that not only does it give you kind of a sense of understanding of the government, which is going to impact your life. It does not matter what line of work you go into. Government is going to impact your life, and you are going to have a better understanding than the majority of people because you will have been there and watched it and/or observed for a semester or two semesters.

It gives you a sense of camaraderie or sense of independence at an earlier age than most young people get a chance to be as independent. It gives you a sense of discipline. You learn a lot of discipline skills. You do not have a parent there at night to study, to do the things that you need to do.

I think that the most interesting thing about the page program as I have observed it over the 20 years, 21 years now I have been here in Congress, and a number of those I served as the predecessor to the gentleman from Illinois (Mr. SHIMKUS) as the chairman of the page board, and it was certainly one of the more enjoyable experiences that I have had here in Congress, what I observed is that each class of pages has its own personality and develops its own personality.

So I am not sure exactly how I would describe the personality of this class except I would say maybe I do not know you very well. I would say it is a little more serious than some of the other classes I have seen, a little more reserved, more serious. Maybe that is good. That does not mean it is all bad. I know it is probably not that way back in the dorm in the evenings and not that way on the weekends with you, but I do think this is a class that has had a great deal of seriousness, watched a great deal of things happen here on the floor of the House of Representatives, and I think you deserve a great appreciation for that.

There have been classes, of course, that preceded you just 2 or 3 years ago that experienced the incredible experience of 9/11, of going through that horrific Tuesday morning with so many others of us here. Each page class has its own kind of experiences that it has, but I just want you to know that you are not only appreciated for what you do, but in a very real sense we could not do this job if it were not for you. You really are the grease that make the place just run a little bit more smoothly. You are what make us all feel just a little bit better.

There are other people that could do the job. There is no question about it. We could hire people to do this job. And yet, with a considerable effort and even expense because of maintaining a school, maintaining a dormitory and all the things that have to be done, the question is often asked in the Congress, I have to tell you, and certainly by some constituents, why do we do this and keep this program? I think the answer is right here in front of me. Because of all of you and because of what we see here and because of what you have learned from this and what you have been able to do with this and what I know you will do with this and how I know this experience will and can be a life-changing experience.

Every year in the summer of another group, we can give 70, 75 people to have this kind of experience. It is a very extraordinary experience for you, and I think we have changed your lives and you will go out and touch a lot of other lives, older people, younger people and your peers as well, as you go through life.

So, again, we thank you for the wonderful job that you have done. We want to say farewell but not really farewell. We expect to see you back often and hear from you. You have always watched as the former pages come into the cloakrooms and onto the floor when we are not in session, and so you will be among those. It will be a very special experience for you to be able to come back and observe the younger pages that are here in the following years.

So thank you for the wonderful service you have given us. I want to wish you all very well in your final year of school and the year of school that goes beyond that, because I know all of you are going to be successful in whatever you do. Godspeed. Thank you.

Mr. SHIMKUS. Mr. Speaker, I thank my colleague.

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on my 1 minute today.

The SPEAKER pro tempore (Mr. MACK). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SHIMKUS. Mr. Speaker, the ranking member of the page program is the gentleman from Michigan (Mr. KILDEE), who has been on the program for decades now. I will not say how many decades. And he has been a great help to me in keeping the current environment and the future of the page program grounded to the traditions of the previous classes. He could not stay to talk and address you all, but he did provide me with his comments, and I will submit those for the RECORD along with your names.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WOOLSEY), a colleague who would like to address the class.

□ 1400

Ms. WOOLSEY. Mr. Speaker, thank you for picking and selecting such a great group of young people. I am proud that I have gotten to know you a little bit. I am so motherly when I run into you on the elevators, I see so many of the faces I have asked where are you from, how are you liking this and asked question, question, question. And you have been so patient and polite with me, and thank you very much.

Part of growing up is knowing you have to be polite to adults, and you hope when you are an adult people will be polite with you, particularly pages in the House of Representatives because you represent our entire Nation and our territories. You bring such a perfect, beautiful face to this. Every one of you, you look like the country. That is good for us, and it is good for you, and it is certainly good for the diversity of democracy that we uphold here.

I have learned from you, and I think you have learned from us and are taking a lot back; but at the same time you have contributed so much.

Do not think for a minute you are just here taking. You gave. We know that and appreciate that, and maybe we have not always let you know how much we appreciate you, but we do. Good luck, good future, and congratulations for being just exactly the people you are. Thank you.

Mr. SHIMKUS. Mr. Speaker, I thank the gentlewoman. The pages have given to this institution and the page program. You have set a bar by which we can now challenge other page classes, and I want to thank you.

Mr. Speaker, also joining us is the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding me this time and for all of his work with the page program. I want to thank all of the pages for their service and take a moment to brag a little because Stella is from my district. I know how great Stella is, and I know you know how great she is. We were so delighted to have her join us. She has added a great deal to the page class, including directing the play "The Black Rose." Stella's folks are here today and are going on a tour. So please say hello to them. We are proud of the work you did and the work all of you did.

Mr. Speaker, I had a chance during college to intern here on Capitol Hill twice. It was a different experience than the page experience, but I hope many of you will come back as interns, as staff, and ultimately come back as Members of the House. And if you are lucky, you can become lords in the Senate and then we will have to show even greater respect to all of you.

Mr. Speaker, I thank all the pages very much for their work. It is tremendously appreciated. I want to wish you, Stella, and wish the entire class all the best of luck.

Mr. SHIMKUS. Mr. Speaker, I do not want to steal some thunder from some of the words I will mention tomorrow afternoon and tomorrow evening, but you know what you have been doing and you know the role you have played here and the friends you have made and the relationships you have built. You take a unique quality back with you.

As a former high school history teacher, it is not the book learning; you have actually lived it. You are now some of the most informed people in the operating of the House of Representatives from the whole congressional district in which you reside. You know truth from fiction. You know, as the gentleman from Maryland (Mr. HOYER) said, that people come here well intentioned to do the best job they can for their districts. You have seen the debates, and you have run out of the Capitol. You understand the environment we live in here, that representatives try to balance a thousand balls in the air at one time, and you have had to do that, too.

I am also speaking here for the floor staff on both sides of the aisle who have worked with you diligently, and you have worked with them, whether it is the school program which I applaud you on and your efforts in that respect, or it is the dorm staff. You truly have been a class that many of the people you have had to work with over the past year are honestly saying that they are going to miss you. I cannot think of a better tribute to pay to a group of young men and women, than for those, especially adults that you have had to work with for over a year, to say I am going to miss that class.

Mr. Speaker, these pages have set the bar. We will challenge the incoming classes to try to meet their high standard. I hope they do. I hope we will continue to be better for that.

This period of time is in honor of the pages. You will get to celebrate with your families tomorrow night, say your good-byes and make America stronger by having well-informed young women and young men to get back into the everyday activities of our homes and how to make our country better. Thank you, God bless you all, and God bless the United States of America.

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to express my personal gratitude to all of the pages who have served so diligently in the House of Representatives during the 109th Congress. I have attached a list of the fine young people who have served this House as Pages.

We all recognize the important role that congressional pages play in helping the U.S. House of Representatives operate. This group of young people, who come from all across our Nation, represent what is good about our country.

To become a page, these young people have proven themselves to be academically qualified. They have ventured away from the security of their homes and families to spend time in an unfamiliar city. Through this experience, they have witnessed a new culture, made new friends, and learned the details of how our Government operates.

As we all know, the job of a congressional page is not an easy one. Along with being away from home, the pages must possess the maturity to balance competing demands for their time and energy.

In addition, they must have the dedication to work long hours and the ability to interact with people at a personal level. At the same time, they face a challenging academic schedule of classes in the House Page School.

I am sure they will consider their time spent in Washington, DC to be one of the most valuable and exciting experiences of their lives, and that with this experience they will all move ahead to lead successful and productive lives.

Mr. Speaker, as the Democratic Member on the House Page Board, I ask my colleagues to join me in honoring this group of distinguished young Americans. They certainly will be missed.

SPRING 2005 PAGES

Katy Ake—CA
Paul Bennett—FL
Rachel Bentley—OH
Emily Berger—CA
Katharine Billingslea—NC
Lauren Boswell—MD
Suzanne Brangan—TX
Stephen Burke—NJ
Kerianna Butler—CA
Jon Calvo—GU
Elsbeth Centola—OR
Joy Chung—IA
Daniel Ciucci—CO
Stella Clingmon—CA
Stephanie Collard—RI
Juleah Cordi—CA
Matthew Cujak—WI
Awapuhi Dancil—HI
Ruben Davis—PA
Lauren DeNunez—CA
Caroline Dickerson—TX
Edward Dumoulin—IL
Timothy Ford—MI
Adam Hammond—ID
Lane Hartley—VA
Alexandra Heard—MD
Lauren Henley—IL
Allison Holmer—CA
Amanda Huth—TX
Sarah Jaeschke—AR
Derek Jannarone—NJ
Holly Johnson—VA
Krystal Johnson—AL
Jaclyn Kahn—NJ
Rosemary Kelley—VA
Zachary Kirihara—CA
Dean Ladin—IL
Thomas Leonard—PA
Peter Linscheid—MI
Seth Lloyd—VI
Anthony Lupo—CA
Tyson McBride—UT
Caitlin McGowan—MN
Conor McManus—FL
Shannon Magnuson—FL
Jeremy Moore—MI
Chelsie Morales—AZ
Richard Moses—KY
Lucy Nicholas—CT
Darren Nowels—MD
Travis Proctor—KS
Danielle Raines—AZ
Rachel Romer—CO
Taylor Salisbury—MO
Matthew Sheldon—NM
Sara Skiles—MS
Kellie Staab—PA
Elizabeth Stone—TN
Joshua Strazanac—MI
Michael Trummel—WY
Dustin Tryggestad—WI
Allison Vanderboll—WA
Sarah Walker—AR
Whitley Wallace—UT
Ginger Wells—KS
Wesley Williams—MA
David Wilson—PA
Kevin Wood—TX

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MACK). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. NORWOOD. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. POE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

THREAT TO OUR SOUTHERN BORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I have spoken many times on this floor concerning the need to secure our borders. We must do so if we are going to have any kind of responsible immigration policy and retain our national sovereignty. We know with somewhere between 36,000 and 50,000 additional enforcement personnel on our southern borders, we can catch virtually all of the potential terrorists and drug dealers trying to enter this country illegally.

But we now find that other-than-Mexican illegals, or OTMs as they are referred to by our Border Patrol, have discovered a large loophole in our law. Under this loophole, OTMs can cross our border illegally and be apprehended by our border patrol. The border patrol is then forced to give them paperwork allowing them to bypass all other immigration checkpoints and virtually release them into our country.

This criminal scheme is not the fault of some quirk in U.S. law. It is being forced on our border patrol by international law which we are allowing to undermine our rule of law, national immigration policy, our Constitution, and our sovereignty. International law says illegal immigrants must either be deported to their country of origin or placed in detention. If there is no room in detention, they must be released on bail with a promise that they return later for trial.

There is never any room in detention any more for the millions of illegals violating our southern border every year. And since these illegals are not Mexican, our border patrol is required to buy them airfare back to Brazil, Guatemala, El Salvador, Honduras, China, Iraq, and on and on. So they sign an agreement to show in court in 30 days and are released.

With that paper in hand, they can pass legally through all other border patrol checkpoints and vanish into cities in America. We have caught 90,000 OTMs since October 1, 2004, and 98 percent have failed to show back up in court. Once hidden in large immigration communities inside our country with new false identification, it becomes virtually impossible to apprehend them.

Mr. Speaker, I have stood here before and called for deploying 36,000 troops to our border to effectively close it. But with this situation in place, we could send 1 million troops to our borders, and it would not make any difference. Border patrol says these people swim across the Rio Grande and come looking for our officers with a demand "permiso," for the warrant that gives them a free pass into our Nation illegally.

Mr. Speaker, we need a new law right now. Anyone who crosses our border with Mexico illegally should be considered a citizen of Mexico for enforcement purposes. They should be returned there or incarcerated here immediately. This is not the United Nations or WTO. We represent the people of our districts. We are responsible to the people of the United States and are sworn to defend our Constitution. We have an inherent God-given right to national sovereignty, and this House must not stand by while foreign nations undermine our laws and our independence.

Mr. Speaker, I will be back next week to further this conversation.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, on April 12 at Fort Hood, Texas, President Bush told an audience of thousands of servicemembers that for the first time Iraqi soldiers outnumbered U.S. soldiers in Iraq. That was April 12. Specifically, he put the number of trained and equipped Iraqi forces at 150,000.

This rosy assessment of the situation in Iraq is shocking not only for its arrogance but also for its ignorance. The President was either totally oblivious to Iraq's true security failures, or he was intentionally misleading the American people into thinking peace has taken hold. His statement was uninformed at best, deceitful at worst. Either way, the President's assessment misleads the American people in knowing the true situation in Iraq.

Take, for example, his claim that 150,000 Iraqi soldiers have been trained. Iraq's military leaders reveal the number is closer to 75,000, half of the President's statement; and we are not sure what the quality of training is and how those trained individuals are measured.

Also, the actual number of trained security personnel committed to a secure and democratic Iraq is probably less because, as the chief of police in Basra, General Hassan al-Sade stated, at least half of his 14,000-member militia is openly opposed to a secure Iraq, and another quarter are politically neutral but do not follow his military orders. General al-Sade recently told the Guardian newspaper, "I trust 25 percent of my force, no more."

After giving his Fort Hood speech last April, the President never again mentioned that 150,000 Iraqi security personnel have been trained. Perhaps that is because he realized his assessment was entirely inaccurate; but the President never admitted to the American people that he was wrong in his assessment, and he has still not told the American people when he will determine Iraq to be secure or how and when he plans to bring the troops home.

Mr. Speaker, the best way to secure Iraq is to remove U.S. troops from the country. Nothing enrages and unites the Iraq insurgency more than the presence of nearly 150,000 American soldiers on Iraqi soil. One option is to bring one American soldier home for every Iraqi soldier that has been trained. If 75,000 Iraqi soldiers have been trained, half of the President's April 12 assessment, why can we not remove the same number of our own soldiers and bring them home? This is just one idea for exiting Iraq. I encourage the President to come up with his own plan. I am not against supporting the President's plan if it is a good one, but right now he does not even have a plan.

Fortunately, there is a plan that would secure America for the future, SMART security. SMART is Sensible, Multilateral, American Response to Terrorism for the 21st century.

☐ 1415

SMART will help us address the threats we face as a Nation. SMART security will prevent acts of terrorism in countries like Iraq by addressing the very conditions which allow terrorism to take root: poverty, despair, resource scarcity and lack of educational opportunities. SMART security encourages the United States to work with other nations to address pressing global issues. SMART addresses global crises diplomatically rather than resorting to armed conflict. Efforts to help give Iraq back to the Iraqis must follow the SMART approach: humanitarian assistance, coordinated with our international allies, to rebuild Iraq's war-torn physical and economic infrastructure.

Mr. Speaker, it has been more than 2 years since the United States started this war in Iraq; and now the American people, especially the soldiers who are bravely serving our country halfway around the world, need and deserve a plan for ending this war. It is time for the President to create a plan to end the war in Iraq and to bring our troops home.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MACK). The Chair will remind all Members that remarks in debate may not engage in personalities toward the President. Policies may be addressed in critical terms, but personal references such as accusations of mendacity are not in order.

THE GREATEST GENERATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. McCAUL) is recognized for 5 minutes.

Mr. McCAUL of Texas. Mr. Speaker, one of the most monumental battles of World War II took place in October of 1944 in the Pacific theater in the Battle of Leyte Gulf. One of those heroes who fought on Hell's doorstep in this battle was Major Alan McKean. Major McKean served in the United States Army and was among the millions of others who answered freedom's call in the largest armed conflict in recorded history.

When we consider generations of our past, no one exemplifies the essence of America better than those, part of what we now call the greatest generation. For this generation of Americans, like Major McKean, whose character and resolve was molded by the Great Depression, defeating Adolf Hitler and the Axis powers' reign of terror was just another call to answer. They performed their duty with honor. It was not theirs to question. It was simply expected. We will never forget their triumphs, and we will never forget those victories like the battle of Leyte Gulf which came at such a great cost. Few causes were as worthy. Few prices were as great. Perhaps Winston Churchill said it best when he said of this generation, This was their finest hour.

Men like Major McKean saved an entire world from tyranny and gave people the chance to live under flags of freedom by answering the call to service. To this day and forever, we recall these heroic deeds and we remember and honor those who liberated the world.

Like the soldiers of America's greatest generation, today's service men and women are in distant lands fighting the threat and horror of terror by spreading freedom and making our homeland more secure. America will continue to honor our past and present military because the triumph of its ideals resides in the actions of its heroes. I salute Major Alan McKean and all the service men and women who put themselves in harm's way so that we may live in freedom.

May God bless America, may He bless Major Alan McKean and his wife Dorothy, and may He hold them in the palm of His hand.

THE ROAD NOT TAKEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, last month dozens of world leaders, including President Bush, gathered in Moscow to celebrate the 60th anniversary of V-E day. It was fitting and proper for the President and other heads of state to pay homage to the millions who died defeating Nazism and fascism and to commemorate the end of the Second World War.

The year 1945 also marked the beginning of the nuclear age, and even those who had become inured to the destruction that years of fighting had wrought were stunned by the devastation caused by the atomic bombs dropped on Japan. Nuclear weapons have been the dominant feature of the international security landscape ever since, and preventing their proliferation has been a central goal of American Presidents from Harry Truman to George W. Bush.

That is why I cannot understand the failure of the administration to take a leading role at the Nuclear Nonproliferation Treaty review conference that was held at the United Nations from May 2-27. There is near unanimity among policymakers and our Nation's political leadership that nuclear terrorism and the proliferation of nuclear weapons are the greatest threats to our national security. The President has said so himself. But the United States did not dispatch any senior officials to New York and downplayed the importance of the conference. This was shortsighted and dangerous, and the failure to achieve any concrete results at the NPT conference was a major national security setback for the United States as well as for the rest of the world.

The Nuclear Nonproliferation Treaty, which took effect in 1970, has for the most part been successful in limiting the spread of nuclear weapons beyond the original five members of the nuclear club, the Soviet Union, Britain, France, China and the United States. In 1960, John Kennedy wrote that he expected 20 nations would have nuclear weapons by the end of the 1960s. He considered this the gravest threat to world peace and set in motion the events and discussions that culminated in the NPT.

During the 35 years that the treaty has been in effect, only three nations are known to have developed nuclear weapons, India, Pakistan and Israel, and they are not parties to the NPT. North Korea is believed to have a handful of nuclear weapons, and Iran is engaged in a diplomatic game of chicken with the West in its pursuit of nuclear weapons.

Mr. Speaker, after three and a half decades, the NPT is showing its age, and the review conference was held at a critical time for the international community's efforts to halt the spread of nuclear weapons. In December of last year, a panel of experts convened by the U.N. issued a stark warning that we are approaching the point at which the erosion of the nonproliferation regime could become irreversible and result in a cascade of proliferation. One of the members of that panel was Brent Scowcroft, who served as national security adviser to President George H.W. Bush.

The twin nuclear crises with North Korea and Iran have exposed flaws in the NPT's "grand bargain," which was first articulated in President Eisenhower's "Atoms for Peace" proposal. In exchange for the commitment to forgo the acquisition of nuclear weapons and to agree to international safeguards and inspections, the NPT guarantees non-nuclear weapon states who are parties to the treaty the peaceful development and use of nuclear energy. The problem with this bargain is that it allows nations like Iran or North Korea access to fissile material and technological know-how that is the necessary precursor for a nuclear weapons program. When the state feels confident it is ready to proceed with a weapons program, it simply opts out of the NPT.

Had it chosen to do to so, the administration could have used the review conference in New York to make it more difficult for states to access nuclear material and technology under the NPT and then walk away from the treaty by providing tough penalties for those who would try.

One proposal by a group of experts at Princeton and Stanford would bar parties withdrawing from the NPT to use fissile materials or production facilities acquired while they were parties to the treaty to make nuclear weapons. The German government also proposed preventing a party from withdrawing from the treaty if that state was in violation of that treaty.

But reinvigorating the NPT requires more than cracking down on Iran and North Korea. It also demands leadership from the declared nuclear weapons states which as part of the NPT committed themselves to reduce their own stockpiles significantly in exchange for non-nuclear states renouncing nuclear ambitions. Unfortunately, the five nuclear weapons states have not done enough, and General Scowcroft and his colleagues chided them in their report for their lackluster efforts.

Matters have not been helped by a State Department brochure handed out at the conference which listed arms control breakthroughs since the 1980s and touted reductions in the U.S. arsenal. But the time line made no mention of the 1996 Comprehensive Test Ban Treaty, a pact negotiated by the Clinton administration and ratified by 121 nations but rejected by this President. The brochure also ignored the 2000 NPT review conference at which the U.S. and other nuclear weapons states committed to practical steps to achieve nuclear safety, including entering into the test ban treaty and negotiation of a fissile material cutoff treaty to ban manufacture and production of additional bomb material.

Mr. Speaker, in the aftermath of World War II, the United States constructed a diverse set of international institutions to guarantee peace and better ensure a future for America and the rest of the world. By going to Moscow, President Bush honored the sacrifice of millions of Americans and other allied personnel to secure our present. But it was the road not taken, the one to New York, that would have helped to secure the future.

CLIMATE CHANGE—NATIONAL COMMISSION ON ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to discuss climate change, one of the most important issues facing our planet today. Thankfully, the issue of climate change has been getting more coverage in the national media. While I know that there are many Members in Congress who are committed to taking action, the level of attention paid to climate change in Congress does not match either the urgency of the issue or the concern of the American public. Given the enormous implications for our economy and our environment, this must change. Climate change is real, and we must act.

The steps we must take to address the issue are a matter of great debate. There is a consensus that we must reduce greenhouse gas emissions, but how we do that is not as simple. I applaud my colleagues in the House as well as the Senate who have introduced or supported legislation to address climate change. I have, however, great concern that their proposals, while extremely well-intentioned and well-crafted, do not have sufficient support in the Congress and do not adequately address the economic challenges our country will face as we move toward a less-carbon-intensive economy.

It is my belief that we must take action now to reduce greenhouse gas emissions, but we must do so in a way that would minimize the impact to our economy. We must implement an economy-wide, upstream, all greenhouse gas cap-and-trade emissions reduction program that provides some flexibility and a measure of certainty to those industries and businesses affected.

The National Commission on Energy Policy, a bipartisan group of top experts from energy, government, labor, academia and environmental and consumer groups, developed a set of sensible policy recommendations for addressing oil security, climate change, natural gas supply, and other long-term energy supply challenges. They advocate for a modest, certain and efficient proposal. Their recommendations have been endorsed by major U.S. businesses and labor groups.

One of the key components of their proposal is the concept of a safety valve for the cap-and-trade program. The safety valve essentially puts a price on carbon but provides for an unlimited number of allowances to be sold by the government. Since no one would pay more than what the government charges for allowances, this mechanism effectively controls the price of allowances.

□ 1430

When set at the right price, the safety valve would start the country down the path of slowing the growth of greenhouse gas emissions without causing economic disruption. While there may be less emissions reduction with a safety valve than without one, today we are doing nothing. And the safety valve creates a potential buy-in from those affected by the legislation.

Another component that I believe is important to integrate into any climate change policy is setting a prospective baseline on greenhouse gas emissions. A sound greenhouse gas emissions reduction policy must recognize that the buildup of greenhouse gas has been taking place over the last century. Since greenhouse gas concentrations are a cumulative measure, sharply reducing a particular year's emissions is substantially less important than the alternative, which is to start down the long-term path of gradually slowing the growth of greenhouse gas emissions. This will also allow businesses to plan for a carbon-constrained world.

Mr. Speaker, I believe any climate change policy we implement must also tie our country's efforts to reducing greenhouse gas emissions to those efforts of the major developing countries. We must ensure that they make a similar commitment to our environment and that the United States is not unfairly burdened. It is a major concern of American business and labor that the developing countries participate in slowing the growth of greenhouse gases to a degree comparable to ours. Any program that does not link our emissions reductions to those of the major developing countries would not only be fundamentally unfair but could also reduce America's competitiveness, resulting in the loss of businesses and jobs in the United States.

And, lastly, Mr. Speaker, a climate change policy must also encourage the development of new greenhouse gas emissions reduction technologies.

Mr. Speaker, I submit for the RECORD two documents to supplement what I have said here today, an editorial and a letter.

The long-term resolution of the greenhouse gas emissions issues lies in the research and development of new technology.

Mr. Speaker, there is irrefutable scientific evidence to justify taking action on climate change. The long-term consequences of failing to act are sufficiently well documented, providing us with every incentive we need to act. I know many of my colleagues believe that the United States can and should adopt a greenhouse gas emissions reduction policy, but I believe that such a policy will only garner support if it is modest, efficient, and fair. Most importantly Mr. Speaker, we must begin the process. We must act and we must do so now. Otherwise, we are simply putting the future of our planet at risk.

[From the Washington Post, Jan. 28, 2005]

A WARMING CLIMATE

For the past four years members of the Bush administration have cast doubt on the scientific community's consensus on climate change. But even if they don't like the science, British Prime Minister Tony Blair, one of their closest allies in Iraq and elsewhere, has given the administration another, more realpolitik, reason to rejoin the climate change debate: "If America wants the rest of the world to be part of the agenda it has set, it must be part of their agenda, too," the prime minister said this week.

Mr. Blair's speech came at an interesting moment, both for the administration's energy and climate change policies and for the administration's diplomatic agenda. In the next few weeks, the House will almost certainly vote once again on last year's energy bill, a mishmash of subsidies and tax breaks that finally proved too expensive even for a Republican Senate to stomach. After a House vote, there may be an attempt to trim the cost of the bill and add measures to make it acceptable to more senators—including the growing number of Republicans who have, sometimes behind the scenes, indicated an interest in climate change legislation.

Indeed, any new discussion of energy policy could allow Sens. John McCain (R-Ariz.) and Joseph I. Lieberman (D-Conn.) to seek another vote on their climate change bill, which would establish a domestic "cap and trade" system or controlling the greenhouse gas emissions that contribute to global warming.

If domestic politics could prompt the president to look again at the subject, international politics certainly should. Administration officials assert that mending fences with Europe is a primary goal for this year; if so, the relaunching of a climate change policy—almost any climate change policy—would be widely interpreted as a sign of goodwill, as Mr. Blair made clear. Beyond the problematic Kyoto Protocol, there are ways for the United States to join the global discussion, not least by setting limits for domestic carbon emissions.

Although environmentalists and the business lobby sometimes make it sound as if no climate change compromise is feasible, several informal coalitions in Washington suggest the opposite. The Pew Center on Global Climate Change got a number of large energy companies and consumers—including Shell, Alcoa, DuPont and American Electric Power—to help design the McCain-Lieberman legislation. A number of security hawks have recently joined forces with environmentalists to promote fuel efficiency as a means of reducing U.S. dependence on Middle Eastern oil. Most substantively, the National Commission on Energy Policy, a group that deliberately brought industry, environmental and government experts together to hash out a compromise, recently published its conclusions after two years of debate.

Among other things, it proposed more flexible means of promoting automobile fuel efficiency and suggested determining in advance exactly how high the "price" for carbon emissions should be allowed to go, thereby giving industry some way to predict the ultimate cost of a cap-and-trade system.

They also point out that legislation limiting carbon emissions would immediately create incentives for industry to invent new fuel-efficient technologies, to build new nuclear power plants (nuclear power produces no carbon) and to find cleaner ways to burn coal. Technologies to reduce carbon emissions as well as fossil fuel consumption around the world are within reach, in other words—if only the United States government wants them.

JUNE 12, 2003.

Hon. JOHN MCCAIN,
Russell Office Building,
Washington, DC.
Hon. JOSEPH LIEBERMAN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATORS MCCAIN AND LIEBERMAN: As Congress takes up the issue of market-based systems to reduce emissions of carbon dioxide and other greenhouse gases, we are writing to encourage you to incorporate an allowance price cap sometimes referred to as a "safety valve." In the context of a cap-and-trade system for emission allowances, a safety valve would specify a maximum market price at which the government would step in and sell additional allowances to prevent the price from rising any further. Much like the Federal Reserve intervenes in bond and currency markets to protect the economy from adverse macroeconomic shocks, this intervention is designed to protect the economy automatically from adverse energy demand and technology shocks. While we disagree on what steps are necessary in the short run, we both agree it is particularly important to pursue them in a manner that limits economic risk.

Our support for the safety valve stems from the underlying science and economics surrounding the problem of global climate change, and is something that virtually all economists—even two with as politically diverse views as ourselves—can agree upon. It is based on three important facts.

First, unexpected events can easily make the cost of a cap-and-trade program that includes carbon dioxide quite high, even with a modest cap. For example, consider an effort to reduce domestic carbon dioxide emissions by 5% below future forecast levels over the next ten years—to about 1.8 billion tons of carbon. This is in the ballpark of the domestic reductions in the first phase of McCain-Lieberman allowing for offsets, the targets in the Bush climate plan, and the level of domestic emission reductions described by the Clinton administration under its vision of Kyoto implementation. Based on central estimates, the required reductions would amount to about 90 million tons of carbon emissions, and might cost the economy as a whole around $1.5 billion per year. However, reaching the target could instead require 180 million tons of reductions because of otherwise higher emissions related to a warm summer, a cold winter, or unexpected economic growth. Based on alternative model estimates, it could also cost twice as much to reduce each ton of carbon. The result could be costs that are eight times higher than the best guess.

Second and equally important, the benefits from reduced greenhouse gas emissions have little to do with mission levels in a particular year. Benefits stem from eventual changes in atmospheric concentrations of these gases that accumulate over very long periods of time. Strict adherence to a short-term emission cap is therefore less important from an environmental perspective than the long-term effort to reduce emissions more substantially. Without a safety valve, cap-and-trade risks diverting resources away from those long-term efforts in order to meet a less important short-term target.

Finally, few approaches can protect the economy from the unexpected outcome of higher energy demand and inadequate technology as effectively as a safety valve. For example, opportunities to seek offsets outside a trading program can effectively reduce the expected cost to a particular emission goal—which is beneficial—but that does not address concerns about unexpected events. In fact, if the system becomes dependent on these offsets, their inclusion can increase uncertainty about program costs if the availability and cost of the offsets themselves is not certain. Another proposal, a "circuit breaker," would halt future declines in the cap when the allowance price exceeds a specified threshold, but would do little to relax the current cap if shortages arise. Features that do provide additional allowances when shortages arise, such as the possibility of banking and borrowing extra allowances, are helpful, but only to the extent they can ameliorate sizeable, immediate, and persistent adverse events.

To summarize, the climate change problem is a marathon, not a sprint, and there is little environmental justification for heroic efforts to meet a short-term target. Such heroic efforts might not only waste resources, they risk souring our appetite to confront the more serious long-term problem. Absent a safety valve, a cap-and-trade program risks exactly that outcome in the face of surprisingly high demand for energy or the failure of inexpensive mitigation opportunities to arise as planned. A safety valve is the simplest, most transparent way to signal the market about the appropriate effort to meet short-term mitigation goals in the face of adverse events.

While trained economists hold divergent views on many topics—as our own views demonstrate—economic theory occasionally delivers a relatively crisp message that virtually everyone can agree on. We believe this is one of those occasions, and hope you will consider these points as Congress addresses various climate change policies in the coming months.

Sincerely,

R. GLENN HUBBARD,
Professor, Columbia University, Chairman, Council of Economic Advisers, 2001–2003.
JOSEPH E. STIGLITZ,
Professor, Columbia University, Chairman, Council of Economic Advisers 1995–1997.

THE UNITED NATIONS

The SPEAKER pro tempore (Mr. MACK). Under the Speaker's announced policy of January 4, 2005, the gentleman from New Jersey (Mr. GARRETT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise this evening to discuss a topic of worldwide importance, and that is the United Nations.

The United Nations was created in 1945 after World War II, and it was done to preserve world peace through collective security; and I believe, quite frankly, that it has failed miserably in its role.

As we approach the 60th anniversary of the United Nations, I wanted to discuss the United Nations this afternoon, to look at its original charter and its mission, and evaluate if the United Nations has accomplished what it was designed to do.

If we look over here, we have set out what its initial mission was: "The United Nations Failing its Mission." Its charter calls as follows: The U.N. charter calls for maintaining international peace and security and to that end to take collective measures for the prevention and removal of threats to peace."

It sets forth in more detail, if we would read the charter, to maintain international peace and security, to take effective collective measures for the prevention and removal of threats, to bring about the peace and world order.

Secondly, to develop friendly relations among nations based upon respect, respect for the principles of equal rights and self-determination of peoples.

Thirdly, to achieve cooperation in solving international problems, problems of economic, social, cultural, and humanitarian in character.

And fourthly and finally, to promote and encourage respect for human rights and for the other fundamental freedoms that we all hold dear. Freedom from distinctions such as race, sex, language, and religion.

Unfortunately, if we look at the record of the United Nations over the last 60-some-odd years on any one of these issues, I think people would have to be in agreement with me that it has failed on each and every one. The United Nations has not maintained international peace and security. As we point out here, the number of wars that have occurred since 1945 number well over 300 wars. Those wars have translated into the deaths of some 22 million people.

The only times that the United Nations has ever supported intervening to try to actually stop hostilities, to try to prevent wars, to try to do and live up to what its mission says were on two occasions. One was with respect to the Korean War. And the only reason that that came about, if the Members recall their history, was that the Soviet Union at the U.N. in New York boycotted the Security Council meeting, and they were able to take a vote to intervene at that point.

And the second one was much more recent, and that, of course, was in the first Persian Gulf war. But other than those two examples, there has never been any example where the U.N. has successfully stepped in and prevented these wars; and because of it, 22 million lives have been lost.

Just over the last 10 years, there have been multiple genocides that occurred under the United Nations' watch. These have occurred in Bosnia; Rwanda; and now, as we speak, in the Darfur region of the Sudan. Each time the United Nations has failed to take the appropriate action and the action that was needed to put an end to those mass killings, and it was mainly due to political and economic pressures.

If we think about it, the biggest threat right now to the civilized world today, as we speak, is terrorism. And even in this field, the U.N. has failed throughout its existence to develop a clear definition of what terrorism really is.

Another main mission of the United Nations is to promote and encourage human rights and equal rights throughout the world. In this regard we have something called the U.N. Commission on Human Rights. This is the primary body that the U.N. has that is charged with accomplishing this objective. However, again, look at the record and see that the U.N. has failed in this area as well. Countries such as Cuba, the Sudan, China, countries that have a long history of violating human rights, countries such as these sit on the very commission in the U.N. that is supposed to be protecting the human rights and dignity of the people in these countries.

These countries' membership and others like them on this panel destroys the very credibility of this commission; and it prevents the United Nations from achieving its goals, those goals in promoting and strengthening human rights. In fact, it was just a short time ago, several years ago, that Libya, that country with that terrible human rights track record, was selected to serve as the very chairman of the Human Rights Commission.

When we get into the issue of dollars and cents, American taxpayers should be questioning just where their hard-earned tax dollars go. The United States pays almost 25 percent of the entire United Nations budget. The United States pays upwards of 25 percent of the entire budget for the U.N., estimated in the 25 percent ratio. But then when we compare that to the number of votes in the U.N. that side with the United States on important issues relative to the citizens of the state, the pie chart looks particularly different.

On the left, the pie chart showing almost a quarter of the budget coming from the U.S., U.S. taxpayers; on the right the pie chart showing the number of votes that are with us as opposed to being against us, and we just get a slight sliver. What is that number? The share of votes in the U.N. General Assembly siding with the United States is ½ percent. Less than 1 percent of the time does the U.N. side with the United States. The majority of the time, almost 99.5 percent of the time, they are against us. And despite the fact that we pay a vast majority, a huge percentage, of the U.N.'s budget, we have the same voting rights as anyone else there; we have the same voting power as countries such as Tunisia, Bulgaria, El Salvador; the same voting rights as some of the other countries that I mentioned previously, those countries with terrible human rights violation records that serve on the Commission of Human Rights, et cetera. Countries that are headed by dictators and tyrants have the same ability to influence that world body that we do in the U.N.

All these problems that I have mentioned lead back now to the very point that I am trying to make this afternoon, that the United Nations is in serious need of major change and reform. Over the next hour my colleagues and I will discuss some of these problems, problems that the United Nations has had from its very foundation, from its very creation in 1945, and have existed right up to the present time. Some of these problems should be familiar to the Members as we see they make the headlines of some of the papers. Other papers we have to read in the back to actually find out what is going on with the U.N., problems including such things as the now infamous Oil-for-Food scandal, the sexual exploitation of women and little children in the Congo, also the ongoing crisis that I referenced earlier in the Darfur region of the Sudan.

We need to examine now the ways we need to take to reform the United Nations and make it a more accountable and transparent world body, if that is possible.

I should say that I commend the House Committee on International Relations, and the gentleman from Illinois (Mr. HYDE) as well, the chairman of that committee, because he and the committee, as we speak and just recently, have been working to bring up legislation out of the committee now and before this House that will address these problems, bringing up and passing a substantial United Nations reform proposal. I look forward to that legislation coming to the floor of the House for our consideration, for our review, and hopefully for a vote on that legislation soon.

The lack of oversight and accountability by an international body that claims to represent the moral conscience of the world really should not be tolerated, should not be tolerated by the citizens of this country, should not be tolerated by the citizens of the world. As the largest financial contributor to the United Nations in the world, the United States is the one country in the best position now to demand those reforms.

So tonight let us take a look at some of those particular areas that I have referenced already in need of reform with regard to the legislation that we will be seeing soon out of committee and before this House for consideration.

Probably the one that is most familiar to the general public today is that dealing with the Oil-for-Food scandal; and when we think about it, it really is not that familiar to a lot of people because for a long time it was not getting mainstream press attention. In fact, if it was not for a newspaper in New York and a few other papers that focused on this extensively, we would never have seen this issue make the front pages of the paper elsewhere. And if it was not for certain news commentaries on stations like Fox and otherwise that did actually do a good job of bringing this issue to the fore, the rest of the mainstream media failed to dig into this issue to find out what the problems were with regard regards to the Oil-for-Food scandal.

So let us take this opportunity here this afternoon, then, to revisit that topic to allow the public to dig in and take a look at what the history was there and hopefully open the eyes of some people to some of the real problems within the U.N.

With regard to the Oil-for-Food scandal, we have to go back to the first gulf war. Back at that time, sanctions were put in place on Saddam Hussein and his entire regime, and those sanctions were put in place that forbade them from exporting their oil outside of their country. And we know that, of course, the oil revenue was his main revenue stream coming into that country. So restrictions were placed on that country saying that they could not export any more oil. And, of course, that was having a tremendous economic downward impact upon his country and, of course, the people that lived in it as well.

The U.N. became involved and said that there were problems for the regular common people in that country because of these sanctions. So in 1996 these restrictions were softened, and the U.N. established the Oil-for-Food program. And in that program, it allowed the Iraqi government, Saddam Hussein, to sell a limited amount of oil and a limited amount from his reserves, was able to sell outside of that country.

☐ 1445

The revenue that would be coming back into Iraq was to be used for humanitarian purposes and supplies, food, housing and the like, medical supplies, for the regular people who were suffering in Iraq.

When the U.N. established this, however, Saddam Hussein demanded certain transaction payments from the companies and officials that were doing business with him. In other words, what happened here, these were basically kickbacks to Saddam Hussein, money that would turn around and then he would be able to use for other purposes, other than helping the people of his country.

The way it worked was simply this: Under the agreement set up with the U.N., he was able to designate those companies that would be the ones that would provide the humanitarian services. Well, if those companies wanted to have anything to do with getting that lucrative contract with his government, he would in turn compel them to make some sort of, I guess you would say, under-the-table kickback to himself personally and his government.

And what did he use that money for? He turned around and used that money for his army, for his generals, for munitions, and, of course, also to provide for the palaces that we have since seen that he enjoyed in that country, meanwhile while his people were destitute and in poverty. Also money that was used to provide funding to Palestinians and the homicide bomber families. Suicide bombing families who engaged in that conduct were soon informed that their families would be receiving a stipend, if you will, of $15,000 to $25,000 or more, care of the Saddam Hussein government, care of the Oil-for-Food revenue stream.

Now, by allowing this corrupt system to continue and allowing Saddam Hussein to manipulate the Oil-for-Food Program and also to bribe government officials from other countries, and the reports have shown there has been an extensive list of government officials and people in high levels and positions in other countries, countries that perhaps it really should not surprise us, whether we are talking about people in Russia or in France, countries that were fighting the United States and our positions where we had taken a tougher stance on Saddam Hussein. I guess now, in retrospect, we know why some of those countries were fighting the United States and our position to try to help the people of Iraq, because there were people over in those countries that were receiving part of those kickbacks from Saddam Hussein.

In the end, how much money was diverted from the legitimate purposes of helping these people? How much money was diverted from providing for food and shelter and medical supplies? Well, altogether, the reports are now looking at $21 billion was stolen by Saddam Hussein at the expense of his own people of his country.

Think about it. The U.N.'s Oil-for-Food Program was created to help provide humanitarian supplies, food and medicine, to the less fortunate. But Saddam Hussein, under the auspices and the willing hand, if you will, of the U.N., was allowed to use that money to advance weapons and military programs as the poor were continuing to be plagued by starvation and disease.

Now the most troublesome facts about the ongoing Oil-for-Food investigation now is the lack of cooperation being provided from the U.N. to get to the very bottom of how all this occurred and what actually took place. We will be taking a look at that in a little more detail to see how those reports came out and the fact that the U.N. continues to this day to fail to cooperate with Congress, with the information that we have sought to receive and also with regard to the information that we had received and actually now that the U.N. would like to get that information back.

I see I have been joined by one of my colleagues, the gentleman from the great State of Florida, who also I would presume would like to speak to the issue of the U.N. and the need for reform and some of the problems with the U.N.

I yield to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Speaker, I thank the gentleman from New Jersey for his distinguished leadership in this and other matters.

Mr. Speaker, it is very sad that as I go back and talk to people in my district about the role of the U.N., Americans know they are very disturbed by the U.N., but they like the idea of having this United Nations as a place where we can promote world peace and world security and do some other things. It is not until you explain the record of the United Nations, and before then the League of Nations, of total failure when it comes to promoting freedom, total failure when it comes to protecting collective security, total failure across the board that they really get frustrated.

I want to congratulate the gentleman from New Jersey. The U.N. is in need of deep and drastic and dramatic reform, and it is very sad to see liberals in the United States Senate hold up a reformer like John Bolton's nomination merely because he believes that America's security and freedom should come first, and the United Nations needs a serious dose of reality.

I will tell you it has been sad historically to watch the fact that the United Nations, that was primarily the child after World War II of the British Government and the United States Government to promote security for the world and peace, has been a failure.

It was NATO that protected the freedom and the peace during the Cold War. The League of Nations, which was started in 1914–1915, failed to deter any major aggressor, including ultimately Hitler's Germany that attacked Western Europe and threatened peace throughout the world.

Just like the League of Nations failed to protect the security of free countries, so the U.N. has never once had any impact on protecting freedom-loving, peaceful countries from aggressive totalitarian countries, the Cold War being the biggest example but not the only example. The U.N. was of absolutely no value whatsoever throughout the Cold War with the Soviet Union, and it was NATO that preserved through power the peace. As Lady Thatcher said, it was Ronald Reagan who won the Cold War without firing a single shot.

Even in smaller regional conflicts, the U.N. historically has been a total waste of time, money, effort and resources. For example, Cuba having forces in Angola was never deterred by the U.N.; the Soviet Union invading Afghanistan, the Vietnamese and the Korean conflicts, again examples of the complete impotence of the United Nations to the detriment of freedom-loving peoples.

As my colleague pointed out, the Saddam Hussein failure has been a dramatic one, but it is just the most recent one, along with the Oil-for-Food scandal, the perverted use of some U.N. troops in undermining the safety of women and children, actually engaging in the rape and torture of these people.

Even when it comes to peacekeeping, something you would think the United Nations would be good at, they have a miserable record. In Somalia, it was U.N. troops that presided over the largest genocide in the last 10 years. They actually facilitated the genocide by herding together folks that were ultimately slaughtered. In Rwanda, you had the Tutsis slaughtered by their oppressors. The United Nations was totally useless. In Yugoslavia, you had the horrible situation that resulted from the U.N. embargo, denying one side the arms to protect themselves while the other side engaged in mass slaughter in Bosnia and elsewhere.

I want to end, Mr. Speaker, by thanking the gentleman from New Jersey and saying there are some things that the United Nations can help at: distributing food in times of crisis. They are a nice debating society, but they have never once provided any bit of security to the United States or any of our friends. To the extent that they condemn anybody, it is typically our friends like Israel, when they equated Zionism, the belief that the Jewish people ought to have a state where they can be free from threats from oppression and anti-semitism and absolute genocide. It is Israel that has been condemned more than any other nation on Earth by the United Nations.

Finally, the United Nations has never been united in any way, shape or form. Some people say it is a democracy, but it is a democracy where a majority of the people that vote are actually dictators, tyrants. The majority of the United Nations is governed by places like the African Union, the Arab

League and the Islamic Conference, often not only hostile to America's interests but some of these nations actually promoting terrorism itself.

So I congratulate the gentleman from New Jersey. U.N. reform is a must. If we are not going to reform the U.N., it is time to pull out of the U.N., put together a group of freedom-loving, peaceful nations that will engage in real collective security, and not engage in this mirage where we pour our money down a rat trap, fund our enemies often, and embarrass ourselves by being a participant.

I yield back to the distinguished gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Speaker, reclaiming my time, I thank the gentleman for those comments. The gentleman made a number of good points, the last one with regard to what they are good at. Before the gentleman got here, I put up the one chart as to what the charter of the U.N. says, what is their ultimate responsibility, why did we create the U.N. back after World War II. It was basically the larger mission.

There it is. The larger mission is maintaining international peace and security, which means to try to prevent future wars so we would not have another war of the world as we had in World War II, and to try to prevent future wars, where we have had over 300 wars.

Then the gentleman alluded to another point, which is interesting. The gentleman says if they are not doing what the charter tells them to do, which is to try to make us all feel a little more secure at home, that we are not going to engage in another world war, maybe at least, the gentleman suggested, that they are helping out providing the delivery of food and the like, disaster relief.

But I think the gentleman will agree with me, because I know the gentleman follows the issue of the United States providing tsunami relief after the last devastation that occurred at the end of last year, how the White House was immediately taking action. Although it was not getting a lot of press and it was not actually looking for press at that time, the White House and this administration said we are going to just go in and get the job done, and we immediately sent our troops over there, our ships over in that region of the world.

We were not calling up the press on the same day we were doing it. The administration, they just said, we have a problem. Let us get the United States over there and try to solve the problem with regard to getting the food and supplies to the people.

I know the gentleman is very aware of that and was helpful in regard to moving the legislation to get funding there.

But as an individual who has gone on the ground in those countries that were suffering from the tsunami, one of the interesting aspects of it is not so much what the U.N. did, it is what the United States did and what some other bilateral agreements did. As the gentleman recalls, what happened was the United States stepped up and said we will provide troops and equipment immediately. We will also provide funding.

They intermediately entered into agreements with countries like India. India, of course, was right there. They had their ships within less than an hour on the scene. And we were actually getting the job done.

Later, the U.N. became involved. Even after the U.N. slowly began to make its presence known, it was not so much the U.N. that was doing the work, as the gentleman knows, it is the NGOs, all those other, what is the word for it, nonprofit entities, you might sort of say, that were on the ground, that were already in some of these countries, funded in large part by American taxpayer dollars. Those were the guys who were getting the job done.

So, just to conclude, I think the gentleman makes a good point that the U.N. does not do its original mission at all, which is to provide security to this country, but the other point is that all they really do is come in after the fact when it comes to providing food and medicine and still rely upon our tax dollar to get the job done.

Mr. FEENEY. Mr. Speaker, if the gentleman will yield further, I thank the gentleman.

The United Nations, to the extent it does anything, it distributes food and resources largely provided by the United States of America. There are other non-governmental organizations that do at least as good a job on most occasions. If it was not for the generosity of American taxpayers and American contributions, much of the world would never recover from some of the horrible disasters that occur.

But I do believe there is a potential role for the United Nations to play in continuing to be a world welfare organization in times of emergency relief perhaps and maybe a cocktail debating society. But unless there are dramatic reforms, they are good for nothing more. And it is a threat to our security if we even pretend that they ever have deterred an aggressor.

As the gentleman points out with his chart, since 1945, their main mission was to deter aggression by hostile countries to freedom. They have failed 300 times to do their main mission. So let us never depend on the United Nations for our security or to protect American interests.

Mr. GARRETT of New Jersey. Mr. Speaker, reclaiming my time, I thank the gentleman. Before I go on, I will comment that the gentleman's comment about a debating society is one that I have used as well, but it is a debating society made of who? It is a debating society made up of tyrants, dictators and thugs, sort of like governments. I do not know that I really want to be engaged in a debating society like that. But I thank the gentleman for his work and support.

As was alluded to, one of the things the U.N. does not do is prevent wars. One of the things they might be able to do is help the people. That is what they were supposed to be doing with regard to the Oil-for-Food scandal situation, providing food to the people of Iraq through their oil revenue stream.

Unfortunately, as I was alluding to a moment ago, they failed miserably in that respect inasmuch as they allowed the dictator Saddam Hussein to use those dollars for other things, to use those dollars to help build up his military, to use those dollars to help build up their palaces for their generals, some of which I had the opportunity to see when I had gone over to Iraq to visit our troops over there, magnificent palaces that these generals and Saddam Hussein lived in at the time while the rest of the country was basically in squalor and poverty. That is where the Oil-for-Food revenue was going to.

It was also going to, as I said, people outside of his country, bribing basically government officials and other high-ranking individuals in other countries, such as Russia and France and elsewhere, the very same countries that were battling the United States in the U.N. saying that we should not be taking a tough position with Iraq, that we should allow them to continue on with the Oil-for-Food Program.

☐ 1500

Well, now we know why. They wanted the Oil-For-Food program to continue just so that they could continue to have a stream of money coming into their private bank rolls. Well, the U.N. finally found out that that was going on. Investigations were taking place, investigations are taking place here in this Congress. But, as I alluded to a moment ago, the very U.N. that we fund and house here in the United States in New York City, they failed to work with us here in Congress so that we can, as American citizens, get to the bottom of it and find out where our dollars are going to and exactly what sort of transparency we need in order to find out this information. The U.N. has shielded their very own people. The U.N. has said that we are not going to provide documents to Congress that the Congress wants, we are not going to provide people to come and testify before Congress that Congress needs.

So what did the U.N. do in this regard? Well, what the U.N. did do was set up their own commission, or the commission has been set up, as we are all familiar with now, to investigate, which is now known as the Volcker

Commission, to investigate the allegations involving the Oil-For-Food.

The problem with that is a number of folds:

First of all, the gentleman who is heading up the Commission, Paul Volcker, an honorable gentleman, but someone it has been discovered has close ties himself to the U.N. in the past and to the Secretary General, Kofi Annan, in the past, as well as other conflicts of interest, so perhaps not the best to be heading up the investigation. Also, as far as the powers that that commission has, lack of subpoena powers, lack of ability to hold people in contempt in order to get them to testify before this commission.

And it is for those reasons that that commission has not done the study and has not done the inquiry that we would all like to have had, so we could get all the information out with regard to the Oil-For-Food scandal and the mismanagement at the top, at least the malfeasance, misfeasance at worst, at the top of the hierarchy of the U.N.

Paul Volcker also has been accused of downplaying Kofi Annan's involvement in the scandal. Several reports have come out of his commission with regard to this scandal, and others. They are called interim reports.

Several weeks ago, unfortunately for them, two of their top investigators who were working on his commission resigned from that investigatory body; they resigned. And the reason they did so, they said, was because they felt that the commission and the reports that have been issued by the commission basically are too soft, not hard-hitting enough, on Kofi Annan and Kofi Annan's involvement with the Oil-For-Food scandal. Those individuals and the information that they have been able to take out as far as documents and what have you would not have been available to Congress, had it not been that those people did not do the honorable thing and stand up and say that they are not going to be part of an investigation that is not much more than a whitewash of what is going on over at the U.N.

The second report, remember I said there were several interim reports, the second interim report's most troubling finding was the fact that Kofi Annan's chief of staff authorized the shredding of documents, numerous documents authorized by the chief of staff of Kofi Annan relating to the Oil-For-Food scandal. He retired on January 15, earlier this year. It was the same day that the committee was informed that these documents had been shredded. In other words, documents that would have been necessary to show the direct involvement of the parties to this action for Oil-For-Food were simply destroyed and shredded.

It is interesting to note that this is the same individual, the same chief of staff that previously had supposedly sent out an order saying that no documents should be discarded, that the commission should have access to all documents that they needed and sought; but at the end of the day, it was that individual himself, the chief of staff, that was found guilty. Well, not found guilty, but found as the individual who was shredding these documents.

Now that these other two individuals have resigned from the commission that have been referenced before because of their views on the report being too soft, they took with them certain documents and they took those documents, and those documents have found their way here to this House and to the investigatory bodies here in this House.

One would think that the U.N. and the Volcker Commission would say, that is fine. Now that you have the documents, go ahead and do all that you need. But what happened right after that? Well, we know from the reports in the press that Paul Volcker then came back and attempted as best he could to block congressional investigations from looking at these documents and, in fact, demanded those very same documents back. So, basically, just a pattern of blocking inquiry into what the U.N. has been doing and a pattern of standing in the way of citizens of the United States and the citizens of the world to see for themselves the poor job that the U.N. has done with regard to living up to its charter of protecting and making a secure world and protecting the people in Iraq.

I see that I am joined here this afternoon, and I appreciate that, by the gentleman from Indiana (Mr. PENCE); and I yield to him.

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong agreement with the sentiment expressed by the gentleman from New Jersey and our colleagues who have spoken in this Special Order, and I especially want to commend the gentleman from New Jersey (Mr. GARRETT) for being one of the singular and most effective voices about the truth about the United Nations in the 21st century on Capitol Hill, and I appreciate his leadership in organizing this Special Order today.

As a member of the newly organized Subcommittee on Oversight for the United Nations, I am especially grateful to have an opportunity to speak and to do so specifically, as the gentleman has requested, about legislation that we on the Committee on International Relations reported, literally just hours ago, when, by a very close vote, and what was I think an extraordinary and civil and thoughtful debate, the Committee on International Relations produced U.N. reform with teeth.

The Henry Hyde U.N. Reform Act of 2005, we believe, will come to the floor of this Congress next week, and it will represent, in sum total, the most significant effort by the people of the United States of America to reform and amend this half-century-old institution. And that is the intention and the purpose of what, when it was introduced with the authorship of the gentleman from Illinois (Mr. HYDE) and my singular cosponsorship, the Hyde/Pence bill purposes to do.

The truth is, Mr. Speaker, that if the United Nations did not exist as a forum for international deliberation, we would very likely have to invent it. The United Nations, not as a world government, but as a world deliberative forum, serves an important role. But because of years of mismanagement, mindless bureaucracy, and, as the gentleman has spoken with force and authority today, profound corruption, this institution's vitality and survival in the 21st century is at risk without fundamental reform. And that is precisely what the Henry Hyde U.N. Reform Act brings.

But I say very carefully and directly, this is not a bill that provides an outline for reform of the United Nations with, if I can speak plainly, the United States providing virtually a third of the funding for this institution and then saying, we think these are good ideas for reform; we sure hope you do too. This is U.N. reform with teeth.

In fact, we use a variety of methods of leverage in the United Nations Reform Act of 2005, but that which has caught the most notice is the potential withholding of 50 percent of U.S. assessed dues if certifications are not made in the critical areas of reform that are described. Those areas include budgeting. The Hyde legislation urges the shifting of 18 programs from regular assessed budget authority to voluntary funded programs that will be a great deal more accountable in the process.

On the subject of accountability, the Hyde legislation mandates the creation of an independent oversight board with broad investigative authority through the Office of Internal Oversight Services, what will come to be known as the OIOS, will have the authority to initiate investigations into mismanagement and wrongdoing and establish procedures to protect U.N. employees or contractors who serve in a whistleblowing capacity.

In the area of human rights, the U.N. Reform Act also has a get-tough policy mandating that the United Nations adopt criteria for membership on any human rights policy within the institution. Under these criteria, countries that fail to uphold the universal declaration of human rights would be ineligible for membership. Now, this may come as a shock to any that are looking in today, Mr. Speaker, but that is not required today. There are countries who participate in human rights forums in the United Nations that do not uphold the universal declaration of human rights. We say that should not be the case.

And in the area of peacekeeping, where there have been such extraordinary scandals of late, children, little girls, 10, 11 and 12 years of age being sexually molested by blue-helmeted U.N. peacekeepers, which photographs record being made of the molestation and then the trafficking of those records, there are fundamental reforms in the Hyde legislation that would mandate a single and enforceable uniform code of conduct for all personnel serving in peacekeeping missions.

And there is a strict mandate that the criteria of the commission on peacekeeping reform that was adopted by the United Nations, that the five criteria and objectives be implemented in the immediate before any additional peacekeeping operations can be authorized by the President of the United States.

I want to yield back to the gentleman from New Jersey because there will be ample time on the floor next week, I believe, when the U.N. Reform Act comes to this floor, to unpack it for the American people. But it is, in a very real sense, an opportunity to take that information that the gentleman from New Jersey (Mr. GARRETT) is leading on to the floor today and who has been such a champion of, taking the truth about the U.N. and saying, here is the proper response of the American people.

As I close, let me say that one response could simply be the American people, through their elected representatives, could profoundly reduce our participation financially in the United Nations. And it is important to say that the U.N. Reform Act keeps funding level. There is no reduction in funding by the people of the United States of America to the United Nations in the U.N. Reform Act. There is a potential for as much as a 50 percent reduction in assessed dues if the United Nations, through its membership and internal organs, does not fundamentally adopt and implement reform in the next 2 to 3 years.

It is U.N. reform with teeth, and for all of the reasons that the gentleman from New Jersey (Mr. GARRETT) effectively brings to the floor today, the Henry Hyde U.N. Reform Act of 2005 is an idea whose time has come.

I yield back with gratitude to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Speaker, I thank the gentleman, as well, for joining us here this afternoon and also for the work that he has already done on the committee. I commend him for that. I know the gentleman is well respected by all of our colleagues for his insightfulness and level-headedness as far as addressing this issue because, as he pointed out, we could be going in either extreme on this issue.

Probably, when we get into the debate on this legislation next week, whether it becomes partisan or not, I can imagine that there will be extremes from both sides, so I appreciate the gentleman's moderation on this and his hard work on this. I am sure the gentleman joins with me in supporting the gentleman from Illinois (Chairman HYDE).

In essence, what the committee is doing is they are looking for in the Reform Act of 2005, these are my words, not the committee's words, but they are looking for oversight, accountability, and cutting bureaucracy, I guess the same thing that they were always looking for in any form of entity, government or otherwise, that plays an important role in our lives. We do not want a huge bureaucracy, we do want a level of accountability so we know who is responsible and we can hold them accountable for what they have done, and we want oversight. We want somebody, as the gentleman from Indiana (Mr. PENCE) alluded to, somebody, some apparatus who would be in a position to be able to step back for a moment and take a look at the situation as a whole and see whether they are complying with their overall charter and complying with their overall mission.

□ 1515

As we have alluded to already this evening, we already know throughout history they have not been doing so, so now we have to decide what to do with it.

I referenced before the problems, the ongoing investigation with the U.N. and what they have found so far. The behavior of the U.N. up to date, in my opinion, is just totally indefensible with regard to their investigations and the investigations that they are taking, blocking for Congress to take. I, for one, take the position, and have signed on to legislation that we had last year when these issues first came up, to say that we should be suspending all, we should be suspending all funding to the U.N. until they agree to fully cooperate and provide us with that level of accountability.

The gentleman from Arizona (Mr. FLAKE) has legislation that addresses the issue and says that we should be withholding some level of funding to the U.N. until there is a true accounting, until we can certify that we actually know where all of that money went to.

Remember how much we were talking about here? $21 billion has been effectively stolen, stolen from the people of Iraq, the poor, destitute people of Iraq, during the entire scandal by Saddam Hussein and other people around the world and his regime, the largest theft, I guess, in world history. And we are just looking for an accountability for that.

It is really an outrage when you think about it. The American public should be outraged about what has occurred at the U.N. The world community should be outraged about what occurred at the U.N., and right over in Iraq in the work of Saddam Hussein and right under the noses of the administrators at the U.N.?

A $21 billion scandal, and it is only now beginning to have the facts come out. We have a responsibility as Members of the Congress to continue with this investigation. We have a responsibility, as alluded to before by the gentleman from Indiana (Mr. PENCE), to make sure that if we are going to be providing them any of your hard-earned tax dollars that we will get to the bottom of it, hold those people responsible for what their actions were, for participating in or profiting from this outrage. They need to lose their jobs or go to jail or both.

So that is just one tip of the iceberg problem with the U.N. And I can allude just to a point how this impacts upon the world issue, world community as far as security and terrorism is concerned. I think I have the chart here.

I referenced before what Saddam Hussein was able to do with the money, buy houses and palaces and military. But part of it, also, in not too complex an arrangement here, part of it also helped to facilitate suicide bombers which we see on TV more frequently than any of us want. But suicide bombers in other parts of the world as well?

I mentioned before that there was a situation where he was getting kickbacks from payments from companies in the Oil-for-Food program. Some of that money then went to a bank account in Jordan. There was also revenue coming into the regime, a $3 a barrel fee for oil. That was paid by the Jordanian Government as part of their agreement over with Iraq to get some of money out. Again, that money ended up in a Jordanian bank account there. There is a bank, Rafidian Bank in Iraq. That money was there; and other sources as well, I should say. The top line here shows sources of money: kickbacks, fee per barrel and other sources of funds as well.

All of that money coming into the regime, and where did it go? Into the various bank accounts that regime controlled. And eventually out of that bank account and to the families of suicide bombers. $15, $20, $25, upwards of $35,000 each was going to the families of suicide bombers to help them out and to encourage that heinous type of action that we see as life is being taken from other families and individuals.

The regime was supporting it. The U.N. was basically facilitating it by allowing it to occur under their noses.

I am seeing now that I am joined by the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from New Jersey (Mr. GARRETT) for bringing forth this important special order and for his presentation with regard to the United Nations.

I appreciate the opportunity to say a few words about how we might better reform the United Nations and how we might better direct the future of this country and the world. There has been a lot said, Mr. Speaker, about the United Nations and what kind of a structure it is. This country has for a long time believed very firmly in the sense that we can bring together an international dialogue, resolve the world's problems and avoid war. That was why the League of Nations was established and certainly why the United Nations was established. The U.N. was established in an endeavor to correct some of the mistakes that were made with the League of Nations and establish an organization that might function essentially in perpetuity in a fashion that is going to be helpful towards peace and security in the world.

Unfortunately, it has not worked out so much that way, Mr. Speaker. In fact, the entire structure of the United Nations is something we do not talk about very often. It has a huge flaw, and the flaw is this, that in the minds of the people in this country and around the world we believe, since we have a forum there, we have a general assembly there that brings in voices from nearly every nation in the world and they sit in a place and they have an open forum and an open debate, that somehow that is a semblance of democracy and so, therefore, the will of the people of the world will be manifested in the policy of the United Nations.

The big flaw is that many of those people that sit there are either dictators themselves or mouthpieces for dictators, people that would cut the tongues out of their own constituents if they were to stand up and speak like a free people as we do here in this country. So, therefore, the voice of the world is not heard in the United Nations. It is often the voice of the rulers, the despots.

In fact, as we listened to the United Nations and the loudest voices in the United Nations prior to our engagement and liberation of Iraq, we heard a loud noise come from France, and they were organizing intensively to oppose the United States' potential operations in Iraq? That same noise came from Germany, and it came from Russia, and it came from China, where we remember those days two-and-a-half, 3 years ago.

I said at the time that the decibels of resistance to a potential liberation of Iraq that came from those countries and others in addition to that can be indexed almost directly in proportion to their oil interests in Iraq and in the Middle East. In fact, at the time I did not know how prophetic that was, because we were not aware at the time of the Oil-for-Food Program. Now when you add that at least $10.1 billion worth of fraud that came with Oil-for-Food, the $5.7 billion in oil smuggling, the $4.4 billion in illicit surcharges, we know now it is bigger than that.

We know the names of some of the players? We know that those players were in places where their voices were echoed in opposition to the liberation of the Iraqi people. One can only suspect their interest was to continue raking the gravy off of the Oil-for-Food Program and pocket the money themselves. So they had what is called a vested interest. In fact, if I remember the words of Barber Conable, it was, Hell hath no fury like a vested interest masquerading as a moral principle. Well, their moral principle was actually an immoral principle, a principle of profit. That is part of the corruption of the United Nations.

There is a sex scandal within the administration that brought actually sometimes more media than the Oil-for-Food scandal did. And then we have those things.

We need to keep encouraging the investigation into the Oil-for-Food Program, and then we have the operations of peacekeeping in Africa where we have peacekeepers perpetuating sexual violence on innocent citizens, innocent people.

An organization like this that does not have a legitimate oversight program truly needs a U.N. Reform Act? I am 100 percent supportive of this U.N. Reform Act. A number of the components in here are essential. I think it is essential that the United States looks at holding back and reserving some of its dues to the United Nations until we get a bright light that shines on the United Nations, until we have a United Nations that functions as truly the voice of the people of the world and has the accountability like we have here in the United States.

So, with that, I appreciate the opportunity to say a few words.

Mr. GARRETT of New Jersey. I thank the gentleman for his comments. I thank him for his work.

I know that the American public agrees with you when you say that we should be withholding funding to an organization such as this where there is no accountability and there is no transparency of what has been going on all of these many years and this failing mission. So I thank you for your work.

At this time, I see we are joined by the gentleman from Texas.

Mr. POE. Mr. Speaker, I thank the gentleman from New Jersey (Mr. GARRETT) for yielding and his leadership in underscoring the lengthy, loathsome and lewd history that the United Nations possesses, a history of the deception and dishonesty and duplicity.

As a former judge in Houston, Texas, for over 20 years, I believe in consequences for bad conduct. When improper behavior takes place, I do not believe that we should say to the perpetrator, the person responsible, try to do a little better. Normally, we look to the head of the organization when the organization is floundering, especially in corruption.

In order for the U.N. to regain credibility, Kofi Annan must step down. Under his watch, the world's largest financial and human rights scandal has occurred. The U.N. Oil-for-Food scandal makes the Enron scandal in Houston, Texas, look like theft of a toothbrush. This U.N. scandal resulted in millions of lives languishing in Iraq. In the ongoing investigation, it appears as though Kofi Annan and his top staff may have obstructed justice, may have destroyed piles of files that many suspect reveal how he knew what was going on all along.

There should be consequences, and my question is, what is the United Nation's position on the consequences in its own body for improper corrupt conduct? Why cannot the United Nations enforce basic civil rules for conduct?

Let us revisit just briefly some of the accusations against the United Nations in addition to the Oil-for-Food disgrace. How about the 150 allegations of sexual abuse by U.N. civilian staff and soldiers in the Congo? Accusations which include prostitution, rape, pedophilia. Or what about the numerous cases of abuse among peacekeepers in the northeastern town of Bunia? This does not include previous reports of peacekeeping abuses in Cambodia, Ethiopia, Bosnia, and Somalia, and the list goes on and on.

How about the tragic tales of defenseless North Korean defectors who faced deprivation or worse at the hands of U.N.-operated refugee camps? Or the investigations into the involvement of U.N. affiliates in trafficking prostitution in Kosovo? Not to mention, Mr. Speaker, some of the internal misconduct we have heard about like the allegations of sexual harassment, abuse of power, unwanted physical conduct within at least one U.N. administrative office. And let us not forget the indications that Kofi Annan's son, Kojo, may have engaged in corruption by way of the Swiss company for which he worked that inspected items going to Iraq on behalf of the Oil-for-Food program.

Whether or not we ever substantiate claims that the UN's Oil-for-Food initiative has ties to international terrorism, one thing is certain: Outlaws within the ranks of the United Nations have instigated terror in the lives of people across the globe. Rather than weeping for joy at the arrival of United Nation relief, many of those people run in panic at thought of such a sordid savior touching the ground in their own country.

Whatever happened to the United Nations' charter promise that advances justice and respect for obligations arising from treaties and the dignity and the worth of the human person?

In fact, in raising the United Nations' duty to promoting dignity and humanity, how ironic it has become that countries like Sudan, Zimbabwe, Cuba, Saudi Arabia, and even China now comprise the membership in the United Nations' Commission on Human Rights.

This body must act. It must act now. And it must start with demanding that Kofi Annan step down. He is responsible for the conduct of the United Nation, because in our society we look to the head of any organization. Then let us try to aid congressional investigators in their efforts to unravel the deception and gluttony and the corruption perpetrated for years by the United Nations.

Mr. Speaker, I thank you for allowing me to make those comments; and I hope that we as a body can make a statement that the United Nations is going to be held accountable for its conduct.

Mr. GARRETT of New Jersey. Mr. Speaker, I thank the gentleman from Texas (Mr. POE) for his comments. I thank you for bringing so many of points to the public's attention.

You raise a point of whatever happened to the U.N. charter. That is something we have been discussing tonight extensively. Whatever did happen to the charter and the role that the U.N. was set up for back in 1945?

You also used the expression, I noticed a couple of times as you went through, a litany, a litany of abuses by the U.N., whether it was the 150 human rights abuses or the forced prostitution and on and on. Each time I noticed that you mentioned the words, you said "not to mention this," as a phrase. Well, it is good thing. I appreciate the fact that you are here tonight. I appreciate the fact that you are mentioning these points, because, as you know, most of these points are not being mentioned in the mainstream media. Most of these points are not being driven home back at home, throughout our communities and the rest of the world as well.

So I applaud you for mentioning them and making sure that these are at the front of people's attention so that this body can do just as you said, hold this institution accountable. I thank the gentleman for his work.

□ 1530

The gentleman has raised so many important points that we need to go to in more detail. And as we begin to look at the reform next week, legislation, I hope that we will have the opportunity to explore each and every one of these in more detail so that the public can have a better understanding of just the number of abuses. We just touched on a little bit of detail about the Oil-for-Food scandal and abuses of the U.N. as far as that scandal and as far as the cover up that seems to be going on.

I join with the gentleman in saying that we should be asking for the head of the U.N. to step down now so that he can be replaced with someone that we all have confidence in in the interim period of time until, if ever, reform is made at the U.N. so that American taxpayers can look and say with pride, this is where our tax dollars are going, as opposed to the abuses where it is going on right now; the abuses that are, as I said before, just a litany. The gentleman mentioned the 150 alleged human rights abuses by the U.N., by the very peacekeepers who are going into these countries that are trying to make these countries safe, such as in the Congo. Instead, they bring tragedy to the very people who become victims of the U.N. as opposed to the warring factions that are over there.

The gentleman made reference also to the idea of forced prostitution. This is forced prostitution by little tiny kids. 10-year-old girls have been allegedly used and compelled into prostitution, a tragedy that is happening under the auspices of the U.N. body that we are funding. These young women, these young girls that are being compelled to be involved in this, the phrase used now just as we had the Oil-for-Food scandal, now we have the sex-for-food scandal as well.

We are talking about impoverished countries over there where food is hard to come by and people are starving in parts of Africa. And they are being, well, forced under these conditions to sell themselves for a jug of milk or a bit of food or for a dollar. For that reason now the phrase sex-for-food is here. They have also been phrased "the dollar girls" in these areas as well, again, under the watchful noses and willing acquiescence by the U.N. because it is the very people that the U.N. has engaged over there that have allowed this conduct to go on.

I believe we have significantly more issues to address, but we have only touched the tip of the iceberg as far as the need of reform or the drastic changes as far as the relationship between the United States and the U.N. I thank the Speaker for this opportunity to bring it to the American public.

CATCH THE BUS OF OPPORTUNITY

The SPEAKER pro tempore (Mr. MACK). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 60 minutes as the designee of the minority leader.

Ms. MCKINNEY. Mr. Speaker, last month I was able to do a Special Order thanks to the minority leader and her staff who have secured time so that I can come on to the House floor and address this Congress and the leadership of this Congress and the American people.

Last month's Special Order, which is what these talks are called after legislative business has been dispensed with, was about a bus, the bus of opportunity. And it was a plea to the leaders of this Congress, to the leaders of this administration, to the leaders of this country to not allow Americans to be left behind as the bus of opportunity pulls off.

I talked about the experience that I had with a little boy who was trying to catch a metro bus to school. And he yelled to me and I ran and I ran and I ran to catch up with that bus and I told the little boy, You can run. You can catch the bus. And we caught that bus as it idled at a red light. We pounded on the door. The bus driver nodded her recognition of my request to let the little boy board the bus, and then she shook her head no and drove away. The little boy was crushed, but he caught the next bus, and I assume he successfully made it to school.

Then I talked about some statistics from leading organizations that keep them about the dire straits faced by too many Americans, and in particular too many African Americans. I showed these charts on imprisonment, the disparities that exist in our country. If you look at imprisonment, which is an indication of the status of justice in this country, it will take for the gap to close between the rates of imprisonment for African Americans and the rates of imprisonment for white Americans to close, it will take 190 years.

For poverty, for the rate of poverty experienced by African Americans, to catch up to the rate of poverty experienced by white Americans it will take 150 years to close that gap if nothing is done in the area of public policy. Child poverty, 210 years to erase the gap of a large number of African American children who experience poverty. Income, 581 years to close the income gap experienced by African Americans in this country. And, finally, because the President talks about homeownership and the power of homeownership and how this budget that this Congress is now in the process of passing, is to promote homeownership in this country, sadly the rate of homeownership in the African American community pales in comparison to that experienced in the white community. It will take 1,664 years to close the homeownership gap if nothing is done.

So I ask the leadership of this Congress to please pay attention to these statistics because these statistics represent real people. And despite what the Republicans say about us having a growth economy, the sad fact is that if we do nothing, too many Americans are being left behind, too many Americans. And so I ask that we leave no American behind.

Mr. Speaker, in Iraq I ask the question tonight, are we leaving our soul behind? Who are we as a country? What have we become? Do the American people even care? What can we do to regain our soul?

Mr. Speaker, I have noted on this floor that the snows of Kilimanjaro are melting, that the glaciers in the Arctic are melting, that we have real serious problems that the best minds in our country can devote their talent to solving. And I would like to read a quote from Dwight David Eisenhower about how we choose to spend our resources. He said, "Every gun that is made, every warship launched, every rocket fired signifies in the final sense a theft from those who hunger and are not fed, those who are cold and are not clothed." President Eisenhower said that.

Then John F. Kennedy in his inaugural address reminded us that the world is very different now for man, for man holds in his mortal hands the power to abolish all forms of human poverty and all forms of human life. Kennedy said, "Finally, to those nations who would make themselves our adversary, we offer not a pledge but a request. That both sides begin anew the quest for peace before the dark powers of destruction released by science engulf all humanity in planned or accidental self-destruction." Planned or accidental self-destruction.

Today I would like to do a rollcall, a rollcall of the young men and women who have died in Iraq from my home State of Georgia as compiled by my local newspaper on Monday, May 30. In addition, I would like to read a few articles and I would like to read those articles all with one question or one series of questions in mind: Who are we? What do we stand for? What is being done in our name? Is there a way out?

I will begin to read Georgia's Memorial Day honor roll. Jamaal Addison, 22, died March 23, 2003; Diego Fernando Rincon, 19, died March 29, 2003; Wilbert Davis, age 40, died April 3, 2003; Edward J. Korn, 31, died April 3, 2003, David T. Nutt, 32, died May 14, 2003; John K. Klinesmith, Jr., died June 12, 2003; Michael Crockett, age 27, died July 24, 2003; Nathaniel Hart, Jr., age 29, died July 28, 2003; Bobby Franklin, age 38, died August 20, 2003; Benjamin Freeman, age 19, died October 13, 2003; Jerry Wilson, age 45, died November 23, 2003; Marshall Edgerton, age 27, died December 11, 2003; Christopher Holland, age 26, died December 17, 2003; Nathaniel Johnson, age 22, died January 8, 2004; Ricky Crockett, age 38, died January 12, 2004; Thomas Thigpen, age 52, died March 16, 2004; William R. Strange, age 19, died April 2, 2004; Justin Johnson, age 22, died April 10, 2004; Antoine Holt, age 20, died April 10, 2004; Marvin Camposiles, age 25, died April 17, 2004; Marquis Whitaker, age 20, died April 27, 2004; Christopher Dickerson, age 33, died April 30, 2004.

☐ 1545

Juan Lopez, age 22, died June 21, 2004. Tyler Brown, age 26, died September 14, 2004. Foster Pinkston, age 47, died September 16, 2004. Michael Scarborough, age 28, died October 30, 2004. Kelley Courtney, age 28, died October 30, 2004. Dan Malcom, Junior, age 25, died November 10, 2004. Jonathan Shields, 25, died November 12, 2004. Jeffrey Blanton, age 23, died December 12, 2004. Bennie J. Washington, age 25, died January 4, 2005. Jesus Fonseca, age 19, died January 17, 2005. David Salie, age 34, died February 14, 2005. Tyler Dickens, age 20, died April 12, 2005. John McGee, age 36, died May 2, 2005. Charles Gillican, the Third, age 35, died May 14, 2005.

The sad fact, even sadder than the way I feel right now after having read those names, is that we may not even have the real story. We may not know the true costs of this war. I am told U.S. military personnel who died in German hospitals en route to German hospitals are not counted. So, in addition to the more than 1,000 Americans who have lost their lives in this war, there are an additional 6,210 who died in German hospitals or en route to those hospitals.

Brian Harring writes in the Domestic Intelligence Reporter that the Bush administration has sworn up and down that it will never reinstate the draft. Defense Secretary Donald Rumsfeld, in an op-ed blaming conspiracy mongers for attempting to scare and mislead young Americans, insisted that the idea of reinstating the draft has never been debated, endorsed, discussed, theorized, pondered or even whispered by anyone in the Bush administration.

However, in the Domestic Intelligence Reporter, Brian Harring writes that assertion is demonstrably false. According to an internal Selective Service memo made public under the Freedom of Information Act, the agency's acting director met with two of Rumsfeld's under secretaries in February, 2003, precisely to debate, discuss and ponder a return to the draft.

The memo then proposes in detail that the Selective Service be reengineered to cover all Americans, men and, for the first time, women, ages 18 to 34.

I ask the question, what are we setting ourselves up for? What exactly are we doing?

The Washington Post ran an article, and it told us that the Army was going to issue combat badges for soldiers not in the infantry. The opening paragraph states: Any Army soldier who has seen active combat while in Iraq or Afghanistan may now receive a new Combat Action Badge, making tens of thousands of soldiers who are not in the infantry ranks, including women, eligible for a combat award for the first time. It recognizes that in the current realities of the battlefield and insurgency any soldier can be subject to a combat situation.

However, the story also recognizes that more than halfway through fiscal year 2005 the Army is 15 percent behind in its effort to enlist new soldiers.

What is this administration's position on women in combat?

The Mideast Stars and Stripes ran a story entitled, Marine Raid Breaks Gender Barrier.

"Lance Corporal Erin Libby doesn't want to be treated the same as her male Marine Corps counterparts. But she does want to be treated as an equal, even in combat.

"In a way, she got her chance last weekend when Marines from the 3rd Battalion, 8th Marine Regiment, led a raid into the city of Karmah in search of high-value targets and hidden weapons.

"'We're out here, and we're rocking on the front line,' said Libby, a 21-year old from Niceville, Florida.

"'This is history,' Chief Warrant Officer Jill St. John is quoted as saying. 'I've been in the Marine Corps for 18 years, and this is my first opportunity to be out with an infantry company. Even 5 years ago, the Marine Corps wouldn't be doing this. This is a major change in how we think women can be used in the military.'"

Then there is the headline from the Guardian that says, The U.S. Lowers Standards in Army Numbers Crisis. Why do we need to do this?

"The U.S. military has stopped battalion commanders from dismissing new recruits for drug abuse, alcohol, poor fitness and pregnancy in an attempt to halt the rising attrition rate in an Army under growing strain."

Last month, the Army announced that it was 6,000 soldiers short of its recruitment targets for the year so far, and tomorrow we are supposed to hear the latest numbers for recruitment.

We are told in this article that recruiters have been given greater leeway. By doing things to increase quantity, you are also doing things to decrease quality, but they have made the judgment that that is the way to go.

Now the Stars and Stripes ran a story that has to be disheartening to anyone who would read it. The headline: Advocates See Veterans of War on Terror Joining the Ranks of the Homeless.

"Advocates for the homeless already are seeing veterans from the war on terror living on the street and say the government must do more to ease their transition from military to civilian life.

"Veteran affairs officials estimate that about 250,000 veterans are homeless on any given night, and another 250,000 experience homelessness at some point."

How can it be that if we have a million people sleeping on the streets of America at night that a quarter of them could be veterans? How do we choose to spend our money? It is certainly not to decrease the disparities that exist in this country, and it certainly is not to get rid of those who are homeless, and it certainly is not to take care of even the veterans, the veterans of our current war on terror. Too many of them are sleeping on the street.

As for the war in Iraq, how did we get into this? My colleagues can come down and talk about the war. War is just a word for many of us who do not experience it, who do not feel it, who do not understand it. But there is an author by the name of James Bamford who has done a lot of writing about the U.S. intelligence establishment. He has written a new book, and he was interviewed by a Kevin Zeese about the new book. That book is entitled, A Pretext For War, and this is how Bamford explains how it came to be that we got involved in this war. This is what Bamford says.

James Bamford says of his book, "Pretext is the only book to take an in-depth look at the U.S. intelligence community from before 9/11 to the war in Iraq. It describes how CIA Director George Tenet, while succeeding in increasing the personnel strength of the CIA's clandestine service during the late 1990s, failed to change the culture, direction and training from a Cold War focus to a counterterrorism focus . . . Thus, the CIA never even tried to penetrate al Qaeda during the years leading up to 9/11, believing it too difficult, too dangerous or not their job, depending on which agency official I interviewed." This is James Bamford speaking.

He continues to say, "Pretext also takes the only minute-by-minute look, about one-third of the book, at the confusion and chaos taking place among senior officials in Washington and elsewhere in the hours following the 9/11 attack. It examines everything from the secret locations to which the Vice President and other officials disappeared, to the evacuation of the intelligence agencies, to the highly secret continuance of government procedures that were activated, many for the very first time.

"Next, Pretext describes how the claims involving Iraq's weapons of mass destruction, the connections between Saddam Hussein and al Qaeda and Hussein's involvement with 9/11 were simply used as pretexts for a war long planned by a small group of neoconservatives supportive of the Israeli government's policies and the expansion of U.S. military power throughout the Middle East. It examines how top Bush administration officials, Richard Perle, Douglas Feith and David Wurmser first drafted a plan outlining an attack on Iraq and removal of Saddam Hussein in 1996.

□ 1600

"But the document titled 'A Clean Break' was drafted for Israel not the United States." This is James Bamford speaking: "At the time the three were acting as advisers to newly elected Prime Minister Binyamin Netanyahu. 'Israel can shape its strategic environment. This effort can focus on removing Saddam Hussein from power in Iraq, an important Israeli strategic objective.' Not satisfied with regime change in Iraq, they went on to recommend that Israel shape its strategic environment by rolling back Syria."

Bamford continues: " Wurmser then authored a paper in January 2001 arguing that the U.S. and Israel jointly launch a preemptive war throughout the Middle East and North Africa to establish U.S.-Israeli dominance. The U.S. and Israel should 'strike fatally, not merely disarm, the centers of radicalism in the regions of Damascus, Baghdad, Tripoli, Tehran and Gaza.' He added that 'crisis were opportunities.' " This is Wurmser being quoted by James Bamford. Bamford continues: "About the same time on January 30, 2001, President Bush held his first National Security Council meeting, and according to former Treasury Secretary Paul O'Neill discussed only two topics, becoming closer to Israel's Ariel Sharon and locating targets to attack in Iraq."

Bamford continues: "As Wurmser had suggested following the 9/11 attacks, the Bush administration immediately began using the crisis as an opportunity to launch their long-planned war against Iraq.

"At 2:40 p.m. on September 11, as the Pentagon was still burning," and this is Bamford continuing, "Secretary of Defense Rumsfeld dictated notes of his intention to blame Saddam Hussein even though there was no evidence of such link and all of the intelligence pointed exclusively to bin Laden and al Qaeda. 'Hit S.H. at same time.' " That is Rumsfeld. " 'Sweep him up whether related to 9/11 or not.' " Bamford continues: "Next Wurmser was put in charge of a secret unit in Feith's office with a cover name Policy Counterterrorism Evaluation Group. Its function was to gather and feed less than credible intelligence, intelligence discounted by the CIA such as the supposed Niger uranium deal to the White House and Vice President CHENEY's office. Wurmser is now Cheney's top Middle East adviser."

Bamford continues: "Finally, Pretext closely examines the numerous lies and deceptions presented to the Congress, the American people, and the world in order to justify the war in Iraq."

Bamford says: "Finally, Pretext closely examines the numerous lies and deceptions presented to the Congress, the American public, and the world in order to justify the war in Iraq."

One last note: he also tells us that there is another problem and that is of the CIA's new license to kill anytime and anywhere, overseas without oversight. He says they are now using missile-armed drones to do assassinations in Pakistan, Yemen, Afghanistan, and other places in total secrecy, often without notice even to the host countries; and these problems just scratch the surface in the intelligence community. James Bamford, author, investigative journalist, reporter, telling us the truth about how we came to be in Iraq.

I would invoke another name, the name is Pat Tillman. Pat Tillman's family questions the reversal on the cause of the Ranger's death. The Washington Post tells us that former NFL player Pat Tillman's family is lashing out against the Army saying that the military's investigations into Tillman's friendly-fire death in Afghanistan last year were a sham, and the Army's efforts to cover up the truth have made it harder for them to deal with their loss more than a year after their son was shot several times by his fellow Army Rangers.

Tillman's mother and father said in interviews they believe the government and the military created a heroic tale about how their son died to foster a patriotic response across the country. They say the Army's lies about what happened have made them suspicious and they are certain they will never get the full story. "Pat had high ideals about the country, that is why he did what he did," Mary Tillman said in her first lengthy interview since her son's death. "The military let him down. The administration let him down. It was a sign of disrespect. The fact that he was the ultimate team player and he watched his own men kill him is absolutely heartbreaking and tragic. The fact that they too lied about it afterwards is disgusting."

Pat Tillman's father says, "Maybe lying is not a big deal any more. Pat is dead, and this is not going to bring him back. But these guys should have been held up to scrutiny right up the chain of command, and no one has.

"If this is what happens when someone high profile dies, I can only imagine what happens with everyone else." These are quotes from the Washington Post from Pat Tillman's parents.

And then there is the matter of the money, the money, the cost of this war. The cost of these priorities is at the expense of America's neighborhoods. Where is the money?

The Washington Post again tells us that an audit of Iraq's spending spurs criminal probe. Now the Department of Defense has admitted that they cannot track $2.3 trillion, and we know that $100 million has been lost here and $9 million has been lost there, an estimate of $1 billion being lost every month. This Washington Post article says investigators have opened a criminal inquiry into millions of dollars missing in Iraq after auditors uncovered indications of fraud and nearly $100 million in reconstruction spending that could not be properly accounted for.

But the leadership in this administration has told us that we can expect war for the next generation. And, indeed, it appears that preparations are being made for such a war, for such an endeavor. Military expansionism, directly against what Dwight Eisenhower warned us about.

We have been told that Bush and Karzai signed a pact for long-term U.S. military presence in Afghanistan. They called it a strategic partnership. The Guardian tells us that the U.S. military is going to build four giant new bases in Iraq.

These U.S. bases pave the way for long-term intervention in Central Asia. The U.S. Government, we are told, has acquired basing or transit rights for passage of war planes and military supplies from nearly two dozen countries in Central Asia, the Middle East and their periphery, a projection of American power into the center of the Eurasian land mass that has no historical precedent. All told, there are about 350,000 troops deployed worldwide. According to 2002 Pentagon documents, there were only 46 countries in the entire world that had no U.S. military presence. Only 46 countries in the entire world.

Mr. Speaker, I would like to draw to your attention tonight as I begin to wind down, H.R. 2723, which was introduced recently by my esteemed colleague from New York to provide for the common defense by requiring that all young persons in the United States, including women, perform a period of military service or a period of civilian service in furtherance of the national defense and homeland security, and for other purposes.

H.R. 2723 establishes civilian service, military service, a requirement. It sets out the length of time of that service, conditions for termination of that service, types of civilian service, implementation standards by the President, compensation and benefits for people age 18 to 26. It establishes deferments and postponements for high school students, those experiencing certain hardships and disability, establishes induction exceptions, for example, for people who do not have proper training. It establishes conscientious objection and alternative noncombatant or civilian service, discharge, and includes women.

So I thought I would go to the Selective Service Web site and it tells us that Selective Service is also capable of providing inductees with special skills such as health care personnel after authorizing legislation is passed by Congress and a draft is ordered by the President.

□ 1615

The agency would also administer an alternative service program for men classified as conscientious objectors who are required to perform such service in lieu of serving in the military. The question I asked is, how did we get here and where are we going?

I would just like to conclude with the words, and I do not think I will have enough time to read the entire document, but all of this information that I have recounted today is available on the Internet. It is in the public domain. It is available in newspapers, domestic and international. It is just a matter of being able to put it all together and reading, reading and understanding.

Smedley Darlington Butler, who was a major general in the United States Marine Corps, wrote a little tome entitled, War is a Racket. I would like to submit the entire document into the RECORD and I will read as much of it as I think I can. At least I will read the first opening paragraphs.

"War is a racket. It always has been.

"It is possibly the oldest, easily the most profitable, surely the most vicious. It is the only one international in scope. It is the only one in which the profits are reckoned in dollars and the losses in lives.

"A racket is best described, I believe, as something that is not what it seems to the majority of the people. Only a small 'inside' group knows what it is about. It is conducted for the benefit of the very few, at the expense of the very many. Out of war a few people make huge fortunes.

"In the World War," and he is talking about World War I because this was written a long time ago, "a mere handful garnered the profits of the conflict. At least 21,000 new millionaires and billionaires were made in the United States during the First World War. That many admitted their huge blood gains in their income tax returns. How many other war millionaires falsified their tax returns no one knows. How many of these war millionaires shouldered a rifle? How many of them dug a trench? How many of them knew what it meant to go hungry in a rat-infested dugout? How many of them spent sleepless, frightened nights, ducking shells and shrapnel and machine gun bullets? How many of them parried a bayonet thrust of an enemy? How many of them were wounded or killed in battle?

"Out of war nations acquire additional territory, if they are victorious. They just take it. This newly acquired territory promptly is exploited by the few, the selfsame few who wrung dollars out of blood in the war. The general public shoulders the bill.

"And what is this bill?

"This bill renders a horrible accounting. Newly placed gravestones. Mangled bodies. Shattered minds. Broken hearts and homes. Economic instability. Depression and all its attendant miseries. Backbreaking taxation for generations and generations.

"For a great many years, as a soldier, I had a suspicion that war was a racket; not until I retired to civil life did I fully realize it. Now that I see the international war clouds gathering, as they are today, I must face it and speak out."

These are the words of Smedley Darlington Butler in his book, War is a Racket.

He goes on, in chapter two, to discuss who makes the profits. He goes through all of the war industries. He talks about the powder people, the steel companies, Anaconda, copper companies, a little increase in profits of approximately 200 percent.

Does war pay? It paid them. But they aren't the only ones, he writes. There are still others. Leather, nickel, sugar. Chicago packers. The bankers. He goes through airplane and engine manufacturers. Shipbuilders.

He says that the Senate committee probe of the munitions industry and its wartime profits, despite its sensational disclosures, hardly has scratched the surface. Even so, it had some effect. The State Department has been studying "for some time" methods of keeping out of war, and so the war department suddenly decides it has a wonderful plan to spring to limit the profits in wartime.

Then he asks the question, but what about a limitation on losses? As far, he writes, as I have been able to ascertain, there is nothing in the scheme to limit a soldier to the loss of but one eye, or one arm, or to limit his wounds to one or two or three. Or to limit the loss of life. Of course, the committee cannot be bothered with such trifling matters.

And then in chapter three, he asks, Who pays the bills? He says that the soldier pays the biggest part of the bill.

In chapter four he says, How do we smash this racket? He says a few profit and the many pay. But there is a way to stop it. It can be smashed effectively only by taking the profit out of war. And then he goes on to describe how that could be done.

He says, let the workers in the plants, let the CEOs of the corporations, let the Members of Congress who appropriate the money all get the same wages, all, even the generals and admirals. Let them get the same wages as the total monthly income of a soldier in the trenches. He says, when you can let the kings and the tycoons and the masters of business earn what the soldiers earn, then maybe we will not have war. Maybe we can take the profit out of war and maybe we can put an end to the racket.

In chapter five, Smedley Butler tells us, I do not use these words, but he says, To hell with war.

I wanted to use some of my time, and I do not have much left, to talk about, maybe to introduce what I will talk about next month, and that is the depravities of war and how we can become inhuman and inhumane. It does not take war, but it certainly seems to be exacerbated by war.

I have a situation in my district where young black men already subdued, confined, in jail, tasered to death, how many black men, unarmed black men have been murdered on the streets of our country? The depravities of war. Who are we? What are we becoming? Why is this? I was told that I have to maintain decorum in this place. I think we as a people, we as a country, we as a Nation need to ask ourselves, what are we doing in Iraq? What are we doing around the world? What are we allowing the leadership of this country to do in our name? And when will we stop it?

BILL GOETZ

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute.)

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today in honor of William H. Goetz, who, after 46 years of service to the City of Fort Mitchell, Kentucky, has announced his retirement from public service.

Bill Goetz' career began in 1964 when he began serving on the City Council of South Fort Mitchell until that city merged with Fort Mitchell in 1967. He continued to serve as a council member for a combined total of 18 years, until 1981 when he was elected mayor.

William Goetz was mayor of Fort Mitchell from 1982 until April of 1993 when he was appointed city administrator and held that position for 12 years, until announcing his recent retirement.

Mr. Goetz has also served the city throughout his career as a member and an officer of numerous local and State organizations, including serving as president of the Municipal Government League of Northern Kentucky, president of the Northern Kentucky Area Planning Commission, chairman of the board of the Kentucky Municipal Risk Management Association, and president of the Kentucky League of Cities, a great record of public service.

Mr. Goetz has shown a devotion to employee relations and spearheaded efforts to improve employee benefits, which in turn allows the city to retain its seasoned employees, a great workforce with a long history of good service.

A devoted family man, Bill Goetz spends much of his free time with a large, extended family cheering on the Cincinnati Reds and the Cincinnati Bengals football team.

The retirement of William Goetz after over four and a half decades of public service will result in his being greatly missed by elected officials, employees, residents, longtime associates and friends of the city. He is a consummate professional who has always been a pleasure to work with, held a wealth of knowledge, demonstrated a will to help others and a will to continually serve the community. I am sure that that will continue long into the future.

Thank you, Bill, for your service.

□ 1630

NUCLEAR ELECTROMAGNETIC PULSE

The SPEAKER pro tempore (Mr. MACK). Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, the subject that I want to spend a few moments talking about this afternoon really began for our country in 1962. We were still testing nuclear weapons then, and for the first time the United States tested a weapon above the atmosphere. This weapon was detonated over Johnston Island in the Pacific. This was a part of a series of tests called the Fishbowl Series, and this was Operation Starfish in 1962. We had no prior experience with the detonation of a weapon above the atmosphere. We prepared for this test with airplanes and ships using radar and theodelites and instrumentation to measure the effects on the ground from a blast that was some 400 kilometers in altitude.

In conversations just today with Dr. Lowell Wood from Lawrence Livermore Laboratory, I learned more of the details of the results of that test. They had not anticipated the magnitude of the effects at the ground under the blast; so many of their instruments simply pegged and they were not able to get a clear indication of the effects. I might note that the Soviets had extensive testing experience with EMP over their own territory. They had a much larger territory than we and some of it quite remote; so they were able to instrument more extensively and had a lot more experience than we have had. This was our first and only experience with a superatmospheric detonation of a nuclear weapon.

The effects over Hawaii, which was about 800 miles away, included several totally unexpected things; so there was no instrumentation on Hawaii to record the effects.

So all they can divine from the effects is what happened. Some street lights went out, and analysis after the fact indicated that these were the street lights that were oriented so that there was a very long line effect. In other words, the wires feeding the street lights constituted a very long antenna which received the signals from the detonation in space such that there was arcing and some of the street lights went out. This was investigated, and some of the failures were retained and were shown to a commission that I will talk about in a few minutes, Mr. Speaker, that spent 2 years studying these effects and the risk to our military and to our country.

There were other effects in communications and so forth. As I said, none of this was expected; so there was no instrumentation. We have since tried to determine the effects of what is called electromagnetic pulse produced by a nuclear detonation. We have done that with laboratory devices, some of them quite large that could expose a whole airplane, but none of them obviously large enough to include miles and miles of long-line effect.

The EMP pulse at that distance was estimated to be about five kilovolts per meter. We will have occasion in a little bit to talk about that in light of present capabilities. Because there was intense activity above the atmosphere, the Van Allen belts were pumped up; so there were a number of low Earth orbit satellites that decayed very rapidly as they passed through the Van Allen belts.

Mr. Speaker, I want to kind of put what we are going to say in context. So I want to indicate here some of the seriousness of EMP and its implications. In 1999, I sat in a hotel room in Vienna, Austria. I was there with 10 other Members of Congress and several staff members. We had there three members of the Russian Duma and a representative of Slobodan Milosevic. This was just prior to the resolution of the Kosovo conflict. We developed with them a framework agreement that was adopted about 5 days later by the G–8, which the Members may remember ended the Kosovo conflict.

One of the members of the Russian Duma was Vladimir Lukin, who was well known to this country because he was the ambassador here at the end of Bush I and the beginning of the Clinton administration. At that time he was a very senior member of the Russian Duma. He was very angry and sat for 2 days in that hotel room with his arms crossed looking at the ceiling. We had not early asked the Russians for help and they felt offended about that, and the statement he made expressing that sentiment was that "you spit on us. Now why should we help you?" And then he made a statement that stunned us. The leader of that delegation was the gentleman from Pennsylvania (Mr. WELDON), who speaks and understands some Russian. And when Vladimir Lukin was speaking, he turned to me and he said, "Did you hear what he said?"

Of course I heard what he said, but I did not understand it because I do not understand Russian.

But then it was translated, and this is what he said: "If we really wanted to hurt you with no fear of retaliation, we would launch an SLBM," which if it was launched in a submarine at sea, we really would not know for certain where it came from. "We would launch an SLBM, we would detonate a nuclear weapon high above your country, and we would shut down your power grid and your communications for 6 months or so."

The third-ranking communist was there in the country. His name is Alexander Shurbanov, and he smiled and said, "And if one weapon would not do it, we have some spares." I think the number of those spares now is something like 6,000 weapons.

This likely consequence of a high-altitude nuclear burst was corroborated by Dr. Lowell Wood, who in a field hearing at the Johns Hopkins University applied physics laboratory, made the observation that a burst like this above our atmosphere creating this electromagnetic pulse would be like a giant continental time machine turning us back to the technology of 100 years ago. It is very obvious that the population of today in its distribution could not be supported by the technology of 100 years ago. And I asked Dr. Wood, I said, "Dr. Wood, clearly the technology of 100 years ago could not support our present population in its distribution," and his unemotional response was, "Yes, I know. The population will shrink until it can be supported by the technology."

Just a word, Mr. Speaker, about what this EMP is. It is very much like a really giant solar storm. All of us are familiar with solar storms and with the disruption to our communication systems. And this is like a really giant solar storm. It is kind of like really intense static electricity everywhere all at once, all over the whole country. It is sort of like a lightning strike that is not just isolated to one spot. Different than a lightning strike in terms of the intensities and so forth and the spectrum, but it would be everywhere all at once over a very large area.

I have here in front of me the report, and I will have occasion to refer to that again a little later, the report of the Commission to Assess the Threat to the United States from Electromagnetic Pulse (EMP) Attack. This is the executive summary. The report itself is very thick and there is a big classified addendum to the big report. And I just want to turn to one page here, and this is page 4, and it says: "What is significant about an EMP attack is that one or a few high-altitude nuclear detonations can produce EMP effects that can potentially disrupt or damage electronic and electrical systems over much of the United States virtually simultaneously at a time determined by an adversary."

I talked a little bit about what EMP is. It produces a large number of Compton electrons above our atmosphere which are trapped by the magnetic fields around the Earth. They move at the speed of light. The prompt effects are such that if the voltage is high enough, all electronic equipment within line of sight is damaged or destroyed. These are called prompt effects. And, of course, satellites are very soft because it costs about $10,000 a pound to launch a satellite; so they do not launch a lot of hardening on the satellite if they do not need to.

So all of the satellites within line of sight would be taken out by prompt effects. It would not go so high, by the way, as the satellites that are 22,500 miles above the Earth. And it would pump up the Van Allen belts so that satellites that were not in line of sight would die very quickly and one could not reconstitute the satellite network by launching new ones because they also would die quickly.

Let me show a chart here that shows the effects of this bomb exploding over the United States, and this shows a single weapon. This shows a single weapon detonated at the northwest corner of Iowa, and it shows it at about 600 kilometers high, and this would blanket all of the United States. And the concentric circles here, not true circles because there is a little distortion of the electrical fields by the magnetic waves around the Earth, but these represent the intensity of the field that is produced by this. At the center we can see it is 100 percent. But, even out at the margins of our country, it is down to 50 percent.

Now, a little later I will show a statement from some Russian generals that were reviewed by the people who put together this report, and they said that the Russians had developed weapons that produced 200 kilovolts per meter. Remember, the effects in Hawaii were judged to be the result of five kilovolts per meter. So this is a force about 200 times higher. The Russian generals said that they believed that to be several times higher than the hardening that we had provided for our military platforms that they could resist EMP.

Others know about EMP. I did not want anybody to believe that we were letting the genie out of the bottle and others did not know about that. I mentioned earlier the statement by Vladimir Lukin, the Russian member of their Duma, and this is the statement that I referred to here, and that was in May 2, 1999: "Chinese military writings described EMP as the key to victory and described scenarios where EMP is used against U.S. aircraft carriers in the conflict over Taiwan." So it is not like our potential enemies do not know that this exists. The Soviets had very wide experience with this, and there is a lot of information in the public domain relative to this.

"A survey of worldwide military and scientific literature sponsored by the commission," that is the commission that wrote this report, "found widespread knowledge about EMP and its potential military utility including in Taiwan, Israel, Egypt, India, Pakistan, Iran, and North Korea.

□ 1645

Terrorist information warfare includes using the technology of directed energy weapons. These are little weapons that produce an EMP-like effect, but over a very much more restricted area, and also electromagnetic pulse produced from nuclear weapons.

By the way, an enemy no more sophisticated than Saddam Hussein would need no more than a tramp steamer, a Scud missile and a crude nuclear weapon like is probably available in North Korea or might be bought or stolen from some Russian source. That would not shut down the whole United States, because the Scud missile could not carry it high enough, but it would certainly shut down the whole Northeast.

By the way, this is not like the Northeast blackout that we had a couple of years ago. This would produce damage that you would not recover from simply by turning a switch. It would probably destroy large transformers. These very large transformers are made to order, and if you need one, they will build you one, not in this country, we do not build the big ones anymore, they will build you one over in Europe or Scandinavia, and it will take maybe a year-and-a-half to 2 years to get it. So it is not like you are going to recover from this tomorrow.

Iran has tested launching of a Scud missile from a surface vessel, a launch mode that could support a national or transnational EMP attack against the United States.

We have a second chart which shows more of the evidence that potential enemies out there know that this is a potential weapon.

"If the world's industrial countries fail to devise effective ways to defend themselves against dangerous electronic assaults, then they will disintegrate within a few years. 150,000 computers belong to the U.S. Army. If the enemy forces succeed in infiltrating the information network of the U.S. Army, then the whole organization would collapse, the American soldiers could not find food to eat, nor would they be able to fire a single shot."

I kind of think they would be able to find food to eat. This is from an Iranian journal, so you know they know about this and they are thinking about this.

"Terrorist information warfare includes using the technology of directed energy weapons, magnetic pulse." I referred to that earlier.

Iran has conducted tests with its Shahab-3 missile that have been described as failures by the Western media because the missiles did not complete their ballistic trajectories, but were deliberately exploded at high altitude. This, of course, would be exactly what you would want to do if you were going to use an EMP weapon.

Today we are very much concerned, Mr. Speaker, about asymmetric weapons. We are a big, powerful country. Nobody can contend with us shoulder-to-shoulder, face-to-face. So all of our potential adversaries are looking for what we refer to as asymmetric weapons. That is a weapon that overcomes our superior capabilities. There is no asymmetric weapon that has anywhere near the potential of EMP.

Iran described these tests as successful. We said they were a failure because they blew up in flight. They described them as successful. Of course, they would be, if Iran's intent was practicing for an EMP attack.

Iran's Shahab-3 is a medium-range mobile missile that could be driven on to a freighter and transported to a point near the United States for an EMP attack. I might state that an early use of EMP is a common occurrence in Russia and Chinese war games.

I just would like to spend a moment or two talking about kind of the history of how we got here and why the big concern about EMP and the risk that it poses to us. I mentioned Operation Starfish in 1962.

Then we really had a scary event which we did not know about for quite some time that happened in 1995 when there was a Norwegian weather rocket that was set off. The Norwegians had told the Russians that they were going to fire this weapon, but that did not get to the proper level. When the weapon was fired, it was interpreted by the Russians as a potential first strike of the United States against them and they had alerted their nuclear missile response. They came very close to launching that, and we did not know about that until some time after.

In 1997 I had a very interesting experience. I am on the Committee on Armed Services. This was during the Clinton administration, and he had set up a Commission on Critical Infrastructure. General Marsh, retired, was chairing that Commission on Critical Infrastructure. This was infrastructure that was so critical that if an enemy could take it out, we would be very much disadvantaged by it. I asked him about EMP, had they looked at that?

His answer was, yes, they looked at it.

Well?

He said, well, we did not think there was a high probability that would happen, so we did not continue to look at it anymore.

I told him, gee, with that attitude, if you have not already, I am sure when you go home tonight you are going to cancel the fire insurance on your home.

What one needs when there is the potential for a very high-impact, low-probability event, is what we call insurance. I think that every American citizen has the right to ask their government, have you made the proper insurance investment to protect me, to protect my country, in the event, which we hope is not a high probability, in the event that there is an EMP attack against our country?

Your home burning, by the way, is not a high probability event. You may have a $300,000 home and it may cost you $300 for fire insurance for the year. So you can do the simple arithmetic that tells you the insurance company does not expect very many homes to burn that year.

Then the next event in this little timeline was my trip to Vienna, Austria, when I met there in that hotel room with Members of the Russian Duma. In 2001 we had some tests at Aberdeen with a device that was made using only the equipment that a terrorist might buy from Radio Shack or a place like that to see if you could put together a directed energy weapon, a weapon, by the way, that if sophisticated enough one might drive down Wall Street and take out all the computers in the financial market. It would not go further than that, but if it did that, that would, of course, be an enormous blow.

In 2001, the Commission was set up and then in 2004, last year, we have the report of the Commission.

I just would like to show you a chart now of the commissioners. We will not have time to talk about the capabilities of all of these commissioners, but I will assure you that these are all giants in their area. They were appointed from among the foremost scientists, experts and military officers in the United States to achieve a mix of talent on scientific aspects of EMP, nuclear weapon design, military implications of EMP and the effects of EMP on civilian and military infrastructures.

Dr. William Graham, the Commission chairman, was science advisor to President Reagan. He ran NASA and was one of the first scientists to study the EMP phenomenon when it was first discovered by its United States in 1962.

Commissioner John Foster, Johnny Foster, who designed most of the nuclear weapons in the inventory the United States today, was a director of the Lawrence Livermore National Laboratory, and for decades has been a close adviser to the Department of Defense on nuclear matters.

Dr. Lowell Wood is a member of the director's staff at Lawrence Livermore National Laboratory where he inherited the scientific mantel of Dr. Edward Teller, the inventor of the hydrogen bomb.

I had a very interesting personal experience related to Dr. Lowell Wood. When I became interested a number of years ago in EMP and the potential implications, I knew that Tom Clancy, who lives in Maryland and he has come to do several events for me. I knew that he had a novel in which EMP was one of the sequences in his novel. I know that Tom Clancy does very good research. So I called to ask him about EMP and its implications.

He said that if I had read his book, I probably knew as much about EMP as he knew, but he was going to refer me to what he said was in his view was the smartest person hired by the U.S. Government, and that was Dr. Lowell Wood. So Dr. Lowell Wood comes with great recommendations.

Commissioner Richard Lawson was a USAF general, served on the Joint Chiefs of Staff and was Deputy Commander-in-Chief of the U.S.-European Command.

Dr. Joan Woodard. I had a very interesting experience with Dr. Woodard. I was visiting my son and daughter and children out in Albuquerque, he works at the Sandia Labs, and he brought home a little note talking about a seminar they were having which was exploring some issues that I thought would be relevant to the work that the Commission was doing. I did not know at that time that she was a member of the Commission.

So I asked for a briefing, and I spent 5 hours in a classified briefing at Sandia Labs. And it was not just Dr. Joan Woodard, it was a large number of people at the labs there that were focusing primarily on the national infrastructure consequences of this.

What I would like to do now is go through some of the statements and recommendations of the report. The next chart shows the threat and the nature and magnitude of EMP threats within the next 15 years.

On the right you see the coverage that is produced by weapons detonated at various altitudes. I mentioned 600 kilometers. Actually 500 kilometers pretty much covers the margins of our country and, of course, the lower the altitude you detonate it, the less area that it covers, but the higher will be the intensity of the pulse that is produced.

This is a direct quote from the EMP Commission report: "EMP is one of a small number of threats that may hold at risk the continued existence of today's U.S. civil society."

Now, that is couched in the careful kind of scientific terms, but what that really means is that a really robust EMP laydown, which, as Vladimir Lukin in that hotel room in Vienna, Austria said, would shut down our power grid and communications for 6 months or so. And if one weapon would not do it, as Alexander Shaponov said, four absolutely would do it, particularly with the power of the weapons that the Russian generals say that they have developed.

What this would do is to produce a society in which the only person you could talk to was the person next to you, unless you happened to be a ham operator with a vacuum tube set, which, by the way, is 1 million times less susceptible to EMP than your present equipment that the hams use. And the only way you could get anywhere was to walk, because, you see, if the pulse is intense enough, it turns off all the computers in your car. There will be no electricity, so even if the car ran, you could not get gas.

By the way, if you have a car that still has a coil and distributor, you are probably okay, because those are pretty robust structures compared to today's cars with so much microelectronics in them.

It would disrupt our military forces and our ability to project military power. For the last decade, Mr. Speaker, we have been waiving hardening on essentially all of our military platforms because it costs maybe as little as 1 percent, maybe like 5 percent more to harden. It can be done. That is the good news story. If you do not harden, you can get 5 percent more weapons systems. And since we have had so little money during those years, the Pentagon opted to run this risk. With terrorists about, I think that is probably a risk we do not want to continue to run.

The number of U.S. adversaries capable of EMP attack is greater than during the Cold War. We may look back with some fondness on the Cold War. We then had only one potential adversary. We knew him quite well.

□ 1700

Now we have who knows how many potential adversaries, and they come from very different cultures than we, and we have a great deal of difficulty in understanding them and communicating with them.

Potential adversaries are aware of the EMP's strategic attack option. I started, Mr. Speaker, with talking about the fact that I was not letting the genie out of the bottle. Ninety-nine percent of Americans may not know very much about EMP, but I will assure you, Mr. Speaker, that 100 percent of our potential enemies know all about EMP. I think that the American people need to know about EMP because they need to demand that their government do the prudent thing so that we will be less and less susceptible, less and less at risk to an EMP attack year by year. The threat is not adequately addressed in U.S. national and homeland security programs. Not only is it not adequately addressed; it is usually ignored, not even mentioned, and it certainly needs to be considered.

I might note that Senator John Kyl, with whom I served in the House on the Committee on Armed Services, wrote just a couple of weeks ago a very nice editorial in the Washington Post, and we will have his quote a little later, on EMP effects and how we need to be about preparing ourselves for that.

Terrorists could steal, purchase, or be provided a nuclear weapon and perform an EMP attack against the United States simply by launching a primitive Scud missile off a freighter near our shores. We do not need to be thinking about missiles coming over the Pole. There are thousands of ships out there, particularly in the North Atlantic shipping lanes, and any one of them could have a Scud missile on board. If you put a canvas over it, we cannot see through the thinnest canvas. We would not know whether it was bailed hay or bananas or a Scud launcher. You cannot see through any cover on ship. The Commission on the Emerging Ballistic Missile Threat chaired by Secretary Rumsfeld before he was Secretary, and Dr. Bill Graham, the chairman of this commission was his vice-chair, found that ships had been modified so that they had missile-launching tubes in ordinary freighters. You can read that in their report.

Scud missiles can be purchased on the world market today for less than $100,000. Al Qaeda is estimated to own about 80 freighters, so all they need, Mr. Speaker, is $100,000, which I am sure they can get, for the missile and a crude nuclear weapon.

Certain types of low-yield nuclear weapons can generate potentially catastrophic EMP effects. These certain types of weapons are weapons that have been designed for enhanced EMP effects. They may have little explosive effect, but very high EMP effects over wide geographic areas, and designs for various such weapons may have been illicitly trafficked for a quarter of a century. We are certain that the Chinese have them. Of course the Russians have them; they developed probably better or at least as good designs as we developed. We designed them, by the way, but never built them. The Russians we understand have both designed and built them, and we now believe those designs to be pretty widespread out around the world.

The next chart shows the comments from the Russian generals, and to protect the Russian generals we have redacted their names. But the commission met with Russian generals, and they claim that Russia has designed a super-EMP nuclear weapon capable of generating 200 kilovolts per meter. And the Russian generals told our commission people that they believe that to be several times higher than the level two, which we had hardened our weapons systems; even those that are hardened and, as I mentioned, Mr. Speaker, most of our weapons systems now procured are not hardened.

Russian, Chinese, and Pakistani scientists are working in North Korea and could enable that country to develop an EMP weapon in the near future. Now, this is not what the commission said; this is what the commission reported the Russian generals to have said.

The next chart shows additional comments from the EMP Commission report. States or terrorists may well calculate that using a nuclear weapon for EMP attack offers the greatest utility. Mr. Speaker, there is no way that a country could use a nuclear weapon against the United States that would be as devastating as using it to produce an EMP lay-down. I had not noted, but I should note, Mr. Speaker, that there is no effect on you or me from this weapon. We are quite immune to that. We will not be damaged by that. Buildings will not be damaged by that. It will affect only electric and electronic equipment.

EMP offers a bigger bang for the buck. Now, this is from their report; I am not saying this. EMP offers a bigger bang for the buck against U.S. military forces in a regional conflict or a means of damaging the U.S. homeland. EMP may be less provocative of U.S. massive retaliation compared to a nuclear attack on a U.S. city that inflicts many prompt calories.

Just a couple of words about this. As Vladimir Lukin said, if it were launched from the ocean, we would not know who launched it. So against whom would we retaliate? Even if we knew who launched it, Mr. Speaker, if all they have done is to disable our computers, do we respond in kind, or do you incinerate their grandmothers and their babies? This would be a really tough call. Responding in kind might do very little good. There is no other country in the world that has anything like our sophistication in electronic equipment, and no other country in the world is so dependent as we are on our national infrastructure. So this is a real problem and a big incentive to use this weapon without fear of retaliation, as Vladimir Lukin says, with no fear of retaliation.

EMP could, compared to a nuclear attack on the city, kill many more Americans in the long run from indirect effects of collapsed infrastructures of power, communications, transportation, food, and water. Can you imagine our country, Mr. Speaker, with 285 million people, no electricity, and there will be no electricity, no transportation, no communication? The only way you can go anywhere is to walk, and the only person you can talk to is the person next to you. What would we do? How many of our people might not survive the transition from that situation to where you had established a sort of infrastructure that could support civil society as we know it today.

Strategically and politically, an EMP attack can threaten entire regional or national infrastructures that are vital to U.S. military strength and societal survival, challenge the integrity of allied regional coalitions, and pose an asymmetrical threat more dangerous to the high-tech West than to rogue states. This makes the point that I was making that because we are the most sophisticated, we are the most vulnerable.

Technically and operationally, EMP attacks can compensate for deficiencies in missile accuracy, fusing range, reentry, velocity design, target location, intelligence, and missile defense penetration. We are really superior in all of these areas, and none of our enemies out there, except for Russia and China, and we would not expect an attack like this from either of them, but there is nobody else out there who really can be very good shots with their missiles.

But what the EMP Commission report is pointing out is, they do not need to be. Anywhere over the northeastern United States will shut down all of the northeastern United States, and anywhere near the middle of our country, you can miss it by 100 miles and it really will not matter. Anything near the middle of our country detonated high enough with the right kind of weapon will blanket the whole country with an EMP force that could knock out all of our electronic equipment.

The next chart shows some other comments in the EMP report. One or a few high-altitude nuclear detonations can produce EMP simultaneously over wide geographical areas. As the chart we showed earlier, the whole country can be blanketed with one about 600 kilometers high.

The thing they were really concerned about, because we have a very sophisticated infrastructure with lots of interdependencies, they were really concerned about the cascading failure, unprecedented cascading failure of our electronics-based infrastructures, which could result in power, energy, transport, telecom, and financial systems and are particularly vulnerable and interdependent. And if one of them comes down, if you bring down the power grid, Mr. Speaker, you have brought down all of these other parts of our national infrastructure. EMP disruption of these sectors could cause large-scale infrastructure failures for all aspects of the Nation's life.

Now, these are not my words; these are taken from the EMP Commission report. This commission was set up as a part of public law, and that is noted here on this chart. Both civilian and military capabilities depend on these infrastructures. Without adequate protection, recovery could be prolonged months to years for recovery. And here on the right is a little depiction showing some, and there are more than that, showing some of the interrelationships. For instance, electric power is not shown as important for water or for banking and finance, and for government services; and of course it is. So if you do not have electric power, for instance, you do not have any of these other things.

There was a number of years ago a scientist by the name of Harrison Scott Brown. I think that he worked at CalTech, and he offered a series of seminars called the "Next 100 Years." This was during the Cold War. And one of the questions that it was appropriate to ask during the Cold War was, What would you do after the nuclear attack? You may remember, Mr. Speaker, your parents talking about the backyard shelters that were built during the 1960s. Sometime after that I went to work for IBM and they were still talking about the fact that IBM had loaned its employees money interest-free to build a backyard shelter. There was a real concern that there could be a bolt out of the blue and that we could have a nuclear attack. We had a big civil defense organization with lots of shelters. They were stocked, and you were given pamphlets and you were told where to go.

I think, Mr. Speaker, that today, with the potential for terrorist attack, we need to turn back a few pages and learn from our experience during the Cold War when we recognized that the more prepared an individual and a family was to be self-sufficient during that attack, the stronger we would be as a whole; and I think that we could profit, at least have a more intense focus on civil defense in our homeland security efforts.

Harrison Scott Brown was concerned about what you would do after you came out of the fallout shelter and how you would reconstitute your society to reestablish the kind of an infrastructure that you had before the attack. His concern was that in the United States, and this was a number of years ago, his concern would be even greater were he alive today, his concern then was that we had developed such a sophisticated, interrelated infrastructure, that if it came down like a house of cards, that it might be very difficult, maybe, he thought, and I will explain in a moment why, maybe impossible to reestablish that infrastructure. Because, he noted, that this infrastructure was built up gradually from very simple to very complex, when there was available to us a rich resource of raw materials, high-quality iron ore. That is all gone. Our best ores now, I think, are ½ of 1 percent taconite ores.

□ 1715

When oil essentially oozed out of the ground, when the water washed the dirt away, you could see coal exposed in some of the hills of Pennsylvania. The oil now is deep and hard to get or offshore or in the Arctic. All the good coal has been burned. Now, to get oil and to get coal, we have to have the infrastructure. You have to have diesel fuel shipped to you. You have to have large excavators.

His concern was that if our infrastructure collapsed as a result of a nuclear attack, today we are talking about an EMP attack, which does not blow up buildings, but it shuts down the infrastructure because it would destroy, disrupt all of the electronic equipment if the pulse was high enough; and a determined, sophisticated enemy could make sure that it was high enough.

So he was concerned that maybe it would not be possible now without that high-quality, readily available resource of raw materials that might be very difficult without massive help from other parts of the world that we could reconstitute our society.

I think, Mr. Speaker, that we need to be looking at that threat to our country today. I am sure it is no less a threat now than it was when Harrison Scott Brown was holding those seminars.

In 2004, the EMP Commission met with very senior Russian officers, and we showed that on the sign. They warned that the knowledge and technology to develop what they called super EMP weapons had been transferred to North Korea and that North Korea could probably develop these weapons in the near future, within a few years.

The Russian officers said that the threat that would be posed to global security by a North Korean armed with super EMP weapons was, in their view, and I am sure, Mr. Speaker, in your view and mine, unacceptable.

You know, why use EMP, as we noted in a previous chart? A terrorist or rogue state might be so inaccurate that they could not even use a nuclear weapon to take out New York City. They might hit the countryside somewhere near. But it would not really matter with that low accuracy if they were doing an EMP laydown. Because anywhere over New England would be quite good enough, and there is no way that they could do as much damage to our country by a ground burst, even if it hit the city, than if they could do a high altitude burst, which produced EMP and took down, if it was intense enough, all of our infrastructure.

EMP has such a wide area of effect that if the weapon is large enough or several are used, covering potentially an entire continent, that even a highly inaccurate missile could not miss its target in an EMP effect. EMP attack involves exoatmospheric detonation, meaning that attack, this is really interesting, Mr. Speaker, this attack would occur before the weapon ever reentered the atmosphere. So even if we were really good at taking out weapons before they hit us, it really would not matter, because this is detonated before it starts to reenter. So any weapon that would take out a missile on its final descent would be useless, because it has already detonated and the damage is done at altitude.

Increased dependence on advanced electronic systems results in the potential for an increased EMP vulnerability. And what this does is to make that attack more attractive to our assailants. The fact that we are ever more sophisticated and therefore ever more vulnerable makes it ever more attractive to our adversaries, because this really becomes the ultimate asymmetric weapon.

EMP threatens the ability of the United States and western nations to project influence and military power, because a third-world country with a crude missile and a crude nuclear weapon could, in effect, hold us hostage. This is why it is so important that we stop the spread of nuclear weapons.

EMP can cause catastrophic damage to the Nation by destroying the electric power infrastructure, causing cascading failures in the infrastructure for everything: telecommunications, energy, transportation, finance, food, and water.

I live on a farm. I cannot even get a drink of water without electricity, because the pump in my well that supplies my water has to have electricity. So we are all really dependent on this infrastructure.

Degradation, and this is really minimized, degradation of the infrastructures could have irreversible effects on the country's ability to support its population, and then millions could die. That is true.

In the final analysis, Mr. Speaker, the EMP Commission report is really a good news story. So far what we have been talking about does not really sound like good news, does it? It sounds like the worst of all news that you could get. But there really is good news here, and the good news is that we do not have to be this vulnerable. It is really not all that expensive to protect our systems against EMP. You just have to do it.

But we have a problem, and that is the cheapest way to do it is when you are making them, if you design it in. Then it may cost as little as 1 percent more. For really sophisticated electronic stuff, probably not more than 10 percent more. But if you are trying to add it after it is built, then it can cost you as much as the device itself, which means that we need to start, you can only do what you can do, and we need to start in our national infrastructure by deciding what is most essential to protect and then expeditiously protecting that as fast as we can.

Every new water system we put in, every new sewage system we put in, every new power line we run, every new distribution system we put in needs to be hardened. It is not all that expensive to do. You just need to do it.

Now we have hardened in the military our command and control. We are pretty sure that we can talk to each other after an EMP laydown. But that does not give me much solace, Mr. Speaker, because that is the equivalent of me having my brain and spinal cord work, but my arms and my hands will not work. I am not sure just having the capability of my brain communicating with my spinal cord does me much good if my arms and my legs will not respond to those signals.

The EMP Commission has proposed a 5-year plan that, if implemented, would protect the United States from the catastrophic consequences of EMP attack and make recovery possible at surprisingly modest cost.

I would like now to turn to a statement that was made by Dr. John Kyl. I mentioned his name earlier. Last week, the Senate Judiciary Committee Subcommittee on Terrorism, Technology and Homeland Security, which I chair, his words in his op-ed piece, held a hearing on a major threat to the United States not only from terrorists but from rogue nations like North Korea.

An EMP attack is one of only a few ways that America could be essentially defeated by our enemies, terrorists or otherwise. Few if any people would die right away, but the long-term loss of electricity would essentially bring our society to a halt. Few can conceive of the possibility that terrorists could bring American society to its knees by knocking out our power supply from several miles in the atmosphere. But this time we have been warned, and we better be prepared to respond. We really do need to respond.

Here is another statement from Major Franz Gayl.

The impact that EMP is asymmetric in relation to our adversaries, now these are all in the public domain. I want to be very careful, Mr. Speaker, that I do not leave the impression that I am letting the genie out of the bottle. Ninety-nine percent of Americans may not know about EMP, but I will guarantee you 100 percent of our adversaries know about EMP. And we need to know about EMP, because to be forewarned is to be forearmed, and we need to do something about that.

The impact that EMP is asymmetric in relation to our adversaries, the less developed societies in North Korea, Iran and other potential EMP attack perpetrators are less electronically dependent and less specialized, while more capable of continued functionality in the absence of modern conveniences.

I do not know that outside of Pyongyang that many people in North Korea would even know if electricity went out. I am not sure they depend much on electricity.

Conversely, the United States would be subject to widespread paralysis and doubtful recovery following a surprise EMP attack. Therefore, terrorists and their coincidentally allied state sponsors may determine that, given just a few nuclear weapons and delivery vehicles, that subjecting the United States to a potentially non-attributable EMP attack, we would not even know where it came from if it came from the oceans, is more desirable than the destruction of selected cities. Delayed mass lethality is assured over time through the cascade of EMPs' indirect effects that would bring our highly specialized and urbanized society to a disorderly halt.

The vulnerability of the United States to EMP attack serves as the latest revelation that societal protections associated with our national security can no longer be assured by traditional nuclear deterrence and battlefield preparations on their own.

Let me put up now a conclusion chart. The EMP threat is one of a few potentially catastrophic threats to the United States. By taking action, the EMP threat can be reduced to manageable levels, but we should have started yesterday, Mr. Speaker. We just must start today.

U.S. strategy to address the EMP threat should balance prevention, preparation, protection and recovery. We need to be studying all four of these. Critical military capabilities must be survivable and endurable to underwrite U.S. strategy. If they can bring down our military, that really puts us at risk.

The 2006 Defense Authorization Bill contains a provision extending the EMP Commission to ensure that their recommendations will be implemented. We need to have them around to make sure that we are following through on their recommendations. Terrorists are looking for vulnerabilities to attack, and our civilian infrastructure is particularly susceptible to this kind of attack. It needs to be hardened.

When you have a weak underbelly, you are inviting attack there. They are going to attack at the weakest link, and our infrastructure complexity is certainly our weakest link. The Department of Homeland Security needs to identify critical infrastructures. What do we need to protect first?

Then we need to have a plan for what would we do if we had the EMP attack tomorrow, the day after tomorrow, the next year, 5 years from now. How far along would we be in protecting ourselves? But we need to have a plan for what we would do in the event that that happens.

The Department of Homeland Security also needs to develop a plan, I really want to emphasize this, Mr. Speaker, to help citizens deal with such an attack should it occur. Each of us as individuals, each of us as families, each of us as a church group, each of us as a community, needs to have plans for what we would do in the event of an EMP attack. We need to know what we need to do to prepare so that we are not going to be a liability on the system. Our strength as a Nation is going to be greatly increased if each of us as a family, a church group, a community, is prepared so that we will be less susceptible to the loss of these infrastructure supports.

Mr. Speaker, this is really a good news story. We know about this problem. It has not happened yet. We have a great study with great detailed recommendations of what we need to be doing. The good news is that if we do these things we will have reduced our vulnerability and we will have now taken from the enemy an enormous strategic capability that they now have because we are such a sophisticated society, depend so much on our infrastructure, and if they can bring down an infrastructure they can bring us down.

We have a mighty Army. It will not be much good if the folks back home do not have anything to eat.

Mr. Speaker, to be forewarned is to be forearmed. I am sure Americans will respond to this challenge. And challenges are really exhilarating. You feel really good at night if you have met a challenge and you have had some successes in meeting that challenge.

Mr. Speaker, I think we have a bright future ahead, and it is going to be even brighter if we respond appropriately to the warnings that are here.

PROBLEMS WITH CAFTA

The SPEAKER pro tempore (Mr. MACK). Under the Speaker's announced policy of January 4, 2005, the gentleman from Michigan (Mr. LEVIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. LEVIN. The Dominican Republic-Central America Free Trade Agreement presents an important crossroads for trade policy. It involves issues broader than those, for example, relating to sugar or textiles; and indeed, as President Bush said recently, it involves issues beyond trade, including ramifications for the future path of democracy.

□ 1730

It is an important test for globalization. What has been unfolding in Latin America, including Central America, is that substantial portions of the citizenry are not benefiting from globalization. They have increasingly responded with votes at the ballot box or in the street. Doing so they have raised sharply an underlying issue and that is whether the terms of expanded trade need to be shaped to spread the benefits or simply to assume the trade expansion by itself will adequately work that out.

It is for these reasons, not more narrow interests, why the issue of core labor standards in CAFTA is important for Central America and for the United States of America. The way it is handled in CAFTA undermines the chance that the benefits of expanded trade will be broadly shared. The goal of globalization must be to expand markets and raise living standards, not promote a race to the bottom.

An essential part of this leveling up is the ability of workers in developing nations to have the freedom to join together, to have a real voice at work, so they can move up the economic ladder. This is not true in Central America where recent State Department and International Labor Organization reports confirm that the basic legal framework is not in place to protect the rights of workers and enforcement of these defective laws is woefully inadequate. Regretfully, CAFTA as negotiated preserves the status quo or worse, because it says to these countries "enforce your own laws" when it comes to internationally recognized labor standards.

The Latin American region possesses the worst income inequality in the world. And four of the Central American nations rank among the top 10 in Latin America with the most serious imbalances. Poverty is rampant in these countries. The middle class is dramatically weak, as has been true in the persons of other nations including our own. This will not change unless workers can climb up the ladder and help develop a vibrant middle class.

A huge percentage of workers in this region are not actively benefiting from globalization because the current laws in these nations do not adequately allow them to participate fully in the workplace. The suppression of workers in the workplace also inhibits the steps necessary to promote democracy in society at large. The core labor and environmental provision in CAFTA that each country must merely enforce its own law is a double standard. This standard is not used anywhere else in CAFTA, whether as to intellectual property, tariff levels, or subsidies.

"Enforce your own laws" is a ticket to a race to the bottom. Such an approach is harmful all around for the inability of workers to earn enough, for we in the middle class so badly lacking in and needed by Central American countries, for American workers who resist competition based on suppression of workers in other countries and for our companies and our workers who need middle classes in other countries to purchase the goods and services that we produce.

CAFTA is a step backwards also from present trade agreements. The Caribbean Basin Initiative Standard states in determining whether to designate any country a benefit country under CPI, the President shall take into account "whether or not such country has taken or is taking steps to afford workers in that country, including any designated zone in that country, internationally recognized rights."

The GSP, Generalized System of Preference, standard is this: the President shall designate a country, a GSP beneficiary country if "such country has not taken or is not taking steps to afford internationally recognized worker rights to workers in that country including any designated zone in that country."

So CAFTA is a step backward from these standards. The provisions in CAFTA on worker rights as currently negotiated are substantially weaker than current U.S. law and would replace that current law. I will give you an example. In Guatemala over 900 Del Monte banana workers were fired in 1990 for protesting labor conditions. A GSP petition led USTR for the first time ever to self-initiate a worker rights review for Guatemala in October 2000. Guatemala subsequently passed labor reforms in April 2001 which included granting farm workers new rights to strike.

In preparation for CAFTA, however, Guatemala's constitutional courts struck down key parts of the 2001 labor reforms. In August of 2004, the court rescinded the authority of the ministry of labor of that country to impose fines for labor rights violation, a key element of the 2001 agreement. Under CAFTA, the U.S. would have no recourse to challenge that development.

Now, let me go on, if I might, to a next point and that relates to the examples of Morocco and Chile and Singapore because those agreements are often used as examples as to why we should vote for CAFTA. I supported the agreements with Chile, with Morocco, and with Singapore. The situations in each of those countries was very different from Central American countries.

Chile has the international labor standards incorporated in their laws and they enforce them. There is a vibrant labor movement and an active middle class. The same is essentially true in Singapore, anti-labor movements, workers have their right to associate if they want to organize, to form unions; and they have a tradition of a labor movement in Singapore.

Morocco, the question is asked, well, I voted for Morocco, why not CAFTA? And the answer is there are vast differences between the situations. Morocco took steps in the last years before the free trade agreement with them to truly, truly reorganize their labor laws. Also, Morocco has a tradition of a vibrant labor movement in the private sector as well as the public sector. So Central America is very different.

We voted, many of us on the Democratic side, for Morocco, Chile and Singapore; we believe in expanded trade as long as the terms of those of that trade agreement and of those trade agreements are shaped to spread the benefits across the population.

Let me say a word about Central American countries and the deficiencies in their laws, because much has been said of this and much was said today by our new USTR, a former colleague, Rob Portman. Look, USTR has tried to gloss over what the ILO says. They have tried to gloss over what is in the State Department reports themselves. But any objective look confirms that those reports say that the laws of those countries in terms of the basic international standards are defective. And this was spelled out in a letter that was sent by us on April 4 by the gentleman from New York (Mr. RANGEL), the gentleman from Maryland (Mr. CARDIN), the gentleman from California (Mr. BECERRA), and myself to the acting trade representative, Peter Allgeier.

Mr. Speaker, this letter will be placed in the RECORD at the end of my remarks.

What the reports show is exemplified in a fairly recent case, and I will refer to it briefly. It relates to port workers in El Salvador. In that case they tried to organize, they tried to be representative, they tried to bring about democratic rights within the workplace. Thirty-four of the workers were fired last December when they were trying to form a union. And not only did the law not require their reinstatement, but only severance pay, which is a cheap bargain for an employer who wants to violate rights.

But a month later, the labor ministry denied the labor union's registration petition since now there were only seven workers left. Others had been fired. El Salvador law requires at least 35 members to form a labor organization, a provision that itself has been criticized by the International Labor Organization.

I just ask everybody to read the letter that we sent to Mr. Allgeier and the attached analysis of laws from the ILO reports and State Department reports. President Bush has correctly talked about freedom and democracy. He has said that everywhere. But what this CAFTA does is to sanction the status quo where there is no democracy in the workplace.

President Bush last month urged a vote for CAFTA because it would bring "stability and security" to the region.

I think the opposite is true. If workers are suppressed, it is a step towards insecurity and towards instability. Labor market freedom is a source of security, undercutting insecurity. What is a threat, what is a real threat to undemocratic forces, those who do not believe in them, is democracy in the workplace.

The President likes to quote the writings of Natan Sharansky, who has been minister in Israel until recently. Natan Sharansky says that a test of democracy is whether somebody can arise in the town square and speak his or her mind without punishment. If you use that test to the workplace, most places in Central America, the answer is there is no democracy. If somebody raises their voice too often, they are fired.

Now, let me just say a word about another argument that is used and that is, well, the problem is enforcement and the United States is going to help the nations of Central America with their enforcement. We are going to provide monies so that there is a stronger department of labor, et cetera, et cetera.

Well, today, Rob Portman, our ambassador, outlined a number of proposals for more funding to help CAFTA countries in technical assistance to strengthen enforcement of labor laws. He said the problem is not labor laws; it is enforcement. The correct analysis is there is a deep problem in their laws and a severe problem with the enforcement of flawed laws. But when you look at what was urged today by Mr. Portman, and I do not question his good faith about it, but I do question the credibility of it because it is the record, not the rhetoric, that really matters. And the record of this administration in providing technical assistance for the strengthening of labor unions in other countries is miserable.

This year, I just give a few examples, this year President Bush proposed crippling cuts to the budget for the International Labor Affairs Bureau known as ILAB. He proposed cutting funding by 87 percent from $94 million to $12 million.

□ 1745

According to the President, the 2006 budget, he quotes, "returns the agency to its original mission of research, analysis and advocacy." Well, what that means is there is not any emphasis on technical assistance.

Also, the President's five budget requests in previous years proposed funding cuts for ILAB of more than 50 percent.

So I do not believe that the answer is simply more money going to agencies in other countries. I think the laws have to be in order. The regulations must not strangle efforts of people to assert their freedom in the labor market, but I do think better enforcement would be useful of good laws. The record of the administration in terms of technical assistance is terribly weak, in fact.

Now, let me discuss another issue that has come up when we discuss CAFTA. Increasingly, this administration has used our trade challenges from China as a reason to vote for CAFTA. This is happening more and more. It is not credible. It is at best boot strap. Look, we have to shape trade policy so that there can be effective competition with China, that is for sure. That relates to currency, and we just a short time ago had, I think, a rather ineffective meeting with the administration on the currency issue.

It also includes trade in apparel and textiles. We have seen a major influx of apparel from China with the end of the quotas. In order to have an effective trade policy, vis-a-vis, China, in the apparel and textile areas, we have to do the following.

Number one, we have to actively use remedies that were written into the agreement with China in its accession to the WTO. We worked hard to get those provisions into the WTO China accession agreement, and the administration has hesitated to use them effectively. They did not effectively anticipate this problem, and when the problem really sprouted, their response initially was very weak.

Second point regarding this: We do need to have and take steps to bring about a strong Caribbean apparel and textile structure, Caribbean including the United States. To do that, one of the steps that is necessary is to have compliance with international core labor standards. That would be a source of strength, not of weakness. It would be trying to compete and compete effectively, rather than trying to compete with China as to who can most suppress worker rights.

In that regard, I do think we ought to look at what is sometimes pointed to, and that is, the Clinton legacy because I have read some articles that have said that those of us who have raised this set of issues about globalization, who have raised this set of issues about shaping trade policy and have applied it to this critical step, vis-a-vis, CAFTA, that those of us who are doing that are taking a step backwards from where the Clinton administration was. The contrary is true. The contrary is really what this is all about.

For example, Jordan. Today, Ambassador Portman, and I am glad to call him ambassador now, he was a colleague, said that the Jordan agreement is not as strong as CAFTA when it comes to core labor standards. That simply is an incorrect analysis of Jordan. Jordan has a clear reference to the core standards: child labor, forced labor, anti-discrimination and the right of workers to associate and to bargain collectively. It has references to those five core labor standards in the Jordan agreement, number one.

Number two, Jordan has a provision to make sure that Jordan cannot slip backwards, cannot move away from that standard. That is not true in CAFTA. Enforce your own laws, it can be present laws or revised laws that are even worse.

Thirdly, as to enforcement, it is not at all correct to say that the provisions in CAFTA, that those provisions are nearly as strong as was negotiated with Jordan. Essentially the Jordan FTA, the U.S.-Jordan FTA said that each country could take the necessary steps to enforce the obligations of the other, and it is true the Bush administration later entered a letter, a side letter, that put some brakes on the ability of the Bush administration to implement the Jordan agreement. but that is not what was negotiated.

What President Clinton did increasingly in his later years was to say to the world, I favor expanded trade, I believe in it, it has to be done in ways that shape so that there is a leveling up and not down. That is language that he used in his speeches. He referred to them at the University of Chicago speech, and that was the flavor of his speech at Davos. I was there when he gave the speech. He spent half of his time talking about the benefits of expanded trade. He also spent the second half saying if those benefits were going to be real and move globalization ahead, there needed to be, he said, a leveling up and not a leveling down.

When people say we cannot impose standards on other countries, and that was said I think it was yesterday or maybe earlier today by the chairman of our committee, I do not understand that. Trade agreements, like any other contract, involve imposition. We are going to have to change laws as a result of trade agreements. That was true under the Uruguay Round agreements. It is true of tariffs. We are going to have to change our laws regarding tariffs.

Now we are not talking about imposing American standards in CAFTA. What we are talking about is placing internationally recognized standards in the declaration of the ILO that every country involved here, Dominican Republic, Central American, U.S., has endorsed putting them into the agreement, in the body of the agreement enforceably with reasonable transition. That is important.

So let it be clear, the opposition to CAFTA, as negotiated, is not being led by those the administration likes to dismiss as in "protectionists" or "isolationists." Those shoes do not fit. The opposition leadership involves those of us who have favored expanded trade and have helped to shape and pass trade agreements in the last decade.

For us, CAFTA is an important line in the sand, affecting the future effectiveness of globalization. If the U.S. does not seize the opportunity to shape the rule of trade and competition in CAFTA, it will have chosen simply to be on the receiving end of the consequences, both positive and negative of globalization.

I favor a CAFTA but not this agreement as it stands, and we can quickly fix this agreement by renegotiating CAFTA to include internationally recognized labor standards, with enforcement in a reasonable transition. In doing so, we would advance the interests of U.S. businesses and workers and expand the benefits of globalization beyond the status quo and any privileged minority in any of these countries.

We would take also an important step, and I want to emphasize this, an important step towards reestablishing a bipartisan foundation for trade. That bipartisan foundation has been eroded under this administration, and it is that bipartisan foundation that needs to be reestablished because it is so critical for tackling tough trade issues ahead, for example, in the Doha Round. We cannot tackle these tough issues of agriculture, various parts of agriculture, or of services, including financial services, we cannot tackle them, nontariff barriers, unless there is a solid, nonpartisan, bipartisan foundation. We cannot do it by trying to squeeze out a one vote majority.

Security, economic and political, is best achieved in the region of Central America. By closing the dangerous gap between rich and poor, by development of a real middle class and a larger middle class and by expansion of freedom operating in the workplace and spreading throughout the society, it did, by the way, not only in our country in Poland and so many other places.

I want to close by emphasizing what is at stake, that this security, economic and political, is in the self-interest of our country, of our businesses and of our workers. We need to address this issue of core labor standards, not only for the benefit of the workers in the other countries, of the development of a so badly needed middle class in those countries, but also because our workers increasingly refuse to compete with countries where the workers are suppressed. That is eroding the support for international trade in this country, and we need to reaffirm its importance by reaffirming some basic principles. That is going to be good, as I said, for our country, for our businesses, and for our workers.

I am not sure of the timetable for CAFTA. What I am sure is as of today, it would not pass. There may be an effort to try to make it pass by all kinds of deals, which those of us who favor expanded trade would never agree to. It may be endeavored to pass through some kinds of deals unrelated to trade, offering this and that, unrelated again to trade. That would be a terrible mistake.

We have an opportunity here to reconfigure CAFTA in a way that would bring about strong bipartisan support and be a foundation for the development of stable relationships within Central America and the Dominican Republic and between them and ourselves.

Also, as I said, we would be able to reestablish the bipartisan foundation that once prevailed for international trade in this institution. Without it, CAFTA, in my judgment, should not and cannot pass, and there is likely trouble in tackling the other issues that need to be addressed boldly, honestly and effectively.

The material I referred to previously I will insert into the RECORD at this point.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, April 4, 2005.
Hon. PETER ALLGEIER,
Acting U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR ALLGEIER: In recent weeks, advocates for the Central American Free Trade Agreement (CAFTA) have made assertions that the CAFTA countries' laws comply with basic, internationally-recognized rules that ensure common decency and fairness to working people. These advocates argue that the only outstanding issue concerning the rights of workers in the CAFTA countries is a lack of adequate enforcement of existing labor laws.

Unfortunately, CAFTA advocates' rhetoric is not supported by the facts. There are still no fewer than 20 areas in which the CAFTA countries' labor laws fail to comply with even the most basic international norms, as documented by the International Labor Organization (ILO), the U.S. Department of State and multiple non-governmental organizations.

More than a year ago, in November 2003, a number of us wrote to you outlining these problems in detail. We had hoped that doing so might lead to actions to remedy those problems, or at least to a constructive dialogue about them. However, the Members who signed that letter have yet to receive any response to the list of problems documented in that letter—either from your office or from the countries concerned. In fact, the labor laws in at least one of the CAFTA countries have been weakened in recent months.

In light of the fact that Congress may soon be considering the CAFTA, it is important to move beyond rhetoric to the facts. We urge you to provide documented information concerning any amendments CAFTA countries have made to their laws to address the shortcomings noted in the attached list. Those shortcomings cannot be overcome with better enforcement efforts. Even the best enforcement of inadequate laws—whether relating to intellectual property, services regulation or technical standards for manufactured products—cannot yield acceptable results.

We support the right CAFTA for the Central American countries and the Dominican Republic, just as we have strongly supported the Caribbean Basin Initiative (CBI) programs. These programs have done much to strengthen economic ties with our friends and neighbors in Central America and the Caribbean in ways that benefit both the United States and the region.

However, the CBI programs were built on the dual pillars of expanded economic opportunity and a strong framework for trade. In particular, the programs were expressly conditioned on the countries making progress in achieving basic labor standards. By contrast, the CAFTA moves backward by not including even these minimum standards, and using instead a standard for each country of "enforce your own laws." Ensuring that the CAFTA countries both adopt and effectively maintain in their laws the most basic standards of decency and fairness to working people is important to their workers, their societies, and to U.S. workers. It also is critical to ensuring strong and sustainable economic growth and promoting increased standards of living.

We welcome and support all efforts to improve the capacity of Central American countries to improve the enforcement of their labor laws. In fact, for the last four years, we have fought for better funding of such programs and against massive Administration budget cuts for labor technical assistance programs—many of these programs eroded-out or slashed by up to 90 percent in budgets submitted by the Administration. The Administration's track record gives us little confidence that the one-time grant of $20 million included in the FY05 Foreign Operations Appropriations Act for labor and environmental technical assistance in the CAFTA countries represents the kind of real and sustained commitment needed in these areas. Moreover, such efforts on enforcement are no substitute for getting it right on basic laws.

Sincerely,

BENJAMIN L. CARDIN,
Ranking Member, Subcommittee on Trade.
XAVIER BECERRA,
Member.
CHARLES B. RANGEL,
Ranking Member.
SANDER M. LEVIN,
Ranking Member, Subcommittee on Social Security.

U.S. STATE DEPARTMENT AND INTERNATIONAL LABOR ORGANIZATION REPORTS CONFIRM DEFICIENCIES IN CAFTA LABOR LAWS

The 2004 U.S. State Department Country Reports on Human Rights Practices, the October 2003 ILO Fundamental Principles and Rights at Work: A Labor Law Study ("the Report"), and other ILO reports released in recent years confirm the existence of at least 20 areas in which the labor laws in the CAFTA countries fail to comply with two of the most basic international norms of common decency and fairness to working people—the rights of association (ILO Convention 87) and to organize and bargain collectively (ILO Convention 98).

Each of these deficiencies, discussed in detail below, was identified in a letter sent in November 2003, from Reps. Rangel, Levin and Becerra to then U.S. Trade Representative Zoellick. Neither USTR nor the governments of the Central American countries have provided information responding to these inconsistencies.

COSTA RICA

Use of Solidarity Associations to Bypass Unions. Costa Rican law allows employers to establish "solidarity associations" and to bargain directly with such associations, even where a union has been established. The failure to explicitly prohibit employers from bypassing unions in favor of employer-based groups violates ILO Convention 98.

This deficiency was confirmed in the October 2003 ILO Report: "[T]he report of the technical assistance mission . . . drew attention to the great imbalance in the private sector between the number of collective agreements and the number of direct pacts . . . the CEACR recalled that direct negotiation between employers and workers' representatives was envisaged 'only in the absence of trade union organizations.'"

(2) Onerous Strike Requirements. Costa Rican law includes a number of onerous procedural requirements for a strike to be called. These requirements contravene ILO guidelines for regulation of strikes, and taken as a whole, make it nearly impossible for a strike to be called. For example, Costa Rica requires that 60% of all workers in a facility vote in favor of a strike in order for it to be legal. These requirements violate ILO Convention 87.

This deficiency was confirmed in the October 2003 ILO Report: "The general requirements set out by the legislator [sic] for a strike to be legal . . . include the requirement that at least 60 per cent of the workers in the enterprise support strike action. The CEACR has stated that if a member State deems it appropriate to establish in its legislation provisions for the requirement of a vote by workers before a strike can be held, 'it should ensure that account is taken only of the votes cast, and that the required quorum and majority are fixed at a reasonable level.'"

(3) Inadequate Protection Against Anti-Union Discrimination. Costa Rica's laws do not provide for swift action against anti-union discrimination. For example, there is no accelerated judicial review for dismissal of union leaders.

This deficiency was confirmed in the October 2003 ILO Report: "[A]s the CEACR has indicated, legislation needs to be amended 'to expedite judicial proceedings concerning anti-union discrimination and to ensure that the decisions thereby are implemented by effective means.'"

EL SALVADOR

(1) Inadequate Protection Against Anti-Union Discrimination. El Salvador fails to provide adequate protection against anti-union discrimination. In particular, El Salvador fails to provide for reinstatement of workers fired because of anti-union discrimination, which violates ILO Convention 98. There also are widespread reports of blacklisting in export processing zones of workers who join unions. Salvadoran law does not prohibit blacklisting, as it bars only anti-union discrimination against employees, not job applicants.

The 2004 U.S. State Department Report on Human Rights Practices confirms this deficiency: "The Labor Code does not require that employers reinstate illegally dismissed workers. . . . Workers and the ILO reported instances of employers using illegal pressure to discourage organizing, including the dismissal of labor activists and the circulation of lists of workers who would not be hired because they had belonged to Unions."

(2) Restrictive Requirements for Formation of Industrial Unions. El Salvador has repeatedly been cited by the U.S. State Department and the ILO for using union registration requirements to impede the formation of unions. These formalities violate ILO Convention 87.

The 2004 U.S. State Department Report on Human Rights Practices confirms this deficiency: "[I]n some cases supported by the ILO Committee on Freedom of Association . . . the Government impeded workers from exercising their right of association. . . . [T]he government and judges continued to use excessive formalities as a justification to deny applications for legal standing to unions and federations."

A 1999 Report by the ILO Committee on Freedom of Association confirms this deficiency: The Committee observes that "legislation imposes a series of excessive formalities for the recognition of a trade union and the acquisition of legal personality that are contrary to the principle of the free establishment of trade union organizations . . ."

GUATEMALA

(1) Inadequate Protection Against Anti-Union Discrimination. Guatemala's laws do not adequately deter anti-union discrimination. The failure to provide adequate protection from anti-union discrimination violates Convention 98.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: "An ineffective legal system and inadequate penalties for violations hindered enforcement of the right to form unions and participate in trade union activities. . . ."

This deficiency was confirmed in the October 2003 ILO Report: "[T]he CEACR hopes that . . . 'measures will soon be adopted to ensure rapid and effective compliance with judicial decisions ordering the reinstatement in their jobs of workers dismissed for trade union activities and that effective penalties will be established for failure to comply with such decisions.'"

Note: In August 2004, the Constitutional Court of Guatemala issued a ruling rescinding the authority of the Ministry of Labor to impose fines for labor rights violations. Following this decision, it is not clear whether Guatemala's law permits any fines to be assessed for labor violations.

(2) Restrictive Requirements for Formation of Industrial Unions. Guatemala requires a majority of workers in an industry to vote in support of the formation of an industry-wide union for the union to be recognized. This requirement violates Convention 87.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: The high, industry-wide threshold creates "a nearly insurmountable barrier to the formation of new industry-wide unions."

(3) Onerous Requirements to Strike. Guatemalan law includes a number of provisions that interfere with the right to strike. The Guatemalan Labor Code mandates that unions obtain permission from a labor court to strike, even where workers have voted in favor of striking. In addition, the Labor Code requires a majority of a firm's workers to vote in favor of the strike. These laws violate Convention 87.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: Noting that "procedural hurdles" helped to make legal strikes rare, the Report states, "The Labor Code requires approval by simple majority of a firm's workers to call a legal strike. The Labor Code requires that a labor court consider whether workers are conducting themselves peacefully and have exhausted available mediation before ruling on the legality of a strike."

This deficiency was confirmed in the October 2003 ILO Report: "[O]ne of the general requirements laid down in the legislation . . . is still under criticism by the CEACR: 'only the votes cast should be counted in calculating the majority and . . . the quorum should be set at a reasonable level.'"

(4) Ambiguity in Certain Criminal Penalties. Guatemala's Penal Code provides for criminal penalties against anyone who disrupts the operation of enterprises that contribute to the economic development of the country. Whether and how these penalties apply to workers engaged in a lawful strike is unclear, and this ambiguity has deterred workers from exercising their right to strike. The CEACR has stated that application of these penalties to a worker who engaged in a lawful strike would violate ILO Conventions 87 and 98.

This deficiency was confirmed in the October 2003 ILO Report: "The CEACR has drawn the attention of the Government to the fact that certain provisions of the Penal Code are not compatible with ILO Conventions . . . noting that . . . sentences of imprisonment can be imposed as a punishment . . . for participation in a strike."

(5) Restrictions on Union Leadership. Guatemala maintains a number of restrictions with respect to union leadership including: (1) restricting leadership positions to Guatemalan nationals; and (2) requiring that union leaders be currently employed in the occupation represented by the union. These restrictions violate Convention 87.

This deficiency was confirmed in the October 2003 ILO Report: "Both the Constitution and the Labour Code prohibit foreign nationals from holding office in a trade union. . . . The Labour Code requires officials to be workers in the enterprise. . . . These restrictions have given rise to observations by the CEACR."

HONDURAS

(1) Burdensome Requirements for Union Recognition. Honduran law requires more than 30 workers to form a trade union. This numerical requirement acts as a bar to the establishment of unions in small firms, and violates ILO Convention 87.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: "The [ILO] has noted that various provisions in the labor law restrict freedom of association, including . . . the requirement of more than 30 workers to constitute a trade union. . . ."

This deficiency was confirmed in the October 2003 ILO Report: "[T]he requirement to have more than 30 workers to constitute a trade union . . . has prompted the CEACR to comment that this number is 'not conducive to the formation of trade unions in small, and medium size enterprises.'"

(2) Limitations on the Number of Unions. Honduran law prohibits the formation of more than one trade union in a single enterprise. This restriction violates ILO Convention 87 on the right of workers to join or establish organizations of their own choosing, and fosters the creation of monopoly unions.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: "The [ILO] has noted that various provisions in the labor law restrict freedom of association, including the prohibition of more than 1 trade union in a single enterprise. . . ."

This deficiency was confirmed in the October 2003 ILO Report: "Such a provision, in the view of the CEACR, is contrary to Article 2 of Convention No. 87, since the law should not institutionalize a de facto monopoly. . . ."

(3) Restrictions on Union Leadership. Honduras requires that union leaders be Honduran nationals, and be employed in the occupation that the union represents. These restrictions violate ILO Convention 87.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: "The [ILO) has noted that various provisions in the labor law restrict freedom of association, including . . . the prohibition on foreign nationals holding union office, the requirement that union officials must be employed in the economic activity of the business the union represents. . . ."

This deficiency was confirmed in the October 2003 ILO Report: "The Labour Code prohibits foreign nationals from holding trade union offices and requires officials to be engaged in the activity, profession or trade characteristic of the trade union. . . . The CEACR has objected to these provisions, which it deems incompatible with Article 3 of Convention No. 87. . . ."

(4) Inadequate Protection Against Anti-Union Discrimination. The ILO CEACR has faulted Honduras for a number of years for not providing adequate sanctions for anti-union discrimination. For example, under the law, only a very small fine equivalent to approximately US$12–$600 can be assessed against employers for interfering with the right of association. This Honduran law violates ILO Convention 98.

This deficiency was confirmed by a 2004 Report of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR): "The penalties envisaged . . . against persons impairing the right to freedom of association (from 200 to 2,000 lempiras, with 200 lempiras being equivalent to around $12) had been deemed inadequate by one worker's confederation. . . . The Committee once again hopes that [legislation will be prepared] providing for sufficiently effective and dissuasive sanctions against all acts of anti-union discrimination."

(5) Few Protections Against Employer Interference in Union Activities. Honduras prohibits employers or employees with ties to management from joining a union; it does not, however, prohibit employers from interfering in union activities through financial or other means. The failure to preclude employer involvement violates ILO Convention 98 on the right to organize and bargain collectively.

This deficiency was confirmed in a 2004 Report of the ILO CEACR: "[T]he Convention provides for broader protection for workers' . . . organizations against any acts of interference . . . in particular, acts which are designed to promote the establishment of workers' organizations under the domination of employers or employers' organizations, or to support workers' organizations by financial or other means, with the object of placing such organizations under the control of employers or employers' organizations. In this respect, the Committee once again hopes that [labor law reform will include provisions] designed to . . . afford full and adequate protection against any acts of interference, as well as sufficiently effective and dissuasive sanctions against such acts."

(6) Restrictions on Federations. Honduras prohibits federations from calling strikes. The CEACR has criticized this prohibition, which contravenes the right to organize.

This deficiency was confirmed in the October 2003 ILO Report: "Federations and confederations do not have a recognized right to strike . . . which has prompted the CEACR to recall that such provisions are contrary to Articles 3, 5 and 6 of Convention No. 87 . . ."

(7) Onerous Strike Requirements. Honduras requires that two-thirds of union members must support a strike for it to be legal. This requirement violates ILO Convention 87.

This deficiency was confirmed in the October 2003 ILO Report: "[T]he CEACR has recalled that restrictions on the right to strike should not be such as to make it impossible to call a strike in practice, and that a simple majority of voters calculated on the basis of the workers present at the assembly should be sufficient to be able to call a strike."

NICARAGUA

(1) Inadequate Protection Against Anti-Union Discrimination. Nicaragua's laws permit employers to fire employees who are attempting to organize a union as long as they provide double the normal severance pay. This allowance violates ILO Convention 98.

This deficiency was confirmed in the October 2003 ILO Report: The Annex to the Report states that the Labor Code provides that "if the employer does not carry out reinstatement, he/she shall pay double the compensation according to the length of service."

(2) Use of Solidarity Associations to Bypass Unions. Nicaragua allows employers to create "solidarity associations" but does not specify how those associations relate to unions. The failure to include protections against employers using solidarity associations to interfere with union activities violates ILO Convention 98.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: "The Labor Code recognizes cooperatives into which many transportation and agricultural workers are organized. Representatives of most organized labor groups criticized these cooperatives and assert that they do not permit strikes, have inadequate grievance procedures, are meant to displace genuine, independent trade unions and are dominated by employers."

(3) Procedural Impediments to Calling a Strike. Nicaragua maintains a number of restrictive procedural requirements for calling strikes. (According to the 2002 U.S. State Department Human Rights Report, the Nicaraguan Labor Ministry asserts that it would take approximately 6 months for a union to go through the entire process to be permitted to have a legal strike.) Since all legal protections may be withdrawn in the case of an illegal strike, the practical outcome is that workers who strike often lose their jobs, thus undermining the right to strike protected by Convention 87.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: "Observers contend that the [process for calling a strike] is inappropriately lengthy and so complex that there have been few legal strikes since the 1996 Labor Code came into effect . . ."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOBSON (at the request of Mr. DELAY) for today on account of traveling with the President in Ohio.

Mr. LAHOOD (at the request of Mr. DELAY) for today on account of attending a funeral in Chicago.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. UDALL of New Mexico) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. BORDALLO, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

(The following Members (at the request of Mr. MCCOTTER) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, June 13, 14, 15, and 16.

Mr. MCCAUL of Texas, for 5 minutes, today.

Mr. FOSSELLA, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, June 13.

ADJOURNMENT

Mr. LEVIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 p.m.), under its previous order, the House adjourned until Monday, June 13, 2005, at 12:30 p.m., for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the first quarter of 2004 and the first quarter of 2005, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. PATRICK CREAMER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 30 AND APR. 2, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Patrick Creamer	3/30	3/30	Jordan	139.50	197.00		(3)			139.50	197.00
	3/31	3/31	Ethiopia		136.00		(3)				136.00
	3/31	4/1	Uganda		157.00		(3)				157.00
	4/1	4/1	Tanzania				(3)				
	4/2	4/2	Turkey		111.00		(3)				111.00
Committee total				139.50	601.00						601.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

PATRICK CREAMER, May 12, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. FRED L. TURNER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 16 AND APR. 19, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Fred L. Turner	4/16	4/19	Denmark	3,573.75	615.00					3,573.75	615.00
Committee total				3,573.75	615.00					3,573.75	615.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FRED L. TURNER, May 18, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ALAN TENNILLE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 22 AND APR. 26, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Alan Tennille	4/22	4/24	Colombia		568.00						568.00
	4/24	4/26	Costa Rica		438.00		(3)				438.00
Committee total					1,006.00						1,006.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

ALAN TENNILLE, May 13, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. DARIN GARDNER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 7 AND MAY 12, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Darin Gardner	5/7	5/12	Jordan		295.00		(3)				1,180.00
Committee total					295.00						1,180.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

KAY GRANGER, Chairman, May 19, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. ALCEE L. HASTINGS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 16 AND APR. 19, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Alcee L. Hastings	4/16	4/19	Denmark	3,573.75	615.00					3,573.75	615.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. ALCEE L. HASTINGS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 16 AND APR. 19, 2005—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total				3,573.75	615.00					3,573.75	615.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALCEE L. HASTINGS, Chairman, May 18, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. ALCEE L. HASTINGS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 10 AND MAY 14, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Alcee L. Hastings	5/10	5/11	Denmark	1,165.50	201.00					1,165.50	201.00
	5/11	5/14	Norway		1,122.00						1,122.00
Committee total				1,165.50	1,323.00					1,165.50	1,323.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALCEE L. HASTINGS, Chairman, May 26, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CZECH REPUBLIC AND LITHUANIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 6 AND MAY 8, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jack Kingston	5/6	5/8	Czech Republic		356.00		(3)				356.00
Hon. Clay Shaw	5/6	5/8	Czech Republic		356.00		(3)				356.00
Hon. Spencer Bachus	5/6	5/8	Czech Republic		356.00		(3)				356.00
Hon. Tim Holden	5/6	5/8	Czech Republic		356.00		(3)				356.00
Hon. Bill Shuster	5/6	5/8	Czech Republic		356.00		(3)				356.00
Hon. David Scott	5/6	5/8	Czech Republic		356.00		(3)				356.00
Bill Johnso	5/6	5/8	Czech Republic		356.00		(3)				356.00
Scott Palmer	5/6	5/8	Czech Republic		356.00		(3)				356.00
Brenda Becker	5/6	5/8	Czech Republic		356.00		(3)				356.00
Hon. Jack Kingston	5/8	5/10	Lithuania		255.00		(3)				255.00
Hon. Clay Shaw	5/8	5/10	Lithuania		255.00		(3)				255.00
Hon. Spencer Bachus	5/8	5/10	Lithuania		255.00		(3)				255.00
Hon. Tim Holden	5/8	5/10	Lithuania		255.00		(3)				255.00
Hon. Bill Shuster	5/8	5/10	Lithuania		255.00		(3)				255.00
Hon. David Scott	5/8	5/10	Lithuania		255.00		(3)				255.00
Bill Johnso	5/8	5/10	Lithuania		255.00		(3)				255.00
Scott Palmer	5/8	5/10	Lithuania		255.00		(3)				255.00
Brenda Becker	5/8	5/10	Lithuania		255.00		(3)				255.00
Committee total					5,499.00						5,499.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JACK KINGSTON, Chairman, May 23, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. C.L. "Butch" Otter	8/2	8/4	Venezuela		849.00		2,046.20				2,895.20
Committee total					849.00		2,046.20				2,895.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOE BARTON, Chairman, May 11, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Boehner (3) (4)	11/23	11/28	Austria, Kosovo and Greece		850.00		3,845.98		25,234.64		29,930.62
Hon. John Carter (5)	1/11	1/18	Iraq and Afghanistan								
Hon. Bob Inglis (5)	2/24	2/28	Iraq, Kuwait, Jordan, and Germany								
Hon. Dennis Kucinich (6)	3/17	3/28	Paris, Toulouse, Rome, and Madrid		967.00				23,153.53		24,120.53
Hon. Howard "Buck" McKeon (6)	3/18	3/31	China and Hong Kong		4,272.00				18,481.72		22,753.72
Hon. Carolyn McCarthy	3/18	3/31	China and Hong Kong		4,272.00						4,272.00
Hon. Ruben Hinojosa	3/18	3/30	Beijing, China		2,528.00						2,528.00
Hon. Ron Kind	3/18	3/30	Beijing, China		2,528.00						2,528.00
Paula Nowakowski	3/18	3/31	China and Hong Kong		4,152.00						4,152.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2005—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Amy Lozupone	3/18	3/31	China and Hong Kong		4,152.00						4,152.00
George Canty	3/18	3/31	China and Hong Kong		4,152.00						4,152.00
Committee total											98,588.87

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Previously reported w/o expenditures.
[4] Transportation and other purposes are cumulative for entire CODEL.
[5] Expenditures not yet available.
[6] Other purposes expenditures are cumulative for entire CODEL.

JOHN A. BOEHNER, Chairman, Jun. 3, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Kathleen Reilly	1/16	1/20	Asia		1,404.00						
Commercial aircraft transportation							3,694.77				5,098.77
Robert Myhill	1/16	1/20	Asia		1,404.00						
Commercial aircraft transportation							3,694.77				5,098.77
Marcel Lettre	1/16	1/20	Asia		1,404.00						
Commercial aircraft transportation						3,454.27					4,858.27
Michael Ennis	1/15	1/18	Asia		1,005.00						
	1/18	1/20	Asia		822.00						
Commercial aircraft transportation							5,819.86				7,646.86
Michael Fogarty	1/15	1/18	Asia		1,005.00						
	1/18	1/20	Asia		822.00						
Commercial aircraft transportation							5,819.86				7,646.86
Christopher Donesa	1/15	1/18	Asia		1,005.00						
	1/18	1/20	Asia		822.00						
Commercial aircraft transportation							5,819.86				7,646.86
Hon. Rush Holt	2/20	2/21	Europe		353.89						
	2/21	2/23	Europe		482.00						
Commercial aircraft transportation							3,374.82				4,210.71
Wyndee Parker	2/19	2/21	Europe		924.00						
	2/21	2/23	Europe		482.00						
Commercial aircraft transportation							7,071.78				8,477.78
Hon. Mike Rogers	3/19	3/20	Middle East		178.00						
	3/20	3/23	Middle East		626.00						
	3/23	3/24	Middle East		508.00						1,312.00
Kathleen Reilly	3/19	3/20	Middle East		178.00						
	3/20	3/23	Middle East		626.00						
	3/23	3/24	Middle East		508.00						1,312.00
Hon. Peter Hoekstra	3/20	3/25	Asia		1,624.00						
Commercial aircraft transportation							5,578.15				7,202.15
Mike Meermans	3/20	3/22	Asia		266.00						
	3/22	3/25	Asia		928.00						
Commercial aircraft transportation							9,430.15				10,624.15
Michael Ennis	3/20	3/22	Asia		266.00						
	3/22	3/25	Asia		928.00						
Commercial aircraft transportation							6,291.15				7,485.15
Beth Larson	3/20	3/22	Asia		266.00						
	3/20	3/23	Asia		928.00						
Commercial aircraft transportation							5,791.15				6,985.15
Jeremy Bash	3/20	3/22	Asia		266.00						
	3/22	3/25	Asia		928.00						
Commercial aircraft transportation							6,630.15				7,824.15
Hon. Robert Cramer	12/26	1/02	Europe		2,746.00						
Commercial aircraft transportation							6,568.56				9,314.56
Committee total											102,744.19

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETER HOEKSTRA, Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2253. A letter from the Chief, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — American Indian Livestock Feed Program, Livestock Assistance Program (RIN: 0560-AH26) received June 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2254. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Brucellosis in Swine; Add Florida to List of Validated Brucellosis-Free States [Docket No. 05-009-1] received May 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2255. A letter from the Secretary, Department of Agriculture, transmitting a draft bill "To amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover administrative and supervisory costs, to extend the authorization of appropriations for such Act, and for other purposes"; to the Committee on Agriculture.

2256. A letter from the Acting Comptroller, Department of Defense, transmitting written notification of advance billing, reasons for the advance billing, an analysis of the effects of the advance billing on military readiness, and an analysis of the effects of the advance billing on the customer, pursuant to 10 U.S.C. 2208; to the Committee on Armed Services.

2257. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Lieutenant General Ronald E. Keys, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

2258. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Vice Admiral Gary Roughead, United States Navy, to wear the insignia of the grade of admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

2259. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Charles E. Croom, Jr., United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

2260. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Clyde A. Vaughn, Army National Guard of the United States, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

2261. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Reporting Contract Performance Outside the United States [DFARS Case 2004-D001] received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2262. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Unique Item Identification and Valuation [DFARS Case 2003-D081] received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2263. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contractor Personnel Supporting a Force Deployed Outside the United States [DFARS Case 2003-D087] received April 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2264. A letter from the Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2005-04; Introduction — received April 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2265. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA-7776] received May 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2266. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Revised Guidelines for Previous Participation Certification [Docket No. FR-4870-F-02] (RIN: 2502-AI10) received April 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2267. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Treble Damages for Failure To Engage in Loss Mitigation [Docket No. FR-4553-F-03] (RIN: 2501-AC66) received May 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2268. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Schedule for Submission of One-Time and Up-Front Mortgage Insurance Premiums [Docket No. FR-4690-F-02] (RIN: 2502-AH67) received April 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2269. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — International Banking (RIN: 3064-AC85) received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2270. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Loan Interest Rates — received April 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2271. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Conversion of Insured Credit Unions to Mutual Savings Banks — received May 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2272. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Amendment to Rule 4-01(a) of Regulation S-X Regarding the Compliance Date for Statement of Financial Accounting Standards No. 123 (Revised 2004), Share-Based Payment [Release Nos. 33-8568, 34-51558; 35-27959; IC-26833; FR-74] (RIN: 3235-AJ39) received April 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2273. A letter from the Acting Commissioner for Education Statistics, Director, Institute of Education Sciences, Department of Education, transmitting a statistical report prepared by the National Center for Education Statistics entitled, "The Condition of Education," pursuant to 20 U.S.C. 9005; to the Committee on Education and the Workforce.

2274. A letter from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Model Milestones for NRC Adjudicatory Proceedings (RIN: 3150-AH71) received April 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2275. A letter from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Export and Import of Nuclear Equipment and Material: Exports to Syria Embargoed (RIN: 3150-AH67) received June 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2276. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2004, through March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2277. A letter from the Administrator, General Services Administration, transmitting an informational copy of an alteration in leased space prospectus for the James L. King Federal Building in Miami, FL; to the Committee on Government Reform.

2278. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration's final rule — NARA Facility Locations and Hours (RIN: 3095-AB47) received May 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2279. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule — Employment of Relatives (RIN: 3206-AK03) received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2280. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Environmental Differential Pay for Asbestos Exposure (RIN: 3206-AK64) received May 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2281. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Catch Sharing Plan; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Inseason [Docket No. 050125016-5097-02; I.D. 011805C] (RIN: 0648-AS61) received May 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2282. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as "foreign terrorist organization" pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

2283. A letter from the Acting Assitant Secretary for Legislative Affairs, Department of State, transmitting an amendment to a designation as "foreign terrorist organization" pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

2284. A letter from the Senior Vice President, Girl Scouts of the United States of America, transmitting the Girl Scouts of the United States of America 2004 Annual Report, pursuant to Public Law 105–225 section 803 112 stat. 1362; to the Committee on the Judiciary.

2285. A letter from the Assistant Administrator for Procement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant Cooperative Agreement Handbook — Research Misconduct. (RIN: 2700-AD11) received April 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2286. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook — Research Misconduct (RIN: 2700-AD11) received May 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2287. A letter from the Deputy Assistant Administrator, OAR, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — NOAA Climate and Global Change Program for FY 2006 [Docket No.: 000616180-5104-11] received April 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2288. A letter from the Director, Regulations Management, Office of Regulation Policy and Management, VA, Department of Veterans Affairs, transmitting the Department's final rule — Elimination of Copayment for Smoking Cessation Counseling (RIN: 2900-AM11) received May 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2289. A letter from the Director, Regulations Management, Office of Regulation Policy and Management, VA, Department of

Veterans Affairs, transmitting the Department's final rule — Veterans Education: Non-payment of VA Educational Assistance to Fugitive Felons (RIN: 2900-AL79) received May 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2290. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters. (Rev. Proc. 2005-23) received April 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2291. A letter from the Secretary, Federal Trade Commission, transmitting the Fourth Annual report pursuant to the College Scholarship Fraud Prevention Act of 2000; jointly to the Committees on Education and the Workforce and the Judiciary.

2292. A letter from the Secretary, Department of Energy, transmitting the Annual Report for calendar year 2004, entitled "Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board," as required by Section 316(b) of the Atomic Energy Act of 1954, pursuant to 42 U.S.C. 2286e(b); jointly to the Committees on Energy and Commerce and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. H.R. 184. A bill to amend the Controlled Substances Import and Export Act to provide authority to the Attorney General to authorize any controlled substance that is in schedule I or II or is a narcotic drug in schedule III or IV to be exported from the United States to a country for subsequent export from that country to another country, if certain conditions are met; with amendments (Rept. 109-115 Pt. 1). Ordered to be printed.

Mr. BARTON: Committee on Energy and Commerce. H.R. 869. A bill to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes (Rept. 109-116 Pt. 1). Ordered to be printed.

Mr. POMBO: Committee on Resources. H.R. 517. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes (Rept. 109-117 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 184. Referral to the Committee on the Judiciary extended for a period ending not later than July 11, 2005.

H.R. 869. Referral to the Committee on the Judiciary extended for a period ending not later than July 11, 2005.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. INSLEE (for himself, Mr. VAN HOLLEN, Mr. HOLT, Mr. ISRAEL, Mr. HONDA, Mr. MCDERMOTT, Mr. LARSEN of Washington, Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, Mr. LANGEVIN, Mr. GRIJALVA, Mr. EMANUEL, Ms. BALDWIN, Mr. GEORGE MILLER of California, and Mr. SMITH of Washington):

H.R. 2828. A bill to ensure that the United States leads the world in developing and manufacturing next generation energy technologies, to grow the economy of the United States, to create new highly trained, highly skilled American jobs, to eliminate American overdependence on foreign oil, and to address the threat of global warming; to the Committee on Energy and Commerce, and in addition to the Committees on Science, Ways and Means, Financial Services, Transportation and Infrastructure, Education and the Workforce, Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUDER (for himself and Mr. TOM DAVIS of Virginia):

H.R. 2829. A bill to reauthorize the Office of National Drug Control Policy Act; to the Committee on Government Reform, and in addition to the Committees on the Judiciary, Energy and Commerce, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER (for himself, Mr. THOMAS, Mr. SAM JOHNSON of Texas, Mr. KLINE, Mr. MCKEON, Mr. TIBERI, and Mr. BOUSTANY):

H.R. 2830. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER:

H.R. 2831. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to make improvements in benefit accrual standards; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY:

H.R. 2832. A bill to establish certain conditions on the Secretary of Veterans Affairs implementing any recommendation of the CARES Commission that would have the effect of eliminating or severely reducing any medical service provided to veterans throughout the United States at Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

By Mr. BROWN of South Carolina:

H.R. 2833. A bill to suspend temporarily the duty on NaMBT; to the Committee on Ways and Means.

By Mr. KANJORSKI (for himself, Mr. MORAN of Virginia, Mr. WYNN, Mr. UDALL of Colorado, Mr. JEFFERSON, Mrs. MALONEY, Mr. BISHOP of New York, and Mr. OWENS):

H.R. 2834. A bill to assure quality and best value with respect to Federal construction projects by prohibiting the practice known as bid shopping; to the Committee on Government Reform.

By Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Mr. OWENS, Mr. PAYNE, Ms. WOOLSEY, Mr. ANDREWS, Mr. SCOTT of Virginia, Mr. HINOJOSA, Mrs. MCCARTHY, Mr. TIERNEY, Mr. KUCINICH, Mr. HOLT, Mr. DAVIS of Illinois, Mr. GRIJALVA, Ms. MCCOLLUM of Minnesota, Mr. VAN HOLLEN, Mr. RYAN of Ohio, Mr. BISHOP of New York, Mr. BARROW, Ms. SLAUGHTER, Mr. CONYERS, Mr. BROWN of Ohio, Mr. CAPUANO, Mrs. JONES of Ohio, Mr. WEINER, Ms. LEE, Ms. WATSON, Mr. WEXLER, Mr. HIGGINS, Mr. ISRAEL, Ms. WASSERMAN SCHULTZ, Ms. CORRINE BROWN of Florida, Mr. BERMAN, Mr. CLEAVER, Ms. DELAURO, Mr. BACA, Mr. DELAHUNT, Ms. BALDWIN, Mr. ABERCROMBIE, Mr. FATTAH, Mr. FALEOMAVAEGA, Mr. FORD, Mr. ETHERIDGE, Ms. ESHOO, Mr. CUMMINGS, and Mr. FRANK of Massachusetts):

H.R. 2835. A bill to amend the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and the Internal Revenue Code of 1986 to improve recruitment, preparation, distribution, and retention of public elementary and secondary school teachers and principals, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of South Carolina:

H.R. 2836. A bill to extend the duty suspension on Allyl isosulfocynate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2837. A bill to extend the duty suspension on sodium methylate powder; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2838. A bill to extend the duty suspension on Trimethyl cyclo hexanol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2839. A bill to extend the duty suspension on 2,2-Dimethyl-3-(3-methylphenyl)proponal; to the Committee on Ways and Means.

By Mr. CHABOT (for himself, Mr. NADLER, Mr. CANNON, and Mr. DELAHUNT):

H.R. 2840. A bill to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes; to the Committee on the Judiciary.

By Mr. FERGUSON (for himself, Mr. STRICKLAND, Mr. LATOURETTE, Mr. RYAN of Ohio, and Mr. ISSA):

H.R. 2841. A bill to amend title XVIII of the Social Security Act to provide for coverage, as supplies associated with the injection of insulin, of home needle destruction devices and the disposal of needles and lancets through a sharps-by-mail or similar program under part D of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself, Mr. DREIER, Mr. SESSIONS, Mr.

Hensarling, Mr. Herger, Mr. Garrett of New Jersey, Mr. Miller of Florida, Mr. McHenry, Mr. Conaway, Mr. Aderholt, Mr. Pence, Mr. Franks of Arizona, Mr. King of Iowa, Mr. Hostettler, Mr. Shadegg, Mr. Neugebauer, Mr. Wilson of South Carolina, Mr. Gingrey, Mr. Sam Johnson of Texas, Mrs. Myrick, Mrs. Musgrave, Mr. Feeney, Mrs. Cubin, Mr. Akin, Mr. Barrett of South Carolina, Mr. Bartlett of Maryland, and Mr. Ryun of Kansas):

H.R. 2842. A bill to require the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law; to the Committee on the Budget, and in addition to the Committees on Rules, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H.R. 2843. A bill to prohibit the use of remote control locomotives to carry hazardous materials, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HINCHEY (for himself, Mr. Latham, Mr. Sanders, Mr. McNulty, Mr. Frank of Massachusetts, and Mr. Al Green of Texas):

H.R. 2844. A bill to amend the National Nutrition Monitoring and Related Research Act of 1990 to foster greater understanding of human dietary eating patterns and food intake, physical activity level, food security, dietary exposure, and nutritional status; to provide timely information to public program managers and private sector decision makers to improve nutritional intake, physical activity, health, productivity and other measures of quality of life of Americans, based on scientifically established norms and the knowledge and experience developed under the National Nutrition Monitoring and Related Research Act of 1990 over the past decade; to reauthorize nutrition monitoring programs; and for other purposes; to the Committee on Agriculture.

By Ms. KAPTUR:

H.R. 2845. A bill to suspend temporarily the duty on certain plain woven fabrics; to the Committee on Ways and Means.

By Mr. LoBIONDO (for himself and Mr. McIntyre):

H.R. 2846. A bill to ensure the continuation and improvement of coastal restoration; to the Committee on Transportation and Infrastructure.

By Mrs. MYRICK:

H.R. 2847. A bill to extend the suspension of duty on 1,3-Benzenedicarboxamide, N, N′-Bis (2,2,6,6-tetramethyl-4-piperidinyl)-; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2848. A bill to extend the suspension of duty on reaction products of phosphorus trichloride with 1,1′-biphenyl and 2,4-bis(1,1-dimethylethyl)phenol; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2849. A bill to extend the suspension of duty on preparations based on ethanediamide, N-(2-ethoxyphenyl)-N′-(4-isodecylphenyl)-; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2850. A bill to extend the suspension of duty on 1-Acetyl-4-(3-dodecyl-2,5-dioxo-1-pyrrolidinyl)-2,2,6,6-tetramethylpiperidine; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2851. A bill to extend the suspension of duty on 3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolid nedione; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2852. A bill to extend the suspension of duty on Tetraacetylethylenediamine; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2853. A bill to extend the suspension of duty on sodium petroleum sulfonate; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2854. A bill to extend the suspension of duty on esters and sodium esters of parahydroxybenzoic acid; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2855. A bill to extend the suspension of duty on Oxalic Anilide; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 2856. A bill to suspend temporarily the duty on certain inflatable balls; to the Committee on Ways and Means.

By Mr. ORTIZ:

H.R. 2857. A bill to require the immediate release, in unclassified form, of all documentation and other information used by the Secretary of Defense to prepare the recommendations submitted to Congress on May 13, 2005, regarding the closure and realignment of military installations in the United States; to the Committee on Armed Services.

By Mr. PETRI:

H.R. 2858. A bill to establish and strengthen postsecondary programs and courses in the subjects of traditional American history, free institutions, and Western civilization, available to students preparing to teach these subjects, and to other students; to the Committee on Education and the Workforce.

By Mr. RYUN of Kansas (for himself and Mr. Wynn):

H.R. 2859. A bill to amend the Servicemembers Civil Relief Act to provide improved interest rate relief for servicemembers during periods of military service; to the Committee on Veterans' Affairs.

By Mr. SMITH of Washington (for himself and Mr. Inslee):

H.R. 2860. A bill to encourage Members of Congress and the executive branch to be honest with the public about true on-budget circumstances, to exclude the Social Security trust funds and the Medicare hospital insurance trust fund from the annual Federal budget baseline, to prohibit Social Security and Medicare hospital insurance trust funds surpluses to be used as offsets for tax cuts or spending increases, and to exclude the Social Security trust funds and the Medicare hospital insurance trust fund from official budget surplus/deficit pronouncements; to the Committee on the Budget, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself and Ms. Eshoo):

H.R. 2861. A bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity; to the Committee on Energy and Commerce.

By Mrs. MILLER of Michigan:

H.J. Res. 53. A joint resolution proposing an amendment to the Constitution of the United States to provide that Representatives shall be apportioned among the several States according to their respective numbers, counting the number of persons in each State who are citizens of the United States; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. Stark, Mr. McDermott, Mr. Moran of Virginia, Mr. Meehan, Mrs. Maloney, Mr. Sherman, Mr. Serrano, Mr. Boucher, and Ms. Wasserman Schultz):

H. Con. Res. 176. Concurrent resolution expressing the sense of the Congress that, as Congress and all Americans learned the identity of "Deep Throat" as W. Mark Felt this week, it commends and honors W. Mark Felt for his uncommon courage and bravery in exposing major Government corruption and encourages other FBI employees aware of wrongdoing to follow the lead of this model whistleblower; to the Committee on the Judiciary.

By Ms. DeLAURO (for herself, Mrs. Johnson of Connecticut, Mr. Shays, Mr. Larson of Connecticut, Mr. Simmons, Ms. Slaughter, Mrs. Biggert, Mrs. Capps, Mr. Waxman, Mr. Kolbe, Mr. Schiff, Mrs. Davis of California, Mr. Grijalva, Mr. Filner, Ms. Eshoo, Ms. Baldwin, Mrs. Maloney, Mr. Larsen of Washington, Ms. Watson, Ms. Zoe Lofgren of California, Mr. Al Green of Texas, Ms. Wasserman Schultz, Mr. Lantos, Mr. Owens, Ms. Jackson-Lee of Texas, Ms. Eddie Bernice Johnson of Texas, Mr. McDermott, Mr. Towns, Ms. Schakowsky, Ms. Harman, Mr. Capuano, Ms. Carson, Mrs. McCarthy, Ms. Solis, Mr. George Miller of California, Mr. Stark, Mr. Brown of Ohio, Mr. Wexler, Mr. Farr, Ms. McCollum of Minnesota, Mr. Ackerman, Mr. Inslee, and Mr. Sanders):

H. Res. 311. A resolution recognizing the importance of the decision of the Supreme Court, Griswold v. Connecticut, which 40 years ago held that married couples have a constitutional right to use contraceptives, thereby recognizing the legal right of women to control their fertility through birth control and providing for vast improvements in maternal and infant health and for significant reductions in the rate of unintended pregnancy, and for other purposes; to the Committee on the Judiciary.

By Mr. GARY G. MILLER of California (for himself, Mr. Oxley, Mr. Frank of Massachusetts, Mr. Ney, Ms. Waters, and Ms. Harris):

H. Res. 312. A resolution recognizing National Homeownership Month and the importance of homeownership in the United States; to the Committee on Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. Thompson of Mississippi, Mr. Whitfield, and Mr. Stupak.

H.R. 98: Mr. DeLay.

H.R. 111: Mr. Bilirakis, Mr. Poe, and Mr. Smith of Washington.

H.R. 136: Mr. Akin.

H.R. 147: Mr. English of Pennsylvania, Mr. Kuhl of New York, and Mr. Wilson of South Carolina.

H.R. 181: Mr. Pitts, Mrs. Blackburn, Mr. Doolittle, Mr. Hensarling, Mr. Shadegg, and Mr. Bishop of Utah.

H.R. 297: Mr. Platts and Mr. Jackson of Illinois.

H.R. 356: Mr. ROGERS of Kentucky.

H.R. 398: Mr. SERRANO.

H.R. 475: Mrs. MCCARTHY and Mr. SABO.

H.R. 476: Mrs. MCCARTHY.

H.R. 515: Mr. HINCHEY, Mr. MATHESON, and Mr. PASTOR.

H.R. 535: Mr. LANTOS.

H.R. 551: Mr. TIERNEY, Mr. WAXMAN, Mr. NEAL of Massachusetts, and Mrs. MALONEY.

H.R. 554: Mr. DAVIS of Kentucky.

H.R. 558: Mr. BILIRAKIS, Mrs. JONES of Ohio, Mr. CLEAVER, Mr. SMITH of Washington, and Mr. BEAUPREZ.

H.R. 583: Ms. KILPATRICK of Michigan.

H.R. 596: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. CULBERSON.

H.R. 602: Ms. PELOSI.

H.R. 609: Mr. KLINE.

H.R. 699: Mr. LARSEN of Washington, Mr. UDALL of New Mexico, and Mr. NORWOOD.

H.R. 719: Mr. TOWNS.

H.R. 809: Mr. GARRETT of New Jersey, Mr. JONES of North Carolina, Mr. INGLIS of South Carolina, and Mr. CRENSHAW.

H.R. 818: Ms. LINDA T. SÁNCHEZ of California.

H.R. 819: Mr. CANTOR.

H.R. 827: Mr. PASCRELL.

H.R. 831: Mrs. CHRISTENSEN and Mr. EVANS.

H.R. 864: Mr. WYNN and Mr. ISRAEL.

H.R. 893: Mr. REYES, Mr. WEXLER, Mr. FALEOMAVAEGA, Mr. CONYERS, Ms. WATERS, Mr. WAXMAN, and Mr. COSTA.

H.R. 916: Mr. WHITFIELD, Mr. HUNTER, and Mr. NORWOOD.

H.R. 930: Mr. THOMPSON of California and Mr. DUNCAN.

H.R. 949: Mr. VAN HOLLEN, Ms. JACKSON-LEE of Texas, Mr. MCNULTY, Mr. WAXMAN, Mr. CROWLEY, Mr. MARSHALL, Mrs. LOWEY, and Mr. BRADY of Pennsylvania.

H.R. 1048: Ms. MILLENDER-MCDONALD.

H.R. 1056: Ms. JACKSON-LEE of Texas and Mr. MCGOVERN.

H.R. 1108: Mr. FILNER and Mr. JACKSON of Illinois.

H.R. 1125: Mr. LEVIN and Mr. FRANK of Massachusetts.

H.R. 1131: Mr. GERLACH, Mr. RYAN of Ohio, Mr. GEORGE MILLER of California, and Mr. MILLER of Florida.

H.R. 1175: Mr. DEFAZIO.

H.R. 1183: Mr. LEACH.

H.R. 1186: Mr. SIMPSON, Mr. LAHOOD, Mr. RADANOVICH, and Mr. CALVERT.

H.R. 1201: Mr. PRICE of North Carolina.

H.R. 1216: Mr. BRADLEY of New Hampshire.

H.R. 1227: Mr. DOGGETT, Mr. HINOJOSA, and Ms. JACKSON-LEE of Texas.

H.R. 1245: Mr. CASTLE, Mrs. WILSON of New Mexico, Mr. DENT, Mr. CANNON and Mr. WAMP.

H.R. 1262: Mr. SOUDER, Mr. CARNAHAN, and Mr. ANDREWS.

H.R. 1264: Mr. DOYLE, and Mr. BERMAN.

H.R. 1288: Mr. BLUNT, Mr. MACK, Mr. BROWN of South Carolina, Mr. CHANDLER, and Mr. BILIRAKIS.

H.R. 1290: Mr. UDALL of New Mexico.

H.R. 1298: Mr. NEAL of Massachusetts, Mr. CALVERT, Mr. PALLONE, Mr. SOUDER, and Mr. VISCLOSKY.

H.R. 1306: Mr. DOYLE, Mr. GRAVES, Mr. BOYD, Mr. BERRY, Mr. FORD, and Mr. BRADLEY of New Hampshire.

H.R. 1310: Mr. BERMAN and Mr. STARK.

H.R. 1348: Ms. WOOLSEY and Ms. JACKSON-LEE of Texas.

H.R. 1355: Mr. PUTNAM.

H.R. 1402: Mr. BOUCHER and Ms. BALDWIN.

H.R. 1406: Mr. SMITH of Washington.

H.R. 1409: Mr. YOUNG of Alaska.

H.R. 1424: Mr. BARROW.

H.R. 1431: Mr. VAN HOLLEN, Mr. ROHRABACHER, and Mr. MORAN of Virginia.

H.R. 1456: Mr. PALLONE, Mr. DEFAZIO, and Mr. CLEAVER.

H.R. 1540: Mr. PITTS.

H.R. 1554: Mr. SAXTON.

H.R. 1578: Mr. TOWNS, Mr. ROTHMAN, Ms. FOXX, Mr. MANZULLO, Mrs. JOHNSON of Connecticut, Mr. DAVIS of Alabama, Mr. MATHESON, and Mr. KIND.

H.R. 1582: Mr. STRICKLAND, Mr. EHLERS, and Mr. KENNEDY of Rhode Island.

H.R. 1588: Mr. LINCOLN DIAZ-BALART of Florida and Mr. PASTOR.

H.R. 1602: Mr. KUHL of New York, Ms. HART, and Mr. WELDON of Pennsylvania.

H.R. 1607: Mrs. KELLY.

H.R. 1634: Mr. RYUN of Kansas, Mr. REHBERG, and Mr. TIAHRT.

H.R. 1652: Mr. BACA.

H.R. 1671: Mr. RAHALL.

H.R. 1689: Mr. PRICE of Georgia.

H.R. 1696: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1697: Mr. DAVIS of Illinois.

H.R. 1704: Ms. MCKINNEY, Mrs. CAPITO, Mr. MENENDEZ, Mr. RAMSTAD, Mr. CARNAHAN, and Ms. MCCOLLUM of Minnesota.

H.R. 1712: Mrs. CHRISTENSEN, Mr. DELAHUNT, Mr. GORDON, Mrs. LOWEY, Mr. MEEKS of New York, Ms. SCHAKOWSKY, Mr. TIERNEY, Mr. UDALL of New Mexico, Mr. WU, Mr. JEFFERSON, Mr. MCGOVERN, Mr. OLVER, Mr. SABO, Ms. MCCOLLUM of Minnesota, Mr. KUCINICH, Mr. HINCHEY, Mr. DEFAZIO, Mr. MCDERMOTT, and Mr. DAVIS of Illinois.

H.R. 1714: Mr. SMITH of Texas.

H.R. 1737: Mr. DAVIS of Florida and Mr. BERMAN.

H.R. 1770: Mr. FRANKS of Arizona and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1798: Mr. SAXTON.

H.R. 1850: Mr. WELDON of Pennsylvania.

H.R. 1851: Mr. RADANOVICH.

H.R. 1872: Mr. PORTER and Mr. MORAN of Kansas.

H.R. 1898: Mrs. JO ANN DAVIS of Virginia, Mrs. CAPITO, Mr. CONYERS, Mr. PENCE, and Mr. PLATTS.

H.R. 1902: Ms. MCKINNEY.

H.R. 1946: Mr. TIERNEY.

H.R. 1957: Mr. FORBES and Mr. BOUSTANY.

H.R. 1961: Mrs. TAUSCHER.

H.R. 1973: Mr. BAIRD and Mr. BUTTERFIELD.

H.R. 1986: Mr. BILIRAKIS and Mr. FRANKS of Arizona.

H.R. 2034: Mr. KUHL of New York, Mr. KINGSTON, Mr. DAVIS of Tennessee, Mr. PEARCE, and Mr. NORWOOD.

H.R. 2061: Mr. HOLDEN, Mr. FORD, Mr. MANZULLO, and Miss MCMORRIS.

H.R. 2072: Ms. WOOLSEY, and Mrs. LOWEY.

H.R. 2089: Mr. MANZULLO, Mr. LATHAM, and Mr. BEAUPREZ.

H.R. 2108: Mr. HIGGINS.

H.R. 2112: Mr. PENCE, Mr. ALEXANDER, and Mr. SOUDER.

H.R. 2122: Mr. GRIJALVA.

H.R. 2133: Mr. GRIJALVA and Mr. GEORGE MILLER of California.

H.R. 2209: Mr. TANNER and Mr. BERRY.

H.R. 2229: Mr. GREEN of Wisconsin, Mrs. JO ANN DAVIS of Virginia, Ms. GINNY BROWN-WAITE of Florida, and Mr. ALEXANDER.

H.R. 2317: Ms. WATSON and Mr. ISSA.

H.R. 2327: Mr. MCNULTY and Mr. WU.

H.R. 2349: Mr. CLAY.

H.R. 2359: Mr. CASE.

H.R. 2363: Mr. UDALL of Colorado.

H.R. 2387: Mr. CONAWAY, Mr. LEWIS of Kentucky, Mr. HOSTETTLER, Mrs. CAPITO, and Mr. GREEN of Wisconsin.

H.R. 2389: Mr. KUHL of New York.

H.R. 2455: Ms. BALDWIN.

H.R. 2498: Mr. BARROW, Ms. HERSETH, Mr. SALAZAR, Mrs. EMERSON, Mr. LATHAM, Mr. GRAVES, Mr. MCHUGH, and Mr. FORD.

H.R. 2525: Mr. HIGGINS.

H.R. 2574: Ms. PRYCE of Ohio.

H.R. 2641: Mr. HOLT, Mrs. MCCARTHY, Mr. FORD, and Mr. MENENDEZ.

H.R. 2646: Mr. FLAKE, Mr. RYAN of Wisconsin, Mrs. MUSGRAVE, and Mr. FRANKS of Arizona.

H.R. 2648: Mr. NORWOOD.

H.R. 2662: Mr. BACA and Ms. MOORE of Wisconsin.

H.R. 2680: Mr. WELLER.

H.R. 2688: Mr. RANGEL.

H.R. 2694: Mr. LARSEN of Washington, Mr. OBERSTAR, and Mr. GRIJALVA.

H.R. 2695: Mrs. CHRISTENSEN, Mr. CLAY, Ms. LEE, Mr. TOWNS, Mr. PAYNE, Mr. SANDERS, Mr. CONYERS, Mrs. MCCARTHY, Mr. STRICKLAND, Mr. CLEAVER, and Ms. WATERS.

H.R. 2717: Mr. DAVIS of Illinois, Mr. RUSH, Mr. LEACH, Mr. ALLEN, Mr. FRANK of Massachusetts, Mr. PASTOR, Mr. MCCOTTER, Mr. EHLERS, Mr. MEEK of Florida, Mr. KIND, Mr. MORAN of Virginia, Mr. CROWLEY, Ms. KAPTUR, Mrs. MCCARTHY, Mr. DAVIS of Alabama, Ms. HERSETH, Mr. DEFAZIO, Mr. YOUNG of Alaska, Mr. RENZI, Mr. NEY, Ms. MCCOLLUM of Minnesota, and Mr. KUHL of New York.

H.R. 2737: Mr. TOWNS.

H.R. 2793: Mr. GREEN of Wisconsin.

H.R. 2811: Mr. CARNAHAN.

H. Con. Res. 10: Mr. MCCOTTER.

H. Con. Res. 24: Mr. SABO.

H. Con. Res. 35: Mr. MCGOVERN and Ms. BALDWIN.

H. Con. Res. 50: Mr. BACHUS.

H. Con. Res. 91: Mr. BILIRAKIS.

H. Con. Res. 144: Mr. SAM JOHNSON of Texas.

H. Con. Res. 158: Ms. MILLENDER-MCDONALD.

H. Con. Res. 172: Mr. BARROW.

H. Res. 199: Mr. TOM DAVIS of Virginia and Mr. OLVER.

H. Res. 220: Mr. LIPINSKI, Ms. KAPTUR, Mr. EMANUEL, Mr. BROWN of Ohio, Ms. BALDWIN, Mrs. KELLY, and Mr. MELANCON.

H. Res. 259: Mrs. MALONEY, Mr. MCDERMOTT, Mr. DAVIS of Illinois, Ms. CARSON, Ms. KILPATRICK of Michigan, Ms. LEE, Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, Ms. CORRINE BROWN of Florida, Mr. WATT, Mr. JEFFERSON, Mr. CUMMIMGS, Ms. NORTON, Mr. BUTTERFIELD, Mr. BISHOP of Georgia, and Mr. WYNN.

H. Res. 297: Mr. BEAUPREZ.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 2 by Mr. MARSHALL on House Resolution 270: Charles A. Gonzalez, Melissa L. Bean, Lincoln Davis, Jerry F. Costello, Nita M. Lowey, Eliot L. Engel, Solomon P. Ortiz, Luis V. Gutierrez, John D. Dingell, and Robert Wexler.

SENATE—*Thursday, June 9, 2005*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today's prayer will be offered by the guest chaplain, Bishop Geralyn Wolf of the Episcopal Diocese of Rhode Island, Providence, RI.

PRAYER

The guest Chaplain offered the following prayer:

Almighty God, to the poor, You have united us to bring uncommon hope; to innocent captives, release; to the blind, vision, stretching boundaries of imagination.

The poor in every land stretch out empty bowls, and we do not fill them; political captives seek justice, and we respond through the captivity of fear; the sick yearn for healing arts, yet the cries of children still prevail.

O gracious God, You gave us a rich heritage of compromise, and we cling unyieldingly to personal truths; You gave us a world abundant in resources, and we squander our inheritance; You gave us wisdom and insight, and our disagreements sound like loud-clanging symbols.

O God, forgive us. Release the fires of integrity that dwell within the hearts of this great Chamber, and make us urgent to mend the torn fabric of peace, to stretch courageously beyond political comfort, and to bring holy blessings to all God's people everywhere. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 9, 2005.*
>
> *To the Senate:*
>
> Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. SUNUNU thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

WELCOMING THE GUEST CHAPLAIN

Mr. REED. Mr. President, may I say how proud I am of Bishop Wolf, not only for her prayer but for her extraordinary service to the people of the Rhode Island diocese. Bishop Wolf is a remarkable person, a remarkable pastor but also a remarkable individual. Unlike many people who would be content with the trappings of their ecclesiastical office, she actually has lived with the homeless in New York, Rhode Island, and Philadelphia. She endured what they endured, she saw their suffering. She bore witness to their suffering not only in her experiences but her work in Rhode Island. She is a remarkable woman who leads by example literally and constantly reminds us of our obligations not just to ourselves but to our neighbors. We are very proud to have her as our Episcopal bishop.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will return to the nomination of William Pryor to be a judge of the Eleventh Circuit. Yesterday, cloture was invoked by a vote of 76 to 32, and we will have the vote on the Pryor nomination at 4 p.m. today. Following that vote, we will turn to the consideration of the two Sixth Circuit nominations that are pending on the Executive Calendar, with the time allotted for the Griffin and McKeague nominations totalling 10 hours. However, it is my hope and expectation that much of that time can be yielded back and that we can have those votes either very late this afternoon or early this evening. On Monday, we will debate the nomination of Tom Griffith to be judge for the D.C. Circuit Court, with that vote occurring Monday evening.

That is an overview of today, pretty much as we have agreed earlier in the week, and the expected votes. We will update Members over the course of the day of changes in the schedule and definitely what the schedule will be on Monday. And then we will follow that with the energy legislation. Following the remarks from the Democratic leader, I have a short statement on energy.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

EXPRESSING APPRECIATION

Mr. REID. Mr. President, as the Chair and distinguished majority leader know, I am sorry we have spent so much time on judges, but the fact is I wish to express my appreciation to Democratic Senators for being so cooperative. Since the agreement was made a week or two ago, my Senators have been so cooperative. Senator LEAHY has had to change his whole schedule around this Monday to take care of the Griffith nomination. There has been an agreement made that we are not going to use all the time on Pryor.

I also express my appreciation to Senators LEVIN and STABENOW for allowing us to move forward on the Michigan judges. In spite of the fact that there are some hurt feelings as a result of the way the Michigan Senators were treated, they have agreed to set those aside and move forward on these two individuals. From all I have been able to determine, the two Michigan judges coming before us are well qualified, and there will not be any rancorous debate about either one of them. But I just want the majority leader to know that we have moved forward on these matters as expeditiously as possible, in spite of the relatively difficult time we have had arriving at this point.

I look forward next week to a vigorous debate on the Energy bill. It is great that we are going to be legislating here for a change. This is an extremely important piece of legislation. I am also indicating to all those within the sound of my voice how appreciative—I don't think the word "proud" is right but how appreciative—I am of the work of Senators BINGAMAN and DOMENICI to get the bill to this point.

We haven't had such cooperation on this committee in many years. We have a bill now that was reported out by a heavy margin of the committee, and I think as a result of that we will have some vigorous debate. There are some things on this side we believe should be done differently, but that is what legislation is all about. Again, having spent most of my life as a legislator, I look forward to the Senate returning to what it does best.

Mr. FRIST. Mr. President, I think this 4-week period does demonstrate the Senate responding to the American people and what they expect, the fact that this week we are moving forward on judges, which people know has been very contentious over the last several weeks, months, and even the last couple years. We are making great progress working hand in hand on both sides of the aisle and delivering what the American people want and expect. As the Democratic leader said, we will be returning to an issue I know we care extremely about. We have not been able to make progress in several years. Because of the work of the two leaders, Senators DOMENICI and BINGAMAN, they have delivered an energy bill in a bipartisan way that will come to the Senate floor and be fully debated. We will be spending next week, week and a half, 2 weeks on the bill for debate, offering amendments, and we will start that process in the early days of next week.

ENERGY INDEPENDENCE

Mr. FRIST. Mr. President, I do wish to comment just a bit further on energy, really as a prelude to what we will be spending a lot of time on beginning hopefully Monday and then spending the course of that week into the next week, and that is the issue surrounding gasoline prices, natural gas prices, concerns that individuals think about every single day as they turn on the lights in their home, as they go to work, on the way filling up the gas tank of their automobile with gasoline, as they use energy sources over the course of the day in the activity of their small business, and that is the energy challenges that are before us, have been before us. Now is the time to address them, and that we will.

With gasoline now averaging over $2 a gallon, anyone who has gone to the pump lately feels that impact, they feel that squeeze of higher energy prices. It is costing families who have driven to work this morning more and more just to get to work, over the last several years costing them more to go pick up their kids from school in the afternoon, or as many people prepare for summer vacations costing them more because of this increase in energy prices. It is not just the gasoline prices that are climbing. We have rising natural gas prices that have been driving up electric bills in the last 4 months, higher electric bills for everybody, especially families and small businesses.

As energy costs take a bigger and bigger bite in the family budgets, families are able to spend less on other necessities in their lives, whether it is food or shelter or health care. As electric bills consume more and more of the small companies' assets or their bottom lines, they invest less, they invest less in inventory or in capital expenditures, or they invest less in how much they can pay employees working for that small business. In order to keep our economy strong, and it does translate down into jobs, making others' lives more fulfilling every day, we must rely on a reliable and affordable and secure supply of energy, reliable, affordable, and secure. That is the purpose of the Energy bill that will be brought to the floor of the Senate early next week.

Right now, we face enormous challenges, huge challenges. We have not had a comprehensive national energy policy or energy strategy, cohesive strategy in over 10 years. This has contributed to the higher prices. It has threatened our ability to maintain a reliable, affordable, and secure supply of energy for the future. The fact is that—and it is probably the easiest thing to remember when you start talking about energy other than the impact it has on everybody in everyday life—we are too dependent on foreign sources of energy. We have to look to a more diverse energy series of sources. We have to look to new technologies here at home. Yes, absolutely we need to conserve more, and we also need to produce more in order to enhance our energy independence and to enhance our energy security.

One of the primary energy challenges we face is this reliance on foreign oil. In the 1960s and early 1970s, the United States produced almost as much oil as we consumed, and during that period of time imports were very small. In 1972, however, U.S. oil production began to decline, and that production has been declining steadily ever since. The U.S. consumption of oil has been steadily increasing. So we have declining production and increasing consumption.

As a result, our reliance—this I would say irresponsible reliance that we have today on foreign oil, on imported oil—is growing. Ten years ago, in 1995, we were 47 percent dependent on foreign sources of oil. Today, that 47 percent has grown to a 56-percent dependence on foreign sources of oil. If you project that out, by 2025, if we do nothing, we will be 63-percent dependent on foreign oil; much of it, as we all know, coming from countries that do not necessarily have our best interests at heart.

Today we import most of our oil from Canada, Venezuela, Saudi Arabia, and Mexico. However, as we look forward, the Department of Energy's Energy Information Administration did project more and more of the oil we need will come from the OPEC countries in the Middle East.

We must take steps to reduce our dependence on foreign countries and enhance our energy security at home. When we rely on other nations for more than half of our oil supply, we simply put ourselves at greater risk.

While there is no silver bullet that can make us 100-percent energy independent in the near future, there is a lot we can do right now to reduce our dependence and enhance our security. Much of it will be addressed on the floor in the next 2 weeks.

Everything should be on the table, including increasing conservation, enhancing energy efficiency, investing in new technologies that will allow us to both use energy more wisely and tap new sources of energy, and finally, increasing domestic production of energy sources at home. The transportation sector is a prime example. Nearly 70 percent of the oil we use goes to power the cars and trucks we drive every day. If we are serious about reducing our dependence on foreign oil, we must look for new ways to fuel our vehicles. We are already doing this with the hybrid cars—they are becoming more and more popular, as we all know—and with alternative fuels, such as ethanol and biodiesel.

We must continue to move in this direction by continuing to invest in hydrogen fuel cell research. President Bush has stressed this again and again, and he has said his goal is that today's children will take their driver's test in a zero-emission vehicle. That would go a long way toward helping to reduce our dependence and enhance our security.

Natural gas is another energy source we depend on heavily and is another area in which we are, unfortunately, becoming increasingly reliant on foreign imports. Because natural gas is clean burning and relatively cheap, it has been the fuel of choice for new electric power generation in recent years. Sixty percent of American homes are now heated and cooled with natural gas. But while that demand has been growing, domestic supply has remained essentially flat. In 2003, we imported 15 percent of the gas we used. By 2025, that number will nearly double.

We simply cannot continue on this path, and that is why we are bringing this bill to the floor next week. We need to take bold action in the Senate. It is what the American people expect; it is what they deserve. This is exactly what we will do. We will take that action in the Senate to address these energy challenges head on.

The bill that was reported out of the Energy Committee last month was done so on a bipartisan basis, and it is a step in the right direction. It likely will be amended and improved on the floor of the Senate next week. I, again, thank Chairman DOMENICI and Senator BINGAMAN for their tremendous work and for the cooperative spirit with which they approached these issues. I hope that same bipartisan spirit will prevail on the floor and that we can get this important legislation to the President as quickly as possible.

Several of us had the opportunity to meet with the President yesterday, and this was at the very top of his list of issues that he expects us to address. Our goal is to get that legislation to his desk for his signature as soon as we possibly can.

America needs a policy that keeps our families safe, strong, and secure, a policy that keeps America moving forward.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF WILLIAM H. PRYOR, JR., TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of Calendar No. 100, which the clerk will report.

The assistant legislative clerk read the nomination of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

The PRESIDING OFFICER. Under the previous order, the time from now until 10:30 shall be under the control of the majority leader or his designee.

The Senator from Alabama is now recognized.

Mr. SESSIONS. Mr. President, I am delighted to be able to speak on behalf of William Pryor—Judge William Pryor now—for the position of U.S. Circuit Judge for the Eleventh Circuit Court of Appeals. He is an extraordinary individual, a wonderful human being, a brilliant lawyer, a man of the highest integrity, who has won the respect and support and confidence of the people of Alabama to an extraordinary degree. Democrats, Republicans, African Americans—the whole State of Alabama knows and respects him for the courage and integrity and commitment he brings to public service.

He was appointed attorney general to fill my seat after I was elected to the Senate, and he has done a superb job as attorney general. President Bush gave him a recess appointment to the Eleventh Circuit Court of Appeals after his nomination had been blocked here now for over 2 years. So it has been a burden for me to feel the frustration that I know he and his family must endure as a result of the uncertainty of his nomination process. I could not be more pleased that he was one of the nominees who was agreed upon to get a cloture vote, a successful cloture vote and an up-or-down vote here in the Senate. That is a good decision by the 14 Senators who reached a consensus on how they would approach this process of confirmations. I could not be more pleased and proud that Judge Bill Pryor was part of the group that was agreed upon by those Members of the Senate to get an up-or-down vote.

Bill Pryor is the kind of judge America ought to have. He grew up in Mobile, AL, my hometown. He was educated in the Catholic school system. His father was a band director at McGill-Toolen High School, a venerable, large Catholic high school there. His mother taught in African-American schools. He went to law school at Tulane University where he graduated with honors, magna cum laude. He was editor-in-chief of the Tulane Law Review. I know the Presiding Officer, the Senator from Florida, is a lawyer and understands that editor-in-chief of the Law Review is the highest honor a graduating senior can have. To be selected as that in a fine law school such as Tulane is a great achievement.

After he left law school, he clerked for Circuit Judge John Minor Wisdom, a well-known champion of civil rights in the Federal court system—at that time in the old Fifth Circuit. Now it has been divided to become the Eleventh Circuit. Judge John Minor Wisdom was a circuit court judge in the 1950s and 1960s when much of segregation was brought to an end by Federal court action. Bill Pryor was positively impacted by his experiences, working with Judge Wisdom, and is a passionate believer in equal rights and equal justice, and he has a record to demonstrate that commitment.

He practiced law with one of Alabama's fine law firms before becoming assistant attorney general when I was elected attorney general. He handled the constitutional issues in our office. He was smart, hard working, courageous, intelligent, fair and, more than anybody I know in the legal business today, was committed to the rule of law, to doing the right thing. That is his very nature. That is the way he was raised. That is what he believes in and he will stand in there and do the right thing, no matter what others might say, time and time again. His record demonstrates his overriding belief that the law is preeminent and it should be obeyed, even if he might disagree and would like to see it different. I want to show some of the things that demonstrate that.

I say this because it was alleged when his nomination came up that somehow he had strongly held beliefs, or deeply held beliefs, and those deeply held beliefs were so powerful that, yes, he might be smart, he might be a good lawyer, he might be an honest man and all of these things people said he was, but because he had strongly held beliefs and believed something and had some convictions and had some moral principles, that somehow that couldn't be trusted. Maybe he wasn't smooth enough. Maybe his beliefs were so strong this would manipulate or cause him to manipulate the law and not be a fair adjudicator of the law.

I will share some thoughts about that because I think what that overlooks is his fundamental belief and great strength as a judge and a lawyer, which is his belief in the law and the primacy of the law. He understands, fundamentally, the greatness of our country, more than most people realize, is founded upon our commitment to law. We were given a great heritage from England. We have built upon that legal heritage. As I age and see the world, I know this legal system is what makes our country great. A person can go into any court, a company can invest in any State, and expect in this country they will get a fair day in court. You don't have to bribe the judge; you don't have to bribe the jury. You can expect a fair, just result, day in, day out, and it occurs in our courtrooms all over America. It is a heritage of unparalleled value and we must uphold that heritage. We must adhere to the ideal that law can be ascertained by a good judge and enforced consistently when litigants come before that judge. That is what we pay judges to do.

I want to say the first and foremost legal principle of Judge William Pryor is that a judge should follow the law, and he has a record to demonstrate it, even when it disagrees with his personal views.

First, on the issue of abortion, Judge Pryor has made clear he personally does not believe in abortion. He does not believe it is right. He believes it is wrong. It is not just because he is a Catholic, it is not just that his views are consistent with the Pope's or the Catholic Church of which he is a part, or many other churches and leaders in our country, but he has thought about this issue personally and deeply. He has given it serious consideration. He has made a judgment that, in his view, life and freedom and liberty in our country are diminished if the unborn are not given protection. That is a legitimate position in America, held by tens of millions of people and many leaders in this country. Certainly no one can deny that. Certainly, because someone believes the pro-life way is the best way, they should not be disqualified from being a judge.

He has concluded Roe v. Wade was not a principled constitutional decision. Ruth Bader Ginsburg, the ACLU lawyer who President Clinton nominated to the Supreme Court of the United States, has also raised questions about the constitutional integrity of Roe v. Wade. That is his view about it.

What does that mean, though, when it comes to court? Someone's personal views on those matters obviously cannot be the test of whether a person will go on the bench. Personal views are not the answer here. We cannot look at someone's religious faith or their personal views and say: I disagree with your religious values here, I disagree with your theology there, therefore you cannot be a judge in the United States of America.

Are we going to ask Muslim nominees to reject their faith before we allow them to be confirmed, or some other religious entity with views different than I may have or someone else may have? Of course not. That cannot be. The test for nominees always must be: Do they respect the law and will they follow it?

Judge Pryor's record shows he will. In August of 1997, not long after I had been elected to the Senate and he had become attorney general, Alabama passed a partial-birth abortion ban to ban partial-birth abortion—a particularly heinous act, in my view, there is strong feeling that this is not a good and decent procedure and that it ought to be eliminated.

Judge Pryor certainly opposes partial-birth abortion. But as attorney general he exercised his supervisory power over the district attorneys of the State of Alabama, as given to him as attorney general, and on his own initiative—nobody made him do this—he wrote the district attorneys in Alabama a letter and he instructed them—gave them instructions—to utilize only a restrictive interpretation of that statute, because he concluded that portions of the statute were overbroad and unconstitutional. The pro-life forces in Alabama were angry with this pro-life attorney general because he had followed the law. He had restricted by his opinion the breadth of that statute; one even said he gutted the statute. But he did the right thing in 1997, long before he was ever considered for a Federal judgeship.

Three years later, the Supreme Court, in the Stenberg case, struck down further the partial-birth abortion statutes of many States. Judge Pryor, then-attorney general, wrote the district attorneys another letter and told them the statute banning partial-birth abortions in Alabama was unconstitutional. He did not have to do that. He believed personally that abortion was wrong. He believed that partial-birth abortion was certainly wrong. But he wrote them a letter and told them not to even attempt to enforce the Alabama statute, because it had been held unconstitutional by the Supreme Court of the United States.

I don't know that attorneys general do that often. They do not have to do that. They can let the district attorneys make their own decision. But he felt that was the right thing to do and he did so. In his letter he said: "You are obligated to obey Stenberg." That is a clear directive to them.

When there were threats on abortion clinics, Judge Pryor held a high-profile press conference in the State warning of prosecutions for those who participated in those attacks. He said those attacks on abortion clinics—although he certainly did not favor abortion clinics—were "despicable crimes" against our fellow citizens that would not be tolerated and that he would prosecute people who did so.

There are some who said his views on church and state are incorrect. I will dispute that. I will show he has been courageous in following the law of the United States in this area, as well.

Former Gov. Fob James of Alabama, a strict constructionist, conservative, and independent Governor if there ever was one—and he appointed Judge Pryor to be the attorney general—wanted Judge Pryor to defend prayer in schools. He thought that schools had a right to have prayer. He wanted his attorney general, whom he just appointed, to defend it and go to court and to argue in court that the First Amendment says "Congress shall make no laws respecting the establishment of a religion or prohibiting the free exercise thereof." In Governor James's view, that meant Congress could not pass any such laws, but the State of Alabama could and that the Constitution did not apply to the State of Alabama with regard to those rights under the First Amendment. Many have tried to make that argument, but the Supreme Court has held otherwise.

Though Judge Pryor had just been appointed attorney general by Governor James, he had the courage and followed his duty and just said no to the Governor. He told the Governor he could not argue that the Establishment Clause did not apply to the States, because the Supreme Court had already held that it did. The Governor then had to hire his own lawyer to promote his idea of the First Amendment.

In Attorney General Pryor's brief to the Federal court, he wrote, correctly, that as attorney general, he spoke for the State of Alabama and not Governor James who had just appointed him. Judge Pryor followed the rule of law again when Judge Roy Moore asked him to make certain arguments in defense of the Ten Commandments statue that Judge Moore had placed in the Alabama Supreme Court building. Attorney General Pryor considered the request and refused to make those arguments. He did not believe they were consistent with Supreme Court precedent and did not believe that the attorney general for the State of Alabama ought to make arguments that the Supreme Court had already rejected.

When Judge Moore ultimately refused to remove that statue of the Ten Commandments, as ordered by a Federal judge, Attorney General Pryor was responsible for prosecuting Judge Moore before the Judicial Inquiry Commission. It was his duty as attorney general under the law to prosecute and present that case. He did so with fidelity to duty and effectiveness. The Commission made a decision and removed Chief Justice Moore duly elected by the people of the State of Alabama from office as chief justice.

They said he is some sort of religious extremist. It is just not so. He is committed, as you can see, to what the law says. In fact, after this controversy over the prayer in schools with the Governor, Attorney General Pryor felt it was his duty to clarify for school boards and school principals all over the State what the law actually was, so he wrote them a letter defining what could be done with student-led prayers in school and what could not be done and what had been held unconstitutional by the Supreme Court.

The Atlanta Journal-Constitution, a liberal newspaper in Atlanta, praised him for his letter and his definition of the appropriate and inappropriate expressions of religious faith in schools. And, in fact, the Clinton administration not long thereafter issued their own guidelines for schools incorporating much of what Attorney General Pryor had put in his letter.

Some have said, in attacking him, that he does not believe in racial equality; that he does not believe in voting rights; and that he is out of the mainstream with regard to those issues in the State. Nothing could be further from the truth. For example, on the 40th anniversary of former Gov. George Wallace's infamous speech in which he said, on his inauguration, "segregation today, segregation tomorrow, segregation forever," Bill Pryor was inaugurated as attorney general. He won by 60 percent of the vote. In his inaugural speech he changed those famous words to his own philosophy. This is how he began his inaugural speech: "Equal justice under the law today, equal justice under the law tomorrow, equal justice under the law forever." That is his view. That is his belief. That is who he is. It is absolutely unfair, wrong, and even worse, really, to suggest otherwise.

One of the things that was an issue in the State raised by a State representative, an African American, Alvin Holmes, was that Alabama's Constitution still had language in it that banned interracial marriage, an old segregationist provision. It was unconstitutional, could not be enforced, but the words were still in that constitution. Mr. Holmes believed it ought to be taken out.

Attorney General Bill Pryor agreed with him. He did not think that was right. He thought that was a blot and a stain on Alabama's Constitution and it ought to be removed. He took action to do so. He mentioned it in his inaugural address as one of his priorities, and he led the fight to remove it from Alabama's Constitution. That has resulted in the steadfast support for his confirmation by State representative Alvin Holmes, who said more than any other person—White officeholder in the State—Judge Pryor stood up to remove this stain from our constitution.

He said: "I'll call anybody you want me to. I'll come to Washington to speak on his behalf. This is a good man." Alvin Holmes was arrested during the civil rights marches for standing up for freedom. No one in the State of Alabama will deny that he does not believe in equal justice and civil rights and in progress for African-American citizens.

I have another example of Bill Pryor's fairness in handling issues before the State. Republicans challenged a State redistricting plan which, in fact, is quite favorable to the Democrats. It was a gerrymandered plan that favored the Democrats. For example, five out of the seven Congressmen in Alabama are Republican. The Governor and both Senators are Republicans. But only a third of the legislature are Republicans. Part of that is the way they drew the lines. Republicans were not happy with it. They challenged it on a number of grounds. But Bill Pryor who is the attorney general for the State of Alabama. He is the lawyer for the State of Alabama. He is a Republican. He felt it was his responsibility to defend the duly enacted laws of the State legislature. He represents the State. The State passed the redistricting plan. It was his responsibility to defend it. He did not make some of his friends, and some of my friends, happy. They did not like that.

He defended it on a number of grounds. One was a technical procedural basis of standing. He said the plaintiffs did not have standing. They went to the Eleventh Circuit Court of Appeals, on which he now sits as a result of an interim recess appointment, and they ruled against him. So the Republicans said: Boy, this is over now. We will win this thing. He said: No, the court of appeals made an error. I believe that you do not have standing to bring this suit. I believe your appeal is not, therefore, well taken. I believe I have a duty as attorney general to defend the duly enacted laws of the State of Alabama.

He appealed to the U.S. Supreme Court and won in the U.S. Supreme Court defending a legislative reapportionment plan that clearly favored Democrats and African Americans. They appreciated that. They knew he was a man of principle and integrity and decency. They have appreciated those kind of acts they have seen him carry out.

He has taken a strong lead on rights for women as well as minorities. While he has been attacked in the Senate for an argument he made regarding a technical flaw that was in the Violence Against Women Act passed by this Congress, his true record on women's issues is reflected in his history of fighting to protect women from domestic abuse.

He is a supporter of Alabama's Penelope House and participates in their yearly luncheon where they recognize the importance of partnering with law enforcement to eradicate domestic abuse. He testified before Congress in 2003, stressing the importance of the Violence Against Women Act. He championed a bill in Alabama to increase the penalties for repeat violations of protection from abuse orders by judges for ordering people to cease abusing their spouses. This is the true record of Bill Pryor. He has been a leader in the fight against domestic abuse throughout the State. He has incredibly strong support by all the women's groups who advocate that, including Judge Sue Bell Cobb on the Alabama Court of Criminal Appeals, who is a Democrat and who has fought for these women's issues for years.

What about other people in the State? How do they think of him? Judge Pryor has won the support of people such as Joe Reed, probably the most powerful political person in the State who is an African American. He is on the Democratic National Committee. He chairs the Alabama Democratic Conference. He strongly supports Judge Pryor.

Another Pryor supporter is Congressman ARTUR DAVIS, an African-American Congressman and Harvard Law School graduate. Alvin Holmes, I mentioned earlier, is one of the most outspoken African-American leaders in the legislature. Yesterday, I had him in my office, an African-American State senator who has been in the Senate for many years. I said: "Senator, do you know an African American—I asked him, did he know of a single elected public official in the State who was opposed to Judge Pryor for this appointment?" He said: "No, I don't know of a single one. They know he has given them a fair shake, sometimes even to the point of taking serious criticism for it. He has been courageous and steadfast in standing up for equal justice under the law, which is his guiding principle as a judge and as attorney general."

There is almost, in fact, universal support for Judge Pryor. Former Democratic Governor Don Siegelman. Jerry Beasley, the State's top trial lawyer, one of the top trial lawyer Democrats in America, and virtually every newspaper in the State supports Judge Pryor. The very liberal Anniston Star newspaper, which supports the filibuster of judges here by Democrats, a fine newspaper, but they have been very much a Democratic newspaper—they have supported the filibustering of judges, which I certainly do not agree with—but they support Judge Pryor. They say he ought to be confirmed. "He is the kind of person we ought to have on the bench," the Anniston Star said. They know his record of independence and courage. They know he is the kind of person we need on the bench.

So in closing, I want to say that I believe Judge Pryor has demonstrated time and again the kind of courage and commitment to principle that are the very values we need judges to possess. We do not want people on the bench who do not have any beliefs. We do not want people who do not have any values.

As LAMAR ALEXANDER, our colleague, once said, "Judge Pryor has shown courage in a Southern State unlike anyone he has ever seen before." He said it has almost looked like political suicide, some of the things he has done. But regardless of the cost, he has always done the right thing. That is what makes him an ideal candidate for the Eleventh Circuit.

He is brilliant. He loves the law. He studies it. He cares about it. He wants to see it be better and better and better. He will give his life to that, and you can take it to the bank. He will treat everybody before him fairly.

I thank the Chair, yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I thought it would be important to share in more detail some of the broad bipartisan support that exists in the State of Alabama by those who know Judge Pryor. These are Democratic leaders, people who are African Americans, who have been involved in the State for many years, who are sensitive to good judgment and good leadership. I want to share some of the comments some of these people have written on behalf of Judge Pryor.

First, Congressman ARTUR DAVIS of the 7th Congressional District wrote this letter. Congressman DAVIS is a Harvard Law graduate and a very fine young Congressman. He said this:

> I understand that the President may be considering Attorney General Bill

Pryor for a seat on the Eleventh Circuit. I have the utmost respect for my friend Attorney General Pryor and I believe if he is selected, Alabama will be proud of his service.

Alabama House of Representatives member Alvin Holmes wrote this:

> As one of the key civil rights leaders in Alabama who has participated in basically every major civil rights demonstration in America, who has been arrested for civil rights causes on many occasions, as one who was a field staff member of Dr. Martin Luther King's SCLC [Southern Christian Leadership Conference], as one who has been brutally beaten by vicious police officers for participating in civil rights marches and demonstrations, as one who has had crosses burned in his front yard by the KKK and other hate groups, as one who has lived under constant threats day in and day out because of his stand fighting for the rights of blacks and other minorities, I request your swift confirmation of Bill Pryor to the 11th Circuit because of his constant efforts to help the causes of blacks in Alabama.

Is that a credible voice? I submit to you it is.

The Honorable Sue Bell Cobb, a judge on the Alabama Court of Criminal Appeals for quite a number of years, who has been involved in the Children's First Program in Alabama, who has been involved in women's issues in Alabama over a number of years, and who has had occasion to work with Attorney General Bill Pryor, wrote this:

> I write, not only as the only statewide Democrat to be elected in 2000, not only as a member of the Court which reviews the greatest portion of General Pryor's work, but also as a child advocate who has labored shoulder to shoulder with General Pryor in the political arena on behalf of Alabama's children. . . . Bill Pryor is an outstanding attorney general and is one of the most righteous elected officials in this state. He possesses two of the most important attributes of a judge: unquestionable integrity and a strong internal moral compass. . . .

High praise, I submit. She goes on:

> Bill Pryor is exceedingly bright, a lawyer's lawyer. He is as dedicated to the "Rule of Law" as anyone I know. I have never known another attorney general" I guess that includes this one standing before you "who loved being the 'people's lawyer' more than Bill Pryor. Though we may disagree on an issue, I am always confident that the position is a product of complete intellectual honesty. He loves the mental challenge presented by a complex case, yet he never fails to remember that each case impacts people's lives.

I share with you another statement by Joe Reed, an African American, a leader in the State for 30 or more years, probably the preeminent African-American leader in the State over the last 35 years. He chairs the Alabama Democratic Conference. He is a member of the Democratic National Committee. He is a vice chairman of the Alabama Education Association. Dr. Joe Reed has always understood the importance of Federal courts. He has understood that the civil rights and liberties of African-American citizens were enhanced and provided in large part by actions of Federal courts. There is no mistaking in his mind on this question. This is what he said:

> [Attorney General Pryor] is a person, in my opinion, who will uphold the law without fear or favor. I believe all races and colors will get a fair shake when their cases come before him. As Attorney General for Alabama during the past six (6) years, he has been fair to all people. . . .For your information, I am a member of the Democratic National Committee and, of course, Mr. PRYOR is [a] Republican, but these are only party labels. I am persuaded that in Mr. PRYOR's eyes, Justice has only one label—justice!

Mr. President, those are just some of the comments we have received from prominent Alabama leaders of a different party, a different race, who care about justice in America, who have a record of fighting for it, and who believe Judge Pryor shares their values in that regard.

Mr. President, I thank the Presiding Officer and yield the floor. I see my colleague from Georgia has arrived. We appreciate and look forward to hearing from him.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, first, if the Senator from Alabama will remain for a minute, I took the occasion, last week or 2 weeks ago, to spend a rather extensive time on the floor, on 2 days, talking about Janice Rogers Brown of Alabama, whose appointment was confirmed by this Senate. I had the pleasure to meet Justice Brown and meant every word I said.

But I rise today to talk about Judge Pryor because of my tremendous personal admiration for a man whom I have not met but know so much about because of the way he has conducted himself as a human being and as an attorney general.

I know he succeeded the distinguished Senator from Alabama as attorney general; is that not correct?

Mr. SESSIONS. Correct.

Mr. ISAKSON. So he obviously had a good role model to follow. Senator SESSIONS' leadership, obviously, contributed greatly to Judge Pryor's distinguished service.

But the reason I rise on the floor of the Senate for a second and confirm the reason I am so positively going to cast my vote for his confirmation to the Eleventh Circuit is because he has a magna cum laude degree in law from Tulane University, but he has a master's degree in common sense. He has a Ph.D. in courage.

If you study Judge Pryor's record, over and over again, he continues to lead himself to decisions based on the fundamental principle, belief, that in all cases you do what is right.

I listened to nearly all of the speech of the distinguished Senator from Alabama. He recited so many examples of where a statement that Judge Pryor might have made in the past did not guide him to a decision when it differed with the law, that he always followed the law to its fullest extent, not to interpret it as he saw fit but to execute it as he knew it was intended.

I am not a lawyer. I am a real estate guy and a politician. Obviously, we deal a lot in words but not nearly the discipline of the specifics of the law. I am a citizen of the United States, a father, and a businessman. I care deeply about the men and women who will sit on the bench of our highest courts. If we can have a man with common sense and a commitment to right and doing what is right, then we have provided a great service to the people.

I also rise as an extension of a great Georgian who has submitted a letter, on behalf of Judge Pryor, from which I would like to quote.

I also ask unanimous consent that the entire letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF LAW,
Atlanta, GA, March 31, 2003.

Hon. RICHARD SHELBY,
U.S. Senate, Hart Senate Office Building,
Washington, DC.
Hon. JEFF SESSIONS,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATORS: I have had the great pleasure of knowing and working with Bill Pryor over the past five years. Through the National Association of Attorneys General, Bill and I have worked together on matters of mutual concern to Georgia and Alabama. During that time, Bill has distinguished himself time and again with the legal acumen that he brings to issues of national or regional concern as well as with his commitment to furthering the prospects of good and responsive government.

During his tenure as Attorney General, Bill has made combating white-collar crime and public corruption one of the centerpieces of his service to the people of Alabama. He joined the efforts of Attorneys General around the country in fighting the rising tide of identify theft, pushing through legislation in the Alabama legislature making identity theft a felony in Alabama. Bill has fought to keep law enforcement in Alabama armed with appropriate laws to protect Alabama's citizens, pushing for tough money laundering provisions and stiff penalties for trafficking in date rape drugs.

Time and again as Attorney General, Bill has taken on public corruption cases in Alabama, regardless of how well-connected the defendant may be, to ensure that the public trust is upheld and the public's confidence in government is well-founded. He has worked with industry groups and the Better Business Bureau to crack down on unscrupulous contractors who victimized many of Alabama's more vulnerable citizens.

From the time that he clerked with the late Judge Wisdom of the 5th Circuit to the present, though, the most critical asset that Bill Pryor has brought to the practice of law is his zeal to do what he thinks is right. He has always done what he thought was best for the people of Alabama. Recognizing a wrong that had gone on far too long, he took the opportunity of his inaugural address to call on an end to the ban on inter-racial marriages in Alabama law. Concerned about at-

> risk kids in Alabama schools, he formed Mentor Alabama, a program designed to pair volunteer mentors with students who needed a role model and an attentive ear to the problems facing them on a daily basis.
>
> These are just a few of the qualities that I believe will make Bill Pryor an excellent candidate for a slot on the 11th Circuit Court of Appeals. My only regret is that I will no longer have Bill as a fellow Attorney General fighting for what is right, but I know that his work on the bench will continue to serve as an example of how the public trust should be upheld.
>
> Sincerely,
>
> THURBERT E. BAKER.

Mr. ISAKSON. The attorney general of the State of Georgia is my dear friend, Thurbert Baker. He is a Democrat, an African American, and a close friend with whom I served in the Georgia House of Representatives. On March 31, 2003, Thurbert Baker wrote to Senator RICHARD SHELBY and Senator JEFF SESSIONS his personal feelings about the nomination of Judge Pryor. I want to read a few excerpts from that letter.

> During his tenure as Attorney General, Bill has made combating white-collar crime and public corruption one of the centerpieces of his service to the people of Alabama. He joined the efforts of Attorneys General around the country in fighting the rising tide of identity theft, pushing through legislation in the Alabama legislature making identity theft a felony in Alabama. Bill has fought to keep law enforcement in Alabama armed with appropriate laws to protect Alabama's citizens, pushing for tough money laundering provisions and stiff penalties for trafficking and in date rape drugs.

The importance of that quote is how consistent that is with what our attorney general, Thurbert Baker, has done in Georgia; in particular, in his fights on white-collar crime, on trafficking, on drugs, and his confirmation of Judge Pryor's commitment to the same.

I continue to quote:

> Time and again as Attorney General, Bill has taken on public corruption cases in Alabama, regardless of how well-connected the defendant may be, to ensure that the public trust is upheld and the public's confidence in government is well-founded. He has worked with industry groups and the Better Business Bureau to crack down on unscrupulous contractors who victimized many of Alabama's more vulnerable citizens.

The operative words in that quote refer to the courage I mentioned earlier; Judge Pryor, as attorney general, courageously and without fear took on anyone, regardless of stature and political standing, in order to see to it the people of Alabama were protected, their rights were protected and right itself was done and any wrong, regardless of the perpetrator, was prosecuted.

I continue to quote:

> From the time he clerked with the late Judge Wisdom of the 5th Circuit to the present, though, the most critical asset that Bill Pryor has brought to the practice of law is his zeal to do what [is the right thing to do]. He has always done what he thought was best for the people of Alabama. Recognizing a wrong that has gone too far [and too long], he took the opportunity in his inaugural address to call on an end to the ban on interracial marriage in the State of Alabama. Concerned about at-risk kids in schools, he formed Mentor Alabama, a program designed to pair volunteer mentors with students who needed a role model and an attentive ear to the problems facing them on a daily basis.

As a member of the legislature in Georgia, one who worked on kids' programs, I know so much about the value of mentoring and the programs established such as Mentor Alabama that fundamentally change lives. For a man whose job it is to prosecute the law on behalf of the people of Alabama, to illustrate his desire for the future by, at the same time, developing a mentoring program so that the youth of Alabama would go on the right track in life—not the wrong—shows his absolute commitment to right, his absolute commitment to his fellow man, his absolute commitment to those who have been less fortunate.

I close with one last quote from this letter:

> My only regret is that I will no longer have Bill as a fellow Attorney General, fighting for what is right, but I know that his work on the bench will continue to serve as an example of how the public trust should be upheld.

Bill Pryor has been waiting for this day for some time. I am grateful to Senators who allowed the cloture vote to take place and voted in favor of giving a chance for Judge Pryor to receive an up-or-down vote on his confirmation to his nomination to the Eleventh Circuit Court of Appeals. I am confident that later today when we cast our vote—and I will cast mine in favor of Judge Pryor—the majority of this Senate will confirm a man whose record is impeccable, whose commitment is to doing what is right, whose belief is in the people of this country, in the fundamental foundations of the law and its strict interpretation and application. I commend to all Members of the Senate Judge Bill Pryor of Alabama for his confirmation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, is the Senate in morning business?

The PRESIDING OFFICER. The Senate is on the nomination of William Pryor. The majority controls the time until 11:30 a.m.

Mr. DOMENICI. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I rise today to address the nomination of William H. Pryor, Jr., to be a U.S. circuit judge for the Eleventh Circuit.

Many of my colleagues know that I am Catholic by religion and belief. As such, I have watched the debate over Judge Pryor, an acknowledged devout Catholic, with much interest.

I start by saying, and I want to be very clear about this point, that I do not believe any of my colleagues are anti-Catholic. However, I am becoming increasingly concerned about the apparent creation of some kind of religious litmus test for nominees. I would like to provide a sample of some of the questions posed to Judge Pryor during his confirmation process that I think justify my concern that a nominee's religion is becoming some kind of a central part of the confirmation process.

It concerns me when, in the Judiciary Committee, statements such as these are made:

> Judge Pryor's beliefs are so well known, so deeply held, that it is very hard to believe, very hard to believe, that they are not going to deeply influence the way he comes about saying, "I will follow the law."

Another:

> I think the very legitimate issue in question with your nomination is whether you have an agenda, that many of the positions which you have taken reflect not just an advocacy but a very deeply held view and a philosophy.

Third:

> Virtually in every area you have extraordinarily strong views which continue and come out in a number of different ways. Your comments about Roe make one believe, could he really, suddenly, move away from those comments and be a judge?

It concerns me that these questions continued despite the fact that Judge Pryor's record in Alabama as attorney general shows that he can and has separated his personal beliefs from his professional obligations.

As Alabama's attorney general, Judge Pryor argued that there should be no school-sponsored, government-sponsored religious activity, but genuinely student-initiated religious expression was protected by the First Amendment. I believe he expressly stated the view that the Supreme Court has held in that regard, regardless of his beliefs.

Second, he issued an opinion stating that Alabama's partial-birth abortion law was unconstitutional and could not be enforced. I believe he followed the law.

Third, he personally prosecuted charges against Alabama's Justice Moore for refusing to obey a court order to remove the Ten Commandments from a display in the Alabama State courthouse.

The quotes I have referenced and the fact that some Democrats have persisted with this line of questioning despite clear evidence that Judge Pryor is committed to both religious freedom and separation of church and state concern me not because I am accusing anyone on the other side of being anti-Catholic or anti-religion: rather, statements such as these make me fear that we are creating some kind of a religious litmus test for nominees. A nominee's religious beliefs have no connection to fitness to serve on the Federal bench.

It seems to me that such questions suggest that anybody who is an Orthodox Jew, deep-seated Christian, Protestant, Muslim, or devout Catholic should be rigorously questioned about their religious beliefs. But I believe their beliefs should not in any way affect them becoming Federal judges. These type of questions effectively say to people in the United States: Perhaps if you have deeply held religious beliefs, you cannot serve on the Supreme Court, you cannot serve in the Federal judiciary.

I believe we should rid the record of any such inferences, and I am just trying to do that today.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. I ask for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, this is an alarming prospect. The Senate should consider the nominee on his professional record, not on his personal beliefs. I believe this distinguished nominee should be confirmed.

I yield the floor. I thank the Senate for listening.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. GREGG. Mr. President, what is the regular order?

The PRESIDING OFFICER. The minority controls the time until noon, but the Senator may be recognized.

Mr. GREGG. I ask unanimous consent that I be allowed to speak as in morning business for 10 minutes, and if some member of the minority appears I will be happy to yield to allow them to proceed under their time.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered. The Senator is recognized.

(The remarks of Mr. GREGG and Mr. SESSIONS are printed in today's RECORD under "Morning Business.")

Mr. GREGG. I thank the Senator from Alabama. I obviously enjoy working with him because he is a voice of reason around here.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, what is the order of business?

The PRESIDING OFFICER. The minority controls the time until noon.

Mr. SESSIONS. Mr. President, it is a few minutes to 12. I ask unanimous consent that I be able to speak in morning business. If any of my colleagues from the other side come to the floor, I will be pleased to yield to them.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we have spent over 2 years on the Bill Pryor nomination for the Eleventh Circuit Court of Appeals. He is an extraordinary man and an extraordinary jurist, now that he is holding that seat as a recess appointment. But a number of allegations have been made against him that I think caused some in this body to form an impression of him early on that was not correct.

One of the most prominent was an allegation that he was insensitive to the disabled. People For the American Way, who issued their attack sheet report—and I hope our colleagues will begin to look far more critically at their work than they have in the past—stated it this way:

> Of particular concern are Pryor's views on the limits on Congress' authority to enact laws protecting individual and other rights, and how he would seek to implement those laws if confirmed. Pryor is one of the architects of this movement and has been a leading activist in these damaging efforts. He personally has been involved in key Supreme Court cases that, by narrow 5 to 4 majorities, have hobbled Congress's ability to protect Americans' rights against discrimination and injury based on disability, race, or age.

That is part of their report and part of their complaint. At the time he was originally nominated, a number of people from the disabled community were told Judge Pryor is against them and that they should come. They came and spoke out against him. But truly I do not think they understood what the complaint was all about.

Let me share with you what happened. One of the State universities in Alabama was involved in a lawsuit about disability rights. The case was University of Alabama at Birmingham v. Garrett. It goes up for litigation. The Attorney General of the State of Alabama was Bill Pryor. It is his duty as a lawyer to defend his client. As an entity of the State, the university is a client of the State of Alabama, so he did so. One of the defenses he raised, and raised brilliantly, dealt with this act, the ADA. Only 3 percent of the people in Alabama work for the State of Alabama. So the defense he raised impacted only State employees, that is 3 percent of the people, although repeatedly announcements were made that he was gutting the ADA. That is the first point.

Second, what the attorney general of Alabama argued was that, yes, if a person were to be dismissed or otherwise not handled fairly as a result of a disability, they could sue the State under the Americans with Disabilities Act, they could get an injunction, a court order to ensure that they were treated fairly by the State of Alabama, they could get back wages if they had been terminated—but that provision of the act that allowed individuals to sue for money damages against corporations—and 97 percent of the people work for private employers and corporations and not State governments—that provision could not be enforceable because a State has sovereign immunity protection against suits for money damages. States can only be sued on grounds that they agree to be sued on, because the power to sue is the power to destroy. That is constitutional history. And States do not allow themselves to be sued except under certain circumstances, and he argued that the Congress could not abrogate that historic constitutional principle of sovereign immunity by passing a statute—without giving any thought to the issue. Anyway, they passed it focusing mainly on private employers, not States. He appealed that to the U.S. Supreme Court and won the case in the U.S. Supreme Court.

Now they say what he was doing was an indication that he is insensitive to people who are disabled. I raise that issue because it is not fair to him, and it demeans our entire process.

I see the Senator from Tennessee is in the Senate, Senator ALEXANDER. I know he is interested in this nomination. I am pleased to yield to the Senator from Tennessee.

The PRESIDING OFFICER (Mr. Graham). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Alabama. I am delighted to have a chance to join him in support of Judge Pryor. I will take a few minutes on that, and when I finish, I will ask unanimous consent to speak for up to 5 minutes as in morning business on another matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, none of us, if we end up in court, want to go before a judge who has already decided the case before we get there. There is an old story from the Tennessee mountains about the lawyers who showed up in court and the judge says: "Fellas, this shouldn't take long. I had a phone call last night, and I know most of the facts. Just give me a little bit on the law." I don't think those litigants felt very good about their appearance before that judge.

We do not want judges who decide the case before they hear the argument, either because they got a phone call the night before or because they bring some personal or political agenda to the case. We want judges who are fair. We want judges who are independent. We want judges who are intelligent, who have good character, who know the law, and who are willing to apply it in a fearless way.

As Governor of Tennessee, I appointed about 50 judges. I appointed men and women, Democrats and Republicans. I appointed the first African-American Supreme Court justice, the first African-American chancellor in our State who happened to be a Democrat. I never asked how they felt about abortion. I never asked them how they were going to decide cases. I tried to assess their reputation for intelligence and fairness, their demeanor, and whether they would treat those who appeared before them with respect. That turned out to be a pretty good formula.

If we are looking for a member of the U.S. appellate court who has demonstrated before he takes the bench that he can make decisions independent of his personal views, then Judge William Pryor ought to be exhibit A, No. 1. As has been pointed out many times, Judge Pryor has been very honest with the committee and all who question him. He is pro-life. He opposes partial-birth abortion. But as attorney general of Alabama in August of 1997, on his own initiative, he wrote the district attorneys general of Alabama and instructed them to use a restrictive interpretation of the partial-birth abortion bill in Alabama, gutting the statute, some said, in Alabama. Three years later, General Pryor, after further Supreme Court cases, wrote the Alabama district attorneys telling them that the Alabama partial-birth abortion law was unconstitutional. He was pro-life, but the law said it was unconstitutional. He followed the law.

When there were threats of attacks against abortion clinics in Alabama, the attorney general could have waited for something to happen. He did not. He held high-profile press conferences to condemn what he called "despicable acts." He warned there would be prosecutions if those acts actually occurred.

William Pryor told the committee he is a religious man. He, obviously, is a deeply religious person. But he told the Governor, who had just appointed him attorney general of Alabama, to get himself another lawyer when the Governor wanted him to argue a prayer-in-the-schools case that General Pryor thought compelled him to take a position contrary to the U.S. Supreme Court's interpretation of the Constitution.

He prosecuted the chief justice of the Alabama Supreme Court for his refusal to take actions to remove the Ten Commandments, not because he does not believe in the Ten Commandments, which he does, but because he believes in the law, and his job was to enforce the law.

He has proven his sensitivity toward civil rights, which for those who have grown up in the South is even more important. In his inaugural address, he pledged to remove the ban on interracial marriage and led the fight to pass a constitutional amendment to do it. One might say, Of course he should have done that. Well, go down to Alabama and make that your first announcement in a new public position at that time in our Nation's history. It took courage and it took principle to do it. He did it.

He is a Republican, but he appealed the Alabama reapportionment plan to the U.S. Supreme Court, to the dismay of the Republican Party, and he won it for the Democrat Party.

It is fair to say that Judge William Pryor has compiled for himself at a relatively young age a record that would make it virtually impossible for him to win a Republican primary in Alabama but a record that ought to make him a perfect candidate for the U.S. court of appeals.

Of course, there is always the question with these men and women who come before the Senate of whether they are qualified. We can look at the facts. William Pryor is a magna cum laude graduate of Tulane law school, one of the great law schools of our country. He was editor and chief of the Tulane Law Journal.

My favorite example of his competence is that he was a law clerk to the Honorable John Minor Wisdom, perhaps the greatest appellate court judge of the last 50 years, whose 100th birthday would have been May 21. I know about his birthday because I knew the judge very well. I was his law clerk, too. I hasten to add that I didn't quite qualify to be a law clerk in 1965 and 1966. He already had a smart graduate from Harvard. But he said: I need two, and I will hire you as a messenger. If you work for $300 a month, I will treat you like a law clerk.

Judge Wisdom is the one who ordered James Meredith to be admitted to Ole Miss, and he, with Judge Tuttle and Judge Rives, presided other desegregation of the South. He hired as his law clerks some of the most distinguished men and women now in the private practice of law anywhere in the America. I know many of them.

Judge Pryor was in New Orleans on May 21 to celebrate Judge Wisdom's 100th birthday, along with about 40 other law clerks, even though Judge Wisdom himself is not still living. I know the respect Judge Wisdom had for Judge Pryor's competence. He has demonstrated his independence, he has demonstrated his intelligence, and he has demonstrated he will be an extraordinary judge.

I was disappointed at what I heard when the Presiding Officer and I came to the Senate a little over 2½ years ago. I was preparing to make my maiden address on American history and civics, and we found ourselves in this terrible debate about Miguel Estrada. I was astonished by it, to tell the truth. I found myself feeling the same way about discussions of Judge Pickering in Mississippi, a man whose reputation I knew. When I studied that reputation, I found a man out front in the civil rights debate of the 1960s and 1970s, putting his children in public schools in Mississippi in the 1960s when everyone else was sending them to what they called segregation academies, and testifying against the grand wizard of the Ku Klux Klan in the mid-1960s when that was a dangerous thing to do.

I heard some of my colleagues questioning his commitment to civil rights. Where were they in 1965, 1966, and 1967? What was going on?

I was very disappointed when I heard these comments about Judge Pickering. And he withdrew. I heard the comments about Miguel Estrada, a tremendous American success story. And he withdrew. So I pledged, then and there, I would never filibuster any President's judicial nominee, period. I might vote against them, but I will always see they came to a vote.

I am glad to see—and the Presiding Officer had something to do with it—that the logjam has been broken. Maybe we can get back to business as usual in the Senate where the President, after consulting with us, sends us good nominees, we look them over and take as long as we want to talk about them, and then we vote on them. I am glad we have a chance to vote on Judge Pryor.

We do not want judges whose views are decided by a political agenda or by a phone call that comes in the night before. Judge Wisdom had absolute confidence in William Pryor when he appointed him as his law clerk. He was proud of his service as attorney general of Alabama. He is not here today to say what he thinks of him, but I am glad that I am here today to say I will be proud to cast my vote for William Pryor for U.S. circuit judge.

Mr. President, I received permission to speak on another subject as if in morning business, and I would like to proceed to that.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 1208 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALEXANDER. Mr. President, I thank the Senator from Alabama for his time, and I join him in my enthusiasm for the nominee for the U.S. court of appeals from his home State, William Pryor.

Mr. SESSIONS. Mr. President, I thank the Senator from Tennessee for his very important remarks on the Pryor nomination. He is wise in analyzing the realities of being an attorney general in America and the difficult choices and political pressures that are on attorneys general.

He is absolutely correct that Attorney General Bill Pryor has demonstrated he has the courage to do the right thing regardless of short-term complaints that might arise. That is so fundamentally obvious to people who get a fair look at it and I am amazed it has not been clear to some of our colleagues.

I thank the Senator from Tennessee for sharing his thoughts.

Mr. President, I ask unanimous consent that the distinguished majority whip and I be allowed to engage in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I say to my friend from Alabama, I understand that Judge Pryor has been criticized because he has sincerely held beliefs against abortion and has also criticized the ruling in Roe v. Wade?

Mr. SESSIONS. That is correct. He answered questions about that, clearly and directly.

Mr. McCONNELL. But it is also true, is it not, I say to my friend from Alabama, that Judge Pryor swore under oath—under oath—at his hearing that he would faithfully apply the law, and included in that, of course, is Supreme Court precedent?

Mr. SESSIONS. As a matter of fact, he was asked explicitly about that in the Judiciary hearings. I am a member of that committee, and the phrase he used, I say to you, Senator McCONNELL, was "Senator, you can take it to the bank." And he is the kind of man who, when he says it, he means it.

Mr. McCONNELL. Well, he has had an opportunity to demonstrate that, has he not, I say to my friend from Alabama, with respect to the laws regulating abortion? He has been in a position to demonstrate that he is willing to set aside his personally held views and apply the law as it is, has he not?

Mr. SESSIONS. He really has. I think that is so important for us here as we consider a nominee. Surely, we can't vote for or against a nominee on whether they agree with us on any number of a host of moral and religious issues. But these are the facts on it. Although he is a pro-life individual—in 1997, Alabama banned partial-birth abortion by State statute. As attorney general, Judge Pryor was aware that parts of that statute had gone too far under the current state of the law, so he issued a letter, a directive, to the district attorneys throughout the State of Alabama telling them that they could only construe that statute narrowly because it would violate, otherwise, the Constitution as defined by the U.S. Supreme Court.

As a matter of fact, the ACLU praised him at that time in 1997 for his directive. And, as a matter of fact, one of the pro-life leaders said he gutted the statute.

Then, I say to you, Senator McCONNELL, a few years later, in 2000, when the Supreme Court ruled on the Stenberg case, in which they really overruled many State statutes involving the partial-birth abortion law, Attorney General Pryor recognized and advised the district attorneys that statute was not sound and called on the State legislature to craft a statute consistent with the Supreme Court. And when he wrote the State officials, he said that they "are obligated to obey [the Stenberg decision]."

Mr. McCONNELL. The attorney general of Alabama is an elected position; is it not?

Mr. SESSIONS. It is an elected position.

Mr. McCONNELL. So Judge Pryor did not have the protection of a lifetime appointment or even a lengthy term. Here is an official in Alabama basically telling a bunch of Alabama local officials they ought to comply with a Supreme Court decision that was overwhelmingly unpopular in Alabama; is that correct?

Mr. SESSIONS. That is exactly correct, I say to the Senator, absolutely correct. People in Alabama, I think as most Americans, believe that partial-birth abortion, at any rate, is a particularly gruesome procedure, and he had a lot of pressure on him to declare otherwise. In fact, he was criticized by friends who thought he had not been supportive of their view.

Mr. McCONNELL. It would have been very politically convenient for him to do that; would it not?

Mr. SESSIONS. Absolutely. I think the point is that he understands the importance of adhering to the rule of law even though it may disagree with positions you feel strongly about.

Mr. McCONNELL. With regard to his criticism of Roe v. Wade, I ask my friend from Alabama, is it not also the case that some very prominent liberals in this country, who probably no doubt liked the outcome of Roe v. Wade, were, nevertheless, highly critical of the Supreme Court's reasoning and rationale for issuing that particular judgment?

Mr. SESSIONS. That is correct.

Mr. McCONNELL. So there is nothing particularly unusual or unique about a good lawyer, or certainly a lawyer in a prominent position like attorney general, at the time, Bill Pryor, critiquing the decision, wholly aside from what their personal views were, because a number of prominent liberals, I think, have done the same thing; have they not?

Mr. SESSIONS. That is exactly right. And the attorney general is an elected person in Alabama. He has a right to comment on decisions of the Supreme Court. I think attorneys general and lawyers and laymen all over the country do that on a daily basis. The question is, Will you follow it even if you do not agree?

Mr. McCONNELL. In fact, Supreme Court Justice Ruth Bader Ginsburg criticized the Supreme Court's approach in the Roe case. I bet many of our colleagues would be surprised to learn that she described Roe as a "breathtaking" decision whose "[h]eavy-handed judicial intervention was difficult to justify." That is Ruth Bader Ginsburg, who, no doubt, liked the outcome in Roe, but found the decision, as she put it, "breathtaking" and a "[h]eavy-handed judicial intervention [that] was difficult to justify."

So here was someone whose personal views were probably opposite of Judge Pryor's, but who reached the same conclusion as Judge Pryor did about the rationale for the decision, the basis of the decision.

Mr. SESSIONS. I think that is a very good point, I say to you, Senator McCONNELL. I know that, for example, Justice Ginsburg was an ACLU, American Civil Liberties Union, lawyer. Yet she was troubled by the reasoning and rationale in some of the matters in Roe v. Wade. And she did not mince words about it in terms of the public policy result in Roe, nor did she condemn people who criticized Roe. She fully understood it was legitimate to discuss that important Supreme Court case. In fact, she wrote:

> I appreciate the intense divisions of opinion on the moral question and recognize that abortion today cannot fairly be described as nothing more than birth control delayed.

So I think she was expressing real sympathy and respect for those who may disagree with the decision, even as she expressed concern with the decision.

Mr. McCONNELL. I ask my friend from Alabama if he is aware that liberal constitutional scholar and current Harvard law professor, Laurence Tribe—often quoted by Members on the other side as the authority on many issues of constitutional law—described Roe as a "verbal smokescreen," and noted that "the substantive judgment on which it rests is nowhere to be found." This is Laurence Tribe commenting on Roe v. Wade. Even though, no doubt, he likes the result of Roe v. Wade, he is nevertheless criticizing the rationale for it.

Mr. SESSIONS. Well, the Senator is exactly correct. Conservatives and liberals alike have raised questions about different aspects of Roe v. Wade. It is perfectly natural that they would do so, I think.

Mr. McCONNELL. I believe liberal law professor Cass Sunstein from the University of Chicago—who was reported to have advised our Democratic colleagues on the need to "change the ground rules" on judicial nominations, which led us into the impasse we were in last Congress—noted that there are "notorious difficulties" with Roe v. Wade. Is my friend from Alabama familiar with that, as well?

Mr. SESSIONS. Yes, I am.

Mr. McCONNELL. I could go on with a list of liberal scholars and commentators who criticized Roe very directly, but I think my friend from Alabama and I hope all of our colleagues get the drift.

I do have just one more question for the Senator from Alabama. Does he remember President Bush's nomination of Michael McConnell to the Tenth Circuit?

Mr. SESSIONS. Yes, I do. I believe he was confirmed by unanimous consent.

Mr. McCONNELL. Unanimous consent. Out here on the Senate floor, passed on a voice vote.

Mr. SESSIONS. Yes.

Mr. McCONNELL. Although I am not on the Judiciary Committee now, I was at the time of the McConnell nomination. I recall that Judge McConnell was then a law professor who had criticized Roe frequently and at great length; is that correct?

Mr. SESSIONS. That is correct.

Mr. McCONNELL. But just like Judge Pryor, he swore to uphold Supreme Court precedent; did he not?

Mr. SESSIONS. He did.

Mr. McCONNELL. So I want to make sure I have this correct. Both Judge Pryor and Judge McConnell criticized Roe v. Wade, both swore under oath they would follow Supreme Court precedents, including those they may personally disagree with, but unlike Judge McConnell, who was a law professor at the time of his nomination and did not have the opportunity as an academic to enforce the law, Judge Pryor has been a public official who has had the chance, on repeated occasions, to put his money where his mouth was, and he has consistently followed the law?

Our Democratic colleagues confirmed Judge McConnell by unanimous consent but are vigorously objecting to Judge Pryor; is that the case?

Mr. SESSIONS. That is the case.

Mr. McCONNELL. I am puzzled. On this record, our friends' objections to Judge Pryor seem inconsistent and arbitrary.

I thank the Senator from Alabama for his time and remind our colleagues that we have confirmed Democratic nominees who have had deep personal objections to Supreme Court precedent. I recall we confirmed Janet Reno 98-to-0, even though her personal views on the death penalty were at odds with Supreme Court precedent. We ought not have a double standard. We should applaud Judge Pryor for his forthrightness and his commitment to the rule of law, and we ought to confirm this distinguished nominee.

I also want to say to my friend from Alabama, I know he probably knows Judge Pryor better than anybody else in the Senate and has had a greater opportunity to evaluate his integrity, his intellect, and has really seen him in action. I think our colleagues ought to listen to the junior Senator from Alabama because he really knows Bill Pryor and can attest to the fact that Bill Pryor took actions much like Judge Pickering did in the 1960s, to which Senator ALEXANDER was referring, that took extraordinary courage given the climate of public opinion in the State of Alabama.

Mr. SESSIONS. I thank the Senator.

The PRESIDING OFFICER. The 30-minute segment has expired.

The Senator from Illinois.

Mr. DURBIN. Mr. President, today the Senate is considering the nomination of William Pryor for the U.S. Court of Appeals for the Eleventh Circuit. This is a nomination which I have considered many times in the Senate Judiciary Committee and outside the regular business of Congress. Senator JEFF SESSIONS and I occasionally get up early in the morning and go to the Senate gym. And on several occasions he has raised with me his heartfelt support for William Pryor. I have expressed to him my reservations and concerns about Mr. Pryor, and he has tried to assure me, in different ways, that the public image of this man is much different than who he really is. I struggle with this because I do count Senator SESSIONS as a friend despite our many political differences. I would like to give him the benefit of the doubt on this nominee who is so important to him personally.

Unfortunately, the debate that leads up to today's consideration on the floor has raised a myriad of questions that need to be resolved, questions which go to the heart of this nomination.

Mr. Pryor was recess-appointed by President Bush when both he and Judge Pickering of Mississippi were not approved by the Senate. It was historic. It was a decision by the President to use his recess appointment power to put Mr. Pryor on the bench, despite the Senate's decision on his nomination. I agree with Senator KENNEDY that Mr. Pryor's recess appointment, which occurred during a brief recess of Congress, could easily be unconstitutional. It was certainly confrontational. Recess appointments lack the permanence and independence contemplated by the Framers of the Constitution. To confirm Mr. Pryor now would validate the President's regrettable decision to defy the Senate.

I am afraid that many aspects of the debate, relative to the Pryor nomination, mark a low point in Congress. Many of Mr. Pryor's supporters allege that those of us who questioned his nomination or opposed him did so because of his religious beliefs. The same ugly allegation was raised more broadly at the recent Justice Sunday event which took place in a church in Kentucky and featured remarks by Majority Leader WILLIAM FRIST. The allegation that any Member of the Senate is opposing this nomination because of the nominee's religious beliefs is just wrong. In fact, it is not only wrong, it is outrageous.

Article 6 of the Constitution, which we keep at hand here on the floor, makes it clear that it is unconstitutional to use any form of religious test for a person who is seeking an office of public trust. To suggest that those of us who oppose Mr. Pryor—or any of the President's judicial nominees—are violating this article of the Constitution is out of line.

I am troubled, too, by the logic of this position. It appears that Mr. Pryor's supporters believe that if he can answer any of our questions about public policy, if the position he takes is based on his religious belief, then at that point we can't pursue the question, that it is a matter of his personal conscience. But think about that for a moment. I am a member of the Catholic Church. Some Catholics do not support the death penalty. The late Pope John Paul II himself strongly opposed capital punishment. Some Christian Scientists do not support many aspects of medical treatment. Some Quakers do not support war. Some people because of their religious beliefs have strong views on the role of women in society, strong views on divorce, on sexual orientation. I can't believe it is the position of Mr. Pryor's advocates that Senators could not raise legitimate concerns about positions on public issues if there is any nexus to a nominee's religious belief.

Think of all of the areas where we would, frankly, be unable to even ask a question because the person could say: I am sorry. That is my religious belief, and you can't ask about that.

The reality is that certain important issues at the center of legal and legislative activity are public issues and religious issues. To suggest the Senate cannot ask a nominee questions about these public issues would prohibit us from fulfilling our constitutional obligation. It is not Mr. Pryor's religious affiliation that is troubling. It is his history of putting his own personal beliefs ahead of the Constitution. He is a staunch judicial activist. Maybe he doesn't reach the level of Janice Rogers Brown, who was approved yesterday—the most radical nominee sent to us by the Bush White House—but, sadly, some of his public comments are close.

William Pryor believes it is the job of a Federal judge to carry out the political agenda of the President. How else could you interpret his comment about the Bush v. Gore case in 2000, when he said:

> I'm probably the only one who wanted it 5-4. I wanted Governor Bush to have a full appreciation of the judiciary and judicial selection so we can have no more appointments like Justice Souter.

These are the words of William Pryor. Does that suggest to you that he is looking for a nonpartisan judiciary? Sadly, it suggests the opposite. He is looking for a bench filled with partisans of his stripe, and he used that case as a lesson to the White House: Be careful, if you pick someone who is independent, they may just rule against you on a political issue. Those are hardly the kind of words you want coming from the mouth of a man who wants to ascend to the second highest court in America.

On another occasion, Mr. Pryor stated:

> [O]ur real last hope for federalism is the election of Gov. George W. Bush as president of the United States, who has said his favorite justices are Antonin Scalia and Clarence Thomas.
>
> Although the ACLU would argue that it is unconstitutional for me, as a public official, to do this in a government building, let alone at a football game, I will end my prayer for the next administration: Please God, no more Souters.

He was referring again to Justice Souter on the Supreme Court. I asked Mr. Pryor, a Federalist Society member, whether he agrees with the mission statement of the Federalist Society, where he pays his dues and attends meetings. It reads:

> Law schools and the legal profession are currently strongly dominated by a form of orthodox liberal ideology which advocates a centralized and uniform society.

I have asked this question of almost every Federalist Society member nominated by President Bush, and there have been quite a few. Mr. Pryor is the only person who gave me a one-word answer: "Yes."

I appreciate his honesty, but I am troubled by his beliefs. Mr. Pryor is just over 40 years old. If confirmed, he will have the chance to put this philosophy into practice well into the 21st century with a lifetime appointment.

It is not just law and politics that Mr. Pryor has problems keeping separate. He has problems with the separation of church and State. I am concerned about his blurring of a very important line when it comes to the conduct of government vis-a-vis religion. He is so ideological about this issue that he has confessed:

> I became a lawyer because I wanted to fight the ACLU.

The ACLU is one of the main defenders of the separation of church and State. I asked Mr. Pryor if he would be willing to recuse himself in cases involving the ACLU because he has made his views very clear that he cannot be objective. He said no. But he pledged:

> As a judge, I would fairly evaluate any case brought before me in which the ACLU was involved.

It is hard to believe that he could follow that pledge. This is a man who, by his own admission, became a lawyer so that he could "fight the ACLU." Now he tells us he will be objective on their cases.

Many of you remember Alabama Chief Justice Roy Moore and his midnight installation a few years ago of a 6,000-pound granite Ten Commandments monument in the middle of the Alabama State courthouse. Mr. Pryor and his supporters like to point out that Mr. Pryor criticized Chief Justice Moore for defying a Federal court order to remove the monument. What they don't like to talk about nearly as much or nearly as openly is the fact that Mr. Pryor was an early supporter of Chief Justice Roy Moore. He represented Moore vigorously in the litigation of this issue.

The Eleventh Circuit ruled that the display was patently unconstitutional, and a district court subsequently issued an injunction to have the monument removed. Had Mr. Pryor continued to side with Moore and refused to comply with this injunction, he would have exposed the State of Alabama to substantial monetary sanctions and possible criminal liability. This is what Mr. Pryor and his supporters offer as proof that he understands and respects the venerated, historic, and traditional wall between church and State.

Mr. Pryor's advocates call him a "profile in courage" for enforcing the Eleventh Circuit decision that the monument must be removed from the Alabama State courthouse. I call it doing your job.

Let me provide another example of his insensitivity. At Mr. Pryor's confirmation hearing, Senator FEINSTEIN asked him to explain his statement that "[t]he challenge of the next millennium will be to preserve the American experiment by restoring its Christian perspective." He ducked the question.

If you are going to serve this Nation and its Constitution, you have to have some sensitivity to the diversity of religious belief in America. Many of us are Christians. But to impose a so-called Christian perspective on everything is to, frankly, take a position which many of different religious faiths would find offensive and intrusive by their Government.

Our Founders may have been mostly Christian, but America today is a nation of religious diversity and this diversity is protected by the Constitution. Judge Pryor has difficulty in grasping this concept.

On the issue of federalism, Mr. Pryor has been a predictable, reliable voice for those who seek to limit the people's rights in the name of States' rights. It is an old ploy in America. As the Alabama Attorney General, he filed brief after brief with the U.S. Supreme Court arguing that Congress has virtually no power to protect State employees who are victims of discrimination. Under his leadership, Alabama was the only State in the Nation to challenge the constitutionality of parts of the Violence Against Women Act. Thirty-six States filed briefs urging this important law be upheld in its entirety, while William Pryor, attorney general of Alabama, was the only one who used his position to try to tear down the Violence Against Women Act.

Mr. Pryor also filed a brief in the Supreme Court case Nevada v. Hibbs. In it, he argued that Congress has no power to ensure that State employees have the right to take unpaid leave from work under the Family Medical Leave Act. Think about it. Mr. Pryor, as Alabama attorney general, said Congress had no power to enforce a Federal law.

The Supreme Court rejected his argument and said: Mr. Pryor, this time you have gone too far.

On the issue of women's rights, he clearly opposes a woman's right to choose. He once called Roe v. Wade "the worst abomination of constitutional law in our history." At Mr. Pryor's hearing, Senator SPECTER asked him if he stood by his statement. He said he did. He went on to say that Roe v. Wade is "unsupported by the test and structure of the Constitution" and "has led to the slaughter of millions of innocent unborn children."

We are not talking about a nominee who made an overheated statement 30 years ago as a college student. Mr. Pryor said this at his own confirmation hearing.

Understand the constitutional principle that underlies Roe v. Wade. I know abortion is an issue that is very divisive. People feel very strongly one way or the other. But most people concede that underlying that Roe v. Wade decision is the right to privacy, a right which was enshrined in the Supreme Court case of Griswold v. Connecticut 40 years ago this week.

The State of Connecticut, urged by religious groups, had banned the sale of contraceptives and family planning to anyone in the State of Connecticut. If you purchased any family planning—a birth control pill, for example—it was a violation of the law, and the pharmacist who filled that prescription could be arrested and prosecuted.

Think about it. Only 40 years ago that was the case. There was a group who believed that their religious beliefs were so compelling about birth control that they installed it as a State law.

The law was challenged. It came before the Supreme Court. The Supreme Court came down with what has now become a time-honored decision that said, no, built into this Constitution there may not be the word "privacy," but the concept of privacy. There are certain things that we, as individuals, should be protected to make decisions about—the intimacy of marriage, the privacy of our personal life.

What I hear in the language of Mr. Pryor, and many others of his point of view, is really questioning this fundamental concept of protecting individual, personal privacy. It is their belief, many of them, that the Government should rule on these decisions.

On the issue of voting rights, Mr. Pryor has urged Congress to take steps that would undermine the right of African Americans to vote. While testifying before the Judiciary Committee in 1997, he urged Congress to "consider seriously . . . the repeal or amendment of section 5 of the Voting Rights Act." This is a key provision that guarantees the right of African Americans and other racial minorities to achieve equal opportunity in voting.

Section 5 requires certain States to obtain preapproval before changing their voting rights standards, such as redistricting or the location of polling places. It is clearly a vestige of America in transition from racial division and discrimination to a more open, equal policy.

Mr. Pryor, as attorney general of Alabama, raised questions as to whether or not the Federal Government should continue to try to meet that standard. I strongly disagree with that sentiment. He called section 5 "an affront to federalism and an expensive burden that has far outlived its usefulness."

I say to Mr. Pryor and others who are white Americans that we cannot possibly understand how much this means, what it means to an individual to have the right to vote, particularly a person of color, a minority in America, and section 5 is there to guarantee it.

As attorney general of Alabama, Mr. Pryor testified that it had outlived its usefulness. I disagree with his sentiment. Thankfully, so did the Supreme Court and most Members of Congress.

There are so many other issues. Tobacco is another one. When it comes to tobacco, Mr. Pryor has been one of the Nation's foremost opponents of a critical public health issue—compensation for the harms caused by tobacco companies. He has ridiculed lawsuits against tobacco companies saying:

> This form of litigation is madness. It is a threat to human liberty, and it needs to stop.

Remember, those are the lawsuits against tobacco companies that had openly deceived Americans into believing their product was safe, leading to addictions, disease, and death. And when lawsuits were brought by attorneys general across America against the tobacco companies, they settled, knowing they would lose in court, and paid billions of dollars, confessing, in the process, their own wrongdoing.

Despite that, Attorney General Pryor, in Alabama, said this was a threat to human liberty to bring these lawsuits against tobacco companies. What was he thinking?

His fellow State attorneys general have been highly critical of him for his comments on these tobacco lawsuits. Former Mississippi Attorney General Michael Moore said:

> Bill Pryor was probably the biggest defender of tobacco companies of anyone I know. He did a better job of defending the tobacco companies than their own defense attorneys.

Former Arizona Attorney General Grant Woods, a Republican, said this of Mr. Pryor:

> He's been attorney general for about 5 minutes, and already he's acted more poorly than any other attorney general.

These are his colleagues commenting on his view of the law and his personal philosophy.

Gun control is another issue where Mr. Pryor has demonstrated disregard, if not downright hostility, to even reasonable firearm restrictions.

In United States v. Emerson, he filed an amicus brief with the Supreme Court, arguing the man who was the subject of a domestic violence restraining order should be allowed to possess a firearm.

I can tell you, from my life experience and legal experience, that is a very bad position to take. We know that if someone has a restraining order against them because they are going to commit domestic violence, the last thing we want to give them is a gun. That is what the case is about. Mr. Pryor in that case said, no, they have a right to have a firearm, even if they have a domestic abuse restraining order against them.

He called the Government's position a "sweeping and arbitrary infringement on the second amendment right to keep and bear arms."

I will stand here and defend to the end the right of an individual to own a firearm legally in America, to use it for legitimate purposes—for self-defense, for hunting, for sport—but to think Mr. Pryor believes the second amendment right is so absolute that we should give guns to men who batter their wives, I just do not understand it. It does not show common sense, let alone an understanding of the law.

Incidentally, he was the only attorney general in the United States of America who took that position.

Mr. Pryor once called those who exercised their legal rights against gun dealers and manufacturers "leftist bounty hunters." The list goes on and on.

On environmental protection, Mr. Pryor was the only State attorney general in the country to file a brief with the U.S. Supreme Court arguing that the Constitution does not give Congress the authority to protect waters that provide a habitat for migratory birds.

In another case, he was the only State attorney general to file a brief urging the Supreme Court to declare unconstitutional Federal efforts to protect wildlife on private lands under the Endangered Species Act.

He has written that his "favorite victory of the 2000 term" was the Supreme Court ruling in Alexander v. Sandoval, an infamous decision that made it more difficult to bring environmental justice cases under title VI of the Civil Rights Act.

Judge Pryor has served as a recess appointment on the Eleventh Circuit for about a year now. Senator SPECTER, chairman of the Judiciary Committee, whom I respect very much, has now tried to make the case that he would be a moderate, fairminded judge based on 1 year of service, under the glare of spotlights, as people watched every decision handed down. He suggests he is going to change, he is not going to be the old William Pryor, if we give him an appointment to the Eleventh Circuit. He will be less political. Chairman SPECTER said he will be less of an activist.

I am not persuaded. He has not really had an opportunity to rule on the full spectrum of issues he will face in a lifetime on the bench.

There have been only so many cases which he has considered. Some you can consider liberal in his decisionmaking, some conservative, but to take this 1 year of a probationary period, with this close scrutiny, and say that is what he is all about, I think is to overstate the case.

Mr. Pryor and his supporters have a simple strategy to try to convince the Senate to grant him a lifetime position as a Federal judge. Rather than talk about his troubling record or radical views, they focus on his religious affiliation and accuse anyone who questions him of religious discrimination. I think that is wrong.

We should take care and understand what the Constitution says very directly about religion. There are three references, and the three references have really done a good job for America in over 200 years. The first is each person is entitled to his or her religious beliefs. Believe what you want to believe in the name of religion or do not believe anything. That is your right, your freedom of conscience to make that decision.

Secondly, this Government will not establish a church. We are not going to say this is a Christian nation and everything we do will be handled by the standards of Christ's teachings. We cannot do that under our Constitution. We should not do that because of diversity of religious belief.

Finally, that there be no religious test under the Constitution for anyone seeking office, as I mentioned earlier.

I think we have to be careful here about the use of religion in the debate about William Pryor and careful about it as we speak on the floor. It is not Mr. Pryor's ideas about religion that trouble me. It is his views and record on women's right, voting rights, inmates' rights, consumers rights, the constitutional principle of separation of church and State. Time and again, as Alabama attorney general, Mr. Pryor has taken extreme positions, made extreme statements on such a wide range of issues that the 25 to 30 minutes I have spoken here cannot possibly cover it.

He and his supporters say he will be a changed person. He will go through the so-called confirmation conversion. This will be the new William Pryor. Sadly, I believe, given a lifetime appointment, he will revert to form. He will follow the pattern of his life, the pattern of his statements, and the pattern of his beliefs.

Based on review of his record, it is a risk I cannot, in good conscience, take, and I will vote against Mr. Pryor's nomination.

BIG TOBACCO

Mr. DURBIN. Mr. President, on a separate subject, there was a decision reached this week by the Department of Justice which was very troubling. A lawyer sold out his client. It happens all the time. It is wrong, but it happens. What makes this case unique is the lawyer is the Attorney General and the client is the people of America. In a lawsuit that had been brought against the tobacco companies, there was expert testimony to the fact these tobacco companies should pay up to $130 billion over 25 years for lying to the American people and for all the medical expenses their deadly product created. A similar lawsuit was brought by the States not that long ago. So the Department of Justice, slow to begin this process, was taking the tobacco companies to court.

Then, out of the blue, came the following, and this was reported in the press:

> After 8 months of courtroom argument, Justice Department lawyers abruptly upset a landmark civil racketeering case against the tobacco industry yesterday by asking for less than 8 percent of the expected penalty.

Suing for $130 billion, the lawyer for the people of the United States walked into the courtroom this week and said: Oh, we just want $10 billion. The story goes that this Justice Department lawyer, Stephen Brody, even shocked the tobacco company representatives by announcing that he only needed $10 billion over 5 years. The Government's own expert said $130 billion over 25 years. What a discount. Here is the lead from the story:

> Government lawyers asked two of their own witnesses to soften recommendations about sanctions that should be imposed on the tobacco industry if it lost a landmark civil racketeering case, one of the witnesses and sources familiar with the case said yesterday.

Matt Myers, a person I know and worked with in the past, said he was asked to basically change his testimony to lighten up on the tobacco companies. He confirmed in this article. The second witness declined comment, but four separate sources familiar with the case said the Justice Department asked the same of him.

By the time the Government opened its racketeering case against tobacco companies last September, it had already spent $135 million to develop its case. Why, at the 11th hour, would the Government's own lawyers, the people's own lawyers, fold under the pressure of the tobacco companies and give away so much potential recovery for the taxpayers of America?

Why would they ignore the advice of their own expert witness to seek a penalty of $130 billion and reduce their demand to $10 billion over 5 years?

Even the lawyer for Philip Morris tobacco company coordinating the case said as follows:

> They've gone down—

Meaning the Government, your lawyer, the attorney—

> from $130 billion to $10 billion with absolutely no explanation. It's clear the Government hasn't thought through what it's doing.

End of quote from Dan Webb, the lawyer from the tobacco company, who could not believe what he had heard when the Department of Justice walked into the courtroom and said: We are going to deeply discount the amount we are trying to recover.

Why is this money important? There are 45 million smokers in America. Many of them want to quit. The money was going to be used for cessation programs, reducing disease and death in America, and the Bush administration walked away from it, walked away from the vast amount already established in court as the amount necessary to move these programs forward.

In court yesterday, a Philip Morris lawyer tried to explain away the reduced fine by claiming that the Government's case was in disarray. The judge in the case interrupted the tobacco lawyer who was trying to put some credibility into the new position of the Bush administration by saying that was not true.

So what is the reason? Sadly, it is because there is too much political impact by the tobacco lobby on this administration, particularly on Associate Attorney General Robert McCallum, Jr.

Who is he? This is what the L.A. Times said about him:

> Before his appointment in the Justice Department . . . he had been a partner at Alston & Bird, an Atlanta-based firm that had done trademark and patent work for R. J. Reynolds Tobacco. In 2002, McCallum signed a friend-of-the-court brief by the administration urging the Supreme Court not to consider an appeal by the Government of Canada to reinstate a cigarette smuggling case against R. J. Reynolds that had been dismissed. The Department's ethics office had cleared McCallum to take part in the case.

Let me point out, in fairness to Mr. McCallum, that he is not the only friend of the tobacco industry in the Bush administration. There are many.

Does this have something to do with the surprise announcement yesterday that the Justice Department was selling out its client, the American people, those addicted to tobacco? That is why Senators LAUTENBERG, KENNEDY, WYDEN, and I have sent a letter to the inspector general of the Justice Department, asking him to investigate this reversal of position by the Attorney General.

Just why in the world has the Attorney General of the United States thrown in the towel, given up, when he was supposed to be fighting for people across America who need this public health assistance?

I think that is a critical and unanswered question, which I hope the inspector general will address.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I rise today to express my strong support for the nomination of Bill Pryor, to serve on the United States Court of Appeals for the Eleventh Circuit.

I have known Bill for many years and have the highest regard for his intellect and integrity. He is an extraordinarily skilled attorney with a prestigious record of trying civil and criminal cases in both the Federal and State courts. He has also argued several cases before both the Supreme Court of the United States and the supreme court of the State of Alabama.

As the Attorney General of the State of Alabama, Judge Pryor established a reputation as a principled and effective legal advocate for the State and distinguished himself as a leader on many important State issues. During his tenure as Attorney General, it was his duty and obligation to represent and defend the laws and interests of the State of Alabama. And while he may not have always agreed with those laws, he consistently fulfilled his responsibility dutifully and responsibly.

Long before being nominated to the Eleventh Circuit, Judge Pryor made it a priority to be open and honest about his personal beliefs, which is what voters expect from the persons whom they elect to represent them. Yet he has shown again and again that when the law conflicts with his personal and political beliefs, he follows the law as articulated by the Constitution and the Supreme Court.

Despite his detractors, I believe it is important to note that actions speak louder than words, and certainly, Judge Pryor's actions since joining the Eleventh Circuit speak volumes about his fairness and impartiality. During his brief tenure on the Court, Judge Pryor has authored several opinions that effectively demonstrate his willingness to protect the rights of those often overlooked in the legal system.

In light of all of the information that has been presented here today, I believe that we must confirm Judge Pryor. Bill Pryor is a man of the law and that is what we need in our Federal judiciary. Whether as a prosecutor, a defense attorney, the Attorney General of the State of Alabama, or a Federal judge, he understands and respects the constitutional role of the judiciary and specifically, the role of the Federal courts in our legal system. Indeed, I have no doubt that he will make an exceptional Federal judge because of the humility and gravity that he brings to the bench. I am also confident that he will serve honorably and apply the law with impartiality and fairness—just as he has done during his brief tenure on the Eleventh Circuit.

I again encourage my colleagues to support Judge Pryor's nomination because I believe it is what is right for our people, and it is what is right for our country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I rise today in support of the nomination of Judge William Pryor to the Eleventh Circuit Court of Appeals.

I would like to respond to the accusations by some of my colleagues concerning Bill Pryor's comments related to Section 5 of the Voting Rights Act. Judge Pryor has an outstanding record on civil rights and a demonstrated commitment to seeking equal justice for persons of all races.

Nevertheless, some of my colleagues on the other side have tried to characterize Bill Pryor as "out of the mainstream" because, as you have heard, he has called for the amendment of Section 5 of the Voting Rights Act.

Judge Pryor is not out of the mainstream on this issue, and I'll explain why.

After you hear who agrees with Judge Pryor on his reasoning here, I think you will agree with me that if Bill Pryor is "out of the mainstream" on his critiques of Section 5 of the Voting Rights Act, he's "out there" with some great Americans.

First, let me explain what Section 5 of the Voting Rights Act is about. Section 5 requires any "covered States"—States that are subject to the Voting Rights Act—to pre-clear any decision to change "any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting."

The Supreme Court in Allen v. State Board of Elections has made it clear that the:

> legislative history on the whole supports the view that Congress intended to reach any State enactment which altered the election law of a covered State in even a minor way.

In practice, this means that Section 5 requires Federal officials at the Department of Justice to approve even very minor practices related to voting.

For example, if a State moved a polling place from one side of a street to another, this action would have to be pre-cleared by the Justice Department pursuant to Section 5.

Bill Pryor has called the Voting Rights Act "one of the greatest and most necessary laws in American history," but he has taken to task Federal courts that have "turned the Act on its head and wielded' . . . power to deprive all voters of the right to select . . . public officers," even though the Act "was passed to empower minority voters in the exercise of the franchise."

As Alabama Attorney General, Bill Pryor was by no means alone in his criticisms of the Section 5 of the Voting Rights Act.

In a brief before the Supreme Court in the case of Georgia v. Ashcroft, Thurbert Baker, our State Attorney General in Georgia, who himself is a Democrat and African-American, called Section 5 an "extraordinary transgression of the normal prerogatives of the states" and "a grave intrusion into the authority of the states."

General Baker also stated that:

> Section 5 was initially enacted as a "temporary" measure to last five years precisely because it was so intrusive.

Mr. President, I ask unanimous consent to have a copy of a letter that General Baker wrote back in 2003 to Senators SHELBY and SESSIONS of Alabama, in which General Baker describes Bill Pryor as "an excellent candidate for a slot on the 11th Circuit Court of Appeals," printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF LAW,
Atlanta, GA, March 31, 2003.

Hon. RICHARD SHELBY,
U.S. Senate, Hart Senate Office Building, Washington, DC.
Hon. JEFF SESSIONS,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATORS: I have had the great pleasure of knowing and working with Bill Pryor over the past five years. Through the National Association of Attorneys General, Bill and I have worked together on matters of mutual concern to Georgia and Alabama. During that time, Bill has distinguished himself time and again with the legal acumen that he brings to issues of national or regional concern as well as with his commitment to furthering the prospects of good and responsive government.

During his tenure as Attorney General, Bill has made combating white-collar crime and public corruption one of the centerpieces of his service to the people of Alabama. He joined the efforts of Attorneys General around the country in fighting the rising tide of identity theft, pushing through legislation in the Alabama legislature making identity theft a felony in Alabama. Bill has fought to keep law enforcement in Alabama armed with appropriate laws to protect Alabama's citizens, pushing for tough money laundering provisions and stiff penalties for trafficking in date rape drugs.

Time and again as Attorney General, Bill has taken on public corruption cases in Alabama, regardless of how well-connected the defendant may be, to ensure that the public trust is upheld and the public's confidence in government is well-founded. He has worked with industry groups and the Better Business Bureau to crack down on unscrupulous contractors who victimized many of Alabama's more vulnerable citizens.

From the time that he clerked with the late Judge Wisdom of the 5th Circuit to the present, though, the most critical asset that Bill Pryor has brought to the practice of law is his zeal to do what he thinks is right. He has always done what he thought was best for the people of Alabama. Recognizing a wrong that had gone on far too long, he took the opportunity of his inaugural address to call on an end to the ban on inter-racial marriages in Alabama law. Concerned about at-risk kids in Alabama schools, he formed Mentor Alabama, a program designed to pair volunteer mentors with students who needed a role model and an attentive ear to the problems facing them on a daily basis.

These are just a few of the qualities that I believe will make Bill Pryor an excellent candidate for a slot on the 11th Circuit Court of Appeals. My only regret is that I will no longer have Bill as a fellow Attorney General fighting for what is right, but I know that his work on the bench will continue to serve as an example of how the public trust should be upheld.

Sincerely,

THURBERT E. BAKER.

Mr. CHAMBLISS. General Baker goes on in his letter to my colleagues from Alabama to say:

> My only regret is that I will no longer have Bill as a fellow Attorney General fighting for what is right, but I know that his work on the bench will continue to serve as an example of how the public trust should be upheld.

Judge Pryor's concerns about Section 5 have been borne out in Georgia, where the State appealed to the Supreme Court in Georgia v. Ashcroft to have a recent redistricting plan approved following the 2000 decennial census, and after a Federal district court found that Georgia's plan violated Section 5.

During the litigation in the district court, Congressman JOHN LEWIS, a hero of the civil rights movement, testified on behalf of the State of Georgia in support of the plan, noting that Georgia:

> is not the same state it was. It's not the same state that it was in 1965 or in 1975, or even in 1980 or 1990. We have changed. We've come a great distance.

JOHN LEWIS knows that thoughtful review of Section 5 could be of some benefit.

According to the New York Times, Georgia's plan, pushed by both "white and black Democrats," represented an attempt:

> to reverse [a] trend in Georgia and elsewhere by redistributing some of the black voters and re-integrating suburban districts to gain a better chance of electing Democrats.

That is a quote from a New York Times article of January 18, 2003 at A12.

The New York Times further notes that Georgia currently has:

> some safe Democratic districts with large black majorities, along with a sharply increased number of Republicans elected from suburban districts that had become increasingly white.

In his brief in Georgia v. Ashcroft, Georgia Attorney General Thurbert Baker cited his own election as an example of how African-American candidates can take "the overwhelming majority of the total vote against their white opponents" without the benefit of supermajority districts.

The Federal Government opposed Georgia's plan on the ground that Section 5 does not give Georgia the power to eliminate supermajority minority legislative districts, even in the name of increasing overall minority voting power.

Section 5 has not only placed a burden on covered States, but also on the Justice Department, which has wasted time by being forced to pre-clear a huge number of changes in voting practices that have nothing to do with minority voting rights.

Section 5 requires covered states to pre-clear any decision to change:

> any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting.

Again, the Supreme Court has made it clear that the:

> legislative history on the whole supports the view that Congress intended to reach any state enactment which altered the election law of a covered State in even a minor way."

That statement is included in *Allen* v. *State Board of Elections*, 393 U.S. 544, 566.

For example, if a State moved a polling place from one side of a street to another, this action would have to be pre-cleared by the Justice Department pursuant to section 5, which indicates that "any change in the boundaries of voting precincts or in the location of polling places" requires pre-clearance.

Another great American, the late U.S. Supreme Court Justice Lewis Powell also criticized section 5 of the Act.

President Clinton has called Justice Powell "one of our most thoughtful and conscientious judges" and a Justice who reviewed cases "without an ideological agenda."

In 1973, in another case styled as Georgia v. United States, Justice Powell wrote in a dissenting opinion that:

> It is indeed a serious intrusion, incompatible with the basic structure of our system, for federal authorities to compel a state to submit its [reapportionment] legislation for advance review [under section 5].

The most important point I would like to stress is that despite Mr. Pryor's well-documented concerns about Section 5 of the Voting Rights Act, he has vigorously enforced all provisions of the Act.

Let me give you two examples. First, when Alabama state legislator J.E. Turner died and the new candidate wanted to use stickers to place his name on the ballot, Attorney General Pryor issued an opinion stating that the use of stickers required pre-clearance under Section 5 of the Act. Certainly this illustrates that Bill Pryor was able to separate his personal disagreement with the requirements of Section 5 from his duty as Alabama's Attorney General to enforce the provision despite his personal views.

A second example involved Mr. Pryor's successful defense of several majority-minority voting districts, approved under Section 5, from a challenge by a group of White Alabama voters in the Sinkfield v. Kelley case. The voters, who were residents of various majority-White voting districts, sued the State of Alabama in Federal court, claiming that Alabama's voting districts were the product of unconstitutional racial gerrymandering.

The districts were created under a state plan whose acknowledged purpose was the maximization of the number of majority-minority districts in Alabama. Attorney General Pryor personally defended the majority-minority districts all the way to the U.S. Supreme Court, which held that the White voters could not sue because they did not reside in the majority-minority district and had not personally been denied equal treatment.

When some of these provisions of the Voting Rights Act are up for renewal, we should review and consider them in a very deliberative, bipartisan manner to make sure that the law today reflects the realities of our society here in the 21st Century.

Thurbert Baker and Bill Pryor, as attorneys general of two neighboring states in the South, know this to be the case one is African-American and one is White; one is a Democrat and the other is a Republican, but together they share a vision of making the voting rights laws of our country effective and enforceable in today's times.

To sum up, Bill Pryor has established an impressive record as a fair, diligent, and competent public servant. Two of my fellow Georgians, John Lewis and Thurbert Baker, have expressed concerns with Section 5 of the Voting Rights Act, just as Bill Pryor did and just as the late Justice Lewis Powell did.

This is not out-of-the-mainstream thinking; it's thoughtful and sincere analysis.

Even the liberal New York Times had to concede as much in its comments regarding Georgia's redistricting plan.

Bill Pryor's nomination to the Eleventh Circuit enjoys strong bipartisan support in his home State of Alabama, and in my home State, which is also part of the Eleventh Circuit.

A month ago, I visited with a number of my district court judges, all of whom said that in their contact with the Eleventh Circuit Court of Appeals, they had nothing but great things to say about the job Bill Pryor is doing as an interim appointee to the Eleventh Circuit. I urge my colleagues to vote in favor of his confirmation today.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I am here to speak on the nomination of William Pryor to the Eleventh Circuit. Bill Pryor's nomination is the last of the three covered by the deal worked out by 14 of our colleagues to avoid meltdown in the Senate.

Yesterday was the vote on Janice Rogers Brown. It was a sad vote. Not a single Republican Senator broke with his or her party to vote against a nominee whom even the National Review, George Will, and others singled out for her judicial activism and radicalism. It showed again that the other side is willing to march in almost total lockstep with the President. If they had their way, the Senate would be a complete rubberstamp for any nominee the President proposes—totally against what the Founding Fathers intended this Senate to be.

The count is 2,921 to 2. Out of almost 3,000 votes on appellate court nominees, 44 in all, only twice have Republican Senators dared to deviate from the party line. Is that the kind of independent thinking that an up-or-down vote entails? It is a sad day, indeed. For sure, Janice Rogers Brown's views do not mirror those of most of my colleagues or even come close.

In a moment, I will go through all the reasons I am opposed to Judge Pryor's nomination and all the things he said with which I strongly disagree. Here is one I agree with. In his testimony before the Senate in 1997, Judge Pryor told Senators, "Your role of advice and consent in judicial nominees cannot be overstated." On this point, Judge Pryor and I see eye to eye.

As we await a slew of new nominations from the President, as we await the possible retirement of a Supreme Court Justice, and as we vote on the current nominees in the wake of an agreement that specifically urged

President Bush to consult the Senate in advance of nominations. I again plead with the President and my colleagues to look to the future. Look to a future where harmony can replace acrimony in the Senate, where bipartisanship can replace one-upmanship, and where discourse can replace demagoguery. How can that be done? It is very simple. The President can, as he said he would in a recent press conference, consult meaningfully with Senators before trying to jam extreme nominees down our throats.

The renomination of Bill Pryor was the most breathtaking example of the President's ignoring checks and balances and bypassing the Senate's role in the nomination and confirmation process. The President stuck a thumb in the eye of bipartisanship when he renominated people like Janice Rogers Brown, Priscilla Owen, and Richard Myers after they were rejected by the Senate.

But the President did not get his way with William Pryor, and then he took the truly extraordinary step of making a recess appointment. While the renomination of rejected judges was a thumb in the eye to bipartisanship, the recent appointment of Bill Pryor was a punch in the face. This was particularly outrageous because not only is Bill Pryor one of the most ideologically driven nominees we have ever seen but also because there were questions about his credibility with the committee, and there was an unfinished investigation regarding the Republican Attorney General Association that he founded.

It is not enough for him or any other nominee to simply say: I will follow the law. His views are too well known. His record is clear about how he will vote as a judge. We all know that judging is not a rote process. We all know our own individual values and thoughts influence how we interpret the law. If it were just by rote, we would have computers on the bench instead of men and women in black robes. There is a degree of subjectivity, especially in close cases and controversies on hot-button issues. It is hard to believe that the incredibly strong ideological bent of this nominee will not have an impact on how he rules.

As my colleagues know, I have no litmus test when it comes to nominees. I am sure most of this President's judicial nominees have been pro-life, but I voted for so many of them because I have been persuaded they are committed to upholding the rule of law. I, for one, believe a judge can be pro-life and yet be fair and balanced and uphold the woman's right to choose. But for a judge to set aside his or her own personal views, the commitment to the rule of law must clearly supersede his or her personal agenda. That is a trick some can pull off. Not everybody can.

Let's take a moment to review some of the more radical remarks William Pryor has made and some of the more polemical positions he has taken. On criminal justice issues, I tend to be conservative. I tend to agree with most of my Republican colleagues. But there are lines which should not be crossed.

William Pryor defended his State's practice of handcuffing prisoners to hitching posts in the hot Alabama Sun for 7 hours without even giving them a drop of water to drink, and then he criticized the Supreme Court—hardly a liberal court—when it held this practice violated the eighth amendment ban on cruel and unusual punishment. We do have standards. We are not a medieval society, even for those of us who believe in tough punishment. What Pryor did, he goes far, too far, to say the least. In criticizing the Supreme Court's decision, he accused the Justices of applying their own subjective views on appropriate methods of prison discipline. The Supreme Court, which I believe was unanimous—or maybe 8 to 1—in rejecting William Pryor's view, was far more appropriate than he was.

He also called the Supreme Court's decision in Miranda—something that is part of judicially accepted law—one of the worst examples of judicial activism.

He has vigorously opposed the exemption of retarded defendants from being executed. He submitted an amicus brief to the Supreme Court in Atkins v. Virginia, and he argued that mentally retarded individuals should be subjected to the death penalty like anyone else.

When issues have been raised about the fair and just administration of punishment, particularly in some of these cases, Mr. Pryor's reaction has been to scoff.

When asked what steps Alabama would take to ensure that the death penalty was fairly applied—and I have supported the death penalty—regardless of the defendant's race, he said:

> I would hate for us to judge the criminal justice system in a way where we excuse people from committing crimes because, well, we have imposed enough punishment on that group this year, and that's precisely what you are being asked to think of with that kind of analysis.

It is ridiculous. The analysis simply said, don't take race into account. This is a judge who will be fair and impartial and open to advocates' positions on both sides of an issue?

How about States rights? Mr. Pryor has been one of the staunchest advocates of efforts to roll back the clock, not just to the 1930s but to the 1890s. He is an ardent supporter of an activist Supreme Court agenda cutting back Congress's power to protect women, workers, consumers, the environment, and civil rights.

As Alabama's attorney general, Mr. Pryor filed the only amicus brief from among the 50 States. Only 1 attorney general out of all 50 filed a brief urging the Supreme Court to undo significant portions of the Violence Against Women Act. I am a proud author of that act. I carried the bill in the House when I was a Congressman. And to be so opposed to preventing women from being beaten by their husbands and taking remedies to deal with women who are so beaten makes no sense to me.

In commenting on that law, Pryor said:

> One wonders why [VAWA] enjoys such political support, especially in the Congress.

One wonders why it enjoys such support when, for the first time, we in Washington, hailed by Republicans and Democrats, started trying to help women who were beaten by their husbands? When they used to go to certain police stations, they were told—not out of malice but out of ignorance—go home, it is a family matter; whose children had watched them be hit? And he cannot understand why it enjoys such political support? He is not the kind of man I want on the court of appeals.

How about child welfare? Bill Pryor's ardent support of States rights extends even to the realm of child welfare. At the same time he was conceding that Alabama had failed to fulfill the requirements of a Federal consent decree regarding the operation of a child's welfare system, he was demanding his State be let out of the deal.

On environment, we have more of the same concerns. Pryor was the lone attorney general to file an amicus brief arguing the Constitution does not give the Federal Government power to regulate interstate waters as a habitat for migratory concerns.

When it comes to disabilities, contrast Mr. Pryor's approach with the approach he took in Bush v. Gore. Bill Pryor was the lone State attorney general to file an amicus brief supporting the Supreme Court's intervention in Florida's election dispute. Every other attorney general, Democrat and Republican, had the sense to stay out of this dispute. Not Mr. Pryor.

Yet when it came to the ADA, the disabilities act, Mr. Pryor was the driving force behind the case in which a nurse contracted breast cancer, took time off to deal with her illness, and when she returned—in violation of the ADA—she found that she was demoted.

In conclusion, Mr. Pryor is extreme. Again, why is he, over and over again, 1 of the 50 attorneys general—there are a lot of conservative attorneys general—to file these briefs? Why is he, on things that are part of the mainstream of American feelings and jurisprudence—environment, Americans With Disabilities Act—way over?

Why did he say:

> I will end with my prayer for the next administration. Please, God, no more Souters?

That is what he said before the Federalist Society, a Republican appointee to the bench. The man is clearly an ideologue. The man does not respect the rule of law in too many instances.

As I have said before, Bill Pryor is a proud and distinguished ideological warrior. But ideological warriors, whether from the left or from the right, are bad news for the bench. They tend to make law, not interpret law. That is not what any of us should want from our judges. Ideological warriors, whether from the left or the right, do not belong on courts of appeals.

I will suggest that you do not need to take my word for it. Here is what Grant Woods, the former attorney general of Arizona, and a conservative Republican, said of Mr. Pryor: While I would have great question of whether Mr. Pryor has an ability to be nonpartisan, I would say he was probably the most doctrinaire and partisan attorney general I have dealt with in 8 years. So I think people would be wise to question whether or not he is the right person to be nonpartisan on the bench.

I could not have said it better myself.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Iowa.

Mr. HARKIN. Mr. President, I am here to speak again, as so many before me, on the nomination of William Pryor to the Eleventh Circuit Court of Appeals.

Now, we have heard many concerns and complaints about Mr. Pryor. We have heard that Mr. Pryor cost his State millions of dollars when he refused to join litigation seeking to hold tobacco companies accountable for the cost of smoking because he believes that "smokers, as a group, do not impose the cost of their habit on the government" and, listen to this, that the premature deaths of smokers actually save the Government the cost of "Social Security, pensions, and nursing home payments."

We have heard about Mr. Pryor's vigorous defense of Alabama's use of the hitching post as a punishment, a practice the Supreme Court held to be cruel and unusual punishment.

So there has been a lot of talk about different things about Mr. Pryor and what he has stood for, but I am here specifically to talk about Mr. Pryor's persistent, repeated efforts to eliminate the ability of people with disabilities to receive equal treatment in our society. I am here to talk about this nominee's hostility toward the Americans with Disabilities Act.

Most of my colleagues know that I had a brother who was deaf. Through his eyes, my family and I saw firsthand what discrimination against persons with disabilities looks like. It was, and still is, very real.

When we in Congress sought to remedy this history of discrimination, we spent years laying out, piece by piece, a legislative record fully documenting the overwhelming evidence that discrimination against people with disabilities in America was rampant. At the time we passed this bill, we took care to make sure that this important civil rights law had the findings and the constitutional basis to pass muster with the Supreme Court. The signing of the ADA was the culmination of a monumental bipartisan effort that sought to right decades worth of wrongs.

So what did William Pryor have to say about this bill that was signed by President Bush in 1990, supported overwhelmingly by the American people, supported overwhelmingly by both Republicans and Democrats in the Senate and the House? What did he have to say about it? In the case of Board of Trustees of the University of Alabama v. Garrett, he argued that Congress did not identify "even a single instance of unconstitutional conduct" to support the Americans with Disabilities Act.

This is complete and utter nonsense. We documented it, hundreds and hundreds and hundreds of cases of unconstitutional discrimination against people with disabilities—cases of the forced sterilization of people with disabilities, the denial of educational opportunities, unnecessary institutionalizations, among others.

Mr. Pryor has made no secret of the fact that he does not believe we in Congress have the power to pass laws to protect people from discrimination. He has worked hard to find cases with which to challenge the power of Congress to protect victims of domestic violence, victims of age discrimination, and women seeking to take maternity leave under the Family and Medical Leave Act. He has also repeatedly filed cases challenging Congress's authority to allow Americans with disabilities to live full and productive lives under the Americans with Disabilities Act.

Now, some of my colleagues may remember that 2 years ago I stood on this floor and asked Senators to oppose the nomination of Jeffrey Sutton because Mr. Sutton had devoted a significant portion of his legal career to trying to have the Americans with Disabilities Act and other laws designed to protect Americans from discrimination declared unconstitutional. At that time, many of my colleagues on the other side of the aisle argued that Jeffrey Sutton should be confirmed because he was simply doing the work on behalf of his client. Well, guess who his client was. The client was William Pryor, then-attorney general of Alabama.

It is hard to imagine any other nominee with such a record of aggressive negative activism. Given the record of William Pryor, it is impossible to imagine that someone with a disability rights or civil rights claim will get a fair decision by him.

So I cannot support putting someone on a Federal circuit court who has gone out of his way and worked hard affirmatively to undermine the Americans with Disabilities Act. And that is what he has done.

Mr. President, I have a list of 68 groups, disability-related groups. They represent the interests of individuals with disabilities, both nationally and some in States. I ask unanimous consent that the list of these 68 organizations, along with a few letters from a number of the groups, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISABILITY COMMUNITY OPPOSITION TO PRYOR

NATIONAL

AAPD
ACCESS FOR AMERICA
ADA WATCH
Bazelon Center for Mental Health Law
National Association of the Deaf (NAD)
National Coalition on Self Determination, Inc.
National Disabled Students Union (NDSU)
National Council on Independent Living (NCIL)
United Spinal (formerly Eastern Paralyzed Veterans)
World Association of Persons with Disabilities

ALABAMA

Independent Living Center of Birmingham, Alabama
Center for Independent Living of Jasper, Alabama

ALASKA

Southeast Alaska Independent Living

ARIZONA

Arizona Bridge to Independent Living (ABIL) of Phoenix, AZ
Services Maximizing Independent Living and Empowerment (SMILE) of Yuma, AZ
New Horizons Independent Living Center, (Prescott Valley, AZ)

CALIFORNIA

California Council of the Blind
California Democratic Party Disabilities Caucus
Disability Resource Agency for Independent Living, (Stockton, CA)
Independent Living of Southern California
Independent Living Center (Claremont, CA)
Independent Living Resource Center of San Francisco, CA
Independent Living Resource Center (Ventura, CA)
Placer Independent Resource Services
Southern California Rehabilitation Services
California Foundation for Independent Living Centers (CFILC)

COLORADO

Center for Independence Grand Junction (Grand Junction, CO)

FLORIDA

Access Now
Center for Independent Living of South Florida (Miami, FL)
Self Reliance, Inc. (Tampa, FL)

IDAHO

Disability Action Center NW, Inc. (Coeur D'Alene, ID)

ILLINOIS

Center for Independent Living of Illinois/Iowa
Lake County Center for Independent Living
Illinois Network of Centers for Independent Living

IOWA

Center for Independent Living of Illinois/Iowa

KANSAS

Southeast Kansas Independent Living Resource Center (SKIL)
Prairie Independent Living Resource Center (PILR) (Hutchinson, KS)
Cherokee County Advocacy Group

KENTUCKY

Kentucky Disabilities Coalition

MAINE

Maine Developmental Disabilities Council

MARYLAND

Eastern Shore Center for Independent Living (Cambridge, MD)
The Freedom Center (Frederick, MD)

MASSACHUSETTS

Stavros Center for Independent Living (Amherst, MA)

MISSISSIPPI

Mississippi Statewide Independent Living Council
Mississippi Coalition for Citizens with Disabilities

MONTANA

Summit Independent Living Center, Inc. (Missoula, MT)
Living Independently for Today and Tomorrow (Billings, MT)

NEW JERSEY

Center for Independent Living of South Jersey (Westville)
Heightened Independence and Progress (Hackensack)

NEW YORK

ARISE (Syracuse)
Southern Tier Independence Center (Binghamton)
The Genesee Region Independent Living Center (Batavia, NY)
Northern Regional Center for Independent Living (Watertown)

OHIO

The Ability Center of Defiance, OH
The Ability Center of Greater Toledo (Sylvania)
Tri-County Independent Living (Akron, OH)

OREGON

Disability Advocacy for Social and Independent Living (DASIL) (Jackson County, OR)

PENNSYLVANIA

Pennsylvania Statewide Independent Living Council
Pennsylvania Council for the Blind

SOUTH CAROLINA

Disability Resource Center, (North Charleston, SC)

TENNESSEE

Tennessee Disability Coalition

TEXAS

Houston Area Rehabilitation Association
ABLE Center for Independent Living (Odessa, TX)

VIRGINIA

Disabled Action Committee (Dale City, VA)

WEST VIRGINIA

Fair Shake Network (Institute, WV)
Mountain State Centers for Independent Living (Huntington)

WISCONSIN

Options for Independent Living (Green Bay, WI)

Unknown: Options Center for Independent Living—Illinois or MN/ND?

ADA WATCH, NATIONAL COALITION
FOR DISABILITY RIGHTS,
Washington, DC, June 10, 2004.

Hon. PATRICK LEAHY.

DEAR SENATOR LEAHY: ADA Watch is an alliance of hundreds of disability and civil rights organizations united to protect the Americans with Disabilities Act (ADA) and the civil rights of people with disabilities. The disability community is opposed to the confirmation of Alabama Attorney General William Pryor because we do not believe a person with a disability would receive a fair hearing from a "Judge Pryor."

Pryor has demonstrated a commitment to extremism rather than to justice. Pryor's right-wing ideology is far outside the mainstream of American legal thought. Pryor has led the battle to undo the work of a democratically-elected Congress to legislate federal protections for American citizens. Despite widespread bipartisan support for the Americans with Disabilities Act (ADA), Pryor said he was "proud" of his role in weakening the ADA and "protecting the hard-earned dollars of Alabama taxpayers when Congress imposes illegal mandates on our state.

William Pryor, nominated to the U.S. Court of Appeals for the Eleventh Circuit, has been a leader in the effort to limit congressional power to enact laws protector civil rights. Pryor has prevailed in a series of 5–4 cases before the Supreme Court that have curtailed civil rights, including the *Board of Trustees of Alabama* v. *Garrett*, which successfully challenged the constitutionality of applying the Americáns with Disabilities Act of 1990 to states as employers.

Pryor argued that the protections of the ADA were "not needed" to remedy discrimination by states against people with disabilities. This decision prevents persons with disabilities from collecting monetary damages from state employers. Most significantly, it has resulted in fewer attorney being willing to represent individual in ADA cases against state employers. Despite the massive record of egregious conduct toward individuals with disabilities by states that Congress has compiled—including instances of forced sterilization of individuals with disabilities, unnecessary institutionalization, denial of education, and systemic prejudices and stereotyping perpetrated by state actors—Pryor argued that states were actually in the forefront of efforts to protect the rights of individuals with disabilities.

Pryor is a leading architect of the recent "states' rights" or "federalism" movement to limit the authority of Congress to enact laws protecting individual and other rights. He is among those fighting to eliminate federal protections and leave us with a patchwork of uneven civil rights protections dependent on an individual's zip code.

Sincerely,

JIM WARD.

OPPOSITION TO CONFIRMATION OF NOMINEE WILLIAM H. PRYOR, JR. TO U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

The National Association of the Deaf (NAD) is opposed to the confirmation of nominee William H. Pryor, Jr., to the U.S. Court of Appeals for the Eleventh Circuit.

Currently the Attorney General for the State of Alabama, Pryor is a "states' rights" and "federalism" ideologue, a leader in the movement to limit the authority of Congress to enact laws protecting individual civil rights. Pryor has fought aggressively against the Americans with Disabilities Act (ADA) and other laws that protect Americans with disabilities and other minorities.

The NAD is opposing Pryor because of his outspoken activism against federal civil rights protections for people with disabilities and other minorities. His commitment is to ideology, not to justice.

Established in 1880, the NAD is the nation's oldest and largest nonprofit organization safeguarding the accessibility and civil rights of 28 million deaf and hard of hearing Americans across a broad range of areas including education, employment, health care, and telecommunications.

The NAD is a dynamic federation of 51 state association affiliates including the District of Columbia, organizational affiliates, and national members. Primary areas of focus include grassroots advocacy and empowerment, policy development and research, legal assistance, captioned media, information and publications, and youth leadership.

KELBY N. BRICK,
Associate Executive Director, National Association of the Deaf Law and Advocacy Center.

ILLINOIS/IOWA CENTER FOR
INDEPENDENT LIVING,
Rock Island, IL, July 21, 2003.

Please note that the Illinois/Iowa Center for Independent Living opposes the nomination for William Pryor. We strongly feel that Mr. Pryor and his record as the Attorney General in Alabama does NOT support nor represent the millions of people with disabilities or their basic civil rights. Please know that we will do all we can to see that his nomination is stopped! Thank you for your cooperation and help!

SUSAN A. SACCO.

THE ABILITY CENTER OF
GREATER TOLEDO,
Sylvania, OH, July 14, 2003.

TO THE SENATE JUDICIARY COMMITTEE: The Ability Center of Greater Toledo expresses its adamant opposition to the nomination of William Pryor to the U.S. Court of Appeals for the Eleventh Circuit. Our opposition is based on his record as an attorney, as an Attorney General and on his comments made publicly which represent his personal views.

Mr. Pryor's professional position in cases such Garrett v. Alabama, and Alexander v. Sandoval, to name a few, indicate a distinct inclination toward the protection of states from individual's attempt to protect themselves under federal civil rights laws. The results of cases like these seriously weaken the enforcement of laws like the Americans with Disabilities Act and therefore seriously affect the independence and quality of life of American citizens with disabilities.

Mr. Pryor's publicly declared notion that the ADA was not needed, that there was no pattern of discrimination by the states, that Congress therefore had no authority to enact its protections, flies in the face of the thousands of cases of discrimination identified by Congress. His attitudes are a slap in the face of American citizens who were forced to be sterilized, institutionalized and otherwise denied access to places and things that able-bodied people take for granted. The passage of the ADA opened doors, literally and figuratively, to thousands of individuals to live, work and play when and where they chose. Unfortunately there continues to be defiance and ignorance of employers, businesses and government entities regarding the right to access and opportunity granted to all citizens. The ADA, and other civil rights legislation, is the only defense people with disabilities can call on to realize their independence and potential. There is no other protection or defense.

The Ability Center asks that you oppose this nomination as a statement that the civil rights of all U.S. citizens are a priority above all else. Oppose the nomination to send a message that any judicial candidate who demonstrates, in word and deed, extreme ideology is not an appropriate choice for the judicial bench. Oppose the nomination because it is a lifetime appointment and that such an appointment represents a serious and real threat to millions of citizens with disabilities. Appoint individuals to the federal court system who have demonstrated an ability to interpret the law without bias and extreme ideologies. This is not William Pryor.

Sincerely,

SUSAN HETRICK,
Advocacy Director.

HEIGHTENED INDEPENDENCE
AND PROGRESS,
Hackensack, NJ, July 14, 2003.

Heightened Independence and Progress (HIP) Center for Independent Living strongly opposes the confirmation of William Pryor to the U.S. Court of Appeals for the Eleventh Circuit.

People with disabilities have worked long and hard to bring about the Americans with Disabilities Act (ADA) and rely on the Act's protections to ensure that employers, schools, governmental entities and business both large and small do not discriminate against anyone because of a disability.

William Pryor has taken positions about ADA related cases that cause disability advocates to have serious concerns about his ability to be objective in such cases. We strongly urge that William Pryor not be confirmed to a position on the Eleventh Circuit Court of Appeals.

NANCY HODGINS,
Advocacy Coordinator.
EILEEN GOFF,
Executive Director.

JUNE 10, 2003.

DEAR SENATOR LEAHY: The disability community is opposed to the confirmation of Alabama Attorney General William Pryor because we do not believe a person with a disability would receive a fair hearing from a "Judge Pryor."

Why?

Pryor has demonstrated a commitment to extremism rather than to justice. Pryors right-wing ideology is far outside the mainstream of American legal thought.

William Pryor, nominated to the U.S. Court of Appeals for the Eleventh Circuit, has been a leader in the effort to limit congressional power to enact laws protecting civil rights. Pryor has prevailed in a series of 5–4 cases before the Supreme Court that have curtailed civil rights, including the Board of Trustees of Alabama v. Garrett, which successfully challenged the constitutionality of applying the Americans with Disabilities Act of 1990 to states as employers.

Pryor argued that the protections of the ADA were "not needed" to remedy discrimination by states against people with disabilities. This decision prevents persons with disabilities from collecting monetary damages from state employers. Most significantly, it has resulted in fewer attorneys being willing to represent individuals in ADA cases against state employers. Despite the massive record of egregious conduct toward individuals with disabilities by states that Congress had compiled—including instances of forced sterilization of individuals with disabilities, unnecessary institutionalization, denial of education, and systemic prejudices and stereotyping perpetrated by state actors—Pryor argued that states were actually in the forefront of efforts to protect the rights of individuals with disabilities.

Pryor has led the battle to undo the work of a democratically-elected Congress to legislate federal protections for American citizens. Despite widespread bipartisan support for the Americans wilh Disabilities Act, (ADA). Pryor said he was "proud" of his role in "protecting the hard-earned dollars of Alabama taxpayers when Congress imposes illegal mandates on our state."

Pryor is a leading architect of the recent "states' rights" or "federalism" movement to limit the authority of Congress to enact laws protecting individual and other rights. He is fighting to reverse the results of our nation's civil war and leave us with a patchwork of uneven civil rights protections dependent on an individual's zip code.

He personally has been involved in key Supreme Court cases that, by narrow 5–4 majorities, have restricted the ability of Congress to protect Americans' rights against discrimination and injury based on disability, race, and age. Worse, he has urged the Court to go even further than it has in the direction of restricting congressional authority. Just last month, for example, the Court, in an opinion by Chief Justice Rehnquist, rejected Pryor's argument that the states should be immune from lawsuits for damages brought by state employees for violation of the federal Family and Medical Leave, Act.

VICTORIA WOLF,
Assistive Technology Specialist, Disability Resource Agency for Independent Living.

EASTERN PARALYZED VETERANS
ASSOCIATION,
Jackson Heights, NY, July 14, 2003.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR ORRIN G. HATCH: The Eastern Paralyzed Veterans Association strongly opposes the confirmation of William Pryor to the Eleventh U.S. Circuit Court of Appeals. In the past, Mr. Pryor's attempts to limit Congressional authority in the area of disability rights have directly undermined the protections given to people with disabilities through the Americans with Disabilities Act (ADA) and other disability rights laws.

In *Board of Trustees of University of Alabama* v. *Garrett*, Mr. Pryor formulated the argument that Congress did not have the authority under the Constitution to apply the ADA to States in employment discrimination suits for damages. Additionally, Pryor successfully persuaded in 5–4 majority of the Supreme Court in *Alexander* v. *Sandoval* that individuals cannot sue to enforce regulations under Title VI of the Civil Rights Act of 1964. Since the decision was issued states have begun to use its reasoning in efforts to persuade the courts that people with disabilities should not be allowed to enforce regulations under the ADA and Section 504 of the Rehabilitation Act requiring reasonable accommodations, integration of individuals with disabilities, and accessible public housing.

Mr. Pryor's positions in these and other cases (i.e., *Pennsylvania Department of Corrections* v. *Yeskey* and *California Board of Medical Examiners* v. *Hason*) clearly represent an interpretation of the Equal Protection Clause, Spending Clause, and Commerce Clause that would dramatically restrict Congress's authority and hinder its ability to pass laws protecting the rights of Americans with disabilities, older workers, and others under the Constitution. For this reason, Eastern Paralyzed Veterans Association strongly urges you not to confirm Mr. Pryor to the court.

People with disabilities have fought long and hard to achieve the protections afforded by the ADA and like-minded laws. We must continue the fight to ensure that an activist court does not abridge these rights and protections. Please vote against William Pryor's confirmation.

Thank you.

Sincerely,

JEREMY CHWAT,
Director of Legislation.

INDEPENDENT LIVING CENTER OF
SOUTHERN CALIFORNIA, INC.,
July 14, 2003.

TO WHOM IT MAY CONCERN: This letter is written on behalf of the Independent Living Center Of Southern California, to oppose the nomination of Mr. William Pryor, to the U.S. Court of Appeals for the Eleventh Circuit.

Please note that this nomination would gravely affect the civil rights of persons with disabilities.

Sincerely,

PETER HUARD,
Client Assistance Program.

THE FREEDOM CENTER, INC.
Frederick, MD, July 21, 2003.

JIM WARD,
Executive Director, ADA Watch Coalition, Washington, DC.

DEAR JIM: I am the Executive Director for the Freedom Center, a center for independent living in Frederick, MD. We empower persons with disabilities to lead self-directed, independent, and productive lives in a barrier-free community. We work to ensure the removal of physical and attitudinal barriers that are faced by Americans with disabilities.

We, on behalf of the disability community, are strongly opposed to the nomination of Alabama Attorney General William G. Pryor. We are strongly opposed to the confirmation of his appointment to the U.S. Court of Appeals for the Eleventh Circuit. This is a lifetime appointment which could eventually lead to an appointment to the Supreme Court. Attorney General Pryor's right-wing ideology is far outside the mainstream of American legal thought. He is responsible for the weakening of the ADA in recent Supreme Court battles. He took a position against Patricia Garrett in her case against the State of Alabama when she was wrongly discriminated against because of her disability. He followed her to the Supreme Court and was responsible for influencing the Supreme Court by hiring an extreme Federalistic, right wing, and a State's Rights activist lawyer to represent the State of Alabama. Because the Supreme Court ruled in favor of the State of Alabama against Ms. Garrett, the ADA has been weakened. One can no longer sue a state government or entity under the Federal ADA. It is Attorney General Pryor's belief that the ADA is unconstitutional. In this respect, he has undermined Congress's effort to protect all Americans regardless of what state they live in. He has attacked Section 504 of the Rehabilitation Act, the Individuals with Disabilities Educational Act, and all basic civil rights against people with disabilities, gender and race. He not only has held a position in the University of *Alabama* v. *Ganett* case but has filed Amicus Briefs in Pennsylvania *Dept. of Corrections* v. *Yeskey* and *Medical Board of California* v. *Hason*. He also took opposition to the *Alexander* v. *Sandoval* case. All of his oppositions also include running amok in his own state using the state laws to his own belief. It is because of his ideology that we have laws such as the Federal ADA, IDEA, Civil Rights, etc. The laws were implemented to protect Americans from individuals like him. Because of his track record, he cannot be a Federal Judge. A Federal Judge must be unbiased and have full understanding of the total law. A Federal Judge cannot interpret Federal laws to fulfill his own beliefs as a State's Rights activist. A Federal Judge cannot use his position to further his own cause. It is imperative that we do all that we can do to help our legislators to understand the importance of approving a nomination that is nonpartisan of any individual who would take his position seriously and for the good of the American people and not for his own beliefs or reasons.

You may sign our name to any petition or letter that opposes the confirmation of Alabama Attorney General William G. Pryor. You have permission to use our letter to give to members of Congress to help them to be our voices and understand why we are so opposed to his confirmation to the U.S. Court of Appeals to the Eleventh Circuit. Thank you very much for your attention to this very urgent matter. Let's all work together to prevent deteriorization to the ADA and other disability civil rights.

Sincerely,

JAMEY GEORGE,
Executive Director.

INDEPENDENT LIVING RESOURCE
CENTER—SAN FRANCISCO,
San Franciso, CA, July 3, 2003.

Hon. DIANNE FEINSTEIN,
San Francisco, CA.

DEAR SENATOR FEINSTEIN: I am contacting you with great concern about the possible appointment of an anti-ADA judicial activist to the 11th Circuit Federal Court of Appeals, Alabama Attorney General Bill Pryor. I am asking you, on behalf of the over 150,000 people with disabilities in San Francisco that our agency represents to firmly oppose Mr. Pryor's appointment.

Attorney General Pryor has proved on many occasions that he is an opponent not only of the ADA, but of other civil rights legislation as well. Mr. Pryor did not support the passage of an Alabama State disability rights law; has opposed enforcement of ADA Title II to state prisons (arguments that were rejected by the U.S. Supreme Court); has supported denial of patients' rights for Medicaid recipients; among other affronts to civil rights. This is hardly a neutral judicial appointment.

We are concerned, Senator, that you hear the voices of your constituents with disabilities. We find it ironic on the eve of our country's 'independence day' that such an opponent of independence for people with disabilities should be a nominee to such a key judicial post. Please oppose this nomination.

Sincerely,

PAMELA S. FADEM,
Information Manager, ILRCSF.

Mr. HARKIN. Here are 68 different disability groups from all over the United States.

This is from the National Association of the Deaf:

> The National Association of the Deaf is opposing [Mr.] Pryor because of his outspoken activism against federal civil rights protections for people with disabilities and other minorities. His commitment is to ideology, not to justice.

Here is the Illinois/Iowa Center for Independent Living:

> We strongly feel that Mr. Pryor and his record as the Attorney General in Alabama do NOT support nor represent the millions of people with disabilities or their basic civil rights.

The National Disabled Students Association stated the nomination of Judge Pryor would be "devastating to the rights of over 54 million Americans with disabilities protected by the Americans with Disabilities act. . . ."

So, Mr. President, there may be a lot of reasons that people have for opposing this nominee to go on the circuit court. I want to make it crystal clear that my major objection to this person going on the circuit court is his open, consistent, and persistent opposition to the Americans with Disabilities Act. He has made no secret of it. He does not think we had the power to pass it.

He said, in his own opinion, that we did not even document one single instance of unconstitutional conduct against people with disabilities. Well, I am sorry, courts have held differently: forced sterilizations of people with disabilities, forced institutionalizations of people who did not need to be institutionalized, denying people with disabilities educational opportunities. Maybe he never heard of the case of PARC v. Pennsylvania. Perhaps he did not know that courts had held there was a record, a strong record, of discrimination in public education against kids with disabilities, not letting them go to school, denying them educational opportunities.

The courts held that as long as a State provides a free public education, just as they could not discriminate on the basis of race, or sex, or national origin, they cannot discriminate on the basis of disability either. So the courts held that there is a constitutional right for kids in our country to get a free, appropriate public education, as long as the State is providing that. The kids with disabilities have to be allowed in the public schools, also.

But for Mr. Pryor, no. He says, no, not even one instance do we have of an unconstitutional discrimination. I do not know where Mr. Pryor went to law school. I did not even look it up. It does not make any difference to me. But whatever he learned there he must have forgotten. It seems to me, here is an individual with an ideological perception that he is right and everyone else is wrong, that only he knows what is constitutional and not—not the Congress, not the Senate, not even the Supreme Court. He alone has a right to decide that. He alone has a right to decide whether people with disabilities are protected under the Americans with Disabilities Act.

We have come too far in our country. We spent years developing the Americans with Disabilities Act. When President Bush signed it in 1990, we had accumulated a voluminous record of discrimination, from the earliest childhood to the latter stages of life, with people with disabilities being discriminated against. We sought to remedy that with the Americans with Disabilities Act.

When it passed the Senate, I said it was the proudest day of my legislative career, and it still is—when the ADA passed the Congress and was signed into law. And we have not looked back. We look around our country now and we see people with disabilities in education, traveling, going out to eat, holding down good jobs, getting the civil rights that all the rest of us enjoy.

But for Mr. Pryor, people with disabilities do not have those rights. They only have the right—these are my own words—it seems to me Mr. Pryor has said, in his decisions and in his writings and in his perceptions of the Americans with Disabilities Act, that people with disabilities only have the right to be pitied, they only have the right to get whatever it is that those of us who are not disabled choose to give to them.

Well, I am sorry, that is not enough. People with disabilities have every right, Mr. President, that you and I have. So it is for that reason, that he has gone out of his way—I could see if a judge made one mistake and maybe made a decision but came back and rectified it, looked at the law, looked at the history, but Mr. Pryor did not do that. He did not go back and look at the history of the ADA. He did not go back and find out all these examples that we had come up with that is in the record. He just simply said: I know what is best. I know what is best for people with disabilities.

Well, people with disabilities have been hearing that for far too long in our country: We know what is best for you—that paternalizing attitude. People with disabilities said: No, we are going to be on our own. We are going to have our own civil rights. We are going to decide our own future. We are going to decide how we want to live, not how you, the Government, or you, society, want us to live.

Well, we have come a long way in 15 years since the ADA was signed. This is one circuit court judge who would turn the clock back. And he will get these cases. He will get them. And people with disabilities will be on the short end of the stick.

So for that reason, and perhaps a lot of other reasons but for that reason alone—for that reason alone—Mr. Pryor should not be confirmed for this circuit court position.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I rise in strong support of the nomination of William Pryor to the U.S. Court of Appeals for the Eleventh Circuit or, to put it more precisely, I rise to support the permanent appointment of Judge William Pryor to the Eleventh Circuit.

Judge Pryor's credentials, his character, and commitment to judicial restraint already make a compelling case for his appointment. His continuing service on the Eleventh Circuit only adds to that compelling case.

I urge my colleagues to vote for confirmation so Judge William Pryor can continue to be a valuable member of the U.S. Court of Appeals.

Debate about this nomination did not just begin. President Bush nominated William Pryor more than 2 years ago. During a lengthy hearing before the Judiciary Committee in June 2003, he answered more than 185 questions. It has now become common practice for Senators to deluge a nominee with post-hearing written questions. Judge Pryor answered nearly 300 of those as well. The Judiciary Committee debated this nomination during three different business meetings and favorably reported it twice here to the Senate floor where we have already debated it in the context of two previous attempts to invoke cloture.

Here we are debating the Pryor nomination again. I am one of many Senators who believes we should have confirmed this nomination a long time ago. Yesterday more than one of our Democratic colleagues complained that we are debating judicial nominations when, they said, "we should be doing legislative business." That is exactly what we would be doing were it not for the confirmation obstruction campaign led by those very same Democratic Senators. They are the ones who met in 2001 to change the confirmation ground rules. They are the ones who demand dozens and dozens of unnecessary rollcall votes that have eaten up literally days of floor time. They are the ones who launched this campaign of outrageous and unprecedented judicial filibusters.

Our Democratic colleagues have changed the way we do judicial confirmation business in the Senate, and that has changed the way we do legislative business. They have no one to blame but themselves. To come in here and complain that we are not doing the business of the people when one-third of the separated powers in this country involves judges is pretty much out of line.

Under the standards the Senate traditionally applied to judicial nominations, we would already have confirmed the nomination before us. Although some across the aisle have attempted to change the ground rules, I am pleased we have now invoked cloture and are in the final stretch of debate on this very important nomination. There is light at the end of the confirmation tunnel.

We have become accustomed to the pattern of attack by those who oppose President Bush's judicial nominees. They equate a nominee's personal views with that nominee's judicial views. They create the most wretched and distorted caricature of a nominee, turning him into some creature one might see on "Law and Order" or "America's Most Wanted."

What it boils down to is the wrongheaded notion that no one who thinks for himself, who does not toe the left-wing line, whose perspective or values did not turn the liberal litmus paper the right—or left—color, or who as a judge may fail consistently to deliver politically correct results is acceptable. These advocates of an activist judiciary are not foolish enough to attack every nominee. They will remind us of how many of this President's judicial nominees they have supported. But the circumstances that have brought us here today demonstrate the confirmation ground has shifted.

I urge my colleagues not to be persuaded by the caricatures created by Washington-based lobbyists and left-wing groups which need to send out the next fundraising appeal. Instead I urge my colleagues to listen to those who actually know William Pryor, who have worked with William Pryor, because they are among his strongest supporters.

Dr. Joe Reed, chairman of the Alabama Democratic Conference—yes, that is right, the Alabama Democratic Conference, the State Democratic Party's African-American caucus—knows William Pryor. He has worked with William Pryor, and he strongly supports William Pryor. Note what Dr. Joe Reed has to say about this nominee.

He says that William Pryor:

> will uphold the law without fear or favor. I believe all races and colors will get a fair shake when their cases come before him. I am a member of the Democratic National Committee and, of course, General Pryor is a Republican, but these are only party labels. I am persuaded that in General Pryor's eyes, Justice has only one label—Justice!

Any of us would certainly be hard pressed to come up with a better endorsement or a more substantive compliment for any judge on any court anywhere in America.

Listen to Alvin Holmes, an African American who has served in the Alabama House of Representatives for nearly three decades. He introduced a bill to remove the State Constitution's ban on interracial marriage. Representative Holmes says that while White political leaders in the State, Democrats and Republicans, either opposed the bill or kept quiet, then-Attorney General William Pryor spoke out. William Pryor urged Alabamans to vote for removing the ban on interracial marriage and then, when it passed, he defended the measure in court against legal challenge.

Representative Holmes knows William Pryor. He has worked with William Pryor, and he strongly supports William Pryor. Listen to what Representative Holmes says about this nominee, this African-American leader of the Alabama House of Representatives:

> I request your swift confirmation of Bill Pryor to the 11th Circuit because of his constant efforts to help the causes of blacks in Alabama.

Or consider the opinion of Judge Sue Bell Cobb who sits on the Alabama Court of Criminal Appeals. This is what she says:

> I write, not only as the only statewide Democrat to be elected in 2000, not only as a member of the Court which reviews the greatest portion of General Pryor's work, but also as a child advocate who has labored shoulder to shoulder with General Pryor in the political arena on behalf of Alabama's children. It is for these reasons and more that I am indeed honored to recommend General Pryor for nomination to the 11th Circuit Court of Appeals.

That is the Honorable Sue Bell Cobb, judge of the Alabama Court of Criminal Appeals.

Think about that. These are people who know William Pryor. These testimonies—and there are many more like them—describe a man who cares deeply about what is right and who has the character to do what is right, no matter what the political cost. People such as these are in the best position to know the real William Pryor. If this were a court of law, their testimony would be deemed especially credible. Theirs is not hearsay testimony such as we are hearing from some with the other side. They are not repeating someone's talking points. They are not offering generalities or clichés.

Talking points, generalities, and clichés, however, are all that Judge Pryor's opponents have to offer. The far left-wing Washington-based lobbyists who appear to make their living opposing President Bush's judicial nominations repeat the same rhetoric about nominee after nominee. Sometimes I wonder whether they put together their press releases and action alerts simply by cutting and pasting in the name of a new nominee.

They use the same mantra now, saying Judge Pryor is hostile to civil rights, hostile to virtually every right under the sun. Perhaps he is also the cause of childhood asthma, global warming, and rising interest rates.

I would listen to the people I have just quoted who know the man. They are all Democrats, by the way.

If there is any reason to believe such a thing as these awful comments that have been made by our colleagues on the other side, then these left-wing Washington lobbyists should be able to convince Dr. Joe Reed, Alvin Holmes, and Judge Sue Bell Cobb that Judge William Pryor is hostile to civil rights. I wish them luck because I know they can't do that. And they know they can't do it. That is what is reprehensible.

Perhaps the most important element of judicial duty is the commitment to follow the law regardless of personal views. Throughout his career William Pryor has not just stated such a commitment to judicial restraint, he has demonstrated it. We all know, for example, that William Pryor is pro-life. His belief in the sanctity of human life no doubt helps explain his advocacy for children. Like millions of Americans, most Alabamians apparently share such pro-life values. In 1997, the State legislature enacted a ban on partial-birth abortion. If William Pryor were what his critics claim, that would surely have been his chance to take a stand, stake a claim, defy the Supreme Court, and to seek to impose his personal moral code. He did no such thing, proving once again that his critics are flat wrong.

(Mr. ALEXANDER assumed the chair.)

Mr. HATCH. After the U.S. Supreme Court ruled in Stenberg v. Carhart that a State legislative ban on partial-birth abortion is unconstitutional, Attorney General William Pryor instructed State law enforcement officials to abide by that decision, even though he personally disagreed. The Senator from Tennessee, Mr. ALEXANDER, presiding in the Chair right now, reminded us earlier today that this was at General Pryor's own initiative. The law, not his personal views, formed how he carried out his official duties.

Attorney General Pryor filed an amicus brief in the Lawrence v. Texas case defending a State's right to prohibit certain sexual conduct. Alabama had a statute similar to the Texas statute being challenged in that case. When the Supreme Court ruled against his position, he immediately released an official statement that the Supreme Court decision rendered Alabama's law unenforceable.

Similarly, the entire country knows that as Alabama Attorney General, William Pryor took an unpopular stand regarding the Ten Commandments display in the Alabama judicial building. One respected religious magazine placed a picture of Judge Pryor on its cover with a headline asking whether his legal stance amounted to political suicide. It is clear that Judge Pryor places the law above personal priorities and political expediency. This stuff about following the law rather than personal opinions is not rhetoric, talking points, or window dressing. This is not just William Pryor's stated commitment, this is his demonstrated commitment.

It is a record that makes former Alabama Attorney General Bill Baxley, another Democrat, strongly support Judge Pryor's nomination. Here is what General Baxley, a leading Democrat in Alabama, said about William Pryor:

> In every difficult decision he has made, his actions were supported by his interpretation of the law, without race, gender, age, political power, wealth, community standing, or any other competing interest affecting judgment. I often disagree, politically, with Bill Pryor. This does not prevent me from making this recommendation because we need fairminded, intelligent, industrious men and women, possessed of impeccable integrity, on the Eleventh Circuit. Bill Pryor has these qualities in abundance. . . . There is no better choice for this vacancy.

That is Bill Baxley, former Alabama Attorney General, leading Democrat in the State.

Just think about that. These Democratic leaders from Alabama paint a very consistent picture of William Pryor. He will uphold the law without fear or favor. He makes decisions without regard to political or irrelevant factors. He is fairminded, intelligent, and industrious. I certainly agree with this assessment, though it does not come first from the Senator from Utah. Democrats such as Dr. Joe Reed, Representative Alvin Holmes, Judge Sue Bell Cobb, and Attorney General Bill Baxley know the difference between private views and public duty. They know the difference between personal opinion and judicial opinion. And they strongly support William Pryor's nomination to the Eleventh Circuit.

I wish some of my Democratic colleagues and their left-wing enablers knew the difference. Instead they focus only on results. All that matters, it appears, is that a judge rules right or left, as the case may be.

On Tuesday a Democratic Member of this body summed up their results-oriented litmus test approach when he said:

> with respect to a whole series of issues, this nominee is profoundly wrong.

No doubt each of us in this body has heard something like that in a campaign commercial. We might hear it here when the Senate is in legislative session. But this is a judicial nomination we are debating. What does it mean to say that the judicial nominee is wrong on the issues? Never mind being judicially correct, just be politically correct. Results are all that matters.

Yesterday during the debate on the Brown nomination, the Senator from California, Mrs. BOXER, took a similar tack. She put up one poster after another, each stating in the most simplistic terms the results of a case, and then claimed that Justice Brown personally favored the result for which she voted.

This insidious tactic claims, for example, that if a judge votes that the law does not prohibit racial slurs, then the judge must favor racial slurs. If a judge votes that the law does not prohibit an employer's hiring decision, then the judge must favor that hiring decision. In March of 2000, 29 current Senators, including my friend from California, Senator BOXER, voted against a constitutional amendment to allow protection of the American flag. How would any of them respond—how would the Senator from California respond—to the accusation that by that vote, they were siding with the flag desecraters?

That would be an outrageous charge, and we all know that.

Yet opponents of these judicial nominees, including the Senator from California, are using exactly the same tactic, exactly the same logic. They continue doing so in this debate over William Pryor's nomination. But this tactic misleads the American people about what judges do, and it twists and distorts these debates about whether to confirm judicial nominees.

I am reminded of a 1998 article written by the distinguished Judge Harry Edwards, appointed to the U.S. Court of Appeals for the DC Circuit by President Jimmy Carter, in which he warned that giving the public a distorted view of judges' work is bad for the judiciary and the rule of law. The tactics being used against nominees such as William Pryor are, indeed, giving the public a distorted view of judges' work.

Thankfully, Judge Pryor knows the difference between personal views and the law. He knows the difference between means and ends. And I am proud to say that Judge Pryor refuses to go down the politicized road of judicial activism. He has demonstrated where his commitment lies. He has shown, in each phase of his career, that he will follow the law.

Our colleague and my fellow Judiciary Committee member, Senator SESSIONS, has worked very hard to educate this body about this fine nominee. He has a special perspective on Judge Pryor's commitment to follow the law. He hired William Pryor in the Alabama attorney general's office and Judge Pryor replaced him when then-Attorney General SESSIONS joined us here in the Senate. I thank our colleague for his tireless and principled efforts. I know this Senator's understanding of this nominee is better as a result.

William Pryor is demonstrating that same commitment on the U.S. Court of

Appeals for the Eleventh Circuit. That is exactly what America needs in her judges, and I urge my colleagues to support a permanent appointment for Judge William Pryor.

Mr. President, I have taken a minute or two over my allotted time. I apologize to my colleague.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I support the confirmation of William Pryor to the Eleventh Circuit. I think he is a truly outstanding individual and, most importantly, after all these years of waiting, I am pleased he is finally going to get an up-or-down vote on his nomination. I am pleased, in just a few hours, Bill Pryor will be confirmed as a Federal appellate judge. He more than deserves to be confirmed by the Senate. Bill Pryor is doing a great job now, and he will continue doing a great job in the future.

The problem is how we have gotten to where we are with the hangup and these judges not being voted on. I continue to be troubled by the road we have been going down in this judicial nomination process. Unfortunately for Bill Pryor, he has been one of the prime targets of the slash-and-burn program of the left-wing liberal interest groups. He and several other good candidates nominated by President Bush have been subject to off-base, trumped-up charges which just smear an individual's record without regard to the reality of that record.

We need to look at the merits of a candidate, and, on the merits, Bill Pryor is one of the more impressive nominees coming before the Senate.

William Pryor graduated magna cum laude from Tulane Law School, where he was editor in chief of the law review. He served as a law clerk to civil rights legend and champion Judge John Wisdom. He practiced law for several years before joining the attorney general's office in the State of Alabama. He also taught law as an adjunct professor at Cumberland Law School. So without a doubt, and going even beyond the good attributes I pointed out, Bill Pryor has the legal experience to serve on this Federal bench. But that is not all. William Pryor has the unwavering support of the people who knew him best—the citizens of his very own State of Alabama. His support among Alabama Republicans is near unanimous. But furthermore, and maybe more importantly, some of the most important members of the Alabama Democratic leadership are just as supportive of this Pryor nomination.

For example, the chairman of the Alabama Democratic Conference, which is the State Democratic Party's African-American caucus, said that Bill Pryor is a first-class public official who will be a credit to the judiciary and a guardian of justice.

Former Democratic Gov. Don Siegelman described Bill Pryor as an incredibly talented, intellectually honest attorney general who calls the issues like they ought to be called.

These are just some of the comments made by Democrats, of which I am aware, who support this good man.

But that does not seem to stop some groups or people inside the beltway from upping that ante and spreading lies. The usual suspects are back in the saddle again, however, with a vengeance to mischaracterize this man's record and drag his good name through the mud.

But if one really takes a close look at Bill Pryor's record, one can only find that he is a man who embodies the characteristics that any Federal judge ought to have. The fact is that William Pryor is a man who puts law before politics. The role of a Federal judge, as all my colleagues know and as best stated by Chief Justice John Marshall, is to "say what the law is."

That is exactly upon which Bill Pryor has built a distinguished law career. The truth is, in the face of opposition from both Democrats and Republicans, Bill Pryor has steadfastly based his legal decisions on court rulings and not on his own political beliefs. Bill Pryor's actions are the only record that we need to look at to see that this is an individual who truly believes in the rule of law. He is the right man for the job, and we should keep this man on the Eleventh Circuit Court.

I have looked at Bill Pryor's record and some of the allegations made against him. Bill Pryor wins hands down, no contest.

I would like to refer to an article in the "Mobile Press Register," "Civil Rights Guardian, Outstanding Nominee." In this article, Willie Huntley took the opportunity to distinguish the views of Alabamians and most Americans from those shared by some inside-the-beltway, left-wing interest groups. Mr. Huntley is an African-American attorney. He is from Bill Pryor's hometown. He expressed why the people of Alabama should continue to trust in this man, Bill Pryor, rather than in the liberal special interest groups, such as People for the American Way, organizations that are so powerful here with some Members of Congress.

I would like to read some of what this article has to say about Bill Pryor, again, emphasizing Willie Huntley, an African-American attorney from Bill Pryor's hometown:

> People for the American Way asserts that Pryor's appointment would devastate civil rights. What its people don't say is that after about 100 years of inaction by other leaders, Bill Pryor led a coalition that included the NAACP to rid the Alabama Constitution of its racist ban on interracial marriage.
>
> Bill Pryor then defended the repeal against a court challenge by a so-called Confederate organization. Our Attorney General also took the side of the NAACP in successfully defending majority-minority voting districts—all the way to the U.S. Supreme Court—against challenges by white Alabama Republicans.
>
> Bill Pryor further opposed a white Republican redistricting proposal that would have hurt African-American voters. He did not back down to criticism from his own party—not one inch.
>
> He then played a key role in the successful prosecution of former Ku Klux Klansmen Bobby Frank Cherry and Thomas Blanton, Jr., for the 1963 bombings of the 16th Street Baptist Church in Birmingham.
>
> Pryor started a mentoring program for at-risk kids and regularly goes to Montgomery public schools to teach African-American kids to read.
>
> Because Bill Pryor has a civil rights record that very few can equal, it is no wonder that African-American leaders who know and who have worked with him—like Artur Davis, Joe Reed, Cleo Thomas, and Alvin Holmes—support his nomination to the Eleventh Circuit Court of Appeals.
>
> Ignoring Pryor's defense of voting rights for African-Americans, People for the American Way charges that he opposes the landmark Voting Rights Act. The truth is, he has dutifully enforced all of the Voting Rights Act every time a case has come up.

The article goes on to conclude:

> The truth and the record show that Bill Pryor has fought for the civil rights and voting rights of African-Americans in Alabama when People for the American Way were nowhere to be found. Now that President Bush has nominated Pryor to a Federal judgeship, People for the American Way assumes that it can come here and attack him. . . .We who actually know Bill Pryor support him 100 percent.

Mr. President, I ask unanimous consent to print in the RECORD the article from which I quoted so people can read it in its entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From CFIF.ORG]

CIVIL RIGHTS GUARDIAN, OUTSTANDING NOMINEE

(By Willie J. Huntley Jr.)

The Washington-headquartered, liberal witch-hunt against President Bush's federal judicial nominees has targeted its next victim, and it is one of our own: Bill Pryor, the attorney general of Alabama.

Among those leading the charge against Pryor is the mis-named group People For the American Way. This should be no surprise; PFAW has led vicious attacks against Attorney General John Ashcroft, Justice Clarence Thomas, Priscilla Owen, Miguel Estrada and numerous other Republican nominees.

PFAW is a radical leftist group that has supported broad court protection for child pornography; burning the American flag, and publicly funded art portraying the Virgin Mary splattered with elephant dung. Most recently, PFAW helped coordinate protests against the war in Iraq—the war in which some Alabamians gave their lives for their country.

PFAW is funded by the pornography industry and Hollywood radicals, including Playboy magazine, the Screen Actors Guild, and the Center for Alternative Media & Culture. (And they call Bill Pryor an extremist.)

PFAW asserts that Pryor's appointment would devastate civil rights. What its people don't say is that after about 100 years of inaction by other leaders, Bill Pryor led a coalition that included the NAACP to rid the

Alabama Constitution of its racist ban on interracial marriage.

Pryor then defended the repeal against a court challenge by a so-called Confederate heritage organization.

Our attorney general also took the side of the NAACP in successfully defending majority-minority voting districts—all the way to the U.S. Supreme Court—against a challenge by white Alabama Republicans.

Bill Pryor further opposed a white Republican redistricting proposal that would have hurt African-American voters. He did not back down to criticism from his own party—not one inch.

He then played a key role in the successful prosecution of former Ku Klux Klansmen Bobby Frank Cherry and Thomas Blanton Jr. for the 1963 bombing of the Sixteenth Street Baptist Church in Birmingham. In fact, he will personally argue to uphold Blanton's murder conviction before the Alabama Court of Criminal Appeals later this month.

Pryor started a mentoring program for at-risk kids, and regularly goes to Montgomery public schools to teach African-American kids to read.

Because Bill Pryor has a civil rights record that very few can equal, it is no wonder that African-American leaders who know and have worked with him—like Artur Davis, Joe Reed, Cleo Thomas and Alvin Holmes—support his nomination to the 11th Circuit Court of Appeals.

Ignoring Pryor's defense of voting rights for African-Americans, PFAW charges that he opposes the landmark Voting Rights Act. The truth is, he has dutifully enforced all of the Voting Rights Act every time a case has come up.

Pryor has simply stated that a procedural part of the Voting Rights Act—Section 5—has problems that Congress should fix. Section 5 requires federal officials in Washington to approve even minor changes in voting practices that have nothing to do with discrimination.

For example, last year, Pryor issued an opinion that required a white replacement candidate for a deceased white state legislator to get Washington approval under Section 5 to use stickers to put his name on the ballot over the name of the deceased candidate.

Thurbert Baker, the African-American Democratic attorney general of Georgia, has voiced similar concerns about Section 5 before the U.S. Supreme Court.

Undeterred, PFAW and its allies also charge that Pryor believes in "states' rights"—their code words for racism. The truth is that he believes in the Constitution. He has fought to protect the state's treasury from lawsuits that would have taken our tax dollars away from the state—away from salaries for teachers and medical care for poor people.

It is the job of an attorney general to defend his client—the state. In fact, the key Supreme Court case on defending a state from lawsuits was won not by Pryor, but by Democratic Attorney General Bob Butterworth of Florida.

Democratic attorneys general like Eliot Spitzer of New York, Jim Doyle of Wisconsin and others have all made the same arguments to defend their state budgets. I guess they are all "right-wing extremists," too.

PFAW and its allies have also attacked Pryor for being extremist on abortion rights. As a dedicated Roman Catholic, Bill Pryor loves kids and is against abortion, no doubt about it.

But even though he disagrees with abortion, he instructed Alabama's district attorneys to apply Alabama's partial-birth abortion law in a moderate way that was consistent with U.S. Supreme Court precedent.

Again, he was criticized by Republicans; pro-life activists accused him of gutting the statute. Again, he didn't back down.

Not surprisingly, PFAW and its allies have attacked Pryor for supporting the display of the Ten Commandments in courthouses. But Pryor simply took the position that if a representation of the Ten Commandments can be carved into the wall of the U.S. Supreme Court's courtroom, it can be placed in an Alabama courtroom.

PFAW also has attacked Pryor for the position he took in the Alexander vs. Sandoval case, in which a person who didn't speak English sued to force Alabama to spend its money on printing driver's license tests in foreign languages.

As broke as our state is, there are better things to spend our money on—like teaching kids to read English so they can take the test and read road signs, and also paving the roads for them to drive on. Pryor fought this attempt to drain our state budget, and the U.S. Supreme Court agreed with him.

The truth and the record show that Bill Pryor has fought for the civil rights and voting rights of African-Americans in Alabama when PFAW was nowhere to be found. Now that President Bush has nominated Pryor to a federal judgeship, PFAW assumes that it can come here and attack him.

I, for one, suggest that PFAW pack up its pro-pornography, flag-burning, anti-religious, attack-dog tactics and go back to Hollywood and Washington.

We who actually know Bill Pryor support him 100 percent.

Mr. GRASSLEY. Mr. President, I hope my colleagues will see through all the smoke and mirrors that have been kicked up by groups such as the People for the American Way. I hope my colleagues will take a very close look at the facts and reject those allegations that are not true, just as many Alabamians have so rejected because the people who know this man best ought to be the ones to whom we listen.

I hope that Bill Pryor's true record will shine through and that my colleagues will join me in supporting his nomination.

I close by, once again, telling my Senate colleagues that if the role of a Federal judge is to say, as Chief Justice John Marshall said, "to say what the law is," then there are very few candidates as qualified as William Pryor.

Being a good judge is not about doing what is popular, and it is not for sure about giving in to liberal special interest groups, and it certainly is not about legislating the left-wing's agenda from the bench. Being a good judge is about fairly applying the law, fairly applying the law no matter who the person is, no matter how unpopular the cause or the argument being advocated is. It is not the role of a judge, nor should it ever be the role of a judge, to serve as a puppet to the popular position. That is what William Pryor has built his career on—the rule of law, enforcing the law, carrying out the law.

I know that is what William Pryor will continue to do when he is finally confirmed by this Senate for the Eleventh Circuit Court of Appeals.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand we are under a time consideration. I believe I have half an hour. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Will the Chair remind me when I have 5 minutes remaining?

The PRESIDING OFFICER. The Chair will do that.

Mr. KENNEDY. Mr. President, I urge my colleagues to oppose Mr. Pryor's nomination. Contrary to the widespread impression of a partisan breakdown in the judicial nominations process, Democrats in this closely divided Senate have sought to cooperate with the President on the issues. And we have largely succeeded. We have confirmed 210 of President Bush's nominees in the past 4 years: 96 percent of the nominees have been confirmed.

Only 10 nominees did not receive the broad bipartisan support needed for confirmation, because their records showed that they would roll back basic rights and protections.

Mr. Pryor's nomination illustrates the problems. His views are at the extreme right wing of legal thinking. It is clear from his record that he does not deserve confirmation to a lifetime seat on an appellate court that often has the last word on vital issues for millions of people who live in Alabama, Georgia, and Florida, the States that comprise the Eleventh Circuit.

Mr. Pryor is no true conservative. He has sought to advance a radical agenda contrary to much of the Supreme Court's jurisprudence over the last 40 years, and at odds with important precedents that have made our country more inclusive and fair.

Mr. Pryor has fought aggressively to undermine the power of Congress to protect civil and individual rights. He has tried to cut back on the Family and Medical Leave Act, the Americans with Disabilities Act, and the Clean Water Act. He has been contemptuously dismissive of claims of racial bias in the application of the death penalty, and has relentlessly advocated the use of the death penalty, even for persons with mental retardation. Mr. Pryor has even ridiculed the current Supreme Court Justices, calling them "nine octogenarian lawyers who happen to sit on the Supreme Court." He even has his facts wrong. Only two of the nine Justices are 80 years old or older.

In addition to these serious substantive concerns, his nomination was rushed through the Judiciary Committee in violation of the committee's rules, before the committee could complete its investigation of major ethical questions raised by the nominee's own testimony at his hearing and by his answers and non-answers to the committee's follow-up questions. When these serious problems in Mr. Pryor's record prevented him from receiving the Senate support needed for confirmation, President Bush made an end-run around the constitutional system of checks and balances by giving him a recess appointment during a brief Senate recess that was, in all likelihood, an unconstitutional use of the recess appointment power.

In the last Congress, some Members of the majority presented a version of the history of the nomination and the committee's investigation which did not comport with the facts. The history is important, because it shows that Democrats have in fact acted expeditiously and responsibly, and that the rush to judgment in the committee in the last Congress was clearly an effort to cut off a needed further investigation.

As the extraordinary rollcall vote in the Judiciary Committee on July 23, 2003 shows, every member of the minority voted, "no, under protest for the violation of Rule IV."

Democrats did not invent the issue that provoked such an unprecedented protest. Years before Mr. Pryor's nomination, lengthy articles in Texas and D.C. newspapers raised the question of the propriety of the activities of the Republican Attorneys General Association.

It was reported that the organization sought campaign contributions to support the election of Republican attorneys general, by arguing they would be less aggressive than Democratic attorneys general in challenging business interests for violations of the law. Some descriptions of this effort characterized it as a "shakedown" scheme.

The leaders of the association denied the allegations, but refused to disclose its contributors. They were able to maintain their secrecy by funneling the contributions through an account at the Republican National Committee that aggregated various kinds of State campaign contributions, and avoided separate public reporting of the contributions or the amount of their gifts.

The issue received significant press coverage during the 2002 Senate campaign in Texas, especially after several Republican attorneys general denounced the association as fraught with ethical problems.

Because Mr. Pryor had been identified publicly as a leader of the association's efforts, and the ethical issues raised by it were obviously relevant to his qualifications, he was asked about the issue at his nomination hearing and in written follow-up questions. His responses avoided the issue and raised more questions than they answered.

In July 2003, the Judiciary Committee began a bipartisan investigation of the matter, in accordance with an investigative plan provided to the majority. No witnesses were ever questioned under oath as part of the investigation, and in fact, the investigation was cut short by the committee majority almost as soon as it began. The Republican investigator actually instructed interviewees that they did not have to answer questions from the minority investigator, or comply with document requests from the minority.

As a result, all of the committee Democrats, having considered the information available up to that point, wrote to the chairman and informed him that the investigation was producing serious and disturbing information, that it would require substantial additional time, that his investigators were interfering with it, and that after it was complete, the minority members would want to question the nominee under oath.

The Republican staff had offered informal staff interviews with the nominee before that time, but the Democratic investigators had, as any serious investigator would, declined that offer until the basic investigative work had been done. In any event, the Democratic members wanted to question the nominee in person under oath at the appropriate time.

At the committee meeting to consider the issue, the chairman rejected the minority's unanimous request out of hand. He insisted on a vote on the nomination without completion of the investigation and without further questioning of the nominee under oath. That was the situation when Senator LEAHY invoked the committee's rule IV to prevent a premature vote on the nomination. The party line vote was 10–9.

The fact that no minority member was among the 10 should have prevented an immediate vote on the nomination and allowed the investigation to continue. But the chairman refused to follow rule IV and insisted on an immediate vote.

The 9 Democrats on the committee all voted against reporting the nomination, each noting an objection to the violation of rule IV.

The 10 Republicans voted to report it, with one Republican stating that his vote to report it did not mean he would necessarily vote for the nominee on the floor. He also stated that he would want to review the results of the investigation with the nominee before any Senate vote.

Despite the lack of cooperation from the majority staff, the minority staff attempted to obtain further information, and did develop new information which expanded both the scope and the gravity of our original concerns. However, in the face of the majority's refusal to cooperate, a further investigation involving the witnesses was impossible.

I mention this to make clear that the matters raised by this investigation are very serious, and we should not sweep these questions under the rug. We are not doing our job in reviewing this nomination if we look the other way in the face of these serious ethical questions. The Judiciary Committee should have completed the investigation in 2003, reviewed its findings, heard from the nominee under oath, and then decided whether he should be listed for debate and consideration.

This year, when the committee again considered Judge Pryor's nomination, the majority offered to permit a few phone calls to witnesses whose telephone interviews were not completed or who could not be found in 2003. That offer was appreciated, but, as was obvious from the first call, it was too little and too late.

The well of evidence had been poisoned by the majority investigator's negative statements to witnesses in 2003, and now it would take an even more concerted inquiry to elicit the full story from witnesses who were adverse to begin with. Nevertheless, because some day that story will probably come out, this aspect of the nomination remains a ticking-ethical time bomb.

The rush to judgment on this nomination is particularly troubling, given the serious substantive problems in Mr. Pryor's record. His supporters say that his views have gained acceptance by the courts, and that his legal positions are well within the legal mainstream, but many disagree. Mr. Pryor has consistently advocated to narrow individual rights and freedoms far beyond what any court in this land has been willing to hold.

The Supreme Court rejected his argument that States could not be sued for money damages for violating the Family and Medical Leave Act. Had Mr. Pryor prevailed, it would have been far more difficult to protect workers who need time off because of their own health problems or to care for a loved one.

The Supreme Court also rejected Mr. Pryor's sweeping argument that Congress lacked authority to pass the Clean Water Act's protections for wetlands that are home to migratory birds.

The Court rejected his argument that States should be able to criminalize private sexual conduct between consenting adults. It rejected his far-reaching argument that counties should have the same immunity from lawsuits that Sates have. It rejected his argument that the right to counsel does not apply to defendants with suspended sentences of imprisonment. It rejected his argument that it was constitutional for Alabama prison guards to handcuff prisoners to hitching posts for hours in the summer heat.

Mr. Pryors opposition to the rights of the disabled is particularly disturbing.

In one case, in an opinion Justice Scalia, the Supreme Court unanimously rejected his argument that the Americans with Disabilities Act does not apply to State prisons.

In another case, the Supreme Court rejected his view that provisions of the act ensuring that those with disabilities have access to public services are unconstitutional. In that case, a plaintiff who uses a wheelchair had challenged the denial of access to a public courthouse. He had refused to crawl up the courthouse stairs to reach the public courtroom. In his brief in the case, Mr. Pryor argued that Congress has no power to require States to make public facilities accessible to the disabled. He argued that denying access to courthouses does not violate the principle of equal protection, because the disabled have no absolute right to attend legal proceedings affecting their rights.

In arguing that the legislative history did not show a need for them to act, Mr. Pryor dismissed congressional findings of discrimination against the disabled, and evidence that the University of Georgia had located its office of handicapped services in an inaccessible second-floor room. According to Mr. Pryor, such "anecdotes provide no indication of the extent of the inaccessibility, or whether the inaccessibility lacked a rational basis and was therefore unconstitutional." That is nonsense. It is obvious that the wording of this legislative history clearly describes the extent of the inaccessibility. And there is no rational justification for a State university to put an office serving disabled students in an inaccessible second-floor location.

The Supreme Court also rejected Mr. Pryor's radical view of what constitutes cruel and unusual punishment in the use of the death penalty. It rejected his argument that executing retarded persons does not offend the eighth amendment. The Eleventh Circuit, a court dominated by conservative, Republican appointees, later unanimously rejected Mr. Pryor's attempt to evade the Supreme Court's decision. He had tried to prevent a prisoner with an IQ of 65, who even the prosecution agreed was mentally retarded, from raising a claim that he should not be executed.

The Supreme Court also rejected his attempt to limit the right to counsel for the poor. Mr. Pryor argued that the poor have no right to counsel in misdemeanor cases, even if they risk imprisonment if found guilty. He told the Court during oral argument that it is reasonable for the State to preserve its own resources, just as a more affluent defendant would preserve its resources and not incur the cost of counsel in this kind of circumstance. The Supreme Court held that the right to counsel when the accused faces possible imprisonment is more important than Mr. Pryor's financial concern.

Again and again, his far-reaching arguments like these have been rejected by the courts. Mr. Pryor is not a nominee within the legal mainstream.

He and his supporters pretend that he is only "following the law," but in fact Mr. Pryor repeatedly tried to make different law, using the Alabama Attorney General's office as a political platform for his own radical agenda.

We are expected to believe that despite the intensity with which he has advocated for these radical legal positions and the many years he has devoted to dismantling basic rights, he will start to "follow the law" if he receives a lifetime appointment to the Eleventh Circuit. Repeating that mantra again and again and again in the face of his extreme record does not make it credible that he will do so.

His many inflammatory statements show that he lacks the temperament to serve on the Federal court. He ridiculed the Supreme Court of the United States for granting a temporary stay of execution in a capital punishment case. Alabama was one of only two States in the Nation that uses the electric chair as its sole method of execution. The Supreme Court granted review to determine whether the use of the electric chair was cruel and unusual punishment.

For Mr. Pryor, however, the Court should not even have paused to consider the Eighth Amendment. He said the issue: should not be decided by nine octogenarian lawyers who happen to sit on the Supreme Court. This does not reflect the thoughtfulness we seek in our Federal judges.

He is dismissive of concerns about fairness in capital punishment and the possible execution of persons who are innocent. He has stated: make no mistake about it, the death penalty moratorium movement is headed by an activist minority with little concern for what is really going on in our criminal justice system.

On the issue of women's rights, Mr. Pryor has criticized constitutional protections against gender discrimination. He dismissed as "political correctness" the Supreme Court's decision that a State-run military academy could not deny admission to women because of stereotypes about how women learn.

In a 1997 statement to Congress, Mr. Pryor opposed section 5 of the Voting Rights Act, which has been indispensable in ensuring that all Americans have the right to vote, regardless of race or ethnic background. He called this important law an affront to federalism and an expensive burden that has far outlived its usefulness.

In March, we commemorated the 40th anniversary of Bloody Sunday, in which Martin Luther King, Congressman JOHN LEWIS, and others were brutally attacked on a peaceful march in Mr. Pryor's home State of Alabama while supporting the right to vote for all Americans, regardless of race. Yet we are now being asked by the administration to confirm a nominee who opposes the Voting Rights Act.

The Supreme Court has repeatedly upheld the constitutionality of section 5, but Mr. Pryor's derisive statements—criticizing both the act and the Supreme Court itself—give no confidence that he will enforce the law's provisions. There is too much at stake to risk confirming a judge who would turn back progress on protecting the right to vote.

It is no surprise that this nomination is opposed by leaders of the civil rights movement, including the Reverend Fred Shuttlesworth, a leader of the Alabama movement for civil rights, the Reverend C.T. Vivian, and many of Dr. Martin Luther King's other close advisors and associates.

It is clear that Mr. Pryor sees the Federal courts as a place to advance his political agenda. When President Bush was elected in 2000, Mr. Pryor gave a speech praising his election as the "last best hope for federalism." He ended his speech with these words—a "prayer for the next administration: Please God, no more Souters." He was referring to Justice Souter, a Republican nominee to the court, whose opinions Mr. Pryor apparently disagreed with.

In another speech, he said he was thankful for the Bush v. Gore decision. I wanted Governor Bush to have a full appreciation of the judiciary and judicial selection so we can have no more appointments like Justice Souter.

Some have argued that Mr. Pryor's record in his year as a recess appointee on the Eleventh Circuit somehow erases his long career of opposition to fundamental rights. The fact that Mr. Pryor has voted with other judges during the period when he was temporarily appointed to the court says nothing about what he would do if given a lifetime appointment and the freedom from Senate oversight. It is no wonder that he might be cautious when he only has a temporary appointment to the court. We should not be swayed by "confirmation conversions," and especially not by "recess appointment conversions."

My colleagues on the other side have brought up every argument they could find to save him. His record is full of examples of extreme views, and they try to rebut each one. They call Senate Democrats and citizens who question Mr. Pryor's fitness—including more than 204 local and national groups—a variety of names. They even accuse us of religious bias.

They claim that those who oppose Mr. Pryor's nomination do so because of his faith. That's ridiculous given the record. Such a claim is unworthy of the Senate. Most of us would have had no idea what religious views are held by Pryor, or any other nominee, if Republicans had not raised the issue.

The real question is why, when there are so many qualified Republican attorneys in Alabama, the President would choose such a divisive nominee? Why pick one whose record raises so much doubt as to whether he will be fair? Why pick one who can muster only a rating of partially unqualified from the American Bar Association?

At stake is the independence of our Federal courts. We count on Federal judges to be intelligent, to have the highest integrity, to be open-minded. Most of all, we count on them to treat everyone fairly and not to prejudge a case based on ideology. Mr. Pryor is free to pursue his agenda as a lawyer or as an advocate, but he does not have the open-mindedness and fairness needed to be a Federal judge, and I urge my colleagues to defeat this nomination.

Mr. President, I have, I believe, just a few minutes left. How much time do I have?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. KENNEDY. Mr. President, I have pointed out at other times in recent days that we have been tied up with these Federal judges—the handful of Federal judges who will have enormous impact in terms of our court systems—we have been tied up with this issue for weeks and weeks when this President could have appointed, as I mentioned in the final moments of my speech, outstanding, distinguished jurists who could have gone through here like 95 or 96 percent of the other nominees.

While we have been taking weeks and weeks, let me just mention a few of the things that have been happening that are affecting real American families. Let's just take the last week, for example. Let's take the New York Times last Sunday:

> Tax Laws Help to Widen the Gap at the Very Top. The share of the Nation's income earned by those in the uppermost category has more than doubled since 1980.

There is a long article about what is happening in our country between the working families, middle-income families, and the super-wealthy, and the reasons for it. Are we debating or considering or thinking about doing anything about that? No, not the Senate.

Here is Monday, New York Times:

> College Aid Rules Change and Families Pay More.

Are we doing anything about that this week? Are we having a debate on that issue, about what we can do to make college tuition more available to families here in the United States? No, no. That is not on the agenda.

Then look at Tuesday:

> Pension Law Loopholes Help United Hide Its Troubles.
>
> Loopholes in the federal pension . . . allow United Airlines to treatment its pension fund . . . solid for years when in fact it was dangerously weakened.

And it basically collapsed.

Pensions, retirement for working families, a matter of principal concern for millions of our workers—are we doing very much about that on the floor of the Senate? No.

Wednesday:

> G. M. Will Reduce Hourly Workers by 25,000. General Motors said Tuesday it will cut 25,000 from its blue collar workforce.

We don't have a silver bullet to answer that, but don't we think we should be thinking about, if we lost 25,000 workers, what we ought to do and what we might do in terms of helping working families and looking at an industry? That was Wednesday.

Here we have Thursday, front-page story:

> Limit for Award in Tobacco Case Set Off Protests.

The Justice Department's decision to seek $10 billion instead of what the professional attorneys in the Justice Department said that they should, $130 billion.

They were going to use that $130 billion to educate primarily teenagers, primarily teenage girls. Four thousand teenagers start smoking every day, and 2,000 become addicted. Try to educate them with $130 billion? What happened to the Justice Department? They threw in the towel. You would think we would talk about that.

That is in this last week. These issues affect middle-income working families, and what do we spend our time on here in the Senate for the last 6, 7, 8, 9 weeks? Debating these judges, when we know if we had a President who would offer nominees in the mainstream of judicial thinking, those individuals would be confirmed, like 96 percent of them were. Then perhaps we would have a chance to do something that has been talked about on every front page of every newspaper just this last week and that affects in a very real and important way the quality of life of children in this country, working families, and retirees.

Finally, I think I join with Senator LEVIN and Harry Reid, wondering why in the world next week we are not going to be considering the Defense Authorization bill instead of going to the Energy bill. We need an energy bill but, as has been pointed out by the supporters of the Energy bill, passage of that bill will not reduce the gas price by 1 cent. The Defense Authorization bill will send a very clear message about our commitment on death benefits, on uparmoring humvees, on looking after families in terms of health insurance—all of these issues that are out there. We would send a very clear message that the Senate of the United States is behind that reauthorization. We may have our questions about Iraq policy, but everyone in this body supports our troops. Why aren't we considering the Defense Authorization bill?

These are some of the concerns many of us have who think this Senate is not meeting its responsibilities to the American people or to our national security and defense.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to support the nomination of Judge William H. Pryor, Jr., to be a judge for the Eleventh Circuit. It has been divided.

Judge Pryor comes to this position with a very distinguished record. He graduated from Northeast Louisiana University in 1984, magna cum laude; from the Tulane University School of Law in 1987, again magna cum laude; was editor-chief of the Law Review of the Tulane University School of Law, which is no minor achievement. There are not too many editors-in-chief around. That is quite an accomplishment. So the academic career is really extraordinary.

Following graduation from law school, he was law clerk to Judge John Minor Wisdom for the Court of Appeals for the Fifth Circuit, a very distinguished jurist. A I speak on this subject, the Presiding Officer is Senator LAMAR ALEXANDER, who, as I recollect, was also a law clerk to Judge John Minor Wisdom and, on the recommendation of Senator ALEXANDER, he spoke very highly of William Pryor, the people who knew him in a very distinguished clerkship, one of America's great, historical jurists. Bill Pryor was his law clerk.

He then had a distinguished record in the practice of law, working for the firm of Cabaniss, Johnston, Gardner, Dumas & O'Neal; was an adjunct professor at the Samford University, Cumberland School of Law; and came back into the practice of law for 4 more years with Walston, Stabler, Wells, Anderson & Bains. Then, from 1995 to 2004, he was Deputy Attorney General and also Attorney General of the State of Alabama and has been on the U.S. Circuit Court for the Eleventh Circuit now for a year, having obtained an interim appointment from President Bush.

Judge Pryor has been criticized for his views, expressed very forcefully, in opposition to the decision of the Supreme Court of the United States in Roe v. Wade. The quotation attributed to him was that it was the "worst abomination of constitutional law in our history," which is pretty strong language. That is about as strong as you can get.

The issue is not what is his personal view of Roe v. Wade. The issue is what would he do as a circuit court of appeals judge when faced with the responsibility to uphold the law of the land, of the Supreme Court.

This subject came up during the confirmation hearing of Judge Pryor before the Judiciary Committee on June 11, 2003. I propounded the following question to Judge Pryor:

> The Chairman [Senator HATCH at the time] has asked about whether you have made some comments which you consider intemperate, and I regret I could not be here earlier today, but as you know, we have many conflicting schedules. But I note the comment you made after Planned Parenthood v. Casey, where you were quoted as saying—first I would ask you if this is accurate. I have seen a quote or two not accurate. "In the 1992 case of Planned Parenthood v. Casey the Court preserved the worst abomination of constitutional law in our history," . . . is that an accurate quotation of yours?
>
> Mr. PRYOR. Yes.

It is pretty hard to get a simple answer of a witness anywhere and I appreciated that kind of brevity.

I continued:

> Senator SPECTER. Is that one which would fall into the category that Senator Hatch has commented on, you wish you had not made?
>
> Mr. PRYOR: No, I stand by the comment.

Then I asked:

> Why do you consider it an abomination, Attorney General Pryor?

And he responded:

> Well, I believe that not only is the case unsupported by the text and structure of the Constitution. But it has led to a morally wrong result.

And he goes on to give his reasons for his conclusion.

He was very candid, very steadfast, and stood up to what he had said and was not running from it.

Later, he made it plain he would abide by the law of the land, that his personal views of Roe v. Wade were not determinative. The record shows my own view has been to uphold the Supreme Court decision in Roe v. Wade, a subject I will not discuss as to my own views, but I respect a difference of opinion.

In looking for the confirmation of a Federal judge, the issue is, will he follow the law of the land. He said he would and said so very emphatically on the record.

On March 3 of this year, I wrote to Senator REID because this question had come up. I cited the applicable page of the record June 11, page 45 of the transcript where the following exchange occurred:

> Chairman HATCH. So even when you disagree with Roe v. Wade you would act in accordance with Roe v. Wade on the Eleventh Circuit Court of Appeals?
>
> Mr. PRYOR. Even though I strongly disagree with Roe v. Wade I have acted in accordance with it as Attorney General and would continue to do so as a Court of Appeals judge.
>
> Chairman HATCH. Can we rely on that?
>
> Mr. PRYOR. You can take it to the bank, Mr. Chairman.

Again, that is about as emphatic as you can be on that subject.

During the course of Judge Pryor's tenure on the Court of Appeals, he has handed down quite a number of opinions which show maturity, which show growth, and which undercut many of the objections of his critics.

I ask unanimous consent the relevant portions of the transcript I have just referred to from the Judiciary Committee hearing and the letter which I sent to Senator REID dated March 3, 2005, be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Shortly after becoming chairman of the Judiciary Committee, within a week, by memorandum dated January 12 of this year, I sent to all members of the Judiciary Committee a memorandum including summaries of some of Judge Pryor's statements which I thought merited analysis and reconsideration by those who had opposed him in the past. Those opinions included the decision in DIRECTV v. Treworgy, where Judge Pryor ruled against a major satellite transmission corporation, instead siding with a private citizen to shield him from liability. Also, a case on Judge Pryor's decision protecting religious liberty, Benning v. Georgia, also decided in the year 2004. A case illustrating Judge Pryor's protection of civil rights in the case of Wilson v. B/E Aerospace, Incorporated. A case which involved a district court's dismissal of a female employee's gender discrimination claims. Judge Pryor reinstated her claim of bias as to promotion and remanded back to the district court.

By way of amplification of the case I referred to on Benning v. Georgia, that involved a situation when the Georgia prison system refused an inmate's request to practice his Jewish faith. Judge Pryor enabled the prisoner to continue to worship in his preferred manner.

The case involving Sarmiento-Cisneros, where Judge Pryor ruled protecting immigrants' rights, involved a Mexican immigrant who desired to remain in the United States with his family. Judge Pryor vacated the deportation order, enabling the family to remain together, and brought a commonsense interpretation to a harsh ruling by the Bureau of Immigration and Customs Enforcement.

The case of Brown v. Johnson is an illustration of Judge Pryor's judgment and decision in protecting prisoners' rights. Judge Pryor recognized the need for improvement in the treatment of an inmate afflicted with HIV and concluded that prison officials were not sufficiently concerned about the serious medical needs under the Eighth and 14th Amendments.

Judge Pryor also stood by the petitioner, permitting him to proceed in forma pauperis.

Judge Pryor has faced, in his capacity as Attorney General of Alabama, quite a number of situations where he took positions which were very unpopular politically and contrary to his own views, but did so because of his determination and his recognition that he was supposed to uphold the law of the land.

In a very highly celebrated case nationally and internationally, as Attorney General for Alabama he proceeded against Alabama Chief Justice Roy Moore for refusing to remove the large depiction of the Ten Commandments on display in the Alabama Supreme Court after the Federal courts ruled the display was unconstitutional. In that case, Judge Pryor commented that his personal beliefs were contrary to what he was ruling. He took a lot of criticism from his Alabama constituency and when asked about his decision to enforce the law against Alabama Chief Justice Moore, Judge Pryor stated:

> This was not a tough call. I believe that our freedom depends on the rule of law. The reason the American experiment has been successful is because we are a nation of laws and not of men. No person is above the law. We have to abide by the law even when we disagree with it. That is the guiding principle of my public service.

Hard to structure a response better than that. Cannot do any better than that, when you say you disagree with something and you disagree strongly, but you recognize your obligation to enforce the law.

On other occasions, then-Attorney General Pryor set aside personal beliefs and instructed State law enforcement officials to enforce the Supreme Court rulings. Shortly after the U.S. Supreme Court issued its ruling in Lawrence v. Texas, he released a press statement through the Web site of the Office of Attorney General saying that in light of the Supreme Court ruling in Lawrence:

> the law of Alabama . . . which prohibits consensual sodomy between unmarried persons, is now unenforceable.

Similarly, after the Supreme Court ruled in Stenberg v. Carhart, which struck down a Nebraska law prohibiting partial-birth abortion, then-Attorney General Pryor issued a statement to State officials saying State officials "are obligated to obey the Stenberg ruling until it is overruled or otherwise set aside."

Judge Pryor's record shows commitment to improving race relations and protecting racial equality. As attorney general, Judge Pryor worked with President Clinton's U.S. attorney Doug Jones to prosecute former klansmen who bombed Birmingham's 16th Street Baptist Church in the 1960s which resulted in the death of four young girls. He helped to start a drive to rid the Alabama Constitution of its racist prohibition on interracial marriage and then stepped up to head the effort to end the ban, ultimately to its victory in November of 2000.

He dedicated much of his career to protecting the interests and the safety of women. As Attorney General, he supported and lobbied for legislation that created a State crime of domestic violence.

I ask unanimous consent the summaries of the cases which I referred to previously be printed in the RECORD, with a pertinent letter, at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. In conclusion, it is a very healthy situation in that we are now proceeding to take up these nominees individually. That is something which I had sought to do since taking over the chairmanship of the Judiciary Committee. We have moved ahead now with three controversial nominees. It is my hope we will continue to take up these nominees, one at a time, and evaluate them on their merits.

As I have said in a number of floor statements, we have reached the current confrontation because of a practice which goes back almost 20 years, starting with the last 2 years of the Reagan administration and continuing with 4 years of President Bush, and when the Democrats took control of the Senate and the Judiciary Committee, they stopped the processing of judges and slowed it down.

Then when we Republicans won the election in 1994, for the last 6 years of the Clinton administration we slowed down the process and tied up some 70 judges in committee, a practice that I objected to at the time, and supported Judge Paez and Judge Berzon and others. Then the controversy was ratcheted up with the unprecedented systematic filibustering of judges, and then the unprecedented move by President Bush in the interim appointment, after the Senate rejected a judge, albeit by the route of not getting cloture.

My time has expired, and I note the presence of the distinguished Democratic leader, so I yield the floor in midsentence, Mr. President.

EXHIBIT 1

Senator SPECTER. The Chairman has asked about whether you have made some comments which you now consider intemperate, and I regret, that I could not be here earlier today, but as you know, we have many conflicting schedules. But I note the comment you made after *Planned Parenthood v. Casey*, where you were quoted as saying—first I would ask you if this quote is accurate. I have seen a quote or two not accurate. "In the 1992 case of *Planned Parenthood v. Casey* the Court preserved the worst abomination of constitutional law in our history," close quote. Is that an accurate quotation of yours?

Mr. PRYOR. Yes.

Senator SPECTER. Is that one which would fall into the category that Senator Hatch has commented on, you wish you had not made?

Mr. PRYOR. No, I stand by that comment.

Senator SPECTER. Why do you consider it an abomination, Attorney General Pryor?

Mr. PRYOR. Well, I believe that not only is the case unsupported by the text and structure of the Constitution, but it had led to a morally wrong result. It has led to the slaughter of millions of innocent unborn children. That's my personal belief.

Senator SPECTER. With that personal belief, Attorney General Pryor, what assurances can you give to the many who are raising a question as to whether when you characterized it an abomination and slaughter, that you can follow a decision of the United States Supreme Court, which you consider an abomination and having led to slaughter?

Mr. PRYOR. I would invite anyone to look at my record as Attorney General, where I've done just that. We had a partial birth abortion law in our State that was challenged by abortion clinics in Alabama in 1997. It could have been interpreted broadly or it could have been interpreted narrowly. I ordered the district attorneys of Alabama to give it its narrowest construction because that was based on my reading of *Roe* and *Casey*. I ordered the district attorneys to apply that law only to post-viable fetuses. I could have read it easily more broadly. The governor who appointed me was governor at the time and a party to the lawsuit, disagreed with me and openly criticized me. A pro-life activist in Alabama criticized me. But I did it because I thought that was the right legal decision. I still had an obligation to defend Alabama law. This was a recently-passed Alabama law. When the Supreme Court of the United States later of course struck down this kind of partial birth abortion law, we conceded immediately in district court that the decision was binding, but until then I was making the narrowest argument I could make, trying to be faithful to the Supreme Court's precedent, while also being faithful to my role as Attorney General and my oath of office to defend a law recently passed by the legislature.

Senator SPECTER. When you talk about post-viability and you have the categorization of partial birth or late-term abortion, is not that statute necessarily directed toward post-viability?

Mr. PRYOR. That was one of the main arguments I made in construing it, but if you look at the actual language—

Senator SPECTER. Well, I asked you that question as to whether there was a basis for construing it to the contrary. When you talk about partial birth abortion, we are talking about an event in the birth canal which is definitely post-viability. When you talk about late-term abortion, we are also talking about post-viability. So aside from having some people who will raise a question about anything, whether there is a question to be raised or not, was it not reasonably plain on the face of the statute that they were talking about post-viability?

Mr. PRYOR. No, I don't think anyone would contend life. I believe that abortion is morally wrong. I've never wavered from that, and in representing the people of Alabama, I have been a candid, engaged Attorney General, who has been involved in the type of—

Chairman HATCH. What does that mean with regard to the Eleventh Circuit Court of Appeals? If you get on that court, how are you going to treat Roe v. Wade?

Mr. PRYOR. Well, my record as Attorney General shows that I am able to put aside my personal beliefs and follow the law, even when I strongly disagree with it, to look carefully at precedents and to do my duty. That is the same duty that I would have as a judge. Now, as an advocate for the State of Alabama of course I have an obligation to make a reasonable argument in defense of the law, but as a judge I would have to do my best to determine from the precedents what the law actually at the end of the day requires. My record demonstrates that I can do that.

Chairman HATCH. So even though you disagree with Roe v. Wade you would act in, accordance with Roe v. Wade on the Eleventh Circuit Court of Appeals?

Mr. PRYOR. Even though I strongly disagree with Roe v. Wade I have acted in accordance with this as Attorney General and would continue to do so as a Court of Appeals Judge.

Chairman HATCH. Can we rely on that?

Mr. PRYOR. You can take it to the bank, Mr. Chairman.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 3, 2005.

Hon. HARRY REID,
Minority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR REID: When we talked earlier this week, we discussed the question of whether or not Judge Pryor had testified that he would follow Roe v. Wade. I have had the transcript reviewed from Judge Pryor's hearing on June 11, 2003. I think that you will find the following exchange between Senator Hatch and Judge Pryor, which can be found on page 45 of the transcript, dispositive:

Chairman HATCH: So even though you disagree with Roe v. Wade you would act in accordance with Roe v. Wade on the Eleventh Circuit Court of Appeals?

Mr. PRYOR: Even though I strongly disagree with Roe v. Wade I have acted in accordance with it as Attorney General and would continue to do so as a Court of Appeals Judge.

Chairman HATCH: Can we rely on that?

Mr. PRYOR: You can take it to the bank, Mr. Chairman.

I am enclosing a copy of the transcript.

Sincerely,

ARLEN SPECTER.

EXHIBIT 2

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, January 12, 2005.

TO MEMBERS OF THE SENATE JUDICIARY COMMITTEE: As you know, Judge William Pryor has been sitting on the United States Court of Appeals for the Eleventh Circuit for the past eleven months. The President has stated his intention to re-submit Judge Pryor's name for confirmation to the Eleventh Circuit. In light of his expected renomination, I have asked my staff to examine Judge Pryor's Eleventh Circuit opinions.

I thought you might be interested in knowing some more about these opinions. In particular, I'd like to bring to your attention several opinions that demonstrate Judge Pryor's willingness to protect the rights of individuals often overlooked in the legal system. It is my hope that these opinions and his record on the Eleventh Circuit for the past eleven months will be considered by the Committee on evaluating him on his re-nomination.

Sincerely,

ARLEN SPECTER.

MEMORANDUM

During his tenure on the Eleventh Circuit Court of Appeals, Judge William Pryor has authored several opinions demonstrative of his willingness to protect the rights of those often overlooked in the legal system.

Standing up to Corporations: *DIRECTV, Inc.* v. *Treworgy*, 373 F.3d 1124 (11th Cir. 2004)

Judge Pryor ruled against a major satellite-transmission corporation, siding instead with a private citizen to shield him from liability.

Background: DIRECTV (DTV), a provider of satellite television, encrypts transmissions of pay-per-view and premium programming. The security encryption can be illegally circumvented by using "pirate access devices," which allow users to intercept and decrypt DTV's transmissions. Mike Treworgy bought two pirating cards, which enable someone with a satellite dish to receive signals without paying for the service. There was no evidence that Treworgy actually intercepted a signal wth his cards. DTV sued Treworgy for possessing these devices under the Electronic Communications Privacy Act of 1986 (Wiretap Act), which criminalizes the intentional manufacture, distribution, possession and advertising of piracy devices. Treworgy argued that the Wiretap Act did not create a private right of action against persons merely in possession of access devises.

Holding: The Eleventh Circuit, Judge Pryor writing, held that DTV did not have a private right of action against Treworgy for mere possession of intercepting technology, and required that the device must have been used to pirate programming before private rights of action arise. "Congress chose to confine private civil actions to defendants who had 'intercepted, disclosed, or intentionally used' [a communication] . . . possession of a pirate access device alone, although a criminal offense, creates nothing more than conjectural or hypothetical harm."

Protecting Religious Liberty: *Benning* v. *Georgia*, 2004 WL 2749172 (11th Cir. 2004)

When the Georgia prison system refused an inmate's requests to practice his Jewish faith, Judge Pryor enabled the prisoner to continue to worship in his preferred manner.

By finding that RLUIPA is a proper exercise of Congress' Spending authority, the Eleventh Circuit kept viable similar legal remedies for the elderly, disabled and other victims of discrimination.

Background: Ralph Benning, an inmate in the Georgia prison system, asserted that as a "Torah observant Jew" he was being prevented from fulfilling his religious duties, such as eating only kosher food, and wearing a yarmulke. Georgia moved to dismiss and argued that §3 of The Religious Land Use and Institutionalized Persons Act (RLUIPA) exceeds the authority of Congress under the Spending and Commerce Clauses, and violates the Tenth Amendment and the Establishment Clause. RLUIPA imposes strict scrutiny on federally funded programs or activities that burden the religious rights of institutionalized persons.

Holding: The Eleventh Circuit, Judge Pryor writing, ruled that Congress did not exceed its authority under the Spending Clause in enacting §3 of RLUIPA. The court held that Congress' spending conditions need meet only a "minimal standard of rationality." The court found that protecting religious exercise of prisoners is a rational goal, and the United States "has a substantial interest in ensuring that state prisons that receive federal funds protect the federal civil rights of prisoners." The Eleventh Circuit also concluded that the statute did not violate the Tenth Amendment by infringing on areas reserved to the states, nor did it violate the Establishment Clause. Judge Pryor further recognized that, "given the necessarily strict rules that govern every aspect of prison life, the failure of prison officials to accommodate religion, even in the absence of RLUIPA, would not be neutral; it would be hostile to religion."

Protecting Civil Rights: *Wilson* v. *B/E Aerospace, Inc.*, 376 F.3D 1079 (11th Cir. 2004)

When the district court dismissed a female employee's gender discrimination claims, Judge Pryor reinstated her claim of bias as to a promotion, and remanded back to the district court.

Background: Loretta Wilson filed an employment discrimination action against B/E Aerospace, Inc. (B/E) alleging sex discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended in 42 U.S.C. sections 2000e et seq., and the Florida Civil Rights Act, Fla. Stat. sections 760.01 et seq. She claimed that B/E discriminated against her on the basis of sex by not promoting her to the position of Site Vice President and by later terminating her.

Procedural Summary: B/E filed a motion for summary judgment at the conclusion of discovery. The district court granted the motion in its entirety finding that Wilson failed to both provide direct evidence of discrimination and establish a prima facie case of discrimination.

Holding: Judge Pryor, writing for the Eleventh Circuit, allowed Wilson's case to proceed against the corporation. Focusing on the two distinct types of conduct alleged—discrimination in promotion and discharge—the court concluded that an admission by a supervisor at B/E that Wilson was "the obvious choice" and the "most qualified" for the then-pending promotion created a genuine issue of fact, prompting Judge Pryor to remand as to the failure-to-promote claim. As to the discharge claim, the court concluded that Wilson had offered no evidence that her termination was based on sex.

Protecting Immigrant Rights: *Sarmiento-Cisneros* v. *U.S. Attorney General*, 381 F.3d 1277 (11th Cir. 2004).

Judge Pryor stood up for a Mexican immigrant who desired to remain in the United States with his family.

By vacating the deportation order, Judge Pryor enabled a family to remain together and brought a commonsensical interpretation to the harsh Bureau of Immigration and Customs Enforcement order.

Background: Jose Sarmiento-Cisneros was an alien from Mexico who was deported and then reentered the United States illegally, married an American citizen, and then applied for an adjustment of status before the effective date of 8 U.S.C. 1231(a)(5). The Bureau of Immigration and Customs Enforcement (BICE) sought to reinstate a removal order under 8 U.S.C. 1231(a)(5) and argued that the statute's provisions barring an alien from filing an application for discretionary relief apply retroactively.

Holding: After examining the statute, Judge Pryor, writing for the Eleventh Circuit, joined five other circuits in concluding that 8 U.S.C. 1231(a)(5) does not apply retroactively. The court therefore granted the petition for review and vacated the BICE deportation order. Sarmiento Cisneros was thus able to enjoy discretionary relief available to him prior to the BICE's rescission of the previously granted relief.

Protecting Prisoners' Rights: *Brown* v. *Johnson*, 387 F.3d 1344 (11th Cir. 2004).

Judge Pryor recognized the need for improved treatment for an inmate afflicted with HIV, concluding that prison officials were indifferent to his serious medical needs under the Eighth and Fourteenth Amendments.

Judge Pryor not only stood up for the prisoner, but enabled him to proceed in forma pauperis.

Background: John Brown, a prisoner in the Georgia State Prison, had been prescribed medication for HIV and hepatitis. Two months after this prescription had been granted, a different doctor ceased treatment. Eight months later, Brown filed a §1983 claim against the second doctor and the Medical Administrator for the Georgia State Prison alleging deliberate indifference to his serious medical needs in violation of the due process clause of the Fourteenth Amendment and the Eighth Amendment. Additionally, Brown filed a petition to proceed in forma pauperis.

Procedural Summary: The Prison Litigation Reform Act (PLRA) establishes the procedures for courts to use to assess prisoner complaints brought in forma pauperis. The provision of the PLRA in question, 28 U.S.C. section 1915(g) (often referred to as the "three strikes rule"), bars a prisoner from proceeding in forma pauperis after he has filed three meritless lawsuits, unless the prisoner is in imminent danger of serious medical injury. A magistrate judge recommended that Brown's petition to proceed in forma pauperis be denied and that his complaint be dismissed without prejudice because Brown had filed at least three meritless lawsuits previously, and had not met the imminent physical injury exception. Brown then filed timely objections to the recommendation and he filed a motion to amend his complaint. The district court denied Brown's motion to amend his complaint because the complaint was subject to "three strikes" dismissal. Subsequently, the district court adopted the recommendation of the magistrate judge and dismissed Brown's complaint without prejudice. Brown then appealed, and the district court granted him permission to proceed in forma pauperis.

Holding: Judge Pryor, writing for the Eleventh Circuit, determined that the district court's dismissal of Brown's motion to amend his complaint under the PLRA, and its conclusion barring Brown from proceeding in forma pauperis, were in error. Further, Judge Pryor found that the district court abused its discretion in denying him the right to amend his complaint pursuant to FRCP 15. The amended complaint, sufficiently alleging imminent danger of serious physical injury under 28 U.S.C. 1915(g), permitted Brown to proceed in forma pauperis. Finally, Judge Pryor found that Brown had stated a valid claim of deliberate indifference to serious medical needs under the Eighth and Fourteenth Amendments. Therefore the district court's judgment was reversed and remanded for further proceedings, effectively allowing Brown's suit to go forward, and enabling him to get necessary medical treatment.

(At the request of Mr. LEAHY, the following statement was ordered to be printed in the RECORD.)

• Mr. JEFFORDS. Mr. President, I would like to express my opposition to the nomination of William H. Pryor, Jr., to the Eleventh Circuit Court of Appeals.

Mr. Pryor has a distinguished legal career. He graduated magna cum laude from Tulane University Law School, clerked for a judge on the Fifth Circuit Court of Appeals, was a law professor at Samford University, and served as attorney general for the State of Alabama. While he deserves recognition for his legal background, that alone is not enough in my estimation to be confirmed for a lifetime appointment to the Federal bench. In my review of Mr. Pryor's statements, actions, and writings, I am concerned that Mr. Pryor's personal opinion, rather than the law, will compel his decisions in some cases.

My areas of concern arise in areas of the law that I have spent my career working to address, including the environment, reproductive rights, and gay rights.

On the environment, for example, Mr. Pryor urged the U.S. Supreme Court to declare unconstitutional Federal efforts to protect wildlife on private lands under the Endangered Species Act. In regard to this case, the lower court stated that Mr. Pryor's constitutional arguments would "place in peril the entire federal regulatory scheme for wildlife and natural resource conservation." The case is Gibbs v. Babbitt.

In another important case, Solid Waste Authority of Northern Cook County v. United States, Mr. Pryor urged the Supreme Court to strike down Federal efforts to protect waters and wetlands that provide habitat for migratory birds. Finally, Mr. Pryor has advocated in testimony before the Senate that States should not be held accountable in court for failing to enforce minimum Federal standards from the joint hearing before the U.S. Senate Committee on Environment and Public Works and the U.S. Senate Committee on the Judiciary, July 16, 2002.

On reproductive rights Mr. Pryor in 1997 called the Roe v. Wade decision, "the day seven members of our highest court ripped the Constitution and ripped out the life of millions of unborn children." In a speech during that same year, Mr. Pryor criticized the 1992 Supreme Court decision in Planned Parenthood v. Casey by stating that this decision "preserved the worst abomination of constitutional law in our history: Roe v. Wade."

Finally, during Mr. Pryor's career he has actively worked to oppose gay rights. In fact, he has gone so far as to seek out cases to file briefs, or spoken out on the merits of such cases, that have no connection to the job he was currently performing. For example, even though Alabama had no similar statute, Mr. Pryor filed an amicus brief in the Romer v. Evans case supporting Colorado's law prohibiting local governments from enacting laws protecting gays and lesbians from discrimination. In addition, despite the fact that the Lawrence v. Texas case did not involve Alabama law, Mr. Pryor's interest was so keen that he petitioned the Supreme Court for leave to participate in the oral argument and filed a brief on the merits of the case.

Some have argued that Mr. Pryor should not be held to all these briefs and statements because he was just doing his job and protecting the rights and positions of his client or employer. However, the problem with this argument is that many of the positions he has taken have not related to the requirements of the job he was performing, but were positions he singularly advocated because he believed in them and sought out cases to express and uphold his beliefs. It is this fact that concerns me and leads me to believe that Mr. Pryor will use his personal beliefs rather than settled law to decide cases.

His actions as a recess appointment to the Eleventh Circuit Court of Appeals have not diminished my concern, especially when Mr. Pryor was the deciding vote that prohibited the full Eleventh Circuit to consider the unique Florida law banning gay adoption. Given these facts and Mr. Pryor's history, I opposed limiting debate on his nomination in 2003, and continue to do so today.

Unfortunately, I will be necessarily absent for the votes that will occur related to this nominee. However, I feel it is necessary to express my position on this important nomination.●

Mrs. CLINTON. Mr. President, the nomination of William H. Pryor, Jr., to the Eleventh Circuit Court of Appeals is nothing more than a political promotion cloaked in the thin veil of a judicial nomination. Judge Pryor has been an active and dutiful soldier in the administration's systematic assault on the Constitution and individual rights, effectively making his nomination for a lifetime appointment to the Eleventh Circuit Court of Appeals political payback for a job perceived well done. Given Judge Pryor's disdain for the Constitution and individual rights, I encourage my colleagues to join me in opposing Judge Pryor's nomination.

If confirmed for a lifetime appointment to the Eleventh Circuit Court of Appeals, Judge Pryor would pose an enormous threat to the rights, protections, and freedoms of all Americans. Judge Pryor's professional record demonstrates a willingness to contort the law in order to make it fit his political agenda. During his 7-year tenure as attorney general of Alabama, Judge Pryor advanced his own personal, conservative agenda not only through litigation in which Alabama was a party, but also by filing amicus curiae briefs in cases in which Alabama was neither an interested party nor under any obligation to participate. As attorney general of Alabama, Judge Pryor amassed a stunning record replete with hostility for the rights of Americans and contempt for constitutionally mandated protections. In addition to attacking the validity of constitutional freedoms, Judge Pryor advocated for the dissolution of congressionally required protections intended to preserve individual rights, to safeguard our environment and to maintain the barriers that separate church and state.

Judge Pryor has advocated a view that the Constitution does not harbor some of our most critical individual rights and freedoms. He has taken the position that these freedoms should be decided by the States, based on majority vote, regardless of whether constitutional rights are violated. The danger of this simple thinking is of course to regionalize the Constitution, making one's constitutional rights dependent on where one resides. But much more egregious is what this proposal would do to our Bill of Rights; it effectively makes our inalienable rights as Americans open to public and political debate. This surely could not have been what the Framers envisioned when they drafted our Constitution.

Judge Pryor's general contempt for the Constitution is clear in the positions he advocated as attorney general of Alabama. In one amicus brief to the Supreme Court, Judge Pryor defended a State practice of handcuffing prisoners to a hitching post and exposing them to the hot sun for 7 hours at a time without water or bathroom breaks. This cruel and unusual brand of punishment advocated by Judge Pryor was later rejected by the U.S. Supreme Court, which held that "the use of the hitching post under these circumstances violated 'the basic concept underlying the Eighth Amendment, [which] is nothing less than the dignity of man.'"

Showing disdain for constitutionally protected reproductive freedom, Judge Pryor has called Roe v. Wade "the worst abomination of constitutional law in our history." In this spirit, he has endorsed the formation of unconstitutional barriers that would thwart the practice of reproductive freedom, going as far as defending Alabama's so-called "partial-birth abortion" ban despite the fact that it lacked the constitutionally required exception to protect the health of the pregnant woman.

But Judge Pryor's attacks against privacy interests are not only relegated to reproductive rights. Judge Pryor believes that it is constitutional to imprison gay men and lesbians for having sex in the privacy of their own homes. In an amicus brief asking the Supreme Court to uphold Texas' "Homosexual Conduct" law, Judge Pryor advocated criminalizing homosexual intercourse between consenting adults, ignoring the equal protection clause of the 14th amendment. In his brief on behalf of the people of Alabama, Judge Pryor equated sex between two consenting adults of the same gender with "activities like prostitution, adultery, necrophilia, bestiality, possession of child pornography, and even incest and pedophilia . . ." This is from a brief in

Support of Respondent at 25. *Lawrence* v. *Texas*, 539 U.S. 558. 2003.

Judge Pryor's disrespect for the rule of law however, is not limited to his disregard for the Constitution. Judge Pryor has long been a foot soldier in the conservative movement's attack on the authority of Congress to enact laws protecting individual and other rights. He and like-minded conservative ideologues have hidden behind the labels "States rights" and "federalism," when what they are truly advocating is the restriction of Congress to protect Americans' rights against discrimination and injury based on disability, race, and age.

Again as attorney general of Alabama, Judge Pryor abused his discretion, making Alabama the only State to file an amicus brief in support of striking down part of the Violence Against Women Act. As Alabama's attorney general, Judge Pryor filed briefs calling for the elimination of protections contained in the Family and Medical Leave Act, the Age Discrimination in Employment Act, the Clean Water Act, and the Endangered Species Act. On two separate occasions, he testified in Congress against EPA enforcement of the Clean Air Act and against key provisions of the Voting Rights Act.

In one Supreme Court case in which his office again filed an amicus brief, Judge Pryor urged the Supreme Court to hold that State employees cannot sue for damages to protect their rights against discrimination under the Americans with Disabilities Act. In a narrow 5-to-4 decision, the Court agreed with Judge Pryor's "States' rights" argument. After the decision, Judge Pryor expressed tremendous satisfaction for his part in dismantling a portion of one of this generation's seminal pieces of civil rights legislation. Judge Pryor said he was "proud" of his role in "protecting the hard-earned dollars of Alabama taxpayers when Congress imposes illegal mandates on our state."

Americans deserve better than this. They deserve even-tempered jurists who will not use the bench as a pulpit for the advancement of their own political agenda. Given Judge Pryor's disregard for individual rights, the Constitution and congressionally mandated protections, I cannot in good faith extend my constitutionally required consent to his nomination, and I encourage my Senate colleagues to again withhold their support as well.

Mrs. FEINSTEIN. Thank you, Mr. President.

I would like to discuss the nomination of William Pryor to the Eleventh Circuit Court of Appeals. I have closely reviewed Judge Pryor's record, and based upon it, I believe that Judge Pryor would have difficulty putting aside his extreme views in interpreting the law. Consequently, I do not believe that Judge Pryor should be confirmed to a lifetime appointment on the Eleventh Circuit Court of Appeals.

Before President Bush's recess appointment of William Pryor to the Eleventh Circuit in February 2004, Pryor had not been a judge. As a result, he lacks a record as a sitting judge through which his judicial temperament and impartiality may be examined. Consequently, one must look to Judge Pryor's actions and statements throughout his career.

In his career, Judge Pryor has primarily been a politician, and considering the vehemence with which he has advocated his political views, I have serious concerns that he can set aside those views and apply the law in an independent, non-partisan fashion.

First, I want to be very clear about one thing. My objection to confirming Judge Pryor to a lifetime seat on the Eleventh Circuit Court of Appeals has nothing to do with Judge Pryor's personal religious beliefs.

There are those who have been spreading the false statement that some Democrats vote against judicial nominees because of a nominee's religious beliefs. And that has been said about me. The majority leader even had on his Web site a newspaper column that says I voted against Judge Pryor because of his religious beliefs.

So I went back and I took a look at my statement on the floor, and I took a look at my statement in the Judiciary Committee markup, and they are both clear that my concerns with Judge Pryor have nothing to do with his religious beliefs. As I stated before this body in July of 2003:

> Many of us have concerns about nominees sent to the Senate who feel so very strongly and sometimes stridently and often intemperately about certain political beliefs, and who make intemperate statements about those beliefs.

So we raise questions about whether those nominees can truly be impartial, particularly when the law conflicts with those beliefs.

It is true that abortion rights can often be at the center of these questions. As a result, accusations have been leveled that, at any time reproductive choice becomes an issue, it acts as a litmus test against those whose religion causes them to be anti-choice.

But pro-choice Democrats on the Judiciary Committee have voted for many nominees who are anti-choice and who believe that abortion should be illegal—some of whom may . . . have been Catholic. I do not know, because I have never inquired.

So this is truly not about religion. This is about confirming judges who can be impartial and fair in the administration of justice.

Before the Judiciary Committee, I said of Judge Pryor that, "I think his faith speaks favorably to his nomination and to his commitment to moral values, which I have no problem with. I would like people in the judiciary with positive and strong moral values."

I am troubled that legitimate and serious concerns over Judge Pryor and other nominees have been brushed aside, and instead it is said that we on this side are trying to make a case against people of faith. That simply is not true.

Thomas Jefferson wrote of the establishment clause of the first amendment, "I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion or prohibiting the free exercise thereof,' thus building a wall of separation between church and state."

The Supreme Court has written that "the most important of all aspects of religious freedom in this country is that of the separation of church and state."

It is because the separation of church and state ensures religious freedom, that some of Judge Pryor's actions and statements concern me.

There are those who have minority-held religious views. There are those who have majority-held religious views. But one of the beautiful things about America is that it is a pluralistic society and that the government has stayed out of religion. The founding fathers, looking at the history of Europe, recognized the sectarian strife and religious oppression that can arise from favoring one religion over another. They came here and they founded a government where there was to be a distinct line drawn between government and religion, and it has served this country well.

So when people confuse arguments that are made to support the separation of religion and government with an opposition to people of faith, they could not be more wrong. And I think this has to be made increasingly clear. We've all seen the inflammatory ads. We've all heard the commercials.

I hope that a more responsible tone will be struck, because the value of the separation between church and state is based on the fact that once that bright line is broken, what one has to grapple with is which religion do you put in the courtroom? Which religion do you allow to be celebrated in a governmental framework?

If the separation of church and state, that has been a part of this Nation since its founding, is abolished, these become very real and very disturbing questions.

Accordingly, I am extremely concerned by Judge Pryor's actions and statements promoting the erosion of the division between church and state.

As deputy attorney general and attorney general of Alabama, Judge Pryor vigorously defended the display of a statue of the Ten Commandments in the Alabama supreme court. However, when questioned about whether it would be constitutional to display religious artifacts or symbols from other religions in the court room, Pryor was noticeably silent.

According to an April 4, 1997 Associated Press account, Pryor said that "the State has no position on whether the Alabama supreme court Chief Judge's right to pray and have a religious display in his courtroom extends to people of other faiths." That Judge Pryor did not take that opportunity to make clear that all religions are equal before our courts is distressing.

Also while Deputy Attorney General, Judge Pryor defended the Alabama supreme court Chief Judge's practice of having Christian clergymen give prayers when jurors first assembled in his courtroom for a trial. Judge Pryor sought to have an Alabama trial judge declare this practice constitutional under the U.S. and Alabama constitutions. The trial judge ruled against Pryor, concluding that the prayer was unconstitutional.

The judge cited the Chief Judge's own statements that "acknowledged that through prayer in his court, he is promoting religion." Pryor's decision to pursue this case despite the Chief Justice's own admission that the prayer was intended to promote religion—thereby violating the establishment clause of the Constitution—is perplexing.

It is imperative that our judges—particularly judges on our Courts of Appeals—respect and follow the law, especially the Constitution. I do not believe that a lawyer with Judge Pryor's record of consistent attacks on the establishment clause and the separation of church and state enshrined therein should be given a lifetime appointment to the Eleventh Circuit.

Another concern I have with Judge Pryor is the extreme positions he has advocated regarding a woman's right to choose. I have voted for numerous anti-choice judicial nominees. However, Judge Pryor's positions are beyond the mainstream even of those who oppose the right to choose. Furthermore, his incendiary remarks on the subject demonstrate not only a lack of appropriate judicial temperament, but a lack of respect for the Supreme Court.

Judge Pryor opposes abortion even in cases of rape and incest and supports an exception only where a woman's life is endangered. He has called Roe v. Wade "the worst abomination of constitutional law in our history," and said, "I will never forget January 22, 1973, the day seven members of our highest court ripped the Constitution and ripped out the life of millions of unborn children."

As attorney general of Alabama, Judge Pryor called Roe and Miranda v. Arizona, the well known Supreme Court decision requiring that criminal defendants be informed of their right to remain silent, "the worst examples of judicial activism." This depth of hostility to the established precedent of the Supreme Court is disquieting in an appellate court nominee.

At his confirmation hearing, Judge Pryor had the opportunity to clarify or step back from these inflammatory remarks. Nevertheless, he stood by his statement that Roe is the "worst abomination of constitutional law in our history"—worse than Plessy v. Ferguson, the decision upholding segregation, the Dred Scott decision, which denied citizenship and court access to all slaves and their descendants, or the Korematsu case, validating the government's internment of Japanese citizens during World War II.

That a nominee for a court just below the Supreme Court believes that an existing precedent of the Supreme Court protecting a woman's right to choose is worse than long discredited decisions denying Blacks citizenship or permitting segregation is deeply disturbing and out of line with the last hundred years of American jurisprudence.

In statements addressing the scope of Federal Government, Judge Pryor has promoted a role so limited that the Federal Government would be forced to abdicate many of its central responsibilities. For example, he has stated that Congress "should not be in the business of public education nor the control of street crime."

I do not believe that the Federal Government should ignore critical matters like education and crime, and neither do most Americans. However, my larger concern is not that Judge Pryor's position is contrary to my viewpoint or even that it is contrary to the views of most Americans, but that it is contrary to binding Supreme Court precedent establishing the breadth of the Federal Government's powers.

This extremely limited view of the role of Federal Government is reflected in the positions Judge Pryor has taken on a number of important issues.

Testifying before the Judiciary Committee as attorney general of Alabama in 1997, Judge Pryor urged the repeal of Section 5 of the Voting Rights Act, calling it an "affront to federalism, and an expensive burden that has far outlived its usefulness."

Section 5 of the Voting Rights Act requires any changes in voting laws in states with a specific history of voting discrimination to be pre-cleared by the Justice Department or the Federal District Court in Washington, DC to ensure they have no discriminatory purpose or effect. In this way, Section 5 of the Votings Rights Act has been a critical tool in guaranteeing the voting rights of minorities.

Today, Section 5 of the Voting Rights Act continues to ensure voting rights. In the last 10 years, Section 5 of the Voting Rights Act has been applied in more than a half-dozen states to ensure that districts are not redrawn to intentionally dilute minority votes and that polling places are not moved for the primary purpose of discouraging minority voting.

Judge Pryor's strong criticism of this important safeguard of civil rights, particularly on federalism grounds—meaning he believes that the Federal Government has no right to intervene, even where a citizen's right to vote is threatened—concerns me.

One of Judge Pryor's legacies as attorney general of Alabama is his effort to weaken and undermine the Americans with Disabilities Act, passed in 1990 to protect the rights of the disabled. For example, in Tennessee v. Lane, Pryor, then attorney general of Alabama, submitted an amicus brief seeking to deny a disabled defendant access to his own trial.

Pryor argued that the constitutional guarantees of equal protection and due process "do not require a State to provide unassisted access to public buildings" and even took the extraordinary position that there is no absolute right for a defendant to be present at his own criminal trial, stating that "even as to parties in legal proceedings, there is no absolute right to attendance." The Supreme Court rejected these extreme positions advocated by Pryor.

Pryor's repeated attempts to use judicial means to undo the legislation protecting basic civil rights raise questions about both his willingness to protect individual's civil rights and his propensity to judicial activism— using the courts as a partisan vehicle to undo legislation he does not support.

Supporters of Judge Pryor's nomination point to his brief record as a recess appointee to the Eleventh Circuit as evidence of Judge Pryor's ability to set aside his strong political views. While Judge Pryor, in his short tenure on the Eleventh Circuit has not authored any particularly controversial opinions, decisions he has written addressed what are largely technical and uncontroversial legal issues.

Judge Pryor's brief stint as a recess appointee may or may not offer a representative preview of the opinions he would render as a lifetime member of the Eleventh Circuit.

Ultimately, my concern is that Judge Pryor does not display the dispassionate, independent view that we want from our judges. While in private practice, Pryor's commitment to the Republican Party apparently interfered with his representation of clients. Valstene Stabler, a partner at the Birmingham firm of Walston, Stabler, Wells, Anderson & Baines, described Pryor as being "so interested in what the Republican Party was doing in the state, he was having trouble devoting attention to his private clients."

A Washington Post editorial observed that:

> Mr. Pryor's speeches display a disturbingly politicized view of the role of the courts. He has suggested that impeachment is an appropriate remedy for judges who "repeatedly and recklessly . . . overturn popular will and . . . rewrite constitutional law." And he talks publicly about judging in the vulgarly political terms of the current judicial culture war. He concluded one speech, for example, with the following prayer: "Please, God, no more Souters" a reference to the betrayal many conservatives feel at the honorable career of Supreme Court Justice David H. Souter.

Republicans who have worked with Judge Pryor have voiced concerns over his ability to be an independent, nonpartisan judge. Grant Woods, the former Republican attorney general of Arizona said that "he would have great question of whether Mr. Pryor has an ability to be non-partisan. I would say he was probably the most doctrinaire and most partisan of any attorney general I dealt with in 8 years. So I think people would be wise to question whether or not he's the right person to be non-partisan on the bench."

A judge must be able to set aside his views and apply the law evenly and fairly to all. Mr. Pryor's intemperate legal and political beliefs, and his strident statements and actions in furtherance of those beliefs, have led me to question whether he can be truly impartial.

Aside from his brief tenure on the Eleventh Circuit as a recess appointee, Judge Pryor has no judicial record upon which to evaluate him. Consequently, we must consider his fitness for the Eleventh Circuit on the basis of his actions and statements as deputy attorney general and attorney general of Alabama. Looking back on this highly partisan and controversial tenure, I cannot vote for Judge Pryor's confirmation to a lifetime appointment on the Eleventh Circuit Court of Appeals.

Mr. KOHL. Mr. President, I rise today to express my continued opposition to the nomination of William Pryor to be a judge on the Eleventh Circuit Court of Appeals. Judge Pryor's record was extensively considered and examined by the Senate when he was first nominated for this position in 2003. After he failed to obtain confirmation, President Bush used a recess appointment to appoint him to the Eleventh Circuit, an appointment that will expire at the end of the year, and now has renominated him to a permanent seat on the court. I find no reason today to alter my earlier conclusion that his record of extremism makes clear that he falls far outside the mainstream, and that I have no choice but to vote against his confirmation.

When considering a nominee to a Federal court judgeship, we consider many things. The nominee should possess exemplary legal skills, judgment, and acumen. The nominee should be learned in the law. And the nominee should be well regarded among his peers, and in his or her community. Perhaps most important of all is the nominee's judicial temperament.

An appeals court judge's solemn duty and paramount obligation is to do justice fairly, impartially and without favor. An appeals court judge must be judicious—that is, he or she must be open minded, must be willing to set his personal preferences aside, and judge without predisposition. And, of course, he or she must follow controlling precedent faithfully, and be able to disregard completely any views he or she holds to the contrary.

In the case of Judge Pryor, we are presented with a nominee whose views are so extreme that he fails this basic test. In case after case, and on issue after issue, Judge Pryor compiled a public record as Alabama's attorney general of taking the most extreme positions, often at odds with controlling Supreme Court precedent, and in the most hard-line and inflexible manner.

Judge Pryor's views are outside of the mainstream on issues affecting civil rights, women's rights, disability rights, religious freedom, and the right to privacy. During his confirmation hearings at the Judiciary Committee 2 years ago, he assured us that despite these views, he would follow settled law and Supreme Court precedent. But he made this promise only after making extreme statements to the Committee and during his hearing and refusing to disavow other zealous positions that he has taken throughout his career. I concluded then—and do not believe differently now—that I had no basis to believe Judge Pryor could put his personal views aside and apply the law of the land as decided by the Supreme Court.

Judge Pryor's supporters argue that his record in the year since he has sat as a judge on the Eleventh Circuit as a recess appointee demonstrates that he is worthy of confirmation. Yet, in each of the decisions that his supporters rely on for this judgment, Judge Pryor joined unanimous panels in supporting results virtually mandated by controlling precedent. Much more relevant than Judge Pryor's short and temporary tenure on the Eleventh Circuit is his record during all the years of his professional career prior to his recess appointment, especially his seven years of service as Alabama's attorney general, as well as his testimony before our committee in 2003.

And his record of extremism and ideologically motivated decision making during his years as attorney general could not be more clear. While attorney general of Alabama, Judge Pryor actively sought out cases where he could expand on his cramped view of federalism and challenge the ability of the Federal Government to remedy discriminatory practices. Many of the cases in which he took his most extreme legal positions were on behalf of the State of Alabama where he had the sole decision under State law as to what legal position to assert. These cases include his assertion of federalism claims to defeat provisions of the Age Discrimination in Employment Act and the Americans With Disabilities Act; his opposition to Congress's authority to provide victims of gender-motivated violence to sue their attackers in Federal Court; his argument that Congress exceeded its authority in passing the Family and Medical Leave Act; and many other cases. The extreme legal positions advanced in these cases were fully and entirely the responsibility of this nominee while he served as Alabama's attorney general.

Of course, Judge Pryor has every right to hold his views, whether we agree with him or not. He can run for office and serve in the legislative or executive branches should he convince a majority of his fellow Alabamians that he is fit to represent them. But he has no right to be a Federal appeals court judge. Only those who we are convinced are impartial, unbiased, fair, and whose only guiding ideology is to follow the Constitution to apply equal justice to all are fit for this position. Unfortunately, we can have no confidence that he will set these views aside and faithfully follow the Constitution and binding precedent. For these reasons, I must oppose his confirmation.

The ACTING PRESIDENT pro tempore. Under the previous order, the time from 3:15 until 3:30 shall be under the control of the Democrats, and the time from 3:30 until 3:45 shall be under the control of the Democratic leader.

The Senator from Nevada.

Mr. REID. Mr. President, the time I have left over from the 15 minutes that is from 3:30 to 3:45 I will leave to Senator LEAHY. I am going to use part of his time now.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I rise to express my strong opposition to the nomination of William Pryor to the Eleventh Circuit Court of Appeals.

At the outset, let me note the unusual fact that we are considering whether to confirm this nominee to a court on which he has been sitting for over a year as a recess appointee. In my view) this nomination is entitled to no special deference as a result of the nominee's status as a sitting Federal judge.

There are serious constitutional questions about the validity of Mr. Pryor's recess appointment, and his confirmation at this time does not answer those questions with regard to cases heard by this or other recess appointees. Nor should it embolden President Bush to continue the questionable practice of appointing judges without the advice and consent of the Senate.

I oppose this nominee because his views on a wide range of vital issues are far outside the mainstream of legal thought, and I question his ability to put those views aside to decide cases impartially.

I said during the floor debate yesterday that Janice Rogers Brown is President Bush's most objectionable nominee. But I want to be clear: on the critical issue of civil rights, William Pryor holds views that are equally offensive as those of Justice Brown. The Pryor nomination deserves to be defeated just as the Brown nomination deserved to be defeated.

Any analysis of Mr. Pryor's judicial philosophy should begin with his views on federalism. This nominee has been a self-styled leader of the so-called federalism revolution conservative legal circles, a movement that challenges the authority of Congress to remedy civil rights violations.

Now, I am certainly thankful that the Framers of the Constitution had the wisdom to create a Federal system that divided power between the national and State governments. But for Mr. Pryor, the word "federalism" is more than that—it is a code word or a systematic effort to undermine important Federal protections for the disabled, the aged, women, minorities, labor, and the environment.

While attorney general of Alabama, Pryor told a Federalist Society conference that Congress:

> should not be in the business of public education nor the control of street crimes . . . With real federalism, Congress would . . . make free trade its main domestic concern. Congress would not be allowed to subvert the commerce clause to regulate crime, education, land use, family relations, or social policy . . .

One proponent of the federalism movement is Michael Greve, a conservative scholar at the American Enterprise Institute. Greve told the New York Times that:

> what is really needed here is a fundamental intellectual assault on the entire New Deal edifice.

Greve said he thinks this attack on the New Deal will get a good hearing from judges like William Pryor. Greve says of Pryor:

> [he] is the key to this puzzle; there's nobody like him.

Let's look at some of the bedrock laws that Mr. Pryor has challenged under the banner of federalism. Mr. Pryor has argued that the Federal courts should narrow, or throw out entirely, all or portions of the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Civil Rights Act, the Clean Water Act, the Fair Labor Standards Act, the Family and Medical Leave Act, the Violence Against Women Act, and the Voting Rights Act.

What would America look like if this federalist revolution were to take hold in the Federal courts? University of Chicago Law Professor Cass Sunstein describes it well:

> Many decisions of the Federal Communications Commission, the Environmental Protection Agency, the Occupational Safety and Health Administration and possibly the National Labor Relations Board would be unconstitutional. It would mean that the Social Security Act would not only be under political but also constitutional stress . . . the Securities and Exchange Commission and maybe even the Federal Reserve would be in trouble. Some applications or the Endangered Species Act and Clean Water Act would be struck down as beyond Congress's commerce power.

As attorney general of Alabama, Pryor had the sole power to decide what legal action the State and its agencies would take, and he used that power to file "friend of the court" briefs attacking many of these statutes. In fact, Alabama was the only State to file a brief against the Violence Against Women Act, while 36 States submitted briefs in support of the statute—which had passed Congress with bipartisan support.

With regard to the Voting Rights Act, Mr. Pryor had the following to say when he testified before Congress in 1997:

> I encourage you to consider seriously, for example, the repeal or amendment of section 5 of the Voting Rights Act, which is an affront to federalism and an expensive burden that has far outlived its usefulness, and consider modifying other provisions of the Act that have led to extraordinary abuses of judicial power.

The Voting Rights Act is still of vital importance, and section 5 is one of its most important sections. I have grave concerns that if Mr. Pryor cannot understand the continuing need for voting rights protections for minorities, he is unlikely to rigorously enforce the act in cases before the Circuit. This is especially important since all of the States within the circuit are covered, in whole or in part, by Section 5.

Mr. Pryor has waged an assault on other civil rights laws. In the case of Alexander v. Sandoval, Pryor filed a brief for Alabama which urged the Court to drastically restrict title VI of the Civil Rights Act, which bars discrimination in federally funded programs. In a 5-to-4 opinion written by Justice Scalia, the Supreme Court agreed with Pryor and held that there is no private right of action to enforce title VI regulations. This ruling was a dramatic setback for the civil rights movement and continues to impede the enforcement of civil rights laws.

While five Supreme Court Justices agreed with Pryor about title VI, his outside-the-mainstream views have often been rejected by the current conservative Supreme Court. In fact, the Court unanimously rejected three of Mr. Pryor's federalism arguments: that sovereign immunity applies not only to States but to counties; that the Americans with Disabilities Act does not apply to State prisons; and that a law barring a State from selling the personal information of its citizens without permission is unconstitutional.

It is no wonder that the Atlanta-Journal Constitution, in an editorial entitled "Right-wing Zealot is Unfit to Judge," wrote that Mr. Pryor's nomination:

> is an affront to the basic premise that a candidate for the federal bench must exhibit respect for established constitutional principles and individual liberties. Pryor may be a good lawyer and a faithful Republican, but his lifelong extremism disqualifies him for a federal judgeship.

And there is more.

There is Mr. Pryor's view of the equal protection clause, which led him to oppose a 7-to-1 ruling by the Supreme Court that opened the Virginia Military Institute, a State-funded university, to women. Predictably, Mr. Pryor called that case an example of the Supreme Court being "both antidemocratic and insensitive to federalism."

There is Mr. Pryor's contempt for what he called the "so-called wall of separation between church and state" and his belief that this important doctrine was created by "errors of case law." In fact, Mr. Pryor remarked at a graduation ceremony that "the challenge of the next millennium will be to preserve the American experiment by restoring its Christian perspective."

There is his view of the Constitution's prohibition on cruel and unusual punishment. The Supreme Court—which has not exactly been liberal on this issue—rejected Mr. Pryor's argument that prison guards could handcuff prisoners to a hitching post in the Alabama sun and deny them bathroom breaks or water. It also rejected his argument that it is permissible to execute the mentally retarded. It also rejected his argument that counsel need not be provided to indigent defendants charged with a misdemeanor that carries a jail sentence.

Is this the kind of judge we want to confirm to a lifetime seat on a Federal appellate court?

Do we want a judge who, when the Supreme Court questioned the constitutionality of Alabama's use of the electric chair in 2000, lashed out at the Court by saying "[T]his issue should not be decided by nine octogenarian lawyers who happen to sit on the U.S. Supreme Court"?

Do we want a judge who, on the day after the Supreme Court's final ruling in Bush v. Gore, said:

> I'm probably the only one who wanted it 5-4. I wanted Governor Bush to have a full appreciation of the judiciary and judicial selection so we can have no more appointments like Justice Souter.

On another occasion he said:

> Please God, no more Souters.

This kind of temperament served Pryor well as a Republican politician, but this doesn't represent the kind of judicial temperament we want on the Federal bench.

The Senate must exercise its advice and consent responsibility with great care. In fact, we should follow Mr. Pryor's own advice. He once told a Senate subcommittee that:

> your role of advice and consent in judicial nominations cannot be overstated.

I agree with him on that point. For these reasons, I urge my colleagues to withhold the in consent to this very unacceptable nomination.

Mr. President, I apologize to my friend. Since he was not here, I used my time a little early. So the record is clear, my friend is the great Senator PAT LEAHY from Vermont.

Mr. LEAHY. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, how much time is available?

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Vermont has such time until 3:45 remaining.

Mr. LEAHY. I appreciate that.

Mr. President, last month 80 American service men and women died in Iraq, along with more than 700 Iraqis. This week, there are reports that the Army National Guard and the Marines are not meeting their recruitment goals, in spite of the bonuses and benefits being offered. The price of gasoline, prescription drugs, health care, and so many essentials for American working families are rising a lot faster than their wages. This week, the Washington Times reported that the rate of increase in the Consumer Price Index doubled in the last year. This week, we have learned that General Motors has planned to lay off another 25,000 workers and that other companies are not expanding or are, even worse, downsizing. The report of only 78,000 jobs created last month puts us back to the dismal levels that have characterized so many months during this administration. A loss of our manufacturing jobs continues at a steady drip. Millions are suffering and dying in Africa. The British Prime Minister visited to urge greater efforts to help.

But, of course, we debated none of these issues in the Senate. The Republican leadership continued to force us to expend our precious days debating something else. And what is that? The Senate's time has been focused not on these things that touch the pocketbooks of Americans but almost exclusively on this administration's divisive and contentious judicial nominees.

Over the last several months, and for many days and weeks over the last few years, the work of the Senate has been laid aside by the Republican leadership to force debate after debate on divisive nominations, on people who are going to be paid almost $200,000 a year in lifetime jobs. Those who are barely able to make their week's rent or their month's mortgage ask what we are doing in the Senate.

Among the matters the Senate has neglected this week in order to devote its attention to these nominations are many issues that concern the American people. One matter is the consideration and passage of the NOPEC bill. It is bipartisan legislation. It affects all Americans, Republicans and Democrats. Senator DEWINE, a Republican of Ohio, Senator KOHL, a Democrat of Wisconsin, are key sponsors. The sponsors of the bill include Senator GRASSLEY, Senator SPECTER, Senator COBURN, and Senator SNOWE.

With an increase in gasoline prices of almost 50 percent during the four years of the Bush Presidency, with Americans having to pay so much more to drive to work, to get their kids to school, just to get around to conduct the daily business of their lives, the Republican leadership of the Senate is ignoring this substantial burden on American working families.

This week, the national average price for a gallon of regular gasoline was $2.12. When the President took office, it was $1.46. We just heard reports that in Vermont and New Hampshire home heating oil prices will be up another 30 percent this fall and winter.

The artificial pricing scheme enforced by OPEC affects all of us, and it is especially tough on our hard-working Vermont farmers. Rising energy expenses can add thousands of dollars a year to the costs of operating a 100-head dairy operation, a price that could mean the difference between keeping the family business alive for another generation or shutting it down.

With summer coming, many families are going to find that OPEC has put an expensive crimp in their vacation plans. Some are likely to stay home; others will pay more to drive or to fly so that they can visit their families or take their well-deserved vacations.

Americans deserve better. If the White House is not going to intervene, then Congress has to act. It is past time—it is past the time—for holding hands and exchanging kisses with Saudi princes, princes who have artificially inflated the price of gasoline. The President's jawboning with his close friends in Saudi Arabia has proven unsuccessful. It is time to act, but the Senate, under Republican leadership, is choosing instead to revisit another extreme judicial nomination, one that has already been considered.

The production quota set by OPEC continues to take a debilitating toll on our economy, our families, our businesses, industry, and farmers. Last year and again earlier this year, the Judiciary Committee voted to report favorably to the full Senate the bipartisan NOPEC bill, which is short for No Oil Producing and Exporting Cartels Act. Our legislation would apply America's antitrust laws to OPEC's anticompetitive cartel. It would prohibit foreign states from working together to limit production and set prices, restrain the trading of petroleum and natural gas, when such actions affect the United States. It would give the Department of Justice and the Federal Trade Commission authority to enforce the law through antitrust actions in Federal courts.

Why not give the Justice Department clear authority to use our antitrust laws against the anti-competitive, anti-consumer conduct in which the OPEC cartel is engaged here in the United States?

This bipartisan bill was reported by the Judiciary Committee more than a year ago, in April of last year. It was reintroduced this year and reported, again, in April of this year. It has been stalled on the Senate Business Calendar for too long. It is a bipartisan initiative that could help in the fight to reduce gasoline prices now and heating oil prices in the fall and winter. It deserves a vote. Why not have an up or down vote on this measure without further delay by the Republican leadership? Why can't we do that when we have seen gasoline go from $1.46 to $2.12 in this President's administration? No, instead we spend weeks and months, not passing legislation that would win the support of a majority of Republicans and Democrats, but talking about a handful of people who are going to get lifetime, well-paid jobs.

Another consequence of the Republican leadership's fixation on carrying out this President's attempt to pack the Federal courts with activist jurists may be much-needed asbestos compensation reform. For more than 3 years, I have been working on asbestos reform to provide compensation to asbestos victims in a fair and more expedited fashion. Chairman SPECTER and I have worked closely on S. 852, the FAIR Act. It, too, is pending on the Senate Business Calendar, even though it was voted out in a bipartisan effort last month.

Chairman SPECTER deserves enormous credit for this achievement, even though we were slowed significantly by the extensive debate on contentious nominees and the nuclear option the past few months. We have been working in good faith to achieve a bipartisan legislative process on this issue.

We have done so, despite criticism from the left and the right. In fact, after the bill was successfully reported by the committee, Senator HATCH called it the most important measure the Senate would consider this year for the American economy. Are we debating it on the floor? No. We are debating a handful of right-wing activist judges for lifetime, highly paid jobs.

There are many items that need prompt attention. The Armed Services Committee completed its work on the Department of Defense authorization bill. But we are seeing the Republican leadership delay action on the Defense authorization bill at a time when we have so many of our men and women under arms overseas. I don't know why they are doing it, unless it is to allow more activist judges to come through. At a time when we have young men and women serving their country around the world, and we are talking about the recently recommended base closings, I would have thought the Defense authorization would be more of a priority than three or four activist judges.

The Senate Energy Committee successfully completed its consideration of an Energy bill, and it was reported to the Senate with a strong bipartisan majority. Despite its balance and a bipartisan vote, the Senate Republican leadership said, no, we can't talk about it. We have to talk about a couple more right-wing activist judges.

Another matter that deserves timely attention is the Stem Cell Research Enhancement Act which was just passed by the House of Representatives. It is another bipartisan effort that deserves our attention. It had 200 House sponsors, led by Congressman CASTLE and Congresswoman DEGETTE. It passed with 238 votes. It is critically important. It authorizes work on embryonic stem cells which otherwise would be discarded, work which holds great promise and hope for those families suffering from debilitating disease and injury. More effective treatments for Parkinson's, Alzheimer's disease, diabetes, for spinal cord injuries, for many other diseases are all possibilities. Why are we not debating that? We have three or four more activist right-wing judgeships for lifetime, highly paid positions. That is far more important than stem cell research.

While the administration continues to talk about its efforts to weaken Social Security, there is bipartisan legislation we should be considering, the Social Security Fairness Act. Are we going to talk about that? No. Will we talk about the fact that the administration is raiding the Social Security fund to pay for their war in Iraq? That is something they don't want to talk about. They want to talk about Social Security failing, but they don't talk about the fact that they have to take the money out of the Social Security fund to pay for the war in Iraq. We can't talk about the Social Security Fairness Act here on the floor because we have to take the time for three or four more right-wing activist judges.

The bill I talked about is a bill that Republican and Democratic Senators have cosponsored over the years to protect the Social Security retirement of police officers. Those on the front lines protecting all of us from crime and violence should not see their Social Security benefits reduced. That needs fixing. We could have done that easily this week. But, no, we can't protect our police officers. Instead, we will make sure that a handful of right-wing activist judges get highly paid lifetime jobs.

These are merely examples of some of the business matters the Republican majority of the Senate has cast aside to force more debate on more contentious nominees. The Senate could be making significant legislative progress on an agenda that would result in much-needed and tangible relief to the American people on a number of important fronts. We could be acting to lower gas prices, authorize actions against illegal cartels, make asbestos compensation efficient and effective, authorize vital scientific research, provide fairness to police officers and to make health care more affordable, create new and better jobs and give our veterans and their families the support they need and deserve. Instead, the Republican leadership of the Senate continues its narrow focus on helping this Administration pack the federal courts with extreme nominees.

For more than four years, we have seen the Republican congressional leadership and the administration ignore the problems of Americans with a single-minded effort to pack and control the Federal courts. Unemployment, gas prices, the number of uninsured, the Nation's budget, the trade deficit were all lower when President Bush assumed office. Through Republican Senate obstruction of more than 60 of President Clinton's moderate and qualified judicial nominees, more than 60 of President Clinton's nominees who were subjected to a pocket filibuster by Republicans, judicial vacancies went up. But let's take a look.

Since President Bush came in, what are the things that have gone up? Unemployment has gone up 21 percent. Since President Bush came in, what has gone up? The budget deficit has gone up. It has gone from a $236 billion surplus under President Clinton to a $427 billion deficit under President Bush—$663 billion down the rat hole. What else has gone up? The price of gas has gone from $1.42 to $2.10. That is not helping the average American. Let's take a look at the trade deficit. It has gone up from $36 billion to $55 billion. How about the percentage of the uninsured? That has gone up another 10 percent.

But the full-time, highly paid positions of judgeships is the one thing that has come down. Judicial vacancies have come down 49 percent.

It seems that is far more important than seeing projected trillions of dollars in surpluses go to trillions of dollars in projected deficits, far more important than the problem we create when we allow the Saudis, the Chinese, the South Koreans, the Japanese, and others to pay our bills but then be able to manipulate our economy. It seems wrong.

We helped the President confirm a record number of his judges, but we Democrats would like to see us talk about the people who are out of work, the price of gasoline, the huge deficits that have been created by this presidency.

We know that yesterday the Senate confirmed Janice Rogers Brown to the Court of Appeals for the DC Circuit, despite the fact she is a divisive and controversial nominee. She was opposed by both her home State Senators because she had a record so extreme it marked her as one of the most activist judicial nominees ever chosen by any President.

In the past, when both Senators from a nominee's State opposed them, the person, even if highly qualified, would be turned down. In this case, we have somebody who is not qualified, an activist judge opposed by both of her State's Senators, who still passed. I mention that because I remember Justice Ronnie White, now the first African American to serve as Chief Justice of the Missouri Supreme Court. When the two Senators from his home State, Republican Senators, said they were opposed to him, what happened? In 1999, every Republican Senator came on to the floor and voted down Justice Ronnie White, even though he had been voted out of the Judiciary Committee with heavy support. They said: Whoops, he may be this distinguished African-American jurist from Missouri. But we have two Senators from his State who oppose him so we will vote him down. And they did.

But yesterday, what a difference. What a difference if you have a Republican in the White House. Those same Republican Senators, joined by new Republican Senators, the same Republican Senators who told me, "We know that Justice Ronnie White is well qualified, but, after all, we have to follow the fact that the two Senators from his State say they don't want him, so we have to vote him down," those same Senators come up here and meekly come in, in lockstep, and vote for Judge Brown, even though the two home-state Senators, for very good reasons, opposed her.

Last week, all but one Republican Senator voted to confirm Priscilla Owen.

Yesterday's vote on the Brown nomination apparently indicates Republican

Party discipline has been restored. For all the talk about profiles in courage and Senators voting their conscience, the Republican majority has reduced the Senate to a rubberstamp of this President's extreme and activist nominees. Even though Senators will tell you privately they would vote against this person if it was secret ballot, the White House tells them what to do.

William Pryor has argued that Federal courts should cut back on the protections of important and well-supported Federal laws, including the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Civil Rights Act of 1964, the Clean Water Act, the Violence Against Women Act, the Family and Medical Leave Act. That should be enough to vote against him, but it won't be, not with this rubberstamp. He has repudiated decades of legal precedents that permitted individuals to sue States to prevent violations of Federal civil rights regulations. Is that going to cause us to vote him down? Heck no.

His aggressive involvement in the Federalist revolution shows he is a goals-oriented activist who has used his official position to advance his cause. While his advocacy is a sign to most people of the extremism, he trumpets his involvement. He is unabashedly proud of his repeated work to limit congressional authority to promote the health, safety, and welfare of all Americans.

His passion is not some obscure legal theory but a legal crusade that has driven his actions since he was a student and something that guides his actions as a lawyer. His speeches and his testimony before Congress demonstrate just how rooted his views are, how much he wants to effect a fundamental change in this country.

Just remember this: These judicial nominees are being confirmed for life. They do not leave or get reconsidered after the congressional elections next year or after this administration ends. They serve as lifetime appointments to the Federal court.

It is one thing for us to ignore all the things we should be doing for the American people, but I urge all Senators, on both sides of the aisle, to end this up-or-down rubberstamp, fulfill the Senate's constitutionally mandated duty to evaluate with clear eyes the fitness of judicial nominees, even President Bush's nominees, when they are for lifetime appointments. Stop telling me privately how you would vote if it was a secret ballot. Have the courage to vote in an open ballot the same way.

In the last Congress, following one of the most divisive debates I have seen on the floor of the Senate, I explained why I felt strongly about voting against the nomination of William Pryor to the U.S. Court of Appeals for the Eleventh Circuit—in committee and in two unsuccessful cloture attempts. The President disregarded the advice given to him by the Senators opposing this nomination, and he installed Mr. Pryor as a recess-appointed judge on the Eleventh Circuit where he will serve until the end of this year. Today, because the President continues to insist on pushing his most divisive nominees in a group that he renominated to the Senate, we are here voting yet one more time on this nomination.

I expect some will try to point to the few cases he has worked on during his time "auditioning" on the circuit court as evidence that he should be confirmed. But nothing Judge Pryor has done in the intervening period has changed my view that based on his entire career and record, if he were to receive life tenure on the Federal bench, he would put ideology above the law. I cannot support him.

In the course of their march toward the "nuclear option"—a development thankfully averted—the President and the Republican leadership escalated the rhetoric surrounding this issue in alarming ways. The majority leader last month participated in a telecast smearing opponents of the most extreme judicial nominees as "against people of faith.". Arrayed behind the podium at that gathering were photos of the filibustered nominees, and speaker after speaker accused Democrats of opposing nominees such as Judge Pryor because of his faith. These are baseless and despicable accusations, and it is time the Republican leadership and other Republicans in and out of the Senate disavow them.

Senate Democrats do not oppose William Pryor because of his faith. We oppose the nomination of William Pryor to the Eleventh Circuit because of his extreme—some, with good reason, use the word "radical"—ideas about what the Constitution says about federalism, criminal justice and the death penalty, violence against women, the Americans with Disabilities Act, and the Government's ability to protect the environment on behalf of the American people. Of course, those substantive concerns will not do much to advance Republicans' political ambitions and the agendas of polarizing interest groups. So some Republican partisans are putting the truth to one side. They dismiss the views of Democratic Senators doing their duty under the Constitution to examine the fitness of every nominee to a lifetime position on the Federal bench and choose, instead, to use smears and accusations.

The last time Judge Pryor came before this committee and the Senate, slanderous accusations were made by Republican Senators, and scurrilous newspaper advertisements were run by a group headed by the President's father's former White House counsel and a group whose funding includes money raised by Republican Senators and even by the President's family. Other Republican members of the Judiciary Committee and of the Senate stood mute in the face of these McCarthyite charges, or, worse, fed the flames. Now, the same type of rhetoric—identifying opponents as against faith—has again reared its ugly head.

This kind of religious smear campaign hurts the whole country. It hurts Christians and non-Christians. It hurts all of us, because the Constitution requires judges to apply the law, not their personal views. Remember that all of us, no matter what our faith—and I am proud of mine—are able to practice our religion as we choose or not to practice a religion. That is a fundamental guarantee of our Constitution. The Constitution's prohibition against a "religious test" in Article VI is consistent with that fundamental freedom. I hope that Republican Senators will debate this nomination absent the scurrilous charges that marked it the past and the discourse during the "nuclear option" last month.

Instead, the Senate's debate should center on the nominee's qualifications for this lifetime post in the Federal judiciary. There is an abundance of substantive and compelling reasons why William Pryor should not be a judge on the Eleventh Circuit. Opposition to Judge Pryor's nomination is shared by a wide spectrum of objective observers. Judge Pryor's record is so out of the mainstream that a vast number of editorial boards and others have weighed in with significant opposition.

Even The Washington Post, which has been exceedingly generous to the Administration's efforts to pack the courts, has termed Judge Pryor "unfit" and consistently opposed his nomination. In Alabama, both the Tuscaloosa News and the Hunstville Times wrote against the nomination. Other editorial boards across the country have spoken out, including the Atlanta Journal-Constitution, the Pittsburgh Post-Gazette, The New York Times, the Charleston Gazette, the Arizona Daily Star, and The Los Angeles Times.

We have also heard from a large number of organizations and individuals concerned about justice before the federal courts. The Log Cabin Republicans, the Leadership Conference on Civil Rights, the AFL-CIO, the National Partnership for Women and Families and many others have provided the Committee with their concerns and the basis for their opposition. We have received letters of opposition from organizations that rarely take positions on nominations but feel so strongly about this one that they are compelled to publicly oppose it, including the National Senior Citizens' Law Center, the Anti-Defamation League and the Sierra Club.

The ABA's evaluation also indicates concern about this nomination. Their

Standing Committee on the Federal Judiciary gave Mr. Pryor a partial rating of "not qualified" to sit on the Federal bench. Of course this is not the first "not qualified" rating or partial "not qualified" rating that this administration's judicial nominees have received. More than two dozen of President Bush's nominees have received indications of concerns about their qualifications from the ABA's peer reviews, which have been less exacting and much more accommodating to this administration than to previous ones. I would note that this softer treatment follows the changes in the process imposed by the Bush administration.

Judge Pryor has long been a leader of the federalist movement, promoting State power over the Federal Government. A leading proponent of what he refers to as the "federalism revolution," Judge Pryor seeks to revitalize state power at the expense of Federal protections, seeking opportunities to attack Federal laws and programs designed to guarantee civil rights protections. He has urged that Federal laws on behalf of the disabled, the aged, women, minorities, and the environment all be limited. Not long ago, in a New York Times Magazine article about the so-called "Constitution-in-Exile" movement, Michael Greve, was quoted as saying, "Bill Pryor is the key to this puzzle; there's nobody like him. I think he's sensational. He gets almost all of it." That is precisely why he should not be confirmed.

William Pryor has argued that the Federal courts should cut back on the protections of important and well-supported Federal laws including the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Civil Rights Act of 1964, the Clean Water Act, the Violence Against Women Act, and the Family and Medical Leave Act. He has repudiated decades of legal precedents that permitted individuals to sue states to prevent violations of Federal civil rights regulations. His aggressive involvement in this "federalist revolution" shows that he is a goal-oriented, activist conservative who has used his official position to advance his "cause." Alabama was the only state to file an amicus brief arguing that Congress lacked authority to enforce the Clean Water Act. He argued that the Constitution's commerce clause does not grant the Federal Government authority to prevent destruction of waters and wetlands that serve as a critical habitat for migratory birds. The Supreme Court did not adopt his narrow view of the commerce clause powers of Congress. While his advocacy in this case is a sign to most people of the extremism, he trumpets his involvement in this case. He is unabashedly proud of his repeated work to limit congressional authority to promote the health, safety and welfare of all Americans.

His passion is not some obscure legal theory but a legal crusade that has driven his actions since he was a student and something that guides his actions as a lawyer. His speeches and testimony before Congress demonstrate just how rooted his views are, how much he seeks to effect a fundamental change in the country, and how far outside the mainstream he is.

Judge Pryor is candid about the fact that his view of federalism is different from the current operation of the Federal Government—and that he is on a mission to change the government to fit his vision. His goal is to continue to limit Congress's authority to enact laws under the Fourteenth Amendment and the commerce clause—laws that protect women, ethnic and racial minorities, senior citizens, the disabled, and the environment—in the name of sovereign immunity. Is there any question that he will pursue his agenda as a judge on the Eleventh Circuit Court of Appeals reversing equal rights progress and affecting the lives of millions of Americans for decades to come?

Judge Pryor's comments have revealed insensitivity to the barriers that disadvantaged persons and members of minority groups and women continue to face in the criminal justice system. This is what is at stake for Americans, the consumers of our justice system. This is the type of judge this President and this Republican leadership are intent on permanently installing in our justice system.

In testimony before Congress, William Pryor has urged repeal of Section 5 of the Voting Rights Act—the centerpiece of that landmark statute—because, he says, it "is an affront to federalism and an expensive burden that has far outlived its usefulness." That testimony demonstrates that Judge Pryor is more concerned with preventing an "affront" to the States' dignity than with guaranteeing all citizens the right to cast an equal vote. It also reflects a long-discredited view of the Voting Rights Act. Since the enactment of the statute in 1965, every Supreme Court case to address the question has rejected the claim that Section 5 is an "affront" to our system of federalism. Whether under Earl Warren, Warren Burger, or William Rehnquist, the United States Supreme Court has recognized that guaranteeing all citizens the right to cast an equal vote is essential to our democracy not a "burden" that has "outlived its usefulness."

His strong views against providing counsel and fair procedures for death row inmates have led William Pryor to doomsday predictions about the modest reforms in the Innocence Protection Act that would create a system to ensure competent counsel in death penalty cases. When the United States Supreme Court questioned the constitutionality of Alabama's method of execution in 2000, William Pryor lashed out at the Supreme Court, saying: "[T]his issue should not be decided by nine octogenarian lawyers who happen to sit on the U.S. Supreme Court." Aside from the obvious disrespect this comment shows for the Nation's highest court, it shows again how results-oriented Judge Pryor is in his approach to the law and to the Constitution. Of course an issue about cruel and unusual punishment ought to be decided by the Supreme Court. It is addressed in the Eighth Amendment, and whether or not we agree on the ruling, it is an elementary principle of constitutional law that it be decided by the Supreme Court, no matter how old its members.

Judge Pryor has also vigorously opposed an exemption for persons with mental retardation from receiving the death penalty, exhibiting more certainty than understanding or sober reflection. He authored an amicus curiae brief to the Supreme Court arguing that the Court should not declare that executing mentally retarded persons violated the Eighth Amendment. After losing on that issue, Judge Pryor made an unsuccessful argument to the Eleventh Circuit that an Alabama death-row defendant is not mentally retarded.

Judge Pryor has spoken harshly about the moratorium imposed by former Illinois Governor George Ryan, calling it a "spectacle." Can someone so dismissive of evidence that challenges his views be expected to hear these cases fairly? Over the last few years, many prominent Americans have begun raising concerns about the death penalty including current and former supporters of capital punishment. For example, Justice O'Connor recently said there were "serious questions" about whether the death penalty is fairly administered in the United States, and added: "[T]he system may well be allowing some innocent defendants to be executed." In response to this uncertainty, Judge Pryor offers us nothing but his obstinate view that there is no problem with the application of the death penalty. This is a position that is not likely to afford a fair hearing to a defendant on death row.

Judge Pryor's troubling views on the criminal justice system are not limited to capital punishment. He has advocated that counsel need not be provided to indigent defendants charged with an offense that carries a sentence of imprisonment if the offense is classified as a misdemeanor. The Supreme Court nonetheless ruled that it was a violation of the Sixth Amendment to impose a sentence that included a possibility of imprisonment if indigent persons were not afforded counsel.

Judge Pryor is overwhelmingly hostile to a woman's right to choose.

There is every indication from his record and statements that he is committed to reversing Roe v. Wade. Judge Pryor describes the Supreme Court's decision in Roe v. Wade as the creation "out of thin air [of] a constitutional right," and opposes abortion even in cases of rape or incest.

Judge Pryor does not believe Roe is sound law, neither does he give credence to Planned Parenthood v. Casey. He has said that "Roe is not constitutional law," and that in Casey, "the court preserved the worst abomination of constitutional law in our history." When Judge Pryor appeared before the Committee, he repeated the mantra suggested by White House coaches that he would "follow the law." But his willingness to circumvent established Supreme Court precedent that protects fundamental privacy rights seems much more likely.

Judge Pryor has expressed his opposition to fair treatment of all people regardless of their sexual orientation. The positions he took in a brief he filed in the Supreme Court case of Lawrence v. Texas were entirely repudiated by the Supreme Court majority two years ago when it declared that: "The petitioners are entitled to respect for their private lives. The State cannot demean their existence or control their destiny by making their private conduct a crime." Judge Pryor's view is the opposite. He would deny certain Americans the equal protection of the laws, and would subject the most private of their behaviors to public regulation.

Capping Judge Pryor's record of extreme activism were sworn statements made by former Alabama Governor Fob James and his son, both Republicans, explaining that Judge Pryor was only chosen by James to be the State's Attorney General after promising that he would defy court orders, up through and including orders of the Supreme Court of the United States. In sworn affidavits, Governor James and his son recount how Pryor persuaded them he was right for the job by showing them research papers he had supervised in law school about "nonacquiesence" to court orders. Indeed, under penalty of perjury, the former Republican Governor and his son say that Judge Pryor's position on defying court orders changed only when he decided he wanted to be a Federal judge.

If true, this information, consistent with the activism and extremism present elsewhere in Judge Pryor's record, is revealing. To think that this man would come before the Senate after having made a promise like that—to undermine the very basis of our legal system—and ask to be confirmed to a lifetime position on the Federal bench, is beyond belief.

Indeed, William Pryor's activism has often transcended judicial philosophy and entered the realm of pure partisan politics to the point where it appeared political concerns openly affected his legal views. As Attorney General of Alabama, Pryor was one of the founders of the Republican Attorneys General Association, or RAGA, an organization which raised money from corporations for Republican candidates for state Attorney General positions. Before RAGA was founded, Attorney General candidates usually shied away from corporate fundraising because of the potential for conflicts of interest with an Attorney General's duty to go after any corporate wrongdoing.

But William Pryor not only ignored the tradition of keeping Attorney General's races above politics, he embraced with both hands the mixing of law and politics. He spoke out, vocally and often, against state attorneys general bringing aggressive cases against the tobacco industry, the gun industry, and other corporate interests. And then RAGA, Pryor's organization, raised money for attorney general campaigns from these very industries and others like them that hoped to avoid lawsuits and prosecution. Pryor's philosophy of opposing mainstream government regulation of corporations advanced his politics and his organization's fundraising, and his political interests in turn informed his pro-corporation legal philosophy. Curiously, when asked about RAGA at his hearing, Mr. PRYOR could remember very little about the organization or his role in it.

His partisan, political worldview colors the way he thinks about the role of the courts as well. He ended one speech with the prayer, "Please God, no more Souters!"—a slap at a Supreme Court Justice seen by some as insufficiently conservative. And he said he was pleased the Court's vote in Bush v. Gore was a 5-4 split because that vote would give President Bush "a full appreciation of the judiciary and judicial selection;" in other words, it would show the president that he needed to appoint partisan conservatives to the bench. These are the sentiments of an activist and a politician. They are not the considered deliberations that all of us, as Republican or Democrat would expect from an impartial judge.

On a full slate of issues—the environment, voting rights, women's rights, gay rights, federalism, and more—William Pryor's record of activism and advocacy is clear. That is his right as an American citizen, but it does not make him qualified to be a judge. As a judge, it is his duty impartially to hear and weigh the evidence and to impart just and fair decisions to all who come before the court. In their hands, we entrust to the judges in our independent Federal judiciary the rights that all of us are entitled to enjoy through our birthright as Americans.

Judge Pryor's time on the Eleventh Circuit brings out the very problem with recess appointments of controversial judges. The Constitution sets out that Article III judges receive lifetime appointments precisely so that they can be independent. Judge Pryor, in contrast, cannot be independent during the pendency of his recess appointment because he is dependent on the Senate for confirmation to a lifetime position. He is, in essence, trying out for the job. Accordingly, the opinions he writes while temporarily on the court are not much of a predictor for what he would do if he did receive a lifetime appointment and became truly independent.

What is a good predictor for what he would do as a permanent Eleventh Circuit judge? Quite simply, his actions and statements in the many years of his professional life before he was appointed provide the best insight. And these actions and statements paint a clear and consistent picture of a judicial activist whose extreme views place him far outside the mainstream. A year of self-serving restraint does little to alter this picture.

The President has said he is against what he calls "judicial activism." How ironic, then, that he has chosen several of the most committed and opinionated judicial activists ever to be nominated to our courts.

The question posed by this controversial nomination is not whether Judge Pryor is a skilled and capable politician and advocate. He certainly is. The question is whether—not for a 2-year term but for a lifetime—he would be a fair and impartial judge. Could every person whose rights or whose life, liberty or livelihood were at issue before his court, have faith in being fairly heard? Could every person rightly have faith in receiving a just verdict, a verdict not swayed by or yoked to the legal philosophy of a self-described legal crusader? To see Judge Pryor's record and his extreme views about the law is to see the stark answer to that question.

I oppose giving Judge Pryor a lifetime appointment to the Eleventh Circuit where he can impose his radical activist vision on the many people whose lives and disputes come before him. I believe the President owes them a nominee who can unite the American people.

Mr. President, I believe my time has expired.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. LEAHY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the time until 4 o'clock is under the control of the majority leader.

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, it is a great honor for me to stand in this great Senate Chamber to share a few thoughts about my friend, one of the best lawyers I have ever known, now Judge Bill Pryor, serving on the Eleventh Circuit Court of Appeals, to speak in favor of his confirmation.

He is principled. He is highly intelligent. He is committed to doing the right thing. He has won the support, respect, friendship, and admiration of people on both sides of the aisle—African Americans, Whites, Democrats—throughout our State of Alabama. He has virtually unanimous support among those groups, and he has earned that by his principled approach to being attorney general, his love and respect for the law, his courageous commitment to doing the right thing.

He has views about the law and public policy in America, and he expresses those, but he absolutely understands that there is a difference between advocacy and being on a bench and having to judge, that you are not then an advocate, you are a referee, you are a judge, a person who is supposed to fairly and objectively decide how the dispute should be settled. He understands that totally. That is true with most good lawyers in America, but I think he understands it more than even most good lawyers. Most good lawyers have been good advocates, and they have become good judges. Certainly we understand that.

Criticism has been raised against him that is painful to me. I think much of it is a result of misinformation. For example, my colleague from Iowa, who is such a champion of the disabled, always is a champion of the interests of the disabled, suggested that Bill Pryor is not a believer in rights for the disabled because in a disabilities act that was passed by this Congress it allowed people to sue their employers for back pay, for injunction, and for damages if they were wronged by an employer. But the Congress never thought at that time what it meant if it involved a State.

Three percent of the people in Alabama work for the State of Alabama. He understood, as a skilled constitutional lawyer, that the Congress would have then undertaken, if the law was to be interpreted so that damages could be rendered against the State, to wipe out the doctrine of sovereign immunity. That is a doctrine that prohibits States from being sued for money damages. He said, yes, the employee can get the job back, yes, the employee can receive back pay if they were discriminated in any way as a result of that disability, but they cannot, in a case against the State of Alabama or any State, get money damages because that violates the constitutional principle of sovereign immunity.

He took that to the Supreme Court and won. Nobody in Alabama or anywhere else who knows anything about disabilities would think this represented an action by him to harm the disabled. It was simply to clarify this important principle as to what power the Congress has under these kinds of legislation to wipe out the traditional historic right of a State under sovereign immunity.

That is how these issues become confused. That is what hurts me about this debate process. So often nominees are accused of things based on results or maybe outcome of any one given case, and they are said to be against poor people or against education or against the disabled.

I will offer for the RECORD an editorial from the Mobile Press that totally analyzes the complaints and allegations that were raised by Senator KENNEDY about fundraising for the Attorney Generals Association. It completely refutes those allegations. We had a full look at it. I think everybody who was involved in the Judiciary Committee and the staff people who made lots of phone calls found there was absolutely nothing to show any wrongdoing.

How do we decide what a good person is or a good nominee is? I do not know. You may know them and respect them personally. You have seen their integrity and their courage in trying to do the right thing daily. What do others say who may have a different political philosophy? Let me read a letter from Alvin Holmes, a member of the State House of Alabama.

I see the majority leader here. I will be willing to yield to him or take a couple minutes, if he allows me.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, we will start voting about 4. If I can start in a couple minutes, that will be good.

Mr. SESSIONS. Mr. President, I will state what Representative Alvin Holmes said. He is an African American. He starts off saying:

> Please accept this as my full support and endorsement of Alabama's Attorney General Bill Pryor to the United States Court of Appeals for the 11th Circuit.
>
> I am a black member of the Alabama House of Representatives having serving for 28 years. During my service . . . I have led most of the fights for civil rights of blacks, women, lesbians and gays and other minorities.

He lists seven different points where Attorney General Bill Pryor has stood up for minority rights and African-American rights in the State, including a mentor program where he for 3 years worked every week reading as a tutor to Black children.

He goes on to note a number of points. He finally concludes this way:

> Finally, as one of the key civil rights leaders in Alabama who has participated in basically every major civil rights demonstration in America, who has been arrested for civil rights causes on many occasions, as one who was a field staff member of Dr. Martin Luther King's SCLC, as one who has been brutally beaten by vicious police officers for participating in civil rights marches and demonstrations, as one who has had crosses burned in his yard by the KKK . . . as one who has lived under constant threats day in and day out because of his [stands] . . . I request your swift confirmation of Bill Pryor to the 11th Circuit because of his constant efforts to help the causes of blacks in Alabama.

Bill Pryor has the support of every Democratic official in the State, the top African-American leaders, the people of Alabama. They know him and respect him to an extraordinary degree.

I am pleased to now yield the floor. I see the majority leader is here.

The PRESIDING OFFICER (Mr. CORNYN). The majority leader.

Mr. FRIST. Mr. President, I thank my distinguished colleague from Alabama for his leadership. I mentioned to him yesterday it was just a few weeks ago that it was uncertain whether we would ever reach this moment—about 3½ weeks ago and I remember the conversation. We committed to have an up-or-down vote, whatever it took. Indeed, I am delighted to say that in a few moments we will vote up or down on William Pryor's nomination to serve on the Eleventh Circuit Court of Appeals. This body will be allowed that opportunity to give Judge Pryor what he deserves, and that is the respect of an up-or-down vote.

He was first nominated to the Federal bench on April 9, 2003, over 2 years ago. So it has been a long time coming. That wait is almost over. It will be over in about 6 or 7 minutes. The partisan charges and obstruction leveled against him are going to be brought to a close. Soon William Pryor will get the fairness and the respect he deserves with that vote.

Judge Pryor's experience and achievements in the legal profession have prepared him well to serve on the Federal bench. He graduated magna cum laude from Tulane University School of Law where he served as editor in chief of the Law Review.

He began his legal career as a law clerk for a legendary civil rights advocate, the late Judge John Minor Wisdom of the U.S. Court of Appeals for the Fifth Circuit.

While practicing law at two of Alabama's most prestigious firms, Judge Pryor also taught several years as adjunct professor at Samford University's Cumberland School of Law.

Later he served as deputy attorney general and then attorney general of Alabama. As attorney general, he was overwhelmingly reelected by the people of Alabama in 2002.

Two years later, President Bush, in 2004, recess appointed Judge Pryor to the Eleventh Circuit. During this time, Judge Pryor has served with distinction. While on the appellate bench, many of Judge Pryor's opinions have been supported by judges appointed by both Democrats and Republicans.

But this should not come as a surprise. His rulings as a Federal judge are entirely consistent with his past record. William Pryor believes in interpretation of the law, not rewriting the law according to his own political views.

He has an outstanding record on civil rights. Dr. Joe Reed, chairman of the African-American caucus for Alabama's Democratic Conference, said of Judge Pryor: He "will uphold the law without fear or favor. I believe all races and colors will get a fair shake when their cases come before him."

Many other prominent African-American leaders have submitted letters of support for Judge Pryor praising him for his commitment to upholding civil rights and equality for all Americans. It is simple. Those who criticize Judge Pryor's record have not examined it with the care and respect that every nominee's record deserves.

His record consistently proves his unwavering dedication to the protection of individual liberties and his commitment to treating all people fairly.

Further, those who study his record, as I have, know that Judge Pryor understands and appreciates the obligation of the judiciary branch to interpret the law, not to write the law. He stated in his hearing before the Judiciary Committee the following:

> I understand my obligation to follow the law, and I have a record of doing it. You don't have to take my word that I will follow the law. You can look at my record as Attorney General and see where I have done it.

It has been over 2 years since the President sent William Pryor's nomination to the Senate. In that time, he has endured a hearing before the Senate Judiciary Committee lasting 4 hours where he answered over 185 questions.

Judge Pryor answered another 45 written questions from Senators and submitted over 26 pages in response.

On two separate occasions, his nomination has been favorably voted out of the Judiciary Committee, consuming another 4 hours of debate.

Two times his nomination has come to the Senate floor for a cloture vote, and twice the motion to invoke cloture failed because of partisan obstruction.

But that day is over. During the last 2 days, we have continued to debate the nomination of Judge Pryor, and now it is time to give him that long overdue vote. With the confirmation of Justice Owen and Justice Brown, and the upcoming vote on Judge Pryor, the Senate does continue to make good progress, placing principle before partisan politics and results before rhetoric.

I hope and I know we will continue working together. As the debate on judicial nominees has shown, we can disagree on whether individual nominees deserve confirmation, but we can all agree on the principle that each nominee deserves a fair up-or-down vote.

I urge my colleagues to join me in supporting the confirmation of Judge William H. Pryor.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, the hour of 4 o'clock having arrived, the question is, Will the Senate advise and consent to the nomination of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit? The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 133 Ex.]

YEAS—53

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Nelson (NE)
Roberts
Salazar
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NOT VOTING—2

Jeffords
Murkowski

The nomination was confirmed.

The PRESIDING OFFICER (Mr. CHAFEE). The President will be immediately notified of the Senate's action.

NOMINATION OF RICHARD A. GRIFFIN TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

NOMINATION OF DAVID W. McKEAGUE TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

The PRESIDING OFFICER. The clerk will report the next two nominations en bloc.

The assistant legislative clerk read the nominations of Richard A. Griffin, of Michigan, to be United States Circuit Judge for the Sixth Circuit, and David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise this afternoon in support of the nominations of Judge David McKeague and Judge Richard Griffin to the Sixth Circuit Court.

For some time now, Senator LEVIN and I have been proposing the Senate move forward on these nominees as part of a good-faith effort for us to be working together in a bipartisan way in the Senate. I am pleased we are now to vote on the nomination of Judge Griffin and Judge McKeague as a result of the bipartisan agreement to move forward and stop what was called the nuclear option, which would have eliminated the checks and balances in the Senate. It is my hope this bipartisan agreement will help restore comity and civility in our very important Chamber.

I will say a few words about these two nominees. Judge Richard Griffin is a lifelong resident of Michigan. He would be the first nominee to the Sixth Circuit from Traverse City, MI. He has had a distinguished career both as an attorney and as a State appeals judge. He has served on the Michigan Court of Appeals for over 16 years and has been rated as "well-qualified" by the American Bar Association.

Judge David McKeague is also a lifelong resident of Michigan. He would be the first nominee from my home of Lansing, MI, to the Sixth Circuit. Judge McKeague has also had a distinguished career as an attorney, a law professor, and a Federal judge. He served on the U.S. District Court for the Western District of Michigan for over 12 years and has been rated "well-qualified" by the American Bar Association.

I urge my colleagues to join me and Senator LEVIN in supporting the nomination of Judge Griffin and Judge McKeague. It is important for us to move forward.

I hope confirming the Sixth Circuit nominees before the Senate will help restore comity and civility to the judicial nominations process. We have a constitutional obligation to advise and consent on Federal judicial nominees. This is a responsibility I take extremely seriously, as I know my colleagues do on both sides of the aisle. These are not decisions that will affect our courts for 3 or 4 years, but for 30 or 40 years, making it even more important for the Senate not to act as a rubberstamp.

This is the third branch of government and it is important we move forward in a positive way and be able to work with the White House on nominees who will reflect balance and reflect a mainstream approach for our independent judiciary.

I hope the White House will begin working with the Senate in a more bipartisan and inclusive manner on judicial nominations. I look forward to working with the White House on any future Michigan nominees since it is absolutely critical we work together in filling these positions.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Michigan.

Mr. LEVIN. Mr. President, I am supporting the two nominations before the Senate.

With today's confirmation of William Pryor, 211 of 218 of President Bush's judicial nominees have been confirmed. After Richard Griffin's and David McKeague's upcoming confirmation, 213 of 218 of President Bush's nominees will have been confirmed. What a contrast to the way that President Clinton's nominees were treated. More than 60 of President Clinton's nominees never received a vote in the Judiciary Committee. In the battles over judicial nominations that have consumed this body in recent years, the way those nominees were treated stands out as uniquely unfair. Even then-White House Counsel Alberto Gonzales acknowledged that treatment of President Clinton's nominees was "inexcusable."

For the last 4 years of the Clinton Presidency, there were Michigan vacancies on the Sixth Circuit court. The Republican majority refused to hold hearings in the Judiciary Committee on Clinton nominations for those vacancies. Indeed, one of those nominees waited longer for a hearing in the Senate Judiciary Committee than any nominee in American history had—a hearing she ultimately never received.

Her nomination was held up for some time by former Senator Spencer Abraham in an attempt to secure the nomination of his preferred candidate to a second position. Then, the seats were kept vacant because the majority hoped that a Republican would be elected President and would put forward his nominees for those vacancies. When President Bush came to office, he not only filled positions which should have been filled by nominees of President Clinton, his nominees were allowed to go forward even over the objections of their home state senators.

Today, we will confirm two of President Bush's Michigan nominees to the Sixth Circuit Court. They should be confirmed and I will vote for them. In deciding to move on, we should not excuse the treatment of President Clinton's nominees or the refusal of President Bush to adopt a bipartisan solution to the acknowledged wrong. A brief history of the Michigan vacancies on the Sixth Circuit will also hopefully prevent a recurrence of the tactic which was used against Clinton nominees—denial of a hearing in the Judiciary Committee, year after year—not just in the last year of a presidential term but in the years before the last year of a presidential term.

Michigan Court of Appeals Judge Helene White was nominated to fill a Sixth Circuit vacancy on January 7, 1997. Some months later, Senator LEAHY, as ranking member of the Judiciary Committee, came to this floor to urge that the Committee act on her nomination. This would be the first of at least sixteen statements on the Senate floor by Senator LEAHY regarding the Sixth Circuit nominations over a 4 year period.

A year and a half after Judge White was nominated—Senator LEAHY came to the floor and said: "At each step of the process, judicial nominations are being delayed and stalled." His plea was again ignored and the 105th Congress ended without a hearing for Judge White.

On January 26, 1999, President Clinton again submitted Judge White's nomination. That day, I urged both Senator Abraham and Chairman HATCH to recognize that fundamental fairness dictated that she receive an early hearing in the 106th Congress, having received no hearing in the 105th.

On March 1, 1999, a second Michigan vacancy on the Sixth Circuit opened up. The next day, Senator LEAHY returned to the floor, reiterated that nominations were being stalled by the majority.

The reason that the majority in the Judiciary Committee did not hold a hearing on Judge White was because of Senator Abraham's opposition, based on his effort to obtain the nomination of Jerry Rosen, a district court judge in the Eastern District of Michigan, to the second Michigan opening on the Sixth Circuit. President Clinton, however, in September of 1999, decided to nominate Kathleen McCree Lewis to that seat.

Soon thereafter, I spoke with Senator Abraham about the Lewis and White nominations, Senator LEAHY again urged the Committee to act, calling the treatment of judicial nominees "unconscionable."

On November 18, 1999, I again urged Senator Abraham and Chairman HATCH to proceed with hearings for the two Michigan nominees. At that time I noted that Judge White had been waiting for nearly 3 years and that the confirmation of the two women was "essential for fundamental fairness." 1999 ended without Judiciary Committee hearings.

In February of 2000 Senator LEAHY spoke again on the Senate floor about the multiple vacancies on the Sixth Circuit. Less than 2 weeks later, I again made a personal plea to Senator Abraham and Chairman HATCH to grant a hearing to the Michigan nominees.

On March 20, 2000, the chief judge of the Sixth Circuit sent a letter to Chairman HATCH expressing concerns about a reported statement from a member of the Judiciary Committee that "due to partisan considerations" there would be no more hearings or votes on vacancies for the Sixth Circuit Court of Appeals during the Clinton administration. His concern would turn out to be well founded.

On May 2, 2000, I sent a note to Chairman HATCH, but neither Judge White's nor Ms. Lewis's nominations were placed on the Committee's hearing agenda. Over the next several months, Senator LEAHY went to the floor ten more times to urge action on the Michigan nominees. I also raised the issue on the Senate floor on several occasions.

In the fall of 2000, in a final attempt to move the nominations of the two Michigan nominees, I met with Majority Leader LOTT to discuss the situation. On September 12, I sent him a letter saying "the nominees from Michigan are women of integrity and fairness. They have been stalled in this Senate for an unconscionable amount of time without any stated reason." Neither the meeting with Senator LOTT nor the letter prompted the Judiciary Committee to act on the nominations, and the 106th Congress ended without hearings for either woman.

By this point, Judge White's nomination had been pending for nearly 4 years—the longest period of time that any circuit court nominee had waited for a hearing in the history of the United States Senate. Ms. Lewis's nomination had been pending for about a year and a half.

The experience of Kent Markus of Ohio will shed some light on these events. Professor Markus was nominated by President Clinton in February of 2000, to fill an Ohio vacancy on the sixth Circuit. Both home state senators indicated their approval of his nomination. Nevertheless, he was not granted a Judiciary Committee hearing. In his testimony before the Judiciary Committee, Professor Markus recollected the events:

". . . To their credit, Senator DeWine and his staff and Senator Hatch's staff and others close to him were straight with me. Over and over again they told me two things:

(1) There will be no more confirmations to the 6th Circuit during the Clinton Administration, and

> (2) This has nothing to do with you; don't take it personally—it doesn't matter who the nominee is, what credentials they may have or what support they may have.

And Professor Markus continued:

> . . . On one occasion, Senator DeWine told me "This is bigger than you and it's bigger than me." Senator Kohl, who had kindly agreed to champion my nomination within the Judiciary Committee, encountered a similar brick wall . . . The fact was, a decision had been made to hold the vacancies and see who won the presidential election. With a Bush win, all those seats could go to Bush rather than Clinton nominees.

The logic of it was quite straightforward, and unfair.

Senator STABENOW and I are not alone in our view that what occurred with respect to the Michigan nominees was fundamentally unfair. As I said, even Judge Gonzales, then-White House Counsel, has acknowledged that the treatment of some nominees during the Clinton administration was "inexcusable."

Given that belief, Senator STABENOW and I had hoped that the Bush administration might consider a bipartisan approach and believed that simply moving forward with Bush nominees would mean the unfair tactic used against the Clinton nominees would succeed.

The number of Michigan vacancies on the federal courts provided an unusual opportunity for bipartisan compromise. In an effort to achieve a fair resolution of the mistreatment of President Clinton's Michigan nominees, Senator STABENOW and I proposed a bipartisan commission to recommend nominees to the President for two of the then-four open Michigan Sixth Circuit positions. Similar commissions have successfully been used in other states. Such a commission would not guarantee the recommendation of any particular individual, much less the nomination of any particular individual, since the nomination decision is the President's alone. That proposal was rejected. The administration rejected another proposal to resolve the matter suggested by Senator LEAHY and endorsed by then-Republican Governor John Engler.

In the hopes of stimulating a bipartisan response, Senator STABENOW and I returned negative blue slips on President Bush's nominees. Despite past practice of not proceeding in the face of negative blue slips from home state Senators, the Judiciary Committee held hearings on the nominees.

In 1999, Chairman HATCH had stated, with respect to the Clinton nomination of Judge Ronnie White, "had both home-State Senators been opposed to Judge (Ronnie) White in committee, [he] would never have come to the floor under our rules, [and] that would be true whether they are Democrat Senators or Republican Senators. That has just been the way the Judiciary Committee has operated . . ."

During the entire Clinton Presidency, it is my understanding that not a single judicial nominee got a Judiciary Committee hearing if there was opposition by one home-state Senator, let alone two. In our case, both home-State Senators opposed proceeding with President Bush's Michigan judicial nominees absent a bipartisan approach, but the Committee held hearings anyway.

So, the unreturned blue slips of one Republican Senator was enough to block Judiciary Committee consideration of two nominees by a Democratic President. But despite negative blue slips of both home State Democratic Senators, hearings were held for Sixth Circuit nominations of President Bush. That is inconsistent and unfair.

Mr. President, each of us who was here during that time knows what happened to President Clinton's Michigan nominees to the Sixth Circuit was unfair. Senator HATCH said it accurately, and I give him credit for putting it just this way when, in July of 2004, he said the following:

> The two senators from Michigan have been very upset and if I'd put myself in their shoes I'd feel the same way.

Well, it is time, however, to move on. And we support moving on with these two nominations and hope that in doing so, it might produce some bipartisanship and compromise. But bipartisanship cannot just be a one-way street. It requires reciprocity.

In closing, I thank the many Senators who worked for a bipartisan approach to the Michigan nominees. In particular, I thank Senator HARRY REID, who, like Senator Daschle before him, got personally involved and tried to achieve a compromise. I thank Senator LEAHY for his extraordinary efforts over the many years. I cannot tell you how many times he came to the Senate floor to make a statement. I thank him for his efforts personally to try to resolve this matter. I also thank Senator SPECTER, who has recently provided some bipartisan suggestions to the White House.

With that, Mr. President, I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President. President George W. Bush first nominated Judge Richard Allen Griffin to the Sixth Circuit on June 26, 2002.

During the 108th Congress, on June 16, 2004, the committee held a hearing on the nomination of Judge Griffin. He was successfully voted out of committee on July 20, 2004.

Judge Griffin is a judge of the Michigan Court of Appeals currently serving his 16th year on the court.

Judge Griffin is an outstanding and highly qualified candidate.

After graduating magna cum laude from Western Michigan University Honors College, Judge Griffin received his juris doctor from the University of Michigan Law School in 1977.

Upon graduating from law school, Judge Griffin clerked for the Honorable Washtenaw Circuit Judge Ross W. Campbell. He then became an associate and eventual partner at Coulter Cunningham, Davison & Read.

In 1985, Judge Griffin started his own firm, Read & Griffin, where he practiced a broad range of litigation, including automobile negligence, premises liability, products liability, and employment law. Judge Griffin engaged in both plaintiff and defense personal injury litigation.

During this time, Judge Griffin also provided pro bono legal services as a volunteer counselor and attorney with the Third Level Crisis Clinic.

In 1989, Judge Griffin successfully ran for the Michigan Court of Appeals. He was reelected to retain his seat in 1996, and again in 2002.

The American Bar Association rated Judge Griffin "Well-Qualified" for appointment to the Sixth Circuit.

Judge Griffin has engaged in numerous noteworthy activities. In addition to his duties on the Michigan Court of Appeals, Judge Griffin also devotes a significant amount of time to volunteer activities. Judge Griffin has served as president of the Grant Traverse Zoological Society since 1987. He also has served as chief judge of the YMCA Youth in Government Mock Trial Program since 1997.

Judge Griffin has widespread support.

Gerald Ford, 38th President of the United States, said:

> I can say with conviction that Judge Griffin is a person of the highest quality character. As the record shows, he has been a very excellent Judge with unquestioned integrity.

Maura D. Corrigan, chief justice, Michigan Supreme Court, said:

> Judge Griffin brings a depth of practical experience and a grasp of real life problems to the decisions of cases . . . Richard Allen Griffin is a man of integrity and probity who is fully capable of discharging the duty of protecting our Constitution and laws. He is deserving of the public trust as he has already proven himself worthy of that trust during his years of service to the State of Michigan.

William C. Whitbeck, chief judge, Michigan Court of Appeals, said:

> [T]here is no question that the United States Senate should promptly confirm Judge Griffin for the position on the Sixth Circuit . . . He is a decisive, scholarly judge with an instinct for the core issues and with a flair for authoring crisp, understandable opinions.

Stephen L. Borrello, judge, Michigan Court of Appeals, said:

> Judge Griffin possesses a rare trait amongst my colleagues: an intrinsic sense of

justice. His innate fairness is combined with a rigorous work ethic and a thorough grasp of legal issues. Judge Griffin is one of the finest jurists in this State.

Mr. President, Judge David McKeague was originally nominated by President George W. Bush on November 8, 2001, and was renominated by the President on February 14, 2005. He received a hearing on June 16, 2004, and was voted out of the Judiciary Committee on July 20, 2004.

Judge McKeague is extremely well qualified to sit on the Court of Appeals for the Sixth Circuit. Judge McKeague has a B.A. from the University of Michigan and a J.D. from the University of Michigan Law School. Upon his graduation from law school, he joined the law firm of Foster, Swift, Collins & Smith, P.C., in Lansing, MI, and was elected a shareholder and director of the firm. Judge McKeague served on the firm's Executive Committee in various offices, and was chairman of the firm's Government and Commerce Department, for many years before his confirmation to the Federal bench in 1992.

Since February 1992, Judge McKeague has served as a judge on the U.S. District Court for the Western District of Michigan. Judge McKeague has regularly participated by designation on, and authorized appellate opinions for, panels of the U.S. Court of Appeals for the Sixth Circuit. The American Bar Association has rated Judge McKeague as unanimously "well-qualified" for appointment to the Sixth Circuit.

Judge McKeague is an active member of the community and several professional associations. Judge McKeague has been active as a member of several community, local, and professional organizations, including the Judicial Conference of the United States, the Federal Judicial Center, the Michigan State and Ingham County bar associations. Both while in private practice and while on the Federal bench, Judge McKeague has directed and participated in numerous seminars, moot court competitions, and trial advocacy programs at high schools, universities and law schools throughout Michigan.

Prior to his confirmation to the Federal bench, he served 6 years in the U.S. Army Reserve. Since 1998, he has also served as an adjunct professor of law at Michigan State University's Detroit College of Law, where he teaches Federal Jurisdiction and Trial Advocacy.

Judge McKeague has the support of many attorneys and peers in Michigan, including several Democrats.

John H. Logie, attorney and Mayor of Grand Rapids, said:

> What emerged from our mutual experiences was a deep admiration for Judge McKeague's concerns both with the processes of the court and with their impact on people. If these are matters that we want out appellate judges to have in equal measure, then I can and do assure you that he will be an excellent choice.

Paul D. Borman, U.S. District Judge for the Eastern District of Michigan, said:

> I have known Judge McKeague for seven years and I can vouch for his intelligence, hard work, and commitment to equal protection under the law.

Randall S. Levine, attorney and lifelong Democrat, said:

> Judge McKeague is extremely intelligence, possesses a sharp wit and keen intellect . . . His integrity is beyond reproach.

Mr. LEAHY. Mr. President, as we debate the nominations of Richard Griffin and David McKeague to the Sixth Circuit Court of Appeals, and move on to their almost certain confirmation, I believe we must acknowledge the cooperation and statesmanship of the two Senators from Michigan who have compromised a great deal in order to contribute to the preservation of the rules and traditions of the Senate. Senator LEVIN and Senator STABENOW have spent much of the last 4 years trying to persuade the President to fulfill his constitutional duty and consult with them on his Michigan appointments, to no avail. Because of that lack of cooperation, combined with the shameful treatment given to President Clinton's nominees, the Michigan Senators exercised their right as home State Senators to withhold their consent to the nominations of candidates chosen without consultation to the Sixth Circuit.

The Michigan Senators had the support of other Senators. Nonetheless, the Michigan Senators, with grace and dedication to this institution, withdrew their opposition to three of those nominees as part of the discussions related to averting the nuclear option. Because of their willingness to go forward, we are here today debating and voting upon the confirmation of two nominees to the Sixth Circuit despite a lack of consultation by President Bush and a complete disregard for the history of this court.

First, it is essential to explain what a significant break with precedent it was that these two nominees were even given a hearing in the last Congress without the support of either of their home State Senators. The scheduling of that hearing was another example of the downward spiral the committee traveled over the last 2 years, when we witnessed rule after rule broken or misinterpreted away.

The list is long. From the way that home State Senators were treated to the way hearings were scheduled, to the way the committee questionnaire was altered, to the way our committee's historic protection of the minority by committee rule IV was violated; the Republican leadership on the committee last Congress destroyed virtually every custom and courtesy that had been available to help create and enforce cooperation and civility in the confirmation process.

The then-chairman of the committee crossed a critical line that he had never before crossed when in June of 2003, he held a hearing for Henry Saad, another of the Michigan nominees to the Sixth Circuit, opposed by both of his home State Senators. It may have been the first time any chairman and any Senate Judiciary Committee proceeded with a hearing on a judicial nominee over the objection of both home State Senators. It was certainly the only time in the last 50 years, and I know it to be the only time during my 31 years in the Senate.

Having broken a longstanding practice of the Judiciary Committee founded on respect for home State Senators, whether in the case of a district or circuit court nominee, the committee's leadership did not hesitate to break it again and hold a hearing for Richard Griffin and David McKeague.

The Michigan Senators did not do what so many other Senators did when holding up more than 60 of President Clinton's nominees, and block them silently. To the contrary, they came to the committee and articulated their very real grievances with the White House and their honest desire to work towards a bipartisan solution to the problems filling vacancies in the Sixth Circuit. We should have respected their views, as the views of home State Senators have been respected for decades. I urged the White House to work with them. I proposed reasonable solutions to the impasse that the White House rejected. The Michigan Senators proposed reasonable solutions, including a bipartisan commission, but the White House rejected every one.

Although President Bush promised on the campaign trail to be a uniter and not a divider, his practice once in office with respect to judicial nominees has been most divisive. Citing the remarks of a White House official, The Lansing State Journal reported that President Bush was simply not interested in compromise on the existing vacancies in the State of Michigan. It is unfortunate that the White House was never willing to work toward consensus with all Senators and on all courts. Over the last 4 years, time and again the good faith efforts of Senate Democrats to repair the damage done to the judicial confirmation process over the previous 6 years were rejected. And time and again, the rules were thrown by the wayside.

When Republicans chaired the Judiciary Committee and we were considering the nominations of a Democratic President, one negative blue slip from just one home State Senator was enough to doom a nomination and prevent a hearing on that nomination. This included all nominations, including those to the circuit courts. How else to explain the failure to schedule hearings for such qualified and noncontroversial nominees as James Beaty and James Wynn, African-American nominees from North Carolina? What other reason could plausibly be found for what happened to the nominations of Enrique Moreno and Jorge Rangel—both Latino, both Harvard graduates, both highly rated by the ABA, and both denied hearings in the Judiciary Committee? There is no denying that was the rule during the previous Democratic administration. There is no way around the conclusion that with a Republican in the White House, the Republicans in the Senate have found it politically expedient to change the rules and reverse their own practices time and again.

In all, more than 60 of President Clinton's judicial nominees and more than 200 of his executive branch nominees were defeated in Senate committees through the enforcement of rules and precedents that the Republican majority later found inconvenient—now that there is a Republican in the White House. Indeed, among the more than 60 Clinton judicial nominees who the committee never considered there were more than a few who were blocked despite positive blue slips from both home State Senators. So long as a Republican Senator had an objection, it appeared to be honored, whether that was Senator Helms of North Carolina objecting to an African-American nominee from Virginia or Senator Gorton of Washington objecting to nominees from California.

During the last Congress, the Judiciary Committee also took the unprecedented action of proceeding to a hearing on the nomination of Carolyn Kuhl to the Ninth Circuit over the objection of Senator BOXER. When the senior Senator from California announced her opposition to the nomination as well at the beginning of a Judiciary Committee business meeting, I suggested to the chairman that further proceedings on that nomination ought to be carefully considered. I noted that he had never proceeded on a nomination opposed by both home State Senators once their opposition was known. Senator FEINSTEIN likewise reminded the then-chairman of his statements in connection with the nomination of Ronnie White when he acknowledged that had he known both home State Senators were opposed, he would never have proceeded. Nonetheless, in one in a continuing series of changes of practice and position, the committee was required to proceed with the Kuhl nomination. A party-line vote was the result.

With the Saad nomination, the committee made a further profound change in its practices. When a Democratic President was doing the nominating and Republican Senators were objecting, a single objection from a single home State Senator stalled the nomination. There was not a single example of a single time that the committee went forward with a hearing over the objection or negative blue slip of a single Republican home State Senator during the Clinton administration. But once a Republican President was doing the nominating, no amount of objecting by Democratic Senators was sufficient. The committee overrode the objection of one home State Senator with the Kuhl nomination. The committee overrode the objection of both home State Senators when a hearing and a vote was held on the Saad nomination, and once more by holding a hearing and vote for the two circuit court nominees we are discussing today.

I know it is frustrating that there have been unfilled vacancies on the Sixth Circuit for so long. Many of us experienced worse frustration during the Clinton years when good nominees were held up for no discernable reason—other than politics. During President Clinton's second term, the Republican Senate majority shut down the process of confirmations to the Sixth Circuit entirely, and three outstanding nominees were not accorded hearings, committee consideration or Senate votes. In fact, while there were numbers of vacancies on the Sixth Circuit and nominees for those vacancies, from November of 1997 there was not a confirmation to that court until the confirmation of Julia Smith Gibbons while I was chairman on July 29, 2002, a span of nearly 5 years. Not a single Sixth Circuit nominee was even given a hearing during Republican control of the 106th Congress, and one of the nominees, Kent Marcus from Ohio, testified at a Judiciary subcommittee hearing in 2002 that he was told that he would not be confirmed despite public support from his home State Senators. Republicans wanted to keep the vacancies in case a Republican was elected President.

When I chaired the committee, we broke that impasse with the first Sixth Circuit confirmation in those many years. I scheduled a hearing and a vote for Julia Smith Gibbons of Tennessee, who was confirmed shortly thereafter, and I did the same for John Rogers of Kentucky, who was confirmed in November of 2002.

I know that around the time a Republican leadership staffer was found to have stolen confidential Democratic files there were outrageous accusations made that Judge Gibbons' confirmation was delayed to affect a pending affirmative action case in some way. I have never considered the outcome of any particular case when scheduling that or any other nominee for a hearing.

The facts of this nomination belie this scurrilous accusation. Judge Gibbons was nominated to the Sixth Circuit in October 2001 but did not have a completed file until November 15, shortly before the end of the first session of the 107th Congress. Before her paperwork was complete, the Sixth Circuit panel assigned to the affirmative action cases had already circulated a request for the full court to hear argument, and on November 16, the Sixth Circuit ordered that the case to be argued to the full court. The oral argument in that case took place after Thanksgiving, on December 6.

Given the lateness of her nomination, her paperwork, and the year, Gibbons could not realistically have expected a hearing, a committee vote and a confirmation vote to all have taken place in the 3 weeks between the time her paperwork was complete and the time the Sixth Circuit sat for the oral argument in that case and took a poll about the outcome of that case. The ordinary practice is that only the judges who are on the court at the time the court votes to hear the case "en banc" can participate in the case, even if they retire. It is just unreasonable to contend that Judge Gibbons could have heard the December 6 argument in that case.

When we returned for the second session of the 107th Congress, I scheduled several hearings at the request of a number of different Republican Senators. The first circuit court nominee to get a hearing was Michael Melloy for the Eighth Circuit at Senator GRASSLEY's request; followed by Judge Pickering, who was supported by Senator LOTT; then Judge D. Brooks Smith, for the Third Circuit, at Senator SPECTER's request; then Terrence O'Brien, for the Eighth Circuit, at the request of Senators THOMAS and ENZI; and Jeffrey Howard, for the First Circuit, who was supported by Senator Bob Smith.

Once those hearings were completed, in the week of April 15, I scheduled a hearing for Judge Gibbons. Her hearing was held on April 25. I listed her for a committee vote the very next week, and all of the Democratic Senators joined in voting her out the same day, May 2. She did not get an immediate floor vote due to a dispute between the White House and Senators over commissions, but she was ultimately confirmed on July 29, 2002.

The Sixth Circuit issued its decision in the Michigan affirmative action case on May 14, 2002, which means the judges were already working on the majority and dissenting opinions for weeks, likely even months, given the complexity of the case. The Supreme Court, where I think we all knew the issue would finally be decided, accepted the appeal of the affirmative action decision later that year and issued its ruling on June 23, 2003.

To say that Democrats used their power to influence the Sixth Circuit in any case is demonstrably false. What is factually true is that from the time the case against the University of Michigan case was filed in District Court until the time I facilitated the confirmation of Judge Gibbons. Republicans had successfully blocked any and all appointees to that Circuit.

Even after the 107th Congress, Democrats continued to cooperate in filling seats on the Sixth Circuit. Although many of us strongly opposed their nominations, we did not block the confirmations of two more controversial judges to that court: Deborah Cook and Jeffrey Sutton. With their confirmations, that brought us to a total of four Sixth Circuit confirmations in 3 years as opposed to no confirmation in the last 3 years of the Clinton administration. We cut Sixth Circuit vacancies in half. With cooperation from the White House, we could have done even better.

The Republican Senate majority refused for over 4 years to consider President Clinton's well-qualified nominee, Helene White, to the Sixth Circuit. Judge White has served on the Michigan Court of Appeals with Judge Griffin since 1993, and, prior to her successful election to that seat, served for nearly 10 years as a trial judge, handling a wide range of civil and criminal cases. She was first nominated by President Clinton in January 1997, but the Republican-led Senate refused to act on her nomination. She waited in vain for 1,454 days for a hearing, before President Bush withdrew her nomination in March 2001. It stands in contrast to the recent mantra from Republicans that every judicial nominee is entitled to an up-or-down vote.

President Clinton had also nominated Kathleen McCree Lewis. She is the daughter of a former Solicitor General of the United States and a former Sixth Circuit Judge. She was also passed over for hearings for years. No effort was made to accord her consideration in the last 18 months of President Clinton's term. The Republican double standard denied her the treatment they now demand for every Bush nominee.

Despite the flawed process that brought us here, the Michigan Senators understood that in recent weeks we found ourselves on the brink of a terrible moment in the United States Senate when the majority leader would break the rules to change the rules in order to achieve the President's goal of packing the courts. They understood the extreme tactics of the Republican majority. I applaud their sacrifice, and hope that the President was listening to the 14 other Senators who expressly asked him in their memorandum of understanding on nominations to engage in real consultation with home State Senators. That is sound advice.

In deference to the Michigan Senators, I will no longer oppose these confirmations. Still, there are issues related to their records and views that trouble me. I hope that they will be able to put any ideologies or preconceptions aside and rule fairly in all cases.

As a judge on the Michigan Court of Appeals since 1989, Judge Griffin has handled and written hundreds of opinions involving a range of civil and criminal law issues. Yet, a review of Judge Griffin's cases on the Michigan Court of Appeals raises concerns. He has not been shy about interjecting his own personal views into some of his opinions, indicating that he may use the opportunity, once confirmed, to further his own agenda when confronted with cases of first impression.

For example, in one troubling case involving the Americans with Disabilities Act—ADA—Doe v. Mich. Dep't of Corrections, Judge Griffin followed precedent and allowed the State disability claim of disabled prisoners to proceed, but wrote that, if precedent had allowed, he would have dismissed those claims. Griffin authored the opinion in this class action brought by current and former prisoners who alleged that the Michigan Department of Corrections denied them certain benefits on the basis of their HIV-positive status. Although Judge Griffin held that the plaintiffs had stated a claim for relief, his opinion makes clear that he only ruled this way because he was bound to follow the precedent established in a recent case decided by his Court. Moreover, he went on to urge Congress to invalidate a unanimous Supreme Court decision, written by Justice Scalia, holding that the ADA applies to State prisoners and prisons. He wrote, "While we follow Yeskey, we urge Congress to amend the ADA to exclude prisoners from the class of persons entitled to protection under the act."

In other cases, he has also articulated personal preferences that favor a narrow reading of the law, which would limit individual rights and protections. For example, in Wohlert Special Products v. Mich. Employment Security Comm'n, he reversed the decision of the Michigan Employment Security Commission and held that striking employees were not entitled to unemployment benefits. The Michigan Supreme Court vacated part of Judge Griffin's decision, noting that he had inappropriately made his own findings of fact when ruling that the employees were not entitled to benefits. This case raises concerns about Judge Griffin's willingness to distort precedent to reach the results he favors.

In several other cases, Judge Griffin has gone out of his way to interject his conservative personal views into his opinions. The appeals courts are the courts of last resort in over 99 percent of all Federal cases and often decide cases of first impression. If confirmed, Judge Griffin will have much greater latitude to be a conservative judicial activist.

It is ironic that Judge Griffin's father who, as Senator in 1968, launched the first filibuster of a Supreme Court nominee and blocked the nomination of Justice Abe Fortas to serve as Chief Justice. Despite the deference given in those days to the President's selected nominee, former Senator Griffin led a core group of Republican Senators in derailing President Johnson's nomination by filibustering for days. Eventually, Justice Fortas withdrew his nomination. I know that the Republicans here have called filibusters of Federal judges "unconstitutional" and "unprecedented", but this nominee's father actually set the modern precedent for blocking nominees by filibuster on the Senate floor.

The second of the two nominees before us today is David McKeague. His record raises some concerns, and his answers to my written questions on some of these issues did little or nothing to assuage them.

In particular, I am concerned about Judge McKeague's decisions in a series of cases on environmental issues. In *Northwoods Wilderness Recovery* v. *United States Forest Serv.*, 323 F.3d 405 (6th Cir. 2003), Judge McKeague would have allowed the U.S. Forest Service to commence a harvesting project that allowed selective logging and clear-cutting in areas of Michigan's upper peninsula. The appellate court reversed him and found that the Forest Service had not adhered to a "statutorily mandated environmental analysis" prior to approval of the project, which was dubbed "Rolling Thunder."

Sitting by designation on the Sixth Circuit, Judge McKeague joined in an opinion that permitted the Tennessee Valley Authority—TVA—broadly to interpret a clause of the National Environmental Policy Act in a way that would allow the TVA to conduct large-scale timber harvesting operations without performing site-specific environmental assessments. This is the case of *Help Alert Western Ky., Inc.* v. *Tenn. Valley Authority*, 1999 U.S. App. LEXIS 23759 (6th Cir. 1999). The majority decision in this case permitted the TVA to determine that logging operations that covered 2,147 acres of land were "minor," and thus fell under a categorical exclusion to the environmental impact statement requirement. The dissent in this case noted that the exclusion in the past had applied only to truly "minor" activities, such as the purchase or lease of transmission lines, construction of visitor reception centers and onsite research.

Judge McKeague also dismissed a suit brought by the Michigan Natural Resources Commission against the Manufacturer's National Bank of Detroit, finding that the bank was not liable for the costs of environmental cleanup at sites owned by a "troubled borrower." This is the case of *Kelley ex rel. Mich. Natural Resources Comm'n* v. *Tiscornia*, 810 F. Supp. 901 (W.D. Mich. 1993). The bank took over the property from Auto Specialties Manufacturing

Company when it defaulted on its loans. The Natural Resources Commission argued that the bank should be responsible for taking over the cost of cleanup because it held the property when the toxic spill occurred, but Judge McKeague disagreed.

In *Miron* v. *Menominee County*, 795 F. Supp. 840 (W.D. Mich. 1992), Judge McKeague rejected the efforts of a citizen who lived close to a landfill to require the Federal Aviation Administration to enjoin landfill cleanup efforts until an environmental impact statement regarding the efforts could be prepared. The citizen contended that if the statement were prepared, the inadequacies of a State-sponsored cleanup would be revealed and appropriate corrective measures would be undertaken to minimize further environmental contamination and wetlands destruction. Holding that the alleged environmental injuries were "remote and speculative," Judge McKeague denied the requested injunctive relief.

In *Pape* v. *U.S. Army Corps of Engineers*, 1998 U.S. Dist. LEXIS 9253 (W.D. Mich.), Judge McKeague seems to have ignored relevant facts in order to prevent citizen enforcement of environmental protections. Dale Pape, a private citizen and wildlife photographer, sued the U.S. Corps of Army Engineers under the Federal Resource Conservation and Recovery Act of 1976 (RCRA), alleging that the Corps mishandled hazardous waste in violation of RCRA, destroying wildlife in a park near the site. Despite the Supreme Court's holding in Lujan v. Defenders of Wildlife that "the desire to use or observe an animal species, even for purely esthetic purposes, is undeniably a cognizable interest for purpose of standing," and even though RCRA specifically conferred the right for citizen suits against the government for failure to implement orders or to protect the environment or health and safety, Judge McKeague dismissed the case, holding that plaintiff lacked standing to sue.

Judge McKeague found plaintiff's complaint insufficient on several grounds, in particular plaintiff's inability to establish which site specifically he would visit in the future. Plaintiff had stated in his complaint that he "has visited the 'area around' the RACO site 'at least five times per year' and that he has made plans to vacation in 'Soldiers Park' located 'near' the RACO site in early October 1998, where he plans to spend his time 'fishing, canoeing, and photographing the area.'" Comparing Pape's testimony with that of the Lujan plaintiff, who had failed to win standing after he presented general facts about prior visits and an intent to visit in the future. Judge McKeague rejected Pape's complaint as too speculative, based on the Court's holding in Lujan that:

> [Plaintiffs'] profession of an "intent" to return to the places [plaintiffs] had visited before—where they will, presumably, this time, be deprived of the opportunity to observe animals of the endangered species—is simply not enough to establish standing . . .. Such "some day" intention— without any description of concrete plans, or indeed, even any specification of when the some day will be—do not support a finding of the "actual or imminent" injury that our cases require.

In concluding that "the allegations contained in plaintiff's first amended complaint fail to establish an actual injury because they do not include an allegation that plaintiff has specific plans to use the allegedly affected area in the future," Judge McKeague seemed to ignore completely the detailed fact description that Pape submitted in his amendment complaint. The judge further asserted that there was no causal connection between the injury and the activity complained of, and that, in any case, the alleged injury was not redressable by the suit.

On another important topic, that of the scheme of enforcing the civil and constitutional rights of institutionalized persons, I am concerned about one of Judge McKeague's decisions. In 1994, in *United States* v. *Michigan*, 868 F. Supp. 890 (W.D. Mi. 1994), he refused to allow the Department of Justice access to Michigan prisons in the course of its investigation into some now notorious claims of sexual abuse of women prisoners by guards undermines the long-established system under the Constitutional Rights of Institutionalized Persons Act or CRIPA. That act's investigative and enforcement regime is unworkable if the Department of Justice is denied access to State prisons to determine if enough evidence exists to file suit, and Judge McKeague's tortured reasoning made it impossible for the investigation to continue in his district.

I know that concern for the rights of prisoners who have often committed horrendous criminal acts is not politically popular, but Congress enacted the law and expected its statute and its clear intent to be followed. It seems to me that Judge McKeague disregarded legislative history and the clear intent of the law, and that sort of judging is of concern to me.

Finally, I must express my profound disappointment in his answer to a question I sent him about a presentation he made in the Fall of 2000, when he made what I judged to be inappropriate and insensitive comments about the health and well-being of sitting Supreme Court Justices. In a speech to a law school audience about the impact of the 2000 elections on the courts, Judge McKeague discussed the possibility of vacancies on the Court over the following year. In doing so he felt it necessary to not only refer to—but to make a chart of—the Justices' particular health problems, and ghoulishly focus on their life expectancy by highlighting their ages. He says he does not believe he was disrespectful, and used only public information. There were other, better ways he could have made the same point, and it is too bad he still cannot see that.

Under our Constitution, the Senate has an important role in the selection of our judiciary. The brilliant design of our Founders established that the first two branches of Government would work together to equip the third branch to serve as an independent arbiter of justice. As columnist George Will once wrote: "A proper constitution distributes power among legislative, executive and judicial institutions so that the will of the majority can be measured, expressed in policy and, for the protection of minorities, somewhat limited." The structure of our Constitution and our own Senate rules of self-governance are designed to protect minority rights and to encourage consensus. Despite the razor-thin margin of recent elections, the majority party has never acted in a measured way but in complete disregard for the traditions of bipartisanship that are the hallmark of the Senate. It acted to ignore precedents and reinterpret longstanding rules to its advantage, but fortunately its attempt to eliminate the voice of the minority entirely failed because of the efforts of well-meaning and fair-minded Senators. Two more well-meaning and fair-minded Senators did their part to save the Senate by clearing the way for the confirmation of the two nominees today. I hope that despite the concerns I have expressed and others that may emerge during this debate, once confirmed Judge Griffin and Judge McKeague will fulfill their oath and provide fair and impartial justice to all who come before them.

Mr. McCONNELL. Mr. President, I rise in support of the nominations of David McKeague and Richard Griffin to the Sixth Circuit Court of Appeals.

The Sixth Circuit covers thirty million people in Michigan, Ohio, Tennessee and my home State of Kentucky. For the last several years, the Sixth Circuit has been operating with at least one-fourth of its 16 seats empty. This 25 percent vacancy rate is the highest vacancy rate among Federal circuit courts. The Administrative Office of the Courts has declared all four of these empty seats to be "judicial emergencies."

Because of this high vacancy rate, the Sixth Circuit has been operating under a crushing caseload burden and has been the slowest circuit in the Nation. According to the AOC, last year—like the year before it—the Sixth Circuit was a full 60 percent behind the national average. In 2004, the national average for disposing of an appeal in the Federal circuit courts was 10.5 months. But in the Sixth Circuit, it took almost 17 months to decide an appeal. For your average litigant, that means in other circuits, if you file your appeal at the beginning of the year, you get your decision around Halloween. But in the Sixth Circuit, if you file your appeal at the same time, you get your decision after the following Memorial Day—over a half year later.

Mr. President, you know the old saying that "justice delayed is justice denied." Well, the 30 million residents of the Sixth Circuit have been denied justice due to the continued obstruction of Michigan nominees by my Democrat colleagues. What is the reason for this sorry state of affairs? An intra-delegation spat in the Michigan delegation from years ago—when a quarter of the current Senate was not even here. Nor, I might add, was the current President around either. This dispute has dragged on year after year. I do not know who started it.

My colleagues from Michigan cite Clinton nominees to the Sixth Circuit who did not receive hearings. Other people note that our colleagues from Michigan do not have a monopoly on disappointment. They point to Michigan nominees from President George Herbert Walker Bush, such as Henry Saad and John Smietanka, who did not get hearings when Democrats controlled the Senate Judiciary Committee in the early 1990s.

Regardless of who started what and when, all the residents in the Sixth Circuit have been suffering from the refusal of our Democratic colleagues to allow these seats from Michigan to be filled. Moreover, this obstruction has been out of all proportion to any alleged grievance. Specifically, our colleagues had been blocking four circuit court nominees from Michigan, as well as three district court nominees from Michigan. But of these seven Michigan vacancies that the Democrats had been refusing to let the Senate fill, five of the seats were not even involved in this dispute. President Clinton never nominated anyone to the seat to which current nominee Henry Saad has been nominated. The seat to which current nominee David McKeague has been nominated did not even become vacant until the current Bush administration. And the three district court seats that are being blocked were not involved in the dispute either. So my friends from Michigan had been holding up one-fourth of an entire circuit in crisis, along with three district court seats, because of an internal dispute about two seats, the genesis of which occurred years ago.

What had my friends from Michigan been demanding in order to lift this blockade? They had wanted to pick circuit court appointments. Mr. President, let us get back to first principles. As much as they would like to, Democrat Senators do not get to pick circuit court judges in Republican administrations. For that matter, Republican Senators do not get to pick circuit court judges in Republican administrations.

Article II, section 2 of the Constitution clearly provides that the President, and the President alone, nominates judges. It then adds that the Senate is to provide its advice and consent to the nominations that the President has made. By tradition, the President may consult with Senators. But the tradition of "consultation" does not transform individual Senators into co-presidents. We have elections for that, and President Bush has won the last two.

Fortunately, it appears our friends from Michigan have reconsidered their position. As a result, two fine jurists, Judge Richard Griffin and Judge David McKeague, will get up or down votes, and will be confirmed to the Sixth Circuit Court of Appeals. All residents of the Sixth Circuit will benefit from their service on that court. We should all be thankful for that.

Mr. FRIST. Mr. President, before the recess, the Senate confirmed Priscilla Owen to the Fifth Circuit Court of Appeals. Yesterday, we confirmed Janice Rogers Brown to the DC Circuit. And earlier today, William Pryor was confirmed to serve on the Eleventh Circuit Court of Apeals.

All three of these judges had been waiting for years to get an up-or-down vote on the Senate floor. Until 2 weeks ago, all three of these nominees had been blocked by partisan obstructionist tactics.

In a few minutes, we will give Judge Richard Griffin and Judge David McKeague fair up or down votes. We are making progress on fulfilling our constitutional duty to advise and consent.

The judges before us now are nominees to the Sixth Circuit Court of Appeals—a circuit which includes Michigan, Ohio, Kentucky, and my home State of Tennessee. It is a circuit that desperately needs new judges. My circuit—the Sixth Circuit—has the highest vacancy rate and the slowest appeals process in the Nation.

For the last 3 years, the Sixth Circuit has had the highest the vacancy rate for Federal judges in the Nation. Twenty five percent—4 out of 16—of its seats are empty. All four have been declared judicial emergencies.

These vacant judgeships have turned the Sixth Circuit into the slowest circuit in the country. Consider that the national average for an appeal is about 10 months. In the Sixth Circuit, it takes almost 17.

This situation is unfair to our constituents and unfair to the hard-working judges who labor under increasingly heavy caseloads.

Judicial obstruction has been delaying and denying justice to the 30 million people who live in the Sixth Circuit. It is time to end this judicial obstruction and fill these seats with qualified judges.

I would like to comment briefly on the backgrounds of Judges McKeague and Griffin.

The President nominated Judge McKeague on November 8, 2001, and Judge Griffin on June 26, 2002.

Judge Griffin has extensive experience as a practicing attorney. He has appeared before the Federal district courts in Michigan and before the Sixth Circuit Court of Appeals.

He also has served with distinction as a State court judge for well over a decade. As an appellate judge, he wrote over 280 published opinions and heard thousands of criminal and civil cases.

He enjoys bipartisan support from his colleagues. The chief judge of the Michigan Court of Appeals has called Judge Griffin a "decisive scholarly judge with an instinct for the core issues and with a flair for authoring crisp understandable opinions."

Judge Griffin has been waiting nearly 3 years for a fair up or down vote. It is time to give him that courtesy. It is time to vote.

Judge David McKeague, likewise, is a highly regarded jurist. In 1992, the Senate voted unanimously to confirm him to serve on the U.S. District Court for the Western District of Michigan.

Many of those same Senators who confirmed Judge McKeague to the district court have been obstructing his nomination to the appellate court for over 3 years.

Judge McKeague was also appointed by Supreme Court Chief Justice Rehnquist to serve on the Judicial Conference's Committee on Defender Services and on the Federal Judicial Center's District Judges Education Committee, which he chairs.

Those in the legal community who have worked with Judge McKeague respect him. One fellow attorney called him "a person of unquestioned honor and integrity. Judge McKeague's judgments are sound, impartial, and prompt."

Attorneys who have represented clients before Judge McKeague say that he is fair and "treats all litigants and litigators with courtesy and respect" and that "his rulings are well reasoned with due regard for precedent and the law."

Judge McKeague has been waiting nearly 4 years for an up-or-down vote. It is time to give him that courtesy. It is time to vote.

Judges Griffin and McKeague are highly qualified individuals with extensive legal experience and bipartisan support. Both have been rated "well qualified" by the American Bar Association, the highest rating possible.

It is only because of partisan obstruction that they have not received a fair vote. Justice has been delayed because an up-or-down vote has been denied.

I hope things are changing in the Senate. I am pleased that with today's votes the Senate is continuing to move forward to embrace the principle of fair up or down votes on judicial nominees.

I urge my colleagues to join me to vote to confirm Judge Griffin and Judge McKeague to the Federal appeals court.

Mr. President, for the information of our colleagues, we plan on beginning the votes—there will be two votes—in about 5 minutes. I know a number of people are in meetings and around the Hill, but I want to notify them that we will begin voting at 4:55, in about 5 minutes.

Mr. LEAHY. Mr. President, with the leader on the floor, have the yeas and nays been ordered on these two nominees?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. Mr. President, I ask unanimous consent that it be in order at this time to ask for the yeas and nays on both nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I know the two Senators from Michigan support both these nominees. They both returned positive blue slips, which is one of the reasons they are moving so quickly.

As to when the time arrives that the leader wishes to begin the votes, I ask unanimous consent that at that time the time on this side of the aisle be yielded back, whether I am on the floor or not.

Mr. FRIST. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I understand that all time will have been yielded back and, therefore, we will be starting the vote at 4:55 sharp.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I know our colleagues are anxious to vote. I have put into the RECORD statements in support of the nominations of Richard Allen Griffin to be a judge on the Sixth Circuit Court of Appeals and David W. McKeague to be, similarly, a judge on the Sixth Circuit. It would have been gratifying a couple of years ago to have had this confirmation at that time, but it is good to have it now rather than at some time in the future. It would not serve any useful purpose to go through the litany of reasons these nominees have been held up. Suffice it to say, they are very well qualified, and the Sixth Circuit is in a state of crisis, and it will help the administration of justice to have these nominees confirmed.

Mr. President, I believe we are ready to vote.

VOTE ON NOMINATION OF RICHARD A. GRIFFIN

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Richard A. Griffin, of Michigan, to be United States Circuit Judge for the Sixth Circuit? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "yea."

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 134 Ex.]

YEAS—95

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—5

Alexander
Biden
Jeffords
Murkowski
Obama

The nomination was confirmed.

VOTE ON NOMINATION OF DAVID W. MCKEAGUE

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of David W. McKeague, of Michigan, to be a United States Circuit Judge for the Sixth Circuit? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), and the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), and the Senator from Vermont (Mr. JEFFORDS), are necessarily absent.

I further announce that if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "yea."

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 135 Ex.]

YEAS—96

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—4

Alexander
Biden
Jeffords
Murkowski

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

The majority leader.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, pursuant to the order of May 24, I ask unanimous consent that at 2:30 p.m. on Monday, June 13, the Senate proceed to the Griffith nomination as provided under the order; provided further that following the use or yielding back of time, the Senate resume legislative session and the vote occur on the confirmation of the nomination at 10 a.m. on Tuesday, June 14.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I ask unanimous consent that on Tuesday, immediately following the vote on the Griffith nomination, the Senate proceed to the consideration of H.R. 6, the Energy bill; provided further that the chairman be recognized in order to offer the Senate-reported bill as a substitute amendment, the amendment be agreed to and considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I ask unanimous consent that at 6:30 p.m. on Monday, June 13, the Judiciary Committee be discharged from further consideration of S. Res. 39 and the Senate proceed to its immediate consideration. I further ask unanimous consent there be 3 hours for debate with the time equally divided and controlled between Senators LANDRIEU and ALLEN or their designees, and upon the use or yielding back of time, the Senate proceed to a vote on the adoption of the resolution without intervening action or debate. I ask unanimous consent that upon adoption, the preamble then be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Mr. ISAKSON) Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUNDING FOR HOMELAND SECURITY

Mr. GREGG. Mr. President, I rise to speak a little bit about the Department of Homeland Security. I have the good fortune to chair their appropriations committee, and we will be marking up the appropriations bill relative to that agency next week, hopefully, if we can straighten out the proper allocations for funding within the budget, which I expect to happen today under the leadership of Chairman COCHRAN.

The Homeland Security Department is a big one because, of course, this goes to the essence of how we protect ourselves as a nation, how we make sure that we are ready should we be attacked, and how we, hopefully, make it possible for us to avoid such an attack. Regrettably, the Department of Homeland Security has been thrown together and has had some problems as it has tried to shake out in the post-9/11 world.

In fact, the problems have been so extreme that almost a day does not go by that we do not see an inspector general report or a GAO report outlining some function of that agency which simply is not working correctly. Today, there was a report where the inspector general found that there were no backup computer systems within the Department for some of the critical agencies that are involved, but that is only one of literally a stack of GAO and inspector general reports which probably is 2 or 3 feet high.

There is a lot to do in this agency. Certainly, I congratulate the President on bringing aboard Secretary Chertoff. I know he is a hard-driving and committed individual, and I know he is going to try to put together programs which will get that agency focused and functioning in a manner in which the American people expect.

As we look at the agency, however, I do think we have to be driven by a certain theory or theme, a set of policies. The first is that we address threat first and that we start with the highest threats as being the first threats which we should focus on. Of course, the highest threats are weapons of mass destruction coming into the country or being developed in the country which would be used against American citizens.

Those weapons involve things such as chemical or biological weapons or potentially some sort of nuclear device. So we must prepare ourselves and focus that Department on making sure that it is ready to deal with those types of threats.

Some of the responsibility for making ourselves adequately prepared in the area, especially biologics, falls outside the Department and falls with the CDC or HHS—the Health and Human Services Department—which have responsibility for developing vaccines. NIH, for example, National Institutes of Health, has the responsibility for making sure that we are on course to bring on line adequate responses should we be attacked with a biological weapon such as anthrax, a plague or botulism.

The Department still has a huge role in this area, and it obviously has a role in the nuclear area of detection and making sure that we are ready to try to anticipate and stop a weapon of that sort. Below that level of addressing the weapons of mass destruction issues, we have to look at the other areas of threat and how we as a government are structured to handle it.

There was a report today that the President of the United States, in a meeting with the leadership of the House at least, and maybe the Senate, said that he thought we should be focusing on border security as a priority in the area of maintaining our security as a nation. I think that is absolutely true. Most Americans today wonder why there are still literally tens of thousands, maybe hundreds of thousands of people coming across our borders, entering this country illegally.

A lot of other Americans wonder why today there is so much happening in the area of people coming into the country without us knowing what their purposes are or what their potential threat is as individuals. There is concern about our capacity to screen folks who are coming into this Nation who may have as one of their purposes to do us harm. We need to strengthen our ability to stay on top of this situation.

There is significant concern about what is happening within our ports and whether we are putting in place systems which adequately review and give us the capacity to address what might be in a container in one of the hundreds of thousands of containers that come into this country on a daily basis. So this is an area of high priority. If this report is correct, it is very good that the President has decided to put significant focus on the issue of border security beyond what was obviously energy that was being put into that effort to begin with anyway.

There is no question there has been significant effort in this area, but it needs a lot more effort, and that brings me to what we are planning to do with the appropriations bill. I want to lay out a bit of a precursor to that bill so people will know what is coming and can anticipate it.

Basically, what we intend to do is reorient, to the extent we can, funds within the moneys we have available to us for the Department of Homeland Security to focus on border security because we consider that—or I happen to consider—after we go below the weapons of mass destruction issue, to be the most significant area of need from the standpoint of protecting our national security and making sure that we are able to manage our national security.

Unfortunately, the proposal that came up to us from the administration prior to this recent discussion which occurred at the White House yesterday or the day before did not put the type of resources or focus on that Department that was necessary within the context of the entire Homeland Security Department. As a result, in order to accomplish that within the dollars we have—and the dollars are going to be fairly significant because the chairman of the Appropriations Committee, I believe, has stated not publicly yet but has at least implied that he intends to fund aggressively this activity of the Federal Government because he understands the importance of the security of our Nation. He used to be chairman of this subcommittee and certainly knows its needs. So he is going to give us an allocation which is fairly significant. Within that allocation we do intend to reform and restructure so that we are putting more money into homeland security.

That is going to mean that other accounts we might want to have funded at a higher level are not going to be funded at quite so high a level. We are going to set priorities. My view of how we fund the issue of protecting our national security is that we address the issue of threat, pick the highest threat, and fund responses to that threat. After the issue of weapons of mass destruction, the highest threat is our failure to manage our borders; thus, we are going to put more money into that. That means we will have to take money from accounts which are not necessarily going to make those folks happy in those accounts, but it is necessary if we are going to adequately fund this area.

It is a two-step effort, really. First, we have to put on the border the necessary capability to have a reasonable review of who is coming into the country and what is coming into the country. Today, we do not have that capacity. Within that effort we need to have not only people, but we need to have infrastructure in the form of technology capability and in the form of physical plant capability.

Secondly, we have to have a program in place as a nation which does not create an incentive for people to come into the country illegally. That gets into this whole question of guest worker. My Appropriations Committee may not have that jurisdiction. We would love to have that jurisdiction. We have it marginally, but that is an authorizing exercise, and maybe it will be debated on this bill. But, in any event, we are going to focus on that first part where we do have jurisdiction, which is we are going to significantly tool up our physical and personnel capabilities and our technology capabilities in order to try to address border security at the first level, which is a question of having the people and the resources on the borders, in the ports, in order to effectively manage our borders.

This is not an overnight event. This has been attempted before and it has been singularly unsuccessful. When I had responsibility for Immigration and Border Patrol in the prior committee that was moved over from the Justice Department when they had the Justice Department responsibility moved over to Homeland Security, we were in the midst of trying to gear up the number of Border Patrol agents and we made a commitment to add literally thousands of Border Patrol agents over a series of years. Unfortunately, the Border Patrol first was not able to recruit the people at the price we were willing to pay them because the people were required to be bilingual and actually had talents that in the marketplace could command more than we were willing to pay them, and second, we did not have the training facilities, so we ended up never reaching the increase in numbers of Border Patrol we need in order to effectively address the border.

We are going to try again. The Border Patrol told us the number they think they can train up in a year. We are going to give them more training capacity so in later years we can train more people. We are going to put in pay scales—we already have—that will make it a more attractive job. And we are going to start to hire people who can do the job effectively at fairly significant numbers.

On top of that, we have to do other things. There is within the Department of Homeland Security a program called US-VISIT, about which I have serious misgivings. It is a massive computer undertaking. I have seen these before in other agencies and my sense is this computer initiative is not going well and is not evolving the software and hardware capabilities necessary. We are going to try to focus on that and hopefully turn that corner so that program will in the end be an asset, so we will know who is coming in the country.

There is other work we need to do. We need to increase the number of detention beds. We need to increase the number of people who are doing the prosecution of detainees. We need to increase the capability, the physical plant capacity of the Border Patrol and the Immigration and Customs officers. We need a lot of physical plant and people and technology and we are going to take from other accounts to try to accomplish that as we move this Homeland Security bill forward.

I am putting people on notice that this is the direction we are going. It is my opinion as we move this bill across the floor there should be and will be a lot of interest in this area because securing our borders is, as the President has stated at least indirectly, through hearsay as presented by the leadership of the House, a priority on which it is time we focused like a laser beam and took some action.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. GREGG. I am happy to yield to the Senator from Alabama for a question, or I will yield the floor.

Mr. SESSIONS. I am very pleased the Senator from New Hampshire, Mr. GREGG, is chairing this important committee. He has had a large number of years of intense interest in improving homeland security.

I am not sure he is aware, but yesterday there was a hearing in the Judiciary Committee on the Joint Terrorism Subcommittee and the Immigration Subcommittee. It dealt with people coming into the country illegally, people who were other than Mexicans, on the Mexican border. The story, as described by a reporter in a newspaper article of early May, said that a group—for example, in this case 20 from Brazil—came across the border, looked for the Immigration Border Patrol people, and immediately went up to them and turned themselves in to them. They were taken into some form of custody, placed in some form of transportation, transported further into the country, and then released on their own recognizance. Of the 8,908 notices to appear that the immigration court in Harlington issued to non-Mexicans, 8,767 of them never showed up when they were supposed to come to court.

First, I would note there are a lot of people other than our Mexican neighbors who are coming across that border. Second, there were some plans to expedite removal to these other countries, which is somewhat difficult. Maybe one-fifth of these are being handled in the more expedited and effective way. But I wanted to share that with the Senator. I ask if he thought the committee would be responsive to requests from the Administration to fund those expedited programs, because what we are doing now is not effective at all.

Mr. GREGG. The Senator from Alabama has pointed to one of the many anecdotal but glaringly difficult instances that should cause us all concern. We are hearing anecdotal information that the Border Patrol is finding material that is clearly written in Arabic, and is clearly Islamic fundamentalist, at the border. People have left it there or it has been left behind by people coming across the border, it appears. So that is obviously an extreme concern.

But your story reflects the fact that these borders are simply not controlled and we don't have the capacity to handle the people when we do catch them. That is going to take a rethinking of the effort. It is going to take a lot of resources. As we move forward as a Congress, we have to think about: Are we putting too many resources in other accounts when we should be focusing on the border? I will take two examples.

One is TSA, our transportation security, which we see in our airports. How many people can we afford there versus the border? The first responder funds that are going out not necessarily on the basis of threat but on the basis of formula, can we afford that in light of the fact we have a threat, which is the border, or should we take another look at other approaches to funding a significant increase in the border security effort?

I look forward to working with the members of the Judiciary Committee. Our role is the money role. We look to you folks to give us the authorizing leadership, which I know you have in the past. You certainly have and certainly other members in your committee are leaders in this area. We look forward to any ideas or thoughts you have which you want to bring forward.

I do think on this bill we should have a fairly open and substantive debate as to how we are going to move forward on the issue of border security. Clearly the White House is committed to this. It is going to take resources.

Mr. SESSIONS. I thank the Senator, also the Chair of the Budget Committee. He answered very well when he said we can't always fund the new things we want to do by pumping new money into them. Sometimes we need to ask ourselves if there is not some money being spent in a way that is less useful, and utilize that money where we have to utilize it.

I am proud to serve with him on that Budget Committee.

THE TEACHER EXCELLENCE FOR ALL CHILDREN ACT OF 2005

Mr. DURBIN. Mr. President, good teachers lead to good students. In fact, recent evidence suggests that providing great teachers may be the single most important thing that we can do to give our children the good education they deserve.

Most of our teachers are hardworking, selfless, and dedicated to helping our children learn. We are asking them for more, however. We continue to demand that our teachers develop greater subject matter expertise, but we have yet to figure out how to help teachers learn while they are still needed in the classroom full time. In addition, to meet growing student need we will need to bring over 2 million new teachers into our public schools over the next decade.

We must attract, develop, and retain as many talented teachers as we can muster. We must act now to begin meeting this critical national crisis.

That is why I am proud to introduce with Senator KENNEDY the Teacher Excellence For All Children Act of 2005. The TEACH Act provides financial incentives to attract and retain our best teachers and principals. The TEACH Act helps schools recognize and reward the best teachers. The TEACH Act encourages good teachers to work in the schools that need good teachers the most, and it also encourages teachers to specialize in the subjects which need the most teachers. Finally, the TEACH Act helps new teachers transition into the classroom, it helps veteran teachers keep their skills sharp, and it attracts talented new principals into our schools.

Developing great teachers takes time, but this is an investment that we as a nation must make. I therefore encourage my colleagues to support the TEACH Act now. Our children deserve nothing less.

FAMILIES OF SEPTEMBER 11'S FINAL REPORT

Mr. LEAHY. Mr. President, less than 2 weeks after the horrific events of September 11, Congress passed a law to establish the September 11 Victim Compensation Fund, providing assistance to victims and their families during an unimaginably difficult time. I was pleased to work with my colleagues to create this needed resource for the families of this national tragedy. The families of victims that died in the September 11 attacks also came together and created their own nonprofit organization, Families of September 11.

Although no amount of compensation can replace a lost loved one, Families of September 11 and Ken Feinberg, the Special Master in charge of overseeing the Fund, worked diligently to improve the rules governing the September 11 Victim Compensation Fund, to give the victims and their families more flexibility and to provide information to victims and their families about how and where they could find support. Working together, Mr. Feinberg and Families of September 11 reached out to the victims and their families to make sure they understood their rights and to assist them in filing their claims. This task was made all the more difficult because many victims and survivors of those terrorist attacks had to confront the logistical burden and emotional pain of filing a death or injury claim.

Last October, Mr. Feinberg submitted to the Department of Justice a final report summarizing the accomplishments and work of the September 11 Victim Compensation Fund. While the September 11 Victim Compensation Fund has reached its final deadline, Families of September 11 continues its mission, including supporting legislation on security and intelligence reform. This week, Families of September 11 also submitted a final report to the Department of Justice, sharing the experiences of the victims and their families, including those who chose not to participate in the September 11 Victim Compensation Fund. The report in its entirety may be read at http://www.familiesofseptember11.org.

Mr. President, I ask that a copy of the Executive Summary of this report be in the RECORD for lawmakers and the public to review.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE SUMMARY: FINAL REPORT OF FAMILIES OF SEPTEMBER 11 ON THE SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

Families of September 11 is a nonprofit organization founded in October 2001 by families of those who died in the September 11 terrorist attacks. We gather and disseminate helpful information, refer victims' families, survivors, and others affected by the events of 9/11 to assistance providers, offer online chat sessions, and address such issues as victims' assistance, methods of response to trauma from terrorist attacks, and the effects of terrorism on children. We support public policies that effectively respond to the threat of terrorism, including support for the 9/11 Commission Recommendations, development of appropriate agency procedures, legislation related to aviation, border, port and transportation security, and intelligence reform.

Our Final Report on the September 11th Victim Compensation Fund follows the format of "Final Report of the Special Master for the September 11th Victim Compensation Fund of 2001." Just as the Special Master's Final Report provides the perspective of the administrator of the Fund, our Report gives voice to those victims and family members who participated in the Fund as well as those who elected not to. Although much of our report serves as counterpoint to the Special Master's observations and conclusions, we agree with much of what is said in his report and our Report should be read with an acknowledgement that the Special Master was asked to and did construct a program in extremely difficult circumstances. The enabling legislation that created the Fund was hastily crafted, imprecise in significant ways, and sometimes internally inconsistent. The Special Master was faced not only with the uncertain nature of the legislation, but with a host of other competing influences: e.g., the enormity of the losses, emotionally overwhelmed victims and families, a stunned public, and conflicting compensation policy ideologies. The Special Master and those who worked with him deserve great credit for their tireless and devoted work under these daunting circumstances, particularly in the administration of the Fund after promulgation by the Department of Justice of the Final Rules.

In many respects, the Fund was a success. Much of this success was due to the efforts of the Special Master and his staff in meeting with individual family members, demonstrating flexibility where possible in making determinations of awards, and expressing compassion for family members in the process. But, the Special Master's view, expressed in the introduction to his Final Report, that "the Fund was an unqualified success" is not shared by many who participated in the Fund and most of those who did not. The options available to the victims and families of September 11 were substantially impaired by the Victim Compensation Act and subsequent legislation. Lawsuits were confined to a narrow population of potentially responsible parties whose liability exposure was limited to available and inadequate insurance (e.g., the airlines). Evidence for use in litigation was sure to be (has been) compromised by government intervention (e.g., assertions of national security and criminal prosecution grounds for non-disclosure). Families were, thus, faced with a Hobson's choice and for most the Fund was the better one.

In December 2004, Families of September 11 conducted a Web-based survey of its members consisting of fourteen questions and an opportunity to make narrative comments designed to elicit information that might be helpful in assessing whether there should be a compensation mechanism in place before another terrorist attack occurs. One hundred forty-four (144) members responded. Though not designed to conform with scientifically reliable protocols, the results are of interest and are included in our Report.

Much of the Special Master's report is devoted to efforts made by him and his staff to assure that families could obtain detailed information about their likely recovery from the Fund and assist families in the process. Although our Report applauds him for these efforts, it points out that had there been preexisting comprehensive legislation in place, the Special Master's extraordinary efforts to educate potential participants about and assist them with the Fund would not have been necessary and the enormous anxiety created by the uncertainties surrounding the Fund would have been avoided.

The regulations promulgated by the Department of Justice established "grid" awards with "extraordinary circumstances" thresholds of proof to overcome them and no review process. Claimants were accustomed to the very different and more substantial notions of "hearings" and "due process" embedded in our legal culture and were left disappointed and uncomfortable by the Fund design. Mr. Feinberg and his staff should, however, receive high marks for the way they played the cards dealt them.

The victims and their families were faced with enormous uncertainty in the weeks and months following September 11, 2001, during which the Department of Justice promulgated regulations and the Special Master developed claims handling procedures. It is this uncertainty that Families of September 11 believes must be eliminated by enactment of forward-looking legislation. The victims of future terrorist attacks will need to go on living, as have the victims of the September 11 attacks and should have the comfort of knowing immediately after a terrorist event occurs that they have rights to compensation sufficient to allow them to do so and a clear and certain path to obtaining those rights.

Issues of accountability and responsibility by those in the chain of causation linked to the injuries and deaths on September 11, 2001, and the suffering that followed are of great importance to the survivors of the attacks. The Fund, its enabling legislation, and related congressional and administrative actions had the effect of limiting that accountability and responsibility. Our Report expresses concern that this model tends to increase the risk of future terrorist attacks and needs to be reassessed and remedied.

The Special Master made determinations on 7,403 claims completing its work by the statutory deadline in June 2004. Congress now has the benefit of more than 11,000 comments made to the Justice Department during the rule-making process; the comments of the Special Master; the opinions of lawyers, economists, academics, mental heath professionals, victims and survivors of the attacks; and the developing history of terrorism and its effects on our society. In its report, Families of September 11 encourages Congress and the Administration to:

a. Use the perspectives of time and experience in implementation of the Victim Compensation Fund to consider carefully issues it was forced to address hastily in the immediate aftermath of the terrorist attacks of September 11, 2001;

b. assess how well the rules adopted in 2002 to implement the legislation met Congressional intent;

c. consider the incentives and disincentives to reducing the risks of terrorist attacks implicit in the legislation; and

d. fashion legislation that will reduce those risks and ensure that victims of future terrorist attacks and their families are made whole.

Copies of the "Final Report of Families of September 11 on the September 11th Victim Compensation Fund of 2001" may be obtained by contacting Families of September 11 at the address below or by going to its website at www.familiesofseptember11.org.

Families of September 11, Inc., 1560
Broadway, Suite 305, New York, NY
10036, 212-575-1878.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

A gay White male was severely beaten and sent to the hospital by two men in a Columbus gay bar. The victim and a friend noticed the men in the bar when they arrived. At the end of the evening the two males started calling the victim various derogatory names, and pushed him out of the bar. Once outside, the men continued to beat the victim, using liquor bottles. Since the beating, the victim has had his tires slashed and received a letter in his mailbox telling him to 'watch his back.' A police report was filed, but no arrests have been made.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

BREAKING THE CYCLE OF GUN VIOLENCE

Mr. LEVIN. Mr. President, I would like to bring the results of a recent study on gun violence by a University of Michigan researcher to the attention of my colleagues. The study found that adolescents who are exposed to gun violence are more likely to carry out serious acts of violence.

The study, completed by University of Michigan doctoral student Jeffrey Bingenheimer, analyzed data from more than 1,500 adolescents. The participants underwent a series of interviews over the course of several years as part of the Project on Human Development in Chicago Neighborhoods. Among other things, initial interviews focused on exposure to firearm violence, including being shot or shot at or seeing someone else shot or shot at within the previous year. Subsequent interviews were designed to uncover whether the participant had engaged in violent acts themselves. These acts of violence were defined in the study as shooting at or shooting someone, being in a gang fight, attacking someone with a weapon, or carrying a hidden weapon. Reportedly, 23 percent of those interviewed reported being exposed to gun violence and 12 percent indicated that they had carried out violent acts themselves. Statistical analysis of the resulting data revealed that adolescents who were exposed to gun violence were more than twice as likely to carry out violent acts within the following two years.

Describing the results of his study, Mr. Bingenheimer stated, "The primary implication of these findings is that violence can be transmitted from person to person by means of exposure in the community. This makes the 'epidemic of violence' metaphor seem particularly apt, and is consistent with sociological theories of violent crime as a contagious social process."

While Congress cannot simply legislate an end to the gun violence epidemic, we can do more to support local law enforcement officials as they work to prevent gun violence in our communities. One important program, known as COPS, was created by President Clinton in 1994 to assist State and local law enforcement agencies in hiring additional police officers to reduce crime through the use of community policing. Nationwide, the COPS program has awarded more than $11 billion in grants, resulting in the hiring of 118.000 additional police officers. Unfortunately, authorization for the COPS program was permitted to expire at the end of fiscal year 2000. Although the program has survived through continued annual appropriations, its funding has been significantly cut. I am a cosponsor of the COPS Reauthorization Act which would continue the COPS program for another 6 years at a funding level of $1.15 billion per year, nearly double the amount appropriated for fiscal year 2005. Among other things, this funding would allow State and local governments to hire an additional 50.000 police officers. Having more officers on our streets helps to deter gun violence and therefore reduces the chance that adolescents are exposed to such crimes.

In addition, Congress can make it more difficult for potential criminals to gain access to dangerous firearms. Under current law, when an individual buys a handgun from a licensed dealer, there are federal requirements for a background check to insure that the purchaser is not prohibited by law from purchasing or possessing a firearm. However, this is not the case for all gun purchases. For example, when an individual wants to buy a handgun from another private citizen who is not a licensed gun dealer, there is no requirement that the seller ensure the purchaser is not in a prohibited category. This creates a loophole in the law, making it easy for criminals, terrorists, and other prohibited buyers to evade background checks and buy guns from private citizens often at organized gun shows. This loophole creates a gateway to the illegal market because criminals know they will not be subject to a background check when purchasing from another private citizen even at a gun show. It is important that Congress close this "gun show loophole" to help stop the flow of dangerous firearms to prohibited buyers who may use them in violent crimes.

Much more can be done to break the cycle of gun violence that plagues many of our communities. I urge my colleagues to take up and pass common sense legislation that will help to achieve this goal.

TRIBUTE TO SGT RUSSELL J. VERDUGO

Mr. GRASSLEY. Mr. President, today I rise in honor of a fallen soldier who has paid the highest price in defense our freedom, SSG Russell J. Verdugo of the 767th Ordnance Company died on the 23rd of May, 2005 in Baghdad, Iraq when an improvised explosive device detonated as he was responding to a call to dismantle the bomb. I would like to take this moment to salute his patriotism and his sacrifice.

Russell Verdugo deserves the highest gratitude of this body and the entire Nation. His sacrifice reminds us that freedom is so precious because of its incredibly high cost. My prayers go out to his mother, Susan Stanley, and his wife, Kari, who grieve the loss of a son and a husband and to all of the family, friends, and neighbors who are touched by his passing. I ask my colleagues to join me in remembering Sergeant Verdugo. The love of country and the dedication to service shared by many of it citizens is the great strength of our Nation, and we can all be very proud of patriots such as Russell Verdugo.

NOMINATION OF ALICE S. FISHER

Mr. GRASSLEY. Mr. President, I have notified Senate leadership of my intent to object to any unanimous consent request relating to the nomination of Alice S. Fisher to the position of Assistant Attorney General. This action has nothing to do with Ms. Fisher or her qualifications for the position to which she has been nominated. I have taken this action because there are a number of outstanding issues regarding the activities and operation of the Justice Department that should be resolved before considering this nomination. I am hopeful that, with the cooperation of the Justice Department, these issues can be resolved shortly.

ADDITIONAL STATEMENTS

HONORING THE RETIREMENT OF PAUL SINDERS

• Mr. LUGAR. Mr. President, I rise today to inform my colleagues of the retirement of a fixture of Clay city schools for the past 41 years and faithful friend, Mr. Paul Sinders.

Paul Sinders began his career as an educator in the fall of 1964 at the Clay City Elementary School. He taught fifth grade and moved to Clay City Jr./Sr. High School the following year. This marked the beginning of a remarkable career in which Paul served the Clay community school system in countless capacities. He taught science, math, and health to the junior high students before moving on to instruct health, physical education, and driver education classes in the high school. Additionally, he took time to coach the boys freshman and junior varsity basketball teams, and represented the school as athletic director and guidance director. In 1977, Paul took the reigns as principal of Clay City Jr./Sr. High School.

For the past 28 years Paul has worked extremely long hours overseeing the operations of Clay City High School. In 1992, he was selected as the Principal of the Year in the IASP District 8. In addition, he served as president of the Indiana Association of School Principals of District 8 in 1994–1995. Currently, Paul is on the board of directors for the Clay County Community Foundation and the Wabash Valley Youth for Christ. He is on the advisory board for the Clay City Center for Family Medicine and is a Support Committee Member for the Clay City Area Youth for Christ. He is a member of the Indiana Association of School Principals and Phi Delta Kappa.

Throughout his illustrious career, Paul has been blessed with the consistent support of his wife, Shari, and his children: Annette Ream, Chip Sinders, Natalie Wolfe, Bethany Stoelting, and Justin Sinders. I join his family, friends, and colleagues now in adding my blessing as he embarks on this new chapter in his life.

COMMENDING CHIEF JUDGE JOHN W. BISSELL, U.S. DISTRICT COURT, DISTRICT OF NEW JERSEY

• Mr. CORZINE. Mr. President, I express my sincere appreciation to Chief Judge John W. Bissell for his more than 20 years of outstanding service as a Federal District Court Judge in New Jersey. He is a truly distinguished jurist who represents the best of the New Jersey legal community. Judge Bissell has a depth of experience and a knowledge of both civil and criminal law that few can rival. He also has a keen legal mind and a compassionate understanding of people. Judge Bissell approaches each and every case before him with thoughtfulness and care. Indeed, he has excelled because of his deep appreciation that every case, no matter how small, matters greatly to all those who appear before him. And I believe that it is this understanding that has made Judge Bissell an outstanding Federal District Court Judge.

On behalf of the people of New Jersey, I express my sincere gratitude to Judge Bissell for his many years of distinguished service.•

MOCK ELECTION BUT REAL RESULTS

• Mr. CRAPO. Mr. President, as we wind down from a Presidential election year and gear up for yet another cycle of congressional elections, it seems appropriate to take a moment and consider how important an educated electorate is to this country. It is the bedrock upon which our Founding Fathers built a fledgling government, creating a Constitution that functions with protean efficiency—inextricably bound to the necessity of knowledgeable and civic-minded citizens. I am proud to make public mention of the Moscow, ID, chapter of the League of Women Voters, which has won an award from the League of Women Voters of the United States for its efforts to educate future voters in north Idaho.

The League of Women Voters promotes a mock election program through its State and local chapters across the Nation. The Moscow chapter conducted what can only be described as a phenomenal month-long series of events and outreach that culminated in late October in the most successful "mock election" in Idaho and one of the top in the Nation. They were able to register and have almost 2900 first through twelfth-graders in the Moscow area vote. And I am relieved to add that I was reelected by these young people.

The chapter worked to bring together local, county, and State officials, teachers, parents, and volunteers to provide these students with a comprehensive and highly educational election experience. The students were given issues ballots, information about the candidates, Web site curriculum, sample ballots and had to abide by all of the State voting laws. Students were taught their voting rights under the Help America Vote Act, and the overall efforts were so successful that the League of Women Voters of Idaho and the Idaho Secretary of State's office asked them to share their mock election handbook for instruction and use by other organizations in the State.

The Moscow chapter went above and beyond in its outreach efforts, bringing in students from an alternative high school and made voting accessible for handicapped students under Americans For Disabilities Act laws. In the successful aftermath, the effect has been felt throughout the community as private schools and home-schooling parents have expressed interest in becoming involved in the future. Even more noteworthy, although parents were not required to participate, more parents volunteered than in past years, and it could be surmised that this "mock election" contributed to the historically high voter turnout in that area of Idaho for the real elections in November.

Thomas Jefferson said: "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be." I congratulate the outstanding efforts of the League of Women Voters of Moscow on its remarkable effort to reinforce civic education and voter responsibility in Idaho's children.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2744. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 159. A concurrent resolution recognizing the sacrifices being made by the families of members of the Armed Forces and supporting the designation of a week as National Military Families Week.

The message also announced that pursuant to 22 U.S.C. 276h, and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the Mexico-United States Interparliamentary Group, in addition to Mr. KOLBE of Arizona, Chairman, and Ms. HARRIS of Florida, Vice Chairman, appointed on April 14, 2005: Mr. DREIER of California, Mr. BERMAN of California, Mr. BARTON of Texas, Mr. MANZULLO of Illinois, Mr. WELLER of Illinois, Mr. REYES of Texas, and Mr. MCCAUL of Texas.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2744. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 6. An act to ensure jobs for our future with secure, affordable, and reliable energy.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2513. A communication from the Senior Vice President and Chief Financial Officer, Potomac Electric Power Company, transmitting, pursuant to law, the Company's Balance Sheet as of December 31, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–2514. A communication from the Secretary of Energy, transmitting, pursuant to law, the Semiannual Report prepared by the Department's Office of Inspector General; to the Committee on Homeland Security and Governmental Affairs.

EC–2515. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-73, "Closing of a Public Alley in Square 527, S.O. 03–1181, Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–2516. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, the Semi-annual Report of the Commission's Inspector General; to the Committee on Homeland Security and Governmental Affairs.

EC–2517. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period of October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2518. A communication from the Secretary of Labor, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General; to the Committee on Homeland Security and Governmental Affairs.

EC–2519. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Semiannual Report of the Board's Office of Inspector General for the period from October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2520. A communication from the Chairman, Board of Governors, Postal Service, transmitting, pursuant to law, the Semiannual Report of the Office of Inspector General for the period ending March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2521. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Management Response for the period of October 1, 2004 to March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2522. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period ending March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2523. A communication from the Senior Procurement Executive, National Aeronautics and Space Administration, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Circular 2005-04; FAR Case 2003–008; Share-in-Savings Contracting" (RIN9000-AJ74) received on June 3, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2524. A communication from the Acting Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Redefinition of the San Francisco, CA, Nonappropriated Fund Wage Area" (RIN3206-AK26) received on June 3, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2525. A communication from the Acting Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Recruitment, Relocation, and Retention Incentives" (RIN3206-AK81) received on June 3, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2526. A communication from the Acting Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Excepted Service—Presidential Management Fellows Programs" (RIN3206-AK27) received on June 3, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2527. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–75, "Closing of a Public Alley in Square 342, S.O. 03-5369, Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–2528. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–76, "Closing of a Portion of Davenport Street, N.W., abutting Squares 1672 and 1673, S.O. 03–2366, Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–2529. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-74, "Rental Housing Act Extension Amendment Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–2530. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-85, "Local, Small, and Disadvantaged Business Enterprises Certification Temporary Amendment Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–2531. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–84, "Victims of Domestic Violence Fund Establishment Temporary Act of

2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–2532. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–89, "Rental Housing Conversion and Sale Amendment Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–2533. A communication from the Secretary of Commerce, transmitting, the report of a draft bill entitled "National Offshore Aquaculture Act of 2005" received on June 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2534. A communication from the Director, U.S. Census Bureau, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Requirements for Reporting the Kimberley Process Certificate Number for Exports (Reexports) of Rough Diamonds" (RIN0607–AA44) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2535. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (I.D. No. 050305C) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2536. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery Management Measures" ((RIN0648–AT38) (I.D. No. 043605G)) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2537. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Amendment 2" (RIN0648–AQ25) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2538. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Annual Adjustments" (RIN0648–AS72) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2539. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Electronic Dealer Reporting Final Rule" (RIN0648–AS87) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2540. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments; Pacific Halibut Fisheries" (I.D. No. 042505C) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2541. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #1—Adjustment of the Commercial Fisheries from the Cape Falcon, Oregon, to the Oregon—California Border" (I.D. No. 050405D) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2542. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder; 2005 Specifications; Commercial Summer Flounder Quota Transfer from North Carolina to Virginia" (I.D. No. 030305D) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2543. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder; 2004 Specifications; Closure of the North Carolina Summer Flounder Commercial Fishery" (I.D. No. 122204F) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2544. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Reallocating Pacific Cod from Vessels Using Jig Gear to Catcher Vessels Less than 60 Feet (18.3 Meters) Length Overall Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 051105C) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Appropriations:

Special Report entitled "Allocation to Subcommittees of Budget Totals" (Rept. No. 109–77).

By Mr. CRAIG, from the Committee on Veterans' Affairs:

Special Report entitled "Legislative and Oversight Activities During the 108th Congress by the Senate Committee on Veterans' Affairs" (Rept. No. 109–79).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 10. An original bill to enhance the energy security of the United States, and for other purposes (Rept. No. 109–121).

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

H.R. 483. A bill to designate a United States courthouse in Brownsville, Texas, as the "Reynaldo G. Garza and Filemon B. Vela United States Courthouse".

S. 1140. A bill to designate the State Route 1 Bridge in the State of Delaware as the "Senator William V. Roth, Jr. Bridge".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*Brian D. Montgomery, of Texas, to be an Assistant Secretary of Housing and Urban Development.

*Ben S. Bernanke, of New Jersey, to be a Member of the Council of Economic Advisers.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DOMENICI:

S. 10. An original bill to enhance the energy security of the United States, and for other purposes; from the Committee on Energy and Natural Resources; placed on the calendar.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1206. A bill to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the "Ray Charles Post Office Building" to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1207. A bill to designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the "Dalip Singh Saund Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ALEXANDER (for himself and Mr. WARNER):

S. 1208. A bill to provide for local control for the siting of windmills; to the Committee on Energy and Natural Resources.

By Mr. GREGG:

S. 1209. A bill to establish and strengthen postsecondary programs and courses in the subjects of traditional American history, free institutions, and Western civilization, available to students preparing to teach these subjects, and to other students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. OBAMA, and Mr. COLEMAN):

S. 1210. A bill to enhance the national security of the United States by providing for the research, development, demonstration, administrative support, and market mechanisms for widespread deployment and commercialization of biobased fuels and biobased products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BINGAMAN:

S. 1211. A bill to establish an Office of Foreign Science and Technology Assessment to enable the United States to effectively analyze trends in foreign science and technology, and for other purposes; to the Committee on Foreign Relations.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 1212. A bill to require the Commandant of the Coast Guard to convey the Coast Guard Cutter *Mackinaw*, upon its scheduled decommissioning, to the City and County of Cheboygan, Michigan, to use for purposes of a museum; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself and Mr. SMITH):

S. 1213. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for the purchase of a principal residence by a first-time homebuyer; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. REID, Mr. WARNER, Mr. LEAHY, Mr. CHAFEE, Mrs. MURRAY, Mr. KENNEDY, Mr. AKAKA, Mr. DURBIN, Ms. CANTWELL, and Mr. LAUTENBERG):

S. 1214. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GREGG (for himself, Ms. MIKULSKI, Mr. SARBANES, Mr. BIDEN, Mr. CORZINE, Ms. SNOWE, Mr. REED, Ms. CANTWELL, Mrs. MURRAY, Mr. COCHRAN, Mr. KERRY, Mr. INOUYE, and Mrs. FEINSTEIN):

S. 1215. A bill to authorize the acquisition of interests in underdeveloped coastal areas in order better to ensure their protection from development; to the Committee on Commerce, Science and Transportation.

By Mr. CORZINE:

S. 1216. A bill to require financial institutions and financial service providers to notify customers of the unauthorized use of personal financial information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself, Mr. DEWINE, Mr. CORZINE, Mr. DURBIN, Mr. SCHUMER, Mr. JOHNSON, Ms. CANTWELL, Mr. LAUTENBERG, Ms. STABENOW, Mr. KENNEDY, Mrs. CLINTON, Mr. KERRY, Ms. MIKULSKI, Mr. AKAKA, Mr. SALAZAR, and Mr. SARBANES):

S. 1217. A bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. DURBIN):

S. 1218. A bill to amend the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and the Internal Revenue Code of 1986 to improve recruitment, preparation, distribution, and retention of public elementary and secondary school teachers and principals, and for other purposes; to the Committee on Finance.

By Mr. BURNS:

S. 1219. A bill to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association, Inc; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself, Ms. COLLINS, and Mr. LEAHY):

S. 1220. A bill to assist law enforcement in their efforts to recover missing children and to strengthen the standards for State sex offender registration programs; to the Committee on the Judiciary.

By Mr. DAYTON (for himself and Mr. KERRY):

S. 1221. A bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty; to the Committee on Homeland Security and Governmental Affairs.

By Mr. STEVENS (for himself, Mr. INOUYE, and Ms. CANTWELL):

S. 1222. A bill to amend the Internal Revenue Code of 1986 to reinstate the Oil Spill Liability Trust Fund tax and to maintain a balance of $3 billion in the Oil Spill Liability Trust Fund; to the Committee on Finance.

By Mr. DODD:

S. 1223. A bill to amend the Public Health Service Act to improve the quality and efficiency of health care delivery through improvements in health care information technology, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mr. LAUTENBERG):

S. 1224. A bill to protect the oceans, and for other purposes to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE (for herself, Mr. COLEMAN, Mr. ISAKSON, Mr. VITTER, Ms. LANDRIEU, Mr. KERRY, Mr. BURNS, Mr. PRYOR, Mr. BAYH, and Mr. LIEBERMAN):

S. Res. 165. A resolution congratulating the Small Business Development Centers of the Small Business Administration on their 25 years of service to America's small business owners and entrepreneurs; to the Committee on Small Business and Entrepreneurship.

By Mr. LOTT:

S. Res. 166. A resolution to authorize the printing of a collection of the rules of the committees of the Senate; considered and agreed to.

By Mr. McCAIN (for himself and Mr. SUNUNU):

S. Res. 167. A resolution recognizing the importance of sun safety, and for other purposes; considered and agreed to.

By Mr. HAGEL (for himself and Mr. MARTINEZ):

S. Con. Res. 41. Concurrent resolution recognizing the sacrifices being made by the families of members of the Armed Forces and supporting the designation of a week as National Military Families Week; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 169

At the request of Mr. BINGAMAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 169, a bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a route that passes through the States of Texas, New Mexico, Oklahoma, and Kansas as a high priority corridor on the National Highway System.

S. 195

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 195, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 241

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 432

At the request of Mr. ALLEN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 432, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 441

At the request of Mr. SANTORUM, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 441, a bill to amend the Internal Revenue Code of 1986 to make permanent the classification of a motorsports entertainment complex.

S. 471

At the request of Mr. SPECTER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 471, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 484

At the request of Mr. WARNER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 537

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 537, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 614

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 614, a bill to amend title 38, United States Code, to permit medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 642

At the request of Mr. FRIST, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 726

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 726, a bill to promote the conservation and production of natural gas.

S. 727

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 727, a bill to provide tax incentives to promote the conservation and production of natural gas.

S. 768

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 768, a bill to provide for comprehensive identity theft prevention.

S. 809

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 809, a bill to establish certain duties for pharmacies when pharmacists employed by the pharmacies refuse to fill valid prescriptions for drugs or devices on the basis of personal beliefs, and for other purposes.

S. 894

At the request of Mr. ENZI, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 894, a bill to allow travel between the United States and Cuba.

S. 962

At the request of Mr. SMITH, his name was added as a cosponsor of S. 962, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes.

S. 969

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 969, a bill to amend the Public Health Service Act with respect to preparation for an influenza pandemic, including an avian influenza pandemic, and for other purposes.

S. 1007

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1007, a bill to prevent a severe reduction in the Federal medical assistance percentage determined for a State for fiscal year 2006.

S. 1039

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1039, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of depreciation of refinery property.

S. 1066

At the request of Mr. VOINOVICH, the names of the Senator from Missouri (Mr. BOND) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 1066, a bill to authorize the States (and subdivisions thereof), the District of Columbia, territories, and possessions of the United States to provide certain tax incentives to any person for economic development purposes.

S. 1076

At the request of Mr. TALENT, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1076, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax and income tax credits for the production of biodiesel.

At the request of Mrs. LINCOLN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1076, supra.

S. 1077

At the request of Mrs. LINCOLN, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 1077, a bill to amend the Internal Revenue Code of 1986 to provide a renewable liquid fuels tax credit, and for other purposes.

S. 1104

At the request of Mrs. CLINTON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1104, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs.

S. 1105

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1105, a bill to amend title VI of the Higher Education Act of 1965 regarding international and foreign language studies.

S. 1112

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1120

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1160

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1160, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plan.

S. 1177

At the request of Mr. AKAKA, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1177, a bill to improve mental health services at all facilities of the Department of Veterans Affairs.

S. 1197

At the request of Mr. BIDEN, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Washington (Ms. CANTWELL) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. RES. 39

At the request of Ms. LANDRIEU, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Hawaii (Mr. INOUYE), the Senator from New York (Mrs. CLINTON), the Senator from Nebraska (Mr. NELSON), the Senator from Delaware (Mr. CARPER), the Senator from South Carolina (Mr. GRAHAM) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. Res. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

S. RES. 154

At the request of Mr. BIDEN, the names of the Senator from New York (Mrs. CLINTON), the Senator from

Maryland (Ms. MIKULSKI), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Mrs. MURRAY), the Senator from Missouri (Mr. TALENT), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 154, a resolution designating October 21, 2005 as "National Mammography Day".

S. RES. 155

At the request of Mr. BIDEN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Maryland (Mr. SARBANES) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. Res. 155, a resolution designating the week of November 6 through November 12, 2005, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 158

At the request of Mr. GRAHAM, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 158, a resolution expressing the sense of the Senate that the President should designate the week beginning September 11, 2005, as "National Historically Black Colleges and Universities Week".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALEXANDER (for himself and Mr. WARNER):

S. 1208. A bill to provide for local control for the siting of windmills; to the Committee on Energy and Natural Resources.

Mr. ALEXANDER. Mr. President, in order to protect our Nation's most scenic areas, Senator WARNER, the senior Senator from Virginia, and I are today introducing a revised version of the Environmentally Responsible Windpower Act of 2005. It will be introduced in the House of Representatives by Congressman John Duncan, a Republican, who is chairman of the Water Resources Subcommittee, and by Representative Bart Gordon, a Democrat, who is the ranking Democrat on the Science and Technology Committee.

Senator WARNER and I have listened to our colleagues, and we have made several changes in our initial bill to simplify it and to make it the kind of bill we hope all Senators will think makes good sense. What we have done is to simplify the local notification procedures and to more precisely protect scenic areas of the country without impacting the entire coastline. We have also removed a provision regarding military bases that was in our bill since that can be addressed in other legislation.

Our revised bill would do three things:

No. 1, to protect America's most scenic treasures, such as the Grand Canyon, the Statue of Liberty, and the Great Smoky Mountains National Park, and deny Federal subsidies for giant wind turbines within 20 miles of any national park, national military park, national seashore, national lakeshore, or 20 World Heritage sites in the United States.

No. 2, to protect our most pristine coastlines, it would deny Federal subsidies for wind turbines less than 20 miles offshore, which is the horizon of a national seashore, a national lakeshore, or a National Wildlife Refuge.

No. 3, to enhance local control, which most of us believe in, it would give communities a 180-day timeout period from when a wind project is filed with the Federal Energy Regulatory Commission in which to review local zoning laws related to the placement of these giant wind turbines.

This legislation is necessary because my research suggests that if the present policies are continued we will spend over the next 5 years nearly $4.5 billion to subsidize windmills. Because of those large subsidies, the number of the giant wind turbines in the United States is expected to grow from 6,700 today to 40,000, or even double that number in 20 years according to estimates by the Department of Energy and the Union of Concerned Scientists.

These wind turbines are not your grandmother's windmills, gently pumping water from the farm well. Here is just one example, which my colleagues from Alabama and South Carolina will especially appreciate. The University of Tennessee has the second largest football stadium in America, seating 107,000 people. The Senator from Alabama and I sat there while Auburn University beat the tar out of the University of Tennessee last year. I ask him to imagine that just one of these giant wind turbines would fit into that stadium. It would rise to more than twice the height of the highest skybox.

Its rotor blades would stretch almost from 10-yard line to 10-yard line. And on a clear night, its flashing red lights could be seen for 20 miles. Usually, these wind turbines are located in wind farms containing 20 or more, but the number can be more than 100. They work best, of course, where the wind blows best which, in our part of the country, is along scenic coastlines or scenic ridgetops.

Now, reasonable Members of this body may disagree about the cost, effectiveness, and appropriateness of such wind turbines. We can have that debate at another time. But at least we ought to be able to agree not to subsidize building them in places that damage our most scenic areas and coastlines.

Since wind turbines of this giant size are such a relatively new phenomenon, it fits our American traditions to give local communities time to stop and think about their most appropriate location.

In conclusion, Mr. President, let me emphasize that our legislation does not prohibit the building of a single wind turbine. It only denies a Federal taxpayer subsidy in highly scenic areas. And it ensures local governments have the time to review wind turbine proposals.

This revised version does not give local authorities any power they do not already have. It simply gives them a little time to act.

We intend to offer our legislation as an amendment when the full Senate debates the Energy bill next week, and we hope our colleagues will join us in this effort to ensure the Federal Government does not provide tax incentives that ruin the beauty of our most pristine and scenic areas around our country.

Egypt has its pyramids. Italy has its art. England has its history, and the United States has the great American outdoors. We should prize that and protect it where we can. One way to do that is to make sure when we look at the Statue of Liberty, when we look at the Great Smoky Mountains, when we look at the Grand Canyon, we do not have giant windmills, twice as tall as Neyland Stadium, with flashing red lights, in between us and that landscape.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the legislation which Senator WARNER and I are introducing, a copy of the attachment which includes the approximately 200 highly scenic sites that could be protected by the Environmentally Responsible Windpower Act of 2005, and two editorials from Tennessee newspapers—one from the Chattanooga Times Free Press and one from the Knoxville News Sentinel—which comment on the previous legislation we introduced.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Environmentally Responsible Windpower Act of 2005".

SEC. 2. LOCAL CONTROL FOR SITING OF WINDMILLS.

(a) LOCAL NOTIFICATION.—Prior to the Federal Energy Regulatory Commission issuing to any wind turbine project its Exempt-Wholesale Generator Status, Market-Based Rate Authority, or Qualified Facility rate schedule, the wind project shall complete its Local Notification Process.

(b) LOCAL NOTIFICATION PROCESS.—

(1) In this section, the term "Local Authorities" means the governing body, and the senior executive of the body, at the lowest level of government that possesses authority under State law to carry out this Act.

(2) Applicant shall notify in writing the Local Authorities on the day of the filing of such Market-Based Rate application or Federal Energy Regulatory Commission Form number 556 (or a successor form) at the Federal Energy Regulatory Commission. Evidence of such notification shall be submitted to the Federal Energy Regulatory Commission.

(3) The Federal Energy Regulatory Commission shall notify in writing the Local Authorities within 10 days of the filing of such Market-Based Rate application or Federal Energy Regulatory Commission Form number 556 (or a successor form) at the Federal Energy Regulatory Commission.

(4) The Federal Energy Regulatory Commission shall not issue to the project Market-Based Rate Authority, Exempt Wholesaler Generator Status, or Qualified Facility rate schedule, until 180 days after the date on which the Federal Energy Regulatory Commission notifies the Local Authorities under paragraph (3).

(c) HIGHLY SCENIC AREA AND FEDERAL LAND.—

(1) A Highly Scenic Area is—

(A) any area listed as an official United Nations Educational, Scientific, and Cultural Organization World Heritage Site, as supported by the Department of the Interior, the National Park Service, and the International Council on Monuments and Sites;

(B) land designated as a National Park;

(C) a National Lakeshore;

(D) a National Seashore;

(E) a National Wildlife Refuge that is adjacent to an ocean; or

(F) a National Military Park.

(2) A Qualified Wind Project is any wind-turbine project located—

(A)(i) in a Highly Scenic Area; or

(ii) within 20 miles of the boundaries of an area described in subparagraph (A), (B), (C), (D), or (F) of paragraph (1); or

(B) within 20 miles off the coast of a National Wildlife Refuge that is adjacent to an ocean.

(3) Prior to the Federal Energy Regulatory Commission issuing to a Qualified Wind Project its Exempt-Wholesale Generator Status, Market-Based Rate Authority, or Qualified Facility rate schedule, an environmental impact statement shall be conducted and completed by the lead agency in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). If no lead agency is designated, the lead agency shall be the Department of the Interior.

(4) The environmental impact statement determination shall be issued within 12 months of the date of application.

(5) Such environmental impact statement review shall include a cumulative impacts analysis addressing visual impacts and avian mortality analysis of a Qualified Wind Project.

(6) A Qualified Wind Project shall not be eligible for any Federal tax subsidy.

(d) EFFECTIVE DATE.—

(1) This section shall expire 10 years after the date of enactment of this Act.

(2) Nothing in this section shall prevent or discourage environmental review of any wind projects or any Qualified Wind Project on a State or local level.

SCENIC SITES PROTECTED BY THE ENVIRONMENTALLY RESPONSIBLE WINDPOWER ACT OF 2005

ALABAMA

National Parks: Little River Canyon National Preserve.

National Military Parks: Horseshoe Bend.

ALASKA

National Parks: Denali National Park & Preserve, Gates of the Arctic National Park & Preserve, Glacier Bay National Park & Preserve, Katmai National Park & Preserve, Kenai Fjords National Park, Kobuk Valley National Park, Lake Clark National Park & Preserve, Wrangell-St. Elias National Park & Preserve.

World Heritage Sites: Glacier Bay National Park & Preserve, Wrangell-St. Elias National Park & Preserve.

Coastal National Wildlife Refuges: Izembek National Wildlife Refuge, Alaska Peninsula National Wildlife Refuge, Becharof National Wildlife Refuge, Kodiak National Wildlife Refuge, Selawik National Wildlife Refuge.

ARIZONA

National Parks: Grand Canyon National Park, Petrified Forest National Park.

World Heritage Sites: Grand Canyon National Park.

ARKANSAS

National Parks: Hot Springs National Park.

National Military Parks: Pea Ridge.

CALIFORNIA

National Parks: Channel Islands National Park, Death Valley National Park, Joshua Tree National Park, Lassen Volcanic National Park, Redwood National and State Parks, Sequoia & Kings Canyon National Parks, Yosemite National Park.

World Heritage Sites: Redwood National Park, Yosemite National Park.

National Seashores: Point Reyes National Seashore.

National Wildlife Refuges: Castle Rock National Wildlife Refuge, Ellicott Slough National Wildlife Refuge, Farallon National Wildlife Refuge, Guadalupe-Nipomo Dunes National Wildlife Refuge, Humboldt Bay National Wildlife Refuge, Marin Islands National Wildlife Refuge, Salinas River National Wildlife Refuge, San Diego Bay National Wildlife Refuge, San Pablo Bay National Wildlife Refuge, Seal Beach National Wildlife Refuge, Tijuana Slough National Wildlife Refuge.

COLORADO

National Parks: Black Canyon of the Gunnison National Park, Great Sand Dunes National Park & Preserve, Mesa Verde National Park, Rocky Mountain National Park.

World Heritage Sites: Mesa Verde.

CONNECTICUT

Coastal National Wildlife Refuges: Stewart B. McKinney National Wildlife Refuge.

DELAWARE

Coastal National Wildlife Refuges: Bombay Hook National Wildlife Refuge, Prime Hook National Wildlife Refuge.

FLORIDA

National Parks: Biscayne National Park, Dry Tortugas National Park, Everglades National Park.

World Heritage Sites: Everglades National Park.

National Seashores: Canaveral National Seashore, Gulf Islands National Seashore.

Coastal National Wildlife Refuge Sites: Archie Carr National Wildlife Refuge, Arthur R. Marshall Loxahatchee National Wildlife Refuge, Cedar Keys National Wildlife Refuge, Chassahowitzka National Wildlife Refuge, Crocodile Lake National Wildlife Refuge, Crystal River National Wildlife Refuge, Egmont Key National Wildlife Refuge, Great White Heron National Wildlife Refuge, Hobe Sound National Wildlife Refuge, Island Bay National Wildlife Refuge, J. N. Ding Darling National Wildlife Refuge, Key West National Wildlife Refuge, Lower Suwannee National Wildlife Refuge, Matlacha Pass National Wildlife Refuge, Merritt Island National Wildlife Refuge, National Key Deer Refuge National Wildlife Refuge, Passage Key National Wildlife Refuge, Pelican Island National Wildlife Refuge, Pine Island National Wildlife Refuge, Pinellas National Wildlife Refuge, St. Johns National Wildlife Refuge, St. Marks National Wildlife Refuge, St. Vincent National Wildlife Refuge, Ten Thousand Islands National Wildlife Refuge.

GEORGIA

National Seashores: Cumberland Island National Seashore.

Coastal National Wildlife Refuges: Blackbeard Island National Wildlife Refuge, Harris Neck National Wildlife Refuge, Wassaw National Wildlife Refuge, Wolf Island National Wildlife Refuge.

HAWAII

National Parks: Haleakala National Park, Hawaii Volcanoes National Park.

World Heritage Sites: Hawaii Volcanoes National Park.

Coastal National Wildlife Refuges: Oahu Forest National Wildlife Refuge, Hanalei National Wildlife Refuge, Kilauea National Wildlife Refuge, Hakalau National Wildlife Refuge, Kealia Pond National Wildlife Refuge, Pearl Harbor National Wildlife Refuge, Kakahaia National Wildlife Refuge.

IDAHO

National Parks: Yellowstone National Park.

ILLINOIS

World Heritage Sites: Cahokia Mounds State Historic Site.

INDIANA

National Seashores: Indiana Dunes National Lakeshore.

KENTUCKY

National Parks: Mammoth Cave National Park.

World Heritage Sites: Mammoth Cave National Park.

LOUISIANA

Coastal National Heritage Sites: Bayou Teche National Wildlife Refuge, Big Branch National Wildlife Refuge, Breton National Wildlife Refuge, Delta National Wildlife Refuge, Sabine National Wildlife Refuge, Shell Keys National Wildlife Refuge.

MAINE

National Parks: Acadia National Park.

Coastal National Wildlife Refuges: Aroostook National Wildlife Refuge, Cross Island National Wildlife Refuge, Franklin Island National Wildlife Refuge, Moosehorn National Wildlife Refuge, Petit Manan National Wildlife Refuge, Pond Island National Wildlife Refuge, Rachel Carson National Wildlife Refuge, Seal Island National Wildlife Refuge.

MARYLAND

National Seashores: Assateague Island National Seashore.

MASSACHUSETTS

National Seashores: Cape Cod National Seashore.

Coastal National Wildlife Refuges: Mashpee National Wildlife Refuge, Massaspit National Wildlife Refuge, Monormoy National Wildlife Refuge, Nantucket National Wildlife Refuge, Normans Land Island National Wildlife Refuge, Parker River National Wildlife Refuge, Thacher Island National Wildlife Refuge.

MICHIGAN

National Parks: Isle Royale National Park.

National Lakeshores: Pictured Rocks National Lakeshore, Sleeping Bear Dunes National Lakeshore.

MINNESOTA

National Parks: Voyageurs National Park.

MISSISSIPPI

National Seashores: Gulf Islands National Seashore.

National Military Parks: Vicksburg.

Coastal National Wildlife Refuges: Grand Bay National Wildlife Refuge, Mississippi Sandhill Crane National Wildlife Refuge.

MONTANA

National Parks: Yellowstone National Park, Glacier National Park.

World Heritage Sites: Yellowstone National Park.

NEVADA

National Parks: Death Valley National Park, Great Basin National Park.

NEW HAMPSHIRE

Coastal National Wildlife Refuges: Great Bay National Wildlife Refuge.

NEW JERSEY

Coastal National Wildlife Refuges: Cape May National Wildlife Refuge, Edwin B. Forsythe National Wildlife Refuge.

NEW MEXICO

National Parks: Carlsbad Caverns National Park.

World Heritage Sites: Chaco Culture National Historical Park, Pueblo de Taos, Carlsbad Caverns National Park.

NEW YORK

World Heritage Sites: Statue of Liberty.

National Seashores: Fire Island National Seashore.

NORTH CAROLINA

National Parks: Great Smoky Mountains National Park.

World Heritage Sites: Great Smoky Mountains National Park.

National Seashores: Cape Hatteras National Seashore, Cape Lookout National Seashore.

National Military Parks: Guilford Courthouse.

Coastal National Wildlife Refuges: Alligator River National Wildlife Refuge, Cedar Island National Wildlife Refuge, Currituck National Wildlife Refuge, Mackay Island National Wildlife Refuge, Mattamuskeet National Wildlife Refuge, Pea Island National Wildlife Refuge, Pocosin Lakes National Wildlife Refuge, Swanquarter National Wildlife Refuge.

NORTH DAKOTA

National Parks: Theodore Roosevelt National Park.

OHIO

National Parks: Cuyahoga Valley National Parks.

OREGON

National Parks: Crater Lake National Park.

Coastal National Wildlife Refuges: Bandon Marsh National Wildlife Refuge, Cape Meares National Wildlife Refuge, Nestucca Bay National Wildlife Refuge, Oregon Islands National Wildlife Refuge, Siletz Bay National Wildlife Refuge, Three Arch Rocks National Wildlife Refuge.

PENNSYLVANIA

World Heritage Sites: Independence Hall.

National Military Parks: Gettysburg.

RHODE ISLAND

Coastal National Wildlife Refuges: Block Island National Wildlife Refuge, John H. Chafee National Wildlife Refuge, Ninigret National Wildlife Refuge, Sachuest Point National Wildlife Refuge, Trustom Pond National Wildlife Refuge.

SOUTH CAROLINA

National Parks: Congaree National Park.

National Military Parks: Kings Mountain.

Coastal National Wildlife Refuges: ACE Basin National Wildlife Refuge, Cape Romain National Wildlife Refuge, Pickney Island National Wildlife Refuge, Savannah National Wildlife Refuge, Tybee National Wildlife Refuge, Waccamaw National Wildlife Refuge.

SOUTH DAKOTA

National Parks: Badlands National Park, Wind Cave National Park.

TENNESSEE

National Parks: Great Smoky Mountains National Park.

World Heritage Sites: Great Smoky Mountains National Park.

National Military Parks: Chickamauga and Chattanooga, Shiloh.

TEXAS

National Parks: Big Bend National Park, Guadalupe Mountains National Park.

National Seashores: Padre Island National Seashore.

Coastal National Wildlife Refuges: Anahuac National Wildlife Refuge, Aransas National Wildlife Refuge, Big Boggy National Wildlife Refuge, Brazoria National Wildlife Refuge, Laguna Atascossa National Wildlife Refuge, McFaddin National Wildlife Refuge, San Bernard National Wildlife Refuge, Texas Point National Wildlife Refuge, Trinity River National Wildlife Refuge.

UTAH

National Parks: Arches National Park, Bryce Canyon National Park, Canyonlands National Park, Capitol Reef National Park, Zion National Park.

VIRGINIA

National Parks: Shenandoah National Park.

World Heritage Sites: Monticello, University of Virginia Historic District.

National Seashores: Assateague Island National Seashore.

National Military Parks: Fredericksburg and Spotsylvania Courthouse Battlefields.

Coastal National Wildlife Refuges: Back Bay National Wildlife Refuge, Chincoteague National Wildlife Refuge, Eastern Shore of Virginia National Wildlife Refuge, Featherstone National Wildlife Refuge, Fisherman Island National Wildlife Refuge, James River National Wildlife Refuge, Mason Neck National Wildlife Refuge, Nansemond National Wildlife Refuge, Occoquah Bay National Wildlife Refuge, Plum Tree Island National Wildlife Refuge, Wallops Island National Wildlife Refuge.

WASHINGTON

National Parks: Mount Rainier National Park, North Cascades National Park, Olympic National Park.

World Heritage Sites: Olympic National Park.

Coastal National Wildlife Refuges: Copalis National Wildlife Refuge, Flattery National Wildlife Refuge, Grays Harbor National Wildlife Refuge, Quillayute Needles National Wildlife Refuge, Willapa National Wildlife Refuge.

WISCONSIN

National Lakeshores: Apostle Islands National Lakeshore.

WYOMING

National Parks: Grand Teton National Park, Yellowstone National Park.

World Heritage Sites: Yellowstone National Park.

[From the Chattanooga Times Free Press, May 22, 2005]

BEWARE OF WINDMILLS

It was reported in the classical fictional literature of Miguel de Cervantes, and in the delightful derivative musical play "Man of La Mancha," that Don Quixote tilted at windmills, thinking them to be adversaries.

But in the real-life United States today, some people are promoting the erection of many thousands of windmills as a means of generating electric power, with too few people being aware that these modern windmills would be very real, not imaginary, adversaries.

Sen. Lamar Alexander, R-Tenn., has introduced a bill in Congress designed to avoid having an army of huge windmills slip up on us without sufficient warning.

The senator says an effort is being made to require electric companies to produce 10 percent of their power from "renewable" sources. That means wind, hydro, solar, geothermal and biomass power. Sounds good on the surface, doesn't it? The trouble is that there are few opportunities for substantial power generation by these means except by wind. What would that mean?

"The idea of windmills," said Sen. Alexander, conjures up pleasant images—of Holland and tulips, of rural America . . . My grandparents had such a windmill at their well pump . . . But the windmills we are talking about today are not your grandmother's windmills.

"Each one is typically 100 yards tall, two stories taller than the Statue of Liberty, taller than a football field is long.

"These windmills are wider than a 747 jumbo jet.

"Their rotor blades turn at 100 miles per hour.

"These towers and their flashing red lights can be seen from more than 25 miles away.

"Their noise can be heard from up to a half-mile away. It is a thumping and swishing sound. It has been described by residents that are unhappy with the noise as sounding like a brick wrapped in a towel tumbling in a clothes drier on a perpetual basis.

"These windmills produce very little power since they only operate when the wind blows enough or doesn't blow too much, so they are usually placed in large wind farms covering huge amounts of land.

"As an example, if the Congress ordered electric companies to build 10 percent of their power from renewable energy—which as we have said, has to be mostly wind—and if we renew the current subsidy each year, by the year 2025, my state of Tennessee would have at least 1,700 windmills, which would cover land almost equal to two times the size of the city of Knoxville."

Do these revelations by Sen. Alexander, accompanied by the prospect that $3.7 billion of your taxes might be required for subsidies over five years, cause you to want to have 100,000 of these huge, red lighted, noisy, thumping windmills erected throughout the United States, with 1,700 of them in Tennessee—perhaps in your neighborhood?

Talk about "pollution" of area, sound and sight!

Surely, non-polluting nuclear power and other energy sources would be better. The windmill subsidies could be used better to promote cleaner, more efficient and cheaper coal, gas and oil technology.

Sen. Alexander said the purpose of his legislation, in which Sen. John Warner, R-Va., has joined, is to be sure that "local authorities have a chance to consider the impact of such massive new structures before dozens or hundreds of them begin to be built in their communities."

For that fair warning, we should give thanks. If you have seen windmill farms in California, Texas or Hawaii, you will surely understand why the warning is appropriate.

Don Quixote thought he had problems with windmills. He hadn't seen the kind Sen. Alexander is talking about.

[KnoxNews, June 9, 2005]

WINDMILLS NEED COMMONSENSE APPROACH

U.S. Sen. Lamar Alexander has unleashed a storm of controversy among environmentalists over windmills, but we think he is using a commonsense approach.

Alexander has introduced legislation that would restrict tax credits for new windmills, and he has asked TVA to place a moratorium on new windmills.

Alexander's bill would give local governments veto power over wind farm projects and require environmental impact statements for windmill construction in offshore areas and within 20 miles of certain scenic areas, such as the Great Smoky Mountains National Park, and military bases.

The provision on eliminating tax credits for projects in those restricted areas, however, is what has drawn criticism from environmentalists and windmill manufacturers.

Stephen Smith of the Southern Alliance for Clean Energy said the legislation is "the most direct assault on wind power we've ever seen by a United States senator."

Jaime Steve, a lobbyist for the American Wind Energy Association, said wind energy could bring up to 4,500 new jobs and $4.2 billion in investment to the state in the next five or six years.

Alexander released a statement that said his bill would protect scenic areas and give local citizens more control. "It keeps those 100-yard-tall, monstrous structures away from Signal Mountain, Lookout Mountain, Roan Mountain, the Tennessee River Gorge, the foothills of the Smokies and other highly scenic areas," Alexander said.

"As for jobs," he continued, "every Tennessee job is important, but I fear that hundreds of these giant windmills across Tennessee's ridges could destroy our tourism industry, which could cost us tens of thousands of jobs."

In remarks on the Senate floor, Alexander said serious questions have been raised about how much relying on wind power will raise the cost of electricity. "My studies suggest that, at a time when America needs large amounts of low-cost, reliable power, wind produces puny amounts of high-cost unreliable power," he said. "We need lower prices; wind power raises prices."

About his request to TVA, Alexander said the moratorium should be in effect "until the new TVA board, Congress and local officials can evaluate the impact on these massive structures on our electric rates, our view of the mountains and our tourism industry."

TVA Directors Bill Baxter and Skila Harris responded that TVA has no plans to build more wind turbines in the next two years and beyond.

We believe Alexander has raised some serious questions about the effectiveness and efficiency of wind power. While we understand the importance of focusing on new forms of energy to reduce reliance on oil, we agree with Alexander's premise that we must go about it wisely.

"I hope we decide that we need a real national energy policy instead of a national windmill policy," Alexander said.

We think that's well said.

By Mr. GREGG:

S. 1209. A bill to establish and strengthen postsecondary programs and courses in the subjects of traditional American history, free institutions, and Western civilization, available to students preparing to teach these subjects, and to other students; to the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Mr. President, today I am proud to introduce the Higher Education for Freedom Act. This bill will establish a competitive grant program making funds available to institutions of higher education, centers within such institutions, and associated nonprofit foundations to promote both graduate and undergraduate programs focused on the teaching and study of traditional American history and government, and the history and achievements of Western Civilization. The program will help ensure that more postsecondary students have the opportunity to participate in programs focused on these critical subjects and that prospective teachers of history and government have access to a solid foundation of content knowledge.

Today, more than ever, it is important to preserve and defend our common heritage of freedom and civilization, and to ensure that future generations of Americans understand the importance of traditional American history and the principles of free government upon which this Nation was founded. This knowledge is not only essential to the full participation of our citizenry in America's civic life, but also to the continued success of the American experiment in self-government, which binds together a diverse people into a single Nation with common purposes.

However, college students' lack of historical literacy is quite startling, and too few of our colleges and universities are focused on the task of imparting this fundamental knowledge to the next generation. A survey of students at America's top colleges found that seniors could not identify Valley Forge, words from the Gettysburg Address, or even the basic tenets of the U.S. Constitution. Given high school-level American history questions, 81 percent of the college seniors would have received a D or F, the report found. One college professor informed me that her students did not know which side Lee was on during the Civil War, or whether the Russians were allies or enemies in World War II. A student of hers asked why anyone should care what the Founding Fathers wrote.

As unfortunate as these findings are, they are perhaps not surprising. A survey conducted several years ago found that not 1 of America's top 50 colleges and universities required its students to take a course in American history. More recently, another report documented the extent to which our top postsecondary institutions have abandoned the traditional core requirements that once gave students a systemic grasp of our nation's ideals, institutions, and origins. Indeed, only about a dozen undergraduate programs at major American colleges and universities have a central focus on American constitutional history and principles.

We are doing our students a disservice if we allow them to graduate from an institution of higher education without a solid understanding of and appreciation for our democratic heritage. We cannot hope to preserve our democracy without taking action to remedy our students' historical illiteracy. As Thomas Jefferson once wrote, "If a nation expects to be ignorant—and free—in a state of civilization, it expects what never was and never will be." I believe the time has come for Congress to do something to promote the teaching and study of traditional American history at the postsecondary level, and I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Higher Education for Freedom Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Given the increased threat to American ideals in the trying times in which we live, it is important to preserve and defend our common heritage of freedom and civilization and to ensure that future generations of Americans understand the importance of traditional American history and the principles of free government on which this Nation was founded in order to provide the basic knowledge that is essential to full and informed participation in civic life and to the larger vibrancy of the American experiment in self-government, binding together a diverse people into a single Nation with a common purpose.

(2) However, despite its importance, most of the Nation's colleges and universities no longer require United States history or systematic study of Western civilization and free institutions as a prerequisite to graduation.

(3) In addition, too many of our Nation's elementary school and secondary school history teachers lack the training necessary to effectively teach these subjects, due largely to the inadequacy of their teacher preparation.

(4) Distinguished historians and intellectuals fear that without a common civic memory and a common understanding of the remarkable individuals, events, and ideals that have shaped our Nation and its free institutions, the people in the United States

risk losing much of what it means to be an American, as well as the ability to fulfill the fundamental responsibilities of citizens in a democracy.

(b) PURPOSES.—The purposes of this Act are to promote and sustain postsecondary academic centers, institutes, and programs that offer undergraduate and graduate courses, support research, sponsor lectures, seminars, and conferences, and develop teaching materials, for the purpose of developing and imparting a knowledge of traditional American history, the American Founding, and the history and nature of, and threats to, free institutions, or of the nature, history, and achievements of Western civilization, particularly for—

(1) undergraduate students who are enrolled in teacher education programs, who may consider becoming school teachers, or who wish to enhance their civic competence;

(2) elementary school, middle school, and secondary school teachers in need of additional training in order to effectively teach in these subject areas; and

(3) graduate students and postsecondary faculty who wish to teach about these subject areas with greater knowledge and effectiveness.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE INSTITUTION.—The term "eligible institution" means—

(A) an institution of higher education;

(B) a specific program within an institution of higher education; and

(C) a non-profit history or academic organization associated with higher education whose mission is consistent with the purposes of this Act.

(2) FREE INSTITUTION.—The term "free institution" means an institution that emerged out of Western civilization, such as democracy, constitutional government, individual rights, market economics, religious freedom and tolerance, and freedom of thought and inquiry.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(5) TRADITIONAL AMERICAN HISTORY.—The term "traditional American history" means—

(A) the significant constitutional, political, intellectual, economic, and foreign policy trends and issues that have shaped the course of American history; and

(B) the key episodes, turning points, and leading figures involved in the constitutional, political, intellectual, diplomatic, and economic history of the United States.

SEC. 4. GRANTS TO ELIGIBLE INSTITUTIONS.

(a) IN GENERAL.—From amounts appropriated to carry out this Act, the Secretary shall award grants, on a competitive basis, to eligible institutions, which grants shall be used for—

(1) history teacher preparation initiatives, that—

(A) stress content mastery in traditional American history and the principles on which the American political system is based, including the history and philosophy of free institutions, and the study of Western civilization; and

(B) provide for grantees to carry out research, planning, and coordination activities devoted to the purposes of this Act; and

(2) strengthening postsecondary programs in fields related to the American founding, free institutions, and Western civilization, particularly through—

(A) the design and implementation of courses, lecture series, and symposia, the development and publication of instructional materials, and the development of new, and supporting of existing, academic centers;

(B) research supporting the development of relevant course materials;

(C) the support of faculty teaching in undergraduate and graduate programs; and

(D) the support of graduate and postgraduate fellowships and courses for scholars related to such fields.

(b) SELECTION CRITERIA.—In selecting eligible institutions for grants under this section for any fiscal year, the Secretary shall establish criteria by regulation, which shall, at a minimum, consider the education value and relevance of the institution's programming to carrying out the purposes of this Act and the expertise of key personnel in the area of traditional American history and the principles on which the American political system is based, including the political and intellectual history and philosophy of free institutions, the American Founding, and other key events that have contributed to American freedom, and the study of Western civilization.

(c) GRANT APPLICATION.—An eligible institution that desires to receive a grant under this Act shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may prescribe by regulation.

(d) GRANT REVIEW.—The Secretary shall establish procedures for reviewing and evaluating grants made under this Act.

(e) GRANT AWARDS.—

(1) MAXIMUM AND MINIMUM GRANTS.—The Secretary shall award each grant under this Act in an amount that is not less than $400,000 and not more than $6,000,000.

(2) EXCEPTION.—A subgrant made by an eligible institution under this Act to another eligible institution shall not be subject to the minimum amount specified in paragraph (1).

(f) MULTIPLE AWARDS.—For the purposes of this Act, the Secretary may award more than 1 grant to an eligible institution.

(g) SUBGRANTS.—An eligible institution may use grant funds provided under this Act to award subgrants to other eligible institutions at the discretion of, and subject to the oversight of, the Secretary.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this Act, there are authorized to be appropriated—

(1) $140,000,000 for fiscal year 2006; and

(2) such sums as may be necessary for each of the succeeding 5 fiscal years.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. OBAMA, and Mr. COLEMAN):

S. 1210. A bill to enhance the national security of the United States by providing for the research, development, demonstration, administrative support, and market mechanisms for widespread deployment and commercialization of biobased fuels and biobased products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, over the past 100 years, the economy of the United States has become inextricably tied to the supply of petroleum. In the early part of the 20th century, America's abundant sources of petroleum helped drive tremendous improvements in quality of life, offering greater mobility through gasoline-powered transportation, and a whole host of new and innovative products made from plastics and other petroleum-based chemicals.

But as the 20th century wore on, the costs of a petroleum-based economy grew increasingly apparent: pollution of air and water became a growing risk to our health and environment, and a growing dependence on foreign imports became an increasing risk to our economic and national security. Today, nearly two-thirds of the oil we use comes from overseas, much of it from hostile and unstable regimes.

Instability in the oil-producing regions of the world, the growing threat of global warming, and record-high prices for gasoline at the pump all call for a new kind of economy for the 21st century: one based on a resource that is not only abundant, but clean, renewable and home-grown.

Today, biofuels like ethanol and biodiesel are making great inroads in reducing our foreign oil dependence. The biofuels industry will provide nearly 4 billion gallons of clean, domestically-produced fuel alternatives to gasoline and diesel this year. We need to ensure continued growth of renewable fuels, first by supporting a robust Renewable Fuels Standard of at least 8 billion gallons a year by 2012, and then by supporting additional measures to grow the "bioeconomy."

That is why I am very proud today to be joined by my colleagues, Senator LUGAR, Senator OBAMA, and Senator COLEMAN, in introducing the National Security and Bioenergy Investment Act of 2005. This important bipartisan legislation provides the research, development, demonstration, and market mechanisms necessary to move this country from an economy based largely on foreign oil, to one increasingly fueled with clean, renewable, domestically-grown biomass. It is an important compliment to a robust RFS, and a vital element of our energy future.

According to the National Academies of Science, this country generates nearly 300 million tons of biomass each year—everything from corn stalks and wheat straw to forest trimmings and even segregated municipal waste. This biomass is currently sent to landfills or left in the fields after harvest in quantities greater than that needed to provide natural cover and nutrient replacement.

The Natural Resources Defense Council estimates that by 2025, an additional 200 million tons of biomass could be generated each year from dedicated biomass crops such as native switchgrass, hybrid poplar and other woody crops, grown throughout the country. These crops require little or no fertilizer or chemical treatment, while helping to enhance soil quality and reduce runoff.

Cellulose from biomass can be converted to ethanol, to provide a clean transportation fuel with potentially near-zero net carbon dioxide and sulfur emissions, and substantially reduced carbon monoxide, particulate and toxic emissions compared to petroleum-based fuel. The Natural Resources Defense Council estimates that by 2050 biomass could supply 50 percent of the Nation's transportation fuel, dramatically reducing our dependence on foreign oil.

Other products of the biomass refining process, such as biochemicals and bioplastics, can also complement or replace less environmentally-friendly petroleum-based equivalents. For example, if all of the plastic used in the United States were made from biomass instead of petroleum, the Nation's oil consumption would decrease by 90 to 145 million barrels a year. Biobased plastics can also be composted and converted back to soil instead of being thrown in a landfill.

Biobased chemicals, lubricants and metal-working fluids are all available in the marketplace today, and offer safe, non-toxic alternatives to their petroleum-based counterparts. The National Academies of Science found that biomass could meet all of the Nation's needs for organic chemicals, replacing 700 million barrels of petroleum a year.

But perhaps one of the greatest benefits of biobased fuels and products is to our rural economy. A mature biomass industry would create more than 1 million jobs and generate $5 billion annually in revenue for farmers. This represents a tremendous opportunity to grow and diversify sources of rural income, while reducing our dependence on foreign oil, bolstering national security and protecting the environment.

However, several obstacles still remain. Current Federal programs to develop biomass crops, establish supply chains, and reduce the cost of biofuels production are under-funded and lack appropriate targeting. Potential biomass refinery developers remain reluctant to invest in construction of "next generation" plants due to the high level of financial risk. And, according to a recent report from the Government Accountability Office, biobased purchase requirements and other bioeconomy measures at the U.S. Department of Agriculture have not been given the necessary priority for full implementation.

A wide range of groups, including the Energy Future Coalition, the National Commission on Energy Policy, the Governors' Ethanol Coalition, and the Natural Resources Defense Council, is calling on Congress to invest in the bioeconomy as the best direction for the country's energy future.

The time to act is now.

This legislation implements several critical measures to help ensure the widespread deployment and commercialization of biobased fuels and products over the next 10 years.

The bill substantially updates and improves the Biomass Research and Development Act by refining its objectives, providing greater focus on overcoming remaining technical barriers, and increasing funding. It authorizes $1 billion in research and development over five years to help today's successful biorefineries become the biorefineries of tomorrow, while developing advanced biomass crops, crop production methods, harvesting and transport technology to deliver abundant biomass to the refinery door.

It creates a reverse auction of production incentives to deliver the first billion gallons of cellulosic biofuels at the lowest cost to taxpayers. Each year, cellulosic biofuels refiners will bid for assistance on a per gallon basis. Refiners who request the lowest level of assistance will earn production contracts. As the volume of biofuels production grows, competition will increase, and per gallon incentive rates will decrease. After the first billion gallons of annual production, cellulosic ethanol is expected to be competitive with gasoline without government assistance.

It establishes a new Assistant Secretary position for Energy and Bioproduct Development at USDA to provide the necessary priority and resources for bioenergy and bioproduct programs. It expands the Federal Government biobased product procurement program of the 2002 farm bill to include government contractors. It also extends the program to the U.S. Capitol Complex, and establishes the Capitol as a showcase for biobased products.

It creates grant programs to help small biobased businesses with marketing and certification of biobased products, and funds bioeconomy development associations and Land Grant institutions to support the growth of regional bioeconomies.

The legislation calls on Congress to create tax incentives to encourage investment in production of biobased fuels and products, and it provides for education and outreach to promote producer investment in processing facilities and to heighten consumer awareness of biobased fuels and products.

Together, these measures will send a strong signal to innovators, investors and biobased businesses that Congress is committed to advancing the bioeconomy. With full funding, this bill will deliver the technological advances needed to help make biobased fuels and products cost competitive with petroleum-based equivalents, and it will take a big step toward a future in which our cars run on clean-burning renewable fuels, our plastics turn to compost, and our Nation's farmers fortify our energy security.

The bill has strong support from a broad coalition of agricultural producers, industry, clean energy, environment and national security groups. I have here several letters of endorsement.

I ask unanimous consent that the text of the bill, and the accompanying letters of endorsement, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Security and Bioenergy Investment Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—BIOMASS RESEARCH AND DEVELOPMENT

Sec. 101. Definitions.
Sec. 102. Cooperation and coordination in biomass research and development.
Sec. 103. Biomass Research and Development Board.
Sec. 104. Biomass Research and Development Technical Advisory Committee.
Sec. 105. Biomass Research and Development Initiative.
Sec. 106. Reports.
Sec. 107. Funding.
Sec. 108. Termination of authority.
Sec. 109. Biomass-derived hydrogen.

TITLE II—PRODUCTION INCENTIVES

Sec. 201. Production incentives.

TITLE III—ASSISTANT SECRETARY OF AGRICULTURE FOR ENERGY AND BIOBASED PRODUCTS

Sec. 301. Assistant Secretary of Agriculture for Energy and Biobased Products.

TITLE IV—PROCUREMENT OF BIOBASED PRODUCTS

Sec. 401. Federal procurement.
Sec. 402. Capitol Complex procurement.
Sec. 403. Education .
Sec. 404. Regulations.

TITLE V—BIOECONOMY GRANTS AND TAX INCENTIVES

Sec. 501. Small business bioproduct marketing and certification grants.
Sec. 502. Regional bioeconomy development grants.
Sec. 503. Preprocessing and harvesting demonstration grants.
Sec. 504. Sense of the Senate.

TITLE VI—OTHER PROVISIONS

Sec. 601. Education and outreach.
Sec. 602. Reports.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Governors' Ethanol Coalition, in the report entitled "Ethanol From Biomass America's 21st Century Transportation Fuel", found that—

(A) the dependence of the United States on oil is a major risk to national security and economic and environmental health;

(B) the safest and least costly approach to mitigating these risks is to set and achieve aggressive biofuels research, development, production and use goals; and

(C) significant investment in cellulosic biofuels, including a dramatic expansion of existing research programs, production and consumer incentives, and commercialization assistance, is needed;

(2) the National Academy of Sciences has found that there are abundant sources of waste biomass, and approximately 280,000,000 tons of waste biomass generated, in all regions of the United States each year;

(3) the Natural Resources Defense Council has estimated that by 2025, 200,000,000 additional tons of biomass could be harvested each year from dedicated energy crops grown throughout the country, yielding $5,000,000,000 annually in profit for farmers;

(4) the Department of Agriculture has estimated that energy derived from existing biomass supplies could displace 25 percent of current petroleum imports while still meeting agricultural demands;

(5) if all diesel fuel in the United States were blended with a 4-percent blend of biodiesel, crude oil consumption in the United States would be reduced by 300,000,000 barrels each year by 2016;

(6) there is sufficient domestic feedstock for the production of at least 8,000,000,000 annual gallons of renewable fuels, including ethanol and biodiesel, by 2012;

(7) the Natural Resources Defense Council has estimated that biomass could supply 50 percent of current transportation petroleum demand by 2050;

(8) the National Academy of Sciences has estimated that enough agricultural crop residue is produced each year to entirely replace the 700,000,000 barrels of petroleum used in organic chemical production in 2004;

(9) the Biotechnology Industry Organization, in its report entitled "New Biotechnology Tools for a Cleaner Environment", found that if all plastics in the United States were made from biomass, oil consumption would decrease by up to 145,000,000 barrels per year;

(10) the National Academy of Sciences has reported that biobased products have the potential to improve the sustainability of natural resources, environmental quality, and national security while competing economically;

(11) the Department of Agriculture has made significant advances in the understanding and use by the United States of biomass as a feedstock for fuels and products;

(12) through participation with the Department of Energy in the Biomass Research and Development Initiative, the Department of Agriculture has also made valuable contributions, through grant-making and other initiatives, to the support of biomass research and development at institutions throughout the United States;

(13) the Government Accountability Office has found that—

(A) actions to implement the requirements of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 134) for purchasing biobased products have been limited; and

(B) greater priority by the Department of Agriculture would promote compliance by other agencies with biobased purchasing requirements;

(14) an Assistant Secretary of the Department of Agriculture for Energy and Biobased Products would provide the priority, staff, and financial resources to fully implement biobased purchasing requirements and other provisions of the energy title of the Farm Security and Rural Investment Act of 2002;

(15) Federal government contractors and the Architect of the Capitol are currently exempt from biobased purchasing requirements of the Farm Security and Rural Investment Act of 2002;

(16) expansion of those biobased purchasing requirements—

(A) to Federal contractors would significantly expand the market for, and advance commercialization of, biobased products; and

(B) to the Architect of the Capitol would, in combination with a program of public education, allow the Capitol Complex to serve as a showcase for the existence, use, and benefits of biobased products;

(17) fuel derived from cellulosic biomass could have near-zero net carbon dioxide and sulfur emissions, and substantially reduced carbon monoxide, particulate and toxic emissions relative to petroleum-based fuels;

(18) the bipartisan National Commission on Energy Policy has predicted that with a dedicated Federal research, development, and demonstration effort, cellulosic ethanol could be less expensive to produce than gasoline by 2015;

(19) the 2004 report of the Rocky Mountain Institute, entitled "Winning the Oil Endgame", estimated that a mature biomass industry would create up to 1,045,000 jobs;

(20) the National Academy of Sciences has found that there are significant opportunities to produce biomass ethanol more efficiently;

(21) the National Commission on Energy Policy has found that current Federal programs directed toward reducing the cost of biofuels are under-funded, intermittent, scattered, and poorly targeted;

(22) a report commissioned by the Department of Defense urged the United States to invest in a new large-scale initiative to produce biofuels as an alternative supply source, and as a feedstock for future fuel vehicles;

(23) the Consumer Federation of America has found that the blending of ethanol into conventional gasoline can significantly benefit consumers by lowering prices at the pump;

(24) 45 leading national security, labor, and energy policy experts joined the Energy Future Coalition in supporting a national commitment to cut the oil use of the United States by 25 percent by 2025 through the rapid development and deployment of advanced biomass, alcohol, and other available petroleum fuel alternatives; and

(25) an aggressive effort to advance technology for conversion of biomass to fuel and products is warranted.

SEC. 3. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

TITLE I—BIOMASS RESEARCH AND DEVELOPMENT

SEC. 101. DEFINITIONS.

Section 303 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended—

(1) by striking paragraphs (2), (3), and (9);

(2) by redesignating paragraphs (4), (5), (6), (7), and (8) as paragraphs (5), (7), (8), (9), and (10) respectively;

(3) by inserting after paragraph (1) the following:

"(2) BIOBASED FUEL.—The term 'biobased fuel' means any transportation fuel produced from biomass.

"(3) BIOBASED PRODUCT.—The term 'biobased product' means a commercial or industrial product (including chemicals, materials, polymers, and animal feed) produced from biomass, or electric power derived in connection with the conversion of biomass to fuel.

"(4) BIOMASS.—

"(A) IN GENERAL.—The term 'biomass' means—

"(i) organic material from a plant, including grasses and trees, that is planted for the purpose of being used to produce energy, including vegetation produced for harvest on land enrolled in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) if the harvest is consistent with the integrity of soil and water resources and with other environmental purposes of the conservation reserve program;

"(ii) nonhazardous, lignocellulosic, or hemicellulosic matter derived from—

"(I) the following forest-related resources:

"(aa) pre-commercial thinnings;

"(bb) slash; and

"(cc) brush;

"(II) an agricultural crop, crop byproduct, or agricultural crop residue, including vegetation produced for harvest on land enrolled in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) if the harvest is consistent with the integrity of soil and water resources and with other environmental purposes of the conservation reserve program; or

"(III) miscellaneous waste, including landscape or right-of-way tree trimmings; and

"(iii) agricultural animal waste.

"(B) EXCLUSION.—The term 'biomass' does not include—

"(i) unsegregated municipal solid waste;

"(ii) incineration of municipal solid waste;

"(iii) recyclable post-consumer waste paper and paper products;

"(iv) painted, treated, or pressurized wood;

"(v) wood contaminated with plastic or metals; or

"(vi) tires."; and

(4) by inserting after paragraph (5) (as redesignated by paragraph (2)):

"(6) DEMONSTRATION.—The term 'demonstration' means demonstration of technology in a pilot plant or semi-works scale facility.".

SEC. 102. COOPERATION AND COORDINATION IN BIOMASS RESEARCH AND DEVELOPMENT.

Section 304 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended—

(1) in subsections (a) and (d), by striking "industrial products" each place it appears and inserting "fuels and biobased products";

(2) by striking subsections (b) and (c);

(3) by redesignating subsection (d) as subsection (b); and

(4) in subsection (b)(1)(A) (as redesignated by paragraph (3)), by striking "an officer of the Department of Agriculture appointed by the President to a position in the Department before the date of the designated, by and with the advice and consent of the Senate" and inserting: "the Assistant Secretary of Agriculture for Energy and Biobased Products".

SEC. 103. BIOMASS RESEARCH AND DEVELOPMENT BOARD.

Section 305 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended—

(1) in subsections (a) and (c), by striking "industrial products" each place it appears and inserting "fuels and biobased products";

(2) in subsection (b)—

(A) in paragraph (1), by striking "304(d)(1)(B)" and inserting "304(b)(1)(B)"; and

(B) in paragraph (2), by striking "304(d)(1)(A)" and inserting "304(b)(1)(A)"; and

(3) in subsection (c)—

(A) in paragraph (1)(B), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(3) ensure that—

"(A) solicitations are open and competitive with awards made annually; and

"(B) objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest; and

"(4) ensure that the panel of scientific and technical peers assembled under section 307(c)(2)(C) to review proposals is composed predominantly of independent experts selected from outside the Departments of Agriculture and Energy.".

SEC. 104. BIOMASS RESEARCH AND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE.

Section 306 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by striking "biobased industrial products" and inserting "biofuels";

(B) by redesignating subparagraphs (B) through (J) as subparagraphs (C) through (K), respectively;

(C) by inserting after subparagraph (A) the following:

"(B) an individual affiliated with the biobased industrial and commercial products industry;";

(D) in subparagraph (F) (as redesignated by subparagraph (B)) by striking "an individual" and inserting "2 individuals";

(E) in subparagraphs (C), (D), (G), and (I) (as redesignated by subparagraph (B)) by striking "industrial products" each place it appears and inserting "fuels and biobased products"; and

(F) in subparagraph (H) (as redesignated by subparagraph (B)), by inserting "and environmental" before "analysis";

(2) in subsection (c)(2)—

(A) in subparagraph (A), by striking "goals" and inserting "objectives, purposes, and considerations";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(C) by inserting after subparagraph (A) the following:

"(B) solicitations are open and competitive with awards made annually and that objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest;"; and

(D) in subparagraph (C) (as redesignated by subparagraph (B)) by inserting "predominantly from outside the Departments of Agriculture and Energy" after "technical peers".

SEC. 105. BIOMASS RESEARCH AND DEVELOPMENT INITIATIVE.

Section 307 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended—

(1) in subsection (a), by striking "research on biobased industrial products" and inserting "research on, and development and demonstration of, biobased fuels and biobased products, and the methods, practices and technologies, including industrial biotechnology, for their production"; and

(2) by striking subsections (b), through (e) and inserting the following:

"(b) AGENCIES.—

"(1) AGRICULTURE.—The Secretary of Agriculture, through the point of contact of the Department of Agriculture and in consultation with the Board, shall provide, or enter into, grants, contracts, and financial assistance under this section through the Cooperative State Research, Education, and Extension Service of the Department of Agriculture.

"(2) ENERGY.—The Secretary of Energy, though the point of contact of the Department of Energy and in consultation with the Board, shall provide, or enter into, grants, contracts, and financial assistance under this section through the appropriate agency, as determined by the Secretary of Energy.

"(c) OBJECTIVES.—The objectives of the Initiative are to develop—

"(1) technologies and processes necessary for abundant commercial production of biobased fuels at prices competitive with fossil fuels;

"(2) high-value biobased products—

"(A) to enhance the economic viability of biobased fuels and power; and

"(B) as substitutes for petroleum-based feedstocks and products; and

"(3) a diversity of sustainable domestic sources of biomass for conversion to biobased fuels and biobased products.

"(d) PURPOSES.—The purposes of the Initiative are—

"(1) to increase the energy security of the United States;

"(2) to create jobs and enhance the economic development of the rural economy;

"(3) to enhance the environment and public health; and

"(4) to diversify markets for raw agricultural and forestry products.

"(e) TECHNICAL AREAS.—To advance the objectives and purposes of the Initiative, the Secretary of Agriculture and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and heads of other appropriate departments and agencies (referred to in this section as the 'Secretaries'), shall direct research and development toward—

"(1) feedstock production through the development of crops and cropping systems relevant to production of raw materials for conversion to biobased fuels and biobased products, including—

"(A) development of advanced and dedicated crops with desired features, including enhanced productivity, broader site range, low requirements for chemical inputs, and enhanced processing;

"(B) advanced crop production methods to achieve the features described in subparagraph (A);

"(C) feedstock harvest, handling, transport, and storage; and

"(D) strategies for integrating feedstock production into existing managed land;

"(2) overcoming recalcitrance of cellulosic biomass through developing technologies for converting cellulosic biomass into intermediates that can subsequently be converted into biobased fuels and biobased products, including—

"(A) pretreatment in combination with enzymatic or microbial hydrolysis; and

"(B) thermochemical approaches, including gasification and pyrolysis;

"(3) product diversification through technologies relevant to production of a range of biobased products (including chemicals, animal feeds, and cogenerated power) that eventually can increase the feasibility of fuel production in a biorefinery, including—

"(A) catalytic processing, including thermochemical fuel production;

"(B) metabolic engineering, enzyme engineering, and fermentation systems for biological production of desired products or cogeneration of power;

"(C) product recovery;

"(D) power production technologies; and

"(E) integration into existing biomass processing facilities, including starch ethanol plants, paper mills, and power plants; and

"(4) analysis that provides strategic guidance for the application of biomass technologies in accordance with realization of societal benefits in improved sustainability and environmental quality, cost effectiveness, security, and rural economic development, usually featuring system-wide approaches.

"(f) ADDITIONAL CONSIDERATIONS.—Within the technical areas described in subsection (e), and in addition to advancing the purposes described in subsection (d) and the objectives described in subsection (c), the Secretaries shall support research and development—

"(1) to create continuously expanding opportunities for participants in existing biofuels production by seeking synergies and continuity with current technologies and practices, including the use of dried distillers grains as a bridge feedstock;

"(2) to maximize the environmental, economic, and social benefits of production of biobased fuels and biobased products on a large scale through life-cycle economic and environmental analysis and other means; and

"(3) to assess the potential of Federal land and land management programs as feedstock resources for biobased fuels and biobased products, consistent with the integrity of soil and water resources and with other environmental considerations.

"(g) ELIGIBLE ENTITIES.—To be eligible for a grant, contract, or assistance under this section, an applicant shall be—

"(1) an institution of higher education;

"(2) a national laboratory;

"(3) a Federal research agency;

"(4) a State research agency;

"(5) a private sector entity;

"(6) a nonprofit organization; or

"(7) a consortium of 2 of more entities described in paragraphs (1) through (6).

"(h) ADMINISTRATION.—

"(1) IN GENERAL.—After consultation with the Board, the points of contact shall—

"(A) publish annually 1 or more joint requests for proposals for grants, contracts, and assistance under this section;

"(B) establish a priority in grants, contracts, and assistance under this section for research that advances the objectives, purposes, and additional considerations of this title;

"(C) require that grants, contracts, and assistance under this section be awarded competitively, on the basis of merit, after the establishment of procedures that provide for scientific peer review by an independent panel of scientific and technical peers; and

"(D) give some preference to applications that—

"(i) involve a consortia of experts from multiple institutions;

"(ii) encourage the integration of disciplines and application of the best technical resources; and

"(iii) increase the geographic diversity of demonstration projects.

"(2) Distribution of Funding by Technical Area.—Of the funds authorized to be appropriated for activities described in this section—

"(A) 20 percent shall be used to carry out activities for feedstock production under subsection (e)(1);

"(B) 45 percent shall be used to carry out activities for overcoming recalcitrance of cellulosic biomass under subsection (e)(2);

"(C) 30 percent shall be used to carry out activities for product diversification under subsection (e)(3); and

"(D) 5 percent shall be used to carry out activities for strategic guidance under subsection (e)(4).

"(3) Distribution of Funding Within Each Technical Area.—Within each technical area described in paragraphs (1) through (3) of subsection (e)—

"(A) 15 percent of funds shall be used for applied fundamentals;

"(B) 35 percent of funds shall be used for innovation; and

"(C) 50 percent of funds shall be used for demonstration.

"(4) Matching Funds.—

"(A) In General.—A minimum 20 percent funding match shall be required for demonstration projects under this title.

"(B) No Other Requirement.—No matching funds shall be required for other activities under this title.

"(5) Technology and Information Transfer to Agricultural Users.—

"(A) In General.—The Administrator of the Cooperative State Research, Education, and Extension Service and the Chief of the Natural Resources Conservation Service shall ensure that applicable research results and technologies from the Initiative are adapted, made available, and disseminated through those services, as appropriate.

"(B) Report.—Not later than 2 years after the date of enactment of this paragraph, and every 2 years thereafter, the Administrator of the Cooperative State Research, Education, and Extension Service and the Chief of the Natural Resources Conservation Service shall submit to the committees of Congress with jurisdiction over the Initiative a report describing the activities conducted by the services under this subsection.".

SEC. 106. REPORTS.

Section 309 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "industrial product" and inserting "fuels and biobased products"; and

(B) in paragraph (3), by striking "industrial products" each place it appears and inserting "fuels and biobased products";

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

"(b) Assessment Report and Strategic Plan.—Not later than 1 year after the date of enactment of the National Security and Bioenergy Investment Act of 2005, the Secretary and the Secretary of Energy shall jointly submit to Congress a report that—

"(1) describes the status and progress of current research and development efforts in both the Federal Government and private sector in achieving the objectives, purposes, and considerations of this title, specifically addressing each of the technical areas identified in section 307(e);

"(2) describes the actions taken to implement the improvements directed by this title; and

"(3) outlines a strategic plan for achieving the objectives, purposes, and considerations of this title."; and

(4) in subsection (c) (as redesignated by paragraph (2))—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "purposes described in section 307(b)" and inserting "objectives, purposes, and additional considerations described in subsections (c) through (f) of section 307";

(ii) in subparagraph (B), by striking "and" at the end;

(iii) by redesignating subparagraph (C) as subparagraph (D); and

(iv) by inserting after subparagraph (B) the following:

"(C) achieves the distribution of funds described in paragraphs (2) and (3) of section 307(h); and"; and

(B) in paragraph (2), by striking "industrial products" and inserting "fuels and biobased products".

SEC. 107. FUNDING.

(a) Funding.—Section 310(a)(2) of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended by striking "$14,000,000 for each of fiscal years 2003 through 2007" and inserting "$200,000,000 for each of fiscal years 2006 through 2010".

(b) Authorization of Appropriations.—Section 310(b) of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended by striking "title $54,000,000 for each of fiscal years 2002 through 2007" and inserting "title $200,000,000 for fiscal year 2011 and each fiscal year thereafter".

SEC. 108. TERMINATION OF AUTHORITY.

The Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended by striking section 311.

SEC. 109. BIOMASS-DERIVED HYDROGEN.

(a) In General.—The Secretary shall conduct a research, development, and demonstration program focused on the economic production and use of hydrogen from biofuels, with emphasis on the rural transportation and rural electrical generation sectors.

(b) Transportation Sector Objectives.—The objectives of the program in the transportation sector shall be to—

(1) conduct research, and to develop and test processes and equipment, to produce low-cost liquid biobased fuels that can be transported to distant fueling stations for the production of hydrogen or for direct use in conventional internal combustion engine vehicles;

(2) demonstrate the cost-effective production of hydrogen from liquid biobased fuels at the local fueling station, to eliminate the costs of transporting hydrogen long distances or building hydrogen pipeline networks;

(3) demonstrate the use of hydrogen derived from liquid biobased fuels in fuel cell vehicles, or, as an interim cost-reduction option, in internal combustion engine hybrid electric vehicles, to demonstrate sustainable transportation with significantly reduced local air pollution, greenhouse gas emissions, and dependence on imported fossil fuels;

(4) evaluate the economic return to agricultural producers producing feedstocks for liquid biobased fuels compared to agricultural producer returns as of the date of enactment of this Act;

(5) evaluate the crop yield and long-term soil sustainability of growing and harvesting feedstocks for liquid biobased fuels; and

(6) evaluate the fuel costs to fuel cell car owners (or hybrid electric car owners running on hydrogen) per mile driven compared to burning gasoline in conventional vehicles.

(c) Electrical Generation Sector Objectives.—The objectives of the program in the rural electrical generation sector shall be to—

(1) design, develop, and test low-cost gasification equipment to convert biomass to hydrogen at regional rural cooperatives, or at businesses owned by farmers, close to agricultural operations to minimize the cost of biomass transportation to large central gasification plants;

(2) demonstrate low-cost electrical generation at such rural cooperatives or farmer-owned businesses, using renewable hydrogen derived from biomass in either fuel cell generators, or, as an interim cost reduction option, in conventional internal combustion engine gensets;

(3) determine the economic return to cooperatives or other businesses owned by farmers of producing hydrogen from biomass and selling electricity compared to agricultural economic returns from producing and selling conventional crops alone;

(4) evaluate the crop yield and long-term soil sustainability of growing and harvesting of feedstocks for biomass gasification, and

(5) demonstrate the use of a portion of the biomass-derived hydrogen in various agricultural vehicles to reduce—

(A) dependence on imported fossil fuel; and

(B) environmental impacts.

(d) Authorization for Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.

TITLE II—PRODUCTION INCENTIVES

SEC. 201. PRODUCTION INCENTIVES.

(a) Purpose.—The purpose of this section is to—

(1) accelerate deployment and commercialization of biofuels;

(2) deliver the first 1,000,000,000 gallons of cellulosic biofuels by 2015;

(3) ensure biofuels produced after 2015 are cost competitive with gasoline and diesel; and

(4) ensure that small feedstock producers and rural small businesses are full participants in the development of the cellulosic biofuels industry.

(b) Definitions.—In this section:

(1) Cellulosic Biofuels.—The term "cellulosic biofuels" means any fuel that is produced from cellulosic feedstocks.

(2) Eligible Entity.—The term "eligible entity" means a producer of fuel from cellulosic biofuels the production facility of which—

(A) is located in the United States;

(B) meets all applicable Federal and State permitting requirements;

(C) is to begin production of cellulosic biofuels not later than 3 years after the date of the reverse auction in which the producer participates; and

(D) meets any financial criteria established by the Secretary.

(c) Program.—

(1) Establishment.—The Secretary, in consultation with the Secretary of Energy, the Secretary of Defense, and the Administrator of the Environmental Protection Agency, shall establish an incentive program for the production of cellulosic biofuels.

(2) Basis of Incentives.—Under the program, the Secretary shall award production incentives on a per gallon basis of cellulosic biofuels from eligible entities, through—

(A) set payments per gallon of cellulosic biofuels produced in an amount determined by the Secretary, until initiation of the first reverse auction; and

(B) reverse auction thereafter.

(3) FIRST REVERSE AUCTION.—The first reverse auction shall be held on the earlier of—

(A) not later than 1 year after the first year of annual production in the United States of 100,000,000 gallons of cellulosic biofuels, as determined by the Secretary; or

(B) not later than 3 years after the date of enactment of this Act.

(4) REVERSE AUCTION PROCEDURE.—

(A) IN GENERAL.—On initiation of the first reverse auction, and each year thereafter until the earlier of the first year of annual production in the United States of 1,000,000,000 gallons of cellulosic biofuels, as determined by the Secretary, or 10 years after the date of enactment of this Act, the Secretary shall conduct a reverse auction at which—

(i) the Secretary shall solicit bids from eligible entities;

(ii) eligible entities shall submit—

(I) a desired level of production incentive on a per gallon basis; and

(II) an estimated annual production amount in gallons; and

(iii) the Secretary shall issue awards for the production amount submitted, beginning with the eligible entity submitting the bid for the lowest level of production incentive on a per gallon basis, until the amount of funds available for the reverse auction is committed.

(B) AMOUNT OF INCENTIVE RECEIVED.—An eligible entity selected by the Secretary through a reverse auction shall receive the amount of performance incentive requested in the auction for each gallon produced and sold by the entity during the first 6 years of operation.

(d) LIMITATIONS.—Awards under this section shall be limited to—

(1) a per gallon amount determined by the Secretary during the first 4 years of the program;

(2) a declining per gallon cap over the remaining lifetime of the program, to be established by the Secretary so that cellulosic biofuels produced after the first year of annual cellulosic biofuels production in the United States in excess of 1,000,000,000 gallons are cost competitive with gasoline and diesel;

(3) not more than 25 percent of the funds committed within each reverse auction to any 1 project;

(4) not more than $100,000,000 in any 1 year; and

(5) not more than $1,000,000,000 over the lifetime of the program.

(e) PRIORITY.—In selecting a project under the program, the Secretary shall give priority to projects that—

(1) demonstrate outstanding potential for local and regional economic development;

(2) include agricultural producers or cooperatives of agricultural producers as equity partners in the ventures; and

(3) have a strategic agreement in place to fairly reward feedstock suppliers.

(f) FUNDING.—

(1) IN GENERAL.—The Secretary shall use to carry out this title $250,000,000 of funds of the Commodity Credit Corporation, to remain available until expended.

(2) AUTHORIZATIONS OF APPROPRIATIONS.—In addition to amounts made available under paragraph (1), there are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE III—ASSISTANT SECRETARY OF AGRICULTURE FOR ENERGY AND BIOBASED PRODUCTS

SEC. 301. ASSISTANT SECRETARY OF AGRICULTURE FOR ENERGY AND BIOBASED PRODUCTS.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish in the Department a position of Assistant Secretary of Agriculture for Energy and Biobased Products (referred to in this section as the "Assistant Secretary").

(b) RESPONSIBILITIES.—The Assistant Secretary shall be responsible for—

(1) the energy programs established under title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.); and

(2) all other programs and initiatives that the Secretary considers appropriate.

(c) CONFIRMATION REQUIREMENT.—The Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(d) PERSONNEL.—The Secretary, acting through the Assistant Secretary, may transfer or assign work to personnel, or assign staff hours, on a permanent or a part-time basis, as needed, to the Office of the Assistant Secretary to carry out the functions and duties of the office.

(e) BUDGET.—The Secretary shall establish a budget for the office of the Assistant Secretary.

TITLE IV—PROCUREMENT OF BIOBASED PRODUCTS

SEC. 401. FEDERAL PROCUREMENT.

(a) DEFINITION OF PROCURING AGENCY.—Section 9001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101) is amended—

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) PROCURING AGENCY.—The term 'procuring agency' means—

"(A) any Federal agency that is using Federal funds for procurement; or

"(B) any person contracting with any Federal agency with respect to work performed under the contract.".

(b) PROCUREMENT.—Section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102) is amended—

(1) by striking "Federal agency" each place it appears (other than in subsections (f) and (g)) and inserting "procuring agency";

(2) in subsection (c)(2)—

(A) by striking "(2)" and all that follows through "Notwithstanding" and inserting the following:

"(2) FLEXIBILITY.—Notwithstanding";

(B) by striking "an agency" and inserting "a procuring agency"; and

(C) by striking "the agency" and inserting "the procuring agency";

(3) in subsection (d), by striking "procured by Federal agencies" and inserting "procured by procuring agencies"; and

(4) in subsection (f), by striking "Federal agencies" and inserting "procuring agencies" .

SEC. 402. CAPITOL COMPLEX PROCUREMENT.

Section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102) (as amended by section 401(b)) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following:

"(j) INCLUSION.—Not later than 90 days after the date of enactment of the National Security and Bioenergy Investment Act of 2005, the Architect of the Capitol, the Sergeant of Arms of the Senate, and the Chief Administrative Officer of the House of Representatives shall issue regulations that apply the requirements of this section to procurement for the Capitol Complex.".

SEC. 403. EDUCATION .

(a) IN GENERAL.—The Architect of the Capitol shall establish in the Capitol Complex a program of public education regarding use by the Architect of the Capitol of biobased products.

(b) PURPOSES.—The purposes of the program shall be—

(1) to establish the Capitol Complex as a showcase for the existence and benefits of biobased products; and

(2) to provide access to further information on biobased products to occupants and visitors.

SEC. 404. REGULATIONS.

Requirements issued under the amendment made by section 402 shall be made in accordance with regulations issued by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

TITLE V—BIOECONOMY GRANTS AND TAX INCENTIVES

SEC. 501. SMALL BUSINESS BIOPRODUCT MARKETING AND CERTIFICATION GRANTS.

(a) IN GENERAL.—Using amounts made available under subsection (g), the Secretary shall make available on a competitive basis grants to eligible entities described in subsection (b) for the biobased product marketing and certification purposes described in subsection (c).

(b) ELIGIBLE ENTITIES.—An entity eligible for a grant under this section is any manufacturer of biobased products that—

(1) has fewer than 50 employees;

(2) proposes to use the grant for the biobased product marketing and certification purposes described in subsection (c); and

(3) has not previously received a grant under this section.

(c) BIOBASED PRODUCT MARKETING AND CERTIFICATION GRANT PURPOSES.—A grant made under this section shall be used—

(1) to plan activities and working capital for marketing of biobased products; and

(2) to provide private sector cost sharing for the certification of biobased products.

(d) MATCHING FUNDS.—

(1) IN GENERAL.—Grant recipients shall provide matching non-Federal funds equal to the amount of the grant received.

(2) EXPENDITURE.—Matching funds shall be expended in advance of grant funding, so that for every dollar of grant that is advanced, an equal amount of matching funds shall have been funded prior to submitting the request for reimbursement.

(e) AMOUNT.—A grant made under this section shall not exceed $100,000.

(f) ADMINISTRATION.—The Secretary shall establish such administrative requirements for grants under this section, including requirements for applications for the grants, as the Secretary considers appropriate.

(g) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this section—

(1) $1,000,000 for fiscal year 2006; and

(2) such sums as are necessary for fiscal year 2007 and each subsequent fiscal year.

SEC. 502. REGIONAL BIOECONOMY DEVELOPMENT GRANTS.

(a) IN GENERAL.—Using amounts made available under subsection (g), the Secretary shall make available on a competitive basis grants to eligible entities described in subsection (b) for the purposes described in subsection (c).

(b) ELIGIBLE ENTITIES.—An entity eligible for a grant under this section is any regional bioeconomy development association, agricultural or energy trade association, or Land Grant institution that—

(1) proposes to use the grant for the purposes described in subsection (c); and

(2) has not previously received a grant under this section.

(c) REGIONAL BIOECONOMY DEVELOPMENT ASSOCIATION GRANT PURPOSES.—A grant made under this section shall be used to support and promote the growth and development of the bioeconomy within the region served by the eligible entity, through coordination, education, outreach, and other endeavors by the eligible entity.

(d) MATCHING FUNDS.—

(1) IN GENERAL.—Grant recipients shall provide matching non-Federal funds equal to the amount of the grant received.

(2) EXPENDITURE.—Matching funds shall be expended in advance of grant funding, so that for every dollar of grant that is advanced, an equal amount of matching funds shall have been funded prior to submitting the request for reimbursement.

(e) ADMINISTRATION.—The Secretary shall establish such administrative requirements for grants under this section, including requirements for applications for the grants, as the Secretary considers appropriate.

(f) AMOUNT.—A grant made under this section shall not exceed $500,000.

(g) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this section—

(1) $1,000,000 for fiscal year 2006; and

(2) such sums as are necessary for fiscal year 2007 and each subsequent fiscal year.

SEC. 503. PREPROCESSING AND HARVESTING DEMONSTRATION GRANTS.

(a) IN GENERAL.—The Secretary shall make grants available on a competitive basis to enterprises owned by agricultural producers, for the purposes of demonstrating cost-effective, cellulosic biomass innovations in—

(1) preprocessing of feedstocks, including cleaning, separating and sorting, mixing or blending, and chemical or biochemical treatments, to add value and lower the cost of feedstock processing at a biorefinery; or

(2) 1-pass or other efficient, multiple crop harvesting techniques.

(b) LIMITATIONS ON GRANTS.—

(1) NUMBER OF GRANTS.—Not more than 5 demonstration projects per fiscal year shall be funded under this section.

(2) NON-FEDERAL COST SHARE.—The non-Federal cost share of a project under this section shall be not less than 20 percent, as determined by the Secretary.

(c) CONDITION OF GRANT.—To be eligible for a grant for a project under this section, a recipient of a grant or a participating entity shall agree to use the material harvested under the project—

(1) to produce ethanol; or

(2) for another energy purpose, such as the generation of heat or electricity.

(d) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.

SEC. 504. SENSE OF THE SENATE.

It is the sense of the Senate that Congress should amend the Federal tax code to encourage investment in, and production and use of, biobased fuels and biobased products through—

(1) an investment tax credit for the construction or modification of facilities for the production of fuels from cellulose biomass, to drive private capital towards new biorefinery projects in a manner that allows participation by smaller farms and cooperatives; and

(2) an investment tax credit to small manufacturers of biobased products to lower the capital costs of starting and maintaining a biobased business.

TITLE VI—OTHER PROVISIONS

SEC. 601. EDUCATION AND OUTREACH.

(a) IN GENERAL.—The Secretary shall establish, within the Department or through an independent contracting entity, a program of education and outreach on biobased fuels and biobased products consisting of—

(1) training and technical assistance programs for feedstock producers to promote producer ownership, investment, and participation in the operation of processing facilities; and

(2) public education and outreach to familiarize consumers with the biobased fuels and biobased products.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this title $1,000,000 for each of fiscal years 2006 through 2010.

SEC. 602. REPORTS.

(a) PROGRESS REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on progress in establishing the Office of the Assistant Secretary of Agriculture for Energy and Biobased Products under title I.

(b) BIOBASED PRODUCT POTENTIAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) describes the economic potential for the United States of the widespread production and use of commercial and industrial biobased products through calendar year 2025; and

(2) as the maximum extent practicable, identifies the economic potential by product area.

(c) ANALYSIS OF ECONOMIC INDICATORS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall submit to Congress an analysis of economic indicators of the biobased economy during the 2-year period preceding the analysis.

JUNE 9, 2005.

HON. TOM HARKIN,
U.S. Senate,
Washington, DC.
HON. RICHARD LUGAR,
U.S. Senate,
Washington, DC.

Re: the National Security and Bioenergy Investment Act of 2005.

DEAR SENATORS HARKIN AND LUGAR: The National Corn Growers Association (NCGA), the American Soybean Association (ASA), and the Renewable Fuels Association are writing to express our support for the National Security and Bioenergy Investment Act of 2005. In particular, we strongly support the increased procurement of biobased products by Federal agencies and all Federal government contractors. Biobased products represent a large potential growth market for corn and soybean growers in areas such as plastics, solvents, packaging and other consumer goods to provide markets for U.S.-grown crops. The biobased product industry has already started to grow, bringing new products to consumers, new markets to growers and new investments to our communities.

The procurement of biobased products promotes energy and environmental security. Products made from corn and soybeans could replace a variety of items currently produced from petroleum, and aid in reducing dependence on imported oil. Already the production of ethanol and biodiesel reduces imports by more than 140 million barrels of oil. The production of biobased products generates less greenhouse gas than traditional petroleum-based items. There are also tremendous opportunities for grower-owned processing facilities and rural American and agriculture as a whole. New jobs and investments will be brought into rural communities, as new processing and manufacturing facilities move into those communities to be near renewable feed stocks.

NCGA, ASA and RFA applaud your continued efforts to promote the use of biobased products that will encourage the development of new markets for corn and soybeans and ultimately help to revitalize rural economies and the agriculture industry as a whole. We have been avid supporters of the biobased products industry, and we look forward to working with you as you continue to provide vision and direction for this emerging industry.

Sincerely,

LEON CORZINE,
President, National Corn Growers Association.
NEAL BREDEHOEFT,
President, American Soybean Association.
BOB DINNEEN,
President, Renewable Fuels Association.

GOVERNORS' ETHANOL COALITION,
Lincoln, NE, June 9, 2005.

Hon. TOM HARKIN,
Hart Senate Office Building,
Washington, DC.
Hon. BARACK OBAMA,
Hart Senate Office Building,
Washington, DC.
Hon. RICHARD LUGAR,
Hart Senate Office Building,
Washington, DC.
Hon. NORM COLEMAN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATORS: On behalf of the thirty members of the Governors' Ethanol Coalition, we strongly support and endorse the National Security and Bioenergy Investment Act of 2005, as well as your efforts to expand development of other biofuels and co-products. The Governors' Ethanol Coalition is pleased that this bill embodies the recommendations developed by the Coalition in Ethanol From Biomass, America's 21st Century Transportation Fuel. When signed into law, this act will catalyze needed research, production, and use of biofuels and bio-based products, thereby enhancing our economic, environmental, and national security.

The Coalition believes that the nation's dependency on imported oil presents a huge risk to this country's future. The combination of political tensions in major oil-producing nations with growing oil demand from China and India is seriously threatening our national security. Moreover, as we import greater amounts of oil each year, we are draining more and more of the wealth from our states.

The key provisions contained in your bill bring focus and resources to biomass-derived ethanol research and commercialization efforts. The result, over time, will be the replacement of significant amounts of imported oil with domestically produced fuels—improving our rural economies, cleaning our air, and contributing to our national security. Of particular importance is the bill's aim to broaden ethanol production to include all regions of the nation so that many more states will reap the benefits of biofuels.

Again, thank you for inclusion of the Coalition's recommendations in this landmark legislation. Please let us know how the Coalition can help with the passage of this very important legislation. The continued expansion of ethanol production and use, particularly biomass-derived fuels, and the accompanying economic growth and environmental benefits for our states is essential to the nation's long-term economic vitality and national security.

Sincerely,

TIM PAWLENTY,
Chair, Governor of Minnesota.
KATHLEEN SEBELIUS,
Vice Chair, Governor of Kansas.

ENERGY FUTURE℠ COALITION,
Washington, DC, June 8, 2005.

Hon. TOM HARKIN,
Hon. RICHARD G. LUGAR,
U.S. Senate,
Washington, DC.

DEAR SENATORS HARKIN AND LUGAR: On behalf of the Energy Future Coalition, I am writing to commend your leadership and vision in drafting the National Security and Bioenergy Investment Act of 2005.

In our judgment, America's growing dependence on foreign oil endangers our national and economic security. We believe the Federal government should undertake a major new initiative to curtail U.S. oil consumption through improved efficiency and the rapid development and deployment of advanced biomass, alcohol and other available petroleum fuel alternatives.

With such a push, we believe domestic biofuels can cut the nation's oil use by 25 percent by 2025, and substantial further reductions are possible through efficiency gains from advanced technologies. That is an ambitious goal, but it is also an extraordinary opportunity for American leadership, innovation, job creation, and economic growth.

You took an important step forward by introducing S. 650, the Fuels Security Act, incorporated into the Senate energy bill during Committee markup. This legislation is another important step, authorizing the additional research and development and federal incentives needed to accelerate the adoption of biobased fuels and coproducts. We are pleased to support it.

Sincerely,

REID DETCHON.

BIOTECHNOLOGY INDUSTRY
ORGANIZATION,
Washington, DC, June 8, 2005.

Hon. TOM HARKIN,
Ranking Democratic Member.
Hon. RICHARD LUGAR,
Member, U.S. Senate Committee on Agriculture, Nutrition and Forestry, Russell Senate Office Building, Washington, DC.

DEAR SENATORS HARKIN AND LUGAR: The Biotechnology Industry Organization (BIO) Industrial and Environmental Section fully supports the National Security and Bioenergy Investment Act of 2005. We greatly appreciate your vision and initiative to expand the Biomass Research and Development Act and to create new incentives to produce biofuels and biobased products.

America's growing dependence on foreign energy is eroding our national security. We must take steps to drastically increase production of domestic energy. As an active participant in the Energy Future Coalition, BIO believes this country needs a major new initiative to more aggressively research, develop and deploy advanced biofuels technologies. With sufficient government support, we can meet up to 25% of our transportation fuel needs by converting farm crops and crop residues to transportation fuel.

The National Security and Bioenergy Investment Act of 2005 will boost the use of industrial biotechnology to produce fuels and biobased products from renewable agricultural feedstocks. With the use of new biotech tools, we can now utilize millions of tons of crop residues, such as corn stover and wheat straw, to produce sugars that can then be converted to ethanol, chemicals and biobased plastics. These biotech tools can only be rapidly deployed if federal policy makers take steps to help our innovative companies get over the initial hurdles they face during the commercialization phase of bioenergy production and your bill will help get that job done.

We are pleased to endorse this visionary legislation.

Sincerely,

BRENT ERICKSON,
Executive Vice President, Biotechnology Industry Organization.

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, June 7, 2005.

DEAR SENATORS HARKIN AND LUGAR: The Natural Resources Defense Council strongly supports the National Security and Bioenergy Investment Act of 2005, which you introduced today. This important bill would expand and refine research, development, demonstration and deployment efforts for the production of energy from crops grown by farmers here in America. The bill would also expand and improve the Department of Agriculture's efforts to promote a biobased economy, federal bio-energy and bio-product purchasing requirements, and federal educational efforts.

The Research and Development (R&D) title of this bill continues your tradition of leadership in this area by updating the Biomass Research and Development Act of 2000, which you also crafted. This title will not only extend the provisions of the original bill and greatly increase the funding for these provisions, it will also refine the direction of this funding. Taken together, these changes maximize the impacts of R&D on the greatest challenges facing cellulosic biofuels today.

Your bill also creates extremely important production incentives for the first one billion gallons of cellulosic biofuels. The production incentives approach taken by the bill—a combination of fixed incentives per gallon at first, switching over to a reverse auction—will maximize the development of cellulosic biofuels production while minimizing the cost to taxpayers.

In addition, the bill creates an Assistant Secretary of Agriculture for Energy and Biobased Products. Coupled with the bill's development grants, tax incentives, biobased product procurement provisions, and educational program, the bill would make a huge contribution to developing a sustainable biobased economy, reducing our oil dependence and improving our national security.

The technologies advanced by this bill will undoubtedly make important contributions to reducing our global warming pollution and the air and water pollution that comes from our dependence on fossil fuels. We are concerned, however, that the eligibility provisions for forest biomass do not exclude sensitive areas that need protecting, including roadless areas, old growth forests, and other endangered forests, and do not restrict eligibility to renewable sources or prohibit possible conversion of native forests to plantations. We know that you do not want to see this admirable legislation applied in ways that exploit these features, and will be happy to work with you in the future to take any steps needed if abuses arise.

Sincerely,

KAREN WAYLAND,
Legislative Director.

ENVIRONMENTAL LAW AND
POLICY CENTER,
Chicago, IL, June 8, 2005.

Hon. TOM HARKIN,
Hon. RICHARD G. LUGAR,
U.S. Senate,
Washington, DC.

DEAR SENATORS HARKIN AND LUGAR: The Environmental Law and Policy Center ("ELPC") is pleased to support the National Security and Bioenergy Investment Act of 2005, and we commend you for your leadership and vision in introducing this legislation. This bill would accelerate research, development, demonstration and production efforts for energy from farm crops in the United States, especially cellulosic ethanol. It also will expand and prioritize the United States Department of Agriculture's leadership responsibilities to promote clean and sustainable energy development, and it will increase procurement of biobased products.

By significantly expanding the development and production of clean energy "cash crops," this legislation will improve our environmental quality, stimulate significant rural economic development, and strengthen our national energy security. ELPC also appreciates that this legislation reflects your longstanding support for farm-based sustainable energy programs. ELPC strongly supported your successful efforts to create the new Energy Title in the 2002 Farm Bill, which established groundbreaking new federal incentives for renewable energy and energy efficiency, while renewing existing programs such as the Biomass Research and Development Act of 2000.

The National Security and Bioenergy Investment Act of 2005 is a natural complement to the 2002 Farm Bill Energy Title programs, and it will help to strengthen support for the right bioenergy production programs in the 2007 Farm Bill. Accordingly, ELPC is pleased to support this legislation.

Very truly yours,

HOWARD A. LEARNER,
Executive Director.

INSTITUTE FOR LOCAL SELF-RELIANCE,
Washington, DC, June 6, 2005.
Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR TOM HARKIN: Congratulations on your bill, National Security and Bioenergy Investment Act of 2005. It is a breakthrough piece of legislation. Your well-conceived bill, combining needed executive branch changes, welcome increases in research and development funding and innovative commercialization techniques, can move the use of plants as a fuel and industrial material from the margins of the economy to the mainstream. I urge everyone with an interest in our environmental, agricultural and economic future to support this bill.

Sincerely,

DAVID MORRIS,
Vice President.

By Mr. BINGAMAN:

S. 1211. A bill to establish an Office of Foreign Science and Technology Assessment to enable the United States to effectively analyze trends in foreign science and technology, and for other purposes; to the Committee on Foreign Relations.

Mr. BINGAMAN. Mr. President—I rise today to introduce a bill that would establish a capability within the State Department Science Advisor's Office to assess science and technology outside the United States.

Over the past two years I have traveled to Taiwan, China and India to better understand why these developing countries' economies were growing so rapidly. I learned that in all cases the primary reason for their robust growth was the emergence of a well-trained science and engineering workforce that tied directly into their highly competitive innovation economies.

For instance, Taiwan now leads the world in general purpose foundry computer chip facilities, controlling about 70 percent of the world market. A recent Defense Science Board Report entitled "High Performance Microchip Supply" notes that by the end of 2005 there will be 59 300mm chip fabrication plants with only 16 of these located in the United States. The number of U.S. plants has remained constant for the past two years, so as the number of Asian foundries has risen, the share of these advanced chip making facilities has declined from 30 to 20 percent. This report also notes that capital expenditures in the U.S. chip industry has fallen from a high of 42 percent in 2001 to 33 percent in 2004. Conversely, Taiwan's investment has increased from 15 percent in 2002 to 20 percent of the world's capital expenditure in chip facilities and now leads Korea, Japan, and Europe.

There is a good explanation as to why countries such as Taiwan are rapidly rising in the high-technology world. Since 1984 Taiwan has made steady increases in their investments in the building of science based research parks. Hsinchu, their flagship science park, now has over 324 high technology companies, generating over $22 billion annually in gross revenues, and employing a high technology work force exceeding 100,000. This science park is bounded by two universities and contains six national laboratories. Taiwan is now building science parks in the middle and south of the island to concentrate on other fields such as nanoscience, optoelectronics, and biotechnology. These parks are the result of a number of carefully crafted government policies and incentives dealing with taxes, real estate, and fundamental research. In the area of technology transfer, the Taiwan government helped set up the world famous Industrial Technology Research Institute (ITRI) which has over 5,000 scientists working to spin out laboratory ideas across the "valley of death" into new industries. Remarkably, the two chip foundry companies which now control 70 percent of the world's foundry market were launched from ITRI. As a result of this rapid economic growth, Taiwan's technical universities are now world class with their own excellent graduate programs. The reason they are side-by-side with these large science parks is to supply a steady stream of talented researchers.

Recently, our National Academy of Sciences noted in its report, "International Graduate Students and Postdoctoral Scholars," that Taiwan's domestic economic growth has led to fewer Taiwanese students applying to U.S. graduate schools. For the past two decades, Taiwan's students were the core supply of talent in our innovative science and engineering graduate school programs. Of equal concern, the successful Taiwanese scholars who attended graduate school in the United States 20 or 30 years ago are now returning home and giving back their professional wisdom to advance on their birth country's high-technology leadership.

This same story holds true for India. My visit there this January yielded similar observations on their rapidly developing high technology sector. Since 1990, India has invested in the development of software and technology parks and currently has over 40 spread throughout the country. These parks were responsible for much of the high technology development in software and biotechnology. Indeed, multinational companies such as Intel, Microsoft and GE have built large research centers there to tap into the intellectual power educated at the Indian Institutes of Technology and the Indian Institute of Science. GE's Jack Welch R&D Center in Bangalore has 2,300 Ph.D.'s conducting research in all aspects of their product lines. India's GE center now directs their plastics plant in Indiana on how to operate more efficiently in real time over the internet. Intel's research center has 2,000 product engineers designing the chips Americans will use in our computers and home entertainment centers next holiday season. The chips designed at Intel's Bangalore center are fabricated at their plant in Albuquerque. The tables have turned rather dramatically. We used to design the chips here and then they were manufactured overseas.

When I visited Infosys, one of India's largest software companies, I was advised that in 2004 they received 1.2 million on-line employment applications, gave a standardized test to 300,000 job seekers interviewed 30,000, and then hired 10,000. They expect to repeat this same process again this year, which illustrates the deep pool of well trained talent that India has available. A number of the India's leading biotech entrepreneurs I visited with told me they weren't so much afraid of losing talent to the U.S. as they were to Singapore, with its burgeoning government investments in biotechnology.

Similar to Taiwan, the National Academy report also documents a rapid drop in Indian student applications to U.S. graduate schools. India's rapidly developing economy encourages the best and brightest students to stay home and study in India rather than consider U.S. graduate schools. For the past 20 years, we have relied on this influx of the cream of the academic crop I from India and Taiwan to form the high-tech startup companies of Silicon Valley.

The stark question before us—whether it involves India, Taiwan, China, or Singapore is: are we missing the bigger picture? By the time we realize we have a problem in innovation and our investments in science and engineering investments, will it be too late? Will these Pacific Rim countries have climbed past us up the value chain, and will they be able to produce equally innovative high technology product at far cheaper costs?

The bill I am introducing today, may be small, but the consequences are enormous. This measure proposes to authorize a capability in the office of the Science Advisor to the Secretary of State to conduct assessments of the science and technology capabilities in other countries such as India, China and Taiwan.

The director of this office will report to the Secretary of State's Science Advisor. The office will to the maximum extent possible utilize firms that can conduct science and technology assessments in the country of interest to minimize and augment the federal staff. That is why I have proposed giving the office generous contracting authorities with respect to soliciting contracts and disbursing funds so that it may move quickly to gather information on certain topics so that we as a nation are not caught by surprise by an advance in a high technology area.

Additionally, this legislation authorizes a Foreign Science and Technology

Assessment Panel whose purpose is to look over the horizon and choose topics and technologies to assess, as well as to evaluate the timeliness and quality of the reports generated. These reports are to be publicly available, benefiting not only our government by ensuring the nation's leadership in science and engineering, but also our private sector, especially those high technology firms that must successfully compete in a fierce global market. The panel members, to be selected by the Secretary of State in consultation with the Director of the Office of Science and Technology Policy, will be distinguished leaders who have expert knowledge about our competitors' capabilities in science and technology.

High technology moves at a rapid rate, and every sign I picked up from my science and technology trips to China, India, Taiwan, and Japan indicates to me that our government seems to be asleep at the switch here at home with regard to understanding how quickly these countries are moving up the value chain from simple manufacturing to sustained efforts in science and engineering that matches if not exceeds us in the innovation cycle. This bill, while a small step forward, will serve to ensure that we constantly assess where other countries are in that value chain and to make sure we are doing everything possible to maintain our leadership in fields of high technology.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Science and Technology Assessment Act of 2005".

SEC. 2. OFFICE OF FOREIGN SCIENCE AND TECHNOLOGY ASSESSMENT.

(a) ESTABLISHMENT.—There is established within the Department of State an Office of Foreign Science and Technology Assessment.

(b) DIRECTOR.—The head of the Office shall be a Director, who shall be the Science Advisor to the Secretary of State.

(c) PURPOSE.—The purpose of the Office shall be to assess foreign science and technologies that have the capability to cause a loss of high technology industrial leadership in the United States.

(d) OPERATION.—In preparing an assessment of science and technology for a foreign country, the Director shall utilize, to the extent feasible, United States entities capable of operating effectively within such foreign country.

(e) AVAILABILITY OF ASSESSMENTS.—The Director shall make each assessment of foreign science and technology prepared by the Office available to the public in a timely manner.

(f) AUTHORITIES.—In order to gain access to technical knowledge, skills, and expertise necessary to prepare an assessment of foreign science and technology, the Secretary of State may utilize individuals and enter into contracts or other arrangements to acquire needed expertise with any agency or instrumentality of the United States, with any State, territory, possession, or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, with or without reimbursement, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or section 3324 of title 31, United States Code.

SEC. 3. FOREIGN SCIENCE AND TECHNOLOGY ASSESSMENT PANEL.

(a) ESTABLISHMENT.—The Secretary of State shall establish a Foreign Science and Technology Assessment Panel.

(b) PURPOSE.—The purpose of the Panel shall be to provide advice on assessments performed by the Office of Foreign Science and Technology Assessment, including review of foreign science and technology assessment reports, methodologies, subjects of study, and the means of improving the quality and timeliness of the Office.

(c) MEMBERSHIP.—The Panel shall consist of 5 members who, by reason of professional background and experience, are specially qualified to provide advice on the activities of science and technology in foreign countries as such activities apply to the United States.

(d) APPOINTMENT.—The Secretary of State, in consultation with the Director of the Office of Science and Technology Policy in the Executive Office of the President, shall appoint the panel members.

(e) TERM.—A member shall be appointed to the Panel for a term of 3 years.

(f) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of State may accept and employ voluntary and uncompensated services (except for reimbursement of travel expenses) for the purposes of the Panel. An individual providing such a voluntary and uncompensated service may not be considered a Federal employee, except for purposes of chapter 81 of title 5, United States Code, with respect to job-incurred disability and title 28, United States Code, with respect to tort claims.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 1212. A bill to require the Commandant of the Coast Guard to convey the Coast Guard Cutter *Mackinaw*, upon its scheduled decommissioning, to the City and County of Cheboygan, Michigan, to use for purposes of a museum; to the Committee on Commerce, Science, and Transportation.

Ms. STABENOW. Mr. President, I rise today to introduce legislation that will convey the United States Coast Guard Cutter *Mackinaw* to the City and County of Cheboygan for use as a museum.

The United States Coast Guard Cutter *Mackinaw*, or the "Big Mac" as she is affectionately called, was commissioned on December 20, 1944. Congress commissioned her construction during World War II to keep the shipping lanes open during winter months to maintain the production of steel. The *Mackinaw* has provided 60 years of outstanding service to the communities and commercial enterprises of the Great Lakes.

The *Mackinaw* was a state of the art ice breaker ideally suited for the Great Lakes because of her shallower draft, wider beam, and longer length than the polar ice breakers that her design was based on. These attributes enable the *Mackinaw* to break a 70 foot wide channel through 4 feet of solid blue ice to accommodate the largest of the Great Lakes ore carriers. She has also plowed through a remarkable 37 feet of broken ice.

The *Mackinaw* breaks ice for 12 of the 42 weeks of the Great Lakes shipping season. Typically, the *Mackinaw* begins her ice breaking season in the first week of March in the Straights of Mackinac and works her way up through the Soo Locks, to Whitefish Bay and areas of the St. Mary's River before heading to Lake Superior. During her lifetime, the *Mackinaw* has enabled the shipping season to start sooner and last longer to enable the annual delivery of 15 tons of iron ore and other materials. Later in the year the *Mackinaw* works in the lower Lakes' areas where she serves as a buoy tender, carries fuel and supplies to light stations, serves as a training ship, and assists vessels in distress when necessary.

The *Mackinaw* has been stationed in Cheboygan since she began operations in the end of December 1944. She will serve through the winter of 2005 and 2006 and then be decommissioned by the Coast Guard. The *Mackinaw* will be a great local attraction, encourage tourism, build jobs and aid the local economy.

The City of Cheboygan and the surrounding community are committed to transforming this historic landmark into a museum after she has been decommissioned. I am hopeful that she will be maintained for the public for years to come. While her age has made her expensive to maintain, the *Mackinaw* can still teach our children and visitors of Michigan's Great Lakes heritage.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER MACKINAW.

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter MACKINAW, the Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to that vessel to the City and County of Cheboygan, Michigan, without consideration, if—

(1) the recipient agrees—

(A) to use the vessel for purposes of a museum;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) the recipient has funds available that will be committed to operate and maintain the vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in an amount of at least $700,000; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—Prior to conveyance of the vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function for purposes of a museum.

By Ms. STABENOW (for herself and Mr. SMITH):

S. 1213. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for the purchase of a principal residence by a first-time homebuyer; to the Committee on Finance.

Ms. STABENOW. Mr. President, I believe "home" is one of the warmest words in the English language. At the end of a long day, I think the favorite phrase of every hardworking man and woman in this country is: "Well, I'll see you tomorrow. I'm going home now."

And, that is why I rise today to introduce the First Time Homebuyers' Tax Credit Act of 2005.

The bill I am introducing will spread that warmth by opening the door to homeownership to millions of hardworking families, helping them cover the initial down payment and closing costs.

This initiative is in keeping with our longstanding national policy of encouraging homeownership.

Owning a home has always been a fundamental part of the American dream.

We, in Congress, have long recognized the social and economic value in high rates of homeownership through laws that we have enacted, such as the mortgage interest tax deduction and the capital gains exclusion on the sale of a home.

Over the life of a loan, the mortgage interest tax deduction can save homeowners thousands of dollars that they could use for other necessary family expenses such as education or health care.

These benefits, however, are only available to individuals who own their own home.

It is important also to note that owning a home is a principle and reliable source of savings as homeowners build equity over the years and their homes appreciate.

For many people, it is home equity—not stocks—that help them through the retirement years.

In addition, owning a home insulates people from spikes in housing costs.

Indeed, while rents may go up, the costs of a fixed monthly mortgage payment, in relative terms, will go down over the course of the mortgage.

Clearly, one of the biggest barriers to homeownership for working families is the cost of a down payment and the costs associated with closing a mortgage.

According to the Mortgage Bankers Association, typical closing costs on an average sized loan of $200,000 can approach approximately $6,000.

Even with mortgage products that allow a down payment of 3 percent of the value of a home, total costs can quickly approach $9,000.

This is an impossible amount to save for those who are working hard to make ends meet. The problem is only getting worse as home values climb faster than families can save for a down payment.

To address this problem, I am introducing the First Time Homebuyers' Tax Credit Act of 2005.

My bill authorizes a one-time tax credit of up to $3,000 for individuals and $6,000 for married couples.

This credit is similar to the existing mortgage interest tax deduction in that it creates incentives for people to buy a home.

To be eligible for the credit, taxpayers must be first-time homebuyers who were within the 25 percent bracket or lower in the year before they purchase their home. That is $71,950 for single filers, $102,800 for heads of household, and $119,950 for joint returns. There is a dollar-for-dollar phase-out beyond the cap.

Normally, tax credits like this are an after-the-fact benefit. They do little to get people actually into a home.

What is particularly innovative and beneficial about the tax credit in this bill, however, is that, for the first time, the taxpayer can either claim the credit in the year after he or she buys a first home or the taxpayer can transfer the credit directly to a lender at closing.

The transferred credit would go toward helping with the down payment or closing costs. This is cash at the table.

As mandated in the bill, the eligible homebuyer would have the money for the lender from the Treasury within 30 days of application.

I am happy to say that this legislation has had strong support. When this bill was first introduced in 2003 it garnered the support of: The American Bankers Association, America's Community Bankers, the Housing Partnership Network, the National Housing Conference, the National Congress for Community Economic Development, the National Council of La Raza, the National Association of Affordable Housing Lenders, the Manufactured Housing Institute, Fannie Mae, Freddie Mac, National Community Reinvestment Coalition, Standard Federal Bank, Habitat for Humanity, and, the National American Indian Housing Council.

Clearly, the breadth and diversity of support is strong for this legislation.

This is a bold and aggressive effort to reach out to a large number of working families to help them get into this first home.

The Joint Committee on Taxation has estimated that more than fifteen million working people would get into their first home over the next seven years because of this new tax credit.

We are working to send a message to people all over the country that if you are working hard to save up enough to get into that first home, the Federal government will make a strategic investment in your family—it will offer a hand up.

This is not unlike what we already do through the mortgage interest tax deduction for millions of people who are fortunate enough to already own their own home.

We certainly won't do all the hard work for you. You must be frugal and save and do most of the work yourself, but we, in Congress, understand that it is good for America to enhance homeownership.

We also understand that this sort of investment in working families stimulates the economy.

No one can deny that when the First Time Homebuyers' Tax Credit is enacted and used by millions of people, every single time the credit is used, it will be stimulative. Why?

Because it means someone bought a house. And that generates economic activity for multiple small business people. House appraisers and Inspectors. Realtors. Lenders. Title insurers. And so on. And there is a ripple of economic activity by the new homeowners as they fix up their new homes and get settled in.

Housing has been such a bright light in the sluggish economy we've faced for the last several years. My bill is designed to ensure that the housing sector remains a strong component of our economy.

Finally, let me close by emphasizing how happy and proud I am that this tax legislation is bipartisan. In a closely divided Senate, and a closely divided Congress, it is so important to work across the aisle and Senator SMITH, who is a real champion for good housing policy, is someone I want to work closely with on this bill and other important housing legislation. He understands how housing tax benefits help build strong communities and provide economic security for millions of families.

I am committed to seeing this legislation passed. And, I welcome the chance to work with all of my colleagues to see the dream of homeownership expanded to all people.

Home. Sentimentally, it is one of the warmest words in the English language. Economically, it's the key word in bringing millions of families in from the cold and letting them begin building wealth for themselves and their family.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "First-Time Homebuyers' Tax Credit Act of 2005".

SEC. 2. REFUNDABLE CREDIT FOR FIRST-TIME HOMEBUYERS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

"SEC. 36. PURCHASE OF PRINCIPAL RESIDENCE BY FIRST-TIME HOMEBUYER.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual who is a first-time homebuyer of a principal residence in the United States during any taxable year, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 10 percent of the purchase price of the residence.

"(b) LIMITATIONS.—

"(1) MAXIMUM DOLLAR AMOUNT.—

"(A) IN GENERAL.—The credit allowed under subsection (a) shall not exceed the excess (if any) of—

"(i) $3,000 (2 times such amount in the case of a joint return), over

"(ii) the credit transfer amount determined under subsection (c) with respect to the purchase to which subsection (a) applies.

"(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after December 31, 2005, the $3,000 amount under subparagraph (A) shall be increased by an amount equal to $3,000, multiplied by the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins by substituting '2004' for '1992' in subparagraph (B) thereof. If the $3,000 amount as adjusted under the preceding sentence is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10.

"(2) TAXABLE INCOME LIMITATION.—

"(A) IN GENERAL.—If the taxable income of the taxpayer for any taxable year exceeds the maximum taxable income in the table under subsection (a), (b), (c), or (d) of section 1, whichever is applicable, to which the 25 percent rate applies, the dollar amounts in effect under paragraph (1)(A)(i) for such taxpayer for the following taxable year shall be reduced (but not below zero) by the amount of the excess.

"(B) CHANGE IN RETURN STATUS.—In the case of married individuals filing a joint return for any taxable year who did not file such a joint return for the preceding taxable year, subparagraph (A) shall be applied by reference to the highest taxable income of either such individual for the preceding taxable year.

"(c) TRANSFER OF CREDIT.—

"(1) IN GENERAL.—A taxpayer may transfer all or a portion of the credit allowable under subsection (a) to 1 or more persons as payment of any liability of the taxpayer arising out of—

"(A) the downpayment of any portion of the purchase price of the principal residence, and

"(B) closing costs in connection with the purchase (including any points or other fees incurred in financing the purchase).

"(2) CREDIT TRANSFER MECHANISM.—

"(A) IN GENERAL.—Not less than 180 days after the date of the enactment of this section, the Secretary shall establish and implement a credit transfer mechanism for purposes of paragraph (1). Such mechanism shall require the Secretary to—

"(i) certify that the taxpayer is eligible to receive the credit provided by this section with respect to the purchase of a principal residence and that the transferee is eligible to receive the credit transfer,

"(ii) certify that the taxpayer has not received the credit provided by this section with respect to the purchase of any other principal residence,

"(iii) certify the credit transfer amount which will be paid to the transferee, and

"(iv) require any transferee that directly receives the credit transfer amount from the Secretary to notify the taxpayer within 14 days of the receipt of such amount.

Any check, certificate, or voucher issued by the Secretary pursuant to this paragraph shall include the taxpayer identification number of the taxpayer and the address of the principal residence being purchased.

"(B) TIMELY RECEIPT.—The Secretary shall issue the credit transfer amount not less than 30 days after the date of the receipt of an application for a credit transfer.

"(3) PAYMENT OF INTEREST.—

"(A) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary shall pay interest on any amount which is not paid to a person during the 30-day period described in paragraph (2)(B).

"(B) AMOUNT OF INTEREST.—Interest under subparagraph (A) shall be allowed and paid—

"(i) from the day after the 30-day period described in paragraph (2)(B) to the date payment is made, and

"(ii) at the overpayment rate established under section 6621.

"(C) EXCEPTION.—This paragraph shall not apply to failures to make payments as a result of any natural disaster or other circumstance beyond the control of the Secretary.

"(4) EFFECT ON LEGAL RIGHTS AND OBLIGATIONS.—Nothing in this subsection shall be construed to—

"(A) require a lender to complete a loan transaction before the credit transfer amount has been transferred to the lender, or

"(B) prevent a lender from altering the terms of a loan (including the rate, points, fees, and other costs) due to changes in market conditions or other factors during the period of time between the application by the taxpayer for a credit transfer and the receipt by the lender of the credit transfer amount.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) FIRST-TIME HOMEBUYER.—

"(A) IN GENERAL.—The term 'first-time homebuyer' has the same meaning as when used in section 72(t)(8)(D)(i).

"(B) ONE-TIME ONLY.—If an individual is treated as a first-time homebuyer with respect to any principal residence, such individual may not be treated as a first-time homebuyer with respect to any other principal residence.

"(C) MARRIED INDIVIDUALS FILING JOINTLY.—In the case of married individuals who file a joint return, the credit under this section is allowable only if both individuals are first-time homebuyers.

"(D) OTHER TAXPAYERS.—If 2 or more individuals who are not married purchase a principal residence—

"(i) the credit under this section is allowable only if each of the individuals is a first-time homebuyer, and

"(ii) the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed the amount in effect under subsection (b)(1)(A) for individuals filing joint returns.

"(2) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121. Except as provided in regulations, an interest in a partnership, S corporation, or trust which owns an interest in a residence shall not be treated as an interest in a residence for purposes of this paragraph.

"(3) PURCHASE.—

"(A) IN GENERAL.—The term 'purchase' means any acquisition, but only if—

"(i) the property is not acquired from a person whose relationship to the person acquiring it would result in the disallowance of losses under section 267 or 707(b) (but, in applying section 267 (b) and (c) for purposes of this section, paragraph (4) of section 267(c) shall be treated as providing that the family of an individual shall include only the individual's spouse, ancestors, and lineal descendants), and

"(ii) the basis of the property in the hands of the person acquiring it is not determined—

"(I) in whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired, or

"(II) under section 1014(a) (relating to property acquired from a decedent).

"(B) CONSTRUCTION.—A residence which is constructed by the taxpayer shall be treated as purchased by the taxpayer.

"(4) PURCHASE PRICE.—The term 'purchase price' means the adjusted basis of the principal residence on the date of acquisition (within the meaning of section 72(t)(8)(D)(iii)).

"(e) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under subsection (a) for any expense for which a deduction or credit is allowed under any other provision of this chapter.

"(f) Basis Adjustment.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.

"(g) Property to Which Section Applies.—

"(1) In general.—The provisions of this section apply to a principal residence if—

"(A) the taxpayer purchases the residence on or after January 1, 2005, and before January 1, 2010, or

"(B) the taxpayer enters into, on or after January 1, 2005, and before January 1, 2010, a binding contract to purchase the residence, and purchases and occupies the residence before July 1, 2011.".

(b) Conforming Amendments.—

(1) Subsection (a) of section 1016 of the Internal Revenue Code of 1986 (relating to general rule for adjustments to basis) is amended by striking "and" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ", and", and by adding at the end the following new paragraph:

"(32) in the case of a residence with respect to which a credit was allowed under section 36, to the extent provided in section 36(f).".

(2) Section 1324(b)(2) of title 31, United States Code, is amended by striking "or" before "enacted" and by inserting before the period at the end ", or from section 36 of such Code".

(c) Clerical Amendment.—The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 36 and inserting the following new items:

"Sec. 36. Purchase of principal residence by first-time homebuyer.
"Sec. 37. Overpayments of tax.".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

Mr. SMITH. Mr. President, today I introduce important legislation to enable more Americans to realize the dream of homeownership. The First-Time Homebuyers' Tax Credit Act that Senator Stabenow and I are introducing would give a one-time tax credit that will help more Americans to become homeowners.

Homeownership brings safety and stability to families and their communities. People who own their homes have the security of knowing that they have a reliable investment, and they are protected from spikes in housing costs. Yet despite these advantages, barriers exist for many who are looking to make the leap to homeownership.

Even for families and individuals who can make monthly mortgage payments, down payment and closing costs can prove too great a burden. Based on information from the Mortgage Bankers Association, the average loan of $175,000 would incur closing costs of approximately $4,000. Combined with even a modest down-payment of as little as 3 percent of a home's value, total costs can quickly approach $9,000 or more.

To help Americans achieve the dream of private homeownership, the First-Time Homebuyer Bill would provide a tax credit of up to $3,000 to individuals and up to $6,000 for families falling within or below the 27 percent tax bracket.

The bill would allow first-time homebuyers to claim the credit on their tax return or transfer the credit directly to the lender at closing, providing an immediate benefit to potential homeowners. This credit is similar to the Washington DC Homebuyers' Tax Credit.

While Congress has enacted legislation to increase incentives for homeownership in the past, including the mortgage interest tax deduction, these benefits are available only to those who already own a home. In contrast, the First Time Homebuyer Bill will help increase homeownership among those who are working towards their first home purchase.

I thank you for the opportunity to speak today, and I urge my colleagues to support this important legislation.

By Ms. SNOWE (for herself, Mr. Reid, Mr. Warner, Mr. Leahy, Mr. Chafee, Mrs. Murray, Mr. Kennedy, Mr. Akaka, Mr. Durbin, Ms. Cantwell, and Mr. Lautenberg):

S. 1214. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, this year well over 6 million pregnancies will occur in America. The challenge of raising healthy children and preparing them for a changing world is a staggering one indeed. This is even more so when so frequently both parents are working. So it is tragic that half of all pregnancies today are unplanned. In too many cases, this means that the necessary financial, emotional and other resources for parenting are simply not present. I think we certainly share a broad consensus that every child should be wanted, and that parents should have the resources to ensure their child's health and success.

This week we have commemorated the 40th anniversary of a landmark Supreme Court decision, that of Griswold v. Connecticut, in which the right of married couples to contraceptives and family planning counseling was recognized. Yet less than a decade ago, when we examined the state of contraceptive coverage by insurance plans, it certainly was discouraging. While many health plans included coverage for prescription drugs, nearly half did not cover even oral contraceptives. Needless to say, many other contraceptive options for women, such as the diaphragm, implants, and injectable methods were covered even less frequently. This is disturbing, as contraception is so vital to a woman's health. Most women will spend just a few years attempting to conceive, with the average woman desiring two children. That leaves about 30 years in which women need access to safe, affordable contraceptives.

The benefits of contraception should be obvious. The maternal death rate in the U.S. is only one third what it was back in 1965 before Griswold. The same is true for infant survival. Family planning preserves a woman's health, and allows couples to ensure that they have the means to give every child the attention, support, and resources they need.

So today I am joining again with Senator Reid to introduce legislation to ensure broader access to contraception—to ensure that the promise of Griswold v. Connecticut is fully realized. I thank him for his ongoing leadership on this issue. We both agree that contraception coverage is essential to reducing unwanted pregnancies and to ensuring that every couple can employ family planning. The Equity in Prescription Insurance and Contraceptive Coverage Act, which we again introduce today, will assure that for those plans which provide prescription drug coverage, contraceptive coverage is not excluded. It further ensures that contraceptive services are provided equitably with other outpatient services.

Such coverage is just what the Institute of Medicine called for back in 1995, when the Institute reported that a lack of coverage was a major contributor to unwanted pregnancy. Expanding the proportion of health plans which cover contraception is one of the Surgeon General's objectives for the Healthy People 2010 plan. We can certainly achieve that objective and ensure that in 2010, unwanted pregnancies are exceedingly rare.

Some may argue that such a mandate creates yet more costs for providers, but the evidence fails to support that notion. We have seen that for every dollar in public funds which is invested in family planning, three dollars is saved in Medicaid costs for pregnancy-related health care and medical care for newborns. Indeed after we acted in 1998 to assure coverage to women in the Federal Employees Health Benefits Program, the Office of Personnel Management concluded in 2001 that there was no cost increase due to coverage.

Many health providers have come to the same conclusion. I note that approximately 90 percent of plans now cover the leading methods of reversible contraception. So we have come a long way.

There should be no mistake—this issue boils down the principles of basic fairness—fairness for half this Nation's population, fairness in how we view and treat a woman's reproductive health versus every other kind of health care need that can be addressed with prescription drugs. The facts are not in dispute—the lack of equitable coverage of prescription contraceptives has a very real impact on the lives of America's women and, therefore, our society as a whole. This is not overstatement, this is reality.

All we are saying is that if an employer provides insurance coverage for all other prescription drugs, they must also provide coverage for FDA-approved prescription contraceptives—it is that simple, it is that fair, and it builds on existing law and jurisprudence.

The approach we are taking today has already been endorsed by a total of 29 States—including my home State of Maine—that have passed similar laws since 1998. This is real progress but this piecemeal approach to fairness leaves many American women at the mercy of geography when it comes to the coverage they deserve.

But fairness is not the only issue. We believe that EPICC not only makes sense in terms of the cost of contraceptives for women, but also as a means bridging the pro-choice pro-life chasm by helping prevent unintended pregnancies and thereby also preventing abortions. The fact of the matter is, we know that there are over three million unintended pregnancies every year in the United States. We also know that almost half of those pregnancies result from women who do not use contraceptives. Most of the other half involved inconsistent or incorrect use of contraceptives—and in many of these cases, the women would benefit from counseling or provision of a contraceptive which is more appropriate to their circumstances.

Surveys consistently demonstrate that almost 9 out of 10 Americans support contraception access and over 75 percent support laws requiring health insurance plans to cover methods of contraception such as birth control pills.

The question before us is, if EPICC-style coverage is good enough for 9 million Federal employees and their dependents, if it is good enough for every Member of Congress and every Senator, why is not it good enough for the American people?

Women should have control over their reproductive health. It is the best interests of their overall health, their children and their future children's health—and when we have fewer unintended pregnancies, we will reduce the number of abortions. We need to finally fix this inequity in prescription drug coverage and make certain that all American women have access to this most basic health need. I thank all of those who have supported us in this effort, and call upon each of my colleagues to join us to ensure that more couples have access to family planning to reduce unwanted pregnancies, and to assure the health and security of American families.

Mr. REID. Mr. President, this week marks the fortieth anniversary of the U.S. Supreme Court decision in Griswold v. Connecticut that struck down a Connecticut law that had made the use of birth control by married couples illegal. This decision laid the groundwork for widespread access to birth control for all American women.

In the 40 years since this landmark decision, increased access to birth control has contributed to a dramatic improvement in maternal and infant health and has drastically reduced the infant death rate in our country.

In spite of these advances, we still have a long way to go. The United States has among the highest rates of unintended pregnancies of all industrialized nations. Half of all pregnancies in the United States are unintended, and nearly half of those end in abortion.

Making contraception more accessible and affordable is one crucial step toward reducing unintended pregnancies, reducing abortions and improving women's health.

We cannot allow the pendulum to swing backwards. That is why Senator SNOWE and I are reintroducing the Equity in Prescription and Contraception Coverage Act of 2005, EPICC. Over the last 8 years, Senator SNOWE and I have joined together to advance this important legislation.

The EPICC legislation is also a critical component of the Prevention First Act, S. 20. This legislation includes a number of provisions that will improve women's health, reduce the rate of unintended pregnancy and reduce abortions.

The legislation we are introducing today proves we can find not only common ground, but also a commonsense solution to these important challenges.

By making sure women can afford their prescription contraceptives, our bill will help to reduce the staggering rates of unintended pregnancy in the United States, and reduce abortions.

It is a national tragedy that half of all pregnancies nationwide are unintended, and that half of those will end in abortions. It is a tragedy, but it doesn't have to be. If we work together, we can prevent these unintended pregnancies and abortions.

One of the most important steps we can take to prevent unintended pregnancies, and to reduce abortions, is to make sure American women have access to affordable, effective contraception.

There are a number of safe and effective contraceptives available by prescription. Used properly, they greatly reduce the rate of unintended pregnancies.

However, many women simply can't afford these prescriptions, and their insurance doesn't pay for them, even though it covers other prescriptions.

This is not fair. We know women on average earn less than men, yet they must pay far more than men for health-related expenses.

According to the Women's Research and Education Institute, women of reproductive age pay 68 percent more in out-of-pocket medical expenses than men, largely due to their reproductive health-care needs.

Because many women can't afford the prescription contraceptives they would like to use, many do without them, and the result, all too often, is unintended pregnancy and abortion.

This isn't an isolated problem. The fact is, a majority of women in this country are covered by health insurance plans that do not provide coverage for prescription contraceptives

This is unfair to women. It is bad policy that causes additional unintended pregnancies, and adversely affects women's health.

Senator SNOWE and I first introduced our legislation in 1997. Since then, the Viagra pill went on the market, and one month later it was covered by most insurance policies.

Birth control pills have been on the market since 1960, and today, 45 years later, they are covered by only one-third of health insurance policies.

So, today we find ourselves in the inexplicable situation where most insurance policies pay for Viagra, but not for prescription contraceptives that prevent unintentional pregnancies and abortions.

This isn't fair, and it isn't even cost-effective, because most insurance policies do cover sterilization and abortion procedures. In other words, they won't pay for the pills that could prevent an abortion, but they will pay for the procedure itself, which is much more costly.

The Federal Employee Health Benefits Program, which has provided contraceptive coverage for several years, shows that adding such coverage does not make the plan more expensive.

In December 2000, the U.S. Equal Employment Opportunity Commission, EEOC ruled that an employer's failure to include insurance coverage for prescription contraceptives, when other prescription drugs and devices are covered, constitutes unlawful sex discrimination under Title VII of the Civil Rights Act of 1964.

On June 12, 2001, a Federal district court in Seattle made the same finding in the case of Erickson v. Bartell Drug Company.

These decisions confirm what we have known all along: contraceptive coverage is a matter of equity and fairness for women.

We are not asking for special treatment of contraceptives, only equitable treatment within the context of an existing prescription drug benefit.

This legislation is right because it is fair to women.

It is right because it is more cost-effective than other services, including abortions, sterilizations and tubal ligations, costly procedures that most insurance companies routinely cover.

And it is right because it will prevent unintended pregnancies and reduce abortions, goals we all share.

This is common sense, common-ground legislation, and it is long overdue.

By Mr. GREGG (for himself, Ms. MIKULSKI, Mr. SARBANES, Mr. BIDEN, Mr. CORZINE, Ms. SNOWE, Mr. REED, Ms. CANTWELL, Mrs. MURRAY, Mr. COCHRAN, Mr. KERRY, Mr. INOUYE, and Mrs. FEINSTEIN):

S. 1215. A bill to authorize the acquisition of interests in underdeveloped coastal areas in order better to ensure their protection from development; to the Committee on Commerce, Science, and Transportation.

Mr. GREGG. Mr. President, I rise today along with Senator MIKULSKI to introduce the Coastal and Estuarine Land Protection Act. We are introducing this much needed coastal protection act along with Senators SARBANES, BIDEN, CORZINE, SNOWE, REED, CANTWELL, MURRAY, COCHRAN, KERRY, WYDEN, and INOUYE. In addition, this legislation is supported by the Trust for Public Land, Coastal States Organization, International Association of Fish and Wildlife Agencies, Association of National Estuary Programs, the Land Trust Alliance, Society for the Protection of New Hampshire Forests, The Conservation Fund, NH Audubon, Restore America's Estuaries, and National Estuarine Research Reserve Association.

The Coastal and Estuarine Land Protection Act promotes coordinated land acquisition and protection efforts in coastal and estuarine areas by fostering partnerships between nongovernmental organizations and Federal, State, and local governments. As clearly outlined by the U.S. Commission of Ocean Policy, these efforts are urgently needed. With Americans rapidly moving to the coast, pressures to develop critical coastal ecosystems are increasing. There are fewer and fewer undeveloped and pristine areas left in the Nation's coastal and estuarine watersheds. These areas provide important nursery habitat for two-thirds of the Nation's commercial fish and shellfish, provide nesting and foraging habitat for coastal birds, harbor significant natural plant communities, and serve to facilitate coastal flood control and pollutant filtration.

The Coastal and Estuarine Land Protection Act pairs willing sellers through community-based initiatives with sources of Federal funds to enhance environmental protection. Lands can be acquired in full or through easements, and none of the lands purchased through this program would be held by the Federal Government. This bill puts land conservation initiatives in the hands of State and local communities. This new program, authorized through the National Oceanic and Atmospheric Administration at $60,000,000 per year, would provide Federal matching funds to States with approved coastal management programs or to National Estuarine Research Reserves through a competitive grant process. Federal matching funds may not exceed 75 percent of the cost of a project under this program, and non-Federal sources may count in-kind support toward their portion of the cost share.

This coastal land protection program provides much need support for local coastal conservation initiatives throughout the country. For instance, I have worked hard to secure significant funds for the Great Bay estuary in New Hampshire. This estuary is the jewel of the seacoast region, and is home to a wide variety of plants and animal species that are particularly threatened by encroaching development and environmental pollutants. By working with local communities to purchase lands or easements on these valuable parcels of land, New Hampshire has been able to successfully conserve the natural and scenic heritage of this vital estuary.

Programs such as the Coastal and Estuarine Land Protection program will further enable other States to participate in these community-based conservation efforts in coastal areas. This program was modeled after the U.S. Department of Agriculture's successful Forest Legacy Program, which has conserved millions of acres of productive and ecologically significant forest land around the county.

I welcome the opportunity to offer this important legislation, with my good friend from Maryland, Senator MIKULSKI. I am thankful for her leadership on this issue, and look forward to working with her to make the vision for this legislation a reality, and to successfully conserve our coastal lands for their ecological, historical, recreational, and aesthetic values.

By Mr. CORZINE:

S. 1216. A bill to require financial institutions and financial service providers to notify customers of the unauthorized use of personal financial information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORZINE. Mr. President, identity theft is a serious and growing concern facing our Nation's consumers. According to the Federal Trade Commission, nearly 10 million Americans were the victims of identity theft in 2003, three times the number of victims just 3 years earlier. Research shows that there are more than 13 identity thefts every minute.

According to the Identity Theft Resource Center, identity theft victims spend on average nearly 600 hours recovering from the crime. Additional research indicates the costs of lost wages and income as a result of the crime can soar as high as $16,000 per incident. No one wants to suffer this kind of hardship.

Events this week have further served to highlight how serious the problem has become. The announcement by Citigroup that a box of computer tapes containing information on 3.9 million customers was lost by United Parcel Service in my own State of New Jersey while in transit to a credit reporting agency is the latest in a line of recent, high profile incidents. In fact, I myself was a victim of a similar recent loss of computer tapes by Bank of America.

In both of these cases, Citigroup and Bank of America acted responsibly and notified possible victims in a prompt and timely manner. But this is not always the case.

At the very least, consumers deserve to be made aware when their personal information has been compromised. Right now, they must hope that the laws of a few individual States, such as California, apply to their case, or that victimized institutions will act responsibly on their own.

The legislation I am introducing today, the Financial Privacy Breach Notification Act of 2005, would protect consumers by requiring prompt notification by any financial institution or affiliated data broker in all cases, subject, of course, to the concerns of law enforcement agencies. It would also require automatic inclusion of fraud alerts in victim's credit files to minimize the damage done.

Notification by itself won't solve everything, but it is an important first step that requires immediate attention. I intend to introduce more comprehensive legislation in the very near future to further protect consumers against the growing threat of identity theft, but requiring notification in a uniform fashion is an important and urgently needed first step.

It is imperative that we take action to combat the growing threat of identity theft. This crime harms individuals and families, and drags down our economy in the form of lost productivity and capital. We can do more and we must do more.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Financial Privacy Breach Notification Act of 2005".

SEC. 2. TIMELY NOTIFICATION OF UNAUTHORIZED ACCESS TO PERSONAL FINANCIAL INFORMATION.

Subtitle B of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6821 et seq.) is amended—

(1) by redesignating sections 526 and 527 as sections 528 and 529, respectively; and

(2) by inserting after section 525 the following:

"SEC. 526. NOTIFICATION TO CUSTOMERS OF UNAUTHORIZED ACCESS TO PERSONAL FINANCIAL INFORMATION.

"(a) Definitions.—In this section:

"(1) Breach.—The term 'breach'—

"(A) means the unauthorized acquisition, or loss, of computerized data or paper records which compromises the security, confidentiality, or integrity of personal financial information maintained by or on behalf of a financial institution; and

"(B) does not include a good faith acquisition of personal financial information by an employee or agent of a financial institution for a business purpose of the institution, if the personal financial information is not subject to further unauthorized disclosure.

"(2) Personal financial information.—The term 'personal financial information' means the last name of an individual in combination with any 1 or more of the following data elements, when either the name or the data elements are not encrypted:

"(A) Social security number.

"(B) Driver's license number or State identification number.

"(C) Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to the financial account of an individual.

"(b) Notification to Customers Relating to Unauthorized Access of Personal Financial Information.—

"(1) Financial institution requirement.—In any case in which there has been a breach of personal financial information at a financial institution, or such a breach is reasonably believed to have occurred, the financial institution shall promptly notify—

"(A) each customer affected by the violation or suspected violation;

"(B) each consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a); and

"(C) appropriate law enforcement agencies, in any case in which the financial institution has reason to believe that the breach or suspected breach affects a large number of customers, including as described in subsection (e)(1)(C), subject to regulations of the Federal Trade Commission.

"(2) Other entities.—For purposes of paragraph (1), any person that maintains personal financial information for or on behalf of a financial institution shall promptly notify the financial institution of any case in which such customer information has been, or is reasonably believed to have been, breached.

"(c) Timeliness of Notification.—Notification required by this section shall be made—

"(1) promptly and without unreasonable delay, upon discovery of the breach or suspected breach; and

"(2) consistent with—

"(A) the legitimate needs of law enforcement, as provided in subsection (d); and

"(B) any measures necessary to determine the scope of the breach or restore the reasonable integrity of the information security system of the financial institution.

"(d) Delays for Law Enforcement Purposes.—Notification required by this section may be delayed if a law enforcement agency determines that the notification would impede a criminal investigation, and in any such case, notification shall be made promptly after the law enforcement agency determines that it would not compromise the investigation.

"(e) Form of Notice.—Notification required by this section may be provided—

"(1) to a customer—

"(A) in written notification;

"(B) in electronic form, if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in section 101 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001);

"(C) if the Federal Trade Commission determines that the number of all customers affected by, or the cost of providing notifications relating to, a single breach or suspected breach would make other forms of notification prohibitive, or in any case in which the financial institution certifies in writing to the Federal Trade Commission that it does not have sufficient customer contact information to comply with other forms of notification, in the form of—

"(i) an e-mail notice, if the financial institution has access to an e-mail address for the affected customer that it has reason to believe is accurate;

"(ii) a conspicuous posting on the Internet website of the financial institution, if the financial institution maintains such a website; or

"(iii) notification through the media that a breach of personal financial information has occurred or is suspected that compromises the security, confidentiality, or integrity of customer information of the financial institution; or

"(D) in such other form as the Federal Trade Commission may by rule prescribe; and

"(2) to consumer reporting agencies and law enforcement agencies (where appropriate), in such form as the Federal Trade Commission may prescribe, by rule.

"(f) Content of Notification.—Each notification to a customer under subsection (b) shall include—

"(1) a statement that—

"(A) credit reporting agencies have been notified of the relevant breach or suspected breach; and

"(B) the credit report and file of the customer will contain a fraud alert to make creditors aware of the breach or suspected breach, and to inform creditors that the express authorization of the customer is required for any new issuance or extension of credit (in accordance with section 605(g) of the Fair Credit Reporting Act); and

"(2) such other information as the Federal Trade Commission determines is appropriate.

"(g) Compliance.—Notwithstanding subsection (e), a financial institution shall be deemed to be in compliance with this section, if—

"(1) the financial institution has established a comprehensive information security program that is consistent with the standards prescribed by the appropriate regulatory body under section 501(b);

"(2) the financial institution notifies affected customers and consumer reporting agencies in accordance with its own internal information security policies in the event of a breach or suspected breach of personal financial information; and

"(3) such internal security policies incorporate notification procedures that are consistent with the requirements of this section and the rules of the Federal Trade Commission under this section.

"(h) Civil Penalties.—

"(1) Damages.—Any customer injured by a violation of this section may institute a civil action to recover damages arising from that violation.

"(2) Injunctions.—Actions of a financial institution in violation or potential violation of this section may be enjoined.

"(3) Cumulative effect.—The rights and remedies available under this section are in addition to any other rights and remedies available under applicable law.

"(i) Rules of Construction.—

"(1) In general.—Compliance with this section by a financial institution shall not be construed to be a violation of any provision of subtitle (A), or any other provision of Federal or State law prohibiting the disclosure of financial information to third parties.

"(2) Limitation.—Except as specifically provided in this section, nothing in this section requires or authorizes a financial institution to disclose information that it is otherwise prohibited from disclosing under subtitle A or any other provision of Federal or State law.

"(j) Enforcement.—The Federal Trade Commission is authorized to enforce compliance with this section, including the assessment of fines for violations of subsection (b)(1).".

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on the expiration of the date which is 6 months after the date of enactment of this Act.

By Mr. BINGAMAN (for himself, Mr. DeWine, Mr. Corzine, Mr. Durbin, Mr. Schumer, Mr. Johnson, Ms. Cantwell, Mr. Lautenberg, Ms. Stabenow, Mr. Kennedy, Mrs. Clinton, Mr. Kerry, Ms. Mikulski, Mr. Akaka, Mr. Salazar, and Mr. Sarbanes):

S. 1217. A bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce bipartisan legislation entitled "Ending the Medicare Disability Waiting Period Act of 2005" with Senators DeWine, Corzine, Durbin, Schumer, Johnson, Cantwell, Lautenberg, Stabenow, Kennedy, Clinton, Kerry, Mikulski, Akaka, Salazar, and Sarbanes. This legislation would phase-out the current 2-year waiting period that people with disabilities must endure after qualifying for Social Security Disability Insurance (SSDI). In the interim or as the waiting period is being phased out, the bill would also create a process by which the Secretary can immediately waive the waiting period for people with life-threatening illnesses.

When Medicare was expanded in 1972 to include people with significant disabilities, lawmakers created the 24-

month waiting period. According to a July 2003 report from the Commonwealth Fund, it is estimated that over 1.2 million SSDI beneficiaries are in the Medicare waiting period at any given time, "all of whom are unable to work because of their disability and most of whom have serious health problems, low incomes, and limited access to health insurance."

The stated reason at the time was to limit the fiscal cost of the provision. However, I would assert that there is no reason, be it fiscal or moral, to tell people that they must wait longer than 2 years after becoming severely disabled before we provide them access to much needed health care.

In fact, it is important to note that there really are actually three waiting periods that are imposed upon people seeking to qualify for SSDI. First, there is the disability determination process through the Social Security Administration, which often takes many months or even longer than a year in some cases. Second, once a worker has been certified as having a severe or permanent disability, they must wait an additional 5 months before receiving their first SSDI check. And third, after receiving that first SSDI check, there is the 2-year period that people must wait before their Medicare coverage begins.

What happens to the health and well-being of people waiting more than 2½ years before they finally receive critically needed Medicare coverage? According to Karen Davis, president of the Commonwealth Fund, which has conducted 2 important studies on the issue, "Individuals in the waiting period for Medicare suffer from a broad range of debilitating diseases and are in urgent need of appropriate medical care to manage their conditions. Eliminating the 2-year wait would ensure access to care for those already on the way to Medicare."

Again, we are talking about individuals that have been determined to be unable to engage in any "substantial, gainful activity" because of either a physical or mental impairment that is expected to result in death or to continue for at least 12 months. These are people that, by definition, are in more need of health coverage than anybody else in our society. Of the 1.2 million people stuck in the 2-year waiting period at any given time, it is estimated that one-third, or 400,000, are left completely uninsured. The consequences are unacceptable and are, in fact, dire.

In fact, various studies show that death rates among SSDI recipients are highest during the first 2 years of enrollment while waiting to be covered by Medicare. For example, the Commonwealth Fund report, entitled "Elimination of Medicare's Waiting Period for Seriously Disabled Adults: Impact on Coverage and Costs," 4 percent of these people die during the waiting period. In other words, it is estimated that of the estimated 400,000 uninsured disabled Americans in the waiting period at any given time, 16,000 of them will die awaiting Medicare coverage. Let me repeat . . . 16,000 of the 400,000 uninsured disabled in the waiting period at any given moment will die while waiting for Medicare coverage to begin.

Moreover, this does not factor in the serious health problems that others experience while waiting for Medicare coverage during the 2-year period. Although there is no direct data on the profile of SSDI beneficiaries in the 2-year waiting period, the Commonwealth Fund has undertaken a separate analysis of the Medicare Current Beneficiary Survey for 1998 to get a good sense of the demographic characteristics, income, and health conditions of this group.

According to the analysis, ". . . 45 percent of nonelderly Medicare beneficiaries with disabilities had incomes below the Federal poverty line, and 77 percent had incomes below 200 percent of poverty. Fifth-nine percent reported that they were in fair or poor health; of this group, more than 90 percent reported that they suffered from one or more chronic illnesses, including arthritis (52 percent), hypertension (46 percent), mental disorder (36 percent), heart condition (35 percent), chronic lung disease (26 percent), cancer (20 percent), diabetes (19 percent), and stroke (12 percent)."

To ascertain the impact the waiting period has on the lives of these citizens, the Commonwealth Fund and the Christopher Reeve Paralysis Foundation conducted a follow-up to "gain insight into the experiences of people with disabilities under age 65 in the Medicare 2-year waiting period." According to that second report entitled "Waiting for Medicare: Experiences of Uninsured People with Disabilities in the Two-Year Waiting Period for Medicare" in October 2004, "Most of these individuals must invariably get by with some combination of living one day at a time, assertiveness, faith, and sheer luck."

One person in the waiting period with a spinal cord injury from Atlanta, Georgia, seeking medical treatment for their condition was told to simply "try not to get sick for 2 years." As the individual said in response, "None of us TRIED to become disabled."

The people that we have spoken to in the waiting period, since the introduction of this legislation last year, talk about foregoing critically needed medical treatment, stopping medications and therapy, feeling dismayed and depressed about their lives and future, and feeling a loss of control over their lives and independence while in the waiting period.

These testimonials and appeals in support of this legislation are often emotional and intense. Some describe the waiting period as a "living nightmare" and appropriately ask how it is possible that their government is doing this to them.

In fact, some have had the unfortunate fate of having received SSI and Medicaid coverage, applied for SSDI, and then lost their Medicaid coverage because they were not aware that the change in income, when they received SSDI, would push them over the financial limits for Medicaid. In such a case, and let me emphasize this point, the government is effectively taking their health care coverage away because they are so severely disabled.

Therefore, for some in the waiting period, their battle is often as much with the government as it is with their medical condition, disease, or disability.

Nobody could possible think this makes any sense.

House Ways and Means Chairman BILL THOMAS questioned the rationale of the waiting period in a press conference on April 29, 2005.

As the Medicare Rights Center has said, "By forcing Americans with disabilities to wait 24 months for Medicare coverage, the current law effectively sentences these people to inadequate health care, poverty, or death . . . Since disability can strike anyone, at any point in life, the 24-month waiting period should be of concern to everyone, not just the millions of Americans with disabilities today."

Although elimination of the Medicare waiting period will certainly increase Medicare costs, it is important to note that there will be some corresponding decrease in Medicaid costs. Medicaid, which is financed by both Federal and State governments, often provides coverage for a subset of disabled Americans in the waiting period, as long as they meet certain income and asset limits. Income limits are typically at or below the poverty level, including at just 74 percent of the poverty line in New Mexico, with assets generally limited to just $2,000 for individuals and $3,000 for couples.

The Commonwealth Fund estimates that, of the 1.26 million people in the waiting period, 40 percent are enrolled in Medicaid. As a result, the Commonwealth Fund estimates in the study that Federal Medicaid savings would offset nearly 30 percent of the increased costs. Furthermore, States, which have been struggling financially with their Medicaid programs, would reap a windfall that would help them better manage their Medicaid programs.

Furthermore, from a continuity of care point of view, it makes little sense that somebody with disabilities must leave their job and their health providers associated with that plan, move on the Medicaid to often have a different set of providers, to then switch to Medicare and yet another set of providers. The cost, both financial and personal, of not providing access to care or poorly coordinated care services for these seriously ill people during the waiting period may be greater in many cases than providing health coverage.

And finally, private-sector employers and employees in those risk-pools would also benefit from the passage of the bill. As the 2003 report notes, ". . . to the extent that disabled adults rely on coverage through their prior employer or their spouse's employer, eliminating the waiting period would also produce savings to employers who provide this coverage."

To address concerns about costs and immediate impact on the Medicare program, the legislation phases out the waiting period over a 10-year period. In the interim, the legislation would create a process by which others with life-threatening illnesses could also get an exception to the waiting period. Congress has previously extended such an exception to the waiting period for individuals with amyothrophic lateral sclerosis (ALS), also known as Lou Gehrig's disease, and for hospice services. The ALS exception passed the Congress in December 2000 and went into effect July 1, 2001. Thus, the legislation would extend the exception to all people with life-threatening illnesses in the waiting period.

I would like to thank Senator DEWINE and the other original cosponsors, including Senators CORZINE, DURBIN, SCHUMER, JOHNSON, CANTWELL, LAUTENBERG, STABENOW, KENNEDY, CLINTON, KERRY, MIKULSKI, AKAKA, SALAZAR, and SARBANES, for supporting this critically important legislation. Furthermore, I would like to commend Representative GENE GREEN of Texas for his introduction of the companion bill in the House of Representatives and for his work, diligence, and commitment to this issue.

I urge passage of this legislation and ask unanimous consent that a fact sheet, which includes a list of original supporting organizations for the legislation, and the text of the bill be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD as follows:

FACT SHEET

ENDING THE MEDICARE DISABILITY WAITING PERIOD ACT OF 2005

Senators Jeff Bingaman (D-NM) and Mike DeWine (R-OH) are preparing to introduce the "Medicare Disability Waiting Period Act of 2005." The bill would, over 10 years, completely phase-out the two-year waiting period which Americans with disabilities must endure before receiving Medicare coverage. The legislation also creates a process by which the Secretary can immediately waive the waiting period for people with life-threatening illnesses.

When Medicare was expanded in 1972 to include people who have significant disabilities, lawmakers created a "Medicare waiting period." Before they can get Medicare coverage, people with disabilities must first receive Social Security Disability Insurance (SSDI) for 24 months. Generally, SSDI begins five months after an individual's disability has been certified. As a result, people with disabilities face three consecutive waiting periods prior to getting health coverage: (1) a determination of SSDI approval from the Social Security Administration; (2) a five-month waiting period to receive SSDI; and, (3) another 24-month waiting period to get Medicare coverage.

Because of the 24-month Medicare waiting period, an estimated 400,000 Americans with disabilities are uninsured and many more are underinsured at a time in their lives when the need for health coverage is most dire, Dale and Verdier, The Commonwealth Fund, July 2003. In fact, various studies show that death rates among SSDI recipients are highest during the first two years of enrollment, Mauney, AMA, June 2002. For example, according to the Commonwealth Fund, 4 percent of these people die during the waiting period.

There is an important exception to the 24-month waiting period and that is for individuals with amyothrophic lateral sclerosis (ALS), also known as Lou Gehrig's disease, and for hospice services. The ALS exception passed the Congress in December 2000 and went into effect July 1, 2001.

"Ending the Medicare Waiting Period Act of 2005" would, over 10 years, phase-out the waiting period and would also, in the interim, create a process by which others with life-threatening illnesses, like ALS, could also get an exception to the waiting period.

As the Medicare Rights Center has said, "By forcing Americans with disabilities to wait 24 months for Medicare coverage, the current law effectively sentences these people to inadequate health care, poverty or death. . . . Since disability can strike anyone, at any point in life, the 24-month waiting period should be of concern to everyone, not just the millions of Americans with disabilities today."

If you have any questions or need additional information, please contact Bruce Lesley in Senator BINGAMAN's office at 202-224-5521 or Abby Kral in Senator DEWINE's office at 202-224-7900.

SUPPORTING ORGANIZATIONS

Acid Maltase Deficiency Association
AIDS Foundation of Chicago
The AIDS Institute
AIDS Project Los Angeles
Air Compassion America
Alzheimer's Association
American Academy of Audiology
American Academy of HIV Medicine
American Congress of Rehabilitation Medicine (ACRM)
American Congress of Community Supports and Employment Services (ACCSES)
American Dance Therapy Association
American Gastroenterological Association
American Network of Community Options and Resources
American Occupational Therapy Association
American Psychological Association
Angel Flight Mid-Atlantic
The Arc of the United States
Association for Community Affiliated Plans
Association of University Centers on Disabilities (AUCD)
Benign Essential Blepharospasm Research Foundation
Brian Tumor Action Network
California Health Advocates
Center for Medicare Advocacy, Inc.
Coalition for Pulmonary Fibrosis
Community Action New Mexico
Disability Service Providers of America (DSPA)
Empowering Our Communities in New Mexico
Families USA
Family Voices
Gay Men's Health Crisis
Harm Reduction Coalition
Hereditary Hemorrhagic Telangiectasia (HHT) Foundation International
HIV Medicine Association
HIVictorious, Inc., Madison, WI
Medicare Rights Center
Mercy Medical Airlift
Miami, ACT UP
National Alliance for the Mentally Ill (NAMI)
National Alliance of State and Territorial AIDS Directors (NASTAD)
National Association of Children's Behavioral Health
National Association of Councils on Developmental Disabilities (NACDD)
National Association of Protection and Advocacy Systems (NAPAS)
National Ataxia Foundation
National Health Law Program (NHeLP)
National Kidney Foundation
National Mental Health Association
National Minority AIDS Council
National Organization for Rare Disorders (NORD)
National Patient Advocacy Foundation
National Women's Law Center
New Mexico AIDS Services
New Mexico Medical Society
New Mexico POZ Coalition
New Mexico Public Health Association
North American Brain Tumor Coalition
Paralyzed Veterans of America
Power Mobility Coalition
Reflex Sympathetic Dystrophy Syndrome Association of America
Senior Citizens Law Office, New Mexico
Southern New Hampshire HIV/AIDS Task Force
Special Olympics
The Title II Community AIDS National Network
United Cerebral Palsy
United Spinal Association
Utah AIDS Foundation
Visiting Nurse Associations of America
Von Hippel-Lindau Family Alliance

S. 1217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Ending the Medicare Disability Waiting Period Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Phase-out of waiting period for medicare disability benefits.
Sec. 3. Elimination of waiting period for individuals with life-threatening conditions.
Sec. 4. Institute of Medicine study and report on delay and prevention of disability conditions.

SEC. 2. PHASE-OUT OF WAITING PERIOD FOR MEDICARE DISABILITY BENEFITS.

(a) IN GENERAL.—Section 226(b) of the Social Security Act (42 U.S.C. 426(b)) is amended—

(1) in paragraph (2)(A), by striking ", and has for 24 calendar months been entitled to,"

and inserting ", and for the waiting period (as defined in subsection (k)) has been entitled to,";

(2) in paragraph (2)(B), by striking ", and has been for not less than 24 months," and inserting ", and has been for the waiting period (as defined in subsection (k)),";

(3) in paragraph (2)(C)(ii), by striking ", including the requirement that he has been entitled to the specified benefits for 24 months," and inserting ", including the requirement that the individual has been entitled to the specified benefits for the waiting period (as defined in subsection (k)),"; and

(4) in the flush matter following paragraph (2)(C)(ii)(II)—

(A) in the first sentence, by striking "for each month beginning with the later of (I) July 1973 or (II) the twenty-fifth month of his entitlement or status as a qualified railroad retirement beneficiary described in paragraph (2), and" and inserting "for each month beginning after the waiting period (as so defined) for which the individual satisfies paragraph (2) and";

(B) in the second sentence, by striking "the 'twenty-fifth month of his entitlement' refers to the first month after the twenty-fourth month of entitlement to specified benefits referred to in paragraph (2)(C) and"; and

(C) in the third sentence, by striking ", but not in excess of 78 such months".

(b) SCHEDULE FOR PHASE-OUT OF WAITING PERIOD.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended by adding at the end the following new subsection:

"(k) For purposes of subsection (b) (and for purposes of section 1837(g)(1) of this Act and section 7(d)(2)(ii) of the Railroad Retirement Act of 1974), the term 'waiting period' means—

"(1) for 2006, 18 months;

"(2) for 2007, 16 months;

"(3) for 2008, 14 months;

"(4) for 2009, 12 months;

"(5) for 2010, 10 months;

"(6) for 2011, 8 months;

"(7) for 2012, 6 months;

"(8) for 2013, 4 months;

"(9) for 2014, 2 months; and

"(10) for 2015 and each subsequent year, 0 months.".

(c) CONFORMING AMENDMENTS.—

(1) SUNSET.—Effective January 1, 2015, subsection (f) of section 226 of the Social Security Act (42 U.S.C. 426) is repealed.

(2) MEDICARE DESCRIPTION.—Section 1811(2) of such Act (42 U.S.C. 1395c(2)) is amended by striking "entitled for not less than 24 months" and inserting "entitled for the waiting period (as defined in section 226(k))".

(3) MEDICARE COVERAGE.—Section 1837(g)(1) of such Act (42 U.S.C. 1395p(g)(1)) is amended by striking "of the later of (A) April 1973 or (B) the third month before the 25th month of such entitlement" and inserting "of the third month before the first month following the waiting period (as defined in section 226(k)) applicable under section 226(b)".

(4) RAILROAD RETIREMENT SYSTEM.—Section 7(d)(2)(ii) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(d)(2)(ii)) is amended—

(A) by striking ", for not less than 24 months" and inserting ", for the waiting period (as defined in section 226(k) of the Social Security Act); and

(B) by striking "could have been entitled for 24 calendar months, and" and inserting "could have been entitled for the waiting period (as defined is section 226(k) of the Social Security Act), and".

(d) EFFECTIVE DATE.—Except as provided in subsection (c)(1), the amendments made by this section shall apply to insurance benefits under title XVIII of the Social Security Act with respect to items and services furnished in months beginning at least 90 days after the date of the enactment of this Act (but in no case earlier than January 1, 2006).

SEC. 3. ELIMINATION OF WAITING PERIOD FOR INDIVIDUALS WITH LIFE-THREATENING CONDITIONS.

(a) IN GENERAL.—Section 226(h) of the Social Security Act (42 U.S.C. 426(h)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) in the matter preceding subparagraph (A) (as redesignated by paragraph (1)), by inserting "(1)" after "(h)";

(3) in paragraph (1) (as designated by paragraph (2))—

(A) in the matter preceding subparagraph (A) (as redesignated by paragraph (1)), by inserting "or any other life-threatening condition identified by the Secretary" after "amyotrophic lateral sclerosis (ALS)"; and

(4) in subparagraph (B) (as redesignated by paragraph (1)), by striking "(rather than twenty-fifth month)"; and

(5) by adding at the end the following new paragraph:

"(2) For purposes of identifying life-threatening conditions under paragraph (1), the Secretary shall compile a list of conditions that are fatal without medical treatment. In compiling such list, the Secretary shall consult with the Director of the National Institutes of Health (including the Office of Rare Diseases), the Director of the Centers for Disease Control and Prevention, the Director of the National Science Foundation, and the Institute of Medicine of the National Academy of Sciences.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to insurance benefits under title XVIII of the Social Security Act with respect to items and services furnished in months beginning at least 90 days after the date of the enactment of this Act (but in no case earlier than January 1, 2006).

SEC. 4. INSTITUTE OF MEDICINE STUDY AND REPORT ON DELAY AND PREVENTION OF DISABILITY CONDITIONS.

(a) STUDY.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall request that the Institute of Medicine of the National Academy of Sciences conduct a study on the range of disability conditions that can be delayed or prevented if individuals receive access to health care services and coverage before the condition reaches disability levels.

(b) REPORT.—Not later than the date that is 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the Institute of Medicine study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $750,000 for the period of fiscal years 2006 and 2007.

By Mr. KENNEDY (for himself and Mr. DURBIN):

S. 1218. A bill to amend the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and the Internal Revenue Code of 1986 to improve recruitment, preparation, distribution, and retention of public elementary and secondary school teachers and principals, and for other purposes; to the Committee on Finance.

Mr. KENNEDY. Mr. President, it is a privilege to join my distinguished colleague, Senator DURBIN, in introducing the Teacher Excellence for All Children Act of 2005. Its goal is to bring us closer to giving every child a highly qualified teacher, and enable more teachers to obtain the support they need to improve their instruction. We join our distinguished colleague Congressman GEORGE MILLER in this effort, who is introducing this legislation in the House, and commend him for his leadership on the issue.

One of the major challenges we face today is to improve the recruitment, preparation, and retention of good teachers. Few issues are of greater importance to our future than education. The Nation is strongest when our schools are strongest—when all students can attend good schools with good teachers to help them learn. In this new era of globalization, a well-educated citizenry and well-skilled workforce are essential to our role in the world.

We owe a great debt to America's teachers. They work day in and day out to give children a decent education. Teachers are on the front lines in the Nation's schools, and at the forefront of the constant effort to improve public education. It is their vision, energy, hard work, and dedication that will make all the difference in successfully meeting this challenge.

We took a major step forward in the No Child Left Behind Act and its recognition that all students deserve first-rate teachers to help them reach their potential and succeed in life. This act made a bold national commitment to guarantee a highly qualified teacher in every classroom. But to reach that goal, we need to recruit, train, retain and support our teachers. The TEACH Act addresses four specific challenges head on: to increase the supply of outstanding teachers; to ensure all children have teachers with expertise in the subjects they teach; to improve teaching by identifying and rewarding the best practices and expanding professional development opportunities; and to help schools retain teachers and principals by providing the support they need to succeed.

Since enrollment in public schools has reached an all-time high of 53 million students, and is expected to keep increasing over the next decade, additional highly qualified teachers are needed to meet the growing demand.

Many schools face a teacher crisis, particularly in our poorest communities. Currently, there are approximately 3 million public school teachers across the country. Two million new, qualified teachers will be needed in the next 10 years to serve the growing student population. Yet we are not even retaining the teachers we have today. A third of all teachers leave during their first 3 years, and almost half leave during the first 5 years.

Too often, teachers also lack the training and support needed to do well in the classroom. They are paid on average almost $8,000 less than graduates in other fields, and the gap widens to more than $23,000 after 15 years of teaching. Thirty-seven percent of teachers cite low salaries as a main factor for leaving the classroom before retirement.

The TEACH Act will do more to recruit and retain highly qualified teachers—particularly in schools and subjects where they are needed the most. The bill provides financial incentives to encourage talented persons to enter and remain in the profession and it offers higher salaries, tax breaks, and greater loan forgiveness.

To attract motivated and talented individuals to teaching, the bill provides up-front tuition assistance—$4,000 per year—to high-performing undergraduate students who agree to commit to teach for 4 years in high-need areas and in subjects such as math, science, and special education.

One of our greatest challenges in school reform today is to equalize the playing field, so that the neediest students have access to the best teachers to help them succeed. Research shows that good teachers are the single most important factor in the success of children in school, both academically and developmentally. Children with good instruction can reach new heights through the hard work, vision, and energy of their teachers. Good teaching helps overcome the harmful effects of poverty and other disadvantages on student learning.

Unfortunately, we still have a long way to go. In high-poverty schools, teacher turnover is 33 percent higher than in other schools. In the poorest middle schools and high schools, students are 77 percent more likely to be assigned an out-of-field teacher. Almost a third of classes are taught by teachers with no background in the subject—no major degree, no minor degree, no certification.

Despite our past efforts, this problem is worsening. In most academic subjects, the percentage of secondary school teachers "out-of-field"—those teaching a class in which they do not have a major, a minor, or a certification—increased from 1993 to 2000. Clearly, we must do a better job of attracting better teachers to the neediest classrooms and do more to reward their efforts so that they stay in the classroom.

Because schools compete for the best teachers, the bill provides funding to school districts to reward teachers who transfer to schools with the greatest challenges, and provides incentives for teachers working in math, science, and special education.

The TEACH Act also establishes a framework to develop and use the systems needed at the State and local levels to identify and improve teacher effectiveness and recognize exceptional teaching in the classroom. States will develop data systems to track student progress and relate it to the level of instruction provided in the classroom. The bill also encourages the development of model teacher advancement programs with competitive compensation structures that recognize and reward different roles, responsibilities, knowledge, skills and positive results.

Too often, teachers lack the training they need before reaching the classroom. On the job, they have few sources of support to meet the challenges they face in the classroom, and few opportunities for ongoing professional development to expand their skills. The bill responds to the needs of teachers in their first years in the classroom by creating new and innovative teacher induction models that use proven strategies to support beginning teachers. New teachers will have access to mentoring, opportunities for cooperative planning with their peers, and a special transition year to ease into the pressures of entering the classroom. Veteran teachers will have an opportunity to improve their skills through peer mentoring and review. Other support includes professional development delivered through teaching centers to improve training and working conditions for teachers.

Since good leadership is also essential for schools, the bill provides important incentives and support for principals by raising standards and improving recruitment and training for them as well.

This legislation was developed with the help of a broad and diverse group of educational professionals and experts, including the Alliance for Excellent Education, the American Federation of Teachers, the Business Roundtable, the Center for American Progress Action Fund, the Children's Defense Fund, the Education Trust, the National Council on Teacher Quality, the National Council of La Raza, the National Education Association, New Leaders for New Schools, the New Teacher Center, Operation Public Education, the Teacher Advancement Program Foundation, Teach for America and the Teaching Commission. I thank them for their help and their work on behalf of our Nation's children.

As Shirley Mount Hufstedler, the first United States Secretary of Education, has said:

> The role of the teacher remains the highest calling of a free people. To the teacher, America entrusts her most precious resource, her children; and asks that they be prepared, in all their glorious diversity, to face the rigors of individual participation in a democratic society.

We must do all in our power to help them in this endeavor.

I urge my colleagues to join in supporting this bill and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Teacher Excellence for All Children Act of 2005".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.

TITLE I—RECRUITING TALENTED NEW TEACHERS

Sec. 101. Amendments to Higher Education Act of 1965.
Sec. 102. Extending and expanding teacher loan forgiveness.

TITLE II—CLOSING THE TEACHER DISTRIBUTION GAP

Sec. 201. Grants to local educational agencies to provide premium pay to teachers in high-need schools.

TITLE III—IMPROVING TEACHER PREPARATION

Sec. 301. Amendment to Elementary and Secondary Education Act of 1965.
Sec. 302. Amendment to the Higher Education Act of 1965: Teacher Quality Enhancement Grants.
Sec. 303. Enforcing NCLB's teacher equity provision.

TITLE IV—EQUIPPING TEACHERS, SCHOOLS, LOCAL EDUCATIONAL AGENCIES, AND STATES WITH THE 21ST CENTURY DATA, TOOLS, AND ASSESSMENTS THEY NEED

Sec. 401. 21st Century Data, Tools, and Assessments.
Sec. 402. Collecting national data on distribution of teachers.

TITLE V—RETENTION: KEEPING OUR BEST TEACHERS IN THE CLASSROOM

Sec. 501. Amendment to Elementary and Secondary Education Act of 1965.
Sec. 502. Exclusion from gross income of compensation of teachers and principals in certain high-need schools or teaching high-need subjects.
Sec. 503. Above-the-line deduction for certain expenses of elementary and secondary school teachers increased and made permanent.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Conforming amendments.

SEC. 3. FINDINGS.

The Congress finds as follows:

(1) There are not enough qualified teachers in the Nation's classrooms, and an unprecedented number of teachers will retire over the next 5 years. Over the next decade, the Nation will need to bring 2,000,000 new teachers into public schools.

(2) Too many teachers and principals do not receive adequate preparation for their jobs.

(3) More than one-third of children in grades 7–12 are taught by a teacher who lacks both a college major and certification in the subject being taught. Rates of "out-of-field teaching" are especially high in high-poverty schools.

(4) Seventy percent of mathematics classes in high-poverty middle schools are assigned to teachers without even a minor in mathematics or a related field.

(5) Teacher turnover is a serious problem, particularly in urban and rural areas. Over one-third of new teachers leave the profession within their first 3 years of teaching, and 14 percent of new teachers leave the field within the first year. After 5 years—the average time it takes for teachers to maximize students' learning—half of all new teachers will have exited the profession. Rates of teacher attrition are highest in high-poverty schools. Between 2000 and 2001, 1 out of 5 teachers in the Nation's high-poverty schools either left to teach in another school or dropped out of teaching altogether.

(6) Fourth graders who are poor score dramatically lower on the National Assessment of Educational Progress (NAEP) than their counterparts who are not poor. Over 85 percent of fourth graders who are poor failed to attain NAEP proficiency standards in 2003.

(7) African-American, Latino, and low-income students are much less likely than other students to have highly-qualified teachers.

(8) Research shows that individual teachers have a great impact on how well their students learn. The most effective teachers have been shown to be able to boost their pupils' learning by a full grade level relative to students taught by less effective teachers.

(9) Although nearly half (42 percent) of all teachers hold a master's degree, fewer than 1 in 4 secondary teachers have a master's degree in the subject they teach.

(10) Young people with high SAT and ACT scores are much less likely to choose teaching as a career. Those who have higher SAT or ACT scores are twice as likely to leave the profession after only a few years.

(11) Only 16 States finance new teacher induction programs, and fewer still require inductees to be matched with mentors who teach the same subject.

TITLE I—RECRUITING TALENTED NEW TEACHERS

SEC. 101. AMENDMENTS TO HIGHER EDUCATION ACT OF 1965.

(a) TEACH GRANTS.—Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by adding at the end the following new part:

"PART C—TEACH GRANTS

"SEC. 231. PURPOSES.

"The purposes of this part are—

"(1) to improve student academic achievement;

"(2) to help recruit and prepare teachers to meet the national demand for a highly qualified teacher in every classroom; and

"(3) to increase opportunities for Americans of all educational, ethnic, class, and geographic backgrounds to become highly qualified teachers.

"SEC. 232. PROGRAM ESTABLISHED.

"(a) PROGRAM AUTHORITY.—

"(1) PAYMENTS REQUIRED.—For each of the fiscal years 2006 through 2013, the Secretary shall pay to each eligible institution such sums as may be necessary to pay to each eligible student (defined in accordance with section 484) who files an application and agreement in accordance with section 233, and qualifies under subsection (a)(2) of such section, a TEACH Grant in the amount of $4,000 for each academic year during which that student is in attendance at an institution of higher education.

"(2) REFERENCE.—Grants made under this part shall be known as 'Teacher Education Assistance for College and Higher Education Grants' or 'TEACH Grants'.

"(b) PAYMENT METHODOLOGY.—

"(1) PREPAYMENT.—Not less than 85 percent of such sums shall be advanced to eligible institutions prior to the start of each payment period and shall be based upon an amount requested by the institution as needed to pay eligible students until such time as the Secretary determines and publishes in the Federal Register with an opportunity for comment, an alternative payment system that provides payments to institutions in an accurate and timely manner, except that this sentence shall not be construed to limit the authority of the Secretary to place an institution on a reimbursement system of payment.

"(2) DIRECT PAYMENT.—Nothing in this section shall be interpreted to prohibit the Secretary from paying directly to students, in advance of the beginning of the academic term, an amount for which they are eligible, in cases where the eligible institution elects not to participate in the disbursement system required by paragraph (1).

"(3) DISTRIBUTION OF GRANTS TO STUDENTS.—Payments under this part shall be made, in accordance with regulations promulgated by the Secretary for such purpose, in such manner as will best accomplish the purposes of this part. Any disbursement allowed to be made by crediting the student's account shall be limited to tuition and fees and, in the case of institutionally owned housing, room and board. The student may elect to have the institution provide other such goods and services by crediting the student's account.

"(c) REDUCTIONS IN AMOUNT.—

"(1) PART TIME STUDENTS.—In any case where a student attends an institution of higher education on less than a full-time basis (including a student who attends an institution of higher education on less than a half-time basis) during any academic year, the amount of the TEACH Grant to which that student is eligible shall be reduced in proportion to the degree to which that student is not so attending on a full-time basis, in accordance with a schedule of reductions established by the Secretary for the purpose of this part, computed in accordance with this part. Such schedule of reductions shall be established by regulation and published in the Federal Register in accordance with section 482 of this Act.

"(2) NO EXCEEDING COST.—No TEACH Grant for a student under this part shall exceed the cost of attendance (as defined in section 472) at the institution at which such student is in attendance. If, with respect to any student, it is determined that the amount of a TEACH Grant exceeds the cost of attendance for that year, the amount of the TEACH Grant shall be reduced until the TEACH Grant does not exceed the cost of attendance at such institution.

"(d) PERIOD OF ELIGIBILITY FOR GRANTS.—

"(1) UNDERGRADUATE STUDENTS.—The period during which an undergraduate student may receive TEACH Grants shall be the period required for the completion of the first undergraduate baccalaureate course of study being pursued by that student at the institution at which the student is in attendance, except that—

"(A) any period during which the student is enrolled in a noncredit or remedial course of study, subject to paragraph (3), shall not be counted for the purpose of this paragraph; and

"(B) the total amount that a student may receive under this part for undergraduate study shall not exceed $16,000.

"(2) GRADUATE STUDENTS.—The period during which a graduate student may receive TEACH Grants shall be the period required for the completion of a master's degree course of study being pursued by that student at the institution at which the student is in attendance, except that the total amount that a student may receive under this part for graduate study shall not exceed $8,000.

"(3) REMEDIAL COURSE; STUDY ABROAD.—Nothing in this section shall exclude from eligibility courses of study that are noncredit or remedial in nature (including courses in English language acquisition) that are determined by the institution to be necessary to help the student be prepared for the pursuit of a first undergraduate baccalaureate degree or certificate or, in the case of courses in English language instruction, to be necessary to enable the student to utilize already existing knowledge, training, or skills. Nothing in this section shall exclude from eligibility programs of study abroad that are approved for credit by the home institution at which the student is enrolled.

"SEC. 233. ELIGIBILITY AND APPLICATIONS FOR GRANTS.

"(a) APPLICATIONS; DEMONSTRATION OF ELIGIBILITY.—

"(1) FILING REQUIRED.—The Secretary shall from time to time set dates by which students shall file applications for TEACH Grants under this part. Each student desiring a TEACH Grant for any year shall file an application therefore containing such information and assurances as the Secretary may deem necessary to enable the Secretary to carry out the functions and responsibilities of this part.

"(2) DEMONSTRATION OF ELIGIBILITY.—Each such application shall contain such information as is necessary to demonstrate that—

"(A) if the applicant is an enrolled student—

"(i) the student is an eligible student for purposes of section 484 (other than subsection (r) of such section);

"(ii) the student—

"(I) has a grade point average that is determined, under standards prescribed by the Secretary, to be comparable to a 3.25 average on a zero to 4.0 scale, except that, if the student is in the first year of a program of undergraduate education, such grade point average shall be determined on the basis of the student's cumulative high school grade point average; or

"(II) displayed high academic aptitude by receiving a score above the 75th percentile on at least one of the batteries in an undergraduate or graduate school admissions test; and

"(iii) the student is completing coursework and other requirements necessary to begin a career in teaching, or plans to complete such coursework and requirements prior to graduating; or

"(B) if the applicant is a current or prospective teacher applying for a grant to obtain a graduate degree—

"(i) the applicant is a teacher or a retiree from another occupation with expertise in a field in which there is a shortage of teachers, such as mathematics, science, special education, English language acquisition, or another high-need subject; or

"(ii) the applicant is or was a teacher who is using high-quality alternative certification routes, such as Teach for America, to get certified.

"(b) AGREEMENTS TO SERVE.—Each application under subsection (a) shall contain or be accompanied by an agreement by the applicant that—

"(1) the applicant will—

"(A) serve as a full-time teacher for a total of not less than 4 academic years within 8 years after completing the course of study for which the applicant received a TEACH Grant under this part;

"(B) teach—

"(i) in a school described in section 465(a)(2)(A); and

"(ii) in any of the following fields: mathematics, science, a foreign language, bilingual education, or special education, or as a reading specialist, or another field documented as high-need by the Federal Government, State government, or local education agency and submitted to the Secretary;

"(C) submit evidence of such employment in the form of a certification by the chief administrative officer of the school upon completion of each year of such service; and

"(D) comply with the requirements for being a highly qualified teacher as defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

"(2) in the event that the applicant is determined to have failed or refused to carry out such service obligation, the sum of the amounts of such Teach Grants will be treated as a loan and collected from the applicant in accordance with subsection (c) and the regulations thereunder.

"(c) Repayment for Failure to Complete Service.—In the event that any recipient of a TEACH Grant fails or refuses to comply with the service obligation in the agreement under subsection (b), the sum of the amounts of such Grants provided to such recipient shall be treated as a Direct Loan under part D of title IV, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary in regulations promulgated to carry out this part.".

(b) Recruiting Teachers With Mathematics, Science, or Language Major.—Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.), as amended by subsection (a), is further amended by adding at the end the following:

"PART D—RECRUITING TEACHERS WITH MATHEMATICS, SCIENCE, OR LANGUAGE MAJORS

"SEC. 241. PROGRAM AUTHORIZED.

"(a) Grants Authorized.—From the amounts appropriated under section 242, the Secretary shall make competitive grants to institutions of higher education to improve the availability and recruitment of teachers from among students majoring in mathematics, science, foreign languages, special education, or teaching the English language to students with limited English proficiency. In making such grants, the Secretary shall give priority to programs that focus on preparing teachers in subjects in which there is a shortage of highly qualified teachers and that prepare students to teach in high-need schools.

"(b) Application.—Any institution of higher education desiring to obtain a grant under this part shall submit to the Secretary an application at such time, in such form, and containing such information and assurances as the Secretary may require, which shall—

"(1) include reporting on baseline production of teachers with expertise in mathematics, science, a foreign language, or teaching English language learners; and

"(2) establish a goal and timeline for increasing the number of such teachers who are prepared by the institution.

"(c) Use of Funds.—Funds made available by a grant under this part—

"(1) shall be used to create new recruitment incentives to teaching from other majors, with an emphasis on high-need subjects such as mathematics, science, foreign languages, and teaching the English language to students with limited English proficiency;

"(2) may be used to upgrade curriculum in order to provide all students studying to become teachers with high-quality instructional strategies for teaching reading and teaching the English language to students with limited English proficiency, and for modifying instruction to teach students with special needs;

"(3) may be used to integrate school of education faculty with other arts and science faculty in mathematics, science, foreign languages, and teaching the English language to students with limited English proficiency through steps such as—

"(A) dual appointments for faculty between schools of education and schools of arts and science; and

"(B) integrating coursework with clinical experience; and

"(4) may be used to develop strategic plans between schools of education and local school districts to better prepare teachers for high-need schools, including the creation of professional development partnerships for training new teachers in state-of-the-art practice.

"SEC. 242. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to make grants under this part $200,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

(c) Part A Authorization.—Section 210 of the Higher Education Act of 1965 (20 U.S.C. 1030) is amended—

(1) by striking "$300,000,000 for fiscal year 1999" and inserting "$400,000,000 for fiscal year 2006"; and

(2) by striking "4 succeeding" and inserting "5 succeeding".

SEC. 102. EXTENDING AND EXPANDING TEACHER LOAN FORGIVENESS.

(a) Permanent Extension.—Section 3(b)(3) of the Taxpayer-Teacher Protection Act of 2004 (P.L. 108-409; 118 Stat. 2300) is amended by striking "1998, and before October 1, 2005" and inserting "1998".

(b) Increased Amount; Applicability of Expanded Program to Reading Specialist.—Sections 428J(c)(3) and 460(c)(3) of the Higher Education Act of 1965 (20 U.S.C. 1078-10(c)(3), 1087j(c)(3)) are each amended—

(1) by striking "$17,500" and inserting "$20,000";

(2) by striking "and" at the end of subparagraph (A)(ii);

(3) by striking the period at the end of subparagraph (B)(iii) and inserting "; and"; and

(4) by adding at the end the following new subparagraph:

"(C) an elementary or secondary school teacher who primarily teaches reading and who—

"(i) has obtained a separate reading instruction credential from the State in which the teacher is employed; and

"(ii) is certified by the chief administrative officer of the public or nonprofit private elementary school or secondary school in which the borrower is employed to teach reading—

"(I) as being proficient in teaching the essential components of reading instruction, as defined in section 1208 of the Elementary and Secondary Education Act of 1965; and

"(II) as having such credential.".

(c) Annual Increments Instead of End of Service Lump Sums.—

(1) FFEL loans.—Section 428J(c) of the Higher Education Act of 1965 (20 U.S.C. 1078-10(c)) is amended by adding at the end the following:

"(4) Annual increments.—Notwithstanding paragraph (1), in the case of an individual qualifying for loan forgiveness under paragraph (3), the Secretary shall, in lieu of waiting to assume an obligation only upon completion of 5 complete years of service, assume the obligation to repay—

"(A) after each of the first and second years of service by an individual in a position qualifying under paragraph (3), 15 percent of the total amount of principal and interest of the loans described in paragraph (1) to such individual that are outstanding immediately preceding such first year of such service;

"(B) after each of the third and fourth years of such service, 20 percent of such total amount; and

"(C) after the fifth year of such service, 30 percent of such total amount.".

(2) Direct loans.—Section 460(c) of the Higher Education Act of 1965 (20 U.S.C. 1087j(c)) is amended by adding at the end the following:

"(4) Annual increments.—Notwithstanding paragraph (1), in the case of an individual qualifying for loan cancellation under paragraph (3), the Secretary shall, in lieu of waiting to assume an obligation only upon completion of 5 complete years of service, assume the obligation to repay—

"(A) after each of the first and second years of service by an individual in a position qualifying under paragraph (3), 15 percent of the total amount of principal and interest of the loans described in paragraph (1) to such individual that are outstanding immediately preceding such first year of such service;

"(B) after each of the third and fourth years of such service, 20 percent of such total amount; and

"(C) after the fifth year of such service, 30 percent of such total amount.".

TITLE II—CLOSING THE TEACHER DISTRIBUTION GAP

SEC. 201. GRANTS TO LOCAL EDUCATIONAL AGENCIES TO PROVIDE PREMIUM PAY TO TEACHERS IN HIGH-NEED SCHOOLS.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

"PART E—TEACHER EXCELLENCE FOR ALL CHILDREN

"SEC. 2500. DEFINITIONS.

"In this part:

"(1) The term 'high-need local educational agency' means a local educational agency—

"(A) that serves not fewer than 10,000 children from families with incomes below the poverty line, or for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

"(B) that is having or expected to have difficulty filling teacher vacancies or hiring new teachers who are highly qualified.

"(2) The term 'value-added longitudinal data system' means a longitudinal data system for determining value-added student achievement gains.

"(3) The term 'value-added student achievement gains' means student achievement gains determined by means of a system that—

"(A) is sufficiently sophisticated and valid—

"(i) to deal with the problem of students with incomplete records;

"(ii) to enable estimates to be precise and to use all the data for all students in multiple years, regardless of sparseness, in order to avoid measurement error in test scores (such as by using multivariate, longitudinal analyses); and

"(iii) to protect against inappropriate testing practices or improprieties in test administration;

"(B) includes a way to acknowledge the existence of influences on student growth, such as pull-out programs for support beyond standard delivery of instruction, so that affected teachers do not receive an unfair advantage; and

"(C) has the capacity to assign various proportions of student growth to multiple teachers when the classroom reality, such as team teaching and departmentalized instruction, makes such type of instruction an issue.

"Subpart 1—Distribution

"SEC. 2501. PREMIUM PAY; LOAN REPAYMENT.

"(a) GRANTS.—The Secretary shall make grants to local educational agencies to provide higher salaries to exemplary, highly qualified principals and exemplary, highly qualified teachers with at least 3 years of experience, including teachers certified by the National Board for Professional Teaching Standards, if the principal or teacher agrees to serve full-time for a period of 4 consecutive school years at a public high-need elementary school or a public high-need secondary school.

"(b) USE OF FUNDS.—A local educational agency that receives a grant under this section may use funds made available through the grant—

"(1) to provide to exemplary, highly qualified principals up to $15,000 as an annual bonus for each of 4 consecutive school years if the principal commits to work full-time for such period in a public high-need elementary school or a public high-need secondary school; and

"(2) to provide to exemplary, highly qualified teachers—

"(A) up to $10,000 as an annual bonus for each of 4 consecutive school years if the teacher commits to work full-time for such period in a public high-need elementary school or a public high-need secondary school; or

"(B) up to $12,500 as an annual bonus for each of 4 consecutive school years if the teacher commits to work full-time for such period teaching a subject for which there is a documented shortage of teachers in a public high-need elementary school or a public high-need secondary school.

"(c) TIMING OF PAYMENT.—A local educational agency providing an annual bonus to a principal or teacher under subsection (b) shall pay the bonus on completion of the service requirement by the principal or teacher for the applicable year.

"(d) GRANT PERIOD.—The Secretary shall make grants under this section in yearly installments for a total period of 4 years.

"(e) OBSERVATION, FEEDBACK, AND EVALUATION.—The Secretary may make a grant to a local educational agency under this section only if the State in which the agency is located or the agency has in place or proposes a plan, developed on a collaborative basis with the local teacher organization, to develop a system in which principals and, if available, master teachers rate teachers as exemplary. Such a system shall be—

"(1) based on strong learning gains for students;

"(2) based on classroom observation and feedback at least four times annually;

"(3) conducted by multiple sources, including master teachers and principals; and

"(4) evaluated against research-validated rubrics that use planning, instructional, and learning environment standards to measure teaching performance.

"(f) APPLICATION REQUIREMENTS.—To seek a grant under this section, a local educational agency shall submit an application at such time, in such manner, and containing such information as the Secretary reasonably requires. At a minimum, the application shall include the following:

"(1) A description of the agency's proposed new teacher hiring timeline, including interim goals for any phase-in period.

"(2) An assurance that the agency will—

"(A) pay matching funds for the program carried out with the grant, which matching funds may be derived from funds received under other provisions of this title;

"(B) commit to making the program sustainable over time;

"(C) create incentives to bring a critical mass of exemplary, highly qualified teachers to each school whose teachers will receive assistance under this section;

"(D) improve the school's working conditions through activities that may include but are not limited to—

"(i) reducing class size;

"(ii) ensuring availability of classroom materials, textbooks, and other supplies;

"(iii) improving or modernizing facilities; and

"(iv) upgrading safety; and

"(E) accelerate the timeline for hiring new teachers in order to minimize the withdrawal of high-quality teacher applicants and secure the best new teacher talent for their hardest-to-staff schools.

"(3) An assurance that, in identifying exemplary teachers, the system described in paragraph (1) will take into consideration—

"(A) growth of the teacher's students on any tests required by the State educational agency;

"(B) value-added student achievement gains if such teacher is in a State that uses a value-added longitudinal data system;

"(C) National Board for Professional Teaching Standards certification; and

"(D) evidence of teaching skill documented in performance-based assessments.

"(g) HIRING HIGHLY QUALIFIED TEACHERS EARLY AND IN A TIMELY MANNER.—

"(1) IN GENERAL.—In addition to the requirements of subsection (f), an application under such subsection shall include a description of the steps the local educational agency will take to enable all or a subset of the agency's schools to hire new highly qualified teachers early and in a timely manner, including—

"(A) requiring a clear and early notification date for retiring teachers that is no later than March 15 each year;

"(B) providing schools with their staffing allocations no later than April of the preceding school year;

"(C) enabling schools to consider external candidates at the same time as internal candidates for available positions;

"(D) moving up the teacher transfer period to April and not requiring schools to hire transferring or 'excessed' teachers from other schools without selection and consent; and

"(E) establishing and implementing a new principal accountability framework to ensure that principals with increased hiring authority are improving teacher quality.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

"(h) PRIORITY.—In providing higher salaries to principals and teachers under this section, a local educational agency shall give priority to principals and teachers at schools identified under section 1116 for school improvement, corrective action, or restructuring.

"(i) DEFINITIONS.—In this section:

"(1) The term 'high-need' means, with respect to an elementary school or a secondary school, a school that serves an eligible school attendance area in which not less than 65 percent of the children are from low-income families, based on the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act, or in which not less than 65 percent of the children enrolled are from such families.

"(2) The term 'documented shortage of teachers'—

"(A) means a shortage of teachers documented in the needs assessment submitted under section 2122 by the local educational agency involved or some other official demonstration of shortage by the local education agency; and

"(B) may include such a shortage in mathematics, science, a foreign language, special education, bilingual education, or reading.

"(3) The term 'exemplary, highly qualified principal' means a principal who—

"(A) demonstrates a belief that every student can achieve at high levels;

"(B) demonstrates an ability to drive substantial gains in academic achievement for all students while closing the achievement gap for those farthest from meeting standards;

"(C) uses data to drive instructional improvement;

"(D) provides ongoing support and development for teachers; and

"(E) builds a positive school community, treating every student with respect and reinforcing high expectations for all.

"(4) The term 'exemplary, highly qualified teacher' means a highly qualified teacher who is rated as exemplary pursuant to a system described in subsection (e).

"(j) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $2,200,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

"SEC. 2502. CAREER LADDERS FOR TEACHERS PROGRAM.

"(a) GRANTS.—The Secretary may make grants to local educational agencies to establish and implement a Career Ladders for Teachers Program in which the agency—

"(1) augments the salary of teachers in high-need elementary schools and high-need secondary schools to correspond to the increasing responsibilities and leadership roles assumed by the teachers as they take on new professional roles (such as serving on school leadership teams, serving as instructional coaches, and serving in hybrid roles), including by—

"(A) providing up to $10,000 as an annual augmentation to master teachers (including teachers serving as master teachers as part of a state-of-the-art teacher induction program under section 2511); and

"(B) providing up to $5,000 as an annual augmentation to mentor teachers (including teachers serving as mentor teachers as part of a state-of-the-art teacher induction program under section 2511);

"(2) provides up to $4,000 as an annual bonus to all career teachers, master teachers, and mentor teachers in high-need elementary schools and high-need secondary schools based on a combination of—

"(A) at least 3 classroom evaluations over the course of the year that shall—

"(i) be conducted by multiple evaluators, including master teachers and the principal;

"(ii) be based on classroom observation at least 3 times annually; and

"(iii) be evaluated against research-validated benchmarks that use planning, instructional, and learning environment standards to measure teacher performance; and

"(B) the performance of the teacher's students as determined by—

"(i) student growth on any test that is required by the State educational agency or local educational agency and is administered to the teacher's students; or

"(ii) in States or local educational agencies with value-added longitudinal data systems, whole-school value-added student achievement gains and classroom-level value-added student achievement gains; or

"(3) provides up to $4,000 as an annual bonus to principals in elementary schools and secondary schools based on the performance of the school's students, taking into consideration whole-school value-added student achievement gains in States that have value-added longitudinal data systems and in which information on whole-school value-added student achievement gains is available.

"(b) ELIGIBILITY REQUIREMENT.—A local educational agency may not use any funds under this section to establish or implement a Career Ladders for Teachers Program unless—

"(1) the percentage of teachers required by prevailing union rules votes affirmatively to adopt the program; or

"(2) in States that do not recognize collective bargaining between local educational agencies and teacher organizations, at least 75 percent of the teachers in the local educational agency vote affirmatively to adopt the program.

"(c) DEFINITIONS.—In this section:

"(1) The term 'career teacher' means a teacher who has a bachelor's degree and full credentials or alternative certification including a passing level on elementary or secondary subject matter assessments and professional knowledge assessments.

"(2) The term 'mentor teacher' means a teacher who—

"(A) has a bachelor's degree and full credentials or alternative certification including a passing level on any applicable elementary or secondary subject matter assessments and professional knowledge assessments;

"(B) has a portfolio and a classroom demonstration showing instructional excellence;

"(C) has an ability, as demonstrated by student data, to increase student achievement through utilizing specific instructional strategies;

"(D) has a minimum of 3 years of teaching experience;

"(E) is recommended by the principal and other current master and mentor teachers;

"(F) is an excellent instructor and communicator with an understanding of how to facilitate growth in the teachers the teacher is mentoring; and

"(G) performs well as a mentor in established induction and peer review and mentoring programs.

"(3) The term 'master teacher' means a teacher who—

"(A) holds a master's degree in the relevant academic discipline;

"(B) has at least 5 years of successful teaching experience, as measured by performance evaluations, a portfolio of work, or National Board for Professional Teaching Standards certification;

"(C) demonstrates expertise in content, curriculum development, student learning, test analysis, mentoring, and professional development, as demonstrated by an advanced degree, advanced training, career experience, or National Board for Professional Teaching Standards certification;

"(D) presents student data that illustrates the teacher's ability to increase student achievement through utilizing specific instructional interventions;

"(E) has instructional expertise demonstrated through model teaching, team teaching, video presentations, student achievement gains, or National Board for Professional Teaching Standards certification;

"(F) may hold a valid National Board for Professional Teaching Standards certificate, may have passed another rigorous standard, or may have been selected as a school, district, or State teacher of the year; and

"(G) is currently participating, or has previously participated, in a professional development program that supports classroom teachers as mentors.

"(4) The term 'high-need', with respect to an elementary school or a secondary school, has the meaning given to that term in section 2501.

"(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $200,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

TITLE III—IMPROVING TEACHER PREPARATION

SEC. 301. AMENDMENT TO ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Part E of title II of the Elementary and Secondary Education Act of 1965, as added by title II of this Act, is amended by adding at the end the following:

"Subpart 2—Preparation

"SEC. 2511. ESTABLISHING STATE-OF-THE-ART TEACHER INDUCTION PROGRAMS.

"(a) GRANTS.—The Secretary may make grants to States and eligible local educational agencies for the purpose of developing state-of-the-art teacher induction programs.

"(b) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In this section, the term 'eligible local educational agency' means—

"(1) a high-need local educational agency; or

"(2) a partnership of a high-need local educational agency and an institution of higher education, a teacher organization, or any other nonprofit education organization.

"(c) USE OF FUNDS.—A State or an eligible local educational agency that receives a grant under subsection (a) shall use the funds made available through the grant to develop a state-of the-art teacher induction program that—

"(1) provides new teachers a minimum of 3 years of extensive, high-quality, comprehensive induction into the field of teaching; and

"(2) includes—

"(A) structured mentoring from highly qualified master or mentor teachers who are certified, have teaching experience similar to the grade level or subject assignment of the new teacher, and are trained to mentor new teachers;

"(B) at least 90 minutes each week of common meeting time for a new teacher to discuss student work and teaching under the director of a master or mentor teacher;

"(C) regular classroom observation in the new teacher's classroom;

"(D) observation by the new teacher of the mentor teacher's classroom;

"(E) intensive professional development activities for new teachers that result in improved teaching leading to student achievement, including lesson demonstration by master and mentor teachers in the classroom, observation, and feedback;

"(F) training in effective instructional services and classroom management strategies for mainstream teachers serving students with disabilities and students with limited English proficiency;

"(G) observation of teachers and feedback at least 4 times each school year by multiple evaluators, including master teachers and the principals, using research-validated benchmarks of teaching skills and standards that are developed with input from teachers;

"(H) paid release time for the mentor teacher for mentoring, or salary supplements under section 2502, for mentoring new teachers at a ratio of one full-time mentor to every 12 new teachers;

"(I) a transition year to the classroom that includes a reduced workload for beginning teachers; and

"(J) a standards-based assessment of every beginning teacher to determine whether the teacher should move forward in the teaching profession, which assessment may include examination of practice and a measure of gains in student learning.

"(d) ADDITIONAL REQUIREMENT.—The Secretary shall commission an independent evaluation of state-of the-art teacher induction programs supported under this section in order to compare the design and outcome of various models of induction programs.

"(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $300,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

"SEC. 2512. PEER MENTORING AND REVIEW PROGRAMS.

"(a) GRANTS.—The Secretary shall make grants to local educational agencies for peer mentoring and review programs.

"(b) USE OF FUNDS.—A local educational agency that receives a grant under this section shall use the funds made available through the grant to establish and implement a peer mentoring and review program. Such a program shall be established through collective bargaining agreements or, in States that do not recognize collective bargaining between local educational agencies and teacher organizations, through joint agreements between the local educational agency and affected teacher organizations.

"(c) APPLICATION.—To seek a grant under this section, a local educational agency shall submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require. The Secretary shall require each such application to include the following:

"(1) Data from the applicant on recruitment and retention prior to implementing the induction program.

"(2) Measurable goals for increasing retention after the induction program is implemented.

"(3) Measures that will be used to determine whether teacher effectiveness is improved through participation in the induction program.

"(4) A plan for evaluating and reporting progress toward meeting the applicant's goals.

"(d) PROGRESS REPORTS.—The Secretary shall require each grantee under this section to submit progress reports on an annual basis.

"(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $50,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

"SEC. 2513. ESTABLISHING STATE-OF-THE-ART PRINCIPAL TRAINING AND INDUCTION PROGRAMS AND PERFORMANCE-BASED PRINCIPAL CERTIFICATION.

"(a) GRANTS.—The Secretary may make grants to not more than 10 States to develop, implement, and evaluate pilot programs for performance-based certification and training of exemplary, highly qualified principals who can drive gains in academic achievement for all children.

"(b) PROGRAM REQUIREMENTS.—A pilot program developed under this section—

"(1) shall pilot the development, implementation, and evaluation of a statewide performance-based system for certifying principals;

"(2) shall pilot and demonstrate the effectiveness of statewide performance-based certification through support for innovative performance-based programs on a smaller scale;

"(3) shall provide for certification of principals by institutions with strong track records, such as a local educational agency, nonprofit organization, or business school, that is approved by the State for purposes of such certification and has formalized partnerships with in-State local educational agencies;

"(4) may be used to develop, sustain, and expand model programs for recruiting and training aspiring and new principals in both instructional leadership and general management skills;

"(5) shall include evaluation of the results of the pilot program and other in-State programs of principal preparation (which evaluation may include value-added assessment scores of all children in a school and should emphasize the correlation of academic achievement gains in schools led by participating principals and the characteristics and skills demonstrated by those individuals when applying to and participating in the program) to inform the design of certification of individuals to become school leaders in the State; and

"(6) shall make possible interim certification for up to 2 years for aspiring principals participating in the pilot program who—

"(A) have not yet attained full certification;

"(B) are serving as assistant principals or principal residents, or in positions of similar responsibility; and

"(C) have met clearly defined criteria for entry into the program that are approved by the applicable local educational agency.

"(c) PRIORITY.—In selecting grant recipients under this section, the Secretary shall give priority to States that will use the grants for one or more high-need local educational agencies and schools.

"(d) TERMS OF GRANT.—A grant under this section—

"(1) shall be for not more than 5 years; and

"(2) shall be performance-based, permitting the Secretary to discontinue funding based on failure of the State to meet benchmarks identified by the State.

"(e) USE OF EVALUATION RESULTS.—A State receiving a grant under this section shall use the evaluation results of the pilot program conducted pursuant to the grant and similar evaluations of other in-State programs of principal preparation (especially the correlation of academic achievement gains in schools led by participating principals and the characteristics and skills demonstrated by those individuals when applying to and participating in the pilot program) to inform the design of certification of individuals to become school leaders in the State.

"(f) DEFINITIONS.—For the purposes of this section:

"(1) The term 'exemplary, highly qualified principal' has the meaning given to that term in section 2501.

"(2) The term 'performance-based certification system' means a certification system that—

"(A) is based on a clearly defined set of standards for skills and knowledge needed by new principals;

"(B) is not based on numbers of hours enrolled in particular courses;

"(C) certifies participating individuals to become school leaders primarily based on—

"(i) their demonstration of those skills through a formal assessment aligned to these standards; and

"(ii) academic achievement results in a school leadership role such as a residency or an assistant principalship; and

"(D) awards certification to individuals who successfully complete programs at institutions that include local educational agencies, nonprofit organizations, and business schools approved by the State for purposes of such certification and have formalized partnerships with in-State local educational agencies.

"(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $100,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

"SEC. 2514. STUDY ON DEVELOPING A PORTABLE PERFORMANCE-BASED TEACHER ASSESSMENT.

"(a) STUDY.—

"(1) IN GENERAL.—The Secretary shall enter into an arrangement with an objective evaluation firm to conduct a study to assess the validity of any test used for teacher certification or licensure by multiple States, taking into account the passing scores adopted by multiple States. The study shall determine the following:

"(A) The extent to which tests of content knowledge represent subject mastery at the baccalaureate level.

"(B) Whether tests of pedagogy reflect the latest research on teaching and learning.

"(C) The relationship, if any, between teachers' scores on licensure and certification exams and other measures of teacher effectiveness, including learning gains achieved by the teachers' students.

"(2) REPORT.—The Secretary shall submit a report to the Congress on the results of the study conducted under this subsection.

"(b) GRANT TO CREATE A MODEL PERFORMANCE-BASED ASSESSMENT.—

"(1) GRANT.—The Secretary may make 1 grant to an eligible partnership to create a model performance-based assessment of teaching skills that reliably evaluates teaching skills in practice and can be used to facilitate the portability of teacher credentials and licensing from one State to another.

"(2) CONSIDERATION OF STUDY.—In creating a model performance-based assessment of teaching skills, the recipient of a grant under this section shall take into consideration the results of the study conducted under subsection (a).

"(3) ELIGIBLE PARTNERSHIP.—In this section, the term 'eligible partnership' means a partnership of—

"(A) an independent professional organization; and

"(B) an organization that represents administrators of State educational agencies.".

SEC. 302. AMENDMENT TO THE HIGHER EDUCATION ACT OF 1965: TEACHER QUALITY ENHANCEMENT GRANTS.

Part A of title II of the Higher Education Act of 1965 is amended by striking sections 206 through 209 (20 U.S.C. 1026–1029) and inserting the following:

"SEC. 206. ACCOUNTABILITY AND EVALUATION.

"(a) STATE GRANT ACCOUNTABILITY REPORT.—An eligible State that receives a grant under section 202 shall submit an annual accountability report to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives. Such report shall include a description of the degree to which the eligible State, in using funds provided under such section, has made substantial progress in meeting the following goals:

"(1) PERCENTAGE OF HIGHLY QUALIFIED TEACHERS.—Increasing the percentage of highly qualified teachers in the State as required by section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319).

"(2) STUDENT ACADEMIC ACHIEVEMENT.—Increasing student academic achievement for all students, which may be measured through the use of value-added assessments, as defined by the eligible State.

"(3) RAISING STANDARDS.—Raising the State academic standards required to enter the teaching profession as a highly qualified teacher.

"(4) INITIAL CERTIFICATION OR LICENSURE.—Increasing success in the pass rate for initial State teacher certification or licensure, or increasing the numbers of qualified individuals being certified or licensed as teachers through alternative routes to certification and licensure.

"(5) DECREASING TEACHER SHORTAGES.—Decreasing shortages of highly qualified teachers in poor urban and rural areas.

"(6) INCREASING OPPORTUNITIES FOR RESEARCH-BASED PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that—

"(A) improves the academic content knowledge of teachers in the subject areas in which the teachers are certified or licensed to teach or in which the teachers are working toward certification or licensure to teach; and

"(B) promotes strong teaching skills.

"(7) TECHNOLOGY INTEGRATION.—Increasing the number of teachers prepared effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and parental involvement decisionmaking for the purpose of increasing student academic achievement.

"(b) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership applying for a grant under section 203 shall establish, and include in the application submitted under section 203(c), an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for—

“(1) increased student achievement for all students, as measured by the partnership;

“(2) increased teacher retention in the first 3 years of a teacher's career;

“(3) increased success in the pass rate for initial State certification or licensure of teachers;

“(4) increased percentage of highly qualified teachers; and

“(5) increasing the number of teachers trained effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of improving student academic achievement.

“(c) REVOCATION OF GRANT.—

“(1) REPORT.—Each eligible State or eligible partnership receiving a grant under section 202 or 203 shall report annually on the progress of the eligible State or eligible partnership toward meeting the purposes of this part and the goals, objectives, and measures described in subsections (a) and (b).

“(2) REVOCATION.—

“(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—If the Secretary determines that an eligible State or eligible applicant is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the second year of a grant under this part, then the grant payment shall not be made for the third year of the grant.

“(B) ELIGIBLE PARTNERSHIPS.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the third year of a grant under this part, then the grant payments shall not be made for any succeeding year of the grant.

“(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report annually the Secretary's findings regarding the activities to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by eligible States and eligible partnerships under this part, and shall broadly disseminate information regarding such practices that were found to be ineffective.

“SEC. 207. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

“(a) STATE REPORT CARD ON THE QUALITY OF TEACHER AND PRINCIPAL PREPARATION.—Each State that receives funds under this Act shall provide to the Secretary annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional certification or licensure programs and for alternative certification or licensure programs, which shall include at least the following:

“(1) A description of the teacher and principal certification and licensure assessments, and any other certification and licensure requirements, used by the State.

“(2) The standards and criteria that prospective teachers and principals must meet in order to attain initial teacher and principal certification or licensure and to be certified or licensed to teach particular subjects or in particular grades within the State.

“(3) A demonstration of the extent to which the assessments and requirements described in paragraph (1) are aligned with the State's standards and assessments for students.

“(4) The percentage of students who have completed the clinical coursework for a teacher preparation program at an institution of higher education or alternative certification program and who have taken and passed each of the assessments used by the State for teacher certification and licensure, and the passing score on each assessment that determines whether a candidate has passed that assessment.

“(5) For students who have completed the clinical coursework for a teacher preparation program at an institution of higher education or alternative certification program, and who have taken and passed each of the assessments used by the State for teacher certification and licensure, each such institution's and each such program's average raw score, ranked by teacher preparation program, which shall be made available widely and publicly.

“(6) A description of each State's alternative routes to teacher certification, if any, and the number and percentage of teachers certified through each alternative certification route who pass State teacher certification or licensure assessments.

“(7) For each State, a description of proposed criteria for assessing the performance of teacher and principal preparation programs in the State, including indicators of teacher and principal candidate skills, placement, and retention rates (to the extent feasible), and academic content knowledge and evidence of gains in student academic achievement.

“(8) For each teacher preparation program in the State, the number of students in the program, the number of minority students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty, adjunct faculty, and students in supervised practice teaching.

“(9) For the State as a whole, and for each teacher preparation program in the State, the number of teachers prepared, in the aggregate and reported separately by—

“(A) level (elementary or secondary);

“(B) academic major;

“(C) subject or subjects for which the student has been prepared to teach; and

“(D) teacher candidates who speak a language other than English and have been trained specifically to teach English-language learners.

“(10) The State shall refer to the data generated for paragraphs (8) and (9) to report on the extent to which teacher preparation programs are helping to address shortages of qualified teachers, by level, subject, and specialty, in the State's public schools, especially in poor urban and rural areas as required by section 206(a)(5).

“(b) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

“(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in paragraphs (1) through (10) of subsection (a). Such report shall identify States for which eligible States and eligible partnerships received a grant under this part. Such report shall be so provided, published and made available annually.

“(2) REPORT TO CONGRESS.—The Secretary shall report to Congress—

“(A) a comparison of States' efforts to improve teaching quality; and

“(B) regarding the national mean and median scores on any standardized test that is used in more than 1 State for teacher certification or licensure.

“(3) SPECIAL RULE.—In the case of programs with fewer than 10 students who have completed the clinical coursework for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

“(c) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

“(d) INSTITUTION AND PROGRAM REPORT CARDS ON QUALITY OF TEACHER PREPARATION.—

“(1) REPORT CARD.—Each institution of higher education or alternative certification program that conducts a teacher preparation program that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, both for traditional certification or licensure programs and for alternative certification or licensure programs, the following information, disaggregated by major racial and ethnic groups:

“(A) PASS RATE.—(i) For the most recent year for which the information is available, the pass rate of each student who has completed the clinical coursework for the teacher preparation program on the teacher certification or licensure assessments of the State in which the institution is located, but only for those students who took those assessments within 3 years of receiving a degree from the institution or completing the program.

“(ii) A comparison of the institution or program's pass rate for students who have completed the clinical coursework for the teacher preparation program with the average pass rate for institutions and programs in the State.

“(iii) In the case of programs with fewer than 10 students who have completed the clinical coursework for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

“(B) PROGRAM INFORMATION.—The number of students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty and students in supervised practice teaching.

“(C) STATEMENT.—In States that require approval or accreditation of teacher education programs, a statement of whether the institution's program is so approved or accredited, and by whom.

“(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 208(a).

“(2) REQUIREMENT.—The information described in paragraph (1) shall be reported through publications such as school catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates, including materials sent by electronic means.

"(3) Fines.—In addition to the actions authorized in section 487(c), the Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

"(e) Data Quality.—Either—

"(1) the Governor of the State; or

"(2) in the case of a State for which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for teacher certification and preparation activity, such individual, entity, or agency;

shall attest annually, in writing, as to the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.

"SEC. 208. STATE FUNCTIONS.

"(a) State Assessment.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing institutions that includes an identification of those institutions at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based upon information collected pursuant to this part. Such assessment shall be described in the report under section 207(a). A State receiving Federal funds under this title shall develop plans to close or reconstitute underperforming programs of teacher preparation within institutions of higher education.

"(b) Termination of Eligibility.—Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn the State's approval or terminated the State's financial support due to the low performance of the institution's teacher preparation program based upon the State assessment described in subsection (a)—

"(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education; and

"(2) shall not be permitted to accept or enroll any student who receives aid under title IV of this Act in the institution's teacher preparation program.

"SEC. 209. GENERAL PROVISIONS.

"In complying with sections 207 and 208, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals.".

SEC. 303. ENFORCING NCLB'S TEACHER EQUITY PROVISION.

Subpart 2 of part E of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.) is amended by adding at the end the following:

"SEC. 9537. ASSURANCE OF REASONABLE PROGRESS TOWARD EQUITABLE ACCESS TO TEACHER QUALITY.

"(a) In General.—The Secretary may not provide any assistance to a State under this Act unless, in the State's application for such assistance, the State—

"(1) provides the plan required by section 1111(b)(8)(C) and at least one public report pursuant to that section;

"(2) clearly articulates the measures the State is using to determine whether poor and minority students are being taught disproportionately by inexperienced, unqualified, or out-of-field teachers;

"(3) includes an evaluation of the success of the State's plan required by section 1111(b)(8)(C) in addressing any such disparities;

"(4) with respect to any such disparities, proposes modifications to such plan; and

"(5) includes a description of the State's activities to monitor the compliance of local educational agencies in the State with section 1112(c)(1)(L).

"(b) Effective Date.—This section applies with respect to any assistance under this Act for which an application is submitted after the date of the enactment of this section.".

TITLE IV—EQUIPPING TEACHERS, SCHOOLS, LOCAL EDUCATIONAL AGENCIES, AND STATES WITH THE 21ST CENTURY DATA, TOOLS, AND ASSESSMENTS THEY NEED

SEC. 401. 21ST CENTURY DATA, TOOLS, AND ASSESSMENTS.

Part E of title II of the Elementary and Secondary Education Act of 1965, as added by titles II and III of this Act, is amended by adding at the end the following:

"Subpart 3—21st Century Data, Tools, and Assessments

"SEC. 2521. DEVELOPING VALUE-ADDED DATA SYSTEMS.

"(a) Teacher and Principal Evaluation.—

"(1) Grants.—The Secretary shall make grants to States to develop and implement statewide data systems to collect and analyze data on the effectiveness of elementary school and secondary school teachers and principals, based on value-added student achievement gains, for the purposes of—

"(A) determining the distribution of effective teachers and principals in schools across the State;

"(B) developing measures for helping teachers and principals to improve their instruction; and

"(C) evaluating effectiveness of teacher and principal preparation programs.

"(2) Data requirements.—At a minimum, a statewide data system under this section shall—

"(A) track student course-taking patterns and teacher characteristics, such as certification status and performance on licensure exams; and

"(B) allow for the analysis of gains in achievement made by individual students over time, including gains demonstrated through student academic assessments under section 1111 and tests required by the State for course completion.

"(3) Standards.—The Secretary shall develop standards for the collection of data with grant funds under this section to ensure that such data are statistically valid and reliable.

"(4) Application.—To seek a grant under this section, a State shall submit an application at such time, in such manner, and containing such information as the Secretary may require. At a minimum, each such application shall demonstrate to the Secretary's satisfaction that the assessments used by the State to collect and analyze data for purposes of this subsection—

"(A) are aligned to State standards;

"(B) have the capacity to assess the highest- and lowest-performing students; and

"(C) are statistically valid and reliable.

"(b) Teacher Training.—The Secretary may make grants to institutions of higher education, local educational agencies, nonprofit organizations, and teacher organizations to develop and implement innovative programs to provide preservice and in-service training to elementary and secondary schools on—

"(1) understanding increasingly sophisticated student achievement data, especially data derived from value-added longitudinal data systems; and

"(2) using such data to improve classroom instruction.

"(c) Study.—The Secretary shall enter into an agreement with the National Academy of Sciences—

"(1) to evaluate the quality of data on the effectiveness of elementary and secondary school teachers, based on value-added student achievement gains; and

"(2) to compare a range of models for collecting and analyzing such data.

"(d) Authorization of Appropriations.—To carry out this section, there are authorized to be appropriated $200,000,000 for the period of fiscal years 2006 and 2007 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 402. COLLECTING NATIONAL DATA ON DISTRIBUTION OF TEACHERS.

Section 155 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9545) is amended by adding at the end the following:

"(d) Schools and Staffing Survey.—Not later than the end of fiscal year 2006, and every 3 years thereafter, the Statistics Commissioner shall publish the results of the Schools and Staffing Survey (or any successor survey).".

TITLE V—RETENTION: KEEPING OUR BEST TEACHERS IN THE CLASSROOM

SEC. 501. AMENDMENT TO ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Part E of title II of the Elementary and Secondary Education Act of 1965, as added by titles II, III, and IV of this Act, is amended by adding at the end the following:

"Subpart 4—Retention and Working Conditions

"SEC. 2531. IMPROVING PROFESSIONAL DEVELOPMENT OPPORTUNITIES.

"(a) Grants.—The Secretary may make grants to eligible entities for the establishment and operation of new teacher centers or the support of existing teacher centers.

"(b) Special Consideration.—In making grants under this section, the Secretary shall give special consideration to any application submitted by an eligible entity that is—

"(1) a high-need local educational agency; or

"(2) a consortium that includes at least one high-need local educational agency.

"(c) Duration.—Each grant under this section shall be for a period of 3 years.

"(d) Required Activities.—A teacher center receiving assistance under this section shall carry out each of the following activities:

"(1) Providing high-quality professional development to teachers to assist them in improving their knowledge, skills, and teaching practices in order to help students to improve their achievement and meet State academic standards.

"(2) Providing teachers with information on developments in curricula, assessments, and educational research, including the manner in which the research and data can be used to improve teaching skills and practice.

"(3) Providing training and support for new teachers.

"(e) Permissible Activities.—A teacher center may use assistance under this section for any of the following:

"(1) Assessing the professional development needs of the teachers and other instructional school employees, such as librarians, counselors, and paraprofessionals, to be served by the center.

"(2) Providing intensive support to staff to improve instruction in literacy, mathematics, science, and other curricular areas necessary to provide a well-rounded education to students.

"(3) Providing support to mentors working with new teachers.

"(4) Providing training in effective instructional services and classroom management strategies for mainstream teachers serving students with disabilities and students with limited English proficiency.

"(5) Enabling teachers to engage in study groups and other collaborative activities and collegial interactions regarding instruction.

"(6) Paying for release time and substitute teachers in order to enable teachers to participate in the activities of the teacher center.

"(7) Creating libraries of professional materials and educational technology.

"(8) Providing high-quality professional development for other instructional staff, such as paraprofessionals, librarians, and counselors.

"(9) Assisting teachers to become highly qualified and paraprofessionals to become teachers.

"(10) Assisting paraprofessionals to meet the requirements of section 1119.

"(11) Developing curricula.

"(12) Incorporating additional on-line professional development resources for participants.

"(13) Providing funding for individual- or group-initiated classroom projects.

"(14) Developing partnerships with businesses and community-based organizations.

"(15) Establishing a teacher center site.

"(f) TEACHER CENTER POLICY BOARD.—

"(1) IN GENERAL.—A teacher center receiving assistance under this section shall be operated under the supervision of a teacher center policy board.

"(2) MEMBERSHIP.—

"(A) TEACHER REPRESENTATIVES.—The majority of the members of a teacher center policy board shall be representatives of, and selected by, the elementary and secondary school teachers to be served by the teacher center. Such representatives shall be selected through the teacher organization, or if there is no teacher organization, by the teachers directly.

"(B) OTHER REPRESENTATIVES.—The members of a teacher center policy board—

"(i) shall include at least two members who are representative of, or designated by, the school board of the local educational agency to be served by the teacher center;

"(ii) shall include at least one member who is a representative of, and is designated by, the institutions of higher education (with departments or schools of education) located in the area; and

"(iii) may include paraprofessionals.

"(g) APPLICATION.—

"(1) IN GENERAL.—To seek a grant under this section, an eligible entity shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) ASSURANCE OF COMPLIANCE.—An application under paragraph (1) shall include an assurance that the applicant will require any teacher center receiving assistance through the grant to comply with the requirements of this section.

"(3) TEACHER CENTER POLICY BOARD.—An application under paragraph (1) shall include the following:

"(A) An assurance that—

"(i) the applicant has established a teacher center policy board;

"(ii) the board participated fully in the preparation of the application; and

"(iii) the board approved the application as submitted.

"(B) A description of the membership of the board and the method of its selection.

"(h) DEFINITIONS.—In this section:

"(1) The term 'eligible entity' means a local educational agency or a consortium of 2 or more local educational agencies.

"(2) The term 'teacher center policy board' means a teacher center policy board described in subsection (f).

"(i) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $100,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

SEC. 502. EXCLUSION FROM GROSS INCOME OF COMPENSATION OF TEACHERS AND PRINCIPALS IN CERTAIN HIGH-NEED SCHOOLS OR TEACHING HIGH-NEED SUBJECTS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139A the following new section:

"SEC. 139B. COMPENSATION OF CERTAIN TEACHERS AND PRINCIPALS.

"(a) TEACHERS AND PRINCIPALS IN HIGH-NEED SCHOOLS.—

"(1) IN GENERAL.—In the case of an individual employed as a teacher or principal in a high-need school during the taxable year, gross income does not include so much remuneration for such employment (which would but for this paragraph be includible in gross income) as does not exceed $15,000.

"(2) HIGH-NEED SCHOOL.—For purposes of this subsection, the term 'high-need school' means any public elementary school or public secondary school eligible for assistance under section 1114 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314).

"(b) TEACHERS OF HIGH-NEED SUBJECTS.—

"(1) IN GENERAL.—In the case of an individual employed as a teacher of high-need subjects during the taxable year, gross income does not include so much remuneration for such employment (which would but for this paragraph be includible in gross income) as does not exceed $15,000.

"(2) TEACHER OF HIGH-NEED SUBJECTS.—For purposes of this subsection, the term 'teacher of high-need subjects' means any teacher in a public elementary or secondary school who—

"(A) (i) teaches primarily 1 or more high-need subjects in 1 or more grades 9 through 12, or

"(ii) teaches 1 or more high-need subjects in 1 or more grades kindergarten through 8,

"(B) received a baccalaureate or similar degree from an eligible educational institution (as defined in section 25A(f)(2)) with a major in a high-need subject, and

"(C) is highly qualified (as defined in section 9101(23) of the Elementary and Secondary Education Act of 1965).

"(3) HIGH-NEED SUBJECTS.—For purposes of this subsection, the term 'high-need subject' means mathematics, science, engineering, technology, special education, teaching English language learners, or any other subject identified as a high-need subject by the Secretary of Education for purposes of this section.

"(c) LIMITATION ON TOTAL REMUNERATION TAKEN INTO ACCOUNT.—In the case of any individual whose employment is described in subsections (a)(1) and (b)(1), the total amount of remuneration which may be taken into account with respect to such employment under this section for the taxable year shall not exceed $25,000.".

(b) CLERICAL AMENDMENT.—The table of sections of such part is amended by inserting after the item relating to section 139A the following new item:

"Sec. 139B. Compensation of certain teachers and principals".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to remuneration received in taxable years beginning after the date of the enactment of this Act.

SEC. 503. ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS INCREASED AND MADE PERMANENT.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) of the Internal Revenue Code of 1986 is amended by striking "In the case of" and all that follows through "$250" and inserting "The deductions allowed by section 162 which consist of expenses, not in excess of $500".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. CONFORMING AMENDMENTS.

The table of contents at section 2 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) by inserting after the items relating to part D of title II of such Act the following new items:

"PART E—TEACHER EXCELLENCE FOR ALL CHILDREN

"Sec. 2500. Definitions.

"SUBPART 1—DISTRIBUTION

"Sec. 2501. Premium pay; loan repayment.

"Sec. 2502. Career ladders for teachers program.

"SUBPART 2—PREPARATION

"Sec. 2511. Establishing state-of-the-art teacher induction programs.

"Sec. 2512. Peer mentoring and review programs.

"Sec. 2513. Establishing state-of-the-art principal training and induction programs and performance-based principal certification.

"Sec. 2514. Study on developing a portable performance-based teacher assessment.

"SUBPART 3—21ST CENTURY DATA, TOOLS, AND ASSESSMENTS

"Sec. 2521. Developing value-added data systems.

"SUBPART 4—RETENTION AND WORKING CONDITIONS

"Sec. 2531. Improving professional development opportunities."; and

(2) by inserting after the items relating to subpart 2 of part E of title IX of the Elementary and Secondary Education Act of 1965 the following new item:

"Sec. 9537. Assurance of reasonable progress toward equitable access to teacher quality.".

By Mr. BURNS:

S. 1219. A bill to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association, Inc; to the Committee on Energy and Natural Resources.

Mr. BURNS. Mr. President, today I am introducing legislation that provides an important clarification to the

Fort Peck Reservation Rural Water System Act of 2000. The water project authorized by that legislation will provide desperately needed drinking water to the residents of the Fort Peck Indian Reservation and the communities surrounding the Reservation Dry Prairie Rural Water System.

In order to accomplish this, the Assiniboine and Sioux Tribes of the Fort Peck Reservation and Dry Prairie are set to enter into an agreement, allowing Dry Prairie to use the water. The Dry Prairie allocation will be approximately 2,800 acre feet of water. The agreement is consistent with the provisions of the Tribes' Water Compact. However, to address any possible questions regarding the Tribes' grant of use of this water to Dry Prairie, both the Tribes and Dry Prairie would like the Secretary's authority to approve this water use agreement to be clearly approved by Congress. The legislation I am introducing today provides this clarification.

The Project, as authorized, calls for the water to be diverted from the Missouri River at a single location south of Poplar, MT, to an intake system or an infiltration gallery. The estimated amount of annual project diversion is 6,000 acre feet for the entire Project area. The Missouri River at the point of diversion has an average annual streamflow of approximately 7.5 million acre feet.

The Tribes, pursuant to their tribal-state water rights compact, one of the first in the Nation, hold a water right to nearly one million acre feet in the Missouri River. This compact has been approved by the Montana Water Court and is binding on all the parties. This Project will finally enable the Fort Peck Tribes to receive critical benefits from its water settlement with the United States and the State of Montana. As a result of this settlement, the Tribes are able to make a significant contribution to the Project: the water that will be used for the entire system. My legislation will provide the legal clarity necessary to ensure this project moves forward as intended.

By Mr. DODD (for himself, Ms. COLLINS, and Mr. LEAHY):

S. 1220. A bill to assist law enforcement in their efforts to recover missing children and to strengthen the standards for State sex offender registration programs; to the Committee on the Judiciary.

Mr. DODD. Mr. President, I am pleased to join with my colleague from Maine, Senator COLLINS, and my colleague from Vermont, Senator LEAHY, to introduce legislation today to protect America's children from the vicious criminals who prey on them.

While we've made some progress in the last few years, anyone who picks up a newspaper today can see that far too many of our kids are still too vulnerable.

The most recent annual data shows that about 58,000 children were abducted by nonfamily members, usually people who are strangers to the children. The most frequent victims were teenage girls. Almost one-half of these victims were sexually molested.

Our bill, "The Prevention and Recovery of Missing Children Act of 2005", will take 3 common-sense steps to better protect the children of America.

First, it will require that information on a missing child be disseminated throughout the country within 2 hours through the National Crime Information Center database. The reason for this requirement is that time is of the essence. In cases where a child is killed, the evidence shows that the child died within the first three hours of being kidnapped. The more quickly that police throughout the country can be alerted, the more likely it is that we can save a child before a child is harmed.

Second, the bill will make it tougher for convicted sex offenders to escape the law and the watchful eye of the community in which they live. We know that far too many jurisdictions rely essentially on the voluntary actions of the convicted sex offender to register his residence, his car and license plate, and other pertinent information. Moreover, requirements vary from State to State and jurisdiction to jurisdiction.

Therefore the legislation we are introducing today will provide tough national standards that will require these criminals to register before they are released from prison. It will require, within 48 hours of moving to a new residence, that these individuals report to local law enforcement and provide information about their residence, a current photograph, DNA sample, as well as report the make, model, and license plate number of his or her vehicle and get a drivers license or ID. Every 90 days, they would have to verify their registry information and annually provide a new photograph. Failure to comply with these requirements would subject the criminal to a felony.

These new requirements are tough, but our children's safety is far too important to be left to patchwork laws and the voluntary action of convicted criminals whose likelihood of repeating the crime is extremely high.

Third, the legislation removes a current requirement that the names of missing children be deleted from the national database when those children turn 18. Just because a child turns 18 doesn't mean that our country should not try to find that child and certainly doesn't mean that the child should be forgotten.

Nothing we do as a Nation is more important than building a better future for our children. And, nothing is more important to building that future than keeping our children safe today.

Therefore, in my view, no legislation is more important to be enacted in this Congress than this legislation to protect our children from every parent's nightmare. I ask unanimous consent to have a brief summary of the bill printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

PREVENTION AND RECOVERY OF MISSING CHILDREN ACT OF 2005—BRIEF SUMMARY

The most recent annual data shows that 58,000 children were abducted by nonfamily members, mostly strangers to the children. Most of the victims were teenage girls and nearly half were sexually molested. The National Crime Information Center (NCIC) database is a critical means of cooperation, linking 16,000 Federal, State, and local law enforcement agencies. Currently, registration for convicted sex offender rules vary by state. A number of States rely on sex offenders to self-report.

Improves missing child reporting requirements. Stops the practice of removing a missing child entry from the NCIC database when the child reaches age 18, to increase the chances for child recovery and investigative information available for other cases.

Improves the chances for recovery of missing children. Requires entry of child information into the NCIC database within 2 hours of receipt. Immediate entry is critical as evidenced by the fact that in 74 percent of abduction homicide cases the child is dead within 3 hours and 91 percent are killed within 24 hours.

Strengthens sex offender registration requirements. Each of the following suggested amendments are currently part of the statutory sex offender registration policies and procedures in at least one or more states.

Requires States to register sex offenders before they are released from prison. Permitting sex offenders to self-register can lead to under-registration and loss of potentially vital investigative information for law enforcement.

Requires the registering agency to obtain current fingerprints and a photograph (annually), as well as a DNA sample, from an offender at the time of registration. Up-to-date identifying information is a vital investigative tool and may help law enforcement connect seemingly unrelated cases in different jurisdictions.

Requires registrants to obtain either a driver's license or an identification card from the department of motor vehicles. This provides another mechanism through which law enforcement can track the location of potential re-offenders.

Requires that registration changes occur within 48 hours of the changes taking effect. The delay of registering changes creates a "loophole" through which sex offenders can re-offend and remain undetected.

Requires all registered sex offenders to verify their registry information every 90 days. Currently, this requirement is imposed for sexually violent predators only. Obtaining up-to-date registry information from all sex offenders is a vital investigative tool for law enforcement and obtaining it every 90 days provides earlier warning to law enforcement of non-compliant offenders who may have traveled into other jurisdictions, placing new communities at risk.

Requires States to inform another state when a known registered person is moving into its jurisdiction. Placing this burden solely on the sex offender leads to under-registration and places communities at risk.

In order to give sex offenders a strong incentive to comply with registry requirements, the bill mandates a felony designation for the crime of non-compliance. Non-compliance must be viewed as an ongoing offense.

By Mr. STEVENS (for himself, Mr. INOUYE, and Ms. CANTWELL):

S. 1222. A bill to amend the Internal Revenue Code of 1986 to reinstate the Oil Spill Liability Trust Fund tax and to maintain a balance of $3 billion in the Oil Spill Liability Trust Fund; to the Committee on Finance.

Mr. STEVENS. Mr. President, I introduce legislation today to maintain the solvency of the Oil Spill Liability Trust Fund established pursuant to the Oil Pollution Act of 1990. Shortly after midnight on March 24, 1989 the Exxon Valdez went aground on Bligh reef and caused an oil spill in Prince William Sound that is to this day still being monitored, studied, and restored. I wrote the Oil Pollution Act of 1990 in the aftermath of this disaster to provide the needed regulatory safeguards to reduce the potential for a similar spill to happen again and mitigate the environmental impacts in such an instance. The Oil Spill Liability Trust Fund is the cornerstone of the Oil Pollution Act ensuring funds for expeditious oil removal and providing for uncompensated damages to the environment. It is the "polluter pays" policy under the Act that requires the responsible party to pay back into the Fund all costs and damages related to a spill.

Unfortunately, the Oil Spill Liability Trust Fund is rapidly running out of money. At a recent Commerce Committee hearing the Commandant of the Coast Guard testified that the Oil Spill Liability Trust Fund would likely be depleted by 2009. And in its report on the "Implementation of the Oil Pollution Act of 1990", released May 12, 2005, the Coast Guard announced at the end of fiscal year 2004 there was $842 million remaining in the Fund. This is compared to previous years when the un-obligated balance was well over $1 billion, as was required under the Act through a 5 cents per barrel of oil tax collected from the oil industry on petroleum produced in or imported to the United States. The tax was suspended on July 1, 1993 when the un-obligated balance in the Fund exceeded $1 billion. Thereafter, the tax was reinstated on July 1, 1994 when the balance declined below $1 billion. However, the tax expired on December 31, 1994 pursuant to the sunset provision under the Act.

Since this time, the Oil Spill Liability Trust Fund has been unable to maintain a funding level above $1 billion from its various revenue sources prescribed under the Act, which consist of transfers from other existing pollution funds, interest on the Fund principal from U.S. Treasury investments, cost recoveries from responsible parties, and penalties. The only viable option to maintain the Fund's solvency is the reinstatement of the 5 cents per barrel of oil tax. The bill I introduce today will require the 5 cents tax go into effect after the last day of the first calendar quarter ending more than 30 days after the date of enactment. In addition, the bill provides that the Oil Spill Liability Trust Fund be funded at $3 billion, and if the fund drops below $2 billion the 5 cents per barrel tax will automatically be reinstated until the fund exceeds $3 billion.

By Mr. DODD:

S. 1223. A bill to amend the Public Health Service Act to improve the quality and efficiency of health care delivery through improvements in health care information technology, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, today I am pleased to announce the reintroduction of the Information Technology for Health Care Quality Act. By encouraging health care providers to invest in information technology (IT), this legislation has the potential to bring skyrocketing health care costs under control and improve the overall quality of care in our nation.

We are facing a health care crisis in our country. According to the Census Bureau, 45 million Americans were without health insurance in 2003—an increase of 1.4 million over 2002. In many respects, we have the greatest health system in the world, but far too many Americans are unable to take advantage of this system.

The number of uninsured continues to rise because the cost of health care continues to soar. Year after year, health care costs increase by double-digit percentages. The cost of employer-sponsored coverage increased by 11 percent last year, after a 14-percent increase in 2003. Employers are dropping health care coverage because they can no longer afford to foot the bill.

One of the ways to provide health care coverage to every American is to reign in health care costs. And expanding the use of IT in health care is the best tool we have to control costs. Studies have shown that as much as one-third of health care spending is for redundant or inappropriate care. Estimates suggest that up to 14 percent of laboratory tests and 11 percent of medication usage are unnecessary. Finally, and perhaps most disturbingly, we know that it takes, on average, 17 years for evidence to be incorporated into clinical practice. Along these same lines, a recent study showed that patients receive the best evidence-based treatment only about half the time.

Significant cost-savings will undoubtedly be realized simply by moving away from a paper-based system, where patient charts and test results are easily lost or misplaced, to an electronic system where data is easily stored, transferred from location to location, and retrieved at any time. With health IT, physicians will have their patients' medical information, at their fingertips. A physician will no longer have to take another set of X-Rays because the first set was misplaced, or order a test that the patient had six months ago in another hospital because she is unaware that the test ever took place. The potential for cost-savings from simply eliminating redundancies and unnecessary tests, and reducing administrative and transaction costs, is substantial.

Of course, when we consider the improved quality of care and patient safety that will result from wider adoption of health IT, the impact on cost is even greater. For example, IT can provide decision support to ensure that physicians are aware of the most up-to-date, evidence-based best practices regarding a specific disease or condition, which will reduce expensive hospitalizations. Given all of these benefits, estimates suggest that Electronic Health Records (EHRs) alone could save more than $100 billion each year. The full benefits of IT could be multiple hundreds of billions annually. Such a significant reduction in health care costs would allow us to provide coverage to millions of uninsured Americans.

The benefits of IT go beyond economics. I am sure that all of my colleagues are familiar with the Institute of Medicine (IOM) estimate that up to 98,000 Americans die each year as a result of medical errors. A RAND Corporation study from last year showed that, on average, patients receive the recommended care for certain widespread chronic conditions only half of the time. That is an astonishing figure. To put it in a slightly different way, for many of the health conditions with which physicians should be most familiar, half of all patients are essentially being treated incorrectly.

Most experts in the field of patient safety and health care quality, incuding the IOM, agree that improving IT is one of the crucial steps towards safer and better health care. By providing physicians with access to patients' complete medical history, as well as electronic cues to help them make the correct treatment decisions, IT has the potential to significantly impact the care that Americans receive. It is impossible to put a value on the potential savings in human lives that would undoubtedly result from a nationwide investment in health care information technology.

It might seem counterintuitive that we can realize tremendous cost savings while, at the same time, improving care for patients. But in fact, improving patient care is essential to reducing costs. IT is the key to unlocking the door—it has the potential to lead to improvements in care and efficiency that will save patients' lives, reduce costs, and reduce the number of uninsured.

Unfortunately, despite the impact that IT can have on cost, efficiency, patient safety, and health care quality, most health care providers have not yet begun to invest in new technologies. The use of IT in most hospitals and doctors' offices lags far behind almost every other sphere of society. The vast majority of written work, such as patient charts and prescriptions, is still done using pen and paper. This leads to mistakes, higher costs, reduced quality of care, and in the most tragic cases, death.

There is no question in my mind that the federal government has a significant role to play in expanding investment in health IT. The legislation that I am introducing today defines that role. First, this bill would establish federal leadership in defining a National Health Information Infrastructure (NHII) and adopting health IT standards. While I am pleased that the administration has already appointed a National Coordinator for Health Information Technology, I believe that the authority given to the Coordinator and the resources at his disposal are not equal to the enormity of his task. That is why my legislation creates an office in the White House, the Office of Health Information Technology, to oversee all of the Federal Government's activities in the area of health IT, and to create and implement a national strategy to expand the adoption of IT in health care.

This office would also be responsible for leading a collaborative effort between the public and private sectors to develop technical standards for health IT. These standards will ensure that health care information can be shared between providers, so that a family moving from Connecticut to California will not have to leave their medical history behind. At the same time, this bill would ensure that the adopted standards protect the privacy of patient records. While the creation of portable electronic health records is an important goal, privacy and confidentiality must not be sacrificed.

This legislation would also provide financial assistance to individual health care providers to stimulate investment in IT, and to communities to help them set up interoperable IT infrastructures at the local level, often referred to as Local Health Information Infrastructures—LHIIs. IT requires a huge capital investment. Many providers, especially small doctors offices, and safety-net and rural hospitals and health centers, simply cannot afford to make the type of investment that is needed.

Finally, this legislation would provide for the development of a standard set of health care quality measures. The creation of these measures is critical to better understanding how our health care system is performing, and where we need to focus our efforts to improve the quality of care. IT has the potential to drastically improve our ability to capture these quality measures. All recipients of Federal funding under this bill would be required to regularly report on these measures, as well as the impact that IT is having on health care quality, efficency, and cost savings.

The establishment of standard quality measures is also the first step in moving our nation towards a system where payment for health care is more appropriately aligned—a system in which health care providers are paid not simply for the volume of patients that they treat, but for the quality of care that they deliver. To this end, my legislation would require the Secretary of Health and Human Services to report to Congress on possible changes to Federal reimbursement and payment structures that would encourage the adoption of IT to improve health care quality and patient safety.

I know that many of my colleagues, including Senator ENZI, Senator KENNEDY, Senator CLINTON, Senator FRIST, and Senator GREGG, have an interest in this issue. I look forward to working with all of them to move legislation this year. It is time for our country to make a concerted effort to bring the health care sector into the 21st century. We must invest in health IT systems, and we must begin to do so immediately. The number uninsured, the skyrocketing cost of care, and the number of medical errors should all serve as a wake-up call. We have a tool at our disposal to address all of these problems, and there is no more time to waste. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Information Technology for Health Care Quality Act".

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end thereof the following:

"TITLE XXIX—HEALTH CARE INFORMATION TECHNOLOGY

"SEC. 2901. DEFINITIONS.

"In this title:

"(1) COVERAGE AREA.—The term 'coverage area' means the boundaries of a local health information infrastructure.

"(2) DIRECTOR.—The term 'Director' means the Director of the Office of Health Information Technology.

"(3) HEALTH CARE PROVIDER.—The term 'health care provider' means a hospital, skilled nursing facility, home health entity, health care clinic, community health center, group practice (as defined in section 1877(h)(4) of the Social Security Act, including practices with only 1 physician), and any other facility or clinician determined appropriate by the Director.

"(4) HEALTH INFORMATION TECHNOLOGY.—The term 'health information technology' means a computerized system that—

"(A) is consistent with the standards developed pursuant to section 2903;

"(B) permits the secure electronic transmission of information to other health care providers and public health entities; and

"(C) includes—

"(i) an electronic health record (EHR) that provides access in real-time to the patient's complete medical record;

"(ii) a personal health record (PHR) through which an individual (and anyone authorized by such individual) can maintain and manage their health information;

"(iii) computerized provider order entry (CPOE) technology that permits the electronic ordering of diagnostic and treatment services, including prescription drugs;

"(iv) decision support to assist physicians in making clinical decisions by providing electronic alerts and reminders to improve compliance with best practices, promote regular screenings and other preventive practices, and facilitate diagnoses and treatments;

"(v) error notification procedures so that a warning is generated if an order is entered that is likely to lead to a significant adverse outcome for the patient; and

"(vi) tools to allow for the collection, analysis, and reporting of data on adverse events, near misses, and the quality of care provided to the patient.

"(5) LOCAL HEALTH INFORMATION INFRASTRUCTURES.—The term 'local health information infrastructure' means an independent organization of health care entities established for the purpose of linking health information systems to electronically share information. A local health information infrastructure may not be a single business entity.

"(6) OFFICE.—The term 'Office' means the Office of Health Information Technology established under section 2902.

"SEC. 2902. OFFICE OF HEALTH INFORMATION TECHNOLOGY.

"(a) ESTABLISHMENT.—There is established within the executive office of the President an Office of Health Information Technology. The Office shall be headed by a Director to be appointed by the President. The Director shall report directly to the President.

"(b) PURPOSE.—It shall be the purpose of the Office to—

"(1) improve the quality and increase the efficiency of health care delivery through the use of health information technology;

"(2) provide national leadership relating to, and encourage the adoption of, health information technology;

"(3) direct all health information technology activities within the Federal Government; and

"(4) facilitate the interaction between the Federal Government and the private sector relating to health information technology development and use.

"(c) DUTIES AND RESPONSIBILITIES.—The Office shall be responsible for the following:

"(1) NATIONAL STRATEGY.—The Office shall develop a national strategy for improving the quality and enhancing the efficiency of health care through the improved use of health information technology and the creation of a National Health Information Infrastructure.

"(2) FEDERAL LEADERSHIP.—The Office shall—

"(A) serve as the principle advisor to the President concerning health information technology;

"(B) direct all health information technology activity within the Federal Government, including approving or disapproving agency policies submitted under paragraph (3);

"(C) work with public and private health information technology stakeholders to implement the national strategy described in paragraph (1); and

"(D) ensure that health information technology is utilized as fully as practicable in carrying out health surveillance efforts.

"(3) AGENCY POLICIES.—

"(A) IN GENERAL.—The Office shall, in accordance with this paragraph, approve or disapprove the policies of Federal departments or agencies with respect to any policy proposed to be implemented by such agency or department that would significantly affect that agency or department's use of health information technology.

"(B) SUBMISSION OF PROPOSAL.—The head of any Federal Government agency or department that desires to implement any policy with respect to such agency or department that would significantly affect that agency or department's use of health information technology shall submit an implementation proposal to the Office at least 60 days prior to the proposed date of the implementation of such policy.

"(C) APPROVAL OR DISAPPROVAL.—Not later than 60 days after the date on which a proposal is received under subparagraph (B), the Office shall determine whether to approve the implementation of such proposal. In making such determination, the Office shall consider whether the proposal is consistent with the national strategy described in paragraph (1). If the Office fails to make a determination within such 60-day period, such proposal shall be deemed to be approved.

"(D) FAILURE TO APPROVE.—Except as otherwise provided for by law, a proposal submitted under subparagraph (B) may not be implemented unless such proposal is approved or deemed to be approved under subparagraph (C).

"(4) COORDINATION.—The Office shall—

"(A) encourage the development and adoption of clinical, messaging, and decision support health information data standards, pursuant to the requirements of section 2903;

"(B) ensure the maintenance and implementation of the data standards described in subparagraph (A);

"(C) oversee and coordinate the health information technology efforts of the Federal Government;

"(D) ensure the compliance of the Federal Government with Federally adopted health information technology data standards;

"(E) ensure that the Federal Government consults and collaborates on decision making with respect to health information technology with the private sector and other interested parties; and

"(F) in consultation with private sector, adopt certification and testing criteria to determine if electronic health information systems interoperate.

"(5) COMMUNICATION.—The Office shall—

"(A) act as the point of contact for the private sector with respect to the use of health information technology; and

"(B) work with the private sector to collect and disseminate best health information technology practices.

"(6) EVALUATION AND DISSEMINATION.—The Office shall coordinate with the Agency for Health Research and Quality and other Federal agencies to—

"(A) evaluate and disseminate information relating to evidence of the costs and benefits of health information technology and to whom those costs and benefits accrue;

"(B) evaluate and disseminate information on the impact of health information technology on the quality and efficiency of patient care; and

"(C) review Federal payment structures and differentials for health care providers that utilize health information technology systems.

"(7) TECHNICAL ASSISTANCE.—The Office shall utilize existing private sector quality improvement organizations to—

"(A) promote the adoption of health information technology among healthcare providers; and

"(B) provide technical assistance concerning the implementation of health information technology to healthcare providers.

"(8) FEDERAL REIMBURSEMENT.—

"(A) IN GENERAL.—Not later than 6 months after the date of enactment of this title, the Office shall make recommendations to the President and the Secretary of Health and Human Service on changes to Federal reimbursement and payment structures that would encourage the adoption of information technology (IT) to improve health care quality and safety.

"(B) PLAN.—Not later than 90 days after receiving recommendations under subparagraph (A), the Secretary shall provide to the relevant Committees of Congress a report that provides, with respect to each recommendation, a plan for the implementation, or an explanation as to why implementation is inadvisable, of such recommendations. The Office shall continue to monitor federally funded and supported information technology and quality initiatives (including the initiatives authorized in this title), and periodically update recommendations to the President and the Secretary.

"(d) RESOURCES.—The President shall make available to the Office, the resources, both financial and otherwise, necessary to enable the Director to carry out the purposes of, and perform the duties and responsibilities of the Office under, this section.

"(e) DETAIL OF FEDERAL EMPLOYEES.—Upon the request of the Director, the head of any Federal agency is authorized to detail, without reimbursement from the Office, any of the personnel of such agency to the Office to assist it in carrying out its duties under this section. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"SEC. 2903. PROMOTING THE INTEROPERABILITY OF HEALTH CARE INFORMATION TECHNOLOGY SYSTEMS.

"(a) DEVELOPMENT, AND FEDERAL GOVERNMENT ADOPTION, OF STANDARDS.—

"(1) ADOPTION.—

"(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this title, the Director, in collaboration with the Consolidated Health Informatics Initiative (or a successor organization to such Initiative), shall provide for the adoption by the Federal Government of national data and communication health information technology standards that promote the efficient exchange of data between varieties of provider health information technology systems. In carrying out the preceding sentence, the Director may adopt existing standards. Except as otherwise provided for in this title, standards adopted under this section shall be voluntary for private sector entities.

"(B) GRANTS OR CONTRACTS.—The Director may utilize grants or contracts to provide for the private sector development of standards for adoption by the Federal Government under subparagraph (A).

"(C) DEFINITION.—In this paragraph, the term 'provide for' means that the Director shall promulgate, and each Federal agency or department shall adopt, regulations to ensure that each such agency or department complies with the requirements of subsection (b).

"(2) REQUIREMENTS.—The standards developed and adopted under paragraph (1) shall be designed to—

"(A) enable health information technology to be used for the collection and use of clinically specific data;

"(B) promote the interoperability of health care information across health care settings;

"(C) facilitate clinical decision support through the use of health information technology; and

"(D) ensure the privacy and confidentiality of medical records.

"(3) PUBLIC PRIVATE PARTNERSHIP.—Consistent with activities being carried out on the date of enactment of this title, including the Consolidated Health Informatics Initiative (or a successor organization to such Initiative), health information technology standards shall be adopted by the Director under paragraph (1) at the conclusion of a collaborative process that includes consultation between the Federal Government and private sector health care and information technology stakeholders.

"(4) PRIVACY AND SECURITY.—The regulations promulgated by the Secretary under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and sections 261, 262, 263, and 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note) with respect to the privacy, confidentiality, and security of health information shall apply to the implementation of programs and activities under this title.

"(5) PILOT TESTS.—To the extent practical, the Director shall pilot test the health information technology data standards developed under paragraph (1) prior to their implementation under this section.

"(6) DISSEMINATION.—

"(A) IN GENERAL.—The Director shall ensure that the standards adopted under paragraph (1) are widely disseminated to interested stakeholders.

"(B) LICENSING.—To facilitate the dissemination and implementation of the standards developed and adopted under paragraph (1), the Director may license such standards, or utilize other means, to ensure the widespread use of such standards.

"(b) IMPLEMENTATION OF STANDARDS.—

"(1) PURCHASE OF SYSTEMS BY THE SECRETARY.—Effective beginning on the date that is 1 year after the adoption of the technology standards pursuant to subsection (a), the Secretary shall not purchase any health care information technology system unless such system is in compliance with the standards adopted under subsection (a), nor shall the Director approve any proposal pursuant to section 2902(c)(3) unless such proposal utilizes systems that are in compliance with the standards adopted under subsection (a).

“(2) RECIPIENTS OF FEDERAL FUNDS.—Effective on the date described in paragraph (1), no appropriated funds may be used to purchase a health care information technology system unless such system is in compliance with applicable standards adopted under subsection (a).

“(c) MODIFICATION OF STANDARDS.—The Director shall provide for ongoing oversight of the health information technology standards developed under subsection (a) to—

“(1) identify gaps or other shortcomings in such standards; and

“(2) modify such standards when determined appropriate or develop additional standards, in collaboration with standard setting organizations.

“SEC. 2904. LOAN GUARANTEES FOR THE ADOPTION OF HEALTH INFORMATION TECHNOLOGY.

“(a) IN GENERAL.—The Director shall guarantee payment of the principal of and the interest on loans made to eligible entities to enable such entities—

“(1) to implement local health information infrastructures to facilitate the development of interoperability across health care settings to improve quality and efficiency; or

“(2) to facilitate the purchase and adoption of health information technology to improve quality and efficiency.

“(b) ELIGIBILITY.—To be eligible to receive a loan guarantee under subsection (a) an entity shall—

“(1) with respect to an entity desiring a loan guarantee—

“(A) under subsection (a)(1), be a coalition of entities that represent an independent consortium of health care stakeholders within a community that—

“(i) includes—

“(I) physicians (as defined in section 1881(r)(1) of the Social Security Act);

“(II) hospitals; and

“(III) group health plans or other health insurance issuers (as such terms are defined in section 2791); and

“(ii) may include any other health care providers; or

“(B) under subsection (a)(2) be a health care provider;

“(2) to the extent practicable, adopt the national health information technology standards adopted under section 2903;

“(3) provide assurances that the entity shall submit to the Director regular reports on the activities carried out under the loan guarantee, including—

“(A) a description of the financial costs and benefits of the project involved and of the entities to which such costs and benefits accrue;

“(B) a description of the impact of the project on health care quality and safety; and

“(C) a description of any reduction in duplicative or unnecessary care as a result of the project involved;

“(4) provide assurances that not later than 30 days after the development of the standard quality measures pursuant to section 2906, the entity shall submit to the Director regular reports on such measures, including provider level data and analysis of the impact of information technology on such measures;

“(5) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require.

“(c) USE OF FUNDS.—Amounts received under a loan guarantee under subsection (a) shall be used—

“(1) with respect to a loan guarantee described in subsection (a)(1)—

“(A) to develop a plan for the implementation of a local health information infrastructure under this section;

“(B) to establish systems for the sharing of data in accordance with the national health information technology standards developed under section 2903;

“(C) to purchase directly related integrated hardware and software to establish an interoperable health information technology system that is capable of linking to a local health care information infrastructure; and

“(D) to train staff, maintain health information technology systems, and maintain adequate security and privacy protocols;

“(2) with respect to a loan guarantee described in subsection (a)(2)—

“(A) to develop a plan for the purchase and installation of health information technology;

“(B) to purchase directly related integrated hardware and software to establish an interoperable health information technology system that is capable of linking to a national or local health care information infrastructure; and

“(C) to train staff, maintain health information technology systems, and maintain adequate security and privacy protocols; and

“(3) to carry out any other activities determined appropriate by the Director.

“(d) SPECIAL CONSIDERATIONS FOR CERTAIN ENTITIES.—In awarding loan guarantees under this section, the Director shall give special consideration to eligible entities that—

“(1) provide service to low-income and underserved populations; and

“(2) agree to electronically submit the information described in paragraphs (3) and (4) of subsection (b) on a daily basis.

“(e) SPECIAL CONSIDERATIONS FOR LOCAL HEALTH INFORMATION INFRASTRUCTURES.—In awarding loan guarantees under this section to local health information infrastructures, the Director shall give special consideration to eligible entities that—

“(1) include at least 50 percent of the patients living in the designated coverage area;

“(2) incorporate public health surveillance and reporting into the overall architecture of the proposed infrastructure; and

“(3) link local health information infrastructures.

“(f) AREAS OF SPECIFIC INTEREST.—In awarding loan guarantees under this section, the Director shall include—

“(1) entities with a coverage area that includes an entire State; and

“(2) entities with a multi-state coverage area.

“(g) ADMINISTRATIVE PROVISIONS.—

“(1) AGGREGATE AMOUNT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the aggregate amount of principal of loans guaranteed under subsection (a) with respect to an eligible entity may not exceed $5,000,000. In any 12-month period the amount disbursed to an eligible entity under this section (by a lender under a guaranteed loan) may not exceed $5,000,000.

“(B) EXCEPTION.—The cumulative total of the principal of the loans outstanding at any time to which guarantees have been issued under subsection (a) may not exceed such limitations as may be specified in appropriation Acts.

“(2) PROTECTION OF FEDERAL GOVERNMENT.—

“(A) IN GENERAL.—The Director may not approve an application for a loan guarantee under this section unless the Director determines that—

“(i) the terms, conditions, security (if any), and schedule and amount of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable, including a determination that the rate of interest does not exceed such percent per annum on the principal obligation outstanding as the Director determines to be reasonable, taking into account the range of interest rates prevailing in the private market for loans with similar maturities, terms, conditions, and security and the risks assumed by the United States; and

“(ii) the loan would not be available on reasonable terms and conditions without the enactment of this section.

“(B) RECOVERY.—

“(i) IN GENERAL.—The United States shall be entitled to recover from the applicant for a loan guarantee under this section the amount of any payment made pursuant to such loan guarantee, unless the Director for good cause waives such right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the loan was made.

“(ii) MODIFICATION OF TERMS.—Any terms and conditions applicable to a loan guarantee under this section may be modified by the Director to the extent the Director determines it to be consistent with the financial interest of the United States.

“(3) DEFAULTS.—The Director may take such action as the Director deems appropriate to protect the interest of the United States in the event of a default on a loan guaranteed under this section, including taking possession of, holding, and using real property pledged as security for such a loan guarantee.

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $250,000,000 for each of fiscal years 2006 through 2011.

“(2) AVAILABILITY.—Amounts appropriated under subparagraph (A) shall remain available for obligation until expended.

“SEC. 2905. GRANTS FOR THE PURCHASE OF HEALTH INFORMATION TECHNOLOGY.

“(a) IN GENERAL.—The Director may award competitive grants to eligible entities—

“(1) to implement local health information infrastructures to facilitate the development of interoperability across health care settings; or

“(2) to facilitate the purchase and adoption of health information technology.

“(b) ELIGIBILITY.—To be eligible to receive a grant under section (a) an entity shall—

“(1) demonstrate financial need to the Director;

“(2) with respect to an entity desiring a grant—

“(A) under subsection (a)(1), represent an independent consortium of health care stakeholders within a community that—

“(i) includes—

“(I) physicians (as defined in section 1881(r)(1) of the Social Security Act);

“(II) hospitals; and

“(III) group health plans or other health insurance issuers (as such terms are defined in section 2791); and

“(ii) may include any other health care providers; or

“(B) under subsection (a)(2) be a health care provider that provides health care services to low-income and underserved populations;

“(3) adopt the national health information technology standards developed under section 2903;

"(4) provide assurances that the entity shall submit to the Director regular reports on the activities carried out under the loan guarantee, including—

"(A) a description of the financial costs and benefits of the project involved and of the entities to which such costs and benefits accrue;

"(B) a description of the impact of the project on health care quality and safety; and

"(C) a description of any reduction in duplicative or unnecessary care as a result of the project involved;

"(5) provide assurances that not later than 30 days after the development of the standard quality measures pursuant to section 2906, the entity shall submit to the Director regular reports on such measures, including provider level data and analysis of the impact of information technology on such measures;

"(6) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

"(7) agree to provide matching funds in accordance with subsection (g).

"(c) USE OF FUNDS.—Amounts received under a grant under subsection (a) shall be used to—

"(1) with respect to a grant described in subsection (a)(1)—

"(A) to develop a plan for the implementation of a local health information infrastructure under this section;

"(B) to establish systems for the sharing of data in accordance with the national health information technology standards developed under section 2903;

"(C) to implement, enhance, or upgrade a comprehensive, electronic health information technology system; and

"(D) to maintain adequate security and privacy protocols;

"(2) with respect to a grant described in subsection (a)(2)—

"(A) to develop a plan for the purchase and installation of health information technology;

"(B) to purchase directly related integrated hardware and software to establish an interoperable health information technology system that is capable of linking to a national or local health care information infrastructure; and

"(C) to train staff, maintain health information technology systems, and maintain adequate security and privacy protocols;

"(3) maintain adequate security and privacy protocols; and

"(4) to carry out any other activities determined appropriate by the Director.

"(d) SPECIAL CONSIDERATIONS FOR CERTAIN ENTITIES.—In awarding grants under this section, the Director shall give special consideration to eligible entities that—

"(1) provide service to low-income and underserved populations; and

"(2) agree to electronically submit the information described in paragraphs (4) and (5) of subsection (b).

"(e) SPECIAL CONSIDERATIONS FOR LOCAL HEALTH INFORMATION INFRASTRUCTURES.—In awarding grants under this section to local health information infrastructures, the Director shall give special consideration to eligible entities that—

"(1) include at least 50 percent of the patients living in the designated coverage area;

"(2) incorporate public health surveillance and reporting into the overall architecture of the proposed infrastructure; and

"(3) link local health information infrastructures;

"(f) AREAS OF SPECIFIC INTEREST.—In awarding grants under this section, the Director shall include—

"(1) entities with a coverage area that includes an entire State; and

"(2) entities with a multi-state coverage area.

"(g) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—The Director may not make a grant under this section to an entity unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the infrastructure program for which the grant was awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount equal to not less than 20 percent of such costs ($1 for each $5 of Federal funds provided under the grant).

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under paragraph (1) may be in cash or in kind, fairly evaluated, including equipment, technology, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $250,000,000 for each of fiscal years 2006 through 2011.

"(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available for obligation until expended.".

SEC. 3. STANDARDIZED MEASURES OF QUALITY HEALTH CARE AND DATA COLLECTION.

Title XXIX of the Public Health Service Act, as added by section 2, is amended by adding at the end the following:

"SEC. 2906. STANDARDIZED MEASURES OF QUALITY HEALTH CARE.

"(a) IN GENERAL.—

"(1) COLLABORATION.—The Secretary of Health and Human Services, the Secretary of Defense, and the Secretary of Veterans Affairs (referred to in this section as the 'Secretaries'), in consultation with the Quality Interagency Coordination Taskforce (as established by Executive Order on March 13, 1998), the Institute of Medicine, the Joint Commission on Accreditation of Healthcare Organizations, the National Committee for Quality Assurance, the American Health Quality Association, the National Quality Forum, the Medicare Payment Advisory Committee, and other individuals and organizations determined appropriate by the Secretaries, shall establish uniform health care quality measures to assess the effectiveness, timeliness, patient-centeredness, efficiency, equity, and safety of care delivered across all federally supported health delivery programs.

"(2) DEVELOPMENT OF MEASURES.—Not later than 18 months after the date of enactment of this title, the Secretaries shall develop standardized sets of quality measures for each of the 20 priority areas for improvement in health care quality as identified by the Institute of Medicine in their report entitled 'Priority Areas for National Action' in 2003, or other such areas as identified by the Secretaries in order to assist beneficiaries in making informed choices about health plans or care delivery systems. The selection of appropriate quality indicators under this subsection shall include the evaluation criteria formulated by clinical professionals, consumers, and data collection experts.

"(3) PILOT TESTING.—Each federally supported health delivery program may conduct a pilot test of the quality measures developed under paragraph (2) that shall include a collection of patient-level data and a public release of comparative performance reports.

"(b) PUBLIC REPORTING REQUIREMENTS.—The Secretaries, working collaboratively, shall establish public reporting requirements for clinicians, institutional providers, and health plans in each of the federally supported health delivery program described in subsection (a). Such requirements shall provide that the entities described in the preceding sentence shall report to the appropriate Secretary on the measures developed under subsection (a).

"(c) FULL IMPLEMENTATION.—The Secretaries, working collaboratively, shall implement all sets of quality measures and reporting systems developed under subsections (a) and (b) by not later than the date that is 1 year after the date on which the measures are developed under subsection (a)(2).

"(d) REPORTS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall—

"(1) submit to Congress a report that details the collaborative efforts carried out under subsection (a), the progress made on standardizing quality indicators throughout the Federal Government, and the state of quality measurement for priority areas that links data to the report submitted under paragraph (2) for the year involved; and

"(2) submit to Congress a report that details areas of clinical care requiring further research necessary to establish effective clinical treatments that will serve as a basis for additional quality indicators.

"(e) COMPARATIVE QUALITY REPORTS.—Beginning not later than 3 years after the date of enactment of this title, in order to make comparative quality information available to health care consumers, including members of health disparity populations, health professionals, public health officials, researchers, and other appropriate individuals and entities, the Secretaries shall provide for the pooling, analysis, and dissemination of quality measures collected under this section. Nothing in this section shall be construed as modifying the privacy standards under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191).

"(f) ONGOING EVALUATION OF USE.—The Secretary of Health and Human Services shall ensure the ongoing evaluation of the use of the health care quality measures established under this section.

"(g) EVALUATION AND REGULATIONS.—

"(1) EVALUATION.—

"(A) IN GENERAL.—The Secretary shall, directly or indirectly through a contract with another entity, conduct an evaluation of the collaborative efforts of the Secretaries to establish uniform health care quality measures and reporting requirements for federally supported health care delivery programs as required under this section.

"(B) REPORT.—Not later than 1 year after the date of enactment of this title, the Secretary of Health and Human Services shall submit a report to the appropriate committees of Congress concerning the results of the evaluation under subparagraph (A).

"(2) REGULATIONS.—

"(A) PROPOSED.—Not later than 6 months after the date on which the report is submitted under paragraph (1)(B), the Secretary shall publish proposed regulations regarding the application of the uniform health care quality measures and reporting requirements described in this section to federally supported health delivery programs.

"(B) FINAL REGULATIONS.—Not later than 1 year after the date on which the report is submitted under paragraph (1)(B), the Secretary shall publish final regulations regarding the uniform health care quality measures and reporting requirements described in this section.

"(h) DEFINITIONS.—In this section, the term 'federally supported health delivery program' means a program that is funded by the Federal Government under which health care items or services are delivered directly to patients.".

By Mrs. BOXER (for herself and Mr. LAUTENBERG):

S. 1224. A bill to protect the oceans, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, as we commemorate World Oceans Week, we celebrate the wonder and beauty of the world's oceans. We celebrate the role our oceans play in commerce, fishing and shipping. We celebrate the beauty of our coral reefs and the potential lifesaving cures they might contain. And we celebrate our commitment to improving the health of our oceans, so that our children and grandchildren will have a chance to enjoy and cherish them.

That is why I am pleased to introduce the National Oceans Protection Act of 2005—comprehensive legislation to improve the health and governance of our oceans. The bill is co-sponsored by Senator LAUTENBERG.

This legislation "was written after two major oceans commission reports in the past 2 years determined that our oceans are in a state of crisis. The congressionally-established U.S. Commission on Ocean Policy and the independent Pew Oceans Commission provided detailed descriptions of the challenges our oceans are facing as well as specific solutions to improve ocean health.

From pollution to over-fishing to invasive species, there are many factors that have contributed to the current crisis in which we find ourselves. Pollution threatens all aspects of ocean health. Every 8 months, nearly 11 million gallons of oil flow from American roads into our waters—the equivalent of the Exxon Valdez oil spill.

Our oceans are also showing signs of being over-fished, which affects the communities that depend on fish stocks for their livelihood. Many fish populations, including salmon, face the threat of being depleted to seriously low levels. Invasive species—such as the killer algae found near San Diego in 2000—are another threat to ocean health. In the San Francisco Bay alone, more than 175 invasive species threaten to overwhelm native species.

By targeting some of the most serious challenges facing our oceans, as outlined in the Commissions' reports, my legislation provides a comprehensive national approach to oceans protection and preservation.

Let me just mention a couple of the important provisions in four key areas:

First, the bill improves the governance of the oceans by giving the National Oceanic and Atmospheric Administration the independence it needs to better facilitate the management and oversight of our oceans.

Second, the bill protects and conserves marine wildlife and habitat by, among other things, creating protection areas and authorizing $50 million per year in grants to local communities to restore fisheries and coastal areas.

Third, the bill strengthens fisheries and encourages sustainable fishing in a number of ways, including requiring that entire ecosystems be taken into account when considering the health of a fishery.

And, fourth, the bill improves the quality of ocean water by establishing maximum amounts of pollution that a body of water can hold and still be healthy. In addition, financial assistance will be provided to local governments to reduce pollution and increase monitoring.

For their contributions to this legislation and their great leadership on oceans issues, I would like to thank Senators INOUYE, GREGG, LAUTENBERG, and LEVIN, as well as former Senator Hollings.

It is my hope that this bill will provide the framework needed to protect and improve our oceans. The great environmentalist and ocean-explorer Jacques Cousteau once said, "If we were logical, the future would be bleak, indeed. But we are more than logical. We are human beings, and we have faith, and we have hope, and we can work."

As we celebrate World Oceans Week, it is my hope that we can work together to provide a bright future for the world's oceans and continue to protect our coastal economy.

I encourage my colleagues to join me in this effort to implement the recommendations of the U.S. Commission on Ocean Policy and the Pew Ocean Commission.

I ask unanimous consent that a summary of the bill and list of endorsements be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE NATIONAL OCEANS PROTECTION ACT

1. IMPROVING THE GOVERNANCE OF THE OCEANS

The Ernest "Fritz" Hollings National Ocean Policy and Leadership Act

Establishes an independent National Oceanic and Atmospheric Administration (NOAA).

Independence will occur after a two-year transition period.

Creates a Council on Ocean Stewardship that will annually review funding, policy recommendations, and programs for ocean protection.

The Council will function as a federal coordinating body of the various agencies that deal with oceans issues, and will be placed in the Executive Office of the President.

Other Governance Provisions

Requires that all activities on the Outer Continental Shelf—such as wave energy projects, bioextraction by biotech companies, and wind energy projects—receive a federal permit to ensure that projects do not pose an adverse threat to the health of the oceans current law only requires permits for oil and gas activities.

NOAA, working with other relevant agencies such as the EPA or the Army Corps of Engineers, will develop the permitting process, specifically to protect and preserve the marine environment, conserve fisheries and natural resources, and protect public health and safety.

NOAA makes the final determination of whether the activity poses a threat to any of these interests—and if so, a permit will not be given.

Establishes a Trust Fund in the U.S. Treasury and administered by NOAA composed of Federal money generated from these newly permitted activities; funds will be used for ocean conservation, science and research, and assistance to displaced fishermen.

Prohibits NOAA from issuing any lease for marine aquaculture until strong national standards and regulations are issued to protect fish stocks from disease, parasites, and invasive species and to prevent water quality impairment.

2. PROTECTING AND CONSERVING MARINE WILDLIFE AND HABITAT

Provides protection for ecologically-important coral areas by creating "Coral Management Areas."

NOAA must carry out a comprehensive ocean exploration and mapping program to determine areas where coral and other creatures live and the marine environments on which they depend for food and habitat.

Based on this data, NOAA may establish Coral Management Areas, which would trigger protection from certain fishing gear and practices, such as 'rockhopper' trawling gear on fishing nets that tear up essential habitat.

Authorizes $3 million per year for research on the effects of noise pollution (i.e. sonar) on marine mammals.

Establishes a voluntary buyback program for environmentally and ecologically unsafe "gear"—such as boat engines.

Prohibits almost all discharges of ballast water in U.S. waters and requires ships to install technology to capture invasive species in ballast water before discharge—and creates an early detection and rapid response system to provide assistance to states to protect against invasive species.

Authorizes $50 million per year in grants to local communities to restore fishery and coastal habitats.

Authorizes $500 million per year in grants to local communities to purchase lands that are vulnerable to development and are important to the protection and preservation of habitats.

3. STRENGTHENING FISHERIES AND FISH HABITAT

Requires that, when determining the health of a fishery, the entire ecosystem be taken into account, not just the health of a particular fish species.

Each regional fishery council must establish a science and statistical committee

(SSC) to help develop, collect, and evaluate statistical, biological, economic, social, and other scientific information—the regional councils must then set fish take allowances that are consistent with the SSC determinations, but even greater conservation measures can be taken.

Authorizes $115 million over five years for NOAA and the regional fishery councils to develop ecosystem-wide plans to protect and sustain fisheries.

Requires NOAA to establish standards for reducing bycatch and authorizes $55 million over five years to monitor compliance with those standards.

Creates Individual Fishing Quotas (IFQ) that are equitably allocated and that protect against bycatch, overfishing, and economic harm to local communities.

4. IMPROVING THE QUALITY OF OCEAN WATER

Requires EPA to establish maximum amounts of nutrient runoff pollution that a body of water can hold and still be healthy, taking into account regional conditions and reasonable economic considerations.

Requires water utilities to establish water treatment standards to remove nutrient pollution.

Mandates best management practices for agriculture—requiring farmers, to the greatest extent practicable, to take steps to curtail runoff.

Expedites beach pollution testing and posting by determining which beaches are most at risk of dangerous water conditions and requiring beach closures as soon as practicable but not longer than 48 hours after discovery.

Requires public notification and testing of sewer overflows.

Authorizes $11.2 billion per year in funding for state and local governments to reduce stormwater pollution and to increase monitoring and testing.

Requires a survey and continuous monitoring of contaminated sediments that are threats to bodies of water, and establishes standards to protect sensitive aquatic species from contaminated sediments.

SUPPORT FOR THE NATIONAL OCEANS PROTECTION ACT OF 2005

NATIONAL ORGANIZATIONS

Natural Resources Defense Council; The Ocean Conservancy; Oceana; Sierra Club; National Environmental Trust; Worldwide Fund for Conservation; U.S. PIRG; Defenders of Wildlife; E2 (Environmental Entrepreneurs); Ocean Champions; Blue Frontier Campaign; Pacific Coast Federation of Fishermen's Associations; Marine Fish Conservation Network; The Humane Society; ASPCA; Seaflow; Surfrider; Association of National Estuary Programs; Ocean Defense International; Earth Island Institute; Waterkeepers; America's Whale Alliance; Center for International Environmental Law; Acoustic Ecology Institute; Greenpeace Foundation; Earthtrust; Western Wildlife Conservancy; Mangrove Action Project; The Whaleman Foundation; Campaign to Safeguard America's Waters; Reef Relief; WildLaw; Conservation Law Foundation; Cook Inlet Keeper; Cry of the Water; Global Coral Reef Alliance; Save Our Shoreline, Inc; Marine Conservation Biology Institute; Public Employees for Environmental Responsibility (PEER); Reef Protection International; International Forum on Globalization; The Ocean Mammal Institute; Endangered Species Coalition.

CALIFORNIA ORGANIZATIONS

California League of Conservation Voters; Aquatic Adventures Science Education Foundation, San Diego; The Bay Institute, Novato; Baykeeper, San Francisco; Bolinas Lagoon Foundation, Stinson Beach; California Greenworks, Buena Park; Catalina Island Conservancy, Avalon; Community Environmental Council, Santa Barbara; Crystal Cove Alliance, Corona Del Mar; Endangered Habitats League, Los Angeles; The Environmental Action Committee of West Marin, Point Reyes Station; Environmental Center of San Luis Obispo County, San Luis Obispo; Environmental Defense Center, Santa Barbara; Friends of Santa Ana Zoo, Santa Ana; Friends of the Sea Otter, Pacific Grove; Golden Gate Audubon Society, Berkeley; Grassroots Coalition, Los Angeles; Guadalupe-Nipomo Dunes Center and Guadalupe-Nipomo Dunes Collaborative; Heal the Bay, Santa Monica; Huntington Beach Tree Society, Huntington Beach; The Marine Mammal Center, Sausalito; Monterey Bay Aquarium, Monterey Monterey Bay Sanctuary Foundation, Monterey Moss Landing Marine Laboratories, Moss Landing; Newport Bay Naturalists and Friends, Newport Beach; The Ocean Conservancy, Santa Cruz Field Office Ocean Institute, Dana Point; O'Neill Sea Odyssey, Santa Cruz; The Orange County Interfaith Coalition for the Environment, Tustin; PRBO Conservation Science, Stinson Beach; San Diego Audubon Society, San Diego; San Diego Baykeeper San Francisco Zoo, San Francisco; San Luis Bay Surfrider Foundation, San Luis Obispo San Luis Obispo Coastkeeper, San Luis Obispo; Santa Barbara Channelkeper, Santa Barbara; Santa Monica Bay Audubon Society, Santa Monica Save Our Shores, Santa Cruz; Sea Studios Foundation, Monterey; Southwest Wetlands Interpretive Association, Imperial Beach; Steinhart Aquarium at the California Academy of Sciences, San Francisco; Surfrider Foundation, Marin County; Surfrider Foundation—Monterey Chapter; Trillium Press, Brisbane; Wildcoast, Imperial Beach; Wishtoyo Foundation, Oxnard; Baykeeper, San Francisco; Catalina Island Conservancy, Avalon; Environmental Defense Center, Santa Barbara; The Marine Mammal Center, Sausalito.

ELECTED OFFICIALS

Marty Blum, Mayor, City of Santa Barbara; Harold Brown, President, Marin County Board of Supervisors; Denise Moreno Ducheny, California State Senator, 40th District; Donna Frye, Councilmember, City of San Diego; Fred Keeley, Treasurer-Tax Collector, County of Santa Cruz; Christine Kehoe, California State Senator, 39th District; John Laird, California State Assembly member, 27th Assembly District; Patricia McCoy, Councilmember, City of Imperial Beach; Kevin McKeown, Councilmember, City of Santa Monica; Aaron Peskin, President, San Francisco Board of Supervisors; Wayne Rayfield, Mayor, City of Dana Point; Murray Rosenbluth, Mayor, City of Port Hueneme; Diana Rose, Mayor, City of Imperial Beach; Susan Rose, Supervisor, Santa Barbara County; Bill Rosendahl, Councilmember-Elect, City of Los Angeles; Lori Saldafiña, Californa State Assembly member and Assistant Majority Whip, 76th District; Esther Sanchez, Deputy Mayor, City of Oceanside; Das Williams, Councilmember, City of Santa Barbara; Mayda Winter, Councilmember, City of Imperial Beach.

INDIVIDUALS

Jean-Michel Cousteau, President, Ocean Futures Society; Dr. Sylvia Earle, Explorer-in Residence, the National Geographic Society; Gary Griggs, Director, Institute of Marine Sciences, University of California Santa Cruz; David Helvarg, Author, Blue Frontier—Saving America's Living Seas; Kurt Lieber, President and Founder, Ocean Defenders Alliance; Mark Silberstein, Executive Director, Elkhorn Slough Foundation; Dr. Susan Williams, Director, Bodega Marine Laboratory.

OTHER ORGANIZATIONS

Gulf of Mexico Foundation; Turtle Island Restoration Network; Potomac Riverkeeper; Coastwalk; Gulf Restoration Network; Florida Oceanographic Society; Patapsco Riverkeeper, Inc.; The Coastal Marine Resource Center of New York; New York Whale and Dolphin Action League; San Francisco Ocean Film Festival.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 165—CONGRATULATING THE SMALL BUSINESS DEVELOPMENT CENTERS OF THE SMALL BUSINESS ADMINISTRATION ON THEIR 25 YEARS OF SERVICE TO AMERICA'S SMALL BUSINESS OWNERS AND ENTREPRENEURS

Ms. SNOWE (for herself, Mr. COLEMAN, Mr. ISAKSON, Mr. VITTER, Ms. LANDRIEU, Mr. KERRY, Mr. BURNS, Mr. PRYOR, Mr. BAYH, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Small Business and Entrepreneurship:

S. RES. 165

Whereas in 1980, Congress established the Small Business Development Center program to deliver management and technical assistance counseling and provide educational programs to prospective and existing small business owners;

Whereas over the last 25 years, the Small Business Development Center network counseled and trained more than 11,000,000 small business owners and entrepreneurs, helping small businesses start and grow and create jobs in the United States;

Whereas the Small Business Development Centers exemplify the partnership between private sector institutions of higher education and Government, working together to support small businesses and entrepreneurship;

Whereas the Small Business Development Centers have been a critical partner in the start-up and growth of the Nation's small businesses ;

Whereas in 2004, the Small Business Development Centers counseled and trained approximately 750,000 new and existing small businesses;

Whereas the Small Business Development Centers deliver specialized assistance through a network of 63 lead centers and more than 1,100 service locations, in all 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa;

Whereas the Small Business Development Centers provide assistance tailored to the local community and the needs of the client, including counseling and training on financial management, marketing, production and organization, international trade assistance, procurement assistance, venture capital formation, and rural development, among other services that improve the economic environment in which small businesses compete;

Whereas in 2003, the Small Business Development Center's in-depth counseling helped small businesses generate nearly $6,000,000,000 in revenues and save an additional $7,000,000,000 in sales;

Whereas in 2003, the Small Business Development Centers helped create and retain over 163,000 jobs across the United States; and

Whereas the Small Business Development Centers proudly celebrate 25 years of service to America's small business owners and entrepreneurs: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Small Business Development Centers of the Small Business Administration on their 25 years of service to America's small business owners and entrepreneurs;

(2) recognizes their service in helping America's small businesses start, grow, and flourish; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Association for Small Business Development Centers for appropriate display.

Ms. SNOWE. Mr. President, I rise today in support of a Senate resolution that honors the Small Business Administration's (SBA's) Small Business Development Centers (SBDCs) on their tremendous service and dedication to America's small businesses and entrepreneurs over the past 25 years.

Small businesses form a solid foundation for economic growth and job creation. The successes of our Nation's 25 million small businesses have helped create nearly three-quarters of all new jobs and produce 50 percent of our country's Gross Domestic Product.

As Chair of the Senate Committee on Small Business and Entrepreneurship, I understand that the spirit of entrepreneurs, to explore beyond their limits, is the engine driving our economy. Each year 3 to 4 million new businesses open their doors to the marketplace and one in 25 adult Americans takes the steps to start a business. Clearly, it is essential we ensure that every American has the necessary resources available to start, grow and develop a business.

Among the most valuable assets for any entrepreneur is the SBA's Small Business Development Center program. Over the past 25 years, the SBDCs have provided unique one-on-one counseling to over 11 million Americans helping new business start-ups, sustain struggling firms, and expand growth for existing firms.

Through a network of 63 lead centers and more than 1,100 service locations, the SBDCs deliver their services in all 50 States, as well as the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa. From financial management, to marketing to procurement assistance, the SBDCs tailor their counseling and training to the needs of the client in each local community.

In addition, the SBDCs have an extraordinary record of excellence. Having counseled and trained more than 50,000 business owners and entrepreneurs in 1980, today they counsel and train almost three-quarters of a million start-ups and existing small businesses annually. Moreover, in 2003, the SBDCs helped create and retain over 163,000 jobs across America.

In 2004 alone, the SBDCs in my home State of Maine assisted entrepreneurs in obtaining over $16 million in loans, helped create and retain over 700 jobs, counseled nearly 3,000 clients and held 200 training events. Just as there's no question that small businesses are the lifeblood of our economy, SBDCs are truly the lifeline for entrepreneurs.

As we celebrate the SBDCs 25th Anniversary, we must reaffirm our commitment to foster an environment that is favorable to economic growth and development for new and growing firms. On that note, the 36 percent cut in the SBA's budget over the last 5 years has been a step in the wrong direction, and it is a misjudgement I hope Congress will reverse. I will continue to fight to ensure that the SBA and its resource partners like the SBDCs obtain the valuable resources they deserve.

The challenges of starting a new business are surpassed only by the determination and ingenuity of America's entrepreneurs. By strengthening the SBA's core programs such as the SBDC program, we can encourage job growth and provide American small businesses an even greater opportunity to thrive and prosper.

Today I urge my colleagues to show their support for the Small Business Development Center program during their silver anniversary and support this Resolution. Small Business Development Centers are a critical component to strengthening our Nation's economy and creating American jobs, and they clearly deserve our accolades and recognition.

SENATE RESOLUTION 166—TO AUTHORIZE THE PRINTING OF A COLLECTION OF THE RULES OF THE COMMITTEES OF THE SENATE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 166

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 500 additional copies of such document for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 167—RECOGNIZING THE IMPORTANCE OF SUN SAFETY, AND FOR OTHER PURPOSES

Mr. MCCAIN (for himself and Mr. SUNUNU) submitted the following resolution; which was considered and agreed to:

S. RES. 167

Whereas Americans of all ages cherish the pleasures of outdoor activities, and too few recognize that overexposure to the sun and its ultraviolet radiation, classified by the Department of Health and Human Services as a known carcinogen, is the leading cause of skin cancer;

Whereas it is critically important to be safe in the sun because skin cancer is the fastest growing cancer in our country today, affecting 1 in 5 Americans during their lifetimes and killing 1 person every hour of every day;

Whereas more than 1,000,000 new cases of skin cancer will be diagnosed in the United States this year, accounting for nearly half of all new cases of cancer and exceeding the incidence of breast, prostate, lung, and colon cancer combined;

Whereas most people receive approximately 80 percent of their lifetime sun exposure by age 18, setting the stage for skin cancer later in life;

Whereas skin cancer is highly preventable by taking simple precautions when engaged in outdoor activities;

Whereas research demonstrates that practicing good sun safety has the potential to significantly reduce the risk of skin cancer;

Whereas the Sun Safety Alliance and its members have dedicated themselves to promoting sun safety, eliminating skin cancer from excessive sun exposure, and encouraging sun protection practices, especially among children; and

Whereas the Sun Safety Alliance has designated the week of June 5, 2005, to June 11, 2005, as National Sun Safety Week: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes

(A) the importance of sun safety; and

(B) the need for school-based sun safety education programs;

(2) encourages all Americans to protect themselves and their children from the dangers of excessive sun exposure;

(3) congratulates the Sun Safety Alliance for its efforts to promote sun safety and prevent skin cancer; and

(4) supports the goals and ideas of National Sun Safety Week.

SENATE CONCURRENT RESOLUTION 41—RECOGNIZING THE SACRIFICES BEING MADE BY THE FAMILIES OF MEMBERS OF THE ARMED FORCES AND SUPPORTING THE DESIGNATION OF A WEEK AS NATIONAL MILITARY FAMILIES WEEK

Mr. HAGEL (for himself and Mr. MARTINEZ) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 41

Whereas the people of the United States have a sincere appreciation for the sacrifices being made by the families of members of the Armed Forces while their loved ones are deployed in the service of their country;

Whereas military families face unique challenges while their loved ones are deployed because of the lengthy and dangerous nature of these deployments;

Whereas the strain on military family life is further increased when these deployments become more frequent;

Whereas military families on the home front remain resilient because of their comprehensive and responsive support system;

Whereas the brave members of the Armed Forces who have defended the United States since September 11, 2001, continue to have incredible, unending support from their families; and

Whereas the week of June 12, 2005, has been proposed to be designated as National Military Families Week: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the sacrifices of military families and the support they provide for their loved ones serving as members of the Armed Forces; and

(2) supports the designation of a week as National Military Families Week.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Thursday, June 9, 2005 at 2 p.m. in SR–328A. The purpose of this hearing will be to review the nominations of Mr. Walter Lukken and Mr. Reuben Jeffries to be commissioners of the Commodity Futures Trading Commission and also for Mr. Jeffries to be chairman of the Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, June 9, 2005, at 10 a.m. to mark up S. 582 "The Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin Act," and to vote on the nomination of Mr. Ben S. Bernanke, of New Jersey, to be a member of the Council of Economic Advisers; and Mr. Brian D. Montgomery, of Texas, to be assistant secretary of Housing/Federal Housing Commissioner, U.S. Department of Housing and Urban Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Review of General Aviation Security, at 11 a.m., on Thursday, June 9, 2005, in SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 9, 2005 at 10:30 a.m. to hold a hearing on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 9, 2005 at 2:30 p.m. to hold a hearing on the Western Hemisphere.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, June 9, 2005 at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 9, 2005, at 9:30 a.m. in Dirksen Room 226.

Agenda

I. Nominations:

Terrence W. Boyle, II to be U.S. Circuit Judge for the Fourth Circuit; Brett M. Kavanaugh to be U.S. Circuit Judge for the District of Columbia; Rachel Brand to be an Assistant Attorney General for the Office of Legal Policy; Alice S. Fisher to be an Assistant Attorney General for the Criminal Division.

II. Bills:

S. 491, Christopher Kangas Fallen Firefighter Apprentice Act, Specter, Leahy;

S. 1181, Which is Section 8 of Openness Promotes Effectiveness in our National Government Act of 2005, Cornyn, Leahy, Feingold.

III. Matters:

Senate Judiciary Committee Rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, June 9, 2005, for a committee hearing to receive testimony on various healthcare-related bills pending before the Committee.

The hearing will take place in Room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON BIOTERRORISM AND PUBLIC HEALTH PREPAREDNESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Subcommittee on Bioterrorism and Public Health Preparedness, be authorized to hold a hearing during the session of the Senate on Thursday, June 9, 2005 at 2 p.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Dan Stevens of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that the privilege of the floor be granted for the remainder of this session to Ken Valentine, a detailee from the Secret Service who is serving on my staff.

The PRESIDING OFFICER. Without objection, it is so ordered

UNANIMOUS CONSENT AGREEMENT—PRINTING OF STANDING RULES OF THE SENATE

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be directed to prepare a revised edition of the Standing Rules of the Senate, and that such standing rules be printed as a Senate document. I further ask unanimous consent that beyond the usual number, 2,500 additional copies of this document be printed for the use of the Committee on Rules and Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE PRINTING OF A COLLECTION OF THE RULES OF SENATE COMMITTEES

Mr. FRIST. I ask unanimous consent the Senate now proceed to the consideration of S. Res. 166, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 166) to authorize the printing of the collection of rules of the committees of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid on the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 166) was agreed to, as follows:

S. RES. 166

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 500 additional copies of such document for the use of the Committee on Rules and Administration.

RECOGNIZING THE IMPORTANCE OF SUN SAFETY

Mr. FRIST. I ask unanimous consent the Senate now proceed to the consideration of S. Res. 167, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 167) recognizing the importance of sun safety, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 167) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 167

Whereas Americans of all ages cherish the pleasures of outdoor activities, and too few recognize that overexposure to the sun and its ultraviolet radiation, classified by the Department of Health and Human Services as a known carcinogen, is the leading cause of skin cancer;

Whereas it is critically important to be safe in the sun because skin cancer is the fastest growing cancer in our country today, affecting 1 in 5 Americans during their lifetimes and killing 1 person every hour of every day;

Whereas more than 1,000,000 new cases of skin cancer will be diagnosed in the United States this year, accounting for nearly half of all new cases of cancer and exceeding the incidence of breast, prostate, lung, and colon cancer combined;

Whereas most people receive approximately 80 percent of their lifetime sun exposure by age 18, setting the stage for skin cancer later in life;

Whereas skin cancer is highly preventable by taking simple precautions when engaged in outdoor activities;

Whereas research demonstrates that practicing good sun safety has the potential to significantly reduce the risk of skin cancer;

Whereas the Sun Safety Alliance and its members have dedicated themselves to promoting sun safety, eliminating skin cancer from excessive sun exposure, and encouraging sun protection practices, especially among children; and

Whereas the Sun Safety Alliance has designated the week of June 5, 2005, to June 11, 2005, as National Sun Safety Week: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes

(A) the importance of sun safety; and

(B) the need for school-based sun safety education programs;

(2) encourages all Americans to protect themselves and their children from the dangers of excessive sun exposure;

(3) congratulates the Sun Safety Alliance for its efforts to promote sun safety and prevent skin cancer; and

(4) supports the goals and ideas of National Sun Safety Week.

THANKING THE SPRING 2005 PAGES

Mr. FRIST. Mr. President, before we leave I want to give a final thanks to the page class of the spring of 2005. Tomorrow is a special day. They will be receiving their certificates and will be leaving us to return home. We rarely take that opportunity to say thank you for your service, and thus we do so tonight. They have done a tremendous job over the past several weeks. We thank them for their hard work.

I ask unanimous consent their names be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Caroline Cannon, Luke Combellick, Preston Eldridge, Mimi Faller, Geraldine Flanagan, Mary Kathryn Flanagan, Trevor Garrett, Kyle Kilroy, Meg Lavin, Andrew Leciejewski, Natalie Nielson, Jimmy Peterson, Laura Sankovitch, Rylee Sommers-Flanagan, Will Sterling, Jared Tate, Natalie Walters, Don Willie, Kelly Bernero, Mark Hammons, Andrew Humphrey, Morandi Hurst, Heidi Klein, Tiffany Mason, Bryan Miller, Tyler Salisbury, Ellen Tyner, Emma Van Susteren.

ORDERS FOR MONDAY, JUNE 13, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until 2 p.m. Monday, June 13; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then return to executive session and begin consideration of the nomination of Tom Griffith to be a United States circuit court judge for the DC Circuit as under the order.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER (Mr. ISAKSON). The Democratic leader.

Mr. REID. Mr. President, as I expressed to the distinguished majority leader personally, and I say so today, and I have said so publicly on a number of occasions, I wish this week we had been working on something else. The fact is, we have now what I consider a bump in the road out of the way. I am glad we are now going to move on to legislative business. We have so much to do in the next few, literally, weeks we have remaining in this legislative session.

I appreciate very much the people on both sides of the aisle allowing us to move forward on the Energy bill. It is a big piece of legislation that is vitally important to the people of America. Of course, in a big piece of legislation such as this, there will be problems, and certainly there will be in this bill.

Again, as I said previously, I am grateful to Senators DOMENICI and BINGAMAN for getting the bill to us initially. It is a bill that is developed by consensus of the committee. That speaks well of both Senator DOMENICI and Senator BINGAMAN and the members of the committee. That is going to be some heavy lifting in legislative terms.

The distinguished majority leader has set a very high mark for the Senate before we leave here. He wants to finish at least two appropriations bills. I think it is possible we can do three appropriations bills. I hope we can do that. If we can get rid of—I say that in a most positive sense—the Homeland Security, the Energy, water, and Interior bill, and it does not matter what order, that would be good work for this work period.

I also express to the distinguished majority leader my appreciation for his hard work. We are not there yet. But we hope we can arrive at some agreement on stem cell research during that work period. It would make everything move a little more quickly if we do that. The leader is working on that. I am working on that. I hope we can, maybe in the next week, agree on something that will allow us to do that so we do not have a lot of hurdles thrown up in other legislation because of that.

The PRESIDING OFFICER. Does the Senator withdraw his reservation?

Mr. REID. I do.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, briefly in response—really in agreement—as we heard from the Democrat leader, we have a lot to do. We have an ambitious agenda with a superb piece of legislation that we bring to the Senate early next week, the Energy bill, which addresses gasoline prices, energy independence, a move toward energy independence, issues important to the American people.

In addition to appropriations bills, the Democratic leader mentioned stem cell research. I add to that the Department of Defense authorization which is ready for consideration. Asbestos—the distinguished Senator from Pennsylvania who was just here, Senator SPECTER, has worked so hard on that particular bill. That is important to job creation, to health care, to getting benefits to people who need it. We have a lot to do. I look forward to beginning that process.

Next week, we have one more judge, Thomas Griffith, on Monday. Then we can go to the Energy legislation. So we have an ambitious agenda, but we are working together and we have made a huge amount of progress in the last week.

Mr. REID. Will the Senator yield?

Mr. FRIST. I yield.

Mr. REID. It has been brought to my attention that we also have to do in the next few weeks the Native Hawaiian legislation we talked about that we would help Senator AKAKA on; also, we have a couple of hours the Majority Leader has agreed to set aside for the China trade issue with Senator SCHUMER. Those things I am sure we can work in, but those are things we have to keep in mind that we have to do.

Mr. FRIST. Mr. President, as you can see, the list is huge. We are going about it systematically, in discussion on a regular basis with the Democratic leader. That is the way we will continue as we address many issues important to the American people.

NATIONAL MILITARY FAMILIES WEEK

Mr. FRIST. Mr. President, I ask unanimous consent the Senate now proceed to consideration of H. Con. Res. 159 which was received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 159) recognizing the sacrifices being made by the families and members of the Armed Forces and supporting the designation of a week as National Military Families Week.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 159) was agreed to.

The preamble was agreed to.

PROGRAM

Mr. FRIST. On Monday, the Senate will consider the Griffith nomination to the DC Circuit. There will be up to 4 hours of debate on the nomination on Monday afternoon. Then we will set the nomination aside with a confirmation vote occurring on Tuesday morning at 10 a.m.

At 6:30 p.m. Monday evening, the Senate will proceed to S. Res. 39 relating to antilynching. That resolution will not require a rollcall vote and therefore there will be no votes on Monday. On Tuesday, we will begin the Energy bill. Chairman DOMENICI and Senator BINGAMAN will be ready to consider amendments on Tuesday in order to make headway on that important bill. I encourage Senators to come forward early with their amendments and to contact the managers of their intent to offer specific amendments.

ORDER FOR ADJOURNMENT

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of Senator DEWINE for up to 15 minutes and Senator SALAZAR to follow Senator DEWINE for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

FILIBUSTER AGREEMENT

Mr. DEWINE. Mr. President, we have just seen a major accomplishment in the Senate in the last several weeks: the confirmation of five nominees to serve on the Federal bench. These confirmations were achieved after a historic agreement was reached in the Senate, an agreement that allowed us to proceed.

We have seen five individuals confirmed by the Senate—Priscilla Owen, Janice Rogers Brown, William Pryor, David McKeague, and Richard Griffin. The majority leader has indicated that Thomas Griffith will be on the Senate floor shortly and we will take up that nomination.

This represents a major accomplishment and a major change in the way the Senate has been doing business. This shows bipartisanship. This is a step forward. It is progress.

As one of the 14 Senators involved in negotiating the recent compromise agreement on the use of filibusters to block judicial nominations, I am very pleased to see this progress and to see what has happened since this agreement was reached. As everyone knows, of these five nominations, several of them have been held up for years. Two I have a particular interest in come from the Sixth Circuit from the States of Ohio, Michigan, Kentucky, and Tennessee. These two come from the State of Michigan but are part of the Sixth Circuit which has had vacancies for many years. Now we have these two positions filled.

I am pleased to see this progress we have been making the last 2 weeks on nominations but also the progress we have been making in the Senate on other matters, as well. I think it is good for the country.

The agreement that we entered into not only cleared the field for the President's judicial nominations, some of whom, as I have said, have been waiting for over 4 years, but by avoiding confrontation it also allowed the people's agenda to move forward. And that is a very important matter.

Already, since the agreement was reached, the Senate Judiciary Committee has passed out of the committee the asbestos bill, and the Senate Energy and Natural Resources Committee has passed the Energy bill.

Now, as someone who was in the room for the negotiations of the filibuster agreement, I would like to take just a few moments to talk about what happened, why I was involved, and where we go from here. Candidly, I became involved in the negotiations because I was not satisfied with what I had seen in the Senate over the last few years. Everyone got in the negotiation, I am sure, for different reasons. I am just speaking for myself. I believed that judges were not getting voted on in the Senate, that the circuit court judges were not being acted upon when they should have been, that many of them were being denied an up-or-down vote. I believed the filibuster was being used in excess to block their nominations. I felt that the status quo was simply not acceptable, that we could no longer continue down that path.

Well, what was the solution? How were we going to get judges voted on in the Senate? The status quo abuse of the filibuster, which I felt clearly was an abuse of the filibuster, was not acceptable to me. I was prepared to take action to deal with that. Yet I felt that, in the best interests of the Senate and the Nation, it was really not in the best interests of the Nation or the Senate to totally change the rules and totally eliminate the filibuster, if we could avoid that. I felt what we needed basically was a resolution to this crisis, a new option or alternative that could restore the Senate to where it was when I entered the Senate a decade ago. That was a Senate where the possibility of a filibuster for judicial nominations was there but hardly ever used.

I believe that is exactly what we were able to achieve with the agreement.

During our negotiations, we agreed that a filibuster for a judge should not be used unless under extraordinary circumstances. Furthermore, we made sure the agreement included a provision that if the terms of the agreement were violated, and a judge was filibustered in circumstances that an individual Member considered not to be extraordinary—in other words, if MIKE DEWINE or any Member considered that another Member was filibustering a judge under a circumstance that was not extraordinary, that I or any Member had the right to pull out of that agreement and to go back and say: I am going to use the constitutional option to change the practice, the precedent of the Senate.

That was my right. I insisted on that when I entered the negotiations. I felt that was important and that was the only way I could be a part of the negotiations.

So let me make that very clear. The constitutional option was on the table, and it does remain on the table today. There was never any question in my mind about that. In fact, let me repeat exactly what I said at the press conference that the group held on May 23, right after we had reached our agreement. This is what I said that evening at that press conference when everyone was there, at least 12 of the 14 people who had reached the agreement. This is what I said. I quote myself:

> This agreement is based on good faith—good faith among people who trust each other. And, it's our complete expectation that it will work. Senators have agreed that they will not filibuster except in extraordinary circumstances. We believe that will, in fact, work. Some of you who are looking at the language may wonder what some of the clauses mean. The understanding is—and we don't think this will happen—but if an individual Senator believes in the future that a filibuster is taking place under something that's not extraordinary circumstances, we, of course, reserve the right to do what we could have done tomorrow, which is to cast a yes vote for the constitutional option. I was prepared to do that tomorrow if we could not reach an agreement.

Mr. President, let me also quote from the May 30, Washington Post article by Dan Balz. He wrote the following about the agreement:

> [Senator] DeWine, Senator Lindsey Graham have disputed the assertion . . . that the nuclear option is off the table. DeWine said he explicitly raised the issue just before the group announced the deal.

Balz then quotes me:

> I said at the end, "Make sure I understand this now, that . . . if any member of the group thinks the judge is filibustered under circumstances that are not extraordinary, that member has the right to vote at any time for the constitutional option." Everyone in the room understood that.

Now, the article goes on to say—again, Dan Balz's article in the Washington Post—

> Senator Mark Pryor, [a Democrat and] another member of the group [of 14], concurred, saying that while he hopes the nuclear option is gone for the duration of the 109th Congress, circumstances could bring it back.

Quoting Senator PRYOR:

> I really think Senator DeWine and Senator Graham have it right.

Mr. President, Members of the Senate, Senate Majority Leader FRIST also agrees with this assessment. He said, in this May 30 article by Dan Balz:

> The nuclear option remains on the table. It remains an option. I will not hesitate to use it, if necessary.

And later, Senator FRIST was quoted in the June 5 New York Times from his comments in a speech at Harvard University, as follows. This is Senator FRIST:

> The short-term evaluations, I believe, will prove to be shortsighted and wrong after we get judge after judge after judge after judge through, plus at least one Supreme Court nominee and an energy bill . . . and we will get Bolton.

Mr. President, Members of the Senate, as the recent judicial confirmation votes in the Senate demonstrate, the majority leader is right. We are getting things done. We are getting things done because this agreement was negotiated in good faith by good people who want to get things done, who want to proceed step by step. It was negotiated in good faith by Members working together in the best interests of this Senate and of our Nation. It is a good agreement, one that has enabled us in the Senate to get back to doing the business of the people, for the people. That is what the American people expect, and it certainly is what the American people deserve.

We have made progress. We have been able to confirm judges and bring to the floor of this Senate for up-or-down votes three judges who have been held up for years and two other judges in a circuit, the Sixth Circuit, in Ohio and three other States, that has suffered from a lack of judges on the Sixth Circuit for years, with many vacancies. Today, we filled two of those vacancies. That makes a difference. We are making progress.

I am not arrogant enough to come to the floor today and say that everything is going to work out perfectly. I don't know that it will. I don't have a crystal ball. I just know that we have come a ways. We have taken some steps. We have made some progress. I believe we can rely on the good faith of Members to try to continue to work together, continue to make progress, and continue to try to exercise good faith.

We have set a bar now, a standard. Seven Members of the Senate on each side have said they will not filibuster except under extraordinary circumstances. That is something that had not been set before. That is the bar. No, it is not specifically defined. I understand that. But at least there is a bar. It is an understanding. That is progress. It is a recognition that the filibuster is not something just to be used; it is something to be used only in very rare cases. You have to use it after you think long and hard about it. It is the recognition of 14 people that they will only use that filibuster after thinking long and hard. That is progress.

What we have seen with these five judges is progress. So we celebrate tonight progress, not total victory. You are never done in the Senate. We are always trying to move forward. But at least we should stop for a moment tonight and say: We have made progress. We have come this far. We know we have a ways to go, but here we are, at least.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, let me at the outset say that I am proud that I was 1 of the 14 Members who signed the agreement just referred to by my good friend from Ohio. In the signing of that agreement, one of the things that brought people together was the concept of respect for each other, mutual respect for our colleagues in this Chamber, mutual respect for the people of America.

As we have gone through the debate on the confirmation of judges over the last several days, I have seen debate within this body as well as debate among some of the constituent groups that I have found troublesome because it goes to the heart of the kind of respect we should afford each other in this Chamber.

I have heard statements that those who happened to be opposed to Bill Pryor, for whom I voted, were opposed to him because he was anti-Catholic. I heard statements made that some of my Democratic colleagues who were opposed to Janice Rogers Brown were opposed to her because she was African American. I submit that nothing could be further from the truth. In fact, when those kinds of statements emanate from Members of this Chamber or when they emanate from some of the constituent groups that follow us, it is a violation of the respect we should afford each other.

I, too, am hopeful that as we move forward in the consideration of other judges and other matters, that kind of hurtful, vitriolic, and unwarranted attack on each other is something we will not see again. If we can establish that kind of collegiality within this body, we can, in fact, return to those days when we had people working across the aisle to solve the common problems that faced Americans, regardless of whether they were Democrats, Independents, or Republicans. It is that kind of ethic I hope is embraced as we move forward in deliberations.

HONORING OUR ARMED FORCES

STAFF SERGEANT JUSTIN L. VASQUEZ

Mr. SALAZAR. Mr. President, I rise to speak for a moment about a brave American who lost his life earlier this week. His name is SSG Justin L. Vasquez. Staff Sergeant Vasquez was killed this past Sunday when a roadside bomb exploded near his military vehicle.

Staff Sergeant Vasquez was 26, and from the small town of Manzanola, CO, near La Junta, along the Arkansas River. He was a member of the 3rd Squadron, 3rd Armored Cavalry Regiment out of Fort Carson, CO.

He aspired to become an FBI agent, to continue his career of helping to protect people. He even considered becoming a lifetime military man. Regardless of whether he chose the FBI or stayed in the military, he was clearly motivated by patriotism and was making service to our great country and our security his career.

Staff Sergeant Vasquez was always a patriot who chose to put his country over himself. He enlisted at 18, and after his first tour of Iraq reenlisted for a second 6-year stretch with the Army in 2003.

Consider that, Mr. President. We are learning everyday that the Army is having trouble meeting its recruiting goals because of the demands of deployments in Iraq and Afghanistan. Staff Sergeant Vasquez chose to re-up for service after having been to Iraq and knowing he was in all likelihood heading back to Iraq.

During this, his second tour in Iraq, Staff Sergeant Vasquez was serving as a commander of a team of Bradley Fighting Vehicles.

Earlier this year, Staff Sergeant Vasquez was selected as one of nine soldiers from Colorado profiled by the Rocky Mountain News during their service in Kuwait. The paper noted that Staff Sergeant Vasquez had "arguably, the toughest job in First Platoon, if not in all of Lightning Troop"—working with new enlistments fresh out of boot camp.

But perhaps most importantly, Staff Sergeant Vasquez was a leader. Among the nine men under his command, five were new enlistments on their first tour. He would spend much of his time during the days training the inexperienced scouts, helping to build their confidence in their mission and their actions.

Staff Sergeant Vasquez was shaping nervous boys into confident young men, creating leaders for our cities and towns, businesses and PTA boards. He had every confidence in his men and inspired them to have confidence in themselves and their mission.

In his short life, Sergeant Vasquez was a living role model of what each of us in this Chamber hopes to become: a champion for something other than ourselves, a champion for an ideal—freedom—bigger than anyone person.

All of Colorado is saddened by the loss of SSG Justin Vasquez, but we also celebrate everything that he stood for. He served his Nation with honor and distinction, and set an example to which we can all aspire. He will be missed by his family and friends and the men whom he led. Today, they are all in our thoughts and prayers.

I thank the Chair and yield the floor.

ADJOURNMENT UNTIL 2 P.M. MONDAY, JUNE 13, 2005

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m. on Monday, June 13, 2005.

Thereupon, the Senate, at 6:27 p.m., adjourned until Monday, June 13, 2005, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate June 9, 2005:

DEPARTMENT OF STATE

HENRY CRUMPTON, OF VIRGINIA, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE, VICE J. COFER BLACK.

RONALD SPOGLI, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ITALIAN REPUBLIC.

ROBERT H. TUTTLE, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

EXECUTIVE OFFICE OF THE PRESIDENT

BENJAMIN A. POWELL, OF FLORIDA, TO BE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (NEW POSITION)

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

RONALD H. ALFORS, 9703
DAVID M. BANDINI, 0728
JOHN P. BARTHOLF, 3021
WILLIAM C. BENTON, 4676
KEVIN J. BROWN, 4542
STEVEN P. BULLARD, 8102
WILLIAM F. BURNS II, 5229
DEBORAH L. CARTER, 0670
TERRI L. CHANEY, 5280
JAMES A. CLIFFORD, 2912
KENNETH J. DALE, 4545
THOMAS R. DALTON II, 4602
CHARLES A. DENMAN, 2450
CHARLES E. FOSTER, JR., 1602
ROBERT M. GINNETTI, 7049
ROBERT L. GOULD, 1023
JONATHAN H. GROFF, 6991
MARK D. HAMMOND, 1549
WILLIAM A. HARDIN, 7619
HOWARD A. HAYES, 5598
CHRIS R. HELSTAD, 9155
WILLIAM O. HILL, 1545
KERRY M. HOLLOMON, 1253
STANLEY V. HOOD, JR., 3370
RICHARD B. HOWARD, 9618
KEVIN J. KEEHN, 1458
DAVID T. KELLY, 6609
JOHN E. KEOSHIAN, 4666
PAUL M. KERWIEN, 8150
JOSEPH K. KIM, 2485
MICHAEL KOLESSAR, 8243
JEFFREY A. LEWIS, 0154
PAUL A. MACKEY, 9160
RICKY J. MAFFEI, 3913
KEITH P. MARTIN, 5980
CORNELIUS T. MULLANEY, 7260
GREGORY L. NELSON, 3690
MICHAEL L. OGLE, 7215
THEODORE S. ORKIN, JR., 2160
BRADLEY E. PETERSON, 2100
DANN D. PETTIT, 5991
MARK A. REMICK, 2964
CATHY M. RODRIGUEZ, 8266
ROBERT S. SHAFER, JR., 7432
ROBERT L. SHANNON, JR., 6209
HENRY A. SMART, JR., 6732
CHRISTOPHER D. SWADENER, 0093
MILES F. SYMONDS, 2883
JOHN H. THEISEN, 1308
NILDA E. URRUTIAESTRANY, 7390
MICHAEL L. WAGGETT, 3821
CATHERINE O. WATTS, 8169
SUSAN L. WEHRLE, 6268
DONALD S. WENKE, 2420
TOMMY R. WILLAFORD, 8671
ROBERT S. WILLIAMS, 1569
WANDA A. WRIGHT, 1531
DAVID R. ZARTMAN, 4476

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

GREGORY H. BLAKE, 5132
JON C. BOWERSOX, 3874
JOHN S. CRAMER, 6229
WILLIAM W. DODSON, 3637
ANDREW L. JUERGENS, 3320
JOHN S. MCCULLOUGH, 5765
JOHN MIRABELLO, 0054
JOSEPH M. PASCUZZO, 1094
JOHN H. RUMMEL, 6470
JOHN E. TORRES, 6133
PAUL E. TURNQUIST, 9283

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

GARY D. DAVIS, 4281

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

JOHN A. CAVER, 4419
THOMAS B. DUNHAM, 4168

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

GRETCHEN S. DUNKELBERGER, 0526
LINDA G. LITTLE, 6890
JANET I. SESSUMS, 1358

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

WILLIAM F. EVANS, 9372
LESLIE R. HYDER, 8111

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

WILBERT W. EDGERTON, 6401
BRUCE C. EVANS, 3233
JAMES D. HILL, 8056
MICHAEL W. LLOYD, 6327
CLYDE W. MATHEWS, 6897
SUZANNE PETERS, 2819

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C. SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

WILLIAM P. * ADELMAN, 8789
JAY T. * ALLEN, 8645
PETER J. * ALLEN, 7343
BRYAN J. * ALSIP, 8100
SCOTT R. * ANTOINE, 3838
KARLA * AUYEUNG, 6642
VERONICA R. BAECHLER, 5142
DARREN S. BARONI, 0922
ANDREW M. * BARR, 1311
ROBERT M., * BAUER II, 6378
JOHN G. BEAUMAN, JR., 9843
PHILIP M. * BECK, 1881
MICHAEL R. BELL, 2992
JASON L. * BLASER, 0663
EARL F. * BRAUNLICH, 3968
ELIZABETH L. * BRILL, 6189
SCOTT A. * BRILL, 8479
JOSEPH G. BROOKS, 5294
DAVID L. BROWN, 2802
LINDA L. BROWN, 6729
TOMMY A. * BROWN, 6152
BRIAN S. * BURLINGAME, 0105
JEFFREY B. * BURNETTE, 0095
JEFFREY M. CALLIN, 5489
DARREL K. CARLTON, 0169
BRENNAN * CARMODY, 6634
STEVEN B. * CERSOVSKY, 0225
YONG K. * CHA, 7089
JAMES R. * CHATHAM, JR., 1611
RAYMOND I. * CHO, 9618
ERIN L. CLARK, 7305
GARY * COLLINS, 7269
ROSS E. * COLT, 6303
STEPHEN J. CONNER, 1031
LANCE E. * CORDONI, 6932
WILLIAM G. * COSTELLO, 5752
ERIC A. CRAWLEY, 6311
MARK A. * CRISWELL, 5174
MARK D. * CUMINGS, 0359
GEORGE R. * CUNNINGHAM, 4593
LOUIS A. DAINTY, 4064
JOHN G. DEVINE, 2288
WILLIAM C. * DIXON IV, 3612
NHAN V. * DO, 3045
MICHAEL D. DULLEA, 1087
ANTHONY * ECLAVEA, 6140
ROBERT J. * ENSLEY, 6857
EDWARD M. FALTA, 0419
DAVID * FONTAINE, 6154
ELIZABETH * FRANCO, 9495
WILLIAM C. FREY, 6004
HAROLD * FRISCH, 2461
RONALD A. * GAGLIANO, JR., 9764
DONALD A. * GAJEWSKI, 5267
CHRISTOPHER * GALLAGHER, 2510
ALAN P. * GEHRICH, 4623
SCOTT A. * GERING, 2573
DOMINADOR G. GOBALEZA, 4066
ROBERT J. * GRAY, 4678
KENNETH A. GRIGGS, 1106
RICHARD A. GULLICK, 4310
LEONARD L. HALL, 9717
RAYMOND J. * HARSHBARGER, 0587
CHRISTOS * HATZIGEORGIOU, 3613

FRANKLIN H. * HAUGER, 4285
KEITH A. * HAVENSTRITE, 7062
CHARLES G. * HENDERSON, 3585
THOMAS S. HEROLD, 1854
MARK L. * HIGDON, 0791
EDMUND W. * HIGGINS, 7191
SIDNEY R. * HINDS II, 1239
JEFFREY K. * HUBERT, 4045
AVA * HUCHUN, 1256
VICTORIA R. * HUGHES, 9459
THEODORE * KIM, 6539
SANDRA G. * LAFON, 6625
FREDERICK W. * LARSEN, 9454
MICHAEL T. LATZKA, 1624
GARTH W. LECHEMINANT, 2568
SEAN K. LEE, 9273
KEITH T. * LONERGAN, 6976
BRUCE L. LOVINS, 9226
MATTHEW J. * MARTIN, 1721
PAUL T. MAYER, 9213
SCOTT C. * MCCALL, 4110
ERIC D. * MCDONALD, 7339
JEROME M. * MCDONALD, 9184
ROBERT C. * MCKENZIE, JR., 8427
SHARON P. MCKIERNAN, 3398
JAMES A.. * MCQUOWN, JR., 9915
PATRICK C. * MELDER, 2984
MARGRET E. * MERINO, 3638
JOEL E. MEYER, 7236
BART J. * MEYERS, 6141
MITCHELL S. * MEYERS, 6510
MARTIN R. * MOON, 3958
RONALD V. * MORUZZI, 0512
LAURA T. * MULREANY, 5599
TIMOTHY J. * MURPHY, 6510
SHAWN C. NESSEN, 9140
JAMES A. * OLIVERIO, 8143
KEITH J. * OREILLY, 6836
ERIC M. OSGARD, 9252
MICHAEL S. OSHIKI, 7202
EDMOND L. * PAQUETTE, 4024
ROBERT M. * PARIS, 8091
REAGAN R. * PARR, 3244
RAYFORD A. * PETROSKI, 9426
BRIAN T. * PIERCE, 8582
BARRY R. POCKRANDT, 0592
CHRISTIAN POPA, 0762
SHAUN A. * PRICE, 7757
MICHAEL W. QUINN, 2212
WILLIAM J. * QUINN, 9298
KEVIN C. * REILLY, SR., 8736
THOMAS A. RENNIE, 0181
DAVID E. RISTEDT, 4863
LUIS R. * RIVERO, 7381
MARK A. ROBINSON, 8575
JOSEPH A. * RONSIVALLE, 5078
STUART A. ROOP, 4791
STEPHEN D. * ROSE, 1546
MICHAEL G. * ROSSMAN, 8597
EARLE G. SANFORD, 5503
GARRY H. * SCHWARTZ, 9229
PAUL T. * SCOTT, 6286
DANIEL S. * SENFT, 1573
JAMES J. * SHEEHAN, JR., 7021
PETER J. * SKIDMORE, 3858
BRYAN C. * SLEIGH, 7330
KEVIN C. * SMITH, 4061
LISA H. * SMITH, 1086
JOSEPH C. * SNIEZEK, 8613
AARON L. STACK, 3370
JOHN * STATLER, 5081
MARGARET M. * SWANBERG, 9255
ALBERT W. TAYLOR, 8075
KENNETH F. TAYLOR, JR., 3377
RICHARD J. * TEFF, 4797
BRIAN T. THEUNE, 6485
JOHN E. * TIS, 5196
BRIEN W. TONKINSON, 4522
DAVID A. * TWILLIE, 9649
TRENT J. TWITERO, 2165
SCOTT D. UITHOL, 4838
TODD J. VENTO, 3252
SIDNEY L. * VINSON, 3135
STEVEN A. * WAGERS, JR., 4957
GARY R. * WALLACE, 6634
DAVID T. * WARD, 2120
MICHAEL A. WEBER, 4623
MARK J. * WEHRUM, 5852
STEPHEN J. * WELKA, 7732
DANIEL W. WHITE, 5243
JAY F. * WIGBOLDY, 7811
RICHARD H. WILKINS, 5602
HEATHER R. * WILLIAMS, 3905
PATRICK WILLIAMS, 7608
MICHAEL D. * WIRT II, 9113
MICHAEL M. * WOLL, 2276
PATRICK J. * WOODMAN, 9619
MICHAEL P. WYNN, 1650
CAROL R. * YOUNG, JR., 6307
STANLEY M. * ZAGORSKI, 9925
DAVID C. ZENGER, 5311
JOSEPH J. * ZUBAK, 7187

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C. SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

TERRY W. AUSTIN, 2697
SHERMAN W. BAKER, JR., 3577
PETER A. BAKTIS, 5281
DAVID R. BEAUCHAMP, 4172
KEN BELLINGER, 1310
DEAN E. BONURA, 1389
JEFFERY T. BRUNS, 9251
NEAL J. * BUCKON, 8297
BRUCE W. CHAPMAN, 9791
GARRY R. DALE, 2627
DAVID G. EPPERSON, 5890
DAVID J. GIAMMONA, 1949
MATTHEW M. GOFF, 7075
GARY HENSLEY, 0887
JEFFREY D. HOUSTON, 2611
KEITH A. JACKSON, 9744
LEON G. KIRCHER, 7412
ALLEN L. KOVACH, 9163
RONALD P. LEININGER, 0187
ROBERT J. MEYER, 6215
STEVEN F. MICHALKE, 1136
PETER L. MUELLER, 6383
ROBERT L. POWERS, JR., 4718
KENNETH F. REVELL, 1703
FRANK R. * SPENCER, 6046
MICHAEL E. STROHM, 9111
DANIEL E. WACKERHAGEN, 0180
ROY T. WALKER, 7699
ROBERT C. WARDEN, 7182
TERRY L. WHITESIDE, 8029
PAUL J. YACOVONE, 8151

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C. SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

SCOTT W. * BURGAN, 7160
RAFAEL * CARABALLO, 5842
YOUNG M. * CHO, 3832
VENNIS D. * COSBY, 1952
GEORGIA G. * DELACRUZ, 0312
WILLIAM J. * DEMSAR, 1463
MICHAEL T. * EVANS, 9471
DAVID C. * FLINT, 0652
DAN C. * FONG, 7734
GARY D. * GARDNER, 4144
MICHELLE T. * ICASIANO, 4914
BRYAN P. KALISH, 9220
KIMBERLY W. * LINDSEY, 4855
MANUEL * MARIEN, 9700
CRAIG G. * PATTERSON, 2863
JULIE A. * SMITH, 6181

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ROBERT D. DUNSTON, 9263

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, June 9, 2005:

THE JUDICIARY

WILLIAM H. PRYOR, JR., OF ALABAMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT.

RICHARD A. GRIFFIN, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

DAVID W. MCKEAGUE, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

EXTENSIONS OF REMARKS

CONGRATULATING WCMT-AM ON ITS 2005 CRYSTAL AWARD

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. TANNER. Mr. Speaker, I hope you will join me today in honoring WCMT–AM, in Martin, TN, for being named a 2005 Crystal Award Winner by the National Association of Broadcasters. As you know, this very prestigious award recognizes those radio stations that provide outstanding public service to their communities, and we are proud that WCMT is receiving this honor.

WCMT is a treasure for West Tennessee because of its focus on those who live in Weakley County and the surrounding areas. The station's news programming has long been an excellent source of information for West Tennesseans, and its community outreach efforts have been invaluable to many of our fellow residents. It is locally owned and operated by Thunderbolt Broadcasting, whose president and general manager, Paul Tinkle, is a long-time friend of mine and a true leader in Weakley County.

WCMT–AM is a past recipient of the Weakley County Chamber of Commerce's Business of the Year Award and a four-time finalist for the NAB Crystal Award, with which it is now being honored. Mr. Speaker, please join me in recognizing the decades of dedicated broadcasting excellence and community service that have helped WCMT earn this celebrated honor.

A TRIBUTE TO NICOLAS ABREU

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. TOWNS. Mr. Speaker, I rise to acknowledge Nicolas Abreu.

Nicolas Abreu was born on the beautiful island of the Dominican Republic to Hobo and Nicolasa Abreu. On February 19, 1979, the entire family migrated to New York in order to pursue a better life.

His first job, as a waiter in a local restaurant, lasted for 9 years. Remembering the vision of his parents led him to resign from his restaurant job and go to work at the family run Auto Dealer establishment.

On November 14, 1981, Nicolas Abreu married Luz at St. Michael's Roman Catholic Church. Together, they are the proud parents of three children.

Continuing the family legacy, in 1991, Mr. Abreu opened his own auto sales business in Brooklyn, naming it "Diana Auto Sales" after his daughter. Business was good and by the mid 1990s Nicolas opened his second used car sales establishment, Crystal Motors Inc., named after his niece.

Mr. Abreu also leads by example in his spiritual life. He is an extra ordinary minister at St. Michael's Roman Catholic Church, where he and his family worship. He is the founding member of the EMAUS (a men's group in the church whose role is to get men involved in activities in the church).

He owes his success to his parents for their vision and dedication to their children; if it were not for his parent's foresight he would not be where he is today. Mr. Speaker, Nicolas Abreu recognizes the importance of family, hard work, respect for the community and courage makes him more than worthy of our recognition today.

IN HONOR OF MR. JOHN HANSON

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. FARR. Mr. Speaker, I rise today to honor an invaluable member of my community, Mr. John Hanson. Mr. Hanson is a Building Maintenance Specialist from the city of Carmel-by-the-Sea, and has recently completed a tour of duty in Iraq with the Army National Guard. Sergeant First Class Hanson's unit was called up in late 2003 and he served in Iraq for 16 consecutive months.

Mr. Hanson has been with the city of Carmel-by-the-Sea since 1988 and was well supported by his wife, Annette, his two children, and his community. Mr. Hanson has not only served his country with honor, but has met some of the humanitarian needs of the Iraqis that he has come in contact with. While he was in Iraq, John supported, with the assistance of his family at home, an Iraqi school with shipments of items like flip-flops, tank tops, and school supplies. For having endured an extended time away from his family and friends, the city of Carmel-by-the-Sea has awarded him a key to the city.

Through his enormous sense of decency, fairness, generosity, and commitment to his country, Mr. John Hanson has been an asset to everyone that he has touched. Mr. Speaker, it is truly an honor to recognize Sergeant First Class John Hanson.

HONORING THE NATIONAL ORGANIZATION OF ITALIAN AMERICAN WOMEN AS THEY CELEBRATE THEIR 25TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Ms. DELAURO. Mr. Speaker, it is with great pride that I rise today to join all of those who have gathered in congratulating the National Organization of Italian American Women as they celebrate their 25th Anniversary. This is a very special milestone for this outstanding organization.

Twenty-five years ago, a small group of Italian American women gathered in the Upper West Side apartment of Aileen Riotto Sirey. That meeting and their desire to assist other Italian American women and develop a nationwide network of women sharing a common ancestry sparked the formation of the National Organization of Italian American Women. Through their commitment to this effort, NOIAW members have developed a very successful scholarship and mentoring program and also offer a variety of educational and social programs. Today, NOIAW has a strong membership and is well-known as a resource for other Italian American women pursuing their own educational and professional aspirations.

Throughout our nation's history, Italian Americans have played a pivotal role in the success and progress of America. The myriad of invaluable contributions that those of Italian ancestry have made to this Nation are immeasurable. Musicians, artists, doctors, lawyers, politicians, teachers, activists, and more—the credits of Italian Americans can be found in professional and civic services across America. As an annual celebration of pride in their ethnic heritage, NOIAW recognizes the achievements of today's outstanding Italian Americans.

As they mark their 25th Anniversary, NOIAW will also honor three inspiring individuals who have each distinguished themselves in their respective careers. Lisa Caputo Nowak is an astronaut and Commander in the U.S. Navy and will become the first Italian American woman in space with the launch of STS–21 to the International Space Station in the near future. Patricia de Stacy Harrison is the current Assistant Secretary, Bureau of Educational and Cultural Affairs. Prior to her appointment, she founded and managed a top public relations firm and has also served as the co-chair of the Republican National Committee. NOIAW's Special Recognition Award will be presented to Antonio Giordano, M.D., Ph.D., director of the Sbarro Institute for Cancer Research and Molecular Medicine. Dr. Giordano is internationally renowned for his research in cell cycle, gene therapy, and the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

genetics of cancer. The accomplishments of these individuals and their outstanding contributions to our Nation will certainly stand as an inspiration for generations to come.

In sharing and celebrating our ethnic heritage, NOIAW has built a strong network of women and supporters who are ensuring that future generations can achieve their dreams. Their mission to support, mentor, and encourage the professional and personal success of other Italian American women is making a real difference in the lives of thousands of women throughout the country. It is with great pride that I stand today and extend my sincere congratulations to the National Organization of Italian American Women on their 25th Anniversary. In just a short time they have already touched the lives of so many, and I send my very best wishes to the board and its membership for many more years of success!

IN HONOR AND RECOGNITION OF SHERIFF GERALD T. McFAUL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute of Sheriff Gerald T. McFaul for the exemplary service he has shown to our community during his 38 years in public office. As the longest serving sheriff in Cuyahoga County history, Gerald has been a vital asset to our community.

In 1957, only 2 weeks out of high school, Gerald started an apprenticeship at the Pipefitters Local 120 and has been a proud member for 53 years. At the same time he ran for Cleveland City council—and lost. But Gerald was committed to helping his community and on his third try won a seat, which he kept for five consecutive terms.

At 31, he became the youngest Majority Leader in Cleveland City Council history. I too at age 31 was elected to a public office in Cleveland, when I was voted the youngest mayor ever of a major American city. So I can tell you personally that this speaks volumes to his character.

Because Gerald is interested in justice issues and having a desire to stop racist practices in the police department he decided to run for sheriff. He was elected in 1976 and has been in office for more than 28 years.

Sheriff McFaul is a pillar of our community and has worked to keep the streets of Cuyahoga County safe with the utmost respect for the rule of law and the people of this fine county.

Mr. Speaker, I am truly pleased that the people of Cuyahoga County turned to Gerald T. McFaul, to serve as sheriff for more than 28 years. Please join me today in honor and recognition of a person who has willingly assisted the residents of Cuyahoga County for nearly four decades.

HONORING CITRUS COUNTY SHERIFFS OFFICE, CITRUS COUNTY, FL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor the Sheriffs Office in Citrus County, FL.

Local Sheriffs offices are the first responders to crimes and disasters and are a key element of support in our communities. It is important that we recognize the hard work and dedication of these men and women, and never take their service for granted.

These deputies make daily sacrifices and put themselves at risk keeping our communities safe. This office has shown professional excellence this past year and their work has truly made our county a safer place.

Events like the one today hosted by the Citrus County Chamber of Commerce provide the camaraderie and support these dedicated men and women deserve. This Appreciation Barbeque allows for the employees of the Sheriff's Department to come together after a very difficult and heart wrenching year. The generosity of the community as a whole has made this event possible and I thank them for it.

Unfortunately, I was unable to join them today at Liberty Park in Inverness, FL. I was unavoidably detained by Congressional votes here in Washington, DC, and could not return in time for the event. I look forward to joining them in the future when I am home in Citrus County.

The Mission of the Citrus County Sheriff's Office is to maintain peace and order by providing law enforcement services that are of the highest professional quality. I would argue they have far surpassed this mission. When tragedy strikes our community, I know we can rely on these truly dedicated public servants.

Mr. Speaker, I once again would like to express my true appreciation for everyone in the Sheriffs Office and all they do for our communities.

TRIBUTE TO THURL ARTHUR RAVENSCROFT

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. UPTON. Mr. Speaker, my colleague Mr. SCHWARZ of Michigan and I rise today to honor the life of Thurl Arthur Ravenscroft, the voice of Tony the Tiger, the orange-and-black-striped spokesman for Kellogg's Frosted Flakes. We would like to express our heartfelt condolences as all of us in Southern Michigan lost a friend and neighbor on May 22, 2005.

Thurl had a long, distinguished career, most notably as the voice of Tony the Tiger for over 53 years. However, his contributions to the entertainment industry didn't stop there. While a celebrity in his own right, he sang backup with other celebrities such as Bing Crosby, Elvis Presley, Frank Sinatra and Rosemary Clooney. Thurl also provided voiceovers for the Grinch in Dr. Seuss' "How the Grinch Stole Christmas," "The Cat in the Hat," in "Horton Hears a Who," and "The Lorax."

With his contributions to Kellogg and Dr. Seuss novels, the world of Walt Disney wouldn't be the same without Thurl's voice. His vocal works played important roles in the themes of "The Mickey Mouse Club," "Davy Crockett," and "Zorro," while contributing to the making of "Cinderella," "Dumbo," and "Lady and the Tramp." Thurl's voice was also used in both song and narration for two of Walt Disney's most popular theme rides, "Pirates of the Caribbean" and "The Haunted Mansion."

While most of his career was spent entertaining both the young and old, Thurl courageously served in the U.S. Military for 5 years. In 1942, he enlisted in the Air Transport Command, where he flew numerous special missions over the North Atlantic as an expert navigator. In addition to his work outside the entertainment business, Thurl devoted time to activities in the Christian field that included recording the Book of Psalms for the visually impaired.

All of us in Southern Michigan are deeply saddened with the passing of Thurl Ravenscroft and appreciate all of his service as an entertainer, soldier, and Christian. We will forever be able to enjoy his wonderful works whether we are watching great Kellogg commercials, a Disney movie, or attending an amusement park.

Southern Michigan will not be the same without Thurl Ravenscroft. He was GRRRRREEEEAT!

THE PLIGHT OF THE AFRO-COLOMBIANS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. RUSH. Mr. Speaker, I rise today to bring light to the continuing neglect of Afro-Descendent people in Colombia. This past May 21, 2005, Colombia marked the 154th anniversary of the abolition of slavery. Yet, African descendant minorities, who comprises 26 percent of the population, continues to be mistreated, marginalized socially and economically, and are pushed to the fringes of society.

Afro-Colombians are displaced from their ancestral lands which is one of the most biodiverse regions in the world, so that extra-judicial groups such as the FARC, ELN and AUC are able to grow crops for drug trafficking. This population is, by far, the most repressed group in Colombia. They have the lowest national per capita income, the highest rates of illiteracy, high indices of infant mortality, and startling rates of preventable diseases.

Though the Colombian government is starting to make strides in breaking down the power of guerrilla and paramilitary groups, it has not done enough to protect Afro-Colombian territories. Historically, Afro-Colombian territories such as Chocó are of great strategic importance to securing the United States.

Chocó is in essence at the crossroads between Central America and South America. It also has access to the Pacific Ocean and the Caribbean Sea making Chocó a very attractive launching pad for Colombia's extra-judicial actors.

These illegally armed actors should not and must not be exempt from prosecution for the human rights violations carried out under their leadership. The oppression of the Afro-Colombian population by these military groups must cease and desist. It is the responsibility of the Colombian government to secure its communities by eliminating such groups who have murdered, raped, and displaced the Afro-Colombian people.

We must do more in humanitarian assistance to provide better aid to those Afro-Colombians who have been displaced. Groups such as the Social Solidarity Network, Afro-Latino Development Alliance, the Black Mayors Federation, and AFRODES, in collaboration with local NGOs, are laying the foundation for advancements in healthcare, education, sustainable development, community kitchens, housing and other programs to address the needs of the displaced. Additionally, organizations such as USAID, Pan American Development Foundation, and the Colombian National Police are now finally planning to hire Afro-Colombians for technical and professional positions that will be beneficial to the Afro-Colombian community.

It is imperative that, more coordination by the Colombian government, our State Department and the philanthropic communities develop mechanisms to address this critical issue. President Uribé of Colombia agreed to the creation of a Cabinet level appointee to address the crisis facing Afro-Colombians and we are waiting for this to happen. This person will provide coordination amongst the Colombian government, the State Department, NGOs and other groups to address the plight of the Afro-Colombian communities. This will afford Afro-Colombians a voice in public policy that will ultimately have an impact on their communities.

The role of the United States must be, as it has in the past, multi-faceted. We must work closely with the Colombian government, our State Department and USAID to fight this crisis on all fronts. We must help to put an end to the oppression that the Afro-Colombian people have endured over the past 154 years since the abolishment of slavery.

Mr. Speaker, we must contribute more money in the area of sustainable development and rely less on military aid to solve Colombia's problems. We cannot continue to allow the egregious human rights violations within the Afro-Colombian community to continue. We must hold the Colombian government accountable on its human rights record and for its neglect of the Afro-Colombians.

HONORING JAMES EDWARD WESTCOTT

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. WAMP. Mr. Speaker, I would like to take this time to recognize Mr. James Edward Westcott of Oak Ridge, TN, for his continued dedication and service to the community.

Ed Westcott's career has been a long and illustrious one. He served a unique role in capturing the history of Oak Ridge. In 1941, Ed went to work for the United States Army Corps of Engineers as their chief photographer for the famed Manhattan Project. He served the City with two distinct roles, officially documenting the historic creation and operation of the "Secret City" and unofficially documenting the daily life and events of the community of Oak Ridge as a photojournalist for the Oak Ridge Journal.

Throughout Mr. Westcott's career, he has captured numerous historic events and many notable personalities on film, including seven presidents. His most important work, however, was capturing the unique history and heritage of Oak Ridge. The early people of this town who dedicated their services to the greater cause of our country will never be forgotten thanks to the talents and contributions of Ed Westcott.

He has truly distinguished himself through his commitment and service to the community.

RECOGNIZING PROFESSOR STEFAN KAPSCH'S RETIREMENT FROM REED COLLEGE

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Ms. HOOLEY. Mr. Speaker, this month, Stefan Kapsch will retire as a professor of political science at Reed College. Professor Kapsch came to Reed from the University of Pennsylvania in 1974. For 30 years, he has inspired Reed students with his passion for American politics, empirical methodology, and constitutional law.

Professor Kapsch's career is distinguished by an impressive record of civic engagement. For him, public policy analysis is not just an abstract subject for classroom discussion; it is a very real and ongoing pursuit. Professor Kapsch has been research director of the Oregon Commission on the Judicial Branch, executive director of the Oregon Prison Overcrowding Project and research partner in the SACSI Initiative of the National Institute of Justice, a project on youth gun violence in Portland. By his example, Professor Kapsch has taught generations of students that independent academic analysis is a necessary component of good policymaking.

Professor Kapsch has taken a special interest in the former Yugoslavia—and Slovenia in particular—where he was a Fulbright Fellow to the Faculty of Sciences at the University of Ljubljana in 1994–95. He has served as a voter registration supervisor for the Organization for Security and Cooperation in Europe, which is charged with the conduct of elections in Bosnia-Herzegovina under the Dayton Accords. In 2002, Professor Kapsch was a Senior Fulbright Scholar at the Amerika Institut of Ludvig Maxmillians University in Munich.

Professor Kapsch will be remembered for his ability to bring even the most technical subjects to life through classroom discussions and seminars. He has earned a reputation among Reed students as the faculty's best storyteller, with an anecdote to illustrate every new principle introduced in class.

In his three decades at Reed, Professor Kapsch was a mentor, a confidant, and a friend to countless students and he will certainly be missed. But his retirement marks the start of a fresh chapter in his life, as he will spend more time brewing homemade beer, relaxing at the Oregon coast, restoring his 1952 Ford Pickup, and enjoying the company of his loving wife Shirley, his children and grandchildren.

IN HONOR OF THE HOUSING AUTHORITY OF PLAINFIELD'S 30TH ANNIVERSARY OF RICHMOND TOWERS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. PALLONE. Mr. Speaker, it is with great pleasure that I rise to recognize the longevity of the Richmond Towers in Plainfield, NJ.

This September, the Housing Authority of Plainfield will celebrate the 30th Anniversary of the Richmond Towers, a 225 unit senior citizen complex developed to serve seniors within the Plainfield area. This building is a testament to the successes of the U.S. Department of Housing and Urban Development, which funded this project that helped to house thousands of residents in the Plainfield community.

Today I feel fortunate to stand here and announce that two agencies, one at the Federal level and one at the State, have not only followed through with their goals, but exceeded them. The Housing Authority has been invaluable to the senior citizens of Plainfield and I am confident that it will continue to be for the next 30 years as well.

REGARDING FORECLOSURES AMONG MINORITIES

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. DAVIS of Illinois. Mr. Speaker, homeownership can be the passage to the American dream. It can help offer wealth and even tax credit to American citizens. Nonetheless homeownership can also bring great economic devastation. While we were back in our districts, it was reported that there has been an increasing epidemic of foreclosures, especially among working-class neighborhoods. Even more, wide disparity between the rate of white homeowners and members of ethnic minority groups continue to exist. These foreclosures have fallen particularly hard on black and Latino families. As citizens face low interest rates and the pressure to refinance, an escalating number of citizens have found themselves unable to take on their mortgage debt. This past March, 47 states experienced a rise in foreclosure rates, and today, more than eight percent of homeowners spend at least half of their income on their mortgage. These numbers are appalling.

A recent study in Chicago found that rising foreclosures fuel increases in crime rates. So, not only does this affect our economic structure, but our security in society. Homeownership, especially among minorities, should not lead to economic and social ruin. In my district, just 37 percent of African-Americans own homes of their own. That's below the average for the city as a whole and falls far short of the national homeownership rate of 68 percent. Chicago should thrive off its bustling economic and cultural prospects, not be brought down because the citizens cannot afford to prosper.

In fact, there have been measures taken to counteract this declining trend. Recently, the Administration announced a goal to increase homeownership among minorities by 5.5 million households before the end of the decade through various programs such as American Dream Down-Payment Initiative. Nonetheless, the trends continue to move downward. Rising interest rates and discrimination continue to hinder homeownership among minorities. Minorities, especially African Americans, have experienced a significant disadvantage in terms of wealth creation. While sustaining the cost of housing provides great difficulty, many citizens cannot even find jobs before aspiring to finance homeownership. Before the Administration can help minorities increase homeownership, it must first give the citizens job opportunities substantial enough to afford housing. Homeownership is a measure of financial security, and without the means to obtain such security, the number of homeowners will continue to drop.

We cannot disregard the efforts of minorities to succeed in obtaining the American dream. Minorities deserve equal opportunity to homeownership. Therefore, I urge my fellow colleagues to raise awareness against the devastation of foreclosure.

RECOGNIZING THE EFFORTS OF THE 369TH CORPS SUPPORT BATTALION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. RANGEL. Mr. Speaker, I rise today to join in this tribute to the families and members of the Armed Forces during National Military Families Week. I know the people of the 15th District of New York join me in thanking these individuals for their sacrifice and service to this country. I am sure that this august body appreciates the hard work and sacrifice of our men and women in defending the interests of this nation.

I want to specifically extend my appreciation to two groups of servicemen and servicewomen. First, I want to thank the Reservists and National Guardsmen whose lives have been disrupted by the call of service in Afghanistan, Iraq, and the War on Terrorism. Under the condition that they would serve when needed by this country, these individuals were trained and volunteered to take to arms when the country was in danger.

Today, they have become the backbone of our military engagement in hostile territories. The National Guard and Reserve forces are nearly half of the U.S. forces in Iraq at the moment. Thirty-one of the 80 U.S. military deaths in Iraq last month were Reservists.

Many Reservists and National Guardsmen had not made long-term plans for an engagement such as this. At home, their spouses, children, and families fret about their whereabouts, their safety, and when they will see these brave men and women again. Their jobs continue without them and, while their companies remain loyal to their service, the possibility grows that they will eventually be phased out or will fall behind in their careers. They unfortunately are placed in jeopardy in their civilian lives while at service to this nation.

They are faced with the financial and emotional obligations of remaining loving providers for their families. I and a grateful nation appreciate their sacrifice and welcome their return with open arms. Their bravery and their experience nonetheless often calls some of them back into service to fulfill obligations to colleagues still on tour. I thank the men and women of our National Guard and Reserves for their dedicated service to their nation. It is a true testament to their dedication and patriotism to this country.

Second, I must recognize the dedicated and patriotic work of the 369th Corps Support Battalion, the "Harlem Hellfighters." Like the men and women in many of our districts, Harlem Hellfighters have displayed an impressive record of service in their engagement in Iraq. The unit has received 11 Bronze Stars, 2 Military Service medals, and numerous Army commendations.

Mobilized on December 5, 2003, the unit has been to Kuwait and to southern Iraq near An Nasariyah and performed at least three significant missions, including leading the operations of twenty other units from March 2004 to January 2005. Over this time they delivered over 8 million gallons of fuel to U.S. and coalition forces, fueled over 2,700 aircraft and over 145,000 service vehicles, issued almost 25,000 cases of meals-ready-to eat (MREs), and logged over 2.5 million miles.

In addition, the Harlem Hellfighters completed numerous local projects including the adoption of an orphanage in An Nasariyah, and the monitoring of a school reconstruction project. I am very proud of the work of the 369th. They put their hearts and mind into these tasks and are diligent and strong champions of this country. Without their tireless effort, the capacity of our armed forces would have been limited in Iraq.

While the arduous work of the brave men and women is quite impressive, I must also recognize the sacrifices of the family members of the 369th. While the Harlem Hellfighters have been deployed for over 2 years in the Middle East, their wives, parents, and children have been without them. These family members have had family reunions and backyard barbeques, have taken their first steps and attended their first day of school, and have worried and cried about the location and service of their Hellfighter. They have endured and suffered much while their patriotic family member was serving this great country. I owe these individuals my sincerest appreciation and thanks.

Today, Mr. Speaker, the House of Representatives takes a moment out of its day to recognize National Military Families Week and to honor the families and friends of our armed forces. I believe we should spend every moment working to acknowledge their contributions and to reward their noble contributions to the security and welfare of our nation.

A TRIBUTE TO ARTHUR "BUTCH" NILES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. TOWNS. Mr. Speaker, I rise to acknowledge Arthur "Butch" Niles. Arthur H. Niles was born and raised in Brooklyn's Bedford Stuyvesant village, where just about the entire village raised him. "Butch" as family and friends lovingly know him, was born smack dab in the middle of 14 children, parented by Anton and Lillian Niles. He attended P.S. 44, J.H.S. 35 and Boy's High School. Since he was an outstanding athlete, his basketball skills helped him earn the Four Friends' scholarships to Virginia Union University in Richmond, Virginia where he captained the team his entire 4 years. Mr. Niles graduated from the Virginia Union University with Bachelors degree in Sociology as well as achieved lifetime membership to the Alpha Phi Alpha Fraternity.

After a brief stint in the Eastern Professional Basketball League, playing for the Scranton Miners, a minor league team of Boston Celtics, "Butch" return to Bedford Stuyvesant. Along with a few of his brothers and the community friends, he organized the original legendary "Soul in The Hole" Basketball tournament. This activity became a sports and cultural extravaganza for youth and their families that occurs every summer and features African Dancers, drummers, poetry readings and great ball games.

Butch has always had a revolving respect with the people of central Brooklyn, especially the youth. He always felt that the power of the people could be realized most effectively by fostering a mutually trusting relationship with the youth.

After meeting Lucille Rose in the early 1970s, Arthur is credited for organizing the first Bedford Stuyvesant Central Youth Council, Inc. He met George Glee and Margo Butts at Vanguard Urban Improvement Association Inc., where he was employed as a Coordinator. Arthur worked with the young men and Margo worked with the young ladies and together they improved the lives of thousands of young people, many of whom went on to be accountants, teachers, union leaders and other professionals. Mr. Niles is in his 26th year with the agency, during his tenure he has placed over 500 youth from Bedford Stuyvesant in primarily Historically Black Colleges and Universities, developed a culinary School and created the safe Passage for central Brooklyn teens.

He developed 21 units of affordable housing through the 1661 Macon Houses L.P and manages another 105 units in Bedford

Stuyvesant. Other developments include SUNY Downstate Medical Satellite and Interfaith Medical Center. He is a member of Community Board #3 serving on the By-law's, Land Use and Economic Development committees. He is also a member of Bedford Stuyvesant Economic and Physical Development task force. For his outstanding devotion to community service Butch has received numerous awards over the years like the Community Leadership Award from the Borough President, the Continuous Service Award from Omega Psi Phi, the Youth Development Award from the Mayor's Office, and the Businessman of the year '04 from the Republican Congressional Committee.

Arthur and his wife Margo have two grown children. His hobbies include travel, collecting jazz, playing golf and tennis and of course watching basketball. Mr. Speaker, Arthur "Butch" Niles has continuously worked towards improving the lives of the youth of the community as well as his commitment and generosity in helping others has made him more than worthy of our recognition today.

IN HONOR OF MS. BETH GUISLIN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. FARR. Mr. Speaker, I rise today to honor Beth Guislin for her years of dedication as an employee of the University of California and for her contribution to the world community.

Beth began her career with the University in 1976 at the Los Angeles campus. After leaving UCLA, she continued her work at the Santa Cruz campus of the University of California system. As UCSC's Director of Instructional Computing, she built a campus institution respected by both faculty and students that enhanced the campus' reputation for undergraduate education by providing a space for students to publish their work and gain needed employment skills.

Beth has also shared her expertise with people around the world through her love for travel. She served as a mental health counselor for Americans living in Bangkok during the Vietnam War, was a field assistant for the Smithsonian-sponsored Arun Valley Wildlife Expedition in Nepal and contributed to the betterment of public health in Thailand. Beth is also fluent in Thai, and as a Peace Corp volunteer, she acted as a liaison between the Thai Ministries of Health, Agriculture, and Education in the area of nutrition and was involved in the establishment of markets for locally produced foods in some of Thailand's rural areas.

Beth is also an expert sailor with 19 years of experience as a member of a Los Angeles crew for international cruises and races. One of the highlights of her sailing experience includes sailing from California to Tahiti.

Mr. Speaker I wish to honor Beth Guislin, upon her retirement from the University of California, for her compassion and dedication to education. Her actions serve as an example of how to live life to the fullest, while selflessly giving back to those in need here and around the world. I join the University in commending Beth for her leadership in instructional computing and international public service, and I extend my sincere best wishes for her retirement and future endeavors.

HONORING VINCENT J. TONUCCI FOR HIS OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the many family, friends, and community members who have gathered to pay tribute to an outstanding member of our community and a dear friend, the Honorable Vincent J. Tonucci. Retiring just last year after 9 terms as the State Representative for Connecticut's 104th District, Vinny has dedicated a lifetime of hard work and dedication to the Naugatuck Valley.

In his 18 years as a State Representative, Vinny has a long and proud history of legislative accomplishments for his District and the state of Connecticut. Sponsoring and introducing legislation aimed at improving the quality of life for children, defending the environment, protecting health care for seniors, and providing for local economic development, Vinny was dedicated to ensuring that a variety of important issues were debated and addressed. Throughout his nine terms in Connecticut's General Assembly, Vinny developed a distinguished reputation as a public official—accessible to his constituents and fighting for their best interests. His career has been a reflection of all that an elected representative should be.

Vinny's remarkable commitment to community and public service extends well beyond his time in the General Assembly. Prior to his election to Connecticut's House of Representatives, he served on the Board of Alderman in the city of Derby as well as a member of the Naugatuck Valley Capitol Planning Committee. Among the many local service organizations which benefit from his good work, Vinny is a member of the Webster Hose Fire Department, St. Michael's Society of Ansonia, Derby Elk's Lodge, and the Valley Association of Realtors. He also serves on the consulting committee at Emmett O'Brien Regional Vocational School, the board of directors of the Lower Naugatuck Valley Boys & Girls Club, the Birmingham Group of Ansonia, and the Valley United Way. Vinny is a tireless advocate—always ready to lend a helping hand and a powerful voice on behalf of the businesses, organizations, residents, and families of the Naugatuck Valley.

Through his good work as an elected official and community volunteer, his warmth, compassion, and generosity made a difference not only in the communities that he represented, but for families across Connecticut. For his many years of outstanding public service, I am proud to stand today to join his wife, Cindy, daughters, Cara and Christa, family, friends, constituents, and the communities of Derby and Ansonia in extending my sincere thanks and appreciation to the Honorable Vincent J. Tonucci. He has left an indelible mark on this community and a legacy that will serve as an inspiration for generations to come.

IN HONOR OF THE LIFE AND CAREER OF ACTRESS ANNE BANCROFT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the distinguished life and career of actress and friend Anne Bancroft.

Anne's legendary career spanned more than 50 years and included honors and awards for roles performed in film, television, and on the stage. Most notable among these were her Oscar, Emmy, and Tony awards, an accomplishment achieved by only a select few.

Born to a family of Italian immigrants on September 17, 1931, in the Bronx, NY, Anne quickly developed a love for performance. By the time she was 4 years old, Anne was already taking dance and acting lessons. When she was 9, she famously wrote on a fence behind her childhood home, "I want to be an actress." Little could she have known then what a splendid acting career lie in front of her.

After studying at the American Academy of Dramatic Arts in New York, she moved to Hollywood in 1950 to pursue her dream. Her first film, "Don't Bother to Knock" in 1952 starred Marilyn Monroe and Richard Widmark. It was her role in 1962's "The Miracle Worker," however, that really launched Anne on the path to becoming an acting legend. She famously portrayed Annie Sullivan, Helen Keller's dedicated and truly determined teacher. For her effort, she was rewarded with the Academy Award for Best Actress. 1967's "The Graduate" is the film that sealed Anne Bancroft's place in American popular culture. Co-starring with Dustin Hoffman, she became the very embodiment of the character of Mrs. Robinson. Mike Nichols, the film's director, recently remarked that Anne's "beauty was constantly shifting with her roles, and because she was a consummate actress, she changed radically for every part." Additionally, Arthur Penn, who directed her in both the stage and film versions of "The Miracle Worker," said that she was an actress who "can play anything." I can think of no higher complement that can be said of an actor.

Anne's death is truly a loss to American culture. Fortunately, her wonderfully-talented performances will live on for future generations to watch and enjoy.

Mr. Speaker and Colleagues, please join me in remembrance of Anne Bancroft whose life and legacy has been a source of enjoyment for so many. My thoughts and prayers are with Anne's beloved husband, director Mel Brooks, and son, Maximillian.

HONORING MARY ANN KECKLER, HERNANDO COUNTY, FL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to praise a hard-working woman, Mrs. Mary Ann Keckler, who is dedicated to supporting local veterans. Hernando County is fortunate to have Mrs. Keckler in our community.

Mrs. Keckler served in the United States Navy from 1959–1962. She currently heads Hernando County's Veteran Affairs Roundtable and is commander of the local Disabled American Veterans.

Mrs. Keckler has joined forces with Hillsborough County veterans advocates to raise money for Operation Haley House, the local version of the Fisher House. Donations to Operation Haley House will provide the families of injured American soldiers a place to stay when visiting loved ones undergoing long-term rehabilitation. Many area families are faced with the high costs of expensive room and board when visiting relatives at the James A. Haley VA Medical Center in Tampa. Plans are currently under way to begin building what will be known as the Haley House to elevate this costly burden on military families.

Mary Ann's efforts to improve the lives of injured American soldiers and their families deserves to be recognized.

Mr. Speaker, it is my privilege to represent Mary Ann Keckler, and to honor her for working with our local veterans.

PREMATURE BIRTH: A SILENT, GROWING HEALTH CRISIS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. UPTON. Mr. Speaker, prematurity is a serious and growing problem in the United States. It is the number one cause of infant death in the first month of life. In February 2004, the National Center for Health Statistics reported the first increase in the U.S. infant mortality rate since 1958.

Prematurity has enormous human, societal, and economic costs. Sadly, premature infants are 14 times more likely to die in their first year of life, and premature births account for nearly 24 percent of deaths in the first month of life. The estimated charges for hospital stays for premature and low-birth weight infants were $15,000,000,000 in 2002, and the average lifetime medical costs for a premature baby are conservatively estimated at $500,000. About 25 percent of the youngest and smallest babies live with long-term health problems, including cerebral palsy, blindness, chronic respiratory problems, and other chronic conditions. A study published in 2002 by the Journal of the American Medical Association found that children born prematurely are at greater risk for lower cognitive test scores and behavioral problems when compared to full-term children.

Although we've made vast improvements in treating premature infants, we've had little success in understanding and preventing premature birth, and the knowledge that we have gained has not been translated into improved perinatal outcomes. The three known risk factors for preterm labor most consistently identified by experts are multiple fetal pregnancies, a past history of preterm delivery, and some uterine and/or cervical abnormalities. Other possible risk factors are chronic health conditions such as high blood pressure, diabetes, and obesity in the mother, certain infections during pregnancy, and cigarette smoking, alcohol use, or illicit drug use during pregnancy. But as the science stands now, nearly 50 percent of all premature births have no known cause.

That is why today, my colleague Rep. ANNA ESHOO and I are introducing the bipartisan Prematurity Research Expansion and Education for Mothers who deliver Infants Early or PREEMIE Act. The Preemie Act calls on the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC) to "expand, intensify, and coordinate" research related to prematurity. It formally authorizes the Maternal Fetal Medicine Unit Network—which includes university-based clinical centers and a data coordination center—through which perinatal studies to improve maternal and fetal outcomes are conducted. It also authorizes the Neonatal Research Network to improve the care and outcomes of newborns. The bill will ensure better coordination on prematurity research priorities across federal agencies and also includes provisions for disseminating information on prematurity to health professionals and the public and for establishing family support programs to respond to the needs of families with babies in neonatal intensive care units.

I encourage my colleagues to join Rep. ESHOO and me in cosponsoring and strongly supporting the enactment of the PREEMIE Act.

REPAIRING YOUNG WOMEN'S LIVES AROUND THE WORLD—OBSTETRIC FISTULA

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. RUSH. Mr. Speaker, I rise to thank the distinguished Member from New York, CAROLYN MALONEY, with whom I have had the pleasure of working along side ever since we were first elected at the end of the 102nd Congress. She has always been a true champion for women's rights and human rights, and I thank her for bringing this important issue to the awareness of the Congress.

You may or may not know that the World Health Organization estimates that at least two million women and girls around the world currently suffer from obstetric fistula, with an additional 50,000 to 100,000 cases happening each year. Obstetric fistula, a debilitating pregnancy related condition mainly affects girls ages 15–19. The condition occurs during childbirth when the infant's head presses against the woman's vagina and rectum, creating a formidable hole in vital tissue areas around the pelvis, resulting in loss of control of the bladder, bowels and nerve damage to the mother's legs. The prolonged labor almost always results in a high rate of infant mortality.

Beyond the significant health related risks that I have just outlined concerning this condition, there are also some societal factors that further debilitate these women. Many women with fistula are abandoned by their husbands and families because of the resultant odor and infertility. In effect, they become social outcasts because of the stigma associated with the disease, through no fault of their own.

As I stated before, approximately, two million women suffer from this condition. However, studies conducted by the United Nations Population Fund (UNFPA) and EngenderHealth reveal that these figures are grossly underestimated. For example, in Nigeria alone, close to one million women suffer from the disease although these figures are based solely on patients who seek and report treatment in medical facilities only. This statistic clearly disregards the many cases that go unreported and untreated in the region.

A key factor concerning this issue is that fistula is a preventable and curable disease. One form of prevention is a Caesarean section, which costs a mere 60 U.S. dollars. Surgery to repair fistula has an uncharacteristically high success rate of 90 percent even after a woman has had the condition for several years. Most women are either unaware that treatment is available or simply cannot afford it. Surely this cost is worth the value as success rates have proven to be extremely high.

Funding to treat this curable condition has been rescinded by the current Administration. The $34 million in funds for the UNFPA that could save the lives of women and children around the world have been withheld causing more women and. children to suffer.

We are here today to introduce the "Repairing Young Women's Lives Around the World Act," which would provide that the voluntary U.S. contribution of $34 million to UNFPA for the fiscal year of 2006 and subsequent years, will be directed to UNFPA to be used only for prevention, treatment and repair of obstetric fistula. The UNFPA serves as a vital institution for providing crucial family planning and health services to women in developing countries.

In closing, I would like to briefly remind you of some key points that summarize the severity of the issue.

Treatment to correct the condition has a 90-percent success rate.

For every child who dies from pregnancy complications, 15 to 30 women live and suffer chronic disabilities, the most acute of which is obstetric fistula.

It is estimated that there are 100,000 new fistula cases each year, but the international capacity to treat fistula remains at only 6,500 per year

I fully support this issue because it brings attention to one of the failed maternal health systems around the world. Fistula is virtually unknown in places where early pregnancy is discouraged, women are educated, family planning is accessible and skilled medical care is available. I feel that eradication of this problem in developing countries is a goal that the U.S. should work to make a reality.

CELEBRATING THE LIFE OF RICHARD "DICK" SMYSER

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. WAMP. Mr. Speaker, I rise today to honor the life and legacy of a devoted and well-respected Tennessean, Mr. Richard "Dick" Smyser. Dick passed away on March 14th of this year at the age of 81. His deep devotion to his community and to the well-being of everyone leaves a legacy carried on by the lives he touched.

Mr. Smyser was born and raised in York, PA, before graduating in 1944 from Pennsylvania State College with a degree in journalism. His dream to pursue writing, however, was put aside to answer a greater call. In 1943, he enlisted in the United States Army and served with distinction overseas in Algeria and Italy rising to the rank of corporal.

Upon returning to Pennsylvania, Mr. Smyser continued on the path he had left and began reporting news for The Chester Times, now The Delaware County Times. In 1948, Dick was named managing editor of The Oak Ridger, the first and only newspaper in the small East Tennessee town of Oak Ridge. Oak Ridge, TN, was created for the important work on the World War II bomb, commonly referred to as the Manhattan project. He was a pioneer and helped shape Oak Ridge into the town it is today.

With a large number of scientists living and working in the area, Mr. Smyser became active in science writing circles, with a focus on nuclear science. For eighteen years he served on the Council for the Advancement of Science Writing's board of directors. He was a member of numerous media and science boards and a highly sought after speaker and panelist.

Under Mr. Smyser's leadership, The Oak Ridger grew substantially and won numerous awards and accolades for its coverage of the transformation of Oak Ridge. His contribution not only to the development of journalism in East Tennessee but to the entire community is significant. Before his retirement he insured that generations of young writers could make an impact in the field of journalism, as he did, by passing on his vast knowledge as a visiting professor at universities across the country.

Dick Smyser was not a personal friend of mine. After all, I am a politician, and he is a journalist. So, we could not be "friends." However, I had many occasions to converse with him and enjoy his warmth and depth of perspective on Oak Ridge and our mutual commitments to this very special place.

Dick Smyser was simply a classic human being who was good to his family and friends. His departure from this earth left a large void, and we will always miss him but never forget him.

May his legacy endure in the many lives that he touched and inspired.

RECOGNIZING GRANT COMMUNITY MIDDLE SCHOOL STUDENTS, RECIPIENTS OF A 2004 PRESIDENTIAL ENVIRONMENTAL YOUTH AWARD

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Ms. HOOLEY. Mr. Speaker, I rise today to recognize a group of students from Grant Community Middle School in Salem, OR who were awarded a Presidential Environmental Youth Award. Since 1971, this award has recognized young people from across the United States who have demonstrated a commitment to the environment.

This group of thirty 6th grade students from Grant, whom I recently had the pleasure of meeting, has made a real impact in the effort to restore habitat for an endangered animal, the Fender's Blue Butterfly. As the Willamette Valley has been developed, the butterfly has lost its natural prairie habitat, and the Kincaid lupine plant, a major staple of the butterfly's diet, has nearly disappeared. The butterfly has become so rare that at one point it was believed to be extinct.

After learning about the Fender's Blue Butterfly, the class researched, created, and implemented a three-year program to help preserve this rare insect. The students worked with Marion County to convert Bonesteele Park into a native Willamette Valley prairie. Two years after the students began the project, Kincaid lupine plants began to grow and several of the endangered butterflies have been spotted in the area.

The students also sought to raise awareness among other young people about the importance of natural prairie habitat by holding a Celebrating Prairie Festival. Over 600 elementary school students attended the festival, which included a bilingual play in English and Spanish that explained the threats facing the Fender's blue butterflies.

I commend these students for their efforts. Their hard work and dedication made a real difference that will help preserve this butterfly for future generations.

IN HONOR OF THE 75TH ANNIVERSARY OF THE LADIES AUXILIARY OF THE TOWNSHIP HOSE AND CHEMICAL CO. NO. 1

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. PALLONE. Mr. Speaker, I rise today to honor and recognize the services of the Ladies Auxiliary of the Aberdeen Township Hose & Chemical Co. No. 1.

This organization was formed on May 22, 1930 for the purpose of raising funds in order to purchase fire equipment. Over their 75 years of service, they have provided a completely equipped kitchen for a local firehouse, answered fire calls, and served coffee and sandwiches at lengthy fires, as well as many other unnamed services that have invaluably aided the fire company.

The importance of firemen cannot be overstated. We were reminded of that on September 11, 2001. These brave men and women are irreplaceable, and the Ladies. Auxiliary of the Aberdeen Township Hose & Chemical Co. No. 1 has supported them through the years. It is never easy to work in a high risk and high stress job, yet the Auxiliary has helped the men and women of the Fire Company maintain a high morale and continue to protect the Aberdeen community.

These women have served the Aberdeen Fire Company admirably for 75 years, and the Ladies Auxiliary stands ready to assist the Fire Company and give it the same unbending support for the next 75 years.

REGARDING THE CEASEFIRE WEEK

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support for the CeaseFire Chicago program and to celebrate CeaseFire week. Some of our nation's youth faces gangs, drugs, and gun violence daily. As we proceed through CeaseFire week, from June 4–11, we acknowledge community events such as peace marches, memorial services, and other civic gatherings held throughout Chicago. We must keep in mind the sheer violence our children encounter, and the direction we must take to solve this increasing problem. Programs such as CeaseFire help to steer at-risk children away from such pressures towards graduation and college. Indeed, CeaseFire Chicago sends outreach workers, clergy, and community leaders into rough neighborhoods to mentor, respond to shootings, hand out fliers and encourage the students to stay off the streets. Today, 70 outreach workers volunteer their time to search for at-risk children in the Chicago area. And it works! In my district, where CeaseFire is most active, violence has been reduced by an average of 45 percent.

I believe by taking a more active stance on the issue of gangs and gun violence, we can help protect the children of tomorrow. CeaseFire has even been acknowledged and supported from the First Lady Laura Bush on her current trip to Chicago. This program has had a phenomenal impact on the children of Chicago, and the success would only be replicated in other cities. Therefore, I urge my fellow colleagues to support such programs as CeaseFire Chicago. With our continued efforts, we can continue to provide safe neighborhoods and successful opportunities for our children.

THE 20TH ANNUAL 116TH STREET FESTIVAL AND ITS ORGANIZERS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. RANGEL. Mr. Speaker, I rise today to bring to the attention of the 109th Congress the hard work of Mr. Nick Lugo, Mr. David Acosta, Mr. Robert Acosta, and Mr. Peter Spinella in planning the 116th Street Festival in East Harlem, El Barrio community.

The 116th Street Festival is designed to highlight, embrace, and celebrate the cultural experiences of Hispanic families in the United States, the Caribbean, and beyond. This is the largest Latin Street Festival in North America and is nationally acclaimed as one of the three major Hispanic events in the United States. It draws our collective consciousness to the beauty, love, and familial bonds of Hispanic culture as well as the rich historical backgrounds of Hispanic people.

The 20th annual Festival will be held this Saturday, June 11, 2005. It will span 20 city blocks in the heart of El Barrio, have three entertainment stages and hundreds of venders and corporate attractions, and draw crowds of hundreds of thousands of people from around the world. It is one of New York City's largest and most popular celebrations and has provided over 40 scholarships to local high school students in East Harlem.

The celebration promises to be a remarkable experience and enlightening exposure to the culture of an often-unappreciated but important group of Americans. Major corporations such as Disney, Home Depot, and Fisher Price now join long-time sponsors Telemundo 47, Coca-Cola, and SBS Communications in supporting the success and goals of this Festival.

The success of the Festival is largely thanks to the work of Nick Lugo, David Acosta, Robert Acosta, and Peter Spinella of Abrazo Fraternal organization. They brought the event to the East Harlem community in the 1980s and have tirelessly worked to make it a premier event for hundreds of thousands of Hispanic families and top entertainers.

Nick Lugo is a prominent community and business leader within the New York City Hispanic community. His career spans over three decades and includes pioneering numerous events and activities that have enhanced the lives of Puerto Ricans and other Hispanics within the city. He was born in New York and is a graduate of Inter-American University of San German, PR. With his wife and their daughter at his side, Nick has published La Voz Hispana, a weekly newspaper, and Canales Magazine, a monthly publication dedicated to the Latino arts and entertainment industry. He is also the president of National Hispanic Expositions, Inc, Nick Lugo Travel, and Hispanic Impact Marketing, Inc. He has been a dedicated and inspiring role model for the Hispanic community in particular and this country in general.

Immediately after graduation, Robert Acosta enlisted in the United States Air Force and served there for the next 4 years. He was trained as a jet aircraft fighter mechanic and received an honorable discharge. He joined his brothers in a lifetime career as a prominent and successful businessman. While helping his wife raise their son and three daughters remained an important mission in his life, Robert was also committed to the improvement of his community. He chaired the Local Development Corporation del Barrio for 10 years and helped to develop the economic and political capital of the community. Robert has been an active contributor to local organizations and events and an important voice on the future of the community.

Like his brother Robert, David Acosta was raised in East Harlem and has become a major community leader and one of its strongest advocates. Starting with El Barrio Hardware in 1970, Robert and David, along with their brother Frank, became promising entrepreneurs in the community. They were part of the influential reactivation of the Third Avenue Merchants Association and helped to revitalize the struggling business community in the area. When David became the president of the Association, it accomplished its goals and provided opportunities for local merchants to advance political agendas and decisions in the interest of the community. David would further apply his entrepreneurial skills to the creation of the Local Development Corporation del Barrio and secured grants to enhance the image and economic base of the Third Avenue. He has and continues to be an active and influential member of the community.

Peter Spinella served this country as a member of the military police corps of the United States Army. He holds a bachelor's degree of science in marketing from New York Institute of Technology and is an Executive Vice President of the Hispanic Marketing & Advertising Group, Inc. He has honorably served on the boards of several organizations including the National Puerto Rican Forum and the Korean American Grocers Association. A member of the board of the New Bronx Chamber of Commerce, Peter brings a cultural awareness and sensitivity to economic development projects. He is also the CEO of "A Taste of East Harlem, Inc." which produces a magazine, a Web site, and a restaurant/tourism campaign. Peter brings a talented marketing portfolio to East Harlem and has worked to build an active and involved community.

I would like to thank Nick, David, Robert, and Peter for their hard work in putting together these important community-building events surrounding the 116th Street Festival. I join their families, friends, and community in being proud of their accomplishments and success.

A TRIBUTE TO DARREN K. PEARSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. TOWNS. Mr. Speaker, I rise to acknowledge Darren K. Pearson, an established entrepreneur who has developed four running businesses in the Real Estate marketplace in Brooklyn, NY and parts of Queens. These businesses include Darren K. Real Estate, LLC, Darren K. Real Estate, LLC Maintenance Division, Howard Avenue Development, L.P., and Darren K. Real Estate Management Company. A part of Darren K. Real Estate, LLC activities involves the acquisition, rehabilitation and development of quality housing of previously owned city multi-dwelling buildings for low, moderate and middle-income families.

Before becoming involved in real estate, Mr. Pearson worked as an account executive for Amergold Corporation. He also worked for Vanguard Oil Corporation as a fuel salesperson in the commercial and barge departments, where his duties included fuel sales to Con Edison, PSE & G, LILCO and Government contracts. Within one year, he was promoted to Director of Public Relations for Vanguard and headed the "Robert F. Kennedy Memorial" Home Oil Transfer Program, a program that allowed Mr. Pearson to provide fuel oil to needy families and non-profit organizations at discount prices or even at no cost. Due to his success, he was promoted to Vice President of Procurement and Industrial Sales for Vanco Oil Co., a subsidiary of Vanguard Oil Corp.

After leaving Vanguard, Mr. Pearson worked as the Real Estate Sales Manager for Charles E. Simpson Real Estate Company and obtained his broker's license after one year. After that he started his four companies.

Mr. Pearson is active in both the Brooklyn and Manhattan communities, as Chairman of the Men's Caucus for Congressman TOWNS, member of 100 Black Men, Inc. and Senator David Patterson's Progressive Network.

Mr. Pearson is a devoted husband to his wife Lydia and a loving son to his mother Willie Mae. Mr. Speaker, Darren K. Pearson has continued to demonstrate through his efforts to improve the quality of life in his community that he is more than worthy of our recognition here today.

IN MEMORY OF DARRYEL NACUA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. FARR. Mr. Speaker, I rise today to honor the memory of Darryel Nacua, a true hero who passed away tragically and unexpectedly on May 30, 2004 at the age of 48. Most of Darryel's 23-year law career was spent with California Rural Legal Assistance, where he dedicated his life to giving legal help to the farm workers of Central California, the community of his own roots.

Darryel's assignments with California Rural Legal Assistance took him to Santa Maria, Gliroy, Salinas and finally to the Watsonville/Santa Cruz office, where he acted as Directing Attorney. He fought hard against poverty, injustice, and substandard housing, and he was equally tenacious in his battles for education and employment. Darryel was fearless in taking on all entities in his pursuit of social justice. Darryel also served the greater Santa Cruz area as a member of the Lawyer Referral Service Governing Committee and the Human Care Alliance Advocacy.

Darryel was endearingly referred to within his community as a man of "sangre liviana," one of "light blood," or a pleasant disposition. They also called him "sano," a person of sincerity, honesty, and one without malice. He was appreciated as a mentor, a profound listener, and for his gentle sense of humor.

Mr. Speaker, it is altogether fitting that California Rural Legal Assistance should name their office building in honor of Darryel Nacua. The community will miss him greatly, but we know his life will continue to inspire those he touched.

HONORING THE EPISCOPAL CHURCH OF ST. PAUL AND ST. JAMES FOR ITS CONTRIBUTIONS TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the Reverend Barbara Cheney and the congregation of the Episcopal Church of St. Paul and St. James as they celebrate the restoration of this historic New Haven treasure. This is a very special occasion for the community and this New Haven institution.

Standing on the corner of Chapel and Olive Streets in New Haven, St. Paul and St. James has anchored the Wooster Square neighborhood for more than 175 years. Originally, the church was designed with two wooden towers, however, as the years past, it became evident that these towers would need replacing. In 1893 the west tower was rebuilt in stone and the wooden top of the east tower was removed—creating the church's distinctive look with one short tower and one tall. Recently, the need came once again to restore the west tower and it is the completion of that renovation which the community celebrates today with a rededication ceremony.

Our churches play a vital role in our communities—providing people with a place to turn to for comfort when they are most in need. In the nearly two centuries of its history, there have been many who have worshiped within the halls of St. Paul and St. James and many who have found peace and strength in the outstretched arms of the congregation. Beyond the spiritual guidance it has provided, St. Paul and St. James is also home to several successful outreach ministries. With congregants from New Haven, West Haven, Hamden, and Branford, it is an interracial, diverse congregation with a strong emphasis on social justice and advocacy. For the last twenty-five years, the church has run the Loaves and Fishes Food Closet, one of the largest food banks in the state. Other programs include a Clothes Closet, an alliance with the Neighborhood Health Project, a Children's Mission, and an active membership in the faith-based grass roots organizing effort, Elm City Congregants Organized. It is through all of these efforts that St. Paul and St. James touches the lives of thousands and makes a real difference in their lives.

With the completed renovations, the west tower is now lit at night and clearly visible from the New Haven Green—the heart of the city of New Haven. It serves as a shining beacon of hope for those most in need. For its many spiritual and community contributions, I am proud to stand today to pay tribute to the Episcopal Church of St. Paul and St. James and its congregation as they celebrate this very special occasion. It is my hope that they will continue to serve our community for many more years to come.

COMMANDER JEFFREY THOMAS BERNARDI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of United States Navy Commander Jeffrey Thomas Bernardi, on the occasion of his retirement following 20 years of dedicated service to our country.

Following graduation from Strongsville Senior High School, Commander Bernardi attended the United States Naval Academy, earning his degree in Mechanical Engineering in 1985. Commander Bernardi began his distinguished career as a Naval Flight Officer in 1986.

His years of service have taken him to locations around the world. From Bermuda to Sicily and a wide variety of other locations, Commander Bernardi's career exemplifies the very best of our armed services. In February of 1994, for example, he directed tactical support for the first ever P–3C Electro-Optic reconnaissance missions overland Bosnia-Herzegovina in support of Operation DENY FLIGHT.

Commander Bernardi received his Master of Arts Degree in National Security and Strategic Studies from the Naval War College in 1996. In March of 1999, Commander Bernardi reported to the Bureau of Naval Personnel Sea Duty Component in Arlington, VA. He was handpicked to support the execution of a CNO Special Project of national significance.

Most recently, in April of 2003, Commander Bernardi reported to Deputy Chief of Naval Operations Assessments Division at the Pentagon. His duties there included shaping the Navy of the future through independent analytical assessment of warfighting capabilities and Department of the Navy programs.

He has received numerous awards over his career for his dedication and commitment to this country. They include the Navy and Marine Corps Medal for heroism, Air Medal, Joint Service Commendation Medal, four Navy Commendation Medals, and four Navy Achievement Medals.

Mr. Speaker and Colleagues, please join me in honor and recognition of Commander Jeffrey Thomas Bernardi. As Commander Bernardi marks his retirement from 20 years of dedicated service to our country, I extend my congratulations and deepest thanks to him, as well as his wife, Stephanie, son, Zachary, and daughter, Jennifer.

A TRIBUTE TO CLARENCE BOSWELL

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. PUTNAM. Mr. Speaker, I rise today to recognize a great Floridian, the senior member of our State's Bar, a true gentlemen in every good sense of the word, and my neighbor. Clarence A. Boswell died on February 22, 2005 at the age of 102, and for 75 years of his life he actively practiced law in my hometown of Bartow, Florida.

Clarence Boswell was admitted to the Florida Bar in 1924, and with that admission he began one of our State's longest and most distinguished legal careers. During a time when lawyers tended not to specialize, Clarence Boswell distinguished himself as an accomplished litigator, an acknowledged expert in real estate, probate and trust matters, and a beloved adviser to businesses and families both great and small.

For 50 years Clarence Boswell was recognized in the Courthouse as the determined defense counsel for the railroad. Unknowing opponents were often surprised by the tenacity with which this soft-spoken, genteel southerner defended his client's interests. As a real estate attorney, Clarence Boswell handled some of the largest real estate transactions of his time, and was used by other attorneys as an expert witness on property issues. However, the traits that most endeared him to his clients were the effective, competent and calm counsel he consistently offered those passing through his office. A local judge once referred to Clarence Boswell as a lawyer's lawyer and a gentleman's gentleman.

In his community, Clarence Boswell was a charter member of the Bartow Rotary Club when it was founded in 1924. He served on the Board of Trustees of Erskine College in Due West, SC, and as that Board's Chairman. He was a life long member of the Associate Reformed Presbyterian Church and served as the Moderator of that denomination's Synod. He was attorney for the Polk County School Board for 40 years and was instrumental in the founding of Polk Community College.

Above all else, Clarence Boswell's greatest love was for his family and his wife of 63 years, his beloved "Toggie". He is survived by his 2 children, 8 grandchildren and 12 great grandchildren.

Clarence Boswell was the last of a generation who were born into a time before the Depression, two great wars, I and the rise of the American Century. It was a generation of men who stood, bowed and wore hats, not baseball caps that they tipped to one another in passing and removed indoors. They were people who always presented a façade of innocence, who never spoke openly of certain things, and who detested rudeness and vulgarity. Now, I am not one who cries to bring back the "good old days" but with the passage of time, we have lost in this country many good things that once spoke of manners, respect, courage and honor. Today I pay tribute to one who represented those good things, Clarence Boswell.

HONORING THE 44TH ANNUAL YMCA YOUTH GOVERNOR'S CONFERENCE

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. SESSIONS. Mr. Speaker, I rise today to honor the 44th Annual YMCA Youth Governor's Conference that begins in Washington, DC next week. I am pleased to once again have the honor of being the Congressional sponsor for the Youth Governor's breakfast with my fellow colleagues in the House.

The YMCA Youth Governor's Conference brings together some of the most outstanding youth leaders in America. YMCA Youth and Government is a nation-wide program that allows thousands of teenagers to simulate state and national government.

Mr. Speaker, I would like to personally recognize each of this year's YMCA Youth Governors for their dedication and service to America's youth.

Hunter Patterson of Texas, Quentin James of South Carolina, Forrest McConnell of Alabama, Matthew Hughes of Arizona, Paul Gardner, III of California, Daniel Spellacy of Connecticut, Mansoor Zaman of Delaware, Taylor Siegel of Florida, Britt Bush of Georgia, Colin Clark of Illinois, Phil Reaves of Indiana, Arshiya Saiyed of Kentucky, Ty Bottoms of Kentucky, Beau Landry of Louisiana, Matt Gorman of Maine, Karima Tawfik, Amar Gupta of Massachusetts, Elissa Laskey of Michigan, Marvin Yates of Michigan, Jonathan Kent of Minnesota, Laura Kergosien of Mississippi, Sam Barrett of Missouri, Paul Morgan of Montana, Erik Ruediger of New Hampshire, Mohit Shah of New Jersey, Anne Baldwin of New Mexico, Andrew Vigliotta of New York, Niema Alimohammadi of North Carolina, Caroline DuWors of Ohio, Tony Viola of Oklahoma, William Glennie of Oregon, Davon Magwood of Pennsylvania, Dusty Good of Tennessee, Gentry Martin of Tennessee, Josh Tate of Virginia, Addison Tice of Washington, Janesse Lewis of the District of Columbia, and Iain Padley of Wisconsin.

I wish all of the 2005 YMCA Youth Governors a very successful conference here in Washington, and I encourage them to continue their sincere devotion to leadership and public service in this and their future endeavors.

THE 150TH ANNIVERSARY OF POLYTECHNIC PREPARATORY COUNTRY DAY SCHOOL

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. WEINER. Mr. Speaker, I rise today to celebrate the 150th anniversary of the Polytechnic Preparatory Country Day School. The school is a pillar of academic excellence in Brooklyn, NY. It is a true privilege to acknowledge the great strides Poly Prep has made over the years since it first opened its doors in 1854.

Since its inception as the Brooklyn Collegiate and Polytechnic Institute, the Polytechnic Preparatory Country Day School has immersed its students in outstanding academic programs and provided a strong, supportive community. Like New York City, the school has opened its doors to students from all over the world, representing an array of cultures, languages and traditions. That commitment to diversity speaks volumes about Poly Prep's illustrious history.

The school's 150th anniversary provides a hallmark for reflection on Poly Prep's tireless efforts to provide a diverse and educationally sound environment which has led its students to academic success. Therefore, on behalf of the U.S. House of Representatives, I congratulate the Polytechnic Preparatory Country Day School on the occasion of its 150th anniversary—its Sesquicentennial—for its efforts toward educational excellence and providing an environment that is as diverse and rich in experience and tradition as New York City itself.

TRIBUTE TO DARA FELDMAN

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. VAN HOLLEN. Mr. Speaker, it is with great pleasure that I rise to congratulate my constituent, Dara Feldman, on receiving the 2005 Disney Teacher Award. The award was given in recognition of her creativity, innovative teaching methods, and ability to inspire her students.

Ms. Feldman, a kindergarten teacher at Garrett Park Elementary School, is being recognized for her efforts in the areas of early childhood education. Her commitment to teaching results in a creative, high-tech kindergarten where children learn about the wonder of the world in which they live. Ms. Feldman hosts internet exchanges between her kindergarten students and kindergartners in other parts of the world. This year, her students corresponded with students in Southeast Asia who were victims of last December's tsunami.

Ms. Feldman's creativity and dedication to teaching have made her one of only 45 honorees selected from more than 50,000 nominations worldwide. Teachers like Dara Feldman are making profound contributions to the future of our country and provide a beautiful example of how America's teachers can excel.

I applaud Dara Feldman and wish her continued success in the years ahead.

INTRODUCTION OF THE HIGHER EDUCATION FOR FREEDOM ACT OF 2005

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. PETRI. Mr. Speaker, today I am introducing the Higher Education for Freedom Act. This legislation establishes a competitive grant program making available funds to institutions of higher education, centers within such institutions, and associated nonprofit foundations. These grants would promote progams focused on the teaching and study of traditional American history, free institutions, and the history and achievements of western civilization at both the graduate and undergraduate level, including those that serve students enrolled in K–12 teacher education programs.

Several years ago I was involved in a congressional effort to highlight the decline in historical and civic literacy among American college students. This effort led to the unanimous, bicameral passage of S. Con. Res. 129 which stated, in part, that "the historical illiteracy of America's college and university graduates is a serious problem that should be addressed by the Nation's higher education community."

Given the increased threat to American ideals in the trying times in which we live, it is easy to see how the lack of historical and civic literacy among today's college students has become a more pressing issue. Nevertheless, most of the Nation's colleges and universities no longer require United States history or systematic study of Western civilization and free institutions as a genetal prerequisite to graduation, or for completing a teacher education program.

I believe it is time for Congress to take a more active role in addressing this matter. Our country's higher education system must do a better job of providing the basic knowledge that is essential to full and informed participation in civic life and to the larger vibrancy of the American experiment in self-government, binding together a diverse people into a single Nation with common purposes.

A TRIBUTE TO DR. JOON BANG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. TOWNS. Mr. Speaker, I rise to acknowledge Dr. Joon Bang. Dr. Bang is president of the Korean American Youth Foundation, a non-profit organization dedicated to improving the lives of Korean American youth. He has been involved since 1993 with foundation.

The foundation's mission is to help Korean American youth develop a positive, healthy identity through self-awareness, career planning, and mentoring. Every year, the foundation sponsors an essay contest titled "What America Means to Me" for Korean American youth that awards college scholarships to the winners. In 2001, the foundation collaborated with WNET Channel 13 to expand the contest to include young people of all backgrounds.

The foundation raises money to create an annual career forum for Asian American youth presented by the Flushing branch of the YWCA and the Korean American Network. It also sponsors Korean cultural events and performances for the community that attracts performers from across the country. Dr. Bang is also a member of the Advisory Board for Youth Affairs for the Institute of Korean-American Studies, Inc. (ICAS in Philadelphia).

Dr. Bang has devoted his time to introducing positive images of the Korean American community to the metropolitan area through public television. In 1994, he founded "Korean Friend's of Channel 13" and served as president until 1999. In this capacity, he helped WNET Channel 13 develop a number of fundraising events to assist the March 1999 production of "Korean American Spirits," a documentary featuring the lives of Korean Americans in the tri-state area. The program raised more than $140,000 for public broadcasting. For his contributions, Dr. Bang was named the 1997 recipient of the National Friends of Public Broadcasting and Elaine Peterson Distinguished Service Award.

Dr. Bang was born in Korea and graduated from the Medical College, Seoul National University, in Seoul, Korea in 1970. He came to the United States in 1973 and became a board-certified internist in 1978. He is an internist at the New York Methodist Hospital in Brooklyn.

Dr. Bang is the recipient of the 2001 Caring for Children Award. Mr. Speaker, Dr. Joon Bang has continuously demonstrated through his humanitarian efforts to improve the lives of the people in his community that he is more than worthy of our recognition today.

IN RECOGNITION OF THE FOURTH ANNUAL CELEBRATION OF WOMEN IN THE LAW

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to recognize the state of New York's fourth annual Celebration of Women in the Law. On May 25th, 10 Western New York women were honored for their outstanding contributions to the bench and the bar. The event, hosted by the state's Gender and Racial Fairness Committee, is both inspiring and heartening. I would humbly like to submit brief descriptions of the careers of some of these remarkable women to the CONGRESSIONAL RECORD. I hope all of the honorees are proud of their achievements; I know that I am proud to serve as their representative in Congress.

Genevieve Capizzi has come a long way since starting out as a clerical assistant in the Buffalo City court 27 years ago. Due to her perseverance and strong work ethic, she is currently the principal administrative assistant for the 8th Judicial district. In 2003 Ms. Capizzi was awarded the Office of Court Administration's Quality Service Award for her leadership and service.

Chautauqua county Family Court Judge Judith Claire graduated from SUNY at Buffalo Law School and has become a pioneer for women in the legal profession in Western New York. Not only was Judge Claire the only practicing female attorney in the Chautauqua county when she first arrived in 1978, but in 1999 Judge Claire became the first and only woman to be elected to a countywide judgeship. In 2004 she was appointed to New York State Family Court Advisory and Rules committee that helps formulate policy and recommends amendments to state laws.

Helen Ferraro-Zaffram is concentrated in the practice of elder-law. Ms. Ferraro-Zaffram previously held a position as a staff attorney for legal services for the elderly, disabled and disadvantage of New York. Helen was nominated for this award by Supreme Court justices who recognized her tireless efforts on behalf of the elderly.

Ilene Fleischmann leads a busy life serving as the associate dean of the University of Buffalo Law School. She is the editor of the UB Law forum magazine and the editor of the University of Buffalo Law Links, the Law School's quarterly email newsletter. Prior to her work at the law school, she was a staff reporter and features columnist for the Buffalo Courier Express as well as a freelance writer.

Retired Supreme Court Judge Rose Lamendola is another extremely distinguished award recipient. Judge Lamendola served in the state attorney general's office to go on to be the first woman Erie county court judge. On June 13th, in 1995 she was appointed by governor Pataki a State Supreme Court justice and served until her retirement in 1999.

Janic Rosa was honored for her outstanding career in family law. Prior to her election to the Supreme Court in 2002, Rosa served as an Erie county family court judge. Under her direction, the court has appointed social workers to assess the needs of families and children. She even allows parents to put parenting plans together instead of litigation. Judge Rosa's creativity and compassion are both greatly admired.

Anna Scott is a Buffalo Attorney who was an educator for over 20 years before becoming an attorney. She taught in the Buffalo city school and attended University at Buffalo Law school. She was honored for her pro bono work for members in the community who can not afford attorneys.

Carolyn Van Schaik, Esq., passed away 2 years ago, but her memory will be immortalized at a residence for homeless women. Ms. Van Schaik graduated from the University of Dayton School of Law in 1990 before moving to Western New York to practice law. She was a former executive director of the not-for-profit organization, center city neighorhood development corp. She teamed up with the YWCA of Niagara in Lockport on a project to renovate an abandoned historic building in Niagara falls and turned it into transitional housing for homeless women and their families. Her husband, Niagara county assistant district attorney Robert Zucco, accepted the award on her behalf.

Also awarded were State Civil Service Commissioner Margaret Dadd and Chief Clerk Joann Wahl of the Fourth Department Appellate Court in Rochester.

In closing, Mr. Speaker, I want to reiterate my appreciation for these women and the exemplary standards that they have set for members of their profession, male or female. As a strong supporter of gender equality, I hope that this celebration encourages other women to be involved in the legal system and to seek positions of leadership in all fields, regardless of profession. I congratulate all of the honorees.

A TRIBUTE TO MEL YOST

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Mel Yost, one of our community's most compassionate advocates, who passed away on June 1, 2005. I had the privilege of knowing this remarkable man personally and working with him the past 8 years on numerous issues to help improve the lives of those oppressed by poverty, disease, and hopelessness throughout the world.

Mel Yost was one of three key founders of the first Colorado RESULTS chapter in 1983. He believed implicitly in the purpose of RESULTS "to create the political will to end hunger and the worst aspects of poverty and to empower individuals to have breakthroughs in exercising their personal and political power." Mel was active with RESULTS for 22 years and attended the first RESULTS Regional Conference in San Diego in 1986. In September 1990 in Denver's City Park at the World Summit of Children's Candlelight Vigil, Mel read Ina J. Hughes' "Prayer for Children" before 3,000 people, including the Governor and most of Colorado's national and local politicians. Often accompanied by his wife, Jan, Mel attended every RESULTS International Conference from 1985 through 2004.

He worked as a truck driver for Safeway for 30 years and frequently regaled his friends with stories of driving trucks in the mountains of New Mexico, Colorado, and Utah. He happily used expressions like "hammer on down, blue whiskey," his radio handle, and "put the pedal to the medal, baby."

In recent years, Mel hosted many meetings of the Denver and Boulder RESULTS groups because his retirement community was located halfway between the cities. He was a founding member in 1997 of the "Experiment in Democracy and Citizenship" group begun by my predecessor Representative David Skaggs. He continued to serve on this task force for me, sharing consensus decisions and creative solutions about federal legislation.

Mel always urged people to have fun. If a project wasn't fun, he didn't want to do it. He frequently read poetry, sometimes his own, at RESULTS meetings. Friends always looked forward to receiving his letters because they were poetic, compassionate, and showed clearly his positive approach to life, along with his kindness, his love of family, his love for all children, and his caring for the poor and oppressed of the world.

In what was to be his final presentation to the Colorado RESULTS group, Mel recalled founding the organization in 1983 to work on ending hunger and poverty in the world and to provide hope to the hopeless. His final words of advice were to "hook your mind up to your heart and let 'er rip, because that's the only way to get anything done."

I ask my colleagues to join me today in honoring the life of Mel Yost. Our world is better because of him.

PRIVATE FIRST CLASS STEVEN C. TUCKER

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. MARCHANT. Mr. Speaker, I rise to express my condolences and heartfelt sympathy to the family and friends of U.S. Army Private First Class Steven C. Tucker of Grapevine, Texas.

Private First Class Tucker was killed in action on Saturday, May 21, 2005, at the age of 19, in Kandahar, Afghanistan, in support of Operation Enduring Freedom. He graduated from Colleyville Heritage High School in May of 2004, and completed boot camp in December of the same year. Private First Class Tucker was assigned to A Company, 2nd Battalion, 503rd Infantry, 173rd Airborne Brigade, in Vincenza, Italy.

I would like to take this opportunity to pay tribute to Private First Class Tucker. This brave young man made the ultimate sacrifice for the security of his country and for the defense of democracy worldwide. He was an outstanding young man; and we should all be grateful for his noble contributions to this nation and the advancement of freedom.

I am proud to call Private First Class Tucker one of our own, and again deeply sorry for his family and friends who have suffered this loss. His legacy will remain, as the men and women of our armed services continue to fight for liberty—both abroad and on our home soil.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained. Had I been present, I would have voted "no" on rollcall No. 234.

IN HONOR OF COLORADO TRAIL FOR MULTIPLE SCLEROSIS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize seven men, George Bishop, Matt Celesta, Joe McConaty, Matthew McConaty, John-Paul Maxfield, Dan Murray, and Chad Spurway, all Colorado natives, who have embarked on an incredible journey for Multiple Sclerosis.

Multiple Sclerosis is the number one disabling neurological disease among young adults, and the most commonly diagnosed neurological disease among those aged 20 to 50. Some 400,000 Americans, including 7,000 Coloradans, have MS. The incident rate in Colorado is much higher, 1 in 625, than the rate of southern states such as Texas, which has a rate of 1 in 10,000. These men recognize the severity of the disease and are giving themselves in an exemplary way to combat the disease.

On July 2, 2005, seven life-long friends will begin a five-week hike along the famous Colorado Trail. The trail covers eight mountain ranges, seven national forests, six wilderness areas, and five major river systems in the 471-mile path from Durango to Denver. The purpose of this special journey is to raise awareness of Multiple Sclerosis and raise money to help find the cure to a disease that has the potential to become the polio of this generation.

These seven men are the definition of community service, giving their time and energy towards such an extraordinary cause. They have started an organization, Colorado Trail For Multiple Sclerosis, "CT4MS," and are raising money to donate to The Rocky Mountain Multiple Sclerosis Center. To date, CT4MS has raised $132,192 of $250,000 they hope to raise by the time they finish in August. They are well on their way to raising an enormous amount of money towards a cause that needs immediate attention.

Mr. Speaker, I ask my colleagues to join me in commending George Bishop, Matt Celesta, Joe McConaty, Matthew McConaty, John-Paul Maxfield, Dan Murray, and Chad Spurway for their efforts and pledging support for Colorado Trail For Multiple Sclerosis.

RECOGNITION OF ARMY SPECIALIST BRIAN M. ROMINES

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Army Specialist Brian Romines who was recently killed in action fighting for freedom outside Baghdad, Iraq.

Romines was a 20-year-old native of Simpson, IL who served as an Army Specialist assigned to the A Battery, 2nd Battalion, 123rd Field Artillery Regiment, Army National Guard in Milan, IL. He was a 2003 graduate from Vienna High School, Vienna, Illinois. After his 18th birthday and his high school graduation, Romines felt the call to duty and signed up for the National Guard. According to reports, he was killed outside of Baghdad by a roadside bomb.

Romines is survived by his mother, Melinda Austin of Dongola, IL, his father, Randy Romines of Simpson, IL, and his brother Randall Romines, also a member of the National Guard. I am proud of the service this young man gave to our country and the service his fellow troops perform everyday. Not enough can be said about Army Spc Romines. It is troops like him that are risking their lives day in and day out to ensure our freedom here at home and to others throughout the rest of the world. I salute him and my best wishes go out to his family and all the troops fighting to ensure freedom and democracy. May God bless them and may God continue to bless America.

IN CELEBRATION OF THE TENTH ANNIVERSARY OF SPOTTED EAGLE HIGH SCHOOL

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to recognize the achievements of an outstanding high school in my district. On June 10, 2005, Spotted Eagle High School celebrates its Tenth Anniversary. For the past decade, Spotted Eagle High School has offered a supportive learning environment not only for the Native American students for whom it was designed, but for a multiracial body of at-risk youth whose needs require the intensive and individualized attention the school provides.

Spotted Eagle was established in 1994 by the Milwaukee Area American Indian Manpower Council in partnership with the Milwaukee Public Schools, the Milwaukee Area Technical College and the Indian Community School of Milwaukee.

Spotted Eagle High School's mission is to promote an appreciation for all cultures, emphasizing their relevance in today's society. The school endeavors to create a sense of community while emphasizing building skills that can contribute to students' self-reliance. The curriculum includes strong School- To-Work components; a culturally-integrated, competency-based, student-centered curriculum; and social services designed to meet the educational needs of their students and their families.

Mr. Speaker, it is a fact that many young people in Milwaukee face daunting challenges in completing their education because they live in poverty. Spotted Eagle High School recognizes those challenges, and provides specialized support services to assist students in coping with them as they strive to complete their educational goals. Case managers work directly with students to ensure that family needs are being addressed. Students at the school benefit from the emphasis on parental involvement, and access to health-related services and alcohol and drug awareness programs. Members of the school staff are rooted in the same cultural communities as the students they teach. Education and support program are designed to be relevant to students' cultural backgrounds, increasing the likelihood that students will stay in school and complete their education.

I know firsthand that caring and committed educators have the ability to empower students. I salute the staff, board members, present and former students and parents of Spotted Eagle High School for their efforts to transform the lives of Milwaukee's youth. I wish them the best as they celebrate their 10th anniversary, and look forward to celebrating many more milestones and achievements with them.

A TRIBUTE TO REV. ROBERT CHARLES JEFFERSON, FOUNDER AND SENIOR PASTOR OF CULLEN MISSIONARY BAPTIST CHURCH

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. AL GREEN of Texas. Mr. Speaker, Today I pay tribute to a noble spiritual leader, a friend and my pastor, Rev. Robert Charles Jefferson. As the founder and senior pastor of the Cullen Missionary Baptist Church, he will, on Sunday, June 12, 2005, celebrate more than 28 years of loyal and dedicated service to not only the ministry but to the people of the great city of Houston, TX, as well.

Mr. Speaker, Rev. Jefferson was born on January 12, 1942 in Baton Rouge, LA. After completing his undergraduate education, he moved to Houston, TX, where he completed graduate study at Texas Southern University and InterBaptist Theological Center. For more than 17 years, before accepting his call to the ministry, Rev. Jefferson ran a very successful air-conditioning business. Because he is a great spirit-filled religious leader, in 1977, he was led to organize Cullen Missionary Baptist Church where, since its founding, he has served as senior pastor.

Rev. Jefferson is known throughout the community as a "bridge builder." Over the years, he has successfully been able to distinguish Cullen Missionary Baptist Church as a center for community activism as well as a haven for those in need of care. In 1991, he established the Cullen Christian Child Development Center, a daycare center for Christian youth. A few years later, in 1998, his leadership led to the creation of the Cullen Senior Citizens Ministry, Inc., which has provided more than 54 affordable housing units for seniors 55 and older. His housing ministry also recently created: "Brand New City, Inc.," which has built, since its inception, more than 500 houses for low income families and is well on its way to surpassing that number this year.

Mr. Speaker, Rev. Jefferson is not one who takes his role in the business of saving lives and souls lightly, and his membership in the Houston Branch of the NAACP, where he has served since 1987 as the director of religious affairs, is indicative of that commitment. Even as he works tirelessly as a full-time pastor, he has managed to fulfill the roles of moderator of the Houston Gulf Coast Baptist Association; president of the Ministry Advisory Council of Houston and chairman of the board of Love Our Kids, Inc. He is the founder president of city-wide summer recreational programs and since 1979, coordinated programs for Houston's Ministers Against Crime, Inc.

Rev. Jefferson is the recipient of a number of honors and awards that include, but are not limited to certificates of appreciation from then-Governor of Texas, Ann Richards, and Houston Mayor Bob Lanier in 1992. That same year, he also received the Barbara Jordan Leadership Award in recognition of his uncompromising commitment to diversity and human rights. Over the years, tributes from Texas Southern University, the Houston Defender, Anheuser-Busch Companies and others have all highlighted the accomplishments of one of Houston's greatest spiritual leaders.

Finally, Mr. Speaker, when history records the legacy of Rev. Robert Charles Jefferson, I believe he will be touted as a visionary who has dedicated his life to ensuring that no one is left behind.

CONGRATULATING THE UNIVERSITY OF MICHIGAN WOMEN'S SOFTBALL TEAM ON WINNING THE WOMEN'S COLLEGE WORLD SERIES.

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. DINGELL. Mr. Speaker, I rise today to honor and congratulate the University of Michigan women's softball team on Winning the Women's College World Series (WCWS), bringing home the first national championship in the softball program's history. Displaying the hard work and tenacity they acquired through a grueling 72 game season, this team dug deep and rose to victory, defeating the two-time defending champion UCLA Bruins 4–1 in extra innings.

This season Michigan advanced to its eighth WCWS, earned its first No.1 national ranking and won its 10th Big Ten Conference championship and seventh Big Ten Tournament title. Head coach Carol Hutchins earned the 900th victory of her career in 2005, while junior Jennie Ritter earned the honor of Big Ten Pitcher of the Year and was one of three finalists for USA Softball Collegiate Player of the Year.

Michigan was the first team east of the Mississippi to reach the championship game of the Women's College World Series and the first non-West Coast school to be ranked No.1 midseason.

Proving they are more than just athletes, these inspiring young women balanced classwork and community service with practice and over 15 games per month—all while maintaining strong academic records with six team members earning Academic All Big Ten honors.

Mr. Speaker, I ask that you and all of my colleagues join me in sending our heartfelt congratulations to coach Carol Hutchins for her coaching and leadership, and to the Women's College World Series Champions, the remarkable Wolverine women: Lorilyn Wilson, Jennifer Kreinbrink, Lauren Talbot, Tiffany Worthy, Stephanie Bercaw, Michelle Teschler, Stephanie Winter, Grace Leutele, Lauren Holland, Jennie Ritter, Samantha Findlay, Alessandra Giampaolo, Nicole Motycka, Rebekah Milian, Tiffany Haas, Michelle Weatherdon, Jessica Merchant, Becky Marx, and Angie Danis.

INTRODUCING THE TEACHER EXCELLENCE FOR ALL CHILDREN ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased today to introduce an important piece of new legislation, the Teacher Excellence for All Children Act, that is the next step our country needs to take to ensure that every teacher in every classroom, teaching every child, is highly qualified.

First and foremost, I want to thank our teachers for their dedication and commitment to taking on the overwhelming demands of their profession. We ask them to perform miracles every day in our underfunded and overcrowded system. And we owe it to them and to their students to provide more than rhetoric about our commitment to encouraging talented people to enter the field and stay there.

Let me also thank the organizations, and their members, who go to work every day with the commitment to help our schools and our students succeed. They are a great constituency for this legislation, and I welcome their support and their input in its development. Thank you to the Alliance for Excellent Education, the American Federation of Teachers, the Business Roundtable, the Center for American Progress Action Fund, the Children's Defense Fund, the Council of Great City Schools, the Education Trust, the National Council on Teacher Quality, the National Council of La Raza, the National Education Association, New Leaders for New Schools, the New Teacher Project, Operation Public Education, Teach for America, the Teacher Advancement Program Foundation, and The Teaching Commission.

We know the dismal effects on students when they lack the highest quality teachers. And we know that there are many reasons why people decline to enter the teaching profession, or decide not to remain there. Reasons such as low pay, lack of professionl development, unreasonable burdens, or little opportunity for advancement. Congress cannot afford to ignore this immediate and mounting crisis in the teaching profession that will grow exponentially as an unprecedented number of teachers retire in the next five years.

My 45 colleagues who are original cosponsors and I are prepared to respond to this challenge facing American education with an innovative approach that matches the seriousness of the challenge with the "The TEACH Act of 2005"—the next step our country needs to take to ensure that every teacher, in every classroom, teaching every child, is highly qualified.

The most important single factor in determining a child's success in school is the quality of his or her teacher. We all remember a teacher—or even several teachers—who made us proud of ourselves for what we accomplished and helped us face our future with hope and confidence. Imagine if every one of our teachers over the years had given us that same strength.

The TEACH Act will accomplish four critical goals: Increase the supply of outstanding teachers; Ensure all children have teachers with expertise in the subjects they teach; identify and reward our best teachers; keep the best teachers and principals in our schools.

This bill is a major legislative initiative that will attract our most talented teachers to the classrooms of our nation's toughest public schools—and encourage them to stay there.

When our Nation's school doors close for the summer later this month, more than 200,000 teachers, nearly 6 percent of the teaching workforce, will leave the profession. Over the next decade, we will need to hire more than two million new teachers to serve in our public schools. Yet today, we have no national plan for attracting outstanding students into the teaching profession, or keeping them there.

A large proportion of those who do enter teaching remain a short time, discouraged by low salaries, inadequate opportunities for professional development, and low public esteem. By failing to address this problem, Congress is shortchanging our children and costing taxpayers more than $2.6 billion annually replacing teachers who have dropped out of the profession. We need to act immediately to assure that we have an adequate supply of exemplary teachers for the next generation of students.

My bill addresses this need by helping school districts to pay more competitive salaries and by offering up-front tuition assistance to talented undergraduates committed to a career in education, to established teachers working in fields like math and science, where the teacher shortage is most acute, and to retirees with math and science expertise who would like to join the ranks of our nation's teachers.

The TEACH Act also offers up to $20,000 in loan forgiveness to highly qualified teachers who are working in high priority communities.

The TEACH Act also helps new teachers transition into the classroom and build their skills through state-of-the-art induction programs that include proven strategies such as structured mentoring, common lesson-planning, and intensive professional development.

My bill also addresses the problem that poor children are far less likely to be taught by expert teachers. Nearly three-quarters of math classes in high-poverty middle schools are taught by teachers who lack a major—or even a minor—in math. The TEACH Act provides higher pay for exemplary highly qualified teachers and principals who transfer into the hardest-to-staff schools where they can help the children who need them most. Making sure these children are taught by a well-trained teacher is crucial because over a five year period, it can close the performance gap between low-income and high-income students.

The TEACH Act also helps create true career ladders that allow teachers to advance in the profession as they gain new knowledge and skills. The bill would augment the salaries of teachers who seek out opportunities to advance their own professional development and to mentor colleagues who are new to the profession.

We also know that nothing is more important in attracting—and keeping—outstanding teachers than outstanding principals. My bill raises standards and improves recruitment and training for new principals.

Teaching is not just another job. Teaching is a career that must be satisfying in itself, that must attract the best people, and that must instruct our children to succeed in an increasingly competitive world.

We can have a dynamic and exciting future for America's schools and their students. We have the national resources. Now, we must make the commitment.

We must dedicate the necessary resources, demand the necessary results, and stay with it to the end to make sure that every child in America has a teacher we can all be proud of and that every teacher in America can say they are proud of us too for the support we give them.

I would also like to acknowledge three reports that were particularly useful. The Teaching Commission's report, Teaching at Risk: A Call to Action; the Center for American Progress report, Ensuring a High Quality Education for Every Child by Building a Stronger Teaching Force, and the National Academy of Education report A Good Teacher in Every Classroom: Preparing the Highly Qualified Teachers Our Children Deserve. All three reports were extremely instrumental, particularly in identifying practices that are working well and need to be taken to scale.

The TEACH Act will take us where research and experience say we need to go: stronger teachers, stronger principals, stronger schools. I look forward to achieving the vision of a better school system for all of our children.

INTRODUCTION OF THE NEW APOLLO ENERGY ACT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. INSLEE. Mr. Speaker, in April 2005, the House of Representatives once again passed an antiquated and outdated energy bill that fails to address the grave realities that our country faces today. With record high gasoline prices, we need an energy bill that diversifies our automobile fuels and encourages domestically manufactured fuel efficient vehicles.

With millions of family wage manufacturing jobs lost since 2001, we need an energy bill that takes bold action to tap into American ingenuity in order to lead the world in new clean energy technology, rather than playing catch-up to the Japanese, Danish, and Germans. Just as concerning is that our reliance on Middle Eastern oil, creates a need to establish an energy policy that allows us to end our historically objectionable policies in this area. Additionally, the science is clear that our greenhouse gas emissions are threatening to significantly change the world's climate, yet this energy bill does not even contain the words "climate change" or "global warming". The House passed Energy bill does little, or nothing, to address these mounting concerns.

That is why I, and several of my colleagues, have joined together to introduce the most innovative and comprehensive energy plan in recent decades, known as the New Apollo Energy Act. New Apollo seeks to solve America's energy crisis through technological innovation much in the same way that President Kennedy channeled the resources of the American people in the 1960s to meet the challenges of the race to the Moon.

The New Apollo Energy Act has the three simple goals of: (1) breaking our addiction to Middle Eastern oil, thereby increasing our Nation's homeland security; (2) creating millions of high paying domestic jobs; and (3) addressing the environmental problem presented by global warming.

Highlights of our New Apollo Energy Act include: Significant tax incentives for the development, manufacturing, and purchasing of domestic clean energy technologies; investment in energy efficient infrastructure and regulatory oversight; an oil savings provision that requires the President to use existing authority to reduce the daily consumption of oil by 600,000 barrels by 2010 and 3,000,000 barrels by 2020 (approximately what we currently import from the entire Middle East); increased funding for LIHEAP and weatherization projects; a 10 percent Renewable Portfolio Standard by 2021; electric grid reliability standards; appliance efficiency standards; a renewable fuels standards set at 8 billion gallons by 2013.

The New Apollo Energy Act creates jobs. It is often falsely assumed that environmental protection and innovation comes at a cost to the economy, yet study after study concludes that environmental stewardship and technological ingenuity can walk hand in hand. The University of California at Berkley reported that the renewable energy sector generates more jobs per megawatt of power installed, per unit of energy produced, and per dollar of investment, than the fossil fuel-based energy sector. The Apollo Alliance has found that a substantial federal commitment to clean energy could yield up to 3.3 million jobs nationally. The University of Michigan concluded that United States stands to lose 38,000–207,000 jobs if the domestic automotive industry fails to retool their plants to adjust to the growing hybrid vehicle market. Further, the Department of Energy has estimated that standards just on clothes washers, water heaters, and fluorescent lamp ballasts will create 120,000 jobs through 2020.

The New Apollo Energy Act reduces our dependence on foreign oil. We no longer have to accept an energy bill that fails to encourage the usage of renewable energy or one that fails to reduce our consumption of foreign oil. The Department of Energy's own independent research body—the Energy Information Agency (EIA)—concluded that under the Administration's proposed energy plan over the next 20 years, our oil imports will increase to 80 percent, and gas prices are likely to rise 3–8 cents, which would be the equivalent projections of enacting no energy bill at all. The EIA has also reported that despite the electric utilities' repeated claims that a renewable energy standard would hurt consumers and the economy as a whole, a 10 percent renewable energy standard by 2020 would cost consumers almost nothing—about the difference of 1 percent spread out over the next 15 years.

The New Apollo Energy Act reduces greenhouse gas emissions. Among other things, the

New Apollo Energy Act provides tax credits and loan guarantees to develop more cellulosic biomass and biodiesel while providing incentives to produce and purchase energy efficient projects and developing new efficiency standards for the home.

Most importantly, this bill includes a tradable greenhouse gas permit scheme that closely resembles McCain-Lieberman's Climate Stewardship Act. In 2010, our bill would cap carbon dioxide emissions at 2000 levels. This would also include an auction for 5–10 percent of the permits for new entrants. As Members of Congress we are continually amazed that many of our colleagues have yet to accept global warming as fact. Many of us have seen the effects of global warming with our own eyes—the disappearing glaciers in Glacier National Park, the melting permafrost in the Arctic, the disintegration of ice shelves, the rapidly rising temperatures, and the sudden appearance of birds and other animals in places where they have never before existed. Global warming is about as much a theory as gravity, yet some in Congress continue to ignore nature's warning signs. Congress needs to embrace a policy that directly confronts the problem of climate change with the kind of innovative technology that has made science aware of these issues.

The New Apollo Energy Act is revenue neutral. This bill is funded by closing corporate tax shelter loop-holes, and from funds generated by the carbon emissions cap and trade program set up in this bill.

A TRIBUTE TO REV. JONATHAN OWHE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. TOWNS. Mr. Speaker, I rise to honor Rev. Jonathan Owhe, a native born Nigerian who immigrated to the United States of America in 1989 in answer to God's Call to restore a dying world. Rev. Owhe, a distinguished scholar holds a bachelors of arts in earth science, masters of science in non-profit management and ministry ordination/licenses from Assembly of God's Church, Coastville, PA.

Since coming to the United States he has served in different capacities and worked with various organizations and community leaders. He once served as a special assistant to Rev. Clearance Williams, pastor of the House of Prayer Church; director of project & program, vice president of human resource under the late Chief Adebowale Joshua of Central Brooklyn Coordinating Council; director of Human Resource/Public Relations/Grants under Ngozi Moses of Brooklyn Perinatal Network.

In 1995 Rev. Jonathan Owhe and his wife started the Christ The Rock International Church in their living room with just a couple of members. The church now has over 400 parishioners at its Brooklyn headquarters as well as two branches in Tennessee and Georgia and over 300 churches in Africa, Asia, and Europe.

Rev. Owhe is a community oriented individual. Concerned with the health disparities and social disintegration of inner city neighborhoods, he founded the Rockgate Community Development Inc. Through this organization, various social, health and educational programs have been created, including faith in action volunteer care services, housing referral and counseling services, infant mortality reduction & maternal health initiative, comprehensive youth leadership & mentoring program, HIV/AIDS outreach services, and a Food Pantry program which feeds hundreds of people weekly.

Rev. Jonathan Owhe is the Chairman of the Rockgate Tours, a transportation ministry—taking passengers all over the United States. He sits on various boards and steering committees of major health and social service organizations including the Brooklyn Prenatal Network Inc., Brooklyn Pediatric Health Network, New York City Comprehensive Prenatal Network, and the Greater Southern Coalition Network.

Rev. Owhe has a television program called Hour of Restoration, which reaches thousands of homes each week. He and his wife, Toyin, have five children. Mr. Speaker, Rev. Jonathan Owhe has continuously demonstrated his dedication to his community through his role as a religious leader and his commitment and generosity in helping others that he is more than worthy of our recognition today.

RECOGNIZING SOUTHERN ILLINOIS AIRPORT AS THE 2005 RECIPIENT OF THE GENERAL AVIATION AIRPORT OF THE YEAR AWARD

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing Southern Illinois Airport for being awarded the General Aviation Airport of the Year for 2005 by the Illinois Department of Transportation.

Southern Illinois Airport is located between Carbondale and Murphysboro, and is among the busiest airports in the State, with 120,000 takeoffs and landings each year. In addition to the private and business customers who use the airport on a daily basis, Southern Illinois Airport is also home to the aviation management and flight programs for Southern Illinois University Carbondale.

The airport is designed to accommodate aircraft from the smallest propeller airplanes to the small jets used in business fleets. Its proximity to the commercial, recreational and educational facilities of Southern Illinois make it convenient for the private or business traveler.

Location alone is not responsible for the success of Southern Illinois Airport. Airport manager Gary Shafer and approximately 200 full and part-time employees have earned through their hard work and commitment to excellence no only the General Aviation Airport of the Year Award for 2005 but the continued respect and confidence of the flying public. This marks the fourth time that Southern Illinois Airport has been the recipient of this prestigious award, the second highest number among all the airports in the state of Illinois.

Mr. Speaker, I ask my colleagues to join me in congratulating Airport Manager Gary Shafer, the Commissioners and staff of Southern Illinois Airport for this very well-deserved award.

CONGRATULATING THE WESTERN NEW YORK LETTER CARRIERS FOR THEIR "STAMP OUT HUNGER" WIN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to congratulate the Western New York Letter Carriers for coming in first in the National Association of Letter Carrier's "Stamp Out Hunger" food drive.

On June 7th, the NALC announced that Branch 3 of Buffalo/West New York managed to collect a whopping 1,896,038 pounds of donations, placing them in the lead for a third consecutive year. The resolve of the 2,100 members of Branch 3 to collect and process donations at community food banks is commendable, and it is just another example of the hard work and dedication that our letter carriers put into their jobs.

The National Association of Letter Carriers is over 100 years old and the Buffalo/Western New York branch was one of the founding branches in the union. The members are active in both labor issues and the community. The post officers are considered neighbors and friends, delivering mail daily and offering reliable service to residents throughout the county. Despite long winters and the harsh cold, each year the postal carriers have been dependable and enthusiastic, and their first place position in the "Stamp out Hunger" food drive perfectly illustrates these traits.

I would like to thank all the letter carriers for their tireless efforts and to thank the union laborers in Buffalo and throughout Western New York. The union workers of my district comprise the foundation of our sense of community and values. We would be lost without their help. I would like to express my appreciation and gratitude for the indispensable part that they play in our daily lives, and to congratulate them in their "Stamp Out Hunger" food drive win.

FREEDOM FOR HORACIO JULIO PIÑA BORREGO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Horacio Julio Piña Borrego, a political prisoner in totalitarian Cuba.

Mr. Piña Borrego is a pro-democracy activist in totalitarian Cuba. He is a member of the Party for Human Rights in Cuba. Because of his belief in freedom, democracy, and human rights, Mr. Piña Borrego has been a target of the nightmare called the Castro regime.

According to Amnesty International, in 2001 Mr. Piña Borrego was detained by the tyrant's security thugs. However, despite constant harassment, and the ever present threat of being thrown in the gulag for his beliefs, Mr. Piña Borrego bravely persisted in advocating for human rights and freedom.

On March 19, 2003, as part of the dictator's condemnable crackdown on peaceful pro-democracy activists, Mr. Piña Borrego was arrested because of his belief in freedom and human rights. In asham trial, he was sentenced to 20 years in the inhuman, totalitarian gulag.

Mr. Piña Borrego is currently languishing in an abhorrent, inhuman cell in the totalitarian gulag. These depraved conditions are truly appalling. The State Department describes the conditions in the gulag as, "harsh and life threatening." The State Department also reports that police and prison officials beat, neglect, isolate, and deny medical treatment to detainees and prisoners, including those convicted of political crimes. It is a crime of the highest order that people who work for freedom are imprisoned in these nightmarish conditions.

Because of courageous Cuban men and women, like Mr. Piña Borrego, freedom and democracy are on the march in Cuba. These pro-democracy activists languish in abhorrent dungeons, they defy the dictator's machinery of repression and, despite every threat and obstacle, these opposition leaders continue to demand liberty for the people of Cuba. Through their bravery and because of their unwavering commitment and the hard work and commitment of countless other patriots, Cuba will be free again.

Mr. Speaker, Mr. Piña Borrego is suffering in a grotesque gulag because he believes in human rights. My colleagues, we cannot allow peaceful pro-democracy activists to languish in the depraved prisons of tyrants. We must demand immediate and unconditional freedom for Horacio Julio Piña Borrego and every prisoner of conscience in totalitarian Cuba.

REMEMBERING NATHANIEL KRUMBEIN

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. CANTOR. Mr. Speaker, I rise today to honor the passing of Nathaniel Krumbein. Nat Krumbein was a pillar of the Richmond community and a key figure in the growth of the Richmond-based Heilig-Meyers furniture company.

Mr. Krumbein was a successful pharmacist in Charlotte, North Carolina before moving to Richmond in 1950 in order to help with his wife's family business. He worked with chairman and CEO Hyman Meyers and President and vice chairman Sidney Meyers to help Heilig-Meyer become the Nation's largest furniture retailer. As one of the owners and the creative force behind the company, he is credited with the expansion of product lines to include non-furniture departments and was responsible for initial store acquisition and construction for all the company's locations. The company had more than 100 stores by the time he retired as vice chairman of the board in 1984.

Mr. Krumbein was also a dedicated philanthropist and activist. He served as chair of the Virginia Chapter of the Anti-Defamation League as well as on the National Board. For his service, he was made an honorary life commissioner of the ADL. Also, Mr. Krumbein's commitment to the fair treatment for all people led to his involvement in the development of the Council of America's First Freedom. He was a strong proponent of education, conservation, and equality for all and worked enthusiastically throughout his life to improve our society. Among all of his commitments, Mr. Krumbein continued his work as a pharmacist and received the Virginia Outstanding Pharmacist Award in 2002.

Mr. Krumbein is survived by his wife of 61 years, Amy Meyers Krumbein; three sons, Charles Krumbein, Michael Krumbein, and Lee Krumbein; and one daughter, Joyce Slater. Mr. Speaker, I hope you will join me in honoring Nathaniel Krumbein and offering our sincerest condolences to his family and friends.

TRIBUTE TO DR. EVERETT L. DARGAN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Everett L. Dargan, an outstanding surgeon, a devoted husband and father, and an all-around good citizen of South Carolina.

At the age of 15, Everett Dargan, a native of Columbia, won a scholarship to Morehouse College in Atlanta. He later transferred to the University of Buffalo in upstate New York where he earned a bachelor's degree in biology in 1949. Dargan credits the faculty and administration of Morehouse College, in particular then-Morehouse College President Benjamin E. Mays, Ph.D. and Harold Eugene Finley, Ph.D., for instilling a lifelong sense of academic discipline, the inspiration to dream that a career in medicine was possible for him, and a dedication to personal excellence. "Dr. Finley put me into warp speed and opened up new worlds to me—embryology, anatomy and zoology. Seeing bacteria and red blood cells was like discovering new life forms on 'Star Trek.' He was a taskmaster and insisted on perfection," Dargan recalls. "But he also had a sense of humor. He was my mentor."

Dargan contined his education at Howard University's College of Medicine where he earned his M.D. and also won First Prize in Medicine. After medical school, he completed his internship at Kings County Hospital Center in Brooklyn, NY, and was later named chief resident surgeon at the Bronx Municipal Hospital Center of the Albert Einstein College of Medicine in New York. Dargan interrupted his specialty training to serve in the United States Air Force as a captain and commander of the 3910th USAF Hospital in Mildenhall/Lakenheath, England, during the Korean War. Later, he would continue his commitment to providing quality medical care to military veterans through his service to the Dorn Veterans Administration Medical Center in Columbia, SC.

Dr. Dargan completed his training in thoracic and cardiovascular surgery at Boston City Hospital, achieving the post of chief resident surgeon, and became a thoracic surgical instructor at Boston University Medical Center in Massachusetts. He returned to New York and continued his commitment to academic medicine as a researcher and instructor through various appointments, including associate professor of surgery at the Albert Einstein College of Medicine, chief of surgery at Lincoln Hospital, and director of surgery at Sydenham Hospital. In keeping with his commitment to academic surgery as teacher, practitioner and researcher, he taught medical students and surgical residents for more than 12 years. Dargan expected perfection and taught his students what he learned from his mentor, Dr. Finley. At Lincoln Hospital, he met his future wife, a registered nurse and flight attendant at TWA, Carol Poyner.

Dargan has published many surgical papers in leading national medical journals and has participated in preparing practicing surgeons for board certification. He has given presentations at national and international medical meetings. Dargan returned to South Carolina in 1978 and began a private practice in thoracic, vascular and general surgery in Columbia, sharing an office with the late Dr. Cyril O. Spann, who had urged him to come home. Two years later, Dargan and Dr. Gerald A. Wilson formed Midlands Surgical Associates, P.A., out of a shared sense of commitment to competent, compassionate, and appropriate patient care in South Carolina. The practice has grown to include Dr. Dennis A. Wilson. In 1979, Dr. Dargan joined the faculty of the University of South Carolina as a clinical associate professor of surgery, hoping to inspire a new generation of physicians to provide compassionate medical services to South Carolinians.

Dr. Dargan is a founding member of Physician's Health Plan of South Carolina, now Carolina Care Plan, a fellow of the American College of Surgeons, and a former chief of staff at Palmetto Health Richland. A life member of the National Association for the Advancement of Colored People, he is also a member of the Kappa Pi and Alpha Omega Alpha medical honor societies. The Dargans have two children, Jennifer Dargan and Catherine Dargan Phelps; a son-in-law, Peter Phelps; and two much-loved grandchildren, Addison Morgan Phelps.

Dr. Dargan is being honored in his hometown next Thursday night and I ask you, my colleagues, to join me in congratulating him and commending the University of South Carolina for helping all Columbians recognize Dr. Dargan's contributions by establishing a scholarship at its medical school in his name.

TRIBUTE TO DELORES M. HANDY

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. BOUSTANY. Mr. Speaker, I rise today to acknowledge the hard work and dedication of one of the constituents in my district. Delores M. Handy has been a valuable employee of the Acadia Parish Tax Assessor's Office for over three decades. On June 30th, 2005, she will retire after 33 years of service to her community.

This woman, affectionately known as Dee, has become a friendly face in local government. The most common phrase used to describe her is "tremendous asset." Working at the counter in the Assessor's Office, she will always be remembered as a woman who greeted every customer with a smile and an offer to help them solve whatever problems they were facing. Through the years, she has developed friendships with people from every walk of life and no one left her office without feeling like she had done everything possible to serve their needs.

I join the residents of Acadia Parish, along with the people of the seventh District, in thanking Delores Handy for her contribution to making Southwest Louisiana a great place to live. She is a fine example of what is right in our government and will be missed.

HONORING THE 50TH ANNIVERSARY OF CONGRESSMAN JOHN P. MURTHA AND HIS WIFE, JOYCE

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. DOYLE. Mr. Speaker, I rise today to honor our dear friend and colleague, JOHN P. MURTHA as he and his wife Joyce celebrate the 50th anniversary of their marriage. I would like to submit the following statement of Father William George to honor this occasion:

DINNER BLESSING BY FATHER WILLIAM GEORGE, S.J. AT THE 50TH ANNIVERSARY DINNER FOR CONGRESSMAN AND MRS. JOHN P. MURTHA

Blessed are you, God of all Creation. We are created in your image and likeness and share the gifts you have bestowed on us, especially your gift of divine Love. Source of all Love and Kindness, we thank you for the love we share this evening of Jack and Joyce Murtha's mature and wonderful love as we celebrate their 50th Wedding Anniversary.

St. Paul speaks of how without love, we gain nothing; that Love is patient, love is kind. It is not jealous, is not pompous, is not inflated; it is not rude; it does not seek its own interests, it is not quick-tempered, it does not brood over injury, it rejoices with the truth. It bears all things, believes all things, hopes all things, and endures all things. Love never fails. (1 Cor.)

The faith that Joyce and Jack have in each other is witnessed to by their 50 years of marriage, but also how hard they work to support each other and their generosity to others. Their hopefulness is revealed in their patience and continued generosity even when criticized and challenged. Their love is a witness to the divine spirit within all of us and we thank you for them.

Their gift of self to each other reveals the richness of the union of husband and wife in the sacrament of marriage. We ask you to continue to bless their love with your grace.

Jack and Joyce have united in a strong and productive way in service to their country. As one nation under God, we appreciate their dedication and love of country. If every member of Congress had such a supportive spouse, the laws of our land would be more in accord with your will, bringing peace through justice. Please, dear Lord, continue to bless them with vigor, insight and courage.

We ask your care for our young men and women in uniform all throughout the world who are in harm's way. Inspire them and make them shining witnesses to justice wherever they serve.

Please bless our celebration of Jack and Joyce's 50th. Bless this food we are about to receive from your bounty, as we have faith in you, our God, who lives forever and ever, Amen.

VALEDICTORY ADDRESS BY LINDA HOWARD GARRETT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. HOYER. Mr. Speaker, today I rise to submit for the RECORD the compelling statement of Linda Howard Garrett who gave the valedictory address at the Ann Arundel Community College Commencement Ceremony on May 26, 2005.

Linda is a wonderful and inspiring example of someone who has the will and perseverance to make a brighter future for themselves and their family. Her determination and persistence to go back to school later in life shows that it is never too late to pursue the "American Dream" and succeed!

I was proud to join Linda at Anne Arundel Community College's Commencement and am pleased to submit her address for the RECORD.

VALEDICTORY ADDRESS BY LINDA HOWARD GARRETT

"Good evening, President Smith, Congressman Hoyer, Trustees, honored guests, faculty, staff, friends and families, classmates.

If anyone had told me 2 years ago that I would be standing here tonight, I would have stared in disbelief. It was with great trepidation that I returned to school after 37 years, and I wasn't sure I would succeed, much less excel. And yet here I am—here we all are because of our hard work and dedication to a goal.

Many people have asked me what motivated me to work so hard and to remain so dedicated, and as I began to think about that question, I realized there were several answers.

It helped to know that I was enrolled in one of the premier paralegal studies programs in the country, and attending Ann Arundel—a shining star in the Nation's network of community colleges.

Of course there was my family who inspired me by their unflagging support—especially my 14-year-old daughter who temporarily relinquished her self-proclaimed position as center of the universe and willingly assumed more responsibility at home because I had a test scheduled or a paper due.

And the professors who gave so generously of their time and talents: Professors Kelly Koermer, Robyn Brown, Karen Cook, Mona Clark, Stanley Robbins, Susan Kilgard, Richard Faircloth, Sarah Glenn, Cathy Hayes, Sherry Hopkins, Wade Taylor. I could go on and on as I'm sure each of you could as you remember those dedicated teachers who were a profound influence on you.

Sometimes it was a staff member—like Miss Ina in the Florestano student lounge my first year. Even though she wasn't officially scheduled to open until 8:30, she was there every morning at least an hour early, dispensing hot coffee and encouragement.

Often, it was a classmate: the student older than I—in his seventies—still seeking knowledge and growth and intellectual stimulation. Or the 18-year-old who took the earliest classes available so she could hurry home to care for her ailing mother. And all of the amazing single parents juggling families and full-time jobs and still managing to attend every class, turning in every assignment on time.

But perhaps the most compelling influence was a sense of history and an appreciation for what many Americans take for granted. I gained that appreciation while serving for 26 years with the U.S. Army. During that time I had the opportunity to travel all over the world—from the Far East to East Berlin. And the more I saw of the world, the more I came to value the freedoms and opportunities that are uniquely American. And at no time did I feel that appreciation more than during a visit to Ellis Island.

Over a hundred years, ago, immigrants poured into this country seeking a better life. And they weren't satisfied to just be in America. They wanted to be Americans, and that meant that they had to learn a new language and a new history so they could pass a citizenship test. They sought out classes wherever they could find them—in church basements and elementary school classrooms and community halls.

So when it seemed he too much effort for me to write another brief, or struggle to learn the arcane vocabulary of the law or drag myself to one more early class, I would remember those immigrants who, after working backbreaking 12-, 14-, 16-hour days, went willingly, joyfully to class because they understood that every step toward that classroom brought them one step closer to realizing the American Dream. And when I remembered them, I could not dishonor their memory by turning in shoddy work or failing to fully embrace the opportunity their legacy provided because from those humble beginnings an entire system of adult education evolved. Single scattered classes became night school and then City College and junior college and finally the community college, as we know it today.

And although at one time the classes at one of these local colleges was considered less prestigious than at the four year colleges, that is no longer true today. In response to a growing need, as community colleges' facilities and curricula expanded, so did their reputations. Today, while community colleges continue to serve those who, because of families and jobs, need to stay close to home, they also serve those who recognize that many community colleges provide specialized programs that rival those available at four-year universities.

I hope that everyone of you as you go forward will also look back and remember that you are carrying the torch for all those educators and students whose commitment and vision made today's community college a reality. And I hope you will tell all of your friends and families and neighbors that the first step toward realizing the American dream begins with an education, and that a first-class, top-notch education is accessible in their backyards, right here at Ann Arundel Community College. I hope that you will never take for granted the history of freedom and opportunity that mad it possible for you to take that step. And I hope, as you go forward, that you will never miss the opportunity to say, with great pride, as I say tonight, I am a graduate of Ann Arundel Community College."

TRIBUTE TO MONUMENTAL BAPTIST CHURCH—105TH ANNIVERSARY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. PAYNE. Mr. Speaker, I ask colleagues here in the House of Representatives to join me as I rise to acknowledge the Monumental Baptist Church of Jersey City, NJ as it celebrates its 105th anniversary. Established in 1900, Monumental was incorporated in 1904 and has been serving the needs of its congregation and the community continuously.

Throughout the illustrious history of Monumental Baptist Church, effective leadership has been at the core of all the accomplishments the church has had. Beginning with Pastor William Edwards and continuing with Pastors Garlick, Smith, Fitzgerald, Webb, Ashley and the current pastor, Reverend Joseph L. Jones, Sr., Monumental has made many enhancements over the years. In addition to its leadership, the success of all of Monumental's initiatives can be attributed to the faith, hope, commitment and prayers of the loving membership that fill the pews of this landmark facility. In fact, Monumental Baptist Church is blessed to have 55 members who have 50 or more years of continuous membership. Clearly, that statistic is representative of the marvelous activities taking place at the church.

Recently, Monumental Baptist Church was officially approved as a 501(c)(3) religious organization. The church's finances have improved over the years enabling the on-going renovations and upgrades to church owned properties.

Mr. Speaker, I know my colleagues agree that Monumental Baptist Church and the surrounding community have every right to be pleased with the lasting contributions that the church has made to the residents of Jersey City. I am pleased to congratulate Monumental Baptist Church on its 105th anniversary.

PAYING TRIBUTE TO REV. DR. NELSON "FUZZY" THOMPSON

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. CLEAVER. Mr. Speaker, I rise today to pay tribute to Reverend Doctor Nelson "Fuzzy" Thompson, a minister, humanitarian and a political activist whose legacy continues to enrich the lives of all Kansas Citians. After 14 years of service, on June 5, 2005, Rev. Thompson retired from his pastoral helm at Mason Memorial United Methodist Church, which is the cause of recognition and celebration of the dedication that he exudes in all aspects of service to the Kansas City community.

Rev. Thompson's reputation as a community leader extends beyond the local or national level, but is inclusive of the international community. He was one of 22 U.S. ministers that traveled to South Africa on a fact finding educational exchange, at the request of Bishop Desmond Tutu, Nelson Mandela, and the South African Council of Churches. "Fuzzy," as he is affectionately known, was one of three U.S. ministers to conduct Easter services for U.S. hostages held in Tehran, Iran in 1980. He was also one of 17 U.S. ministers and activists who served as official observers for the first election ever held in South Africa that allowed the right to vote to all races. He said it was a humbling experience seeing people lining up the night before and standing in line for blocks in order to exercise their right to vote for the first time.

Since 1984, Rev. Thompson has been a delegate to the Democratic National Convention. He served as regional coordinator of Rev. Jesse Jackson's 1984 Presidential campaign and as the Missouri State Coordinator of the Jackson Campaign in 1988. "Fuzzy" is currently president of the Kansas City Chapter of the Southern Christian Leadership Conference.

He has served on the boards of Freedom Incorporated as Chairman of the Nominating Committee, Black Adoption Program and Services, Human Rights Commission of Kansas City, Missouri, and Northwest Political Faction. He has been involved in helping to solve the problems of young adults, especially in the areas of education and unemployment. He held the position of executive director of the Martin Luther King Urban Center for 30 years.

Rev. Thompson graduated from Lincoln University in Jefferson City, Missouri with a bachelor of science in education, and received a master of divinity and doctor of ministry at St. Paul School of Theology. He has been married 39 years to Cheryl (Love) Thompson. His mother, Marvia Thompson, was a founding member of the St. James United Methodist which I pastor. In 2003, we joined Rev. Thompson to celebrate and mourn her death and life. He baptized my youngest son, Evan, and he has been a friend and a confidant to me for more than 30 years.

Mr. Speaker, please join me in expressing our heartfelt gratitude to the Rev. Nelson "Fuzzy" Thompson for his relentless efforts in extending service not only within the areas surrounding Kansas City, Missouri and the United States, but for his contributions to the global community. I urge my colleagues to please join me in congratulating "Fuzzy" on his retirement as Pastor of Mason Memorial United Methodist Church, for we know that he has not retired from the ministry nor from the community, because God's work is never done.

RECOGNIZING JOHN NEARY UPON HIS RETIREMENT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I would like to take this opportunity to recognize the tremendous career of Mr. John Neary, an educator and friend who will be formally honored on June 10, 2005, at his retirement celebration in Concord, California.

Mr. Neary has over 33 years experience as an educator for California's youth, including 26 years with the Mt. Diablo Unified School District. His remarkable commitment to the educational system began in 1972 as a classroom teacher and athletic coach. Since then he has served as teacher, coach, athletic director, vice principal and principal. In all of these roles he delivered high-quality education and maintained a strong commitment to his students. Mr. Neary works with incredible heart and has consistently placed "the student first" in all his endeavors. He routinely showcased his commitment by attending every school event from drama to water polo.

For the past 7 years Mr. Neary has served as principal of Clayton Valley High School. The students and faculty have been fortunate to have him at the helm and will surely miss his presence. Mr. Neary has invested all that he has to give and is well loved and appreciated as a result of his dedication.

I congratulate Mr. Neary for his hard work and dedication to the students, faculty and community. I am pleased to join with Mt. Diablo Unified School District and Clayton Valley High School in recognizing his outstanding commitment toward education and send my best wishes for a happy and healthy retirement.

NATIONAL HUNGER AWARENESS DAY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today to commemorate National Hunger Awareness Day and to honor the Arlington Food Assistance Center, which is located in my congressional district.

National Hunger Awareness Day was established to help inform individuals, communities, corporations and policy makers that hunger is a severe domestic issue and deserves our critical attention.

The Arlington Food Assistance Center's sole mission is to feed the hungry. This important action allows their clients to make other necessary purchases, such as paying for rent and utilities, without having to sacrifice their health and nutritional needs.

Despite the fact that Arlington County is one of the wealthiest areas in the country, plenty of local residents do not have enough to eat. The Arlington Food Assistance Center, AFAC, seeks to remedy this problem by distributing bread, vegetables, meat, milk, eggs and other food items to those in Arlington who are in need. The Arlington Food Assistance Center currently distributes approximately 1100 bags of groceries each week to over 900 clients, nearly half of whom are children. Each week, families with one to three members receive one bag of food and families of four members or more receive two bags of food—amounts that are expected to supplement a week's meals.

AFAC obtains surplus food at a minimal cost from the Capital Area Community Food Bank and at no cost from local bakeries, supermarkets, farmer's markets, food drives and private donors.

I would like to commend the staff and volunteers of the Arlington Food Assistance Center who work hard to provide needy families in Arlington with groceries each week.

INTRODUCTION OF RESOLUTION COMMENDING W. MARK FELT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. CONYERS. Mr. Speaker, today I rise to introduce a Resolution commending W. Mark Felt for his extraordinary service to the country in exposing the "Watergate" scandal. Good faith whistle blowers like Mr. Felt represent high ideals of public service and the American tradition of challenging abuses of power. They also provide the diversity of views and information necessary for the checks and balances in a democracy.

As the world now knows, Mr. Felt, the then Deputy Director of the FBI, disclosed that he was the confidential source known as "Deep Throat," that assisted Bob Woodward and Carl Bernstein in their investigation of the Watergate scandal, which eventually led the House to the verge of impeachment and the ultimate resignation of President Nixon.

Quite frequently, it is courageous whistle blowers such as Mr. Felt who are responsible for disclosing corruption in our government. We have no doubt that absent Mr. Felt's involvement, we would never have learned about the illegalities and obstruction of justice at the highest levels of our government, up to and including President Nixon.

This Resolution recognizes that Mr. Felt was not only a courageous public servant, willing to risk his career to expose wrongdoing, but a model agent and administrator as well. I therefore believe it is altogether fitting and proper that Mr. Felt's service be commemorated and honored by the Congress.

TRIBUTE TO GEORGETOWN COUNTY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. CLYBURN. Mr. Speaker, I rise today to recognize and commend Georgetown County, SC, and its efforts to make healthcare services accessible to its rural population.

Several years ago, Georgetown County conceived the idea of turning a former schoolhouse—purchased for just $1—into an affordable and accessible healthcare facility for residents who previously had to travel more than a half-hour to reach needed wellness resources. This center is critical, since more than 15 percent of citizens in the area do not have transportation, 56 percent live below 200 percent of the poverty level, and the community is not served by public transit.

I am extremely pleaded to announce the completion of the Choppee Regional Resource Center, a medical "One Stop Shop," providing the first step towards an integrated, holistic healthcare delivery system for some of South Carolina's most underserved residents. Residents now have access to medical care, drug and alcohol counseling, mental health services, children's and seniors' services, and adult education opportunities.

This center is important to me because it brings together key players from across the State to make a difference in the individual lives of those who too often are not reached by broader efforts. It is these underserved people who each of us is sent here to help in any and every way we can.

Georgetown County continues to develop the Choppee facilities and is now implementing a second phase of the project: the creation of a Family Wellness Center. Together, these resources will provide comprehensive healthcare, vocational, and support services to benefit the county's rural residents.

Mr. Speaker, please join me as I commend the Georgetown County Council, the administrator, School District, and all those individuals and groups who have been so personally involved in making this center a reality. Without your help, the citizens of Choppee would still be forced to travel great distances, at great expense and effort for the day-to-day services they need to live healthy, productive lives.

TRIBUTE TO RABBI ROBERT S. GOLDSTEIN

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. MEEHAN. Mr. Speaker, I rise today to honor Rabbi Robert S. Goldstein. Rabbi Goldstein is a community leader, spiritual advisor, and dear friend. For 15 years, Rabbi Goldstein has led the congregation at Temple Emanuel in Andover, MA.

Rabbi Robert Goldstein was born in Springfield, MA in 1953. He was raised in a large ad compassionate family. His mother taught in an inner-city elementary school, and volunteers her free time at Jewish charities and other groups serving the community. His late father was deeply involved in the Jewish Nursing Home of Western Massachusetts.

Since coming to Temple Emanuel in 1990, Rabbi Goldstein has grown his congregation, and endeavored to make Judaism more accessible to all who come to it with an open ear and an open mind. He has led his flock to explore the meaning of the Jewish faith to find purpose and spiritual enrichment. Under Rabbi Goldstein's leadership, Temple Emanuel has expanded its membership to over 600 families with more than 400 children in its religious school.

In addition to his work at Temple Emanuel, Rabbi Goldstein serves on the Board of the Lawrence General Hospital, and he is a trustee of the Edgewood Retirement Community. Rabbi Goldstein continues to foster dialogue between Catholics and Jews at the Center for the Study of Jewish/Christian Relations at Merrimack College.

On June 17, 2005 Rabbi Goldstein's congregation, friends, neighbors and loved ones will recognize him for the wisdom and compassion he has shown to all, and for dedicating his life to sharing the virtues of the Jewish faith and heritage.

The people of the Merrimack Valley, of all faiths, are truly blessed to have Rabbi Goldstein as a friend, neighbor, counselor and spiritual leader.

CELEBRATING THE GRAND OPENING OF MID-MISSOURI ENERGY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. SKELTON. Mr. Speaker, let me take this opportunity to announce the grand opening of Mid-Missouri Energy, Inc. Many Missourians have worked hard to create this farmer-owned ethanol production facility in Malta Bend, MO. Ground was broken on the facility on October 4, 2003, and the facility was opened for business on June 3, 2005.

From the time I was young, I was taught that a farmer's livelihood depends on two things: the weather and the markets. With the opening of Mid-Missouri Energy, farmers will have an additional market for their corn and will be able to get more bang for their agricultural buck. Missouri farmers, especially those who make the Fourth District home, will now have a facility that allows them to capitalize on the growing renewable fuel opportunities across the nation. Ethanol production is not only beneficial to the farmers of America, but to the American public at large. Ethanol is a renewable energy resource that, when utilized most effectively, will reduce America's dependency on imported oil and decrease pollution.

The ethanol production facility in Malto Bend will also benefit the rural economy. Farmers will not only have an additional market for their corn, but Mid-Missouri Energy will employ rural citizens and will have a far reaching, positive impact on the local economy. Mid-

Missouri Energy's founding fathers, especially Ryland Utlaut and Don Arth, deserve credit for making Mid-Missouri Energy a reality.

As Mid-Missouri Energy opens and begins to produce ethanol, I know that Members of Congress will join me in honoring their outstanding work.

TRIBUTE TO GEORGIA JONES AYERS: COMMUNITY LEADER, CIVIL RIGHTS CHAMPION AND ROLE MODEL

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. MEEK of Florida. Mr. Speaker I rise in tribute to Georgia Jones Ayers, a community servant and civil rights pioneer who for decades has spent her days righting the wrongs she sees in society. I have known her for many years, and, I can speak from first-hand experience about the positive impact she has had on our community and on the lives of countless young people. She says what she thinks, she stands up for what she believes in, and she works hard to achieve her goals. She is a person of intelligence, determination and accomplishment.

Some of Ms. Ayers' experiences and deeds were recently chronicled by South Florida's preeminent political reporter, Michael Putney, in an article that ran in the Miami Herald on June 1, 2005. I want to share this articie with my colleagues, so they can get a sense of this remarkable woman's character.

[From the Miami Herald, June 1, 2005]

COMMUNITY ACTIIVIST, INJUSTICE IS A GREAT MOTIVATOR

(By Michael Putney)

Community activist Georgia Jones Ayers carries more than memories of racism in Miami; she carries the proof. She keeps it in her purse as a constant reminder. It's a yellowed, well-worn abstract of title to her grandmother's home in "Railroad Chops (sic), Colored Addition." That's the home where Ayers, now 76, was born and raised. And which her grandmother, Eliza Pierce, lost to the city of Miami, in a racist land grab and for $3.29 in unpaid taxes. The tax sale is dated Aug. 29, 1924.

"It's because of this," she says, brandishing the legal document like a dark talisman, "that I am who I am and do what I do."

For more than half a century, Ayers has worked to right what she considers wrongs done to her community, and by her community. Currently, she runs Alternatives to Incarceration out of the Metro Justice Building where first-time offenders are released to her custody to complete programs that allow them to avoid having a permanent criminal record.

Then there's her Janet Reno New Chance Alternative School, which takes disruptive sixth-to-eighth graders and instills discipline and learning in them. "I don't believe in brutality," Ayers says, "but when I was in school I'd get a spanking for arriving late. These days you tell 'em you're going to tan their backside, and they say they'll call HRS (the predecessor to DCF). But that's what some of 'em need."

Make no mistake, Ayers is tough. And smart. And still angry after all these years about the injustice done to here grandmother.

She says that her grandfather, Charles Pierce, went in 1923 to pay the overdue property taxes with $100 he had saved from his job with Henry Flagler's railroad. But he was never seen again—probably murdered for the money.

"My grandmother would have paid those taxes if she'd been able to read," Ayers told me. "But she was illiterate and couldn't read the notices. So she lost her home for a few dollars." It was on land in Allapattah between 46th and 50th streets and 12th and 14th avenues that had been set aside for black railroad workers. But Ayers says whites eventually wanted the land and found ways to seize it. First, through foreclosure because of unpaid taxes.

"And then on Aug 1, 1947 at 11 a.m. the police came in and evicted 35 families, including mine, because they wanted the land for an all-white school."

That was Allapattah Elementary. Ayers attended Liberty City Primary, the predecessor to what is now Charles R. Drew Elementary. On the 25th anniversary of the McDuffie riots we stood across from the school in an empty lot at Northwest 62nd Street and 17th Avenue. One of the many empty lots along Martin Luther King Boulevard since the 1980 riots.

"I knew Arthur McDuffie," she says. "He sold insurance like I did for many years. He was a sweet, gentle man."

On the Saturday in May 1980 when four Metro policemen were acquitted of beating McDuffie to death, Ayers went to the Metro Justice Building with other black leaders to organize a peaceful protest. "We wanted an orderly meeting where people could vent their anger," she recalls.

The anger could not be contained. Injustice is a great motivator. It's what keeps Ayers going with vigor.

She's upset that Haitian immigrants fail to recognize or respect what American blacks went through here before they arrived. She's upset that black kids who struggle to learn standard English are expected to learn Spanish. "I'm not prejudiced against Haitians or Cubans. I just want people to respect our heritage." She says this caressing that abstract of title, which is smooth from touching but still carries a sharp sting.

I generally reject the idea of reparations for slavery. Many generations stand between us and the direct victims, although the shame of slavery endures. But Ayers is still very much alive, and she carries proof of the racism that robbed her family. Twice, in fact. How do we repay her? I'm not sure, but we can begin by simply saying thank you for channeling so much anger into so many good works.

THE CURRENT SITUATION IN HAITI

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. RANGEL. Mr. Speaker, I rise to make note of the distressing developments unfolding in Haiti. The situation in that country is becoming increasingly unstable, with elections scheduled to take place a few months from now. The current state of Haiti does not bode well for a peaceful and legitimized election process.

A June 9th article in the Miami Herald entitled "Senior U.S. official visits unsettled Haiti" points out that the ongoing instability is causing widespread discontentment with the interim government led by Prime Minister Gerard Latortue. The lack of confidence is even being voiced by respected and influential members of Haitian society, such as Ariel Henry, a member of the U.N. sanctioned "Council of Wisemen" which nominated Latortue to head the interim government.

Mr. Henry has gone so far as to call the governmental performance of the country a failure, and has warned that the Council of Elders may call for Latortue's resignation if some semblance of stability is not achieved soon.

It has been over a year since the forced removal of President Jean-Bertrand Aristide, the nation's democratically elected leader. Without question, conditions in the country are worse since Aristide's removal due to the widespread violence and human-rights violations perpetrated by the lawless elements which overthrew the Aristide government.

Indeed, 700 people have died in less than a year in Haiti. The violence is escalating to such a level that the U.S. State Department's top official for the Americas, Roger Noriega, arranged a last-minute visit this week to assess the situation. Secretary of State Rice herself labeled the developments in Haiti "troubling" on Monday, and called for close examination of the strength of the country's U.N. force.

On the election front, all is not well. The nation's electoral council is stricken by internal strife and wrangling. A campaign to register up to 4.5 million eligible voters has signed up only 113,000 in a month and a half. The only party with wide support among Haiti's impoverished majority is the Lavalas Party of former President Jean-Bertrand Aristide. Still angered by his removal, the party has so far refused to participate in the upcoming election.

All this presents a very troubling picture for Haiti. In the short-term the U.N. force must be increased. In addition, all the stakeholders involved must take a long and hard look at whether the scheduled date for Haitian elections is practical considering the current reality.

[From the Miami Herald, June 9, 2005]

SENIOR U.S. OFFICIAL VISITS UNSETTLED HAITI

(By Jacqueline Charles and Joe Mozingo)

The U.S. State Department's top man for Latin America and the Caribbean arrived in Haiti on Wednesday to assess a surging wave of violence and increasing demands for the resignation of U.S.-backed Prime Minister Gerard Latortue.

Deputy Assistant Secretary of State Roger Noriega met with the political head of the U.N. peacekeeping mission and other top officials in Haiti at the start of his two-day visit.

Haiti's violence has turned so worrisome that even the so-called Council of Wisemen—a group of respected Haitians that picked Latortue to head the interim government after the hasty departure of former President Jean-Bertrand Aristide last year—has lost confidence in him.

"It's a failure," said Ariel Henry, a neurosurgeon and vice chairman of the seven-member council. "There is no governance."

He added that the council will soon issue an ultimatum to Latortue: bring the country under control in 30 days or resign.

What leverage the council has is unclear. But Henry's statement carries political weight.

During the weekend, a meeting of about 20 political parties sponsored by the U.N. mission here came largely to the same conclusion about Latortue, although three major parties say they would not go so far as to call for his resignation.

The Bush administration has pinned its hopes for stability on Latortue's ability to pave the way for elections this fall. But many Haitians doubt the country is ready, given a paroxysm of recent violence in the capital.

The 7,400-strong U.N. peacekeeping mission that began arriving in Haiti after Aristide fled during an armed revolt has not been able to tamp down the kidnappings, carjackings and shootouts that have left hundreds dead in recent months and have kept a ruined economy from recovering.

Wahington has stood by Latortue and focused more on the need to strengthen the U.N. peacekeeping force, which has been criticized as too passive. Secretary of State Condoleezza Rice this week said the U.N. mission needed to increase its forces or conduct more aggressive operations. She appeared to reject a growing push among the Haitian political class for the return of the U.S. Marines deployed here in the three months after Aristide's departure. She said it was crucial that the Brazilian-led force in Haiti succeed.

"It was a real breakthrough for this hemisphere to have Brazil in the lead and then to have other Western Hemisphere states actually engaged in peacekeeping," Rice said at a news conference Tuesday. "We are devoted to making that mechanism work, and so we are talking with the U.N. about what more needs to be done."

Chantal Regnault contributed from Port-au-Prince.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. MCKEON. Mr. Speaker, over the past couple of weeks, I have heard from all sides of this very impassioned debate regarding the issue of stem cell research. There are many arguments on both sides which resonate with compassionate people, and I have taken a great deal of time and reflection to reach my current position in favor of stem cell research as provided under H.R. 810.

As a Member of Congress, I have been a very consistent supporter of the value of human life in all of its stages. I have had personal experiences with diseases that hold the greatest hope of being treated with the help of research on stem cells including diabetes and Parkinson's disease, and I believe that our respect for human life should compel us to strive to treat diseases which are currently untreatable.

Mr. Speaker, I believe that it is important to closely consider what is in this bill and what is not in this bill. This bill would allow researchers to apply for Federal grant money to perform research on tissue which would otherwise be discarded as medical waste. I have heard some of my colleagues say that they are against the creation of embryos for the purpose of scientific research, and I agree. This bill would not allow research on any lines of stem cells unless they had been created for reproductive purposes and if the people involved grant their consent. I do not believe that this bill would encourage the creation of more embryos because the bill would not allow funding to be used if the donating parties had received any compensation for the donation of tissue for research.

It is important that we recognize that stem cell research is a reality in our time, and what is uncertain are the parameters through which it will be pursued. I would prefer that this type of research is done at home rather than abroad where it can be pursued with the oversight of the U.S. Congress and where we can be certain of the moral restraint of American values.

When the President issued his guidelines for acceptable research on stem cells in August 2001, he acknowledged that federal funding could be appropriate, provided that it was done so in a moral way. In his judgment, a moral way included research with the informed consent of the donors involving excess embryos created solely for reproductive purposes; and that it was done without any financial inducements to the donors.

I believe that H.R. 810 respects human life in the way that we should by allowing scientists to use human tissue which would otherwise be discarded as medical waste, and I urge my colleagues to support its passage.

RECOGNIZING NATIONAL HOMEOWNERSHIP MONTH AND THE IMPORTANCE OF HOMEOWNERSHIP IN THE UNITED STATES

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today to celebrate homeownership in America. Recently, the President designated June as National Homeownership Month as he has done for the past three years. To complement this designation, I have introduced a resolution to recognize National Homeownership Month and the importance of homeownership in the United States. This resolution expresses the sense of Congress that the House of Representatives:

(1) fully supports the goals and ideals of National Homeownership Month; and

(2) recognizes the importance of homeownership in building strong communities and families.

IMPORTANCE OF HOMEOWNERSHIP IN AMERICA

For generations, the goal of owning a home has been the bedrock of our economy and a fundamental part of the American Dream. Over the last 3 years, as we have faced the challenges of war and economic uncertainty, the housing and refinance markets have helped to keep our economy moving. Nationally, housing generates more than 22 percent of the Gross Domestic Product and accounts for nearly 40 cents of every dollar spent. America's housing markets are the envy of the world. We enjoy the lowest interest rates and the highest homeownership rates of any developed nation. In fact, the national homeownership rate in the United States has reached a record high of 69.1 percent and more than half of all minority families are homeowners. Over 73.4 million Americans are now homeowners, with many more achieving this goal on a daily basis.

Homeownership is the single largest creator of wealth for Americans. It is the largest investment most families will ever make and a key to promoting long-term economic stability for all Americans. For these reasons alone, we must continue to promote strong housing and refinance markets in America.

HOMEOWNERSHIP BUILDS STRONGER COMMUNITIES

Aside from helping millions of Americans achieve their dreams, homeownership also helps to build neighborhoods and strengthen communities.

Families who own homes have a vital stake in their communities, a stronger interest in the safekeeping of their neighborhoods, and a deeper commitment to the quality of their schools and libraries. Each home is a critical piece in a successful neighborhood, allowing families to enjoy community events together and share in the lives of their neighbors and friends. Owning a home also provides children with a place to learn, play, and grow, and gives homeowners a tangible stake in their cities and towns. As millions of American families have demonstrated, increased homeownership helps to build better communities, and better communities help to build a Better America.

CONGRESS'S ROLE IN PROMOTING HOMEOWNERSHIP

As responsible legislators, we need to ensure that government helps, rather than impedes, homeownership in America. When I came to Congress, I made it my top priority to highlight federal policies that have hindered the availability of housing in this country and to find ways for government to positively impact homeownership in America. While we have done much to help Americans become homeowners, we must do more. I firmly believe that Congress must cultivate an environment where more Americans can turn the dream of homeownership into reality.

I URGE MY COLLEAGUES TO SUPPORT HOMEOWNERSHIP MONTH

I am very pleased to see the President has made it a priority to promote affordable housing and homeownership. The Administration has taken a leading role in finding new and innovative ways to expand homeownership, particularly among minorities. I want to commend the hard work of Secretary Jackson and his team at HUD for their work in developing programs to increase affordable housing and encourage homeownership. I urge my colleagues to recognize the importance of homeownership in the United States and reinforce our commitment to providing homeownership opportunities for more Americans by cosponsoring this important resolution.

TRIBUTE TO LUIS RODRIGUEZ MAYORAL

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. SERRANO. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to baseball legend Luis Rodriguez Mayoral. For his outstanding service to the game of baseball, the National Puerto Rican Day Parade will honor Mr. Mayoral by having him serve as the Puerto Rican Grand Marshall for the world-famous parade June 12, 2005 in New York City.

Mayoral has been involved in baseball for over thirty years as a scout, manager, journalist and author. Throughout his many years of service to the game, he has had a positive and important impact on the sport and many of its players.

Mayoral's resume is long and impressive. He served as a scout for the Pittsburgh Pirates and the Chicago White Sox from 1972 to 1980 and as general manager for the Arecibo and San Juan Baseball clubs in Puerto Rico from 1983-1985. He has also served as director of Spanish broadcasting for the Texas Rangers and as Latin American Liaison for the Detroit Tigers. In addition to this experience, Mayoral has been an important baseball broadcaster and journalist. He has broadcast over 2,000 baseball games for CBS, including All-Star and World Series games, and served as chief baseball correspondent for Puerto Rico's El Vocero newspaper for 18 years. He also found the time to write five books about baseball including a well received biography of the late, great Roberto Clemente.

As a result of his hard work and dedication, Mayoral has received numerous honors and awards. He has been honored by the Puerto Rican, Mexican and Laredo-Texas Halls of Fame. He was also a guest of President George W. Bush in the White House in 2001 and was named Puerto Rico's Sports Commentator of the Year.

Mr. Speaker, as many of my colleagues already know, I have a deep love and respect for the game of baseball. It is my belief that it is not just a game but an institution that has helped to bridge the gap between generations of Americans. As a lover of the game, I have a deep respect for all those who have had a hand in building and sustaining this uniquely American institution. While the players get all the attention, people like Luis Mayoral play a key role in making the game what it is by finding the players, bringing the joys of the game to the people, and expanding its accessibility. Mayoral's efforts have not only helped to bring new talent to the game but also new insight.

For his many years of service to the game of baseball, I ask my colleagues to join me in paying tribute to Mr. Luis Rodriguez Mayoral.

HOUSE OF REPRESENTATIVES—*Monday, June 13, 2005*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. DANIEL E. LUNGREN of California).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 13, 2005.

I hereby appoint the Honorable DANIEL E. LUNGREN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

TIME FOR REAL REFORM AT THE UNITED NATIONS

Mr. STEARNS. Mr. Speaker, last December we created an independent panel to simply come up with ways to make the United Nations more transparent and more effective. Today it is being reported that the panel's work is done, and their 174-page report will soon be made available to all of us. I am very interested to see what this bipartisan panel has to say about changing and reforming the United Nations.

I understand from this report that its recommendations perhaps do not go far enough. It does criticize the U.N. for being too bureaucratic, but it hardly lays the blame where I think we all know it belongs, of course, to the Secretary General Kofi Annan. It squarely should be on his shoulders.

Here is what has occurred at the U.N. under Mr. Annan's watch: We have had genocide in the Sudan; countries such as Cuba, Libya, and China are on the U.N. Commission on Human Rights; kicking the United States off the U.N.'s Narcotic Trafficking Commission; claims of sexual harassment in the United Nations; an attempt to impose global gun control. The U.N. even thought about sending observers over here to assess and evaluate our election process here in the United States.

It is noted also that our Supreme Court Justices are using a U.N. treaty to justify abolishing capital punishment for minors. And, of course, there is the infamous Oil For Food Program. This is a scandal. It is a program which has resulted in over $20 billion being stolen from those who need it in Iraq and which enriched the totalitarian regime of Saddam Hussein. And most recently, U.N. peacekeeping soldiers in the Congo have been discovered soliciting sex from local girls, some as young as 12 years old, in exchange for money and food.

Mr. Speaker, too many times the United Nations has gone against American values. I happen to believe that the American people should not be required to pay for this organization unless there is a huge amount of reform and change. We are the biggest donor to the United Nations, contributing 22 percent of the regular operating budget and nearly 27 percent of the peacekeeping budget.

How many American taxpayer dollars went to Saddam Hussein or are paying for immoral U.N. peacekeepers?

Now more than ever we need to reassess our involvement with this troubled organization. This week we will debate two measures that have to do with the United Nations. First, we will be debating the Science, State, Justice and Commerce appropriations bill in which we propose to pay the United Nations over $400 million in our annual dues. I plan on speaking on this and perhaps introducing an amendment to make sure that none of these funds go to pay for new headquarters that Kofi Annan desires. This headquarters is estimated to cost $1.2 billion.

I have previously introduced legislation to move the United Nations headquarters out of New York City and out of the United States altogether. I still believe, in the aftermath of all of these scandals and all of these corruptions and all of this anti-Americanism, and this massive waste of U.S. taxpayer dollars, that Turtle Bay is no longer an appropriate place for the United Nations. There are many other cities in Europe that perhaps could have the headquarters, such as Paris, France; Geneva, Switzerland; or Bonn, Germany that would be perfect hosts for the United Nations. We should give these countries the opportunity to have the United Nations. I just hope they do not plan on collecting for parking tickets from the diplomats who do not pay.

Later this week we will also consider the Hyde proposal to enact serious and substantive reform at the United Nations. This bill appears to provide real reform with teeth, and I look forward to debating and discussing this measure.

Last, Mr. Speaker, in other U.N. reform related news, hopefully this week John Bolton may finally get his up or down vote in the Senate. The President's choice to be Ambassador to the United Nations is the right man at the right time to shake up the U.N. establishment and provide real reform to the institution before it becomes even more obsolete and outdated.

It is critically important that we enact these serious and substantive reforms, both for America and the rest of the world. As John Bolton once said, "American leadership is critical to the success of the United Nations, an effective U.N., one that is true to the original intent of its charter's framers."

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 36 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. GINNY BROWN-WAITE of Florida) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Almighty and merciful Lord, Father of all, Your ways are inscrutable, Your glory without blemish, Your compassion for Your people without limits and Your forgiveness for all our faulty judgments is inexhaustible. In the mystery of Your presence we find peace.

Hear our prayer which rises before You from a world scorched by violence and desperation because You are forgotten, Your holy name is not invoked with reverence, Your laws are questioned and Your presence is doubted. Because we do not know You, we have no peace.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Help this Nation and the leaders of government to resolve inner contradictions that words may again contain meaning; deliberated actions may give evidence to words, by providing vision; and agreements may unify the energies of Your people.

In You, O Lord, we place our hope for peace now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. BROWN) come forward and lead the House in the Pledge of Allegiance.

Mr. BROWN of Ohio led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

> OFFICE OF THE CLERK,
> U.S. HOUSE OF REPRESENTATIVES,
> *Washington, DC, June 10, 2005.*
>
> Hon. J. DENNIS HASTERT,
> *The Speaker, U.S. House of Representatives,*
> *Washington, DC.*
>
> DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 10, 2005 at 10 a.m.
>
> That the Senate passed without amendment H. Con. Res. 159.
>
> Appointments: Mexico-United States Interparliamentary Group.
>
> With best wishes, I am
> Sincerely.
>
> JEFF TRANDAHL,
> *Clerk of the House.*

RESTORING ORDER TO THE UNITED NATIONS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, Saddam Hussein was able to siphon off almost $10 billion from a UN-administered program that was designed to provide food and care to the Iraqi people. As Iraq continues to recover from Hussein's rule of dictatorship, I will urge the United Nations to recover these funds for the Iraqi people.

Unfortunately, the Oil-for-Food scandal was only one example of a long litany of scandals associated with the United Nations. This week Congress will vote on the United Nations Reform Act of 2005, which will ensure efficiency, accountability and effectiveness at the U.N. If the organization fails to enact these changes, America's contributions to the U.N. assessed budget will be reduced by 50 percent.

These reforms will assure the American people that their dollars are used only for legitimate and valuable U.N. projects. When we contribute billions of American dollars to the United Nations each year, the United States should not continue to pay for U.N. programs that operate with essentially a blank check.

In conclusion, God bless our troops, and we will never forget September 11.

TIME TO RENEGOTIATE CAFTA

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Madam Speaker, the administration, desperate after a series of failed attempts to gin up support for the Central America Free Trade Agreement, now has resorted to making all sorts of fantastic promises: bridges, highways and other pork projects, and outrageous threats.

The Washington Post reported yesterday that Tom Donohue, President of the United States Chamber of Commerce, warned a group of Hill leaders and business people, "If you are going to vote against it, it is going to cost you."

We know from past experience that if CAFTA comes to the House floor, it will come in the middle of the night, when votes are held open, threats are made on the House floor and a one-vote margin is secured to force through what most of us in Congress agree is bad policy.

Fast track won by only one vote. The same Mr. Donohue said back then, "A one-vote margin is all that we could afford."

Madam Speaker, this agreement has languished in Congress for more than a year. It is time for the President and Ambassador Portman to stop wasting time with toothless, meaningless side deals. It is time to renegotiate a better Central American Free Trade Agreement.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

PATIENT NAVIGATOR OUTREACH AND CHRONIC DISEASE PREVENTION ACT OF 2005

Mr. GILLMOR. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1812) to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1812

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patient Navigator Outreach and Chronic Disease Prevention Act of 2005".

SEC. 2. PATIENT NAVIGATOR GRANTS.

Subpart V of part D of title III of the Public Health Service Act (42 U.S.C. 256) is amended by adding at the end the following:

"SEC. 340A. PATIENT NAVIGATOR GRANTS.

"(a) GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to eligible entities for the development and operation of demonstration programs to provide patient navigator services to improve health care outcomes. The Secretary shall coordinate with, and ensure the participation of, the Indian Health Service, the National Cancer Institute, the Office of Rural Health Policy, and such other offices and agencies as deemed appropriate by the Secretary, regarding the design and evaluation of the demonstration programs.

"(b) USE OF FUNDS.—The Secretary shall require each recipient of a grant under this section to use the grant to recruit, assign, train, and employ patient navigators who have direct knowledge of the communities they serve to facilitate the care of individuals, including by performing each of the following duties:

"(1) Acting as contacts, including by assisting in the coordination of health care services and provider referrals, for individuals who are seeking prevention or early detection services for, or who following a screening or early detection service are found to have a symptom, abnormal finding, or diagnosis of, cancer or other chronic disease.

"(2) Facilitating the involvement of community organizations in assisting individuals who are at risk for or who have cancer or other chronic diseases to receive better access to high-quality health care services (such as by creating partnerships with patient advocacy groups, charities, health care centers, community hospice centers, other health care providers, or other organizations in the targeted community).

"(3) Notifying individuals of clinical trials and, on request, facilitating enrollment of eligible individuals in these trials.

"(4) Anticipating, identifying, and helping patients to overcome barriers within the health care system to ensure prompt diagnostic and treatment resolution of an abnormal finding of cancer or other chronic disease.

"(5) Coordinating with the relevant health insurance ombudsman programs to provide information to individuals who are at risk for or who have cancer or other chronic diseases about health coverage, including private insurance, health care savings accounts, and other publicly funded programs (such as Medicare, Medicaid, health programs operated by the Department of Veterans Affairs or the Department of Defense, the State children's health insurance program, and any private or governmental prescription assistance programs).

"(6) Conducting ongoing outreach to health disparity populations, including the uninsured, rural populations, and other medically underserved populations, in addition to assisting other individuals who are at risk for or who have cancer or other chronic diseases to seek preventative care.

"(c) PROHIBITIONS.—

"(1) REFERRAL FEES.—The Secretary shall require each recipient of a grant under this section to prohibit any patient navigator providing services under the grant from accepting any referral fee, kickback, or other thing of value in return for referring an individual to a particular health care provider.

"(2) LEGAL FEES AND COSTS.—The Secretary shall prohibit the use of any grant funds received under this section to pay any fees or costs resulting from any litigation, arbitration, mediation, or other proceeding to resolve a legal dispute.

"(d) GRANT PERIOD.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may award grants under this section for periods of not more than 3 years.

"(2) EXTENSIONS.—Subject to paragraph (3), the Secretary may extend the period of a grant under this section. Each such extension shall be for a period of not more than 1 year.

"(3) LIMITATIONS ON GRANT PERIOD.—In carrying out this section, the Secretary—

"(A) shall ensure that the total period of a grant does not exceed 4 years; and

"(B) may not authorize any grant period ending after September 30, 2010.

"(e) APPLICATION.—

"(1) IN GENERAL.—To seek a grant under this section, an eligible entity shall submit an application to the Secretary in such form, in such manner, and containing such information as the Secretary may require.

"(2) CONTENTS.—At a minimum, the Secretary shall require each such application to outline how the eligible entity will establish baseline measures and benchmarks that meet the Secretary's requirements to evaluate program outcomes.

"(f) UNIFORM BASELINE MEASURES.—The Secretary shall establish uniform baseline measures in order to properly evaluate the impact of the demonstration projects under this section.

"(g) PREFERENCE.—In making grants under this section, the Secretary shall give preference to eligible entities that demonstrate in their applications plans to utilize patient navigator services to overcome significant barriers in order to improve health care outcomes in their respective communities.

"(h) DUPLICATION OF SERVICES.—An eligible entity that is receiving Federal funds for activities described in subsection (b) on the date on which the entity submits an application under subsection (e) may not receive a grant under this section unless the entity can demonstrate that amounts received under the grant will be utilized to expand services or provide new services to individuals who would not otherwise be served.

"(i) COORDINATION WITH OTHER PROGRAMS.—The Secretary shall ensure coordination of the demonstration grant program under this section with existing authorized programs in order to facilitate access to high-quality health care services.

"(j) STUDY; REPORTS.—

"(1) FINAL REPORT BY SECRETARY.—Not later than 6 months after the completion of the demonstration grant program under this section, the Secretary shall conduct a study of the results of the program and submit to the Congress a report on such results that includes the following:

"(A) An evaluation of the program outcomes, including—

"(i) quantitative analysis of baseline and benchmark measures; and

"(ii) aggregate information about the patients served and program activities.

"(B) Recommendations on whether patient navigator programs could be used to improve patient outcomes in other public health areas.

"(2) INTERIM REPORTS BY SECRETARY.—The Secretary may provide interim reports to the Congress on the demonstration grant program under this section at such intervals as the Secretary determines to be appropriate.

"(3) REPORTS BY GRANTEES.—The Secretary may require grant recipients under this section to submit interim and final reports on grant program outcomes.

"(k) RULE OF CONSTRUCTION.—This section shall not be construed to authorize funding for the delivery of health care services (other than the patient navigator duties listed in subsection (b)).

"(l) DEFINITIONS.—In this section:

"(1) The term 'eligible entity' means a public or nonprofit private health center (including a Federally qualified health center (as that term is defined in section 1861(aa)(4) of the Social Security Act)), a health facility operated by or pursuant to a contract with the Indian Health Service, a hospital, a cancer center, a rural health clinic, an academic health center, or a nonprofit entity that enters into a partnership or coordinates referrals with such a center, clinic, facility, or hospital to provide patient navigator services.

"(2) The term 'health disparity population' means a population that, as determined by the Secretary, has a significant disparity in the overall rate of disease incidence, prevalence, morbidity, mortality, or survival rates as compared to the health status of the general population.

"(3) The term 'patient navigator' means an individual who has completed a training program approved by the Secretary to perform the duties listed in subsection (b).

"(m) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—To carry out this section, there are authorized to be appropriated $2,000,000 for fiscal year 2006, $5,000,000 for fiscal year 2007, $8,000,000 for fiscal year 2008, $6,500,000 for fiscal year 2009, and $3,500,000 for fiscal year 2010.

"(2) AVAILABILITY.—The amounts appropriated pursuant to paragraph (1) shall remain available for obligation through the end of fiscal year 2010.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. GILLMOR) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. GILLMOR).

GENERAL LEAVE

Mr. GILLMOR. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1812, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GILLMOR. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 1812, the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005.

After the House passed similar legislation last fall, I would like to commend the initiative of the gentleman from Texas (Chairman BARTON) in bringing H.R. 1812 before us again for consideration. I was very pleased to be a cosponsor of that bill last year, and I want to commend both the gentleman from New Jersey (Mr. MENENDEZ) and the gentlewoman from Ohio (Ms. PRYCE) for their sponsorship of the legislation this year.

H.R. 1812 authorizes a 5-year demonstration program to evaluate the use of patient navigators. Patient navigator programs provide outreach to communities to encourage more individuals to seek preventative care and coordinate health care services for individuals who are at risk for or have a chronic disease.

Specifically, the legislation requires trained individuals, or "patient navigators," to coordinate health care services and provider referrals, facilitate involvement of community organizations to provide assistance to patients, facilitate enrollment in clinical trials, help ensure prompt diagnostic care and treatment, and to coordinate with health insurance programs and conduct ongoing outreach to rural or health disparity populations for preventative care. H.R. 1812 authorizes a total of $25 million over a 5-year period to conduct the demonstration project.

Furthermore, this measure will be particularly helpful to sprawling districts such as my own in northwest Ohio, in which patients must drive or be driven by friends or family long distances for basic medical care and services.

Madam Speaker, I again urge my colleagues to join me in supporting H.R. 1812.

Madam Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Madam Speaker, I yield myself such time as I may consume.

Too many Americans, as my friend from Ohio said, face financial barriers to health care. The American Cancer Society and other patient advocates support H.R. 1812 because they know that many Americans also face serious nonfinancial barriers; racial, cultural, linguistic and geographical barriers; barriers that have contributed to striking disparities across racial and ethnic lines in the incidence and treatment of cancer and other serious diseases.

This is by no means a minor or inconsequential issue. It is a crisis, and addressing it should be one of our Nation's highest priorities. According to former Surgeon General David Satcher, more than 80,000 African Americans die every year because of continuing disparities in health care; 80,000.

African American and Latino adults are disproportionately more likely than whites to suffer from chronic conditions such as heart disease, cancer, asthma, depression, diabetes and high blood pressure. Modern medicine can combat these conditions, but only if it is available to those that need it. The earlier people receive preventative, diagnostic and treatment services, the better.

Prevention and timely treatment are not only optimal from a public health perspective, they are optimal from a budget perspective. Timely care is cost-efficient care. The complexity and fragmentation of our health care system is perhaps the most daunting barrier of all. It exacerbates racial and ethnic disparities and reduces the efficiency of health care across the board.

The patient navigator bill lays out a comprehensive strategy designed to foster prevention, early diagnosis and efficient treatment of serious illnesses. The goal is twofold: To reach those who are currently disenfranchised from the health care system, and to help ease the way for those who face a serious illness, an intimidating array of treatment options and uncertainty about the best course of action.

This bill establishes a year-round community outreach program to promote cost-effective preventive services, including cancer screening. Early detection saves dollars, and, more importantly, saves lives.

The program features culturally and linguistically competent patient navigators who are trained to assist and empower patients, serve as their advocates in negotiating our complicated and too often impersonal health care system, and help patients overcome barriers to health care services.

With this legislation's passage, we can expect to see increased enrollment in clinical trials, greater community involvement and health awareness, a more coordinated approach to health care delivery, and enhanced access to timely health care services for racial and ethnic minorities.

H.R. 1812 has the endorsement of the American Cancer Society, the National Association of Community Health Centers, the National Council of La Raza, the American Diabetes Association and the American Medical Association.

I want to commend the gentleman from New Jersey (Mr. MENENDEZ) and the gentlewoman from Ohio (Ms. PRYCE) for their hard work on this legislation. I am pleased to support it.

Mr. DINGELL. Madam Speaker, I rise in strong support of H.R. 1812, the Patient Navigator, Outreach, and Chronic Disease Prevention Act of 2005. This legislation establishes a five-year, $25 million demonstration grant program to evaluate the use of "patient navigators," who are individuals trained to assist persons who are at risk for or who have cancer or other chronic diseases. Assistance provided by patient navigators would include coordinating health care services for patients such as enrollment in clinical trials, facilitating community involvement, and coordinating health insurance ombudsman programs to improve health care options. Simply put, this bill reduces barriers to access and improves health care outcomes.

H.R. 1812 ensures year-round outreach to target communities and funds culturally and linguistically competent patient navigators to conduct outreach, build relationships, and educate the public, while encouraging prevention screenings and follow-up treatment. It also ensures that navigators are available to help patients make their way through the health care system—offering a wide variety of services including translating technical medical terminology, making sense of their insurance, making appointments for referral screenings, following-up to make sure the patient keeps that appointment, or even accompanying a patient to a referral appointment.

This bill will support the placement of patient navigators in a variety of health care settings. Eligible entities for patient navigators include community health centers, cancer centers, rural health clinics, academic health centers, and facilities operated by the Indian Health Service.

This bill is supported by many patient advocate organizations, health care providers, and others, including the American Diabetes Association, the American Cancer Society, the National Hispanic Medical Association, the National Rural Health Association, and the National Association of Community Health Centers. I know that the bipartisan support for this bill involved the work of many of my colleagues. I would especially like to thank Representatives MENENDEZ and SOLIS for their hard work on this legislation. I will support H.R. 1812 and I encourage all of my colleagues to do the same.

Mrs. CHRISTENSEN. Madam Speaker, I rise today in support of H.R. 1812, the Patient Navigator, Outreach, and Chronic Disease Prevention Act of 2005. I applaud my colleague, friend and chair of the Democratic Caucus, Congressman ROBERT MENENDEZ of New Jersey for introducing this bill and getting it to the floor today. I also want to thank Chairman BARTON and Ranking member DINGELL for their support of measure.

As you know, Madam Speaker, I have come to this floor on numerous occasions call attention to the racial and ethnic health disparities in this Nation. For years, research has told us that minorities and low-income populations are the least likely to receive the health care they need to live a long, healthy life. There are many barriers to access which go beyond just the complex nature of the system.

While I am pleased that today we have a bill that will begin to break down these barriers, and open up access to healthcare for many who might otherwise be left out, I would have to say though that I am deeply disappointed that the Committee did not see it fit to include some of the provisions that specifically addressed the additional barriers that people of racial and ethnic minority populations face, such as those related to language and unique cultural factors.

Considering that people of this color bear such a disproportionate share of ill health and premature death, and that our lack of access contributes greatly to the skyrocketing cost of health care, it would have seemed to me to be only natural that a bill such as this would have sought to include the extra provisions that would ensure that every American would have the extra help, according to their need to get the health care services they need.

Nevertheless the bill we are passing today while greatly modified meets an important need and I join the many organizations which support it in asking my colleagues to pass this bill, and then continue to work with Democrats and the minority caucuses to address all of the other deficiencies in the health care system that keep wellness out of the reach of people of color in this country.

The bill before us provides that navigators will be available to help patients make their way through the health care system—whether it's translating technical medical terminology, making sense of their insurance, making appointments for referral screenings, following up to make sure the patient keeps that appointment, or even accompanying a patient to a referral appointment.

Madam Speaker, I also want to acknowledge that the original concept for the legislation comes from Dr. Harold Freeman's "navigator" program, which he created while he was Director of Surgery at Harlem Hospital. It is our hope that Dr. Freeman's navigator concept and its laser shape focus on comprehensive modeling of prevention services will eventually be fully translated in legislative terms.

I would also want at this time to recognize Brenda Pillars, the chief of staff to Congressman TOWNS who labored hard on this bill and who passed away last evening. Her passion for the health of all Americans but particularly the African American community, and her work in this body will be missed but long be remembered.

In closing, Madam Speaker, I also want to thank Karissa Willhite of Mr. MENENDEZ's office and John Ford and Cheryl Jaeger of the Energy and Commerce Committee along with other staff that enabled this bill to come to the floor. I urge my colleagues to vote for its adoption.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to speak in support of The Patient Navigator, Outreach and Chronic Disease Prevention Act of 2005. As a cosponsor of the bill last year, I am fully aware of the benefits the bill will provide. Specifically, the bill would establish a 5-year, $25 million demonstration program for patient navigator services through Community Health Centers, National Cancer Institute centers, Indian Health Service centers, and Rural Health Clinics, as well as certain non-profit entities that provide patient navigator services.

Further, the goal of a patient navigator is to improve health outcomes by helping patients, particularly in underserved communities, to overcome the barriers they face in getting early screening and appropriate follow-up treatment.

Patient navigators are individuals who know the local community and can help patients navigate through the complicated health care system. They help with referrals and follow-up treatment and direct patients to programs and clinical trials that are available to help them get the treatment and care they need to fight cancer and other chronic diseases. In addition, the patient navigator guides patients to health coverage that they may be eligible to receive. They also conduct ongoing outreach to health disparity communities to encourage people to get screenings and early detection services.

Racial and ethnic minorities benefit from patient navigators because they ensure that patients will have someone at their sides who understands their language, culture, and barriers to care, helping them get in to see a doctor early and work their way through our complicated health care system to get the coverage and treatment they need to stay healthy. The same applies to those in rural communities who face significant geographic barriers and limited access to care.

Again, I strongly support this legislation and I hope my colleagues will do the same.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in support of HR 1812, the Patient Navigator legislation. This legislation would help reduce health disparities and barriers to health care through the increased use of patient navigators.

Under the program, Community Health Centers, National Cancer Institute centers, Rural Health Clinics and other non-profit groups can utilize federal funding to help patients navigate through the complex health care system. Patient navigators can help to stem the rising number of uninsured in our country by helping individuals understand their eligibility for health care coverage. These kinds of services are needed throughout the country, but they are particularly helpful in underserved communities, where uninsured individuals too often put off health care either because of a lack of coverage or due to the difficulties in finding the appropriate health care home.

In my hometown of Houston, patient navigators have made tremendous strides in helping patients find an appropriate health care home. Our Harris County Community Access Collaborative has implemented a Navigation Services program that has helped 31,000 patients find health care homes.

In a related navigation service, the collaborative began an Ask Your Nurse phone service, whereby nurses are available 24 hours a day, 7 days a week to steer patients to the best providers for their health care needs. Studies have shown that 57 percent of the diagnoses in Harris County safety net hospitals' emergency rooms could have been treated in our clinics and primary care physician offices. With this kind of ER overutilization, the Ask Your Nurse services are a welcome addition to the public health care infrastructure in our county and steer an average of 2,700 patients each month to the best health care provider for their condition.

This legislation we consider today would allow other communities to replicate the successes we've achieved in Harris County. In addition, the legislation places an important emphasis on patient navigator services for individuals with cancer and other chronic conditions. For these diagnoses, it is extremely important that patients receive the scheduled follow-up treatment, and patient navigators can play a critical role in ensuring that patients receive the necessary care to successfully manage their health care conditions.

I would like to thank my friend and Chairman, JOE BARTON, for the bi-partisan nature in which he shepherded this bill through committee. I offer particular thanks to Mr. BARTON for his willingness to work with me to eliminate an unnecessary reference in the bill to the H-CAP program—a program that is important to me and my constituents. This is just one example of the lengths he will go to seek consensus, and I thank him for those efforts. With that, Madam Speaker, I encourage my colleagues to join me in supporting this bi-partisan legislation that will help many more Americans gain access to quality health care.

Mr. MATHESON. Madam Speaker, thank you for the opportunity to share my remarks on H.R. 1812, the Patient Navigator Outreach and Chronic Disease Prevention Act. I rise in strong support of this important legislation.

H.R. 1812 would authorize the Department of Health and Human Services to make grants for the development and operation of a pilot "patient navigator program." This demonstration project would provide Community Health Centers, National Cancer Institute centers, Indian Health Service centers, Rural Health Clinics, and other health providers with funding to help patients "navigate" what can often be a complicated and confusing health care system.

Under this legislation, patient navigators would help individual patients and their families overcome obstacles to the prompt diagnosis and treatment of their diseases by helping them understand the processes for receiving medical care and insurance, helping them coordinate referrals between different providers and specialists, helping them identify and possibly enroll in life-saving clinical trials, and even helping them manage their treatment plans.

The bill ensures that particular attention is paid to patients with significant barriers to high-quality health care services including those who are geographically isolated, those with cultural or linguistic barriers, and the uninsured. In their endorsement of this important legislation, the American Cancer Society noted that despite notable advances in prevention interventions, screening technologies, and high-quality treatments, a disproportionate burden of cancer falls on the uninsured, those who live in rural areas, and minority and other medically underserved populations. These populations have higher risks of developing cancer and poorer chances of early diagnosis, optimal treatment, and survival.

I believe that this pilot project will be helpful in providing patients with much-needed information. As receiving a diagnosis of cancer or another chronic disease can be overwhelming for an individual and their family members, this pilot project should ensure that information is available in an accessible, understandable format. I encourage my colleagues to support this legislation.

Mr. MENENDEZ. Madam Speaker, I want to thank my colleague, Mr. BROWN, as well as Mr. DINGELL, the Ranking Member on the Energy and Commerce Committee; Chairman BARTON; Mr. DEAL, the Chairman on the Health Subcommittee; and all of their staff. And I particularly want to thank my good friend and lead cosponsor, DEBORAH PRYCE, and her staff who have been actively engaged in this effort and have been instrumental in getting this bill to the Floor today. And, of course, her own personal experiences and her family's struggle with cancer have made her such a powerful advocate in this regard. This is truly a bipartisan effort and a case study in how—if we choose to work together, across the aisle—we can really make a difference.

And we cannot talk about patient navigators without thanking Drs. Harold Freeman, Elmer Huerta, and Gil Friedell, who have been pioneers in creating patient navigator programs that can be replicated across the country—which is exactly what we're doing today.

There is no question that we have a health care crisis in this country. Not only does the cost of our nation's health care system discourage people from getting the care they need, but the sheer complexity of the system can be so overwhelming that patients don't even know what their treatment options are.

The Patient Navigator bill addresses these issues, as well as other barriers that America's families—just like New Jersey's families—face in getting the health care they need and deserve. The bill encourages prevention and early detection in order to keep the costs of health care down, and provides a patient navigator to help families navigate the complex health care system so that they get the best treatment options available when a family member is diagnosed with cancer or another chronic disease.

It will ensure that all Americans, regardless of income, race, ethnicity, language, or geography, will have access to prevention screening and treatment, and that they will have an advocate at their side, helping them navigate through today's complicated health care system.

For example, a mother who has just been told that she could have breast cancer and needs to see a specialist would benefit from a patient navigator who would help her understand her diagnosis, make sure she follows through and sees the doctor, and identify health coverage options that might be available to help with the cost of her treatment. And, because that mother heard about the importance of getting regular check-ups, hopefully her cancer will be found at a much earlier stage, giving her a much better chance of survival and giving her family a better chance at a long, healthy life together.

The bill addresses what I believe are the root causes of health disparities in minority and underserved communities: that's lack of access to health care, particularly prevention and early detection. The bottom line is: the only way to stay healthy is to see a doctor when you are healthy. Unfortunately, patients in underserved communities are less likely to receive early screening and detection, so their disease is found at a much later stage and they have less chance of survival. That's why we're here today—to give those people the chance they deserve for a long, healthy life.

The Patient Navigator bill does this by replicating the successful models developed by Drs. Freeman, Huerta, and Friedell in a national demonstration project. It focuses on outreach and prevention, through Community Health Centers, Rural Health Clinics, Indian Health Clinics, and cancer clinics. And it does so by providing patient navigator services and outreach in health disparity communities to encourage people to get screened early so that they can receive the care they need. Patient navigators educate and empower patients, serving as their advocates in navigating the health care system.

In addition to having visited both Dr. Freeman's program in Harlem and Dr. Huerta's program here in Washington, my constituents in New Jersey and I have seen first-hand the difference patient navigators can make in a community. I was able to secure funding for a one-year demonstration project at a Community Health Center in Jersey City, New Jersey. That program has screened more than 1,400 people and has a caseload of about 300 patients who were identified through these screenings with abnormal findings and are currently benefiting from the help of the patient navigator in finding follow-up care and treatment.

And before I close I want to share one of the most compelling stories I've heard and one of the reasons I've worked so hard to make this program a reality for more Americans. It's the story about Hazel Hailey, one of the patient navigators in New Jersey, and her daughter, Robin Waiters. Robin, who was only 36 years old, suffered severe stomach pains for 2 years and refused to see a doctor, despite her mother's pleas for her to seek medical care. Finally, she had no choice but to go see a doctor. Tragically, 3 months later, Robin died from colorectal cancer. Her mother, Hazel, tells about her daughter's last request—she made her mom promise to tell all her friends, family and everyone she could "that if your body is trying to tell you something, listen to it. You could possibly save your life." Hazel quotes her daughter as saying, "I am dying because I chose not to get help. Fear set in and I lost out on life." Hazel is fulfilling her promise to her daughter as a patient navigator, working every day to ensure that what happened to her daughter doesn't happen to other families. And that's why we're here today, to ensure that the Hazels across the country have the tools they need to educate and empower people about the importance of early detection and screening, and to help them navigate the complexities of the health care system so that they get the treatment and follow-up care they need.

Again, I want to thank my colleague DEBORAH PRYCE for all of her work on this effort, as well as all of those who have worked behind the scenes to make this concept a reality. We have strong bipartisan support for this bill in both the House and Senate, and I am more optimistic than ever before that we can make this program a reality and help families struggling to afford their health care and to understand the complex system in order to get the care they need. There's simply too much at stake if we don't act.

Ms. PRYCE of Ohio. Madam Speaker, I'd like to begin by commending the distinguished Chairman of the Energy and Commerce Committee, Mr. BARTON. Mr. Chairman, I am most grateful for your leadership on and commitment to moving this important legislation forward.

I'd also like to extend a special thanks to my friend and colleague, Mr. BOB MENENDEZ. He has been a great partner over the last few years as we've worked on this initiative together.

We represent different parts of the country and belong to different political parties, but we have put any differences aside and have joined together for a great purpose here today.

We join together because we understand that cancer, diabetes and other chronic diseases can affect anyone in any part of the country, of any race, of any income level.

Because even with the tremendous advancements we have made in prevention, diagnosis and treatment of illnesses, we understand that in far too many communities across this country, navigating the health care system can be a significant barrier to gaining access to quality and affordable health care services.

I also want to highlight the American Cancer Society, the National Association of Community Health Centers, the National Rural Health Association, and other organizations for their tireless efforts to educate our colleagues about this important issue and advocate for this legislation.

Madam Speaker, today Congress is taking a significant step forward to insure that our friends and neighbors across America have the tools and resources they need to make good decisions about their health and the health of their children.

I am grateful to have had the opportunity to meet two gentlemen who pioneered the concept that this legislation is based on—the "patient navigator" concept.

Dr. Harold Freeman and Dr. Elmer Huerta are two of the most humble, kind gentlemen I have had the good fortune of getting to know. Let me tell you a little about what they do.

First, they recognized from their own work as doctors in underserved communities that navigating the health care system can be an insurmountable barrier for many people, especially when they are poor, under-insured, or uninsured. All we have to do is step out of our homes and into our communities to find families and individuals who struggle to find and access the health care services they need—both preventive services and treatment.

Enter Dr. Freeman and Dr. Huerta's patient navigator concept. Patient navigators are the angels who guide individuals through the health care system. This is truly one of the most creative and innovative ways to address the health care needs of these individuals who may otherwise avoid seeing a doctor when they're healthy and getting the treatment they need when they're sick.

Whether based at hospitals, community health centers, or cancer centers, these programs literally put in place patient navigators to help individuals find their way through the often complex health care system.

These navigators, like Leka Murdock who I met during my visit to the Ralph Lauren Cancer Center in Harlem, assist people who come through their doors with obtaining coverage through Medicaid or other sources, obtain cancer screenings or counseling about disease prevention, or make referrals for treatment or clinical trial options should an abnormality be detected.

For people who may otherwise not know how or be able to access health care services, patient navigator programs offer them the tools and resources they need to make good decisions about their health and the health of their children. They help break through the red tape that often prevents them from even getting the information they need to find a doctor or get treated.

I know that walking into a facility that is even associated with cancer is a daunting challenge in and of itself. To see the words cancer screening or chemotherapy this way is just terrifying. But the fact of the matter is, we still live in a world where people suffer from cancer. And while we are waging the war on cancer, but we have not yet won.

So until that day comes, we must commit to offering our family members, friends, and neighbors, both young and old, insured and un-insured, the best care in the best facilities we can create. Dr. Freeman's Ralph Lauren Cancer Center and a similar program right here in D.C. at the Washington Hospital Center run by Dr. Huerta are model programs that should be commended and emulated.

That's why Congressman MENENDEZ and I partnered together to introduce, garner support for, and move forward this legislation that will create innovative demonstrations projects in communities across the country based on the patient navigator concept.

This bill will link sustained health promotion outreach efforts with patient navigation programs. Specifically, the bill will make funds available to community health centers, cancer centers, rural and frontier serving medical facilities, and other eligible entities to increase and promote chronic disease prevention screening, outreach and public health education, as well as provide patient navigators to help patients overcome barriers and complexities around the health care system.

It is my hope that this legislation will serve as a springboard for launching many more patient navigator programs, like those of Dr. Freeman and Dr. Huerta. These extraordinary programs are making a real difference in the lives of people who suffer from cancer and other diseases.

People who may not otherwise even know they're sick.

Or if they do, people who may not do what is necessary to get proper treatment and care.

These are the people we need to reach and this bill is a healthy start.

By furthering this collaboration between the private and public sectors, we will maximize our resources and close in on that day when cancer and other chronic diseases no longer threaten the lives of our loved ones.

Madam Speaker, I urge my colleagues to support this legislation.

Mr. BROWN of Ohio. Madam Speaker, I yield back the balance of my time.

Mr. GILLMOR. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. GILLMOR) that the House suspend the rules and pass the bill, H.R. 1812, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

☐ 1415

AMENDING AGRICULTURAL CREDIT ACT TO REAUTHORIZE STATE MEDIATION PROGRAMS

Mr. LUCAS of Oklahoma. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 643) to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

The Clerk read as follows:

S. 643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF STATE MEDIATION PROGRAMS.

Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking "2005" and inserting "2010".

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE). Pursuant to the rule, the gentleman from Oklahoma (Mr. LUCAS) and the gentlewoman from South Dakota (Ms. HERSETH) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS of Oklahoma. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of S. 643. S. 643 will reauthorize USDA's Certified State Mediation Program through 2010.

The State Mediation Program provides agricultural producers and the government with the means to allow a neutral third party to settle disputes between producers and USDA instead of going through potentially costly and time-consuming court cases.

I have introduced S. 643's companion bill in the House, H.R. 1930. Since the bills are identical, it would be the most expedient thing to simply pass S. 643 so that the bill can go on to the White House for the President's signature.

What is the Certified State Mediation Program? When producers and the USDA are in disagreement regarding loans, wetlands remediation, conservation compliance, grazing, pesticides, and other issues deemed appropriate by the Secretary of Agriculture, any State with a program can allow a mediator to help solve the differences between the producers and USDA. Both sides must agree to the mediator chosen to help resolve the dispute.

Mediators can only help reach an agreement that both sides agree to abide by. The mediators are not arbitrators whose decisions are legally enforceable. The mediators work to find consensus. If the two sides involved in the dispute cannot reach agreement, they still have all the legal options available to them. States that decide to participate in the program must go through a certification process and provide 30 percent of the program's operating costs.

The program is authorized to spend up to $7.5 million per year but, in 2004, only $3,950,000 was needed to operate the program in over 30 States. The program provides a great deal of bang for the buck and has been highly successful and useful.

The USDA's Farm Service Agency, FSA, works with States to ensure that their mediation programs are meeting all required standards, and it also helps those States that are interested in becoming certified to navigate and complete the approval process. One of the most important aspects of the program is that it provides strict confidentiality for those who decide to use the mediation program.

I have a breakdown of the States that are currently certified mediation States and the amount of money they received in 2004, I am happy to make that information available to any interested Member.

I urge my colleagues to vote "yes" on S. 643 to ensure that an extremely practical and cost-efficient program continues to be utilized.

Madam Speaker, I reserve the balance of my time.

Ms. HERSETH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I also rise today in strong support of S. 643, which is the companion legislation of H.R. 1930 introduced by my distinguished colleague on the Committee on Agriculture, the gentleman from Oklahoma (Mr. LUCAS).

This legislation would extend the authorization for the State Mediation Grant Program carried out by USDA's Farm Service Agency to provide Federal matching grants to State mediation programs.

Currently 32 States, including my home State of South Dakota, are certified to receive matching funds under this program, and two more States are working on becoming certified. To receive Federal funding, a State program must meet certain criteria and have at least a 30 percent match in State funding.

This program was created in 1987 as a result of the credit crisis facing agriculture in the mid-1980s. Since its inception, an original intent of dealing with credit and loan disputes, Congress has expanded its scope to cover a number of other issues stemming from farm program participation, everything from wetland determinations to commodity program eligibility and pesticide drift.

Early on, leaders in South Dakota recognized the value that such a program could provide to the farmers, ranchers, and lenders in our State, and they created a program in 1988 to deal with agricultural credit disputes. It has been a resounding success. In the more than 16 years that the South Dakota Department of Agriculture has operated its mediation program, it has received more than 4,500 requests for mediation.

In South Dakota, mediation is available for agricultural credit disputes involving any amount of money. However, a creditor must submit to mediation in any credit dispute involving more than $50,000.

This popular program provides many benefits to both agricultural borrowers and lenders in many States across the country. We all know that lending disputes can become contentious, and this program enables participants to negotiate and create their own mutually agreeable solutions to such disputes.

Also, the cost of mediation is much less than the formal appeals process at USDA, averaging less than $700 per year, as opposed to the thousands of dollars it can cost to go through the National Appeals Division. The length of time to reach conclusions is also much shorter, normally several days, in contrast to appeals cases that can stretch for months.

Mediation works because it is a time-saving and affordable alternative to litigation and appeals. It also promotes communication between disputing parties rather than confrontation and animosity. And, in my communications with the South Dakota Department of Agriculture staff, mediation generally results in more successful and enduring resolution to most credit disputes.

This program has worked for farmers and agricultural lenders in South Dakota and across the country for almost 20 years, and I am pleased to support S. 643 to extend the authorization of this program through 2010.

Madam Speaker, I yield back the balance of my time.

Mr. LUCAS of Oklahoma. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. LUCAS) that the House suspend the rules and pass the Senate bill, S. 643.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LUCAS of Oklahoma. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LUCAS of Oklahoma. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 643, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMENDING THE ESTABLISHMENT IN COLLEGE POINT, NEW YORK, OF THE FIRST KINDERGARTEN IN THE UNITED STATES

Mr. KLINE. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 47) commending the establishment in College Point, New York, of the first kindergarten in the United States, as amended.

The Clerk read as follows:

H. CON. RES. 47

Whereas in 1854, Conrad Poppenhusen, a successful businessman from Germany, built a factory in College Point, Queens, New York, and, breaking with many entrepreneurs of his time, worked to create an environment beneficial to the immigrant community, which included schools;

Whereas the Poppenhusen Institute was established in 1868 with a $100,000 donation;

Whereas the Poppenhusen Institute was to serve the fundamental educational needs of the community and began as a free adult evening school for the residents of Flushing Town;

Whereas in 1870, the Poppenhusen Institute's services expanded to serve as the first free, public kindergarten in the United States for the children of Mr. Poppenhusen's factory and the community;

Whereas children who attend a high-quality kindergarten demonstrate higher levels of reading and mathematics knowledge and skills than those who do not attend kindergarten;

Whereas a number of studies, including studies commissioned by the Department of Education, demonstrate that children enrolled in kindergarten more rapidly acquire the knowledge and skills integral to succeed in school and life;

Whereas the United States is a stronger, better place because of the children who are able to enrich their academic and social development through free kindergartens across the country;

Whereas for some children, kindergarten is the first common ground where they interact with students from a myriad of cultural, economic, racial, and religious backgrounds to learn about their world, each other, and themselves; and

Whereas universal, free, high-quality kindergarten for the Nation's children provides benefits both to these children and to society at large: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress commends the Poppenhusen Institute and the College Point community for establishing the first free, public kindergarten in the United States; and

(2) the Congress supports the strong beginnings kindergartens across the United States provide for the Nation's children.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. KLINE) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. KLINE).

GENERAL LEAVE

Mr. KLINE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 47.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KLINE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Con. Res. 47 commending the establishment of the first free public kindergarten in the United States. Madam Speaker, we can all agree on the merits of early education to the academic success of America's children. From the time that Conrad Poppenhusen offered free, public kindergarten to his community in College Point, New York, millions of American children have benefited from a foundational first year of school.

Kindergarten is a common experience for most American children. Today, 98 percent of children of kindergarten age in America attend kindergarten programs for at least half of the school day, and a growing number of schools, today about 60 percent, now offer full-day kindergarten programs. At age 5, the age at which most children enter kindergarten, children's development varies greatly. Because they often begin with a range of knowledge and skills, the kindergarten experience can substantially reduce educational disparities and help build a foundation for future school success.

Research demonstrates that children generally develop both cognitive and noncognitive knowledge and skills during the kindergarten year. In the year 2000, the National Center For Education Statistics, a research arm of the U.S. Department of Education, published findings from a large-scale study to evaluate the effectiveness of kindergarten. The study showed that after a year of kindergarten, children demonstrate a greater understanding of reading and mathematics concepts, as well as specific knowledge and skills. By the end of the kindergarten year, nearly all children recognized letters, numbers, and shapes, and an increased number of children can add and subtract numbers.

Madam Speaker, in closing, I would like to thank the gentleman from New York (Mr. CROWLEY) for recognizing the importance of kindergarten and the contribution of Conrad Poppenhusen for establishing the first free, public American kindergarten.

Madam Speaker, I reserve the balance of my time.

Mr. SKELTON. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House concurrent resolution 47, which recognizes the establishment of the first free, public kindergarten in the United States located at College Point, Queens, New York.

I am pleased to manage the time on this legislation, which is offered by my good friend and colleague, the gentleman from New York (Mr. CROWLEY) who represents College Point, Queens, here in the House of Representatives.

The history of kindergarten in America has been colorful. Many areas of the country can claim credit for advancing education of our youth through kindergarten classes. From Wisconsin to Massachusetts to New York, many folks have had a hand in developing kindergarten. However, Queens, New York is home to the first free, public kindergarten class, and it is proper today, Madam Speaker, that we honor that achievement. Public kindergarten has played a meaningful role in the lives of many Americans, including the gentleman from New York (Mr. CROWLEY), the author of this legislation, as well as me.

For many children in Missouri, in New York, and throughout the countryside, kindergarten is the first place in which students interact with youth from many cultural backgrounds and where they learn about the world into which they were born. Kindergarten also reinforces and builds reading and math skills which are important tools for our children to have when advancing through the educational system.

The establishment of the first free, public kindergarten in College Point, Queens, New York, has made our Nation stronger.

I thank the gentleman from New York (Mr. CROWLEY), and I thank the House for considering this bill today.

Mr. PETRI. Madam Speaker, today the House considers H. Con. Res. 47, Commending the Establishment in College Point, New York, of the First Kindergarten in the United States.

The resolution honors the first free Kindergarten established in the United States in 1870 by Conrad Poppenhusen. I would like to note for the record that Margarethe Meyer Schurz—wife of Carl Schurz—opened the first Kindergarten in the United States in Watertown, Wisconsin in 1856.

The following is an article from the August 19, 1998 Capital Times (Madison, WI) detailing the work of Margarethe Schurz that led to the first U.S. Kindergarten in Watertown, Wisconsin.

[From the Capital Times, Aug. 19, 1998]

AUG. 27, 1832: 1ST KINDERGARTEN SPROUTS; SCHURZ WANTED THE BEST EDUCATION FOR HER DAUGHTER

(By Kathy Maeglin)

As a young mother in Watertown in 1856, Margarethe Schurz wanted her little daughter to have the educational advantages she would have had back in their native Germany.

So Margarethe invited four little cousins to come to the house each day for games, singing and crafts. She had been an early student of the "kindergarten" movement in Germany, and now she was employing what she had learned in her own frontier home.

As word of Margarethe's "class" spread, friends petitioned her to let their own children join in. The group moved to a more convenient location downtown, and thus the first kindergarten in America was created.

As Hannah Werwath Swart wrote in her biography "Margarethe Meyer Schurz," Margarethe's background likely would have led her to establish the first American kindergarten even if she had not had any children of her own.

Margarethe Meyer was born on Aug. 27, 1832, to a wealthy merchant family in Hamburg, Germany.

In 1850, when she was a teenager, her older sister Bertha became involved in a Jewish-Christian women's group that had decided to focus on training young children as a way to promote idealism and understanding among all people.

The group invited Friedrich Wilhelm August Froebel, the man who created the first kindergarten in 1840, to come to Hamburg to help them establish one there. Margarethe listened to Froebel's lectures for two years, thereby gaining the knowledge and inspiration that would motivate her later in life.

When she was 19, she moved to London to run a kindergarten that had been established there by her sister Bertha. It was there that she met Carl Schurz, a German revolutionary who had fled his native country.

Carl Schurz was determined to migrate to America, where he could have the free citizenship he so desired and where much of his family had already gone. So after their marriage, the two idealistic young Germans set sail for America.

After living in Philadelphia for a few years, the couple eventually settled in Watertown, which at the time was the second largest city in Wisconsin.

It was shortly after they arrived in Watertown that Margarethe started the activities that would result in the kindergarten (which is German for "children's garden").

But Watertown did not turn out to be the major railroad center that Carl had hoped when he chose to settle there. So Carl made the most of his speaking skills and passion for politics, and he ended up serving as a minister to Spain, a general in the Civil War and finally a U.S. senator from Missouri.

Since her husband's career took her away from Wisconsin, Margarethe entrusted the continuation of her kindergarten to Carl's cousin, Miss Juessen.

Others took over the school in later years and it continued until World War I, when it was closed because the teacher refused to teach in any language other than German, which had become unpopular.

Margarethe Schurz died at the age of 43 on March 15, 1876, in Washington, D.C. But her legacy lives on in schools throughout the country as young minds are cultivated in kindergartens, which Margarethe once described as gardens "whose plants are human."

Mr. CROWLEY. Madam Speaker, I rise today in strong support of the Resolution H. Con. Res. 47, which recognizes the establishment of the first, free public kindergarten in the United States, located in College Point, Queens, New York.

As a native of Queens, I grew up learning about the history of this community, which includes the creation of the first free public kindergarten in the United States.

The community of College Point, just a stone's throw from LaGuardia Airport, Shay Stadium—home of the Mets—and Flushing Meadows-Corona Park—the home of the U.S. Open Tennis tournament—this community was one of the first seeds in the creation of public education in America. Something that represents the Great Equalizer in American society.

It all started in 1854, when Conrad Poppenhusen, a businessman from Germany, built a factory in College Point.

There, he stressed an environment in which his immigrant workers could educate themselves in order to succeed financially, socially, and, most significantly, intellectually.

Just as Henry Ford paid his employees high wages so they, in turn, could purchase his cars, Conrad Poppenhusen represented another industrial genius—that if educating his workforce to make them and their families more successful people in the community.

Fourteen years later, in 1868, Mr. Poppenhusen continued his illustrious educational work by donating $100,000 and establishing the Poppenhusen Institute.

His Institute sustained his original educational mission and expanded on it, by promoting the education of all adults from the greater community—not just his employees.

In 1870, the Poppenhusen Institute once again expanded its educational services to include the first, free, public kindergarten in the United States, a seminal moment in American education and something we celebrate today with this resolution.

The history of kindergarten has been a colorful one in America . . . and one that is big enough for all of us to share, recognize, and honor today.

My friends from Wisconsin will happily point out that the first kindergarten in the United States was based in Watertown, Wisconsin and was founded in 1856 by Margarethe Meyer Schurz.

This private, German-language kindergarten represented a landmark in the educational development of young Americans and we all salute her accomplishments.

Additionally, any debate on the history of kindergarten would be incomplete without reference to the works of Elizabeth Palmer Peabody, a Massachusetts educator who opened the first English-language kindergarten in the United States in 1860.

When she opened her kindergarten in 1860, the concept of providing formal schooling for children younger than six was largely confined to German practice.

These educational pioneers led to the creation, by Conrad Poppenhusen, of the Nation's first, free public kindergarten—a sweeping educational development and a strong basis for the kindergartens we all know and recognize in our country today.

It has always been known that education is the Great American Equalizer—the first step in young Americans lives to live the American Dream.

The actions of Conrad Poppenhusen and his revolutionary kindergarten—the first kindergarten free and open to all, helped engrain the idea of free and public kindergartens throughout our great Nation—opening up the ideals of the American Dream to tens of millions of Americans since then.

The American Dream of using education as a foundation for supporting oneself, one's family. The American Dream of using education as a foundation for a good job, home ownership, and a brighter future overall.

This important moment, when this kindergarten opened in 1870 in College Point, Queens, NY, is all the more profound today, as Department of Education studies show the impact of kindergarten on the children that attend.

Children who are enrolled in kindergarten benefit immensely from the knowledge and skills they learn, while simultaneously profiting from their interaction with children of a similar age.

The reading and math skills, which students learn in kindergarten, are invaluable to a child's later education.

Moreover, for many children, kindergarten is one of the first places in which they interact with students from a multitude of cultural, economic, racial, and religious backgrounds. These early interactions are pivotal in establishing relationships, which promote awareness of the importance of numerous cultures and ideas, something particularly important in Queens, New York, which is seen as one of the most diverse areas of the country.

The effort that began in College Point today remains a significant feature of our education system.

One of the greatest aspects of our nation is that through education, which often starts in kindergarten, each successive generation of children can succeed.

Quite simply, the establishment of the first free, public kindergarten in College Point has made our nation a stronger, better place for generations.

I want to close by recognizing the continued importance of the Poppenhusen Institute and those who serve it. This notable list extends from the first days of class to the work that persists. This list must include the first teacher, Bertha Ploedterl, all the way to Susan Brustmann, the current Executive Director, and James Trent, the President of the Board of Directors.

Today, the work of these individuals and this community has resulted in activities, exhibits, and programs for people of all ages. Programs cover the fields of music, drama, karate, stress reduction.

There are exhibits, such as one on the tragic events of September 11th as well as another on Native Americans.

Individuals can take tours reviewing the archives of College Point to learn, not only about the history of this community, but about our shared American history, in this area, one of the most diverse and welcoming in the world.

Additionally, the Institute collects the living histories of area seniors, so that they are documented for future generations.

While the earliest days of this kindergarten will be remembered for being truly significant to New York and our nation, the true testament to the significance of this Institute is in the proud legacy that continues to live on through its works.

Mr. HASTINGS of Florida. Madam Speaker, I rise in support of H. Con. Res. 47, commending the establishment of the first kindergarten in the United States, in College Point, N.Y.

This legislation praises Conrad Poppenhusen, the Poppenhusen Institute, and the citizens of College Point, New York, for establishing the first early childhood education institution open to the public, in 1854.

This resolution rightly expresses the sense of Congress that the government should recognize the importance of childhood education, and the social and academic enrichment provided to students through free and public kindergartens throughout the Nation.

Studies commissioned by the Department of Education consistently demonstrate that children who attend kindergarten exhibit higher levels of mathematics and reading skills than those who do not.

Children enrolled in kindergarten have consistently and more rapidly acquired skills necessary for success in an academic environment. Additionally, students enrolled in early childhood education are exposed at an early age to students of different racial, cultural, economic, and religious backgrounds, providing valuable learning experiences and aiding in the social development of our Nation's youth.

Madam Speaker, let me conclude by again expressing my support for this legislation and encouraging my colleagues to support it. The time has come for our government to recognize and honor the establishment of our Nation's kindergartens, the very institutions that equip our children with the knowledge and skills needed to succeed in school and life while also providing a diverse environment in which to learn and grow.

Mr. SKELTON. Madam Speaker, I yield back the balance of my time.

Mr. KLINE. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. KLINE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 47, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "A concurrent resolution commending the establishment in College Point, New York, of the first free, public kindergarten in the United States.".

A motion to reconsider was laid on the table.

□ 1430

HONORING THE SIGMA CHI FRATERNITY ON THE OCCASION OF ITS 150TH ANNIVERSARY

Mr. KLINE. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 163) honoring the Sigma Chi Fraternity on the occasion of its 150th Anniversary, as amended.

The Clerk read as follows:

H. CON. RES. 163

Whereas the Sigma Chi Fraternity was founded in 1855 by 7 young men at Miami University in Oxford, Ohio in order to establish "an association for the development of the nobler powers of the mind, the finer feelings of the heart, and for the promotion of friendship and congeniality of feeling";

Whereas the Founders of the Fraternity believed that admission to the Fraternity should include men of good character and fair ability with ambitious purposes, congenial dispositions, good morals, a high sense of honor, and a deep sense of personal responsibility;

Whereas for 150 years, the Sigma Chi Fraternity has played an integral role in the positive development in the character and education of hundreds of thousands of young men;

Whereas the brothers of Sigma Chi, being of different talents, temperaments, and convictions, have shared countless friendships and a common belief in the founding ideals of the Fraternity;

Whereas the Sigma Chi Fraternity experience has served as a foundation for post-collegiate success and achievement in all fields of endeavor, from the sciences to education to business to professional athletics to public service;

Whereas the Sigma Chi Fraternity has 202,600 active brothers in 219 active chapters at colleges and universities in 2 countries, making it one of the most highly respected and well-regarded national fraternities in the world; and

Whereas Sigma Chi brothers continue to enrich and contribute to the quality of life in their communities by volunteering innumerable hours of service to nonprofit activities and organizations locally and, at the national level, to the Children's Miracle Network, an alliance of 165 hospitals and healthcare facilities across the United States and Canada that provide needy children with critical healthcare services: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes and honors the Sigma Chi Fraternity on its 150-year anniversary; commends its Founders and all Sigma Chi brothers, past and present, for their bond of friendship, common ideals and beliefs, and service to community; and expresses its best wishes to this most respected and cherished of national fraternities for continued success and growth.

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). Pursuant to the rule, the gentleman from Minnesota (Mr. KLINE) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. KLINE).

GENERAL LEAVE

Mr. KLINE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 163.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KLINE. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H. Con. Res. 163 offered by my colleague, the gentleman from Pennsylvania (Mr. GERLACH). House Concurrent Resolution 163 honors the Sigma Chi Fraternity on the occasion of its 150th anniversary.

The Sigma Chi Fraternity was founded in 1855 at Miami University in Oxford, Ohio, by seven young men that wanted to establish, and I quote, "an association for the development of the nobler powers of the mind, the finer feelings of the heart, and for the promotion of friendship and congeniality of feeling," close quote.

Today the Sigma Chi Fraternity continues to thrive. Its membership has grown to 202,600 active brothers in 219 chapters at colleges and universities throughout the United States and Canada. Its members continue to enrich and contribute to the quality of life in their communities by volunteering countless hours of service to nonprofit activities and organizations at the national and local levels.

The members of Sigma Chi exemplify the characteristics that the founders of the fraternity believed they should have for admission to the fraternity, good character and fair ability with ambitious purposes, congenial disposition, good morals, a high sense of honor and a deep sense of personal responsibility.

The Sigma Chi Fraternity has also played an integral role in the positive development in the character and education of these young men that have served as a foundation for success and achievements in all fields of endeavor, from the sciences to education to business to professional athletes and to public service.

Madam Speaker, it is my pleasure to recognize and honor the Sigma Chi Fraternity on the celebration of its 150th anniversary and commend the fraternity and its members for its service and achievements over the years.

I urge my colleagues to support House Concurrent Resolution 163.

Madam Speaker, I reserve the balance of my time.

Mr. SKELTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is an absolute privilege and thrill for me to take this opportunity to cosponsor this resolution.

Madam Speaker, I am a Sigma Chi. My father was a Sigma Chi. My next younger brother is a Sigma Chi. And each of our three sons are Sigma Chis.

So this moment, when we honor the fraternity of our choice on the occasion of the 150th anniversary, it has added meaning to me and to us.

I also wish to thank the gentleman from Pennsylvania (Mr. GERLACH) for introducing this resolution, which is cosponsored by other Sigma Chis, the gentleman from California (Mr. FARR), the gentleman from Maryland (Mr. HOYER), the gentleman from Illinois (Mr. HYDE), the gentleman from Ohio (Mr. OXLEY), the gentleman from Mississippi (Mr. PICKERING), the gentleman from Michigan (Mr. SCHWARZ), the gentleman from Pennsylvania (Mr. SHUSTER), as well as me.

I also wish to thank the Education and Workforce Committee and the House leaderships for bringing this resolution to the House floor so very quickly.

Sigma Chi Fraternity was established by its seven founders on commencement day at Miami University June 28, 1855. These seven young men broke away from the Delta Kappa Epsilon Fraternity to form "an association for the development of the nobler powers of the mind, the finer feelings of the heart, and for the promotion of friendship and congeniality of feeling."

In 1951, I had the opportunity to pledge this fraternity at the University of Missouri at Columbia, and from that time on I have been aware of the many outstanding members of our fraternity through the years, people like Andy Grabau, people like John Wayne, Larry McMullen, Ed Matheny, Herbert Shouse Jones, John Alden Tower, Governor James Blair and so many, many others.

Sigma Chi currently has 202,600 active brothers in 219 active chapters at colleges and universities in two countries.

It is one of the most highly respected and well-regarded national fraternities in the world. It also encompasses not just our country, but the country of Canada.

Sigma Chi brothers continue to enrich and contribute to the quality of life in their communities.

Perhaps tie something in regard to the House of Representatives to the people working together with their colleagues in which they learn of good character and fair ability and ambitious purposes, congenial dispositions, good morals, a high sense of honor and a deep sense of personal responsibility. All of this has added to our country.

The history of Sigma Chi is long and interesting. Being founded in 1855 at Oxford, Ohio, it went through the War Between the States and went through the First World War where 103 brothers of the fraternity lost their lives and gave the full measure of devotion to World War I. It also went through the Second World War where so many members of the fraternity fought, some who died and some who were missing. One who received the Medal of Honor, a Captain Maurice Britt from Arkansas received such an honor.

On a more personal level, the chapter to which I belong at the University of Missouri in Columbia was founded on September 26, 1896. At that time one of the founders, a former brigadier general in the Union Army, Benjamin Piatt Runkle, who, by the way, is buried over here at Arlington Cemetery, gave a speech to that crowd and to those new fraternity members. In that speech he spoke to them by saying, you are the offspring of the grandest civilization the world has ever seen. High places are vacant, and men filled with a fraternal spirit must take them. Go forward, faithful, patient, courageous and obedient, ever remembering that the hope of the Nation is in her young men, and that behind the great unknown stands God keeping watch over his own. And what Benjamin Piatt Runkle said on that day in September 1896 in Columbia, Missouri, is just as true today.

So it is a real privilege and honor for me to cosponsor and represent this side of the aisle in honoring the Sigma Chi Fraternity on the occasion of its 150th anniversary, which will be celebrated on the 24th and 25th of this month in Cincinnati, Ohio.

THE SIGMA CHI FRATERNITY: A HISTORICAL PERSPECTIVE

1855—Sigma Chi Fraternity is founded at Miami University, Oxford, Ohio

1861—During the Civil War, 265 of the 432 total Sigma Chi membership (That's 60%) fight in the conflict. Of this number, 147 were in the Union forces, and 118 were with the Confederacy.

1861—"In Hoc Signo Vinces," a secret motto since 1856, becomes the official public motto.

1870—The eighth Grand Chapter, held in Philadelphia, adopts blue and gold as the fraternity's colors. These colors are now standardized as Blue and Old Gold.

1881—The Fraternity's first magazine, "The Sigma Chi" is established under the supervision of the Theta Chapter at Gettysburg College, Pennsylvania. In 1926 it became "The magazine of Sigma Chi."

1882—Delegates of the 14th Grand Chapter, held in Chicago, elect John S. McMillim, DePauw 1867, as the first Grand Consul.

1893—Honorary Sigma Chi, President Grover Cleveland, is initiated on January 26. He is the only Sigma Chi to have held the office of President of the United States.

1911—"The Sweetheart of Sigma Chi" song was written in June for the 25th Anniversary Reunion of Alpha Pi Chapter at Albion College, Michigan. Byron D. Stokes, 1913, wrote the words in one afternoon in class. He then gave them to F. Dudleigh Vernor, 1914, who set them to music

1914—The Fraternity adds 103 Brothers to its Fraternity Gold Star Honor Roll for giving their last full measure of devotion during World War I.

1922—After 67 years as a national organization, Sigma Chi becomes international when it installs the Beta Omega Chapter at the University of Toronto on April 22.

1929—L.G. Balfour, Indiana 1907, establishes the Balfour Award, the highest undergraduate honor in the fraternity. The annual award recognizes the most outstanding graduating senior of each undergraduate chapter, province and International Fraternity of that Academic Year.

1929—Past Grand Consul George Ade, Purdue 1887, writes "The Sigma Chi Creed"

1935—The Fraternity creates the Significant Sig Award. This award would be presented at Grand Chapter to alumni whose achievements brought honor and prestige to the Fraternity. Seven Medals were presented at the 42nd Grand Chapter held in Chicago.

1942—Several thousand Sigs, stationed all over the world, serve in the Armed Forces during World War II. Congressional Medal of Honor winner Captain Maurice L. Britt, Arkansas, 1941, becomes the war's most decorated United States Officer. During the War the Fraternity lost 724 members, seven times as many as it lost in World War 1.

1948—Sigma Chi commences the Order of Constantine, the fraternity's highest honor, which is bestowed upon alumni members who have devoted long and distinguished service to Sigma Chi

1955—The Fraternity celebrates its Centennial in June 28 in Oxford, Ohio, as a part of the 50th Grand Chapter, which met in Cincinnati.

1971—The Grand Chapter marks the climax and resolution of the nearly 15 years of internal strife in the Fraternity over the proposed initiation of minority groups. Grand Chapter delegates voted to remove the restrictive passages in the Fraternity's Governing Laws, validating earlier actions of the Executive Committee and granting active chapters increased autonomy in membership selection.

1977—The Fraternity recorded its 150,000 initiate.

2001—Eleven Sigma Chis die in the September 11th terrorist attacks on the United States.

2005—Grand Consul Lee Beauchamp announces the Fraternity's zero tolerance policy for hazing, alcohol abuse, and substance abuse. The Executive Committee approves a new statement of Position on Academic Performance. Among other provisions, it requires members to attain a GPA of 2.5 out of 4.0 (or the equivalent), or a GPA that is above the campus' all-men's average, whichever is lower.

2005—Sigma Chi celebrates its 150th birthday with a grand celebration in Cincinnati.

Madam Speaker, I yield back the balance of my time.

Mr. KLINE. Madam Speaker, I yield myself such time as I may consume. I will be very brief. I just want to add my congratulations to the gentleman from Missouri (Mr. SKELTON) on being a proud member of this fraternity. And it is exciting, I am sure, to see a father-to-son tradition established there. So I extend my congratulations to the gentleman from Missouri (Mr. SKELTON) and all my colleagues who are fortunate enough to be a member of this very great fraternity.

I urge all my colleagues to support this resolution.

Mr. HOYER. Madam Speaker, I am proud to rise today in strong support of H. Con. Res. 163, honoring the Sigma Chi Fraternity on its 150th anniversary.

Like hundreds of thousands of men across the country I am honored to be a member of the Sigma Chi Fraternity.

Although I was a Sigma Chi at the University of Maryland, I share a strong bond with my brothers across the country and around the world, including my fellow Sigma Chi men in Congress. We are connected by the shared tenants of our fraternal organization and we try to live our life by the "Jordan Standard"—the Cornerstone of the Sigma Chi Fraternity.

Sigma Chi played an important role in my personal development and provided me with relationships that will last a lifetime. These experiences are not unlike the experiences that millions of other men and women have had with their respective fraternities and sororities.

Although sometimes ridiculed, the Greek system on the whole—without question—has made countless positive contributions to society.

Many of our Nation's leaders, from those in business to those in public service, are members of fraternities or sororities, including our current President. The benefits to our communities from these individuals—whose first leadership and service experiences were often through their involvement with the Greek System—are immeasurable.

Furthermore, beyond planting the seeds of leadership, fraternities and sororities compel their members to conduct themselves in accordance to the highest standards of honor, morality, and academic excellence.

Since its inception in 1855 at Miami University in Oxford, OH, Sigma Chi has helped young boys develop into strong, well-rounded, Sigma Chi men. I am proud to be a part of this fine organization and I congratulate Sigma Chi on its 150th year anniversary. May its good deeds and reputation of excellence endure for the next 150 years.

I ask my colleagues to join me and the other original cosponsors, Representatives GERLACH, FARR, HYDE, OXLEY, PICKERING, SCHWARZ, SHUSTER, and SKELTON, in support of this legislation.

Mr. KLINE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. KLINE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 136, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

FLOYD LUPTON POST OFFICE

Mr. DUNCAN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2326) to designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the "Floyd Lupton Post Office".

The Clerk read as follows:

H.R. 2326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FLOYD LUPTON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, shall be known and designated as the "Floyd Lupton Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Floyd Lupton Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

GENERAL LEAVE

Mr. DUNCAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2326.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN. Madam Speaker, I yield myself such time as I may consume.

On behalf of the Committee on Government Reform, I rise in support of H.R. 2326. This bill would designate the postal facility located at 614 West Old County Road in Belhaven, North Carolina, as the "Floyd Lupton Post Office." Floyd Lupton, who passed away on Tuesday, May 10th of this year, was chief of staff to former Congressman Walter Jones, Sr., who served with such great distinction in this body from 1966 until 1992.

H.R. 2326 was authored by Mr. Jones' son, the distinguished current Member from North Carolina, Congressman WALTER JONES, Jr., one of my closest friends in this body and one of our finest Members. All Members of the North Carolina State delegation have cosponsored this legislation, and I join them in strong support.

Madam Speaker, Floyd Lupton, Sr., was born and raised in the town of Pantego, North Carolina, near the Atlantic coast in 1922. He went to college at North Carolina State University, but like so many of his generation, his education was interrupted by World War II. Floyd left home to heroically serve in the Army's 99th Infantry Division, with which he fought in the Battle of the Bulge, among other combat experiences. For his heroism Floyd earned the Bronze Star, and he was honorably discharged as a first lieutenant.

After the war, Floyd Lupton returned home to work on the family farm in Pantego. He later worked stints with Norfolk Western Railroad, the State Wildlife Commission and the Beaufort County Sheriff's Department.

But most notably, Madam Speaker, Floyd served for 26 years as the top aide to the late Congressman Walter Jones, Sr. Floyd Lupton earned a tremendous reputation with Members of Congress, staff and constituents as both a very dedicated adviser to Congressman Jones and an empathetic liaison with the people of North Carolina's First Congressional District.

One of the most difficult jobs in this Nation is to work on a congressional staff, and Mr. Lupton did it with great honor for 26 years. He took very seriously his responsibility working in the people's House and greatly valued all opportunities to help his friends and neighbors throughout his years of public service.

Mr. Lupton retired after 26 years on Capitol Hill in December of 1991 and returned home to Belhaven. There he enjoyed an active retirement with his beloved wife, Doris Ambrose. Floyd and Doris were married nearly 48 years before Doris unfortunately passed away on June 24th of 1996. Floyd passed away on May 10th of this year, but this post office will memorialize his career of service to the State of North Carolina and to the country that he loved so much.

Madam Speaker, I thank my distinguished colleague from North Carolina (Mr. JONES) for working to honor his father's trusted assistant, Floyd Lupton. I support this meaningful piece of legislation.

Madam Speaker, I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2326 would designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the Floyd Lupton Post Office.

As the ranking member of the Committee on Government Reform, I am pleased to join my colleagues in the consideration of this bill, legislation designating this facility in Belhaven, North Carolina, after the late Floyd Lupton. This measure was introduced by the gentleman from North Carolina (Mr. JONES) on May 12, 2005, and it was unanimously reported by the Government Reform Committee on May 26, 2005. It enjoys the support and cosponsorship of the entire North Carolina State delegation.

Floyd Lupton, a native of North Carolina, grew up in Pantego, North Carolina. He attended North Carolina State University when he left to join the Army. He served in the 99th Infantry Division, received a Bronze Star and was honorably discharged.

After serving in the military, he returned home to Pantego. In 1966, he began working for the late Congressman Walter Jones, Sr., as his administrative assistant. He held that position for 25 years until his retirement in 1991. As administrative assistant Fred earned the reputation as a person who was dedicated to the Congressman, the district and the constituents. He was always available to all, night or day, and never forgot who he was or where he was from.

☐ 1445

Upon his return, Mr. Lupton served on numerous boards, associations and community organizations. At the time of his death, he was serving as a member of the Beaufort County Community College Board of Directors. Sadly, he passed away on May 10, 2005.

Madam Speaker, I commend my colleague for honoring the legacy of the late Floyd Jackson Lupton, Senior, and I urge the swift passage of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. DUNCAN. Madam Speaker, I yield for such time as he may consume to the gentleman from North Carolina (Mr. JONES), my colleague, the author of H.R. 2326.

Mr. JONES of North Carolina. Madam Speaker, I want to thank the gentleman from Tennessee and the gentleman from California. His remarks were absolutely excellent and to the point, a very fine public servant.

I am only going to take a few minutes. I certainly want to thank the chairman and the ranking member of the committee in getting this legislation to the floor.

Madam Speaker, as fate would have it, Floyd Lupton and my father were a team. I do not know anyone that knew anything about the congressional office that would not say the same thing because my daddy, as many of my colleagues remember, who served with him on the floor of the House, at one point in his career became chairman of the Merchant Marine and Fisheries Committee, and it took a great deal of his time. Floyd always was there to take care of the needs of the people of the 1st Congressional District and to make sure that the office was running as smooth as a congressional office can.

I think about the personal relationship that my family had with Floyd Lupton. We were like family, quite frankly.

Floyd would drive my daddy home most of the weekends from Washington, D.C., to eastern North Carolina, and I would know that my father was coming home. My mother would call and say, "Walter, your dad is going to be here pretty soon with Floyd; don't you want to come up here and have a bit of time with him and socialize?" I did that so many times.

Those days of being there with my father and Floyd, when they were driving back from Washington, in a house in a little town of Farmville, 5,000 people, were very special times for me and my family because we were a family.

When Floyd came to Washington, Madam Speaker, he spent I do not know how many hours after the Congress had finished of staying out at 7:30, 8:30, 9:00 at night, calling constituents back home to say hello, trying to help someone who had a problem that they finally had answers and/or they could at least listen to that constituent to see if they could find answers.

Floyd, as has been said by the gentleman from California (Mr. WAXMAN) and the gentleman from Tennessee (Mr. DUNCAN) never, not one time, did he seek anything for himself. His only concern were the people of the 1st District of North Carolina, and I think about how humble a man Floyd Lupton was, a man that always had time. He never would look past anybody when he was talking to them. He would look them straight in the eye. He would always take time when maybe he did not have the time, but no one ever realized that he had something else to do as he always had a way about himself so that people knew that he cared.

Sadly, at his funeral, which I know that he is in heaven, there is no question in my mind about that, with his lovely wife Doris, but they asked me to speak at his funeral. It was an extremely emotional time for me, and I remember when one thing I did say that if anybody wanted to know the definition of public. service, all they would have to know is Floyd Lupton because he exemplified exactly what a public servant is.

I have just a couple of more comments and then I will yield back my time. Too many times when buildings, and whether it be a post office or a Federal building or State building, we always seem to think about someone who was elected to public life and, therefore, it is easier for that person who was elected to public life to be remembered, but in this case, I want to say again to the ranking member and to the Chamber that I am grateful that today we will hopefully pass legislation that will remember a public servant that never held public office. He could have probably if he had been a younger man, but he gave 26 years, as has been stated, to serving my father and to serving the people of the 1st District at the same time.

This is so fitting, and I know I speak on behalf of thousands of people in eastern North Carolina who knew Floyd Lupton when I say thank you to the committee of jurisdiction for getting this legislation to the floor. I know also I speak for his family as well. They will be thrilled and excited that we got this legislation to the floor of the House, and hopefully it will pass this evening.

Secondly, I want to say that this Congress, I have the greatest respect for this institution and the fact today that we will hopefully pass H.R. 2326 on behalf of a man who never asked anything but what can I do to help you. That is the legacy of Floyd Lupton.

Mr. WAXMAN. Madam Speaker, I yield myself such time as I may consume.

I have no other requests for time, but I do want to say how moved I was by the gentleman's presentation. I have known Floyd Lupton only through the descriptions and the information, the cold statistics, that have been furnished to us, but the gentleman from North Carolina (Mr. JONES) has given us a picture of a man who, through his service and his availability and his commitment to the public good, is well deserving of the tribute that we are bestowing upon him by naming this facility after him. I hope it will stand as an example for others to look at, the plaque that will be posted there, as a tribute to a man that they should remember as an example for all people to be committed to the kinds of ideals that he stood for.

Madam Speaker, I yield back the balance of my time.

Mr. DUNCAN. Madam Speaker, I yield myself such time as I may consume.

I want to thank our colleague the gentleman from North Carolina (Mr. JONES) for his very moving and heartfelt tribute to Mr. Floyd Lupton who obviously was a great American, and I am proud to be associated with this legislation. I, again, urge passage of H.R. 2326.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 2326.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DUNCAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NET WORTH AMENDMENT FOR CREDIT UNIONS ACT

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1042) to amend the Federal Credit Union Act to clarify the definition of net worth under certain circumstances for purposes of the prompt corrective action authority of the National Credit Union Administration Board, and for other purposes.

The Clerk read as follows:

H.R. 1042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Net Worth Amendment For Credit Unions Act".

SEC. 2. CLARIFICATION OF DEFINITION OF NET WORTH UNDER CERTAIN CIRCUMSTANCES FOR PURPOSES OF PROMPT CORRECTIVE ACTION.

Subparagraph (A) of section 216(o)(2) of the Federal Credit Union Act (12 U.S.C. 1790d(o)(2)(A)) is amended—

(1) by inserting "the" before "retained earnings balance"; and

(2) by inserting ", together with any amounts that were previously retained earnings of any other credit union with which the credit union has combined" before the semicolon at the end.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from California (Mr. SHERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

Mr. BACHUS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1042.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this legislation, H.R. 1042, the Net Worth Amendment for Credit Unions Act, which I and the gentleman from Vermont (Mr. SANDERS), the ranking member, introduced along with 16 other cosponsors, evenly divided between Republicans and Democrats, including ranking members of both committees.

It is a so-called technical amendment, but it is also a very important piece of legislation designed to address the potentially harmful and unintended consequences of the recently proposed FASB accounting rules of mergers of financial institutions and, in particular, credit unions.

Because this new accounting rule is expected to become effective early next year, it will impact, going forward, credit union mergers, and it is essential that we have in place H.R. 1042 prior to that time. This legislation has been endorsed by FASB. It has the endorsement of the Federal credit union regulators.

I had testimony which I would like to introduce from NCUA chairman Joanne Johnson who testified before the Committee on Financial Services this past Thursday in strong support of this legislation. In fact, she said without this legislation, it would be hard to, in cases of mergers, provide the safest, most efficient and most beneficial mergers to the benefit of credit union consumers, and she says this legislation is essential for credit union consumers and for their protection.

It has no opposition that I know of. As far as explaining the rule, I am going to submit in its entirety two different pieces on actually what the issue is, what the solution is. The solution is 1042, and then I would like to introduce this two-page summary.

Let me briefly try to very briefly state what this does.

Under the current FASB rule, credit unions are able to use the pooling of interests method of accounting for mergers; however, the new rule will require use of the purchase method.

In doing that, they did not anticipate the current definitions in the National Credit Union Act. Under the new approach that FASB will be instituting, an institution is not permitted to bring over the retained earnings of the acquired institution onto its own balance sheet as retained earnings, but rather as acquired equity. Thus, the surviving institution, the institution which is taking the other institution into its corporate being, would not be able to count the retained earnings of the merged institution in its net worth for purposes of prompt corrective action purposes under the Federal Credit Union Act.

☐ 1500

And the Prompt Corrective Action, as those of us on Committee on Financial Services know, is the mechanism to bring credit unions into compliance as far as safety and soundness. This change, therefore, would have the unintended effect of lowering the merged credit union's net worth category classification.

We have taken testimony of Board members of FASB who say this was not their intent; and as I said, they are in favor of the current legislation. So the practical effect of FASB's directive changing the accounting treatment of credit union mergers from the pooling method to the purchase method are perhaps illustrated by a simple hypothetical.

Under the pooling method previously used to account for a combination of two credit unions, if a credit union with $2 million in retained earnings merged with a credit union with $2 million in retained earnings, the surviving credit union would have $4 million in retained earnings, simply, two plus two equals four, which counted as its net worth for purposes of applying the Prompt Corrective Action capital requirements outlined above.

However, under the new purchase method of accounting mandated by the new FASB rule, if a credit union with $2 million in retained earnings merges with another credit union with $2 million in retained earnings, the surviving credit union would only have $2 million in retained earnings, not a result that makes any sense, and our legislation simply preserves the two plus two equals four.

As I say, Madam Speaker, the legislation simply amends the Federal Credit Union Act's definition of net worth to include retained earnings of both credit unions that merge in the net worth of the credit union that continues after the transaction. Failure to make this statutory change will create major disincentives to otherwise merged credit unions.

We took testimony last week from George Reynolds, Senior Deputy Commissioner of the Georgia Department of Banking and Finance, and I would like to include his statement, but what he and others have pointed out to the committee is that oftentimes, whether it be a bank or a thrift or a credit union, if you have one credit union that is sound and one that may be in need of corrective action, one of the alternatives is to merge the weaker institution into a stronger institution for the protection of the members of that credit union.

The NCUA, and also the different State commissioners of banking and bank supervisors, and credit union supervisors had not been able to do this because of the anticipation of the FASB rules. It has resulted in a lot of hesitancy in merging these institutions and, in many cases, is slowing corrective action because of this. So failure to make the statutory change will, as I say, create major disincentives.

A credit union seeking to merge with another union institution would be faced, in many situations, with a marked decline in its capital for PCA purposes once the merger went through, giving rise to a supervisory intervention by the NCUA designed to limit its growth and restore its now depleted capital to acceptable levels when actually there would have been no depletion of capital at all.

Madam Speaker, I reserve the balance of my time.

Mr. SHERMAN. Madam Speaker, I yield myself such time as I may consume, and I rise today to urge the House to suspend the rules and adopt H.R. 1042, the Net Worth Amendment For Credit Unions Act. I would like to commend my colleague, the gentleman from Alabama (Mr. BACHUS), the chairman of the Subcommittee on Financial Institutions and Consumer Credit, for bringing this issue before the Committee on Financial Services in a timely manner. I would also like to thank the ranking member, the gentleman from Vermont (Mr. SANDERS), and members of the committee who joined with Chairman Bachus and me in sponsoring this somewhat technical but important legislation.

H.R. 1042 addresses a potential problem for a growing number of credit unions that arises under the Basel II negotiations on international capital accounting standards. In 1996, the Financial Accounting Standards Board, known as FASB, and the International

Accounting Standards Board, initiated a joint project to develop a single uniform standard for assessing the value of the assets and liabilities acquired in business mergers and acquisitions.

The effort resulted in the issuing of FASB statement 141 back in June of 2001. This statement required the use of the "purchase method" of accounting as the most appropriate standard for assuring that the assets of an acquired business will be uniformly measured at their fair market value at the time of acquisition.

Thus, FASB abolished the then very popular "pooling method" of accounting, which had been widely used to measure the assets of surviving credit unions in credit union mergers. The pooling method had permitted the combining of the retained earnings of both the surviving and the merged credit unions to determine the net worth of the surviving credit union. Under the purchase method, which is now required under FASB 141, the retained earnings of the merged credit union must be listed as "acquired equity," a concept that did not exist at the time the Federal Credit Union Act was last amended on this issue.

Currently the Credit Union Act recognizes only retained earnings in calculating a credit union's net worth and its net worth ratio. Accounting procedures that fail to recognize that the retained earnings of the merged credit union would seriously reduce the postmerger net worth ratio of the surviving credit union. This could have the effect of discouraging a number of needed mergers between smaller or weaker credit unions with a healthy credit union, and it could result in determinations that the surviving credit union in the merger is technically undercapitalized, even when that surviving credit union has a large amount of capital. It is simply that some of that capital is listed as "acquired capital," or "acquired equity" a term that did not previously exist in our law, and some of it is listed as "retained earnings."

H.R. 1042 provides a narrow technical fix for the problem of postmerger accounting of credit union net worth. It amends the current definition of net worth for purposes of the Federal Credit Union Act to allow both retained earnings of a credit union and "any amounts that were previously retained earnings of any other credit union with which the credit union has combined" to be included in calculating a credit union's net worth and its net worth ratio.

Where the FASB 141 standard became effective for most business combinations initiated after June 30, 2001, FASB had agreed to defer the implementation for mergers and acquisitions among so-called mutual business enterprises, including credit unions, until the end of 2005. The National Credit Union Administration approved 330 mergers involving federally insured credit unions in 2004, many of which could have resulted in technically undercapitalized credit unions if FASB 141, imposing the purchase method, had been applicable. The Agency projects a similar number of mergers in 2006 that would be adversely affected unless we pass this legislation.

Madam Speaker, H.R. 1042 is bipartisan legislation which addresses a potential problem for credit unions that needs to be resolved this year, because next year FASB 141 will be applicable to mutual businesses, including credit unions. It is supported by the National Credit Union Administration, the National Association of State Credit Union Supervisors, and also by both national credit union trade associations, the Credit Union National Association, CUNA, and the National Association of Federal Credit Unions, NAFCU.

I am aware of no opposition to this bill, and I urge the House to suspend the rules and adopt the Net Worth Amendment for Credit Unions Act.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BACHUS. Madam Speaker, I yield myself such time as I may consume, and let me simply conclude by saying that when the NCUA seeks a healthy credit union, or when there is a troubled credit union and the NCUA seeks a healthy credit union to rescue it through merger, the pooling of potential White Knights is presently limited because of the present interpretation. And as they have said, "They are limited by the prospect of a significant postmerger reduction in capital for the acquiring credit union under the present interpretation, if the FASB rule goes forward without this legislation." It goes on to say, NCUA, that "this will inevitably make NCUA-assisted mergers more difficult to execute, resulting in more credit union failures and a higher cost to the National Credit Union's Share Insurance Fund, which insures the deposits to credit union members."

So I conclude by saying that for this reason, among others, not only the NCUA but also the National Association of Federal Credit Unions, NAFCU, and the Credit Union National Association, CUNA, strongly support this legislation to ensure an accurate depiction of net worth in credit union mergers and to avoid creating unintended obstacles to mergers that would otherwise benefit credit union members.

In addition, FASB has stated that, while it does not take positions on public policy initiatives unless they could impair the mission and independence of FASB, it believes H.R. 1042, and I quote, "does not propose to establish or change general purpose standards of financial accounting and reporting and, therefore, has no impact on the standard-setting activities of FASB."

I would like to again thank, and I will name as I close, the cosponsors of this legislation: Introduced by the gentleman from Vermont (Mr. SANDERS), myself, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), the gentleman from Florida (Mr. FEENEY), the gentlewoman from Oregon (Ms. HOOLEY), the gentlewoman from New York (Mrs. KELLY), the gentlewoman from New York (Mrs. MALONEY), the gentleman from Kansas (Mr. MOORE), the gentleman from Texas (Mr. PAUL), the gentleman from California (Mr. ROYCE), the gentleman from California (Mr. SHERMAN), the gentleman from Michigan (Mr. CAMP), the gentleman from Illinois (Mr. GUTIERREZ), the gentleman from Pennsylvania (Mr. KANJORSKI), the gentleman from Ohio (Mr. LATOURETTE), the gentlewoman from New York (Mrs. MCCARTHY), the gentleman from Ohio (Mr. NEY), the gentleman from Arizona (Mr. RENZI), and as I said, the main cosponsor, ranking member of the committee, the gentleman from Vermont (Mr. SANDERS).

So that, I think, illustrates not only what the gentleman from California (Mr. SHERMAN) said, that there is no opposition to this legislation, but also the strong bipartisan support that this has across this Congress.

Madam Speaker, I submit for the RECORD herewith the various documents referred to throughout my remarks:

NASCUS

[Written Testimony of George Reynolds, Senior Deputy Commissioner, Georgia Department of Banking and Finance on behalf of the National Association of State Credit Union Supervisors Before the Subcommittee on Financial Institutions and Consumer Credit, United States House of Representatives, April 13, 2005]

NASCUS HISTORY AND PURPOSE

Good afternoon, Chairman Bachus, and members of the Subcommittee. I am George Reynolds, Senior Deputy Commissioner for the Georgia Department of Banking and Finance. I appear today on behalf of the National Association of State Credit Union Supervisors (NASCUS), the professional state credit union regulators association. NASCUS represents the 48 state and territorial credit union supervisors, dedicated to defending the dual chartering system for credit unions and advised by the NASCUS Credit Union Council, which is comprised of more than 500 state-chartered credit unions.

In addition to being a state regulator, I am a certified public accountant allowing me to study and understand the accounting standards recommended by the Financial Accounting Standards Board (FASB). Today I have made recommendations on behalf of NASCUS regarding the impact of changes to the accounting standards regarding mutual institutions.

The mission of NASCUS is to enhance state credit union supervision and to advocate policies that ensure a safe and sound state credit union system. We achieve those goals by serving as an advocate for a dual chartering system that recognizes the traditional and essential role that state government plays as a part of the national system of depository financial institutions.

NASCUS applauds the introduction of H.R. 1042, the Net Worth Amendment for Credit Unions Act, which amends the definition of net worth to include the net worth of a credit union merged with a surviving credit union. We appreciate the earnings" after the merger, period. There is no room, then, for discretion and that has pros and cons.

Other federal banking regulators have authority to exclude items from measures of pre-merger equity that do not have value to the insurance fund in a liquidation scenario, e.g., core deposit intangibles, goodwill, etc., thus not "overvaluing" resulting postmerger capital. The language provided by NCUA last year was intended to provide NCUA a comparable capital (GAAP equity) starting point and comparable authority to subtract similar items from "retained earnings" in mergers.

However, concern surfaced with the earlier language that somehow NCUA might be put in the position of addinq to what qualifies as "net worth" and consequently the more precise language of HR 1042 was agreed upon.

5. How is "secondary capital" accounted for in mergers currently, and will this change under HR 1042?

Post merger, secondary capital counts as part of PCA net worth only if continuing FISCU is low income designated.

6. Is NCUA seeing an unusual rise of voluntary mergers of insured credit unions this year, in anticipation of the FASB rule being implemented for credit unions?

No

7. Does NCUA support SFAS 141?

It's fair to say that the credit union industry is not welcoming the accounting rule change from the pooling to the purchase method for financial accounting purposes. However, that is not what we are addressing or trying to influence here today or in HR 1042. NCUA and the credit union industry are trying to prepare for and adjust to the pending implementation of SFAS 141—and conform to the options provided to others by FASB to bring capital over as "acquired equity" when there are business combinations.

NCUA and the credit union industry are grateful to FASB for their consideration of mutual enterprises (thus, cooperative credit unions) by providing an exception to the rule when it was implemented in 2001 for others—this has given all of us time to explore ways to address the unexpected consequences.

Is 8. NCUA trying to interfere with FASB's accounting rulemaking authority?

Absolutely not. NCUA has nothing to do with financial accounting reporting standards and FASB will proceed as it deems appropriate. NCUA's interest is limited to supporting a solution to the unintended consequences that impact our proper safety and soundness role under the prompt corrective action provisions of the FCUA. The FCUA needs to be amended so NCUA can recognize the retained earnings of a merging credit union, and this is comparable to what Congress permits in it statutes for other financial institutions.

I would also point out that our reform proposal addresses an important technical amendment needed to the statutory definition of net worth. NCUA anticipates that the Financial Accounting Standards Board (FASB) will act soon to lift the current deferral of the acquisition method of accounting for mergers by credit unions, thereby eliminating the pooling method and requiring the acquisition method. When this change to accounting rules is implemented it will require that, in a merger, the net assets on a fair value basis of the merging credit union as a whole, rather than retained earnings, be carried over as "acquired equity," a term not recognized by the "Federal Credit Union Act" (FCUA). Without this important change, only "retained earnings" of the continuing credit union will count as net worth after a merger. This result would seriously reduce the post-merger net worth ratio of a federally insured credit union, because this ratio is the retained earnings of only the continuing credit union stated as a percentage of the combined assets of the two institutions. A lower net worth ratio has adverse implications under the statutory "prompt corrective action" (PCA) regulation. This result will discourage voluntary mergers and on occasion make NCUA assisted mergers more difficult and costly to the National Credit Union Share Insurance Fund (NCUSIF). Without a remedy, an important NCUA tool for reducing costs and managing the fund in the public interest will be lost. Thus, our reform roposal provides for a revised definition of net worth to include any amounts that were previously retained earnings of any other credit union.

Preserving Credit Union Capital In Mergers

CURRENT LAW

Current law and FASB rules permit the recognition of the "retained earnings" of both the surviving and merged credit union after a merger. In 2004, there were 338 mergers involving federally insured credit unions (237 voluntary, 7 assisted and another 94 mergers pending). In 2003, there were 299 mergers (294 voluntary, 5 assisted).

THE PROBLEM

The Financial Accounting Standards Board (FASB) is expected to act in 2005 to lift the current deferral (and use of the pooling method) and thereby begin the use by credit unions of the acquisition method of accounting in mergers by early 2006. This will eliminate the practice of accounting for mergers as a pooling of interests which credit unions have relied upon. When this change to accounting rules is implemented it will require, in a merger, that the retained earnings-like component of one credit union be carried over as "acquired equity," a term that is not recognized by the FCUA.

Without a change to the Federal Credit Union Act, only the "retained earnings" of the continuing credit union will count as net worth after the merger for purposes of PCA. This can seriously reduce the post-merger net worth ratio of combined federally insured credit unions. A lower net worth ratio has adverse implications under the statutory "prompt corrective action" provisions in the Federal Credit Union Act, and it is this result that will strongly discourage voluntary mergers and, on occasion, make NCUA assisted mergers more difficult and costly to the National Credit Union Share Insurance Fund (NCUSIF).

H.R. 1042 "NET WORTH AMENDMENT FOR CREDIT UNIONS ACT"

On March 2, 2005, Representative Spencer Bachus (R–AL) and Bernard Sanders (I–VT) introduced H.R. 1042, the "Net worth Amendment for Credit Unions Act." They were joined by the following original co-sponsors: Representatives Ed Royce (R–CA), Paul Kanjorski (D-PA), Steven LaTourette (R-OH), Luis Gutierrez (D-IL), Sue Kelly (R-NY), Carolyn Maloney (D-NY), Rick Renzi (R-AZ), Carolyn McCarthy (D–NY), Brad Sherman (D-CA), Bob Ney (R-OH), Tom Feeney (R–FL), Darlene Hooley (D–OR), Ginny Brown-Waite (R-FL).

WHY THIS LEGISLATION SHOULD BE ADOPTED

This amendment to the Federal Credit Union Act (FCUA) is needed to provide certainty for the recognition of pre-merger "retained earnings" for purposes of PCA as necessitated by SFAS 141.

The FASB has expressed support for a legislative solution and has indicated that a legislative redefinition of capital (net worth) in the FCUA will not affect their standards-setting activities.

When crafting the prompt corrective action provisions of the FCUA in 1998 applicable to federally insured credit unions that only recognized "retained earnings" of a single credit union as net worth, the drafters did not anticipate this merger accounting policy change by FASB.

The consequence of not making this change will dramatically alter the treatment of retained earnings and net worth in a manner that will make it difficult or impossible for many credit unions to consider combining their strengths through merger. This seriously reduces the post-merger net worth ratio, because that ratio is the retained earnings stated as a percentage of the combined assets of the institutions. Potential acquiring credit unions would naturally find the prospect of being demoted to a lower net worth category, and potentially subject to more supervisory actions, too high a price to pay to merge with another credit union.

Failure to make this change will undermine the purpose of "prompt corrective action" which is to resolve the problems of credit unions while minimizing losses to the National Credit Union Administration Share Insurance Fund (NCUSIF). Fewer willing merger partners mean fewer opportunities to avert losses to the NCUSIF by merging a troubled credit union. Credit union mergers have traditionally been effective in accomplishing both objectives while preserving the continuity of credit union service to the target credit union's members.

Banks and their insurers do not have the same concerns because their existing capital definition under relevant law is broader. The FASB rule, in combination with their broader statutory definition of capital, would not result in similar problems for banks and thrifts because they are allowed to include virtually all components of "equity" in their capital.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 1042.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 14 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GILCHREST) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8, rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 643, by the yeas and nays.

H.R. 2326, by the yeas and nays.

This will be a 15-minute vote followed by a 15-minute vote.

AMENDING AGRICULTURAL CREDIT ACT TO REAUTHORIZE STATE MEDIATION PROGRAMS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 643.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. LUCAS) that the House suspend the rules and pass the Senate bill, S. 643, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 371, nays 2, not voting 60, as follows:

[Roll No. 241]

YEAS—371

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Cantor
Capps
Capuano
Cardin
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Otter
Pallone
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Sherman
Sherwood
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—2

Flake
Paul

NOT VOTING—60

Baker
Berkley
Boswell
Buyer
Capito
Cardoza
Case
Clyburn
Cooper
Crowley
Davis (FL)
Delahunt
Dingell
Ehlers
Fattah
Fossella
Green (WI)
Gutierrez
Hinojosa
Hoyer
Hulshof
Istook
Jenkins
Keller
Kennedy (RI)
Kilpatrick (MI)
Knollenberg
LaHood
Larsen (WA)
Lee
Lewis (GA)
Meek (FL)
Moore (WI)
Murtha
Nadler
Neal (MA)
Oberstar
Owens
Oxley
Pascrell
Payne
Peterson (PA)
Radanovich
Ros-Lehtinen
Rothman
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sessions
Shays
Shimkus
Simmons
Stark
Strickland
Sullivan
Sweeney
Towns
Udall (CO)
Waters
Young (FL)

☐ 1854

Mr. WATT changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FLOYD LUPTON POST OFFICE

The SPEAKER pro tempore (Mr. GILCHREST). The pending business is the question of suspending the rules and passing the bill, H.R. 2326.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 2326, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 370, nays 0, not voting 63, as follows:

[Roll No. 242]

YEAS—370

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Cantor
Capps
Capuano
Cardin
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro

DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Otter
Pallone
Pastor
Paul
Pearce
Pelosi
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—63

Baker
Berkley
Boozman
Boswell
Buyer
Capito
Cardoza
Case
Clyburn
Cooper
Crowley
Davis (FL)
Delahunt
Dingell
Ehlers
Fattah
Fossella
Gingrey
Green (WI)
Gutierrez
Hinojosa
Hoyer
Hulshof
Istook
Jenkins
Keller
Kennedy (RI)
Kilpatrick (MI)
Knollenberg
LaHood
Larsen (WA)
Lee
Lewis (GA)
Marchant
Meek (FL)
Moore (WI)
Murtha
Nadler
Neal (MA)
Oberstar
Owens
Oxley
Pascrell
Payne
Pence
Peterson (PA)
Radanovich
Ros-Lehtinen
Rothman
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sessions
Shimkus
Simmons
Stark
Strickland
Sullivan
Sweeney
Towns
Udall (CO)
Waters
Young (FL)

□ 1912

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BOOZMAN. Mr. Speaker, on rollcall No. 242, I was detained concerning a pressing legislative matter, Base Realignment in the 3rd District of Arkansas, and unable to vote. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. Had I been present, I would have voted "yea" on rollcall votes 241 and 242.

NO CHILD LEFT BEHIND SUCCESSES

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, in classrooms across the country, schools are making the grade when it comes to No Child Left Behind. In my home State, Georgia is making significant gains. The achievement gap is narrowing as students in schools are held accountable for their performance. Educators know that merely promoting students to the next grade level is not the solution to low test scores.

In 2002, 64 percent of African American fifth-graders passed the State math test compared with 86 percent of white students, a 22 percentage point gap. Now, thanks to No Child Left Behind, 80 percent of African American students passed the test, compared with 92 percent of white students, a 10 percent improvement.

In 2002, 71 percent of Hispanic third-grade students passed the State reading test compared with 90 percent of white students, a 19 percentage point gap. This year, 86 percent of Hispanic students passed the test compared with 96 percent of white students. Again, nearly a 10 percent improvement.

Mr. Speaker, No Child Left Behind is working. Student test scores are rising. But more importantly, students are leaving the classroom with the fundamental skills necessary to succeed at the next level and in life.

□ 1915

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SMART SECURITY AND IRAQ WITHDRAWAL PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, one would not travel to a foreign country without making a plan. And one would not buy a house without first making a plan, so why does the Bush administration insist on fighting a quarter trillion dollar war without a plan to end it? It is totally irresponsible for the White House to ask 150,000 United States troops to serve in a dangerous country halfway around the world without a plan to bring them home.

With over 1,700 American soldiers killed in action thus far, representing more than 1 percent of our total force in Iraq, our government owes them the courtesy of planning on how we are going to bring them home.

Unfortunately, the government has failed our troops in Iraq from the very beginning. First, we did not have a plan on going in and why we were going in.

Next, the Pentagon neglected to provide life-saving body armor for each and every one of our troops. A study by the Pentagon released last year stated that nearly one-quarter of those killed during the first year of the war could have been saved with the proper body armor; but we did not plan to protect them well.

Now with over 1,700 American soldiers dead, the government has continually neglected to plan for an end to this disastrous war. President Bush likes to talk about the importance of high troop morale, but he needs to talk to the Veterans Against the Iraq War. They will tell Members the best way to ensure high morale, and they will say the best way is for our soldiers to be assured they will actually be coming home, they will leave Iraq and there will be a plan to make it happen.

The way to ensure that and to raise their morale is by starting to bring them home. Why then has President

Bush not stated America's long-term intentions in Iraq? His comments on the subject have been limited to statements like, We will stay until the mission has succeeded and not one day longer.

Mr. Speaker, how does he define the mission as succeeded when he will not even acknowledge that there is an actual end to the mission?

Even if the President will not create a plan to end the war in Iraq, there are many in Congress and around the country who will. Earlier this month nearly one-third of the House voted for the amendment I offered to the defense authorization bill to urge the President to create a plan for the withdrawal of troops from Iraq. This sensible amendment would not have whisked our troops out of Iraq prematurely, it simply asked the President to get busy and develop a plan for the end of this war.

Believe me, if he does not, we will because the people of this country want to bring our troops home. Fortunately, there is a plan that would secure America for the future, SMART Security. SMART is Sensible, Multilateral American Response to Terrorism for the 21st Century. SMART will help us address the threats we face as a Nation and will make war the last option.

SMART Security will prevent acts of terrorism in countries like Iraq by addressing the very conditions that allow terrorism to take root: Poverty, despair, resource scarcity and lack of educational opportunity.

SMART Security encourages the United States to work with other nations to address the most pressing global issues. SMART addresses global crises diplomatically instead of by resorting to armed conflict.

Efforts to help the Iraqi people must follow the SMART approach, humanitarian assistance coordinated with our international allies to rebuild Iraq's war torn physical and economic infrastructure.

Mr. Speaker, the American people clearly prefer the SMART approach to our current policies in Iraq. Nearly 60 percent of Americans believe the war in Iraq has been handled poorly and that the United States should immediately begin withdrawing some or all of our troops. Let us support our troops in Iraq and the will of 60 percent of the American people. We can do both by beginning to bring home our troops serving in Iraq. The time is now. The time is now to end the United States military occupation of Iraq.

PRESCRIPTION DRUG PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise again tonight on the floor of the House to talk about the issue of prescription drugs and how much Americans pay relative to consumers in the rest of the industrialized world. What we have on this chart are the prices effective February 7, 2005, so they are relatively new. We have prices here from the Metropolitan Pharmacy in Frankfurt, Germany, and a local pharmacy in my hometown of Rochester, Minnesota.

Over the last year, we expected the prices to narrow because of what has happened to the dollar relative to the euro, but, in fact, the price difference between what Americans pay and Germans pay has actually gotten worse.

Let me give a couple of examples. A drug called Norvasc, 30 tablets, 5 milligrams, in Rochester, Minnesota, $54.83. In Germany, only $19.31.

Drop down to another drug, and these are 10 of the most commonly prescribed drugs in the United States and in Europe. Zocor, $85.39 for a month's supply in the United States, and in Germany it is $23.83.

Mr. Speaker, what is important about that particular drug is for many of the programs, including many of the Federal employees, the copay here in the United States for that drug is $30. You can walk in off the street and buy it at the Metropolitan Pharmacy in Frankfurt, Germany, for less than the copay in the United States.

Mr. Speaker, the chart speaks for itself. The total for the 10 most commonly prescribed drugs in Germany is $455.57. In the United States it is more than double that at $1,040.04.

The question is how does this happen? The answer is Americans are held hostage because pharmaceutical companies get a special provision that nobody else gets. They deal with intellectual property, and the cost of that first product coming off the line is very expensive and that is why they have to have these high prices. I understand that. The cost of the research for a new drug is extremely high. That first new pill can cost 350, 400, maybe even $500 million. But it is the same thing for Intel when they develop a new chip, but Intel does not get the same protections. They cannot sell their chips to Germans for half the price they sell them to Americans because the suppliers would start selling them back in the United States. That is what is called parallel trade, and that is what they have had in Germany for a long time.

Throughout the European Union, a pharmacist in Germany can buy their supplies from Spain or from Norway or wherever they can buy that Zocor cheaper. As a result, they have a competitive marketplace over there. If Members want to learn more about that, we have a videotape by Dr. Peter Rost, who is an M.D. and he is an executive with one of the largest pharmaceutical companies in the world, and he has come out in favor of parallel trading.

He is very strongly in favor of the bill I have introduced which is cosponsored by a wide range of Members of the House which would open up the pharmaceutical markets, much as we do with everything else.

I also want to say a special tribute to Minnesota's governor, Governor Tim Pawlenty, because he was one of the first governors to recognize that Minnesotans should not be held hostage. And now he has opened up not just the drugs from Canada, but we have actually opened up to Great Britain as well.

One of the things that he often says is the industry says this is unsafe. He says if it is really unsafe, show me the dead Canadians and the dead Europeans and the dead Germans.

The truth of the matter is they do this every day and they are not genetically smarter than we are. We ought to have the same ability to use parallel trade to reduce these outrageous prices here in the United States.

I also want to show a letter that I, and 220 of my colleagues, sent to the Speaker of the House recently. A majority of the Members of this House want to have a vote to allow Americans to have access to world-class drugs at world market prices, and we are going to continue to put pressure on the leadership, on the administration, on the FDA, whoever it takes to make certain Americans get fair prices.

Mr. Speaker, ultimately we do not want something for nothing. We do not believe we ought to take advantage of somebody else, but we do not think we should be taken advantage of either, and it is time Americans get fair prices. It really is time that the world's best customers have access to the world's best drugs at world market prices.

I hope more Members will join me in this effort because I believe the time has come to make that certain we open up these markets so we get fair prices for consumers. Whatever their particular condition, we want fair prices and we want them now.

AMERICAN FOREIGN SERVICE ASSOCIATION AWARD WITHDRAWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to express my disappointment with the American Foreign Service Association, and its decision to withdraw awarding a "Constructive Dissent" award to U.S. Armenian Ambassador John Evans.

Ambassador Evans was due to receive the Christian A. Heter Award for intellectual courage, initiative, and integrity later this week. The award was as a result of courageous statements he made regarding the recognition of the Armenian genocide.

In a series of public statements, Ambassador Evans, who has studied Russian history at Yale and Columbia and Ottoman history at the Kennan Institute stated, "I will today call it the Armenian genocide."

Mr. Speaker, Ambassador Evans has studied history of Armenia, and based on his substantial studies of the issue, he is willing to go on the record and define the actions taken Armenians as genocide. The Armenian genocide was the systematic extermination, the murder, of 1.5 million Armenian men, women and children. To this day, the Republic of Turkey refuses to acknowledge the fact that this massive crime against humanity took place on soil under its control, and in the name of Turkish nationalism.

Unfortunately, some 90 years later, the U.S. State Department continues to support Turkey's demands and denials despite all evidence to the contrary. It is not likely that the State Department was happy that their Ambassador to Armenia acknowledged the Armenian genocide. And, therefore, Ambassador Evans retracted his remarks after receiving substantial pressure from the State Department.

Well, now the selection committee at the American Foreign Service Association has decided to withdraw the award with no reason for its actions. I find the timing of the decision peculiar. The sharp turnaround came right before Turkish Prime Minister Erdogan arrived in Washington for a meeting with President Bush. Based on past history, it is clear that the State Department, the Bush administration, and the pro-Turkish lobby pressured AFSA to withdraw Ambassador Evans' award.

It is simply unacceptable for this administration to continue to penalize the ambassador for his comments. Ambassador Evans did a courageous thing. His statements did not contradict U.S. policy, but rather articulated the same message that this administration has sent to the public. The only difference in this case is that Ambassador Evans assigned a word to define the actions taken against the Armenians.

☐ 1930

This was a refreshing break, I must add, from a pattern on the part of the State Department of using evasive and euphemistic terminology to obscure the full reality of the Armenian genocide. Ambassador Evans pointed out, and I quote, that no American official has ever denied it, and went on to say, and I quote, I think we, the U.S. Government, owe you, our fellow citizens, a more frank and honest way of discussing this problem.

Ambassador Evans was merely recounting the historical record, which has been attested to by over 120 Holocaust and genocide scholars from around the world. By doing this, he earned a prestigious award that was taken from him because of politics and denial.

Mr. Speaker, I want to add my voice to all those who, in Ambassador Evans' own words, and again I am quoting, think it is unbecoming of us as Americans to play word games here. I believe in calling things by their name. Evans was right, and the American Foreign Service Association was correct in awarding him the Christian A. Herter Award. We should encourage our Ambassadors to speak the truth, and, more broadly, end, once and for all, our complicity in Turkey's campaign of genocide denial.

Mr. Speaker, Ambassador Evans has been penalized for simply telling the truth. The American Foreign Service Association has set a terrible example by retracting Ambassador Evans' award. I guess, even in America, the Turkish Government is able to stifle debate.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2862, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–122) on the resolution (H. Res. 314) providing for consideration of the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CAFTA: A LOSE-LOSE PROPOSITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GENE GREEN) is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise tonight during the 5-minute time in opposition to the flawed free trade agreement the administration signed with the Dominican Republic and Central American countries. My colleague from Ohio (Mr. BROWN) has an hour later, but I wanted to do a 5-minute on the Central American Free Trade Agreement and the Dominican Republic.

Over the past year we have continued to learn about this agreement. During this time the opposition to CAFTA, as it is called, has only grown stronger. The more we learn, the more we realize that CAFTA is a lose-lose proposition. It is no secret that CAFTA is modeled after the NAFTA agreement that was supposed to create new markets for U.S. products and lift up the low-income people in Mexico. The unfortunate result of NAFTA was the loss of 50,000 jobs and a widening of the income gap in Mexico.

Make no mistake, wealth in Mexico has increased since NAFTA, but it has not been evenly distributed. Since NAFTA, an additional 19 million Mexicans are impoverished, and President Vicente Fox has stated that 54 million Mexicans are too poor to meet their basic needs. With 10 percent of the Mexican population controlling half of the nation's wealth, it is easy to see that the average Mexican worker has not benefited from NAFTA. One would think our country would learn from the many failures of NAFTA instead of applying the nearly identical trade provisions to the Central American and Dominican Republic.

I have long opposed free trade agreements with countries with substantially lower standards of living than we have here in the United States. I am proud to represent the third most blue-collar district in our country. The workers in our district benefit from the labor laws on the books of our country. While our labor laws could certainly be strengthened, they ensure that our blue-collar workers receive a living wage and make up a thriving middle class in our country, although a shrinking middle class in our country, might I add.

I have no doubts whatsoever about the skills and productivity of our American workers, but they cannot compete against similar workers in Nicaragua, for example, where wages average about $200 a month. This salary differential puts the American worker and American products at a disadvantage, one that this country should not allow to be exploited through a free trade agreement.

The labor laws of the CAFTA countries do not come close to meeting international standards. Each of the DR–CAFTA countries has been cited by the International Labor Organization for policies which provide inadequate protection against antiunion discrimination. Four of the five countries have laws on the books that significantly impede workers' ability to strike, and each of the countries has laws that restrict union formation or union leadership.

Mr. Speaker, free enterprise includes not only me as a businessperson, but also me as a person to be able to collectively bargain for my wages and my working conditions. What is worse, the CAFTA agreement has no real enforcement mechanism to force a change in these labor laws. True, the agreement technically requires the enforcement of all labor laws, and as a penalty for failing to enforce its labor laws, a CAFTA country must pay a fine to improve the labor conditions. However, the agreement contains no guarantee that the fine will be used for that purpose. In fact, as a party to the CAFTA agreement, the U.S. has the ability to withdraw trade benefits only based on whether that fine is paid, not on how that money is used.

This provision violates the spirit of the fast track negotiating authority under which Congress will consider CAFTA. Under fast track, all parts of an agreement must be subject to equal remedies. Yet under CAFTA, the penalties for labor violations are much weaker than those involved in commercial disputes, whether it be copyright or some other commercial dispute.

Make no mistake about it, this agreement is not in the interest of the Central American worker or the American worker. This agreement would just open the door for American multinational corporations or other countries' multinational corporations to shift their operations overseas for cheap Central American labor. In the interest of both American workers and the Central American workers, I encourage my colleagues to join me, and a majority of this House, in opposition to DR–CAFTA.

IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, a few weeks ago, this Congress approved an additional $82 billion for the wars in Iraq and Afghanistan. That is on top of the other $220 billion that we had appropriated, raising the total cost of this war to more than $300 billion. If that was not enough, this week we are about to approve another $45 billion as a bridge loan for the operations in Iraq, bringing the cost up to $350 billion. What have we gotten ourselves and what have we accomplished in the last 2 plus years and after nearly now $350 billion of American taxpayer money?

We defeated Saddam Hussein's regime, but today we find ourselves mired in an endless occupation with the inability to find a way out of our occupation of Iraq. In fact, the generals there say we are years off from ever being able to extricate ourselves from Iraq. Operation Iraqi Freedom was a war of choice. As President Kennedy once said, "To govern is to choose." One can only hope that the war in Iraq was the right choice.

Every President in the middle of a war has thought and laid out a vision of America after that war, how to see of all the sacrifices that America made, how the benefits of the war would come home. President Lincoln thought of the land grant colleges and the transcontinental railroad system in the midst of a civil war. He saw a way of building America when it became clear we were going to win that war. President Roosevelt, the GI bill and universal health care; President Truman, the minimum wage, universal health care; President Eisenhower, on the heels of the beginning days of the Cold War as well as the closing days of the Korean War, the Interstate Highway System today. President Kennedy, in the midst of Vietnam and the early days of his administration of a cold war, envisioned a man on the moon and NASA, where America would dominate space and all the benefits that would come from that. President Johnson saw health care as his vision, Medicare and Medicaid.

While we are fighting in Iraq and Afghanistan, while Americans have lost 1,700 of their fellow citizens, over 10,000 who have been wounded and cost us $350 billion of taxpayer-funded entities and a taxpayer-funded war, what is our vision? What has this President said? How does he see America down that horizon, that point out there on the horizon as you look forward? What are we going to build? What vision do we lay for the next generation for all the sacrifices Americans have made, not just in blood and in treasure, but for our sense of our country?

As I said, President Lincoln saw an intercontinental railroad system. This President wants to eliminate Amtrak. President Eisenhower built highways. The highway system we have today was laid out by President Eisenhower. President Bush is threatening to veto the highway bill. President Kennedy saw a man on the Moon. The President has walked away from his vision of putting a man on Mars. President Roosevelt saw a GI bill for the troops to come home. Just this last week we cut or eliminated the opportunity for our National Guard and reservists to get health care.

Every President during the midst of a war has had a vision of America after that war that was bigger, grander and worth all the sacrifice that said the benefits of that war, America's prestige, would come home in material benefits to America. That is why we have an intercontinental highway system. That is why we had a railroad system. That is why we had the land grant colleges. That is why we put a man on the Moon. We saw a vision, every President that led this country both through war and then through peace.

It is at this time that this President needs to lay out a vision, and, let me tell you, it needs to be larger than a tax cut. That is not a vision. Somehow, do we have a universal broadband, so America leads again technologically? Would you see in the midst of a war a President who submits a budget that cuts the National Institutes of Health, a President who eliminates from the National Science Foundation $100 million from its budget, yet we placed 16th for the first time in computer sciences? That is not a vision of America that goes forward. That is a smaller, a reduced America, an America that does not see itself in the grand scheme of things.

When President Bush ran for the nomination in 2000, he announced that he was against nation-building. You look sometimes at this budget, you look at what he has done, and who knew it was America he was talking about when it came to nation-building? It is time for this President to lay out a vision that says, with all the sacrifices, his vision for America, what we are going to do. We are going to build in the science, we are going to build in the medical field, we are going to provide universal health care. What is it? It has got to be more than a veto of a highway bill, and it has got to be more than the elimination of 60 vocational programs. It has got to be more than walking away from landing a man on Mars. It has got to be a vision that says the sacrifice was worthy of this country and its great commitment to democracy around the world.

CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Mr. Speaker, today I also rise to join my colleagues in opposition to the Dominican Republic Central American Free Trade Agreement, known as CAFTA. The gentleman from Ohio (Mr. BROWN) and other Members of Congress will shortly be speaking for a special hour to take note of the negative effects that CAFTA will have not only on the American public, but also our relatives and friends that live in Central America.

I have the distinction of being one of the few Members of Congress with family that lives in Central America. I have seen firsthand for myself the conditions that people are currently living in there right now, in a small country known as Nicaragua where the poverty levels are just outrageous. There is no relief that will come through CAFTA, in my opinion.

As I see it right now, what we have learned from the NAFTA trade agreement that was passed some 10 years ago, before I came to this House, we will see the same pillaging occur with individuals who represent Central American countries, particularly young women. The pattern does not change.

In my visit there 2 years ago, I had a chance to see women outside at 5 o'clock in the morning, over 300 women lining up to enter into these maquilas, these assembly plants, if you will, in free trade zones that were set up in El Salvador and Nicaragua. In El Salvador they were lined up to begin their work of 12 to maybe 14 hours a day, gaining maybe less than $30 a week, living far from their families in areas that would not provide them with decent housing or even sanitation. And I am concerned because when we talk as a country, a great Nation protecting the rights of our workers here, we also set an example for those individuals that represent other foreign countries when we say we want to open up fair trade agreements.

In my opinion, this is not an agreement that I support. I can tell you by hearing from people there firsthand that have told me that they do not believe that they are going to reap any benefits; that the profits will go to the big corporations, whether they are U.S. or other foreign entities. That money, I do not believe, will stay there to help restabilize and provide infrastructure, clinics, education and decent housing for the people that will be working there for many years to come.

In fact, what we have seen occur in Mexico is that, yes, we set up our maquiladoras there along the border in an area like Ciudad Juarez, and soon we found that they could go for cheaper labor by leaving there, almost half of those maquilas, and transporting their factories to China where they could get a lower cost for wage labor and provide less protections for people in the workplace. Meanwhile, those products are coming back to this country.

My question is, why is it that this country feels somehow that it is good to provide incentives for big corporations who do not pay taxes here and allow for the squalor and mistreatment of people in an inhumane way abroad, yet we are supposed to be setting an example?

☐ 1945

I know that the President a year ago introduced this proposal, and he has yet to bring it up because I understand that his own party is not in support. He has many Members that are very reluctant to support CAFTA because we have seen a number of jobs, over 750,000, that have left this country. In my district alone during NAFTA, we lost more than 1,000 jobs, many in the textile and agricultural industry, many of those low-paying jobs that were held by Latinos.

So when I think about CAFTA, I think about what is going to happen again to those individuals in this country, people who are right now trying to make a living and will see soon their jobs leave this country and go abroad. What will they then be left with holding the bag?

All I can tell everyone is that there are many of us here, including the Congressional Hispanic Caucus, 14 members, a good majority of our Members, who voted against CAFTA, and I hope that everyone here is paying attention because we are not just speaking from our own districts, but we are talking also about individuals representing those different countries who have come here on different pilgrimages to come and talk and inform us as legislators. They too will be here this week to talk to us about what they see in terms of the wrongness about this CAFTA agreement.

And I hope that Members in our party as well as the other side of the aisle will come to some reason that we could maybe put this aside and maybe renegotiate this whole effort because I do believe, Mr. Speaker, that we are heading down a wrong path. I do not want to see any more of our jobs leaving and then bringing about what I would call a suppression of the workforce in those Central American countries, particularly when it affects women. When we see 14- and 15-year-old women having to work for 14 and maybe 16 hours a day, 6 days a week, not being able to go to school, not having any health care coverage, not having a decent wage to help support their own families, then I have to ask the question why are we heading down that path? And that is something that I truly believe my constituents support me on, and I have heard from them as well. We had a forum at Cal State Los Angeles recently where we had ten individual witnesses speak, and there is a resounding no for CAFTA.

So I would urge my colleagues to pay attention and to heed the concerns that we have here in the Congress such as the gentleman from Ohio (Mr. BROWN) and other Members that have been leading the cause.

THE UNITED NATIONS REFORM ACT OF 2005

The SPEAKER pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I appreciate the opportunity to speak to the Members about the United Nations Reform Act of 2005, which the House will be considering on Thursday of this week. I would like to commend the gentleman from Illinois (Chairman HYDE), whose skillful leadership was essential in both crafting and moving this important bill through committee, and I would like to thank the House leadership, whose commitment and support to this legislation of global importance has been critical to moving it swiftly to the House floor for consideration.

The United Nations Reform Act of 2005, Mr. Speaker, aims to institute long-overdue U.N. reforms by addressing and correcting the numerous scandals and institutional failings that have characterized the United Nations, a flawed structure that gives rise to discrimination and negligence at best, and corruption, profiteering, and collusion at worst.

The Oil-for-Food scandal is a primary example of these failings. As a result of the mismanagement of the contracts, out right graft and corruption when the administration of the Oil-for-Food program by the U.N. staff and by Saddam Hussein was implemented, it not only made a mockery of the humanitarian aid program, but it collected an estimated $20 billion while the U.N. turned its head. Yet the Oil-for-Food program is but one example of an institution that is rife with financial scandal.

Some other notable examples include in 1995, for example, scandal consumed the Kenya office of UNICEF, the U.N. body created to provide assistance to the world's disadvantaged children, when that office defrauded or squandered up to $10 million in agency funds. Another example, in 1996, a senior U.N. official at the United Nation's Conference on Trade and Development, the body providing technical assistance for the least developed countries, was investigated on suspicion of embezzling between $200,000 and $600,000.

Another example, in 1997, 16 past or present employees of the United Nations Development Programme, which was created to help countries design and carry out development programs in poverty eradication, employment creation, and sustainable livelihoods, they were placed under investigation after more than $6 million was siphoned off over an 8-year period.

To combat these deficiencies, the United Nations Reform Act before us this week has built in budget certification requirements, accountability provisions to address the mismanagement and the corruption, including: holding the United Nations Secretary General accountable to certify that the United Nations' budget is maintained at the approved level; two, requiring that the U.N. budget be more transparent by requiring more details on the budget categories; three, creating an Office of Internal Oversight Services and the Board of External Auditors, including the ability to appoint a special investigator and staff to investigate matters involving senior United Nations officials and also creating an Office of Ethics which will be responsible for creating and managing a code of ethics for all United Nations employees, including education and annual training and publishing of U.N. staff salaries.

The scandals involving U.N. peacekeeping are even more horrible than these. One example, Mr. Speaker, while I finish this Special Order, of these terrible crimes is appalling and unacceptable, but, unbelievable, the appearances of crimes involving sexual misconduct on the part of U.N. peacekeepers over the past decade have become frequent to include incidents of, for example, the Congo, where the U.N. peacekeepers and civilian personnel stand accused of widespread exploitation in a sexual manner of refugees;

two, Burundi, where two U.N. peacekeepers were suspended following allegations of sexual misconduct; three, Sierra Leone, where U.N. peacekeepers were accused by Human Rights Watch of systematic rape of women; and, four, Bosnia, where the U.N. police mission was accused of misconduct, of corruption, and sexual trafficking.

This is just horrendous. The U.N. repeatedly and reportedly quashed an investigation into involvement of U.N. police in enslavement of Eastern European women in Bosnian brothels.

In response, the bill before us, Mr. Speaker, is going to have some provision to deter these horrible incidents and bring a level of respect to the United Nations, and I hope that our colleagues will support this Hyde bill this week.

Among others, it includes provisions that mandate the: adoption of a minimum standard of qualifications for senior leaders and managers; adoption of a uniform Code of Conduct which applies equally to all personnel serving in U.N. peacekeeping operations regardless of category or rank; written acknowledgement by personnel sent as peacekeepers that misconduct may include immediate termination of participation in an operation; and establishment of a permanent, professional, and independent investigative body dedicated to United Nations peacekeeping.

It is monstrous that an international organization charged with operating peacekeeping missions around the world and with assisting nations to rebuild after major turmoil has experienced an alarming number of scandals involving sexual exploitation, rape, sex trafficking, misconduct, harassment, and other criminal acts.

However, not only has systemic mismanagement and corruption been a recurring characteristic of the United Nations, but the U.N. organization is being corroded by discrimination against Israel and anti-Semitism as never before.

The viciousness with which Israel continues to be attacked at the U.N., and the reluctance of Member states to defend Israel or to accord it the same treatment as other countries, suggests that there is a considerable anti-Semitic component behind the policies pursued in U.N. forums.

In addition to multiple manifestations of anti-Semitism at the U.N., the most notorious being the 1975 U.N. General Assembly resolution equating Zionism, the national liberation movement of the Jewish people, with racism, Israel continues to be subject to debilitating forms of discrimination within that organization.

Israel is not allowed to present candidacies for open seats in any U.N. body, is not able to compete for major U.N. bodies, and cannot participate in U.N. conferences on human rights, racism and a number of other issues.

By contrast, there are several U.N. groups devoted to "Palestinian Rights," and a disproportionate representation of Palestinian issues through different committees and commissions.

This Act seeks to end discrimination against Israel in the United Nations system and ensure fairness and objectivity in the United Nations' handling of Israeli-Palestinian issues by: expanding WEOG to afford Israel permanent membership in this group with full rights and privileges; mandating a State Department review and assessment of the work performed by the various United Nations commissions, committees, and offices focusing exclusively on the Palestinian agenda, followed by the submission of a report recommending areas for reform, including proposals for the elimination by the U.N. of such duplicative entities and efforts; and withholding proportional U.S. contributions to the United Nations until such time as the recommendations are implemented.

The Commission on Human Rights and its feeder body, ECOSOC, are also emblematic of these deficiencies within the U.N. system.

There remains great difficulty in securing support for condemnations of gross human rights violators, when the worst offenders sit on the actual Committee, dictate the agenda and block any meaningful resolutions from being adopted.

Yet, there have been few condemnations and measures, if any, addressing the continuing gross human rights violations by serial abusers such as Iran and Syria.

While gross human rights offenders such as Syria, Libya, Iran, and Saudi Arabia have been members of this U.N. human rights body, these regimes have not been censured, condemned, or held accountable in any way for their deplorable human rights record.

In response, among other provisions, this Act stipulates that: a Member State that fails to uphold the values embodied in the Universal Declaration of Human Rights or are under U.N. Security Council sanctions be ineligible for membership on any United Nations human rights body; secret voting in the Economic and Social Council should be abolished, and a recorded vote must be conducted to determine such membership of the Commission; and countries that meet that criteria should be ineligible for membership on the Commission.

Similarly at the IAEA we remain concerned that serial proliferators continue to be accorded full rights and responsibilities within this organization.

A few years ago, proliferators such as Iran and Iraq, who was under Security Council sanctions at the time, were scheduled to serve as Chairs of the Conference on Disarmament.

Iran, a nation who continues to be under investigation by the International Atomic Energy Agency (IAEA) due to its breaches and failures of its safeguards obligations, served on the Board of Governors of the IAEA.

Countries who are in non-compliance of their obligations under international agreements and in violation of the rules that serve as the basis for individual U.N. bodies, cannot and must not be entrusted with the enforcement of those very rules and obligations.

This Act addresses these and other concerns by seeking the establishment of: an Office of Compliance and Enforcement within the Secretariat of the IAEA to function as an independent body of technical experts that will assess the activities of Member States and recommend specific penalties for those that are in breach or violation of their obligations; and a Special Committee on Safeguards and Verification to advise the IAEA Board of Governors on additional measures necessary to enhance the agency's ability to detect undeclared activities by member nations.

Furthermore, it seeks the suspension of privileges for Member States that are under investigation, or are in breach or non-compliance of their obligations, and seeks to establish Membership criteria that would keep such rogue states as Iran and Syria from serving on the IAEA Board of Governors.

The IAEA section of this Act reinforces U.S. priorities concerning the safety of nuclear materials and counter proliferation by: calling for U.S. voluntary contributions to the IAEA to primarily be used to fund activities relating to Nuclear Security or Nuclear Verification and inspections; by seeking to prioritize funding for inspection to focus on countries of proliferation concern; by seeking to prevent states-sponsors of terrorism, proliferations, and countries under IAEA investigation from benefiting from certain IAEA assistance programs.

The United Nations Reform Act of 2005 also ensures transparency in the IAEA budget process by calling for a detailed breakdown of expenditures.

The U.N. is accountable to neither taxpayers nor voters.

As a safeguard, the United Nations Reform Act of 2005 targets crucial areas of the U.N. organization to ensure that U.S. taxpayer money hauled off to Turtle Bay is spent in an efficient, transparent, and accountable manner.

Additionally, the bill empowers the Administration to fix the U.N. by making it very clear that U.S. funding to that body will be drastically cut unless the U.N. takes the appropriate actions to save itself.

I look forward to Thursday's debate and ask my colleagues to render their full support to this much-needed legislation.

CAFTA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. BROWN) is recognized for 60 minutes as the designee of the minority leader.

Mr. BROWN of Ohio. Mr. Speaker, at a White House news conference 2 weeks ago, President Bush called on Congress to pass the Central American Free Trade Agreement this summer. Last week in this Chamber, the gentleman from Texas (Mr. DELAY), the most powerful Republican in the House, promised a vote by July 4. Well, he actually promised a vote last year, and then he promised a vote again in May, but this time he means it, I think, and we are going to actually vote on this by July 4.

I am joined tonight by the gentleman from Niles, Trumbull County, Ohio (Mr. RYAN) and the gentlewoman from Toledo, Ohio (Ms. KAPTUR), two of my colleagues from my State; and there will be the gentlewoman from Illinois (Ms. SCHAKOWSKY) and others coming along later.

Mr. Speaker, many of us who have been speaking out against the Central

American Free Trade Agreement have a message for the President, and that is we should renegotiate CAFTA.

President Bush signed CAFTA more than a year ago. Every trade agreement negotiated by this administration has been ratified by Congress within 2 months of its signing. Australia, Singapore, Chile, Morocco, each of those trade agreements the President signed was passed, was ratified, was voted on by Congress within a couple of months. CAFTA, however, has languished in Congress for more than a year without a vote because this wrong-headed trade agreement offends both Republicans and Democrats. It offends small manufacturers and labor. It offends environmentalists and food safety advocates. It offends religious organizations in Central America and in our country.

But most importantly, Mr. Speaker, look at what our trade policy has brought us. In 1992 the United States trade deficit, in other words, how much we import versus how much we export, our trade deficit was $38 billion, the year I first ran for Congress, in 1992. Last year this trade deficit was $618 billion. It went from $38 billion to $618 billion in literally a dozen years. It is hard to argue our trade policy is working when the deficit goes from $38 billion to $618 billion in just a dozen years.

Tomorrow, Mr. Speaker, the Senate Finance Committee is scheduled to take up CAFTA in what is called a mock markup. In tomorrow's mock markup, 10 legislators from Central America will attempt to offer statements on behalf of the hundreds of thousands of Central Americans who oppose this dysfunctional cousin of the North American Free Trade Agreement. I say these legislators will "attempt" because they have not been asked nor, the word we get, will they be allowed to offer any official remarks at any hearings on CAFTA.

Instead, the administration and CAFTA supporters in Congress crafted a one-sided plan to benefit multinational corporations at the expense of U.S. workers and businesses, U.S. farmers and ranchers, and Central American workers and businesses and Central America's farmers and ranchers. Opponents to CAFTA know it is simply an extension of NAFTA, which clearly, as the gentlewoman from Ohio (Ms. KAPTUR) has pointed out on this floor for a dozen years, has not worked for our country.

It is the same old story, Mr. Speaker. Every time there is a trade agreement, the President says it will mean more jobs for the U.S., it will mean increased manufacturing in the U.S., increased exports of American-produced goods to other countries, and better wages for developing countries.

But look at this chart, Mr. Speaker. The States here in red are States that in the last 5 years have lost 20 percent of their manufacturing. Michigan, 210,000 jobs, more than 20 percent of their manufacturing base; Illinois, 224,000; Ohio, 216,000; Pennsylvania, 200,000 jobs; North Carolina, 228,000; Mississippi and Alabama combined, about 130,000 jobs. In State after State after State, we have lost 20 percent of our manufacturing base. In many of the other States, we have lost thousands of jobs also.

So they continue to promise more jobs, more manufacturing, more exports, a higher standard of living in the developing world. But with every trade agreement, their promises fall by the wayside in favor of big business interests that send U.S. jobs overseas and exploit cheap labor abroad. In the face of overwhelming bipartisan opposition, the administration and Republican leadership have tried every trick in the book to pass this CAFTA.

As I said earlier, we in this body could agree on a Central American Free Trade Agreement, but not one that is tilted against American workers, not one that is tilted against workers in Central America, not one that is tilted for the drug industry and against the environment and against worker rights.

But this year, because nothing else seems to be working in convincing Congress, Republicans and Democrats alike, the administration is linking CAFTA to helping democracy in the developing world. Defense Secretary Rumsfeld, Deputy Secretary Zoellick, both have said CAFTA will help in the War on Terror. I am not sure how. They have never really explained that. But that is what they claim.

Ten years of NAFTA, Mr. Speaker, has done nothing to improve border security between Mexico and the United States; so that argument does not wash. Then in May, the U.S. Chamber of Commerce, in one of their famous junkets that we hear more and more about from some of our friends in this body, flew the six presidents from Central America and the Dominican Republic around our country, hoping they might be able to sell CAFTA to newspaper editors, to our country's voters, to our country's Congress. They flew to Albuquerque. The Chamber of Commerce flew these six presidents to Albuquerque and to Los Angeles; to New York; to Miami; to Cincinnati, my home State of Ohio.

Again they failed. And after the trip, the Costa Rican President broke off from the group and announced that his country would not ratify CAFTA unless an independent commission could determine the agreement will not hurt the working poor.

□ 2000

In addition, Mr. Speaker, we have seen demonstration after demonstration in Central America, 45 demonstrations with more than 150,000 workers, opposing this agreement. Some of their Presidents might be for it, some of them might be, but their workers certainly are not. In this case, this was in Guatemala, when the police went up against 8,000 workers, two of these workers were killed by their country's security forces.

Now the administration is trying something different. They have opened up the bank. Desperate after failing to gin up support for the agreement based on its merits, CAFTA supporters now are attempting to buy votes with fantastic promises. If history is any example, should the promises fail, they will try and force votes their way with outrageous threats.

Instead of wasting time with toothless side deals, U.S. Trade Ambassador Portman should negotiate a CAFTA that will actually pass Congress. Republicans and Democrats, small manufacturers and labor groups, farmers, ranchers, faith-based groups in all seven countries, religious leaders, environmental human rights organizations and workers are all speaking with one voice: Renegotiate CAFTA; give us a CAFTA, but one very different from this.

This CAFTA will not enable Central American workers to buy cars made in the district of the gentleman from Ohio (Mr. RYAN) or the district of the gentlewoman from Ohio (Ms. KAPTUR.) They will not enable Central American workers to buy software developed in Seattle, or prime beef in Nebraska.

A Nicaraguan worker, Mr. Speaker, earns $2,800 a year. The combined economic output of the Central American nations is equivalent to that of Columbus, Ohio, or New Haven, Connecticut, or Orlando, Florida, or Memphis, Tennessee. Workers in the United States make $38,000 a year on average.

Workers in Costa Rica make $9,000; Dominican Republic, $6,000; Nicaragua and Honduras, the average makes significantly less than $3,000 a year. They are not going to buy the cars made in the district of the gentleman from Ohio (Mr. RYAN) or the gentlewoman from Ohio (Ms. KAPTUR). They are not going to buy steel made in my district. They are not going to buy apparel made in North Carolina. They are not going to buy software from Seattle, or prime beef from Kansas. They simply cannot afford to do this.

This CAFTA is not about exporting American products. It is about U.S. companies moving plants to Honduras, paying $2,600 a year; outsourcing jobs to El Salvador, where workers make less than $5,000; exporting cheap labor in Guatemala where workers make $4,000 a year.

Mr. Speaker, when the world's poorest people can buy American products and not just make them, then we will know that our trade policies are working.

Mr. Speaker, we should renegotiate; defeat this Central American Free Trade Agreement, start again and renegotiate a CAFTA that will lift up workers and environmental standards in all the involved countries.

I would like to yield to my friend from Toledo, the gentlewoman from Ohio (Ms. KAPTUR), and thank her for her terrific work for years on trade issues.

Ms. KAPTUR. Mr. Speaker, I want to thank the able Member the gentleman from Ohio (Mr. BROWN) for spearheading this Special Order this evening and for the great work he always does, and the gentleman from Youngstown, Ohio, and the surrounding areas, for being so much a part of our efforts to change America's trade policy so it again works for America's communities, America's workers and America's farmers.

If you loved NAFTA, you are going to love CAFTA, and I cannot think of a single American that really loves NAFTA, because we have lost so many jobs, nearly 1 million jobs, since that agreement was passed in 1993.

It is really amazing to me to think about everything that is needed in this country and what the Bush administration is trying to push through this Congress. Just look at rising gas prices. Is this administration and Congress really trying to do anything to help America become energy-independent again? No, not really. We continue to become more dependent on imported petroleum than before this administration took office.

All of our pension funds are underfunded. The Pension Benefit Guarantee Corporation, which is supposed to undergird all of our Nation's pension funds in private industry, needs over $23 billion to try to restore just the current needs in that bill. Are we getting a bill to fully fund the Nation's pension guarantee fund? No. The bill is not coming up here on that.

What about Social Security? Well, their answer is privatize it. Try to divert money from the regular trust fund, rather than finding a way to make sure that Social Security is healthy long term.

Health care, is anything really being done to insure America's families and to try to take care of all those in our nursing homes who do not have enough nurses at bedside? No, that bill is not coming up here.

Or veterans, to make sure we have enough money in the accounts of this country to take care of all the disabled veterans returning home? We see our Family Assistance Centers having to raise money to buy special access ramps to people's houses and to try to take care of families because we lack TRICARE when our veterans come home. No, we are not getting a bill to do anything about that.

What we are getting is we are getting a bill that would expand NAFTA to include five more countries, actually six more countries if you count the Dominican Republic. What it would do is add over 50 million more people into this NAFTA union, people who have hands to do work, but who through that work cannot really increase their own standard of living, as the gentleman from Ohio (Mr. BROWN) has said, who could buy the goods that are made in this country, because they do not earn enough to afford them. But it would add 50 million more people to this trade effort.

That means that our jobs, as happened with NAFTA, would continue to be outsourced, shipped out, even in greater quantity than they already are, to Guatemala, Costa Rica, the Dominican Republic, El Salvador, Honduras, Nicaragua, all these places so very far from home, and more of our agricultural production as well.

So we are literally being asked in this agreement to add a State the size of California, 50 million people, or four States the size of Ohio, actually five Ohios, if you look at the population of the countries that they are trying to add to this DR-CAFTA agreement, add that many more people to our union and then say it is all going to work.

This is an example of what has happened since NAFTA was passed back in the early 1990s and what has happened to our trade deficit, if you add NAFTA, if you add the special agreement with China and all these other trade agreements. We have fallen every year into deeper and deeper and deeper deficit. We are now over half a trillion dollars a year more goods coming into this country than exports going out.

I just wanted to place the record as I begin my comments this evening that in the last official count in March-April of this year, the overall U.S. trade deficit in goods and services rose another 6.34 percent from March to April, climbing from $53.6 billion to $57 billion overall, on top of all of the deficit we already had from last year, and this represents the fourth highest combined monthly deficit on record for our whole country.

The deficit with Mexico in that period of time rose to $4.4 billion, up another 3.29 percent, and the deficit with Canada rose to $5.4 billion, just for that month, another 8.9 percent increase.

If I could just demonstrate these other two charts as I begin this evening, the gentleman from Ohio (Mr. BROWN) referenced the trade deficits in various countries.

With Canada, since NAFTA was signed, the proponents said, just like they are saying now, if we sign this agreement, we are going to have all the trade. Except it is modeled after the NAFTA accord. And after we signed NAFTA with Canada, though we already had a deficit with NAFTA, after the signing of NAFTA it just went deeper and deeper to where it doubled and tripled, more production in Canada than here in the United States. With Mexico, the very same pattern.

This type of accord provides America with lost jobs, lost income, more imports coming in here than exports going out. With Mexico when NAFTA was signed, we actually had a little trade surplus with Mexico. We have fallen into heavy, heavy deficit, now nearly $50 billion a year in the hole with Mexico.

Finally, before I yield back the time the gentleman was kind enough to give me, we already have today a $1.9 billion deficit in goods with these nations already. All CAFTA is going to do is push those numbers further down, which means more lost jobs in Ohio, more workers who cannot afford to own their home, these increasing bankruptcies we see across our country, and the same-old-same-old being thrust upon the American people voted on here in this Congress by some of the most powerful economic interests on the face of the globe.

So I am very thankful that the gentlewoman from California (Ms. SOLIS) was speaking earlier this evening, the gentleman from Texas (Mr. GENE GREEN), now the gentleman from Ohio (Mr. BROWN), the gentleman from Ohio (Mr. RYAN), to talk about, you know what, it is time to draw a line in the sand and say if an agreement has been out of whack, seriously in deficit for more than 3 years, it ought to be renegotiated, and we should not add any more pain to the American economy than we already have.

I want to thank the gentleman for allowing me to speak this evening.

Mr. BROWN of Ohio. Mr. Speaker, reclaiming my time, I thank my friend for her terrific work representing American workers.

I yield to my friend the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) and the gentlewoman from Ohio (Ms. KAPTUR) for their leadership on this issue. For years and years you guys have been at the forefront of this issue, and now it is becoming a little more trendy, a little more popular, to be against some of these trade agreements. I would like to thank you as a new Member, second term. I am a lucky guy to have two Members in the Ohio delegation with such strong leadership on this issue.

As we talked about the trade deficits, whether they are with one country or the overall trade deficit, I think it is important, and this is the real disconnect that I think the administration and many of the people who are supporting CAFTA are missing. The disconnect is with those people who are in our district, those people who lose manufacturing jobs, those people who lose textile jobs, whether in the Southern States, those are the people we are here to represent.

If the trade agreements that we have been signing, whether it was NAFTA or PNTR or Most Favored Nation with China over years and years and years, if they are not working for everyone, then they are not good trade agreements for the United States of America.

I am sure both of you represent counties that probably have the same kind of situations that the counties in my districts have. They cannot pass a sales tax; they cannot pass police and fire levies, library levies, school levies. I think two-thirds of the school levies that were on the ballot in Ohio last year failed, two-thirds.

So years ago we were promised when we had the debate, we are going to pass NAFTA, but we are going to invest in education. We are going to trade with the Chinese, but we are going to make sure that our workers are the most skilled, educated and healthiest workers on the planet. We failed to do that on this end, and at the same time we sign agreements that do not have the labor standards, do not have the environmental standards to help lift these people up.

As the gentleman from Ohio (Mr. BROWN) pointed out earlier, with the average wage of a Nicaraguan worker, what are they going to buy here? What are they going to buy that comes out of the United States? Not a Jeep from Toledo, not a Cobalt from Lordstown, Ohio. They cannot afford it. It would take them 10, 15, 20 years to come up with the kind of money that they would need to just buy a car coming out of the United States of America.

I think it is important, because it is not just about CAFTA. If we take a step back and we try to look at how the world is going to look in the next 10 or 20 years, we have high-tech jobs making their way to India and China, and we have a lot of our manufacturing going to China that has come from Mexico, first it went down to Mexico and then over to China, and everyone keeps talking about this new economy and what is it going to be.

Well, we do not really know what it is going to be. Nobody seems to know what this new economy is going to be like. We are going to have the high-tech jobs, and our people are going to work, and it is going to be great. It will be like America is going to be one big country club. Everybody is white collar, everybody gets to golf and go to the swimming pool, and it is going to be great. That was the idea they were trying to pitch to us in the 1990s, and it did not work out that way.

So it is important for us, I think, not only those of us against the trade agreements, but as Democrats, to say this train is so far down the track, we do not even know how much we are going to be able to stop it. I think it starts with CAFTA would be a good place for putting our stake in the ground and trying to go in another direction.

But at the same time, we have got to invest in education, we have got to make sure we have healthy citizens. Eighty-five percent of the students that go to Youngstown city schools qualify for free and reduced lunch. That is probably the same, if not higher, in Cleveland and Toledo. Fifty or sixty percent of those kids live in poverty.

So even if we just, for the sake of argument, say these trade agreements are great, let us all compete; let us educate our kids; let us do what we have to do to compete with them, free markets, which we do not always buy, but let us for the sake of argument say that. How are we going to have the kids in Youngstown able to compete against these workers in the other countries if we are not investing in education and not making sure they are healthy, lifted out of poverty and on the playing field?

I will say this before I yield back: We are going on the global field of competition with less than half a team because these kids are not getting the kind of education, the kind of health care that they need.

□ 2015

So here we are trying to compete with the Chinese, now we want to do it with some other countries, and we just are not making the proper investments to even come to the point where we are going to be able to lift all of our citizens up to compete with over a billion Indians and 1.3 billion Chinese. And until we do that, fix these trade agreements and make those investments, we are going to see these trade deficits continue, we are going to see other countries like the Chinese and the Indians outpace us with engineers, computer scientists, and all of these other high-tech workers and, eventually, every community is going to be like some of the communities we represent, struggling to fund their schools, struggling to fund basic police and fire, libraries, the basic services that government needs to provide.

So I am happy to join my colleagues here tonight, and I thank the gentleman again for his leadership, and I yield back.

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend, the gentleman from Ohio (Mr. RYAN). One of the things that the gentleman pointed out is talking about school kids in Youngstown or talking about police and fire in his community, and we do a lot of talking about statistics and numbers and the trade deficit going from $13 billion to $618 billion in a dozen years, but then we think about what this means. When President Bush, Senior, said for every billion dollars in trade surplus or trade deficit, that translated into 12,000 jobs; for every billion-dollar trade surplus, it is 12,000 more jobs for our country; for every 12 billion-dollar trade deficit, it is 12,000 fewer jobs, many of those manufacturing jobs.

So when we have this kind of trade deficit of $618 billion, you multiply that times 12,000 jobs, according to President Bush, Senior, however you do the math, these are a lot of people that lose jobs, communities that experience plant closings, a lot of police and fire who protect our communities who get laid off when these plants close. These are a lot of cuts to public education. As the gentleman from Ohio (Mr. RYAN) says, you then need to pass school levies and it is so hard to pass school levies when people have lost their homes and lost their jobs and are barely able to make ends meet, and have taken a job where they were making $35,000 a year and are now making $17,000 a year, and they cannot afford a property tax increase, so schools lose out and kids lose out, and it is just a downward spiral.

So when you see these numbers, you think about people in our communities, it does not matter if they are Democrats or Republicans, because these job losses, as we have pointed out, these job losses in manufacturing alone, particularly throughout the Midwest and the south, North and South Carolina, Alabama, Georgia, Mississippi, and States from Pennsylvania, Ohio, Michigan, Indiana and Illinois, up into Wisconsin, think of these 200,000 per State manufacturing job losses is a whole lot of people, a whole lot of bread winners and families that come home to their kids and cannot do what they were able to do before they lost their jobs. Their schools are hurting, their public safety is hurting, they are not able to send their kids on to school, all the kinds of things that go with lost jobs. That is why this is so important.

Mr. RYAN of Ohio. Mr. Speaker, the gentleman makes a great point. The whole idea of us representing the whole country is that these agreements are benefiting the very few people who are doing really well, and they are the same people who are qualified for the tax cut that goes to the top one percent. So there is a philosophical debate here: is the legislation and the trade deals that come out of this Chamber going to represent everyone, going to be good for everyone, or are they going to be good for the very few.

That is the kind of philosophy. It has been divide and conquer down here for the last few years, and hey, if you get screwed out of your job, then so be it, that is where you are; my friends are doing good and they get to donate to my campaign, so we are just going to ignore you.

Mr. BROWN of Ohio. Mr. Speaker, I would point out that the States in white, and there are two of them, actually had manufacturing job growth. In these two States, total population is about 2 million people out of a country of 280 million, so these two States represent less than one percent of our country. Not that they are not important if you live in those two States, but they are the only States that have had manufacturing job growth.

All of the States in red have lost 20 percent of their manufacturing, 20 percent, hundreds of thousands of jobs in many of these States. The States in blue have lost up to 20 percent, 15 to 20, so it is State after State after State has just been hurt badly by this. And as we have all talked, it clearly translates into people's lives.

Ms. KAPTUR. Mr. Speaker, people in our country intuitively know something is wrong. They go to the store and they try to buy something and they see "made in China," or they see "assembled in Mexico." And they also know that the quality of production is going down, that the metals that are used are not as good as they used to be; that the clothing is comprised of fabrics that do not breath as well and they do not wear as well. People know this.

Shoes. They know that the shoes, most of which are imported now, they are not good quality. There is not rubber on the bottoms anymore on good leather. Now we have these combination fabrics and your feet hurt.

We think about, and at least I, of the three this evening who are talking, am old enough to remember when America made American-made, quality goods. We used to even make American flags. And when they had that rally over here, the Speaker handed out flags made in China.

Mr. Speaker, I can remember an America where there really was an America here, where we really made things, and we were proud of what we made. When you have these kinds of trade deficits that are massive, over a half a trillion dollars a year in deficit, more imports coming in here than exports going out, you are displacing production.

I had an experience this past week in my district where I went through an old power plant, and the innards are being taken out because it is passe, its technology is passe. I said, well, now, where are we sending the copper to be reprocessed and used? They said oh, the copper was bought up by China. I said, oh. Well, what about the turbines? Well, the turbines are going down to Argentina. I said, you mean there is nobody in America that even wants to use the scrap metal?

We look at the prices of steel and, in terms of coking, there are no coking operations here. The Chinese have us around the neck because they have been charging $43 a ton for coke and making steel production so expensive in our country. We are seeing parts of us being dismantled and sent somewhere else.

I was down in North Carolina talking with some of the producers of hogs and turkeys and chickens down there, and the grains, rather than coming from the Midwest, is coming from Argentina delivered at the Port of Wilmington. The farmers in North Carolina and South Carolina want to buy grain from the Midwest, but yet it is coming from Argentina. It is very interesting to think what is happening to our country.

Then, on the side of some of these nations, take the Dominican Republic. We had a couple of young people come to Toledo from the Dominican Republic a couple of years ago from one of our church groups, and they actually worked in a company making apparel; it was a South Korean contractor on contract to the government of the Dominican Republic, and these young women were making T shirts that were to be sold in the United States, all of their production came here. They were paid 12 cents a T-shirt. They worked 14 to 18 hour days, 7 days a week; they had absolutely no say in their company, nothing, forget it. They were just bonded workers. If they spoke up, they were fired. They worked behind barbed wire fences and gates, the plant was inside, it was like a reservation, actually.

When they came to Toledo, we took them to a couple of shopping centers to try to find the shirt that they had made and, sure enough, we did. We found the T shirts hanging on a rack. This young woman, she just went up to it, she pulled it off and then we looked at the price tag. It was $20. I cannot forget her face. She just stood there. She said, you mean in America it is sold for $20 and I earn 12 cents? She could not even, she could not even fathom it.

I said, yes, and let us think about who made the money off the sweat of your brow. This was actually sweat shop goods coming into the United States from the Dominican Republic by way of a special contract signed with the South Korean manufacturer who is doing business and, really, whose practices cannot be monitored well, and these young women were earning nothing.

Now, is that the kind of world that we want to create? We are.

Mr. RYAN of Ohio. Mr. Speaker, we hear the word "freedom" come out of this Chamber a lot. Is that young girl free? She is trapped. She is an indentured servant just like there has been throughout the history of, many times in this country, and many others. She is not free.

So we use freedom when it is convenient for us, but in the instance where it may hurt some corporation to reduce their profits, freedom does not mean anything.

Ms. KAPTUR. As the gentleman says, it ought to be called not free trade, because it is not free trade. It is not good trade, we know that. It certainly is not positive trade, because all we are yielding are deficits. Maybe we should call it sweat shop trade or indentured trade. There is some other word that should go here.

Mr. BROWN of Ohio. Mr. Speaker, the gentleman from Ohio (Mr. RYAN) mentions freedom. Another word or phrase that is thrown around here a lot is Christian values and fair play and morality. And when we pass a trade agreement that throws American workers in these numbers out of jobs and then exploits a worker that the gentlewoman from Ohio (Ms. KAPTUR) talked about making 12 cents that makes a product that sells in the United States for $20, what kind of exploitation, what kind of family values, what kind of morality that does describe our actions?

Yet, it is pretty clear to an awful lot of people in this body, I think, and it is pretty clear to a whole lot of Americans that the values that we hold dear, no matter what your religion or your faith, if your religion or your faith is based on our country doing the right thing, it simply does not fit, to pass a trade agreement that costs people these kinds of jobs, that exploits the most defenseless people in the developing world, the people that the gentleman from Ohio (Mr. RYAN) says are trapped, the women that the gentlewoman from Ohio (Ms. KAPTUR) describes, and then go home and talk about practicing our faith and family values and morality. It just does not work.

Mr. RYAN of Ohio. Mr. Speaker, we may have developed a new word or new phrase. We are advocating for value-centered trade, trade that represents our values and, hopefully, what we are trying to spread around the world, value-centered trade.

Ms. KAPTUR. And part of that I think is the development and sustenance of the middle class.

We know that the workers in these other countries, because of the way the countries operate, are not creating a middle class. They are endowing the very top. In fact, they have a word for this, they call it oligarchies or plutocracies, they are endowing the wealthy, and the vast majority of people are poor. In Mexico, post-NAFTA, more people are poor today than before NAFTA was passed, and many of their small businesses were drummed out of existence, and many of their independent farmers are wandering across North America trying to find even enough to eat.

In our country, we have been druming down the middle class. These other countries do not have a chance to build a middle class. Who is really benefiting off of the pain that is felt by the workers of our country and these other countries? It is very clear. There are a few extraordinarily powerful corporations that are trading workers off against one another.

And we as a Congress have a responsibility to stand for the development of the middle class and trade agreements that sustain the middle class in our country and help these other countries develop economies where their wealth comes from demand-led growth inside their own countries, not exporting everything they make to other places, paying their workers nothing, and then charging us high prices for those goods here in this country.

We do not have that kind of trade regimen. That is why we need to stop CAFTA and go back and renegotiate NAFTA, and any other trade agreement where we have sustained massive deficits over the last 3 years. That ought to be the priority of the President of the United States and of this Congress.

Mr. BROWN of Ohio. Mr. Speaker, CAFTA specifically protects, if you look at the text of CAFTA, it specifically protects the prescription drug companies, but offers no real protection to workers. It specifically protects and supports Hollywood films and CD-ROMs, but does not have protection for the environment and for food safety. I mean, if that does not tell us something about values: we will write a trade agreement that will help the most privileged, wealthiest people in both our country and the six CAFTA countries, but we will not protect the workers, we will not protect and help and enhance the environment, food safety, safe drinking water, clean air, all of that.

We are joined by my friend, the gentleman from Michigan (Mr. STUPAK) who also has been in this Chamber, came with me in 1992 and has been a part of these discussions on trade for many, many years, and I thank the gentleman for joining us.

□ 2030

Mr. STUPAK. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for asking me to come down and speak with him and speak out against the Central America Free Trade Agreement called CAFTA. I am pleased to be here with the gentleman from Ohio (Mr. RYAN) and the gentlewoman from Ohio (Ms. KAPTUR), all from the great State of Ohio. As we continue to look at just your map there, the job loss is 216,000 in Ohio, 210 in Michigan.

Just one slight correction, if I may, on your map. The Upper Peninsula of Michigan still belongs to Michigan, not to Wisconsin. But anyone saw me down here arguing this from my district and knowing that I live in the Upper Peninsula, they would say, whoa, what happened here?

Mr. RYAN of Ohio. If the gentleman from Michigan (Mr. STUPAK) would yield, we left Ann Arbor in Michigan.

Mr. STUPAK. But, you know, if CAFTA passes, there might as well not be an Upper Peninsula of Michigan just because we have lost so much. In fact, Michigan, right now our unemployment remains the highest in the State at about 7 percent. The small and the medium-sized manufacturing jobs are gone. We just have great difficulty with it.

One industry we still have left in Michigan, and a little bit that it is, but it is vitally important, a new part of my district down there by the thumb area, as we call it, is the sugar industry. And CAFTA will just really wipe out the sugar industry in Michigan.

We recently just have been declared a disaster area because of higher than normal temperatures in the region, where we lost 200,000 tons of sugar. That cost $33 million to our farmers. But now if we pass this trade agreement, and if it goes into effect, U.S. markets will be flooded with sugar imports, striking an even greater blow to our Michigan economy, especially our agriculture and sugar. And sugar actually ranks fourth in the country in production, Michigan sugar does. So we have a vital stake in the sugar industry in this Nation, being fourth in the country in production.

And our sugar comes from sugar beet. And the sugar beet economy in Michigan, if you will, is about 2000 farms, employs thousands of people, and annually it is a $300 million product to agriculture in Michigan. Michigan farmers know how damaging CAFTA would be to them. We will also endanger many of the thousands of jobs at the mid-Michigan-based Michigan Sugar Company. That is a cooperative, and they have worked very hard to maintain their jobs. And if CAFTA goes through, we think the Michigan Sugar Company would be history.

We in Congress we need to send a strong signal to the Bush administration that this is one instance where sugar, if you will, does not belong on the table, so to speak.

What can we expect from CAFTA? And I know all my colleagues here joined me in that fight in NAFTA about some 10 years ago. A significant job loss. Over the past 10 years we have 766,000 jobs lost here in the United States. And where did they go? They went to Mexico and other places for lower wages and labor standards that are appealing to big corporations.

How many more American jobs can we afford to lose as a result of CAFTA? Why would CAFTA, under the same labor and environmental framework as NAFTA, be anything better for our manufacturing industry, our sugar industry or the American worker?

CAFTA would allow foreign corporations to challenge U.S. environmental laws once again by establishing a three-member panel of international judges who meet behind closed doors with the power to award billions of dollars of U.S. taxpayers to multinational corporations.

CAFTA's environmental provision is a sham. The agreement says that nations would simply enforce existing environmental laws, even though many of those laws are inadequate. Even that provision, the environmental provision, even that one fails to have a meaningful enforcement mechanism. CAFTA does not ask other nations to better preserve or protect their environments. It just says whatever laws you have is fine.

In the U.S. we have many environmental laws to protect our food, other residents, our natural resources. Yet if CAFTA passes, we will import goods from countries that do not have the same safety standards.

We all know about the food. I know the gentleman from Ohio (Mr. BROWN) has helped on the Energy and Commerce Committee where we both sit on food safety issues, whether it is tomatoes out of Mexico versus Florida tomatoes. In this country we still, we pass every year a labeling law to label our food. So we could say, okay, these tomatoes are from Florida. We know what standards they are grown by. These are from Mexico. We do not know what standards they are grown by. We pass it, but yet it is never implemented by the current administration. People are willing to pay a few extra pennies, if you will, on their fruits or vegetables or beets or seafood just to know where it comes from, because our standards, our environmental standards, our consumer standards, our health standards, our safety standards are so much greater in this country than elsewhere.

So CAFTA, in a way, wipes out all these protections for the American worker, for the American homeowner, for our American family. CAFTA also fails to protect Americans workers. It fails to offer protections to Central American workers who fall victim to their country's own diminishing standards.

CAFTA does have its benefits. The only benefits I can find are to companies that would leave the U.S. to exploit cheap labor in countries with minimal protections. We need to be promoting business development and jobs in the U.S., not sending more of them overseas.

Michigan, as I said, has lost, and on the gentleman from Ohio's chart there, 210,000 manufacturing jobs. Just since NAFTA alone, we can draw a direct line between NAFTA, the North American Free Trade Agreement, and 130,000 manufacturing jobs, just manufacturing jobs in Michigan. Companies are practically crawling all over one another to leave the U.S. for cheap labor in countries with little protection for their workers or the environment.

Now I want to be clear, and I am sure all of us here tonight, we support fair trade agreements; however, CAFTA is unfair at its worst. It is unfair to workers both at home and in Central America. It is unfair to small businesses. It is unfair to our communities, unfair to our environment. So I would urge the administration and this Congress to stop the exodus of jobs from the U.S., stop the challenges to our environmental protection laws.

And when I came down here tonight to join you, you were talking a little bit about what about a faith base or a moral basis for some of these agreements, especially here in the United States. When you take a look at the United States Catholic Conference and the United States Catholic Bishops and the Catholic Relief Services have all come out opposing this trade agreement on basic fundamental human rights issues. Trade is all about people, their livelihood and how they live their lives. And they found CAFTA, you know, Catholics for Faithful Citizenship, they found that CAFTA is a trade investment agreement negotiated between the United States and six countries, and they are, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Dominican Republic. And the President wants us to pass this trade agreement. But before we go ahead and do it, just from a moral and faith-based perspective, we have to ask questions like how will CAFTA address the needs of small and medium-sized manufacturing and farms here in the United States and Central America?

How will CAFTA protect the rights of worker and the environment?

How will CAFTA impact the lives of people throughout this hemisphere, be it U.S. and Central America?

What is the intellectual property provisions for protection of your intellectual property? What does CAFTA have? Very little.

What is CAFTA's purpose, or how does CAFTA promote really human development and human rights, especially amongst poor people in Central America?

If you start asking these questions, it is very clear this trade agreement is not negotiated in the best interests of the American people. It is not negotiated in the best interests of faith-based people. It is not negotiated in the best interests of people who come to this floor or go to work every day with a moral purpose of what they do.

I have always been taught you work hard, you play by the rules, and good things will happen. Unfortunately, with these trade agreements, you work hard, you play by the rules, not only do you lose your job, but your job is shipped overseas, and it is sort of a race to the bottom, because the job you had before, now you earn so much less when you try to pick up a new job because there is just not the jobs there.

I mentioned Michigan at about 7 percent unemployment. A month or two ago it was 7.5 percent. The tourism industry is starting to take off, so we are starting to see a little bit of an improvement in our economy, but still at 7 percent. We just cannot. The auto industry is hurting terribly in this Nation, and as we ship more and more jobs south to produce more and more cars, to produce our sugar, to produce our meats, our vegetables, our fruits, what is left for the farmers?

And you cannot tell me these farmers in Central America are making the money. They really are going to be squeezed. The small and medium-sized farmers will be squeezed out in these countries as the big international conglomerates will take over, and they will reap the profits, and these people will continue to live in poverty and in misery.

So when the United States Catholic Bishops and the Catholic Relief Services come out against a trade agreement because they do not believe it will do anything to lift the workers, the farmers, the peasants out of poverty in Central America, at the expense of U.S. jobs, that is a strong statement.

So I would hope people would take a very close look at CAFTA. Take a look at it from just your own job in our own district. Take a look what is does to the United States. But take a look at it from a moral and ethical perspective and say, is this the kind of trade agreement I can honestly vote for and go to church this Sunday and say, you know, I did the right thing?

I think when we examine the questions put forth by all of you here tonight, I think the American people would agree that this CAFTA is just a bad deal not just for U.S. sugar, but for all of the United States and all of our manufacturing, and does nothing to help the people it professes to help in the Central America region of this hemisphere.

So I would hope that people would not support this agreement. There is a lot of pressure being applied by the White House right now. There are meetings going on all the time. There is actually a picnic this Wednesday at the White House. I am sure they will be asking Members there in between their enjoyment to vote for this trade agreement. The President has sort of staked part of his administration upon it, and I hope we would see through all this and see what is done to our Nation, all these trade agreements that are really unfair. Again, not against trade agreements, but they have to be fair to both countries, to all the countries involved, and they have to be enforceable, and we are just not enforcing it.

I mentioned the intellectual property rights. We have had hearings in our committee on China where they just openly are manufacturing these games that we see that young people play, whether it is their Gameboy or all of these video games, openly doing it in front of the Chinese officials. And they say, yeah, but they will not crack down on it. The intellectual property rights. The movies. The intellectual property rights is one of the last few industries we have left in this country where we have world supremacy on it, but yet we cannot get countries like China to enforce it, to protect it, even though it is part of all these trade agreements. It is just amazing. It is just simply amazing that we have these trade agreements we know are being violated, nothing is being done.

Let us not do another trade agreement, this one being the Central America Free Trade Agreement, that is going to harm us not just from an agricultural point of view and manufacturing point of view, but even our intellectual property rights. If they cannot protect something like a video game, how are they going to protect your best interest when it comes down to these trade agreements? So I would hope that this House would reject this CAFTA. And remember, it is an agreement, and when it comes to the floor we cannot amend it, we cannot change it, we cannot alter it. It is either a yes or no vote.

Mr. BROWN of Ohio. I thank the gentleman from Michigan (Mr. STUPAK). And before calling the gentlewoman from Illinois (Ms. SCHAKOWSKY), I would like to reiterate a couple of things that the gentleman from Ohio (Mr. STUPAK) said, talking about people playing by the rules, and American workers who played by the rules and were involved in their community and raised their kids and worked their jobs and put their time in, that they lose their jobs; people who have played by the rules in Central America, who have been exploited in these jobs that have been outsourced; and all the groups, all the religious leaders and all six of these, the six Central American countries and including the Dominican Republic; and the United States religious leaders that oppose these because they know that people that have played straight and played by the rules have been hurt by these trade agreements in the past.

And I want to mention one thing before turning to the gentlewoman from Illinois (Ms. SCHAKOWSKY) because of what the gentleman from Michigan (Mr. STUPAK) said and the gentleman from Ohio (Mr. RYAN), and the opposition to these agreements from the public. People know they are getting hurt by these agreements, people in Niles, Ohio, that work at Lordstown, people in Lorain or in the Upper Peninsula of Michigan or in Chicago that have been hurt by these agreements, people in Central America that have been hurt by these agreements. Because of that it is clear if this vote were to come to the House today, there is no doubt that we would defeat this trade agreement by 30 or 40 votes. But that is today. And the gentleman from Ohio (Mr. STUPAK) pointed out the White House is beginning all kinds of ways to convince this Congress to do something to vote for the agreement.

Just a couple of days ago Tom Donahue with the Chamber of Commerce told a bunch of Members of Congress, if you vote against CAFTA, it will cost you. Those kinds of threats. At the same time the President and his people are now putting out carrots, not just sticks. They are, in a sense, bribing Members of Congress with everything from promising highways and bridges and other kinds of pork to now saying that they are going to put $20 million in labor enforcement assistance into something called the Department of Labor's Bureau of International Affairs.

Now the administration cut the ILAB from $148 million in 2001 down to $12 million, from 148- to $12 million. Now they are saying they are going to add 20 million to it, as if that is helping something, when they have no interest, they have written a trade agreement that does not enforce labor standards or provide labor standards. Now they are saying they are putting a little money in even after they have cut it. At the same time something called the International Labor Organization, which is a multinational group that sets labor standards, were one of, I believe, two countries out of 80 that said we are going to vote against the funding for that international body.

So it is pretty clear all the promises they want to make about enforcing labor standards, they wrote weak standards, they cut funding on enforcement. Now they are trying to buy off a few Members' votes by promising to put a little money in enforcing labor standards.

I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY), who has been a stellar outspoken advocate for workers' rights and the environment, both internationally and in the gentlewoman's Illinois district and around this country.

Ms. SCHAKOWSKY. Well, I thank the gentleman from Ohio (Mr. BROWN) so much for the opportunity to join the gentleman tonight, and thank the gentleman for his leadership. As I have said, I have learned a lot from the gentleman. Actually wrote the book on trade agreements called the Myths of Free Trade. You can get it at a book store. If they do not have it, order it. It is a good read and educational.

What we are seeing right now is a growing bipartisan consensus that CAFTA is not a good idea.

□ 2045

I realize there are all kinds of pressures going on on the side to get Members to vote for it, and I think the reason is very simple.

Why do we have trade agreements? Well, of course, we have now an increasing global economy. That is inevitable. It is going to happen as the world gets smaller, because of technology, because of our capacity to trade with each other across borders, and that is a good thing. But we are at a point now where we have to decide what are the beneficiaries, who are going to be the winners and the losers of this international trade.

Clearly, we are talking about businesses being able to sell their products and import products and to set a level playing field, but we want to make sure that it is not just multinational corporations, the huge companies that benefit from this global marketplace, but that it is consumers, that it is workers, and that at the same time we are not damaging our environment. The thing about trade agreements is that it is possible to craft trade agreements that are not only good for business, but they are also good for workers and that they do take into consideration the environmental impact.

We had a trade agreement with Jordan that, if we used it as kind of a template for how we write these agreements, could have been a model for how we do it around the world, but instead, this trade agreement speeds up or at least contributes to what we call the race to the bottom; that is, the kind of agreement that does nothing to lift the wages or the living standards of people in the Central American countries and the Dominican Republic, and makes it easier to actually lower the standards of workers here in the United States. It starts pushing down wages, pushing down working conditions, and that is not the kind of globalization we want, where the whole world is diminished in terms of its workers by these trade agreements.

I went to Cuidad Juarez right across from El Paso at the 10th anniversary of NAFTA, and it was a trip that was organized in large part by the gentlewoman from Ohio (Ms. KAPTUR). When I went there, what I saw were workers living in the packing crates of the products that they were manufacturing, often American companies, who had crossed the border and set up shop there so that they could pay very low wages to Mexican workers who were benefiting hardly at all.

I mean, yes, they wanted some kind of a job, but their standard of living was to live in packing crates without health care, without certainly any kind of a living wage. In fact, we saw children who looked pretty sick, but they could not afford to take them to the doctor or even to send their children to school.

Is this the kind of world that we want to help create with these trade agreements? Is this good for the people in Mexico? Is this good for Americans? Because then those jobs go to places where there are low wages and where it is dangerous to try and organize for higher wages and higher benefits. It is dangerous to talk about unions. In our country, every 23 minutes a worker gets fired for trying to organize a union. In some of those places, you can get killed if you try to organize a union. It can be very, very dangerous.

So the United States is the richest country in the history of the world. It could be a leader in saying we want to establish rules that lift all people, that make it possible for our workers to have a living wage here at home, to have our consumers be able to buy products from other countries where the people who produce them are not living in slave or near slave labor conditions. I feel bad because often it is posed, you are either for trade agreements or you are not; you are an isolationist; you do not want to.

It is not that at all. We could craft an agreement. We could go back to the drawing board, and we could craft an agreement that would work for workers here and workers there, too.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentlewoman from Illinois (Ms. SCHAKOWSKY). She is exactly right. I think the point she made is so important.

First of all, at the beginning of her comments, she said there is a growing bipartisan group, and it is clearly way larger than a majority of this Congress, large numbers of people in both parties, who do not like our trade policy, who see that we have seen this incredible growth in the deficit from $38 billion to $618 billion in 12 years. It is clear our policies are not working.

We have seen the kind of job loss that the gentleman from Michigan (Mr. STUPAK) and others have talked about, particularly in these red States, with losing 200,000 jobs.

She talked about that we are not against trade agreements; we are against this Central American Free Trade Agreement. We are against this trade agreement because we know who the winners and losers are. The winners have been the drug companies, the largest most powerful corporations. The losers are small manufacturers that are from my district and in Chicago or in the upper peninsula of Michigan. The losers are workers all over the country.

When these workers lose, it is not just 216,000 Ohioans who lost their jobs. It is the families. It is the children. It is the school districts, the police and fire protection, and the safety of these communities.

It is clear, Mr. Speaker, that we can simply do better, that we should reject the Central American Free Trade Agreement as presented to us for this vote; renegotiate CAFTA; come back here and pass a trade agreement that lifts standards up, that lifts workers' standards up in our country and Central America; that protects and preserves the environment; that speaks to food safety and all the things that matter in our lives.

In closing, I would add both comments from the gentleman from Michigan (Mr. STUPAK) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) about what do we stand for as a Nation, what kind of values, and when I look at the fact that religious leaders in all seven of these countries, the six countries south of us and our country, religious leaders have spoken out saying they are not against trade either, but they can do better, they believe we can do better and come up with a negotiated trade agreement so that working families and the poor in these countries, the environment benefits, food safety benefits. We do better with all of those things that we care about.

So I thank my friends for joining us tonight, the gentleman from Ohio (Mr. RYAN), the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from Michigan (Mr. STUPAK), the gentlewoman from Illinois (Ms. SCHAKOWSKY), and just again saying we should renegotiate CAFTA, start again. It has been a year and a month since this agreement was signed by the President. We can do better. Let us start again and do it right this time.

BYRNE-JUSTICE ASSISTANCE GRANT AMENDMENT

The SPEAKER pro tempore (Mr. REICHERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Nebraska (Mr. TERRY) is recognized for 60 minutes as the designee of the majority leader.

Mr. TERRY. Mr. Speaker, I rise tonight in favor of the Byrne-Justice Assistance Grant, JAG, amendment that we will debate and discuss in tomorrow's appropriation, Justice appropriations tomorrow.

This is a grant that our local police and sheriffs have relied on to form task forces, multijurisdictional task forces to fight our drug problems in our communities, particularly meth. At least in Nebraska, the State that I have the responsibility and honor to represent, meth is by far the number one drug of choice. It started mostly as a rural drug where the ingredients were fairly easy to get, anhydrous ammonia, pseudoephedrine from your local grocery store or pharmacies. The Sudafed that they can break down, the components, and using a variety of other chemicals, even ammonia, they would be able to manufacture in small labs using basic chemistry sets to make this drug.

This drug has spread throughout the rural communities across our Nation, devastating these communities, devastating families. The drug is highly addictive. Part of the symptoms of the drug while you are high on this drug is the tendency to be violent, staying up for long periods of time, and in fact, because of the toxicity of this, it even breaks down your skin. It breaks down your gums and your teeth and your hair. You can have open sores. As I mentioned a minute ago, the consequences of this highly addictive drug run deep in our social and family infrastructure.

I am pleased that we have so many Members on both sides of the aisle that are coming forward to help our local police and sheriffs with their part being on the front lines in the drug war.

I have the honor now of recognizing the gentleman from Michigan (Mr. STUPAK) who represents the Law Enforcement Caucus and is a great supporter of our local law enforcement, and I yield to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I thank the gentleman from Nebraska (Mr. TERRY) for yielding and thank the gentleman for his leadership on this issue.

We have had this issue a couple of times come before the Congress, and each time we have been pretty successful in trying to defeat the changes and the cuts in the appropriations to the Byrne grants because, as all my colleagues know, the Byrne-Justice Assistance Grants are of great importance to all of our States, to our local, our city police, especially in the fight against drugs because of the drug task force that they do fund.

Our law enforcement officers who are in our communities who serve and protect us every day have asked repeatedly that we not cut this one vital program, which gives them discretion at the State level on where to put these justice grants, these Byrne grants, if you will, and how to use them in their States.

Unfortunately, this program is grossly underfunded in the bill that we will have up this week, and it is going to cut funding from $634 million that was provided last year to $348 million for this fiscal year. That is about a 40, 45 percent cut.

So, tomorrow, I look forward to joining with my colleague, the gentleman from Nebraska (Mr. TERRY) and the gentleman from Minnesota (Mr. RAMSTEAD), my other co-chair of the Law Enforcement Caucus, and others to offer this important amendment.

Our amendment will ensure that our local law enforcement has the resources it needs to control and eliminate drug threats, keep our court systems up and running smoothly and provide funding for anti-terrorism training. As a former city police officer and a Michigan State police trooper, as well as the co-chair of the Law Enforcement Caucus, I understand how much our local communities need and rely upon the Byrne grants. In fact, we had hearings in the Law Enforcement Caucus earlier this year about what these Byrne grant cuts would mean to law enforcement, and law enforcement from Maryland, Illinois and all over the country came and testified the devastating effect it would have.

So what our amendment would do to tomorrow is restore the $286 million that is being cut out of the Byrne grants by making a .448 percent cut, that is less than a half a percent, from every agency in this bill to fully fund Byrne grants. Why should every agency take a hit? Because this is how important the Byrne grants are to law enforcement and our continuing fight against drugs in this country.

So I am hopeful that the entire House of Representatives will take to heart the importance of the funding of the Byrne grant program and vote for this amendment.

Most of us are well aware that the funding this grant provides is instrumental to our law enforcement teams, but this Byrne grant does so much more that is often overlooked.

In fact, the Byrne grants actually provide funding for 29 different programs, vital programs such as anti-drug education programs, treatment programs, alternative sentencing initiatives, giving the States the ability to choose the programs where funding would be most useful to them back at home.

The Byrne grants also fund programs important to our court and prison systems. It provides funding to improve the operational effectiveness of the court process by expanding judicial resources and implementing court-delay reduction programs such as automated fingerprint identification systems.

□ 2100

The Byrne grants provide long-range corrections and sentencing strategies and fund programs that teach inmates to acquire marketable skills and to make restitution payments to their victims.

Byrne grants can also be used to implement antiterrorism training programs, enforce child abuse and neglect laws, improve the criminal justice system's response to domestic and family violence, and, finally, the grants can also be used to establish cooperative programs between law enforcement and the media, such as the AMBER alert system, which we use when there is an abduction or a missing child or young adult. We flash it across the highways, the byways, the TVs, and radios. That is all funded by the Byrne grants. So why would we put a 40, 45 percent cut in that system that we seem to be relying upon, unfortunately, more and more each day?

As most of us have been hearing from our local drug enforcement teams back home, and the gentleman from Nebraska (Mr. TERRY) certainly articulated those needs, we have to provide the funding so our drug enforcement officers can do their jobs. We can do this only by fully funding the Byrne grants. We have a list we are putting out, and the gentleman from Nebraska has worked on this, and all of us who are supporting this amendment tomorrow. If you look at California, our largest State, it has 58 drug enforcement teams, task forces. If these cuts go through, they will be down to 32. They will lose 26 drug task forces; Georgia, 16; Louisiana, 17; New York will lose 34 of their 76 teams; Ohio will lose 14 of their 32; Texas will lose 21 of the 46 drug enforcement teams; and Wisconsin, my neighboring State, will lose 15 of their 34. Basically, of the 828 drug enforcements teams we have across this Nation, we will lose 373, or 45 percent of them.

So really, if we are to keep our communities safe and drug free, we really have to fund this. Local drug enforcement teams are crucial to keeping our communities drug free. If the Byrne grants are funded at the level currently in the bill, as I said, our teams would not be able to hire the officers they need to sustain drug enforcement teams. In my home State of Michigan, we would lose 11 out of our 25 drug enforcement teams. Losing the task forces would have a devastating and far-reaching effect on Michigan, especially in rural communities like I represent.

Let me be clear. When it comes to drug abuse, no community, urban or rural, in this country is immune from the problem. The methamphetamine problem alone, as the gentleman from Nebraska just spoke of, is destroying families and taking lives in rural America.

To highlight how important these drug enforcement teams are, there was a recent article in one of my little local newspapers in the First Congressional District of Michigan which cites that back 2 months ago, on April 13, HUNT, the Huron Undercover Narcotics Team, HUNT as we call them, seized 3,000 OxyContin tablets from one home in rural Presque County. This critical seizure is just one example of the work our narcotics teams do each and every day to keep our communities safe.

These local agencies, like HUNT, who do so much for our local communities, will take the brunt of the Byrne grant cuts. It is a scary thought, considering that 90 percent of the drug arrests nationwide are made by States and local law enforcement. Ninety percent of all drug arrests are made by local and State. And where do they get the bulk of their money? The Byrne grants.

Our country's drug problems are not going away. In fact, with the emergence of prescription drug use, methamphetamines, and OxyContin, some would argue our problem is only getting worse. So my question is why would we, as a Congress, cut the funding that enables teams like the HUNT undercover narcotics team to exist and combat this problem that is only becoming more severe?

I know we have other Members who wish to speak, but I am hopeful as Members take to the floor tonight, they will keep in mind and urge their colleagues to support the Terry-Stupak-Ramstad amendment tomorrow to restore the funding to this critical program. Again, we talk about drugs tonight, but there are 29 different programs. It is one of those few programs where we say to the States, here is some money, we want you to do it for law enforcement, and do what is best for your State. We do not mandate it, but here is a pot of money you can take it from, and we hope you do what is best in your State. After all, you know what is best.

The State and Antidrug Task Forces are just one example that we all deal with day in and day out, and I would hope people would support our amendment by cutting less than ½ of 1 percent from the other agencies in this bill to fully fund the Byrne grants.

Mr. Speaker, I yield back to the gentleman and thank him once again for his leadership on this issue, and I look forward to arguing this amendment with him tomorrow on the floor.

Mr. TERRY. Mr. Speaker, I appreciate the gentleman's assistance and help on this.

The gentleman from Michigan did make one point that I want to highlight before I call on my next speaker, and that is the cuts in funding.

Remember, about 2 years after I got here, we were funding our criminal justice grants to our local police and sheriffs at about slightly over $1 billion. In 2005, we condensed several of those grant programs, like local law enforcement block grants, Byrne and JAG, into one, and lowered that to 600-, and it was zeroed out. And chairman of the subcommittee, the gentleman from Virginia (Mr. WOLF), did a good job of doing what he could to get 300- of that 600- put back. But as the statistics that the gentleman from Michigan just read off, that means even at the current level of funding that will come to the floor tomorrow, of about $300 billion, a 60 percent reduction, a 70 percent reduction from just 4 years ago, at the time that meth problems are increasing in our communities, I cannot fathom the impact it is going to have to eliminate these drug task forces.

The gentleman also mentioned that local police officers make over 90 percent of the drug arrests. And it just astounds me that we are, in this war against drugs and meth, taking our front-line people off the front line. It would be like fighting the war on terrorism by just funding the Pentagon and not funding the Army and the Marines and the Air Force and properly equipping them. So I do appreciate those comments.

It is now my honor to call to the microphone my colleague, the gentleman from Nebraska (Mr. OSBORNE), who has been a continuous fighter in his terms here. He has raised the meth issue and been consistent in bringing the message to all of us here of how to fight and why we should fight methamphetamine.

Mr. STUPAK. Mr. Speaker, before the gentleman yields to our colleague, may I comment on one point that he brought up, if I may?

Mr. TERRY. Yes, Mr. Speaker, I yield once again to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. If my colleague would be so kind, and I appreciate our colleague, the gentleman from Nebraska (Mr. OSBORNE), being down here to work with us on this issue.

These local teams understand they are not just getting Federal money, and the Federal Government is funding the whole thing. Whether it is Presque County or the little city of Escanaba, where I was a police officer, or whether it is the big city of Detroit, the local units of government must put in money. It is a matching grant program. They have to put in resources. So it is a unified effort between local, county, and State police working together, and the seed money is really the Federal Government. Without the seed money, there is no incentive or urging of the county board of commissioners to fund an officer to work on the undercover task force team, because there will not be any.

So it is always a fight every year to keep these teams together and keep them properly funded and staffed with personnel. And if we lose the Federal funding, a 45 percent reduction, the problems that I am sure the gentleman from Nebraska (Mr. OSBORNE) and I have spoken about will only get 45 percent worse within the year. So I appreciate the gentleman's leadership and the Members now with us.

Mr. TERRY. And just to take that thought and put it in context for someone like our colleague, the gentleman from Nebraska (Mr. OSBORNE), who represents 68½ counties, this funds the multijurisdictional aspects that the local jurisdictions would not be able to fund because of their rules on funding. So this allows intra-agency and counties in the district of the gentleman from Nebraska (Mr. OSBORNE) to actually work together.

So with that, Mr. Speaker, I yield to my colleague from Nebraska.

Mr. OSBORNE. I thank the gentleman, and particularly thank him for organizing this Special Order and for his leadership on this issue. And it is great to see my friend and colleague, the gentleman from Michigan (Mr. STUPAK), and any others who will speak tonight.

Just a little background. Methamphetamine first came into prominence during World War II, and was used probably most prominently by kamikaze pilots. If you want to put a guy in a plane and give him enough fuel to hit a target, but not enough to get back, you had to maybe alter his thinking a little bit. And that is really where methamphetamine was first used and made prominent. At the present time it is rather easy to make and relatively cheap.

The good news is that in many areas we see cocaine and we see heroin decreasing. The bad news is the reason for this is that methamphetamine is so much more powerful and so much more addictive, it simply runs those other drugs out of business. So we are really alarmed by what is happening.

We find methamphetamine is available almost everywhere in our country. In 1990, California had 20 meth labs, Texas had 20, and the rest of the country was relatively unscathed from the meth problem. We will see the progression very rapidly here. In 1998, you can see that about two-thirds of the country had at least 20 meth labs in each one of these red States. It was still relatively uncommon on the east coast and parts of the Great Plains, the northern plains, were not affected.

Now we will look at what has happened more recently, and we see that in 2004, just a corner of the Northeast was pretty much left unscathed. And some of these States, for instance, Missouri, had 2,700 meth labs last year; Iowa, 1,300; Tennessee, 1,300; Oklahoma, 500; Arkansas, 800. Most of these States had 300, 400, 500, or 600 labs. And the important thing to remember is that a high percentage of these labs are not detected. So when we are detecting 400 or 500, that means there are probably three or four or five times that many out there, and these are simply indicators of the use of methamphetamine and how quickly this has spread.

Methamphetamine creates a euphoric state that lasts from 6 to 8 hours. It dumps a huge amount of dopamine, the chemical in the brain that enables us to feel pleasure, and may create as much as 1,000 times the amount of dopamine released into the system as a normal pleasurable experience; like making a free throw or asking somebody out for a date and being accepted, or whatever it may be.

The reason that people get hooked on this stuff is that many times you are addicted on the first occasion. And there are quite a few people who accidentally run into this thing. Maybe they are drinking; maybe somebody gives them something they are not even aware of what it is, and they are hooked. And it takes only, in many cases, one time.

People who are ofttimes addicted are young mothers who are overwhelmed by the chores of taking care of their kids, maybe working two jobs. Sometimes college students are staying up late at night to study; truck drivers. And quite often alcohol is the gateway drug. When somebody is inebriated, sometimes they will take almost anything somebody gives them, and, as a result, they are hooked.

However, what goes up must come down, and the fruits of the continued use of methamphetamine are anxiety, depression, hallucinations, and, in many cases, it actually results in psychosis. One person who is an expert in this area said it hard-wires the brain to become a paranoid schizophrenic. And if anyone knows much about mental illness, they realize paranoid schizophrenia is probably the most difficult mental illness to kill.

Ofttimes people experience crank bugs. They assume that there is some type of a bug under their skin, so they begin to pick their skin, trying to get the bugs out. So usually people on meth have huge skin lesions and ofttimes do not look very attractive, and, of course, ultimately the final end is death itself.

So why is it important to address this at this point? It is so powerful, it is so addictive, and it always damages the brain. For instance, if you take a brain scan of someone who has been on methamphetamine for 1 year, let us say an 18- or 19-year-old young person has been on meth for 1 year, you will find the brain scan will look almost identical to an 80-year-old Alzheimer's patient. There are that many brain lesions that have been created. Unfortunately, in most cases, those lesions have resulted in irreparable harm. There is nothing you can do to reverse it.

It is cheap and readily available almost everywhere, and this is the result of methamphetamine use. This is a young lady who was first arrested for using meth at about age 30, and then she was arrested each year for the next 10 years. You see the progression of what has happened to her. It was along about in here that the police assumed that she may have began to inject the drug, and from that point she went downhill very, very fast. Usually, the teeth are gone after a period of time. This was the final picture that was taken. It was taken in the morgue. And so she lasted roughly 10 years on this drug, and that is a little unusual. A lot of people who get into it use it heavily and do not last that long. So it is a devastating picture.

Just a few other things I would like to say before I turn it back over to my colleague. Actually, these meth labs are tremendously toxic. It costs about $5,000 to clean up one meth lab. As we said, many of these States have 1,000, 2,000, almost 3,000 meth labs a year to clean up.

□ 2115

One-third of the homes with meth labs in Nebraska were also homes where there were children. So almost all of these children suffer some type of harm from exposure to these chemicals. Much of the child abuse in Nebraska, I would say at least one-half of the child fatalities due to homicide are related to meth addiction. And we had roughly 3,000 young people, kids, in our country this last year who were harmed because they were in a situation where methamphetamine was being manufactured.

Roughly 40 percent of our Federal prison cells are occupied by those people who have been involved in the meth industry. In the State of Nebraska, each meth addict will commit 60 crimes a year to support that habit. So if a small community has 10 meth addicts, that is 600 crimes. So a lot of these communities where at one time left your keys in your car, left your doors unlocked, the whole atmosphere, the whole culture, has had to change.

I ran into a couple of farmers who called the hotline and said they were perplexed. They were having a hard time making it in farming, and somebody dropped by their farm and said if you stay away from your farm this year, do not show up much, you are going to make more money, we will pay you more money than you can ever make farming. They were going to use the barn or a couple of sheds to make methamphetamine. That is how insidious this whole thing is out in the countryside.

We have talked a lot about meth labs, and meth labs may comprise 25 to 30 percent of the total meth used in the United States. Most of it comes from super labs. At one time some came down out of Canada. This has been fairly well shut off, and now most comes from the southwest, most out of Mexico. It is critical that we get a handle on these superlabs, and particularly the pseudoephedrine used to make meth. There are only 7 or 8 countries where pseudoephedrine is made.

In Mexico, there is way more pseudoephedrine coming into that country than they will ever use in cold medicines. Somehow if we can get a handle on where that is going, I think we can begin to get a handle on the superlabs.

Lastly on the Byrne funding, the local law enforcement officers are the first line of defense. They break up the meth labs, but they also pick up the methamphetamine that is coming across Interstate 70, Interstate 80, and I–29. These are the people that have to intercept and interdict methamphetamine or it is not going to be done.

A lot of rural counties in Nebraska, 70 to 80 percent of law enforcement dollars are eaten up by the meth issue. It has become overwhelming. If we do, as is suggested in our upcoming appropriations bill, if we reduce this spending by one-half, and it was already cut in half, so we are down to roughly $300 million instead of $1 billion, we are simply going to be awash in methamphetamine.

I hate to oppose the gentleman from Virginia (Chairman Wolf) on this issue because he has done a remarkable job of working with limited resources. He has been a great friend of law enforcement, but his hands have been tied. Maybe at this point the gentleman's amendment is the only resource that we have, which is to take one-half of one percent of that funding and at least get back to where we were last year, and we are still only half of where we were 2 or 3 years ago.

Mr. Speaker, I thank the gentleman for his amendment and thank the gentleman for hosting this Special Order tonight, and hope we are successful tomorrow.

Mr. TERRY. Mr. Speaker, I thank the gentleman from Nebraska (Mr. Osborne). The gentleman did a great job of laying it out. The Justice Department provided statistics, and last year we saw a decrease in the numbers of labs. There is one way of looking at that, that these Byrne grants have done their job by helping local law enforcement.

The reality is that while it is our local law enforcement that is finding these labs and breaking them up, and there is one that just moved away from my house, and a month or so before that they found one in the trunk of a car at super department store in a very affluent neighborhood in west Omaha, so these can be anywhere.

But what my local police officers are telling me is while the labs are a major part of the supply or a significant part of the supply, it is actually more now from the gang drug network coming in from the superlabs in Mexico that the gentleman spoke about. So as we are fighting the good fight and shutting down the labs, the drug dealers have found a new way to create supply in a different country across the border. They are using the already existing cocaine distribution system, and are using our kids to do that, which I think is one of the most horrible things that has happened in our society.

Mr. Speaker, with that I yield to the gentleman from western Iowa (Mr. King), also a member of the meth caucus, and has been one of the loyalists in our fight to protect our families from this horrible drug.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Nebraska (Mr. Terry) for organizing this Special Order tonight. I also thank the gentleman from Nebraska (Mr. Terry) for his work on methamphetamines and drug interdiction, and for his work in this battle for our children and save and preserve the human resources that are our young people in this country.

Something that I think brings methamphetamine to the Midwest ahead of many places in the country is because we have a strong work ethnic. We have people who want to put a lot of their energy and their time into working, and they do not feel so guilty about using some drugs to get behind the steering wheel of a truck or do some other things. We have cleaned up a lot of that with the commercial drivers' licenses and the drug testing that is part of it. It is far safer on the road than it used to be. But the culture remains.

As the gentleman from Nebraska (Mr. Terry) said, we also have access to the materials, especially anhydrous ammonia in the corn belt. That access to the materials to make drugs and that kind of culture that encourages people to use it has caused us to be more sensitive.

I watched it come into Iowa 10 years ago. I have spent my life in the construction business running bulldozers and scrapers and excavators and loaders and trucks, and out in the sun, heat, cold and rain. We have some element that comes into that industry that does use drugs. I have hired a lot of people over the last 28 years that I spent in business. We were not without a problem or two in our crew. We were not without a confrontation of me inviting that employee into my office, closing the door, setting my chair in front of the door, and taking a stand that no one will leave this room until we come to an agreement that there is going to be some rehab, some therapy, there is going to be some treatment, and you are coming out the other side of this thing a productive human being again.

I have invested in this from a human standpoint, from a financial standpoint, and from a policy and legislative standpoint. In fact, the one single bill that I worked the hardest on in my entire legislative career was 2 years in the Iowa Senate to pass a good workplace drug testing law that we have in Iowa today. It took 2 years to get there, and it took nearly 12 months out of every year of relentless pounding to get that last vote, and we passed it by one vote. It has been in law since St. Patrick's Day of 1998. It allows private sector employers in Iowa to guarantee a drug-free workplace.

We are invested in this Iowa. We are invested in this in an intensive way. We understand the loss of human resources. In fact, if I had a magic wand, if God granted me the power to do a single thing today, and his message was to pick one thing, cure either cancer or eliminate illegal drugs, particularly methamphethamines, in a heartbeat I would say Lord, get rid of the illegal drugs. We will find a cure for cancer eventually. We are coming along cure by cure; but drugs steal human potential. They go into a person's life when they are young and full of potential, and they change the course and direction of that life, sometimes to the morgue, as the gentleman from Nebraska (Mr. Osborne) pointed out. That lady was from Iowa, by the way. And sometimes it ruins their potential. Their children suffer.

I believe that we need to do a lot of things to bring this drug scourge under control. One of them is to step up and do the funding necessary to support our law enforcement in their interdiction efforts.

I brought along this chart, this chart is similar to the chart that the gentleman from Nebraska (Mr. Terry) pointed out. It fits the same numbers. It is a little different way of presenting it, but it works out like this. The Byrne and the local law enforcement block grants fit in these categories in these previous years. And then we got to 2006, rolled them all together under the JAG grant, the Justice Assistance Grants, cut the funding and rolled them into one grant.

Our President, a man whom I admire, made a proposal that we go to zero on this. I agree with the gentlemen that the gentleman from Virginia (Chairman Wolf) has done good work to get us where we are today. Going from the President's recommendation of zero on up to $348 million is no small thing. But we have a big, big problem all across this country, and we need to address it with the resources. So this increase in funding is necessary. It is unusual for an individual like me to come down and say we need to increase spending, but if it is invested in anything that provides return on that investment, it is going to be in fighting and interdicting drugs.

The effect on Iowa would be, as near as we can calculate, this: There would be 14 fewer multi-jurisdictional drug enforcement task forces. There would be only 11 left of 25. So there would be 41 fewer counties that had operations in them, 31 where there are 72 counties today. Out of 99 in Iowa, 72 have functioning operations. That would cut that 72 down to 31. We would have 57 fewer drug task force officers. That would be officers, prosecutors, treatment providers and other jurisdictional personnel.

So we would 36 out of 93. And the volume of illegal drugs confiscated in Iowa would be reduced by 1.4 tons due to fewer task force operators and officers, and the law enforcement agencies responses to protect the public from toxic meth labs would be delayed by 709 cases. All in all, 1,919, a calculated estimated number, fewer individuals would be brought forward for assistance for substance abuse treatment and adjudication for their crimes.

We know associated with illegal drugs are a whole series of crimes. These crimes include larceny, armed robbery, burglary, assault, raped, domestic abuse, child abuse and homicide. There will be fewer Iowans, fewer Americans alive a year, 2 years from now if we do not get this funding back up to where we can provide the proper resources for our law enforcement personnel.

In fact, I want to say a few words about the Regional Training Center in Sioux City, Iowa, which has done a magnificent job of training law enforcement officers. They were first put into place with the assistance of the gentleman from Iowa (Mr. LATHAM) from the fourth district, the north central part of Iowa. They have reached out and done some exceptional things. I bring this sheet along to point out far the Regional Training Center has reached. They have trained 19,308 law enforcement officers from 38 different States and several foreign countries. If you step into that Regional Training Center, there are arm patches from police departments from all over the country and foreign countries.

They bring the officers in, teach them the technology, the infrared technology, the sensor technology, the means to apply their law enforcement. They put them through the gymnasium. They are working out in 90 and 95 degrees, working up a sweat, working out the physical part of their job that sometimes is necessary to arrest and bring the drug users to justice.

Also, they have implemented a new course there, a new course in the Regional Training Center that has for years trained law enforcement officers, over 19,000 of them. They have graduated 10 of the canine corps. I met all 10 of the canine corps one day. They were all lined up at attention. The dogs sit at attention, and they speak a foreign language.

□ 2130

They do that so they listen to their officers. Their officers speak a foreign language to them, and they respond to that so no one else can control the dogs. These dogs all graduated with good records and fine grades as far as I could tell and by the reports that they gave me.

By the way, the return on drug dogs is the best return on an investment dollar that I have seen in law enforcement with regard to dealing with drugs. The dogs are there all the time. They are essentially available 24 hours a day. It takes an officer to handle them, an officer to be trained with them. They are not cheap in their purchase and in their training, but once they go out into the field, they bring another element to them. They can sniff out drugs, they can sniff out bombs, they can control violent intruders, and they are trained to do all of that.

Additionally, there is just the intimidation effect. There is the effect of when there is a dog there that is sniffing everything you have, you are not likely to bring drugs through there, and he will find them.

I am looking forward to the next class to graduate. I understand that the next class is a class of 20. That will be the size of the canine corps so we can keep filling up the Midwest and the rest of the country, if all goes well, training drug dogs continually along with training officers. We will soon be over 20,000 officers. But that budget was cut last year from a $2 million previous appropriation and a $2.5 million cut, was cut down to $250,000. Some thought the decimal point just inadvertently fell in the wrong place in middle of the night with a bleary-eyed staffer, but there are not a lot of coincidences. They need their appropriation. I will be speaking with the chairman about that.

I want to thank also the chairman for including that line item for the regional training center at least in the budget, although there are no earmarks for this budget, and each, according to the way it is proposed, will have to compete for those grants. I am hopeful that the Regional Training Center in Sioux City will be able to do that. They certainly have served 38 countries. It qualifies them as a national center. In fact, the name has just recently been changed to the National Training Center.

Again, I thank the gentleman from Nebraska for bringing this subject before us. I look across at the speakers that have spoken so far and those to speak yet tonight. You can tell that this is a nationwide effort that we have. We care about our young people, our human potential. We want to give the tools to the people that have their lives on the line protecting us.

Mr. TERRY. I appreciate the gentleman's efforts on this cause. It is a great training center, by the way. He mentioned the patches. I happen to know that at least several, if not every one, of the departments that I have the pleasure of representing from the Second Congressional District have patches up there.

Mr. KING of Iowa. We will see if we can get those dogs to shake hands with you.

Mr. TERRY. Mr. Speaker, it is my pleasure to introduce the gentleman from Indiana (Mr. SOUDER), who also is the head of the Speaker's Drug Task Force and probably the most impressive person in this body on his granular knowledge of the war on drugs.

Mr. SOUDER. I want to thank the gentleman from Nebraska for his continued leadership over the past few weeks in trying to help make the rest of Congress aware of this and the importance of the votes we have this week, and to try to address the devastating proposals that came out of this administration that just flabbergast those of us who are Republicans, in particular who support this President, have supported this administration. And it is just unbelievable that a conservative President of the United States would have proposed to nationalize and take away the dollars that were going to local drug law enforcement and the years of effort that we put together to get State, local and Federal cooperation and, in one budget, attempt to wipe out this by zeroing out category after category.

First, I want to thank Chairman WOLF for putting some of this back, but clearly there is a revolution going on in the House of Representatives, in the United States Senate, that is furious at this administration's proposals.

Before I make a few comments here, I wanted to make Members and their staff and others aware that if you want to learn, the best source of information right now on meth is ironically by a reporter named Steve Suo from the Portland Oregonian newspaper. He has spent and deserves a Pulitzer Prize. He has dug into this. He has identified that China and India are the primary precursor chemical countries, as well as Mexico, the amount that is coming in from Mexico; details more of this over the last 2 years; has covered hearings throughout the country, the different problems around the country. You can get through their home page a lot of information, the best information that exists currently on meth.

Also, for Members in their districts, while our national ad campaign has been very disappointingly silent on meth, silent on meth, the Partnership For a Drug Free America has, in fact, created a number of ads that have started to run around the country. They have offered that any Member who would like to run these in their districts or figure out how to get them in the schools, they will make those available to any Member for free, produced by the top ad guys in the country. They are going to continue to develop additional ads because in spite of the Federal Government not responding aggressively enough on meth, at least the Partnership For a Drug Free America is.

A lot of times people say, How come you guys can't work together across the aisle? Why isn't there bipartisan effort? A few years ago, probably now about 6 years ago, I would guess, Congressman Doug Ose of California was the first to raise this question of the superlabs and meth in California. It was just starting to move. It may have even been 8 years ago now that we had our first hearing. I chair the narcotics subcommittee over in Government Reform. We had our first hearing in California. I was not chairman at that time. I think the gentleman from Florida (Mr. MICA) was chairman.

At this point we have held multiple hearings through our committee. Two Members, the gentleman from Hawaii (Mr. CASE), which is historically, along with California, the oldest State to face the meth problem, and the gentleman from Arkansas (Mr. BOOZMAN), which is arguably, along with southwest Missouri, the hardest hit right now in the congressional districts with the number of labs combined with the superlab material coming in, asked for hearings, and we did those, the gentleman from Hawaii being a Democrat, the gentleman from Arkansas being a Republican. The gentleman from Minnesota (Mr. KENNEDY), who is here on the floor, has asked for a hearing in Minnesota along with the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from Minnesota (Mr. PETERSON) and the gentlewoman from Minnesota (Ms. MCCOLLUM), four Members from Minnesota. We are having a hearing in St. Paul at Congressman KENNEDY's request next Monday on meth. The gentleman from Kentucky (Mr. ROGERS), who chairs the Committee on Homeland Security, has a tremendous coordinated effort to try to address meth and OxyContin in Kentucky. We are going to be going down there and looking at theirs. We have hearing requests in from at least 10 congressional districts on this hearing, including from the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Oregon (Ms. HOOLEY), where we have a lot of pressure, as well as Washington State.

I say that because this is bipartisan. When you see a bipartisan effort coming out of the House of Representatives throughout the entire Nation, why in the world would the President's budget propose to zero out the meth hot spots program, to zero out the Byrne grants, to zero out and transfer the money, basically wipe out the HIDTAs and move that to the Federal Government, to zero out program after program that was addressing this question and as an alternative propose nothing except the nationalization and say, well, this problem isn't at the local level. It is fine to say that, but as we have heard earlier, and this is from the FBI reports, 95 percent, I heard earlier 90, according to the FBI, 95 percent of the arrests of drug violators are at the State and local level, not at the Federal level.

If you think about it, we are working so aggressively on border security right now, but what happens the other week? A guy comes across the Canadian border, even though he was supposed to be at a hearing, so the RCMP said that he should have been held, comes across with a bloody chainsaw, with knuckles, with knives and guns, and he comes across. How does he get picked up? The information goes out, but he was not caught by the FBI, he was not caught by the DEA, he was not caught by the Department of Homeland Security; he was caught by a State and local official, because when the Federal Government put out the announcements, that is who picks them up.

If you are looking for major drug dealers, often you get them like Al Capone. You get them on some other count. You do not get him on murder. You get him on an IRS charge.

In the case of drug violators, gang violators, the State and locals get notified by the Federal system, but ultimately they are the people to pick them up. But if there are no State and local drug task forces, if they do not have any money, nobody is going to be picking them up. And so what if you have a bunch of great task forces sitting here in Washington. Nobody is going to be out there to coordinate and arrest them and get the information. You can send out all the bulletins you want, but if there are not any drug task forces in America, nobody is going to go find the criminals that you sent your notices out about.

Let me make a couple of comments. We held a hearing on the HIDTAs and the Byrne grants in my subcommittee. Sheriff Jack Merritt of Greene County, Missouri, suggested by our majority whip, Congressman BLUNT, his hometown sheriff, said this, that he would not be able to maintain the joint DEA, State and local antimeth task force in his county if these funds were cut. Vital equipment such as bulletproof vests and in-car cameras, which his officers need to protect themselves while carrying out meth traffic investigations, could not be purchased because the administration proposed to get rid of the CPOT funding. He spoke eloquently of the children he and his officers find at meth lab sites, children who are at severe risk. He stated that if his task forces are forced to shut down, he wonders how many more generations of children will be condemned to the same fate.

Mr. Mark Henry, president of the Illinois Drug Enforcement Officers Association in the Speaker's home State of Illinois, said that Byrne grants help local police departments fill a critical gap which exists between Federal drug enforcement programs. The overwhelming majority, 87.6 percent, of all police departments in the United States have less than 50 officers, and Byrne grants play a critical role in supporting multijurisdictional drug task forces which are the backbone of law enforcement agencies. So we had asked Mr. Henry, and he came to our hearing with a list of comments from the State of Illinois that said the following: If Federal funds under the Byrne program are eliminated, our unit will lose three agents. The loss of these agents will cripple our ability to continue effective narcotics investigations. Narcotics trafficking will go unchecked and spread. We might as well turn the keys to our communities over to the gangs.

Another sheriff said, Although the local law enforcement agencies, the business and education community rely heavily on the task force expertise in combating the fight against drugs, without the existence of the task force, violent crime and burglaries will likely increase dramatically.

Another sheriff said, The elimination of the Byrne grant would have a catastrophic effect on the metropolitan enforcement group of southwest Illinois.

Another sheriff in Illinois said, Without the funding that we currently receive from the Byrne grant, our mission would be all but nonexistent.

Another sheriff said, and this is the Illinois Narcotics Officers Association polled their State membership, The elimination or reduction of Byrne funding would force police officers off the street to do clerical work, eliminate communication equipment such as pagers and cell phones, and eliminate Federal funding to reimburse a portion of officer overtime cost.

Yet another department said, The elimination of the Byrne funding will have a very negative impact on our ability to address the drug problems in the Lake County area of Illinois. The loss of funding will cause us to eliminate the staff positions. This will cause the jobs they now perform to be reassigned to police officers.

Yet another department said, Task Force 6 is the primary drug enforcement entity in this area and has been a fixture in this area since 1983. Proposed Byrne cuts will result in the closure of this unit. Narcotics-related crime will increase dramatically, and drug dealers will operate at will without the presence of Task Force 6.

Yet another department said, The elimination or reduction of this grant would have a very severe impact on the task force. At the present time the funding accounts for 50 percent of the task force funds, with the remaining 50 percent made up from fines and forfeitures. I strongly believe the elimination of this funding will force the task force to close its doors. That is from the Speaker's home State of Illinois.

From my home State of Indiana in Fort Wayne, Indiana, we do not have a HIDTA. We did not apply for a HIDTA because we have Byrne grants. Our task force has told me in northeast Indiana, it will shut down without the Byrne grants. Fifty percent means only 50 percent shuts down.

We have tremendous budget pressures in the United States, and all of us know we have these tremendous budget pressures. But the people back home are not telling us, Let the criminals go free. Let's concentrate on foreign aid. Let's concentrate on all sorts of different programs. What they believe is the minimum standard out of the Federal Government is that we should be shutting down crime, controlling our borders, getting rid of the threats to their daily lives.

It is just incredible to me that a conservative administration would propose bringing the power to Washington rather than leaving it at the grassroots where we are having an effect, where drug use in the United States has been declining. And where is our drug czar?

Where is our administration? As we are making progress, they are proposing to go backwards.

I thank the gentleman from Nebraska for his leadership and the others here tonight because we have to stand up and say, you cannot forget the people back home and say, we are going to turn you loose, and good luck in fighting all these criminals.

Mr. TERRY. Absolutely. I really appreciate your forceful and passionate words on the floor tonight and just how staunchly you have stood on this fight. I thank you for those efforts.

Just one little bit of trivia. You talked about how our own police officers on the front lines have to be trained to deal with meth. In fact, one of the new things adopted by the Omaha Police Department, they are now having the emergency response or the snipers go with the officers when they exercise a warrant on a meth bust now because usually when you break into somebody's home or you are smashing the door down exercising a warrant, these people are so extraordinarily violent that we have had to go to those level of measures in the metropolitan area.

Mr. SOUDER. The gentleman brings up a very critical other point. That is that the map we saw earlier that Coach, Congressman, maybe Governor OSBORNE had up here showed all these States where meth has been in. But it has been predominantly in the rural areas. But what we are seeing is that it is starting to come into towns like Fort Wayne, a town of 230,000, in Omaha, and if this stuff hits the major cities, if it gets into Minneapolis and St. Paul, as it comes in from the rural areas and into the suburbs and into those cities, we are going to see an epidemic in America like we have not seen in a long time. Things like what you are talking about with the snipers, in one place in Hawaii, they are now charging people to go in, I think it is $200, to get their apartment cleaned before they come in because if somebody has been cooking in Honolulu and a kid gets into that, they can get sick and die. So now there is a charge in some apartment complexes to be able to go in.

Mr. TERRY. I am pleased to have as one of our last speakers for tonight the gentleman from Minnesota (Mr. KENNEDY), who has also been a very forceful fighter against meth and is a member of the Meth Caucus and actually one of the coauthors of the amendment that has been referenced several times tonight.

☐ 2145

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from Nebraska (Mr. TERRY) for holding this Special Order. I thank the gentleman from Indiana (Chairman SOUDER) for his leadership on all of this.

It is going to take all of us together to make sure that we address this very important issue. We have concerns that we are not putting enough resources into funding to help out local law enforcement address the very challenging issues that are tearing up our communities with methamphetamine and drugs. And as the gentleman from Nebraska (Mr. OSBORNE) pointed out, this started out in just a few States, but it has really spread all way from San Diego to the Shenandoah Valley. That is why we have to support these good, working anti-drug programs.

One key, though, is that these drug task forces need to be supported. There are 800 around the country. If we go through with what the President proposed or even what the good work of the gentleman from Virginia (Chairman WOLF) and his committee have resulted in, we are going to be losing those drug task forces that have been doing such great work.

As we think about what this is all about, I am thinking about a tragic story of a young girl named Megan from a beautiful town in Minnesota. She started on meth when she was in seventh grade at the age of 13, when some of her friends offered her the drug. And in her words, she liked meth so much that she knew she would use it over and over again. But when she could not afford the addiction, she, like so many other female addicts, was exploited into becoming a prostitute to pay for the meth she craved every second of the day.

After hitting rock bottom at the age of 18, Megan is managing to pull her life back together now after 5 years have been stolen from her by meth. But she has too much company in the treatment and addiction programs because about one in five of those treated for meth use in the State of Minnesota are 17 years old or younger. But just as Megan is finding a way out of this black hole, we are thinking about cutting the funding for Byrne grants that help local police address the meth issues.

These cuts are wrong. They will cut task forces in our State and across the country, and who will be there to protect the children from those making and pushing the poison if this House approves such a devastating cut in the Byrne-Justice Assistance Grant program?

Mr. Speaker, I say to my colleagues that there has to be a better way, and there is. We can help young people like Megan reject meth before they even try it by restoring Byrne grants to the fiscal year 2005 funded level. Doing so will send a strong signal that Congress is serious about fighting the scourge of the meth. We must send a signal that the Byrne grant program is important to Congress and that we do support the work of the local officials. We must send a signal to the pushers of this poison that they are not welcome in our communities. Most importantly, we must send a signal to our law enforcement officers who wake up every morning to protect our families that we stand with them in fighting against drugs and we will work with them to give them every tool they need to be successful.

I urge my colleagues to support the amendment that the gentleman from Nebraska (Mr. TERRY) and I have helped to put forth. Let us stand with law enforcement. Let us protect the Byrne grant program.

Mr. TERRY. Mr. Speaker, reclaiming my time, I thank the gentleman from Minnesota for his comments.

And this is Angela from Iowa. Like the little girl in Minnesota, this is her school picture. I do not know if our C-SPAN cameras can get tight on this or not. This is her 12-year-old picture, her school class picture. This is her at 13, a year later, after similar friends turned her on to meth. And this had a little different, tragic end. This little girl, after her mother found her and tried to clean her up, could not kick the habit of meth and committed suicide. And, unfortunately, that is the way that many of these tragedies end.

Mr. Speaker, at this point I yield to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I thank the gentleman for sponsoring this legislation.

Based on my experience as a judge and prosecutor for almost 30 years combined, this epidemic of methamphetamine is a disease that is affecting a lot of people. It crosses all barriers, all social economic barriers, all races, all ages, both sexes. And it is incumbent upon Congress to make sure that our local law enforcement officials have the ability to fight the war on drugs, to fight it the way they understand best, and the nationalization of this whole process is a very bad idea.

Mr. TERRY. Mr. Speaker, reclaiming my time, I appreciate the gentleman's coming over to the floor and speaking in favor of this amendment against meth, and he certainly has had some worldly experiences that he can speak from.

HAS THE SUPREME COURT LOST ITS WAY?

The SPEAKER pro tempore (Mr. JINDAL). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. POE) is recognized for 60 minutes.

Mr. POE. Mr. Speaker, I rise tonight to ask a question, and that question is relatively simple. By what legal authority do justices of our Supreme Court use foreign world tribunals, global opinion, and the philosophy of European elites in making their decisions, those decisions that affect all Americans of this Nation? By what license, by what authority do members of America's highest court ignore our Constitution, the Constitution they took an oath to defend, and why do they cite foreign court decisions at all, decisions from England, the European Union, the World Court, Belgium, and numerous other nations? The Constitution clearly does not give them the power to abandon the scriptures of the Constitution. So where do they obtain such authority? Mr. Speaker, has the Supreme Court lost its way?

I imagine that these justices wonder who I am to question them and their use of foreign court decisions in making laws that apply to the rest of us. With all due respect, Mr. Speaker, I am a citizen of the Republic just as they are. I am an elected representative of this House that represents the people. Furthermore, I possess a loyal and lengthy relationship with the law. I am a former instructor in constitutional law. I was a trial prosecutor for 8 years, trying every type of criminal case from theft to kidnapping to capital murder, including cases where the death penalty was assessed and executions were actually carried out.

But more recently, I spent 22 years as a felony court trial judge in Houston, Texas. I heard over 20,000 criminal cases. In fact, I suspect I heard more criminal cases in 1 year than all the nine judges of the Supreme Court decided in an equal amount of time. As a criminal court judge, I used the Constitution, particularly the first 14 amendments, every day. I made decisions that affected people, real people, defendants, victims, and the community. Those decisions affected those individuals for the rest of their lives. I determined whether individuals should lose their property, their liberty, and their freedom. Sometimes the decisions I made even resulted in those individuals losing their life. Yet every one of those 20,000 cases was rooted in the United States Constitution.

Individuals who came to my court, whether they were defendants, victims, or members of the community, knew that the basis of all American law is in the Constitution. Not my personal opinion, not the rulings of foreign nations, and not the World Court. Not even what the French think. It is the Constitution that gives all courts from trial courts to the courts of appeal their foundation, their identity. If I had used any other law but that of the Constitution, I would have been removed from the bench.

In the jury trials over which I presided, the jury too would take an oath to follow the law and the evidence. They were to internalize the law of the Constitution and make their decisions. They were expected to decide the case with domestic law, our law, not the law in some other nation.

Mr. Speaker, if our Supreme Court uses foreign court decisions, why cannot our trial courts use foreign court decisions in their opinions? If the Supreme Court justices are our example, why cannot that example be followed by other judges in America? Is it not good for the gander what is good for the goose?

Using foreign court decisions across the board would create, of course, judicial chaos, judicial anarchy. But yet the Supreme Court does exactly this. Why should the Supreme Court be left to its own devices? If there is any other standard other than the Constitution, than what is next?

Mr. Speaker, looking to foreign court decisions is as relevant as using the writings in "Reader's Digest," a Sears and Roebuck catalogue, a horoscope, my grandmother's recipe for the common cold, looking at tea leaves, star gazing, or the local gossip at the barber shop in Cut N' Shoot, Texas. Mr. Speaker, has the Supreme Court lost its way?

Also, how do our justices know which foreign decisions they will embrace and which ones they will reject? Why have they discriminated and not used the decisions of our neighbors in South and Central America or even Mexico? I have personally witnessed trials in Russia and in China. Why not use those courts' decision in determining American jurisprudence? Who exactly decides what will be used to decide? Is there any longer predictability or uniformity in our legal system?

Mr. Speaker, many of the judicial matters for which our justices consult the opinions of other nations deal with the issue of cruel and unusual punishment. That is a concept addressed in our very own Constitution. Just like the provisions for a jury trial are in our Constitution. Now, I ask this question: If the Supreme Court justices look to foreign courts to define what should be cruel and unusual punishment in our Nation, then I ask what is to restrain them from determining that our guarantee of a jury trial should not be modified? After all, many of the international entities that these justices confer with on judicial principles do not even subscribe to jury trials. Europeans use tribunals. In fact, they disdain the concept of the jury trial. What is next? Will someone on the Supreme Court conclude that the American jury trial system is outdated and should be abolished because it is not the European way?

Perhaps, Mr. Speaker, Justices Anthony Kennedy, Stephen Breyer, Ruth Ginsburg, David Souter, and Sandra Day O'Connor are suffering from the Black Robe disease, an incapacitating, invasive infection imported from Europe. There is a cure to the Black Robe disease, however. It is a dose of the Constitution. A strong dose of our United States Constitution.

Mr. Speaker, trial judges, like I was once was, deal with real people every day. Many of our Supreme Court justices, with all due respect, have for the most part only handled cases on review and on appeal. The consequences of our Constitution occur in our trial courts. Having been down there in the mud and the blood and the beer with people, I have seen the impact of the Constitution on the lives of Americans. We call those consequences justice. Our Supreme Court justices deal in judicial theory, judicial thought. Simply put, it is judicial review. We are talking about the fundamental difference between the original applications of the law and the trenches in a trial court versus the pontifications about the law on the "mount." As a side note, the Supreme Court should not make law. Their duty is to review the Constitution, not revise it, not reinvent it, and certainly not rewrite it.

The Constitution, Mr. Speaker, is the people's document. It is ordained by and subject to the will of the people. It should not be meddled with by anyone, including members of the Supreme Court. If we believe the Constitution delivers justice, does not injustice, on the other hand, flow from calling upon standards like foreign courts, global norms, and international organizations?

Mr. Speaker, I do not criticize the results of the Supreme Court decisions. No one respects the role of the judiciary more than I do. My grave concern, however is rooted in the process and method by which the Supreme Court makes those decisions that affect the rest of us.

□ 2200

Their use of foreign court opinions in interpreting American laws. How can the result be fair if the basis for the result is something other than the Constitution?

Mr. Speaker, a historical review of a few Supreme Court decisions is in order. In Thompson v. Oklahoma, Justice John Paul Stevens maintained it would be offensive to civilized standards of decency to execute a person who was less than 16 years of age at the time of the offense.

Referencing the views of other nations that share Anglo-American heritage, as well as leading members of the Western European community, he had tremendous confidence in this decision. Further citing the abolishment of the death penalty in nations like West Germany, France, Portugal, the Netherlands, all Scandinavian countries, and the Soviet Union, as well as the scant use of that penalty in New Zealand and the United Kingdom, Justice Stevens suggested Americans should consider global norms in determining our system of criminal punishments. By what authority does he use these nations as an example for American law?

Mr. Speaker, has the Supreme Court lost its way?

When we hear, as in this case, Mr. Stevens' reference to the United Kingdom's practices, it makes one wonder whether he recalls his high school American history class. I suspect more history is in order at this point.

While engaged in an intense revolution in 1776, our forefathers signed the Declaration of Independence, which boldly sets out the 13 colonies' desire to disband their political union with England forever. In that document, which is just down the street from this building, Thomas Jefferson penned among the list of grievances against King George of England that he combined with others to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our own laws.

Americans, Mr. Speaker, fled from England and Europe because they did not want to be subject to those unfair laws.

Mr. Speaker, over the course of 8 years in the American War of Independence, patriots spilled blood to secure liberty for us and preserve constitutional rights. Their will was to permanently cut the ties with England.

We won the war for American independence, but in 1812 we had to do it all over again, because the British invaded the United States once again because they still wanted America to be subject to the King of England and the law of England. The British were resolute on the recapture this free Nation of America. They even burned this city. They burned this very Capitol, the symbol of democracy. Americans, however, defeated the British for a second time, showing them that we will not do things the English way, the European way or any way except the American way.

Nonetheless, justices here in America across the street from this Capitol choose to use British court decisions and European thought in interpreting the Constitution of this country. What the British never could accomplish by force has our Supreme Court raised the white flag and surrendered to them voluntarily. Has the Supreme Court become like a Benedict Arnold and betrayed the Constitution for the rule of the British empire?

Let us move on to other decisions by our Supreme Court. In Atkins v. Virginia, the justices once more glanced across the seas toward foreign courts, and although over a decade earlier our Supreme Court decided that decisions of international courts were not to be used in the determination of sentencing in the United States, the Supreme Court did a judicial backflip. The justices in this case now in this particular matter listened to the voice of the European Union and the global community at large in making this inconsistent decision.

I ask once again, why not just use the Constitution? Is it because the Constitution does not allow them to do what they do, so they grab European law to justify the decisions that are imposed on the rest of us? Has the Supreme Court lost its way?

Now let us turn to a case in my home State of Texas, the case of Lawrence v. Texas. One of the most egregious perpetrators of citing foreign court decisions is Justice Kennedy. Justice Kennedy referred to international standards in the court's decision and consideration of Texas laws in Lawrence v. Texas. In this instance, writing for the majority, he clung to a previous ruling handed down from one of the most excellent high courts, the European Court of Human Rights.

Mr. Speaker, people in Texas do not care what the European court says about much of anything, but they do care what the Constitution says. Why are we looking to Europe at all, with its not-so-glamorous history and the long lamentable catalogue of human conduct. Europe is no righteous stalwart of human rights.

Europe, you remember. That part of the world that brought us two world wars in the last century. That part of the world where history is littered with episodes of massive religious intolerance and persecution of races. That part of the world where political murder and drawing and quartering were done for entertainment. All the while, a poor man could be hung for killing the king's deer.

Why do we turn for advice to that civilized world? Is that not why we established our Nation to begin with? Is that not why we established the Constitution of the United States?

Just recently, in April, the Supreme Court heard Small v. United States. In 1992, Gary Small shipped several multigallon electric water heaters from the United States to Japan. Japanese custom officials searched the container and they uncovered rifles, numerous semiautomatic pistols and several hundred rounds of ammunition. So he was tried and convicted of violating Japanese customs and weapons laws and he went to jail in Japan.

Once he got out of that Japanese jail, however, about one week after he got out, he came to the United States and purchased a 9 millimeter pistol. Following a search of his residence, his vehicle and his business, U.S. Federal authorities discovered this .380 caliber pistol and several hundred rounds of ammunition. Deeming a convicted gun smuggler apprehended with additional ammunition could constitute a danger to society, Federal prosecutors, using common sense, prosecuted him under a U.S. statute which says ex-convicts for weapons violations may not possess guns.

This statute, passed by this Congress prohibits, "Any person convicted in any court of a crime punishable by imprisonment for a term exceeding a year to possess any firearm." Notice the statute says any court, it does not say U.S. court or state court, but any court.

Nevertheless, when this case went on appeal, the justices of the Supreme Court trumped the law, a law that is on our books, on America's books. They concluded that Congress ordinarily intends its statutes to have domestic, not foreign application. They determined that involving foreign convictions would raise the possibility an individual may not have the entire fairness of the American legal system.

Now it appears the Supreme Court is inconsistent on which foreign decisions they will follow and which ones they will not. Is this the law of chaos? Is this the law of arbitrary decisions?

Just as a side note, Mr. Speaker, the Japanese Constitution was written for the most part by General Douglas MacArthur after the end of World War II.

In any event, something is amiss. This is perplexing. It is appearing that the Supreme Court is becoming inconsistent on which foreign laws they will apply and which ones they will not. With this type of reasoning, when do we accept foreign court opinions and when do we ignore them? Is there any rhyme or reason to this arbitrary justice?

In a rare public debate, Justice Anthony Scalia rightly asked his colleague Justice Breyer this question: "Do we just use foreign law selectively when it agrees with what the justice would like the case to say? You use that foreign law, and when it does not agree with you, you ignore that foreign law. Nevertheless, the use of foreign law marches on."

The Supreme Court has also used the law of Jamaica in deciding cases to get a desired result, a result that we in America have to follow.

Further, when the Supreme Court justices have cited opinions from foreign courts in far away lands like that bastion of civil rights, Zimbabwe, was that based on an overriding confidence in the inherent standards of fairness in the country of Zimbabwe and its legal system?

Mr. Speaker, that dog just will not hunt. The last time I checked, Zimbabwe was an authoritarian government ruled by a cold and callous conniving Robert Mugabe, who oppresses political challengers, civil rights activists and jails representatives of the media. It appears the Supreme Court may have lost its way.

It also appears that some of the justices have no intention of curbing this arbitrary and alarming habit any time soon. The black robe disease is spreading. According to Justice O'Connor, the Supreme Court will rely increasingly on international and foreign courts in examining domestic issues. Why? Why do that? Well, she says, because the impressions we create in this world are important.

It sound like the justice makes her decisions based upon the opinions of a worldwide focus group.

Listening to Justice O'Connor, one would think the Supreme Court is the agent of a popularity contest. In Justice O'Connor's view, "The world really is growing together, through commerce, globalization, the spread of democratic institutions, immigration to America. It is becoming more and more one world of many different kinds of people, and how they are going to live together across the world will be the challenge, and whether our Constitution and how it fits into the governing documents of other nations will be a challenge for the next generations."

Mr. Speaker, this defies common sense.

Justice Breyer argues that for years, people all over the world have cited the Supreme Court, why do we not cite them occasionally and give them a leg up, so they may then go to some of their legislators and others and say, see, the Supreme Court of the United States cites us.

Well, why not just cite Reader's Digest? Mr. Speaker, this defies common sense.

Justice Scalia concedes foreign authorities may prove useful in devising a Constitution, but not interpreting the Constitution. In fact, the Federalist Papers, which flush out many of the particulars concerning the Founding Fathers' vision and what they thought about America and our Constitution, has discussions of systems of government from other countries, for example, Switzerland and Germany. But there is a difference in using foreign courts and foreign thought to write a Constitution and using foreign thought and courts to interpret our Constitution now that it has been established.

Justice Scalia asks, why? Why is foreign law relevant to what American judges do when they interpret our Constitution? He goes on, answering his own question. The court's discussion of these foreign views is meaningless. It is dangerous, since this court, talking about the Supreme Court, should not impose foreign moods, fads or fashions on Americans.

But that is what happens. That is what happens when our Supreme Court cites foreign courts in making its decisions about the United States Constitution.

Justice Scalia's assessment, Mr. Speaker, is further echoed by the Chief Justice of our Supreme Court, William Rehnquist, who in a dissenting opinion of Atkins v. Virginia wrote, "The viewpoints of other countries simply are not relevant, and that global notions of justice are, thankfully, not always those of our people."

One could even travel an additional mile, as Justice Clarence Thomas has, to suggest that citation of foreign authorities really reflects a sign of weakness, an admission that the position for which the foreign authority is cited really lacks support in the United States legal sources, specifically lacks support in the Constitution.

Our Constitution is sacred, Mr. Speaker. It is not a mere list of suggestions. Its values are timeless. The Constitution is complete. It needs no help from foreign courts. America's standards are timeless, and they are in our very own Constitution.

Mr. Speaker, this is not a Democrat or a Republican, liberal or conservative issue. It is an issue of stand with the Constitution and who will go the way of the wayward foreign courts.

When asked during a recent ABC interview whether a day will come when the Constitution will no longer be the last word on the law, Justice O'Connor shared the following. She said, "Well, you always have the power of entering into treaties with other nations, which also became a part of the law of the land. But I can't really see the day when we won't have a Constitution in our Nation."

□ 2215

While Justice O'Connor hardly predicts the dark and dreary demise of America's Constitution, her words, Mr. Speaker, are sad. Her words fall far short of assuring us that forever and always the U.S. Constitution will be the lifeline of our land's existence. The more we hear from our Nation's top jurists like Justice Ginsberg that "our island" or "lone ranger mentality is beginning to change," and that they "are becoming more and more open to comparative and international law perspectives, it concerns me a great deal. The Supreme Court has lost its way, and the Black Robe disease is still infecting our court. People speak of the independence of the judiciary. Mr. Speaker, that is a legal myth. A judiciary cannot be independent of the Constitution but, rather, it must be dependent upon its words.

Mr. Speaker, let us in this body, as fellow defenders of the Constitution of the United States, help all people, including those in the Supreme Court, remember our heritage. And until they decide to rejoin the cause of championing our Nation's identity, let us purposefully grip our Constitution with both hands. The Constitution does not give judges, any judges, the authority to use anything as a basis for their decisions except that very Constitution.

Thomas Jefferson, who I cited earlier in writing the Declaration of Independence, years later, in 1820, saw the bleak future for our judiciary and predicted future judicial subversion. He said, "The judiciary of the United States is the subtle core of individuals and miners constantly working underground to undermine the foundations of our fabric. A judiciary independent of a king or executive alone is a good thing, but independence of the will of the Nation is a travesty." And that will of the Nation, Mr. Speaker, is the Constitution uttered straight from the will of the people. Let us remember some of its words. How about the first words of the Constitution to bring us back, back home, back to a perspective of our law. Those words that say, "We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

The Constitution belongs to the people. It is ordained by the people. It does not belong to the Supreme Court for them to bend, rewrite, reinvent, or ignore it under any circumstances. Section 1 of the Constitution dictates that "The judges, both of the Supreme Court and inferior courts, shall hold their offices during good behavior. I ask this question: Mr. Speaker, does citing foreign court opinions constitute good behavior? History will reveal whether it does or does not. If, however, I carried on like this in my courtroom in Texas, I would have been removed from the bench, and rightfully so. People from where I come from would not stand for a judge citing foreign courts to make decisions that affect Americans.

Perhaps the Justices, Mr. Speaker, should think long and hard about the meaning of good behavior. Serving this Nation is a privilege; it is not a right. We are all accountable to the Constitution that have taken an oath to defend the Constitution.

All of us in this body, this House of the people, this House of Representatives took an oath, an oath that people throughout the lands have taken, people from school boards, police officers, firefighters, city councils, mayors, big cities, and little cities, legislators, Members of Congress; all judges, State, local, and Federal, and the judges of the Supreme Court. We have all taken the same simple and solemn oath, to preserve, protect, and defend the Constitution of the United States. We owe it to the American people, we owe it to the Constitution, to follow that oath. That is our duty. That is our obligation, and we can do nothing but follow that oath.

CORRECTION TO THE CONGRESSIONAL RECORD OF THURSDAY, JUNE 9, 2005, AT PAGE 12053

PROBLEMS WITH CAFTA

The SPEAKER pro tempore (Mr. MACK). Under the Speaker's announced policy of January 4, 2005, the gentleman from Michigan (Mr. LEVIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. LEVIN. The Dominican Republic-Central America Free Trade Agreement presents an important crossroads for trade policy. It involves issues broader than those, for example, relating to sugar or textiles; and indeed, as President Bush said recently, it involves issues beyond trade, including ramifications for the future path of democracy.

□ 1730

It is an important test for globalization. What has been unfolding in Latin America, including Central America, is that substantial portions of the citizenry are not benefiting from globalization. They have increasingly responded with votes at the ballot box or in the streets. Doing so, they have raised sharply an underlying issue and that is whether the terms of expanded trade need to be shaped to spread the benefits or simply to assume that trade expansion by itself will adequately work that out.

It is for these reasons, not more narrow interests, why the issue of core labor standards in CAFTA is important for Central America and for the United States of America. The way it is handled in CAFTA undermines the chance that the benefits of expanded trade will be broadly shared. The goal of globalization must be to expand markets and raise living standards, not promote a race to the bottom.

An essential part of this leveling up is the ability of workers in developing nations to have the freedom to join together, to have a real voice at work, so they can move up the economic ladder. This is not true in Central America where recent State Department and International Labor Organization reports confirm that the basic legal framework is not in place to protect the rights of workers and enforcement of these defective laws is woefully inadequate. Regretfully, CAFTA as negotiated preserves the status quo or worse, because it says to these countries "enforce your own laws" when it comes to internationally recognized labor standards.

The Latin American region possesses the worst income inequality in the world and four of the Central American nations rank among the top 10 in Latin America with the most serious imbalances. Poverty is rampant in these countries. The middle class is dramatically weak. As has been true in the experience of other nations, including our own, this will not change unless workers can climb up the ladder and help develop a vibrant middle class.

A huge percentage of workers in this region are not actively benefiting from globalization because the current laws in these nations do not adequately allow them to participate fully in the workplace. The suppression of workers in the workplace also inhibits the steps necessary to promote democracy in society at large. The core labor and environmental provision in CAFTA—that each country must merely enforce its own law—is a double standard. This standard is not used anywhere else in CAFTA, whether as to intellectual property, tariff levels, or subsidies.

"Enforce your own laws" is a ticket to a race to the bottom. Such an approach is harmful all around: for the inability of workers to earn enough to enter the middle class so badly lacking in and needed by Central American countries; for American workers who resist competition based on suppression of workers in other countries; and for our companies and our workers who need middle classes in other countries to purchase the goods and services that we produce.

CAFTA is a step backwards also from present trade agreements. The Caribbean Basin Initiative standard states: in determining whether to designate any country a benefit country under CBI, the President shall take into account "whether or not such country has taken or is taking steps to afford workers in that country, including any designated zone in that country, internationally recognized rights."

The GSP, Generalized System of Preferences, standard is this: the President shall not designate a country, a GSP beneficiary country if "such country has not taken or is not taking steps to afford internationally recognized worker rights to workers in that country including any designated zone in that country."

So CAFTA is a step backward from these standards. The provisions in CAFTA on worker rights as currently negotiated are substantially weaker than current U.S. law and would replace that current law. I will give you an example. In Guatemala over 900 Del Monte banana workers were fired in 1990 for protesting labor conditions. A GSP petition led USTR for the first time ever to self-initiate a worker rights review for Guatemala in October 2000. Guatemala subsequently passed labor reforms in April 2001, which included granting farm workers new rights to strike.

In preparation for CAFTA, however, Guatemala's constitutional courts struck down key parts of the 2001 labor reforms. In August of 2004, the Court rescinded the authority of the Ministry of Labor of that country to impose fines for labor rights violations, a key element of the 2001 agreement. Under CAFTA, the U.S. would have no recourse to challenge that development.

Now, let me go on, if I might, to a next point and that relates to the examples of Morocco and Chile and Singapore because those agreements are often used as examples as to why we should vote for CAFTA. I supported the agreements with Chile, with Morocco, and with Singapore. The situation in each of those countries was very different from Central American countries.

Chile has the international labor standards incorporated in their laws and they enforce them. There is a vibrant labor movement and an active middle class. The same is essentially true in Singapore, active labor movements, workers have their right to associate if they want to organize, to form unions; and they have a tradition of a labor movement in Singapore.

Morocco, the question is asked, well, I voted for Morocco, why not CAFTA? And the answer is there are vast differences between the situations. Morocco took steps in the last years before the free trade agreement with them to truly, truly reorganize their labor laws. Also, Morocco has a tradition of a vibrant labor movement in the private sector as well as the public sector. So Central America is very different.

We voted, many of us on the Democratic side, for Morocco, Chile and Singapore; we believe in expanded trade as long as the terms of those of that trade agreement and of those trade agreements are shaped to spread the benefits across the population.

Let me say a word about Central American countries and the deficiencies in their laws, because much has been said of this and much was said today by our new USTR, a former colleague, Rob Portman. Look, USTR has tried to gloss over what the ILO says. They have tried to gloss over what is in the State Department reports themselves. But any objective look confirms that those reports say that the laws of those countries in terms of the basic international standards are defective. And this was spelled out in a letter that was sent by us on April 4 by the gentleman from New York (Mr. RANGEL), the gentleman from Maryland (Mr. CARDIN), the gentleman from California (Mr. BECERRA), and myself to the acting trade representative, Peter Allgeier.

Mr. Speaker, this letter will be placed in the RECORD at the end of my remarks.

What the reports show is exemplified in a fairly recent case, and I will refer to it briefly. It relates to port workers in El Salvador. In that case they tried to organize, they tried to be represented, they tried to bring about democratic rights within the workplace. Thirty-four of the workers were fired last December when they were trying to form a union. And not only did the law not require their reinstatement, but only severance pay, which is a cheap bargain for an employer who wants to violate rights.

But a month later, the labor ministry denied the labor union's registration petition since now there were only seven workers left. Others had been fired. El Salvador law requires at least 35 members to form a labor organization, a provision that itself has been criticized by the International Labor Organization.

I just ask everybody to read the letter that we sent to Mr. Allgeier and the attached analysis of laws from the ILO reports and State Department reports. President Bush has correctly talked about freedom and democracy. He has said that everywhere. But what this CAFTA does is to sanction the status quo where there is no democracy in the workplace.

President Bush last month urged a vote for CAFTA because it would bring "stability and security" to the region.

I think the opposite is true. If workers are suppressed, it is a step towards insecurity and towards instability. Labor market freedom is a source of security, undercutting insecurity. What is a threat, what is a real threat to undemocratic forces, those who do not believe in democracy, is democracy in the workplace.

The President likes to quote the writings of Natan Sharansky, who has been minister in Israel until recently. Natan Sharansky says that a test of democracy is whether somebody can arise in the town square and speak his or her mind without punishment. If you use that test to the workplace, most places in Central America, the answer is there is no democracy. If somebody raises their voice too often, they are fired.

Now, let me just say a word about another argument that is used and that is, well, the problem is enforcement and the United States is going to help the nations of Central America with their enforcement. We are going to provide monies so that there is a stronger department of labor, et cetera, et cetera.

Well, today, Rob Portman, our ambassador, outlined a number of proposals for more funding to help CAFTA countries in technical assistance to strengthen enforcement of labor laws. He said the problem is not labor laws; it is enforcement. The correct analysis is there is a deep problem in their laws and a severe problem with the enforcement of flawed laws. But when you look at what was urged today by Mr. Portman, and I do not question his good faith about it, but I do question the credibility of it because it is the record, not the rhetoric, that really matters. And the record of this administration in providing technical assistance for the strengthening of labor unions in other countries is miserable.

This year, I just give a few examples, this year President Bush proposed crippling cuts to the budget for the International Labor Affairs Bureau known as ILAB. He proposed cutting funding by 87 percent from $94 million to $12 million.

□ 1745

According to the President, the 2006 budget, "returns the agency to its original mission of research, analysis and advocacy." Well, what that means is there is not any emphasis on technical assistance.

Also, the President's five budget requests in previous years proposed funding cuts for ILAB of more than 50 percent.

So I do not believe that the answer is simply more money going to agencies in other countries. I think the laws have to be in order. The regulations must not strangle efforts of people to assert their freedom in the labor market, but I do think better enforcement would be useful of good laws. The record of the administration in terms of technical assistance is terribly weak, in fact.

Now, let me discuss another issue that has come up when we discuss CAFTA. Increasingly, this administration has used our trade challenges from China as a reason to vote for CAFTA. This is happening more and more. It is not credible. It is at best boot strap. Look, we have to shape trade policy so that there can be effective competition with China, that is for sure. That relates to currency; and we just a short time ago had, I think, a rather ineffective meeting with the administration on the currency issue.

It also includes trade in apparel and textiles. We have seen a major influx of apparel from China with the end of the quotas. In order to have an effective trade policy, vis-a-vis, China, in the apparel and textile areas, we have to do the following.

Number one, we have to actively use remedies that were written into the agreement with China in its accession to the WTO. We worked hard to get those provisions into the WTO China accession agreement, and the administration has hesitated to use them effectively. They did not effectively anticipate this problem, and when the problem really sprouted, their response initially was very weak.

Second point regarding this: We do need to have and take steps to bring about a strong Caribbean apparel and textile structure, Caribbean including the United States. To do that, one of the steps that is necessary is to have compliance with international core labor standards. That would be a source of strength, not of weakness. It would be trying to compete and compete effectively, rather than trying to compete with China as to who can most suppress worker rights.

In that regard, I do think we ought to look at what is sometimes pointed to, and that is, the Clinton legacy because I have read some articles that have said that those of us who have raised this set of issues about globalization, who have raised this set of issues about shaping trade policy and have applied it to this critical step, vis-a-vis, CAFTA, that those of us who are doing that are taking a step backwards from where the Clinton administration was. The contrary is true. The contrary is really what this is all about.

For example, Jordan. Today, Ambassador Portman, and I am glad to call him ambassador now, he was a colleague, said that the Jordan agreement is not as strong as CAFTA when it comes to core labor standards. That simply is an incorrect analysis of Jordan. Jordan has a clear reference to the core standards: child labor, forced labor, anti-discrimination and the right of workers to associate and to bargain collectively. It has references to those five core labor standards in the Jordan agreement, number one.

Number two, Jordan has a provision to make sure that Jordan cannot slip backwards, cannot move away from that standard. That is not true in CAFTA. Enforce your own laws, it can be present laws or revised laws that are even worse.

Thirdly, as to enforcement, it is not at all correct to say that the provisions in CAFTA, that those provisions are nearly as strong as was negotiated with Jordan. Essentially the Jordan FTA, the U.S.-Jordan FTA said that each country could take the necessary steps to enforce the obligations of the other, and it is true the Bush administration later entered a letter, a side letter, that put some brakes on the ability of the Bush administration to implement the Jordan agreement, but that is not what was negotiated.

What President Clinton did increasingly in his later years was to say to the world, I favor expanded trade. I believe in it, it has to be done in ways that shape so that there is a leveling up and not down. That is language that he used in his speeches. He referred to them at the University of Chicago speech, and that was the flavor of his speech at Davos. I was there when he gave the speech. He spent half of his time talking about the benefits of expanded trade. He also spent the second half saying if those benefits were going to be real and move globalization ahead, there needed to be, he said, a leveling up and not a leveling down.

When people say we cannot impose standards on other countries, and that was said I think it was yesterday or maybe earlier today by the chairman of our committee, I do not understand that. Trade agreements, like any other contract, involve imposition. We are going to have to change laws as a result of trade agreements. That was true under the Uruguay Round agreements. It is true of tariffs. We are going to have to change our laws regarding tariffs.

Now we are not talking about imposing American standards in CAFTA. What we are talking about is placing internationally recognized standards in the declaration of the ILO that every country involved here, Dominican Republic, Central American, U.S., has endorsed putting them into the agreement, in the body of the agreement enforceably with reasonable transition. That is important.

So let it be clear, the opposition to CAFTA, as negotiated, is not being led by those the administration likes to dismiss as in "protectionists" or "isolationists." Those shoes do not fit. The opposition leadership involves those of us who have favored expanded trade and have helped to shape and pass trade agreements in the last decade.

For us, CAFTA is an important line in the sand, affecting the future effectiveness of globalization. If the U.S. does not seize the opportunity to shape the rule of trade and competition in CAFTA, it will have chosen simply to be on the receiving end of the consequences, both positive and negative of globalization.

I favor a CAFTA but not this agreement as it stands, and we can quickly fix this agreement by renegotiating CAFTA to include internationally recognized labor standards, with enforcement and a reasonable transition. In doing so, we would advance the interests of U.S. businesses and workers and expand the benefits of globalization beyond the status quo and any privileged minority in any of these countries.

We would take also an important step, and I want to emphasize this, an important step towards reestablishing a bipartisan foundation for trade. That bipartisan foundation has been eroded under this administration, and it is that bipartisan foundation that needs to be reestablished because it is so critical for tackling tough trade issues ahead, for example, in the Doha Round. We cannot tackle these tough issues of agriculture, various parts of agriculture, or of services, including financial services, we cannot tackle them, nontariff barriers, unless there is a solid, nonpartisan, bipartisan foundation. We cannot do it by trying to squeeze out a one vote majority.

Security, economic and political, is best achieved in the region of Central America by closing the dangerous gap between rich and poor, by development of a real middle class and a larger middle class and by expansion of freedom operating in the workplace and spreading throughout the society, it did, by the way, not only in our country, but in Poland and so many other places.

I want to close by emphasizing what is at stake, that this security, economic and political, is in the self-interest of our country, of our businesses and of our workers. We need to address this issue of core labor standards, not only for the benefit of the workers in the other countries, of the development of a so badly needed middle class in those countries, but also because our workers increasingly refuse to compete with countries where the workers are suppressed. That is eroding the support for international trade in this country, and we need to reaffirm its importance by reaffirming some basic principles. That is going to be good, as I said, for our country, for our businesses, and for our workers.

I am not sure of the timetable for CAFTA. What I am sure is as of today, it would not pass. There may be an effort to try to make it pass by all kinds of deals, which those of us who favor expanded trade would never agree to. It may be endeavored to pass through some kinds of deals unrelated to trade, offering this and that, unrelated again to trade. That would be a terrible mistake.

We have an opportunity here to reconfigure CAFTA in a way that would bring about strong bipartisan support and be a foundation for the development of stable relationships within Central America and the Dominican Republic and between them and ourselves.

Also, as I said, we would be able to reestablish the bipartisan foundation that once prevailed for international trade in this institution. Without it, CAFTA, in my judgment, should not and cannot pass, and there is likely trouble in tackling the other issues that need to be addressed boldly, honestly and effectively.

The material I referred to previously I will insert into the RECORD at this point.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, April 4, 2005.

Hon. PETER ALLGEIER,
Acting U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR ALLGEIER: In recent weeks, advocates for the Central American Free Trade Agreement (CAFTA) have made assertions that the CAFTA countries' laws comply with basic, internationally-recognized rules that ensure common decency and fairness to working people. These advocates argue that the only outstanding issue concerning the rights of workers in the CAFTA countries is a lack of adequate enforcement of existing labor laws.

Unfortunately, CAFTA advocates' rhetoric is not supported by the facts. There are still no fewer than 20 areas in which the CAFTA countries' labor laws fail to comply with even the most basic international norms, as documented by the International Labor Organization (ILO), the U.S. Department of State and multiple non-governmental organizations.

More than a year ago, in November 2003, a number of us wrote to you outlining these problems in detail. We had hoped that doing so might lead to actions to remedy those problems, or at least to a constructive dialogue about them. However, the Members who signed that letter have yet to receive any response to the list of problems documented in that letter—either from your office or from the countries concerned. In fact, the labor laws in at least one of the CAFTA countries have been weakened in recent months.

In light of the fact that Congress may soon be considering the CAFTA, it is important to move beyond rhetoric to the facts. We urge you to provide documented information concerning any amendments CAFTA countries have made to their laws to address the shortcomings noted in the attached list. Those shortcomings cannot be overcome with better enforcement efforts. Even the best enforcement of inadequate laws—whether relating to intellectual property, services regulation or technical standards for manufactured products—cannot yield acceptable results.

We support the right CAFTA for the Central American countries and the Dominican Republic, just as we have strongly supported the Caribbean Basin Initiative (CBI) programs. These programs have done much to strengthen economic ties with our friends and neighbors in Central America and the Caribbean in ways that benefit both the United States and the region.

However, the CBI programs were built on the dual pillars of expanded economic opportunity and a strong framework for trade. In particular, the programs were expressly conditioned on the countries making progress in achieving basic labor standards. By contrast, the CAFTA moves backward by not including even these minimum standards, and using instead a standard for each country of "enforce your own laws." Ensuring that the CAFTA countries both adopt and effectively maintain in their laws the most basic standards of decency and fairness to working people is important to their workers, their societies, and to U.S. workers. It also is critical to ensuring strong and sustainable economic growth and promoting increased standards of living.

We welcome and support all efforts to improve the capacity of Central American countries to improve the enforcement of their labor laws. In fact, for the last four years, we have fought for better funding of such programs and against massive Administration budget cuts for labor technical assistance programs—many of these programs eroded-out or slashed by up to 90 percent in budgets submitted by the Administration. The Administration's track record gives us little confidence that the one-time grant of $20 million included in the FY05 Foreign Operations Appropriations Act for labor and environmental technical assistance in the CAFTA countries represents the kind of real and sustained commitment needed in these areas. Moreover, such efforts on enforcement are no substitute for getting it right on basic laws.

Sincerely,

BENJAMIN L. CARDIN,
Ranking Member, Subcommittee on Trade.
XAVIER BECERRA,
Member.
CHARLES B. RANGEL,
Ranking Member.
SANDER M. LEVIN,
Ranking Member, Subcommittee on Social Security.

U.S. STATE DEPARTMENT AND INTERNATIONAL LABOR ORGANIZATION REPORTS CONFIRM DEFICIENCIES IN CAFTA LABOR LAWS

The 2004 U.S. State Department Country Reports on Human Rights Practices, the October 2003 ILO Fundamental Principles and Rights at Work: A Labor Law Study ("the Report"), and other ILO reports released in recent years confirm the existence of at least 20 areas in which the labor laws in the CAFTA countries fail to comply with two of the most basic international norms of common decency and fairness to working people—the rights of association (ILO Convention 87) and to organize and bargain collectively (ILO Convention 98).

Each of these deficiencies, discussed in detail below, was identified in a letter sent in November 2003, from Reps. Rangel, Levin and Becerra to then U.S. Trade Representative Zoellick. Neither USTR nor the governments of the Central American countries have provided information responding to these inconsistencies.

COSTA RICA

Use of Solidarity Associations to Bypass Unions. Costa Rican law allows employers to establish "solidarity associations" and to bargain directly with such associations, even where a union has been established. The failure to explicitly prohibit employers from bypassing unions in favor of employer-based groups violates ILO Convention 98.

This deficiency was confirmed in the October 2003 ILO Report: "[T]he report of the technical assistance mission . . . drew attention to the great imbalance in the private sector between the number of collective agreements and the number of direct pacts . . . the CEACR recalled that direct negotiation between employers and workers' representatives was envisaged 'only in the absence of trade union organizations.' "

(2) Onerous Strike Requirements. Costa Rican law includes a number of onerous procedural requirements for a strike to be called. These requirements contravene ILO guidelines for regulation of strikes, and taken as a whole, make it nearly impossible for a strike to be called. For example, Costa Rica requires that 60% of all workers in a facility vote in favor of a strike in order for it to be legal. These requirements violate ILO Convention 87.

This deficiency was confirmed in the October 2003 ILO Report: "The general requirements set out by the legislator [sic] for a strike to be legal . . . include the requirement that at least 60 per cent of the workers in the enterprise support strike action. The CEACR has stated that if a member State deems it appropriate to establish in its legislation provisions for the requirement of a vote by workers before a strike can be held, 'it should ensure that account is taken only of the votes cast, and that the required quorum and majority are fixed at a reasonable level.' "

(3) Inadequate Protection Against Anti-Union Discrimination. Costa Rica's laws do not provide for swift action against anti-union discrimination. For example, there is no accelerated judicial review for dismissal of union leaders.

This deficiency was confirmed in the October 2003 ILO Report: "[A]s the CEACR has indicated, legislation needs to be amended 'to expedite judicial proceedings concerning anti-union discrimination and to ensure that the decisions thereby are implemented by effective means.' "

EL SALVADOR

(1) Inadequate Protection Against Anti-Union Discrimination. El Salvador fails to provide adequate protection against anti-union discrimination. In particular, El Salvador fails to provide for reinstatement of workers fired because of anti-union discrimination, which violates ILO Convention 98. There also are widespread reports of blacklisting in export processing zones of workers who join unions. Salvadoran law does not prohibit blacklisting, as it bars only anti-union discrimination against employees, not job applicants.

The 2004 U.S. State Department Report on Human Rights Practices confirms this deficiency: "The Labor Code does not require that employers reinstate illegally dismissed workers. . . . Workers and the ILO reported instances of employers using illegal pressure to discourage organizing, including the dismissal of labor activists and the circulation of lists of workers who would not be hired because they had belonged to Unions."

(2) Restrictive Requirements for Formation of Industrial Unions. El Salvador has repeatedly been cited by the U.S. State Department and the ILO for using union registration requirements to impede the formation of unions. These formalities violate ILO Convention 87.

The 2004 U.S. State Department Report on Human Rights Practices confirms this deficiency: "[I]n some cases supported by the ILO Committee on Freedom of Association . . . the Government impeded workers from exercising their right of association. . . . [T]he government and judges continued to use excessive formalities as a justification to deny applications for legal standing to unions and federations."

A 1999 Report by the ILO Committee on Freedom of Association confirms this deficiency: The Committee observes that "legislation imposes a series of excessive formalities for the recognition of a trade union and the acquisition of legal personality that are contrary to the principle of the free establishment of trade union organizations . . ."

GUATEMALA

(1) Inadequate Protection Against Anti-Union Discrimination. Guatemala's laws do not adequately deter anti-union discrimination. The failure to provide adequate protection from anti-union discrimination violates Convention 98.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: "An ineffective legal system and inadequate penalties for violations hindered enforcement of the right to form unions and participate in trade union activities. . . ."

This deficiency was confirmed in the October 2003 ILO Report: "[T]he CEACR hopes that . . . 'measures will soon be adopted to ensure rapid and effective compliance with judicial decisions ordering the reinstatement in their jobs of workers dismissed for trade union activities and that effective penalties will be established for failure to comply with such decisions.' "

Note: In August 2004, the Constitutional Court of Guatemala issued a ruling rescinding the authority of the Ministry of Labor to impose fines for labor rights violations. Following this decision, it is not clear whether Guatemala's law permits any fines to be assessed for labor violations.

(2) Restrictive Requirements for Formation of Industrial Unions. Guatemala requires a majority of workers in an industry to vote in support of the formation of an industry-wide union for the union to be recognized. This requirement violates Convention 87.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: The high, industry-wide threshold creates "a nearly insurmountable barrier to the formation of new industry-wide unions."

(3) Onerous Requirements to Strike. Guatemalan law includes a number of provisions that interfere with the right to strike. The Guatemalan Labor Code mandates that unions obtain permission from a labor court to strike, even where workers have voted in favor of striking. In addition, the Labor Code requires a majority of a firm's workers to vote in favor of the strike. These laws violate Convention 87.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: Noting that "procedural hurdles" helped to make legal strikes rare, the Report states, "The Labor Code requires approval by simple majority of a firm's workers to call a legal strike. The Labor Code requires that a labor court consider whether workers are conducting themselves peacefully and have exhausted available mediation before ruling on the legality of a strike."

This deficiency was confirmed in the October 2003 ILO Report: "[O]ne of the general requirements laid down in the legislation . . . is still under criticism by the CEACR: 'only the votes cast should be counted in calculating the majority and . . . the quorum should be set at a reasonable level.' "

(4) Ambiguity in Certain Criminal Penalties. Guatemala's Penal Code provides for criminal penalties against anyone who disrupts the operation of enterprises that contribute to the economic development of the country. Whether and how these penalties apply to workers engaged in a lawful strike is unclear, and this ambiguity has deterred workers from exercising their right to strike. The CEACR has stated that application of these penalties to a worker who engaged in a lawful strike would violate ILO Conventions 87 and 98.

This deficiency was confirmed in the October 2003 ILO Report: "The CEACR has drawn the attention of the Government to the fact that certain provisions of the Penal Code are not compatible with ILO Conventions . . . noting that . . . sentences of imprisonment can be imposed as a punishment . . . for participation in a strike."

(5) Restrictions on Union Leadership. Guatemala maintains a number of restrictions with respect to union leadership including: (1) restricting leadership positions to Guatemalan nationals; and (2) requiring that union leaders be currently employed in the occupation represented by the union. These restrictions violate Convention 87.

This deficiency was confirmed in the October 2003 ILO Report: "Both the Constitution and the Labour Code prohibit foreign nationals from holding office in a trade union. . . . The Labour Code requires officials to be workers in the enterprise. . . . These restrictions have given rise to observations by the CEACR."

HONDURAS

(1) Burdensome Requirements for Union Recognition. Honduran law requires more than 30 workers to form a trade union. This numerical requirement acts as a bar to the establishment of unions in small firms, and violates ILO Convention 87.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: "The [ILO] has noted that various provisions in the labor law restrict freedom of association, including . . . the requirement of more than 30 workers to constitute a trade union. . . ."

This deficiency was confirmed in the October 2003 ILO Report: "[T]he requirement to have more than 30 workers to constitute a trade union . . . has prompted the CEACR to comment that this number is 'not conducive to the formation of trade unions in small, and medium size enterprises.' "

(2) Limitations on the Number of Unions. Honduran law prohibits the formation of

more than one trade union in a single enterprise. This restriction violates ILO Convention 87 on the right of workers to join or establish organizations of their own choosing, and fosters the creation of monopoly unions.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: "The [ILO] has noted that various provisions in the labor law restrict freedom of association, including the prohibition of more than 1 trade union in a single enterprise. . . ."

This deficiency was confirmed in the October 2003 ILO Report: "Such a provision, in the view of the CEACR, is contrary to Article 2 of Convention No. 87, since the law should not institutionalize a de facto monopoly. . . ."

(3) Restrictions on Union Leadership. Honduras requires that union leaders be Honduran nationals, and be employed in the occupation that the union represents. These restrictions violate ILO Convention 87.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: "The [ILO) has noted that various provisions in the labor law restrict freedom of association, including . . . the prohibition on foreign nationals holding union office, the requirement that union officials must be employed in the economic activity of the business the union represents. . . ."

This deficiency was confirmed in the October 2003 ILO Report: "The Labour Code prohibits foreign nationals from holding trade union offices and requires officials to be engaged in the activity, profession or trade characteristic of the trade union. . . . The CEACR has objected to these provisions, which it deems incompatible with Article 3 of Convention No. 87. . . ."

(4) Inadequate Protection Against Anti-Union Discrimination. The ILO CEACR has faulted Honduras for a number of years for not providing adequate sanctions for anti-union discrimination. For example, under the law, only a very small fine equivalent to approximately US$12-$600 can be assessed against employers for interfering with the right of association. This Honduran law violates ILO Convention 98.

This deficiency was confirmed by a 2004 Report of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR): "The penalties envisaged . . . against persons impairing the right to freedom of association (from 200 to 2,000 lempiras, with 200 lempiras being equivalent to around $12) had been deemed inadequate by one worker's confederation. . . . The Committee once again hopes that [legislation will be prepared] providing for sufficiently effective and dissuasive sanctions against all acts of anti-union discrimination."

(5) Few Protections Against Employer Interference in Union Activities. Honduras prohibits employers or employees with ties to management from joining a union; it does not, however, prohibit employers from interfering in union activities through financial or other means. The failure to preclude employer involvement violates ILO Convention 98 on the right to organize and bargain collectively.

This deficiency was confirmed in a 2004 Report of the ILO CEACR: "[T]he Convention provides for broader protection for workers' . . . organizations against any acts of interference . . . in particular, acts which are designed to promote the establishment of workers' organizations under the domination of employers or employers' organizations, or to support workers' organizations by financial or other means, with the object of placing such organizations under the control of employers or employers' organizations. In this respect, the Committee once again hopes that [labor law reform will include provisions] designed to . . . afford full and adequate protection against any acts of interference, as well as sufficiently effective and dissuasive sanctions against such acts."

(6) Restrictions on Federations. Honduras prohibits federations from calling strikes. The CEACR has criticized this prohibition, which contravenes the right to organize.

This deficiency was confirmed in the October 2003 ILO Report: "Federations and confederations do not have a recognized right to strike . . . which has prompted the CEACR to recall that such provisions are contrary to Articles 3, 5 and 6 of Convention No. 87 . . ."

(7) Onerous Strike Requirements. Honduras requires that two-thirds of union members must support a strike for it to be legal. This requirement violates ILO Convention 87.

This deficiency was confirmed in the October 2003 ILO Report: "[T]he CEACR has recalled that restrictions on the right to strike should not be such as to make it impossible to call a strike in practice, and that a simple majority of voters calculated on the basis of the workers present at the assembly should be sufficient to be able to call a strike."

NICARAGUA

(1) Inadequate Protection Against Anti-Union Discrimination. Nicaragua's laws permit employers to fire employees who are attempting to organize a union as long as they provide double the normal severance pay. This allowance violates ILO Convention 98.

This deficiency was confirmed in the October 2003 ILO Report: The Annex to the Report states that the Labor Code provides that "if the employer does not carry out reinstatement, he/she shall pay double the compensation according to the length of service."

(2) Use of Solidarity Associations to Bypass Unions. Nicaragua allows employers to create "solidarity associations" but does not specify how those associations relate to unions. The failure to include protections against employers using solidarity associations to interfere with union activities violates ILO Convention 98.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: "The Labor Code recognizes cooperatives into which many transportation and agricultural workers are organized. Representatives of most organized labor groups criticized these cooperatives and assert that they do not permit strikes, have inadequate grievance procedures, are meant to displace genuine, independent trade unions and are dominated by employers."

(3) Procedural Impediments to Calling a Strike. Nicaragua maintains a number of restrictive procedural requirements for calling strikes. (According to the 2002 U.S. State Department Human Rights Report, the Nicaraguan Labor Ministry asserts that it would take approximately 6 months for a union to go through the entire process to be permitted to have a legal strike.) Since all legal protections may be withdrawn in the case of an illegal strike, the practical outcome is that workers who strike often lose their jobs, thus undermining the right to strike protected by Convention 87.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: "Observers contend that the [process for calling a strike] is inappropriately lengthy and so complex that there have been few legal strikes since the 1996 Labor Code came into effect . . ."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KILPATRICK of Michigan (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. LARSEN of Washington (at the request of Ms. PELOSI) for today on account of business in the district.

Ms. LINDA T. SÁNCHEZ of California (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. SESSIONS (at the request of Mr. DELAY) for the week of June 13 on account of taking his sons to scout camp.

Mr. TOWNS (at the request of Ms. PELOSI) for today.

Ms. WATERS (at the request of Ms. PELOSI) for today on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, June 20.

Mr. BURTON of Indiana, for 5 minutes, today, June 14, 15, 16 and 17.

Mr. NORWOOD, for 5 minutes, June 16.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today.

ADJOURNMENT

Mr. POE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 21 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 14, 2005, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2293. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 02-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2294. A letter from the Under Secretary for Aquisition, Technology and Logistics, Department of Defense, transmitting certified materials provided to the Base Closure and Realignment Commission; to the Committee on Armed Services.

2295. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Japan for defense articles and services (Transmittal No. 05-27), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2296. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting Determination Related to Serbia Under 563(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Div. D, P.L. 108-447); to the Committee on International Relations.

2297. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Australia (Transmittal No. RSAT-02-05); to the Committee on International Relations.

2298. A letter from the Secretary, Department of Education, transmitting the thirty-second Semiannual Report to Congress on Audit Follow-Up, covering the period October 1, 2004 through March 31, 2005 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2299. A letter from the Secretary, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General covering the six month period of September 30, 2004 through April 1, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2300. A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2301. A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2302. A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2303. A letter from the Chairman, National Endowment for the Arts, transmitting the Semiannual Report to the Congress of the Inspector General and the Chairman's Semiannual Report on Final Actions Resulting from Audit Reports for the period of October 1, 2004 through March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2304. A letter from the Acting Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of October 1, 2004 to March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2305. A letter from the Acting Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of October 1, 2004 to March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2306. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2004 through March 31, 2005 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2307. A letter from the Chairman, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period ending March 31, 2005 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

2308. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Nanticoke River, Sharptown, MD [CGD05-05-052] (RIN: 1625-AA08) received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2309. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Maryland Swim for Life, Chester River, Chestertown, MD [CGD05-05-051] (RIN: 1625-AA08) received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2310. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Columbus, NE. [Docket No. FAA-2005-20752; Airspace Docket No. 05-ACE-15] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2311. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Nome, AK [Docket No. FAA-2005-20449; Airspace Docket No. 05-AAL-06] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2312. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of VOR Federal Airway 208 [Docket No. FAA-2003-19053; Airspace Docket No. 04-ANM-10] (RIN: 2120-AA66) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2313. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of VOR Federal Airways and Jet Routes in the Vicinity of Savannah, GA [Docket No. FAA 2002-13362; Airspace Docket No. 02-ASO-7] (RIN: 2120-AA66) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2314. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Surface Area Airspace; and Modification of Class D Airspace; Topeka, Forbes Field, KS [Docket No. FAA-2002-14348; Airspace Docket No. 03-ACE-5] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2315. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Surface Area Airspace; and Modification of Class D Airspace; Topeka, Forbes Field, KS [Docket No. FAA-2002-14348; Airspace Docket No. 03-ACE-5] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2316. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Montgomery, AL; Correction [Docket No. FAA-2003-15409; Airspace Docket No. 03-ASO-8] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2317. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Cedar Rapids, IA [Docket No. FAA-2003-15074; Airspace Docket No. 03-ACE-42] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2318. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Windsor Locks, Bradley International Airport, CT [Docket No. FAA-2003-14868; Airspace Docket No. 2003-ANE-103] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2319. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Valentine, NE [Docket No. FAA-2003-15075; Airspace Docket No. 03-ACE-43] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2320. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Kaiser, MO [Docket No. FAA-2003-15076; Airspace Docket No. 03-ACE-44] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2321. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Elkhart, KS [Docket No. FAA-2003-15453; Airspace Docket No. 03-ACE-51] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2322. A letter from the Vice President, Government Affairs, National Railroad Passenger Corporation, transmitting Amtrak's Grant and Legislative Request for FY06; to the Committee on Transportation and Infrastructure.

2323. A letter from the Chairman, International Trade Commission, transmitting a final report of the review and analysis of the economic impact on the Unted States of all trade agreements implemented under the Trade Promotion Authority, pursuant to 19 U.S.C. 3803 Public Law 107-210 section 2103(c)(3)(B); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on June 9, 2005 the following reports were filed on June 10, 2005]

Mr. WOLF: Committee on Appropriations. H.R. 2862. A bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–118). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. H.R. 2863. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–119). Referred to the Committee of the Whole House on the State of the Union.

[Filed on June 10, 2005]

Mr. HYDE: Committee on International Relations. H.R. 2745. A bill to reform the United Nations, and for other purposes; and with an amendment (Rept. 109–120). Referred to the Committee of the Whole House on the State of the Union.

[Filed on June 13, 2005]

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 152. Resolution commemorating Mystic Seaport: the Museum of America and the Sea in recognition of its 75th year; with an amendment (Rept. 109–121). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules. House Resolution 314. Resolution providing for consideration of the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–122). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. DUNCAN, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 2864. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FILNER (for himself, Mr. PASTOR, Mr. GRIJALVA, Mr. SERRANO, and Mr. MCDERMOTT):

H.R. 2865. A bill to amend the Immigration and Nationality Act to restore certain provisions relating to the definition of aggravated felony and other provisions as they were before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.

By Mr. ABERCROMBIE (for himself and Mr. CASE):

H.R. 2866. A bill to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii; to the Committee on Resources.

By Mr. DOYLE:

H.R. 2867. A bill to establish the Steel Industry National Historic Site in the State of Pennsylvania; to the Committee on Resources.

By Mr. GRAVES (for himself, Mr. CLAY, Mr. CHABOT, Mr. NORWOOD, Mr. ETHERIDGE, Mr. AKIN, Mr. HINCHEY, Mr. SIMMONS, Mr. GOODE, Mr. ALEXANDER, Mr. WALSH, Mr. MILLER of Florida, Mr. TERRY, Mr. PUTNAM, Mr. BOOZMAN, Mr. KENNEDY of Rhode Island, Mr. BARRETT of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. SOUDER, Mr. KUHL of New York, Mr. BOREN, Mr. WEXLER, Mr. GILLMOR, Mr. FORD, Mr. CONYERS, Mr. MCINTYRE, Mr. REYNOLDS, Ms. FOXX, Mr. BISHOP of New York, Ms. CARSON, Mr. SHIMKUS, Mr. GARRETT of New Jersey, and Mr. PAYNE):

H.R. 2868. A bill to amend the Internal Revenue Code of 1986 to extend and expand the deduction for certain expenses of elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas (for himself, Mr. WAXMAN, Mr. BROWN of Ohio, Mr. STARK, Mr. FARR, Mr. GRIJALVA, Mr. BACA, Mr. REYES, Mr. GONZALEZ, Mr. STRICKLAND, Mr. RYAN of Ohio, Mr. HINOJOSA, Mrs. CAPPS, Ms. SOLIS, Ms. DEGETTE, Mr. STUPAK, Mr. TOWNS, Mr. ORTIZ, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Mr. DOGGETT, and Ms. LEE):

H.R. 2869. A bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Mr. OWENS, Mr. OBERSTAR, Mr. GUTIERREZ, Mr. GEORGE MILLER of California, Mr. PAYNE, Mr. SANDERS, Mr. GRIJALVA, Mr. MCGOVERN, Ms. WOOLSEY, Mrs. CHRISTENSEN, Mr. STARK, Mrs. MALONEY, Mr. FILNER, Ms. SOLIS, Ms. SCHAKOWSKY, Mr. TIERNEY, Mr. KUCINICH, Mr. BROWN of Ohio, Ms. ROYBAL-ALLARD, Mr. DAVIS of Illinois, Mr. FRANK of Massachusetts, Ms. DELAURO, Mr. DINGELL, Ms. VELÁZQUEZ, and Mr. MCDERMOTT):

H.R. 2870. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GEORGE MILLER of California (for himself, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mrs. CAPPS, Mr. CARDOZA, Mr. COSTA, Mrs. DAVIS of California, Ms. ESHOO, Mr. FARR, Mr. FILNER, Ms. HARMAN, Mr. HONDA, Mr. LANTOS, Ms. LEE, Ms. ZOE LOFGREN of California, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Ms. PELOSI, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. WATSON, Ms. WATERS, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 2871. A bill to designate the John L. Burton Trail in the Headwaters Forest Reserve, California; to the Committee on Resources.

By Mr. NEY (for himself and Mr. CARDIN):

H.R. 2872. A bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille; to the Committee on Financial Services.

By Mrs. WILSON of New Mexico:

H.R. 2873. A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; to the Committee on Resources.

By Mr. FILNER:

H. Res. 313. A resolution urging the President to authorize the transfer of ownership of one of the bells taken from the town of Balangiga on the island of Samar, Philippines, which are currently displayed at F.E. Warren Air Force Base, to the people of the Philippines; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. SULLIVAN and Mr. BOUCHER.

H.R. 97: Ms. WATSON, Mr. FOLEY, Mr. FILNER, and Mr. SERRANO.

H.R. 111: Ms. MCKINNEY, Mr. POMEROY, Mr. JACKSON of Illinois, and Mr. EDWARDS.

H.R. 181: Mr. GOODLATTE.

H.R. 195: Mr. SHAYS and Mr. ENGLISH of Pennsylvania.

H.R. 199: Ms. MCKINNEY.

H.R. 303: Mr. KANJORSKI.

H.R. 438: Mr. MEEKS of New York, Mr. FORD, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. DAVIS of Illinois, Mr. PAYNE, Mr. CLAY, Ms. MOORE of Wisconsin, Ms. NORTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi, and Mr. SCOTT of Virginia.

H.R. 457: Mr. PALLONE, Mr. MEEKS of New York, Mr. KILDEE, Mr. MOORE of Kansas, Mr. SAXTON, and Mr. HINCHEY.

H.R. 490: Mr. TIAHRT.

H.R. 535: Mr. HOLT, Mr. CROWLEY, Mrs. CHRISTENSEN, Mr. DOGGETT, and Mr. FRANK of Massachusetts.

H.R. 666: Mr. ANDREWS.

H.R. 670: Mr. STRICKLAND and Mr. MILLER of Florida.

H.R. 676: Mr. HASTINGS of Florida.

H.R. 728: Mr. DEAL of Georgia.

H.R. 799: Mr. STARK.

H.R. 858: Mr. EVERETT.

H.R. 893: Mr. OBERSTAR.

H.R. 896: Ms. DELAURO and Mr. CASE.

H.R. 923: Mr. ISSA.

H.R. 949: Ms. BALDWIN, Mr. JEFFERSON, and Mr. MCDERMOTT.

H.R. 994: Ms. MCKINNEY, Ms. MATSUI, Mr. THOMPSON of California, Mr. TANCREDO, Mr. HINCHEY, Mr. ISSA, Mr. MURPHY, Mr. STUPAK, Mr. WALDEN of Oregon, Ms. KILPATRICK of Michigan, Mrs. CAPPS, Ms. WATERS, Mr. NEUGEBAUER, and Mr. MCGOVERN.

H.R. 1059: Mr. PASTOR and Mr. SMITH of Washington.

H.R. 1121: Mr. DREIER.

H.R. 1130: Mr. CLEAVER and Ms. WATSON.

H.R. 1188: Mr. ABERCROMBIE and Mr. OWENS.

H.R. 1204: Mr. BOEHLERT.

H.R. 1220: Mr. REYES.

H.R. 1227: Ms. ROS-LEHTINEN.

H.R. 1248: Mr. CULBERSON.

H.R. 1323: Mr. ISRAEL.

H.R. 1366: Mr. GORDON.

H.R. 1371: Mr. GORDON.

H.R. 1376: Mr. EMANUEL.

H.R. 1383: Mr. CASE.

H.R. 1424: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1526: Mr. SABO, Mr. COSTELLO, and Mr. DOGGETT.

H.R. 1547: Mr. SCHWARZ of Michigan and Mr. ETHERIDGE.

H.R. 1554: Ms. HERSETH.

H.R. 1575: Mr. DEAL of Georgia.

H.R. 1585: Mr. DAVIS of Florida.

H.R. 1600: Mr. HOLDEN.

H.R. 1649: Mr. PASCRELL.

H.R. 1652: Mr. MICHAUD.

H.R. 1689: Mr. PORTER.

H.R. 1704: Mr. NORWOOD.

H.R. 1765: Mr. HINCHEY.

H.R. 1823: Mr. MORAN of Virginia.

H.R. 1849: Mr. ROTHMAN, Mr. RUPPERSBERGER, and Mr. BARROW.

H.R. 1872: Mr. SESSIONS.

H.R. 1951: Mr. SIMMONS, Mr. BILIRAKIS, Mr. MILLER of Florida, and Mrs. CHRISTENSEN.

H.R. 1973: Mr. STARK, Ms. McCOLLUM of Minnesota, and Mr. LIPINSKI.

H.R. 2068: Mr. BOOZMAN, Mr. ANDREWS, and Mr. McCAUL of Texas.

H.R. 2122: Mr. OLVER.

H.R. 2211: Mr. DOYLE.

H.R. 2317: Mr. CAMP, Mr. ROHRABACHER, and Mr. GEORGE MILLER of California.

H.R. 2349: Ms. SCHAKOWSKY.

H.R. 2355: Mr. MARCHANT and Mr. WHITFIELD.

H.R. 2363: Mr. WILSON of South Carolina, Mr. COSTA, and Mr. DEAL of Georgia.

H.R. 2423: Mr. GIBBONS, Mr. SHAYS, and Mrs. MYRICK.

H.R. 2427: Ms. SCHAKOWSKY and Mrs. CAPPS.

H.R. 2458: Mr. FEENEY.

H.R. 2517: Mr. BISHOP of Georgia, Mr. NADLER, Mr. PAYNE, Mr. ACKERMAN, Mr. SANDERS, Mr. FOLEY, Mr. FARR, Ms. WOOLSEY, Mr. DAVIS of Illinois, Mr. ENGEL, and Mr. RANGEL.

H.R. 2526: Mr. McHUGH and Mr. KENNEDY of Rhode Island.

H.R. 2533: Mr. GORDON, Mr. GUTIERREZ, Ms. SCHAKOWSKY, Mr. BOREN, and Mr. ENGEL.

H.R. 2562: Mr. PALLONE, Ms. KAPTUR, Mr. ALLEN, and Ms. SCHAKOWSKY.

H.R. 2567: Mr. MORAN of Virginia, Mr. CASE, Mr. NADLER, Mr. GEORGE MILLER of California, Mr. DICKS, and Mr. ABERCROMBIE.

H.R. 2592: Mr. OWENS, Ms. CARSON, Ms. WATERS, Mr. GONZALEZ, Mr. BERMAN, Mr. MEEHAN, Ms. ZOE LOFGREN of California, Ms. JACKSON-LEE of Texas, and Mr. DAVIS of Florida.

H.R. 2646: Mr. PLATTS.

H.R. 2648: Mr. DOOLITTLE and Mr. SIMMONS.

H.R. 2650: Ms. JACKSON-LEE of Texas and Mr. McHUGH.

H.R. 2730: Mr. MARSHALL.

H.R. 2746: Mr. SCOTT of Georgia, Mr. PALLONE, and Mr. McNULTY.

H.R. 2747: Mr. EVANS and Mr. OWENS.

H.R. 2811: Ms. SCHAKOWSKY and Mr. KUCINICH.

H.R. 2828: Mr. CROWLEY, Mr. NADLER, and Mr. KIND.

H.R. 2835: Ms. PELOSI, Mr. BISHOP of Georgia, Mr. STARK, and Mr. CLYBURN.

H.J. Res. 10: Mr. SAM JOHNSON of Texas, Mr. CANTOR, Mr. BACA, Mr. BOEHNER, Mr. BRADY of Texas, Mr. ROGERS of Kentucky, Mr. SCOTT of Georgia, Mr. RYUN of Kansas, Mr. JONES of North Carolina, Mr. LOBIONDO, Mr. STRICKLAND, Mr. BEAUPREZ, Mrs. BLACKBURN, Mr. FOSSELLA, Mrs. WILSON of New Mexico, Mr. WELDON of Pennsylvania, Mr. GUTKNECHT, and Ms. HART.

H. Con. Res. 11: Mr. HERGER.

H. Con. Res. 12: Mr. HERGER.

H. Con. Res. 106: Mr. PLATTS.

H. Con. Res. 107: Mrs. MALONEY.

H. Con. Res. 133: Mr. SABO, Ms. McCOLLUM of Minnesota, and Ms. SCHAKOWSKY.

H. Con. Res. 137: Mr. FILNER.

H. Con. Res. 140: Mr. MACK and Mr. WILSON of South Carolina.

H. Con. Res. 160: Mr. SCOTT of Georgia, Ms. WATSON, Mr. PAUL, Mr. BISHOP of Georgia, Mr. PASCRELL, Mr. MORAN of Virginia, Mr. KUCINICH, Mr. FORD, Mr. GEORGE MILLER of California, Ms. McCOLLUM of Minnesota, Mr. SERRANO, Ms. WATERS, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 164: Mr. NEAL of Massachusetts and Mr. KUCINICH.

H. Res. 85: Mrs. MALONEY.

H. Res. 286: Ms. BORDALLO, Mr. ACKERMAN, Mr. CUMMINGS, Mr. GRIJALVA, and Mr. McDERMOTT.

H. Res. 294: Mr. BAKER, Mr. McCRERY, Mr. MELANCON, Mr. JINDAL, Mr. ALEXANDER, and Mr. JEFFERSON.

H. Res. 299: Ms. SCHAKOWSKY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2862

OFFERED BY: MR. CHOCOLA

AMENDMENT NO. 1: Page 108, after line 7, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available by this Act may be used by the National Aeronautics and Space Administration to employ any individual under the title "artist in residence".

H.R. 2862

OFFERED BY: MR. CLEAVER

AMENDMENT NO. 2: Page 108, after line 7, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided by the National Logistics Support Center of the National Oceanic and Atmospheric Administration in Kansas City, Missouri.

H.R. 2862

OFFERED BY: MR. DREIER

AMENDMENT NO. 3: Page 22, line 21, after the dollar amount, insert the following: "(increased by $50,000,000)".

Page 23, line 19, after the dollar amount, insert the following: "(increased by $50,000,000)".

Page 45, line 25, after the dollar amount, insert the following: "(reduced by $50,000,000)".

Page 46, line 10, after the dollar amount, insert the following: "(reduced by $50,000,000)".

Page 46, line 11, after the dollar amount, insert the following: "(reduced by $50,000,000)".

H.R. 2862

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 4: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. Appropriations made in this Act are hereby reduced in the amount of $570,000,000.

H.R. 2862

OFFERED BY: MR. ISSA

AMENDMENT NO. 5: Page 2, line 7, insert "(reduced by $5,000,000)" after the dollar amount.

Page 6, line 12, insert "(increased by $5,000,000)" after the dollar amount.

H.R. 2862

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 6: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to enforce any provision of law that prohibits or restricts funding for the United Nations Population Fund (UNFPA).

H.R. 2862

OFFERED BY: MRS. McCARTHY

AMENDMENT NO. 7: In section 614 (relating to the national instant criminal background check system for persons purchasing a firearm), strike "24 hours" and insert "72 hours".

H.R. 2862

OFFERED BY: MR. MORAN OF VIRGINIA

AMENDMENT NO. 8: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

LIMITATION ON USE OF FUNDS TO LICENSE EXPORT OF CENTERFIRE 50 CALIBER RIFLES

SEC. 801. None of the funds made available in this Act may be used to pay administrative expenses or compensate an officer or employee of the United States in connection with licensing the export of a nonautomatic or semiautomatic rifle capable of firing a center-fire cartridge in 50 caliber, .50 BMG caliber, any other variant of 50 caliber, or any metric equivalent of such calibers.

H.R. 2862

OFFERED BY: MR. NADLER

AMENDMENT NO. 9: Page 108, after line 7, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SECTION 801. None of the funds made available in this Act may be used to issue a national security letter, for health insurance records, under any of the provisions of law amended by section 505 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001.

H.R. 2862

OFFERED BY: MR. PAUL

AMENDMENT NO. 10: Page 108, after line 7, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the United Nations to develop or publicize any proposal concerning taxation or fees on any United States person in order to raise revenue for the United Nations or any of its specialized or affiliated agencies. None of the funds made available in this Act may be used by the United Nations to implement or impose any such taxation or fee on any United States person.

H.R. 2862

OFFERED BY: MR. PAUL

AMENDMENT NO. 11: Page 108, after line 7, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to pay any United States contribution to the United Nations or any affiliated agency of the United Nations.

H.R. 2862

Offered By: Mr. Reichert

AMENDMENT NO. 12: Page 10, line 15, after the first dollar amount, insert the following: "(reduced by $50,000,000)".

Page 12, line 3, after the dollar amount, insert the following: "(reduced by $11,683,000)".

Page 26, line 25, after the dollar amount, insert the following: "(increased by $78,289,000)".

Page 71, line 22, after the dollar amount, insert the following: "(reduced by $16,606,000)".

H.R. 2862

Offered By: Ms. Linda T. Sánchez of California

AMENDMENT NO. 13: In title II, in the item relating to "NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—OPERATIONS, RESEARCH, AND FACILITIES", after the aggregate dollar amount, insert the following: "(reduced by $4,455,000)".

In title V, in the item relating to "SMALL BUSINESS ADMINISTRATION—SALARIES AND EXPENSES", after the aggregate dollar amount, insert the following: "(increased by $4,000,000)".

In title V, in the item relating to "SMALL BUSINESS ADMINISTRATION—BUSINESS LOANS PROGRAM ACCOUNT", after the first dollar amount, insert the following: "(increased by $455,000)".

H.R. 2862

Offered By: Mr. Sanders

AMENDMENT NO. 14: At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act to the Federal Communications Commission may be used to impose a forfeiture penalty under section 503 of the Communications Act of 1934 (47 U.S.C. 503) for a violation of section 1464 of title 18, United States Code, or 47 CFR 73.3999, with respect to any indecent utterance on any medium other than a radio or television broadcasting station.

H.R. 2862

Offered By: Mr. Sanders

AMENDMENT NO. 15: At the end of the bill (before the short title), insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, book sales records, or book customer lists.

H.R. 2862

Offered By: Mr. Stearns

AMENDMENT NO. 16: Page 22, line 12, after the dollar amount, insert the following: "(increased by $10,000,000)".

Page 81, line 19, after both dollar amounts, insert the following: "(reduced by $10,000,000)".

H.R. 2862

Offered By: Mr. Stearns

AMENDMENT NO. 17: At the end of the bill, add the following title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for the design, construction, or rental of any new headquarters for the United Nations in New York City or any other location in the United States.

H.R. 2862

Offered By: Mr. Tancredo

AMENDMENT NO. 18: Page 108, after line 7, insert the following:

TITLE VIII—ADDITIONAL PROVISIONS

SEC. 801. None of the funds appropriated or otherwise made available in this Act may be used to include in any bilateral or multilateral trade agreement any provision that would—

(1) increase any limitation on the number of aliens authorized to enter the United States as a nonimmigrant, or to adjust to such status; or

(2) increase any limitation on the number of aliens authorized to enter the United States as an alien lawfully admitted for permanent residence, or to adjust to such status.

H.R. 2862

Offered By: Mr. Tancredo

AMENDMENT NO. 19: At the end of the bill, insert after the last section (preceding the short title), the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. __. None of the funds made available in this Act for the State Criminal Alien Assistance Program under the heading "DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1373).

H.R. 2862

Offered By: Mr. Terry

AMENDMENT NO. 20: Page 2, line 7, after the dollar amount, insert the following: "(reduced by $568,763)".

Page 3, line 1, after the dollar amount, insert the following: "(reduced by $604,800)".

Page 3, line 8, after the dollar amount, insert the following: "(reduced by $492,800)".

Page 3, line 18, after the dollar amount, insert the following: "(reduced by $966,269)".

Page 3, line 21, after the dollar amount, insert the following: "(reduced by $5,474,560)".

Page 4, line 7, after the first dollar amount, insert the following: "(reduced by $299,268)".

Page 4, line 12, after the dollar amount, insert the following: "(reduced by $50,176)".

Page 4, line 21, after the dollar amount, insert the following: "(reduced by $2,982,878)".

Page 5, line 17, after the dollar amount, insert the following: "(reduced by $28,372)".

Page 5, line 21, after the dollar amount, insert the following: "(reduced by $647,140)".

Page 6, line 12, after the dollar amount, insert the following: "(reduced by $7,285,134)".

Page 6, line 25, after the dollar amount, insert the following: "(reduced by $960,521)".

Page 7, line 17, after the dollar amount, insert the following: "(reduced by $5,466)".

Page 7, line 21, after the dollar amount, insert the following: "(reduced by $3,585,142)".

Page 8, line 26, after the dollar amount, insert the following: "(reduced by $43,272)".

Page 8, line 16, after the dollar amount, insert the following: "(reduced by $96,177)".

Page 10, line 1, after the first dollar amount, insert the following: "(reduced by $2,271,091.)".

Page 10, line 15, after the first dollar amount, insert the following: "(reduced by $25,720,271)".

Page 11, line 15, after the dollar amount, insert the following: "(reduced by $90,070)".

Page 12, line 3, after the dollar amount, insert the following: "(reduced by $7,643,655)".

Page 13, line 1, after the dollar amount, insert the following: "(reduced by $4,137,786)".

Page 16, line 10, after the dollar amount, insert the following: "(reduced by $21,932,508)".

Page 17, line 25, after the dollar amount, insert the following: "(reduced by $314,102)".

Page 18, line 17, after the dollar amount, insert the following: "(reduced by $15,075)".

Page 19, line 19, after the dollar amount, insert the following: "(reduced by $1,735,987)".

Page 22, line 12, after the dollar amount, insert the following: "(reduced by $1,019,048)".

Page 22, line 21, after the dollar amount, insert the following: "(reduced by $4,485,806)".

Page 22, line 21, after the dollar amount, insert the following: "(increased by $285,758,856)".

Page 23, line 1, after the dollar amount, insert the following: "(increased by $285,758,856)".

Page 25, line 22, after the dollar amount, insert the following: "(reduced by $224,000)".

Page 26, line 25, after the dollar amount, insert the following: "(reduced by $2,329,855)".

Page 28, line 22, after the dollar amount, insert the following: "(reduced by $1,495,030)".

Page 30, line 22, after the dollar amount, insert the following: "(reduced by $21,880)".

Page 30, line 24, after the dollar amount, insert the following: "(reduced by $18,207)".

Page 34, line 22, after the dollar amount, insert the following: "(reduced by $200,610)".

Page 35, line 10, after the dollar amount, insert the following: "(reduced by $281,129)".

Page 36, line 11, after the first dollar amount, insert the following: "(reduced by $1,823,024)".

Page 38, line 1, after the dollar amount, insert the following: "(reduced by $344,960)".

Page 38, line 21, after the dollar amount, insert the following: "(reduced by $900,413)".

Page 38, line 25, after the dollar amount, insert the following: "(reduced by $119,096)".

Page 39, line 10, after the dollar amount, insert the following: "(reduced by $134,508)".

Page 39, line 16, after the dollar amount, insert the following: "(reduced by $359,762)".

Page 39, line 22, after the dollar amount, insert the following: "(reduced by $931,970)".

Page 39, line 25, after the dollar amount, insert the following: "(reduced by $2,076,910)".

Page 40, line 9, after the dollar amount, insert the following: "(reduced by $719,542)".

Page 41, line 8, after the dollar amount, insert the following: "(reduced by $79,368)".

Page 42, line 5, after the dollar amount, insert the following: "(reduced by $8,960)".

Page 42, line 14, after the dollar amount, insert the following: "(reduced by $7,630,784)".

Page 44, line 21, after the dollar amount, insert the following: "(reduced by $28,941)".

Page 44, line 25, after the dollar amount, insert the following: "(reduced by $1,781,893)".

Page 45, line 6, after the dollar amount, insert the following: "(reduced by $474,880)".

Page 45, line 14, after the dollar amount, insert the following: "(reduced by $201,600)".

Page 45, line 25, after the dollar amount, insert the following: "(reduced by $10,949,120)".

Page 47, line 15, after the dollar amount, insert the following: "(reduced by $4,193,280)".

Page 48, line 14, after the dollar amount, insert the following: "(reduced by $224,000)".

Page 50, line 7, after the dollar amount, insert the following: "(reduced by $212,648)".

Page 50, line 13, after the dollar amount, insert the following: "(reduced by $101,956)".

Page 53, line 2, after the dollar amount, insert the following: "(reduced by $24,927)".

Page 53, line 24, after the dollar amount, insert the following: "(reduced by $43,571,360)".

Page 55, line 5, after the dollar amount, insert the following: "(reduced by $30,073,792)".

Page 55, line 20, after the dollar amount, insert the following: "(reduced by $145,152)".

Page 57, line 9, after the dollar amount, insert the following: "(reduced by $19,611,290)".

Page 58, line 13, after the dollar amount, insert the following: "(reduced by $866,208)".

Page 58, line 22, after the dollar amount, insert the following: "(reduced by $3,615,360)".

Page 59, line 7, after the dollar amount, insert the following: "(reduced by $1,120,000)".

Page 59, line 20, after the dollar amount, insert the following: "(reduced by $17,920)".

Page 60, line 1, after the dollar amount, insert the following: "(reduced by $51,520)".

Page 60, line 23, after the dollar amount, insert the following: "(reduced by $16,787,089)".

Page 62, line 19, after the dollar amount, insert the following: "(reduced by $3,089,063)".

Page 62, line 22, after the dollar amount, insert the following: "(reduced by $574,618)".

Page 63, line 3, after the dollar amount, insert the following: "(reduced by $134,324)".

Page 63, line 8, after the dollar amount, insert the following: "(reduced by $1,838,592)".

Page 63, line 17, after the dollar amount, insert the following: "(reduced by $37,099)".

Page 63, line 21, after the dollar amount, insert the following: "(reduced by $42,067)".

Page 64, line 5, after the dollar amount, insert the following: "(reduced by $2,703,725)".

Page 64, line 14, after the dollar amount, insert the following: "(reduced by $4,077,696)".

Page 64, line 19, after the dollar amount, insert the following: "(reduced by $44,800)".

Page 64, line 25, after the dollar amount, insert the following: "(reduced by $3,190)".

Page 65, line 4, after the dollar amount, insert the following: "(reduced by $2,719)".

Page 65, line 9, after the dollar amount, insert the following: "(reduced by $88,484)".

Page 65, line 13, after the dollar amount, insert the following: "(reduced by $590,016)".

Page 65, line 20, after the dollar amount, insert the following: "(reduced by $5,224,630)".

Page 66, line 26, after the dollar amount, insert the following: "(reduced by $4,639,040)".

Page 68, line 26, after the dollar amount, insert the following: "(reduced by $120,960)".

Page 69, line 3, after the dollar amount, insert the following: "(reduced by $23,744)".

Page 69, line 12, after the dollar amount, insert the following: "(reduced by $42,560)".

Page 69, line 18, after the dollar amount, insert the following: "(reduced by $98,560)".

Page 69, line 25, after the dollar amount, insert the following: "(reduced by $44,800)".

Page 71, line 4, after the dollar amount, insert the following: "(reduced by $26,880)".

Page 71, line 11, after the dollar amount, insert the following: "(reduced by $224,000)".

Page 71, line 22, after the dollar amount, insert the following: "(reduced by $2,777,600)".

Page 72, line 16, after the dollar amount, insert the following: "(reduced by $48,801)".

Page 76, line 6, after the dollar amount, insert the following: "(reduced by $5,251)".

Page 76, line 11, after the dollar amount, insert the following: "(reduced by $2,236)".

Page 76, line 17, after the dollar amount, insert the following: "(reduced by $40,750)".

Page 77, line 6, after the dollar amount, insert the following: "(reduced by $14,336)".

Page 77, line 13, after the dollar amount, insert the following: "(reduced by $9,094)".

Page 77, line 20, after the first dollar amount, insert the following: "(reduced by $8,512)".

Page 78, line 15, after the dollar amount, insert the following: "(reduced by $1,483,901)".

Page 79, line 9, after the dollar amount, insert the following: "(reduced by $1,298,174)".

Page 80, line 8, after the dollar amount, insert the following: "(reduced by $945,280)".

Page 81, line 14, after the dollar amount, insert the following: "(reduced by $4,480)".

Page 81, line 19, after the first dollar amount, insert the following: "(reduced by $1,481,997)".

Page 82, line 17, after the dollar amount, insert the following: "(reduced by $8,355)".

Page 82, line 25, after the dollar amount, insert the following: "(reduced by $3,978,764)".

Page 84, line 18, after the dollar amount, insert the following: "(reduced by $1,424,770)".

Page 85, line 10, after the dollar amount, insert the following: "(reduced by $60,480)".

Page 85, line 14, after the dollar amount, insert the following: "(reduced by $12,817)".

Page 85, line 17, after the dollar amount, insert the following: "(reduced by $4,480)".

Page 86, line 11, after the dollar amount, insert the following: "(reduced by $559,825)".

Page 86, line 16, after the dollar amount, insert the following: "(reduced by $356,330)".

Page 86, line 22, after the dollar amount, insert the following: "(reduced by $222,728)".

Page 88, line 5, after the dollar amount, insert the following: "(reduced by $8,960)".

Page 88, line 12, after the dollar amount, insert the following: "(reduced by $17,920)".

Page 88, line 19, after the dollar amount, insert the following: "(reduced by $102,368)".

H.R. 2862

Offered By: Mr. Hostettler

Amendment No. 21: Page 108, after line 7, insert the following:

TITLE VIII—MISCELLANEOUS

Sec. 801. None of the funds appropriated in this Act may be used to enforce the judgment of the United States District Court for the Southern District of Indiana in the case of Russelburg v. Gibson County, decided January 31, 2005.

H.R. 2863

Offered By: Mr. Manzullo

Amendment No. 1: In section 8014(a) strike "; and" at the end of paragraph (2)(B) and all that follows through "health benefits for civilian employees under chapter 89 of title 5, United States Code." and insert a period.

SENATE—*Monday, June 13, 2005*

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BURR, a Senator from the State of North Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal spirit, You have made of one blood all the people of the Earth. You are the God of our weary years and silent tears.

Lord, American history contains triumphant and tragic chapters. We read about freedom, justice, liberty, and equality, but also about slavery, injustice, violence, and racism. Thank You for the seasons in a nation's life that enable it to admit mistakes and seek to right wrongs.

Forgive the negligence and passivity of our lawmakers that nurtured thousands of documented and undocumented American lynchings. Forgive the failure to act that permitted more than 99 percent of the perpetrators of these sins to escape punishment.

In these challenging days, help our Senators to remember that all that is necessary for evil to thrive is for good people to do nothing. Transform our contrition into service that will today bring liberty to captives, sight to the blind, and comfort to the bruised.

Bless the descendants of those who were lynched. Remind them that You can transform dark yesterdays into bright tomorrows and make the crooked places straight. Give them the wisdom to see that in everything, You are working for the good of those who love You.

Lord, empower all of us to continue to strive for right, until justice rolls down like waters and righteousness like a mighty stream. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BURR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 13, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BURR, a Senator from the State of North Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BURR thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will debate Executive Calendar No. 66, the nomination of Thomas Griffith to be a circuit judge for the DC Circuit. The vote on confirmation will be at 10 a.m. tomorrow. I am pleased we will be able to have a vote on this nomination, the sixth circuit court judge to be confirmed in the last couple of weeks.

Following the debate on the Griffith nomination, the Senate will then debate S. Res. 39, the antilynching resolution, under a 3-hour time agreement. As was announced last week, there will be a voice vote on the adoption of the resolution. We will have no recorded votes during today's session.

Tomorrow, following the vote on the Griffith nomination, the Senate will proceed to consideration of H.R. 6, the Energy bill. Chairman DOMENICI will be on the Senate floor ready to start the amendment process tomorrow morning. I encourage Senators to work with the bill managers so we can make significant progress on that important bill this week.

As a reminder, there will be no votes this Friday, June 17, to accommodate the Democratic retreat.

With that, Mr. President, I am going to turn to the Democratic leader, and then I will have a longer opening statement following his remarks.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

ORDER OF BUSINESS

Mr. REID. Mr. President, I have a statement of a few minutes. Does the Senator want me to do that now?

Mr. FRIST. Mr. President, let's proceed with the Democratic leader, and I will follow with my statement.

Mr. REID. I appreciate the courtesy of the distinguished majority leader. I do have something to do, so I appreciate that.

TRIBUTE TO FORMER SENATOR JAMES EXON

Mr. REID. Mr. President, I am terribly saddened by the death of Jim Exon. Those of us who had the opportunity to serve with him are so troubled by his death. He was an outstanding Senator. He was fair. He worked on both sides of the aisle. He protected the State of Nebraska and our country so well.

I have so many fond memories of him. His enthusiasm for the work he did here was contagious. His sense of humor was wonderful. Jim Exon loved Nebraska football. He cared about a lot of issues, but other than his family, Nebraska football came first. He is going to be buried in Lincoln, NE, on this Wednesday. He died, I believe it was Friday night. BEN NELSON called me Saturday morning. Jim Exon was certainly a mentor of BEN NELSON. We will all miss him very much.

I hope those who have some knowledge of Senator Exon will recognize we hope to take an airplane trip to Nebraska Wednesday afternoon to attend his funeral. He was a wonderful man. I miss him so much.

Mr. President, again, I extend my appreciation to the majority leader in allowing me to go before him this afternoon.

The ACTING PRESIDENT pro tempore. The majority leader.

AFRICA

Mr. FRIST. Mr. President, this morning, President Bush, accompanied by the Presidents of five African States—Botswana, Ghana, Niger, Mozambique, and Namibia—announced the African Growth and Opportunity Act forum that will be held in July of this year in Senegal.

At that joint meeting and announcement of the Senegal meeting, I had the opportunity to sit down and talk with each of these African leaders, the Presidents of their respective countries, about the particular challenges their countries face and how the United States of America, working in partnership with them, can help.

We discussed our continuing efforts to help the nations of Africa fight disease and hunger and to develop sound, healthy, and accountable governance.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

In our conversations, I underscored the need for continued political reform, for economic development, for investment in human capital, especially as we combat an issue the President talked a lot about earlier in the press announcement, and that is the tyranny of HIV/AIDS. We also discussed the President's plan to offer additional emergency aid to Africa at the upcoming G8 summit in July. This money is in addition to the $674 million the President announced last week during Prime Minister Tony Blair's visit to Washington.

Needless to say, the African Presidents were overwhelmed by these initiatives. They were impressed by the leadership of Prime Minister Blair and President Bush and by the generosity of the American people.

Meanwhile, on Saturday, in what Treasury Secretary John Snow called an achievement of historic proportions, the G8, led by the United States and the United Kingdom, agreed to cancel more than $40 billion in debt owed by 18 of the world's poorest countries, including 14 African nations.

Two hundred and eighty million African citizens will no longer labor under massive debtloads that have been crippling their ability to grow and prosper. This agreement wipes the slate clean. Their governments will see a combined savings of an estimated $1.5 billion a year. As we discussed this morning, their challenge now is to invest those savings wisely and effectively.

If this money is used wisely, the people of these countries will see better education, cleaner water, less disease, and live better and more productive lives. Countries such as Rwanda, Uganda, Zambia, Mozambique—all will be better able to focus their resources on economic development, education, health, infrastructure, and all the fundamentals that we know help to build prosperity.

They will be able to once and for all break the loan-debt-forgiveness cycle that has undermined their ability to grow and to invest.

Saturday's agreement will help many of Africa's poorest countries get on their feet and make meaningful strides toward the future.

President Bush and the Republican-led Congress have been steadfast supporters of Africa's development. I personally have had the opportunity to visit the continent of Africa on eight separate occasions, both as majority leader and as part of medical mission work on that wonderful continent. We have consistently championed efforts to promote accountability, good governance, political reform, and economic growth. Overcoming the problems that afflict the continent is tough work, it is difficult work, it is challenging work, but we are committed to helping Africa realize its rich potential.

Instead of seeing only problems and obstacles, we seek solutions. Instead of offering a Band-Aid, we offered smart aid. We as a country have much to be proud of in terms of our contributions. One only need to look at the statistics. So far this fiscal year, the United States has provided the continent of Africa with $1.4 billion in humanitarian relief. President Bush has tripled America's contributions.

Today, nearly a quarter of every aid dollar to Africa comes from America, up from just 10 percent 4 short years ago. Yes, we really for the first time demand accountability from these investments. These aid dollars today are tied to economic and political reforms. Our goal is to help these countries root out corruption, to address human rights, to protect human rights, to promote the rule of law, and to build a stable, civil society, one that can meet the needs and demands of a growing and modern society.

Meanwhile, the African Growth and Opportunity Acceleration Act, also know known as AGOA, is already demonstrating its poverty fighting power. Last year, the Senate passed and the President signed the African Growth and Opportunity Acceleration Act. As a result, U.S. exports to sub-Saharan Africa have increased by 25 percent and America's imports from these participating countries are up 88 percent. Economic growth in sub-Saharan Africa is at an 8-year high.

Our goal is to break with the old approaches of the past where success was measured in dollars. Instead, we want real, measurable results, proof that the African people are benefiting from our efforts. And they are coming. I applaud the President for his strong and principled leadership. He understands that Africa can be and is a place of great hope and opportunity. He sees both the practical and the moral dimensions of America's leadership.

Every human being needs and deserves the fundamentals of life: food, shelter, water, safety. Countries that fail in any of these basic functions become dangerous places for their citizens and potential threats to America's security. It is in our mutual interest to promote peace and stability on the African Continent.

As a physician, I have had the opportunity to travel extensively throughout the continent. I have had the opportunity to perform surgery and operate in the oldest medical school on that continent in Uganda. I have had the opportunity to treat patients for war injuries, injuries from a civil war in southern Sudan, to treat patients with HIV/AIDS.

From that perspective, I was so proud when the President today was talking at the press conference with the Presidents of those countries about his HIV/AIDS initiative: $15 billion committed by the United States, by our U.S. Congress, to combat what I believe is the greatest moral, humanitarian, and public health challenge of our times. I am also participating in an effort to help expand health care and spread goodwill through that health care across the globe. I believe—and I have had that little window to be able to see directly—that through the good works of many talented women and men of compassion medicine can be not only an instrument of health but by the delivery of that medicine and by the delivery of that public health care can be a true currency for peace.

I have seen that real tangible intervention can help bridge the gaps and misunderstandings that so often divide people, that can divide societies. We see that phenomenon in Afghanistan and Iraq and we saw it in Southeast Asia in the aftermath of the terrible tsunami tragedy. Countless health care professionals from all over the world, both volunteers and government workers, rushed to that devastated region to offer assistance. Private companies, corporations, and nongovernment organizations offered services and supplies. The outpouring of support from all over the world, led in many ways by American efforts, was truly an extraordinary event, a moving testament to our shared humanity. That is why in April I introduced the Global Health Corps Act of 2005. America possesses a vast reservoir of talent, skills, knowledge, and compassion that can both help heal but also promote health, both literally and figuratively, promoting our global ties. This is just one of the many efforts we are making to help promote peace and well-being on the African Continent. We are also reaching out directly to individual countries to help them tackle their most pressing problems.

Today, I also had the opportunity to speak with the President of Namibia. Namibia is one of Africa's greatest success stories. We were just there on a congressional delegation about 2 years ago.

Just 15 years after attaining its independence from apartheid-led South Africa, Namibia has emerged as a multiparty, multiracial democracy with a stable market-based economy. Like many African countries, the greatest threat to Namibia's development and continued success is the spread of the virus of HIV/AIDS. Namibia is one of the countries most adversely affected by HIV/AIDS. Already, 22 percent of sexually active adults in Namibia are infected by HIV. AIDS accounts for half of the deaths among individuals between the ages of 15 and 19 in Namibia and for 75 percent of all hospitalizations in public facilities.

The continued spread of this disease will have a devastating impact on the Namibian people and their efforts to build on their already remarkable achievements. For this reason, it is critical to continue to fund the President's emergency plan for AIDS relief, or PEPFAR, to assist Namibia in their battle against this terrible disease.

PEPFAR funding for Namibia has increased from $23 million in 2004 to an estimated $36 million in 2005. The administration has requested $49 million for 2006, and I encourage my Senate colleagues to support this funding as the Namibian people continue their fight against HIV/AIDS.

Despite its openness and competitiveness, the Namibian economy still faces a number of challenges. Since 1990, the annual per capita GDP growth rate in Namibia has averaged just 1.6 percent. The African Growth and Opportunity Acceleration Act is helping to capitalize Namibia's economic potential. Already, AGOA is estimated to have created 9,000 new jobs in Namibia. In addition, Namibia's 2004 exports to the United States under AGOA are valued at $161 million.

These achievements I mention because they are a model for political and economic reform throughout the African Continent. Steady American support will enhance Namibia's ability to contribute to Africa's peace, security, and stability. The President has said America has a special calling to come to the aid of the African people and that "we will do so with the compassion and generosity that has always defined the United States."

I look forward to working with my colleagues in the Senate and with the President to continue helping the continent heal and grow. We care deeply about the future of Africa. With time and an unwavering commitment to progress, I believe that together we can help Africa and its people share in the blessings of peace and prosperity.

TRIBUTE TO JESSE R. NICHOLS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 168, which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 168) expressing gratitude and sincere respect for Jesse R. Nichols.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 168) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 168

Whereas, Jesse R. Nichols, Sr., faithfully served the United States Senate and the Committee on Finance as the Government Documents Clerk and Librarian from Nineteen Hundred Thirty-Seven through Nineteen Hundred Seventy-One; and

Whereas, Jesse R. Nichols, Sr., was born on June 14, 1909, in Clarksdale, Mississippi, and was the first African American Clerk employed by the United States Senate; and

Whereas, he carried out his duties in exemplary fashion, bringing credit to the Committee and to Congress; and

Whereas, Jesse Nichols worked effectively under the guidance of Democratic and Republican Chairmen, including Pat Harrison of Mississippi, Walter F. George of Georgia, Harry Flood Byrd of Virginia and Russell B. Long of Louisiana from the 75th Congress through the 91st Congress.

Whereas, the Committee on Finance will long remember the commitment, service and leadership of Jesse R. Nichols, Sr., as documented in an oral history posted on the Senate Historian's Web site: and

Now, therefore, be it *resolved*, that the United States Senate expresses its deep gratitude and sincere respect for Jesse R. Nichols for his unfailing service and his dedication to the United States Senate. The Senate hereby expresses condolences to the family due to the death of Jesse R. Nichols, Sr., on February 18, 2005.

Mr. FRIST. Mr. President, this resolution expresses our gratitude and respect to the family of Jesse Nichols. I will take just a couple of moments to comment on Jesse Nichols, who was the first African-American clerk to be employed by this body, the Senate.

Jesse Nichols was born on June 14, 1909, in Clarksdale, MS. In 1930, Jesse enrolled at Howard University where he hoped to study medicine, but his plans were derailed by the Depression, and he, as so many others, had to join the employment line.

After a stint working at a local delicatessen, Jesse secured a position at the Reconstruction Finance Corporation. Then in 1937, Senator Pat Harrison of Mississippi hired Jesse Nichols to join the Finance Committee as document clerk/librarian. He became responsible for the committee's immense collection of tax codes and hearings, witness statements, and other publications.

Over the days and the weeks ahead, Mr. Nichols became indispensable to the committee staff and the Senators who depended on his professionalism and accumulated knowledge. On his 30th anniversary in the Senate, Member after Member rose to pay tribute to Mr. Nichols. Senator Russell Long praised Mr. Nichols for his consummate professionalism, diligence, and devotion to this body. Delaware Senator John R. Williams testified that over his three decades of service Jesse Nichols "earned the respect of those former giants of this Senate, each of whom was proud to call him a friend."

Jesse Nichols was deeply respected by his colleagues and was dearly missed when he retired from the Senate in 1971. On February 18th of this year, Jesse died a few months short of his 96th birthday. Jesse Nichols lived a full and long life. On behalf of the Senate family, I recognize the contributions of Jesse Nichols to this venerable body. We are sincerely grateful for his service and dedication.

I yield the floor.

Mr. BAUCUS. Mr. President, today I rise to pay tribute to Jesse R. Nichols, Sr. Mr. Nichols, who passed away on February 15, was the first African-American clerk for the Senate Finance Committee and one of its longest serving staff members. He worked with the committee from 1937 to 1971.

Born in Clarksdale, MS, Mr. Nichols came to the Finance Committee at a time early in the building of its staff. Back then, there were few, if any, African-Americans on staff with the Senate. At Finance, there were just three staff members with the committee and no standing subcommittees. Today, there are 70 staff members and 5 standing subcommittees.

During his more than 30 years with the committee, he created the committee's archival system and became our resident historian. He also contributed to the history of the Senate as a whole. In 1994, he generously participated in an extensive oral history for the Senate Historical Office. In it, he describes some of his most memorable moments during his long tenure. Mr. Nichols rubbed elbows with some of the most important leaders of the day—but he was excluded from eating in the Capitol's restaurant and cafeterias because of his race.

On the day that Mr. Nichols celebrated his 30th anniversary with the committee, several Senators paid him homage on the Capitol floor. They noted that Mr. Nichols outranked every member of the Finance Committee in terms of length of service. Senator Long in particular called Mr. Nichols a "senior member" of the committee and "one of God's best people." When Mr. Nichols finally retired in 1971, the committee had to hire two people to carry on his extensive work.

I salute Mr. Nichols for his long and trusted service to the Senate and send my heartfelt condolences to the Nichols family.

Mr. GRASSLEY. Mr. President, today I want to pay tribute to the life of Jesse Nichols, Sr., who passed away on February 22, 2005. Jesse R. Nichols, Sr., faithfully served the U.S. Senate for over 30 years. He was the first African American Clerk employed by the U.S. Senate.

Jesse Nichols was born on June 14, 1909, in Clarksdale, MS. He began his service when the late Pat Harrison of Mississippi was the distinguished Chairman of the Finance Committee—the committee I am now privileged to chair.

Jesse was appointed as a messenger for the Finance Committee in 1936, and was elevated about 6 months later to assistant clerk of the Committee. At that time, the staff of the Finance Committee numbered only three.

In 1967, on the occasion of his thirtieth anniversary on the Senate staff, several members of the Finance Committee, led by Delaware Republican John J. Williams, rose in the Senate chamber to pay tribute to Jesse Nichols who had "earned the respect of those former giants of the Senate, each of whom was proud to call him a friend."

Senator Williams added that:

> It is refreshing to meet a man who throughout the years has served the Senate and his country with but one thought in mind, and that is, to do his job to the best of his ability, always remembering that as a Government employee he is a servant of the people.

Senate Republican Leader Everett Dirksen added his endorsement, noting that:

> Thirty years of faithful and devoted service certainly deserves to be taken account of in the proceedings of this body.

An oral history interview conducted by the Senate Historical Office from March 26 to April 12, 1994, is available on the Senate Web site. The history documents Jesse's employment by the Committee on Finance from the 75th Congress through the 91st Congress.

He worked under the guidance of Democratic and Republican Chairmen, including Walter F. George of Georgia, I Senator Eugene Millikin of Colorado, Harry Flood Byrd of Virginia and Russell B. Long of Louisiana.

Jesse Nichols' service was faithful, exemplary and noteworthy. He served not only the Finance Committee with class and grace, but also the Senate as a whole during that critical period in American history. I join my colleagues in recognizing Mr. Nichols' life and am grateful to his service to our country.

S. RES. 168

Whereas Jesse R. Nichols, Sr., faithfully served the United States Senate and the Committee on Finance as the Government Documents Clerk and Librarian from nineteen hundred thirty-seven through nineteen hundred seventy-one;

Whereas Jesse R. Nichols, Sr., was born on June 14, 1909, in Clarksdale, Mississippi, and was the first African American Clerk employed by the United States Senate;

Whereas he carried out his duties in exemplary fashion, bringing credit to the Committee and to Congress;

Whereas Jesse Nichols worked effectively under the guidance of Democratic and Republican Chairmen, including Pat Harrison of Mississippi, Walter F. George of Georgia, Harry Flood Byrd of Virginia and Russell B. Long of Louisiana from the 75th Congress through the 91st Congress; and

Whereas the Committee on Finance will long remember the commitment, service and leadership of Jesse R. Nichols, Sr., as documented in an oral history posted on the Senate Historian's website: Now, therefore, be it

Resolved, That the United States Senate expresses its deep gratitude and sincere respect for Jesse R. Nichols for his unfailing service and his dedication to the United States Senate. The Senate hereby expresses condolences to the family due to the death of Jesse R. Nichols, Sr., on February 18, 2005.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF THOMAS B. GRIFFITH TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and proceed to the consideration of Calendar No. 66, which the clerk will report.

The assistant legislative clerk read the nomination of Thomas B. Griffith, of Utah, to be United States Circuit Judge for the District of Columbia.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. MCCONNELL are printed in today's RECORD under "Morning Business.")

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, is the Griffith nomination before the Senate?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. HATCH. Mr. President, I rise in support of the nomination of Thomas B. Griffith to serve as a judge on the United States Court of Appeals for the District of Columbia Circuit.

Because Tom Griffith served as Senate legal counsel from 1995 to 1999, many Members of this body are very familiar with his character, judgment, and record. For the benefit of those new members of this body and those members of the public who are not familiar with Tom Griffith, I want to spend the next few minutes detailing why his education, experience, and expertise make him an excellent nominee for this extremely important Federal court.

As I will set forth, Tom has broad support on both sides of the aisle. In the far too often partisan debate over judicial nominations that has occurred over the last few years, it is refreshing to have before us a nominee whose past record of achievement has resulted in so many current supporters who are firmly convinced that his future service on the bench will be successful.

One of the many reasons why I am particularly proud to support Tom Griffith is because he is a constituent of mine. Mr. Griffith serves as assistant to the president and general counsel of Brigham Young University.

As might be expected, Tom has many supporters at BYU. Here is what associate dean and Professor Constance Lundberg at the J. Reuben Clark School of Law has to say about the nominee:

> [Tom] is also a lawyer of unexcelled ability. He understands the differences between law and policy and has a deep understanding of the powers and prerogatives of each of the three branches of government. He is immensely fair and compassionate. The laws and Constitution of the United States could not be in better hands.

Tom also has his supporters among law school faculty off the BYU campus. For example, please listen to what Harvard Law Professor William Stuntz has said about the qualifications of Tom Griffith:

> I know a great many of talented men and women in America's legal profession: I've taught more than three thousand students at three top law schools, and I have friends scattered across the country in various kinds of law practice and in academics. I do not know anyone whom I would rather see on the federal bench than Tom Griffith. If he is confirmed, he will not just be a good judge. He'll be a great one.

That is certainly strong praise and, as I remember law school, getting praise from law professors is never easy unless you truly earn it.

In order to become the lawyer he is today, Tom received a solid education.

Back in 1978, Mr. Griffith received his Bachelor's degree from BYU. I am proud to say that we both graduated from BYU. I am also proud to tell you that Tom graduated summa cum laude. For those of us who are proud to call Brigham Young University our alma mater, I want to note that BYU is our Nation's largest private university and is recognized by many as one of the finest institutions of higher learning anywhere in the world.

Tom Griffith was the valedictorian of the BYU College of Humanities. He was chosen as the recipient of the prestigious Edward S. Hinckley Scholarship.

Mr. Griffith pursued his legal studies at the University of Virginia School of Law. Once again, he distinguished himself by being selected as a member of the law review at the University of Virginia. This is an honor that very few law students achieve.

Upon graduation from law school in 1985, Tom commenced his legal career as an associate in the Charlotte, NC, law firm of Robinson, Bradshaw and Hinson. During this time, Mr. Griffith was engaged in corporate, commercial, securities and employment litigation.

In late 1989 Tom Griffith joined the well-known and highly regarded Washington, DC, law firm of Wiley, Rein and Fielding, first as an associate. Tom specialized and excelled in complex environmental insurance litigation and regulatory investigations and was made a partner in the firm.

Between March, 1995 and March, 1999, Tom Griffith served as Senate legal counsel. This is a highly demanding job as the Senate legal counsel advises the Senate on all legal matters related to the Senate including Senate investigations, the work of Senate committees, and defending acts of Congress and Senate resolutions.

During his time as Senate legal counsel, Tom faced the many challenges of advising the Senate during the impeachment of President Clinton. If there was ever a circumstance to test the temperament of a lawyer, his ability to ascertain what the law is and what prudence dictates, and to provide objective legal advice in a fair and even-handed manner in a highly charged atmosphere, surely it was the unique circumstances of the impeachment trial. By all accounts, Tom Griffith came through in flying colors.

After the impeachment trial, Tom rejoined the firm of Wiley, Rein and Fielding for about one year before taking his current position in Utah as the general counsel of Brigham Young University.

As you can tell from this thumb nail sketch of Tom Griffith's career, he is an achiever. He has had a terrific education and has done very well at very demanding schools. He has also distinguished himself in the practice of law with one of the great law firms in this country, as Senate legal counsel, and in his current capacity as assistant to the president and general counsel at BYU.

Many have relied upon Tom Griffith for sound legal advice. That is because he is an excellent lawyer who provides excellent advice.

Despite the claims on his time made by the various legal positions Mr. Griffith has held, he still found the time to take on a number of voluntary assignments that demonstrate a commitment to serving those in need. For example, between 1991 and 1995 Mr. Griffith spent several hundred hours of his own time attempting to overturn the sentence of a death row inmate. Ultimately, the strategy devised by Mr. Griffith was successful in obtaining a pardon by then-Governor, now-Senator GEORGE ALLEN on the eve of the scheduled execution.

Tom has volunteered to represent disadvantaged public school students in disciplinary proceedings and has helped operate soup kitchens or people in need.

I would also like to make my colleagues aware of Tom's interest in, and commitment to, the emerging democracies in Central Europe. For the last 10 years, Tom has worked on the American Bar Association's Central Eurasian Law Initiative, serving on the ABA Advisory Board in this area. In this capacity, he has helped train judges and lawyers in Croatia, Serbia, the Czech Republic and Russia. He has been very active in helping establish a regional judicial training center in Prague. Let me just mention what some of his peers in the international legal community have said about Tom Griffith.

Here is what David Tolbert, the Deputy Registrar at the International Criminal Tribunal for the former Yugoslavia has said about Tom Griffith:

> Mr. Griffith is without question one of the best professionals with whom I have worked, given not only his capability as a lawyer but his integrity as a person. He also shows an open-minded approach to legal and other issues, and I have discussed many issues with him, a number of which we come to at somewhat different angles, and his intellectual honesty and integrity are outstanding.

That is indeed high praise. Mr. Tolbert is not alone among those in the international legal community who have come to know Tom and speak highly about him.

Mark Ellis, the executive director of the International Bar Association has made the following comments about Tom.

> The duty of a judge is to administer justice according to the law, without fear or favor, and without regard to the wishes or policy of the governing majority. Tom Griffith will fervently adhere to this principle. As is natural in a democracy, people will not always agree with Tom's decisions from the bench. I will certainly not always agree with those decisions. However, there will never be a question as to the veracity behind them.

I think that Mr. Tolbert and Mr. Ellis have made some important observations about Tom Griffith's competence and character.

In addition to his international work in helping to bring democratic institutions into formerly totalitarian regimes, Mr. Griffith has also served as a Commissioner on the Secretary of Education's Commission on Opportunity in Athletics. There are many difficult issues that universities across the country face in operating balanced athletic programs vis a vis male and female athletes in a era of constrained budgets. Tom has been a constructive voice in this important dialogue and sometimes thankless task. I prepared to speak at further length on his activities in this area but will not do so at this point. I will tell you that—not surprising for a father of five daughters—Tom has worked, consistent with the law, to bring opportunities for women athletes.

In addition to these activities, between 1996 and 2002 Tom Griffith served as vice chairman of the Federalism and Separation of Powers Practice Group of the Federalist Society. As a long time friend and supporter of the Federalist Society and its leader, Leonard Leo, I am pleased that Tom has provide his thinking and energy to the important areas of federalism and separation of powers.

As befitting a man of his experience, Mr. Griffith has also given many speeches in educational settings that cover a wide variety of legal topics including, The Rule of Law; The Line Item Veto Act; Disciplining Congress: The Taxing and Spending Powers, and, of course, The Impeachment of President Clinton.

In addition, Tom has authored several scholarly articles that have appeared in legal periodicals including his law review note, Beyond Process: A Substantive Rationale for the Bill of Attainder Clause and his more recent 2003 article in the Utah Bar Journal entitled, Lawyers and the Rule of Law.

The record is clear that Tom Griffith is an accomplished lawyer and an outstanding member of the bar. Despite the many highlights of academic achievements and professional accomplishments that I have just reviewed, I have no doubt that Tom would describe his greatest joy in life as his 28-year marriage to his wife, Susan, and the six children that their marriage has produced. Tom and Susan have five daughters—Chelsea, Megan, Erin, Victoria and Tanye and a son, Robert. Tom and Susan were recently made grandparents for the first time. They have a month old grandson, William Sawyer Watts. His parents are Chelsea and Eric Watts. I would be remiss if I did not mention that Tom's only other married child, Megan, is married to Ryan Clegg.

I think it is both important and appropriate to note that Tom has pent considerable time in positions of leadership in his church.

Now that I have spent a few minutes describing the basic facts out Tom Griffith's education and experience, I will spend the next few minutes making some qualitative judgments about him.

I am all for Tom Griffith. Everyone knows that. I first became familiar with Tom through his work in the Senate. As Senate legal counsel, he impressed many in this body for being hard-working, fair-minded, and honest. I am aware of no one who believes that he carried out his responsibilities as Senate legal counsel in a partisan manner.

And let's face it, the role of Senate legal counsel is not an easy job. We all know about the challenges and difficulties associated with the impeachment trial. But let me just list a few other significant legal matters that Mr. Griffith handled while in the Senate.

These include representing the Senate in various lawsuits relate to the Line Item Veto Act; advising the Senate of its institutional interests in the Senate campaign finance investigations held by the Committee on Government Affairs with respect to fund raising of the 1996 elections; representing the Senate in the investigations related to the contested 1996 Louisiana Senate election; and, many matters, including a Senate subpoena directed to the White House, related to the Senate Whitewater investigation.

You can see that the inherently controversial issues that the Senate legal counsel is compelled to confront could easily end up in making some particular Senators less than pleased from time to time. Add to that the mother of all contentious issues—a Senate impeachment trial—and I hope you can see why a person like Tom Griffith, who came through the impeachment trial with bipartisan respect, might be exactly the type of individual we need on the DC Circuit.

But do not take it just from me. I will spend the next few minutes to tell you what judgments that others—leading Republicans and Democrats alike—have made about Tom Griffith.

Let me start by reciting from the testimony that my colleague from Utah, Senator BENNETT, gave to the Judiciary Committee last fall. Here is what Senator BENNETT said:

> . . . Tom Griffith really needs no introduction to the Senate because he served as Legal Counsel to the Senate in what is perhaps the Senate's most difficult experience, at least the most difficult experience in the time that I have been here. Tom Griffith was Counsel to the Senate when we went through the historic impeachment . . . trial of President Clinton—only the second time in our Republic's history where the Senate has had this kind of challenge. I was involved in that, as were members of this Committee.
>
> The primary burden of dealing with that challenge fell upon the two leaders, Senator Lott as Majority Leader and Senator Daschle as the Minority Leader. I watched with interest and then admiration as Tom Griffith negotiated through that particular mine field, giving very sound, calm, carefully researched and reasoned advice to both sides. He was not a partisan counsel. From my observation, Senator Daschle was as reliant upon Tom Griffith's legal expertise as was Senator Lott.
>
> If I can take us back to the memory of that experience, virtually everyone around us in Washington predicted a melt-down. The comment was made that this case was toxic. It had soiled the House of Representatives and it was going to soil the United States Senate.
>
> . . . the Senate came out of that experience with its reputation enhanced rather than soiled, and to no small degree that fact . . . is due to Tom Griffith.
>
> There are very few nominees for the Federal bench who have had the experience of going through that kind of fire, who have had their judicial temperament tested in that kind of an atmosphere. Tom Griffith therefore comes before this Committee unique in terms of his experience and with the Senate as a whole, and indeed in the national spotlight.

I think that there is much wisdom in Senator BENNETT's reflections. I understand that Senator BENNETT will come to the floor this afternoon and make some remarks about Mr. Griffith. I hope my colleagues will listen carefully to my colleague and friend from Utah.

Unlike the vast majority of the nominees the Senate reviews, judicial and executive branch, many of us have had the chance to know Tom Griffith personally and to see how he acts under extremely stressful, and sometimes extremely partisan, circumstances. He has more than passed the test. Tom Griffith has been in the crucible of major political and legal events. He performed well under the sometimes scorching heat of the situation and helped all of us get through that unique test.

But do not take it from me and Senator BENNETT alone, after all we are both Republicans and Mr. Griffith is our constituent. Here is what some leading Democrats have said about Tom Griffith.

Let me start with Senator DODD, our colleague from Connecticut. Upon Mr. Griffith's departure from the Senate, Senator DODD made the following remarks on the Senate floor:

> Mr. DODD. As an original cosponsor of the resolution, I rise today to add my remarks in support of, and in gratitude to, our former Senate legal counsel, Mr. Tom Griffith.
>
> It is always with mixed emotions that I speak on occasions such as this. While I am glad for Tom and wish him well in his return to private practice, I know that the Senate will miss the wise counsel and dedication he demonstrated during his nearly 4 years of service to this body.
>
> The ancient Chinese had a curse in which they wished their victim a life "in interesting times". For better or for worse, Tom lived such a life as Senate legal counsel. From my place on the Rules Committee—first as a member and now as Ranking Member—I had a unique perspective on the legal counsel's efforts to deal with numerous "interesting" issues presenting novel, rare, and in some cases, historic issues, including implementation of the Congressional Accountability Act, resolution of the Louisiana election challenge, and, of course, the recent impeachment trial. Speaking for myself—and, I suspect, most of my colleagues—I must say that Tom handled those difficult responsibilities with great confidence and skill.
>
> A more contemporary observer—and one of Connecticut's most famous residents— Mark Twain, once suggested: "Always do right—this will gratify some and astonish the rest." During his tenure as legal counsel, Tom exemplified this philosophy, impressing all who knew him with his knowledge of the law and never succumbing to the temptation to bend the law to partisan ends. All of us who serve here in the Senate know the importance of the rule of law; but let us never forget that it is individuals like Mr. Thomas Griffith whose calling it is to put that ideal into practice'.
>
> Once again, I wish to express my gratitude to Tom for his years of service, and I ask that my colleagues join me in supporting this resolution.

To me, these comments by Senator DODD speak volumes about the precise qualities we should all want in our judiciary.

As an old litigator myself, I can tell you that it is possible for layers arguing against each other, fighting tooth and nail against each other every day, to come out of litigation with mutual respect. Of course it is possible for adversarial advocates to come out of trial with less than admirable feelings towards one another.

Whatever your views on the merits of President Clinton's impeachment, I think that most everyone would agree that David Kendall and Lanny Breuer were zealous advocates in the President's defense.

So was Chuck Ruff. We all miss him. He was a good man and a great lawyer.

As you would imagine, during the course of the impeachment trial both David Kendall and Lanny Breuer got to know Tom Griffith. They came to respect him.

I am prepared to debate more extensively on some concerns that have been raised and may be raised today about Mr. Griffith's bar membership. I might add that the ABA has looked into this matter very carefully and gave Mr. Griffith a qualified rating. And you would think that if the ABA was satisfied on a matter relating to bar membership, that this should put the matter to rest.

Nevertheless, some questions have been raised. This issue has been fully explored and, I think, put to rest in two Judiciary Committee hearings on Tom Griffith. In any event, it has been the subject of a few stories in the press. I might add that one of the newspapers that carried this story, The Washington Post, ultimately editorialized in support of the nomination of Mr. Griffith.

I thought it noteworthy that two leading Democratic lawyers, David Kendall and Lanny Breuer, undertook a public act by writing a letter to the editor to the Washington Post that stated as follows:

> For years Tom has been a leader in the bar and has shown dedication to its principles. The Federal bench needs judges like Tom, an excellent lawyer supported across the political spectrum.

Their letter goes on to say: "We support Tom and believe he has the intellect and judgment to be an excellent judge. "

I want to emphasize that these are President Clinton's lawyers talking about a Republican judicial nominee—Tom Griffith—whom they got to know during the Senate impeachment trial.

But they are hardly alone. Many other leading Democratic lawyers hold Tom Griffith in high esteem. These include Seth Waxman, solicitor general of the United States in the Clinton Administration. Here is what Mr. Waxman wrote to The Washington Post in the aftermath of its story on Mr. Griffith's bar status:

> I have known Tom since he was Senate legal counsel and I was Solicitor General, and I have the highest regard for his integrity . . . For my own part, I would stake most everything on his word alone. Litigants would be in good hands with a person of Tom Griffith's character as their judge.

That is high praise from one of the most skilled Supreme Court practitioners in this country. And once again, I point out that it is coming from a leading Democratic lawyer in support of one of President Bush's judicial nominees.

Support for Tom Griffith is equally vigorous on the part of leading Republican lawyers. Despite having been recently exposed as not being Deep Throat—after 30 years of speculation to the contrary—Fred Fielding, former White House Counsel to President Reagan, is still properly regarded as one of the best lawyers in Washington, DC, or anywhere else for that matter. Tom Griffith was his law partner so they know each other well.

Mr. Fielding, the former chairman of the American Bar Association's Standing Committee on the Federal Judiciary, has described Mr. Griffith as "a very special individual and a man possessed of the highest integrity. He is a fine professional who demands of himself the very best of his intellect and energies."

Speaking of former White House Counsels supportive of Tom Griffith, I would like to point out that Abner Mikva, a leading Democratic attorney, firmly supports Tom Griffith. Abner Mikva was a Democratic Congressman, and a Democratic appointee to the very court to which Mr. Griffith has been nominated to serve. Here is what he says about Mr. Griffith:

> Tom Griffith will be a very good judge. I have worked with him indirectly while he was counsel to the Senate and more directly as a major supporter to the . . . Central and Eastern European Law Institute of the American Bar Association. Tom was an active member of CEELI's advisory board, and he and I participated in many prospects and missions on behalf of CEELI.
>
> I have always found Tom to be diligent, thoughtful and of the greatest integrity. I think that the bar admission problems that have been raised about him do not reflect on his integrity. Rather, they appear to be understandable mistakes and negligence which cannot be raised to the level of ethical behavior. Tom has a good temperament for the bench, is moderate in his views and worthy of confirmation.

I think that Judge Mikva, a leading Democrat got it exactly right. Tom is a man of high integrity and competence. Problems stemming from failure to timely pay bar dues—a problem that besets some 3,000 members of the District of Columbia Bar Association each and every year and was immediately corrected by Mr. Griffith when brought to his attention—should not be artificially magnified. As Judge Mikva has commented on this issue: ". . . this is a whole lot of nothing."

And that assessment—a whole lot of nothing—is from the former chief judge of the DC Circuit, former White House counsel to President Clinton and former Congressman. If during this debate somebody tries to make something out of nothing with respect to the bar membership issue, I just want you to remember what Ab Mikva has concluded because he has a lot of experience in making these type of judgments from his time in Congress, at the White House, and on the bench.

Unfortunately—and with apologies to George Gershwin's Porgy and Bess—sometimes in judicial confirmations, nothing's plenty for some.

Those who have known and worked with Tom Griffith praise him. Another name partner of Mr. Griffith's old firm, Richard Wiley, has this to say about him: "Tom is an outstanding lawyer, with keen judgment, congenial temperament and impeccable personal integrity. He would bring great expertise and fair-minded impartiality to the bench and, in my judgment, would be a considerable credit to the DC Circuit and the Federal Judiciary as a whole."

While Dick Wiley is a leading Republican attorney, not all of the attorneys at the firm he founded are Republicans. Here is what Tom Brunner of Wiley, Rein and Fielding has to say about Tom Griffith.

> I offer these views from the perspective of a life-long and politically active Democrat. While Tom and I don't always agree on partisan political issues, I have the highest regard for his integrity and for his open-mindedness. As a judge, he would approach each case without prejudice, with a willingness to be educated and considerations he did not previously understand and a rock-solid commitment to fairness.

Last year I received a letter from 13 leading Democratic attorneys, including former Representative Jim Slattery, Bill Idle, President of the ABA in 1993–1994, and Sandy D'Alemberte, President of the ABA in 1991–1992. Here is what this distinguished group of Democratic lawyers had to say about Tom Griffith:

> Each of us has had extensive contact with Tom and believes him to be extremely well qualified for service on the DC Circuit. For years Tom has been a leader in the bar and has shown dedication to its principles. The Federal bench needs people like him, one of the best lawyers the bar has to offer. We urge the Senate to confirm his nomination.

I must say that I heartily join them in urging the Senate to confirm Tom Griffith to the DC Circuit.

Over the past several years, we have heard many criticize President Bush for nominating individuals that my friends across the aisle find too divisive. As I have just shown, in nominating Tom Griffith, President Bush has made a conscious attempt to submit the name of an individual that has broad bipartisan support.

I just hope that my colleagues across the aisle will recognize the simple fact that President Bush is offering a nominee that he hopes, and I hope and expect, will gain a broad bipartisan vote of support.

I was pleased that despite some concern expressed by some Democrats on the Judiciary Committee that Tom Griffith received the support of many Committee Democrats, including the support of both Senators DURBIN and SCHUMER, both of whom who would acknowledge the fact that they are sometimes among the toughest critics of President Bush's judicial nominees.

The minority leader, Senator REID, has expressed a willingness to bring the Griffith nomination up for a vote and I hope that he supports Mr. Griffith.

Tom Griffith is an extraordinarily qualified nominee. He has the education, experience, judgment, and character to make a fine judge. Those of you who worked with him while he was Senate legal counsel know this to be the case. I ask that those of you who are new to this body or did not work with Mr. Griffith while he was here ask the opinion of those of us who were in the Senate and worked closely with him.

I am old-fashioned enough to believe in the notion of the Senate family. Tom Griffith is part of the Senate family. I, and many of my Senate colleagues, have reputations for helping deserving members of the Senate family because we recognize that some of the most public-spirited individuals in our country choose to work in the Congress, including some of our most energetic, smart and idealistic young people.

I also recognize that given the extraordinary capabilities of staff members, such as Tom Griffith, it is only fitting and natural for Congressional staff to move into positions of great responsibility within the judicial and executive branches of government. So I always try to help along and give the benefit of the doubt to Congressional staffers who are nominated to serve by the President—any President, Republican or Democrat.

I take great pride in lobbying on behalf of a former Democratic Chief Counsel of the Judiciary Committee, Stephen Breyer, to serve on both the 1st Circuit Court of Appeals and the Supreme Court.

I would hope that my colleagues will continue to join me in this approach of recognizing those who have done well for the American public in serving the Senate.

I urge my colleagues to act to send Tom Griffith off to the DC Circuit with the type of broad bipartisan confirmation vote that reflects the broad bipartisan support that his nomination has engendered.

For me, this is an easy vote. I know Tom and his record. I hope that after all of my colleagues have considered his qualifications, it will be an easy vote for them as well. Tom Griffith is a good man and has what it takes in terms of education, intelligence, judgment and character, to become a great judge.

I urge my colleagues to vote in favor of Tom Griffith to serve on the DC Court Circuit.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. Under the previous order, there was 4 hours of debate evenly divided.

Mr. LEAHY. I thank the Chair. I will take such time as I may need.

Mr. LEAHY, Mr. President, I oppose the nomination of Thomas Griffith to the U.S. Court of Appeals for the DC Circuit. Mr. Griffith's decision to practice law without a license for a good part of his career should be disqualifying. Mr. Griffith has foregone at least 10 opportunities to take the bar in Utah, and has continued to refuse during the pendency of his nomination. In this regard he appears to think he is above the law. That is not the kind of person who should be entrusted with a lifetime appointment to a Federal court and, least of all, to such an important court as the DC Circuit, which is entrusted with protecting the rights of all Americans. This is the wrong nomination for this court and I will vote against it.

The DC Circuit is an especially important court in our Nation's judicial system for its broad caseload covering issues as varied as reviews of Federal regulation on the environment, workplace safety, telecommunications, consumer protection, and other critical Federal statutory and constitutional rights. The White House has rejected all Democratic efforts to work together on consensus nominees for this court and refused to engage in consultation. That is too bad and totally unnecessary. This is another in a series of inappropriate nominations this President has made to this court. Last week, Senate Republicans voted in lockstep to confirm Janice Rogers Brown to this court. The takeover of this court is now complete. Mr. Griffith is the third nominee from President Bush to be considered by the Senate. If confirmed the eleven judges on the court will include a majority of seven judges appointed by Republican Presidents.

At Mr. Griffith's hearing last March, I noted that unlike the many anonymous Republican holds and pocket filibusters that kept more than 60 of President Clinton's moderate and qualified judicial nominees from moving forward, the concerns about Mr. Griffith were no secret. Unlike the Republicans' pocket filibusters of Allen Snyder and Elena Kagan, who were each denied consideration and an up-or-down vote when nominated to the DC Circuit, Mr. Griffith knows full well that I think he has not honored the rule of law by his practicing law in Utah for five years without ever bothering to fulfill his obligation to become a member of the Utah Bar.

He has testified that he has obtained a Utah driver's license and pays Utah State taxes, but he is not a member of the bar despite admitting practicing law there since 2000. According to his answers to my questions, he has taken no steps to fulfill the requirements for practicing law in Utah by taking the Utah bar exam and becoming a member of the Utah Bar. He was also derelict in his duty toward the DC Bar, and less than forthcoming with us on questions related to his repeated failures to maintain his D.C. Bar membership and his failures to pay his annual dues on time not just once, not twice, but in 1996, 1997, 1998, 1999, 2000 and 2001. He was twice suspended for his failures, including one suspension that lasted for three years.

As was reported last summer in The Washington Post, and confirmed through committee investigation, Mr. Griffith has spent the last five years practicing law in Utah as the General Counsel to Brigham Young University. In all that time he has not been licensed to practice law in Utah, nor has he followed through on any serious effort to become licensed. He has hidden behind a curtain of shifting explanations, thrown up smokescreens of letters from various personal friends and political allies, and refused to acknowledge what we all know to be true: Mr. Griffith should have taken the bar.

Mr. Griffith has so far foregone ten opportunities to take the Utah bar exam while applying for and maintaining his position as general counsel at BYU. This conscious and continuous disregard of basic legal obligations is not consistent with the respect for law we should demand of lifetime appointments to the Federal courts. Neither has Mr. Griffith yet satisfactorily explained why he obstinately refuses to take the Utah bar.

This is not Mr. Griffith's first or only bar problem. He was suspended for failing to pay his DC Bar dues and then misled this committee on the facts of that suspension as well as other late payments. Contrary to his misleading testimony at his hearing, it seems that the only year Mr. Griffith actually paid his DC bar dues on time, after coming to the Senate in 1995, was in 1995. Two suspensions from the practice of law in two years, three late or non-existent payments in four years, and an attempt to mischaracterize this embarrassing record are hardly just an single "administrative oversight" unless by that Mr. Griffith means to indicate that his single admitted error is that he does not comply with the law.

What may be more disturbing than Mr. Griffith's failure to pay his DC dues, is his lack of concern about the implications of having practiced law in DC without proper licensure. When I asked him if he had notified his clients or law firm from the period he was suspended, he brushed me off, telling me that his membership in good standing was reinstated once he got around to paying his unpaid dues. Of course, that ignored my question, which was about the ramifications of having been suspended for two separate periods over the course of years while he continued to practice. Clients and partners should have been notified and courts should have been informed.

The Department of Justice apparently agrees that suspension for failure to pay bar dues is a serious matter. Recent newspaper reports disclosed that the Department's Office of Professional Responsibility takes such a matter seriously enough to have opened an investigation into the case of a longtime career attorney there who, like Mr. Griffith, was suspended from the DC bar because he did not pay his dues. Unlike Mr. Griffith's case, the Department is concerned enough about such a suspension that they filed notices with the courts in every case this attorney worked on during the period of his suspension, notifying them that he was not authorized to practice at the time. Practicing law without a license is a serious matter.

The facts surrounding Mr. Griffith's nonexistent membership in the Utah bar are even more troubling. He began his service as assistant to the president of the university and general counsel of BYU in 2000. At that time he was not a member of the Utah bar, he was suspended from membership in the bar of the District of Columbia, and he was an inactive member of the North Carolina bar. Mr. Griffith's own testimony is that for the last five years, as part of his responsibilities as BYU general counsel, he has been practicing law in Utah.

So, what made Mr. Griffith think he could practice law without being a member of the Utah bar? Mr. Griffith testified that he relied on an in-house counsel exception that does not exist in Utah statutes and is not recognized by the Utah Supreme Court, as Mr. Griffith was forced to concede. It was a most convenient and self-serving excuse. There is no such "general counsel" exception in Utah and there never has been. He could not point to any Utah statute or Utah Supreme Court pronouncement allowing this behavior—because it does not exist as a matter of law. Moreover, his predecessor at BYU and the general counsels of the other universities in Utah are all members of the Utah bar.

Mr. Griffith has never been able to identify who at the Utah bar he claims advised him that he did not need to join the bar. This fundamental refusal to abide by the law is all the more troubling by Mr. Griffith's obstinate behavior in refusing to take the bar in order to cure his failure. This is not complicated: Get licensed. Indeed, during the course of committee consideration he admitted that when he asked a second-year law student to research the matter she came back to him and advised that he should take the bar. Yet here we are, with the Senate being urged to confirm someone to a lifetime appointment as a Federal judge on a court with jurisdiction over important cases that can have nationwide impact and that nominee has adamantly refused to follow legal requirements in his own legal practice.

The general counsel of the Utah bar, Katherine Fox, wrote to Mr. Griffith on May 14, 2003, telling him she was "surprised" he thought there was a general counsel exception, and explained that there was no way under his circumstances to waive into the Utah bar without taking the bar exam. This response from a career lawyer in the Utah bar made before political pressure was ratcheted up to defend a Republican nominee seems pretty straightforward to me. In plain, simple to understand words, Ms. Fox instructed Mr. Griffith to take the bar examination at the earliest opportunity. That was more than two years ago. Mr. Griffith refused to comply.

In an interpretation worthy of the Queen of Hearts from Alice in Wonderland, Mr. Griffith and his supporters have defied logic and reason by turning Ms. Fox's letter upside down in an attempt to characterize it as something other than it is and to condone his conduct. If he will make this self-serving interpretation in this case, what makes anyone think that he will not be the same sort of ends-oriented judge that will twist facts and law in cases he rules on from the Federal bench? Ms. Fox's recommendation that he "closely associate" himself with a Utah lawyer until he takes the bar and becomes a member of the bar was not offered as an indefinite safe harbor that permits him to violate Utah law. Ms. Fox's letter is being misused and mischaracterized as an invitation to flout the law. This is the kind of reinterpretation in one's own interest that characterizes judicial activism of the worst sort when employed by a judge.

There are more reasons for serious concern about Mr. Griffith's fitness to be a member of the DC Circuit Court. His judgment is brought into serious question by his views on Title IX of our civil rights laws. This charter of fundamental fairness has been the engine for overcoming discrimination against women in education and the growth of women's athletics. I urge all Senators to think about our daughters and granddaughters, the pride we felt when the U.S. women's soccer team began winning gold medals and World Cups, the joy they see in young women with the opportunity to play basketball and ski and compete and grow.

With the recent reinterpretation of title IX being imposed by this administration in ways that will no doubt be challenged through the courts, we may now understand why the Bush administration sees the appointment of Mr. Griffith to the DC Circuit Court as such a priority. His narrow views on title IX were unveiled during his efforts as a member of the Bush administration Secretary of Education's Commission on Opportunity in Athletics, to constrict the impact of title IX. Does anyone doubt that he would rule that the Bush administration's revision through regulations should be upheld?

The United States Supreme Court recently decided that whistleblowers are protected in the title IX context. That was a close, 5–4 decision, in which Justice O'Connor wrote for the majority. Just the other day the Justices refused to hear a challenge to an appellate court decision that essentially found that title IX could not be blamed for cutbacks in men's athletic programs. These recent legal developments regarding Title IX serve to remind us how important each of these lifetime appointments to the Federal courts is. In light of the record on this nomination, I am not prepared to take a chance on it and will vote against it.

I also note that during the Clinton presidency, Senate Republicans ensured that the 11th and 12th judgeships on the DC Circuit were not filled. They had argued since 1995 that the caseload of the DC Circuit did not justify a full complement on the court. Indeed at a 1995 hearing, they called Judge Laurence H. Silberman of the circuit to so testify. Republicans have argued for years this circuit's caseload per judge is one of the lightest in the country. In a May 9, 2000, letter to Senator KYL, Judge Silberman argued that the DC Circuit's caseload continued to decline from 1995 to 2000 and to oppose confirmation of additional Clinton nominees.

In fact, the DC Circuit caseload has continued to decline and in 2004 was less than it was in 1999, when Senate Republicans refused to consider two highly qualified and moderate nominations by President Clinton to vacancies on the circuit. With the confirmation of Janice Rogers Brown to that court, there are now ten confirmed, active judges for the DC Circuit, which is what Republicans maintained was appropriate since 1999.

With all the self-righteous talk from the other side of the aisle about their new-found principle that every judicial nominee is entitled to an up or down vote, the facts are that in 1999 and 2000 the nomination of Elena Kagan to the DC Circuit was pocket filibustered by those same Senate Republicans. Ms. Kagan is now dean of the Harvard Law School. Qualified? Yes. Was she given consideration in a Republican run Senate? Not on your life. Likewise the nomination of Allen Snyder to a vacancy on the DC Circuit was never voted upon. Mr. Snyder is a former clerk to Chief Justice Rehnquist and was a highly respected partner in a prominent DC law firm, the same law firm from which President Bush nominated John Roberts to the same court. Senate Republicans pocket filibustered President Clinton's nomination of Mr. Snyder but unanimously supported the confirmation of Mr. Roberts. Senate Republicans played a cruel joke on Mr. Snyder when they allowed him a hearing but would never list him for a vote before the Judiciary Committee or the Senate.

In September 2002, Senator SESSIONS explained that Clinton nominees Elena Kagan and Allen Snyder were blocked: "Because the circuit had a caseload about one-fourth the average caseload per judge. And the chief judge of the circuit said 10 judges is enough, instead of 12. And I actually thought that was too many. I thought ten was too many."

Well, the DC Circuit's caseload per judge is lower now than it was during the Clinton administration. Let us see whether the votes of Republican Senators this time will be based on the same rationale they gave to pocket filibuster Clinton nominees.

Last week we witnessed a Republican Senator, who had voted against the confirmation of a Clinton judicial recess appointment and had explained his vote as opposition to recess appointments, reverse himself to vote for a Bush judicial recess appointment. Last week we witnessed dozens of Republican Senators, who had voted against confirmation of Ronnie White of Missouri in 1999 and explained their vote as compelled by the opposition of his home-state Senators, reverse themselves and vote in favor of Justice Janice Rogers Brown and ignore the strong, consistent and well founded opposition of her two home-state Senators.

Tomorrow we will see whether the many Republican Senators who delayed and opposed the confirmation of Judge Merrick Garland in 1996 and 1997 and who pocket filibustered the nominations of Allen Snyder and Elena Kagan in 1999 and 2000 will vote against a Bush nominee to the DC Circuit because the caseload of the circuit does not justify more judges. Tomorrow we will see if many Republican Senators again retreat from their earlier rationale because today a Republican controls the White House.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. LEAHY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for as much time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCENTRATION OF MEDIA BROADCASTING

Mr. DORGAN. Mr. President, a couple of things have happened in the last several days that I want to visit. First, I wish to talk for a moment about public broadcasting and, secondly, to talk about a Supreme Court decision that was announced this morning here in Washington, DC, and the relationship between the two.

First, I will talk about public broadcasting. I confess I am a big supporter, a big fan of public broadcasting. I think they are an organization that provides an independent view of a range of issues to the American people. The Corporation for Public Broadcasting, public television, and public radio, I think, provide a significant service to this country.

In a time when there is this enormous concentration in the media, more and more television stations are being bought up by fewer and fewer companies—one company owns over 1,200 radio stations in this country—the Federal Communications Commission writes new rules that get overturned by the courts, frankly, that say you can even buy up more of these properties. In fact, the rules the Federal Communications Commission developed some while ago said it is going to be all right in one of America's major cities for one company to own three television stations, eight radio stations, the dominant newspaper, and the cable company. That is unbelievable. Are they dead from the neck up? What possibly could they be thinking?

Fortunately for us, the Federal courts struck down the new rules and, fortunately for us, this morning the Supreme Court decided that the court had justification in striking down these new ownership rules.

Again, I do not think it makes any sense to have a handful of people in this country determining what the American people see, hear, and read, and that is exactly what is happening.

That brings me back to public broadcasting. It is interesting that at a time of this concentration in the media—one company owning a lot of radio stations, 1,200 of them, one company and several companies owning a lot of television stations—at a time when there is not much room for discord and voices, which, incidentally, I think strengthens a democracy.

There is this old saying when everyone is thinking the same thing, nobody is thinking very much. This democracy of ours, this system of self-government, this country that is full of self-expression is strengthened, in my judgment, by an exchange of views of people who have different views. But that, regrettably, is seen somehow as being disloyal these days.

Oh, I know, someone in the Dixie Chicks said something that was unpopular about the President, and then we had tractors driving over the CDs from the Dixie Chicks and big rallies to burn their music. Just before the last election, one television consortium decided they were going to run a clearly partisan film designed to attack only one Presidential candidate and not allow time for the opposing view. This was a television consortium that nearly every single night was doing editorials against one of the Presidential candidates.

In Minot, ND, late one evening, a train ran the tracks and some cars of anhydrous ammonia spilled a plume over that community of nearly 50,000 people, and that deadly cloud of anhydrous ammonia enveloped that community at about 2 o'clock in the morning. There is some disagreement about the events of that night, but reports are that the telephone calls went to the local radio station, and were not answered. All the radio stations in Minot are owned by one company.

What is happening in these broadcast facilities these days is they are running a broadcast out of a board someplace 1,000 miles away, someone who is homogenizing the music to run it through the local station. There is no local broadcasting in many cases. What you have is a company 1,000 miles or 1,500 miles away deciding they are going to run some homogenized music through the sound board. You do not even need people around to do that.

The Minot, ND, story is one that has been well repeated. I know there is some dispute about a number of the details, but the fact is, there should not be any dispute about what is happening with this concentration. We now have people who sit in a basement, perhaps 20, 30 miles from here—one of the examples I heard was over in Baltimore, a guy sitting in a basement studio saying: It is sunny in Salt Lake City. What a beautiful morning to wake up in Salt Lake City. He was not in Salt Lake City. He was in a basement in Baltimore.

He was reading off the Internet, pretending he was broadcasting to the local folks over the local station in Salt Lake City. They have a term for that. They also have a term for the kind of homogenized television news that is put out by people who are not in your region to make it look like it is locally produced news.

We have this massive concentration in the media, which I think is awful, the FCC promoted rules that says we will let them concentrate even further. As I said, in a major city, under the FCC rule, one would be able to own eight radio stations, three television stations, the cable company, and buy the dominant newspaper all at the same time. I think it was one of the single most complete cave-ins to the biggest corporate interests in this country I have ever seen: The public interest be damned.

The FCC had three-quarters of a million people write to it to say: Do not do this. It did not matter to them. They just did it. Now they have been enjoined by a court. The Supreme Court says they cannot continue and so now they have to start over. Perhaps when they start over they will understand they also have a responsibility to work for the public interest, which brings me to public television.

A couple of things are kicking around about public television. Last week, I believe on Thursday or Friday, the appropriations subcommittee in the House decided to cut funding for public broadcasting. The cut in funding probably meets the interests of some who would like to abolish it. I do not know. I know we had one of our colleagues some years ago decide to get in a big fight with Big Bird and, frankly, Big Bird won. Public broadcasting is widely supported in this country.

In recent years, we have heard a drumbeat by people who say public broadcasting, public television, public radio, is biased. It has a liberal bias, they say. No evidence of that, to my knowledge. Still, the mantra seems to try to brand it as something that is anathema to fairness or balance.

The other day I called Mr. Tomlinson, who is the Chairman of the Board of the Corporation for Public Broadcasting. He has been in the news a great deal. In fact, as Chairman, he is one who has made the point that he believes that some of the programming is not balanced, is in fact biased towards the liberal view.

I talked to Mr. Tomlinson by telephone the other day. I do not know him. I do not have anything bad to say about him. But I called him because of what I had read in the public domain that he has said as chairman of the board.

I knew he had hired, with public funds, a consultant to come in and take a look at programming, particularly Bill Moyers', called "NOW," I believe it was titled, to see if it was fair. I will not use "fair and balanced" because that belongs to another brand.

So I wrote to Mr. Tomlinson and asked: Why do you not send me the work papers, send me the summary. I would like to see this report that you empaneled with public funding. He did. He sent me what he called the raw data. The raw data is here. This is raw, certainly, and I guess it is data, but there is no summary. So I called to ask: Would you please also send me summary.

If one looks through the raw data, it is unusual and strange. I will not enter this into the record. I will not put all of this information into the record. I am not going to read from all of it. I am still awaiting a summary. But I must say that the Chairman of the Board of the Corporation for Public Broadcasting hired a consultant to do an evaluation of programming. Then we have all of these sheets that describe the guests and it says: anti-Bush, anti-Bush, pro-Bush, anti-Bush. It appears to me to be not so much an evaluation of is this slanted, is it liberal, does it have an agenda; it is the evaluation of is this program critical of the President?

Is that why a consultant was employed, to see whether public broadcasting is critical of our President? God forbid that we would be critical of the President of the United States.

I find it interesting that in this evaluation—this one is incidentally conservative/liberal, C or L. This was not anti-Bush but C or L. My colleague, Senator HAGEL from Nebraska, appeared on one of the programs, and he apparently disagreed with a portion of President Bush's strategy with respect to Iraq. So my colleague, Senator HAGEL, is referred to as liberal. He is a liberal contributor to National Public Radio. My guess is that is going to surprise a lot of Nebraskans.

If he were on the floor he would probably say he is a pretty good conservative Republican, someone for whom I have deep admiration, but he kind of claimed the liberal status according to the consultant.

This is pretty unseemly, frankly, spending public money on a consultant who then sits down and looks at all of these programs to see if something is being said that might be critical about a President or Congress.

Well, I guess that is enough to say about this particular report. I will await the summary, but as someone who supports public broadcasting and thinks it contributes a great deal to this country—and by the way, who do my colleagues think has been willing to do programs about the concentration of media ownership in this country, about the fact that one company has gobbled up over 1,200 radio stations and fewer people are involved in what we hear, what we see and what we read in this country because they are gobbling up all the television stations as well? Who do my colleagues think has the guts to do programs on the question of what does the concentration in the media mean in America?

Is it ABC, or CBS, or NBC? Get real. Do my colleagues think they are going to do that? They are involved in the concentration. Public broadcasting did it. Public broadcasting is willing to take this on.

How about a program that describes waste in the Defense Department? I am on the Defense Appropriations Subcommittee. I feel very strongly about our country having a strong defense. I feel passionate about supporting men and women who wear this country's uniform. We need to honor them and support them in every way possible. I also happen to think that the Pentagon is one of the largest bureaucracies in the world, and there is massive waste there. So public television did one program in which they talked about waste over at the Pentagon. Do you know how that is described? Antidefense. God forbid that you should describe waste at the Pentagon because then you will be classified, according to this consultant, as antidefense.

Let me describe something that was going on deep in the bowels of the Pentagon about a year and a half ago. They spent about $8 million, and they were going to create what was called a futures market for terrorism. It was basically supposed to be an online betting parlor.

For example, you would be able to bet on such things as: How many American soldiers would be killed in the next year? Would the King of Jordan be assassinated within the next 12 months?

Yes, that is exactly what the Pentagon was preparing to put up and operate in a real way on the Internet. They were within 3 days of doing it, and they wanted $8 million to continue it for the next fiscal year.

Senator WYDEN and I discovered what they were trying to do. We blew it wide open. We had a press conference, described what they were doing, had on the Internet to show that they were only days away from implementing this crazy strategy, and the next day, the Department of Defense shut it down.

At the press conference, I said this idea of setting up an online betting parlor to take bets on terrorism was unbelievably stupid. Can you imagine, setting up a futures market by which Americans can buy futures contracts and effectively bet on how many soldiers will be killed in the coming year? That is exactly what was going to happen in the bowels of the Pentagon.

Just as an aside, one of my staff people, about 4 months later, used a Google search and typed in the words "unbelievably stupid," and my name came up. That is the danger of Google, I suppose.

But the fact is, what was happening in the bowels of the Pentagon was, in fact, unbelievably stupid and a tragic waste of the taxpayers' money and very unseemly, so we shut it down. Would that be called antidefense? I guess so. I guess, according to this consultant, that is antidefense. It may even be anti-Bush, I don't know.

On top of all this, the attack on public broadcasting by cutting the funding in the U.S. House, by hiring a consultant—unknown to the Board, by the way—with public funding to try to determine what is anti-Bush and pro-Bush or liberal or conservative—on top of all that, last week, the Washington Post reports that the search for the new president of the Corporation for Public Broadcasting has narrowed. I don't know whether it is true. I am just telling you what was in the papers last week. It has narrowed to two candidates, and the leading candidate is a former co-chair of the Republican National Committee. A former co-chair of the Republican National Committee they are going to make head, the president of the Corporation for Public Broadcasting? I don't think so. At least those who worry about bias, those who worry about objectivity, ought not be thinking about presenting to this Congress something as unprecedented as that.

I want public broadcasting in this country to be what it has always been: a proud symbol of independence, willing to search for the truth wherever it exists and willing to take on tough subjects. I mentioned that it falls to the Public Broadcasting System to air the programs about concentration in the media. Do you know why? Because FOX News is not going to do it, CBS is not going to do it, NBC and ABC won't do it. So the American people will be spoon-fed this intellectual pabulum that says: All this is really good. If one company owns all the radio stations in your town, good for you.

It is not good for you. Who is going to broadcast the local baseball games? Who is going to broadcast the local parade? Who is going to report on local issues, when someone in a basement in a city not far from here is broadcasting over a radio station in Salt Lake City and pretending to be living there when, in fact, they have never set foot in the town?

Enough about that—only to say that some of us in this Chamber and some of us in Congress care very deeply about the Corporation for Public Broadcasting, about public television and public radio. I happen to listen to NPR, National Public Radio, on the way in the mornings, in to work in the Capitol. I think it is some of the best news you can find.

Let me say I listen in the evening, when I can, to Jim Lehrer. I challenge you to find a better newscast than that which exists on public television. There are those who believe they want to abolish funding for it. If there are those who believe they want to have a former co-chair of the Republican National Committee now assume the presidency at a time when they themselves have raised all these questions and hired consultants about objectivity, I want them to know they are in for a fight because some of us care deeply about the future of public broadcasting in this country.

I wish to talk just for a moment about an announcement last week. Coming in, listening to the radio this morning, I heard a report that the dollar had strengthened just a bit recently. It has strengthened on the news that last Friday, at 8:30 in the morning, our trade deficit was announced, and our trade deficit last Friday was announced to be only $57 billion. It actually went up to $57 billion, a significant increase from the month before, but a bit less than had been expected. On the strength of that, the dollar improved a little bit because the currency market, which is probably on medication of some type, believes that is marginally good news.

This is the fourth highest monthly trade deficit in the history of this country, the fourth highest trade deficit ever. What it means is we are drowning in a sea of red ink. Going back to 1998, these are our monthly trade deficits on this chart. It means we are buying more from abroad than they are selling, importing much more than we are exporting. So each day, we sell about $2 billion worth of America. Each and every day, 7 days a week, we sell about $2 billion worth of our country.

This is what we expect. If we take a look at the first 4 months of trade deficits this year, it is 22 percent higher than last year. You see, last year was a big record. This year, we are probably headed toward $750 billion in the annual trade deficit.

To a lot of people, the trade deficit doesn't matter; it is just a term. There is nobody in this Chamber wearing a dark-blue suit who is ever going to lose his job because of a trade deficit. It is just folks working on production lines and working for American companies who discover that this trade deficit means we are buying from abroad what we used to buy at home and sending American jobs abroad. We are firing the workers at home and doing it relentlessly, day after day after day.

There are some who say, "I know you are using these statistics and this data, but what really matters is how it relates to the entire economy." You can see how it relates to the economy. It is going up, up as a percent of our GDP.

Finally, while our trade deficit is a serious problem with Japan, with Canada, with Mexico, with Europe, this is the 500 pound gorilla—China. It is a dramatic problem.

I have spoken at length. Some do not want to hear it anymore, but it is worth saying again because, you know, repetition is important, at least for slow learners. For others, it is important just to remember. Let me describe some specific examples.

Incidentally, I notice the Presiding Officer smiled a bit. I am not speaking about anyone in this Chamber being a slow learner. These are all advanced learners who serve in the Senate, I am sure. But let me describe some stories, if I might. I have used them all.

Huffy bicycles. In fact, I got a letter from Huffy bicycles. They didn't like what I said. Huffy bicycles used to be made in Ohio. It was 20 percent of the bicycle market in the United States. You buy them all at Wal-Mart, Kmart, Sears. The people in Ohio who made Huffy bicycles actually put a little decal between the handle bar and the front fender. The decal was the American flag.

The workers in Ohio who made Huffy bicycles were fired because they were making $11 an hour plus benefits, and their jobs went to China for 30 cents an hour by people who work 7 days a week, 12 to 14 hours a day.

The last job performed by those folks in Ohio was to take off the little flag decal on the Huffy bicycle and replace it with a decal of the globe. Huffy bicycles are not American any more. They are Chinese. Why? Because American workers were making $11 an hour plus benefits. They were paid too much money.

Radio Flyer, the little red wagon that all the children in this country played with, was an American company for 110 years. It is gone now. Little red wagons are made elsewhere. Why? Because the American workers cost too much.

Levis? There is not one pair of Levis made in the United States. None. It is an all American company. Levis are gone.

Fig Newton cookies. Want to buy some Mexican food? Fig Newton cookies are made in Monterey, Mexico. They left this country to be made in Mexico.

Fruit of the Loom underwear, shorts, shirts—gone.

I could go on and on at great length. But these are companies who took their jobs elsewhere. Why? Because you can find labor dirt cheap, you can instantly move technology and capital, and then you can produce that product—yes, bicycles, wagons, underwear, shirts, shoes, trousers, trinkets, you name it—you can produce it elsewhere. Then you can ship it to Toledo, Fargo, to Los Angeles, Boston, New York, and sell it to the American consumer.

It is a brilliant strategy, if you are a big corporation that wants to maximize your profits. It is a devastating strategy, if you have worked all your life in a factory, proud of what you produce, and have just been told your job is gone.

Thirty years ago, the largest American corporation was General Motors. People frequently worked for that corporation for a lifetime, generally were paid a pretty good wage, were paid health care and also retirement benefits. Now, the largest corporation is Wal-Mart. I don't have to tell you what the average wage is, what the turnover is. The fact is, it is dramatically different, with less stability, fewer benefits, lower wages.

This country is in a race to the bottom, and what we ought to be doing with the strategy on international trade is lifting others up. Instead, we are pushing American workers down.

The other day, I found out that Lama boots, Tony Lama boots—I talk about Levis being all American, when you spot someone with Tony Lama boots, you think that is all American. Tony Lama boots has now moved to China.

The list goes on and on and on.

So the question is, when will this country stand up for its own economic interests? Not build walls around America, but at least develop a straight strategy that tries to lift others up rather than push us down. There is a feeling among some that workers do not matter very much, workers are like wrenches, like screwdrivers and pliers. Use them, use them up, and you throw them away. And throwing them away is as easy as saying, sayonara, so long, we are off to China, off to Sri Lanka, off to Bangladesh.

The thing is, none of this works. Henry Ford used to believe that he wanted his workers to earn a sufficient income so they could buy the product they produce. He wanted the workers at Ford Motor to have enough in wages to be able to buy Ford cars. Very simple. Simple economics.

This is an unsustainable course. We cannot continue this course of trade deficit after trade deficit, $50, $60 billion a month, month after month after month.

There is a lot of discussion about crisis around here. The President says Social Security is in crisis. It is not. Social Security, if nothing is done, will be wholly solvent until George W. Bush is 106. Clearly, it is not a crisis. Do we have to make some adjustments because people are living longer? Yes, and we will, and we should. But it is not a crisis. The trade deficit is a crisis. In a presidential campaign, some time ago, this issue was described as that giant sucking sound, that giant sucking sound that sucks American jobs out of this country.

People say, well, more people are working. But what is happening in this country? What is happening is good American jobs are leaving. And, no, it is not just the manufacturing jobs. It is now all too often engineering jobs, programming jobs, system design jobs, and others as well. What are the American workers replacing the lost jobs with? Jobs that pay less. Jobs with less security. Jobs without health care. Jobs without retirement capability. That is what is happening in our country.

Again, this town will snore through it. Last Friday, at 8:30 in the morning, we get an announcement that in the previous month we had a $57-billion trade deficit. What was the reaction to this town? Just roll over and continue laying down and taking another long nap because nothing much like this matters. This is not a crisis. This is not urgent, they say.

This country has an identity crisis. It has to decide what it wants for its future, and who will stand up for it. We fought for 100 years on these issues. We had people die on the streets of this country for the right to organize as workers. People literally died in the streets for the right to organize. Now a company can shut down their U.S. operation, ship the jobs to China, and if those workers, at 30 cents an hour, try to organize, they are fired like that. Just that quick.

We had people fighting in the streets over child labor laws, over safe workplaces, the right to work in a safe plant, the right to expect that a plant is not going to dump its chemicals into the air and into the water. Nowadays, corporations can instantly decide to pole-vault over that. We will just fire the American workers and move the jobs to another country.

The other day, I saw a report about the 470 workers laid off at a General Electric plant making refrigerators. They were told on April Fool's Day of this year, April 1, it would be the last day for 470 workers. G.E. was going to discontinue the production of midline, side-by-side refrigerator models that supposedly are not competitive or do not have the right product features, but a very similar new line of refrigerators will be started up in the G.E. Plant in Celaya, Mexico. And that plant will be funded with a loan from the Export Import Bank, which is to say U.S. taxpayers.

This may not matter much to someone around here who wears a white shirt and a blue suit to work and who is never going to lose their job to cheap foreign labor. I don't know of one journalist or one politician in this country that has ever lost their job to cheap foreign labor. It is just the folks on the assembly line, folks that work for a living in the plant, often the folks that have to come back in the evening and at suppertime and tell their family, I lost my job today. It wasn't because I did a bad job. I have worked for that company for 15, or 20, or 25 years. I love that job. I love it, but I cannot compete with 30 cents an hour.

This country has to try to figure out what is going on in how it deals with it. This country really needs to understand that this is a crisis and this requires action and an urgent response by this President and by this Congress.

There is so much to say about trade. I am tempted to continue to talk about the 600,000 cars we get from Korea every year. We get the opportunity to send 3,000 cars back into the Korean marketplace. Unbelievable to me. Just unbelievable. There are 600,000 vehicles coming our way from Korea, and we do not get cars into Korea.

I could talk about automobiles in China, talk about beef to Japan, I could talk about potato flakes to Korea. The length of the presentation could be nearly endless.

But for now let me say last Friday's announcement of one more trade deficit sells just a bit more of this country in a way that Warren Buffet, a fellow I greatly admire, says will one day put us in the position of being sharecroppers because we are selling part of America with these dramatic trade deficits. And it is not just selling part of our country when you are buying more than you are selling. Not only are your jobs leaving—and in this case they are leaving for much lower wages—but in addition to that, you end up, unlike the budget deficit, which you can argue as an economist we owe to ourselves, you end up providing, in the hands of foreign governments, currency, stock, or real estate claims against our country. That affects foreign policies, virtually everything else we do.

I will have more to say about this. But I did not want Friday's moment to pass, despite the rather sleepy attitude here in Washington, DC. In the hot, lazy months of summer, I did not want it to pass without some people understanding that some of us think what is happening is nuts. And some of us believe it is time—long past the time—for Congress and the President to have the backbone, the nerve, and the will to stand up for this country's economic interests and say: We represent this country. We represent the United States.

The next time there is a trade agreement negotiated, they ought to wear a jersey that says "USA." And maybe they could just look down briefly to see who they represent and say: I stand for this country and this country's long-term interests. Without that—and we have not had that for a long while—this country, in my judgment, is consigned to a future of lower wages and a lower standard of living.

You will not, in my judgment, long remain a world economic power without addressing this issue directly. My hope is sooner, rather than later, my colleagues will join me.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HAGEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HAGEL. Mr. President, I ask unanimous consent that I be allowed to speak for 5 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. HAGEL are printed in today's RECORD under "Morning business.")

Mr. HAGEL. Mr. President, thank you. I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TOBACCO SETTLEMENT

Mr. DURBIN. Mr. President, I rise to speak on an issue that appeared in the newspapers last week. Last week a client was sold out by his lawyer. It happens across America on a regular basis. It is unfortunate. It is unethical, unprofessional, and basically wrong, but it happens.

The reason why this caught my attention, and the attention of many, was that the lawyer in this case was the Attorney General of the United States; the client, the American people. At issue was a lawsuit brought against the tobacco industry by the Department of Justice. It was a lawsuit started under President Clinton and carried on under President Bush. The case was made that the tobacco industry in America over 50 years deceived and deliberately misinformed the people about the dangers of the product they were selling.

Last week our lawyers, the Attorney General of the United States and the Department of Justice, the people who are supposed to be working endlessly every day to protect the best interests of America, basically walked away from their own case. The Department of Justice chose to dismiss credible testimony from its own witnesses, people it had brought into this lawsuit.

A few months ago, Michael Fiore, who spent his entire career in public health and the study of tobacco use and cessation, recommended a comprehensive smoking cessation program across America, funded at $5.2 billion a year for at least 25 years. Mr. Fiore's testimony was that we would take the money and profits the tobacco companies had made by deceiving the American people about the danger of tobacco and cigarettes and use it so that Americans currently smoking, addicted, or who might be tempted to smoke would have a chance to be spared from the disease and death which follows from that addiction.

Last week, the Justice Department's lawyer, a gentleman working for Attorney General Gonzales by the name of Stephen Brody, shocked the court and the American people by announcing that the Justice Department would only seek a fraction of the money which his own witness had said should be recovered by the people. This Assistant Attorney General, Stephen Brody, walked into a courtroom and said that instead of the $130 billion the tobacco companies would owe to the people to help them avoid tobacco addictions, he would only seek $10 billion.

Before I was elected to Congress, I used to be a trial lawyer. I used to go through this routine. But it certainly didn't involve billions or even millions of dollars. They were much smaller cases. If I was being sued and someone had said, Listen, we need $100,000 and that is it, come up with $100,000 or we are going to trial, I would have to make an assessment. Is this case one that I am likely to win or lose, if I am being sued, $110,000, $100,000 on the line? But if a few days before the trial they walked in and said, No, we are wrong. It isn't $100,000, it is only $10,000, I would think to myself, They don't have much of a lawsuit, on one day to ask for $100,000 and the next to ask for $10,000.

In this case, our Attorney General, through Mr. Brody, was asking the court for $130 billion. And then last week, to the surprise of everybody, he walked in and said, No, only $10 billion.

Does this administration really believe the people of the United States won't notice the Government is willing to leave $120 billion on the table and walk away from it?

Well, they did notice. Newspapers across the country have run editorials and articles criticizing the Department of Justice for what appears to be bad representation of the American people, the fact that the American people were cheated by their lawyer, newspapers are from all over the country: Houston, TX; Lowell, MS; Lakeland, OH; Harrisburg, PA: Tacoma, WA; Albuquerque; Denver; Racine, WI; Los Angeles; New York: and the Washington Post. The country has noticed that a lawyer sold out his client because it is a big sellout.

The Albany Times Union wrote:

> So, why the sudden about face? Yes, it's routine for attorneys to suddenly change a client's demand if it appears that the merits of the case are weak, or that a judge or jury appears likely to rule against them. But most legal experts had widely believed the government would win this case because it was based on the same evidence used successfully by state attorneys general to win $246 billion. That evidence . . . showed they knew cigarettes were addictive even as they conducted campaigns to get young people to smoke.

The Denver Post editorial was headlined, "What Are the Feds Smoking?" Good question.

The Lowell Sun says:

> The dramatic change [in government strategy] was both shocking and outrageous. Allowing political pressure to interfere in any trial—particularly one of such importance—is beyond unacceptable, it's unconscionable.

Finally, the Houston Chronicle, from the President's own home State of Texas, quotes a civil attorney who says he would be "thrilled" if he were representing a tobacco company in this case. The lawyer said:

> I've never seen anything like this happen unless there's political pressure.

It is obvious something happened in this case, and it wasn't about law. It was clearly about politics.

The Chronicle concludes:

> If this illustrates the compassion [Attorney General] Alberto Gonzales promised to bring to the job, then he is feeling sorry for the wrong people.

I agree. This administration has never demonstrated much enthusiasm for this tobacco case, which it inherited from the Clinton administration.

To its credit, though, the Department has avoided public discussion of settlement, prosecuted a strong case, brought in the witnesses, until last week. I have joined several of my colleagues in the House and Senate asking the Attorney General to initiate an investigation surrounding this decision last week to basically sell out the American people when it comes to this tobacco lawsuit. I call on the Attorney General, through his inspector general or directly, to answer the question: Why did you walk away from the American people in this tobacco lawsuit?

This Government has signaled to the tobacco industry that the settlement will be cheap. While the American people deserve more, the people's lawyers appear to be winking at the other side. It is hard to imagine a settlement after last week that would be a good deal for the American people. I encourage the Department to hold off any settlement discussions until we replace the DOJ officials who sold us out last week. Those who put pressure on Stephen Brody have to go. If The Department of Justice can walk into that courtroom and sell out the American people, the American people need a new lawyer.

The purpose of this lawsuit was to hold accountable the promoters of tobacco use for what has become the leading cause of preventable death in America. An early settlement in this case will miss that point entirely. The Department of Justice set out a detailed case establishing the tobacco industry's role in misleading America. This is a rare opportunity to hold tobacco companies accountable for the preventable deaths tobacco causes and to reach those who are addicted to tobacco today.

The Department of Justice chose to walk away, leaving $120 billion and 43 million American lives behind.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I rise to speak on behalf of Mr. Thomas B. Griffith for confirmation to the U.S. Court of Appeals for the District of Columbia. I could not be here in my capacity as chairman of the Judiciary Committee to open the debate this afternoon because we had a field hearing on juvenile crime in Philadelphia. But I am here now because I want to express my views as to why I believe Mr. Griffith is preeminently well qualified to take on the important job of circuit judge in the District of Columbia.

Mr. Griffith has an extraordinary academic background. He graduated from Brigham Young University with his bachelor's degree in 1978, with a summa cum laude rating and high honors. He also was valedictorian of his college. He earned his law degree from the University of Virginia. During law school, Mr. Griffith was a member of the Editorial and Articles Review Board of the Virginia Law Review, which is a very high position at a prestigious law school.

Following law school, Mr. Griffith worked at the Charleston, NC, law firm of Robinson, Bradshaw & Hinson. He then continued his very distinguished professional career as a partner at Wiley, Rein & Fielding. In 1995, by unanimous resolution, the Senate, sponsored by the Republican and Democratic leaders, appointed him to the nonpartisan position of Senate legal counsel.

During his tenure as Senate legal counsel, Mr. Griffith tackled a very tough issue relating to the impeachment of President Clinton. He did an outstanding job. He also argued, on behalf of the Senate, two very important matters involving committee investigations and the line item veto litigation, which resulted in two landmark decisions by the Supreme Court of the United States. At the conclusion of his tenure, Mr. Griffith was unanimously endorsed by a bipartisan resolution, cosponsored by Senator Daschle, Senator LOTT, Senator DODD, and Senator MCCONNELL, expressing the Senate's gratitude for his services as Senate legal counsel.

There were especially complimentary remarks made by Senator DODD, who said, "Mark Twain once suggested, 'Always do right. This will gratify some people and astonish the rest.' During his tenure as legal counsel, Tom exemplified this philosophy, impressing all who knew him with his knowledge of the law and never succumbing to the temptation to bend the law to partisan ends. All of us who serve here in the Senate know the importance of the rule of law; but let us never forget that it is individuals like Mr. Thomas Griffith whose calling it is to put that ideal into practice."

Senator Thurmond also expressed high praise for Mr. Griffith, as did Senator LOTT.

Beyond his work in the profession, Mr. Griffith has found time to give back to the community. He serves as an advisory board member to the ABA Central European and Eurasian Law Initiative. Furthermore, while in private practice, Mr. Griffith took on a significant pro bono representation of a death row inmate, which led to the commutation of the inmate's sentence by the Governor of Virginia.

Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD, statements of support on behalf of Mr. Griffith.

There being no objection, the material was to be printed in the RECORD, as follows:

SUPPORT

Seth Waxman said of Mr. Griffith's nomination, "I have known Tom since he was Senate Legal Counsel and I was Solicitor General, and I have the highest regard for his integrity. For my own part, I would stake most everything on his word alone. Litigants would be in good hands with a person of Tom Griffith's character as their judge."

Glen Ivey, former counsel to Former Senate Democratic Leader Tom Daschle, wrote to this Committee, stating, "I believe Mr. Griffith is an exceptional nominee and would make an excellent judge. Although Mr. Griffith and have different party affiliations and do not agree on all political matters, I learned during the Senate's Whitewater and Campaign Finance Reform investigations that Mr. Griffith took seriously his oath of office. Even when we were handling sensitive and politically charged issues, he acted in a non-partisan and objective manner. I believe Mr. Griffith has the intellect and the temperament to make an outstanding jurist."

According to David Kendall, personal counsel to President and Senator Clinton, "For years Tom has been a leader in the bar and has shown dedication to its principles. The federal bench needs judges like Tom, an excellent lawyer who is supported across the political spectrum. . . . [W]e support Tom and believe he has the intellect and judgment to be an excellent judge."

Harvard Law Professor William Stuntz has known Mr. Griffith for over twenty years. He wrote, "Few people I know deserve to be called wise; very few deserve to be called both wise and good. Tom is a wise and good man. I believe he will be one of this nation's finest judges."

Abner Mikva, a former White House Counsel for President Clinton and a former Chief Judge of the U.S. Court of Appeals for the D.C. Circuit, wrote to Senator Leahy, "I write as an enthusiastic supporter. . . . I have known Tom Griffith in the public sector and in the private sector, and I have never heard a whisper against his integrity or responsibility. Tom Griffith will be a very good judge. I have always found Tom to be diligent, thoughtful, and of the greatest integrity . . . Tom has a good temperament for the bench, is moderate in his views and worthy of confirmation."

Finally, Senator Dodd of Connecticut noted that Mr. Griffith handled his difficult responsibilities as Senate Legal Counsel with great confidence and skill . . . impressing all who knew him with his knowledge of the law and never succumbing to the temptation to bend the law to partisan ends."

Mr. SPECTER. There has been a challenge against Mr. Griffith, with respect to his Utah bar membership. Because he serves as general counsel to Brigham Young University, there were some questions raised as to whether he should have been a member of the Utah bar. I think that issue has been clarified, although some are still contesting it. I ask unanimous consent to have printed in the RECORD a full explanation of the Utah bar membership issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TOM GRIFFITH: UTAH BAR MEMBERSHIP

FACTS

As soon a Mr. Griffith accepted the position of Assistant to the President and General Counsel of Brigham Young University ("BYU"), he sought to determine what Utah's requirements were for in-house counsel by consulting with Utah attorneys.

Mr. Griffith always has complied with the advice he received—when his responsibilities require that he provide legal advice to the University, he does so only in close association with active members of the Utah Bar.

Mr. Griffith was told that, as in-house counsel, he need not become a member of the Utah Bar provided that when he gives legal advice, he does so in close association with active members of the Utah Bar.

Mr. Griffith has always provided legal advice in conjunction with one of four attorneys in his office who are licensed with the Utah Bar, or an outside counsel who is licensed with the Utah Bar. As BYU's General Counsel, he has made no court appearances, nor has he signed any pleadings, motions, or briefs.

Mr. Griffith communicated with Utah State Bar officials who were aware that he had not sat for the Utah Bar exam. These officials advised Mr. Griffith to associate himself closely with a Utah Bar member whenever giving legal advice pending his admission to the Utah Bar—which he did. Not once did Utah Bar officials warn Mr. Griffith that his arrangements were contrary to accepted practice—because they weren't. The Utah Bar has affirmed that such arrangements do not constitute practicing law without a license.

Numerous former and current Utah Bar officials have written letters affirming that the precautions taken by Mr. Griffith were appropriate and in accordance with the Utah Bar rules.

Five former Presidents of the Utah Bar: "While there is no formal 'general counsel' exception to the requirement that Utah lawyers must be members of the Utah bar, it has been our experience that a general counsel working in the state of Utah need not be a member of the Utah Bar provided that when giving legal advice to his or her employer that he or she does so in conjunction with an associated attorney who is an active member of the Utah Bar and that said general counsel makes no Utah court appearances and signs no Utah pleadings, motions, or briefs."—John Adams, Charles Brown, Scott Daniels, Randy Dryer, Dennis Haslam, Letter to Chairman Hatch, June 28, 2004.

John Baldwin, Executive Director of the Utah Bar: "To those general counsel who cannot avoid circumstances which approach or may cross that line, we have consistently advised that under such circumstances they should directly associate with lawyers who are licensed in the state and on active status. Our policy has also consistently been that of those who follow that advice are not engaged in the unauthorized practice of law."—Letter to Chairman Hatch, July 2, 2004.

Ethics experts have explained that Mr. Griffith has at all times been in compliance with rules of ethical professional conduct.

"[T]he requirement of membership in a particular bar is not in itself a rule of ethical professional conduct, but a lawyers' 'guild rule' (like minimum fee schedules and restrictions on advertising) designed to restrict competition.—Monroe Freedman, Law Professor at Hofstra University and Thomas Morgan, Law Professor at GW Law School, Letter to the Editor, New York Times, July 4, 2004.

"At best, the requirement of a license is intended to assure that one who holds himself out to the public as a lawyer is indeed competent to serve as a lawyer. In that regard, there is no question about Mr. Griffith's competence, which is the only ethical issue that is material." Id.

The ABA and the American Law Institute Restatement both support a policy of not requiring in-house counsel to be license in state, as long as the attorney is licensed in at least one state.

ALI Restatement: "States have permitted practice within the jurisdiction by inside legal counsel for a corporation or similar organization, even if the lawyer is not locally admitted and even if the lawyer's work consists entirely of in-state activities, when all of the lawyer's work is for the employer-client and does not involve appearances in court. Leniency is appropriate because the only concern is with the client-employer, who is presumably in a good position to assess the quality and fitness of the lawyer's work."—ALI Restatement, Section 3, Comment f.

ABA Model Rules: "(d) A lawyer admitted in another United States jurisdiction and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that (1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission."—Model Rule 5.5(d)(1).

Mr. Griffith's sole employer, BYU, was aware that Mr. Griffith was not a member of the Utah Bar and did not require him to be a member. BYU is the largest private university in the U.S., with campuses and programs throughout the world—much like a multinational corporation.

Former Dean of BYU Law and Chair of BYU General Counsel Search Committee, Professor H. Reese Hansen: "The fact that Mr. Griffith was not a member of the Utah Bar was, of course, well known to all relevant decision makers when he was recommended for and hired as Assistant to the President and General Counsel to BYU."—Letter to Chairman Hatch, June 29, 2004.

Dean Hansen: "A lawyer who is employed as General Counsel to a [multinational corporation] and who provides legal and other services only to his or her employer is obviously not licensed to practice in every jurisdiction where the entity has suppliers, customers, or shareholders or where its advertisements may reach. I view BYU's Assistant to the President and General Counsel in exactly the same situation in regard to his bard membership. . . . I believe that Mr.

Griffith has conducted his professional service to his sole client, Brigham Young University, in a completely appropriate manner in all regards and consistent with common practices of general counsel to large U.S. entities who conduct multi-state and international activities." Id.

Mr. SPECTER. Similarly, there had been an issue regarding Mr. Griffith's lapsed membership in the District of Columbia bar, which occurred because of an administrative oversight.

Excuse me; nothing is as troublesome as a pesky summer cold. Without this cold, my speech would be considerably longer. Mr. President, so there are some advantages, at least, for anyone who may be watching on C–SPAN—if anyone watches C–SPAN during these late afternoon proceedings of the Senate. I ask unanimous consent that a full explanation of the DC Bar membership issue also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TOM GRIFFITH: D.C. BAR MEMBERSHIP FACTS

In 2001, Mr. Griffith discovered that his D.C. Bar membership had been suspended for failing to pay his annual dues. As soon as he became aware of the problem, he paid the dues and was reinstated as a bar member in good standing.

Mr. Griffith accepts full responsibility for the oversight, and he brought the lapse in his membership to the attention of the Senate Judiciary Committee in his questionnaire.

Having worked as an attorney at a large D.C. law firm from 1991–1995, Mr. Griffith became accustomed to the firm's practice of paying its attorney's bar dues.

When Mr. Griffith became Senate Legal Counsel, he was late in paying his 1997 D.C. Bar dues, and as a result, was suspended from the D.C. Bar for approximately five weeks. As soon as Mr. Griffith became aware of the problem in January 1998, he paid the dues and was reinstated as a member in good standing.

In 1998, while still serving as Senate Legal Counsel, Mr. Griffith unintentionally failed to pay his 1998 D.C. Bar dues and was suspended as a result. He was unaware of his suspension at the time.

When Mr. Griffith returned to his former law firm in March 1999, he wrongly assumed, based on his prior experience at the firm, that the firm was paying dues on his behalf. He continued to have no knowledge of suspension.

Mr. Griffith paid his back dues as soon as he discovered the problem in 2001. He was promptly reinstated as a member in good standing of the D.C. Bar. Since then, he has paid his D.C. Bar dues in a timely manner and remains a D.C. Bar member in good standing.

Mr. Griffith's situation is not at all unusual. D.C. Bar counsel quotes that every year over 3,000 D.C. lawyers (and a number of sitting judges) are "administratively suspended" for late payment of dues.

An inadvertent failure to pay bar dues does not reflect poorly on Mr. Griffith's character or ability to serve as a judge on the U.S. Circuit Court of Appeals.

Abner Mikva, former Chief Judge, U.S. Court of Appeals for the D.C. Circuit: "I cannot believe the [the Washington Post] or anyone else thinks that the inadvertent failure to pay bar dues because no bill was sent is a mark of a lawyer's character. I have known Tom Griffith in the public sector and in the private sector, and I have never heard a whisper against his integrity or responsibility."—Letter to the Editor, Washington Post, June 8, 2004.

David Kendall, private attorney to former President Clinton, and Lanny Breuer, former Associate Counsel to President Clinton: "Contrary to the Post's implication, Tom is an outstanding attorney who takes his responsibilities as a member of the bar seriously. . . . As soon as he realized that bills were unpaid, he paid them. Tom took the common and proper course of action under the circumstances. This innocent oversight has no bearing on his ability to serve as a judge."—Letter to the Editor, Washington Post, June 11, 2004.

Former ABA Presidents Bill Ide and Sandy D'Alemberte, along with 11 other attorneys: "By immediately paying his dues when he became aware of the oversight, Tom took the proper course of action. According to D.C. Bar counsel, such an oversight is entirely common and of no major concern, particularly where no reminder notice is sent out. In fact, Tom was promptly reinstalled after he paid his accrued dues, without any questions raised about possible sanctions."—Letter to Chairman Hatch, June 14, 2004.

Ethics Expert, Professor Monroe H. Freedman, Hofstra University Law School: "In the District of Columbia, Mr. Griffith had in fact been a member of the bar in good standing; the only problem was a temporary lapse in the payment of dues, which he promptly remedied when he became aware of it. He thereby once again became, and remains, a member of the D.C. Bar in good standing. Neither the bar nor anyone else has ever questioned Mr. Griffith's competence to practice law."—Letter to Chairman Hatch, June 29, 2004.

Mr. Griffith was "administratively suspended" from the D.C. Bar for failure to pay his bar dues. No disciplinary action was ever taken against him.

*Former ABA Presidents Bill Ide and Sandy D'Alemberte, along with 11 other attorneys; "The Post improperly equated Tom's situation to 'disciplinary suspension,' a rare sanction imposed only when a lawyer knowingly refuses to pay bar dues. It was nothing of the kind. When advised of the problem, Tom promptly paid his dues in full."—Letter to Chairman Hatch, June 14, 2004.

Mr. SPECTER. We had a second hearing for Mr. Griffith this year, after I became chairman, because his original hearing was not well attended. It was held at the end of the last session. At the hearing this year, I think we explored in considerable detail the issue of his DC bar membership.

It is always a difficult matter when a lawyer is ,a member of one bar and seeks to become a member of another. I know I went through a similar issue when I took the New Jersey bar, 23 years after I attended law school. It is an experience, but I went through it. However, I think this by no means disqualifies Mr. Griffith, and I think the issue has been adequately explained on the record.

Tom Griffith is well known in the Senate, perhaps better known than virtually any other judicial nominee who comes here, because he had been legal counsel to the Senate. I think many people who know Mr. Griffith on a personal, intimate basis know of his high ethical standards, his scholarship, and his legal ability. He is soft spoken. He is mature. He is knowledgeable. I think he will make a fine circuit judge.

Mr. Griffith comes with an especially strong recommendation from the former chairman of the Judiciary Committee, Senator HATCH, who has known Mr. Griffith personally for many years, and speaks very highly of him.

Regrettably, I cannot be here tomorrow to speak again, as is the practice for the chairman to speak immediately before leadership, because I will be traveling in Pennsylvania with President Bush. Tom Griffith is an outstanding candidate, and I urge my colleagues to vote to confirm him.

Mr. President, in the absence of any Senator seeking recognition, in fact, in the absence of any other Senator on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I understand the debate is on the qualifications of Thomas Griffith.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BENNETT. I wish to make a few comments with respect to Mr. Griffith. I ask all Members of the Senate to think back on what for many of us will be the most dramatic experience we had as Members of this body. It was an unprecedented situation, certainly in this, the last century. You had to go all the way back to Abraham Lincoln's time to find anything similar to it, when we met in this body with the Chief Justice of the United States, William Rehnquist, sitting in the chair, and held an impeachment trial of the President of the United States.

I doubt very much that will ever happen again. It was a very different kind of trial than the one that occurred with Andrew Johnson the first time this happened. That was purely political with Andrew Johnson, and everybody recognized that. I remember a Member of this body saying that we had actually had three impeachment situations in our history: The first, Andrew Johnson; the second that never got to the Senate, which was Richard Nixon; and the third, President Clinton. The Senator said Andrew Johnson, clearly not guilty, clearly a political vendetta; Richard Nixon, clearly guilty, clearly should have been removed—he stopped that by resigning;

and then he said the Clinton one was in between. It was a close case that could have gone one way or the other.

Some of my friends on the Democratic side of the aisle said it is not a question of whether he did it. It is not a question of whether it was a high crime and a misdemeanor. The only question was whether it was a serious enough high crime and misdemeanor on the part of the President of the United States to justify removing him from office. I think that was a thoughtful summary of where things were.

Why am I saying all of this with respect to Thomas Griffith? Because during the period that the Senate went through that very difficult and historic debate, the counsel to the Senate of the United States was Thomas Griffith. In that position, he served both sides. He was not counsel to the majority, he was not counsel to the minority, he was the Senate's counsel.

I remember very well the conversations that took place here, both formally and informally.

I remember the time when we were in a quorum call where the then minority leader, Tom Daschle, and the then majority leader, TRENT LOTT, met in the well of the Senate, other Senators pressed forward, and pretty soon we had about 30 Senators gathered around talking: What can we do, how can we resolve this, where can we go?

The decision was made, as a result of that, the Senate would go into the old Senate Chamber in executive session, where there were no television cameras, there were no reporters, there was no staff, other than the absolutely essential one or two. We talked about how we could get through this difficult time.

One of the speeches given in that chamber made this comment about the impeachment proceedings with respect to President Clinton. He said: This case is toxic. It has sullied the Presidency. It has stained the House of Representatives. It is about to do the same thing to us.

Unfortunately, the Senator made that prediction, with which I agree, but had no solution. He was just short of explaining how difficult that was going to be out of a sense almost of resignation that this particular case was going to end up besmirching the Senate as badly as it had stained the Presidency and the House of Representatives.

When it was all over, some 30 days later, that particular prediction had not come true. The Senate had not been stained. Indeed, it was one of the Senate's finest hours. We had come together in a civil way, with a deliberate understanding of our responsibility. We had acted responsibly. Every Member of the Senate had voted his or her own conscience, and we had disposed of the case in a manner that reflected well upon the Senate.

In that situation, the legal mind that was counselling both Senator Daschle and Senator LOTT was Tom Griffith, the Senate's counsel who would sit down with the Republicans and describe to Senators the precedent, outline what the consequences would be if we did this, that, or the other. He would then sit down with the Democrats and do exactly the same thing from a standpoint of evenhandedness, fairness, great respect for the law, and through documentation and examination, thorough scholarship and research.

The Senate counsel who did all of those things and helped the Senate through, arguably, one of its most difficult times in the last 100 years, is the man now before the Senate to be a circuit judge.

I am very surprised people have such short memories. People who were complaining about Tom Griffith not being qualified for the circuit court bench, where were they when he was qualified and performing magnificently on their behalf as the counsel of this body? Have they no memory of the professionalism, the deep research, the evenhanded fairness that Tom Griffith showed on that occasion? Don't they remember how he served, regardless of party, the law, the precedent, and the institution?

We can talk about opinions. We can talk about papers written. We can talk about positions taken. All of these are important in deciding what we should do with respect to a circuit court judge. But I cannot think of any place where we could duplicate the crucible in which a potential judge's capabilities are tried that would approach the crucible through which Tom Griffith has come.

I intend to support him. I urge my colleagues to support him. He will make an outstanding circuit court judge.

I, ultimately, come to a very personal kind of test. If I were on trial for some very complicated situation, some very Byzantine kind of charge that required a great legal mind to cut through to the real issues, would I want that case to be tried before Tom Griffith sitting on the bench? My answer, as I have thought about it, is clearly, yes. If I were on trial, and I needed a judge who had the capacity to cut through all the extraneous matter and get to the heart and render an accurate decision, I would want Tom Griffith to be the judge in that kind of case.

I hope I am never on trial in a case that goes before the circuit court. But there are those who will be. There are those who will have that challenge and have that experience. The best thing I can do for them is to vote to put Tom Griffith on the court so he will be there to render that kind of service and that kind of expertise on their behalf.

I hope he is confirmed. I will vote for his confirmation. I urge all of my colleagues to do the same.

Mr. LOTT. Mr. President, I would like to state my support for the nomination of Thomas B. Griffith to the U.S. Court of Appeals for the D.C. Circuit. I believe that Mr. Griffith will serve the Federal judiciary with honor and distinction.

Mr. Griffith served as Senate Legal Counsel while I was majority leader, and I found him to be intelligent, honorable, and supremely qualified for this position on the Federal bench. As Senate Legal Counsel, he represented the Senate, its committees, Members, officers, and employees in litigation relating to their constitutional powers and privileges; advised committees about their investigatory powers and procedures; and represented the institutional interests of the Senate with honor.

He was appointed to that nonpartisan position by a unanimous resolution sponsored by the leaders on both sides of the aisle. In addition to his service to this body, Mr. Griffith has obtained extensive legal experience in private practice in civil, criminal and regulatory matters.

Mr. Griffith currently serves as assistant to the president and general counsel of Brigham Young University, a position he has held since August of 2000. As general counsel for BYU he is responsible for advising the university on all legal matters, including the management of all litigation involving the university.

Evidence of qualification can also be found in Mr. Griffith's outstanding academic record. He graduated summa cum laude from BYU, receiving high honors with distinction from its Honors Program. He later received his Juris Doctor from the University of Virginia School of Law and served on the editorial and articles review board of the Virginia Law Review.

Mr. Griffith has the support of a broad, bipartisan group of attorneys and law professors, including Abner Mikva, former Chief Judge of the Court of Appeals for the D.C. Circuit.

This nominee has also served on the American Bar Association Central European and Eurasian Law Initiative's Advisory Board. With the CEELI, he participated in the training of judges and lawyers in Croatia, Serbia, Russia, the Czech Republic and several other countries and has actively worked to establish a regional judicial training institute in Prague. His experiences in these unique endeavors should be of particular value during his tenure on the bench.

Additionally, between 1991 and 1995, Mr. Griffith dedicated hundreds of hours in the pro bono representation. He has also represented disadvantaged students in the public school system in North Carolina during due process hearings that accompanied disciplinary actions.

The American Bar Association has stated that Mr. Griffith is qualified for this position in the Federal judiciary, and I concur.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. VOINOVICH are printed in today's RECORD under "Morning Business.")

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent to speak as in morning business for what time is required.

The PRESIDING OFFICER. Without objection, it is so ordered.

A FAILING OF THE SENATE

Mr. FRIST. Mr. President, in 45 minutes or so, we will be turning to an important issue which people have spoken to over the course of the day, an issue we will be spending the evening on. It is an issue that is one of the worst failings of this institution in our history, a failing surrounding a refusal to act on our part against lynching, against vigilantism, against mob murder. It has been a shame in many ways. We have to be careful when we use that word, but when we look at the reality of missed opportunities to act, we can, with justification, use the word "shame" on the institution and a shame on Senators who didn't just fail to act but deliberately kept the Senate and the whole of the Federal Government from acting and from acting proactively.

Although deep scars will always remain, I am hopeful we will begin to heal and help close the wounds caused by lynching. Four out of five lynch mob victims were African American. The practice followed slavery as an ugly expression of racism and prejudice. In the history of lynching, mobs murdered more than 4,700 people. Nearly 250 of those victims were from my State of Tennessee. Very few had committed any sort of crime whatsoever. Lynching was a way to humiliate, to repress, to dehumanize.

The Senate disgracefully bears some of the responsibility. Between 1890 and 1952, seven Presidents petitioned Congress to ban lynching. In those same 62 years, the House of Representatives passed three antilynching bills. Each bill died in the Senate, and the Senate made a terrible mistake.

The tyranny of lynch mobs created an environment of fear throughout the American South. Lynching took innocent lives. It divided society, and it thwarted the aspirations of African Americans. Lynching was nothing less than a form of racial terrorism.

It took the vision and courage of men and women such as Mary White Ovington, W.E.B. Du Bois, George H. White, Jane Adams and, of course, fellow Tennessean Ida Wells-Barnett to pass Federal laws against lynching and put an end to the despicable practice.

Ida Wells-Barnett, indeed, may have done more than any other person to expose the terrible evils of lynching. A school teacher from Memphis who put herself through college, she became one of the Nation's first female newspaper editors. A civil rights crusader from her teens, Ida Wells committed herself to the fight against lynching after a mob murdered her friends—Thomas Moss, Calvin McDowell, and Henry Stewart.

These three men, driven by their entrepreneurial energy, opened a small grocery store that catered primarily to African Americans. They took business away from nearby White business owners. Driven by hatred and jealousy, by rage and prejudice, an angry White mob stormed their store. Acting in self-defense, Wells' three friends fired on the rioters. The police arrested the grocers for defending themselves. The mob kidnapped all three from jail, and all three were murdered in the Memphis streets.

These brutal murders galvanized Wells into action. Her righteous anger, blistering editorials, and strong sense of justice further enraged Memphis bigots. They burned her newspaper presses and threatened to murder her. Wells moved to Chicago and became one of that city's leading social crusaders. Wells' book "Southern Horrors: Lynch Law in All Its Phases" and her dogged investigative reporting exposed millions of Americans to the brutality of lynching. In a nation rife with racism and prejudice, Ida Wells and her colleagues began the civil rights movement. They helped bring us integration. They paved the way for equality. And they taught all of us that racism is a terrible evil.

After many years of struggle, after many setbacks, and after much heartache, they won. From President Truman's Executive order ending segregation in the Armed Forces to the 1964 Civil Rights Act, a series of civil rights laws moved the Nation toward legal equality.

But no civil rights law is as important to our Nation's political process as the 1965 Voting Rights Act.

It enfranchised millions of African-American voters and it brought many black politicians into office.

Section 4 of the Voting Rights Act will be up for reauthorization in 2007. President Reagan signed into law a 25-year reauthorization in 1982.

Section 4 contains a temporary preclearance provision that applies to Alabama, Georgia, Louisiana, Mississippi, South Carolina, Texas, Virginia, and parts of Alaska, Arizona, Hawaii, Idaho, and North Carolina.

These States must submit any voting changes to the U.S. Department of Justice for preclearance. If the Department of Justice concludes that the change weakens the voting strength of minority voters, it can refuse to approve the change.

While I recognize that this can impose a bureaucratic burden on States acting in good faith, we must continue our Nation's work to protect voting rights. That is why we need to extend the Voting Rights Act.

Quite simply, we owe civil rights pioneers such as Ida Wells nothing less.

I hope the day will come when racism and prejudice are relegated completely to our past. This resolution is a positive step in the right direction.

Transforming our Nation requires that we recall our history—all of it. We can become a better people by celebrating the glories of our past—but also our imperfections. That includes continuing to do our utmost to protect voting rights for all Americans.

Mr. REID. Mr. President, this past Friday, I was in Cincinnati. I had some business to conduct there, but my plane got in early, and I had some time on my hands. My staff said: Would you like to go to a new museum that opened in August of 2004? I said: Sure, I will be happy to. It is a museum that is dedicated to forcing us to remember what went on in the dark days of the history of this country dealing with slavery.

The museum is done so well. You walk in, and the first thing you see is this large facility—big, tall—and it is a facility that was used in the late 1700s, 1800s for holding slaves. The upper story—using that term loosely—was for the men and the bottom for the women. They still have the shackles there, the chains that were used to hold these people. They have the writing on the walls used to describe what these human beings were worth, how much money, and for what they could be used.

So it is very appropriate that I returned to Washington today since we are going to debate some legislation that is very pertinent.

In this body's two centuries of history, we have done many great things. We sent men to the Moon, created schools for our kids, fed the hungry, and lent a helping hand to struggling families. But today I rise to speak about one of this institution's great failures—its shameful refusal to enact antilynching legislation in the first half of the 20th century.

Today, one of the saddest chapters in our Chamber's history will come to a close when we apologize for the Senate's inaction. I join my colleagues in apologizing to the deceased victims of lynchings and their surviving loved ones. I pray this Chamber will never fail to see this injustice that was done. We must realize and understand what it was. It was an injustice.

While the exact number is impossible to determine, records indicate that since 1882—the best records we have—4.749 individuals have died from lynching, men and women, mostly men, and most of them by far African Americans. These Americans were killed, tortured, mutilated, and maimed with near impunity. Most were denied due process under the law, and their killers rarely—very rarely—faced consequences for their actions, as indicated by the prayer offered today by our Chaplain which indicated little less than 1 percent who saw some retribution in the courts. The Senate's inaction helped create a culture of acceptance toward these heinous crimes against humanity.

Photos from this book—"Without Sanctuary" is the name of the book—a book of lynchings that occurred in America, and it is depicted in photographs—photographs that are so hard to accept—is the principal reason we are here today, this one book.

This book shows men, women, children donning their finest clothing and gleefully posing in front of deceased people who had been hanged and, prior to being hanged, often mutilated. Even worse, many photos were turned into postcards, until 1908, when the Senate at least amended U.S. Postal Service regulations to forbid the mailing of lynching photographs made into postcards. Think about that.

American history is rich with stories of heroes and heroines, as well as patriots, of patriotism. However, the lynching of so many Americans will always be a stain on our great democracy. Only after passage of time, only after growing pressure from civil rights organizations, only after over 200 antilynching bills, condemnation by foreign nations, petitions from seven U.S. Presidents, and outcries from the African-American press and some mainstream publications did the occurrence of this horrible act decline. But this book, published in 2000, is the real reason we are moving today.

It is my sincere hope that the relatives of the victims of these horrible acts will accept this body's sincere apology and take solace in the Senate finally recognizing its shortcomings.

It is also my sincere hope that the Senate does not stop with its apologies. There is much more to be done. We can honor the legacy of these victims by continuing to confront the challenges in civil rights before us in enacting legislation that will protect, for example, voting rights and improve the lives of so many Americans.

First, I encourage my colleagues on both sides of the aisle to stand strong in support of reauthorizing the Voting Rights Act.

Second, disparities between African Americans and Whites in health care and education are still too great. I encourage this body to support legislation that will improve health care among African Americans, improve educational resources, and provide opportunities for African Americans in many different avenues.

Finally, I ask the families of the victims of these terrible crimes to accept the Senate's apology, and I pray that my colleagues will act positively on upcoming legislation to honor the souls of those passed and that they may finally rest in peace.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Ms. LANDRIEU. I ask unanimous consent that the debate time on the Griffith nomination be yielded back and the Senate proceed to legislative session in order to consider S. Res. 39.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

APOLOGIZING TO LYNCHING VICTIMS AND THEIR DESCENDANTS

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 39) apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the clerk proceed with the reading of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill clerk read as follows:

Whereas the crime of lynching succeeded slavery as the ultimate expression of racism in the United States following Reconstruction;

Whereas lynching was a widely acknowledged practice in the United States until the middle of the 20th century;

Whereas lynching was a crime that occurred throughout the United States, with documented incidents in all but 4 States;

Whereas at least 4,742 people, predominantly African-Americans, were reported lynched in the United States between 1882 and 1968;

Whereas 99 percent of all perpetrators of lynching escaped from punishment by State or local officials;

Whereas lynching prompted African-Americans to form the National Association for the Advancement of Colored People (NAACP) and prompted members of B'nai B'rith to found the Anti-Defamation League;

Whereas nearly 200 anti-lynching bills were introduced in Congress during the first half of the 20th century;

Whereas, between 1890 and 1952, 7 Presidents petitioned Congress to end lynching;

Whereas, between 1920 and 1940, the House of Representatives passed 3 strong anti-lynching measures;

Whereas protection against lynching was the minimum and most basic of Federal responsibilities, and the Senate considered but failed to enact anti-lynching legislation despite repeated requests by civil rights groups, Presidents, and the House of Representatives to do so;

Whereas the recent publication of "Without Sanctuary: Lynching Photography in America" helped bring greater awareness and proper recognition of the victims of lynching;

Whereas only by coming to terms with history can the United States effectively champion human rights abroad; and

Whereas an apology offered in the spirit of true repentance moves the United States toward reconciliation and may become central to a new understanding, on which improved racial relations can be forged: Now, therefore, be it

Resolved, That the Senate—

(1) apologizes to the victims of lynching for the failure of the Senate to enact anti-lynching legislation;

(2) expresses the deepest sympathies and most solemn regrets of the Senate to the descendants of victims of lynching, the ancestors of whom were deprived of life, human dignity, and the constitutional protections accorded all citizens of the United States; and

(3) remembers the history of lynching, to ensure that these tragedies will be neither forgotten nor repeated.

Ms. LANDRIEU. Mr. President, tonight this body will take an important and extraordinary step. The Senate will, belatedly but most sincerely, issue a formal apology to the victims of lynching and their families, some of whom are with us tonight in this Chamber, for its failure to pass antilynching legislation.

Without question, there have been other grave injustices committed in the noble exercise of establishing this great democracy. Some have already been acknowledged and addressed by this and previous Congresses, and our work continues. However, there may be no other injustice in American history for which the Senate so uniquely bears responsibility. In refusing to take up legislation passed by the House of Representatives on three separate occasions and requested by seven Presidents from William Henry Harrison to

Harry Truman, the Senate engaged in a different kind of culpability.

Beginning in 1881, this tragic phenomenon of domestic terrorism was documented in large measure through the groundbreaking and heroic efforts of Ida B. Wells-Barnett and the independent newspapers and publications. From that year until 1964, 4,742 American citizens were lynched. These are the recorded numbers. Historians estimate the true number to be much higher.

An apology alone can never suffice to heal the harm that was done, and for many victims justice is out of reach. Yet I believe, and this resolution lays forth the principle, that a sincere and heartfelt apology is a necessary first step toward real healing.

It is important that the people of our country understand the true nature of this unprecedented rampage of terror. Many Americans have images from popular books and movies, like "To Kill a Mockingbird," that cloud their understanding of lynching. A group of angry White men take an accused and presumed guilty Black man deep into the woods and hang him. Those are the images, although accurate and tragic, but they delude us from the true nature of lynching in this dark period of American history.

The thought of a small, angry mob murdering Black prisoners in the dead of night ignores the reality of lynching in most respects. We are fortunate and grateful that a passionate and resolute independent scholar named James Allen saw something catalytic in the photographic evidence of lynching, and he began to collect these gruesome and horrific photographs. His work, "Without Sanctuary," showed the real faces of lynching, and the images he unveiled began to change the way people viewed these tragic events and called to several of us in the Senate to issue this apology tonight. It is because of his work, this book, that the Committee for a Formal Apology and the families of the lynching victims—and some victims themselves who are here—are here today and that this important historic resolution is before the Senate.

I would like to show some of these photographs now. This is one of the hundreds—thousands of photographs of men, women, and children who were lynched in this Nation, lynching that occurred—a citizen of our Nation, lynched. As your eyes look at this picture, they are immediately drawn to the victim. These hangings were sometimes—in most instances—very brutal events. Sometimes the hanging itself came after hours of torture and just excruciating fear and humiliation.

After this book was published and these pictures came into more full view of the American public, what happens is your eyes leave the figure of the victim and move to the audience. This is part of the story that, in my mind, has not been completely told, and it needs to be told tonight and every day into the future.

As you can see, there are children gathered here. These are children looking up at this man hanging from a tree. History will record that some of these children were let out of Sunday schools to attend the lynchings. History will record that some businesses closed down so that the whole town could attend these lynchings. History will record that these lynchings did not occur mostly at night or in the back woods or across the levees—lynchings were a community event. In many instances, it was a form of public entertainment. It was mass violence, an open act of terrorism directed primarily against African Americans and others who sympathized with their cause.

If we are truly to understand the magnitude of this tragedy, we must study the stories behind this grim parade of death.

In March of 1892, three personal friends of Ida B. Wells opened the "People's Grocery Company," a store located across the street from a White-owned grocery store that had previously been the only grocer in the area. Angered by the loss of business, a mob gathered to run the new grocers out of town. Forewarned about the attack on their store, the three owners armed themselves for protection, and in the riot that ensued, one of the businessmen injured a White man. All three were arrested and jailed. Days later, the mob kidnapped the men from jail and lynched them. This was the case that led Ida B. Wells to begin to speak out against this injustice.

Her great grandson is with us today. He has told this story through the halls of Congress to give testimony to her life and to her courage and to her historic efforts. Without the work of this extraordinarily brave journalist, this story never really could have been told in the way it is being told now, today, and talked about here on the Senate floor. To her, we owe a great deal of gratitude. She knew these men personally. She knew they were businessmen. They were not criminals. She knew they were successful salespeople, not common thugs. And she wrote and she spoke and she tried to gather pictures to tell a story to a nation that simply refused to believe.

Forty-two years and thousands of lynchings later is the case of Claude Neal of Marianna, FL. After 10 hours of torture, Claude Neal "confessed" to the murder of a girl with whom he was allegedly having an affair. For his safety, he was transferred to an Alabama prison. A mob took him from there. They cut off his body parts. They sliced his side and stomach. People would randomly cut off a finger here, a toe there. From time to time, they would tie a noose around him, throw the rope over a tree limb. The mob would keep him there in that position until he almost died then lower him again to begin the torment all over.

After several hours, and I guess the crowd exhausted themselves, they just decided to kill him. His body was then dragged by car back to Marianna, and 7,000 people from 11 States were there to see his body in the courthouse of the town square. Pictures were taken and sold for 50 cents a piece.

One might ask, how do we know all the grizzly details of Claude Neal's death? It is very simple. The newspapers in Florida had given advance notice. They recorded it one horrible moment after another. One of the members of the lynch mob proudly relayed all the details that reporters had missed in person. Yet, even with the public notice, 7,000 people in attendance, and people bragging about the activity, Federal authorities were impotent to stop this murder. State authorities seemed to condone it, and the Senate of the United States refused to act.

Time went on. In 1955, just 9 years before Congress passed the Civil Rights Act, the world witnessed the brutal lynching of Emmett Till. Fourteen years old, Emmett Till was excited about his trip from his home on Chicago's southside to the Mississippi Delta. Like many children during the summer, he was looking forward to visiting his relatives. Prior to his departure, his mother, Maimie Till Bradley, a teacher, had done her very best to advise him about how to behave while in Mississippi. With his mother's warning and wearing the ring that had belonged to his deceased father, on August 20, 1955, Till set off with his cousin, Curtis Jones, on a train to Mississippi.

Once there, he and some friends went to buy some candy at the general store. According to his accusers, this young 14-year-old whistled at a store clerk as he left. She happened to be a white woman.

Armed with pistols, the mob took Emmett from his uncle's home. His uncle is with us tonight. They took him in the middle of the night. Three days later his little body was discovered in the Tallahatchie River, weighed down by a 75-pound cotton gin fan tied around his neck with barbed wire. His face was so mutilated when Wright identified the body he could only do so based on the ring that he had been wearing.

Coincidentally, through no asking of our own, but I guess it is appropriate, the trial of his accused murderer, Edgar Ray Killen, begins today in Mississippi.

While the details that led to the lynching are not always clear from just these few that I have described, there is little doubt what took place at the lynchings themselves. In most instances, prelynching newspaper notices, school closings to allow children to view the spectacle, special order trains to carry people to the event, are all part of a gruesome but true part of America's history.

Jazz legend Billy Holiday provided real texture in her story and song "Strange Fruit." She defied her own record label and produced and published the song on her own, was threatened with her life because she continued to sing it. But like so many things, words can't always describe what is happening, even though speeches were given, words were written, newspapers were published.

The words to the song are as follows:

Southern trees bear a strange fruit
Blood on the leaves and blood at the root,
Black body swinging in the Southern breeze,
Strange fruit hanging from the poplar trees.

Pastoral scene of the gallant South,
The bulging eyes and the twisted mouth,
Scent of magnolias sweet and fresh,
And the sudden smell of burning flesh.

Here is a fruit for the crows to pluck,
For the rain to gather, for the wind to suck,
For the sun to rot, for a tree to drop,
Here is a strange and a bitter crop.

Something in the way she sang this song, something in the pictures that described the event, must have touched the heart of Americans because they began to mobilize, and men and women, White and Black, people from different backgrounds, came to stand up and begin to speak. They spoke with loud voices and with moving speeches and with great marches.

But the Senate of the United States, one of the most noble experiments in democracy, continued to pretend, to act like this was not happening in America and continued to fail to act.

It would be a mistake to look at this ugly chapter in our democracy's development with pity and hopelessness, however. The truth is, today's apology should be seen as a tribute to the endurance and the triumph of African-American families.

There is a particular family here, the Crawford family. I think there are over 150 of them. Earlier today I talked with some of the leaders of the family. I said: What doesn't kill you makes you stronger. They nodded because that is exactly what happened to this family. The town tried to kill this family, to run them out, and, in fact, ran them out of the town, but this family just grew stronger, and with their love and lack of bitterness, but with a determination to find justice some way, they are here today. In fact, it was the progress of African Americans that spurred this terrible reaction to them in the first place.

As I stated earlier, the early lynchings were not of criminals. The early lynchings were of successful farmers, of successful businessmen, leaders in their communities because these lynchings were an act of terrorism to make American citizens feel they had no voice and no place.

W.E.B. Du Bois summarized the motivation behind these slayings perfectly when he said:

> . . . [T]he South feared more than Negro dishonesty, ignorance and incompetency, Negro honesty, knowledge, and efficiency.

With slavery abolished by the Civil War, a group of Americans had to mentally justify as inferior and subhuman those who suddenly were equals and competitors. Having lost the war throughout the South, watching the progress of former slaves was simply too much in that region and in other regions throughout the country, as well.

As a senior Senator from the State of Louisiana, I feel compelled to spend just a few moments, before I acknowledge my friend and cosponsor in the Senate, Senator GEORGE ALLEN, who has brought this resolution to the attention of our Senate colleagues.

Louisiana has a distinct history from much of the United States due to its long colonial ties with both France and Spain. One consequence of this history is that Louisiana had more free people of color than any other Southern State. Nearly 20,000 Louisianians who were largely concentrated in New Orleans formed a large and very prosperous African-American community in the 1860s. They enjoyed more rights than most free men of color. A large percentage spoke only French and educated their children in Europe. The community, the records show, owned more than $2 million worth of property, which was quite a large sum in those days, and dominated skilled labor areas such as masonry, carpentry, cigar making, and shoemaking.

That is why Louisiana's prominent role in lynchings is so bitter. It mars a long history of tolerance and integration that to this day distinguishes Louisiana from other places in the South.

Still the difficult fact remains that only three States have had a higher incidence than Louisiana of these occurrences. The NAACP, which was founded over the issue of lynchings, recorded 391 such murders in my State.

I ask unanimous consent that a list of all the Louisiana victims compiled by Professor Michael Pfeifer, author of "Rough Justice, Lynching and American Society," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF LOUISIANA VICTIMS

April 24, 1878, Unidentified Man, Unidentified Sugar Parish, Arson, Unknown, Unknown.

July 30, 1878, Jim Beaty, Monroe, Ouachita Parish, Unknown, Black, Private.

July 30, 1878, Ples Phillips, Monroe, Ouachita Parish, Unknown, Black, Private.

July 30, 1878, Tom Ross, Monroe, Ouachita Parish, Unknown, Black, Private.

July 30, 1878, Henry Atkinson, Monroe, Ouachita Parish, Unknown, Black, Private.

September 14, 1878, Valcour St. Martin, Hahnville, St. Charles Parish, Murder, Unknown, Unknown.

October, 1878, Joshua Hall, Ouachita Parish, Unknown, Black, Mass.

October, 1878, Sam Wallace, Ouachita Parish, Unknown, Black, Mass.

November 5, 1878, Unidentified Man, Ouachita Parish, Unknown, Black, Unknown.

November 5, 1878, Unidentified Man, Ouachita Parish, Unknown, Black, Unknown.

November 5, 1878, Unidentified Man, Ouachita Parish, Unknown, Black, Unknown.

November 5, 1878, Unidentified Man, Ouachita Parish, Unknown, Black, Unknown.

November 5, 1878, Unidentified Man, Ouachita Parish, Unknown, Black, Unknown.

December 3, 1878, Moustand, Franklin, St. Mary Parish, Attempted Rape, Black, Private.

December 15, 1878, Victor Bryan, New Roads, Pointe Coupee Parish, Murder, Black, Private.

September 1, 1879, George Williams, Ouachita Parish, Threats Against White, Black, Private.

August 20, 1879, Ed. Rabun, Shiloh, Union Parish, Attempt to Rape, Black, Unknown.

October 29, 1879, W.J. Overstreet, Farmerville, Union Parish, Murder, White, Mass.

December 28, 1879, Dick Smith, Amite City, Tangipahoa Parish, Murder, Black, Private.

December 28, 1879, Geo. Carroll, Amite City, Tangipahoa Parish, Murder, Black, Private.

December 28, 1879, Harrison Johnson, Amite City, Tangipahoa Parish, Murder, Black, Private.

December 28, 1879, Unknown, Amite City, Tangipahoa Parish, Murder, Black, Private.

November 20, 1880, Thornhill, Many, Sabine Parish, Horse Theft, White, Private.

November 20, 1880, Fields, Many, Sabine Parish, Horse Theft, White, Private.

January 6, 1880, James Brown, Lake Providence, East Carroll Parish, Murder, White, Private.

April 1, 1880, J. Tucker, Greensburg, St Helena Parish, Murder, Black, Private.

December, 1880, Dr. Jones, East Carroll Parish, Political Causes, Unknown, Unknown.

December 20, 1880, Garnett Thompson, West Feliciana Parish, Insulted and Shot White Man, Black, Unknown.

May 15, 1881, Cherry Nickols, Mount Lebanon, Bienville Parish, Murder and Rape, Black, Private (Mixed or Black).

July 19, 1881, Unidentified Man, Kingston, De Soto Parish, Murder and Robbery, Black, Private.

July 20, 1881, Unidentified Man, Lincoln Parish, Attempted Rape, Black, Unknown.

July 17, 1881, Spence, Frog Level, Caddo Parish, Attempted Criminal Assault, Black, Unknown.

August 22, 1881, Alec Wilson, Ouachita Parish, Murder, Black, Unknown.

August 22, 1881, Perry Munson, Ouachita Parish, Murder, Black, Unknown.

August 31, 1881, Caleb Jackson, Vernon, Jackson Parish, Arson, Black, Unknown.

September 26, 1881, Ben Robertson, Jeanerette, Iberia Parish, Theft, Black, Private.

November 17, 1881, Stanley, Pointe Coupee Parish, Murderous Assault, White, Private.

May 15, 1882, Joseph Jenkins, St. Martinville, St. Martin Parish, Murder, White, Unknown.

May 15, 1882, Eugene Azar, St. Martinville, St. Martin Parish, Murder, Black, Unknown.

June 20, 1882, Ingram, St. Tammany Parish, Desperado, Unknown, Unknown.

June 20, 1882, Howard, St. Tammany Parish, Desperado, Unknown, Unknown.

June 20, 1882, Mack Taylor, Webster Parish, Murderous Assault, Black, Mass.

October 28, 1882, Wm. Harris, Lincoln Parish, Attempted Rape, Black, Posse.

November 7, 1882, Unidentified Man, Vienna, Lincoln Parish, Murderous Assault, Black, Unknown.

November 7, 1882, Unidentified Man, Vienna, Lincoln Parish, Murderous Assault, Black, Unknown.

November 18, 1882, N. David Lee, Holly Grove, Franklin Parish, Hog Theft, Black, Private.

December 8, 1882, Tim Robinson, Bastrop, Morehouse Parish, Murderous Assault, Black, Unknown.

December 8, 1882, Wm. Cephas, Bastrop, Morehouse Parish, Murderous Assault, Black, Unknown.

December 8, 1882, Wesley Andrews, Bastrop, Morehouse Parish, Murderous Assault, Black, Unknown.

January 23, 1883, Henry Solomon, Bellevue, Bossier Parish, Arson, Horse Theft, Black, Private.

May 13, 1883, D.C. Hutchins, Bellevue, Bossier Parish, Murder, White, Mass.

July 9, 1883, Henderson Lee, Bastrop, Morehouse Parish, Larceny, Black, Private.

October 12, 1883, Louis Woods, Edgerly Station, Calcasieu Parish, Rape, Black, Unknown.

April 27, 1884, John Mullican, Monroe, Ouachita Parish, Murder and Robbery, White, Mass.

April 27, 1884, John Clark, Monroe, Ouachita Parish, Murder and Robbery/White, Mass.

April 27, 1884, King Hill, Monroe, Ouachita Parish, Murder, Unknown, Mass.

October 21, 1884, Charles McLean, Bellevue, Bossier Parish, Arson, White, Private.

October 24, 1884, Unidentified Man, St. Tammany Parish, Murder, Black, Unknown.

October 24, 1884, Unidentified Man, St. Tammany Parish, Murder, Black, Unknown.

October 24, 1884, Unidentified Man, St. Tammany Parish, Murder, Black, Unknown.

October 24, 1884, Unidentified Man, St. Tammany Parish, Murder, Black, Unknown.

December 22, 1884, Wm. Fleitas, Madisonville, St. Tammany Parish, Murderous Assault, White, Unknown.

January 1, 1885, Unidentified Man, Madison Parish, Trainwrecking, Unknown, Unknown.

January 1, 1885, Unidentified Man, Madison Parish, Trainwrecking, Unknown, Unknown.

March 5, 1885, Unidentified Man, St. Landry Parish, Murder, Unknown, Private.

March 5, 1885, Unidentified Man, St. Landry Parish, Murder, Unknown, Private.

April 22, 1885, Abe Jones, New Roads, Pointe Coupee Parish, Murder, Black, Unknown.

April 22, 1885, William Pierce Mabry, near Shiloh, Union Parish, Defended Black Woman from Beating, White, Unknown.

July 22, 1885, Cicero Green, Minden, Webster Parish, Murderous Assault, Black, Mass.

July 22, 1885, John Figures, Minden, Webster Parish, Murder, Black, Mass.

September 30, 1885, Sampson Harris, Winn Parish, Threat to Give Evidence against Whitecappers, Black Terrorist.

February 16, 1886, George Robinson, Monroe, Onachita Parish, Murder, Black, Mass.

May 6, 1886, Robert Smith, St. Bernard Parish, Murder, Black, Private.

October 18, 1886, Reeves Smith, De Soto Parish, Attempted Rape, Black, Mass.

December 28, 1886, John Elia, Arcadia, Bienville Parish, Murder, White, Private.

January 8, 1887, Ike Brumfield, Tangipahoa Parish, Unknown, Black, Unknown.

April 28, 1887, Gracy Blanton, Floyd, West Carroll Parish, Arson and Robbery, Black, Private.

April 28, 1887, Richard Goodwin, Floyd, West Carroll Parish, Arson and Robbery, Black, Private.

June 6, 1887, M.W. Washington, De Soto Parish, Burglary with Intent to Rape, Black, Unknown.

June 30, 1887, James Walden, Simsboro, Lincoln Parish, Larceny, Black, Private.

August 9, 1887, Thomas Scott, Morehouse Parish, Murder, White, Private.

August 11, 1887, Daniel Pleasants (alias Hoskins), Harding Plantation, St. Mary Parish, Murder, Black, Posse (Mixed).

August 13, 1887, Green Hosley, Union Parish, Asserted Self-Respect in Dispute with White, Black, Private.

October 20, 1887, Perry King, Lamar, Franklin Parish, Attempted Rape, Black, Mass.

October 20, 1887, Drew Green, Lamar, Franklin Parish, Attempted Rape, Black, Mass.

November 7, 1887, Unidentified Man, Caddo Parish, Miscegenation, Black, Unknown.

December 9, 1887, Andrew Edwards, near Minden, Webster Parish, Voodoism, Black, Private (Black).

January 28, 1888, Ben Edwards, Amite City, Tangipahoa Parish, Criminal Assault, Black, Mass.

February 9, 1888, Unidentified Man, Ponchatoula, Tangipahoa Parish, Attempted Rape, Black, Private.

May 6, 1888, Dave Southall, Pointe Coupee Parish, Attempted Murder and Political Causes, White, Private.

September, 1888, Unidentified Woman, Breaux Bridge, St. Martin Parish, Unknown, Black, Terrorist.

September 17, 1888, Louis Alfred (Jean Pierre Salet), Ville Platte, St. Landry (now Evangeline) Parish, Incendiary Language, Black, Terrorist.

September 17, 1888, Jno. Johnson (Sidairo), Ville Platte, St. Landry (now Evangeline) Parish, Incendiary Language, Black, Terrorist.

November 9, 1888, Lulin, St. Landry Parish, Unknown, Black, Terrorist.

November 13, 1888, Unidentified Man, Donaldsonville, Ascension Parish, Rape, Black, Mass.

November 22, 1888, Jerry Taylor, St. Helena Parish, Rape, Black, Private.

January 25, 1889, Samuel Wakefield, New Iberia, Iberia Parish, Murder, Black, Posse.

January 29, 1889, James Rosemond, New Iberia, Iberia Parish, Theft, Black, Private.

February 8, 1889, Haygood Handy, near Bellevue, Bossier Parish, Murder and Hog Stealing, Black, Unknown.

April 14, 1889, Steve. McIntosh, Magenta Plantation, Bayou Desiard, Ouachita Parish, Rape, Unknown, Unknown (Black).

April 16, 1889, Hector Junior, near New Iberia, Iberia Parish, Murderous Assault, Black, Posse.

May 18, 1889, Unidentified Man, near Columbia, Caldwell Parish, Burglary, Black, Unknown.

July 11, 1889, Felix Keys, Lafayette Parish, Murder, Black, Mass (Mixed).

November 16, 1889, Ed Gray, Vidalia, Concordia Parish, Arson, Black, Private.

December 31, 1889, Henry Holmes, Bossier Parish, Murderous Assault, Black, Unknown.

January 8, 1890, Henry Ward, Bayou Sara, West Feliciana Parish, Murder, Black, Private.

February 18, 1890, R.F. Emerson, St. Joseph, Tensas Parish, Murderous Assault, White, Unknown.

May 13, 1890, Phillip Williams, Napoleonville, Assumption Parish, Attempted Rape, Black, Mass.

June 16, 1890, George Swayze, East Feliciana Parish, Political Causes, White, Private (Possibly Black).

June 26, 1890, John Coleman, Caddo Parish, Murder, Black, Unknown (Black).

August 21, 1890, Wml. Alexander, East Baton Rouge Parish, Attempted Rape, Black, Private.

October 12, 1890, Frank Wooten, Claiborne Parish, Arson, Black, Unknown.

November 20, 1890, Unidentified Man, southeastern East Baton Rouge Parish, Bulldozing, Black, Terrorist.

March 14, 1891, Antoino Scoffedi, New Orleans; Orleans Parish, Conspiracy to Murder, Italian, Mass (Mixed).

March 14, 1891, Joseph Macheca, New Orleans, Orleans Parish, Conspiracy to Murder, Italian, Mass (Mixed).

March 14, 1891, Pietro Monasterio, New Orleans, Orleans Parish, Conspiracy to Murder, Italian, Mass (Mixed).

March 14, 1891, James Caruso, New Orleans, Orleans Parish, Conspiracy to Murder, Italian, Mass (Mixed).

March 14, 1891, Rocco Gerachi, New Orleans, Orleans Parish, Conspiracy to Murder, Italian, Mass (Mixed).

March 14, 1891, Frank Romero, New Orleans, Orleans Parish, Conspiracy to Murder, Italian, Mass (Mixed).

March 14, 1891, Antonio Marchesi, New Orleans, Orleans Parish, Conspiracy to Murder, Italian, Mass (Mixed).

March 14, 1891, Charles Traina, New Orleans, Orleans Parish, Conspiracy to Murder, Italian, Mass (Mixed).

March 14, 1891, Loretto Comitz, New Orleans, Orleans Parish, Conspiracy to Murder, Italian, Mass (Mixed).

March 14, 1891, Antonio Bagnetto, New Orleans, Orleans Parish, Conspiracy to Murder, Italian, Mass (Mixed).

March 14, 1891, Manuel Politz, New Orleans, Orleans Parish, Conspiracy to Murder, Italian, Mass (Mixed).

May 21, 1891, Tennis Hampton, Gibsland, Bienville Parish, Murder, Black, Private.

May 23, 1891, William Anderson, Caddo Parish, Murder, Black, Posse.

May 23, 1891, John Anderson, Caddo Parish, Murder, Black, Posse.

June 2, 1891, Samuel Hummell, Hermitage, Pointe Coupee Parish, Murder, Black, Unknown.

June 2, 1891, Alex Campbell, Hermitage, Pointe Coupee Parish, Murder, Black, Unknown.

June 2, 1891, Unidentified Man, Hermitage, Pointe Coupee Parish, Murder, Black, Unknown.

September 8, 1891, Unidentified Man, near Arcadia, Bienville Parish, Rape, Black, Posse.

October 19, 1891, John Rush, Caldwell Parish, Murder, White, Private.

October 28, 1891, Jack Parker, Covington, St. Tammany Parish, Murder, Black, Mass (Black).

October 29, 1891, Unidentified Man, "the Poole place," Bossier Parish, Outrageous Act, Black, Mass (Mixed).

November 4, 1891, J.T. Smith, near Bastrop, Morehouse Parish, Murder, Black, Mass.

November 4, 1891, W.S. Felton, near Bastrop, Morehouse Parish, Murder, Black, Mass.

November 10, 1891, John Cagle, near Homer, Claiborne Parish, "Bad Negro," Black, Unknown.

November 27. 1891. John Maxey. Many. Sabine Parish. Criminal Assault. Black, Private.

December 27, 1891, Unidentified Man, Black Water Plantation. Concordia Parish, Accessory to Murder, Black, Unknown.

January 7, 1892, Horace Dishroon, Rayville, Richland Parish, Murder, Robbery, Black, Mass.

January 7, 1892, Eli Foster, Rayville, Richland Parish, Murder, Robbery, Black, Mass.

January 9, 1892, Nathan Andrews, Bossier Parish, Murder, Black, Posse.

January 11, 1892, Undentified Man, Bossier Parish, Murder, Robbery, Black, Private (Black).

March 12, 1892, Ella, near Rayville, Richland Parish, Attempted Murder, Black, Private.

March 26, 1892, Dennis Cobb, Bienville Parish, Unknown, Black, Terrorist.

March 27, 1892, Jack Tillman, Jefferson Parish, Argued with and Shot White Men, Black, Terrorist.

April 6, 1892, Unidentified Man, Grant Parish, Murder, Black, Posse.

April 6, 1892, Unidentified Man, Grant Parish, Murder, Black, Posse.

April 6, 1892, Unidentified Man, Grant Parish, Murder, Black, Posse.

April 6, 1892, Unidentified Man, Grant Parish, Murder, Black, Posse.

April 23, 1892, Freelan, Pointe Coupee Parish, Murder and Extortion, White, Posse.

May 28, 1892, Walker, Bienville Parish, Improper Relations with White Girl, Black, Unknown.

September 2, 1892, Edward Laurent, Avoyelles Parish, Aiding Murderer, Black, Terrorist.

September 5, 1892, Gabriel Magliore, Avoyelles Parish, Threats to Kill, Black, Terrorist.

September 7, 1892, Henry Dixon, Jefferson Parish, Murder, Theft, Black, Private.

September 13, 1892, Eli Lindsey, Morehouse Parish, Murder, Black, Unknown (Black).

September 27, 1892, Benny Walkers, Concordia Parish, Attempted Criminal Assault, Black, Mass.

October 21, 1892, Thomas Courtney, Iberville Parish, Shot Man, Black, Posse.

November 1, 1892, Daughter of Hastings, Catahoula Parish, Daughter of Murderer, Black, Private.

November 1, 1892, Son of Hastings, Catahoula Parish, Son of Murderer, Black, Private.

Noevmber 4, 1892, John Hastings, Catahoula Parish, Murder, Black, Private.

November 29, 1892, Richard Magee, Bossier Parish, Murder, Black, Unknown.

November 29, 1892, Carmichael, Bossier Parish, Complicity in Murder, Black, Unknown.

December 28, 1892, Lewis Fox, St. Charles Parish, Murder, Robbery, Black, Private.

Decmber 28, 1892, Adam Gripson, St. Charles Parish, Murder, Robbery, Black, Private.

January 8, 1893, Unidentified Man, Union Parish, Murderous Assault, Black, Unknown.

January 20, 1893, Robert Landry, St. James Parish, Murder, Robbery, Black, Private.

January 20, 1893, Chicken George, St. James Parish, Murder, Robbery, Black, Private.

January 20, 1893, Richard Davis, St. James Parish, Murder, Robbery, Black, Private.

January 25, 1893, Wm. Fisher, Orleans Parish, Stabbing of White Woman, Murder, Black, Posse.

May 6, 1893, Israel Holloway, Assumption Parish, Rape, Black, Unknown.

July 13, 1893, Meredith Lewis, Tangipahoa Parish, Murder, Black, Private (Black).

September 16, 1893, Valsin Julian, Jefferson Parish, Brother of Murderer, Black, Private.

September 16, 1893, Paul Julian, Jefferson Parish, Brother of Murderer, Black, Private.

September 16, 1893, Basile Julian, Jefferson Parish, Brother of Murderer, Black, Private.

September 29, 1893, Henry Coleman, Bossier Parish, Attempted Assassination, Black, Mass.

October 19, 1893, Unidentified Man, Bossier Parish, Stock Theft, Black, Unknown (Mixed).

October 19, 1893, Unidentified Man, Bossier Parish, Stock Theft, Black, Unknown (Mixed).

December 27, 1893, Tillman Green, Caldwell Parish, Attempted Rape, Black, Private.

January 18, 1894, Unidentified Man, West Feliciana Parish, Arson and Murder, Black, Unknown.

April 23, 1894, Samuel Slaughter, Madison Parish, Murder and Insurrection, Black, Mass.

April 23, 1894, Thomas Claxton, Madison Parish, Murder and Insurrection, Black, Mass.

April 23, 1894, David Hawkins, Madison Parish, Murder and Insurrection, Black, Mass.

April 27, 1894, Shell Claxton, Madison Parish, Murder and Insurrection, Black, Mass.

April 27, 1894, Tony McCoy, Madison Parish, Murder and Insurrection, Black, Mass.

April 27, 1894, Pomp Claxton, Madison Parish, Murder and Insurrection, Black, Mass.

April 27, 1894, Scott Harvey, Madison Parish, Murder and Insurrection, Black, Mass.

May 23, 1894, George Paul, Pointe Coupee Parish, Offended White Man, Black, Unknown.

June 10, 1894, Mark Jacobs, Bienville Parish, Unknown, Black, Terrorist.

June 14, 1894, John Day, Ouachita Parish, Arson, White, Unknown.

July 23, 1894, Vance McClure, Iberia Parish, Attempted Rape, Black, Private.

September 9, 1894, Link Waggoner, Webster Parish, Murderous Assault, White, Private.

September 10, 1894, Robert Williams, Concordia Parish, Murder, Black, Unknown (Black).

November 9, 1894, Charlie Williams, West Carroll Parish, Murder and Robbery, Latino, Unknown.

November 9, 1894, Lawrence Younger, West Carroll Parish, Murder, Black, Unknown.

December 23, 1894, George King, St. Bernard Parish, Threat to Kill and Resisted Arrest and Shot at Whites, Black, Mass.

December 28, 1894, Scott Sherman, Concordia Parish, Brother of Murderer, Black, Posse (Possibly Black).

June 24, 1895, John Frey, Jefferson Parish, Arson, White, Private.

July 19, 1895, Ovide Belizaire, Lafayette Parish, Shot at Whites, Black, Terrorist.

September 18, 1895, Unidentified Man, Bossier Parish, Rape, Black, Mass.

September 21, 1895, Edward Smith, Tangipahoa Parish, Murder and Robbery, Black, Mass.

September 25, 1895, Aleck Francis, Jefferson Parish, Dangerous Character, Black, Private.

January 10, 1896, Abraham Smart, Ouachita Parish, Murder, Black, Unknown.

January 12, 1896, Charlotte Morris, Jefferson Parish, Miscegenation, Black, Private.

January 12, 1896, Patrick Morris, Jefferson Parish, Miscegenation, White, Private.

February 28, 1896, Gilbert Francis, St. James Parish, Rape and Burglary, Black, Private.

February 28, 1896, Paul Francis, St. James Parish, Rape and Burglary, Black, Private.

March 11, 1896, Bud Love, Morehouse Parish, Theft, Black, Private.

March 24, 1896, Louis Senegal, Lafayette Parish, Rape, Black, Private.

May 17, 1896, Unidentified Man, Bossier Parish, Insulted White Woman, Black, Posse.

May 19, 1896, James Dandy, St. Bernard Parish, Attempted Rape, Black, Private.

June 9, 1896, Wallis Starks, St. Mary Parish, Rape and Robbery, Black, Posse.

July 11, 1896, James Porter, Webster Parish, Murder, Black, Private.

July 11, 1896, Monch Dudley, Webster Parish, Murder, Black, Private.

July 24, 1896, Isom McGee, Claiborne Parish, Attempted Rape, Black, Unknown.

July 31, 1896, Louis Mullens, Avoyelles Parish, Attempted Rape, White, Private.

August 4, 1896, Hiram Weightman, Franklin Parish, Murder and Rape, Black, Mass.

August 8, 1896, Lorenzo Saladino, St. Charles Parish, Murder and Robbery, Italian, Mass.

August 8, 1896, DeCino Sorcoro, St. Charles Parish, Murder and Robbery, Italian, Mass.

August 8, 1896, Angelo Marcuso, St. Charles Parish, Murder and Robbery, Italian, Mass.

September 12, 1896, Jones McCauley, Ouachita Parish, Sexual Assault, Black, Unknown (Mixed or Black).

September 24, 1896, Jim Hawkins, Jefferson Parish, Assaulted Boy, Black, Private.

October 1, 1896, Lewis Hamilton, Bossier Parish, Arson, Black, Unknown.

December 22, 1896, Jerry Burke, Livingston Parish, Attempted Murder, Black, Posse.

January 17, 1897, Unidentified Man, Iberville Parish, Attempted Murder and Robbery, Black, Unknown.

January 19, 1897, Gustave Williams, Tangipahoa Parish, Murder, Black, Mass.

January 19, 1897, Archie Joiner, Tangipahoa Parish, Murder, Black, Mass.

January 19, 1897, John Johnson, Tangipahoa Parish, Murder, Black, Mass.

May 11, 1897, Charles Johnson, East Feliciana Parish, Attempted Trainwrecking, Black, Private.

July 21, 1897, Jack Davis, St. Mary Parish, Criminal Assault, Black, Posse.

September 28,1897, Wm. Oliver, Jefferson Parish, Ferry Law Violation and Dangerous Weapon Charge, Black, Private.

October 2, 1897, Wash Ferren, Ouachita Parish, Rape, Black, Mass.

October 15, 1897, Douglas Boutte, Jefferson Parish, Violated Quarantine and Resisted Arrest, Black, Private.

December 13, 1897, Joseph Alexander, Iberville Parish, Murder, Black, Mass.

December 13, 1897, Charles Alexander, Iberville Parish, Murder, Black, Mass.

Decmber 13, 1897, James Thomas, Iberville Parish, Murder, Black, Mass.

April 2, 1898, Wm. Bell, Tangipahoa Parish, Accessory to Murder, Black, Private.

April 23, 1898, Columbus Lewis, Lincoln Parish, Impudence to White Man, Black, Private.

June 4, 1898, Wm. Steake, Webster Parish, Rape, Black, Mass.

June 11, 1898, Unidentified Man, Morehouse Parish, Murderous Assault, Black, Posse.

November 3, 1898, Charles Morrell, St. John Parish, Robbery, Black, Private.

December 5, 1898, Bedney Hearn, Bossier Parish, Murder, Black, Unknown.

December 5, 1898, John Richardson, Bossier Parish, Murder, Black, Unknown.

June 14, 1899, Edward Gray, St. John Parish, Burglary, Black, Private.

July 11, 1899, George Jones, St. Charles Parish, Horse Theft, Black, Private (Black).

July 21, 1899, Joseph Cereno, Madison Parish, Shooting Man, Italian, Mass.

July 21, 1899, Charles Defatta, Madison Parish, Shooting Man, Italian, Mass.

July 21, 1899, Frank Defatta, Madison Parish, Shooting Man, Italian, Mass.

July 21, 1899, Joseph Defatta, Madison Parish, Shooting Man, Italian, Mass.

July 21, 1899, Sy Defrroch, Madison Parish, Shooting Man, Italian, Mass.

August 2, 1899, Man Singleton, Grant Parish, Attempted Rape, Black, Unknown.

Augsut 8, 1899, Echo Brown, Tangipahoa Parish, Unknown, Black, Unknown.

October 10, 1899, Basile LaPlace, St. Charles Parish, Political Causes and Illicit Liaison, White, Private.

October 15, 1899, James Smith, East Feliciana Parish, Cattle Rustling and Desperadoism, White, Private.

December 13, 1899, Unidentified Man, Morehouse Parish, Rape, Unknown.

April 21, 1900, John Humely, Bossier Parish, Conspiracy to Murder, Black, Mass.

April 21, 1900, Edward Amos, Bossier Parish, Conspiracy to Murder, Black, Mass.

May 12, 1900, Henry Harris, Rapides Parish, Attempted Criminal Assault, Black, Mass.

June 12, 1900, Ned Cobb, West Baton Rouge Parish, Murder, Black, Unknown.

June 23, 1900, Frank Gilmour, Livingston Parish, Murder, White, Private.

August 29, 1900, Thomas Amos, Rapides Parish, Murder, Black, Mass.

September 21, 1900, George Beckham, Tangipahoa Parish, Robbery, Black, Private.

September 21, 1900, Nathaniel Bowmam, Tangipahoa Parish, Robbery, Black, Private.

September 21, 1900, Charles Elliot, Tangipahoa Parish, Robbery, Black, Private.

September 21, 1900, Izaih Rollins, Tangipahoa Parish, Robbery, Black, Private.

October 19, 1900, Melby Dotson, West Baton Rouge Parish, Murder, Black, Mass.

January 24, 1901, Larkington, Webster Parish, Attempted Criminal Assault, Black, Unknown.

February 17, 1901, Thomas Jackson, St. John Parish, Murder, Black, Mass.

February 21, 1901, Thomas Vital, Calcasieu Parish, Criminal Assault, Black, Unknown.

February 21, 1901, Samuel Thibodaux, Calcasieu Parish, Defending Rapist, Black, Unknown.

March 6, 1901, William Davis, Caddo Parish, Rape, Black, Private.

May 1, 1901, Grant Johnson, Bossier Parish, Desperate Negro Gambler, Black, Private.

May 3, 1901, Felton Brigman, Caddo Parish, Rape, Black, Private (Black).

June 19, 1901, F.D. Frank Smith, Bossier Parish, Complicity in Murder, Black, Mass.

June 19, 1901, F.D. McLand, Bossier Parish, Complicity in Murder, Black, Mass.

July 15, 1901, Lewis Thomas, Richland Parish, Murderous Assault, Black, Unknown.

July 19, 1901, Unidentified Man, Acadia Parish, Homicide, Shot Officer, Black, Posse.

October 25, 1901, Wm. Morris, Washington Parish, Assault and Robbery, Black, Unknown.

November 2, 1901, Connelly, Washington Parish, Threats Against Whites, Black, Posse.

November 2, 1901, Parker, Washington Parish, Threats Against Whites, Black, Posse.

November 2, 1901, Low, Washington Parish, Threats Against Whites, Black, Posse.

November 2, 1901, Connelly's Daughter, Washington Parish, Threats Against Whites, Black, Posse.

November 2, 1901, Woman, Washington Parish, Threats Against Whites, Black, Posse.

November 2, 1901, Child, Washington Parish, Threats Against Whites, Black, Posse.

November 2, 1901, Unidentified Person, Washington Parish, Threats Against Whites, Black, Posse.

November 24, 1901, Frank Thomas, Bossier Parish, Murder, Black, Mass (Black).

December 8, 1901, Sol Paydras, Calcasieu Parish, Assault, Black, Private.

January 25, 1902, Unidentified Man, West Carroll Parish, Murder and Theft, Black, Posse.

January 25, 1902, Unidentified Man, West Carroll Parish, Murder and Theft, Black, Posse.

January 25, 1902, Unidentified Man, West Carroll Parish, Murder and Theft, Black, Posse.

March 19, 1902, John Woodward, Concordia Parish, Murder, Black, Unknown.

March 31, 1902, George Franklin Carroll Parish, Murder Black, Posse Unknown.

April 12, 1902, Unidentified Man, Natchitoches Parish, Murder, Black, Unknown.

May 4, 1902, John Simms, Morehouse Parish, Complicity in Murder, White, Unknown.

May 9, 1902, Nicholas Deblanc, Iberia Parish, Attempted Rape, Black, Posse.

August 7, 1902, Henry Benton, Claiborne Parish, Criminal Assault, Black, Posse.

October 13, 1902, Unidentified Man, Calcasieu Parish, Attempted Murder, Black, Posse.

November 25, 1902, Joseph Lamb, West Feliciana Parish, Attempted Robbery and Criminal Assault, Black, Private.

January 26, 1903, John Thomas, St. Charles Parish, Murder, Black, Posse.

February 24, 1903, Jim Brown, Bossier Parish, Attempted Murder, Black, Posse.

March 27, 1903, Frank Robertson, Bossier Parish, Arson, Black, Unknown.

June 12, 1903, Frank Dupree, Rapides Parish, Murder, Black, Unknown.

June 25, 1903, Lamb Whitley, Catahoula Parish, Murderous Assault, Black, Unknown.

July 26, 1903, Jennie Steer, Caddo Parish, Murder, Black, Private.

October 18, 1903, George Kennedy, Bossier Parish, Attempt to Kill, Black, Posse.

November 2, 1903, Joseph Craddock, Bossier Parish, Murder, Black, Mass (Black).

November 30, 1903, Walter Carter, Caddo Parish, Murderous Assault, Black, Mass.

November 30, 1903, Phillip Davis, Caddo Parish, Murderous Assault, Black, Mass.

November 30, 1903, Clinton Thomas, Caddo Parish, Murderous Assault, Black, Mass.

January 14, 1904, Butch Riley, Madison Parish, Murderous Assault, Black, Unknown.

May 29, 1904, Frank Pipes, Rapides Parish, Shooting Man, Black, Private.

April 26, 1905, Richard Craighead, Claiborne Parish, Murder, White, Mass.+

June 1, 1905, Henry Washington, Pointe Coupee Parish, Murder, Black, Posse.

August 12, 1905, Unidentified Man, Jackson Parish, Murderous Assault, Black, Posse.

November 26, 1905, Monroe Williams, Tangipahoa Parish, Criminal Assault, Black, Unknown.

February 24, 1906, Willis Page, Bienville Parish, Rape, Black, Mass.

March 18, 1906, Wm. Carr, Iberville Parish, Theft, Black, Private.

March 28, 1906, Cotton, West Carroll Parish, Attempted Criminal Assault, Black, Unknown.

May 6, 1906, George Whitner, East Feliciana Parish, Insulted White Woman, Black, Unknown.

May 22, 1906, Thomas Jackson, Caddo Parish, Robbery, Black, Private.

May 29, 1906, Robert Rogers, Madison Parish, Murder, White, Private.

July 11, 1906, Unidentified Man, Claiborne Parish, Attempted Criminal Assault, Black, Unknown.

August 26, 1906, Alfred Schaufriet, Ouachita Parish, Attempted Criminal Assault, Black, Posse.

November 25, 1906, Antone Domingue, Lafayette Parish, Fought Whitecappers, Black, Terrorist.

March 15, 1907, Flint Williams, Ouachita Parish, Murder, Murderous Assault, Robbery, Black, Unknown.

March 15, 1907, Henry Gardner, Ouachita Parish, Murder and Murderous Assault and Robbery and Rape, Black, Unknown.

April 16, 1907, Charles Straus, Avoyelles Parish, Attempted Criminal Assault, Black, Private.

April 18, 1907, Frederick Kilbourne, East Feliciana Parish, Attempted Rape, Black, Mass.

May 3, 1907, Silas Faly, Bossier Parish, Rape, Black, Unknown.

June 1, 1907, Henry Johnson, Rapides Parish, Attempted Criminal Assault, Black, Private.

June 8, 1907, James Wilson, Claiborne Parish, Attempted Criminal Assault, Black, Unknown.

June 27, 1907, Ralph Dorans, Rapides Parish, Rape, Black, Unknown.

June 28, 1907, Mathias Jackson, Rapides Parish, Rape, Black, Private.

December 5, 1907, Unidentified Man, Morehouse Parish, Murderous Assault, Black, Unknown.

December 15, 1907, Unidentified Man, Jackson Parish, Being an Italian Worker, Italian, Unknown.

December 15, 1907, Unidentified Man, Jackson Parish, Being an Italian Worker, Italian, Unknown.

February 6, 1908, Robert Mitchell, West Carroll Parish, Murder, Black, Mass.

June 4, 1908, Bird Cooper, Claiborne Parish, Murder, Black, Unknown.

July 16, 1908, Miller Gaines, Catahoula Parish, Arson, Black, Unknown.

July 16, 1908, Sam Gaines, Catahoula Parish, Arson, Black, Unknown.

July 16, 1908, Albert Godlin, Catahoula Parish, Inciting Arson, Black, Unknown.

July 26, 1908, Andrew Harris, Caddo Parish, Attempted Rape, Black, Private.

September 16, 1908, John Miles, Pointe Coupee Parish, Murderous Assault and Robbery, Black, Mass.

July 30, 1909, Emile Antoine, St. Landry Parish, Robbery and Shot White Man, Black, Private.

July 30, 1909, Onezime Thomas, St. Landry Parish, Robbery and Shot White Man, Black, Private.

September 6, 1909, Henry Hill, Franklin Parish, Attempted Rape, Black, Posse.

October 7, 1909, Ap Ard, St. Helena Parish, Murderous Assault, Black, Unknown.

October 7, 1909, Mike Rodrigauez, Vernon Parish, Robbery, White, Unknown.

October 28, 1909, Joseph Gilford, West Carroll Parish, Murder and Theft, Black, Mass.

October 28, 1909, Alexander Hill, West Carroll Parish, Murder and Theft, Black, Mass.

November 20, 1909, Wm. Estes, Richland Parish, Murder, Black, Posse.

November 27, 1909, Simmie Thomas, Caddo Parish, Rape, Black, Mass.

July 10, 1910, J.C. Freeman, Richland Parish, Murder, White, Private.

January 20, 1911, Oval Poulard, Evangeline Parish, Shot Deputy Sheriff, Black, Private.

July 24, 1911, Miles Taylor, Claiborne Parish, Murder, Black, Posse.

April 9, 1912, Thomas Miles, Caddo Parish, Insulted White Woman in Letters, Black, Private.

April 23, 1912, Unidentified Man, Richland Parish, Threats Against Whites, Black, Mass.

May 2, 1912, Ernest Allums, Bienville Parish, Writing Insulting Letters to White Women, Black, Private.

September 25, 1912, Samuel Johnson, De Soto Parish, Murder, Black, Private.

November 28, 1912, Mood Burks, Bossier Parish, Murderous Assault, Black, Private.

November 28, 1912, Jim Hurd, Bossier Parish, Murderous Assault, Black, Private.

November 28, 1912, Silas Jimmerson, Bossier Parish, Murderous Assault, Black, Private.

December 23, 1912, Norm Cadore, West Baton Rouge Parish, Murder, Black, Private.

February 14, 1913, Charles Tyson, Caddo Parish, Unknown, Unknown (Possibly Black).

August 27, 1913, James Comeaux, Jefferson Davis Parish, Assault, Black, Private.

October 22, 1913, Warren Eaton, Ouachita Parish, Improper Proposal, Black, Private.

December 16, 1913, Ernest Williams, Caddo Parish, Murder and Robbery, Black, Private.

December 16, 1913, Frank Williams, Caddo Parish, Murder and Robbery, Black, Private.

May 8, 1914, Sylvester Washington, St. James Parish, Murder, Black, Posse.

May 12, 1914, Earl Hamilton, Caddo Parish, Rape, Black, Mass.

August 5, 1914, Oli Romeo, St. Tammany Parish, Murder, Black, Mass.

August 6, 1914, Henry Holmes, Ouachita Parish, Murder, Robbery, Black, Private.

August 7, 1914, Dan Johnson, Ouachita Parish, Complicity in Murder, Black, Mass.

August 7, 1914, Louis Pruitt, Ouachita Parish, Complicity in Murder, Black, Mass.

August 9, 1914, Unidentified Man, Ouachita Parish, Murder, Black, Unknown.

December 2, 1914, Jobie Lewis, Caddo Parish, Murder and Robbery and Arson, Black, Private.

December 2, 1914, Elijah Durden, Caddo Parish, Murder and Robbery and Arson, Black, Private.

December 11, 1914, Charles Washington, Caddo Parish, Murder and Robbery, Black, Private.

December 11, 1914, Beard Washington, Caddo Parish, Murder and Robbery, Black, Private.

December 12, 1914, Watkins Lewis, Caddo Parish, Murder and Robbery, Black, Mass.

July 15, 1915, Thomas Collins, Avoyelles Parish, Murderous Assault, Black, Posse.

August 21, 1915, Bob, Red River Parish, Attempted Rape, Black, Unknown.

August 26, 1916, Jesse Hammett, Caddo Parish, Attempted Rape, Black, Mass.

November 15, 1916, James Grant, St. Landry Parish, Murder, Black, Private.

December 28, 1917, Emma Hooper, Tangipahoa Parish, Murderous Assault, Black, Unknown.

July 29, 1917, Daniel Rout, Tangipahoa Parish, Murder, Black, Private.

July 29, 1917, Jerry Rout, Tangipahoa Parish, Murder, Black, Private.

January 26, 1918, James Nelson, Bossier Parish, Living with White Woman, Black, Private.

February 26, 1918, James Jones, Richland Parish, Murder, Black, Unknown.

February 26, 1918, Wm. Powell, Richland Parish, Murder, Black, Unknown.

February 26, 1918, James Lewis, Richland Parish, Murder, Black, Unknown.

March 16, 1918, George McNeal, Ouachita Parish, Rape, Black, Private.

April 22, 1918, Clyde Williams, Ouachita Parish, Murderous Assault and Robbery, Black, Private.

June 18, 1918, George Clayton, Richland Parish, Murder, Black, Posse.

August 7, 1918, Bubber Hall, Morehouse Parish, Criminal Assault, Black, Unknown.

January 18, 1919, Henry Thomas, Red River Parish, Murder, Black, Posse.

January 29, 1919, Sampson Smith, Caldwell Parish, Murder, Black, Unknown.

February 14, 1919, Will Faulkner, Bossier Parish, Murder, Black, Private.

April 29, 1919, George Holden, Ouachita Parish, Wrote Insulting Note to White Woman, Black, Unknown.

August 26, 1919, Jesse Hammett, Caddo Parish, Attempted Rape, Black, Mass.

August 31, 1919, Lucius McCarty, Washington Parish, Attempted Rape, Black, Mass.

September 6, 1919, Unidentified Man, Morehouse Parish, Attempted Criminal Assault, Black, Private.

September 13, 1919, Unidentified Man, Catahoula Parish, Hiding Under Bed, Black, Unknown.

January 31, 1921, George Werner, Iberville Parish, Shot Man, Black, Unknown.

September 14, 1921, Gilmon Holmes, Caldwell Parish, Murder, Black, Unknown.

March 11, 1922, Brown Culpeper, Franklin Parish, Unknown, White, Unknown.

July 6, 1922, Joe Pemberton, Bossier Parish, Murderous Assault, Black, Unknown.

August 24, 1922, F. Watt Daniel, Morehouse Parish, Angered Klan, White, Unknown.

August 24, 1922, Thomas F. Richards, Morehouse Parish, Angered Klan, White, Unknown.

August 26, 1922, Thomas Rivers, Bossier Parish, Attempted Rape, Black, Private.

January 3, 1923, Leslie Leggett, Caddo Parish, Intimate with White Girl, Black, Private.

February 26, 1925, Joseph Airy, Bossier Parish, Murder, Black, Unknown.

August 4, 1926, Johnny Norris, De Soto Parish, Improper Advances to Girl, Black, Posse.

April 16, 1927, Willie Autrey, Calcasieu Parish, Peeping Tom, Black, Private.

June 2, 1928, Lee Blackman, Rapides Parish, Brother of Murderer, Black, Private.

June 2, 1928, David Blackman, Rapides Parish, Brother of Murderer, Black, Private.

February 19, 1933, Nelson Cash, Bienville Parish, Murder and Robbery, Black, Unknown.

August 26, 1933, John White, St. Landry Parish, Unknown, Black, Unknown.

September 11, 1933, Freddy Moore, Assumption Parish, Murder, Black, Unknown.

July 21, 1934, Jerome Wilson, Washington Parish, Murder, Black, Private.

October 13, 1938, W.C. Williams, Lincoln Parish, Murder and Murderous Assault, Black, Mass.

August 8, 1946, John Jones, Webster Parish, Intent to Rape, Black, Private.

Ms. LANDRIEU. It is also true that members of the Senate delegation from Louisiana participated in the actions that led us to not act.

However, I am very proud to stand here with my colleague from Virginia and to note that the other Senator from Louisiana, a Republican, stands with me. We are united in our support of this resolution to offer the sincere apology to try to bring to light the facts about lynching, to encourage people to seek the truth.

I said earlier today people are entitled to their own opinions. But they are not entitled to their own facts. And the facts about this terrible domestic terrorism and rash of terrorism stand today and will not be pushed aside. It is with humility but with pride that I support and put forth before the Senate today, with the Senator from Virginia, this resolution.

The junior Senator from Louisiana is an original cosponsor of this resolution, as are a number of sons of the South. Furthermore, in Louisiana's legislature in Baton Rouge, a very similar resolution passed today. Thus, the people of Louisiana can truly say we are trying to open a dialogue, and bring closure to a bitter history.

This is a particularly important step for the South. For while lynchings occurred in 46 of the 50 States, and people of all races were affected, it would be a mischaracterization to suggest that this was not a weapon of terror most often employed in the South, and most often against African Americans. That is why I am so glad to be joined in this endeavor by the junior Senator from Virginia, Mr. Allen. He has been instrumental in getting us to this point of consideration, and I truly appreciate his hard work and dedication to our joint effort.

It is also important to acknowledge the bravery of those who took personal risks long before this day in opposition to lynching. First and foremost, we must acknowledge the pioneering journalism of Ida B. Wells. Though personally threatened with death, Ms. Wells continued to document these outrages before justice, so that future generations might know the history of this era. It should be noted that it was her example that led other women, such as Jane Adams, to join in her fight against lynching. In fact, women, generally, are viewed as having played a major role in the antilynching campaign.

There was tremendous political courage shown in Georgia. Georgia was the first State to adopt antilynching legislation in 1893. Yet, the State continued to experience a disproportionate share of lynching attacks. However, starting with Governor Northen in 1890, several of Georgia's Governors fought lynch violence in their State resolutely. In many cases it came at personal cost. Gov. William Atkinson, having left the Governor's mansion, personally challenged a lynch mob of 2,000 people in his home town. It is a record of political leadership upon which Georgia can now proudly reflect.

Another great voice in the antilynching crusade was Congressman George White of Tarboro, NC. He was the last former slave to serve in Congress—ending his congressional career in 1901. He introduced an anti-lynching bill to stem the rising tide of violence, with 107 attacks having occurred in 1899. While his bill was defeated in the House of Representatives, he initiated one of its first political considerations.

Finally, we cannot ignore the Senate's own passionate voices to end the practice of lynching. Senator Champ Clark of Missouri famously posted photos of a recent Mississippi lynching in the Democratic cloakroom with the caption: There have been no arrests, no indictments, and no convictions of any one of the lynchers. This is not a rape case. Regrettably, those photos and his convictions could not bring these terrible events to a close. We also salute the efforts of Senators Robert Wagner of New York and Edward Costigan of Colorado. The Wagner-Costigan bill was yet another noble effort to inject Federal resources into combating lynching. While it was again filibustered, it was another noble effort that demonstrated that people of good will remained the majority.

Because of the courage of these and other individuals, by the 1930s public opinion had turned against lynching. In 1938, a national survey showed that 70 percent of Americans supported the enactment of an antilynching statute. Even in the South, at least 65 percent of these surveyed favored its passage. In short, even if southern Senators had the political latitude to endorse Federal antilynching legislation, most seemed to be too mired in personal prejudice to accept that fact. Where these southern Senators were concerned, justice was mostly deaf, but never color blind.

In closing, I would like to acknowledge several members of my staff: Jason Matthews, Kathleen Strottman, Nash Molphus, Sally Richardson, and many others, who have helped, along with others, put this resolution before the Senate today.

I want to end with one of the most moving comments that I read in the book "Without Sanctuary," as I have read excerpts from publications and magazines and newspapers about this situation, and have been reading them now for months on this issue. It is taken from McClure's Magazine, in 1905, by Ray Stannard Baker, who wrote about one of the lynchings—I think it was of a Mr. Curtis. I will submit that for the RECORD. He says:

> So the mob came finally, and cracked the door of the jail with a railroad rail. The jail is said to be the strongest in Ohio, and having seen it, I can well believe the report is true. But steel bars have never yet kept out a mob; it takes something much stronger: human courage backed up by the consciousness of being right.

Mr. President, the Senate was wrong not to act. It was wrong to not stand in the way of the mob. We lacked courage then. We perhaps do not have all the courage we need today to do everything we should do, but I know we can apologize today. We can be sincere in our apology to the families, to their loved ones, and perhaps now we can set some of these victims and their families free and, most of all, set our country free to be better than it is today. However great it is, we can most certainly improve.

I yield the floor for my colleague, Senator ALLEN, from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise today to speak in support of the resolution of apology that Senator LANDRIEU of Louisiana and I have submitted. I thank the Senator from Louisiana for her leadership on this matter. It has been a pleasure to work with her on this and other matters, but this is undoubtedly the most historic.

I got involved in this because I received a letter from Dick Gregory. I know Members of the Senate received thousands of letters and e-mails and phone calls. He asked me to join with Senator LANDRIEU last year on this. He was signing this letter on behalf of Dr. E. Faye Williams, Martin Luther King III, Dr. C. DeLores Tucker, and others. But he asked me. He said:

> I respectfully ask you to serve as an original cosponsor of the Landrieu resolution. . . . We realize life will go on and your world will not be affected if you choose to do nothing.

That struck me as: Well, I am going to choose to do something. He asked me to sponsor this on the Republican side "because it is the right thing to do."

That says it all, really, when we see an affront to the basic principles that were enunciated in the spirit of this country in the Declaration of Independence. When we seceded from Britain, we talked about freedom, liberty, and justice, trying to constitute that here in this country, fighting for so many years to free ourselves from the monarch to construct a free and just society, with freedom of religion, freedom of expression, due process of law, equal protection, as well as the rule of law.

In so many of those key pillars of a free and just society, when one looks at what happened with the lynchings, the torchings, the whippings to death of people because of their race, because of their religion, because of their ethnicity, the cold-hearted hatred of it, and the countenance of it—and the fact that this wonderful Senate, with these historic desks where you can pull out drawers and see some of the great minds, the great orators of our history who had argued magnificently and inspiringly things on this Senate floor—you see there were times in our history when Senators ended up looking the other way. They did not take a stand. They turned their eyes, they turned their heads when something positive could have been done to disapprove, deplore, and obviously pass a law to make lynching a Federal crime.

This Chamber is part of our representative democracy. We are to represent the "Will of the People." We are also to represent those foundational principles of our country. Unfortunately, that has not always occurred.

Daniel Webster, standing in the Old Senate Chamber, told his colleagues in 1834 that a "representative of the people is a sentinel on the watchtower of liberty." Indeed, the Senate has been a great watchtower of liberty. Many individuals have been outstanding orators, brilliant men and women in the world's greatest deliberative body. Unfortunately, this August body has a stain on its history, and that stain is lynching. Americans died from hangings, from whippings, from a torch, from evil hearts outside of this Chamber.

Three-fourths of the victims of these injustices—and these have been documented and researched by the respected archives of the Tuskegee Institute—were perpetrated against African Americans. Mr. President, 4,749 Americans died by lynching, whipping, torturing, and mutilation, starting in 1882. Many times these lynchings were not lone acts by a few white men. Rather, they were angry gangs, as Senator LANDRIEU talked about. They were occasions, they were events, mobs who were whipped into frenzies by the skewed mentalities of what is right and what is wrong.

These cruel and unjust acts are so contrary to the rule of law, due process, and equal protection that we pride ourselves on in the United States. Again, three-quarters of the victims were African Americans. But this hatred also was perpetrated against those who are Asian, primarily Chinese; against American Indians; against Latinos; against Italians; and against people who are Jewish; and others who found themselves unprotected.

Mr. President, Senator LANDRIEU and I, as well as my colleagues who are joining us right now in the Chamber—Senator KERRY and Senator PRYOR—are rising this evening to make history, to try to right history. We are standing to give our heartfelt and formal apology, not for what anybody here presently in the Senate had done, but what this body, this continuous body, failed to do in the past. And it is an apology to all the victims and descendants of those who were lynched, who were whipped to death, who were torched to death, who were mutilated to death.

Many of the victims' descendants are currently watching in our gallery. This is a somber, not happy time but also one of reflection. It is one of the failures of the Senate to take action when action was most needed. It was a time where we were trying to make sure all Americans had equal opportunity. However, that clearly was not the case.

Senator LANDRIEU showed those photographs. These were vile killings. They captivated front-page headlines. They drew crowds with morbid curiosity and left thousands and thousands, mostly African Americans, hanging from trees or bleeding to death from the lashing of whips. By not acting, this body failed to protect the liberty of which Daniel Webster spoke.

One of those who suffered this awful fate was an African American named Zachariah Walker, from Coatsville, VA. In 1911, Walker was dragged from a hospital bed where he was recovering from a gunshot wound. Accused of killing a white man—which he had claimed was in self-defense—Walker was burned alive at the stake without trial.

Such horrendous acts were not just a regional phenomenon of the South. States such as Illinois, Ohio, Michigan, and even the Washington, DC area experienced this sort of mob violence and injustice. Lynching was not just a regional problem; it was a crime throughout our Nation, which occurred in 46 States of our country. It was because of the national scope of these atrocities that the Senate should act.

The Senate, of course, failed to pass any of the nearly 200 antilynching bills introduced in Congress during the first half of the 20th century. Three bills passed the House of Representatives, but they were filibustered on the Senate floor. In addition, seven Presidents had asked that such laws be passed.

One might ask: What impact would such a Federal law have had? Would that have saved all 4,749 people who were lynched, torched, mutilated, or whipped to death? Probably not in all cases because some had occurred before such bills were passed.

However, it would have sent a message, as it was read in newspapers across the land—whether in small towns, big cities, or in the country—that as a nation, we must stop such horrendous injustices being perpetrated on people, that we stand for the rule of law and equal protection and due process. By the Senate not acting, guess what message was sent. It sent the message that there are some people who may not think this is a good idea, that the Senate apparently condones it because they failed to act, notwithstanding the request of Presidents and the passage of such bills in the House of Representatives.

Why was Federal legislation needed? Because out of these 4,749 injustices of lynching, torching, and whipping, only 1 percent were prosecuted. In many cases, local authorities were complicit and involved in these cruel acts of injustice. Virginia was one of the States that actually passed an antilynching law which means that while there were 100 such lynchings, torchings, and burnings—and 100 is too many—compared to other States in the South, that was less. I have learned a lot since we introduced this bill. North Carolina's Governors, in the early 1900s, protested against such mob violence in their State and, therefore, they had less than in other States.

Another reason I got involved is to carry on the tradition of a man named Champ Clark, a Senator from Missouri whose son was actually one of my mentors when I first became involved in organized politics. He moved to the Charlottesville area when I was Governor, and I appointed him to the University of Virginia Board of Visitors. Sadly, he died a few years ago.

I found that his father, Senator Champ Clark of Missouri, posted photos—similar to those Senator LANDRIEU had—in our cloakrooms, of mutilated bodies. I will read from a document entitled, "The U.S. Senate Filibusters Against Federal Anti-Lynching Legislation: The Case For A Formal Apology." It states:

> Unlike in 1935, when senators killed antilynching legislation in just six days, the 1937–38 filibuster took six weeks. One reason: in April 1937, a Mississippi mob, in collusion with local law enforcement, removed two African Americans from their jail cells, whipped them with chains, gouged out their eyes with ice picks, and put them to death with acetylene blowtorches. Senator Champ Clark of Missouri posted photos of these victims' mutilated bodies in the Senate cloakroom with a caption, "There have been No arrests, No indictments and No convictions for any one of the lynchers. This is NOT a rape case.
>
> One month later, a mob in Georgia, consisting partly of women and teenage girls, forced its way into a funeral home and seized the body of a lynched twenty-four-year-old African American. After dumping the body into the trunk of a car and carrying it through town in a horn-blowing motorcade, the mob took it to a baseball field and burned it.
>
> Horror-struck by these incidents, Senators sought to invoke cloture. If nothing else, they recognized that not only were African Americans in high lynch states at risk, but their own constituents were unprotected if they were black and traveling through these areas. Sadly, after courageously battling on the Senate floor for six weeks, they abandoned their effort to obtain cloture.

Six weeks with all this and no action. Historians will no doubt disagree as to a single reason why Senators blocked antilynching legislation in the 1920s through the 1940s. My desire is not to get into motivations. Regardless of their reasoning, one reason that I can see from all this is that there is no reason. There is no rationale. They were clearly wrong. They turned their eyes. They turned their heads. That is why it is so important that we set aside these hours to apologize for this lack of action by the Senate—because there was no reason. There was no tolerance. There was an acceptance and a condonation of vile, hate-filled activity.

Thankfully, justice in our Nation has moved forward and left such despicable acts history. In ignoring the protections of our Founding Fathers, that everyone is innocent until proven guilty, the Senate turned its back on our foundational principles of justice and freedom.

I look around the Chamber and note that all of us serve with a great deal of honor and integrity, and many have throughout our history.

As Ephesians teaches us: All things that are reproved are made manifest by light. This apology has been a long time in coming.

I thank my colleague, Senator LANDRIEU, for her tireless efforts in getting this resolution agreed to. I thank also leader FRIST for making the legislation a priority and taking time on the Senate schedule to recognize the significance of the moment.

I thank the cosponsors. We have nearly 80 cosponsors and will most likely have more by the end of the day. They recognized the importance of a resolution and knew that the Senate owed an apology to the victims of lynching, their families and descendants. I also thank James Allen, as Senator LANDRIEU has, for his authorship of "Without Sanctuary: Lynching Photography in America," for bringing to us these horrendous, but important, issues and making us react, recognizing how violent and hate-filled they were.

I also thank Janet Langhart Cohen and Mark Planning for their spirited leadership and teamwork in getting support for this resolution. I want to share with my colleagues some excerpts from Ms. Cohen's comments.

> While some members of the Senate question why so many of us have been seeking the passage of this official expression of apology at this time, the real question is why the Senate action was not forthcoming decades ago.

This is important for us to understand the meaning for those who are descendants of victims of lynching and torture and whipping.

She continues:

> Consider the scope and depth of the crimes committed against humanity: more than four thousand men and women were hung from trees, many of them disembowled, their limbs and organs amputated, and then set on fire. These heinous acts . . . were designed to terrify African American citizens, remind them that they have fewer rights and protections than animals, and drive them from their land—all while serving as entertainment for white society.

The point is, this was to intimidate people.

Ms. Cohen says that she comes to the Senate today—she is in the gallery with many other descendants—for many reasons. She writes:

> As a Black woman, as the spouse of a former Senator, and as one who had a family member lynched, I need to bear witness to an act of decency that has been deferred, indeed filibustered, for far too long.

We know she is here with many others and recognize that it has been filibustered far too long.

She also states that:

> It's important to remind the American people about the evil chapters in our history. It is the reason we construct museums in Washington and beyond, to hold up for all to see how capable we are of descending into the heart of darkness. It's important for us

to look back into the past so that we can pledge never again to allow racial hatred to consume our ideals or humanity.

President Bush, in his second inaugural address, stated:

> Our country must abandon all habits of racism because we cannot carry the message of freedom and the baggage of bigotry at the same time.

She concludes with these statements:

> An apology, I concede, will do nothing for the thousands of people who perished during what has been called "the Black Holocaust." It cannot repair the battered souls of their survivors. It is, after all, only a symbolic act. Our symbols, however, the Eagle, Old Glory, Lady Liberty, to mention but a few, are but short hand narratives of who we are as Americans.
>
> It is through an acknowledgment of the Senate's abdication of its duty to protect and defend the rights of all American citizens that, perhaps, we can begin to understand the pain and anger that still lingers in the hearts and minds of so many who have been deprived of the equality promised in our Constitution.
>
> My friend and mentor, Dr. Martin Luther King, Jr., once said that "the arc of history bends toward justice."
>
> Today, as the Senate Members cast their historic votes, that arc dips closer to its destination.

Signed, Janet Langhart Cohen.

Mr. President, I ask unanimous consent that the full letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 13, 2005.

First, I want to commend Senators George Allen and Mary Landrieu for their leadership in introducing Senate Resolution 39 and for their persistence in bringing it to a vote today. I also wish to express my profound gratitude to Mark Planning who has been indefatigable in his quest for the passage of this measure.

While some members of the Senate question why so many of us have been seeking the passage of this official expression of apology at this time, the real question is why Senate action was not forthcoming decades ago.

Consider the scope and depth of the crimes committed against humanity: more than four thousand men and women were hung from trees, many of them disemboweled, their limbs and organs amputated, and then set on fire. These heinous acts, carried out and protected under the claim of "states rights" were designed to terrify African-American citizens, remind them that they had fewer rights and protections than animals, and drive them from their land—all while serving as entertainment for white society.

Picnics were even held by white communities so that those who claimed to be decent, law abiding citizens could witness and rejoice in the mutilation of those whose ancestors had been ripped from their homeland, separated from their families, sheared of their identities, brought in chains to America, and sold on the auction block as subhuman chattels.

It is inconceivable that any person of reason or conscience, of any faith, Christian or non-Christian, could possibly tolerate such barbarism, such a display of pure evil. But people did, of course. They tolerated it and sanctioned it, not during the Dark Ages, but during my lifetime. And those who sanctioned it were not uneducated barbarians; they included men who held positions of office and honor at all levels of government, including the United States Senate. The parliamentary delaying tactics that currently are the subject of so much debate took place in the nation's Capital, on the floor of this hallowed institution.

I have come to the United States Senate today for many reasons. As a Black woman, as the spouse of a former Senator, and as one who had a family member lynched, I need to bear witness to an act of decency that has been deferred, indeed filibustered, for far too long.

I am told that some members of the Senate are not prepared to support this measure because they think that an official apology is too trivial, meaningless and irrelevant to the times in which we live.

The passage of time can never remove the stain of institutionalized terrorism from our history or permit any public official to dismiss the pain of those who have lost family members to the savagery of lynch mobs as something unworthy of the Senate's agenda and deliberations.

It's important to remind the American people about the evil chapters in our history. It is the reason we construct museums in Washington and beyond, to hold up for all to see how capable we are of descending into the heart of darkness. It's important for us to look back into the past so that we can pledge to never again allow racial hatred to consume our ideals or humanity.

In his Second Inaugural Address, President Bush stated that, "Our country must abandon all habits of racism because we cannot carry the message of freedom and the baggage of bigotry at the same time." These are noble words and they deserve to be acted upon as well as invoked.

Finally, let me say that this Resolution is but a first step in the process of educating the American people about our history: of not allowing this part of our past to be reduced to a footnote, or glossed over and air brushed into oblivion.

An apology will not erase the criminality that was once considered a cultural or regional privilege. An apology does not purport to serve as an absolution for the sins of the past.

An apology, I concede, will do nothing for the thousands of people who perished during what has been called, "the Black Holocaust. It cannot repair the battered souls of their survivors. It is, after all, only a symbolic act. Our symbols, however, the Eagle, Old Glory, Lady Liberty, to mention but a few, are but short hand narratives of who we are as Americans.

It is through an acknowledgement of the Senate's abdication of its duty to protect and defend the rights of all of America's citizens, that, perhaps, we can begin to understand the pain and anger that still lingers in the hearts and minds of so many who have been deprived of the equality promised in our Constitution.

My friend and mentor, Dr. Martin Luther King, Jr once said that, "The arc of history bends towards justice."

Today, as the Senate members cast their historic votes, that arc dips closer to its destination.

JANET LANGHART COHEN.

Mr. ALLEN. Mr. President, I am proud that this resolution will pass tonight. The Senate is going to be on record condemning the brutal atrocities that plagued our great Nation for over a century.

I will close with the words of our resolution:

> Whereas, an apology offered in the spirit of true repentance moves the United States toward reconciliation and may become central to a new understanding, on which improved racial relations can be forged. Now, therefore, be it Resolved, That the Senate—
>
> (1) apologizes to the victims of lynching for the failure of the Senate to enact anti-lynching legislation;
>
> (2) expresses the deepest sympathies and most solemn regrets of the Senate to the descendants of victims of lynching, the ancestors of whom were deprived of life, human dignity, and the constitutional protections accorded all citizens of the United States; and
>
> (3) remembers the history of lynching, to ensure that these tragedies will be neither forgotten nor repeated.

My colleagues, I ask you to join all of us in examining our history, learn from history, never again sit quietly, and never again turn one's head away when the ugly specter of racism, anti-semitism, hate, and intolerance rises again. It is our responsibility to stand strong for freedom and justice.

In the future, I am confident that this Senate will perform better than it has in the past. We will protect the God-given blessings of all people to life and liberty, regardless of their race, their ethnicity, or their religious beliefs. The Senate can do better; we have done better tonight. But the real measure of what we have learned when such acts occur in the future is, will this Senate rise and condemn it to protect those God-given liberties? I know that Senator LANDRIEU and I believe the Senate will rise appropriately.

Mr. President, with that, I ask unanimous consent that notwithstanding the previous agreement, the Senate now proceed to the vote on the pending resolution; I further ask unanimous consent that notwithstanding adoption of the resolution, the remaining time under the previous agreement remain available for Senators who wish to make statements, provided that any statements relating to the resolution appear prior to its adoption in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. ALLEN. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 39) was agreed to.

The preamble was agreed to.

Mr. ALLEN. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. What is the status of the time? Is it under control, or is it just open?

The PRESIDING OFFICER. The Senator from Virginia and the Senator from Louisiana control the time.

Ms. LANDRIEU. Mr. President, I will be happy to yield to the Senator from Massachusetts in just a moment. He has been very patient. As a cosponsor of the resolution that just passed, it is a privilege and it is appropriate for Senator KERRY to be one of the first Senators to speak upon its passage.

I wish to just mention very briefly, because I am not sure he is going to be able to stay with us much longer, Mr. James Cameron has been with us all day. Mr. Cameron is 91 years old. He lives in Marion, IN. In 1930, when he was 16 years old, a mob dragged him from a cell at Grant County Jail and put a rope around his neck. He was accused of a murder and a rape. He was nowhere around when it occurred. His associates, Abe Smith and Thomas Schipp, were both lynched that night. A man in the crowd spared him by proclaiming that he, in fact, was innocent and should be let go. He then went on to live an extraordinary life without bitterness, with a lot of love. He has been married for 67 years, has 4 children and multiple grandchildren. Senator EVAN BAYH, who serves in this body—when he was Governor of Indiana, he pardoned Mr. Cameron. But he is really the one who has forgiven us for what was done against him.

I yield the floor to Senator KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I start by thanking Senator LANDRIEU and Senator ALLEN for their leadership on this effort and for all those descendants of families who have been absolutely extraordinary in the way in which they relived their pain, brought it to the public view, kind of laid their hearts out on the table in a very real and emotional way—that has been a wonderful part of this process—and the way in which the book Jimmy Allen put together has helped to unleash a pain that was never lost, never forgotten by anybody, but never quite had a place to play itself out—until this public effort that is being made by the Senate.

There is no small irony, I suspect, in the fact that the Senate is here sort of making good on what the Senate failed to do. I personally am struck by even, at this significant moment, the undeniable and inescapable reality that there are not 100 Senators as cosponsors. Maybe by the end of the evening there will be, but as we stand here with this resolution passed by voice vote, there are not.

Moreover, all the people in the Senate and the press understand how we work here. It is critical that we take the step we are taking and have taken, but at the same time wouldn't it have been just that much more extraordinary and significant if we were having a recorded vote with all 100 Senators recording their votes? We are not.

So even today, as we take this gigantic step, we are also saying to America that there is a journey still to travel. I don't want to diminish one iota—and I don't mean to because I believe what is happening here today is so significant, but at the same time, it has to give all of us a kind of kick in the rear end to get us out there to do that which is necessary, which gives fuller meaning to the words that are going to be expressed here and have been expressed here—most important, to give fuller meaning to the emotions that have been laid bare for all of America to understand better by the families who have come here to share this with us.

I also join not just in thanking Mr. Cameron and Ms. Johnson, and others, but Janet Langhart, who is here with our former colleague and the former Secretary of Defense, Bill Cohen. We certainly appreciate her commitment to this effort and the meaning of this to her and to all of the families who have come here together.

It is pretty incredible to think about it. Lynchings really replaced slavery. They came in the aftermath of slavery, around the 1880s. Between the 1880s and 1968—I have to pause when I think about that because I was already a young officer in the military. I had left college. I remember the early part of the 1960s devoted to the civil rights movement, the Mississippi voter registration drive. We were still recording lynchings during that period of time, but I did not know it, not in the sense that we know it today.

I thought I knew history pretty well, but I will tell you, until I saw this array of photographs which then sparked my curiosity to read more about it. I had always thought, like most Americans, that a lynching was just slinging a rope over a branch of a tree and that was it. The story is so much more gruesome than that, so much more dark and horrendous as a moment in American history that it is really hard to believe it happened at all in our country, which is another reason it is so important that we are taking this step to remember.

We have seen revisionism in almost every part of history, including the Holocaust. So it is good we are taking this step today, and it is good we have these photographs now brought together as a compilation of history, and it is good that the Senate is taking this effort tonight.

It is extraordinary to think that 99 percent of the perpetrators of lynchings escaped any reach of the law whatsoever. It is incredible to think that almost 5,000 people are recorded as incidents, and how many are not recorded? How many went without the local authorities in each of those communities—who were already complicitous in what happened, standing by, permissive, turning away from basic human rights—how many of those incidents were not recorded?

A lot of us have read a lot about World War II and the Holocaust and other moments of history where there is a knock on the door and life changes. But you have to stop and really think what it was like in all but four States in our country, not just for African Americans but for new people, for folks who had come here from other places to live the American dream. In some cases, they were not knocks, they were just angry mobs screaming and yelling with torches and running rampant through a household, dragging out people screaming. In other cases, there was a pretext, more polite, but it was never polite in what it ended up as.

Lynchings were not just lynchings; they were organized torture. They were incidents of kinds of torture that defied imagination, about which you do not even want to talk, the kinds of things that any decent society ought to stand up against. People were literally tortured for sport in front of people, and crowds would cheer—bedlam. Children were brought to be spectators. Some of these photographs show kids standing there with their eyes wide open and adults standing beside them, who were supposed to be more responsible, glued to the horror they were witnessing.

In the first half of the last century alone, in the 20th century, over 200 antilynching bills were introduced in the Congress—200. Three times, the House of Representatives passed antilynching legislation. Seven Presidents asked for this legislation to be passed. The Senate said no.

So it is important that we are here today to apologize. Some people wonder what the effect of an apology is. We can understand that question being asked. This is sort of a day of reckoning for us as a country, it is a moment for the conscience of our country to be listened to by everybody. It is an embarrassingly and unforgivably late moment in coming, but we are addressing a stain on our history, and we are working to heal wounds across generations. I believe that is important. Some people might try to diminish that, but the very lack of unity I mentioned earlier, in fact, goes to show why this apology is so important and why we all have to keep moving in this direction.

No words, obviously, are going to undo the horror of those 5,000 Americans losing their lives. No apology is going to just wipe away the memories of Mr. Cameron and others, though they have shown a greater graciousness of understanding than others even at this moment.

The fact is that this resolution can be one more step in the effort for all of us to try to get over the divide that still exists between races and as a result of Jim Crow in this country, but only if we face the truth. It is the Bible that reminds us that it is the truth that sets us free. And so it is that we have to embrace it, commit ourselves to putting our hearts and our actions where our words have now preceded us. This should be an important step forward, but, frankly, it will only do that if we do not stop here.

The truth is that it is not enough to face the horror of lynchings if we then just walk out of here and consciously turn away from legally separate and unequal schools in America. It is not enough to decry decades of refusing to use the force of law against lynchings if today we refuse to use the force of law to tear down the barriers that prevent people from voting, barriers in the economy, divisions in the health care system that works for too few of those who are in the minority in America.

It is only by reconciling the past that we have to understand where we have to go in the future and get there. I remind my colleagues to remember the words of Julian Bond when he dedicated that beautiful, simple memorial in Montgomery, AL, to those who gave their lives for civil rights. He said it was erected as much to remember the dead as it was for those young people who cannot remember the period when the sacrifices began, with its small cruelties and monstrous injustices, its petty indignities and its death dealing in inequities. There are many too young to remember that from that seeming hopelessness, there arose a mighty movement, simple in its tactics, overwhelming in its impact. That is why we have to remember the period of the lynchings. That is why this resolution is important—for the young people who do not know what it means to wake up in the middle of the night to hear that knock, for young people to need to commit to help our country complete the journey in order to guarantee we make it all that it promises to be and can be.

We will never erase what Mr. Cameron or Mr. Wright and too many others went through, but we certainly can honor the legacy of these civil rights heroes and the martyrs who came before us by doing right by them and by the country. I hope this resolution will help us do that.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, I yield such time to the Senator from Illinois as he should use.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, I rise in strong support of this resolution. Before I make any further remarks, I would like to recognize Doria D. Johnson, and thank her for coming. She is from Evanston, IL. Ms. Johnson is the great, great-granddaughter of Anthony Crawford, a South Carolina farmer who was lynched nearly 100 years ago for the crime of being a successful Black farmer. I am sure that this day has special meaning for her, and for the other family members of those who were impacted by these great tragedies of the past. I thank her and others for being here today.

Since America's darkest days of Jim Crow, separate but equal, fire hoses, church bombings, cross burnings and lynchings, the people of this great Nation have found the courage, on occasion, to speak up and speak out so that we can right this country's wrongs, and walk together down that long road of transformation that continues to perfect our Union. It is a transformation that brought us the Civil Rights Act and the Voting Rights Act; a transformation that led to the first Black Member of Congress, and the first Black and White children holding hands in the same playground and the same school; a transformation without which I would not be standing here speaking today. But I am. And I am proud because, thanks to this resolution, we are taking another step in acknowledging a dark corner of our history. We are taking a step that allows us—after looking at the 4,700 deaths from lynchings, the hate that was behind those deaths, and this Chamber's refusal to try and stop them—to finally say that we were wrong.

There is a power in acknowledging error and mistake. It is a power that potentially transforms not only those who were impacted directly by the lynchings, but also those who are the progeny of the perpetrators of these crimes. There is a piercing photographic exhibit in Chicago right now that displays some of the lynchings that occurred across the country over the past two centuries. These photographs show that what is often most powerful is not the gruesome aspects of the lynching itself, nor the terrible rending of the body that took place. No, what is most horrific, what is most disturbing to the soul is the photographs in which you see young little White girls or young little White boys with their parents on an outing, looking at the degradation of another human being. One wonders not only what the lynching did to the family member of those who were lynched, but also what the effect was on the sensibilities of those young people who stood there, watching.

Now that we are finally acknowledging this injustice, we have an opportunity to reflect on the cruelties that inhabit all of us. We can now take the time to teach our children to treat people who look different than us with the same respect that we would expect for ourselves. So it is fitting, it is proper, and it is right that we are doing what we are doing today.

However, I do hope, as we commemorate this past injustice, that this Chamber also spends some time doing something concrete and tangible to heal the long shadow of slavery and the legacy of racial discrimination, so that 100 years from now we can look back and be proud, and not have to apologize once again. That means completing the unfinished work of the civil rights movement, and closing the gap that still exists in health care, education, and income. There are more ways to perpetrate violence than simply a lynching. There is the violence that we subject young children to when they do not have any opportunity or hope, when they stand on street corners not thinking much of themselves, not thinking that their lives are worth living. That is a form of violence that this Chamber could do something about.

As we are spending time apologizing today for these past failures of the Senate to act, we should also spend some time debating the extension of the Voting Rights Act and the best way to extend health care coverage to over 45 million uninsured Americans. We should be considering how we can make certain that college is affordable for young African-American children, the great, great-grandchildren or the great, great, great-grandchildren of those who have been wronged. These are the ways we can finally ensure that the blessings of opportunity reach every single American, and finally claim a victory in the long struggle for civil rights.

Today is a step in the right direction. Today's actions give us an opportunity to heal and to move forward. But for those who still harbor anger in their hearts, who still wonder how to move on from such terrible violence, it is worth reflecting for a moment on one remarkable individual: Mamie Till Mobley.

Mamie Till Mobley's child Emmett was only 14 years old when they found him in the Mississippi River, beaten and bloodied beyond recognition. After Ms. Mobley saw her child, her baby, unrecognizable, his face so badly beaten it barely looked human, someone suggested that she should have a closed casket at his funeral. She said: No, we are going to have an open casket, and everybody is going to witness what they did to my child.

The courage displayed by this mother galvanized the civil rights movement in the North and in the South. And, despite the immensity of the pain she felt, Mamie Till Mobley has repeatedly said: I never wasted a day hating. Imagine that. She never wasted a day hating, not one day.

I rise today, thanking God that the United States Congress—the representatives of the American people and our highest ideals—will not waste one more day without issuing the apology that will continue to help us march down the path of transformation that Mamie Till Mobley has been on her whole life, and that the people in attendance in the gallery have been on for generations.

I am grateful for this tribute, and I am looking forward to joining hands with my colleagues and the American people to make sure that when our children and grandchildren look back at our actions in this Chamber, we do not have something to apologize for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I join my colleagues today to talk about one of our Nation's darkest periods, a stain in history we would rather forget but that we cannot ignore. While White mobs committed 4,742 hangings, floggings and burnings of African Americans, the Senate watched indifferently, failing to pass any of the 200 separate bills before it to make lynching a Federal crime. S. Res. 39, expressing the Senate's apology for failing to adopt antilynching legislation, is long overdue. I express my sincere apologies and regret to the families in Arkansas and the Nation, especially to the victims and their descendants, that this body failed to help at a time when they needed it most.

I hope that acknowledging these grave injustices of the past will help begin to heal the wounds that exist today. Even more so, this acknowledgement should serve as a lesson that government must step in to help foster racial reconciliation, ensure the mob mentality never returns, and protect those who are most vulnerable.

The Senate can start by continuing to advance civil rights and equality, and work to close the divide that continues in our neighborhoods, schools and workplaces. I am afraid that if we don't start truly addressing inequities we will look back once again at the Senate's inaction with disdain and remorse.

Most of the worst offenses of lynching occurred in the south and Arkansas was no different. Between the years 1860–1936, 318 lynchings occurred in Arkansas. Of this number, 230 were black, including 6 females. Three-quarters of the lynchings in our State that are recorded were against African Americans.

Of course, statistics don't have a face, they don't feel pain, nor do they hold memories. But people and families all over Arkansas do, and they remember these crimes and the Senate's inaction to protect them.

In March 1892, a reporter from the Christian Recorder reported the chaos and hopelessness occurring throughout the state:

> There is much uneasiness and unrest all over this State among our people, owing to the fact that the people all over the State are being lynched upon the slightest provocation; some being strung up to telegraph poles, others burnt at the stake and still others being shot like dogs.
>
> In the last 30 days there have been not less than eight colored persons lynched in this State. At Texarkana a few days ago, a man was burnt at the stake.
>
> In Pine Bluff a few days later two men were strung up and shot, and this too by the brilliant glare of the electric lights. At Varner, George Harris was taken from jail and shot for killing a white man, for poisoning his domestic happiness.
>
> At Wilmar, a boy was induced to confess to the commission of an outrage, upon promise of his liberty, and when he had confessed, he was strung up and shot. Over in Lonoke County, a whole family consisting of husband, wife and child were shot down like dogs. Verily the situation is alarming in the extreme.

There were few honest press accounts of such lynchings, a problem that continues to trouble historians today as they put together the pieces of this period. Most Arkansas press accounts were no different. Lynchers were considered heroes, officers conniving, and the accused guilty.

A case in point:

In 1919, Arkansas would be home to a terrible racial injustice—the so-called Elaine Race Riot.

According to sketchy accounts that have been pieced together by historians, in September 1919, black sharecroppers met to protest unfair settlements for their cotton crops from white plantation owners. Local law enforcement broke up the union's meeting, and the next day a thousand white men, and troops of the U.S. Army, converged on Phillips County to put an end to the black sharecroppers' so-called "insurrection".

The number of African-American deaths from this lynching is disputed, ranging from 20 at the low end to 856 men and women on the high end.

The details of the Elaine Race Riot of 1919 have never been formally written down, but Mayor Robert Miller of Helena, AR remembers them vividly.

At the time, Mayor Miller's four uncles were preparing for a hunting trip. Three of them had traveled to a town near Elaine, Helena, AR, for this special occasion, which turned tragic when a mob saw the brothers with guns in hand, and assuming they were part of the "insurrection," all four were immediately killed.

Of the anti-lynching legislation we are considering today, Mayor Miller says, "It won't change what happened, but at least it's a good thing, a movement in the right direction."

A 2000 article from the Arkansas Times reports on Arkansas' most high-profile lynching and the lasting impact it has had on families in Arkansas today.

In May 1927, a mentally retarded black man named John Carter was accused of attacking a white mother and daughter. Upon his capture near Little Rock a mob of 100 quickly gathered and prevented police from taking him to Little Rock, where police would protect him from being lynched.

After hanging him from a utility pole, the mob dragged John Carter's body through the city, and burned it in downtown Little Rock at 9th and Broadway.

The Arkansas Times article recounts a conversation that occurred 30 years later, in September 1957 of a mother talking to civil rights pioneer Daisy Bates about the John Carter lynching. The mother had this to say:

> I am frightened Mrs. Bates. Not for myself, but for my children. When I was a little girl, my mother and I saw a lynch mob dragging the body of a Negro man through the streets of Little Rock. We were told to get off the streets. We ran. And by cutting through side streets and alleys, we managed to make it to the home of a friend.
>
> But we were close enough to hear the screams of the mob, close enough to smell the sickening odor of burning flesh. And, Mrs. Bates, they took the pews from Bethel Church to make the fire. They burned the body of this Negro man right at the edge of the Negro business section.

The woman speaking to Daisy Bates was named Birdie Eckford. Her daughter Elizabeth, one of the Little Rock Nine, would walk through an angry, threatening crowd the following day to claim her right to an equal education at Little Rock Central High School.

Little Rock Central High School today reminds us of some of the darkest days during the civil rights movement. As a former student, however, I can tell you that it also represents hope and achievement.

The year 2007 will mark the 50th anniversary of the desegregation process at Little Rock Central High School. Last Friday, I spoke with seven members of the Little Rock Nine to tell them that we are closer to funding an adequate visitor center and museum in time for his landmark anniversary.

Minnijean Brown Trickey, one of the Nine, said this Visitors' Center will serve many purposes, but what struck me was her assurance that the Center "is an opportunity for healing."

Today's resolution offers similar opportunities. It allows us to remember the past, begin healing from that past, look at how far our Nation has come to address equality and discrimination and rededicate ourselves to acknowledging how much further we must go from here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I rise this evening to speak in support of S. Res. 39, apologizing for the Senate's failure to enact antilynching legislation. It is important for us to reflect on the statements that have been made by my colleagues, including the distinguished Senator from Louisiana and the distinguished Senator from Virginia, so that we can remember the history of this country and how America has been an America in progress. The past can be painted in statistics or it can be painted in the stories of people who have suffered from the unjust result of the absence of an antilynching law.

We can speak about the time between 1882 and 1968 when there were nearly

5,000 lynchings. These lynchings that occurred were not lynchings that occurred just in the southern part of the United States of America but happened throughout most of the States of our country, including in my own home State of Colorado, where a historian has in his own research concluded that there were about 175 lynchings in Colorado between 1859 and 1919.

It is appropriate and fitting that today we apologize for the absence of those laws, that we recognize people like James Cameron who became a survivor of the lynchings of that time period, recognize that this Senate today says we apologize for that past.

It is perhaps even more important to look to the future of America and to look at the racial issues and the challenges we face as a nation to create an America that truly is an America of inclusion. It is one thing to stand in the Chamber of the Senate today, to look at our history, and to learn from that painful history, but it is equally as important to look to the future and to recognize the challenges we face in this America in the decade ahead, and the 100 years ahead require us to learn from those very painful lessons of the past.

When one looks at those very painful lessons of the past, we have to recognize for the first 250 years of the beginnings of this Nation we had a system of law that recognized it was OK for one group of people to own another group of people under our system of slavery just because of the color of their skin. It is important for us, also, to recognize that it took the bloodiest war of the United States during the Civil War, for over half a million people were killed on our own soil in America to bring about an end to the system of slavery and to usher in the 13th, 14th, and 15th amendments which are the bedrock of the constitutional liberties we now endow upon all people of America.

Notwithstanding the fact that in that time period of the Civil War we saw the blood and life of so many Americans laid down in this country, we still continued through another period of almost 100 years where we divided our Nation according to groups. It was over 100 years ago when Justice Harlan, writing for the dissent in the now famous case of Plessy v. Ferguson, made the following observation, disagreeing with the U.S. Supreme Court on the segregation system which was ushered in under that decision, saying:

> The destinies of the races, in this country, are indissolubly linked together and the interests of both require that the common government law shall not permit the seeds of race hate to be planted under the sanction of law.

That was over 100 years ago. Yet it took more than half a century, until 1954, in the decision of Brown v. Board of Education, for the U.S. Supreme Court under the leadership of Justice Warren to say in these United States, separate but equal was unconstitutional under the 14th amendment. It took more than half a century more for the U.S. Supreme Court to make that statement.

So when we look to the future of America, when we look to the diversity that defines our country, it is my belief that this next century will be defined by how we as an American society embrace the concept of an inclusive America. When we embrace a concept of an inclusive America, we talk about including people of all backgrounds—be they Anglo Americans, French Americans, African Americans, Latinos, Native Americans, women—that we as an American society will be challenged in the century ahead by how we deal with the issue of inclusion, and the greatness of this country will be defined by how successful we are in making sure we are inclusive of all people.

There are some who have recognized this. Justice Sandra Day O'Connor, in writing for the U.S. Supreme Court in the now famous decision of the University of Michigan from several years ago, made the following comment about the importance of diversity in higher education in the majority opinion:

> These benefits are not theoretical but real, as major American businesses have made clear that the skills needed in today's increasingly global marketplace can only be developed through exposure to widely diverse people, cultures, ideas, and viewpoints.

That was from the brief submitted by General Motors. She went on to say:

> What is more, high-ranking retired officers and civilian leaders of the United States military assert, based on their decades of experience, a highly qualified racially diverse officer corps is essential to the military's ability to fulfill its principal mission to provide national security.

It was in that articulation by Justice Day O'Connor, where she articulated the challenge and the opportunity that we have as an American society, the 21st century unfolds in front of us.

In my estimation, the greatness of this country depends on our learning and not forgetting the painful lessons of the past, including the lynchings that occurred across America, while also looking forward to the challenge of including people of all backgrounds and all races in all of the business affairs and civic affairs of this Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I am very glad we are passing this resolution. There have been attempts in the past by other Members of Congress, such as my good friend, the former Congressman Tony Hall of Ohio, who had tried several years back to get a resolution of apology with regard to slavery. They never could work out all the details. I am very glad the Senate has come to this point that it could critique itself for this legislative body's failure to enact antilynching laws back at a time when it would have been so important to stop these kinds of mayhem and murderous rampages where mobs would take, supposedly, justice into their own hands.

Thank goodness we have come to a point at which we can admit our mistakes, even though this is several generations later, and pass such a resolution as we will do tonight.

Interestingly, one of my political heroes is a person who Americans rarely hear about. He was a British Parliamentarian in the late 1700s and the early 1800s named William Wilberforce. Wilberforce was elected to the Parliament at the age of 21 along with one of his best friends, William Pitt, the Younger. And in 3 years, at age 24, Pitt was elected Prime Minister. Of course, Wilberforce could have been in his Cabinet. But at that point Wilberforce had recognized the great evil of the day and dedicated his life to the elimination of the economic order of the day, which was the English slave trade where the captains would take the boats down off the coast of Africa under the guise of friendship, round up native Africans, put them in the holds of those slave ships, and take them to the New World and sell them.

Wilberforce is a hero to me because, as a government official, a member of Parliament, he would not even join William Pitt, the Younger's Cabinet. He wanted to devote his life to the elimination of the slave trade. It took him 20 years to do it. Time after time, he was beat back, but he persevered, and he finally won, 20 years later. Then, before Wilberforce died, he saw that Parliament actually abolished slavery. That was some 30 years before slavery was abolished here in America.

So it is a privilege for me to be here at long last to join our colleagues to apologize for the Senate's failure in the 1930s to pass legislation outlawing the barbaric practice of lynching. For more than a century, this country presented two realities to its citizens. Enshrined in our Constitution is a government and a legal system designed to protect the rights of all Americans so that our freedom cannot be taken away or infringed upon without due process of law. But for many decades, however, this system of justice and respect for the rule of law did not apply to all of the citizens of this country.

In 1857, in the Dred Scott Supreme Court decision, that guarantee in the U.S. Constitution that all men are created equal was not intended to include Blacks by that decision. For many years later, Black Americans found few protections in the constitutional guarantees of liberty and freedom and equal protection under the law. A Black man accused of a crime against a White person found that he had no access to the courts to prove his innocence, he had no access to a fair and impartial jury of his peers. All too often, White citizens, armed with guns and feelings of righteousness, would take the accused, as law enforcement officers stood by, and brutalize them and hang them in a public setting for other members of the community to view and feel avenged. How horrible would that be, a public spectacle that was supposed to intimidate, that was supposed to strike fear. Did it? You bet it did. It was meant to send a message to the members of the Black community that they better remain in their place, to remember that the guarantees of freedom and fairness in the Constitution did not include them.

In my State of Florida, there were 61 lynchings of Black Americans between 1921 and 1946, which, of course, represents only a fraction of the total number that were committed in my State. There is no justification or explanation for these horrible acts of violence. As a nation that respects the rule of law and court-prescribed justice, what happened was vigilantism and mob rule. That is what determined "justice." And that is never justifiable.

There is a place in Florida called Rosewood. It was the site, in the 1920s, of what many describe as a massacre. That Black community was destroyed by Whites. No arrests were ever made in as many as 27 racial killings in that location.

Florida finally passed the Nation's first compensation for Blacks who suffered from those past racial injustices. It was all directed back to the massacres that had occurred at Rosewood, FL. The 1994 Florida Legislature passed the Rosewood Claims Bill to compensate victims for loss of property as a result of the failure to prosecute those individuals responsible. I felt as a Floridian that this acknowledgement was long overdue, and it made me proud to see, at long last, that we addressed the tragedy of Rosewood.

Now, as a Member of the Senate, I believe this resolution we are passing tonight is long overdue. In being proud of this event, I am also humbled to stand up as a Member of the Senate and to personally apologize for the Senate's failure to act—a failure to outlaw barbaric acts such as lynchings and racial massacres.

I am proud, too, that we can today reaffirm that we are a nation of laws designed to protect the freedom and liberty of all Americans—all Americans—regardless of race.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, this is an issue that will be considered by the Senate later this evening, an issue of historic importance. It will be an official apology by the Senate for the Senate's failure to protect victims of lynching in America.

Fifty years ago, on August 20, 1955, a Chicago woman named Mamie Till took her 14-year-old son Emmett to the 63rd Street Station in Chicago to catch the southbound train to Mississippi. Emmett was going to spend the summer with his great uncle and aunt in a town called Money, MS, in the heart of the Mississippi Delta.

The next day, August 21, 1955, young Emmett Till arrived in Mississippi. He spent the next few days helping out around the house, working with his great uncle, Moses Wright, in the cotton fields.

On August 24, after a long day of working in the fields, Emmett and a group of teenagers went into town to Bryant's Grocery Store for some refreshments. The store—owned by a White couple named Roy and Carolyn Bryant—served primarily Black workers, sharecroppers, and their kids. Emmett went into Bryant's Grocery Store to buy some bubble gum. Some kids who were hanging out outside the store accused Emmett of whistling at Carolyn Bryant, one of the proprietors of the store.

Four days later, on August 28, Carolyn Bryant's husband and his half brother went to Moses Wright's home at 2:30 in the morning. They kidnapped young Emmett Till from his bed, and they committed one of the most notorious and horrific lynchings in American history. They brutally beat this young man from Chicago, IL, Emmett Till. They gouged out his eyes, they shot him in the head, they tied a large metal fan around his neck with barbed wire, and they threw his mangled, dead body into the Tallahatchie River.

A few days later, his broken and bloated body was found floating in the river. Emmett Till was returned to his mother in Chicago in a coffin. On September 3, 1955, Mamie Till held a historic funeral for her son at Roberts Temple Church of God in Chicago. She did a courageous thing: She directed that the casket remain open so that everyone could see what hatred and racism had done to her little boy.

Tens of thousands of Chicagoans came to say goodbye to 14-year-old Emmett Till, a young man who just a few weeks before got on that train to visit his family in Mississippi. News coverage of that funeral reached millions more around the world. Jet Magazine made a historic decision: They decided to print actual photographs of Emmett Till's mutilated body lying in the casket and cover his funeral. The decision by that magazine and the publicity that came with Emmett Till's tragic death changed people across America. I cannot tell you how many African Americans I have met who said that the world changed after the murder of Emmett Till. They came to realize that what happened to him should not be allowed to happen in America.

One of my favorite friends in Congress, one of my heroes of all time, is a man named JOHN LEWIS. He represents Atlanta, GA, as a Member of the House of Representatives. He was one of the pioneers in the civil rights movement. He was 15 years old, 1 year older than Emmett Till, growing up in Alabama, when he saw those photographs of this young man. Like millions of African Americans, JOHN LEWIS was haunted by the image. He told a Washington Post reporter recently: I remember thinking it can happen to anyone, me or my brothers or my cousins. It created a sense of fear that it could happen to anyone who got out of line.

Those images of Emmett Till inspired more than fear. In many people, they inspired courage and resolve. There was a decision made by so many at every level of life in America to no longer ever tolerate the brutal inhumanity of hatred and racism of Jim Crow laws. When Rosa Parks, the legendary civil rights leader, refused to give up her seat on that bus in Montgomery, AL, it was 100 days after Emmett Till's murder. She said, when asked later: How did you show the strength to do that, stand up against everybody and say, no, I will not sit in the back of the bus, she said she got her courage by thinking of that young man, Emmett Till.

Eight years later, in a song entitled "The Murder of Emmett Till," the great poet/songwriter Bob Dylan had the following lyrics:

> If you can't speak out against this kind of thing,
> a crime that's so unjust,
> your eyes are filled with dead men's dirt,
> your mind is filled with dust.

Today, 50 years after Emmett Till's brutal murder, the Senate will formally and officially offer apologies to not just the families of Emmett Till but the nearly 4,800 other Americans who died at the hands of lynch mobs in our country, in this great Nation of America, between 1882 and 1968. We offer our apologies as well to the countless millions of Americans who were forced to live with the fear that they could be the next victim.

Emmett Till's cousin, Simeon Wright, was lying next to Emmett the night he was kidnapped and lynched. Simeon Wright is with us today. Doria Johnson, from Evanston, IL, also is with us today. Her grandfather, Anthony Crawford, was lynched by a White mob in Abbeville, SC, in 1916. He was beaten, hanged, and shot more than 200 times. What kind of offense would merit that kind of punishment? What had Anthony Crawford done? Anthony Crawford, in 1916, in South Carolina, a Black man, got into an argument with a White man over the price of cotton seed at a store.

To them and to all who lost a loved one to lynching and to those who lost a piece of their own childhood and their own sense of security, we say today formally and officially in the

Senate that we were wrong—wrong for failing to protect them, wrong because we never said we were sorry.

The murders of Emmett Till and Anthony Crawford are among those documented in a groundbreaking book and museum exhibit called "Without Sanctuary: Lynching Photography in America." The exhibit has traveled all over the United States and opened just last week at the Chicago Historical Society.

Mr. President, just a few days ago, the Chicago Sun-Times did an editorial on this issue of lynching and this exhibit. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chicago Sun-Times, June 12, 2005]

EXHIBIT OF LYNCHING PHOTOS SHOWS EVIL WE MUST REMEMBER

The Chicago Historical Society's "Without Sanctuary: Lynching Photography In America" seems an unlikely exhibition to launch in a Northern city. But the link between Chicago and "murder by a mob of an individual outside the confines of the legal system," a definition that comes halfway through the exhibit, is long-standing. It has been 50 years since Chicagoan Emmett Till was lynched in Mississippi. That case is still with us.

Till's murder, for allegedly whistling at a white woman, shocked an entire nation and sparked the civil rights movement in the North, but lynching had gone on for decades. Journalist Ida Wells-Barnett was crusading against it in 1892 when three successful black businessmen were lynched. Through her fearless reporting, Barnett established that lynching was not the white man's response to a black man's abuse of white women, but that most lynchings were caused by "economic competition and racial hatred."

In 1893, Barnett stood outside the Chicago World's Fair and protested the exclusion of African Americans, while handing out copies of her pamphlet: "Southern Horrors: Lynch Law in All Its Phases." Still, except for protest art such as Claude McKay's "The Lynching" and Billie Holiday's "Strange Fruit," the sadistic killing of black Americans has mostly been hidden from America's mainstream.

The Chicago Historical Society's exhibit will change that. And it strikes us as fitting that photographs and documents, many of which are on loan from private collections, have ended up here. Although the re-opening of the Till murder case has sparked new interest in this subject, many young Chicagoans probably do not know how widespread this crime was or that it occurred outside of the South in places such as Downstate Cairo.

"No part of the nation was immune," as the exhibit recalls with a quotation from W.E.B. Du Bois. "We must remember because if the world forgets evil, evil is reborn."

The 53 images of lynchings that took place between 1870 and 1961 constitute a shocking testament to America's shame. The lynching exhibition runs through Dec. 4. Don't miss it.

Mr. DURBIN. Mr. President, this editorial from the Chicago Sun-Times urges people to attend the exhibit and notes that "many young Chicagoans probably do not know how widespread this crime was or that it occurred outside of the South in places such as downstate Cairo." IL. That is an important point. Lynching was not just a southern shame, it was an American shame. While most lynchings occurred in the South, they also happened in the North.

I commend Senators MARY LANDRIEU and GEORGE ALLEN for authoring this resolution and working so hard to have the Senate take it up and right this historical wrong. It is my hope the Senate will match the words of this resolution with action. It is not enough to apologize for the failure of our predecessors to protect their fellow citizens from violent prejudice. We have a responsibility to protect those who are targets of today's hate crimes as well. Senator TED KENNEDY, a Democrat, and Senator GORDON SMITH, a Republican, have been trying for years to persuade Congress to pass a new, stronger Federal hate crimes bill. Year after year, they have met with resistance.

Listen to the arguments of those who oppose a stronger hate crimes bill today, and you hear the same arguments that were made against a Federal antilynching bill decades ago. The names have changed, the arguments and the excuses are the same.

They say we in Congress cannot pass a strong hate crimes bill because it will infringe on States rights or because the Constitution does not give Congress explicit authority to pass such a law.

Listen to what a Member of the House of Representatives, James Woods of Virginia, said in 1922:

> This bill, commonly known as the "antilynching bill" would be described more accurately if designated—from the standpoint of its effects rather than from its purpose—as a "bill to override the Constitution of the United States, to foment race hatred, and to revive sectional animosity." If it were possible to put an end to lynching by a lawful act of Congress, none would support such legislation more earnestly than we of the South.

The Constitution does not say anything explicitly about the Civil Rights Act, which the Senate passed 41 years ago, or the Voting Rights Act, which turns 40 today. There always will be political voices that will find excuses to delay acting on the moral challenges of our time.

Finding the moral courage to deal with those challenges in our own time is the real test of leadership. What is it we are doing or failing to do today that would lead the Senate 50 years from now to apologize? That is the question.

I hope Congress will pass the Kennedy-Smith hate crimes bill as tangible proof to the victims of lynching that we will never again withhold our protection when Americans are persecuted and killed simply for being who they are.

When Mamie Till put her son on that train for Mississippi, he was wearing a watch he had been given by his father before his father died. The hands on that watch stopped when Emmitt Till was tortured and murdered.

Much has changed in the 50 years since Emmitt Till died, but some small part of America's soul has always remained frozen in that time because of our failure to formally acknowledge that what happened was wrong. By apologizing to the victims of lynching—and by having the courage to protect the victims of hate crimes today—we can reclaim that piece of our soul and move forward in time as one Nation indivisible.

Mr. LEVIN. Mr. President, the opportunity has finally come to make the record right—to begin to balance what has been an imbalance. We have come to this floor to apologize for the silence of the U.S. Senate regarding the lynching of our fellow Americans, primarily African Americans.

Tonight, we begin to redress the lynching madness that swept our country from the 1880s and which continued unchecked through the 1950s, and even as recently as the 1960s. It is estimated that nearly 5,000 Americans were lynched during this time. African Americans were strung up from trees, burned at the stake, mutilated in the town square for all to see. Those who committed such atrocities went without punishment. Justice was not only denied, it was ignored, abdicated, and overthrown.

The victims were not just those who were killed. A lynching is not only a heinous and savage act against one person: it is an act of violence against the rights of an entire community. Its victims are everyone who hears its hateful message.

Ida B. Wells-Barnett explained well the nature of lynching in America. Born in Mississippi a few months before the signing of the Emancipation Proclamation, Ida Wells-Barnett was the editor and co-owner of a Black newspaper called "The Free Speech and Headlight." In 1900, she wrote:

> Our country's national crime is lynching. It is not the creature of an hour, the sudden outburst of uncontrolled fury, or the unspeakable brutality of an insane mob. It represents the cool, calculating deliberation of intelligent people who openly avow that there is an "unwritten law" that justifies them in putting human beings to death without complaint under oath, without trial by jury, without opportunity to make defense, and without right of appeal.

Lynching was an attack on the rule of law itself, and yet the U.S. Senate did not act against it. Antilynching legislation was called for by seven U.S. Presidents. The House of Representatives passed three antilynching bills. This body passed none, though many were introduced.

In 1935, Senator Edward Costigan spoke in favor of an antilynching bill he had introduced with Senator Robert Wagner. Having made a careful yet passionate argument for his proposed legislation, Senator Costigan concluded:

> If one can mention, much less picture such appalling facts as I have recited without being revolted, he is indeed hardened out of all semblance to humanity. They destroy our claim to civilized life. They must not be permitted to multiply. Every repetition of mob brutality denies its victims the right of speedy and impartial trial and the equal protection of laws guaranteed by the Constitution. No man can be permitted to usurp the combined functions of judge, jury, and executioner of his fellow men; and whenever any state fails to protect such equal rights, I submit that the federal government must do its utmost to repair the damage which is then chargeable to us all.

Faced with both the opportunity and the responsibility to act, the Senate simply failed. That failure is a permanent stain on this body, and we are not trying to wipe it away. We only hope that acknowledging it will allow for some national healing.

To the families of victims of lynching who sit in the Senate Gallery tonight, let me offer my personal sorrow over the injustice you have suffered. I hope our action today will bring you some comfort, though it cannot ease your loss.

As the ranking member of the Armed Services Committee, I also want to say a special word about the members of the American Armed Forces who were lynched in the country they had defended. Following both World War I and World War II, returning soldiers were lynched, many while still wearing their military uniforms. It is difficult to imagine a more unjust situation. There would be no new respect for these brave African Americans who had fought for our country, only the old order of injustice and hate.

Mr. President, it is easy for the Senate to apologize now. This is not a tough decision, only a somber one. But there are still tough decisions ahead. While we cannot bring justice to those who were lynched, we can continue to bring about the just society that was mocked and shredded by acts of lynching.

In that spirit, I hope that today is part of a larger effort toward racial reconciliation and justice. We can continue by honoring the Tuskegee Airmen with the Congressional Gold Medal for their contributions to our Nation's defense and to its progress, as proposed in bipartisan legislation, S. 392, introduced on February 16, 2005. And we can make progress on so many vital issues—education, health care, jobs—that would improve the lives of African Americans and all Americans. We have moved past lynching, but we have not reached justice. I hope we will not fail to act.

In closing, I would like to thank my able colleagues, Senator MARY LANDRIEU and Senator GEORGE ALLEN, for their diligence and leadership in bringing this healing resolution, which I was pleased to cosponsor, before the U.S. Senate.

Mr. McCAIN. Mr. President, I am proud to be an original cosponsor of this important resolution. I commend my friends and colleagues, Senator LANDRIEU and Senator ALLEN, for their leadership on this important issue.

It is difficult to address this subject without noting the shameful record of Senate inaction on the issue of lynching. As noted in the text of the resolution, 4,742 people were lynched in the United States between 1882 and 1968. During that time, 7 U.S. Presidents pushed for Congressional action on what had succeeded slavery as the ultimate expression of racism. Between 1920 and 1940, the House of Representatives passed strong antilynching measures on three different occasions. Sadly, the Senate failed to do its duty to enable antilynching legislation to be enacted, thus allowing this despicable, murderous practice to continue.

This Senate Resolution is long, long overdue. As we all know, the Senate has a basic Federal responsibility to provide protection to those in need. While our predecessors failed in that regard, we have an opportunity today to begin healing the wounds that this body's failures have inflicted upon the African American community for so many years.

The apology we issue today comes too late for the thousands of Americans brutally slain in this abhorrent manner. Hopefully, by our acknowledgment of wrongdoing, and our sincere apology, we can bring some solace to the family members who still recall—all too vividly—the horror of having a loved one murdered by lynching.

We must never forget the thousands of men, women and children who were deprived of life, human dignity, and the Constitutional protections that are to be accorded all U.S. citizens, We have a responsibility—to all Americans—to ensure that the tragedy of lynching, and this body's failure to address it, will neither be forgotten, nor repeated.

Mr. KENNEDY. Mr. President, I join my colleagues in condemning the shameful role of lynching in the Nation's history and the decades of refusal by the Nation, especially the United States Senate, to act against it. I commend my colleagues Senator LANDRIEU of Louisiana and Senator ALLEN of Virginia for bringing this important issue before the Senate floor and taking this long overdue action. And I thank the family members of the victims of lynching, many of whom traveled great distances to be here today.

The history of lynching is a stain on the Nation's past. Over 4,700 persons were lynched in the United States from the 1880s to the 1960s.

These lynchings involved acts of unspeakable cruelty. Many victims were shot, burned or hanged. Some of the victims were accused of criminal offenses, while others were attacked because of something they said or because they were in the wrong place at the wrong time.

The vast majority of victims were African Americans who were killed solely because of their race. In the year 1892 alone, 230 persons were lynched—at least one victim every other day. We must never forget that injustice. Many whites also fell victim to this brutality, singled out for their religion or ethnicity, their refusal to accept the racial hierarchy, or other reasons.

Lynching was devastating to African American communities. It struck fear into the hearts and minds of African Americans, who knew they could be killed at any time for the most trivial of offenses or for no offense at all.

Year after year, the Federal Government and State and local governments failed to respond effectively to the danger. The perpetrators had little reason to fear that they would be prosecuted or convicted. In some cases, scheduled lynchings were announced in newspapers beforehand, demonstrating the unwillingness of local law enforcement to intervene. Photos of lynchings show onlookers grinning at the camera. The failure of local authorities to prevent these atrocities dehumanized, demoralized, and terrorized black Americans.

When the 370,000 African-American soldiers who served in World War I returned home, many believed that they had earned the equality they had previously been denied. Their hopes soon turned to frustration, as the discrimination of the pre-war years was renewed and reinvigorated. Even newly discharged soldiers were lynched, still wearing their uniforms.

Lynching was more than isolated acts of brutality. It was vigilante mob murder that became systemic, ritualized and condoned by a racist society. It became a cruel weapon of white supremacy which took the lives of many African Americans and terrorized whole communities. Along with Jim Crow laws, segregated schools and dismal lack of property rights, lynching was used as an organized weapon of oppression that denied the fundamental rights of tens of millions of African Americans. As W.E.B. DuBois stated, the things that "the white South feared more than Negro dishonesty, ignorance and incompetency, [were] Negro honesty, knowledge, and efficiency." Lynching was part of an organized attempt to oppress African-American communities and exclude them from the American dream.

In 1900, African-American Congressman George White introduced the first antilynching bill, only to see it die in committee. Brave men and women like Ida B. Wells, W.E.B. DuBois, and others in the NAACP, lobbied tirelessly for Federal antilynching legislation in the first half of the twentieth century. Their efforts succeeded in the House of Representatives, which passed such legislation three times between 1922 and 1940. Each time, however, the legislation died in the Senate.

In 1945, President Truman proposed a new antilynching bill, to make lynching a crime under Federal law. His proposal never made it out of the Senate Judiciary Committee.

We cannot undo the Senate's past failures to act against lynching. But we can and must do all we can to erase its bitter legacy.

Today, there is strong need to strengthen laws against hate crimes and other violence motivated by bigotry. As the Supreme Court has stated, bias-motivated violence is "more likely to provoke retaliatory crimes, inflict distinct emotional harms on their victims, and incite community unrest." Like acts of terrorism, hate crimes have an impact far greater than the impact suffered by individual victims: they are crimes against entire communities and against the whole Nation. Whether based on prejudice against the victim's race, religion, ethnic background, gender, disability, or sexual orientation, hate crimes are modern-day lynchings which threaten not just individuals, but our entire social and political order.

My colleague, Senator SMITH and I have introduced bipartisan legislation to strengthen our laws against hate crimes, and I urge all of our colleagues to support it. That bill passed the Senate last year and died in the House. We will not give up until it becomes law.

As each of us knows, the past has consequences for the present, and past acts of lynching over many decades contributed substantially to the disparities between African American and Whites. We cannot undo that history, but if we are sincere in our apology today, we must match our words with deeds and work harder together to close the gaps.

At the beginning of this year, members of the Congressional Black Caucus put forward a plan for doing so, and we should work to implement it as one of the most important issues before us in this Congress.

We need to do more to ensure the job security of African Americans, whose unemployment rate is 10.1 percent—almost double the national average and more than double the unemployment rate of Whites.

Thirty-four percent of African American children live in poverty, nearly double the national average. We know that education is the key to opportunity and a better life, and we should be doing more to improve education at every level. We need to do more to help the youngest children in American—and the earlier, the better. Head Start has a 30-year track record of achievement in preparing children for kindergarten. It makes an enormous difference for 300,000 young African American children.

We must meet our promise of fully funding the No Child Left Behind Act. The President's proposed budget shortchanges elementary education under the Act by $12 billion—for a total deficit of $39 billion since the school reform law was first enacted. The No Child Left Behind Act is already leaving 3 million children behind.

In fact, the President's proposed budget contains the first absolute reduction for education in a decade. It has a cumulative cut of $40 billion for education over the next 5 years. One out of every three programs eliminated by the President is a program in the Department of Education.

We should also be doing more to fund opportunities for college. We know that African Americans are only half as likely as Whites to earn a college degree. The current annual unmet need of a typical undergraduate now averages $5,800. It is more important than ever to increase grant aid. Yet the Bush administration has proposed only a $500 increase in the maximum Pell grant this year.

The budget also reduces a number of important programs to help African Americans, while preserving tax cuts for the rich and powerful. It proposes a 5-year freeze on child care funding, which will reduce the number of low-income children receiving this assistance by 300,000 in 2009. The budget also cuts $10 billion over 5 years from Medicaid, the program that provides basic health care for the poor.

As we review our legislative priorities, we cannot forget that we have a special duty to address the malignant disparities created by long-standing racial bigotry in this country—of which lynching was the most vicious example but far from the only example.

It's fitting that we enact this apology today, the first day of the long overdue trial for the brutal lynching of civil rights workers James Chaney, Andrew Goodman, and Michael Schwerner in 1964. Those murders, 41 years ago this month, took the lives of three young men whose only offense was attempting to register African Americans to vote in Mississippi, and it shows how deeply rooted racial violence once was in American life. All of us hope that the prosecution now taking place in that case, like the Senate apology today, can begin to heal these bitter wounds of injustice that the nation still feels because of the sordid legacy of lynching.

I look forward to working with my colleagues to achieve the great goal of genuine equal opportunity for all our citizens. May the passage of this resolution mark a new beginning of race relations in America.

Mr. CRAIG. Mr. President, I rise to clarify the record concerning my support for the resolution before us today.

I chose to cosponsor this resolution because of my abhorrence for the crime of lynching. I have been told that the passage of this resolution will enable people whose families were affected by this terrible crime to resolve their frustration that Government authorities did not do more to stop it. If this resolution helps people deal with the past so that they can move on to the future, it is a worthwhile statement to make.

Having said that, I am aware of concerns that have been raised about possible "next steps" based on the Senate's action on S. Res. 39. Let me just say that this resolution should not be interpreted—at least so far as this Senator is concerned—as any kind of an endorsement for some claim of compensation based on any action or inaction of the Federal Government.

In fact, what brings me to the floor is a concern that the actions of a particular Senator long ago may be subjected to unfair, revisionist criticism from our perspective today. The Senator in question is my predecessor, known as "the Lion of Idaho," William Borah.

Senator Borah was one of the leaders of the Senate in blocking consideration of the anti-lynching legislation. I think it is important for the record to show that whatever motives others may have had at the time for blocking this legislation, William Borah offered convincing justifications for his position rooted in serious constitutional and policy concerns.

This is the conclusion I have drawn from considerable historical research of the debates of the time, which has been condensed into a report by a talented law student, David Palmer, who served as my law clerk earlier this year. I am going to ask that this report be printed in the RECORD so that all my colleagues can review it. It is an absorbing read, and I think it supports the conclusion that Senator Borah made a principled stand at the time.

I ask unanimous consent that the report of David Palmer concerning William Borah's arguments against Senate action be printed in the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To: Senator Craig
Fr: David Palmer
Re: William Borah's arguments against Senate anti-lynching bills in the 1920's & 1930's

William Borah spoke out in opposition to the anti-lynching bills presented to the Senate on several occasions during the 1920s and 1930s. He did this primarily for two reasons: first, Senator Borah felt that such a bill represented an unconstitutional exercise of federal rights in the realm of criminal law (an area which had previously been reserved for the states); second—to a lesser degree—Senator Borah argued that even if such a bill were constitutional, it would be an ineffective law meant largely to penalize the South. Combining these rationales, and noting that lynching was a relatively infrequent crime of increasing rarity with each passing year, he argued that the tremendous costs to state sovereignty through federal intrusion in this matter would be much more dangerous to the good of all than any uncertain benefits that might come through passing such a bill. In short, Senator Borah was not a racist; rather, he was a man of deep commitment to this nation's federalist system, and this memo will present his respective constitutional and policy arguments against the anti-lynching bills of his day.

1. WILLIAM BORAH'S CONSTITUTIONAL ARGUMENTS AGAINST THE ANTI-LYNCHING BILLS

Senator Borah felt that there were a number of constitutional infirmities with the anti-lynching bills he faced, although they all revolved around his firm belief in states' rights as a centerpiece of the entire government. His constitutional problems with the various anti-lynching bills, as well as his reasons for championing state sovereignty so strongly, are detailed below.

A. BORAH: THE FOURTEENTH AMENDMENT IS NOT AN ACCEPTABLE CONSTITUTIONAL BASIS FOR ANTI-LYNCHING BILLS

To put Senator Borah's arguments in context, the proponents of the anti-lynching bills typically based their opinion that such bills were constitutional on two grounds: first, that the Federal Government must guarantee a republican form of government to all citizens; second, that the 14th Amendment's equal protection clause allowed for federal action in the face of state failure to prosecute lynchings. 79 Congo Rec. 6, 6524 (1935). Borah felt that the first point was "utterly irrelevant" (id.), and apparently so did his debating opponents, as almost all the constitutional debates Borah participated in dealt with aspects of the 14th Amendment.

Regarding the 14th Amendment, Borah consistently argued that any attempt to apply the amendment to the actions of individuals by the Federal Government should be rejected, as the amendment's framers specifically rejected this idea. Id. at 6362. The anti-lynching bills invariably allowed the Federal Government to step in at some point to prosecute the perpetrators of a lynching if a state had not done its law-enforcement job, thus mandating federal intrusion into law enforcement against individual action which was not undertaken by the states. Borah argued that this simply cannot be justified under the 14th Amendment, as such a capacity for law enforcement by the Federal Government (against individuals not acting as official representatives of a state) was explicitly rejected by those who originally passed the 14th Amendment. Id.

In a later debate (in 1937), Borah similarly argued that the 14th Amendment contains no clause whatsoever allowing the Federal Government to go into a state and establish civil liability for damages between citizens of the state, or between citizens and a subdivision of a state (as would have been allowed in that year's bill). He further argued that this anti-lynching bill was such a new proposition—constitutionally speaking—that the people of the United States should be consulted in the form of passing this bill as a constitutional amendment. Borah feared that it would ultimately result in the "elimination of the states." 81 Congr. Rec. 8,8746-8 (1937).

Additionally, Borah argued that if our nation were really concerned about the equal protection of the law being enforced where it is needed, then the 1937 bill should not have exempted violence due to "gangsterism" and racketeering. This was the area in which he felt that most states had truly failed to enforce the law. Instead, the exemption reinforced in Senator Borah's mind that the anti-lynching bill was really a sectional bill aimed at punishing the south while exempting the northern states for their own law enforcement failures. Id. at 8753.

Finally, in 1938 Senator Borah cited several Supreme Court cases for the proposition that the 14th Amendment was not designed to transfer any power from the states to the Federal Government for protecting the lives, liberty and property of a particular state's citizens. 83 Congr. Rec. 2, 1492 (1938). Borah concluded his 14th Amendment arguments by stating that the only way a state could be liable under that amendment—in this area of the law—is if it were to not pass laws protecting its citizens from lynching. Id. at 1495. Because the states had done that, and given that the framers of the 14th Amendment (and the Supreme Court) had rejected the idea that the amendment transferred any power to the Federal Government for enforcing the criminal law, Senator Borah strongly opposed using the 14th Amendment as a basis for the antilynching bills.

B. BORAH: MCCULLOCH V. MARYLAND PRECLUDES THE ANTI-LYNCHING BILLS

Senator Borah attacked the 1938 antilynching bill on an additional ground: it would have allowed the Federal Government to bring suit on behalf of an individual against a division of a state (a county) if the officials of the division had not enforced anti-lynching laws. Borah noted that this ability for one sovereign to bring suit against another sovereign was precluded by a continuous line of Supreme Court cases beginning in 1819 with *McCulloch* v. *Maryland*, 17 U.S. 316. Id. at 1490.

Senator Borah began this argument by pointing out that *McCulloch* held the ability of one sovereign to tax another is the ability to destroy it, and this therefore is not constitutionally permissible. He further argued that the ability of one sovereign to bring suit against another is an equivalent power, and therefore it is unconstitutional on that ground as well. Finally, in response to another senator's argument, Borah went through a detailed list of how the Supreme Court had repeatedly issued decisions supporting his view (even in the cases decided since the passage of the 14th Amendment). Id. at 1491.

There are three key points Borah made in support of this *McCulloch* argument. First, he pointed out that the anti-lynching bill would have allowed the Federal Government to sue counties on behalf of individuals, and these suits against counties would constitute direct interference by the Federal Government with the power of states over their counties. Numerous Supreme Court decisions have disallowed such actions because of their impingement on state sovereignty. Id. at 1492.

Second, Borah argued that suing counties was the same thing as suing states (an idea supported by numerous Supreme Court decisions), and states could never consent to be sued by another sovereign (at most they could consent to be sued by their citizens). Id. at 1493.

Last, he argued that states cannot be found liable for the actions of their employees when those employees are not acting in an official capacity. As states already had anti-lynching laws on their books, Borah argued that any lack of enforcement by state officials of those state laws indicated that county officials were not acting in an official capacity during the dereliction of their responsibilities. Therefore, to allow the Federal Government to take action against those officials would be to allow the government to sue the states (through their counties) in situations where no official state conduct had occurred. 83 Congr. Rec. 1, 141 (1938). This, Borah argued (citing several Supreme Court decisions for this proposition), is constitutionally impermissible. 83 Congr. Rec. 2, 1494 (1938).

C. BORAH'S MISCELLANEOUS CONSTITUTIONAL ARGUMENTS

In addition to the constitutional arguments already discussed, William Borah included two other, albeit less-emphasized, legal objections to the anti-lynching bills in his speeches. One such argument was an objection to the trigger of Federal intervention under these bills: when only one man committed a lynching, it did not allow Federal jurisdiction; rather, it required the actions of a group of people, and thus "the Constitution is being made subject to construction in accordance with the number of persons present when the crime takes place." 79 Congr. Rec. 6, 6677 (1935). Borah concluded this argument by saying that the act should be rejected because "we certainly have not one Constitution for a half dozen and another Constitution for an individual." Id. at 6504.

Another point that Borah made regarding the constitutionality of the anti-lynching bills dovetails with his *McCulloch* arguments. He posed a question on the floor which implied that the particular anti-lynching bill before the Senate would create a cause of action for an individual against a county (and therefore a state), thus allowing an individual to sue a state—which is explicitly barred by the 11th Amendment. 83 Congr. Rec. 1, 965 (1938). While the senator to whom Borah asked this question replied that the suit technically was to be brought in the name of the United States Government on behalf of an individual, it is clear that this question was designed to cover Senator Borah's bases. In other words, if the suit was undertaken by the United States against a state, then the *McCulloch* reasoning would apply to make it unconstitutional; alternatively, if the action was undertaken by an individual, the 11th Amendment would apply. In either case the act would be unconstitutional.

D. BORAH: THE ANTI-LYNCHING BILLS WOULD DESTROY ESSENTIAL STATES' RIGHTS

Near the conclusion of William Borah's final speech regarding the anti-lynching bills, he summarized his position by stating that his only interest in opposing these bills was in preserving the integrity of the State. To him, the state was and remained "the fountain source of the people's power in the Government; and when that is destroyed, democratic government is at an end." 83 Congr. Rec. 2, 1496 (1938). Racism did not enter that consideration, as his words and actions reveal a man of great devotion to the ideals of our federal system. Moreover, given the complete lack of a constitutional basis for any federal anti-lynching law, Borah felt that such a measure would constitute a naked intrusion by the Federal Government into state sovereignty. Furthermore, while Senator Borah repeatedly said that he had great respect for what the senators backing the anti-lynching bills were trying to do, he also could not allow any such bill to pass out of the Senate in order to have its constitutionality ruled on by the Supreme Court (as several senators had suggested as a course of action) without "stultifying" his own convictions. 79 Congr. Rec. 6, 6673–4 (1935). If the law were to be somehow found constitutional under an increasingly activist court, Borah felt that through this bill the Congress would "have utterly annihilated all State sovereignty." Id. This was a possibility he could never support.

A primary reason Senator Borah so passionately opposed the anti-lynching bills was that allowing federal intrusion through those bills would create a principle of law that he felt would justify further intrusion in almost unlimited circumstances. While supporters of such bills could argue that the legislation only allowed federal intrusion under limited circumstances, the legal principle of the matter was of supreme importance to William Borah. He stated "[i]f the Federal Government can send a United States marshal into the State of Tennessee to arrest a sheriff because he has failed to protect a colored man from violence, it can, under the same principle, send a United States marshal into the State of New York to arrest a sheriff, or other officer on whom the duty is imposed, because he neglected to protect the life of a citizen against the violence of thugs." 83 Congr. Rec. 1, 141 (1938). Therefore, while an anti-lynching bill might only take a limited amount of power from the states in the short-term, Senator Borah was a man who looked at the long-term future; he saw that any such bill such held grave implications for the sovereignty of states. Along these lines, he also argued that allowing this level of federal intrusion would indicate the complete displacement of our nation's federalist system. After all, if a state could not be entrusted exclusively to enforce its own laws, then he felt there was no such thing as local government. Id.

Additionally, Senator Borah included in his speeches some powerful language as to why he felt so strongly about protecting states' rights. In one speech, he explained that the experiences uniquely gained in local government shaped the political views of the founders of this nation. 83 Congr. Rec. 2, 1496 (1938). In another debate, he explained that in 1922 he opposed, in committee, the Dyer anti-lynching bill in part because he was convinced that it is not sound national policy "to remove responsibility from the different local governments of the communities for the enforcement of the law. In the long run that results in breaking down all sense of duty upon the part of the citizen." 79 Congr. Rec. 6, 6673–74 (1935).

Moreover, this opposition to encroaching federal power is consistent with Senator Borah's views on other New Deal legislation as detracting from state sovereignty. Regarding such legislation he went on record as stating that "we can only have a great Federal Union by having great individual sovereign States." Id. Concerning all of these measures (including the anti-lynching bill), Borah expressed his heartfelt feeling that "there is nothing in all the realm of government more essential to the happiness and well-being of the American people than the right of local self-government," and the increased power by the Federal Government constituted an ever-growing threat to this happiness and well-being. Id.

In sum, Senator Borah felt that states necessarily had to retain their sovereign powers to make this union a great one. Any detraction from that power, particularly one with such far-reaching principles for federal intrusion as would be created under this bill, would be devastating to our federal system. Given the complete lack of constitutional support for such a bill in his eyes, William Borah could not in good conscience allow any of the anti-lynching bills to leave the Senate and potentially destroy the sovereignty of the states under an overreaching Supreme Court. Senator Borah was a deep believer in states' rights, his words and actions consistently supported that view, and to ascribe racism to him as a motivation is to both blatantly ignore the historical record as well as demean a man who dedicated his Senate service to furthering the form of government that would provide the greatest good for Americans of all races. As the Senator himself put it (in reference to the final anti-lynching bill put before him): "[t]his, Mr. President, is another compromise with a vital principle of our dual system of government. It is bartering with the future for the supposed and transient demands of the present, and at a time when the present is taking care of the problem. It is another instance in which our confidence in our scheme of government is not strong enough to say to all races, all creeds, all groups, and all factions: Your problems, however serious, are subordinate to the principles of this Government, and you must work them out within the compass of the long-tested and well-accepted principles of democracy." 83 Congr. Rec. 1, 143 (1938).

II. WILLIAM BORAH'S POLICY ARGUMENTS AGAINST THE ANTI-LYNCHING BILLS

Although Senator Borah's opposition to the anti-lynching bills was primarily based on his belief that such legislation represented an unconstitutional infringement on states' rights, he also opposed the bills as poor policies. In his view, even if such bills were constitutional, they would merely result in an ineffective law that would destructively penalize the South. Given that lynching was declining each year as a crime, Borah believed that instituting an ineffective—and potentially damaging—bill to stop a disappearing crime was simply not worth the price to be paid in greatly eroded state sovereignty. This section will detail William Borah's beliefs that creating federal anti-lynching laws would be poor national policy—even if they were somehow deemed constitutional.

A. BORAH: THE ANTI-LYNCHING BILLS ARE POTENTIALLY HARMFUL SECTIONAL MEASURES

In an extended speech given in 1938, Senator Borah assumed, for purposes of arguing the wisdom of adopting such a policy, that the anti-lynching bill before the Senate was constitutional. He then attacked the potential law on several grounds, beginning with his belief that the bill was nothing more than a sectional measure aimed at the South. 83 Congr. Rec. 1, 138–9 (1938). By sectional measure, Borah meant that he believed this legislative measure to be based on the same idea that inspired so much of northern policy towards the South during Reconstruction: a desire to punish the area because the southerners were incapable of self-government. Id. Although the senator did not offer in his 1938 speech a great amount of evidence as to why this was a sectional measure, it seems clear from his earlier speeches regarding the exception of "gangsterism" from prosecution that he felt anti-lynching legislation was aimed at a crime primarily occurring in the South while simultaneously exempting northern cities and states from their own law enforcement failures.

Senator Borah further explained that a measure aimed at the South would be both undeserved by the region and potentially harmful to the nation. He felt that the South had dealt as well as could possibly be expected with its "race problem" in the 70 years since the Civil War, and this was in part evidenced both by the economic progress of southern blacks as well as the lower per capita arrest rate by southern blacks (as compared to northern blacks). He finally stated his belief that nations are held together by more than just laws; mutual respect, confidence and tolerance from one part of the country to another is essential too. Borah feared that passing such a sectional bill would arouse old problems in the south that could potentially disrupt national unity. Id.

B. BORAH: THE ANTI-LYNCHING BILLS WILL BE INEFFECTIVE

Another policy argument that Senator Borah advanced against anti-lynching legislation was that it would be ineffective. He first stated this belief in the Congressional Record in 1935 when he argued that the legislation would be useless because lynching can only be effectively prevented by educating people. 79 Congr. Rec. 6, 6674 (1935). Borah reiterated that same argument in 1938, when he stated that educating both races "to understand their responsibility to society" would be the best way to end lynching, and he also noted that such education was underway in the South. 83 Congr. Rec. 1, 139 (1938).

Additionally, Borah argued that the actual enforcement of the federal law would be ineffectual for two reasons. First, he pointed out that the Federal Government is simply incapable of enforcing criminal law; he cited the federally-controlled District of Columbia and its extraordinary murder and crime rate as his primary example of this ineptness. Id. His second reason aligned with his concern that this was a sectional bill: Senator Borah felt that if Congress were to pass a bill that the South would interpret as aimed at them, then it would be completely unrealistic to expect southerners—even those employed by the Federal Government—to enforce the anti-lynching laws to any greater degree than the state anti-lynching laws. He firmly believed that laws could not be enforced without being backed by public opinion. Id.

C. BORAH: LYNCHING IS DISAPPEARING AS A PROBLEM IN THE UNITED STATES

A final policy argument that Senator Borah made against anti-lynching laws is that it was a disappearing crime. In 1937 he offered the statistic that 40,000,000 Americans were living in poverty to support Senator Pepper's argument that the Senate should be dealing with the problems of the nation's poor instead of "debating an anti-lynching bill, when the total toll of lynching last year, I think, was about 11, one of the minor categories of crime, nationally speaking, in the United States." 82 Congr. Rec. 1, 158 (1937). One year later Borah argued that lynching had dramatically decreased in the United States since 1918, and it had almost disappeared in many states by 1938. Given the extremely small number of lynchings in the two years prior to the introduction of the 1938 anti-lynching bill (combined with the national trend towards fewer lynchings each year) Senator Borah concluded that there was not a sufficient problem to justify judging the southern states (through passing a sectional measure against them) as having failed in their provision of free government. 83 Congr. Rec. 1, 140 (1938).

III. POTENTIAL PROBLEMS WITH WILLIAM BORAH'S STATEMENTS

Although Senator William Borah's speeches convey the message that his real motivation for opposing anti-lynching legislation was based on his concern for state sovereignty, he did make one particular comment that needs to be addressed for its potential racial offensiveness. In 1938, Borah referred to a quotation by Henry W. Grady as true, and this quotation described the white and black races as two "utterly dissimilar races on the same soil—with equal political and civil rights—almost equal in numbers but terribly unequal in intelligence and responsibility." Id. at 141. While this quote does on its face seem to be an overtly racist comment, there are a few reasons why this quote should not be taken as evidence that William Borah fought the anti-lynching bills because he was himself a racist.

The first reason this is so is that following this quotation, Borah put what he meant by it in context. As he explained, he felt that no race of people would have the capacity to assume full citizenship following years of being enslaved. Id. (Borah then argued that the efforts by the South in the years since Reconstruction were the best that could be expected given the circumstances of the region's past, and therefore the region should not be punished by this sectional bill.) Given his statement that no race could have assumed full citizenship following such treatment, it implies that Borah considered any lack on the part of the blacks to be a result of their slavery rather than an innate racial defect. While it is not a flattering statement, it is not strictly a racist remark; instead, Borah does seem to indicate that any race under similar conditions would be unequal in some regards to the enslaving race.

More important, William Borah's other speeches all strongly reinforce the point that his opposition to the anti-lynching bills were purely based on his views of the importance of state sovereignty. He repeatedly praised the intentions of his Senate colleagues who supported the anti-lynching bills, and none of those opponents ever imputed any racist motives to his beliefs. While opposing senators may have disagreed with his constitutional views, there is no record whatsoever that Borah's views were not legitimately held in this and other areas of federal expansion. To try and read such a motivation into the Congressional Record is to engage in revisionist history with no basis other than a personal agenda. Any description of William Borah as being racially motivated to oppose the anti-lynching legislation ignores all of the written record in order to manufacture a preferred reason for the senator's views.

IV. CONCLUSION

Senator William Borah was a passionate advocate for states' rights, and this—rather than racism—was the basis for his opposition to the anti-lynching bills presented to the Senate during the 1920s and 1930s. Senator Borah felt that those bills were unconstitutional for several reasons, and the 14th Amendment was certainly not a sound basis for them to pass constitutional muster. Moreover, Borah saw the anti-lynching bills as creating a principle that would justify repeated and destructive federal intrusion into the state sovereignty that was necessary for our nation's well-being. Finally, as lynching had dramatically decreased in the United States by the late 1930s, and given the Senator's feelings that anti-lynching legislation would be an ineffective solution to that disappearing problem (while at the same time threatening national unity), William Borah strongly believed that passing an anti-lynching bill would needlessly destroy our nation's federalist system without solving any problems at all.

In his final Senate speech against an anti-lynching bill, Senator Borah eloquently concluded by arguing that a loose interpretation of the 14th Amendment would contribute to the downfall of our governmental system, and that "a few lives will be lost if we do not pass this measure, . . . which we will all regret. But many lives were lost to establish this Government, to establish this dual system, and the happiness and contentment of many millions will be lost if we do not preserve it." 83 Congr. Rec. 2, 1497 (1938).

Mr. KOHL. Mr. President, I rise today not only to show my support for S. Res. 39 but also to honor the achievements of Dr. James Cameron, the oldest living lynching survivor. Dr. Cameron moved on from his horrific early experience with racial hatred to found America's only Black Holocaust Museum. His life story and work are a source of hope and pride for many survivors of racial violence.

Dr. Cameron was born in LaCrosse, WI, in 1914 and moved to Indiana as a teenager. In Indiana, he accompanied two friends involved in an armed robbery that turned to rape and murder. Though Dr. Cameron ran away well before the crime was committed, all three young men were taken to jail. The Ku Klux Klan stormed that jail on August 7, 1930, hung Dr. Cameron's two friends and beat Dr. Cameron severely. Dr. Cameron survived but spent another 6 years in jail for crimes he did not commit.

Dr. Cameron has never let us forget the injustice done to him and to too many other victims of lynching and other forms of racial violence. After moving back to his home State of Wisconsin, he founded the Black Holocaust Museum in Milwaukee. This unique museum lays bare our Nation's violent past of racism and slavery. Dr. Cameron's efforts to shine a light on this disturbing aspect of our history have opened the eyes of thousands to the suffering of African-Americans—not only in the age of slavery but also in the decades that followed. As painful as the exhibits in his museum are to view, they are a necessary reminder of the costs of racial hatred—and of the apology we owe to the families torn apart by acts of racial hatred.

Because of my great respect for Dr. Cameron—and because he has opened our eyes to the great crimes committed by this nation by not ending lynching—I am cosponsoring S. Res. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact antilynching legislation. The history of lynching in America is an atrocious one indeed. Between the years 1882 and 1968, some 4,700 people were lynched. And though, over that same period, nearly 200 antilynching bills were proposed, none made it past the Senate.

That lack of action is truly a black mark on this institution's history and legacy. An apology cannot erase our crimes—but an acknowledgment of the costs of our inaction is a first step toward ensuring we never again let hate and racism run unchecked through our great Nation.

Ms. SNOWE. Mr. President, I rise today as a cosponsor and strong supporter of S. Res. 39, an apology on behalf of the United States Senate, for its inaction during one of this Nation's darkest chapters. Today, my colleagues and I, through this legislation, offer an apology to the victims of lynching, and their families and descendants, for the Senate's failure to enact antilynching legislation throughout the course of this Nation's history. Despite the fact that, at key junctures in our Nation's history, the House of Representatives passed, and the President stood ready to sign, Federal law to actively eliminate lynching throughout the country, such legislation died in the Senate, as did the many victims of this heinous crime who might have been saved by the passage of such law.

Following the Civil War, and as Reconstruction ended Federal troops withdrew their presence from the States that had been in rebellion, lynching became the most extreme form of racial oppression in the South. Between 1881 and 1964, at least 4,749 reported lynchings took place, with most of the victims being black; all but four States had at least one lynching on record. However, 99 percent of the perpetrators of these crimes escaped any punishment, as State and local authorities refused to investigate and prosecute these cases, and those who were charged with lynching were regularly acquitted by all-white juries.

Unprotected by State authorities, African-Americans and civil rights groups sought protection from the Federal Government, the same authority that rid this Nation of the scourge of slavery. As a result of the Reconstruction amendments to the Constitution, the Federal Government had the express power to pass legislation under the 13th and 14th Amendments to use the full force of the Federal Government's law enforcement authority to put an end to lynching. In fact, between 1890 and 1952, seven Presidents petitioned Congress to halt lynching, and almost 200 antilynching bills were introduced in Congress. Most notably, on three on three occasions between 1920 and 1940, the House of Representatives passed strong antilynching bills. And equally as regrettably, all three of these bills died in the United States Senate.

That is why I find S. Res. 39 to be entirely appropriate, and frankly long overdue. This resolution, offered by my colleagues Senator LANDRIEU and Senator ALLEN, constitutes a formal apology by the Senate "to the victims and survivors of lynching for its failure to enact antlynching legislation." It further expresses this Chamber's sympathy and regret to the descendants of these victims. Undoubtedly, a measure of this nature may stand as insignificant when compared to the sad legacy of men, women, and children dying at the hands of racist, bigoted vigilantism. Yet it is my hope that this resolution, which we will pass tonight, will help heal some of the wounds for the surviving family members of the victims of lynching.

This effort has been a long time coming, and I am thankful for the involvement of my colleagues, present and former, who have taken part in supporting this effort. I thank the sponsors of this resolution, Senators ALLEN and LANDRIEU, as well as all other cosponsors of this resolution, 60 in number altogether. I also want to thank Janet Langhart Cohen and her husband, our former colleague and fellow Mainer Bill Cohen. Their devotion to championing this cause helped to raise my awareness of this issue, and I am sure many of my colleagues have similar feelings.

For decades after the Civil War, too many of our fellow Americans suffered from the murderous actions of lynching bees and the fear and intimidation that accompanied those actions. People of all backgrounds fell victim to lynch mobs in nearly every State, but this burden fell especially hard on our fellow citizens in the African American community. Needless to say, the Senate bears no direct responsibility for these crimes, nor does this resolution suggest anything along those lines. However, the Senate's sin was one of omission. At critical junctures in our history, when the tide of the terror wrought by lynching could have been stemmed by passage of Federal legislation, the Senate single-handedly blocked such action. For this inaction, at times when this legislative body was needed the most, we in the Senate express our heart-felt apology to those whose suffering could have been avoided.

I yield the floor.

Mr. LEAHY. Mr. President, the resolution for consideration today details the Senate's shameful failure to pass anti-lynching legislation despite several attempts. Even as seven Presidents called for anti-lynching legislation, and the House three times passed such bills, the Senate has steadfastly refused to act.

At least 4,749 people were reported lynched between 1881 and 1964, with the vast majority of the victims being African-American. Shockingly, 99 percent of the perpetrators of these horrible acts escaped punishment from State or local authorities.

My State was one of only four or five States that did not have a lynching during that time. It wasn't just one or two States. It was every State in the Union, every State of the then-48 States with the exception of only four or five.

Even though my State did not have any, I cosponsored this resolution because I believe an apology is in order. I have cosponsored this resolution because an apology is surely in order, and I believe Senator LANDRIEU deserves great credit for bringing this important issue to the Senate's attention.

This public act of contrition is an important gesture today to take responsibility for the civil rights misdeeds of the past. But it is also an opportunity for Congress to show the country that we will not tolerate similar offenses. As we pass this resolution, it is fitting to carry this principle to the present and act in kind to prevent civil rights and human rights abuses occurring now in this country and around the world.

As we pass this resolution, we should also recognize that it is long past the time to pass the Local Law Enforcement Enhancement Act, which would strengthen and extend our Federal hate crimes law. The Senate has repeatedly passed this bill, with 65 votes in the last Congress. The Republican leadership in the House, with the acquiescence of the Bush White House, has killed it. It is fitting that we apologize for past inaction, but that does not obviate the need to solve today's problems.

By the same token, we should reauthorize the Voting Rights Act in this Congress and not wait for 2007. We need to ensure that this law, one of the most important bills of the 20th century, remains in effect to safeguard the fundamental right of all citizens to participate fully in our democracy.

We should also remember the leading role this country played in drafting the Universal Declaration of Human Rights, which was modeled on our own Bill of Rights. As the country that, especially since the Second World War, has been looked to around the world as a beacon of hope for victims of arbitrary arrest, torture, and the denial of fundamental freedoms, we need to set a far better example than we are today. The atrocities and dehumanizing mistreatment that have occurred in U.S. military detention facilities in Afghanistan, Iraq and Guantanamo, are eerily reminiscent of some of the despicable acts described in this resolution. In addition, the continued assistance the administration is providing to foreign security forces that violate human rights, directly contradict the message we are trying to send with this resolution. We should not be satisfied with long overdue apologies. There are serious human rights problems that we need to address today.

A few years ago, I had the opportunity to examine the book "Without Sanctuary: Lynching Photography in America," which is referred to in this resolution. The haunting photographs in this book make plain the evil that lurked in this Nation not very long ago, and make it impossible to accept the fact that the individuals and mobs that committed these heinous acts by and large suffered no consequences. This resolution deserves our immediate approval, and I hope it provides some comfort to the descendants of the victims of these horrible crimes.

Mr. KYL. Mr. President, it is every citizen's duty to know American history. One fact we must reckon with is that our experiment in self-government began in a compromise with the existence of slavery. As the American experiment went forward, protections granted to slavery in the Constitution—a document that never explicitly mentioned slavery—were dismantled. The cost was great: Brother fought against brother in the Civil War, largely over whether "the peculiar institution" would be allowed to thrive in the United States. When, at the end of that terrible conflict, the 13th amendment was put in the Constitution, slavery was abolished.

Yet while a pernicious institution was now, thankfully, illegal, its aftereffects were still felt in the former slave States. Postwar reconstruction was supposed to restore the natural and the civil rights of the former slaves and their descendents; but State and local authorities did not enforce those rights. The lynching of African Americans, and other forms of persecution, would persist into the 20th century, to the shame of every decent citizen.

Candidly facing this history is important. We must not forget the wrongs of the past—nor that we have had leaders willing to come forward and stand against those wrongs. From the Continental Congress passing the Northwest Ordinance of 1787, which banned slavery in the region northwest of the Ohio River, to the words and deeds of Frederick Douglass and Abraham Lincoln, to the civil rights movement of the 1960s, brave men and women reaffirmed for all of us the principles of human equality and consent of the governed on which our Nation was founded.

Lincoln declared: "Those who deny freedom to others deserve it not for themselves, and under a just God, cannot long retain it."

I support Senate Resolution 39 in the name of honesty and national unity. As Senators representing Americans of all colors and creeds, we ought to give due recognition to past injustices. Even more importantly, we ought to live today by Lincoln's dictum. We must make sure our laws and our practices always reflect our belief in individual worth and equality under the law. This belief held in common is what has helped Americans—whatever their race, religion, or background—to succeed.

Mr. FEINGOLD. Mr. President, the Senate has accomplished some wonderful things for this country. But sometimes this body makes grave mistakes. Today, by passing the resolution apologizing to the victims of lynching, we acknowledge one of the gravest. The use of the filibuster and other dilatory tactics to prevent the enactment of a law criminalizing lynching is among the darkest chapters in the history of the U.S. Senate. This resolution is a small but important step toward helping us come to terms with the Senate's disgraceful failure over a period of many years, at the beginning of this century, to protect our citizens. I congratulate Senators LANDRIEU and ALLEN for their work to bring this resolution before the Senate.

There are few crimes as despicable and contrary to the rule of law as lynching. The practice was born of hatred, racial or otherwise, and disdain for our criminal justice institutions. Unfortunately, lynching occurred throughout the United States, with cases documented in all but four states. From 1881 to 1964, there were 4,749 recorded victims of lynching. Of these victims, 3,452 were African Americans. Worse still, in nearly all cases of lynching before 1968, local and state law enforcement officials failed to investigate or prosecute the perpetrators.

An anti-lynching law would have allowed Federal prosecutors to bring the perpetrators of lynching to justice. On three occasions, the House passed antilynching bills, but each time a small group of Senators filibustered the proposals in the Senate.

Although a resolution cannot make up for the terrible injustice perpetrated against the victims of lynching and their families, this resolution is, at least, a positive step toward recognizing the Senate's past mistakes. There is much more that the Senate must do to address continuing racial injustice in this country. But this resolution is a worthy effort. I am proud to support it, and I am pleased that the Senate will pass it tonight.

Mrs. LINCOLN. Mr. President. I rise today in support of Senate Resolution 39.

This resolution acknowledges a dark period in the history of our Nation and the history of this institution. It was a time of racial intolerance, hatred and violence, that took the lives of 4,742 people, mostly African Americans, between 1882 and 1968. It was also a time when this body failed to fulfill its moral and constitutional responsibilities to pass significant legislation which may have prevented many of these deaths.

During this time, there were 284 victims of lynching in my home State of Arkansas. It was a crime that was documented in over 46 States. To properly punish those responsible, Congress tried on over 200 occasions to pass antilynching legislation but on each occasion it came to the Senate floor, it was defeated.

While we can never adequately express the deep sympathy and regret in our hearts, I am hopeful this long overdue acknowledgment and apology brings some sense of solace to the descendants of victims of lynching. This was a moment in our nation's history that was at odds with the principles upon which we were founded, and a moment at odds with our future. When we acknowledge the misdeeds of our past and demonstrate a willingness to learn the lessons from those actions, we build upon the many things that unite us all to make our Nation stronger and a better place to live.

Mrs. BOXER. Mr. President, today we in the Senate are finally apologizing to the descendants of the nearly 5,000 victims of lynching, primarily African Americans, for our failure to enact antilynching legislation.

Even though the House of Representatives passed three strong antilynching measures between 1920 and 1940, the Senate filibustered all of those measures. This was wrong, and this resolution is long overdue.

Lynching, a widely acknowledged practice that continued until the middle of the 20th century, was a shameful chapter in our history. It was mob justice at its most heinous, motivated by racial and ethnic hatred. And it was a national problem occurring in all but four States in our country.

While passing this apology is important, it not going to right every wrong. And it does not absolve us of our responsibility to continue to work to provide justice in American society.

Justice at the polls for those who are made to stand in line for hours to exercise their right to vote.

Justice in the schools so that every child has an equal educational opportunity.

Justice in the workplace so that no worker will face discrimination.

Let us use this opportunity not only to apologize for a shameful injustice but to dedicate ourselves to eradicating the remaining injustices in our society.

Mr. HARKIN. Mr. President, I am here to speak on the Senate's need to redress a past wrong. For more than 6 decades, the Senate attempted to pass legislation outlawing the terrible act of lynching. And for more than six decades, against the wishes of many Presidents and a majority of Congressmen and Senators, a small minority of Senators prevented any antilynching legislation from passing this body. Three times the House passed bills with severe penalties for perpetrators of this crime, and three times companion bills failed to garner enough support to stop a filibuster in the Senate. Today, it is time for atonement—and for a belated apology on behalf of the United States Senate.

My colleagues and I have drafted this resolution to apologize for the past mistakes of this governing body. This terrible crime was a widespread phenomenon in the late 19th century and throughout the first half of the 20 century. It was practiced in some 46 states.

Mark Twain once termed lynching as an "epidemic of bloody insanities." Compounding the tragedy of lynching is that fact that some 99 percent of the perpetrators of these crimes failed to receive any punishment for their actions.

This resolution cannot make up for the Senate's past failures, but it will serve as a statement of remorse from this body. It has been said that one cannot judge the past through the lens of the present, but lynching should have been viewed as a crime in any time. The Senate, through this legislation, apologizes for its past mistakes, and seeks to redress the failure of this body to protect Americans from violent and sadistic behavior.

No longer will this body permit an "epidemic of bloody insanities" to overtake this Nation.

Mr. JEFFORDS. Mr. President, I would like to express my support for Senate passage of S. Res. 39, a resolution of apology for the Senate's failure to pass anti-lynching legislation.

Some may wonder about the need to pass this resolution concerning events that occurred decades ago. I believe it is important that light be shown upon, and a discussion occur, about these horrific events. As the famous saying goes, "Those who do not know history are doomed to repeat it." There were almost 5,000 documented cases of mob lynching in the United States since the Civil War. It is important to note that many historians believe this number should be doubled to include the undocumented cases that occurred.

Lynchings occurred almost everywhere in the United States, and were in many cases examples of so-called mob justice which thwarted the decisions of or shortcut the American judicial system. Despite the national scope of these events, the Senate refused to pass anti-lynching legislation that would provide greater protection to innocent victims and bring the guilty to justice.

While we cannot reverse the decisions made by previous Senates, we can at the very least, offer our apologies and highlight this shameful period in American history. Only by exposing these terrible events, discussing how they occurred, and learning from them can we hope to avoid repeating them in the future.

Ms. MIKULSKI. Mr. President, today the Senate acknowledges the dark side of our history. We apologize for a terrible wrong—the Senate's repeated failure to adopt anti-lynching legislation. This legislation is long, long overdue. I join my colleagues in offering this resolution as a way of saying how profoundly sorry we are that the Senate did not act decades earlier—when action might have saved lives. We also recommit ourselves to ensuring that this will never happen again.

The horrific practice of lynching is a stain on our Nation—and on our souls. There were over 4,700 documented lynchings in the United States. There were 29 documented lynchings in Maryland. These lynchings were public events, with members of the community colluding—either directly or indirectly—in this horrifying practice. It was no accident that they made them public—they were sending a message to other African Americans in the community. These crimes left thousands of people dead and families and communities scarred. Yet 99 percent of these murderers were never arrested or tried for their crimes.

For many in Maryland, the history of lynchings is not an abstraction—it is the history of their family or their community. The Washington Post reported about a 1906 lynching in Annapolis, where Henry Davis was lynched on a bluff near College Creek just days before Christmas. There was George Armwood, who was lynched and burned by a mob in Princess Anne's County, and King Davis—who was lynched in Brooklyn, MD on Christmas Day in 1911. Many institutions throughout the Nation have tried to document the extent of this racial violence—but so many incidents went unreported that we will never have a true account of how many African Americans were murdered.

Billie Holiday, a Baltimore native, tried to capture the despicable practice of lynching in her 1939 song "Strange Fruit." Her career suffered because of the painful honesty of this song. Her record label refused to record it, and some of her concerts were cancelled. Yet Holiday's perseverance turned "Strange Fruit" into one of the "most influential protest songs ever written" and an inspiration for those fighting for racial justice.

The Senate tried several times to put an end to this monstrous practice by outlawing it, but each time the measure died. This is a horrific failure that cost American lives. This failure will always be a scar on the record of the United States Senate.

Today we apologize for this tragedy, though no action now can right this wrong. Although we acknowledge this dark side of our history, we cannot and should not want to erase it. We must ensure that it serves as a lesson about a time when we failed to protect individual rights and preserve freedom.

This legislation is important to recognizing the evil of lynching and the failure of government to protect its citizens. It also stands as a symbol of our commitment to move our Nation forward so we can truly be a symbol of democracy.

Next week in Baltimore, we will open the Reginald Lewis Museum of African American History and Culture. It will be a proud day—the celebration of a strong and proud history that has made our Nation great. This museum documents the courageous journeys toward freedom and self-determination for African Americans in Maryland and in America. Yet history must also acknowledge this dark side of our history. We must educate the next generations about the proud history, and mighty struggle that African Americans have endured in the United States.

Today, this resolution stands as a painful reminder of that history. Yet it should also stand as a guiding principle—that we must always fight to protect the rights of all Americans. This resolution acknowledges that the Senate was wrong when it failed to enact anti-lynching laws. But it also empowers us to move forward to do all that we can to strengthen opportunity for all Americans, to fight discrimination in every form and to ensure that we vigorously protect the rights of all Americans.

Mr. ALEXANDER. Mr. President, this past February, I introduced the resolution celebrating Black History Month that follows these remarks. Thirty five other Senators have joined me in this effort. I offered this resolution in the spirit of my late friend Alex Haley, who lived his life by the words "Find the Good and Praise It". These six words are etched on his tombstone in the front yard of his grandparents' home in Henning, TN. When Alex was a boy, he would sit on the front porch steps of that home on summer evenings listening to his great aunts rock in their chairs and tell the stories that eventually became Roots, the story of the struggle for freedom and equality.

It is in that spirit that the Black History Month resolution honors the contributions of African Americans throughout our history, recommits the United States Senate to the goals of liberty and equal opportunity for every American, condemns the horrors of slavery, lynching, segregation, and other instances in which our country has failed to measure up to its noble goals, and pledges to work to improve educational, health, and job opportunities for African Americans and for all Americans.

African Americans were brought forcibly to these shores in the 17th century. From that dark beginning, however, these men and women and their descendants have overcome great obstacles. They continue to do so, and have taken a prominent place among the many people of diverse backgrounds who have come together here to form a single nation. African Americans have made and continue to make significant contributions to the economic, educational, political, artistic, literary, scientific, and technological advancement of the United States of America.

Black History Month, and this discussion in the Senate today, offer an opportunity to remind ourselves that the United States of America is a work in progress. Ours is the story of a people establishing high ideals, and then struggling to reach them, often falling short, rarely achieving them, but always recommitting ourselves to trying again. This is why we continue to say that anything is possible in America, that no child shall be left behind, and that we will pay any price to defend freedom, although we well know that we will never quite reach such lofty ideals.

Perhaps the most ambitious of our goals is the proposition, expressed in the Declaration of Independence, that "all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness. . . . ." Our most conspicuous failure to reach this goal is the treatment of African Americans. Slavery, lynching, and segregation are all disgraceful examples of times when this Nation failed African Americans, when we failed to live up to our own promise of that fundamental truth that all men are created equal.

However, for almost every time that we have failed, we have then struggled to come to terms with the disappointment of that failure and recommitted ourselves to trying again. Where there once was slavery, we enacted the 13th and 14th amendments abolishing slavery and declaring equal protection under the law for all races. After segregation, came Brown v. Board of Education and the Voting Rights Act. There are so many moments like these in our history. We should celebrate these moments, but we should not stop there. We celebrate and remember our history so that we can learn its lessons and apply them today. Today's wrongs are begging for attention. African Americans in this country face significant and often crippling disparities in education, health care, quality of life, and other areas where the Federal Government can play a role.

There are different ways to acknowledge those times when Americans have failed to live up to our lofty goals. The Senators from Louisiana and Virginia, who are also co-sponsors of our Black History Month resolution, have chosen to apologize for the actions of some earlier Senators as a way of expressing their revulsion to lynching. I also condemn lynching, and this Black History Month resolution condemns lynching. But, rather than begin to catalog and apologize for all those times that some Americans have failed to reach our goals, I prefer to look ahead. I prefer to look to correct current injustices rather than to look to the past. Maya Angelou once wrote, "History, despite its wrenching pain, cannot be unlived, but if faced with courage, need not be lived again."

There is no resolution of apology that we can pass today that will teach one more child to read, prevent one more case of AIDS, or stop one more violent crime. The best way for the United States Senate to condemn lynching is to get to work on legislation that would offer African Americans and other Americans better access to good schools, quality health care and decent jobs. By joining together in our Black History Month resolution, 35 members of this body commit ourselves to do just that, to find more ways to look to the future, and to continue to contribute to this work in progress that is the United States of America.

I don't know what my friend Alex Haley would say about this Senate resolution or that Senate resolution. But I do know how he celebrated Black History Month. He told wonderful stories about African Americans and other Americans who believed in the struggle for freedom and the struggle for equality; he minced no words in describing the terrible injustices they overcame. He said to children that they were living in a wonderful country of great goals, and that while many in the past often had failed to reach those goals, that we Americans always recommit ourselves to keep trying.

Mr. CORNYN. Mr. President, I wish to associate myself with the articulate and poignant remarks of the junior Senator from Tennessee. He is absolutely right, of course, that the era of widespread lynching in our nation's history is deplorable. And he is right that we must look to the future, to ensure that such crimes are never again allowed to occur.

There are different ways to acknowledge those times when Americans have failed to achieve the goals we have set for ourselves. The Senator from Tennessee quotes Maya Angelou, who once wrote, "History, despite its wrenching pain, cannot be unlived, but if faced with courage, need not be lived again." Indeed, let us learn from the past, and look forward with such courage.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from Arkansas.

Mr. PRYOR. Mr. President, I know we have other Senators on their way to the Chamber to speak.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I am here tonight on behalf of my colleague from Virginia, Senator ALLEN, and all of our colleagues who participated in the debate to close out this evening on this very important and historic resolution, S. Res. 39, which has apologized formally, officially, and with great sincerity to the thousands of victims of lynching and to their descendants. It was, as was stated most eloquently and passionately on this floor, a very dark chapter, indeed, in American history, but a real mark against this Senate that, despite the repeated pleas of the victims and their families, thousands of Americans, the House of Representatives, and seven Presidents, of both parties, the Senate failed to act.

Tonight the Senate has admitted its mistake and has taken a very positive step in admitting failure so that we can have a brighter future. I know that many of these victims and their families—"survivors" is really a better word—have triumphed against this evil. Many were African Americans, but they were people of all different races and religious backgrounds. Many of them were here tonight and have been with us all day today.

I know their names are part of the record, but again they were James Cameron, 91 years old, a victim of lynching who miraculously survived to tell his story; Doria Johnson, the great-granddaughter of Anthony Crawford—Grandpa Crawford, as he has been called—from Abbeville, SC—what a story that family has to tell. Dan Distel, the great-grandson of Ida Wells. What a brave and historic journalist she was. In the face of literally constant threats to her life, she continued to write. What a role model for journalists everywhere of the courage of what it really takes to tell a story. And she did it.

We had many other family members and history professors with us today. There was a tremendous effort that enabled us to get to the floor tonight. As I wrap up, I want to again thank the staff. I thank my staff, including Jason Matthews, my deputy chief of staff; Kathleen Strottman, legislative director; Nash Molpus, who is with me on the floor. Our staff has been very helpful. Senator ALLEN's staff has also been remarkable and so many have contributed to this effort.

I had many quotes to choose from, Mr. President, to end tonight. Really, there were hundreds of them that would be appropriate. But one was especially appropriate, for the close of this debate because, while it ends one chapter, it begins many new chapters in the history of our Nation. The woman I will quote from is one I have admired my whole life. I have read much about her and have been taught a lot about her. I will read this quote from this particular woman because it took guts to say what she did, at a time when people in America didn't want to hear it. This came at a time when people didn't want to hear what women had to say, generally, about any subject, let alone the subject of injustice and intolerance not only in our Nation but the world.

The woman I will quote is Eleanor Roosevelt, who actually led a group of descendants into this Chamber in 1938 to urge the Senate, hopefully by their presence, to act—men and women who came with their own being, their own bodies to try to tell the Senate what you are reading about isn't true; these are innocent people. Eleanor Roosevelt escorted them to this Chamber and, of course, through all of their mighty efforts, actions were not taken, but not through any fault of hers. What I want to quote is what she wrote about universal human rights. I read this as a young legislator. Of course, we read lots of things, and some things stick and some don't. This particular quote is seared into my heart. I try to remember it every chance I get. I read it often, and I would like to read it tonight because it is very relevant to the debate that we have had. She wrote:

> Where, after all, do universal human rights begin? In small places, close to home—so close and so small they cannot be seen on any maps of the world. Yet they are the world of the individual person, the neighborhood he lives in, the school or college he attends, the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close at home, we shall look for them in vain in the larger world.

We have heard stories today—hundreds of stories about these small places close to home—trees in a public square, river banks, levees, streets, alleys, open fields, behind school buildings, and in front of stores. This is where people want to experience dignity and justice. Some of these towns are so little they may still not be on any map of the United States. Maybe in some of these towns—because of what happened in the past—there are very few people who live there. And some of these places are quite large, where you can find them on the map. I think it is instructive for the Senate, as we make this sincere apology tonight, that we really take a breath and be very introspective to think about where these small places are in America, where these places of any size are in America, and recommit ourselves to be honest about our failings and our shortcomings, to be honest about the fact that we are not always as courageous as we should be.

But when we come to a point where we know we made the wrong decision, we didn't act in the best interests of our country or the American citizens who look to us for their protection and their support, we should at least be able to sincerely say we are sorry. That is what we did tonight. I thank Eleanor Roosevelt. I am forever grateful for her great leadership for the country and for thousands of Americans, people of all races, who advocated for justice and freedom at great expense to their own life—which is not what most of us experience today, gratefully—with great expense to their reputation, their livelihood. She was really not understood or appreciated in the world in which she lived.

There were many children in the Senate today, these children and great, great, great-grandchildren. Some of the victims and some of the journalists who have written about this in the past were here. Let's make sure they know the truth and they know that tonight we apologize.

Thank you, Mr. President.

Mr. BENNETT. Mr. President, I have listened with great interest to the presentations that have been made on the floor and wish to be associated with the sentiments involved.

I come from a State that does not have a history of lynchings, but that does not mean I should be absolved from the concern that all Americans should have over the lynchings that have occurred. I note that it was the filibuster that made it possible for the Senate to be the body that blocked this legislation in the past. I would hope that in the future, we would all realize that the filibuster should be used for more beneficial purposes than that.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPORTANCE OF CONSULTATION ON JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I spoke on the Senate floor last week about the benefits to all if the President were to consult with Members of the Senate from both sides of the aisle on important judicial nominations. I return today to emphasize again the significance of meaningful consultation on these nominations because it bears repeating given what is at stake for the Senate, the judiciary and this country.

In a few more days the United States Supreme Court will complete its term. Last year the chief justice noted publicly that at the age of 80, one thinks about retirement. I get to see the chief from time to time in connection with his work for the Judicial Conference and the Smithsonian Institution. Sometimes we see each other in Vermont or en route there, and I am struck every time by his commitment. I marvel at him. I think that his participation at the inauguration earlier this year sent a powerful positive message to the country. I know that the chief justice will retire when he decides that he should, not before. He has earned that right. I have great respect and affection for him and he is in our prayers.

In light of the age and health of our Supreme Court justices, speculation is accelerating about the potential for a Supreme Court vacancy this summer. In advance of any such vacancy, I have called upon the President to follow the constructive and successful examples set by previous Presidents of both parties who engaged in meaningful consultation with Members of the Senate before selecting a nominee. This decision is too important to all Americans to be unnecessarily embroiled in partisan politics.

I said again last week that should a vacancy arise, I stand ready to work with President Bush to help him select a nominee to the Supreme Court who can unite Americans. I have urged consultation and cooperation for 4 years and have reached out, again, over the last several months to this President. I hope that if a vacancy does arise he will finally turn away from his past practices, consult with us and work with us.

Some Presidents, including most recently President Clinton, found consultation with the Senate in advance of a nomination most beneficial in helping lay the foundation for successful nominations. President Reagan, on the other hand, disregarded the advice offered by Senate Democratic leaders and chose a controversial, divisive nominee who was ultimately rejected by the full Senate.

In his recent book, "Square Peg," Senator HATCH recounts how in 1993, as the ranking minority member of the Senate Judiciary Committee, he advised President Clinton about possible Supreme Court nominees. In his book, Senator HATCH wrote that he warned President Clinton away from a nominee whose confirmation he believed "would not be easy." Senator HATCH goes on to describe how he suggested the names of Stephen Breyer and Ruth Bader Ginsburg, both of whom were eventually nominated and confirmed "with relative ease." Indeed, 96 Senators voted in favor of Justice Ginsburg's confirmation, and only 3 Senators voted against; Justice Breyer received 87 affirmative votes, and only 9 Senators voted against.

The Constitution provides that the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint" judges. For advice to be meaningful it needs to be informed and shared among those providing it.

Those recent examples are not the only examples of effective and meaningful consultation with the Senate. According to historians, almost 150 years ago, in 1869, President Grant appointed Edwin Stanton to the Supreme Court in response to a petition from a majority of the Senate and the House. More than 70 years ago, in 1932, President Hoover consulted with Senator William E. Borah regarding who he should nominate to succeed Justice Oliver Wendell Holmes. According to historical reports, as has been confirmed by Republican Senators, Senator Borah counseled the President to select Benjamin Cardozo from his list of potential nominees.

Bipartisan consultation would not only make any Supreme Court selection a better one, it would also reassure the Senate and the American people that the process of selecting a Supreme Court justice has not become politicized.

Recently, a bipartisan group of 14 Senators joined together to avert an unnecessary showdown in the Senate over the effort to invoke the "nuclear option." That would have changed 200 years of Senate tradition and the protection of minority rights. In their agreement the bipartisan coalition say the following:

> We believe that, under Article II, Section 2, of the United States Constitution, the word "Advice" speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations. We encourage the Executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration.
>
> Such a return to the early practices of our government may well serve to reduce the rancor that unfortunately accompanies the advice and consent process in the Senate.
>
> We firmly believe this agreement is consistent with the traditions of the United States Senate that we as Senators seek to uphold.

I agree. Bipartisan consultation is consistent with the traditions of the Senate and would return us to practices that have served the country well. They are right to urge greater consultation on judicial nominations.

In that regard, I was pleased to see the President respond to a question at a news conference 2 weeks ago by agreeing to consult with the Senate about his nomination should a vacancy arise on the Supreme Court. I see that as a positive development. More troubling are reports that the White House plan does not include meaningful consultation at all, but a "war room" and some sort of preemptive contact to allow them to pretend they consulted without anything akin to the kind of meaningful consultation this important matter deserves. If the White House intends to follow that type of plan, it would be most unfortunate, unwise and counterproductive.

Though the landscape ahead is sown with the potential for controversy and contention should a vacancy arise on the Supreme Court, confrontation is unnecessary. Consensus should be our mutual goal. I would hope that the President's objective will not be to send the Senate nominees so polarizing that their confirmations are eked out in narrow margins. This would come at a steep and gratuitous price that the entire Nation would have to pay in needless division. It would serve the country better to choose a qualified consensus candidate who can be broadly supported by the public and by the Senate.

The process begins with the President. He is the only participant in the process who can nominate candidates to fill Supreme Court vacancies. If there is a vacancy, the decisions made in the White House will determine whether the nominee chosen will unite the Nation or will divide the Nation. The power to avoid political warfare with regard to the Supreme Court is in the hands of the President. No one in the Senate is spoiling for a fight. Only one person will decide whether there will be a divisive or unifying process and nomination. If consensus is a goal, bipartisan consultation will help achieve it. I believe that is what the American people want and what they deserve.

If the President chooses a Supreme Court nominee because of that nominee's ideology or record of activism in the hopes that he or she will deliver political victories, the President will have done so knowing that he is starting a confirmation confrontation. The Supreme Court should not be an arm of the Republican Party, nor should it be a wing of the Democratic Party. If the right-wing activists who were disappointed that the nuclear option was averted convince the President to choose a divisive nominee, they will not prevail without a difficult Senate battle. And if they do, what will they have wrought? The American people will be the losers: The legitimacy of the judiciary will have suffered a damaging blow from which it may not soon recover. Such a contest would itself confirm that the Supreme Court is just another setting for partisan contests and partisan outcomes. People will perceive the Federal courts as places in which "the fix is in."

Our Constitution establishes an independent Federal judiciary to be a bulwark of individual liberty against incursions or expansions of power by the political branches. That independence is at grave risk when a President seeks to pack the courts with activists from either side of the political spectrum. Even if successful, such an effort would lead to decision-making based on politics and forever diminish public confidence in our justice system.

The American people will cheer if the President chooses someone who unifies the Nation. This is not the time and a vacancy on this Supreme Court is not the setting in which to accentuate the political and ideological division within our country. In our lifetimes, there has never been a greater need for a unifying pick for the Supreme Court. At a time when too many partisans seem fixated on devising strategies to force the Senate to confirm the most extreme candidate with the least number of votes possible, I have been urging cooperation and consultation to bring the country together. There is no more important opportunity than this to lead the Nation in a direction of cooperation and unity.

The independence of the Federal judiciary is critical to our American concept of justice for all. We all want Justices who exhibit the kind of fidelity to the law that we all respect. We want them to have a strong commitment to our shared constitutional values of individual liberties and equal protection. We expect them to have had a demonstrated record of commitment to equal rights. There are many conservatives who can meet these criteria and who are not rigid ideologues.

This is a difficult time for our country and we face many challenges. Providing adequate health care for all Americans, improving the economic prospects of Americans, defending against threats, the proliferation of nuclear weapons, the continuing upheaval and American military presence in Iraq, are all fundamental matters on which we need to improve. It is my hope that we can work together on many issues important to the American people, including maintaining a fair and independent judiciary. I am confident that a smooth nomination and confirmation process can be developed on a bipartisan basis if we work together. The American people we represent and serve are entitled to no less.

GUANTANAMO BAY

Mr. LEAHY. Mr. President, it has been well over 3 years since the administration began to hold detainees at the U.S. Naval Base in Guantanamo Bay, Cuba. The first batch of then only 20 detainees arrived in January 2002. There are now more than 500 detainees at Guantanamo. I cannot give you an exact number because our own Government refused to tell the American people an exact number.

In fact, there is much that we do not know about our Government's activities at Guantanamo. From the start, the administration's answer to every question regarding this secret detention facility has been: Trust us. Trust us that we know the law and that we will comply with it. Trust us to treat detainees humanely and in accordance with our laws and treaties and the great and wonderful traditions of the United States. Trust us that Guantanamo will make Americans safer. More than 3 years later, the one thing we know for sure about Guantanamo is that any trust we may have had was misplaced.

First, the administration either did not know or did not follow the law. The list of reversals of this administration's policies and practices at Guantanamo is long. From the Supreme Court's rejection of the claim that Guantanamo Bay is a land of legal limbo or, as one administration official said, "the legal equivalent of outer space," to a recent district court holding that the current military commission regulations are unlawful, there is much that needs attention and correction.

Secondly, the administration has not lived up to its promise to treat detainees humanely. Even with the administration's continuing stonewalling against any independent investigation into the mistreatment of detainees, we continue to learn of more abuses on an almost daily basis. Does anybody question that if American POWs were being treated in this way, we would have demonstrations in the streets of America, and everybody from the President down through every single Member of Congress would be up in arms and calling for changes? But when these actions take place at Guantanamo, the administration refuses to acknowledge any wrongdoing. The dangerous implications that this posture has for our own troops and citizens becomes more obvious every day.

Third, and this is the bottom line: Guantanamo has not made our country safer. It is increasingly clear that the administration's policies have seriously damaged our reputation in the world, and they are making us less safe. The stain of Guantanamo has become the primary recruiting tool for our enemies. President Bush often speaks of spreading Democratic values across the Middle East, but Guantanamo is not a reflection of the values that he has encourages other nations to adopt. The United States has often criticized other nations for operating secret prisons where detainees are hidden away and denied any meaningful opportunity to contest their detention. Now we have our own such prisons. Even if the administration fails to see the hypocrisy of this situation, I can assure you, the rest of the world does not.

Guantanamo Bay, in addition to Abu Ghraib, is a national disgrace and international embarrassment to us, to our country's ideals, and a festering threat to our security. It is a legal black hole that dishonors the principles of a great nation. America was once very rightly viewed as a leader in human rights and the rule of law, but Guantanamo has drained our leadership, our credibility, and the world's good will for America at alarming rates. Even our closest allies cannot condone the policies embraced by this Government, not to mention the significant damage that has been caused by allegations and proven incidents of detainee abuse in Iraq, Afghanistan, and Guantanamo. These are not the policies of a great and good nation such as ours. This is not the American system of justice that I have grown up honoring and appreciating.

Within the last 2 weeks, I was at a meeting of NATO parliamentarians. These are parliamentarians from the countries that are our closest allies. They are members of the NATO alliance with the United States and proud to be part of that alliance. Every one of them I spoke with said the same thing: How can America continue to be a beacon for democracy with the stain of Guantanamo? Some of these countries were countries that originally had been behind the Iron Curtain. With the efforts of this administration and the Clinton administration, we see them now as proud members of NATO. They look to the United States for leadership, and they ask us: Why Guantanamo?

The 9/11 Commission understood that military strength alone is not sufficient to defend our Nation against terrorism. There has to be a role for working cooperatively with the rest of the world. In its report, the Commission said that the Government "must define what the message is, what it stands for. We should offer an example of moral leadership in the world, committed to treat people humanely, abide by the rule of law, and be generous and caring to our neighbors." Guantanamo Bay is not the way to do this.

The administration got itself into this mess because it refused to accept Congress as a partner in its so-called war on terror and insisted on acting unilaterally. It would not even involve Congress, even though Congress is controlled by members of the President's party. Following the start of combat in Afghanistan in October 2001, I urged President Bush to work with Congress to fashion appropriate rules and procedures for detaining and punishing suspected terrorists. All of us agree, if you have terrorists, if it is proven they are terrorists, they should be detained and punished. As I noted at the time, our Government is at its strongest when the executive and legislative branches of Government act in concert. Unfortunately, the President was determined to go it alone.

Up until now, this Republican-led Congress has been content to go along for the ride. As the administration dug itself deeper and deeper into a hole, we stood idly by. Instead of providing checks and balances, we simply wrote one blank check after another.

This has to change. The Constitution provides that Congress, not the President, has the power to "make Rules concerning Captures on Land and Water." Congress, not the President, has the power to "define and punish Offenses against the Law of Nations." And perhaps most importantly, Congress, not the President, has the power of the purse. Maybe each one of us should take a few moments and reread the Constitution that we are sworn to uphold.

What is the administration's plan for Guantanamo Bay, assuming there is one? What does the administration intend to do with the more than 500 detainees still imprisoned there? How many will be released and when? How many will be charged and tried and when?

The administration consistently insists that these detainees pose a threat to the safety of Americans. The Vice President said that the other day. If that is true, then one would have to assume we have credible evidence to support it. If there is such evidence, then let's prosecute these people. If we have the evidence, prosecute them.

But we also know that some of the detainees have been wrongly detained. I suspect there are others who have not yet been released against whom the evidence is weak at best. It is one thing if they are being detained in accordance with the Geneva Conventions. But if not, they do not belong there.

Guantanamo Bay is causing immeasurable damage to our reputation as a defender of democracy and beacon of human rights around the world. It is becoming a legal black hole, a rallying cry for our enemies, fueling hostilities against us and our policies.

We have always been able to say that those who strike out against us do not uphold the rule of law as we do. We have always been able to point out that the kind of actions they carry out are horrible, horrific. And every one of us, Democrat and Republican, have found them abhorrent and have said so.

Yet the administration has not articulated a coherent plan to repair the damage. Every one of us knows from what we hear around the world that we have been damaged by Guantanamo. Why carry out acts that do not follow our own laws, our own Constitution, our own tradition? We need a plan from the administration to repair this damage. The Congress has abdicated its oversight responsibility for far too long. The Administration has placed this nation in an untenable situation, and it is time for Congress to demand a way out.

Mr. President, as I said, this doesn't reflect the feeling of just the Democratic Senator from Vermont. Similar expressions have been made by Republicans and Democrats, leading people in this country, people I respect greatly, who point out what we all know—and maybe we don't like to talk about it—Guantanamo is a blot on the conscience of America—a good and great conscience, one that has been a shining beacon to so many countries. Let's not allow this blot. Let's take the steps necessary to erase it.

CONGRATULATIONS ZOE DELL NUTTER

Mr. VOINOVICH. Mr. President, I rise to celebrate the remarkable life of one of Ohio's most extraordinary women, Zoe Dell Nutter, a person whom my wife Janet and I count among our very dearest friends.

Professional dancer and model, successful businesswoman, renowned aviatrix, newspaper columnist and generous philanthropist, Zoe Dell Nutter has been each of these and so much more.

Today, she has one more entry to her long list of credits, awards, and achievements—her 90th birthday. Zoe Dell's life has taken her to so many places, called her into so many fascinating career pursuits, driven her to give so much back to her community, State, and Nation, and, lastly, rewarded her with so many accolades, honors along the way that I could never do her story justice on this floor.

I will spend a moment describing the wonderful friendship Janet and I have shared with Zoe Dell. It was truly a friendship at first sight when we all met on a long day back in 1979. Erv and Zoe Dell were the loves of one another's eyes, true life partners who shared the same dreams, interests, and passions through their marriage. Janet and I were always so impressed with how supportive they were of one another and how proud and respectful they were of each other's careers. They had a genuine concern for their family, extended family, and community. Above all else, they were a truly devoted couple. And I know that the bond Janet and I forged with them is, in part, a reflection of the devotion to each other we have treasured over the 42 years of our marriage.

I would ask each of you here today to reflect on your own lives, and on those special friendships that are so vital to your happiness. Sometimes I think our fellow citizens do not realize that the most significant friendships enjoyed by those of us in public service are usually with people who are far removed from politics and governing. So it has been with the Nutters and the Voinovichs.

Of all the remarkable things Zoe Dell has done in her life, perhaps nothing else quite compares with her love for flying and her accomplishments both as a gifted aviatrix and a tireless champion of aviation. She first took to the skies in the 1940s, when women were not exactly encouraged to be pilots. Zoe Dell persevered and excelled. And in so doing, she helped make it possible for little girls around the world to add "aviation" to the list of dreams that they might dream.

One of Zoe Dell's greatest contributions to aviation was a dream of her own—a vision that the industry should have its own hall of fame. Because of her, I became interested, as Governor, in helping to make her dream a reality in Ohio. And why not? Let me repeat the names of some of America's foremost aviation pioneers: the Wright Brothers, John Glenn, Neil Armstrong, and, yes, Zoe Dell Nutter—Ohioans, one and all.

Janet and I worked tirelessly with Zoe Dell and Erv on the hall of fame project, but it was always Zoe Dell who was the heartbeat of the initiative. We were successful in making it a true public-private partnership and today the Aviation Hall of Fame in Dayton is a sparkling jewel in the crown of Ohio's contributions to aviation. Thank you, Zoe Dell, one more time, for your vision, for your commitment, and for your own numerous contributions to aviation.

Zoe Dell hung up her pilot's wings a number of years back. But I can guarantee you, she is wearing another set of wings that will be with her all the days of her life—angel's wings.

Janet and I treasure our friendship with Zoe Dell. And I am humbled to place this tribute into the CONGRESSIONAL RECORD, acknowledging the venerable milestones Zoe Dell Nutter has reached on this day, and, more importantly, a life so fully lived.

May she enjoy many more years of good health and God's blessing.

LATVIA, UKRAINE, RUSSIA, JORDAN AND IRAQ

Mr. McCONNELL. Mr. President, over the Memorial Day recess my colleagues from Idaho and South Carolina joined me on a trip to Europe and the Middle East to review political and economic developments in emerging democracies, and U.S. security and foreign assistance activities that support the march of freedom in those regions. I want to take a brief moment to share with my colleagues some of the trip highlights.

Our first leg took us to Latvia, where Senators CRAPO and DEMINT and I met with senior government officials and President Vaira Vike-Freiberga. Although a young democracy, Latvia is unquestionably headed in the right direction. A painful and horrific past under Soviet occupation has seemingly steeled in that country's national consciousness a drive and determination toward freedom and free markets. Not surprisingly, Latvian officials today are keenly aware of events in neighboring Russia, and expressed concern with what they perceive as growing authoritarianism in Moscow.

A member of NATO and the EU, Latvia recognizes that while it continues to make forward progress at home, including passage of important money-laundering legislation, it has an important role to play in the region and beyond. I again want to express my heartfelt appreciation to the people of Latvia for their support of military operations in Iraq and democracy in neighboring Belarus, Ukraine, and Georgia.

U.S. Ambassador Cathy Bailey and her staff, particularly Mark Draper, deserve praise for representing America's interests in Riga ably, continuing to strengthen U.S.-Latvian bilateral relations, and providing outstanding support throughout our visit, including setting up a meeting with the Belarusian opposition. I am particularly proud of Cathy as she is a Kentuckian; she is doing the Commonwealth proud.

From Latvia we traveled to Russia, where the contrast between the two countries was immediate. Although Moscow has physically changed since my last visit in 1993, a bumbling Soviet-era bureaucracy and suspicion of the United States unfortunately remain.

Cooperation on issues of mutual importance to the United States and Russia must continue, including countering terrorism, preventing the proliferation of weapons and materials of mass destruction, and dealing with the challenges of Iran and North Korea. However, concerns expressed in Latvia—and later in Ukraine—on the rollback of democracy in that country were underscored in a meeting we had with a dynamic member of Russia's Duma, and the 9-year prison sentence handed down to ex-YUKOS tycoon Mikhail Khodorkovsky while we were in Moscow.

I echo the calls by President Bush and Secretary of State Rice for greater support and respect for democracy and the rule of law by President Putin and the Russian Government. I would only add that with respect to regional relations, it is in Russia's interest that its neighbors are democratic. It is my view that greater freedom can provide the stability that the Kremlin apparently seeks in Ukraine, Georgia and elsewhere.

In Ukraine, we met with a broad range of government and former government officials to discuss the Orange Revolution, and the need for critical economic reforms that Ukraine must implement in order to fulfill its aspirations for entry into the WTO, EU and NATO. While it is clear that President Yushchenko and Prime Minister Tymoshenko understand the hard work that lies ahead, they—and other key leaders—must keep their collective noses to the grindstone to implement economic reforms as quickly as possible.

As a long time Ukraine-watcher, it is my hope that Yushchenko and Tymoshenko do not repeat the mistakes of previous governments that led to massive corruption and political shenanigans following independence in 1991. The recent failure of the Rada to pass intellectual property rights legislation—which is essential to WTO entry—is a cause for concern. However, Ukrainians should know that America is ready and willing to help further freedom in their country. This was no more clearly demonstrated than through the $60 million provided for Ukraine in the recently passed emergency supplemental.

I know my fellow Senators will agree that U.S. Ambassador John Herbst and his staff deserve recognition for doing a great job. They made sure that our visit included differing views on the Orange Revolution, including those of former President Leonid Kravchuck and Yushchenko-challenger Viktor Yanukovych, both of whom were at dinner one night at the Ambassador's house, and had very different views, obviously, than those expressed by the President and Prime Minister.

From Ukraine we traveled to Jordan where we met with King Abdallah. We discussed regional issues, particularly Iraq and prospects for peace on the West Bank and Gaza. King Abdallah is clearly engaged on both issues and we appreciate that he continues to be a valued partner for peace.

Given aircraft mechanical problems, our visit to Iraq was somewhat abbreviated. Nonetheless, we departed Baghdad with an unmistakable conclusion: 2005 is a critical year for the future of democracy in that country—and for our own country's efforts to help the Iraqi people secure the blessings of liberty. The Iraqi people face a number of looming deadlines, including drafting a new constitution by August 15, holding a national referendum on the constitution by October 15, and conducting national elections to form a new government by December 15. So they have several deadlines ahead of them on the road to democracy. The participation of Sunni, Shiite and Kurdish representatives in this process is absolutely imperative. According to an Iraqi parliamentarian we met, the Iraqi people are up to this challenge. They should know that America will continue to stand with them.

In Baghdad, we met with David Satterfield, our Charge d'Affaires, General George Casey, and General David Petraeus. The view expressed by our general officers in Baghdad—that the Iraqi Army has made considerable progress—was shared by the Commander of the Second Marine Expeditionary Force in Fallujah, General Steve Johnson.

In Fallujah, we met with a task force of Marines determined that the heroic combat operations required to take the city should be followed by successful reconstruction efforts. They told us that Iraqi forces are combat ready, and determined in the face of enemy opposition. Recent press reports regarding Operation Matador, and the discovery of an insurgent underground bunker system, reveal only a small part of the great work that our forces are doing in Anbar province.

On a personal note, in Fallujah I was reunited with 2LT Joe Bilby of the Third Battalion, Eleventh Marine Regiment. This young officer once worked on my staff here in the Senate, heard the call of duty, and earned a commission in the Marine Corps. His unit is executing a mission critical to our success in Iraq. The people of Kentucky, and the rest of the country, should be proud of Lieutenant Bilby and his Marine band of brothers.

Let me close by pointing out that critical to the success of freedom in any country is strong and effective leadership that includes the political will to implement needed political, economic and legal reforms. As in previous years, my staff and I will be using this measurement as we put together the fiscal year 2006 State, Foreign Operations, and Related Programs appropriations bill in the weeks to come.

CBO REPORT

Mr. DOMENICI. Mr. President, at the time Senate Report No. 109–78 was filed, the Congressional Budget Office report was not available. I ask unanimous consent that the report, which is now available, be printed in the CONGRESSIONAL RECORD for the information of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Energy Policy Act of 2005—As ordered reported by the Senate Committee on Energy and Natural Resources on May 26, 2005

Summary: The legislation would authorize funding for several programs aimed at energy production, conservation, and research and development. It would authorize the use of energy savings performance contracts (ESPCs), make several changes to the regulatory framework governing the nation's electricity system, and establish a mandate for the use of renewable fuels.

Most of the bill's estimated costs would stem from changes in spending subject to appropriation. We estimate that implementing the bill would cost $5.1 billion in 2006 and $35.9 billion over the 2006–2010 period from appropriated funds, assuming appropriation of the necessary amounts.

CBO estimates that enacting the bill also would increase direct spending by $728 million over the 2005–2010 period but would reduce direct spending by $591 million over the 2005–2015 period. CBO estimates that enacting the bill would increase net revenues by $75 million in 2006 and would result in a net loss of revenues totaling $1.2 billion over the 2006–2010 period and $1.0 billion over the 2006–2015 period.

The bill contains numerous mandates as defined in the Unfunded Mandates Reform Act (UMRA) that would affect both intergovernmental and private-sector entities.

CBO cannot determine the cost of all the mandates in the bill because several of the requirements established by the bill would hinge on future regulatory action about which information is not available. Though CBO cannot estimate the cost of each mandate, we expect that the total cost of private-sector mandates in the bill would exceed the annual threshold established in UMRA ($123 million in 2005, adjusted annually for inflation). That conclusion is based on our analysis of the renewable fuels standard, which would impose substantial costs on the motor fuels industry.

CBO estimates, however, that the total cost of complying with intergovernmental mandates in the bill would not exceed the threshold established in UMRA ($62 million in 2005, adjusted annually for inflation). The bill also would authorize numerous grants and initiatives that would benefit state, local, and tribal governments; any costs those governments incur for these projects and initiatives would result from complying with conditions for receiving this federal assistance.

Based on its review of the bill, CBO expects that the mandates contained in the bill's titles on renewable energy (title II), nuclear energy (title VI), electricity (title XII), and energy efficiency (title I) would have the greatest impact on private-sector entities and state and local governments.

Estimated cost to the Federal Government: The estimated budgetary impact of the legislation is shown in Table 1. The costs of this legislation fall within budget functions 270 (energy), 300 (natural resources and environment), 350 (agriculture), 450 (community and regional development) and 800 (general government).

Basis of estimate

For this estimate, CBO assumes that the Energy Policy Act of 2005 will be enacted near the end of fiscal year 2005. Additionally, CBO assumes that the authorized and necessary amounts will be appropriated for each year and that spending will follow historical rates for ongoing activities. Table 2 details the components of estimated spending subject to appropriation under the bill. (Table 3, provided later, details the bill's direct spending effects.)

Spending subject to appropriation—Overview

The bill contains several provisions that specify amounts authorized to be appropriated for programs related to energy research, development, production, and conservation. Additionally, the bill would authorize unspecified amounts to be appropriated for energy conservation, loan guarantees for certain energy facilities and projects to develop innovative technologies, incentives to use renewable energy, and several other energy programs, studies, and reports. Assuming appropriation of the necessary amounts, CBO estimates that implementing these provisions would cost $5.1 billion in 2006 and $35.9 billion over the 2006–2010 period. The following two sections detail the costs of specified and estimated authorizations. (A discussion of direct spending and revenue effects follows the next two sections.)

TABLE 1.—ESTIMATED BUDGETARY IMPACT OF THE ENERGY POLICY ACT OF 2005

	By fiscal year, in billions of dollars—					
	2005	2006	2007	2008	2009	2010
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Energy Science Programs:						
Budget Authority[1]	6.0	0.0	0.0	0.0	0.0	0.0
Estimated Outlays	5.4	2.9	0.6	0.1	*	*
Proposed Changes:						
Specified Authorization Levels:						
Authorization Level	0.0	9.7	10.5	11.5	2.4	2.5
Estimated Outlays	0.0	4.8	8.8	10.6	6.9	3.2
Estimated Authorization Levels:						
Estimated Authorization Level	0.0	0.4	0.3	0.4	0.3	0.3
Estimated Outlays	0.0	0.3	0.3	0.4	0.3	0.3
Total Proposed Changes:						
Estimated Authorization Level	0.0	10.1	10.8	11.9	2.7	2.8
Estimated Outlays	0.0	5.1	9.2	10.9	7.2	3.5
Spending Under the Energy Policy Act of 2005 for Energy and Science Programs:						
Estimated Authorization Level	6.0	10.1	10.8	11.9	2.7	2.8
Estimated Outlays	5.4	8.0	9.7	11.0	7.2	3.6
CHANGES IN DIRECT SPENDING						
Estimated Budget Authority	*	0.1	0.4	0.3	0.1	−0.1
Estimated Outlays	*	0.1	0.3	0.3	0.1	−0.1
CHANGES IN REVENUES						
Estimated Revenues	0.0	0.1	*	−0.2	−0.4	−0.7

[1] The 2005 amount is the amount appropriated for that year for energy conservation, development, production, and science programs.

Notes: * = less than $50 million.

Components may not sum to totals because of rounding.

TABLE 2.—ESTIMATED EFFECTS OF THE ENERGY POLICY ACT OF 2005 ON SPENDING SUBJECT TO APPROPRIATION

	By fiscal year, in billions of dollars—					
	2005	2006	2007	2008	2009	2010
SPENDING SUBJECT TO APPROPRIATION						
Discretionary Spending Under Current Law for Energy and Science Programs:						
Budge Authority[1]	5,953	0	0	0	0	0
Estimated Outlays	5,366	2,882	556	86	29	29

TABLE 2.—ESTIMATED EFFECTS OF THE ENERGY POLICY ACT OF 2005 ON SPENDING SUBJECT TO APPROPRIATION—Continued

	By fiscal year, in billions of dollars—					
	2005	2006	2007	2008	2009	2010
Proposed Changes:						
Specified Authorization Level	0	9,684	10,454	11,492	2,440	2,539
Estimated Outlays	0	4,765	8,843	10,553	6,889	3,228
Estimated Authorizations:						
Energy Conservation Measures at Federal Agencies:						
Estimated Authorization Level	0	93	99	106	107	114
Estimated Outlays	0	76	98	105	108	113
Loan Guarantees for Innovative Technologies:						
Estimated Authorization Level	0	85	85	85	85	60
Estimated Outlays	0	85	85	85	85	60
Indian Energy Programs:						
Estimated Authorization Level	0	36	51	61	71	56
Estimated Outlays	0	21	41	55	67	60
Renewable Energy Production Incentive (REPI):						
Estimated Authorization Level	0	100	23	13	8	27
Estimated Outlays	0	70	46	16	10	21
Cellulosic Biomass and Cane Sugar Loan Guarantee:						
Estimated Authorization Level	0	30	0	40	0	40
Estimated Outlays	0	30	0	40	0	40
Other Provisions:						
Estimated Authorization Level	0	46	50	56	14	14
Estimated Outlays	0	43	49	56	14	14
Subtotal, Estimated Authorizations:						
Estimated Authorization Level	0	390	307	360	284	310
Estimated Outlays	0	325	318	357	283	307
Total Proposed Changes:						
Estimated Authorization Level	0	10,073	10,761	11,852	2,724	2,849
Estimated Outlays	0	5,090	9,161	10,910	7,172	3,535
Discretionary Spending Under the Bill for Energy and Science Programs:						
Estimated Authorization Level[1]	5,953	10,073	10,761	11,852	2,724	2,849
Estimated Outlays	5,366	7,972	9,717	10,996	7,201	3,564

[1] The 2005 amount is the amount appropriated for that year for energy conservation, development, production, and science programs.

Spending subject to appropriation: specified authorizations

The legislation would specifically authorize the appropriation of $36.6 billion over the next five years for several energy-related programs. Assuming appropriation of the authorized amounts, CBO estimates that implementing the bill's programs with specified authorizations would cost $4.8 billion in 2006 and $34.3 billion over the 2006–2010 period. That estimate includes:

Nearly $2.5 billion for the Department of Energy's (DOE's) energy conservation programs (title I);

Nearly $700 million for renewable energy grants and research projects (title II);

$3.3 billion for programs related to federal oil and gas resources and for financial assistance to coastal states (title III);

$400 million to research and demonstrate new technologies that use coal (title IV);

$134 million for programs to research and develop energy resources on Indian lands (title V);

About $540 million for a new program to research, develop, design, construct, and operate an Advanced Reactor Hydrogen Cogeneration Project and $16 million for a nuclear decommissioning project in Arkansas (title VI);

About $450 million for research and demonstration of vehicles that use alternative transportation fuels (title VII);

$2.8 billion for research, development, and demonstration of hydrogen-based fuel technologies and infrastructure for hydrogen fuels (title VIII);

$23 billion to research energy efficiency technologies, renewable energy sources, fossil energy development, basic science, and other energy sources and new technologies (title IX);

$45 million to promote a technology infrastructure program and support small business participation in DOE research activities (title X);

About $300 million for training personnel to work in the energy technology industry, and providing awards and fellowships in science, mathematics, and energy education (title XI); and

About $40 million for incentive payments for advanced power technologies (title XII).

Spending subject to appropriation: Estimated authorizations

Based on information from DOE, the Department of the Interior (DOI), the Environmental Protection Agency (EPA), other affected agencies, and industry sources, CBO estimates that implementing the provisions of the bill that are subject to appropriation and have no specified authorization level would cost $325 million in 2006 and $1.6 billion over the 2006–2010 period. Key components of this estimate are described below.

Energy Conservation at Federal Agencies. Title I would amend several energy conservation goals and requirements that apply to the federal government. CBO estimates that implementing those provisions would cost $500 million over the 2006–2010 period, subject to appropriation of the necessary amounts. Most of those goals, such as reducing energy use by 2 percent per year relative to 2003 consumption and purchasing energy-efficient products when economical, are being pursued under current executive orders. Where practical, the bill would require that hourly electricity meters be installed at all federal buildings by 2012. Such meters would provide data at least once daily and measure hourly consumption of electricity. The data would be available to facility energy managers.

Based on information from the DOE, we assume that it would only be economical to meter 20 percent of the government's inventory of 500,000 buildings and that installing meters would cost, on average, $4,000 per building. We assume that meters would be installed in 20,000 buildings per year until 2012, when the project would be complete. We estimate that implementing the metering provisions of the legislation would cost $57 million in 2006 and $323 million over the 2006–2010 period. CBO estimates that other requirements in this title, such as providing technical assistance to states, establishing new programs and rules for making products more energy-efficient, and monitoring the equipment installed using energy savings performance contracts would cost $19 million in 2006 and $177 million over the next five years.

Based on experience in the private sector, metering the hourly electricity use of buildings can lead to reduced energy consumption and reduce costs enough to recoup the cost of installing meters within two to four years. It is possible that this requirement could lead to a future reduction in appropriations for energy use in federal buildings, but any such savings would depend on how metering information is used by federal agencies. Additionally, metering can reveal where energy use is high, but capital investment and other changes in how federal buildings consume energy would likely be needed to achieve savings. In any case, any savings are not likely to be significant over the next five years because most of the new metering and required capital investment would not be completed until the end of that period or after 2010.

Loan Guarantees for Innovative Technologies. The bill would establish a credit assistance program for energy production technologies that reduce greenhouse gas emissions and employ new or significantly improved technologies over those currently available. Currently, DOE has no authority to provide credit assistance and has developed no plans for how it would use this authority. For this estimate, we assume DOE would provide an 80 percent guarantee of loans worth about $3.75 billion over the 2006–2010 period. Assuming appropriation of the necessary amounts, CBO estimates that implementing this provision would cost $400 million over the 2006–2010 period and an additional $200 million after that. CBO assumes—after providing loan guarantees for $3.75 billion worth of projects over the next five years—that DOE's credit assistance under the program would probably accelerate after that period as the department gained experience. The department could offer more or less credit assistance than we have assumed here. All costs of such credit assistance would be subject to appropriation.

Description of Loan Guarantee Program. The bill would provide DOE with broad authority to make loan guarantees to a variety of energy projects, ranging from renewable energy systems, to advanced nuclear energy facilities, integrated coal gasification combined-cycle technology, petroleum coke gasification technology, and carbon sequestration technology, as well as other new technologies. The legislation sets no limits on the number of projects, or total principal that could be guaranteed, nor does it indicate any priority for one type of project over another.

Under the bill, DOE could not guarantee loans for more than 80 percent of a project's cost; it could sell, manage, or hire contractors to take over a facility to recoup losses in the event of a default, or it could take over a loan and make payments on behalf of borrowers prior to a default. Such payments could result in DOE effectively providing a direct loan with as much as a 100 percent subsidy rate—essentially a grant—that could be used by the borrower to payoff its debts.

Under the Federal Credit Reform Act, funds must be appropriated in advance to cover the subsidy cost of loan guarantees, measured on a present value basis. The costs of such subsidies could vary widely depending on the terms of the contracts and the financial and technical risk associated with different types of projects. According to Standard and Poor's, the cumulative default risk for projects rated as speculative investments can range from about 20 percent to almost 60 percent, depending on a project's cash flows and contractual terms. Subsidy costs also are affected by amounts that could be recovered by the government in the event of default, which in turn depend on the value of the security backing the guarantee as well as contractual protections. For this estimate, CBO assumes that, over the next five years, DOE would not provide guarantees to projects with a subsidy cost greater than 20 percent.

The bill would authorize DOE to accept payments from borrowers sufficient to cover the subsidy cost of loan guarantees. However, because the technologies covered by the program would be new and would be seeking government backing, CBO expects that projects seeking a guarantee would not be in a position to fund the federal subsidy cost of a loan guarantee. The bill specifies that DOE shall charge fees to cover the costs of administering the credit program.

Types of Projects Guaranteed. The legislation contains general guidelines that projects must meet to qualify for credit assistance and specifies criteria for selecting at least two coal gasification projects. For purposes of this estimate, we assume that DOE would guarantee about $3 billion in coal gasification projects, which would include the two specified in the legislation and at least one other project. We also assume that the department would use the authority in the bill to provide loan guarantees for $625 million worth of renewable energy systems, such as biomass or geothermal electricity plants.

Coal Gasification. Gasification projects require large capital investments, ranging from over $500 million for a 400 megawatt gasification plant to $1 billion or more for a plant that would produce electric power and other fuels using petroleum coke. Such gasification technologies are not new—they have been tested and deployed to some extent in other countries—but they have not been proven economically competitive in the United States. Profitability would depend on numerous factors, including future electricity and fuel prices; the price, quality, and availability of feedstocks; and various regulatory approvals.

For this estimate, CBO assumes that DOE would provide an 80 percent guarantee on investments totaling about $3 billion over the next five years, which would include the planning and construction of the two coal gasification plants specifically mentioned in the legislation and additional investment in other clean coal technologies.

Given the current outlook for energy prices, CBO expects that the credit risk of gasification loans would likely fall within the middle of the range for speculative investments, but the risk of default could be higher or lower depending on the contract terms and specific technology. CBO estimates that loan guarantees for such projects would probably involve a 20 percent subsidy. Thus, we estimate that implementing this provision would cost $350 million over the 2006–2010 period, assuming appropriation of the necessary amounts. Additional outlays of $150 million would occur after 2010 as construction progressed on such projects.

Renewable Energy. The legislation also would authorize DOE to make loan guarantees for renewable energy projects such as biomass and geothermal sources for electricity generation. Such projects could range in cost from $10 million for a small 5 megawatt geothermal plant to $250 million for an ethanol production plant. We expect that subsidy rates for loans guaranteed under this title would be 20 percent. For this estimate, we assume that $625 million worth of renewable energy projects would receive an 80 percent loan guarantee over the next 5 years. Such loan guarantees for renewable energy systems would cost $50 million over the 2006–2010 period, and an additional $50 million after that period.

Nuclear Energy. Because of DOE's support of emerging nuclear technology through a current program called Nuclear Power 2010, we expect that the department would use the program to provide a guarantee to at least one new nuclear facility over the 2011–2015 period. Such a guarantee could be for more than $2 billion and carry a significant subsidy cost (perhaps as much as 30 percent).

Indian Energy Programs. Title V would authorize the Department of the Interior to provide grants and loans to Indian tribes for energy resource development projects. That title also would authorize DOE to provide loan guarantees for energy development projects on Indian land and to establish an Office of Indian Energy Policy and Programs. In total, CBO estimates that these programs would cost $21 million in 2006 and $244 million over the 2006–2010 period.

DOI Grants and Loans. The bill would authorize DOI to provide loans and grants to Indian tribes for energy resource development and integration and regulation of tribal energy resources and to develop energy resource agreements through leases, business agreements, and rights-of-way. Based on information from DOI, CBO estimates that such grants and loans would cost about $11 million in 2006 and $97 million over the 2006–2010 period.

DOE Loan Guarantees. Title V would authorize the Secretary of Energy to guarantee up to $2 billion in loans for energy projects on Indian lands. Based on information from the Council of Energy Resource Tribes, CBO expects that DOE would provide loan guarantees for a variety of projects on Indian lands, including electricity transmission lines, fossil fuel electricity generation, and renewable fuels. CBO expects that the subsidy cost of loans guaranteed under this program could range from 2 or 3 percent for routine conventional projects to 50 percent or more for unproven technologies.

For this estimate, CBO assumes that about half of the program would provide loan guarantees for electricity transmission lines, which should pose relatively little credit risk under standard contract terms. We assume that the remaining loan guarantees would be divided between fossil fuel electricity generation and renewable fuel projects. Under these assumptions, we estimate that the average subsidy cost for loans guaranteed under the program would be 10 percent. CBO expects that loans would be disbursed over the next 10 years, and we estimate that the loan guarantee program would cost $7 million in 2006 and $132 million over the 2006–2010 period, assuming appropriation of the necessary amounts for the estimated subsidy costs.

Office of Indian Energy Policy and Programs. The bill also would authorize DOE to establish a new office that would be responsible for promotion and development of Indian tribal energy concerns. Based on information from DOE, CBO estimates that the salaries, expenses, benefits, space, and travel costs of the DOE employees that would administer such programs would be about $3 million annually.

Renewable Energy Production Incentive (REPI). The REPI program currently provides cash payments to public utilities and electric cooperatives that generate energy using renewable sources. The payment is based on the annual kilowatt-hours of electricity generated using qualified renewable energy sources. Section 202 would reauthorize the REPI program for an additional 20 years, and make Indian tribes eligible for the program. Annual funding appropriated for the program has not kept pace with applications for payment from eligible utilities. Specifically, eligible utilities have generated electricity from renewable resources since 1994 in an amount that qualifies for about $76 million in REPI payments that have not been appropriated. Based on information from DOE, CBO estimates that fully funding this program, including the backlog of applications, would cost $70 million in 2006 and $163 million over the 2006–2010 period.

Cellulosic Biomass and Cane Sugar Loan Guarantee Program. Section 204 would authorize DOE to issue loan guarantees to help finance the construction of facilities to produce fuel ethanol from agricultural residue. The development of such facilities poses some risk mainly because the technology that would be used to process ethanol from such sources is new and is not well-proven.

For this estimate, we expect that such facilities would be debt-financed and sponsors would recover costs through the sale of ethanol. Prices for ethanol have a history of fluctuating widely and the likelihood of future fluctuations could contribute additional credit risk for such a project. Moreover, the cash flow for these projects also would rely heavily on the cost of purchasing feedstock. According to DOE, a plant's reliance on feedstock from these sources would increase a project's credit risk because prices for feedstock can become competitive if demand for such products increases.

Under credit reform procedures, funds must be appropriated in advance to cover the subsidy cost of loan guarantees, measured on a present value basis. Because of the significant level of risk associated with these types of projects, the costs of subsidizing such loan guarantees could vary widely. At worst, the government could absorb all of the risk, effectively converting the loan guarantees into grants. This provision would authorize DOE to issue loan guarantees limited to $250 million per project. However, the provision does not set any limits on the number of loan guarantees that could be made. Under this legislation, an applicant for a loan guarantee would have to be currently operating an existing facility that produces at least 50,000 gallons of ethanol per year.

CBO estimates that, over the next five years, DOE would probably provide loan guarantees for three projects, each with a total construction cost of about $250 million. Because the bill also would require applicants to contribute at least 20 percent of the project's total cost, CBO estimates that the value of each loan guarantee would be about $200 million. In addition, based on information from DOE, CBO assumes that the department would seek projects with a financial outlook similar to those of bonds rated B- or better by companies such as Standard and Poor's and Moody's. Projects with this rating typically have a cumulative default risk of over 40 percent. Under those assumptions, CBO estimates that loans guaranteed under the bill would be likely to have a subsidy rate between 15 percent and 20 percent and would cost $110 million over the 2006–2010 period.

Electricity Regulations. Title XII would require the Federal Energy Regulatory Commission (FERC) to establish several new rules for managing the nation's electricity system and governing the business practices of the electricity industry. Such rules would affect transmission services, construction and siting permits for building new transmission lines, and the reliability of the nation's electricity transmission infrastructure. The bill also would repeal the Public Utility Holding Company Act of 1935, require FERC to take over certain regulatory procedures currently undertaken by the Securities and Exchange Commission, and amend the Public Utilities Regulatory Policies Act.

Based on information from FERC, CBO estimates that implementing these provisions would cost $11 million in 2006 and $47 million over the 2006–2010 period. Such costs would cover additional data processing and storage, additional staff, and travel related to the agency's new duties. Because FERC recovers 100 percent of its costs through user fees, such additional costs would be offset by an equal change in fees that the commission charges. Hence, these provisions would have no net budgetary impact.

Other Provisions. The bill includes several provisions that would authorize various new studies, reports, and activities related to energy consumption and production. Those provisions would authorize federal agencies to:

Establish new programs related to federal oil and natural gas resources;

Authorize a direct loan to upgrade a nonoperational clean-coal technology plant in Alaska to a traditional coal-fired electricity plant;

Reorganize certain offices within DOE; and

Prepare several other studies and reports on energy resources and efficiency.

Based on information from the agencies that would be responsible for implementing these provisions, CBO estimates that these activities would cost $43 million in 2006 and $176 million over the 2006–2010 period, subject to the availability of appropriated funds.

Direct spending and revenues

Several provisions in the bill would affect direct spending and revenues. The estimated effects of these provisions are shown in Table 3. The bill would establish a mandate for the use of renewable motor fuels, provide permanent authorization for the use of energy savings performance contracts; establish an Electric Reliability Organization to manage the reliability of the nation's electricity system; allow the Western Area and Southwestern Power Administrations to accept up to $100 million in financing from private sources for electricity transmission projects; make changes to federal programs related to oil and natural gas; and require the Rural Utilities Service to change the terms of certain loans.

CBO estimates that enacting the bill also would increase direct spending by $728 million over the 2005–2010 period but would reduce direct spending by $591 million over the 2005–2015 period. CBO estimates that enacting the bill would increase net revenues by $75 million in 2006 and would result in a net loss of revenues totaling $1.2 billion over the 2006–2010 period and $1 billion over the 2006–2015 period. In addition, we estimate that new civil penalties imposed by the bill would result in an increase in revenues of less than $500,000 annually.

TABLE 3.—ESTIMATED DIRECT SPENDING AND REVENUE EFFECTS ON THE ENERGY POLICY ACT OF 2005

	By fiscal year in millions of dollars—										
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
CHANGES IN DIRECT SPENDING											
Renewable Fuels Requirement and Agricultural Support Programs:											
Estimated Budget Authority	0	0	−59	−164	−366	−569	−669	−697	−750	−768	−771
Estimated Outlays	0	0	−59	−164	−366	−569	−669	−697	−750	−768	−771
Energy Savings Performance Contracts:											
Estimated Budget Authority	0	0	301	307	314	320	327	334	341	348	355
Estimated Outlays	0	0	256	306	313	319	326	333	340	347	354
Electric Reliability Organization:											
Estimated Budget Authority	0	100	102	104	106	108	110	113	115	117	120
Estimated Outlays	0	100	102	104	106	108	110	113	115	117	120
Financing of Federal Electricity Transmission Projects:											
Estimated Budget Authority	0	0	50	0	50	0	0	0	0	0	0
Estimated Outlays	0	0	10	20	30	20	20	0	0	0	0
Federal Oil and Natural Gas Programs:											
Estimated Budget Authority	0	8	7	10	9	12	5	11	8	10	7
Estimated Outlays	0	8	7	10	9	12	5	11	8	10	7
Assistance for Rural Communities with High Energy Costs:											
Estimated Budget Authority	46	0	0	0	0	0	0	0	0	0	0
Estimated Outlays	46	0	0	0	0	0	0	0	0	0	0
Total Changes in Direct Spending Under the Energy Policy Act of 2005:											
Estimated Authorization Level	46	108	401	257	113	−129	−227	−239	−286	−293	−289
Estimated Outlays	46	108	316	276	92	−110	−208	−240	−287	−294	−290
CHANGES IN REVENUES[1]											
Renewable Fuels Requirement	0	0	−64	−264	−509	−754	−262	0	0	0	0
Electric Reliability Organization—Fees Charged on Electricity Consumers	0	75	77	78	80	81	83	84	86	87	89
Total Changes in Revenues Under the Energy Policy Act of 2005	0	75	13	−186	−429	−673	−179	84	86	87	89

[1] Net of income and payroll tax offsets.

Renewable Fuels Requirement and Agricultural Support Programs. CBO estimates that enacting section 204 would lower direct spending by about $4.8 billion over the next 10 years and lower revenues by about $1.9 billion over the same period.

Section 204 would require that motor fuels sold by a refiner, blender, or importer contain specified amounts of renewable fuel. The required volume of renewable fuel would start at 4 billion gallons in 2006, escalate to 8 billion gallons for 2012, and increase thereafter at the rate of growth in gasoline consumption. CBO expects that the use of renewable fuels would be significantly affected starting in 2007, when the bill's renewable fuel requirement would exceed the amount of renewable fuel use CBO estimates under current law.

CBO expects that most of the fuel produced to meet the requirements under the bill would be ethanol. Because ethanol is primarily derived from corn, demand for corn would rise with the requirement to use more ethanol. CBO expects that com prices would increase up to 10 percent by the end of the 2007–2015 period. Accordingly, the costs of federal programs to support farm prices and provide income support to agricultural producers would fall over the 2007–2015 period. CBO estimates that spending for farm price and income supports would decline by about $4.8 billion over the 2007–2015 period.

Section 204 also would affect revenues. Because ethanol-blended fuels are taxed at a lower rate than gasoline, receipts from taxes on motor fuels would change when ethanol use changes. CBO estimates that increased ethanol use would reduce revenues starting in 2007, and continue affecting revenues through part of 2011. Although ethanol use would increase significantly under the bill, the special tax treatment of ethanol fuels under current law will expire at the end of calendar year 2010. Therefore, changes in ethanol use would not significantly affect federal revenues after that time.

Energy Savings Performance Contracts (ESPCs). The bill would provide authorization for the use of energy savings performance contracts through 2016. Under current law, the authority to enter into such contracts expires at the end of fiscal year 2006. Overall, CBO estimates that entering into ESPCs would increase direct spending by $256 million in 2007 and $2.9 billion over the 2005–2015 period.

ESPCs enable federal agencies to enter into long-term contracts with an energy savings company (ESCO) for the acquisition of energy-efficient equipment, such as new windows, lighting, and heating, ventilation, and air-conditioning systems. Using such equipment can reduce the energy costs for a facility, and the savings from reduced utility payments can be used to pay the contractor for the equipment over time. Because the government does not pay for the equipment at the time it is acquired, the ESCO borrows money from a nonfederal lender to finance the acquisition and installation ofthe equipment. When it signs the ESPC, the government commits to paying for the full cost of the equipment as well as the interest costs on the ESCO's borrowing for the project. Since the ESCO faces higher borrowing costs than the U.S. Treasury, total interest payments for the equipment acquisition will be higher than if the government financed the acquisition of the equipment directly with appropriated funds.

The obligation to make payments for the equipment and the financing costs is incurred when the government signs the ESPC. Under current law, agencies can use ESPCs to acquire new energy-efficient equipment, paying over a period of up to 25 years without an appropriation for the full amount of the purchase price. Thus, consistent with government accounting principles, CBO believes that the budget should reflect that commitment as new obligations at the time that an ESPC is signed and that the authority to enter into these contracts without budget authority for the full amount of the purchase price constitutes direct spending.

CBO's estimate of direct spending reflects an amount equal to the cost of the energy conservation measures as installed, plus the portion of borrowing costs attributable to contract interest rates that exceed U.S. Treasury interest rates. (Borrowing costs equivalent to the amount of Treasury interest that would be paid if the equipment were financed with appropriated funds are not counted against this authority, consistent with the budget scorekeeping of regular interest costs associated with federal spending; that is, Treasury interest effects are not counted as a direct cost or savings to any particular legislative provision.)

Since 1988, the Department of Energy estimates that agencies have entered into ESPCs valued over $800 million, $252 million of that in 2003 alone. CBO estimates that, because the federal building inventory is aging, those contracts would continue to be used—over time at roughly the same rate as currently used—about $300 million in 2007 and increasing with anticipated inflation in each of the following years. Thus, we estimate that extending the authorization for ESPCs would increase direct spending by $2.9 billion over the 2007-2015 period.

Electric Reliability Organization. The bill would authorize the Federal Energy Regulatory Commission (FERC) to exercise authority over the reliability of the nation's electricity transmission system through the establishment of an Electric Reliability Organization (ERO). Under the bill, FERC would select an organization to become the ERO based on several criteria, including the ability of the organization to charge fees to end users of the electricity system to cover its costs. CBO believes the ERO's collections and spending should be included in the federal budget because this new entity would conduct inherently governmental activities that could not be undertaken by a purely private organization. FERC would approve and enforce the collection of fees charged by the ERO.

Based on information from the North American Electric Reliability Council (NERC), CBO estimates that the newly formed ERO and its regional affiliates would spend between $75 million and $150 million a year. For this estimate, CBO assumes that spending by the ERO and its regional affiliates would start at $100 million a year and increase by the rate of anticipated inflation. Thus, we estimate that spending by the ERO would total about $100 million in 2006 and $1.1 billion over the next 10 years.

Because the ERO and the regional organizations created by it would be governmental in nature, CBO believes that the collection of these fees should be recorded as revenues in the budget. Based on information from NERC, CBO estimates that net revenues collected by an ERO and its regional organizations would total $75 million in 2006, $391 million over the 2006–2010 period, and $820 million over the 2006-2015 period.

Currently, the federal power marketing administrations, including the Tennessee Valley Authority and the Bonneville Power Administration, pay dues to the regional affiliates of NERC. We would expect that those payments would continue and would increase under the new regulatory scheme established by the ERO. Any increase in those fees would be offset by changes in the rates charged to customers of the federal agencies.

Financing of Federal Electricity Transmission Projects. The bill would authorize DOE's Western Area and Southwestern Power Administrations to accept from private entities up to $100 million to assist in the design, development, construction, and operation of transmission projects that would contribute to reducing congestion on existing electricity lines. Such financing would be equivalent to incurring new federal debt, and the spending of such borrowed amounts should be recorded in the budget as direct spending. We estimate that such spending would cost $10 million in 2007 and $100 million over the 2007–2015 period.

Federal Oil and Natural Gas Programs. Title III would make several changes to federal programs related to the production of oil and natural gas. Several ofthese provisions would provide private producers of those resources with various forms of royalty relief or other credits that would reduce federal receipts, particularly over the next few years. By creating incentives for greater production of oil and natural gas, CBO expects that net receipts from royalties would eventually increase under some of those provisions, but not for several years. Based on information from DOI, CBO estimates that these provisions would result in a net loss of offsetting receipts (a credit against direct spending) totaling $8 million in 2006 and $87 million over the next 10 years.

Assistance for Rural Communities with High Energy Costs. Section 210 of the bill would require the Rural Utilities Service (RUS) to change the loan terms offered to eligible electric cooperatives in Alaska that currently have loans provided by that agency. The bill would require that the term of loans be changed to reduce the electricity rates charged to customers. Under the Federal Credit Reform Act, the cost of a loan modification is the change in the subsidy cost of the loan (on a present value basis) because of the modified loan terms. CBO estimates that the cost of this provision would be $46 million and would be recorded in 2005, the assumed year of enactment.

Based on information from RUS, CBO estimates that six utilities would be eligible for the assistance authorized by the bill. The bill would require that the agency provide such assistance through deferrals, extensions, or reductions of loans. Currently, the six eligible borrowers have a total outstanding principal of $57 million, at an average interest rate of about 3.5 percent. It is possible that the agency could decide to provide zero-interest loans, or lengthen the term of loans, thereby reducing payments owed to the government. The legislation would authorize the agency to forgive the full amount of the outstanding principal without recourse to the borrowers. CBO assumes that the cooperatives in the highest distress areas would apply for loan forgiveness and the remaining cooperatives would apply to receive zero-interest loans. CBO estimates that the net present value for all payments that would have been provided under current law results in a cost to the government of $46 million, which would be recorded in 2005, the assumed year of enactment.

Civil Penalties. The bill also could affect governmental receipts and direct spending by establishing and increasing certain civil and criminal penalties. CBO estimates that any resulting increase in receipts and spending would be less than $500,000 annually. Such penalties would be established for violations of regulations relating to: Violations of the Price-Anderson Act, Nuclear safety at nonprofit institutions, willful destruction of a nuclear facility, the reliability of the nation's electricity system, market trading of electricity, and the sale of renewable fuels.

Section 385 would raise the maximum civil and criminal penalty amounts imposed for violations of the Natural Gas Act (NGA) and the Natural Gas Policy Act of 1978. Currently the maximum amount FERC may assess varies depending on the violation, however, most fall between $500 and $25,000 per violation. The bill would increase those amounts to as much as $1 million for violations of the NGA. Based on information from FERC, CBO expects that the penalty increases and the additional civil penalty authority would serve as a significant deterrent so that firms would very likely comply with the regulations, resulting in no significant effect on revenues.

Intergovernmental and private-sector impact: The bill contains numerous mandates as defined in UMRA that would affect both intergovernmental and private-sector entities.

CBO cannot determine the cost of all the mandates in the bill because several of the requirements established by the bill would hinge on future regulatory action about which information is not available. Though CBO cannot estimate the cost of each mandate, we expect that the total cost of private-sector mandates in the bill would exceed the annual threshold established in UMRA ($123 million in 2005, adjusted annually for inflation). That conclusion is based on our analysis of the renewable fuels standard, which would impose II substantial costs on the motor fuels industry.

CBO estimates, however, that the total cost of complying with intergovernmental mandates in the bill would not exceed the threshold established in UMRA ($62 million in 2005, adjusted annually for inflation). The bill also would authorize numerous grants and initiatives that would benefit state, local, and tribal governments; any costs those governments incur for these projects and initiatives would result from complying with conditions for receiving this federal assistance.

Based on its review of the bill, CBO expects that the mandates contained in the bill's titles lion renewable energy (title II), nuclear energy (title VI), electricity (title XII), and energy efficiency (title I) would have the greatest impact on private-sector entities and state and local governments.

Renewable Energy (Title II)—Renewable Fuels Standard

Section 204 would impose a private-sector mandate on domestic refiners, blenders, and importers of gasoline by requiring that gasoline sold or dispensed to consumers in the contiguous United States contains a minimum volume of renewable fuels. The bill also II would establish a credit trading program for renewable fuels to allow producers who use more ethanol than would be required to sell credits to producers who would be in deficit. Those credits could only be used in the same year they are generated. The required volume of renewable fuel would start at 4.0 billion gallons in 2006 and increase to 8.0 billion gallons by 2012. CBO expects that the renewable fuels requirement would be met in 2006 without additional costs to the industry. The industry would begin to experience additional costs in 2007 as it begins to blend or purchase greater amounts of gasoline containing renewable fuels than it would in the absence of a standard. Based on Department of Energy estimates of the price impacts of similar renewable fuels standards on gasoline prices, CBO estimates that the direct costs of the renewable fuel requirement on private-sector entities would exceed UMRA's annual threshold for private-sector mandates.

Nuclear Matters (Title VI)—Increase in the Annual Premium

Under current law, in the event that losses from a nuclear incident exceed the required amount of private insurance, Nuclear Regulatory Commission licensees (both public and private) are assessed a charge to cover the shortfall in damage coverage. Section 603 would increase the maximum annual premium from $10 million to $15 million. CBO has determined that raising the maximum annual premium would increase the costs of existing mandates and would thereby impose both intergovernmental and private-sector mandates under UMRA. Because the probability of a nuclear accident resulting in losses exceeding the amount of private insurance coverage is low, CBO estimates that the annual costs for public and private entities of complying with the mandates (in expected value terms) would not be substantial over the next five years.

Electricity (Title XII)

Mandatory Reliability Standards. Section 1211 would require users of the bulk-power system to comply with standards issued by a newly established Electric Reliability Organization designated by the Federal Energy Regulatory Commission. Those users include intergovernmental entities such as municipally owned utilities as well as private-sector entities, including utilities, nonutility generators, and marketers. Currently, the North American Electric Reliability Council (NERC), a voluntary organization, promotes electricity reliability. According to several industry experts, almost all public and private-sector users of the bulk power system voluntarily comply with standards issued by NERC. The mandate would impose no significant additional costs in the short term relative to current practice since the ERO is not expected to significantly change current standards. In the future, market conditions may prompt the ERO to impose stricter standards to maintain reliability. In that case, costs for users of the bulk power system-that could otherwise elect to disregard NERC standards under current law—could increase substantially.

Mandatory Assessments. Section 1211 would direct the ERO to assess fees and dues to cover the costs of implementing and enforcing ERO standards. Although there is some uncertainty as to how those fees would be assessed, the most likely scenario is that the ERO would assess fees on its members, which is the current practice of NERC. As NERC members include both public and private entities, such fees would constitute intergovernmental and private-sector mandates as defined in UMRA.

CBO estimates that the increment in fee collections for the proposed compliance, monitoring, "and enforcement activities under the bill would be about $50 million annually. Based on industry data, CBO assumes that roughly 80 percent to 85 percent of the collections would be borne by the private sector and another 10 percent to 14 percent would be borne by state and local government entities. The remainder would be paid by federally owned entities.

Regulatory Fees. The bill would require FERC to assume certain regulatory procedures that are currently under the jurisdiction of the Securities and Exchange Commission. In addition, the bill would require FERC to establish new rules for managing the nation's electricity system and governing the business practices of the electricity industry. Under current law, FERC has the authority to collect fees from investor-owned utility companies to offset its costs. The duty to pay those fee increases would impose a private-sector mandate on those entities. Based on information from FERC, CBO expects that investor-owned utilities would have to pay $11 million in 2006 and $47 million over the 2006–2010 period.

State Authority Over Electric Utilities. Section 1221 would preempt state authority to take action to ensure the safety, adequacy, and reliability of electric service within that state if the state's actions are inconsistent with the federal reliability standards. This preemption of state authority would impose no additional costs on state governments.

Sections 1251, 1252, and 1254 would require state regulators to review the use of net metering, time-based metering, demand-response systems, and interconnection services before permitting electric utilities to implement these federal standards. These sections contain intergovernmental mandates because they would increase a state's responsibilities under the existing mandates in the Public Utilities Regulatory Policies Act. However, CBO estimates that the states' costs to review additional standards would not be significant.

Jurisdiction over the Termination Payments of Certain Contracts. Section 1270 would grant the Federal Energy Regulatory Commission exclusive jurisdiction to determine whether the requirement to pay termination payments under certain contracts entered into between sellers and buyers of wholesale electricity was unjust and unreasonable. These contracts are currently before the Bankruptcy Court in the Southern District of New York. FERC has asserted jurisdiction over termination payments under wholesale power contracts for periods a seller was found to be in violation of Commission orders. While legislative provisions that would severely limit or extinguish a person's rights in court have been considered to be mandates under UMRA, CBO cannot determine if the language in this provision would extinguish the sellers' rights before the Bankruptcy Court or would simply make clear FERC's jurisdiction over the termination payments.

Energy Efficiency (Title I)

Energy Conservation. Section 135 would direct the Secretary of Energy to prescribe energy conservation standards restricting "standby-mode" energy consumption of household and commercial appliances. According to industry sources and DOE, up to 9,000 types of household and commercial appliances could be affected by this provision, and further, many such products may require significant modification to meet the standard for energy consumption in standby mode. DOE has not yet determined how it would implement this provision. Therefore, we cannot estimate the incremental cost to the industry of meeting such requirements.

If DOE applies standards to the majority of products potentially affected, costs to industry could be substantial. The magnitude of the costs also depends on the stringency of new standards that would affect the appliance manufacturers. For example, the bill would require DOE to apply new energy conservation standards to certain furnaces. Roughly three million oil, gas, and electric furnaces would have to comply with the new standards. According to a DOE report, the incremental costs to manufacturers of improving energy efficiency could range from $5 to $175 per unit, depending on the level of the standard that must be met. If DOE applies relatively high efficiency standards to the appliances covered under the bill, the incremental costs to the industry could be large, and thus could exceed UMRA's threshold for private-sector mandates.

In prescribing the energy conservation standards required under sections 135 and 136 for household appliances and consumer products, the Secretary would preempt state and local energy efficiency standards currently in place for those products and appliances. CBO estimates that no costs would result from this preemption.

Testing Requirements. Section 135 would direct the Secretary of Energy to prescribe energy efficiency testing requirements for appliances specified in the bill and future appliances to be determined by the Secretary. The provision would require manufacturers of those appliances to have their appliances tested to determine energy efficiency ratings. The testing and rating would be conducted by the DOE. CBO estimates that the cost to comply with the mandate to have appliances tested would not be large.

Ban of Mercury Vapor Lamp Ballasts. Section 135 would prohibit the manufacturing and importing of mercury vapor lamp ballasts after January 1, 2008. A ballast is an electrical device for starting and regulating fluorescent and certain other lamps. The mercury vapor lamp ballast has been decreasing in its share of the market for ballasts during the last 20 years. Moreover, according to industry contacts, few, if any mercury vapor lamp ballasts are imported into the United States. The majority of such ballasts are manufactured in the United States for domestic use. According to industry sources, mercury vapor lamp ballasts are now only manufactured for rural street lights and residential floodlights. Based on information provided by industry and government sources, the value of annual shipments of such ballasts amounts to about $15 million. The cost of the mandate, measured in lost net income to the industry, would be less than that amount.

Energy Efficiency Resources Program. Section 141 would require ratemaking authorities for gas and electric utilities (including states, local municipalities, or co-ops) to either demonstrate that an energy efficiency resource program is in effect or to hold a public hearing regarding the benefits and feasibility of implementing an energy efficiency resources program for electric and gas utilities. CBO estimates no significant costs would result from this requirement.

Previous CBO estimates

Federal budget effects

On April 19, 2005, CBO transmitted a cost estimate for H.R. 1640, the Energy Policy Act of 2005, as ordered reported by the House Committee on Energy and Commerce on April 13, 2005. Like this legislation, H.R. 1640 would authorize appropriations for a wide array of energy-related activities. Differences between the estimates of spending subject to appropriation under this bill and H.R. 1640 reflect differences in authorization levels, particularly for the Low-Income Home Energy Assistance Program and activities related to science and coastal impact assistance.

Like H.R. 1640, this legislation would authorize FERC to establish an ERO to oversee the nation's electricity transmission system. Both bills would authorize the new organization to collect and spend fees (which would be classified as revenues). However, H.R. 1640 would cap those fees at $50 million a year. This legislation contains no such cap; therefore, our estimates of direct spending and revenues related to the proposed ERO are higher than under H.R. 1640.

CBO previously completed two cost estimates for bills that would permanently authorize the use of ESPCs: H.R. 1640 and H.R. 1533, the Federal Energy Management Improvement Act of 2005. CBO transmitted a cost estimate for H.R. 1533, as ordered reported by the House Committee on Government Reform, on April 13, 2005. Provisions of this legislation and H.R. 1533 related to ESPCs are similar; however, H.R. 1640 would cap total payments under ESPCs at $500 million a year. Therefore, our estimate of spending for ESPCs is lower under H.R. 1640 than under this bill or H.R. 1533. Also, this bill would authorize the use of ESPCs through 2016.

Finally, on May 23, 2005, CBO transmitted a cost estimate for S. 606, the Reliable Fuels Act, as ordered reported by the Senate Committee on Environment and Public Works on March 16, 2005. Like this legislation, S. 606 would require that motor fuels sold by a refiner, blender, or importer contain specified amounts of renewable fuel but with two key differences. First, the required level of renewable fuels under this bill would be higher than under S. 606. Second, S. 606 would allow producers of motor fuels to accumulate ethanol-use credits for exceeding the ethanol target in any year. Under S. 606, such credits could be used in subsequent years to meet the ethanol target. In contrast, this legislation contains no such provision for use of credits over multiple years. As a result, CBO expects that demand for corn-based ethanol under this bill would increase more than under S. 606, leading to higher demand for corn and, subsequently, a larger decrease in federal spending to support farm prices and provide income to farmers.

Mandates

The bill includes many of the same state and local mandates as in H.R. 6, the Energy Policy Act of 2005, as approved by the House Committee on Resources on April 20, 2005. However, the estimate of state and local mandates in this bill is not identical to the statement included in CBO's cost estimate for that earlier legislation. Section 1502 of H.R. 6 is not included in this bill. That provision would shield manufacturers of motor fuels and other persons from liability for claims based on defective product relating to motor vehicle fuel containing methyl tertiary butyl ether or renewable fuel. That provision in H.R. 6 would impose an intergovernmental mandate as it would limit existing rights to seek compensation under current law.

The state and local mandates in this bill that are the same as the mandates in H.R. 6 include the increase in the retrospective premiums, the mandatory reliability standards and assessments, the state authority over electric utilities, and the energy conservation provision. In contrast, section 141 of the legislation was not included in H.R. 6. That provision would require ratemaking authorities for gas and electric utilities (including states, local municipalities, or co-ops) to either demonstrate that an energy efficiency resource program is in effect or to hold a public hearing regarding the benefits and feasibility of implementing an energy efficiency resources program for regulated and nonregulated electric and gas utilities. CBO estimates that no significant costs would result from this requirement.

Regarding private-sector mandates, most of the mandates contained in the bill were also contained in the legislation considered in the House. H.R. 6 and H.R. 1640 contain a mandate establishing a renewable fuel standard for motor fuels, which would impose costs on refiners, importers, and blenders of gasoline similar to the one in the Renewable Fuels title of this bill. However, the renewable fuels standard in the House bills would require the industry to use a lower yearly level of renewable fuels than the standard contained in this bill. In the case of the House bills, CBO found that the motor fuels industry would be able to meet the renewable fuels requirement in the first five years that the mandate is in effect without significant additional costs to the industry. The House bills also contain a mandate that would extend the existing requirement for licensees to pay fees to offset roughly 90 percent of the Nuclear Regulatory Commission's annual appropriation. That provision is not included in the bill.

Estimate prepared by: Federal Costs: Energy Savings Performance Contracts: Lisa Cash Driskill and David Newman; Oil and Natural Gas Resources: Lisa Cash Driskill and Megan Carroll; Indian Energy Programs: Mike waters; EPA Provisions and Loan Guarantee for Ethanol Production: Susanne Mehlman; Renewable Fuels Requirement and Agriculture Support Programs: David Hull; All Other Federal Costs: Lisa Cash Driskill; revenues: Annabelle Bartsch and Laura Hanlon; impact on state, local, and tribal governments: Lisa Ramirez-Branum; impact on the private sector: Craig Cammarata, Jean Talarico, Selena Caldera and Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis; G. Thomas Woodward Assistant Director for Tax Analysis.

JUNE 9, 2005.

Hon. PETE V. DOMENICI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for the Energy Policy Act of 2005.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Lisa Cash Driskill.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

OIL SPILL LIABILITY TRUST FUND MAINTENANCE ACT

Mr. INOUYE. Mr. President, I am very pleased to cosponsor this legislation, the "Oil Spill Liability Trust Fund Maintenance Act", with my friend and Commerce Committee Chairman, TED STEVENS, as well as my other Senate colleagues. As most people know, after the terrible incident involving the *Exxon Valdez*, Senator STEVENS championed the passage of the Oil Pollution Act of 1990, OPA 90, as well as the mechanism for providing funding for the cleanup of oil spills.

That mechanism, known as the Oil Spill Liability Trust Fund, is now in danger. In a recent report to Congress, the United States Coast Guard predicted that the Fund will run out of money before 2009. Given the recent spate of costly spills around the country, it may run out sooner. We simply cannot allow this to happen. The fund provides a critically important safety net. It aids the cleanup of oil spills and provides compensation to those harmed, particularly where no responsible party is identified or the responsible parties have insufficient resources.

Since the passage of OPA 90, we have significantly reduced the number and volume of oil spills in the U.S. Unfortunately, thousands of gallons of oil continue to be spilled into our waters every year, and the cost of cleanup has increased substantially. The amount of oil carried by tank vessels to and within the U.S. is predicted to increase. While we pray that we will never have another major oil spill, we must be ready to respond if necessary.

The bill introduced today would reinstate an expired fee on oil companies of 5 cents per barrel of oil. The fee, which ceased January 1, 1995, would increase the maximum principal amount of the fund from $1 billion to $3 billion, and if the fund drops below $2 billion, the fee would automatically be reinstated without the need for additional legislative action. Five cents a barrel translates to approximately $0.0011 per gallon of gas—or one eighth of one cent—and is worth about 3 cents per barrel in 1990 dollars. This is substantially less than the original rate of 5 cents.

I urge my Senate colleagues to take up this issue and pass this legislation without delay.

TAIWAN AND CHINA

Mr. CRAIG. Mr. President, in recent weeks Lien Chan of Taiwan undertook the task of meeting with key leaders in the People's Republic of China. This was no small task as the gulf between the two sides is much wider than the Strait of Formosa.

The substantive accomplishments of Chairman Lien's recent mission to mainland China surely put to rest any accusations that the event was little more than a symbolic gesture. In fact, the practical results should have a very positive impact on cross-strait trade, tourism, and culture if momentum can be maintained.

First and foremost, an essential mechanism of dialogue has been established, overcoming obstacles of politics and history. The precedent has been set. Further talks between mainland China and Taiwan should follow as a matter of course, to address a range of issues of mutual concern, provided there is enough goodwill on both sides. However, I think it is important to note that these meetings did not include elected officials of the Government of Taiwan. Although these initial talks were an important step, it is essential that future talks between Taiwan and China include the rightly elected leaders of Taiwan for there to be any real substance and hope for change.

Second, it seems that certain basic principles have been addressed that should help Taipei and Beijing re-open negotiations on an equal footing, even though they still disagree on the meaning of "one China" and what Taiwan's international status is. The basic concept of ending hostility and promoting cooperation has been embraced. Both sides believe it is a mistake to let small details create a deadlock forever, and that is a key principle for progress.

Third, even people who insist that all talk is meaningless unless it leads to policy changes should be able to admit that eliminating and/or reducing trade barriers on farm products, like fruit, is a concrete achievement. Both sides gain from such actions, and it sets a good example for further progress later on down the road.

Fourth, it is to be commended by any free society when a tightly controlled country like mainland China agrees to negotiate to allow its people to tour a democracy like Taiwan. Who knows what the long-term implications may be, when those who know few liberties are one day allowed to visit and see for themselves what real freedom feels and looks like.

Finally, even the most humorless critics surely must admit that "panda bear diplomacy" still trumps political stalemate and hostility. Critics can call it symbolism, but even symbolism has definite practical value when it lifts spirits and relaxes tensions.

History will record that this mission was blessed with genuine substance as well as great potential in building bridges where none existed before.

PRESS COLUMNS ON JUDICIAL NOMINATIONS

Mr. KYL. Mr. President, a column published recently by Lino A. Graglia in the Wall Street Journal, and another by Charles Krauthammer in the Washington Post, frame particularly well the debate we are having in the Senate on judicial nominations. I ask unanimous consent that these columns be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 24, 2005]

OUR CONSTITUTION FACES DEATH BY DUE "PROCESS"

(By Lino A. Graglia)

The battles in Congress over the appointment of even lower court federal judges reveal a recognition that federal judges are now, to a large extent, our real lawmakers. Proposals to amend the Constitution to remove lifetime tenure for Supreme Court justices, or to require that rulings of unconstitutionality be by more than a majority (5–4) vote, do not address the source of the problem. The Constitution is very difficult to amend—probably the most difficult of any supposedly democratic government. If opponents of rule by judges secure the political power to obtain an amendment, it should be one that addresses the problem at its source, which is that contemporary constitutional law has very little to do with the Constitution.

Judge-made constitutional law is the product of judicial review—the power of judges to disallow policy choices made by other officials of government, supposedly on the ground that they are prohibited by the Constitution. Thomas Jefferson warned that judges, always eager to expand their own jurisdiction, would "twist and shape" the Constitution "as an artist shapes a ball of wax." This is exactly what has happened.

The Constitution is a very short document, easily printed on a dozen pages. The Framers wisely meant to preclude very few policy choices that legislators, at least as committed to American principles of government as judges, would have occasion to make.

The essential irrelevance of the Constitution to contemporary constitutional law should be clear enough from the fact that the great majority of Supreme Court rulings of unconstitutionality involve state, not federal, law; and nearly all of them purport to be based on a single constitutional provision, the 14th Amendment—in fact, on only four words in one sentence of the Amendment, "due process" and "equal protection." The 14th Amendment has to a large extent become a second constitution, replacing the original.

It does not require jurisprudential sophistication to realize that the justices do not decide controversial issues of social policy by studying those four words. No question of interpretation is involved in any of the Court's controversial constitutional rulings, because there is nothing to interpret. The states did not lose the power to regulate abortion in 1973 in Roe v. Wade because Justice Harry Blackmun discovered in the due process clause of the 14th Amendment, adopted in 1868, the purported basis of the decision, something no one noticed before. The problem is that the Supreme Court justices have made the due process and equal protection clauses empty vessels into which they can pour any meaning. This converts the clauses into simple transferences of policy-making power from elected legislators to the justices, authorizing a Court majority to remove any policy issue from the ordinary political process and assign it to themselves for decision. This fundamentally changes the system of government created by the Constitution

The basic principles of the Constitution are representative democracy, federalism and the separation of powers, which places all lawmaking power in an elected legislature with the judiciary merely applying the law to individual cases. Undemocratic and centralized lawmaking by the judiciary is the antithesis of the constitutional system.

The only justification for permitting judges to invalidate a policy choice made in the ordinary political process is that the choice is clearly prohibited by the Constitution—"clearly," because in a democracy the judgment of elected legislators should prevail in cases of doubt. Judicially enforced constitutionalism raises the issue, as Jefferson also pointed out, of rule of the living by the dead. But our problem is not constitutionalism but judicial activism—the invalidation by judges of policy choices not clearly (and rarely even arguably) prohibited by the Constitution. We are being ruled not by the dead but by judges all too much alive.

Because most of the Supreme Court's activist rulings of unconstitutionality purport to be based on a 14th Amendment that it has deprived of specific meaning, the problem can be very largely solved by simply restoring the 14th Amendment to its original meaning, or by giving it any specific meaning. The 14th Amendment was written after the Civil War to provide a national guarantee of basic civil rights to blacks. If a constitutional amendment could be adopted reconfining the 14th Amendment to that purpose or, better still, expanding it to a general prohibition of all official racial discrimination, the Court's free-hand remaking of domestic social policy for the nation would largely come to an end. If the justices lost the ability to invalidate state law on the basis of their political preferences, their ability and willingness to invalidate federal law on this basis would likely also diminish.

Plato argued for government by philosopher-kings, but who could argue for a system of government by lawyer-kings? No one can argue openly that leaving the final decision on issues of basic social policy to majority vote of nine lawyers—unelected and life-tenured, making policy decisions for the nation as a whole from Washington, D.C.—is an improvement on the democratic federalist system created by the Constitution. Yet that is the form of government we now have.

The claim that the Court's rulings of unconstitutionality are mandates of the Constitution, or anything more than policy preferences of a majority of the justices, is false. Rule by judges is in violation, not enforcement, of the Constitution. Ending it requires nothing more complex than insistence that the Court's rulings of unconstitutionality should be based on the Constitution—which assigns "All legislative Power" to Congress—in fact as well as name.

[From the Washington Post, June 10, 2005]

FROM THOMAS, ORIGINAL VIEWS

(By Charles Krauthammer)

Justice Thomas: "Dope is cool."

Justice Scalia: "Let the cancer patients suffer."

If the headline writers characterized Supreme Court decisions the way many senators and most activists and lobbying groups do, that is how they would have characterized the Supreme Court decision this week on the use of medical marijuana in California. It was ruled illegal because the federal law prohibiting it supersedes the state law permitting it. Scalia agreed with the decision. Thomas dissented.

In our current, corrupted debates about the judges, you hear only about results. Priscilla Owen, we were told (by the Alliance for Justice), "routinely backs corporations against worker and consumer protections." Well, in what circumstances? In adjudicating what claims? Under what constitutional doctrine?

The real question is never what judges decide but how they decide it. The Scalia-Thomas argument was not about concern for cancer patients, the utility of medical marijuana or the latitude individuals should have regarding what they ingest.

It was about what the Constitution's commerce clause permits and, even more abstractly, who decides what the commerce clause permits. To simplify only slightly, Antonin Scalia says: Supreme Court precedent. Clarence Thomas says: the Founders, as best we can interpret their original intent.

The Scalia opinion (concurring with the majority opinion) appeals to dozens of precedents over the past 70 years under which the commerce clause was vastly expanded to allow the federal government to regulate what had, by the time of the New Deal, become a highly industrialized country with a highly nationalized economy.

Thomas's dissent refuses to bow to such 20th-century innovations. While Scalia's opinion is studded with precedents, Thomas pulls out founding-era dictionaries (plus Madison's notes from the Constitutional Convention, the Federalist Papers and the ratification debates) to understand what the word commerce meant then. And it meant only "trade or exchange" (as distinct from manufacture) and not, as we use the term today, economic activity in general. By this understanding, the federal government had no business whatsoever regulating privately and medicinally grown marijuana.

This is constitutional "originalism" in pure form. Its attractiveness is that it imposes discipline on the courts. It gives them a clear and empirically verifiable understanding of constitutional text—a finite boundary beyond which even judges with airs must not go.

And if conditions change and parts of the originalist Constitution become obsolete, amend it. Democratically. We have added 17 amendments since the Bill of Rights. Amending is not a job for judges.

The position represented by Scalia's argument in this case is less "conservative." It recognizes that decades of precedent (which might have, at first, taken constitutional liberties) become so ingrained in the life of the country, and so accepted as part of the understanding of the modern Constitution, that it is simply too revolutionary, too legally and societally disruptive, to return to an original understanding long abandoned.

And there is yet another view. With Thomas's originalism at one end of the spectrum and Scalia's originalism tempered by precedent—rolling originalism, as it were—in the middle, there is a third notion, championed most explicitly by Justice Stephen Breyer, that the Constitution is a living document and that the role of the court is to interpret and reinterpret it continually in the light of new ideas and new norms.

This is what our debate about judges should be about. Instead, it constantly degenerates into arguments about results.

Two years ago, Thomas (and Scalia and William Rehnquist) dissented from the court's decision to invalidate a Texas law that criminalized sodomy. Thomas explicitly wrote, "If I were a member of the Texas Legislature, I would vote to repeal it." However, since he is a judge and not a legislator, he could find no principled way to use a Constitution that is silent on this issue to strike down the law. No matter. If Thomas were nominated tomorrow for chief justice you can be sure that some liberal activists would immediately issue a news release citing Thomas's "hostility to homosexual rights."

And they will undoubtedly cite previous commerce clause cases—Thomas joining the majority of the court in striking down the Gun Free School Zones Act and parts of the Violence Against Women Act—to show Thomas's "hostility to women's rights and gun-free schools."

I hope President Bush nominates Thomas to succeed Rehnquist as chief justice, not just because honoring an originalist would be an important counterweight to the irresistible modern impulse to legislate from the bench but, perhaps more importantly, to expose the idiocy of the attacks on Thomas that will inevitably be results-oriented: hostile toward women, opposed to gun-free schools . . . and pro-marijuana?

VETERANS HEALTHCARE AND EQUITABLE ACCESS ACT OF 2005

Mr. THUNE. Mr. President, today I rise to speak on a matter of great importance, the state of care received by America's veterans. On April 28, I proudly introduced the Veterans' Healthcare and Equitable Access Act of 2005, which will honor America's veterans with the dignity and respect they have earned. This legislation was inspired by my work on the Senate Committee on Veterans' Affairs. I have had the privilege to come face to face with real heroes, like injured veterans returning from the battlefield and grieving survivors who proudly and bravely carry the memory of a fallen soldier with them as they struggle to move on. I have been moved by this experience and I offered this bill to honor their sacrifice and their struggles.

The Veterans' Healthcare and Equitable Access Act of 2005 takes a comprehensive approach to fix some of the major problems facing veterans today. Since I was a member of the House of Representatives, I have supported mandatory funding, and the legislation I have introduced underscores that commitment. The widening gap between demand for care and funding is a problem that must be faced head on and dealt with before it spirals out of control. The Veterans' Healthcare Eligibility Act and the Veterans' Millennium Healthcare Care and Benefits Act changed the nature of the VA, but did not change the manner in which the VA was funded. That is why I support mandatory funding for veterans' healthcare, so the VA can finally provide care to those who cared for us.

This bill will also end another problem that has plagued veterans in my home state for years: access to quality healthcare and equitable reimbursement for travel expenses. My legislation will allow rural veterans who are enrolled in the VA to obtain health care at local medical facilities closer to home or to travel to a VA facility and receive travel reimbursements at the same rate as Federal employees.

The veterans population is aging and we are losing great men and women every day. Today, the GI's who fought in Vietnam are reaching the age of retirement and Medicare eligibility. It is therefore unfair to ask the VA to shoulder a cost that Medicare should help pay for. Aging veterans are seeking care at the VA because it is one of the best care providers in the country. As I see it, the VA and Medicare need to share this cost in order to provide excellent care to those who need it most.

In March, I met Major Tammy Duckworth, an Army pilot who lost both of her legs after a rocket propelled grenade hit the Black Hawk helicopter she was in while flying in the skies above Iraq. Although now a double amputee, she is determined to both walk and fly helicopters again. Major Duckworth has my full support, but needless to say her life has been changed forever. That is why the legislation I introduced would require that a service member who has lost a limb from a service-connected injury receive a disability rating of not less than 50 percent. This is our way of saying thank you and helping our veterans achieve their dreams.

Some of the hardest hit victims of this war are not soldiers or veterans, but survivors of the fallen. These brave men and women need our help. This year I voted to extend survivor benefits from $12,000 to $100,000 and to extend military housing privileges from 6 months to 1 year. To complete our support for survivors, my bill will extend childcare privileges for survivors from 6 months to 2 years in any Federal childcare program, giving surviving family members the help they need to grieve, heal, and move on from a painful loss.

Mr. President, legislation such as this is not without costs and it will require the Senate to make difficult choices. Sending troops into harm's way is a difficult choice, even when that choice is clearly justifiable, like it is in Iraq and Afghanistan. But taking care of veterans and their families is not a difficult choice, it is one we must embrace. As General Omar Bradley once said: "We are dealing with veterans, not procedure—with their problems, not ours."

Scripture tells us there is a time for everything, a time for peace and a time for war. America is facing a time of war, and we are fighting an evil and determined enemy. We have to ensure that the men and women who are bearing the burden of this war are cared for and are confident they can count on their government in their hour of need.

I ask unanimous consent that this statement be entered into the RECORD as if read.

ADDITIONAL STATEMENTS

TRIBUTE TO THE NORTHERN KENTUCKY UNIVERSITY WOMEN'S SOFTBALL TEAM

• Mr. BUNNING. Mr. President, I pay tribute in the Senate to the Northern Kentucky University Women's Softball Team for their remarkable season and recent participation in the NCAA Division II World Series.

The NKU was the No. 1 ranked team in the country and were the NCAA Division II Great Lakes Regional Champs. The team finished the most successful season in school history with a 55-2 record. The 55 game winning streak is the longest in collegiate softball history.

The Commonwealth of Kentucky should be very proud of this team. Their example of hard work and determination should be followed by all in the Commonwealth. I want my colleagues in the Senate to know of the pride that I have in representing these athletes and their families: Sarah Newland, Jamie Patton, Becky Napier, Krystal Lewallen, Kara Lorenz, Ricki Rothbauer, Heather Cotner, Stephanie Leimbach, Michelle Logan, Angie Lindeman, Emily Breitholle, Jeni Schamp, Sarah King, Megan Owens, Rachele Vogelpohl, and Sara Becker.

Congratulations to the members of the team for their success. I also want to congratulate their coach, Kathy Stewart, along with their peers, faculty, administrators, and parents for their support and sacrifices they've made to help the NKU meet their dreams and achieve their goals.•

HONORING THE TOWN OF KENNEBEC, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, I wish today to honor and publicly recognize the 100th anniversary of the founding of the town of Kennebec, SD. Kennebec has a strong sense of past and anticipates a bright future.

Since 1924, Kennebec has been the county seat for Lyman County, located in central South Dakota. Few people lived in the area prior to the town's establishment in 1905, as it was challenging to import the supplies necessary to sustain a substantial population. In 1905, however, railroad tracks were laid through the area, thus making it significantly easier for residents to build homes and other structures, since materials no longer needed to be hauled in from surrounding towns and cities. The railroad and influx of people mark the birth of Kennebec. By 1907, Kennebec was a bustling prairie town full of diverse and eager residents.

As years passed and the town flourished, a number of businesses opened, such as the hardware store operated by Albert Williamson. In addition to running the hardware store, Williamson also edited and printed the county newspaper known as the Prairie Sun. Also around this time, Sam Abdnor built and operated a store that survives to this day as the Kennebec movie theatre. Many of my colleagues will recognize the surname "Abdnor" and will recall that former U.S. Senator Jim Abdnor hails from Kennebec. He served admirably as Lt. Governor, in the U.S. House of Representatives for 8 years and in this body for an additional 6 years, having never forgotten the community of Kennebec or its people.

In the town's early days, there was only a single doctor in Kennebec, and water had to be hauled by horse-drawn wagons from wells over a mile and a half to the north of the community. All other needs were met by the railroad, which delivered merchandise to the stores and shops, as well as thousands of tons of coal, which was required to heat homes in Kennebec during the long winters. Not only did the railroad allow imports into town, but it also fostered the transport of Kennebec's main exports, which included cattle, sheep and hogs.

Kennebec had no electrical power until 1914, when John Spotts of Armour, SD moved into town. Spotts bought a track of land southeast of Kennebec and built a two-story brick building with a full size basement. The upper floors provided a dance floor and silent movie theater for Kennebec residents, while the basement served as the first electric power plant in the town.

After a hundred years, Kennebec supports a population of over 280 citizens and continues to modernize and improve itself in its role to serve the farmers and ranchers throughout the region. Kennebec's proud citizens celebrate their 100th anniversary on June 18, 2005, and it is with great honor that I share with my colleagues the achievements made by this great community.•

HONORING THE CITY OF RELIANCE, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, it is with great honor that I publicly recognize the 100th anniversary of the founding of the city of Reliance, SD. It is at this time that I would like to draw your attention to and commemorate the achievements and history of this charming city on the western prairie, which stands as an enduring tribute to the moral fortitude and pioneer spirit of the earliest Dakotans.

Located in Lyman County in western South Dakota, the original town-site of Reliance was plotted in the summer of 1905 after officials decided the new railroad's route would not include the already-established towns in the area. As a result, a new town was created on the homestead of Mr. C.C. Herron in order to service the Milwaukee Railroad. This original town-site, located on the southwest quarter of Section 21, encompassed a mere eight blocks. However, several additions were made to this small city between 1905 and 1910 with the help of the Milwaukee Land Company. Today, the town is nearly one square mile in area.

Reliance's early years proved to be incredibly prosperous. The Dirks Mercantile Company, a two-story building used for general store business and public gatherings, was a central part of life in the early years of this small city. An advertisement in the Lyman County Record stated that Dirks Mercantile Company "would buy anything you wanted to sell and sell anything you wanted to buy."

Reliance grew rapidly and in less than a decade came to include two saloons, two blacksmith shops, two banks, two lumberyards, a livery barn, three stores, two hardware stores, one creamery, three elevators, one harness shop, one café, and two hotels.

Like many small agricultural communities in the area, Reliance experienced a great deal of economic prosperity in the years after World War I. In 1918, the town became the first in Lyman County to provide a 4-year accredited high school.

Today, Reliance is a popular fishing spot thanks to the dam built by the Works Project Administration (WPA) during the 1930s. The dam was heavily stocked with several species of fish and provides sportsmen with the opportunity to enjoy the recreational treasures of South Dakota.

While the small city of Reliance boasted a population of 317 at its peak in 1920, the town has seen small declines in recent years, and is home to 206 residents today. Despite its small size, in the years since its founding, Reliance has proven its ability to thrive and serve farmers and ranchers throughout the region. The proud residents of Reliance will celebrate their vibrant history and the legacy of the pioneer spirit to which our small cities stand as a living shrine with its 100th anniversary on July 25, 2005.•

HONORING THE TOWN OF PRESHO, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, it is a pleasure to honor and publicly recognize the 100th anniversary of the founding of the town of Presho, SD. As the 100th anniversary approaches, Presho looks back on a proud history and looks forward to a promising future.

Named by the town's first Postmaster, Chris Hellekson, Presho is named for the extinct county in which it was originally located, Presho County. Now located in Lyman County, Presho was platted in June of 1905 when the Milwaukee Land Company purchased a plot of land from Sidney F. Hockersmith. On November 9, 1905, the Milwaukee Land Company divided the land into 16 lots and held a public auction. Peter B. Dirks and E.M. Sedgwick purchased the first lot for $500, and within eight minutes of completing the sale, Presho's first bank was moved onto the site, having already completed its initial transaction while en route.

Despite being only .7 square miles in area, Presho drew an enormous population as newcomers took the Milwaukee Railroad as far west as it went. Until 1906, the westernmost point was Presho, SD. Once the railroad was extended farther, however, Presho's population, which totaled 2,000 at its peak, gradually decreased. Currently, about 600 residents live in this flourishing community.

One of the town's most notable historic events was its first Fourth of July celebration and auto race, which took place in 1906. In fact, it is thought that this auto race is the first ever held west of the Missouri River. At least 5,000 people were in attendance.

Mr. President, Presho's proud residents celebrate their community's centennial anniversary on July 4, 2005, and it is with great honor that I share with my colleagues the history of this great community. •

CAM NEELY'S INDUCTION INTO THE NHL HALL OF FAME

• Mr. KERRY. Mr. President, Cam Neely was recently inducted into the Hockey Hall of Fame. That is the highest honor for a professional athlete, but I believe it is appropriate for us to honor him in the Halls of Congress as well. Cam Neely is a special citizen, one worthy of recognition and emulation.

As a hockey player, Cam Neely was unique. His rare combination of strength, size and skill made him difficult to stop and feared by all opponents. Whether fighting through pain or battles on the boards, Cam Neely's play taught us the meaning of hard work and perseverance. His career may have been cut short by injury, but there is no doubt that Cam Neely was one of the finest players to wear a Boston Bruins uniform, and indeed one of the greatest "power forwards" ever to play the game.

Since hanging up his skates, Cam Neely has devoted his life to service. The Cam Neely Foundation has raised over $11 million in the last decade to help cancer patients and their families during treatment. Thousands of New England families have found hope during difficult times due to the generosity and hard work of Cam Neely.

In his first career, Cam Neely brought us all the joy of victory. In his second career, Cam Neely brings joy to families who need it most, while providing a model of service to his countless fans. Cam Neely is an American in whom we can all be proud and who deserves our recognition today for a career that has been hall of fame in every respect. •

NORTHWESTERN UNIVERSITY WOMEN'S LACROSSE

• Mr. OBAMA. Mr. President, on May 22, 2005, the women's lacrosse team from Northwestern University captured the NCAA Division I championship. This was the first championship for the Wildcats' women's lacrosse team and the first women's lacrosse champion to come from outside of the eastern time zone.

This championship also marks a milestone for Northwestern sports. It is the first ever women's team championship for the university and only the second team championship in school history. The men's fencing team was national champion in 1941.

This talented and dedicated team from the great State of Illinois secured the championship by defeating traditional lacrosse powerhouses, Dartmouth and Princeton. The Wildcats completed their undefeated, 21 win season with a 13–10 victory over defending champion Virginia. Since regaining varsity status in 2002, this outstanding program has taken only four seasons to capture the championship.

Congratulations to Abby Bangser, Donna McCann, Sarah Albrecht, Kristen Kjellman, Sara Crosby, Aly Josephs, Kristen Boege, Ashley Koester, Courtney Koester, Hilary Alley, Ashley Gersuk, Courtney Flynn, Christy Finch, Lindsey Munday, Emily Lovett, Laura Glassanos, Shelby Chlopak, Kaitie Lenahan, Lynda McCandlish, Abby Alley, Sarah Walsh, Lindsay Finocchiaro, Jenny Bush, Fallon McGraw, Quinn Cammarota, Lindsay North, Meredith Philipp, Hannah Whitman, Rebecca Zazove, Annie Elliott, Bailey Su, Kate Darmody, Minnie Doherty, Kim Corcoran, Head Coach Kelly Amonte Hiller, Assistant Coach Alexis Venechanos, Assistant Coach Danielle Shearer, and Assistant Coach Scott Hiller.

Please join me in congratulating the Northwestern women's lacrosse team on its historic championship season.•

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2545. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grant and Cooperative Agreement Handbook—Research Misconduct" (RIN2700–AD11) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2546. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Secretary, received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2547. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Budget and Programs, received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2548. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2549. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Budget and Programs, received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2550. A communication from the Acting White House Liaison, Technology Administration, Department of Commerce, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary for Technology, received on June 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2551. A communication from the Acting White House Liaison, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary and Director General, received on June 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2552. A communication from the Acting White House Liaison, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary for International Trade, received on June 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2553. A communication from the Acting White House Liaison, Office of the Deputy Secretary, Department of Commerce, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Secretary, received on June 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2554. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 2 regulations): [CGD05–05–051], [CGD05–05–052]" (RIN1625–AA08) received on June 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2555. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Anchorage Grounds; Anacortes General Anchorage and Cap Sante and Hat Island Tug and Barge General Anchorages, Anacortes, WA" (RIN1625–AA01) received on June 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2556. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including 3 regulations): [CGD01–05–006], [CGD01–05–034], [CGD01–05–028]" (RIN1625–AA09) received on June 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2557. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area, Security Zoned and Drawbridge Operation Regulations; Port Everglades, FL" (RIN1625–AA11) received on June 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2558. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Portland Rose Festival on Willamette River" (RIN1625–AA87) received on June 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2559. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone (including 2 regulations): [CGD09–05–016], [CGD09–05–017]" (RIN1625–AA00) received on June 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2560. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation (including 4 regulations): [CGD08–05–030], [CGD07–05–044], [CGD08–05–035], [CGD08–05–036]" (RIN1625–AA09) received on June 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2561. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Budget and Programs, received on June 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2562. A communication from the Attorney Advisor, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Federal Railroad Administrator, received on June 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2563. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes to the Practice for Handling" (RIN0651–AB87) received on June 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2564. A communication from the Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Final Rule to Lift Trade Restrictive Measures as Recommended at the 2004 Meeting of International Commission for the Conservation of Atlantic Tuna (ICCAT)" ((RIN0648–AT05) (I.D. No. 021105C)) received on June 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2565. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area; Closure" (I.D. No. 051705F) received on June 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2566. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Spiny Dogfish Fishery" (RIN0648–AS24) received on June 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2567. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Head of Contracting Activity (HCA) Change for Exploration Systems Directorate" (48 CFR Part 1802) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2568. A communication from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Ribbon Ridge Viticultural Area (2002R–215P)" (RIN1513–AA58) received on June 8, 2005; to the Committee on the Judiciary.

EC–2569. A communication from the Acting Assistant Secretary for Policy, Planning, and Preparedness, Department of Veterans Affairs, transmitting, pursuant to law, a report relative to an inventory of commercial activities which are currently being performed by Federal employees for calendar year 2004; to the Committee on Veterans' Affairs.

EC–2570. A communication from the Secretary of Veterans Affairs, transmitting, the report of a draft bill entitled "To Amend Title 38, United States Code, to Provide Authority for the Secretary of Veterans Affairs to Release Individually-identified Medical Information to Assist in the Donation of Organs, Tissue, and Eyes for the Purpose of Transplantation" received on June 8, 2005; to the Committee on Veterans' Affairs.

EC–2571. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Greece; to the Committee on Foreign Relations.

EC–2572. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Second Biennial Report to the Congress on Evaluation, Research and Technical Assistance Activities Supported by the Promoting Safe and Stable Families Program"; to the Committee on Health, Education, Labor, and Pensions.

EC–2573. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the Community Food and Nutrition Program (CFNP) for Fiscal Year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2574. A communication from the Secretary of Education, transmitting, a report of proposed legislation entitled "Higher Education Act Reform Amendments of 2005"; to the Committee on Health, Education, Labor, and Pensions.

EC–2575. A communication from the Political Personnel and Advisory Communication Management Specialist, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Legislation, received on June 8, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–2576. A communication from the Political Personnel and Advisory Communication Management Specialist, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Legislation, received on June 8, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–2577. A communication from the Director, Office of Worker's Compensation Programs, Department of Labor, transmitting pursuant to law, the report of a rule entitled "Performance of Functions; Claims for Compensation Under the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended 20 CFR Parts 1 and 30" (RIN1215–AB51) received on June 8, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–2578. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Physician Referrals to Specialty Hospitals"; to the Committee on Finance.

EC–2579. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) for Calendar Year 2004"; to the Committee on Finance.

EC–2580. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the annual reports of the Airport and Airway Trust Fund, Aquatic Resources Trust Fund, Black Lung Disability Trust Fund, Harbor Maintenance Trust Fund, Hazardous Substance Superfund, Highway Trust Fund, Inland Waterways Trust Fund, Leaking Underground Storage Tank Trust Fund, Nuclear Waste Fund, Oil Spill Liability Trust Fund, Reforestation Trust Fund, Uranium Enrichment Decontamination and Decommissioning Fund, Vaccine Injury Compensation Trust Fund, Wool Research, Development, and Promotion Trust Fund located in the March 2005 Treasury Bulletin; to the Committee on Finance.

EC–2581. A communication from the Acting Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Prevailing State Assumed Interest Rates" (Rev. Rul. 2005–29) received on June 8, 2005; to the Committee on Finance.

EC–2582. A communication from the Acting Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 146(f)—Extension of Time to Make a Carryforward Election of Unused Private Activity Bond Volume Cap" (Rev. Proc. 2005–30) received on June 8, 2005; to the Committee on Finance.

EC–2583. A communication from the Acting Chief, Publications and Regulations, Internal Revenue Service, Department of the

Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling: Premium Stabilization Reserves" (Rev. Rul. 2005–33) received on June 8, 2005; to the Committee on Finance.

EC–2584. A communication from the Acting Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 1446 Regulations (TD 9200)" (RIN1545–AY28, 1545–BD80) received on June 8, 2005; to the Committee on Finance.

EC–2585. A communication from the Acting Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004" (Notice 2005–46) received on June 8, 2005; to the Committee on Finance.

EC–2586. A communication from the Acting Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Estate of Mitchell v. Commissioner, 250 F. 3d 696 (9th Cir. 2001), aff'g in part, rev'g in part, and remanding T.C. Memo 1997–461; on remand, T.C. Memo. 2002–98" (AOD 2005–23) received on June 8, 2005; to the Committee on Finance.

EC–2587. A communication from the Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, transmitting, pursuant to law, a report that funding for the State of Connecticut as a result of the record snow on January 22–23, 2005, has exceeded $5,000,000; to the Committee on Banking Housing, and Urban Affairs.

EC–2588. A communication from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Public and Indian Housing, received on June 8, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2589. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Fair Credit Reporting Medical Information Regulations" (RIN1557–AC85) received on June 6, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2590. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, the report of proposed legislation entitled "Financial Transparency and Accountability Act of 2005"; to the Committee on Environment and Public Works.

EC–2591. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, an informational copy of an alterations in leased space prospectus for the James L. King Federal Building in Miami FL; to the Committee on Environment and Public Works.

EC–2592. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Texas Final Authorization of Hazardous Waste Management Program Revisions" (FRL No. 7924–1) received on June 8, 2005; to the Committee on Environment and Public Works.

EC–2593. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair and Replacement (RMRR) Equipment Replacement Provision (ERP); Reconsideration" (FRL No. 7923–3) received on June 8, 2005; to the Committee on Environment and Public Works.

EC–2594. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Test Procedures for Testing Highway and Nonroad Engines and Omnibus Technical Amendments" (FRL No. 7922–5) received on June 8, 2005; to the Committee on Environment and Public Works.

EC–2595. A communication from the Assistant Secretary of Defense, Health Affairs, Department of Defense, transmitting, pursuant to law, a report entitled "Expanding Access to Mental Health Counselors: Evaluation of the TRICARE Demonstration"; to the Committee on Armed Services.

EC–2596. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the estimated costs in future fiscal years for certain military operations in and around Iraq and Afghanistan and estimated costs over an unspecified period for reconstruction, internal security, and related economic support to Iraq and Afghanistan; to the Committee on Armed Services.

EC–2597. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a list of officers authorized to wear the insignia of brigadier general; to the Committee on Armed Services.

EC–2598. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–2599. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Incentive Program for Purchase of Capital Assets Manufactured in the United States" (DFARS Case 2005–D003) received on June 8, 2005; to the Committee on Armed Services.

EC–2600. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "DoD Pilot Mentor-Protege Program" (DFARS Case 2004–D028) received on June 8, 2005; to the Committee on Armed Services.

EC–2601. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Approval of Service Contracts and Task and Delivery Orders" (DFARS Case 2002–D024) received on June 8, 2005; to the Committee on Armed Services.

EC–2602. A communication from the Regulatory Officer, Directives and Regulations Branch, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Areas; State Petitions for Inventoried Roadless Area Conservation; Roadless Area Conservation National Advisory Committee (Final Rule and Notice, 36 CFR Part 294)" (RIN0596–AC10) received on June 8, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2603. A communication from the Acting Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 02–01, relative to the Fort Bragg, North Carolina, Public Works Business Center, Savannah District; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources:

Special Report entitled "History, Jurisdiction, and a Summary of Activities of the Committee on Energy and Natural Resources During the 108th Congress" (Rept. No. 109–81).

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 1181. A bill to ensure an open and deliberate process in Congress by providing that any future legislation to establish a new exemption to section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) be stated explicitly within the text of the bill.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 1225. A bill to expand access to affordable health care and to strengthen the health care safety net and make health care services more available in rural and underserved areas; to the Committee on Finance.

By Mr. AKAKA:

S. 1226. A bill to provide jurisdiction over Federal contractors who engage in human trafficking offenses; to the Committee on the Judiciary.

By Ms. STABENOW (for herself and Ms. SNOWE):

S. 1227. A bill to improve quality in health care by providing incentives for adoption of modern information technology; to the Committee on Finance.

By Ms. CANTWELL:

S. 1228. A bill to amend the Higher Education Act of 1965 to modify the computation of eligibility for certain Federal Pell Grants, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself, Mrs. FEINSTEIN, Ms. CANTWELL, Ms. SNOWE, Mr. JEFFORDS, Mr. LIEBERMAN, and Mr. KERRY):

S. 1229. A bill to amend the Internal Revenue Code of 1986 to extend, modify, and expand the credit for electricity produced from renewable resources and waste products, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. GRASSLEY, and Mr. BAUCUS):

S. Res. 168. A resolution expressing gratitude and sincere respect for Jesse R. Nichols; considered and agreed to.

By Mr. SANTORUM (for himself and Mr. ENSIGN):

S. Res. 169. A resolution expressing the sense of the Senate with respect to free trade negotiations that could adversely impact consumers of sugar in the United States as well as United States agriculture and the broader economy of the United States; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. REID, Mr. HAGEL, Mr. NELSON of Nebraska, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 170. A resolution relative to the death of J. James Exon, former United States Senator for the State of Nebraska; considered and agreed to.

ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. HUTCHISON, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

At the request of Mrs. FEINSTEIN, the names of the Senator from Louisiana (Mr. VITTER), the Senator from Washington (Ms. CANTWELL), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. ENSIGN), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 37, supra.

S. 52

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 52, a bill to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah.

S. 54

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 54, a bill to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and for other purposes.

S. 58

At the request of Mr. INOUYE, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 58, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 65, a bill to amend the age restrictions for pilots.

S. 217

At the request of Mr. BINGAMAN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 217, a bill to amend title 49, United States Code, to preserve the essential air service program.

S. 223

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 223, a bill to amend the Fair Labor Standards Act of 1938 to repeal any weakening of overtime protections and to avoid future loss of overtime protections due to inflation.

S. 331

At the request of Mr. JOHNSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 392

At the request of Mr. LEVIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 407

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 407, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

S. 408

At the request of Mr. DEWINE, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 419

At the request of Mr. KYL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 419, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 484

At the request of Mr. WARNER, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 558

At the request of Mr. REID, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 558, a bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

S. 604

At the request of Mr. CRAIG, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 604, a bill to amend title XVIII of the Social Security Act to authorize expansion of medicare coverage of medical nutrition therapy services.

S. 611

At the request of Ms. COLLINS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 611, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on emergency Medical Services Advisory Council, and for other purposes.

S. 621

At the request of Mr. CONRAD, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 621, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for the depreciation of certain leasehold improvements.

S. 623

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 623, a bill to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes.

S. 627

At the request of Mr. HATCH, the names of the Senator from Wyoming (Mr. ENZI), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 705

At the request of Mr. SARBANES, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 705, a bill to establish the Interagency Council on Meeting the Housing and Service Needs of Seniors, and for other purposes.

S. 768

At the request of Mr. NELSON of Florida, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 768, a bill to provide for comprehensive identity theft prevention.

S. 776

At the request of Mr. JOHNSON, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 776, a bill to designate certain functions performed at flight service stations of the Federal Aviation Administration as inherently governmental functions, and for other purposes.

S. 828

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 875

At the request of Mr. BINGAMAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to increase participation in section 401(k) plans through automatic contribution trusts, and for other purposes.

S. 911

At the request of Mr. CONRAD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 911, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 962

At the request of Mr. BAUCUS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 962, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes.

S. 971

At the request of Mr. HATCH, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 971, a bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new motor vehicles that are powered by fuel cell technology, hybrid technology, battery electric technology, alternative fuels, or other advanced motor vehicle technologies, and for other purposes.

S. 1049

At the request of Mr. FRIST, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1049, a bill to amend title XXI of the Social Security Act to provide grants to promote innovative outreach and enrollment under the medicaid and State children's health insurance programs, and for other purposes.

S. 1064

At the request of Mr. COCHRAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1064, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1086

At the request of Mr. HATCH, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1112

At the request of Mr. GRASSLEY, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

At the request of Mr. BAUCUS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1112, supra.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1159

At the request of Mr. HATCH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1159, a bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing.

S. 1179

At the request of Mr. KENNEDY, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. CORZINE) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1179, a bill to amend title XVIII of the Social Security Act to ensure that benefits under part D of such title have no impact on benefits under other Federal programs.

S. 1180

At the request of Mr. OBAMA, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1180, a bill to amend title 38, United States Code, to reauthorize various programs servicing the needs of homeless veterans for fiscal years 2007 through 2011, and for other purposes.

S. 1181

At the request of Mr. CORNYN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1181, a bill to ensure an open and deliberate process in Congress by providing that any future legislation to establish a new exemption to section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) be stated explicitly within the text of the bill.

S. 1191

At the request of Mr. SALAZAR, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1191, a bill to establish a grant program to provide innovative transportation options to veterans in remote rural areas.

S. 1197

At the request of Mr. BIDEN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1200

At the request of Mr. BUNNING, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1200, a bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for certain roof systems.

S. 1210

At the request of Mr. HARKIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1210, a bill to enhance the national security of the United States by providing for the research, development, demonstration, administrative support, and market mechanisms for widespread deployment and commercialization of biobased fuels and biobased products, and for other purposes.

S.J. RES. 18

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S.J. Res. 18, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. CON. RES. 39

At the request of Mrs. CLINTON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution to express the sense of Congress on the Purple Heart.

S. RES. 39

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. Res. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

At the request of Mr. BUNNING, his name was added as a cosponsor of S. Res. 39, supra.

At the request of Mr. MARTINEZ, his name was added as a cosponsor of S. Res. 39, supra.

At the request of Mr. BURNS, his name was added as a cosponsor of S. Res. 39, supra.

At the request of Ms. LANDRIEU, the names of the Senator from Ohio (Mr. DEWINE), the Senator from North Carolina (Mrs. DOLE), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from South Dakota (Mr. THUNE), the Senator from Oregon (Mr. WYDEN), the Senator from Virginia (Mr. WARNER), the Senator from Montana (Mr. BAUCUS), the Senator from Kansas (Mr. ROBERTS), the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Res. 39, supra.

At the request of Mr. ALLEN, the names of the Senator from Missouri (Mr. BOND), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Georgia (Mr. ISAKSON) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Res. 39, supra.

S. RES. 86

At the request of Mr. HAGEL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 86, a resolution designating August 16, 2005, as "National Airborne Day".

S. RES. 154

At the request of Mr. BIDEN, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from Ohio (Mr. VOINOVICH) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Res. 154, a resolution designating October 21, 2005 as "National Mammography Day".

S. RES. 155

At the request of Mr. BIDEN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. Res. 155, a resolution designating the week of November 6 through November 12, 2005, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 1225. A bill to expand access to affordable health care and to strengthen the health care safety net and make health care services more available in rural and underserved areas; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased to join with my colleague from Louisiana, Senator LANDRIEU, in introducing the Access to Affordable Health Care Act, a comprehensive, seven-point plan that builds on the strengths of our current public programs and private health care system to make quality, affordable health care available to millions more Americans.

One of my top priorities in the Senate has been to expand access to affordable health care for all Americans. There are still far too many Americans without health insurance or with woefully inadequate coverage. As many as 45 million Americans—almost 16 percent of our population—are uninsured, and millions more are underinsured.

Health care coverage matters. The simple fact is that people with health insurance are healthier than those who are uninsured. People without health insurance are less likely to seek care when they need it, and to forgo services such as periodic check ups and preventive services. As a consequence, they are more likely to be hospitalized or require costly medical attention for conditions that could have been prevented or treated at a curable stage. Not only does this put the health of these individuals at greater risk, but it also puts additional pressure on our hospitals and emergency rooms, many of them already financially challenged.

Compared with people who have health coverage, uninsured adults are four times, and uninsured children five times, more likely to use the emergency rooms. The costs of care for these individuals are often absorbed by providers and passed on to the covered population through increased fees and insurance premiums.

Maine is in the midst of a growing health insurance crisis, with insurance premiums rising at alarming rates. Whether I am talking to a self-employed fisherman, a displaced worker, the owner of a struggling small business, or the human resource manager of a large company, the soaring costs of health insurance is a common concern.

Maine's employers are currently facing premium increases of as much as 20 percent a year. These premiums have been particularly burdensome for small businesses, the backbone of the Maine economy. Many small business owners are caught in a cost-squeeze: they know that if they pass on the premium increases to their employees, more of them will decline coverage. Yet these small businesses simply cannot afford to absorb double-digit increases in their health insurance premiums year after year.

The problem of rising costs is even more acute for individuals and families who must purchase health insurance on their own. Monthly health insurance premiums in Maine often exceed a family's mortgage payment. It is no wonder that as many as 150,000 Mainers are uninsured. Clearly, we must do more to make our health care system more efficient and health insurance more available and affordable.

The Access to Affordable Health Care Act, which we are introducing today, is a seven-point plan that combines a variety of public and private approaches to make quality health care coverage more affordable and available. The legislation's seven goals are:

No. 1. To expand access to affordable health care for small businesses;

No. 2. To make health insurance more affordable for individuals and families purchasing coverage on their own;

No. 3. To strengthen the health care safety net for those without coverage;

No. 4. To expand access to care in rural and under-served areas;

No. 5. To increase access to affordable long-term care;

No. 6. To promote healthier lifestyles;

And No. 7, to provide more equitable Medicare payments to Maine providers to reduce the Medicare shortfall, which has forced hospitals, physicians and other providers to shift costs onto other payers in the form of higher charges, which, in turn drives up health care premiums.

Let me discuss each of these seven points in more detail.

First, our legislation will help small employers cope with rising health care costs.

Since most Americans get their health insurance through the workplace, it is a common assumption that people without health insurance are unemployed. The fact is, however, that most uninsured Americans are members of families with at least one full-time worker. As many as 82 percent of Americans who do not have health insurance are in a family with a worker.

Uninsured working Americans are most often employees of small businesses. In fact, some 60 percent of uninsured workers are employed by small firms. Smaller firms generally face higher costs for health insurance than larger firms, which makes them less likely to offer coverage. Small businesses want to provide health insurance for their employees, but the cost of often just too high.

The legislation we are introducing today will help small employers cope with rising costs by providing new tax credits for small businesses to help make health insurance more affordable. It will encourage those small businesses that do not currently offer health insurance to do so and will help employers that do offer insurance to continue coverage for their employees even in the face of rising costs.

Our legislation will also help increase the clout of small businesses in negotiating with insurers. Premiums are generally higher for small businesses because they do not have as much purchasing power as large companies, which limits their ability to bargain for lower rates. They also have higher administrative costs because they have fewer employees among whom to spread the fixed cost of a health benefits plan. Moreover, they are not as able to spread the risks of medical claims over as many employees as large firms.

Our legislation will help address these problems by authorizing Federal grants to provide start-up funding to States to assist them with the planning, development and operation of small employer purchasing cooperatives. These cooperatives will help to reduce health care costs for small employers by allowing them to band together to purchase health insurance jointly. Group purchasing cooperatives have a number of advantages for small employers. For example, the increased number of participants in the group help to lower the premium costs for all. Moreover, they decrease the risk of adverse selection and spread the cost of health care over a broader group.

The legislation would also authorize a Small Business Administration grant program for States, local governments and non-profit organizations to provide information about the benefits of health insurance to small employers, including tax benefits, increased productivity of employees, and decreased turnover. These grants would also be used to make employers aware of their current rights under State and Federal laws. While costs are clearly a problem, many small employers are not fully aware of laws that have already been enacted by both States and Federal Government to make health insurance more affordable. For example, in one survey, 57 percent of small employers did not know that they could deduct 100 percent of their health insurance premiums as a business expense.

The legislation would also create a new program to encourage innovation by awarding demonstration grants in up to 10 States conducting innovative coverage expansions, such as alternative group purchasing or pooling arrangements, individual or small group market reforms, or subsidies to employers or individuals purchasing coverage. The States have long been laboratories for reform, and they should be encouraged in the development of innovative programs that can serve as models for the Nation.

The Access to Affordable Health Care Act will also expand access to affordable health care for individuals and families.

One of the first bills I cosponsored as a Senator was legislation to establish the State Children's Health Insurance Program, S-CHIP, which provides insurance for the children of low-income parents who cannot afford health insurance, yet make too much money to qualify for Medicaid. This important program has provided affordable health insurance coverage to an estimated six million children nationwide, including almost 13,000 who are currently enrolled in the MaineCare program. Even so, nationwide, millions of qualified children have yet to be enrolled in this program, many because their parents simply don't know that they are eligible for the assistance.

Our legislation builds on the success of this program and gives States a number of new tools to increase participation. The bill authorizes new grants for States and non-profit organizations to conduct innovative outreach and enrollment efforts to ensure that all eligible children are covered. States would also have the option of covering the parents of the children who are enrolled in programs like MaineCare. States could also use funds provided through this program to help eligible working families pay their share of an employer-based health insurance plan. In short, the legislation will help ensure that the entire family receives the health care they need.

And finally, to help make health coverage more affordable for low- and middle-income individuals and families who do not have employer-provided coverage and who are not eligible for the expanded public programs, our legislation would provide an advanceable, refundable tax credit of up to $1,000 for individuals earning up to $30,000 and up to $3,000 for families earning up to $60,000. This could provide coverage for up to 6 million Americans who would otherwise be uninsured for one or more months, and will help many more working lower-income families who currently purchase private health insurance with little or no government help.

The Access to Affordable Health Insurance Act will also help to strengthen our Nation's health care safety net by doubling funding over 5 years for the Consolidated Health Centers program, which includes community, migrant, public housing and homeless health centers. These centers, which operate in underserved urban and rural communities, provide critical primary care services to millions of Americans, regardless of their ability to pay. About 20 percent of the patients treated at Maine's community health centers have no insurance coverage and many more have inadequate coverage, so these centers are a critical part of our Nation's health care safety net.

The problem of access to affordable health care services is not limited to the uninsured, but is also shared by many Americans living in rural and underserved areas where there is a serious shortage of health care providers. The Access to Affordable Health Care Act therefore calls for increased funding for the National Health Service Corps, which supports doctors, dentists, and other clinicians who serve in rural and inner city areas.

The legislation will also give the program greater flexibility by allowing National Health Service Corps participants to fulfill their commitment on a part-time basis. Current law requires all National Health Service Corps participants to serve full-time. Many rural communities, however, simply do not have enough volume to support a full-time health care practitioner. Moreover, some sites may not need a particular type of provider—for example, a dentist—on a full-time basis. Some practitioners may also find part-time service more attractive, which, in turn, could improve recruitment and retention. Our bill therefore gives the program additional flexibility to meet community needs.

Long-term care is the major catastrophic health care expense faced by older Americans today, and these costs will only increase with the aging of the baby boomers. Most Americans mistakenly believe that medicare or their private health insurance policies will cover the cost of long-term care should they develop a chronic illness or cognitive impairment like Alzheimer's Disease. Unfortunately, far too many do not discover that they do not have coverage until they are confronted with the difficult decision of placing a much-loved parent or spouse in long-term care and facing the shocking realization that they will have to cover the costs themselves.

The Access to Affordable Health Care Act will provide a tax credit for long-term care expenses of up to $3,000 to provide some help to those families struggling to provide long-term care to a loved one. It will also encourage more Americans to plan for their future long-term care needs by providing a tax deduction to help them purchase long-term care insurance.

Health insurance alone is not going to ensure good health. As noted author and physician Dr. Michael Crichton has observed, “the future of medicine lies not in treating illness, but preventing it." Many of our most serious health problems are directly related to unhealthy behaviors—smoking, lack of regular exercise and poor diet. These three major risk factors alone have made Maine the state with the fourth highest death rate due to four largely preventable diseases: cardiovascular disease, cancer, chronic lung disease and diabetes. These four chronic diseases are responsible for 70 percent of the health care problems in Maine.

Our bill therefore contains a number of provisions designed to promote healthy lifestyles. An ever-expanding body of evidence shows that these kinds of investments in health promotion and prevention offer returns not only in reduced health care bills, but in longer life and increased productivity. The legislation will provide grants to States to assist small businesses wishing to establish "worksite wellness" programs for their employees. It would also authorize a grant program to support new and existing "community partnerships," such as the Healthy Community Coalition in Maine's Franklin County, to promote healthy lifestyles among hospitals, employers, schools and community organizations. And, it would provide funds for States to establish or expand comprehensive school health education, including, for example, physical education programs that promote lifelong physical activity, healthy food service selections, and programs that promote a healthy and safe school environment.

Finally, the Access to Affordable Health Care Act would promote greater equity in Medicare payments and help to ensure that the Medicare system rewards rather than punishes States like Maine that deliver high-quality, cost-effective Medicare services to our elderly and disabled citizens.

According to a study in the Journal of the American Medical Association, Maine ranks third in the Nation when it comes to the quality of care delivered to our Medicare beneficiaries. Yet we are 11th from the bottom when it comes to per-beneficiary Medicare spending.

The fact is that Maine's Medicare dollars are being used to subsidize higher reimbursements in other parts of the country. This simply is not fair. Medicare's reimbursement systems have historically tended to favor urban areas and failed to take the special needs of rural States into account. Ironically, Maine's low payment rates are also the result of its long history of providing high-quality, cost-effective care. In the early 1980s, Maine's lower than average costs were used to justify lower payment rates. Since then, Medicare's payment policies have only served to perpetuate the gap.

The Medicare Modernization Act of 2003 did take some significant steps toward promoting greater fairness by increasing Medicare payments to rural hospitals and by modifying geographic adjustment factors that discriminated against physicians and other providers in rural areas. The legislation we are introducing today will build on those improvements by establishing State pilot programs that reward providers of high-quality, cost efficient Medicare services. It will also establish a program to expand graduate medical education programs in rural and underserved areas of the nation.

Mr. President, the Access to Affordable Health Care Act outlines a blueprint for reform based on principles upon which I believe a bipartisan majority in Congress could agree. The plan takes significant strides toward the goal of universal health care coverage by bringing millions more Americans into the insurance system, by strengthening the health care safety net, and by addressing inequities in the Medicare system.

By Mr. AKAKA:

S. 1226. A bill to provide jurisdiction over Federal contractors who engage in human trafficking offenses; to the Committee on the Judiciary.

Mr. AKAKA. Mr. President, I rise today to introduce the Federal Contractor Extraterritorial Jurisdiction for Human Trafficking Offenses Act of 2005, which builds upon bipartisan efforts to combat the abhorrent practice of human trafficking.

Human trafficking is unfortunately among the fastest growing international criminal activities. According to the U.S. State Department's 2005 Trafficking in Persons Report, 600,000 to 800,000 victims are transported across international borders each year. These victims often come from the world's most vulnerable populations and regions affected by wars or humanitarian disasters.

With the promise of well-paying jobs, victims are often enticed to foreign countries, where upon arrival, their passports or travel papers are confiscated, and they are forced, many times beaten, until they agree to work without pay or serve as prostitutes. The perpetrators of human trafficking are typically motivated by profits derived from the use of forced labor or commercial sex exploitation. Because one of the common motivations of trafficking is forced prostitution: 80 percent of the victims are women and 50 percent of the victims are children.

In 2001, awareness of human trafficking grew in London during a murder investigation where the victim was a small African boy. While trying to determine the identity of the victim, investigators discovered that, in London alone, 300 African children between the ages of 4 and 7 could not be accounted for. That staggering statistic provides an insight into the pervasiveness of child trafficking and demonstrates that it can occur in all countries, including the most affluent.

This issue has long been a concern of mine. Nearly 6 years ago, I learned of a human trafficking ring that enslaved foreign workers and smuggled them to the U.S. Commonwealth of the Northern Mariana Islands, CNMI. The workers were forced to work in factories or serve as prostitutes. Senators Frank Murkowski, Jeff Bingaman, and I introduced S. 1052 to tighten immigration law in the CNMI to prevent future human trafficking rings. Although our bill passed the Senate, it was not taken up in the House.

Unfortunately, that was only one of numerous human trafficking conspiracies discovered within the United States. The State Department estimates that 14,500 to 17,500 human trafficking victims are brought into our country every year.

We cannot address this issue without recognizing the efforts of my friend and departed colleague, Senator Paul Wellstone, who through his leadership, the Victims of Trafficking and Violence Protection Act of 2000, P.L. 106-386, was enacted. This law first established our Nation's commitment to the prosecution of traffickers and the protection of victims of trafficking.

Since 2000, and the passage of this Act, there has been a surge in government activity relating to the prevention and prosecution of human trafficking offenses. In 2003 alone, there were approximately 3,000 convictions of human traffickers worldwide.

We have learned a great deal more about the conditions under which members of a population are likely to become victims of trafficking. Those who are displaced from their homes or suffering from poverty are much more likely to become victims of trafficking. Unfortunately, military forces and organizations charged with protecting and providing for vulnerable populations have, at times, actually encouraged the trafficking of humans.

There have been instances in the Congo and in Bosnia where increased demand for prostitution and forced labor caused by foreign peacekeeping troops and humanitarian aid workers accelerated the exploitation of already vulnerable populations.

There have even been reports where contractors, working on behalf of the United States Government, have contributed to, and even participated in, the trafficking of humans abroad. Nothing is more contrary to the freedoms we cherish than the trafficking of humans, which is why I introduce today the Federal Contractor Extraterritorial Jurisdiction for Human Trafficking Offenses Act.

My bill closes a loophole in U.S. criminal law. Under current law, Federal contractors who engage in human trafficking offenses abroad are subject to prosecution in the United States only if "employed by or accompanying the Armed Forces." The bill closes this loophole by permitting the prosecution of Federal contractors of "any executive agency."

I believe all U.S. contractors should be treated the same, and all should be held to the same standards. A paycheck from the United States should never be used to purchase a human life.

I wish to point out that this legislation respects the sovereignty of foreign governments to prosecute these crimes locally. If a prosecution has occurred or is pending by the foreign government. U.S. authorities are precluded from prosecuting except upon approval of the U.S. Attorney General.

Rather. my measure authorizes the prosecution of a U.S. contractor who engages in human trafficking abroad but flees the foreign country to avoid prosecution. This happened, according to at least one report, where an employee of a Federal contractor in Bosnia bought a woman to serve as a sex slave. This individual fled the country after local authorities discovered the crime, and he returned to the U.S. to avoid prosecution. My bill would empower U.S. prosecutors to bring such an individual to justice.

Mr. President. I ask by unanimous consent that the text of my bill be printed in the RECORD.

There being no objection. the bill was ordered to be printed in the RECORD, as follows:

S. 1226

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Federal Contractor Extraterritorial Jurisdiction for Human Trafficking Offenses Act of 2005".

SEC. 2. FEDERAL CONTRACTOR EXTRA-TERRITORIAL JURISDICTION.

Chapter 77 of title 18, United States Code, is amended by adding at the end the following:

"§ 1596. Federal contractor extraterritorial jurisdiction

"(a) Whoever, while a Federal contractor, engages in conduct outside the United States that would constitute a violation of this chapter punishable by imprisonment for more than 1 year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States shall be punished as provided for that offense.

"(b) No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States. has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity). which function of approval may not be delegated.

"(c) An individual who is a victim of a violation of this chapter by a Federal contractor may bring a civil action against the perpetrator under section 1595 if a civil action would have been authorized under section 1595 had the conduct been engaged in within the special maritime and territorial jurisdiction of the United States.

"(d) As used in this section. the term 'Federal contractor' means a person who—

"(1) is employed as a contractor (including a subcontractor at any tier). or as an employee of a contractor (or subcontractor at any tier), of any executive agency, as that term is defined in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1));

"(2) is present or residing outside the United States in connection with such employment; and

"(3) is not a national of or ordinarily resident in the country where the violation occurred.".

By Ms. STABENOW (for herself and Ms. SNOWE):

S. 1227. A bill to improve quality in health care by providing incentives for adoption of modern information technology; to the Committee on Finance.

Mrs. STABENOW. Mr. President. I am very pleased to introduce the "Health Information Technology Act of 2005" with my friend and colleague from Maine. Senator Snowe. This legislation will reduce costs for our businesses, improve systems for our providers, and improve quality of care for patients.

We know we need to reduce health care costs in this country. In 2004, United States national health expenditures. known as NHEs, amounted to $1.8 trillion, or about $6.300 per person. accounting for 15.8% of our GDP. This is almost twice the average among European Union countries.

And costs are expected to continue to skyrocket. The Center for Medicare and Medicaid Services. CMS, estimates that by 2013, NHEs in the United States will reach $3.4 trillion and account for 18.8 percent of our GDP.

It is without question that the increasing cost of employer-based health insurance hurts the global competitiveness of U.S. companies. General Motors now spends more than $1,500 per vehicle on health care costs, while their non-U.S. based competitors spend as much as $1,000 less.

Our large companies certainly aren't alone in struggling to meet the health care needs of their employees—the average member of the Small Business Association of Michigan, SBAM spends nearly $8.000 per employee per year on health insurance premiums. SBAM explains very clearly one of the reasons for these high costs: "the way in which health care information is communicated is expensive, inefficient. and many times simply does not happen."

The members of the Health Information Technology Leadership Panel, convened pursuant to the National Coordinator for Health Information Technology's Framework for Strategic Action, recently agreed that "increasing health care costs pose a great and growing challenge to their industries and the broader U.S. economy."

But it's not just the level of health care spending—at the same time that we are spending twice as much as many other countries. 45 million of our citizens lack health insurance, and a recent national study by RAND suggests that U.S. adults receive only 55 percent of recommended care.

The answer is not to cut payments or to ask patients to take less care. but to ensure the right information is where it needs to be at the time it needs to be there so that providers can give the best possible treatment and care. That will both reduce costs and improve quality of care.

However. most of our Nation's health care providers don't have access to information technology and services because it's hard enough just to keep up with their daily costs. much less to invest in something new.

And, there's another reason providers haven't been quick to adopt these systems. The nature of our health care system means that in large part the value of these technologies—through the lower costs they will achieve—accrue to the payers of health care, rather than to the providers.

The costs of necessary information not being available are great. Too often. care is duplicated like an x-ray given twice, because an emergency room doctor didn't have the results of an earlier x-ray, or the best and most appropriate care isn't given. Our health care professionals can't possibly provide the best care if they don't have complete and accurate information about the patient sitting in front of them.

Multiple studies have found that as much as $300 billion is spent each year on health care that does not improve patient outcomes on treatment that is unnecessary, inappropriate. inefficient, or ineffective.

A March 2001 Institute of Medicine. IOM, study concluded that in order to improve quality, there must be a national commitment to building an information infrastructure. An October 2003 Government Accountability Office report found that the benefits of an electronic healthcare information system included improved quality of care. reduced costs associated with medication errors, more accurate and complete medical documentation. more accurate capture of codes and charges. and improved communication among providers enabling them to respond more quickly to patients' needs.

By providing the most appropriate care at the most appropriate time, we can reap huge savings. A January 2005 Report by the Center for Information Technology Leadership. CITL. found that moving to standardized health information exchange and interoperability would save nearly $80 billion annually in the United States.

The benefits of adoption and use of health care information technologies, systems and services will be widespread: employers will realize cost savings, clinicians will gain new electronic support tools and patient information to help guide medical decisions, and patients will benefit from a more efficient health care system and from a safer health care system with fewer unnecessary treatments and more attention to preventive care. And, taxpayers and our federal programs will benefit. Researchers have suggested that up to 30 percent of annual Medicare health care spending could be saved by eliminating unnecessary and duplicative procedures, and improving quality by eliminating errors.

The benefits of health information technologies and services become most compelling on an individual level. I met an extraordinary woman just a month ago. Renae Wallace, a small business owner in Kingsley, MI told me about her son Randall. Randall is just about to turn 8, but because he was born with complex heart and lung defects, he has seen the inside of a surgery room more times than most people see in a lifetime.

Renae takes her son to providers in Traverse City, Grand Rapids, and Ann Arbor. But because there is no way for these providers to talk to each other, she has to carry around a file two inches thick of medical records—X-rays, MRI scans, surgical notes—on Randall. Otherwise, the health care professionals who are taking care of Randall wouldn't have the benefit of the results of the treatment that Randall has gotten previously. Because they wouldn't have all the information they need, Randall might not get the most appropriate care. Renae has made sure that all of the providers taking care of her son have as much of the information as possible—but it would make a lot more sense if the doctors and hospitals and nurses were able to have that information without Renae having to carry it around.

We need to ensure that our health care professionals have all of the relevant clinical information available to them in whatever setting a patient needs care, at the time the patient needs the care so that they can provide the best and most appropriate treatment possible. We know that adoption of health information technology can play a critical role in improving patient outcomes and at the same time greatly reduce costs. But it can't happen without the federal government playing a role.

The members of the Health Information Technology Leadership Panel concurred that without Federal leadership, neither their individual companies nor the industrial sector as a whole can achieve the breadth of HIT adoption that would be required to realize the needed transformation of health care.

The bill that Senator SNOWE and I are introducing recognizes that both Federal leadership and Federal investment are necessary and appropriate. The focus of the investment provided by the "Health Information Technology Act of 2005" is on improving health care for patients with heart disease, cancer, stroke, diabetes, chronic obstructive pulmonary disease, asthma, and other diseases and conditions by driving transformation of systems in physician offices and other health care settings. Our bill includes a number of funding incentive approaches intended to improve health care through adoption of information technology.

First, we create a 5-year, $4 billion competitive grant program for hospitals, physicians, skilled nursing facilities, community health centers and community mental health centers to offset investments in new technologies and information services. Importantly, the grant program is funded by a mandatory appropriation from the Medicare trust funds. This is critical to ensuring that funds will actually be available for the grant program. It also makes sense as the trust funds will see savings through lower outlays due to less duplicative and unnecessary care.

The grant program would authorize funding for the: purchase, lease, and installment of computer software and hardware and related services; upgrade of existing computer technology; purchase communications capabilities necessary for clinical data access, storage, and exchange; services associated with acquiring, implementing, operating, or optimizing the use of new or existing computer software and hardware and clinical health care informatics systems; provision of education and training for staff on information systems and technology designed to improve patient safety; and purchase, lease, subscription, integration service of clinical decision support tools that provide ongoing continuous quality improvement functions.

Second, we allow accelerated depreciation of qualified health care information system expenditures in 2005–2010.

Third, we adjust Medicare payments to providers who use HIT that improves the quality and accuracy of clinical decision-making. We begin by addressing payments for treatment of Medicare beneficiaries with heart disease, cancer, stroke, diabetes, and chronic obstructive pulmonary disease because we know these conditions consume a large portion of our Medicare resources.

We know that the Medicare program will reap the benefit of providers using health information networks. The Office of the National Coordinator for Health Information Technology said on March 2 of this year that the annual savings attributable to widespread electronic health record adoption are likely to lie between 7.5 percent–30 percent of annual health care spending.

It only makes sense to establish new payment codes to account for the costs of purchasing and using health information technology and services with patient-specific applications.

Our legislation also will make it much easier for physicians and other health care professionals to treat patients by reducing the communication barriers that currently exist. The "Health Information Technology Act" provides that the Secretary shall adopt data standards for interoperability between providers and links funding to the adoption of those standards.

We know that electronic health care information systems can reap huge benefits. The GAO found these systems improve quality of care, reduce costs and improve communication among providers.

But we also know that we can't expect our health care providers to make this investment alone as they struggle to meet their daily needs. Our country must have a national commitment to building an information infrastructure, and the Federal Government needs to step up to the plate and provide much-needed funds to get the ball rolling.

We could only have dreamed about clinical computerized information systems when the Medicare and Medicaid programs began. Today, we have them at our disposal. The sooner we get them into our hospitals, physician offices, nursing homes, community health centers and community mental health centers, the sooner our patients, providers, and pocketbooks will see the rewards.

I am very pleased to announce the support of the following organizations: American College of Physicians, Federation of American Hospitals, National Council for Community Behavioral Healthcare, the National Association of Children's Hospitals, American Heart Association, National Rural Health Association, National Business Coalition on Health, American Academy of Family Physicians, National Association of Community Health Centers, American Health Care Association, IBM, Health Vision, Healthcare Information and Management Systems Society, eHealth Initiative, AdvaMed, American Health Information Management Association, Verizon, Altarum, Michigan Health and Hospital Association, Automation Alley, Small Business Association of Michigan, Detroit Chamber, Michigan State Medical Society, Detroit Medical Center, Marquette General Health System, Oakwood Healthcare System, Henry Ford Health System, MPRO, Michigan's Medicare Quality Improvement Organization; Microsoft Corporation, Axolotl Corp, Delmarva Foundation, Dell Inc, DiagnosisOne, Greenway Medical Technologies, HealthInsight, Healthgate, Inland Northwest Health Services, Kyrptiq, Lumetra, Medical Review of North Carolina, Misys Healthcare Systems, National Alliance for Primary

Care Informatics, Partners Healthcare System, Siemens Corporation, Philips Medical Systems. WebMD Corporation. and the Virgin Islands Medical Institute.

I am also very pleased to have the support of the AFL–CIO. Trinity Health, NextGen, The Society of Thoracic Surgeons, American Association of Homes and Services for the Aging. St. John Health, Michigan Primary Care Association, the American Health Quality Association. and Comtek and look forward to receiving their forthcoming letters.

I ask unanimous consent to have the text of the bill and additional material printed in the RECORD.

There being no objection, the material was ordered to by printed in the RECORD, as follows:

AMERICAN ACADEMY
OF FAMILY PHYSICIANS,
Washington, DC, June 9, 2005.
Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.
Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATORS STABENOW AND SNOWE: On behalf of It he 94,000 members of the American Academy of Family Physicians, congratulations on the introduction of the Health Information Technology Act. The AAFP strongly supports this legislation and we would be pleased to help you in your efforts to have Congress pass it.

The legislation recognizes that the main obstacles to widespread adoption of electronic health record systems are the significant up-front costs and the lack of general interoperability of many fragmented electronic systems. In the first case, the estimated costs of about $25,000 per physician to purchase an electronic health record system is a serious problem for family physicians in small practices that have very tight financial margins in which to operate. In the second case, even if the financing is available, a family physician will be reluctant to invest in health information technology that cannot communicate with a nearby lab or the specialist across town.

By helping physicians with the financing of these systems and by facilitating the development of interoperability standards, your legislation would go a long way to improving the quality and efficiency of health care delivery in this county.

Thank you for your leadership in this effort. We are committed to working with you to secure passage of this important legislation.

Sincerely,

MICHAEL FLEMING,
Board Chair.

NATIONAL ASSOCIATION OF
COMMUNITY HEALTH CENTERS, INC.,
Bethesda, MD, June 13, 2005.
Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW. On behalf of health centers all across the country and the 15 million Americans who rely on them for health care, I want to express our strong support for the "Health Information Technology Act of 2005." The legislation would help to ensure that health centers have the additional resources they need to further harness the potential of information technology to improve the overall quality of health care delivered to patients in underserved communities.

Health centers recognize the value of healthcare information technology in facilitating the delivery of cost-effective, quality health care services. Indeed, through participation in the Health Resources and Services Administration's Health Disparities Collaboratives, health centers have demonstrated reductions in disparities and improved access to services through the use of electronic patient registries. However, the high cost of establishing these IT. systems throughout the entire health center is a significant barrier for centers with few financial resources.

With that in mind, NACHC applauds you for including health centers as eligible recipients of competitive grant funding and tax incentives for the design and installation of new healthcare IT systems, the upgrade of existing computer hardware and software, and training and education of health center staff. We also appreciate that your legislation would require the establishment of national healthcare IT standards that promote the interoperability of health care information across all health care settings within 2 years.

Thank you once again for introducing the "Health Information Technology Act of 2005." We stand ready to work with you to advance this vital legislation in the 109th Congress.

Sincerely,

DANIEL R. HAWKINS, Jr.,
Vice-President for Federal, State, and Public Affairs.

AMERICAN HEALTH CARE ASSOCIATION,
Washington, DC, June 10, 2005.
Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: On behalf of the American Health Care Association (AHCA) and the National Center for Assisted Living (NCAL), the nation's largest association representing providers of quality long term care. I am writing to acknowledge our support for the "Health Information Technology Act of 2005."

This legislation, which you will soon introduce, has the potential to transform health and long term care by utilizing information technology to allow for the seamless transfer of health data while guaranteeing privacy and security. By creating incentives for providers to acquire health information technology and ensuring interoperability, you are taking critically important steps to improve patient safety and quality. With provisions such as allowing accelerated depreciation of qualified health care information system expenditures, you've clearly fast tracked the potential of this legislation reaching its ultimate goals."

Senator Stabenow, AHCA and NCAL fully support and commend you for the leadership you are providing with the introduction of the "Health Information Technology Act of 2005."

Sincerely,

HAL DAUB,
President & CEO.

IBM
Washington, D.C., June 9, 2005.
Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, D.C.
Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, D.C.

DEAR SENATORS SNOWE AND STABENOW: On behalf of IBM, I would like to congratulate you on the introduction of the "Health Information Technology Act of 2005, and we support its passage.

The Act includes number of funding incentive approaches intended to stimulate healthcare improvements enabled by information technology. Most important, the Act would adjust Medicare payments to providers who participate in a health information network that improves the quality and accuracy of clinical decision-making. With so many Americans in this one program, creating rewards for quality in Medicare will have a lifesaving impact for patients throughout the country.

The Act also authorizes grants for information technology software, hardware, and services to improve quality in health care and patient safety. Eligible grantees would include hospitals, skilled nursing facilities, federally qualified health centers, physicians, and physician group practices. Funding would be authorized for the years 2006 to 2010 as part of the Medicare program as permitted within the Budget Reserve Fund enacted in the 2006 Budget Resolution.

The legislation would also reduce the communication barriers that make it difficult for physicians to treat patients. The Act provides that the Secretary shall adopt data standards for interoperability between providers and links funding to the adoption of those standards. At the same time, the Act would implement procedures for the Secretary to accept the optional submission of data derived from health care reporting requirements. The funding will allow providers to adopt technology with standards that promote the efficient exchange of data.

Finally, the Act would amend the Internal Revenue Code to permit the expensing of health care informatics systems that meet standards adopted by the Secretary of HHS.

We thank you for advancing these important Medicare-related provisions and look forward to supporting the Act's passage this Congress.

Sincerely,

CHRISTOPHER CAINE,
Vice President,
Government Programs.

Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.
Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATORS STABENOW AND SNOWE: Healthvision, Inc. is dedicated to providing and supporting connected healthcare communities where information can be securely shared among, physicians, patients, consumers, hospitals and other interested constituents in the healthcare landscape. We congratulate you both for introducing The Health Information Technology Act. This legislation would provide grants to physicians, hospitals and skilled nursing facilities for purposes of improving patient safety and reducing medical errors.

We understand the positive role that health information technology (HIT) can play in promoting safety and the quality of care. We also are cognizant that financial barriers prevent physicians and patients from receiving and utilizing health information technology that is important to reducing medical errors and creating efficiencies in the healthcare system. The Health Information Technology Act (HIT Act) provides a solution to overcoming the barriers that prevent the use and utilization of HIT to improve healthcare. By providing incentives for providers to adopt HIT, promoting the adoption of national data and health communication standards to facilitate interoperability, leveraging federal investments in Medicare and Medicaid and creating special set asides for certain groups including rural providers and health professional shortage areas, the HIT Act provides considerable leverage to help build momentum in improving healthcare as we know it today.

Quality and safety challenges, according to the Institute of Medicine, cause an estimated 44,000 to 98,000 deaths yearly due to medical errors. Legislation to adopt HIT is essential to improving healthcare by replacing antiquated paper records with electronic patient records that can be shared across healthcare communities and among the necessary stakeholders in such communities.

The Healthcare Information Act of 2005 would be an important step toward addressing some of the quality and safety challenges identified by the Institute of Medicine. It is our belief that upfront investment in HIT will improve the quality of care, while returning savings through reductions in clinical and administrative costs over time.

We applaud your leadership and look forward to working with you to provide incentives for adoption of modern health information technology to improve the quality of healthcare.

Very truly yours,

SCOTT DECKER,
President and Chief Executive Officer.
JONATHAN TEICH,
Sr. Vice President and Chief Medical Officer.

---

eHEALTH INITIATIVE,
Washington, DC, June 9, 2005.

Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.
Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATORS STABENOW and SNOWE: The eHealth Initiative and the eHealth Initiative Foundation, a multi-stakeholder consortium dedicated to driving improvement in the quality, safety, and efficiency of healtcare through information and information technology, congratulate you for introducing The Health Information Technology Act of 2005. This legislation would provide grants to physicians, hospitals and skilled nursing facilities for purposes of improving patient safety and reducing medical errors.

The Health Information Technology Act of 2005 recognizes the key role played by health information technology (HIT) to improve healthcare by providing incentives for providers to adopt HIT, promoting the adoption of national data and health communication standards to facilitate interoperability, leveraging federal investments in Medicare and Medicaid and creating special set asides for certain groups including rural providers and health professional shortage areas.

Legislation to encourage the adoption of health information technology to improve healthcare quality is essential, given that 90 percent of the 30 billion U.S. health transactions each year are conducted by phone, fax or mail and only 15 percent of US physicians use electronic health records. These quality and safety Challenges according to the Institute of Medicine, cause an estimated 44,000 to 98,000 deaths yearly due to medical errors.

Various studies have shown the potential of health information technology to make improvements in healthcare quality. For example, a rural community hospital prevented administration of over 1,200 wrong drugs or dosages using automatic identification technology and wireless scanners to verify both the identities of patients and their correct medications (GAO–04–224).

The Health Information Technology Act of 2005 would be an important step toward addressing some of the quality and safety challenges identified by the Institute of Medicare. It is our belief that upfront investment in HIT will improve the quality of care, while returning savings through reductions in clinical and administrative cots over time.

On behalf of the undersigned and other members of the eHealth Initiative, we salute your leadership and look forward to working with you to provide incentives for adoption of modern health information technology to improve the quality of healthcare.

Sincerely,

AdvaMed.
American College of Physicians.
American Health Information Management Association.
Altarum Institute.
Axolotl Corp.
Delmarva Foundation.
Dell Inc.
DiagnosisOne.
Federation of American Hospitals.
Healthcare Information and Management Systems Society.
Greenway Medical Technologies.
HealthInsight.
Healthgate.
Healthvision.
IBM.
Inland Northwest IHealth Services.
Kryptiq.
Lumetra.
Medical Review of North Carolina.
Microsoft Corporation.
Misys Healthcare Systems.
National Alliance for Primary Care Informatics.
National Business Coalition on Health.
Partners Healthcare System.
Siemens Corporation.
Philips Medical Systems.
WebMD Corporation.

HIMSS®,
Chicago, IL, June 9, 2005.

Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.
Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATORS STABENOW AND SNOWE: On behalf of the Healthcare Information and Management Systems Society and our 15,000 individual and over 260 corporate members and 45 chapters nationwide, we are pleased to support the Health Information Technology Act of 2005. HIMSS members are very aware of the need for catalyst legislation to improve patient safety and cost effective healthcare in the U.S. Legislation like the Health Information Technology Act of 2005 provides the type of congressional leadership that will improve healthcare delivery for the nation.

HIMSS supports the concepts of this legislation because it represents a positive step forward in the national agenda to provide a catalyst to encourage substantial investments into information technology and management systems to improve the quality, safety, and efficiency of patient care. Through our members and the Society's advocacy outreach, we will continue to support and work for the bill's passage.

We are particularly encouraged by the provisions in the legislation to create a grant program to infuse almost $4 billion in federal funding into the provider community to encourage adoption of information systems and services, as well as the emphasis on interoperability that address the needs of providers in diverse geographic settings, including setting aside at least 20 percent for rural communities.

The HIMSS Board of Directors applauds your efforts in realizing and acting on the need for infuse federal funding into the provider community to adopt much needed information technology.

We look forward to working with you to gain additional healthcare industry support for the legislation. If we can be of any further assistance, please contact Mr. Dave Roberts, HIMSS Director of Public Policy.

Sincerely,

H. STEPHEN LIEBER,
President & CEO.
PAMELA R. WIRTH,
Chairperson of the Board, HIMSS, Vice President, Soarian Medical Solutions, Siemens Medical Systems.

VERIZON,
Washington, DC, June 13, 2005.

Senator OLYMPIA J. SNOWE,
Senator DEBBIE A. STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATORS SNOWE AND STABENOW: On behalf of Verizon, I applaud your introduction of the Health Information Technology Act of 2005. This legislation recognizes the vital role of information technology im making a difference in improving quality and reducing the cost of health care, both of which are important to Verizon, as well as the Nation. Verizon has a vital stake in seeing improvements in the health care system, as we provide health care coverage for over 800,000 employees, retirees and their dependents. We hope the health care system can benefit from the technologies that have worked so well in transforming our industry.

In particular, we appreciate your recognition of telecommunications technology and its significance in improving quality and patient safety. Verizon believes that broadband, wireless and other telecommunications services can also make a real difference in reducing barriers and improving access to quality health care. We look forward to working with you in passing this important piece of legislation to improve the health care system.

ANDREW M. MEKELBURG,
Vice President, Federal Government Relations.

ALTARUM,
Ann Arbor, MI, June 5, 2005.

Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: I am writing to convey to you Altarum Institute's strong support for the Health Information Technology Act, which you are about to introduce into the United States Senate.

As you well know, Altarum is now helping the state of Michigan to define, develop and deploy the Michigan Health Information Network—the underlying technical, standards and governance foundation that will ensure that promising health information technology efforts across the state are both interoperable and sustainable.

While with the MHIN we help to prepare the "foundation" upon which these health IT applications will rest, your bill takes a tremendous stride forward in helping healthcare providers actually make these health IT tools a part of how they do their business. We sincerely hope and trust that providers who, due to the grant programs envisioned in your bill, can begin to see their way clear to adopting health IT tools in their practices will be ready to work as part of a broader community to ensure interoperability, common standards and a governing model such as the MHIN will provide.

Your leadership in this critically important area is both timely and appreciated. We look forward to consideration and passage of the Health Information Technology Act.

Sincerely,

KENNETH R. BAKER,
President.

MICHIGAN HEALTH
& HOSPITAL ASSOCIATION,
Lansing, MI, June 8, 2005.

Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW. The Michigan Health & Hospital Association welcomes your efforts to assist with the capital investment requirements hospitals face for health information technology. The MHA supports your pending legislation, The Health Information Technology Act of 2005, which would provide needed funding for new health IT design, purchase and collaboration, as well as recognition of these costs within the Medicare reimbursement system. This issue will continue to develop in importance for Michigan hospitals and we look forward to working with you to identify how best to provide federal assistance for technology infrastructure, while keeping patient-focused safety and quality improvement as the primary goal for all concerned.

Thank you for your continued support. I may be reached at 517/703-86009 if you would like to discuss this matter in further detail.

Sincerely,

BRIAN PETERS,
Senior Vice President, Advocacy.

Ms. SNOWE. Mr. President, today I join my colleague, Senator STABENOW of Michigan, in introducing the "Health Information Technology Act of 2005", which will serve to improve the quality of health care through implementation of information technology; IT, in hospitals, health centers and physician practices throughout the country. At a time when the Institute of Medicine (IOM) has reported that up to 98,000 Americans die each year due to medical errors, we cannot afford to wait. When we also consider the escalating cost of health care in this country, we must recognize that this level of growth in spending has created a crisis. Information technology is one solution, and this legislation will assert the federal government's role in providing leadership in this area and provide financial incentives to spur rapid adoption of information technology in medicine. Our legislation is necessary because as a nation we face two stark problems.

The first of these is a serious patient safety problem. The good news is that solutions exist: We have the technological ability to dramatically reduce medical errors and thus save lives. Many have heard about how drug interactions can be avoided by software systems which check a patient's prescriptions for hazards. Yet there are so many other applications which can improve health. For example, by reviewing and analyzing information, a health provider can help a patient better manage chronic diseases such as diabetes and heart disease, and avoid adverse outcomes.

Our second major problem is the escalating cost of health care. Costs are reduced when tests don't have to be repeated and data isn't delayed. In fact, a patient may obtain faster, higher quality care when, for example, multiple practitioners can review diagnostic test results right at their desktops. In an age where millions of Americans share family pictures over the internet in seconds, isn't it long past time that a physician should be able to retrieve an x-ray just as easily?

The President certainly recognizes the disparity in technology in health versus other parts of our economy. He has declared a goal for every American to have an electronic medical record within 10 years. I concur—we need this and more. In fact, once that record is in place we can do so many things better. From preventing drug interactions, to managing chronic diseases, to simply helping providers operate more efficiently. Most of us have been told at one time or another, "we're waiting to get the test results mailed", or "we're still waiting for your chart". Health care is one of the last bastions of such inefficiency.

The bad news is that high start-up costs and a lack of standards have prevented us from reaping the benefits of new technologies. I am certainly looking forward to the progress we will make with Dr. David Brailer heading the new Office of the National Coordinator for Health Information Technology at the Department of Health and Human Services. The President has made technology implementation a priority, and there is no doubt that a lack of standards has prevented IT adoption by many health care providers. One must know that a system purchased will be compatible with others, and that—no matter what may happen in the future to a vendor—the huge investment one makes in building an electronic medical record won't be lost. In other words, your system must be able to communicate with other systems, and your investment in building electronic medical records must be preserved. So when a patient moves, their electronic "chart" should be able to move right along with them, and their continuity of care shouldn't be interrupted.

Yet standards alone aren't enough. Today many providers are struggling to make these investments, and for those which serve beneficiaries of Medicare, Medicaid and SCHIP, it can be exceedingly difficult.

The legislation which we are introducing today will bring the solution within our reach. In the last Congress I worked with Senator BOB GRAHAM to introduce legislation which provided a grants program to give assistance to hospitals and long term care facilities to enable investment in IT. As I join today with Senator STABENOW to introduce this legislation, we have made several crucial enhancements to the previous bill. The legislation now includes both federally-qualified health centers and community mental health centers as eligible to receive IT grants. In addition, physician practices can also participate. All three are key treatment environments where both costs and errors must be addressed.

Our new legislation even provides an alternative to those for-profit providers who do not wish to apply for a grant. Under this bill, such providers will be able to expense the cost of a qualified system.

The legislation supports expenditures for a variety of expenses required to implement health care information technology. These include such components as computer hardware and software, plus installation and training costs. In addition, when installed we require that every system must meet the HHS Secretary's interoperability standards.

We know we will realize significant savings through information technology. On that there is bipartisan consensus. Yet as providers are facing even declining payment rates, they also are told they must institute changes in the way they practice, including implementing information technology. We know that much of the savings in health care IT will accrue to the patient and payer—in such aspects as fewer duplicate tests, greater efficiency, and better health management. Thus it is appropriate that the Federal Government would assist with the often prohibitive start-up costs—particularly for those who serve beneficiaries of Medicare, Medicaid and SCHIP.

I again want to stress the first goal of this legislation: To help build a safer medical-delivery system. The great successes of our health care system are largely due to our highly committed and talented health care professionals. The problem we are addressing today is not theirs, but is an endemic weakness of the system they depend upon. However, to utilize the solution, the Federal Government must step forward and provide the leadership necessary to make system changes a reality.

When the Medicare and Medicaid programs began, we could only have dreamed about computerized clinical information systems. Now, today, we have this technology at our disposal, and I strongly believe that we cannot afford to delay implementation. I hope my colleagues will join us in support of this legislation so we may soon achieve the goals of improving patient safety and reducing our escalating health care costs.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Information Technology Act of 2005".

SEC. 2. INFORMATICS SYSTEMS GRANT PROGRAM.

(a) GRANTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall establish a program to award grants to eligible entities that have submitted applications in accordance with subsection (b) for the purpose of assisting such entities in offsetting the costs incurred after December 31, 2004, that are related to clinical health care informatics systems and services designed to improve quality in health care and patient safety.

(2) DURATION.—The authority of the Secretary to make grants under this section shall terminate on September 30, 2010.

(3) COSTS DEFINED.—For purposes of this section, the term "costs" shall include total expenditures incurred for—

(A) purchasing, leasing, and installing computer software and hardware, including handheld computer technologies, and related services;

(B) making improvements to existing computer software and hardware;

(C) purchasing or leasing communications capabilities necessary for clinical data access, storage, and exchange;

(D) services associated with acquiring, implementing, operating, or optimizing the use of new or existing computer software and hardware and clinical health care informatics systems;

(E) providing education and training to eligible entity staff on information systems and technology designed to improve patient safety and quality of care; and

(F) purchasing, leasing, subscribing, integrating, or servicing clinical decision support tools that—

(i) integrate patient-specific clinical data with well-established national treatment guidelines; and

(ii) provide ongoing continuous quality improvement functions that allow providers to assess improvement rates over time and against averages for similar providers.

(4) ELIGIBLE ENTITY DEFINED.—For purposes of this section, the term "eligible entity" means the following entities:

(A) HOSPITAL.—A hospital (as defined in section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e))).

(B) CRITICAL ACCESS HOSPITAL.—A critical access hospital (as defined in section 1861(mm)(1) of such Act (42 U.S.C. 1395x(mm)(1))).

(C) SKILLED NURSING FACILITY.—A skilled nursing facility (as defined in section 1819(a) of such Act (42 U.S.C. 1395i–3(a))).

(D) FEDERALLY QUALIFIED HEALTH CENTER.—A Federally qualified health center (as defined in section 1861(aa)(4) of such Act (42 U.S.C. 1395x(aa)(4))).

(E) PHYSICIAN.—A physician (as defined in section 1861(r) of such Act (42 U.S.C. 1395x(r))).

(F) PHYSICIAN GROUP PRACTICE.—A physician group practice.

(G) COMMUNITY MENTAL HEALTH CENTER.—A community mental health center (as defined in section 1861(ff)(3)(B) of such Act (42 U.S.C. 1395x(ff)(3)(B))).

(b) APPLICATION.—

(1) IN GENERAL.—An eligible entity seeking a grant under this section shall submit an application to the Secretary at such time, in such form and manner, and containing the information described in paragraph (2).

(2) INFORMATION DESCRIBED.—The information described in this paragraph is the following information:

(A) A description of—

(i) the clinical health care informatics system and services that the eligible entity intends to implement with the assistance received under this section; and

(ii) how the system will improve quality in health care and patient safety, including estimates of the impact on the health of, and the health costs associated with the treatment of, patients with heart disease, cancer, stroke, diabetes, chronic obstructive pulmonary disease, asthma, or any other disease or condition specified by the Secretary.

(B) Any additional information that the Secretary may specify.

(c) PRIORITY FOR CERTAIN ELIGIBLE ENTITIES.—In awarding grants under this section, the Secretary shall give priority—

(1) first, to eligible entities—

(A) that are exempt from tax under section 501(a) of the Internal Revenue Code of 1986; and

(B)(i) in which the total of individuals that are eligible for benefits under the medicare program under title XVIII of the Social Security Act, the medicaid program under title XIX of such Act, or under the State children's health insurance program under title XXI of such Act make up a high percentage (as determined appropriate by the Secretary) of the total patient population of the entity; or

(ii) that provide services to a large number (as determined appropriate by the Secretary) of such individuals;

(2) then, to eligible entities that meet the requirement under clause (i) or (ii) of paragraph (1)(B); and

(3) then, to other eligible entities.

(d) RESERVE FUNDS FOR ENTITIES IN HEALTH PROFESSIONAL SHORTAGE AREAS OR RURAL AREAS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall ensure that at least 20 percent of the funds available for making grants under this section to—

(A) hospitals and critical access hospitals are used for making grants to such hospitals that are located exclusively in an applicable area;

(B) skilled nursing facilities are used for making grants to such facilities that are located exclusively in an applicable area;

(C) Federally qualified health centers are used for making grants to such centers that are located exclusively in an applicable area;

(D) physicians and physician group practices are used for making grants to physicians and such practices that are located exclusively in an applicable area; and

(E) community mental health centers are used for making grants to such centers that are located exclusively in an applicable area.

(2) AVAILABILITY OF RESERVE FUNDS IF LIMITED NUMBER OF ENTITIES APPLY FOR RESERVED GRANTS.—If the Secretary estimates that the amount of funds reserved under subparagraph (A), (B), (C), (D), or (E) of paragraph (1) for the type of entity involved exceeds the maximum amount of funds permitted for such entities under subsection (e), the Secretary may reduce the amount reserved for such entities by an amount equal to such excess and use such funds for awarding grants to other eligible entities.

(3) APPLICABLE AREA DEFINED.—For purposes of paragraph (1), the term "applicable area" means—

(A) an area that is designated as a health professional shortage area under section 332(a)(1)(A) of the Public Health Service Act;

(B) a rural area (as such term is defined for purposes of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d))); or

(C) a rural census tract of a metropolitan statistical area (as determined under the most recent modification of the Goldsmith Modification, originally published in the Federal Register on February 27, 1992 (57 Fed. Reg. 6725)).

(e) AMOUNT OF GRANT.—

(1) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B) and paragraph (2), the Secretary shall determine the amount of a grant awarded under this section.

(B) CONSIDERATION.—In determining the amount of a grant under this section, the Secretary shall take into account the ability to take an expense deduction for health care informatics system expenses under section 179C of the Internal Revenue Code of 1986, as added by section 5.

(2) LIMITATION.—

(A) IN GENERAL.—A grant awarded under this section may not exceed the lesser of—

(i) an amount equal to the applicable percentage of the costs incurred by the eligible entity for the project for which the entity is seeking assistance under this section; or

(ii) in the case of a grant made to—

(I) a hospital or a critical access hospital, $1,000,000;

(II) a skilled nursing facility, $200,000;

(III) a Federally qualified health center, $150,000;

(IV) a physician, $15,000;

(V) a physician group practice, an amount equal to $15,000 multiplied by the number of physicians in the practice; or

(VI) a community mental health center, $75,000.

(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i), the term "applicable percentage" means, with respect to an eligible entity for the period involved, the percentage of total revenues (excluding grants and gifts from Federal, State, local government, and private sources) for such period that consists of total revenues from the medicare program, the medicaid program, and the State children's health insurance program under titles XVIII, XIX, and XXI, respectively, of the Social Security Act.

(f) REQUIREMENTS.—

(1) COMPLIANT WITH STANDARDS.—A clinical health care informatics system funded under this section and placed in service on or after the date the standards are adopted under section 4 shall be compliant with such standards.

(2) FURNISHING THE SECRETARY WITH INFORMATION.—

(A) IN GENERAL.—An eligible entity receiving a grant under this section shall furnish the Secretary with such information as the Secretary may require to—

(i) evaluate the project for which the grant is made; and

(ii) ensure that assistance provided under the grant is expended for the purposes for which it is made.

(B) COORDINATION.—The Secretary shall ensure that the requirements for furnishing information under subparagraph (A) are coordinated with other requirements for furnishing information to the Secretary that the eligible entity is subject to.

(g) STUDIES.—The Secretary shall conduct studies to—

(1) evaluate the use of clinical health care informatics systems and services implemented with assistance under this section to measure and report quality data based on accepted clinical performance measures; and

(2) assess the impact of such systems and services on improving patient care, reducing costs, and increasing efficiencies.

(h) REPORTS.—

(1) INTERIM REPORTS.—

(A) IN GENERAL.—The Secretary shall submit, at least annually, a report to the appropriate committees of Congress on the grant program established under this section.

(B) CONTENTS.—A report submitted pursuant to subparagraph (A) shall include information on—

(i) the number of grants made;

(ii) the nature of the projects for which assistance is provided under the grant program;

(iii) the geographic distribution of grant recipients;

(iv) the impact of the projects on the health of, and the health costs associated with the treatment of, patients with heart disease, cancer, stroke, diabetes, chronic obstructive pulmonary disease, asthma, or any other disease or conditions specified by the Secretary;

(v) the results of the studies conducted under subsection (g); and

(vi) such other matters as the Secretary determines appropriate.

(2) FINAL REPORT.—Not later than 180 days after the completion of all of the projects for which assistance is provided under this section, the Secretary shall submit a final report to the appropriate committees of Congress on the grant program established under this section, together with such recommendations for legislation and administrative action as the Secretary determines appropriate.

(i) FUNDING.—

(1) HOSPITALS.—There are appropriated from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) $250,000,000, for each of the fiscal years 2006 through 2010, for the purpose of making grants under this section to eligible entities that are hospitals or critical access hospitals.

(2) SKILLED NURSING FACILITIES.—There are appropriated from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) $100,000,000, for each of the fiscal years 2006 through 2010, for the purpose of making grants under this section to eligible entities that are skilled nursing facilities.

(3) FEDERALLY QUALIFIED HEALTH CENTERS.—There are appropriated from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t) $40,000,000, for each of the fiscal years 2006 through 2010, for the purpose of making grants under this section to eligible entities that are Federally qualified health centers.

(4) PHYSICIANS.—There are appropriated from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t) $400,000,000, for each of the fiscal years 2006 through 2010, for the purpose of making grants under this section to eligible entities that are physicians or physician group practices.

(5) COMMUNITY MENTAL HEALTH CENTERS.—There are appropriated from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t) $20,000,000, for each of the fiscal years 2006 through 2010, for the purpose of making grants under this section to eligible entities that are community mental health centers.

SEC. 3. ADJUSTMENTS TO MEDICARE PAYMENTS FOR HEALTH INFORMATION TECHNOLOGY ENABLED QUALITY SERVICES.

(a) ADJUSTMENTS.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall establish a methodology for making adjustments in payment amounts under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) made to providers of services and suppliers who—

(1) furnish items or services for which payment is made under such title; and

(2) in the course of furnishing such items and services, use health information technology and technology services with patient-specific applications that the Secretary determines improves the quality and accuracy of clinical decision-making, compliance, health care delivery, and efficiency, such as electronic medical records, electronic prescribing, clinical decision support tools integrating well-established national treatment guidelines with continuous quality improvement functions, and computerized physician order entry with clinical decision-support capabilities.

(b) REQUIREMENTS.—The methodology established under subsection (a) shall—

(1) include the establishment of new codes, modification of existing codes, and adjustment of evaluation and management modifiers to such codes, that take into account the costs of acquiring, using, and maintaining health information technology and services with patient-specific applications;

(2) first address adjustments for payments for items and services related to the diagnosis or treatment of heart disease, cancer, stroke, diabetes, chronic obstructive pulmonary disease (COPD), and other diseases and conditions that result in high expenditures under the medicare program and for which effective health information technology exists; and

(3) take into account estimated aggregate annual savings in overall payments under such title XVIII attributable to the use of health information technology and services with patient-specific applications.

(c) DURATION.—The Secretary may reduce or eliminate adjustments made to payments pursuant to subsection (a) as payment methodologies under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) are adjusted to reflect provider quality and efficiency.

(d) RULE OF CONSTRUCTION.—In making national coverage determinations under section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) with respect to maintaining health information technology and services with patient-specific applications, in determining whether the health information technology and services are reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member, the Secretary shall consider whether the health information technology and services improve the health of medicare beneficiaries, including the improvement of clinical outcomes or cost-effectiveness of treatment.

(e) DEFINITIONS.—In this section:

(1) PROVIDER OF SERVICES.—The term "provider of services" has the meaning given that term under section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u)).

(2) SUPPLIER.—The term "supplier" has the meaning given that term under section 1861(d) of such Act (42 U.S.C. 1395x(d)).

SEC. 4. INTEROPERABILITY.

(a) DEVELOPMENT AND ADOPTION OF STANDARDS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall provide for the development and adoption under programs administered by the Secretary of national data and communication health information technology standards that promote the efficient exchange of data between varieties of provider health information technology systems. In carrying out the preceding sentence, the Secretary may adopt existing standards consistent with standards established under subsections (b)(2)(B)(i) and (e)(4) of section 1860D–4 of the Social Security Act (42 U.S.C. 1395w–104).

(2) REQUIREMENTS.—The standards developed and adopted under paragraph (1) shall be designed to—

(A) enable health information technology to be used for the collection and use of clinically specific data;

(B) promote the interoperability of health care information across health care settings, including reporting to the Secretary and other Federal agencies; and

(C) facilitate clinical decision support through the use of health information technology.

(b) IMPLEMENTATION OF PROCEDURES FOR THE SECRETARY TO ACCEPT DATA USING STANDARDS.—

(1) DATA FROM NEW HEALTH CARE REPORTING REQUIREMENTS.—Not later than January 1, 2008, the Secretary shall implement procedures to enable the Department of Health and Human Services to accept the optional submission of data derived from health care reporting requirements established after the date of enactment of this Act using data standards adopted under this section.

(2) DATA FROM ALL REQUIREMENTS.—

(A) IN GENERAL.—Not later than January 1, 2010, the Secretary shall implement procedures to enable the Department of Health and Human Services to accept the optional submission of data derived from all health care reporting requirements using data standards adopted under this section.

(B) LIMITATION.—

(i) IN GENERAL.—On and after January 1, 2010, if an entity or individual elects to submit data to the Secretary using data standards adopted under this section, the Secretary, subject to clause (ii), may not require such entity or individual to also submit such data in an additional format.

(ii) EXCEPTION.—The Secretary may provide for an exception, not to exceed 2 years, to the limitation under clause (i) with respect to certain types of data if the Secretary determines that such an exception is appropriate.

SEC. 5. ELECTION TO EXPENSE HEALTH CARE INFORMATICS SYSTEMS.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 179B the following new section:

"SEC. 179C. HEALTH CARE INFORMATICS SYSTEMS EXPENDITURES.

"(a) TREATMENT OF EXPENDITURES.—

"(1) IN GENERAL.—An eligible entity may elect to treat any qualified health care informatics system expenditure which is paid or incurred by the taxpayer as an expense which is not chargeable to capital account. Any expenditure which is so treated shall be allowed as a deduction.

"(2) ELECTION.—An election under paragraph (1) shall be made under rules similar to the rules of section 179(c).

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATION.—With respect to any eligible entity, the aggregate cost which may be taken into account under subsection (a)(1) for any taxable year shall not exceed, when added to any cost taken into account under this section in any preceding taxable year, the dollar amount specified under section 2(e)(2)(A)(ii) of the Health Information Technology Act of 2005.

"(2) APPLICABLE RULES.—For purposes of this subsection, rules similar to the rules of paragraphs (3) and (4) of subsection (b) and paragraphs (6), (7), and (8) of subsection (d) of section 179 shall apply.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED HEALTH CARE INFORMATICS SYSTEM EXPENDITURES.—

"(A) IN GENERAL.—The term 'qualified health care informatics system expenditure' means, with respect to any taxable year, any direct or indirect costs incurred and properly taken into account with respect to the purchase or installation of equipment and facilities relating to any qualified health care informatics system. Such term shall include so much of the purchase price paid by the lessor of equipment and facilities subject to a lease described in subparagraph (B)(ii) as is attributable to expenditures incurred by the lessee which would otherwise be described in the preceding sentence.

"(B) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—

"(i) IN GENERAL.—Qualified health care informatics system expenditures shall be taken into account under this section only with respect to equipment and facilities—

"(I) the original use of which commences with the taxpayer, and

"(II) which are placed in service after December 31, 2004, and before October 1, 2010.

"(ii) SALE-LEASEBACKS.—For purposes of clause (i), if property—

"(I) is originally placed in service after December 31, 2004, and before October 1, 2010, by any person, and

"(II) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

"(C) GRANTS, ETC. EXCLUDED.—The term 'qualified health care informatics system expenditure' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

"(2) QUALIFIED HEALTH CARE INFORMATICS SYSTEM.—The term 'qualified health care informatics system' means a system which—

"(A) has been individually approved by the Secretary of Health and Human Services for purposes of this section,

"(B) consists of electronic health record systems and other health information technologies, and

"(C) meets the standards adopted by the Secretary of Health and Human Services under section 4 of the Health Information Technology Act of 2005 by not later than the date which is 60 days after the date of the adoption of such standards.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' has the meaning given such term by section 2(a)(4) of the Health Information Technology Act of 2005.

"(4) PROPERTY USED OUTSIDE THE UNITED STATES, ETC., NOT QUALIFIED.—No expenditures shall be taken into account under subsection (a)(1) with respect to the portion of the cost of any property referred to in section 50(b) or with respect to the portion of the cost of any property specified in an election under section 179.

"(5) ORDINARY INCOME RECAPTURE.—For purposes of section 1245, the amount of the deduction allowable under subsection (a)(1) with respect to any property which is of a character subject to the allowance for depreciation shall be treated as a deduction allowed for depreciation under section 167.".

(b) CONFORMING AMENDMENTS.—

(1) Section 263(a)(1) of the Internal Revenue Code of 1986 (relating to capital expenditures) is amended by striking "or" at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting ", or", and by adding at the end the following new subparagraph:

"(J) expenditures for which a deduction is allowed under section 179C.".

(2) The table of sections for part VI of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 190 the following new item:

"Sec. 179C. Health care informatics system expenditures.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2004.

SEC. 6. SENSE OF THE SENATE.

It is the sense of the Senate that the provisions of, and amendments made by, this Act should achieve deficit neutrality over the 5-year period beginning on October 1, 2005.

By Mr. REID (for himself, Mrs. FEINSTEIN, Ms. CANTWELL, Ms. SNOWE, Mr. JEFFORDS, Mr. LIEBERMAN, and Mr. KERRY):

S. 1229. A bill to amend the Internal Revenue Code of 1986 to extend, modify, and expand the credit for electricity produced from renewable resources and waste products, and for other purposes; to the Committee on Finance.

Mr. REID. Faced with uncertainties in electricity energy markets, turmoil in the Middle East, the need to cut back on the fossil fuel emissions linked to global warming, air pollution that contributes to high rates of asthma and fills even our national parks with smog, the United States must diversify its energy supply by promoting the growth of renewable energy.

Since 1999, Las Vegas electricity rates have increased by 50 percent. In the same time period, natural gas prices across Nevada rose 45 percent. We need to change the energy equation. We need to diversify the nation's energy supply to reduce volatility and ensure a stable supply of electricity. We must harness the brilliance of the sun, the strength of the wind, and the heat of the Earth to provide clean renewable energy for our Nation.

Mr. President, I rise today to introduce a bill with Senators FEINSTEIN, CANTWELL, SNOWE, JEFFORDS, LIEBERMAN and KERRY that expands the existing Section 45 production tax credit for renewable energy resources to cover all renewable energy resources. Our legislation accomplishes this by ensuring that geothermal, incremental geothermal, solar, open-loop biomass, incremental hydropower, landfill gas, and animal waste to the list of renewable energy resources that would qualify for a production tax credit.

Our legislation also makes the production tax credit permanent to signal America's longterm commitment to renewable energy resources. The existing production tax credit will expire at the end of the year. Since it inception in 1992, the production tax credit has expired and been renewed three times—in 1999, 2001, and 2004. Development of wind energy has closely mirrored these renewal cycles. Clearly, the private investment necessary to develop renewable energy resources requires the business certainty afforded by a long-term extension of the production tax credit. Our bill allows for co-production credits to encourage blending of renewable energy with traditional fuels and provides a credit for renewable facilities on Native American and Native Alaskan lands.

In northern Nevada, the Pyramid Lake Paiute Tribe is working with Advanced Thermal Systems to develop geothermal resources on Indian lands that will spur economic development by creating business opportunities and jobs for tribal members.

This legislation also provides production incentives to not-for-profit public power utilities and rural electric cooperatives, which serve 25 percent of the Nation's power customers, by allowing them to transfer their credits to taxable entities. The good news is that the production tax credit for renewable energy resources really works to promote the growth of renewable energy.

In 1990, the cost of wind energy was 22.5 cents per kilowatt hour and, today, with new technology and the help of a modest production tax credit, wind is a competitive energy source at approximately 5.5 cents per kilowatt hour. In the last 5 years, wind energy has experienced a 30 percent growth rate. The production tax credit provides 1.8 cents for every kilowatt-hour of electricity produced. Similar to wind energy, this credit will allow geothermal energy, incremental hydropower, and landfill gas to immediately compete with fossil fuels, while biomass will follow closely behind. The Department of Energy estimates that we could increase our geothermal energy production almost tenfold, supplying ten percent of the energy needs of the West. As fantastic as it sounds, enough sunlight falls on 100 square miles of southern Nevada that—if covered with solar panels—could power the entire Nation.

Let's never lose sight of the fact that renewable energy resources are domestic sources of energy, and using them instead of foreign sources contributes to our energy security. Renewables provide fuel diversify and price stability. After all, the fuel—from the wind, the sun, and heat from the core of the earth—cost nothing. And they provide jobs, especially in rural areas that have been largely left out of America's recent economic growth. The production tax credit for renewable energy resources is a powerful, fast-acting stimulus to the economy. According to the Western Governors Association, the Department of Energy's Initiative to deploy 1,000 Megawatts of concentrated solar power in the Southwestern area of the United States by the year 2006 would create approximately 10,000 jobs and estimated expenditures of more than $3.7 billion over 14 years.

Nevada has already developed 200 megawatts of geothermal power, with a longer-term potential of more than 2,500 megawatts; this development will provide billions of dollars in private investment and create thousands of jobs. Our production tax credit means immediate economic development and jobs.

In the U.S. today, we get 2 percent of our electricity from renewable energy sources like wind, solar, geothermal, and biomass. But the potential for much greater supply is here. For example, Nevada could use geothermal energy to meet one-third of its electricity needs, but today this source of energy only supplies 2 percent. I am proud to say that Nevada has adopted one of the most aggressive Renewable Portfolio Standards in the Nation, requiring 15 percent of the State's electricity needs be met by renewable energy resources in 2013.

After pouring billions of dollars into oil and gas, we need to invest in a clean energy future. Fossil fuel plants pump over 11 million tons of pollutants into our air each year. Federal energy policy must promote reductions in greenhouse gas emissions. By including landfill gas in this legislation, we systematically reduce the largest single human source of methane emissions in the United States, effectively eliminating the greenhouse gas equivalent of 233 million tons of carbon dioxide.

Medical studies have revealed an alarming link between soot particles from power plants and motor vehicles and lung cancer and heart disease. The adverse health effects of power plant and vehicle emissions cost Americans billions of dollars in medical care, and our cost in human suffering is immeasurable. Simply put, the human cost of dirty air is staggering. If we factor in environmental and health effects, the real cost of energy becomes apparent, and renewable energy becomes the fuel of choice.

America's abundant and untapped renewable resources can fuel our journey into a more prosperous and safer tomorrow without compromising air and water quality. Renewable energy is a critical component of a successful, forward-looking, and secure energy policy for the 21st Century.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1229

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) Short Title.—This Act may be cited as the "Renewable Energy Incentives Act".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. EXTENSION, MODIFICATION, AND EXPANSION OF CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES AND WASTE PRODUCTS.

(a) Permanent Extension.—

(1) Paragraphs (1) and (2)(A)(i) of section 45(d) are each amended by striking ", and before January 1, 2006".

(2) Section 45(d)(2)(A)(ii) is amended by striking "before January 1, 2006, is originally placed in service and" and insert "is".

(3) Section 45(d)(3)(A) is amended_

(A) by striking "owned by the taxpayer",

(B) by inserting "owned by the taxpayer and" in clause (i)(I) after "is"

(C) by striking "and before January 1, 2006" in clause (i)(I), and

(D) by striking "originally placed in service before January 1, 2006" in clause (ii) and inserting "owned by the taxpayer".

(4) Paragraphs (4), (5), (6), and (7) of section 45(d) (relating to qualified facilities) are amended by striking "and before January 1, 2006" each place it appears.

(b) Credit Rate.—

(1) Increase in credit rate.—

(A) In general.—Section 45(a)(1) is amended by striking "1.5 cents" and inserting "1.9 cents".

(B) Conforming amendments.—

(i) Section 45(b)(2) is amended by striking "1.5 cent" and inserting "1.9 cent".

(ii) Section 45(e)(2)(B) is amended by inserting "(calendar year 2004 in the case of the 1.9 cent amount in subsection (a))" after "1992".

(2) Full credit rate for all facilities placed in service after date of enactment.—Section 45(b)(4)(A) (relating to credit rate) is amended by inserting "and placed in service before the date of the enactment of the Renewable Energy Incentives Act" after "subsection (d)".

(c) Full Credit Period for All Facilities Placed in Service After Date of Enactment.—Section 45(b)(4)(B)(i) (relating to credit period) is amended by inserting "and placed in service before the date of the enactment of the Renewable Energy Incentives Act" after "subsection (d)"

(d) Expansion of Qualified Resources.—

(1) In general.—Section 45(c)(1) (defining qualified energy resources) is amended by striking "and" at the end of subparagraph (F), by striking the period at the end of subparagraph (G) and inserting a comma, and by adding at the end the following new subparagraphs:

"(H) incremental geothermal energy production, and

"(I) incremental hydropower production.".

(2) Definition of resources.—Section 45(c) (relating to qualified energy resources and refined coal) is amended by adding at the end the following new paragraphs:

"(8) Incremental geothermal production.—

"(A) In general.—The term 'incremental geothermal production' means for any taxable year the excess of—

"(i) the total kilowatt hours of electricity produced from an incremental geothermal facility described in subsection (d)(9), over

"(ii) the average annual kilowatt hours produced at such facility for 5 of the previous 7 calendar years before the date of the enactment of this paragraph after eliminating the highest and the lowest kilowatt hour production years in such 7-year period.

"(B) Special rule.—A facility described in subsection (d)(9) which was placed in service at least 7 years before the date of the enactment of this paragraph shall commencing with the year in which such date of enactment occurs, reduce the amount calculated under subparagraph (A)(ii) each year, on a cumulative basis, by the average percentage decrease in the annual kilowatt hour production for the 7-year period described in subparagraph (A)(ii) with such cumulative sum not to exceed 30 percent.

"(9) Incremental hydropower production.—

"(A) In general.—The term 'incremental hydropower production' means for any taxable year an amount equal to the percentage of total kilowatt hours of electricity produced from an incremental hydropower facility described in subsection (d)(10) attributable to efficiency improvements or additions of capacity as determined under subparagraph (B).

"(B) Determination of incremental hydropower production.—For purposes of subparagraph (A), incremental hydropower production for any incremental hydropower facility for any taxable year shall be determined by establishing a percentage of average annual hydropower production at the facility attributable to the efficiency improvements or additions of capacity using the same water flow information used to determine an historic average annual hydropower production baseline for such facility. Such percentage and baseline shall be certified by the Federal Energy Regulatory Commission. For purposes of the preceding sentence, the determination of incremental hydropower production shall not be based on any operational changes at such facility not directly associated with the efficiency improvements or additions of capacity.''.

(3) FACILITIES.—Section 45(d) (relating to qualified facilities) is amended by adding at the end the following new paragraphs:

''(9) INCREMENTAL GEOTHERMAL FACILITY.—In the case of a facility using incremental geothermal to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service before the date of the enactment of this paragraph, but only to the extent of its incremental geothermal production. In the case of a qualified facility described in the preceding sentence, the 10-year period referred to in subsection (a) shall be treated as beginning not earlier than such date of enactment. Such term shall not include any property described in section 48(a)(3) the basis of which is taken into account by the taxpayer for purposes of determining the energy credit under section 48.

''(10) INCREMENTAL HYDROPOWER FACILITY.—In the case of a facility using incremental hydropower to produce electricity, the term 'qualified facility' means any non-Federal hydroelectric facility owned by the taxpayer which is originally placed in service before the date of the enactment of this paragraph, but only to the extent of its incremental hydropower production. In the case of a qualified facility described in the preceding sentence, the 10-year period referred to in subsection (a) shall be treated as beginning not earlier than such date of enactment.''.

(e) CREDIT ELIGIBILITY FOR LESSEES AND OPERATORS EXTENDED TO ALL FACILITIES.—Paragraph (6) of section 45(d) is amended to read as follows:

''(6) CREDIT ELIGIBILITY FOR LESSEES AND OPERATORS.—In the case of any facility described in paragraph (1), (4), (5), (6), (7), (9), or (10), if the owner of such facility is not the producer of the electricity, the person eligible for the credit allowable under subsection (a) shall be the lessee or the operator of such facility.''.

(f) QUALIFIED FACILITIES WITH CO-PRODUCTION.—Section 45(b) (relating to limitations and adjustments) is amended by adding at the end the following:

''(5) INCREASED CREDIT FOR CO-PRODUCTION FACILITIES.—

''(A) IN GENERAL.—In the case of a qualified facility described in any paragraph of subsection (d) (other than paragraph (8)) which adds a co-production facility after the date of the enactment of this paragraph, the amount in effect under subsection (a)(1) for an eligible taxable year of a taxpayer shall (after adjustment under paragraph (2) and before adjustment under paragraphs (1) and (3)) be increased by .25 cents.

''(B) CO-PRODUCTION FACILITY.—For purposes of subparagraph (A), the term 'co-production facility' means a facility which—

''(i) enables a qualified facility to produce heat, mechanical power, chemicals, liquid fuels, or minerals from qualified energy resources in addition to electricity, and

''(ii) produces such energy on a continuous basis.

''(C) ELIGIBLE TAXABLE YEAR.—For purposes of subparagraph (A), the term 'eligible taxable year' means any taxable year in which the amount of gross receipts attributable to the co-production facility of a qualified facility are at least 10 percent of the amount of gross receipts attributable to electricity produced by such facility.''.

(g) QUALIFIED FACILITIES LOCATED WITHIN QUALIFIED INDIAN LANDS.—Section 45(b) (relating to limitations and adjustments), as amended by subsection (f), is amended by adding at the end the following:

''(6) INCREASED CREDIT FOR QUALIFIED FACILITY LOCATED WITHIN QUALIFIED INDIAN LAND.—In the case of a qualified facility described in any paragraph of subsection (d) (other than paragraphs (1), (2) and (8)) which—

''(A) is located within—

''(i) qualified Indian lands (as defined in section 7871(c)(3)), or

''(ii) lands which are held in trust by a Native Corporation (as defined in section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)) for Alaska Natives, and

''(B) is operated with the explicit written approval of the Indian tribal government or Native Corporation (as so defined) having jurisdiction over such lands, the amount in effect under subsection (a)(1) for a taxable year shall (after adjustment under paragraphs (2) and (5) and before adjustment under paragraphs (1) and (3)) be increased by .25 cents.''.

(h) ADDITIONAL MODIFICATIONS.—

(1) TREATMENT OF PERSONS NOT ABLE TO USE ENTIRE CREDIT.—Section 45(e) (relating to additional definitions and special rules), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

''(11) TREATMENT OF PERSONS NOT ABLE TO USE ENTIRE CREDIT.—

''(A) ALLOWANCE OF CREDIT.—

''(i) IN GENERAL.—Except as otherwise provided in this subsection—

''(I) any credit allowable under subsection (a) with respect to a qualified facility owned by a person described in clause (ii) may be transferred or used as provided in this paragraph, and

''(II) the determination as to whether the credit is allowable shall be made without regard to the tax-exempt status of the person.

''(ii) PERSONS DESCRIBED.—A person is described in this clause if the person is—

''(I) an organization described in section 501(c)(12)(C) and exempt from tax under section 501(a),

''(II) an organization described in section 1381(a)(2)(C),

''(III) a public utility (as defined in section 136(c)(2)(B)), which is exempt from income tax under this subtitle,

''(IV) any State or political subdivision thereof, the District of Columbia, any possession of the United States, or any agency or instrumentality of any of the foregoing, or

''(V) any Indian tribal government (within the meaning of section 7871) or any agency or instrumentality thereof.

''(B) TRANSFER OF CREDIT.—

''(i) IN GENERAL.—A person described in subparagraph (A)(ii) may transfer any credit to which subparagraph (A)(i) applies through an assignment to any other person not described in subparagraph (A)(ii). Such transfer may be revoked only with the consent of the Secretary.

''(ii) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to ensure that any credit described in clause (i) is assigned once and not reassigned by such other person.

''(iii) TRANSFER PROCEEDS TREATED AS ARISING FROM ESSENTIAL GOVERNMENT FUNCTION.—Any proceeds derived by a person described in subclause (III), (IV), or (V) of subparagraph (A)(ii) from the transfer of any credit under clause (i) shall be treated as arising from the exercise of an essential government function.

''(C) CREDIT NOT INCOME.—Any transfer under subparagraph (B) of any credit to which subparagraph (A)(i) applies shall not be treated as income for purposes of section 501(c)(12).

''(D) TREATMENT OF UNRELATED PERSONS.—For purposes of subsection (a)(2)(B), sales among and between persons described in subparagraph (A)(ii) shall be treated as sales between unrelated parties.''.

(2) CREDITS NOT REDUCED BY TAX-EXEMPT BONDS OR CERTAIN OTHER SUBSIDIES.—Section 45(b)(3) (relating to credit reduced for grants, tax-exempt bonds, subsidized energy financing, and other credits) is amended—

(A) by striking clause (ii),

(B) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii),

(C) by inserting ''(other than any loan, debt, or other obligation incurred under subchapter I of chapter 31 of title 7 of the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.), as in effect on the date of the enactment of the Renewable Energy Incentives Act, or proceeds of an issue of State or local government obligations the interest on which is exempt from tax under section 103)'' after ''project'' in clause (ii) (as so redesignated), and

(D) by striking ''**TAX-EXEMPT BONDS,**'' in the heading and inserting ''**CERTAIN**''.

(3) CREDIT ALLOWABLE AGAINST MINIMUM TAX WITHOUT LIMITATION.—Clause (ii) of section 38(c)(4)(B) (defining specified credits) is amended to read as follows:

''(ii) the credit determined under section 45 to the extent that such credit is attributable to electricity or refined coal produced at a facility which is originally placed in service after October 22, 2004.''.

(4) TREATMENT OF QUALIFIED FACILITIES NOT IN COMPLIANCE WITH POLLUTION LAWS.—Section 45(d) (relating to qualified facilities), as amended by subsection (d)(3), is amended by adding at the end the following:

''(11) NONCOMPLIANCE WITH POLLUTION LAWS.—For purposes of this subsection, a facility which is not in compliance with the applicable State and Federal pollution prevention, control, and permit requirements for any period of time shall not be considered to be a qualified facility during such period.''.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity and other energy produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 168—EXPRESSING GRATITUDE AND SINCERE RESPECT FOR JESSE R. NICHOLS

Mr. FRIST (for himself, Mr. GRASSLEY, and Mr. BAUCUS) submitted the following resolution; which was considered and agreed to:

S. RES. 168

Whereas Jesse R. Nichols, Sr., faithfully served the United States Senate and the Committee on Finance as the Government Documents Clerk and Librarian from nineteen hundred thirty-seven through nineteen hundred seventy-one;

Whereas Jesse R. Nichols, Sr., was born on June 14, 1909, in Clarksdale, Mississippi, and was the first African American Clerk employed by the United States Senate;

Whereas he carried out his duties in exemplary fashion, bringing credit to the Committee and to Congress;

Whereas Jesse Nichols worked effectively under the guidance of Democratic and Republican Chairmen, including Pat Harrison of Mississippi, Walter F. George of Georgia, Harry Flood Byrd of Virginia, and Russell B. Long of Louisiana from the 75th Congress through the 91st Congress; and

Whereas the Committee on Finance will long remember the commitment, service, and leadership of Jesse R. Nichols, Sr., as documented in an oral history posted on the Senate Historian's website: Now, therefore, be it

Resolved, That the United States Senate expresses its deep gratitude and sincere respect for Jesse R. Nichols for his unfailing service and his dedication to the United States Senate. The Senate hereby expresses condolences to the family due to the death of Jesse R. Nichols, Sr., on February 18, 2005.

SENATE RESOLUTION 169—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO FREE TRADE NEGOTIATIONS THAT COULD ADVERSELY IMPACT CONSUMERS OF SUGAR IN THE UNITED STATES AS WELL AS UNITED STATES AGRICULTURE AND THE BROADER ECONOMY OF THE UNITED STATES

Mr. SANTORUM (for himself and Mr. Ensign) submitted the following resolution; which was referred to the Committee on Finance:

S. Res. 169

Whereas the President concluded negotiations with Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and the Dominican Republic to form the Dominican Republic-Central America-United States Free Trade Agreement ("CAFTA-DR");

Whereas the CAFTA–DR only provides the 5 Central American countries and the Dominican Republic with modest additional access to the United States sugar market that will have no impact on United States sugar producers;

Whereas United States farmers and ranchers need access to new markets to expand the agricultural sector of the United States economy;

Whereas the United States manufacturing and service sectors need access to new markets to expand the broader economy of the United States;

Whereas new market access for United States products is only possible through comprehensive free trade agreements that include all products and services;

Whereas the CAFTA–DR will help build democracy, security, and the rule of law, in addition to helping integrate the economies of the United States and countries in the region;

Whereas sugar growers are already one of the most highly protected special interests in the United States;

Whereas the provisions of the CAFTA–DR offer protection to United States sugar growers, in addition to the numerous existing mechanisms that have been designed to shield sugar growers from any competition;

Whereas the United States sugar program has caused the loss of thousands of jobs in the United States in the sugar product manufacturing and cane refining sector;

Whereas every effort has been taken by the administration and Congress to accommodate the United States sugar growers, but they continue to oppose the CAFTA–DR and any free trade agreement containing new market access for sugar; and

Whereas the United States sugar growers' intransigence in wanting to exclude sugar from all future trade agreements threatens to undermine trade opportunities for United States agriculture and the rest of the United States economy: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should negotiate and sign free trade agreements that are comprehensive in scope in order to ensure that the entire United States economy can benefit from new market opportunities provided by such agreements

SENATE RESOLUTION 170—RELATIVE TO THE DEATH OF J. JAMES EXON, FORMER UNITED STATES SENATOR FOR THE STATE OF NEBRASKA

Mr. FRIST (for himself, Mr. Reid, Mr. Hagel, Mr. Nelson of Nebraska, Mr. Akaka, Mr. Alexander, Mr. Allard, Mr. Allen, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Brownback, Mr. Bunning, Mr. Burns, Mr. Burr, Mr. Byrd, Ms. Cantwell, Mr. Carper, Mr. Chafee, Mr. Chambliss, Mrs. Clinton, Mr. Coburn, Mr. Cochran, Mr. Coleman, Ms. Collins, Mr. Conrad, Mr. Cornyn, Mr. Corzine, Mr. Craig, Mr. Crapo, Mr. Dayton, Mr. DeMint, Mr. DeWine, Mr. Dodd, Mrs. Dole, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Ensign, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Graham, Mr. Grassley, Mr. Gregg, Mr. Harkin, Mr. Hatch, Mrs. Hutchison, Mr. Inhofe, Mr. Inouye, Mr. Isakson, Mr. Jeffords, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Mr. Kohl, Mr. Kyl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lott, Mr. Lugar, Mr. Martinez, Mr. McCain, Mr. McConnell, Ms. Mikulski, Ms. Murkowski, Mrs. Murray, Mr. Nelson of Florida, Mr. Obama, Mr. Pryor, Mr. Reed, Mr. Roberts, Mr. Rockefeller, Mr. Salazar, Mr. Santorum, Mr. Sarbanes, Mr. Schumer, Mr. Sessions, Mr. Shelby, Mr. Smith, Ms. Snowe, Mr. Specter, Ms. Stabenow, Mr. Stevens, Mr. Sununu, Mr. Talent, Mr. Thomas, Mr. Thune, Mr. Vitter, Mr. Voinovich, Mr. Warner, and Mr. Wyden) submitted the following resolution; which was considered and agreed to:

S. Res. 170

Whereas J. James Exon served in the United States Army Signal Corps from 1942–1945 and in the United States Army Reserve from 1945–1949;

Whereas J. James Exon served as Governor of the State of Nebraska from 1971–1979;

Whereas J. James Exon served the people of Nebraska with distinction for 18 years in the United States Senate where he was a proponent of a strong national defense and knowledgeable source on geopolitical matters;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable J. James Exon, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable J. James Exon.

AMENDMENTS SUBMITTED AND PROPOSED

SA 770. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table.

SA 771. Mr. JEFFORDS (for himself and Mr. Kerry) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 772. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 773. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 774. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 770. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 131, line 20, after "landfill gas," insert the following: "livestock methane,"

SA 771. Mr. JEFFORDS (for himself, and Mr. Kerry) submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 159, after line 23, add the following:

SEC. 211. RENEWABLE PORTFOLIO STANDARD.

Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

"SEC. 609. FEDERAL RENEWABLE PORTFOLIO STANDARD.

"(a) Definitions.—In this section:

"(1) Biomass.—

"(A) In general.—The term 'biomass' means—

"(i) organic material from a plant that is planted for the purpose of being used to produce energy;

"(ii) nonhazardous, cellulosic or agricultural waste material that is segregated from other waste materials and is derived from—

"(I) a forest-related resource, including—

"(aa) mill and harvesting residue;

"(bb) precommercial thinnings;

"(cc) slash; and

"(dd) brush;

"(II) agricultural resources, including—

"(aa) orchard tree crops;

"(bb) vineyards;

"(cc) grains;

"(dd) legumes;

"(ee) sugar; and

"(ff) other crop by-products or residues; or

"(III) miscellaneous waste such as—

"(aa) waste pallet;

"(bb) crate; and

"(cc) landscape or right-of-way tree trimmings;

"(iii) animal waste that is converted to a fuel rather than directly combusted, the residue of which is converted to a biological fertilizer, oil, or activated carbon; and

"(iv) livestock methane.

"(B) Exclusions.—The term 'biomass' shall not include—

"(i) municipal solid waste that is incinerated;

"(ii) recyclable post-consumer waste paper;

"(iii) painted, treated, or pressurized wood;

"(iv) wood contaminated with plastics or metals; or

"(v) tires.

"(2) Distributed generation.—The term 'distributed generation' means reduced electricity consumption from the electric grid due to use by a customer of renewable energy generated at a customer site.

"(3) Incremental hydropower.—The term 'incremental hydropower' means additional generation achieved from increased efficiency after January 1, 2003, at a hydroelectric dam that was placed in service before January 1, 2003.

"(4) Landfill gas.—The term 'landfill gas' means gas generated from the decomposition of household solid waste, commercial solid waste, and industrial solid waste disposed of in a municipal solid waste landfill unit (as those terms are defined in regulations promulgated under subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.)).

"(5) Renewable energy.—The term 'renewable energy' means electricity generated from

"(A) a renewable energy source; or

"(B) hydrogen that is produced from a renewable energy source.

"(6) Renewable energy source.—The term 'renewable energy source' means—

"(A) wind;

"(B) ocean waves;

"(C) biomass;

"(D) solar;

"(E) landfill gas;

"(F) incremental hydropower; or

"(G) geothermal.

"(7) Retail electric supplier.—The term 'retail electric supplier' means a person or entity that sells retail electricity to consumers, and which sold not less than 500,000 megawatt-hours of electric energy to consumers for purposes other than resale during the preceding calendar year.

"(8) Secretary.—The term 'Secretary' means the Secretary of Energy.

"(b) Renewable Energy Requirements.—

"(1) In general.—For each calendar year beginning in Calendar year 2006, each retail electric supplier shall submit to the Secretary, not later than April 30 of each year, renewable energy credits in an amount equal to the required annual percentage of the retail electric supplier's total amount of kilowatt-hours of non-hydropower (excluding incremental hydropower) electricity sold to retail consumers during the previous calendar year.

"(2) Carryover.—A renewable energy credit for any year that is not used to satisfy the minimum requirement for that year may be carried over for use within the next two years.

"(c) Required Annual Percentage.—Of the total amount of non-hydropower (excluding incremental hydropower) electricity sold by each retail electric supplier during a calendar year, the amount generated by renewable energy sources shall be not less than the percentage specified below:

"Calendar years:	Percentage of Renewable energy Each year:
2006–2009	5
2010–2014	10
2015–2019	15
2020 and subsequent years	20

"(d) Submission of Renewable Energy Credits.—

"(1) In general.—To meet the requirements under subsection (b), a retail electric supplier shall submit to the Secretary either—

"(A) renewable energy credits issued to the retail electric supplier under subsection (f);

"(B) renewable energy credits obtained by purchase or exchange under subsection (g);

"(C) renewable energy credits purchased from the United States under subsection (h); or

"(D) any combination of credits under subsections (f), (g) or (h).

"(2) Prohibition on double counting.—A credit may be counted toward compliance with subsection (b) only once.

"(e) Renewable Energy Credit Program.—The Secretary shall establish, not later than 1 year after the date of enactment of this section, a program to issue, monitor the sale or exchange of, and track, renewable energy credits.

"(f) Issuance of Renewable Energy Credits.—

"(1) In general.—Under the program established in subsection (e), an entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits.

"(2) Application.—An application for the issuance of renewable energy credits shall indicate—

"(A) the type of renewable energy resource used to produce the electric energy;

"(B) the State in which the electric energy was produced; and

"(C) any other information the Secretary determines appropriate.

"(3) Credit value.—Except as provided in subparagraph (4), the Secretary shall issue to an entity applying under this subsection renewable engery credit for each kilowatt-hour of renewable energy generated in any State from the date of enactment of this section and in each subsequent calendar year.

"(4) Credit value for distributed generation.—The Secretary shall issue 3 renewable energy credits for each kilowatt-hour of distributed generation.

"(5) Vesting.—A renewable energy credit will vest with the owner of the system or facility that generates the renewable energy unless such owner explicitly transfers the credit.

"(6) Credit eligibility.—To be eligible for a renewable energy credit, the unit of electricity generated through the use of a renewable energy resource shall be sold for retail consumption or used by the generator. If both a renewable energy resource and a nonrenewable energy resource are used to generate the electric energy, the Secretary shall issue renewable energy credits based on the proportion of the renewable energy resource used.

"(7) Identifying credits.—The Secretary shall identify renewable energy credits by the type and date of generation.

"(8) Sale under PURPA contract.—When a generator sells electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract subject to section 210 of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 824a-3), the retail electric supplier is treated as the generator of the electric energy for the purposes of this section for the duration of the contract.

"(g) Sale or Exchange of Renewable Energy Credits.—A renewable energy credit may be sold or exchanged by the entity issued the renewable energy credit or by any other entity that acquires the renewable energy credit. Credits may be sold or exchanged in any manner not in conflict with existing law, including on the spot market or by contractual arrangements of any duration.

"(h) Purchase From the United States.—The Secretary shall offer renewable energy credits for sale at the lesser of three cents per kilowatt-hour or 110 percent of the average market value of credits for the applicable compliance period. On January 1 of each year following calendar year 2006, the Secretary shall adjust for inflation the price charged per credit for such calendar year.

"(i) State Programs.—Nothing in this section shall preclude any State from requiring additional renewable energy generation in the State under any renewable energy program conducted by the State.

"(j) Consumer Allocation.—The rates charged to classes of consumers by a retail electric supplier shall reflect a proportional percentage of the cost of generating or acquiring the required annual percentage of renewable energy under subsection (b). A retail electric supplier shall not represent to any customer or prospective customer that any product contains more than the percentage of eligible resources if the additional amount of eligible resources is being used to satisfy the renewable generation requirement under subsection (b).

"(k) Enforcement.—A retail electric supplier that does not submit renewable energy credits as required under subsection (b) shall be liable for the payment of a civil penalty. That penalty shall be calculated on the basis of the number of renewable energy credits not submitted, multiplied by the lesser of 4.5 cents or 300 percent of the average market value of credits for the compliance period.

"(l) Information Collection.—The Secretary may collect the information necessary to verify and audit—

"(1) the annual electric energy generation and renewable energy generation of any entity applying for renewable energy credits under this section;

"(2) the validity of renewable energy credits submitted by a retail electric supplier to the Secretary; and

"(3) the quantity of electricity sales of all retail electric suppliers.

"(m) Voluntary Participation.—The Secretary may issue a renewable energy credit pursuant to subsection (f) to any entity not subject to the requirements of this section only if the entity applying for such credit meets the terms and conditions of this section to the same extent as entities subject to this section.

"(n) State Renewable Energy Grant Program.—

"(1) Distribution to states.—The Secretary shall distribute amounts received from sales under subsection (h) and from amounts received under subsection (k) to States to be used for the purposes of this section.

"(2) Regional equity program.—

"(A) Establishment of program.—Within 1 year from the date of enactment of this section, the Secretary shall establish a program to promote renewable energy production and use consistent with the purposes of this section.

"(B) ELIGIBILITY.—The Secretary shall make funds available under this section to State energy agencies for grant programs for—

"(i) renewable energy research and development;

"(ii) loan guarantees to encourage construction of renewable energy facilities;

"(iii) consumer rebate or other programs to offset costs of small residential or small commercial renewable energy systems including solar hot water; or

"(iv) promoting distributed generation.

"(3) ALLOCATION PREFERENCES.—In allocating funds under the program, the Secretary shall give preference to—

"(A) States in regions which have a disproportionately small share of economically sustainable renewable energy generation capacity; and

"(B) State grant programs most likely to stimulate or enhance innovative renewable energy technologies.".

SA 772. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table: as follows:

On page 159, after line 23, add the following:

SEC. 211. RENEWABLE PORTFOLIO STANDARD.

Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

"SEC. 609. FEDERAL RENEWABLE PORTFOLIO STANDARD.

"(a) DEFINITIONS.—In this section:

"(1) BIOMASS.—

"(A) IN GENERAL.—The term 'biomass' means—

"(i) organic material from a plant that is planted for the purpose of being used to produce energy;

"(ii) nonhazardous, cellulosic or agricultural waste material that is segregated from other waste materials and is derived from—

"(I) a forest-related resource, including—

"(aa) mill and harvesting residue;

"(bb) precommercial thinnings;

"(cc) slash; and

"(dd) brush;

"(II) agricultural resources, including—

"(aa) orchard tree crops;

"(bb) vineyards;

"(cc) grains;

"(dd) legumes;

"(ee) sugar; and

"(ff) other crop by-products or residues; or

"(III) miscellaneous waste such as—

"(aa) waste pallet;

"(bb) crate; and

"(cc) landscape or right-of-way tree trimmings;

"(iii) animal waste that is converted to a fuel rather than directly combusted, the residue of which is converted to a biological fertilizer, oil, or activated carbon; and

"(iv) livestock methane.

"(B) EXCLUSIONS.—The term 'biomass' shall not include—

"(i) municipal solid waste that is incinerated;

"(ii) recyclable post-consumer waste paper;

"(iii) painted, treated, or pressurized wood;

"(iv) wood contaminated with plastics or metals; or

"(v) tires.

"(2) DISTRIBUTED GENERATION.—The term 'distributed generation' means reduced electricity consumption from the electric grid due to use by a customer of renewable energy generated at a customer site.

"(3) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional generation achieved from increased efficiency after January 1, 2003, at a hydroelectric dam that was placed in service before January 1, 2003.

"(4) LANDFILL GAS.—The term 'landfill gas' means gas generated from the decomposition of household solid waste, commercial solid waste, and industrial solid waste disposed of in a municipal solid waste landfill unit (as those terms are defined in regulations promulgated under subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.)).

"(5) RENEWABLE ENERGY.—The term 'renewable energy' means electricity generated from

"(A) a renewable energy source; or

"(B) hydrogen that is produced from a renewable energy source.

"(6) RENEWABLE ENERGY SOURCE.—The term 'renewable energy source' means—

"(A) wind;

"(B) ocean waves;

"(C) biomass;

"(D) solar;

"(E) landfill gas;

"(F) incremental hydropower; or

"(G) geothermal.

"(7) RETAIL ELECTRIC SUPPLIER.—The term 'retail electric supplier' means a person or entity that sells retail electricity to consumers, and which sold not less than 500.000 megawatt-hours of electric energy to consumers for purposes other than resale during the preceding calendar year.

"(8) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

"(b) RENEWABLE ENERGY REQUIREMENTS.—

"(1) IN GENERAL.—For each calendar year beginning in Calendar year 2006, each retail electric supplier shall submit to the Secretary, not later than April 30 of each year, renewable energy credits in an amount equal to the required annual percentage of the retail electric supplier's total amount of kilowatt-hours of non-hydropower (excluding incremental hydropower) electricity sold to retail consumers during the previous calendar year.

"(2) CARRYOVER.—A renewable energy credit for any year that is not used to satisfy the minimum requirement for that year may be carried over for use within the next two years.

"(c) REQUIRED ANNUAL PERCENTAGE.—Of the total amount of non-hydropower (excluding incremental hydropower) electricity sold by each retail electric supplier during a calendar year, the amount generated by renewable energy sources shall be not less than the percentage specified below:

"Calendar years:	Percentage of Renewable energy Each year:
2006–2009	5
2010–2014	10
2015–2019	15
2020 and subsequent years	20

"(d) SUBMISSION OF RENEWABLE ENERGY CREDITS.—,

"(1) IN GENERAL.—To meet the requirements under subsection (b), a retail electric supplier shall submit to the Secretary either—

"(A) renewable energy credits issued to the retail electric supplier under subsection (f);

"(B) renewable energy credits obtained by purchase or exchange under subsection (g);

"(C) renewable energy credits purchased from the United States under subsection (h); or

"(D) any combination of credits under subsections (f), (g) or (h).

"(2) PROHIBITION ON DOUBLE COUNTING.—A credit may be counted toward compliance with subsection (b) only once.

"(e) RENEWABLE ENERGY CREDIT PROGRAM.—The Secretary shall establish, not later than 1 year after the date of enactment of this section, a program to issue, monitor the sale or exchange of, and track, renewable energy credits.

"(f) ISSUANCE OF RENEWABLE ENERGY CREDITS.—

"(1) IN GENERAL.—Under the program established in subsection (e), an entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits.

"(2) APPLICATION.—An application for the issuance of renewable energy credits shall indiçate—

"(A) the type of renewable energy resource used to produce the electric energy;

"(B) the State in which the electric energy was produced: and

"(C) any other information the Secretary determines appropriate.

"(3) CREDIT VALUE.—Except as provided in subparagraph (4), the Secretary shall issue to an entity applying under this subsection renewable energy credit for each kilowatt-hour of renewable energy generated in any State from the date of enactment of this section and in each subsequent calendar year.

"(4) CREDIT VALUE FOR DISTRIBUTED GENERATION.—The Secretary shall issue 3 renewable energy credits for each kilowatt-hour of distributed generation.

"(5) VESTING.—A renewable energy credit will vest with the owner of the system or facility that generates the renewable energy unless such owner explicitly transfers the credit.

"(6) CREDIT ELIGIBILITY.—To be eligible for a renewable energy credit, the unit of electricity generated through the use of a renewable energy resource shall be sold for retail consumption or used by the generator. If both a renewable energy resource and a nonrenewable energy resource are used to generate the electric energy, the Secretary shall issue renewable energy credits based on the proportion of the renewable energy resource used.

"(7) IDENTIFYING CREDITS.—The Secretary shall identify renewable energy credits by the type and date of generation.

"(8) SALE UNDER PURPA CONTRACT.—When a generator sells electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract subject to section 210 of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 824a–3), the retail electric supplier is treated as the generator of the electric energy for the purposes of this section for the duration of the contract.

"(g) SALE OR EXCHANGE OF RENEWABLE ENERGY CREDITS.—A renewable energy credit may be sold or exchanged by the entity issued the renewable energy credit or by any other entity that acquires the renewable energy credit. Credits may be sold or exchanged in any manner not in conflict with existing law, including on the spot market or by contractual arrangements of any duration.

"(h) PURCHASE FROM THE UNITED STATES.—The Secretary shall offer renewable energy credits for sale at the lesser of three cents per kilowatt-hour or 110 percent of the average market value of credits for the applicable compliance period. On January 1 of each year following calendar year 2006, the Secretary shall adjust for inflation the price charged per credit for such calendar year.

"(i) STATE PROGRAMS.—Nothing in this section shall preclude any State from requiring additional renewable energy generation in the State under any renewable energy program conducted by the State.

"(j) CONSUMER ALLOCATION.—The rates charged to classes of consumers by a retail electric supplier shall reflect a proportional percentage of the cost of generating or acquiring the required annual percentage of renewable energy under subsection (b). A retail electric supplier shall not represent to any customer or prospective customer that any product contains more than the percentage of eligible resources if the additional amount of eligible resources is being used to satisfy the renewable generation requirement under subsection (b).

"(k) ENFORCEMENT.—A retail electric supplier that does not submit renewable energy credits as required under subsection (b) shall be liable for the payment of a civil penalty. That penalty shall be calculated on the basis of the number of renewable energy credits not submitted, multiplied by the lesser of 4.5 cents or 300 percent of the average market value of credits for the compliance period.

"(l) INFORMATION COLLECTION.—The Secretary may collect the information necessary to verify and audit—

"(1) the annual electric energy generation and renewable energy generation of any entity applying for renewable energy credits under this section;

"(2) the validity of renewable energy credits submitted by a retail electric supplier to the Secretary; and

"(3) the quantity of electricity sales of all retail electric suppliers.

"(m) VOLUNTARY PARTICIPATION.—The Secretary may issue a renewable energy credit pursuant to subsection (f) to any entity not subject to the requirements of this section only if the entity applying for such credit meets the terms and conditions of this section to the same extent as entities subject to this section.

"(n) STATE RENEWABLE ENERGY GRANT PROGRAM.—

"(1) DISTRIBUTION TO STATES.—The Secretary shall distribute amounts received from sales under subsection (h) and from amounts received under subsection (k) to States to be used for the purposes of this section.

"(2) REGIONAL EQUITY PROGRAM.—

"(A) ESTABLISHMENT OF PROGRAM.—Within 1 year from the date of enactment of this section, the Secretary shall establish a program to promote renewable energy production and use consistent with the purposes of this section.

"(B) ELIGIBILITY.—The Secretary shall make funds available under this section to State energy agencies for grant programs for—

"(i) renewable energy research and development;

"(ii) loan guarantees to encourage construction of renewable energy facilities;

"(iii) consumer rebate or other programs to offset costs of small residential or small commercial renewable energy systems including solar hot water; or

"(iv) promoting distributed generation.

"(3) ALLOCATION PREFERENCES.—In allocating funds under the program, the Secretary shall give preference to—

"(A) States in regions which have a disproportionately small share of economically sustainable renewable energy generation capacity; and

"(B) State grant programs most likely to stimulate or enhance innovative renewable energy technologies.".

SA 773. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, Resérved; which was ordered to lie on the table; as follows:

At the appropriate point, insert the following:

SEC. RENEWABLE PORTFOLIO STANDARD.

Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

"SEC. 606. FEDERAL RENEWABLE PORTFOLIO STANDARD.

"(a) RENEWABLE ENERGY REQUIREMENT.—

"(1) IN GENERAL.—Each electric utility that sells electricity to electric consumers shall obtain a percentage of the base amount of electricity it sells to electric consumers in any calendar year from new renewable energy or existing renewable energy. The percentage obtained in a calendar year shall not be less than the amount specified in the following table:

"Calendar year	Minimum annual percentage
2008 through 2011	2.5
2012 through 2015	5.0
2016 through 2019	7.5
2020 through 2030	10.0

"(2) MEANS OF COMPLIANCE.—An electric utility shall meet the requirements of paragraph (1) by—

"(A) generating electric energy using new renewable energy or existing renewable energy;

"(B) purchasing electric energy generated by new renewable energy or existing renewable energy;

"(C) purchasing renewable energy credits issued under subsection (b); or

"(D) a combination of the foregoing.

"(b) RENEWABLE ENERGY CREDIT TRADING PROGRAM.—

"(1) Not later than January 1, 2005, the Secretary shall establish a renewable energy credit trading program to permit an electric utility that does not generate or purchase enough electric energy from renewable energy to meet its obligations under subsection (a)(1) to satisfy such requirements by purchasing sufficient renewable energy credits.

"(2) As part of such program the Secretary shall—

"(A) issue renewable energy credits to generators of electric energy from new renewable energy;

"(B) sell renewable energy credits to electric utilities at the rate of 1.5 cents per kilowatt-hour (as adjusted for inflation under subsection (g));

"(C) ensure that a kilowatt hour, including the associated renewable energy credit, shall be used only once for purposes of compliance with this section.;

"(D) allow double credits for generation from facilities on Indian Lands, and triple credits for generation from small renewable distributed generators, i.e., those no larger than one megawatt.

"(3) Credits under paragraph (2)(A) may only be used for compliance with this section for 3 years from the date issued.

"(c) ENFORCEMENT.—

"(1) CIVIL PENALTIES.—Any electric utility that fails to meet the renewable energy requirements of subsection (a) shall be subject to a civil penalty.

"(2) AMOUNT OF PENALTY.—The amount of the civil penalty shall be determined by multiplying the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (a) by the greater of 1.5 cents (adjusted for inflation under subsection (g)) or 200 percent of the average market value of renewable energy credits during the year in which the violation occurred.

"(3) MITIGATION OR WAIVER.—The Secretary may mitigate or waive a civil penalty under this subsection if the electric utility was unable to comply with subsection (a) for reasons outside of the reasonable control of the utility.

"(4) PROCEDURE FOR ASSESSING PENALTY.—The Secretary shall assess a civil penalty under this subsection in accordance with the procedures prescribed by section 333(d) of the Energy Policy and Conservation Act of 1954 (42 U.S.C. 6303).

"(d) STATE RENEWABLE ENERGY ACCOUNT PROGRAM.—

"(1) The Secretary shall establish, not later than December 31, 2008, State renewable energy account program.

"(2) All money collected by the Secretary from the sale of renewable energy credits and the assessment of civil penalties under this section shall be deposited into the renewable energy account established pursuant to this subsection. The State renewable energy account shall be held by the Secretary and shall not be transferred to the Treasury Department.

"(3) Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to appropriations, for a program to provide grants to the State agency respopsible for developing State energy conservation plans under section 363 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production, including programs that promote technologies that reduce the uselof electricity at customer sites such as solar water heating.

"(4) The Secretary may issue guidelines and criteria for grants awarded under this subsection. State energy offices receiving grants under this section shall maintain such records and evidence of compliance as the Secretary may require.

"(5) In allocating funds under this program, the Secretary shall give preference to States, in regions which have a disproportionately small share of economically sustainable renewable energy generation capacity; and to State programs to stimulate or enhance innovative renewable energy technologies.

"(e) RULES.—The Secretary shall issue rules implementing this section not later than one year after the date of enactment of this section.

"(f) EXEMPTIONS.—This section shall not apply in any calendar year to an electric utility.

"(1) that sold less than 4,000,000 megawatt-hours of electric energy to electric consumers during the preceding calendar year; or

"(2) in Hawaii.

"(g) INFLATION ADJUSTMENT.—Not later than December 31 of each year beginning in 2008, the Secretary shall adjust for inflation the price of a renewable energy credit under subsection (b)(2)(B) and the amount of the civil penalty per kilowatt-hour under subsection (c)(2).

"(h) STATE PROGRAMS.—Nothing in this section shall diminish any authority of a State or political subdivision thereof to adopt or enforce any law or regulation respecting renewable energy, but no such law or regulation shall relieve any person of any requirement otherwise applicable under this section. The Secretary, in consultation with States having such renewable energy programs, shall, to the maximum extent practicable, facilitate coordination between the Federal program and State programs.

"(i) DEFINITIONS.—For purposes of this section:

"(1) The term 'base amount of electricity' means the total amount of electricity sold by an electric utility to electric consumers in a calendar year, excluding—

"(A) electricity generated by a hydroelectric facility (except incremental hydropower); and

"(B) electricity generated through the incineration of municipal solid waste.

"(2) The term 'existing renewable energy' means, except as provided in paragraph (3)(B), electric energy generated at a facility (including a distributed generation facility) placed in service prior to the date of enactment of this section from solar, wind, ocean, current, wave, tidal or geothermal energy; biomass (as defined in section 504(b)); or landfill gas.

"(3) The term 'new renewable energy' means—

"(A) electric energy generated at a facility (including a distributed generation facility) placed in service on or after the date of enactment of this section from solar, wind, ocean, current, wave, tidal or geothermal energy; biomass (as defined in section 504(b)); ladfill gas; or incremental hydropower; and

"(B) for electric energy generated at a facility (including a distributed generation facility) placed in service prior to the date of enactment of this section—

"(i) the additional energy above the average generation in the 3 years preceding the date of enactment of this section at the facility from solar, wind, or ocean energy; biomass (as defined in section 504(b)); landfill gas or incremental hydropower.

"(ii) the incremental geothermal production.

"(4) The term 'distributed generation facility' means a facility at a customer site.

"(5) The term 'incremental hydropower' means additional energy generated as a result of efficiency improvements or capacity additions made on or after the date of enactment of this section or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date. The term does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions. Efficiency improvements and capacity additions shall be measured on the basis of the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission.

"(6) GEOTHERMAL ENERGY.—The term 'geothermal energy' means energy derived from a geothermal deposit (within the meaning of section 613(e)(2) of the Internal Revenue Code of 1986).

"(7) INCREMENTAL GEOTHERMAL PRODUCTION.—

"(A) IN GENERAL.—The term 'incremental geothermal production' means for any year the excess of—

(i) the total kilowatt hours of electricity produced from a facility (including a distributed generation facility) using geothermal energy, over

"(ii) the average annual kilowatt hours produced at such facility for 5 of the previous 7 calendar years before the date of enactment of this section after eliminating the highest and the lowest kilowatt hour production years in such 7-year period.

"(B) SPECIAL RULE.—A facility described in subparagraph (A) which was placed in service at least 7 years before the date of enactment of this section commencing with the year in which such date of enactment occurs, reduce the amount calculated under subparagraph (A)(ii) each year, on a cumulative basis, by the average percentage decrease in the annual kilowatt hour production for the 7-year period described in subparagraph (A)(ii) with such cumulative sum not to exceed 30 percent.

"(j) SUNSET.—This section expires on December 31, 2030.".

SA 774. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 159, after line 23, add the following:

SEC. . RURAL AND REMOTE COMMUNITY ELECTRIFICATION GRANTS.

The Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended in title VI by adding at the end the following:

"SEC. 609. RURAL AND REMOTE COMMUNITIES ELECTRIFICATION GRANTS.

"(a) DEFINITIONS.—In this section:

"(1) The term 'eligible grantee' means a local government or municipality, peoples' utility district, irrigation district, and cooperative, nonprofit, or limited-dividend association in a rural area.

"(2) The term 'incremental hydropower' means additional generation achieved from increased efficiency after January 1, 2005, at a hydroelectric dam that was placed in service before January 1, 2005.

"(3) The term 'renewable energy' means electricity generated from—

"(A) a renewable energy source; or

"(B) hydrogen, other than hydrogen produced from a fossil fuel, that is produced from a renewable energy source.

"(4) The term 'renewable energy source' means—

"(A) wind;

"(B) ocean waves;

"(C) biomass;

"(D) solar

"(E) landfill gas;

"(F) incremental hydropower;

"(G) livestock methane; or

"(H) geothermal energy.

"(5) The term 'rural area' means a city, town, or unincorporated area that has a population of not more than 10,000 inhabitants.

"(b) GRANTS.—The Secretary, in consultation with the Secretary of Agriculture and the Secretary of the Interior, may provide grants under this section to eligible grantees for the purpose of—

"(1) increasing energy efficiency, siting or upgrading transmission and distribution lines serving rural areas,; or

"(2) providing or modernizing electric generation facilities that serve rural areas.

"(c) GRANT ADMINISTRATION.—(1) The Secretary shall make grants under this section based on a determination of cost-effectiveness and the most effective use of the funds to achieve the purposes described in subsection (b).

"(2) For each fiscal year, the Secretary shall allocate grant funds under this section equally between the purposes described in paragraphs (1) and (2) of subsection (b).

"(3) In making grants for the purposes described in subsection (b)(2), the Secretary shall give preference to renewable energy facilities.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $20,000,000 for each of fiscal years 2006 through 2012.".

NOTICE OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the hearing originally scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources for Tuesday, June 14th 2005, at 10 a.m. has been postponed and will be rescheduled for a later date.

For further information, please contact Tom Lillie at (202) 224–5161 or Brian Carlstrom at (202) 224-6293.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Tuesday, June 21, 2005, at 10 a.m., to examine the issue of voter verification the federal elections process.

For further information regarding this hearing, please contact Susan Wells at the Rules and Administration Committee on 224-6352.

PRIVILEGE OF THE FLOOR

Mr. HAGEL. Mr. President, I ask unanimous consent that Mark Hegerle, a staff member with Senator TALENT, be granted floor privileges during the consideration of the Energy bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RELATIVE TO THE DEATH OF FORMER SENATOR J. JAMES EXON

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 170, which was submitted early today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 170) relative to the death of J. James Exon, former United States Senator for the State of Nebraska.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HAGEL. Mr. President, on Friday, Nebraska lost one of the most dominant political figures in our State's history. Former two-term Governor and three-term U.S. Senator Jim Exon passed away in Lincoln at the age of 83.

Many in this Chamber today served with him and knew him well. Those who served with Jim Exon remember a serious and dedicated public servant who enjoyed life and loved his State.

Jim's voice was strong, and he spoke clearly and directly. No one ever had to guess where Jim Exon stood. As a Governor and a Senator, he fought for balanced budgets and restrained Government spending.

In the Senate, from his seat on the Armed Services Committee, he was a passionate advocate for a strong national defense. As a member of the Commerce Committee, he was a protector of our natural resources, and he had the foresight to author the Communications Decency Act.

Mr. President, today, when politics is too often a race to the lowest political common denominator, Jim Exon was a very effective leader, a partisan leader who always played it straight. He never lost an election. He won five statewide elections in Nebraska, more than any other Nebraskan. Under Jim Exon's leadership, the Democratic Party became the dominant party in Nebraska for 25 years.

Anyone who knows Nebraska understands what a remarkable accomplishment that was. He did it by listening to the people. He did it by being a leader.

I was Jim Exon's replacement in the Senate in 1996. Over the last 9 years, I came to know him well and respect his judgment. We did not always agree, but I always appreciated the opportunities I had to visit with Senator Exon on a wide range of issues. A child of the plains and a veteran of World War II, he is part of a generation of Americans who understood leadership, sacrifice, and war. In his later years, Jim Exon had much to say. And I had an opportunity to listen.

The voice and wisdom of Jim Exon and his generation is slipping away from us at a time of unparalleled change in our world. Just as with Jim Exon, while this great generation is still with us, we need to listen closely to them. I did listen to Jim Exon.

As a small businessman, two-term Governor and three-term Senator, James Exon, along with his wife Pat, served his State, his Nation, and this institution with distinction. He will be missed by the Nebraskans he served so well and loved so much.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 170) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 170

Whereas J. James Exon served in the United States Army Signal Corps from 1942–1945 and in the United States Army Reserve from 1945–1949;

Whereas J. James Exon served as Governor of the State of Nebraska from 1971–1979;

Whereas J. James Exon served the people of Nebraska with distinction for 18 years in the United States Senate where he was a proponent of a strong national defense and knowledgeable source on geopolitical matters;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable J. James Exon, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable J. James Exon.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider Calendar No. 150, the nomination of Brian Montgomery to be an Assistant Secretary of Housing and Urban Development. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Brian D. Montgomery, of Texas, to be an Assistant Secretary of Housing and Urban Development.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR TUESDAY, JUNE 14, 2005

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, June 14; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and that the Senate then return to executive session and resume consideration of the nomination of Thomas Griffith to be a U.S. circuit judge for the DC Circuit; provided that at 10 a.m., the Senate proceed to vote on the confirmation as provided under the previous order.

I further ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. for the Democratic Party luncheon.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. Mr. President, tomorrow the Senate will resume consideration of the nomination of Thomas Griffith to be a circuit judge for the DC Circuit. At 10 a.m., the Senate will proceed to a vote on his confirmation. That will be the first vote of tomorrow's session. Following the confirmation vote, the Senate will begin consideration of the Energy bill. This bill was reported out of committee with strong bipartisan support. It is our hope that we can move this legislation forward in a timely manner. We will begin the amending process tomorrow and votes in relation to amendments are possible throughout the day tomorrow. At this time, I encourage those Senators who have amendments to contact the bill's managers so that they can establish an orderly schedule for their consideration.

ADJOURNMENT UNTIL 9:45 a.m. TOMORROW

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, as a mark of further respect for former Senator James Exon.

There being no objection, the Senate, at 8:19 p.m., adjourned until Tuesday, June 14, 2005, at 9:45 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate: Monday, June 13, 2005:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

BRIAN D. MONTGOMERY, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 14, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 15

9:30 a.m.

Foreign Relations

To hold hearings to examine the nominations of Ronald E. Neumann, of Virginia, to be Ambassador to the Islamic Republic of Afghanistan, Gregory L. Schulte, of Virginia, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador, and Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador, and Michael E. Hess, of New York, to be Assistant Administrator of the United States Agency for International Development in the Bureau of Democracy, Conflict and Humanitarian Assistance.

SD–419

Indian Affairs

To hold an oversight hearing to examine youth suicide prevention.

SR–485

Judiciary

To hold hearings to examine issues relating detainees.

SD–226

Commerce, Science, and Transportation

National Ocean Policy Study Subcommittee

To hold hearings to examine coral reef ballast water.

SR–253

9:50 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider the nomination of Lester M. Crawford, of Maryland, to be Commissioner of Food and Drugs, Department of Health and Human Services.

SD–430

10 a.m.

Budget

To hold hearings to examine current financial condition and potential risks relating to solvency of the Pension Benefit Guaranty Corporation.

SD–608

Appropriations

District of Columbia Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2006 for the government of the District of Columbia.

SD–138

Finance

To hold hearings to examine strategies for strengthening Medicaid.

SD–628

Homeland Security and Governmental Affairs

To hold hearings to examine if the Federal government is doing enough to secure chemical facilities.

SD–562

2:15 p.m.

Foreign Relations

Business meeting to consider the nominations of Zalmay Khalilzad, of Maryland, to be Ambassador to Iraq, Eduardo Aguirre, Jr., of Texas, to be Ambassador to Spain and Andorra, Julie Finley, of the District of Columbia, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador, Craig Roberts Stapleton, of Connecticut, to be Ambassador to France, Robert Johann Dieter, of Colorado, to be Ambassador to Belize, Dina Habib Powell, of Texas, to be Assistant Secretary of State for Educational and Cultural Affairs, Rodolphe M. Vallee, of Vermont, to be Ambassador to the Slovak Republic, Molly Hering Bordonaro, of Oregon, to be Ambassador to the Republic of Malta, Ann Louise Wagner, of Missouri, to be Ambassador to Luxembourg, Donald E. Booth, of Virginia, to be Ambassador to the Republic of Liberia, Pamela E. Bridgewater, of Virginia, to be Ambassador to the Republic of Ghana, Terence Patrick McCulley, of Oregon, to be Ambassador to the Republic of Mali, Roger Dwayne Pierce, of Virginia, to be Ambassador to Republic of Cape Verde, Christopher J. Hanley, of Maryland, to be a Member of the Board of Directors of the Overseas Private Investment Corporation, Jorge A. Plasencia, of Florida, to be a Member of the Advisory Board for Cuba Broadcasting, Jay T. Snyder, of New York, to be a Member of the United States Advisory Commission on Public Diplomacy, and promotion lists in the foreign service.

S–116, Capitol

2:30 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Linda M. Springer, of Pennsylvania, to be Director of the Office of Personnel Management, Laura A. Cordero, to be Associate Judge of the Superior Court of the District of Columbia, and A. Noel Anketell Kramer, to be Associate Judge of the District of Columbia Court of Appeals.

SD–562

Intelligence

Closed briefing regarding intelligence matters.

SH–219

3 p.m.

Aging

To hold hearings to examine the impact of soaring energy costs on the elderly.

SH–216

JUNE 16

9:30 a.m.

Foreign Relations

To hold hearings to examine stabilization and reconstruction regarding building peace in a hostile environment.

SD–419

Indian Affairs

To hold an oversight hearing to examine Indian education.

SR–485

Judiciary

Business meeting to consider pending calendar business.

SD–226

Homeland Security and Governmental Affairs

Investigations Subcommittee

To resume hearings to examine tax delinquency problems with Federal contractors.

SD–562

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine S. 705, to establish the Interagency Council on Meeting the Housing and Service Needs of Seniors.

SD–538

Commerce, Science, and Transportation

To hold hearings to examine Federal legislative solutions to data breach and identity theft.

SR–253

2 p.m.

Appropriations

Business meeting to markup H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006.

zSD–106

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of William Alan Jeffrey, of Virginia, to be Director of the National Institute of Standards and Technology, and Israel Hernandez, of Texas, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, both of the Department of Commerce, Ashok

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

G. Kaveeshwar, of Maryland, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation, and Edmund S. Hawley, of California, to be Assistant Secretary of Homeland Security for Transportation Security Administration.

SR–253

3 p.m.

Intelligence

To hold hearings to examine the nomination of Janice B. Gardner, of Virginia, to be Assistant Secretary of the Treasury for Intelligence and Analysis.

SDG–50

JUNE 21

10 a.m.

Commerce, Science, and Transportation

Fisheries and Coast Guard Subcommittee

To hold hearings to examine the Coast Guard's revised deepwater implementation plan.

SR–253

Rules and Administration

To hold hearings to examine the issue of voter verification in the Federal elections process.

SR–301

3 p.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

Business meeting to markup H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006.

SD–192

JUNE 22

9:30 a.m.

Indian Affairs

To hold an oversight hearing to examine the In Re Tribal Lobbying Matters, Et Al.

SH–216

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine telecom mergers.

SR–253

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar business.

SD–430

10:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the Livestock Mandatory Reporting Act of 1999.

SR–328A

2:30 p.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine financial stability of airlines.

SR–253

JUNE 23

10 a.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR–253

Health, Education, Labor, and Pensions

To hold hearings to examine Family Medical Leave Act.

SD–430

Veterans' Affairs

To hold hearings to examine pending veterans benefits related legislation.

SR–418

2 p.m.

Appropriations

Business meeting to markup H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and proposed legislation making appropriations for fiscal year 2006 for the Legislative Branch.

SD–106

JUNE 28

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the Agricultural Risk Protection Act of 2000 and related crop insurance issues.

SR–328A

Commerce, Science, and Transportation

Global Climate Change and Impacts Subcommittee

To hold hearings to examine coastal impacts.

SR–253

Indian Affairs

To hold an oversight hearing to examine regulation of Indian gaming.

Room to be announced

JUNE 29

9:30 a.m.

Indian Affairs

Business meeting to consider pending committee issues.

SR–485

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine Spectrum-DTV.

SR–253

2:30 p.m.

Commerce, Science, and Transportation

Disaster Prevention and Prediction Subcommittee

To hold hearings to examine national weather service-severe weather.

SR–253

JUNE 30

10 a.m.

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine e-health initiatives.

SR–253

2 p.m.

Appropriations

Business meeting to markup H.R. 2528, making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, proposed legislation making appropriations for fiscal year 2006 for the Department of State, and proposed legislation making appropriations for fiscal year 2006 for foreign operations.

SD–106

3 p.m.

Health, Education, Labor, and Pensions

Education and Early Childhood Development Subcommittee

To hold hearings to examine issues relating to American history.

SD–430

SEPTEMBER 20

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.

345 CHOB

SENATE—*Tuesday, June 14, 2005*

The Senate met at 9:44 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, we thank You for Your love offered and received, for Your calling issued and obeyed, and for Your support provided and trusted.

Help those of us so blessed to enter more fully into what You are doing in our world and to put our resources under the direction of Your spirit.

Bless our lawmakers in their work. May the goals they set and the efforts they expend bring honor to Your name. Give them the wisdom to back their rhetoric with ethical behavior. Remind them that doing right brings Your favor, but sin brings disgrace. Teach each of us that we harvest what we plant, whether good or bad.

We pray in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will proceed at 10 a.m. to an up-or-down vote on Tom Griffith's nomination to the D.C. Circuit Court. I suspect the Senate will vote to confirm Mr. Griffith, and I thank the Senators who participated in the debate over the course of yesterday.

Immediately after that vote, we will begin consideration of the Energy bill. We have scheduled consideration of the bill for the entirety of this week and through next week. We will be completing the Energy bill by the end of next week, a fact that I mention so people will come down and make their amendments known to the managers of the bill early on. That will provide ample time for there to be debate and amendments over these next 2 weeks.

Senators should be prepared to offer those amendments beginning later today and throughout the week. The chairman and the ranking member of the Energy Committee will be here to manage the process. I do encourage Senators to offer and debate those amendments over the next 2 weeks. It will take a lot of cooperation to accomplish that goal.

I have been in discussion with the Democratic leader, who agrees with this plan of doing our very best to complete the bill. We will complete the bill by the end of next week. I thank all Members in advance.

EXECUTIVE SESSION

NOMINATION OF THOMAS B. GRIFFITH TO BE UNITED STATES CIRCUIT JUDGE

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of Calendar No. 66, which the clerk will report.

The legislative clerk read the nomination of Thomas B. Griffith, of Utah, to be United States Circuit Judge for the District of Columbia Circuit.

Mr. FRIST. Mr. President, in a few moments, we will be voting on Tom Griffith's nomination to the D.C. Circuit Court. Tom Griffith is a man of deep integrity, a man of skill, a man of experience who has won the respect and admiration of colleagues all across the political spectrum. I am confident that once approved, Mr. Griffith will serve the D.C. Circuit Court with honor and distinction.

Mr. Griffith graduated summa cum laude from Brigham Young University. He earned his law degree from the University of Virginia Law School where he served on the Law Review.

Over the course of his legal career, Mr. Griffith has developed a broad range of experience from civil and criminal law to regulatory and international issues. Mr. Griffith currently serves as assistant to the president and general counsel of Brigham Young University.

As Senate legal counsel during the impeachment trial of President Clinton, Mr. Griffith proved his ability to fairly and impartially interpret the law. David Kendall and Lanny Breuer, special counsel to President Clinton, wrote to the Washington Post:

> Tom has been a leader in the bar and has shown dedication to its principles. The Federal bench needs judges like Tom.

Glen Ivey, former counsel to former Senate minority leader Tom Daschle, testified that during the Senate's Whitewater and campaign finance reform investigations, Mr. Griffith was scrupulous. Mr. Ivey says:

> Even when we were handling sensitive and politically charged issues, he acted in a nonpartisan and objective manner. I believe Mr. Griffith has the intellect and temperament to make an outstanding jurist.

Tom Griffith is a dedicated public servant of tremendous ability. Two former presidents of the American Bar Association call Mr. Griffith "extremely well qualified for service on the D.C. Circuit." They write:

> The Federal bench needs people like him, one of the best lawyers the bar has to offer.

Senator HATCH has said that in all of his years in the Senate, he has never seen such a broad outpouring of support for a nominee from so many distinguished individuals on both sides of the aisle.

Senator DODD says:

> Tom handled his difficult responsibilities as Senate legal counsel with great confidence and skill, impressing all who knew him with his knowledge of the law and never succumbing to the temptation to bend the law to partisan ends.

In that spirit, I urge my colleagues to vote in a few moments to confirm Tom Griffith to the D.C. Circuit Court.

I am pleased by the bipartisan progress we are making in the judge confirmation process. In the last 3 weeks alone, we confirmed Priscilla Owen to the Fifth Circuit Court of Appeals, Janice Rogers Brown to the D.C. Circuit Court of Appeals, William Pryor to the Eleventh Circuit Court of Appeals, David McKeague to the Sixth Circuit Court of Appeals, and Richard Griffin to the Sixth Circuit Court of Appeals. I now look forward to Tom Griffith being added to this outstanding list of confirmations.

Let us continue on this path of progress and cooperation. I believe it is our constitutional duty and responsibility to vote. We are doing so. Our constituents expect us to do just that—vote. Every nominee deserves the respect of a vote, fair, civil, up or down. That is what we will be doing today.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am glad to hear the distinguished leader say nominees deserve an up-or-down vote. Of course, he and other Republicans assured that 61 of the judicial nominees of President Clinton were not given a vote. They were subjected to pocket filibusters—61. In fact, this nomination is a measure of the double standards used by Republicans in connection with judicial vacancies. During President Clinton's Presidency, Senate Republicans said the 11th and 12th judgeships to the D.C. Circuit were not to be filled, that we did not need those seats. They had argued since 1995 that the caseload of the D.C. Circuit did not justify a full complement of the court. Indeed, at a hearing in 1995, Republicans called Chief Judge Laurence H. Silberman of the circuit to testify against proceeding to fill vacancies on the D.C. Circuit. Republicans have argued for years this circuit's caseload per judge is one of the lightest in the country. In a May 9, 2000, letter, Judge Silberman argued that the D.C. Circuit's caseloads had continued to decline from 1995 to 2000, and he opposed confirmation of additional Clinton nominees. In fact, the D.C. Circuit caseload has continued to decline and in 2004 was lighter than it was in 1999 when Senate Republicans pocket filibustered two highly qualified and moderate nominees by President Clinton to vacancies on that circuit.

Now with the confirmation of Janice Rogers Brown to the court last week, there are 10 confirmed, active judges on the D.C. Circuit, which is what Republicans have always maintained is the most that circuit should have. Now, of course, we find we have another one.

With all the self-righteous talk from the other side of the aisle about their new-found "principle" that ever judicial nominee is entitled to an up-or-down vote, the facts are that the nominations of Allen Snyder and Elena Kagan to the D.C. Circuit were pocket filibustered by those same Senate Republicans in 1999 and 2000. Ms. Kagan is now Dean of the Harvard Law School. Qualified? Undoubtably. One of the most qualified people to be nominated to that court in the 31 years I have been in the Senate. Was she given consideration in a Republican-led Senate? Not on your life. She was filibustered by Republicans. Likewise, the nomination of Allen Snyder, former clerk to Chief Justice Rehnquist and a highly respected partner in a prominent D.C. law firm, was pocket filibustered by Senate Republicans. When one of Mr. Synder's partners, John Roberts, was nominated to the same court by President Bush, he was, of course, unanimously supported by Senate Republicans. Senate Republicans played a cruel joke on Mr. Snyder when they allowed him a hearing but then went on to refuse to list him for a vote by the Judiciary Committee or the Senate.

I recall that in September 2000, Senator SESSIONS explained that Clinton nominees Allen Snyder and Elena Kagan were blocked: "Because the circuit had a caseload about one-fourth the average caseload per judge. And the chief circuit judge said 10 judges was enough, instead of 12. And 'I actually thought that was too many. I thought 10 was too many.'" So this Republican Senator joined in the pocket filibuster of these two nominees.

Well, the D.C. Circuit's caseload per judge is lower now than it was during the Clinton administration, but suddenly with a Republican President, Republican Senators say we need to fill those seats. It is a bit hypocritical. Let us see whether the votes of Republican Senators this time will be based on the same rationale they gave in inflicting pocket filibusters on Clinton nominees.

Last week we witnessed a Republican Senator—who had voted against the confirmation of a Clinton judicial recess appointment and had explained his vote as representing his opposition to recess appointments reverse himself to vote for a Bush judicial recess appointment.

Last week, we witnessed dozens of Republican Senators—who voted against confirmation of Ronnie White of Missouri in 1999 and had explained their vote as compelled by the opposition of his home-state Senators—reverse themselves and vote in favor of Justice Janice Rogers Brown and ignore the strong, consistent and well-founded opposition of her two home-state Senators.

Ronnie White, now the first African American to be chief justice of the Supreme Court of Missouri, was turned down by a double standard used by Republicans. I wonder whether the many Republicans Senators who delayed and opposed the confirmation of Merrick Garland in 1996 and 1997 and pocket filibustered the nominations of Allen Snyder and Elena Kagan in 1999 and 2000 will vote against a nominee to the D.C. Circuit because the caseload of the circuit does not justify more judges. We will see if Republican Senators again abandon their earlier rationale.

It is sometimes embarrassing, I think, to some of my friends on the other side to be reminded of all the rationales they used in pocket filibustering President Clinton's nominees, when now all of a sudden those same rationales are out the window when a Republican nominates a judge.

In addition, as I explained yesterday, my opposition to this particular nominee, Mr. Griffith, is because he did not follow the law. His decision to practice law without a license for a good part of his career should be disqualifying. He has not honored the rule of law by first practiced law illegally in the District of Columbia for several years and then in Utah for several years without even bothering to fulfill his obligation to become a member of the Utah bar. In this regard he appears to think he is above the law. This is not the kind of nominee who should be entrusted with a lifetime appointment to a Federal court and, least of all, to such an important court as the D.C. Circuit, which is entrusted with protecting the rights of all Americans. He may be a fine gentleman, but what a standard. We turn down a partner in a prestigious law firm because he was nominated by a Democrat, and we turn down a woman highly qualified who becomes the dean of the Harvard Law School, but she committed a sin of having been nominated by a Democratic President. When a Republican nominates somebody for the same seat and he practiced law illegally for 7 years, well, all is forgiven. This is the wrong nomination for this court, and I will vote against it.

I think it is another in a series of inappropriate nominations the President has made to the same court. Of course, the takeover of this court is now complete. It becomes an arm of the Republican Party. Mr. Griffith is the third nominee from President Bush to be considered by the Senate. If he is confirmed with those 11 judges, a majority of 7 judges will be appointed by Republican Presidents, but interestingly enough, they have turned this court into an arm of the Republican Party by using some of the worst double standards we have seen. Instead of having a balanced court where we have nominees of both parties, the Republicans in the Senate filibustered, pocket filibustered judge after judge nominated by a Democratic President.

The D.C. Circuit is an especially important court in our Nation's judicial system for its broad caseload covering issues as varied as reviews of federal regulation on the environment, workplace safety, telecommunications, consumer protection, and other critical statutory and constitutional rights. The White House has rejected all Democratic efforts to work together on consensus nominees for this court and refused to engage in consultation. I wish the President would work to unite the country instead of dividing it. But he has divided the Senate and the American people with several of his judicial nominees. It is unfortunate for the judiciary, the Senate, and the Nation. The President's unilateral approach is totally unnecessary and unlike his predecessors'.

I have been here with six Presidents. Five before this Senate always consulted with both parties on judges they sought to unite rather than divide.

This is the first President who has not.

To reiterate, I oppose the nomination of Thomas Griffith to the U.S. Court of Appeals for the D.C. Circuit. Mr. Griffith's decision to practice law without a license for a good part of his career should be disqualifying. Mr. Griffith has foregone at least 10 opportunities to take the bar in Utah, and has continued to refuse during the pendency of his nomination. In this regard he appears to think he is above the law.

That is not the kind of person who should be entrusted with a lifetime appointment to a Federal court and, least of all, to such an important court as the D.C. Circuit, which is entrusted with protecting the rights of all Americans. This is the wrong nomination for this court and I will vote against it.

Given the fact that the Supreme Court routinely reviews fewer than 100 cases per year, the circuit courts, like the D.C. Circuit, end up as the courts of last resort for nearly 30,000 cases each year. These cases affect the interpretation of the Constitution as well as statutes intended by Congress to protect the rights of all Americans, such as the right to equal protection of the laws and the right to privacy. The D.C. Circuit in particular is an especially important court in our Nation's judicial system because Congress has vested it with exclusive or special jurisdiction over cases involving many environmental, civil rights, consumer protection, and workplace statutes. For example, the D.C. Circuit has exclusive or concurrent jurisdiction in cases involving the National Labor Relations Board, the Occupational Safety and Health Administration, the Federal Energy Regulatory Commission, the Federal Election Commission, and the Federal Communications Commission. The D.C. Circuit is entrusted with interpreting the Americans with Disability Act, the Endangered Species Act, and the Environmental Protection Agency, and has primary responsibility for ruling on the Resource Conservation and Recovery Act, Superfund, the Clean Water Act, and the Clean Air Act. It is crucial that this court retain its independence.

The White House has rejected all Democratic efforts to work together on consensus nominees for this court and refused to engage in consultation. That is too bad and totally unnecessary. This is another in a series of inappropriate nominations this President has made to this court. Last week, Senate Republicans voted in lockstep to confirm Janice Rogers Brown to this court. The takeover of this court is now complete. Mr. Griffith is the third nominee for this court from President Bush to be considered by the Senate. If he is confirmed the 11 judges on the court will include a majority of seven judges appointed by Republican Presidents.

At Mr. Griffith's hearing last March, I noted that unlike the many anonymous Republican holds and pocket filibusters that kept more than 60 of President Clinton's moderate and qualified judicial nominees from moving forward, the concerns about Mr. Griffith were no secret. Unlike the Republicans' pocket filibusters of Allen Snyder and Elena Kagan, who were each denied consideration and an up or down vote when nominated to the D.C. Circuit, Mr. Griffith knows full well that I think he has not honored the rule of law by his practicing law in Utah for 5 years without ever bothering to fulfill his obligation to become a member of the Utah bar.

By one count, Mr. Griffith has so far foregone 10 opportunities to take the Utah bar exam while applying for and maintaining his position as general counsel at BYU. He is about to forego an eleventh. This conscious and continuous disregard of basic legal obligations is not consistent with the respect for law we should demand of lifetime appointments to the Federal courts. He has yet to satisfactorily explain why he obstinately insists on refusing to do what hundreds of lawyers do twice a year in Utah and thousands of lawyers do around the country: apply for and take the State bar exam and qualify to become a member of the State bar in order to legally practice law.

He has testified that he has obtained a Utah driver's license and pays Utah State taxes, but he is not a member of the bar despite admitting practicing law there since 2000. This is not Mr. Griffith's first or only bar problem. Mr. Griffith was less than forthcoming with us on questions related to his repeated failures to maintain his D.C. bar membership and his failures to pay his annual dues on time not just once, not twice, but in 1996, 1997, 1998, 1999, 2000 and 2001. He was twice suspended for his failures, including one suspension that lasted for 3 years.

As was reported last summer in the Washington Post, and confirmed through committee investigation, Mr. Griffith has spent the last 5 years as the general counsel to BYU. In all that time he has not been licensed to practice law in Utah, nor has he followed through on any serious effort to become licensed. He has hidden behind a curtain of shifting explanations, thrown up smokescreens of letters from various personal friends and political allies, and refused to acknowledge what we all know to be true: Mr. Griffith should have taken the bar. I ask unanimous consent that the relevant Washington Post articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 17, 2004]

COURT NOMINEE GAVE FALSE DATA, TEXT SHOWS: LAW LICENSE WAS SUSPENDED DESPITE EARLY DENIAL

(By Carol D. Leonnig)

Thomas B. Griffith, President Bush's nominee to the U.S. Court of Appeals for the District of Columbia Circuit, appeared to provide inaccurate information to Utah bar officials about his legal work and lapses in obtaining law licenses over the past year, according to documents released yesterday at his nomination hearing.

Griffith's nomination has been stalled for months over concerns that he failed to maintain a valid license for three years while he practiced law in the District and Utah, and that he did not obtain a Utah license after taking a job as general counsel for Brigham Young University in Provo, Utah. Even as Griffith defended his record yesterday, the new documents added to that controversy.

They show Griffith reported to Utah state bar officials last year that his law license had never been suspended. It had been suspended from 1998 to 2001. He also told the state bar that he relied on his D.C. license to practice law in Utah. But at yesterday's hearing, Griffith testified that he had practiced law in Utah by relying on associations with licensed attorneys there.

Senate Judiciary Chairman Orrin G. Hatch (R-Utah), a longtime friend of Griffith's who pledged to "do everything in my power" to help him win confirmation, scheduled yesterday's hearing for the middle of a lame-duck session and was the sole committee member present to question Griffith. Democrats said they were surprised Hatch proceeded despite the slim chances of the Senate approving Griffith in the remaining days before Congress adjourns and the objections to the nominee.

"We're going to do our very best to get you confirmed before the end of the session," Hatch told Griffith, before acknowledging: "It'll be miraculous if we do."

Senator Russell Feingold (D-Wis.) asked that Griffith's application and letters to the Utah bar be released at yesterday's hearing.

The Washington Post reported this summer that Griffith's D.C. license had been suspended because he did not pay bar dues from 1998 to 2001, a lapse that prevented Griffith from obtaining a reciprocal law license in Utah after he took the Brigham Young job. Griffith applied late last year to take the bar exam to obtain a Utah license but never sat for the January 2004 test.

Last month, the American Bar Association gave Griffith the lowest passing grade for a judicial nominee, a "qualified" rating. A large minority of the review committee voted "not qualified."

Yesterday, in his first public comments on the matter, Griffith said he "deeply regrets" his failure to make sure that his law firm paid his dues so he could keep a valid District law license. "I bear full responsibility for what happened," he said. "I should not have relied on others."

Griffith added that because his license was suspended for administrative reasons, he never considered it a true suspension or disciplinary matter, and did not report it to Utah officials. "The thought never crossed my mind that it was related," he said.

Griffith also defended his decision not to obtain a Utah law license since becoming general counsel at Brigham Young, Hatch's alma mater, in the summer of 2000.

"It was always my understanding that in-house counsel need not be licensed," he said, as long as he worked with lawyers who did have valid Utah state licenses when he dispensed advice on state matters. He said he has been "meticulous" in limiting his work by collaborating with the four lawyers he supervises in his office.

In the newly released licensing application to the Utah state bar, however, Griffith answered "yes" to a question on whether he practiced law in Utah. He reported that he did so as general counsel for Brigham Young, relying on his D.C. law license.

In April 2003, the documents show, Griffith wrote a letter seeking advice from the Utah bar on how he could obtain a state license. Griffith said he had erred in assuming that a new state rule might help him get a reciprocal license. The bar's general counsel, Katherine A. Fox, wrote back the next month urging him to apply to take the bar exam and warning him to work with licensed colleagues in the meantime.

"It is unfortunate that you anticipated relying on the rule without having an understanding of the restrictions it imposed," she wrote.

[From the Washington Post, Sept. 30, 2004]

APPEALS NOMINEE GETS LOW GRADE; ABA CITES LICENSING LAPSES IN GRANTING 'QUALIFIED' RATING

(By Carol D. Leonning)

The American Bar Association yesterday gave President Bush's choice for a seat on the U.S. Court of Appeals for the District of Columbia the lowest possible passing grade for judicial nominees, and sources said a Republican Senate chairman was expected to schedule a hearing next week on his nomination.

Thomas B. Griffith, who failed to obtain a law license in Utah or keep a current license in the District during parts of the past six years, received a slight majority from his peers after an unusually long, three-month investigation. Under the ABA's system, that means at least eight of the 15 members on the review panel rated him "qualified" for a seat on the court, and at least six rated him "not qualified."

The national lawyers group, which also offers a higher rating of "well qualified," evaluates judicial nominees for the Senate.

Others have received the same rating and been appointed to the federal judiciary. Of the 10 Bush administration appeals court nominees who received the same rating, six were confirmed to the bench. In President Bill Clinton's second term, two of the five appellate court nominees who received that rating were confirmed.

Griffith has declined to discuss his pending nomination.

A spokeswoman for Senate Judiciary Chairman Orrin G. Hatch (R-Utah) declined to say whether he plans to hold a nomination hearing for Griffith, but committee sources said they expect Hatch to announce today that he will schedule a hearing for Oct. 7. Hatch has campaigned for Griffith's confirmation, telling senators it is personally important that the White House nominee, a friend who hails from Hatch's home state, join the bench.

"The chairman is pretty committed to this nominee and has a high impression of Mr. Griffith," said Hatch spokeswoman Margarita Tapia.

Griffith failed to renew his law license in Washington for three years while he was a lawyer based in the District from 1998 to 2000, as counsel to the U.S. Senate and a partner in the firm of Wiley Rein and Fielding. He said the licensing dues were not paid because of an oversight by his firm's staff.

But that lapse subsequently prevented Griffith from receiving a law license in Utah when he took a job as general counsel for Brigham Young University in August 2000. Griffith said he discovered his D.C. license had expired in 2001. The Utah Bar told Griffith that after so many years without a valid license, the only way he could obtain a Utah license was to take the Utah bar exam. Griffith applied to sit for the arduous test but never took it, bar officials said.

Opponents of Griffith's nomination said yesterday that the low rating and the lateness of the Senate session should prevent him from getting a hearing.

Sen. Patrick J. Leahy, (D-Vt.) who this month said Griffith's nomination was on "life support," said yesterday that he was surprised the White House and Hatch continue to press for a nominee with "not exactly a confidence-inspiring rating."

"This is a nominee who has been suspended from one legal jurisdiction and who apparently continues to this day to engage in the unauthorized practice of law in another," he said.

Thomas Z. Hayward Jr., a Chicago lawyer with Bell, Boyd & Lloyd and chairman of the ABA standing committee on judicial nominations, acknowledged this is "one of the more difficult" nominee investigations for the bar. He said that after Griffith's license lapses were reported in The Washington Post in June and a preliminary investigation was conducted in July, committee members appeared "very closely split" about whether Griffith met the minimum qualifications for an appellate judgeship.

Hayward said he then ordered a supplemental investigation "to be fair to the nominee." About 40 more people with direct knowledge of Griffith, his licensing lapses in the District and Utah, and his career were interviewed.

People can respectfully disagree, but we have probably done more investigation into the questions raised by this nomination than anybody else, including the White House, the FBI and the two sides of the [Senate] Judiciary Committee," Hayward said.

Mr. LEAHY. Practicing law without a license, or as the bars call it, unauthorized practice of law, is not a technicality. In some States it is a crime. In Texas, for example, it is a third degree felony. It is a serious dereliction of a lawyer's duty. It is a commonplace of American jurisprudence that no one is above the law. If the American people are to have confidence in our system of laws that must include the lawyers, and beyond question, it must include the judges. I continue to be disappointed by Mr. Griffith's unwillingness to do what is now long overdue: namely, to take the Utah bar exam and become properly licensed to practice law in Utah, where Mr. Griffith has been practicing law for the last 5 years.

Despite the evident controversy surrounding his practice of law in Utah for 5 years without becoming a member of the Utah bar, he appears to have comfortably and conveniently placed himself above the law. That is not something I look for in lifetime appointments to the Federal courts. For a court that decides some of the most important issues of law in our Nation, where the ruling in just one case can affect millions of people in the most critical areas of their lives, the President has chosen to send us a nominee whose disregard for the rules that apply to him is simply unacceptable.

Over the months that this nomination has been pending before us we have done a good deal of investigation into this matter on a bipartisan basis. The committee investigators questioned the nominee, spoke to officials and experts at the D.C. bar and the Utah bar, asked for and received correspondence and other documents relating to Mr. Griffith's bar memberships and worked to understand the facts and circumstances surrounding the two situations. Having reviewed all of this information and studied Mr. Griffith's many answers, I have come to the inescapable conclusion that he feels he cannot be bothered to live up to the laws that apply to everyone else.

I will begin with the D.C. bar dues problem. In his initial description of this problem Mr. Griffith did his best to downplay it, telling the committee in his questionnaire that his membership in the D.C. bar "lapsed for nonpayment of dues . . . due to a clerical oversight." At the committee hearing on his nomination, he tried to do the same, telling us that from the time he first began practicing law in North Carolina, and continuing through the time he practiced with a firm in D.C., he counted on his law firm to pay his bar dues. He went on further to say that when he took the job as Senate legal counsel he discovered the Government does not pay your professional fees. Here, I quote his testimony, where he told us: "[W]hen I learned that the Senate wouldn't pay, I notified the D.C. bar to send the bar notices to my home, where I pay personal bills. They did so in '95, '96 and '97, and every time they sent a notice, I paid."

The only problem arose, according to Mr. Griffith, in 1998, when, for reasons he cannot explain, the D.C. bar suddenly stopped sending him mail. He says he never received his bill for the 1998 dues year, does not remember receiving any of the follow-up notices the bar routinely sends, and simply forgot about his obligation until 3 years later, when he was seeking a certificate of good standing from the D.C. bar.

All of this may seem relatively harmless but a more serious problem arises because what Mr. Griffith told us and what he testified to is not entirely true, it was not the whole truth. For example, his membership in the D.C. bar did not just lapse when he failed to pay his dues in 1998, it was actually suspended. That means for the 3 years the suspension lasted, he was not legally allowed to practice in reliance on his D.C. law license. And he was not only suspended once from the D.C. bar, he was suspended twice, once in 1998 for not paying his dues at all, and also the year before, in late 1997. Furthermore, we have also learned that while he managed to avoid suspension in 1996, he paid his bar dues late that year, as well. Contrary to his misleading testimony at his hearing, it seems that the only year Mr. Griffith actually paid his D.C. bar dues on time, after coming to the Senate in 1995, was in 1995. Two suspensions from the practice of law in 2 years, 3 late or nonexistent payments in 4 years, and an attempt to mischaracterize this embarrassing record are hardly just a single "administrative oversight" unless by that Mr. Griffith means to indicate that his single admitted error is that he does not comply with the law.

What may be more disturbing than Mr. Griffith's failure to pay his D.C. dues, for whatever reason, is his lack of concern about the implications of having practiced law in D.C. without proper licensure. When I asked him if he had notified his clients from the period he was suspended, whether he had told his partners or even the law firm's liability insurance carrier, he brushed me off, telling me that his membership in good standing was reinstated once he paid his dues. Of course, that ignored my real question about the ramifications of having been suspended for 2 separate periods totaling more than 2 years. Clients should be notified, partners should be told, and courts should be contacted.

The Department of Justice apparently agrees that suspension for failure to pay bar dues is a serious matter. Recent newspaper reports disclosed that the Department's Office of Professional Responsibility takes such a matter seriously enough to have opened an investigation into the case of a longtime career attorney there who, like Mr. Griffith, was suspended from the D.C. bar because he did not pay his dues. Unlike Mr. Griffith's case, the Department is concerned enough about such a suspension that they filed notices with the courts in every case this attorney worked on during the period of his suspension, notifying them that he was not authorized to practice at the time. This may impact the matters that Government attorney was supervising, which included the treatment and proper compensation of black farmers. Practicing law without a license is a serious matter.

The facts surrounding Mr. Griffith's membership, or lack thereof, in the Utah bar are even more disturbing. Thomas Griffith began his service as assistant to the president and general counsel of BYU in the summer of 2000. At that time he was not a member of the Utah bar, he was suspended from membership in the bar of the District of Columbia, and he was an inactive member of the North Carolina bar. He apparently did not have a valid license to practice from any jurisdiction.

According to BYU, its general counsel "is responsible for advising the Administration on all legal matters pertaining to the University." In addition:

> All contracts, other legal documents and legal questions pertaining to the University or its personnel shall be presented to the Office of General Counsel or its staff members as directed for approval and/or recommendation. The General Counsel directs and manages all litigation involving the University and decides when to engage outside counsel and the terms and duration of outside counsel's representation. The General Counsel delegates the University's legal work among the lawyers in the office and supervises the work of the office.
>
> —*https://bronx.byu.edurystlife/prod/Handbook/University/Organization/President.html*

Mr. Griffith gave us a similar description of his duties, telling the committee:

> When University policy involves legal matters, I advise the President's Council and its members on the legal issues implicated . . . In addition, I supervise the work of the Office of the General Counsel, which includes interpreting University policy, participating in transactions involving the University and outside entities, overseeing litigation, assuring compliance with law, and coordinating activities with other University offices whose work involves legal issues such as human resources, risk management, and internal audit.
>
> —Responses of Thomas B. Griffith to the Written Questions of Senator Russell D. Feingold, Dec. 3, 2004, Q.1.

But Utah law prohibits the practice of law in Utah by any person not "admitted and licensed to practice law within this state." Rule 5.5 of the Utah Rule of Professional Conduct holds that, "[a] lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction."

So, what made Mr. Griffith think he could practice law and not be a member of the Utah bar? Mr. Griffith testified to the committee that, "it was my understanding that in Utah in-house counsel need not be licensed in Utah, provided that when legal advice is given, it is done so in close association with active members of the Utah bar." When I asked him in writing to explain how he came to that understanding, and to point out which Utah laws or bar rules might apply, Mr. Griffith told us only that this, "understanding was formed over the course of the years of practicing law and as I had interacted with in-house counsel in a variety of settings including other Utah in-house counsel who were not members of the Utah bar."

Mr. Griffith testified that he relied on an in-house counsel exception that does not exist in Utah statutes and is not recognized by the Utah Supreme Court, as Mr. Griffith was forced to concede. It was a most convenient and self-serving excuse. There is no such "general counsel" exception in Utah and there never has been. He could not point to any Utah statute or Utah Supreme Court pronouncement allowing this behavior because it does not exist as a matter of law. Moreover, his predecessor at BYU and the general counsels of the other universities in Utah are all members of the Utah bar.

Previously, in his April 2003 letter to John Adams, then the president of the Utah bar, Mr. Griffith explained the matter differently and relied specifically on a former BYU general counsel and on unnamed persons at the Utah bar, saying that, "I was told by my predecessor that the Utah bar had created" what he referred to as a "general counsel exception" and that "I didn't need to become a member of the Utah bar to perform my responsibilities. Subsequent conversations with people in your office as well as discussions with other general counsel around the state confirmed that understanding."

Mr. Griffith has never been able to identify who at the Utah bar he claims advised him that he did not need to join the bar. This fundamental refusal to abide by the law is all the more troubling by Mr. Griffith's obstinate behavior in refusing to take the bar in order to cure his failure. This is not complicated: Get licensed. Indeed, during the course of committee consideration he admitted that when he asked a second-year law student to research the matter she came back to him and advised that he should take the bar. Yet here we are, with the Senate being urged to confirm someone to a lifetime appointment as a Federal judge on a court with jurisdiction over important cases that can have nationwide impact and that nominee has adamantly refused to follow legal requirements in his own legal practice.

Mr. Griffith did respond for the first time in his December 3, 2004 answers to some of our written questions that he had spoken to Bar President Adams in March 2002. But in his answers, Mr. Griffith reported the subject of that conversation was whether or not, in order to join the bar, he would need to take the bar examination, rather than whether or not he needed to become a bar member in the first place. Mr. Griffith explained to the committee that he took Mr. Adams' silence on the unasked question to be an endorsement of his self-serving position that he did not need to be a member of the Utah bar to carry out his responsibilities at the University." To Mr. Griffith, Mr. Adams' silence on this unarticulated question apparently overrode all of the rules of the Utah bar and the laws of the State of Utah.

There was one official representative of the Utah bar who told Mr. Griffith in no uncertain terms what to do; namely, take the Utah bar examination. Asked by Mr. Adams to respond to the April 10, 2003 letter, Katherine Fox, Utah bar general counsel, wrote to Mr. Griffith on May 14, 2003, telling him she was "surprised" he thought there was a general counsel exception, and explaining that in his circumstances there was no way to waive into the Utah bar and become a member without taking the bar exam. In her letter, and in plain, simple-to-understand words, Ms. Fox instructed Mr. Griffith to take the bar examination at the earliest opportunity. Ms. Fox wrote Mr. Griffith: "You are fortunate, however, to have a viable option remaining, i.e., admittance by examination and I would encourage you to start preparing your application as soon as possible." In addition, she "strongly" encouraged him to, "review [his] current duties," and to either limit his work to non-legal practice or, if legal activities were unavoidable in the interim until he could pass the exam, be admitted to the Utah bar and cure his deficiency, "to closely associate with someone who is actually licensed here and on active status." She closed by reminding him that the character and fitness portion of the evaluation of prospective members of the Utah bar could be affected by "[p]racticing law without a Utah license." I ask unanimous consent that Mr. Griffith's letter to the Utah bar and Katherine Fox's response be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

UTAH STATE BAR,
Salt Lake City, Utah, May 14, 2003.

THOMAS B. GRIFFITH,
Assistant to the President, Office of the General Counsel, Brigham Young University, Provo, UT.

DEAR MR. GRIFFITH: I have been provided with a copy of your letter dated April 10, 2003 and would like to respond on behalf of the Bar to a few issues which you raised. First, I was somewhat surprised that you were informed by your predecessor at Brigham Young University's Office of General Counsel and perhaps others that Utah had created a "general counsel rule exception." As you are now aware from speaking with Joni Dickson Seko, the Bar's Deputy General Counsel in charge of admissions, Utah does not have and has never had such a rule. Second, although we were optimistic that the Utah Supreme Court would approve the proposed reciprocity rule, there was no guarantee that it would happen or that the rule would emerge in the format we submitted.

It is unfortunate that you anticipated relying on the rule without having an understanding of the restrictions it imposed. However, I know of no other jurisdiction where a reciprocity rule has no conditions or restrictions such as a years of practice requirement. For instance, North Carolina's reciprocity rule requires applicants to have been physically practicing law elsewhere for at least four out of the last six preceding years.

Your reading of the new reciprocity rule is accurate and admission to the Utah State Bar requires a minimal number of years of active practice in the reciprocating jurisdiction. As both Ms. Seko and her assistant Christy Abad have informed you, the Rules for Admission do not provide for Bar staff or our governing body, the Board of Bar Commissioners, to make any exceptions to uniform application of the rules. If an applicant seeks a waiver of a rule it can only be granted by the Utah Supreme Court through a petition. This route, however, historically has not proven very fruitful for those seeking waivers. See, e.g., In re Larry Gobelman, 31 P.3d 535 (Utah 2001).

You are fortunate, however, to have a viable option remaining, i.e., admittance by examination and I would encourage you to start preparing your application as soon as possible. The application is an extensive one and it takes time to complete including making arrangement for the necessary supporting documentation. While I know you spoke with Joni about your inability to meet the May 1st deadline, I wanted you to realize that the final (and again, non-waivable) deadline (with a $300 late fee) is December 1st for the February 2004 exam. Earlier deadlines are October 1st (no late fee) and November 1st ($100 late fee).

Finally, while I regret any misunderstandings or assumptions that may have occurred, I also would strongly encourage you to carefully review your current duties as Assistant to the President in the Office of General Counsel. As noted above, we have no general counsel exception rule allowing individuals who serve in such positions to actually practice law without Utah licensure. Towards that end, it would be a prudent course of action to limit your work to those activities which would not constitute the practice of law. If such activities are unavoidable, I strongly urge you to closely associate with someone who is actually licensed here and on active status. Finally, just so you know, all applicants are required to undergo a character and fitness assessment prior to being permitted to take the examination. Practicing law without a Utah license has been an issue for some applicants in the past and has resulted in delayed admission or even denial.

Very truly yours,
KATHERINE A. FOX,
General Counsel.

OFFICE OF THE GENERAL COUNSEL,
BRIGHAM YOUNG UNIVERSITY,
Provo, Utah, April 10, 2003.

JOHN ADAMS,
President, Utah Bar Association, c/o Ray Quinney & Nebeker, South State Street, Salt Lake City, Utah.

DEAR JOHN: I need your advice. When I moved to Utah to accept the position of Assistant to the President and General Counsel of Brigham Young University, I was told by my predecessor that the Utah Bar had created what he referred to as a "general counsel exception" and that I didn't need to become a member of the Utah Bar to perform my responsibilities. Subsequent conversations with people in your office as well as discussions with other general counsel around the state confirmed that understanding. I have, however, always been active in bar associations where I have practiced—Washington, DC and North Carolina—and I determined that I wanted to be admitted to the Utah Bar. To that end, I prepared to take the bar exam last summer. During the course of preparing my application materials, I learned that the Utah Supreme Court was then actively considering the reciprocity rule that it has only recently adopted. In discussions with the Utah Bar Association (maybe even you—my memory is not entirely accurate on this point), I was advised that the conventional wisdom was that the Court would in fact promulgate a reciprocity rule. For that reason, I suspended my preparations and did not submit my application nor take the bar exam last summer.

I have now read the reciprocity rule recently adopted by the Court and, as far as I can tell, it may not be helpful to me. The requirement that an applicant for admission under the reciprocity rule has been practicing law in the jurisdiction from which he or she is seeking reciprocity for three of the last four years is a bar to me inasmuch as I have been in Utah and not practicing in Washington, D.C. or North Carolina for the last two and one-half years. I am writing you to see if there might be some interpretation of which I am unaware that would allow me to be admitted to the Utah Bar without taking the exam. If there is not, I will prepare to take the bar exam next summer.

I look forward to hearing from you.

Sincerely,
THOMAS B. GRIFFITH,
General Counsel.

Mr. LEAHY. This response from a career lawyer in the Utah bar made before political pressure was ratcheted up to defend a Republican nominee, seemed pretty straightforward to me. That was almost 2 years ago and still Mr. Griffith has not taken the bar exam, has not made arrangements to take the bar and, according to his testimony in answer to my questions last month, has no intention of taking the bar and becoming a member of the Utah bar despite having practiced law there for 5 years.

In an interpretation worthy of the Queen of Hearts from Alice in Wonderland, Mr. Griffith and his supporters have defied logic and reason by turning Ms. Fox's letter upside down in an attempt to characterize it as something other than it is and to condone his conduct. If he will make this self-serving interpretation in this case, what makes anyone think that he will not be the same sort of ends-oriented judge that will twist facts and law in cases he rules on from the federal bench? Ms. Fox's recommendation that he "closely associate" himself with a Utah lawyer until he takes the bar and becomes a member of the bar was not offered as an indefinite safe harbor that permits him to violate Utah law. Ms. Fox's letter is being misused and mis-characterized as an invitation to flout the law. This is the kind of reinterpretation in one's own interest that characterizes judicial activism of the worst sort when employed by a judge.

Although he can point to no time before having read Ms. Fox's letter where he used the phrase "closely associate," and can show us no evidence that he arranged his work at BYU in accordance with this advice, Mr. Griffith has in hindsight tried to assert that he somehow always knew he needed to "closely associate" with Utah lawyers. Indeed, he variously responded to the committee that in his view he "closely associated" if he first gave legal advice to a University official in a private meeting and then sometime later told a member of his staff who was admitted to the Utah bar about it.

He points to former bar president John Adams' letter of June, 2004, and to Utah bar executive director John Baldwin's letter of July, 2004 as support for his position, but these letters do not bolster his case. First of all, each is written long after Mr. Griffith's inquiry of the bar, and long after Katherine Fox told him to take the bar, but conveniently provided by his friends and supporters in the summer of 2004 as the investigation into his bar membership was beginning. In any case, neither of the letters says anything to undermine Ms. Fox's letter. Indeed, the support letters only speak in the vaguest, most noncommittal terms. Mr. Adams says that Ms. Fox's letter "accurately answered your questions, and . . . recommended a course of action to follow in your work so long as you were not licensed in the State of Utah."

Mr. Baldwin's letter is even stronger, telling Mr. Griffith: "[T]hose who engage in the practice of law in Utah must be licensed by the Utah Supreme Court through the Utah State bar. There is no general counsel exception rule." Likewise, the letter Mr. Griffith produced from five former presidents of the Utah bar is of no effect. Aside from their obvious interest in supporting Senator HATCH's candidate who President Bush nominated and who is affiliated with one of the State's most powerful and influential institutions, their letter does not say much. They reiterate that there is no general counsel exception to the Utah bar membership rules, and say only that if a lawyer is not practicing Utah law he may closely associate himself with a Utah lawyer to do those parts of the job. They make no judgment about the sort of work Mr. Griffith is doing, or even whether, in their words, he "lived up to this standard" or whether his vague implementation of how he "closely associated" was ever explained to them, let alone whether they would have viewed it as passing muster.

The other person we know of who looked at this question for Mr. Griffith was a second-year law student he asked to research the Utah laws and practice on bar admissions regarding in-house counsel in January 2004. By that time, Mr. Griffith had already been practicing law in Utah for 4 years. One can suspect he made this request at that time because his subsequent nomination was then under consideration at the White House. According to Mr. Griffith, who now seeks to claim attorney-client privilege and refuses to provide the committee and the Senate with the materials, she did not definitively complete her research: "She recommended, therefore, that the safest course for a Utah corporation would be to ask its in-house lawyers to join the Utah bar." When we asked for the memorandum written by this law student, we were stonewalled by Griffith and BYU, which claimed privilege for this document. It is not clear to me why the university would be able to claim privilege for a document prepared in response to Mr. Griffith's personal problems with bar membership, or why once he himself revealed its contents we are not now entitled to see it. Nonetheless, we have not been able to see it.

But, whatever the status of the specific memo, it comes down to this: A second-year law student in a truncated research assignment had enough sense to recommend that in-house counsel join the Utah bar. If she had known that such in-house counsel admits to practicing law in Utah, I suspect her advice would have been even more definitive. Of course, that is the prudent course and the one consistent with Utah law. After 5 years, Mr. Griffith has refused to take the normal steps taken by scores of others every year in Utah and thousands of lawyers around the country and take the State's bar exam in order to gain admission to the State bar.

Mr. Griffith has offered nothing in the way of legal authority or analysis that might begin to refute the common-sense conclusion one must reach after an examination of the law. Mr. Griffith has been practicing law in Utah without a Utah license. His excuses to the contrary are insufficient and wrong. He admits that he is practicing law in Utah. He does not have a Utah license to do so. After 5 years, he would appear to be in violation of Utah Code Section 78-9-101, and Rule 5.5 of the Utah Rules of Professional Conduct. There is no "general counsel" or "in-house counsel" exception on which he can rely to justify his practice of law in Utah since 2000 without having become a member of the Utah bar.

In addition to that threshold matter of practicing law without being a member of the Utah bar, there are other reasons for serious concern about Mr. Griffith's fitness to be a member of the United States Court of Appeals for the District of Columbia Circuit. I have already alluded to his creative, "activist" reading of the facts in law in connection with his bar admission problems. In addition, he has spoken in Federalist Society circles of his judgment that President Clinton was properly impeached and that he would have voted for his conviction and removal from office. Given his role as Senate Legal Counsel at the time, these public musings are unseemly and unsound. Rather than campaigning for this nomination, Mr. Griffith would have better spent his time preparing for and taking the Utah bar exam.

His judgment is likewise brought into serious question by his views on title IX of our civil rights laws. This charter of fundamental fairness has been the engine for overcoming discrimination against women in education and the growth of women's athletics. I urge all Senators to think about our daughters and granddaughters, the pride we felt when the U.S. women's soccer team began winning gold medals and World Cups, the joy they see in young women with the opportunity to play basketball and ski and compete and grow.

With the recent reinterpretation of title IX being imposed by this administration in ways that will no doubt be challenged through the courts, we may now understand why the Bush administration sees the appointment of Mr. Griffith to the D.C. Circuit Court as such a priority. His narrow views on title IX were unveiled during his efforts as a member of the Bush administration Secretary of Education's Commission on Opportunity in Athletics, to constrict the impact of title IX. Does anyone doubt that he would rule that the Bush administration's revision through regulations should be upheld?

The U.S. Supreme Court recently decided that whistleblowers are protected in the title IX context. That was a close 5-4 decision in which Justice O'Connor wrote for the majority. Just the other day the Justices refused to hear a challenge to an appellate court decision that essentially found that title IX could not be blamed for cutbacks in men's athletic programs. These recent legal developments regarding title IX serve to remind us how important each of these lifetime appointments to the Federal courts is. In light of the record on this nomination, I am not prepared to take a chance on it and will vote against it.

It is my understanding we are voting at 10.

The PRESIDING OFFICER (Mr. VITTER). The Senator is correct.

Mr. LEAHY. Have the yeas and nays been requested?

The PRESIDING OFFICER. They have not yet been requested.

Mr. LEAHY. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent to be given equal time as the Senator from Vermont.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. I am sorry, I could not hear.

Mr. HATCH. I ask that I be given the same amount of time that the Senator from Vermont had to speak on Mr. Griffith.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, I probably would not object. I would point out that I was responding to the distinguished Republican leader who had spoken an equal amount of time on Mr. Griffith. I had spoken yesterday considerably less time, on the same nomination, than the distinguished senior Senator from Utah. I also know both the Republican and Democratic cloakrooms have notified their Members that we are going to vote at 10. There are a number of hearings that have been established based on that. As a matter of courtesy, I am not going to object, but I wanted the distinguished Senator from Utah to know I took the same amount of time the distinguished Republican leader did on the same thing, and overall less time than the distinguished Senator from Utah has taken. I will not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Mr. President, I appreciate my colleague not objecting, and I will limit myself to about half the time that he has taken this morning just out of courtesy to him.

I know Tom Griffith. We all know Tom Griffith. Tom Griffith was general counsel of the Senate. He served the Senate well. He did it in a nonpartisan way, even though he is a Republican. He helped all of us during the impeachment. Both sides acknowledge that he was terrific. He has all the academic and legal credentials necessary to fulfill this position. He is a person who is a consensus builder, someone who tries to get along with everybody and who, I think, will be perfect on this particular court.

So I hope everybody will vote for Tom. He is a member of our family. He served us all. As a general rule, in the past, people who have served us such as Tom Griffith has would pass this body 100 to zip. Unfortunately, we have had some very forceful partisan politics rear its ugly head in some of these judgeship issues, and from time to time it may have been on both sides, but in this particular case it has been all on one side.

I get a little tired of hearing the same arguments over and over again. The fact is, when President Bush 1 left office there were 54 holdovers with the Democrats in control of the Senate, and he only served 4 years. One could imagine how many there would have been if he served 8 years. The fact is, the all-time confirmation champion was Ronald Reagan who had 382 judges confirmed in his 8 years, but he had 6 years of a Republican Senate to help him. President Clinton got almost the same number, a total of 377, with only 2 years of his own party to help him.

As chairman of that committee, I know I did everything in my power to give the Clinton nominees an opportunity to get an up-or-down vote, and when they reached the floor I think virtually all of them got an up-or-down vote without any delays or filibusters.

The Clinton administration was treated very fairly. There were people left over at the end of his administration, and he had 8 years, no more than were left over basically when President Bush I left the Presidency.

Getting back to Tom Griffith, as most of my colleagues know, Tom served as Senate legal counsel for 4 years so many of us have had firsthand experience with him.

Because the D.C. Circuit reviews cases involving Federal statutes, regulations, and other important matter, this is a tough assignment. Many observers believe that the D.C. Circuit's jurisdiction makes it second in importance to that of the U.S. Supreme Court.

Tom Griffith is up to the task of sitting on this court.

At some length yesterday, I detailed his qualifications.

Time is short today, so I will make only a few summary comments.

In order to become the exceptional lawyer that he is today, Tom Griffith had to gain an exceptional educational foundation.

He accomplished this first as an undergraduate at my alma mater, Brigham Young University. He graduated summa cum laude and was the valedictorian of the BYU College of Humanities.

Tom then attended the University of Virginia School of Law, where he was a member of the law review.

Upon graduation, Tom joined the leading Charlotte, NC, law firm of Robinson, Bradshaw, and Hinson where he was an associate specializing in commercial litigation.

In 1989, Tom moved to Washington, DC, to become an associate, and then a partner, in the firm of Wiley, Rein and Fielding—by all accounts, a highly-regarded law firm.

He began his four year stint as Senate legal counsel in 1995 and served through the very challenging impeachment trial of President Clinton that concluded in early 1999.

Upon departing from the Senate, Tom returned to Wiley, Rein and Fielding for a period of time before he went to Utah in 2000 to serve as assistant to the president and general counsel of Brigham Young University. He serves in that capacity today.

This is a bare bones sketch of a distinguished professional career. Along the way, Tom Griffith has faced many challenges and he has impressed many with his legal skills.

Here is what associate dean and professor of law, Constance Lundberg, of the J. Reuben Clark School of Law has to say about Mr. Griffith:

> [Tom] is also a lawyer of unexcelled ability. He understands the differences between law and policy and has a deep understanding of the powers and prerogatives of each of the three branches of government. He is immensely fair and compassionate. The laws and Constitution of the United States could not be in better hands.

These comments do not stand alone in academic circles. Harvard Law Professor William Stuntz has said the following about Tom:

> I know a great many of talented men and women in America's legal profession. I have taught more than three thousand students at three top law schools, and I have friends scattered across the country in various kinds of law practice and in academics. I do not know anyone whom I would rather see on the federal bench than Tom Griffith. If he is confirmed, he will not be a good judge. He will be a great one.

I think that both of these professors have made assessments that we would be wise to take into account.

Over the past 10 years, Tom has demonstrated his commitment not only to the legal profession but to the broader justice system. He has volunteered a great deal of time in training judges and lawyers in Eastern Europe, impressing many, including Mark Ellis, the executive director of the International Bar Association, who had this to say about Tom Griffith:

> The duty of a judge is to administer justice according to the law, without fear or favor, and without regard to the wishes or policy of the governing majority. Tom Griffith will fervently adhere to this principle.

We in the Senate have ample evidence that Tom Griffith will place the law over partisan politics. Tom was Senate legal counsel during the Clinton impeachment trial and won praise from those on both sides of the aisle. Yesterday, I quoted from Senator DODD's speech in tribute to Tom on his departure from the Senate. Senator BENNETT, my colleague from Utah, has already explained the constructive role that Tom played in keeping the Senate together during the impeachment trial. I agree that the reputation of the Senate was enhanced rather than degraded through that time, in part because of the steady hand and solid guidance of Tom Griffith.

Few nominees that come before the Senate are as well-known by Senators as Tom Griffith and we know that he can handle complex problems in a charged atmosphere in a manner that brings consensus.

I think that the qualities that Tom displayed as Senate legal counsel are exactly those that we need on the Federal bench.

Many agree with this assessment. For example, here is what one of our Nation's leading appellate lawyers, the Clinton administration's Solicitor General Seth Waxman, had to say about Mr. Griffith:

> I have known Tom since he was Senate Legal Counsel and I was Solicitor General, and I have the highest regard for his integrity . . . For my part, I would stake most everything on his word alone. Litigants would be in good hands with a person of Tom Griffith's character as their judge.

This strong sentiment in favor of Tom Griffith's competence and character is shared, not surprisingly, by his former law partners and mentors. Fred Fielding, former White House Counsel to President Reagan and former chairman of the American Bar Association's Standing Committee on the Federal Judiciary, has described Tom Griffith as "a very special individual and a man possessed of the highest integrity. He is a fine professional who demands of himself the very best of his intellect and energies."

Another law partner of Mr. Griffith, Richard Wiley, has this to say about his qualifications:

> Tom is an outstanding lawyer, with keen judgment, congenial temperament and impeccable personal integrity. He would bring great expertise and fair-minded impartiality to the bench and, in my judgment, would be a considerable credit to the D.C. Circuit and the Federal Judiciary as a whole.

Tom Griffith has the education, experience, judgment, and character to make an outstanding member of the Federal judiciary. I commend President Bush for nominating an individual from Utah who has a proven track record as a lawyer and has strong bipartisan support.

In addition to this affirmative discussion of Tom Griffith's qualifications and bipartisan support, I do need to respond to the few arguments that have been raised against his nomination by some on the other side of the aisle.

First, my friend from Vermont, Senator LEAHY, referred to Mr. Griffith yesterday as someone who "admittedly practiced law illegally first in the District of Columbia and then in Utah." Mr. President, this statement is patently false.

Mr. Griffith has admitted no such thing because he did no such thing.

No court or administrative body, including no bar association, anywhere has ever concluded that Mr. Griffith has, in the Senator from Vermont's ill-chosen words, practiced law illegally.

Neither have they found that Mr. Griffith engaged in the unauthorized practice of law, either in the District of Columbia or in Utah.

Let me once again set this record straight with respect to both of these jurisdictions.

In 2001, Mr. Griffith discovered that his D.C. bar membership had been suspended for failing to pay his annual dues. As soon as he became aware of the problem, he rectified it. He paid his dues in full and was promptly reinstated as a bar member in good standing.

He remains a member in good standing today.

This matter involving Mr. Griffith's bar dues does involve several unfortunate mistakes. In the early 1990s, Mr. Griffith worked for a large law firm in Washington and became accustomed to the firm's practice of paying its attorneys' bar dues.

When he returned to that firm following his service as Senate legal counsel, he wrongly assumed the firm was once again paying his bar dues. He accepts full responsibility for the oversights and, as I said, is today a member in good standing.

Mr. President, the only, I repeat, the only question is whether this error was anything other than inadvertent. And Mr. Griffith has answered that question with a clear and resounding no. No one, including the Senator from Vermont, has offered a shred of evidence to suggest otherwise.

Each year, more than 3000 lawyers in the District of Columbia alone—and, I understand, a number of sitting judges—similarly see their law license suspended for failure to pay bar dues.

As in Mr. Griffith's situation, this is an administrative suspension, not a disciplinary suspension.

Despite the rhetoric from the Senator from Vermont, we do not have thousands and thousands of lawyers practicing illegally in the Nation's Capital.

In a letter to the Judiciary Committee dated June 14, 2004, former ABA Presidents Bill Ide and Sandy D'Alemberte wrote:

> By immediately paying his dues when he became aware of the oversight, Tom took the proper course of action. According to D.C. bar counsel, such an oversight is entirely common and of no major concern.

Yesterday the Senator from Vermont was trying to turn something entirely common and of no major concern into something untoward and of very grave concern. It will not work.

The story is no different with respect to the Utah chapter of this story.

Mr. Griffith graduated from the University of Virginia School of Law and practiced law in North Carolina and Washington, DC, for 15 years, including service as Senate legal counsel.

The position he accepted of general counsel of Brigham Young University was very different, in both content and location, than his previous experience. He consulted with Utah attorneys requiring Utah's requirement for in-house counsel, and he has always complied with the advice he has received in this regard.

Simply put, the advice he received was that he need not become a member of the Utah bar, so long as he worked with a bar member when engaged in legal practice activities. No one, including the Senator from Vermont, has documented that he has not met this standard.

In a letter to the Judiciary Committee dated June 28, 2004, five former presidents of the Utah bar affirmed that "a general counsel working in the state of Utah need not be a member of the Utah bar provided that when giving legal advice to his or her employer that he or she does so in conjunction with an associated attorney who is an active member of the Utah bar."

In a letter dated July 2, 2004, John Baldwin, executive director of the Utah bar, similarly affirmed that "those who follow that advice are not engaged in the unauthorized practice of law."

Mr. Griffith not only complied with the letter of the advice he received, his actions are consistent with the spirit of that advice as well.

In a letter to the editor of the New York Times dated July 4, 2004, law professors and legal ethics experts Monroe Freedman of Hofstra University and Thomas Morgan of George Washington University, emphasized that the requirement of bar membership is not a rule of legal ethics. Rather, it assures the public—those to whom lawyers offer their services—that lawyers are competent.

Their letter states:

> The requirement of membership in a particular bar is not in itself a rule of ethical professional conduct, but a lawyer's guild rule . . . designed to restrict competition . . . At best, the requirement of a license is intended to assure that one who holds himself out to the public as a lawyer is indeed competent to serve as a lawyer. In that regard, there is no question about Mr. Griffith's competence, which is the only ethical issue that is material.

Obviously, this does not apply to an in-house counsel who does not hold himself out to the public. Brigham Young University, Mr. Griffith's employer, was well aware that he was not a bar member and was thoroughly satisfied with both his status and his service.

The unsubstantiated charge that Mr. Griffith has practiced law without a license is pure hokum. Or as I explained yesterday, in the opinion of Abner Mikva, a former Democratic Congressman, White House Counsel to President Clinton, and former Chief Judge of the D.C. Circuit, this charge amounts to "a whole lot of nothing."

Judge Mikva has it right. My friend from Vermont is simply wrong.

The other area of criticism involves Mr. Griffith's views on title IX, a statutory provision which provides equal opportunities for women in college sports. Tom has proven that he is a strong supporter of title IX and women's rights.

In fact, he was appointed to the Secretary of Education's Commission on Opportunity in Athletics by Rod Paige in part because of his outspoken support of title IX's objectives.

In response to written questions from members of the Judiciary Committee, Tom Griffith expressed his personal convictions about title IX. He wrote:

> I am deeply committed to Title IX in particular and to expanding and advancing opportunities for women in all areas of our society. I am committed to that because it is the right thing to do. But it is also personal for me. I am the father of five daughters and a son. My entire adult life, I have been an outspoken advocate for expanding opportunities for women in part because it means more opportunities for my daughters and a better society for my son. Those who know me best know that about me.

Let us consider what those who know Tom Griffith say in this regard. Brian Jones, former title IX commissioner and general counsel of the Department of Education, said:

> During the Commission's months of deliberation it was quite clear that every member of the Commission—including Tom—strongly supports Title IX and is immensely proud of the progress brought about by its passage. . . . Tom was consistently a member of the Commission who was not only willing but also eager to engage every commissioner's opinions—listening and deliberating in a thoughtful manner, in a sincere effort to bridge disagreements and seek consensus where possible.

Graham Spanier, president of Penn State University and another former title IX commissioner, had this to say:

> During the many months that Mr. Griffith served on the Commission charged with reviewing Title IX, I found him to be supportive of the law that established Title IX. He was, in fact, outspoken in his support for the law while thoughtfully reflecting on matters of interpretation and commenting on potential refinements to enforcement protocols. . . . During our work, Mr. Griffith

stated his belief that Title IX was one of the great landmarks in civil rights in our Nation.

Ted Leland, former cochair of the title IX commission and director of athletics at Stanford University, affirms Tom's clear commitment to title IX:

> During our numerous public meetings, I found Mr. Griffith not only a diligent commission member, but a staunch supporter of Title IX.

The list goes on, but because these baseless allegations linger, I want to also offer the views of Tom's colleagues at Brigham Young University. The executive director of BYU Women's Athletics, Elaine Michaelis, applauded Tom's efforts:

> Tom has been very supportive of our women's athletic program, the coaches, and the athletes. I believe that he is committed to women and minorities and to fairness in all aspects of the law.

B.R. Siegfried, an associate professor of English literature and Women's studies at BYU, said the following:

> I am an especially fierce advocate of equality for women, and of the civil liberties that lend themselves to the expansion and development of women's opportunities. . . . Tom is and has been a steadfast and enthusiastic advocate for women. In a local context in which there is tremendous social pressure to gloss over gender issues, he has spoken out repeatedly in support of fairness and justice. His support has been constant and resolute, and his words are founded on deeds of practical service.

As a member of a commission overseeing a review of title IX's application, Tom recommended some changes. He is the kind of person to take such a role seriously; I am sure he did not consider it sufficient to fill a chair and not bring his considerable judgment, insight, and experience to bear in a constructive way.

In some respects, however, Tom's recommendations are beside the point. As the many lawyers who now serve here in the Senate, lawyers wear many different hats over the course of their careers.

When Stephen Breyer, for example, was chief counsel to my friend, the Senator from Massachusetts, believe me, we did not always see eye to eye on issues. But when he was nominated to the U.S. Court of Appeals and later to the Supreme Court, I was confident that he would be able to put politics aside, apply the law to the facts, and make fair and objective judgments.

I hope there is no partisan double-standard at work here. Tom Griffith is also a fair, reasonable, and accomplished lawyer who has served us well here in the Senate and who will properly move into a judicial role. There is no justification for treating him differently because he happens to be the nominee of a Republican President.

Now let's address Tom's supposedly radical policy views. The Office of Civil Rights at the Department of Education uses a three prong test to determine an educational institution's adherence to title IX. That test requires that an institution demonstrate one of the following: that the male to female ratio of athletes is substantially proportionate to the male to female ratio of student enrollment; that the institution has a continuing practice of program expansion for members of the under-represented gender; or that the institution is fully and effectively accommodating the athletic interests and abilities of the under represented gender.

The first prong, the substantial proportionality test, has been designated by the Office of Civil Rights as a safe harbor. If an institution meets the requirements of a numeric formula, the university can avoid liability under title IX. The commission found that many institutions have transformed substantial proportionality into strict proportionality.

The problem represented by this legalese is clear. This automatic adherence to a numeric formula means that a quota system has been established. Regardless of the number of young women interested in collegiate sports, colleges and universities must offer equal numbers of athletic slots.

This is a radical revision of title IX's intention, which was to provide equal opportunity for participation in college sports, not equal results.

The perverse result of shifting from equal opportunity to equal results has been documented on numerous occasions. It has required closing down men's sports teams in swimming, wrestling, gymnastics, and baseball. In 1999, for example, Providence College cut its 78-year-old baseball program to bring it within the proportionality requirement.

In 1996, California State University at Bakersfield's wrestling program, a two-time PAC 10 champion, was eliminated to conform to the proportionality requirement. A General Accounting Office study found that from 1985–86 to 1996–97, no less than 21,000 male athletic spots disappeared, a 12-percent drop overall.

Carol Zaleski, the former president and executive director of USA Swimming, had this to say:

> The unfortunate truth is that Title IX has evolved into something never intended. The act was intended to expand opportunity. The interpretation by the Office of Civil Rights and the evolved enforcement has turned into a quota system. Title IX is a good law with bad interpretation.

Tom Griffith argued that while such rigid numerical quotas may be easy to administer, they fail actually to provide women with more athletic opportunities and that using this quota went beyond the powers Congress had allocated to the Department of Education.

Tom has hardly been the only individual opposed to this quota approach. Our former colleague, Senator Birch Bayh of Indiana, said:

> The word quota does not appear [in Title IX]. . . . What we were really looking for was equal opportunity for young women and for girls in the educational system.

Despite divergent views over the best application of the law, Tom Griffith wholeheartedly joined the recommendations of the commission to strengthen title IX and ensure that the test did not simply become a quota. Specifically, he joined recommendations calling for clearer guidelines for implementation of title IX and a method of "demonstrating compliance with Title IX's participation requirement that treats each part of the [three-part] test equally."

The question here is not whether Tom Griffith agrees with a particular policy evaluation. The real question is whether he supports women's rights and is committed to equal opportunity. The answer to that is a resounding answer is yes.

Three Associate Deans at Brigham Young University Law—Constance Lundberg, Katherine Lund and Mary Hoagland—wrote to me and had this to say about Tom Griffith:

> In specific instances of which we have personal knowledge, [Mr. Griffith] has fought for the promotion and recognition of women, including ethnic minorities. His support has been vigorous even when faced with substantial administrative roadblocks. . . . In our experience, some men in similar roles are not comfortable working with women as colleagues. Tom, on the other hand, seeks out and respects women's opinions. Indeed, if every person in university administration were as evenhanded on gender issues as Tom, Title IX and other ameliorative measures would be moot.

In both of these areas of criticism—whether he engaged in the unauthorized practice of law and whether he supports equal opportunity for women—the pattern is the same. The allegations bear no relationship whatsoever to the facts, and those who know Tom Griffith best and have worked with him most strongly support his nomination to the U.S. Court of Appeals.

I do think that this nominee has been treated badly, and I hope Senators will do the right thing and allow him to take this very important position. He will be a consensus builder and will work to make sure the law is implemented as the law was intended to be.

At one time, when another person was being nominated for this position, I had those in the minority say: You ought to nominate Griffith. Some of the chief staff people said: Why not nominate Tom Griffith? These senior staff members said that Tom would be a slam dunk because everybody knows how great he is and what a good person he is.

Well, I fought to get him nominated all the way to the White House itself. Almost immediately after he was nominated, we instead hear some of these ridiculous arguments that, if not frivolous, certainly off the mark. What is important is we have a man of integrity, ability, and capacity who could fulfill this position in a way that might bring other people together. We all know it because we have seen him for four solid years right here in the Senate doing the Senate's business.

I appreciate my colleagues on the other side, and especially those who are willing to vote for Tom Griffith. I think he deserves their vote. He deserves the vote of all of us, and I hope everybody in this body will give him a fair vote today.

Mr. FEINGOLD. Mr. President, I will vote no on the nomination of Thomas Griffith to be a Judge on the D.C. Circuit Court of Appeals.

The D.C. Circuit is widely regarded as the most important Federal circuit. It has jurisdiction over the actions of most Federal agencies. Many of the highest profile cases that have been decided in recent years by the Supreme Court concerning regulation of economic activity by federal agencies in areas such as the environment, health and safety regulation, and labor law, went first to the D.C. Circuit. In the area of administrative law and the interpretation of the major regulatory statutes such as the Clean Air Act, the Clean Water Act, the Occupational Safety and Health Act, and the National Labor Relations Act, the D.C. Circuit is often the last word, as the Supreme Court reviews only a tiny minority of circuit court decisions.

After the confirmation of Judge Janice Rogers Brown last week, there are 6 judges on the D.C. Circuit who were appointed by Republican Presidents, and four by Democrats, and there are two vacancies. President Clinton, of course, made two nominations that were never acted upon by the Senate Judiciary Committee. In one case, the committee held a hearing but never scheduled a vote on attorney Alan Snyder, and in another case, Clinton nominee and now Harvard Law School Dean Elena Kagan wasn't even given the courtesy of a hearing.

I am disappointed that the Bush administration has not been willing to seek a compromise on judicial nominees, and on this circuit in particular. At the beginning of President Bush's first term, there were enough vacancies to accommodate the two nominations by President Clinton who were treated so badly in the 106th Congress and allow President Bush to nominate additional judges to the circuit. The administration squandered an opportunity to change the tone and repair some of the damage done to the nomination process by previous Congresses.

In light of this history, and the importance of this circuit, I believe it is my duty to give this nomination very close scrutiny. After reviewing Mr. Griffith's record and his testimony at two different Judiciary Committee hearings, I do not believe he should be confirmed to a lifetime appointment to this important court. Let me take a few minutes to outline the concerns that have caused me to reach this conclusion.

Mr. Griffith's adherence to professional rules of conduct and State laws regarding bar membership has been less than scrupulous. In the District of Columbia, Mr. Griffith twice was administratively suspended for failure to pay his bar dues, one time for over 3 years. During that time, Mr. Griffith continued to practice law in the District and then in Utah. This might not be all that troubling if he had later been honest about the administrative suspensions he received for failure to pay his dues. Instead, Mr. Griffith failed to note those suspensions in answering two separate questions on his Utah bar application in November 2003.

First, he answered "no" when asked if he had "ever been disbarred, suspended, censured, sanctioned, disciplined, or otherwise reprimanded or disqualified, whether publicly or privately, as an attorney." At his hearing before the Judiciary Committee, Mr. Griffith claimed that he interpreted the question as referring only to disciplinary suspensions, and that he considered his suspension from the D.C. bar to be administrative. Given the clear language of the question, and the fact that the application gives an applicant the opportunity to explain a yes answer, Mr. Griffith's no response is cause for concern.

In addition, Mr. Griffith answered yes when asked whether he had "ever given legal advice and/or held himself out as an attorney, lawyer, or legal counselor in the state of Utah." He stated:

> Since August 2000, I have served as Assistant to the President and General Counsel at [BYU]. When called up to act in my capacity as an attorney, I have done so as a member of the bar of the District of Columbia.

At the time he answered this question in 2003, Mr. Griffith certainly was aware that his license in D.C. had been suspended from November 1998 to November 2001.

Even more disturbingly, Mr. Griffith has practiced law in Utah without a Utah law license, and still does so to this day. Utah law does not provide that in-house counsel do not need to obtain a Utah law license. Yet Mr. Griffith failed to seek guidance from the Utah bar for almost three years on what he could and could not do without a Utah law license when he began working for BYU. Instead, according to this testimony, Mr. Griffith relied on his own professional experience and discussions with other in-house counsel in Utah. None of these people told him such an exception existed, yet he did not make inquiries to the bar until 2003. In 2003, Mr. Griffith received a letter from Katherine Fox, general counsel to the Utah bar, which indicated that he should limit himself to work that would not constitute the practice of law, and if he had to practice law, he should do so only in close association with members of the Utah bar. She also advised him to sit for the bar exam as soon as possible, and warned him that lawyers who have practiced in the state without a Utah license have later had difficultly obtaining such a license.

Since he received that letter, Mr. Griffith has had four opportunities to sit for the Utah bar, but has instead insisted that he may practice law in Utah without a law license so long as he works in close association with members of the Utah bar. He made it abundantly clear at his second hearing that he does not intend to sit for the Utah bar exam. I suppose that since he is now about to be confirmed to a D.C. Circuit seat for life, he won't have to. But his attitude toward a basic responsibility of every practicing lawyer was disturbing.

In response to these concerns, Mr. Griffith stated at his hearing that from the very beginning of his work as general counsel at BYU he has worked in close association with attorneys in his office who were licensed to practice in Utah. When I questioned him about his adherence to this close association requirement during his time in Utah, I was troubled by what I learned. Although Mr. Griffith insists that he has always worked in close association with members of the Utah bar when dispensing legal advice, he can provide no documentation of that practice whatsoever. It is not even clear how Mr. Griffith interprets the close association requirement. He testified, for example, that he does not require a licensed member of the Utah bar to be present on phone calls where he dispensed legal advice.

Mr. Griffith's failure to document his close association with other attorneys is disturbing and revealing, in light of the letter from Katherine Fox, which warned him about the consequences that practicing law without a license might have on his eventual application to the bar. It also makes it even more difficult to believe that when he began working for BYU he was aware of the issue and was taking steps to ensure he involved members of the Utah bar in activities that would be considered giving legal advice.

Mr. Griffith did submit several letters written beginning last summer from current and former officers of the Utah bar, to support his position that he has not violated bar rules so long as he works in close association with members of the Utah bar. These letters were written, however, long after Mr. Griffith approached the bar about a general counsel exception, and long after he received notice from Ms. Fox of the Utah bar's position on it. Furthermore, these letters reiterate that there is no general counsel exception to the requirement that a lawyer practicing law in Utah must be a member of the Utah bar.

Mr. Griffith's entire approach to the issue of his Utah bar membership has been to suggest that he knew all along what he was doing and took care to avoid any improper conduct. But a prudent and careful person, aware of and being careful to abide by restrictions on his activities, would have documented his actions. It seems clear to me that much of Mr. Griffith's argument is simply a post hoc rationalization. He has chosen to stick to his story and try and convince the Senate that he was fully aware of the Utah license issue from the beginning and acted at all times in accordance with part of the advice he received only in 2003. I find Mr. Griffith's explanations not credible and disdainful of his professional obligations. This is not the kind of conduct that the public has a right to expect from someone who will sit on the second most important court in the land.

Mr. President, I am not predisposed to vote against judicial nominees. In fact, I have voted for over 90 percent of this President's choices. Mr. Griffith served the Senate with distinction, and his foremost supporter is the former chairman of the Judiciary Committee, for whom I have great regard. But we have an affirmative duty to place on the bench judges who adhere to the ethical standards of the legal profession. I am not satisfied that Mr. Griffith meets that test, and I will vote no.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Thomas B. Griffith, of Utah, to be United States Circuit Judge for the District of Columbia? The yeas and nays have been ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Pennsylvania, (Mr. SPECTER).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 24, as follows:

[Rollcall Vote No. 136 Ex.]

YEAS—73

Alexander
Allard
Allen
Baucus
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kohl
Kyl
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reid
Roberts
Schumer
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—24

Akaka
Bayh
Boxer
Byrd
Cantwell
Clinton
Corzine
Dayton
Feingold
Harkin
Johnson
Kennedy
Kerry
Landrieu
Lautenberg
Leahy
Mikulski
Murray
Reed
Rockefeller
Salazar
Sarbanes
Stabenow
Wyden

NOT VOTING—3

Jeffords
Santorum
Specter

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Democratic leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, what is the issue before the Senate?

The PRESIDING OFFICER. The Chair was about to lay down the Energy bill.

Mr. REID. It is my understanding the Senator from Nebraska wishes to speak for 3 minutes as in morning business prior to turning to the Energy bill. I ask consent that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

230TH BIRTHDAY OF THE ARMY

Mr. HAGEL. Mr. President, I rise this morning to wish the U.S. Army happy birthday. It was 230 years ago today, June 14, 1775, that the Continental Army of the United States was born. Over the past 230 years, millions of men and women have served in the oldest branch of our Armed Forces. Their honor, courage, sacrifice, and service are woven into the culture of this great, country.

The principles of duty, honor, and country have been the foundation of our Army and of our country. Their honor, their courage, their sacrifice, and service are woven into the culture of this great Nation. It is America. Every generation of Americans who have served in the U.S. Army, from the Continental Army to our fighting men and women serving today in Iraq and Afghanistan, have been shaped by these principles, have molded lives in ways that are hard to explain.

Just as the U.S. Army has touched our national life and history, it has touched the lives of citizens of the world.

The U.S. Army has protected American values of liberty, freedom, and democracy and made the world a more secure, prosperous, and better place for all mankind.

It is only appropriate we recognize the monumental contributions of this great institution, contributions to America and the world.

On this 230th birthday of the U.S. Army, we also recognize and thank those who have sacrificed and served. We thank their families. Their examples are an inspiration to those who have had the privilege to serve in the U.S. Army. They will continue to inspire future generations.

On this, the 230th birthday of the Army, I say happy birthday to the Army. In the great, rich tradition of the U.S. Army, and as a proud U.S. Army veteran, I proclaim my annual Senate floor "hoo-haw."

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, as the senior Senator from Nebraska said, today, June 14, is the 230th birthday of the U.S. Army.

Although we commend the service of the men and women of all branches, Active Duty and Reserve components, on this day the Senate Army Caucus, which I cochair with my colleague, Senator AKAKA, particularly celebrates the soldiers of the U.S. Army as they answer the Nation's call to duty.

These brave men and women are giving something back to their country every day through the sacrifices they and their families make. Mr. President, 230 years ago, the Army was established to defend our Nation. Today, its mission remains the same as throughout the Army's history. America's soldiers have always answered the call to end tyranny, free the oppressed, and light the path to democracy.

As citizens and lawmakers, we appreciate our freedoms and our inalienable rights of life, liberty, and the pursuit of happiness. But we know our freedoms are not free and should not be taken for granted. The men and women of the Army and the other branches of the Armed Forces shoulder the load of being on freedom's frontier, defending our very way of life.

On this day, it would be easy for us as citizens of this great Nation to take for granted our God-given rights. In our daily routines, we all too often overlook the selfless commitment the American soldier is making to protect our national interests and freedoms around the globe in over 120 countries. Each mission is contributing to our safety and well-being here at home. For this reason, we should remember that June 14 is the day the U.S. Army was established and celebrates its birthday.

The men and women serving in the U.S. Army embody the ideals set forth in the Soldier's Creed and Warrior Ethos. They have the unwavering belief that they will be victorious in whatever they do. This belief stems from knowing that the American people support them, and from the confidence they have in their leaders at every level. They are well equipped and well led, and they will perform their sacred duty. Just listen to these words our soldiers live by every day:

I will always place the mission first.
I will never accept defeat.
I will never quit.
I will never leave a fallen comrade.

It is kind of interesting. Many years ago, I served in the U.S. Army. It is the same thing we said at that time. We have been living those words not just since the time I was in the Army but for 230 years. Both Senator AKAKA and I, the cochairmen of the Senate Army Caucus, were soldiers in the U.S. Army. The principles we learned then—the timeless principles of discipline, pride, integrity, honor, and sacrifice—have helped guide us throughout our lives. They still characterize the Army today.

So on behalf of Senator AKAKA and the rest of the Senate Army Caucus, I wish the U.S. Army a happy 230th birthday.

I yield the floor.

Mr. AKAKA. Mr. President, I rise today to commemorate the birthday of the United States Army. The Army celebrates 230 years of service to our great Nation on June 14. On this momentous occasion, I ask that we all pause to pay tribute to the fine men and women of the Army who have served both around the world and at home during the U.S. Army's distinguished history. During the history of the U.S. Army, the battlefield location has changed and the warfighting technology has changed, but the spirit of the men and women of the U.S. Army has remained as consistent as the cause that they fight for—to protect, defend, and promote freedom at home and abroad. The selfless service given by each and every member of the U.S. Army is an inspiration to us all.

Mr. SESSIONS. Mr. President, 230 years ago on, June 14, 1775, our Founding Fathers formed the United States Army. The Continental Army emerged in the midst of a war for liberty and freedom.

Today, America's Army, serving worldwide in a global war on terror, is once again deeply engaged in fighting tyranny and ensuring the light of liberty shines around the world. It too is transforming just as it did in 1775.

The Nation stands united on the 230th birthday of the U.S. Army supporting our soldiers deployed around the globe. Each and every one a volunteer, who left behind the comforts of home to serve their fellow citizens and the Nation. Their courage, compassion, and selfless devotion to duty stand as clear examples to all of us and to nations the world over.

The American soldier has always been the centerpiece of the Nation's defense. Today, the focus remains as it always has: every soldier is a link to those past heroes. Moreover, our modern warfighters remain the preeminent land combat force in the world.

From Bunker Hill to New Orleans, from Gettysburg to the Marne, from North Africa and the beaches of Normandy to Inchon and the Ia Drang, from Desert Storm to Operations Enduring Freedom and Iraqi Freedom, the American soldier: brave, professional and determined has taken the field of battle in defense of those who hunger for freedom.

In light of the new threats of this century, the U.S. Army is transforming itself once again to remain on the leading edge of warfighting technology and combat skill. The change from musket to rifle, from horse to motorized vehicle, from aircraft to missiles has in the past 230 years demonstrated the resolve of our Army and its leaders to adapt in the face of change. New units of action, enhanced global mobility, infusion of precision weapons, and the responsiveness found in Army UAVs along with real-time sharing of intelligence and information are the hallmarks of the U.S. Army today. What will never change is the courage, determination, and professionalism of the ultimate weapon in the Nation's arsenal: the American soldier.

No tribute to our men and women in uniform, whether they are from Alabama or elsewhere, would be complete without mentioning their families. America salutes our military families and the silent burden they bear when their loved ones: husbands and wives, fathers and mothers or sons and daughters are called away to distant shores to defend this great Nation and our way of life. The love and support our soldier's families provide gives each soldier the comfort and respite from the danger and long hours spent away.

As Americans, completing life's daily tasks, we should be ever mindful that the peace and freedom we enjoy in this great Nation were secured time and time again by the valor of countless soldiers serving around the globe over the past 230 years.

From forward positions in Korea to the streets of Baghdad to the mountains of Afghanistan soldiers stand ready at their posts. They continue to guarantee the peace that has been handed down from generation to generation of Americans. We should be proud and humbled by the standards set and the sacrifices borne by these Americans.

Happy 230th Birthday United States Army. May your successes be many and your burdens light. General Patton once said, "Wars may be fought with weapons, but they are won by men. It is the spirit of men who follow and of the man who leads that gains the victory." So it was in Patton's time, so it is today. Ours is the greatest Army ever fielded because of the men and women who wear its uniform make it so.

The PRESIDING OFFICER. The minority leader is recognized.

UNANIMOUS CONSENT REQUEST—H.R. 6

Mr. REID. Mr. President, the ranking member is in the Finance Committee at a very important meeting dealing with CAFTA. He is going to return as soon as the distinguished chairman of the committee makes his opening statement. I ask unanimous consent that the first two amendments in order be the one I would define as the ethanol amendment—I do not know who is going to offer that. Who on your side will offer that, I ask Senator DOMENICI?

Mr. DOMENICI. We think it will be Senator INHOFE, but leave it up to the manager to decide.

Mr. REID. I ask that the next amendment in order be that of Senator CANTWELL of Washington.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON of Florida. Reserving the right to object, respectfully, I would request of the Democratic leader, would there be an opportunity under his unanimous consent request that I be allowed to make an opening statement after the two managers of the bill have made their opening statements?

Mr. REID. Mr. President, I think that would be totally appropriate. I would ask—the amendments we are talking about would be first-degree amendments.

Mr. DOMENICI. Mr. President, I do not want the Senator to misunderstand, but I am going to object to the request, not because I do not want that to be the order. I would like very much to understand that is probably going to be the order, but I do not want to lock it in that way right now.

What we are going to do, if the distinguished minority leader agrees, is I will make an opening statement. If, in fact, Senator BINGAMAN is ready, somebody will get him here to make his, and then, if the Senator from Florida desires, we will let him proceed. Then we will work with you to get the other two amendments lined up.

The reason I say that, I say to the Senator, is there is going to be a long debate and many amendments with reference to ethanol, and I would like to get it out here and see how it is going. It will be ready pretty soon. Then you will be right after that in order, as we have been discussing. I hope that is satisfactory.

The PRESIDING OFFICER. Objection is heard.

The Democratic leader is recognized.

Mr. REID. Mr. President, has the bill been laid down yet?

The PRESIDING OFFICER. It has not.

ENERGY POLICY ACT OF 2005

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will proceed to the consideration of H.R. 6, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, so the Senate will have an idea what we are trying to do, the first amendment we are trying to offer up is in the process of being completed in a bipartisan manner, the ethanol amendment. We don't know exactly when that will be ready. It looks as though they are working on the last clearances or clarification of words. I was told a while ago it may be an hour, it may be less. That will give us a chance to speak. In Senator BINGAMAN's absence, we agreed that after our statements, Senator NELSON will speak.

Mr. President, I think the most important thing to start with here is that this bill before us cleared the Energy and Natural Resources Committee, after years of stalemate, by a rather incredible vote of 21 to 1. Some would think perhaps that doesn't mean a great deal. But to the Senator from New Mexico, as chairman of this committee, I think it is very important. I think it means that, for once, Republicans and Democrats have seen an American problem of real significance and have tried very, very hard to see if they could cooperate at every level, with every amendment, and give everybody a chance to argue, present, win, lose, and produce a bill.

I will start by saying that is one of the big differences between why we are here today and what we are here about. I think it means that eventually the American people and their great concern finally bubbles up, and I hope partisanship disappears and we try to get a bill. Partisanship might not be over because when you get to the floor, there is still a chance to be partisan, and that is all right. The thing is, we want very much—and I use "we" because I speak for my friend, Senator BINGAMAN—to get a bill. That means the Senate is going to have a lot of time but perhaps not as much as last time or the time before, when we had literally hundreds of amendments left when we finished debate. And only through good fortune were we able to go to conference, in a very unordinary way, and we lost on the floor for reasons that the Chair and others understand.

Having said that, let me say there is no question that this great country, with this rather fantastic economy, with its leadership role in terms of security, is in a position where we need a bill that enhances America's energy supply, maximizes conservation, and that produces clean energy. So what we are talking about is an American Clean Energy Act that will produce security of supply, affordability and, ultimately, national security and prosperity.

It sounds as though that is a rather auspicious hope for a bill, and I am not here saying everything about it is perfect, nor am I saying some could not find ways to criticize it and say that perhaps it could be done a better way. But remember, we are in the Senate, where Senators have to get a chance to work their will, where there is a myriad of ideas about how America should move through this very, very difficult time.

I want to say right up front that I wish we were here saying we could go back 25 years and make some big changes so we were not having such a serious problem with reference to crude oil and the requirement that we import so much. Of that importation, a huge amount, 75 percent, goes to transportation. Americans should know that means automobiles, that means SUVs, trucks, and everything that has to do with moving us around. We decided years ago that cheap oil, even if it came from overseas, should come to America and feed this desire for prosperity and mobility and transportation, which was one of our ways of providing our freedom. Now, 25 to 30 years later, we are in one gigantic bind, in that we cannot produce enough oil to meet this need.

As a matter of fact, today, as we stand here, the United States has diminished regularly its ability to produce the quantity of oil that it produces so that in the world we are no longer a major producer; we are No. 6. If you look out in the world, we are the sixth largest producer—and fading. There is nothing we can do about it, in terms of gigantic steps forward. We can, and this bill attempts to, enhance our ability to produce oil on American soil, where oil exists. We attempt to create a better format for permitting and drilling and acquiring American oil, and then, as an aside, there will be a major debate later—not on this bill—as to what we do, if anything, with the oil of America that is in Alaska, which we frequently call and discuss as "ANWR".

Nonetheless, in this bill, we have tried, with a degree of reasonableness, to say we are going to insist that we save 1 million barrels of oil a year, as far as what we use, by saying to the President: You use whatever means at your disposal to save a million barrels. And we give him that authority. Anybody who thinks we can do way more than that—I hope everybody understands that that is a discussion that doesn't have a great deal of merit, and it is beyond the realm of the responsible and reality.

Having said that, in addition to that 1 million barrels, this bill is laden with opportunities for additional savings because we are promoting hybrid cars, and I am sure the tax bill, which would be attached to this, will further enhance the use of hybrid cars, which is a great energy saver.

In addition, while some are critical, we will produce a very major ethanol bill before we are finished. The finishing touches are being put on it now. That particular bill will say to America, produce the maximum amount of ethanol, and ethanol will be used to mix with derivatives of crude oil and, yes, indeed, that will have a tremendous impact on how much oil we have to import from overseas from foreign countries. I will get to the specifics on that shortly.

At the same time, that particular aspect of the bill produces a lot of jobs. As a matter of fact, as I spoke of this bill at the inception and I spoke about prosperity, I spoke about security, I should have said to Americans it also will produce jobs because, with an abundance of energy, we are more competitive; with an abundance of alternative sources of energy, we get stronger in terms of our ability to compete, which means this is a jobs bill.

So it is a jobs bill, a security bill, a clean air bill, and a clean energy bill. Add all of that up, it is a tremendous step forward for the United States.

I will speak for a minute about one of the most important commodities that we use in the United States: it is that marvelous product called natural gas. We are very grateful and fortunate in America that we do produce a lot of our own natural gas, but I regret to say that we have begun to use it in such abundance because we started about 8, 9, or 10 years ago putting natural gas in all of our new electric powerplants.

Understand that powerplants in America and in the world produce electricity that goes into a grid that is distributed out. If anyone is wondering how important it is, turn on the lights, and that is electricity that came from some far away power company. In the United States, powerplants receive their basic energizing from a number of sources. Currently, 20.5 percent of America's energy comes from nuclear power. We have not built a new nuclear power plant in almost two decades. Energy from nuclear power is undergoing a renaissance. It is beginning to percolate up as something that many more people think is a real, bona fide source of electricity and energy for the future.

I am well aware that the occupant of the chair, the distinguished junior Senator from New Hampshire, is a staunch proponent of nuclear power. I recall vividly his father, who had been Governor of the granite State many years ago, discussing with this Senator way before people were talking about it that we ought to move ahead with nuclear power. That is one source.

This bill, in a number of ways—and when the tax bill is finished and gets before us, that will finish the requirements—will push us in the direction of saying let us move ahead with nuclear power, provided we follow all of the rules, regulations, and laws because we have concluded that it is as safe, if not safer, than any other source of energy.

In addition, this bill would be a producer of clean energy. Nuclear is one of them. Secondly, we are a country while on the one hand not so blessed because we use so much crude oil and do not have enough, we are a country that is laden with coal. Right now the largest source of electricity produced in America comes from coal.

In numerous ways, this bill is a boost and sends a real powerful signal that we want to invest in new technology to produce clean coal for clean powerplants. We even provide incentives for the production of new coal transformation plants where we will begin to produce clean energy and capture the carbon that is one of the negative aspects of burning coal today.

Harkening back to natural gas, this bill does another very important thing. We must bring down over time, if we can, the price of natural gas. People wonder what we can do in other areas, but natural gas is a feedstock in America. It is fertilizer, it is jobs, it is agriculture, it is the feedstock for many other products in our country. I believe we are paying the highest price in the world today for natural gas.

In this bill, we provide for a better way to site and locate liquefied natural gas—commonly called LNG—ports in the United States. We say they cannot be delayed indefinitely. If they are safe, then the Federal Government ultimately can get involved and see that we do them. It is important that we do that.

I did not mention everything. There are so many other aspects of this bill, but I want to talk about conservation because there are some who do not think conservation is the kind of thing that is important in an energy bill. It is vitally important, and I compliment those who have pursued it with vigor, led by my good friend, Senator BINGAMAN, who has pursued conservation for a long time.

This bill has very major conservation aspects. The amount of conservation that will be forthcoming in this bill is astounding. From what we understand, this bill will give us an opportunity, with reference to the use of energy from powerplants, to have the equivalent, if I am correct, of 50 powerplants of 1,000 megawatts over time. Just think of that. That is rather major. We could go on and talk about many other aspects, but Senator BINGAMAN will talk about the bill from his vantage point.

I close by saying that renewables are important. This bill recognizes renewables in many aspects and ways. Clearly, we promote fuel cells. We fund it. We encourage its research. Clearly, it is an energy source of the future. It will be part of making us more independent and clearly help us even in our transportation problems with reference to fuel.

Likewise, there is a section of this bill that I believe is about as innovative as anything we have done, and it has to do with incentives for building new and innovative sources of energy. In this bill, we call that title incentives. What we have done in the bill is provided for a new way for the United States, through the Secretary of Energy, to make decisions about new technology applied to pilot projects that might be built in various kinds of new technological breakthrough activities. It will be a provision that will be known as the loan guarantee provision, but it is different in that whoever applies will pay the risk insurance costs, and then they will borrow on an 80/20 basis. That means the U.S. Treasury should come through this with no actual cost to the Government.

According to our budget provisions and the law that provides for loan guarantees, it will not cost the Treasury and will be a very big source of new and exciting applications for the United States of new innovation, which among all the things we have mentioned—the breakthroughs in coal gasification, the breakthroughs in many other areas of technology—are really going to be important in making America more secure, producing more jobs, producing a society that indeed continues to be prosperous. So this is a bill that has great efficiency and conservation built in.

On the electric front, I mentioned production of electricity, but I also want to remind everybody this bill also should provide for a framework where we will not have blackouts in the future. That is an easy one to remember. Even the young people here remember blackouts because they just occurred a while ago.

We have a reliability section which everybody in the business says is high time we have because everyone will have the same reliability standards, and we hope blackouts will become a thing of the past.

I mentioned ethanol. I note there is one of the strongest proponents of ethanol on the floor, and I say to the distinguished Senator, I hope we get a good ethanol bill. Thanks to his efforts and many others, we should get one that produces literally thousands of jobs, billions of gallons of gasoline, and millions of barrels of oil saved from overseas.

When we add that all together, the hybrid cars that will be produced—and I just heard the other day that if we continue to stimulate the purchase of hybrids, and if indeed they are produced as they have been, and if American manufacturers will get to where they are producing them so that it is not just Japanese hybrids, we should have in the not too distant future the equivalent of a million cars a year that would be hybrids. That will be a huge saver along with the other things that we are doing.

I want to add two things that are not in this bill that are very important to our future. Separate and apart, as everybody remembers, we produced a proposal that should bring natural gas down from Alaska into Chicago, a huge pipeline, one of America's major construction projects. I do not want to overstate the case because it is not in this bill, but what we are trying to say is everything put together, this is where we are going. When that is completed, there will be a huge new supply of natural gas coming into our country, along with what we are discussing in this bill regarding other fronts. I will not give the details of what the ethanol provisions will do for our country, but it is obvious that will be discussed many times over.

I can get it now. It will reduce crude oil imports by 2 billion barrels and reduce the outflow of dollars to foreign oil producers by $64 billion. It will create 234,000 new jobs. It will add $200 billion to the GDP between 2005 and 2012, and it will create $6 billion in new investment, much to go to States that are currently called rural States that truly need the economic development that will come with it.

Actually, because it is agricultural products and because of the add-on that will occur in the development of ethanol, U.S. household incomes could, indeed, go up substantially overall, as much as $43 billion.

This bill has provisions and ideas that came from every Senator. Senator BINGAMAN remembers on his side of the aisle four or five Senators have major provisions they got in this bill. Senator BINGAMAN and I negotiated out a number that were his ideas. I worked hard on the nuclear section. As I said, I think this bill, with the tax provisions, is going to cause a renaissance in nuclear power. In fact, I believe it is fair to say we will have a nuclear powerplant started in this country, ground turned, within 5 years—and I think that is the outside.

Three consortia applied for pre-permitting under our rather new law for the expeditious handling of nuclear power permits. I mean expeditious only in that they will not have to stop over so many times. It will be clearly reviewed and have to meet standards, but they will not stop six or eight times from the construction until the end.

And we do provide some assurance to those who will fund those powerplants that they will not get stuck midway through construction; that they will be able to complete the powerplants.

I hope I have not neglected important issues, but the most important is we have done our very best to get a bipartisan bill. We have done our very best to send the right kind of messages to the world that, if we get this, America is alive in terms of our energy security, our jobs for the future, our competitiveness and reduction in the costs of some of the major basic energy sources, and, yes, cleaner air, cleaner coal—cleaner electricity production. If you add it up, it is truly an American Clean Energy Act.

With that, I understand my fellow colleague from New Mexico would like to give his statement on the bill and I yield at this time.

Mr. NELSON of Florida. Will the Senator yield for a question?

Mr. DOMENICI. Please.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Could the distinguished chairman or ranking member of the committee inform the Senator from Florida at what point—maybe after the caucus lunch—we will be able to huddle up to finalize the suggested colloquy that we have been discussing?

Mr. DOMENICI. The time got away. It is almost 12.

How long will my colleague take?

Mr. BINGAMAN. Mr. President, I should not take more than 15 minutes.

Mr. DOMENICI. Unless there is something intervening, the Senator can speak right after that.

Mr. NELSON of Florida. I thank the Chairman, but I was asking a different question. I was wondering when we would be able to have some substantive discussion on a future colloquy that we would have on the floor.

Mr. DOMENICI. We all agreed that the next issue, the next item is going to be an amendment on ethanol. It is being gotten ready. We would take it up, but you understand when you do ethanol it is not one person, it is both sides of the aisle and 10 or 15 Senators. They are almost finished. That will be the next item.

If you are referring to a colloquy with respect to coastal offshore drilling, we are working on something with you and Senator MARTINEZ, both sides, and I don't know when we will have that ready. It is being worked on right now. But this side does not have any desire to delay that. We have to bring Senator LANDRIEU and other Senators in on that—Senator VITTER—and we will do that as soon as we can, I assure you.

The PRESIDING OFFICER. The junior Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me first congratulate our chairman, Senator DOMENICI, on successfully bringing this bill through the Committee on Energy and Natural Resources, and to the Senate floor. As he indicated, the vote to report the bill from committee was 21 to 1—nearly unanimous. That vote is a testament, not only to what is contained in the bill but also to the process he followed when moving the bill to the Senate floor.

It has been over 4 years since President Bush released his energy policy plan. I believe President Bush was right to want to fashion a comprehensive energy policy for the Nation. President Clinton had such a policy document put together by a task force under Secretary of Energy Federico Pena. The first President Bush also had a national energy strategy document that was put together by then-Secretary of Energy James Watkins, after numerous public hearings around the country.

The fact that three successive Presidents have seen the need for comprehensive energy policy illustrates an important fact; that is, a good energy policy does not happen automatically. Energy markets are not inherently free markets and the short-term thinking that drives much corporate behavior in America is often mismatched to the long-term energy needs of the country.

As one example, if you look at the utility sector, you can see that our generation mix in recent years has strongly skewed toward new plants based on natural gas. But we now find that our long-term supply picture for natural gas cannot accommodate this additional demand without significant increases in price for all gas consumers.

Energy policy is something that requires intentional forethought and planning. I remember former Chairman Bob Galvin of Motorola saying at one point that there are certain things a country needs to set out to do on purpose. I believe, along with my colleagues on the Democratic side, a good, comprehensive energy policy is one of those things. I believe what we should try to do on purpose can be summarized under four basic principles.

The first principle is that we need to increase our supplies of energy from all available sources. Every potential source of energy will be required in order to meet our energy needs in the future. We need to make sure that resources that have not yet been as extensively developed as they might otherwise be, such as renewable energy, get the policy assist they need to make their maximum contribution.

The second principle is we need to ensure that the energy we do produce is transported as effectively as possible and is consumed as efficiently as possible. Our national energy system depends on a critical infrastructure of ports and pipelines and transmission wires and other modes of moving energy from one place to another. Building and maintaining that infrastructure is difficult and it is expensive. We need to make sure we have policies so consumers are not hurt by price spikes and other problems caused by bottlenecks in the energy system.

Once energy reaches its point of end use, it is important that it not be wasted. Improving the efficiency of energy use in appliances, in commercial equipment, in industrial processes, and in transportation will lead to two important goals: lowering the price for all energy users and less strain on our energy infrastructure.

The third principle of a good, comprehensive energy policy is that we need to make sure it meshes well with other important national policies. It is especially important the energy policy have good synergy with environmental policy. Nowhere is this more clear, in my view, than in the case of global warming. Mr. President, 98 percent of the carbon dioxide produced in the United States is associated somehow with energy production and use. We cannot afford an energy policy that does not take into account environmental and climate impact, just as we cannot afford to have a climate policy that ignores energy impacts.

Finally, because we rely heavily on market forces and signals to shape our energy choices, we need to be sure that we have energy markets that are transparent and that are fair to consumers. I believe when we have competitive energy markets that work fairly, everyone in the energy chain, from the producer to the consumer, benefits.

As the California electricity crisis a few years ago showed—and not just the California crisis but the crisis that afflicted most of the west coast—when energy markets are not structured properly, when those markets allow for hidden and manipulative practices, great economic damage can be done.

These four principles are the foundation I hope we have before us in this energy bill that is coming to the Senate for consideration. I believe the Senate will ultimately be judged in the area of energy policy, first by whether our bill makes a concrete difference in bringing new energy resources and technologies into the mix; second, by whether we make sure that we use advanced technology to save as much energy as possible; third, by our ability to protect the environment and respond to challenges such as global warming; and, finally, by our ability to shape energy markets for the future that protect and empower consumers.

At the beginning of the markup of the bill in the Energy Committee, I expressed my appreciation to my colleague, Senator DOMENICI, for the way he and his staff had worked with Democratic Members and staff in preparing for the markup. I told him that he deserved great credit for a good start, and I looked forward to working with him to see if we could have a similarly good finish in the committee.

We had a very good finish in the committee. We are now having a good start on the Senate floor. This bill is a good starting point, but there are several important issues with which we need to deal in the full Senate that we were not able to address in committee. Three of these issues deal with providing more certainty to all those associated with our energy system so that they can make rational investments in the energy technologies of the future.

First, we need to provide renewable energy with a more certain place in our future. Renewable energy provides nowhere near the contribution to our energy mix today that it could or that it should. In the last Congress, we expanded the scope of production tax credits for renewable energy, but these tax credits expire after only a very short time. Thus, they do not provide the needed long-term market signals. I believe we need to supplement these tax credits with a long-term national renewable electricity standard. By having a clear, certain requirement that 10 percent of all electricity generation comes from renewables in the year 2020, we would give industry the certainty it needs to successfully undertake new projects to improve the diversity of our electricity generation mix and to relieve some of the pressure that is leading to high natural gas prices.

Second, we need to deal responsibly with global warming. The electric industry and many other sectors of our economy are gripped with uncertainty about the future of carbon-based energy and products in a world that is increasingly concerned about global warming. There is a need for certainty about the regulatory framework that would be in effect regarding future investments to ameliorate the threat of global warming. Under our current voluntary approach to the problem we will likely never see these new investments, not because they are not needed but because the economic picture is so clouded.

Third, we need more clarity on how we plan to deal with our dependence on foreign oil. We need to see if we can spur additional petroleum production in a way that is environmentally responsible, and we need to see if we can find ways to use less oil in the American economy. If we can trim the growth in our national demand for oil, we will relieve both our dependence on imports and the pressure on our national infrastructure of oil terminals and pipelines and refineries, all of which are operating near their capacity today.

An energy bill is a place for clear purposes. I hope that when the full Senate has completed its consideration of this measure, it will have expressed a willingness to take clear and forceful new action to ensure that our energy future is clean and abundant and affordable.

I yield the floor.

The PRESIDING OFFICER (Mr. BURR). The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I will address some initial comments to both the chairman and the ranking member of the committee. Senator BINGAMAN and the chairman of the committee, Senator DOMENICI, have been very kind as we have discussed what is in the interests of my State and other coastal States. I will lay out my case. I want everyone to understand this is the initial laying out of the case. I hope the version I will give, over the next 15 or 20 minutes, will be the only speech I have to give on the subject of oil drilling off the coast of Florida. I hope we are not going to have to address this issue. I hope I will not have to address this because somebody—a Member of this Senate—will not be coming forth with an amendment to change the existing moratorium on oil drilling off the Outer Continental Shelf.

The United States is depicted on this map in green: the Outer Continental Shelf area subject to the moratorium is off the Pacific coast from Washington in the North down to the southern end of California; on the Atlantic coast, off the tip of Maine all the way down to Florida; and the Outer Continental Shelf off of the gulf coast of Florida. This area depicted in blue is where there are existing, active leases for oil and gas drilling off of the coast of Alabama, Mississippi, Louisiana, and Texas.

A better description of this is depicted in this map. Before I get to the details, I hope this Senator from Florida and this Senator's colleague from Florida, Senator MARTINEZ, do not have to give lengthy speeches. We are prepared to utilize the rules of the Senate in order to keep this moratorium in place. It is not only the Senators from Florida who are interested in this, but the Senators from Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, and all the way up into New England, as well as the Senators from California, Oregon, and Washington State.

There are a lot of Senators who, particularly when the geology shows there is not much oil and gas, have other interests we have to face in a tradeoff. What are those? In Florida, obviously, it is the extraordinary $50-billion-a-year tourism industry, as evidenced by some of the most pristine beaches in the world which spawn a major part of the attraction to our guests that come to Florida to enjoy this kind of environment. Or this kind of environment: An extraordinary place of clear water, of beautiful beach sand—places that people love to come to for vacation and to enjoy the bounty of our extraordinary nature in our State.

That, of course, is one reason we do not want oil rigs out there. We do not want oil rigs because of the chance of despoiling that environment. Think of the Senators from Georgia. They have a place called Sea Island. They have a place called Jekyll Island. They have a National Park in a place called Cumberland Island. Beautiful beaches.

Imagine the Senators from South Carolina looking at the extraordinary part of the economy of their State that comes in from those beautiful beaches they have. Myrtle Beach is an example.

Or look at the Senators from North Carolina, the extraordinary beauty they have. Guests to their State, including their own citizens, want to go to beaches like that.

Oil rigs off the beaches are not compatible with keeping a site like that or like that. But there are many more reasons I will get into. I hope this is the only speech I will have to make. I take the chairman and the ranking member at their word, that they have, in fact, been dealing with me in good faith. We are trying to work out the language of a colloquy that assures the Senators from these coastal States that the leadership of the committee handling the bill before the Senate would not support a lifting of the moratorium that allows the drilling.

However, it is particularly important to me and to Senator MARTINEZ from the State of Florida because the place the administration wants to drill is a place called Lease Sale 181, a place drawn back years ago, including about 6 million acres. In 2001, along with then-Senator GRAHAM, this Senator from Florida, the Governor of Florida, the Governor negotiated a line that is the Alabama-Florida line, an imaginary line due south from the border of Alabama and Florida, near Perdido Key, and that there would not be any part of that lease sale that would be agreed to.

Thus, as to that 6 million acres in Lease Sale 181, 4 years ago in 2001, what was agreed was there would be approximately 1.5 million acres offered for lease but this would be off the coast of Alabama, not off the coast of Florida. Since then, that 1.5 million acres has been offered for lease and that is proceeding through exploratory wells. However, it is not off of Florida.

Why are these coastal Senators so exercised, especially the two Senators from Florida? Because the administration wants to expand now into the rest of that 4.5 million acres that begins what we see as an inevitable march toward the coast of Florida. That was not the agreement in 2001. But the administration is now trying to change that agreement.

That is where we are prepared, as the Senators from Florida, to take our stand and not allow additional drilling.

I return to where I started. I hope this is the only major speech I have to make in the Senate on the discussion of the Energy bill, other than other amendments I am involved in. This Senator and his colleague, Senator MARTINEZ, are prepared to use the rules of the Senate—including extended debate, if necessary—in order to prevent drilling off the coast of Florida.

It is instructive to look at the entire Gulf of Mexico on this map generated by the Minerals Management Service, MMS, that shows in green the active oil and gas leases. As this shows, clearly, they are west of the State of Florida. There is a reason for that. The reason, primarily, is that the geology shows this is where the oil and gas is located. We can see by the darkness of the green that a lot of that is right off the coast of the State of Louisiana.

There is also a reason we do not see this area with active leasing off the coast of Florida. Because where there were leases, they have been bought back, either under agreements with the administration and the Governor of Florida, as in the case of the Destin Dome, which is right here off Pensacola and Fort Walton—although there are two tracks or blocks there that are still available for lease after the year 2012.

There is a reason why we do not see any here. All of those leases off the southwest coast of Florida have been bought back under the administration of the previous President Bush.

There is another reason we do not see any, and that is because of the geology. They have done a bunch of test wells in the eastern gulf and they have come up dry.

And there are more reasons. In the course of my explaining all of these reasons, let me say this is not the first time this Senator has been involved in trying to keep drilling off the coast of Florida. When this Senator was a Member of the House of Representatives, in the middle 1980s, representing a district that included east central Florida—Orlando, Cape Canaveral, my hometown of Melbourne, this general area of the east coast of Florida—there was a Secretary of the Interior named James Watt, under President Reagan, who was bound and determined he was going to offer for sale leases for oil and gas drilling from Cape Hatteras, NC, all the way south to Fort Pierce, FL. This Senator, then a member of the House of Representatives, went to work to defeat it, and defeated it in the Appropriations Committee of the House.

But 2 years later, under the next Secretary of the Interior named Don Hodell, they came back with the same plan in the mid-1980s. At that point, they were bound and determined they were going to start drilling. They were going to start drilling off the coast of the State of the Presiding Officer sitting in the chair of the President of the Senate right now. They were going to drill all the way down to Fort Pierce. We finally beat it but it was a tough fight.

But the way we did it was we explained that you simply cannot have oil and gas rigs out in the Atlantic where you are dropping the solid rocket boosters from the space shuttle and where you are dropping the first stages of the expendable booster rockets coming out of the Cape Canaveral Air Force Station.

A major national asset: our Eastern Test Range, where we fire our rockets into equatorial orbit and where, in our manned space program, likewise, we are launching the space shuttle into equatorial orbit.

Well, we have a similar reason now of why we want to keep oil and gas rigs on the surface of the Gulf of Mexico because one of the major national assets of the United States is called restricted airspace. It is where we train our military pilots. We have—this area here is just the State of Florida, but the State of Florida is so key, off of the northeast coast of Florida and off of the State of Georgia—restricted airspace, but particularly here in the Eglin Gulf Test and Training Range, which you can see, as depicted by the white on the map, is almost the entire eastern section of the Gulf of Mexico.

Why is this a major national asset? Because it is hard to create restricted airspace in order to train our military pilots. When Vieques closed down—that was the little island off of the eastern end of Puerto Rico where the Navy trained its pilots, all for the Atlantic region—when that was shut down because of the government and the people of Puerto Rico wanting it shut down, where do you think most of that training had to come? It had to come right here, and it is operating out of these military facilities all along the panhandle.

It includes ranges actually in the State of Florida. But with the advance of technology, computers can now create virtual battlefields on the surface of the ocean—in this case, the surface of the Gulf of Mexico—in which these pilots can then train for their missions.

Ladies and gentlemen, you cannot be training by dropping your ordnance in an area of the Gulf of Mexico where there are oil and gas rigs. You cannot have coordinated training exercises with the Navy on the ocean surface, the Navy underwater, and the Navy in the air, if you are having to deal with oil rigs. So it is another reason we simply have to have other considerations when the administration says they want to come in with lease sale 181, which is a place, almost in the middle of this Eglin Gulf Test and Training Range.

By the way, why is it that most of the Navy concentrated student pilot training is now at Pensacola Naval Air Station and Whiting Field? Why is it that the joint service fighter, the F–35, training for all branches of the service is being done at Eglin? And why is the training for the new stealth fighter, the F–22, being done at Tyndall Air Force Base? Why? Because they have plenty of restricted airspace in which to train. So that is another reason we do not want to have oil rigs off the coast of Florida.

In the lengthier version of my remarks, which I hope I do not have to give, I can give you additional reasons why we do not want it. I can show you all kinds of pictures that are imprinted in our memories of what oil does to a beach, of what oil does to sea life and waterfowl, and of what oil does in spills that are trying to be contained and yet going out of control.

In the lengthier version of these remarks that I hope I do not have to give, I can show you plenty of pictures that are not the kind of pictures that any one of us coastal State Senators who now have a moratorium on oil and gas production want to have—none of us. Yet it is real. The possibility is there.

So what we are facing is a situation that if we cannot get agreement from the chairman and the ranking member that they will oppose a change in the moratorium on this oil and gas drilling off the coast of and on the Outer Continental Shelf, we have no choice but to use the tools available to us in the Senate rules to prolong debate and to utilize various parliamentary procedures in which to get our point across.

I do not think that is going to be necessary because of the good will of the chairman and the ranking member. As I speak, there are negotiations going on with our staffs in order to come to an agreement on colloquy language between Senator MARTINEZ and me and the chairman and the ranking member stating that they would oppose any of these amendments that would allow this expansion of drilling in the Outer Continental Shelf and lease sale 181, which is off the coast of Florida.

Mr. President, there is another reason; that is, Florida is this unique environment where all the forces of nature come together along our coast. If it is not the barrier islands that have the beautiful, pristine beaches that you have seen in these pictures, it is the parts of Florida that are the critically delicate estuaries and mangroves such as in the Big Bend of Florida and down south of Marco Island in this incredible area of mangroves called the 10,000 Islands that is so absolutely necessary as a part of the ending of the sheet flow of water that is called the River of Grass, known as the Everglades of Florida—a unique environmental feature in the world itself.

Mr. DOMENICI. Mr. President, will the Senator yield without losing his right to the floor?

Mr. NELSON of Florida. I will yield to the chairman. You caught me in midsentence. I was about to talk about the fragility of the Keys of Florida, but I want to yield to my chairman because he is such a great chairman and he is such a good friend.

Mr. DOMENICI. Go ahead, Senator.

Mr. NELSON of Florida. No, I want to yield.

Mr. DOMENICI. I thank the Senator. I was just wondering, we understand your genuine concern. You are going to have plenty of opportunity as this bill moves along to make sure that your State is protected. What I would like to do, since we are going to have to go out because of your caucus—we do not have ours today—I wonder if you might consider making this first statement of yours kind of abbreviated so Senator DORGAN could have a little opportunity before we break. Then we would take our break, and, hopefully, we would have ethanol ready. You would not lose anything, obviously. The floor is going to be open to you, and you can state what you wish to state beyond what you have spoken here today.

Mr. NELSON of Florida. Well, of course I want to work with the chairman. Over the weekend, this Senator sprained a muscle in his right leg, and the last thing he wants to do is have to stand on his feet with this injured leg for hours and hours. So I want to work in good faith with the Senator from New Mexico in working out the colloquy. This Senator would clearly want that colloquy to come sooner rather than later, as soon as our staffs finish it.

I, of course, will yield for Senator DORGAN to make his statement, since we are going out in just a few minutes.

I will just conclude by saying, I don't think there are many Americans who do not know the beauty and the fragility of the Florida Keys and the coral reefs there. That is another one of the reasons we have to be so sensitive about drilling off the coast of Florida.

So at the chairman's request, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wish to say to the Senate, the distinguished junior Senator from Florida, Mr. MARTINEZ, has spoken with this chairman on numerous occasions about this issue. He continues to be as concerned as Senator NELSON about this issue. We are working with him—I am not sure how it is all going to turn out in terms of a colloquy, but we do not intend to do anything to harm Florida. We have already told everybody that. It is very hard to make broad-based commitments in advance, and it is not just up to me. There are other Senators, including Senator BINGAMAN. But we are doing our best.

I want everybody to understand that both Senators are working very hard at this.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that privileges of the floor be granted to members of staff who will be listed hereinafter. They are members of the committee who will have to spend time, from time to time, on the floor. And I ask unanimous consent that their names be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list of names is as follows:

Karen Billups, Colin Hayes, Lisa Epifani, Kelly Donnelly, John Peschke, Frank Macchiarola, Frank Gladics, Dick Bouts, Carole McGuire, Marnie Funk, Kathryn Clay, Josh Johnson, Clint Williamson, and Amy Millet.

Mr. REID. Mr. President, I ask unanimous consent that a list of fellows and interns of the Democratic staff of the Finance Committee be allowed on the Senate floor for the duration of the debate on the Energy Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

Brian Townsend, Cuong Huynh, Richard Litsey, Jorlie Cruz, Mary Baker, Stuart Sirkin, Andrea Porter, Ashley Sparano, Drew Blewett, Jake Kuipers, Rob Grayson, Katherine Bitz, Danny Shervin, Paul Turner, Heather O'Loughlin, Julie Golden, Julie Straus, and Adam Elkington.

Mr. DOMENICI. Mr. President, I yield to the distinguished Senator, Mr. DORGAN.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my understanding is the Senate is about to go out for the caucus on our side. It is customarily held on Tuesdays. My thought is, perhaps when we come back—I believe at 2:15, by previous consent; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. I am wondering if it might be appropriate for me to be recognized at 2:15 for 15 minutes. Then, at that point, Senator DOMENICI and Senator BINGAMAN will proceed with whatever agreement they are going to have.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. There is no objection, as long as it is understood I have the floor when we return.

The PRESIDING OFFICER. The unanimous consent request would be that Senator DORGAN—

Mr. DOMENICI. The Senator from New Mexico would have the floor.

Mr. DORGAN. At 2:30.

Mr. DOMENICI. Yes.

Mr. DORGAN. I would start at 2:15. That is my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I heard the statement by my colleague from Florida. He is aggressive and persuasive. I must say, in the committee we have already had some of these discussions by some who would want to open the Outer Continental Shelf and have more drilling and have a State election and so on. We already had some of that discussion, and I do not know whether anybody can agree in advance to prohibit amendments. You cannot agree to that, certainly, or agree to oppose amendments you do not know exist.

But I would say to the Senator from Florida, I do not think there is a ghost of a chance of us finishing this energy bill and having it carry some new mandate for Outer Continental Shelf production. That is just not going to happen, in my judgment. I think the reason it is not going to happen, at least in part, is for the reasons my colleague from Florida has described with his charts of what it would do to Florida. And it also relates to some concerns in other areas as well dealing with the Outer Continental Shelf and areas that have been set aside.

I just want to say, I understand the presentation. I did not mean to be here to interrupt it. I would like to make a general statement at 2:15 about the bill which, incidentally, I think is an excellent bill. It is the best energy bill we have brought to the Senate for several decades, in my judgment. I am going to support a couple of additions to it here and there. We have not done the energy independence approach, what is called the renewable portfolio standard. We will do that and some other things.

I am proud of this bill. This is a bipartisan effort, which is unusual in the Senate. I hope this starts a new habit. This legislation moves this country in the right direction in a significant way. Acknowledging the concern of my colleague from Florida, when the dust settles, I think he will understand that the battle he wages is one he will win because I don't believe the Senate is going to add the concerns he expresses about Outer Continental Shelf production.

I am pleased to come back at 2:15 and make a more general statement. I thank my colleagues from Florida and New Mexico.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until 2:15. p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

ENERGY POLICY ACT OF 2005—Continued

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, it is my understanding that I will be recognized for the first 15 minutes and at 2:30, I believe, Senator DOMENICI will be recognized; is that correct?

The PRESIDING OFFICER. That is correct, yes.

Mr. DORGAN. Mr. President, I want to make a brief opening comment about the Energy bill on the floor of the Senate.

First, I think the product of the Energy Committee is a bill that advances this country's interests. I think the work done by Senator DOMENICI and Senator BINGAMAN is quite extraordinary. At a time when there is so much partisanship and division and so much difficulty in getting together, this bill was the product of two Senators—coincidentally, from the same State—who decided to write a bipartisan bill. So the result was a vote in the committee of 21 to 1 for this Energy bill.

I think the bill is progressive and strong and advances our country's interests. First, I wanted to say thanks to both of them. I think what we have is a good bill. I am going to vote for some amendments that I think will strengthen it. Such as one we did not include in committee that would move us toward energy independence by requiring 10 percent of the electricity to be produced from renewable sources of energy. We call that a renewable portfolio standard. That needs to be in the bill. I will vote for an amendment to deal with that. There are other issues as well that would advance us toward greater energy independence that I will support.

The question for us is how do we remove for America the addiction to foreign sources of oil? If I were to have a barrel of oil on the floor of the Senate—and we use over 20 million of them every single day—and that barrel of oil were transparent, you would find out the first 40 percent of that barrel was oil we produced in this country, and the next 60 percent is oil we get elsewhere. From where does it come? It comes from Saudi Arabia, Kuwait, Iraq, Venezuela—very troubled parts of the world. We are hopelessly and dangerously addicted to oil from troubled parts of the world. God forbid, tomorrow morning a terrorist would interrupt the supply of oil coming into this country. Our economy—the American economy—would be in deep trouble.

I remember listening and watching the Indianapolis 500 this year, as I have done ever since I was a young boy. This year was different because a woman was a race car driver, Danica Patrick, who drove her race car 220 miles an hour. I believe it was seven or eight or nine laps from the end of the race, and guess who was winning. The only woman who was racing in the Indianapolis 500; this young 23-year-old woman was leading the race. But they worried she was going to run out of fuel because she had not had a pit stop, and they worried she would not make it to the end. So she had to back off a little, worried about running out of gas. I think she took fourth place in the Indianapolis 500, and she captured the hearts of the country. We are going to hear a lot about her.

But her future in the Indianapolis 500 in the final laps had to do with whether she had enough gas to finish the race? It is an appropriate question for the country. Will we run out of gas? It is dangerous for our country to be this addicted to oil from off our shores. So we need now to find a way to change that. Every moment, from the time we wake up in the morning until we go to bed at night, we take energy for granted. Energy comes in the form of a light switch. It comes in the form of pressing on the accelerator of your car. It is the gas pump, the air conditioner, the furnace, the refrigerator. Energy is all around us, and we take it for granted. We use it every day, and we don't think about it.

But wonder for a moment what would happen if that energy were not available. We use a prodigious amount of energy. We live on Earth and we circle the Sun and there are 6 billion of us living on this planet—6 billion. And every single month, we add to this planet the equivalent of the population of a New York City. There is only one place on the planet that resembles the United States of America, and we are lucky to be living here and living now. But, we use an enormous amount of energy. We use a great deal of energy—more per capita, by far, than any other country on Earth.

Meanwhile the Chinese have 1.4 billion people. They now have 20 million cars and they are going to have 120 million cars by 2020, they say. They want more energy and will need more.

So the question for this country is: Can we, and will we, maintain the standard of living, maintain the kind of country we want to be, and produce the opportunity we want for our children, being as dependent as we are upon oil from sources outside our country? The answer clearly is no. Things have to change.

They must change. We put gasoline in cars now the same way we did 100 years ago. Nothing has changed. This piece of legislation begins moving us down the road toward change. This legislation has parts that include production. We incentivize additional production of fossil fuels and, yes, we are going to produce more coal, oil, and natural gas. Yes, we will use more fossil fuels. But, if that is all we do—if all we do is dig and drill, I call that "yesterday forever." That is a strategy, "yesterday forever," and every 25 years we will hang around this Chamber and wear our blue suits and slough around the halls and come to talk about an Energy bill that is "yesterday forever"—dig and drill, dig and drill. It doesn't work.

We are digging and drilling, and we have 60 percent of the oil coming from off our shores. We must, and we do, incentivize additional fossil fuels production in this bill. We want to get, through clean coal technology, to zero emissions, coal-fired electric generating plants, and I think we can and will. So fossil fuels are important—oil, coal, and natural gas. This bill does much, much more than that.

This bill has a very robust conservation proposal. Saving a barrel of oil is the same as producing one, and we waste an enormous amount of energy. The bill has an efficiency title that is very important, with standards on everything we use every day, such as appliances and so on. It also has a renewables provision that is very important. We want to support and encourage renewable energy. Growing energy in our farm fields makes a lot more sense than requiring energy from under the sands of Saudi Arabia. There are biodiesel, ethanol, wind, geothermal, solar, and so many other forms of renewable energy.

Finally, there is a title that I played a significant role in helping to write, in addition to ethanol and others, and that is the hydrogen title. I believe we will ultimately have to pole-vault to a different kind of energy future. If our grandchildren are still running gasoline through carburetors, such as in the old cars or the fuel injectors that are on the new cars, then we have failed. If the automobiles on our roads are still consuming gasoline through the fuel injectors, then we have failed. That is why I believe the hydrogen and fuel cell future is our future. Hydrogen is everywhere. The fact is, with hydrogen and fuel cells, you get twice the efficiency of power to the wheel and water vapor off the tailpipe. We will get twice the efficiency of power to the wheel, and we can escape the addiction to gasoline for our vehicles. That is the futuristic approach to the title in this bill that deals with hydrogen and fuel cells.

Mr. President, we have done some awfully good work here, in my judgment. I will support an amendment that sets targets and timetables to be even more aggressive and to reduce dependence on foreign oil by 40 percent in 2020. We went to the Moon in 10 years, so we can certainly achieve this in almost 20 years. It is kind of a fixation with this "black gold," as they call it, that we have had in this country, for a long, long time. We need it. We need it desperately to run our economy.

I remember when I was a small boy—and I grew up in a town of 300 people—they drilled an oil well 2 miles outside of town. In a town of 300 people, there is not a lot going on, except on a Saturday night when the bars are open and the barber gives haircuts until midnight and the café stays open until midnight and the town is full of cars from farmers. There is not a lot going on in that town of 300 people, except for that Saturday night, when an oil well was drilled, and they put up the oil rig 2 miles from town. I remember that everybody from town would drive out there almost every day to look at the oil rig and all those lights. It was exciting. Nothing happened, nothing moved. It shined. It was the only thing around that shined. So you would drive out there and sit and watch that oil well. As they were digging with that big rig and all of the flashing lights, we thought this is going to change our life forever. It turns out it was a dry hole. I have never forgotten the excitement of the search for oil, the building of the rig, the lighting of the rig.

This country has been transfixed by that for well over a century and a half now. But the fact is, we are living on borrowed time for the kind of economy we have produced in this country, if we believe we can continue without change. That is why this bill is such an important piece of legislation.

I have mentioned a few of the areas in this legislation that are important. I don't want to go into great detail, but ethanol is a critically important alternative source of energy. As I said, growing energy in the fields is a wonderful way to extend America's energy supply. Biodiesel, exactly the same. Wind energy—taking energy from the wind in this country and turning it into electricity, using the electricity through the process of hydrolysis to take hydrogen from water and use it in hydrogen fuel cell vehicles—what a wonderful promise for this country's energy future.

That is exactly what we do in this legislation. We set targets and timetables in this legislation to try to convert America's vehicle fleet to hydrogen fuel cells. That is why this is so important. We have had now several years of stop and start and kind of stuttering around on energy. It is time for all of us, the President and the Congress and both political parties to understand the urgency of the need to get a workable energy bill. Not just any other energy bill, but one that looks to the future and relieves this dangerous addiction that we have for foreign oil. I would love, someday, to be able to tell the Saudis you can drink your oil, we don't need it; we are no longer dependent upon oil under the sands of the Middle East. I would love to have that opportunity. But we cannot now. If we are smart, and if we write an energy bill, including the one that now comes to the floor of the Senate and one we can improve, one that came out of the Energy Committee by a vote of 21 to 1—if we stick to this through conference and get a bill to the President, a good bill, I think this country will recognize good work, and this country will recognize that its future is far more secure because of what we have done.

I know the White House, today, issued a letter that said they are going to oppose what is called a renewable portfolio standard; that is, the move toward independence by requiring 10 percent of your electricity to be made from renewables. Look, we understand there are people who are going to oppose everything. That is the way it is. Mark Twain once said he would always be happy to debate as long as he could take the opposing side. He said it doesn't matter what the subject is, the opposing side will take no preparation. We understand about all these people who oppose everything. The White House is opposing this standard that would require 10 percent of our electricity to come from renewables. That makes no sense. What are they thinking about?

Let us just write the best bill we can write. We have an awfully good start on that thanks to Senator DOMENICI and Senator BINGAMAN. When we are done, we will have done something very significant for this country's future.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 775

(Purpose: To provide a substitute for the bill)

Mr. DOMENICI. Mr. President, the committee substitute is at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 775.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. Under the previous order, the substitute is agreed to and is considered as original text for amendment.

The amendment (No. 775) was agreed to.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I am going to depart the floor and let the managers manage this bill, as they should. They are some of our most experienced Senators. The only thing I want to make sure is that the record is clear that following the offering of the amendment the Senator from New Mexico, or someone in his stead, is going to offer an ethanol amendment, and that the next amendment in order would be the Cantwell amendment.

Mr. DOMENICI. Reserving the right to object, does the Senator understand there may be some amendments to ethanol?

Mr. REID. Of course, I certainly understand that. I am only talking about first-degree amendments.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I am waiting now momentarily for the final text of the ethanol amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 779

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This amendment is the ethanol amendment. It is bipartisan in nature. I offer it in behalf of myself and Senators THUNE, HARKIN, LUGAR, DORGAN, FRIST, OBAMA, GRASSLEY, BAYH, BOND, NELSON of Nebraska, BROWNBACK, HAGEL, CONRAD, DEWINE, DAYTON, TALENT, STABENOW, COLEMAN, and SALAZAR.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. THUNE, Mr. HARKIN, Mr. LUGAR, Mr. DORGAN, Mr. FRIST, Mr. OBAMA, Mr. GRASSLEY, Mr. BAYH, Mr. BOND, Mr. NELSON of Nebraska, Mr. BROWNBACK, Mr. JOHNSON, Mr. HAGEL, Mr. CONRAD, Mr. DEWINE, Mr. DAYTON, Mr. TALENT, Ms. STABENOW, Mr. COLEMAN, and Mr. SALAZAR, proposes an amendment numbered 779.

(The Amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DOMENICI. Mr. President, I am sure this matter will take a little bit of time this afternoon, and from what we understand—I am not assured—there may be one, maybe two, perhaps even three amendments. But this is an amendment that has been worked on by Republican and Democrat members of the Environment and Public Works Committee and the Energy and Natural Resources Committee. Essentially, from the energy and natural resources bill it has the 8 billion gallons, but the rest of the language has been worked out with most of the jurisdiction going back to the Environment and Public Works Committee rather than the Energy Committee.

Let me say I am pleased with the agreement, the improvement that is included in it. For that I am grateful to Chairman INHOFE and his staff. They have helped immeasurably. Senators TALENT and JOHNSON and FEINSTEIN and CANTWELL have been very helpful during the Energy Committee considerations. Chairman INHOFE's assistance has been invaluable after we had done our work in our committee.

We now have before us what I think is a very important amendment, one that helps us make a significant step forward in the development of a domestic renewable resource.

This represents progress toward developing transport fuels made from domestic sources that can lessen dependence on foreign oil to meet our fuel needs. Congress has been working on the renewable fuel standard for nearly 6 years. I hope this will be the year that it passes. I fully support our raising the expectations that we have by including a goal of 8 billion gallons of ethanol in the national motor fuel mix by 2012. It is my firm belief that we must take every opportunity available in order that we help ourselves to produce more of the fuel that is part of our transportation activity in this great country.

In addition to making us less dependent on foreign sources for energy, increasing the production of domestic ethanol will help keep within our economy dollars that would otherwise be spent acquiring energy from overseas. And it will create jobs. One important analysis suggests that an 8 billion gallon renewable fuel standard will benefit the economy greatly. That analysis suggests it will reduce crude oil imports by 2 billion barrels; that, coupled with the 1 billion we have mandated in our bill, makes 3 billion, and it will reduce the outflow of dollars to foreign oil producers by $64 billion. It would create 234,000 jobs in all sectors of the economy, and clearly in many of the very large rural States of the West and Southwest.

It would add about $200 billion to the GDP between 2005 and 2012. It could create $6 billion in new investments. That is a significant infrastructure addition to our country. And it could increase—in fact, this study says it would increase—household incomes by about $43 billion.

The amendment also makes provision for increasing our output of biofuels from cellulosic biomass. Many in industry and the scientific community believe that this area holds enormous promise for vastly increasing domestic production of ethanol from this renewable resource.

The Energy Information Administration estimates that oil consumption and crude oil and finished petroleum product imports will continue to rise. Further, with gasoline prices hovering at record levels and domestic crude oil production declining, it strikes this Senator that we should be doing everything we can to maximize the production and use of clean, renewable, domestically produced energy such as ethanol and biodiesel.

Finally, I want to remind my colleagues that in our spirit of bipartisanship on the Energy Committee that amendments were included allowing a seasonal adjustment for California and increases in the use of biofuels sponsored by Senators FEINSTEIN and CANTWELL, respectively.

Now, we are prepared to begin consideration of any amendments our colleagues would like to offer to this amendment.

With that, I yield the floor and designate on our side that Senator LARRY CRAIG manage the bill.

I have checked this with the other side. There was a unanimous consent request that this amendment would be introduced now as the first amendment.

The unanimous consent request said then the Cantwell amendment would be introduced. I ask that be vitiated.

So we know what will happen, instead of that, the record reflects we will follow this tradition of the Senate, and after the ethanol amendment we will go to the Democrat side, to the distinguished minority leader or his designee, for offering of an amendment of their choosing.

The PRESIDING OFFICER (Mr. COLEMAN). Is there an objection to vitiating the request?

Without objection, it is so ordered.

Mr. DOMENICI. I yield the floor.

Mr. CRAIG. Mr. President, I encourage all of our colleagues who wish to engage in the debate on this major national energy policy from the Committee on Energy and Natural Resources to come to the Senate.

We have the ethanol section that came out of committee with some identification now on the floor for debate and ultimately a vote that allows anyone who chooses to come to debate this or the whole legislation.

I will become involved with my colleagues over the course of the afternoon and tomorrow in debating not only the total substance of the bill, which is tremendously positive and puts this Nation on a path forward toward an abundance of energy sources, but it also recognizes all of the technologies are involved.

If I were to give this bill a title that the American public ought to refer to it as, I would call it "America's Clean Energy Act" because I think all we are about now and into the future as we adjust technologies, as we improve old forms of energy, as we bring old forms into the new economy, all of them by definition, we are going to ask on behalf of the American people for the cleaner source, and in many instances, very clean sources.

I yield the floor for any who wish to debate the issue.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Idaho for his leadership and work on this issue.

I note the Senator from Florida is here. I will make my remarks on the bill if he has time for me to do that. A lot of hard work has gone into it.

I like the title the Senator from Idaho suggested, "American Clean Energy Act." I hope to explain why.

Let me step back a little bit and try to put what we are debating in some context. September 11 was a terrible surprise for this country. But we now know it shouldn't have been. During the 1980s and the 1990s terrorists attacked American interests around the world. If we had paid more attention then, we might not have been surprised on September 11, 2001.

The next big surprise to the United States will be to our pocketbooks, to our ability to keep our jobs, and our high standard of living in a more competitive world marketplace. We can avoid this surprise if we pay attention to the warning signs. Many of these warning signs have to do with energy. Suddenly, instead of the lowest natural gas prices in the industrialized world, we have in our country the highest natural gas prices in the industrialized world. Gasoline prices at the pump are at record levels. China and India are increasing their demand for energy and their purchases of oil reserves to supply it, which drives prices up. Because of high natural gas prices, manufacturing and chemical jobs are moving overseas, farmers are taking a pay cut, and consumers are paying too much to heat and cool their homes.

We can avoid this next big surprise, a surprise to our pocketbooks, by enacting, as the Senator from Idaho called it, an American Clean Energy Act that does the following things: First, lowers the price of natural gas to American consumers. The price of natural gas to American consumers is at about $7 a unit. Our economy was built on natural gas that cost $2 or $3 a unit. If you work at Eastman Chemical in eastern Tennessee, an area which has thousands of chemical jobs where blue-collar workers and white-collar workers have had good wages for a long time, this causes a massive problem because natural gas is the raw material producing chemicals. If natural gas can be purchased overseas at one-half, 60 percent, or 70 percent of the cost here, and if natural gas is 40 percent of the cost of producing the chemical, where do you suppose the 1 million blue-collar chemical industry jobs are going to be 10 years from now? Not in Kingsport, TN. Not around this country.

First we need to lower the price of natural gas for blue-collar workers. We need to lower it for farmers who are paying expensive amounts for fertilizer. We need to lower it for homeowners.

Second, we need to help to increase the supply of oil worldwide and reduce the growth of our dependence on oil. The Senator from North Dakota mentioned earlier we need to get over our addiction to foreign oil. It would be nice if we could just forget it, but we are not going to be able to forget it. What we need to do, realistically, is to increase the supply of oil worldwide because China and India and Brazil and Singapore and Malaysia all look over here and see we have 5 percent of the people, a third of the money, and we are consuming 25 percent of the energy. They want some of the action, too. So they are buying up oil reserves and keeping their smart people home and creating a demand that raises our prices. And for the foreseeable future we will have to depend upon some foreign oil. But we need to begin to reduce the growth of our dependence on oil. This bill does that.

Third, we need to move our country toward a more reliable supply of low cost, American-produced energy, especially nuclear power, which produces 70 percent of all of the carbon-free energy produced in the United States today. Let me repeat that: Nuclear power, a technology we invented in the United States, produces 20 percent of our electricity, but produces 70 percent of all of the carbon-free energy we have in the United States today.

Coal gasification and carbon sequestration are such long words that it took me a long time to figure out what we were talking about. We are talking about taking coal—which we have a 400-year supply of in this country—turning it into gas, and then making electricity out of the gas.

For States such as Ohio, where the Presiding Officer is from, or Tennessee, where I am from, and where we struggle with air pollution problems, it gets rid of the sulfur air pollution problems and gets rid of nitrogen and mercury and just leaves carbon. If we can advance our research and development for carbon sequestration—that is, capturing that carbon and putting it in the ground—then we will have for ourselves and for the world a transformed way of producing electricity that will provide a low-cost, reliable supply of American-produced clean energy in the amounts we need.

Finally, we need to produce energy in a way that as much as possible clears our air of sulfur, of nitrogen, of mercury, and of carbon. This should all add up to an American Clean Energy Act of 2005, legislation that puts our country on the path toward an adequate, low-cost supply of reliable, American-produced clean energy.

To accomplish this goal we must have aggressive changes in policy—and many of those are in this legislation as it is reported to this committee—aggressive energy efficiency and conservation, aggressively transforming the way we produce electricity, such as advanced nuclear or coal gasification and carbon sequestration, aggressively researching for new domestic supplies of energy, aggressively importing for the time being liquefied natural gas and aggressive research and development into new forms of energy.

I believe we were fortunate we could not pass an energy bill last year because circumstances have changed, and they have made this a better piece of legislation more likely to reach the broad goals I just mentioned. Specifically, high natural gas and oil prices this year make the situation more urgent.

Next, because of this urgency, perhaps we better understand the threat to our jobs from the growing demand for energy in India and China and other parts of the world. Next, because of the time we have spent in hearings and debates—and Senator CRAIG and I and Senator MARTINEZ and Democrat members, Senator DOMENICI, Senator BINGAMAN, we have had long hearings on coal, long hearings on nuclear, long hearings on gas—we have a better understanding of the new technology and what the emerging consensus is in this country, especially regarding nuclear and coal gasification and carbon sequestration.

I think, in our committee, we have a near consensus about the direction in which we ought to go on this very new way of going. That is an important development. We also see more clearly the essential relationship between a clean Energy bill, which this is, and clean air legislation. So we come to the floor for debate not only with a better clean Energy bill, but, as Senator CANTWELL from Washington said at the end of our marking up of the committee bill, with a cleaner process.

Everyone on the committee has had his or her say. Now, not all of us got our way, but all of us had our say. And we had many votes. As Senator BINGAMAN said, they were almost never party-line votes. But they reflected the different opinions and different regions of the members of the committee. As a result, we come to this floor with only one dissenting vote in the committee of 22.

This bipartisanship, which has been mentioned many times, is the result of a lot of hard work and patience by the chairman and ranking member of our committee, Senator DOMENICI and Senator BINGAMAN. They have shown patience, they have shown tolerance, they have swallowed hard sometimes, and they deserve a lot of thanks for this legislation. They have led us down a very good path.

Now we have a chance to make the bill even stronger. The Finance Committee will recommend to us later this week tax incentives to further our goals. We will debate those. Then there are some important issues to be resolved about which we have some very different opinions, such as the Senator from North Dakota said we need to get rid of our addiction to foreign oil. Some people like CAFE standard increases. Some people like, as I do, incentives for hybrid cars, the efficient dispatch of natural gas; meaning encouraging States to send out of the most efficient natural gas plants, first, the gas we use. The committee did not adopt that, but I still think it is a good idea. We may hear from it again, maybe in an amended form.

A proposed renewable portfolio standard: The Senator from New Mexico, Senator BINGAMAN, may propose that or others may. He thinks it is a good idea. I think it is a bad idea. I think it is a tax on lots of people around our country who will not be building windmills and who do not need to pay higher taxes. They cannot afford it. I think it is an unnecessary Federal rule, when we have 17 States which, in their own ways, already have renewable portfolio standards. But we will have a chance to debate that and vote on it and come to a conclusion.

We will be talking about carbon and global warming. There are a great many ideas afloat within this Senate about that. I think it is fair to say there is a growing consensus about needing to produce carbon-free or low-carbon energy. There is not a consensus yet on what to mandate or what to order. There is a debate about the proper allocation of resources to encourage renewable energy. Renewable fuel is about 2 percent of all the fuel we use in the United States. Renewable energy, other than hydro dams—water over dams—is about 2 percent of all that we use. It is not going to be that much more. So we need to make sure that, within the renewable fuels, we equitably allocate the dollars that are spent as between geothermal and solar, for example, or solar and wind, for example, and that we make sure we are spending scarce dollars for programs and policies and incentives that will produce the largest amount of carbon-free or low-carbon energy.

So I am confident we can deal with these issues and create an even stronger bill as we go to conference with the House of Representatives.

It is fashionable and correct to say these days that to help us get a bill through our committee to meet our energy needs, we need every kind of energy. I suppose if somebody proposed subsidizing building bonfires in the front yard to heat our house, we would probably put it in just to get a consensus in trying to move it all the way through.

But it is also correct, and I believe more important, especially when we are challenged, as we are today, economically, to say we need priorities. So let me say, briefly, after participating in these 2 years of discussions and hearings, what this one Senator believes our priorities ought to be if we really want to have an adequate, reliable supply of American-produced clean energy so we can keep our jobs and our high standard of living and a more competitive world marketplace.

First, energy efficiency and conservation. Coming from the Republican side of the aisle, someone might say: That sounds a little odd. Maybe you don't really mean that. Maybe you are just saying that to make Democrats feel better. No. Energy efficiency and conservation is the best strategy for immediately moderating natural gas prices and stabilizing longer term markets. In other words, if we really want to lower the price of natural gas from $7, the place to start is conservation and energy efficiency. It will do it quicker and faster than anything else.

For example, the appliance efficiency standards in this legislation, which are twice as strong as last year's bill, should avoid the building of 45 natural gas powerplants of 500 megawatts each and will save consumers and businesses more than $57 billion through 2030, according to the American Council for an Energy-Efficient Economy. So 45 natural gas powerplants avoided.

The legislation also includes a 4-year national consumer education program that, when used in California, helped produce a 10-percent cut in peak demand, the equivalent of power produced by another 11 500-megawatt powerplants. If we were to strengthen the bill by adding a provision to encourage utilities to use first the electricity most efficiently produced from natural gas, we could save even more.

The oil savings amendment in this legislation will encourage the savings of 1 million barrels of oil per day—per day—by the year 2015, about the amount of energy produced by the projected drilling in ANWR. It is also about the same amount of oil produced in onshore drilling in the State of Texas. It is my hope that the tax incentive provisions recommended by the Finance Committee will include the proposal of the National Commission on Energy Policy, which Senator BINGAMAN has talked about, to encourage the purchase of hybrid and advanced low diesel vehicles with a $2,000 tax deduction, as well as tax incentives to encourage the retooling of plants in the United States to build those vehicles, which would add another 39,000 auto manufacturing jobs.

In other words, we do not want to create an incentive to build hybrid vehicles and have them all built in Japan. We would like to have those 39,000 manufacturing jobs in Minnesota and Tennessee and other States.

A second priority would be increased supply of domestic natural gas. The next section of this legislation that would have the most immediate impact on natural gas prices is the section streamlining the permitting of facilities for bringing liquefied natural gas, LNG, from overseas to the United States. It gives the Federal Energy Regulatory Commission, FERC, we call it, the authority for siting and regulating these liquefied natural gas terminals.

It preserves States' authorities under the Coastal Zone Management Act and other acts. This would make it easier to import, for the time being, LNG from overseas, which is then added to our pipelines. To do this, requires large terminals in which to temporarily store the gas. We only have four such terminals. There are nearly three dozen applications pending for more terminals—some onshore, some offshore—but the application process is laborious. This legislation accelerates the decisionmaking process, while preserving a proper amount of input from local governments about the location of these terminals.

In addition, I believe it is time to explore, where appropriate, more of the vast natural gas reserves that we have offshore. This can be done in ways that do not harm the coastlines or the landscapes. Drilling rigs can be put far offshore so they cannot be seen. States can be given the option of deciding whether they will permit such drilling and, in the process, collect some of the revenues.

I see the Senator from Florida waiting to speak. I saw his map a little earlier, and I know he is likely to talk about this subject. My feeling about this is that if Virginia or North Carolina or Florida agree that they would like to put oil and gas rigs so far offshore they cannot see them, and use some of those revenues to build up their universities or lower their property taxes, I think they should be able to. But if the State of North Carolina or Florida does not want to see those things and does not want them at all, I think they should have that option as well. Those are a number of things that would increase the supply of natural gas.

After conservation, after increased supply of LNG and domestic gas, my third priority would be a new generation of nuclear power. This legislation needs to include $2 billion for research and development and loan guarantees to help start at least two new advanced technology nuclear powerplants. The Senator from Idaho is a leader in this work. So are both Senators from New Mexico. After conservation and increased supplies of natural gas, expanding and building new nuclear powerplants stands virtually alone as America's best option for an immediate, substantial, and reliable supply of American-produced clean energy.

Why is that? One hundred and three nuclear powerplants today produce 20 percent of America's energy, almost 70 percent of our carbon-free electricity. This is a technology we invented. Since the 1950s, the U.S. Navy has operated dozens of reactors—does so today—without ever a single incident, regularly docking at ports on our coasts. France is today 80 percent powered by nuclear power. Japan is adding a nuclear powerplant a year. Yet the Tennessee Valley Authority's Browns Ferry plant is the first substantial nuclear startup since the 1970s.

If we are talking about carbon-free electricity, nuclear power is already 70 percent of our carbon-free electricity. In an economy this big, after we get through with conservation, after we import more LNG, nuclear power stands alone as our best option to have large amounts of carbon-free electricity, and we need to get on with it.

Fourth, waiting in the wings is coal gasification and carbon sequestration. It is often said that America is the Saudi Arabia of coal. We have a 500-year supply. Some say 400; some say 500. We have a lot. We have the technology to turn the coal into the gas and then burn the gas to make electricity in a way that eliminates most of the nitrogen, sulfur, and mercury. That would put every county in Tennessee in compliance with Federal clean air standards. The Smoky Mountains would still be smoky, but they wouldn't be smoggy. It would clean the air.

We are on the edge of being able also to recapture the carbon produced in this process and store it underground. If we can add this clean coal process to nuclear power, one, we will lower natural gas prices for farmers, homeowners, and blue-collar workers because it will not be as necessary to use natural gas to make electricity; and, two, we will have an adequate supply of low-cost, carbon-free energy that is much less dependent on foreign sources.

If we want to do as the Senator from North Dakota indicated earlier—get rid of our addiction to foreign oil—we know the way to do it. A lot of the provisions are in this bill: First, conservation and efficiency; second, increased supplies of natural gas, which is clean; third, nuclear power; and fourth, coal gasification and sequestration. If we did that, we would transform the way we produce energy, and we would have a true American clean energy bill.

Coal gasification and carbon sequestration would clean the air of major pollutants and, importantly, show the rest of the world how to do it. A point I learned not long ago was that some of the major environmental groups support a coal strategy to clean the air. Because if the United States perfects coal gasification and sequestration, then China and India and Singapore and others will do it. If we do not, they will go ahead building conventional coal plants which are dirtier. If we are really interested in clean air, in carbon-free air around the world, this is the strategy we will follow.

It is my hope that the loan guarantees and tax incentives in this legislation will include $2 billion in tax incentives for the deployment of six coal gasification plants by 2013 and loan guarantees for industrial site commercial applications. For carbon capturing sequestration from coal plants, we need $1.5 billion in research to demonstrate commercial-scale carbon recapture and geologic sequestration at a variety of sites. Substantially, these provisions are in the legislation Senator JOHNSON of South Dakota and I offered which we called the Lower Natural Gas Prices Reduction Act of 2005, and many of the provisions are in this bill.

I have a couple of more priorities, and then I will be glad to yield the floor. I see others waiting.

Fifth, research and development—if we are to transform the way we make electricity, we have to accelerate research and development of these projects. Developing advanced nuclear reactors with a lower construction cost should be the first priority, if we really want carbon-free electricity. Next should come demonstration projects for large-scale carbon sequestration because if it succeeds, it could transform clean energy not just here but everywhere. Accelerated research into hydrogen production, as Senators DORGAN, AKAKA, and others have advocated, should come next, keeping in mind that it is several years down the road. It will require nuclear or coal or natural gas powerplants to produce the hydrogen. Then for the longer term should come fusion.

Finally, a word on renewable fuels and energy as a final priority. About 2 percent of fuel for our vehicles is renewable fuel, chiefly from corn-based ethanol. About 2 percent of our electricity is produced by nonhydro renewable energy, chiefly biomass, which we burn, wind, solar, and geothermal, hot air coming out of the ground. Our objective should be to encourage R&D and breakthroughs that help these small numbers become bigger so that renewables make greater contributions. This legislation includes authority for such research. For example, new advances in solar technology suggest that solar shingles on house tops and businesses may have significant potential.

It is important to make our financial subsidy for these renewable sources equitable among themselves. For example, the renewable production tax credit in the Federal Tax Code today has already committed billions over the next 5 years—I believe the accurate figure is about $2 billion for the next 5 years—almost all to wind power, almost nothing to solar. That is not right. We should have advances in solar. And to the extent we want to put money behind renewable energy, solar and geothermal, as well as wind, should have an opportunity to succeed. Hopefully, this legislation will correct that by creating a new investment tax credit for solar energy such as the one Senator JOHNSON and I introduced earlier this year which would make it available to homes and businesses and would cost $380 million over 5 years.

We also need to make sure that these tax dollars are spent for renewables to help launch new technologies, not permanently subsidize them, and that the amount of money spent bears some relationship to our total energy. For example, extending the production tax credit for 3 more years, as it is written, would mean taxpayers would be spending a total of about $3 billion over the next 5 years building huge windmills that when the wind blows provide little more than 1 percent of our electricity needs.

By comparison to that $3 billion over 5 years, the Budget Committee has told us we can only spend $11 billion on the entire Energy bill. I would suggest we seriously consider instead of allocating $3 billion to windmills, we might spend $500 million to extend the $2,000 tax deduction for the purchase of a million new hybrid and advanced diesel vehicles, provide $750 million for retooling the plants in which to make the vehicles and make sure they are here in the United States. That is 39,000 new auto manufacturing jobs, according to the National Commission on Energy Policy. We might provide a half a billion dollars for carbon sequestration demonstrations, and we might have $1.25 billion left over to launch advanced nuclear reactors and a new generation of clean coal gasification plants.

There are many ways to add up these dollars. We need to make sure the numbers I am talking about are exactly right. But basically that is $3 billion for windmills. I am suggesting we might be able to spend it more effectively if we really want carbon-free electricity.

These are one Senator's priorities for producing an American Clean Energy Act of 2005. Only steps like these will produce adequate conservation and an adequate supply of reliable, low-cost, American-produced clean energy. Only steps like these will lower natural gas prices, which we can and must do, reduce the growth of our dependence on oil, and save the United States from the next big surprise, the surprise to our pocketbooks if we fail to prepare for the oncoming energy crisis.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thank my colleague, Senator ALEXANDER, for the tremendous level of involvement and importance he placed on this issue of energy, as a full participant in the committee, there to talk about, look at, research, and find answers for many of the proposals that are embodied in this critical piece of legislation. I thank him as a major contributor to this issue. He has well laid out this afternoon the importance of this legislation and getting this country back into the business of producing energy but also under that critical new caveat of clean energy that we see and believe to be so important to all of us.

I see the junior Senator from Florida on the floor, who, like the Senator from Tennessee, has been a major participant as a new member of our Energy and Natural Resources Committee. Already his important fingerprints are on this major piece of energy legislation.

I yield to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I thank the Senator for his comments. I appreciate the opportunity that the chairman, ranking member, and other members have given me to work on this important piece of legislation.

As the Senator alluded, I came late to the work of this committee on this bill, having joined the Senate just this year. Much of the work had previously been done. I am grateful for this opportunity and for the deference the chairman has shown and for the opportunity to work on these important issues.

I compliment the Senator from Tennessee for his comments. I thank him for doing a thorough review of the entire bill. I appreciate the comprehensive way in which he analyzed it. I have appreciated greatly his passion on certain aspects of this bill and his great understanding of all of the issues that it raises. I appreciate very much his review of the entire bill.

Today, as he forecasted, I rise to speak on an issue which is of great concern to the people of Florida. The people of my State are very concerned about development of offshore energy resources in what has been known as the Eastern Planning Zone of the Gulf of Mexico.

As my colleagues are aware, in this bill is an inventory amendment that I will work to strike from the bill. There are also efforts to attach additional language to the Energy bill that I believe would be a poison pill and counter to what this bill is all about: namely, this bill is about conservation, new technologies, and jobs.

I further thank the chairman of the committee, Senator DOMENICI, and the ranking member, Senator BINGAMAN, for the fine work they have done in crafting a bipartisan, comprehensive, and significant package that diversifies America's energy supply, increases conservation and production, and employs innovative technologies to meet America's energy needs. I thank the chairman and ranking member for allowing me to be part of this process and this legislation.

As the chairman himself has said, this bill will make a real difference in America's energy landscape. I am proud to have voted for this legislation in committee, and I look forward to voting for it on the floor—if we can address some areas that are critical to my State's future, environmentally, economically, and even militarily.

Mr. President, in the Energy bill that we are considering, there is a provision that requires an inventory of oil and natural gas resources on the Outer Continental Shelf. I opposed this amendment in committee because it contains something we in Florida don't want. It starts something that we in the United States do not need, and it opens the door to a number of problems—environmental problems, economic problems, and unnecessary challenges for our military. Why would we inventory an area where we are never going to drill?

The inventory language in the Energy bill is a huge problem for Florida. It tantalizes prodrilling interests. Allowing an inventory is like saying to prodrilling States, "Come and get it." I have received assurances from my friends on the other side of this issue that States such as Florida—States that do not want drilling on their coast—will not have to take it. Fine. That is Florida's position. I can clearly state that we do not want drilling now, and I do not see a scenario anywhere on the horizon where we could change that position. So why, given our objection to drilling, would we spend the resources and damage the environment on the Eastern Planning Zone to do this inventory?

An inventory is not a benign thing. It involves detonating explosives, enough to shake the crust of the Earth, listen to what comes back, and, in the meantime, we may also destroy fragile sea life.

Just briefly, if you look at the cost of this inventory, people in the Minerals Management Service tell me that to use the most up-to-date technology to perform any inventory of this magnitude, the cost estimate would run between $75 million and $125 million for each frontier planning area. Nowhere in this legislation can I find a section that suggests how we recoup the cost of such an inventory.

So I look forward to working with Senator DOMENICI and my colleagues to find a solution to this question of the inventory—something that would preserve the inventory option for those States that want it and let States such as Florida remain unaffected.

But worse than the inventory is what are being called the "coastal killer" amendments. We don't know when these amendments will be offered or if they will be offered, but the language first came up in committee, eventually withdrawn, and the nature of these amendments could be so devastating to Florida that I believe they ought to be addressed today. I am pleased that my colleague, the senior Senator from Florida, addressed them today. These amendments should be explained, and I am here to argue that these amendments must be and ought to be rejected.

The amendments aim at three things: drawing brandnew, unprecedented boundaries for each State, allowing States to opt out of the moratorium, and creating huge incentives for States to opt out of the Federal moratorium. If these amendments were to become law, that buffer zone shrinks to just 21 miles—well below what it is today. Let me be clear: 21 miles is no buffer zone, and it is of no comfort to Floridians.

If we open additional drilling in the Eastern Planning Zone, it will damage the fragile ecosystem, Florida's economy, and it will pull the rug out from under the military that has made the commitment—an increased commitment—and made the investments and moved a majority of their training operations from Vieques and other places to the clear coastal waters of Florida.

Mr. President, to say that these coastal killer amendments are giving States the freedom to choose is ignoring the fact that Florida will be losing its choice. We will stay in the moratorium, but if Alabama opts out, you bring drilling to Florida's shores—whether we like it or not. It is this aggressive effort to wade into what has traditionally been Florida's buffer zone that has drawn opposition. The Eastern Planning Zone must not be opened.

For those who do not know the location of the Eastern Planning Zone in the Gulf of Mexico, let me show you this chart. The Eastern Planning Zone is in this area, which is clean and clear, as you can see. There are active leases in the gulf. Note that this portion of the gulf is literally tapped out. This is the area where drilling and leases are active at the current time—off Texas, Louisiana, and Mississippi, where it is literally covered up. When we think about this area, the Eastern Planning Zone, which is right here, we just don't care in Florida to see this kind of encroachment on our pristine coastline, our ecosystems, as it is over here. So for those of us who believe our boundary is here and that east of this we should exercise some control and some mandate, we simply do not care to see any change in the status quo.

Oil and gas companies are now looking at this portion of the map—Florida's coastal area—and thinking, Let's open that area. To my colleagues, I say, as Senator NELSON said before me, the answer to that is simply no.

Last year, more than 74 million people visited Florida to enjoy its coastline and wonderful climate. Families return year after year to their favorite vacation spots to relax under our brilliant blue skies, at powdery white beaches, and our crystal-clear emerald waters.

The people of Florida share a love and appreciation of the Atlantic Ocean and the Gulf of Mexico, its coastal habitat and our wetlands, which make a very complex ecosystem, and also a very special place to live.

I share these facts for one reason: The people of Florida are concerned their coastal waters are coming under increased pressure to exploit possible oil and gas resources. The people of Florida do not want that to happen. Floridians are adamantly opposed to oil and gas exploration off our coastal waters. We have serious concerns that offshore drilling will increase the threat of potential oil spills, seriously damaging and threatening marine wildlife and their coastal habitat.

In addition, Floridians are extremely concerned that drilling operations would produce massive amounts of waste mud and drill cuttings that would be generated and then sent untreated into the surrounding waters.

Of the 74 million people who have visited the Sunshine State in 2004 to enjoy its beautiful beaches, exciting amusement parks, and wonderfully abundant wildlife and natural splendor, I daresay not a one of those people came to Florida without spending some of their hard-earned dollars.

Here is what tourism means to Florida: 840,000 people directly employed in the industry and an economic impact of $46 billion a year to our State's economy. If the unforeseeable happens, whether it is a hurricane, an industrial accident, an intentional or terrorist act, and our coastlines become soaked with oil, there is no amount of relief aid that can clean up the economic disaster that would be Florida's. Entire communities would be totally devastated.

At the end of the day, what I would like to see is for us to codify in law positions that are supported by me, the senior Senator from Florida, BILL NELSON, and Florida's citizens. Our view is that we must prevent any further encroachment into Florida's waters and coastline. This is necessary to protect our tourism industry and the pristine beaches and coastal areas that would be ruined if an unfortunate oil spill or disaster took place.

Perhaps one of the most compelling arguments entails what drilling in the area of the Eastern Planning Zone would mean to national security. We cannot ignore the fact that lifting Florida's protections will put our military at a training disadvantage. Let me repeat: Lifting Florida's protections will put our military at a training disadvantage.

Let me highlight just some of the military operations that use this platform-free zone for training. We have to allow our military to continue training for battle preparedness. Our young men and women deserve the best training we can afford. Vieques gave them that capability. Now that Vieques in Puerto Rico is closed, Florida's Panhandle plays an increasingly significant role. Oil and gas operations must not be allowed to impede on that training.

Keep in mind, drilling in Florida's part of the gulf is not a new argument. This is something that has been attempted for some time. Here is what MG Michael Kostelnik, the base commander of Eglin Air Force Base, said in May of 2000:

> We continue to place the most severe restrictions in the eastern portion of the proposed sale area where oil and gas operations would be incompatible with military training and testing operations.

If we allow drilling there now, the military will be set back in their training, their preparedness, and moved back to square one in trying to find an area suitable for this kind of massive military joint operation.

This is a question of national security, and it is why in this area of Florida, where there is great land mass available to the military, as well as this entire gulf area, for training operations, that in this BRAC process Florida did rather well, and in fact we saw increases of training commands coming to this area of Florida for the very reason of what we have to offer, the environment and the pristine and open areas for them to train.

I want to take a moment to discuss how we arrived at the position we find ourselves in today. The distinguished Senator from Louisiana, Ms. LANDRIEU, has stated publicly that she wants to be very respectful of States that do not want drilling off their coast—they do want drilling in Louisiana. I appreciate that sentiment and I feel the same respect for the rights and privileges of the various States. In fact, that is why we are here today.

The coastal killer amendments will weaken Florida's protections. Under these amendments, the will of the people of Florida, which is to keep drilling away from our shores, will be thwarted.

Senator LANDRIEU says she also wants to leave an option open for States that might want to drill off their shore. There is much work to do, but we must work to solve our Nation's energy problems without looking to Florida's coasts. They are not open for consideration.

As many of my colleagues know, Senator NELSON and I are working together to engage a coalition of Senators to help beat back any efforts to encroach upon our coastal waters. I am proud to say in doing so I follow in the footsteps of our predecessors, former Senators Connie Mack and Bob Graham, and a bipartisan Florida delegation, in our firm opposition to drilling off our coasts.

Let me again take a moment to praise Chairman DOMENICI and Ranking Member BINGAMAN for putting together a comprehensive, bipartisan, and significant energy policy that is forward looking, forward thinking, and a road map of where we as a nation need to go in order to address the challenges that confront us today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Will the Senator yield?

Mr. MARTINEZ. Yes, I will yield.

Mr. NELSON of Florida. Mr. President, I thank my colleague from Florida for an excellent and comprehensive statement where he has touched on the things that threaten Florida—not only the environment, not only the economy, particularly the pristine beaches, or our guests who come as tourists, the military, but he has given an overview that I think is excellent, and why in the process of debating this very important Energy bill we need to come to a resolution that the existing moratorium in the Outer Continental Shelf will not be lifted.

Senator MARTINEZ and I represent the State of Florida, but there are many other coastal Senators—I will name one whom I had breakfast with this morning, Senator LINDSEY GRAHAM of South Carolina, who also has an economy in part based on tourism, the Myrtle Beach area. It is well known. Does he want oil rigs off the coast of South Carolina? Of course he does not.

We will find on the Pacific coast, on the Atlantic, as well as us, concern about this eastern planning area, which includes this lease-sale 181, that there are a bunch of Senators who see this as a direct threat to us. Interestingly, the geology shows that there is not much oil and gas there. We have had innumerable dry holes in the attempts at drilling out in the gulf.

So I wanted to take the opportunity to thank Senator MARTINEZ for an excellent statement.

Mr. MARTINEZ. I thank the Senator. I appreciate the kind comments. I also would like to say that I know Senator BURR is greatly concerned. We sat side by side in the committee, and he shares the concerns for the State of North Carolina and its coastline. What we see is a number of Senators who choose to protect their own interests, their own economies, and I also know the distinguished Senator from Louisiana is looking out for their own economy. So what we have to do is find a way that we can live and let live, not encroach, and allow each of the States to make decisions based on their own perceived self-interests. For a long time, Florida has been keeping our coastline clear.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. CRAIG. Mr. President, will the Senator from South Dakota yield without losing his right to the floor?

Mr. JOHNSON. Certainly.

Mr. CRAIG. I ask my colleagues to consider that the ethanol title is now before us. I believe there are several amendments out there, and we would like to move this through in the next day or so. We would hope that some of our colleagues who have those amendments would come to the floor this late afternoon and evening and offer those amendments. So for those listening and for those staffs who are aware, we would ask them to bring those amendments forward so that we could consider them as we move, we hope, in a timely fashion through this legislation.

I thank my colleague from South Dakota.

Mr. JOHNSON. I thank my friend and colleague from Idaho.

Mr. President, during the last 4 months, the Senate Energy and Natural Resources Committee, on which I serve, has worked diligently toward completing a balanced and comprehensive Energy bill. Through the leadership of Chairman DOMENICI and Ranking Member BINGAMAN, the committee moved forward in a bipartisan fashion toward improving the reliability of our Nation's electricity grid, adopting provisions to encourage Indian tribes to develop clean energy projects and took steps toward addressing past manipulation of western electricity markets, all the while moving to improve the energy efficiency of our economy.

The committee also adopted an amendment I offered along with committee members—Senators TALENT, DORGAN, and SALAZAR—in a bipartisan fashion, once again, to increase the amount of renewable fuels used in the Nation's gasoline supply.

The amendment before the Senate today creates an 8-billion-gallon renewable fuel standard, RFS, that will lessen our dependence on foreign sources of energy while increasing the availability of a clean gasoline fuel extender. Implementing a renewable fuel standard is part and parcel of our goal in producing a balanced and forward-looking energy bill.

Why must we do more to promote and develop renewable fuels?

In 2003, net imports of crude oil accounted for 56 percent of our domestic petroleum consumption. Americans will spend over $120 billion in 2005 on foreign imports of oil. According to the Department of Energy's Energy Information Administration, petroleum imports are projected to reach 68 percent in 2025. This is simply untenable. We need to harness new supplies and conserve better if we are to break this dangerous dependence on foreign oil.

Renewable fuels—ethanol, biodiesel, and cellulosic biomass—are grown, produced, and refined here in the United States. Those on the right and the left of the political spectrum agree that we need to increase the production of renewable fuels as one important tool toward lessening our dependence on foreign oil.

In 2004, the United States produced almost 3.5 billion gallons of ethanol. That level of renewable fuel production directly replaces millions of barrels of foreign oil annually and reduces our trade deficit, all the while creating jobs at home in the United States.

As States look for solutions to reduce petroleum fuel use, renewable fuels keep appearing as a critical component to any strategy. Thus it is no surprise that a May 2005 staff report by the California Energy Commission determined that increasing to 10 percent the amount of ethanol blended into a gallon of gasoline in California would reduce by 28 percent the amount of petroleum used in that State by 2025.

In addition to displacing imported oil, renewable fuels also lower retail gasoline prices—lower gas prices for Americans. Contrary to some of the falsehoods that some have tried to peddle, if these clean-burning fuels disappeared from the marketplace tomorrow, your constituents would pay more at the pump for a gallon of gasoline. At the end of April, the average nationwide price for a gallon of gasoline was $2.25, and the spot market for a gallon of wholesale ethanol is at a price of $1.24 per gallon of ethanol—$2.25 per gallon for gasoline, $1.24 per gallon of ethanol. It doesn't take a genius to figure that the more ethanol blended in the gallon of gasoline, the lower the price overall to consumers.

Perhaps the better question to ask is not why gasoline prices are so high, but why isn't ethanol used more widely in the marketplace? Apparently, there are many starting to ask that question, and not just farmers and ethanol producers. On May 5, the California Independent Oil Marketers Association wrote to the California Air Resources Board seeking approval to use up to 10 percent ethanol blended gasoline in the California market. In the letter to the California Air Resources Board, the Independent Marketers state that using a 10-percent blend as opposed to California's current 5.7-percent blend would provide more stability to the State's fuel supply.

It is not just marketers seeking greater use of ethanol. The Consumer Federation of America, in a May 2005 analysis on the difference between gasoline and ethanol prices, concluded that because of the difference between the wholesale price of ethanol and the average wholesale price of gasoline, the consumers purchasing gasoline blended with 10 percent ethanol are saving as much as 8 cents a gallon versus fuels not blended with ethanol, lowering the price at the pump by 8 cents a gallon. Renewable fuels, therefore, extend supplies, reduce dependence on foreign oil, and lower prices at the pump for consumers.

The amendment before the Senate would phase in, over 7 years, a nationwide renewable fuels standard of 8 billion gallons. Let me put that in some perspective. In 2004, the United States consumed about 160 billion gallons of gasoline, and the U.S. domestic ethanol production topped out at about 3.5 billion gallons—160 billion gallons of gasoline, 3.5 billion gallons of ethanol.

With nearly a billion gallons of production under construction, the previous effort to implement a 5-billion RFS by 2012 is woefully inadequate to meet growing production. Phasing in an 8-billion-gallon renewable fuel standard over 7 years can be accomplished. Increasing production will meet the requirement, all the while creating 234,000 jobs and adding $20 billion in gross domestic production between 2005 and 2012.

This amendment will also create opportunities for cellulosic ethanol and sugar cane ethanol and spurs biodiesel production in the South and Western United States. The amendment includes language championed by my colleague and friend, Senator CANTWELL of Washington, which will further incentivize cellulosic ethanol.

With record-high gasoline prices, with an ever-growing dependence on foreign sources of energy, our Nation must do more to promote and utilize renewable fuels. Creating a strong renewable fuel program that captures biodiesel, ethanol, and other renewable energy sources must be a cornerstone to the comprehensive energy bill.

Mr. President, it is with great satisfaction that I have this opportunity to speak to the 8-billion RFS provision that was added to the Energy Committee's bill which was voted out on a 22-to-1 passage of the total bill and with great support of the ethanol provision in that bill. I am confident that this body will maintain that 8-billion RFS requirement.

All the more so, it is important because the House Energy bill contains only a 5-billion-gallon RFS, a level that is simply inadequate, that the ethanol industry is on the verge of outstripping already even without an RFS. If we are going to be serious about displacing billions of gallons of foreign petroleum, if we are going to be serious about reducing the dependence on foreign petroleum, of reducing our trade imbalance—which is imbalanced, in large measure, because of the massive importation of petroleum—if we are going to have a foreign policy and a military policy that is not impacted by the need to protect and defend the oil lanes around the world in unstable Third World areas, if we are going to create more jobs—not just in a handful of communities but in rural communities across this country—if we are going to drive up the prices that farmers get for their product while at the same time giving them an opportunity to benefit from the dividends of the stock they own in these ethanol plants, then it ought to be obvious, whether you come from farm areas or urban areas, that this RFS makes all the sense in the world, for the sake of our economy, for the sake of clean air, for the sake of our foreign policy, for the sake of trade policy, for the sake of jobs.

I am pleased this particular legislation with its broad-based bipartisan 22-to-1 vote out of the Senate Natural Resources Committee is on this floor and within the coming week or so we will be able to pass this bill, go to conference, and, I am confident, work out the differences with our colleagues on the House side and get this bill to the President's desk. Finally, after years of turmoil and effort, we will have a comprehensive energy bill that will benefit the entire Nation.

I am pleased we have reached this point. I am pleased with the great success of the 8-billion RFS amendment. I look forward to its passage and urge my colleagues to be supportive of this RFS requirement contained in the bill coming to us from the Energy and Natural Resources Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I congratulate the leadership of the Energy Committee, the leadership of the Environment and Public Works Committee, coming to an agreement on this particular amendment we have under consideration here today. This, as my colleague from South Dakota noted, is an issue of great importance to the energy security of our Nation and to our economy.

We have an opportunity here today to put together a bill and meld on the floor of the Senate a couple of different provisions that have come out of different committees of the Senate. The Energy Committee and the Environment and Public Works Committee, on which I serve, dealt with the renewable fuel and ethanol provisions that we reported out this year. What this does is enable us to reconcile, here on the floor, the conflicting or competing, if you will, jurisdictions between those committees. It puts into place an 8-billion-gallon renewable fuel standard.

We are at this point, we are here, and it is long overdue. This Energy bill has been kicking around for several years. Back when President Bush was first elected, the task force was composed, they met, came up with recommendations submitted to the Congress. The Congress subsequently acted in the last session of Congress, only to have the wheels fall off toward the end of the Congress in an environment that probably was more highly politically charged than anything else.

However, the reality is we are here today in the Senate—after the House having passed an Energy bill—with an opportunity to pass an Energy bill in the Senate, to get it into conference, and to come out with a conference report that we can send to the President to be signed into law.

This is an important piece of legislation for a lot of reasons, one of which is the JOBS bill. This is about creating economic opportunity for people in this country. We passed a comprehensive Energy bill which is long overdue. We will have the opportunity to create a lot of jobs for Americans across the country with the various provisions in the bill by adding to the supply of existing energy sources we have, creating new energy sources and diversifying our energy supply in areas I am very interested in, such as renewable fuels. The conservation incentives in this bill are good for America, both for people who purchase cars and for manufacturers who produce cars. There are a lot of things about this bill that are necessary, if we are going to get our country back on track toward the path of energy independence.

Having grown up 30 years ago now, I remember going through an energy crisis, with everyone wringing their hands about how dependent we are on foreign sources of energy. At that time, we were over 50-percent reliant on foreign sources of energy, saying we have to do something about it. Here we are, 30 years later, at 55-percent dependent upon foreign sources of energy.

We still have to get much of our energy supply from other places around the world, places that are very unstable, which create tremendous pressures on us not only in terms of our economy but also our military commitments that are necessary in order to protect those areas of the world that are primary conduits of energy for our country.

It is about the economy. It is about energy security. It is about jobs and about reducing the cost of energy for Americans. Look where gas prices are today. That is why we are where we are. This is a time we have the impetus for getting an Energy bill passed because people are frustrated and are looking to the Congress to act. They go to the pump, and pay over $2 a gallon—in some places well over $2 a gallon—for gasoline. They are looking for Congress to take action that will help address the long-term supply problems we face as a Nation, which are creating this demand today for energy that continues to push prices higher and higher.

This comprehensive Energy bill is an approach which I believe addresses many of the components. Parts of this bill address many of the needs out there, one of which, of course, is additional supply. Not too long ago I had the opportunity to join with a number of my colleagues in the Senate and travel to the North Slope of Alaska. Earlier this year, during debate of the budget, we authorized exploration for energy in Alaska. In my view, when we have a million barrels a day of additional production we could bring online with ease, which will reduce the pressure we have on oil supplies in this country and continue to lessen our dependence upon foreign sources of energy, it is an important part of this debate. So additional supply is part of this discussion.

More particularly, what this amendment deals with, is the comprehensive need for diversifying our energy supply in this country and moving more toward renewable sources of energy. In my State of South Dakota, in the State of Minnesota, in the State of Iowa, and all across the Midwest, we have rows and rows and rows of corn and rows and rows and rows of soybeans. I look at that as a food source, and it is. We feed it to cattle. We use it in a lot of different ways. However, it can also be converted to energy. A bushel of corn can be converted to 2.5 gallons of ethanol. That puts energy in the pipeline for this country that will lessen our dependence upon foreign sources of energy.

What this amendment does is create a market. It says we are going to have, phased in over a 7-year period, an 8-billion-gallon market opportunity for ethanol producers in this country. That is good for the farmers of the Midwest, the farmers of South Dakota. It puts more money in their pocket. They can take their corn down to an ethanol plant and receive 10 or 15 cents a bushel more for it than they would if they put it on a rail car headed to some terminal elevator somewhere. That is good for the economy and for the farmers of this country. It is good for the consumers of this country, the people who have to buy energy.

Ours is a State with long distances. We are very reliant upon tourism and reliant upon the farm, ranch, and agricultural economy. We are very reliant upon our small businesses who have to get to their destinations. We are a State which is very energy dependent and energy intensive. Our State, similar to many others in the Midwest, spends a lot of money on energy. When gas skyrockets to well over $2 a gallon, it has a profound impact on the ability of our State to attract economic development, to bring the tourists to our State, and to support the economy there. So this is an important issue not only for those who are producing the crops that can be converted into energy but also for those people across this country, those families, those small business people, those farmers, and those ranchers who are faced with higher and higher energy costs. This is an issue that is about our economy.

I would also say that when an ethanol plant is created, it brings a whole new vitality to rural areas. There are a lot of rural areas of our country and many in my State of South Dakota. We have a number of ethanol plants in my State. Each time another comes online, and every time we build another ethanol plant that produces 40 million, 50 million, or 80 million gallons of ethanol a year, it creates 40, 50, or 60 new direct jobs. It also creates a lot of ripple-effect jobs throughout the economy, indirect jobs that help restore and revitalize rural areas of this country, which are struggling for their very survival every day.

This is about the economy of rural areas. It is about the economic impact that passage of this legislation could have on consumers in this country. It is about the jobs that are going to be created in America. That is why, from so many different perspectives, this is good policy. This is something we, as a Congress, ought to be doing. We ought to be looking at those rows and rows and rows of soybeans and those rows and rows and rows of corn and the renewable things we grow every year.

We have a finite petroleum-based product—hydrocarbons and fossil fuels—that compose our energy supply today, but every year we can grow, because of the good work of the farmers in this country. We can continue to grow these products, these commodities, that can be converted into energy sources that will make America more secure going into the future.

An 8-billion renewable fuel standard—and as my colleague from South Dakota mentioned earlier, the House is at 5 billion gallons in their bill—it is important. I would like to see a 12-billion or 15-billion gallon threshold, maybe to the chagrin of some of my colleagues in the Senate who maybe are not as favorably disposed to renewable energy. However, the reality is this is good, clean energy. This is energy that lessens our dependence upon foreign sources of energy that makes our country more energy independent. That is good for the economy of the Midwest.

With all the jobs involved with this, with all the impacts I have mentioned—I also add that it is good for the environment in this country—this is good policy in creating a permanent 8-billion-gallon renewable fuel standard market for ethanol in this country that will put us on a path toward energy independence. It is something we ought to have a lot more of in this country.

I hope, as this legislation moves forward in this process, the 8-billion-gallon renewable fuel standard will be adopted by the Senate and will be part of the bill we send into conference with the House. And when we get to the negotiations with the House, I hope we will be able to retain that level of renewable fuel standards because it is important to America's future.

I urge my colleagues, not only on this amendment but as the bill moves forward, to support this amendment and to resist other amendments that could lessen, in any way, the commitment we are going to make to 8 billion gallons of ethanol for America's future.

It is about jobs. It is about the economy. It is about more dollars in rural areas that will help our farmers and ranchers survive. It is about keeping our small communities going. It is about energy independence for America's future. It is about a stronger, cleaner, and better environment. For all those reasons, I support this amendment.

I am happy to be a part of bringing this to the floor and working with our leadership on the two committees—on the Energy Committee and on the Environment and Public Works Committee—with Senator INHOFE, Senator JEFFORDS, Senator DOMENICI, and Senator BINGAMAN, and with our leadership in the Senate to get to where we are today.

I hope we can push this bill forward, get a bill through the conference, on the President's desk, and signed into law so that the American people will have what they have needed for some time and what this Congress has failed to deliver—and it is high time we did deliver—and that is a comprehensive energy policy for America's future.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Missouri.

Mr. TALENT. Mr. President, I rise briefly to continue the conversation my friend from South Dakota started about the importance of renewable fuels. I thank him for his work on the amendment that is going to be offered that I hope will not only be a bipartisan amendment—I know it is going to be that—I hope it becomes virtually a consensus amendment. It ought to be that for the reasons my friend from South Dakota said. I am going to discuss them for a few minutes myself.

I also join him in congratulating the chairman of the Energy Committee in bringing out a very strong Energy bill, a bill that is designed, in its entirety, to be a pro-energy bill, a proproduction bill, but also a proconservation bill and a pro-environment bill. I believe very strongly that it is not a question of "energy or conservation or the environment," but a question of "energy and conservation and the environment." The American people want all three, and they can have all three. I believe the bill is a long step toward giving them all three.

The renewable fuels standard which is part of the bill, and will be part of an amendment that is offered by the Senator from New Mexico, is an important part of the bill.

We all know that America has been importing more and more oil from foreign countries. In 1999, America was importing over 55 percent of its oil and petroleum products. Just 2 years later, our dependency had increased to over 59 percent. And by the year 2025, the Energy Information Administration estimates that the United States will import nearly 70 percent of its petroleum, unless something is done. And something needs to be done.

We cannot continue in a world where we are fighting a war against terror, in a world where there are many countries that, from time to time, express their dislike for us, to rely on foreigners for our energy. We do not rely on them for our food, and we should not rely on them for basics such as energy.

The good news is that the same people who are producing our food for us, and have given us the safest, highest quality, and most abundant and least-expensive food supply in the world, are well on the way to doing the same thing with regard to energy.

I am pleased to report that renewable fuels are not just the future—although I think they are part of the future—but they are the present. They are now. They are a "here and now." This year, we will use 3.8 billion gallons of ethanol in the Nation's fuel supply. That is about 3 percent of the Nation's fuel supply which is being produced in scores and scores and scores of ethanol plants around this country, many of which are owned and operated by the same farmers who are producing the corn which we then turn into ethanol.

Renewable fuels are here, and we need to make certain they are here 5 years from now and 10 years from now, and in greater and greater supplies so we can protect our national security. That is what the renewable fuels standard is about.

An amendment is going to be offered by the Senator from New Mexico. It is going to be a thoroughly bipartisan amendment. We have worked it out. I thank the Senator from Oklahoma, the chairman of the Environment and Public Works Committee, for working out an arrangement with the Senator from New Mexico to have a consensus amendment as between the two of them. I appreciate the hard work of the Senator from South Dakota. That amendment will reflect the basics of the renewable fuels standard that we put on in committee with very strong bipartisan support.

It will increase, from 4 billion gallons in 2006 to 8 billion gallons in 2012, the amount of biofuels or renewable fuels that are in the Nation's energy supply. That is not just ethanol. It is important to make that clear. It is partly ethanol, and probably will be mostly ethanol, but it will also be biodiesel, which we make from soybeans, and it will be biomass. There are provisions to develop the technology so we can turn sugar into energy. And I would expect, at 8 billion gallons, all those various kinds of renewable fuels will be present in substantial supply in the Nation's fuel supply by the year 2012.

Now, I said it was good for energy independence. I think that is pretty clear. Which one of us would not rather be dependent upon our farmers for their energy than upon, let's say, Saudi oil producers? It seems to me to be pretty self-evident that we can rely more on our own agricultural producers than we can on foreigners. I come from a farm family. I know a lot of farmers. They can get stubborn now and then, but they are not going to embargo us from energy.

The Senator from South Dakota mentioned the oil embargo in the early 1970s. I am glad he is old enough to remember that. I am barely old enough to remember that oil embargo. I do not want my kids and grandkids to go through what I went through as a stripling. And they will not have to, to the extent we are relying on renewables.

It is also a tremendous hedge against rising oil prices. At the current price for oil, $55, $56 a barrel, you can buy a gallon of ethanol for less than you can buy a gallon of gasoline. So this is exerting now a downward pressure on the price of fuel, and will do so in the future. It is a hedge against increased costs of oil, obviously, because it is an alternative source—you increase the supply and you decrease the price over time. It is important for that reason as well.

It is also important because it is good for the environment. Again, common sense tells us, if we are burning in our engines what we are growing from the ground, that is going to be better for air than burning petrochemicals. And it is. The use of ethanol-blended fuels—and this is the same for biodiesel—reduces greenhouse gas emissions by 12 to 19 percent compared with conventional gasoline. The American Lung Association of Metropolitan Chicago credits ethanol-blended reformulated gasoline with reducing smog-forming emissions by 25 percent since 1990. So again, this is an example not of "energy or the environment" but "energy and the environment."

It certainly is good for jobs in the United States. I already mentioned there are scores and scores of ethanol plants. We are building biodiesel plants. as well, and building a new biodiesel plant in Missouri. These plants are located, by and large, in the more rural areas. They are good jobs for those communities. The plants are often owned by people who live in the communities.

It is a tremendous hedge against lower farm prices. So people who are concerned about the cost of the farm bill need to understand that this amendment that is going to be offered on the floor of the Senate will save us $1 billion over the next few years from the price of the farm bill because this is an additional market for our commodities and, therefore, it tends to sustain the price of corn and soybeans and the other products that we use to make this kind of energy.

People who want us to use more solar energy, I ask them: Where do you think we get the ethanol and the biodiesel? What is the energy that we use to produce that? It is solar energy. The farmers grow the corn and they grow the sugar and they grow the soybeans and they grow the other biomass. They grow that using solar energy. You grow food by combining sunlight and water, along with pretty good soil. We have a lot of good soil in Missouri. So it is a way of getting solar energy into the energy mix for the country as well.

I could go on and on about the advantages of this kind of fuel. I think it is pretty self-evident. We can have it and have it without any kind of significant market distortions. I believe this renewable fuels standard that we are offering today is something that the market would probably reach on its own. But what it does is offer an assured market for this kind of product so that the investment in these plants and the investment in the distribution network that we need to get this energy out to people will continue. And it is going to continue.

I started off by saying that renewable fuels are the future. But they are also the present. And that is true. There are hundreds and hundreds of stations around the country that are already pumping an ethanol blend. Those within the sound of my voice may be using ethanol now almost without knowing it because you can use a blend of up to about 50 percent ethanol in gasoline without even changing the existing engines. And there are millions of cars that have been purchased that can use up to 85 percent ethanol. We just do not have enough stations pumping that now, but that is coming as well for the future.

It is here and now. It is good for the environment, it is good for creating jobs, it will hold down the price of oil and gasoline, and it will help protect us and our national security and our energy supply against foreign oil embargoes.

I congratulate everybody involved with this amendment. I am glad we were able to save the 8-billion-gallon standard that we put on in committee. I appreciate very much the work of the chairman and ranking members of both committees. People look at what we do here and they often see the conflict or the partisanship or sometimes the personalities. We have all those things. But there is a whole lot that goes on on the Senate floor that involves people working together. Disagreements that may exist are honest disagreements. They are honestly debated, and then we vote on them.

The renewable fuels standard is an outstanding example of that. It was offered 2 years ago at a lower level in an amendment offered by the majority leader and the Democratic leader jointly. I can't think of anything else we did in the last Congress like that. It got almost two-thirds of the vote. I believe this amendment will get a similar vote in the Senate today. I am pleased to have been a part of it. Now we need to pass the amendment, then go into conference, and hold this renewable fuels standard for the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I congratulate Senator TALENT for his excellent work in the Committee on Energy and Natural Resources. He was the leader of a group that put together the new 8 billion barrels that we are going to have as our new American goal for ethanol. That was not easy to put together. It got a very large vote in committee. That momentum brought it here. I think he is to be congratulated for his effort.

I appreciate Senator CRAIG's managing the bill for me. I would like to say to the Senate, there are two or three amendments that people want to offer to this bill. I wish they would bring them to the floor. We are prepared now, from what I understand, to debate amendments. I understand Senator BOXER has one. Maybe Senator FEINSTEIN has one. There may be one other. If we could get them up, we are going to be here for a while tonight. Even though we are leaving early, we could get those debated and voted on, and then the next thing that we would do would be to take up the amendment the distinguished minority leader chooses to bring up. We hope that can come up tomorrow morning before Senators leave for the Exon funeral, which means we might get the amendment for Senator CANTWELL offered that the minority leader wants to have brought up, get that up tomorrow before we leave. That would get two very major issues behind us, plus the amendments on this bill.

Again, if Senators have amendments on the ethanol provision, bring them down so we can debate them. I ask the minority leader in short order if he would help me try to get that accomplished.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me speak to the underlying bill and the provision in the amendment that is before us now before yielding the floor. The senior Senator from Florida is here to discuss the issue of offshore drilling and a very important part of our overall energy considerations.

First and foremost, the chairman has called our colleagues forward to the floor on ethanol amendments. That is the provision that is on the floor now. I thank the junior Senator from South Dakota for his thoughts and laying out a comprehensive explanation as to the importance of renewable fuels to our country as we strive toward a greater sense of self-reliance. Self-reliance is security. Self-reliance is national security. The ability to determine for ourselves our own energy destiny is critically important, whether it is today or tomorrow or for our children's future. To know that there is going to be an abundance of energy of all types, both for transportation purposes, electrical generating purposes—all of that is critical. Finally, that is why we are here on the floor of the Senate with this critical legislation.

Whatever we call this legislation—a few moments ago I called it America's Clean Energy Act—the reality is that it has taken us decades to begin to understand that the supply we had is not what we now have; that as our country grew and we failed to meet those growth levels with additional energy sources, we became increasingly reliant on other nations for our energy, and energy prices began to go up.

We as a country, in the last decade, have had to make some critical choices about our future and our job markets based on a supply of energy. Could we afford to produce it in this country, creating jobs here, or were those who invested in those kinds of jobs going to look somewhere else in the world to create that new production plant for the purposes of supplying our consumer needs? All of those became a necessary and important part of a decisionmaking process in America's business because America's Government was increasingly standing in the way of our ability to produce.

And Congress—and I was a part of it—for the last decade consistently looked at these issues but failed to come to the necessary agreements to produce a comprehensive policy that put us back into the business of exploring for hydrocarbons on public lands, enhanced our ability to produce renewable sources, caused us to look at nuclear as an important part of our overall electrical blend, and allowed those plants to be built, and so on and so forth.

Finally, as a result of extremely high gas prices, as a result of blackouts, as a result of catastrophic meltdowns in energy markets, and a lot of finger-pointing—and some of it justified—we find ourselves on the floor of the Senate today debating what most can call a strongly provided-for bipartisan national energy policy. It begins this country's effort to march again toward self-reliance. It causes us to look at a variety of options, of alternatives, to recognize that it isn't just one source of energy that will fuel the future, it is multiple sources; that it is a balanced portfolio that is going to be critically necessary to assure, whether it is transportation needs and it is hydrocarbons or it is hydrogen or a combination of all of those, and electrical power certainly for our base loads—and those are electrical loads that don't just for a moment light your house but for a long period fuel your production facilities and plants—that we are going to have to have those kinds of generating capacities that ultimately produce that type of energy.

Natural gas is a critical hydrocarbon fuel, a cleaner hydrocarbon fuel than any available today. It was once thought to be the ideal fuel for drying and space heat, but under the Clean Air Act we didn't have clean coal technologies, and we wouldn't build nuclear. So we began to say: Gee, we can run this through turbines and provide electrical power. And we began to do so, at a time when we weren't bringing new gas to the market.

Over the decade of the 1990s, as electrical companies were trying to meet the demand of their consumer rate-paying base, they built gas turbine electrical generators. Gas went from $2 a gallon until early this spring to over $7 a gallon—excuse me, $7 per thousand cubic feet. We are not talking gas at the pump; we are talking gas in the pipe, and we are talking thousands of cubic feet. Now it is, as of today, $6.66. And those marvelous gas turbines we built have been turned off because their cost of operation, feeding power into the national power grid, is simply too expensive. We should not have gone there in the first place, but the absence of good, well-thought-out national energy policy for this country caused, in large part, that to happen.

Now we are scrambling as a country to find new gas sources. We have just recognized and facilitated the building of a national gas pipeline out of Alaska to feed the lower 48. We are trying to look at how we bring gas ashore in the form of liquefied types, and all of that in blend, but recognizing that we desperately need it. We now recognize it and are moving in that direction.

Coal powers over 50 percent of our generation today. And we have, as many have stated, hundreds of years of supply. But it is not as clean as we would like it. This particular piece of legislation incentivizes cleaner coal technology and the gasification of coal in the generation of power. All of it is moving in the right direction.

You just heard a robust discussion about renewables. It is not just ethanol that renews. I believe hydropower renews—that little flow of water through the pin stock that turns the turbine, that turns the lights on in the Pacific Northwest. Nearly 75 percent of all of the lights in the Pacific Northwest are generated by hydropower. Yet over the last good number of years, we have been very frustrated because almost all of these dams on rivers that produce hydropower are federally licensed. In 1986, we created legislation that began to bog down the licensing process, or make it so complicated that in a few instances, as the licenses were attempted to be renewed, they simply were not. We have had a few dams torn down, which were no longer viable under certain scenarios. We have said we are going to change that and create a better process, and we are. It is in this legislation and it is important because, over the course of the next good number of years in the States of California, Washington, Oregon, Idaho, and Montana, over 92 hydro facilities need to be relicensed. We want them to be efficient and environmentally sound, but they are an important part of the overall electrical base load of this country.

Well, there are a good many issues that I will talk about over the course of the next several days as we debate this critical piece of legislation. I am going to spend some time with alternative sources and a good deal of time with nuclear. Why? Because the world has awakened to the fact. As the Senator from Tennessee so clearly said, in this country nearly 70 percent of our electrical base that is carbon free, non-emitting, is generated by nuclear power. It is the only true clean source today of energy, outside of hydro, and we all recognize we are probably not going to be damming up a lot more rivers in our country to produce hydropower to meet that base load.

Every major utility in this country that has a responsibility to the consuming public to turn on the lights in the home and fuel the production plants of the facilities of our country is looking forward for 10 years now and saying: How do we build a base for 10 years out? It takes that long in the construction process. All of them recognize there is largely only one source with which you do that, and that is nuclear. We recognize it in this bill. I do believe our Nation and the world are in what some could call, and what I hope is a nuclear renaissance, a recognition of this very clean and very safe source of energy. This legislation recognizes it and begins to facilitate it in ways that we have not done in the past. There seems to be a growing general acceptance to the recognition of the importance of nuclear in our national energy base and the role it plays.

A good deal more can be said about a very bipartisan piece of legislation. I thank Senator PETE DOMENICI and Senator BINGAMAN. Both have worked as chairman and ranking member of the Energy Committee, on which I am a senior member, to craft and create balance in this legislation. There are going to be a good many amendments. Some will fail, some will not. But they are a general expression of a concern, I do believe, and a recognition of the very important nature of this piece of legislation that can become public policy and put this country back into the business of producing energy. We are no longer able to afford the selectivity that some have argued for some time—a little bit of this but none of that; some of this but never go there—in the general debate about energy.

Largely, the American consuming public today is saying: Congress, get your act together. Five years of debate is long enough. Get this country back into the business of producing energy—all forms, all types, an abundant market basketful of it. Keep it clean, explore new technologies, provide for conservation. But in the end, Congress, get it together and get it to the President's desk.

I believe this bill embodies that philosophy. It was clearly recognized in the Energy and Natural Resources Committee, on which I serve. I hope that over the course of the next several weeks, as we work ourselves through the amendment process, we will have a bill, that we can work out our differences with the House in conference, and see it on the President's desk and be able to very proudly and responsibly say to the American consumer: We have heard you. We recognize the needs of this country, and we are creating public policy to put this country back into the business of self-reliance for national security purposes, for future economic purposes, but most importantly, a clear recognition that we must, as a country, stand on our own two feet in the business of producing energy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, we have been discussing this Energy bill. At 10 o'clock this morning, I had discussions with the chairman of the committee and the ranking member. They were trying to work out some language to solve the problem with regard to drilling off the coast of Florida, and it is 6½ hours later, and I still don't see any of that language. So I was going to go on and continue to explain the background on this amendment, unless the chairman of the committee had something he wanted to share. I will yield to him without giving up my right to the floor.

Mr. DOMENICI. Mr. President, I appreciate the Senator's attitude and his willingness to cooperate. I remind the Senator, in all graciousness, that we are going to be on this bill for about 2 weeks. So nothing is going to happen. We have our own initiative, and we have prepared something. There is a Senator who wants to see it from my standpoint before we submit it. It is en route to her now—Senator LANDRIEU. She has been working in our committee. She is looking at what I suggest. It is what I have in mind. We should be ready soon.

I thank the Senator for inquiring, and I hope he will let us take up an amendment on ethanol. It will not take very long, and we will be back to the Senator very soon.

Mr. NELSON of Florida. Mr. President, I am glad the Senator clarified that. I think it is curious why, since this Senator made the initial request and did so last Thursday when I told the chairman of the committee I would not object to the motion to proceed, and did so yesterday in my conversation with the Senator on the telephone, and I did so in a personal conversation with Senator BINGAMAN. Again, at 10 o'clock this morning, I renewed both of those requests. I think it is curious that language is being shared with other Senators and not with this Senator. It is 6½ hours after we had these conversations on the floor.

So one starts to wonder, is someone traipsing around trying to avoid showing this Senator from Florida the language which was going to be agreed to by all of us? So it is my intention—if we are not going to have the sharing of this information with this Senator, then this Senator clearly wants to continue explaining the emergency nature for the 18 million people of Florida.

So I would just continue to do that. I wish to show again what—

Mr. DOMENICI. Senator, could I say to you, please let us proceed. The reason I am showing it to a Senator is to try to make sure you get something quicker rather than later. It is not an effort to avoid you. We are not just discussing Florida. We greatly respect you, but some other Senator would like to look at this, which would make it easier for you.

I can make a deal with you, Senator, and I have to show it to some other Senator. I am trying to show it to one who I know wants to see it. Now, we cannot just drop everything. I very much am sorry about that. I am going to do my best, but if you would like to talk tonight, we will all leave and you can talk tonight. If you would like us to get a little bit of work done, please relax. We know you are going to win. Nothing is going to happen to Florida. How many more times do you want us to say it? We are hiding nothing from you. We have some other work to do. You are terrific. You are a great advocate. You are going to win for Florida. You have got the most terrific Senator. Please understand you are going to win.

Senator MARTINEZ, you are going to win. You do not have to come down here every minute. You are going to succeed. Floridians, do not worry. This bill will be here 2 more weeks. It cannot pass without you two. So would you give us a little leeway? I just beg you.

Now having said that, I ask the Senator from California to offer an amendment that is relevant.

Mr. NELSON of Florida. Mr. President, I believe the Senator from Florida has the floor.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. The Senator from New Mexico has the floor. I did not ask him to give me the floor. I got the floor.

Mr. NELSON of Florida. The Senator from Florida has the floor.

The PRESIDING OFFICER. The Senator from Florida obtained consent that he might yield while retaining his right to the floor.

Mr. DOMENICI. I do not care if I have the floor or not. You can have the floor.

Mr. NELSON of Florida. I thank the Senator, and I thank the distinguished chairman.

I take the distinguished chairman at his word, but this Senator cannot evaluate any language unless he sees it. For some reason, it is being shared with everyone in the Senate except this Senator from Florida. So the Senator from Florida is going to proceed with the explanation of why this is so critical to 18 million Floridians.

Mr. DOMENICI. Senator, I want to tell you one more time. I cannot share—Mr. President, I ask if he would yield for a moment without losing his right to the floor.

The PRESIDING OFFICER. Will the Senator yield?

Mr. NELSON of Florida. Without losing the floor, yes. I yield.

Mr. DOMENICI. There are 100 Senators. I am not trying to do anything but get the Senator a proposal as soon as humanly possible. Now, if you choose to delay us further, we are going to get nothing done tonight. I want you to know that accomplishes nothing. If you think it accomplishes something, just go right ahead. I would say you can have the floor back—I will ask consent that you can have it—as soon as the Boxer amendment is disposed of. Would you let us take it up, and then you can have the floor back? In the meantime, we are trying to get your language—not your language, the language so we can share with those Senators who have the concern that you have. If you let us do that, we will proceed in that manner. We have done everything bipartisan on this bill. There is no intention otherwise. I ask you one more time if you would do that, Senator. I would appreciate it.

Mr. NELSON of Florida. The Senator from Florida will yield the floor when I see a good-faith effort of sharing the language. The Senator from Florida has been waiting for 6½ hours. I have made innumerable requests to the Senator's staff, both majority and minority. It has not been provided to me. The Senator from Florida is going to continue to talk until it is.

Mr. DOMENICI. Senator, would you yield?

Mr. NELSON of Florida. I would yield without losing the floor.

Mr. DOMENICI. Senator, you can talk all night. There will be no language for you tonight.

I yield the floor.

Mr. NELSON of Florida. Mr. President, this is what we have in Florida, and it is one of the things we are trying to protect.

This is one of the things that could result.

There is a $50 billion-a-year tourism industry. This, we cannot withstand.

This is what we want to protect—some of the most pristine waters, some of the most pristine beaches.

That is what can happen to our tourism industry. That is not what we want.

As has been stated before by the Senator who is the Presiding Officer and this Senator, we also have a military conflict. Drilling for oil in the eastern gulf is incompatible with weapons testing and combat training.

We have a statement that has been made by the Secretary of Defense. Secretary of Defense Rumsfeld stated to the Senate Armed Services Committee:

> Encroachment is a problem that is real, it is serious. The United States needs bases, it needs ranges, it needs test ranges. And it cannot provide the training and testing that people need before they go into battle unless those kinds of facilities are available.

To further quote:

> Each year that goes by, there are greater and greater pressures on them.

This was testimony by the Secretary of Defense to the Senate Armed Services Committee. It is, in fact, the case. This is where major military training occurs. It is in the Gulf of Mexico off the eastern seaboard, just with regard to our State. There are other places in the country. One can see all of this eastern area of the Gulf of Mexico is, in fact, restricted airspace for military aircraft training. This has taken on an increased importance since the Navy Atlantic Fleet training that used to occur down in the little island of Vieques off of the big island of Puerto Rico—at the request of the Puerto Rican Government, the Navy shut that down, and a lot of that training has come here. A lot of that training is occurring out of these military bases.

Plus, the aircraft carriers come into the Atlantic region for training as well as they come into the gulf and do training with other surface warfare ships, coordinated with U.S. aircraft.

It is this Senator's contention, and has been stated likewise by my colleague from Florida, Senator MARTINEZ, that it is an incompatible activity to have oil and gas rigs on the surface of the Gulf of Mexico underneath where all of this military training is occurring. That has been recognized all the more in plans by the Department of Defense.

Whereas, the student pilot training is now being concentrated at Pensacola Naval Air Station and at Whiting Field, northeast of Pensacola, north of Milton, the training for the Joint Strike Fighter, which will be used by all branches of the military, that F–35, they will train those pilots at Eglin Air Force Base, near Fort Walton Beach. The new stealth fighter, the F–22, will have its pilots being trained out of Tyndall Air Force Base, near Panama City.

Why are those three major training commands—one Air Force, one a joint military fighter, and then student pilots, where they train not only Navy but Coast Guard, as well as Air Force—why is that in that location?

It is because of this national asset that we have, which is called restricted airspace, which has become so much more important now that the Navy is denied training down in the Caribbean and that training, in large part, is being done right there.

So is it any wonder, then, that drilling for oil in the eastern Gulf of Mexico is incompatible with weapon testing and combat training? It is.

I would not have to underscore, very much, the delicacy of Florida's environment to tell you about the extraordinary sensitivity of the mangroves, the sensitivity of the estuaries, the bays where the rivers flow. Here in the State of Florida, down in this portion, Ten Thousand Islands—they are all mangrove islands. They border the Everglades.

Up in this section of Florida, the Big Bend—again, no sand beaches because it is a part of our ecology that is so delicately balanced, where all of the water life comes in and reproduces in those shallow waters. It is a place where one of Florida's major rivers, the Suwannee River, dumps into the Gulf of Mexico.

Likewise, up here near Apalachicola, a place where the major river of Florida, the Apalachicola River, comes in and dumps into Apalachicola Bay, is a place where it produces extraordinary, world-famous Apalachicolan oysters because of the unique environment and brackish water that allows these delicacies of oysters to be able to grow and then be harvested.

In fact, there is a reason why this part of the gulf you see does not have any drilling in it, when, in fact, an imaginary line, directly down from the Florida-Alabama line, everything to the west of there is where you see the drilling. One of the first reasons for that is that, in fact, that is where the oil and the gas is. That is where the mother load of oil has been and is being drilled. You can see the color here on this map. Less so off of Texas; very much so off of Louisiana; likewise off of Mississippi; and likewise off of Alabama. It was this 1.5 billion acres, in what was a part of Lease Sale 181, that was agreed to by the Governor of Florida, back in 2001, that it would not cross the longitude line that separates the border of Alabama and Florida.

Mr. REID. Will the Senator yield for a question?

Mr. NELSON of Florida. The Senator will be glad to yield to my leader, without losing my right to the floor.

Mr. REID. I ask the Senator to yield so the Senator from California can offer an amendment. She will speak for up to 20 minutes. In the meantime, Senator DOMENICI has a piece of paper you are probably interested in, and that would probably move this thing along rather quickly.

Mr. NELSON of Florida. Is it my understanding you are saying there is some language at which the Senator would be able to look?

Mr. DOMENICI. Yes, there is some language I have to give you to look at.

Mr. REID. I ask unanimous consent Senator BOXER be allowed to offer her second-degree amendment to the legislation.

The PRESIDING OFFICER. There is objection?

Mr. NELSON of Florida. Without losing my right to the floor. I thank the leader. It is merely what I had asked. I have been waiting for 6 hours and 45 minutes from when this request was initially made and was not provided any language. I thank the distinguished Senator from Nevada.

Mr. REID. Let me say, through the Chair to my friend from Florida, the Senator from New Mexico has worked very hard on this bill. Both Senators from New Mexico worked very hard. This is an issue that is difficult for reasons it probably should not be, but it is a difficult issue. I know the Senator from New Mexico has done everything he can.

I appreciate everyone's cooperation. This is an important bill to Republicans and to Democrats. One reason I feel some anxiety is there is an event downtown tonight that is going to cause us to have a short night. Unfortunately, when people die, it is always at a bad time. Senator Exon's funeral is tomorrow. It will make us have an afternoon without any votes. And we have a longstanding Senate retreat this Friday. So we need to get as much done as we can.

I appreciate everyone's cooperation, especially the two managers of the bill and Senators MARTINEZ and NELSON and LANDRIEU, for helping us work through this.

I ask my unanimous consent request be adopted.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON of Florida. Since the Senator from Florida still has the floor, I thank Senator REID for working this out. I acknowledge that the chairman of the committee has had enormous pressure. But as the Senate Rules provide, each Senator has an opportunity to stand up and fight for the interests of his or her State. That is what this Senator, as well as my colleague, intend to do.

I agree to the Senator's request, and I yield the floor.

Mr. DORGAN. Reserving the right to object, Mr. President, in order that we might reach a conclusion, my understanding is that Senator BOXER will offer the amendment, speak for 10 or 15 minutes or whatever she speaks. I ask unanimous consent to speak for 4 minutes in opposition to her amendment following that. Then, my guess is, it will be disposed of.

Mr. DOMENICI. Senator INHOFE will desire to speak. Let's put it all together, and then we can finish.

Mr. INHOFE. If the Senator will allow me to speak for 4 or 5 minutes after he speaks?

Mr. DOMENICI. And then we will vote on or in relation to it.

Mrs. BOXER. I want to make sure, since it is my amendment—I don't want to lose total control of this. I would like to get to close after I have heard the opposition. I would love to have 2 minutes to rebut. If I could have 15 minutes to speak in favor of the amendment, have my colleagues lay out the argument against it, and if I could have 4 minutes to wind up, that will be good for me.

Mr. DOMENICI. Do we understand the unanimous consent request? After all of that has happened, the Senator from New Mexico would be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. Before the Senator proceeds—but you have the floor—could you yield to me for 1 minute?

Mrs. BOXER. Yes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I want to say the distinguished Senator from Florida, who has been speaking, submitted a proposal quite a few hours ago, an idea, a thought piece. I want everybody to know that was not acceptable not only to the Senator from New Mexico, it was not acceptable to Democratic Senators on his side of the aisle. So we have not tried to hide anything.

I regret the Senator has even implied that we tried to do that. It is not right. We have been working as hard as we can. It is not much to take 4 or 5 hours. Sometimes around here you have to take a dictionary when you are working on something because people do not understand words. That is how hard it has been in the past.

Having said that, I yield the floor, and I will give the Senator this statement. I hope he understands—the senior Senator and the junior Senator—I would like both of you to read it. I don't think it is anything fabulous, but I hope the Senators will feast their eyes on it.

Mr. REID. Do we have consent on the vote?

The PRESIDING OFFICER. Consent has been granted for the Senator to offer her amendment, and a series of Senators will be recognized for a set amount of time in the said order. Then the Senator from New Mexico will be recognized.

Mr. REID. It is my understanding there will be a vote after that on or in relation to the amendment.

Mr. DOMENICI. The Senator is correct.

The PRESIDING OFFICER. Is that part of the request?

Mr. REID. That was Senator DOMENICI's request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. BOXER. My understanding, after that, I have 15 minutes at this point; is that correct?

The PRESIDING OFFICER. Once the amendment has been sent up, yes.

AMENDMENT NO. 781 TO AMENDMENT NO. 779

Mrs. BOXER. Mr. President, I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from California [Mrs. BOXER] proposes an amendment numbered 781 to amendment No. 779.
>
> (Purpose: To ensure that ethanol is treated like all other motor vehicle fuels and that taxpayers and local governments do not have to pay for environmental damage caused by ethanol)
>
> Beginning on page 20, strike line 25 and all that follows through page 22 line 3.

Mrs. BOXER. As you can tell from the clerk's reading, it is a very straightforward amendment. What I am offering in this amendment is to recommend to my colleagues we strike out the liability waiver granted to the makers of ethanol.

The purpose is stated very clearly in the beginning. It says: To ensure that ethanol is treated like all other motor vehicle fuels and that taxpayers and local governments do not have to pay for environmental damage caused by ethanol.

The amendment before the Senate, to which I have authored this second-degree amendment, brings, once again, to the Senate an ethanol mandate. Some think mandates of ethanol are a good idea. Others think it is a bad idea. I hope we all agree taxpayers and local communities should not have to pay to clean up any mess caused by ethanol.

The point of the bill is to force States—whether they want to or not, frankly—to utilize more and more ethanol, not as a crowning blow to the States that did not want to do this, by virtue of the fact there is a safe harbor for ethanol, meaning that no liability can be found for the makers of ethanol, but we are saying to cities, States, and communities, even if you do not want to use it, A, you are forced to use it; and, B, if there is a problem, we, the ethanol makers, will not be there to help you. It will fall to the local communities to pick up the tab.

A lot of people say ethanol is totally safe. I ask a commonsense question to the people of the United States of America who are going to have to make sure they are pumping their cars with ethanol in greater and greater proportion: If it is so safe, why are the companies seeking a liability exemption?

I have been around enough years to know if somebody says, Step right up, step right up, try this product; this product is completely safe; it can bring no harm to you; it is perfect, never a problem; but, by the way, before you ingest it or use it, sign a form that says you won't hold us responsible if you choke or you get cancer or you die. If somebody does that to you, I will say as the daughter of a lawyer, the wife of a lawyer, and the mom of a lawyer, do not sign away your rights. Do not sign away your rights. A light bulb should go on: What is wrong with this picture? If this product is so safe, why should I sign this liability waiver?

That is what is happening in this bill. We have had a vote on this before, and we have gotten anywhere from between 38 and 42 votes. It is important to go on the record again.

Why do I say that? We have had a terrible problem with MTBE where, thank goodness, there was no safe harbor. Communities such as Santa Monica and Lake Tahoe, communities in New Hampshire, and all across this country have been able to go back and hold the companies accountable for MTBE. The courts have said yes, communities, you have a right to hold these companies accountable for the damage done by MTBE.

Now we have a new mandate—ethanol. My colleagues who love ethanol, who want ethanol, who dream of ethanol morning, noon, and night—and this is not a partisan issue; it cuts across party lines—are giving the makers of ethanol a pass. This is a special interest loophole.

The exemption language starts off with this: "Notwithstanding any other provision of Federal or State law"—and then they talk about the waiver. When you see that in the bill, put up your antenna. It raises red flags. You know then the public is losing rights.

"Notwithstanding any other provision of Federal or State law"—and then they do harm and put the waiver in there. It goes on to say that renewable fuels—that is ethanol—cannot be found to be defectively designed or manufactured.

This is the Senate of the United States of America. I did not know we were expert scientists and doctors who deal with environmental damage. We are saying renewable fuels—ethanol—cannot be found to be defectively designed or manufactured. Compliance with laws and regulations is not necessary to getting the liability waiver except for limited compliance requirements under the Clean Air Act.

My colleagues are going to say—I am sure the Senators from North Dakota, from Oklahoma—Senator BOXER is wrong. This is a narrow waiver.

Not true. The special interests and the people who represent ethanol will say the waiver is not really broad. It only protects these makers of ethanol from one type of lawsuit.

But let me state the type of lawsuit they are protected against. It is the only lawsuit that has standing in the courts of the United States of America. How do we know this? Look at MTBE. Lake Tahoe won their MTBE suit. Why? Because they were able to use the defective product liability claim. The judge, as a matter of fact, threw out the negligence claim, the nuisance claim.

So when my colleagues get up here and say, Senator BOXER is exaggerating, we are not throwing out the ability of people to sue—yes, we are because the only pathway for the public, for our cities, for our counties, for our States to hold people accountable for a defective product is the defective product cause of action. Losing that right to bring defective product liability lets the polluters off the hook entirely.

Again, I will talk about a San Francisco jury in a landmark case decided in April of 2002. The jury found that based on the theory that MTBE is a defective product, several major oil companies are legally responsible for the environmental harm to Lake Tahoe's groundwater. The jury also found many of these major oil companies acted with malice because they were aware of the dangers but withheld information. We did not have this safe harbor provision when MTBE was, essentially, mandated. Therefore, my communities in California and communities across the country are able to recover the damages.

Not so with ethanol. The makers of ethanol have made sure they are going to be covered and protected. It is an embarrassment we would do this. This is the place we are supposed to protect the public interest. This is the place we are supposed to protect our people from defective products, not put in language that waives all the ability of people to sue on a defective product claim.

It is a scary thought if this were in place for MTBE—by the way, there is still a move to do that on MTBE, which is another issue for another day. It is a scary thought if we had done this for MTBE. My people in Lake Tahoe, the good people there, could be left holding the bag, and your towns and cities could be left holding the bag. If ethanol harms public health or the environment, the loophole in the Energy bill risks leaving our communities with a mess. Polluters, not taxpayers or victims of pollution, should pay for harm to public health and the environment.

When gasoline leaks today, there is no loophole. The polluter pays. Why should the oil companies and the ethanol producers get off the hook if they cause harm? They should not.

So again, you are going to hear a lot of doubletalk when people stand up. They are going to first say ethanol is safe, there is no problem. And I say you say to them: If ethanol is so safe and you feel so comfortable with it, why do you need a liability waiver for the makers of ethanol? And then they are going to say: Oh, don't worry, we are only saying you can't sue because of a defective product. That is all. You can still sue for nuisance, negligence, all the other things, when, in fact, we know from legal history that the only claim that has standing here is a defective product lawsuit.

Now, to talk about ethanol's safety—Mr. President, I ask, how many minutes do I have of my 15, please?

The PRESIDING OFFICER. There is 4 minutes 45 seconds remaining.

Mrs. BOXER. Thank you, Mr. President.

According to EPA's Blue Ribbon Panel on Oxygenates in gasoline, which include ethanol and MTBE, ethanol is extremely soluble in water and should spread if leaked into the environment at the same rate as MTBE. It may spread plumes of benzene, toluene, ethyl benzene, and xylene because ethanol may inhibit the breakdown of these toxic materials. Although ethanol contributes some clean air benefits, it also increases the formation of nitrogen oxides, which lead to increases in smog.

So I think if you listen to the experts and you forget the special interests, you will support my amendment. We need to ask ourselves, are we in the business of letting people off the hook, people who have a responsibility for what they are putting into our gasoline, into our air, into the ground?

We mandated airbags, and we did not say to those manufacturers that they should not be liable. If there is a defective product problem with an airbag, people can hold the companies responsible if it does not work or it harms them. Why would we give a free pass to ethanol? There is only one answer: special interests, powerful, powerful special interests. There is no other answer that you can come up with.

If we do not learn from our mistakes, we are doomed to repeat the mistakes of the past.

My amendment will eliminate the special interest liability exemption for ethanol in this amendment. It means that ethanol will not be treated any better or any worse than other fuels. It will mean ethanol will be treated the same way as any other fuel. We should not shift the burden of cleaning up any problems caused by ethanol to our communities. The polluters should pay. The safe harbor liability exemption for ethanol should be taken out of this amendment.

I have to say to my friends, I know how anxious you are to have ethanol. I know it means a lot to the corn producers, and, frankly, it means a lot to my agricultural people. I have some good language in this bill dealing with ethanol made from other materials. But I still believe that my people who will produce this ethanol should not be left off the hook if there is a serious problem to the health of the people of the United States of America.

So the amendment is simple. I hope we can have a good vote, a solid vote on this amendment.

I yield the floor with the understanding that I will close the debate. Thank you very much, Mr. President.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise to oppose the amendment by my colleague from California. I regret that we are on different sides on this issue, but this amendment is unnecessary. It addresses a problem that does not exist, in my judgment. And my guess is, the Senate will, as it has in the past, vote to oppose this amendment. But I do wish to make a couple of comments about the issue of ethanol more generally.

I was listening to my colleague, and I was thinking about energy and thinking about that old country western song that was titled "When Gas Was 30 Cents a Gallon, Love Was 60 Cents Away." We are a long way from 30-cent-a-gallon gas, and I don't expect we will ever see 30-cent-a-gallon gas any longer.

Sixty percent of the oil we use in this country comes from off our shores, much of it from very troubled parts of the world—Saudi Arabia, Kuwait, Iraq, Venezuela, and more. It is estimated that it is going to grow to 69 percent in a relatively short period of time. We are hopelessly addicted to foreign oil, much to the detriment of this country.

The use of ethanol is not going to solve that, but it moves us in the right direction in addressing it. Ethanol is a simple proposition—it is being able to grow our energy in our farm fields. Think of it: Take a kernel of corn, extract a drop of alcohol from the kernel of corn, and still have the protein feedstock left to feed the cows.

This is about growing our energy. It is about making us less dependent on the Saudis and the Kuwaitis and the Iraqis. I have indicated we have this huge addiction to foreign sources of oil.

Now, I did not know too much about ethanol before I came to the Senate. I have learned a lot about it since and have been involved in trying to make certain that we support ethanol production. But I learned enough about it from a full-page ad that I read by a major oil company one day in a daily newspaper. This major oil company had spent enough money to take out a big old advertisement saying how bad ethanol was for America. I looked at that and I thought: Well, now, if this big oil company thinks it is bad, maybe I ought to take a good, hard look at it because I figure it is probably good for this country.

You see, they do not want competition. They have been trashing ethanol for a long time. But the fact is, we are not only addicted to foreign oil, we have this enormous growth in the size of energy companies through mergers and acquisitions, and so now there are just a few companies left. And between OPEC and the few larger energy companies these days, I do not have any great confidence that there is not market manipulation going on. However, I don't know, but I saw what happened in California with electricity because they could, because that kind of market power allowed them to do that.

So I am very interested in trying to see if we can diversify the production of fuel. This capability, through ethanol, gives farmers a new market, allows us to grow fuel in our farm fields and rely on less of it from under the sands of Saudi Arabia and Kuwait and Iraq, for example. It is a winner all the way around, in my judgment.

This 8-billion-gallon requirement that we have in this bill is carefully constructed. It moves this country in a very important direction. It will reduce crude oil imports by 2 billion barrels. Think of that—a 2-billion-barrel reduction in crude oil imports. It will reduce the outflow of dollars largely to foreign oil producers by $64 billion. It will create about 240,000 new jobs, it has been estimated. It will increase U.S. household income by $43 billion.

The fact is, this makes sense for everybody. And so I stand here to support ethanol, as I have on many occasions in the past. I was able to be here earlier today to give an opening speech on energy and touched on it. But my hope is we will turn back the Boxer amendment and strongly support the ethanol provisions in this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, let me say that I agree with my friend from North Dakota, although I do not agree with him on the whole idea of the mandated ethanol. We have talked about that. We had that debate. That is already behind us now, and this is where we are.

I would suggest that many years ago, when I was in the State legislature, my first trip to Washington was to protest Ladybird Johnson's Highway Beautification Act of 1965. So I do not like mandates to start with, but what I don't like more than the mandates is the fact that you mandate something and then open them up to exposure and expose them to lawsuits. We drafted in my committee this very narrow safe harbor provision which is included in the underlying amendment. It was a product of very careful deliberation. It was a compromise. It was a piece of the overall package.

The amendment requires the use of a set and increasing amount of renewable fuels. Because the Government requires the use of a particular additive, the Government should not allow compliance with that requirement to be the basis of a lawsuit. That is just common sense.

I have a great deal of respect for my colleague from California, but when she talks about the powerful interests we are protecting, is a farmer from Gage, OK, or from Woodward, OK, a powerful special interest group? No, he is not. He is someone who has a law. There is a law out there. He is complying with the law. He says: I guess I will have to go ahead and supply the corn for ethanol. Then he finds out, down the road, he is being named in a lawsuit. We know this happens. It may not be the intent of the law, but it is the effect of the law. That is what happens.

On April 22, trial lawyers in the City of Merced v. Chevron have already filed an MTBE-style case attacking ethanol. The plaintiff's drafting in their lawsuit is purposely different and includes the term "other oxygenates and ethers." This careful inclusion necessarily includes ethanol because the only other "oxygenate" per se is ethanol.

Any of those trying to use the argument that if you do this, this somehow affects MTBE and would reduce their responsibility, it does not affect them. The renewable fuels safe harbor does not relate to MTBE. The text of the renewables liability provision is clear. Only renewable fuels, as defined elsewhere in the amendment, can qualify for the safe harbor. MTBE is not within the renewables definition.

I would hope, as people cast their vote, they would keep in mind there is one great issue, and that is a fairness. For Government to come along and mandate something is bad enough. But for Government to come along and mandate something and then say there is no protection for complying with the law, that is not right. It is a fairness issue. I believe we should defeat the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. INHOFE. Reserving the right to object——

Mrs. BOXER. I am not asking unanimous consent. I am asking for the yeas and nays.

The PRESIDING OFFICER. The request is not subject to an objection.

Is there a sufficient second?

At this time, there is not.

The Senator from California is recognized.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator withhold the quorum call request?

Mr. INHOFE. I ask unanimous consent that the order for the quorum call be rescinded.

Mr. NELSON of Florida. I object.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON of Florida. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The assistant legislative clerk continued with the call of the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Parliamentary inquiry: What is the status of the bill now?

The PRESIDING OFFICER. There are 2 minutes remaining to the Senator from California on her amendment.

Mr. DOMENICI. I thank the Chair.

Mrs. BOXER. Mr. President, I won't take the 4 minutes, but I had asked for 4 in the unanimous consent request.

The PRESIDING OFFICER. The time of the quorum call was charged against the Senator.

Mrs. BOXER. Mr. President, I am glad we are going to vote on my amendment. I understand that Senator DOMENICI will move to table. That is fine with me, as long as we have a vote.

Again, this is a very interesting issue in terms of what our responsibility is. As Members of the Senate, we have a responsibility to protect the health and safety of the people of our country. Why on Earth would we give a waiver of liability to the makers of ethanol when, in fact, we are not sure what is going to happen with heavy use of ethanol? We are not sure whether it is going to cause a problem for our people and who is going to have to pay to clean up the mess.

We know what happened with MTBE. We know it was in communities such as Lake Tahoe, Santa Monica, and communities in the Northeast and all across the country. I remember I had a map that showed where MTBE was a problem. It is practically in every State in the Union. The courts have made it clear that the people who made the MTBE have to come into these communities and clean it up. Now we are saying with ethanol, on the one hand, it is safe. Well, if it is so safe, why do we have to give it a special safe harbor and people give up their right to recover in their community in Tennessee or communities in California?

The fact is, they will say the waiver of liability is very narrow but, in fact, what they have waived is the only course of action a community can pursue.

Then you will hear: This is different because we are mandating ethanol. Therefore, we should protect the people who make it. We mandated airbags, and we didn't give a liability waiver to the people who make airbags. We mandate pollution control devices, but we don't give a liability waiver to the people who make it. So this is about the sheer power of special interests.

Let's not put our communities at risk. We could debate whether we ought to have this ethanol mandate. As we will see how it comes out, some people favor it, some don't. We should agree to protect our people.

I hope my colleagues will vote against the motion to table the Boxer amendment. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I move to table amendment No. 781 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Ohio (Mr. DEWINE).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from California (Mrs. FEINSTEIN) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) would vote "nay."

The PRESIDING OFFICER. Are they any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—59

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Conrad
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Enzi
Frist
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kohl
Kyl
Landrieu
Lincoln
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Rockefeller
Salazar
Santorum
Sessions
Shelby
Smith
Stabenow
Stevens
Talent
Thomas
Thune
Vitter
Voinovich

NAYS—38

Akaka
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Dayton
Dodd
Durbin
Ensign
Feingold
Gregg
Inouye
Jeffords
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lieberman
McCain
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Sarbanes
Schumer
Snowe
Specter
Sununu
Warner
Wyden

NOT VOTING—3

Corzine
DeWine
Feinstein

The motion was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. NELSON of Nebraska. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 782 TO AMENDMENT NO. 779

Mr. SCHUMER. Mr. President, I rise to offer an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 782 to amendment No. 779.

Mr. SCHUMER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the reliable fuels subtitle of the amendment)

Strike subtitle B of the amendment.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I rise today in opposition to the amendment that has been put before the Senate by my good friend and colleague from New Mexico and offer a second-degree amendment to it. Now, I do so not only out of the sincere belief that the provision will hurt consumers in New York, but that it will hurt consumers throughout the country, and that it is anticompetitive and not the way a free market ought to go.

The amendment of my good friend from New Mexico is one of those amendments that, while well-intentioned, could come back to haunt every one of us. I have been in Congress for 23 years, and every so often there is an amendment that people vote for, confident on the surface that it seems like the right thing to do, and a few years later it turns out to be a big disaster. Then our constituents turn to us and say: What the heck have you done? How could you have done this?

This is one of those amendments, like a catastrophic illness. My colleagues, beware. If there was ever an amendment quietly put in a bill that should really have a skull and crossbones label on it, at least to those of us from States without a large amount of ethanol, this amendment is it.

So today I rise to join my colleague from New York, my colleagues from California and elsewhere, mainly on the coasts, but not exclusively so, to debate an unprecedented new ethanol gas tax that would be levied on the American people by the amendment we are now considering.

So many are against any kind of gas tax. I understand that. I have opposed many gas taxes, too. But why, when the gas tax comes in the form of an ethanol mandate but has the same effect—causes the price of gasoline to those under its yoke to rise—do we not oppose it?

The amendment offered by Senator DOMENICI does accomplish two goals that I consider very worthy and which my amendment would let stand. One is restricting the use of MTBEs, which has resulted in groundwater pollution all over the country. The second is scrapping the oxygenate mandate that led so many States to make such heavy use of MTBE in the first place.

The proposal in the amendment also provides an antibacksliding provision to require continued efforts on clean air. That is another goal that I support. The number of people who are living longer and living better because our air is cleaner is enormous. We all benefit from that. So the antibacksliding proposal is a good measure, and I applaud it.

I believe that eliminating the oxygenate requirement and letting each region meet clean air standards in the way that suits it best is smart energy policy. If that is all my friend from New Mexico did, I would be on the floor supporting his amendment and cheering it on.

But as they say, Mr. President, there is always a catch. This amendment adds an astonishing new anticonsumer, anti-free-market requirement that every refiner in the country, regardless of where they are located, and regardless of whether the State mandates it and whether the State chooses a different path to get to clean air, must use an ever-increasing volume of ethanol.

If they do not use the ethanol—and this is the most amazing part of the bill—they still have to pay for ethanol credits. If your State does not want to use ethanol because it is so expensive to transport it—there are no pipelines—on the barges and on the boats and in the trucks—so let's say it is too expensive to do that—you still have to pay for it.

If there were ever an onerous, anticompetitive, anti-free-market provision, this is it. Where else do we mandate that people pay for something when they do not use it? Why are we saying to the car drivers of America, the motorists of America, You have to pay for this stuff even though you do not use it? It is nothing less than an ethanol gas tax levied on every driver—the employee driving to work, the mom who is driving kids to school, a truck driver earning a living. Every gasoline user in this country will pay.

Now, in 2003, the United States consumed only 2.8 billion gallons of ethanol. Starting in 2006—a mere year away—they would be required to use 4 billion gallons of ethanol. Where are my friends from the free market when we need them? We hear about the free market. Is this a free market? Are we letting everyone decide how to meet a worthy clean air standard? Absolutely not. So 2.8 billion last year; in 2006, you have to use 4 billion; and by 2012, you have to use 8 billion gallons of ethanol and increase it every year by a percentage equivalent to the proportion of ethanol in the entire U.S. gas supply after 2012 in perpetuity.

If production does not happen, if we do not have enough ethanol—I don't know how the sponsors came up with 4 billion or 5 billion or 8 billion—guess what happens. We get a big price spike. At a time when gasoline is expensive enough, do you want to be accused of passing legislation that will raise the price more? I know there are corn growers in some States, and I know that Archer Daniels Midland and all these other ethanol producers are pretty powerful. But what about all the drivers and motorists throughout the country? What about them? There are many more of them than the rest, and every one of them will be at risk. Even in the Middle West where there is plenty of ethanol, if there is not enough to meet the mandate, there is going to be a price spike for everybody.

Now, there are a lot of estimates out there that try to predict what the new mandate is going to cost motorists at the pump. In some of the more conservative estimates, it is a few pennies a gallon. But others have pegged the cost significantly higher. Even though the size of the increase may be open to discussion, it is generally agreed that this mandate is going to cause an increase in the price of gasoline.

Last year when we had a bill, gasoline was about $1.60 or $1.70 a gallon. Now it is $2.25 a gallon. Do we still want to do this? Aren't gas prices high enough? The fact that we do not know how severe the increase is going to be should give us pause. As we have seen time and time again, there is not much more of an effective way to stifle an economy or place burdens on families across America than by causing a price spike, a hike in gasoline prices.

I know the supporters of this ethanol gas tax are going to argue that the claims I am making are not accurate, and the cost of forcing the entire country to use 8 billion gallons of ethanol is a mere pittance. Remember, ethanol is very hard to transport. It cannot be carried through our existing pipeline infrastructure. It must be put on a truck, a barge, sent down the Mississippi, then sent by boat all around the country, then loaded back into a truck, taken to a local refinery, and put into the gasoline. That will be the added expense passed on to the driver. That is why this is a regional proposal more than it is a party proposal.

To forecast how much a 6-year, 8-billion-gallon ethanol mandate is going to cost consumers across the country, you first have to look at the interplay of a host of complex factors—the growth in auto travel, gasoline prices, corn prices, ethanol prices, how many ethanol plants will come on line—and all of these are inextricably linked to how high the price of ethanol is going to go.

If ethanol prices are high and manufacturing ethanol profitable, the private sector will build ethanol plants. If ethanol prices are low, they will not. So I think the numbers my opponents are using make an unrealistic set of assumptions, basically that ethanol prices will be unusually low for the next 10 years, and yet at the same time the private sector will be building new plants all over the country. You can't have it both ways. If the price is high, yes, there will be more ethanol plants. If the price is low, there are not likely to be any, and the price is going to go up either way. But in truth, whether it costs a penny a gallon or a dollar a gallon, consumers should not be forced to pay an ethanol gas tax at all.

There is no sound public policy reason for mandating the use of ethanol, other than political might of the ethanol lobby. The new ethanol tax will contribute to market volatility and price spikes, especially because the ethanol industry is highly concentrated within a few large firms located in the Middle West. In fact, ADM alone controls almost 30 percent of the market, according to CRS.

My opponents also argue that the ethanol gas tax is needed to help family farms. I take these arguments seriously. I know how many of my colleagues from the Middle West want to help family farmers who are struggling. I want to help those farmers, too. I have stood by my Senate colleagues and voted for billions of dollars in agricultural subsidies to help the farmers in the South and West, even though those commodity subsidies don't help my farmers in New York. But as I have said, the ethanol gas tax money will not be going mostly into the pockets of family farmers, it will go into the pockets of ADM and the other big ethanol companies. All of a sudden, are the farmers going to get the big benefit? They don't get it for milk. They don't it for corn. They don't get it for meat. Is the beneficent rule of ADM going to give our corn growers the benefits of this or do you think ADM and the other big companies will take the benefit for themselves?

If you want to help our family farmers, take the money you are using that will cost this and give it to them, and you will spend a lot less money and help the family farmer a lot more without all the middlemen who don't need the help.

The final argument my opponents will make—and this is a cynical one—is that if New York and California and other States want to clean up their water by banning MTBEs and maintaining clean air, they should have to pay the price of an ethanol gas tax, and it is political naivete to think otherwise. My State has already banned MTBE. So have others, such as California, Colorado, Connecticut, Indiana, Illinois, Iowa, Kansas, Kentucky, Maine, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Washington. Every one of these States has enacted its own MTBE bans or taken steps to restrict its use. A number of other States are in the process of taking action as well. Because what we have learned is that MTBEs pollute the ground water.

Every one of those States that has banned MTBE is going to find itself in an impossible dilemma. Their citizens are demanding they ban MTBE, but with the oxygenate requirement in place, they can't do so. Recently, the EPA denied the application of New York and California for a waiver from the oxygenate requirement, putting States with MTBE bans between a rock and a hard place. Our citizens' health and the environment are being held hostage to the desire of the ethanol lobby to make ever larger profits. Why didn't the EPA grant the waiver? It didn't affect clean air or clean water. Raw politics, trying to suck money out of one region and put it in another. That is not fair. That is not right.

Our citizens' health and environment are being held hostage to the desire of the ethanol lobby to make ever larger profits. The administration has already gone along. Will this Senate?

It is an outrage. For Congress to tell Americans across the country that we refuse to clean up the air and water unless they pay off ADM is unconscionable. There is no public policy reason on Earth not to allow States to ban MTBEs and remove the oxygenate requirement and keep clean air standards in place without requiring them to buy ethanol.

In New York, we have been forced to for over a year and a half. Our gasoline prices are too high already, and the unnecessary ethanol requirement we face is not helping.

In conclusion, I ask my colleagues to support my amendment to strike the ethanol mandate. If you believe that Congress has the obligation to protect the health of our citizens and the environment, support banning MTBE, getting rid of the oxygenate requirement, and maintaining clean air standards. Don't support forcing American consumers to pay for ethanol in exchange. If you believe the Congress has an obligation to protect consumers and keep our free market running as efficiently as possible, then, again, I ask Members, please, do not support forcing American consumers to raise their gas prices and to pay for ethanol.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HARKIN. Will my friend yield for a question?

Mr. SCHUMER. I am happy to yield for a brief question to my good friend from Iowa.

Mr. HARKIN. Since my friend mentioned——

Mr. DOMENICI. I believe I have the floor. I am pleased to yield.

Mr. HARKIN. I thought he still had the floor.

Mr. SCHUMER. I didn't think I had yet yielded the floor.

The PRESIDING OFFICER. The Senator from New York still has the floor.

Mr. SCHUMER. I was about to, but I am finished with my statement.

Mr. HARKIN. I just wanted to respond to my friend from New York. Is my friend from New York aware of the fact that right now, the price of gasoline is around $2.03, or $2.05 a gallon? Ethanol right now is about $1.60 a gallon. My question to my friend from New York is, if the free market is at work, why aren't the oil companies blending more ethanol since they would make more money?

Mr. SCHUMER. Well, let me answer my friend. The cost of ethanol varies greatly depending on what region of the country the ethanol is produced in. What makes it so expensive for New Yorkers is not the cost of actually making it in Iowa or Illinois or Kansas. What makes it so expensive is there is no cheap way to get it from the cornfields of Iowa to the gas stations of New York and, as a result, the cost of transporting the ethanol. Sure, it can be made out there. We don't have many ethanol plants in New York. They have to put on it barges. They have to ship it slowly down the Mississippi. They have to unload it onto boats. The boats have to go round the gulf coast, go around Key West, up the east coast. They have to dock in New York City. It then has to be loaded onto trucks and sent to gas stations—a lengthy and expensive process.

Let me say in all seriousness to my good friend from Iowa, I have talked to some of the major refiners in the Northeast. They are able to meet the clean air standard more cheaply and better without ethanol than with it. And by our requiring them to put the ethanol in the gasoline is the only reason they do it. If we didn't require them but kept the clean air standard, we would have gasoline that is just as clean but a lot cheaper for constituents.

I want to help your corn farmers, but I don't want the housewife who drives the kids to school or the salesman who has to go door to door to be subsidizing your corn farmers. Let the whole government do it.

Mr. HARKIN. Will the Senator yield for another question?

Mr. SCHUMER. I am happy to yield for another question.

Mr. HARKIN. My friend talked about the transporting of ethanol going down the Mississippi and then on barge around this and that. Has my friend ever considered how you get the oil from the Mideast over here? You have to go over there with a big tanker. You have to load it up. Then that tanker has to go across the oceans, and it has to come into New York or wherever the port is and unload it. Then it has to be shipped to a refinery to refine it.

Then, in order to protect that oil pipeline from the Mideast, we have to send 130,000 troops, our military. We have to protect our sea lanes—the billions of dollars that it costs to protect shipping that oil from the Mideast and all that. I can assure my friend from New York that they will never have to send our young men and women to Iowa to fight.

Mr. SCHUMER. We would like to send them to Iowa on vacation to help pick the corn, but, certainly, we hope that this ethanol fight, as fractious as it is—I can state that the citizens of New York will not declare war on the citizens of Iowa.

Mr. HARKIN. You will never have to worry about that.

Mr. SCHUMER. Although the bill declares economic war on the citizens of New York, Connecticut, California, and other places which don't have the ethanol.

By the way, I say to my good friend from Iowa, I would not make the analogy that what the ethanol producers are doing is the same as what OPEC is doing with the oil, both causing the price to go way up. I don't like the big oil companies in terms of what they do, but I don't think Archer Daniels Midland is much better.

Mr. HARKIN. We have 16 ethanol sites in Iowa; 11 are predominantly owned by farmers. There is one that Cargill owns, and ADM owns one. Almost all of the new ethanol plants being built in the United States are owned and operated by farmer-owned enterprises. It so happens that ADM was there in the beginning.

But what is happening now—and especially with this legislation—is you are going to see more and more farmer-owned plants. That is what is happening. My friend is talking about the past. We are talking about the future.

The way to break the OPEC cartel is to get a lot of farmers around the country, using new technologies, making ethanol out of corn and cornstalks, and a variety of other feedstocks—and we will soon be making ethanol in the State of New York, as well as in New England. That is what this is about. It breaks the back of the OPEC cartel.

Mr. SCHUMER. I say to my friend, I would like nothing better than to break the cartel. Some say one of the ways to break the cartel is to put a tax on gasoline. The higher you tax the gasoline, the less you will need OPEC. That is true. But the reason we reject that high tax on gasoline is the burden it puts on average people. Well, if that burden is placed on the average driver in New York to pay a lot more to the ethanol producers rather than OPEC, what have we gained? Fifty cents out of your pocket? If faced with a choice, I would rather have it go to an American company—although there is ExxonMobil and others—I would rather it go to an American producer in the cornfields in Iowa than to the oilfields in Saudi Arabia. But neither is a very good choice. Both of them cause huge hardship on the consumer by raising the price.

So all I say to my friend from Iowa, who I know has the interests of the average worker at heart—all I say to him is, if ethanol is better than gasoline and cheaper for people in Iowa or Illinois, God bless you, use it.

Let me ask my friend a question. Is it fair—because we won't use the ethanol in a lot of instances—to say to us, as this amendment does, you have to pay for it whether you use it or not?

Mr. HARKIN. I respond that that is not the case. I will say more about that in my remarks following my friend. That is not the case at all. I wanted to correct something. I made a mistake. In all good faith, and in making sure that I speak correctly, I said earlier that a gallon of gasoline was $2.03 and ethanol was $1.60. What is it in New York?

Mr. SCHUMER. It is $2.25.

Mr. HARKIN. I was wrong about ethanol. A gallon of ethanol is only about $1.22. I point out that it would be great if more people used it. It is only $1.22 and $2.25 for gasoline.

Mr. SCHUMER. If my colleague can get the price of whatever it takes to drive a car down to $1.22 in New York and have the same efficiency—it is almost as efficient, not quite, at 90 percent—and the same level of cleanliness in the air, I would be all for it. But everyone knows, again, whether it is $1.20 or $1.60, the basic cost for us is the transportation cost.

My colleague from New Mexico has been waiting very patiently. I appreciate the spirit of my good friend from Iowa in this dialog, which we have disagreed on over the years. I don't know if we will ever agree on it.

I am happy to yield the floor so my colleague from New Mexico can make his comments.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I say to my friend from New York, maybe on this one we disagree, but we have another big issue that we agree on. We are going to do something about the art community in your State and collectible items.

Mr. SCHUMER. Maybe under the chairman's leadership—if the chairman will yield—we should add that wonderful amendment to this bill and pass it right now.

Mr. DOMENICI. I don't know what would happen if we went to the House with it. Maybe we could hurry it up that way. In any event, a number of Senators want to speak. I will not address the issue that was spoken to because many others are going to—except I remind everybody that something was said here about a monopoly, lack of competition. The Senator from New York made the case for lack of competition. When we use gasoline, let's not forget we have been subjected to the most monopolistic control mechanism for the price of almost anything this country has ever seen. The cartel is strangling us.

As we drive down the road, we are driving on gasoline that is indeed noncompetitive. It is competitive for a few cents because the filling stations might be competitive, but the basic price is the monopolistic issue.

Mr. REID. Mr. President, I rise to discuss the energy bill that we will consider over the next 2 weeks. Senators DOMENICI and BINGAMAN should be commended for their bipartisan work in the Energy and Natural Resources Committee to bring us to this point today.

The events over the last 4 years have highlighted what Americans have known since the 1970s—our national security and our economic security depend on our energy security. Americans need and deserve an energy bill that truly moves us toward energy independence.

Seriously addressing our national security means kicking our dependence on foreign oil.

Today, we import 58 percent of our oil.

Our dependence on imported oil poses a risk to our national security and our economic well-being.

We will consider a number of additional proposals that can help make greater energy security a reality for future generations of Americans.

There will be amendments offered to the bill regarding energy security, renewable energy, biofuels, climate change, and fuel economy.

We must reduce our dependence on foreign oil and make a commitment to clean, renewable energy.

If we choose to invest in energy efficient technologies and renewable energy, we will create thousands of new jobs . . . we will protect our environment . . . and we will bolster our national security.

That is the vision our Nation needs. That is the leadership we must provide.

Mr. CORZINE. Mr. President, I first thank Chairman DOMENICI and the ranking member, Senator BINGAMAN, as well as both of their staffs on the Energy Committee for all of their hard work in preparing an energy bill. Their leadership has allowed the Senate to come together today and discuss an issue that is paramount to our Nation's quality of life and our homeland and economic security.

As this body considers omnibus energy legislation, it is crucial that we formulate an energy bill that meets several criteria. The legislation must reduce the United States' unhealthy dependence on foreign oil; address the United States' skyrocketing gas prices; invest in environmentally friendly technology and research; protect the moratorium on drilling in the Outer Continental Shelf; address global warming; and promote energy efficiency.

The Department of Energy currently projects that coal and natural gas will be used to meet most of our Nation's increasing electricity energy demand over the next 20 years. It is my firm belief, however, that as we increase generation, the United States must ensure that its energy portfolio is well diversified. New Jersey, which is already suffering from the effects of poor air quality—one-third of which is traced to out-of-State sources—would not be well suited by increasing our reliance on coal. In addition, considering the spiking price of natural gas, this source is not the cure-all that it was envisioned to be a few years ago. We must, therefore, consider all forms of electricity generation to meet our demand, including other clean and domestic forms of energy.

I am proud to note that New Jersey currently generates 75 percent of its electricity from low-polluting sources. Nuclear energy contributes almost 53 percent of the electricity on New Jersey's power grid. However, the need to protect diverse electricity generation is particularly profound in New Jersey. In addition to rapidly increasing electricity demand, seven generation facilities are scheduled for retirement and the license of one nuclear facility expires within the next 5 years—leaving a huge void, since this facility currently meets 10 percent of New Jersey's peak demand.

Promoting renewable energy will help the United States increase its energy security by reducing our dependence on foreign energy sources. Expanding our renewable energy resources will also allow us to rely on cleaner, more diverse sources of energy. It will also allow us to decrease our reliance on fossil fuels, which in turn could protect energy prices from the volatility of fossil fuel markets. Finally, we can reduce greenhouse gas emissions and other pollution and encourage economic development around renewable energy industries. It is truly a win-win for our country.

New Jersey has been a national leader in renewable energy. My State already has its own 20 percent renewable portfolio standard. New Jersey is not only the first mid-Atlantic State to adopt renewable energy requirements for all retail energy suppliers, but it also has one of the most aggressive funding mechanisms in the Nation for promoting renewable energy.

Protecting our coastlines is another priority of mine when considering our energy future. Jersey shore tourism, the second largest industry in my home State, generates $31 billion in spending. This spending directly and indirectly supports more than 836,000 jobs—more than 20 percent of total State employment—generates more than $16.6 billion in wages, and brings in more than $5.5 billion in tax revenues to the State. I am, therefore, deeply concerned about a provision added in committee that would allow an inventory of the offshore oil and gas resources. While on the surface, an inventory sounds harmless, the explosive impulses associated with seismic exploration of sensitive coastal waters threatens marine life and can be detrimental to fisheries. Even more concerning is the fact that the inventory is sure to be just a first step on a slippery slope toward offshore drilling. With so much of my State's economy dependent on the cleanliness of our beaches, it is imperative that we stop all efforts to weaken the moratorium on OCS drilling. I am prepared to fight any amendment that would threaten it, including those allowing States to opt out or opening up designated areas off our coast. Senator MARTINEZ, Senator NELSON, and I plan to offer an amendment that would remove the inventory provision, and I urge my colleagues to vote in favor of our amendment so that we can protect our Nation's coastlines as well as our States' economies.

It is also my hope that we create an energy policy that adequately promotes a clean and healthy environment. It is time that our Nation confronts the serious problem of global warming. Increasing CAFE standards for automobiles and reducing powerplant emissions can go a long way in reducing harmful greenhouse gas emissions. I was a leader on this issue during the 107th Congress when the Senate included in the Energy bill the greenhouse gas registry amendment that Senator BROWNBACK and I offered. The registry was also a part of the Senate Energy bill that was agreed to by the Senate in the 108th Congress.

I was, however, disappointed that an amendment offered by my friend from California, Senator FEINSTEIN, to close the SUV loophole and improve the fuel economy of passenger vehicles failed in committee. I believe this amendment would have been effective in reducing our dependence on foreign oil, cutting global warming emissions, and saving consumers thousands of dollars annually at the gas pump.

Another way we can start reducing greenhouse gas emissions is by promoting energy efficiency standards for homes and appliances. I am proud to say that this bill includes language that I successfully added to the 107th Congress Energy bill encouraging the Department of Housing and Urban Development and the public housing authorities—PHAs—it oversees to increase energy efficiency in public housing projects. HUD and the PHAs currently oversee approximately 1.3 million units of residential low-income public housing across the country. The Federal Government spends approximately $1.4 billion total for utility usage in these units. HUD has conservatively estimated that improved energy management processes throughout all of its public housing programs could save between $100 and $200 million annually.

In addition the Department of Energy has estimated that if energy management was improved in all public and assisted housing programs the Federal Government could save between $300 million and $1 billion annually.

My provisions address the absence of resources at HUD to help PHAs manage their utility expenditures and the lack of incentives for implementing energy efficient systems and technologies both contribute significantly to high energy expenditures. I again thank the chairman and ranking member of the Energy Committee for working with me to include these important energy efficiency provisions in the bill.

While there are many issues we need to address in this bill, I also want to make clear my opposition to several amendments that have come up in the past in this body. I am adamantly opposed to any special favors for oil and gas producers that would be harmful to many of my constituents. I am especially concerned, therefore, about a provision that was included in the House bill that would shield from accountability the manufacturers of MTBE.

Finally, when it comes to the renewable fuel standard—RFS—I am very concerned about the 8-billion-gallon RFS included in the Senate bill. With the cost of living in New Jersey being one of the highest in the Nation, an increase in the mandate would essentially be a gas tax for my constituents.

I look forward to the debate on this important bill. It is time that we passed an energy bill that will take the vision of future U.S. energy policy in the right direction—toward energy independence, innovation and conservation.

MORATORIA FOR OIL AND GAS DRILLING

Mr. NELSON of Florida. Mr. President, under the chairman and ranking member's leadership, the Energy and Natural Resources Committee produced an energy bill that passed out of the committee by a vote of 21 to 1. It is a bill that has a lot going for it. I continue to have concerns about it, including a major concern about a provision that requires an inventory of oil and gas reserves in the Outer Continental Shelf, which my colleague from Florida and I will attempt to remove. And I am aware of other important amendments that will be offered by my colleagues to improve the bill. But I want to indicate to the distinguished chairman that I think he has gotten his bill off to a good start.

However, the progress of this bill would be jeopardized if we begin to debate amendments that would change the status quo with respect to the sale of leases for oil and gas drilling in the Outer Continental Shelf. Vast areas of the Outer Continental Shelf are under moratoria for oil and gas drilling, and other extremely sensitive areas, such as Lease Sale 181 in the Eastern Gulf of Mexico off of Florida, have been made unavailable for leasing by the Department of the Interior.

I am aware that there are differences of view among my colleagues on how we should proceed with respect to the Outer Continental Shelf. My good friend and colleague from Louisiana, Senator LANDRIEU, and I have debated our different views on this at length, and have agreed to work together on a plan to increase the flow of revenue to States that currently allow drilling off their coasts, without opening up new areas for drilling. I can tell my colleagues that in Florida, this is a consensus issue. Florida's pristine beaches and clean coastal environment are so important to our State's tourism-based economy that there is no support—zero—for drilling in the waters off Florida in the Eastern Gulf of Mexico. For that reason, I am compelled to ask the chairman and ranking member for their commitment that they will oppose, and work to defeat, any amendments to this bill that would change the status quo in the Eastern Planning Area. That commitment would apply to amendments proposing any change in the areas now under moratoria, any additional leasing activity in Lease Sale 181, beyond what was agreed to in 2001, and includes opposing the drawing of lateral seaward boundaries into the Eastern Planning Area.

Mr. MARTINEZ. Mr. President, I thank the chairman and ranking member for their leadership and for engaging us in this colloquy. For Floridians, there is simply no margin for error when it comes to offshore oil and gas drilling. Our $50 billion tourism industry is the lifeblood of our economy, and our tourism is based on people coming to enjoy the clean water, sugar-white sands, and excellent fishing that can be found up and down our coasts. The risk of even one offshore drilling accident to this economic engine is simply too great for us to take.

I will seek to strike the section that permits an inventory of oil and gas reserves in the Outer Continental Shelf. We are very concerned in Florida that an inventory is simply the first step down a slippery slope toward expanded drilling. But I will also join my colleague in seeking the commitment of the distinguished chairman and ranking member to oppose any amendments that would change the status quo in the Eastern Planning Area.

Mr. DOMENICI. Mr. President, it is my position that it is unfair to prejudge any hypothetical amendment, ruling it in or out without knowing the substance of the provision. Furthermore, I do not want to be in a position to preclude any of my colleagues from offering what they think are improvements to this legislation.

That having been said, I assure my colleagues, Senator NELSON and Senator MARTINEZ, that I will not support any amendment that alters current OCS moratoria with respect to submerged lands off of Florida's coast or that affects lands in Lease Sale 181, not so much because of the substance of any amendment of the sort, but because it would bog down this bill.

I want it to be clear that restricting development of our natural resources is not a policy view that I share, particularly in these times of severe shortages and high prices. I am on record supporting the principle that individual States should have greater input in petitioning the Federal Government to allow oil and natural gas production on the OCS. I am also on record stating that I believe that the time has come for the executive branch to draw boundaries and publish these boundaries as previously required under the Outer Continental Shelf Lands Act. I also believe that it is imperative that we increase our production on the OCS in order to decrease our dependence on foreign sources of oil. Finally, I think that it is important that we work toward recognizing, in real financial terms, the sacrifice that certain coastal States make toward helping our Nation meet its energy needs.

Having said all of this, I understand the importance of this issue to my colleagues from Florida. Although we do not agree, I respect their difference of opinion. I respect their passion on this issue and I make this concession because I understand the necessity of moving forward with this energy bill. This bill in its totality is more important than any one part. And, to that end, I extend this offer to my colleagues.

It should be noted, however, that this position does not apply in any way to any provision currently contained in this bill as reported out of the Energy Committee, including the comprehensive OCS inventory. While I will assist Members in working toward what I think are improvements to the inventory section, I will strongly oppose any attempt to strike the section. Furthermore, I will oppose any amendment that I think weakens any of the OCS provisions already contained in this bill. I thank my colleagues for their attention to this issue and look forward to working with them on this in the future.

As I said at the outset, I will not support any amendment that alters current OCS moratoria with respect to submerged lands off of Florida's coast or that affects lands in Lease Sale 181.

Mr. BINGAMAN. Mr. President, I join the chairman in his reluctance to prejudge amendments that we have not yet seen here in the Senate. We are trying very hard on this bill to consider and work out issues on their merits, which is how I think energy legislation should be considered in the Senate.

I can assure my colleagues, Senator NELSON and Senator MARTINEZ, that in order to move forward expeditiously with this legislation, I will likewise not support an amendment that alters current OCS moratoria with respect to submerged lands off of Florida's coast or that affects lands in Lease Sale 181, and that I will work very closely with them on any amendment that they believe affects Florida's interests with respect to the Outer Continental Shelf. Senator NELSON has been a strong leader and advocate for preventing oil and gas development off of Florida's coasts. He is a passionate defender of the pristine beaches, estuaries, and native mangrove ecosystems of Florida. I am keenly aware that he and his colleague, Senator MARTINEZ, have considerable rights under the Senate rules to impede the progress of this bill if amendments threatening these important Florida resources were in fact offered. But, I think it is unlikely that any Senator will offer an amendment to lift OCS moratoria off of Florida, or open areas otherwise unavailable for leasing, during our consideration of this bill.

I have somewhat different policy views than those of Chairman DOMENICI with respect to the role of States and the OCS. I certainly agree with his desire to see additional environmentally responsible energy development on the Outer Continental Shelf. Any policy differences regarding how that is to be accomplished are probably best left to another occasion. I also have a very different policy view on Lease Sale 181 from the Senators from Florida. I have supported drilling in the Lease Sale 181 area in the past and am likely to do so in the future.

I do believe that oil and gas production on the OCS can and will play an important role in meeting our Nation's energy needs, and that we need to craft appropriate national policies in that regard. For that reason, like the chairman, I support the inventory proposal contained in the bill now, and would support attempts to improve it. But I do not think that such provisions necessarily would operate to the detriment of Floridians. I appreciate the diligence being shown by our colleagues on these topics, given the importance that Floridians place on maintaining a pristine coastal environment. I look forward to continuing to work with them on these issues as this bill progresses.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

J. JAMES EXON, NEBRASKA GOVERNOR AND SENATOR

Mr. NELSON of Nebraska. Mr. President, I am here today to pay tribute to a great American and a great Nebraskan. J. James Exon served with distinction in the United States Senate from 1979 to 1996 an as Governor of Nebraska from 1970 to 1978. Senator Exon passed away in his hometown of Lincoln, NE last Friday at the age of 83. His funeral services are tomorrow in Lincoln.

Jim Exon understood Nebraskans like no one else which explains his popularity with the people of his State. He loved them and they loved him back.

He was a Democrat in a highly Republican State, yet he never lost an election in 2 campaigns for Governor and 3 for United States Senate. He understood that Nebraska is a populist state more than it is a partisan state. Most Nebraskans judged him on what he said and what he did, not on his political registration.

Jim Exon was a common man. Nebraskans will remember Jim Exon as one of the greatest leaders Nebraska ever had. Anyone who travels around Nebraska today can see the continuing legacy from his quarter century of public service.

Jim Exon built on the Nebraska tradition of working together. In that way he carried on the legacy of another giant in Nebraska history, Senator George Norris. Norris founded the unicamera legislature in an effort to improve the workings of government and to achieve results. Jim Exon had the same philosophy.

I had the honor of serving in then-Governor Jim Exon's cabinet as Nebraska Director of Insurance. He has been a friend and mentor ever since even as I have followed him as Governor and U.S. Senator. I would frequently call him to seek advice and he would often call to offer it. Now, those calls will cease but I don't think I'll ever stop learning from Jim Exon.

The people of Nebraska always appreciated Jim Exon in life as they do now in death. We will miss him but we can all take comfort in the fact that his fingerprints are on more than a quarter century of our history and Nebraska and the United States of America are far better places because of his generous service.

As a former poker partner of Jim Exon, I can say that the man was driven to win. He was surprised by those who didn't try to beat him. That attitude carried over into his public life and is "part and parcel" of the reason so many Nebraskans are fond of him. He made you feel like he was on your side. He made you feel your issues were important. And most of all, he made you feel proud to be a Nebraskan.

Those in public life must face the last great scrutiny when they leave this world for the next. Their careers are examined again. Their friends and foes get one last unanswered say. In the case of Big Jim Exon, who liked to have the last word, I know this must be driving him crazy.

In the case of Jim Exon the last word goes to Nebraska, the State and the people he loved so dearly. The State of Nebraska will miss Jim Exon, his wisdom, his humor and his common sense. He is one Nebraskan who from start to finish, and through every day, truly did lead "the good life."

I ask unanimous consent to have printed in the RECORD two editorials from Nebraska newspapers that captured the essence of Jim Exon so eloquently, one from my hometown paper, the McCook Gazette and another from the Omaha World Herald.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the McCook Gazette, Jun. 13, 2005]

"COMMON MAN" EXON IN TOUCH WITH STATE

The former editor and publisher of the McCook Daily Gazette, Allen Strunk, played a key role in the political career of J.J. Exon, the former Nebraska governor and senator who passed away Friday at age 83.

Strunk, a conservative Republican, broke with tradition in 1970 when he became the only daily newspaper publisher in the state to endorse Exon in the race for governor against Norbert Tiemann.

Contacted at his Las Vegas home this morning, Strunk said he was moved to support Exon because he was a "common Joe" who was in touch with the people. "Exon had been a businessman in Lincoln and the 1970 campaign was his first run for office," Strunk said. "He impressed me as being much more in tune with the wishes of the people than did Tiemann, who came across as pompous."

The endorsement of Strunk was helpful in the hard-fought race. Another factor was the negative feedback which Tiemann received following passage of state sales and income tax legislation.

Exon's victory in 1970 launched a political career that continued through two terms as governor and three terms as a United States Senator. Whenever he was in Southwest Nebraska, Exon made it a point to stop by the Gazette office for visits with Strunk.

Exon also was an important figure in the lives of two other former McCook residents: the late Frank Morrison, a former governor of Nebraska; and Ben Nelson, a former governor and current U.S. Senator from Nebraska.

Nelson struck the same theme as Strunk, saying, "Jim Exon was a common man who dearly loved the state of Nebraska and that's why the people loved him. He was one of them and they knew it and were proud of it. His fingerprints are all over the history of Nebraska and he'll go down as one of the greatest leaders this state has ever known."

During this lifetime, Morrison spoke highly of Exon, as did Exon of Morrison. Exon was among the many mourners when Morrison passed away in 2003 at age 98.

Other than George W. Norris of McCook, Exon was the only Nebraskan to win five consecutive elections. The state will miss him, as will the McCook area, which had a significant role in Exon's long political career.

[From the Omaha World Herald Jun. 12, 2005]

J. JAMES EXON

Perhaps someone else would have made Nebraska a two-party state in the second half of the last century if John James Exon hadn't appeared on the scene.

But it's hard to imagine anyone else doing the job nearly as effectively, and with as much pure joy, as did the former governor and U.S. senator, who died Friday at age 83.

Starting in the 1950s J. James Exon breathed life into the moribund Democratic Party with the force of his personality, the clarity of his vision and the relentlessness of his energy.

He was a force in the candidacy of Govs. Ralph Brooks (1959–60) and Frank Morrison (1961–67). He was guide and mentor to Govs. Bob Kerrey (1983–87) and Ben Nelson (1991–99). In his own right, Exon was the first Nebraska governor to serve two four-year terms (1971–79) and followed that with an 18-year career in the U.S. Senate.

Exon has earned lasting honor in the councils of his party. He helped show Democrats how they could succeed in Nebraska: be true to the better nature of their party while respecting the political traditions and impulses of all Nebraskans. Above all, be a straight shooter. Don't pussyfoot.

But he belongs to all Nebraskans. Exon's presence on the political scene demonstrated the wisdom of evaluating a candidate's knowledge, character and ideas ahead of narrow partisanship. Competition between the parties makes for a better examination of ideas and philosophies, but only if the voters are willing to listen before deciding.

Exon simply would not be put down because the Republicans had a big lead in voter registrations. He said what was on his mind, and the electorate could not help but pay attention.

And thus when the time came to ask Nebraskans for their votes, Republicans stepped forward by the thousands to cast a vote for Jim.

As governor, Exon embraced the mantra of holding the line on spending. He was known for his strongly worded veto messages. He fought his political battles with a gusto that approached celebration.

However, though he was a conservative on spending, he was no skinflint. His dislike of careless spending was balanced by an abiding sense of stewardship over the institutions of state government. He was a man of moderation.

In the Senate, Exon positioned himself as a proponent of a strong national defense and as a knowledgeable source on geopolitical matters. A veteran of World War II, he could thus claim a legitimate share in the victory in the Cold War.

He followed his stars, loved the outdoors, maintained the loyalty of strong men and never wavered in his commitment to fairness and his concern for ordinary people.

Carved in the south facade of the Nebraska State Capitol, facing the Governor's Mansion where the Exons resided for eight years, are the words of Aristotle: "Political society exists for the sake of noble living."

Surely Big Jim Exon used that thought, or something very similar, as part of the code by which he lived his life.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I heard the remarks of the distinguished Senator from Nebraska. I don't have time tonight to make my comments about the distinguished Senator, Governor Exon, but tomorrow I will.

Suffice it to say, it was my privilege to serve with him. He was everything the Senator from Nebraska said and more.

Tomorrow I will elaborate on my years of service on various committees. He truly was a wonderful man, a hard worker, a man of great common sense, and he contributed immensely to the years I knew him in the Senate.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me take a minute, also, and underscore the comments our colleague from Nebraska and Senator DOMENICI have made about Jim Exon. He was a great U.S. Senator and one with whom I was fortunate to serve on the Armed Services Committee for many years. He contributed a tremendous amount to his home State and to this country. He will be missed by all who served with him in the Senate.

There is a service for him tomorrow in Nebraska, which I hope to attend. I will also have extensive comments to offer at a future time. It is a great loss to the country and a great loss, of course, to all those who knew him. He will be fondly remembered in this Senate.

I yield the floor.

TRIBUTE TO THE UNIVERSITY OF KENTUCKY'S COLLEGE OF PHARMACY

Mr. McCONNELL. Mr. President, I rise today to pay tribute to the University of Kentucky's College of Pharmacy. Today at the Kennedy Center the college is being awarded the American Pharmacists Association's 2005 Pinnacle Award to recognize the success of UK's Diabetes Education and Management program in helping Kentuckians with diabetes.

Over the past 30 years, doctors have been able to treat more and more conditions with prescription medication. While this revolution in pharmaceuticals is overwhelmingly positive, the incorrect use of medication can result in harmful side effects, ineffective treatment, and unnecessary costs. This is of particular importance in Kentucky, where citizens use significantly more prescriptions than the national average.

The UK College of Pharmacy has created a comprehensive Center for Improving Medication Related Outcomes to educate physicians, pharmacists, and consumers about the appropriate use of medication. This is something I believe in, and since 2002, I have been proud to secure $3 million in Federal funding to help the center become a leader in promoting the safe use of prescription drugs throughout the Commonwealth and the Nation.

The Diabetes Education and Management Program is an important component of the UK Center for Improving Medication Related Outcomes that focuses on diabetes control. I am proud that the UK College of Pharmacy and the Diabetes Education and Management Program have become valuable resources for our Nation's healthcare system. I ask my colleagues to join me in recognizing the University of Kentucky College of Pharmacy for their exceptional work in the field of prescription medication safety.

APOLOGY TO VICTIMS OF LYNCHING

Mr. CORZINE. Mr. President, over 4,700 people, mostly African American, were victims of lynching in the United States between 1882 and 1968. This represents one of the low points in our history as a Nation—a time when our Nation turned away from its responsibility to our fellow citizens and failed to do the right thing. We condemn these terrible crimes and ask forgiveness for the failure of the Senate to act. We are reminded that our history is not perfect and that the Senate made a costly mistake, calculated not in dollar figures but in human lives. I am deeply saddened by the fact that during a time when our commitment to justice for all Americans was tested the U.S. Senate failed to enact antilynching legislation to stop this brutal, tragic, and senseless violence. And so I join my colleagues in this apology.

It would be a mistake to see lynching as distant history for that is simply not the case. Lynching occurred in the United States until 1968 and was committed in 46 States, including New Jersey. Lynching was used to kill, humiliate, and dehumanize African Americans and, to a lesser extent, other minorities. It was intended to teach minorities a lesson—that if they did not follow the established social code of conduct between the races and classes, they too might suffer this fate. Indeed, there are countless stories of African American teenage boys who were allegedly lynched for talking back to a White man or looking at a White woman. Those acts were seen as transgressions in the eyes of lynch mobs who failed to understand one of the most central tenets of our great Nation—that we are all equal under the Constitution and laws of the United States of America.

In reality, it was not only the lynch mobs that failed to understand that we are all equal. State and local governments also failed to uphold this democratic principle. Although State and local laws prohibited murder and other violent crime, State and local officials failed to enforce these laws when they applied to lynching victims. And so lynching continued through the first half of the 20th Century as our society and government failed to hold the people who committed these crimes accountable.

Mr. President, lynching also continued because many communities implicitly sanctioned such events. We are not talking about secret affairs held under cover of darkness by men wearing hoods to hide their identity. We are talking about public spectacles held in town squares during broad day-light with no attempt by the participants to shield their identity. Indeed, there are countless stories of community celebrations surrounding lynching: of businesses closed so locals could attend, of postcards sent out commemorating these horrific events, and of souvenirs such as pieces of hanging rope sold to onlookers.

American Presidents asked the Senate, on seven separate occasions, to enact antilynching legislation to stop the violence. From 1900 to 1950, approximately 200 antilynching bills were introduced in Congress. And between 1920 and 1940, the U.S. House of Representatives passed three such bills. But the Senate remained silent and it was that silence that prevented the enactment of a Federal antilynching law.

This resolution is an acknowledgement that the Senate, in failing to pass a Federal antilynching law, ceased to protect many American citizens. While Federal legislation may not be the ideal solution in all areas of criminal justice, it has been essential in the realm of civil rights. When States have failed to enforce their own criminal laws because of local pressure or bias, the Federal Government has frequently established laws to vindicate the civil rights of all Americans.

Mr. President, I strongly believe that it is not enough for us to stand here and apologize for things that happened in the past. We must use this recognition of the Senate's past inaction to motivate us to enact laws today that protect the basic civil rights of all Americans, such as the Local Law Enforcement Act of 2005. This bill, which I am proud to cosponsor, will strengthen the ability of the Federal, State, and local governments to investigate and prosecute hate crimes based on race, ethnic background, religion, gender, sexual orientation, and disability. I urge all my colleagues to support this bill, a true test of the commitment of the Senate to do the right thing.

* * *

CHANGES TO H. CON. RES. 95

Mr. GREGG. Mr. President, section 308 of H. Con. Res. 95 the FY 2006 Budget Resolution—permits the Chairman of the Senate Budget Committee to make adjustments to the allocation of budget authority and outlays to the Senate Committee on Energy and Natural Resources, provided certain conditions are met.

Pursuant to section 308, I hereby submit the following revisions to H. Con. Res. 95:

	$ in billions
Current Allocation to Senate Energy and Natural Resources Committee:	
FY 2005 Budget Authority	5.124
FY 2005 Outlays	3.922
FY 2006 Budget Authority	4.600
FY 2006 Outlays	4.135
FY 2006–2010 Budget Authority	19.461
FY 2006–2010 Outlays	18.898
Adjustments:	
FY 2005 Budget Authority	n/a
FY 2005 Outlays	n/a
FY 2006 Budget Authority	.098
FY 2006 Outlays	.098
FY 2006–2010 Budget Authority	.740
FY 2006–2010 Outlays	.672
Revised Allocation to Senate Energy and Natural Resources Committee:	
FY 2005 Budget Authority	5.124
FY 2005 Outlays	3.922
FY 2006 Budget Authority	4.698
FY 2006 Outlays	4.233
FY 2006–2010 Budget Authority	20.201
FY 2006–2010 Outlays	19.570

JUDICIAL NOMINEES

Mr. KERRY. Mr. President, for the past several weeks, the Senate has been consumed with President Bush's judicial nominations. We have debated the constitutionality of the nuclear option, and we have debated the merits of the judicial nominees themselves. In the past 2 weeks, the Senate has confirmed 6 nominees bringing the total of confirmed judges to 214 out of 218.

I voted for two of these nominees: Richard A. Griffin and David W. McKeague, both of whom were nominated to the Court of Appeals for the Sixth Circuit. These two individuals were highly rated by the American Bar Association, and, although I disagree with their politics, I believe they will be fair and impartial jurists.

I voted against the other four nominees, none of whom I believe deserved lifetime appointments to the Federal bench. Each one has demonstrated an unwillingness to follow the law when it conflicts with his or her extreme conservative political ideology, and each one embraces a judicial philosophy which would severely curtail constitutionally protected civil rights and civil liberties. Confirming these nominees was a mistake, and their appointments diminish the strength and integrity of the Federal judiciary.

Take, for example, Priscilla Owen. While on the Texas Supreme Court, Priscilla Owen repeatedly attempted to rewrite the law from the bench as her dissent in an abortion case concerning parental consent and judicial bypass clearly demonstrates. Justice Owen did not like the fact that the Texas law permitted abortions without parental consent in certain circumstances. As it turns out, she was not the only one. The majority did not like the law either; but, unlike Justice Owen, they honored their sworn duty to uphold it. In their words, they:

> recognize that judges' personal views may inspire inflammatory and irresponsible rhetoric. Nevertheless, the [abortion] issue's highly-charged nature does not excuse judges who impose their own personal convictions into what must be a strictly legal inquiry. We might personally prefer, as citizens and parents, that a minor honor her parents' right to be involved in such a profound decision. But the Legislature has said that Doe may consent to an abortion without notifying her parents if she demonstrates that she is mature and sufficiently well informed. As judges, we cannot ignore the statute or the record before us. Whatever our personal feelings may be, we must respect the rule of law.

Then Justice—and now Attorney General—Alberto Gonzales was much more direct in his criticism of Justice Owen's decision in this matter. He chastised Owen for rewriting the Parental Notification Act in a way that created nonstatutory hurdles to obtaining a judicial by-pass. He called it "an unconscionable act of judicial activism" and noted that:

> [a]s a judge, I hold the rights of parents to protect and guide the education, safety, health, and development of their children as one of the most important rights in our society. But I cannot rewrite the statute to make parental rights absolute, or virtually absolute, particularly when, as here, the Legislature has elected not to do so.

Entrusting Priscilla Owen with a lifetime appointment to the Court of Appeals for the Fifth Circuit did not strengthen the Federal judiciary, Mr. President, it weakened it.

Janice Rogers Brown has not only shown her willingness to re-write our Federal laws but has also indicated a desire to re-interpret the U.S. Constitution, even if doing so would reverse 70-year-old precedent. Justice Brown has publicly supported a return to the era of Lochner v. New York, one of the most discredited Supreme Court cases in history. Without going into the details, it is fair to say that even staunch conservatives view Lochner as a clear case of the worst kind of judicial activism. Justice Scalia has criticized it, stating that Lochner was discredited because it

> sought to impose a particular economic philosophy on the Constitution.

Justice Brown thinks Justice Scalia is wrong. She explained, I quote, that it

> dawned on me that the problem may not be judicial activism. The problem may be the world view—amounting to altered political and social consciousness—out of which judges now fashion their judicial decisions.

Justice Brown brought that same kind of activism to bear on her lone dissent in the 2001 case of San Remo Hotel v. California, when she interpreted the Constitution—in this case the Takings Clause—to advance her personal economic theories.

Placing Janice Rogers Brown on the Court of Appeals for the District of Columbia Circuit did not strengthen our Federal judiciary, Mr. President, it irreversibly damaged it.

William H. Pryor Jr. has been a constant and outspoken advocate for scaling back constitutionally guaranteed rights. Pryor opposes abortion even in cases of rape or incest, and has called Roe v. Wade a creation

> out of thin air of a constitutional right to murder an unborn child.

As the attorney general of Alabama, Pryor filed an amicus brief with the Supreme Court equating private consensual sex between same-sex couples with activities like prostitution, adultery, necrophilia, bestiality, possession of child pornography, and even incest and pedophilia.

The Supreme Court rejected Pryor's arguments when it found the Texas law criminalizing private, consensual sexual intimacy between same-sex adults to be unconstitutional. The Supreme Court also rejected Pryor's argument, filed in another amicus brief, that the eight amendment permits the execution of mentally retarded offenders.

William Pryor's consistent pursuit of extreme and incorrect legal views should have been a red flag for my colleagues. It should have demonstrated how dangerous placing him on the Federal bench with lifetime tenure would be. Unfortunately, Mr. President, it did not. As a result, our Federal judiciary will have less ability to protect the constitutional rights we hold so dear.

Thomas B. Griffith presents a similar threat to our constitutional rights, particularly to the rights of women. As a member of the President's Commission on Opportunity and Athletics, Mr. Griffith made a radical proposal to eliminate the "proportionality test" in title IX cases. The proportionality test has long been used for determining compliance with title IX and requires that the school in question demonstrate that the athletic opportunities for males and females are in substantial proportion to each gender's representation in the student body of the school. As support for his proposal, Mr. Griffith stated that he was unilaterally opposed to the use of numeric formulas to evaluate title IX compliance. He added that, in his view, the proportionality test—and the use of numeric formulas—violates the equal protection clause, despite the fact that eight Circuit Courts of Appeals have rejected that very position.

Mr. Griffith's statement demonstrates a lack of respect for previous court rulings and raises questions about whether, as a judge, he would follow established precedent. In fact, the ABA has rated him partially not qualified. With legal views so clearly out of the mainstream, Mr. Griffith's confirmation seriously undermines the strength of the Federal judiciary. His confirmation is particularly problematic given the fact that his voice will be added to that of Janice Rogers Brown, both of whom have been confirmed to the D.C. Circuit.

Thus, after months of debate, we are left with a Federal judiciary less likely to protect individual rights and more likely to undermine the legal principles which Americans hold so dear. And, because we have spent so much time debating these unqualified judges, we, as U.S. Senators, have not been able to address the very real problems facing the American people. Problems like ensuring people have adequate health care and top-notch educations. Problems like securing our energy independence and providing for our Nation's military families.

Currently, 44 million Americans do not have health care, and as a result, many middle-class Americans are one doctor's bill away from bankruptcy. This is particularly troublesome given that eleven million of those uninsured are children—sons and daughters of working parents.

Our education system is terribly underfunded. Teachers are being asked to provide more with less, and, as a result, students of every age from head start to higher education—are getting sub-par educations.

Our Nation is now more dependent on foreign oil than ever before. We rely heavily on Middle East countries that do not share our values—a reliance that makes us more vulnerable every day—yet still, Americans are suffering at the pump, paying $2.12 a gallon.

Our military families, the people who are the front line in the war on terror and allow us to live life as we know, struggle unnecessarily to pay the bills and deal with lost benefits when loved ones are called to duty.

Our country has amassed record deficits, mounting debts that cede a dangerous amount of control over America's economic future to central bankers in Asia and oil cartels in the Middle East.

These are the issues that we should be debating. These are the problems that plague Americans daily. The judicial confirmation process should be quick and easy, allowing us the time we need to work on the real problems facing this great Nation. All we need is for the President to take seriously the Senate's role of providing advice and consent. We need the President to nominate more individuals like Richard A. Griffin and David W. McKeague, principled jurists who are committed to following the law and upholding our constitutional rights, and less individuals like Priscilla Owen, Janice Rogers Brown, William Pryor, and Thomas Griffith, conservative ideologues who are not afraid to rewrite our laws to further their political agenda. I can only hope that he will do so in the future, sparing the Senate from endless hours of debate on unqualified, dangerous judges.

Thank you, Mr. President.

AGAINST RACE-BASED GOVERNMENT IN HAWAII

Mr. KYL. Mr. President, I rise today to ask unanimous consent that the following analysis of the 1993 Hawaii apology resolution, prepared by constitutional scholar Bruce Fein, be entered into the RECORD following my present remarks.

To be sure, I do not think that the nature of the events that led to the end of the Kamehameha monarchy is relevant to the question whether we should establish a race-based government in Hawaii today. I believe that America is a good and great Nation, and that all Americans should be proud to be a part of it. The United States does not deserve to have its government carved up along racial lines.

Nevertheless, proponents of racially separate government in Hawaii have advanced their arguments for S. 147, the Native Hawaiian Government Reorganization Act, in terms of history. It is thus instructive to take a close look at that history.

[The Grassroot Institute of Hawaii, Jun. 1, 2005]

HAWAII DIVIDED AGAINST ITSELF CANNOT STAND—AN ANALYSIS OF THE APOLOGY RESOLUTION

(By Bruce Fein)

THE 1993 APOLOGY RESOLUTION IS RIDDLED WITH FALSEHOODS AND MISCHARACTERIZATIONS

The Akaka Bill originated with the 1993 Apology Resolution (S.J. Res. 19) which passed Congress in 1993. Virtually every paragraph is false or misleading.

The opening paragraph declares its purpose as to acknowledge the 100th anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii and to offer an apology to "Native Hawaiians" on behalf of the United States for the event that ushered in a republican form of government and popular sovereignty, in lieu of monarchy. The apology wrongly insinuates that the overthrown 1893 government was for Native Hawaiians alone; and, that they suffered unique injuries because of the substitution of republicanism for monarchy. There never had been a race-based government since the formation of the kingdom of Hawaii in 1810, and only trivial racial distinctions in the law (but for discrimination against Japanese and Chinese immigrants). [Footnote: Minor exceptions include jury trials, membership in the nobility, and land distribution. In addition, the 1864 Constitution mandated that if the monarch died or abdicated without naming a successor, the legislature should elect a native Ali'i (Chief) to the throne.] Native Hawaiians served side-by-side with non-Native Hawaiians in the Cabinet and legislature. The 1893 overthrow did not disturb even a square inch of land owned by Native Hawaiians. If the overthrow justified an apology, it should have been equally to Native Hawaiians and non-Native Hawaiians. Both were treated virtually the same under the law by the ousted Queen Liliuokalani. Moreover, it seems preposterous to apologize for deposing a monarch to move towards a republican form of government based on the consent of the governed.

Paragraph two notes that Native Hawaiians lived in a highly organized, self sufficient, subsistent social system based on communal land tenure with a sophisticated language and culture when the first Europeans arrived in 1778. It errantly insinuates that Native Hawaiians are not permitted under the United States Constitution to practice their ancient culture. They may do so every bit as much as the Amish or other groups. They may own land collectively as joint tenants. The paragraph also misleads by omitting the facts that Hawaiian Kings, not Europeans, abolished communal land tenure and religious taboos (kapu) by decree. [See Appendix page 3 paragraphs 2, 3, 4]

Paragraph three notes that a unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii. It neglects to mention that the King established the government by conquest and force of arms in contrast to the bloodless overthrow of Queen Liliuokalani. In other words, if King Kamehameha's government was legitimate, then so was the successfull 1893 overthrow. [See Appendix page 2 paragraph 1]

Paragraph four notes that from 1826 until 1893, the United States recognized the Kingdom of Hawaii as an independent nation with which it concluded a series of treaties and conventions. But the paragraph neglects to note that the United States extended recognition to the government that replaced Queen Liliuokalani in 1893. It treated both governments as equally legitimate under international law, as did other relations.

Paragraph five notes the more than 100 missionaries sent by the Congregational Church to the Kingdom of Hawaii between 1820 and 1850. But the missionaries did not cause mischief. They brought education, medicine, and civilization to Native Hawaiians for which no apology is due. [See Appendix page 2 paragraphs 2, 3]

Paragraph six falsely accuses United States Minister John L. Stevens as conspiring with non-Native Hawaiians to overthrow the indigenous and lawful Government of Hawaii. The Government, as previously explained, was not "indigenous," but included non-Native Hawaiians. The latter were treated identically with Native Hawaiians and shared fully in the society and governance of the kingdom. Moreover, Minister Stevens, as a meticulous Senate Foreign Relations Committee report (the "Morgan" report) established, remained steadfastly neutral between the contesting political forces in Hawaii in 1893. [See Appendix page 4 paragraph 1]

Paragraph seven falsely indicts Minister Stevens and naval representatives of aiding and abetting the 1893 overthrow by invading the Kingdom of Hawaii and positioning themselves near the Hawaiian Government buildings and the Iolani Palace to intimidate Queen Liliuokalani and her Government. The "Morgan" report convincingly discredits that indictment. It demonstrated that United States forces were deployed solely to protect American citizens and property. [See Appendix page 4 paragraph 1]

Paragraph eight falsely insinuates that the overthrow of the Queen was supported only by American and European sugar planters, descendants of missionaries, and financiers. The Queen was abandoned by the majority of Hawaiian residents, including Native Hawaiians, because of her squalid plan to alter the constitution by illegal means to make the government more monarchical and less democratic. At best, the Queen was able to rally but a feeble resistance to defend her anti-constitutional plans. A Provisional Government was readily established and maintained without the threat or use of overwhelming force, in contrast to the force Kamehameha brandished to establish the Kingdom of Hawaii. [See Appendix page 1 paragraphs 1, 2, 3, 4, 5]

Paragraph nine falsely asserts that the extension of diplomatic recognition to the Provisional Government by United States Minister Stevens without the consent of the Native Hawaiian people or the lawful Government of Hawaii violated treaties and international law. The international community in general extended diplomatic recognition to the Provisional Government. That was consistent with international law, which acknowledges the right to overthrow a tyrannical government. The Provisional Government received the consent of Native Hawaiians every bit as much if not more than did King Kamehameha I in establishing the Kingdom of Hawaii by force in 1810. In addition, international law does not require the consent of an overthrown government before extending diplomatic recognition to its successor. Thus, the Dutch recognized the United States of America without the consent of Great Britain whose colonial regime had been overthrown. Similarly, the United States extended diplomatic recognition to the new government regime in the Philippines in 1986 headed by Cory Aquino without the consent of Ferdinand Marcos. Finally, sovereignty in Hawaii at the time of the 1893 overthrow resided in the Monarch, not the people. Native Hawaiian and non-Native Hawaiians alike possessed no legal right to withhold a transfer of sovereignty from Queen Liliuokalani to the Provisional Government. The Queen's own statement, reprinted in the Apology Resolution, confirms that sovereignty rested with the monarch, not the people. She neither asked nor received popular consent for yielding sovereignty to the United States. In any event, Native Hawaiians enjoyed more popular sovereignty than did non-Native Hawaiians. Accordingly, if the diplomatic recognition was wrong, both groups were equally wronged.

Paragraph ten falsely suggests that Queen Liliuokalani yielded her power to avoid bloodshed. She did so because her anti-constitutional plans had provoked popular anger or antagonism. The Queen forfeited the legitimacy necessary to sustain power. Even Cabinet members she had appointed abandoned her and advised surrender. [See Appendix page 1 paragraph 5]

The Queen's statement itself is cynical and false in many respects. She condemns the Provisional Government for acts done against the Constitution, whereas she had provoked her overthrow by embracing anti-constitutional plans for a more monarchical and less democratic government. The Queen falsely asserts that Minister Stevens had declared that United States troops would support the Provisional Government. The Minister insisted on strict United States military neutrality between contending parties. And the Queen audaciously insists that the United States should reinstall her to reign as an anti-democratic Monarch in lieu of a step towards a republican form of government, akin to Slobodan Milosevic's requesting the United States to restore him to power in Serbia after his replacement by a democratic dispensation. [See Appendix page 4 paragraph 2, 3]

Paragraph ten falsely insists that the overthrow of Queen Liliuokalani would have failed for lack of arms and popular support but for the active support and intervention by the United States. The United States provided no arms to the insurgents. The United States did not encourage Hawaiians to join the insurrection. The United States remained strictly neutral throughout the time period and events that precipitated the end of Monarchy and the beginning of a republic in Hawaii. [See Appendix page 4 paragraph 2]

Paragraph eleven falsely insinuates that Minister Stevens proclaimed Hawaii to be a protectorate of the United States on February 1, 1893 as a coercive action. Minister Stevens had raised the American flag over government buildings at the request of the Provisional Government to deter threats to lives and property. The protectorate was requested, not imposed. The Harrison administration revoked the protectorate soon after, which refutes the Apology Resolution's assumption that the United States government conspired to annex Hawaii.

Paragraph twelve neglects to underscore that Democrat Congressman James Blount on behalf of Democrat President Grover Cleveland conducted an investigation of events that transpired under a Republican administration which both hoped to discredit for partisan political purposes. Blount's findings of abuse of diplomatic and military authority and United States responsibility for the overthrow of the Queen were meticulously discredited by the Morgan report the following year. [See Appendix page 4 paragraph 3]

Paragraph thirteen fails to note that the actions against the Minister and military commander were inspired by the partisan politics of Democrats casting aspersion on the predecessor Republican administration of Benjamin Harrison. [See Appendix page 4 paragraph 1]

Paragraph fourteen misleads by omitting President Grover Cleveland's partisan motivation for attacking the policies of his predecessor, President Benjamin Harrison, and the Morgan report that disproved President Cleveland's tenacious chronicling and characterizations of Queen Liliuokalani's overthrow. To trust in the impartiality of Democrat Cleveland to evaluate the policies and actions of Republican Harrison would be like trusting Democrat President William Jefferson Clinton to evaluate evenhandedly the presidency of Republican George H. W. Bush. [See Appendix page 4 paragraph 3]

Paragraph fifteen neglects that President Cleveland urged a restoration of the Hawaiian monarchy for partisan political reasons to discredit the Harrison administration and the Republican Party. [See Appendix page 4 paragraph 3]

Paragraph sixteen notes that the Provisional Government protested President Cleveland's celebration of the Hawaiian monarchy and remained in power. Both actions were morally and legally impeccable, and do not justify an apology.

Paragraph seventeen notes the hearings of the Senate Foreign Relations Committee into the 1893 overthrow; the Provisional Government's defense of Minister Stevens; and its recommendation of annexation. Neither the overthrow, nor Minister Stevens' actions, nor the Provisional Government's annexation recommendation was reproachable or justifies an apology. [See Appendix page 4 paragraphs 2, 3]

Paragraph eighteen notes that a treaty of annexation failed to command a two-thirds Senate majority, an event that does not justify an apology from the United States. The paragraph also falsely declares that the Provisional Government somehow duped the Committee over the role of the United States in the 1893 overthrow, as though the Senators could not think and evaluate for themselves. Finally, the paragraph wrongly condemns the overthrow as "illegal." It was no more illegal in the eyes of domestic or international law than the overthrow of the British government in America by the United States in 1776. [See Appendix page 4 paragraphs 2,3]

Paragraph nineteen notes that the Provisional Government proclaimed itself the Republic of Hawaii on July 4, 1894. The proclamation was legally and otherwise correct. The declaration did not justify an apology by the United States. [See appendix page 4 paragraph 2,3]

Paragraph twenty declares that on January 24, 1895, the Queen while imprisoned was forced by the Republic of Hawaii to abdicate her throne. The forced abdication was thoroughly defensible. The Queen had not accepted the new dispensation after her overthrow. Thus, she was the equivalent of a Fifth Columnist to the legitimate government of Hawaii until abdication was forthcoming.

Paragraph twenty-one notes that in 1896, President William McKinley replaced Grover Cleveland. That democratic event provided no excuse for an apology.

Paragraph twenty-two notes that on July 7, 1898, in the wake of the Spanish-American War, President McKinley signed the

Newlands Joint Resolution that provided for the annexation of Hawaii. The annexation was perfectly legal and enlightened. It was no justification for an apology.

Paragraph twenty-three notes that the Newlands Resolution occasioned the cession of sovereignty over the Hawaiian Islands to the United States. That is no cause for an apology. The same occurred in 1845 when Texas was annexed to the United States by joint resolution. The cession in both cases was with the consent of the lawful governments of Hawaii and Texas, respectively.

Paragraph twenty-four notes that the cession included a transfer of crown, government, and public lands without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government. But there as no race-based Native Hawaiian government, either then or previously. The government was for Native Hawaiians and non-Native Hawaiians alike. Further, the Newlands Resolution specified that the revenues of the ceded lands generally "shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes." Compensation was not paid because nothing was taken from the inhabitants of Hawaii. Moreover, the United States assumed over 3.8 million dollars of Hawaii's public debt, largely incurred under the monarchy, after annexation. That debt burden amounts to twice the market value of the land the United States lawfully inherited [See Appendix page 3 paragraph 4]

Paragraph twenty-five notes that Congress ratified the annexation and cession of Hawaii, which required no apology.

Paragraph twenty-six notes that treaties between Hawaii and foreign nations were replaced by treaties between the United States and foreign nations, which is customary under international law when one sovereign replaces another. For example, Russia replaced the Soviet Union in its international treaty obligations following the disintegration of the USSR.

Paragraph twenty-seven notes that the Newlands Resolution effected the transaction between the Republic of Hawaii and the United States Government, an observation that required no apology.

Paragraph twenty-eight misleads by declaring that Native Hawaiians "never directly relinquished their claims to their inherent sovereignty as a people over their national lands to the United States, either through their monarchy or through a plebiscite or referendum." But sovereignty in the Kingdom of Hawaii resided in the monarch, not in the people. Further, the Kingdom was a government for all the inhabitants of Hawaii, not only for Native Hawaiians. Non-Native Hawaiians enjoyed a much inherent sovereignty as Native Hawaiians, and enjoyed an equal claim to national lands. Further, Native Hawaiians overwhelmingly voted for statehood in 1959, which constituted a virtual referendum on United States sovereignty. Finally, neither domestic nor international law recognizes a right to a plebiscite before a transfer of sovereignty. In America, for example, sovereignty was transferred from Great Britain to the United States without a plebiscite or the consent of the British-controlled colonial governments. The Akaka Bill's proponents themselves do not advocate a plebiscite to grant sovereignty to the Native Hawaiian people. [See Appendix page 3 paragraphs 2,3,4

Paragraph twenty-nine notes that on April 30, 1900, President McKinley signed the Organic Act that provided a government for the territory of Hawaii. The Act created a representative system of government, a great credit to the United States and far superior to what the residents of Hawaii had previously enjoyed under the Monarchy. [See Appendix page 5 paragraph 1]

Paragraph thirty notes that on August 21, 1959, Hawaii became the 50th State of the United States. But it omits that 94 percent of voters in a plebiscite supported statehood, including an overwhelming majority of Native Hawaiians. In other words, in 1959 Native Hawaiians freely chose the sovereignty of the United States. The elections could have been boycotted if independence were desired. [See, appendix page 5 paragraph 2]

Paragraph thirty-one declares that the health and well-being of Native Hawaiians is intrinsically tied to their deep feelings and attachment to land. But the same can be said of every racial, ethnic, religious, or cultural group. Scarlet O'Hara in Gone with the Wind was passionately tied to Tara. Further, the observation does not deny that the United States Constitution scrupulously protects the rights of Native Hawaiians to honor their feelings and attachments to land short of theft or trespass.

Paragraph thirty-two counterfactually declares that long-range economic and social changes in Hawaii over the nineteenth and early twentieth centuries have been devastating to the population and to the health and well-being of the Hawaiian people. The Native Hawaiian population declined throughout the years of the Kingdom, but, since annexation in 1898, the native population has achieved steady growth. Senator Daniel Inouye himself celebrated the health and prosperity of Hawaiians on the thirty-fifth anniversary of statehood in 1994: "Hawaii remains one of the greatest examples of multiethnic society living in relative peace." Indeed, no fair-minded observer would maintain that Native Hawaiians would have been more prosperous, free, and culturally advanced if foreigners had never appeared in Hawaii and its people remained isolated from the progress of knowledge. The Polynesian nation of Tonga, which had a society and economy striking similar to Hawaii's in the 1840s, chose to preserve its Polynesian customs over progress. Today, Hawaii boasts a per capita income twenty times that of Tonga. Moreover, Native Hawaiians would probably have been swallowed up in the wave of Japanese colonialism had they not become citizens of the United States along with non-Native Hawaiians after annexation. [See Appendix page 5 paragraph 2]

Paragraph thirty-three misleads by failing to underscore that the United States Constitution fully protects the determination of Native Hawaiians to practice and to pass on to future generations their cultural identity. The sole element of cultural identity that the United States cannot and will not tolerate is racial discrimination, whether practiced by whites against blacks during Jim Crow or by Native Hawaiians against non-Native Hawaiians today.

Paragraph thirty-four outlandishly asserts that the Apology Resolution is necessary to promote "racial harmony and cultural understanding." Indeed, the Resolution has yielded the opposite by giving birth to the race-based Akaka Bill. As Senator Inouye acknowledged in 1994, Hawaii stands as a shining example of racial harmony and the success of America's legendary "melting pot." [See Appendix page 5 paragraph 2]

Paragraph thirty-five notes an apology by the President of the United Church of Christ for the denomination's alleged complicity in the illegal overthrow of the Kingdom of Hawaii. But not a crumb of evidence in the Blount report or the Morgan report or Queen Liliuokalani's autobiography substantiates the Church's complicity. Further, the overthrow was as legal as was King Kamehameha's creation of the Kingdom by conquest in 1810 or the overthrow of the British colonial government in America by the United States. Finally, the paragraph is silent on the substance of the "process of reconciliation" between the Church and Native Hawaiians. [See Appendix page 2 paragraphs 1, 2, 3]

Paragraph thirty-six repeats the false indictment of the overthrow of the Kingdom as "illegal." Congress absurdly expresses its "deep regret" to the Native Hawaiian people for bringing them unprecedented prosperity and freedom. As noted above, even Senator Inouye in 1994 conceded the spectacular Hawaiian success story after annexation and statehood. And since the State of Hawaii and Native Hawaiians have never been estranged—Native Hawaiians have invariably enjoyed equal or preferential rights under law—the idea of a need for reconciliation voiced in the paragraph is nonsense on stilts. [See Appendix page 2 paragraph 1]

Section 1, paragraph (1) of the Apology Resolution falsely characterizes the overthrow of the Kingdom of Hawaii as illegal, and falsely insinuates that sovereignty under the Kingdom rested with the Native Hawaiian people to the exclusion of non-Native Hawaiians. As elaborated above, sovereignty rested with the Monarch; and. Native Hawaiians and non-Native Hawaiians were equal in the eyes of the law and popular sovereignty.

Section 1, paragraph (2) ridiculously commends reconciliation where none is needed between the State of Hawaii and the United Church of Christ and Native Hawaiians. [See Appendix page 2 paragraphs 2, 3]

Section 1, paragraph (3) outlandishly apologizes to Native Hawaiians for bringing them the fruits of democracy and free enterprise. It also falsely suggests that Native Hawaiians to the exclusion of non-Natives enjoyed a right to self-determination when in fact all resident citizens of Hawaii were equal under the law.

Section 1, paragraphs (4) and (5) preposterously assert a need for reconciliation between the United States and the Native Hawaiian people when there has never been an estrangement. Indeed, a stunning majority of Native Hawaiians voters supported statehood in 1959 in a plebiscite. [See Appendix page 4 paragraph 3]

FLAG BURNING AMENDMENT

Mrs. FEINSTEIN. Mr. President, today, we celebrate Flag Day, honoring an enduring symbol of our democracy, of our shared values, of our allegiance to justice, and of those who have sacrificed to defend these principles.

On this day, I renew my support for S.J. Res. 12, a resolution that would let the people decide whether they want a constitutional amendment to protect the American flag.

Many moving images of the flag are etched into our Nation's collective conscience. We are all familiar with the image of marines raising the flag on Iwo Jima, with the New York firefighters raising the flag amid the debris of the World Trade Center and with the large flag that hung over the side of the Pentagon while part of it was rebuilt after 9/11.

It is more than a piece of material to so many of us. For our veterans, the flag represents what they fought for—democracy and freedom. Today there are almost 300,000 troops serving overseas, putting their lives on the line every day fighting for the fundamental principles that our flag symbolizes.

Last December, I traveled to Iraq and met with some of the brave men and women in the Armed Forces who are stationed there. We flew out of Baghdad on a C–130 that we shared with a flag-draped coffin being accompanied by a military escort.

This was very moving. It showed clearly how significant the meaning of the flag is and why protecting it is so important.

In the 1989 case Texas v. Johnson, the Supreme Court struck down a State law prohibiting the desecration of American flags in a manner that would be offensive to others. The Court held that the prohibition amounted to an impermissible content-based regulation of the first amendment right to free speech. Until this case, 48 of the 50 States had statutes preventing burning or otherwise defacing our flag.

After the Johnson case was decided, Congress passed the Flag Protection Act of 1989, which sought to ban flag desecration in a content-neutral way that would withstand judicial scrutiny. Nevertheless, the Supreme Court justices struck down that Federal statute as well.

It is clear that without a constitutional amendment there is no Federal statute protecting the flag which will pass constitutional muster.

S.J. Res. 12 would not ban flag burning. It would not ban flag desecration. This amendment would do one thing only: give Congress the opportunity to construct, deliberately and carefully, precise statutory language that clearly defines the contours of prohibitive conduct.

Some critics say that we are making a choice between trampling on the flag and trampling on the first amendment. I strongly disagree.

Protecting the flag will not prevent people from expressing their points of view. I believe a constitutional amendment returning to our flag the protected status it has had through most of this Nation's history, and that it deserves, is consistent with free speech.

I do not take amending the Constitution lightly. It is serious business and we need to tread carefully. But the Constitution is a living text. In all, it has been amended 27 times.

Securing protection for this powerful symbol of America would be an important, but very limited, change to the Constitution. It is a change that would leave both the flag and free speech safe.

Now it is time to give Americans the opportunity to amend the Constitution for something that we all agree is sacred to so many people all across this country. It is time to let the people decide.

COMBATING METHAMPHETAMINE EPIDEMIC

Mr. WYDEN. Mr. President, it is clear that legislation is needed to combat the methamphetamine epidemic sweeping my State and much of the country. This drug is destroying the lives of the people abusing it, their families and their communities. For years, the problem has been talked about, but not enough has been done.

To draw attention to Oregon's meth crisis, my colleague Senator SMITH and I will be periodically coming to the Senate floor to talk about the meth problem in our State.

Today, I would like to introduce a recent newspaper article from the Oregonian. The June 1 article describes a police bust of "a massive methamphetamine lab capable of producing 400,000 doses of pure meth at a time—enough to intoxicate the entire adult population of Portland." The bust was one of the largest in Oregon history. This is the good news. The bad news is that this lab had been in business for at least five months—producing and distributing thousands of doses of meth.

Despite successes like this bust, the meth epidemic is getting worse, not better. Congress cannot wait any longer to act—we have a duty to address this crisis now. Enough is enough. It is critical that the Congress pass and the President sign the Combat Meth Act, on which Senator SMITH and I are original cosponsors. We must also fully fund the High Intensity Drug Trafficking Area program and the Byrne Grant program. These initiatives provide much needed reforms and much needed funds, which will help give communities in Oregon and across the Nation the tools they need to fight this terrible problem.

I ask unanimous consent that the full text of the Oregonian article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Oregonian, June 1, 2005]

POLICE BUST METH SUPERLAB

(By Steve Suo)

Oregon police and federal agents have dismantled a massive methamphetamine lab capable of producing 400,000 doses of pure meth at a time—enough to intoxicate the entire adult population of Portland.

Officials said the "superlab" was discovered Thursday in the Willamette Valley town of Brownsville. The lab was at a mobile home on a rural, 10-acre property and was capable of producing 90 pounds of pure methamphetamine in a 48- to 72-hour period.

The lab had been in operation for at least five months, according to indictments filed in federal court in Portland.

The find, which U.S. Attorney Karin J. Immergut described as one of the largest labs in Oregon history, was extremely unusual in a number of ways.

U.S. Drug Enforcement Administration officials say superlabs operated by Mexican drug trafficking organizations now produce about 65 percent of all meth sold in the United States. But the number of superlabs seized in the United States has been falling dramatically in recent years. There were 53 seized last year, down from 244 in 2001, according to the DEA. Agency officials say the reason is that Mexican traffickers increasingly are moving their superlabs south of the border.

In Oregon, only a handful of superlabs—defined as a lab capable of producing at least 10 pounds a batch—are uncovered each year, according to Sgt. Joel Lujan of the Oregon State Police drug enforcement section.

"Most of the labs that we're finding are going to be the tweaker labs," Lujan said, referring to labs run by meth users for their own consumption. Those labs typically produce less than an ounce of meth at a time.

A single dose of meth is one-tenth of a gram. Ninety pounds of pure meth would make 400,000 doses; if cut to street purity of 50 percent, it would make 800,000 doses.

Drug agents arrested 15 people in connection with the Brownsville case, according to Immergut's office. Most were Mexican citizens living in Salem.

Details of how the investigation unfolded remained sketchy Tuesday. Salem Police Sgt. Pat Garrett, a member of the U.S. Drug Enforcement Administration task force involved in the case, said agents were investigating some of the suspects for several months. Surveillance led agents to the mobile home in Brownsville.

"We had people we believed to be involved in the production of methamphetamine who led us to the lab site," Garrett said.

Stains on the walls of the mobile home suggested the lab operators were making meth inside, but much of the lab's equipment and chemicals were in storage outside the home.

In addition to three pounds of finished meth and $195,000 in cash, agents found 150 pounds of iodine and 20 to 30 pounds of red phosphorous. Those chemicals make it possible to convert pseudoephedrine, a common cold remedy ingredient, to methamphetamine.

Garrett said the lab operators had finished their latest batch Wednesday.

"There was no more pseudoephedrine left," Garrett said. "They had done their cook and finished the product and were waiting to do the next cook."

Five 22-liter flasks, used to create the pseudoephedrine reaction, were found in a nearby rental truck, where they had apparently been stored.

Experts said each 22-liter flask can produce, at most, 15 pounds of meth at a time, for a total of 75 pounds. But Garrett said the lab operators had enough chemicals to make 90 pounds of meth if they ran the flasks simultaneously and replenished some as the reaction unfolded.

Five of the 15 people arrested were charged with conspiracy to manufacture meth. Sonia Violet Garcia, 20, of Brownsville, was arraigned Friday.

Four others, all Salem residents, are scheduled to make initial court appearances today: Arturo Arevalo-Cuevas, 22; Miguel Silva Chava, 26; Venancio Villalobos-Soto, 40; and Adriana Arevalo-Cuevas, 29.

NATIONAL HISTORY DAY

Mr. SARBANES. Mr. President, I am very pleased today to acknowledge two young Marylanders who were recently chosen to present and display their history projects in Washington, DC, as part of the National History Day program.

A basic knowledge of history is essential for our Nation's children to become informed participants in our democracy. With an eye toward increasing informed participation, National History Day—which as a national program celebrates its 25th anniversary this year—promotes history-related education in Maryland and throughout the Nation. Each year, the program allows students to use critical thinking and research skills and to create exhibits, documentaries and performances related to a particular historical subject. This year, 29 students were chosen from a pool of half a million to display their projects at various sites throughout the Nation's Capital.

Ryan Moore, a student at Mill Creek Middle School in Hughesville, Maryland, used his skills and critical thinking to create a project entitled "Television: A Key Player in Communicating the Candidate's Message." He will display and present his project at the White House Visitor Center.

Lauren White, a student at Plum Point Middle School in Huntington, MD, similarly stood out from the crowd in creating a project entitled "More Powerful than Words: The Photo Stories of Lewis Wickes Hine." She will display and present her project at the Smithsonian American Art Museum.

I congratulate both Lauren and Ryan as they are honored for their presentations, and commend them for their dedication, commitment, and creativity.

CONFIRMATION OF THOMAS B. GRIFFITH

Mrs. MURRAY. Mr. President, next week we will celebrate the 33rd anniversary of title IX. For 33 years, title IX has opened doors for women and girls in all aspects of education. I can say without reservation that I would not be a U.S. Senator today without this critical law.

Unfortunately, today the Senate confirmed a vehement opponent of title IX—Thomas Griffith—to the U.S. Court of Appeals for the District of Columbia Circuit. I voted against this nominee because of his record on title IX, the importance of the DC Circuit Court of Appeals to title IX and other civil rights laws, and his disregard for the rule of law in his own practice.

In 2002, Mr. Griffith served on the Commission on Opportunity in Athletics to evaluate whether and how current standards governing title IX's application to athletics should be revised. After the Department of Education spent nearly $1 million on the Commission, the Bush administration made the determination to make no changes to title IX in athletics. However, as a member of the Commission, Mr. Griffith made clear his opposition and hostility towards the law and its enforcement.

As a member of the Commission, Mr. Griffith proposed weakening the standard for meeting title IX's 25-year-old requirement of equality of opportunity in athletics for young women through the elimination of the "substantial proportionality" test for compliance. This test, one of the three alternative ways to comply with title IX, allows schools to comply by offering athletic opportunities to male and female students that are in proportion to each gender's representation in the student body of the school.

Mr. Griffith claimed this provision constitutes a quota in violation of title IX and the Constitution and asserted that "[i]t is illegal, it is unfair, and it is wrong" and even "morally wrong." He made such extreme statements despite the decisions of no fewer than 6 Federal appeals courts which have upheld the legality of the test. In fact, none has ruled to the contrary. And when this fact was pointed out to him, he did not respect the decisions of all the Federal courts that have heard such cases—he said that "the courts got it wrong." Eliminating this test would clearly undercut title IX's effectiveness—and the Commission agreed. It rejected the Griffith proposal by a lopsided vote of 11 to 4.

During his confirmation process, Griffith tried to change his position on title IX. Mr. Griffith now claims that he only wanted to eliminate the proportionality test because some have "misused" or "misinterpreted" the test. He now claims that the Commission recommendations regarding the proportionality test that he supported—in addition to his own proposal to eliminate the test—were "modest" or "moderate." If these claims were so moderate, why were they rejected entirely by the Secretary of Education?

Mr. President, every Federal court of appeals that has considered this issue and every administration since 1979 have ruled that the three-part test is legally valid and does not impose quotas. Mr. Griffith's statements and actions put him in complete opposition to six Federal appeals courts. If that doesn't show that Mr. Griffith is out of the mainstream, I don't know what does.

The DC Circuit Court of Appeals is an especially important court. I believe that we must be careful when confirming individuals to serve lifetime appointments on this court, the second most powerful Federal court in the land. This court has exclusive jurisdiction over a broad array of Federal regulations, including title IX, and is often the court of last resort in critical issues involving workers' rights, civil liberties, and environmental regulations. I am concerned that, given his prior record relating to title IX, Mr. Griffith may not be able to hear such cases with the impartiality required of a judge on one of our Nation's highest courts.

Mr. Griffith's hostility to title IX and the importance of the DC Circuit are not the only problems with this nominee. He has, on more than one occasion, failed to comply with the basic standards and practices of his profession by not paying bar dues and failing to get a license. He does not meet the high standards we must apply to any nominee for a lifetime appointment to the second highest court in the land.

The Senate has the constitutional duty to advise the President and decide whether to consent to his nominations to the Federal bench. I believe that this role is one of the Senate's greatest responsibilities. It is critical that Senators work with the President to find judicial nominees that meet the standards of fairness, even-handedness and adherence to the law that we expect of judges in our communities.

I believe the Senate has the duty to ensure each nominee has sufficient experience to sit in judgment of our fellow citizens, will be fair to all those who come before the court, will be even-handed in administering justice, and will protect the rights and liberties of all Americans. Unfortunately, Mr. Griffith's record shows his inability to serve in such a manner and, therefore, I opposed his nomination.

CHILD LABOR

Mr. HARKIN. Mr. President, it is with a sense of sorrow that I rise today to speak about the practice of abusive and exploitative child labor, as well as to recognize the International Labor Organization's World Day against Child Labor, which occurred on June 12. Unfortunately, hundreds of millions of children are still forced to work illegally for little or no pay. The ILO has set aside this day to give a voice to these helpless children who toil away in hazardous conditions.

We should not only think about these children on June 12. We should think about this last vestige of slavery every day. I have remained steadfast in my commitment to eliminate abusive and exploitative child labor. It was in 1992 that I first introduced a bill to ban all products made by abusive and exploitative child labor from entering the United States.

Since I introduced that bill, we have made some progress in raising awareness about this scourge. In June of 1999, ILO Convention 182, concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, was adopted unanimously in the ILO and here in the U.S. Senate. This was the first time ever that an

ILO convention was approved without one dissenting vote. In record time the Senate ratified ILO Convention 182 with a bipartisan, 96-0 vote.

For the first time in history the world spoke with one voice in opposition to abusive and exploitative child labor. Countries from across the political, economic, and religious spectrum—from Jewish to Muslim, from Buddhists to Christians—came together to proclaim unequivocally that abusive and exploitative child labor is a practice which will not be tolerated and must be abolished.

Gone is the argument that abusive and exploitative child labor is an acceptable practice because of a country's economic circumstances. Gone is the argument that abusive and exploitative child labor is acceptable because of cultural tradition. And gone is the argument that abusive child labor is a necessary evil on the road to economic development. When this convention was approved, the United States and the international community as a whole laid those arguments to rest and laid the groundwork to begin the process of ending the scourge of abusive and exploitative child labor.

In 2001, Congressman ENGEL and I, along with the international chocolate industry, negotiated the Harkin-Engel Protocol. This agreement was precipitated by news reports that same year on the abuse of children on cocoa farms. We knew that if consumers learned about the brutal realities of cocoa production, their taste of chocolate would sour. Sales—and delicate African economies—would plummet. But that was not our goal. We wanted to stop child slavery, not chocolate production.

We viewed a legislative remedy not as a first resort but as a last resort. So, in good faith, we engaged the major chocolate companies in lengthy, intense negotiations. The result was the Harkin-Engel Protocol. The companies agreed to join with other stakeholders to produce an agreement for eliminating the worst forms of child and slave labor throughout the chain of chocolate production, and to do so expeditiously. They also agreed to implement an industrywide voluntary certification system to give a public accounting of labor practices in cocoa-growing countries. This would enable consumers to make better-informed choices.

There are an estimated 1.5 million small cocoa farms spread across four desperately poor countries in Africa. The Protocol established a public-private partnership enlisting government, industry, labor unions, nongovernmental organizations and consumer groups. The U.S. Government's role is to ensure that whatever certification plan emerges from this process is credible and effective in eliminating abusive child and slave-labor practices in the cocoa industry and ensuring the rehabilitation of the victims.

Unfortunately, the chocolate industry has been slow to meet all of the terms of the Protocol. July 1, 2005, is the deadline for full implementation of the certification system. That is just 3 short weeks away. While I remain hopeful that industry will continue to engage in the elimination of child labor beyond July 1, it is clear that the exact terms of the Protocol will not be met by July. No public certificate has yet been issued. And only small regions of Ghana and Cote d'Ivore have been monitored for child labor. Nevertheless, we are continuing discussions with the chocolate industry and continue to believe that the Harkin-Engel Protocol remains a possible framework for engagement to fix the enormous problem of abusive and exploitative child and slave labor in the cocoa-growing countries of West Africa.

Forced child labor remains a significant problem. According to the ILO, there are some 246 million child laborers in the world; 73 million of these are under the age of 10, and approximately 22,000 children die in work related accidents every year. Abusive and exploitative child labor is prevalent in many parts of the world, including here in America.

Abusive child labor should be a thing of the past. The United Sates should not continue to turn a blind eye to this scourge. It is time that we enforce our laws and international standards and ensure that countries are raising their standards on this issue. If we did our part to ensure that children were learning and not laboring, there would not be a need to have a day dedicated to end child labor.

WORLD WAR II BAKERS CREEK AIR CRASH

Mr. SPECTER Mr. President, I have sought recognition today to honor the 40 American soldiers who tragically perished at Bakers Creek, Queensland, Australia on June 14, 1943. Their deaths came as a result of the crash of a B–17C Flying Fortress, which proved to be the worst aviation disaster of the Southwest Pacific theatre during World War II. More soldiers died on that plane from my home State of Pennsylvania—six—than from any other State. These six men were: Pvt. James E. Finney; T/Sgt. Alfred H. Frezza; Sgt. Donald B. Kyper; Pfc. Frank S. Penksa; Sgt. Anthony Rudnick; and Cpl. Raymond H. Smith.

Only recently has the Air Force shared the details of this incident. As a result, most of the victims' families were left in the dark about the specifics surrounding their loved ones' deaths in World War II. For over a decade, the members of the Bakers Creek Memorial Association, based in Orrtanna, PA, led by George Washington University professor Robert S. Cutler, have worked to locate the victims' families and to notify them of the circumstances of the tragic mishap. Because of the dedication of this small group of military veterans, the families of 36 of the 40 casualties now have been contacted, including those of: Private Finney, Technical Sergeant Frezza, Sergeant Kyper, and Private First Class Penksa. The Bakers Creek Memorial Association continues to search for family relatives of the remaining 4 victims.

The aircraft that crashed at Bakers Creek had been operated by the U.S. Army Air Force's 46th Transport Carrier Squadron, of the Fifth Air Force. The plane was one of several B-17 bomber aircraft that had been removed from combat status and converted to transport service. Shortly after takeoff from Mackay airport, the B-17C lost altitude, fell to earth in a slow and steady bank, and crashed in a ball of flames, 5 miles south at Bakers Creek. The 40 lost onboard included 6 crew members and 34 soldiers returning to their New Guinea battlefield posts after being on R&R leave in Australia. The crash left one survivor, Foye K. Roberts, an Army corporal at the time of the accident. Mr. Roberts recently passed away on February 4, 2004, at the age of 83.

I understand that retired Major General Robert H. Appleby, former commander of the Pennsylvania Army National Guard, who lost an uncle in the crash, and other members of the Bakers Creek Memorial Association, plan to place a wreath on June 14 at the National World War II Memorial in Washington, DC, to commemorate the 62nd Anniversary of the crash.

I applaud the members of the Bakers Creek Memorial Association and thank them for their efforts to help bring closure to the casualty families and public remembrance of the forty forgotten American soldiers of World War II in the Southwest Pacific, who perished at Bakers Creek in Australia on June 14, 1943.

ADDITIONAL STATEMENTS

HONORING HUGH O'BRIAN

• Mrs. BOXER. Mr. President, I rise today to acknowledge a special milestone for one of America's beloved entertainers and philanthropists. I am pleased to extend my sincere congratulations to Hugh O'Brian as he celebrates his 80th birthday.

Hugh O'Brian came into the public eye in the role of Wyatt Earp in the 1950s television series, "The Life and Legend of Wyatt Earp." An accomplished stage and screen actor, he used his talents to bring history to life while expanding his influential role well beyond the theater and television to the broader stage.

In 1958, Mr. O'Brian established the organization HOBY, Hugh O'Brian Youth Leadership, aiming to provide support for young people striving for excellence. Over the past 47 years, HOBY has promoted extensive volunteerism, active global citizenship, and bright futures for young people. Through HOBY, Mr. O'Brian encourages local, national, and international communities to be responsive to the needs of our future leaders, empowering countless young people with knowledge and conscientious role models.

We are extremely fortunate that people like Hugh O'Brian are committed to bringing people together in the spirit of creative problem-solving and positive social change. In his many roles, Mr. O'Brian has led, inspired, and provided hope. On the occasion of his 80th birthday, please join me in congratulating Mr. Hugh O'Brian on his lifetime of accomplishment.•

RETIREMENT OF REVEREND DAVID L. TIEDE

• Mr. COLEMAN. Mr. President, for the past 64 years, Minnesota has had the good fortune to be blessed with Dr. David L. Tiede.

When I was first elected Mayor of St. Paul, the first thing I did was travel around and meet the men and women who made the city tick. I encountered ordinary men and women, working moms and dads, who had tipped the scales to make a real difference. It was the first time I truly realized the ability of a single person to change the world around him for the better. David L. Tiede is such a person. He is a leader and a visionary, and thanks to his presence, Minnesota will never be the same.

Recently, David announced that he is retiring from Luther Seminary. Times like this are bittersweet. It is bitter because we are bidding farewell to somebody who has meant so much to us. It is sweet because we have an opportunity to pay tribute to someone who has given us so much and deserves acclaim.

A native Minnesotan, David earned his bachelor's degree at Northfield's own St. Olaf College, only a few miles away from his home in Le Center. After earning his Master of Divinity degree from Luther Seminary in St. Paul, David left Minnesota to complete his graduate study and eventually earn his PhD.

After earning his doctorate from Harvard in 1971, Massachusetts' loss was Minnesota's gain as he returned to serve as the associate pastor of Trinity Lutheran Church in Minneapolis. At Trinity, David was not only a pastor, but also a teacher. Each Sunday he would teach Christ's lessons to his parish enabling them to realize God's calling and commission.

This is David's genius. Too often we are told that there is no right and wrong, that everything is subjective. The truth is that there is a right and a wrong, and there is something called the good life, which is not an easy life. It can be hard to do the right thing and can be even harder to lead others to do the right thing. However, that is exactly what David did.

David continued his commitment of teaching God's lessons when he joined Luther Seminary to teach the New Testament. Working first as a member of the faculty and then as president, David brought his expertise of teaching and leadership to Luther Seminary, giving the school a strong mission focus in the preparation of pastors and other professional leaders for the Lutheran church. David taught his students that a pastor without a mission is just a guy talking. In other words, David realized that the old saying that a leader without followers is just a guy taking a walk is as true in a church as it is in life.

I remember shortly after being elected mayor of St. Paul being invited by Dr. Tiede to be a part of a program launching Luther Seminary's new Islamic Studies program. It was worth noting that this was probably the first time that a Jewish mayor of a Roman Catholic city was speaking at a Lutheran seminary to inaugurate an Islamic studies program.

David's leadership is recognized throughout the theological world. In 2002, he became only the second Lutheran to be elected president of the Association of Theological Schools, an organization of accredited theological schools in the United States and Canada. In addition, he serves on the board of IN TRUST, Inc., which provides resources for governing boards of theological institutions and has received the Outstanding Executive Award from the Association of Lutheran Development Executives. This spring, Trinity Lutheran Seminary in Ohio awarded him the Joseph A. Sittler Award for Theological Leadership. Most recently, Augsburg College in Minneapolis named Dr. Tiede to the newly established Bernhard M. Christianson Chair of Religion, the college's first endowed chair. In this capacity, Dr. Tiede will be able to teach, write and continue his study of the New Testament even as he continues to work to strengthen the institutions of the Lutheran church.

David Tiede's retirement will be a great loss to Luther Seminary and Minnesota. Certainly he has been one of the finest, most skilled religious leaders in our state. David will be missed, but will never be forgotten as his teachings and philosophy have been passed on through the Luther Seminary to a new generation of religious leaders.•

TRIBUTE TO JIM BRENT

• Mr. CONRAD. Mr. President, I recognize Jim Brent, the Cass County Veterans Service Officer, who most ably serves veterans of my State's largest city of Fargo and the rest of Cass County. On June 23, 2005, various veterans organizations and friends of Jim will host an appreciation dinner and program at the Fargo Teamsters Hall. This upcoming event is a real testament to how much Jim has contributed to the veterans community and the Fargo community as a whole.

Jim Brent began his service to our great Nation in the United States Army in 1967. He served as a Combat Infantry Soldier in Vietnam and as a Training Instructor at various worldwide locations between 1967 and 1977. He continued his honorable service to the Army in various capacities until his retirement from active duty in 1987.

Following his retirement from active duty Jim worked for Northwestern Mutual Life and Metropolitan Life Insurance in Bismarck, ND, and then served as the Commander and Club Manager of the American Legion Lloyd Spetz Post No. 1 until 1996.

In 1996, Jim took on a new opportunity to serve our Nation and his fellow veterans by accepting his current position as the Cass County Veterans Service Officer. In his role as Cass County's Service Officer, Jim has gained a reputation for tenacious advocacy on behalf of veterans. He is known for his abilities to work closely with veterans to determine any possible sources of assistance they may have earned from their honorable service in the Armed Forces. Jim and I have worked together to assist a number of veterans over the years, and I can personally attest to his strong advocacy on behalf of those veterans that need a helping hand. The veterans of my state have a true friend in Jim.

Jim Brent has spent the majority of his life serving others, including his country, family, friends, and most of all, veterans. He goes above and beyond the call of duty. Jim is a great person, wonderful friend, a true patriot. I am honored to know him.•

COMMENDING JUDGE ANNE E. THOMPSON

• Mr. CORIZINE. Mr. President, I would like to recognize Judge Anne E. Thompson for her most recent accolade, the New Jersey State Bar Foundation's Medal of Honor. This honor is well deserved, presented for Judge Thompson's long-standing dedication to New Jersey's legal system and her remarkable contributions to improve the justice system. Furthermore, I wish to convey my deepest appreciation for her many years of outstanding service as a Federal District Court Judge in New Jersey. She is a distinguished jurist who embodies the best of the New Jersey legal community. We are truly fortunate to have had someone like Judge Thompson on the federal bench for the past 25 years.

Judge Thompson has distinguished herself throughout her career as an outstanding lawyer and judge. In 1975 she was appointed by Governor Brendan T. Byrne to the position of Prosecutor of Mercer County and in 1979 she was appointed by President Jimmy Carter as a United States District Court Judge for the District of New Jersey. Judge Thompson served as Chief Judge of the United States District Court for the District of New Jersey. Judge Thompson formerly served as Vice-Chairwoman of the Mercer County Comprehensive Criminal Justice Planning Board and was appointed by the New Jersey Supreme Court to the Statewide Committee on Character and the Criminal Practice Committee. She also excelled as Chairperson of the New Jersey Supreme Court's Committee on Municipal Courts and the Juvenile Justice/Juvenile Standards Committee of the National District Attorneys Association. Judge Thompson presently serves as a member of the Criminal Law Drafting Committee for the National Conference of Bar Examiners and is a member of the committee responsible for oversight of the Administrative Office of the U.S. Courts in Washington, D.C.

Even more significant than her many achievements is the exceptional degree of integrity and character that Judge Thompson has displayed as a Federal judge. She is known for her wonderful courtroom demeanor and her willingness to approach each and every case with the utmost thoughtfulness and care. Indeed, her many accomplishments demonstrate the depth of her abilities as well as her understanding that all litigants must be treated fairly and with dignity and respect.

On behalf of the people of New Jersey, I would like to again express my congratulations to Judge Thompson for receiving the New Jersey State Bar Foundation's Medal of Honor. I offer my sincere gratitude for her many years of distinguished service as a Federal judge in New Jersey.•

COMMENDING JUDGE JOSEPH E. IRENAS

• Mr. CORIZINE. Mr. President, I would like recognize Judge Joseph E. Irenas as a 2005 recipient of the Justice William J. Brennan, Jr. Award. This award, which is given each year by the Association of the Federal Bar of the State of New Jersey, honors those whose actions have advanced the principles of free expression. I wish to convey my congratulations to Judge Irenas and my deepest appreciation for his many years of outstanding service as a Federal District Court Judge in New Jersey. He is a distinguished jurist who embodies the best of the New Jersey legal community.

Judge Irenas has distinguished himself as an outstanding judge and lawyer during his career. He is presently a member of the American Bar Association, American Law Institute, New Jersey Bar Association and Camden County Bar Association. He is also a Fellow of the Chartered Institute of Arbitrators (London) and a Fellow of the American Bar Foundation. From 1985 to 2002, Judge Irenas was an Adjunct Professor of Law at Rutgers University School of Law—Camden, NJ. He taught numerous courses, including Commercial Paper, Secured Transactions, Professional Responsibility, First Amendment, High Technology and The First Amendment, and Products Liability.

But even more important than his many achievements is the depth of character that Judge Irenas has displayed while on the bench. He has approached every case with thoughtfulness and care. Indeed, his many accolades reflect the strength of his abilities and his deep understanding that every case, even the smallest, matters greatly to all those who appear before him.

And so on behalf of the people of New Jersey, I would like to again express my congratulations to Judge Irenas for receiving the Brennan award and my sincere gratitude for his many years of distinguished service on the Federal bench in New Jersey.•

CONGRATULATING ELIZABETH KELLY AND SADIE HARTELL

• Mr. DODD. Mr. President, I rise to congratulate Elizabeth Kelly and Sadie Hartell, of Willington, CT. Both Elizabeth and Sadie will be presenting projects this week in Washington in celebration of National History Day this Wednesday, June 15.

Elizabeth and Sadie, both of whom attend Hall Memorial School, were selected as 2 of 19 students who will be presenting their projects this week. These students are part of a larger group of 2,300 finalists, who were selected from more than half a million participants in National History Day activities across our Nation.

National History Day is an initiative to promote the learning of history by American students in junior high and high schools. It encourages students not only to read their textbooks but to visit libraries, museums, and archives, and to create exhibits and participate in performances based on historical themes. This year marks the 25th anniversary of the National History Day initiative.

The students who competed in the National History Day competition have spent months doing in-depth research on topics they have selected, and preparing their presentations.

Elizabeth Kelly's project is titled, "The Second American Revolution: Elizabeth Cady Stanton and Her Fight." As part of her research, Elizabeth interviewed Colin Jenkins, a relative of Stanton's, who gave her original letters by Stanton that Elizabeth incorporated into a 10-minute dramatic performance, which she will be presenting at the National Museum of American History.

Sadie Hartell's project is titled, "The Beatles Communicating to Their Generation."

She will be presenting an exhibit and showing a short movie. Sadie did her research at both the University of Connecticut Music Library, as well as at Hall Memorial's school library. Her project, which she will be presenting at the Renwick Gallery of the Smithsonian American Art Museum, focuses on how the Beatles used their music to express sentiments about the Vietnam War.

I congratulate Elizabeth and Sadie, as well as all those students who participated in National History Day. Knowledge of our history as a nation is critical to our understanding of our present, and our future. They have both demonstrated tremendous dedication and commitment, and it is my hope that their achievements inspire others to learn more about our Nation's rich and storied history. I wish them much success in their studies and their future endeavors.•

HONORING ROBERT M. LA FOLLETTE, SR.

• Mr. FEINGOLD. Mr. President, I say a few words to honor the extraordinary life of Robert M. La Follette Sr., on the 150th anniversary of his birth. Throughout his life, La Follette was revered for his tireless and deeply principled service to the people of Wisconsin and to the people of the United States. His dogged, full-steam-ahead dedication to his life's work earned him the nickname "Fighting Bob."

Robert Marion La Follette, Sr., was born on June 14, 1855, in Primrose, a small town southwest of Madison in Dane County. He graduated from the University of Wisconsin Law School in 1879 and, after being admitted to the state bar, began his long career in public service as Dane County district attorney.

La Follette was elected to the United States House of Representatives in 1884, and he served three terms as a member of that body, where he was a member of the Ways and Means Committee.

After losing his campaign for reelection in 1890, La Follette returned to Wisconsin and continued to serve the people of my state as a judge. Upon his exit from Washington D.C., a reporter wrote, La Follette "is popular at home, popular with his colleagues, and popular in the House. He is so good a fellow that even his enemies like him."

He was elected the 20th Governor of Wisconsin in 1900. He served in that office until 1906, when he stepped down in order to serve the people of Wisconsin in the United States Senate, where he remained until his death in 1925.

As a founder of the national progressive movement, La Follette championed political reform, civil rights and workers' and women's rights throughout his career. As governor, he advanced an agenda that included the country's first workers compensation system, direct election of United States Senators, and railroad rate and tax reforms. Collectively, these reforms would become known as the "Wisconsin Idea."

His terms in the House of Representatives and the Senate were spent fighting for women's rights, working to limit the power of monopolies, opposing pork barrel legislation, and rooting out political corruption. La Follette also championed electoral reforms, and he brought his support of the direct election of United States Senators to this body. His efforts were brought to fruition with the ratification of the 17th amendment in 1913. Fighting Bob also worked tirelessly to hold the government accountable, and was a key figure in exposing the Teapot Dome Scandal.

La Follette earned the respect of such notable Americans as Frederick Douglass, Booker T. Washington and Harriet Tubman Upton for making civil rights one of his trademark issues. At a speech before the 1886 graduating class of Howard University, La Follette said, "We are one people, one by truth, one almost by blood. Our lives run side by side, our ashes rest in the same soil. [Seize] the waiting world of opportunity. Separatism is snobbish stupidity, it is supreme folly, to talk of non-contact, or exclusion!"

La Follette ran for President three times, twice as a Republican and once on the Progressive ticket. In 1924, as the Progressive candidate for president, La Follette garnered more than 17 percent of the popular vote and carried the state of Wisconsin.

La Follette's years of public service were not without controversy. In 1917, he filibustered a bill to allow the arming of United States merchant ships in response to a series of German submarine attacks. His filibuster was successful in blocking passage of this bill in the closing hours of the 64th Congress. Soon after, La Follette was one of only six Senators who voted against U.S. entry into World War I.

Fighting Bob was outspoken in his belief that the right to free speech did not end when war began. In the fall of 1917, La Follette gave a speech about the war in Minnesota, and he was misquoted in press reports as saying that he supported the sinking of the Lusitania. The Wisconsin State Legislature condemned his supposed statement as treason, and some of La Follette's Senate colleagues introduced a resolution to expel him. In response to this action, he delivered his seminal floor address, "Free Speech in Wartime," on October 16, 1917. If you listen closely, you can almost hear his strong voice echoing through this Chamber as he said:

> Mr. President, our government, above all others, is founded on the right of the people freely to discuss all matters pertaining to their government, in war not less than in peace, for in this government, the people are the rulers in war no less than in peace.

Of the expulsion petition filed against him, La Follette said:

> I am aware, Mr. President, that in pursuance of this general campaign of vilification and attempted intimidation, requests from various individuals and certain organizations have been submitted to the Senate for my expulsion from this body, and that such requests have been referred to and considered by one of the Committees of the Senate.
>
> If I alone had been made the victim of these attacks, I should not take one moment of the Senate's time for their consideration, and I believe that other Senators who have been unjustly and unfairly assailed, as I have been, hold the same attitude upon this that I do. Neither the clamor of the mob nor the voice of power will ever turn me by the breadth of a hair from the course I mark out for myself, guided by such knowledge as I can obtain and controlled and directed by a solemn conviction of right and duty.

This powerful speech led to a Senate investigation of whether La Follette's conduct constituted treason. In 1919, following the end of World War I, the Senate dropped its investigation and reimbursed La Follette for the legal fees he incurred as a result of the expulsion petition and corresponding investigation. This incident is indicative of Fighting Bob's commitment to his ideals and of his tenacious spirit.

La Follette died on June 18, 1925, in Washington, D.C., while serving Wisconsin in this body. His daughter noted, "His passing was mysteriously peaceful for one who had stood so long on the battle line." Mourners visited the Wisconsin Capitol to view his body, and paid respects in a crowd nearing 50,000 people. La Follette's son, Robert M. La Follette, Jr., was appointed to his father's seat, and went on to be elected in his own right and to serve in this body for more than 20 years, following the progressive path blazed by his father.

La Follette has been honored a number of times for his unwavering commitment to his ideals and for his service to the people of Wisconsin and of the United States.

Recently, I was proud to support Senate passage of a bill introduced in the other body by Congresswoman TAMMY BALDWIN that will name the post office at 215 Martin Luther King, Jr., Boulevard in Madison in La Follette's honor. I commend Congresswoman BALDWIN for her efforts to pass this bill.

The Library of Congress recognized La Follette in 1985 by naming the Congressional Research Service reading room in the Madison Building in honor of both Fighting Bob and his son, Robert, Jr., for their shared commitment to the development of a legislative research service to support the United States Congress. In his autobiography, Fighting Bob noted that, as governor of Wisconsin, he "made it a . . . policy to bring all the reserves of knowledge and inspiration of the university more fully to the service of the people. . . . Many of the university staff are now in state service, and a bureau of investigation and research established as a legislative reference library . . . has proved of the greatest assistance to the legislature in furnishing the latest and best thought of the advanced students of government in this and other countries." He went on to call this service "a model which the federal government and ultimately every state in the union will follow." Thus, the legislative reference service that La Follette created in Madison served as the basis for his work to create the Congressional Research Service at the Library of Congress.

The La Follette Reading Room was dedicated on March 5, 1985, the 100th anniversary of Fighting Bob being sworn in for his first term as a Member of Congress.

Across this magnificent Capitol in National Statuary Hall, Fighting Bob is forever immortalized in white marble, still proudly representing the state of Wisconsin. His statue resides in the Old House Chamber, now known as National Statuary Hall, among those of other notable figures who have made their marks in American history. One of the few seated statues is that of Fighting Bob. Though he is sitting, he is shown with one foot forward, and one hand on the arm of his chair, as if he is about to leap to his feet and begin a robust speech.

When then-Senator John F. Kennedy's five-member Special Committee on the Senate Reception Room chose La Follette as one of the "Five Outstanding Senators" whose portraits would hang outside of this Chamber in the Senate reception room, he was described as being a "ceaseless battler for the underprivileged" and a "courageous independent." Today, his painting still hangs just outside this Chamber, where it bears witness to the proceedings of this body—and, perhaps, challenges his successors here to continue fighting for the social and government reforms he championed.

To honor Robert M. La Follette, Sr., on the sesquicentennial of his birth, last week I introduced three pieces of legislation. I am pleased to be joined in this effort by the senior Senator from Wisconsin, Senator KOHL. The first is a resolution celebrating this event and recognizing the importance of La Follette's important contributions to the Progressive movement, the state of

Wisconsin, and the United States of America.

We also introduced a bill that would direct the Secretary of the Treasury to mint coins to commemorate Fighting Bob's life and legacy. Our third bill would authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. La Follette, Sr. The minting of a commemorative coin and the awarding of the Congressional Gold Medal would be fitting tributes to the memory of Robert M. La Follette, Sr., and to his deeply held beliefs and long record of service to his state and to his country.

I thank the chairman and ranking member of the Judiciary Committee for their assistance in passing our resolution honoring Fighting Bob today, on the 150th anniversary of his birth. And I thank my colleagues for honoring Robert M. La Follette, Sr.'s character, his integrity, his deep commitment to Progressive causes, and his unwillingness to waver from doing what he thought was right. No one has fought harder for the common man and woman, and against corruption and cronyism, than "Fighting Bob" La Follette, and I consider it a privilege to speak in the same Chamber, and serve the same great State, as he did.•

TRIBUTE TO TIFFANY MASON AS A SENATE PAGE

• Mr. LEVIN. Mr. President, I would like to take this opportunity to thank Tiffany Mason, the most recent Senate page from Michigan, for her hard work, dedication, and enthusiasm in carrying out her daily responsibilities over the last several months. It is, in part, through the efforts of our Senate pages that the Senate is able to efficiently carry out its important work, which includes receiving messages from the President and allowing for the introduction of bills. Pages are also asked to complete a variety of other important tasks when the Senate is in session.

Senator Daniel Webster has the distinction of selecting the first Senate page more than 150 years ago. In those days, as is the case today, a page was chosen and sponsored by a Senator. During his or her time in Washington, a page is not only expected to serve the needs of the Senate but also to attend school and complete the necessary requirements of high school juniors. Thirty pages from across the country serve as Senate pages each session. In May 1971 the first two female pages were selected to serve in the Senate.

Tiffany is a part of a fine tradition and a select group that has had the great privilege to serve as a U.S. Senate page. She has proven through her work in the Senate and through her many successes in the past that she, like many of her peers, are some of our Nation's best and brightest. Tiffany has received several awards and has participated in many different activities over the course of her high school career. These experiences have served her well and will continue to do so as she continues to learn, grow, and mature.

The work that has been done by this page class is valued by all in the Senate. I know my colleagues join me in thanking Tiffany Mason and the rest of the page class for a job well done. I wish her the very best in the future.•

DEPENDENCY COURT INTERVENTION PROGRAM

• Mr. NELSON Of Florida. Mr. President, I rise today to applaud the work of the Dependency Court Intervention Program for Family Violence in Miami, FL. The Dependency Court Intervention Program for Family Violence is designed to break the cycle of violence that occurs all too often in families suffering from domestic violence.

Approximately 6 years ago, Judge Lederman, from Florida's 11th Judicial Circuit, proposed to the Justice Department a new approach to dealing with domestic violence and dependency court proceedings. This new approach was the Dependency Court Intervention Program. This court program, in addition to assisting victims of domestic violence through the legal system, provides assistance and support to a parent attempting to rebuild his/her life and provides a secure home for their children.

Towards this end, the program has developed collaborative relationships between the child welfare system, battered women advocates, mental health and victim service providers, and law enforcement.

Again, I praise Judge Lederman and the other Floridians involved with the good work done on behalf of victims and families in the Dependency Intervention Program for Family Violence.•

TRIBUTE TO MAJOR GENERAL THOMAS J. ROMIG

• Mr. ROBERTS. Mr. President, I rise today to recognize and pay tribute to Major General Thomas J. Romig, The Judge Advocate General of the Army, for his many years of exceptionally meritorious service to our country. General Romig will retire from the Army on September 30, 2005, having completed a distinguished 34-year career. We owe him a debt of gratitude for his many contributions to his Nation and the legal profession, particularly during operations in support of the Global War on Terrorism.

As The Judge Advocate General since October 1, 2001, General Romig served as the legal advisor to the Chief of Staff of the Army and the Army Staff, as well as the military legal advisor to the Secretary of the Army and the Assistant Secretaries. As such, he has been at the forefront of the most pressing issues affecting our Nation and the military today.

General Romig's inventive and steady leadership is reflected every day in the superb legal services provided by each and every judge advocate, civilian attorney, legal administrator, paralegal, and legal specialist of The Judge Advocate General's Corps. His professional legal advice has demonstrated his abiding concern for the Army's mission and his sincere interest in the welfare of soldiers and their families. The Army and The Judge Advocate General's Corps have benefited immeasurably from his leadership.

General Romig was born in 1948 at Manhattan, KS. He graduated from Manhattan High School in 1966 and attended Kansas State University where he received a Bachelor of Science degree in 1970. He was commissioned through the ROTC program and entered active duty in October 1971. After graduating from the Infantry Officer Basic and Airborne Courses, he served almost 6 years as a Military Intelligence Officer at Fort Bragg, NC, and Fort Huachuca, AZ.

In 1977, General Romig was selected for the Funded Legal Education Program and attended the University of Santa Clara School of Law, Santa Clara, CA, where he graduated with honors in 1980. During his 25 years of distinguished service as a judge advocate, General Romig served in many positions of great responsibility, including service as a prosecutor with the 2d Armored Division; an instructor at The Judge Advocate General's School; the Staff Judge Advocate of the 32d Army Air Defense Command; the Chief of the Personnel, Plans, and Training Office; the Staff Judge Advocate of V Corps; the Assistant Judge Advocate General for Civil Law and Litigation; and the Assistant Judge Advocate General for Military Law and Operations.

He reached the top of his profession when he was appointed the 36th Judge Advocate General of the Army. General Romig is now completing his remarkable military career.

I know all my colleagues join me in saluting Major General Thomas J. Romig and his wife Pamela for their many years of truly outstanding service to The Judge Advocate General's Corps, the U.S. Army, and our country.•

SERVICE OF JOHN L. ALEXANDER

• Mr. VITTER. Mr. President, I rise today to recognize John L. Alexander, Jefferson Parish Public Schools Social Studies consultant and Close Up Director of Louisiana. Devoting his life to education, Mr. Alexander will retire from service on June 30, 2005. Today, I want to take a moment to offer Mr. Alexander my deep appreciation for his dedication to the families of Jefferson Parish and the entire State of Louisiana.

Mr. Alexander began his teaching career in 1967 in the Orleans Parish school system. In 1968, he acted as assistant principal and teacher at St. Philip Neri School in Metairie, LA. And in 1975, he began a 30-year career as a social studies consultant for the Jefferson Parish Public School system.

Acting as the Louisiana Director of the Close Up Foundation, Mr. Alexander has led Louisiana's involvement in the Nation's largest nonprofit citizenship education organization. In honor of Mr. Alexander's excellent example of citizenship and service, I come to the Senate floor today to express my gratitude to John Alexander for his many years of service to Louisiana.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:31 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1042. An act to amend the Federal Credit Union Act to clarify the definition of net worth under certain circumstances for purposes of the prompt corrective action authority of the National Credit Union Administration Board, and for other purposes.

H.R. 1812. An act to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes.

H.R. 2326. An act to designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the "Floyd Lupton Post Office".

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 47. Concurrent resolution commending the establishment in College Point, New York, of the first free, public kindergarten in the United States.

H. Con. Res. 163. Concurrent resolution honoring the Sigma Chi Fraternity on the occasion of its 150th Anniversary.

The message further announced that the House has passed the following bill, without amendment:

S. 643. An act to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1812. An act to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2326. An act to designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the "Floyd Lupton Post Office"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 47. Concurrent resolution commending the establishment in College Point, New York, of the first kindergarten in the United States; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 163. Concurrent resolution honoring the Sigma Chi Fraternity on the occasion of its 150th Anniversary; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2604. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the Commission's Office of Inspector General Semiannual Report to Congress for the period from October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2605. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Management Response for the period of October 1, 2004 to March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2606. A communication from the Inspector General, United States Railroad Retirement Board, transmitting, pursuant to law, the Board's Semiannual Report for the period of October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2607. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's Office of Inspector General Semiannual Report for the period of October 1, 2004 to March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2608. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the Administration's Inspector General Semiannual Report for October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2609. A communication from the Administrator, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Administration's Report on Competitive Sourcing Results for Fiscal Year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–2610. A communication from the Executive Assistant to the Secretary, Smithsonian Institution, transmitting, pursuant to law, a report entitled "Facilities Management Reorganization Is Progressing, but Funding Remains a Challenge"; to the Committee on Homeland Security and Governmental Affairs.

EC–2611. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Inspector General Semiannual Report for the period October 1, 2004–March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2612. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Chairman's Semiannual Report on Final Action Resulting from Audit Reports for the period of October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2613. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Department's Inspector General Semiannual Report for the period of September 30, 2004 through April 1, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2614. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period of October 1, 2004 to March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2615. A communication from the Administrator, U.S. Agency for International Development, transmitting, pursuant to law, the Semiannual Report of the Office of Inspector General for the period ending March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2616. A communication from the Chairman, Board of Governors, United States Postal Service, transmitting, pursuant to law, the Semiannual Report of the Office of Inspector General and the Postal Service management response to the report for the period ending March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2617. A communication from the Chair, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Inspector General's Semiannual Report and Management's Report for the period ending March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2618. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report on Audit Follow-Up covering the period of October 1, 2004 through March 31 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2619. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period of October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-2620. A communication from the Chairman, National Science Board, transmitting, pursuant to law, the National Science Foundation (NSF) Inspector General's Semiannual Report for the period from October 1, 2004 through March 31, 2005 and reports on final actions on audits prepared by NSF management and approved by the National Science Board; to the Committee on Homeland Security and Governmental Affairs.

EC-2621. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Agency's Office of Inspector General Semiannual Report for the period of October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-2622. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Review of the School Transit Subsidy Program Administered by the District of Columbia Department of Transportation"; to the Committee on Homeland Security and Governmental Affairs.

EC-2623. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law the report of a rule entitled "5 CFR Parts 1600, 1601, 1604, 1605 1606, 1620, 1640, 1645, 1650, 1651, 1653, 1655, and 1690, Various Changes to the Thrift Savings Plan" received on June 14, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-2624. A communication from the Secretary of the Interior, transmitting, pursuant to law, the 2004 Annual Report for the Department's Office of Surface Mining Reclamation and Enforcement to the Committee on Energy and Natural Resources.

EC-2625. A communication from the Office of the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, a report relative to the impacts of the Compacts of Free Association with the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance, without amendment:

S. 1230. An original bill to amend the Internal Revenue Code of 1986 to provide for the extension of the Highway Trust Fund and the Aquatic Resources Trust Fund expenditure authority and related taxes and to provide for excise tax reform and simplification, and for other purposes (Rept. No. 109-82).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY:

S. 1230. An original bill to amend the Internal Revenue Code of 1986 to provide for the extension of the Highway Trust Fund and the Aquatic Resources Trust Fund expenditure authority and related taxes and to provide for excise tax reform and simplification, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 1231. A bill to amend the Indian Self-Determination and Education Assistance Act to modify provisions relating to the National Fund for Excellence in American Indian Education; to the Committee on Indian Affairs.

By Mr. LAUTENBERG:

S. 1232. A bill to amend the Clean Air Act to increase production and use of renewable fuel and to increase the energy independence of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 1233. A bill for the relief of Diana Gecaj Engstrom; to the Committee on the Judiciary.

By Mr. CRAIG:

S. 1234. A bill to increase, effective as of December 1, 2005, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

By Mr. CRAIG:

S. 1235. A bill to amend chapters 19 and 37 of title 38, United States Code, to extend the availability of $400,000 in coverage under the servicemembers' life insurance and veterans' group life insurance programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CRAPO (for himself, Mr. BAUCUS, Mr. BOND, Mr. BURNS, and Mr. AKAKA):

S. 1236. A bill to ensure the availability of spectrum to amateur radio operators; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself and Mr. LIEBERMAN):

S. 1237. A bill to expedite the transition to digital television while helping consumers to continue to use their analog televisions; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. BINGAMAN, and Mr. DOMENICI):

S. 1238. A bill to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself, Mr. DORGAN, and Mr. BAUCUS):

S. 1239. A bill to amend the Indian Health Care Improvement Act to permit the Indian Health Service, an Indian tribe, a tribal organization, or an urban Indian organization to pay the monthly part D premium of eligible medicare beneficiaries; to the Committee on Indian Affairs.

By Mr. SMITH (for himself and Mrs. LINCOLN):

S. 1240. A bill to amend the Internal Revenue Code of 1986 to allow an investment tax credit for the purchase of trucks with new diesel engine technologies, and for other purposes; to the Committee on Finance.

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 1241. A bill to suspend temporarily the duty on fixed ratio speed changers for truck-mounted concrete mixers; to the Committee on Finance.

By Mr. CORNYN:

S. 1242. A bill to suspend temporarily the duty on lutetium oxide; to the Committee on Finance.

By Mr. CORNYN:

S. 1243. A bill to reduce temporarily the duty on triethylene glycol bis[3-(3-tert-butyl-4-hydroxy-5-methylphenyl)propionate]; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mrs. LINCOLN):

S. 1244. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term needs; to the Committee on Finance.

By Mr. CORNYN:

S. 1245. A bill to suspend temporarily the duty on phosphoric acid, lanthanum salt, cerium terbium-doped; to the Committee on Finance.

By Mr. DODD (for himself, Mr. JEFFORDS, Mr. KERRY, and Mr. FEINGOLD):

S. 1246. A bill to require the Secretary of Education to revise regulations regarding student loan payment deferment with respect to borrowers who are in postgraduate medical or dental internship, residency, or fellowship programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself, Ms. MIKULSKI, Ms. LANDRIEU, Mr. LEVIN, Ms. CANTWELL, and Mr. KERRY):

S. 1247. A bill to amend the Higher Education Act of 1965 to establish a scholarship program to encourage and support students who have contributed substantial public services; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself, Mr. LEVIN, and Mr. SCHUMER):

S. 1248. A bill to establish a servitude and emancipation archival research clearinghouse in the National Archives; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD:

S. Res. 171. A resolution expressing the sense of the Senate that the President should submit to Congress a report on the time frame for the withdrawal of United States troops from Iraq; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. FEINSTEIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 331

At the request of Mr. JOHNSON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 440

At the request of Mr. BUNNING, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 440, a bill to amend title

XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 471

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 471, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 576

At the request of Mr. BYRD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 576, a bill to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros.

S. 584

At the request of Mr. SALAZAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 584, a bill to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 637

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 637, a bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

S. 662

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 662, a bill to reform the postal laws of the United States.

S. 678

At the request of Mr. REID, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 678, a bill to amend the Federal Election Campaign Act of 1971 to exclude communications over the Internet from the definition of public communication.

S. 756

At the request of Mr. BENNETT, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 756, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 795

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 795, a bill to provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements.

S. 883

At the request of Mr. HAGEL, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 883, a bill to direct the Secretary of State to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity in developing countries, while promoting economic development, and for other purposes.

S. 887

At the request of Mr. HAGEL, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 887, a bill to amend the Energy Policy Act of 1992 to direct the Secretary of Energy to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity and to provide credit-based financial assistance and investment protection for projects that employ advanced climate technologies or systems, and for other purposes.

S. 926

At the request of Mr. INHOFE, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 926, a bill to amend the Internal Revenue Code of 1986 to provide that the credit for producing fuel from a nonconventional source shall apply to gas produced onshore from a formation more than 15,000 feet deep.

S. 962

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 962, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes.

S. 1010

At the request of Mr. SANTORUM, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1010, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1047

At the request of Mr. SUNUNU, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Texas (Mr. CORNYN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1047, a bill to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

S. 1066

At the request of Mr. VOINOVICH, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1066, a bill to authorize the States (and subdivisions thereof), the District of Columbia, territories, and possessions of the United States to provide certain tax incentives to any person for economic development purposes.

S. 1138

At the request of Mr. ALLEN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1138, a bill to authorize the placement of a monument in Arlington National Cemetery honoring the veterans who fought in World War II as members of Army Ranger Battalions.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1197

At the request of Mr. BIDEN, the names of the Senator from Connecticut (Mr. DODD), the Senator from New York (Mrs. CLINTON) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1203

At the request of Mr. HAGEL, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the investment in greenhouse gas intensity reduction projects, and for other purposes.

S. 1204

At the request of Mr. DODD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1204, a bill to encourage students to pursue graduate education and to assist students in affording graduate education.

S. 1216

At the request of Mr. CORZINE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1216, a bill to require financial institutions and financial service providers to notify customers of the unauthorized use of personal financial information, and for other purposes.

S.J. RES. 19

At the request of Mr. BROWNBACK, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Maine (Ms. COLLINS), the Senator from Massachusetts (Mr. KERRY), the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Mr. LEVIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Maryland (Mr. SARBANES) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S.J. Res.

19, a joint resolution calling upon the President to issue a proclamation recognizing the 30th anniversary of the Helsinki Final Act.

S. CON. RES. 37

At the request of Mr. DEWINE, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. HARKIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Con. Res. 37, a concurrent resolution honoring the life of Sister Dorothy Stang.

S. RES. 39

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Res. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

At the request of Mr. VOINOVICH, his name was added as a cosponsor of S. Res. 39, supra.

At the request of Mr. REED, his name was added as a cosponsor of S. Res. 39, supra.

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. Res. 39, supra.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. Res. 39, supra.

S. RES. 104

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 104, a resolution expressing the sense of the Senate encouraging the active engagement of Americans in world affairs and urging the Secretary of State to take the lead and coordinate with other governmental agencies and non-governmental organizations in creating an online database of international exchange programs and related opportunities.

S. RES. 154

At the request of Mr. BIDEN, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Delaware (Mr. CARPER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 154, a resolution designating October 21, 2005 as "National Mammography Day".

S. RES. 155

At the request of Mr. BIDEN, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from New York (Mrs. CLINTON), the Senator from Minnesota (Mr. DAYTON), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. Res. 155, a resolution designating the week of November 6 through November 12, 2005, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 169

At the request of Mr. SANTORUM, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. Res. 169, a resolution expressing the sense of the Senate with respect to free trade negotiations that could adversely impact consumers of sugar in the United States as well as United States agriculture and the broader economy of the United States.

AMENDMENT NO. 771

At the request of Mr. JEFFORDS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 771 intended to be proposed to H.R. 6, a bill Reserved.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN (for himself and Mr. DORGAN):

S. 1231. A bill to amend the Indian Self-Determination and Education Assistance Act to modify provisions relating to the National Fund for Excellence in American Indian Education; to the Committee on Indian Affairs.

Mr. McCAIN. Mr. President, today I introduce the National Fund for Excellence in American Indian Education Amendments Act of 2005 to revise the Act.

In 2000, Congress authorized the establishment of a Federally-chartered non-profit foundation to further the educational opportunities for Native American students. This foundation, named the National Fund for Excellence in American Indian Education, was established in July, 2004 and has the potential for success in providing critical support to Native American students.

The legislation I introduce today will enable the foundation to become self-sufficient by authorizing appropriations for endowment or seed money and authorize the Secretary of the Interior to provide funding for the foundation's operating costs on a reimbursement basis. The legislation authorizes $5 million each fiscal year 2007 through 2009 and increases the administration cost limit from 10 percent to 15 percent of donations and transferred funds. This bill will also allow the Board to appoint the Chief Operating Officer who will be experienced in Indian education.

Mr. President, this legislation will provide significant improvements for the foundation in its mission of advancing Indian education and I urge my colleagues to join me in this effort. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Fund for Excellence in American Indian Education Amendments Act of 2005".

SEC. 2. NATIONAL FUND FOR EXCELLENCE IN AMERICAN INDIAN EDUCATION.

Section 501 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bbb) is amended—

(1) in subsection (g), by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—The officers of the Foundation shall be—

"(A) a chief operating officer, to be appointed in accordance with paragraph (2); and

"(B) any other officers, to be appointed or elected in accordance with the constitution and bylaws of the Foundation.

"(2) CHIEF OPERATING OFFICER.—

"(A) APPOINTMENT.—The Board shall appoint a chief operating officer to the Foundation.

"(B) REQUIREMENTS.—The chief operating officer of the Foundation shall—

"(i) demonstrate experience and knowledge in matters relating to—

"(I) education, in general; and

"(II) education of Indians, in particular; and

"(ii) serve at the direction of the Board."; and

(2) by adding at the end the following:

"(o) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2007 through 2009.

"(2) EFFECT ON OTHER FUNDS.—Funds appropriated under paragraph (1) shall not reduce the amount of funds available for any other program relating to Indian education.".

SEC. 3. ADMINISTRATIVE SERVICES AND SUPPORT.

Section 502 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bbb-1) is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following:

"(2) may provide funds—

"(A) to pay the operating costs of the Foundation; and

"(B) to reimburse travel expenses of a member of the Board under section 501; and"; and

(2) in subsection (b), by inserting "operating and" before "travel expenses".

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 1233. A bill for the relief of Diana Gecaj Engstrom; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, today I and my colleague Senator OBAMA are introducing a private relief bill on behalf of Diana Gejac Engstrom. This bill would grant legal permanent residency status to Ms. Engstrom.

The Engstrom story is one of service. Both the late Todd Engstrom and his widow, Diana, have spent their professional lives in service of human rights and American ideals. Todd served as a Commander in the United Nations Special Operations Group; Diana worked as a United Nations translator in Kosovo. After their marriage in 2003, Diana filed for legal permanent residency, with the ultimate goal of achieving American citizenship.

After the commencement of Operation Iraqi Freedom, Todd joined EOD Technology, Inc. as a Security Manager for Iraq. The U.S. Army assigned

Todd to Iraq as a contractor to support our rebuilding efforts. Before leaving for Iraq, Todd asked Diana to raise his son, Dalton, in the event of his death.

Assigned to an area just outside of Fallujah, Todd helped train Iraqi security forces. On September 14, 2004, Todd died in a rocket-propelled grenade attack on his convoy by Iraqi insurgents.

As it stands, in addition to the tragedy of losing her husband, Diana can no longer continue the process of applying for legal residency and is in danger of deportation. Diana and Todd were not married for 2 years and therefore our immigration laws will not allow her to apply for permanent residency as a widow. The permanent residency application process for the surviving spouses of active duty soldiers who die in the course of duty is allowed. under current immigration law, to continue after death, even if the couple has not been married for 2 years.

Todd died in service of the American mission in Iraq; Congress should grant Diana the right to stay on the path towards LPR status. Deporting Diana would unjustly deny Todd's wish that Diana raise his son Dalton.

Todd trained Iraq soldiers so the Iraqi government could one day defend the country on its own. President Bush has made the training of Iraqi security services a central goal in the reconstruction of Iraq. Todd died in pursuit of this goal. Todd's service to our country was significant. His wife should not be made to suffer both the loss of her husband and deportation. This private bill will ensure that the sacrifice of Todd Engstrom is not forgotten.

By Mr. CRAIG:

S. 1234. A bill to increase, effective as of December 1, 2005, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition to comment on legislation I am introducing today to provide a cost-of-living, COLA, adjustment for certain veterans benefits programs. This COLA adjustment would affect payments made to nearly 3 million Department of Veterans Affairs, VA, beneficiaries, and would be reflected in beneficiary checks that are received in January 2006, and thereafter.

An annual cost-of-living adjustment in veterans benefits is an important tool which protects veterans' cash-transfer benefits against the corrosive effects of inflation. The principal programs affected by the adjustment would be compensation paid to disabled veterans, and dependency and indemnity compensation—DIC—payments made to the surviving spouses, minor children and other dependants of persons who died in service, or who died after service as a result of service-connected injuries or diseases.

The President's budget anticipates inflation to be at a 2.3 percent level at the close of this year as measured by the consumer price index—CPI—published by the Department of Labor's Bureau of Labor Statistics. If inflation is held to the 2.3-percent level, that will be the level of COLA adjustment under this legislation since it ties the increase directly to the CPI increase as measured by the Department of Labor. Whatever the CPI increase eventually turns out to be, however, veterans' and survivors' benefits payments must be protected by being increased by a like amount. The Senate has already concurred with that judgment with passage of a budget resolution which assumes an increase equal to the CPI and which sets aside the funds necessary to finance the COLA increase envisioned by this legislation.

I ask my colleagues to support this vital legislation.

I request unanimous consent that this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1234

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 2005".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2005, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2005, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2005, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85-857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2006.

By Mr. CRAIG:

S. 1235. A bill to amend chapters 19 and 37 of title 38, United States Code, to extend the availability of $400,000 in coverage under the servicemembers' life insurance and veterans' group life insurance programs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition to comment on legislation that I have introduced today that will improve insurance and housing benefits available for our Nation's servicemembers and veterans. The "Veterans Benefits Improvement Act of 2005" would increase the maximum amount of Servicemembers' Group Life Insurance, SGLI, and Veterans' Group Life Insurance, VGLI, coverage from $250,000 to $400,000; would require the Secretary of Defense to notify spouses of insured servicemembers when those servicemembers elect an SGLI beneficiary other than their spouse or when they elect to reduce SGLI coverage amounts; would provide a two-year, post-discharge window within which totally disabled veterans might elect to convert their insurance coverage from SGLI to VGLI; and would provide flexibility to VA's hybrid adjustable rate mortgage program so that servicemembers and veterans might use their VA home loan benefits in conjunction with this popular type of mortgage financing.

There already has been a great deal of discussion in the 109th Congress about the adequacy of benefits for the survivors of those who have lost their lives in service. There has also been a great deal of action. Section 1012 of Public Law 109-13, the "Emergency Supplemental Appropriation Act for Defense, the Global War on Terror, and Tsunami Relief, 2005," made improvements to the SGLI program. However, section 1012 also specified that the SGLI improvements made in the act be terminated effective September 30, 2005, and that the law as it existed prior to the enactment of Public Law

109-13 be revived on that date. As I understand it, the purpose of the termination language was to give the committee of jurisdiction—in this case, the Veterans' Affairs Committee, which I chair in the Senate—the opportunity to proceed with proposals that would put a more permanent stamp on changes to the SGLI program.

Towards that end, and consistent with the changes enacted in Public Law 109-13, section 2(a) of my legislation would increase the maximum amount of SGLI and VGLI coverage from $250,000 to $400,000 effective October 1, 2005. SGLI coverage meets the insurance needs of servicemembers and Reserve members; VGLI coverage is available to meet the insurance needs of veterans as they transition out of military or naval service. The higher amount of coverage in my bill, in combination with other Federal assistance provided by VA, the Department of Defense, and the Social Security Administration, would provide for a more appropriate level of financial assistance for survivors of insured servicemembers and veterans. For example, the surviving spouse of an Army Sergeant killed in action who has two dependent children would have eligibility for up to $625,186 in lump-sum benefit assistance from the Federal government.

In addition, section 2(a) of the legislation I have introduced today would require the Secretary of Defense to notify, in writing, the spouses of servicemembers who elect either to name beneficiaries other than their spouses, or who elect to reduce their SGLI coverage. Under existing law, servicemembers have the right to name the insurance beneficiary of their choice. There are, however, some incidences of spouses of married servicemembers being left without adequate insurance for themselves or their children because they were unaware of the insurance decisions the servicemembers had made. I believe the spousal notification requirement in my bill strikes an appropriate balance between the longstanding rights of servicemembers to make their own, unfettered insurance choices, and the rights of spouses to be informed of matters that may impact on their future financial stability.

Turning to the insurance needs of severely disabled servicemembers, section 2(b) of this bill would extend for 1 year the period within which totally disabled veterans discharged from service might apply to convert their SGLI coverage to VGLI coverage. Under current law, servicemembers discharged from service have a 120-day grace period within which they are provided premium-free coverage under SGLI and may convert to VGLI coverage without needing to meet underwriting requirements. Servicemembers separated from service who are totally disabled may apply for an extension of the free SGLI coverage and VGLI conversion benefit that lasts up to one year after military discharge. There are two benefits of applying for the 1 year extension. The first is that SGLI coverage during the 1 year period is provided at no cost to the servicemember. The second is that the application for extension also serves as an application for automatic conversion from SGLI to VGLI. The opportunity to convert life insurance coverage to VGLI is essential for totally disabled veterans, many of whom have no hope of obtaining commercial insurance coverage.

VA's Insurance Service conducts targeted outreach to severely disabled veterans in an attempt to encourage them to apply for the 1 year extension of SGLI and conversion to VGLI benefit. However, information obtained from this outreach effort reveals that many severely disabled veterans are not taking advantage of the extension because they are precluded from post-separation financial planning by the effects of their disabilities and their need to focus on rehabilitation. Preliminary data obtained from VA suggest only 45 percent of totally disabled servicemembers apply for the extension despite VA's outreach effort. My legislation will provide 1 additional year within which severely disabled veterans may apply. The extra year will give VA more time—a total of 2 years after their discharge from the military—to reach veterans when they are perhaps more able to focus on their financial planning needs.

Finally, section 3 of the legislation I have introduced today would provide VA with greater flexibility to set appropriate interest rate cap protections on hybrid ARM loans it guarantees. Under existing law, VA has the authority to guaranty hybrid ARM loans through fiscal year 2008. Hybrid ARM loans are a new, and popular, financing option for borrowers that features a fixed period of interest on a loan for between 3 and 10 years followed by a period of annual adjustments thereafter. For VA hybrid ARM loans with an initial fixed rate of 5 or more years, VA may prescribe the maximum increase of the initial adjustment and the maximum adjustment permitted over the life of the loan. These interest rate "caps" are common in the mortgage financing industry, and serve to protect borrowers against wild upward swings in interest rates that might make a borrower more likely to default. However, unlike the flexibility given to VA to set caps for the initial adjustment and for the aggregate adjustment for the life of a loan, the law specifically limits annual interest rate adjustments after the initial adjustment to one percentage point. I am informed by industry and VA experts that without providing VA with greater flexibility to set an appropriate interest rate cap for annual adjustments, lenders will either be reluctant to make VA hybrid ARM loans available to veterans, or will require that veterans pay higher interest rates than otherwise would be required. My legislation would provide VA with the flexibility it needs to fix this problem.

Mr. President, the provisions of this legislation are important for veterans and their loved ones. We must give greater peace of mind to the families of those serving in the military, especially during a wartime period, that their Government has made available to them life insurance coverage to meet their basic financial needs in the event of death. We must give every opportunity for severely wounded servicemembers, many with war wounds, to remain insured under a government life insurance policy if their injuries might preclude them from being covered at reasonable cost under a private policy. And we must ensure that we remain flexible with mortgage industry standards so that veterans have the greatest array of financing options available to them when seeking to partake in the American dream of home ownership. My bill will accomplish all of these things and I ask my colleagues for their support of it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Benefits Improvement Act of 2005".

SEC. 2. GROUP LIFE INSURANCE.

(a) SERVICEMEMBERS' GROUP LIFE INSURANCE.—Section 1967 of title 38, United States Code, as in effect on October 1, 2005, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by adding at the end the following:

"(C) With respect to a policy of insurance covering an insured member, the Secretary of Defense shall make a good-faith effort to notify the spouse of a member if the member elects, at any time, to—

"(i) reduce amounts of insurance coverage of an insured member; or

"(ii) name a beneficiary other than the insured member's spouse.

"(D) The failure of the Secretary of Defense to provide timely notification under subparagraph (C) shall not affect the validity of an election by the member.

"(E) If a servicemember marries or remarries after making an election under subparagraph (C), the Secretary of Defense is not required to notify the spouse of such election. Elections made after marriage or remarriage are subject to the notice requirement under subparagraph (C)."; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking clause (i) and inserting the following:

"(i) In the case of a member, $400,000."; and

(ii) in subparagraph (B), by striking "member or spouse" and inserting "member, be evenly divisible by $50,000 and, in the case of a member's spouse"; and

(2) in subsection (d), by striking "$250,000" and inserting "$400,000".

(b) DURATION OF COVERAGE.—Section 1968(a) of title 38, United States Code, is amended—

(1) in paragraph (1)(A), by striking "one year" and inserting "2 years"; and

(2) in paragraph (4), by striking "one year" and inserting "2 years".

(c) VETERANS' GROUP LIFE INSURANCE.—Section 1977(a) of title 38, United States Code, as in effect on October 1, 2005, is amended by striking "$250,000" each place it appears and inserting "$400,000".

SEC. 3. ADJUSTABLE RATE MORTGAGES.

Section 3707(c)(4) of title 38, United States Code, is amended by striking "1 percentage point" and inserting "such percentage as the Secretary may prescribe".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 2005, immediately after the execution of section 1012(i) of Public Law 109–13.

By Mr. MCCAIN (for himself and Mr. LIEBERMAN):

S. 1237. A bill to expedite the transition to digital television while helping consumers to continue to use their analog televisions; to the Committee on Finance.

Mr. MCCAIN. Mr. President, I rise today to introduce a bill to support the Nation's finest: our police, fire fighters and other emergency response personnel. The Spectrum Availability for Emergency-response and Law-enforcement to Improve Vital Emergency Services Act, otherwise known as The SAVE LIVES Act. This bill is drafted in response to the 9–11 Commission's final report, which recommended the "expedited and increased assignment of radio spectrum for public safety purposes."

To meet this recommendation, the SAVE LIVES Act would set a date certain for the allocation of spectrum to public safety agencies, specifically the 24 MHz of spectrum in the 700 MHz band that Congress promised public safety agencies in 1997. This is a promise Congress has yet to deliver to our Nation's first responders. Now is the time for congressional action before another national emergency or crisis takes place. Access to this specific spectrum is essential to our Nation's safety and welfare as emergency communications sent over these frequencies are able to penetrate walls and travel great distances, and can assist multiple jurisdictions in deploying interoperable communications systems.

In addition to setting a date certain, this bill would authorize funds for public safety agencies to purchase emergency communications equipment and ensure that Congress has the ability to consider whether additional spectrum should be provided for public safety communications prior to the recovered spectrum being auctioned. The bill contains significant language concerning consumer education of the digital television transition. The bill would mandate that warning labels be displayed on analog television sets sold prior to the transition, require warning language to be displayed at television retailers, command the distribution at retailers of brochures describing the television set options available, and call on broadcasters to air informational programs to better prepare consumers for the digital transition.

The bill would ensure that no television viewer's set would go "dark" by providing digital-to-analog converter boxes to over-the-air viewers that have a household income that does not exceed 200 percent of the poverty line and by allowing cable companies to down convert digital signal signals if necessary. I continue to believe that broadcast television is a powerful communications tool and important information source for citizens. I know that on 9/11, I learned about the attack on the Twin Towers and the Pentagon like most Americans—by watching television. Therefore, this bill seeks to not only protect citizens' safety but also the distribution of broadcast television.

Lastly, the bill would establish a tax credit for the recycling of television sets and require the Environmental Protection Agency to report to Congress on the need for a national electronic waste recycling program.

The 9–11 Commission's final report contained harrowing tales about police officers and fire fighters who were inside the Twin Towers and unable to receive evacuation orders over their radios from commanders. In fact, the report found that this inability to communicate was not only a problem for public safety organizations responding at the World Trade Center, but also for those responding at the Pentagon and Somerset County, PA, crash sites where multiple organizations and multiple jurisdictions responded. Therefore, the Commission recommended that Congress accelerate the availability of more spectrum for public safety.

The SAVE LIVES Act would implement the important recommendation and ensure that when our Nation experiences another attack, or other critical emergencies occur, our police, fire fighters, and other emergency response personnel will have the ability to communicate with each other and their commanders to prevent another catastrophic loss of life. Now is the time for congressional action before another national emergency or crisis takes place.

Several lawmakers attempted to act last year during the debate on the intelligence reform bill, but our efforts were thwarted by the powerful National Association of Broadcasters. This year, I hope we can all work together and to pass a bill that ensures the country is not only better prepared in case of another attack but also protects the vital communications outlet of broadcast television. I believe the SAVE LIVES Act does just that.

Mr. President, in an effort to expeditiously retrieve the spectrum for the Nation's first responders, to preserve over-the-air television accessibility to consumers and to ensure the adequate funding of both, I urge the enactment of the SAVE LIVES Act.

By Mrs. FEINSTEIN (for herself, Mr. BINGAMAN, and Mr. DOMENICI):

S. 1238. A bill to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Public Lands Corps Healthy Forest Restoration Act of 2005. I am introducing this bill with Senators DOMENICI and BINGAMAN, whose cosponsorship I greatly appreciate. I also understand that Congressmen GREG WALDEN and TOM UDALL are introducing an identical version of the bill in the House, which I also appreciate.

This bill authorizes the Secretaries of Agriculture and Interior to enter into contracts and cooperative agreements with qualified corps to perform appropriate conservation projects, assist governments and Indian tribes in performing research and public education associated with natural and cultural resources, introduce young people to public service and expand their educational opportunities, and stimulate interest among the Nation's youth in careers in conservation and land management.

Consistent with the Healthy Forest Restoration Act, this bill also identifies a series of priority projects for corps to carry out including the restoration and protection of public lands threatened by severe fire, insect or disease infestation or other damaging agents; the protection, restoration, or enhancement of forest ecosystem components to promote the recovery of threatened and endangered species; the improvement of biological diversity; and, the enhancement of productivity and carbon sequestration.

In general, the Secretaries may give a preference to those corps that enroll young people who are economically, physically, or educationally disadvantaged. When it comes to the priority projects, the Secretaries shall "to the maximum extent practicable" give preference to those corps that have a substantial number of members who are disadvantaged. It also allows the Secretaries to grant noncompetitive hiring status to corps alumni for future Federal hiring. Finally, the bill authorizes $15 million a year, of which $10 million is for the priority projects identified in the bill and $5 million is for nonpriority projects.

I have named this legislation the Public Lands Corps Healthy Forests Restoration Act because it builds on both the Public Lands Corps Act of 1993 and the recently enacted Healthy Forest Restoration Act. I also want to note that last year the administration supported an earlier, but substantially similar, version of this bill.

This bill uses the cost saving resources of youth corps to carry out projects. It is estimated that youth corps generate $1.60 in immediate benefits for every dollar in costs. This figure is important given both the great need and great costs associated with fighting fires. The Federal Government is responsible for overseeing 689 million acres of land and five Federal agencies reported spending $1.6 billion in 2002 on fire fighting suppression efforts—a whopping $300 million more than the previous record.

As an example of what can happen in one State, consider 2003's catastrophic wildfires in southern California. Before these wildfires were contained, they scorched a total of 739,597 acres, killed 24 people, and destroyed approximately 3,631 homes and thousands of other structures. Not only did insurance payouts cost more than $3 billion, but public expenditures for firefighting and recovery ran into the hundreds of millions of dollars. And California is certainly not the only State to incur large costs from fires.

I want to reduce the chances of this type of catastrophe recurring in the future. To do so, we must use every resource at our disposal. I know that youth service and conversation corps can play a significant role in reducing the physical and financial strain that public land management agencies bear, and help protect our Nation's public lands from wildfires and other forms of devastation.

I have seen firsthand the benefits that service and conservation corps bring to communities and the difference that they make in the lives of disadvantaged youth. In 1983, I founded the first urban youth corps as mayor of San Francisco, and during that time I saw a great improvement in the quality of life of the corps members and of the city itself. When the program started, it had a million-dollar budget and employed 36 disadvantaged young people 18 to 23 years old. They needed some direction, wanted a challenge, and to make themselves socially useful.

That first year, we paid corps members $3.35 an hour to repair bathrooms in affordable housing for senior citizens and others, build a park in Hunter's Point, clear scotch broom from the Twin Peaks hillside, and fix up Alcatraz Island. In the subsequent 22 years, the San Francisco Conservation Corps, SFCC, has grown into a multisite, multifaceted agency that engages more than 500 young adults annually who have completed over 3.5 million hours of community service.

The San Francisco Conservation Corps has also given thousands of corps members a sense of personal pride, helped connect them with their community, and prove that hard work pays off. I started the corps to help young people break out of the cycle of poverty and crime and improve their job skills by giving them guidance and support through labor-intensive activities.

I am introducing this bill with the hope that the success of the San Francisco Conservation Corps can be duplicated nationwide. This program will not reach every disadvantaged young person in need of guidance and a second chance. But it is a start, and I urge my colleagues to join me in this effort.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1238

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Lands Corps Healthy Forests Restoration Act of 2005".

SEC. 2. AMENDMENTS TO THE PUBLIC LANDS CORPS ACT OF 1993.

(a) DEFINITIONS.—Section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722) is amended—

(1) by redesignating paragraphs (8), (9), (10), and (11) as paragraphs (9), (10), (11), and (13), respectively;

(2) by inserting after paragraph (7) the following:

"(8) PRIORITY PROJECT.—The term 'priority project' means an appropriate conservation project conducted on eligible service lands to further 1 or more of the purposes of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.), as follows:

"(A) To reduce wildfire risk to a community, municipal water supply, or other at-risk Federal land.

"(B) To protect a watershed or address a threat to forest and rangeland health, including catastrophic wildfire.

"(C) To address the impact of insect or disease infestations or other damaging agents on forest and rangeland health.

"(D) To protect, restore, or enhance forest ecosystem components to—

"(i) promote the recovery of threatened or endangered species;

"(ii) improve biological diversity; or

"(iii) enhance productivity and carbon sequestration."; and

(3) by inserting after paragraph (11) (as redesignated by paragraph (1)) the following:

"(12) SECRETARY.—The term 'Secretary' means—

"(A) with respect to National Forest System land, the Secretary of Agriculture; and

"(B) with respect to Indian lands, Hawaiian home lands, or land administered by the Department of the Interior, the Secretary of the Interior.".

(b) QUALIFIED YOUTH OR CONSERVATION CORPS.—Section 204(c) of the Public Lands Corps Act of 1993 (16 U.S.C. 1723(c)) is amended—

(1) by striking "The Secretary of the Interior and the Secretary of Agriculture are" and inserting the following:

"(1) IN GENERAL.—The Secretary is"; and

(2) by adding at the end the following:

"(2) PREFERENCE.—

"(A) IN GENERAL.—For purposes of entering into contracts and cooperative agreements under paragraph (1), the Secretary may give preference to qualified youth or conservation corps located in a specific area that have a substantial portion of members who are economically, physically, or educationally disadvantaged to carry out projects within the area.

"(B) PRIORITY PROJECTS.—In carrying out priority projects in a specific area, the Secretary shall, to the maximum extent practicable, give preference to qualified youth or conservation corps located in that specific area that have a substantial portion of members who are economically, physically, or educationally disadvantaged.".

(c) CONSERVATION PROJECTS.—Section 204(d) of the Public Lands Corps Act of 1993 (16 U.S.C. 1723(d)) is amended—

(1) in the first sentence—

(A) by striking "The Secretary of the Interior and the Secretary of Agriculture may each" and inserting the following:

"(1) IN GENERAL.—The Secretary may"; and

(B) by striking "such Secretary" and inserting "the Secretary";

(2) in the second sentence, by striking "Appropriate conservation" and inserting the following:

"(2) PROJECTS ON INDIAN LANDS.—Appropriate conservation"; and

(3) by striking the third sentence and inserting the following:

"(3) DISASTER PREVENTION OR RELIEF PROJECTS.—The Secretary may authorize appropriate conservation projects and other appropriate projects to be carried out on Federal, State, local, or private land as part of a Federal disaster prevention or relief effort.".

(d) CONSERVATION CENTERS AND PROGRAM SUPPORT.—Section 205 of the Public Lands Corps Act of 1993 (16 U.S.C. 1724) is amended—

(1) by striking the heading and inserting the following:

"SEC. 205. CONSERVATION CENTERS AND PROGRAM SUPPORT.";

(2) by striking subsection (a) and inserting the following:

"(a) ESTABLISHMENT AND USE.—

"(1) IN GENERAL.—The Secretary may establish and use conservation centers owned and operated by the Secretary for—

"(A) use by the Public Lands Corps; and

"(B) the conduct of appropriate conservation projects under this title.

"(2) ASSISTANCE FOR CONSERVATION CENTERS.—The Secretary may provide to a conservation center established under paragraph (1) any services, facilities, equipment, and supplies that the Secretary determines to be necessary for the conservation center.

"(3) STANDARDS FOR CONSERVATION CENTERS.—The Secretary shall—

"(A) establish basic standards of health, nutrition, sanitation, and safety for all conservation centers established under paragraph (1); and

"(B) ensure that the standards established under subparagraph (A) are enforced.

"(4) MANAGEMENT.—As the Secretary determines to be appropriate, the Secretary may enter into a contract or other appropriate arrangement with a State or local government agency or private organization to provide for the management of a conservation center."; and

(3) by adding at the end the following:

"(d) ASSISTANCE.—The Secretary may provide any services, facilities, equipment, supplies, technical assistance, oversight, monitoring, or evaluations that are appropriate to carry out this title.".

(e) LIVING ALLOWANCES AND TERMS OF SERVICE.—Section 207 of the Public Lands Corps Act of 1993 (16 U.S.C. 1726) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) LIVING ALLOWANCES.—The Secretary shall provide each participant in the Public Lands Corps and each resource assistant with a living allowance in an amount established by the Secretary."; and

(2) by adding at the end the following:

"(c) HIRING.—The Secretary may—

"(1) grant to a member of the Public Lands Corps credit for time served with the Public Lands Corps, which may be used toward future Federal hiring; and

"(2) provide to a former member of the Public Lands Corps noncompetitive hiring status for a period of not more than 120 days after the date on which the member's service with the Public Lands Corps is complete.".

(f) FUNDING.—The Public Lands Corps Act of 1993 is amended—

(1) in section 210 (16 U.S.C. 1729), by adding at the end the following:

"(c) OTHER FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under section 211 are in addition to amounts allocated to the Public Lands Corps through other Federal programs or projects."; and

(2) by inserting after section 210 the following:

"SEC. 211. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $15,000,000 for each fiscal year, of which $10,000,000 is authorized to carry out priority projects.

"(b) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, amounts appropriated for any fiscal year to carry out this title shall remain available for obligation and expenditure until the end of the fiscal year following the fiscal year for which the amounts are appropriated.".

(g) CONFORMING AMENDMENTS.—The Public Lands Corps Act of 1993 is amended—

(1) in section 204 (16 U.S.C. 1723)—

(A) in subsection (b)—

(i) in the first sentence, by striking "Secretary of the Interior or the Secretary of Agriculture" and inserting "Secretary";

(ii) in the third sentence, by striking "Secretaries" and inserting "Secretary"; and

(iii) in the fourth sentence, by striking "Secretaries" and inserting "Secretary"; and

(B) in subsection (e), by striking "Secretary of the Interior and the Secretary of Agriculture" and inserting "Secretary";

(2) in section 205 (16 U.S.C. 1724)—

(A) in subsection (b), by striking "Secretary of the Interior and the Secretary of Agriculture" and inserting "Secretary"; and

(B) in subsection (c), by striking "Secretary of the Interior and the Secretary of Agriculture" and inserting "Secretary";

(3) in section 206 (16 U.S.C. 1725)—

(A) in subsection (a)—

(i) in the first sentence—

(I) by striking "Secretary of the Interior and the Secretary of Agriculture are each" and inserting "Secretary is"; and

(II) by striking "such Secretary" and inserting "the Secretary";

(ii) in the third sentence, by striking "Secretaries" and inserting "Secretary"; and

(iii) in the fourth sentence, by striking "Secretaries" and inserting "Secretary"; and

(B) in the first sentence of subsection (b), by striking "Secretary of the Interior or the Secretary of Agriculture" and inserting "the Secretary"; and

(4) in section 210 (16 U.S.C. 1729)—

(A) in subsection (a)—

(i) in paragraph (1), by striking "Secretary of the Interior and the Secretary of Agriculture are each" and inserting "Secretary is"; and

(ii) in paragraph (2), by striking "Secretary of the Interior and the Secretary of Agriculture are each" and inserting "Secretary is"; and

(B) in subsection (b), by striking "Secretary of the Interior and the Secretary of Agriculture" and inserting "Secretary".

By Mr. MCCAIN (for himself, Mr. DORGAN, and Mr. BAUCUS):

S. 1239. A bill to amend the Indian Health Care Improvement Act to permit the Indian Health Service, an Indian tribe, a tribal organization, or an urban Indian organization to pay the monthly part D premium of eligible medicare beneficiaries; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, today I introduce the American Indian Elderly and Disabled Access to Health Care Act of 2005 to revise the Indian Health Care Improvement Act.

The legislation I introduce today will amend the Indian Health Care Improvement Act to permit the Indian Health Service, an Indian tribe, tribal or Urban Indian organization to use their funding to pay the Medicare Part D premiums of eligible Indian beneficiaries. These premium payments are for the American Indians and Alaska Natives enrolled in the prescription drug plans under part D of title XVIII of the Social Security Act. Currently, these funds can be used for paying Medicare Parts A and B premiums but not Part D, and this legislation will enable eligible Indian beneficiaries to enroll and participate in the Part D program when it begins in January, 2006.

Mr. President, this legislation will increase the ability of the elderly and disabled American Indians and Alaska Natives to access the prescription drug benefits available under Medicare Part D and assist the Indian Health Service in achieving potentially significant cost savings. I urge my colleagues to join me in improving access to health care for American Indians and Alaska Natives.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Indian Elderly and Disabled Access to Health Care Act of 2005".

SEC. 2. PAYMENT OF MEDICARE MONTHLY PART D PREMIUM.

(a) IN GENERAL.—Section 404 of the Indian Health Care Improvement Act (25 U.S.C. 1644) is amended by adding at the end the following new subsection:

"(d) PAYMENT OF MONTHLY PART D PREMIUM UNDER THE MEDICARE PROGRAM.—

"(1) PAYMENT OF MONTHLY PART D PREMIUM.—The Service, an Indian tribe, a tribal organization, or an urban Indian organization may use appropriated funds or funds collected pursuant to the authority granted in this title to pay the monthly beneficiary premium (as determined under section 1860D–13 of the Social Security Act (42 U.S.C. 1395w–113) of an eligible medicare beneficiary enrolled in a prescription drug plan or an MA-PD plan under part D of title XVIII of such Act (42 U.S.C. 1395w–101 et seq.).

"(2) CONSIDERATIONS.—In deciding whether to pay the premium of an eligible medicare beneficiary under paragraph (1), the Indian Health Service, Indian tribe, tribal organization, or urban Indian organization shall consider the cost effectiveness of paying such premium for such individual, taking into account—

"(A) the beneficiary's expected drug utilization; and

"(B) other factors that the Service, Indian tribe, tribal organization, or urban Indian organization determines appropriate for the purpose of determining the cost effectiveness of paying such premium.

"(3) ELIGIBLE BENEFICIARY DEFINED.—The term 'eligible medicare beneficiary' means an individual who—

"(A) is an Indian;

"(B) is a part D eligible individual (as defined in section 1860D–1(a)(3)(A) of the Social Security Act (42 U.S.C. 1395w–101(a)(3)(A))); and

"(C) is not a subsidy eligible individual who receives a full premium subsidy under 1860D–14(a)(1)(A) of such Act (42 U.S.C. 1395w–114(a)(1)(A)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to monthly beneficiary premium payments made with respect to months beginning on or after January 1, 2006.

By Mr. SMITH (for himself and Mrs. LINCOLN):

S. 1240. A bill to amend the Internal Revenue Code of 1986 to allow an investment tax credit for the purchase of trucks with new diesel engine technologies, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, today I introduce legislation critically important to our Nation's continued economic growth and future environmental progress. I am joined by my friend and colleague from Arkansas, Senator LINCOLN.

Nearly everything sold in the United States moves by truck at some stage of delivery. In fact, America's trucking industry is responsible for moving nearly 70 percent of the tonnage of all products sold in the U.S.—a total of more than 9.8 billion tons of freight shipped in 2004.

If trucking serves as the circulatory system for the U.S. economy, then diesel engines provide America's economic heartbeat. Because of their superior fuel efficiency, durability and reliability, diesel engines power 100 percent of the long-haul trucks responsible for the bulk of freight deliveries in the U.S. Engineers have revolutionized this technology over the past decade by dramatically reducing emissions while maintaining diesel's inherent fuel efficiency. For example, a new truck sold today produces 78 percent fewer smog-forming and particulate emissions than a similar truck built in 1987.

Even more advanced, cleaner technology is scheduled to begin rolling on America's highways in 2007. Beginning that year, a new Environmental Protection Agency, EPA, regulation for diesel trucks will require further reductions in smog-forming and particulate emissions—reductions of over 90 percent compared to current levels. When fully implemented in 2010, EPA's clean diesel rule is estimated to reduce smog-forming emissions of nitrogen oxides by 2.6 million tons each year, along with 110,000 tons of fine particulate matter annually.

These clean diesel trucks are expected to play a leading role in helping cities and states meet strict new federal standards for ozone and fine particulates. And the technology is real; truck manufacturers and suppliers have demonstrated their commitment to delivering clean diesel by 2007.

However, we must recognize that clean air comes at a price. Trucks containing clean diesel engines that meet the EPA regulation in 2007 will include innovative emissions control technology that will increase purchase and maintenance costs. Additionally, the 2007 trucks will run on low-sulfur diesel fuel that will be more expensive because of the added cost of sulfur removal. These additional financial burdens will fall upon America's trucking industry—where 96 percent of companies are designated as small businesses.

Equally important for those of us concerned about clean air, we must recognize that EPA's projected environmental benefits will materialize only if trucking companies can afford to purchase the cleaner but more expensive trucks equipped with the clean diesel engines. Federal regulation can require manufacturers to produce emissions compliant products, but the government cannot mandate the purchase of these clean diesel trucks. Customers always have the option of holding on to older trucks longer, rebuilding older engines, leasing older trucks, or turning to the used truck market. They can also simply buy more trucks today, with older design components and without the cleanest technology, and defer the purchase of cleaner trucks.

The bottom line is that the actual trucks in service on America's highways in 2007 and beyond will not yield the emissions reductions currently projected by EPA's own air quality models unless trucking companies can afford to buy the new clean diesels. Absent a short-term incentive for the purchase of these new trucks in 2007, simple economics will drive most trucking companies to either pre-purchase trucks that do not meet the new EPA regulation or extend the lives of their current fleets. This "pre-buy/low-buy" scenario played out most recently with the introduction of lower emission diesel trucks in October 2002.

Avoiding this problem, Mr. President, is the reason I am introducing this legislation today. Truck manufacturers and suppliers have responded to our clean air challenge and will be ready for the on-time delivery of remarkably clean trucks in 2007. The Federal Government needs to take the next step by helping to ensure the widest possible distribution of this clean diesel technology into the U.S. trucking fleet.

Under the proposal I am introducing today with Senator LINCOLN, taxpayers would be allowed an investment tax credit equal to 5 percent of the cost of EPA-compliant diesel equipment for acquisitions after December 31, 2006 but before January 1, 2008. The credits could be used against the taxpayer's regular tax or AMT liability. The credit would be part of the general business credit and thus credits unutilized in a taxable year would be carried over to another taxable year.

In addition, taxpayers would be allowed to expense the acquisition cost of qualifying equipment acquired and placed in service after December 31, 2006 and before January 1, 2008, for purposes of both the regular tax and the AMT.

Enacting the short-term tax incentive that Senator LINCOLN and I propose would put the cost of new clean diesel technology on at least a level playing field with the cost of today's trucks. It would ensure that trucking companies have the financial ability to purchase these modern clean diesels. Consequently, our legislation would ensure that Americans can breathe easier because the full air quality benefits intended by EPA's clean diesel rule will be realized.

I look forward to working with Senator LINCOLN and the rest of my colleagues to see this important clean air legislation enacted.

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 1241. A bill to suspend temporarily the duty on fixed ratio speed changers for truck-mounted concrete mixers; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to introduce legislation which would temporarily suspend the duty on fixed ratio speed changers for truck-mounted concrete mixers. In the past 5 years, the manufacturers of diesel engines have been subject to new regulations, including more stringent emission standards for diesel engines, which have increased the cost to make the engines. That cost increase has been passed onto consumers. This legislation would allow U.S. manufacturers to import the parts duty free and help manufacturers remain competitive and continue to provide high quality and affordable engines.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FIXED RATIO SPEED CHANGERS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.84.01	Fixed ratio speed changers for truck-mounted concrete mixer drums (provided for in subheading 8483.40.50)	Free	No change	No change	On or before 12/31/2008	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

Mr. GRASSLEY (for himself and Mrs. LINCOLN):

S. 1244. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term needs; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I rise today to introduce the Long-Term Care and Retirement Security Act. I am pleased to be sponsoring this bill with my distinguished colleague from Arkansas, Senator BLANCHE LINCOLN.

Our bill would ease the tremendous cost of long-term care for Americans everywhere. First, it would allow individuals a tax deduction for the cost of long-term care insurance premiums. Increasingly, Americans are interested in private long-term care insurance to pay for nursing home stays, assisted living, home health aides, and other services. However, most people find the policies unaffordable. The younger the person is at the time the longcare insurance contract is purchased, the lower the insurance premium. Yet most people are not ready to buy a policy until retirement. A deduction for long-term care insurance premiums would encourage more people to buy a long-term care insurance policy.

Our proposal would also give individuals or their care gives a $3,000 tax credit to help cover their long-term care expenses. This would apply to those who have been certified by a doctor as needing help with at least three activities of daily living, such as eating, bathing or dressing. This credit—would help care givers pay for medical supplies, nursing care and any other expenses incurred while caring for family members with disabilities.

This year, I have been pleased to see our Nation turn its attention to the need to address the challenges of our aging population. The President has used the power of the Presidency to jumpstart a national discussion of the need to reform Social Security. Attention also has been focused on the need to increase our abysmally low savings rate and to ensure that workers' pensions are fully funded. At the same time, I have been glad to see attention also focused on helping Americans' prepare for future long-term care expenses. Enactment of the bill we are introducing today would mark a giant step forward in doing just that.

An aging Nation has no time to waste in preparing for long-term care, and the need to help people afford long-term care is more pressing than ever. I look forward to working with Senator LINCOLN and our colleagues in the Senate to get our bill passed into law as soon as possible.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Long-Term Care and Retirement Security Act of 2005".

SEC. 2. TREATMENT OF PREMIUMS ON QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions) is amended by redesignating section 224 as section 225 and by inserting after section 223 the following new section:

"SEC. 224. PREMIUMS ON QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a deduction an amount equal to the applicable percentage of the amount of eligible long-term care premiums (as defined in section 213(d)(10)) paid during the taxable year for coverage for the taxpayer and the taxpayer's spouse and dependents under a qualified long-term care insurance contract (as defined in section 7702B(b)).

"(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage shall be determined in accordance with the following table:

For taxable years beginning in calendar year—	The applicable percentage is—
2005, 2006, or 2007	25
2008	35
2009	65
2010 or thereafter	100.

"(c) COORDINATION WITH OTHER DEDUCTIONS.—Any amount paid by a taxpayer for any qualified long-term care insurance contract to which subsection (a) applies shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 162(l) or 213(a).".

(b) LONG-TERM CARE INSURANCE PERMITTED TO BE OFFERED UNDER CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.—

(1) CAFETERIA PLANS.—The last sentence of section 125(f) of such Code (defining qualified benefits) is amended by inserting before the period at the end "; except that such term shall include the payment of premiums for any qualified long-term care insurance contract (as defined in section 7702B) to the extent the amount of such payment does not exceed the eligible long-term care premiums (as defined in section 213(d)(10)) for such contract".

(2) FLEXIBLE SPENDING ARRANGEMENTS.—Section 106 of such Code (relating to contributions by an employer to accident and health plans) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(c) CONFORMING AMENDMENTS.—

(1) Section 62(a) of such Code is amended by inserting before the last sentence at the end the following new paragraph:

"(21) PREMIUMS ON QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS.—The deduction allowed by section 224.".

(2) Sections 223(b)(4)(B), 223(d)(4)(C), 223(f)(3)(B), 3231(e)(11), 3306(b)(18), 3401(a)(22), 4973(g)(1), and 4973(g)(2)(B)(i) of such Code are each amended by striking "section 106(d)" and inserting "section 106(c)".

(3) Section 6041 of such Code is amended—

(A) in subsection (f)(1) by striking "(as defined in section 106(c)(2))", and

(B) by adding at the end the following new subsection:

"(h) FLEXIBLE SPENDING ARRANGEMENT DEFINED.—For purposes of this section, a flexible spending arrangement is a benefit program which provides employees with coverage under which—

"(1) specified incurred expenses may be reimbursed (subject to reimbursement maximums and other reasonable conditions), and

"(2) the maximum amount of reimbursement which is reasonably available to a participant for such coverage is less than 500 percent of the value of such coverage.

In the case of an insured plan, the maximum amount reasonably available shall be determined on the basis of the underlying coverage.".

(4) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

"Sec. 224. Premiums on qualified long-term care insurance contracts
"Sec. 225. Cross reference".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2004.

(2) CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 2006.

SEC. 3. CREDIT FOR TAXPAYERS WITH LONG-TERM CARE NEEDS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

"SEC. 25C. CREDIT FOR TAXPAYERS WITH LONG-TERM CARE NEEDS.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable credit amount multiplied by the number of applicable individuals with respect to whom the taxpayer is an eligible caregiver for the taxable year.

"(2) APPLICABLE CREDIT AMOUNT.—For purposes of paragraph (1), the applicable credit amount shall be determined in accordance with the following table:

For taxable years beginning in calender year—	The applicable credit amount is—
2005	$1,000
2006	1,500
2007	2,000
2008	2,500
2009 or thereafter	3,000.

"(b) LIMITATION BASED ON ADJUSTED GROSS INCOME.—

"(1) IN GENERAL.—The amount of the credit allowable under subsection (a) shall be reduced (but not below zero) by $100 for each $1,000 (or fraction thereof) by which the taxpayer's modified adjusted gross income exceeds the threshold amount. For purposes of the preceding sentence, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

"(2) THRESHOLD AMOUNT.—For purposes of paragraph (1), the term 'threshold amount' means—

"(A) $150,000 in the case of a joint return, and

"(B) $75,000 in any other case.

"(3) INDEXING.—In the case of any taxable year beginning in a calendar year after 2005, each dollar amount contained in paragraph (2) shall be increased by an amount equal to the product of—

"(A) such dollar amount, and

"(B) the medical care cost adjustment determined under section 213(d)(10)(B)(ii) for the calendar year in which the taxable year begins, determined by substituting 'August 2004' for 'August 1996' in subclause (II) thereof.

If any increase determined under the preceding sentence is not a multiple of $50, such increase shall be rounded to the next lowest multiple of $50.

"(c) DEFINITIONS.—For purposes of this section—

"(1) APPLICABLE INDIVIDUAL.—

"(A) IN GENERAL.—The term 'applicable individual' means, with respect to any taxable year, any individual who has been certified, before the due date for filing the return of tax for the taxable year (without extensions), by a physician (as defined in section 1861(r)(1) of the Social Security Act) as being an individual with long-term care needs described in subparagraph (B) for a period—

"(i) which is at least 180 consecutive days, and

"(ii) a portion of which occurs within the taxable year.

Notwithstanding the preceding sentence, a certification shall not be treated as valid unless it is made within the 39½ month period ending on such due date (or such other period as the Secretary prescribes).

"(B) Individuals with long-term care needs.—An individual is described in this subparagraph if the individual meets any of the following requirements:

"(i) The individual is at least 6 years of age and—

"(I) is unable to perform (without substantial assistance from another individual) at least 3 activities of daily living (as defined in section 7702B(c)(2)(B)) due to a loss of functional capacity, or

"(II) requires substantial supervision to protect such individual from threats to health and safety due to severe cognitive impairment and is unable to preform, without reminding or cuing assistance, at least 1 activity of daily living (as so defined) or to the extent provided in regulations prescribed by the Secretary (in consultation with the Secretary of Health and Human Services), is unable to engage in age appropriate activities.

"(ii) The individual is at least 2 but not 6 years of age and is unable due to a loss of functional capacity to perform (without substantial assistance from another individual) at least 2 of the following activities: eating, transferring, or mobility.

"(iii) The individual is under 2 years of age and requires specific durable medical equipment by reason of a severe health condition or requires a skilled practitioner trained to address the individual's condition to be available if the individual's parents or guardians are absent.

"(2) Eligible caregiver.—

"(A) In general.—A taxpayer shall be treated as an eligible caregiver for any taxable year with respect to the following individuals:

"(i) The taxpayer.

"(ii) The taxpayer's spouse.

"(iii) An individual with respect to whom the taxpayer is allowed a deduction under section 151(c) for the taxable year.

"(iv) An individual who would be described in clause (iii) for the taxable year if section 151(c) were applied by substituting for the exemption amount an amount equal to the sum of the exemption amount, the standard deduction under section 63(c)(2)(C), and any additional standard deduction under section 63(c)(3) which would be applicable to the individual if clause (iii) applied.

"(v) An individual who would be described in clause (iii) for the taxable year if—

"(I) the requirements of clause (iv) are met with respect to the individual, and

"(II) the requirements of subparagraph (B) are met with respect to the individual in lieu of the support test under subsection (c)(1)(D) or (d)(1)(C) of section 152.

"(B) Residency test.—The requirements of this subparagraph are met if an individual has as his principal place of abode the home of the taxpayer and—

"(i) in the case of an individual who is an ancestor or descendant of the taxpayer or the taxpayer's spouse, is a member of the taxpayer's household for over half the taxable year, or

"(ii) in the case of any other individual, is a member of the taxpayer's household for the entire taxable year.

"(C) Special rules where more than 1 eligible caregiver.—

"(i) In general.—If more than 1 individual is an eligible caregiver with respect to the same applicable individual for taxable years ending with or within the same calendar year, a taxpayer shall be treated as the eligible caregiver if each such individual (other than the taxpayer) files a written declaration (in such form and manner as the Secretary may prescribe) that such individual will not claim such applicable individual for the credit under this section.

"(ii) No agreement.—If each individual required under clause (i) to file a written declaration under clause (i) does not do so, the individual with the highest adjusted gross income shall be treated as the eligible caregiver.

"(iii) Married individuals filing separately.—In the case of married individuals filing separately, the determination under this subparagraph as to whether the husband or wife is the eligible caregiver shall be made under the rules of clause (ii) (whether or not one of them has filed a written declaration under clause (i)).

"(d) Identification Requirement.—No credit shall be allowed under this section to a taxpayer with respect to any applicable individual unless the taxpayer includes the name and taxpayer identification number of such individual, and the identification number of the physician certifying such individual, on the return of tax for the taxable year.

"(e) Taxable Year Must Be Full Taxable Year.—Except in the case of a taxable year closed by reason of the death of the taxpayer, no credit shall be allowable under this section in the case of a taxable year covering a period of less than 12 months.".

(b) Conforming Amendments.—

(1) Section 6213(g)(2) of such Code is amended by striking "and" at the end of subparagraph (L), by striking the period at the end of subparagraph (M) and inserting ", and", and by inserting after subparagraph (M) the following new subparagraph:

"(N) an omission of a correct TIN or physician identification required under section 25C(d) (relating to credit for taxpayers with long-term care needs) to be included on a return.".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25B the following new item:

"Sec. 25C. Credit for taxpayers with long-term care needs".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 4. ADDITIONAL CONSUMER PROTECTIONS FOR LONG-TERM CARE INSURANCE.

(a) Additional Protections Applicable to Long-term Care Insurance.—Subparagraphs (A) and (B) of section 7702B(g)(2) of the Internal Revenue Code of 1986 (relating to requirements of model regulation and Act) are amended to read as follows:

"(A) In general.—The requirements of this paragraph are met with respect to any contract if such contract meets—

"(i) Model regulation.—The following requirements of the model regulation:

"(I) Section 6A (relating to guaranteed renewal or noncancellability), other than paragraph (5) thereof, and the requirements of section 6B of the model Act relating to such section 6A.

"(II) Section 6B (relating to prohibitions on limitations and exclusions) other than paragraph (7) thereof.

"(III) Section 6C (relating to extension of benefits).

"(IV) Section 6D (relating to continuation or conversion of coverage).

"(V) Section 6E (relating to discontinuance and replacement of policies).

"(VI) Section 7 (relating to unintentional lapse).

"(VII) Section 8 (relating to disclosure), other than sections 8F, 8G, 8H, and 8I thereof.

"(VIII) Section 11 (relating to prohibitions against post-claims underwriting).

"(IX) Section 12 (relating to minimum standards).

"(X) Section 13 (relating to requirement to offer inflation protection).

"(XI) Section 25 (relating to prohibition against preexisting conditions and probationary periods in replacement policies or certificates).

"(XII) The provisions of section 26 relating to contingent nonforfeiture benefits, if the policyholder declines the offer of a nonforfeiture provision described in paragraph (4).

"(ii) Model act.—The following requirements of the model Act:

"(I) Section 6C (relating to preexisting conditions).

"(II) Section 6D (relating to prior hospitalization).

"(III) The provisions of section 8 relating to contingent nonforfeiture benefits, if the policyholder declines the offer of a nonforfeiture provision described in paragraph (4).

"(B) Definitions.—For purposes of this paragraph—

"(i) Model provisions.—The terms 'model regulation' and 'model Act' mean the long-term care insurance model regulation, and the long-term care insurance model Act, respectively, promulgated by the National Association of Insurance Commissioners (as adopted as of October 2000).

"(ii) Coordination.—Any provision of the model regulation or model Act listed under clause (i) or (ii) of subparagraph (A) shall be treated as including any other provision of such regulation or Act necessary to implement the provision.

"(iii) Determination.—For purposes of this section and section 4980C, the determination of whether any requirement of a model regulation or the model Act has been met shall be made by the Secretary.".

(b) Excise Tax.—Paragraph (1) of section 4980C(c) of the Internal Revenue Code of 1986 (relating to requirements of model provisions) is amended to read as follows:

"(1) Requirements of model provisions.—

"(A) Model regulation.—The following requirements of the model regulation must be met:

"(i) Section 9 (relating to required disclosure of rating practices to consumer).

"(ii) Section 14 (relating to application forms and replacement coverage).

"(iii) Section 15 (relating to reporting requirements).

"(iv) Section 22 (relating to filing requirements for marketing).

"(v) Section 23 (relating to standards for marketing), including inaccurate completion of medical histories, other than paragraphs (1), (6), and (9) of section 23C.

"(vi) Section 24 (relating to suitability).

"(vii) Section 29 (relating to standard format outline of coverage).

"(viii) Section 30 (relating to requirement to deliver shopper's guide).

The requirements referred to in clause (vi) shall not include those portions of the personal worksheet described in Appendix B relating to consumer protection requirements not imposed by section 4980C or 7702B.

"(B) MODEL ACT.—The following requirements of the model Act must be met:

"(i) Section 6F (relating to right to return).

"(ii) Section 6G (relating to outline of coverage).

"(iii) Section 6H (relating to requirements for certificates under group plans).

"(iv) Section 6J (relating to policy summary).

"(v) Section 6K (relating to monthly reports on accelerated death benefits).

"(vi) Section 7 (relating to incontestability period).

"(C) DEFINITIONS.—For purposes of this paragraph, the terms 'model regulation' and 'model Act' have the meanings given such terms by section 7702B(g)(2)(B).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to policies issued more than 1 year after the date of the enactment of this Act.

SEC. 5. TREATMENT OF EXCHANGES OF LONG-TERM CARE INSURANCE CONTRACTS.

(a) IN GENERAL.—Subsection (a) of section 1035 of the Internal Revenue Code of 1986 (relating to exchanges of insurance policies) is amended by striking the period at the end of paragraph (3) and inserting "; or" and by adding at the end the following new paragraph:

"(4) a qualified long-term care insurance contract for another qualified long-term care insurance contract.".

(b) QUALIFIED LONG-TERM CARE INSURANCE CONTRACT.—Subsection (b) of section 1035 of such Code (relating to definitions) is amended by adding at the end the following new paragraph:

"(4) QUALIFIED LONG-TERM CARE INSURANCE CONTRACT.—The term 'qualified long-term care insurance contract' means—

"(A) any qualified long-term care insurance contract (as defined in section 7702B), and

"(B) any contract which is treated as such by section 321(f)(2) of the Health Insurance Portability and Accountability Act of 1996.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to exchanges after December 31, 1997.

(2) WAIVER OF LIMITATIONS.—If the credit or refund of any overpayment of tax with respect to a taxable year ending before the date of the enactment of this Act resulting from the application of section 1035(a)(4) of the Internal Revenue Code of 1986, as added by this section, is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the enactment of this Act.

Mrs. LINCOLN. Mr. President, I am pleased to introduce the Long Term Care and Retirement Security Act of 2005 with the Chairman of the Senate Finance Committee and my good friend from Iowa, Senator CHARLES GRASSLEY.

The introduction of our bill coincides nicely with the debate we are about to have in the Senate Finance Committee about Medicaid. Almost one-third of Medicaid costs can be attributed to long term care of the elderly and disabled.

The first of the 77 million Baby Boomers turn 65 years old in 2011. I believe that Congress needs to help them prepare for their futures now by investing in a private long term care policy. We must also make them aware that many long term care services are not covered by private health insurance or by Medicare. Historically, long term care costs have been paid first by families out-of-pocket and then by Medicaid for those who qualify and "spend down" to the income and assets limits.

Our legislation will create a tax credit for caregivers and individuals faced with the immediate expense of long-term care. The bill would also help Americans better prepare for their future needs by providing a tax deduction to help consumers pay long-term care insurance premiums for policies that meet strong consumer protection standards. Such plans will cover both medical and non-medical supportive care and personal care assistance so that elders can age at home.

Unless we encourage Americans to plan ahead, demand and costs for long term care services could deplete their savings and exhaust government programs. These tax incentives are a good first step forward to avoiding this problem.

I believe this bill should be seriously considered during the Medicaid debate. States all over the country are being impacted by decreased revenues and are being forced to make tough choices. At the same time, enrollment in Medicaid is increasing.

In fact, compared to other states, enrollment in Medicaid in Arkansas is growing at one of the fastest rates. Monthly Medicaid enrollment grew by 9.6 percent from June 2002 to June 2003, while the national average was 5.9 percent.

This legislation should also be a part of our debate on Social Security and retirement security. Long term care insurance should be a part of every family's retirement plan. Nursing home care is expensive, and not all state Medicaid programs pay for long term care within an individual's home.

I urge my colleagues to become cosponsors of this important legislation and work with Senator GRASSLEY and me to pass it as soon as possible.

By Mr. DODD (for himself, Mr. JEFFORDS, Mr. KERRY, and Mr. FEINGOLD):

S. 1246. A bill to require the Secretary of Education to revise regulations regarding student loan payment deferment with respect to borrowers who are in postgraduate medical or dental internship, residency, or fellowship programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today with Senators JEFFORDS, KERRY and FEINGOLD to introduce the Medical Education Affordability Act, MEAA. The purpose of this bill is to make medical and dental education more affordable.

Upon graduation from college, students who demonstrate economic hardship are eligible to extend their student loan deferment for up to 3 additional years. Using the economic hardship deferment, a formula that takes into account earnings and debt level, the majority of medical and dental residents defer repayment of their student loans until the end of their residency period. Unfortunately, for those specialties that require a residency of more than 3 years—OB/GYN, psychiatry, and general surgery to name a few—student loan repayment begins before a resident's medical or dental education is completed. This situation creates an enormous financial burden for residents who have, in most cases, incurred significant debt. In 2004, the average indebtedness for graduating medical students was $115,000, for graduating dental students it was $122,263. While lenders are currently required to offer forbearance to medical and dental students, this is an expensive option as interest continues to accrue and may be capitalized more often.

The Medical Education Affordability Act would solve this problem by extending the economic hardship deferment to cover the entire length of a medical or dental residency. By altering the definition we are removing a significant financial obstacle facing students with residency periods longer than 3 years. I want to stress again, residents will still have to demonstrate economic hardship—MEAA only extends the deferment for borrowers that continue to meet the debt-to-income requirements of the economic hardship deferment.

Mr. President, I hope my colleagues will join me in support of medical education by signing onto this bill. By working together, I believe that the Senate as a body can act to ensure that more individuals are able to pursue a full range of medical specialties.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medical Education Affordability Act".

SEC. 2. REGULATION REVISION REQUIRED.

(a) ACTION REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of Education shall revise the regulations of the Department of Education that are promulgated to carry out the provisions relating to student loan repayment deferment under the Federal Family Education Loan Program under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.), the William D. Ford Federal Direct Loan Program under part D of title IV of such Act (20 U.S.C. 1087a et seq.), and the Federal Perkins Loan Program under part E of title IV of such Act (20 U.S.C. 1087aa et seq.), which are promulgated under sections 682.210, 685.204, and 674.34 of title 34, Code of Federal Regulations, to comply with the requirements of subsection (b).

(b) REQUIREMENTS.—The student loan repayment deferment regulations shall be revised to provide, with respect to a borrower who is in a postgraduate medical or dental internship, residency, or fellowship program, that if the borrower qualifies for student loan repayment deferment under the economic hardship provision—

(1) the deferment shall be available for the length of the internship, residency, or fellowship program if the program—

(A) must be successfully completed by the borrower before the borrower may begin professional practice or service; or

(B) leads to a degree or certificate awarded by a health professional school, hospital, or health care facility that offers postgraduate training; and

(2) the borrower shall not be required to apply annually for such student loan repayment deferment during the length of the program.

By Mr. DODD (for himself, Ms. MIKULSKI, Ms. LANDRIEU, Mr. LEVIN, Ms. CANTWELL, and Mr. KERRY):

S. 1247. A bill to amend the Higher Education Act of 1965 to establish a scholarship program to encourage and support students who have contributed substantial public services; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise to introduce, along with Senators MIKULSKI, LANDRIEU, LEVIN, CANTWELL and KERRY, the Youth Service Scholarship Act. This Act would authorize the Secretary of Education to award college scholarships of up to $5,000 a year to high school students and undergraduates who perform community service.

A recent study titled Community Service and Service Learning in U.S. Public Schools reveals that 66 percent of public schools involve students in community service. This means that approximately 54,000 public schools in America currently engage about 13.7 million students in community service each year. Other studies have shown that nearly 84 percent of high school students participate in volunteer activities either in or out of school and two-thirds of college students have recently participated in volunteer activities.

The Youth Service Scholarship Act is designed to assist low-income students who dedicate a significant portion of their time to volunteer service with money for college. This Act would authorize the Secretary of Education to award college scholarships of up to $5,000 to high school students who perform over 300 hours of community service in both their junior and senior years. In order to be considered, high school applicants must maintain a 3.0 grade point average, submit character recommendations, and write an essay on the nature of their community service. Additional money will be available if the student continues to participate in a significant amount of community service once they are in college.

Voluntarism not only brings support and services to communities in need, it provides significant benefits to the students who participate. Research has shown that students who volunteer are 50 percent less likely to use drugs and alcohol or engage in destructive behavior. Additionally, students who volunteer are more likely to receive good grades, be philanthropic, graduate, and be interested in going to college.

In the 21st Century, higher education is not a luxury, it is a necessity. For many of our low-income youth, finding money to pay for college is an obstacle to enrollment. This scholarship program provides aid to motivated and inspired youth.

I urge my colleagues to join me in supporting the Youth Service Scholarship Act. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Youth Service Scholarship Act of 2005".

SEC. 2. FINDINGS.

Congress finds that—

(1) young people under 18 years of age are now our Nation's most impoverished age group, with 1 of every 5 living in poverty, a higher proportion than in 1968, and the percentage of minority children living in poverty is about twice as high;

(2) more than 1 of 4 families is headed by a single parent and the percentage of such families has risen steadily over the past few decades, rising 13 percent since 1990;

(3) there is a need to engage youth as active participants in decisionmaking that affects their lives, including in the design, development, implementation, and evaluation of youth development programs at the Federal, State, and community levels;

(4) existing outcome driven youth development strategies, pioneered by community-based organizations, hold real promise for promoting positive behaviors and preventing youth problems;

(5) formal evaluations of youth development programs have documented significant reductions in drug and alcohol use, school misbehavior, aggressive behavior, violence, truancy, high-risk sexual behavior, and smoking;

(6) compared to youth in the United States generally, youth participating in community-based organizations are more than 26 percent more likely to report having received recognition for good grades than youth in the United States generally and nearly 20 percent more likely to rate the likelihood of their going to college as very high; and

(7) the availability and use of Federal resources can be an effective incentive to leverage broader community support to enable local programs, activities, and services to provide the full array of developmental core resources, remove barriers to access, promote program effectiveness, and facilitate coordination and collaboration within the community.

SEC. 3. ESTABLISHMENT OF PROGRAM.

Subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.) is amended—

(1) by redesignating section 407E as section 406E; and

(2) by adding at the end the following:

"CHAPTER 4—PUBLIC SERVICE INCENTIVES

"SEC. 407A. PURPOSE.

"The purpose of this chapter is to establish a scholarship program to reward low-income students who have, during high school, and who continue, during college, to make significant public service contributions to their communities.

"SEC. 407B. SCHOLARSHIPS AUTHORIZED.

"(a) QUALIFICATIONS FOR SCHOLARSHIPS.—The Secretary is authorized to award a scholarship to enable a student to pay the cost of attendance at an institution of higher education during the student's first 4 academic years of undergraduate education, if the student—

"(1) in order to be eligible for the first year of such scholarship, performed not less than 300 hours of qualifying public service during each of 2 academic years of the student's secondary school enrollment;

"(2) in order to be eligible for the second or any subsequent year of such scholarship, performed not less than 300 hours of qualifying public service during the academic year of postsecondary school attendance preceding the academic year for which the student seeks such scholarship;

"(3) was eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1721 et seq.);

"(4) is eligible to receive Federal Pell Grants for the year in which the scholarships are awarded, except that a student shall not be required to comply or verify compliance with section 484(a)(5) for purposes of receiving a scholarship under this chapter; and

"(5) otherwise demonstrates compliance with regulations prescribed by the Secretary under section 407G.

"(b) DEFINITION OF QUALIFYING PUBLIC SERVICE.—For purposes of subsection (a), the term 'qualifying public service' means service that would be eligible for treatment as community service under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) or under the Federal work-study program under part C.

"SEC. 407C. AMOUNT OF SCHOLARSHIP.

"(a) AMOUNT OF AWARD.—

"(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (b), the amount of a scholarship awarded under this chapter for any academic year shall be equal to $5,000.

"(2) ADJUSTMENT FOR INSUFFICIENT APPROPRIATIONS.—If, after the Secretary determines the total number of students selected under section 407D for an academic year, funds available to carry out this chapter for the academic year are insufficient to fully fund all awards under this chapter for the academic year, the amount of the scholarship paid to each student under this chapter shall be reduced proportionately.

"(b) ASSISTANCE NOT TO EXCEED COST OF ATTENDANCE.—A scholarship awarded under this chapter to any student, in combination with the Federal Pell Grant assistance and other student financial assistance available to such student, may not exceed the student's cost of attendance.

"SEC. 407D. SELECTION OF SCHOLARSHIP RECIPIENTS.

"The Secretary shall designate a panel to select students for the award of scholarships under this chapter. Such panel shall be composed of 9 individuals who are selected by the Secretary and shall be composed of equal numbers of youths, community representatives, and teachers. The Secretary shall ensure that no individual assigned under this section to review any application has any conflict of interest with regard to the application that might impair the impartiality with which the individual conducts the review under this section.

"SEC. 407E. APPLICATIONS.

"Any eligible student desiring to obtain a scholarship under this section shall submit to the Secretary an application at such time, in such manner, and containing such information or assurances as the Secretary may require. Such application shall—

"(1) demonstrate that the eligible student is maintaining satisfactory academic progress and is achieving a grade point average of at least 3.0 (on a scale of 4), or its equivalent;

"(2) include a recommendation from—

"(A) the supervisor of the community service project of the applicant; and

"(B) another individual not related to, but familiar with the character of the applicant such as a teacher, coach, or employer; and

"(3) include an essay by the applicant on the nature of the community service performed by the applicant.

"SEC. 407F. PROGRAM DISSEMINATION AND PROMOTION.

"(a) DEVELOPMENT AND DISSEMINATION.—The Secretary shall develop and disseminate to the public information on the availability of, and application process for, scholarships under this chapter.

"(b) PROMOTION.—In disseminating information about the scholarship program under this chapter, the Secretary shall—

"(1) disseminate such information directly or through arrangements with local educational agencies, public and private elementary schools and secondary schools, nonprofit organizations, consumer groups, Federal, State, or local agencies, and the media; and

"(2) at a minimum, include a description and the purpose of the scholarship program, an explanation of how to obtain an application, and a description of the application process and procedures.

"SEC. 407G. REGULATIONS.

"The Secretary shall prescribe such regulations as may be necessary to carry out this chapter.

"SEC. 407H. EVALUATION.

"Not earlier than 2 years after the first fiscal year for which funds are made available under this chapter, the Secretary shall prepare and submit to Congress an evaluation of the effectiveness of the program under this chapter. Such evaluation shall include—

"(1) an evaluation of the demand, by grade level and types of community service sites, for the scholarships provided under this chapter;

"(2) general data on the background of program participants and the types of service performed; and

"(3) an itemization of the costs of administering the program under this chapter.

"SEC. 407I. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this chapter $5,000,000 for fiscal year 2006 and such sums as are necessary for each of the 3 succeeding fiscal years.".

By Ms. LANDRIEU (for herself, Mr. LEVIN, and Mr. SCHUMER):

S. 1248. A bill to establish a servitude and emancipation archival research clearinghouse in the National Archives; to the Committee on Homeland Security and Governmental Affairs.

Ms. LANDRIEU. Mr. President, I rise today to commemorate the 140th anniversary on this upcoming Sunday of Major General Gordon Granger and his Union soldiers' arrival in Galveston, TX. On that day in 1865, these troops brought with them the news that the war had ended and that the enslaved peoples were henceforth free. Since its origin in 1865, the observance of June 19 as African American Emancipation Day, or Juneteenth, is the oldest known celebration of slavery's end.

It took two and a half years from the time that President Lincoln's Emancipation Proclamation went into effect for the news of freedom to arrive in Texas. That it took 2 years for African Americans to learn that the war was over, and that they were now free seems absurd in our information age. Yet, despite the transformation made in our society by computers, networks and the internet, there are still gaps in the information accessible to African Americans around this country. The bill that I introduce today attempts to address one of them.

Mr. President, it is a very human instinct for people to want to understand who they are from the lense of who are their ancestors and where they are from. The very commercially successful, and critically acclaimed television series "Roots" was a seminal event in this nation's interest in genealogy. Yet while people across the nation were inspired by Alex Haley's tale to understand their own family history, African Americans trying to do the same confronted unique challenges. Unfortunately, African Americans who attempt to trace their genealogy encounter huge hurdles in reclaiming the usual documentary history that allows most Americans to piece together their heritage. For this reason, I am proposing the Servitude and Emancipation Archival Research Clearing House, SEARCH, Act of 2005. This bill establishes a national database within the National Archives and Records Administration, NARA, housing various documents that would assist those in search of a history that, because of slavery, is almost impossible to find in the most ordinary registers and census records.

Traditionally, someone researching their genealogy would try looking up wills and land deeds; however, enslaved African Americans were prohibited from owning property. In fact, African Americans, must frequently rely on the records of slave owners—most of which are in private hands—in hope that they had kept records containing birth and death information. Even if records do exist, many African Americans in the past did not have formal last names, thus compounding the difficulty of tracing their lives. The omission of surnames also precludes use of the most popular and major source of genealogical research, the United States Census. Furthermore, letters, diaries, and other first-person records used by most genealogical researchers are scarcely available for slaves, owing to the fact that they could not legally learn to read or write.

We may think that after 1865, African Americans could begin using traditional genealogical records like voter registrations and school records. However, African Americans did not immediately begin to participate in many of the privileges of citizenship, including voting and attending school. Discrimination meant that African Americans were barred from sitting on juries or owning businesses. Segregation meant segregated neighborhoods, schools, churches, clubs, and fraternal organizations, and thus segregated societies maintained segregated records. For example, some telephone directories in South Carolina did not include African Americans in the regular alphabetical listing, but rather at the end of the book. An African American must maneuver these distinctive nuances in order to conduct proper genealogical research. In my own State of Louisiana, descendants of the 9th Cavalry Regiment and 25th Infantry Regiment, known as the Buffalo Soldiers, would have to know to look in the index of United States Colored Troops since there is no mention of them in the index of State Military Regiments.

Abraham Lincoln said, "A man who cares nothing about his past can care little about his future." By providing $5 million for the National Historical Publications and Records Commission to establish and maintain a national database, the SEARCH Act has the potential to significantly reduce the time and painstaking efforts of those African Americans who truly care about their American past to contribute to the American future. This bill also seeks to authorize $5 million for States, colleges, and universities to preserve, catalogue, and index records locally.

In a democracy, records matter. The mission of NARA is to ensure that anyone can have access to the records that matter to them. The SEARCH Act of 2005 seeks to fulfill that mission by helping African Americans navigate genealogical research sources and negotiate the unique challenges that confront them in this process. No longer should any American have to wait to learn information, which in itself can offer such freedom.

I hope my colleagues will join me in celebrating the 140th anniversary of Juneteenth by passing this measure. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Servitude and Emancipation Archival Research ClearingHouse Act of 2005" or the "SEARCH Act of 2005".

SEC. 2. ESTABLISHMENT OF DATABASE.

(a) IN GENERAL.—The Archivist of the United States shall establish, as a part of the National Archives, a national database consisting of historic records of servitude and emancipation in the United States to assist African Americans in researching their genealogy.

(b) MAINTENANCE.—The database established by this Act shall be maintained by the National Historical Publications and Records Commission.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $5,000,000 to establish the national database authorized by this Act; and"

(2) $5,000,000 to provide grants to States and colleges and universities to preserve local records of servitude and emancipation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 171—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD SUBMIT TO CONGRESS A REPORT ON THE TIME FRAME FOR THE WITHDRAWAL OF UNITED STATES TROOPS FROM IRAQ

Mr. FEINGOLD submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 171

Whereas United States forces in Iraq have served with courage and distinction and they and their families deserve to know what exactly their mission is and approximately how long they may expect to remain in Iraq;

Whereas establishing time frames for the transfer of sovereignty and for elections in Iraq has resulted in real political and strategic advantages for the United States and has advanced the development of democracy in Iraq;

Whereas establishing a clear time frame for the withdrawal of United States troops from Iraq would help to refute conspiracy theories and eliminate suspicions that obstruct the United States policy goals in Iraq and undermine the legitimacy of the Government of Iraq;

Whereas President George W. Bush stated on April 13, 2004 that "as a proud and independent people, Iraqis do not support an indefinite occupation and neither does America" and that United States troops will remain in Iraq "as long as necessary and not one day more";

Whereas a sound strategic plan for United States military operations in Iraq would include information regarding the numbers of Iraqi troops that must be effectively trained and the amount of time that will be required to train them;

Whereas the President has declined to set out specific goals for the United States military operations in Iraq or a clear time frame for achieving such goals;

Whereas a clear plan and time frame for United States military operations in Iraq would facilitate more responsible budgeting for the costs of United States operations in Iraq; and

Whereas confusion about the United States mission in Iraq does not serve the United States vital interests in establishing stability in Iraq or fighting the terrorist networks that continue to threaten the United States: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) supports the men and women of the Armed Forces of the United States in Iraq and deeply appreciates their admirable service; and

(B) recognizes that stability, democracy, and respect for the rule of law in Iraq are in the United States national interest; and

(2) it is the sense of the Senate that—

(A) the United States should remain committed to providing long-term diplomatic and political support to the people of Iraq to achieve stability and democracy;

(B) the United States should work diligently to accelerate the sound and effective training of Iraqi security forces and to increase international cooperation in this endeavor so that the people of Iraq may assume responsibility for their own security;

(C) the United States should continue to pursue a robust and multi-faceted campaign to dismantle and defeat international terrorist networks in Iraq and around the world; and

(D) not later than 30 days after the date that the Senate agrees to this resolution, the President should submit to Congress a report that describes—

(i) the remaining mission of the Armed Forces of the United States in Iraq;

(ii) current estimates of the time frame required for the United States to achieve that mission, including information regarding variables that could alter that time frame; and

(iii) a time frame for the subsequent withdrawal of United States troops from Iraq.

Mr. FEINGOLD. Mr. President, today, I am submitting a resolution that addresses a gaping hole in the administration's rhetoric and strategy with respect to Iraq. My resolution calls on the President to define the mission of our military in Iraq, and to issue a plan and timeframe for accomplishing that mission. It has been over 2 years since the President launched the war in Iraq, but we still don't have a defined mission or timeframe that would allow us to hold ourselves accountable for giving the military the tools they need to succeed in achieving those goals. My resolution also calls for a plan for the subsequent withdrawal of U.S. troops, so that we can provide some clarity with regard to our intentions and restore confidence at home and abroad that there is an end date in mind.

This resolution does not establish a timeframe for troop withdrawal—that is for our military commanders to determine. Any such timeframe has to be flexible—there are variables that will affect how quickly various missions can be accomplished. But it's hard to conceive of an effective strategic plan that isn't linked to some timetables.

The rationale for our military action in Iraq has changed over time. The projections regarding the resources that would be required were wrong. And now we seem to be in the midst of some vague policy of muddling through. When I speak to servicemen and women in Wisconsin and in Iraq, and when I speak to their families, their pride in their service is evident and it is well-earned. But their frustration with this open-ended commitment, with the stop-loss orders and the multiple deployments, with the extensions and the uncertainties, is equally evident, and it is painful. We can do better by them, by insisting on clarity, by insisting on accountability, and by assuring them that we have a plan with clear and achievable goals.

In fact, by leveling with the American people about our commitment in Iraq, the administration can regain some of their confidence. After the shifting justifications for this war, after the premature declarations of "mission accomplished," after the exciting and inspiring elections, we still don't have any kind of finish line for our military engagement in Iraq. The American people and our troops deserve a sound plan that is linked to real timeframes and real achievements.

A real timeframe will also help us achieve our security goals in Iraq. The most common argument against clarifying how long we plan to keep troops in Iraq goes something like this: If we reveal a timetable, insurgents and terrorists will simply lie in wait, emerging in force to achieve their goals once we are gone.

But any responsible timetable for U.S. withdrawal would be based just on the establishment of a competent Iraqi force. Americans won't leave until that force has the training it needs to succeed. An Iraqi force, which would not suffer from shortages of translators or struggle to bridge the cultural divide, is the right force to handle any resurgent threat.

Contrary to the conventional wisdom, the administration's refusal to set a plan and timetable about just how long vast numbers of U.S. troops will remain in Iraq is actually an advantage for insurgents and terrorists. This large U.S. military presence smack in the middle of the Arab world is a major recruiting tool for international terrorist networks, and young men are coming to Iraq from around the world to get on-the-job training in attacking Americans. These foreign forces are motivated by our presence, and they feed off conspiracy theories and suspicions regarding American intentions. When I was in Baghdad in

February, a very senior coalition officer confided to me that he believed a public U.S. timetable for withdrawing from Iraq would "take the wind out of the sails" of the insurgents.

What's more, the indefinite presence of vast numbers of American troops could also undercut the legitimacy of the Iraqi government in the eyes of many—ironically, destabilizing Iraq despite our best intentions. Having a timetable for the transfer of sovereignty and having a timetable for Iraqi elections have resulted in real political and strategic advantages for the U.S. Having a timetable for the withdrawal of troops should be no different.

Clear plans could also help lead to responsible budgeting. This administration has bypassed the regular budget process, placing hundreds of billions of dollars on the country's tab, on the grounds that requirements are simply "unknowable" and cannot be incorporated into responsible budget planning. This is simply not credible, and continuing to mortgage our children's future with these irresponsible policies is unacceptable. It is time to hold ourselves accountable for the costs of this war, time to accept the tough choices that come with responsible budgeting, and time to insist on sound planning and clarity about all of this is going.

This resolution is not some kind of cut-and-run strategy, or a call to bring all of our troops home now, regardless of what remains to be achieved on the ground. It is clear to me that we still have military missions on the ground—most notably, training the Iraqi forces to provide for their own security. Moreover, a military response—as well as a diplomatic response, and a financial response—is vital in combating terrorist networks in Iraq and elsewhere. It may well be that some units—perhaps special forces—will be operating in Iraq in coordination with the Iraqi military well into the future as part of the counterterrorism strategy that we need to be pursuing around the world, not just in Iraq.

But Mr. President, the military is only one part of solving the puzzle that we face in Iraq. For many years to come, we will have to work diligently to combat a burgeoning culture of corruption in Iraq, or the rule of law doesn't stand a chance. We need to make reconstruction work and deliver real democracy dividends for the Iraqi people, and this work will go on for some time. Intense American diplomatic and political engagement and support are likely to continue long after all or most of the troops are withdrawn.

Our troops on the ground are truly amazing in their resolve, their professionalism, and their sincere desire to help the people of Iraq. Their courage and commitment was underscored for me during my trip to Iraq earlier this year. I want to help these brave men and women succeed, by insuring that they have an achievable mission, sound planning, and a reasonable timeframe in which to finish their part of the job.

AMENDMENTS SUBMITTED AND PROPOSED

SA 775. Mr. DOMENICI proposed an amendment to the bill H.R. 6, Reserved.

SA 776. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 777. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 606, to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, and for other purposes which was ordered to lie on the table.

SA 778. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table.

SA 779. Mr. DOMENICI (for himself, Mr. THUNE, Mr. HARKIN, Mr. LUGAR, Mr. DORGAN, Mr. FRIST, Mr. OBAMA, Mr. GRASSLEY, Mr. BAYH, Mr. BOND, Mr. NELSON, of Nebraska, Mr. BROWNBACK, Mr. JOHNSON, Mr. HAGEL, Mr. CONRAD, Mr. DEWINE, Mr. DAYTON, Mr. TALENT, Ms. STABENOW, Mr. COLEMAN, Mr. SALAZAR, and Mr. DURBIN) proposed an amendment to the bill H.R. 6, supra.

SA 780. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 781. Mrs. BOXER proposed an amendment to amendment SA 779 proposed by Mr. DOMENICI (for himself, Mr. THUNE, Mr. HARKIN, Mr. LUGAR, Mr. DORGAN, Mr. FRIST, Mr. OBAMA, Mr. GRASSLEY, Mr. BAYH, Mr. BOND, Mr. NELSON of Nebraska, Mr. BROWNBACK, Mr. JOHNSON, Mr. HAGEL, Mr. CONRAD, Mr. DEWINE, Mr. DAYTON, Mr. TALENT, Ms. STABENOW, Mr. COLEMAN, Mr. SALAZAR, and Mr. DURBIN) to the bill H.R. 6, supra.

SA 782. Mr. SCHUMER proposed an amendment to amendment SA 779 proposed by Mr. DOMENICI (for himself, Mr. THUNE, Mr. HARKIN, Mr. LUGAR, Mr. DORGAN, Mr. FRIST, Mr. OBAMA, Mr. GRASSLEY, Mr. BAYH, Mr. BOND, Mr. NELSON of Nebraska, Mr. BROWNBACK, Mr. JOHNSON, Mr. HAGEL, Mr. CONRAD, Mr. DEWINE, Mr. DAYTON, Mr. TALENT, Ms. STABENOW, Mr. COLEMAN, Mr. SALAZAR, and Mr. DURBIN) to the bill H.R. 6, supra.

SA 783. Mr. NELSON, of Florida (for himself, Mr. MARTINEZ, Mr. CORZINE, Mrs. BOXER, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. KERRY, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 775. Mr. DOMENICI proposed an amendment to the bill H.R. 6, Reserved; as follows:

Strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Energy Policy Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—ENERGY EFFICIENCY

Subtitle A—Federal Programs

Sec. 101. Energy and water saving measures in congressional buildings.
Sec. 102. Energy management requirements.
Sec. 103. Energy use measurement and accountability.
Sec. 104. Procurement of energy efficient products.
Sec. 105. Energy savings performance contracts.
Sec. 106. Voluntary commitments to reduce industrial energy intensity.
Sec. 107. Federal building performance standards.
Sec. 108. Increased use of recovered mineral component in federally funded projects involving procurement of cement or concrete.

Subtitle B—Energy Assistance and State Programs

Sec. 121. Weatherization assistance.
Sec. 122. State energy programs.
Sec. 123. Energy efficient appliance rebate programs.
Sec. 124. Energy efficient public buildings.
Sec. 125. Low income community energy efficiency pilot program.
Sec. 126. State technologies advancement collaborative.
Sec. 127. Model building energy code compliance grant program.

Subtitle C—Energy Efficient Products

Sec. 131. Energy Star program.
Sec. 132. HVAC maintenance consumer education program.
Sec. 133. Public energy education program.
Sec. 134. Energy efficiency public information initiative.
Sec. 135. Energy conservation standards for additional products.
Sec. 136. Energy conservation standards for commercial equipment.
Sec. 137. Expedited rulemaking.
Sec. 138. Energy labeling.
Sec. 139. Energy efficient electric and natural gas utilities study.
Sec. 140. Energy efficiency pilot program.
Sec. 141. Energy efficiency resource programs.

Subtitle D—Measures to Conserve Petroleum

Sec. 151. Reduction of dependence on imported petroleum.

Subtitle E—Energy Efficiency in Housing

Sec. 161. Public Housing Capital Fund.
Sec. 162. Energy efficient appliances.
Sec. 163. Energy efficiency standards.
Sec. 164. Energy strategy for the Department of Housing and Urban Development.

TITLE II—RENEWABLE ENERGY

Subtitle A—General Provisions

Sec. 201. Assessment of renewable energy resources.
Sec. 202. Renewable energy production incentive.
Sec. 203. Federal purchase requirement.
Sec. 204. Renewable content of motor vehicle fuel.
Sec. 205. Federal agency ethanol-blended gasoline and biodiesel purchasing requirement.
Sec. 206. Data collection.
Sec. 207. Sugar cane ethanol program.
Sec. 208. Modification of Commodity Credit Corporation bioenergy program.
Sec. 209. Advanced biofuel technologies program.
Sec. 210. Assistance for rural communities with high energy costs.

Subtitle B—Insular Energy
Sec. 221. Definitions.
Sec. 222. Assessment.
Sec. 223. Project feasibility studies.
Sec. 224. Implementation.
Sec. 225. Authorization of appropriations.

Subtitle C—Biomass Energy
Sec. 231. Definitions.
Sec. 232. Biomass commercial utilization grant program.
Sec. 233. Improved biomass utilization program.
Sec. 234. Report.

Subtitle D—Geothermal Energy
Sec. 241. Competitive lease sale requirements.
Sec. 242. Direct use.
Sec. 243. Royalties.
Sec. 244. Geothermal leasing and permitting on Federal land.
Sec. 245. Assessment of geothermal energy potential.
Sec. 246. Cooperative or unit plans.
Sec. 247. Royalty on byproducts.
Sec. 248. Lease duration and work commitment requirements.
Sec. 249. Annual rental.
Sec. 250. Advanced royalties required for cessation of production.
Sec. 251. Leasing and permitting on Federal land withdrawn for military purposes.
Sec. 252. Technical amendments.

Subtitle E—Hydroelectric
Sec. 261. Alternative conditions and fishways.
Sec. 262. Alaska State jurisdiction over small hydroelectric projects.
Sec. 263. Flint Creek hydroelectric project.

TITLE III—OIL AND GAS

Subtitle A—Petroleum Reserve and Home Heating Oil
Sec. 301. Permanent authority to operate the Strategic Petroleum Reserve and other energy programs.
Sec. 302. National Oilheat Research Alliance.

Subtitle B—Production Incentives
Sec. 311. Definition of Secretary.
Sec. 312. Program on oil and gas royalties in-kind.
Sec. 313. Marginal property production incentives.
Sec. 314. Incentives for natural gas production from deep wells in the shallow waters of the Gulf of Mexico.
Sec. 315. Royalty relief for deep water production.
Sec. 316. Alaska offshore royalty suspension.
Sec. 317. Oil and gas leasing in the National Petroleum Reserve in Alaska.
Sec. 318. North slope science initiative.
Sec. 319. Orphaned, abandoned, or idled wells on Federal land.
Sec. 320. Combined hydrocarbon leasing.
Sec. 321. Alternate energy-related uses on the outer Continental Shelf.
Sec. 322. Preservation of geological and geophysical data.
Sec. 323. Oil and gas lease acreage limitations.
Sec. 324. Assessment of dependence of State of Hawaii on oil.
Sec. 325. Denali Commission.
Sec. 326. Comprehensive inventory of OCS oil and natural gas resources.
Sec. 327. Review and demonstration program for oil and natural gas production.

Subtitle C—Access to Federal Land
Sec. 341. Federal onshore oil and gas leasing practices.
Sec. 342. Management of Federal oil and gas leasing programs.
Sec. 343. Consultation regarding oil and gas leasing on public land.
Sec. 344. Pilot project to improve Federal permit coordination.
Sec. 345. Energy facility rights-of-ways and corridors on Federal land.
Sec. 346. Oil shale leasing.

Subtitle D—Coastal Programs
Sec. 371. Coastal impact assistance program.

Subtitle E—Natural Gas
Sec. 381. Exportation or importation of natural gas.
Sec. 382. New natural gas storage facilities.
Sec. 383. Process coordination; hearings; rules of procedures.
Sec. 384. Penalties.
Sec. 385. Market manipulation.
Sec. 386. Natural gas market transparency rules.
Sec. 387. Deadline for decision on appeals of consistency determination under the Coastal Zone Management Act of 1972.
Sec. 388. Federal-State liquefied natural gas forums.
Sec. 389. Prohibition of trading and serving by certain persons.

Subtitle F—Federal Coalbed Methane Regulation
Sec. 391. Federal coalbed methane regulation.

TITLE IV—COAL

Subtitle A—Clean Coal Power Initiative
Sec. 401. Authorization of appropriations.
Sec. 402. Project criteria.
Sec. 403. Report.
Sec. 404. Clean coal centers of excellence.
Sec. 405. Integrated coal/renewable energy system.
Sec. 406. Loan to place Alaska clean coal technology facility in service.
Sec. 407. Western integrated coal gasification demonstration project.

Subtitle B—Federal Coal Leases
Sec. 411. Repeal of the 160-acre limitation for coal leases.
Sec. 412. Mining plans.
Sec. 413. Payment of advance royalties under coal leases.
Sec. 414. Elimination of deadline for submission of coal lease operation and reclamation plan.
Sec. 415. Application of amendments.

TITLE V—INDIAN ENERGY
Sec. 501. Short title.
Sec. 502. Office of Indian Energy Policy and Programs.
Sec. 503. Indian energy.
Sec. 504. Four Corners transmission line project and electrification.
Sec. 505. Energy efficiency in federally assisted housing.
Sec. 506. Consultation with Indian tribes.

TITLE VI—NUCLEAR MATTERS

Subtitle A—Price-Anderson Act Amendments
Sec. 601. Short title.
Sec. 602. Extension of indemnification authority.
Sec. 603. Maximum assessment.
Sec. 604. Department of Energy liability limit.
Sec. 605. Incidents outside the United States.
Sec. 606. Reports.
Sec. 607. Inflation adjustment.
Sec. 608. Treatment of modular reactors.
Sec. 609. Applicability.
Sec. 610. Civil penalties.

Subtitle B—General Nuclear Matters
Sec. 621. Medical isotope production.
Sec. 622. Safe disposal of greater-than-class C radioactive waste.
Sec. 623. Prohibition on nuclear exports to countries that sponsor terrorism.
Sec. 624. Decommissioning pilot program.

Subtitle C—Next Generation Nuclear Plant Project
Sec. 631. Project establishment.
Sec. 632. Project management.
Sec. 633. Project organization.
Sec. 634. Nuclear regulatory commission.
Sec. 635. Project timelines and authorization of appropriations.

TITLE VII—VEHICLES AND FUELS

Subtitle A—Existing Programs
Sec. 701. Use of alternative fuels by dual-fueled vehicles.
Sec. 702. Alternative fuel use by light duty vehicles.
Sec. 703. Incremental cost allocation.
Sec. 704. Alternative compliance and flexibility.
Sec. 705. Report concerning compliance with alternative fueled vehicle purchasing requirements.

Subtitle B—Automobile Efficiency
Sec. 711. Authorization of appropriations for implementation and enforcement of fuel economy standards.

Subtitle C—Miscellaneous
Sec. 721. Railroad efficiency.
Sec. 722. Conserve by bicycling program.
Sec. 723. Reduction of engine idling of heavy-duty vehicles.
Sec. 724. Biodiesel engine testing project.

Subtitle D—Federal and State Procurement
Sec. 731. Definitions.
Sec. 732. Federal and State procurement of fuel cell vehicles and hydrogen energy systems.
Sec. 733. Federal procurement of stationary, portable, and micro fuel cells.

TITLE VIII—HYDROGEN
Sec. 801. Hydrogen research, development, and demonstration.

TITLE IX—RESEARCH AND DEVELOPMENT
Sec. 901. Short title.
Sec. 902. Goals.
Sec. 903. Definitions.

Subtitle A—Energy Efficiency
Sec. 911. Energy efficiency.
Sec. 912. Next Generation Lighting Initiative.
Sec. 913. National Building Performance Initiative.
Sec. 914. Secondary electric vehicle battery use program.
Sec. 915. Energy Efficiency Science Initiative.

Subtitle B—Distributed Energy and Electric Energy Systems
Sec. 921. Distributed energy and electric energy systems.
Sec. 922. High power density industry program.
Sec. 923. Micro-cogeneration energy technology.
Sec. 924. Distributed energy technology demonstration program.
Sec. 925. Electric transmission and distribution programs.

Subtitle C—Renewable Energy

Sec. 931. Renewable energy.
Sec. 932. Bioenergy program.
Sec. 933. Concentrating solar power research program.
Sec. 934. Hybrid solar lighting research and development program.
Sec. 935. Miscellaneous projects.

Subtitle D—Nuclear Energy

Sec. 941. Nuclear energy.
Sec. 942. Nuclear energy research programs.
Sec. 943. Advanced fuel cycle initiative.
Sec. 944. Nuclear science and engineering support for institutions of higher education.
Sec. 945. Security of nuclear facilities.
Sec. 946. Alternatives to industrial radioactive sources.

Subtitle E—Fossil Energy

Sec. 951. Fossil energy.
Sec. 952. Oil and gas research programs.
Sec. 953. Methane hydrate research.
Sec. 954. Research and development for coal mining technologies.
Sec. 955. Coal and related technologies program.
Sec. 956. Carbon dioxide capture research and development.
Sec. 957. Complex well technology testing facility.

Subtitle F—Science

Sec. 961. Science.
Sec. 962. Fusion energy sciences program.
Sec. 963. Support for science and energy facilities and infrastructure.
Sec. 964. Catalysis research program.
Sec. 965. Hydrogen.
Sec. 966. Solid state lighting.
Sec. 967. Advanced scientific computing for energy missions.
Sec. 968. Genomes to Life Program.
Sec. 969. Fission and fusion energy materials research program.
Sec. 970. Energy-Water Supply Technologies Program.
Sec. 971. Spallation neutron source.

Subtitle G—International Cooperation

Sec. 981. Western Hemisphere energy cooperation.
Sec. 982. Cooperation between United States and Israel.

TITLE X—DEPARTMENT OF ENERGY MANAGEMENT

Sec. 1001. Availability of funds.
Sec. 1002. Cost sharing.
Sec. 1003. Merit review of proposals.
Sec. 1004. External technical review of Departmental programs.
Sec. 1005. Improved technology transfer of energy technologies.
Sec. 1006. Technology Infrastructure Program.
Sec. 1007. Small business advocacy and assistance.
Sec. 1008. Outreach.
Sec. 1009. Relationship to other laws.
Sec. 1010. Improved coordination and management of civilian science and technology programs.
Sec. 1011. Other transactions authority.
Sec. 1012. Prizes for achievement in grand challenges of science and technology.
Sec. 1013. Technical corrections.

TITLE XI—PERSONNEL AND TRAINING

Sec. 1101. Workforce trends and traineeship grants.
Sec. 1102. Energy research fellowships.
Sec. 1103. Educational programs in science and mathematics.
Sec. 1104. Training guidelines for electric energy industry personnel.
Sec. 1105. National Center for Energy Management and Building Technologies.
Sec. 1106. Improved access to energy-related scientific and technical careers.
Sec. 1107. National Power Plant Operations Technology and Education Center.

TITLE XII—ELECTRICITY

Sec. 1201. Short title.

Subtitle A—Reliability Standards

Sec. 1211. Electric reliability standards.

Subtitle B—Transmission Infrastructure Modernization

Sec. 1221. Siting of interstate electric transmission facilities.
Sec. 1222. Third-party finance.
Sec. 1223. Advanced transmission technologies.
Sec. 1224. Advanced power system technology incentive program.

Subtitle C—Transmission Operation Improvements

Sec. 1231. Open nondiscriminatory access.
Sec. 1232. Regional Transmission Organizations.
Sec. 1233. Federal utility participation in Transmission Organizations.
Sec. 1234. Standard market design.
Sec. 1235. Native load service obligation.
Sec. 1236. Protection of transmission contracts in the Pacific Northwest.

Subtitle D—Transmission Rate Reform

Sec. 1241. Transmission infrastructure investment.
Sec. 1242. Funding new interconnection and transmission upgrades.

Subtitle E—Amendments to PURPA

Sec. 1251. Net metering and additional standards.
Sec. 1252. Smart metering.
Sec. 1253. Cogeneration and small power production purchase and sale requirements.
Sec. 1254. Interconnection.

Subtitle F—Market Transparency, Enforcement, and Consumer Protection

Sec. 1261. Market transparency rules.
Sec. 1262. False Statements.
Sec. 1263. Market manipulation.
Sec. 1264. Enforcement.
Sec. 1265. Refund effective date.
Sec. 1266. Refund authority.
Sec. 1267. Consumer privacy and unfair trade practices.
Sec. 1268. Office of Consumer Advocacy.
Sec. 1269. Authority of court to prohibit persons from serving as officers, directors, and energy traders.
Sec. 1270. Relief for extraordinary violations.

Subtitle G—Repeal of PUHCA and Merger Reform

Sec. 1271. Short title.
Sec. 1272. Definitions.
Sec. 1273. Repeal of the Public Utility Holding Company Act of 1935.
Sec. 1274. Federal access to books and records.
Sec. 1275. State access to books and records.
Sec. 1276. Exemption authority.
Sec. 1277. Affiliate transactions.
Sec. 1278. Applicability.
Sec. 1279. Effect on other regulations.
Sec. 1280. Enforcement.
Sec. 1281. Savings provisions.
Sec. 1282. Implementation.
Sec. 1283. Transfer of resources.
Sec. 1284. Effective date.
Sec. 1285. Service allocation.
Sec. 1286. Authorization of appropriations.
Sec. 1287. Conforming amendments to the Federal Power Act.
Sec. 1288. Merger review reform.

Subtitle H—Definitions

Sec. 1291. Definitions.

Subtitle I—Technical and Conforming Amendments

Sec. 1295. Conforming amendments.

TITLE XIII—STUDIES

Sec. 1301. Energy and water saving measures in congressional buildings.
Sec. 1302. Increased hydroelectric generation at existing Federal facilities.
Sec. 1303. Alaska Natural Gas Pipeline.
Sec. 1304. Renewable energy on Federal land.
Sec. 1305. Coal bed methane study.
Sec. 1306. Backup fuel capability study.
Sec. 1307. Indian land rights-of-way.
Sec. 1308. Review of Energy Policy Act of 1992 programs.
Sec. 1309. Study of feasibility and effects of reducing use of fuel for automobiles.
Sec. 1310. Hybrid distributed power systems.
Sec. 1311. Mobility of scientific and technical personnel.
Sec. 1312. National Academy of Sciences report.
Sec. 1313. Report on research and development program evaluation methodologies.
Sec. 1314. Transmission system monitoring study.
Sec. 1315. Interagency review of competition in the wholesale and retail markets for electric energy.
Sec. 1316. Study on the benefits of economic dispatch.
Sec. 1317. Study of rapid electrical grid restoration.
Sec. 1318. Study of distributed generation.
Sec. 1319. Study on inventory of petroleum and natural gas storage.
Sec. 1320. Natural gas supply shortage report.
Sec. 1321. Split-estate Federal oil and gas leasing and development practices.
Sec. 1322. Resolution of Federal resource development conflicts in the Powder River Basin.
Sec. 1323. Study of energy efficiency standards.
Sec. 1324. Telecommuting study.
Sec. 1325. Oil bypass filtration technology.
Sec. 1326. Total integrated thermal systems.
Sec. 1327. University collaboration.
Sec. 1328. Hydrogen participation study.

TITLE XIV—INCENTIVES FOR INNOVATIVE TECHNOLOGIES

Sec. 1401. Definitions.
Sec. 1402. Terms and conditions.
Sec. 1403. Eligible projects.
Sec. 1404. Authorization of appropriations.

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term "Department" means the Department of Energy.

(2) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) NATIONAL LABORATORY.—The term "National Laboratory" means any of the following laboratories owned by the Department:

(A) Ames Laboratory.

(B) Argonne National Laboratory.

(C) Brookhaven National Laboratory.

(D) Fermi National Accelerator Laboratory.

(E) Idaho National Laboratory.

(F) Lawrence Berkeley National Laboratory.

(G) Lawrence Livermore National Laboratory.

(H) Los Alamos National Laboratory.

(I) National Energy Technology Laboratory.

(J) National Renewable Energy Laboratory.

(K) Oak Ridge National Laboratory.

(L) Pacific Northwest National Laboratory.

(M) Princeton Plasma Physics Laboratory.

(N) Sandia National Laboratories.

(O) Stanford Linear Accelerator Center.

(P) Thomas Jefferson National Accelerator Facility.

(4) Secretary.—The term "Secretary" means the Secretary of Energy.

(5) Small business concern.—The term "small business concern" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

TITLE I—ENERGY EFFICIENCY

Subtitle A—Federal Programs

SEC. 101. ENERGY AND WATER SAVING MEASURES IN CONGRESSIONAL BUILDINGS.

(a) In General.—Part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.) is amended—

(1) by redesignating section 551 (42 U.S.C. 8259) as section 553; and

(2) by inserting after section 550 (42 U.S.C. 8258b) the following:

"SEC. 551. ENERGY AND WATER SAVINGS MEASURES IN CONGRESSIONAL BUILDINGS.

"(a) Definitions.—In this section:

"(1) Congressional building.—The term 'congressional building' means a facility administered by Congress.

"(2) Plan.—The term 'plan' means an energy conservation and management plan developed under subsection (b)(1).

"(b) Plan.—

"(1) In general.—The Architect of the Capitol shall develop, update, and implement a cost-effective energy conservation and management plan for congressional buildings to meet the energy performance requirements for Federal buildings established under section 543(a)(1).

"(2) Requirements.—The plan shall include—

"(A) a description of the life-cycle cost analysis used to determine the cost-effectiveness of proposed energy efficiency projects;

"(B) a schedule that ensures that complete energy surveys of all congressional buildings are conducted every 5 years to determine the cost and payback period of energy and water conservation measures;

"(C) a strategy for installation of life-cycle cost-effective energy and water conservation measures;

"(D) the results of a study of the costs and benefits of installation of submetering in congressional buildings; and

"(E) information packages and 'how-to' guides for each Member and employing authority of Congress that describe simple and cost-effective methods to save energy and taxpayer dollars in congressional buildings.

"(3) Submission to congress.—Not later than 180 days after the date of enactment of the Energy Policy Act of 2005, the Architect of the Capitol shall submit to Congress the plan developed under paragraph (1).

"(c) Annual Report.—

"(1) In general.—The Architect of the Capitol shall annually submit to Congress a report on congressional energy management and conservation programs carried out for congressional buildings under this section.

"(2) Requirements.—A report submitted under paragraph (1) shall describe in detail—

"(A) energy expenditures and savings estimates for each congressional building;

"(B) any energy management and conservation projects for congressional buildings; and

"(C) future priorities to ensure compliance with this section.".

(b) Conforming Amendment.—The table of contents of the National Energy Conservation Policy Act is amended—

(1) by redesignating the item relating to section 551 as section 553; and

(2) by inserting after the item relating to section 550 the following:

"Sec. 551. Energy and water savings measures in congressional buildings.".

(c) Repeal.—Section 310 of the Legislative Branch Appropriations Act, 1999 (2 U.S.C. 1815), is repealed.

(d) Energy Infrastructure.—

(1) In general.—The Architect of the Capitol, building on the Master Plan Study for the Capitol complex completed in July 2000, shall commission a study to evaluate the energy infrastructure of the Capitol complex to determine how to augment the infrastructure to become more energy efficient—

(A) by using unconventional and renewable energy resources; and

(B) in a manner that would enable the Capitol complex to have reliable utility service in the event of power fluctuations, shortages, or outages.

(2) Authorization of appropriations.—There is authorized to be appropriated to the Architect of the Capitol to carry out this section $2,000,000 for each of fiscal years 2006 through 2010.

SEC. 102. ENERGY MANAGEMENT REQUIREMENTS.

(a) Energy Reduction Goals.—Section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)) is amended—

(1) in paragraph (1), by striking "Subject to" and all that follows and inserting "(A) Subject to paragraph (2), each agency shall apply energy conservation measures to, and shall improve the design for the construction of, the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption for each gross square foot of the Federal buildings of the agency for fiscal years 2006 through 2015 is reduced, as compared with the energy consumption for each gross square foot of the Federal buildings of the agency for fiscal year 2004, by the percentage specified in the following table:

"Fiscal Year	Percentage reduction
2006	2
2007	4
2008	6
2009	8
2010	10
2011	12
2012	14
2013	16
2014	18
2015	20.

"(B) The energy reduction goals and baseline established in subparagraph (A) supersede—

"(i) all goals and baselines under this paragraph in effect on the day before the date of enactment of this subparagraph; and

"(ii) any related reporting requirements."; and

(2) by adding at the end the following:

"(3) Not later than December 31, 2013, the Secretary shall—

"(A) review the results of the implementation of the energy performance requirement established under paragraph (1); and

"(B) submit to Congress recommendations concerning energy performance requirements for each of fiscal years 2015 through 2021.".

(b) Exclusions; Review by Secretary; Criteria.—Section 543(c) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)) is amended—

(1) in paragraph (1), by striking "An agency may exclude" and all that follows and inserting "(A) An agency may exclude, from the energy performance requirement for a fiscal year established under subsection (a) and the energy management requirement established under subsection (b), any Federal building or collection of Federal buildings, if the head of the agency finds that—

"(i) compliance with those requirements would be impracticable;

"(ii) the agency has completed and submitted all federally required energy management reports;

"(iii) the agency has achieved compliance with the energy efficiency requirements of this Act, the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.), Executive orders, and other Federal law; and

"(iv) the agency has implemented all practicable, life-cycle cost-effective projects with respect to the Federal building or collection of Federal buildings to be excluded.

"(B) A finding of impracticability under subparagraph (A)(i) shall be based on—

"(i) the energy intensiveness of activities carried out in the Federal building or collection of Federal buildings; or

"(ii) the fact that the Federal building or collection of Federal buildings is used in the performance of a national security function.";

(2) in paragraph (2)—

(A) in the second sentence—

(i) by striking "impracticability standards" and inserting "standards for exclusion"; and

(ii) by striking "a finding of impracticability" and inserting "the exclusion"; and

(B) in the third sentence, by striking "energy consumption requirements" and inserting "requirements of subsections (a) and (b)(1)"; and

(3) by adding at the end the following:

"(3) Not later than 180 days after the date of enactment of this paragraph, the Secretary shall issue guidelines that establish criteria for exclusions under paragraph (1).".

(c) Retention of Energy and Water Savings.—Section 546 of the National Energy Conservation Policy Act (42 U.S.C. 8256) is amended—

(1) in subsection (d)(2)(G), by inserting "of the Energy Policy Act of 1992 (42 U.S.C. 8262e)" after "159"; and

(2) by adding at the end the following:

"(e) Retention of Energy and Water Savings.—(1) An agency may retain any funds appropriated to the agency for energy expenditures, water expenditures, or wastewater treatment expenditures, at buildings subject to the requirements of subsections (a) and (b) of section 543, that are not expended because of energy savings or water savings.

"(2) Except as otherwise provided by law, funds described in paragraph (1) may be used by an agency only for energy efficiency, water conservation, or unconventional and renewable energy resources projects.".

(d) REPORTS.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in the subsection heading, by inserting "THE PRESIDENT AND" before "CONGRESS"; and

(2) by inserting "President and" before "Congress".

(e) CONFORMING AMENDMENT.—Section 550(d) of the National Energy Conservation Policy Act (42 U.S.C. 8258b(d)) is amended in the second sentence by striking "the 20 percent reduction goal established under section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a))." and inserting "each of the energy reduction goals established under section 543(a).".

SEC. 103. ENERGY USE MEASUREMENT AND ACCOUNTABILITY.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

"(e) METERING OF ENERGY USE.—(1)(A) Not later than October 1, 2012, in accordance with guidelines established by the Secretary under paragraph (2), each Federal building shall, for the purposes of efficient use of energy and reduction in the cost of electricity used in the building, be metered or submetered.

"(B) Each agency shall use, to the maximum extent practicable, advanced meters or advanced metering devices that provide data at least daily on, and that measure at least hourly, consumption of electricity in the Federal buildings of the agency.

"(C) The data shall be—

"(i) incorporated into Federal energy tracking systems; and

"(ii) made available to Federal facility energy managers.

"(2)(A) Not later than 180 days after the date of enactment of this subsection, the Secretary (in consultation with the Secretary of Defense, the Administrator of General Services, representatives from the metering industry, utility industry, energy services industry, energy efficiency industry, energy efficiency advocacy organizations, national laboratories, and universities, and Federal facility energy managers) shall establish guidelines for agencies to carry out paragraph (1).

"(B) The guidelines shall—

"(i) take into consideration—

"(I) the cost of metering and submetering and the reduced cost of operation and maintenance expected to result from metering and submetering;

"(II) the extent to which metering and submetering are expected to result in increased potential for energy management, increased potential for energy savings and energy efficiency improvement, and cost and energy savings because of utility contract aggregation; and

"(III) the measurement and verification protocols of the Department of Energy;

"(ii) include recommendations concerning the amount of funds and the number of trained personnel necessary to gather and use the metering information to track and reduce energy use;

"(iii) establish priorities for types and locations of buildings to be metered and submetered based on cost-effectiveness and a schedule of 1 or more dates, not later than 1 year after the date of issuance of the guidelines, on which paragraph (1) takes effect; and

"(iv) establish exclusions from the requirements of paragraph (1) based on the de minimis quantity of energy use of a Federal building, industrial process, or structure.

"(3) Not later than 180 days after the date on which guidelines are established under paragraph (2), in a report submitted by an agency under section 548(a), the agency shall submit to the Secretary a plan describing the manner in which the agency will implement paragraph (1), including—

"(A) the manner in which the agency will designate personnel primarily responsible for carrying out that implementation; and

"(B) demonstration by the agency, complete with documentation, of any finding that the use of advanced meters or advanced metering devices described in paragraph (1) is not practicable.".

SEC. 104. PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

(a) REQUIREMENTS.—Part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.) (as amended by section 101(a)) is amended by inserting after section 551 the following:

"SEC. 552. FEDERAL PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

"(a) DEFINITIONS.—In this section:

"(1) The term 'Energy Star product' means a product that is rated for energy efficiency under an Energy Star program.

"(2) The term 'Energy Star program' means the program established by section 324A of the Energy Policy and Conservation Act.

"(3) The term 'executive agency' has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

"(4) The term 'FEMP designated product' means a product that is designated under the Federal Energy Management Program of the Department of Energy as being among the highest 25 percent of equivalent products for energy efficiency.

"(b) PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.—(1) Except as provided in paragraph (2), to meet the requirements of an executive agency for an energy consuming product, the head of the executive agency shall procure—

"(A) an Energy Star product; or

"(B) a FEMP designated product.

"(2) The head of an executive agency shall not be required to comply with paragraph (1) if the head of the executive agency specifies in writing that—

"(A) taking into account energy cost savings, an Energy Star product or FEMP designated product is not cost-effective over the life of the product; or

"(B) no Energy Star product or FEMP designated product is reasonably available that meets the functional requirements of the executive agency.

"(3) The head of an executive agency shall incorporate criteria for energy efficiency that are consistent with the criteria used for rating Energy Star products and FEMP designated products into—

"(A) the specifications for any procurements involving energy consuming products and systems, including—

"(i) guide specifications;

"(ii) project specifications; and

"(iii) construction, renovation, and services contracts that include the provision of energy consuming products and systems; and

"(B) the factors for the evaluation of offers received for the procurement.

"(c) LISTING OF ENERGY EFFICIENT PRODUCTS IN FEDERAL CATALOGS.—(1) Any inventory or listing of products by the General Services Administration or the Defense Logistics Agency shall clearly identify and prominently display Energy Star products and FEMP designated products.

"(2)(A) Except as provided in subparagraph (B), the General Services Administration or the Defense Logistics Agency shall supply only Energy Star products or FEMP designated products for all product categories covered by the Energy Star program or the Federal Energy Management Program.

"(B) Subparagraph (A) shall not apply if an agency ordering a product specifies in writing that—

"(i) taking into account energy cost savings, no Energy Star product or FEMP designated product is cost-effective for the intended application over the life of the product; or

"(ii) no Energy Star product or FEMP designated product is available to meet the functional requirements of the ordering agency.

"(d) SPECIFIC PRODUCTS.—(1) In the case of an electric motor of 1 to 500 horsepower, an executive agency shall select only a premium efficient motor that meets the standard established by the Secretary under paragraph (2).

"(2) Not later than 120 days after the date of enactment of this subsection and after considering the recommendations of associated electric motor manufacturers and energy efficiency groups, the Secretary shall establish a standard for premium efficient motors.

"(3)(A) Each Federal agency is encouraged to take actions (such as appropriate cleaning and maintenance) to maximize the efficiency of air conditioning and refrigeration equipment, including the use of a system treatment or additive that—

"(i) would reduce the electricity consumed by air conditioning and refrigeration equipment; and

"(ii) meets the criteria specified in subparagraph (B).

"(B) A system treatment or additive referred to in subparagraph (A) shall be—

"(i) determined by the Secretary to be effective in increasing the efficiency of air conditioning and refrigeration equipment without having an adverse impact on—

"(I) air conditioning and refrigeration performance (including cooling capacity); or

"(II) the useful life of the equipment;

"(ii) determined by the Administrator of the Environmental Protection Agency to be environmentally safe; and

"(iii) shown, in tests conducted by the National Institute of Standards and Technology, in accordance with Department of Energy test procedures, to increase the seasonal energy efficiency ratio (SEER) or energy efficiency ratio (EER) without having any adverse impact on the system, system components, the refrigerant or lubricant, or other materials in the system.

"(4) The results of the tests described in paragraph (3)(B)(iii) shall be published in the Federal Register for public review and comment.

"(5) For purposes of this subsection, a hardware device or primary refrigerant shall not be considered an additive.

"(e) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Secretary shall issue guidelines to carry out this section.".

(b) CONFORMING AMENDMENT.—The table of contents of the National Energy Conservation Policy Act (as amended by section 101(b)) is amended by inserting after the item relating to section 551 the following:

"Sec. 552. Federal procurement of energy efficient products.".

SEC. 105. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) PERMANENT EXTENSION.—Section 801(c) of the National Energy Conservation Policy

Act (42 U.S.C. 8287(c)) is amended by striking "2006" and inserting "2016".

(b) Extension of Authority.—Any energy savings performance contract entered into under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) after October 1, 2003, and before the date of enactment of this Act, shall be considered to have been entered into under that section.

SEC. 106. VOLUNTARY COMMITMENTS TO REDUCE INDUSTRIAL ENERGY INTENSITY.

(a) Definition of Energy Intensity.—In this section, the term "energy intensity" means the primary energy consumed for each unit of physical output in an industrial process.

(b) Voluntary Agreements.—The Secretary may enter into voluntary agreements with 1 or more persons in industrial sectors that consume significant quantities of primary energy for each unit of physical output to reduce the energy intensity of the production activities of the persons.

(c) Goal.—Voluntary agreements under this section shall have as a goal the reduction of energy intensity by not less than 2.5 percent each year during the period of calendar years 2007 through 2016.

(d) Recognition.—The Secretary, in cooperation with other appropriate Federal agencies, shall develop mechanisms to recognize and publicize the achievements of participants in voluntary agreements under this section.

(e) Technical Assistance.—A person that enters into an agreement under this section and continues to make a good faith effort to achieve the energy efficiency goals specified in the agreement shall be eligible to receive from the Secretary a grant or technical assistance, as appropriate, to assist in the achievement of those goals.

(f) Report.—Not later than each of June 30, 2012, and June 30, 2017, the Secretary shall submit to Congress a report that—

(1) evaluates the success of the voluntary agreements under this section; and

(2) provides independent verification of a sample of the energy savings estimates provided by participating firms.

SEC. 107. FEDERAL BUILDING PERFORMANCE STANDARDS.

Section 305(a) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)) is amended—

(1) in paragraph (2)(A), by striking "CABO Model Energy Code, 1992 (in the case of residential buildings) or ASHRAE Standard 90.1–1989" and inserting "the 2004 International Energy Conservation Code (in the case of residential buildings) or ASHRAE Standard 90.1–2004"; and

(2) by adding at the end the following:

"(3)(A) Not later than 1 year after the date of enactment of this paragraph, the Secretary shall establish, by rule, revised Federal building energy efficiency performance standards that require that—

"(i) if life-cycle cost-effective for new Federal buildings—

"(I) the buildings be designed to achieve energy consumption levels that are at least 30 percent below the levels established in the version of the ASHRAE Standard or the International Energy Conservation Code, as appropriate, that is in effect as of the date of enactment of this paragraph; and

"(II) sustainable design principles are applied to the siting, design, and construction of all new and replacement buildings; and

"(ii) if water is used to achieve energy efficiency, water conservation technologies shall be applied to the extent that the technologies are life-cycle cost-effective.

"(B) Not later than 1 year after the date of approval of each subsequent revision of the ASHRAE Standard or the International Energy Conservation Code, as appropriate, the Secretary shall determine, based on the cost-effectiveness of the requirements under the amendment, whether the revised standards established under this paragraph should be updated to reflect the amendment.

"(C) In the budget request of the Federal agency for each fiscal year and each report submitted by the Federal agency under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)), the head of each Federal agency shall include—

"(i) a list of all new Federal buildings owned, operated, or controlled by the Federal agency; and

"(ii) a statement specifying whether the Federal buildings meet or exceed the revised standards established under this paragraph.".

SEC. 108. INCREASED USE OF RECOVERED MINERAL COMPONENT IN FEDERALLY FUNDED PROJECTS INVOLVING PROCUREMENT OF CEMENT OR CONCRETE.

(a) Amendment.—Subtitle F of the Solid Waste Disposal Act (42 U.S.C. 6961 et seq.) is amended by adding at the end the following:

"INCREASED USE OF RECOVERED MINERAL COMPONENT IN FEDERALLY FUNDED PROJECTS INVOLVING PROCUREMENT OF CEMENT OR CONCRETE

"Sec. 6005. (a) Definitions.—In this section:

"(1) Agency head.—The term 'agency head' means—

"(A) the Secretary of Transportation; and

"(B) the head of any other Federal agency that, on a regular basis, procures, or provides Federal funds to pay or assist in paying the cost of procuring, material for cement or concrete projects.

"(2) Cement or concrete project.—The term 'cement or concrete project' means a project for the construction or maintenance of a highway or other transportation facility or a Federal, State, or local government building or other public facility that—

"(A) involves the procurement of cement or concrete; and

"(B) is carried out, in whole or in part, using Federal funds.

"(3) Recovered mineral component.—The term 'recovered mineral component' means—

"(A) ground granulated blast furnace slag;

"(B) coal combustion fly ash; and

"(C) any other waste material or byproduct recovered or diverted from solid waste that the Administrator, in consultation with an agency head, determines should be treated as recovered mineral component under this section for use in cement or concrete projects paid for, in whole or in part, by the agency head.

"(b) Implementation of Requirements.—

"(1) In general.—Not later than 1 year after the date of enactment of this section, the Administrator and each agency head shall take such actions as are necessary to implement fully all procurement requirements and incentives in effect as of the date of enactment of this section (including guidelines under section 6002) that provide for the use of cement and concrete incorporating recovered mineral component in cement or concrete projects.

"(2) Priority.—In carrying out paragraph (1), an agency head shall give priority to achieving greater use of recovered mineral component in cement or concrete projects for which recovered mineral components historically have not been used or have been used only minimally.

"(3) Federal procurement requirements.—The Administrator and each agency head shall carry out this subsection in accordance with section 6002.

"(c) Full Implementation Study.—

"(1) In general.—The Administrator, in cooperation with the Secretary of Transportation and the Secretary of Energy, shall conduct a study to determine the extent to which procurement requirements, when fully implemented in accordance with subsection (b), may realize energy savings and environmental benefits attainable with substitution of recovered mineral component in cement used in cement or concrete projects.

"(2) Matters to be addressed.—The study shall—

"(A) quantify—

"(i) the extent to which recovered mineral components are being substituted for Portland cement, particularly as a result of procurement requirements; and

"(ii) the energy savings and environmental benefits associated with the substitution;

"(B) identify all barriers in procurement requirements to greater realization of energy savings and environmental benefits, including barriers resulting from exceptions from the law; and

"(C)(i) identify potential mechanisms to achieve greater substitution of recovered mineral component in types of cement or concrete projects for which recovered mineral components historically have not been used or have been used only minimally;

"(ii) evaluate the feasibility of establishing guidelines or standards for optimized substitution rates of recovered mineral component in those cement or concrete projects; and

"(iii) identify any potential environmental or economic effects that may result from greater substitution of recovered mineral component in those cement or concrete projects.

"(3) Report.—Not later than 30 months after the date of enactment of this section, the Administrator shall submit to Congress a report on the study.

"(d) Additional Procurement Requirements.—Unless the study conducted under subsection (c) identifies any effects or other problems described in subsection (c)(2)(C)(iii) that warrant further review or delay, the Administrator and each agency head shall, not later than 1 year after the date on which the report under subsection (c)(3) is submitted, take additional actions under this Act to establish procurement requirements and incentives that provide for the use of cement and concrete with increased substitution of recovered mineral component in the construction and maintenance of cement or concrete projects—

"(1) to realize more fully the energy savings and environmental benefits associated with increased substitution; and

"(2) to eliminate barriers identified under subsection (c)(2)(B).

"(e) Effect of Section.—Nothing in this section affects the requirements of section 6002 (including the guidelines and specifications for implementing those requirements).".

(b) Conforming Amendment.—The table of contents of the Solid Waste Disposal Act is amended by adding after the item relating to section 6004 the following:

"Sec. 6005. Increased use of recovered mineral component in federally funded projects involving procurement of cement or concrete.".

Subtitle B—Energy Assistance and State Programs

SEC. 121. WEATHERIZATION ASSISTANCE.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking "for fiscal years 1999 through 2003 such sums as may be necessary" and inserting "$325,000,000 for fiscal year 2006, $400,000,000 for fiscal year 2007, and $500,000,000 for fiscal year 2008".

SEC. 122. STATE ENERGY PROGRAMS.

(a) STATE ENERGY CONSERVATION PLANS.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by adding at the end the following:

"(g)(1) The Secretary shall, at least once every 3 years, invite the Governor of each State to review and, if necessary, revise the energy conservation plan of the State submitted under subsection (b) or (e).

"(2) A review conducted under paragraph (1) should—

"(A) consider the energy conservation plans of other States within the region; and

"(B) identify opportunities and actions carried out in pursuit of common energy conservation goals.".

(b) STATE ENERGY EFFICIENCY GOALS.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended to read as follows:

"STATE ENERGY EFFICIENCY GOALS

"SEC. 364. Each State energy conservation plan with respect to which assistance is made available under this part on or after the date of enactment of the Energy Policy Act of 2005—

"(1) shall contain a goal, consisting of an improvement of 25 percent or more in the efficiency of use of energy in the State concerned in calendar year 2012 as compared to calendar year 1992; and

"(2) may contain interim goals.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking "for fiscal years 1999 through 2003 such sums as may be necessary" and inserting "$100,000,000 for each of fiscal years 2006 and 2007 and $125,000,000 for fiscal year 2008".

SEC. 123. ENERGY EFFICIENT APPLIANCE REBATE PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term "eligible State" means a State that meets the requirements of subsection (b).

(2) ENERGY STAR PROGRAM.—The term "Energy Star program" means the program established by section 324A of the Energy Policy and Conservation Act (as added by section 131(a)).

(3) RESIDENTIAL ENERGY STAR PRODUCT.—The term "residential Energy Star product" means a product for a residence that is rated for energy efficiency under the Energy Star program.

(4) STATE ENERGY OFFICE.—The term "State energy office" means the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322).

(5) STATE PROGRAM.—The term "State program" means a State energy efficient appliance rebate program described in subsection (b)(1).

(b) ELIGIBLE STATES.—A State shall be eligible to receive an allocation under subsection (c) if the State—

(1) establishes (or has established) a State energy efficient appliance rebate program to provide rebates to residential consumers for the purchase of residential Energy Star products to replace used appliances of the same type;

(2) submits an application for the allocation at such time, in such form, and containing such information as the Secretary may require; and

(3) provides assurances satisfactory to the Secretary that the State will use the allocation to supplement, but not supplant, funds made available to carry out the State program.

(c) AMOUNT OF ALLOCATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), for each fiscal year, the Secretary shall allocate to the State energy office of each eligible State to carry out subsection (d) an amount equal to the product obtained by multiplying—

(A) the amount made available under subsection (f) for the fiscal year; and

(B) by the ratio that—

(i) the population of the State in the most recent calendar year for which data are available; bears to

(ii) the total population of all eligible States in that calendar year.

(2) MINIMUM ALLOCATIONS.—For each fiscal year, the amounts allocated under this subsection shall be adjusted proportionately so that no eligible State is allocated a sum that is less than such minimum amount as shall be determined by the Secretary.

(d) USE OF ALLOCATED FUNDS.—The allocation to a State energy office under subsection (c) may be used to pay not more than 50 percent of the cost of establishing and carrying out a State program.

(e) ISSUANCE OF REBATES.—

(1) IN GENERAL.—A rebate may be provided to a residential consumer that meets the requirements of the State program.

(2) AMOUNT.—The amount of a rebate shall be determined by the State energy office, taking into consideration—

(A) the amount of the allocation to the State energy office under subsection (c);

(B) the amount of any Federal or State tax incentive available for the purchase of the residential Energy Star product; and

(C) the difference between—

(i) the cost of the residential Energy Star product; and

(ii) the cost of an appliance that is not a residential Energy Star product, but is of the same type as, and is the nearest capacity, performance, and other relevant characteristics (as determined by the State energy office) to, the residential Energy Star product.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $50,000,000 for each of fiscal years 2006 through 2010.

SEC. 124. ENERGY EFFICIENT PUBLIC BUILDINGS.

(a) GRANTS.—The Secretary may make grants to the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), or a State agency designated by the Governor of the State, to assist units of local government in the State in improving the energy efficiency of public buildings and facilities through—

(1) construction of new energy efficient public buildings that use at least 30 percent less energy than a comparable public building constructed in compliance with standards prescribed in—

(A) the most recent version of the International Energy Conservation Code; or

(B) a similar State code intended to achieve substantially equivalent efficiency levels; or

(2) renovation of existing public buildings to achieve reductions in energy use of at least 30 percent as compared to the baseline energy use in the buildings before renovation, assuming a 3-year, weather-normalized average for calculating the baseline.

(b) ADMINISTRATION.—State energy offices receiving grants under this section shall—

(1) maintain any records and evidence of compliance that the Secretary may require; and

(2) to encourage planning, financing, and design of energy efficient public buildings by units of local government—

(A) develop and distribute information and materials; and

(B) conduct programs to provide technical services and assistance.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this section $30,000,000 for each of fiscal years 2006 through 2010.

(2) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of amounts made available under paragraph (1) shall be used for administrative expenses.

SEC. 125. LOW INCOME COMMUNITY ENERGY EFFICIENCY PILOT PROGRAM.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) GRANTS.—

(1) IN GENERAL.—The Secretary may provide grants, on a competitive basis, to units of local government, private or nonprofit community development organizations, and economic development entities of Indian tribes—

(A) to improve energy efficiency;

(B) to identify and develop alternative, renewable, and distributed energy supplies; and

(C) to increase energy conservation in low-income rural and urban communities.

(2) ELIGIBLE ACTIVITIES.—The following activities are eligible for grants under paragraph (1):

(A) Investments that develop alternative, renewable, and distributed energy supplies.

(B) Energy efficiency projects and energy conservation programs.

(C) Studies and other activities that improve energy efficiency in low-income rural and urban communities.

(D) Planning and development assistance for increasing the energy efficiency of buildings and facilities.

(E) Technical and financial assistance to units of local government and private entities to develop new renewable and distributed sources of power or combined heat and power generation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.

SEC. 126. STATE TECHNOLOGIES ADVANCEMENT COLLABORATIVE.

(a) IN GENERAL.—The Secretary, in cooperation with the States, shall establish a cooperative program for research, development, demonstration, and deployment of technologies in which there is a common Federal and State energy efficiency, renewable energy, and fossil energy interest, to be known as the "State Technologies Advancement Collaborative" (referred to in this section as the "Collaborative").

(b) DUTIES.—The Collaborative shall—

(1) leverage Federal and State funding through cost-shared activity;

(2) reduce redundancies in Federal and State funding; and

(3) create multistate projects to be awarded through a competitive process.

(c) ADMINISTRATION.—The Collaborative shall be administered through an agreement between the Department and appropriate State-based organizations.

(d) FUNDING SOURCES.—Funding for the Collaborative may be provided from—

(1) amounts specifically appropriated for the Collaborative; or

(2) amounts that may be allocated from other appropriations without changing the purpose for which the amounts are appropriated.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this section such sums as are necessary for each of fiscal years 2006 through 2010.

SEC. 127. MODEL BUILDING ENERGY CODE COMPLIANCE GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out a program to provide grants to each State that the Secretary determines, with respect to new buildings in the State, achieves at least a 90-percent rate of compliance (based on energy performance) with the most recent model building energy codes.

(b) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidelines that standardize criteria by which a State that seeks to receive a grant under this section may—

(1) verify compliance with applicable model building energy codes; and

(2) demonstrate eligibility to receive a grant under this section.

(c) LOCAL GOVERNMENT CODES.—In the case of a State in which building energy codes are established by local governments—

(1) a local government may—

(A) apply for a grant under this section; and

(B) verify compliance and demonstrate eligibility for the grant under subsection (b); and

(2) if the Secretary determines that the local government is eligible to receive a grant, the Secretary may provide a grant to the local government.

(d) USE OF FUNDS.—Funds from a grant provided under this section may be used only to carry out activities relating to the implementation of building energy codes and building practices that exceed efficiency requirements of the most recent model building energy codes.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2006 through 2010.

(2) SET ASIDE.—Of the amounts made available under paragraph (1), the Secretary may use not more than $500,000 for each fiscal year—

(A) to develop compliance guidelines;

(B) to train State and local officials; and

(C) to administer grants provided under this section.

Subtitle C—Energy Efficient Products

SEC. 131. ENERGY STAR PROGRAM.

(a) IN GENERAL.—The Energy Policy and Conservation Act is amended by inserting after section 324 (42 U.S.C. 6294) the following:

“ENERGY STAR PROGRAM

“SEC. 324A. (a) IN GENERAL.—There is established within the Department of Energy and the Environmental Protection Agency a voluntary program to identify and promote energy-efficient products and buildings in order to reduce energy consumption, improve energy security, and reduce pollution through voluntary labeling of, or other forms of communication about, products and buildings that meet the highest energy conservation standards.

“(b) DIVISION OF RESPONSIBILITIES.—Responsibilities under the program shall be divided between the Department of Energy and the Environmental Protection Agency in accordance with the terms of applicable agreements between those agencies.

“(c) DUTIES.—The Administrator and the Secretary shall—

“(1) promote Energy Star compliant technologies as the preferred technologies in the marketplace for—

“(A) achieving energy efficiency; and

“(B) reducing pollution;

“(2) work to enhance public awareness of the Energy Star label, including by providing special outreach to small businesses;

“(3) preserve the integrity of the Energy Star label;

“(4) regularly update Energy Star product criteria for product categories;

“(5) solicit comments from interested parties prior to establishing or revising an Energy Star product category, specification, or criterion (or prior to effective dates for any such product category, specification, or criterion);

“(6) on adoption of a new or revised product category, specification, or criterion, provide reasonable notice to interested parties of any changes (including effective dates) in product categories, specifications, or criteria, along with—

“(A) an explanation of the changes; and

“(B) as appropriate, responses to comments submitted by interested parties; and

“(7) provide appropriate lead time (which shall be 270 days, unless the Agency or Department specifies otherwise) prior to the applicable effective date for a new or a significant revision to a product category, specification, or criterion, taking into account the timing requirements of the manufacturing, product marketing, and distribution process for the specific product addressed.

“(d) DEADLINES.—The Secretary shall establish new qualifying levels—

“(1) not later than January 1, 2006, for clothes washers and dishwashers, effective beginning January 1, 2007; and

“(2) not later than January 1, 2008, for clothes washers, effective beginning January 1, 2010.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by inserting after the item relating to section 324 the following:

“Sec. 324A. Energy Star program.”.

SEC. 132. HVAC MAINTENANCE CONSUMER EDUCATION PROGRAM.

Section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) is amended by adding at the end the following:

“(c) HVAC MAINTENANCE.—(1) To ensure that installed air conditioning and heating systems operate at maximum rated efficiency levels, the Secretary shall, not later than 180 days after the date of enactment of this subsection, carry out a program to educate homeowners and small business owners concerning the energy savings from properly conducted maintenance of air conditioning, heating, and ventilating systems.

“(2) The Secretary shall carry out the program under paragraph (1), on a cost-shared basis, in cooperation with the Administrator of the Environmental Protection Agency and any other entities that the Secretary determines to be appropriate, including industry trade associations, industry members, and energy efficiency organizations.

“(d) SMALL BUSINESS EDUCATION AND ASSISTANCE.—(1) The Administrator of the Small Business Administration, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall develop and coordinate a Government-wide program, building on the Energy Star for Small Business Program, to assist small businesses in—

“(A) becoming more energy efficient;

“(B) understanding the cost savings from improved energy efficiency; and

“(C) identifying financing options for energy efficiency upgrades.

“(2) The Secretary and the Administrator of the Small Business Administration shall make program information available directly to small businesses and through other Federal agencies, including the Federal Emergency Management Agency and the Department of Agriculture.”.

SEC. 133. PUBLIC ENERGY EDUCATION PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall convene an organizational conference for the purpose of establishing an ongoing, self-sustaining national public energy education program.

(b) PARTICIPANTS.—The Secretary shall invite to participate in the conference individuals and entities representing all aspects of energy production and distribution, including—

(1) industrial firms;

(2) professional societies;

(3) educational organizations;

(4) trade associations; and

(5) governmental agencies.

(c) PURPOSE, SCOPE, AND STRUCTURE.—

(1) PURPOSE.—The purpose of the conference shall be to establish an ongoing, self-sustaining national public energy education program to examine and recognize interrelationships between energy sources in all forms, including—

(A) conservation and energy efficiency;

(B) the role of energy use in the economy; and

(C) the impact of energy use on the environment.

(2) SCOPE AND STRUCTURE.—Taking into consideration the purpose described in paragraph (1), the participants in the conference invited under subsection (b) shall design the scope and structure of the program described in subsection (a).

(d) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and other guidance necessary to carry out the program described in subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 134. ENERGY EFFICIENCY PUBLIC INFORMATION INITIATIVE.

(a) IN GENERAL.—The Secretary shall carry out a comprehensive national program, including advertising and media awareness, to inform consumers about—

(1) the need to reduce energy consumption during the 4-year period beginning on the date of enactment of this Act;

(2) the benefits to consumers of reducing consumption of electricity, natural gas, and petroleum, particularly during peak use periods;

(3) the importance of low energy costs to economic growth and preserving manufacturing jobs in the United States; and

(4) practical, cost-effective measures that consumers can take to reduce consumption of electricity, natural gas, and gasoline, including—

(A) maintaining and repairing heating and cooling ducts and equipment;

(B) weatherizing homes and buildings;

(C) purchasing energy efficient products; and

(D) proper tire maintenance.

(b) COOPERATION.—The program carried out under subsection (a) shall—

(1) include collaborative efforts with State and local government officials and the private sector; and

(2) incorporate, to the maximum extent practicable, successful State and local public education programs.

(c) REPORT.—Not later than July 1, 2009, the Secretary shall submit to Congress a report describing the effectiveness of the program under this section.

(d) TERMINATION OF AUTHORITY.—The program carried out under this section shall terminate on December 31, 2010.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $90,000,000 for each of fiscal years 2006 through 2010.

SEC. 135. ENERGY CONSERVATION STANDARDS FOR ADDITIONAL PRODUCTS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in paragraph (29)—

(A) in subparagraph (D)—

(i) in clause (i), by striking "C78.1-1978(R1984)" and inserting "C78.81–2003 (Data Sheet 7881-ANSI-1010-1)";

(ii) in clause (ii), by striking "C78.1-1978(R1984)" and inserting "C78.81-2003 (Data Sheet 7881-ANSI-3007-1)"; and

(iii) in clause (iii), by striking "C78.1-1978(R1984)" and inserting "C78.81-2003 (Data Sheet 7881–ANSI–1019–1)"; and

(B) by adding at the end the following:

"(M) The term 'F34T12 lamp' (also known as a 'F40T12/ES lamp') means a nominal 34 watt tubular fluorescent lamp that is 48 inches in length and 1½ inches in diameter, and conforms to ANSI standard C78.81-2003 (Data Sheet 7881–ANSI–1006–1).

"(N) The term 'F96T12/ES lamp' means a nominal 60 watt tubular fluorescent lamp that is 96 inches in length and 1½ inches in diameter, and conforms to ANSI standard C78.81-2003 (Data Sheet 7881-ANSI-3006-1).

"(O) The term 'F96T12HO/ES lamp' means a nominal 95 watt tubular fluorescent lamp that is 96 inches in length and 1½ inches in diameter, and conforms to ANSI standard C78.81-2003 (Data Sheet 7881-ANSI-1017-1).

"(P) The term 'replacement ballast' means a ballast that—

"(i) is designed for use to replace an existing ballast in a previously installed luminaire;

"(ii) is marked 'FOR REPLACEMENT USE ONLY';

"(iii) is shipped by the manufacturer in packages containing not more than 10 ballasts; and

"(iv) has output leads that when fully extended are a total length that is less than the length of the lamp with which the ballast is intended to be operated.";

(2) in paragraph (30)(S)—

(A) by inserting "(i)" before "The term"; and

(B) by adding at the end the following:

"(ii) The term "medium base compact fluorescent lamp" does not include—

"(I) any lamp that is—

"(aa) specifically designed to be used for special purpose applications; and

"(bb) unlikely to be used in general purpose applications, such as the applications described in subparagraph (D); or

"(II) any lamp not described in subparagraph (D) that is excluded by the Secretary, by rule, because the lamp is—

"(aa) designed for special applications; and

"(bb) unlikely to be used in general purpose applications."; and

(3) by adding at the end the following:

"(32) The term 'battery charger' means a device that charges batteries for consumer products, including battery chargers embedded in other consumer products.

"(33)(A) The term 'commercial prerinse spray valve' means a handheld device designed and marketed for use with commercial dishwashing and ware washing equipment that sprays water on dishes, flatware, and other food service items for the purpose of removing food residue before cleaning the items.

"(B) The Secretary may modify the definition of 'commercial prerinse spray valve' by rule—

"(i) to include products—

"(I) that are extensively used in conjunction with commercial dishwashing and ware washing equipment;

"(II) the application of standards to which would result in significant energy savings; and

"(III) the application of standards to which would meet the criteria specified in section 325(o)(4); and

"(ii) to exclude products—

"(I) that are used for special food service applications;

"(II) that are unlikely to be widely used in conjunction with commercial dishwashing and ware washing equipment; and

"(III) the application of standards to which would not result in significant energy savings.

"(34) The term 'dehumidifier' means a self-contained, electrically operated, and mechanically encased assembly consisting of—

"(A) a refrigerated surface (evaporator) that condenses moisture from the atmosphere;

"(B) a refrigerating system, including an electric motor;

"(C) an air-circulating fan; and

"(D) means for collecting or disposing of the condensate.

"(35)(A) The term 'distribution transformer' means a transformer that—

"(i) has an input voltage of 34.5 kilovolts or less;

"(ii) has an output voltage of 600 volts or less; and

"(iii) is rated for operation at a frequency of 60 Hertz.

"(B) The term 'distribution transformer' does not include—

"(i) a transformer with multiple voltage taps, the highest of which equals at least 20 percent more than the lowest;

"(ii) a transformer that is designed to be used in a special purpose application and is unlikely to be used in general purpose applications, such as a drive transformer, rectifier transformer, auto-transformer, Uninterruptible Power System transformer, impedance transformer, regulating transformer, sealed and nonventilating transformer, machine tool transformer, welding transformer, grounding transformer, or testing transformer; or

"(iii) any transformer not listed in clause (ii) that is excluded by the Secretary by rule because—

"(I) the transformer is designed for a special application;

"(II) the transformer is unlikely to be used in general purpose applications; and

"(III) the application of standards to the transformer would not result in significant energy savings.

"(36) The term 'external power supply' means an external power supply circuit that is used to convert household electric current into DC current or lower-voltage AC current to operate a consumer product.

"(37) The term 'illuminated exit sign' means a sign that—

"(A) is designed to be permanently fixed in place to identify an exit; and

"(B) consists of an electrically powered integral light source that—

"(i) illuminates the legend 'EXIT' and any directional indicators; and

"(ii) provides contrast between the legend, any directional indicators, and the background.

"(38) The term 'low-voltage dry-type distribution transformer' means a distribution transformer that—

"(A) has an input voltage of 600 volts or less;

"(B) is air-cooled; and

"(C) does not use oil as a coolant.

"(39) The term 'pedestrian module' means a light signal used to convey movement information to pedestrians.

"(40) The term 'refrigerated bottled or canned beverage vending machine' means a commercial refrigerator that cools bottled or canned beverages and dispenses the bottled or canned beverages on payment.

"(41) The term 'standby mode' means the lowest power consumption mode, as established on an individual product basis by the Secretary, that—

"(A) cannot be switched off or influenced by the user; and

"(B) may persist for an indefinite time when an appliance is—

"(i) connected to the main electricity supply; and

"(ii) used in accordance with the instructions of the manufacturer.

"(42) The term 'torchiere' means a portable electric lamp with a reflector bowl that directs light upward to give indirect illumination.

"(43) The term 'traffic signal module' means a standard 8-inch (200mm) or 12-inch (300mm) traffic signal indication that—

"(A) consists of a light source, a lens, and all other parts necessary for operation; and

"(B) communicates movement messages to drivers through red, amber, and green colors.

"(44) The term 'transformer' means a device consisting of 2 or more coils of insulated wire that transfers alternating current by electromagnetic induction from 1 coil to another to change the original voltage or current value.

"(45)(A) The term 'unit heater' means a self-contained fan-type heater designed to be installed within the heated space.

"(B) The term 'unit heater' does not include a warm air furnace.

"(46)(A) The term 'high intensity discharge lamp' means an electric-discharge lamp in which—

"(i) the light-producing arc is stabilized by bulb wall temperature; and

"(ii) the arc tube has a bulb wall loading in excess of 3 Watts/cm^2.

"(B) The term 'high intensity discharge lamp' includes mercury vapor, metal halide, and high-pressure sodium lamps described in subparagraph (A).

"(47)(A) The term 'mercury vapor lamp' means a high intensity discharge lamp in which the major portion of the light is produced by radiation from mercury operating at a partial pressure in excess of 100,000 Pa (approximately 1 atm).

"(B) The term 'mercury vapor lamp' includes clear, phosphor-coated, and self-ballasted lamps described in subparagraph (A).

"(48) The term 'mercury vapor lamp ballast' means a device that is designed and marketed to start and operate mercury vapor lamps by providing the necessary voltage and current.".

(b) Test Procedures.—Section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended—

(1) in subsection (b), by adding at the end the following:

"(9) Test procedures for illuminated exit signs shall be based on the test method used under version 2.0 of the Energy Star program of the Environmental Protection Agency for illuminated exit signs.

"(10)(A) Test procedures for distribution transformers and low voltage dry-type distribution transformers shall be based on the 'Standard Test Method for Measuring the Energy Consumption of Distribution Transformers' prescribed by the National Electrical Manufacturers Association (NEMA TP 2-1998).

"(B) The Secretary may review and revise the test procedures established under subparagraph (A).

"(C) For purposes of section 346(a), the test procedures established under subparagraph (A) shall be considered to be the testing requirements prescribed by the Secretary under section 346(a)(1) for distribution transformers for which the Secretary makes a determination that energy conservation standards would—

"(i) be technologically feasible and economically justified; and

"(ii) result in significant energy savings.

"(11) Test procedures for traffic signal modules and pedestrian modules shall be based on the test method used under the Energy Star program of the Environmental Protection Agency for traffic signal modules, as in effect on the date of enactment of this paragraph.

"(12)(A) Test procedures for medium base compact fluorescent lamps shall be based on the test methods for compact fluorescent lamps used under the August 9, 2001, version of the Energy Star program of the Environmental Protection Agency and the Department of Energy.

"(B) Except as provided in subparagraph (C), medium base compact fluorescent lamps shall meet all test requirements for regulated parameters of section 325(cc).

"(C) Notwithstanding subparagraph (B), if manufacturers document engineering predictions and analysis that support expected attainment of lumen maintenance at 40 percent rated life and lamp lifetime, medium base compact fluorescent lamps may be marketed before completion of the testing of lamp life and lumen maintenance at 40 percent of rated life.

"(13) Test procedures for dehumidifiers shall be based on the test criteria used under the Energy Star Program Requirements for Dehumidifiers developed by the Environmental Protection Agency, as in effect on the date of enactment of this paragraph unless revised by the Secretary pursuant to this section.

"(14) The test procedure for measuring flow rate for commercial prerinse spray valves shall be based on American Society for Testing and Materials Standard F2324, entitled 'Standard Test Method for Pre-Rinse Spray Valves.'

"(15) The test procedure for refrigerated bottled or canned beverage vending machines shall be based on American National Standards Institute/American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 32.1-2004, entitled 'Methods of Testing for Rating Vending Machines for Bottled, Canned or Other Sealed Beverages'."; and

(2) by adding at the end the following:

"(f) Additional Consumer and Commercial Products.—(1) Not later than 2 years after the date of enactment of this subsection, the Secretary shall prescribe testing requirements for—

"(A) suspended ceiling fans; and

"(B) refrigerated bottled or canned beverage vending machines.

"(2) To the maximum extent practicable, the testing requirements prescribed under paragraph (1) shall be based on existing test procedures used in industry.".

(c) Standard Setting Authority.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(1) in subsection (f)(3), by adding at the end the following:

"(D) Notwithstanding any other provision of this Act, if the requirements of subsection (o) are met, the Secretary may consider and prescribe energy conservation standards or energy use standards for electricity used for purposes of circulating air through duct work.";

(2) in subsection (g)—

(A) in paragraph (6)(B), by inserting "and labeled" after "designed"; and

(B) by adding at the end the following:

"(8)(A) Each fluorescent lamp ballast (other than replacement ballasts or ballasts described in subparagraph (C))—

"(i)(I) manufactured on or after July 1, 2009;

"(II) sold by the manufacturer on or after October 1, 2009; or

"(III) incorporated into a luminaire by a luminaire manufacturer on or after July 1, 2010; and

"(ii) designed—

"(I) to operate at nominal input voltages of 120 or 277 volts;

"(II) to operate with an input current frequency of 60 Hertz; and

"(III) for use in connection with F34T12 lamps, F96T12/ES lamps, or F96T12HO/ES lamps;

shall have a power factor of 0.90 or greater and shall have a ballast efficacy factor of not less than the following:

Application for operation of	Ballast input voltage	Total nominal lamp watts	Ballast efficacy factor
One F34T12 lamp ...	120/277	34	2.61
Two F34T12 lamps	120/277	68	1.35
Two F96 T12/ES lamps	120/277	120	0.77
Two F96 T12HO/ES lamps	120/277	190	0.42

"(B) The standards described in subparagraph (A) shall apply to all ballasts covered by subparagraph (A)(ii) that are manufactured on or after July 1, 2010, or sold by the manufacturer on or after October 1, 2010.

"(C) The standards described in subparagraphs (A) and (B) do not apply to—

"(i) a ballast that is designed for dimming to 50 percent or less of the maximum output of the ballast;

"(ii) a ballast that is designed for use with 2 F96T12HO lamps at ambient temperatures of 20°F or less and for use in an outdoor sign; or

"(iii) a ballast that has a power factor of less than 0.90 and is designed and labeled for use only in residential applications.";

(3) in subsection (o), by adding at the end the following:

"(5) The Secretary may set more than 1 energy conservation standard for products that serve more than 1 major function by setting 1 energy conservation standard for each major function.";

(4) in the first sentence of subsection (p), by striking "Any" and inserting the following: "Except as provided in subsection (u), any"; and

(5) by adding at the end the following:

"(u) Special Rulemaking Procedures.—(1) Notwithstanding any other provision of law, the Secretary may publish a notice of direct final rulemaking based on an energy conservation standard recommended by an interested person, if—

"(A) in response to an advance notice of proposed rulemaking under paragraph (p), the interested person (including a representative of a manufacturer of a covered product, a conservation advocate, or consumer) submits a joint comment recommending an energy conservation standard; and

"(B) the Secretary determines that the energy conservation standard complies with the substantive provisions of this Act that apply to the type (or class) of covered products to which the rule may apply.

"(2) The Secretary shall publish a notice of direct final rulemaking under paragraph (1) with a notice of proposed rulemaking incorporating by reference the regulatory language of the direct final rule that provides for an effective date not earlier than 90 days after the date of publication.

"(3) The Secretary may withdraw a direct final rule published under paragraph (2) before the effective date of the rule if an interested person files a significant adverse comment in response to the related notice of proposed rulemaking.

"(v) Battery Charger and External Power Supply Electric Energy Consumption.—(1)(A) Not later than 18 months after the date of enactment of this subsection, the Secretary shall, after providing notice and an opportunity for comment, prescribe, by rule, definitions and test procedures for the power use of battery chargers and external power supplies.

"(B) In establishing the test procedures under subparagraph (A), the Secretary shall—

"(i) consider existing definitions and test procedures used for measuring energy consumption in standby mode and other modes; and

"(ii) assess the current and projected future market for battery chargers and external power supplies.

"(C) The assessment under subparagraph (B)(ii) shall include—

"(i) estimates of the significance of potential energy savings from technical improvements to battery chargers and external power supplies; and

"(ii) suggested product classes for energy conservation standards.

"(D) Not later than 18 months after the date of enactment of this subsection, the Secretary shall hold a scoping workshop to discuss and receive comments on plans for developing energy conservation standards for energy use for battery chargers and external power supplies.

"(E)(i) Not later than 3 years after the date of enactment of this subsection, the Secretary shall issue a final rule that determines whether energy conservation standards shall be issued for battery chargers and external power supplies or classes of battery chargers and external power supplies.

“(ii) For each product class, any energy conservation standards issued under clause (i) shall be set at the lowest level of energy use that—

“(I) meets the criteria and procedures of subsections (o), (p), (q), (r), (s), and (t); and

“(II) would result in significant overall annual energy savings, considering standby mode and other operating modes.

“(2) In determining under section 323 whether test procedures and energy conservation standards under this section should be revised with respect to covered products that are major sources of standby mode energy consumption, the Secretary shall consider whether to incorporate standby mode into the test procedures and energy conservation standards, taking into account standby mode power consumption compared to overall product energy consumption.

“(3) The Secretary shall not propose an energy conservation standard under this section, unless the Secretary has issued applicable test procedures for each product under section 323.

“(4) Any energy conservation standard issued under this subsection shall be applicable to products manufactured or imported beginning on the date that is 3 years after the date of issuance.

“(5) The Secretary and the Administrator shall collaborate and develop programs (including programs under section 324A and other voluntary industry agreements or codes of conduct) that are designed to reduce standby mode energy use.

“(w) Suspended Ceiling Fans and Refrigerated Beverage Vending Machines.—(1) Not later than 4 years after the date of enactment of this subsection, the Secretary shall prescribe, by rule, energy conservation standards for—

“(A) suspended ceiling fans; and

“(B) refrigerated bottled or canned beverage vending machines.

“(2) In establishing energy conservation standards under this subsection, the Secretary shall use the criteria and procedures prescribed under subsections (o) and (p).

“(3) Any energy conservation standard prescribed under this subsection shall apply to products manufactured 3 years after the date of publication of a final rule establishing the energy conservation standard.

“(x) Illuminated Exit Signs.—An illuminated exit sign manufactured on or after January 1, 2006, shall meet the version 2.0 Energy Star Program performance requirements for illuminated exit signs prescribed by the Environmental Protection Agency.

“(y) Torchieres.—A torchiere manufactured on or after January 1, 2006—

“(1) shall consume not more than 190 watts of power; and

“(2) shall not be capable of operating with lamps that total more than 190 watts.

“(z) Low Voltage Dry-Type Distribution Transformers.—The efficiency of a low voltage dry-type distribution transformer manufactured on or after January 1, 2006, shall be the Class I Efficiency Levels for distribution transformers specified in table 4-2 of the ‘Guide for Determining Energy Efficiency for Distribution Transformers’ published by the National Electrical Manufacturers Association (NEMA TP-1-2002).

“(aa) Traffic Signal Modules and Pedestrian Modules.—Any traffic signal module or pedestrian module manufactured on or after January 1, 2006, shall—

“(1) meet the performance requirements used under the Energy Star program of the Environmental Protection Agency for traffic signals, as in effect on the date of enactment of this subsection; and

“(2) be installed with compatible, electrically connected signal control interface devices and conflict monitoring systems.

“(bb) Unit Heaters.—A unit heater manufactured on or after the date that is 3 years after the date of enactment of this subsection shall—

“(1) be equipped with an intermittent ignition device; and

“(2) have power venting or an automatic flue damper.

“(cc) Medium Base Compact Fluorescent Lamps.—(1) A bare lamp and covered lamp (no reflector) medium base compact fluorescent lamp manufactured on or after January 1, 2006, shall meet the following requirements prescribed by the August 9, 2001, version of the Energy Star Program Requirements for Compact Fluorescent Lamps, Energy Star Eligibility Criteria, Energy-Efficiency Specification issued by the Environmental Protection Agency and Department of Energy:

“(A) Minimum initial efficacy.

“(B) Lumen maintenance at 1000 hours.

“(C) Lumen maintenance at 40 percent of rated life.

“(D) Rapid cycle stress test.

“(E) Lamp life.

“(2) The Secretary may, by rule, establish requirements for color quality (CRI), power factor, operating frequency, and maximum allowable start time based on the requirements prescribed by the August 9, 2001, version of the Energy Star Program Requirements for Compact Fluorescent Lamps.

“(3) The Secretary may, by rule—

“(A) revise the requirements established under paragraph (2); or

“(B) establish other requirements, after considering energy savings, cost effectiveness, and consumer satisfaction.

“(dd) Dehumidifiers.—(1) Dehumidifiers manufactured on or after October 1, 2007, shall have an Energy Factor that meets or exceeds the following values:

“Product Capacity (pints/day):	**Minimum Energy Factor (Liters/kWh)**
25.00 or less	1.00
25.01 – 35.00	1.20
35.01 – 54.00	1.30
54.01 – 74.99	1.50
75.00 or more	2.25.

“(2)(A) Not later than October 1, 2009, the Secretary shall publish a final rule in accordance with subsections (o) and (p), to determine whether the energy conservation standards established under paragraph (1) should be amended.

“(B) The final rule published under subparagraph (A) shall—

“(i) contain any amendment by the Secretary; and

“(ii) provide that the amendment applies to products manufactured on or after October 1, 2012.

“(C) If the Secretary does not publish an amendment that takes effect by October 1, 2012, dehumidifiers manufactured on or after October 1, 2012, shall have an Energy Factor that meets or exceeds the following values:

“Product Capacity (pints/day):	**Minimum Energy Factor (Liters/kWh)**
25.00 or less	1.20
25.01 – 35.00	1.30
35.01 – 45.00	1.40
45.01 – 54.00	1.50
54.01 – 74.99	1.60
75.00 or more	2.5.

“(ee) Commercial Prerinse Spray Valves.—Commercial prerinse spray valves manufactured on or after January 1, 2006, shall have a flow rate of not more than 1.6 gallons per minute.

“(ff) Mercury vapor lamp ballasts.—Mercury vapor lamp ballasts shall not be manufactured or imported after January 1, 2008.

“(gg) Application Date.—Section 327 applies—

“(1) to products for which energy conservation standards are to be established under subsection (l), (u), (v), or (w) beginning on the date on which a final rule is issued by the Secretary, except that any State or local standard prescribed or enacted for the product before the date on which the final rule is issued shall not be preempted until the energy conservation standard established under subsection (l),(u), (v), or (w) for the product takes effect; and

“(2) to products for which energy conservation standards are established under subsections (x) through (ff) on the date of enactment of those subsections, except that any State or local standard prescribed or enacted before the date of enactment of those subsections shall not be preempted until the energy conservation standards established under subsections (x) through (ff) take effect.”.

(d) General Rule of Preemption.—Section 327(c) of the Energy Policy and Conservation Act (42 U.S.C. 6297(c)) is amended—

(1) in paragraph (5), by striking “or” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(7)(A) is a regulation concerning standards for commercial prerinse spray valves adopted by the California Energy Commission before January 1, 2005; or

“(B) is an amendment to a regulation described in subparagraph (A) that was developed to align California regulations with changes in American Society for Testing and Materials Standard F2324;

“(8)(A) is a regulation concerning standards for pedestrian modules adopted by the California Energy Commission before January 1, 2005; or

“(B) is an amendment to a regulation described in subparagraph (A) that was developed to align California regulations to changes in the Institute for Transportation Engineers standards, entitled ‘Performance Specification: Pedestrian Traffic Control Signal Indications’.”.

SEC. 136. ENERGY CONSERVATION STANDARDS FOR COMMERCIAL EQUIPMENT.

(a) Definitions.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (D) through (G) as subparagraphs (H) through (K), respectively; and

(B) by inserting after subparagraph (C) the following:

“(D) Very large commercial package air conditioning and heating equipment.

“(E) Commercial refrigerators, freezers, and refrigerator-freezers.

“(F) Automatic commercial ice makers.

“(G) Commercial clothes washers.”;

(2) in paragraph (2)(B), by striking “small and large commercial package air conditioning and heating equipment” and inserting “commercial package air conditioning and heating equipment, commercial refrigerators, freezers, and refrigerator-freezers, automatic commercial ice makers, commercial clothes washers”;

(3) by striking paragraphs (8) and (9) and inserting the following:

"(8)(A) The term 'commercial package air conditioning and heating equipment' means air-cooled, water-cooled, evaporatively-cooled, or water source (not including ground water source) electrically operated, unitary central air conditioners and central air conditioning heat pumps for commercial application.

"(B) The term 'small commercial package air conditioning and heating equipment' means commercial package air conditioning and heating equipment that is rated below 135,000 Btu per hour (cooling capacity).

"(C) The term 'large commercial package air conditioning and heating equipment' means commercial package air conditioning and heating equipment that is rated—

"(i) at or above 135,000 Btu per hour; and

"(ii) below 240,000 Btu per hour (cooling capacity).

"(D) The term 'very large commercial package air conditioning and heating equipment' means commercial package air conditioning and heating equipment that is rated—

"(i) at or above 240,000 Btu per hour; and

"(ii) below 760,000 Btu per hour (cooling capacity).

"(9)(A) The term 'commercial refrigerator, freezer, and refrigerator-freezer' means refrigeration equipment that—

"(i) is not a consumer product (as defined in section 321);

"(ii) is not designed and marketed exclusively for medical, scientific, or research purposes;

"(iii) operates at a chilled, frozen, combination chilled and frozen, or variable temperature;

"(iv) displays or stores merchandise and other perishable materials horizontally, semivertically, or vertically;

"(v) has transparent or solid doors, sliding or hinged doors, a combination of hinged, sliding, transparent, or solid doors, or no doors;

"(vi) is designed for pull-down temperature applications or holding temperature applications; and

"(vii) is connected to a self-contained condensing unit or to a remote condensing unit.

"(B) The term 'holding temperature application' means a use of commercial refrigeration equipment other than a pull-down temperature application, except a blast chiller or freezer.

"(C) The term 'integrated average temperature' means the average temperature of all test package measurements taken during the test.

"(D) The term 'pull-down temperature application' means a commercial refrigerator with doors that, when fully loaded with 12 ounce beverage cans at 90 degrees F, can cool those beverages to an average stable temperature of 38 degrees F in 12 hours or less.

"(E) The term 'remote condensing unit' means a factory-made assembly of refrigerating components designed to compress and liquefy a specific refrigerant that is remotely located from the refrigerated equipment and consists of 1 or more refrigerant compressors, refrigerant condensers, condenser fans and motors, and factory supplied accessories.

"(F) The term 'self-contained condensing unit' means a factory-made assembly of refrigerating components designed to compress and liquefy a specific refrigerant that is an integral part of the refrigerated equipment and consists of 1 or more refrigerant compressors, refrigerant condensers, condenser fans and motors, and factory supplied accessories."; and

(4) by adding at the end the following:

"(19) The term 'automatic commercial ice maker' means a factory-made assembly (not necessarily shipped in 1 package) that—

"(A) consists of a condensing unit and ice-making section operating as an integrated unit, with means for making and harvesting ice; and

"(B) may include means for storing ice, dispensing ice, or storing and dispensing ice.

"(20) The term 'commercial clothes washer' means a soft-mount front-loading or soft-mount top-loading clothes washer that—

"(A) has a clothes container compartment that—

"(i) for horizontal-axis clothes washers, is not more than 3.5 cubic feet ; and

"(ii) for vertical-axis clothes washers, is not more than 4.0 cubic feet; and

"(B) is designed for use in—

"(i) applications in which the occupants of more than 1 household will be using the clothes washer, such as multi-family housing common areas and coin laundries; or

"(ii) other commercial applications.

"(21) The term 'harvest rate' means the amount of ice (at 32 degrees F) in pounds produced per 24 hours.".

(b) STANDARDS FOR COMMERCIAL PACKAGE AIR CONDITIONING AND HEATING EQUIPMENT.—Section 342(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended—

(1) in the subsection heading, by striking "SMALL AND LARGE" and inserting "SMALL, LARGE, AND VERY LARGE";

(2) in paragraph (1), by inserting "but before January 1, 2010," after "January 1, 1994,";

(3) in paragraph (2), by inserting "but before January 1, 2010," after "January 1, 1995,"; and

(4) in paragraph (6)—

(A) in subparagraph (A)—

(i) by inserting "(i)" after "(A)";

(ii) by striking "the date of enactment of the Energy Policy Act of 1992" and inserting "January 1, 2010";

(iii) by inserting after "large commercial package air conditioning and heating equipment," the following: "and very large commercial package air conditioning and heating equipment, or if ASHRAE/IES Standard 90.1, as in effect on October 24, 1992, is amended with respect to any"; and

(iv) by adding at the end the following:

"(ii) If ASHRAE/IES Standard 90.1 is not amended with respect to small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, and very large commercial package air conditioning and heating equipment during the 5-year period beginning on the effective date of a standard, the Secretary may initiate a rulemaking to determine whether a more stringent standard—

"(I) would result in significant additional conservation of energy; and

"(II) is technologically feasible and economically justified."; and

(B) in subparagraph (C)(ii), by inserting "and very large commercial package air conditioning and heating equipment" after "large commercial package air conditioning and heating equipment"; and

(5) by adding at the end the following:

"(7) Small commercial package air conditioning and heating equipment manufactured on or after January 1, 2010, shall meet the following standards:

"(A) The minimum energy efficiency ratio of air-cooled central air conditioners at or above 65,000 Btu per hour (cooling capacity) and less than 135,000 Btu per hour (cooling capacity) shall be—

"(i) 11.2 for equipment with no heating or electric resistance heating; and

"(ii) 11.0 for equipment with all other heating system types that are integrated.into the equipment (at a standard rating of 95 degrees F db).

"(B) The minimum energy efficiency ratio of air-cooled central air conditioner heat pumps at or above 65,000 Btu per hour (cooling capacity) and less than 135,000 Btu per hour (cooling capacity) shall be—

"(i) 11.0 for equipment with no heating or electric resistance heating; and

"(ii) 10.8 for equipment with all other heating system types that are integrated into the equipment (at a standard rating of 95 degrees F db).

"(C) The minimum coefficient of performance in the heating mode of air-cooled central air conditioning heat pumps at or above 65,000 Btu per hour (cooling capacity) and less than 135,000 Btu per hour (cooling capacity) shall be 3.3 (at a high temperature rating of 47 degrees F db).

"(8) Large commercial package air conditioning and heating equipment manufactured on or after January 1, 2010, shall meet the following standards:

"(A) The minimum energy efficiency ratio of air-cooled central air conditioners at or above 135,000 Btu per hour (cooling capacity) and less than 240,000 Btu per hour (cooling capacity) shall be—

"(i) 11.0 for equipment with no heating or electric resistance heating; and

"(ii) 10.8 for equipment with all other heating system types that are integrated into the equipment (at a standard rating of 95 degrees F db).

"(B) The minimum energy efficiency ratio of air-cooled central air conditioner heat pumps at or above 135,000 Btu per hour (cooling capacity) and less than 240,000 Btu per hour (cooling capacity) shall be—

"(i) 10.6 for equipment with no heating or electric resistance heating; and

"(ii) 10.4 for equipment with all other heating system types that are integrated into the equipment (at a standard rating of 95 degrees F db).

"(C) The minimum coefficient of performance in the heating mode of air-cooled central air conditioning heat pumps at or above 135,000 Btu per hour (cooling capacity) and less than 240,000 Btu per hour (cooling capacity) shall be 3.2 (at a high temperature rating of 47 degrees F db).

"(9) Very large commercial package air conditioning and heating equipment manufactured on or after January 1, 2010, shall meet the following standards:

"(A) The minimum energy efficiency ratio of air-cooled central air conditioners at or above 240,000 Btu per hour (cooling capacity) and less than 760,000 Btu per hour (cooling capacity) shall be—

"(i) 10.0 for equipment with no heating or electric resistance heating; and

"(ii) 9.8 for equipment with all other heating system types that are integrated into the equipment (at a standard rating of 95 degrees F db).

"(B) The minimum energy efficiency ratio of air-cooled central air conditioner heat pumps at or above 240,000 Btu per hour (cooling capacity) and less than 760,000 Btu per hour (cooling capacity) shall be—

"(i) 9.5 for equipment with no heating or electric resistance heating; and

"(ii) 9.3 for equipment with all other heating system types that are integrated into the equipment (at a standard rating of 95 degrees F db).

"(C) The minimum coefficient of performance in the heating mode of air-cooled central air conditioning heat pumps at or above 240,000 Btu per hour (cooling capacity) and less than 760,000 Btu per hour (cooling capacity) shall be 3.2 (at a high temperature rating of 47 degrees F db).".

(c) STANDARDS FOR COMMERCIAL REFRIGERATORS, FREEZERS, AND REFRIGERATOR-FREEZERS.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:

"(c) COMMERCIAL REFRIGERATORS, FREEZERS, AND REFRIGERATOR-FREEZERS.—(1) In this subsection:

"(A) The term 'AV' means the adjusted volume (ft^3) (defined as 1.63 x frozen temperature compartment volume (ft^3) + chilled temperature compartment volume (ft^3)) with compartment volumes measured in accordance with the Association of Home Appliance Manufacturers Standard HRF1–1979.

"(B) The term 'V' means the chilled or frozen compartment volume (ft^3) (as defined in the Association of Home Appliance Manufacturers Standard HRF1–1979).

"(C) Other terms have such meanings as may be established by the Secretary, based on industry-accepted definitions and practice.

"(2) Each commercial refrigerator, freezer, and refrigerator-freezer with a self-contained condensing unit designed for holding temperature applications manufactured on or after January 1, 2010, shall have a daily energy consumption (in kilowatt hours per day) that does not exceed the following:

Refrigerators with solid doors.	0.10 V + 2.04
Refrigerators with transparent doors.	0.12 V + 3.34
Freezers with solid doors	0.40 V + 1.38
Freezers with transparent doors.	0.75 V + 4.10
Refrigerators/freezers with solid doors the greater of.	0.27 AV – 0.71 or 0.70.

"(3) Each commercial refrigerator with a self-contained condensing unit designed for pull-down temperature applications and transparent doors manufactured on or after January 1, 2010, shall have a daily energy consumption (in kilowatt hours per day) of not more than 0.126 V + 3.51.

"(4)(A) Not later than January 1, 2009, the Secretary shall issue, by rule, standard levels for ice-cream freezers, self-contained commercial refrigerators, freezers, and refrigerator-freezers without doors, and remote condensing commercial refrigerators, freezers, and refrigerator-freezers, with the standard levels effective for equipment manufactured on or after January 1, 2012.

"(B) The Secretary may issue, by rule, standard levels for other types of commercial refrigerators, freezers, and refrigerator-freezers not covered by paragraph (2)(A) with the standard levels effective for equipment manufactured 3 or more years after the date on which the final rule is published.

"(5)(A) Not later than January 1, 2013, the Secretary shall issue a final rule to determine whether the standards established under this subsection should be amended.

"(B) Not later than 3 years after the effective date of any amended standards under subparagraph (A) or the publication of a final rule determining that the standards should not be amended, the Secretary shall issue a final rule to determine whether the standards established under this subsection or the amended standards, as applicable, should be amended.

"(C) If the Secretary issues a final rule under subparagraph (A) or (B) establishing amended standards, the final rule shall provide that the amended standards apply to products manufactured on or after the date that is—

"(i) 3 years after the date on which the final amended standard is published; or

"(ii) if the Secretary determines, by rule, that 3 years is inadequate, not later than 5 years after the date on which the final rule is published.".

(d) STANDARDS FOR AUTOMATIC COMMERCIAL ICE MAKERS.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) (as amended by subsection (c)) is amended by adding at the end the following:

"(d) AUTOMATIC COMMERCIAL ICE MAKERS.—(1) Each automatic commercial ice maker that produces cube type ice with capacities between 50 and 2500 pounds per 24-hour period when tested according to the test standard established in section 343(a)(7) and is manufactured on or after January 1, 2010, shall meet the following standard levels:

Equipment Type	Type of Cooling	Harvest Rate (lbs ice/24 hours)	Maximum Energy Use (kWh/100 lbs Ice)	Maximum Condenser Water Use (gal/100 lbs Ice)
Ice Making Head	Water	<500	7.80–0.0055H	200–0.022H
		≥500 and <1436	5.58–0.0011H	200–0.022H
		≥1436	4.0	200–0.022H
Ice Making Head	Air	<450	10.26–0.0086H	Not Applicable
		≥450	6.89–0.0011H	Not Applicable
Remote Condensing (but not remote compressor)	Air	<1000	8.85–0.0038H	Not Applicable
		≥1000	5.10	Not Applicable
Remote Condensing and Remote Compressor	Air	<934	8.85–0.0038H	Not Applicable
		≥934	5.3	Not Applicable
Self Contained	Water	<200	11.40–0.019H	191–0.0315H
		≥200	7.60	191–0.0315H
Self Contained	Air	<175	18.0–0.0469H	Not Applicable
		≥175	9.80	Not Applicable

H = Harvest rate in pounds per 24 hours.
Water use is for the condenser only and does not include potable water used to make ice.

"(2)(A) The Secretary may issue, by rule, standard levels for types of automatic commercial ice makers that are not covered by paragraph (1).

"(B) The standards established under subparagraph (A) shall apply to products manufactured on or after the date that is—

"(i) 3 years after the date on which the rule is published under subparagraph (A); or

"(ii) if the Secretary determines, by rule, that 3 years is inadequate, not later than 5 years after the date on which the final rule is published.

"(3)(A) Not later than January 1, 2015, with respect to the standards established under paragraph (1), and, with respect to the standards established under paragraph (2), not later than 5 years after the date on which the standards take effect, the Secretary shall issue a final rule to determine whether amending the applicable standards is technologically feasible and economically justified.

"(B) Not later than 5 years after the effective date of any amended standards under subparagraph (A) or the publication of a final rule determining that amending the standards is not technologically feasible or economically justified, the Secretary shall issue a final rule to determine whether amending the standards established under paragraph (1) or the amended standards, as applicable, is technologically feasible or economically justified.

"(C) If the Secretary issues a final rule under subparagraph (A) or (B) establishing amended standards, the final rule shall provide that the amended standards apply to products manufactured on or after the date that is—

"(i) 3 years after the date on which the final amended standard is published; or

"(ii) if the Secretary determines, by rule, that 3 years is inadequate, not later than 5 years after the date on which the final amended standard is published.

"(4) A final rule issued under paragraph (2) or (3) shall establish standards at the maximum level that is technically feasible and economically justified, as provided in subsections (o) and (p) of section 325.".

(e) STANDARDS FOR COMMERCIAL CLOTHES WASHERS.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) (as amended by subsection (d)) is amended by adding at the end the following:

"(e) COMMERCIAL CLOTHES WASHERS.—(1) Each commercial clothes washer manufactured on or after January 1, 2007, shall have—

"(A) a Modified Energy Factor of at least 1.26; and

"(B) a Water Factor of not more than 9.5.

"(2)(A)(i) Not later than January 1, 2010, the Secretary shall publish a final rule to determine whether the standards established under paragraph (1) should be amended.

"(ii) The rule published under clause (i) shall provide that any amended standard shall apply to products manufactured 3 years after the date on which the final amended standard is published.

"(B)(i) Not later than January 1, 2015, the Secretary shall publish a final rule to determine whether the standards established under paragraph (1) should be amended.

"(ii) The rule published under clause (i) shall provide that any amended standard shall apply to products manufactured 3 years after the date on which the final amended standard is published.".

(f) TEST PROCEDURES.—Section 343 of the Energy Policy and Conservation Act (42 U.S.C. 6314) is amended—

(1) in subsection (a)—

(A) in paragraph (4)—

(i) in subparagraph (A), by inserting "very large commercial package air conditioning and heating equipment," after "large commercial package air conditioning and heating equipment,"; and

(ii) in subparagraph (B), by inserting "very large commercial package air conditioning and heating equipment," after "large commercial package air conditioning and heating equipment,"; and

(B) by adding at the end the following:

"(6)(A)(i) In the case of commercial refrigerators, freezers, and refrigerator-freezers, the test procedures shall be—

"(I) the test procedures determined by the Secretary to be generally accepted industry testing procedures; or

"(II) rating procedures developed or recognized by the ASHRAE or by the American National Standards Institute.

"(ii) In the case of self-contained refrigerators, freezers, and refrigerator-freezers to which standards are applicable under paragraphs (2) and (3) of section 342(c), the initial test procedures shall be the ASHRAE 117 test procedure that is in effect on January 1, 2005.

"(B)(i) In the case of commercial refrigerators, freezers, and refrigerators-freezers with doors covered by the standards adopted in February 2002, by the California Energy Commission, the rating temperatures shall be the integrated average temperature of 38 degrees F (± 2 degrees F) for refrigerator compartments and 0 degrees F (± 2 degrees F) for freezer compartments.

"(C) The Secretary shall issue a rule in accordance with paragraphs (2) and (3) to establish the appropriate rating temperatures for the other products for which standards will be established under subsection 342(c)(4).

"(D) In establishing the appropriate test temperatures under this subparagraph, the Secretary shall follow the procedures and meet the requirements under section 323(e).

"(E)(i) Not later than 180 days after the publication of the new ASHRAE 117 test procedure, if the ASHRAE 117 test procedure for commercial refrigerators, freezers, and refrigerator-freezers is amended, the Secretary shall, by rule, amend the test procedure for the product as necessary to ensure that the test procedure is consistent with the amended ASHRAE 117 test procedure, unless the Secretary makes a determination, by rule, and supported by clear and convincing evidence, that to do so would not meet the requirements for test procedures under paragraphs (2) and (3).

"(ii) If the Secretary determines that 180 days is an insufficient period during which to review and adopt the amended test procedure or rating procedure under clause (i), the Secretary shall publish a notice in the Federal Register stating the intent of the Secretary to wait not longer than 1 additional year before putting into effect an amended test procedure or rating procedure.

"(F)(i) If a test procedure other than the ASHRAE 117 test procedure is approved by the American National Standards Institute, the Secretary shall, by rule—

"(I) review the relative strengths and weaknesses of the new test procedure relative to the ASHRAE 117 test procedure; and

"(II) based on that review, adopt 1 new test procedure for use in the standards program.

"(ii) If a new test procedure is adopted under clause (i)—

"(I) section 323(e) shall apply; and

"(II) subparagraph (B) shall apply to the adopted test procedure.

"(7)(A) In the case of automatic commercial ice makers, the test procedures shall be the test procedures specified in Air-Conditioning and Refrigeration Institute Standard 810-2003, as in effect on January 1, 2005.

"(B)(i) If Air-Conditioning and Refrigeration Institute Standard 810–2003 is amended, the Secretary shall amend the test procedures established in subparagraph (A) as necessary to be consistent with the amended Air-Conditioning and Refrigeration Institute Standard, unless the Secretary determines, by rule, published in the Federal Register and supported by clear and convincing evidence, that to do so would not meet the requirements for test procedures under paragraphs (2) and (3).

"(ii) If the Secretary issues a rule under clause (i) containing a determination described in clause (ii), the rule may establish an amended test procedure for the product that meets the requirements of paragraphs (2) and (3).

"(C) The Secretary shall comply with section 323(e) in establishing any amended test procedure under this paragraph.

"(8) With respect to commercial clothes washers, the test procedures shall be the same as the test procedures established by the Secretary for residential clothes washers under section 325(g)."; and

(2) in subsection (d)(1), by inserting "very large commercial package air conditioning and heating equipment, commercial refrigerators, freezers, and refrigerator-freezers, automatic commercial ice makers, commercial clothes washers," after "large commercial package air conditioning and heating equipment,".

(g) LABELING.—Section 344(e) of the Energy Policy and Conservation Act (42 U.S.C. 6315(e)) is amended by inserting "very large commercial package air conditioning and heating equipment, commercial refrigerators, freezers, and refrigerator-freezers, automatic commercial ice makers, commercial clothes washers," after "large commercial package air conditioning and heating equipment," each place it appears.

(h) ADMINISTRATION, PENALTIES, ENFORCEMENT, AND PREEMPTION.—Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) is amended—

(1) in subsection (a)—

(A) in paragraph (7), by striking "and" at the end;

(B) in paragraph (8), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(9) in the case of commercial clothes washers, section 327(b)(1) shall be applied as if the National Appliance Energy Conservation Act of 1987 was the Energy Policy Act of 2005.";

(2) in the first sentence of subsection (b)(1), by striking "part B" and inserting "part A"; and

(3) by adding at the end the following:

"(d)(1) Except as provided in paragraphs (2) and (3), section 327 shall apply with respect to very large commercial package air conditioning and heating equipment to the same extent and in the same manner as section 327 applies under part A on the date of enactment of this subsection.

"(2) Any State or local standard issued before the date of enactment of this subsection shall not be preempted until the standards established under section 342(a)(9) take effect on January 1, 2010.

"(e)(1)(A) Subsections (a), (b), and (d) of section 326, subsections (m) through (s) of section 325, and sections 328 through 336 shall apply with respect to commercial refrigerators, freezers, and refrigerator-freezers to the same extent and in the same manner as those provisions apply under part A.

"(B) In applying those provisions to commercial refrigerators, freezers, and refrigerator-freezers, paragraphs (1), (2), (3), and (4) of subsection (a) shall apply.

"(2)(A) Section 327 shall apply to commercial refrigerators, freezers, and refrigerator-freezers for which standards are established under paragraphs (2) and (3) of section 342(c) to the same extent and in the same manner as those provisions apply under part A on the date of enactment of this subsection, except that any State or local standard issued before the date of enactment of this subsection shall not be preempted until the standards established under paragraphs (2) and (3) of section 342(c) take effect.

"(B) In applying section 327 in accordance with subparagraph (A), paragraphs (1), (2), and (3) of subsection (a) shall apply.

"(3)(A) Section 327 shall apply to commercial refrigerators, freezers, and refrigerator-freezers for which standards are established under section 342(c)(4) to the same extent and in the same manner as the provisions apply under part A on the date of publication of the final rule by the Secretary, except that any State or local standard issued before the date of publication of the final rule by the Secretary shall not be preempted until the standards take effect.

"(B) In applying section 327 in accordance with subparagraph (A), paragraphs (1), (2), and (3) of subsection (a) shall apply.

"(4)(A) If the Secretary does not issue a final rule for a specific type of commercial refrigerator, freezer, or refrigerator-freezer within the time frame specified in section 342(c)(5), subsections (b) and (c) of section 327 shall not apply to that specific type of refrigerator, freezer, or refrigerator-freezer for the period beginning on the date that is 2 years after the scheduled date for a final rule and ending on the date on which the Secretary publishes a final rule covering the specific type of refrigerator, freezer, or refrigerator-freezer.

"(B) Any State or local standard issued before the date of publication of the final rule shall not be preempted until the final rule takes effect.

"(5)(A) In the case of any commercial refrigerator, freezer, or refrigerator-freezer to which standards are applicable under paragraphs (2) and (3) of section 342(c), the Secretary shall require manufacturers to certify, through an independent, nationally recognized testing or certification program, that the commercial refrigerator, freezer, or refrigerator-freezer meets the applicable standard.

"(B) The Secretary shall, to the maximum extent practicable, encourage the establishment of at least 2 independent testing and certification programs.

"(C) As part of certification, information on equipment energy use and interior volume shall be made available to the Secretary.

"(f)(1)(A)(i) Except as provided in clause (ii), section 327 shall apply to automatic commercial ice makers for which standards have been established under section 342(d)(1) to the same extent and in the same manner as the section applies under part A on the date of enactment of this subsection.

"(ii) Any State standard issued before the date of enactment of this subsection shall not be preempted until the standards established under section 342(d)(1) take effect.

"(B) In applying section 327 to the equipment under subparagraph (A), paragraphs (1), (2), and (3) of subsection (a) shall apply.

"(2)(A)(i) Except as provided in clause (ii), section 327 shall apply to automatic commercial ice makers for which standards have been established under section 342(d)(2) to the same extent and in the same manner as the section applies under part A on the date of publication of the final rule by the Secretary.

"(ii) Any State standard issued before the date of publication of the final rule by the Secretary shall not be preempted until the standards established under section 342(d)(2) take effect.

"(B) In applying section 327 in accordance with subparagraph (A), paragraphs (1), (2), and (3) of subsection (a) shall apply.

"(3)(A) If the Secretary does not issue a final rule for a specific type of automatic commercial ice maker within the time frame specified in subsection 342(d), subsections (b) and (c) of section 327 shall no longer apply to the specific type of automatic commercial ice maker for the period beginning on the day after the scheduled date for a final rule and ending on the date on which the Secretary publishes a final rule covering the specific type of automatic commercial ice maker.

"(B) Any State standard issued before the publication of the final rule shall not be preempted until the standards established in the final rule take effect.

"(4)(A) The Secretary shall monitor whether manufacturers are reducing harvest rates below tested values for the purpose of bringing non-complying equipment into compliance.

"(B) If the Secretary finds that there has been a substantial amount of manipulation with respect to harvest rates under subparagraph (A), the Secretary shall take steps to minimize the manipulation, such as requiring harvest rates to be within 5 percent of tested values.

"(g)(1)(A) If the Secretary does not issue a final rule for commercial clothes washers within the timeframe specified in section 342(e)(2), subsections (b) and (c) of section 327 shall not apply to commercial clothes washers for the period beginning on the day after the scheduled date for a final rule and ending on the date on which the Secretary publishes a final rule covering commercial clothes washers.

"(B) Any State or local standard issued before the date on which the Secretary publishes a final rule shall not be preempted until the standards established under section 342(e)(2) take effect.

"(2) The Secretary shall undertake an educational program to inform owners of laundromats, multifamily housing, and other sites where commercial clothes washers are located about the new standard, including impacts on washer purchase costs and options for recovering those costs through coin collection.".

SEC. 137. EXPEDITED RULEMAKING.

(a) ADMINISTRATIVE PROCEDURE.—The first sentence of section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6295(p)) is amended by striking "Any" and inserting "Except as provided in subsection (u), any".

(b) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—The first sentence of section 336(b)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6306(b)(2)) is amended by striking "such chapter." and inserting "that chapter, except, notwithstanding section 706(2)(D) of title 5, United States Code, no direct final rule prescribed or withdrawn under section 325(u) may be held unlawful or set aside because of the failure of the Secretary to observe a procedure required by law other than the procedures required under section 325(u).".

(c) CONFORMING AMENDMENT.—Section 345(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(1)) is amended by inserting "section 325(u)," before "section 326(a)".

SEC. 138. ENERGY LABELING.

(a) RULEMAKING ON EFFECTIVENESS OF CONSUMER PRODUCT LABELING.—Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding at the end the following:

"(F)(i) Not later than 90 days after the date of enactment of this subparagraph, the Commission shall initiate a rulemaking to consider—

"(I) the effectiveness of the consumer products labeling program in assisting consumers in making purchasing decisions and improving energy efficiency; and

"(II) changes to the labeling rules (including categorical labeling) that would improve the effectiveness of consumer product labels.

"(ii) Not later than 2 years after the date of enactment of this subparagraph, the Commission shall complete the rulemaking initiated under clause (i).".

(b) RULEMAKING ON LABELING FOR ADDITIONAL PRODUCTS.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) is amended by adding at the end the following:

"(5)(A) For covered products described in subsections (u) through (ee) of section 325, after a test procedure has been prescribed under section 323, the Secretary or the Commission, as appropriate, may prescribe, by rule, under this section labeling requirements for the products.

"(B) In the case of products to which TP–1 standards under section 325(y) apply, labeling requirements shall be based on the 'Standard for the Labeling of Distribution Transformer Efficiency' prescribed by the National Electrical Manufacturers Association (NEMA TP–3) as in effect on the date of enactment of this paragraph.

"(C) In the case of dehumidifiers covered under section 325(dd), the Commission shall not require an 'Energy Guide' label.".

SEC. 139. ENERGY EFFICIENT ELECTRIC AND NATURAL GAS UTILITIES STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the National Association of Regulatory Utility Commissioners and the National Association of State Energy Officials, shall conduct a study of State and regional policies that promote cost-effective programs to reduce energy consumption (including energy efficiency programs) that are carried out by—

(1) utilities that are subject to State regulation; and

(2) nonregulated utilities.

(b) CONSIDERATION.—In conducting the study under subsection (a), the Secretary shall take into consideration—

(1) performance standards for achieving energy use and demand reduction targets;

(2) funding sources, including rate surcharges;

(3) infrastructure planning approaches (including energy efficiency programs) and infrastructure improvements;

(4) the costs and benefits of consumer education programs conducted by State and local governments and local utilities to increase consumer awareness of energy efficiency technologies and measures; and

(5) methods of—

(A) removing disincentives for utilities to implement energy efficiency programs;

(B) encouraging utilities to undertake voluntary energy efficiency programs; and

(C) ensuring appropriate returns on energy efficiency programs.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes—

(1) the findings of the study; and

(2) any recommendations of the Secretary, including recommendations on model policies to promote energy efficiency programs.

SEC. 140. ENERGY EFFICIENCY PILOT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a pilot program under which the Secretary provides financial assistance to at least 3, but not more than 7, States to carry out pilot projects in the States for—

(1) planning and adopting statewide programs that encourage, for each year in which the pilot project is carried out—

(A) energy efficiency; and

(B) reduction of consumption of electricity or natural gas in the State by at least 0.75 percent, as compared to a baseline determined by the Secretary for the period preceding the implementation of the program; or

(2) for any State that has adopted a statewide program as of the date of enactment of this Act, activities that reduce energy consumption in the State by expanding and improving the program.

(b) VERIFICATION.—A State that receives financial assistance under subsection (a)(1) shall submit to the Secretary independent verification of any energy savings achieved through the statewide program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

SEC. 141. ENERGY EFFICIENCY RESOURCE PROGRAMS.

(a) ELECTRIC UTILITY PROGRAMS.—Section 111 of the Public Utilities Regulatory Policy Act of 1978 (16 U.S.C. 2621) is amended by adding at the end the following:

"(e) ENERGY EFFICIENCY RESOURCE PROGRAMS.—

"(1) DEFINITIONS.—In this subsection:

"(A) DEMAND BASELINE.—The term 'demand baseline' means the baseline determined by the Secretary for an appropriate period preceding the implementation of an energy efficiency resource program.

"(B) ENERGY EFFICIENCY RESOURCE PROGRAMS.—The term 'energy efficiency resource program' means an energy efficiency or other demand reduction program that is designed to reduce annual electricity consumption or peak demand of consumers served by an electric utility by a percentage of the demand baseline of the utility that is equal to not less than 0.75 percent of the number of years during which the program is in effect.

"(2) PUBLIC HEARINGS; DETERMINATIONS.—

"(A) As soon as practicable after the date of enactment of this subsection, but not later than 3 years after that date, each State regulatory authority (with respect to each electric utility over which the State has ratemaking authority) and each nonregulated electric utility shall, after notice, conduct a public hearing on the benefits and feasibility of implementing an energy efficiency resource program.

"(B) A State regulatory authority or nonregulated utility shall implement an energy efficiency resource program if, on the basis of a hearing under subparagraph (A), the State regulatory authority or nonregulated utility determines that the program would—

"(i) benefit end-use customers;

"(ii) be cost-effective based on total resource cost;

"(iii) serve the public welfare; and

"(iv) be feasible to implement.

"(3) IMPLEMENTATION.—

"(A) STATE REGULATORY AUTHORITIES.—If a State regulatory authority makes a determination under paragraph (2)(B), the State regulatory authority shall—

"(i) require each electric utility over which the State has ratemaking authority to implement an energy efficiency resource program; and

"(ii) allow such a utility to recover any expenditures incurred by the utility in implementing the energy efficiency resource program.

"(B) NONREGULATED ELECTRIC UTILITIES.—If a nonregulated electric utility makes a determination under paragraph (2)(B), the utility shall implement an energy efficiency resource program.

"(4) UPDATING REGULATIONS.—A State regulatory authority or nonregulated utility may update periodically a determination under paragraph (2)(B) to determine whether an energy efficiency resource program should be—

"(A) continued;,

"(B) modified; or

"(C) terminated.

"(5) EXCEPTION.—Paragraph (2) shall not apply to a State regulatory authority (or any nonregulated electric utility operating in the State) that demonstrates to the Secretary that an energy efficiency resource program is in effect in the State.".

(b) GAS UTILITIES.—Section 303 of the Public Utilities Regulatory Policy Act of 1978 (15 U.S.C. 3203) is amended by adding at the end the following:

"(e) ENERGY EFFICIENCY RESOURCE PROGRAMS.—

"(1) DEFINITIONS.—In this subsection:

"(A) DEMAND BASELINE.—The term 'demand baseline' means the baseline determined by the Secretary for an appropriate period preceding the implementation of an energy efficiency resource program.

"(B) ENERGY EFFICIENCY RESOURCE PROGRAMS.—The term 'energy efficiency resource program' means an energy efficiency or other demand reduction program that is designed to reduce annual gas consumption or peak demand of consumers served by a gas utility by a percentage of the demand baseline of the utility that is equal to not less than 0.75 percent of the number of years during which the program is in effect.

"(2) PUBLIC HEARINGS; DETERMINATIONS.—

"(A) As soon as practicable after the date of enactment of this subsection, but not later than 3 years after that date, each State regulatory authority (with respect to each gas utility over which the State has ratemaking authority) and each nonregulated gas utility shall, after notice, conduct a public hearing on the benefits and feasibility of implementing an energy efficiency resource program.

"(B) A State regulatory authority or nonregulated utility shall implement an energy efficiency resource program if, on the basis of a hearing under subparagraph (A), the State regulatory authority or nonregulated utility determines that the program would—

"(i) benefit end-use customers;

"(ii) be cost-effective based on total resource cost;

"(iii) serve the public welfare; and

"(iv) be feasible to implement.

"(3) IMPLEMENTATION.—

"(A) STATE REGULATORY AUTHORITIES.—If a State regulatory authority makes a determination under paragraph (2)(B), the State regulatory authority shall—

"(i) require each gas utility over which the State has ratemaking authority to implement an energy efficiency resource program; and

"(ii) allow such a utility to recover any expenditures incurred by the utility in implementing the energy efficiency resource program.

"(B) NONREGULATED GAS UTILITIES.—If a nonregulated gas utility makes a determination under paragraph (2)(B), the utility shall implement an energy efficiency resource program.

"(4) UPDATING REGULATIONS.—A State regulatory authority or nonregulated utility may update periodically a determination under paragraph (2)(B) to determine whether an energy efficiency resource program should be—

"(A) continued;,

"(B) modified; or

"(C) terminated.

"(5) EXCEPTION.—Paragraph (2) shall not apply to a State regulatory authority (or any nonregulated gas utility operating in the State) that demonstrates to the Secretary that an energy efficiency resource program is in effect in the State.".

Subtitle D—Measures to Conserve Petroleum

SEC. 151. REDUCTION OF DEPENDENCE ON IMPORTED PETROLEUM.

(a) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2006, and annually thereafter, the President shall submit to Congress a report, based on the most recent edition of the Annual Energy Outlook published by the Energy Information Administration, assessing the progress made by the United States toward the goal of reducing dependence on imported petroleum sources by 2015.

(2) CONTENTS.—The report under subsection (a) shall—

(A) include a description of the implementation, during the previous fiscal year, of provisions under this Act relating to domestic crude petroleum production;

(B) assess the effectiveness of those provisions in meeting the goal described in paragraph (1); and

(C) describe the progress in developing and implementing measures under subsection (b).

(b) MEASURES TO REDUCE IMPORT DEPENDENCE THROUGH INCREASED DOMESTIC PETROLEUM CONSERVATION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall develop and implement measures to conserve petroleum in end-uses throughout the economy of the United States sufficient to reduce total demand for petroleum in the United States by 1,000,000 barrels per day from the amount projected for calendar year 2015 in the reference case contained in the report of the Energy Information Administration entitled "Annual Energy Outlook 2005".

(2) CONTENTS.—The measures under paragraph (1) shall be designed to ensure continued reliable and affordable energy for consumers.

(3) IMPLEMENTATION.—The measures under paragraph (1) shall be implemented under existing authorities of appropriate Federal executive agencies identified by the President.

Subtitle E—Energy Efficiency in Housing

SEC. 161. PUBLIC HOUSING CAPITAL FUND.

Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) is amended—

(1) in subsection (d)(1)—

(A) in subparagraph (I), by striking "; and" and inserting a semicolon;

(B) in subparagraph (J), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(K) improvement of energy and water-use efficiency by installing fixtures and fittings that conform to the American Society of Mechanical Engineers/American National Standards Institute standards A112.19.2–1998 and A112.18.1–2000, or any revision thereto, applicable at the time of installation, and by increasing energy efficiency and water conservation by such other means as the Secretary determines are appropriate; and

"(L) integrated utility management and capital planning to maximize energy conservation and efficiency measures."; and

(2) in subsection (e)(2)(C)—

(A) by striking "The treatment" and inserting the following:

"(i) IN GENERAL.—The treatment"; and

(B) by adding at the end the following:

"(ii) THIRD PARTY CONTRACTS.—Contracts described in clause (i) may include contracts for—

"(I) equipment conversions to less costly utility sources;

"(II) projects with resident-paid utilities; and

"(III) adjustments to frozen base year consumption, including systems repaired to meet applicable building and safety codes and adjustments for occupancy rates increased by rehabilitation.

"(iii) TERM OF CONTRACT.—The total term of a contract described in clause (i) shall not exceed 20 years to allow longer payback periods for retrofits, including—

"(I) windows;

"(II) heating system replacements;

"(III) wall insulation;

"(IV) site-based generation; and

"(V) advanced energy savings technologies, including renewable energy generation and other such retrofits.".

SEC. 162. ENERGY EFFICIENT APPLIANCES.

In purchasing appliances, a public housing agency shall purchase energy-efficient appliances that are Energy Star products or FEMP designated products, as such terms are defined in section 552 of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.) (as amended by section 104) unless the purchase of energy-efficient appliances is not cost-effective to the agency.

SEC. 163. ENERGY EFFICIENCY STANDARDS.

Section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking " 1 year after the date of enactment of the Energy Policy Act of 1992" and inserting "September 30, 2006";

(ii) in subparagraph (A), by striking "; and" and inserting a semicolon;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(C) rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants, established under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), where such standards are determined to be cost effective by the Secretary of Housing and Urban Development."; and

(B) in paragraph (2), in the first sentence, by inserting ", and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants, established under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code" after "Standard 90.1-1989')";

(2) in subsection (b)—

(A) by striking "within 1 year after the date of enactment of the Energy Policy Act of 1992" and inserting "by September 30, 2006"; and

(B) by inserting ", and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants, established under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code" after "Standard 90.1-1989"; and

(3) in subsection (c)—

(A) in the heading, by inserting "AND THE INTERNATIONAL ENERGY CONSERVATION CODE" after "MODEL ENERGY CODE"; and

(B) by inserting ", or, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants, established under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code" after "Standard 90.1-1989".

SEC. 164. ENERGY STRATEGY FOR THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(a) DEVELOPMENT OF STRATEGY.—The Secretary of Housing and Urban Development shall develop and implement an integrated energy strategy to reduce utility expenses through cost-effective energy conservation and efficiency measures and energy efficient design and construction of public and assisted housing.

(b) CONTENTS OF STRATEGY.—The energy strategy required under subsection (a) shall include the development of energy reduction goals and incentives for public housing agencies.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter, the Secretary of Housing and Urban Development shall submit to Congress a report describing—

(1) the energy strategy required under subsection (a);

(2) the actions taken by the Department of Housing and Urban Development to monitor the energy usage of public housing agencies; and

(3) the progress, if any, in implementing the energy strategy required under subsection (a).

TITLE II—RENEWABLE ENERGY

Subtitle A—General Provisions

SEC. 201. ASSESSMENT OF RENEWABLE ENERGY RESOURCES.

(a) RESOURCE ASSESSMENTS.—Not later than 180 days after the date of enactment of this Act and each year thereafter, the Secretary shall—

(1) review the available assessments of renewable energy resources within the United States, including solar, wind, biomass, ocean (tidal, wave, current, and thermal), geothermal, and hydroelectric energy resources; and

(2) undertake new assessments as necessary, taking into account changes in market conditions, available technologies, and other relevant factors.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and each year thereafter, the Secretary shall publish a report based on the most recent assessment under subsection (a).

(2) CONTENTS.—The report shall contain—

(A) a detailed inventory describing the available quantity and characteristics of the renewable energy resources; and

(B) such other information as the Secretary determines would be useful in developing the renewable energy resources, including—

(i) descriptions of surrounding terrain, population and load centers, nearby energy infrastructure, and the location of energy and water resources;

(ii) available estimates of the costs needed to develop each resource;

(iii) an identification of any barriers to providing adequate transmission for remote sources of renewable energy resources to current and emerging markets;

(iv) recommendations for removing or addressing those barriers; and

(v) recommendations for providing access to the electrical grid that do not unfairly disadvantage renewable or other energy producers.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2006 through 2010.

SEC. 202. RENEWABLE ENERGY PRODUCTION INCENTIVE.

(a) INCENTIVE PAYMENTS.—Section 1212(a) of the Energy Policy Act of 1992 (42 U.S.C. 13317(a)) is amended—

(1) by striking the last sentence;

(2) by designating the first, second, and third sentences as paragraphs (1), (2), and (3), respectively;

(3) in paragraph (3) (as so designated), by striking "and which satisfies" and all that follows through "deems necessary"; and

(4) by adding at the end the following:

"(4)(A) Subject to subparagraph (B), if there are insufficient appropriations to make full payments for electric production from all qualified renewable energy facilities for a fiscal year, the Secretary shall assign—

"(i) 60 percent of appropriated funds for the fiscal year to facilities that use solar, wind, geothermal, or closed-loop (dedicated energy crops) biomass technologies to generate electricity; and

"(ii) 40 percent of appropriated funds for the fiscal year to other projects.

"(B) After submitting to Congress an explanation of the reasons for the alteration, the Secretary may alter the percentage requirements of subparagraph (A).".

(b) QUALIFIED RENEWABLE ENERGY FACILITY.—Section 1212(b) of the Energy Policy Act of 1992 (42 U.S.C. 13317(b)) is amended—

(1) by striking "a State or any political" and all that follows through "nonprofit electrical cooperative" and inserting "a not-for-profit electric cooperative, a public utility described in section 115 of the Internal Revenue Code of 1986, a State, Commonwealth, territory, or possession of the United States, or the District of Columbia, or a political subdivision thereof, or an Indian tribal government or subdivision thereof,"; and

(2) by inserting "landfill gas," after "wind, biomass,".

(c) ELIGIBILITY WINDOW.—Section 1212(c) of the Energy Policy Act of 1992 (42 U.S.C. 13317(c)) is amended by striking "during the 10-fiscal year period beginning with the first full fiscal year occurring after the enactment of this section" and inserting "before October 1, 2016".

(d) PAYMENT PERIOD.—Section 1212(d) of the Energy Policy Act of 1992 (42 U.S.C. 13317(d)) is amended in the second sentence by inserting ", or in which the Secretary determines that all necessary Federal and State authorizations have been obtained to begin construction of the facility" after "eligible for such payments".

(e) AMOUNT OF PAYMENT.—Section 1212(e)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13317(e)(1)) is amended in the first sentence by inserting "landfill gas," after "wind, biomass,".

(f) TERMINATION OF AUTHORITY.—Section 1212(f) of the Energy Policy Act of 1992 (42 U.S.C. 13317(f)) is amended by striking "the expiration of" and all that follows through "of this section" and inserting "September 30, 2026".

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 1212 of the Energy Policy Act of 1992 (42 U.S.C. 13317) is amended by striking subsection (g) and inserting the following:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2006 through 2026, to remain available until expended.".

SEC. 203. FEDERAL PURCHASE REQUIREMENT.

(a) DEFINITIONS.—In this section:

(1) BIOMASS.—The term "biomass" means any solid, nonhazardous, cellulosic material that is derived from—

(A) any of the following forest-related resources: mill residue, precommercial thinning, slash, brush, or nonmerchantable material;

(B) a solid wood waste material—

(i) including a waste pallet, crate, dunnage, manufacturing and construction wood waste (other than pressure-treated, chemically-treated, or painted wood waste), and landscape or right-of-way tree trimming; but

(ii) not including municipal solid waste (garbage), gas derived from the biodegradation of solid waste, or paper that is commonly recycled;

(C) agriculture waste, including an orchard tree crop, vineyard, grain, legume, sugar, and other crop byproduct or residue, and a livestock waste nutrient; or

(D) a plant that is grown exclusively as a fuel for the production of electricity.

(2) RENEWABLE ENERGY.—The term "renewable energy" means electric energy generated from solar, wind, biomass, landfill gas, geothermal, municipal solid waste, or new hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project.

(b) REQUIREMENT.—The President, acting through the Secretary, shall seek to ensure that, to the extent economically feasible and technically practicable, of the total quantity of electric energy the Federal Government consumes during any fiscal year, the following amounts shall be renewable energy:

(1) Not less than 3 percent in each of fiscal years 2007 through 2009.

(2) Not less than 5 percent in each of fiscal years 2010 through 2012.

(3) Not less than 7.5 percent in fiscal year 2013 and each fiscal year thereafter.

(c) CALCULATION.—For purposes of determining compliance with the requirement of this section, the quantity of renewable energy shall be doubled if—

(1) the renewable energy is produced and used onsite at a Federal facility;

(2) the renewable energy is produced on Federal land and used at a Federal facility; or

(3) the renewable energy is produced on Indian land (as defined in section 2601 of the Energy Policy Act of 1992) and used at a Federal facility.

(d) REPORT.—Not later than April 15, 2007, and every 2 years thereafter, the Secretary shall provide to Congress a report on the progress of the Federal Government in meeting the goals established by this section.

SEC. 204. RENEWABLE CONTENT OF MOTOR VEHICLE FUEL.

(a) DEFINITIONS.—In this section:

(1) CELLULOSIC BIOMASS ETHANOL.—The term "cellulosic biomass ethanol" means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

(A) dedicated energy crops and trees;

(B) wood and wood residues;

(C) plants;

(D) grasses;

(E) agricultural residues; and

(F) fibers.

(2) RENEWABLE FUEL.—

(A) IN GENERAL.—The term "renewable fuel" means motor vehicle fuel that—

(i)(I) is produced from grain, starch, oilseeds, sugar cane, sugar beets, sugar components, tobacco, potatoes, or other biomass; or

(II) is natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place where decaying organic material is found; and

(ii) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

(B) INCLUSIONS.—The term "renewable fuel" includes—

(i) cellulosic biomass ethanol;

(ii) waste derived ethanol;

(iii) biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)); and

(iv) any blending components derived from renewable fuel, except that only the renewable fuel portion of the blending component shall be considered part of the applicable volume under the renewable fuel program established by this section.

(3) SMALL REFINERY.—The term "small refinery" means a refinery for which average aggregate daily crude oil throughput for the calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

(4) WASTE DERIVED ETHANOL.—The term "waste derived ethanol" means ethanol derived from—

(A) animal wastes, including poultry fats and poultry wastes, and other waste materials; or

(B) municipal solid waste.

(b) RENEWABLE FUEL PROGRAM.—

(1) IN GENERAL.—

(A) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations ensuring that motor vehicle fuel sold or dispensed to consumers in the contiguous United States, on an annual average basis, contains the applicable volume of renewable fuel specified in paragraph (2).

(B) COMPLIANCE.—Regardless of the date of issuance, the regulations shall contain compliance provisions for refiners, blenders, and importers, as appropriate, to ensure that the requirements of this section are met, but shall not restrict where renewable fuel can be used, or impose any per-gallon obligation for the use of renewable fuel.

(C) NO REGULATIONS.—If the Secretary does not issue the regulations, the applicable percentage referred to in paragraph (3), on a volume percentage of gasoline basis, shall be 3.2 in 2006.

(2) APPLICABLE VOLUME.—

(A) CALENDAR YEARS 2006 THROUGH 2012.—For the purpose of paragraph (1), the applicable volume for any of calendar years 2006 through 2012 shall be determined in accordance with the following table:

Applicable volume of renewable fuel

Calendar year:	(In billions of gallons)
2006	4.0
2007	4.7
2008	5.4
2009	6.1
2010	6.8
2011	7.4
2012	8.0

(B) CALENDAR YEARS 2013 AND THEREAFTER.—

(i) IN GENERAL.—Subject to clause (ii), for the purpose of paragraph (1), the applicable volume for calendar year 2013 and each calendar year thereafter shall be determined by the Secretary, in coordination with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, based on a review of the implementation of the program during calendar years 2006 through 2012, including a review of—

(I) the impact of the use of renewable fuels on the environment, air quality, energy security, job creation, and rural economic development; and

(II) the expected annual rate of future production of renewable fuels, including cellulosic ethanol.

(ii) MINIMUM QUANTITY DERIVED FROM CELLULOSIC BIOMASS.—For calendar year 2013 and each calendar year thereafter—

(I) the applicable volume referred to in clause (i) shall contain a minimum of 250,000,000 gallons that are derived from cellulosic biomass; and

(II) the 2.5-to-1 ratio referred to in subsection (e) shall not apply.

(C) LIMITATION.—An increase in the applicable volume for a calendar year under subparagraph (B) shall be not less than the product obtained by multiplying—

(i) the number of gallons of gasoline that the Secretary estimates will be sold or introduced into commerce during the calendar year; and

(ii) the quotient obtained by dividing—

(I) 8,000,000,000; by

(II) the number of gallons of gasoline sold or introduced into commerce during calendar year 2012.

(c) NONCONTIGUOUS STATE OPT-IN.—

(1) IN GENERAL.—On the petition of a noncontiguous State, the Secretary may allow the renewable fuel program established under this subtitle to apply in the noncontiguous State at the same time or any time after the Secretary issues regulations under subsection (b).

(2) OTHER ACTIONS.—The Secretary may—

(A) issue or revise regulations under subsection (b);

(B) establish applicable percentages under subsection (d);

(C) provide for the generation of credits under subsection (f); and

(D) take such other actions as are necessary to allow for the application of the renewable fuels program in a noncontiguous State.

(d) APPLICABLE PERCENTAGES.—

(1) PROVISION OF ESTIMATE OF VOLUMES OF GASOLINE SALES.—Not later than October 31 of each of calendar years 2006 through 2011, the Administrator of the Energy Information Administration shall provide to the Secretary an estimate of the volumes of gasoline that will be sold or introduced into commerce in the United States during the following calendar year.

(2) DETERMINATION OF APPLICABLE PERCENTAGES.—

(A) IN GENERAL.—Not later than November 30 of each of calendar years 2006 through 2011, based on the estimate provided under paragraph (1), the Secretary shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements under subsection (b) are met.

(B) REQUIRED ELEMENTS.—The renewable fuel obligation determined for a calendar year under subparagraph (A) shall—

(i) be applicable to refiners, blenders, and importers, as appropriate;

(ii) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce; and

(iii) subject to paragraph (3)(A), consist of a single applicable percentage that applies to all categories of persons specified in clause (i).

(3) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the Secretary shall make adjustments—

(A) to prevent the imposition of redundant obligations to any person specified in paragraph (2)(B)(i); and

(B) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under subsection (i).

(e) EQUIVALENCY.—For the purpose of subsection (b), 1 gallon of either cellulosic biomass ethanol or waste derived ethanol shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

(f) CREDIT PROGRAM.—

(1) REGULATIONS.—The regulations issued to carry out this section shall provide for—

(A) the generation of an appropriate amount of credits by any person that refines, blends, or imports gasoline that contains a quantity of renewable fuel that is greater than the quantity required under subsection (b);

(B) the generation of an appropriate amount of credits for biodiesel fuel; and

(C) if a small refinery notifies the Secretary that the small refinery waives the exemption provided by this section, the generation of credits by the small refinery beginning in the year following the notification.

(2) USE OF CREDITS.—A person that generates credits under paragraph (1) may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with subsection (b).

(3) LIFE OF CREDITS.—A credit generated under this paragraph shall be valid to demonstrate compliance for the calendar year in which the credit was generated.

(4) INABILITY TO PURCHASE SUFFICIENT CREDITS.—The regulations issued to carry out this section shall include provisions permitting any person that is unable to generate or purchase sufficient credits to meet the requirement under subsection (b) to carry forward a renewable fuels deficit if, for the calendar year following the year in which the renewable fuels deficit is created—

(A) the person achieves compliance with the renewable fuels requirement under subsection (b); and

(B) generates or purchases additional renewable fuels credits to offset the renewable fuels deficit of the preceding year.

(g) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

(1) STUDY.—For each of calendar years 2006 through 2012, the Administrator of the Energy Information Administration shall conduct a study of renewable fuels blending to determine whether there are excessive seasonal variations in the use of renewable fuels.

(2) REGULATION OF EXCESSIVE SEASONAL VARIATIONS.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under subparagraph (A), makes the determinations specified in paragraph (3), the Secretary shall issue regulations to ensure that 35 percent or more of the quantity of renewable fuels necessary to meet the requirements under subsection (b) is used during each of the periods specified in paragraph (4) of each subsequent calendar year.

(3) DETERMINATIONS.—The determinations referred to in paragraph (2) are that—

(A) less than 35 percent of the quantity of renewable fuels necessary to meet the requirements under subsection (b) has been used during 1 of the periods specified in paragraph (4) of the calendar year;

(B) a pattern of excessive seasonal variation described in subparagraph (A) will continue in subsequent calendar years; and

(C) issuing regulations or other requirements to impose a 35 percent or more seasonal use of renewable fuels will not—

(i) prevent or interfere with the attainment of national ambient air quality standards; or

(ii) significantly increase the price of motor fuels to the consumer.

(4) PERIODS.—The 2 periods referred to in this paragraph are—

(A) April through September; and

(B) January through March and October through December.

(5) STATE EXEMPTION FROM SEASONALITY REQUIREMENTS.—Notwithstanding any other provision of law, a seasonality requirement relating to the use of renewable fuel established in accordance with this subsection shall not apply to any State that receives a waiver under section 209(b) of the Clean Air Act (42 U.S.C. 7543(b)).

(h) WAIVERS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, may waive the requirements under subsection (b), in whole or in part, on a petition by 1 or more States by reducing the national quantity of renewable fuel required under this section—

(A) based on a determination by the Secretary, after public notice and opportunity for comment, that implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

(B) based on a determination by the Secretary, after public notice and opportunity for comment, that there is an inadequate domestic supply to meet the requirement.

(2) PETITIONS FOR WAIVERS.—Not later than 90 days after the date on which a petition is received by the Secretary under paragraph (1), the Secretary, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall approve or disapprove the petition.

(3) TERMINATION OF WAIVERS.—A waiver granted under paragraph (1) shall terminate on the date that is 1 year after the date on which the waiver was granted, but may be renewed by the Secretary, after consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency.

(i) SMALL REFINERIES.—

(1) IN GENERAL.—Subsection (b) shall not apply to small refineries until the first calendar year beginning more than 5 years after the first year set forth in the table in subsection (b)(2)(A).

(2) STUDY.—Not later than December 31, 2008, the Secretary shall complete a study to determine whether the requirements under subsection (b) would impose a disproportionate economic hardship on small refineries.

(3) SMALL REFINERIES AND ECONOMIC HARDSHIP.—For any small refinery that the Secretary determines would experience a disproportionate economic hardship, the Secretary shall extend the small refinery exemption for the small refinery for not less than 2 additional years.

(4) ECONOMIC HARDSHIP.—

(A) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the Secretary for an extension of the exemption from the requirements under subsection (b) for the reason of disproportionate economic hardship.

(B) EVALUATION.—In evaluating a hardship petition, the Secretary, in consultation with the Administrator and Secretary of Agriculture, shall consider the findings of the study in addition to other economic factors.

(C) DEADLINE FOR ACTION ON PETITIONS.—The Secretary shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the receipt of the petition.

(5) CREDIT PROGRAM.—Subsection (f)(1)(C) shall apply to each small refinery that waives an exemption under this paragraph.

(6) OPT-IN FOR SMALL REFINERS.—A small refinery shall be subject to subsection (b) if the small refinery notifies the Secretary that the small refinery waives the exemption under paragraph (3).

(j) CELLULOSIC BIOMASS AND CANE SUGAR LOAN GUARANTEE PROGRAM.—

(1) IN GENERAL.—Subject to the availability of appropriations, funds shall be made available, and remain available until expended, to pay the cost (as defined in the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)) of loan guarantees issued under section 19 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5919) to carry out commercial demonstration projects for cellulosic biomass and sucrose-derived ethanol.

(2) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—The Secretary shall issue loan guarantees under this section to carry out projects to commercially demonstrate the feasibility and viability of converting cellulosic biomass derived from agricultural residue such as corn stover or straw or cane sugar and related products into ethanol.

(B) DESIGN CAPACITY.—Each project shall have a design capacity to produce at least 15,000,000 gallons of cellulose ethanol each year.

(3) APPLICANT ASSURANCES.—An applicant for a loan guarantee under this section shall provide assurances, satisfactory to the Secretary, that—

(A) the project design has been validated through the operation of a continuous process facility with a cumulative output of at least 50,000 gallons of ethanol;

(B) the project has been subject to a full technical review;

(C) the project is covered by adequate project performance guarantees;

(D) the project, with the loan guarantee, is economically viable; and

(E) there is a reasonable assurance of repayment of the guaranteed loan.

(4) LIMITATIONS.—

(A) MAXIMUM GUARANTEE.—Except as provided in subparagraph (B), notwithstanding section 19(c)(2)(A) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5919(c)(2)(A)), a loan guarantee under this section may be issued for up to 80 percent of the estimated cost of a project, but may not exceed $250,000,000 for a project.

(B) ADDITIONAL GUARANTEES.—

(i) IN GENERAL.—The Secretary may issue additional loan guarantees for a project to cover up to 80 percent of the excess of actual project cost over estimated project cost but not to exceed 15 percent of the amount of the original guarantee.

(ii) PRINCIPAL AND INTEREST.—Subject to subparagraph (A), the Secretary shall guarantee 100 percent of the principal and interest of a loan made under subparagraph (A).

(5) EQUITY CONTRIBUTIONS.—To be eligible for a loan guarantee under this section, an applicant for the loan guarantee shall have binding commitments from equity investors to provide an initial equity contribution of at least 20 percent of the total project cost.

(6) EFFECT OF OTHER LAWS.—The following provisions are inapplicable to a loan guarantee made under this section:

(A) Subsections (m) and (p) of section 19 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5919).

(B) The first, third, and fourth sentences of section 19(g)(4) of that Act.

(7) APPLICATION.—An application for a loan guarantee under this section shall be approved or disapproved by the Secretary not later than 90 days after the application is received by the Secretary.

SEC. 205. FEDERAL AGENCY ETHANOL-BLENDED GASOLINE AND BIODIESEL PURCHASING REQUIREMENT.

(a) IN GENERAL.—Title III of the Energy Policy Act of 1992 is amended by striking section 306 (42 U.S.C. 13215) and inserting the following:

"SEC. 306. FEDERAL AGENCY ETHANOL-BLENDED GASOLINE AND BIODIESEL PURCHASING REQUIREMENT.

"(a) ETHANOL-BLENDED GASOLINE.—The head of each Federal agency shall ensure that, in areas in which ethanol-blended gasoline is reasonably available at a generally competitive price, the Federal agency purchases ethanol-blended gasoline containing at least 10 percent ethanol rather than nonethanol-blended gasoline, for use in vehicles used by the agency that use gasoline.

"(b) BIODIESEL.—

"(1) DEFINITION OF BIODIESEL.—In this subsection, the term 'biodiesel' has the meaning given the term in section 312(f).

"(2) REQUIREMENT.—The head of each Federal agency shall ensure that the Federal agency purchases, for use in fueling fleet vehicles that use diesel fuel used by the Federal agency at the location at which fleet vehicles of the Federal agency are centrally fueled, in areas in which the biodiesel-blended diesel fuel described in subparagraphs (A) and (B) is available at a generally competitive price—

"(A) as of the date that is 5 years after the date of enactment of this paragraph, biodiesel-blended diesel fuel that contains at least 2 percent biodiesel, rather than nonbiodiesel-blended diesel fuel; and

"(B) as of the date that is 10 years after the date of enactment of this paragraph, biodiesel-blended diesel fuel that contains at least 20 percent biodiesel, rather than nonbiodiesel-blended diesel fuel.

"(3) REQUIREMENT OF FEDERAL LAW.—The provisions of this subsection shall not be considered a requirement of Federal law for the purposes of section 312.

"(c) EXEMPTION.—This section does not apply to fuel used in vehicles excluded from the definition of 'fleet' by subparagraphs (A) through (H) of section 301(9).".

(b) Table of Contents Amendment.—The table of contents of the Energy Policy Act of 1992 (42 U.S.C. prec. 13201) is amended by striking the item relating to section 306 and inserting the following:

"Sec. 306. Federal agency ethanol-blended gasoline and biodiesel purchasing requirement.".

SEC. 206. DATA COLLECTION.

Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

"(m)(1) In order to improve the ability to evaluate the effectiveness of the renewable fuels mandate of the United States, the Administrator shall conduct and publish the results of a survey of renewable fuels demand in the motor vehicle fuels market in the United States monthly, and in a manner designed to protect the confidentiality of individual responses.

"(2) In conducting the survey, the Administrator shall collect information both on a national and regional basis, including—

"(A) information on—

"(i) the quantity of renewable fuels produced;

"(ii) the quantity of renewable fuels blended;

"(iii) the quantity of renewable fuels imported; and

"(iv) the quantity of renewable fuels demanded; and

"(B) market price data.".

SEC. 207. SUGAR CANE ETHANOL PROGRAM.

(a) Definition of Program.—In this section, the term "program" means the Sugar Cane Ethanol Program established by subsection (b).

(b) Establishment.—There is established within the Department a program to be known as the "Sugar Cane Ethanol Program".

(c) Project.—

(1) In general.—Subject to the availability of appropriations under subsection (d), in carrying out the program, the Secretary shall establish a project that is—

(A) carried out in multiple States—

(i) in each of which is produced cane sugar that is eligible for loans under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272), or a similar subsequent authority; and

(ii) at the option of each such State, that have an incentive program that requires the use of ethanol in the State; and

(B) designed to study the production of ethanol from cane sugar, sugarcane, and sugarcane byproducts.

(2) Requirements.—A project described in paragraph (1) shall—

(A) be limited to the production of ethanol in the States of Florida, Louisiana, Texas, and Hawaii in a way similar to the existing program for the processing of corn for ethanol to demonstrate that the process may be applicable to cane sugar, sugarcane, and sugarcane byproducts;

(B) include information on the ways in which the scale of production may be replicated once the sugar cane industry has located sites for, and constructed, ethanol production facilities; and

(C) not last more than 3 years.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $36,000,000, to remain available until expended.

SEC. 208. MODIFICATION OF COMMODITY CREDIT CORPORATION BIOENERGY PROGRAM.

Section 9010(a)(3)(A) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8108(a)(3)(A)) is amended by inserting "potatoes, sugarcane, sugar beets, products of sugarcane or sugar beets," after "sesame seed,".

SEC. 209. ADVANCED BIOFUEL TECHNOLOGIES PROGRAM.

(a) In General.—Subject to the availability of appropriations under subsection (d), the Secretary shall, in consultation with the Secretary of Agriculture and the Biomass Research and Development Technical Advisory Committee established under section 306 of the Biomass Research and Development Act of 2000 (Public Law 106-224; 7 U.S.C. 8101 note), establish a program, to be known as the "Advanced Biofuel Technologies Program", to demonstrate advanced technologies for the production of alternative transportation fuels.

(b) Priority.—In carrying out the program under subsection (a), the Secretary shall give priority to projects that enhance the geographical diversity of alternative fuels production and utilize feedstocks that represent 10 percent or less of ethanol or biodiesel fuel production in the United States during the previous fiscal year.

(c) Demonstration Projects.—

(1) In general.—As part of the program under subsection (a), the Secretary shall fund demonstration projects—

(A) to develop not less than 4 different conversion technologies for producing cellulosic biomass ethanol; and

(B) to develop not less than 5 technologies for coproducing value-added bioproducts (such as fertilizers, herbicides, and pesticides) resulting from the production of biodiesel fuel.

(2) Administration.—Demonstration projects under this subsection shall be—

(A) conducted based on a merit-reviewed, competitive process; and

(B) subject to the cost-sharing requirements of section 1002.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $110,000,000 for each of fiscal years 2006 through 2010.

SEC. 210. ASSISTANCE FOR RURAL COMMUNITIES WITH HIGH ENERGY COSTS.

Beginning on the date of enactment of this Act and notwithstanding any other provision of law, the Secretary and the Administrator of the Rural Utilities Service shall use the authorities provided under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) and section 331(b)(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(b)(4)) (including deferral, extension, refinancing, restructuring, and reduction of loans made under those Acts) to aid electric borrowers that serve rural communities in Alaska with extremely high energy costs to—

(1) reduce rates for customers;

(2) maintain reliable service;

(3) preserve the economic feasibility of the electric systems; and

(4) avoid default.

Subtitle B—Insular Energy

SEC. 221. DEFINITIONS.

In this subtitle:

(1) Distributed generation.—The term "distributed generation" means energy supplied in a rural or off-grid area.

(2) Insular area.—The term "insular area" means—

(A) Guam;

(B) American Samoa;

(C) the Commonwealth of the Northern Mariana Islands;

(D) the Federated States of Micronesia;

(E) the Republic of the Marshall Islands;

(F) the Republic of Palau;

(G) the United States Virgin Islands; and

(H) the Commonwealth of Puerto Rico.

SEC. 222. ASSESSMENT.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary (in consultation with the Secretary of Interior) shall—

(1) conduct an assessment of the energy needs of insular areas; and

(2) submit a report describing the results of the assessment to—

(A) the Committee on Energy and Natural Resources of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives; and

(C) the Committee on Resources of the House of Representatives.

(b) Strategies and Projects.—In conducting the assessment, for each of the insular areas, the Secretary shall identify and evaluate the strategies or projects with the greatest potential for reducing the dependence of the insular area on imported fossil fuels as used for the generation of electricity, including strategies and projects for—

(1) improved supply-side efficiency of centralized electrical generation, transmission, and distribution systems;

(2) improved demand-side management through—

(A) the application of established standards for energy efficiency for appliances;

(B) the conduct of energy audits for business and industrial customers; and

(C) the use of energy savings performance contracts;

(3) increased use of renewable energy, including—

(A) solar thermal energy for electric generation;

(B) solar thermal energy for water heating in large buildings, such as hotels, hospitals, government buildings, and residences;

(C) photovoltaic energy;

(D) wind energy;

(E) hydroelectric energy;

(F) wave energy;

(G) energy from ocean thermal resources, including ocean thermal-cooling for community air conditioning;

(H) water vapor condensation for the production of potable water;

(I) fossil fuel and renewable hybrid electrical generation systems; and

(J) other strategies or projects that the Secretary may identify as having significant potential; and

(4) fuel substitution and minimization with indigenous biofuels, such as coconut oil.

(c) Distributed Generation.—In conducting the assessment, for each insular area with a significant need for distributed generation, the Secretary shall identify and evaluate the most promising strategies and projects described in paragraphs (3) and (4) of subsection (b) for meeting that need.

(d) Factors.—In assessing the potential of any strategy or project under this section, the Secretary shall consider—

(1) the estimated cost of the power or energy to be produced, including—

(A) any additional costs associated with the distribution of the generation; and

(B) the long-term availability of the generation source;

(2) the capacity of the local electrical utility to manage, operate, and maintain any project that may be undertaken; and

(3) other factors the Secretary considers to be appropriate.

SEC. 223. PROJECT FEASIBILITY STUDIES.

(a) In General.—On a request described in subsection (b), the Secretary shall conduct a feasibility study of a project to implement a strategy or project identified under section 222 as having the potential to—

(1) significantly reduce the dependence of an insular area on imported oil; or

(2) provide needed distributed generation to an insular area.

(b) Request.—The Secretary shall conduct a feasibility study under subsection (a) on—

(1) the request of an electric utility located in an insular area that commits to fund at least 10 percent of the cost of the study; and

(2) if the electric utility is located in the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau, written support for that request by the President or the Ambassador of the affected freely associated state.

(c) Consultation.—The Secretary shall consult with regional utility organizations in—

(1) conducting feasibility studies under subsection (a); and

(2) determining the feasibility of potential projects.

(d) Feasibility.—For the purpose of a feasibility study under subsection (a), a project shall be determined to be feasible if the project would significantly reduce the dependence of an insular area on imported fossil fuels, or provide needed distributed generation to an insular area, at a reasonable cost.

SEC. 224. IMPLEMENTATION.

(a) In General.—On a determination by the Secretary (in consultation with the Secretary of the Interior) that a project is feasible under section 223 and a commitment by an electric utility to operate and maintain the project, the Secretary may provide such technical and financial assistance as the Secretary determines is appropriate for the implementation of the project.

(b) Regional Utility Organizations.—In providing assistance under subsection (a), the Secretary shall consider providing the assistance through regional utility organizations.

SEC. 225. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to the Secretary—

(1) $500,000 for the completion of the assessment under section 222;

(2) $500,000 for each fiscal year for project feasibility studies under section 223; and

(3) $5,000,000 for each fiscal year for project implementation under section 224.

(b) Limitation of Funds Received by Insular Areas.—No insular area may receive, during any 3-year period, more than 20 percent of the total funds made available during that 3-year period under paragraphs (2) and (3) of subsection (a) unless the Secretary determines that providing funding in excess of that percentage best advances existing opportunities to meet the objectives of this subtitle.

Subtitle C—Biomass Energy

SEC. 231. DEFINITIONS.

In this subtitle:

(1) Biomass.—The term "biomass" means nonmerchantable material from, or precommercial thinnings of, trees and woody plants produced from treatments—

(A) to reduce hazardous fuels;

(B) to reduce or contain disease or insect infestations; or

(C) to restore forest health.

(2) Eligible community.—The term "eligible community" means an Indian Reservation, or a county, town, township, municipality, or other similar unit of local government with a population of not more than 50,000 individuals that the Secretary determines is located in an area near Federal or Indian land, that is—

(A) at significant risk of catastrophic wildfire, disease, or insect infestation; or

(B) diseased or infested by insects.

(3) Eligible operation.—The term "eligible operation" means a facility that—

(A) is located within the boundaries of an eligible community; and

(B) uses biomass from Federal or Indian land as a raw material to produce electric energy, sensible heat, or transportation fuels.

(4) Green ton.—The term "green ton" means 2,000 pounds of biomass that has not been mechanically or artificially dried.

(5) Indian tribe.—The term "Indian tribe" has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(6) Person.—The term "person" includes—

(A) an individual;

(B) an eligible community;

(C) an Indian tribe;

(D) a small business or a corporation that is incorporated in the United States; and

(E) a nonprofit organization.

(7) Secretary.—The term "Secretary" means—

(A) the Secretary of Agriculture, with respect to land within the National Forest System; or

(B) the Secretary of the Interior, with respect to Federal land under the jurisdiction of the Secretary of the Interior and Indian land.

SEC. 232. BIOMASS COMMERCIAL UTILIZATION GRANT PROGRAM.

(a) In General.—The Secretary may make grants to any person that owns or operates an eligible operation to offset the costs incurred to purchase biomass for use by the eligible operation.

(b) Priority.—In making grants under subsection (a), the Secretary shall give priority to eligible operations that use biomass from the highest risk areas, as determined by the Secretary.

(c) Grant Amount.—A grant provided under this section may not exceed $20 per green ton of biomass delivered.

(d) Monitoring of Grant Recipient Activities.—

(1) In general.—As a condition of a grant under this section, the grant recipient shall keep such records as the Secretary may require to fully and correctly disclose the use of the grant funds and all transactions involved in the purchase of biomass.

(2) Access.—On notice by the Secretary, the grant recipient shall provide the Secretary reasonable access to examine the inventory and records of the eligible operation.

(e) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to carry out this section for each of fiscal years 2006 through 2010—

(A) $12,500,000 to the Secretary of Agriculture; and

(B) $12,500,000 to the Secretary of the Interior.

(2) Availability.—Amounts made available under paragraph (1) shall remain available until expended.

SEC. 233. IMPROVED BIOMASS UTILIZATION PROGRAM.

(a) In General.—The Secretary may provide grants to persons in eligible communities to offset the costs of developing or researching proposals to improve the use of biomass or add value to biomass utilization.

(b) Selection.—Grant recipients shall be selected based on the potential of a proposal to—

(1) develop affordable thermal or electric energy resources for the benefit of an eligible community;

(2) provide opportunities for the creation or expansion of small business concerns within an eligible community;

(3) create new job opportunities within an eligible community;

(4) improve efficiency or develop cleaner technologies for biomass utilization; and

(5) reduce the hazardous fuel from the highest risk areas.

(c) Limitation.—No grant provided under this section shall exceed $500,000.

(d) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to carry out this section for each of fiscal years 2006 through 2010—

(A) $12,500,000 to the Secretary of Agriculture; and

(B) $12,500,000 to the Secretary of the Interior.

(2) Availability.—Amounts made available under paragraph (1) shall remain available until expended.

SEC. 234. REPORT.

Not later than 3 years after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall jointly submit to Congress a report that describes the interim results of the programs carried out under sections 232 and 233.

Subtitle D—Geothermal Energy

SEC. 241. COMPETITIVE LEASE SALE REQUIREMENTS.

Section 4 of the Geothermal Steam Act of 1970 (30 U.S.C. 1003) is amended to read as follows:

"SEC. 4. LEASING PROCEDURES.

"(a) Nominations.—The Secretary shall accept nominations of land to be leased at any time from qualified companies and individuals under this Act.

"(b) Competitive Lease Sale Required.—

"(1) In general.—Except as otherwise specifically provided by this Act, all land to be leased that is not subject to leasing under subsection (c) shall be leased as provided in this subsection to the highest responsible qualified bidder, as determined by the Secretary.

"(2) Competitive lease sales.—The Secretary shall hold a competitive lease sale at least once every 2 years for land in a State that has nominations pending under subsection (a) if the land is otherwise available for leasing.

"(c) Noncompetitive Leasing.—The Secretary shall make available for a period of 2 years for noncompetitive leasing any tract for which a competitive lease sale is held, but for which the Secretary does not receive any bids in a competitive lease sale.

"(d) Pending Lease Applications.—

"(1) In general.—It shall be a priority for the Secretary, and for the Secretary of Agriculture with respect to National Forest Systems land, to ensure timely completion of administrative actions necessary to process applications for geothermal leasing pending on May 19, 2005.

"(2) Administration.—An application described in paragraph (1) and any lease issued pursuant to the application—

"(A) except as provided in subparagraph (B), shall be subject to this section as in effect on the day before the date of enactment of this paragraph; or

"(B) at the election of the applicant, shall be subject to this section as in effect on the effective date of this paragraph.".

SEC. 242. DIRECT USE.

(a) Fees for Direct Use.—Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is amended—

(1) in subsection (c), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by redesignating subsections (a) through (d) as paragraphs (1) through (4), respectively;

(3) by inserting "(a) In General.—" after "Sec. 5."; and

(4) by adding at the end the following:

"(d) Direct Use.—

"(1) In general.—Notwithstanding subsection (a)(1), the Secretary shall establish a schedule of fees, in lieu of royalties for geothermal resources, that a lessee or its affiliate—

"(A) uses for a purpose other than the commercial generation of electricity; and

"(B) does not sell.

"(2) Schedule of fees.—The schedule of fees—

"(A) may be based on the quantity or thermal content, or both, of geothermal resources used or any other basis that the Secretary finds appropriate under the circumstances; and

"(B) shall ensure a fair return to the United States for use of the resource.

"(3) State or local governments.—If a State or local government is the lessee and uses geothermal resources without sale and for purposes other than commercial generation of electricity, the Secretary shall charge only a nominal fee for use of the resource.".

(b) Leasing for Direct Use.—Section 4 of the Geothermal Steam Act of 1970 (30 U.S.C. 1003) (as amended by section 241) is amended adding at the end the following:

"(e) Leasing for Direct Use of Geothermal Resources.—Notwithstanding subsection (b), the Secretary may identify areas in which the land to be leased under this Act exclusively for direct use of geothermal resources without sale for purposes other than commercial generation of electricity may be leased to any qualified applicant that first applies for such a lease under regulations issued by the Secretary, if the Secretary—

"(1) publishes a notice of the land proposed for leasing not later than 120 days before the date of the issuance of the lease;

"(2) does not receive during the 120-day period beginning on the date of the publication any nomination to include the land concerned in the next competitive lease sale; and

"(3) determines there is no competitive interest in the land to be leased.

"(f) Area Subject to Lease for Direct Use.—

"(1) In general.—Subject to paragraph (2), a geothermal lease for the direct use of geothermal resources shall cover not more than the quantity of acreage determined by the Secretary to be reasonably necessary for the proposed use.

"(2) Limitations.—The quantity of acreage covered by the lease shall not exceed the limitations established under section 7.".

SEC. 243. ROYALTIES.

(a) Calculation of Royalties.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall issue a final regulation that provides a simplified methodology for calculating the royalty under subsection (a)(1) of section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) (as amended by section 242(a)).

(2) Considerations.—In issuing the final regulation under paragraph (1), the Secretary shall—

(A) consider the use of a method based on gross proceeds from the sale of electricity; and

(B) ensure that the final regulation issued under paragraph (1) results in the same level of royalty revenues over a 10-year period as the regulation in effect on the day before the date of enactment of this Act.

(b) Royalty Under Existing Leases.—

(1) In general.—Any lessee under a lease issued under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) before the date of enactment of this Act may, within the time period specified in paragraph (2), submit to the Secretary of the Interior a request to modify the terms of the lease relating to payment of royalties to comply with—

(A) in the case of a lease that meets the requirements of subsection (b) of section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) (as amended by section 242(a)), the schedule of fees established under that section; and

(B) in the case of any other lease, the methodology established under subsection (a).

(2) Timing.—A request for a modification under paragraph (1) shall be submitted to the Secretary by the date that is not later than—

(A) in the case of a lease for direct use, 18 months after the effective date of the schedule of fees established by the Secretary under section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004); or

(B) in the case of any other lease, 18 months after the effective date of the final regulation issued under subsection (a).

(3) Application of modification.—If the lessee requests modification of a lease under paragraph (1)—

(A) the Secretary shall modify the lease to comply with—

(i) in the case of a lease for direct use, the schedule of fees established by the Secretary under section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004); or

(ii) in the case of any other lease, the methodology established under subsection (a); and

(B) the modification shall apply to any use of geothermal steam and any associated geothermal resources to which subsection (a) applies that occurs after the date of the modification.

(4) Consultation.—The Secretary shall consult with the State and local governments affected by any proposed changes in lease royalty terms under this subsection.

SEC. 244. GEOTHERMAL LEASING AND PERMITTING ON FEDERAL LAND.

(a) In General.—Not later than 180 days after the date of enactment of this section, the Secretary of the Interior and the Secretary of Agriculture shall enter into, and submit to Congress, a memorandum of understanding in accordance with this section regarding leasing and permitting for geothermal development of public land and National Forest System land under the respective jurisdictions of the Secretaries.

(b) Lease and Permit Applications.—The memorandum of understanding shall—

(1) identify areas with geothermal potential on land included in the National Forest System and, if necessary, require review of management plans to consider leasing under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) as a land use; and

(2) establish an administrative procedure for processing geothermal lease applications, including lines of authority, steps in application processing, and time limits for application processing.

(c) Data Retrieval System.—The memorandum of understanding shall establish a joint data retrieval system that—

(1) is capable of tracking lease and permit applications; and

(2) provides to the applicant information as to the status of an application within the Departments of the Interior and Agriculture, including an estimate of the time required for administrative action.

SEC. 245. ASSESSMENT OF GEOTHERMAL ENERGY POTENTIAL.

Not later than 3 years after the date of enactment of this Act and thereafter as the availability of data and developments in technology warrants, the Secretary of the Interior, acting through the Director of the United States Geological Survey and in cooperation with the States, shall—

(1) update the Assessment of Geothermal Resources made during 1978; and

(2) submit to Congress the updated assessment.

SEC. 246. COOPERATIVE OR UNIT PLANS.

Section 18 of the Geothermal Steam Act of 1970 (30 U.S.C. 1017) is amended to read as follows:

"SEC. 18. UNIT AND COMMUNITIZATION AGREEMENTS.

"(a) Adoption of Units by Lessees.—

"(1) In general.—For the purpose of more properly conserving the natural resources of any geothermal reservoir, field, or like area, or any part thereof (whether or not any part of the geothermal reservoir, field, or like area, is subject to any cooperative plan of development or operation (referred to in this section as a 'unit agreement')), lessees thereof and their representatives may unite with each other, or jointly or separately with others, in collectively adopting and operating under a unit agreement for the reservoir, field, or like area, or any part thereof, including direct use resources, if determined and certified by the Secretary to be necessary or advisable in the public interest.

"(2) Majority interest of single leases.—A majority interest of owners of any single lease shall have the authority to commit the lease to a unit agreement.

"(3) Initiative of Secretary.—The Secretary may also initiate the formation of a unit agreement, or require an existing Federal lease to commit to a unit agreement, if in the public interest.

"(4) Modification of lease requirements by Secretary.—

"(A) In general.—The Secretary may, in the discretion of the Secretary and with the consent of the holders of leases involved, establish, alter, change, or revoke rates of operations (including drilling, operations, production, and other requirements) of the leases and make conditions with respect to the leases, with the consent of the lessees, in connection with the creation and operation of any such unit agreement as the Secretary may consider necessary or advisable to secure the protection of the public interest.

"(B) Unlike terms or rates.—Leases with unlike lease terms or royalty rates shall not be required to be modified to be in the same unit.

"(b) Requirement of Plans Under New Leases.—The Secretary may—

"(1) provide that geothermal leases issued under this Act shall contain a provision requiring the lessee to operate under a unit agreement; and

"(2) prescribe the unit agreement under which the lessee shall operate, which shall adequately protect the rights of all parties in interest, including the United States.

"(c) Modification of Rate of Prospecting, Development, and Production.—The Secretary may require that any unit agreement authorized by this section that applies to land owned by the United States contain a provision under which authority is vested in the Secretary, or any person, committee, or State or Federal officer or agency as may be designated in the unit agreement to alter or modify, from time to time, the rate of prospecting and development and the quantity and rate of production under the unit agreement.

“(d) EXCLUSION FROM DETERMINATION OF HOLDING OR CONTROL.—Any land that is subject to a unit agreement approved or prescribed by the Secretary under this section shall not be considered in determining holdings or control under section 7.

“(e) POOLING OF CERTAIN LAND.—If separate tracts of land cannot be independently developed and operated to use geothermal steam and associated geothermal resources pursuant to any section of this Act—

“(1) the land, or a portion of the land, may be pooled with other land, whether or not owned by the United States, for purposes of development and operation under a communitization agreement providing for an apportionment of production or royalties among the separate tracts of land comprising the production unit, if the pooling is determined by the Secretary to be in the public interest; and

“(2) operation or production pursuant to the communitization agreement shall be treated as operation or production with respect to each tract of land that is subject to the communitization agreement.

“(f) UNIT AGREEMENT REVIEW.—

“(1) IN GENERAL.—Not later than 5 years after the date of approval of any unit agreement and at least every 5 years thereafter, the Secretary shall—

“(A) review each unit agreement; and

“(B) after notice and opportunity for comment, eliminate from inclusion in the unit agreement any land that the Secretary determines is not reasonably necessary for unit operations under the unit agreement.

“(2) BASIS FOR ELIMINATION.—The elimination shall—

“(A) be based on scientific evidence; and

“(B) occur only if the elimination is determined by the Secretary to be for the purpose of conserving and properly managing the geothermal resource.

“(3) EXTENSION.—Any land eliminated under this subsection shall be eligible for an extension under section 6(g) if the land meets the requirements for the extension.

“(g) DRILLING OR DEVELOPMENT CONTRACTS.—

“(1) IN GENERAL.—The Secretary may, on such conditions as the Secretary may prescribe, approve drilling or development contracts made by 1 or more lessees of geothermal leases, with 1 or more persons, associations, or corporations if, in the discretion of the Secretary, the conservation of natural resources or the public convenience or necessity may require or the interests of the United States may be best served by the approval.

“(2) HOLDINGS OR CONTROL.—Each lease operated under an approved drilling or development contract, and interest under the contract, shall be excepted in determining holdings or control under section 7.

“(h) COORDINATION WITH STATE GOVERNMENTS.—The Secretary shall coordinate unitization and pooling activities with appropriate State agencies.”.

SEC. 247. ROYALTY ON BYPRODUCTS.

Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) (as amended by section 242(a)) is amended in subsection (a) by striking paragraph (2) and inserting the following:

“(2) a royalty on any byproduct that is a mineral specified in the first section of the Mineral Leasing Act (30 U.S.C. 181), and that is derived from production under the lease, at the rate of the royalty that applies under that Act to production of the mineral under a lease under that Act;”.

SEC. 248. LEASE DURATION AND WORK COMMITMENT REQUIREMENTS.

Section 6(i) of the Geothermal Steam Act of 1970 (30 U.S.C. 1005(i)) is amended by striking paragraph (2) and inserting the following:

“(2) The Secretary shall, by regulation, establish payments under this subsection at levels that ensure the diligent development of the lease.”.

SEC. 249. ANNUAL RENTAL.

(a) ANNUAL RENTAL RATE.—Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) (as amended by section 242(a)) is amended in subsection (a) by striking paragraph (3) and inserting the following:

“(3) payment in advance of an annual rental of not less than—

“(A) for each of the first through tenth years of the lease—

“(i) in the case of a lease awarded in a noncompetitive lease sale, $1 per acre or fraction thereof; or

“(ii) in the case of a lease awarded in a competitive lease sale, $2 per acre or fraction thereof for the first year and $3 per acre or fraction thereof for each of the second through 10th years; and

“(B) for each year after the 10th year of the lease, $5 per acre or fraction thereof;”.

(b) TERMINATION OF LEASE FOR FAILURE TO PAY RENTAL.—Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) (as amended by section 242(a)) is amended by adding at the end the following:

“(c) TERMINATION OF LEASE FOR FAILURE TO PAY RENTAL.—

“(1) IN GENERAL.—The Secretary shall terminate any lease with respect to which rental is not paid in accordance with this Act and the terms of the lease under which the rental is required, on the expiration of the 45-day period beginning on the date of the failure to pay the rental.

“(2) NOTIFICATION.—The Secretary shall promptly notify a lessee that has not paid rental required under the lease that the lease will be terminated at the end of the period referred to in paragraph (1).

“(3) REINSTATEMENT.—A lease that would otherwise terminate under paragraph (1) shall not terminate under that paragraph if the lessee pays to the Secretary, before the end of the period referred to in paragraph (1), the amount of rental due plus a late fee equal to 10 percent of the amount.”.

SEC. 250. ADVANCED ROYALTIES REQUIRED FOR CESSATION OF PRODUCTION.

Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) (as amended by section 249(b)) is amended by adding at the end the following:

“(d) ADVANCED ROYALTIES REQUIRED FOR CESSATION OF PRODUCTION.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), if, at any time after commercial production under a lease is achieved, production ceases for any reason, the lease shall remain in full force and effect for a period of not more than an aggregate number of 10 years beginning on the date production ceases, if, during the period in which production is ceased, the lessee pays royalties in advance at the monthly average rate at which the royalty was paid during the period of production.

“(2) REDUCTION.—The amount of any production royalty paid for any year shall be reduced (but not below 0) by the amount of any advanced royalties paid under the lease to the extent that the advance royalties have not been used to reduce production royalties for a prior year.

“(3) EXCEPTIONS.—Paragraph (1) shall not apply if the cessation in production is required or otherwise caused by—

“(A) the Secretary;

“(B) the Secretary of the Air Force;

“(C) the Secretary of the Army;

“(D) the Secretary of the Navy;

“(E) a State or a political subdivision of a State; or

“(F) a force majeure.”.

SEC. 251. LEASING AND PERMITTING ON FEDERAL LAND WITHDRAWN FOR MILITARY PURPOSES.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Defense, in consultation with the Secretary of the Air Force, the Secretary of the Army, the Secretary of the Navy, interested States, political subdivisions of States, and representatives of the geothermal industry, and other interested persons, shall submit to the appropriate committees of Congress a joint report on leasing and permitting activities for geothermal energy on Federal land withdrawn for military purposes.

(b) REQUIREMENTS.—The report required under subsection (a) shall include—

(1) a description of the military geothermal program, including a description of—

(A) any differences between the military geothermal program and the nonmilitary geothermal program, including required security procedures and operational considerations; and

(B) the reasons the differences described in subparagraph (A) are significant;

(2) with respect to the military geothermal program, a description of—

(A) revenues or energy provided to the Department of Defense and facilities of the Department Defense; and

(B) royalty structures, as applicable;

(3) any revenue sharing with States and political subdivisions of States and other benefits from—

(A) the implementation of the Geothermal Steam Act of 1970 (30 U.S.C 1001 et seq.) and other applicable Federal law by the Secretary of the Interior; and

(B) the administration of geothermal leasing under section 2689 of title 10, United States Code, by the Secretary of Defense;

(4) if appropriate—

(A) a description of the current methods and procedures used to ensure interagency coordination, as needed, in developing renewable energy sources on Federal land withdrawn for military purposes; and

(B) an identification of any new procedures that would improve interagency coordination to ensure efficient processing and administration of leases or contracts for geothermal energy on Federal land withdrawn for military purposes, consistent with the defense purposes of the withdrawals; and

(5) recommendations for any legislative or administrative actions that would increase geothermal production, including—

(A) a common royalty structure;

(B) leasing procedures; and

(C) other changes that—

(i) increase production;

(ii) offset military operation costs; or

(iii) enhance the ability of Federal agencies to develop geothermal resources.

(c) EFFECT.—Nothing in this section affects the legal status of geothermal leasing and development conducted by the Department of the Interior and the Department of Defense.

SEC. 252. TECHNICAL AMENDMENTS.

(a) The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) is amended by striking "geothermal steam and associated geothermal resources" each place it appears and inserting "geothermal resources".

(b) The first section of the Geothermal Steam Act of 1970 (30 U.S.C. 1001 note) is amended by striking "That this" and inserting the following:

"SECTION 1. SHORT TITLE.

"This".

(c) Section 2 of the Geothermal Steam Act of 1970 (30 U.S.C. 1001) is amended—

(1) by striking "SEC. 2. As" and inserting the following:

"SEC. 2. DEFINITIONS.

"As"; and

(2) by striking subsection (e) and inserting the following:

"(e) 'direct use' means use of geothermal resources for commercial, residential, agricultural, public facilities, or other energy needs other than the commercial production of electricity; and".

(d) Section 3 of the Geothermal Steam Act of 1970 (30 U.S.C. 1002) is amended by striking "SEC. 3. Subject" and inserting the following:

"SEC. 3 . LANDS SUBJECT TO GEOTHERMAL LEASING.

"Subject".

(e) Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is amended by striking "SEC. 5. Geothermal" and inserting the following:

"SEC. 5. RENTS AND ROYALTIES.

"Geothermal".

(f) Section 6 of the Geothermal Steam Act of 1970 (30 U.S.C. 1005) is amended by striking "SEC. 6. (a) The" and inserting the following:

"SEC. 6. DURATION OF LEASES.

"(a) The".

(g) Section 7 of the Geothermal Steam Act of 1970 (30 U.S.C. 1006) is amended by striking "SEC. 7. A geothermal" and inserting the following:

"SEC. 7. ACREAGE OF GEOTHERMAL LEASE.

"A geothermal".

(h) Section 8 of the Geothermal Steam Act of 1970 (30 U.S.C. 1007) is amended by striking "SEC. 8. (a) The" and inserting the following:

"SEC. 8. READJUSTMENT OF LEASE TERMS AND CONDITIONS.

"(a) The".

(i) Section 9 of the Geothermal Steam Act of 1970 (30 U.S.C. 1008) is amended by striking "SEC. 9. If" and inserting the following:

"SEC. 9. BYPRODUCTS.

"If".

(j) Section 10 of the Geothermal Steam Act of 1970 (30 U.S.C. 1009) is amended by striking "SEC. 10. The" and inserting the following:

"SEC. 10. RELINQUISHMENT OF GEOTHERMAL RIGHTS.

"The".

(k) Section 11 of the Geothermal Steam Act of 1970 (30 U.S.C. 1010) is amended by striking "SEC. 11. The" and inserting the following:

"SEC. 11. SUSPENSION OF OPERATIONS AND PRODUCTION.

"The".

(l) Section 12 of the Geothermal Steam Act of 1970 (30 U.S.C. 1011) is amended by striking "SEC. 12. Leases" and inserting the following:

"SEC. 12. TERMINATION OF LEASES.

"Leases".

(m) Section 13 of the Geothermal Steam Act of 1970 (30 U.S.C. 1012) is amended by striking "SEC. 13. The" and inserting the following:

"SEC. 13. WAIVER, SUSPENSION, OR REDUCTION OF RENTAL OR ROYALTY.

"The".

(n) Section 14 of the Geothermal Steam Act of 1970 (30 U.S.C. 1013) is amended by striking "SEC. 14. Subject" and inserting the following:

"SEC. 14. SURFACE LAND USE.

"Subject".

(o) Section 15 of the Geothermal Steam Act of 1970 (30 U.S.C. 1014) is amended by striking "SEC. 15. (a) Geothermal" and inserting the following:

"SEC. 15. LANDS SUBJECT TO GEOTHERMAL LEASING.

"(a) Geothermal".

(p) Section 16 of the Geothermal Steam Act of 1970 (30 U.S.C. 1015) is amended by striking "SEC. 16. Leases" and inserting the following:

"SEC. 16. REQUIREMENT FOR LESSEES.

"Leases".

(q) Section 17 of the Geothermal Steam Act of 1970 (30 U.S.C. 1016) is amended by striking "SEC. 17. Administration" and inserting the following:

"SEC. 17. ADMINISTRATION.

"Administration".

(r) Section 19 of the Geothermal Steam Act of 1970 (30 U.S.C. 1018) is amended by striking "SEC. 19. Upon" and inserting the following:

"SEC. 19. DATA FROM FEDERAL AGENCIES.

"Upon".

(s) Section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019) is amended by striking "SEC. 20. Subject" and inserting the following:

"SEC. 20. DISPOSITION OF AMOUNTS RECEIVED FROM SALES, BONUSES, ROYALTIES, AND RENTALS.

"Subject".

(t) Section 21 of the Geothermal Steam Act of 1970 (30 U.S.C. 1020) is amended by striking "SEC. 21." and all that follows through "(b) Geothermal" and inserting the following:

"SEC. 21. PUBLICATION IN FEDERAL REGISTER; RESERVATION OF MINERAL RIGHTS.

"Geothermal".

(u) Section 22 of the Geothermal Steam Act of 1970 (30 U.S.C. 1021) is amended by striking "SEC. 22. Nothing" and inserting the following:

"SEC. 22. FEDERAL EXEMPTION FROM STATE WATER LAWS.

"Nothing".

(v) Section 23 of the Geothermal Steam Act of 1970 (30 U.S.C. 1022) is amended by striking "SEC. 23. (a) All" and inserting the following:

"SEC. 23. PREVENTION OF WASTE; EXCLUSIVITY.

"(a) All".

(w) Section 24 of the Geothermal Steam Act of 1970 (30 U.S.C. 1023) is amended by striking "SEC. 24. The" and inserting the following:

"SEC. 24. RULES AND REGULATIONS.

"The".

(x) Section 25 of the Geothermal Steam Act of 1970 (30 U.S.C. 1024) is amended by striking "SEC. 25. As" and inserting the following:

"SEC. 25. INCLUSION OF GEOTHERMAL LEASING UNDER CERTAIN OTHER LAWS.

"As".

(y) Section 26 of the Geothermal Steam Act of 1970 is amended by striking "SEC. 26. The" and inserting the following:

"SEC. 26. AMENDMENT.

"The".

(z) Section 27 of the Geothermal Steam Act of 1970 (30 U.S.C. 1025) is amended by striking "SEC. 27. The" and inserting the following:

"SEC. 27. FEDERAL RESERVATION OF CERTAIN MINERAL RIGHTS.

"The".

(aa) Section 28 of the Geothermal Steam Act of 1970 (30 U.S.C. 1026) is amended by striking "SEC. 28. (a)(1) The" and inserting the following:

"SEC. 28. SIGNIFICANT THERMAL FEATURES.

"(a)(1) The".

(bb) Section 29 of the Geothermal Steam Act of 1970 (30 U.S.C. 1027) is amended by striking "SEC. 29. The" and inserting the following:

"SEC. 29. LAND SUBJECT TO PROHIBITION ON LEASING.

"The".

Subtitle E—Hydroelectric

SEC. 261. ALTERNATIVE CONDITIONS AND FISHWAYS.

(a) FEDERAL RESERVATIONS.—Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended by inserting after "adequate protection and utilization of such reservation." at the end of the first proviso the following: "The license applicant and any party to the proceeding shall be entitled to a determination on the record, after opportunity for an agency trial-type hearing of no more than 90 days, on any disputed issues of material fact with respect to such conditions. All disputed issues of material fact raised by any party shall be determined in a single trial-type hearing to be conducted within a time frame established by the Commission for each license proceeding. Within 90 days of the date of enactment of this Act, the Secretaries of the Interior, Commerce, and Agriculture shall establish jointly, by rule, the procedures for such expedited trial-type hearing, including the opportunity to undertake discovery and cross-examine witnesses, in consultation with the Federal Energy Regulatory Commission.".

(b) FISHWAYS.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by inserting after "and such fishways as may be prescribed by the Secretary of Commerce." the following: "The license applicant and any party to the proceeding shall be entitled to a determination on the record, after opportunity for an agency trial-type hearing of no more than 90 days, on any disputed issues of material fact with respect to such fishways. All disputed issues of material fact raised by any party shall be determined in a single trial-type hearing to be conducted within a time frame established by the Commission for each license proceeding. Within 90 days of the date of enactment of this Act, the Secretaries of the Interior, Commerce, and Agriculture shall establish jointly, by rule, the procedures for such expedited trial-type hearing, including the opportunity to undertake discovery and cross-examine witnesses, in consultation with the Federal Energy Regulatory Commission.".

(c) ALTERNATIVE CONDITIONS AND PRESCRIPTIONS.—Part I of the Federal Power Act (16 U.S.C. 791a et seq.) is amended by adding the following new section at the end thereof:

"SEC. 33. ALTERNATIVE CONDITIONS AND PRESCRIPTIONS.

"(a) ALTERNATIVE CONDITIONS.—(1) Whenever any person applies for a license for any project works within any reservation of the United States, and the Secretary of the department under whose supervision such reservation falls (referred to in this subsection as the 'Secretary') deems a condition to such license to be necessary under the first proviso of section 4(e), the license applicant or any other party to the license proceeding may propose an alternative condition.

"(2) Notwithstanding the first proviso of section 4(e), the Secretary shall accept the proposed alternative condition referred to in paragraph (1), and the Commission shall include in the license such alternative condition, if the Secretary determines, based on substantial evidence provided by the license applicant, any other party to the proceeding, or otherwise available to the Secretary, that such alternative condition—

"(A) provides for the adequate protection and utilization of the reservation; and

"(B) the Secretary concurs with the license applicant's judgment that the alternative condition will either—

"(i) cost significantly less to implement; or

"(ii) result in improved operation of the project works for electricity production, as compared to the condition initially deemed necessary by the Secretary.

"(3) The Secretary concerned shall submit into the public record of the Commission proceeding with any condition under section 4(e) or alternative condition it accepts under this section, a written statement explaining the basis for such condition, and reason for not accepting any alternative condition under this section. The written statement must demonstrate that the Secretary gave equal consideration to the effects of the condition adopted and alternatives not accepted on energy supply, distribution, cost, and use; flood control; navigation; water supply; and air quality (in addition to the preservation of other aspects of environmental quality); based on such information as may be available to the Secretary, including information voluntarily provided in a timely manner by the applicant and others. The Secretary shall also submit, together with the aforementioned written statement, all studies, data, and other factual information available to the Secretary and relevant to the Secretary's decision.

"(4) If the Secretary does not accept an applicant's alternative condition under this section, and the Commission finds that the Secretary's condition would be inconsistent with the purposes of this part, or other applicable law, the Commission may refer the dispute to the Commission's Dispute Resolution Service. The Dispute Resolution Service shall consult with the Secretary and the Commission and issue a non-binding advisory within 90 days. The Secretary may accept the Dispute Resolution Service advisory unless the Secretary finds that the recommendation will not adequately protect the reservation. The Secretary shall submit the advisory and the Secretary's final written determination into the record of the Commission's proceeding.

"(b) ALTERNATIVE PRESCRIPTIONS.—(1) Whenever the Secretary of the Interior or the Secretary of Commerce prescribes a fishway under section 18, the license applicant or any other party to the license proceeding may propose an alternative to such prescription to construct, maintain, or operate a fishway.

"(2) Notwithstanding section 18, the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall accept and prescribe, and the Commission shall require, the proposed alternative referred to in paragraph (1), if the Secretary of the appropriate department determines, based on substantial evidence provided by the license applicant, any other party to the proceeding, or otherwise available to the Secretary, that such alternative—

"(A) will be no less protective than the fishway initially prescribed by the Secretary; and

"(B) the Secretary concurs with the license applicant's judgment that the alternative prescription will either—

"(i) cost significantly less to implement; or

"(ii) result in improved operation of the project works for electricity production, as compared to the fishway initially deemed necessary by the Secretary.

"(3) The Secretary concerned shall submit into the public record of the Commission proceeding with any prescription under section 18 or alternative prescription it accepts under this section, a written statement explaining the basis for such prescription, and reason for not accepting any alternative prescription under this section. The written statement must demonstrate that the Secretary gave equal consideration to the effects of the prescription adopted and alternatives not accepted on energy supply, distribution, cost, and use; flood control; navigation; water supply; and air quality (in addition to the preservation of other aspects of environmental quality); based on such information as may be available to the Secretary, including information voluntarily provided in a timely manner by the applicant and others. The Secretary shall also submit, together with the aforementioned written statement, all studies, data, and other factual information available to the Secretary and relevant to the Secretary's decision.

"(4) If the Secretary concerned does not accept an applicant's alternative prescription under this section, and the Commission finds that the Secretary's prescription would be inconsistent with the purposes of this part, or other applicable law, the Commission may refer the dispute to the Commission's Dispute Resolution Service. The Dispute Resolution Service shall consult with the Secretary and the Commission and issue a non-binding advisory within 90 days. The Secretary may accept the Dispute Resolution Service advisory unless the Secretary finds that the recommendation will not adequately protect the fish resources. The Secretary shall submit the advisory and the Secretary's final written determination into the record of the Commission's proceeding.".

SEC. 262. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

Section 32 of the Federal Power Act (16 U.S.C. 823c) is amended—

(1) in subsection (a)(3)(C), by inserting "except as provided in subsection (j)," before "conditions"; and

(2) by adding at the end the following:

"(j) FISH AND WILDLIFE.—If the State of Alaska determines that a recommendation under subsection (a)(3)(C) is inconsistent with paragraphs (1) and (2) of subsection (a), the State of Alaska may decline to adopt all or part of the recommendations in accordance with the procedures established under section 10(j)(2).".

SEC. 263. FLINT CREEK HYDROELECTRIC PROJECT.

(a) EXTENSION OF TIME.—Notwithstanding the time period specified in section 5 of the Federal Power Act (16 U.S.C. 798) that would otherwise apply to the Federal Energy Regulatory Commission (referred to in this section as the "Commission") project numbered 12107, the Commission shall—

(1) if the preliminary permit is in effect on the date of enactment of this Act, extend the preliminary permit for a period of 3 years beginning on the date on which the preliminary permit expires; or

(2) if the preliminary permit expired before the date of enactment of this Act, on request of the permittee, reinstate the preliminary permit for an additional 3-year period beginning on the date of enactment of this Act.

(b) LIMITATION ON CERTAIN FEES.—Notwithstanding section 10(e)(1) of the Federal Power Act (16 U.S.C. 803(e)(1)) or any other provision of Federal law providing for the payment to the United States of charges for the use of Federal land for the purposes of operating and maintaining a hydroelectric development licensed by the Commission, any political subdivision of the State of Montana that holds a Commission license for the Commission project numbered 12107 in Granite and Deer Lodge Counties, Montana, shall be required to pay to the United States for the use of that land for each year during which the political subdivision continues to hold the license for the project, the lesser of—

(1) $25,000; or

(2) such annual charge as the Commission or any other department or agency of the Federal Government may assess.

TITLE III—OIL AND GAS

Subtitle A—Petroleum Reserve and Home Heating Oil

SEC. 301. PERMANENT AUTHORITY TO OPERATE THE STRATEGIC PETROLEUM RESERVE AND OTHER ENERGY PROGRAMS.

(a) AMENDMENT TO TITLE I OF THE ENERGY POLICY AND CONSERVATION ACT.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6212 et seq.) is amended—

(1) by striking section 166 (42 U.S.C. 6246) and inserting the following:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 166. There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this part and part D, to remain available until expended.";

(2) by striking section 186 (42 U.S.C. 6250e); and

(3) by striking part E (42 U.S.C. 6251).

(b) AMENDMENT TO TITLE II OF THE ENERGY POLICY AND CONSERVATION ACT.—Title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.) is amended—

(1) by inserting before section 273 (42 U.S.C. 6283) the following:

"PART C—SUMMER FILL AND FUEL BUDGETING PROGRAMS";

(2) by striking section 273(e) (42 U.S.C. 6283(e)); and

(3) by striking part D (42 U.S.C. 6285).

(c) TECHNICAL AMENDMENTS.—The table of contents for the Energy Policy and Conservation Act is amended—

(1) by inserting after the items relating to part C of title I the following:

"PART D—NORTHEAST HOME HEATING OIL RESERVE

"Sec. 181. Establishment.
"Sec. 182. Authority.
"Sec. 183. Conditions for release; plan.
"Sec. 184. Northeast Home Heating Oil Reserve Account.
"Sec. 185. Exemptions.";

(2) by amending the items relating to part C of title II to read as follows:

"PART C—SUMMER FILL AND FUEL BUDGETING PROGRAMS

"Sec. 273. Summer fill and fuel budgeting programs.";

and

(3) by striking the items relating to part D of title II.

(d) AMENDMENT TO THE ENERGY POLICY AND CONSERVATION ACT.—Section 183(b)(1) of the

Energy Policy and Conservation Act (42 U.S.C. 6250b(b)(1)) is amended by striking "by more" and all that follows through "mid-October through March" and inserting "by more than 60 percent over its 5-year rolling average for the months of mid-October through March (considered as a heating season average)".

(e) Fill Strategic Petroleum Reserve to Capacity.—The Secretary shall, as expeditiously as practicable, without incurring excessive cost or appreciably affecting the price of gasoline or heating oil to consumers, acquire petroleum in quantities sufficient to fill the Strategic Petroleum Reserve to the 1,000,000,000-barrel capacity authorized under section 154(a) of the Energy Policy and Conservation Act (42 U.S.C. 6234(a)), in accordance with the sections 159 and 160 of that Act (42 U.S.C. 6239, 6240).

SEC. 302. NATIONAL OILHEAT RESEARCH ALLIANCE.

Section 713 of the Energy Act of 2000 (Public Law 106-469; 42 U.S.C. 6201 note) is amended by striking "4" and inserting "9".

Subtitle B—Production Incentives

SEC. 311. DEFINITION OF SECRETARY.

In this subtitle, the term "Secretary" means the Secretary of the Interior.

SEC. 312. PROGRAM ON OIL AND GAS ROYALTIES IN-KIND.

(a) Applicability of Section.—Notwithstanding any other provision of law, this section applies to all royalty in-kind accepted by the Secretary on or after the date of enactment of this Act under any Federal oil or gas lease or permit under—

(1) section 36 of the Mineral Leasing Act (30 U.S.C. 192);

(2) section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353); or

(3) any other Federal law governing leasing of Federal land for oil and gas development.

(b) Terms and Conditions.—All royalty accruing to the United States shall, on the demand of the Secretary, be paid in oil or gas. If the Secretary makes such a demand, the following provisions apply to the payment:

(1) Satisfaction of Royalty Obligation.—Delivery by, or on behalf of, the lessee of the royalty amount and quality due under the lease satisfies royalty obligation of the lessee for the amount delivered, except that transportation and processing reimbursements paid to, or deductions claimed by, the lessee shall be subject to review and audit.

(2) Marketable Condition.—

(A) Definition of Marketable Condition.—In this paragraph, the term "in marketable condition" means sufficiently free from impurities and otherwise in a condition that the royalty production will be accepted by a purchaser under a sales contract typical of the field or area in which the royalty production was produced.

(B) Requirement.—Royalty production shall be placed in marketable condition by the lessee at no cost to the United States.

(3) Disposition by the Secretary.—The Secretary may—

(A) sell or otherwise dispose of any royalty production taken in-kind (other than oil or gas transferred under section 27(a)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1353(a)(3)) for not less than the market price; and

(B) transport or process (or both) any royalty production taken in-kind.

(4) Retention by the Secretary.—The Secretary may, notwithstanding section 3302 of title 31, United States Code, retain and use a portion of the revenues from the sale of oil and gas taken in-kind that otherwise would be deposited to miscellaneous receipts, without regard to fiscal year limitation, or may use oil or gas received as royalty taken in-kind (referred to in this paragraph as "royalty production") to pay the cost of—

(A) transporting the royalty production;

(B) processing the royalty production;

(C) disposing of the royalty production; or

(D) any combination of transporting, processing, and disposing of the royalty production.

(5) Limitation.—

(A) In general.—Except as provided in subparagraph (B), the Secretary may not use revenues from the sale of oil and gas taken in-kind to pay for personnel, travel, or other administrative costs of the Federal Government.

(B) Exception.—Notwithstanding subparagraph (A), the Secretary may use a portion of the revenues from royalty in-kind sales, without fiscal year limitation, to pay salaries and other administrative costs directly related to the royalty in-kind program.

(c) Reimbursement of Cost.—If a lessee, pursuant to an agreement with the United States or as provided in the lease, processes the royalty gas or delivers the royalty oil or gas at a point not on or adjacent to the lease area, the Secretary shall—

(1) reimburse the lessee for the reasonable costs of transportation (not including gathering) from the lease to the point of delivery or for processing costs; or

(2) allow the lessee to deduct the transportation or processing costs in reporting and paying royalties in-value for other Federal oil and gas leases.

(d) Benefit to the United States Required.—The Secretary may receive oil or gas royalties in-kind only if the Secretary determines that receiving royalties in-kind provides benefits to the United States that are greater than or equal to the benefits that are likely to have been received had royalties been taken in-value.

(e) Reports.—

(1) In general.—Not later than September 30, 2006, the Secretary shall submit to Congress a report that addresses—

(A) actions taken to develop businesses processes and automated systems to fully support the royalty-in-kind capability to be used in tandem with the royalty-in-value approach in managing Federal oil and gas revenue; and

(B) future royalty-in-kind businesses operation plans and objectives.

(2) Reports on Oil or Gas Royalties Taken In-Kind.—For each of fiscal years 2006 through 2015 in which the United States takes oil or gas royalties in-kind from production in any State or from the outer Continental Shelf, excluding royalties taken in-kind and sold to refineries under subsection (h), the Secretary shall submit to Congress a report that describes—

(A) the 1 or more methodologies used by the Secretary to determine compliance with subsection (d), including the performance standard for comparing amounts received by the United States derived from royalties in-kind to amounts likely to have been received had royalties been taken in-value;

(B) an explanation of the evaluation that led the Secretary to take royalties in-kind from a lease or group of leases, including the expected revenue effect of taking royalties in-kind;

(C) actual amounts received by the United States derived from taking royalties in-kind and costs and savings incurred by the United States associated with taking royalties in-kind, including administrative savings and any new or increased administrative costs; and

(D) an evaluation of other relevant public benefits or detriments associated with taking royalties in-kind.

(f) Deduction of Expenses.—

(1) In general.—Before making payments under section 35 of the Mineral Leasing Act (30 U.S.C. 191) or section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)) of revenues derived from the sale of royalty production taken in-kind from a lease, the Secretary shall deduct amounts paid or deducted under subsections (b)(4) and (c) and deposit the amount of the deductions in the miscellaneous receipts of the Treasury.

(2) Accounting for Deductions.—If the Secretary allows the lessee to deduct transportation or processing costs under subsection (c), the Secretary may not reduce any payments to recipients of revenues derived from any other Federal oil and gas lease as a consequence of that deduction.

(g) Consultation with States.—The Secretary—

(1) shall consult with a State before conducting a royalty in-kind program under this subtitle within the State;

(2) may delegate management of any portion of the Federal royalty in-kind program to the State except as otherwise prohibited by Federal law; and

(3) shall consult annually with any State from which Federal oil or gas royalty is being taken in-kind to ensure, to the maximum extent practicable, that the royalty in-kind program provides revenues to the State greater than or equal to the revenues likely to have been received had royalties been taken in-value.

(h) Small Refineries.—

(1) Preference.—If the Secretary finds that sufficient supplies of crude oil are not available in the open market to refineries that do not have their own source of supply for crude oil, the Secretary may grant preference to those refineries in the sale of any royalty oil accruing or reserved to the United States under Federal oil and gas leases issued under any mineral leasing law, for processing or use in those refineries at private sale at not less than the market price.

(2) Proration Among Refineries in Production Area.—In disposing of oil under this subsection, the Secretary may, at the discretion of the Secretary, prorate the oil among refineries described in paragraph (1) in the area in which the oil is produced.

(i) Disposition to Federal Agencies.—

(1) Onshore Royalty.—Any royalty oil or gas taken by the Secretary in-kind from onshore oil and gas leases may be sold at not less than the market price to any Federal agency.

(2) Offshore Royalty.—Any royalty oil or gas taken in-kind from a Federal oil or gas lease on the outer Continental Shelf may be disposed of only under section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353).

(j) Federal Low-Income Energy Assistance Programs.—

(1) Preference.—In disposing of royalty oil or gas taken in-kind under this section, the Secretary may grant a preference to any person, including any Federal or State agency, for the purpose of providing additional resources to any Federal low-income energy assistance program.

(2) Report.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit a report to Congress—

(A) assessing the effectiveness of granting preferences specified in paragraph (1); and

(B) providing a specific recommendation on the continuation of authority to grant preferences.

SEC. 313. MARGINAL PROPERTY PRODUCTION INCENTIVES.

(a) Definition of Marginal Property.—Until such time as the Secretary issues regulations under subsection (e) that prescribe a different definition, in this section, the term "marginal property" means an onshore unit, communitization agreement, or lease not within a unit or communitization agreement, that produces on average the combined equivalent of less than 15 barrels of oil per well per day or 90,000,000 British thermal units of gas per well per day calculated based on the average over the 3 most recent production months, including only wells that produce on more than half of the days during those 3 production months.

(b) Conditions for Reduction of Royalty Rate.—Until such time as the Secretary issues regulations under subsection (e) that prescribe different standards or requirements, the Secretary shall reduce the royalty rate on—

(1) oil production from marginal properties as prescribed in subsection (c) if the spot price of West Texas Intermediate crude oil at Cushing, Oklahoma, is, on average, less than $15 per barrel (adjusted in accordance with the Consumer Price Index for all-urban consumers, United States city average, as published by the Bureau of Labor Statistics) for 90 consecutive trading days; and

(2) gas production from marginal properties as prescribed in subsection (c) if the spot price of natural gas delivered at Henry Hub, Louisiana, is, on average, less than $2.00 per million British thermal units (adjusted in accordance with the Consumer Price Index for all-urban consumers, United States city average, as published by the Bureau of Labor Statistics) for 90 consecutive trading days.

(c) Reduced Royalty Rate.—

(1) In general.—When a marginal property meets the conditions specified in subsection (b), the royalty rate shall be the lesser of—

(A) 5 percent; or

(B) the applicable rate under any other statutory or regulatory royalty relief provision that applies to the affected production.

(2) Period of effectiveness.—The reduced royalty rate under this subsection shall be effective beginning on the first day of the production month following the date on which the applicable condition specified in subsection (b) is met.

(d) Termination of Reduced Royalty Rate.—A royalty rate prescribed in subsection (c)(1)(A) shall terminate—

(1) with respect to oil production from a marginal property, on the first day of the production month following the date on which—

(A) the spot price of West Texas Intermediate crude oil at Cushing, Oklahoma, on average, exceeds $15 per barrel (adjusted in accordance with the Consumer Price Index for all-urban consumers, United States city average, as published by the Bureau of Labor Statistics) for 90 consecutive trading days; or

(B) the property no longer qualifies as a marginal property; and

(2) with respect to gas production from a marginal property, on the first day of the production month following the date on which—

(A) the spot price of natural gas delivered at Henry Hub, Louisiana, on average, exceeds $2.00 per million British thermal units (adjusted in accordance with the Consumer Price Index for all-urban consumers, United States city average, as published by the Bureau of Labor Statistics) for 90 consecutive trading days; or

(B) the property no longer qualifies as a marginal property.

(e) Regulations Prescribing Different Relief.—

(1) Discretionary regulations.—The Secretary may by regulation prescribe different parameters, standards, and requirements for, and a different degree or extent of, royalty relief for marginal properties in lieu of those prescribed in subsections (a) through (d).

(2) Royalty relief for offshore wells.—With respect to royalty relief for oil or gas produced from wells located on the outer Continental Shelf, the Secretary shall use authority available to the Secretary as of the day before the date of enactment of this Act—

(A) to accept and consider petitions from persons seeking, and providing justification for, royalty relief for 1 or more of those wells; and

(B) not later than 90 days after the date of receipt of a petition, on a case-by-case basis—

(i) approve the petition and provide royalty relief or a royalty reduction for oil or gas produced from the wells covered by the petition; or

(ii) disapprove the petition.

(3) Considerations.—In issuing regulations under this subsection, the Secretary may consider—

(A) oil and gas prices and market trends;

(B) production costs;

(C) abandonment costs;

(D) Federal and State tax provisions and the effects of those provisions on production economics;

(E) other royalty relief programs;

(F) regional differences in average wellhead prices;

(G) national energy security issues; and

(H) other relevant matters, as determined by the Secretary.

(f) Savings Provision.—Nothing in this section prevents a lessee from receiving royalty relief or a royalty reduction pursuant to any other law (including a regulation) that provides more relief than the amounts provided by this section.

SEC. 314. INCENTIVES FOR NATURAL GAS PRODUCTION FROM DEEP WELLS IN THE SHALLOW WATERS OF THE GULF OF MEXICO.

(a) Definitions.—In this section:

(1) Lease issued in shallow waters.—The term "lease issued in shallow waters" means—

(A) a lease entirely in water less than 200 meters deep; or

(B) a lease—

(i) partially in water less than 200 meters deep; and

(ii) to which no royalty relief provisions in law or lease terms apply.

(2) Sidetrack.—

(A) In general.—The term "sidetrack" means a well resulting from drilling an additional hole to a new objective bottom-hole location by leaving a previously drilled hole.

(B) Inclusion.—The term "sidetrack" includes—

(i) drilling a well from a platform slot reclaimed from a previously drilled well;

(ii) re-entering and deepening a previously drilled well; and

(iii) a bypass from a sidetrack, including drilling around material blocking a hole or drilling to straighten a crooked hole.

(3) Ultra deep well.—The term "ultra deep well" means a well drilled with a perforated interval, the top of which is at least 20,000 feet true vertical depth below the datum at mean sea level.

(b) Regulations.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, in addition to any other regulations that may provide royalty incentives for natural gas produced from deep wells on oil and gas leases issued pursuant to, or regulated under, the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), the Secretary shall issue regulations granting royalty relief suspension volumes of not less than 35,000,000,000 cubic feet with respect to the production of natural gas from ultra deep wells on leases issued in shallow waters located in the Gulf of Mexico wholly west of 87°, 30" West longitude that are issued before the date that is 180 days after the date of enactment of this Act.

(2) Suspension volumes.—The Secretary may grant suspension volumes of less than 35,000,000,000 cubic feet in any case in which—

(A) the ultra deep well is a sidetrack; or

(B) the lease has previously produced from wells with a perforated interval the top of which is at least 15,000 feet true vertical depth below the datum at mean sea level.

(c) Limitation.—The Secretary shall not grant royalty incentives under this section if the average annual natural gas price on the New York Mercantile Exchange exceeds a threshold price specified, and adjusted for inflation, by the Secretary.

(d) Applicability.—

(1) In general.—Royalty incentives under this subsection apply only to natural gas production from ultra deep wells that are drilled after the date of enactment of this Act.

(2) Review and suspension.—Not earlier than 10 years after the date of enactment of this Act, the Secretary may—

(A) review the relief granted under this section; and

(B) by regulation, modify or suspend the relief.

SEC. 315. ROYALTY RELIEF FOR DEEP WATER PRODUCTION.

(a) In General.—Subject to subsections (b) and (c), for each tract located in water depths of greater than 400 meters in the Western and Central Planning Area of the Gulf of Mexico (including the portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude), any oil or gas lease sale under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) occurring during the 5-year period beginning on the date of enactment of this Act shall use the bidding system authorized under section 8(a)(1)(H) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)(H)).

(b) Suspension of Royalties.—The suspension of royalties under subsection (a) shall be established at a volume of not less than—

(1) 5,000,000 barrels of oil equivalent for each lease in water depths of 400 meters or more but less than 800 meters;

(2) 9,000,000 barrels of oil equivalent for each lease in water depths of 800 meters or more but not greater than 1,600 meters; and

(3) 12,000,000 barrels of oil equivalent for each lease in water depths greater than 1,600 meters.

(c) Limitation.—The Secretary may place limitations on royalty relief granted under this section based on market price.

SEC. 316. ALASKA OFFSHORE ROYALTY SUSPENSION.

Section 8(a)(3)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(B)) is amended by inserting "and in the Planning Areas offshore Alaska," after "West longitude,".

SEC. 317. OIL AND GAS LEASING IN THE NATIONAL PETROLEUM RESERVE IN ALASKA.

(a) TRANSFER OF AUTHORITY.—

(1) REDESIGNATION.—The Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 et seq.) is amended by redesignating section 107 (42 U.S.C. 6507) as section 108.

(2) TRANSFER.—The matter under the heading "EXPLORATION OF NATIONAL PETROLEUM RESERVE IN ALASKA" under the heading "ENERGY AND MINERALS" of title I of Public Law 96–514 (42 U.S.C. 6508) is—

(A) transferred to the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 et seq.);

(B) redesignated as section 107 of that Act; and

(C) moved so as to appear after section 106 of that Act (42 U.S.C. 6506).

(b) COMPETITIVE LEASING.—Section 107 of the Naval Petroleum Reserves Production Act of 1976 (as amended by subsection (a)(2)) is amended—

(1) by striking the heading and all that follows through "*Provided*, That (1) activities" and inserting the following:

"SEC. 107. COMPETITIVE LEASING OF OIL AND GAS.

"(a) IN GENERAL.—The Secretary shall conduct an expeditious program of competitive leasing of oil and gas in the Reserve in accordance with this Act.

"(b) MITIGATION OF ADVERSE EFFECTS.—

"(1) IN GENERAL.—Activities";

(2) in subsection (b)(1) (as designated by paragraph (1)), by striking "to mitigate" and inserting "to prevent to the extent practicable, and to mitigate,";

(3) by striking "Alaska (the Reserve); (2) the" and inserting "Alaska.

"(2) CERTAIN RESOURCES AND FACILITIES.—In carrying out the leasing program under this section, the Secretary shall minimize, to the extent practicable, the impact to surface resources and consolidate facilities.

"(c) LAND USE PLANNING; BLM WILDERNESS STUDY.—The";

(4) by striking "Reserve; (3) the" and inserting "Reserve.

"(d) FIRST LEASE SALE.—The;";

(5) by striking "4332); (4) the" and inserting "4321 et seq.).

"(e) WITHDRAWALS.—The";

(6) by striking "herein; (5) bidding" and inserting "under this section.

"(f) BIDDING SYSTEMS.—Bidding";

(7) by striking "629); (6) lease" and inserting "629).

"(g) GEOLOGICAL STRUCTURES.—Lease";

(8) by striking "structures; (7) the" and inserting "structures.

"(h) SIZE OF LEASE TRACTS.—The";

(9) by striking "Secretary; (8)" and all that follows through "Drilling, production," and inserting "Secretary.

"(i) TERMS.—

"(1) IN GENERAL.—Each lease shall be issued for an initial period of not more than 10 years, and shall be extended for so long thereafter as oil or gas is produced from the lease in paying quantities or drilling or reworking operations, as approved by the Secretary, are conducted on the leased land.

"(2) TERMINATION.—No lease issued under this section covering lands capable of producing oil or gas in paying quantities shall expire because the lessee fails to produce the same unless the lessee is allowed a reasonable time, which shall be not less than 60 days after notice by registered or certified mail, within which to place the lands in producing status or unless, after such status is established, production is discontinued on the leased premises without permission granted by the Secretary under the provisions of this Act.

"(3) RENEWAL OF LEASES WITHOUT DISCOVERIES.—At the end of the primary term of a lease, the Secretary shall renew for one additional 10-year term a lease that does not meet the requirements of paragraph (1) if the lessee submits to the Secretary an application for renewal not later than 60 days before the expiration of the primary lease, pays the Secretary a renewal fee of $100 per acre of leased land, and—

"(A) the lessee provides evidence, and the Secretary agrees that, the lessee has diligently pursued exploration that warrants continuation with the intent of continued exploration or future potential development of the leased land; or

"(B) all or part of the lease

"(i) is part of a unit agreement covering a lease described in subparagraph (A); and

"(ii) has not been previously contracted out of the unit.

"(4) APPLICABILITY.—This subsection applies to a lease that is in effect on or after the date of enactment of the Energy Policy Act of 2005.

"(j) UNIT AGREEMENTS.—

"(1) IN GENERAL.—For the purpose of conservation of the natural resources of all or part of any oil or gas pool, field, reservoir, or like area, lessees (including representatives) of the pool, field, reservoir, or like area may unite with each other, or jointly or separately with others, in collectively adopting and operating under a unit agreement for all or part of the pool, field, reservoir, or like area (whether or not any other part of the oil or gas pool, field, reservoir, or like area is already subject to any cooperative or unit plan of development or operation), if the Secretary determines the action to be necessary or advisable in the public interest. In determining the public interest, the Secretary shall, among other things, examine the extent to which the unit agreement will minimize the impact to surface resources of the leases and will facilitate consolidation of facilities.

"(2) CONSULTATION.—In making a determination under paragraph (1), the Secretary shall consult with the State of Alaska or a Regional Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)) with respect to the creation or expansion of units that include acreage in which the State of Alaska or the Regional Corporation has an interest in the mineral estate.

"(3) PRODUCTION ALLOCATION METHODOLOGY.—(A) The Secretary may use a production allocation methodology for each participating area within a unit that includes solely Federal land in the Reserve.

"(B) The Secretary shall use a production allocation methodology for each participating area within a unit that includes Federal land in the Reserve and non-Federal land based on the characteristics of each specific oil or gas pool, field, reservoir, or like area to take into account reservoir heterogeneity and area variation in reservoir producibility across diverse leasehold interests. The implementation of the foregoing production allocation methodology shall be controlled by agreement among the affected lessors and lessees.

"(4) BENEFIT OF OPERATIONS.—Drilling, production,";

(10) by striking "When separate" and inserting the following:

"(5) POOLING.—If separate";

(11) by inserting "(in consultation with the owners of the other land)" after "determined by the Secretary of the Interior";

(12) by striking "thereto; (10) to" and all that follows through "the terms provided therein" and inserting "to the agreement.

"(k) EXPLORATION INCENTIVES.—

"(1) IN GENERAL.—

"(A) WAIVER, SUSPENSION, OR REDUCTION.—To encourage the greatest ultimate recovery of oil or gas or in the interest of conservation, the Secretary may waive, suspend, or reduce the rental fees or minimum royalty, or reduce the royalty on an entire leasehold (including on any lease operated pursuant to a unit agreement), whenever (after consultation with the State of Alaska and the North Slope Borough of Alaska and the concurrence of any Regional Corporation for leases that include land that was made available for acquisition by the Regional Corporation under the provisions of section 1431(o) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.)) in the judgment of the Secretary it is necessary to do so to promote development, or whenever in the judgment of the Secretary the leases cannot be successfully operated under the terms provided therein.

"(B) APPLICABILITY.—This paragraph applies to a lease that is in effect on or after the date of enactment of the Energy Policy Act of 2005.";

(13) by striking "The Secretary is authorized to" and inserting the following:

"(2) SUSPENSION OF OPERATIONS AND PRODUCTION.—The Secretary may";

(14) by striking "In the event" and inserting the following:

"(3) SUSPENSION OF PAYMENTS.—If";

(15) by striking "thereto; and (11) all" and inserting "to the lease.

"(l) RECEIPTS.—All";

(16) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively;

(17) by striking "Any agency" and inserting the following:

"(m) EXPLORATIONS.—Any agency";

(18) by striking "Any action" and inserting the following:

"(n) ENVIRONMENTAL IMPACT STATEMENTS.—

"(1) JUDICIAL REVIEW.—Any action";

(19) by striking "The detailed" and inserting the following:

"(2) INITIAL LEASE SALES.—The detailed";

(20) by striking "of the Naval Petroleum Reserves Production Act of 1976 (90 Stat. 304; 42 U.S.C. 6504)"; and

(21) by adding at the end the following:

"(o) REGULATIONS.—As soon as practicable after the date of enactment of the Energy Policy Act of 2005, the Secretary shall issue regulations to implement this section.

"(p) WAIVER OF ADMINISTRATION FOR CONVEYED LANDS.—

"(1) IN GENERAL.—Notwithstanding section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)), the Secretary of the Interior shall waive administration of any oil and gas lease to the extent that the lease covers any land in the Reserve in which all of the subsurface estate is conveyed to the Arctic Slope Regional Corporation (referred to in this subsection as the 'Corporation').

"(2) PARTIAL CONVEYANCE.—

"(A) IN GENERAL.—In a case in which a conveyance of a subsurface estate described in paragraph (1) does not include all of the land covered by the oil and gas lease, the person that owns the subsurface estate in any particular portion of the land covered by the lease shall be entitled to all of the revenues reserved under the lease as to that portion, including, without limitation, all the royalty payable with respect to oil or gas produced from or allocated to that portion.

"(B) SEGREGATION OF LEASE.—In a case described in subparagraph (A), the Secretary of the Interior shall—

"(i) segregate the lease into 2 leases, 1 of which shall cover only the subsurface estate conveyed to the Corporation; and

"(ii) waive administration of the lease that covers the subsurface estate conveyed to the Corporation.

"(C) NO CHANGE IN LEASE OBLIGATIONS.—The segregation of the lease described in subparagraph (B)(i) has no effect on the obligations of the lessee under either of the resulting leases, including obligations relating to operations, production, or other circumstances (other than payment of rentals or royalties).

"(3) AUTHORITY TO MANAGE FEDERALLY OWNED SURFACE ESTATE.—Nothing in this subsection limits the authority of the Secretary of the Interior to manage the federally-owned surface estate within the Reserve.".

(c) CONFORMING AMENDMENTS.—Section 104 of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6504) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) through (d) as subsections (a) through (c), respectively.

SEC. 318. NORTH SLOPE SCIENCE INITIATIVE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of the Interior shall establish a long-term initiative to be known as the "North Slope Science Initiative" (referred to in this section as the "Initiative").

(2) PURPOSE.—The purpose of the Initiative shall be to implement efforts to coordinate collection of scientific data that will provide a better understanding of the terrestrial, aquatic, and marine ecosystems of the North Slope of Alaska.

(b) OBJECTIVES.—To ensure that the Initiative is conducted through a comprehensive science strategy and implementation plan, the Initiative shall, at a minimum—

(1) identify and prioritize information needs for inventory, monitoring, and research activities to address the individual and cumulative effects of past, ongoing, and anticipated development activities and environmental change on the North Slope;

(2) develop an understanding of information needs for regulatory and land management agencies, local governments, and the public;

(3) focus on prioritization of pressing natural resource management and ecosystem information needs, coordination, and cooperation among agencies and organizations;

(4) coordinate ongoing and future inventory, monitoring, and research activities to minimize duplication of effort, share financial resources and expertise, and assure the collection of quality information;

(5) identify priority needs not addressed by agency science programs in effect on the date of enactment of this Act and develop a funding strategy to meet those needs;

(6) provide a consistent approach to high caliber science, including inventory, monitoring, and research;

(7) maintain and improve public and agency access to—

(A) accumulated and ongoing research; and

(B) contemporary and traditional local knowledge; and

(8) ensure through appropriate peer review that the science conducted by participating agencies and organizations is of the highest technical quality.

(c) MEMBERSHIP.—

(1) IN GENERAL.—To ensure comprehensive collection of scientific data, in carrying out the Initiative, the Secretary shall consult and coordinate with Federal, State, and local agencies that have responsibilities for land and resource management across the North Slope.

(2) COOPERATIVE AGREEMENTS.—The Secretary shall enter into cooperative agreements with the State of Alaska, the North Slope Borough, the Arctic Slope Regional Corporation, and other Federal agencies as appropriate to coordinate efforts, share resources, and fund projects under this section.

(d) SCIENCE TECHNICAL ADVISORY PANEL.—

(1) IN GENERAL.—The Initiative shall include a panel to provide advice on proposed inventory, monitoring, and research functions.

(2) MEMBERSHIP.—The panel described in paragraph (1) shall consist of a representative group of not more than 15 scientists and technical experts from diverse professions and interests, including the oil and gas industry, subsistence users, Native Alaskan entities, conservation organizations, wildlife management organizations, and academia, as determined by the Secretary.

(e) REPORTS.—Not later than 3 years after the date of enactment of this section and each year thereafter, the Secretary shall publish a report that describes the studies and findings of the Initiative.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 319. ORPHANED, ABANDONED, OR IDLED WELLS ON FEDERAL LAND.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a program not later than 1 year after the date of enactment of this Act to remediate, reclaim, and close orphaned, abandoned, or idled oil and gas wells located on land administered by the land management agencies within the Department of the Interior and the Department of Agriculture.

(b) ACTIVITIES.—The program under subsection (a) shall—

(1) include a means of ranking orphaned, abandoned, or idled wells sites for priority in remediation, reclamation, and closure, based on public health and safety, potential environmental harm, and other land use priorities;

(2) provide for identification and recovery of the costs of remediation, reclamation, and closure from persons or other entities currently providing a bond or other financial assurance required under State or Federal law for an oil or gas well that is orphaned, abandoned, or idled; and

(3) provide for recovery from the persons or entities identified under paragraph (2), or their sureties or guarantors, of the costs of remediation, reclamation, and closure of such wells.

(c) COOPERATION AND CONSULTATIONS.—In carrying out the program under subsection (a), the Secretary shall—

(1) work cooperatively with the Secretary of Agriculture and the States within which Federal land is located; and

(2) consult with the Secretary of Energy and the Interstate Oil and Gas Compact Commission.

(d) PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Secretary of Agriculture, shall submit to Congress a plan for carrying out the program under subsection (a).

(e) IDLED WELL.—For the purposes of this section, a well is idled if—

(1) the well has been nonoperational for at least 7 years; and

(2) there is no anticipated beneficial use for the well.

(f) TECHNICAL ASSISTANCE PROGRAM FOR NON-FEDERAL LAND.—

(1) IN GENERAL.—The Secretary of Energy shall establish a program to provide technical and financial assistance to oil and gas producing States to facilitate State efforts over a 10-year period to ensure a practical and economical remedy for environmental problems caused by orphaned or abandoned oil and gas exploration or production well sites on State or private land.

(2) ASSISTANCE.—The Secretary of Energy shall work with the States, through the Interstate Oil and Gas Compact Commission, to assist the States in quantifying and mitigating environmental risks of onshore orphaned or abandoned oil or gas wells on State and private land.

(3) ACTIVITIES.—The program under paragraph (1) shall include—

(A) mechanisms to facilitate identification, if feasible, of the persons currently providing a bond or other form of financial assurance required under State or Federal law for an oil or gas well that is orphaned or abandoned;

(B) criteria for ranking orphaned or abandoned well sites based on factors such as public health and safety, potential environmental harm, and other land use priorities;

(C) information and training programs on best practices for remediation of different types of sites; and

(D) funding of State mitigation efforts on a cost-shared basis.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2006 through 2010.

(2) USE.—Of the amounts authorized under paragraph (1), $5,000,000 are authorized for each fiscal year for activities under subsection (f).

SEC. 320. COMBINED HYDROCARBON LEASING.

(a) SPECIAL PROVISIONS REGARDING LEASING.—Section 17(b)(2) of the Mineral Leasing Act (30 U.S.C. 226(b)(2)) is amended—

(1) by inserting "(A)" after "(2)";

(2) in the first sentence of subparagraph (A) (as designated by paragraph (1)), by striking "they shall be" and inserting "the lands may be"; and

(3) by adding at the end the following:

"(B) For any area that contains any combination of tar sand and oil or gas (or both), the Secretary may issue under this Act, separately—

"(i) a lease for exploration for and extraction of tar sand; and

"(ii) a lease for exploration for and development of oil and gas.

"(C) A lease described in subparagraph (B) shall have provisions addressing the appropriate accommodation of resources.

"(D) A lease issued for tar sand development shall be issued using the same bidding process, annual rental, and posting period as a lease issued for oil and gas, except that the minimum acceptable bid required for a lease issued for tar sand shall be $2 per acre.".

(b) CONFORMING AMENDMENT.—Section 17(b)(1)(B) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(B)) is amended in the second sentence by inserting "subject to paragraph (2)(B)," after "Thereafter,".

(c) REGULATIONS.—Not later than 45 days after the date of enactment of this Act, the Secretary of the Interior shall issue final regulations to implement the amendments made by this section.

SEC. 321. ALTERNATE ENERGY-RELATED USES ON THE OUTER CONTINENTAL SHELF.

(a) AMENDMENT TO OUTER CONTINENTAL SHELF LANDS ACT.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

"(p) LEASES, EASEMENTS, OR RIGHTS-OF-WAY FOR ENERGY AND RELATED PURPOSES.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating and other relevant departments and agencies of the Federal Government, may grant a lease, easement, or right-of-way on the outer Continental Shelf for activities not otherwise authorized in this Act, the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.), the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.), or other applicable law, if those activities—

"(A) support exploration, development, or production of oil or natural gas, except that a lease, easement, or right-of-way shall not be granted in an area in which oil and gas preleasing, leasing, and related activities are prohibited by a moratorium;

"(B) support transportation of oil or natural gas, excluding shipping activities;

"(C) produce or support production, transportation, or transmission of energy from sources other than oil and gas; or

"(D) use, for energy-related purposes or for other authorized marine-related purposes, facilities currently or previously used for activities authorized under this Act, except that any oil and gas energy-related uses shall not be authorized in areas in which oil and gas preleasing, leasing, and related activities are prohibited by a moratorium.

"(2) PAYMENTS.—The Secretary shall establish royalties, fees, rentals, bonus, or other payments to ensure a fair return to the United States for any lease, easement, or right-of-way granted under this subsection.

"(3) COMPETITIVE OR NONCOMPETITIVE BASIS.—Except with respect to projects that meet the criteria established under section 321(d) of the Energy Policy Act of 2005, the Secretary shall issue a lease, easement, or right-of-way under paragraph (1) on a competitive basis unless the Secretary determines after public notice of a proposed lease, easement, or right-of-way that there is no competitive interest.

"(4) REQUIREMENTS.—The Secretary shall ensure that any activity under this subsection is carried out in a manner that provides for—

"(A) safety;

"(B) protection of the environment;

"(C) prevention of waste;

"(D) conservation of the natural resources of the outer Continental Shelf;

"(E) coordination with relevant Federal agencies;

"(F) protection of national security interests of the United States;

"(G) protection of correlative rights in the outer Continental Shelf;

"(H) a fair return to the United States for any lease, easement, or right-of-way under this subsection;

"(I) prevention of interference with reasonable uses (as determined by the Secretary) of the exclusive economic zone, the high seas, and the territorial seas;

"(J) consideration of—

"(i) the location of, and any schedule relating to, a lease, easement, or right-of-way for an area of the outer Continental Shelf; and

"(ii) any other use of the sea or seabed, including use for a fishery, a sealane, a potential site of a deepwater port, or navigation;

"(K) public notice and comment on any proposal submitted for a lease, easement, or right-of-way under this subsection; and

"(L) oversight, inspection, research, monitoring, and enforcement relating to a lease, easement, or right-of-way under this subsection.

"(5) LEASE DURATION, SUSPENSION, AND CANCELLATION.—The Secretary shall provide for the duration, issuance, transfer, renewal, suspension, and cancellation of a lease, easement, or right-of-way under this subsection.

"(6) SECURITY.—The Secretary shall require the holder of a lease, easement, or right-of-way granted under this subsection to—

"(A) furnish a surety bond or other form of security, as prescribed by the Secretary;

"(B) comply with such other requirements as the Secretary considers necessary to protect the interests of the public and the United States; and

"(C) provide for the restoration of the lease, easement, or right-of-way.

"(7) COORDINATION AND CONSULTATION WITH AFFECTED STATE AND LOCAL GOVERNMENTS.—The Secretary shall provide for coordination and consultation with the Governor of any State or the executive of any local government that may be affected by a lease, easement, or right-of-way under this subsection.

"(8) REGULATIONS.—Not later than 270 days after the date of enactment of the Energy Policy Act of 2005, the Secretary, in consultation with the Secretary of Defense, the Secretary of the Department in which the Coast Guard is operating, the Secretary of Commerce, heads of other relevant departments and agencies of the Federal Government, and the Governor of any affected State, shall issue any necessary regulations to carry out this subsection.

"(9) EFFECT OF SUBSECTION.—Nothing in this subsection displaces, supersedes, limits, or modifies the jurisdiction, responsibility, or authority of any Federal or State agency under any other Federal law.

"(10) APPLICABILITY.—This subsection does not apply to any area on the outer Continental Shelf within the exterior boundaries of any unit of the National Park System, National Wildlife Refuge System, or National Marine Sanctuary System, or any National Monument.".

(b) COORDINATED OCS MAPPING INITIATIVE.—

(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of Commerce, the Commandant of the Coast Guard, and the Secretary of Defense, shall establish an interagency comprehensive digital mapping initiative for the outer Continental Shelf to assist in decisionmaking relating to the siting of activities under subsection (p) of section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) (as added by subsection (a)).

(2) USE OF DATA.—The mapping initiative shall use, and develop procedures for accessing, data collected before the date on which the mapping initiative is established, to the maximum extent practicable.

(3) INCLUSIONS.—Mapping carried out under the mapping initiative shall include an indication of the locations on the outer Continental Shelf of—

(A) Federally-permitted activities;

(B) obstructions to navigation;

(C) submerged cultural resources;

(D) undersea cables;

(E) offshore aquaculture projects; and

(F) any area designated for the purpose of safety, national security, environmental protection, or conservation and management of living marine resources.

(c) CONFORMING AMENDMENT.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by striking the section heading and inserting the following: "LEASES, EASEMENTS, AND RIGHTS-OF-WAY ON THE OUTER CONTINENTAL SHELF.—".

(d) SAVINGS PROVISION.—Nothing in the amendment made by subsection (a) requires the resubmittal of any document that was previously submitted or the reauthorization of any action that was previously authorized with respect to a project for which, before the date of enactment of this Act—

(1) an offshore test facility has been constructed; or

(2) a request for a proposal has been issued by a public authority.

SEC. 322. PRESERVATION OF GEOLOGICAL AND GEOPHYSICAL DATA.

(a) SHORT TITLE.—This section may be cited as the "National Geological and Geophysical Data Preservation Program Act of 2005".

(b) PROGRAM.—The Secretary shall carry out a National Geological and Geophysical Data Preservation Program in accordance with this section—

(1) to archive geologic, geophysical, and engineering data, maps, well logs, and samples;

(2) to provide a national catalog of such archival material; and

(3) to provide technical and financial assistance related to the archival material.

(c) PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a plan for the implementation of the Program.

(d) DATA ARCHIVE SYSTEM.—

(1) ESTABLISHMENT.—The Secretary shall establish, as a component of the Program, a data archive system to provide for the storage, preservation, and archiving of subsurface, surface, geological, geophysical, and engineering data and samples. The Secretary, in consultation with the Advisory Committee, shall develop guidelines relating to the data archive system, including the types of data and samples to be preserved.

(2) SYSTEM COMPONENTS.—The system shall be comprised of State agencies that elect to be part of the system and agencies within the Department of the Interior that maintain geological and geophysical data and samples that are designated by the Secretary in accordance with this subsection. The Program shall provide for the storage of data and samples through data repositories operated by such agencies.

(3) LIMITATION OF DESIGNATION.—The Secretary may not designate a State agency as a component of the data archive system unless that agency is the agency that acts as the geological survey in the State.

(4) DATA FROM FEDERAL LAND.—The data archive system shall provide for the archiving of relevant subsurface data and samples obtained from Federal land—

(A) in the most appropriate repository designated under paragraph (2), with preference being given to archiving data in the State in which the data were collected; and

(B) consistent with all applicable law and requirements relating to confidentiality and proprietary data.

(e) NATIONAL CATALOG.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the

Secretary shall develop and maintain, as a component of the Program, a national catalog that identifies—

(A) data and samples available in the data archive system established under subsection (d);

(B) the repository for particular material in the system; and

(C) the means of accessing the material.

(2) AVAILABILITY.—The Secretary shall make the national catalog accessible to the public on the site of the Survey on the Internet, consistent with all applicable requirements related to confidentiality and proprietary data.

(f) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Advisory Committee shall advise the Secretary on planning and implementation of the Program.

(2) NEW DUTIES.—In addition to its duties under the National Geologic Mapping Act of 1992 (43 U.S.C. 31a et seq.), the Advisory Committee shall perform the following duties:

(A) Advise the Secretary on developing guidelines and procedures for providing assistance for facilities under subsection (g)(1).

(B) Review and critique the draft implementation plan prepared by the Secretary under subsection (c).

(C) Identify useful studies of data archived under the Program that will advance understanding of the Nation's energy and mineral resources, geologic hazards, and engineering geology.

(D) Review the progress of the Program in archiving significant data and preventing the loss of such data, and the scientific progress of the studies funded under the Program.

(E) Include in the annual report to the Secretary required under section 5(b)(3) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)(3)) an evaluation of the progress of the Program toward fulfilling the purposes of the Program under subsection (b).

(g) FINANCIAL ASSISTANCE.—

(1) ARCHIVE FACILITIES.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to a State agency that is designated under subsection (d)(2) for providing facilities to archive energy material.

(2) STUDIES.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any State agency designated under subsection (d)(2) for studies and technical assistance activities that enhance understanding, interpretation, and use of materials archived in the data archive system established under subsection (d).

(3) FEDERAL SHARE.—The Federal share of the cost of an activity carried out with assistance under this subsection shall be not more than 50 percent of the total cost of the activity.

(4) PRIVATE CONTRIBUTIONS.—The Secretary shall apply to the non-Federal share of the cost of an activity carried out with assistance under this subsection the value of private contributions of property and services used for that activity.

(h) REPORT.—The Secretary shall include in each report under section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g)—

(1) a description of the status of the Program;

(2) an evaluation of the progress achieved in developing the Program during the period covered by the report; and

(3) any recommendations for legislative or other action the Secretary considers necessary and appropriate to fulfill the purposes of the Program under subsection (b).

(i) MAINTENANCE OF STATE EFFORT.—It is the intent of Congress that the States not use this section as an opportunity to reduce State resources applied to the activities that are the subject of the Program.

(j) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the advisory committee established under section 5 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d).

(2) PROGRAM.—The term "Program" means the National Geological and Geophysical Data Preservation Program carried out under this section.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(4) SURVEY.—The term "Survey" means the United States Geological Survey.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2006 through 2010.

SEC. 323. OIL AND GAS LEASE ACREAGE LIMITATIONS.

Section 27(d)(1) of the Mineral Leasing Act (30 U.S.C. 184(d)(1)) is amended by inserting after "acreage held in special tar sand areas" the following: ", and acreage under any lease any portion of which has been committed to a federally approved unit or cooperative plan or communitization agreement or for which royalty (including compensatory royalty or royalty in-kind) was paid in the preceding calendar year,".

SEC. 324. ASSESSMENT OF DEPENDENCE OF STATE OF HAWAII ON OIL.

(a) ASSESSMENT.—The Secretary shall assess the economic implications of the dependence of the State of Hawaii on oil as the principal source of energy for the State, including—

(1) the short- and long-term prospects for crude oil supply disruption and price volatility and potential impacts on the economy of Hawaii;

(2) the economic relationship between oil-fired generation of electricity from residual fuel and refined petroleum products consumed for ground, marine, and air transportation;

(3) the technical and economic feasibility of increasing the contribution of renewable energy resources for generation of electricity, on an island-by-island basis, including—

(A) siting and facility configuration;

(B) environmental, operational, and safety considerations;

(C) the availability of technology;

(D) the effects on the utility system, including reliability;

(E) infrastructure and transport requirements;

(F) community support; and

(G) other factors affecting the economic impact of such an increase and any effect on the economic relationship described in paragraph (2);

(4) the technical and economic feasibility of using liquefied natural gas to displace residual fuel oil for electric generation, including neighbor island opportunities, and the effect of the displacement on the economic relationship described in paragraph (2), including—

(A) the availability of supply;

(B) siting and facility configuration for onshore and offshore liquefied natural gas receiving terminals;

(C) the factors described in subparagraphs (B) through (F) of paragraph (3); and

(D) other economic factors;

(5) the technical and economic feasibility of using renewable energy sources (including hydrogen) for ground, marine, and air transportation energy applications to displace the use of refined petroleum products, on an island-by-island basis, and the economic impact of the displacement on the relationship described in (2); and

(6) an island-by-island approach to—

(A) the development of hydrogen from renewable resources; and

(B) the application of hydrogen to the energy needs of Hawaii

(b) CONTRACTING AUTHORITY.—The Secretary may carry out the assessment under subsection (a) directly or, in whole or in part, through 1 or more contracts with qualified public or private entities.

(c) REPORT.—Not later than 300 days after the date of enactment of this Act, the Secretary shall prepare (in consultation with agencies of the State of Hawaii and other stakeholders, as appropriate), and submit to Congress, a report describing the findings, conclusions, and recommendations resulting from the assessment.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 325. DENALI COMMISSION.

(a) DEFINITION OF COMMISSION.—In this section, the term "Commission" means the Denali Commission established by the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277).

(b) ENERGY PROGRAMS.—The Commission shall use amounts made available under subsection (d) to carry out energy programs, including—

(1) energy generation and development, including—

(A) fuel cells, hydroelectric, solar, wind, wave, and tidal energy; and

(B) alternative energy sources;

(2) the construction of energy transmission, including interties;

(3) the replacement and cleanup of fuel tanks;

(4) the construction of fuel transportation networks and related facilities;

(5) power cost equalization programs; and

(6) projects using coal as a fuel, including coal gasification projects.

(c) OPEN MEETINGS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a meeting of the Commission shall be open to the public if—

(A) the Commission members take action on behalf of the Commission; or

(B) the deliberations of the Commission determine, or result in the joint conduct or disposition of, official Commission business.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to any portion of a Commission meeting for which the Commission, in public session, votes to close the meeting for the reasons described in paragraph (2), (4), (5), or (6) of subsection (c) of section 552b of title 5, United States Code.

(3) PUBLIC NOTICE.—

(A) IN GENERAL.—At least 1 week before a meeting of the Commission, the Commission shall make a public announcement of the meeting that describes—

(i) the time, place, and subject matter of the meeting;

(ii) whether the meeting is to be open or closed to the public; and

(iii) the name and telephone number of an appropriate person to respond to requests for information about the meeting.

(B) ADDITIONAL NOTICE.—The Commission shall make a public announcement of any change to the information made available under subparagraph (A) at the earliest practicable time.

(4) MINUTES.—The Commission shall keep, and make available to the public, a transcript, electronic recording, or minutes from each Commission meeting, except for portions of the meeting closed under paragraph (2).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commission not more than $55,000,000 for each of fiscal years 2006 through 2015 to carry out subsection (b).

SEC. 326. COMPREHENSIVE INVENTORY OF OCS OIL AND NATURAL GAS RESOURCES.

(a) IN GENERAL.—The Secretary of the Interior shall conduct an inventory and analysis of oil and natural gas resources beneath all of the waters of the United States Outer Continental Shelf ("OCS"). The inventory and analysis shall—

(1) use available data on oil and gas resources in areas offshore of Mexico and Canada that will provide information on trends of oil and gas accumulation in areas of the OCS;

(2) use any available technology, except drilling, but including 3-D seismic technology to obtain accurate resource estimates;

(3) analyze how resource estimates in OCS areas have changed over time in regards to gathering geological and geophysical data, initial exploration, or full field development, including areas such as the deepwater and subsalt areas in the Gulf of Mexico;

(4) estimate the effect that understated oil and gas resource inventories have on domestic energy investments; and

(5) identify and explain how legislative, regulatory, and administrative programs or processes restrict or impede the development of identified resources and the extent that they affect domestic supply, such as moratoria, lease terms and conditions, operational stipulations and requirements, approval delays by the Federal government and coastal States, and local zoning restrictions for onshore processing facilities and pipeline landings.

(b) REPORTS.—The Secretary of Interior shall submit a report to Congress on the inventory of estimates and the analysis of restrictions or impediments, together with any recommendations, within 6 months of the date of enactment of the section. The report shall be publicly available and updated at least every 5 years.

SEC. 327. REVIEW AND DEMONSTRATION PROGRAM FOR OIL AND NATURAL GAS PRODUCTION.

(a) REVIEW.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Energy (referred to in this section as the "Secretary"), shall carry out a review of, and submit to Congress a report on opportunities to enhance production of oil and natural gas from public land and the outer Continental Shelf, and increase sequestration of carbon dioxide through the provision of royalty or other production incentives to lessees that inject carbon dioxide as a means of enhanced recovery.

(2) COMPONENTS.—The Secretary of the Interior shall describe in the review and report under paragraph (1)—

(A) eligibility requirements for incentives;

(B) the appropriate level of royalty relief, if any;

(C) other appropriate production incentives, if any;

(D) an estimate of the increased quantity of oil and gas production that could be achieved through implementation of those incentives;

(E) an estimate of the quantity of carbon sequestration that could be achieved through implementation of those incentives;

(F) practices (and the extent of the use of the practices) as of the date of enactment of this Act that rely on carbon dioxide injection for enhanced oil and gas recovery; and

(G) any recommendations for implementation of royalty relief or other production incentives, including—

(i) the period of time during which those incentives should be available; and

(ii) any geographic or other limitations that should apply to the incentives.

(b) DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary shall establish a competitive grant program to provide grants to producers of oil and gas to carry out projects to inject carbon dioxide for the purpose of enhancing recovery of oil or natural gas while increasing the sequestration of carbon dioxide.

(B) PROJECTS.—The demonstration program shall provide for—

(i) not more than 10 projects in the Willistin Basin in North Dakota and Montana; and

(ii) 1 project in the Cook Inlet Basin in Alaska.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The Secretary shall issue requirements relating to applications for grants under paragraph (1).

(B) RULEMAKING.—The issuance of requirements under subparagraph (A) shall not require a rulemaking.

(C) MINIMUM REQUIREMENTS.—At a minimum, the Secretary shall require under subparagraph (A) that an application for a grant include—

(i) a description of the project proposed in the application;

(ii) an estimate of the production increase and the duration of the production increase from the project, as compared to conventional recovery techniques, including water flooding;

(iii) an estimate of the carbon dioxide sequestered by project, over the life of the project;

(iv) a plan to collect and disseminate data relating to each project to be funded by the grant;

(v) a description of the means by which the project will be sustainable without Federal assistance after the completion of the term of the grant;

(vi) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project;

(vii) a description of which costs of the project will be supported by Federal assistance under this section; and

(viii) a description of any secondary or tertiary recovery efforts in the field and the efficacy of water flood recovery techniques used.

(3) PARTNERS.—An applicant for a grant under paragraph (1) may carry out a project under a pilot program in partnership with 1 or more other public or private entities.

(4) SELECTION CRITERIA.—In evaluating applications under this subsection, the Secretary shall—

(A) consider the previous experience with similar projects of each applicant;

(B) give priority consideration to applications that—

(i) are most likely to maximize production of oil and gas in a cost-effective manner;

(ii) sequester significant quantities of carbon dioxide from anthropogenic sources;

(iii) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this section is completed; and

(iv) minimize any adverse environmental effects from the project.

(5) DEMONSTRATION PROGRAM REQUIREMENTS.—

(A) MAXIMUM AMOUNT.—The Secretary shall not provide more than $3,000,000 in Federal assistance under this subsection to any applicant.

(B) COST SHARING.—The Secretary shall require cost-sharing in accordance with section 1002.

(C) PERIOD OF GRANTS.—

(i) IN GENERAL.—A project funded by a grant under this subsection shall begin construction not later than 2 years after the date of provision of the grant, but in any case not later than December 31, 2010.

(ii) TERM.—The Secretary shall not provide grant funds to any applicant under this subsection for a period of more than 5 years.

(6) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the program under this subsection are transferred among other participants and interested parties, including other applicants that submitted applications for a grant under this subsection.

(7) SCHEDULE.—

(A) PUBLICATION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register, and elsewhere, as appropriate, a request for applications to carry out projects under this subsection.

(B) DATE FOR APPLICATIONS.—An application for a grant under this subsection shall be submitted not later than 180 days after the date of publication of the request under subparagraph (A).

(C) SELECTION.—After the date by which applications for grants are required to be submitted under subparagraph (B), the Secretary, in a timely manner, shall select, after peer review and based on the criteria under paragraph (4), those projects to be awarded a grant under this subsection.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle C—Access to Federal Land

SEC. 341. FEDERAL ONSHORE OIL AND GAS LEASING PRACTICES.

(a) REVIEW OF ONSHORE OIL AND GAS LEASING PRACTICES.—The Secretary of the Interior shall make the necessary arrangements with the National Academy of Public Administration to commission the Academy to perform a review of Federal onshore oil and gas leasing practices. The Secretary of the Interior shall conduct an internal review concurrent with the work of the National Academy of Public Administration. The reviews shall include the following:

(1) The process by which Federal land managers accept or reject an offer to lease, including the timeframes in which such offers are acted upon, and any recommendations for improving and expediting the process.

(2) The process for considering applications for permits to drill, including the timeframes in which such applications are considered, and any recommendations for improving and expediting the process.

(3) The process for considering surface use plans of operation, including the timeframes in which such plans are considered, and any recommendations for improving and expediting the process.

(4) The process for administrative appeal of decisions or orders of officers or employees of the Bureau of Land Management with respect to a Federal oil or gas lease, including the timeframes in which such appeals are heard and decided, and any recommendations for improving and expediting the process.

(5) The process by which Federal land managers identify stipulations to address site-specific concerns and conditions, including those relating to the environment and resource use conflicts, whether stipulations are effective in addressing resource values, and any recommendations for expediting and improving the identification and effectiveness of stipulations.

(6) The process by which the Federal land management agencies coordinate planning and analysis with planning of Federal, State, and local agencies having jurisdiction over adjacent areas and other land uses, and any recommendations for improving and expediting the process.

(7) The documentation provided to lease applicants and lessees with respect to determinations to reject lease applications or to require modification of proposed surface use plans of operation and recommendations regarding improvement of such documentation to more clearly set forth the basis for the decision.

(8) The adequacy of resources available to the Secretary of the Interior for administering the Federal onshore oil and gas leasing program.

(9) Actions taken by the Secretary under section 3 of Executive Order No. 13212 (42 U.S.C. 13201 note).

(10) Actions taken by, or plans of, the Secretary to improve the Federal onshore oil and gas leasing program.

(b) REPORT.—The Secretary of the Interior and the National Academy of Public Administration shall report to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate not later than 18 months after the date of the enactment of this Act, summarizing the findings of their respective reviews undertaken pursuant to this section and making recommendations with respect to improvements in the Federal onshore oil and gas leasing program.

SEC. 342. MANAGEMENT OF FEDERAL OIL AND GAS LEASING PROGRAMS.

(a) TIMELY ACTION ON LEASES AND PERMITS.—

(1) SECRETARY OF THE INTERIOR.—To ensure timely action on oil and gas leases and applications for permits to drill on land otherwise available for leasing, the Secretary of the Interior (referred to in this section as the "Secretary") shall—

(A) ensure expeditious compliance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) and any other applicable environmental and cultural resources laws;

(B) improve consultation and coordination with the States and the public; and

(C) improve the collection, storage, and retrieval of information relating to the oil and gas leasing activities.

(2) SECRETARY OF AGRICULTURE.—To ensure timely action on oil and gas lease applications for permits to drill on land otherwise available for leasing, the Secretary of Agriculture shall—

(A) ensure expeditious compliance with all applicable environmental and cultural resources laws; and

(B) improve the collection, storage, and retrieval of information relating to the oil and gas leasing activities.

(b) BEST MANAGEMENT PRACTICES.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall develop and implement best management practices to—

(A) improve the administration of the onshore oil and gas leasing program under the Mineral Leasing Act (30 U.S.C. 181 et seq.); and

(B) ensure timely action on oil and gas leases and applications for permits to drill on land otherwise available for leasing.

(2) REGULATIONS.—Not later than 180 days after the development of the best management practices under paragraph (1), the Secretary shall publish, for public comment, proposed regulations that set forth specific timeframes for processing leases and applications in accordance with the best management practices, including deadlines for—

(A) approving or disapproving—

(i) resource management plans and related documents;

(ii) lease applications;

(iii) applications for permits to drill; and

(iv) surface use plans; and

(B) related administrative appeals.

(c) IMPROVED ENFORCEMENT.—The Secretary and the Secretary Agriculture shall improve inspection and enforcement of oil and gas activities, including enforcement of terms and conditions in permits to drill on land under the jurisdiction of the Secretary and the Secretary of Agriculture, respectively.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available to carry out activities relating to oil and gas leasing on public land administered by the Secretary and National Forest System land administered by the Secretary of Agriculture, there are authorized to be appropriated for each of fiscal years 2006 through 2010—

(1) to the Secretary, acting through the Director of the Bureau of Land Management—

(A) $40,000,000 to carry out subsections (a)(1) and (b); and

(B) $20,000,000 to carry out subsection (c);

(2) to the Secretary, acting through the Director of the United States Fish and Wildlife Service, $5,000,000 to carry out subsection (a)(1); and

(3) to the Secretary of Agriculture, acting through the Chief of the Forest Service, $5,000,000 to carry out subsections (a)(2) and (c).

SEC. 343. CONSULTATION REGARDING OIL AND GAS LEASING ON PUBLIC LAND.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall enter into a memorandum of understanding regarding oil and gas leasing on—

(1) public land under the jurisdiction of the Secretary of the Interior; and

(2) National Forest System land under the jurisdiction of the Secretary of Agriculture.

(b) CONTENTS.—The memorandum of understanding shall include provisions that—

(1) establish administrative procedures and lines of authority that ensure timely processing of—

(A) oil and gas lease applications;

(B) surface use plans of operation, including steps for processing surface use plans; and

(C) applications for permits to drill, including applications for permits to drill consistent with applicable timelines;

(2) eliminate duplication of effort by providing for coordination of planning and environmental compliance efforts;

(3) ensure that lease stipulations are—

(A) applied consistently;

(B) coordinated between agencies; and

(C) only as restrictive as necessary to protect the resource for which the stipulations are applied;

(4) establish a joint data retrieval system that is capable of—

(A) tracking applications and formal requests made in accordance with procedures of the Federal onshore oil and gas leasing program; and

(B) providing information regarding the status of the applications and requests within the Department of the Interior and the Department of Agriculture; and

(5) establish a joint geographic information system mapping system for use in—

(A) tracking surface resource values to aid in resource management; and

(B) processing surface use plans of operation and applications for permits to drill.

SEC. 344. PILOT PROJECT TO IMPROVE FEDERAL PERMIT COORDINATION.

(a) ESTABLISHMENT.—The Secretary of the Interior (referred to in this section as the "Secretary") shall establish a Federal Permit Streamlining Pilot Project (referred to in this section as the "Pilot Project").

(b) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding for purposes of this section with—

(A) the Secretary of Agriculture;

(B) the Administrator of the Environmental Protection Agency; and

(C) the Chief of Engineers.

(2) STATE PARTICIPATION.—The Secretary may request that the Governors of Wyoming, Montana, Colorado, Utah, and New Mexico be signatories to the memorandum of understanding.

(c) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (b), all Federal signatory parties shall, if appropriate, assign to each of the field offices identified in subsection (d) an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) the consultations and the preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

(B) permits under section 404 of Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) planning under the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.); and

(E) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) DUTIES.—Each employee assigned under paragraph (1) shall—

(A) not later than 90 days after the date of assignment, report to the Bureau of Land Management Field Managers in the office to which the employee is assigned;

(B) be responsible for all issues relating to the jurisdiction of the home office or agency of the employee; and

(C) participate as part of the team of personnel working on proposed energy projects, planning, and environmental analyses.

(d) FIELD OFFICES.—The following Bureau of Land Management Field Offices shall serve as the Pilot Project offices:

(1) Rawlins, Wyoming.

(2) Buffalo, Wyoming.

(3) Miles City, Montana

(4) Farmington, New Mexico.

(5) Carlsbad, New Mexico.

(6) Grand Junction/Glenwood Springs, Colorado.

(7) Vernal, Utah.

(e) REPORTS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(1) outlines the results of the Pilot Project to date; and

(2) makes a recommendation to the President regarding whether the Pilot Project should be implemented throughout the United States.

(f) ADDITIONAL PERSONNEL.—The Secretary shall assign to each field office identified in subsection (d) any additional personnel that are necessary to ensure the effective implementation of—

(1) the Pilot Project; and

(2) other programs administered by the field offices, including inspection and enforcement relating to energy development on Federal land, in accordance with the multiple use mandate of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq).

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section for each of fiscal years 2006 through 2010.

(2) TRANSFER OF FUNDS.—For the purposes of coordination and processing of oil and gas use authorizations on Federal land under the administration of the Pilot Project offices identified in subsection (d), the Secretary may authorize the expenditure or transfer of such funds as are necessary to—

(A) the United States Fish and Wildlife Service;

(B) the Bureau of Indian Affairs;

(C) the Forest Service;

(D) the Environmental Protection Agency;

(E) the Corps of Engineers; and

(F) the States of Wyoming, Montana, Colorado, Utah, and New Mexico.

(h) SAVINGS PROVISION.—Nothing in this section affects—

(1) the operation of any Federal or State law; or

(2) any delegation of authority made by the head of a Federal agency whose employees are participating in the Pilot Project.

SEC. 345. ENERGY FACILITY RIGHTS-OF-WAYS AND CORRIDORS ON FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) CORRIDOR.—In this section and section 503 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1763), the term "corridor" means—

(A) a linear strip of land—

(i) with a width determined with consideration given to technological, environmental, and topographical factors; and

(ii) that contains, or may in the future contain, 1 or more utility facilities;

(B) a land use designation that is established—

(i) by law;

(ii) by order of the head of a Federal agency;

(iii) through the land use planning process; or

(iv) by other management decision; and

(C) a designation made for the purpose of establishing the preferred location of a compatible utility facility.

(2) FEDERAL AUTHORIZATION.—

(A) IN GENERAL.—The term "Federal authorization" means any authorization required under Federal law in order to site a utility facility.

(B) INCLUSIONS.—The term "Federal authorization" includes such permits, special use authorizations, certifications, opinions, or other approvals as may be required, that are issued by a Federal agency.

(3) FEDERAL LAND.—

(A) IN GENERAL.—The term "Federal land" means all land owned by the United States.

(B) EXCLUSIONS.—The term "Federal land" does not include land—

(i) within the National Park System;

(ii) within the National Wilderness Preservation System;

(iii) designated as a National Monument;

(iv) held in trust for an Indian or Indian tribe; or

(v) on the outer Continental Shelf.

(4) UTILITY CORRIDOR.—The term "utility corridor" means any linear strip of land across Federal land referred to in subsection (b) of approved width, but limited for use by a utility facility by technological, environmental, or topographical factors.

(5) UTILITY FACILITY.—The term "utility facility" means any privately-, publicly-, or cooperatively-owned line, facility, or system—

(A) for the transportation of—

(i) oil or natural gas, synthetic liquid or gaseous fuel, or any refined product produced from any of those materials; or

(ii) products in support of production, or for storage or terminal facilities in connection with production; or

(B) for the generation, transmission, or distribution of electric energy.

(b) UTILITY CORRIDORS.—

(1) IN GENERAL.—Not later than 2 years after the document described in subsection (c)(3) is completed, the Secretary of the Interior, with respect to public lands (as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)), and the Secretary of Agriculture, with respect to National Forest System land, shall designate utility corridors pursuant to—

(A) section 503 of the Federal Land Policy and Management Act (43 U.S.C. 1763) in the 11 contiguous Western States (as identified in section 103(o) of that Act (43 U.S.C. 1702(o))); and

(B) relevant departmental and agency land use and resource management plans or equivalent plans.

(2) COORDINATION.—The Secretary shall coordinate with affected Federal agencies to jointly—

(A) identify potential utility corridors on Federal land in States not described in paragraph (1)(A); and

(B) develop a schedule for the designation, environmental review, and incorporation of the utility corridors into relevant departmental and agency land use and resource management plans or equivalent plans.

(3) SPECIFICATIONS OF CORRIDOR.—A corridor designated under this section shall specify the centerline, width, and compatible uses of the corridor.

(c) FEDERAL PERMIT COORDINATION.—

(1) IN GENERAL.—The Secretary shall enter into a memorandum of understanding with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Defense for the purpose of coordinating all applicable Federal authorizations and environmental reviews relating to a proposed or existing utility facility.

(2) ADDITIONAL ENTITIES.—To the maximum extent practicable under applicable law, the Secretary shall coordinate the process developed through the memorandum of understanding under paragraph (1) with any Indian tribes, multistate entities, and State agencies that are responsible for conducting any separate permitting and environmental reviews of the affected utility facility to ensure timely review and permit decisions.

(3) CONTENTS OF MOU.—The memorandum of understanding under paragraph (1) shall provide for—

(A) coordination, among affected Federal agencies, to ensure that the necessary Federal authorizations—

(i) are conducted concurrently with applicable State siting processes; and

(ii) are considered within a specific time frame identified within the memorandum of understanding;

(B) an agreement among the affected Federal agencies to prepare a programmatic environmental review document to be used as the underlying basis for all Federal authorization decisions; and

(C) a process to expedite applications to construct or modify utility facilities within utility corridors.

SEC. 346. OIL SHALE LEASING.

(a) DECLARATION OF POLICY.—Congress declares that it is the policy of the United States that—

(1) United States oil shale and oil sands are strategically important domestic resources that should be developed through methods that help reduce the growing dependence of the United States on politically and economically unstable sources of foreign oil imports;

(2) the development of oil shale and oil sands, for research and commercial development, should be conducted in an environmentally sound and economically feasible manner; and

(3) development described in paragraph (2) should occur at a deliberate pace, with an emphasis on sustainability, to benefit the United States while taking into account affected States and communities.

(b) LEASING FOR RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—In accordance with section 21 of the Mineral Leasing Act (30 U.S.C. 241) and any other applicable law, except as provided in this section, not later than 1 year after the date of enactment of this Act, from land otherwise available for leasing, the Secretary of the Interior (referred to in this section as the "Secretary") shall, for a period determined by the Secretary, make available for leasing such land as the Secretary considers to be necessary to conduct research and development activities with respect to innovative technologies for the recovery of shale oil from oil shale resources on public land.

(2) APPLICATION.—The Secretary may offer to lease the land to persons that submit an application for the lease, if the Secretary determines that there is no competitive interest in the land.

(3) ADMINISTRATION.—In carrying out this subsection, the Secretary shall—

(A) provide for environmentally sound research and development of oil shale;

(B) provide for an appropriate return to the public, as determined by the Secretary;

(C) before carrying out any activity that will disturb the surface of land, provide for an adequate bond, surety, or other financial arrangement to ensure reclamation;

(D) provide for a primary lease term of 10 years, after which the lease term may be extended if the Secretary determines that diligent research and development activities are occurring on the land leased;

(E) require the owner or operator of a project under this subsection, within such period as the Secretary may determine—

(i) to submit a plan of operations;

(ii) to develop an environmental protection plan; and

(iii) to undertake diligent research and development activities;

(F) ensure that leases under this section are not larger than necessary to conduct research and development activities under an application under paragraph (2);

(G) provide for consultation with affected State and local governments; and

(H) provide for such requirements as the Secretary determines to be in the public interest.

(4) MONEYS RECEIVED.—Any moneys received from a leasing activity under this subsection shall be paid in accordance with section 35 of the Mineral Leasing Act (30 U.S.C. 191).

(c) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—Not later than 18 months after the date of enactment of this Act, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Secretary shall complete a programmatic environmental impact statement that analyzes potential leasing for commercial development of oil shale resources on public land.

(d) ANALYSIS OF POTENTIAL LEASING PROGRAM.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report (including recommendations) analyzing a potential leasing program for the commercial development of oil shale on public land.

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) an analysis of technologies and research and development programs for the production of oil and other materials from oil shale and tar sands in existence on the date on which the report is prepared;

(B) an analysis of—

(i) whether leases under the program should be issued on a competitive basis;

(ii) the term of the leases;

(iii) the maximum size of the leases;

(iv) the use and distribution of bonus bid lease payments;

(v) the royalty rate to be applied, including whether a sliding scale royalty rate should be used;

(vi) whether an opportunity should be provided to convert research and development leases into leases for commercial development, including the terms and conditions that should apply to the conversion;

(vii) the maximum number of leases and maximum acreage to be leased under the leasing program to an individual; and

(vii) any infrastructure required to support oil shale development in industry and communities; and

(C) an analysis, developed in conjunction with the appropriate State water resource agencies, of the demand for, and availability of, water with respect to the development of oil shale.

(3) PUBLIC PARTICIPATION.—In preparing the report under this subsection, the Secretary shall provide notice to, and solicit comment from—

(A) the public;

(B) representatives of local governments;

(C) representatives of industry; and

(D) other interested parties.

(4) PARTICIPATION BY CERTAIN STATES.—In preparing the report under this subsection, the Secretary shall—

(A) provide notice to, and solicit comment from, the Governors of the States of Colorado, Utah, and Wyoming; and

(B) incorporate into the report submitted to Congress under paragraph (1) any response of the Secretary to those comments.

(e) NATIONAL OIL SHALE ASSESSMENT.—

(1) ASSESSMENT.—

(A) IN GENERAL.—The Secretary shall carry out a national assessment of oil shale resources for the purposes of evaluating and mapping oil shale deposits, in the geographic areas described in subparagraph (B).

(B) GEOGRAPHIC AREAS.—The geographic areas referred to in subparagraph (A), listed in the order in which the Secretary shall assign priority, are—

(i) the Green River Region of the States of Colorado, Utah, and Wyoming;

(ii) the Devonian oil shales of the eastern United States; and

(iii) any remaining area in the central and western United States (including the State of Alaska) that contains oil shale, as determined by the Secretary.

(2) USE OF STATE SURVEYS AND UNIVERSITIES.—In carrying out the assessment under paragraph (1), the Secretary may request assistance from any State-administered geological survey or university.

(f) STATE WATER RIGHTS.—Nothing in this section preempts or affects any State water law or interstate compact relating to water.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle D—Coastal Programs

SEC. 371. COASTAL IMPACT ASSISTANCE PROGRAM.

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended to read as follows:

"SEC. 31. COASTAL IMPACT ASSISTANCE PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of a coastal State any part of which political subdivision is—

"(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the coastal State; and

"(B) not more than 200 miles from the geographic center of any leased tract.

"(2) COASTAL POPULATION.—The term 'coastal population' means the population, as determined by the most recent official data of the Census Bureau, of each political subdivision any part of which lies within the designated coastal boundary of a State (as defined in a State's coastal zone management program under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)).

"(3) COASTAL STATE.—The term 'coastal State' has the meaning given the term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

"(4) COASTLINE.—The term 'coastline' has the meaning given the term 'coast line' in section 2 of the Submerged Lands Act (43 U.S.C. 1301).

"(5) DISTANCE.—The term 'distance' means the minimum great circle distance, measured in statute miles.

"(6) LEASED TRACT.—The term 'leased tract' means a tract that is subject to a lease under section 6 or 8 for the purpose of drilling for, developing, and producing oil or natural gas resources.

"(7) LEASING MORATORIA.—The term 'leasing moratoria' means the prohibitions on preleasing, leasing, and related activities on any geographic area of the outer Continental Shelf as contained in sections 107 through 109 of division E of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3063).

"(8) POLITICAL SUBDIVISION.—The term 'political subdivision' means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs.

"(9) PRODUCING STATE.—

"(A) IN GENERAL.—The term 'producing State' means a coastal State that has a coastal seaward boundary within 200 miles of the geographic center of a leased tract within any area of the outer Continental Shelf.

"(B) EXCLUSION.—The term 'producing State' does not include a producing State, a majority of the coastline of which is subject to leasing moratoria.

"(10) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

"(A) IN GENERAL.—The term 'qualified Outer Continental Shelf revenues' means all amounts received by the United States from each leased tract or portion of a leased tract—

"(i) lying—

"(I) seaward of the zone covered by section 8(g); or

"(II) within that zone, but to which section 8(g) does not apply; and

"(ii) the geographic center of which lies within a distance of 200 miles from any part of the coastline of any coastal State.

"(B) INCLUSIONS.—The term 'qualified Outer Continental Shelf revenues' includes bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued under this Act.

"(C) EXCLUSION.—The term 'qualified Outer Continental Shelf revenues' does not include any revenues from a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 2005.

"(b) PAYMENTS TO PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

"(1) IN GENERAL.—From revenues deposited under section 9, there is authorized to be appropriated to the Secretary to disburse funds to producing States and coastal political subdivisions in accordance with this section $500,000,000 for each of fiscal years 2006 through 2010.

"(2) DISBURSEMENT.—In each fiscal year, the Secretary shall, subject to appropriations, disburse to each producing State for which the Secretary has approved a plan under subsection (c), and to coastal political subdivisions under paragraph (5), such funds as are allocated to the producing State or coastal political subdivision, respectively, under this section for the fiscal year.

"(3) TRANSFER OF AMOUNTS.—

"(A) IN GENERAL.—From qualified outer Continental Shelf revenues deposited in the Treasury under this Act for a fiscal year, subject to appropriations, the Secretary of the Treasury shall transfer to the Secretary to provide disbursements to producing

States and coastal political subdivisions under this section $500,000,000 for each of fiscal years 2006 through 2010.

"(B) Disbursement.—For each fiscal year, the Secretary shall, subject to the availability of appropriations under subparagraph (A), disburse to each producing State for which the Secretary has an approved plan under paragraph (4), and to coastal political subdivisions under paragraph (5), the funds allocated to the producing State or coastal political subdivision under this section for the fiscal year.

"(4) Allocation among producing States.—

"(A) In general.—Except as provided in subparagraph (C) and subject to subparagraph (D), the amounts available under paragraph (1) shall be allocated to each producing State based on the ratio that—

"(i) the amount of qualified outer Continental Shelf revenues generated off the coastline of the producing State; bears to

"(ii) the amount of qualified outer Continental Shelf revenues generated off the coastline of all producing States.

"(B) Amount of outer Continental Shelf revenues.—For purposes of subparagraph (A)—

"(i) the amount of qualified outer Continental Shelf revenues for each of fiscal years 2006 through 2008 shall be determined using qualified outer Continental Shelf revenues received for fiscal year 2005; and

"(ii) the amount of qualified outer Continental Shelf revenues for each of fiscal years 2009 through 2011 shall be determined using qualified outer Continental Shelf revenues received for fiscal year 2008.

"(C) Multiple producing States.—In a case in which more than 1 producing State is located within 200 miles of any portion of a leased tract, the amount allocated to each producing State for the leased tract shall be inversely proportional to the distance between—

"(i) the nearest point on the coastline of the producing State; and

"(ii) the geographic center of the leased tract.

"(D) Minimum allocation.—The amount allocated to a producing State under subparagraph (A) shall be at least 1 percent of the amounts available under paragraph (1).

"(5) Payments to coastal political subdivisions.—

"(A) In general.—The Secretary shall pay 35 percent of the amount allocated under paragraph (3) to the coastal political subdivisions in the producing State.

"(B) Formula.—Of the amount paid by the Secretary to coastal political subdivisions under subparagraph (A)—

"(i) 25 percent shall be allocated to each coastal political subdivision in the proportion that—

"(I) the coastal population of the coastal political subdivision; bears to

"(II) the coastal population of all coastal political subdivisions in the producing State;

"(ii) 25 percent shall be allocated to each coastal political subdivision in the proportion that—

"(I) the number of miles of coastline of the coastal political subdivision; bears to

"(II) the number of miles of coastline of all coastal political subdivisions in the producing State; and

"(iii) 50 percent shall be allocated in amounts that are inversely proportional to the respective distances between the points in each coastal political subdivision that are closest to the geographic center of each leased tract, as determined by the Secretary.

"(C) Exception for the State of Louisiana.—For the purposes of subparagraph (B)(ii), the coastline for coastal political subdivisions in the State of Louisiana without a coastline shall be the average length of the coastline of all coastal political subdivisions with a coastline in the State of Louisiana.

"(D) Exception for the State of Alaska.—For the purposes of carrying out subparagraph (B)(iii) in the State of Alaska, the amounts allocated shall be divided equally among the 2 coastal political subdivisions that are closest to the geographic center of a leased tract.

"(E) Exclusion of certain leased tracts.—For purposes of subparagraph (B)(iii), a leased tract or portion of a leased tract shall be excluded if the tract or portion of a leased tract is located in a geographic area subject to a leasing moratorium on January 1, 2005.

"(6) No approved plan.—

"(A) In general.—Subject to subparagraph (B) and except as provided in subparagraph (C), in a case in which any amount allocated to a producing State or coastal political subdivision under paragraph (4) or (5) is not disbursed because the producing State does not have in effect a plan that has been approved by the Secretary under subsection (c), the Secretary shall allocate the undisbursed amount equally among all other producing States.

"(B) Retention of allocation.—The Secretary shall hold in escrow an undisbursed amount described in subparagraph (A) until such date as the final appeal regarding the disapproval of a plan submitted under subsection (c) is decided.

"(C) Waiver.—The Secretary may waive subparagraph (A) with respect to an allocated share of a producing State and hold the allocable share in escrow if the Secretary determines that the producing State is making a good faith effort to develop and submit, or update, a plan in accordance with subsection (c).

"(c) Coastal Impact Assistance Plan.—

"(1) Submission of State plans.—

"(A) In general.—Not later than July 1, 2008, the Governor of a producing State shall submit to the Secretary a coastal impact assistance plan.

"(B) Public participation.—In carrying out subparagraph (A), the Governor shall solicit local input and provide for public participation in the development of the plan.

"(2) Approval.—

"(A) In general.—The Secretary shall approve a plan of a producing State submitted under paragraph (1) before disbursing any amount to the producing State, or to a coastal political subdivision located in the producing State, under this section.

"(B) Components.—The Secretary shall approve a plan submitted under paragraph (1) if—

"(i) the Secretary determines that the plan is consistent with the uses described in subsection (d); and

"(ii) the plan contains—

"(I) the name of the State agency that will have the authority to represent and act on behalf of the producing State in dealing with the Secretary for purposes of this section;

"(II) a program for the implementation of the plan that describes how the amounts provided under this section to the producing State will be used;

"(III) for each coastal political subdivision that receives an amount under this section—

"(aa) the name of a contact person; and

"(bb) a description of how the coastal political subdivision will use amounts provided under this section;

"(IV) a certification by the Governor that ample opportunity has been provided for public participation in the development and revision of the plan; and

"(V) a description of measures that will be taken to determine the availability of assistance from other relevant Federal resources and programs.

"(3) Amendment.—Any amendment to a plan submitted under paragraph (1) shall be—

"(A) developed in accordance with this subsection; and

"(B) submitted to the Secretary for approval or disapproval under paragraph (4).

"(4) Procedure.—

"(A) In general.—Except as provided in subparagraph (B), not later than 90 days after the date on which a plan or amendment to a plan is submitted under paragraph (1) or (3), the Secretary shall approve or disapprove the plan or amendment.

"(B) Exception.—For fiscal year 2006, the Secretary shall approve or disapprove a plan submitted under paragraph (1) not later than December 31, 2006.

"(d) Authorized Uses.—

"(1) In general.—A producing State or coastal political subdivision shall use all amounts received under this section, including any amount deposited in a trust fund that is administered by the State or coastal political subdivision and dedicated to uses consistent with this section, in accordance with all applicable Federal and State law, only for 1 or more of the following purposes:

"(A) Projects and activities for the conservation, protection, or restoration of coastal areas, including wetland.

"(B) Mitigation of damage to fish, wildlife, or natural resources.

"(C) Planning assistance and the administrative costs of complying with this section.

"(D) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

"(E) Mitigation of the impact of outer Continental Shelf activities through funding of onshore infrastructure projects and public service needs.

"(2) Compliance with authorized uses.—If the Secretary determines that any expenditure made by a producing State or coastal political subdivision is not consistent with this subsection, the Secretary shall not disburse any additional amount under this section to the producing State or the coastal political subdivision until such time as all amounts obligated for unauthorized uses have been repaid or reobligated for authorized uses.".

Subtitle E—Natural Gas

SEC. 381. EXPORTATION OR IMPORTATION OF NATURAL GAS.

Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended by adding at the end the following:

"(d) Except as specifically provided in this part, nothing in this Act affects the rights of States under—

"(1) the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)

"(2) the Clean Air Act (42 U.S.C. 7401 et seq.); or

"(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

"(e)(1) No facilities located onshore or in State waters for the import of natural gas from a foreign country, or the export of natural gas to a foreign country, shall be sited, constructed, expanded, or operated, unless the Commission has authorized such acts or operations.

"(2) The Commission shall have the exclusive authority to approve or deny an application for the siting, construction, expansion, or operation of facilities located onshore or in State waters for the import of natural gas from a foreign county or the export of natural gas to a foreign country.

"(3)(A) Except as provided in subparagraph (B), the Commission may approve an application described in paragraph (2), in whole or part, with such modifications and upon such terms and conditions as the Commission finds appropriate.

"(B) The Commission shall not—

"(i) deny an application solely on the basis that the applicant proposes to use the liquefied natural gas import facility exclusively or partially for gas that the applicant or an affiliate of the applicant will supply to the facility; or

"(ii) condition an order on—

"(I) a requirement that the liquefied natural gas import facility offer service to customers other than the applicant, or any affiliate of the applicant, securing the order;

"(II) any regulation of the rates, charges, terms, or conditions of service of the liquefied natural gas import facility; or

"(III) a requirement to file with the Commission schedules or contracts related to the rates, charges, terms, or conditions of service of the liquefied natural gas import facility.

"(4) An order issued for a liquefied natural gas import facility that also offers service to customers on an open access basis shall not result in subsidization of expansion capacity by existing customers, degradation of service to existing customers, or undue discrimination against existing customers as to their terms or conditions of service at the facility, as all of those terms are defined by the Commission.".

SEC. 382. NEW NATURAL GAS STORAGE FACILITIES.

Section 4 of the Natural Gas Act (15 U.S.C. 717c) is amended by adding at the end the following:

"(f)(1) In exercising its authority under this Act or the Natural Gas Policy Act of 1978 (15 U.S.C. 3301 et seq.), the Commission may authorize a natural gas company (or any person that will be a natural gas company on completion of any proposed construction) to provide storage and storage-related services at market-based rates for new storage capacity placed in service after the date of enactment of the Energy Policy Act of 2005, notwithstanding the fact that the company is unable to demonstrate that the company lacks market power, if the Commission determines that—

"(A) market-based rates are in the public interest and necessary to encourage the construction of storage capacity in areas needing storage services; and

"(B) customers are adequately protected.

"(2) The Commission shall ensure that reasonable terms and conditions are in place to protect consumers.

"(3) If the Commission authorizes a natural gas company to charge market-based rates under this subsection, the Commission shall review periodically (but not more frequently than triennially) whether the market-based rate is just, reasonable, and not unduly discriminatory or preferential.".

SEC. 383. PROCESS COORDINATION; HEARINGS; RULES OF PROCEDURES.

Section 15 of the Natural Gas Act (15 U.S.C. 717n) is amended—

(1) by striking the section heading and inserting the following:

"PROCESS COORDINATION; HEARINGS; RULES OF PROCEDURE";

(2) by redesignating subsections (a) and (b) as subsections (e) and (f), respectively;

(3) by striking "SEC. 15." and inserting the following:

"SEC. 15. (a) In this section, the term 'Federal authorization'—

"(1) means any authorization required under Federal law with respect to an application for authorization under section 3 or a certificate of public convenience and necessity under section 7; and

"(2) includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to an application for authorization under section 3 or a certificate of public convenience and necessity under section 7.

"(b)(1) With respect to an application for Federal authorization, the Commission shall, unless the Commission orders otherwise, be the lead agency for purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(2) As lead agency, the Commission, in consultation with affected agencies, shall prepare a single environmental review document, which shall be used as a basis for all decisions under Federal law on—

"(A) an application for authorization under section 3; or

"(B) a certificate of public convenience and necessity under section 7.

"(c)(1) The Commission shall, in consultation with agencies responsible for Federal authorizations, and with due consideration of recommendations by the agencies, establish a schedule for all Federal authorizations required to be completed before an application under section 3 or 7 may be approved.

"(2) In establishing a schedule, the Commission shall comply with applicable schedules established by Federal law.

"(3) All Federal and State agencies with jurisdiction over natural gas infrastructure shall seek to coordinate their proceedings within the timeframes established by the Commission with respect to an application for authorization under section 3 or a certificate of public convenience and necessity under section 7.

"(d)(1) In a case in which an administrative agency or officer has failed to act by the deadline established by the Commission under this section for deciding whether to issue the authorization, the applicant or any State in which the facility would be located may file an appeal with the President, who shall, in consultation with the affected agency, take action on the pending application.

"(2) Based on the overall record and in consultation with the affected agency, the President may—

"(A) issue the necessary authorization with any appropriate conditions; or

"(B) deny the application.

"(3) Not later than 90 days after the filing of an appeal, the President shall issue a decision as to that appeal.

"(4) In making a decision under this subsection, the President shall comply with applicable requirements of Federal law, including—

"(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)

"(B) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(C) the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.);

"(D) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

"(F) the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); and

"(G) the Clean Air Act (42 U.S.C. 7401 et seq.).".

SEC. 384. PENALTIES.

(a) CRIMINAL PENALTIES.—

(1) NATURAL GAS ACT.—Section 21 of the Natural Gas Act (15 U.S.C. 717t) is amended—

(A) in subsection (a)—

(i) by striking "$5,000" and inserting "$1,000,000"; and–

(ii) by striking "two years" and inserting "5 years"; and

(B) in subsection (b), by striking "$500" and inserting "$50,000".

(2) NATURAL GAS POLICY ACT OF 1978.—Section 504(c) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3414(c)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "$5,000" and inserting "$1,000,000";

(ii) in subparagraph (B), by striking "two years" and inserting "5 years"; and

(B) in paragraph (2), by striking "$500 for each violation" and inserting "$50,000 for each day on which the offense occurs".

(b) CIVIL PENALTIES.—

(1) NATURAL GAS ACT.—The Natural Gas Act (15 U.S.C. 717 et seq.) is amended—

(A) by redesignating sections 22 through 24 as sections 24 through 26, respectively; and

(B) by inserting after section 21 (15 U.S.C. 717t) the following:

"CIVIL PENALTY AUTHORITY

"SEC. 22. (a) Any person that violates this Act, or any rule, regulation, restriction, condition, or order made or imposed by the Commission under authority of this Act, shall be subject to a civil penalty of not more than $1,000,000 per day per violation for as long as the violation continues.

"(b) The penalty shall be assessed by the Commission after notice and opportunity for public hearing.

"(c) In determining the amount of a proposed penalty, the Commission shall take into consideration the nature and seriousness of the violation and the efforts to remedy the violation.".

(2) NATURAL GAS POLICY ACT OF 1978.—Section 504(b)(6)(A) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3414(b)(6)(A)) is amended—

(A) in clause (i), by striking "$5,000" and inserting "$1,000,000"; and

(B) in clause (ii), by striking "$25,000" and inserting "$1,000,000".

SEC. 385. MARKET MANIPULATION.

The Natural Gas Act is amended by inserting after section 4 (15 U.S.C. 717c) the following:

"PROHIBITION ON MARKET MANIPULATION

"SEC. 4A. It shall be unlawful for any entity, directly or indirectly, to use or employ, in connection with the purchase or sale of natural gas or the purchase or sale of transportation services subject to the jurisdiction of the Commission, any manipulative or deceptive device or contrivance (as those terms are used in section 10(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78j(b)) in contravention of such rules and regulations as the Commission may prescribe as necessary in the public interest or for the protection of natural gas ratepayers."

SEC. 386. NATURAL GAS MARKET TRANSPARENCY RULES.

The Natural Gas Act (15 U.S.C. 717 et seq.) (as amended by section 385(b)(1)) is amended by inserting after section 22 the following:

"NATURAL GAS MARKET TRANSPARENCY RULES

"SEC. 23. (a)(1) The Commission may issue such rules as the Commission considers to be appropriate to establish an electronic information system to provide the Commission and the public with access to such information as is necessary to facilitate price transparency and participation in markets for the sale or transportation of natural gas in interstate commerce.

"(2) The system under paragraph (1) shall provide, on a timely basis, information about the availability and prices of natural gas sold at wholesale and in interstate commerce to the Commission, State commissions, buyers and sellers of wholesale natural gas, and the public.

"(3) The Commission may—

"(A) obtain information described in paragraph (2) from any market participant; and

"(B) rely on an entity other than the Commission to receive and make public the information.

"(b)(1) Rules described in subsection (a)(1), if adopted, shall exempt from disclosure information the Commission determines would, if disclosed, be detrimental to the operation of an effective market or jeopardize system security.

"(2) In determining the information to be made available under this section and time to make the information available, the Commission shall seek to ensure that consumers and competitive markets are protected from the adverse effects of potential collusion or other anticompetitive behaviors that can be facilitated by untimely public disclosure of transaction-specific information.

"(c)(1) This section shall not affect the exclusive jurisdiction of the Commodity Futures Trading Commission with respect to accounts, agreements, contracts, or transactions in commodities under the Commodity Exchange Act (7 U.S.C. 1 et seq.).

"(2) Any request for information to a designated contract market, registered derivatives transaction execution facility, board of trade, exchange, or market involving accounts, agreements, contracts, or transactions in commodities (including natural gas, electricity and other energy commodities) within the exclusive jurisdiction of the Commodity Futures Trading Commission shall be directed to the Commodity Futures Trading Commission, which shall cooperate in responding to any information request by the Commission.

"(d) In carrying out this section, the Commission shall not—

"(1) compete with, or displace from the market place, any price publisher (including any electronic price publisher);

"(2) regulate price publishers (including any electronic price publisher); or

"(3) impose any requirements on the publication of information by price publishers (including any electronic price publisher).

"(e)(1) The Commission shall not condition access to interstate pipeline transportation on the reporting requirements of this section.

"(2) The Commission shall not require natural gas producers, processors, or users who have a de minimis market presence to comply with the reporting requirements of this section.

"(f)(1) Except as provided in paragraph (2), no person shall be subject to any civil penalty under this section with respect to any violation occurring more than 3 years before the date on which the person is provided notice of the proposed penalty under section 22(b).

"(2) Paragraph (1) shall not apply in any case in which the Commission finds that a seller that has entered into a contract for the transportation or sale of natural gas subject to the jurisdiction of the Commission has engaged in fraudulent market manipulation activities materially affecting the contract in violation of section 4A.".

SEC. 387. DEADLINE FOR DECISION ON APPEALS OF CONSISTENCY DETERMINATION UNDER THE COASTAL ZONE MANAGEMENT ACT OF 1972.

(a) In General.—Section 319 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1465) is amended to read as follows:

"APPEALS TO THE SECRETARY

"Sec. 319. (a) Notice.—Not later than 30 days after the date of the filing of an appeal to the Secretary of a consistency determination under section 307, the Secretary shall publish an initial notice in the Federal Register.

"(b) Closure of Record.—

"(1) In general.—Not later than the end of the 270-day period beginning on the date of publication of an initial notice under subsection (a), except as provided in paragraph (3), the Secretary shall immediately close the decision record and receive no more filings on the appeal.

"(2) Notice.—After closing the administrative record, the Secretary shall immediately publish a notice in the Federal Register that the administrative record has been closed.

"(3) Exception.—

"(A) In general.—Subject to subparagraph (B), during the 270-day period described in paragraph (1), the Secretary may stay the closing of the decision record—

"(i) for a specific period mutually agreed to in writing by the appellant and the State agency; or

"(ii) as the Secretary determines necessary to receive, on an expedited basis—

"(I) any supplemental information specifically requested by the Secretary to complete a consistency review under this Act; or

"(II) any clarifying information submitted by a party to the proceeding related to information already existing in the sole record.

"(B) Applicability.—The Secretary may only stay the 270-day period described in paragraph (1) for a period not to exceed 60 days.

"(c) Deadline for Decision.—

"(1) In general.—Not later than 90 days after the date of publication of a Federal Register notice stating when the decision record for an appeal has been closed, the Secretary shall issue a decision or publish a notice in the Federal Register explaining why a decision cannot be issued at that time.

"(2) Subsequent decision.—Not later than 45 days after the date of publication of a Federal Register notice explaining why a decision cannot be issued within the 90-day period, the Secretary shall issue a decision.".

SEC. 388. FEDERAL-STATE LIQUEFIED NATURAL GAS FORUMS.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation and consultation with the Secretary of Transportation, the Secretary of Homeland Security, the Federal Energy Regulatory Commission, and the Governors of the Coastal States, shall convene not less than 3 forums on liquefied natural gas.

(b) Requirements.—The forums shall—

(1) be located in areas where liquefied natural gas facilities are under consideration;

(2) be designed to foster dialogue among Federal officials, State and local officials, the general public, independent experts, and industry representatives; and

(3) at a minimum, provide an opportunity for public education and dialogue on—

(A) the role of liquefied natural gas in meeting current and future United States energy supply requirements and demand, in the context of the full range of energy supply options;

(B) the Federal and State siting and permitting processes;

(C) the potential risks and rewards associated with importing liquefied natural gas;

(D) the Federal safety and environmental requirements (including regulations) applicable to liquefied natural gas;

(E) prevention, mitigation, and response strategies for liquefied natural gas hazards; and

(F) additional issues as appropriate.

(c) Purpose.—The purpose of the forums shall be to identify and develop best practices for addressing the issues and challenges associated with liquefied natural gas imports, building on existing cooperative efforts.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 389. PROHIBITION OF TRADING AND SERVING BY CERTAIN PERSONS.

Section 20 of the Natural Gas Act (15 U.S.C. 717s) is amended by adding at the end the following:

"(d) In any proceedings under subsection (a), the court may prohibit, conditionally or unconditionally, and permanently or for such period of time as the court determines, any person who is engaged or has engaged in practices constituting a violation of section 4A (including related rules and regulations) from—

"(1) acting as an officer or director of a natural gas company; or

"(2) engaging in the business of—

"(A) the purchasing or selling of natural gas; or

"(B) the purchasing or selling of transmission services subject to the jurisdiction of the Commission.".

Subtitle F—Federal Coalbed Methane Regulation

SEC. 391. FEDERAL COALBED METHANE REGULATION.

Any State that, as of the date of enactment of this Act, is included on the list of affected States established under section 1339(b) of the Energy Policy Act of 1992 (42 U.S.C. 13368(b)) shall be removed from the list if, not later than 3 years after the date of enactment of this Act, the State takes, or prior to that date of enactment, has taken, any of the actions required for removal from the list under that section.

TITLE IV—COAL

Subtitle A—Clean Coal Power Initiative

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

(a) Clean Coal Power Initiative.—There is authorized to be appropriated to the Secretary to carry out the activities authorized by this subtitle $200,000,000 for each of fiscal years 2006 through 2014, to remain available until expended.

(b) Report.—Not later than March 31, 2006, the Secretary shall submit to Congress a report that includes an 8-year plan containing—

(1) a detailed assessment of whether the aggregate assistance levels provided under subsection (a) are the appropriate assistance levels for the clean coal power initiative;

(2) a detailed description of how proposals for assistance under the clean coal power initiative will be solicited and evaluated, including a list of all activities expected to be undertaken;

(3) a detailed list of technical milestones for each coal and related technology that

will be pursued under the clean coal power initiative; and

(4) a detailed description of how the clean coal power initiative will avoid problems enumerated in Government Accountability Office reports on the Clean Coal Technology Program of the Department, including problems that have resulted in unspent funds and projects that failed either financially or scientifically.

SEC. 402. PROJECT CRITERIA.

(a) IN GENERAL.—To be eligible to receive assistance under this subtitle, a project shall advance efficiency, environmental performance, and cost competitiveness well beyond the level of technologies that are in commercial service or have been demonstrated on a scale that the Secretary determines is sufficient to demonstrate that commercial service is viable as of the date of enactment of this Act.

(b) TECHNICAL CRITERIA FOR CLEAN COAL POWER INITIATIVE.—

(1) GASIFICATION PROJECTS.—

(A) IN GENERAL.—In allocating the funds made available under section 401(a), the Secretary shall ensure that at least 80 percent of the funds are used only to fund projects on coal-based gasification technologies, including—

(i) gasification combined cycle;

(ii) gasification fuel cells;

(iii) gasification coproduction; and

(iv) hybrid gasification or combustion.

(B) TECHNICAL MILESTONES.—

(i) PERIODIC DETERMINATION.—

(I) IN GENERAL.—The Secretary shall periodically set technical milestones specifying the emission and thermal efficiency levels that coal gasification projects under this subtitle shall be designed, and reasonably expected, to achieve.

(II) RESTRICTIVE MILESTONES.—The technical milestones shall become more restrictive during the period of the clean coal power initiative.

(ii) 2020 GOALS.—The Secretary shall establish the periodic milestones so as to achieve by the year 2020 coal gasification projects able—

(I) to remove at least 99 percent of sulfur dioxide;

(II) to emit not more than .05 lbs of NO_x per million Btu;

(III) to achieve substantial reductions in mercury emissions; and

(IV) to achieve a thermal efficiency of at least—

(aa) 60 percent for coal of more than 9,000 Btu;

(bb) 59 percent for coal of 7,000 to 9,000 Btu; and

(cc) 50 percent for coal of less than 7,000 Btu.

(2) OTHER PROJECTS.—

(A) ALLOCATION OF FUNDS.—The Secretary shall ensure that up to 20 percent of the funds made available under section 401(a) are used to fund projects other than those described in paragraph (1).

(B) TECHNICAL MILESTONES.—

(i) PERIODIC DETERMINATION.—

(I) IN GENERAL.—The Secretary shall periodically establish technical milestones specifying the emission and thermal efficiency levels that projects funded under this paragraph shall be designed, and reasonably expected, to achieve.

(II) RESTRICTIVE MILESTONES.—The technical milestones shall become more restrictive during the period of the clean coal power initiative.

(ii) 2010 GOALS.—The Secretary shall set the periodic milestones so as to achieve by the year 2010 projects able—

(I) to remove at least 97 percent of sulfur dioxide;

(II) to emit no more than .08 lbs of NO_x per million Btu;

(III) to achieve substantial reductions in mercury emissions; and

(IV) to achieve a thermal efficiency of at least—

(aa) 45 percent for coal of more than 9,000 Btu;

(bb) 44 percent for coal of 7,000 to 9,000 Btu; and

(cc) 40 percent for coal of less than 7,000 Btu.

(3) CONSULTATION.—Before setting the technical milestones under paragraphs (1)(B) and (2)(B), the Secretary shall consult with—

(A) the Administrator of the Environmental Protection Agency; and

(B) interested entities, including—

(i) coal producers;

(ii) industries using coal;

(iii) organizations that promote coal or advanced coal technologies;

(iv) environmental organizations; and

(v) organizations representing workers.

(4) EXISTING UNITS.—In the case of projects at units in existence on the date of enactment of this Act, in lieu of the thermal efficiency requirements described in paragraphs (1)(B)(ii)(IV) and (2)(B)(ii)(IV), the milestones shall be designed to achieve an overall thermal design efficiency improvement, compared to the efficiency of the unit as operated, of not less than—

(A) 7 percent for coal of more than 9,000 Btu;

(B) 6 percent for coal of 7,000 to 9,000 Btu; or

(C) 4 percent for coal of less than 7,000 Btu.

(5) ADMINISTRATION.—

(A) ELEVATION OF SITE.—In evaluating project proposals to achieve thermal efficiency levels established under paragraphs (1)(B)(i) and (2)(B)(i) and in determining progress towards thermal efficiency milestones under paragraphs (1)(B)(ii)(IV), (2)(B)(ii)(IV), and (4), the Secretary shall take into account and make adjustments for the elevation of the site at which a project is proposed to be constructed.

(B) APPLICABILITY OF MILESTONES.—The thermal efficiency milestones under paragraphs (1)(B)(ii)(IV), (2)(B)(ii)(IV), and (4) shall not apply to projects that separate and capture at least 50 percent of the potential emissions of carbon dioxide by a facility.

(C) PRIORITY.—In carrying out this subtitle, the Secretary shall give priority to projects that include, as part of the project, the separation and capture of carbon dioxide.

(c) FINANCIAL CRITERIA.—The Secretary shall not provide financial assistance under this subtitle for a project unless the recipient documents to the satisfaction of the Secretary that—

(1) the receipt of Federal assistance for the project is not required for the recipient to be financially viable;

(2) the recipient will provide sufficient information to the Secretary to enable the Secretary to ensure that the funds are spent efficiently and effectively; and

(3) a market exists for the technology being demonstrated or applied, as evidenced by statements of interest in writing from potential purchasers of the technology.

(d) FINANCIAL ASSISTANCE.—The Secretary shall provide financial assistance to projects that, as determined by the Secretary—

(1) meet the requirements of subsections (a), (b), and (c); and

(2) are likely—

(A) to achieve overall cost reductions in the use of coal to generate useful forms of energy;

(B) to improve the competitiveness of coal among various forms of energy in order to maintain a diversity of fuel choices in the United States to meet electricity generation requirements; and

(C) to demonstrate methods and equipment that are applicable to 25 percent of the electricity generating facilities, using various types of coal, that use coal as the primary feedstock as of the date of enactment of this Act.

(e) COST-SHARING.—In carrying out this subtitle, the Secretary shall require cost sharing in accordance with section 1002.

(f) APPLICABILITY.—No technology, or level of emission reduction, solely by reason of the use of the technology, or the achievement of the emission reduction, by 1 or more facilities receiving assistance under this Act, shall be considered to be—

(1) adequately demonstrated for purposes of section 111 of the Clean Air Act (42 U.S.C. 7411);

(2) achievable for purposes of section 169 of that Act (42 U.S.C. 7479); or

(3) achievable in practice for purposes of section 171 of that Act (42 U.S.C. 7501).

SEC. 403. REPORT.

Not later than 1 year after the date of enactment of this Act, and once every 2 years thereafter through 2012, the Secretary, in consultation with other appropriate Federal agencies, shall submit to Congress a report describing—

(1)(A) the technical milestones described in section 402; and

(B) how those milestones ensure progress toward meeting the requirements of subsections (b)(1)(B) and (b)(2)(B) of section 402; and

(2) the status of projects that receive assistance under this subtitle.

SEC. 404. CLEAN COAL CENTERS OF EXCELLENCE.

(a) IN GENERAL.—As part of the clean coal power initiative, the Secretary shall award competitive, merit-based grants to institutions of higher education for the establishment of centers of excellence for energy systems of the future.

(b) BASIS FOR GRANTS.— The Secretary shall award grants under this section to institutions of higher education that show the greatest potential for advancing new clean coal technologies.

SEC. 405. INTEGRATED COAL/RENEWABLE ENERGY SYSTEM.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary may provide loan guarantees for a project to produce energy from coal of less than 7,000 Btu/lb using appropriate advanced integrated gasification combined cycle technology, including repowering of existing facilities, that—

(1) is combined with wind and other renewable sources;

(2) minimizes and offers the potential to sequester carbon dioxide emissions; and

(3) provides a ready source of hydrogen for near-site fuel cell demonstrations.

(b) REQUIREMENTS.—The facility—

(1) may be built in stages;

(2) shall have a combined output of at least 200 megawatts at successively more competitive rates; and

(3) shall be located in the Upper Great Plains.

(c) TECHNICAL CRITERIA.—Technical criteria described in section 402(b) shall apply to the facility.

(d) FEDERAL COST SHARE.—The Federal cost share for the facility shall not exceed 50 percent.

(e) INVESTMENT TAX CREDITS.—

(1) IN GENERAL.—The loan guarantees provided under this section do not preclude the facility from receiving an allocation for investment tax credits under section 48A of the Internal Revenue Code of 1986.

(2) OTHER FUNDING.—Use of the investment tax credit described in paragraph (1) does not prohibit the use of other clean coal program funding.

SEC. 406. LOAN TO PLACE ALASKA CLEAN COAL TECHNOLOGY FACILITY IN SERVICE.

(a) DEFINITIONS.—In this section:

(1) BORROWER.—The term "borrower" means the owner of the clean coal technology plant.

(2) CLEAN COAL TECHNOLOGY PLANT.—The term "clean coal technology plant" means the plant located near Healy, Alaska, constructed under Department cooperative agreement number DE–FC–22–91PC90544.

(3) COST OF A DIRECT LOAN.—The term "cost of a direct loan" has the meaning given the term in section 502(5)(B) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(B)).

(b) AUTHORIZATION.—Subject to subsection (c), the Secretary shall use amounts made available under subsection (e) to provide the cost of a direct loan to the borrower for purposes of placing the clean coal technology plant into reliable operation for the generation of electricity.

(c) REQUIREMENTS.—

(1) MAXIMUM LOAN AMOUNT.—The amount of the direct loan provided under subsection (b) shall not exceed $80,000,000.

(2) DETERMINATIONS BY SECRETARY.—Before providing the direct loan to the borrower under subsection (b), the Secretary shall determine that—

(A) the plan of the borrower for placing the clean coal technology plant in reliable operation has a reasonable prospect of success;

(B) the amount of the loan (when combined with amounts available to the borrower from other sources) will be sufficient to carry out the project; and

(C) there is a reasonable prospect that the borrower will repay the principal and interest on the loan.

(3) INTEREST; TERM.—The direct loan provided under subsection (b) shall bear interest at a rate and for a term that the Secretary determines appropriate, after consultation with the Secretary of the Treasury, taking into account the needs and capacities of the borrower and the prevailing rate of interest for similar loans made by public and private lenders.

(4) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any other terms and conditions that the Secretary determines to be appropriate.

(d) USE OF PAYMENTS.—The Secretary shall retain any payments of principal and interest on the direct loan provided under subsection (b) to support energy research and development activities, to remain available until expended, subject to any other conditions in an applicable appropriations Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to provide the cost of a direct loan under subsection (b).

SEC. 407. WESTERN INTEGRATED COAL GASIFICATION DEMONSTRATION PROJECT.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall carry out a demonstration project to produce energy from coal (of not more than 9,000 Btu/lb) mined in the western United States using integrated gasification combined cycle technology, including repowering of existing facilities, that is capable of sequestering carbon dioxide emissions (referred to in this section as the "demonstration project").

(b) LOCATION.—The demonstration project shall be located in a western State at an altitude of greater than 4,000 feet above sea level.

(c) COST SHARING.—The Federal share of the cost of the demonstration project shall be determined in accordance with section 1002.

(d) LOAN GUARANTEES.—Notwithstanding title XIV, the demonstration project shall not be eligible for Federal loan guarantees.

Subtitle B—Federal Coal Leases

SEC. 411. REPEAL OF THE 160-ACRE LIMITATION FOR COAL LEASES.

Section 3 of the Mineral Leasing Act (30 U.S.C. 203) is amended—

(1) in the first sentence, by striking "Any person" and inserting the following: "(a)(1) Except as provided in paragraph (3), on a finding by the Secretary under paragraph (2), any person";

(2) in the second sentence, by striking "The Secretary" and inserting the following:

"(b) The Secretary";

(3) in the third sentence, by striking "The minimum" and inserting the following:

"(c) The minimum";

(4) in subsection (a) (as designated by paragraph (1))—

(A) by striking "upon" and all that follows and inserting the following: "secure modifications of the original coal lease by including additional coal lands or coal deposits contiguous or cornering to those embraced in the lease."; and

(B) by adding at the end the following:

"(2) A finding referred to in paragraph (1) is a finding by the Secretary that the modifications—

"(A) would be in the interest of the United States;

"(B) would not displace a competitive interest in the lands; and

"(C) would not include lands or deposits that can be developed as part of another potential or existing operation.

"(3) In no case shall the total area added by modifications to an existing coal lease under paragraph (1)—

"(A) exceed 320 acres; or

"(B) add acreage larger than that in the original lease.".

SEC. 412. MINING PLANS.

Section 2(d)(2) of the Mineral Leasing Act (30 U.S.C. 202a(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) The Secretary may establish a period of more than 40 years if the Secretary determines that—

"(i) the longer period will ensure the maximum economic recovery of a coal deposit; or

"(ii) the longer period is in the interest of the orderly, efficient, or economic development of a coal resource.".

SEC. 413. PAYMENT OF ADVANCE ROYALTIES UNDER COAL LEASES.

Section 7(b) of the Mineral Leasing Act (30 U.S.C. 207(b)) is amended—

(1) in the first sentence, by striking "Each lease" and inserting the following: "(1) Each lease";

(2) in the second sentence, by striking "The Secretary" and inserting the following:

"(2) The Secretary";

(3) in the third sentence, by striking "Such advance royalties" and inserting the following:

"(3) Advance royalties described in paragraph (2)";

(4) in the seventh sentence, by striking "The Secretary" and inserting the following:

"(6) The Secretary";

(5) in the last sentence, by striking "Nothing" and inserting the following:

"(7) Nothing";

(6) by striking the fourth, fifth, and sixth sentences; and

(7) by inserting after paragraph (3) (as designated by paragraph (3)) the following:

"(4) The aggregate number of years during the period of any lease for which advance royalties may be accepted in lieu of the condition of continued operation shall not exceed 20 years.

"(5) The amount of any production royalty paid for any year shall be reduced (but not below 0) by the amount of any advance royalties paid under a lease described in paragraph (4) to the extent that the advance royalties have not been used to reduce production royalties for a prior year.".

SEC. 414. ELIMINATION OF DEADLINE FOR SUBMISSION OF COAL LEASE OPERATION AND RECLAMATION PLAN.

Section 7(c) of the Mineral Leasing Act (30 U.S.C. 207(c)) is amended by striking "and not later than three years after a lease is issued,".

SEC. 415. APPLICATION OF AMENDMENTS.

(a) IN GENERAL.—The amendments made by this subtitle apply to any coal lease issued on or after the date of enactment of this Act.

(b) COAL LEASES ISSUED BEFORE DATE OF ENACTMENT.—With respect to any coal lease issued before the date of enactment of this Act, the amendments made by this subtitle apply—

(1) on the date of readjustment of the lease as provided under section 7(a) of the Mineral Leasing Act (30 U.S.C. 207); or

(2) on request by the lessee, prior to that date.

TITLE V—INDIAN ENERGY

SEC. 501. SHORT TITLE.

This title may be cited as the "Indian Tribal Energy Development and Self-Determination Act of 2005".

SEC. 502. OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS.

(a) IN GENERAL.—Title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.) is amended by adding at the end the following:

"OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS

"SEC. 217. (a) ESTABLISHMENT.—

"(1) There is established within the Department an Office of Indian Energy Policy and Programs (referred to in this section as the 'Office').

"(2) The Office shall be headed by a Director, to be appointed by the Secretary and compensated at a rate equal to that of level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) DUTIES OF DIRECTOR.—The Director, in accordance with Federal policies promoting Indian self-determination and the purposes of this Act, shall provide, direct, foster, coordinate, and implement energy planning, education, management, conservation, and delivery programs of the Department that—

"(1) promote Indian tribal energy development, efficiency, and use;

"(2) reduce or stabilize energy costs;

"(3) enhance and strengthen Indian tribal energy and economic infrastructure relating to natural resource development and electrification; and

"(4) bring electrical power and service to Indian land and the homes of tribal members that are—

"(A) located on Indian land; or

"(B) acquired, constructed, or improved (in whole or in part) with Federal funds.".

(b) CONFORMING AMENDMENTS.—

(1) The table of contents of the Department of Energy Organization Act (42 U.S.C. prec. 7101) is amended—

(A) in the item relating to section 209, by striking "SECTION" and inserting "SEC."; and

(B) by striking the items relating to sections 213 through 216 and inserting the following:

"Sec. 213. Establishment of policy for National Nuclear Security Administration.

"Sec. 214. Establishment of security, counterintelligence, and intelligence policies.

"Sec. 215. Office of Counterintelligence.

"Sec. 216. Office of Intelligence.

"Sec. 217. Office of Indian Energy Policy and Programs.".

(2) Section 5315 of title 5, United States Code, is amended by inserting "Director, Office of Indian Energy Policy and Programs, Department of Energy." after "Inspector General, Department of Energy.".

SEC. 503. INDIAN ENERGY.

(a) IN GENERAL.—Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended to read as follows:

"TITLE XXVI—INDIAN ENERGY

"SEC. 2601. DEFINITIONS.

"In this title:

"(1) The term 'Director' means the Director of the Office of Indian Energy Policy and Programs, Department of Energy.

"(2) The term 'Indian land' means—

"(A) any land located within the boundaries of an Indian reservation, pueblo, or rancheria;

"(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

"(i) in trust by the United States for the benefit of an Indian tribe or an individual Indian;

"(ii) by an Indian tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

"(iii) by a dependent Indian community; and

"(C) land that is owned by an Indian tribe and was conveyed by the United States to a Native Corporation pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), or that was conveyed by the United States to a Native Corporation in exchange for such land.

"(3) The term 'Indian reservation' includes—

"(A) an Indian reservation in existence in any State as of the date of enactment of this paragraph;

"(B) a public domain Indian allotment; and

"(C) a dependent Indian community located within the borders of the United States, regardless of whether the community is located—

"(i) on original or acquired territory of the community; or

"(ii) within or outside the boundaries of any particular State.

"(4)(A) The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(B) For the purpose of paragraph (12) and sections 2603(b)(1)(C) and 2604, the term 'Indian tribe' does not include any Native Corporation.

"(5) The term 'integration of energy resources' means any project or activity that promotes the location and operation of a facility (including any pipeline, gathering system, transportation system or facility, or electric transmission or distribution facility) on or near Indian land to process, refine, generate electricity from, or otherwise develop energy resources on, Indian land.

"(6) The term 'Native Corporation' has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

"(7) The term 'organization' means a partnership, joint venture, limited liability company, or other unincorporated association or entity that is established to develop Indian energy resources.

"(8) The term 'Program' means the Indian energy resource development program established under section 2602(a).

"(9) The term 'Secretary' means the Secretary of the Interior.

"(10) The term 'sequestration' means the long-term separation, isolation, or removal of greenhouse gases from the atmosphere, including through a biological or geologic method such as reforestation or an underground reservoir.

"(11) The term 'tribal energy resource development organization' means an organization of 2 or more entities, at least 1 of which is an Indian tribe, that has the written consent of the governing bodies of all Indian tribes participating in the organization to apply for a grant, loan, or other assistance under section 2602.

"(12) The term 'tribal land' means any land or interests in land owned by any Indian tribe, title to which is held in trust by the United States, or is subject to a restriction against alienation under laws of the United States.

"SEC. 2602. INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.

"(a) DEPARTMENT OF THE INTERIOR PROGRAM.—

"(1) To assist Indian tribes in the development of energy resources and further the goal of Indian self-determination, the Secretary shall establish and implement an Indian energy resource development program to assist consenting Indian tribes and tribal energy resource development organizations in achieving the purposes of this title.

"(2) In carrying out the Program, the Secretary shall—

"(A) provide development grants to Indian tribes and tribal energy resource development organizations for use in developing or obtaining the managerial and technical capacity needed to develop energy resources on Indian land, and to properly account for resulting energy production and revenues;

"(B) provide grants to Indian tribes and tribal energy resource development organizations for use in carrying out projects to promote the integration of energy resources, and to process, use, or develop those energy resources, on Indian land; and

"(C) provide low-interest loans to Indian tribes and tribal energy resource development organizations for use in the promotion of energy resource development on Indian land and integration of energy resources.

"(3) There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2006 through 2016.

"(b) DEPARTMENT OF ENERGY INDIAN ENERGY EDUCATION PLANNING AND MANAGEMENT ASSISTANCE PROGRAM.—

"(1) The Director shall establish programs to assist consenting Indian tribes in meeting energy education, research and development, planning, and management needs.

"(2) In carrying out this subsection, the Director may provide grants, on a competitive basis, to an Indian tribe or tribal energy resource development organization for use in carrying out—

"(A) energy, energy efficiency, and energy conservation programs;

"(B) studies and other activities supporting tribal acquisitions of energy supplies, services, and facilities, including the creation of tribal utilities to assist in securing electricity to promote electrification of homes and businesses on Indian land;

"(C) planning, construction, development, operation, maintenance, and improvement of tribal electrical generation, transmission, and distribution facilities located on Indian land; and

"(D) development, construction, and interconnection of electric power transmission facilities located on Indian land with other electric transmission facilities.

"(3)(A) The Director shall develop a program to support and implement research projects that provide Indian tribes with opportunities to participate in carbon sequestration practices on Indian land, including—

"(i) geologic sequestration;

"(ii) forest sequestration;

"(iii) agricultural sequestration; and

"(iv) any other sequestration opportunities the Director considers to be appropriate.

"(B) The activities carried out under subparagraph (A) shall be—

"(i) coordinated with other carbon sequestration research and development programs conducted by the Secretary of Energy;

"(ii) conducted to determine methods consistent with existing standardized measurement protocols to account and report the quantity of carbon dioxide or other greenhouse gases sequestered in projects that may be implemented on tribal land; and

"(iii) reviewed periodically to collect and distribute to Indian tribes information on carbon sequestration practices that will increase the sequestration of carbon without threatening the social and economic wellbeing of Indian tribes.

"(4)(A) The Director, in consultation with Indian tribes, may develop a formula for providing grants under this subsection.

"(B) In providing a grant under this subsection, the Director shall give priority to any application received from an Indian tribe with inadequate electric service (as determined by the Director).

"(5) The Secretary of Energy may issue such regulations as the Secretary determines to be necessary to carry out this subsection.

"(6) There is authorized to be appropriated to carry out this subsection $20,000,000 for each of fiscal years 2006 through 2016.

"(c) DEPARTMENT OF ENERGY LOAN GUARANTEE PROGRAM.—

"(1) Subject to paragraphs (2) and (4), the Secretary of Energy may provide loan guarantees (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) for an amount equal to not more than 90 percent of the unpaid principal and interest due on any loan made to an Indian tribe for energy development.

"(2) In evaluating energy development proposals for which the Secretary of Energy may provide a loan guarantee under paragraph (1), the Secretary of Energy shall give priority to any project that uses a new technology, such as coal gasification, carbon capture and sequestration, or renewable energy-based electricity generation, if competing proposals are similar with respect to the level at which the proposals meet or exceed the criteria established by the Secretary of Energy for the loan guarantee program.

“(3) A loan guarantee under this subsection shall be made by—

“(A) a financial institution subject to examination by the Secretary of Energy; or

“(B) an Indian tribe, from funds of the Indian tribe.

“(4) The aggregate outstanding amount guaranteed by the Secretary of Energy at any time under this subsection shall not exceed $2,000,000,000.

“(5) The Secretary of Energy may issue such regulations as the Secretary of Energy determines are necessary to carry out this subsection.

“(6) There are authorized to be appropriated such sums as are necessary to carry out this subsection, to remain available until expended.

“(7) Not later than 1 year after the date of enactment of this section, the Secretary of Energy shall submit to Congress a report on the financing requirements of Indian tribes for energy development on Indian land.

“(d) PREFERENCE.—

“(1) In purchasing electricity or any other energy product or byproduct, a Federal agency or department may give preference to an energy and resource production enterprise, partnership, consortium, corporation, or other type of business organization the majority of the interest in which is owned and controlled by 1 or more Indian tribes.

“(2) In carrying out this subsection, a Federal agency or department shall not—

“(A) pay more than the prevailing market price for an energy product or byproduct; or

“(B) obtain less than prevailing market terms and conditions.

“SEC. 2603. INDIAN TRIBAL ENERGY RESOURCE REGULATION.

“(a) GRANTS.—The Secretary may provide to Indian tribes, on an annual basis, grants for use in accordance with subsection (b).

“(b) USE OF FUNDS.—Funds from a grant provided under this section may be used—

“(1)(A) by an Indian tribe for the development of a tribal energy resource inventory or tribal energy resource on Indian land;

“(B) by an Indian tribe for the development of a feasibility study or other report necessary to the development of energy resources on Indian land;

“(C) by an Indian tribe (other than an Indian Tribe in the State of Alaska, except the Metlakatla Indian Community) for—

“(i) the development and enforcement of tribal laws (including regulations) relating to tribal energy resource development; and

“(ii) the development of technical infrastructure to protect the environment under applicable law; or

“(D) by a Native Corporation for the development and implementation of corporate policies and the development of technical infrastructure to protect the environment under applicable law; and

“(2) by an Indian tribe for the training of employees that—

“(A) are engaged in the development of energy resources on Indian land; or

“(B) are responsible for protecting the environment.

“(c) OTHER ASSISTANCE.—

“(1) In carrying out the obligations of the United States under this title, the Secretary shall ensure, to the maximum extent practicable and to the extent of available resources, that on the request of an Indian tribe, the Indian tribe shall have available scientific and technical information and expertise, for use in the regulation, development, and management of energy resources of the Indian tribe on Indian land.

“(2) The Secretary may carry out paragraph (1)—

“(A) directly, through the use of Federal officials; or

“(B) indirectly, by providing financial assistance to an Indian tribe to secure independent assistance.

“SEC. 2604. LEASES, BUSINESS AGREEMENTS, AND RIGHTS-OF-WAY INVOLVING ENERGY DEVELOPMENT OR TRANSMISSION.

“(a) LEASES AND BUSINESS AGREEMENTS.—In accordance with this section—

“(1) an Indian tribe may, at the discretion of the Indian tribe, enter into a lease or business agreement for the purpose of energy resource development on tribal land, including a lease or business agreement for—

“(A) exploration for, extraction of, processing of, or other development of the energy mineral resources of the Indian tribe located on tribal land; or

“(B) construction or operation of—

“(i) an electric generation, transmission, or distribution facility located on tribal land; or

“(ii) a facility to process or refine energy resources developed on tribal land; and

“(2) a lease or business agreement described in paragraph (1) shall not require the approval of the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81), or any other provision of law, if—

“(A) the lease or business agreement is executed pursuant to a tribal energy resource agreement approved by the Secretary under subsection (e);

“(B) the term of the lease or business agreement does not exceed—

“(i) 30 years; or

“(ii) in the case of a lease for the production of oil resources, gas resources, or both, 10 years and as long thereafter as oil or gas is produced in paying quantities; and

“(C) the Indian tribe has entered into a tribal energy resource agreement with the Secretary, as described in subsection (e), relating to the development of energy resources on tribal land (including the periodic review and evaluation of the activities of the Indian tribe under the agreement, to be conducted pursuant to subsection (e)(2)(D)(i)).

“(b) RIGHTS-OF-WAY FOR PIPELINES OR ELECTRIC TRANSMISSION OR DISTRIBUTION LINES.—An Indian tribe may grant a right-of-way over tribal land for a pipeline or an electric transmission or distribution line without approval by the Secretary if—

“(1) the right-of-way is executed in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e);

“(2) the term of the right-of-way does not exceed 30 years;

“(3) the pipeline or electric transmission or distribution line serves—

“(A) an electric generation, transmission, or distribution facility located on tribal land; or

“(B) a facility located on tribal land that processes or refines energy resources developed on tribal land; and

“(4) the Indian tribe has entered into a tribal energy resource agreement with the Secretary, as described in subsection (e), relating to the development of energy resources on tribal land (including the periodic review and evaluation of the activities of the Indian tribe under an agreement described in subparagraphs (D) and (E) of subsection (e)(2)).

“(c) RENEWALS.—A lease or business agreement entered into, or a right-of-way granted, by an Indian tribe under this section may be renewed at the discretion of the Indian tribe in accordance with this section.

“(d) VALIDITY.—No lease, business agreement, or right-of-way relating to the development of tribal energy resources under this section shall be valid unless the lease, business agreement, or right-of-way is authorized by a tribal energy resource agreement approved by the Secretary under subsection (e)(2).

“(e) TRIBAL ENERGY RESOURCE AGREEMENTS.—

“(1) On the date on which regulations are promulgated under paragraph (8), an Indian tribe may submit to the Secretary for approval a tribal energy resource agreement governing leases, business agreements, and rights-of-way under this section.

“(2)(A) Not later than 1 year after the date on which the Secretary receives a tribal energy resource agreement from an Indian tribe under paragraph (1), or not later than 60 days after the Secretary receives a revised tribal energy resource agreement from an Indian tribe under paragraph (4)(C) (or a later date, as agreed to by the Secretary and the Indian tribe), the Secretary shall approve or disapprove the tribal energy resource agreement.

“(B) The Secretary shall approve a tribal energy resource agreement submitted under paragraph (1) if—

“(i) the Secretary determines that the Indian tribe has demonstrated that the Indian tribe has sufficient capacity to regulate the development of energy resources of the Indian tribe;

“(ii) the tribal energy resource agreement includes provisions required under subparagraph (D); and

“(iii) the tribal energy resource agreement includes provisions that, with respect to a lease, business agreement, or right-of-way under this section—

“(I) ensure the acquisition of necessary information from the applicant for the lease, business agreement, or right-of-way;

“(II) address the term of the lease or business agreement or the term of conveyance of the right-of-way;

“(III) address amendments and renewals;

“(IV) address the economic return to the Indian tribe under leases, business agreements, and rights-of-way;

“(V) address technical or other relevant requirements;

“(VI) establish requirements for environmental review in accordance with subparagraph (C);

“(VII) ensure compliance with all applicable environmental laws, including a requirement that each lease, business agreement, and right-of-way state that the lessee, operator, or right-of-way grantee shall comply with all such laws;

“(VIII) identify final approval authority;

“(IX) provide for public notification of final approvals;

“(X) establish a process for consultation with any affected States regarding off-reservation impacts, if any, identified under subparagraph (C)(i);

“(XI) describe the remedies for breach of the lease, business agreement, or right-of-way;

“(XII) require each lease, business agreement, and right-of-way to include a statement that, if any of its provisions violates an express term or requirement of the tribal energy resource agreement pursuant to which the lease, business agreement, or right-of-way was executed—

“(aa) the provision shall be null and void; and “(bb) if the Secretary determines the provision to be material, the Secretary may suspend or rescind the lease, business agreement, or right-of-way or take other appropriate action that the Secretary determines to be in the best interest of the Indian tribe;

“(XIII) require each lease, business agreement, and right-of-way to provide that it will become effective on the date on which a copy of the executed lease, business agreement, or right-of-way is delivered to the Secretary in accordance with regulations promulgated under paragraph (8);

“(XIV) include citations to tribal laws, regulations, or procedures, if any, that set out tribal remedies that must be exhausted before a petition may be submitted to the Secretary under paragraph (7)(B);

“(XV) specify the financial assistance, if any, to be provided by the Secretary to the Indian tribe to assist in implementation of the tribal energy resource agreement, including environmental review of individual projects; and

“(XVI) in accordance with the regulations promulgated by the Secretary under paragraph (8), require that the Indian tribe, as soon as practicable after receipt of a notice by the Indian tribe, give written notice to the Secretary of—

“(aa) any breach or other violation by another party of any provision in a lease, business agreement, or right-of-way entered into under the tribal energy resource agreement; and

“(bb) any activity or occurrence under a lease, business agreement, or right-of-way that constitutes a violation of Federal or tribal environmental laws.

“(C) Tribal energy resource agreements submitted under paragraph (1) shall establish, and include provisions to ensure compliance with, an environmental review process that, with respect to a lease, business agreement, or right-of-way under this section, provides for, at a minimum—

“(i) the identification and evaluation of all significant environmental effects (as compared to a no-action alternative), including effects on cultural resources;

“(ii) the identification of proposed mitigation measures, if any, and incorporation of the mitigation measures into the lease, business agreement, or right-of-way;

“(iii) a process for ensuring that—

“(I) the public is informed of, and has an opportunity to comment on, the environmental impacts of the proposed action; and

“(II) responses to relevant and substantive comments are provided, before tribal approval of the lease, business agreement, or right-of-way;

“(iv) sufficient administrative support and technical capability to carry out the environmental review process; and

“(v) oversight by the Indian tribe of energy development activities by any other party under any lease, business agreement, or right-of-way entered into pursuant to the tribal energy resource agreement, to determine whether the activities are in compliance with the tribal energy resource agreement and applicable Federal environmental laws.

“(D) A tribal energy resource agreement between the Secretary and an Indian tribe under this subsection shall include—

“(i) provisions requiring the Secretary to conduct a periodic review and evaluation to monitor the performance of the activities of the Indian tribe associated with the development of energy resources under the tribal energy resource agreement; and

“(ii) if a periodic review and evaluation, or an investigation, by the Secretary of any breach or violation described in a notice provided by the Indian tribe to the Secretary in accordance with subparagraph (B)(iii)(XVI), results in a finding by the Secretary of imminent jeopardy to a physical trust asset arising from a violation of the tribal energy resource agreement or applicable Federal laws, provisions authorizing the Secretary to take actions determined by the Secretary to be necessary to protect the asset, including reassumption of responsibility for activities associated with the development of energy resources on tribal land until the violation and any condition that caused the jeopardy are corrected.

“(E) Periodic review and evaluation under subparagraph (D) shall be conducted on an annual basis, except that, after the third annual review and evaluation, the Secretary and the Indian tribe may mutually agree to amend the tribal energy resource agreement to authorize the review and evaluation under subparagraph (D) to be conducted once every 2 years.

“(3) The Secretary shall provide notice and opportunity for public comment on tribal energy resource agreements submitted for approval under paragraph (1).

“(4) If the Secretary disapproves a tribal energy resource agreement submitted by an Indian tribe under paragraph (1), the Secretary shall, not later than 10 days after the date of disapproval—

“(A) notify the Indian tribe in writing of the basis for the disapproval;

“(B) identify what changes or other actions are required to address the concerns of the Secretary; and

“(C) provide the Indian tribe with an opportunity to revise and resubmit the tribal energy resource agreement.

“(5) If an Indian tribe executes a lease or business agreement, or grants a right-of-way, in accordance with a tribal energy resource agreement approved under this subsection, the Indian tribe shall, in accordance with the process and requirements under regulations promulgated under paragraph (8), provide to the Secretary—

“(A) a copy of the lease, business agreement, or right-of-way document (including all amendments to and renewals of the document); and

“(B) in the case of a tribal energy resource agreement or a lease, business agreement, or right-of-way that permits payments to be made directly to the Indian tribe, information and documentation of those payments sufficient to enable the Secretary to discharge the trust responsibility of the United States to enforce the terms of, and protect the rights of the Indian tribe under, the lease, business agreement, or right-of-way.

“(6)(A) In carrying out this section, the Secretary shall—

“(i) act in accordance with the trust responsibility of the United States relating to mineral and other trust resources; and

“(ii) act in good faith and in the best interests of the Indian tribes.

“(B) Subject to the provisions of subsections (a)(2), (b), and (c) waiving the requirement of Secretarial approval of leases, business agreements, and rights-of-way executed pursuant to tribal energy resource agreements approved under this section, and the provisions of subparagraph (D), nothing in this section shall absolve the United States from any responsibility to Indians or Indian tribes, including, but not limited to, those which derive from the trust relationship or from any treaties, statutes, and other laws of the United States, Executive Orders, or agreements between the United States and any Indian tribe.

“(C) The Secretary shall continue to fulfill the trust obligation of the United States to ensure that the rights and interests of an Indian tribe are protected if—

“(i) any other party to a lease, business agreement, or right-of-way violates any applicable Federal law or the terms of any lease, business agreement, or right-of-way under this section; or

“(ii) any provision in a lease, business agreement, or right-of-way violates the tribal energy resource agreement pursuant to which the lease, business agreement, or right-of-way was executed.

“(D)(i) In this subparagraph, the term ‘negotiated term’ means any term or provision that is negotiated by an Indian tribe and any other party to a lease, business agreement, or right-of-way entered into pursuant to an approved tribal energy resource agreement.

“(ii) Notwithstanding subparagraph (B), the United States shall not be liable to any party (including any Indian tribe) for any negotiated term of, or any loss resulting from the negotiated terms of, a lease, business agreement, or right-of-way executed pursuant to and in accordance with a tribal energy resource agreement approved by the Secretary under paragraph (2).

“(7)(A) In this paragraph, the term ‘interested party’ means any person (including an entity) that has demonstrated that an interest of the person has sustained, or will sustain, an adverse environmental impact as a result of the failure of an Indian tribe to comply with a tribal energy resource agreement of the Indian tribe approved by the Secretary under paragraph (2).

“(B) After exhaustion of any tribal remedy, and in accordance with regulations promulgated by the Secretary under paragraph (8), an interested party may submit to the Secretary a petition to review the compliance by an Indian tribe with a tribal energy resource agreement of the Indian tribe approved by the Secretary under paragraph (2).

“(C)(i) Not later than 20 days after the date on which the Secretary receives a petition under subparagraph (B), the Secretary shall—

“(I) provide to the Indian tribe a copy of the petition; and

“(II) consult with the Indian tribe regarding any noncompliance alleged in the petition.

“(ii) Not later than 45 days after the date on which a consultation under clause (i)(II) takes place, the Indian tribe shall respond to any claim made in a petition under subparagraph (B).

“(iii) The Secretary shall act in accordance with subparagraphs (D) and (E) only if the Indian tribe—

“(I) denies, or fails to respond to, each claim made in the petition within the period described in clause (ii); or

“(II) fails, refuses, or is unable to cure or otherwise resolve each claim made in the petition within a reasonable period, as determined by the Secretary, after the expiration of the period described in clause (ii).

“(D)(i) Not later than 120 days after the date on which the Secretary receives a petition under subparagraph (B), the Secretary shall determine whether the Indian tribe is not in compliance with the tribal energy resource agreement.

“(ii) The Secretary may adopt procedures under paragraph (8) authorizing an extension of time, not to exceed 120 days, for making the determination under clause (i) in any case in which the Secretary determines that additional time is necessary to evaluate the allegations of the petition.

“(iii) Subject to subparagraph (E), if the Secretary determines that the Indian tribe is not in compliance with the tribal energy resource agreement, the Secretary shall take such action as the Secretary determines to be necessary to ensure compliance with the tribal energy resource agreement, including—

“(I) temporarily suspending any activity under a lease, business agreement, or right-of-way under this section until the Indian tribe is in compliance with the approved tribal energy resource agreement; or

“(II) rescinding approval of all or part of the tribal energy resource agreement, and if all of the agreement is rescinded, reassuming the responsibility for approval of any future leases, business agreements, or rights-of-way described in subsection (a) or (b).

“(E) Before taking an action described in subparagraph (D)(iii), the Secretary shall—

“(i) make a written determination that describes the manner in which the tribal energy resource agreement has been violated;

“(ii) provide the Indian tribe with a written notice of the violations together with the written determination; and

“(iii) before taking any action described in subparagraph (D)(iii) or seeking any other remedy, provide the Indian tribe with a hearing and a reasonable opportunity to attain compliance with the tribal energy resource agreement.

“(F) An Indian tribe described in subparagraph (E) shall retain all rights to appeal under any regulation promulgated by the Secretary.

“(8) Not later than 1 year after the date of enactment of the Energy Policy Act of 2005, the Secretary shall promulgate regulations that implement this subsection, including—

“(A) criteria to be used in determining the capacity of an Indian tribe under paragraph (2)(B)(i), including the experience of the Indian tribe in managing natural resources and financial and administrative resources available for use by the Indian tribe in implementing the approved tribal energy resource agreement of the Indian tribe;

“(B) a process and requirements in accordance with which an Indian tribe may—

“(i) voluntarily rescind a tribal energy resource agreement approved by the Secretary under this subsection; and

“(ii) return to the Secretary the responsibility to approve any future lease, business agreement, or right-of-way under this subsection;

“(C) provisions establishing the scope of, and procedures for, the periodic review and evaluation described in subparagraphs (D) and (E) of paragraph (2), including provisions for review of transactions, reports, site inspections, and any other review activities the Secretary determines to be appropriate; and

“(D) provisions describing final agency actions after exhaustion of administrative appeals from determinations of the Secretary under paragraph (7).

“(f) No Effect on Other Law.—Nothing in this section affects the application of—

“(1) any Federal environmental law;

“(2) the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); or

“(3) except as otherwise provided in this title, the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.).

“(g) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as are necessary for each of fiscal years 2006 through 2016 to carry out this section and to make grants or provide other appropriate assistance to Indian tribes to assist the Indian tribes in developing and implementing tribal energy resource agreements in accordance with this section.

“SEC. 2605. FEDERAL POWER MARKETING ADMINISTRATIONS.

“(a) Definitions.—In this section:

“(1) The term “Administrator” means the Administrator of the Bonneville Power Administration and the Administrator of the Western Area Power Administration.

“(2) The term “power marketing administration” means—

“(A) the Bonneville Power Administration;

“(B) the Western Area Power Administration; and

“(C) any other power administration the power allocation of which is used by or for the benefit of an Indian tribe located in the service area of the administration.

“(b) Encouragement of Indian Tribal Energy Development.—Each Administrator shall encourage Indian tribal energy development by taking such actions as the Administrators determine to be appropriate, including administration of programs of the power marketing administration, in accordance with this section.

“(c) Action by Administrators.—In carrying out this section, in accordance with laws in existence on the date of enactment of the Energy Policy Act of 2005—

“(1) each Administrator shall consider the unique relationship that exists between the United States and Indian tribes;

“(2) power allocations from the Western Area Power Administration to Indian tribes may be used to meet firming and reserve needs of Indian-owned energy projects on Indian land;

“(3) the Administrator of the Western Area Power Administration may purchase non-federally generated power from Indian tribes to meet the firming and reserve requirements of the Western Area Power Administration; and

“(4) each Administrator shall not—

“(A) pay more than the prevailing market price for an energy product; or

“(B) obtain less than prevailing market terms and conditions.

“(d) Assistance for Transmission System Use.—

“(1) An Administrator may provide technical assistance to Indian tribes seeking to use the high-voltage transmission system for delivery of electric power.

“(2) The costs of technical assistance provided under paragraph (1) shall be funded—

“(A) by the Secretary of Energy using nonreimbursable funds appropriated for that purpose; or

“(B) by any appropriate Indian tribe.

“(e) Power Allocation Study.—Not later than 2 years after the date of enactment of the Energy Policy Act of 2005, the Secretary of Energy shall submit to Congress a report that—

“(1) describes the use by Indian tribes of Federal power allocations of the power marketing administration (or power sold by the Southwestern Power Administration) to or for the benefit of Indian tribes in a service area of the power marketing administration; and

“(2) identifies—

“(A) the quantity of power allocated to, or used for the benefit of, Indian tribes by the Western Area Power Administration;

“(B) the quantity of power sold to Indian tribes by any other power marketing administration; and

“(C) barriers that impede tribal access to and use of Federal power, including an assessment of opportunities to remove those barriers and improve the ability of power marketing administrations to deliver Federal power.

“(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $750,000, non-reimbursable, to remain available until expended.

“SEC. 2606. WIND AND HYDROPOWER FEASIBILITY STUDY.

“(a) Study.—The Secretary of Energy, in coordination with the Secretary of the Army and the Secretary, shall conduct a study of the cost and feasibility of developing a demonstration project that uses wind energy generated by Indian tribes and hydropower generated by the Army Corps of Engineers on the Missouri River to supply firming power to the Western Area Power Administration.

“(b) Scope of Study.—The study shall—

“(1) determine the feasibility of blending wind energy and hydropower generated from the Missouri River dams operated by the Army Corps of Engineers;

“(2) review historical and projected requirements for, and patterns of availability and use of, firming power;

“(3) assess the wind energy resource potential on tribal land and projected cost savings through a blend of wind and hydropower over a 30-year period;

“(4) determine seasonal capacity needs and associated transmission upgrades for integration of tribal wind generation; and

“(5) include an independent tribal engineer as a study team member.

“(c) Report.—Not later than 1 year after the date of enactment of the Energy Policy Act of 2005, the Secretary and the Secretary of the Army shall submit to Congress a report that describes the results of the study, including—

“(1) an analysis of the potential energy cost or benefits to the customers of the Western Area Power Administration through the use of combined wind and hydropower;

“(2) an evaluation of whether a combined wind and hydropower system can reduce reservoir fluctuation, enhance efficient and reliable energy production, and provide Missouri River management flexibility;

“(3) recommendations for a demonstration project to be carried out by the Western Area Power Administration, in partnership with an Indian tribal government or tribal energy resource development organization, to demonstrate the feasibility and potential of using wind energy produced on Indian land to supply firming energy to the Western Area Power Administration or any other Federal power marketing agency; and

“(4) an identification of—

“(A) the economic and environmental costs of, or benefits to be realized through, a Federal-tribal partnership; and

“(B) the manner in which a Federal-tribal partnership could contribute to the energy security of the United States.

“(d) Funding.—

“(1) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $1,000,000, to remain available until expended.

“(2) Nonreimbursability.—Costs incurred by the Secretary in carrying out this section shall be nonreimbursable.”.

(b) Conforming Amendments.—The table of contents for the Energy Policy Act of 1992 is amended by striking the items relating to title XXVI and inserting the following:

“Sec. 2601. Definitions.

“Sec. 2602. Indian tribal energy resource development.

"Sec. 2603. Indian tribal energy resource regulation.
"Sec. 2604. Leases, business agreements, and rights-of-way involving energy development or transmission.
"Sec. 2605. Federal Power Marketing Administrations.
"Sec. 2606. Wind and hydropower feasibility study.".

SEC. 504. FOUR CORNERS TRANSMISSION LINE PROJECT AND ELECTRIFICATION.

(a) TRANSMISSION LINE PROJECT.—The Dine Power Authority, an enterprise of the Navajo Nation, shall be eligible to receive grants and other assistance under section 217 of the Department of Energy Organization Act, as added by section 502, and section 2602 of the Energy Policy Act of 1992, as amended by this Act, for activities associated with the development of a transmission line from the Four Corners Area to southern Nevada, including related power generation opportunities.

(b) NAVAJO ELECTRIFICATION.—Section 602 of Public Law 106-511 (114 Stat. 2376) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "5-year" and inserting "10-year"; and

(B) in the third sentence, by striking "2006" and inserting "2011"; and

(2) in the first sentence of subsection (e) by striking "2006" and inserting "2011".

SEC. 505. ENERGY EFFICIENCY IN FEDERALLY ASSISTED HOUSING.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall promote energy conservation in housing that is located on Indian land and assisted with Federal resources through—

(1) the use of energy-efficient technologies and innovations (including the procurement of energy-efficient refrigerators and other appliances);

(2) the promotion of shared savings contracts; and

(3) the use and implementation of such other similar technologies and innovations as the Secretary of Housing and Urban Development considers to be appropriate.

(b) AMENDMENT.—Section 202(2) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(2)) is amended by inserting "improvement to achieve greater energy efficiency," after "planning,".

SEC. 506. CONSULTATION WITH INDIAN TRIBES.

In carrying out this Act and the amendments made by this Act, the Secretary of Energy and the Secretary shall, as appropriate and to the maximum extent practicable, involve and consult with Indian tribes in a manner that is consistent with the Federal trust and the government-to-government relationships between Indian tribes and the United States.

TITLE VI—NUCLEAR MATTERS

Subtitle A—Price-Anderson Act Amendments

SEC. 601. SHORT TITLE.

This subtitle may be cited as the "Price-Anderson Amendments Act of 2005".

SEC. 602. EXTENSION OF INDEMNIFICATION AUTHORITY.

(a) INDEMNIFICATION OF NUCLEAR REGULATORY COMMISSION LICENSEES.—Section 170 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) in the subsection heading, by striking "LICENSES" and inserting "LICENSEES"; and

(2) by striking "December 31, 2003" each place it appears and inserting "December 31, 2025".

(b) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170 d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking "December 31, 2006" and inserting "December 31, 2025".

(c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.—Section 170 k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking "August 1, 2002" each place it appears and inserting "December 31, 2025".

SEC. 603. MAXIMUM ASSESSMENT.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended—

(1) in the second proviso of the third sentence of subsection b.(1)—

(A) by striking "$63,000,000" and inserting "$95,800,000"; and

(B) by striking "$10,000,000 in any 1 year" and inserting "$15,000,000 in any 1 year (subject to adjustment for inflation under subsection t.)"; and

(2) in subsection t.(1)—

(A) by inserting "total and annual" after "amount of the maximum";

(B) by striking "the date of the enactment of the Price-Anderson Amendments Act of 1988" and inserting "August 20, 2003"; and

(C) in subparagraph (A), by striking "such date of enactment" and inserting "August 20, 2003".

SEC. 604. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) (as amended by section 602(b)) is amended by striking paragraph (2) and inserting the following:

"(2) In an agreement of indemnification entered into under paragraph (1), the Secretary—

"(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary determines to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

"(B) shall indemnify the persons indemnified against the liability above the amount of the financial protection required, in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection t.) in the aggregate, for all persons indemnified in connection with the contract and for each nuclear incident, including such legal expenses incurred by the contractor as are approved by the Secretary.".

(b) CONTRACT AMENDMENTS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) (as amended by section 602(b)) is amended by striking paragraph (3) and inserting the following:

"(3) All agreements of indemnification under which the Department of Energy (or predecessor agencies) may be required to indemnify any person under this section shall be considered to be amended, on the date of enactment of the Price-Anderson Amendments Act of 2005, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection.".

(c) LIABILITY LIMIT.—Section 170 e.(1)(B) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(1)(B)) is amended—

(1) by striking "the maximum amount of financial protection required under subsection b. or"; and

(2) by striking "paragraph (3) of subsection d., whichever amount is more" and inserting "paragraph (2) of subsection d.".

SEC. 605. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDEMNIFICATION.—Section 170 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking "$100,000,000" and inserting "$500,000,000".

(b) LIABILITY LIMIT.—Section 170 e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking "$100,000,000" and inserting "$500,000,000".

SEC. 606. REPORTS.

Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking "August 1, 1998" and inserting "December 31, 2021".

SEC. 607. INFLATION ADJUSTMENT.

Section 170 t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) (as amended by section 603(2)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following July 1, 2003, in accordance with the aggregate percentage change in the Consumer Price Index since—

"(A) that date, in the case of the first adjustment under this paragraph; or

"(B) the previous adjustment under this paragraph.".

SEC. 608. TREATMENT OF MODULAR REACTORS.

Section 170 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) (as amended by section 603) is amended by adding at the end the following:

"(5)(A) For purposes of this section only, the Commission shall consider a combination of facilities described in subparagraph (B) to be a single facility having a rated capacity of 100,000 electrical kilowatts or more.

"(B) A combination of facilities referred to in subparagraph (A) is 2 or more facilities located at a single site, each of which has a rated capacity of not less than 100,000 electrical kilowatts and not more than 300,000 electrical kilowatts, with a combined rated capacity of not more than 1,300,000 electrical kilowatts.".

SEC. 609. APPLICABILITY.

The amendments made by sections 603, 604, and 605 do not apply to a nuclear incident that occurs before the date of enactment of this Act.

SEC. 610. CIVIL PENALTIES.

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234A b.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NOT-FOR-PROFIT INSTITUTIONS.—Section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a) is amended by striking subsection d. and inserting the following:

"d.(1) Notwithstanding subsection a., in the case of any not-for-profit contractor, subcontractor, or supplier, the total amount of civil penalties paid under subsection a. may not exceed the total amount of fees paid within any 1-year period (as determined by the Secretary) under the contract under which the violation occurs.

"(2) In this section, the term 'not-for-profit' means that no part of the net earnings of the contractor, subcontractor, or supplier inures to the benefit of any natural person or for-profit artificial person.".

(c) EFFECTIVE DATE.—The amendments made by this section shall not apply to any violation of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) occurring under a contract entered into before the date of enactment of this Act.

Subtitle B—General Nuclear Matters

SEC. 621. MEDICAL ISOTOPE PRODUCTION.

Section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) is amended—

(1) by redesignating subsections a. and b. as subsection b. and a., respectively, and moving the subsections so as to appear in alphabetical order;

(2) in subsection a. (as redesignated by paragraph (1)), by striking "a. As used in this section—" and inserting the following:

"a. DEFINITIONS.—In this section—";

(3) in subsection b. (as redesignated by paragraph (1), by striking "b. The Commission" and inserting the following:

"b. RESTRICTIONS ON EXPORTS.—Except as provided in subsection c., the Commission"; and

(4) by adding at the end the following:

"c. MEDICAL ISOTOPE PRODUCTION.—

"(1) DEFINITIONS.—In this subsection:

"(A) MEDICAL ISOTOPE.—The term 'medical isotope' includes Molybdenum 99, Iodine 131, Xenon 133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic, therapeutic procedures or for research and development.

"(B) RADIOPHARMACEUTICAL.—The term 'radiopharmaceutical' means a radioactive isotope that—

"(i) contains byproduct material combined with chemical or biological material; and

"(ii) is designed to accumulate temporarily in a part of the body for—

"(I) therapeutic purposes; or

"(II) enabling the production of a useful image for use in a diagnosis of a medical condition.

"(C) RECIPIENT COUNTRY.—The term 'recipient country' means Canada, Belgium, France, Germany, and the Netherlands.

"(2) LICENSES.—The Commission may issue a license authorizing the export (including shipment to and use at intermediate and ultimate consignees specified in the license) to a recipient country of highly enriched uranium for medical isotope production if, in addition to any other requirements of this Act (except subsection b.), the Commission determines that—

"(A) a recipient country that supplies an assurance letter to the United States in connection with the consideration by the Commission of the export license application has informed the United States that any intermediate consignees and the ultimate consignee specified in the application are required to use the highly enriched uranium solely to produce medical isotopes; and

"(B) the highly enriched uranium for medical isotope .production will be irradiated only in a reactor in a recipient country that—

"(i) uses an alternative nuclear reactor fuel; or

"(ii) is the subject of an agreement with the United States to convert to an alternative nuclear reactor fuel when alternative nuclear reactor fuel can be used in the reactor.

"(3) REVIEW OF PHYSICAL PROTECTION REQUIREMENTS.—

"(A) IN GENERAL.—The Commission shall review the adequacy of physical protection requirements that, as of the date of an application under paragraph (2), are applicable to the transportation and storage of highly enriched uranium for medical isotope production or control of residual material after irradiation and extraction of medical isotopes.

"(B) IMPOSITION OF ADDITIONAL REQUIREMENTS.—If the Commission determines that additional physical protection requirements are necessary (including a limit on the quantity of highly enriched uranium that may be contained in a single shipment), the Commission shall impose the requirements as license conditions or through other appropriate means.

"(4) FIRST REPORT TO CONGRESS.—

"(A) NAS STUDY.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the National Academy of Sciences shall conduct a study to determine—

"(i) the feasibility of procuring supplies of medical isotopes from commercial sources that do not use highly enriched uranium;

"(ii) the current and projected demand and availability of medical isotopes in regular current domestic use;

"(iii) the progress being made by the Department of Energy and other agencies and entities to eliminate all use of highly enriched uranium in reactor fuel, reactor targets, and medical isotope production facilities; and

"(iv) the potential cost differential in medical isotope production in the reactors and target processing facilities if the products were derived from production systems that do not involve fuels and targets with highly enriched uranium.

"(B) FEASIBILITY.—For the purpose of this subsection, the use of low enriched uranium to produce medical isotopes shall be determined to be feasible if—

"(i) low enriched uranium targets have been developed and demonstrated for use in the reactors and target processing facilities that produce significant quantities of medical isotopes to serve United States needs for such isotopes;

"(ii) sufficient quantities of medical isotopes are available from low enriched uranium targets and fuel to meet United States domestic needs; and

"(iii) the average anticipated total cost increase from production of medical isotopes in the facilities without use of highly enriched uranium is less than 10 percent.

"(C) REPORT BY THE SECRETARY.—Not later than 5 years after the date of enactment of the Energy Policy Act of 2005, the Secretary shall submit to Congress a report that—

"(i) contains the findings of the National Academy of Sciences made in the study under subparagraph (A); and

"(ii) discloses the existence of any commitments from commercial producers to provide, not later than the date that is 4 years after the date of submission of the report, domestic requirements for medical isotopes without use of highly enriched uranium consistent with the feasibility criteria described in subparagraph (B).

"(5) SECOND REPORT TO CONGRESS.—If the National Academy of Sciences determines in the study under paragraph (4)(A) that the procurement of supplies of medical isotopes from commercial sources that do not use highly enriched uranium is feasible, but the Secretary is unable to report the existence of commitments under paragraph (4)(C)(ii), not later than the date that is 6 years after the date of enactment of the Energy Policy Act of 2005, the Secretary shall submit to Congress a report that describes options for developing domestic supplies of medical isotopes in quantities that are adequate to meet domestic demand without the use of highly enriched uranium consistent with the cost increase described in paragraph (4)(B)(iii).

"(6) CERTIFICATION.—At such time as commercial facilities that do not use highly enriched uranium are capable of meeting domestic requirements for medical isotopes, within the cost increase described in paragraph (4)(B)(iii) and without impairing the reliable supply of medical isotopes for domestic use, the Secretary shall submit to Congress a certification to that effect.

"(7) TERMINATION OF REVIEW.—After the Secretary submits a certification under paragraph (6), the Commission shall, by rule, terminate the review by the Commission of export license applications under this subsection.".

SEC. 622. SAFE DISPOSAL OF GREATER-THAN-CLASS C RADIOACTIVE WASTE.

(a) RESPONSIBILITY FOR ACTIVITIES TO PROVIDE STORAGE FACILITY.—The Secretary shall provide to Congress official notification of the final designation of an entity within the Department to have the responsibility of completing activities needed to provide a facility for safely disposing of all greater-than-Class C low-level radioactive waste.

(b) REPORTS AND PLANS.—

(1) REPORT ON PERMANENT DISPOSAL FACILITY.—

(A) PLAN REGARDING COST AND SCHEDULE FOR COMPLETION OF EIS AND ROD.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with Congress, shall submit to Congress a report containing an estimate of the cost and a proposed schedule to complete an environmental impact statement and record of decision for a permanent disposal facility for greater-than-Class C radioactive waste.

(B) ANALYSIS OF ALTERNATIVES.—Before the Secretary makes a final decision on the disposal alternative or alternatives to be implemented, the Secretary shall—

(i) submit to Congress a report that describes all alternatives under consideration, including all information required in the comprehensive report making recommendations for ensuring the safe disposal of all greater-than-Class C low-level radioactive waste that was submitted by the Secretary to Congress in February 1987; and

(ii) await action by Congress.

(2) SHORT-TERM PLAN FOR RECOVERY AND STORAGE.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a plan to ensure the continued recovery and storage of greater-than-Class C low-level radioactive sealed sources that pose a security threat until a permanent disposal facility is available.

(B) CONTENTS.—The plan shall address estimated cost, resource, and facility needs.

SEC. 623. PROHIBITION ON NUCLEAR EXPORTS TO COUNTRIES THAT SPONSOR TERRORISM.

(a) IN GENERAL.—Section 129 of the Atomic Energy Act of 1954 (42 U.S.C. 2158) is amended—

(1) by inserting "a." before "No nuclear materials and equipment"; and

(2) by adding at the end the following:

"b.(1)(A) Notwithstanding any other provision of law, including section 121, and except as provided in paragraphs (2) and (3), no nuclear materials and equipment or sensitive nuclear technology, including items and assistance authorized by section 57 b. and regulated under part 810 of title 10, Code of Federal Regulations (or a successor regulation), and nuclear-related items on the Commerce Control List maintained under part 774 of title 15 of the Code of Federal Regulations (or a successor regulation), shall be exported or reexported, or transferred or retransferred, whether directly or indirectly, and no

Federal agency shall issue any license, approval, or authorization for the export or reexport, or transfer, or retransfer, whether directly or indirectly, of the items or assistance described in this paragraph to any country the government of which has been identified by the Secretary of State as engaged in state sponsorship of terrorist activities.

"(B) Countries described in subparagraph (A) specifically include any country the government of which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under—

"(i) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a));

"(ii) section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)); or

"(iii) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).

"(2) This subsection does not apply to exports, reexports, transfers, or retransfers of radiation monitoring technologies, surveillance equipment, seals, cameras, tamper-indication devices, nuclear detectors, monitoring systems, or equipment necessary to safely store, transport, or remove hazardous materials, whether such items, services, or information are regulated by the Department of Energy, the Department of Commerce, or the Commission, except to the extent that the technologies, equipment, seals, cameras, devices, detectors, or systems are available for use in the design or construction of nuclear reactors or nuclear weapons.

"(3) The President may waive the application of paragraph (1) to a country if the President determines and certifies to Congress that—

"(A) the waiver will not result in any increased risk that the country receiving the waiver will acquire nuclear weapons, nuclear reactors, or any materials or components of nuclear weapons; and

"(B)(i) the government of the country has not within the preceding 12-month period willfully aided or abetted the international proliferation of nuclear explosive devices to individuals or groups or willfully aided and abetted an individual or groups in acquiring unsafeguarded nuclear materials;

"(ii) in the judgment of the President, the government of the country has provided adequate, verifiable assurances that the country will cease its support for acts of international terrorism;

"(iii) the waiver of paragraph (1) is in the vital national security interest of the United States; or

"(iv) the waiver of paragraph (1) is essential to prevent or respond to a serious radiological hazard in the country receiving the waiver that may or does threaten public health and safety.".

(b) APPLICABILITY TO EXPORTS APPROVED FOR TRANSFER BUT NOT TRANSFERRED.—Subsection b. of section 129 of Atomic Energy Act of 1954 (as added by subsection (a)), shall apply with respect to exports that have been approved for transfer as of the date of enactment of this Act but have not yet been transferred as of that date.

SEC. 624. DECOMMISSIONING PILOT PROGRAM.

(a) PILOT PROGRAM.—The Secretary shall establish a decommissioning pilot program under which the Secretary shall decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas, in accordance with the decommissioning activities contained in the report of the Department relating to the reactor, dated August 31, 1998.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $16,000,000.

Subtitle C—Next Generation Nuclear Plant Project

SEC. 631. PROJECT ESTABLISHMENT.

(a) ESTABLISHMENT.—The Secretary shall establish a project to be known as the "Next Generation Nuclear Plant Project" (referred to in this subtitle as the "Project").

(b) CONTENT.—The Project shall consist of the research, development, design, construction, and operation of a prototype plant, including a nuclear reactor that—

(1) is based on research and development activities supported by the Generation IV Nuclear Energy Systems Initiative under section 942(d); and

(2) shall be used—

(A) to generate electricity;

(B) to produce hydrogen; or

(C) both to generate electricity and to produce hydrogen.

SEC. 632. PROJECT MANAGEMENT.

(a) DEPARTMENTAL MANAGEMENT.—

(1) IN GENERAL.—The Project shall be managed in the Department by the Office of Nuclear Energy, Science, and Technology.

(2) GENERATION IV NUCLEAR ENERGY SYSTEMS PROGRAM.—The Secretary may combine the Project with the Generation IV Nuclear Energy Systems Initiative.

(3) EXISTING DOE PROJECT MANAGEMENT EXPERTISE.—The Secretary may utilize capabilities for review of construction projects for advanced scientific facilities within the Office of Science to track the progress of the Project.

(b) LABORATORY MANAGEMENT.—

(1) LEAD LABORATORY.—The Idaho National Laboratory shall be the lead National Laboratory for the Project and shall collaborate with other National Laboratories, institutions of higher education, other research institutes, industrial researchers, and international researchers to carry out the Project.

(2) INDUSTRIAL PARTNERSHIPS.—

(A) IN GENERAL.—The Idaho National Laboratory shall organize a consortium of appropriate industrial partners that will carry out cost-shared research, development, design, and construction activities, and operate research facilities, on behalf of the Project.

(B) COST-SHARING.—Activities of industrial partners funded by the Project shall be cost-shared in accordance with section 1002.

(C) PREFERENCE.—Preference in determining the final structure of the consortium or any partnerships under this subtitle shall be given to a structure (including designating as a lead industrial partner an entity incorporated in the United States) that retains United States technological leadership in the Project while maximizing cost sharing opportunities and minimizing Federal funding responsibilities.

(3) PROTOTYPE PLANT SITING.—The prototype nuclear reactor and associated plant shall be sited at the Idaho National Laboratory in Idaho.

(4) REACTOR TEST CAPABILITIES.—The Project shall use, if appropriate, reactor test capabilities at the Idaho National Laboratory.

(5) OTHER LABORATORY CAPABILITIES.—The Project may use, if appropriate, facilities at other National Laboratories.

SEC. 633. PROJECT ORGANIZATION.

(a) MAJOR PROJECT ELEMENTS.—The Project shall consist of the following major program elements:

(1) High-temperature hydrogen production technology development and validation.

(2) Energy conversion technology development and validation.

(3) Nuclear fuel development, characterization, and qualification.

(4) Materials selection, development, testing, and qualification.

(5) Reactor and balance-of-plant design, engineering, safety analysis, and qualification.

(b) PROJECT PHASES.—The Project shall be conducted in the following phases:

(1) FIRST PROJECT PHASE.—A first project phase shall be conducted to—

(A) select and validate the appropriate technology under subsection (a)(1);

(B) carry out enabling research, development, and demonstration activities on technologies and components under paragraphs (2) through (4) of subsection (a);

(C) determine whether it is appropriate to combine electricity generation and hydrogen production in a single prototype nuclear reactor and plant; and

(D) carry out initial design activities for a prototype nuclear reactor and plant, including development of design methods and safety analytical methods and studies under subsection (a)(5)

(2) SECOND PROJECT PHASE.—A second project phase shall be conducted to—

(A) continue appropriate activities under paragraphs (1) though (5) of subsection (a);

(B) develop, through a competitive process, a final design for the prototype nuclear reactor and plant;

(C) apply for licenses to construct and operate the prototype nuclear reactor from the Nuclear Regulatory Commission; and

(D) construct and start up operations of the prototype nuclear reactor and its associated hydrogen or electricity production facilities.

(c) PROJECT REQUIREMENTS.—

(1) IN GENERAL.—The Secretary shall ensure that the Project is structured so as to maximize the technical interchange and transfer of technologies and ideas into the Project from other sources of relevant expertise, including—

(A) the nuclear power industry, including nuclear powerplant construction firms, particularly with respect to issues associated with plant design, construction, and operational and safety issues;

(B) the chemical processing industry, particularly with respect to issues relating to—

(i) the use of process energy for production of hydrogen; and

(ii) the integration of technologies developed by the Project into chemical processing environments; and

(C) international efforts in areas related to the Project, particularly with respect to hydrogen production technologies.

(2) INTERNATIONAL COLLABORATION.—

(A) IN GENERAL.—The Secretary shall seek international cooperation, participation, and financial contributions for the Project.

(B) ASSISTANCE FROM INTERNATIONAL PARTNERS.—The Secretary, through the Idaho National Laboratory, may contract for assistance from specialists or facilities from member countries of the Generation IV International Forum, the Russian Federation, or other international partners if the specialists or facilities provide access to cost-effective and relevant skills or test capabilities.

(C) PARTNER NATIONS.—The Project may involve demonstration of selected project objectives in a partner country.

(D) GENERATION IV INTERNATIONAL FORUM.—The Secretary shall ensure that international activities of the Project are coordinated with the Generation IV International Forum.

(3) REVIEW BY NUCLEAR ENERGY RESEARCH ADVISORY COMMITTEE.—

(A) IN GENERAL.—The Nuclear Energy Research Advisory Committee of the Department (referred to in this paragraph as the "NERAC") shall—

(i) review all program plans for the Project and all progress under the Project on an ongoing basis; and

(ii) ensure that important scientific, technical, safety, and program management issues receive attention in the Project and by the Secretary.

(B) ADDITIONAL EXPERTISE.—The NERAC shall supplement the expertise of NERAC or appoint subpanels to incorporate into the review by NERAC the relevant sources of expertise described under paragraph (1).

(C) INITIAL REVIEW.—Not later than 180 days after the date of enactment of this Act, the NERAC shall—

(i) review existing program plans for the Project in light of the recommendations of the document entitled "Design Features and Technology Uncertainties for the Next Generation Nuclear Plant," dated June 30, 2004; and

(ii) address any recommendations of the document not incorporated in program plans for the Project.

(D) FIRST PROJECT PHASE REVIEW.—On a determination by the Secretary that the appropriate activities under the first project phase under subsection (b)(1) are nearly complete, the Secretary shall request the NERAC to conduct a comprehensive review of the Project and to report to the Secretary the recommendation of NERAC concerning whether the Project is ready to proceed to the second project phase under subsection (b)(2).

(E) TRANSMITTAL OF REPORTS TO CONGRESS.—Not later than 60 days after receiving any report from the NERAC related to the Project, the Secretary shall submit to the appropriate committees of the Senate and the House of Representatives a copy of the report, along with any additional views of the Secretary that the Secretary may consider appropriate.

SEC. 634. NUCLEAR REGULATORY COMMISSION.

(a) IN GENERAL.—In accordance with section 202 of the Energy Reorganization Act of 1974 (42 U.S.C. 5842), the Nuclear Regulatory Commission shall have licensing and regulatory authority for any reactor authorized under this subtitle.

(b) LICENSING STRATEGY.—Not later than 3 years after the date of enactment of this Act, the Secretary and the Chairman of the Nuclear Regulatory Commission shall jointly submit to the appropriate committees of the Senate and the House of Representatives a licensing strategy for the prototype nuclear reactor, including—

(1) a description of ways in which current licensing requirements relating to light-water reactors need to be adapted for the types of prototype nuclear reactor being considered by the Project;

(2) a description of analytical tools that the Nuclear Regulatory Commission will have to develop to independently verify designs and performance characteristics of components, equipment, systems, or structures associated with the prototype nuclear reactor;

(3) other research or development activities that may be required on the part of the Nuclear Regulatory Commission in order to review a license application for the prototype nuclear reactor; and

(4) an estimate of the budgetary requirements associated with the licensing strategy.

(c) ONGOING INTERACTION.—The Secretary shall seek the active participation of the Nuclear Regulatory Commission throughout the duration of the Project to—

(1) avoid design decisions that will compromise adequate safety margins in the design of the reactor or impair the accessibility of nuclear safety-related components of the prototype reactor for inspection and maintenance;

(2) develop tools to facilitate inspection and maintenance needed for safety purposes; and

(3) develop risk-based criteria for any future commercial development of a similar reactor architectures.

SEC. 635. PROJECT TIMELINES AND AUTHORIZATION OF APPROPRIATIONS.

(a) TARGET DATE TO COMPLETE THE FIRST PROJECT PHASE.—Not later than September 30, 2011—

(1) the Secretary shall select the technology to be used by the Project for high-temperature hydrogen production and the initial design parameters for the prototype nuclear plant; or

(2) submit to Congress a report establishing an alternative date for making the selection.

(b) DESIGN COMPETITION FOR SECOND PROJECT PHASE.—

(1) IN GENERAL.—The Secretary, acting through the Idaho National Laboratory, shall fund not more than 4 teams for not more than 2 years to develop detailed proposals for competitive evaluation and selection of a single proposal for a final design of the prototype nuclear reactor.

(2) SYSTEMS INTEGRATION.—The Secretary may structure Project activities in the second project phase to use the lead industrial partner of the competitively selected design under paragraph (1) in a systems integration role for final design and construction of the Project.

(c) TARGET DATE TO COMPLETE PROJECT CONSTRUCTION.—Not later than September 30, 2021—

(1) the Secretary shall complete construction and begin operations of the prototype nuclear reactor and associated energy or hydrogen facilities; or

(2) submit to Congress a report establishing an alternative date for completion.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for research and construction activities under this subtitle (including for transfer to the Nuclear Regulatory Commission for activities under section 634 as appropriate)—

(1) $1,250,000,000 for the period of fiscal years 2006 through 2015; and

(2) such sums as are necessary for each of fiscal years 2016 through 2021.

TITLE VII—VEHICLES AND FUELS

Subtitle A—Existing Programs

SEC. 701. USE OF ALTERNATIVE FUELS BY DUAL-FUELED VEHICLES.

Section 400AA(a)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6374(a)(3)) is amended by striking subparagraph (E) and inserting the following:

"(E)(i) Dual fueled vehicles acquired pursuant to this section shall be operated on alternative fuels unless the Secretary determines that an agency qualifies for a waiver of the requirements of this section for vehicles operated by the agency in a particular geographic area in which—

"(I) the alternative fuel otherwise required to be used in the vehicle is not reasonably available to retail purchasers of the fuel, as certified to the Secretary by the head of the agency; or

"(II) the cost of the alternative fuel otherwise required to be used in the vehicle is unreasonably more expensive compared to gasoline, as certified to the Secretary by the head of the agency.

"(ii) The Secretary shall monitor compliance with this subparagraph by all fleets receiving a waiver.

"(iii) The Secretary shall report annually to Congress on the extent to which the requirements of this subparagraph are being achieved, including information on annual reductions achieved from the use of petroleum-based fuels and the problems, if any, encountered in acquiring alternative fuels.".

SEC. 702. ALTERNATIVE FUEL USE BY LIGHT DUTY VEHICLES.

Title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.) is amended by adding at the end the following:

"SEC. 516. TERMINATION OF AUTHORITY.

"The authority provided by sections 501, 507, and 508 terminates the earlier of—

"(1) September 30, 2015; or

"(2) the date, the Secretary has established, by rule, a replacement program that achieves the goals of those sections.".

SEC. 703. INCREMENTAL COST ALLOCATION.

Section 303(c) of the Energy Policy Act of 1992 (42 U.S.C. 13212(c)) is amended by striking "may" and inserting "shall".

SEC. 704. ALTERNATIVE COMPLIANCE AND FLEXIBILITY.

(a) ALTERNATIVE COMPLIANCE.—Title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.) is amended—

(1) by redesignating section 514 (42 U.S.C. 13264) as section 515; and

(2) by inserting after section 513 (42 U.S.C. 13263) the following:

"SEC. 514. ALTERNATIVE COMPLIANCE.

"(a) APPLICATION FOR WAIVER.—Any covered person subject to section 501 and any State subject to section 507(o) may petition the Secretary for a waiver of the applicable requirements of section 501 or 507(o).

"(b) GRANT OF WAIVER.—The Secretary shall grant a waiver of the requirements of section 501 or 507(o) on a showing that the fleet owned, operated, leased, or otherwise controlled by the State or covered person—

"(1) will achieve a reduction in the annual consumption of petroleum fuels by the fleet equal to—

"(A) the reduction in consumption of petroleum that would result from 100 percent cumulative compliance with the fuel use requirements of section 501; or

"(B) in the case of an entity covered under section 507(o), a reduction equal to the annual consumption by the State entity of alternative fuels if all of the cumulative alternative fuel vehicles of the State entity given credit under section 508 were to use alternative fuel 100 percent of the time; and

"(2) is in compliance with all applicable vehicle emission standards established by the Administrator of the Environmental Protection Agency under the Clean Air Act (42 U.S.C. 7401 et seq.).

"(c) REVOCATION OF WAIVER.—The Secretary shall revoke any waiver granted under this section if the State or covered person fails to comply with subsection (b).".

(b) CREDITS.—Section 508(a) of the Energy Policy Act of 1992 (42 U.S.C. 13258(a)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) The Secretary"; and

(2) by adding at the end the following:

"(2) Not later than January 31, 2007, the Secretary shall—

"(A) allocate credit in an amount to be determined by the Secretary for—

"(i) acquisition of—

"(I) a light-duty hybrid electric vehicle;

"(II) a plug-in hybrid electric vehicle;

"(III) a fuel cell electric vehicle;

"(IV) a medium- or heavy-duty hybrid electric vehicle;

"(V) a neighborhood electric vehicle; or

"(VI) a medium- or heavy-duty dedicated vehicle; and

"(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

"(B) allocate more than 1, but not to exceed 5, credits for investment in an emerging technology relating to any vehicle described in subparagraph (A) to encourage—

"(i) a reduction in petroleum demand;

"(ii) technological advancement; and

"(iii) environmental safety.".

(c) Table of Contents Amendment.—The table of contents of the Energy Policy Act of 1992 (42 U.S.C. prec. 13201) is amended by striking the item relating to section 514 and inserting the following:

"Sec. 514. Alternative compliance.

"Sec. 515. Authorization of appropriations.

"Sec. 516. Termination of authority.".

SEC. 705. REPORT CONCERNING COMPLIANCE WITH ALTERNATIVE FUELED VEHICLE PURCHASING REQUIREMENTS.

Section 310(b)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13218(b)(1)) is amended by striking "1 year after the date of enactment of this subsection" and inserting "February 15, 2006".

Subtitle B—Automobile Efficiency

SEC. 711. AUTHORIZATION OF APPROPRIATIONS FOR IMPLEMENTATION AND ENFORCEMENT OF FUEL ECONOMY STANDARDS.

In addition to any other funds authorized by law, there is authorized to be appropriated to the National Highway Traffic Safety Administration to carry out its obligations with respect to average fuel economy standards $2,000,000 for each of fiscal years 2006 through 2010.

Subtitle C—Miscellaneous

SEC. 721. RAILROAD EFFICIENCY.

(a) Establishment.—The Secretary shall (in cooperation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency) establish a cost-shared, public-private research partnership involving the Federal Government, railroad carriers, locomotive manufacturers and equipment suppliers, and the Association of American Railroads, to develop and demonstrate railroad locomotive technologies that increase fuel economy, reduce emissions, and lower costs of operation.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $25,000,000 for fiscal year 2006;

(2) $35,000,000 for fiscal year 2007; and

(3) $50,000,000 for fiscal year 2008.

SEC. 722. CONSERVE BY BICYCLING PROGRAM.

(a) Definitions.—In this section:

(1) Program.—The term "program" means the Conserve by Bicycling Program established by subsection (b).

(2) Secretary.—The term "Secretary" means the Secretary of Transportation.

(b) Establishment.—There is established within the Department of Transportation a program to be known as the "Conserve by Bicycling Program".

(c) Projects.—

(1) In general.—In carrying out the program, the Secretary shall establish not more than 10 pilot projects that are—

(A) dispersed geographically throughout the United States; and

(B) designed to conserve energy resources by encouraging the use of bicycles in place of motor vehicles.

(2) Requirements.—A pilot project described in paragraph (1) shall—

(A) use education and marketing to convert motor vehicle trips to bicycle trips;

(B) document project results and energy savings (in estimated units of energy conserved);

(C) facilitate partnerships among interested parties in at least 2 of the fields of—

(i) transportation;

(ii) law enforcement;

(iii) education;

(iv) public health;

(v) environment; and

(vi) energy;

(D) maximize bicycle facility investments;

(E) demonstrate methods that may be used in other regions of the United States; and

(F) facilitate the continuation of ongoing programs that are sustained by local resources.

(3) Cost sharing.—At least 20 percent of the cost of each pilot project described in paragraph (1) shall be provided from non-Federal sources.

(d) Energy and Bicycling Research Study.—

(1) In general.—Not later than 2 years after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences for, and the National Academy of Sciences shall conduct and submit to Congress a report on, a study on the feasibility of converting motor vehicle trips to bicycle trips.

(2) Components.—The study shall—

(A) document the results or progress of the pilot projects under subsection (c);

(B) determine the type and duration of motor vehicle trips that people in the United States may feasibly make by bicycle, taking into consideration factors such as—

(i) weather;

(ii) land use and traffic patterns;

(iii) the carrying capacity of bicycles; and

(iv) bicycle infrastructure;

(C) determine any energy savings that would result from the conversion of motor vehicle trips to bicycle trips;

(D) include a cost-benefit analysis of bicycle infrastructure investments; and

(E) include a description of any factors that would encourage more motor vehicle trips to be replaced with bicycle trips.

(e) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section $6,200,000, to remain available until expended, of which—

(1) $5,150,000 shall be used to carry out pilot projects described in subsection (c);

(2) $300,000 shall be used by the Secretary to coordinate, publicize, and disseminate the results of the program; and

(3) $750,000 shall be used to carry out subsection (d).

SEC. 723. REDUCTION OF ENGINE IDLING OF HEAVY-DUTY VEHICLES.

(a) Definitions.—In this section:

(1) Administrator.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Advanced truck stop electrification system.—The term "advanced truck stop electrification system" means a stationary system that delivers heat, air conditioning, electricity, and communications, and is capable of providing verifiable and auditable evidence of use of those services, to a heavy-duty vehicle and any occupants of the heavy-duty vehicle without relying on components mounted onboard the heavy-duty vehicle for delivery of those services.

(3) Auxiliary power unit.—The term "auxiliary power unit" means an integrated system that—

(A) provides heat, air conditioning, engine warming, and electricity to the factory-installed components on a heavy-duty vehicle as if the main drive engine of the heavy-duty vehicle were running; and

(B) is certified by the Administrator under part 89 of title 40, Code of Federal Regulations (or any successor regulation), as meeting applicable emission standards.

(4) Heavy-duty vehicle.—The term "heavy-duty vehicle" means a vehicle that—

(A) has a gross vehicle weight rating greater than 12,500 pounds; and

(B) is powered by a diesel engine.

(5) Idle reduction technology.—The term "idle reduction technology" means an advanced truck stop electrification system, auxiliary power unit, or other device or system of devices that—

(A) is used to reduce long-duration idling of a heavy-duty vehicle; and

(B) allows for the main drive engine or auxiliary refrigeration engine of a heavy-duty vehicle to be shut down.

(6) Long-duration idling.—

(A) In general.—The term "long-duration idling" means the operation of a main drive engine or auxiliary refrigeration engine of a heavy-duty vehicle, for a period greater than 15 consecutive minutes, at a time at which the main drive engine is not engaged in gear.

(B) Exclusions.—The term "long-duration idling" does not include the operation of a main drive engine or auxiliary refrigeration engine of a heavy-duty vehicle during a routine stoppage associated with traffic movement or congestion.

(b) Idle Reduction Technology Benefits, Programs, and Studies.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Administrator shall—

(A)(i) commence a review of the mobile source air emission models of the Environmental Protection Agency used under the Clean Air Act (42 U.S.C. 7401 et seq.) to determine whether the models accurately reflect the emissions resulting from long-duration idling of heavy-duty vehicles and other vehicles and engines; and

(ii) update those models as the Administrator determines to be appropriate; and

(B)(i) commence a review of the emission reductions achieved by the use of idle reduction technology; and

(ii) complete such revisions of the regulations and guidance of the Environmental Protection Agency as the Administrator determines to be appropriate.

(2) Deadline for completion.—Not later than 180 days after the date of enactment of this Act, the Administrator shall—

(A) complete the reviews under subparagraphs (A)(i) and (B)(i) of paragraph (1); and

(B) prepare and make publicly available 1 or more reports on the results of the reviews.

(3) Discretionary inclusions.—The reviews under subparagraphs (A)(i) and (B)(i) of paragraph (1) and the reports under paragraph (2)(B) may address the potential fuel

savings resulting from use of idle reduction technology.

(4) IDLE REDUCTION DEPLOYMENT PROGRAM.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Transportation, shall establish a program to support deployment of idle reduction technology.

(ii) PRIORITY.—The Administrator shall give priority to the deployment of idle reduction technology based on beneficial effects on air quality and ability to lessen the emission of criteria air pollutants.

(B) FUNDING.—

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out subparagraph (A)—

(I) $19,500,000 for fiscal year 2006;

(II) $30,000,000 for fiscal year 2007; and

(III) $45,000,000 for fiscal year 2008.

(ii) COST SHARING.—Subject to clause (iii), the Administrator shall require at least 50 percent of the costs directly and specifically related to any project under this section to be provided from non-Federal sources.

(iii) NECESSARY AND APPROPRIATE REDUCTIONS.—The Administrator may reduce the non-Federal requirement under clause (ii) if the Administrator determines that the reduction is necessary and appropriate to meet the objectives of this section.

(5) IDLING LOCATION STUDY.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Transportation, shall commence a study to analyze all locations at which heavy-duty vehicles stop for long-duration idling, including—

(i) truck stops;

(ii) rest areas;

(iii) border crossings;

(iv) ports;

(v) transfer facilities; and

(vi) private terminals.

(B) DEADLINE FOR COMPLETION.—Not later than 180 days after the date of enactment of this Act, the Administrator shall—

(i) complete the study under subparagraph (A); and

(ii) prepare and make publicly available 1 or more reports of the results of the study.

(c) VEHICLE WEIGHT EXEMPTION.—Section 127(a) of title 23, United States Code, is amended—

(1) by designating the first through eleventh sentences as paragraphs (1) through (11), respectively; and

(2) by adding at the end the following:

"(12) HEAVY DUTY VEHICLES.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), in order to promote reduction of fuel use and emissions because of engine idling, the maximum gross vehicle weight limit and the axle weight limit for any heavy-duty vehicle equipped with an idle reduction technology shall be increased by a quantity necessary to compensate for the additional weight of the idle reduction system.

"(B) MAXIMUM WEIGHT INCREASE.—The weight increase under subparagraph (A) shall be not greater than 250 pounds.

"(C) PROOF.—On request by a regulatory agency or law enforcement agency, the vehicle operator shall provide proof (through demonstration or certification) that—

"(i) the idle reduction technology is fully functional at all times; and

"(ii) the 250-pound gross weight increase is not used for any purpose other than the use of idle reduction technology described in subparagraph (A).".

SEC. 724. BIODIESEL ENGINE TESTING PROJECT.

(a) DEFINITION OF BIODIESEL.—In this section, the term "biodiesel" means a diesel fuel substitute produced from nonpetroleum renewable resources that meets—

(1) the registration requirements for fuels and fuel additives established under section 211 of the Clean Air Act (42 U.S.C. 7545); and

(2) the American Society for Testing and Materials Standard D6751–02a "Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels".

(b) PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Secretary shall initiate a project, in partnership with diesel engine, diesel fuel injection system, and diesel vehicle manufacturers and diesel and biodiesel fuel providers, to provide biodiesel testing in advanced diesel engine and fuel system technology.

(c) SCOPE.—The project shall provide for testing to determine the impact of biodiesel on current and future emission control technologies, with emphasis on—

(1) the impact of biodiesel on emissions warranty, in-use liability, and anti-tampering provisions;

(2) the impact of long-term use of biodiesel on engine operations;

(3) the options for optimizing those technologies for both emissions and performance when switching between biodiesel and diesel fuel; and

(4) the impact of using biodiesel in those fueling systems and engines when used as a blend with diesel fuel containing a maximum of 15-parts-per-million sulfur content, as mandated by the Administrator of the Environmental Protection Agency during 2006.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the project, including—

(1) a comprehensive analysis of impacts from biodiesel on engine operation for both existing and expected future diesel technologies; and

(2) recommendations for ensuring optimal emissions reductions and engine performance with biodiesel.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2008.

Subtitle D—Federal and State Procurement

SEC. 731. DEFINITIONS.

In this subtitle:

(1) DEPARTMENT.—The term "Department" means the Department of Energy.

(2) FUEL CELL.—The term "fuel cell" means a device that directly converts the chemical energy of a fuel and an oxidant into electricity by electrochemical processes occurring at separate electrodes in the device.

(3) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(4) STATIONARY; PORTABLE.—The terms "stationary" and "portable", when used in reference to a fuel cell, include—

(A) continuous electric power; and

(B) backup electric power.

(5) TASK FORCE.—The term "Task Force" means the Hydrogen and Fuel Cell Technical Task Force established under section 102(a) of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (as amended by section 801).

(6) TECHNICAL ADVISORY COMMITTEE.—The term "Technical Advisory Committee" means the independent Technical Advisory Committee selected under section 102(d) of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (as added by section 801).

SEC. 732. FEDERAL AND STATE PROCUREMENT OF FUEL CELL VEHICLES AND HYDROGEN ENERGY SYSTEMS.

(a) PURPOSES.—The purposes of this section are—

(1) to stimulate acceptance by the market of fuel cell vehicles and hydrogen energy systems;

(2) to support development of technologies relating to fuel cell vehicles, public refueling stations, and hydrogen energy systems; and

(3) to require the Federal government, which is the largest single user of energy in the United States, to adopt those technologies as soon as practicable after the technologies are developed, in conjunction with private industry partners.

(b) FEDERAL LEASES AND PURCHASES.—

(1) REQUIREMENT.—

(A) IN GENERAL.—Not later than January 1, 2010, the head of any Federal agency that uses a light-duty or heavy-duty vehicle fleet shall lease or purchase fuel cell vehicles and hydrogen energy systems to meet any applicable energy savings goal described in subsection (c).

(B) LEARNING DEMONSTRATION VEHICLES.—The Secretary may lease or purchase appropriate vehicles developed under section 201 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (as added by section 801) to meet the requirement in subparagraph (A).

(2) COSTS OF LEASES AND PURCHASES.—

(A) IN GENERAL.—The Secretary, in cooperation with the Task Force and the Technical Advisory Committee, shall pay to Federal agencies (or share the cost under interagency agreements) the difference in cost between—

(i) the cost to the agencies of leasing or purchasing fuel cell vehicles and hydrogen energy systems under paragraph (1); and

(ii) the cost to the agencies of a feasible alternative to leasing or purchasing fuel cell vehicles and hydrogen energy systems, as determined by the Secretary.

(B) COMPETITIVE COSTS AND MANAGEMENT STRUCTURES.—In carrying out subparagraph (A), the Secretary, in consultation with the agency, may use the General Services Administration or any commercial vendor to ensure—

(i) a cost-effective purchase of a fuel cell vehicle or hydrogen energy system; or

(ii) a cost-effective management structure of the lease of a fuel cell vehicle or hydrogen energy system.

(3) EXCEPTION.—

(A) IN GENERAL.—If the Secretary determines that the head of an agency described in paragraph (1) cannot find an appropriately efficient and reliable fuel cell vehicle or hydrogen energy system in accordance with paragraph (1), that agency shall be excepted from compliance with paragraph (1).

(B) CONSIDERATION.—In making a determination under subparagraph (A), the Secretary shall consider—

(i) the needs of the agency; and

(ii) an evaluation performed by—

(I) the Task Force; or

(II) the Technical Advisory Committee.

(c) ENERGY SAVINGS GOALS.—

(1) IN GENERAL.—

(A) REGULATIONS.—Not later than December 31, 2006, the Secretary shall—

(i) in cooperation with the Task Force, promulgate regulations for the period of 2008 through 2010 that extend and augment energy savings goals for each Federal agency, in accordance with any Executive order issued after March 2000; and

(ii) promulgate regulations to expand the minimum Federal fleet requirement and credit allowances for fuel cell vehicle systems under section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

(B) Review, evaluation, and new regulations.—Not later than December 31, 2010, the Secretary shall—

(i) review the regulations promulgated under subparagraph (A);

(ii) evaluate any progress made toward achieving energy savings by Federal agencies; and

(iii) promulgate new regulations for the period of 2011 through 2015 to achieve additional energy savings by Federal agencies relating to technical and cost-performance standards.

(2) Offsetting energy savings goals.—An agency that leases or purchases a fuel cell vehicle or hydrogen energy system in accordance with subsection (b)(1) may use that lease or purchase to count toward an energy savings goal of the agency.

(d) Cooperative Program With State Agencies.—

(1) In general.—The Secretary may establish a cooperative program with State agencies managing motor vehicle fleets to encourage purchase of fuel cell vehicles by the agencies.

(2) Incentives.—In carrying out the cooperative program, the Secretary may offer incentive payments to a State agency to assist with the cost of planning, differential purchases, and administration.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section—

(1) $15,000,000 for fiscal year 2008;

(2) $25,000,000 for fiscal year 2009;

(3) $65,000,000 for fiscal year 2010; and

(4) such sums as are necessary for each of fiscal years 2011 through 2015.

SEC. 733. FEDERAL PROCUREMENT OF STATIONARY, PORTABLE, AND MICRO FUEL CELLS.

(a) Purposes.—The purposes of this section are—

(1) to stimulate acceptance by the market of stationary, portable, and micro fuel cells; and

(2) to support development of technologies relating to stationary, portable, and micro fuel cells.

(b) Federal Leases and Purchases.—

(1) In general.—Not later than January 1, 2006, the head of any Federal agency that uses electrical power from stationary, portable, or microportable devices shall lease or purchase a stationary, portable, or micro fuel cell to meet any applicable energy savings goal described in subsection (c).

(2) Costs of leases and purchases.—

(A) In general.—The Secretary, in cooperation with the Task Force and the Technical Advisory Committee, shall pay the cost to Federal agencies (or share the cost under interagency agreements) of leasing or purchasing stationary, portable, and micro fuel cells under paragraph (1).

(B) Competitive costs and management structures.—In carrying out subparagraph (A), the Secretary, in consultation with the agency, may use the General Services Administration or any commercial vendor to ensure—

(i) a cost-effective purchase of a stationary, portable, or micro fuel cell; or

(ii) a cost-effective management structure of the lease of a stationary, portable, or micro fuel cell.

(3) Exception.—

(A) In general.—If the Secretary determines that the head of an agency described in paragraph (1) cannot find an appropriately efficient and reliable stationary, portable, or micro fuel cell in accordance with paragraph (1), that agency shall be excepted from compliance with paragraph (1).

(B) Consideration.—In making a determination under subparagraph (A), the Secretary shall consider—

(i) the needs of the agency; and

(ii) an evaluation performed by—

(I) the Task Force; or

(II) the Technical Advisory Committee of the Task Force.

(c) Energy Savings Goals.—An agency that leases or purchases a stationary, portable, or micro fuel cell in accordance with subsection (b)(1) may use that lease or purchase to count toward an energy savings goal described in section 732(c)(1) that is applicable to the agency.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section—

(1) $20,000,000 for fiscal year 2006;

(2) $50,000,000 for fiscal year 2007;

(3) $75,000,000 for fiscal year 2008;

(4) $100,000,000 for fiscal year 2009;

(5) $100,000,000 for fiscal year 2010; and

(6) such sums as are necessary for each of fiscal years 2011 through 2015.

TITLE VIII—HYDROGEN

SEC. 801. HYDROGEN RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

The Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) Short Title.—This Act may be cited as the 'Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990'.

"(b) Table of Contents.—The table of contents of this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Purposes.
"Sec. 3. Definitions.

"TITLE I—HYDROGEN AND FUEL CELLS

"Sec. 101. Hydrogen and fuel cell technology research and development.
"Sec. 102. Task Force.
"Sec. 103. Technology transfer.
"Sec. 104. Authorization of appropriations.

"TITLE II—HYDROGEN AND FUEL CELL DEMONSTRATION

"Sec. 201. Hydrogen Supply and Fuel Cell Demonstration Program.
"Sec. 202. Authorization of appropriations.

"TITLE III—REGULATORY MANAGEMENT

"Sec. 301. Codes and standards.
"Sec. 302. Disclosure.
"Sec. 303. Authorization of appropriations.

"TITLE IV—REPORTS

"Sec. 401. Deployment of hydrogen technology.
"Sec. 402. Authorization of appropriations.

"TITLE V—TERMINATION OF AUTHORITY

"Sec. 501. Termination of authority.

"SEC. 2. PURPOSES.

"The purposes of this Act are—

"(1) to enable and promote comprehensive development, demonstration, and commercialization of hydrogen and fuel cell technology in partnership with industry;

"(2) to make critical public investments in building strong links to private industry, institutions of higher education, National Laboratories, and research institutions to expand innovation and industrial growth;

"(3) to build a mature hydrogen economy that creates fuel diversity in the massive transportation sector of the United States;

"(4) to sharply decrease the dependency of the United States on imported oil, eliminate most emissions from the transportation sector, and greatly enhance our energy security; and

"(5) to create, strengthen, and protect a sustainable national energy economy.

"SEC. 3. DEFINITIONS.

"In this Act:

"(1) Department.—The term 'Department' means the Department of Energy.

"(2) Fuel cell.—The term 'fuel cell' means a device that directly converts the chemical energy of a fuel, which is supplied from an external source, and an oxidant into electricity by electrochemical processes occurring at separate electrodes in the device.

"(3) Heavy-duty vehicle.—The term 'heavy-duty vehicle' means a motor vehicle that—

"(A) is rated at more than 8,500 pounds gross vehicle weight;

"(B) has a curb weight of more than 6,000 pounds; or

"(C) has a basic vehicle frontal area in excess of 45 square feet.

"(4) Infrastructure.—The term 'infrastructure' means the equipment, systems, or facilities used to produce, distribute, deliver, or store hydrogen (except for onboard storage).

"(5) Light-duty vehicle.—The term 'light-duty vehicle' means a motor vehicle that is rated at 8,500 or less pounds gross vehicle weight.

"(6) Secretary.—The term 'Secretary' means the Secretary of Energy.

"(7) Stationary; portable.—The terms 'stationary' and 'portable', when used in reference to a fuel cell, include—

"(A) continuous electric power; and

"(B) backup electric power.

"(8) Task force.—The term 'Task Force' means the Hydrogen and Fuel Cell Technical Task Force established under section 102(a).

"(9) Technical advisory committee.—The term 'Technical Advisory Committee' means the independent Technical Advisory Committee of the Task Force selected under section 102(d).

"TITLE I—HYDROGEN AND FUEL CELLS

"SEC. 101. HYDROGEN AND FUEL CELL TECHNOLOGY RESEARCH AND DEVELOPMENT.

"(a) In General.—The Secretary, in consultation with other Federal agencies and the private sector, shall conduct a research and development program on technologies relating to the production, purification, distribution, storage, and use of hydrogen energy, fuel cells, and related infrastructure.

"(b) Goal.—The goal of the program shall be to demonstrate and commercialize the use of hydrogen for transportation (in light-duty vehicles and heavy-duty vehicles), utility, industrial, commercial and residential applications.

"(c) Focus.—In carrying out activities under this section, the Secretary shall focus on factors that are common to the development of hydrogen infrastructure and the supply of vehicle and electric power for critical consumer and commercial applications, and that achieve continuous technical evolution and cost reduction, particularly for hydrogen production, the supply of hydrogen, storage of hydrogen, and end uses of hydrogen that—

“(1) steadily increase production, distribution, and end use efficiency and reduce lifecycle emissions;

“(2) resolve critical problems relating to catalysts, membranes, storage, lightweight materials, electronic controls, and other problems that emerge from research and development;

“(3) enhance sources of renewable fuels and biofuels for hydrogen production; and

“(4) enable widespread use of distributed electricity generation and storage.

“(d) PUBLIC EDUCATION AND RESEARCH.—In carrying out this section, the Secretary shall support enhanced public education and research conducted at institutions of higher education in fundamental sciences, application design, and systems concepts (including education and research relating to materials, subsystems, manufacturability, maintenance, and safety) relating to hydrogen and fuel cells.

“(e) COST SHARING.—The costs of carrying out projects and activities under this section shall be shared in accordance with section 1002 of the Energy Policy Act of 2005.

“SEC. 102. TASK FORCE.

“(a) ESTABLISHMENT.—The Secretary, in consultation with the Director of the Office of Science and Technology Policy, shall establish an interagency Task Force, to be known as the ‘Hydrogen and Fuel Cell Technical Task Force’ to advise the Secretary in carrying out programs under this Act.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Task Force shall be comprised of such representatives of the Office of Science and Technology Policy, the Environmental Protection Agency, the Department of Transportation, the Department of Defense, the National Aeronautics and Space Administration, and such other members, as the Secretary, in consultation with the Director of the Office of Science and Technology Policy, determines to be appropriate.

“(2) VOTING.—A member of the Task Force that does not represent a Federal agency shall serve on the Task Force only in a nonvoting, advisory capacity.

“(c) DUTIES.—The Task Force shall review and make any necessary recommendations to the Secretary on implementation and conduct of programs under this Act.

“(d) TECHNICAL ADVISORY COMMITTEE.—

“(1) IN GENERAL.—The Secretary shall select such number of members as the Secretary considers to be appropriate to form an independent, nonpolitical Technical Advisory Committee.

“(2) MEMBERSHIP.—Each member of the Technical Advisory Committee shall have scientific, technical, or industrial expertise, as determined by the Secretary.

“(3) DUTIES.—The Technical Advisory Committee shall provide technical advice and assistance to the Task Force and the Secretary.

“SEC. 103. TECHNOLOGY TRANSFER.

“In carrying out this Act, the Secretary shall carry out programs that—

“(1) provide for the transfer of critical hydrogen and fuel cell technologies to the private sector;

“(2) accelerate wider application of those technologies in the global market;

“(3) foster the exchange of generic, nonproprietary information; and

“(4) assess technical and commercial viability of technologies relating to the production, distribution, storage, and use of hydrogen energy and fuel cells.

“SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

“(a) HYDROGEN SUPPLY.—There are authorized to be appropriated to carry out projects and activities relating to hydrogen production, storage, distribution and dispensing, transport, education and coordination, and technology transfer under this title—

“(1) $160,000,000 for fiscal year 2006;
“(2) $200,000,000 for fiscal year 2007;
“(3) $220,000,000 for fiscal year 2008;
“(4) $230,000,000 for fiscal year 2009;
“(5) $250,000,000 for fiscal year 2010; and
“(6) such sums as are necessary for each of fiscal years 2011 through 2015.

“(b) FUEL CELL TECHNOLOGIES.—There are authorized to be appropriated to carry out projects and activities relating to fuel cell technologies under this title—

“(1) $150,000,000 for fiscal year 2006;
“(2) $160,000,000 for fiscal year 2007;
“(3) $170,000,000 for fiscal year 2008;
“(4) $180,000,000 for fiscal year 2009;
“(5) $200,000,000 for fiscal year 2010; and
“(6) such sums as are necessary for each of fiscal years 2011 through 2015.

“TITLE II—HYDROGEN AND FUEL CELL DEMONSTRATION

“SEC. 201. HYDROGEN SUPPLY AND FUEL CELL DEMONSTRATION PROGRAM.

“(a) IN GENERAL.—The Secretary, in consultation with the Task Force and the Technical Advisory Committee, shall carry out a program to demonstrate developmental hydrogen and fuel cell systems for mobile, portable, and stationary uses, using improved versions of the learning demonstrations program concept of the Department including demonstrations involving—

“(1) light-duty vehicles;

“(2) heavy-duty vehicles;

“(3) fleet vehicles;

“(4) specialty industrial and farm vehicles; and

“(5) commercial and residential portable, continuous, and backup electric power generation.

“(b) OTHER DEMONSTRATION PROGRAMS.—To develop widespread hydrogen supply and use options, and assist evolution of technology, the Secretary shall—

“(1) carry out demonstrations of evolving hydrogen and fuel cell technologies in national parks, remote island areas, and on Indian tribal land, as selected by the Secretary;

“(2) in accordance with any code or standards developed in a region, fund prototype, pilot fleet, and infrastructure regional hydrogen supply corridors along the interstate highway system in varied climates across the United States; and

“(3) fund demonstration programs that explore the use of hydrogen blends, hybrid hydrogen, and hydrogen reformed from renewable agricultural fuels, including the use of hydrogen in hybrid electric, heavier duty, and advanced internal combustion-powered vehicles.

“(c) SYSTEM DEMONSTRATIONS.—

“(1) IN GENERAL.—As a component of the demonstration program under this section, the Secretary shall provide grants, on a cost share basis as appropriate, to eligible entities (as determined by the Secretary) for use in—

“(A) devising system design concepts that provide for the use of advanced composite vehicles in programs under section 732 of the Energy Policy Act of 2005 that—

“(i) have as a primary goal the reduction of drive energy requirements;

“(ii) after 2010, add another research and development phase to the vehicle and infrastructure partnerships developed under the learning demonstrations program concept of the Department; and

“(iii) are managed through an enhanced FreedomCAR program within the Department that encourages involvement in cost-shared projects by manufacturers and governments; and

“(B) designing a local distributed energy system that—

“(i) incorporates renewable hydrogen production, off-grid electricity production, and fleet applications in industrial or commercial service;

“(ii) integrates energy or applications described in clause (i), such as stationary, portable, micro, and mobile fuel cells, into a high-density commercial or residential building complex or agricultural community; and

“(iii) is managed in cooperation with industry, State, tribal, and local governments, agricultural organizations, and nonprofit generators and distributors of electricity.

“(2) COST SHARING.—The costs of carrying out a project or activity under this subsection shall be shared in accordance with section 1002 of the Energy Policy Act of 2005.

“(d) IDENTIFICATION OF NEW RESEARCH AND DEVELOPMENT REQUIREMENTS.—In carrying out the demonstrations under subsection (a), the Secretary, in consultation with the Task Force and the Technical Advisory Committee, shall—

“(1) after 2008 for stationary and portable applications, and after 2010 for vehicles, identify new research and development requirements that refine technological concepts, planning, and applications; and

“(2) during the second phase of the learning demonstrations under subsection (c)(1)(A)(ii) redesign subsequent research and development to incorporate those requirements.

“SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title—

“(1) $185,000,000 for fiscal year 2006;
“(2) $200,000,000 for fiscal year 2007;
“(3) $250,000,000 for fiscal year 2008;
“(4) $300,000,000 for fiscal year 2009;
“(5) $375,000,000 for fiscal year 2010; and
“(6) such sums as are necessary for each of fiscal years 2011 through 2015.

“TITLE III—REGULATORY MANAGEMENT

“SEC. 301. CODES AND STANDARDS.

“(a) IN GENERAL.—The Secretary, in cooperation with the Task Force, shall provide grants to, or offer to enter into contracts with such professional organizations, public service organizations, and government agencies as the Secretary determines appropriate to support timely and extensive development of safety codes and standards relating to fuel cell vehicles, hydrogen energy systems, and stationary, portable, and micro fuel cells.

“(b) EDUCATIONAL EFFORTS.—The Secretary shall support educational efforts by organizations and agencies described in subsection (a) to share information, including information relating to best practices, among those organizations and agencies.

“SEC. 302. DISCLOSURE.

“Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) shall apply to any project carried out through a grant, cooperative agreement, or contract under this Act.

“SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title—

“(1) $4,000,000 for fiscal year 2006;
“(2) $7,000,000 for fiscal year 2007;
“(3) $8,000,000 for fiscal year 2008;
“(4) $10,000,000 for fiscal year 2009;
“(5) $9,000,000 for fiscal year 2010; and
“(6) such sums as are necessary for each of fiscal years 2011 and 2012.

"TITLE IV—REPORTS

"SEC. 401. DEPLOYMENT OF HYDROGEN TECHNOLOGY.

"(a) SECRETARY.—Subject to subsection (c), not later than 2 years after the date of enactment of the Hydrogen and Fuel Cell Technology Act of 2005, and triennially thereafter, the Secretary shall submit to Congress a report describing—

"(1) any activity carried out by the Department of Energy under this Act, including a research, development, demonstration, and commercial application program for hydrogen and fuel cell technology;

"(2) measures the Secretary has taken during the preceding 3 years to support the transition of primary industry (or a related industry) to a fully commercialized hydrogen economy;

"(3) any change made to a research, development, or deployment strategy of the Secretary relating to hydrogen and fuel cell technology to reflect the results of a learning demonstration under title II;

"(4) progress, including progress in infrastructure, made toward achieving the goal of producing and deploying not less than—

"(A) 100,000 hydrogen-fueled vehicles in the United States by 2010; and

"(B) 2,500,000 hydrogen-fueled vehicles by 2020;

"(5) progress made toward achieving the goal of supplying hydrogen at a sufficient number of fueling stations in the United States by 2010 can be achieved by integrating—

"(A) hydrogen activities; and

"(B) associated targets and timetables for the development of hydrogen technologies;

"(6) any problem relating to the design, execution, or funding of a program under this Act;

"(7) progress made toward and goals achieved in carrying out this Act and updates to the developmental roadmap, including the results of the reviews conducted by the National Academy of Sciences under subsection (b) for the fiscal years covered by the report; and

"(8) any updates to strategic plans that are necessary to meet the goals described in paragraph (4).

"(b) NATIONAL ACADEMY OF SCIENCES.—

"(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct and submit to the Secretary, not later than September 30, 2007, and triennially thereafter—

"(A) the results of a review of the projects and activities carried out under this Act;

"(B) recommendations for any new authorities or resources needed to achieve strategic goals; and

"(C) recommendations for approaches by which the Secretary could achieve a substantial decrease in the dependence on and consumption of natural gas and imported oil by the Federal Government, including by increasing the use of fuel cell vehicles, stationary and portable fuel cells, and hydrogen energy systems.

"(2) REAUTHORIZATION.—The Secretary shall use the results of reviews conducted under paragraph (1) in proposing to Congress any legislative changes relating to reauthorization of this Act.

"SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this title $1,500,000 for each of fiscal years 2006 through 2010.

"TITLE V—TERMINATION OF AUTHORITY

"SEC. 501. TERMINATION OF AUTHORITY.

"This Act and the authority provided by this Act terminate on September 30, 2015.".

TITLE IX—RESEARCH AND DEVELOPMENT

SEC. 901. SHORT TITLE.

This title may be cited as the "Energy Research, Development, Demonstration, and Commercial Application Act of 2005".

SEC. 902. GOALS.

(a) IN GENERAL.—In order to achieve the purposes of this title, the Secretary shall conduct a balanced set of programs of energy research, development, demonstration, and commercial application focused on—

(1) increasing the efficiency of all energy intensive sectors through conservation and improved technologies;

(2) promoting diversity of energy supply;

(3) decreasing the dependence of the United States on foreign energy supplies;

(4) improving the energy security of the United States; and

(5) decreasing the environmental impact of energy-related activities.

(b) GOALS.—The Secretary shall publish measurable cost and performance-based goals with each annual budget submission in at least the following areas:

(1) Energy efficiency for buildings, energy-consuming industries, and vehicles.

(2) Electric energy generation (including distributed generation), transmission, and storage.

(3) Renewable energy technologies, including wind power, photovoltaics, solar thermal systems, geothermal energy, hydrogen-fueled systems, biomass-based systems, biofuels, and hydropower.

(4) Fossil energy, including power generation, onshore and offshore oil and gas resource recovery, and transportation.

(5) Nuclear energy, including programs for existing and advanced reactors, and education of future specialists.

(c) PUBLIC COMMENT.—The Secretary shall provide mechanisms for input on the annually published goals from industry, institutions of higher education, and other public sources.

(d) EFFECT OF GOALS.—Nothing in subsection (a) or the annually published goals creates any new authority for any Federal agency, or may be used by any Federal agency, to support the establishment of regulatory standards or regulatory requirements.

SEC. 903. DEFINITIONS.

In this title:

(1) DEPARTMENTAL MISSION.—The term "departmental mission" means any of the functions vested in the Secretary by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law.

(2) HISPANIC-SERVING INSTITUTION.—The term "Hispanic-serving institution" has the meaning given the term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

(3) NONMILITARY ENERGY LABORATORY.—The term "nonmilitary energy laboratory" means a National Laboratory other than a National Laboratory listed in subparagraph (G), (H), or (N) of section 2(3).

(4) PART B INSTITUTION.—The term "part B institution" has the meaning given the term in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(5) SINGLE-PURPOSE RESEARCH FACILITY.—The term "single-purpose research facility" means—

(A) any of the primarily single-purpose entities owned by the Department; or

(B) any other organization of the Department designated by the Secretary.

Subtitle A—Energy Efficiency

SEC. 911. ENERGY EFFICIENCY.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out energy efficiency and conservation research, development, demonstration, and commercial application activities, including activities authorized under this subtitle—

(1) $772,000,000 for fiscal year 2006;

(2) $865,000,000 for fiscal year 2007; and

(3) $920,000,000 for fiscal year 2008.

(b) ALLOCATIONS.—From amounts authorized under subsection (a), the following sums are authorized:

(1) For activities under section 912, $50,000,000 for each of fiscal years 2006 through 2008.

(2) For activities under section 914, $7,000,000 for each of fiscal years 2006 through 2008.

(3) For activities under section 915—

(A) $30,000,000 for fiscal year 2006;

(B) $35,000,000 for fiscal year 2007; and

(C) $40,000,000 for fiscal year 2008.

(c) EXTENDED AUTHORIZATION.—There are authorized to be appropriated to the Secretary to carry out section 912 $50,000,000 for each of fiscal years 2009 through 2013.

(d) LIMITATIONS.—None of the funds authorized to be appropriated under this section may be used for—

(1) the issuance or implementation of energy efficiency regulations;

(2) the weatherization program established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.);

(3) a State energy conservation plan established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.); or

(4) a Federal energy management measure carried out under part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.).

SEC. 912. NEXT GENERATION LIGHTING INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) ADVANCED SOLID-STATE LIGHTING.—The term "advanced solid-state lighting" means a semiconducting device package and delivery system that produces white light using externally applied voltage.

(2) INDUSTRY ALLIANCE.—The term "Industry Alliance" means an entity selected by the Secretary under subsection (d).

(3) INITIATIVE.—The term "Initiative" means the Next Generation Lighting Initiative carried out under this section.

(4) RESEARCH.—The term "research" includes research on the technologies, materials, and manufacturing processes required for white light emitting diodes.

(5) WHITE LIGHT EMITTING DIODE.—The term "white light emitting diode" means a semiconducting package, using either organic or inorganic materials, that produces white light using externally applied voltage.

(b) INITIATIVE.—The Secretary shall carry out a Next Generation Lighting Initiative in accordance with this section to support research, development, demonstration, and commercial application activities related to advanced solid-state lighting technologies based on white light emitting diodes.

(c) OBJECTIVES.—The objectives of the Initiative shall be to develop advanced solid-state organic and inorganic lighting technologies based on white light emitting diodes that, compared to incandescent and fluorescent lighting technologies, are longer lasting, are more energy-efficient and cost-competitive, and have less environmental impact.

(d) INDUSTRY ALLIANCE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms that, as a group, are broadly representative of United States solid state lighting research, development, infrastructure, and manufacturing expertise as a whole.

(e) RESEARCH.—

(1) GRANTS.—The Secretary shall carry out the research activities of the Initiative through competitively awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) National Laboratories; and

(C) institutions of higher education.

(2) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify solid-state lighting technology needs;

(B) an assessment of the progress of the research activities of the Initiative; and

(C) assistance in annually updating solid-state lighting technology roadmaps.

(3) AVAILABILITY TO PUBLIC.—The information and roadmaps under paragraph (2) shall be available to the public.

(f) DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION.—

(1) IN GENERAL.—The Secretary shall carry out a development, demonstration, and commercial application program for the Initiative through competitively selected awards.

(2) PREFERENCE.—In making the awards, the Secretary may give preference to participants in the Industry Alliance.

(g) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 1002.

(h) INTELLECTUAL PROPERTY.—The Secretary may require (in accordance with section 202(a)(ii) of title 35, United States Code, section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), and section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908)) that for any new invention developed under subsection (e)—

(1) that the Industry Alliance participants who are active participants in research, development, and demonstration activities related to the advanced solid-state lighting technologies that are covered by this section shall be granted the first option to negotiate with the invention owner, at least in the field of solid-state lighting, nonexclusive licenses and royalties on terms that are reasonable under the circumstances;

(2)(i) that, for 1 year after a United States patent is issued for the invention, the patent holder shall not negotiate any license or royalty with any entity that is not a participant in the Industry Alliance described in paragraph (1); and

(ii) that, during the year described in clause (i), the patent holder shall negotiate nonexclusive licenses and royalties in good faith with any interested participant in the Industry Alliance described in paragraph (1); and

(3) such other terms as the Secretary determines are required to promote accelerated commercialization of inventions made under the Initiative.

(i) NATIONAL ACADEMY REVIEW.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct periodic reviews of the Initiative.

SEC. 913. NATIONAL BUILDING PERFORMANCE INITIATIVE.

(a) INTERAGENCY GROUP.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall establish an interagency group to develop, in coordination with the advisory committee established under subsection (e), a National Building Performance Initiative (referred to in this section as the "Initiative").

(2) COCHAIRS.—The interagency group shall be co-chaired by appropriate officials of the Department and the Department of Commerce, who shall jointly arrange for the provision of necessary administrative support to the group.

(b) INTEGRATION OF EFFORTS.—The Initiative shall integrate Federal, State, and voluntary private sector efforts to reduce the costs of construction, operation, maintenance, and renovation of commercial, industrial, institutional, and residential buildings.

(c) PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the interagency group shall submit to Congress a plan for carrying out the appropriate Federal role in the Initiative.

(2) INCLUSIONS.—The plan shall include—

(A) research, development, demonstration, and commercial application of systems and materials for new construction and retrofit relating to the building envelope and building system components;

(B) research, development, demonstration, and commercial application to develop technology and infrastructure enabling the energy efficient, automated operation of buildings and building equipment; and

(C) the collection, analysis, and dissemination of research results and other pertinent information on enhancing building performance to industry, government entities, and the public.

(d) DEPARTMENT OF ENERGY ROLE.—Within the Federal portion of the Initiative, the Department shall be the lead agency for all aspects of building performance related to use and conservation of energy.

(e) ADVISORY COMMITTEE.—The Director of the Office of Science and Technology Policy shall establish an advisory committee to—

(1) analyze and provide recommendations on potential private sector roles and participation in the Initiative; and

(2) review and provide recommendations on the plan described in subsection (c).

(f) ADMINISTRATION.—Nothing in this section provides any Federal agency with new authority to regulate building performance.

SEC. 914. SECONDARY ELECTRIC VEHICLE BATTERY USE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) BATTERY.—The term "battery" means an energy storage device that previously has been used to provide motive power in a vehicle powered in whole or in part by electricity.

(2) ASSOCIATED EQUIPMENT.—The term "associated equipment" means equipment located where the batteries will be used that is necessary to enable the use of the energy stored in the batteries.

(b) PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish and conduct a research, development, demonstration, and commercial application program for the secondary use of batteries.

(2) ADMINISTRATION.—The program shall be—

(A) designed to demonstrate the use of batteries in secondary applications, including utility and commercial power storage and power quality;

(B) structured to evaluate the performance, including useful service life and costs, of such batteries in field operations, and the necessary supporting infrastructure, including reuse and disposal of batteries; and

(C) coordinated with ongoing secondary battery use programs at the National Laboratories and in industry.

(c) SOLICITATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall solicit proposals to demonstrate the secondary use of batteries and associated equipment and supporting infrastructure in geographic locations throughout the United States.

(2) ADDITIONAL SOLICITATIONS.—The Secretary may make additional solicitations for proposals if the Secretary determines that the solicitations are necessary to carry out this section.

(d) SELECTION OF PROPOSALS.—

(1) IN GENERAL.—Not later than 90 days after the closing date established by the Secretary for receipt of proposals under subsection (c), the Secretary shall select up to 5 proposals that may receive financial assistance under this section once the Department receives appropriated funds to carry out this section.

(2) FACTORS.—In selecting proposals, the Secretary shall consider—

(A) the diversity of battery type;

(B) geographic and climatic diversity; and

(C) life-cycle environmental effects of the approaches.

(3) LIMITATION.—No 1 project selected under this section shall receive more than 25 percent of the funds made available to carry out the program under this section.

(4) NONFEDERAL INVOLVEMENT.—In selecting proposals, the Secretary shall consider the extent of involvement of State or local government and other persons in each demonstration project to optimize use of Federal resources.

(5) OTHER CRITERIA.—In selecting proposals, the Secretary may consider such other criteria as the Secretary considers appropriate.

(e) CONDITIONS.—In carrying out this section, the Secretary shall require that—

(1) relevant information be provided to—

(A) the Department;

(B) the users of the batteries;

(C) the proposers of a project under this section; and

(D) the battery manufacturers; and

(2) the costs of carrying out projects and activities under this section are shared in accordance with section 1002.

SEC. 915. ENERGY EFFICIENCY SCIENCE INITIATIVE.

(a) ESTABLISHMENT.—The Secretary shall establish an Energy Efficiency Science Initiative to be managed by the Assistant Secretary in the Department with responsibility for energy conservation under section 203(a)(9) of the Department of Energy Organization Act (42 U.S.C. 7133(a)(9)), in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research relating to energy efficiency.

(b) REPORT.—The Secretary shall submit to Congress, along with the annual budget request of the President submitted to Congress, a report on the activities of the Energy Efficiency Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to energy efficiency.

Subtitle B—Distributed Energy and Electric Energy Systems

SEC. 921. DISTRIBUTED ENERGY AND ELECTRIC ENERGY SYSTEMS.

(a) IN GENERAL.—

(1) DISTRIBUTED ENERGY AND ELECTRIC ENERGY SYSTEMS ACTIVITIES.—There are authorized to be appropriated to the Secretary to

carry out distributed energy and electric energy systems activities, including activities authorized under this subtitle—

(A) $220,000,000 for fiscal year 2006;

(B) $240,000,000 for fiscal year 2007; and

(C) $260,000,000 for fiscal year 2008.

(2) POWER DELIVERY RESEARCH INITIATIVE.—There are authorized to be appropriated to the Secretary to carry out the Policy Delivery Research Initiative under subsection 925(e)—

(A) $30,000,000 for fiscal year 2006;

(B) $35,000,000 for fiscal year 2007; and

(C) $40,000,000 for fiscal year 2008.

(b) MICRO-COGENERATION ENERGY TECHNOLOGY.—From amounts authorized under subsection (a), $20,000,000 for each of fiscal years 2006 and 2007 shall be available to carry out activities under section 924.

SEC. 922. HIGH POWER DENSITY INDUSTRY PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a comprehensive research, development, demonstration, and commercial application program to improve the energy efficiency of high power density facilities, including data centers, server farms, and telecommunications facilities.

(b) TECHNOLOGIES.—The program shall consider technologies that provide significant improvement in thermal controls, metering, load management, peak load reduction, or the efficient cooling of electronics.

SEC. 923. MICRO-COGENERATION ENERGY TECHNOLOGY.

(a) IN GENERAL.—The Secretary shall make competitive, merit-based grants to consortia for the development of micro-cogeneration energy technology.

(b) USES.—The consortia shall explore—

(1) the use of small-scale combined heat and power in residential heating appliances;

(2) the use of excess power to operate other appliances within the residence; and

(3) the supply of excess generated power to the power grid.

SEC. 924. DISTRIBUTED ENERGY TECHNOLOGY DEMONSTRATION PROGRAM.

The Secretary may provide financial assistance to coordinating consortia of interdisciplinary participants for demonstrations designed to accelerate the use of distributed energy technologies (such as fuel cells, microturbines, reciprocating engines, thermally activated technologies, and combined heat and power systems) in highly energy intensive commercial applications.

SEC. 925. ELECTRIC TRANSMISSION AND DISTRIBUTION PROGRAMS.

(a) DEMONSTRATION PROGRAM.—The Secretary shall establish a comprehensive research, development, and demonstration program to ensure the reliability, efficiency, and environmental integrity of electrical transmission and distribution systems, which shall include—

(1) advanced energy and energy storage technologies, materials, and systems, giving priority to new transmission technologies, including composite conductor materials and other technologies that enhance reliability, operational flexibility, or power-carrying capability;

(2) advanced grid reliability and efficiency technology development;

(3) technologies contributing to significant load reductions;

(4) advanced metering, load management, and control technologies;

(5) technologies to enhance existing grid components;

(6) the development and use of high-temperature superconductors to—

(A) enhance the reliability, operational flexibility, or power-carrying capability of electric transmission or distribution systems; or

(B) increase the efficiency of electric energy generation, transmission, distribution, or storage systems;

(7) integration of power systems, including systems to deliver high-quality electric power, electric power reliability, and combined heat and power;

(8) supply of electricity to the power grid by small scale, distributed and residential-based power generators;

(9) the development and use of advanced grid design, operation, and planning tools;

(10) any other infrastructure technologies, as appropriate; and

(11) technology transfer and education.

(b) PROGRAM PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with other appropriate Federal agencies, shall prepare and submit to Congress a 5-year program plan to guide activities under this section.

(2) CONSULTATION.—In preparing the program plan, the Secretary shall consult with—

(A) utilities;

(B) energy service providers;

(C) manufacturers;

(D) institutions of higher education;

(E) other appropriate State and local agencies;

(F) environmental organizations;

(G) professional and technical societies; and

(H) any other persons the Secretary considers appropriate.

(c) IMPLEMENTATION.—The Secretary shall consider implementing the program under this section using a consortium of participants from industry, institutions of higher education, and National Laboratories.

(d) REPORT.—Not later than 2 years after the submission of the plan under subsection (b), the Secretary shall submit to Congress a report—

(1) describing the progress made under this section; and

(2) identifying any additional resources needed to continue the development and commercial application of transmission and distribution of infrastructure technologies.

(e) POWER DELIVERY RESEARCH INITIATIVE.—

(1) IN GENERAL.—The Secretary shall establish a research, development, and demonstration initiative specifically focused on power delivery using components incorporating high temperature superconductivity.

(2) GOALS.—The goals of the Initiative shall be—

(A) to establish world-class facilities to develop high temperature superconductivity power applications in partnership with manufacturers and utilities;

(B) to provide technical leadership for establishing reliability for high temperature superconductivity power applications, including suitable modeling and analysis;

(C) to facilitate the commercial transition toward direct current power transmission, storage, and use for high power systems using high temperature superconductivity; and

(D) to facilitate the integration of very low impedance high temperature superconducting wires and cables in existing electric networks to improve system performance, power flow control, and reliability.

(3) INCLUSIONS.—The Initiative shall include—

(A) feasibility analysis, planning, research, and design to construct demonstrations of superconducting links in high power, direct current, and controllable alternating current transmission systems;

(B) public-private partnerships to demonstrate deployment of high temperature superconducting cable into testbeds simulating a realistic transmission grid and under varying transmission conditions, including actual grid insertions; and

(C) testbeds developed in cooperation with National Laboratories, industries, and institutions of higher education to—

(i) demonstrate those technologies;

(ii) prepare the technologies for commercial introduction; and

(iii) address cost or performance roadblocks to successful commercial use.

(f) TRANSMISSION AND DISTRIBUTION GRID PLANNING AND OPERATIONS INITIATIVE.—

(1) IN GENERAL.—The Secretary shall establish a research, development, and demonstration initiative specifically focused on tools needed to plan, operate, and expand the transmission and distribution grids in the presence of competitive market mechanisms for energy, load demand, customer response, and ancillary services.

(2) GOALS.—The goals of the Initiative shall be—

(A)(i) to develop and use a geographically distributed center, consisting of institutions of higher education, and National Laboratories, with expertise and facilities to develop the underlying theory and software for power system application; and

(ii) to ensure commercial development in partnership with software vendors and utilities;

(B) to provide technical leadership in engineering and economic analysis for the reliability and efficiency of power systems planning and operations in the presence of competitive markets for electricity;

(C) to model, simulate, and experiment with new market mechanisms and operating practices to understand and optimize those new methods before actual use; and

(D) to provide technical support and technology transfer to electric utilities and other participants in the domestic electric industry and marketplace.

Subtitle C—Renewable Energy

SEC. 931. RENEWABLE ENERGY.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out renewable energy research, development, demonstration, and commercial application activities, including activities authorized under this subtitle—

(1) $610,000,000 for fiscal year 2006;

(2) $659,000,000 for fiscal year 2007; and

(3) $710,000,000 for fiscal year 2008.

(b) BIOENERGY.—From the amounts authorized under subsection (a), there are authorized to be appropriated to carry out section 932—

(1) $167,650,000 for fiscal year 2006;

(2) $180,000,000 for fiscal year 2007; and

(3) $192,000,000 for fiscal year 2008.

(c) CONCENTRATING SOLAR POWER.—From amounts authorized under subsection (a), there is authorized to be appropriated to carry out section 933 $50,000,000 for each of fiscal years 2006 through 2008.

(d) ADMINISTRATION.—Of the funds authorized under subsection (b), not less than $5,000,000 for each fiscal year shall be made available for grants to—

(1) part B institutions;

(2) Tribal Colleges or Universities (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))); and

(3) Hispanic-serving institutions.

(e) CONSULTATION.—In carrying out this section, the Secretary, in consultation with the Secretary of Agriculture, shall demonstrate the use of—

(1) advanced wind power technology, including combined use with coal gasification;

(2) biomass;

(3) geothermal energy systems; and

(4) other renewable energy technologies to assist in delivering electricity to rural and remote locations.

SEC. 932. BIOENERGY PROGRAM.

(a) DEFINITION OF CELLULOSIC FEEDSTOCK.—In this section, the term "cellulosic feedstock" means any portion of a crop not normally used in food production or any nonfood crop grown for the purpose of producing biomass feedstock.

(b) PROGRAM.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for bioenergy, including—

(1) biopower energy systems;

(2) biofuels;

(3) bioproducts;

(4) integrated biorefineries that may produce biopower, biofuels, and bioproducts;

(5) cross-cutting research and development in feedstocks; and

(6) economic analysis.

(c) BIOFUELS AND BIOPRODUCTS.—The goals of the biofuels and bioproducts programs shall be to develop, in partnership with industry and institutions of higher education—

(1) advanced biochemical and thermochemical conversion technologies capable of making fuels from cellulosic feedstocks that are price-competitive with gasoline or diesel in either internal combustion engines or fuel cell-powered vehicles;

(2) advanced biotechnology processes capable of making biofuels and bioproducts with emphasis on development of biorefinery technologies using enzyme-based processing systems;

(3) advanced biotechnology processes capable of increasing energy production from cellulosic feedstocks, with emphasis on reducing the dependence of industry on fossil fuels in manufacturing facilities; and

(4) other advanced processes that will enable the development of cost-effective bioproducts, including biofuels.

(d) REPEAL OF SUNSET PROVISION.—Section 311 of the Biomass Research and Development Act of 2000 (7 U.S.C. 8101 note) is repealed.

SEC. 933. CONCENTRATING SOLAR POWER RESEARCH PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct a program of research and development to evaluate the potential for concentrating solar power for hydrogen production, including cogeneration approaches for both hydrogen and electricity.

(b) ADMINISTRATION.—The program shall take advantage of existing facilities to the extent practicable and shall include—

(1) development of optimized technologies that are common to both electricity and hydrogen production;

(2) evaluation of thermochemical cycles for hydrogen production at the temperatures attainable with concentrating solar power;

(3) evaluation of materials issues for the thermochemical cycles described in paragraph (2);

(4) cogeneration of solar thermal electric power and photo-synthetic-based hydrogen production;

(5) system architectures and economics studies; and

(6) coordination with activities under the Advanced Reactor Hydrogen Co-generation Project established under subtitle C of title VI on high temperature materials, thermochemical cycles, and economic issues.

(c) ASSESSMENT.—In carrying out the program under this section, the Secretary shall—

(1) assess conflicting guidance on the economic potential of concentrating solar power for electricity production received from the National Research Council in the report entitled "Renewable Power Pathways: A Review of the U.S. Department of Energy's Renewable Energy Programs" and dated 2000 and subsequent reviews of that report funded by the Department; and

(2) provide an assessment of the potential impact of technology used to concentrate solar power for electricity before, or concurrent with, submission of the budget for fiscal year 2007.

(d) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall provide to Congress a report on the economic and technical potential for electricity or hydrogen production, with or without cogeneration, with concentrating solar power, including the economic and technical feasibility of potential construction of a pilot demonstration facility suitable for commercial production of electricity or hydrogen from concentrating solar power.

SEC. 934. HYBRID SOLAR LIGHTING RESEARCH AND DEVELOPMENT PROGRAM.

(a) DEFINITION OF HYBRID SOLAR LIGHTING.—In this section, the term "hybrid solar lighting" means a novel lighting system that integrates sunlight and electrical lighting in complement to each other in common lighting fixtures for the purpose of improving energy efficiency.

(b) PROGRAM.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for hybrid solar lighting aimed at developing hybrid solar lighting systems that are—

(1) designed to eliminate large roof penetrations and associated architectural design and maintenance problems that limit the conventional use of daylight in most buildings;

(2) easily integrated with electric lights; and

(3) compatible with a majority of electric lamps and light fixtures.

(c) LIMITATIONS.—Funding authorized under this section shall not be used for lighting systems based on conventional daylighting installations such as skylights, light wells, light shelves, or roof monitors.

(d) NATIONAL ACADEMY OF SCIENCES.—Not later than 2 years after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Sciences to conduct a biannual review of the activities under this section including program priorities, technical milestones, and opportunities for technology transfer and commercialization.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $4,000,000 for fiscal year 2006;

(2) $6,000,000 for fiscal year 2007; and

(3) $6,000,000 for fiscal year 2008.

SEC. 935. MISCELLANEOUS PROJECTS.

The Secretary shall conduct research, development, demonstration, and commercial application programs for—

(1) ocean energy, including wave energy;

(2) the combined use of renewable energy technologies with 1 another and with other energy technologies, including the combined use of wind power and coal gasification technologies; and

(3) renewable energy technologies for cogeneration of hydrogen and electricity.

Subtitle D—Nuclear Energy

SEC. 941. NUCLEAR ENERGY.

(a) CORE PROGRAMS.—There are authorized to be appropriated to the Secretary to carry out nuclear energy research, development, demonstration, and commercial application activities, including activities authorized under this subtitle, other than those described in subsection (b)—

(1) $330,000,000 for fiscal year 2006;

(2) $355,000,000 for fiscal year 2007; and

(3) $495,000,000 for fiscal year 2008.

(b) NUCLEAR INFRASTRUCTURE SUPPORT.—There are authorized to be appropriated to the Secretary to carry out activities under section 942(f):

(1) $135,000,000 for fiscal year 2006;

(2) $140,000,000 for fiscal year 2007; and

(3) $145,000,000 for fiscal year 2008.

(c) ALLOCATIONS.—From amounts authorized under subsection (a), the following sums are authorized:

(1) For activities under section 943—

(A) $150,000,000 for fiscal year 2006;

(B) $155,000,000 for fiscal year 2007; and

(C) $275,000,000 for fiscal year 2008.

(2) For activities under section 944—

(A) $43,600,000 for fiscal year 2006;

(B) $50,100,000 for fiscal year 2007; and

(C) $56,000,000 for fiscal year 2008.

(3) For activities under section 946, $6,000,000 for each of fiscal years 2006 through 2008.

(d) LIMITATION.—None of the funds authorized under this section may be used to decommission the Fast Flux Test Facility.

SEC. 942. NUCLEAR ENERGY RESEARCH PROGRAMS.

(a) NUCLEAR ENERGY RESEARCH INITIATIVE.—The Secretary shall carry out a Nuclear Energy Research Initiative for research and development related to nuclear energy.

(b) NUCLEAR ENERGY PLANT OPTIMIZATION PROGRAM.—The Secretary shall carry out a Nuclear Energy Plant Optimization Program to support research and development activities addressing reliability, availability, productivity, component aging, safety, and security of existing nuclear power plants.

(c) NUCLEAR POWER 2010 PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out a Nuclear Power 2010 Program, consistent with recommendations of the Nuclear Energy Research Advisory Committee of the Department in the report entitled "A Roadmap to Deploy New Nuclear Power Plants in the United States by 2010" and dated October 2001.

(2) ADMINISTRATION.—The Program shall include—

(A) use of the expertise and capabilities of industry, institutions of higher education, and National Laboratories in evaluation of advanced nuclear fuel cycles and fuels testing;

(B) consideration of a variety of reactor designs suitable for both developed and developing nations;

(C) participation of international collaborators in research, development, and design efforts, as appropriate; and

(D) encouragement for participation by institutions of higher education and industry.

(d) GENERATION IV NUCLEAR ENERGY SYSTEMS INITIATIVE.—

(1) IN GENERAL.—The Secretary shall carry out a Generation IV Nuclear Energy Systems Initiative to develop an overall technology plan for and to support research and development necessary to make an informed technical decision about the most promising candidates for eventual commercial application.

(2) ADMINISTRATION.—In conducting the Initiative, the Secretary shall examine advanced proliferation-resistant and passively safe reactor designs, including designs that—

(A) are economically competitive with other electric power generation plants;

(B) have higher efficiency, lower cost, and improved safety compared to reactors in operation on the date of enactment of this Act;

(C) use fuels that are proliferation resistant and have substantially reduced production of high-level waste per unit of output; and

(D) use improved instrumentation.

(e) REACTOR PRODUCTION OF HYDROGEN.—The Secretary shall carry out research to examine designs for high-temperature reactors capable of producing large-scale quantities of hydrogen using thermochemical processes.

(f) NUCLEAR INFRASTRUCTURE SUPPORT.—

(1) IN GENERAL.—The Secretary shall—

(A) develop and implement a strategy for the facilities of the Office of Nuclear Energy, Science, and Technology; and

(B) submit to Congress a report describing the strategy, along with the budget request of the President submitted to Congress for fiscal year 2006.

(2) ADMINISTRATION.—The strategy shall provide a cost-effective means for—

(A) maintaining existing facilities and infrastructure;

(B) closing unneeded facilities;

(C) making facility upgrades and modifications; and

(D) building new facilities.

SEC. 943. ADVANCED FUEL CYCLE INITIATIVE.

(a) IN GENERAL.—The Secretary, acting through the Director of the Office of Nuclear Energy, Science and Technology, shall conduct an advanced fuel recycling technology research and development program (referred to in this section as the "program") to evaluate proliferation-resistant fuel recycling and transmutation technologies that minimize environmental or public health and safety impacts as an alternative to aqueous reprocessing technologies deployed as of the date of enactment of this Act in support of evaluation of alternative national strategies for spent nuclear fuel and the Generation IV advanced reactor concepts.

(b) ANNUAL REVIEW.—The program shall be subject to annual review by the Nuclear Energy Research Advisory Committee of the Department or other independent entity, as appropriate.

(c) INTERNATIONAL COOPERATION.—In carrying out the program, the Secretary is encouraged to seek opportunities to enhance the progress of the program through international cooperation.

(d) REPORTS.—The Secretary shall submit, as part of the annual budget submission of the Department, a report on the activities of the program.

SEC. 944. NUCLEAR SCIENCE AND ENGINEERING SUPPORT FOR INSTITUTIONS OF HIGHER EDUCATION.

(a) ESTABLISHMENT.—The Secretary shall support a program to invest in human resources and infrastructure in the nuclear sciences and engineering and related fields (including health physics and nuclear and radiochemistry), consistent with departmental missions related to civilian nuclear research and development.

(b) DUTIES.—

(1) IN GENERAL.—In carrying out the program under this section, the Secretary shall—

(A) establish fellowship and faculty assistance programs; and

(B) provide support for fundamental research and encourage collaborative research among industry, National Laboratories, and institutions of higher education through the Nuclear Energy Research Initiative established under section 942(a).

(2) ENTIRE FUEL CYCLE.—The Secretary is encouraged to support activities addressing the entire fuel cycle through involvement of the Office of Nuclear Energy, Science and Technology and the Office of Civilian Radioactive Waste Management.

(3) OUTREACH.—The Secretary shall support communication and outreach related to nuclear science, engineering, and nuclear waste management.

(c) MAINTAINING RESEARCH AND TRAINING REACTORS AND ASSOCIATED INFRASTRUCTURE IN INSTITUTIONS OF HIGHER EDUCATION.—Activities under this section may include—

(1) converting research reactors currently using high-enrichment fuels to low-enrichment fuels;

(2) upgrading operational instrumentation;

(3) sharing of reactors among institutions of higher education;

(4) providing technical assistance, in collaboration with the United States nuclear industry, in relicensing and upgrading training reactors as part of a student training program; and

(5) providing funding for reactor improvements as part of a focused effort that emphasizes research, training, and education.

(d) INTERACTIONS BETWEEN NATIONAL LABORATORIES AND INSTITUTIONS OF HIGHER EDUCATION.—The Secretary shall develop sabbatical fellowship and visiting scientist programs to encourage sharing of personnel between National Laboratories and institutions of higher education.

(e) OPERATING AND MAINTENANCE COSTS.—Funding for a research project provided under this section may be used to offset a portion of the operating and maintenance costs of a research reactor at an institution of higher education used in the research project.

SEC. 945. SECURITY OF NUCLEAR FACILITIES.

The Secretary, acting through the Director of the Office of Nuclear Energy, Science and Technology, shall conduct a research and development program on cost-effective technologies for increasing—

(1) the safety of nuclear facilities from natural phenomena; and

(2) the security of nuclear facilities from deliberate attacks.

SEC. 946. ALTERNATIVES TO INDUSTRIAL RADIOACTIVE SOURCES.

(a) SURVEY.—

(1) IN GENERAL.—Not later than August 1, 2006, the Secretary shall submit to Congress the results of a survey of industrial applications of large radioactive sources.

(2) ADMINISTRATION.—The survey shall—

(A) consider well-logging sources as 1 class of industrial sources;

(B) include information on current domestic and international Department, Department of Defense, State Department, and commercial programs to manage and dispose of radioactive sources; and

(C) analyze available disposal options for currently deployed or future sources and, if deficiencies are noted for either deployed or future sources, recommend legislative options that Congress may consider to remedy identified deficiencies.

(b) PLAN.—

(1) IN GENERAL.—In conjunction with the survey conducted under subsection (a), the Secretary shall establish a research and development program to develop alternatives to sources described in subsection (a) that reduce safety, environmental, or proliferation risks to either workers using the sources or the public.

(2) ACCELERATORS.—Miniaturized particle accelerators for well-logging or other industrial applications and portable accelerators for production of short-lived radioactive materials at an industrial site shall be considered as part of the research and development efforts.

(3) REPORT.—Not later than August 1, 2006, the Secretary shall submit to Congress a report describing the details of the program plan.

Subtitle E—Fossil Energy

SEC. 951. FOSSIL ENERGY.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out fossil energy research, development, demonstration, and commercial application activities, including activities authorized under this subtitle—

(1) $583,000,000 for fiscal year 2006;

(2) $611,000,000 for fiscal year 2007; and

(3) $626,000,000 for fiscal year 2008.

(b) ALLOCATIONS.—From amounts authorized under subsection (a), the following sums are authorized:

(1) For activities under section 952(b)(2), $28,000,000 for each of fiscal years 2006 through 2008.

(2) For activities under section 954, $20,000,000 for each of fiscal years 2006 through 2008.

(3) For activities under section 955—

(A) $285,000,000 for fiscal year 2006;

(B) $298,000,000 for fiscal year 2007; and

(C) $308,000,000 for fiscal year 2008.

(4) For the Office of Arctic Energy under section 3197 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (42 U.S.C. 7144d) $25,000,000 for each of fiscal years 2006 through 2008.

(c) EXTENDED AUTHORIZATION.—There are authorized to be appropriated to the Secretary for the Office of Arctic Energy established under section 3197 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (42 U.S.C. 7144d) $25,000,000 for each of fiscal years 2009 through 2012.

(d) LIMITATIONS.—

(1) USES.—None of the funds authorized under this section may be used for Fossil Energy Environmental Restoration or Import/Export Authorization.

(2) INSTITUTIONS OF HIGHER EDUCATION.—Of the funds authorized under subsection (b)(2), not less than 20 percent of the funds appropriated for each fiscal year shall be dedicated to research and development carried out at institutions of higher education.

SEC. 952. OIL AND GAS RESEARCH PROGRAMS.

(a) OIL AND GAS RESEARCH.—The Secretary shall conduct a program of research, development, demonstration, and commercial application of oil and gas, including—

(1) exploration and production;

(2) gas hydrates;

(3) reservoir life and extension;

(4) transportation and distribution infrastructure;

(5) ultraclean fuels;

(6) heavy oil and shale; and

(7) related environmental research.

(b) FUEL CELLS.—

(1) IN GENERAL.—The Secretary shall conduct a program of research, development, demonstration, and commercial application on fuel cells for low-cost, high-efficiency, fuel-flexible, modular power systems.

(2) DEMONSTRATIONS.—The demonstrations shall include fuel cell proton exchange membrane technology for commercial, residential, and transportation applications, and

distributed generation systems, using improved manufacturing production and processes.

(c) Natural Gas and Oil Deposits Report.—Not later than 2 years after the date of enactment of this Act and every 2 years thereafter, the Secretary of the Interior, in consultation with other appropriate Federal agencies, shall submit to Congress a report on the latest estimates of natural gas and oil reserves, reserves growth, and undiscovered resources in Federal and State waters off the coast of Louisiana, Texas, Alabama, and Mississippi.

(d) Integrated Clean Power and Energy Research.—

(1) Establishment of center.—The Secretary shall establish a national center or consortium of excellence in clean energy and power generation, using the resources of the Clean Power and Energy Research Consortium in existence on the date of enactment of this Act, to address the critical dependence of the United States on energy and the need to reduce emissions.

(2) Focus areas.—The center or consortium shall conduct a program of research, development, demonstration, and commercial application on integrating the following 6 focus areas:

(A) Efficiency and reliability of gas turbines for power generation.

(B) Reduction in emissions from power generation.

(C) Promotion of energy conservation issues.

(D) Effectively using alternative fuels and renewable energy.

(E) Development of advanced materials technology for oil and gas exploration and use in harsh environments.

(F) Education on energy and power generation issues.

SEC. 953. METHANE HYDRATE RESEARCH.

(a) In General.—The Methane Hydrate Research and Development Act of 2000 (30 U.S.C. 1902 note; Public Law 106–193) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Methane Hydrate Research and Development Act of 2000'.

"SEC. 2. FINDINGS.

"Congress finds that—

"(1) in order to promote energy independence and meet the increasing demand for energy, the United States will require a diversified portfolio of substantially increased quantities of electricity, natural gas, and transportation fuels;

"(2) according to the report submitted to Congress by the National Research Council entitled 'Charting the Future of Methane Hydrate Research in the United States', the total United States resources of gas hydrates have been estimated to be on the order of 200,000 trillion cubic feet;

"(3) according to the report of the National Commission on Energy Policy entitled 'Ending the Energy Stalemate—A Bipartisan Strategy to Meet America's Energy Challenge', and dated December 2004, the United States may be endowed with over 1/4 of the methane hydrate deposits in the world;

"(4) according to the Energy Information Administration, a shortfall in natural gas supply from conventional and unconventional sources is expected to occur in or about 2020; and

"(5) the National Academy of Science states that methane hydrate may have the potential to alleviate the projected shortfall in the natural gas supply.

"SEC. 3. DEFINITIONS.

"In this Act:

"(1) Contract.—The term 'contract' means a procurement contract within the meaning of section 6303 of title 31, United States Code.

"(2) Cooperative agreement.—The term 'cooperative agreement' means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

"(3) Director.—The term 'Director' means the Director of the National Science Foundation.

"(4) Grant.—The term 'grant' means a grant awarded under a grant agreement (within the meaning of section 6304 of title 31, United States Code).

"(5) Industrial enterprise.—The term 'industrial enterprise' means a private, nongovernmental enterprise that has an expertise or capability that relates to methane hydrate research and development.

"(6) Institution of higher education.—The term 'institution of higher education' means an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)).

"(7) Secretary.—The term 'Secretary' means the Secretary of Energy, acting through the Assistant Secretary for Fossil Energy.

"(8) Secretary of commerce.—The term 'Secretary of Commerce' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

"(9) Secretary of defense.—The term 'Secretary of Defense' means the Secretary of Defense, acting through the Secretary of the Navy.

"(10) Secretary of the interior.—The term 'Secretary of the Interior' means the Secretary of the Interior, acting through the Director of the United States Geological Survey, the Director of the Bureau of Land Management, and the Director of the Minerals Management Service.

"SEC. 4. METHANE HYDRATE RESEARCH AND DEVELOPMENT PROGRAM.

"(a) In General.—

"(1) Commencement of program.—Not later than 90 days after the date of enactment of the Energy Research, Development, Demonstration, and Commercial Application Act of 2005, the Secretary, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director, shall commence a program of methane hydrate research and development in accordance with this section.

"(2) Designations.—The Secretary, the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director shall designate individuals to carry out this section.

"(3) Coordination.—The individual designated by the Secretary shall coordinate all activities within the Department of Energy relating to methane hydrate research and development.

"(4) Meetings.—The individuals designated under paragraph (2) shall meet not later than 180 days after the date of enactment of the Energy Research, Development, Demonstration, and Commercial Application Act of 2005 and not less frequently than every 180 days thereafter to—

"(A) review the progress of the program under paragraph (1); and

"(B) coordinate interagency research and partnership efforts in carrying out the program.

"(b) Grants, Contracts, Cooperative Agreements, Interagency Funds Transfer Agreements, and Field Work Proposals.—

"(1) Assistance and coordination.—In carrying out the program of methane hydrate research and development authorized by this section, the Secretary may award grants to, or enter into contracts or cooperative agreements with, institutions of higher education, oceanographic institutions, and industrial enterprises to—

"(A) conduct basic and applied research to identify, explore, assess, and develop methane hydrate as a commercially viable source of energy;

"(B) identify methane hydrate resources through remote sensing;

"(C) acquire and reprocess seismic data suitable for characterizing methane hydrate accumulations;

"(D) assist in developing technologies required for efficient and environmentally sound development of methane hydrate resources;

"(E) promote education and training in methane hydrate resource research and resource development through fellowships or other means for graduate education and training;

"(F) conduct basic and applied research to assess and mitigate the environmental impact of hydrate degassing (including both natural degassing and degassing associated with commercial development);

"(G) develop technologies to reduce the risks of drilling through methane hydrates; and

"(H) conduct exploratory drilling, well testing, and production testing operations on permafrost and non-permafrost gas hydrates in support of the activities authorized by this paragraph, including drilling of 1 or more full-scale production test wells.

"(2) Competitive peer review.—Funds made available under paragraph (1) shall be made available based on a competitive process using external scientific peer review of proposed research.

"(c) Methane Hydrates Advisory Panel.—

"(1) In general.—The Secretary shall establish an advisory panel (including the hiring of appropriate staff) consisting of representatives of industrial enterprises, institutions of higher education, oceanographic institutions, State agencies, and environmental organizations with knowledge and expertise in the natural gas hydrates field, to—

"(A) assist in developing recommendations and broad programmatic priorities for the methane hydrate research and development program carried out under subsection (a)(1);

"(B) provide scientific oversight for the methane hydrates program, including assessing progress toward program goals, evaluating program balance, and providing recommendations to enhance the quality of the program over time; and

"(C) not later than 2 years after the date of enactment of the Energy Research, Development, Demonstration, and Commercial Application Act of 2005, and at such later dates as the panel considers advisable, submit to Congress—

"(i) an assessment of the methane hydrate research program; and

"(ii) an assessment of the 5-year research plan of the Department of Energy.

"(2) Conflicts of interest.—In appointing each member of the advisory panel established under paragraph (1), the Secretary shall ensure, to the maximum extent practicable, that the appointment of the member does not pose a conflict of interest with respect to the duties of the member under this Act.

"(3) Meetings.—The advisory panel shall—

"(A) hold the initial meeting of the advisory panel not later than 180 days after the date of establishment of the advisory panel; and

"(B) meet biennially thereafter.

"(4) COORDINATION.—The advisory panel shall coordinate activities of the advisory panel with program managers of the Department of Energy at appropriate national laboratories.

"(d) CONSTRUCTION COSTS.—None of the funds made available to carry out this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

"(e) RESPONSIBILITIES OF THE SECRETARY.—In carrying out subsection (b)(1), the Secretary shall—

"(1) facilitate and develop partnerships among government, industrial enterprises, and institutions of higher education to research, identify, assess, and explore methane hydrate resources;

"(2) undertake programs to develop basic information necessary for promoting long-term interest in methane hydrate resources as an energy source;

"(3) ensure that the data and information developed through the program are accessible and widely disseminated as needed and appropriate;

"(4) promote cooperation among agencies that are developing technologies that may hold promise for methane hydrate resource development;

"(5) report annually to Congress on the results of actions taken to carry out this Act; and

"(6) ensure, to the maximum extent practicable, greater participation by the Department of Energy in international cooperative efforts.

"SEC. 5. NATIONAL RESEARCH COUNCIL STUDY.

"(a) AGREEMENT FOR STUDY.—The Secretary shall offer to enter into an agreement with the National Research Council under which the National Research Council shall—

"(1) conduct a study of the progress made under the methane hydrate research and development program implemented under this Act; and

"(2) make recommendations for future methane hydrate research and development needs.

"(b) REPORT.—Not later than September 30, 2009, the Secretary shall submit to Congress a report containing the findings and recommendations of the National Research Council under this section.

"SEC. 6. REPORTS AND STUDIES FOR CONGRESS.

"The Secretary shall provide to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate copies of any report or study that the Department of Energy prepares at the direction of any committee of Congress relating to the methane hydrate research and development program implemented under this Act.

"SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this Act, to remain available until expended—

"(1) $15,000,000 for fiscal year 2006;

"(2) $20,000,000 for fiscal year 2007;

"(3) $30,000,000 for fiscal year 2008;

"(4) $50,000,000 for fiscal year 2009; and

"(5) $50,000,000 for fiscal year 2010.".

(b) RECLASSIFICATION.—The Law Revision Counsel shall reclassify the Methane Hydrate Research and Development Act of 2000 (30 U.S.C. 1902 note; Public Law 106–193) to a new chapter at the end of title 30, United States Code.

SEC. 954. RESEARCH AND DEVELOPMENT FOR COAL MINING TECHNOLOGIES.

(a) ESTABLISHMENT.—The Secretary shall carry out a program for research and development on coal mining technologies.

(b) COOPERATION.—In carrying out the program, the Secretary shall cooperate with appropriate Federal agencies, coal producers, trade associations, equipment manufacturers, institutions of higher education with mining engineering departments, and other relevant entities.

(c) PROGRAM.—The research and development activities carried out under this section shall—

(1) be guided by the mining research and development priorities identified by the Mining Industry of the Future Program and in the recommendations from relevant reports of the National Academy of Sciences on mining technologies;

(2) include activities exploring minimization of contaminants in mined coal that contribute to environmental concerns including development and demonstration of electromagnetic wave imaging ahead of mining operations;

(3) develop and demonstrate coal bed electromagnetic wave imaging, spectroscopic reservoir analysis technology, and techniques for horizontal drilling in order to—

(A) identify areas of high coal gas content;

(B) increase methane recovery efficiency;

(C) prevent spoilage of domestic coal reserves; and

(D) minimize water disposal associated with methane extraction; and

(4) expand mining research capabilities at institutions of higher education.

SEC. 955. COAL AND RELATED TECHNOLOGIES PROGRAM.

(a) IN GENERAL.—In addition to the programs authorized under title II, the Secretary shall conduct a program of technology research, development, and demonstration and commercial application for coal and power systems, including programs to facilitate production and generation of coal-based power through—

(1) innovations for existing plants;

(2) integrated gasification combined cycle;

(3) advanced combustion systems;

(4) turbines for synthesis gas derived from coal;

(5) carbon capture and sequestration research and development;

(6) coal-derived transportation fuels and chemicals;

(7) liquid fuels derived from low rank coal water;

(8) removal of elemental mercury;

(9) solid fuels and feedstocks; and

(10) advanced coal-related research.

(b) COST AND PERFORMANCE GOALS.—

(1) IN GENERAL.—In carrying out programs authorized by this section, the Secretary shall identify cost and performance goals for coal-based technologies that would permit the continued cost-competitive use of coal for electricity generation, as chemical feedstocks, and as transportation fuel in 2007, 2010, 2012, and 2015.

(2) ADMINISTRATION.—In establishing the cost and performance goals, the Secretary shall—

(A) consider activities and studies undertaken as of the date of enactment of this Act by industry in cooperation with the Department in support of the identification of the goals;

(B) consult with interested entities, including—

(i) coal producers;

(ii) industries using coal;

(iii) organizations that promote coal and advanced coal technologies;

(iv) environmental organizations; and

(v) organizations representing workers;

(C) not later than 120 days after the date of enactment of this Act, publish in the Federal Register proposed draft cost and performance goals for public comments; and

(D) not later than 180 days after the date of enactment of this Act and every 4 years thereafter, submit to Congress a report describing the final cost and performance goals for the technologies that includes—

(i) a list of technical milestones; and

(ii) an explanation of how programs authorized in this section will not duplicate the activities authorized under the Clean Coal Power Initiative authorized under title II.

(c) POWDER RIVER BASIN AND FORT UNION LIGNITE COAL MERCURY REMOVAL.—

(1) IN GENERAL.—In addition to the programs authorized by subsection (a), the Secretary may establish a program to test and develop technologies to control and remove mercury emissions from subbituminous coal mined in the Powder River Basin, and Fort Union lignite coals, that are used for the generation of electricity.

(2) EFFICACY OF MERCURY REMOVAL TECHNOLOGY.—In carrying out the program under paragraph (1), the Secretary shall examine the efficacy of mercury removal technologies on coals described in that paragraph that are blended with other types of coal.

SEC. 956. CARBON DIOXIDE CAPTURE RESEARCH AND DEVELOPMENT.

(a) PROGRAM.—The Secretary shall establish a program of research and development aimed at developing carbon dioxide capture technologies for pulverized coal combustion units.

(b) FOCUS.—The program under subsection (a) shall focus on—

(1) developing add-on carbon dioxide capture technologies, such as adsorption and absorption techniques and chemical processes, to remove carbon dioxide from the flue gas, producing concentrated streams of carbon dioxide potentially amenable to sequestration;

(2) combustion technologies that would directly produce concentrated streams of carbon dioxide potentially amenable to sequestration; and

(3) minimizing the efficiency losses associated with carbon capture and sequestration.

(b) CARBON SEQUESTRATION.—In conjunction with the program under subsection (a), the Secretary shall continue pursuit of a carbon sequestration program involving public-private partnerships.

SEC. 957. COMPLEX WELL TECHNOLOGY TESTING FACILITY.

The Secretary, in coordination with industry leaders in extended research drilling technology, shall establish a Complex Well Technology Testing Facility at the Rocky Mountain Oilfield Testing Center to increase the range of extended drilling technologies.

Subtitle F—Science

SEC. 961. SCIENCE.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out research, development, demonstration, and commercial application activities of the Office of Science, including activities authorized under this subtitle (including the amounts authorized under the amendment made by section 967(b) and including basic energy sciences, advanced scientific and computing research, biological and environmental research, fusion energy sciences, high energy physics, nuclear physics, research analysis, and infrastructure support)—

(1) $4,153,000,000 for fiscal year 2006;

(2) $4,586,000,000 for fiscal year 2007; and

(3) $5,000,000,000 for fiscal year 2008.

(b) ALLOCATIONS.—From amounts authorized under subsection (a), the following sums are authorized:

(1) For activities under the Fusion Energy Sciences program (including activities under section 962)—

(A) $349,000,000 for fiscal year 2006;

(B) $362,000,000 for fiscal year 2007; and

(C) $377,000,000 for fiscal year 2008.

(2) For activities under the catalysis research program established under section 964—

(A) $35,000,000 for fiscal year 2006;

(B) $36,500,000 for fiscal year 2007; and

(C) $38,200,000 for fiscal year 2008.

(3) For activities under the Genomes to Life Program established under section 968—

(A) $170,000,000 for fiscal year 2006;

(B) $325,000,000 for fiscal year 2007; and

(C) $415,000,000 for fiscal year 2008.

(4) For construction and ancillary equipment for user facilities under section 968(d) for the Genomes to Life Program, of the amounts authorized under paragraph (3)—

(A) $70,000,000 for fiscal year 2006;

(B) $175,000,000 for fiscal year 2007; and

(C) $215,000,000 for fiscal year 2008.

(5) For activities under the Energy-Water Supply Technologies Program established under section 970, $30,000,000 for each of fiscal years 2006 through 2008.

(c) FUSION ENERGY SCIENCES PROGRAM.—In addition to the funds authorized under subsection (b)(1), there are authorized to be appropriated for construction costs associated with the Fusion Energy Sciences Program under section 962—

(1) $55,000,000 for fiscal year 2006;

(2) $95,000,000 for fiscal year 2007; and

(3) $115,000,000 for fiscal year 2008.

SEC. 962. FUSION ENERGY SCIENCES PROGRAM.

(a) DECLARATION OF POLICY.—It shall be the policy of the United States to conduct research, development, demonstration, and commercial applications to provide for the scientific, engineering, and commercial infrastructure necessary to ensure that the United States is competitive with other countries in providing fusion energy for its own needs and the needs of other countries, including by demonstrating electric power or hydrogen production for the United States energy grid using fusion energy at the earliest date.

(b) PLANNING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a plan (with proposed cost estimates, budgets, and lists of potential international partners) for the implementation of the policy described in subsection (a) in a manner that ensures that—

(A) existing fusion research facilities are more fully used;

(B) fusion science, technology, theory, advanced computation, modeling, and simulation are strengthened;

(C) new magnetic and inertial fusion research and development facilities are selected based on scientific innovation and cost effectiveness, and the potential of the facilities to advance the goal of practical fusion energy at the earliest date practicable;

(D) facilities that are selected are funded at a cost-effective rate;

(E) communication of scientific results and methods between the fusion energy science community and the broader scientific and technology communities is improved;

(F) inertial confinement fusion facilities are used to the extent practicable for the purpose of inertial fusion energy research and development;

(G) attractive alternative inertial and magnetic fusion energy approaches are more fully explored; and

(H) to the extent practicable, the recommendations of the Fusion Energy Sciences Advisory Committee in the report on workforce planning, dated March 2004, are carried out, including periodic reassessment of program needs.

(2) COSTS AND SCHEDULES.—The plan shall also address the status of and, to the extent practicable, costs and schedules for—

(A) the design and implementation of international or national facilities for the testing of fusion materials; and

(B) the design and implementation of international or national facilities for the testing and development of key fusion technologies.

(c) UNITED STATES PARTICIPATION IN ITER.—

(1) DEFINITIONS.—In this subsection:

(A) CONSTRUCTION.—

(i) IN GENERAL.—The term "construction" means—

(I) the physical construction of the ITER facility; and

(II) the physical construction, purchase, or manufacture of equipment or components that are specifically designed for the ITER facility.

(ii) EXCLUSIONS.—The term "construction" does not include the design of the facility, equipment, or components.

(B) ITER.—The term "ITER" means the international burning plasma fusion research project in which the President announced United States participation on January 30, 2003, or any similar international project.

(2) PARTICIPATION.—The United States may participate in the ITER only in accordance with this subsection.

(3) AGREEMENT.—

(A) IN GENERAL.—The Secretary may negotiate an agreement for United States participation in the ITER.

(B) CONTENTS.—Any agreement for United States participation in the ITER shall, at a minimum—

(i) clearly define the United States financial contribution to construction and operating costs, as well as any other costs associated with a project;

(ii) ensure that the share of high-technology components of the ITER manufactured in the United States is at least proportionate to the United States financial contribution to the ITER;

(iii) ensure that the United States will not be financially responsible for cost overruns in components manufactured in other ITER participating countries;

(iv) guarantee the United States full access to all data generated by the ITER;

(v) enable United States researchers to propose and carry out an equitable share of the experiments at the ITER;

(vi) provide the United States with a role in all collective decisionmaking related to the ITER; and

(vii) describe the process for discontinuing or decommissioning the ITER and any United States role in that process.

(4) PLAN.—

(A) DEVELOPMENT.—The Secretary, in consultation with the Fusion Energy Sciences Advisory Committee, shall develop a plan for the participation of United States scientists in the ITER that shall include—

(i) the United States research agenda for the ITER;

(ii) methods to evaluate whether the ITER is promoting progress toward making fusion a reliable and affordable source of power; and

(iii) a description of how work at the ITER will relate to other elements of the United States fusion program.

(B) REVIEW.—The Secretary shall request a review of the plan by the National Academy of Sciences.

(5) LIMITATION.—No Federal funds shall be expended for the construction of the ITER until the Secretary has submitted to Congress—

(A) the agreement negotiated in accordance with paragraph (3) and 120 days have elapsed since that submission;

(B) a report describing the management structure of the ITER and providing a fixed dollar estimate of the cost of United States participation in the construction of the ITER, and 120 days have elapsed since that submission;

(C) a report describing how United States participation in the ITER will be funded without reducing funding for other programs in the Office of Science (including other fusion programs), and 60 days have elapsed since that submission; and

(D) the plan required by paragraph (4) (but not the National Academy of Sciences review of that plan), and 60 days have elapsed since that submission.

(6) ALTERNATIVE TO ITER.—

(A) IN GENERAL.—If at any time during the negotiations on the ITER, the Secretary determines that construction and operation of the ITER is unlikely or infeasible, the Secretary shall submit to Congress, along with the budget request of the President submitted to Congress for the following fiscal year, a plan for implementing a domestic burning plasma experiment such as the Fusion Ignition Research Experiment, including costs and schedules for the plan.

(B) ADMINISTRATION.—The Secretary shall—

(i) refine the plan in full consultation with the Fusion Energy Sciences Advisory Committee; and

(ii) transmit the plan to the National Academy of Sciences for review.

SEC. 963. SUPPORT FOR SCIENCE AND ENERGY FACILITIES AND INFRASTRUCTURE.

(a) FACILITY AND INFRASTRUCTURE POLICY.—

(1) IN GENERAL.—The Secretary shall develop and implement a strategy for facilities and infrastructure supported primarily from the Office of Science, the Office of Energy Efficiency and Renewable Energy, the Office of Fossil Energy, or the Office of Nuclear Energy, Science and Technology Programs at all National Laboratories and single-purpose research facilities.

(2) STRATEGY.—The strategy shall provide cost-effective means for—

(A) maintaining existing facilities and infrastructure;

(B) closing unneeded facilities;

(C) making facility modifications; and

(D) building new facilities.

(b) REPORT.—

(1) IN GENERAL.—The Secretary shall prepare and submit, along with the budget request of the President submitted to Congress for fiscal year 2007, a report describing the strategy developed under subsection (a).

(2) CONTENTS.—For each National Laboratory and single-purpose research facility that is primarily used for science and energy research, the report shall contain—

(A) the current priority list of proposed facilities and infrastructure projects, including cost and schedule requirements;

(B) a current 10-year plan that demonstrates the reconfiguration of its facilities and infrastructure to meet its missions and to address its long-term operational costs and return on investment;

(C) the total current budget for all facilities and infrastructure funding; and

(D) the current status of each facility and infrastructure project compared to the original baseline cost, schedule, and scope.

SEC. 964. CATALYSIS RESEARCH PROGRAM.

(a) ESTABLISHMENT.—The Secretary, acting through the Office of Science, shall support a program of research and development in catalysis science consistent with the statutory authorities of the Department related to research and development.

(b) COMPONENTS.—The program shall include efforts to—

(1) enable catalyst design using combinations of experimental and mechanistic methodologies coupled with computational modeling of catalytic reactions at the molecular level;

(2) develop techniques for high throughput synthesis, assay, and characterization at nanometer and subnanometer scales in situ under actual operating conditions;

(3) synthesize catalysts with specific site architectures;

(4) conduct research on the use of precious metals for catalysis; and

(5) translate molecular understanding to the design of catalytic compounds.

(c) DUTIES OF THE OFFICE OF SCIENCE.—In carrying out the program, the Director of the Office of Science shall—

(1) support both individual investigators and multidisciplinary teams of investigators to pioneer new approaches in catalytic design;

(2) develop, plan, construct, acquire, share, or operate special equipment or facilities for the use of investigators in collaboration with national user facilities, such as nanoscience and engineering centers;

(3) support technology transfer activities to benefit industry and other users of catalysis science and engineering; and

(4) coordinate research and development activities with industry and other Federal agencies.

(d) TRIENNIAL ASSESSMENT.—Not later than 3 years after the date of enactment of this Act and every 3 years thereafter, the National Academy of Sciences shall—

(1) review the catalysis program to measure—

(A) gains made in the fundamental science of catalysis; and

(B) progress towards developing new fuels for energy production and material fabrication processes; and

(2) submit to Congress a report describing the results of the review.

SEC. 965. HYDROGEN.

(a) IN GENERAL.—The Secretary shall conduct a program of fundamental research and development in support of programs authorized under title VIII.

(b) METHODS.—The program shall include support for methods of generating hydrogen without the use of natural gas.

SEC. 966. SOLID STATE LIGHTING.

The Secretary shall conduct a program of fundamental research on advance solid state lighting in support of the Next Generation Lighting Initiative carried out under section 912.

SEC. 967. ADVANCED SCIENTIFIC COMPUTING FOR ENERGY MISSIONS.

(a) PROGRAM.—

(1) IN GENERAL.—The Secretary shall conduct an advanced scientific computing research and development program that includes activities related to applied mathematics and activities authorized by the Department of Energy High-End Computing Revitalization Act of 2004 (15 U.S.C. 5541 et seq.).

(2) GOAL.—The Secretary shall carry out the program with the goal of supporting departmental missions, and providing the high-performance computational, networking, advanced visualization technologies, and workforce resources, that are required for world leadership in science.

(b) HIGH-PERFORMANCE COMPUTING.—Section 203 of the High-Performance Computing Act of 1991 (15 U.S.C. 5523) is amended to read as follows:

"SEC. 203. DEPARTMENT OF ENERGY ACTIVITIES.

"(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the Secretary of Energy shall—

"(1) conduct and support basic and applied research in high-performance computing and networking to support fundamental research in science and engineering disciplines related to energy applications; and

"(2) provide computing and networking infrastructure support, including—

"(A) the provision of high-performance computing systems that are among the most advanced in the world in terms of performance in solving scientific and engineering problems; and

"(B) support for advanced software and applications development for science and engineering disciplines related to energy applications.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy such sums as are necessary to carry out this section.".

SEC. 968. GENOMES TO LIFE PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall carry out a program of research, development, demonstration, and commercial application, to be known as the "Genomes to Life Program", in microbial and plant systems biology, protein science, and computational biology consistent with the statutory authorities of the Department.

(b) PLANNING.—

(1) IN GENERAL.—The Secretary shall prepare a program plan that describes how knowledge and capabilities would be developed by the program and applied to missions of the Department relating to energy security, environmental cleanup, and national security.

(2) CONSULTATION.—The Secretary shall prepare the program plan in consultation with the heads of other Federal agencies that carry out relevant technology programs.

(3) LONG-TERM GOALS.—In preparing the program plan, the Secretary shall focus on applying science and technology to achieve the long-term goals of the program, including—

(A) contributing to the independence of the United States from foreign energy sources, including production of hydrogen;

(B) converting carbon dioxide to organic carbon;

(C) advancing environmental cleanup;

(D) providing the science and technology for new biotechnology industries; and

(E) improving national security and combating bioterrorism.

(4) SHORT-TERM GOALS.—In preparing the program plan, the Secretary shall—

(A) establish specific short-term goals; and

(B) update the goals with the annual budget submission of the Secretary.

(c) ADMINISTRATION.—In carrying out the program, the Secretary shall—

(1) support individual investigators and multidisciplinary teams of investigators;

(2) subject to subsection (d), develop, plan, construct, acquire, or operate special equipment or facilities for the use of investigators conducting research, development, demonstration, or commercial application in systems biology and proteomics;

(3) support technology transfer activities to benefit industry and other users of systems biology and proteomics; and

(4) coordinate activities by the Department with industry and other Federal agencies.

(d) GENOMES TO LIFE USER FACILITIES AND ANCILLARY EQUIPMENT.—

(1) IN GENERAL.—Subject to the availability of funds to carry out this subsection, the amounts made available under section 961(b)(4) shall be available for—

(A) projects to develop, plan, construct, acquire, or operate special equipment, or instrumentation; or

(B) facilities at National Laboratories for investigators conducting research, development, demonstration, and commercial application in systems biology and proteomics and associated biological disciplines.

(2) PROJECTS.—Projects under paragraph (1)(A) may include—

(A) the identification and characterization of multiprotein complexes;

(B) characterization of gene regulatory networks;

(C) characterization of the functional repertoire of complex microbial communities in their natural environments at the molecular level; and

(D) development of computational methods and capabilities to advance understanding of complex biological systems and predict their behavior.

(3) FACILITIES.—Facilities under paragraph (1)(B) may include facilities, equipment, or instrumentation for—

(A) the production and characterization of proteins;

(B) whole proteome analysis;

(C) characterization and imaging of molecular machines; and

(D) analysis and modeling of cellular systems.

(4) FACILITIES LOCATION AND MISSION.—The number, location, and mission of facilities under paragraph (1)(B) shall be determined in a plan provided by the Secretary to Congress before the construction of any such facility.

(5) COLLABORATION.—

(A) IN GENERAL.—In carrying out this subsection, the Secretary shall encourage collaborations among institutions of higher education, National Laboratories, and industry at facilities.

(B) TECHNOLOGY TRANSFER.—All facilities under this subsection shall promote technology transfer to other institutions.

SEC. 969. FISSION AND FUSION ENERGY MATERIALS RESEARCH PROGRAM.

(a) IN GENERAL.—Along with the budget request of the President submitted to Congress for fiscal year 2007, the Secretary shall establish a research and development program on material science issues presented by advanced fission reactors and the fusion energy program of the Department.

(b) ADMINISTRATION.—In carrying out the program, the Secretary shall develop—

(1) a catalog of material properties required for applications described in subsection (a);

(2) theoretical models for materials possessing the required properties;

(3) benchmark models against existing data; and

(4) a roadmap to guide further research and development in the area covered by the program.

SEC. 970. ENERGY-WATER SUPPLY TECHNOLOGIES PROGRAM.

(a) DEFINITIONS.—In this section:

(1) FOUNDATION.—The term "Foundation" means the American Water Works Association Research Foundation.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) PROGRAM.—The term "Program" means the Energy-Water Supply Technologies Program established by subsection (b).

(b) ESTABLISHMENT.—There is established, within the Office of Biological and Environmental Research of the Office of Science, a program, to be known as the "Energy-Water Supply Technologies Program", to study—

(1) energy-related issues associated with water resources and municipal waterworks; and

(2) supply issues related to energy production.

(c) PROGRAM AREAS.—In carrying out the Program, the Secretary shall conduct research and development, including research and development relating to—

(1) the arsenic removal program under subsection (d);

(2) the desalination research program under subsection (e);

(3) the water and energy sustainability program under subsection (f); and

(4) other energy-intensive water supply and treatment technologies and other technologies selected by the Secretary.

(d) ARSENIC REMOVAL PROGRAM.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall enter into a contract with the Foundation to use the facilities, institutions, and relationships described in the matter under the heading "BIOLOGICAL AND ENVIRONMENTAL RESEARCH" of title III of Senate Report 107–220 to accompany the Consolidated Appropriations Resolution, 2003 (Public Law 108–7) to carry out a research program to develop and demonstrate innovative arsenic removal technologies.

(2) RESEARCH.—In carrying out the arsenic removal program, the Foundation shall, to the maximum extent practicable, conduct research on means of—

(A) reducing energy costs incurred in using arsenic removal technologies;

(B) minimizing materials, operating, and maintenance costs incurred in using arsenic removal technologies; and

(C) minimizing any quantities of waste (especially hazardous waste) that result from use of arsenic removal technologies.

(3) DEMONSTRATION PROJECTS.—The Foundation shall carry out peer-reviewed research and demonstration projects to develop and demonstrate water purification technologies.

(4) ADMINISTRATION.—Under the arsenic removal program—

(A) demonstration projects shall be implemented with municipal water system partners to demonstrate the applicability of innovative arsenic removal technologies in areas with different water chemistries representative of areas across the United States with arsenic levels near or exceeding the guidelines of the Environmental Protection Agency; and

(B) not less than 40 percent of the funds of the Department used for demonstration projects under the arsenic removal program shall be expended on projects focused on the needs of and in partnership with rural communities or Indian tribes.

(5) EVALUATIONS; TECHNOLOGY TRANSFER.—The Foundation shall develop evaluations of cost effectiveness of arsenic removal technologies used in the program and an education, training, and technology transfer component for the program.

(6) COORDINATION.—The Secretary shall consult with the Administrator of the Environmental Protection Agency to ensure that activities under the arsenic removal program are coordinated with appropriate programs of the Environmental Protection Agency and other Federal agencies, State programs, and academia.

(7) REPORTS.—Not later than 1 year after the date of commencement of the arsenic removal program and annually thereafter, the Secretary shall submit to Congress a report on the results of the arsenic removal program.

(e) DESALINATION PROGRAM.—

(1) IN GENERAL.—The Secretary, in cooperation with the Commissioner of Reclamation, shall carry out a desalination research program in accordance with the desalination technology progress plan developed under the matter under the heading "WATER AND RELATED RESOURCES" under the heading "BUREAU OF RECLAMATION" of title II of the Energy and Water Development Appropriations Act, 2002 (115 Stat. 498) and described in Senate Report 107–39 to accompany S. 1171 (107th Congress).

(2) ADMINISTRATION.—The desalination program shall—

(A) draw on the national laboratory partnership established with the Bureau of Reclamation to develop the national Desalination and Water Purification Technology Roadmap for next-generation desalination technology released in January 2003;

(B) focus on research relating to, and development and demonstration of, technologies that are appropriate for use in desalinating brackish groundwater, wastewater, and other saline water supplies and disposal of residual brine or salt; and

(C) consider the use of renewable energy sources.

(3) CONSTRUCTION PROJECTS.—Under the desalination program, funds made available for the program may be used for construction projects, including completion of the National Desalination Research Center for brackish groundwater and ongoing facility operational costs.

(4) STEERING COMMITTEE.—

(A) ESTABLISHMENT.—The Secretary and the Commissioner of Reclamation shall jointly establish a steering committee for the desalination program.

(B) CHAIR.—The steering committee shall be jointly chaired by—

(i) 1 representative from the Program; and

(ii) 1 representative from the Bureau of Reclamation.

(f) WATER AND ENERGY SUSTAINABILITY PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out a research program to develop technologies to assist in ensuring that sufficient quantities of water are available to meet present and future requirements.

(2) ASSESSMENTS.—Under the program and in collaboration with other programs within the Department (including programs within the Offices of Fossil Energy and Energy Efficiency and Renewable Energy), the Secretary of the Interior, the Corps of Engineers, the Environmental Protection Agency, the Department of Commerce, the Department of Defense, State agencies, nongovernmental agencies, and academia, the Secretary shall assess the current state of knowledge and program activities concerning—

(A) future water resources needed to support energy production within the United States, including the water needs for hydropower and thermo-electric power generation;

(B) future energy resources needed to support development of water purification and treatment, including desalination and long-distance water conveyance;

(C) reuse and treatment of water produced as a byproduct of oil and gas extraction;

(D) use of impaired and nontraditional water supplies for energy production and other uses; and

(E) technologies to reduce water use in energy production.

(3) TOOLS.—In addition to the assessments conducted under paragraph (2), the Secretary shall—

(A) develop a research plan that defines the scientific and technology development needs and activities required to support—

(i) long-term water needs and planning for energy sustainability;

(ii) use of impaired water for energy production and other uses; and

(iii) reduction of water use in energy production;

(B) carry out the research plan required under subparagraph (A), including development of numerical models, decision analysis tools, economic analysis tools, databases, planning methodologies, and strategies;

(C) implement at least 3 planning demonstration projects using the models, tools, and planning approaches developed under subparagraph (B) and assess the viability of those tools on the scale of river basins with at least 1 demonstration involving an international border; and

(D) transfer those tools to other Federal agencies, State agencies, nonprofit organizations, industry, and academia for use in their energy and water sustainability efforts.

(4) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the water and energy sustainability program that—

(A) describes the research elements described under paragraph (2); and

(B) makes recommendations for a management structure that optimizes use of Federal resources and programs.

(g) COST SHARING.—

(1) RESEARCH PROJECTS.—A research project under this section shall not require cost-sharing.

(2) DEMONSTRATION PROJECTS.—Each demonstration project carried out under the Program shall be carried out in accordance with the cost-sharing requirements of section 1002.

SEC. 971. SPALLATION NEUTRON SOURCE.

(a) DEFINITIONS.—In this section:

(1) SING.—The term "SING" means the Spallation Neutron Source Instruments Next Generation major item of equipment.

(2) SNS POWER UPGRADE.—The term "SNS power upgrade" means the Spallation Neutron Source power upgrade described in the 20-year facilities plan of the Office of Science of the Department.

(3) SNS SECOND TARGET STATION.—The term "SNS second target station" the Spallation Neutron Source second target station described in the 20-year facilities plan of the Office of Science of the Department.

(4) SPALLATION NEUTRON SOURCE FACILITY.—The terms "Spallation Neutron Source Facility" and "Facility" mean the completed Spallation Neutron Source scientific user facility located at Oak Ridge National Laboratory, Oak Ridge, Tennessee.

(5) Spallation Neutron Source Project.—The terms "Spallation Neutron Source Project" and "Project" means Department Project 99–E–334, Oak Ridge National Laboratory, Oak Ridge, Tennessee.

(b) Spallation Neutron Source Project.—

(1) In general.—The Secretary shall submit to Congress, as part of the annual budget request of the President submitted to Congress, a report on progress on the Spallation Neutron Source Project.

(2) Contents.—The report shall include for the Project—

(A) a description of the achievement of milestones;

(B) a comparison of actual costs to estimated costs; and

(C) any changes in estimated Project costs or schedule.

(c) Spallation Neutron Source Facility Plan.—

(1) In general.—The Secretary shall develop an operational plan for the Spallation Neutron Source Facility that ensures that the Facility is employed to the full capability of the Facility in support of the study of advanced materials, nanoscience, and other missions of the Office of Science of the Department.

(2) Plan.—The operational plan shall—

(A) include a plan for the operation of an effective scientific user program that—

(i) is based on peer review of proposals submitted for use of the Facility;

(ii) includes scientific and technical support to ensure that external users, including researchers based at institutions of higher education, are able to make full use of a variety of high quality scientific instruments; and

(iii) phases in systems upgrades to ensure that the Facility remains at the forefront of international scientific endeavors in the field of the Facility throughout the operating life of the Facility;

(B) include an ongoing program to develop new instruments that builds on the high performance neutron source and that allows neutron scattering techniques to be applied to a growing range of scientific problems and disciplines; and

(C) address the status of and, to the maximum extent practicable, costs and schedules for—

(i) full user mode operations of the Facility;

(ii) instrumentation built at the Facility during the operating phase through full use of the experimental hall, including the SING;

(iii) the SNS power upgrade; and

(iv) the SNS second target station.

(d) Authorization of Appropriations.—

(1) Spallation neutron source project.—There is authorized to be appropriated to carry out the Spallation Neutron Source Project for the lifetime of the Project $1,411,700,000 for total project costs, of which—

(A) $1,192,700,000 shall be used for the costs of construction; and

(B) $219,000,000 shall be used for other Project costs.

(2) Spallation neutron source facility.—

(A) In general.—Except as provided in subparagraph (B), there is authorized to be appropriated for the Spallation Neutron Source Facility for—

(i) the SING, $75,000,000 for fiscal year 2006; and

(ii) the SNS power upgrade, $160,000,000 for each of fiscal years 2007 and 2008.

(B) Insufficient stockpiles of heavy water.—If stockpiles of heavy water of the Department are insufficient to meet the needs of the Facility, there is authorized to be appropriated for the Facility $172,000,000 for fiscal year 2007.

Subtitle G—International Cooperation

SEC. 981. WESTERN HEMISPHERE ENERGY COOPERATION.

(a) Program.—The Secretary shall carry out a program to promote cooperation on energy issues with countries of the Western Hemisphere.

(b) Activities.—Under the program, the Secretary shall fund activities to work with countries of the Western Hemisphere to—

(1) increase the production of energy supplies;

(2) improve energy efficiency; and

(3) assist in the development and transfer of energy supply and efficiency technologies that would have a beneficial impact on world energy markets.

(c) Participation by Institutions of Higher Education.—To the extent practicable, the Secretary shall carry out the program under this section with the participation of institutions of higher education so as to take advantage of the acceptance of institutions of higher education by countries of the Western Hemisphere as sources of unbiased technical and policy expertise when assisting the Secretary in—

(1) evaluating new technologies;

(2) resolving technical issues;

(3) working with those countries in the development of new policies; and

(4) training policymakers, particularly in the case of institutions of higher education that involve the participation of minority students, such as—

(A) Hispanic-serving institutions; and

(B) part B institutions.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

(1) $10,000,000 for fiscal year 2006;

(2) $13,000,000 for fiscal year 2007; and

(3) $16,000,000 for fiscal year 2008.

SEC. 982. COOPERATION BETWEEN UNITED STATES AND ISRAEL.

(a) Findings.—Congress finds that—

(1) on February 1, 1996, the United States and Israel signed the agreement entitled "Agreement between the Department of Energy of the United States of America and the Ministry of Energy and Infrastructure of Israel Concerning Energy Cooperation", (referred to in this section as the "Agreement") to establish a framework for collaboration between the United States and Israel in energy research and development activities;

(2) the Agreement entered into force in February 2000;

(3) in February 2005, the Agreement was automatically renewed for 1 additional 5-year period pursuant to Article X of the Agreement; and

(4) under the Agreement, the United States and Israel may cooperate in energy research and development in a variety of alternative and advanced energy sectors.

(b) Report to Congress.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes—

(1) the ways in which the United States and Israel have cooperated on energy research and development activities under the Agreement;

(2) projects initiated pursuant to the Agreement; and

(3) plans for future cooperation and joint projects under the Agreement.

(c) Sense of Congress.—It is the sense of Congress that energy cooperation between the Governments of the United States and Israel is mutually beneficial in the development of energy technology.

TITLE X—DEPARTMENT OF ENERGY MANAGEMENT

SEC. 1001. AVAILABILITY OF FUNDS.

Funds authorized to be appropriated to the Department under this Act or an amendment made by this Act shall remain available until expended.

SEC. 1002. COST SHARING.

(a) Applicability.—Notwithstanding any other provision of law, in carrying out a research, development, demonstration, or commercial application activity that is initiated after the date of enactment of this section, the Secretary shall require cost-sharing in accordance with this section.

(b) Research and Development.—

(1) In general.—Except as provided in paragraphs (2) and (3) and subsection (f), the Secretary shall require not less than 20 percent of the cost of a research or development activity described in subsection (a) to be provided by a non-Federal source.

(2) Exclusion.—Paragraph (1) shall not apply to a research or development activity described in subsection (a) that is of a basic or fundamental nature, as determined by the appropriate officer of the Department.

(3) Reduction.—The Secretary may reduce or eliminate the requirement of paragraph (1) for a research and development activity of an applied nature if the Secretary determines that the reduction is necessary and appropriate.

(c) Demonstration and Commercial Application.—

(1) In general.—Except as provided in paragraph (2) and subsection (f), the Secretary shall require that not less than 50 percent of the cost of a demonstration or commercial application activity described in subsection (a) to be provided by a non-Federal source.

(2) Reduction of non-federal share.—The Secretary may reduce the non-Federal share required under paragraph (1) if the Secretary determines the reduction to be necessary and appropriate, taking into consideration any technological risk relating to the activity.

(d) Calculation of Amount.—In calculating the amount of a non-Federal contribution under this section, the Secretary—

(1) may include allowable costs in accordance with the applicable cost principles, including—

(A) cash;

(B) personnel costs;

(C) the value of a service, other resource, or third party in-kind contribution determined in accordance with the applicable circular of the Office of Management and Budget;

(D) indirect costs or facilities and administrative costs; or

(E) any funds received under the power program of the Tennessee Valley Authority (except to the extent that such funds are made available under an annual appropriation Acts); and

(2) shall not include—

(A) revenues or royalties from the prospective operation of an activity beyond the time considered in the award;

(B) proceeds from the prospective sale of an asset of an activity; or

(C) other appropriated Federal funds.

(e) Repayment of Federal Share.—The Secretary shall not require repayment of the Federal share of a cost-shared activity under this section as a condition of making an award.

(f) EXCLUSIONS.—This section shall not apply to—

(1) a cooperative research and development agreement under the Stevenson-Wydler Technology Innovation Act of 1990 (15 U.S.C. 3701 et seq.);

(2) a fee charged for the use of a Department facility; or

(3) an award under—

(A) the small business innovation research program under section 9 of the Small Business Act (15 U.S.C. 638); or

(B) the small business technology transfer program under that section.

SEC. 1003. MERIT REVIEW OF PROPOSALS.

Awards of funds authorized under this Act or an amendment made by this Act shall be made only after an impartial review of the scientific and technical merit of the proposals for the awards has been carried out by or for the Department.

SEC. 1004. EXTERNAL TECHNICAL REVIEW OF DEPARTMENTAL PROGRAMS.

(a) NATIONAL ENERGY RESEARCH AND DEVELOPMENT ADVISORY BOARDS.—

(1) ESTABLISHMENT.—The Secretary shall establish 1 or more advisory boards to review research, development, demonstration, and commercial application programs of the Department in energy efficiency, renewable energy, nuclear energy, and fossil energy.

(2) ALTERNATIVES.—The Secretary may—

(A) designate an existing advisory board within the Department to fulfill the responsibilities of an advisory board under this section; and

(B) enter into appropriate arrangements with the National Academy of Sciences to establish such an advisory board.

(b) USE OF EXISTING COMMITTEES.—The Secretary shall continue to use the scientific program advisory committees chartered under the Federal Advisory Committee Act (5 U.S.C. App.) by the Office of Science to oversee research and development programs under that Office.

(c) MEMBERSHIP.—Each advisory board under this section shall consist of persons with appropriate expertise representing a diverse range of interests.

(d) MEETINGS AND GOALS.—

(1) MEETINGS.—Each advisory board under this section shall meet at least semiannually to review and advise on the progress made by the respective 1 or more research, development, demonstration, and commercial application programs.

(2) GOALS.—The advisory board shall review the measurable cost and performance-based goals for the programs as established under section 902, and the progress on meeting the goals.

(e) PERIODIC REVIEWS AND ASSESSMENTS.—

(1) IN GENERAL.—The Secretary shall enter into appropriate arrangements with the National Academy of Sciences to conduct periodic reviews and assessments of—

(A) the programs authorized by this Act and amendments made by this Act;

(B) the measurable cost and performance-based goals for the programs as established under section 902, if any; and

(C) the progress on meeting the goals.

(2) TIMING.—The reviews and assessments shall be conducted every 5 years or more often as the Secretary considers necessary.

(3) REPORTS.—The Secretary shall submit to Congress reports describing the results of all the reviews and assessments.

SEC. 1005. IMPROVED TECHNOLOGY TRANSFER OF ENERGY TECHNOLOGIES.

(a) TECHNOLOGY TRANSFER COORDINATOR.—The Secretary shall appoint a Technology Transfer Coordinator to be the principal advisor to the Secretary on all matters relating to technology transfer and commercialization.

(b) QUALIFICATIONS.—The Coordinator shall be an individual who, by reason of professional background and experience, is specially qualified to advise the Secretary on matters pertaining to technology transfer at the Department.

(c) DUTIES OF THE COORDINATOR.—The Coordinator shall oversee—

(1) the activities of the Technology Transfer Working Group established under subsection (d);

(2) the expenditure of funds allocated for technology transfer within the Department;

(3) the activities of each technology partnership ombudsman appointed under section 11 of the Technology Transfer Commercialization Act of 2000 (42 U.S.C. 7261c); and

(4) efforts to engage private sector entities, including venture capital companies.

(d) TECHNOLOGY TRANSFER WORKING GROUP.—The Secretary shall establish a Technology Transfer Working Group, which shall consist of representatives of the National Laboratories and single-purpose research facilities, to—

(1) coordinate technology transfer activities occurring at National Laboratories and single-purpose research facilities;

(2) exchange information about technology transfer practices, including alternative approaches to resolution of disputes involving intellectual property rights and other technology transfer matters; and

(3) develop and disseminate to the public and prospective technology partners information about opportunities and procedures for technology transfer with the Department, including opportunities and procedures related to alternative approaches to resolution of disputes involving intellectual property rights and other technology transfer matters.

(e) TECHNOLOGY COMMERCIALIZATION FUND.—The Secretary shall establish an Energy Technology Commercialization Fund, using 0.5 percent of the amount made available to the Department for each fiscal year, to be used to provide matching funds with private partners to promote promising technologies for commercial purposes.

(f) TECHNOLOGY TRANSFER RESPONSIBILITY.—Nothing in this section affects the technology transfer responsibilities of Federal employees under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

(g) PLANNING AND REPORTING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a technology transfer execution plan.

(2) UPDATES.—Each year after the submission of the plan under paragraph (1), the Secretary shall submit to Congress an updated execution plan and reports that describe progress toward meeting goals set forth in the execution plan and the funds expended under subsection (e).

SEC. 1006. TECHNOLOGY INFRASTRUCTURE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PROGRAM.—The term "Program" means the Technology Infrastructure Program established under subsection (b).

(2) TECHNOLOGY CLUSTER.—The term "technology cluster" means a concentration of technology-related business concerns, institutions of higher education, or nonprofit institutions, that reinforce each other's performance in the areas of technology development through formal or informal relationships.

(3) TECHNOLOGY-RELATED BUSINESS CONCERN.—The term "technology-related business concern" means a for-profit corporation, company, association, firm, partnership, or small business concern that—

(A) conducts scientific or engineering research;

(B) develops new technologies;

(C) manufactures products based on new technologies; or

(D) performs technological services.

(b) ESTABLISHMENT.—The Secretary shall establish a Technology Infrastructure Program in accordance with this section.

(c) PURPOSE.—The purpose of the Program shall be to improve the ability of National Laboratories and single-purpose research facilities to support departmental missions by—

(1) stimulating the development of technology clusters that can support departmental missions at the National Laboratories or single-purpose research facilities;

(2) improving the ability of National Laboratories and single-purpose research facilities to leverage and benefit from commercial research, technology, products, processes, and services; and

(3) encouraging the exchange of scientific and technological expertise between—

(A) National Laboratories or single-purpose research facilities; and

(B) entities that can support departmental missions at the National Laboratories or single-purpose research facilities, such as—

(i) institutions of higher education;

(ii) technology-related business concerns;

(iii) nonprofit institutions; and

(iv) agencies of State, tribal, or local governments.

(d) PROJECTS.—The Secretary shall authorize the director of each National Laboratory or single-purpose research facility to implement the Program at the National Laboratory or facility through 1 or more projects that meet the requirements of subsections (e) and (f).

(e) PROGRAM REQUIREMENTS.—

(1) IN GENERAL.—Each project funded under this section shall meet the requirements of this subsection.

(2) ENTITIES.—Each project shall include at least 1 of each of the following entities:

(A) A business.

(B) An institution of higher education.

(C) A nonprofit institution.

(D) An agency of a State, local, or tribal government.

(3) COST-SHARING.—

(A) IN GENERAL.—The costs of carrying out projects under this section shall be shared in accordance with section 1002.

(B) SOURCES.—The calculation of costs paid by the non-Federal sources for a project shall include cash, personnel, services, equipment, and other resources expended on the project after the commencement of the project.

(C) RESEARCH AND DEVELOPMENT EXPENSES.—Independent research and development expenses of Government contractors that qualify for reimbursement under section 31.205-18(e) of title 48, Code of Federal Regulations, issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)), may be credited towards costs paid by non-Federal sources to a project, if the expenses meet the other requirements of this section.

(4) COMPETITIVE SELECTION.—A project under this section shall be competitively selected using procedures determined by the Secretary.

(5) ACCOUNTING.—Any participant that receives funds under this section may use generally accepted accounting principles for maintaining accounts, books, and records relating to the project.

(6) DURATION.—No Federal funds shall be made available under this section for a construction project or for any project with a duration of more than 5 years.

(f) SELECTION CRITERIA.—

(1) DEPARTMENTAL MISSIONS.—The Secretary shall allocate funds under this section only if the Director of the National Laboratory or single-purpose research facility managing the project determines that the project is likely to improve the ability of the National Laboratory or single-purpose research facility to achieve technical success in meeting departmental missions.

(2) OTHER CRITERIA.—In selecting a project to receive Federal funds, the Secretary shall consider—

(A) the potential of the project to promote the development of a commercially sustainable technology cluster following the period of investment by the Department, which will derive most of the demand for its products or services from the private sector, and which will support departmental missions at the participating National Laboratory or single-purpose research facility;

(B) the potential of the project to promote the use of commercial research, technology, products, processes, and services by the participating National Laboratory or single-purpose research facility to achieve its mission or the commercial development of technological innovations made at the participating National Laboratory or single-purpose research facility;

(C) the extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns that can support the missions of the participating National Laboratory or single-purpose research facility and that will make substantive contributions to achieving the goals of the project;

(D) the extent to which the project focuses on promoting the development of technology-related business concerns that are small businesses or involves such small businesses substantively in the project; and

(E) such other criteria as the Secretary determines to be appropriate.

(g) ALLOCATION.—In allocating funds for projects approved under this section, the Secretary shall provide—

(1) the Federal share of the project costs; and

(2) additional funds to the National Laboratory or single-purpose research facility managing the project to permit the National Laboratory or single-purpose research facility to carry out activities relating to the project, and to coordinate the activities with the project.

(h) REPORT TO CONGRESS.—Not later than July 1, 2008, the Secretary shall submit to Congress a report on whether the Program should be continued and, if so, how the program should be managed.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for activities under this section $10,000,000 for each of fiscal years 2006 through 2008.

SEC. 1007. SMALL BUSINESS ADVOCACY AND ASSISTANCE.

(a) SMALL BUSINESS ADVOCATE.—The Secretary shall require the Director of each National Laboratory, and may require the Director of a single-purpose research facility, to designate a small business advocate to—

(1) increase the participation of small business concerns, including socially and economically disadvantaged small business concerns (as defined in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4))), in procurement, collaborative research, technology licensing, and technology transfer activities conducted by the National Laboratory or single-purpose research facility;

(2) report to the Director of the National Laboratory or single-purpose research facility on the actual participation of small business concerns in procurement and collaborative research along with recommendations, if appropriate, on how to improve participation;

(3) make available to small business concerns training, mentoring, and information on how to participate in procurement and collaborative research activities;

(4) increase the awareness inside the National Laboratory or single-purpose research facility of the capabilities and opportunities presented by small business concerns; and

(5) establish guidelines for the program under subsection (b) and report on the effectiveness of the program to the Director of the National Laboratory or single-purpose research facility.

(b) ESTABLISHMENT OF SMALL BUSINESS ASSISTANCE PROGRAM.—The Secretary shall require the Director of each National Laboratory, and may require the Director of a single-purpose research facility, to establish a program to provide small business concerns with—

(1) assistance directed at making the small business concerns more effective and efficient subcontractors or suppliers to the National Laboratory or single-purpose research facilities; or

(2) general technical assistance, the cost of which shall not exceed $10,000 per instance of assistance, to improve the products or services of the small business concern.

(c) USE OF FUNDS.—None of the funds expended under subsection (b) may be used for direct grants to small business concerns.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for activities under this section $5,000,000 for each of fiscal years 2006 through 2008.

SEC. 1008. OUTREACH.

The Secretary shall ensure that each program authorized by this Act or an amendment made by this Act includes an outreach component to provide information, as appropriate, to manufacturers, consumers, engineers, architects, builders, energy service companies, institutions of higher education, facility planners and managers, State and local governments, and other entities.

SEC. 1009. RELATIONSHIP TO OTHER LAWS.

Except as otherwise provided in this Act or an amendment made by this Act, the Secretary shall carry out the research, development, demonstration, and commercial application programs, projects, and activities authorized by this Act or an amendment made by this Act in accordance with the applicable provisions of—

(1) the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.);

(2) the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.);

(3) the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.);

(4) the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.);

(5) chapter 18 of title 35, United States Code (commonly known as the "Bayh-Dole Act"); and

(6) any other Act under which the Secretary is authorized to carry out the programs, projects, and activities.

SEC. 1010. IMPROVED COORDINATION AND MANAGEMENT OF CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS.

(a) EFFECTIVE TOP-LEVEL COORDINATION OF RESEARCH AND DEVELOPMENT PROGRAMS.—Section 202 of the Department of Energy Organization Act (42 U.S.C. 7132) is amended by striking subsection (b) and inserting the following:

"(b)(1) There shall be in the Department an Under Secretary for Energy and Science, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Under Secretary shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(3) The Under Secretary for Energy and Science shall be appointed from among persons who—

"(A) have extensive background in scientific or engineering fields; and

"(B) are well qualified to manage the civilian research and development programs of the Department.

"(4) The Under Secretary for Energy and Science shall—

"(A) serve as the Science and Technology Advisor to the Secretary;

"(B) monitor the research and development programs of the Department in order to advise the Secretary with respect to any undesirable duplication or gaps in the programs;

"(C) advise the Secretary with respect to the well-being and management of the multipurpose laboratories under the jurisdiction of the Department;

"(D) advise the Secretary with respect to education and training activities required for effective short- and long-term basic and applied research activities of the Department;

"(E) advise the Secretary with respect to grants and other forms of financial assistance required for effective short- and long-term basic and applied research activities of the Department;

"(F) bear primary responsibility for energy conservation; and

"(G) exercise authority and responsibility over Assistant Secretaries carrying out energy research and development and energy technology functions under sections 203 and 209, as well as other elements of the Department assigned by the Secretary.".

(b) RECONFIGURATION OF POSITION OF DIRECTOR OF THE OFFICE OF SCIENCE.—

(1) IN GENERAL.—Section 209 of the Department of Energy Organization Act (41 U.S.C. 7139) is amended to read as follows:

"OFFICE OF SCIENCE

"SEC. 209. (a) There shall be within the Department an Office of Science, to be headed by an Assistant Secretary for Science, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) The Assistant Secretary for Science shall be in addition to the Assistant Secretaries provided for under section 203.

"(c) It shall be the duty and responsibility of the Assistant Secretary for Science to carry out the fundamental science and engineering research functions of the Department, including the responsibility for policy and management of the research, as well as other functions vested in the Secretary that the Secretary may assign to the Assistant Secretary.".

(2) DIRECTOR OF THE OFFICE OF SCIENCE.—

(A) IN GENERAL.—Notwithstanding section 3345(b)(1) of title 5, United States Code, the President may designate the Director of the Office of Science who served immediately before the date of enactment of this Act to act in the office of the Assistant Secretary of Energy for Science until the office is filled as provided in section 209 of the Department of Energy Organization Act (as amended by paragraph (1)).

(B) COMPENSATION.—While so acting, the person shall receive compensation at the rate provided by section 209(a) of that Act (as amended by paragraph (1)) for the office of Assistant Secretary for Science.

(c) ADDITIONAL ASSISTANT SECRETARY POSITION TO ENABLE IMPROVED MANAGEMENT OF NUCLEAR ENERGY ISSUES.—

(1) IN GENERAL.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended in the first sentence by striking "There shall be in the Department six Assistant Secretaries" and inserting "Except as provided in section 209, there shall be in the Department 7 Assistant Secretaries".

(2) ASSISTANT SECRETARY LEVEL.—It is the sense of Congress that the leadership for departmental missions in nuclear energy should be at the Assistant Secretary level.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 202 of the Department of Energy Organization Act (42 U.S.C. 7132) (as amended by subsection (b)(1)) is amended by adding at the end the following:

"(d)(1) There shall be in the Department an Under Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions and duties as the Secretary shall prescribe, consistent with this section.

"(2) The Under Secretary shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(e)(1) There shall be in the Department a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions and duties as the Secretary shall prescribe.

"(2) The General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

(2) Section 5314 of title 5, United States Code, is amended by striking "Under Secretaries of Energy (2)" and inserting "Under Secretaries of Energy (3)".

(3) Section 5315 of title 5, United States Code, is amended—

(A) by striking "Assistant Secretaries of Energy (6)" and inserting "Assistant Secretaries of Energy (8)"; and

(B) by striking "Director, Office of Science, Department of Energy.".

SEC. 1011. OTHER TRANSACTIONS AUTHORITY.

Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by adding at the end the following:

"(g)(1) In addition to other authorities granted to the Secretary under any other provision of law, the Secretary may enter into other transactions on such terms as the Secretary may consider appropriate in furtherance of research, development, or demonstration functions vested in the Secretary.

"(2) The other transactions shall not be subject to section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908).

"(3)(A) The Secretary shall ensure that—

"(i) to the maximum extent the Secretary determines practicable, no transaction entered into under paragraph (1) provides for research, development, or demonstration that duplicates research, development, or demonstration being conducted under existing projects carried out by the Department;

"(ii) to the extent the Secretary determines practicable, the funds provided by the Federal Government under a transaction authorized by paragraph (1) do not exceed the total amount provided by other parties to the transaction; and

"(iii) to the extent the Secretary determines practicable, competitive, merit-based selection procedures shall be used when entering into transactions under paragraph (1).

"(B) A transaction authorized by paragraph (1) may be used for a research, development, or demonstration project only if the Secretary determines the use of a standard contract, grant, or cooperative agreement for the project is not feasible or appropriate.

"(4)(A) The Secretary shall protect from disclosure (including disclosure under section 552 of title 5, United States Code) for up to 5 years after the date the information is received by the Secretary—

"(i) a proposal, proposal abstract, and supporting documents submitted to the Department in a competitive or noncompetitive process having the potential for resulting in an award to the party submitting the information entering into a transaction under paragraph (1); and

"(ii) a business plan and technical information relating to a transaction authorized by paragraph (1) submitted to the Department as confidential business information.

"(B) The Secretary may protect from disclosure, for up to 5 years after the information was developed, any information developed pursuant to a transaction under paragraph (1) which developed information is of a character that it would be protected from disclosure under section 552(b)(4) of title 5, United States Code, if obtained from a person other than a Federal agency.

"(5)(A) Not later than 90 days after the date of enactment of this subsection, the Secretary shall prescribe guidelines for using other transactions authorized by paragraph (1).

"(B) The guidelines shall be published in the Federal Register for public comment under rulemaking procedures of the Department.

"(6) The authority of the Secretary under this subsection may be delegated only to an officer of the Department who is appointed by the President by and with the advice and consent of the Senate and may not be delegated to any other person.".

SEC. 1012. PRIZES FOR ACHIEVEMENT IN GRAND CHALLENGES OF SCIENCE AND TECHNOLOGY.

(a) AUTHORITY.—The Secretary may carry out a program to award cash prizes in recognition of breakthrough achievements in research, development, demonstration, and commercial application that have the potential for application to the performance of the mission of the Department.

(b) COMPETITION REQUIREMENTS.—The program under subsection (a) may include prizes for the achievement of goals articulated by the Secretary in a specific area through a widely advertised solicitation of submission of results for research, development, demonstration, or commercial application projects.

(c) RELATIONSHIP TO OTHER AUTHORITY.—The program under subsection (a) may be carried out in conjunction with or in addition to the exercise of any other authority of the Secretary to acquire, support, or stimulate research, development, demonstration, or commercial application projects.

SEC. 1013. TECHNICAL CORRECTIONS.

(a) COAL RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—Public Law 86–599 (30 U.S.C. 661 et seq.) is amended—

(A) by striking the first section (30 U.S.C. 661) and inserting the following:

"SECTION 1. (a) This Act may be cited as the 'Coal Research and Development Act of 1960'.

"(b) In this Act:

"(1) The term 'research' means scientific, technical, and economic research and the practical application of that research.

"(2) The term 'Secretary' means the Secretary of Energy.";

(B) in section 2 (30 U.S.C. 662), by striking "shall establish within" and all that follows through "such Office";

(C) by striking sections 3, 4, and 7 (30 U.S.C. 663, 664, 667); and

(D) by redesignating sections 5, 6, and 8 (30 U.S.C. 665, 666, 668) as sections 3, 4, and 5, respectively.

(2) PATENTS.—Section 210(a)(8) of title 35, United States Code, is amended by striking "Coal Research Development Act of 1960" and inserting "Coal Research and Development Act of 1960".

(b) NONNUCLEAR ENERGY RESEARCH AND DEVELOPMENT.—

(1) SHORT TITLE; DEFINITIONS.—Section 1 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5902) is amended to read as follows:

"SHORT TITLE AND DEFINITIONS

"SECTION 1. (a) This Act may be cited as the 'Federal Nonnuclear Energy Research and Development Act of 1974'.

"(b) In this Act:

"(1) The term 'Department' means the Department of Energy.

"(2) The term 'Secretary' means the Secretary of Energy.".

(2) STATEMENT OF POLICY.—Section 3(b) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5902(b)) is amended—

(A) in paragraph (1), by striking "Energy Research and Development Administration" and inserting "Department";

(B) in paragraph (2), by striking "Administrator of the Energy Research and Development Administration (hereinafter in this Act referred to as the 'Administrator')" and inserting "Secretary"; and

(C) in paragraph (3)—

(i) by striking "Administrator" and inserting "Secretary"; and

(ii) by inserting "Demonstration" after "Cooling".

(3) DUTIES AND AUTHORITIES.—Section 4 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5903) is amended—

(A) by striking the section heading and inserting the following:

"DUTIES AND AUTHORITIES OF THE SECRETARY";

and

(B) in the matter preceding subsection (a), by striking "Administrator" and inserting "Secretary".

(4) COMPREHENSIVE PLANNING AND PROGRAMMING.—Section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905) is amended—

(A) by striking "Administrator" each place it appears and inserting "Secretary"; and

(B) in subsection (b)(3)—

(i) in subparagraph (I), by inserting “Demonstration” after “Cooling”; and

(ii) in subparagraph (L), by inserting “Energy” after “Solar”.

(5) FORMS OF FEDERAL ASSISTANCE.—Section 7 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5906) is amended—

(A) by striking “Administrator” each place it appears and inserting “Secretary”; and

(B) in subsection (a)(4), by striking “of the section”.

(6) DEMONSTRATIONS.—Section 8 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5907) is amended—

(A) in subsections (a) through (c), by striking “Administrator” each place it appears and inserting “Secretary”;

(B) in subsection (d)—

(i) in the first sentence of paragraph (1), by inserting “of the Energy Research and Development Administration” after “Administrator”; and

(ii) in paragraph (3), by striking “Administrator” and inserting “Secretary”; and

(C) in subsection (f)—

(i) by striking “Administrator” each place it appears and inserting “Secretary”; and

(ii) in the proviso of the first sentence, by striking “Administrator's” and inserting “Secretary's”.

(7) PATENT POLICY.—Section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908) is amended—

(A) by striking “Administration” each place it appears and inserting “Department”;

(B) by striking “Administrator” each place it appears and inserting “Secretary”; and

(C) in subsection (c)(3), by striking “Administration's” and inserting “Department's”.

(8) ACQUISITION OF ESSENTIAL MATERIALS.—Section 12 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5911) is amended by striking subsection (b) and inserting the following:

“(b) A rule or order under subsection (a) shall be considered to be a major rule subject to chapter 8 of title 5, United States Code.”.

(9) WATER RESOURCE EVALUATION.—Section 13 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5912) is amended by striking “Administrator” each place it appears and inserting “Secretary”.

(10) AUTHORIZATION OF APPROPRIATIONS.—Section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5915) is amended—

(A) by striking the section heading and inserting the following:

“AUTHORIZATION OF APPROPRIATIONS”;

(B) by striking “(a) There may be appropriated to the Administrator” and inserting “There may be appropriated to the Secretary”; and

(C) by striking subsections (b) and (c).

(11) CENTRAL SOURCE OF NONNUCLEAR ENERGY INFORMATION.—Section 17 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5916) is amended—

(A) by striking “Administrator” each place it appears and inserting “Secretary”;

(B) in the first sentence, by striking “Administrator's”;

(C) in the second sentence, by striking “he” and inserting “the Secretary”;

(D) in the third sentence—

(i) in paragraph (2) of the first proviso, by striking “section 1905 or title 18” and inserting “section 1905 of title 18”; and

(ii) in subparagraph (B) of the second proviso—

(I) by striking “the Federal Energy Administration,”;

(II) by striking “the Federal Power Commission,” and inserting “the Federal Energy Regulatory Commission”; and

(III) by striking “General Accounting Office” and inserting “Government Accountability Office”; and

(E) in the last sentence, by inserting “or ranking minority member” after “chairman”.

(12) ENERGY INFORMATION, LOAN GUARANTEES, AND FINANCIAL SUPPORT.—Sections 18 through 20 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5917 through 5920) are repealed.

(c) STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.—Section 20 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3712) is amended by striking “and the National Science Foundation” and inserting “, the Secretary of Energy, and the Director of the National Science Foundation”.

TITLE XI—PERSONNEL AND TRAINING

SEC. 1101. WORKFORCE TRENDS AND TRAINEESHIP GRANTS.

(a) DEFINITIONS.—In this section:

(1) ENERGY TECHNOLOGY INDUSTRY.—The term “energy technology industry” includes—

(A) a renewable energy industry;

(B) a company that develops or commercializes a device to increase energy efficiency;

(C) the oil and gas industry;

(D) the nuclear power industry;

(E) the coal industry;

(F) the electric utility industry; and

(G) any other industrial sector, as the Secretary determines to be appropriate.

(2) SKILLED TECHNICAL PERSONNEL.—The term “skilled technical personnel” means—

(A) journey- and apprentice-level workers who are enrolled in, or have completed, a federally-recognized or State-recognized apprenticeship program; and

(B) other skilled workers in energy technology industries, as determined by the Secretary.

(b) WORKFORCE TRENDS.—

(1) MONITORING.—The Secretary, in consultation with, and using data collected by, the Secretary of Labor, shall monitor trends in the workforce of—

(A) skilled technical personnel that support energy technology industries; and

(B) electric power and transmission engineers.

(2) REPORT.—As soon as practicable after the date on which the Secretary identifies or predicts a significant national shortage of skilled technical personnel in 1 or more energy technology industries, the Secretary shall submit to Congress a report describing the shortage.

(c) TRAINEESHIP GRANTS FOR SKILLED TECHNICAL PERSONNEL.—The Secretary, in consultation with the Secretary of Labor, may establish programs in the appropriate offices of the Department under which the Secretary provides grants to enhance training (including distance learning) for any workforce category for which a shortage is identified or predicted under subsection (b)(2).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2008.

SEC. 1102. ENERGY RESEARCH FELLOWSHIPS.

(a) POSTDOCTORAL FELLOWSHIP PROGRAM.—The Secretary shall establish a program under which the Secretary provides fellowships to encourage outstanding young scientists and engineers to pursue postdoctoral research appointments in energy research and development at institutions of higher education of their choice.

(b) SENIOR RESEARCH FELLOWSHIPS.—

(1) IN GENERAL.—The Secretary shall establish a program under which the Secretary provides fellowships to allow outstanding senior researchers and their research groups in energy research and development to explore research and development topics of their choosing for a period of not less than 3 years to be determined by the Secretary.

(2) CONSIDERATION.—In providing a fellowship under the program described in paragraph (1), the Secretary shall consider—

(A) the past scientific or technical accomplishment of a senior researcher; and

(B) the potential for continued accomplishment by the researcher during the period of the fellowship.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2006 through 2008.

SEC. 1103. EDUCATIONAL PROGRAMS IN SCIENCE AND MATHEMATICS.

(a) AUTHORIZED EDUCATION ACTIVITIES.—Section 3165 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381b) is amended by adding at the end:

“(14) Support competitive events for students, under supervision of teachers, designed to encourage student interest and knowledge in science and mathematics.

“(15) Support competitively-awarded science resource centers at National Laboratories to promote professional development of mathematics teachers and science teachers who teach in grades from kindergarten through grade 12.

“(16) Support summer internships at National Laboratories for mathematics teachers and science teachers who teach in grades from kindergarten through grade 12.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 3168 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381e) is amended by inserting before the period at the end the following: “and $40,000,000 for each of fiscal years 2006 through 2008.”.

SEC. 1104. TRAINING GUIDELINES FOR ELECTRIC ENERGY INDUSTRY PERSONNEL.

(a) IN GENERAL.—The Secretary of Labor, in consultation with the Secretary and in conjunction with the electric industry and recognized employee representatives, shall develop model personnel training guidelines to support the reliability and safety of the electric system.

(b) REQUIREMENTS.—The training guidelines under subsection (a) shall, at a minimum—

(1) include training requirements for workers engaged in the construction, operation, inspection, or maintenance of electric generation, transmission, or distribution systems, including requirements relating to—

(A) competency;

(B) certification; and

(C) assessment, including—

(i) initial and continuous evaluation of workers;

(ii) recertification procedures; and

(iii) methods for examining or testing the qualification of an individual who performs a covered task; and

(2) consolidate training guidelines in existence on the date on which the guidelines under subsection (a) are developed relating to the construction, operation, maintenance, and inspection of electric generation, transmission, and distribution facilities, such as guidelines established by the National Electric Safety Code and other industry consensus standards.

SEC. 1105. NATIONAL CENTER FOR ENERGY MANAGEMENT AND BUILDING TECHNOLOGIES.

The Secretary shall support the ongoing activities of the National Center for Energy Management and Building Technologies to carry out research, education, and training activities to facilitate the improvement of energy efficiency, indoor environmental quality, and security of industrial, commercial, residential, and public buildings.

SEC. 1106. IMPROVED ACCESS TO ENERGY-RELATED SCIENTIFIC AND TECHNICAL CAREERS.

(a) SCIENCE EDUCATION PROGRAMS.—Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is amended by adding at the end the following:

"(c) PROGRAMS FOR STUDENTS FROM UNDER-REPRESENTED GROUPS.—In carrying out a program under subsection (a), the Secretary shall give priority to activities that are designed to encourage students from under-represented groups to pursue scientific and technical careers.".

(b) PARTNERSHIPS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, HISPANIC-SERVICING INSTITUTIONS, AND TRIBAL COLLEGES.—The Department of Energy Science Education Enhancement Act (42 U.S.C. 7381 et seq.) is amended—

(1) by redesignating sections 3167 and 3168 as sections 3168 and 3169, respectively; and

(2) by inserting after section 3166 the following:

"SEC. 3167. PARTNERSHIPS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, HISPANIC-SERVING INSTITUTIONS, AND TRIBAL COLLEGES.

"(a) DEFINITIONS.—In this section:

"(1) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given the term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

"(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically Black college or university' has the meaning given the term 'part B institution' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

"(3) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given the term in section 2 of the Energy Policy Act of 2005.

"(4) SCIENCE FACILITY.—The term 'science facility' has the meaning given the term 'single-purpose research facility' in section 903 of the Energy Policy Act of 2005.

"(5) TRIBAL COLLEGE.—The term 'tribal college' has the meaning given the term 'tribally controlled college or university' in section 2(a) of the Tribally Controlled College Assistance Act of 1978 (25 U.S.C. 1801(a)).

"(b) EDUCATION PARTNERSHIP.—The Secretary shall require the director of each National Laboratory, and may require the head of any science facility, to increase the participation of historically Black colleges or universities, Hispanic-serving institutions, or tribal colleges in any activity that increases the capacity of the historically Black colleges or universities, Hispanic-serving institutions, or tribal colleges to train personnel in science or engineering.

"(c) ACTIVITIES.—An activity described in subsection (b) includes—

"(1) collaborative research;

"(2) equipment transfer;

"(3) training activities carried out at a National Laboratory or science facility; and

"(4) mentoring activities carried out at a National Laboratory or science facility.

"(d) REPORT.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall submit to Congress a report describing the activities carried out under this section.".

SEC. 1107. NATIONAL POWER PLANT OPERATIONS TECHNOLOGY AND EDUCATION CENTER.

(a) ESTABLISHMENT.—The Secretary shall support the establishment of a National Power Plant Operations Technology and Education Center (referred to in this section as the "Center"), to address the need for training and educating certified operators for electric power generation plants.

(b) LOCATION OF CENTER.—The Secretary shall support the establishment of the Center at an institution of higher education that has—

(1) expertise in power plant technology and operation; and

(2) the ability to provide onsite and Internet-based training.

(c) TRAINING AND CONTINUING EDUCATION.—

(1) IN GENERAL.—The Center shall provide training and continuing education relating to electric power generation plant technologies and operations.

(2) LOCATION.—The Center shall carry out training and education activities under paragraph (1)—

(A) at the Center; and

(B) through Internet-based information technologies that allow for learning at a remote site.

TITLE XII—ELECTRICITY

SEC. 1201. SHORT TITLE.

This title may be cited as the "Electricity Modernization Act of 2005".

Subtitle A—Reliability Standards

SEC. 1211. ELECTRIC RELIABILITY STANDARDS.

(a) IN GENERAL.—Part II of the Federal Power Act (16 U.S.C 824 et seq.) is amended by adding at the end the following:

"SEC. 215. ELECTRIC RELIABILITY.

"(a) DEFINITIONS.—In this section:

"(1)(A) The term 'bulk-power system' means—

"(i) facilities and control systems necessary for operating an interconnected electric energy transmission network (or any portion of such a network); and

"(ii) electric energy from generation facilities needed to maintain transmission system reliability.

"(B) The term 'bulk-power system' does not include facilities used in the local distribution of electric energy.

"(2) The terms 'Electric Reliability Organization' and 'ERO' mean the organization certified by the Commission under subsection (c) the purpose of which is to establish and enforce reliability standards for the bulk-power system, subject to review by the Commission.

"(3)(A) The term 'reliability standard' means a requirement, approved by the Commission under this section, to provide for reliable operation of the bulk-power system.

"(B) The term 'reliability standard' includes requirements for the operation of existing bulk-power system components and the design of planned additions or modifications to those components to the extent necessary to provide for reliable operation of the bulk-power system, except that the term does not include any requirement to enlarge those components or to construct new transmission capacity or generation capacity.

"(4) The term 'reliable operation' means operating the components of the bulk-power system within equipment and electric system thermal, voltage, and stability limits so that instability, uncontrolled separation, or cascading failures of the system will not occur as a result of a sudden disturbance or unanticipated failure of system components.

"(5) The term 'interconnection' means a geographic area in which the operation of bulk-power system components is synchronized such that the failure of 1 or more of the components may adversely affect the ability of the operators of other components within the system to maintain reliable operation of the portion of the system within their control.

"(6) The term 'regional entity' means an entity having enforcement authority pursuant to subsection (e)(4).

"(b) JURISDICTION AND APPLICABILITY.—(1) The Commission shall have jurisdiction, within the United States, over the ERO certified by the Commission under subsection (c), any regional entities, and all users, owners and operators of the bulk-power system (including the entities described in section 201(f)), for purposes of approving reliability standards established under this section and enforcing compliance with this section.

"(2) All users, owners, and operators of the bulk-power system shall comply with reliability standards that take effect under this section.

"(3) The Commission shall issue a final rule to implement the requirements of this section not later than 180 days after the date of enactment of this section.

"(c) CERTIFICATION.—(1) Following the issuance of a Commission rule under subsection (b)(3), any person may submit an application to the Commission for certification as the Electric Reliability Organization.

"(2) The Commission may certify 1 such ERO if the Commission determines that the ERO—

"(A) has the ability to develop and enforce, subject to subsection (e)(2), reliability standards that provide for an adequate level of reliability of the bulk-power system; and

"(B) has established rules that—

"(i) ensure the independence of the ERO from the users and owners and operators of the bulk-power system, while ensuring fair stakeholder representation in the selection of the directors of the ERO and balanced decisionmaking in any ERO committee or subordinate organizational structure;

"(ii) allocate equitably reasonable dues, fees, and other charges among end users for all activities under this section;

"(iii) provide fair and impartial procedures for enforcement of reliability standards through the imposition of penalties in accordance with subsection (e) (including limitations on activities, functions, or operations, or other appropriate sanctions);

"(iv) provide for reasonable notice and opportunity for public comment, due process, openness, and balance of interests in developing reliability standards and otherwise exercising the duties of the ERO; and

"(v) provide for taking, after certification, appropriate steps to gain recognition in Canada and Mexico.

"(d) RELIABILITY STANDARDS.—(1) The ERO shall file each reliability standard or modification to a reliability standard that the ERO proposes to be made effective under this section with the Commission.

"(2)(A) The Commission may approve, by rule or order, a proposed reliability standard or modification to a reliability standard if the Commission determines that the standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest.

"(B) The Commission—

"(i) shall give due weight to the technical expertise of the ERO with respect to the content of a proposed standard or modification to a reliability standard and to the technical expertise of a regional entity organized on an interconnection-wide basis with respect to a reliability standard to be applicable within that interconnection; but

"(ii) shall not defer with respect to the effect of a standard on competition.

"(C) A proposed standard or modification shall take effect on approval by the Commission.

"(3) The ERO shall rebuttably presume that a proposal from a regional entity organized on an interconnection-wide basis for a reliability standard or modification to a reliability standard to be applicable on an interconnection-wide basis is just, reasonable, not unduly discriminatory or preferential, and in the public interest.

"(4) The Commission shall remand to the ERO for further consideration a proposed reliability standard or a modification to a reliability standard that the Commission disapproves in whole or in part.

"(5) The Commission, on a motion of the Commission or on complaint, may order the ERO to submit to the Commission a proposed reliability standard or a modification to a reliability standard that addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section.

"(6)(A) The final rule adopted under subsection (b)(2) shall include fair processes for the identification and timely resolution of any conflict between a reliability standard and any function, rule, order, tariff, rate schedule, or agreement accepted, approved, or ordered by the Commission applicable to a transmission organization.

"(B) The transmission organization shall continue to comply with such function, rule, order, tariff, rate schedule or agreement accepted approved, or ordered by the Commission until—

"(i) the Commission finds a conflict exists between a reliability standard and any such provision;

"(ii) the Commission orders a change to the provision pursuant to section 206; and

"(iii) the ordered change becomes effective under this part.

"(C) If the Commission determines that a reliability standard needs to be changed as a result of such a conflict, the Commission shall order the ERO to develop and file with the Commission a modified reliability standard under paragraph (4) or (5).

"(e) Enforcement.—(1) Subject to paragraph (2), the ERO may impose a penalty on a user or owner or operator of the bulk-power system for a violation of a reliability standard approved by the Commission under subsection (d) if the ERO, after notice and an opportunity for a hearing—

"(A) finds that the user or owner or operator has violated a reliability standard approved by the Commission under subsection (d); and

"(B) files notice and the record of the proceeding with the Commission.

"(2)(A) A penalty imposed under paragraph (1) may take effect not earlier than the day that is 31 days after the date on which the ERO files with the Commission notice of the penalty and the record of proceedings.

"(B) The penalty shall be subject to review by the Commission on—

"(i) a motion by the Commission; or

"(ii) application by the user, owner or operator that is the subject of the penalty filed not later than 30 days after the date on which the notice is filed with the Commission.

"(C) Application to the Commission for review, or the initiation of review by the Commission on a motion of the Commission, shall not operate as a stay of the penalty unless the Commission orders otherwise on a motion of the Commission or on application by the user, owner or operator that is the subject of the penalty.

"(D) In any proceeding to review a penalty imposed under paragraph (1), the Commission, after notice and opportunity for hearing (which hearing may consist solely of the record before the ERO and opportunity for the presentation of supporting reasons to affirm, modify, or set aside the penalty), shall by order—

"(i) affirm, set aside, reinstate, or modify the penalty; and

"(ii) if appropriate, remand to the ERO for further proceedings.

"(E) The Commission shall implement expedited procedures for the hearings described in subparagraph (D).

"(3) On a motion of the Commission or on complaint, the Commission may order compliance with a reliability standard and may impose a penalty against a user or owner or operator of the bulk-power system if the Commission finds, after notice and opportunity for a hearing, that the user or owner or operator of the bulk-power system has engaged or is about to engage in any act or practice that constitutes or will constitute a violation of a reliability standard.

"(4)(A) The Commission shall issue regulations authorizing the ERO to enter into an agreement to delegate authority to a regional entity for the purpose of proposing reliability standards to the ERO and enforcing reliability standards under paragraph (1) if—

"(i) the regional entity is governed by—

"(I) an independent board;

"(II) a balanced stakeholder board; or

"(III) a combination independent and balanced stakeholder board;

"(ii) the regional entity otherwise meets the requirements of paragraphs (1) and (2) of subsection (c); and

"(iii) the agreement promotes effective and efficient administration of bulk-power system reliability.

"(B) The Commission may modify a delegation under this paragraph.

"(C) The ERO and the Commission shall rebuttably presume that a proposal for delegation to a regional entity organized on an interconnection-wide basis promotes effective and efficient administration of bulk-power system reliability and should be approved.

"(D) The regulation issued under this paragraph may provide that the Commission may assign the authority of the ERO to enforce reliability standards under paragraph (1) directly to a regional entity in accordance with this paragraph.

"(5) The Commission may take such action as is necessary or appropriate against the ERO or a regional entity to ensure compliance with a reliability standard or any Commission order affecting the ERO or a regional entity.

"(6) Any penalty imposed under this section shall—

"(A) bear a reasonable relation to the seriousness of the violation; and

"(B) take into consideration the efforts of the user, owner, or operator to remedy the violation in a timely manner.

"(f) Changes in Electric Reliability Organization Rules.—(1) The Electric Reliability Organization shall file with the Commission for approval any proposed rule or proposed rule change, accompanied by an explanation of the basis and purpose of the rule and proposed rule change.

"(2) The Commission, upon a motion of the Commission or upon complaint, may propose a change to the rules of the ERO.

"(3) A proposed rule or proposed rule change shall take effect upon a finding by the Commission, after notice and opportunity for comment, that the change is just, reasonable, and not unduly discriminatory or preferential, is in the public interest, and meets the requirements of subsection (c).

"(g) Reliability Reports.—The ERO shall conduct periodic assessments of the reliability and adequacy of the bulk-power system in North America.

"(h) Coordination With Canada and Mexico.—The President is urged to negotiate international agreements with the governments of Canada and Mexico to provide for effective compliance with reliability standards and the effectiveness of the ERO in the United States and Canada or Mexico.

"(i) Savings Provisions.—(1) The ERO may develop and enforce compliance with reliability standards for only the bulk-power system.

"(2) Nothing in this section authorizes the ERO or the Commission to order the construction of additional generation or transmission capacity or to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

"(3) Nothing in this section preempts any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as the action is not inconsistent with any reliability standard.

"(4) Not later than 90 days after the date of application of the Electric Reliability Organization or other affected party, and after notice and opportunity for comment, the Commission shall issue a final order determining whether a State action is inconsistent with a reliability standard, taking into consideration any recommendation of the ERO.

"(5) The Commission, after consultation with the ERO and the State taking action, may stay the effectiveness of any State action, pending the issuance by the Commission of a final order.

"(j) Regional Advisory Bodies.—(1) The Commission shall establish a regional advisory body on the petition of at least ⅔ of the States within a region that have more than ½ of the electric load of the States served within the region.

"(2) A regional advisory body—

"(A) shall be composed of 1 member from each participating State in the region, appointed by the Governor of the State; and

"(B) may include representatives of agencies, States, and provinces outside the United States.

"(3) A regional advisory body may provide advice to the Electric Reliability Organization, a regional entity, or the Commission regarding—

"(A) the governance of an existing or proposed regional entity within the same region;

"(B) whether a standard proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest;

"(C) whether fees proposed to be assessed within the region are just, reasonable, not unduly discriminatory or preferential, and in the public interest; and

"(D) any other responsibilities requested by the Commission.

"(4) The Commission may give deference to the advice of a regional advisory body if that body is organized on an interconnection-wide basis.

"(k) Alaska and Hawaii.—This section does not apply to Alaska or Hawaii.".

(b) Status of ERO.—The Electric Reliability Organization certified by the Commission under section 215(c) of the Federal Power Act (as added by subsection (a)) and any regional entity delegated enforcement authority pursuant to section 215(e)(4) of that Act (as so added) are not departments, agencies, or instrumentalities of the Federal Government.

Subtitle B—Transmission Infrastructure Modernization

SEC. 1221. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.

(a) In General.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) (as amended by section 1211(a)) is amended by adding at the end the following:

"SEC. 216. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.

"(a) Designation of National Interest Electric Transmission Corridors.—(1) Not later than 1 year after the date of enactment of this section and every 3 years thereafter, the Secretary of Energy (referred to in this section as the 'Secretary'), in consultation with affected States, shall conduct a study of electric transmission congestion.

"(2) After considering alternatives and recommendations from interested parties (including an opportunity for comment from affected States), the Secretary shall issue a report, based on the study, which may designate any geographic area experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers as a national interest electric transmission corridor.

"(3) The Secretary shall conduct the study and issue the report in consultation with any appropriate regional entity referred to in section 215.

"(4) In determining whether to designate a national interest electric transmission corridor under paragraph (2), the Secretary may consider whether—

"(A) the economic vitality and development of the corridor, or the end markets served by the corridor, may be constrained by lack of adequate or reasonably priced electricity;

"(B)(i) economic growth in the corridor, or the end markets served by the corridor, may be jeopardized by reliance on limited sources of energy; and

"(ii) a diversification of supply is warranted;

"(C) the energy independence of the United States would be served by the designation;

"(D) the designation would be in the interest of national energy policy; and

"(E) the designation would enhance national defense and homeland security.

"(b) Construction Permit.—Except as provided in subsection (i), the Commission may, after notice and an opportunity for hearing, issue 1 or more permits for the construction or modification of electric transmission facilities in a national interest electric transmission corridor designated by the Secretary under subsection (a) if the Commission finds that—

"(1)(A) a State in which the transmission facilities are to be constructed or modified does not have authority to—

"(i) approve the siting of the facilities; or

"(ii) consider the interstate benefits expected to be achieved by the proposed construction or modification of transmission facilities in the State;

"(B) the applicant for a permit is a transmitting utility under this Act but does not qualify to apply for a permit or siting approval for the proposed project in a State because the applicant does not serve end-use customers in the State; or

"(C) a State commission or other entity that has authority to approve the siting of the facilities has—

"(i) withheld approval for more than 1 year after the filing of an application seeking approval pursuant to applicable law or 1 year after the designation of the relevant national interest electric transmission corridor, whichever is later; or

"(ii) conditioned its approval in such a manner that the proposed construction or modification will not significantly reduce transmission congestion in interstate commerce or is not economically feasible;

"(2) the facilities to be authorized by the permit will be used for the transmission of electric energy in interstate commerce;

"(3) the proposed construction or modification is consistent with the public interest;

"(4) the proposed construction or modification will significantly reduce transmission congestion in interstate commerce and protects or benefits consumers;

"(5) the proposed construction or modification is consistent with sound national energy policy and will enhance energy independence; and

"(6) the proposed modification will maximize, to the extent reasonable and economical, the transmission capabilities of existing towers or structures so as to minimize the environmental and visual impact of the proposed modification.

"(c) Permit Applications.—(1) Permit applications under subsection (b) shall be made in writing to the Commission.

"(2) The Commission shall issue rules specifying—

"(A) the form of the application;

"(B) the information to be contained in the application; and

"(C) the manner of service of notice of the permit application on interested persons.

"(d) Comments.—In any proceeding before the Commission under subsection (b), the Commission shall afford each State in which a transmission facility covered by the permit is or will be located, each affected Federal agency and Indian tribe, private property owners, and other interested persons, a reasonable opportunity to present their views and recommendations with respect to the need for and impact of a facility covered by the permit.

"(e) Rights-of-Way.—(1) In the case of a permit under subsection (b) for electric transmission facilities to be located on property other than property owned by the United States or a State, if the permit holder cannot acquire by contract, or is unable to agree with the owner of the property to the compensation to be paid for, the necessary right-of-way to construct or modify the transmission facilities, the permit holder may acquire the right-of-way by the exercise of the right of eminent domain in the district court of the United States for the district in which the property concerned is located, or in the appropriate court of the State in which the property is located.

"(2) Any right-of-way acquired under paragraph (1) shall be used exclusively for the construction or modification of electric transmission facilities within a reasonable period of time after the acquisition.

"(3) The practice and procedure in any action or proceeding under this subsection in the district court of the United States shall conform as nearly as practicable to the practice and procedure in a similar action or proceeding in the courts of the State in which the property is located.

"(f) Compensation.—(1) Any right-of-way acquired pursuant to subsection (e) shall be considered a taking of private property for which just compensation is due.

"(2) Just compensation shall be an amount equal to the fair market value (including applicable severance damages) of the property taken on the date of the exercise of eminent domain authority.

"(g) State Law.—Nothing in this section precludes any person from constructing or modifying any transmission facility in accordance with State law.

"(h) Coordination of Federal Authorizations For Transmission Facilities.—(1) In this subsection:

"(A) The term 'Federal authorization' means any authorization required under Federal law in order to site a transmission facility.

"(B) The term 'Federal authorization' includes such permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law in order to site a transmission facility.

"(2) The Department of Energy shall act as the lead agency for purposes of coordinating all applicable Federal authorizations and related environmental reviews of the facility.

"(3) To the maximum extent practicable under applicable Federal law, the Secretary shall coordinate the Federal authorization and review process under this subsection with any Indian tribes, multistate entities, and State agencies that are responsible for conducting any separate permitting and environmental reviews of the facility, to ensure timely and efficient review and permit decisions.

"(4)(A) As head of the lead agency, the Secretary, in consultation with agencies responsible for Federal authorizations and, as appropriate, with Indian tribes, multistate entities, and State agencies that are willing to coordinate their own separate permitting and environmental reviews with the Federal authorization and environmental reviews, shall establish prompt and binding intermediate milestones and ultimate deadlines for the review of, and Federal authorization decisions relating to, the proposed facility.

"(B) The Secretary shall ensure that, once an application has been submitted with such data as the Secretary considers necessary, all permit decisions and related environmental reviews under all applicable Federal laws shall be completed—

"(i) within 1 year; or

"(ii) if a requirement of another provision of Federal law does not permit compliance with clause (i), as soon thereafter as is practicable.

"(C) The Secretary shall provide an expeditious pre-application mechanism for prospective applicants to confer with the agencies involved to have each such agency determine and communicate to the prospective applicant not later than 60 days after the prospective applicant submits a request for such information concerning—

"(i) the likelihood of approval for a potential facility; and

"(ii) key issues of concern to the agencies and public.

"(5)(A) As lead agency head, the Secretary, in consultation with the affected agencies, shall prepare a single environmental review document, which shall be used as the basis for all decisions on the proposed project under Federal law.

"(B) The Secretary and the heads of other agencies shall streamline the review and permitting of transmission within corridors designated under section 503 of the Federal Land Policy and Management Act (43 U.S.C. 1763) by fully taking into account prior analyses and decisions relating to the corridors.

"(C) The document shall include consideration by the relevant agencies of any applicable criteria or other matters as required under applicable law.

"(6)(A) If any agency has denied a Federal authorization required for a transmission facility, or has failed to act by the deadline established by the Secretary pursuant to this section for deciding whether to issue the authorization, the applicant or any State in which the facility would be located may file an appeal with the President, who shall, in consultation with the affected agency, review the denial or failure to take action on the pending application.

"(B) Based on the overall record and in consultation with the affected agency, the President may—

"(i) issue the necessary authorization with any appropriate conditions; or

"(ii) deny the application.

"(C) The President shall issue a decision not later than 90 days after the date of the filing of the appeal.

"(D) In making a decision under this paragraph, the President shall comply with applicable requirements of Federal law, including any requirements of—

"(i) the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.);

"(ii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

"(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(iv) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

"(v) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

"(7)(A) Not later than 18 months after the date of enactment of this section, the Secretary shall issue any regulations necessary to implement this subsection.

"(B)(i) Not later than 1 year after the date of enactment of this section, the Secretary and the heads of all Federal agencies with authority to issue Federal authorizations shall enter into a memorandum of understanding to ensure the timely and coordinated review and permitting of electricity transmission facilities.

"(ii) Interested Indian tribes, multistate entities, and State agencies may enter the memorandum of understanding.

"(C) The head of each Federal agency with authority to issue a Federal authorization shall designate a senior official responsible for, and dedicate sufficient other staff and resources to ensure, full implementation of the regulations and memorandum required under this paragraph.

"(8)(A) Each Federal land use authorization for an electricity transmission facility shall be issued—

"(i) for a duration, as determined by the Secretary, commensurate with the anticipated use of the facility; and

"(ii) with appropriate authority to manage the right-of-way for reliability and environmental protection.

"(B) On the expiration of the authorization (including an authorization issued before the date of enactment of this section), the authorization shall be reviewed for renewal taking fully into account reliance on such electricity infrastructure, recognizing the importance of the authorization for public health, safety, and economic welfare and as a legitimate use of Federal land.

"(9) In exercising the responsibilities under this section, the Secretary shall consult regularly with—

"(A) the Federal Energy Regulatory Commission;

"(B) electric reliability organizations (including related regional entities) approved by the Commission; and

"(C) Transmission Organizations approved by the Commission.

"(i) INTERSTATE COMPACTS.—(1) The consent of Congress is given for 3 or more contiguous States to enter into an interstate compact, subject to approval by Congress, establishing regional transmission siting agencies to—

"(A) facilitate siting of future electric energy transmission facilities within those States; and

"(B) carry out the electric energy transmission siting responsibilities of those States.

"(2) The Secretary may provide technical assistance to regional transmission siting agencies established under this subsection.

"(3) The regional transmission siting agencies shall have the authority to review, certify, and permit siting of transmission facilities, including facilities in national interest electric transmission corridors (other than facilities on property owned by the United States).

"(4) The Commission shall have no authority to issue a permit for the construction or modification of an electric transmission facility within a State that is a party to a compact, unless the members of the compact are in disagreement and the Secretary makes, after notice and an opportunity for a hearing, the finding described in subsection (b)(1)(C).

"(j) RELATIONSHIP TO OTHER LAWS.—(1) Except as specifically provided, nothing in this section affects any requirement of an environmental law of the United States, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(2) Subsection (h)(6) shall not apply to any unit of the National Park System, the National Wildlife Refuge System, the National Wild and Scenic Rivers System, the National Trails System, the National Wilderness Preservation System, or a National Monument.".

(b) REPORTS TO CONGRESS ON CORRIDORS AND RIGHTS OF WAY ON FEDERAL LANDS.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior, the Secretary, the Secretary of Agriculture, and the Chairman of the Council on Environmental Quality shall submit to Congress a joint report identifying—

(1)(A) all existing designated transmission and distribution corridors on Federal land and the status of work related to proposed transmission and distribution corridor designations under title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.);

(B) the schedule for completing the work;

(C) any impediments to completing the work; and

(D) steps that Congress could take to expedite the process;

(2)(A) the number of pending applications to locate transmission facilities on Federal land;

(B) key information relating to each such facility;

(C) how long each application has been pending;

(D) the schedule for issuing a timely decision as to each facility; and

(E) progress in incorporating existing and new such rights-of-way into relevant land use and resource management plans or the equivalent of those plans; and

(3)(A) the number of existing transmission and distribution rights-of-way on Federal land that will come up for renewal within the following 5-, 10-, and 15-year periods; and

(B) a description of how the Secretaries plan to manage the renewals.

SEC. 1222. THIRD-PARTY FINANCE.

(a) EXISTING FACILITIES.—The Secretary, acting through the Administrator of the Western Area Power Administration (referred to in this section as "WAPA") or the Administrator of the Southwestern Power Administration (referred to in this section as "SWPA"), or both, may carry out a project to design, develop, construct, operate, maintain, or own, or participate with other entities in designing, developing, constructing, operating, maintaining, or owning, an electric power transmission facility and related facilities needed to upgrade existing transmission facilities owned by the SWPA or WAPA if the Secretary, in consultation with the applicable Administrator, determines that the proposed project—

(1)(A) is located in a national interest electric transmission corridor designated under section 216(a) of the Federal Power Act and will reduce congestion of electric transmission in interstate commerce; or

(B) is necessary to accommodate an actual or projected increase in demand for electric transmission capacity;

(2) is consistent with—

(A) transmission needs identified, in a transmission expansion plan or otherwise, by the appropriate Transmission Organization (as defined in section 3 of the Federal Power Act (16 U.S.C. 796)), if any, or approved regional reliability organization; and

(B) efficient and reliable operation of the transmission grid; and

(3) would be operated in conformance with prudent utility practice.

(b) NEW FACILITIES.—The Secretary, acting through the WAPA or SWPA, or both, may carry out a project to design, develop, construct, operate, maintain, or own, or participate with other entities in designing, developing, constructing, operating, maintaining, or owning, a new electric power transmission facility and related facilities located within any State in which the WAPA or SWPA operates if the Secretary, in consultation with the applicable Administrator, determines that the proposed project—

(1)(A) is located in a national interest electric transmission corridor designated under section 216(a) of the Federal Power Act and will reduce congestion of electric transmission in interstate commerce; or

(B) is necessary to accommodate an actual or projected increase in demand for electric transmission capacity;

(2) is consistent with—

(A) transmission needs identified, in a transmission expansion plan or otherwise, by the appropriate Transmission Organization, if any, or approved regional reliability organization; and

(B) efficient and reliable operation of the transmission grid;

(3) will be operated in conformance with prudent utility practice;

(4) will be operated by, or in conformance with the rules of, the appropriate—

(A) Transmission Organization, if any; or

(B) if such an organization does not exist, regional reliability organization: and

(5) will not duplicate the functions of existing transmission facilities or proposed facilities that are the subject of ongoing or approved siting and related permitting proceedings.

(c) OTHER FUNDS.—

(1) IN GENERAL.—In carrying out a project under subsection (a) or (b), the Secretary may accept and use funds contributed by another entity for the purpose of carrying out the project.

(2) AVAILABILITY.—The contributed funds shall be available for expenditure for the purpose of carrying out the project—

(A) without fiscal year limitation; and

(B) as if the funds had been appropriated specifically for the project.

(3) ALLOCATION OF COSTS.—In carrying out a project under subsection (a) or (b), any costs of the project not paid for by contributions from another entity shall be—

(A) collected through rates charged to customers using the new transmission capability provided by the project; and

(B) allocated equitably among these project beneficiaries using the new transmission capability.

(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section affects any requirement of—

(1) any Federal environmental law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) any Federal or State law relating to the siting of energy facilities; or

(3) any authorizing law in effect on the date of enactment of this Act.

(e) SAVINGS CLAUSE.—Nothing in this section constrains or restricts an Administrator in the use of other authority delegated to the Administrator of the WAPA or SWPA.

(f) SECRETARIAL DETERMINATIONS.—Any determination made pursuant to subsection (a) or (b) shall be based on findings by the Secretary using the best available data.

(g) MAXIMUM FUNDING AMOUNT.—The Secretary shall not accept and use more than $100,000,000 under subsection (c)(1) for the period of fiscal years 2006 through 2013.

SEC. 1223. ADVANCED TRANSMISSION TECHNOLOGIES.

(a) DEFINITION OF ADVANCED TRANSMISSION TECHNOLOGY.—In this section, the term "advanced transmission technology" means a technology that increases the capacity, efficiency, or reliability of an existing or new transmission facility, including—

(1) high-temperature lines (including superconducting cables);

(2) underground cables;

(3) advanced conductor technology (including advanced composite conductors, high-temperature low-sag conductors, and fiber optic temperature sensing conductors);

(4) high-capacity ceramic electric wire, connectors, and insulators;

(5) optimized transmission line configurations (including multiple phased transmission lines);

(6) modular equipment;

(7) wireless power transmission;

(8) ultra-high voltage lines;

(9) high-voltage DC technology;

(10) flexible AC transmission systems;

(11) energy storage devices (including pumped hydro, compressed air, superconducting magnetic energy storage, flywheels, and batteries);

(12) controllable load;

(13) distributed generation (including PV, fuel cells, and microturbines);

(14) enhanced power device monitoring;

(15) direct system state sensors;

(16) fiber optic technologies;

(17) power electronics and related software (including real time monitoring and analytical software);

(18) mobile transformers and mobile substations; and

(19) any other technologies the Commission considers appropriate.

(b) AUTHORITY.—In carrying out the Federal Power Act (16 U.S.C. 791a et seq.) and the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.), the Commission shall encourage, as appropriate, the deployment of advanced transmission technologies.

SEC. 1224. ADVANCED POWER SYSTEM TECHNOLOGY INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) QUALIFYING ADVANCED POWER SYSTEM TECHNOLOGY FACILITY.—The term "qualifying advanced power system technology facility" means a facility using an advanced fuel cell, turbine, or hybrid power system or power storage system to generate or store electric energy.

(2) QUALIFYING SECURITY AND ASSURED POWER FACILITY.—The term "qualifying security and assured power facility" means a qualifying advanced power system technology facility determined by the Secretary, in consultation with the Secretary of Homeland Security, to be in critical need of secure, reliable, rapidly available, high-quality power for critical governmental, industrial, or commercial applications.

(b) PROGRAM.—The Secretary may establish an advanced power system technology incentive program to—

(1) support the deployment of certain advanced power system technologies; and

(2) improve and protect certain critical governmental, industrial, and commercial processes.

(c) INCENTIVE PAYMENTS.—

(1) IN GENERAL.—Funds provided under this section shall be used by the Secretary to make incentive payments to eligible owners or operators of advanced power system technologies to increase power generation through enhanced operational, economic, and environmental performance.

(2) APPLICATION.—Payments under this section may only be made on receipt by the Secretary of an incentive payment application establishing an applicant as—

(A) a qualifying advanced power system technology facility; or

(B) a qualifying security and assured power facility.

(3) PAYMENT RATES.—Subject to availability of funds—

(A) a payment of 1.8 cents per kilowatt-hour shall be paid to the owner or operator of a qualifying advanced power system technology facility under this section for electricity generated at the facility; and

(B) an additional 0.7 cents per kilowatt-hour shall be paid to the owner or operator of a qualifying security and assured power facility for electricity generated at the facility.

(4) PAYMENT QUANTITY.—Any facility qualifying under this section shall be eligible for an incentive payment for up to, but not more than, the first 10,000,000 kilowatt-hours produced in any fiscal year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2006 through 2012.

Subtitle C—Transmission Operation Improvements

SEC. 1231. OPEN NONDISCRIMINATORY ACCESS.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by inserting after section 211 (16 U.S.C. 824j) the following:

"SEC. 211A. OPEN ACCESS BY UNREGULATED TRANSMITTING UTILITIES.

"(a) DEFINITION OF UNREGULATED TRANSMITTING UTILITY.—In this section, the term 'unregulated transmitting utility' means an entity that—

"(1) owns or operates facilities used for the transmission of electric energy in interstate commerce; and

"(2) is an entity described in section 201(f).

"(b) TRANSMISSION OPERATION IMPROVEMENTS.—Subject to section 212(h), the Commission may, by rule or order, require an unregulated transmitting utility to provide transmission services—

"(1) at rates that are comparable to those that the unregulated transmitting utility charges itself; and

"(2) on terms and conditions (not relating to rates) that are comparable to those under which the unregulated transmitting utility provides transmission services to itself and that are not unduly discriminatory or preferential.

"(c) EXEMPTION.—The Commission shall exempt from any rule or order under this section any unregulated transmitting utility that—

"(1) sells not more than 4,000,000 megawatt hours of electricity per year;

"(2) does not own or operate any transmission facilities that are necessary for operating an interconnected transmission system (or any portion of the system); or

"(3) meets other criteria the Commission determines to be in the public interest.

"(d) LOCAL DISTRIBUTION FACILITIES.—The requirements of subsection (b) shall not apply to facilities used in local distribution.

"(e) EXEMPTION TERMINATION.—If the Commission, after an evidentiary hearing held on a complaint and after giving consideration to reliability standards established under section 215, finds on the basis of a preponderance of the evidence that any exemption granted pursuant to subsection (c) unreasonably impairs the continued reliability of an interconnected transmission system, the Commission shall revoke the exemption granted to the transmitting utility.

"(f) APPLICATION TO UNREGULATED TRANSMITTING UTILITIES.—The rate changing procedures applicable to public utilities under subsections (c) and (d) of section 205 are applicable to unregulated transmitting utilities for purposes of this section.

"(g) REMAND.—In exercising authority under subsection (b)(1), the Commission may remand transmission rates to an unregulated transmitting utility for review and revision if necessary to meet the requirements of subsection (b).

"(h) OTHER REQUESTS.—The provision of transmission services under subsection (b) does not preclude a request for transmission services under section 211.

"(i) LIMITATION.—The Commission may not require a State or municipality to take action under this section that would violate a private activity bond rule for purposes of section 141 of the Internal Revenue Code of 1986.

"(j) TRANSFER OF CONTROL OF TRANSMITTING FACILITIES.—Nothing in this section authorizes the Commission to require an unregulated transmitting utility to transfer control or operational control of its transmitting facilities to a Transmission Organization that is designated to provide nondiscriminatory transmission access.".

SEC. 1232. REGIONAL TRANSMISSION ORGANIZATIONS.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) (as amended by section 1221(a)) is amended by adding at the end the following:

"SEC. 217. PROMOTION OF VOLUNTARY TRANSMISSION ORGANIZATIONS.

"(a) IN GENERAL.—The Commission may encourage and may approve the voluntary formation of RTOs, ISOs, or other similar organizations approved by the Commission for the purposes of—

"(1) promoting fair, open access to electric transmission service;

"(2) facilitating wholesale competition;

"(3) improving efficiencies in transmission grid management;

"(4) promoting grid reliability;

"(5) removing opportunities for unduly discriminatory or preferential transmission practices; and

"(6) providing for the efficient development of transmission infrastructure needed to meet the growing demands of competitive wholesale power markets.

"(b) OPERATIONAL CONTROL.—No order issued under this Act shall be conditioned on or require a transmitting utility to transfer operational control of jurisdictional facilities to a Transmission Organization approved by the Commission.

"(c) ANNUAL AUDITS.—(1) Each Transmission Organization shall report to the Commission on a scheduled basis, as determined by the Commission, the means by which the Transmission Organization will ensure that the Transmission Organization will operate and perform the functions of the Transmission Organization in a cost effective manner that is also consistent with the obligations of the Transmission Organization under the Commission-approved tariffs and agreements of the Transmission Organization.

"(2) The Commission shall annually audit the compliance of the Transmission Organization with the filed plan and any additional Commission requirements concerning the performance, operations, and cost efficiencies of the Transmission Organization.

"(3) The Commission shall establish appropriate accounting procedures for recording costs to facilitate comparisons among Transmission Organizations and, to the extent practicable, among other transmitting utilities performing similar functions.".

SEC. 1233. FEDERAL UTILITY PARTICIPATION IN TRANSMISSION ORGANIZATIONS.

(a) DEFINITIONS.—In this section—

(1) APPROPRIATE FEDERAL REGULATORY AUTHORITY.—The term "appropriate Federal regulatory authority" means—

(A) in the case of a Federal power marketing agency, the Secretary, except that the Secretary may designate the Administrator of a Federal power marketing agency to act as the appropriate Federal regulatory authority with respect to the transmission system of the Federal power marketing agency; and

(B) in the case of the Tennessee Valley Authority, the Board of Directors of the Tennessee Valley Authority.

(2) FEDERAL POWER MARKETING AGENCY.—The term "Federal power marketing agency" has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(3) FEDERAL UTILITY.—The term "Federal utility" means—

(A) a Federal power marketing agency; or

(B) the Tennessee Valley Authority.

(4) TRANSMISSION ORGANIZATION.—The term "Transmission Organization" has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(5) TRANSMISSION SYSTEM.—The term "transmission system" means an electric transmission facility owned, leased, or contracted for by the United States and operated by a Federal utility.

(b) TRANSFER.—The appropriate Federal regulatory authority may enter into a contract, agreement, or other arrangement transferring control and use of all or part of the transmission system of a Federal utility to a Transmission Organization.

(c) CONTENTS.—The contract, agreement, or arrangement shall include—

(1) performance standards for operation and use of the transmission system that the head of the Federal utility determines are necessary or appropriate, including standards that ensure—

(A) recovery of all of the costs and expenses of the Federal utility related to the transmission facilities that are the subject of the contract, agreement, or other arrangement;

(B) consistency with existing contracts and third-party financing arrangements; and

(C) consistency with the statutory authorities, obligations, and limitations of the Federal utility;

(2) provisions for monitoring and oversight by the Federal utility of the Transmission Organization's terms and conditions of the contract, agreement, or other arrangement, including a provision for the resolution of disputes through arbitration or other means with the Transmission Organization or with other participants, notwithstanding the obligations and limitations of any other law regarding arbitration; and

(3) a provision that allows the Federal utility to withdraw from the Transmission Organization and terminate the contract, agreement, or other arrangement in accordance with its terms.

(d) COMMISSION.—Neither this section, actions taken pursuant to this section, nor any other transaction of a Federal utility participating in a Transmission Organization shall confer on the Commission jurisdiction or authority over—

(1) the electric generation assets, electric capacity, or energy of the Federal utility that the Federal utility is authorized by law to market; or

(2) the power sales activities of the Federal utility.

(e) EXISTING STATUTORY AND OTHER OBLIGATIONS.—

(1) SYSTEM OPERATION REQUIREMENTS.—No statutory provision requiring or authorizing a Federal utility to transmit electric power or to construct, operate, or maintain the transmission system of the Federal utility prohibits a transfer of control and use of the transmission system pursuant to, and subject to, the requirements of this section.

(2) OTHER OBLIGATIONS.—This subsection does not—

(A) suspend, or exempt any Federal utility from, any provision of Federal law in effect on the date of enactment of this Act, including any requirement or direction relating to the use of the transmission system of the Federal utility, environmental protection, fish and wildlife protection, flood control, navigation, water delivery, or recreation; or

(B) authorize abrogation of any contract or treaty obligation.

(3) CONFORMING AMENDMENT.—Section 311 of the Energy and Water Development Appropriations Act, 2001 (16 U.S.C. 824n) is repealed.

SEC. 1234. STANDARD MARKET DESIGN.

The proposed rulemaking of the Commission entitled "Remedying Undue Discrimination through Open Access Transmission Service and Standard Electricity Market Design" (Docket No. RM01-12-000) (commonly known as "SMD NOPR") is terminated and shall not be reissued.

SEC. 1235. NATIVE LOAD SERVICE OBLIGATION.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) (as amended by section 1232) is amended by adding at the end the following:

"SEC. 218. NATIVE LOAD SERVICE OBLIGATION.

"(a) DEFINITIONS.—In this section:

"(1) The term 'distribution utility' means an electric utility that has a service obligation to end-users or to a State utility or electric cooperative that, directly or indirectly, through 1 or more additional State utilities or electric cooperatives, provides electric service to end-users.

"(2) The term 'load-serving entity' means a distribution utility or an electric utility that has a service obligation.

"(3) The term 'service obligation' means a requirement applicable to, or the exercise of authority granted to, an electric utility under Federal, State, or local law or under long-term contracts to provide electric service to end-users or to a distribution utility.

"(4) The term 'State utility' means a State or any political subdivision of a State, or any agency, authority, or instrumentality of any 1 or more States or political subdivisions, or a corporation that is wholly owned, directly or indirectly, by any 1 or more of the States or political subdivisions, competent to carry on the business of developing, transmitting, using, or distributing power.

"(b) MEETING SERVICE OBLIGATIONS.—(1) Paragraph (2) applies to any load-serving entity that, as of the date of enactment of this section—

"(A) owns generation facilities, markets the output of Federal generation facilities, or holds rights under 1 or more wholesale contracts to purchase electric energy, for the purpose of meeting a service obligation; and

"(B) by reason of ownership of transmission facilities, or 1 or more contracts or service agreements for firm transmission service, holds firm transmission rights for delivery of the output of the generation facilities or the purchased energy to meet the service obligation.

"(2) Any load-serving entity described in paragraph (1) is entitled to use the firm transmission rights, or, equivalent tradable or financial transmission rights, in order to deliver the output or purchased energy, or the output of other generating facilities or purchased energy to the extent deliverable using the rights, to the extent required to meet the service obligation of the load-serving entity.

"(3)(A) To the extent that all or a portion of the service obligation covered by the firm transmission rights or equivalent tradable or financial transmission rights is transferred to another load-serving entity, the successor load-serving entity shall be entitled to use the firm transmission rights or equivalent tradable or financial transmission rights associated with the transferred service obligation.

"(B) Subsequent transfers to another load-serving entity, or back to the original load-serving entity, shall be entitled to the same rights.

"(4) The Commission shall exercise the authority of the Commission under this Act in a manner that facilitates the planning and expansion of transmission facilities to meet the reasonable needs of load-serving entities to satisfy the service obligations of the load-serving entities, and enables load-serving entities to secure firm transmission rights (or equivalent tradable or financial rights) on a long term basis for long term power supply arrangements made, or planned, to meet such needs.

“(c) Allocation of Transmission Rights.—Nothing in subsections (b)(1), (b)(2) and (b)(3) of this section shall affect any existing or future methodology employed by a Transmission Organization for allocating or auctioning transmission rights if such Transmission Organization was authorized by the Commission to allocate or auction financial transmission rights on its system as of January 1, 2005, and the Commission determines that any future allocation or auction is just, reasonable and not unduly discriminatory or preferential, provided, however, that if such a Transmission Organization never allocated financial transmission rights on its system that pertained to a period before January 1, 2005, with respect to any application by such Transmission Organization that would change its methodology the Commission shall exercise its authority in a manner consistent with the Act and that takes into account the policies expressed in subsections (b)(1), (b)(2) and (b)(3) as applied to firm transmission rights held by a load-serving entity as of January 1, 2005, to the extent the associated generation ownership or power purchase arrangements remain in effect.

“(d) Certain Transmission Rights.—The Commission may exercise authority under this Act to make transmission rights not used to meet an obligation covered by subsection (b) available to other entities in a manner determined by the Commission to be just, reasonable, and not unduly discriminatory or preferential.

“(e) Obligation to Build.—Nothing in this Act relieves a load-serving entity from any obligation under State or local law to build transmission or distribution facilities adequate to meet the service obligations of the load-serving entity.

“(f) Contracts.—Nothing in this section shall provide a basis for abrogating any contract or service agreement for firm transmission service or rights in effect as of the date of the enactment of this subsection. If an ISO in the Western Interconnection had allocated financial transmission rights prior to the date of enactment of this section but had not done so with respect to one or more load-serving entities' firm transmission rights held under contracts to which the preceding sentence applies (or held by reason of ownership or future ownership of transmission facilities), such load-serving entities may not be required, without their consent, to convert such firm transmission rights to tradable or financial rights, except where the load-serving entity has voluntarily joined the ISO as a participating transmission owner (or its successor) in accordance with the ISO tariff.

“(g) Water Pumping Facilities.—The Commission shall ensure that any entity described in section 201(f) that owns transmission facilities used predominately to support its own water pumping facilities shall have, with respect to the facilities, protections for transmission service comparable to those provided to load-serving entities pursuant to this section.

“(h) ERCOT.—This section shall not apply within the area referred to in section 212(k)(2)(A).

“(i) Jurisdiction.—This section does not authorize the Commission to take any action not otherwise within the jurisdiction of the Commission.

“(j) TVA Area.—(1) Subject to paragraphs (2) and (3), for purposes of subsection (b)(1)(B), a load-serving entity that is located within the service area of the Tennessee Valley Authority and that has a firm wholesale power supply contract with the Tennessee Valley Authority shall be considered to hold firm transmission rights for the transmission of the power provided.

“(2) Nothing in this subsection affects the requirements of section 212(j).

“(3) The Commission shall not issue an order on the basis of this subsection that is contrary to the purposes of section 212(j).”.

(h) FERC Rulemaking on Long-Term Transmission Rights in Organized Markets.—Within one year after the date of enactment of this section and after notice and an opportunity for comment, the Commission shall by rule or order implement subsection (b)(4) in Transmission Organizations with organized electricity markets.

(i) Effect of Exercising Rights.—An entity that to the extent required to meet its service obligations exercises rights described in subsection (b) shall not be considered by such action as engaging in undue discrimination or preference under this Act.

SEC. 1236. PROTECTION OF TRANSMISSION CONTRACTS IN THE PACIFIC NORTHWEST.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) (as amended by section 1235) is amended by adding at the end the following:

“SEC. 219. PROTECTION OF TRANSMISSION CONTRACTS IN THE PACIFIC NORTHWEST.

“(a) Definition of Electric Utility or Person.—In this section, the term 'electric utility or person' means an electric utility or person that—

“(1) as of the date of enactment of the Energy Policy Act of 2005 holds firm transmission rights pursuant to contract or by reason of ownership of transmission facilities; and

“(2) is located—

“(A) in the Pacific Northwest, as that region is defined in section 3 of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839a); or

“(B) in that portion of a State included in the geographic area proposed for a regional transmission organization in Commission Docket Number RT01-35 on the date on which that docket was opened.

“(b) Protection of Transmission Contracts.—Nothing in this Act confers on the Commission the authority to require an electric utility or person to convert to tradable or financial rights—

“(1) firm transmission rights described in subsection (a)(1); or

“(2) firm transmission rights obtained by exercising contract or tariff rights associated with the firm transmission rights described in subsection (a)(1).”.

Subtitle D—Transmission Rate Reform

SEC. 1241. TRANSMISSION INFRASTRUCTURE INVESTMENT.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) (as amended by section 1236) is amended by adding at the end the following:

“SEC. 220. TRANSMISSION INFRASTRUCTURE INVESTMENT.

“(a) Rulemaking Requirement.—Not later than 1 year after the date of enactment of this section, the Commission shall establish, by rule, incentive-based (including performance-based) rate treatments for the transmission of electric energy in interstate commerce by public utilities for the purpose of benefiting consumers by ensuring reliability and reducing the cost of delivered power by reducing transmission congestion.

“(b) Contents.—The rule shall—

“(1) promote reliable and economically efficient transmission and generation of electricity by promoting capital investment in the enlargement, improvement, maintenance, and operation of all facilities for the transmission of electric energy in interstate commerce, regardless of the ownership of the facilities;

“(2) provide a return on equity that attracts new investment in transmission facilities (including related transmission technologies);

“(3) encourage deployment of transmission technologies and other measures to increase the capacity and efficiency of existing transmission facilities and improve the operation of the facilities; and

“(4) allow recovery of—

“(A) all prudently incurred costs necessary to comply with mandatory reliability standards issued pursuant to section 215; and

“(B) all prudently incurred costs related to transmission infrastructure development pursuant to section 216.

“(c) Just and Reasonable Rates.—All rates approved under the rules adopted pursuant to this section, including any revisions to the rules, are subject to the requirements of sections 205 and 206 that all rates, charges, terms, and conditions be just and reasonable and not unduly discriminatory or preferential.”.

SEC. 1242. FUNDING NEW INTERCONNECTION AND TRANSMISSION UPGRADES.

The Commission may approve a participant funding plan that allocates costs related to transmission upgrades or new generator interconnection, without regard to whether an applicant is a member of a Commission-approved Transmission Organization, if the plan results in rates that—

(1) are just and reasonable;

(2) are not unduly discriminatory or preferential; and

(3) are otherwise consistent with sections 205 and 206 of the Federal Power Act (16 U.S.C. 824d, 824e).

Subtitle E—Amendments to PURPA

SEC. 1251. NET METERING AND ADDITIONAL STANDARDS.

(a) Adoption of Standards.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

“(11) Net metering.—Each electric utility shall make available upon request net metering service to any electric consumer that the electric utility serves. For purposes of this paragraph, the term 'net metering service' means service to an electric consumer under which electric energy generated by that electric consumer from an eligible on-site generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period.

“(12) Fuel sources.—Each electric utility shall develop a plan to minimize dependence on 1 fuel source and to ensure that the electric energy it sells to consumers is generated using a diverse range of fuels and technologies, including renewable technologies.

“(13) Fossil fuel generation efficiency.—Each electric utility shall develop and implement a 10-year plan to increase the efficiency of its fossil fuel generation.”.

(b) Compliance.—

(1) Time limitations.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding at the end the following:

"(3)(A) Not later than 2 years after the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility shall commence the consideration referred to in section 111, or set a hearing date for such consideration, with respect to each standard established by paragraphs (11) through (13) of section 111(d).

"(B) Not later than 3 years after the date of the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to each standard established by paragraphs (11) through (13) of section 111(d).".

(2) FAILURE TO COMPLY.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended by adding at the end the following:

"In the case of each standard established by paragraphs (11) through (13) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of such paragraphs (11) through (13).".

(3) PRIOR STATE ACTIONS.—

(A) IN GENERAL.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) is amended by adding at the end the following:

"(d) PRIOR STATE ACTIONS.—Subsections (b) and (c) of this section shall not apply to the standards established by paragraphs (11) through (13) of section 111(d) in the case of any electric utility in a State if, before the enactment of this subsection—

"(1) the State has implemented for such utility the standard concerned (or a comparable standard);

"(2) the State regulatory authority for such State or relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard concerned (or a comparable standard) for such utility; or

"(3) the State legislature has voted on the implementation of such standard (or a comparable standard) for such utility.".

(B) CROSS REFERENCE.—Section 124 of such Act (16 U.S.C. 2634) is amended by adding the following at the end thereof: "In the case of each standard established by paragraphs (11) through (13) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of such paragraphs (11) through (13).".

SEC. 1252. SMART METERING.

(a) IN GENERAL.—Section 111(d) of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(14) TIME-BASED METERING AND COMMUNICATIONS.—

"(A) Not later than 18 months after the date of enactment of this paragraph, each electric utility shall offer each of its customer classes, and provide individual customers upon customer request, a time-based rate schedule under which the rate charged by the electric utility varies during different time periods and reflects the variance, if any, in the utility's costs of generating and purchasing electricity at the wholesale level. The time-based rate schedule shall enable the electric consumer to manage energy use and cost through advanced metering and communications technology.

"(B) The types of time-based rate schedules that may be offered under the schedule referred to in subparagraph (A) include, among others—

"(i) time-of-use pricing whereby electricity prices are set for a specific time period on an advance or forward basis, typically not changing more often than twice a year, based on the utility's cost of generating and/or purchasing such electricity at the wholesale level for the benefit of the consumer. Prices paid for energy consumed during these periods shall be pre-established and known to consumers in advance of such consumption, allowing them to vary their demand and usage in response to such prices and manage their energy costs by shifting usage to a lower cost period or reducing their consumption overall;

"(ii) critical peak pricing whereby time-of-use prices are in effect except for certain peak days, when prices may reflect the costs of generating and/or purchasing electricity at the wholesale level and when consumers may receive additional discounts for reducing peak period energy consumption;

"(iii) real-time pricing whereby electricity prices are set for a specific time period on an advanced or forward basis, reflecting the utility's cost of generating and/or purchasing electricity at the wholesale level, and may change as often as hourly; and

"(iv) credits for consumers with large loads who enter into pre-established peak load reduction agreements that reduce the planned capacity obligations of a utility.

"(C) Each electric utility subject to subparagraph (A) shall provide each customer requesting a time-based rate with a time-based meter capable of enabling the utility and customer to offer and receive such rate, respectively.

"(D) For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this paragraph.

"(E) In a State that permits third-party marketers to sell electric energy to retail electric consumers, such consumers shall be entitled to receive the same time-based metering and communications device and service as a retail electric consumer of the electric utility.

"(F) Notwithstanding subsections (b) and (c) of section 112, each State regulatory authority shall, not later than 18 months after the date of enactment of this paragraph conduct an investigation in accordance with section 115(i) and issue a decision whether it is appropriate to implement the standards set out in subparagraphs (A) and (C).".

(b) STATE INVESTIGATION OF DEMAND RESPONSE AND TIME-BASED METERING.—Section 115 of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 2625) is amended as follows:

(1) By inserting in subsection (b) after the phrase "the standard for time-of-day rates established by section 111(d)(3)" the following: "and the standard for time-based metering and communications established by section 111(d)(14)".

(2) By inserting in subsection (b) after the phrase "are likely to exceed the metering" the following: "and communications".

(3) By adding at the end the following:

"(i) TIME-BASED METERING AND COMMUNICATIONS.—In making a determination with respect to the standard established by section 111(d)(14), the investigation requirement of section 111(d)(14)(F) shall be as follows: Each State regulatory authority shall conduct an investigation and issue a decision whether or not it is appropriate for electric utilities to provide and install time-based meters and communications devices for each of their customers which enable such customers to participate in time-based pricing rate schedules and other demand response programs.".

(c) FEDERAL ASSISTANCE ON DEMAND RESPONSE.—Section 132(a) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2642(a)) is amended by striking "and" at the end of paragraph (3), striking the period at the end of paragraph (4) and inserting "; and", and by adding the following at the end thereof:

"(5) technologies, techniques, and ratemaking methods related to advanced metering and communications and the use of these technologies, techniques and methods in demand response programs.".

(d) FEDERAL GUIDANCE.—Section 132 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2642) is amended by adding the following at the end thereof:

"(d) DEMAND RESPONSE.—The Secretary shall be responsible for—

"(1) educating consumers on the availability, advantages, and benefits of advanced metering and communications technologies, including the funding of demonstration or pilot projects;

"(2) working with States, utilities, other energy providers and advanced metering and communications experts to identify and address barriers to the adoption of demand response programs; and

"(3) not later than 180 days after the date of enactment of the Energy Policy Act of 2005, providing Congress with a report that identifies and quantifies the national benefits of demand response and makes a recommendation on achieving specific levels of such benefits by January 1, 2007.".

(e) DEMAND RESPONSE AND REGIONAL COORDINATION.—

(1) IN GENERAL.—It is the policy of the United States to encourage States to coordinate, on a regional basis, State energy policies to provide reliable and affordable demand response services to the public.

(2) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States and regional organizations formed by 2 or more States to assist them in—

(A) identifying the areas with the greatest demand response potential;

(B) identifying and resolving problems in transmission and distribution networks, including through the use of demand response;

(C) developing plans and programs to use demand response to respond to peak demand or emergency needs; and

(D) identifying specific measures consumers can take to participate in these demand response programs.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall prepare and publish an annual report, by appropriate region, that assesses demand response resources, including those available from all consumer classes, and which identifies and reviews—

(A) saturation and penetration rate of advanced meters and communications technologies, devices and systems;

(B) existing demand response programs and time-based rate programs;

(C) the annual resource contribution of demand resources;

(D) the potential for demand response as a quantifiable, reliable resource for regional planning purposes;

(E) steps taken to ensure that, in regional transmission planning and operations, demand resources are provided equitable treatment as a quantifiable, reliable resource relative to the resource obligations of any load-serving entity, transmission provider, or transmitting party; and

(F) regulatory barriers to improved customer participation in demand response, peak reduction, and critical period pricing programs.

(f) Federal Encouragement of Demand Response Devices.—It is the policy of the United States that time-based pricing and other forms of demand response, whereby electricity customers are provided with electricity price signals and the ability to benefit by responding to them, shall be encouraged, and the deployment of such technology and devices that enable electricity customers to participate in such pricing and demand response systems shall be facilitated, and unnecessary barriers to demand response participation in energy, capacity, and ancillary service markets shall be eliminated. It is further the policy of the United States that the benefits of such demand response that accrue to those not deploying such technology and devices, but who are part of the same regional electricity entity, shall be recognized.

(g) Time Limitations.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding at the end the following:

"(4)(A) Not later than 1 year after the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility shall commence the consideration referred to in section 111, or set a hearing date for such consideration, with respect to the standard established by paragraph (14) of section 111(d).

"(B) Not later than 2 years after the date of the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to the standard established by paragraph (14) of section 111(d).".

(h) Failure To Comply.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended by adding at the end the following:

"In the case of the standard established by paragraph (14) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of such paragraph (14).".

(i) Prior State Actions Regarding Smart Metering Standards.—

(1) In general.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) is amended by adding at the end the following:

"(e) Prior State Actions.—Subsections (b) and (c) of this section shall not apply to the standard established by paragraph (14) of section 111(d) in the case of any electric utility in a State if, before the enactment of this subsection—

"(1) the State has implemented for such utility the standard concerned (or a comparable standard);

"(2) the State regulatory authority for such State or relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard concerned (or a comparable standard) for such utility within the previous 3 years; or

"(3) the State legislature has voted on the implementation of such standard (or a comparable standard) for such utility within the previous 3 years.".

(2) Cross reference.—Section 124 of such Act (16 U.S.C. 2634) is amended by adding the following at the end thereof: "In the case of the standard established by paragraph (14) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of such paragraph (14).".

SEC. 1253. COGENERATION AND SMALL POWER PRODUCTION PURCHASE AND SALE REQUIREMENTS.

(a) Termination of Mandatory Purchase and Sale Requirements.—Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a-3) is amended by adding at the end the following:

"(m) Termination of Mandatory Purchase and Sale Requirements.—

"(1) Obligation to purchase.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to purchase electric energy from a qualifying cogeneration facility or a qualifying small power production facility under this section if the Commission finds that the qualifying cogeneration facility or qualifying small power production facility has nondiscriminatory access to—

"(A)(i) independently administered, auction-based day ahead and real time wholesale markets for the sale of electric energy; and (ii) wholesale markets for long-term sales of capacity and electric energy; or

"(B)(i) transmission and interconnection services that are provided by a Commission-approved regional transmission entity and administered pursuant to an open access transmission tariff that affords nondiscriminatory treatment to all customers; and (ii) competitive wholesale markets that provide a meaningful opportunity to sell capacity, including long-term and short-term sales, and electric energy, including long-term, short-term and real-time sales, to buyers other than the utility to which the qualifying facility is interconnected. In determining whether a meaningful opportunity to sell exists, the Commission shall consider, among other factors, evidence of transactions within the relevant market; or

"(C) wholesale markets for the sale of capacity and electric energy that are, at a minimum, of comparable competitive quality as markets described in subparagraphs (A) and (B).

"(2) Revised purchase and sale obligation for new facilities.—(A) After the date of enactment of this subsection, no electric utility shall be required pursuant to this section to enter into a new contract or obligation to purchase from or sell electric energy to a facility that is not an existing qualifying cogeneration facility unless the facility meets the criteria for qualifying cogeneration facilities established by the Commission pursuant to the rulemaking required by subsection (n).

"(B) For the purposes of this paragraph, the term 'existing qualifying cogeneration facility' means a facility that—

"(i) was a qualifying cogeneration facility on the date of enactment of subsection (m); or

"(ii) had filed with the Commission a notice of self-certification, self recertification or an application for Commission certification under 18 C.F.R. 292.207 prior to the date on which the Commission issues the final rule required by subsection (n).

"(3) Commission review.—Any electric utility may file an application with the Commission for relief from the mandatory purchase obligation pursuant to this subsection on a service territory-wide basis. Such application shall set forth the factual basis upon which relief is requested and describe why the conditions set forth in subparagraphs (A), (B) or (C) of paragraph (1) of this subsection have been met. After notice, including sufficient notice to potentially affected qualifying cogeneration facilities and qualifying small power production facilities, and an opportunity for comment, the Commission shall make a final determination within 90 days of such application regarding whether the conditions set forth in subparagraphs (A), (B) or (C) of paragraph (1) have been met.

"(4) Reinstatement of obligation to purchase.—At any time after the Commission makes a finding under paragraph (3) relieving an electric utility of its obligation to purchase electric energy, a qualifying cogeneration facility, a qualifying small power production facility, a State agency, or any other affected person may apply to the Commission for an order reinstating the electric utility's obligation to purchase electric energy under this section. Such application shall set forth the factual basis upon which the application is based and describe why the conditions set forth in subparagraphs (A), (B) or (C) of paragraph (1) of this subsection are no longer met. After notice, including sufficient notice to potentially affected utilities, and opportunity for comment, the Commission shall issue an order within 90 days of such application reinstating the electric utility's obligation to purchase electric energy under this section if the Commission finds that the conditions set forth in subparagraphs (A), (B) or (C) of paragraph (1) which relieved the obligation to purchase, are no longer met.

"(5) Obligation to sell.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to sell electric energy to a qualifying cogeneration facility or a qualifying small power production facility under this section if the Commission finds that—

"(A) competing retail electric suppliers are willing and able to sell and deliver electric energy to the qualifying cogeneration facility or qualifying small power production facility; and

"(B) the electric utility is not required by State law to sell electric energy in its service territory.

"(6) No effect on existing rights and remedies.—Nothing in this subsection affects the rights or remedies of any party under any contract or obligation, in effect or pending approval before the appropriate State regulatory authority or non-regulated electric utility on the date of enactment of this subsection, to purchase electric energy or capacity from or to sell electric energy or capacity to a qualifying cogeneration facility or qualifying small power production facility under this Act (including the right to recover costs of purchasing electric energy or capacity).

"(7) Recovery of costs.—(A) The Commission shall issue and enforce such regulations as are necessary to ensure that an electric utility that purchases electric energy or capacity from a qualifying cogeneration facility or qualifying small power production facility in accordance with any legally enforceable obligation entered into or imposed under this section recovers all prudently incurred costs associated with the purchase.

"(B) A regulation under subparagraph (A) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act (16 U.S.C. 791a et seq.).

"(n) Rulemaking for New Qualifying Facilities.—(1)(A) Not later than 180 days after the date of enactment of this section, the Commission shall issue a rule revising the criteria in 18 C.F.R. 292.205 for new qualifying cogeneration facilities seeking to sell electric energy pursuant to section 210 of this Act to ensure—

"(i) that the thermal energy output of a new qualifying cogeneration facility is used in a productive and beneficial manner;

"(ii) the electrical, thermal, and chemical output of the cogeneration facility is used fundamentally for industrial, commercial, or institutional purposes and is not intended fundamentally for sale to an electric utility, taking into account technological, efficiency, economic, and variable thermal energy requirements, as well as State laws applicable to sales of electric energy from a qualifying facility to its host facility; and

"(iii) continuing progress in the development of efficient electric energy generating technology.

"(B) The rule issued pursuant to section (n)(1)(A) shall be applicable only to facilities that seek to sell electric energy pursuant to section 210 of this Act. For all other purposes, except as specifically provided in section (m)(2)(A), qualifying facility status shall be determined in accordance with the rules and regulations of this Act.

"(2) Notwithstanding rule revisions under paragraph (1), the Commission's criteria for qualifying cogeneration facilities in effect prior to the date on which the Commission issues the final rule required by paragraph (1) shall continue to apply to any cogeneration facility that—

"(A) was a qualifying cogeneration facility on the date of enactment of subsection (m), or

"(B) had filed with the Commission a notice of self-certification, self-recertification or an application for Commission certification under 18 C.F.R. 292.207 prior to the date on which the Commission issues the final rule required by paragraph (1).".

(b) Elimination of Ownership Limitations.—

(1) Qualifying small power production facility.—Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)) is amended to read as follows:

"(C) 'qualifying small power production facility' means a small power production facility that the Commission determines, by rule, meets such requirements (including requirements respecting fuel use, fuel efficiency, and reliability) as the Commission may, by rule, prescribe;".

(2) Qualifying cogeneration facility.—Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)) is amended to read as follows:

"(B) 'qualifying cogeneration facility' means a cogeneration facility that the Commission determines, by rule, meets such requirements (including requirements respecting minimum size, fuel use, and fuel efficiency) as the Commission may, by rule, prescribe;".

SEC. 1254. INTERCONNECTION.

(a) Adoption of Standards.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) (as amended by section 1252(a)) is amended by adding at the end the following:

"(15) Interconnection.—(A) In this paragraph, the term 'interconnection service' means service to an electric consumer by which an on-site generating facility on the premises of the electric consumer is connected to the local distribution facilities.

"(B)(i) Each electric utility shall make available, on request, interconnection service to any electric consumer that the electric utility serves.

"(ii) Interconnection services shall be made available under clause (i) based on the standards developed by the Institute of Electrical and Electronics Engineers, entitled "IEEE Standard 1547 for Interconnecting Distributed Resources with Electric Power Systems" (or successor standards).

"(C)(i) Electric utilities shall establish agreements and procedures providing that the interconnection services made available under subparagraph (B) promote current best practices of interconnection for distributed generation, including practices stipulated in model codes adopted by associations of State regulatory agencies.

"(ii) Any agreements and procedures established under clause (i) shall be just and reasonable and not unduly discriminatory or preferential.".

(b) Compliance.—

(1) Time limitations.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) (as amended by section 1252(g)) is amended by adding at the end the following:

"(5)(A) Not later than 1 year after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State regulatory authority has ratemaking authority) and each nonregulated utility shall, with respect to the standard established by section 111(d)(15)—

"(i) commence the consideration under section 111(a); or

"(ii) set a hearing date for the consideration.

"(B) Not later than 2 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State regulatory authority has ratemaking authority) and each nonregulated electric utility shall, with respect to the standard established by section 111(d)(15), complete the consideration and make the determination under section 111(a).".

(2) Failure to comply.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) (as amended by section 1252(h)) is amended by adding at the end the following: "In the case of the standard established by paragraph (15), the reference contained in this subsection to the date of enactment of this Act shall be considered to be a reference to the date of enactment of paragraph (15).".

(3) Prior state actions.—

(A) In general.—Section 112(e) of the Public Utility Regulatory Policies Act of 1978 (as added by section 1252(i)(1)) is amended by striking "paragraph 14" and inserting "paragraph (14) or (15)".

(B) Conforming amendment.—Section 124 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2634) (as amended by section 1252(i)(2)) is amended by adding at the end the following: "In the case of each standard established by section 111(d)(15), the reference contained in this section to the date of enactment of the Act shall be considered to be a reference to the date of enactment of paragraph (15).".

Subtitle F—Market Transparency, Enforcement, and Consumer Protection

SEC. 1261. MARKET TRANSPARENCY RULES.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) (as amended by section 1241) is amended by adding at the end the following:

"SEC. 221. MARKET TRANSPARENCY RULES.

"(a) In General.—The Commission may issue such rules as the Commission considers to be appropriate to establish an electronic information system to provide the Commission and the public with access to such information as is necessary or appropriate to facilitate price transparency and participation in markets for the sale in interstate commerce of electric energy at wholesale.

"(b) Information To Be Made Available.—(1) The system under subsection (a) shall provide, on a timely basis, information about the availability and market price of wholesale electric energy and transmission services to the Commission, State commissions, buyers and sellers of wholesale electric energy, users of transmission services, and the public.

"(2) In determining the information to be made available under the system and the time at which to make such information available, the Commission shall seek to ensure that consumers and competitive markets are protected from the adverse effects of potential collusion or other anticompetitive behaviors that can be facilitated by untimely public disclosure of transaction-specific information.

"(c) Authority To Obtain Information.—The Commission shall have authority to obtain information described in subsections (a) and (b) from any electric utility or transmitting utility (including any entity described in section 201(f)).

"(d) Exemptions.—The rules of the Commission, if adopted, shall exempt from disclosure information that the Commission determines would, if disclosed—

"(1) be detrimental to the operation of an effective market; or

"(2) jeopardize system security.

"(e) Commodity Futures Trading Commission.—(1) This section shall not affect the exclusive jurisdiction of the Commodity Futures Trading Commission with respect to accounts, agreements, contracts, or transactions in commodities under the Commodity Exchange Act (7 U.S.C. 1 et seq.).

"(2) Any request for information to a designated contract market, registered derivatives transaction execution facility, board of trade, exchange, or market involving an account, agreement, contract, or transaction in a commodity (including natural gas, electricity and other energy commodities) within the exclusive jurisdiction of the Commodity Futures Trading Commission shall be directed to the Commodity Futures Trading Commission, which shall cooperate in responding to any information request by the Commission.

"(f) Savings Provision.—In exercising authority under this section, the Commission shall not—

"(1) compete with, or displace from the market place, any price publisher (including any electronic price publisher); or

"(2) regulate price publishers (including any electronic price publisher) or impose any requirements on the publication of information by price publishers (including any electronic price publisher).

"(g) ERCOT.—This section shall not apply to a transaction for the purchase or sale of wholesale electric energy or transmission services within the area described in section 212(k)(2)(A).".

SEC. 1262. FALSE STATEMENTS.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) (as amended by section 1261) is amended by adding at the end the following:

"SEC. 222. PROHIBITION ON FILING FALSE INFORMATION.

"No entity (including an entity described in section 201(f)) shall willfully and knowingly report any information relating to the price of electricity sold at wholesale or the availability of transmission capacity, which information the person or any other entity knew to be false at the time of the reporting, to a Federal agency with intent to fraudulently affect the data being compiled by the Federal agency.".

SEC. 1263. MARKET MANIPULATION.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) (as amended by section 1262) is amended by adding at the end the following:

"SEC. 223. PROHIBITION OF ENERGY MARKET MANIPULATION.

"It shall be unlawful for any entity (including an entity described in section 201(f)), directly or indirectly, to use or employ, in connection with the purchase or sale of electric energy or the purchase or sale of transmission services subject to the jurisdiction of the Commission, any manipulative or deceptive device or contrivance (as those terms are used in section 10(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78j(b))), in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of electric ratepayers.".

SEC. 1264. ENFORCEMENT.

(a) COMPLAINTS.—Section 306 of the Federal Power Act (16 U.S.C. 825e) is amended—

(1) by inserting "electric utility," after "Any person,"; and

(2) by inserting ", transmitting utility," after "licensee" each place it appears.

(b) INVESTIGATIONS.—Section 307(a) of the Federal Power Act (16 U.S.C. 825f(a)) is amended—

(1) by inserting ", electric utility, transmitting utility, or other entity" after "person" each place it appears; and

(2) in the first sentence, by inserting before the period at the end the following: ", or in obtaining information about the sale of electric energy at wholesale in interstate commerce and the transmission of electric energy in interstate commerce".

(c) REVIEW OF COMMISSION ORDERS.—Section 313(a) of the Federal Power Act (16 U.S.C. 825*l*) is amended by inserting "electric utility," after "person," in the first 2 places it appears and by striking "any person unless such person" and inserting "any entity unless such entity".

(d) CRIMINAL PENALTIES.—Section 316 of the Federal Power Act (16 U.S.C. 825o) is amended—

(1) in subsection (a)—

(A) by striking "$5,000" and inserting "$1,000,000"; and

(B) by striking "two years" and inserting "5 years";

(2) in subsection (b), by striking "$500" and inserting "$25,000"; and

(3) by striking subsection (c).

(e) CIVIL PENALTIES.—Section 316A of the Federal Power Act (16 U.S.C. 825o–1) is amended—

(1) by striking "section 211, 212, 213, or 214" each place it appears and inserting "part II"; and

(2) in subsection (b), by striking "$10,000" and inserting "$1,000,000".

SEC. 1265. REFUND EFFECTIVE DATE.

Section 206(b) of the Federal Power Act (16 U.S.C. 824e(b)) is amended—

(1) by striking "the date 60 days after the filing of such complaint nor later than 5 months after the expiration of such 60-day period" in the second sentence and inserting "the date of the filing of such complaint nor later than 5 months after the filing of such complaint";

(2) by striking "60 days after" in the third sentence and inserting "of";

(3) by striking "expiration of such 60-day period" in the third sentence and inserting "publication date"; and

(4) by striking the fifth sentence and inserting the following: "If no final decision is rendered by the conclusion of the 180-day period commencing upon initiation of a proceeding pursuant to this section, the Commission shall state the reasons why it has failed to do so and shall state its best estimate as to when it reasonably expects to make such decision.".

SEC. 1266. REFUND AUTHORITY.

Section 206 of the Federal Power Act (16 U.S.C. 824e) is amended by adding at the end the following:

"(e)(1) In this subsection:

"(A) The term 'short-term sale' means an agreement for the sale of electric energy at wholesale in interstate commerce that is for a period of 48 hours or less.

"(B) The term 'applicable Commission rule' means a Commission rule applicable to sales at wholesale by public utilities that the Commission determines after notice and comment should also be applicable to entities subject to this subsection.

"(2) If an entity described in section 201(f) voluntarily makes a short-term sale of electric energy through an organized market in which the rates for the sale are established by Commission-approved tariff (rather than by contract) and the sale violates the terms of the tariff or applicable Commission rules in effect at the time of the sale, the entity shall be subject to the refund authority of the Commission under this section with respect to the violation.

"(3) This section shall not apply to—

"(A) any entity that sells in total (including affiliates of the entity) less than 8,000,000 megawatt hours of electricity per year; or

"(B) any electric cooperative.

"(4)(A) The Commission shall have refund authority under paragraph (2) with respect to a voluntary short-term sale of electric energy by the Bonneville Power Administration only if the sale is at an unjust and unreasonable rate.

"(B) The Commission may order a refund under subparagraph (A) only for short-term sales made by the Bonneville Power Administration at rates that are higher than the highest just and reasonable rate charged by any other entity for a short-term sale of electric energy in the same geographic market for the same, or most nearly comparable, period as the sale by the Bonneville Power Administration.

"(5) In the case of any Federal power marketing agency or the Tennessee Valley Authority, the Commission shall not assert or exercise any regulatory authority or power under paragraph (2) other than the ordering of refunds to achieve a just and reasonable rate.".

SEC. 1267. CONSUMER PRIVACY AND UNFAIR TRADE PRACTICES.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(2) STATE REGULATORY AUTHORITY.—The term "State regulatory authority" has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(3) ELECTRIC CONSUMER; ELECTRIC UTILITY.—The terms "electric consumer" and "electric utility" have the meanings given those terms in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602).

(b) PRIVACY.—The Commission may issue rules protecting the privacy of electric consumers from the disclosure of consumer information obtained in connection with the sale or delivery of electric energy to electric consumers.

(c) SLAMMING.—The Commission may issue rules prohibiting the change of selection of an electric utility except with the informed consent of the electric consumer or if approved by the appropriate State regulatory authority.

(d) CRAMMING.—The Commission may issue rules prohibiting the sale of goods and services to an electric consumer unless expressly authorized by law or the electric consumer.

(e) RULEMAKING.—The Commission shall proceed in accordance with section 553 of title 5, United States Code, when prescribing a rule under this section.

(f) STATE AUTHORITY.—If the Commission determines that the regulations of a State provide equivalent or greater protection than the protection provided under this section, the regulations of the State shall apply in that State in lieu of the regulations issued by the Commission under this section.

SEC. 1268. OFFICE OF CONSUMER ADVOCACY.

(a) DEFINITIONS.—In this section:

(1) ENERGY CUSTOMER.—The term "energy customer" means a residential customer or a small commercial customer that receives products or services from a public utility or natural gas company under the jurisdiction of the Commission.

(2) NATURAL GAS COMPANY.—The term "natural gas company" has the meaning given the term in section 2 of the Natural Gas Act (15 U.S.C. 717a), as modified by section 601(a) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3431(a)).

(3) OFFICE.—The term "Office" means the Office of Consumer Advocacy established by subsection (b)(1).

(4) PUBLIC UTILITY.—The term "public utility" has the meaning given the term in section 201(e) of the Federal Power Act (16 U.S.C. 824(e)).

(5) SMALL COMMERCIAL CUSTOMER.—The term "small commercial customer" means a commercial customer that has a peak demand of not more than 1,000 kilowatts per hour.

(b) OFFICE.—

(1) ESTABLISHMENT.—There is established within the Department the Office of Consumer Advocacy.

(2) DUTIES.—The Office may represent the interests of energy customers on matters concerning rates or service of public utilities and natural gas companies under the jurisdiction of the Commission—

(A) at hearings of the Commission;

(B) in civil actions brought in connection with any function carried out by the Commission, except as provided in section 518 of title 28, United States Code; and

(C) at hearings or proceedings of other Federal regulatory agencies and commissions.

SEC. 1269. AUTHORITY OF COURT TO PROHIBIT PERSONS FROM SERVING AS OFFICERS, DIRECTORS, AND ENERGY TRADERS.

Section 314 of the Federal Power Act (16 U.S.C. 825m) is amended by adding at the end the following:

"(d) In any proceedings under subsection (a), the court may prohibit, conditionally or unconditionally, and permanently or for such period of time as the court determines, any person who is engaged or has engaged in practices constituting a violation of section 222 (and related rules and regulations) from—

"(1) acting as an officer or director of an electric utility; or

"(2) engaging in the business of purchasing or selling—

"(A) electric energy; or

"(B) transmission services subject to the jurisdiction of the Commission.".

SEC. 1270. RELIEF FOR EXTRAORDINARY VIOLATIONS.

(a) APPLICATION.—This section applies to any contract entered into the Western Interconnection prior to June 20, 2001, with a seller of wholesale electricity that the Commission has—

(1) found to have manipulated the electricity market resulting in unjust and unreasonable rates; and

(2) revoked the seller's authority to sell any electricity at market-based rates.

(b) RELIEF.—Notwithstanding section 222 of the Federal Power Act (as added by section 1262), any provision of title 11, United States Code, or any other provision of law, in the case of a contract described in subsection (a), the Commission shall have exclusive jurisdiction under the Federal Power Act (16 U.S.C. 791a et seq.) to determine whether a requirement to make termination payments for power not delivered by the seller, or any successor in interest of the seller, is unlawful on the grounds that it is unjust and unreasonable.

(c) APPLICABILITY.—This section applies to any proceeding pending on the date of enactment of this section involving a seller described in subsection (a) in which there is not a final, nonappealable order by the Commission or any other jurisdiction determining the respective rights of the seller.

Subtitle G—Repeal of PUHCA and Merger Reform

SEC. 1271. SHORT TITLE.

This subtitle may be cited as the "Public Utility Holding Company Act of 2005".

SEC. 1272. DEFINITIONS.

For purposes of this subtitle:

(1) AFFILIATE.—The term "affiliate" of a company means any company, 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to vote, directly or indirectly, by such company.

(2) ASSOCIATE COMPANY.—The term "associate company" of a company means any company in the same holding company system with such company.

(3) COMMISSION.—The term "Commission" means the Federal Energy Regulatory Commission.

(4) COMPANY.—The term "company" means a corporation, partnership, association, joint stock company, business trust, or any organized group of persons, whether incorporated or not, or a receiver, trustee, or other liquidating agent of any of the foregoing.

(5) ELECTRIC UTILITY COMPANY.—The term "electric utility company" means any company that owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale.

(6) EXEMPT WHOLESALE GENERATOR AND FOREIGN UTILITY COMPANY.—The terms "exempt wholesale generator" and "foreign utility company" have the same meanings as in sections 32 and 33, respectively, of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79z–5a, 79z–5b), as those sections existed on the day before the effective date of this subtitle.

(7) GAS UTILITY COMPANY.—The term "gas utility company" means any company that owns or operates facilities used for distribution at retail (other than the distribution only in enclosed portable containers or distribution to tenants or employees of the company operating such facilities for their own use and not for resale) of natural or manufactured gas for heat, light, or power.

(8) HOLDING COMPANY.—The term "holding company" means—

(A) any company that directly or indirectly owns, controls, or holds, with power to vote, 10 percent or more of the outstanding voting securities of a public-utility company or of a holding company of any public-utility company; and

(B) any person, determined by the Commission, after notice and opportunity for hearing, to exercise directly or indirectly (either alone or pursuant to an arrangement or understanding with 1 or more persons) such a controlling influence over the management or policies of any public-utility company or holding company as to make it necessary or appropriate for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this subtitle upon holding companies.

(9) HOLDING COMPANY SYSTEM.—The term "holding company system" means a holding company, together with its subsidiary companies.

(10) JURISDICTIONAL RATES.—The term "jurisdictional rates" means rates accepted or established by the Commission for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use.

(11) NATURAL GAS COMPANY.—The term "natural gas company" means a person engaged in the transportation of natural gas in interstate commerce or the sale of such gas in interstate commerce for resale.

(12) PERSON.—The term "person" means an individual or company.

(13) PUBLIC UTILITY.—The term "public utility" means any person who owns or operates facilities used for transmission of electric energy in interstate commerce or sales of electric energy at wholesale in interstate commerce.

(14) PUBLIC-UTILITY COMPANY.—The term "public-utility company" means an electric utility company or a gas utility company.

(15) STATE COMMISSION.—The term "State commission" means any commission, board, agency, or officer, by whatever name designated, of a State, municipality, or other political subdivision of a State that, under the laws of such State, has jurisdiction to regulate public utility companies.

(16) SUBSIDIARY COMPANY.—The term "subsidiary company" of a holding company means—

(A) any company, 10 percent or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held with power to vote, by such holding company; and

(B) any person, the management or policies of which the Commission, after notice and opportunity for hearing, determines to be subject to a controlling influence, directly or indirectly, by such holding company (either alone or pursuant to an arrangement or understanding with 1 or more other persons) so as to make it necessary for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this subtitle upon subsidiary companies of holding companies.

(17) VOTING SECURITY.—The term "voting security" means any security presently entitling the owner or holder thereof to vote in the direction or management of the affairs of a company.

SEC. 1273. REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

The Public Utility Holding Company Act of 1935 (15 U.S.C. 79 et seq.) is repealed.

SEC. 1274. FEDERAL ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Each holding company and each associate company thereof shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records as the Commission determines are relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(b) AFFILIATE COMPANIES.—Each affiliate of a holding company or of any subsidiary company of a holding company shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records with respect to any transaction with another affiliate, as the Commission determines are relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(c) HOLDING COMPANY SYSTEMS.—The Commission may examine the books, accounts, memoranda, and other records of any company in a holding company system, or any affiliate thereof, as the Commission determines are relevant to costs incurred by a public utility or natural gas company within such holding company system and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(d) CONFIDENTIALITY.—No member, officer, or employee of the Commission shall divulge any fact or information that may come to his or her knowledge during the course of examination of books, accounts, memoranda, or other records as provided in this section, except as may be directed by the Commission or by a court of competent jurisdiction.

SEC. 1275. STATE ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Upon the written request of a State commission having jurisdiction to regulate a public-utility company in a holding company system, the holding company or any associate company or affiliate thereof, other than such public-utility company, wherever located, shall produce for inspection books, accounts, memoranda, and other records that—

(1) have been identified in reasonable detail in a proceeding before the State commission;

(2) the State commission determines are relevant to costs incurred by such public-utility company; and

(3) are necessary for the effective discharge of the responsibilities of the State commission with respect to such proceeding.

(b) LIMITATION.—Subsection (a) does not apply to any person that is a holding company solely by reason of ownership of 1 or more qualifying facilities under the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.).

(c) Confidentiality of Information.—The production of books, accounts, memoranda, and other records under subsection (a) shall be subject to such terms and conditions as may be necessary and appropriate to safeguard against unwarranted disclosure to the public of any trade secrets or sensitive commercial information.

(d) Effect on State Law.—Nothing in this section shall preempt applicable State law concerning the provision of books, accounts, memoranda, and other records, or in any way limit the rights of any State to obtain books, accounts, memoranda, and other records under any other Federal law, contract, or otherwise.

(e) Court Jurisdiction.—Any United States district court located in the State in which the State commission referred to in subsection (a) is located shall have jurisdiction to enforce compliance with this section.

SEC. 1276. EXEMPTION AUTHORITY.

(a) Rulemaking.—Not later than 90 days after the effective date of this subtitle, the Commission shall issue a final rule to exempt from the requirements of section 1274 (relating to Federal access to books and records) any person that is a holding company, solely with respect to 1 or more—

(1) qualifying facilities under the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.);

(2) exempt wholesale generators; or

(3) foreign utility companies.

(b) Other Authority.—The Commission shall exempt a person or transaction from the requirements of section 1274 (relating to Federal access to books and records) if, upon application or upon the motion of the Commission—

(1) the Commission finds that the books, accounts, memoranda, and other records of any person are not relevant to the jurisdictional rates of a public utility or natural gas company; or

(2) the Commission finds that any class of transactions is not relevant to the jurisdictional rates of a public utility or natural gas company.

SEC. 1277. AFFILIATE TRANSACTIONS.

(a) Commission Authority Unaffected.—Nothing in this subtitle shall limit the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) to require that jurisdictional rates are just and reasonable, including the ability to deny or approve the pass through of costs, the prevention of cross-subsidization, and the issuance of such rules and regulations as are necessary or appropriate for the protection of utility consumers.

(b) Recovery of Costs.—Nothing in this subtitle shall preclude the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to determine whether a public-utility company, public utility, or natural gas company may recover in rates any costs of an activity performed by an associate company, or any costs of goods or services acquired by such public-utility company from an associate company.

SEC. 1278. APPLICABILITY.

Except as otherwise specifically provided in this subtitle, no provision of this subtitle shall apply to, or be deemed to include—

(1) the United States;

(2) a State or any political subdivision of a State;

(3) any foreign governmental authority not operating in the United States;

(4) any agency, authority, or instrumentality of any entity referred to in paragraph (1), (2), or (3); or

(5) any officer, agent, or employee of any entity referred to in paragraph (1), (2), (3), or (4) acting as such in the course of his or her official duty.

SEC. 1279. EFFECT ON OTHER REGULATIONS.

Nothing in this subtitle precludes the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to protect utility customers.

SEC. 1280. ENFORCEMENT.

The Commission shall have the same powers as set forth in sections 306 through 317 of the Federal Power Act (16 U.S.C. 825e–825p) to enforce the provisions of this subtitle.

SEC. 1281. SAVINGS PROVISIONS.

(a) In General.—Nothing in this subtitle, or otherwise in the Public Utility Holding Company Act of 1935, or rules, regulations, or orders thereunder, prohibits a person from engaging in or continuing to engage in activities or transactions in which it is legally engaged or authorized to engage on the date of enactment of this Act, if that person continues to comply with the terms (other than an expiration date or termination date) of any such authorization, whether by rule or by order.

(b) Effect on Other Commission Authority.—Nothing in this subtitle limits the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) or the Natural Gas Act (15 U.S.C. 717 et seq.).

SEC. 1282. IMPLEMENTATION.

Not later than 4 months after the date of enactment of this subtitle, the Commission shall—

(1) promulgate such regulations as may be necessary or appropriate to implement this subtitle (other than section 1275, relating to State access to books and records); and

(2) submit to Congress detailed recommendations on technical and conforming amendments to Federal law necessary to carry out this subtitle and the amendments made by this subtitle.

SEC. 1283. TRANSFER OF RESOURCES.

All books and records that relate primarily to the functions transferred to the Commission under this subtitle shall be transferred from the Securities and Exchange Commission to the Commission.

SEC. 1284. EFFECTIVE DATE.

(a) In General.—Except for section 1282 (relating to implementation), this subtitle shall take effect 6 months after the date of enactment of this subtitle.

(b) Compliance With Certain Rules.—If the Commission approves and makes effective any final rulemaking modifying the standards of conduct governing entities that own, operate, or control facilities for transmission of electricity in interstate commerce or transportation of natural gas in interstate commerce prior to the effective date of this subtitle, any action taken by a public-utility company or utility holding company to comply with the requirements of such rulemaking shall not subject such public-utility company or utility holding company to any regulatory requirement applicable to a holding company under the Public Utility Holding Company Act of 1935 (15 U.S.C. 79 et seq.).

SEC. 1285. SERVICE ALLOCATION.

(a) FERC Review.—In the case of non-power goods or administrative or management services provided by an associate company organized specifically for the purpose of providing such goods or services to any public utility in the same holding company system, at the election of the system or a State commission having jurisdiction over the public utility, the Commission, after the effective date of this subtitle, shall review and authorize the allocation of the costs for such goods or services to the extent relevant to that associate company in order to assure that each allocation is appropriate for the protection of investors and consumers of such public utility.

(b) Cost Allocation.—Nothing in this section shall preclude the Commission or a State commission from exercising its jurisdiction under other applicable law with respect to the review or authorization of any costs allocated to a public utility in a holding company system located in the affected State as a result of the acquisition of non-power goods or administrative and management services by such public utility from an associate company organized specifically for that purpose.

(c) Rules.—Not later than 6 months after the date of enactment of this Act, the Commission shall issue rules (which rules shall be effective no earlier than the effective date of this subtitle) to exempt from the requirements of this section any company in a holding company system whose public utility operations are confined substantially to a single State and any other class of transactions that the Commission finds is not relevant to the jurisdictional rates of a public utility.

(d) Public Utility.—As used in this section, the term "public utility" has the meaning given that term in section 201(e) of the Federal Power Act.

SEC. 1286. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to carry out this subtitle.

SEC. 1287. CONFORMING AMENDMENTS TO THE FEDERAL POWER ACT.

(a) Conflict of Jurisdiction.—Section 318 of the Federal Power Act (16 U.S.C. 825q) is repealed.

(b) Definitions.—(1) Section 201(g)(5) of the Federal Power Act (16 U.S.C. 824(g)(5)) is amended by striking "1935" and inserting "2005".

(2) Section 214 of the Federal Power Act (16 U.S.C. 824m) is amended by striking "1935" and inserting "2005".

SEC. 1288. MERGER REVIEW REFORM.

(a) In General.—Section 203(a) of the Federal Power Act (16 U.S.C. 824b(a)) is amended to read as follows:

"(a)(1) No public utility shall, without first having secured an order of the Commission authorizing it to do so—

"(A) sell, lease, or otherwise dispose of the whole of its facilities subject to the jurisdiction of the Commission, or any part thereof of a value in excess of \$10,000,000;

"(B) merge or consolidate, directly or indirectly, such facilities or any part thereof with those of any other person, by any means whatsoever;

"(C) purchase, acquire, or take any security with a value in excess of \$10,000,000 of any other public utility; or

"(D) purchase, lease, or otherwise acquire an existing generation facility—

"(i) that has a value in excess of \$10,000,000; and

"(ii) that is used for interstate wholesale sales and over which the Commission has jurisdiction for ratemaking purposes.

"(2) No holding company in a holding company system that includes a transmitting utility or an electric utility shall purchase, acquire, or take any security with a value in excess of \$10,000,000 of, or, by any means whatsoever, directly or indirectly, merge or consolidate with, a transmitting utility, an electric utility company, or a gas utility company, or a holding company in a holding company system that includes a transmitting utility, an electric utility company, or a gas utility company with a value in excess of $10,000,000 without first having secured an order of the Commission authorizing it to do so.

"(3) Upon receipt of an application for such approval the Commission shall give reasonable notice in writing to the Governor and State commission of each of the States in which the physical property affected, or any part thereof, is situated, and to such other persons as it may deem advisable.

"(4) After notice and opportunity for hearing, the Commission shall approve the proposed disposition, consolidation, acquisition, or change in control, if it finds that the proposed transaction—

"(A) will be consistent with the public interest, taking into account the effect of the transaction on competition in the electricity markets, electric rates, and effective regulation; and

"(B) shall not result in cross-subsidization of a non-utility associate company or the pledge or encumbrance of utility assets for the benefit of an associate company, unless the Commission determines that the cross-subsidization, pledge, or encumbrance would not be harmful.

"(5) The Commission shall, by rule, adopt procedures for the expeditious consideration of applications for the approval of dispositions, consolidations, or acquisitions, under this section. Such rules shall identify classes of transactions, or specify criteria for transactions, that normally meet the standards established in paragraph (4). The Commission shall provide expedited review for such transactions. The Commission shall grant or deny any other application for approval of a transaction not later than 180 days after the application is filed. If the Commission does not act within 180 days, such application shall be deemed granted unless the Commission finds, based on good cause, that further consideration is required to determine whether the proposed transaction meets the standards of paragraph (4) and issues an order tolling the time for acting on the application for not more than 180 days, at the end of which additional period the Commission shall grant or deny the application.

"(6) For purposes of this subsection, the terms 'associate company', 'holding company', and 'holding company system' have the meaning given those terms in the Public Utility Holding Company Act of 2005.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 6 months after the date of enactment of this Act.

Subtitle H—Definitions

SEC. 1291. DEFINITIONS.

(a) COMMISSION.—In this title, the term "Commission" means the Federal Energy Regulatory Commission.

(b) AMENDMENT.—Section 3 of the Federal Power Act (16 U.S.C. 796) is amended—

(1) by striking paragraphs (22) and (23) and inserting the following:

"(22) ELECTRIC UTILITY.—(A) The term 'electric utility' means a person or Federal or State agency (including an entity described in section 201(f)) that sells electric energy.

"(B) The term 'electric utility' includes the Tennessee Valley Authority and each Federal power marketing administration.

"(23) TRANSMITTING UTILITY.—The term 'transmitting utility' means an entity (including an entity described in section 201(f)) that owns, operates, or controls facilities used for the transmission of electric energy—

"(A) in interstate commerce;

"(B) for the sale of electric energy at wholesale."; and

(2) by adding at the end the following:

"(26) ELECTRIC COOPERATIVE.—The term 'electric cooperative' means a cooperatively owned electric utility.

"(27) RTO.—The term 'Regional Transmission Organization' or 'RTO' means an entity of sufficient regional scope approved by the Commission—

"(A) to exercise operational or functional control of facilities used for the transmission of electric energy in interstate commerce; and

"(B) to ensure nondiscriminatory access to the facilities.

"(28) ISO.—The term 'Independent System Operator' or 'ISO' means an entity approved by the Commission—

"(A) to exercise operational or functional control of facilities used for the transmission of electric energy in interstate commerce; and

"(B) to ensure nondiscriminatory access to the facilities.

"(29) TRANSMISSION ORGANIZATION.—The term 'Transmission Organization' means a Regional Transmission Organization, Independent System Operator, independent transmission provider, or other transmission organization finally approved by the Commission for the operation of transmission facilities.".

(c) APPLICABILITY.—Section 201(f) of the Federal Power Act (16 U.S.C. 824(f)) is amended by striking "political subdivision of a state," and inserting "political subdivision of a State, an electric cooperative that receives financing under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) or that sells less than 4,000,000 megawatt hours of electricity per year,".

Subtitle I—Technical and Conforming Amendments

SEC. 1295. CONFORMING AMENDMENTS.

(a) Section 201 of the Federal Power Act (16 U.S.C. 824) is amended—

(1) in subsection (b)(2)—

(A) in the first sentence—

(i) by striking "The" and inserting "Notwithstanding section 201(f), the"; and

(ii) by striking "210, 211, and 212" and inserting "203(a)(2), 206(e), 210, 211, 211A, 212, 215, 216, 217, 218, 219, 220, 221, 222, and 223"; and

(B) in the second sentence—

(i) by inserting "or rule" after "any order"; and

(ii) by striking "210 or 211" and inserting "203(a)(2), 206(e), 210, 211, 211A, 212, 215, 216, 217, 218, 219, 220, 221, 222, or 223"; and

(2) in subsection (e), by striking "210, 211, or 212" and inserting "206(e), 206(f), 210, 211, 211A, 212, 215, 216, 217, 218, 219, 220, 221, 222, or 223".

(b) Section 206 of the Federal Power Act (16 U.S.C. 824e) is amended—

(1) in the first sentence of subsection (a), by striking "hearing had" and inserting "hearing held"; and

(2) in the seventh sentence of subsection (b), by striking "the public utility to make".

(c) Section 211 of the Federal Power Act (16 U.S.C. 824j) is amended—

(1) in subsection (c)—

(A) by striking "(2)";

(B) by striking "(A)" and inserting "(1)"

(C) by striking "(B)" and inserting "(2)"; and

(D) by striking "termination of modification" and inserting "termination or modification"; and

(2) in the second sentence of subsection (d)(1), by striking "electric utility" the second place it appears and inserting "transmitting utility".

(d) Section 315(c) of the Federal Power Act (16 U.S.C. 825n(c)) is amended by striking "subsection" and inserting "section".

TITLE XIII—STUDIES

SEC. 1301. ENERGY AND WATER SAVING MEASURES IN CONGRESSIONAL BUILDINGS.

(a) IN GENERAL.—The Architect of the Capitol, building on the Master Plan Study for the Capitol complex completed in July 2000, shall commission a study to evaluate the energy infrastructure of the Capitol complex to determine how to augment the infrastructure to become more energy efficient—

(1) by using unconventional and renewable energy resources; and

(2) in a manner that would enable the Capitol complex to have reliable utility service in the event of power fluctuations, shortages, or outages.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Architect of the Capitol to carry out this section $2,000,000 for each of fiscal years 2006 through 2010.

SEC. 1302. INCREASED HYDROELECTRIC GENERATION AT EXISTING FEDERAL FACILITIES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary and the Secretary of the Interior, in consultation with the Secretary of the Army, shall conduct a study of the potential for increasing electric power production capability, in accordance with applicable law, at federally owned or operated water regulation, storage, and conveyance facilities.

(2) CONTENTS.—The study under paragraph (1) shall include an identification and detailed description of each facility that is capable, with or without modification, of producing additional hydroelectric power, including an estimate of the potential of the facility to generate hydroelectric power.

(b) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretaries shall submit to the Committee on Energy and the Committee on Commerce, Resources, Transportation and Infrastructure of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate, a report describing the findings, conclusions, and recommendations of the study under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) each identification, description, and estimate under subsection (a)(2);

(B) a description of any activity that is conducted or under consideration, or that could be considered, to produce additional hydroelectric power at an identified facility;

(C) a summary of actions taken by the Secretaries before the date on which the study was completed to produce additional hydroelectric power at an identified facility;

(D) a calculation of—

(i) the costs of installing, upgrading, modifying, or taking any other action relating to, equipment to produce additional hydroelectric power at an identified facility; and

(ii) the level of involvement of Federal power customers in the determination of the costs;

(E) a description of any benefit to be achieved by an installation, upgrade, modification, or other action under subparagraph (D), including a quantified estimate of any additional energy or capacity produced at an identified facility;

(F) a description of any action that is planned, is being carried out on the date on which the report is submitted, or might reasonably be considered to increase hydroelectric power production by replacing turbine runners, upgrading or rewinding generators, or constructing pumped storage facilities;

(G) a description of the effect of increased hydroelectric power production on—

(i) irrigation;

(ii) fish;

(iii) wildlife;

(iv) Indian land;

(v) river health;

(vi) water quality;

(vii) navigation;

(viii) recreation;

(ix) fishing; and

(x) flood control; and

(H) any additional recommendations of the Secretaries to increase hydroelectric power production, and reduce costs and improve efficiency, in accordance with applicable law, at federally owned or operated water regulation, storage, and conveyance facilities.

SEC. 1303. ALASKA NATURAL GAS PIPELINE.

Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter until the Alaska natural gas pipeline commences operation, the Federal Energy Regulatory Commission shall submit to Congress a report describing—

(1) the progress made in licensing and constructing the pipeline; and

(2) any issue impeding that progress.

SEC. 1304. RENEWABLE ENERGY ON FEDERAL LAND.

(a) National Academy of Sciences Study.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall—

(1) study the potential of developing wind, solar, and ocean energy resources (including tidal, wave, and thermal energy) on Federal land available for those uses under current law and the outer Continental Shelf;

(2) assess any Federal law (including regulations) relating to the development of those resources that is in existence on the date of enactment of this Act; and

(3) recommend statutory and regulatory mechanisms for developing those resources.

(b) Submission to Congress.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress the results of the study under subsection (a).

SEC. 1305. COAL BED METHANE STUDY.

(a) Study.—

(1) In general.—The Secretary of the Interior shall enter into an arrangement under which the National Academy of Sciences shall conduct a study on the effect of coalbed natural gas production on surface and ground water resources, including ground water aquifiers, in the States of Montana, Wyoming, Colorado, New Mexico, North Dakota, and Utah.

(2) Matters to be addressed.—The study shall address the effectiveness of—

(A) the management of coal bed methane produced water;

(B) the use of best management practices; and

(C) various production techniques for coal bed methane natural gas in minimizing impacts on water resources.

(b) Data Analysis.—The study shall analyze available hydrologic, geologic and water quality data, along with—

(1) production techniques, produced water management techniques, best management practices, and other factors that can mitigate effects of coal bed methane development;

(2) the costs associated with mitigation techniques;

(3) effects on surface or ground water resources, including drinking water, associated with surface or subsurface disposal of waters produced during extraction of coal bed methane; and

(4) any other significant effects on surface or ground water resources associated with production of coal-bed methane.

(c) Recommendations.—The study shall analyze the effectiveness of current mitigation practices of coal bed methane produced water handling in relation to existing Federal and State laws and regulations, and make recommendations as to changes, if any, to Federal law necessary to address adverse impacts to surface or ground water resources associated with coal bed methane development.

(d) Completion of Study.—The National Academy of Sciences shall submit the findings and recommendations of the study to the Secretary of the Interior within 12 months after the date of enactment of this Act, and shall upon completion make the results of the study available to the public.

(e) Report to Congress.—The Secretary of the Interior shall report to the Congress within 6 months after receiving the results of the study on—

(1) the findings and recommendations of the study;

(2) the Secretary's agreement or disagreement with each of its findings and recommendations; and

(3) any recommended changes in funding to address the effects of coal bed methane production on surface and ground water resources.

SEC. 1306. BACKUP FUEL CAPABILITY STUDY.

(a) Study.—

(1) In general.—The Secretary shall conduct a study of the effect of obtaining and maintaining liquid and other fuel backup capability at—

(A) gas-fired power generation facilities; and

(B) other gas-fired industrial facilities.

(2) Contents.—The study under paragraph (1) shall address—

(A) the costs and benefits of adding a different fuel capability to a power gas-fired power generating or industrial facility, taking into consideration regional differences;

(B) methods of the Federal Government and State governments to encourage gas-fired power generators and industries to develop the capability to power the facilities using a backup fuel;

(C) the effect on the supply and cost of natural gas of—

(i) a balanced portfolio of fuel choices in power generation and industrial applications; and

(ii) State regulations that permit agencies in the State to carry out policies that encourage the use of other backup fuels in gas-fired power generation; and

(D) changes required in the Clean Air Act (42 U.S.C. 7401 et seq.) to allow natural gas generators to add clean backup fuel capabilities.

(b) Report to Congress.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study under subsection (a), including recommendations regarding future activity of the Federal Government relating to backup fuel capability.

SEC. 1307. INDIAN LAND RIGHTS-OF-WAY.

(a) Study.—

(1) In general.—The Secretary and the Secretary of the Interior (referred to in this section as the "Secretaries") shall jointly conduct a study of issues regarding energy rights-of-way on tribal land (as defined in section 2601 of the Energy Policy Act of 1992 (as amended by section 503)) (referred to in this section as "tribal land").

(2) Consultation.—In conducting the study under paragraph (1), the Secretaries shall consult with Indian tribes, the energy industry, appropriate governmental entities, and affected businesses and consumers.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Secretaries shall submit to Congress a report on the findings of the study, including—

(1) an analysis of historic rates of compensation paid for energy rights-of-way on tribal land;

(2) recommendations for appropriate standards and procedures for determining fair and appropriate compensation to Indian tribes for grants, expansions, and renewals of energy rights-of-way on tribal land;

(3) an assessment of the tribal self-determination and sovereignty interests implicated by applications for the grant, expansion, or renewal of energy rights-of-way on tribal land; and

(4) an analysis of relevant national energy transportation policies relating to grants, expansions, and renewals of energy rights-of-way on tribal land.

SEC. 1308. REVIEW OF ENERGY POLICY ACT OF 1992 PROGRAMS.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a study to determine the effect that titles III, IV, and V of the Energy Policy Act of 1992 (42 U.S.C. 13211 et seq.) have had during the period beginning on the date of enactment of those titles and ending on the date on which the study begins on—

(1) the development of alternative fueled vehicle technology;

(2) the availability of that technology in the market; and

(3) the cost of alternative fueled vehicles.

(b) Topics.—In conducting the study under subsection (a), the Secretary shall identify—

(1) the number of alternative fueled vehicles acquired by fleets or covered persons required to acquire alternative fueled vehicles;

(2) the quantity, by type, of alternative fuel used in alternative fueled vehicles acquired by fleets or covered persons;

(3) the quantity of petroleum displaced by the use of alternative fuels in alternative fueled vehicles acquired by fleets or covered persons;

(4) the direct and indirect costs of compliance with requirements under titles III, IV, and V of the Energy Policy Act of 1992 (42 U.S.C. 13211 et seq.), including—

(A) vehicle acquisition requirements imposed on fleets or covered persons;

(B) administrative and recordkeeping expenses;

(C) fuel and fuel infrastructure costs;

(D) associated training and employee expenses; and

(E) any other factors or expenses the Secretary determines to be necessary to compile reliable estimates of the overall costs and benefits of complying with programs under those titles for fleets, covered persons, and the national economy;

(5) the existence of obstacles preventing compliance with vehicle acquisition requirements and increased use of alternative fuel

in alternative fueled vehicles acquired by fleets or covered persons; and

(6) the projected impact of amendments to the Energy Policy Act of 1992 made by this Act.

(c) REPORT.—On the date on which the study under subsection (a) is completed, the Secretary shall submit to Congress a report that—

(1) describes the results of the study; and

(2) includes any recommendations of the Secretary for legislative or administrative changes concerning the alternative fueled vehicle requirements under titles III, IV and V of the Energy Policy Act of 1992 (42 U.S.C. 13211 et seq.).

SEC. 1309. STUDY OF FEASIBILITY AND EFFECTS OF REDUCING USE OF FUEL FOR AUTOMOBILES.

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall conduct a study of the feasibility and effects of reducing, by a significant percentage, by model year 2012, the amount of fuel consumed by automobiles.

(2) INCLUSIONS.—The study under paragraph (1) shall include an examination of—

(A) the Federal policy of establishing average fuel economy standards for automobiles and requiring each automobile manufacturer to comply with average fuel economy standards that apply to the automobiles the manufacturer produces (including recommendations of alternatives to that policy);

(B) methods by which automobile manufacturers could contribute toward achieving the reduction described in paragraph (1);

(C) the potential of using fuel cell technology in motor vehicles to determine the extent to which fuel cell technology contributes to achieving the reduction described in paragraph (1); and

(D) the effects of the reduction described in paragraph (1) on—

(i) gasoline supplies;

(ii) the automobile industry, including sales of automobiles manufactured in the United States;

(iii) motor vehicle safety;

(iv) air quality; and

(v) the consumer price for light duty trucks typically purchased for agricultural purposes, including by providing estimates for price differences for the years 2008 through 2012, comparing—

(I) light duty truck fuel economy if no legislative changes are made to average fuel economy standards; to

(II) light duty truck fuel economy under the reduction described in paragraph (1).

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the findings, conclusions, and recommendations of the study under subsection (a).

SEC. 1310. HYBRID DISTRIBUTED POWER SYSTEMS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall develop, and submit to Congress a report on, a strategy for a comprehensive research, development, demonstration, and commercial application program to develop hybrid distributed power systems that combine—

(1) 1 or more renewable electric power generation technologies of 10 megawatts or less located near the site of electric energy use; and

(2) nonintermittent electric power generation technologies suitable for use in a distributed power system.

SEC. 1311. MOBILITY OF SCIENTIFIC AND TECHNICAL PERSONNEL.

Not later than 2 years after the date of enactment of this section, the Secretary shall transmit to Congress a report that—

(1) identifies any policies or procedures of a contractor operating a National Laboratory or single-purpose research facility that create disincentives to the temporary or permanent transfer of scientific and technical personnel among the contractor-operated National Laboratories or contractor-operated single-purpose research facilities; and

(2) provides recommendations for improving interlaboratory exchange of scientific and technical personnel.

SEC. 1312. NATIONAL ACADEMY OF SCIENCES REPORT.

Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Sciences for the Academy to—

(1) conduct a study on—

(A) the obstacles to accelerating the research, development, demonstration, and commercial application cycle for energy technology; and

(B) the adequacy of Department policies and procedures for, and oversight of, technology transfer-related disputes between contractors of the Department and the private sector; and

(2) report to Congress on recommendations developed as a result of the study.

SEC. 1313. REPORT ON RESEARCH AND DEVELOPMENT PROGRAM EVALUATION METHODOLOGIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into appropriate arrangements with the National Academy of Sciences to investigate and report on the scientific and technical merits of any evaluation methodology currently in use or proposed for use in relation to the scientific and technical programs of the Department by the Secretary or other Federal official.

(b) REPORT.—Not later than 180 days after receiving the report of the National Academy of Sciences, the Secretary shall submit to Congress a report, along with any other views or plans of the Secretary with respect to the future use of the evaluation methodology.

SEC. 1314. TRANSMISSION SYSTEM MONITORING STUDY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary and the Chairperson of the Federal Energy Regulatory Commission shall conduct a study, and submit to Congress a report, on any action the Secretary determines to be necessary to establish a system that makes available to all transmission system owners and regional transmission organizations in the Eastern and Western Interconnections real-time information on the functional status of all transmission lines within those Interconnections.

(b) INCLUSIONS.—The study under this section shall include—

(1) an assessment of any technical method of implementing the information transmission system described in subsection (a); and

(2) an identification of any action the Secretary and the Chairperson shall carry out to implement the information transmission system.

SEC. 1315. INTERAGENCY REVIEW OF COMPETITION IN THE WHOLESALE AND RETAIL MARKETS FOR ELECTRIC ENERGY.

(a) TASK FORCE.—There is established an inter-agency task force, to be known as the "Electric Energy Market Competition Task Force" (referred to in this section as the "task force"), consisting of 5 members—

(1) 1 of whom shall be an employee of the Department of Justice, to be appointed by the Attorney General of the United States;

(2) 1 of whom shall be an employee of the Federal Energy Regulatory Commission, to be appointed by the Chairperson of that Commission;

(3) 1 of whom shall be an employee of the Federal Trade Commission, to be appointed by the Chairperson of that Commission;

(4) 1 of whom shall be an employee of the Department, to be appointed by the Secretary; and

(5) 1 of whom shall be an employee of the Rural Utilities Service, to be appointed by the Secretary of Agriculture.

(b) STUDY AND REPORT.—

(1) STUDY.—The task force shall conduct a study and analysis of competition within the wholesale and retail market for electric energy in the United States.

(2) REPORT.—

(A) FINAL REPORT.—Not later than 1 year after the date of enactment of this Act, the task force shall submit to Congress a final report on the findings of the task force under paragraph (1).

(B) PUBLIC COMMENT.—Not later than the date that is 60 days before a final report is submitted to Congress under subparagraph (A), the task force shall—

(i) publish in the Federal Register a draft of the report; and

(ii) provide an opportunity for public comment on the report.

(c) CONSULTATION.—In conducting the study under subsection (b), the task force shall consult with and solicit comments from any advisory entity of the task force, the States, representatives of the electric power industry, and the public.

SEC. 1316. STUDY ON THE BENEFITS OF ECONOMIC DISPATCH.

(a) DEFINITION OF ECONOMIC DISPATCH.—In this section, the term "economic dispatch" means the operation of a generation facility to produce energy at the lowest cost in order to reliably serve consumers, taking into consideration any operational limit of a generation or transmission facility.

(b) STUDY.—The Secretary, in coordination and consultation with the States, shall conduct a study of—

(1) the procedures currently used by electric utilities to carry out economic dispatch;

(2) possible revisions to those procedures to improve the ability of nonutility generation resources to offer the output of the resources for sale for inclusion in economic dispatch; and

(3) the potential benefits to residential, commercial, and industrial electricity consumers, nationally and in each State, of revising economic dispatch procedures to improve the ability of nonutility generation resources to offer the output of the resources for inclusion in economic dispatch.

(c) REPORT TO CONGRESS AND THE STATES.—Not later than 90 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress and each State a report describing the results of the study under subsection (b), including recommendations of the Secretary for such legislative and administrative actions as the Secretary determines to be appropriate.

SEC. 1317. STUDY OF RAPID ELECTRICAL GRID RESTORATION.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the benefits of using mobile

transformers and mobile substations to rapidly restore electrical service to areas subjected to blackouts as a result of—

(A) equipment failure;

(B) natural disasters;

(C) acts of terrorism; or

(D) war.

(2) Contents.—The study under paragraph (1) shall contain an analysis of—

(A) the feasibility of using mobile transformers and mobile substations to reduce dependence on foreign entities for key elements of the electrical grid system of the United States;

(B) the feasibility of using mobile transformers and mobile substations to rapidly restore electrical power to—

(i) military bases;

(ii) the Federal Government;

(iii) communications industries;

(iv) first responders; and

(v) other critical infrastructures, as determined by the Secretary;

(C) the quantity of mobile transformers and mobile substations necessary—

(i) to eliminate dependence on foreign sources for key electrical grid components in the United States;

(ii) to rapidly deploy technology to fully restore full electrical service to prioritized Governmental functions; and

(iii) to identify manufacturing sources in existence on the date of enactment of this Act that have previously manufactured specialized mobile transformer or mobile substation products for Federal agencies.

(b) Report.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the President and Congress a report on the study under subsection (a).

(2) Inclusion.—The report shall include a description of the results of the analysis under subsection (a)(2).

SEC. 1318. STUDY OF DISTRIBUTED GENERATION.

(a) Study.—

(1) In general.—

(A) Potential benefits.—The Secretary, in consultation with the Federal Power Commission, shall conduct a study of the potential benefits of cogeneration and small power production.

(B) Recipients.—The benefits described in subparagraph (A) include benefits that are received directly or indirectly by—

(i) an electricity distribution or transmission service provider;

(ii) other customers served by an electricity distribution or transmission service provider; and

(iii) the general public in the area served by the public utility in which the cogenerator or small power producer is located.

(2) Inclusions.—The study shall include an analysis of—

(A) the potential benefits of—

(i) increased system reliability;

(ii) improved power quality;

(iii) the provision of ancillary services;

(iv) reduction of peak power requirements through onsite generation;

(v) the provision of reactive power or volt-ampere reactives;

(vi) an emergency supply of power;

(vii) offsets to investments in generation, transmission, or distribution facilities that would otherwise be recovered through rates;

(viii) diminished land use effects and right-of-way acquisition costs; and

(ix) reducing the vulnerability of a system to terrorism; and

(B) any rate-related issue that may impede or otherwise discourage the expansion of cogeneration and small power production facilities, including a review of whether rates, rules, or other requirements imposed on the facilities are comparable to rates imposed on customers of the same class that do not have cogeneration or small power production.

(3) Valuation of benefits.—In carrying out the study, the Secretary shall determine an appropriate method of valuing potential benefits under varying circumstances for individual cogeneration or small power production units.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(1) complete the study;

(2) provide an opportunity for public comment on the results of the study; and

(3) submit to the President and Congress a report describing—

(A) the results of the study; and

(B) information relating to the public comments received under paragraph (2).

(c) Publication.—After submission of the report under subsection (b) to the President and Congress, the Secretary shall publish the report.

SEC. 1319. STUDY ON INVENTORY OF PETROLEUM AND NATURAL GAS STORAGE.

(a) Definition of petroleum.—In this section, the term "petroleum" means—

(1) crude oil;

(2) motor gasoline;

(3) jet fuel;

(4) distillates; and

(5) propane.

(b) Study.—

(1) In general.—The Secretary shall conduct a study of petroleum and natural gas storage capacity and operational inventory levels, nationwide and by major geographical regions.

(2) Inclusions.—The study shall include an analysis of, for petroleum and natural gas—

(A) historical normal ranges of inventory levels;

(B) historical and projected storage capacity trends;

(C) estimated operation inventory levels below which outages, delivery slowdown, rationing, interruptions in service, or other indicators of shortage begin to appear;

(D) explanations for inventory levels dropping below normal ranges; and

(E) the ability of industry to meet the demand of the United States for petroleum and natural gas without shortages or price spikes, if inventory levels are below normal ranges.

(c) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study, including—

(1) the findings of the study; and

(2) any recommendations of the Secretary for preventing future supply shortages.

SEC. 1320. NATURAL GAS SUPPLY SHORTAGE REPORT.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on natural gas supplies and demand.

(b) Purpose.—The purpose of the report under subsection (a) is to develop recommendations for achieving a balance between natural gas supply and demand in order to—

(1) provide residential consumers with natural gas at reasonable and stable prices;

(2) accommodate long-term maintenance and growth of domestic natural gas-dependent industrial, manufacturing, and commercial enterprises;

(3) facilitate the attainment of national ambient air quality standards under the Clean Air Act (43 U.S.C. 7401 et seq.);

(4) achieve continued progress in reducing the emissions associated with electric power generation; and

(5) support the development of the preliminary phases of hydrogen-based energy technologies.

(c) Comprehensive Analysis.—The report shall include a comprehensive analysis of, for the period beginning on January 1, 2004, and ending on December 31, 2015, natural gas supply and demand in the United States, including—

(1) estimates of annual domestic demand for natural gas, taking into consideration the effect of Federal policies and actions that are likely to increase or decrease the demand for natural gas;

(2) projections of annual natural gas supplies, from domestic and foreign sources, under Federal policies in existence on the date of enactment of this Act;

(3) an identification of estimated natural gas supplies that are not available under those Federal policies;

(4) scenarios for decreasing natural gas demand and increasing natural gas supplies that compare the relative economic and environmental impacts of Federal policies that—

(A) encourage or require the use of natural gas to meet air quality, carbon dioxide emission reduction, or energy security goals;

(B) encourage or require the use of energy sources other than natural gas, including coal, nuclear, and renewable sources;

(C) support technologies to develop alternative sources of natural gas and synthetic gas, including coal gasification technologies;

(D) encourage or require the use of energy conservation and demand side management practices; and

(E) affect access to domestic natural gas supplies; and

(5) recommendations for Federal actions to achieve the purposes described in subsection (b), including recommendations that—

(A) encourage or require the use of energy sources other than natural gas, including coal, nuclear, and renewable sources;

(B) encourage or require the use of energy conservation or demand side management practices;

(C) support technologies for the development of alternative sources of natural gas and synthetic gas, including coal gasification technologies; and

(D) would improve access to domestic natural gas supplies.

(d) Consultation.—In preparing the report under subsection (a), the Secretary shall consult with—

(1) experts in natural gas supply and demand; and

(2) representatives of—

(A) State and local governments;

(B) tribal organizations; and

(C) consumer and other organizations.

(e) Hearings.—In preparing the report under subsection (a), the Secretary may hold public hearings and provide other opportunities for public comment, as the Secretary considers appropriate.

SEC. 1321. SPLIT-ESTATE FEDERAL OIL AND GAS LEASING AND DEVELOPMENT PRACTICES.

(a) Review.—

(1) In general.—In consultation with affected private surface owners, representatives of the oil and gas industry, and other interested parties, the Secretary of the Interior shall undertake a review of the current

policies and practices with respect to management of Federal subsurface oil and gas development activities and the effects of those activities on the privately owned surface.

(2) INCLUSIONS.—The review shall include—

(A) a comparison of the rights and responsibilities under existing mineral and land law for the owner of a Federal mineral lease, the private surface owners and the Department;

(B) a comparison of the surface owner consent provisions in section 714 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1304) concerning surface mining of Federal coal deposits and the surface owner consent provisions for oil and gas development, including coalbed methane production;

(C) an analysis and comparison of existing State laws addressing surface owner protection on split estates in which the surface estate is privately held and the subsurface estate is federally owned, or other split estate situations; and

(D) recommendations for administrative or legislative action necessary to facilitate reasonable access for Federal oil and gas activities while addressing surface owner concerns and minimizing impacts to private surface.

(b) REPORT.—The Secretary of the Interior shall report the results of such review to Congress not later than 180 days after the date of enactment of this Act.

SEC. 1322. RESOLUTION OF FEDERAL RESOURCE DEVELOPMENT CONFLICTS IN THE POWDER RIVER BASIN.

(a) REVIEW.—The Secretary of the Interior shall review Federal and State laws in existence on the date of enactment of this Act in order to resolve any conflict relating to the Powder River Basin in Wyoming and Montana between—

(1) the development of Federal coal; and

(2) the development of Federal and non-Federal coalbed methane.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a report that—

(1) describes methods of resolving a conflict described in subsection (a); and

(2) identifies a method preferred by the Secretary of the Interior, including proposed legislative language, if any, required to implement the method.

SEC. 1323. STUDY OF ENERGY EFFICIENCY STANDARDS.

(a) STUDY.—The Secretary shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences, not later than 1 year after the date of enactment of this Act, shall conduct a study of whether the goals of energy efficiency standards are best served—

(1) by measuring energy consumed, and efficiency improvements, at the site of energy consumption; or

(2) through the full fuel cycle, beginning at the source of energy production.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study under subsection (a).

SEC. 1324. TELECOMMUTING STUDY.

(a) DEFINITIONS.—In this section:

(1) FEDERAL EMPLOYEE.—The term "Federal employee" has the meaning given the term "employee" in section 2105 of title 5, United States Code.

(2) TELECOMMUTING.—The term 'telecommuting" means the performance of work functions using communications technologies, which eliminates or substantially reduces the need to commute to and from traditional worksites.

(b) STUDY REQUIRED.—The Secretary, in consultation with the Chairperson of the Federal Energy Regulatory Commission, the Director of the Office of Personnel Management, the Administrator of General Services, and the Administrator of National Telecommunications and Information Administration, shall conduct a study of the energy conservation implications of the widespread adoption of telecommuting by Federal employees in the United States.

(c) INCLUSIONS.—The study under subsection (b) shall include an analysis of the following subjects in relation to the energy saving potential of telecommuting by Federal employees:

(1) Reductions of energy use and energy costs in commuting and regular office heating, cooling, and other operations.

(2) Other energy reductions accomplished by telecommuting.

(3) Existing regulatory barriers that hamper telecommuting, including barriers to broadband telecommunications services deployment.

(4) Collateral benefits to the environment, family life, and other values.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the President and Congress a report on the study under subsection (b), including a description of the results of the analysis of each of subject referred to in subsection (c).

SEC. 1325. OIL BYPASS FILTRATION TECHNOLOGY.

The Secretary and the Administrator of the Environmental Protection Agency shall—

(1) conduct a joint study of the benefits of oil bypass filtration technology in—

(A) reducing demand for oil; and

(B) protecting the environment;

(2) evaluate various products and manufacturers with respect to oil bypass filtration technology; and

(3) after conducting the evaluation under paragraph (2), examine the feasibility of using oil bypass filtration technology in Federal motor vehicle fleets.

SEC. 1326. TOTAL INTEGRATED THERMAL SYSTEMS.

The Secretary shall—

(1) conduct a study of the benefits of total integrated thermal systems in—

(A) reducing demand for oil; and

(B) protecting the environment; and

(2) examine the feasibility of using total integrated thermal systems in Federal motor vehicle fleets (including the motor vehicle fleet of the Department of Defense).

SEC. 1327. UNIVERSITY COLLABORATION.

(a) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that examines the feasibility of promoting collaborations between large institutions of higher education and small institutions of higher education (as determined by the Secretary) through grants, contracts, and cooperative agreements made by the Secretary for energy projects.

(b) CONSIDERATION.—In preparing the report under subsection (a), the Secretary shall take into consideration the feasibility of providing incentives for including small institutions of higher education (including institutions that primarily serve minorities), as determined by the Secretary, in—

(1) energy research grants;

(2) contracts; and

(3) cooperative agreements.

SEC. 1328. HYDROGEN PARTICIPATION STUDY.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report evaluating methodologies to ensure the widest participation practicable in setting goals and milestones under the hydrogen program of the Department, including international participants.

TITLE XIV—INCENTIVES FOR INNOVATIVE TECHNOLOGIES

SEC. 1401. DEFINITIONS.

In this title:

(1) COMMERCIAL TECHNOLOGY.—

(A) IN GENERAL.—The term "commercial technology" means a technology in general use in the commercial marketplace.

(B) INCLUSIONS.—The term "commercial technology" does not include a technology solely by use of the technology in a demonstration project funded by the Department.

(2) COST.—The term "cost" has the meaning given the term "cost of a loan guarantee" within the meaning of section 502(5)(C) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(C)).

(3) ELIGIBLE PROJECT.—The term "eligible project" means a project described in section 1403.

(4) GUARANTEE.—

(A) IN GENERAL.—The term "guarantee" has the meaning given the term "loan guarantee" in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(B) INCLUSION.—The term "guarantee" includes a loan guarantee commitment (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

(5) OBLIGATION.—The term "obligation" means the loan or other debt obligation that is guaranteed under this section.

SEC. 1402. TERMS AND CONDITIONS.

(a) IN GENERAL.—Except for division C of Public Law 108-324, the Secretary shall make guarantees under this or any other Act for projects on such terms and conditions as the Secretary determines, after consultation with the Secretary of the Treasury, only in accordance with this section.

(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—No guarantee shall be made unless—

(1) an appropriation for the cost has been made; or

(2) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

(c) AMOUNT.—Unless otherwise provided by law, a guarantee by the Secretary shall not exceed an amount equal to 80 percent of the project cost of the facility that is the subject of the guarantee, as estimated at the time at which the guarantee is issued.

(d) REPAYMENT.—

(1) IN GENERAL.—No guarantee shall be made unless the Secretary determines that there is reasonable prospect of repayment of the principal and interest on the obligation by the borrower.

(2) AMOUNT.—No guarantee shall be made unless the Secretary determines that the amount of the obligation (when combined with amounts available to the borrower from other sources) will be sufficient to carry out the project.

(3) SUBORDINATION.—The obligation shall be subject to the condition that the obligation is not subordinate to other financing.

(e) INTEREST RATE.—An obligation shall bear interest at a rate that does not exceed a level that the Secretary determines appropriate, taking into account the prevailing rate of interest in the private sector for similar loans and risks.

(f) TERM.—The term of an obligation shall require full repayment over a period not to exceed the lesser of—

(1) 30 years; or

(2) 90 percent of the projected useful life of the physical asset to be financed by the obligation (as determined by the Secretary).

(g) DEFAULTS.—

(1) PAYMENT BY SECRETARY.—

(A) IN GENERAL.—If a borrower defaults on the obligation (as defined in regulations promulgated by the Secretary and specified in the guarantee contract), the holder of the guarantee shall have the right to demand payment of the unpaid amount from the Secretary.

(B) PAYMENT REQUIRED.—Within such period as may be specified in the guarantee or related agreements, the Secretary shall pay to the holder of the guarantee the unpaid interest on, and unpaid principal of the obligation as to which the borrower has defaulted, unless the Secretary finds that there was no default by the borrower in the payment of interest or principal or that the default has been remedied.

(C) FORBEARANCE.—Nothing in this subsection precludes any forbearance by the holder of the obligation for the benefit of the borrower which may be agreed upon by the parties to the obligation and approved by the Secretary.

(2) SUBROGATION.—

(A) IN GENERAL.—If the Secretary makes a payment under paragraph (1), the Secretary shall be subrogated to the rights of the recipient of the payment as specified in the guarantee or related agreements including, where appropriate, the authority (notwithstanding any other provision of law) to—

(i) complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to such guarantee or related agreements; or

(ii) permit the borrower, pursuant to an agreement with the Secretary, to continue to pursue the purposes of the project if the Secretary determines this to be in the public interest.

(B) SUPERIORITY OF RIGHTS.—The rights of the Secretary, with respect to any property acquired pursuant to a guarantee or related agreements, shall be superior to the rights of any other person with respect to the property.

(C) TERMS AND CONDITIONS.—A guarantee agreement shall include such detailed terms and conditions as the Secretary determines appropriate to—

(i) protect the interests of the United States in the case of default; and

(ii) have available all the patents and technology necessary for any person selected, including the Secretary, to complete and operate the project.

(3) PAYMENT OF PRINCIPAL AND INTEREST BY SECRETARY.—With respect to any obligation guaranteed under this section, the Secretary may enter into a contract to pay, and pay, holders of the obligation, for and on behalf of the borrower, from funds appropriated for that purpose, the principal and interest payments which become due and payable on the unpaid balance of the obligation if the Secretary finds that—

(A)(i) the borrower is unable to meet the payments and is not in default;

(ii) it is in the public interest to permit the borrower to continue to pursue the purposes of the project; and

(iii) the probable net benefit to the Federal Government in paying the principal and interest will be greater than that which would result in the event of a default;

(B) the amount of the payment that the Secretary is authorized to pay shall be no greater than the amount of principal and interest that the borrower is obligated to pay under the agreement being guaranteed; and

(C) the borrower agrees to reimburse the Secretary for the payment (including interest) on terms and conditions that are satisfactory to the Secretary.

(4) ACTION BY ATTORNEY GENERAL.—

(A) NOTIFICATION.—If the borrower defaults on an obligation, the Secretary shall notify the Attorney General of the default.

(B) RECOVERY.—On notification, the Attorney General shall take such action as is appropriate to recover the unpaid principal and interest due from—

(i) such assets of the defaulting borrower as are associated with the obligation; or

(ii) any other security pledged to secure the obligation.

(h) FEES.—

(1) IN GENERAL.—The Secretary shall charge and collect fees for guarantees in amounts the Secretary determines are sufficient to cover applicable administrative expenses.

(2) AVAILABILITY.—Fees collected under this subsection shall—

(A) be deposited by the Secretary into the Treasury; and

(B) remain available until expended, subject to such other conditions as are contained in annual appropriations Acts.

(i) RECORDS; AUDITS.—

(1) IN GENERAL.—A recipient of a guarantee shall keep such records and other pertinent documents as the Secretary shall prescribe by regulation, including such records as the Secretary may require to facilitate an effective audit.

(2) ACCESS.—The Secretary and the Comptroller General of the United States, or their duly authorized representatives, shall have access, for the purpose of audit, to the records and other pertinent documents.

(j) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all guarantees issued under this section with respect to principal and interest.

SEC. 1403. ELIGIBLE PROJECTS.

(a) IN GENERAL.—The Secretary may make guarantees under this section only for projects that—

(1) avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases; and

(2) employ new or significantly improved technologies as compared to commercial technologies in service in the United States at the time the guarantee is issued.

(b) CATEGORIES.—Projects from the following categories shall be eligible for a guarantee under this section:

(1) Renewable energy systems.

(2) Advanced fossil energy technology (including coal gasification meeting the criteria in subsection (d)).

(3) Hydrogen fuel cell technology for residential, industrial or –transportation applications.

(4) Advanced nuclear energy facilities.

(5) Carbon capture and sequestration practices and technologies, including agricultural and forestry practices that store and sequester carbon.

(6) Efficient electrical generation, transmission, and distribution –technologies.

(7) Efficient end-use energy technologies.

(8) Notwithstanding subsection (a)(2), production facilities for fuel efficient vehicles.

(c) GASIFICATION PROJECTS.—The Secretary may make guarantees for the following gasification projects:

(1) INTEGRATED GASIFICATION COMBINED CYCLE PROJECTS.—Integrated gasification combined cycle plants meeting the emission levels under subsection (d), including—

(A) projects for the generation of electricity—

(i) for which, during the term of the guarantee—

(I) coal, biomass, petroleum coke, or a combination of coal, biomass, and petroleum coke will account for at least 65 percent of annual heat input; and

(II) electricity will account for at least 65 percent of net useful annual energy output;

(ii) that have a design that is determined by the Secretary to be capable of accommodating the equipment likely to be necessary to capture the carbon dioxide that would otherwise be emitted in flue gas from the plant;

(iii) that have an assured revenue stream that covers project capital and operating costs (including servicing all debt obligations covered by the guarantee) that is approved by the Secretary and the relevant State public utility commission; and

(iv) on which construction commences not later than the date that is 3 years after the date of the issuance of the guarantee;

(B) a project to produce energy from coal (of not more than 13,000 Btu/lb and mined in the western United States) using appropriate advanced integrated gasification combined cycle technology that minimizes and offers the potential to sequester carbon dioxide emissions and that—

(i) may include repowering of existing facilities;

(ii) may be built in stages;

(iii) shall have a combined output of at least 100 megawatts;

(iv) shall be located in a western State at an altitude greater than 4,000 feet; and

(v) shall demonstrate the ability to use coal with an energy content of not more than 9,000 Btu/lb;

(C) a project located in a taconite-producing region of the United States that is entitled under the law of the State in which the plant is located to enter into a long-term contract approved by a State public utility commission to sell at least 450 megawatts of output to a utility; and

(D) a facility that—

(i) generates separate hydrogen-rich (at least 75 percent hydrogen by volume) and carbon monoxide-rich (at least 75 percent carbon monoxide by volume) product streams from the gasification of coal; and

(ii) uses those separate streams to facilitate the production of ultra clean premium fuels through the Fischer-Tropsch process.

(2) INDUSTRIAL GASIFICATION PROJECTS.—Facilities that gasify coal, biomass, or petroleum coke in any combination to produce synthesis gas for use as a fuel or feedstock and for which electricity accounts for less than 65 percent of the useful energy output of the facility.

(d) EMISSION LEVELS.—In addition to any other applicable Federal or State emission limitation requirements, a project shall attain at least—

(1) total sulfur dioxide emissions in flue gas from the project that do not exceed 0.05 lb/mmBTU;

(2) a 90-percent removal rate (including any fuel pretreatment) of mercury from the coal-derived gas, and any other fuel, combusted by the project;

(3) total nitrogen oxide emissions in the flue gas from the project that do not exceed 0.08 lb/mmBTU; and

(4) total particulate emissions in the flue gas from the project that do not exceed 0.01 lb/mmBTU.

(e) QUALIFICATION OF FACILITIES RECEIVING TAX CREDITS.—A project that receives tax credits for clean coal technology shall not be disqualified from receiving a guarantee under this title.

SEC. 1404. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to provide the cost of guarantees under this title.

SA 776. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 6. Reserved; which was ordered to lie on the table; as follows:

On page 768, after line 20, add the following:

TITLE XV—ARABIA MOUNTAIN NATIONAL HERITAGE AREA

SEC. 1501. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.

(a) SHORT TITLE.—This section may be cited as the "Arabia Mountain National Heritage Area Act".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds the following:

(A) The Arabia Mountain area contains a variety of natural, cultural, historical, scenic, and recreational resources that together represent distinctive aspects of the heritage of the United States that are worthy of recognition, conservation, interpretation, and continuing use.

(B) The best methods for managing the resources of the Arabia Mountain area would be through partnerships between public and private entities that combine diverse resources and active communities.

(C) Davidson-Arabia Mountain Nature Preserve, a 535-acre park in DeKalb County, Georgia—

(i) protects granite outcrop ecosystems, wetland, and pine and oak forests; and

(ii) includes federally-protected plant species.

(D) Panola Mountain, a national natural landmark, located in the 860-acre Panola Mountain State Conservation Park, is a rare example of a pristine granite outcrop.

(E) The archaeological site at Miners Creek Preserve along the South River contains documented evidence of early human activity.

(F) The city of Lithonia, Georgia, and related sites of Arabia Mountain and Stone Mountain possess sites that display the history of granite mining as an industry and culture in Georgia, and the impact of that industry on the United States.

(G) The community of Klondike is eligible for designation as a National Historic District.

(H) The city of Lithonia has 2 structures listed on the National Register of Historic Places.

(2) PURPOSES.—The purposes of this section are as follows:

(A) To recognize, preserve, promote, interpret, and make available for the benefit of the public the natural, cultural, historical, scenic, and recreational resources in the area that includes Arabia Mountain, Panola Mountain, Miners Creek, and other significant sites and communities.

(B) To assist the State of Georgia and the counties of DeKalb, Rockdale, and Henry in the State in developing and implementing an integrated cultural, historical, and land resource management program to protect, enhance, and interpret the significant resources within the heritage area.

(c) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term "heritage area" means the Arabia Mountain National Heritage Area established by subsection (d)(1).

(2) MANAGEMENT ENTITY.—The term "management entity" means the Arabia Mountain Heritage Area Alliance or a successor of the Arabia Mountain Heritage Area Alliance.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the heritage area developed under subsection (f).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of Georgia.

(d) ARABIA MOUNTAIN NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Arabia Mountain National Heritage Area in the State.

(2) BOUNDARIES.—The heritage area shall consist of certain parcels of land in the counties of DeKalb, Rockdale, and Henry in the State, as generally depicted on the map entitled "Arabia Mountain National Heritage Area", numbered AMNHA-80,000, and dated October 2003.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) MANAGEMENT ENTITY.—The Arabia Mountain Heritage Area Alliance shall be the management entity for the heritage area.

(e) AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.—

(1) AUTHORITIES.—For purposes of developing and implementing the management plan, the management entity may—

(A) make grants to, and enter into cooperative agreements with, the State, political subdivisions of the State, and private organizations;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(2) DUTIES.—

(A) MANAGEMENT PLAN.—

(i) IN GENERAL.—The management entity shall develop and submit to the Secretary the management plan.

(ii) CONSIDERATIONS.—In developing and implementing the management plan, the management entity shall consider the interests of diverse governmental, business, and nonprofit groups within the heritage area.

(B) PRIORITIES.—The management entity shall give priority to implementing actions described in the management plan, including the following:

(i) Assisting units of government and nonprofit organizations in preserving resources within the heritage area.

(ii) Encouraging local governments to adopt land use policies consistent with the management of the heritage area and the goals of the management plan.

(C) PUBLIC MEETINGS.—The management entity shall conduct public meetings at least quarterly on the implementation of the management plan.

(D) ANNUAL REPORT.—For any year in which Federal funds have been made available under this section, the management entity shall submit to the Secretary an annual report that describes the following:

(i) The accomplishments of the management entity.

(ii) The expenses and income of the management entity.

(E) AUDIT.—The management entity shall—

(i) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(ii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of those funds.

(3) USE OF FEDERAL FUNDS.—

(A) IN GENERAL.—The management entity shall not use Federal funds made available under this section to acquire real property or an interest in real property.

(B) OTHER SOURCES.—Nothing in this section precludes the management entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

(f) MANAGEMENT PLAN.—

(1) IN GENERAL.—The management entity shall develop a management plan for the heritage area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, cultural, historical, scenic, and recreational resources of the heritage area.

(2) BASIS.—The management plan shall be based on the preferred concept in the document entitled "Arabia Mountain National Heritage Area Feasibility Study", dated February 28, 2001.

(3) CONSIDERATION OF OTHER PLANS AND ACTIONS.—The management plan shall—

(A) take into consideration State and local plans; and

(B) involve residents, public agencies, and private organizations in the heritage area.

(4) REQUIREMENTS.—The management plan shall include the following:

(A) An inventory of the resources in the heritage area, including—

(i) a list of property in the heritage area that—

(I) relates to the purposes of the heritage area; and

(II) should be preserved, restored, managed, or maintained because of the significance of the property; and

(ii) an assessment of cultural landscapes within the heritage area.

(B) Provisions for the protection, interpretation, and enjoyment of the resources of the heritage area consistent with the purposes of this section.

(C) An interpretation plan for the heritage area.

(D) A program for implementation of the management plan that includes—

(i) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the heritage area; and

(ii) the identification of existing and potential sources of funding for implementing the plan.

(E) A description and evaluation of the management entity, including the membership and organizational structure of the management entity.

(5) SUBMISSION TO SECRETARY FOR APPROVAL.—

(A) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(B) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in subparagraph (A), the Secretary shall not provide any additional funding under this section until such date as a management plan for the heritage area is submitted to the Secretary.

(6) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under paragraph (5), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) ACTION FOLLOWING DISAPPROVAL.—

(i) REVISION.—If the Secretary disapproves a management plan submitted under paragraph (5), the Secretary shall—

(I) advise the management entity in writing of the reasons for the disapproval;

(II) make recommendations for revisions to the management plan; and

(III) allow the management entity to submit to the Secretary revisions to the management plan.

(ii) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under clause (i)(III), the Secretary shall approve or disapprove the revision.

(7) REVISION OF MANAGEMENT PLAN.—

(A) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—

(i) review the management plan; and

(ii) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any revisions to the management plan that the management entity considers to be appropriate.

(B) EXPENDITURE OF FUNDS.—No funds made available under this section shall be used to implement any revision proposed by the management entity under subparagraph (A)(ii) until the Secretary approves the revision.

(g) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of the management entity, the Secretary may provide technical and financial assistance to the heritage area to develop and implement the management plan.

(2) PRIORITY.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that facilitate—

(A) the conservation of the significant natural, cultural, historical, scenic, and recreational resources that support the purposes of the heritage area; and

(B) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources and associated values of the heritage area.

(h) EFFECT ON CERTAIN AUTHORITY.—

(1) OCCUPATIONAL, SAFETY, CONSERVATION, AND ENVIRONMENTAL REGULATION.—Nothing in this section—

(A) imposes an occupational, safety, conservation, or environmental regulation on the heritage area that is more stringent than the regulations that would be applicable to the land described in subsection (d)(2) but for the establishment of the heritage area by subsection (d)(1); or

(B) authorizes a Federal agency to promulgate an occupational, safety, conservation, or environmental regulation for the heritage area that is more stringent than the regulations applicable to the land described in subsection (d)(2) as of the date of enactment of this Act, solely as a result of the establishment of the heritage area by subsection (d)(1).

(2) LAND USE REGULATION.—Nothing in this section—

(A) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act; or

(B) grants powers of zoning or land use to the management entity.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, to remain available until expended, of which not more than $1,000,000 may be used in any fiscal year.

(2) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using funds made available under this section shall not exceed 50 percent.

(j) TERMINATION OF AUTHORITY.—The authority of the Secretary to make any grant or provide any assistance under this section shall terminate on September 30, 2016.

SA 777. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 606, to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, between lines 5 and 6, insert the following:

"(1) ALTERNATIVE FUEL.—The term 'alternative fuel' has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

"(2) BIOMASS-DERIVED LIQUID ALTERNATIVE FUEL.—

"(A) IN GENERAL.—The term 'biomass-derived liquid alternative fuel' means an alternative fuel, or a blending component for alternate fuel, that—

"(i) is derived from cellulosic biomass feedstocks; and

"(ii) remains substantially in a liquid phase at room temperature and atmospheric pressure.

"(B) CERTAIN LIQUID ALTERNATIVE FUELS.—For any liquid alternative fuel that contains a component that is not derived from a cellulosic biomass feedstock, only the portion of the fuel that is derived from a cellulosic biomass feedstock shall be considered to be a biomass-derived liquid alternative fuel.

"(3) CELLULOSIC BIOMASS FEEDSTOCK.—The term 'cellulosic biomass feedstock' means—

"(A) dedicated energy crops and trees;

"(B) wood and wood residues;

"(C) plants;

"(D) grasses;

"(E) agricultural residues;

"(F) fibers;

"(G) animal wastes and other waste materials; and

"(H) municipal solid waste.

On page 24, line 6, strike "(1)" and insert "(4)".

On page 24, line 10, strike "(2)" and insert "(5)".

On page 24, line 13, strike "(3)" and insert "(6)".

On page 31, strike lines 7 and 8 and insert the following:

"(f) CONVERSION ASSISTANCE FOR CELLULOSIC BIOMASS ETHANOL AND BIOMASS-DERIVED LIQUID ALTERNATIVE FUELS.—

On page 31, line 11, insert "and biomass-derived liquid alternative fuels" after "ethanol".

On page 31, line 14, insert "and biomass-derived liquid alternative fuels" after "ethanol".

On page 31, beginning on line 19, strike "derived from agricultural residues or municipal solid waste".

SA 778. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

Strike subsection (a) of section 204 and insert the following:

(a) DEFINITIONS.—

(1) CELLULOSIC BIOMASS ETHANOL.—The term "cellulosic biomass ethanol" means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including a cellulosic biomass feedstock.

(2) CELLULOSIC BIOMASS-DERIVED LIQUID ALTERNATIVE FUEL.—

(A) IN GENERAL.—The term "cellulosic biomass-derived liquid alternative fuel" means an alternative fuel (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211)), or a blending component for alternate fuel, that—

(i) is derived from cellulosic biomass feedstock or waste; and

(ii) remains substantially in a liquid phase at room temperature and atmospheric pressure.

(B) CERTAIN LIQUID ALTERNATIVE FUELS.—For any liquid alternative fuel that contains a component that is not derived from a cellulosic biomass feedstock or waste, only the portion of the fuel that is derived from a cellulosic biomass feedstock shall be considered to be a biomass-derived liquid alternative fuel.

(3) CELLULOSIC BIOMASS FEEDSTOCK.—The term "cellulosic biomass feedstock" means—

(A) dedicated energy crops and trees;

(B) wood and wood residues;

(C) plants;

(D) grasses;

(E) agricultural residues;

(F) fibers;

(G) animal wastes and other waste materials; and

(H) municipal solid waste.

(4) RENEWABLE FUEL.—

(A) IN GENERAL.—The term "renewable fuel" means motor vehicle fuel that—

(i)(I) is produced from grain, starch, oilseeds, sugar cane, sugar beets, sugar components, tobacco, potatoes, or other biomass; or

(II) is natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place where decaying organic material is found; and

(ii) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

(B) INCLUSIONS.—The term "renewable fuel" includes—

(i) cellulosic biomass ethanol;

(ii) waste derived ethanol;

(iii) biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)); and

(iv) any blending components derived from renewable fuel, except that only the renewable fuel portion of the blending component shall be considered part of the applicable volume under the renewable fuel program established by this section.

(5) SMALL REFINERY.—The term "small refinery" means a refinery for which average aggregate daily crude oil throughput for the calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

(6) WASTE.—The term "waste" means—

(A) animal wastes, including poultry fats and poultry wastes, and other waste materials; or

(B) municipal solid waste (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

In section 204(j), insert "or cellulosic biomass-derived liquid alternative fuels" after "ethanol" each place it appears.

Strike subparagraph (A) of section 209(c)(1) and insert the following:

(A) to develop not less than 4 different conversion technologies for producing cellulosic biomass ethanol and cellulosic biomass-derived liquid alternative fuel (as defined in section 204(a)); and

---

SA 779. Mr. DOMENICI (for himself, Mr. THUNE, Mr. HARKIN, Mr. LUGAR, Mr. DORGAN, Mr. FRIST, Mr. OBAMA, Mr. GRASSLEY, Mr. BAYH, Mr. BOND, Mr. NELSON of Nebraska, Mr. BROWNBACK, Mr. JOHNSON, Mr. HAGEL, Mr. CONRAD, Mr. DEWINE, Mr. DAYTON, Mr. TALENT, Ms. STABENOW, Mr. COLEMAN, Mr. SALAZAR, and Mr. DURBIN) proposed an amendment to the bill H.R. 6, Reserved; as follows:

Beginning on page 135, strike line 10 and all that follows through page 159, line 23, and insert the following:

Subtitle B—Reliable Fuels

SEC. 205. RENEWABLE CONTENT OF GASOLINE.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (r); and

(2) by inserting after subsection (n) the following:

"(o) RENEWABLE FUEL PROGRAM.—

"(1) DEFINITIONS.—In this section:

"(A) CELLULOSIC BIOMASS ETHANOL.—The term 'cellulosic biomass ethanol' means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

"(i) dedicated energy crops and trees;

"(ii) wood and wood residues;

"(iii) plants;

"(iv) grasses;

"(v) agricultural residues;

"(vi) fibers;

"(vii) animal wastes and other waste materials; and

"(viii) municipal solid waste.

"(B) RENEWABLE FUEL.—

"(i) IN GENERAL.—The term 'renewable fuel' means motor vehicle fuel that—

"(I)(aa) is produced from grain, starch, oilseeds, sugarcane, sugar beets, sugar components, tobacco, potatoes, or other biomass; or

"(bb) is natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place where decaying organic material is found; and

"(II) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

"(ii) INCLUSION.—The term 'renewable fuel' includes—

"(I) cellulosic biomass ethanol; and

"(II) biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f))).

"(C) SMALL REFINERY.—The term 'small refinery' means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

"(2) RENEWABLE FUEL PROGRAM.—

"(A) REGULATIONS.—

"(i) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Administrator shall promulgate regulations to ensure that gasoline sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with subparagraph (B).

"(ii) NONCONTIGUOUS STATE OPT-IN.—

"(I) IN GENERAL.—On the petition of a noncontiguous State or territory, the Administrator may allow the renewable fuel program established under this subsection to apply in the noncontiguous State or territory at the same time or any time after the Administrator promulgates regulations under this subparagraph.

"(II) OTHER ACTIONS.—In carrying out this clause, the Administrator may—

"(aa) issue or revise regulations under this paragraph;

"(bb) establish applicable percentages under paragraph (3);

"(cc) provide for the generation of credits under paragraph (5); and

"(dd) take such other actions as are necessary to allow for the application of the renewable fuels program in a noncontiguous State or territory.

"(iii) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under clause (i)—

"(I) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this paragraph are met; but

"(II) shall not—

"(aa) restrict geographic areas in which renewable fuel may be used; or

"(bb) impose any per-gallon obligation for the use of renewable fuel.

"(iv) REQUIREMENT IN CASE OF FAILURE TO PROMULGATE REGULATIONS.—If the Administrator does not promulgate regulations under clause (i), the percentage of renewable fuel in gasoline sold or dispensed to consumers in the United States, on a volume basis, shall be 3.2 percent for calendar year 2006.

"(B) APPLICABLE VOLUME.—

"(i) CALENDAR YEARS 2006 THROUGH 2012.—For the purpose of subparagraph (A), the applicable volume for any of calendar years 2006 through 2012 shall be determined in accordance with the following table:

"Calendar year:	**Applicable volume of renewable fuel (in billions of gallons):**
2006	4.0
2007	4.7
2008	5.4
2009	6.1
2010	6.8
2011	7.4
2012	8.0.

"(ii) CALENDAR YEAR 2013 AND THEREAFTER.—Subject to clauses (iii) and (iv), for the purposes of subparagraph (A), the applicable volume for calendar year 2013 and each calendar year thereafter shall be determined by the Administrator, in coordination with the Secretary of Agriculture and the Secretary of Energy, based on a review of the implementation of the program during calendar years 2006 through 2012, including a review of—

"(I) the impact of the use of renewable fuels on the environment, air quality, energy security, job creation, and rural economic development; and

"(II) the expected annual rate of future production of renewable fuels, including cellulosic ethanol.

"(iii) MINIMUM QUANTITY DERIVED FROM CELLULOSIC BIOMASS.—For calendar year 2013 and each calendar year thereafter—

"(I) the applicable volume referred to in clause (ii) shall contain a minimum of 250,000,000 gallons that are derived from cellulosic biomass; and

"(II) the 2.5-to-1 ratio referred to in paragraph (4) shall not apply.

"(iv) MINIMUM APPLICABLE VOLUME.—For the purpose of subparagraph (A), the applicable volume for calendar year 2013 and each calendar year thereafter shall be not less than the product obtained by multiplying—

"(I) the number of gallons of gasoline that the Administrator estimates will be sold or introduced into commerce in the calendar year; and

"(II) the ratio that—

"(aa) 8,000,000,000 gallons of renewable fuel; bears to

"(bb) the number of gallons of gasoline sold or introduced into commerce in calendar year 2012.

"(3) APPLICABLE PERCENTAGES.—

"(A) PROVISION OF ESTIMATE OF VOLUMES OF GASOLINE SALES.—Not later than October 31 of each of calendar years 2005 through 2011, the Administrator of the Energy Information Administration shall provide to the Administrator of the Environmental Protection Agency an estimate, with respect to the following calendar year, of the volumes of gasoline projected to be sold or introduced into commerce in the United States.

"(B) DETERMINATION OF APPLICABLE PERCENTAGES.—

"(i) IN GENERAL.—Not later than November 30 of each of calendar years 2005 through 2012, based on the estimate provided under subparagraph (A), the Administrator of the Environmental Protection Agency shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements of paragraph (2) are met.

"(ii) REQUIRED ELEMENTS.—The renewable fuel obligation determined for a calendar year under clause (i) shall—

"(I) be applicable to refineries, blenders, and importers, as appropriate;

"(II) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce in the United States; and

"(III) subject to subparagraph (C)(i), consist of a single applicable percentage that applies to all categories of persons specified in subclause (I).

"(C) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the Administrator shall make adjustments—

"(i) to prevent the imposition of redundant obligations on any person specified in subparagraph (B)(ii)(I); and

"(ii) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under paragraph (9).

"(4) CELLULOSIC BIOMASS ETHANOL.—For the purpose of paragraph (2), 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

"(5) CREDIT PROGRAM.—

"(A) IN GENERAL.—The regulations promulgated under paragraph (2)(A) shall provide—

"(i) for the generation of an appropriate amount of credits by any person that refines, blends, or imports gasoline that contains a quantity of renewable fuel that is greater than the quantity required under paragraph (2);

"(ii) for the generation of an appropriate amount of credits for biodiesel; and

"(iii) for the generation of credits by small refineries in accordance with paragraph (9)(C).

"(B) USE OF CREDITS.—A person that generates credits under subparagraph (A) may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with paragraph (2).

"(C) DURATION OF CREDITS.—A credit generated under this paragraph shall be valid to show compliance for the calendar year in which the credit was generated.

"(D) INABILITY TO GENERATE OR PURCHASE SUFFICIENT CREDITS.—The regulations promulgated under paragraph (2)(A) shall include provisions allowing any person that is unable to generate or purchase sufficient credits to meet the requirements of paragraph (2) to carry forward a renewable fuel deficit on condition that the person, in the calendar year following the year in which the renewable fuel deficit is created—

"(i) achieves compliance with the renewable fuel requirement under paragraph (2); and

"(ii) generates or purchases additional renewable fuel credits to offset the renewable fuel deficit of the previous year.

"(6) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

"(A) STUDY.—For each of calendar years 2006 through 2012, the Administrator of the Energy Information Administration shall conduct a study of renewable fuel blending to determine whether there are excessive seasonal variations in the use of renewable fuel.

"(B) REGULATION OF EXCESSIVE SEASONAL VARIATIONS.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under subparagraph (A), makes the determinations specified in subparagraph (C), the Administrator of the Environmental Protection Agency shall promulgate regulations to ensure that 35 percent or more of the quantity of renewable fuel necessary to meet the requirements of paragraph (2) is used during each of the 2 periods specified in subparagraph (D) of each subsequent calendar year.

"(C) DETERMINATIONS.—The determinations referred to in subparagraph (B) are that—

"(i) less than 35 percent of the quantity of renewable fuel necessary to meet the requirements of paragraph (2) has been used during 1 of the 2 periods specified in subparagraph (D) of the calendar year; and

"(ii) a pattern of excessive seasonal variation described in clause (i) will continue in subsequent calendar years.

"(D) PERIODS.—The 2 periods referred to in this paragraph are—

"(i) April through September; and

"(ii) January through March and October through December.

"(E) EXCLUSION.—Renewable fuel blended or consumed in calendar year 2006 in a State that has received a waiver under section 209(b) shall not be included in the study under subparagraph (A).

"(F) STATE EXEMPTION FROM SEASONALITY REQUIREMENTS.—Notwithstanding any other provision of law, the seasonality requirement relating to renewable fuel use established by this paragraph shall not apply to any State that has received a waiver under section 209(b).

"(7) WAIVERS.—

"(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirements of paragraph (2) in whole or in part on petition by 1 or more States by reducing the national quantity of renewable fuel required under paragraph (2)—

"(i) based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

"(ii) based on a determination by the Administrator, after public notice and opportunity for comment, that there is an inadequate domestic supply.

"(B) PETITIONS FOR WAIVERS.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall approve or disapprove a State petition for a waiver of the requirements of paragraph (2) within 90 days after the date on which the petition is received by the Administrator.

"(C) TERMINATION OF WAIVERS.—A waiver granted under subparagraph (A) shall terminate after 1 year, but may be renewed by the Administrator after consultation with the Secretary of Agriculture and the Secretary of Energy.

"(8) STUDY AND WAIVER FOR INITIAL YEAR OF PROGRAM.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Energy shall conduct for the Administrator a study assessing whether the renewable fuel requirement under paragraph (2) will likely result in significant adverse impacts on consumers in 2006, on a national, regional, or State basis.

"(B) REQUIRED EVALUATIONS.—The study shall evaluate renewable fuel—

"(i) supplies and prices;

"(ii) blendstock supplies; and

"(iii) supply and distribution system capabilities.

"(C) RECOMMENDATIONS BY THE SECRETARY.—Based on the results of the study, the Secretary of Energy shall make specific recommendations to the Administrator concerning waiver of the requirements of paragraph (2), in whole or in part, to prevent any adverse impacts described in subparagraph (A).

"(D) WAIVER.—

"(i) IN GENERAL.—Not later than 270 days after the date of enactment of this paragraph, the Administrator shall, if and to the extent recommended by the Secretary of Energy under subparagraph (C), waive, in whole or in part, the renewable fuel requirement under paragraph (2) by reducing the national quantity of renewable fuel required under paragraph (2) in calendar year 2006.

"(ii) NO EFFECT ON WAIVER AUTHORITY.—Clause (i) does not limit the authority of the Administrator to waive the requirements of paragraph (2) in whole, or in part, under paragraph (7).

"(9) SMALL REFINERIES.—

"(A) TEMPORARY EXEMPTION.—

"(i) IN GENERAL.—The requirements of paragraph (2) shall not apply to small refineries until calendar year 2011.

"(ii) EXTENSION OF EXEMPTION.—

"(I) STUDY BY SECRETARY OF ENERGY.—Not later than December 31, 2008, the Secretary of Energy shall conduct for the Administrator a study to determine whether compliance with the requirements of paragraph (2) would impose a disproportionate economic hardship on small refineries.

"(II) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary of Energy determines under subclause (I) would be subject to a disproportionate economic hardship if required to comply with paragraph (2), the Administrator shall extend the exemption under clause (i) for the small refinery for a period of not less than 2 additional years.

"(B) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

"(i) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the Administrator for an extension of the exemption under subparagraph (A) for the reason of disproportionate economic hardship.

"(ii) EVALUATION OF PETITIONS.—In evaluating a petition under clause (i), the Administrator, in consultation with the Secretary of Energy, shall consider the findings of the study under subparagraph (A)(ii) and other economic factors.

"(iii) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

"(C) CREDIT PROGRAM.—If a small refinery notifies the Administrator that the small refinery waives the exemption under subparagraph (A), the regulations promulgated under paragraph (2)(A) shall provide for the generation of credits by the small refinery under paragraph (5) beginning in the calendar year following the date of notification.

"(D) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of paragraph (2) if the small refinery notifies the Administrator that the small refinery waives the exemption under subparagraph (A).

"(10) ETHANOL MARKET CONCENTRATION ANALYSIS.—

"(A) ANALYSIS.—

"(i) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, and annually thereafter, the Federal Trade Commission shall perform a market concentration analysis of the ethanol production industry using the Herfindahl-Hirschman Index to determine whether there is sufficient competition among industry participants to avoid price-setting and other anticompetitive behavior.

"(ii) SCORING.—For the purpose of scoring under clause (i) using the Herfindahl-Hirschman Index, all marketing arrangements among industry participants shall be considered.

"(B) REPORT.—Not later than December 1, 2005, and annually thereafter, the Federal Trade Commission shall submit to Congress and the Administrator a report on the results of the market concentration analysis performed under subparagraph (A)(i).

"(p) RENEWABLE FUEL SAFE HARBOR.—

"(1) IN GENERAL.—

"(A) SAFE HARBOR.—Notwithstanding any other provision of Federal or State law, no renewable fuel (as defined in subsection (o)(1)) used or intended to be used as a motor vehicle fuel, nor any motor vehicle fuel containing renewable fuel, shall be deemed to be defective in design or manufacture by reason of the fact that the fuel is, or contains, renewable fuel, if—

"(i) the fuel does not violate a control or prohibition imposed by the Administrator under this section; and

"(ii) the manufacturer of the fuel is in compliance with all requests for information under subsection (b).

"(B) SAFE HARBOR NOT APPLICABLE.—In any case in which subparagraph (A) does not apply to a quantity of fuel, the existence of a design defect or manufacturing defect with respect to the fuel shall be determined under otherwise applicable law.

"(2) EXCEPTION.—This subsection does not apply to ethers.

"(3) APPLICABILITY.—This subsection applies with respect to all claims filed on or after the date of enactment of this subsection.".

(b) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking "or (n)" each place it appears and inserting "(n), or (o)"; and

(B) in the second sentence, by striking "or (m)" and inserting "(m), or (o)"; and

(2) in the first sentence of paragraph (2), by striking "and (n)" each place it appears and inserting "(n), and (o)".

(c) EXCLUSION FROM ETHANOL WAIVER.—Section 211(h) of the Clean Air Act (42 U.S.C. 7545(h)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

"(5) EXCLUSION FROM ETHANOL WAIVER.—

"(A) PROMULGATION OF REGULATIONS.—Upon notification, accompanied by supporting documentation, from the Governor of a State that the Reid vapor pressure limitation established by paragraph (4) will increase emissions that contribute to air pollution in any area in the State, the Administrator shall, by regulation, apply, in lieu of the Reid vapor pressure limitation established by paragraph (4), the Reid vapor pressure limitation established by paragraph (1) to all fuel blends containing gasoline and 10 percent denatured anhydrous ethanol that are sold, offered for sale, dispensed, supplied, offered for supply, transported, or introduced into commerce in the area during the high ozone season.

"(B) DEADLINE FOR PROMULGATION.—The Administrator shall promulgate regulations under subparagraph (A) not later than 90 days after the date of receipt of a notification from a Governor under that subparagraph.

"(C) EFFECTIVE DATE.—

"(i) IN GENERAL.—With respect to an area in a State for which the Governor submits a notification under subparagraph (A), the regulations under that subparagraph shall take effect on the later of—

"(I) the first day of the first high ozone season for the area that begins after the date of receipt of the notification; or

"(II) 1 year after the date of receipt of the notification.

"(ii) EXTENSION OF EFFECTIVE DATE BASED ON DETERMINATION OF INSUFFICIENT SUPPLY.—

"(I) IN GENERAL.—If, after receipt of a notification with respect to an area from a Governor of a State under subparagraph (A), the Administrator determines, on the Administrator's own motion or on petition of any person and after consultation with the Secretary of Energy, that the promulgation of regulations described in subparagraph (A) would result in an insufficient supply of gasoline in the State, the Administrator, by regulation—

"(aa) shall extend the effective date of the regulations under clause (i) with respect to the area for not more than 1 year; and

"(bb) may renew the extension under item (aa) for 2 additional periods, each of which shall not exceed 1 year.

"(II) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted under subclause (I) not later than 180 days after the date of receipt of the petition.".

SEC. 206. RENEWABLE FUEL.

(a) IN GENERAL.—The Clean Air Act is amended by inserting after section 211 (42 U.S.C. 7411) the following:

"SEC. 212. RENEWABLE FUEL.

"(a) DEFINITIONS.—In this section:

"(1) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' has the meaning given the term 'solid waste' in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

"(2) RFG STATE.—The term 'RFG State' means a State in which is located 1 or more covered areas (as defined in section 211(k)(10)(D)).

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

"(b) SURVEY OF RENEWABLE FUEL MARKET.—

"(1) SURVEY AND REPORT.—Not later than December 1, 2006, and annually thereafter, the Administrator shall—

"(A) conduct, with respect to each conventional gasoline use area and each reformulated gasoline use area in each State, a survey to determine the market shares of—

"(i) conventional gasoline containing ethanol;

"(ii) reformulated gasoline containing ethanol;

"(iii) conventional gasoline containing renewable fuel; and

"(iv) reformulated gasoline containing renewable fuel; and

"(B) submit to Congress, and make publicly available, a report on the results of the survey under subparagraph (A).

"(2) RECORDKEEPING AND REPORTING REQUIREMENTS.—

"(A) IN GENERAL.—The Administrator may require any refiner, blender, or importer to keep such records and make such reports as are necessary to ensure that the survey conducted under paragraph (1) is accurate.

"(B) RELIANCE ON EXISTING REQUIREMENTS.—To avoid duplicative requirements, in carrying out subparagraph (A), the Administrator shall rely, to the maximum extent practicable, on reporting and recordkeeping requirements in effect on the date of enactment of this section.

"(3) CONFIDENTIALITY.—Activities carried out under this subsection shall be conducted in a manner designed to protect confidentiality of individual responses.

"(c) CELLULOSIC BIOMASS ETHANOL AND MUNICIPAL SOLID WASTE LOAN GUARANTEE PROGRAM.—

"(1) IN GENERAL.—Funds may be provided for the cost (as defined in the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)) of loan guarantees issued under section 19 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5919) to carry out commercial demonstration projects for celluosic biomass and sucrose-derived ethanol.

"(2) DEMONSTRATION PROJECTS.—

"(A) IN GENERAL.—The Secretary shall issue loan guarantees under this section to carry out not more than 4 projects to commercially demonstrate the feasibility and viability of producing cellulosic biomass ethanol or sucrose-derived ethanol, including at least 1 project that uses cereal straw as a feedstock and 1 project that uses municipal solid waste as a feedstock.

"(B) DESIGN CAPACITY.—Each project shall have a design capacity to produce at least 30,000,000 gallons of cellulosic biomass ethanol each year.

"(3) APPLICANT ASSURANCES.—An applicant for a loan guarantee under this section shall provide assurances, satisfactory to the Secretary, that—

"(A) the project design has been validated through the operation of a continuous process facility with a cumulative output of at least 50,000 gallons of ethanol;

"(B) the project has been subject to a full technical review;

"(C) the project is covered by adequate project performance guarantees;

"(D) the project, with the loan guarantee, is economically viable; and

"(E) there is a reasonable assurance of repayment of the guaranteed loan.

"(4) LIMITATIONS.—

"(A) MAXIMUM GUARANTEE.—Except as provided in subparagraph (B), notwithstanding section 19(c)(2)(A) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5919(c)(2)(A)), a loan guarantee under this section may be issued for up to 80 percent of the estimated cost of a project, but may not exceed $250,000,000 for a project.

"(B) ADDITIONAL GUARANTEES.—

"(i) IN GENERAL.—The Secretary may issue additional loan guarantees for a project to cover up to 80 percent of the excess of actual project cost over estimated project cost but not to exceed 15 percent of the amount of the original guarantee.

"(ii) PRINCIPAL AND INTEREST.—Subject to subparagraph (A), the Secretary shall guarantee 100 percent of the principal and interest of a loan made under subparagraph (A).

"(5) EQUITY CONTRIBUTIONS.—To be eligible for a loan guarantee under this section, an applicant for the loan guarantee shall have binding commitments from equity investors to provide an initial equity contribution of at least 20 percent of the total project cost.

"(6) EFFECT OF OTHER LAWS.—The following provisions are inapplicable to a loan guarantee made under this section:

"(A) Subsections (m) and (p) of section 19 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5919).

"(B) The first, third, and fourth sentences of section 19(g)(4) of that Act.

"(7) INSUFFICIENT AMOUNTS.—If the amount made available to carry out this section is insufficient to allow the Secretary to make loan guarantees for 3 projects described in subsection (b), the Secretary shall issue loan guarantees for 1 or more qualifying projects under this section in the order in which the applications for the projects are received by the Secretary.

"(8) APPROVAL.—An application for a loan guarantee under this section shall be approved or disapproved by the Secretary not later than 90 days after the application is received by the Secretary.

"(d) AUTHORIZATION OF APPROPRIATIONS FOR RESOURCE CENTER.—There is authorized to be appropriated, for a resource center to further develop bioconversion technology using low-cost biomass for the production of ethanol at the Center for Biomass-Based Energy at the Mississippi State University and the Oklahoma State University, $4,000,000 for each of fiscal years 2005 through 2007.

"(e) RENEWABLE FUEL PRODUCTION RESEARCH AND DEVELOPMENT GRANTS.—

"(1) IN GENERAL.—The Administrator shall provide grants for the research into, and development and implementation of, renewable fuel production technologies in RFG States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol.

"(2) ELIGIBILITY.—

"(A) IN GENERAL.—The entities eligible to receive a grant under this subsection are academic institutions in RFG States, and consortia made up of combinations of academic institutions, industry, State government agencies, or local government agencies in RFG States, that have proven experience and capabilities with relevant technologies.

"(B) Application.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Administrator an application in such manner and form, and accompanied by such information, as the Administrator may specify.

"(3) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2006 through 2010.

"(f) Cellulosic Biomass Ethanol Conversion Assistance.—

"(1) In general.—The Secretary may provide grants to merchant producers of cellulosic biomass ethanol in the United States to assist the producers in building eligible production facilities described in paragraph (2) for the production of cellulosic biomass ethanol.

"(2) Eligible production facilities.—A production facility shall be eligible to receive a grant under this subsection if the production facility—

"(A) is located in the United States; and

"(B) uses cellulosic biomass feedstocks derived from agricultural residues or municipal solid waste.

"(3) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection—

"(A) $250,000,000 for fiscal year 2005; and

"(B) $400,000,000 for fiscal year 2006.".

(b) Conforming Amendment.—The table of contents for the Clean Air Act (42 U.S.C. 7401 prec.) is amended by inserting after the item relating to section 211 the following:

"Sec. 212. Renewable fuels".

SEC. 207. SURVEY OF RENEWABLE FUELS CONSUMPTION.

Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

"(m) Survey of Renewable Fuels Consumption.—

"(1) In general.—In order to improve the ability to evaluate the effectiveness of the Nation's renewable fuels mandate, the Administrator shall conduct and publish the results of a survey of renewable fuels consumption in the motor vehicle fuels market in the United States monthly, and in a manner designed to protect the confidentiality of individual responses.

"(2) Elements of survey.—In conducting the survey, the Administrator shall collect information retrospectively to 1998, on a national basis and a regional basis, including—

"(A) the quantity of renewable fuels produced;

"(B) the cost of production;

"(C) the cost of blending and marketing;

"(D) the quantity of renewable fuels blended;

"(E) the quantity of renewable fuels imported; and

"(F) market price data.".

Subtitle C—Federal Reformulated Fuels

SEC. 209. SHORT TITLE.

This subtitle may be cited as the "Federal Reformulated Fuels Act of 2005".

SEC. 210. LEAKING UNDERGROUND STORAGE TANKS.

(a) Use of LUST Funds for Remediation of Contamination From Ether Fuel Additives.—Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

(1) in paragraph (7)(A)—

(A) by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraphs (1), (2), and (12)"; and

(B) by inserting "and section 9010" before "if"; and

(2) by adding at the end the following:

"(12) Remediation of contamination from ether fuel additives.—

"(A) In general.—The Administrator and the States may use funds made available under section 9013(1) to carry out corrective actions with respect to a release of methyl tertiary butyl ether or other ether fuel additive that presents a threat to human health, welfare, or the environment.

"(B) Applicable authority.—Subparagraph (A) shall be carried out—

"(i) in accordance with paragraph (2), except that a release with respect to which a corrective action is carried out under subparagraph (A) shall not be required to be from an underground storage tank; and

"(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).".

(b) Release Prevention and Compliance.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by striking section 9010 and inserting the following:

"SEC. 9010. RELEASE PREVENTION AND COMPLIANCE.

"Funds made available under section 9013(2) from the Leaking Underground Storage Tank Trust Fund may be used for conducting inspections, or for issuing orders or bringing actions under this subtitle—

"(1) by a State (pursuant to section 9003(h)(7)) acting under—

"(A) a program approved under section 9004; or

"(B) State requirements regulating underground storage tanks that are similar or identical to this subtitle, as determined by the Administrator; and

"(2) by the Administrator, acting under this subtitle or a State program approved under section 9004.

"SEC. 9011. AUTHORIZATION OF APPROPRIATIONS.

"In addition to amounts made available under section 2007(f), there are authorized to be appropriated from the Leaking Underground Storage Tank Trust Fund, notwithstanding section 9508(c)(1) of the Internal Revenue Code of 1986—

"(1) to carry out section 9003(h)(12), $200,000,000 for fiscal year 2005, to remain available until expended; and

"(2) to carry out section 9010—

"(A) $50,000,000 for fiscal year 2005; and

"(B) $30,000,000 for fiscal years 2006 through 2010.".

(c) Technical Amendments.—

(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by striking the item relating to section 9010 and inserting the following:

"Sec. 9010. Release prevention and compliance.

"Sec. 9011. Authorization of appropriations.".

(2) Section 9001(3)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(3)(A)) is amended by striking "sustances" and inserting "substances".

(3) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking "subsection (c) and (d) of this section" and inserting "subsections (c) and (d)".

(4) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended in the second sentence by striking "referred to" and all that follows and inserting "referred to in subparagraph (A) or (B), or both, of section 9001(2).".

(5) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking "study taking" and inserting "study, taking";

(B) in subsection (b)(1), by striking "relevent" and inserting "relevant"; and

(C) in subsection (b)(4), by striking "Evironmental" and inserting "Environmental".

SEC. 211. RESTRICTIONS ON THE USE OF MTBE.

(a) Findings.—Congress finds that—

(1) since 1979, methyl tertiary butyl ether (referred to in this section as "MTBE") has been used nationwide at low levels in gasoline to replace lead as an octane booster or anti-knocking agent;

(2) Public Law 101–549 (commonly known as the "Clean Air Act Amendments of 1990") (42 U.S.C. 7401 et seq.) established a fuel oxygenate standard under which reformulated gasoline must contain at least 2 percent oxygen by weight;

(3) at the time of the adoption of the fuel oxygenate standard, Congress was aware that—

(A) significant use of MTBE could result from the adoption of that standard; and

(B) the use of MTBE would likely be important to the cost-effective implementation of that standard;

(4) Congress is aware that gasoline and its component additives have leaked from storage tanks, with consequences for water quality;

(5) the fuel industry responded to the fuel oxygenate standard established by Public Law 101–549 by making substantial investments in—

(A) MTBE production capacity; and

(B) systems to deliver MTBE-containing gasoline to the marketplace;

(6) when leaked or spilled into the environment, MTBE may cause serious problems of drinking water quality;

(7) in recent years, MTBE has been detected in water sources throughout the United States;

(8) MTBE can be detected by smell and taste at low concentrations;

(9) while small quantities of MTBE can render water supplies unpalatable, the precise human health effects of MTBE consumption at low levels are yet unknown as of the date of enactment of this Act;

(10) in the report entitled "Achieving Clean Air and Clean Water: The Report of the Blue Ribbon Panel on Oxygenates in Gasoline" and dated September 1999, Congress was urged—

(A) to eliminate the fuel oxygenate standard;

(B) to greatly reduce use of MTBE; and

(C) to maintain the environmental performance of reformulated gasoline;

(11) Congress has—

(A) reconsidered the relative value of MTBE in gasoline; and

(B) decided to eliminate use of MTBE as a fuel additive;

(12) the timeline for elimination of use of MTBE as a fuel additive must be established in a manner that achieves an appropriate balance among the goals of—

(A) environmental protection;

(B) adequate energy supply; and

(C) reasonable fuel prices; and

(13) it is appropriate for Congress to provide some limited transition assistance—

(A) to merchant producers of MTBE who produced MTBE in response to a market created by the oxygenate requirement contained in the Clean Air Act (42 U.S.C. 7401 et seq.); and

(B) for the purpose of mitigating any fuel supply problems that may result from elimination of a widely-used fuel additive.

(b) PURPOSES.—The purposes of this section are—

(1) to eliminate use of MTBE as a fuel oxygenate; and

(2) to provide assistance to merchant producers of MTBE in making the transition from producing MTBE to producing other fuel additives.

(c) AUTHORITY FOR WATER QUALITY PROTECTION FROM FUELS.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended—

(1) in paragraph (1)(A)—

(A) by inserting “fuel or fuel additive or” after “Administrator any”; and

(B) by striking “air pollution which” and inserting “air pollution, or water pollution, that”;

(2) in paragraph (4)(B), by inserting “or water quality protection,” after “emission control,”; and

(3) by adding at the end the following:

“(5) RESTRICTIONS ON USE OF MTBE.—

“(A) IN GENERAL.—Subject to subparagraph (E), not later than 4 years after the date of enactment of this paragraph, the use of methyl tertiary butyl ether in motor vehicle fuel in any State other than a State described in subparagraph (C) is prohibited.

“(B) REGULATIONS.—The Administrator shall promulgate regulations to effect the prohibition in subparagraph (A).

“(C) STATES THAT AUTHORIZE USE.—A State described in this subparagraph is a State that submits to the Administrator a notice that the State authorizes use of methyl tertiary butyl ether in motor vehicle fuel sold or used in the State.

“(D) PUBLICATION OF NOTICE.—The Administrator shall publish in the Federal Register each notice submitted by a State under subparagraph (C).

“(E) TRACE QUANTITIES.—In carrying out subparagraph (A), the Administrator may allow trace quantities of methyl tertiary butyl ether, not to exceed 0.5 percent by volume, to be present in motor vehicle fuel in cases that the Administrator determines to be appropriate.

“(6) MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.—

“(A) IN GENERAL.—

“(i) GRANTS.—The Secretary of Energy, in consultation with the Administrator, may make grants to merchant producers of methyl tertiary butyl ether in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (C) to the production of—

“(I) iso-octane or alkylates, unless the Administrator, in consultation with the Secretary of Energy, determines that transition assistance for the production of iso-octane or alkylates is inconsistent with the criteria specified in subparagraph (B); and

“(II) any other fuel additive that meets the criteria specified in subparagraph (B).

“(B) CRITERIA.—The criteria referred to in subparagraph (A) are that—

“(i) use of the fuel additive is consistent with this subsection;

“(ii) the Administrator has not determined that the fuel additive may reasonably be anticipated to endanger public health or the environment;

“(iii) the fuel additive has been registered and tested, or is being tested, in accordance with the requirements of this section; and

“(iv) the fuel additive will contribute to replacing quantities of motor vehicle fuel rendered unavailable as a result of paragraph (5).

“(C) ELIGIBLE PRODUCTION FACILITIES.—A production facility shall be eligible to receive a grant under this paragraph if the production facility—

“(i) is located in the United States; and

“(ii) produced methyl tertiary butyl ether for consumption in nonattainment areas during the period—

“(I) beginning on the date of enactment of this paragraph; and

“(II) ending on the effective date of the prohibition on the use of methyl tertiary butyl ether under paragraph (5).

“(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $250,000,000 for each of fiscal years 2005 through 2008.”.

(d) NO EFFECT ON LAW CONCERNING STATE AUTHORITY.—The amendments made by subsection (c) have no effect on the law in effect on the day before the date of enactment of this Act concerning the authority of States to limit the use of methyl tertiary butyl ether in motor vehicle fuel.

SEC. 212. ELIMINATION OF OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE.

(a) ELIMINATION.—

(1) IN GENERAL.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended—

(A) in paragraph (2)—

(i) in the second sentence of subparagraph (A), by striking “(including the oxygen content requirement contained in subparagraph (B))”;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(B) in paragraph (3)(A), by striking clause (v); and

(C) in paragraph (7)—

(i) in subparagraph (A)—

(I) by striking clause (i); and

(II) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(ii) in subparagraph (C)—

(I) by striking clause (ii); and

(II) by redesignating clause (iii) as clause (ii).

(2) APPLICABILITY.—The amendments made by paragraph (1) apply—

(A) in the case of a State that has received a waiver under section 209(b) of the Clean Air Act (42 U.S.C. 7543(b)), beginning on the date of enactment of this Act; and

(B) in the case of any other State, beginning 270 days after the date of enactment of this Act.

(b) MAINTENANCE OF TOXIC AIR POLLUTANT EMISSION REDUCTIONS.—Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) is amended—

(1) by striking “Within 1 year after the enactment of the Clean Air Act Amendments of 1990,” and inserting the following:

“(A) IN GENERAL.—Not later than November 15, 1991,”; and

(2) by adding at the end the following:

“(B) MAINTENANCE OF TOXIC AIR POLLUTANT EMISSIONS REDUCTIONS FROM REFORMULATED GASOLINE.—

“(i) DEFINITION OF PADD.—In this subparagraph the term ‘PADD’ means a Petroleum Administration for Defense District.

“(ii) REGULATIONS CONCERNING EMISSIONS OF TOXIC AIR POLLUTANTS.—Not later than 270 days after the date of enactment of this subparagraph, the Administrator shall establish by regulation, for each refinery or importer (other than a refiner or importer in a State that has received a waiver under section 209(b) with respect to gasoline produced for use in that State), standards for toxic air pollutants from use of the reformulated gasoline produced or distributed by the refiner or importer that maintain the reduction of the average annual aggregate emissions of toxic air pollutants for reformulated gasoline produced or distributed by the refiner or importer during calendar years 2001 and 2002 (as determined on the basis of data collected by the Administrator with respect to the refiner or importer).

“(iii) STANDARDS APPLICABLE TO SPECIFIC REFINERIES OR IMPORTERS.—

“(I) APPLICABILITY OF STANDARDS.—For any calendar year, the standards applicable to a refiner or importer under clause (ii) shall apply to the quantity of gasoline produced or distributed by the refiner or importer in the calendar year only to the extent that the quantity is less than or equal to the average annual quantity of reformulated gasoline produced or distributed by the refiner or importer during calendar years 2001 and 2002.

“(II) APPLICABILITY OF OTHER STANDARDS.—For any calendar year, the quantity of gasoline produced or distributed by a refiner or importer that is in excess of the quantity subject to subclause (I) shall be subject to standards for emissions of toxic air pollutants promulgated under subparagraph (A) and paragraph (3)(B).

“(iv) CREDIT PROGRAM.—The Administrator shall provide for the granting and use of credits for emissions of toxic air pollutants in the same manner as provided in paragraph (7).

“(v) REGIONAL PROTECTION OF TOXICS REDUCTION BASELINES.—

“(I) IN GENERAL.—Not later than 60 days after the date of enactment of this subparagraph, and not later than April 1 of each calendar year that begins after that date of enactment, the Administrator shall publish in the Federal Register a report that specifies, with respect to the previous calendar year—

“(aa) the quantity of reformulated gasoline produced that is in excess of the average annual quantity of reformulated gasoline produced in 2001 and 2002; and

“(bb) the reduction of the average annual aggregate emissions of toxic air pollutants in each PADD, based on retail survey data or data from other appropriate sources.

“(II) EFFECT OF FAILURE TO MAINTAIN AGGREGATE TOXICS REDUCTIONS.—If, in any calendar year, the reduction of the average annual aggregate emissions of toxic air pollutants in a PADD fails to meet or exceed the reduction of the average annual aggregate emissions of toxic air pollutants in the PADD in calendar years 2001 and 2002, the Administrator, not later than 90 days after the date of publication of the report for the calendar year under subclause (I), shall—

“(aa) identify, to the maximum extent practicable, the reasons for the failure, including the sources, volumes, and characteristics of reformulated gasoline that contributed to the failure; and

“(bb) promulgate revisions to the regulations promulgated under clause (ii), to take effect not earlier than 180 days but not later than 270 days after the date of promulgation, to provide that, notwithstanding clause (iii)(II), all reformulated gasoline produced or distributed at each refiner or importer shall meet the standards applicable under clause (iii)(I) beginning not later than April 1 of the calendar year following publication of the report under subclause (I) and in each calendar year thereafter.

"(vi) REGULATIONS TO CONTROL HAZARDOUS AIR POLLUTANTS FROM MOTOR VEHICLES AND MOTOR VEHICLE FUELS.—Not later than July 1, 2005, the Administrator shall promulgate final regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels, as provided for in section 80.1045 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph).".

(c) COMMINGLING.—

(1) IN GENERAL.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended by adding at the end the following:

"(11) COMMINGLING.—The regulations under paragraph (1) shall permit the commingling at a retail station of reformulated gasoline containing ethanol and reformulated gasoline that does not contain ethanol if, each time such commingling occurs—

"(A) the retailer notifies the Administrator before the commingling, identifying the exact location of the retail station and the specific tank in which the commingling will take place; and

"(B) the retailer certifies that the reformulated gasoline resulting from the commingling will meet all applicable requirements for reformulated gasoline, including content and emission performance standards.".

(d) CONSOLIDATION IN REFORMULATED GASOLINE REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall revise the reformulated gasoline regulations under subpart D of part 80 of title 40, Code of Federal Regulations, to consolidate the regulations applicable to VOC-Control Regions 1 and 2 under section 80.41 of that title by eliminating the less stringent requirements applicable to gasoline designated for VOC-Control Region 2 and instead applying the more stringent requirements applicable to gasoline designated for VOC-Control Region 1.

(e) SAVINGS CLAUSE.—

(1) IN GENERAL.—Nothing in this section or any amendment made by this section affects or prejudices any legal claim or action with respect to regulations promulgated by the Administrator before the date of enactment of this Act regarding—

(A) emissions of toxic air pollutants from motor vehicles; or

(B) the adjustment of standards applicable to a specific refinery or importer made under those regulations.

(2) ADJUSTMENT OF STANDARDS.—

(A) APPLICABILITY.—The Administrator may apply any adjustments to the standards applicable to a refinery or importer under subparagraph (B)(iii)(I) of section 211(k)(1) of the Clean Air Act (as added by subsection (b)(2)), except that—

(i) the Administrator shall revise the adjustments to be based only on calendar years 2001 and 2002;

(ii) any such adjustment shall not be made at a level below the average percentage of reductions of emissions of toxic air pollutants for reformulated gasoline supplied to PADD I during calendar years 2001 and 2002; and

(iii) in the case of an adjustment based on toxic air pollutant emissions from reformulated gasoline significantly below the national annual average emissions of toxic air pollutants from all reformulated gasoline—

(I) the Administrator may revise the adjustment to take account of the scope of the prohibition on methyl tertiary butyl ether imposed by paragraph (5) of section 211(c) of the Clean Air Act (as added by section 211(c)); and

(II) any such adjustment shall require the refiner or importer, to the maximum extent practicable, to maintain the reduction achieved during calendar years 2001 and 2002 in the average annual aggregate emissions of toxic air pollutants from reformulated gasoline produced or distributed by the refiner or importer.

SEC. 213. PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS OF FUELS AND FUEL ADDITIVES.

Section 211(b) of the Clean Air Act (42 U.S.C. 7545(b)) is amended—

(1) in paragraph (2)—

(A) by striking "may also" and inserting "shall, on a regular basis,"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) to conduct tests to determine potential public health and environmental effects of the fuel or additive (including carcinogenic, teratogenic, or mutagenic effects); and"; and

(2) by adding at the end the following:

"(4) STUDY ON CERTAIN FUEL ADDITIVES AND BLENDSTOCKS.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall—

"(i) conduct a study on the effects on public health (including the effects on children, pregnant women, minority or low-income communities, and other sensitive populations), air quality, and water resources of increased use of, and the feasibility of using as substitutes for methyl tertiary butyl ether in gasoline—

"(I) ethyl tertiary butyl ether;

"(II) tertiary amyl methyl ether;

"(III) di-isopropyl ether;

"(IV) tertiary butyl alcohol;

"(V) other ethers and heavy alcohols, as determined by then Administrator;

"(VI) ethanol;

"(VII) iso-octane; and

"(VIII) alkylates; and

"(ii) conduct a study on the effects on public health (including the effects on children, pregnant women, minority or low-income communities, and other sensitive populations), air quality, and water resources of the adjustment for ethanol-blended reformulated gasoline to the volatile organic compounds performance requirements that are applicable under paragraphs (1) and (3) of section 211(k); and

"(iii) submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the studies under clauses (i) and (ii).

"(B) CONTRACTS FOR STUDY.—In carrying out this paragraph, the Administrator may enter into 1 or more contracts with nongovernmental entities such as—

"(i) the national energy laboratories; and

"(ii) institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).".

SEC. 214. ANALYSES OF MOTOR VEHICLE FUEL CHANGES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) (as amended by section 205(a)) is amended by inserting after subsection (p) the following:

"(q) ANALYSES OF MOTOR VEHICLE FUEL CHANGES AND EMISSIONS MODEL.—

"(1) ANTI-BACKSLIDING ANALYSIS.—

"(A) DRAFT ANALYSIS.—Not later than 4 years after the date of enactment of this paragraph, the Administrator shall publish for public comment a draft analysis of the changes in emissions of air pollutants and air quality due to the use of motor vehicle fuel and fuel additives resulting from implementation of the amendments made by the Federal Reformulated Fuels Act of 2005.

"(B) FINAL ANALYSIS.—After providing a reasonable opportunity for comment but not later than 5 years after the date of enactment of this paragraph, the Administrator shall publish the analysis in final form.

"(2) EMISSIONS MODEL.—For the purposes of this section, not later than 4 years after the date of enactment of this paragraph, the Administrator shall develop and finalize an emissions model that reflects, to the maximum extent practicable, the effects of gasoline characteristics or components on emissions from vehicles in the motor vehicle fleet during calendar year 2007.

"(3) PERMEATION EFFECTS STUDY.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Administrator shall conduct a study, and report to Congress the results of the study, on the effects of ethanol content in gasoline on permeation, the process by which fuel molecules migrate through the elastomeric materials (rubber and plastic parts) that make up the fuel and fuel vapor systems of a motor vehicle.

"(B) EVAPORATIVE EMISSIONS.—The study shall include estimates of the increase in total evaporative emissions likely to result from the use of gasoline with ethanol content in a motor vehicle, and the fleet of motor vehicles, due to permeation.".

SEC. 215. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(6) of the Clean Air Act (42 U.S.C. 7545(k)(6)) is amended—

(1) by striking "(6) OPT-IN AREAS.—(A) Upon" and inserting the following:

"(6) OPT-IN AREAS.—

"(A) CLASSIFIED AREAS.—

"(i) IN GENERAL.—Upon";

(2) in subparagraph (B), by striking "(B) If" and inserting the following:

"(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.—If";

(3) in subparagraph (A)(ii) (as redesignated by paragraph (2))—

(A) in the first sentence, by striking "subparagraph (A)" and inserting "clause (i)"; and

(B) in the second sentence, by striking "this paragraph" and inserting "this subparagraph"; and

(4) by adding at the end the following:

"(B) OZONE TRANSPORT REGION.—

"(i) APPLICATION OF PROHIBITION.—

"(I) IN GENERAL.—On application of the Governor of a State in the ozone transport region established by section 184(a), the Administrator, not later than 180 days after the date of receipt of the application, shall apply the prohibition specified in paragraph (5) to any area in the State (other than an area classified as a marginal, moderate, serious, or severe ozone nonattainment area under subpart 2 of part D of title I) unless the Administrator determines under clause (iii) that there is insufficient capacity to supply reformulated gasoline.

"(II) PUBLICATION OF APPLICATION.—As soon as practicable after the date of receipt of an application under subclause (I), the Administrator shall publish the application in the Federal Register.

"(ii) PERIOD OF APPLICABILITY.—Under clause (i), the prohibition specified in paragraph (5) shall apply in a State—

"(I) commencing as soon as practicable but not later than 2 years after the date of approval by the Administrator of the application of the Governor of the State; and

"(II) ending not earlier than 4 years after the commencement date determined under subclause (I).

"(iii) EXTENSION OF COMMENCEMENT DATE BASED ON INSUFFICIENT CAPACITY.—

"(I) IN GENERAL.—If, after receipt of an application from a Governor of a State under clause (i), the Administrator determines, on the Administrator's own motion or on petition of any person, after consultation with the Secretary of Energy, that there is insufficient capacity to supply reformulated gasoline, the Administrator, by regulation—

"(aa) shall extend the commencement date with respect to the State under clause (ii)(I) for not more than 1 year; and

"(bb) may renew the extension under item (aa) for 2 additional periods, each of which shall not exceed 1 year.

"(II) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted under subclause (I) not later than 180 days after the date of receipt of the petition.".

SEC. 216. FEDERAL ENFORCEMENT OF STATE FUELS REQUIREMENTS.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) by striking "(C) A State" and inserting the following:

"(C) AUTHORITY OF STATE TO CONTROL FUELS AND FUEL ADDITIVES FOR REASONS OF NECESSITY.—

"(i) IN GENERAL.—A State"; and

(2) by adding at the end the following:

"(ii) ENFORCEMENT BY THE ADMINISTRATOR.—In any case in which a State prescribes and enforces a control or prohibition under clause (i), the Administrator, at the request of the State, shall enforce the control or prohibition as if the control or prohibition had been adopted under the other provisions of this section.".

SEC. 217. FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall jointly conduct a study of Federal, State, and local requirements concerning motor vehicle fuels, including—

(A) requirements relating to reformulated gasoline, volatility (measured in Reid vapor pressure), oxygenated fuel, and diesel fuel; and

(B) other requirements that vary from State to State, region to region, or locality to locality.

(2) REQUIRED ELEMENTS.—The study shall assess—

(A) the effect of the variety of requirements described in paragraph (1) on the supply, quality, and price of motor vehicle fuels available to the consumer;

(B) the effect of the requirements described in paragraph (1) on achievement of—

(i) national, regional, and local air quality standards and goals; and

(ii) related environmental and public health protection standards and goals (including the protection of children, pregnant women, minority or low-income communities, and other sensitive populations);

(C) the effect of Federal, State, and local motor vehicle fuel regulations, including multiple motor vehicle fuel requirements, on—

(i) domestic refiners;

(ii) the fuel distribution system; and

(iii) industry investment in new capacity;

(D) the effect of the requirements described in paragraph (1) on emissions from vehicles, refiners, and fuel handling facilities;

(E) the feasibility of developing national or regional motor vehicle fuel slates for the 48 contiguous States that, while protecting and improving air quality at the national, regional, and local levels, could—

(i) enhance flexibility in the fuel distribution infrastructure and improve fuel fungibility;

(ii) reduce price volatility and costs to consumers and producers;

(iii) provide increased liquidity to the gasoline market; and

(iv) enhance fuel quality, consistency, and supply; and

(F) the feasibility of providing incentives, and the need for the development of national standards necessary, to promote cleaner burning motor vehicle fuel.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 1, 2008, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—The report shall contain recommendations for legislative and administrative actions that may be taken—

(i) to improve air quality;

(ii) to reduce costs to consumers and producers; and

(iii) to increase supply liquidity.

(B) REQUIRED CONSIDERATIONS.—The recommendations under subparagraph (A) shall take into account the need to provide advance notice of required modifications to refinery and fuel distribution systems in order to ensure an adequate supply of motor vehicle fuel in all States.

(3) CONSULTATION.—In developing the report, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall consult with—

(A) the Governors of the States;

(B) automobile manufacturers;

(C) State and local air pollution control regulators;

(D) public health experts;

(E) motor vehicle fuel producers and distributors; and

(F) the public.

SEC. 218. ADVANCED BIOFUEL TECHNOLOGIES PROGRAM.

(a) IN GENERAL.—Subject to the availability of appropriations under subsection (d), the Administrator of the Environmental Protection Agency shall, in consultation with the Secretary of Agriculture and the Biomass Research and Development Technical Advisory Committee established under section 306 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note), establish a program, to be known as the "Advanced Biofuel Technologies Program", to demonstrate advanced technologies for the production of alternative transportation fuels.

(b) PRIORITY.—In carrying out the program under subsection (a), the Administrator shall give priority to projects that enhance the geographical diversity of alternative fuels production and utilize feedstocks that represent 10 percent or less of ethanol or biodiesel fuel production in the United States during the previous fiscal year.

(c) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—As part of the program under subsection (a), the Administrator shall fund demonstration projects—

(A) to develop not less than 4 different conversion technologies for producing cellulosic biomass ethanol; and

(B) to develop not less than 5 technologies for coproducing value-added bioproducts (such as fertilizers, herbicides, and pesticides) resulting from the production of biodiesel fuel.

(2) ADMINISTRATION.—Demonstration projects under this subsection shall be—

(A) conducted based on a merit-reviewed, competitive process; and

(B) subject to the cost-sharing requirements of section 1002.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $110,000,000 for each of fiscal years 2005 through 2009.

SEC. 219. SUGAR CANE ETHANOL PROGRAM.

(a) DEFINITION OF PROGRAM.—In this section, the term "program" means the Sugar Cane Ethanol Program established by subsection (b).

(b) ESTABLISHMENT.—There is established within the Environmental Protection Agency a program to be known as the "Sugar Cane Ethanol Program".

(c) PROJECT.—

(1) IN GENERAL.—Subject to the availability of appropriations under subsection (d), in carrying out the program, the Administrator of the Environmental Protection Agency shall establish a project that is—

(A) carried out in multiple States—

(i) in each of which is produced cane sugar that is eligible for loans under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272), or a similar subsequent authority; and

(ii) at the option of each such State, that have an incentive program that requires the use of ethanol in the State; and

(B) designed to study the production of ethanol from cane sugar, sugarcane, and sugarcane byproducts.

(2) REQUIREMENTS.—A project described in paragraph (1) shall—

(A) be limited to the production of ethanol in the States of Florida, Louisiana, Texas, and Hawaii in a way similar to the existing program for the processing of corn for ethanol to demonstrate that the process may be applicable to cane sugar, sugarcane, and sugarcane byproducts;

(B) include information on the ways in which the scale of production may be replicated once the sugar cane industry has located sites for, and constructed, ethanol production facilities; and

(C) not last more than 3 years.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $36,000,000, to remain available until expended.

SA 780. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 135, between lines 22 and 23, insert the following:

(2) CELLULOSIC BIOMASS-DERIVED LIQUID ALTERNATIVE FUEL.—

(A) IN GENERAL.—The term "cellulosic biomass-derived liquid alternative fuel" means an alternative fuel (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211)), or a blending component for alternate fuel, that—

(i) is derived from cellulosic biomass feedstock or waste; and

(ii) remains substantially in a liquid phase at room temperature and atmospheric pressure.

(B) CERTAIN LIQUID ALTERNATIVE FUELS.—For any liquid alternative fuel that contains a component that is not derived from a cellulosic biomass feedstock or waste, only the portion of the fuel that is derived from a cellulosic biomass feedstock shall be considered to be a biomass-derived liquid alternative fuel.

(3) CELLULOSIC BIOMASS FEEDSTOCK.—The term "cellulosic biomass feedstock" means—

(A) dedicated energy crops and trees;

(B) wood and wood residues;

(C) plants:

(D) grasses;

(E) agricultural residues;

(F) fibers:

(G) animal wastes and other waste materials; and

(H) municipal solid waste.

On page 135, line 23, strike "(2)" and insert "(4)".

On page 137, line 1, strike "(3)" and insert "(5)".

On page 137, strike lines 7 through 13 and insert the following:

(6) WASTE.—The term "waste" means—

(A) animal wastes, including poultry fats and poultry wastes, and other waste materials; or

(B) municipal solid waste (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

On page 150, line 2, insert "and cellulosic biomass-derived liquid alternative fuels" after "ethanol".

On page 150, line 10, insert "or cellulosic biomass-derived liquid alternative fuels" after "ethanol".

On page 150, line 13, insert "or cellulosic biomass-derived liquid alternative fuels" after "ethanol".

On page 150, line 21, insert "or cellulosic biomass-derived liquid alternative fuels" after "ethanol".

On page 158, strike lines 15 through 17 and insert the following:

(A) to develop not less than 4 different conversion technologies for producing cellulosic biomass ethanol and cellulosic biomass-derived liquid alternative fuel (as defined in section 204(a)); and

---

SA 781. Mrs. BOXER proposed an amendment to amendment SA 779 proposed by Mr. DOMENICI (for himself, Mr. THUNE, Mr. HARKIN, Mr. LUGAR, Mr. DORGAN, Mr. FRIST, Mr. OBAMA, Mr. GRASSLEY, Mr. BAYH, Mr. BOND, Mr. NELSON of Nebraska, Mr. BROWNBACK, Mr. JOHNSON, Mr. HAGEL, Mr. CONRAD, Mr. DEWINE, Mrs. DAYTON, Mr. TALENT, Ms. STABENOW, Mr. COLEMAN, Mr. SALAZAR, and Mr. DURBIN) to the bill H.R. 6, Reserved: as follows:

Beginning on page 20, strike line 25 and all that follows through page 22, line 3.

SA 782. Mr. SCHUMER proposed an amendment to amendment SA 779 proposed by Mr. DOMENICI (for himself, Mr. THUNE, Mr. HARKIN, Mr. LUGAR, Mr. DORGAN, Mr. FRIST, Mr. OBAMA, Mr. GRASSLEY, Mr. BAYH, Mr. BOND, Mr. NELSON of Nebraska, Mr. BROWNBACK, Mr. JOHNSON, Mr. HAGEL, Mr. CONRAD, Mr. DEWINE, Mr. DAYTON, Mr. TALENT, Ms. STABENOW, Mr. COLEMAN, Mr. SALAZAR, and Mr. DURBIN) to the bill H.R. 6, Reserved; as follows:

Strike subtitle B of the amendment.

SA 783. Mr. NELSON of Florida (for himself, Mr. MARTINEZ, Mr. CORZINE, Mrs. BOXER, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. KERRY, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved: which was ordered to lie on the table: as follows:

Beginning on page 264, strike line 1 and all that follows through page 265, line 12.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held on Tuesday, June 28, 2005, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 206, a bill to designate the Ice Age Floods National Geologic Trail, and for other purposes: S. 556, a bill to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona; S. 588, a bill to amend the National Trails System Act to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study on the feasibility of designating the Arizona Trail as a national scenic trail or a national historic trail; and S. 955, a bill to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364, Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Tom Lillie at (202) 224–5161 or Brian Carlstrom at (202) 224–6293.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 14, 2005, at 9:30 a.m., to hold a hearing on North Korea.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Tuesday, June 14, at 10 a.m., for a hearing entitled, "Finding and Fighting Fakes: Reviewing the Strategy Targeting Organized Piracy."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open executive session during the session on Tuesday, June 14, at 10 a.m., to review and make recommendations on proposed legislation implementing the U.S.-Central America-Dominican Republic Free Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Tuesday, June 14, 2005 at 2 p.m. in SR–328A. The purpose of this hearing will be to review the benefits and future developments in agriculture and food biotechnology.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 14, 2005, at 2 p.m., to conduct a hearing on "The Role of the Financial Markets in Social Security Reform."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, June 14, 2005, at 2 p.m. for a hearing regarding "Accountability and Results in Federal Budgeting".

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTELLECTUAL PROPERTY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Intellectual Property be authorized to meet to conduct a hearing on "Patent Law Reform: Injunctions and Damages" on Tuesday, June 14, 2005 at 2:30 p.m. in Dirksen 226.

Tentative Witness List: Carl Gulbrandsen, Managing Director, Wisconsin Alumni Research Foundation (WARF), Madison, WI; Jeffrey P.

Kushan, Partner, Sidley Austin Brown & Wood, LLP, Washington, DC; J. Jeffrey Hawley, President, Intellectual Property Owners Association, and Legal Division Vice President, Eastman Kodak Co., Rochester, New York; Mark A. Lemley, Professor, Stanford Law School, Stanford, CA; Jonathan Band, Counsel on behalf of VISA and the Financial Services Roundtable, Washington, DC; Chuck Fish, Vice President and Chief Patent Counsel, Time Warner, Inc., New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Sreela Nandi, Tara Billingsley, and Dominic Saavedra, all of whom are fellows or interns with the Democratic staff and the Committee on Energy and Natural Resources, and Jonathan Epstein, a legislative fellow in my office, be granted floor privileges during the consideration of this bill, H.R. 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, on behalf of Senator CANTWELL, I ask unanimous consent Bernie Saffell, a fellow in her office, be granted floor privileges during consideration of the bill that will shortly be before the Senate, H.R. 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that Dominic Saavedra, an intern on the staff of Senator BINGAMAN, be granted the privileges of the floor during the debate on H.R. 6 and the Energy Policy Act of 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Stephen Butschi of my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appoints the following Senators as members of the Commission on Security and Cooperation in Europe (Helsinki) during the 109th Congress: the Senator from Oregon, Mr. SMITH; the Senator from Georgia, Mr. CHAMBLISS; the Senator from North Carolina, Mr. BURR; and the Senator from Louisiana, Mr. VITTER.

HONORING THE LIFE OF ROBERT M. LA FOLLETTE, SR., ON THE SESQUICENTENNIAL OF HIS BIRTH

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 161, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 161) honoring the life of Robert M. La Follette, Sr., on the sesquicentennial of his birth.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed at the appropriate place in the RECORD as if read, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 161) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 161

Whereas Robert M. La Follette, Sr., better known as "Fighting Bob" La Follette, was born 150 years ago, on June 14, 1855, in Primrose, Wisconsin;

Whereas Fighting Bob was elected to 3 terms in the United States House of Representatives, 3 terms as Governor of Wisconsin, and 4 terms as a United States Senator;

Whereas Fighting Bob founded the Progressive wing of the Republican Party;

Whereas Fighting Bob was a lifelong supporter of civil rights and women's suffrage, earning respect and support from such distinguished Americans as Frederick Douglass and Harriet Tubman Upton;

Whereas Fighting Bob helped to make the "Wisconsin Idea" a reality at the Federal and State level, instituting election reforms, environmental conservation, railroad rate regulation, increased education funding, and business regulation;

Whereas Fighting Bob was a principal advocate for the Seventeenth Amendment to the Constitution of the United States, which calls for the election of United States Senators by popular vote;

Whereas Fighting Bob delivered an historic speech, "Free Speech in Wartime", opposing the public persecution of those who sought to hold their Government accountable;

Whereas Fighting Bob played a key role in exposing the corruption during the Teapot Dome Scandal;

Whereas Fighting Bob and his wife, Belle Case La Follette, founded La Follette's Weekly, now renamed The Progressive, a monthly magazine for the Progressive community;

Whereas Fighting Bob ran for the presidency on the Progressive ticket in 1924, winning more than 17 percent of the popular vote;

Whereas the Library of Congress recognized Fighting Bob in 1985 by naming the Congressional Research Service reading room in the Madison Building in honor of both Robert M. La Follette, Sr., and his son, Robert M. La Follette, Jr., for their shared commitment to the development of a legislative research service to support the United States Congress;

Whereas Fighting Bob was honored in 1929 with 1 of 2 statues representing the State of Wisconsin in National Statuary Hall in the United States Capitol;

Whereas Fighting Bob was chosen as 1 of "Five Outstanding Senators" by the Special Committee on the Senate Reception Room in 1957;

Whereas a portrait of Fighting Bob was unveiled in the Senate Reception Room in March 1959; and

Whereas Fighting Bob was revered by his supporters for his unwavering commitment to his ideals, and for his tenacious pursuit of a more just and accountable Government: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the sesquicentennial of the birth of Robert M. La Follette, Sr.;

(2) recognizes the important contributions of Robert M. La Follette, Sr., to the Progressive movement, the State of Wisconsin, and the United States of America; and

(3) directs that the Secretary of the Senate transmit an enrolled copy of this resolution to the family of Robert M. La Follette, Sr., and the Wisconsin Historical Society.

ORDERS FOR WEDNESDAY, JUNE 15, 2005

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, June 15. Further, I ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of H.R. 6, the Energy bill. I further ask consent that the Senate recess from 12:30 p.m. until 2:15 p.m. on tomorrow for the Republican Party luncheon.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. Mr. President, tomorrow the Senate will resume consideration of the Energy bill. Currently pending is a Schumer second-degree amendment to the underlying Domenici ethanol amendment. We expect a vote in relation to that amendment early tomorrow morning, hopefully by 10 a.m. Senators should take note of that fact. That is a probability, not just a speculation.

For the remainder of the day, we will continue working through the amendments to the bill.

ORDER FOR ADJOURNMENT

Mr. DOMENICI. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator HARKIN for up to 15 minutes, Senator DURBIN for up to 25 minutes, and Senator DODD for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand the Senator from Connecticut has a short statement. I ask the Senator about how long?

Mr. DODD. About 5 minutes.

Mr. HARKIN. I ask unanimous consent that the Senator from Connecticut be recognized for his statement and then the Senator from Iowa and then the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized for up to 10 minutes, the Senator from Iowa for up to 15 minutes, and the Senator from Illinois for up to 25 minutes.

Mr. DODD. Mr. President, I thank my colleague from Iowa.

NOMINATION OF JOHN BOLTON

Mr. DODD. Mr. President, I wish to take a couple of minutes to review for my colleagues what has transpired over the last several days on the pending matter of the nomination of John Bolton to be our ambassador to the United Nations.

I know there has been a lot of talk about whether goalposts have been moved in our efforts to resolve the outstanding matters concerning information which the Foreign Relations Committee seeks from the administration regarding the Bolton nomination, information that will not be shared with all Members of this body, but shared with the appropriate members of the Intelligence Committee and the chairman and ranking member of the Foreign Relations Committee.

We have not been expanding the goalposts but, rather, shrinking them. I want to review what has happened since April 11, since the issue was first raised regarding the nomination of John Bolton.

There are two issues on which the Senate Foreign Relations Committee seeks additional information. One has to do with 10 intercepts involving the names of 19 Americans that Mr. Bolton sought as the Under Secretary of State. We have tried since April 11, since the issue was raised on April 11, to have the appropriate members of the Foreign Relations Committee and the Intelligence Committee review those intercepts, much as Mr. Bolton did. The administration has refused to allow that to occur.

I then offered as a counterproposal, rather than the appropriate members looking at the intercepts, that at least the names of people we believe may be on those requests from Mr. Bolton be sent down to the administration for them to review. If they are on the list, we would want to pursue that a bit further to find out why Mr. Bolton sought information about them. If they are not, then that would end the matter.

A second matter of equal importance is a request Senator BIDEN has made, and that has to do with draft testimony before the Congress regarding Syria and the possibility of weapons of mass destruction being located in Syria.

Both requests are rather simple to comply with and should not take much time. But my colleagues on both sides ought to be aware that this is now a matter beyond the consideration of Mr. Bolton. Either the Senate has a right to receive pertinent and important information regarding this nomination or it does not.

Certainly my colleagues on both sides of the aisle know historically that other Members have sought information from other administrations they thought was critical to completing their task either on a matter of public policy or a nomination.

As I said earlier, we began on April 11. On April 14 of this year, questions were submitted. Again on April 22. On April 29, Senator BIDEN wrote to the administration requesting information regarding Syria.

On May 4, Senator LUGAR sent letters to Secretary Rice which implied that she need not comply with all of the requests but certainly some of them.

On May 18, Senator BIDEN sent a letter directly to Ambassador Negroponte requesting information regarding the intercepts; again on May 26, on June 1, on June 2, on June 3, on June 8, on June 9, and as late as today on June 14.

There has been a long effort to try and work out some compromise, including the request I made to Mr. Negroponte, to allow us to submit the names. If John Negroponte reported back that there was no correlation between those names and the intercepts sought by Mr. Bolton, then I was going to be satisfied with that answer.

It is ironic, in a way, that the administration is filibustering their own nominee.

I want to get to a vote on John Bolton. We can do it in 24 or 48 hours, in my view, by simply responding to the request we have made, in the modified form we have made it, and responding to Senator BIDEN's request regarding the testimony on Syria. Both of those matters have been sought now for almost 2 months, and yet the administration continues to stonewall on those two requests.

I think it is important that the Senate be heard on these matters. I think it is dangerous for us not to be. There is pertinent information that could relate to the decisions by Senators to vote for or against this nominee.

In short, we have reached out a hand of compromise to the administration. And in response, the administration has given us the back of theirs. They have given us nothing—no counteroffer, just more stonewalling.

It is rather ironic that it is the administration that is filibustering its own nominee.

As my colleagues are well aware, on May 26, just before the Memorial Day recess, the Senate, by a vote of 56 to 42, did not invoke cloture on the motion to proceed to a vote on the nomination of John Bolton to the position of United States Representative to the United Nations.

The reason that the Senate did not invoke cloture was that sufficient numbers of our colleagues have supported the Foreign Relations Committee's efforts to make sure that all relevant information has been made available to the Senate related to this nomination before the Senate casts an up or down vote.

The administration has offered no rationale for refusing to provide the NSA intercepts or the information about the consultant. With regard to the Syria documents, it has argued that they are not relevant to our inquiry. In other words, the administration is telling the Senate what it may investigate. It has also said that providing the information will have a "chilling effect" on the deliberative process; yet the committee has already received numerous deliberative process materials.

The administration claims that they have already given the necessary information related to the intercepts request to the committee of jurisdiction, namely the Select Committee on Intelligence.

First, the Bolton nomination is within the jurisdiction of the Foreign Relations Committee, not the Intelligence Committee.

Second, we know from Senators ROBERTS and ROCKEFELLER that General Hayden refused to provide them with the very names that Mr. Bolton and Mr. Bolton's staff were allowed to see.

Moreover, in a letter to the chairman and ranking member of the Foreign Relations Committee, Senator ROCKEFELLER stated that Mr. Bolton may have shared the NSA intercepts with others at State without prior authorization from NSA.

So to be clear, Mr. Bolton was apparently free to share this unedited information with members of his staff, but the chairman and ranking members of the Intelligence and Foreign Relations Committees have been denied access to this same information.

I also want my colleagues to understand that the areas of inquiry that the committee is pursuing were not dreamt up by us last night or last week. The administration has been aware for some time what we were seeking and how strongly we felt about these materials being provided.

Let me lay out the chronology of our requests.

On April 11, during the first hearing on Mr. Bolton, that I first raised questions about the NSA intercepts.

On April 14, I submitted a question for the record inquiring about this Issue.

On April 22, I sent a letter directly to the NSA requesting this information.

On April 29, Senator BIDEN sent a letter, which also requested the information related to Syria.

On May 4, Senator LUGAR sent a letter to Secretary Rice which implied that she should not feel obligated to respond to all of the Committee's requests.

On May 18, Senator BIDEN sent a letter directly to Ambassador Negroponte, our new Director of National Intelligence, requesting these NSA intercepts.

On May 26, he sent a second letter to Negroponte, again making the same request.

On June 1, I called Ambassador Negroponte to offer a proposal for resolving the intercept issue.

On June 2, I sent a letter to Ambassador Negroponte which laid out in writing the June 1 verbal proposal.

On June 3, Ambassador Negroponte called me to say, "no deal."

On June 8, Senator ROBERTS approached me and suggested that pursuing my idea of a giving a list of names to the administration might bear fruit. He also proposed a role for the Select Committee on Intelligence in the process. That seemed reasonable to me. After consultation with Senator BIDEN he did, too.

On June 9, Senator BIDEN and I sent a letter laying out our understanding on how names might be provided to the administration, and what the role for the chair and cochair might be in the process.

On June 14, Senator ROBERTS replied in writing to our letter saying he could not support our proposal. I would add that our colleague Senator ROCKEFELLER has said he believes our proposal is eminently reasonable.

Through all of this, no one from the White House has contacted me or my colleague Senator BIDEN to offer any proposal for moving this process along.

In short, the administration has made no effort to meet Senator BIDEN and me halfway or even one-quarter of the way. The answer is either no or even worse, silence.

I ask my colleagues: If there is nothing in all of these documents, why have they not been provided? If there is nothing in them, then surely, providing them would clear up some of our concerns rather quickly. And make it possible to move forward with an up or down vote on the nomination.

And so if there is culpability for the delay in the Senate's consideration of the Bolton nomination, that culpability rests with the Bush administration. They have the ability to unlock this nomination by cooperating with this Senate as they did during the consideration of nominations during President Bush's first term in office.

I stand ready to listen to any proposal from the administration to resolve this matter. I know my colleague Senator BIDEN does as well. But the institutional prerogatives of the Senate are at stake here, and I believe we have the responsibility of protecting those prerogatives for this Congress and future Congresses. I am pleased and grateful that sufficient numbers of our colleagues appear to feel the same way.

I hope all Senators, regardless of whether they believe John Bolton will be a great man at the United Nations or not, realize this is a matter of constitutional equity. Either the Senate, as a coequal branch of Government, has the right to request and receive through appropriate Members and appropriate committees pertinent information relating to a critical nomination or not, and if we do not, then I think this body suffers in its ability to perform its constitutional duties.

That is what we are requesting. It can be satisfied in a matter of hours, and then the Senate, as a body, can vote up or down on John Bolton to send him to the U.N. or not send him to the U.N. But to stonewall this institution on information we have a right to receive I think is wrong and I think it jeopardizes the relationship between the Senate and the White House.

My hope is the White House will respond to the modified requests we have made so we can get about the business of voting on this nomination and moving to other matters before the Senate.

I thank my colleagues from Iowa and Illinois for being generous with their time.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 15 minutes.

RENEWABLE FUEL STANDARD

Mr. HARKIN. Mr. President, this is, indeed, an exciting time and moment. We have an 8-billion-gallon national renewable fuel standard that is going to be part of the Senate Energy bill. A previous bill I sponsored with Senator LUGAR and 18 other Senators serves as much of the basis for what we now have before us. This amendment takes us a bold step closer to improving the Nation's energy security, domestic and farm economy, and our environment.

To say we have a growing problem with energy in this country is an understatement. Today, about 97 percent of our transportation fuel comes from oil, two-thirds of that from foreign sources. This excessive dependence on petroleum undermines our national security, as we all know, and it reeks havoc on consumers who are now dealing with record-high gasoline prices. Our policy today costs us jobs. There are 27,000 lost U.S. jobs for every $1 billion in imported oil. Our present policy damages our environment with fully one-third of the greenhouse gases now coming from vehicle emissions alone.

And the truth is, the problem is not going away, it is only getting worse.

Right now we are importing 60 percent of our oil from foreign countries. That percent is expected to increase, not decrease, to about 70 percent by 2025.

According to the Natural Resources Defense Council, America spends $200,000 per minute on foreign oil, or $13 million an hour. And more than $25 billion goes to the Persian Gulf imports alone. A study by the Department of Energy found that our dependency on oil from unsteady regimes outside our borders has cost the country an astonishing $7 trillion over the last 30 years, measured in current dollars.

If these figures are not disturbing enough, here is one more. According to the National Defense Council Foundation, the economic penalties of America's oil dependence are between $297 billion to $304 billion annually.

The Institute for the Analysis of Global Security, using this data, calculated the hidden costs at the gas pump. Everyone thinks we are paying around—I heard my friend from New York say in New York the price of gas is $2.25, in Iowa it is around $2.03, $2.05, and around here it is about $2.10 a gallon. That is what we think we are paying. But the Institute for the Analysis of Global Security, using the data about the hidden costs, has determined that the real cost of a gallon of gas at the pump is more than $7 a gallon. A typical tankful of gas really would cost more than $140.

What are those hidden costs? Add up what we are spending in the military alone in the Mideast and you come pretty close to the figure.

We have a choice. We can stand by, feed our addiction to foreign oil, or we can make a decisive shift now toward clean domestic renewable fuels such as ethanol and biodiesel. This will allow us to wean the U.S. economy from its dangerous level of dependence on foreign oil that is a clear and present danger to our economy and national security.

The renewable fuels standard will more than double the amount of ethanol and biodiesel in our fuel supply by 2012. It will firmly commit our Nation to clean, secure, diversified sources of domestic energy, not in some distant future but immediately in the years ahead.

Domestic ethanol production grew 21 percent in 2004 to more than 3.4 billion gallons. I might just add, ethanol was introduced seamlessly in California and New York, where it helped to buffer rising crude oil prices.

I know my good friend from New York had to leave, but I have since found out that right now there are two large production ethanol plants planned for construction in the State of New York: two big ones, one that is 100 million gallons a year, the other a bit smaller, being constructed right now in New York and more to come online later on.

Why is that? Because the technology is developing at a rapid pace to produce ethanol, not just from corn or sugar but from underutilized materials such as cornstalks, wood waste, cellulosic material, all kinds of biomass feedstocks.

So what we are doing makes sense. With an 8-billion-gallon renewable fuels standard, we establish a strong floor for the time frame under consideration. The fact is, we will have no trouble whatsoever producing enough ethanol to meet this standard. As I said, the industry already has the capacity to produce nearly 4 billion gallons of ethanol a year.

I will be frank. A lot of this does come from my State of Iowa. We lead the Nation in biofuels production. I am proud of that. I am proud of the fact that 11 of the 16 ethanol plants in my State are predominantly owned by farmers. We have biodiesel plants as well. Biofuels plants are being built in many other places, too, but also in my State.

These farmer-owned biofuels plants are adding value to our rural economies. According to a recent study, each typical ethanol plant creates 700 jobs, expands the local economic base by more than $140 million, and provides an average 13-percent annual return on investment over 10 years to a farmer investor.

Iowa's 16 ethanol plants and 3 biodiesel plants, with more on the way, serve as local engines of economic growth. Our ethanol plants are expected to contribute $4 billion annually to the State's economy once all are in production, with more than 5,000 direct and indirect jobs. Once all of the plants are online, the industry will utilize about 500 million bushels of Iowa corn each year.

That was just for Iowa. Nationally, this renewable fuels standard is expected to create over 200,000 new jobs and add nearly $200 billion to our gross domestic product. Within 10 years, this standard will replace more than 3 billion barrels of foreign oil, more to reduce import dependence over this time than the economically recoverable oil in the Alaska National Wildlife Refuge, before production even begins there.

I say again to my friend from New York, there is a choice. We can continue to spend our money—approximately $25 billion a year—in the Persian Gulf, or we can start spending it at home, not just in Iowa but in Georgia, New York, Illinois, and all over this country, where we are going to see these plants being built.

So we know that renewable fuels are good products. We know we can meet the demand. We know that it will help us in a lot of ways.

The Consumer Federation of America came out with a study just a month ago that found consumers could save as much as 8 cents per gallon if more ethanol were blended into the Nation's fuel supply. Well, I bet my friend's moms who are driving kids to school, as he mentioned, would like to save 8 cents per gallon as they buy their gasoline.

A story in the New York Times over the weekend reported that consumers in my home State of Iowa are saving up to 10 cents per gallon with ethanol blended gasoline. I will bet consumers in other States would like to have that same savings.

I have heard one other comment made about this renewable fuels issue saying it is going to be bad for the environment. That is not true. First, it is renewable. It is made from homegrown renewable materials, not pumped out of wells half a world away and shipped to us. When is the last time one ever heard about an ethanol spill killing birds, marine life, or polluting coastlines? The answer is never, and it never will happen because ethanol is nontoxic and it is biodegradable.

Here is something else that my colleagues hear a lot about, that it takes more energy to produce it then is gotten out of it. Again, nonsense. Ethanol is energy efficient. Every 100 Btus of energy used to produce ethanol—that includes the planting, the harvesting, the cultivating, the processing—yields 135 Btus of ethanol. So 100 Btus in, 135 out. By comparison, the same 100 Btus of energy used in the transportation, shipping, and refining of oil yields only 85 Btus in gasoline.

Someone might ask: Well, why is that? Very simply, sunlight is free. The rain is free. These things grow. Sunlight and nature are being used as free assets to get ethanol. So just from an energy efficiency standpoint, we ought to be moving ahead aggressively.

Lastly, my friend also said something about emissions. Well, the fact is ethanol reduces key emissions such as carbon monoxide, particulates that cause smog. In a recent study by the Argonne National Lab, ethanol was found to significantly lower carbon dioxide emissions, the main gas contributing to global warming.

A lot of people in this body want to address the issue of climate change. Yet some fail to see how biofuels are an essential component of any greenhouse gas emissions reduction strategy. Keep in mind, when ethanol is burned, is carbon dioxide being put out there? Yes, it is. So you might say that adds to greenhouse gases, but keep in mind, that the corn plant or that tree or whatever it is that is grown that one gets the ethanol out of, it is taking carbon dioxide out of the air. Not true of the oil that is pumped out of the ground. It puts carbon dioxide into the air but never takes it out. That is why renewable fuels are so important for our environment. Yes, it would put carbon dioxide in the air, but as it grows, using that sunlight and rain to grow, it takes carbon dioxide out.

The renewable fuels standard is sound public policy. It is a key part of any plan to wean our Nation off of foreign oil. Contrary to what my friend from New York said—I am sorry he had to leave—there is a built-in flexibility through a system of tradable credits for oil refiners who exceed their minimum requirement. It includes waiver language from the requirements of the renewable fuels standard for a region or a State if circumstances warrant it. It rewards production of emerging biofuels such as cellulosic ethanol that provide tremendous value to our country, our farmers, and the environment.

Again, these and other provisions are all in the renewable fuels standard amendment that is being offered to the energy bill. That is why it is so important that we keep the standard in there, that we move ahead, wean ourselves off of Persian Gulf oil, clean up the environment, and put the money in this country. Let us spend our money developing energy in America rather than over in the Persian Gulf.

I yield the floor, and I thank my colleague from Illinois.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Illinois is recognized for up to 25 minutes.

Mr. DURBIN. Let me thank my colleague from Iowa. He and I have something in common: We are interested in alcohol fuels, ethanol and diesel. We understand these are homegrown. You don't have to wait for the OPEC cartel to decide to send them to you. We grow the corn in the field, and one out of every six bushels of corn that is grown in America creates ethanol, alcohol fuel.

Earlier, my colleague and friend from New York was talking about, What could this possibly mean to farmers? He doesn't understand the mechanics of the market. More demand raises prices. Demand for corn to use it to create ethanol and alcohol fuels will help farmers. As farmers receive higher prices for their corn, there are lower payments in the Federal programs. The taxpayers are going to benefit as well.

Mr. HARKIN. That is right.

Mr. DURBIN. What the Senator from New York failed to note—and I was about to interrupt him, but since I live with him, I interrupt him all the time—I just live with him in Washington, incidentally; there is a family situation otherwise. What I was going to remind him was when these trucks are coming in with ethanol into New York and getting stalled in traffic and burning up their fuel, if they have ethanol in their tanks, there is less pollution in his beautiful New York City. So we have another added benefit here—not just more income for farmers and less in payments by taxpayers for farm programs but cleaner air and less dependence on foreign oil.

I hope Senator HARKIN and I can take this on as a class project, to try to work on Senator SCHUMER from New York. He is a very delightful man and does a great job for his State, but he needs some very fundamental education on corn and ethanol and what it means for America.

Mr. HARKIN. I join with the Senator. We will do a little educating for him.

Mr. DURBIN. This is probably a task we should not undertake because it is momentous, but we will try anyway. This is the Energy bill. It is a big bill, as you can tell. I sat down and did something kind of unique: I decided to read it, just to decide what we are voting on. I don't say that entirely in a negative fashion because some of this is so technical, you need to have staff go through and figure out exactly what is happening in this bill.

The one thing that is most important about this bill is not the fact that Senator DOMENICI of New Mexico has worked so hard on it with Senator BINGAMAN and done such a good job on a bipartisan basis to bring it to us. That is a positive thing, and I complimented Senator DOMENICI about it earlier. What is troubling about this bill is it is setting out to establish:

> the enhancement of the energy security of the United States.

Since it is setting out to establish America's energy policy, you would think to yourself, How do most Americans come in contact with energy each day? Certainly when you flip the lights on in the morning or in the evening, you come in contact with electricity, but equally so, when you get into that car or into that truck or on that bus, you are in contact with the energy policy of America.

If that is an important part of our life experience with energy, if over 60 percent of all the oil we bring into the United States is used to fuel vehicles, trucks and cars, you would just assume that a large part of this bill of almost 800 pages must be devoted to the whole question of the fuel efficiency of cars and trucks. Isn't that obvious? Wouldn't that be one of the first things?

Sadly, you are going to have to search long and hard to find any reference in here to the fuel economy and fuel efficiency of cars and trucks in America. The question I have asked over and over again is, How can you have an honest energy policy for America and not talk about that? How can you really have a policy that reduces our dependence on foreign oil if we do not talk about more fuel-efficient cars and trucks—more conservation?

I don't think you can. The only provision in this bill that addresses that, in the most indirect and oblique way, says that over the next 10 years, we will reduce the demand for oil in America by 1 million barrels a day. That is a good thing. I support that. It doesn't spell out how we will do it. Frankly, it doesn't reflect the ambition we should have in putting together this bill because we can do better. We can do a lot better.

Tomorrow, Senator MARIA CANTWELL of Washington is going to offer the amendment from the Democratic side about energy policy. It is our lead amendment. The reason it is our lead amendment is we believe it gets to the heart of the question. Here is what we believe in our Democratic Senate caucus. We think we should add to this bill language which says: Over the next 20 years, we will reduce our dependence on foreign oil in America by 40 percent.

Frankly, I think we can do better, but we establish a standard of 40 percent. Today, 58 percent of all of the oil that we burn each day in America comes from overseas—58 percent. Unchecked, unchanged, it is estimated that in 20 years, it will be 68 percent. More than two out of every three barrels of oil will be imported into the United States.

If the Democratic amendment is adopted—and I hope it is, on a bipartisan basis—if we reduce the foreign imports by 40 percent over the next 20 years, the number will go from 58 percent to 56 percent. That is still too high, but to do nothing means that our dependence on foreign oil will grow.

Depending on foreign oil means depending on the people who own it. I do not want my future, the future of my children or grandchildren, in the hands of the Saudi Royal Family. That is what their future will be tied to—in a world where there will be even more competition over OPEC oil.

You cannot pick up a magazine or an article anywhere that does not refer to the growth of China and its economy. They are just sucking away jobs from America, to paraphrase Ross Perot, and creating new opportunities for jobs in a country that is deficient in energy. So they are looking all over the world to find where they can import gas and oil so they can fuel the growing Chinese economy.

What it means, of course, is China will be our competitor for that oil in the years to come. If we do not take care to reduce our dependence on foreign oil, we will find ourselves in a predicament even worse than today, where the cost of oil will be increasing because of increased demand for limited resources, and our dependence will be increasing at the same time. What a recipe for economic disaster in America.

I will tell you one thing that is troubling. Remember the only provision in this bill related to fuel efficiency that I mentioned earlier that wants to reduce our dependence on foreign oil by a million barrels a day? We just got an official statement from the Bush White House today—they oppose that provision. They want to take it out of the bill. That is the only provision in the bill relative to fuel efficiency and fuel economy, and they want to have it taken out of the bill.

This is the same administration that does not concede the fact that there is global warming, the same administration which last week had to dismiss a man who was doctoring environmental documents and statements to make it look as if there is no threat of global warming. This same administration says they want to take out the only provision in the bill that would move us toward less dependence on foreign oil. What are they thinking? This is the leadership in the White House?

The President can walk, literally hand in hand, with a Saudi prince at his ranch in Texas, but does America want to walk hand in hand with a Saudi prince for the next 20 years? Not me—no. I want to see us move toward energy independence. It is not likely we will reach it in its entirety in my lifetime, but don't we owe it to future generations to lessen our dependence on foreign oil?

Which moves me to a second topic, which is related. That dependence on foreign oil draws us into a lot of predicaments around the world. Ask the 150,000 American soldiers in Iraq today. Ask whether we would be as focused as we are on the Middle East and its stability if we were not dependent on those oil tankers every single day leaving that Arabian peninsula, the Arabian area, coming into the United States with this oil we need so desperately. I do not think it is likely we would be there with that much intensity of feeling. But we are there.

Because of our dependence on foreign oil, we have been drawn into a conflict, now more than 2 years in length, with no end in sight. I was one of 23 Senators who voted against the Use of Force Resolution that authorized President Bush to invade Iraq. That was not because I had any sympathy for Saddam Hussein—I never have had—but because I believed this administration had misled the American people about the real threat in Iraq. It turns out afterward we were misled, there were no weapons of mass destruction, no nuclear weapons, no connection with 9/11. It turns out the threats we were told existed did not exist. The American people were misled.

Sadly, this administration took the best military in the world and invaded Iraq and very quickly made short order of Saddam Hussein and his troops but didn't know what to do next. They won the war. They couldn't figure out how to win the peace. And we still pay the heaviest possible price every single day because of their lack of preparedness.

Think about it. Over the weekend, the number of American soldiers killed in Iraq in combat now has reached about 1,700—1,700 of our sons and daughters have given their lives in Iraq, with no end in sight. Soldiers sent into battle by an administration which has received every penny they have asked for from Congress to supply our troops. Soldiers sent into battle, killed, still today, in unarmored humvees. Soldiers without body armor. Soldiers without the proper equipment.

I have been there. I have seen it. I have heard it. I have talked to these soldiers. I know a few weeks ago in Iraq this was the case. That, to me, is a tragedy and a travesty.

What is also troubling is that this Congress is afraid to even ask the hard questions of this administration. When was the last time we had a serious hearing on Capitol Hill about the contract abuses of Halliburton in Iraq? We will have to search the CONGRESSIONAL RECORD long and hard to find there has not been such a hearing. We do not get into that issue. When was the last time we had a hearing on Capitol Hill about the serious problems we are having in recruiting new soldiers, marines, sailors, and airmen? That is a big problem. The best military in the world needs the best men and women. Why is it they will not join the ranks to fight in this war in Iraq and Afghanistan? That is worth a hearing, isn't it? We are still waiting for it.

There will be a hearing tomorrow—and I commend the chairman of the Senate Judiciary Committee, Senator Arlen Specter—to discuss some of the basic issues about a very serious problem that we face.

Mr. President, there has been a lot of discussion in recent days about whether to close the detention center at Guantanamo Bay. This debate misses the point. It is not a question of whether detainees are held at Guantanamo Bay or some other location. The question is how we should treat those who have been detained there. Whether we treat them according to the law or not does not depend on their address. It depends on our policy as a nation.

How should we treat them? This is not a new question. We are not writing on a blank slate. We have entered into treaties over the years, saying this is how we will treat wartime detainees. The United States has ratified these treaties. They are the law of the land as much as any statute we passed. They have served our country well in past wars. We have held ourselves to be a civilized country, willing to play by the rules, even in time of war.

Unfortunately, without even consulting Congress, the Bush administration unilaterally decided to set aside these treaties and create their own rules about the treatment of prisoners.

Frankly, this Congress has failed to hold the administration accountable for its failure to follow the law of the land when it comes to the torture and mistreatment of prisoners and detainees.

I am a member of the Judiciary Committee. For two years, I have asked for hearings on this issue. I am glad Chairman SPECTER will hold a hearing on wartime detention policies tomorrow. I thank him for taking this step. I wish other members of his party would be willing to hold this administration accountable as well.

It is worth reflecting for a moment about how we have reached this point. Many people who read history remember, as World War II began with the attack on Pearl Harbor, a country in fear after being attacked decided one way to protect America was to gather together Japanese Americans and literally imprison them, put them in internment camps for fear they would be traitors and turn on the United States. We did that. Thousands of lives were changed. Thousands of businesses destroyed. Thousands of people, good American citizens, who happened to be of Japanese ancestry, were treated like common criminals.

It took almost 40 years for us to acknowledge that we were wrong, to admit that these people should never have been imprisoned. It was a shameful period in American history and one that very few, if any, try to defend today.

I believe the torture techniques that have been used at Abu Ghraib and Guantanamo and other places fall into that same category. I am confident, sadly confident, as I stand here, that decades from now people will look back and say: What were they thinking? America, this great, kind leader of a nation, treated people who were detained and imprisoned, interrogated people in the crudest way? I am afraid this is going to be one of the bitter legacies of the invasion of Iraq.

We were attacked on September 11, 2001. We were clearly at war.

We have held prisoners in every armed conflict in which we have engaged. The law was clear, but some of the President's top advisers questioned whether we should follow it or whether we should write new standards.

Alberto Gonzales, then-White House chief counsel, recommended to the President the Geneva Convention should not apply to the war on terrorism.

Colin Powell, who was then Secretary of State, objected strenuously to Alberto Gonzales' conclusions. I give him credit. Colin Powell argued that we could effectively fight the war on terrorism and still follow the law, still comply with the Geneva Conventions. In a memo to Alberto Gonzales, Secretary Powell pointed out the Geneva Conventions would not limit our ability to question the detainees or hold them even indefinitely. He pointed out that under Geneva Conventions, members of al-Qaida and other terrorists would not be considered prisoners of war.

There is a lot of confusion about that so let me repeat it. The Geneva Conventions do not give POW status to terrorists.

In his memo to Gonzales, Secretary Powell went on to say setting aside the Geneva Conventions "will reverse over a century of U.S. policy and practice . . . and undermine the protections of the law of war for our own troops . . . It will undermine public support among critical allies, making military cooperation more difficult to sustain."

When you look at the negative publicity about Guantanamo, Secretary Colin Powell was prophetic.

Unfortunately, the President rejected Secretary Powell's wise counsel, and instead accepted Alberto Gonzales' recommendation, issuing a memo setting aside the Geneva Conventions and concluding that we needed "new thinking in the law of war."

After the President decided to ignore Geneva Conventions, the administration unilaterally created a new detention policy. They claim the right to seize anyone, including even American citizens, anywhere in the world, including in the United States, and hold them until the end of the war on terrorism, whenever that may be.

For example, they have even argued in court they have the right to indefinitely detain an elderly lady from Switzerland who writes checks to what she thinks is a charity that helps orphans but actually is a front that finances terrorism.

They claim a person detained in the war on terrorism has no legal rights—no right to a lawyer, no right to see the evidence against them, no right to challenge their detention. In fact, the Government has claimed detainees have no right to challenge their detention, even if they claim they were being tortured or executed.

This violates the Geneva Conventions, which protect everyone captured during wartime.

The official commentary on the convention states:

> Nobody in enemy hands can fall outside the law.

That is clear as it can be. But it was clearly rejected by the Bush administration when Alberto Gonzales as White House counsel recommended otherwise.

U.S. military lawyers called this detention system "a legal black hole."

The Red Cross concluded, "U.S. authorities have placed the internees in Guantanamo beyond the law."

Using their new detention policy, the administration has detained thousands of individuals in secret detention centers all around the world, some of them unknown to Members of Congress. While it is the most well-known, Guantanamo Bay is only one of them. Most have been captured in Afghanistan and Iraq, but some people who never raised arms against us have been taken prisoner far from the battlefield.

Who are the Guantanamo detainees? Back in 2002, Secretary Rumsfeld described them as "the hardest of the hard core." However, the administration has since released many of them, and it has now become clear that Secretary Rumsfeld's assertion was not completely true.

Military sources, according to the media, indicate that many detainees have no connection to al-Qaida or the Taliban and were sent to Guantanamo over the objections of intelligence personnel who recommended their release. One military officer said:

> We're basically condemning these guys to a long-term imprisonment. If they weren't terrorists before, they certainly could be now.

Last year, in two landmark decisions, the Supreme Court rejected the administration's detention policy. The Court held that the detainees' claims that they were detained for over two years without charge and without access to counsel "unquestionably describe custody in violation of the Constitution, or laws or treaties of the United States."

The Court also held that an American citizen held as an enemy combatant must be told the basis for his detention and have a fair opportunity to challenge the Government's claims. Justice Sandra Day O'Connor wrote for the majority:

> A state of war is not a blank check for the President when it comes to the rights of the Nation's citizens.

You would think that would be obvious, wouldn't you? But yet, this administration, in this war, has viewed it much differently.

I had hoped the Supreme Court decision would change the administration policy. Unfortunately, the administration has resisted complying with the Supreme Court's decision.

The administration acknowledges detainees can challenge their detention in court, but it still claims that once they get to court, they have no legal rights. In other words, the administration believes a detainee can get to the courthouse door but cannot come inside.

A Federal court has already held the administration has failed to comply with the Supreme Court's rulings. The court concluded that the detainees do have legal rights, and the administration's policies "deprive the detainees of sufficient notice of the factual bases for their detention and deny them a fair opportunity to challenge their incarceration."

The administration also established a new interrogation policy that allows cruel and inhuman interrogation techniques.

Remember what Secretary of State Colin Powell said? It is not a matter of following the law because we said we would, it is a matter of how our troops will be treated in the future. That is something often overlooked here. If we want standards of civilized conduct to be applied to Americans captured in a warlike situation, we have to extend the same manner and type of treatment to those whom we detain, our prisoners.

Secretary Rumsfeld approved numerous abusive interrogation tactics against prisoners in Guantanamo. The Red Cross concluded that the use of those methods was "a form of torture."

The United States, which each year issues a human rights report, holding the world accountable for outrageous conduct, is engaged in the same outrageous conduct when it comes to these prisoners. .

Numerous FBI agents who observed interrogations at Guantanamo Bay complained to their supervisors. In one e-mail that has been made public, an FBI agent complained that interrogators were using "torture techniques."

That phrase did not come from a reporter or politician. It came from an FBI agent describing what Americans were doing to these prisoners.

With no input from Congress, the administration set aside our treaty obligations and secretly created new rules for detention and interrogation. They claim the courts have no right to review these rules. But under our Constitution, it is Congress's job to make the laws, and the court's job to judge whether they are constitutional.

This administration wants all the power: legislator, executive, and judge. Our founding father were warned us about the dangers of the Executive Branch violating the separation of powers during wartime. James Madison wrote:

> The accumulation of all powers, legislative, executive, and judiciary, in the same hands may justly be pronounced the very definition of tyranny.

Other Presidents have overreached during times of war, claiming legislative powers, but the courts have reined them back in. During the Korean war, President Truman, faced with a steel strike, issued an Executive order to seize and operate the Nation's steel mills. The Supreme Court found that the seizure was an unconstitutional infringement on the Congress's lawmaking power. Justice Hugo Black, writing for the majority, said:

> The Constitution is neither silent nor equivocal about who shall make the laws which the President is to execute . . . The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good times and bad.

To win the war on terrorism, we must remain true to the principles upon which our country was founded. This Administration's detention and interrogation policies are placing our troops at risk and making it harder to combat terrorism.

Former Congressman Pete Peterson of Florida, a man I call a good friend and a man I served with in the House of Representatives, is a unique individual. He is one of the most cheerful people you would ever want to meet. You would never know, when you meet him, he was an Air Force pilot taken prisoner of war in Vietnam and spent 6½ years in a Vietnamese prison. Here is what he said about this issue in a letter that he sent to me. Pete Peterson wrote:

> From my 6½ years of captivity in Vietnam, I know what life in a foreign prison is like. To a large degree, I credit the Geneva Conventions for my survival. . . . This is one reason the United States has led the world in upholding treaties governing the status and care of enemy prisoners: because these standards also protect us. . . . We need absolute clarity that America will continue to set the gold standard in the treatment of prisoners in wartime.

Abusive detention and interrogation policies make it much more difficult to win the support of people around the world, particularly those in the Muslim world. The war on terrorism is not a popularity contest, but anti-American sentiment breeds sympathy for anti-American terrorist organizations and makes it far easier for them to recruit young terrorists.

Polls show that Muslims have positive attitudes toward the American people and our values. However, overall, favorable ratings toward the United States and its Government are very low. This is driven largely by the negative attitudes toward the policies of this administration.

Muslims respect our values, but we must convince them that our actions reflect these values. That's why the 9/11 Commission recommended:

> We should offer an example of moral leadership in the world, committed to treat people humanely, abide by the rule of law, and be generous and caring to our neighbors.

What should we do? Imagine if the President had followed Colin Powell's advice and respected our treaty obligations. How would things have been different?

We still would have the ability to hold detainees and to interrogate them aggressively. Members of al-Qaida would not be prisoners of war. We would be able to do everything we need to do to keep our country safe. The difference is, we would not have damaged our reputation in the international community in the process.

When you read some of the graphic descriptions of what has occurred here—I almost hesitate to put them in the RECORD, and yet they have to be added to this debate. Let me read to you what one FBI agent saw. And I quote from his report:

> On a couple of occasions, I entered interview rooms to find a detainee chained hand and foot in a fetal position to the floor, with no chair, food or water. Most times they urinated or defecated on themselves, and had been left there for 18–24 hours or more. On one occasion, the air conditioning had been turned down so far and the temperature was so cold in the room, that the barefooted detainee was shaking with cold. . . . On another occasion, the [air conditioner] had been turned off, making the temperature in the unventilated room well over 100 degrees. The detainee was almost unconscious on the floor, with a pile of hair next to him. He had apparently been literally pulling his hair out throughout the night. On another occasion, not only was the temperature unbearably hot, but extremely loud rap music was being played in the room, and had been since the day before, with the detainee chained hand and foot in the fetal position on the tile floor.

If I read this to you and did not tell you that it was an FBI agent describing what Americans had done to prisoners in their control, you would most certainly believe this must have been done by Nazis, Soviets in their gulags, or some mad regime—Pol Pot or others—that had no concern for human beings. Sadly, that is not the case. This was the action of Americans in the treatment of their prisoners.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. Mr. President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. It is not too late. I hope we will learn from history. I hope we will change course. The President could declare the United States will apply the Geneva Conventions to the war on terrorism. He could declare, as he should, that the United States will not, under any circumstances, subject any detainee to torture, or cruel, inhuman, or degrading treatment. The administration could give all detainees a meaningful opportunity to challenge their detention before a neutral decisionmaker.

Such a change of course would dramatically improve our image and it would make us safer. I hope this administration will choose that course. If they do not, Congress must step in.

The issue debated in the press today misses the point. The issue is not about closing Guantanamo Bay. It is not a question of the address of these prisoners. It is a question of how we treat these prisoners. To close down Guantanamo and ship these prisoners off to undisclosed locations in other countries, beyond the reach of publicity, beyond the reach of any surveillance, is to give up on the most basic and fundamental commitment to justice and fairness, a commitment we made when we signed the Geneva Convention and said the United States accepts it as the law of the land, a commitment which we have made over and over again when it comes to the issue of torture. To criticize the rest of the world for using torture and to turn a blind eye to what we are doing in this war is wrong, and it is not American.

During the Civil War, President Lincoln, one of our greatest Presidents, suspended habeas corpus, which gives prisoners the right to challenge their detention. The Supreme Court stood up to the President and said prisoners have the right to judicial review even during war.

Let me read what that Court said:

> The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions could be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism.

Mr. President, those words still ring true today. The Constitution is a law for this administration, equally in war and in peace. If the Constitution could withstand the Civil War, when our Nation was literally divided against itself, surely it will withstand the war on terrorism.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Wednesday, June 15, 2005.

Thereupon, the Senate, at 7:19 p.m., adjourned until Wednesday, June 15, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 14, 2005:

THE JUDICIARY

THOMAS CRAIG WHEELER, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS VICE DIANE GILBERT SYPOLT, RETIRED.

MARGARET MARY SWEENEY, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS VICE ROBERT H. HODGES, JR., RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. NORTON A. SCHWARTZ, 7542

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. WILLIAM N. MCCASLAND, 7469

IN THE ARMY

THE FOLLOWING ARMY RESERVE OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 1552 AND 12203:

To be brigadier general

COL. GILBERTO S. PENA, 6848

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. RODNEY J. BARHAM, 7594

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER WHO IS CURRENTLY IN THE UNITED STATES ARMY RETIRED RESERVE FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 1552 AND 12203:

To be brigadier general

COL. LARRY L. ARNETT, 9771

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER, WHO IS CURRENTLY IN THE UNITED STATES ARMY RETIRED RESERVE, FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 1552 AND 12203:

To be brigadier general

COL. OTIS P. MORRIS, 9268

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5046:

To be brigadier general

COL. JAMES C. WALKER, 5284

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

RICHARD W. HAUPT, 3812
DANIEL J. HERNANDEZ, 3480
GREGORY L. HICKS, 8602
ROBERT S. MEHAL, 7808
ALVIN A. PLEXICO, JR., 1761

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

RONALD M. BISHOP, JR., 5293
DANIEL J. CHISHOLM, 4204
WILLIAM S. DILLON, 1060
MICHAEL J. HARMAN, 4319
SCOTT M. HERZOG, 7988
MARK A. HUNT, 2779
ALBERT G. MOUSSEAU, JR., 1098
PETER S. OLEP, 5263
ANGELO R. L. SMITHA, 6311
NORMAN M. TOBLER II, 7662
ANTHONY S. VIVONA, 3529

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CHERYL J. COTTON, 5463
MARY L. DIAZ, 4996
TIFFANY M. GRAVEDEPERALTA, 3046
CAROL M. KUSHMIER, 8453
JANET E. LOMAX, 4244
ROMUEL B. NAFARRETE, 1807
THOMAS G. ROULSTON, 7013
STUART C. SATTERWHITE, 0400
CHARMAINE Y. SAVAGE, 3750
ERIN G. SNOW, 1891
LISA M. TRUESDALEHERBERT, 0208
TRACY D. WHITELEY, 3032

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ALBERT R. COSTA, 9360
JOHN S. CRAWMER, 5489
JOHN M. FARWELL, 9003
GARY L. HACKADAY, 1368
TERRENCE E. HAMMOND, 2856
BRIAN K. JACOBS, 3371
EDGAR LUCAS, 9326
BARBARA J. MYTYCH, 8545
JAMES M. PARISH, 6779
TIMOTHY H. PFANNENSTEIN, 2354
JOSEPH A. RODRIGUEZ, 0919
SCOTT A. SAMPLES, 2329
EUGENE A. SANTIAGO, 5449
CHRISTOPHER S. WIRTH, 2680

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DAVID J. BYERS, 5296
BRIAN D. CONNON, 4274
RAYMOND R. DELGADO III, 6815
DANIEL P. ELEUTERIO, 5338
JOHN A. FURGERSON, 6695
DENISE M. KRUSE, 1600
STEPHEN D. MARTIN, 1575
DAVID W. MCDOWELL, 8251
HENRY A. MILLER, 6407
OSCAR E. MONTERROSA, 9908
JOHN A. OKON, 1460
DAVID M. RUTH, 4707
PETER J. SMITH, 7870
MARC T. STEINER, 5763

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JASON W. CARTER, 2951
MARK G. FICKEL, 2070
MARIE T. GORDON, 4309
MICHELLE R. HILLMEYER, 1846
VIRGINIA T. LAMB, 9580
THOMAS W. LECHLEITNER, JR., 6182
JEFFREY B. LITTLE, 7298
JOHN A. MACDONALD, 0326
MARIANNA B. MAGNO, 4006
MARGARET L. MARSHALL, 5521
JAMES H. MILLS, 5852
SHAWN P. MURPHY, 7708
VERONIQUE L. STREETER, 6543
JESSICA A. SZEMKOW, 3219
JOHN A. WATKINS, 5517
DAVID G. WIRTH, 0330
LAURA G. YAMBRICK, 1646

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CLIFFORD W. BEAN III, 2281
LYNN T. CHOW, 4089
CHRISTOPHER A. CHRISLIP, 9102
MICHAEL A. CONNER, 3846
JAMES C. DIFFELL, 2255
JEFFREY W. GRAY, 8542
ANTHONY P. HANSEN, 5427
BARBARA L. LOPEZ, 2627
BRYAN S. LOPEZ, 8379
ERIC F. MANNING, 7917
KEVIN K. MISSEL, 8000
ABRAHAM K. MITCHELL, 6380
WILLIAM K. MORENO, 7651
JOSEPH P. PUGH, 0386
JEFFREY S. SCHEIDT, 4217
GEORGE F. TRICE, JR., 3343
DONNA M. YOUNG, 9610

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

THOMAS J. ANDERSON, 0058
JESS W. ARRINGTON, 7416
MICHAEL J. BARETELA, 0286
BRADFORD P. BITTLE, 7301
SCOTT M. BROWN, 2333
DANNY K. BUSCH, 7217
EUGENE C. CANFIELD, 7472
JOHN A. CHRISTENSEN, 6459
WILLIAM E. COBB, 0488
MICHAEL J. DUFEK, 6260
MARK V. GLOVER, 4461
DARLENE K. GRASDOCK, 3697
DARREN S. HARVEY, 3713
HUGH J. HUCK III, 2395
JAMES K. KALOWSKY, 5399
MARK A. LEARY, 3150
RUSSELL E. LEGEAR, 4960
KEITH W. LEHNHARDT, 9560
JOHN J. LUND, 8266
GERALD W. MACKAMAN, 8580
ERIK H. MARTIN, 0494
WILLIAM B. MCNEAL, 8249
CASEY J. MOTON, 5981
MARK H. OESTERREICH, 8551
DOUGLAS B. OGLESBY, 0541
KEITH A. PETERSON, 0608
ROBERT D. PHILLIPS, 7155
AMY J. POTTS, 7220
DAVID J. PRICE, 3650
JOSEPH P. REASON, JR., 3915
PETER J. RYAN, JR., 9508
JAMES R. SMITH, 0801
JOHN W. SPRAGUE, 1598
JOHN J. SZATKOWSKI, 6204
MARK E. THORNELL, 5412
ALLAN R. WALTERS, 2896
MICHAEL ZIV, 7880

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JASON L. ANSLEY, 4555
CARLTON R. BLOUNT, 0447
CHRISTOPHER C. BONE, 5944
STEVEN C. BORAZ, 0145
SCOTT E. BREES, 1036
DAVID C. CRISSMAN, 7341
JAMES EASAW, 2890
DAVID B. EDWARDS, 3663
ROBERT J. ENGELHARDT, 5838
DAVID M. FLOWERS, 3887
MAUREEN FOX, 5408
BRENT S. FREEMAN, 2037
WILLIAM P. GARRITY, JR., 8139
CONSTANCE M. GREENE, 4355
MICHAEL J. HANNAN, 3681
TAMARA L. S. HARSTAD, 5249
SUZANNE H. HIMES, 3924
STEVEN L. HORRELL, 1879
DAVID M. HOUFF, 2451
GREGORY A. HUSMANN, 8222
ANGELA M. KEITH, 2211
MARK C. KESTER, 0437
ROBERT E. KETTLE, 4507
JAMES H. LEWIS III, 5801
JON R. OLSON, 1794
MICHAEL N. OLUVIC, 9497
LAURA J. PEARSON, 5116
DALE C. RIELAGE, 0359
JOSEPH R. ROBSON, JR., 6870
CINDY M. RODRIGUEZ, 8681
DANIEL P. SALYAN, 8338
BRYAN P. SHEEHAN, 7460
STEVEN B. SHEPARD, 2748
JOSEPH A. SMITH, 2153
LOUIS T. UNREIN, 4028
MICHAEL VERNAZZA, 9071
TRACY A. VINCENT, 9190

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DANIEL A. ABRAMS, 2702
DAVID R. ALLISON, 7942
GEORGE A. ALLMON, 0528
RANDALL E. ANDERSON, 6925
DOUGLAS B. BECKER, JR., 5470
WILLIAM E. BINDEL, 3496
DANIEL L. CARSCALLEN, 5166
CHRISTOPHER J. CARTER, 6140
GREGORY CLAIBOURN, 6804
MEGAN E. CLOSE, 3935
ROBERT J. COLES, JR., 1526
KENNETH W. DALTON, 4643
BRUCE L. DESHOTEL, 0236
ROBERT G. DILLOW, JR., 9186
DONALD C. DRAPER, 3752
REGINALD D. EDGE, 5018
JAMES A. FELTY, 7218
HORACIO FERNANDEZ, 0389
PAUL A. FIELDS, 0594
SCOTT P. FIELDS, 7721
STEVEN J. FINNEY, 3268
JANET A. GALLAGHER, 9883
WILLIAM A. GARREN, 9932
BRIAN E. GEORGE, 7618
DOUGLAS K. GLESSNER, 7900
RAYMOND D. GOYET, JR., 1640
MICHAEL W. HADER, JR., 1550
JAMES E. HAIGH, 2656
SEAN O. HARDING, 4953
ROY HARRISON, 0606
GERALD D. HERMAN, 6000
EDWARD F. HOGAN, 9006
TED C. JOHNSON, 5321
BRIAN D. JULIAN, 1520
LAWRENCE KING, 1953
JAMES R. LAVIN, 8776
BRIAN M. LEPINE, 0612
KEVIN B. MASON, 4509
MICHAEL G. MCCLOSKEY, 9283
DENNIS W. MITCHELL, 1494
STEPHEN G. PEPPLER, 2846
EDWARD M. G. RANKIN, 5117
JOSE J. RODRIGUEZ, 4050
MARK J. SCHMITT, 9007
DANIEL M. SHELLEY, 3955
DONALD C. SHORTRIDGE, 2412
JEFFREY M. SILVAS, 1094
DAVID W. SKIPWORTH, 0893
DONALD A. SMITH, 4598
TIMOTHY G. SPARKS, 7189
PAUL B. SPOHN, 1729
LEE C. STEPHENS, 6903
ROBERT S. SULLIVAN, 8093
JAMES S. TALBERT, 6196
GEORGE N. THOMPSON, 0485
STEVEN D. WEBER, 0257
ERASMUS D. WHITE, 3146
RONALD L. WHITE, JR., 3214
JOHN W. WOOD, 3442

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JOHN C. ABSETZ, 8698
LYNN ACHESON, 6495
DAVID A. ADAMS, 0261
CHRISTOPHER D. AMADEN, 0504
TROY A. AMUNDSON, 3556
ERIC J. ANDERSON, 0883
WILLIAM S. ANDERSON, 2575
CHARLES A. ARMIN, 7267
SEAN R. BAILEY, 9470
EDWARD P. BALATON, 6188
CARROLL W. BANNISTER, 9203
JEFFREY T. BARNABY, 3302
DAVID L. BAUDOIN, 6570
ROBERT A. BAUGHMAN, 0316
CHRISTOPHER J. BAUMSTARK, 4427
MICHAEL W. BAZE, 6085
ROBERT E. BEAUCHAMP, 2589
PAUL A. BECKLEY, 4550
CRAIG M. BENNETT, 8557
JEFFREY J. BERNASCONI, 6431
MICHAEL K. BICE, 4571
RANDALL J. BIGGS, 1408
BRADFORD A. BLACKWELDER, 2348
MARY D. BLANKENSHIP, 1224
DAVID R. BRADLEY, 3905
BRENT M. BREINING, 2810
CECIL C. BRIDGES, 9412
JODY G. BRIDGES, 7306
DARIN J. BROWN, 7416
LEKEEN BROWN, 4431
CLIFFORD D. BRUNER, 5941
MICHAEL O. BRUNNER, 5917
DAVID R. BUCHHOLZ, 8077
WILLIAM A. BULLARD III, 5557
WARREN R. BULLER II, 2164
PAUL R. BUNNELL, 2306
JASON B. BURROWS, 7200
GEORGE J. BYFORD, 0167
AARON M. CADENA, 0139
KENNETH B. CANETE, 3041
HERBERT E. CARMEN, 7638
JON R. CARRIGLITTO, 5640
JAMES P. CARTWRIGHT II, 4172
FRANCIS X. I. CASTELLANO, 5471
PETER R. CATALANO, JR., 0629
JEFFREY V. CAULK, 0896
TIMOTHY A. CAUTHEN, 3794
ROBERT B. CHADWICK II, 1227
WYATT N. CHIDESTER, 6501
CYNTHIA L. CHURBUCK, 3709
VINCENT T. CLARK, 5708
TODD J. CLOUTIER, 2361
WILLIAM F. CODY, 0387
MARK D. COFFMAN, 5581
JEFFREY S. COLE, 7739
KENNETH M. COLEMAN, 3694
MARK J. COLOMBO, 4627
STEPHEN J. COMSTOCK, 4895
JERRY D. CORNETT, JR., 2806
SHANNON E. COULTER, 0340
CARL E. CRABTREE III, 2125
JEFFREY R. CRONIN, 2685
JAMES E. CROSLEY, 2164
GORDON A. CROSS, 6945
JOSHUA A. CROWDER, 1191
JOSEPH R. DARLAK, 2939
KEITH B. DAVIDS, 3314
RICHARD J. DAVIS, 4938
RICHARD W. DAVIS, 1409
STERLING W. DAWLEY, 6866
MICHAEL R. DERESPINIS, 3767
BRIAN K. DEVANY, 0326
JEFFREY S. DODGE, 4700
CRAIG M. DORRANS, 7525
TIMOTHY A. DOWNING, 1861
RICHARD J. DROMERHAUSER, 8271
CURTIS R. DUNN, 2189
DAVID L. DUNN, 2111
CHRISTOPHER M. ENGDAHL, 0360
LANCE C. ESSWEIN, 8231
DILLARD H. FAMBRO, 0299
ANDREW U. G. FATA, 0194
EDUARDO R. FERNANDEZ, 9498
RICHARD L. FIELDS, JR., 1357
SEAN R. FINDLAY, 8115
KENNETH O. FISHER, 0339
MICHAEL A. FISHER, 8273
DOUGLAS J. FITZGERALD, 7993
SEAN M. FITZPATRICK, 2157
WILLIAM J. FLAGGE, 3163
JOHN M. FLYNN III, 9162
JOHN D. FREEMAN, 6446
DEREK K. FRY, 3286
RAUL O. GANDARA, 7425
JAMES R. GARNER, 3339
STEVEN A. GLOVER, 7275
EMIL A. GOCONG, 7312
GREGORY W. GOMBERT, 5016
DALE F. GREEN, 3786
ROBERT L. GREESON, 4861
GREGORY L. GRIFFITT, 5359
BRUCE W. GRISSOM, 9402
BRIAN A. GROFF, 0182
WILLIAM R. GROTEWOLD, 1183
WILLIAM J. GUARINI, JR., 2661
RICHARD S. HAGER, 1284
MARK D. HAMILTON, 8911
SAM R. HANCOCK, JR., 0450
MARTIN H. HARDY, 7010
DAVID J. HARRIS, 3549
KEITH G. HARRIS, 0556
STEVEN M. HARRISON, 5136
JAMES D. HARVEY, 4599
CHRISTOPHER H. HEANEY, 6753
DOUGLAS H. HEDRICK, 2737
RICHARD B. HENCKE, 8237
GEOFFREY G. HERB, 1507

RICHARD C. HESS, 4202
RAYMOND J. HESSER, 4677
CHRIS A. HIGGINBOTHAM, 5475
KYLE P. HIGGINS, 4006
CHARLES A. HILL, 8111
TERENCE A. HOEFT, 5663
PATRICK J. HOGAN, 4226
THOMAS P. HOLLINGSHEAD, 9911
MICHAEL P. HUCK, 9551
CHARLES K. HUENEFELD, 7528
JEFFREY D. HUTCHINSON, 4634
JOE W. HYDE, 0872
STACY K. IRWIN, 7826
BURCHARD C. JACKSON, 6417
KRISTIN E. JACOBSEN, 8906
GLENN R. JAMISON, 7288
JEFFREY T. JATCZAK, 3163
MICHAEL L. JENSEN, 6822
ANDREW D. JOHNSON, 3036
CHARLES A. JOHNSON, 2987
SCOTT E. JOHNSON, 1107
CRAIG A. JONES, 0558
STANLEY C. JONES, 4642
TIMOTHY E. KALLEY, 2604
MICHAEL I. KATAHARA, 2278
BRIAN G. KELLY, 9130
DAVID D. KINDLEY, 1235
BRIAN R. KLEVEN, 4225
GARY M. KLUTTZ, 7386
SCOTT L. KNAPP, 4585
TIMOTHY J. KOTT, 6856
ANDREW I. KRASNY, 7964
JOHN G. KURTZ, 4424
PATRICK A. LACORE, 6904
JAMES M. LATSKO, 2080
KEVIN D. LAYE, 2206
LAWRENCE F. LEGREE, 1897
TRENTON S. LENNARD, 1609
ANTHONY J. LESPERANCE, 8162
JONATHAN A. LEWIS, 2139
OLIVER T. LEWIS, 7331
ADRIAN R. LOZANO, 2513
TIMOTHY C. LUND, 8379
ROBERT J. LYNCH, 9880
ROBERT W. LYONNAIS, 0146
WILLIAM C. MACKIN, 9841
WILLIAM R. MAHONEY, 7898
CARLIUS A. MAPP, 9852
JAMES A. MARVIN, 0044
SEAN C. MAYBEE, 7328
WESLEY R. MCCALL, 2103
THOMAS F. MCCANN, JR., 1263
MICHAEL J. MCCLINTOCK, 7743
PAUL D. MCCLURE, 2136
ANTOINETTE MCCRACKEN, 8198
ROBERT G. S. MCDONALD, 4226
DOUGLAS A. MCGOFF, 4786
KEVIN MCGOWAN, 7918
BRENDAN R. MCLANE, 1029
MARK W. MCMANUS, 5709
RICHARD J. MEADOWS, 0024
JOHN V. MENONI, 1487
DAVID J. MERON, 1389
SCOTT A. MERRITT, 2129
CARL W. MEUSER, 3866
KYLE T. MICHAEL, 7234
JAMES R. MIDKIFF, 9800
BRYAN L. MILLS, 0026
GERALD N. MIRANDA, JR., 0619
TODD J. MITCHELL, 5206
JOHN C. MOHN, JR., 5298
GEOFFREY C. MONES, 4667
TROY E. MONG, 1697
JEROME T. MORICK, 8252
ROBERT B. MOSS, 9358
MICHAEL E. MULLINS, 9466
EDWARD D. MURDOCK, 7640
SCOTT W. MURDOCK, 6868
GERALD D. MURPHY, 6648
STEPHEN F. MURPHY, 0704
TIMOTHY F. MURPHY, JR., 1493
MARK T. MURRAY, 3363
JAMES R. NASH, 1766
FRANK W. NAYLOR III, 4387
CHRISTIAN A. NELSON, 4359
VERNON E. NEUENSCHWANDER, 3460
RICHARD P. NEWTON, 9332
KENNETH A. NIEDERBERGER, 2552
DONALD A. NISBETT, JR., 3106
SIDNEY S. NOE, 1493
CRAIG A. NORHEIM, 1773
MICHAEL J. ODOCHARTY, 6562
ANTHONY L. OHL, 6742
JEFFREY C. OHMAN, 2450
JACK P. OLIVE, 3166
ALBERT G. ONLEY, JR., 2432
ROBERT R. OSTERHOUDT, 5263
STEVEN D. OSTOIN, 8909
MATTHEW D. OVIOS, 9851
ENRIQUE N. PANLILIO, 9002
MICHAEL B. PARKER, 8983
PHILIP A. PASCOE, 4381
GARY J. PATENAUDE, 2008
ROBERT E. PAULEY, 4879
KEITH L. PAYNE, 8138
STEVEN PETROFF, 9153
DANIEL M. PFEIFF, 9541
WILLIAM B. PHILLIPS, 2561
JOSEPH N. POLANIN, 6730
CHRISTOPHER X. POLK, 6945
JOHN A. PUCCIARELLI, 9463
FRED I. PYLE, 1668
ROBERT J. QUINN III, 4211
RICHARD A. RADICE, 4829
FERDINAND A. REID, 3247
BARON V. REINHOLD, 2150
JOHN W. REXRODE, 9550
TIMOTHY A. REXRODE, 2655
ROBERT T. REZENDES, 7479
GARY J. RICHARD, 1561
MICHAEL B. RILEY, 4763
MARY J. RIMMEL, 4192
KEVIN M. ROBINSON, 4349
JAMES D. ROCHA, 4152
JON P. RODGERS, 3615
ROLAND C. ROEDER, 5756
THOMAS M. ROWLEY, 7766
PAUL RUCHLIN, 5963
MARK B. RUDESILL, 6820
MICHAEL S. RUTH, 9589
STEVEN M. RUTHERFORD, 7374
LOUIS F. RUTLEDGE, 1110
CHRISTOPHER L. SAAT, 9373
BENJAMIN C. SALAZAR, 1814
MALACHY D. SANDIE, 2909
GREGORY M. SANDWAY, 1946
MICHAEL D. SCHAEFFER, 3659
RICHARD J. SCHGALLIS, 7713
TRAVIS C. SCHWEIZER, 6746
SHANNON E. SEAY, 2051
VINCENT W. SEGARS, 0910
CHARLES L. SELLERS, 9530
GREGORY M. SHEAHAN, 6827
DENNIS P. SHELTON, 9457
SCOTT C. SHERMAN, 6704
KEVIN R. SIDENSTRICKER, 6456
FRANCISCO H. SILEBI, 2645
ANTHONY L. SIMMONS, 5078
JAMES F. SKARBEK III, 8135
COURTNEY B. SMITH, 9212
JOHN J. SNIEGOWSKI, 5572
SCOTT R. SNOW, 1216
MICHAEL J. SOWA, 4090
TIMOTHY S. STEADMAN, 1681
LEIF E. STEINBAUGH, 9116
ROBERT T. STENGEL, 2031
ROBERT E. STEPHENSON, 6219
DIANE K. STEWART, 7757
CHRISTOPHER STEYN, 5010
ARTHUR R. STIFFEL IV, 1763
BRYAN C. STILL, 9235
RONALD J. STINSON, 9897
MARK S. SUMILE, 7163
RAY A. SWANSON, 6235
THOMAS W. TEDESSO, 7712
STEPHEN R. TEDFORD, 0777
JACK S. THOMAS, 4854
DOUGLAS R. THOMPSON, 1103
MARVIN E. THOMPSON, 2760
JAMES T. TOBIN, 9197
RAYMOND M. TORTORELLI, 7628
QUOC B. TRAN, 0268
BRIAN A. TREAT, 6092
STEPHEN J. TRIPP, 0986
XAVIER F. VALVERDE, 1775
DARRELL G. VANCE, 3710
RICHARD A. VANDEROSTYNE, 5213
MATTHEW R. VANDERSLUIS, 5921
SCOTT P. VANFLEET, 7002
JOHN W. VERNIEST, 9797
CLARO W. VILLAREAL, 1213
DARRYL L. WALKER, 3457
HOWARD WANAMAKER, 3434
CARDEN F. WARNER, 4631
DANIEL W. WAY, 6918
MARK W. WEISGERBER, 0172
DAMON L. WENGER, 9406
PAUL G. WERRING, JR., 6060
ANDREW N. WESTERKOM, 4273
JOHN J. WHITE, 4345
THOMAS R. WHITE, 6756
PAUL A. WHITESCARVER, 9801
GEORGE M. WIKOFF, 4427
RICHARD A. WILEY, 4679
CHRISTOPHER T. J. WILSON, 3321
DEAN M. WOODARD, 7129
ANTHONY W. WRIGHT, 3944
DELBERT G. YORDY, 0973
GREGORY J. ZACHARSKI, 3133
CHRISTOPHER J. ZAYATZ, 9367
JOHN J. ZERR II, 5541

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, June 14, 2005:

THE JUDICIARY

THOMAS B. GRIFFITH, OF UTAH, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT.

HOUSE OF REPRESENTATIVES—*Tuesday, June 14, 2005*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. WESTMORELAND).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 14, 2005.

I hereby appoint the Honorable LYNN A. WESTMORELAND to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

RICE AS AN ALTERNATIVE ENERGY SOURCE

Mr. POE. Mr. Speaker, I rise this morning to highlight the prospect of using rice as an alternative energy source in the production of ethanol.

We all understand the importance of securing affordable and reliable means of energy for future generations. On the heels of the comprehensive energy bill that this body passed in April, which encourages ethanol production, I submit that rice and rice farmers specifically could contribute to this endeavor.

Rice producers like those in my southeast Texas district face great difficulties in finding markets for their goods. Just a few years ago, there were over 600,000 acres in Texas that was farmed for rice, about the size of Rhode Island. Now, less than 200,000 acres are rice farmlands.

One untapped potential market is ethanol. While many folks think about ethanol developed from corn, not much attention has been directed to ethanol developed from rice. The process of cellulosic conversion can derive ethanol from various sources including rice. It is essential that the Department of Agriculture continue their work with the universities in Texas to fund research into this type of conversion to ethanol.

I understand the problems facing rice farmers in Texas. It is critical to support scientific research that develops new markets for our farmers. Cellulosic conversion holds the promise of deriving ethanol from rice along with other biomass materials.

Mr. Speaker, the President's budget was tough on farm programs and it is important that we support agricultural research that benefits American farmers and helps supply Americans with more energy.

AMERICA'S MILITARY PROBLEMS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Missouri (Mr. SKELTON) is recognized during morning hour debates for 5 minutes.

Mr. SKELTON. Mr. Speaker, I rise today to speak again about the dire situation in Iraq. A series of articles over the last week has drawn attention to two related issues, the slow training and improvement in quality of the Iraqi security forces, and the problems in recruitment in the American military, particularly in our Army that risk breaking our force.

I fear, though, that without greater attention to these two problems, we are endangering not only our efforts in Iraq, but also our future military force.

Mr. Speaker, Lieutenant General Dave Petraeus has had the mission of training the Iraqi security forces and turning them into the professional fighting force since last spring. He is a fine officer and a great leader.

But, this is a mammoth task. And over a year, they have only produced three battalions, around 5,000 soldiers capable of conducting fully independent operations. This is disheartening. And then when we read stories like the ones in last week's Washington Post, of embedded American trainers describing the Iraqi trainers as preschoolers with guns, it is easy to think that American forces would have to stay in Iraq a long time to get those forces to the point where they can handle their security on their own.

We have to speed up the process. Our NATO partners have promised to lend their efforts to training Iraqi security forces. They must get more engaged and soon. We have embedded trainers and transition teams with the Iraqis. We must commit even more trainees to the effort.

If that means moving more Air Force and Navy personnel to Army billets to free them up for this mission, we need to do this. We need to accomplish this mission as quickly as possible because time is not on our side.

Mr. Speaker, we are in a race against time. We are either going to lose the American people's support for this effort or break the Army. This month the Army's recruiting numbers are far below its goal, and it is an unmistakable trend. Although retention is holding, the toll is shaking the very foundation of American structure. Army marriages, broken under the strain of an unsustainable operations tempo are failing at an ever increasing rate. This is a sure sign of more troubles ahead.

To meet a critical need in the short term, the Army has reduced quality standards on its accessions. It is retaining problematic recruits and has relaxed commissioning qualifications for its officers. Anybody with a sense of history can understand the inherent risk in these policies, and they strike me as unwise.

Additionally, Mr. Speaker, I understand that the Army will soon approach Congress for authority to offer enlistment bonuses of up to $40,000. That is a huge sum. And while I support it, I am doubtful it will have the effect the Army is looking for.

I wonder how long we can continue throwing money at this recruiting problem. I have always been a proud supporter of our troops. I have advocated pay raises for our service members and benefit increases for their families. I have done this for years. No one has been more consistent than I in calling for increased end strength, which I think would have alleviated many of these problems had they been enacted in a timely manner.

I cannot fault the Army for using everything in its power to attack the manpower challenge, but it is not the Army's problem it is the Nation's problem. Yesterday I sent a letter to the Secretary of Defense laying out the problem, which I would like to place in the RECORD at this time.

In this letter I urged the Secretary to develop a comprehensive vision of how the Department of Defense will approach the Army's crisis, and let him know that I would put out a call of my own to the youth of this Nation. We must not break the American support

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for our military. We must renew it by inspiring young people across our Nation to serve.

We cannot inspire that service by appealing to action in Iraq alone: it is defending our Nation from future threats and keeping our military the strongest in the world that may inspire their best. Along with the enlistment bonuses, they need a national call to service from our leaders that inspires them to keep our Nation and our military strong beyond Iraq. That will see us through the current fight and help us deter any future threat.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 13, 2005.

Hon. DONALD L. RUMSFELD,
Secretary of Defense,
The Pentagon, Washington, DC.

DEAR MR. SECRETARY: It is clear to me the most important key to our success in Iraq is the development of the Iraqi security forces, and the infrastructure that supports and sustains them. I know you share that assessment. However, I recently sat through a briefing by the Joint Staff on the subject, and while we are making progress, it is painfully slow indeed. We have no choice but to accelerate the training of Iraqi forces so that we can hand the mission off to them as soon as possible. It is a race against time: either the American people will sour on this war and demand our withdrawal prematurely, or the American Army will break.

Iraq now represents a crisis that didn't exist when we began the war two years ago. Even as public support for the war ebbs lower and lower, the United States Army is on the brink of collapsing. Indeed, it may be that serious damage has been done to it already. In any case, it will not recover fully for years, and that is a national security threat we can ill afford.

This month, the Army's recruiting numbers are far below its goal, and this is an unmistakable trend. Although retention is holding, the toll is shaking the very foundation of American social structure. Army marriages, broken under the strain of an unsustainable operations tempo, are failing at an ever increasing rate. That is a sure sign of more troubles ahead.

To meet a critical need in !the short term, the Army has reduced quality standards on its accessions. It is retaining problematic recruits and relaxed commissioning qualifications for its officers. Anybody with a sense of history can understand the inherent risk in these policies, and they strike me as unwise. Additionally, I understand that the Army will soon approach Congress for authority to offer enlistment bonuses of up to $40,000. That is a huge sum, and while I support it, I am doubtful it will have the effect the Army is looking for.

I wonder how long we can continue throwing money at this recruiting problem. It is not the expense, because we can pay the cost if we align our national priorities properly. Instead, it is about precedents and principles. This insurgency is essentially a war of ideologies and therefore one must ask: What message do we send to our enemy when they can recruit suicide bombers as fast as they need them but we cannot entice our young men and women to serve without large sums of cash up front?

Mr. Secretary, as you know, I have always been a proud supporter of our troops; I have advocated pay raises for our service members and benefit increases their families for years. No one has been more consistent than I in calling for increased endstrength, which I think would have alleviated a many of these problems, had they been enacted in a timely manner. I cannot fault the Army for using everything in its power to attack this manpower challenge, but this is not the Army's problem. It is the nation's problem.

I do not believe the youth of America is unwilling or incapable of serving their country for reasons other than a large bonus, but I think their country is not making a clear and compelling argument about why they should. Therefore, Mr. Secretary, I urge you to develop a comprehensive vision of how the Department of Defense will approach the Army's crisis.

In the absence of a unifying national message urging young Americans to consider military service, I will develop my own, and I will not miss an opportunity to deliver it. Frankly, it is becoming easier for me to articulate why it is important that we not lose in Iraq than it is to describe why we must win. It is not just about the dangers of losing a nation with the potential for representative self-government after so many years of tyranny, or about allowing a viper's nest of terrorism to flourish in the heart of the Middle East. Those reasons are powerful geopolitical considerations, but there are other compelling reasons for America as well.

Essentially, my message to these young people will be this: the issue is no longer just about what is good for the war in Iraq—this is about what is good for the long term health and security of our nation. While our nation's policies in Iraq have been poorly formulated at the strategic level by our civilian leadership—Congress included—the policy guidance has been superbly executed at lower levels by our military. Right now, the strength of our national effort is in the high quality of our military forces. We need high quality people to continue to step up to serve. If they will not, the military we built out of the ashes following the Vietnam war into the finest force in history will atrophy to the point where it will be unready to fight the next time it is called upon—whether that is responding to a terrorist attack, deterring a conflict on the Korean Peninsula or across the Taiwan Strait, or somewhere else we can't yet foresee. I sincerely hope that the Department of Defense will do everything it can to raise this issue to the forefront of the national consciousness.

Mr. Secretary, before the war in Iraq began I sent the President two letters outlining my concerns about how the war was going to be conducted and how the aftermath would be handled. Sadly, many of my concerns regarding the aftermath have been realized. I was right then, and I am right now. The training of the Iraqi security forces must take on even greater urgency, and we must act to avoid the concerns I have described in this letter.

Sincerely,

IKE SKELTON,
Ranking Democrat.

AFGHANISTAN, THE NEW FORGOTTEN WAR

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized during morning hour debates for 5 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I want to commend the gentleman from Missouri (Mr. SKELTON) for his leadership on the Armed Services Committee on the Democratic side, and his poignant remarks here this morning.

Not only are we dealing with the situation, Mr. Speaker, in Iraq, we are also dealing with a major forgotten situation in Afghanistan. And as we began the war in Iraq, many, many, many months ago, we began to shift our focus from Afghanistan to Iraq.

And we must remember that it was the Taliban who was harboring Osama bin Laden. And it was Osama bin Laden who funded and coordinated the attacks on September 11 on the World Trade Towers in New York, on the Pentagon in Washington, D.C.

So it is important for us to remember where this all started. And now, today, several years later, we have 19,000 troops in Afghanistan, and 140,000 troops in Iraq. We have forgotten and taken our eye off the ball. And one of the major concerns I have, Mr. Speaker, with the situation in Afghanistan is the issue of opium, the poppy cultivation in Afghanistan.

Two-and-a-half billion dollars, one-half of the GDP of Afghanistan is poppy, 70 percent of that sold in Europe as opium, funding through the black market, the terrorist cells not only in this country but all across the world. And it is very difficult for us to trace that underground economy. And I believe it was 5 or 6 months ago when the Chairman of the Joint Chiefs was before our Armed Services Committee. I asked him, what are we going to do about the drug production and the farming going on in Afghanistan, and about this year's crop, and what are we going to do?

And General Myers said, "Well, we have a little problem this year. The harvest came in early. The harvest came in early. So we missed it."

Now, can you imagine, and it is the same as Mr. Skelton has been saying, and many others in this chamber have been saying, we do not have enough troops in Afghanistan, and we did not have enough troops to get the job done in Iraq. That goes all of the way back to what was the planning, what was the end game, what was the exit strategy for both of these wars?

It is like our foreign policy has attention deficit disorder. We start a war in Afghanistan, it is not finished. We have not eradicated the poppy cultivation, $2 and a half billion. And then all of a sudden, before the job is finished we go off and we start something else. And now we are in Iraq with no end in sight. And that goes back to basic planning, basic military philosophy. You need an exit strategy. You need a game plan. And we have not been able to do it in Iraq, and we have not been able to do it in Afghanistan.

Just some statistics on what is going on in Afghanistan, 3 years after the fall of the Taliban, Afghanistan remains the world's sixth least developed country, 173rd out of 179 ranked by the United Nations. Miserable health and education systems, based on UN calculations, three-quarters of adult Afghanis are illiterate. Fewer than one in five girls go to school in many of the provinces in Afghanistan, and half of the Afghanis are poor. The average life expectancy for an Afghani is 45 and a half years, 20 years less than any neighboring country.

One Afghani woman dies in pregnancy every 30 minutes. We have been there for 3 years and we cannot set up basic health facilities so women could deliver a baby in safety? And it is because we have diverted our attention.

Four were injured yesterday in a car bombing, 20 were killed on June 1. Human Rights Watch is calling for NATO to send in more security forces to Afghanistan, following a marked deterioration of the security situation throughout May.

In the past month, Afghanistan has seen a series of political killings, violent protests, attacks on humanitarian workers, and bombings targeting foreign civilians and troops. Let us get it right. Let us focus on Afghanistan and make sure that the underground black market drug economy does not continue to fund terrorism.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 14 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATHAM) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O God of spacious skies and patriots' dreams, today is a day of national patriotism as we honor the Flag of these United States of America.

Flags flown over this Capitol are a gift treasured by those who receive them. But You, Lord God, gift all Americans when they are moved to love this country and all its citizens by simply taking a few moments to make a solemn pledge.

We bless You and thank You for our women and men in the military who hoist this Flag over ships at sea and over makeshift camps on foreign soil; for senior citizen veterans who salute waving stars and stripes in a passing parade and for children in classrooms who hold their hearts and their hands before it.

May we join Americans across this country, around the world and from generations past and generations to come, as together we hope and pray to be people who will bring Your peace, liberty, and justice to a hungry world, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Minnesota (Mr. KLINE) come forward and lead the House in the Pledge of Allegiance.

Mr. KLINE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADMINISTRATION SIDING WITH TOBACCO LOBBY

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, I applaud the Justice Department's decision to launch an investigation into whether or not the political pressure played a role in their decision to only seek a fraction of the possible penalty against the tobacco industry.

The U.S. Government won its case against Big Tobacco; but rather than seeking the maximum penalty of $130 billion, the government suddenly decided to ask for only $10 billion. Funny enough, that was equal to the amount of the taxpayer bail-out of the industry last year approved by this Congress.

The stunning reversal shocked everyone, including Philip Morris' lawyer, who said the company was very surprised.

Nobody seems to know how the decision was made. Some are saying that it had something to do with the $40 million tobacco companies have given to the Republican Party since 1990. Or that it could have something to do with the $170,000 they gave to President Bush last year. But that would be cynical. After all, what does $40 million really get you nowadays?

Mr. Speaker, Americans want their justice unfiltered. Maybe we will even be able to get to the bottom of this Keystone Kops situation.

UNITED NATIONS REFORM

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, Thursday on the floor the House will take up the United Nations Reform Act of 2005. This is a comprehensive, indeed almost exhaustive, reform package aimed at the longstanding inefficiencies, inadequacies, and abuses at the U.N.

For all the frustration many Americans feel about the United Nations, the U.N., for all its faults, it remains the most established and immediately available forum for resolving international disputes and developing international consensus on a wide range of issues.

That said, most of the stated aims of the U.N.'s bureaucracy, to say nothing of the lofty ideal of its charter, have been undermined and in many cases brazenly contradicted by decades of waste, fraud, and abuse.

In the wake of the massive Oil-for-Food scandal still ripping through the U.N.'s headquarters, the American people, who currently provide 22 percent of the U.N.'s budget, can no longer trust that their dues payments are being responsibly spent.

The U.N., for all its strengths, should not be blindly trusted.

The clarity and transparency that defines democratic governments and institutions is nowhere to be seen in the U.N.'s financial management, or for that matter its human rights commission, its peculiar dislike for the State of Israel, its docile attitude towards the oppressive regimes, its handwringing and indecisiveness in times of crisis, and its anti-American policymaking apparatus.

The reform bill we will take up this week, the product of intense work by International Relations Chairman Henry Hyde will start to address these and other institutional shortcomings at the United Nations.

It would, most importantly, call for weighted voting on budgetary matters, so that in the future the United States has more say in the U.N.'s budget than the representatives of Syria.

It would make the funding of certain inefficient programs voluntary, so that contributing nations will get more verifiable value for their contributions.

It would also finally cut back on the U.N.'s lavish international conference budget, which, hard as it is to believe, comprises the single largest section of the U.N.'s budget.

In addition, the Hyde bill will put in place human rights requirements that nations must meet before they may have a say in the U.N.'s human rights organizations.

On and on the list of reforms goes, all of which will be enforced by the promise in the Hyde bill that the U.N.'s failure to reform will trigger a withholding of 50 percent of the United States dues.

These necessary reforms and the necessary stick behind them are long overdue, Mr. Speaker, and may finally help create the United Nations the world has needed all along.

THE UNITED STATES SHOULD WITHDRAW FROM IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, this report today from National Public Radio: a poll released Monday by the Gallup organizations shows that six in 10 Americans think the U.S. should withdraw some or all troops from Iraq. Support for withdrawal from Iraq is building across the country. And it is building in the Congress. This week, a bipartisan coalition of Members will come forward with a new plan for withdrawal from Iraq. The American people want us to withdraw from Iraq.

It is time for us to come together, whether we supported the war or not, Democratic and Republicans alike, to acknowledge it is time for a new direction in Iraq, and that direction is out. The time has come to begin withdrawal from Iraq. That is what the American people want.

SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today I rise to give my strong support to 2423, the Sex Offender Registration and Notification Act, introduced by my good friend, the gentleman from Florida (Mr. FOLEY).

This bill will help protect our children by requiring sex offenders to register in person twice a year and calling on States to maintain searchable sex offender databases.

While the gentleman from Florida's (Mr. FOLEY) bill will provide a deterrent to the monsters who prey on our children, I hope we can pass provisions similar to those that the Nevada State legislature recently passed. The Nevada bill adds an extra level of protection by requiring sex offenders to renew their driver's licenses every year, a step made necessary by the fact that so many of these predators failed to register at all.

I want to close by expressing my sincere thanks to Donna Coleman, president of the Children's Advocacy Alliance. Ms. Coleman and her organization have been outspoken advocates of the most innocent among us, those who cannot speak out for themselves, the children. Their motto is, "Putting the health and safety of children first"; and they have done that by tirelessly working in Nevada to ensure that laws are passed to support and defend their children.

Mr. Speaker, I applaud the gentleman from Florida (Mr. FOLEY), Ms. Coleman and the Children's Advocacy Alliance and look forward to working with them to protect our children.

UNITED NATIONS REFORM

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, scandals at the United Nations have been going on for far too long and are far too many. Oil-For-Food scandal, UNICEF scandal, peacekeeping operation scandal, the list goes on and on with no end in sight. The days of giving the U.N. a blank check must come to an end.

Accountability and ethics must return to the United Nations. Somewhere in the mess of Saddam Hussein collecting kickbacks, workers collecting pay checks for work they never did and poor management of funds, it was forgotten that the goal of the U.N. was to provide assistance to those who need it most.

The case for reform could not be more clear. When an organization lacks the fundamental institutional control that is needed to operate in a fair and unbiased manner, changes must be made.

The time to streamline and prioritize programs and hold those in charge at the U.N. accountable has come. The focus of the United Nations has shifted from its intended purpose of protecting people and ensuring humanitarian aid to scandals that make the headlines in the tabloids and embarrass the world.

Mr. Speaker, it is time we ensure that the future of the United Nations is not a story of scandal, but a story of success.

AMERICA'S ECONOMY CONTINUES TO SURGE FORWARD

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I see encouraging news each week proving that President Bush's tax cuts and his economic policies are clearly paying off for the American people and the American economy.

In May, over 78,000 Americans found new jobs and over 3.5 million jobs have been created in the last 2 years. The job growth amounts to more jobs created in America than new jobs in France, Germany, England, Canada, and Japan combined. Although we have seen steady job gains for each of the last 24 months, I know President Bush will not be satisfied until every American who wants to work can find a job.

Additionally, the gross domestic product has been revised upward for the first quarter from 3.1 to 3.5 percent.

With more Americans working more than ever, our flourishing economy is also shrinking the national deficit. Last week, the Treasury Department announced the May deficit has decreased by $27 billion, which is the smallest deficit for the month of May since 2001. President Bush and the Republican Members of Congress are committed to cutting the deficit in half in 5 years.

In conclusion, God bless our troops and we will never forget September 11.

DEARHAVEN THERAPEUTIC RIDING CENTER

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today to honor the grand opening of the DearHaven Therapeutic Riding Center located in Glade Valley, North Carolina, and to pay my respects to a woman whose dream of helping the disabled has finally come to fruition.

Susan Billings had a dream. She wanted to help people with disabilities find meaning in life by riding horses. This unique form of therapy improves flexibility, balance and muscle strength while increasing confidence in the disabled. In order to build DearHaven, Susan and her husband sold their home and devoted nearly all their time and resources to building the center. They assembled a board of directors and found their first clients.

Sadly, however, Susan never saw the final outcome of her dream. She passed away in a tragic automobile accident last November. She left behind a loving husband, two parents, four children, two stepchildren, and her dream for the DearHaven Therapeutic Riding Center.

Even though Susan passed away, her loved ones refused to let her dream die. The tragedy caused the community to unite in a way almost unimaginable. Following Susan's funeral, hours of free labor, monetary donations, and supplies came from every direction. The center was projected to cost $118,000, but due to the generosity of the community, ended up costing closer to $20,000.

One of the great tragedies in our society occurs when a person who has lived a long life lies on their deathbed and wonders if their life had meaning. Susan Billings did not have to wonder this. She may have not lived what many consider to be a long life. But she touched many people in a way that will never be forgotten. May God bless Susan Billings, her family and friends, and the DearHaven Therapeutic Riding Centers.

☐ 1015

MEANINGFUL, COMPREHENSIVE IMMIGRATION REFORM

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker I rise today to encourage this body the take up meaningful, comprehensive immigration reform. As conservatives, we believe in the rule of law. We believe that we ought to enforce the law, but before we can enforce the law, we need a law that we can enforce. That is what meaningful, comprehensive reform is all about.

We cannot simply focus on the border alone. We have to deal with the 10- to 15 million illegals who are here at present and have a program for them to go into. We have to have a law we can enforce, and as we do, it will make the border situation better.

When we create a legal framework for individuals to come and work and return home, we will have a much better chance of actually securing the border, which we desperately need.

HONORING THE LIFE OF JOEY RAGLAND

(Mr. NEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEY. Mr. Speaker, I rise today to honor the life of Joey Ragland, a true public servant.

For years Joey was an outstanding citizen and member of the Liberty, Ohio, community. He loved the people of his community, and they, in turn, entrusted him with the position of township trustee. He quickly earned the respect of his peers and flourished in such a position of high trust.

In February, Joey was diagnosed with advanced lung cancer. Though his struggle with cancer was extremely difficult and accompanied by unbearable pain, Joey never once complained. Just as he had done in his role as township trustee, he continued to put others' needs before his own, until his death last month.

On June 30, Joey was to be married to his adoring fiancee, Margaret Brown. We extend our greatest sympathies to Margaret and to Joey's entire family as they mourn this incredible loss.

While words may do little to comfort them, I hope they will remember Joey for what he was: a model citizen, a strong leader, and a kind and decent man. His commitment to the people and community of Liberty will not be soon forgotten.

May God rest his soul.

REFORM THE U.N.

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the American people provide 22 percent of the U.N.'s budget, but the American people cannot impact what happens at the U.N.

For instance, the American people have no ability to force accountability in the billions stolen from the Oil-for-Food program. The American people have no way of objecting to the appointing of countries like Syria, Libya, North Korea and Cuba to the Human Rights Commission. The American people have no way of pressuring Kofi Annan to resign or force prosecutions of peacekeepers who raped the very people they were ordered to protect.

Today, the U.N. operates with little or no oversight from its member states. We have an opportunity to change that with H.R. 2745, which gives the American people the leveraging tool. By conditioning 50 percent of our U.N. dues to a series of reforms, the legislation would finally give the American people a voice on things like religious freedom, political oppression and abuses of power that have plagued the U.N. since its earliest days.

I urge support.

HEALTH CARE

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, within the past few weeks the Canadian Supreme Court has issued an opinion that it is unconstitutional for the State of Quebec to outlaw the private practice of medicine and private health care in the State of Quebec. This is an interesting development because we are frequently told that our neighbor to the north has solved their health care problems, while the United States languishes behind.

In an editorial yesterday in the Wall Street Journal, they point out that the Canadian Supreme Court found that access to a waiting list is not the same as access to care, and, in fact, for surgery across the board, no matter what type of surgery, the waiting time is over 18 weeks in Canada, and it would be longer if the United States were not just to the south of Canada. Henry Ford Hospital in Detroit probably takes a lot of the problems of the waiting lists in Toronto. Surely, those clamoring for a single payer system in this country must now rethink their position.

The Wall Street Journal points out that there are two ways to allocate goods and services. One is by price and a market-driven economy, and one is by placing people in waiting lines as in a government-run system.

Mr. Speaker, a doctor I knew from Cuba several years ago told me, sure, we have equality in our medical system in Cuba; unfortunately, that equality is absolutely at the bottom. We do not need to duplicate that here in the United States.

FREE LOVE FIELD

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I love freedom, and I think Americans should have the freedom to fly whenever they want to, wherever they want to and on whatever airline they want to.

Right now that is against the law in Dallas because of the Wright amendment. This outdated law restricts flights out of Dallas Love Field to just those States near Texas.

It is not the Federal Government's job to dictate to passengers how, when and where they can fly. That is why the gentleman from Texas (Mr. HENSARLING) and I introduced the Right to Fly Act.

George Will noted Ronald Reagan's take on government saying, "Washington's approach to intervening in industries is if it moves, tax it; if it keeps moving, regulate it; if it stops moving, subsidize it."

Will continues, "Regarding airlines, the policy is if they are failing, keep them flying; if they are prospering, burden them."

Well, the Wright amendment has outlived its usefulness, and it is time to repeal it. I urge my colleagues to free Love Field and to cosponsor the Right to Fly.

THE U.N. MUST BE SAVED FROM ITSELF

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, systematic mismanagement and corruption within the United Nations organization has been part of the bureaucratic culture as never before. The United Nations is accountable neither to taxpayers nor to voters.

As a safeguard, the Henry Hyde United Nations Reform Act of 2005 targets crucial areas of the United Nations organization to ensure that U.S. taxpayer funds hauled off to Turtle Bay is spent in a deliberative, efficient, transparent and accountable manner.

Additionally, the bill before us this week empowers the administration to fix the United Nations by making it very clear that U.S. funding to that body will be drastically cut unless the United Nations takes the appropriate action to save itself.

The discrimination against Israel is one of the many problems in the United Nations. The viciousness with which Israel continues to be attacked at the U.N., and the reluctance of many member states to defend Israel or to accord it the same treatment as other member states, suggests that there is considerable anti-Semitic components behind the policies pursued in the U.N. forums.

I believe that in the Henry Hyde United Nations Reform Act this week we will make sure that everyone will be on record to say that it is unacceptable that Israel, the only true democracy in the Middle East, should remain ostracized by the community of nations, and I urge my colleagues to pass the Henry Hyde U.N. Reform Act this week.

PROVIDING FOR CONSIDERATION OF H.R. 2862, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 314 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 314

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except for section 607. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LATHAM). The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 314 is an open rule providing for the consideration of H.R. 2862, the Science, State, Justice, Commerce and Related Agencies Appropriations Act for 2006.

The rule allows for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. It waives all points of order against consideration of the bill.

The rule provides that under the rules of the House, the bill shall be read for amendment by paragraph. It waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI, prohibiting unauthorized appropriations or legislative provisions in an appropriations bill.

Except as specified in the resolution, the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, it provides one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 2862 funds our Nation's priorities without swelling our Federal budget. It is a bill of fiscal restraint, yet one that increases funding to some of our most important weapons in the fight on terror and crime, including the FBI, the DEA, and State and local law enforcement agencies.

As we continue to reassess our security and law enforcement priorities to meet threats abroad and at home, we must provide funding for programs that protect our communities. This bill accomplishes that goal.

Under H.R. 2862, funding for the Department of Justice will increase to almost $57.5 billion, with much of that additional money going to the agencies that are helping us fight the war on terror, the war on drugs and the war against gang violence.

The Federal Bureau of Investigation will see an increase of $542 million above the fiscal year 2005 level. The additional funding will go toward enhanced agent training and the hiring of additional analysts and translators to keep the FBI on the cutting edge of the war on terror. Increased funding means greater information technology, better counterintelligence capabilities and improved efforts to fight white-collar and gang crime.

The United States Marshals will see an increased funding of $41 million over last year, while the DEA, the Drug Enforcement Agency, will have $67 million additional to assist State and local law enforcement officials.

□ 1030

H.R. 2862 also funds important prevention programs for violence against women, gang crime, and juvenile delinquency. All of this adds up to better protection for our communities. This is the kind of fundamental support that Americans rely on Congress to pass. These are true national priorities, not frivolous programs tailored to special interests. This is legislation that deserves our support.

H.R. 2862 also funds our science agencies and provides for a vision of space exploration that has fascinated minds, both young and old, for generations, and provided many breakthrough technologies.

Mr. Speaker, I personally hope we will continue to prioritize science funding to ensure that our Nation remains at the forefront of scientific research and development into the future.

Through State Department funding, we have earmarked $1.5 billion to continue worldwide security improvements and the replacement of vulnerable United States embassies around the world.

Finally, and this is a very important point, H.R. 2862 provides $590 million for the Small Business Administration, and it supports a record level of business loans to help entrepreneurs across our great Nation access capital to start a small business. So much of our U.S. economy, of course, is driven, as we know, by small businesses.

As we begin the debate on this rule and the underlying appropriations bill, let us keep two things in mind: one, we must hold fast to our spending limits. To quote President Bush, "The American people deserve to have their tax dollars spent wisely or not at all."

Second, we must commit wholly and without reserve to funding our Nation's security and law enforcement priorities. Protecting our citizens from harm is the utmost duty of this Congress and our government. This protection stems from Federal agencies that stop gang violence, crack down on drug trafficking, and give counterterrorism and counterintelligence efforts the full support that they deserve.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Georgia for yielding me the customary 30 minutes, and yield myself such time as I may consume.

Mr. Speaker, last night, the Committee on Rules considered H.R. 2862, the Science, State, Justice, Commerce and Related Agencies' appropriations bill for FY 2006. And while I am pleased that the committee reported an open rule, as is customary with appropriations bills, we all know the amendment process for these bills is very restrictive. This makes it easy for the majority to allow an open rule and still maintain tight control over what is debated and deliberated on the floor through the waiver process.

If we want to foster democracy in this body, we should take the time and thoughtfulness to debate all major legislation under an open rule, not just appropriations bills, which are already restricted. An open process should be the norm and not the exception.

That being said, I want to congratulate the chairman of the subcommittee, the gentleman from Virginia (Mr. WOLF), and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), for working together to create a bill that seems to be a fair and responsible piece of legislation.

I have always said that budgets are moral documents. Where and how we decide to spend the taxpayers' money says more about our values as a society than any speech or political rhetoric possibly could. If any of my fellow Americans really want to know who and what each party cares about in this country, look at where the money goes and the truth will be what follows. That is exactly what an appropriations bill such as this does. It gives us a road map to see what is important to our elected leadership.

That is why I want to congratulate my friends across the aisle for having the courage to essentially reject the White House's inadequate budget request for this bill. Clearly, many Republican Members in this body do not share the same values as the President, and I congratulate you for having the courage to demonstrate this rare moment of independence and moderation to the American people. The bill clearly rebuffs the White House's agenda on spending issues, such as funding for the National Science Foundation, which is still inadequate, and the National Institute of Standards and Technology, the Department of Justice, and the Drug Enforcement Agency by providing adequate, if not ideal, funding.

Also, I am pleased that Chairman WOLF and Ranking Member MOLLOHAN saw fit to prohibit the use of funds in this measure to support or justify the use of torture by the United States Government. Unfortunately, this language is both necessary and appropriate.

We also have language included today that will prohibit the White House from blocking the importation of discount prescription drugs through trade agreements. That means this body is acting to ensure that the White House does not try to subvert our authority and take further steps to prevent the American people from having access to life-saving, affordable prescription drugs. I strongly believe that access to affordable medication and health care should be a right in this country and not the fodder of a political power struggle.

Mr. Speaker, just when I saw the rays of hope sprinkled throughout the bill that this typically extreme leadership has finally begun to place the needs of everyday, hardworking Americans before their agenda, I was offered a reality check last night in the Committee on Rules. The moderation I had seen had merely been an illusion.

The gentleman from Wisconsin (Mr. OBEY), ranking member of the Committee on Appropriations, brought to the Committee on Rules a necessary, important, and reasonable amendment to this bill. The amendment would have increased funding by $410 million for local law enforcement agencies and for COPS grants, which is the most successful crime prevention program in our Nation's history; and we have decimated it. It would have put more police on the streets in America's neighborhoods.

Additionally, it would have increased funding for EDA grants by $53 million, which spur the public and private investment in order to create new jobs in our struggling communities.

The cost of his amendment would have been offset through a less than 1.5 percent reduction in tax benefits for only the wealthiest Americans, those with annual incomes in excess of $1 million, and would have meant about a $2,000 decrease in their refund. But the Republican majority opposed it on a party-line vote, choosing the rich over safer neighborhoods.

This issue, I believe, gives us a clear picture of exactly the difference between the Republicans and the Democrats in the House. If anyone had a doubt who was fighting for everyday Americans, they should not any more. If there was a question over which party is the champion for the middle class, the safe neighborhoods, and for job creation, that question has been answered because the majority was willing to sacrifice placing police officers on the streets in our neighborhoods in order to protect a small tax cut for only the richest Americans.

Since 2001, our police have been asked to do more with a billion dollars less in Federal funding so that the millionaires can keep their extra $2,053. Today, we will have another opportunity to stand with the vast majority of everyday Americans and families instead of millionaires, and I will be asking Members on both sides of the aisle to vote "no" on the previous question so we can try once again to allow the Obey amendment to be considered on the floor today.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume to point out that this bill does provide $2.6 billion for assistance to State and local law enforcement for crime-fighting initiatives, and that is actually $1 billion above the President's request, in response to the gentlewoman's remarks about the Obey amendment.

Unfortunately, the Committee on Rules could not waive points of order against the gentleman's amendment. While the intent of his amendment is admirable, the means of his amendment does not comply with the rules of the House. The amendment would seek to offset an increase in funding for States and local law enforcement through a tax increase; and such changes in tax policy, as we know, are under the jurisdiction of the Committee on Ways and Means. Therefore, the amendment, as written, was not germane to H.R. 2862 and subject to a point of order.

Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I rise in support of this rule and in support of the underlying bill; but I have some deep concerns with this bill, and I will probably support a number of amendments today. I want to lay out a little of my concerns about this bill.

This bill has to be taken in the context of a number of appropriation requests that the administration made in their budget. I chair the Subcommittee on Criminal Justice, Drug Policy and Human Resources in the Committee on Government Reform, as well as cochair of the Speaker's Task Force; and I have been appalled at the President's approach to drug policy.

OMB did uninformed meddling in this budget process. There was lack of leadership out of the drug czar's office, and benign neglect out of the White House. There is no other simple way to say it. They proposed zeroing out Byrne grants, which would devastate all the drug task forces across the United States. They proposed zeroing out a number of other local law enforcement programs that are critical, including meth hot spots programs. In another appropriations bill, they proposed knocking out 60 percent of all State and local participation in HIDTAs and transferring it under Federal control and cutting the program immensely. They proposed changing the CPOT program, which gives aid to State and local law enforcement to fight methamphetamines and other issues, that and Safe and Drug Free Schools, which will be coming in another appropriations bill, they propose zeroing out the State and local funding for drug prevention.

The question is: Where is the antidrug strategy of this administration? Many of us on this side of the aisle took to the floor to criticize the last administration when in the first parts of their term they abandoned the national narcotics strategy and did misguided efforts. What should be good for one party should good for the other. We should have a consistent antidrug strategy.

And this is particularly appalling in the area of methamphetamines that are sweeping across every State and are moving increasingly from the rural areas into the suburbs and then into our major cities. If they hit our major cities and major suburbs, this will be an epidemic like we have never seen. The reaction out of the Federal Government is nothing. It is not in the national ad campaign. The Partnership For a Drug Free America is addressing it some, but it is not in our national ad campaign. It is not in our drug-free prevention programs.

They are proposing to zero out the meth hot spots programs, they propose to zero out the Byrne grant programs, they propose to knock out the meth hot spots, or the meth program that the last HIDTA is in, which is in Missouri. It was a meth program, and they said they did not want the new HIDTA programs.

Now, there will be a number of amendments today, we may have a few more this year, but these will be the only votes we will have that will enable us to address the meth question. Chairman WOLF, to his credit, in a very tight budget, recognized the failure of the administration's policies and put many of these dollars back. Unfortunately, in many of the categories, meth hot spots got more funding even than last year, even though the administration tried to zero it out. He put much of the Byrne grant money back in, much of the State and local funding back in, but the fact is we are still looking at merely a 50 percent whacking in some categories of these task forces.

There are likely to be a number of amendments today to try to address the Byrne grants, to try to address meth in particular, and a number of other subjects. I support Chairman WOLF and his efforts in every way; but at some point we have to stand up as a Congress and say, if this administration is not going to come up with a meth strategy, then this is the way it gets done on the House floor, amendment by amendment, in a fairly chaotic way.

It is time this administration faced up to the fact that gangs are not our number one problem in America, meth is our number one growing problem in America; and it is closely related to the gang problem. We need a coordinated methamphetamine strategy out of this administration. And quite frankly, the same thing is happening over in the United States Senate. And if administration does not address the meth question, then it will be addressed by the House and the Senate in the force of law, unfortunately often chaotically through the appropriations process or random little pieces of bills.

So while I plan to vote for this rule and I plan to vote for the underlying bill, even if these amendments do not pass, I strongly urge Members to realize what is happening here. We are going to have a meth epidemic in America unless we increasingly address it with some of the amendments that will be offered today.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, first of all, I would like to ask the gentleman from Georgia a question. In his opening statement, he indicated how many times, or how many waivers had been provided. In the gentleman's statement he indicated the number of waivers that this rule provided.

Mr. GINGREY. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Georgia.

Mr. GINGREY. In response to the gentleman's question, I do not know the exact number of waivers that were granted.

Mr. OBEY. Reclaiming my time, Mr. Speaker. I thought I heard the gentleman say something like 40.

Mr. GINGREY. If the gentleman will continue to yield, that was not part of my opening statement. You may be correct, but I am not sure of that number.

Mr. OBEY. But the committee has provided a number of waivers?

Mr. GINGREY. The committee has provided a number of waivers. I am just not sure what that number is.

Mr. OBEY. I thank the gentleman.

Mr. GINGREY. Certainly.

Mr. OBEY. Let me just say, then, Mr. Speaker, that is why I intend to oppose the previous question and the rule on this bill, because the Committee on Rules did some picking and choosing. They provided waivers to the rules when they wanted to, and they did not when they did not want to.

As a result, they have tried to block my ability to offer the amendment that was our number one priority on the minority side of the aisle, which is to restore the funding for the local law enforcement grants and to restore the cuts in EPA that were made by simply reducing the size of the tax cut that persons making $1 million a year or more will get in this country by $2,000.

□ 1045

That would mean instead of getting $140,000 tax cut this year, a millionaire would have to settle for $138,000. I know there are many Members on the majority side of the aisle who get irritated when I keep bringing up this trade-off, but the fact is that the wealthiest one-thousandth of 1 percent of our citizens have seen their share of the national income double since 1980. The bottom 90 percent of earners in this economy have seen their share of income fall. The 400 most well-off taxpayers in this country make at least $87 million a year. Those earning $10 million per year pay a smaller share of their income in taxes than those making $100,000 a year. Meanwhile, while the upper crust is having a high old time, the folks in the middle are struggling. They struggle to pay unexpected bills. It is harder for them to send their kids to college. It is harder for local communities to provide needed services. Law enforcement services are being cut back.

The previous speaker mentioned what is happening to our antimeth programs around the country. I think it is important for the House to understand that, for instance, this bill has a substantial increase, over a billion dollars, for deep space programs, and yet since fiscal year 2001, local law enforcement programs have been cut by a billion dollars, and Economic Development Administration programs which are principally targeted to help small communities such as those I represent, that program has been cut by 50 percent since 2001.

I do not think that reflects the priorities of the American people. It certainly does not reflect the priorities of most people on this side of the aisle. So I am going to be voting against the previous question on the rule and the rule itself if there is a rollcall to protest the fact while the Committee on Rules has been magnanimous in providing many waivers, it has not provided a waiver for the key amendment that would enable us to restore needed funding for local law enforcement.

I do not believe the priorities represented by this committee's judgment represent the priorities of the American people. When the time comes, I will be offering whatever amendments I am allowed to offer under the rules to try to change those priorities.

The subcommittee chairman, the gentleman from Virginia (Mr. WOLF), is a very able Member, but he cannot perform a miracle without resources, and the allocation he was given are totally inadequate to the task at hand. The quality of America's law enforcement at the local level will suffer because of it.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, of course we represent that the President's request for State and local law enforcement was not sufficient. That is why the committee took the necessary steps to restore funding in a responsible manner. As an example, the gentleman from Indiana was just talking about some of that restoration. The committee restored approximately a billion of the $1.4 billion reduction that the President requested.

This bill provides $2.6 billion for crime-fighting initiatives, including the following restorations in funding: $355 million to reimburse States for criminal alien detention; $334 million for juvenile delinquency prevention and accountability programs; $387 million for violence against women and prosecution programs; $348 million for the Edward Byrne Justice Assistance Grants Program; $520 million for Community Oriented Policing Service, the COPS Program; and yes, $60 million for meth hot spots.

I would suggest to the gentleman in regard to his question about the point of order, the gentleman's amendment would not be subject to a point of order if the gentleman would alter his amendment to include offsets for his increase from within the programs under the jurisdiction of SSJC Appropriations Act. The amendment would then comply with the rules of the House and could be considered and voted upon by Congress.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI), a member of the Committee on Rules.

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, of late there has been much discussion on protecting Americans and what Congress can do to fund programs which prove effective and yield results. Yet here we are today cutting a program that our law enforcement officials rely upon to ensure the safety and security of our communities, the COPS Program. They are our first line of defense, and the COPS programs help States and localities put more police on our streets to keep our families safe.

My hometown of Sacramento has seen the practical benefits of this program. The COPS Program has put an additional 569 law enforcement officers on the streets of Sacramento in the past decade. Without this program, I do not know that this would have been possible.

I realize the cuts to the COPS Program could have been much more sizable. Congress did not go as far as President Bush recommended in downsizing this program. I am pleased at that, but I am truly disappointed that again for the fourth year in a row funding for this much-needed program is on the chopping block.

The men and women in law enforcement make a real difference not only in our cities and towns, but in the bigger effort to safeguard our country from the threat of terrorists. I am frustrated because we had the opportunity to correct this funding cut for a worthwhile program.

The Committee on Rules could have made in order under this rule an amendment offered by the gentleman from Wisconsin (Mr. OBEY). It would have kept funding for the COPS programs at the previous year's level; no increase, but certainly no decrease. This would have been a smart amendment to make in order.

I am pleased to note, however, that this bill makes a significant commitment to strengthen research and education through increased NASA funding. Technology developed by NASA has long served as the engine of innovation which has driven our Nation's economic growth. Advances made by this Agency in areas of science and technology have played an integral role in the defense of our Nation. And most importantly, we are educating our Nation's next generation of scientists and engineers. I applaud the committee for their long-term planning in this area.

Although I would like to see a few changes to this bill, particularly a greater increase in law enforcement funding, I do support the underlying measure. I am pleased it was reported out in a bipartisan fashion. I commend the Committee on Appropriations for their hard work under such tough budgetary constraints.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I point out to the gentlewoman from California (Ms. MATSUI) that just recently in the homeland security funding bill that we passed last month, we provided for $3.7 billion for first responders. The House-passed bill included grants to high-threat areas, firefighters, and emergency management.

Since September 11, 2001, the Congress has provided $32.4 billion to our first responders in funding their needs, such as terrorism prevention and preparedness, general law enforcement, firefighter responders, training 811,275 police, fire, and emergency medical personnel, and, yes, in this bill that we are talking about this morning, $520 million for the COPS Program.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will be calling for a no vote on the previous question. If the previous question is defeated, I will amend the rule so we can consider the Obey amendment that was rejected in the Committee on Rules last night on a party-line vote.

The Obey amendment would give additional badly needed funds for grants to State and local law enforcement assistance and to the Economic Development Administration Grant Program. Specifically, it would increase by $410 million funding for formula grants to State and local law enforcement agencies as well as for the COPS Program, one of the most effective programs in its history.

It will also increase funding for Economic Development Assistance grants by $53 million, and restore this assistance to State and local governments to last year's level, money they badly need to create new jobs.

I also want to assure my colleagues that the cost of this amendment will not add a single dime to the deficit. It is fully paid for by making a very slight reduction of less than 1½ percent to the tax break received by people of annual incomes of over a million dollars, tax benefits that these fortunate individuals received as a result of the 2001 and 2003 tax cut legislation and will lose only $2,000 on their tax refunds if the Obey amendment is accepted.

I want to assure my colleagues that a no vote will not prevent us from considering the Science, State, Justice, Commerce appropriations bill under the open rule, but a no vote will allow Members to vote on the Obey amendment to help our State and local governments with law enforcement and economic development. A yes vote will cancel the consideration of this amendment. I urge a no vote on the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. LATHAM). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise again in support of this rule and in recognition of the importance of the underlying bill in funding and providing for the necessary tools for our law enforcement that defends the American people against crime and terror from sources both foreign and domestic.

H.R. 2862 funds our law enforcement needs, and it funds them responsibly. While some on the other side have called out for more funding of this program or that program, they fail to realize the limited funds available in the Federal budget. Again, H.R. 2862 supports and provides for the operations of the Department of Justice with $5.8 billion for the FBI, $1.7 billion for the DEA, and $800 million for the United States Marshal Service. Without question, this bill funds those who put their lives on the line every day to make sure the American people are secure and safe as they go about their daily activities.

Mr. Speaker, this appropriation also provides the necessary funding for the Department of Commerce to strengthen economic growth and protect the intellectual property rights so essential to technical and societal development, and because of the importance of technological strength, this bill also includes a responsible level of funding for NASA and the National Science Foundation.

Mr. Speaker, H.R. 2862 not only supports our law enforcement agencies here at home, but it also supports the State Department and our needs abroad. From funding to reinforce our vulnerable embassies to funding for improved training of State Department personnel, this legislation provides $9.5 billion to strengthen our relationships overseas and wage the diplomatic war on terror.

Mr. Speaker, I would like to thank the gentleman from Virginia (Chairman WOLF), the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), and I would also like to thank the gentleman from California (Chairman LEWIS) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), for all of their labor and time on this bill.

☐ 1100

I want to encourage all of my colleagues to support both the rule and the underlying bill.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION ON H. RES. 314, H.R. 2862, THE SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS FOR FY2006

At the end of the resolution, add the following new section:

"SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by Representative Obey of Wisconsin or a designee. The amendment is not subject to amendment except for pro forma amendments to a demand for a division of the question in the committee of the whole or in the House.

SEC. 3 The amendment referred to in section 2 is as follows:

AMENDMENT TO H.R.   , AS REPORTED (SCIENCE, STATE, JUSTICE, AND COMMERCE APPROPRIATIONS, 2006)

OFFERED BY MR. OBEY OF WISCONSIN

In title I, in the item relating to "Office of Justice Programs—State and Local Law Enforcement Assistance", after the first and second dollar amounts, insert the following: "(increased by $270,000,000)".

In title I, in the item relating to "Office of Justice Programs—Community Oriented Policing Services", after the first dollar amount, insert the following: "(increased by $140,000,000)".

In title II, in the item relating to "Economic Development Administration—Economic Development Assistance Programs", after the dollar amount, insert the following: "(increased by $53,000,000)".

At the end of title VI, insert the following:

SEC.   . In the case of taxpayers with adjusted gross income in excess of $1,000,000, for the calendar year beginning in 2006, the amount of tax reduction resulting from enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Pub. L. 107-16) and the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Pub. L. 108–27) shall be reduced by 1.466 percent.

Mr. GINGREY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LATHAM). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 222, nays 190, not voting 21, as follows:

[Roll No. 243]

YEAS—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—190

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—21

Boucher
Buyer
Cummings
Everett
Hinojosa
Jones (OH)
Knollenberg
Larson (CT)
Mack
McCrery
Oberstar
Owens
Pascrell
Peterson (PA)
Rothman
Sessions
Stark
Strickland
Sweeney
Thomas
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATHAM) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1125

Mr. BAIRD, Mrs. MALONEY, and Mrs. CAPPS changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. LARSON of Connecticut. I was unavoidably detained during rollcall vote No. 243, a motion ordering the previous question on H. Res. 314, a rule providing for consideration of the bill (H.R. 2862) making appropriations for Science, the Department of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes. Had I been present I would have voted "no" on this motion.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. NADLER. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Resolution disapproving the manner in which Representative SENSENBRENNER has responded to the minority party's request under rule XI of the House of Representatives for an additional day of oversight hearings on the reauthorization of the USA PATRIOT Act and the manner in which such hearing was conducted.

Whereas Representative SENSENBRENNER willfully and intentionally violated the Rules of the House of Representatives by abusing and exceeding his powers as chairman;

Whereas subsequent to receiving a request for an additional day of hearings by members of the minority party pursuant to rule XI, Representative SENSENBRENNER scheduled such hearing on less than 48 hours notice;

Whereas such hearing occurred on Representative SENSENBRENNER's directive at 8:30 a.m., on Friday, June 10, 2005, a date when the House was not in session session and votes were not scheduled;

Whereas Representative SENSENBRENNER directed his staff to require that the witnesses' written testimony be made available on less than 18 hours notice;

Whereas, during the course of the hearing, Representative SENSENBRENNER made several false and disparaging comments about members of the minority party in violation of rule XVII;

Whereas, Representative SENSENBRENNER failed to allow members of the committee to question each witness for a period of 5 minutes in violation of rule XI;

Whereas Representative SENSENBRENNER refused on numerous and repeated occasions throughout the hearing to recognize members of the minority party attempting to raise points of order;

□ 1130

Whereas when Representative NADLER and Representative JACKSON-LEE sought recognition to raise a point of order, Representative SENSENBRENNER refused to recognize Representative NADLER or Representative JACKSON-LEE, and intentionally and wrongfully adjourned the committee without obtaining or seeking either unanimous consent or a vote of the committee members present in violation of rule XVI;

Whereas subsequent to Representative SENSENBRENNER's improper adjournment of the hearing, his staff turned off the microphones and the electronic transmission of the proceedings and instructed the court reporter to stop taking transcription, even though the committee hearing had not been properly adjourned, and members of the minority party had invited witnesses to continue to speak; and

Whereas Representative SENSENBRENNER willfully trampled the right of the minority to meaningfully hold an additional day of hearings in violation of the Rules of the House of Representatives, and brought discredit upon the House of Representatives: Now, therefore, be it

Resolved, That

(1) the House strongly condemns the manner in which Representative SENSENBRENNER has responded to the minority party's request for an additional day of oversight hearings on the reauthorization of the USA PATRIOT Act, and the manner in which such hearing was conducted; and

(2) the House instructs Representative SENSENBRENNER, in consultation with Representative CONYERS, to schedule a further day of hearings with witnesses requested by members of the minority party concerning the reauthorization of the USA PATRIOT Act."

The SPEAKER pro tempore (Mr. LATHAM). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from New York will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2862, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 314 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2862.

□ 1134

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. WOLF) and the gentleman from West Virginia (Mr. MOLLOHAN) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to begin consideration of H.R. 2862, making appropriations for fiscal year 2006 for Science, the Departments of State, Justice, Commerce, and related agencies. This bill provides funding for programs whose impact ranges from the safety of people in their homes and communities to the conduct of diplomacy around the world, to the farthest reaches of space exploration.

The bill before the House today reflects a delicate balance of needs and requirements. We have drafted what I consider a responsible bill for fiscal year 2006 spending levels for the departments and agencies under the subcommittee's jurisdiction. We have had to carefully prioritize funding in the bill and make hard choices about how to spend scarce resources.

I want to thank the gentleman from California (Chairman LEWIS) for supporting us with a fair allocation and helping us to move the bill forward. I also would like to thank the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), who has been very effective and a valued partner and colleague on this bill. I appreciate his principled commitment and understanding of the programs in the bill.

Also I wanted to thank all members of the subcommittee for their help and assistance: the gentleman from North Carolina (Mr. TAYLOR), the gentleman from Illinois (Mr. KIRK), the gentleman from Illinois (Mr. LAHOOD), the gentleman from Florida (Mr. WELDON), the gentleman from Texas (Mr. CULBERSON), the gentleman from Louisiana (Mr. ALEXANDER), the gentleman from New York (Mr. SERRANO), who used to be the ranking member on the committee, the gentleman from Alabama (Mr. CRAMER), the gentleman from Rhode Island (Mr. KENNEDY), and the gentleman from Pennsylvania (Mr. FATTAH), and also the gentleman from Wisconsin (Mr. OBEY), the ranking member of the full committee.

Mr. Chairman, I also want at the outset to thank the members of the staff who have worked incredibly hard, as I am sure all subcommittee staff on this committee do on appropriations, but particularly want to thank them publicly. Mike Ringler, the clerk of the subcommittee, who has led the subcommittee through the House appropriations process. Also I want to thank Christine Kojac, John Martens, Anne Marie Goldsmith, Joel Kaplan and Celia Aloavado for their tireless efforts. Their work is very much appreciated. They have done an outstanding job.

In my personal office, I want to thank Dan Scandling, Janet Shaffron, J.T. Griffin, Samantha Stockman and Courtney Schlieter for their efforts and work with the subcommittee.

From the minority staff, I want to thank David Pomerantz, Michelle Burkett, Rob Nabors, Sally Moorhead and Julie Aaronson for their insight and input on the bill.

It has been a good bipartisan effort. Sometimes those things are said, but sometimes there is not a lot of reality to them. But this has been a good bipartisan effort. As in past years, we have worked in a bipartisan manner to draft this legislation, and I look forward to continuing forward in that spirit.

The bill contains $57.45 billion in discretionary spending. At a time of fiscal constraint, we have developed a bill that preserves critical domestic and international programs, while living within our allocation. Program increases are focused on the most critical areas, including counterterrorism, law enforcement, security of government employees overseas, as well as science and space programs.

As we know, the budget resolution upon which our allocation is based actually reduces nondefense discretionary funding from last year's level by 0.8 percent. As a result, we have had to make some difficult choices to focus limited resources on programs that are most critical to the Nation.

The bill continues the progress we have made in the fight against terrorism and crime. We have tried our best to establish strong funding levels for NASA and the National Service Foundation (NSF), the agencies that are new to our jurisdiction. At the same time, the bill also reflects our commitment to responsible stewardship of public funds.

For the Department of Justice, the bill includes $21.45 billion, $1.1 billion above the request, to restore needed funds for State and local crime-fighting to keep our streets safe. The bill also includes significant increases for Federal law enforcement for both terrorism prevention and traditional law enforcement and drug enforcement.

The bill focuses funding on fighting the growth of gangs and reducing gang violence. We have continued and enhanced FBI and ATF antigang programs and restored funding to the gang resistance training programs. In addition, we have created a new $60 million gang program that will allow each U.S. Attorney's office, working with local officials, to fund antigang strategies in cooperation with those in State and local government.

The bill also includes $5.76 billion for the FBI to provide enhanced training and information technology management, and to provide additional agents, analysts and translators to improve counterterrorism and counterintelligence capabilities, while continuing the fight on white-collar crime and gang violence.

We maintained the commitment to fighting illegal drug activities with $1.7 billion for the DEA, slightly above the request, to restore proposed reductions in assistance to State and local law enforcement, Mobile Enforcement Teams and Demand Reduction, and to fully fund the effort to combat heroin production in Afghanistan.

The bill also includes $2.59 billion for improving State and local law enforcement crime-fighting programs, restoring $1 billion above the request to the highest-priority programs. We have restored $1 billion.

I heard the gentleman from Indiana (Mr. SOUDER) talking earlier during debate on the rule, and I agree with what the gentleman from Indiana (Mr. SOUDER) said. Why would the administration have ever zeroed this out? But we have restored $1 billion above the request for the highest-priority programs, including SCAAP, Justice Assistance Grants and Juvenile Justice programs, all which the administration proposed to eliminate or drastically reduce.

For the Department of Commerce and related trade agencies, the bill includes $5.83 billion, a decrease of $831 million below 2005. We have not adopted the President's proposal for a new consolidated community development program, which explains why we are so far below the request for Commerce.

As we did last year, the overall funding levels for the trade agencies, USTR, ITA and ITC, is above the request; it is higher than the administration asked for.

I just cannot understand why this administration is not bringing an intellectual property case with regard to China. We gave them all of the resources last year and are giving them all of the resources this year. If they do not move this year, I do not know what we can do. Hopefully, with Rob Portman down there, they will move.

This will empower them to negotiate, verify and enforce trade agreements that are free and fair, and ensure an even playing field for American businesses.

For NIST, we have provided $19 million above the current year level for the core science programs, focusing on national security standards and nanomanufacturing.

To further bolster our manufacturing sector, the bill includes $106 million for the Manufacturing Extension Partnership Program, an increase of $59 million. Members from both sides of the aisle spoke to us on numerous occasions about that.

The bill makes some cuts for the NOAA budget, eliminating lower-priority programs and projects. The critical function of the National Weather Service and NOAA's satellite programs are funded above the request, and funding is continued for critical ocean and fisheries programs.

The bill includes $1.7 billion, a 10 percent increase, for the PTO, and equal to the amount they expect to collect in fees. A strong patent and trademark system is essential to protect our intellectual property and maintain innovation in the economy.

Finally under Commerce, we provide an increase of $87 million to support the ramp-up to the 2010 decennial census, including full funding for the American Community Survey.

For NASA, the bill ensures that the President's vision for space exploration is adequately funded at $3.1 billion, while at the same time restoring the aeronautics research program to the enacted level of $906 million, and providing $40 million over the request to partially restore NASA's science programs.

The space shuttle program is funded at the request to ensure that all shuttle safety issues are being fully funded. In coordination with the Committee on Science and the gentleman from New York (Chairman BOEHLERT), new legislative language is included in the bill directing the President to develop a national aeronautics policy to be submitted with the fiscal year 2007 budget.

Boeing is dropped in production and share of the market. Ten years ago they had 65 percent of the market, now they are down to 48 to 49. Frankly, without an aeronautical policy, that will continue to drop. That language, working with the gentleman from New York (Mr. BOEHLERT), is in here.

For the NSF, we are providing an increase of $171 million over last year, $38 million above the request. People say we are falling behind in math, science, physics, chemistry and biology, and we are trying to do everything we can to reverse that. Also I have sent a letter to the administration asking that they triple the funding next year, taking from other areas, but triple the funding on R&D so this country does not lose its competitive edge.

This includes a 3.7 percent increase for basic research funding, $44 million above the request. And for science education we have included $807 million, which is $70 million above the request. Science is the engine of our competitiveness, and I have encouraged the President to substantially increase our investment in basic research and science education in the 2007 budget.

For the State Department and Broadcasting Board of Governors, the bill includes $9.53 billion, a decrease of $1.1 billion below 2005, and $273 million below the request.

Within this total we are providing $1.5 billion, the full request, for worldwide security improvements and replacement of vulnerable facilities and funding to support 55 new positions to support security readiness.

Look at the security that this Capitol Building has. Look at the security that many other Federal buildings have. To say that we are going to send Federal employees abroad and not protect them, we remember the bombing in Tanzania and the bombing in Kenya, so we fully make sure that is funded.

We are providing 100 new positions for high-priority diplomatic requirements, including in the areas of fighting terrorist financing, nonproliferation of WMD and for new critical language needs related to the Global War on Terror.

We continue to strongly support public diplomacy improvements, including significant increases for information programs, international broadcasting and international exchange programs, particularly with the Arab and Muslim world.

□ 1145

We have included the requested funds for international peacekeeping to pay the assessed costs for missions in Sudan. I think this administration has done a good job in Sudan. More should be done in Darfur, and Under Secretary Zoellick has been to Darfur now twice. But this money for peacekeeping in Sudan will have a major impact on what is taking place in Darfur; also, in Haiti, Liberia and elsewhere.

We have attached to this funding new language requiring notification to the committee that prevention and prosecution measures are in place to ensure zero tolerance of sexual abuse in peacekeeping missions. If you read the report on the peacekeeping abuses, sexual abuse by U.N. peacekeepers in the Congo, it will make you sick. So this language deals with notification to the committee, and prevention and prosecution measures are in place for the zero, zero tolerance of sexual abuse in peacekeeping missions.

We also include new language supporting the maintenance of a flat U.N. budget. We also require the State Department to keep the committee informed of any changes in the U.N. budget.

There is a lot of interest, Mr. Chairman, in the U.N. and, as many of my colleagues know, last year in our bill, we created a United Nations Task Force to make recommendations for U.S. Government action to reform the U.N. and ensure the U.N. fulfills its charter purposes. The task force is co-chaired by Senator Mitchell and Speaker Gingrich. Their recommendations are coming to the committee later this week, and we will look closely at their recommendations and do everything we can to advance them, and we would urge the administration and everyone in Congress to do everything that they can to advance their recommendations made by Speaker Gingrich and Majority Leader Mitchell.

The bill again fully funds the Federal Trade Commission Do-Not-Call program, and fully funds the request for the SEC to protect American investors.

For the SBA, the bill provides full requested funding for Small Business Development Centers. We restored $11 million for the Microloan program, which the President proposed to terminate. For business loan programs, the bill allows for $16.5 billion in general business loans, an unprecedented program level, while requiring no appropriation.

In closing, this is a summary of the bill. It provides increases where needed to maintain and strengthen the operations of critical law enforcement and other agencies. It gives no ground in the fight against terrorism, crime, and drugs, and restores desperately needed resources for State and local law enforcement personnel.

It represents our best take on matching needs with scarce resources. We have tried very hard to produce the best bill we could within the resources that we had to work with, and I urge all Members to support the bill.

SCIENCE, STATE, JUSTICE, COMMERCE AND RELATED AGENCIES, FY 2006 (H.R. 2862)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses	122,443	161,407	89,906	-32,537	-71,501
Office of Intelligence and Policy Review	---	---	37,050	+37,050	+37,050
Subtotal	122,443	161,407	126,956	+4,513	-34,451
Joint automated booking system	19,915	---	---	-19,915	---
Automated Biometric Identification System-Integrated Identification system integration	4,987	---	---	-4,987	---
Justice information sharing technology	---	181,490	135,000	+135,000	-46,490
Legal activities office automation	39,969	---	---	-39,969	---
Narrowband communications	98,664	128,701	110,000	+11,336	-18,701
Administrative review and appeals	201,241	216,286	215,685	+14,444	-601
Detention trustee	874,160	1,222,000	1,222,000	+347,840	---
Emergency appropriations (P.L. 109-13)	184,000	---	---	-184,000	---
Office of Inspector General	62,960	67,431	66,801	+3,841	-630
Total, General administration	1,608,339	1,977,315	1,876,442	+268,103	-100,873
United States Parole Commission					
Salaries and expenses	10,496	11,300	11,200	+704	-100
Legal Activities					
General legal activities:					
Direct appropriation	625,722	679,661	665,821	+40,099	-13,840
Vaccine injury compensation trust fund (permanent)	6,249	6,333	6,333	+84	---
Antitrust Division	138,259	144,451	144,451	+6,192	---
Offsetting fee collections - current year	-101,000	-116,000	-116,000	-15,000	---
Direct appropriation	37,259	28,451	28,451	-8,808	---
United States Attorneys					
Salaries and expenses	1,526,849	1,626,146	1,626,146	+99,297	---
United States Trustee System Fund	173,602	185,402	214,402	+40,800	+29,000
Offsetting fee collections	-168,602	-180,402	-209,402	-40,800	-29,000
Interest on U.S. securities	-5,000	-5,000	-5,000	---	---
Direct appropriation	---	---	---	---	---
Foreign Claims Settlement Commission	1,203	1,270	1,220	+17	-50
United States Marshals Service:					
Salaries and expenses (non-CSE)	741,941	790,255	800,255	+58,314	+10,000
Emergency appropriations (P.L. 109-13)	11,935	---	---	-11,935	---
Construction	5,657	---	---	-5,657	---
Total, United States Marshals Service	759,533	790,255	800,255	+40,722	+10,000
Fees and expenses of witnesses	177,585	168,000	168,000	-9,585	---
Community Relations Service	9,535	9,759	9,659	+124	-100
Assets forfeiture fund	21,469	21,468	21,468	-1	---
Payment to radiation exposure compensation trust fund	27,429	---	---	-27,429	---
Total, Legal activities	3,192,833	3,331,343	3,327,353	+134,520	-3,990
Interagency Law Enforcement					
Interagency crime and drug enforcement	553,539	661,940	506,940	-46,599	-155,000

SCIENCE, STATE, JUSTICE, COMMERCE AND RELATED AGENCIES, FY 2006 (H.R. 2862)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Bureau of Investigation					
Salaries and expenses	4,132,090	4,091,132	3,452,235	-679,855	-638,897
Emergency appropriations (P.L. 109-13)	73,991	---	---	-73,991	---
Counterintelligence and national security	1,003,416	1,600,000	2,288,897	+1,285,481	+688,897
Direct appropriation	5,209,497	5,691,132	5,741,132	+531,635	+50,000
Construction	10,106	10,105	20,105	+9,999	+10,000
Total, Federal Bureau of Investigation	5,219,603	5,701,237	5,761,237	+541,634	+60,000
Drug Enforcement Administration					
Salaries and expenses	1,785,398	1,892,722	1,907,846	+122,448	+15,124
Emergency appropriations (P.L. 109-13)	7,648	---	---	-7,648	---
Diversion control fund	-154,216	-198,566	-201,673	-47,457	-3,107
Total, Drug Enforcement Administration	1,638,830	1,694,156	1,706,173	+67,343	+12,017
Bureau of Alcohol, Tobacco and Firearms					
Salaries and expenses	878,465	803,613	923,613	+45,148	+120,000
Emergency appropriations (P.L. 109-13)	4,000	---	---	-4,000	---
Legislative proposal	---	120,000	---	---	-120,000
Total, Bureau of Alcohol, Tobacco and Firearms	882,465	923,613	923,613	+41,148	---
Federal Prison System					
Salaries and expenses	4,565,884	4,895,649	4,895,649	+329,765	---
Emergency appropriations (P.L. 108-324)	5,500	---	---	-5,500	---
Buildings and facilities	186,475	170,112	70,112	-116,363	-100,000
Rescission	---	-314,000	---	---	+314,000
Emergency appropriations (P.L. 108-324)	18,600	---	---	-18,600	---
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,366	3,365	3,365	-1	---
Total, Federal Prison System	4,779,825	4,755,126	4,969,126	+189,301	+214,000
Violence against women office	382,103	362,997	387,497	+5,394	+24,500
Office of Justice Programs					
Justice assistance	224,856	1,234,977	227,466	+2,610	-1,007,511
Rescission	---	-95,500	---	---	+95,500
Public safety officers benefits, death benefits	---	64,000	---	---	-64,000
Total, Justice assistance	224,856	1,203,477	227,466	+2,610	-976,011
State and local law enforcement assistance:					
Justice assistance grants	625,531	---	348,466	-277,065	+348,466
Boys and Girls clubs (earmark)	(83,865)	---	(85,000)	(+1,135)	(+85,000)
National Institute of Justice (earmark)	(9,866)	---	(10,000)	(+134)	(+10,000)
USA FREEDOM corps (earmark)	(2,467)	---	---	(-2,467)	---
Indian assistance	17,760	---	---	-17,760	---
Tribal prison construction	(4,933)	---	---	(-4,933)	---
Indian tribal courts program	(7,893)	---	---	(-7,893)	---
Indian grants	(4,933)	---	---	(-4,933)	---
State criminal alien assistance program	300,926	---	355,000	+54,074	+355,000
Southwest border prosecutors	29,599	---	30,000	+401	+30,000
Byrne grants (discretionary)	167,756	---	110,000	-57,756	+110,000
Drug courts	39,466	---	40,000	+534	+40,000
Other crime control programs	5,903	---	871	-5,032	+871
Assistance for victims of trafficking	9,866	---	10,000	+134	+10,000
Prescription drug monitoring	9,866	---	10,000	+134	+10,000
Prison rape prevention	36,506	---	40,000	+3,494	+40,000
State prison drug treatment	24,666	---	25,000	+334	+25,000
Intelligence sharing	10,359	---	10,359	---	+10,359

SCIENCE, STATE, JUSTICE, COMMERCE AND RELATED AGENCIES, FY 2006 (H.R. 2862)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Cannabis eradication	---	---	11,600	+11,600	+11,600
Capital litigation	---	---	10,000	+10,000	+10,000
Total, State and local law enforcement	1,278,204	---	1,001,296	-276,908	+1,001,296
Weed and seed program fund	61,172	---	50,000	-11,172	+50,000
Community oriented policing services:					
Hiring	9,866	---	---	-9,866	---
Training and technical assistance	14,800	7,000	---	-14,800	-7,000
Bullet proof vests	24,666	---	30,000	+5,334	+30,000
Tribal law enforcement	19,733	51,600	38,000	+18,267	-13,600
Meth hot spots	51,854	20,000	60,000	+8,146	+40,000
Police corps	14,800	---	---	-14,800	---
COPS technology	136,763	---	120,000	-16,763	+120,000
Interoperable communications	98,664	---	---	-98,664	---
Criminal records upgrade	24,666	---	25,000	+334	+25,000
DNA backlog/crime lab	108,531	---	177,057	+68,526	+177,057
Paul Coverdell forensics science	14,800	---	---	-14,800	---
Crime identification technology	28,070	---	---	-28,070	---
Offender reentry	9,866	---	10,000	+134	+10,000
Safe schools initiative	4,268	---	---	-4,268	---
Police integrity grants	7,400	10,000	---	-7,400	-10,000
Reduce gang violence	---	---	60,000	+60,000	+60,000
Management and administration	29,599	29,181	---	-29,599	-29,181
Rescission	---	-115,500	---	---	+115,500
Total, Community oriented policing services	598,346	2,281	520,057	-78,289	+517,776
Juvenile justice programs	379,045	---	333,712	-45,333	+333,712
Public safety officers benefits:					
Death benefits	63,054	---	64,000	+946	+64,000
Disability and education benefits	6,324	---	8,948	+2,624	+8,948
Total, Public safety officers benefits program	69,378	---	72,948	+3,570	+72,948
Total, Office of Justice Programs	2,611,001	1,205,758	2,205,479	-405,522	+999,721
United States Attorneys (Sec. 107)	14,800	---	---	-14,800	---
Assets forfeiture fund (sec. 109) (rescission)	---	-62,000	---	---	+62,000
Total, title I, Department of Justice	20,893,834	20,562,785	21,675,060	+781,226	+1,112,275
Appropriations	(20,588,160)	(21,149,785)	(21,675,060)	(+1,086,900)	(+525,275)
Rescissions	---	(-587,000)	---	---	(+587,000)
Emergency appropriations	(305,674)	---	---	(-305,674)	---
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES					
TRADE AND INFRASTRUCTURE DEVELOPMENT					
RELATED AGENCIES					
Office of the United States Trade Representative					
Salaries and expenses	40,997	38,779	44,779	+3,782	+6,000
National Intellectual Property Law Enforcement Coordinating Council					
Salaries and expenses	1,973	---	---	-1,973	---
International Trade Commission					
Salaries and expenses	60,878	65,278	62,752	+1,876	-2,526
Total, Related agencies	103,846	104,057	107,531	+3,685	+3,474

SCIENCE, STATE, JUSTICE, COMMERCE AND RELATED AGENCIES, FY 2006 (H.R. 2862)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
DEPARTMENT OF COMMERCE					
International Trade Administration					
Operations and administration	396,257	408,925	406,925	+10,668	-2,000
Offsetting fee collections	-8,000	-13,000	-13,000	-5,000	---
Direct appropriation	388,257	395,925	393,925	+5,668	-2,000
Bureau of Industry and Security					
Operations and administration	60,376	77,000	62,233	+1,857	-14,767
CWC enforcement	7,104	---	14,767	+7,663	+14,767
Total, Bureau of Industry and Security	67,480	77,000	77,000	+9,520	---
Economic Development Administration					
Economic development assistance programs	253,985	---	200,985	-53,000	+200,985
Salaries and expenses	30,075	26,584	26,584	-3,491	---
Total, Economic Development Administration	284,060	26,584	227,569	-56,491	+200,985
Economic Development Challenge					
Strengthening America's Communities grant program (legislative proposal)	---	3,710,000	---	---	-3,710,000
Minority Business Development Agency					
Minority business development	29,500	30,727	30,024	+524	-703
Total, Trade and Infrastructure Development	873,143	4,344,293	836,049	-37,094	-3,508,244
ECONOMIC AND INFORMATION INFRASTRUCTURE					
Economic and Statistical Analysis					
Salaries and expenses	78,931	85,277	80,304	+1,373	-4,973
Bureau of the Census					
Salaries and expenses	196,110	220,029	208,029	+11,919	-12,000
Periodic censuses and programs	548,688	657,356	624,208	+75,520	-33,148
Total, Bureau of the Census	744,798	877,385	832,237	+87,439	-45,148
National Telecommunications and Information Administration					
Salaries and expenses	17,200	21,450	17,716	+516	-3,734
Public telecommunications facilities, planning and construction	21,478	2,000	2,000	-19,478	---
Total, National Telecommunications and Information Administration	38,678	23,450	19,716	-18,962	-3,734
United States Patent and Trademark Office					
Current year fee funding	1,336,000	1,703,300	1,703,300	+367,300	---
Spending from new fees (proposed legislation)	208,754	---	---	-208,754	---
Total, Patent and Trademark Office	1,544,754	1,703,300	1,703,300	+158,546	---
Offsetting fee collections	-1,336,000	-1,703,300	-1,703,300	-367,300	---
Total, Economic and Information Infrastructure	1,071,161	986,112	932,257	-138,904	-53,855

SCIENCE, STATE, JUSTICE, COMMERCE AND RELATED AGENCIES, FY 2006 (H.R. 2862)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
SCIENCE AND TECHNOLOGY					
Technology Administration					
Salaries and expenses	6,460	4,200	6,460	---	+2,260
National Institute of Standards and Technology					
Scientific and technical research and services	378,764	426,267	397,744	+18,980	-28,523
(Transfer out)	---	(-9,000)	(-1,000)	(-1,000)	(+8,000)
Manufacturing extension partnerships	247,943	46,800	106,000	-141,943	+59,200
Construction of research facilities	72,518	58,898	45,000	-27,518	-13,898
Working capital fund (by transfer)	---	(9,000)	(1,000)	(+1,000)	(-8,000)
Total, National Institute of Standards and Technology	699,225	531,965	548,744	-150,481	+16,779
National Oceanic and Atmospheric Administration					
Operations, research, and facilities	2,766,612	2,528,168	2,444,000	-322,612	-84,168
(By transfer from Promote and Develop Fund)	(65,000)	(77,000)	(77,000)	(+12,000)	---
By transfer from Coastal zone management	2,960	3,000	3,000	+40	---
Emergency appropriations (P.L. 108-324)	16,900	---	---	-16,900	---
Emergency appropriations (P.L. 109-13)	7,070	---	---	-7,070	---
Total, Operations, research, and facilities	2,793,542	2,531,168	2,447,000	-346,542	-84,168
Procurement, acquisition and construction	1,039,365	965,051	936,000	-103,365	-29,051
Emergency appropriations (P.L. 108-324)	3,800	---	---	-3,800	---
Emergency appropriations (P.L. 109-13)	10,170	---	---	-10,170	---
Total, Procurement, acquisition and construction	1,053,335	965,051	936,000	-117,335	-29,051
Pacific coastal salmon recovery	88,798	90,000	50,000	-38,798	-40,000
Coastal zone management fund	-3,000	-3,000	-3,000	---	---
Fishermen's contingency fund	492	---	---	-492	---
Fisheries finance program account	-8,000	-2,000	-1,000	+7,000	+1,000
Total, National Oceanic and Atmospheric Administration	3,925,167	3,581,219	3,429,000	-496,167	-152,219
Total, Science and Technology	4,630,852	4,117,384	3,984,204	-646,648	-133,180
OTHER					
Departmental Management					
Salaries and expenses	47,466	53,532	47,466	---	-6,066
Travel and tourism	9,866	---	---	-9,866	---
HCHB renovation and modernization	---	30,000	---	---	-30,000
Office of Inspector General	21,371	22,758	22,758	+1,387	---
Total, Departmental management	78,703	106,290	70,224	-8,479	-36,066
Florida grouper (sec. 218)	345	---	---	-345	---
Total, Department of Commerce	6,550,358	9,450,022	5,715,203	-835,155	-3,734,819
Total, title II, Department of Commerce and related agencies	6,654,204	9,554,079	5,822,734	-831,470	-3,731,345
Appropriations	(6,616,264)	(9,554,079)	(5,822,734)	(-793,530)	(-3,731,345)
Emergency appropriations	(37,940)	---	---	(-37,940)	---
(By transfer)	(65,000)	(86,000)	(78,000)	(+13,000)	(-8,000)
(Transfer out)	---	(-9,000)	(-1,000)	(-1,000)	(+8,000)

SCIENCE, STATE, JUSTICE, COMMERCE AND RELATED AGENCIES, FY 2006 (H.R. 2862)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE III - SCIENCE					
Executive Office of the President					
Office of Science and Technology Policy	6,328	5,564	5,564	-764	---
National Aeronautics and Space Administration					
Science, aeronautics and exploration	9,334,700	9,661,000	9,725,750	+391,050	+64,750
Emergency appropriations (P.L.108-324)	126,000	---	---	-126,000	---
Exploration capabilities	6,704,400	6,763,000	6,712,900	+8,500	-50,100
Office of Inspector General	31,300	32,400	32,400	+1,100	---
Total, NASA	16,196,400	16,456,400	16,471,050	+274,650	+14,650
National Science Foundation					
Research and related activities (non-defense)	4,153,100	4,265,970	4,310,000	+156,900	+44,030
Defense function	67,456	67,520	67,520	+64	---
Major research equipment and facilities construction	173,650	250,010	193,350	+19,700	-56,660
Education and human resources	841,421	737,000	807,000	-34,421	+70,000
Salaries and expenses	223,200	269,000	250,000	+26,800	-19,000
National Science Board	3,968	4,000	4,000	+32	---
Office of Inspector General	10,029	11,500	11,500	+1,471	---
Total, National Science Foundation	5,472,824	5,605,000	5,643,370	+170,546	+38,370
Total, title III, Science	21,675,552	22,066,964	22,119,984	+444,432	+53,020
TITLE IV - DEPARTMENT OF STATE AND RELATED AGENCY					
DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and consular programs	3,522,316	3,783,118	3,747,118	+224,802	-36,000
(Transfer out)	(-4,000)	(-4,000)	(-4,000)	---	---
Worldwide security upgrades	649,904	689,523	689,523	+39,619	---
Emergency appropriations (P.L. 109-13)	734,000	---	---	-734,000	---
Total, Diplomatic and consular programs	4,906,220	4,472,641	4,436,641	-469,579	-36,000
Capital investment fund	51,452	133,000	128,263	+76,811	-4,737
Centralized IT modernization program	76,812	---	---	-76,812	---
Office of Inspector General	30,029	29,983	29,983	-46	---
Educational and cultural exchange programs	355,932	430,400	410,400	+54,468	-20,000
Representation allowances	8,524	8,281	8,281	-243	---
Protection of foreign missions and officials	9,762	9,390	9,390	-372	---
Embassy security, construction, and maintenance	603,510	615,800	603,510	---	-12,290
Worldwide security upgrades	900,134	910,200	910,200	+10,066	---
Emergency appropriations (P.L. 109-13)	592,000	---	---	-592,000	---
Emergencies in the diplomatic and consular service	987	13,643	10,000	+9,013	-3,643
(By transfer)	(4,000)	(4,000)	(4,000)	---	---
(Transfer out)	---	(-1,000)	(-1,000)	(-1,000)	---
Repatriation Loans Program Account:					
Direct loans subsidy	604	712	712	+108	---
Administrative expenses	599	607	607	+8	---
(By transfer)	---	(1,000)	(1,000)	(+1,000)	---
Total, Repatriation loans program account	1,203	1,319	1,319	+116	---
Payment to the American Institute in Taiwan	19,222	19,751	19,751	+529	---
Payment to the Foreign Service Retirement and Disability Fund	132,600	131,700	131,700	-900	---
Total, Administration of Foreign Affairs	7,688,387	6,776,108	6,699,438	-988,949	-76,670

SCIENCE, STATE, JUSTICE, COMMERCE AND RELATED AGENCIES, FY 2006 (H.R. 2862)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
International Organizations					
Contributions to international organizations, current year assessment	1,166,212	1,296,500	1,166,212	---	-130,288
Contributions for international peacekeeping activities, current year	483,455	1,035,500	1,035,500	+552,045	---
Emergency appropriations (P.L. 109-13)	680,000	---	---	-680,000	---
Total, International Organizations and Conferences	2,329,667	2,332,000	2,201,712	-127,955	-130,288
International Commissions					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	26,880	28,700	27,000	+120	-1,700
Construction	5,239	6,600	5,300	+61	-1,300
American sections, international commissions	9,466	9,879	9,500	+34	-379
International fisheries commissions	21,688	25,123	22,000	+312	-3,123
Total, International commissions	63,273	70,302	63,800	+527	-6.502
Other					
Payment to the Asia Foundation	12,827	10,000	10,000	-2,827	---
International Center for Middle Eastern-Western dialogue	6,906	1,000	---	-6,906	-1,000
Eisenhower Exchange Fellowship program	493	500	500	+7	---
Additional funding (Sec. 122 Div. J)	992	---	---	-992	---
Israeli Arab scholarship program	370	375	375	+5	---
East-West Center	19,240	13,024	6,000	-13,240	-7,024
National Endowment for Democracy	59,199	80,000	50,000	-9,199	-30,000
Total, Department of State	10,181,354	9.283,309	9,031,825	-1,149,529	-251,484
RELATED AGENCY					
Broadcasting Board of Governors					
International Broadcasting Operations	583,107	603,394	620,000	+36,893	+16,606
Emergency appropriations (P.L. 109-13)	4.800	---	---	-4.800	---
Broadcasting to Cuba	---	37,656	---	---	-37,656
Broadcasting capital improvements	8,446	10,893	10,893	+2,447	---
Emergency appropriations (P.L. 109-13)	2,500	---	---	-2,500	---
Total, Broadcasting Board of Governors	598,853	651,943	630.893	+32.040	-21,050
Total, title IV, Department of State and Related Agency	10,780,207	9,935,252	9,662,718	-1,117,489	-272,534
Appropriations	(8,766,907)	(9.935,252)	(9.662,718)	(+895,811)	(-272,534)
Emergency appropriations	(2,013,300)	---	---	(-2,013,300)	---
(Transfer out)	(-4,000)	(-5,000)	(-5,000)	(-1,000)	---
(By transfer)	(4,000)	(5,000)	(5.000)	(+1,000)	---
TITLE V - RELATED AGENCIES					
Antitrust Modernization Commission					
Salaries and expenses	1,172	1,620	1,172	---	-448
Commission for the Preservation of America's Heritage Abroad					
Salaries and expenses	492	499	499	+7	---
Commission on Civil Rights					
Salaries and expenses	8,975	9.096	9.096	+121	---

SCIENCE, STATE, JUSTICE, COMMERCE AND RELATED AGENCIES, FY 2006 (H.R. 2862)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Commission on International Religious Freedom					
Salaries and expenses	2,960	3,000	3,200	+240	+200
Commission on Security and Cooperation in Europe					
Salaries and expenses	1,806	2,030	2,030	+224	---
Congressional-Executive Commission on the People's Republic of China					
Salaries and expenses	1,875	1,900	1,900	+25	---
Equal Employment Opportunity Commission					
Salaries and expenses	326,803	331,228	331,228	+4,425	---
Federal Communications Commission					
Salaries and expenses	281,085	304,057	289,771	+8,686	-14,286
Offsetting fee collections - current year	-280,098	-299,234	-288,771	-8,673	+10,463
Direct appropriation	987	4,823	1,000	+13	-3,823
Federal Trade Commission					
Salaries and expenses	204,327	211,000	211,000	+6,673	---
Offsetting fee collections - current year	-101,000	-116,000	-116,000	-15,000	---
Offsetting fee collections, telephone database	-21,901	-23,000	-23,000	-1,099	---
Direct appropriation	81,426	72,000	72,000	-9,426	---
HELP Commission					
Salaries and expenses	987	1,000	1,000	+13	---
Legal Services Corporation					
Payment to the Legal Services Corporation	330,803	318,250	330,803	---	+12,553
Marine Mammal Commission					
Salaries and expenses	1,865	1,925	1,865	---	-60
National Veterans Business Development Corporation					
National Veterans Business Development Corporation	1,973	---	---	-1,973	---
Securities and Exchange Commission					
Salaries and expenses	913,000	888,117	888,117	-24,883	---
Prior year unobligated balances	-57,000	-25,000	-25,000	+32,000	---
Direct appropriation	856,000	863,117	863,117	+7,117	---
Small Business Administration					
Salaries and expenses	318,029	307,159	318,029	---	+10,870
Office of Inspector General	12,840	14,500	13,500	+660	-1,000
Surety bond guarantees revolving fund	2,861	3,000	2,861	---	-139
Business Loans Program Account:					
Direct loans subsidy	1,435	---	1,000	-435	+1,000
Administrative expenses	124,961	129,000	124,961	---	-4,039
Total, Business loans program account	126,396	129,000	125,961	-435	-3,039

SCIENCE, STATE, JUSTICE, COMMERCE AND RELATED AGENCIES, FY 2006 (H.R. 2862)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Disaster Loans Program Account:					
Direct loans subsidy	---	83,335	79,538	+79,538	-3,797
Emergency appropriations (P.L. 108-324)	501,000	---	---	-501,000	---
Administrative expenses	111,648	56,000	49,716	-61,932	-6,284
Emergency appropriations (P.L. 108-324)	428,000	---	---	-428,000	---
Total, Disaster loans program account	1,040,648	139,335	129,254	-911,394	-10,081
Total, Small Business Administration	1,500,774	592,994	589,605	-911,169	-3,389
State Justice Institute					
Salaries and expenses	2,578	---	2,000	-578	+2,000
United States - China Economic and Security Review Commission					
Salaries and expenses	2,960	4,000	4,000	+1,040	---
United States Senate-China Interparliamentary Group					
Salaries and expenses	98	---	---	-98	---
United States Institute of Peace					
Operating expenses	22,693	21,850	22,850	+157	+1,000
Additional funding (Sec. 122 Div. J)	99,200	---	---	-99,200	---
Total, United States Institute of Peace	121,893	21,850	22,850	-99,043	+1,000
Total, title V, Related agencies	3,246,427	2,229,332	2,237,365	-1,009,062	+8,033
TITLE VII - RESCISSIONS					
DEPARTMENT OF JUSTICE					
General Administration					
Working capital fund (rescission)	-60,000	---	---	+60,000	---
Legal Activities					
Assets forfeiture fund (rescission)	-61,800	---	-62,000	-200	-62,000
Rescission (P.L. 109-13)	-40,000	---	---	+40,000	---
Office of Justice Programs					
Justice assistance (rescission)	-1,619	---	---	+1,619	---
State & local law enforcement assistance (rescission)	-29,380	---	-38,500	-9,120	-38,500
Community oriented policing services (rescission)	-99,000	---	-86,500	+12,500	-86,500
Juvenile justice programs (rescission)	-3,500	---	---	+3,500	---
DEPARTMENT OF COMMERCE					
National Institute of Standards and Technology					
Industrial technology services (rescission)	-3,900	---	---	+3,900	---
Departmental Management					
Emergency steel guaranteed loan program account (rescission)	---	-50,168	-35,000	-35,000	+15,168

SCIENCE, STATE, JUSTICE, COMMERCE AND RELATED AGENCIES, FY 2006 (H.R. 2862)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
RELATED AGENCIES					
Federal Communications Commission					
Salaries and expenses (rescission)	-12,000	---	---	+12,000	---
U.S. - Canada Alaska Railroad Commission					
Salaries and expenses (rescission)	---	-2,000	-2,000	-2.000	---
Total, title VII, Rescissions	-311,199	-52,168	-224,000	+87,199	-171,832
Grand total:					
New budget (obligational) authority	62,939,025	64,296,244	61,293,861	-1,645,164	-3,002,383
Appropriations	(59,838,310)	(64,935,412)	(61,517,861)	(+1,679,551)	(-3,417,551)
Emergency appropriations	(3,411,914)	---	---	(-3,411,914)	---
Rescissions	(-311,199)	(-639,168)	(-224,000)	(+87,199)	(+415,168)
(Transfer out)	(-4,000)	(-14,000)	(-6,000)	(-2,000)	(+8,000)
(By transfer)	(69,000)	(91,000)	(83,000)	(+14,000)	(-8,000)

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the chairman has put together a good bill for us this year in the face of some really large reductions and legislative proposals that were contained in the President's budget request. He has crafted a bipartisan bill, and, during the process, the gentleman from Virginia (Chairman WOLF) took into consideration all concerns that the minority expressed. He has been as accommodating in that process as he could be within the allocation that this committee was given, and the minority, Mr. Chairman, are really appreciative of that. He has done an excellent job, and his staff, likewise, has worked cooperatively with the minority genuinely to craft this bill.

Our allocation for the Science, State, Justice and Commerce bill, as the chairman indicated, is $57.45 billion, an increase of 2.1 percent from the fiscal year 2005 enacted level, but a decrease from the President's fiscal year 2005 request. It certainly sounds like a lot of money, but this year's increase does not keep pace with inflation, and it is not adequate to meet the varied needs of the important Federal agencies contained in this bill.

I am concerned that when we look at funding trends for these crucial programs over time, we are systematically reducing the Federal investments in our communities. For example, the chairman has restored about $1 billion over the President's cuts to the State and local law enforcement, but the bill is still about $400 million below last year's level. Now, that is a crucial fact. As we face terrorism, as we continue to fight crime, as we have been successful with it over the last 10 years in large part because of the Federal contribution to State and local levels, this is no time to back off of this support; but this bill is $400 million below last year's level for support to State and local law enforcement.

Mr. Chairman, the ranking member of the full committee, the gentleman from Wisconsin (Mr. OBEY), went before the Committee on Rules. The gentleman from Wisconsin (Mr. OBEY) asked to be made in order an amendment to restore some of this funding and to have an offset, that would have been particularly appropriate, to offset just a small part of the tax cut that the most wealthy 1 percent in this country have received over the last 4 and 5 years, to support State and local law enforcement. I cannot think of a worthier program to support, a more important program to support in this time of national emergency and terrorist threats, and I cannot think of a more fair offset from a percentage of our population, the most wealthy, who have enjoyed the benefit of the tax cuts greater than anyone else in our country. The gentleman from Wisconsin (Mr. OBEY) is going to offer an amendment on the floor to address this issue, and I would hope that there would not be an objection against it.

Mr. Chairman, the gentleman from Virginia (Chairman WOLF) has also restored $200 million to the Economic Development Administration's grant program. This was eliminated in the President's proposal. However, that restoration of $200 million is approximately two-thirds of last year's enacted amount for an extremely important program, the Economic Development Administration grants. They help the most needy communities in our Nation, and that is an area that did not need to be cut in the President's request, and we appreciate the chairman restoring it partially.

Smaller programs that are important to our States and our local communities were also zeroed out in the President's budget and could not be restored. The Public Telecommunications Facilities and Planning Account, the Advanced Technology program, and the SBA Prime program were not funded.

The President has also proposed zeroing out the Steel Loan Guarantee program. And I very much appreciate the gentleman from Virginia (Chairman WOLF) restoring $15 million to the Steel Loan Guarantee program so that we can argue in conference for this valuable program, which has been so important to significant steel producers in the past.

For some agencies, this bill is a mix of good news and bad news. In the Department of Commerce, the President's so-called Strengthening America's Communities proposal was rejected, and some funding was restored to EDA, but we were not able to include requested funding for the National Institute of Standards and Technology for construction of new facilities. In the National Oceanic and Atmospheric Administration, funding was increased for the National Environmental Satellite Data and Information Service, but the National Marine Fisheries and the Pacific Coastal Salmon Recovery program are both reduced.

The National Science Foundation overall fares well. The cuts this agency faced last year have been restored, and this bill provides $170 million more than last year's enacted level. But within the Education and Human Resources Directorate, many of the education programs are flat-funded, including EPSCOR, Informal Science, Advanced Technology Education, and Historically Black Colleges and Universities.

NASA, Mr. Chairman, is funded slightly above the President's request. The Space Shuttle's Return to Flight is fully funded, and the chairman has restored aeronautics funding to last year's level, and has increased the Science Accounts to $40 million. However, I am concerned that crucial science and aeronautics programs are being reduced, deferred, and ultimately will wither. The Science Account, including programs such as Solar System Exploration, Universe Exploration, and the Earth Sun System would receive less than a 1 percent increase over this budget proposal; yet the most recent successes have come from this program.

The clear winner in this bill is Federal law enforcement. The FBI received $50 million above the President's request, including funding for drug agents that the President proposed to transfer into organized crime and drug enforcement task forces. DEA and the Marshal Service are both funded above the President's request.

The bill rejects the President's proposal to tax the explosives industry by adding new fees, and rejects the proposal to transfer the High-Intensity Drug Trafficking Area, the HIDTA program, into the Department of Justice from ONDCP. We certainly can have a discussion on the merits of locating a program in one agency versus another, but, in this instance, when the HIDTA coordination efforts are going well, I think we can all agree that the program should be fully funded wherever it is located. I hope the Subcommittee on Transportation, Treasury, HUD, The Judiciary, District of Columbia, and Independent Agencies is looking at this issue as they prepare their bill.

The bill before us overcomes many deficits in the President's budget, but, over the long term, Mr. Chairman, I am concerned that the constraints placed on the Committee on Appropriations through the budget resolution are continuing the systemic reduction of domestic discretionary programs that are crucial to our State and local communities.

I would, as the chairman did, like to recognize and thank our staffs for doing such an outstanding job. They are dedicated, and they have been very dedicated to efforts on this bill. To Mike Ringler, Christine Kojac, John Martens, Anne Marie Goldsmith, Joel Kaplan, and Clelia Alvarado with the majority, I express thanks; and to David Pomerantz and Michelle Burkett, Dana Polk with the minority staff, and Sally Moorehead and Julie Aaronson on my personal staff, have put in a great deal of time, a great deal of hard work into the bill, and I know that the chairman and I share his deep sense of appreciation for their efforts.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Chairman, I want to commend the chairman and ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), and the gentleman from Virginia (Mr. WOLF) for bringing this bill to the floor, and I also want to commend the full Committee on Appropriations for doing outstanding work in bringing all of these bills to the floor in a timely manner.

Mr. Chairman, I am here to talk about a potential amendment that may come to this bill, and I ask the question: How much is life worth? This may seem to be a more philosophical question than one normally hears in a debate about an amendment to an appropriations bill, but I do not mean it philosophically; I mean it literally.

Later today the gentleman from Wisconsin will offer an amendment that would take $200 million away from NASA and spend it instead on the undeniable, useful purpose of local law enforcement. Yet, Mr. Chairman, the amendment in no way alters the fundamental mission or programmatic activities at NASA. That is, under the Obey amendment, the United States would still order our best scientists and engineers to send our bravest astronauts back into space; we just demand that they cut a few corners along the way.

This is scientifically and morally unacceptable. Mr. Chairman. If the gentleman from Wisconsin or anyone else wants to have a debate about the wisdom of the American people's investment in space exploration, we can have that debate.

□ 1200

You can bring out a bunch of flow charts about the deficit and all the noble government aspirations that are currently underfunded. And I could read a list of people around the world whose lives have been saved and whose livelihoods depend on technologies developed over the last 4 decades by America's space program: the MRI machine, the portable x-ray, the automatic insulin pump, rocketry, satellite technology, touch tone phones, cellular telephony.

Which of these innovations, all directly attributable to our decades-long commitment to space exploration, might our society have missed out on over the last 40 years if along the way we asked NASA to cut a few corners here and there?

What future technological breakthroughs will we miss out on in the next 40 years if we start cutting back on NASA now?

That is an important debate, Mr. Chairman, and one that I relish the opportunity to have. But that is not what this amendment is about. This is not about scaling back our space program, but scaling back our commitment to the men and women who risk their lives for it.

If the gentleman from Wisconsin (Mr. OBEY) wants us to turn our backs on space and surrender mankind's ancient struggle against ignorance, so be it. But as long as we are sending American citizens into space, we have a moral obligation to provide NASA's engineers every resource they require to bring our astronauts home safe.

If Members do not want our astronauts to return to flight, return to the Moon, complete the international space station or go to Mars, let them say so.

But if we do support our space program, if we do support our NASA community, and if we do support our astronauts and we risk their lives by sending them into the unknown on the cheap, Mr. Chairman, we will never be forgiven.

I would ask Members to pay attention to the amendments that are offered to this bill and most importantly, vote "no" on the Obey amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

The distinguished majority leader must know that the ranking member of the Appropriations Committee, the gentleman from Wisconsin (Mr. OBEY), went to the Rules Committee to ask for a rule to allow him to offer an amendment to increase the funding for State and local law enforcement, which was dramatically reduced in this bill. It only exists in the bill because the chairman has restored several hundred million dollars to States and locals which the President asked to cut.

So the distinguished majority leader must know that the gentleman from Wisconsin (Mr. OBEY) went to the Rules Committee and that the gentleman from Wisconsin (Mr. OBEY) is trying to get at the inadequacy of the funding for State and local law enforcement levels from the Federal Government, and the gentleman is not at all interested in cutting NASA.

But the gentleman from Wisconsin (Mr. OBEY) is left in a position now that his amendment, which proposes to offset the high income tax cut in order to fund additional State and local law enforcement, was denied. The gentleman was not able to offer that amendment, so he is getting at the issue of the inadequacy of the funding of State and local law enforcement by having, in a tight bill where we do not have many offsets, offsets against NASA. That is difficult. That is tough. But it does get at the issue of the inadequacy of State and local law enforcement, and the gentleman from Wisconsin (Mr. OBEY) really has no choice if he wants to raise the issue, but to take a route like this.

Mr. Chairman, I yield 4 minutes to the distinguished minority ranking member on the Appropriations Committee, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I note the majority leader's reference to morality. It is really interesting indeed to be lectured on morality by the majority leader, almost makes me laugh. But let me simply say one thing. We are here today with a bill brought by a fine Member of Congress, the gentleman from Virginia (Mr. WOLF), who does his dead level best to provide a fair allocation of money within the amount assigned to his subcommittee.

The problem is that because the majority party has already made its basic budget decisions, and it has made as its number one priority providing tax cuts including $140,000-a-year tax cuts for people making more than a million bucks, because of that, there is very little left on the table for any of the domestic programs. And so the majority is now bringing to the floor bills which are inadequate for education, inadequate for science, inadequate for health, inadequate for law enforcement.

Now, the gentleman from Texas (Mr. DELAY), the distinguished majority leader, objects to the amendment that I intend to offer. Let me tell you how we got here. Last year, the gentleman was unhappy because the funding for NASA was scaled back by the VA HUD subcommittee in order to provide more room, in order to provide more money for housing, and to provide more money for veterans care. The gentleman from Texas (Mr. DELAY) did not like that arrangement, so he abolished that subcommittee because the gentleman from Texas (Mr. DELAY) is from Houston and he wanted an exception to the rule that required everybody else to have their pet programs squeezed except him. So he abolished the subcommittee.

Instead, he rearranged the jurisdiction of the subcommittee. So now, NASA is in competition, not with housing, not with veterans health care. Now NASA is in competition with local law enforcement. So you have got a $500 million increase in this account for NASA, and it is paid for by a $400 million cut in local law enforcement.

My first choice was to go to the Rules Committee and ask them to allow me to offer an amendment to scale back the size of the tax cut for those making a million dollars or more a year by $2,000. That means those poor devils are going to have to get by with a $138,000 tax cut next year. The majority party denied that. They force me now to look for other sources within the bill. So what I have done is to look at the places where this bill has increased over last year, because local law enforcement, since 2001, has been cut by a billion dollars. And so what the amendment does, it says let us scale back our plans to go to Mars by 2030 and instead make as a higher priority providing better law enforcement for grandma and grandpa back home. That is what we are trying to do. I make no apology for it.

If the majority leader does not like the fact that we had to go to NASA to take the money out in order to fund local law enforcement, he has only himself to blame because he reorganized the subcommittees in the first place to create this jurisdictional trade-off. If the gentleman from Texas (Mr. DELAY) does not like the result, he ought to look in the mirror.

Mr. WOLF. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in strong support of this bill. As we all know, this is a difficult budget year. The American people have expressed, both Democrats and Republicans, strong concern about the budget deficits and are asking Congress to move in a direction of a balanced budget. That is what this bill does, and the gentleman from Virginia (Mr. WOLF) needs to be commended. It has a slight decrease in the State Department and Commerce Department funding, a slight increase in Justice Department funding, and as has been pointed out an increase in the science account.

I specifically rise to speak in support of the NASA accounts. We, in the congressional district that I have the privilege of representing, launch the space shuttle into space, and that space shuttle is America's space shuttle. It is not a Republican or a Democrat space shuttle, and it is poised to return to flight soon. We need to make sure that it completes the remainder of its assigned mission safely and safely brings the crew back to Earth. And this bill funds the shuttle at the needed level. It also has adequate funding for the space station. We have not completed the construction of the space station, and we have engaged in partnerships with European countries and with the Japanese and the Russians; and once the space shuttle is flying again and with the funding level the chairman and the ranking member have put in this bill, we should be well on track to complete construction of the space station.

I would like to also rise and speak in support of the initiative in this bill to increase aeronautics funding. And my colleagues, the United States has dominated the world in aeronautics. We are the home to the Wright brothers. And today we are being eclipsed. Today, Airbus has a greater global market share than Boeing, our sole remaining commercial airline manufacturing company. And this is critical seed corn if we, as a Nation, are going to be able to continue to have our edge in commercial aviation and in the whole field of civil aviation and aeronautics.

I would like to specifically address the issue of the President's space initiative. And one of the things that I have been increasingly concerned about in my position as a legislator is the fact that people in education tell me we just do not have enough American kids going into science, mathematics, and engineering. And those same educators tell me over and over again the thing that motivates kids more than anything else to go into those fields is the space program. And for years, NASA languished because many people criticized it for not having a clear vision. President John Kennedy gave it a clear vision in the 1960s; and, finally, today, we have that vision again. We are talking about going back to the Moon and on to Mars. President Bush gave us that vision, and now is not the time to cut back.

We have a critical situation where, in many of our colleges and universities, the majority of people pursuing graduate degrees in science and engineering fields are foreigners. They are not Americans. We are not graduating enough American citizens in these fields, and there is no better way to motivate our young people, young kids in grammar school, in secondary school.

Let me just say one other thing to close out. A lot of this space exploration is about the spirit of being an American citizen. We are a Nation of explorers, and if we are going to turn our back, or if we are going to delay, and I am very sympathetic to what the ranking member is trying to do with more funding for police, and I would certainly hope we may be able to do that in conference. But if we are going to remain a Nation that is always on the cutting edge of science and exploration, we desperately need NASA and what this bill is about.

I would strongly encourage all of my colleagues on both sides of the aisle to oppose any initiative to reduce the NASA accounts, to reduce the science accounts, to support the underlying bill. It is the right thing for our kids. It is the right thing for our competitiveness in the future. And it is the right thing to make sure that our space program stays on track.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished member of the subcommittee, the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I rise in support of the bill providing appropriations for the science agencies, the Department of State, Justice and Commerce and several related agencies for fiscal year 2006.

As in past years, I wish our 302(b) allocation could have been more generous, but that is not the fault of this committee. However, I am impressed with how much the gentleman from Virginia (Chairman WOLF) was able to accomplish with the allocation he was given.

I would also like to say what a pleasure it has been to work with the gentleman from Virginia (Chairman WOLF) and the gentleman from West Virginia (Mr. MOLLOHAN) and the outstanding majority and minority staff on this bill. On this subcommittee, there is an excellent working relationship among all of the members, and I credit the gentleman from Virginia (Mr. WOLF) for that.

Many important priorities were funded in this bill, and some of the highlights include increases for counterterrorism and counterintelligence activities at the FBI, restored funding for DEA's mobile enforcement teams, and the demand reduction assistance, much more than requested for the MEP program, funding levels for NOAA that I hope we can continue to increase as we move through the process, significant increases for NASA and the National Science Foundation, full funding at the requested level of $1.3 billion for international peacekeeping activities, a wonderful way, in my opinion, for us to use our military and our resources, contributions to international organizations that I hope can be increased to the requested level before the final bill is completed.

I would be remiss, however, if I did not express concern about the burdens on the Legal Services Corporation from restrictions on their use of non-Federal funds. But I am pleased that funding was provided at last year's level and above the administration's request.

Some needs will go unfunded at SBA, and the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member, will speak to that in a short time. But fortunately, the committee was able to provide funding for the microloan program.

☐ 1215

Again, Mr. Chairman, I congratulate both the ranking member and the chairman for a good bill, and I will support it.

Mr. WOLF. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Chairman, I thank the gentleman from Virginia (Chairman WOLF) for the time.

I want to, at this time, personally thank the gentleman from Virginia (Mr. WOLF) and the gentleman from California (Chairman LEWIS) of the House Committee on Appropriations for saving VOCA, the Victims of Crime Act funding, by not removing these funds and giving them to other projects.

This was a novel brainchild of the Reagan administration. VOCA constitutes the United States Government's vision to make criminals literally pay for the crimes they have committed. Since the beginning of VOCA in 1984, fees and fines and forfeitures that are collected from criminals in any given year go to VOCA's Crime Victims Fund. The following year, these grants are then issued to States for services that go directly to victims of crime. The money does not come from taxpayers, but criminals pay for the system they have created.

So I want to praise the effort of the gentleman from California (Chairman LEWIS) and the gentleman from Virginia (Mr. WOLF) because they are not only saving VOCA, they have also affirmed that victims of crime should have a high priority, more of a priority than building another bridge someplace or expanding the bloated bureaucracy. Saving these funds is a statement that we as a Congress will not forget the plight of American crime victims.

I also want to thank the effort of fellow members of the Victims Rights Caucus that we have cofounded, the gentlewoman from Florida (Ms. HARRIS) and my good friend across the aisle, the gentleman from California (Mr. COSTA).

More importantly, there are numerous victims of crimes organizations in the United States that fought to save these funds. They include Justice Solutions, the National Association of VOCA Assistance Administrators, Mothers Against Drunk Driving, the National Alliance to End Sexual Violence, the National Association of Crime Victim Compensation Boards, the National Children's Alliance, the National Center for Victims of Crime, and the National Coalition Against Domestic Violence, and many others.

So I want to commend these organizations for coming on board to make the statement basically: Do not mess with crime victims.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. CRAMER), a distinguished member of the subcommittee.

Mr. CRAMER. Mr. Chairman, I thank the ranking member for the time.

I rise in strong support of this subcommittee bill. I am privileged to be a member of this subcommittee, and I think the chairman, the gentleman from Virginia (Chairman WOLF), and his staff have crafted an unbelievably good bill under very difficult circumstances.

I particularly, on behalf of the National Children's Alliance, want to thank the chairman and the ranking member for their commitment to funding for this remarkable national network of children's advocacy centers which have been a part of this bill for many years now.

As my colleague from Texas just remarked about the crime victims trust fund funding, my local nonprofits there in north Alabama and around this country are pleased that that trust fund was not rescinded, that money was restored in there. Again, I thank the chairman and the ranking member for those plus-ups.

This is a good bill. It should be supported by the Members.

On the NASA side, on the NASA account, we are fully funding the Shuttle Return to Flight, and the President's space exploration program on behalf of the Marshall Space Flight Center, also there in north Alabama. This is a good bill for NASA, and, again, it is under difficult circumstances.

In my area of the country, we have a problem with the crystal meth issue. There is money available under this bill for the meth hotspots at the level of $60 million. My community sorely needs that kind of funding available for them to attempt to combat this raging and very difficult problem.

The bill restores $40 million for the drug courts. In my opinion, that is related to the crystal meth issues, at least in my area anyway, and we need those moneys restored. I might remind my colleagues that that program, the drug court program, was zeroed out in the President's budget.

This bill fully restores funding for the NEP program, and that is important.

So, all in all, as I have rambled through the various provisions in this bill, this is a good bill, and on behalf of the citizens of the Fifth Congressional District of Alabama, I urge my Members to support this bill.

Mr. WOLF. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) for the purpose of a colloquy.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I appreciate the gentleman's willingness to engage in a colloquy, and I thank him very much for yielding time to me.

I wish to express the concern of many of my constituents regarding potential threats to the integrity of the Small Business Administration's loan program.

Under current law, no funding for the Small Business Administration funds may be used to assist individuals who are in the United States illegally. Actually, to date, the best information we have is that SBA has never guaranteed a loan to an individual living illegally in the United States. However, SBA only guarantees the loans, while banks actually provide the funds to applicants. Thus, the burden of ensuring the legal status of loan applicants is actually placed on the financial institutions.

While banks have internal measures designed to specifically prevent fraud, the success of SBA's policy hinges on prompt notification, rather than upfront security.

Unfortunately, the post-9/11 world has highlighted the consequences of fraud. My constituents and those around the United States demand that Congress act aggressively to strengthen and protect the integrity of the SBA loan system rather than passively waiting for the worst.

Can the distinguished gentleman describe what steps have been taken to combat this sort of fraud and to protect America?

Mr. WOLF. Mr. Chairman, will the gentlewoman yield?

Ms. GINNY BROWN-WAITE of Florida. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I would be happy to do so for the gentlewoman.

I share her concerns about waste, fraud and abuse, and have also expressed my concerns to the SBA about this issue. In fact, the gentlewoman from Texas (Ms. GRANGER) had expressed the same concern, too.

I understand that the SBA is now collecting the information on, and essentially tracking, loan agents. Any potential fraud cases are immediately referred to the Inspector General, and perhaps we ought to put some language in saying they should be referred to the FBI for prosecution.

I will assure the gentlewoman I will work with the SBA Administrator and the Inspector General, and also, if the gentlewoman would agree, the FBI, to assure that no fraud occurs in the small business loan program.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I thank the gentleman for his time and consideration and certainly look forward to working with the Chairman on this important matter in the future.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER), the distinguished ranking member of the Subcommittee on Transportation, Treasury, HUD, the Judiciary, District of Columbia, and Independent Agencies.

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me time, and I thank the gentleman from Virginia (Chairman WOLF) and the gentleman from West Virginia (Ranking Member MOLLOHAN) for all their work on this bill.

I particularly commend them for rejecting the administration's proposal to create an umbrella community development program in Commerce, which would have greatly reduced the breadth and creativity of the community development programs as they currently operate.

I appreciate my colleagues' efforts to restore funding for other vital programs within their wholly inadequate allocation. I especially thank them for restoring partial funding for the SBA's microloan program, which the President's budget eliminated.

Through the microloan program, 170 intermediary lenders nationwide provide loans and technical assistance to our smallest businesses, many of which could not secure loans from more restrictive SBA programs or conventional banks. Since its creation 13 years ago, the microloan program has provided over 21,000 microloans totaling $250 million, which averages to fewer than $12,000 per loan. Yet, 60,000 jobs have been created at roughly $3,500 per job.

One microlender in my district, the Western Massachusetts Enterprise Fund, has made 138 loans totaling $2.25 million. One hundred percent of the microloans were made to locally owned businesses, half of which were startups, and all received watchful technical assistance, which is why so few of these loans default.

As we all know, small businesses are the backbone of the American economy, and I thank my colleagues for their support and urge them to work toward restoring the microloan program to last year's funding level.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chairman, I want to congratulate the gentleman from Virginia (Chairman WOLF) and the gentleman from West Virginia (Ranking Member MOLLOHAN) for putting together a very balanced bill within the available allocation.

As the new chairman of the House Subcommittee on Space and Aeronautics, we are in the process of drafting a NASA authorization. Our authorization will be the first opportunity for the House of Representatives to endorse a Vision for Space Exploration, a bold initiative that is the cornerstone for investment in both human and robotic exploration.

Space exploration is a technology engine for this country. We need this vision to encourage the next generation of skilled workers and to drive innovation. Telling kids that they need to study math and science rings hollow unless there is a real reason to do so, like space exploration.

I certainly support State and local law enforcement assistance; however, Congress has a long track record of providing law enforcement with ample resources. Since September 11, 2001, Congress has provided more than $15 million to assist State and local law enforcement, and, in this bill, has generally funded law enforcement above the President's request. Funding to these State and local agencies is also provided through a number of other agencies, such as Homeland Security, the Federal Bureau of Investigation and others.

NASA has a new Administrator, Mike Griffin, who is getting the Agency moving in the right direction to carry out this Vision for Space Exploration most effectively. These cutting-edge technologies will ensure our global technological leadership, our Nation's security and our competitiveness worldwide.

I urge my colleagues to vote against the Obey amendment and support the committee bill that we have before us today later in this debate.

I thank the gentleman for his time.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. KUCINICH), for purposes of a colloquy.

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for the time.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Virginia.

I would like to thank the gentleman because he has done the Nation a great service by authoring the section of this bill's committee report that deals with aeronautics at NASA. I also note that the report singles out the important role of the individual NASA centers. Again, I applaud the gentleman for his insight and action because I, too, am an advocate of the centers. I am fortunate to have NASA Glenn in my district, which is one of the most decorated centers in the Agency.

I would like to ask the gentleman for a point of clarification. In the committee report for this bill, there is a requirement that NASA provides a plan for how it will allocate aeronautics funds for fiscal year 2006. Would the gentleman agree that the plan should include a definition of work that leads to additional breakthroughs, including rotorcraft, hypersonics, propulsion and vehicle systems?

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I would, definitely.

Mr. KUCINICH. Mr. Chairman, I thank the gentleman.

Again, I would like to thank the gentleman for his staunch advocacy of such a worthy issue. I know thousands of constituents in Cleveland are equally grateful for his work and his vision.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS) for purposes of a colloquy.

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding me time, and I especially thank the chairman of the committee for his wonderful work, with a very tight budget this year and insufficient allocation. Nothing in my comments is to be interpreted as a criticism of the committee or its work.

Mr. Chairman, I rise in order to engage in a colloquy with the distinguished chairman of the Subcommittee on Science, the Departments of State, Justice, and Commerce, and Related Agencies.

Within the Education and Human Resources Directorate of the National Science Foundation, better known as NSF, I am especially concerned about the Math and Science Partnership program. This program connects States and local school districts together with higher education institutions to strengthen pre-K–12 math and science education. The partnerships also aim to increase the number, quality and diversity of math and science teachers.

The Math and Science Partnership program budget has been greatly diminished since 2002, when it was funded at $160 million. This year the committee was able to fund the program at $60 million, which will prevent NSF from starting any new partnerships.

This spring, 76 Members of Congress signed a letter supporting the funding of this program at $200 million for fiscal year 2006. In addition, the National Science Board, the guiding body of the National Science Foundation, has publicly stated, and I quote from a letter I recently received, "Should funding become available to restore some of the cut programs, clearly, retaining the MSP program in NSF is the highest priority."

☐ 1230

"Large-scale, sustained experiments like the math and science programs are crucial for developing models of excellence in science, technology and math education, linking precollege and college education and providing other links to the community and the workforce."

And, Mr. Chairman, I will include this entire document for the RECORD.

We know our students need to improve in math and science education. We know that other countries are investing in these areas and that their students are succeeding where ours are not. We know that the United States will not be able to compete with the rest of the world indefinitely if our workforce is not on the cutting edge of these fields.

I would appreciate Chairman WOLF's willingness to consider, in the event that any additional funds may become available in the future, that his committee examine the possibility of devoting such funds to the Math and Science Partnership program. I believe this program must be able to fund some new starts and target the partnerships in this most needed of areas. I recognize that the gentleman's committee has taken steps to help address the educational areas of greatest need to improve in math and science education, and I look forward to working with him on this endeavor.

Mr. Chairman, the document from the National Science Board, which I referred to earlier, is herewith submitted in its entirety for the RECORD:

NATIONAL SCIENCE BOARD,
Arlington, VA, May 26, 2005.

Hon. VERNON J. EHLERS,
House of Representatives,
Washington, DC.

DEAR MR. EHLERS: Thank you for your letter of March 29, 2005 in which you requested that the National Science Board (NSB, the Board) delineate the priority of programs within the Education and Human Resources portion of the National Science Foundation (NSF) Budget, to help Congress to focus any additional funds for NSF back to education, should they become available. The Board appreciates your continuing strong support for the NSF's role in Science, Technology, Engineering and Mathematics (STEM) education. The Board is, like you, concerned by the decline in funding for education in the NSF budget. We agree with you that such cuts would undermine the NSF's role in education in STEM fields at a time when STEM skills are becoming increasingly vital to the continued security and prosperity of our Nation.

NSF is unique as the only Federal agency with both science research and science education in its charter. The programs in the NSF Education and Human Resources directorate are designed to support and improve U.S. STEM education at all levels and in all settings (both formal and informal). These programs are unique in their capacity to identify and study the most promising ideas for math and science education, to develop new and improve materials and assessments, to explore new uses of technology to enhance K–12 instruction, and to create better teacher training techniques. The results of NSF supported research can then be transferred into practice. NSF's highly-regarded peer review system that enlists leading scientists, mathematicians, engineers,and academicians to improve K-12 STEM education programs is at the center of this education improvement infrastructure.

The proposed NSF FY 2006 budget begins an end to the commitment for large experimental programs in the Math and Science Partnership (MSP) program, which builds on NSF experience in large-scale precollege and preservice experiments. The proposed budget also reduces critical areas of education research and undergraduate education. You have asked for the Board's priorities for education, should funding become available to restore some of the cut programs. Of the three major areas, all of which contain experimental programs to advance STEM learning, clearly, retaining the MSP program in NSF is the highest priority. Large scale, sustained experiments like the MSPs are crucial for developing models of excellence in STEM education, linking precollege and college, and providing other links to the community and the workforce.

NSF has the mandate, depth of experience under its Systemic Initiatives and other large-scale multifaceted education activities, and well-established relationships to build such partnerships for excellence in K-12 STEM education.

In 1983, the NSB Commission on Precollege Education in Science, Mathematics and Technology published its recommendations for U.S. students to become first in the world in science, mathematics and technology. Most of the recommendations of this report are still relevant today. Some progress has been made in precollege STEM education through research and implementation of model programs, but much more is needed. As a workforce with basic STEM skill has become ever more essential to American economic prosperity and national security, it is now critical to our future that our precollege education system is prepared to perform its essential role in U.S. STEM education. Today it clearly is not.

Certainly, world class STEM education is a moving target, as science and technology advances and as other nations raise the bar for STEM education in their own precollege systems. The Board therefore has determined, in response to requests from the Congress and other stakeholders, to undertake an update of the 1983 Commission report.

The Board is hopeful that our Nation is ready to implement an aggressive, research-based program in precollege STEM education. Within the framework of No Child Left Behind legislation, it is critical that U.S. education systems implement research-based strategies to improve STEM learning, with the goal of international leadership in precollege STEM education. It is also critical that we build on and continue the long-term research in K–12 education sponsored by NSF.

We thank you for your efforts on behalf of NSF, and we offer our further assistance in any way that would be helpful.

Sincerely,

WARREN M.WASHINGTON,
Chairman, National Science Board.
ELIZABETH HOFFMAN,
Chair, EHR Committee, NSB.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. EHLERS. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I also want to thank Chairman WOLF and Ranking Member MOLLOHAN for their hard work on this bill. I believe they have done everything within their power to support the National Science Foundation, given the funds available. To that end, I would like to work with the chairman and his subcommittee to bolster the future allocation for fundamental science. We cannot let our investment stagnate or slip.

I know they understand, and we all need to appreciate, the impact innovation has on jobs in our economy. We need to remain dedicated to investing in innovation; and I want to stand by Chairman WOLF, and once again let me express my deep appreciation and to stand by the chairman and to offer to help in this very important process.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. EHLERS. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I want to thank both the gentleman from Michigan (Mr. EHLERS) and the gentleman from New York (Mr. BOEHLERT) for their comments. Frankly, I have learned a lot from them on this issue, and a lot of what they have been pushing for, I now see, if you will. So I want to thank them.

I understand their concerns, and I will be pleased to work with them to explore what might be done to address these concerns in conference. I support the MSP program at the NSF and look forward to working with the gentleman from Michigan and also the gentleman from New York to see if we can address the legitimate concerns they raise.

Furthermore, I am committed to ensuring that our investment in future innovation does not waiver; and I look forward to working with both my colleagues and, hopefully, the President of the United States with additional resources as the budget comes up next year on improving the allocation for science in future budgets.

The CHAIRMAN. The Chair advises Members that the time for general debate for the gentleman from Virginia (Mr. WOLF) has expired. The gentleman from West Virginia (Mr. MOLLOHAN) has 8 minutes remaining, and the gentleman from West Virginia is recognized.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. ISRAEL) for purposes of a colloquy.

Mr. ISRAEL. Mr. Chairman, I rise to engage the gentleman from Virginia in a colloquy regarding the American Corners Program.

Mr. Chairman, the American Corners Program are partnerships between the Public Affairs sections of U.S. Embassies and host institutions. They provide access to current and reliable information about the U.S. via book collections, the Internet, and through local programming to the general public.

Sponsored jointly by a U.S. Embassy and a host country organization, an American Corner serves as an information outpost, similar to a public library reference service. The multi-media book and periodical collections are open and accessible. Associated reading or meeting rooms are made available to host program events and activities, like author readings, films, speaker programs, workshops, meetings, and exhibits.

Recently, a Pakistani official, Hussain Hakanni, told me about his experience at an American library in Pakistan as a young boy. One day he met the U.S. Ambassador and he beat the Ambassador in a game of Trivial Pursuit. When the Ambassador asked him how long he had been in the United States, he responded, I have never been to your country. I have visited your libraries. Today, he is a strong ally for the United States in a region where we need strong allies.

This program was his first contact with America, and it succeeded in doing what we are today struggling to do with youth in that corner of the world, winning hearts and minds. That is why I support the American Corners program, and I hope to work with Chairman Wolf as this bill progresses to ensure strong support for this important international program.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. ISRAEL. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I agree with the gentleman from New York that the State Department's American Corners Program is important for several reasons. It encourages the opening flow of ideas, which we desperately need at this time. It teaches people about America, which we also desperately need. And it increases global literacy.

The fundamental function of the American Corners Program is to make information about our country available to foreign publics at large. Access to the American Corners collection is free and open to all interested citizens of the host country, and I think it is particularly important to countries that are closed.

I am happy to work with the gentleman from New York to ensure strong support for this program going forward.

Mr. ISRAEL. Mr. Chairman, I thank Chairman WOLF for his bipartisanship.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. UDALL) for purposes of a colloquy.

Mr. UDALL of Colorado. Mr. Chairman, I would like to enter into a colloquy with my friend, the chairman of the Subcommittee on Science, the Departments of State, Justice, and Commerce, and Related Agencies, the gentleman from Virginia (Mr. WOLF).

First I want to thank Chairman WOLF as well as Ranking Member MOLLOHAN and the other members of the subcommittee for their hard work in putting together this appropriations bill. Mr. Chairman, last year, the Department of Commerce notified the NOAA and NIST and NTIA research laboratories in Boulder, Colorado, that it had decided to build a security fence around the campus where the labs are located. This has been a matter of concern to Boulder, local residents, and the people who work in the labs. They raised questions about the nature of the unspecified threats that the fence is intended to address and about the effectiveness of a fence.

At my urging, the Department of Commerce and NIST worked with Boulder residents and city officials to determine the most acceptable placement of the fence. However, the Department still has not made clear the nature of the security threat, the proposed timetable for building the fence, or how they propose to pay for it. I understand no funding has been requested for the project.

In my view, it would not be right to reduce funding to research operations or other needed construction work in NIST and NOAA in Boulder in order to pay for the fence. So I would like to ask the chairman whether he agrees that if this fence is to be built, it should not be done at the expense of ongoing research or capital improvements to these laboratories.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from Virginia.

Mr. WOLF. Yes, I do agree with the gentleman that this funding for ongoing research and capital improvements to these laboratories is important. To date, no new funding has been requested by the administration, and plans for such a fence have not been finalized. The committee understands this project may be considered for future budget requests to the Congress.

Also, I tell the gentleman that I would be glad to set up a meeting with the new director of NIST and others to kind of meet in our offices and see how we can resolve this to the gentleman's satisfaction.

Mr. UDALL of Colorado. Mr. Chairman, reclaiming my time, I thank the gentleman for his willingness to work with me, and I thank the ranking member for his help as well; and I look forward to holding that meeting with the gentleman.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. CUELLAR) for the purposes of a colloquy.

Mr. CUELLAR. Mr. Chairman, I rise to engage Chairman WOLF in a colloquy with me.

I thank the chairman for agreeing to engage in this important discussion with me. As you know, I represent Laredo, Texas, along the U.S.-Mexican border. There has been much violence along the border, including 31 Americans that have been kidnapped on the Mexican side. That is 31 Americans. Twelve of them have been returned, two were killed, and the remaining are unaccounted for.

I have been working to increase cooperation with the law enforcement agencies policing the border. In May, I brought together officials from agencies ranging from the FBI to the State Department along with the local law enforcement to help formulate a plan.

The Mexican Government on the other side has increased police and federal presence along the border, which is good news, but unfortunately they haven't done enough. We need to respond with strong, decisive efforts of our own to help forge a lasting resolution.

I am excited to know, Mr. Chairman, that this bill increases by $23 million the Violent Crime Impact Teams assigned to cities in the United States, and I thank you, Mr. Chairman, and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), and the members of the subcommittee for the leadership that you have shown. I am also currently working with the Bureau of Alcohol, Tobacco and Firearms, and the Attorney General, Mr. Albert Gonzales, to get a team permanently assigned to the Laredo area; but unfortunately at this time we need some funding.

I hope the chairman and I can work together to try to get a Violent Crime Impact Team assigned to Laredo. The violence spilling over across the border is great, and I believe this effort can go a long way towards addressing this problem, and so I ask for your assistance in this matter.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. CUELLAR. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, we will be glad to work with the gentleman from Texas and Ranking Member MOLLOHAN to see what we can do to help. That sounds like a horrible situation: 31 Americans kidnapped. So if we can help, we will do whatever we can to help you.

Mr. CUELLAR. Reclaiming my time, Mr. Chairman, I thank both Chairman WOLF and Ranking Member MOLLOHAN for their help, and I thank the chairman for his bipartisan approach to address this very, very important approach to a violent situation.

Mr. MOLLOHAN. Mr. Chairman, I would like to inquire as to the time remaining for our side.

The CHAIRMAN. The gentleman from West Virginia has 2 minutes remaining.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST) for the purposes of a colloquy.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise to ask the chairman to engage in a colloquy.

While I applaud the appropriation subcommittee's overall efforts to contain the Federal budget, I have some concerns about ocean issues. And when we talk about ocean issues, these are critical issues crucial to the survival of humans on the planet when we consider the extent and the complexity of the oceans and life on the planet.

The over-500-page report of the U.S. Ocean Commission emphasized the need to take action now to invest in ocean and coastal programs to ensure conservation and the sustainable use of resources for future generations. The Ocean Commission report called for doubling the investment in the coastal and ocean science and to provide an additional $500 million to $1 billion in assistance over the next several years to support ocean programs and fisheries management.

In April of this year, I joined over 100 House Members deeply concerned about the health of our oceans and coastal areas to request support for additional funding for key National Oceanic and Atmospheric Administration programs, or NOAA. After considering other competing priorities, the subcommittee approved the NOAA budget of $3.43 billion, almost $500 million below last year's level.

Now, I understand the Federal budget constraints, and I understand the constraint of the subcommittee and the appropriations process; but I would ask the chairman to consider looking at these issues as we move this bill through to the conference.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from Virginia.

Mr. WOLF. I thank the gentleman for bringing this issue to our attention, Mr. Chairman. As the gentleman said, the budget is very tight this year and difficult decisions had to be made.

While I believe that all the programs in the bill are worthy of funding, we had to keep the bill within the subcommittee 302(b) allocation.

I agree with the gentleman that the functions of NOAA are very important and will work to see that the conference funding levels are adequate.

Mr. GILCHREST. Reclaiming my time, Mr. Chairman, I thank the chairman for his consideration; I thank the chairman for his effort to balance the budget and to allocate the funds equitably to all the various programs. I look forward to working with the chairman in the future on this issue.

Mr. NUSSLE. Mr. Chairman, I rise to speak on H.R. 2862, the Science, State, Justice, Commerce, and Related Agencies Appropriations Act of 2006. This bill provides funding for a variety of agencies and programs, including the Federal Bureau of Investigation, FBI, the U.S. Marshals Service, the Drug Enforcement Administration, DEA, State and local law enforcement grants, the National Aeronautics and Space Administration, NASA, and the diplomatic and consular programs at the Department of State to name a few.

This bill marks the halfway point for the House in completing work on Appropriations for fiscal year 2006. I want to commend Chairman LEWIS and my colleagues on the Appropriations Committee for their aggressive pace in bringing these bills to the floor for debate and wish them well as we continue on in this process.

As Chairman of the Budget Committee, I am pleased to note that this bill complies with the budget resolution for fiscal year 2006 (H. Con. Res. 95), specifically section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an Appropriations subcommittee's 302(b) allocation of budget authority in the budget resolution.

H.R. 2862 provides $57.5 billion in appropriations for fiscal year 2006. This is an increase of $76 million in BA and $1.3 billion in outlays over the fiscal year 2005 level, and $3.2 billion in BA, and $615 million in outlays below the President's request.

I should point out that in order to stay within the 302(b) allocation the bill derives savings from adjustments to various mandatory accounts and requiring the U.S. Patent and Trademark Office to accrue certain retirement benefits. The largest savings results from the annual capping of the Crime Victim's Fund, which is set at $625 million for fiscal year 2006, and delaying the obligation of the remaining $1.2 billion until fiscal year 2007. Additionally, $62 million in savings is derived from a permanent and indefinite appropriation for the expenses of the management and disposal of assets from the Assets Forfeiture Fund. The accrual provision would technically result in $39 million in savings.

The bill also shifts resources from some lower-priority programs at the Department of Commerce toward more important and higher-priority public safety and crime prevention programs like the FBI and DEA at the Department of Justice.

Personally, looking to the needs of Iowa, I support increased funding for the Byrne Assistance Grants financed through offsetting reductions in other accounts within the bill. As reported by the full Committee, the bill sharply reduces funding for this program below last year's level. These funds are critical to ongoing efforts to fight illegal methamphetamine use in many States across the country.

In conclusion, I express my support for H.R. 2862 and again commend Chairman LEWIS and the Appropriations Committee on their steady work in bringing bills to the floor that comply with H. Con. Res. 95.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of this overall measure, H.R. 2862, which appropriates funds for the Department of Commerce, State, Justice, Science, and Related Agencies in FY 2006. I am encouraged that the overall measure provides $57.8 billion or 2% more than the 2005 level of funding.

I am very encouraged by the fact that the Appropriations Committee gives $21.7 billion for Justice Department programs which is 4% more than the current level of funding and 5% more than the administration's request. I also applaud the Committee for providing $334 million for juvenile justice programs which is 44% more than requested by this administration but is still 12% less than the current level.

I am disappointed however, that this bill provides only $520 million for the Community Oriented Policing Services—COPS—program which is a startling 13% less than the current level. This total includes $120 million for COPS technology, and $60 million for a new anti-gang initiative. We are sworn to serve the people of this Nation, and I can not see how reducing spending on such a vital community safety program can serve that honorable goal.

The Committee denied the president's request for $3.7 billion for a new community development block grant, and instead provided $228 million for the existing Economic Development Administration, and I understand that the administration plans to phase this initiative out.

For the first time this Subcommittee's appropriation's bill includes funding for NASA and the National Science Foundation. Until this year, NASA had to compete for funds with veterans and housing programs when it was part of the old VA–HUD–Independent Agencies Appropriations bill. Many believe that pairing NASA with the State and Commerce departments has made it much easier to provide increases for the space agency without offending powerful domestic constituencies.

As a member of the Science Committee's Subcommittee on Space and Aeronautics, the provision of $16.5 billion for NASA, or 2% over the current level represents a positive step toward reaching our goals in space technology and exploration. In addition, the NASA total includes $9.7 billion for science, aeronautics and exploration, which amounts to 4% more than the current level and about 1% more than the President's request. In this instance I appreciate that the committee did not agree to the administration's request to cut the Aeronautics Research program by $54 million.

This appropriation also provides $5.6 billion for the NSF making it $171 million more than the FY 2005 level and $38 million more than the President's request. This funding provides money for vital research and research equipment that can make the difference between achieving a great discovery and falling short. As well this Appropriation provides funding for education and human resources, which are designed to encourage the entrance of talented students into science and technology careers, to improve the undergraduate science and engineering education environment, to assist in providing all pre-college students with a high level of math and science education, and to extend greater research opportunities, to underrepresented segments of the scientific and engineering communities.

I also want to applaud the Appropriations Committee for directing NASA to include in its FY 2007 budget request detailed information on the prior year, current year, and requested funding levels for each program, project or activity, and on all proposed changes being requested. Clearly, the committee was disappointed with the lack of detail provided in NASA's FY 2006 funding request. In this vein I have asked that language be included that would direct NASA to report the amount of money spent in its budget for safety overall as well as for each major program and initiative for its FY 2007 budget request and for all following years. The need for this information is clear, since the Colombia Space Shuttle safety must be our number one priority. Yet, NASA has no exact figures for safety spending either in the overall spending or for each individual program or initiative. This language about NASA safety will help determine if enough funds are being dispersed for safety procedures. In addition, it will allow Appropriators to determine from year to year whether there has been an increase or decrease in safety spending. I have been assured by the majority staff of the Appropriations Committee that they will work to have this language added to the Conference Report.

However, my only concern with this portion of the legislation is that NASA Exploration Capabilities were funded at $50.1 less than the President's request. This funding would be provided for the Space Operations Missions Directorate, including the International Space Station, the Space Shuttle program, and Space and Flight Support. The funds for NASA Exploration Capabilities are essential to the President's vision for space exploration. This appropriation comes at a watershed moment for NASA and the future of America's space exploration mission. After the tragic Colombia Space Shuttle accident we had to step back and reassess our space shuttle program. Today, NASA is preparing to return to flight, but safety is still at the forefront of our concerns. The funds being addressed here are applicable to safety as well and we must ensure that everything is done to keep our NASA astronauts from possible harm.

I applaud the Subcommittee's prohibition of the funding of measures that implement torture. This is quite important given the recent report by organizations such as Amnesty International and the work that the Democrats of the Committee on the Judiciary have done to bring this issue to light. I wrote a letter to both U.S. Attorney General Gonzales and Secretary Chertoff requesting a full report on the conduct of the detention facilities located at Guantanamo Bay, Cuba, and I hope that the Committee on the Judiciary will hold at least one hearing on this important matter.

This measure provides $1 million for eight additional criminal division positions to assist U.S. attorney's offices and to coordinate investigations across judicial districts; and $60 million for a new anti-gang state and local law enforcement grant program. However, it is quite troubling to me that it does not provide any dollars for treatment programs to help these troubled juveniles.

As Founder and Chair of the Congressional Children's Caucus, I undoubtedly recognize the need for us to legislate to create protections from the danger and violence produced by gangs. However, before we haphazardly amend the law to add excessive and egregious mandatory minimums and other penalties that apply to groups of people or young groups of people, we just clearly define the acts that we seek to penalize. That is the essence of crafting law that is "narrowly tailored" and that does not suffer from over breadth.

In addition, this measure provides funding for Byrne Grant applications from state and local law enforcement agencies. Grants to fund state and local anti-drug task forces come from the "Edward Byrne Memorial State and Local Law Enforcement Assistance Programs," in Title 42 U.S.C., Subchapter V. As a member of the House Law Enforcement Caucus, I am an ardent proponent of initiatives that strengthen and support our law enforcement agencies. Furthermore, as a member of the Committee on Homeland Security, I make it a goal whenever possible to advocate for increased funding, better facilities, training, an equipment, and for improved interoperable communications for these first responders. However, with my amendment, I seek to restore the integrity, honesty , evenhandedness, and judiciousness of our law enforcement agencies.

Similarly, I will offer an amendment that states the following: No funds made available in this Act shall be used to facilitate the issuance of affirmances by single members of the Board of Immigration Appeals (BIA) without an opinion. An affirmance without opinion just says:

> The Board affirms, without opinion, the result of the decision below. The decision below is, therefore, the final agency determination. See 8 CFR 3.1(e)(4).

The reason for this provision in the Regulations is to move apparently meritless cases quickly through the appellate process. I pasted the authorizing regulations to the bottom of this note.

Cases coming to the Board that appear to be easy are separated out and sent to the streamlining panel. These cases are then assigned more or less randomly to staff attorneys without directions or supervision. If the staff attorney who reviews the case decides that affirmance without opinion is appropriate, he will print out a firm decision, and then give the file to a single Board member with a cover sheet that will have an explanation for why such disposition is appropriate. The explanations typically are a few lines.

My amendment would permit this practice but only with cases that more than one Board member has reviewed and that result in the issuance of an opinion with the affirmance.

The proportion of "affirmances without opinion" decided by a single Board member had increased from 10% to over 50% of all Board decisions, beginning immediately after the new rules were proposed. At the same time, the proportion of cases that are favorable to the alien decreased. Prior to proposing the "Procedural Reforms", one in four cases was decided in favor of the alien. Since then, only one appeal in ten is decided in favor of the alien.

Single-member review creates an incentive to rubber stamp immigration judges' decisions. Affirmance without written decision is much faster and easier than writing a decision and creates an incentive (whether conscious or unconscious) for Board members to meet case processing guidelines by affirming removal orders notwithstanding the merits of the appeal. Moreover, intellectual rigor in decision-making may be diminished because Board members no longer need to articulate the basis for their decisions. They need only decide whether they agree with the result ultimately reached by the immigration judge.

A panel of three Board members is far more likely to catch an error below than a single Board member. In the immigration context, there is only one administrative hearing before the case reaches the Board. Other administrative agencies that employ single-Member review have several layers of administrative process (i.e., interview, hearing, and reconsideration) prior to reaching the administrative appeals level as well as the option of a later de novo hearing in federal district court and court of appeals review.

Single-member review makes it difficult for the Board itself to determine whether its members are making errors. The courts of appeal, when such review is available, similarly lack guidance in reviewing the decisions of the immigration judges and the Board. This issue must be addressed in order to save the federal district court dockets.

Mr. MATHESON. Mr. Chairman, my home state of Utah is particularly fortunate to have a number of dedicated individuals working in law enforcement to protect our citizens.

These days, we all tend to focus on the armed forces, which are obviously a critical element of national defense. But it is also important to remember those on the front lines here at home. Local law enforcement officers need Congress' help to ensure that our streets stay safe for law-abiding citizens.

I'm very disappointed that this bill cuts funding for Byrne Grants, COPS grants, Juvenile Justice programs, and Drug Courts.

During my time in Congress, every single person involved with law enforcement has made it a point to share with me exactly how these grants help protect Utah citizens. I don't think we can say enough about the men and women who use this funding to better patrol our streets, decrease the availability of drugs in our schools, and ensure that each and every citizen is safe and protected.

Officer safety and the ability to investigate major crimes are often compromised by a lack of resources. One of the local police chiefs in a small town in my district said to me last year: Jim, I'm not worried about Al Qaeda attacking our little town. I'm worried about dealing with drugs in our middle school down the street.

Every single day, acts of heroism and valor are performed by police officers across our nation. We have made tremendous progress in terms of crime prevention and crime solving, but we need to remember that there are only so many available law enforcement officers at a given time. As our society grows, the demands placed on these individuals have also increased tremendously.

The best way that the federal government can serve local law enforcement is to actually provide the grant money that is best utilized by people on the beat. I strongly urge my colleagues to support the amendments that will be offered later today to increase funding for Byrne grants and COPS grants.

I truly thank the members of law enforcement across this nation for their service and I commit to working in support of both homeland security and domestic security.

Before I close, I also want to add that there are some good things about this bill too. I'm very pleased to see that the bill does not transfer responsibility or reduce funding for the High Intensity Drug Trafficking Area (HIDTA) Program. This program is very important to police chiefs and sheriffs in Utah and in other western states.

This bill also fully funds the Manufacturing Extension Partnership program, which is another great program that does exactly what we all say federal dollars should do. MEP helps small businesses avail themselves of technological improvements and best practices that allow them to grow. Members of Congress tend to agree that growth in our manufacturing sector is critical and it seems to me that we should support that goal by supporting the MEP program.

In closing, I recognize that we're facing an extremely tight budget. That's exactly why we should prioritize law enforcement and other aspects of our government that best help our citizens and make good use of limited federal dollars.

Mr. FARR. I would like to thank the chairman and the ranking member for their efforts to put together a balanced Science, State, Justice, Commerce bill; especially working with such limited resources. However, I would like to point out the shortfall in funding to the ocean, or wet, side of the National Oceanic and Atmospheric Administration (NOAA) in this bill.

It is distressing to see NOAA, our primary domestic ocean agency, take a $500 million cut from FY 05 levels less than a year after the U.S. Commission on Ocean Policy issued its final report calling for an increase of $1.5 billion in ocean funding during the first year after the report. The U.S. Commission on Ocean Policy was established by the Oceans Act of 2000 and appointed by President Bush to study our oceans and make recommendations for a coordinated and comprehensive national ocean policy. The Oceans Commission spent four years studying our oceans and made over 200 recommendations, and it spent $9.5 million figuring out how to better manage our oceans. We are now ignoring the clear, loud message that we need to invest more in our oceans. To put it another way, we are cutting more than a million dollars in ocean programs in our primary ocean agency for each page in the U.S. Commission on Ocean Policy final report.

With the atmospheric, or dry, side of NOAA seeing a 9% increase for the National Weather Service and a 7% increase for the National Environmental Satellite, Data and Information Service, the cuts to the wet side of NOAA are even deeper than they first appear. The National Ocean Service will receive a 40% cut and the National Marine Fisheries Service will receive a 20% cut.

To no one's surprise, Americans love the oceans, but what many Americans probably do not know is how much our economy relies on the oceans. The ocean economy—the portion of the economy that relies directly on ocean attributes—contributes well over $100 billion to American prosperity. About one tenth of the nation's annual gross domestic product (GDP) is generated in nearshore areas, the relatively narrow strip of land immediately adjacent to the coast. Coastal watershed counties, representing about one quarter of the nation's land area, contribute about half of the nation's GDP. NOAA funding is not only an investment in the protection, wise management, and productivity of our oceans and coasts; it is an investment in the well being of our coastal cities and communities.

Cuts to NOAA threaten the wise management of our oceans and will have far reaching ramifications such as on the tourism industry in my district and tourism in coastal districts around the nation. Tourism is one of the largest economic drivers of coastal areas, and my district is no exception. Tourists flock to my district for the same reason people want to live there, because of its natural wonders. Not only are the rocky shores dramatic, but people can watch sea otters paddle in the kelp, sea lions lounge on the docks, and whales breach in the bay. The more adventurous dive in the lush fish filled kelp beds, and the less adventurous—well, they go to the Monterey Bay Aquarium.

The Marine Sanctuaries program has been cut by 40% and the Coastal Nonpoint and Community Resource Improvement Grants program has been cut out completely. These two NOAA programs have been instrumental in keeping the coastal waters of my district unpolluted, allowing the waters to teem with life. The Monterey Bay Sanctuary office has been working with farmers in the productive valleys that drain into the Monterey Bay to reduce pollution from pesticides and nutrients. The farmers were skeptical until they realized they were saving money by finding ways to keep their fertilizers and pesticides on the fields and out of our ocean waters. The farmers are now bigger proponents of the program than the Sanctuary office. I don't want the ocean waters off my district to end up as a dead-zone like the waters off Louisiana, where due to nutrient pollution, there is a dead zone the size of Massachusetts. Pollution kills more than marine life; it kills fisheries and it kills tourism—For some reason I just can't quite picture a tourism brochure that reads "Come visit the country's biggest ocean dead-zone."

The State Coastal Zone Management Grants program was cut by $2 million. The National Estuarine Research Reserves program was cut by $3.7 million, and the Coastal and Estuarine Land Conservation program was cut by a whopping $38.7 million. These programs have been instrumental in allowing my district and other districts around the country to grow wisely striking a balance between development and preservation. The natural areas, parks and public beach access—besides pleasing the environmentalists—have been a smart tourism investment. Without the ability for people to access the beach and enjoy the wildlife in these natural areas, people will not bother coming to my district.

When I think about the oceans, fishing is one of the first things that comes to mind. It is an economic and cultural backbone for many coastal communities, and with American consumers eating over 15 pounds of fish per person every year, it is an important food source for people across our nation. Recreational fishing is a boon to coastal tourism as well, with more than 17 million recreational fishers spending approximately $25 billion a year on fishing-related activities. At a time when we know the status of less than a third of our fish stocks and are overfishing or have overfished more than 30% of the stocks we know about, we should be investing heavily in the National Marine Fisheries Service instead of making deeper budget cuts.

At a time when we know clearly from the U.S. Commission on Ocean Policy report that we need to be investing in our oceans, making drastic funding cuts to NOAA, the primary agency for managing our coasts and oceans, makes no sense.

I, with my fellow co-chairs of the House Oceans Caucus, sent a letter to the Appropriations Committee asking for adequate funding of key nation wide NOAA programs. We had the support of 84 bipartisan members who felt strongly about these programs. Of the 13 different programs we highlighted in our letter, none of them was funded at our requested levels. Only one program received a small increase over FY 05 enacted levels and only one was level funded. This is especially disappointing given the support of so many members—nearly 20%—of the House.

While I believe the Committee did a good job given the tight budget situation, it is disappointing to see NOAA receive such large cuts when they should be getting large increases. NOAA needs more money to do its job of protecting, managing and keeping our coasts and oceans healthy and productive.

The CHAIRMAN. Time of the gentleman has expired. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. OSBORNE. Mr. Chairman, will the gentleman yield.

Mr. WOLF. I yield to the gentleman from Nebraska.

Mr. OSBORNE. Mr. Chairman, as my colleagues may know, methamphetamine abuse has exploded across the U.S. over the last 15 years. Many States now break up between 500 and 2,500 meth labs per year. Meth is relatively cheap, tremendously addictive, and ofttimes addicts in one exposure. It is available nearly everywhere, particularly in rural areas.

Even though local meth labs are a tremendous problem, most meth comes from the superlabs in Mexico. Mexican superlabs purchase the basic ingredient, either sudafedrine or ephedrine from China, often in amounts of one ton or more. Mexico is currently importing much more ephedrine and sudafedrine than it uses for medical purposes.

The Office of Narcotics and Drug Control Policy released the National Synthetic Drug Action Plan. This plan specifically recommends that the Drug Enforcement Agency and other Federal agencies focus resources on stopping large shipments of sudafedrine from Asia to Mexico which are destined for meth labs.

Law enforcement agencies need to identify and aggressively pursue those responsible for these superlabs, as they now account for more than two-thirds of the meth entering the United States.

☐ 1245

I hope that the chairman agrees that Congress needs to work with the administration, Mexico and other countries to reduce pseudoephedrine shipments used to produce meth. I look forward to working with the chairman to address this critical issue.

Mr. WOLF. Mr. Chairman, reclaiming my time, I agree with the gentleman from Nebraska (Mr. OSBORNE) and will work with the gentleman to address this issue. If the gentleman can come up with something creative, working with the authorizers, working with the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Indiana (Mr. SOUDER), maybe there is something we could put in our bill at the end, assuming the authorizers agree, that does something special and more direct with regard to the meth issue. I am wide open. I know how meth has impacted the gentleman's State, and he has been a leader with the gentleman from Nebraska (Mr. TERRY) on this issue. I suggest you talk with the gentleman from Indiana (Mr. SOUDER) and the gentleman from Wisconsin (Mr. SENSENBRENNER), and maybe we could do something dramatic to deal with this issue.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $126,956,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That not to exceed 45 permanent positions and 46 full-time equivalent workyears and $11,821,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2005: *Provided further*, That not to exceed 28 permanent positions, 23 full-time equivalent workyears and $3,980,000 shall be expended for the Office of Legislative Affairs: *Provided further*, That not to exceed 17 permanent positions, 22 full-time equivalent workyears and $2,764,000 shall be expended for the Office of Public Affairs: *Provided further*, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the preceding two provisos.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

Page 2, line 7, after the dollar amount, insert the following: "(reduced by $1) (increased by $1)"

Page 22, line 21, after the dollar amount, insert the following: "(increased by $270,000,000)"

Page 23, line 1, after the dollar amount, insert the following: "(increased by $270,000,000)"

Page 26, line 25, after the dollar amount, insert the following: "(increased by $140,000,000)"

Page 38, line 21, after the dollar amount, insert the following: "(increased by $53,000,000)"

At the end of title VI, insert the following:

"SEC. ____. In the case of taxpayers with adjusted gross income in excess of $1,000,000, for the calendar year beginning in 2006, the amount of tax reduction resulting from enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001 (P.L. 107–16) and the Jobs and Growth Tax Relief Reconciliation Act of 2003 (P.L. 108–27) shall be reduced by 1.466 percent."

Mr. OBEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. WOLF. Mr. Chairman, I reserve a point of order on the Obey amendment.

The CHAIRMAN. A point of order is reserved on the amendment.

Mr. OBEY. Mr. Chairman, I believe the House is familiar with this amendment. I have offered similar amendments a number of times. It does go straight to the question of our national priorities.

Let me take a little broader view than just this year. If we look at some of the reductions in this bill, and just look at the 1-year reductions, such as we have here in EDA or such as we have in law enforcement, the 1-year reductions do not look too bad, but if we take a look at what happened to these programs since fiscal year 2001, we see that we still have a deep reduction in some of these activities. For example, the State and local law enforcement grants have been cut by $1 billion over that time. There is no way that we cannot have an effect on local law enforcement by having cuts of that magnitude over that period of time.

The same is true with EDA. There are many urban districts who do not care much about EDA, but my district, I do not have a city over 37,000. Small cities like that cannot hire a bunch of fancy grant writers. They need all of the help they can get to compete for Federal money for job creation, and the Economic Development Administration, EDA, tries to provide that.

What this amendment would simply do is to try to restore the $410 million cut by the committee for local law enforcement grants and increase funding for EDA by $53 million, restoring that cut, and it would simply pay for that cut by reducing the size of the tax cut this House has previously approved for persons who make over $1 million. It would simply reduce that tax cut by $2,000. So instead of getting on average a $140,000 tax cut, they would get a $138,000 tax cut. It is hardly draconian, but it would help take care of a significant national priority.

I know that taxes are under the jurisdiction of the Committee on Ways and Means, but the fact is that because the Committee on Ways and Means jurisdiction was placed first in terms of a priority by the Committee on the Budget, that means every time we have a tax cut paid for with borrowed money, you wind up putting an additional squeeze on deserving appropriated programs, including local law enforcement.

This amendment tries to correct that imbalance to a very small degree. I would urge support for the amendment.

Mr. HOLT. Mr. Chairman, I rise today in support of the Obey amendment to the fiscal year 2006 Science, State Justice, Commerce appropriations bill, and to voice my specific concerns about the funding level for the Community Oriented Policing Services, COPS, program.

I was deeply concerned when President Bush earlier this year proposed gutting State and local law enforcement assistance grants by $1.4 billion in his fiscal year 2006 budget—a 46 percent cut from last year. While the Appropriations Committee restored $1 billion from those proposed cuts, the fiscal year 2006 Science, State Justice, Commerce appropriations bill before us today still cuts these grants by $400,000 from last year's funding levels.

That is why I support Ranking Member OBEY'S amendment. This amendment would provide an additional $410 million for State and local law enforcement, including COPS grants, and restore them to the fiscal year 2005 enacted levels. To do this, Representative OBEY reduces the size of the tax cut for millionaires by only $2,053. These millionaires will still get a $138,816 tax rebate. That is all we need to do to restore these cuts. That small tax cut repeal would fully fund these important programs at last year's levels and help keep our streets safe. That is a tradeoff that is worth making, and one, I would suggest, that even the top of all taxpayers would support.

Concerning the COPS program, this bill allocates only $520 million for it. Again, I am glad that the Appropriations Committee has restored a part of the destructive cuts that the President originally proposed. But we should be doing more. The COPS program has been remarkably successful over the last 10 years. According to the Department of Justice, every $1 we spend on COPS grants contributes to a decline of 10 violent crimes and 27 property crimes per 100,000 residents. Yet rather than increasing funding for this effective and important program, this bill actually would cut $80 million from the COPS program. This is the wrong thing to do. It is the additional police officers that the COPS program helps local towns and cities hire, who are on the front lines of reducing crime and also protecting our homeland.

The COPS program has provided law enforcement agencies in my district and across the Nation with critical funding to fight and prevent crime. In my district, communities in Hunterdon, Monmouth, Mercer, Middlesex, and Somerset counties have received more millions of dollars in funding to help put additional police officers on the street. In 2004 alone, four towns in my district—Lawrence Township, Monroe Township, Spotswood Borough, and West Windsor Township—received almost $380,000 to fund various law enforcement programs. This money helped Monroe Township hire three additional police officers, and helped upgrade the law enforcement technology of Spotswood and West Windsor. Overall in 2004, New Jersey communities received COPS grants totaling $9.5 million and were able to hire 40 additional police officers. That is 40 cops on the beat who would not have been there without this important Federal program. Since 1994, the COPS program has helped fund 4,806 additional officers in New Jersey alone. This has made a big difference for the local towns and communities in New Jersey.

The creation of the COPS program was a breakthrough in law enforcement. By funding additional officers, critical technologies, and valuable training, COPS has been a catalyst for the revolutionary shift to community policing. But too many police departments are experiencing increases in the troubling indicators of violent crimes.

At a time when we are asking our cops to do more to reduce crime and protect our homeland from potential terrorist related threats, we are giving them less funding to do so. Just look at the largest 44 metropolitan police departments. Of them 27, yes 27, have actually been forced to reduce the size of their police departments. That means that there are less police officers on the beat and more crime on the street.

COPS and community policing have put us on the right track. Crime is at its lowest levels in more than a quarter of a century. The police chiefs and sheriffs in my district consistently tell me that we could have never achieved this much without the additional officers and technology funded under the COPS program. I just do not understand why we are not supporting this effective program appropriately.

Mr. Chairman, we cannot afford to give up the progress we have achieved in crime reduction over the last 10 years. The COPS program has been vital to our local communities. Our police departments can only do so much with the resources they are given. We should do everything we can to increase, not cut, the funding of the COPS program. I urge my colleagues to support the Obey amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Virginia (Mr. WOLF) insist on his point of order?

Mr. WOLF. I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized on his point of order.

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, as I understand the rules under which this bill is brought to the floor, this amendment would be in order if no Member of the House chooses to lodge a point of order against it.

My understanding of the rule that the committee reported is that it has waived the rules for numerous provisions that were placed in the bill by the majority party. It is hard for me to imagine that the House would feel comfortable in not providing that same courtesy to this amendment.

I would also suggest that what I am trying to do by this amendment is to do a favor for the majority leader, because he does not want us to have to cut into NASA in order to fund this restoration for law enforcement grants. If he allows this amendment to go forward, if no Member of the majority party lodges a point of order against this amendment, then we can restore the badly needed funds for local law enforcement without having to go after some of the increases in the majority leader's favorite program.

I would urge the House to do a favor for the majority leader by not lodging a point of order against this amendment. If they do that, we could proceed to restore badly needed funds.

I would concede, Mr. Chairman, that if any individual Member does lodge a point of order, I would have to concede the point of order, but I would hope that a point of order would not be offered, or if it has already been offered, I would hope that it would be withdrawn as a special favor to the majority leader.

Mr. Chairman, I concede the point of order.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) concedes the point of order. The point of order is conceded and sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

Page 2, line 7, after the dollar amount, insert the following: "(reduced by $1) (increased by $1)"

Page 22, line 21, after the dollar amount, insert the following: "(increased by $100,000,000)"

Page 23, line 1, after the dollar amount, insert the following: "(increased by $100,000,000)"

Page 26, line 25, after the dollar amount, insert the following: "(increased by $100,000,000)"

Page 53, line 24, after the dollar amount, insert the following: "(decreased by $200,000,000)"

Mr. OBEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 20 minutes to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY) for 10 minutes on his amendment.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think my admiration for the subcommittee chairman is well known. I think he does a great job for his district and for this House, but we have been placed in a very tough position because of the priorities that were laid out by the budget resolution adopted by this House earlier this year.

Because of those priorities, we are faced today with the necessity for a trade-off. What has happened in this bill over the last 4 years is that State and local law enforcement grants have been cut by almost a billion dollars. They are cut from last year to this year by $410 million in this bill. I am simply trying by this amendment to restore half of that money, restore $200 million. Half would go into the COPS program, half into the Justice Assistance Grant program, and we would pay for that, in contrast to another amendment that I understand a Member may offer, which would pay for it by going after basic science programs in the National Science Foundation. This amendment would not do that. I think we need to put more money in science, not less.

What this amendment would do, and I offer it reluctantly because I would have preferred the first amendment, but the action of the majority party requires me to go to this option.

What this amendment does is to say we should scale back the $500 million increase in the account that contains the Moon and Mars mission by $200 million in order to pay for this law enforcement assistance. Of that $200 million, $160 million would be taken from Project Prometheus. NASA, the agency in charge, still has not been able to identify a relevant mission for the funds in that account. The planning is certainly not ripe, and so what we are saying in essence is since this is a pilot mission which would take place roughly around the year 2020 or 2030, what we are saying instead is for the moment we ought to put more money into law enforcement to help buttress law enforcement in our local communities, and we can on another day decide where we can get the money for Project Prometheus so that sometime 20 or 25 years from now, we can use nuclear-powered craft to go to Mars. I do not think it is even a close choice, and I would ask for an aye vote.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in opposition to the amendment. The amendment would reduce funding for one of the President's top priorities, science and space. This represents more than a 6-percent reduction in the President's new Vision for Space Exploration and would significantly jeopardize NASA's ability to implement its new mission.

I would like to read a letter from the Administrator, Michael Griffin.

"Dear Mr. Chairman:

"It has come to my attention that, during House consideration of H.R. 2862, an amendment will be offered by Mr. Obey that proposes to reduce NASA Exploration Systems funding by $200 million, and redirect the NASA funds to State and local law enforcement assistance activities.

"I must respectfully oppose this amendment. I support full funding of the President's fiscal year 2006 request for NASA. Any reduction in NASA's fiscal year 2006 Exploration Systems funding would threaten the ability of this Nation to ensure U.S. human access to space, our efforts to accelerate the availability of the crew exploration vehicle to minimize the gap between the retirement of the space shuttle and the first operational flight of the CEV, and our efforts to maintain a robust civil service workforce at NASA's field centers in support of these efforts."

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I rise today in support of the Obey amendment. This amendment would restore crucial funding for State and local law enforcement back to the fiscal year 2005 enacted level.

This bill cuts the funding for these programs by $410 million from the fiscal year 2005 enacted levels, and the 2005 enacted level was already $226 million less than was provided the year before that. So in 2 years, we have cut $636 million from law enforcement programs. How long are we going to continue on this downward slope of funding for our critical law enforcement programs?

The Obey amendment would restore funding for the Byrne-JAG program and COPS, Community-Oriented Policing Services program. The COPS program has been highly successful and provides funding for our local and State agencies that they need to hire and train new police officers.

According to the Department of Justice, every dollar we invest in the COPS program contributes to a decline in 10 violent crimes and 27 property crimes per 100,000 residents. As a former city police officer and a Michigan State Trooper, as well as cochair of the Congressional Law Enforcement Caucus, I understand how much our local communities need and rely on the Byrne grants and COP grants to keep these successful programs going in their neighborhoods.

The Byrne-JAG grants provide funding for 29 different and vital programs such as antidrug education programs, treatment programs, and alternative sentencing initiatives, giving the States the ability to choose which programs they find most beneficial in their State to do under this Federal funding.

☐ 1300

As most of us know and we hear when we go back home to our local districts, the Byrne grants fund the local drug enforcement teams. We have to provide this funding so our drug enforcement officers can do their jobs. We must listen to what our drug enforcement officers are telling us and fully fund the Byrne grant program.

Local drug enforcement teams are crucial to keeping our communities safe and drug free. If Byrne grants are funded at the level currently provided in this bill, our teams will be unable to hire the officers they need to sustain their drug enforcement teams. In my home State of Michigan, we would lose 11 of the 25 teams we have in Michigan. California would lose 26 teams. Texas would lose 21 drug enforcement teams. New York would lose 34 drug enforcement teams.

Losing these drug enforcement teams would have a devastating and far-reaching effect not only in Michigan but throughout this country, especially in our rural communities. Let me be really clear. When it comes to crime and drug abuse and drug dealers, no community, urban or rural, is immune to this problem.

Congress needs to step up to the plate and show their strong commitment to law enforcement and the criminal justice system. Today we have a chance to do that by voting for the Obey amendment and showing our support for law enforcement officers who put their lives on the line each and every day to keep our communities safe and drug free. I urge support of the Obey amendment.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Chairman, I oppose the Obey amendment. The $200 million funding cut to NASA's exploration program proposed in this amendment would jeopardize U.S. jobs and jeopardize space launch capability. These cuts would threaten personnel reductions in existing NASA exploration systems' workforce across the Nation and could impact more than 1,000 employees. This cut will take money directly from work on the new crew exploration vehicle, a much needed vehicle that will replace the space shuttle in 2010 or after 2010. It contains very likely the most vital addition of a crew escape module making it a safer vehicle for our astronauts. It is a very important thrust.

The gentleman from Wisconsin's amendment proposes to take funds out of NASA and put them toward justice assistance grants. While I am supportive of local law enforcement officials, it is important to point out that Congress has already appropriated billions for State and local law enforcement. On May 17, the House approved the fiscal year 2006 homeland security appropriations bill which provides $3.7 billion for first responders, including grants to State and local law enforcement agencies. Since September 11, $15 billion has been provided to assist State and local officials. Indeed, the bill on the floor today provides $2.6 billion for crime-fighting initiatives, $1 billion more than the President requested.

Mr. Chairman, Congress has and will continue to support our men and women who fight crime in our communities. Of course we are going to do that. The issue today is not whether Congress supports law enforcement. It is whether Congress supports the economic and national security that our space program provides. Since 1969, America has led the world into space, and it is time to renew that vision. Our ventures into space not only keep America at the forefront of exploration and innovation, but they also are vital to our economy and our national security. This new national vision sets America on a course toward the Moon and Mars, and we should embrace this dream and work to make it a reality.

As the preeminent leader in human space flight, we cannot afford to sit idle and let other nations reap the rewards of our hard work, research and sacrifice. We know that the People's Republic of China has developed a human space flight program that encompasses everything from low-Earth orbit to exploring the Moon and Mars. As the new NASA administrator said recently and the gentleman from Virginia (Mr. WOLF) just pointed out, we need to retire the shuttle as quickly as possible and begin flying the new crew exploration vehicle to the international space station and the Moon. These requirements and these funding cuts that the gentleman from Wisconsin proposes will have a direct impact on that momentum and the President's vision for space exploration, a vision that will advance our national economy and prestige internationally.

America's space program continues to be an engine for our national economy. Exploration brings jobs and technological growth to America. Nearly every State in the Union benefits from the development of technologies needed to propel our space mission. At a time when we are all concerned about jobs leaving the United States, supporting NASA makes sense because we are providing good jobs for Americans. We owe it to future generations of Americans and the men and women who have kept the space program alive to oppose this amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to the Obey amendment. This is a delicately balanced bill and the Obey amendment would destroy that balance. The account that the gentleman from Wisconsin is reducing funds the President's space exploration initiative, and also NASA's Earth science, space science, and aeronautics programs. All of these programs are at a critical point and are struggling for funds. At a time when we are trying to keep important Earth science missions on the drawing board, at a time when we face increased costs for both the Hubble space telescope and its planned successor, the James Webb space telescope, at a time when we are contemplating significant changes in our aeronautics program, at a time when we are trying to create new technologies to return to the Moon, this arbitrary cut proposed in this amendment is simply not appropriate.

I urge opposition to the amendment.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. I thank the distinguished ranking member for yielding me this time.

Mr. Chairman, it is a shame that we are debating this Obey amendment. I just want to reemphasize that we should be debating the Obey amendment that was denied by the Rules Committee, because that would be the amendment with the appropriate offset. Everybody understands, I think, and I hope my colleagues on both sides of the aisle agree that this cut that we are experiencing to State and local law enforcement, the cuts that we are experiencing in the COPS program, and the cuts that we are experiencing in juvenile justice programs, are lamentable. They are cuts from last year, and they are serious.

State and local law enforcement is funded at 22 percent less than the current level. At a time when State and local law enforcement need resources, we are cutting resources. The COPS program, a tremendous program, as the gentleman from Michigan (Mr. STUPAK) pointed out, is provided 13 percent less than the current level funding in this bill. Juvenile justice programs, those programs that are in the forefront of helping our youth, and addressing at-risk youth issues experience a 12 percent cut from the current level.

There is no question that the restoration side of the gentleman from Wisconsin's amendment needs to be addressed. He went to the Rules Committee and tried to get it addressed in an appropriate way by having the perfect offset. The offset is a small cut to those who have earned income of over $1 million, who currently enjoy a tax cut of approximately $140,000. The Obey amendment just reduces that tax cut a little bit, by $2,000. That would have been the appropriate offset. The offset that the ranking member is using in this second amendment, which he is forced to do because the Rules Committee did not give him a rule for the high-income offset, is a lamentable offset.

Mr. WOLF. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to this amendment. Americans take great pride in the accomplishments of the manned space flight program and NASA going all the way back to its earliest days, Mercury, Gemini, Apollo and beyond. And there always were people who came to the floor of this body proposing cuts to those programs, to NASA, and always shifting dollars to very, very worthwhile, or seemingly very, very worthwhile, entities.

I would just like to point out to my colleagues, do not be misled into believing that local law enforcement is going to be in a crisis if they do not get these additional funds. Better than 99 percent of funding to local law enforcement comes from State and local funding sources, and this amount of money is literally a drop in the bucket.

I would just like to also add that the Bush tax cuts that we passed out of this body and became law are causing a tremendous amount of economic growth and job creation, and there has been actually a surge of revenue into the State and local treasuries. Indeed, I am even told that chronically underfinanced New York City has a $2 billion surplus. My State that I come from in Florida, we are experiencing a surplus because of the robust growth caused by this tax cut package. Those local and State agencies can put more funding into COPS programs and fighting meth labs. They actually have much more resources to take care of the job.

Mr. WOLF. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Chairman, the distinguished gentleman from Virginia has done a marvelous job in balancing a lot of important competing priorities. I will tell you that Americans need to be aware of this. We have been the only leader in manned space flight ever since Apollo XIII. But this amendment guts America's future manned space flight program.

In the year 2010, we are due to retire the shuttle. Unless we move forward with a new vehicle, which is what this amendment guts, the funding to do the exploration, the design and the research for, we will have a huge gap. There are nine other countries waiting to watch what we do. The Chinese, for example, are going to have a manned space flight program any day now. Yes, it is important to have local law enforcement; and, yes, we support that; and, yes, there is great funding in this bill that Chairman WOLF put together; and, yes, 99 percent of those moneys come from local and State government.

But nothing is more important to the long-term security of the United States than space intelligence, space communications, space capability, including manned space flight. What this program does is to take $200 million out of the proposal that the President has to have a continual manned space flight program after the shuttle is retired. We basically are going to say, we are going to have huge personnel reductions, including some of the most talented engineers and scientists in the world that will go do other things.

We are going to basically lay off up to 1,000 people, talking about the next generation of human space flight, all so that we can give out local good-feeling grants to local law enforcement agencies on top of what they already have. The vehicle the President is talking about will be more flexible, will have more capabilities, will take us ultimately not just back to the Moon but on to Mars and beyond unless we gut it here today.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 2½ minutes.

Mr. OBEY. Mr. Chairman, I think I am hearing a different amendment being debated. The fact is this amendment does not cut our core sciences. The President's budget is the one that squeezed those programs. This amendment does nothing of the kind. This amendment is very simple. This bill before us has increased the account that contains the Moon to Mars mission which is a mission that is going to occur 25 years in the future. This bill raises that account by half a billion dollars, $500 million. It is paid for by cutting $400 million out of local law enforcement. All I am suggesting is that we take $200 million of that back and give it to the local law enforcement agencies so we have a better balance between the two programs.

I do not like the fact that we have to cut these programs. I would have preferred to do it the other way. But the majority party blocked me from doing that. The gentleman from Texas (Mr. DELAY) took the floor a while earlier crying about the fact that we were trying to cut the NASA budget. We are not trying to cut the NASA budget. The committee has cut the law enforcement budget. It has increased the NASA budget. We are simply trying to modify the increase to some degree in order to save local law enforcement.

☐ 1315

If the gentleman from Texas (Mr. DELAY) does not like the trade-off, then he ought to look in the mirror because he is the fellow who required it.

Earlier we had a different jurisdiction of this subcommittee, but the gentleman from Texas (Mr. DELAY) did not like the fact that last year the subcommittee took money out of NASA in order to fund other programs including housing and veterans' health care. So he rearranged the jurisdiction of the committees; so now it means that NASA is in competition with local law enforcement. The gentleman from Texas (Mr. DELAY) has given us no place to go.

So the choice is simple. If Members want to pay for a $500 million increase in a mission to Mars that is going to take place 25 years from now, if they want to pay for that by cutting back local law enforcement, then vote against the amendment. If they do not, then vote for it.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chairman, I rise in strong opposition to this amendment. I would point out to the Members of the House that this subcommittee has restored more than $1 billion in proposed cuts to State and local law enforcement. There is a total of $2.6 billion provided for crime-fighting initiatives, and the bill restores programs like the SCAAP program, $355 million to reimburse States for housing and detaining criminal aliens; $334 million for juvenile delinquency prevention; $387 million for Violence against Women.

This bill does a good job of restoring proposed cuts in law enforcement, and the amendment, if it were adopted, would be devastating to our Nation's space program.

America's space program today is still in the age of sailboats. We are using chemical rocket technology that was originally developed by Robert Goddard in the 1920s, and the only research program out there that is developing the next generation of rocket propulsion that will allow us to explore the outer solar system, that will allow us to go on to explore other solar systems around other stars, is Project Prometheus. It is the only research program out there to develop ion or thermal emission propulsion systems. The new Administrator at NASA has directed it to allow us to do research to develop nuclear surface power for our lunar missions.

If this amendment were adopted, it would devastate and damage severely NASA's ability to protect our astronauts from radiation hazards that they are all exposed to in outer space. The majority leader is right about that.

The People's Republic of China, Mr. Chairman, recognizes the importance of investing in outer space. If we adopt this amendment, we are allowing the Chinese to continue to move rapidly ahead in space exploration. The Chinese are not slowing down. They are going to be launching a lunar rover. They are going to be launching a lunar orbiter.

I urge Members to oppose this amendment so we can continue to invest in the future of manned and unmanned space exploration.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) will be postponed.

AMENDMENT OFFERED BY MR. TERRY

Mr. TERRY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TERRY:

Page 2, line 7, after the dollar amount, insert the following: "(reduced by $568,763)".

Page 3, line 1, after the dollar amount, insert the following: "(reduced by $604,800)".

Page 3, line 8, after the dollar amount, insert the following: "(reduced by $492,800)".

Page 3, line 18, after the dollar amount, insert the following: "(reduced by $966,269)".

Page 3, line 21, after the dollar amount, insert the following: "(reduced by $5,474,560)".

Page 4, line 7, after the first dollar amount, insert the following: "(reduced by $299,268)".

Page 4, line 12, after the dollar amount, insert the following: "(reduced by $50,176)".

Page 4, line 21, after the dollar amount, insert the following: "(reduced by $2,982,878)".

Page 5, line 17, after the dollar amount, insert the following: "(reduced by $28,372)".

Page 5, line 21, after the dollar amount, insert the following: "(reduced by $647,140)".

Page 6, line 12, after the dollar amount, insert the following: "(reduced by $7,285,134)".

Page 6, line 25, after the dollar amount, insert the following: "(reduced by $960,521)".

Page 7, line 17, after the dollar amount, insert the following: "(reduced by $5,466)".

Page 7, line 21, after the dollar amount, insert the following: "(reduced by $3,585,142)".

Page 8, line 26, after the dollar amount, insert the following: "(reduced by $43,272)".

Page 9, line 16, after the dollar amount, insert the following: "(reduced by $96,177)".

Page 10, line 1, after the first dollar amount, insert the following: "(reduced by $2,271,091)".

Page 10, line 15, after the first dollar amount, insert the following: "(reduced by $25,720,271)".

Page 11, line 13, after the dollar amount, insert the following: "(reduced by $90,070)".

Page 12, line 3, after the dollar amount, insert the following: "(reduced by $7,643,655)".

Page 13, line 1, after the dollar amount, insert the following: "(reduced by $4,137,786)".

Page 16, line 10, after the dollar amount, insert the following: "(reduced by $21,932,508)".

Page 17, line 25, after the dollar amount, insert the following: "(reduced by $314,102)".

Page 18, line 17, after the dollar amount, insert the following: "(reduced by $15,075)".

Page 19, line 19, after the dollar amount, insert the following: "(reduced by $1,735,987)".

Page 22, line 12, after the dollar amount, insert the following: "(reduced by $1,019,048)".

Page 22, line 21, after the dollar amount, insert the following: "(reduced by $4,485,806)".

Page 22, line 21, after the dollar amount, insert the following: "(increased by $285,168,840)".

Page 23, line 1, after the dollar amount, insert the following: "(increased by $285,168,840)".

Page 25, line 22, after the dollar amount, insert the following: "(reduced by $224,000)".

Page 26, line 25, after the dollar amount, insert the following: "(reduced by $2,329,855)".

Page 28, line 22, after the dollar amount, insert the following: "(reduced by $1,495,030)".

Page 30, line 22, after the dollar amount, insert the following: "(reduced by $21,880)".

Page 30, line 24, after the dollar amount, insert the following: "(reduced by $18,207)".

Page 34, line 22, after the dollar amount, insert the following: "(reduced by $200,610)".

Page 35, line 10, after the dollar amount, insert the following: "(reduced by $281,129)".

Page 36, line 11, after the first dollar amount, insert the following: "(reduced by $1,823,024)".

Page 38, line 1, after the dollar amount, insert the following: "(reduced by $344,960)".

Page 38, line 21, after the dollar amount, insert the following: "(reduced by $900,413)".

Page 38, line 25, after the dollar amount, insert the following: "(reduced by $119,096)".

Page 39, line 10, after the dollar amount, insert the following: "(reduced by $134,508)".

Page 39, line 16, after the dollar amount, insert the following: "(reduced by $359,762)".

Page 39, line 22, after the dollar amount, insert the following: "(reduced by $931,970)".

Page 39, line 25, after the dollar amount, insert the following: "(reduced by $2,076,910)".

Page 40, line 9, after the dollar amount, insert the following: "(reduced by $719,542)".

Page 41, line 8, after the dollar amount, insert the following: "(reduced by $79,368)".

Page 42, line 5, after the dollar amount, insert the following: "(reduced by $8,960)".

Page 42, line 14, after the dollar amount, insert the following: "(reduced by $7,630,784)".

Page 44, line 21, after the dollar amount, insert the following: "(reduced by $28,941)".

Page 44, line 25, after the dollar amount, insert the following: "(reduced by $1,781,893)".

Page 45, line 6, after the dollar amount, insert the following: "(reduced by $474,880)".

Page 45, line 14, after the dollar amount, insert the following: "(reduced by $201,600)".

Page 45, line 25, after the dollar amount, insert the following: "(reduced by $10,949,120)".

Page 47, line 15, after the dollar amount, insert the following: "(reduced by $4,193,280)".

Page 48, line 14, after the dollar amount, insert the following: "(reduced by $224,000)".

Page 50, line 7, after the dollar amount, insert the following: "(reduced by $212,648)".

Page 50, line 13, after the dollar amount, insert the following: "(reduced by $101,956)".

Page 53, line 2, after the dollar amount, insert the following: "(reduced by $24,927)".

Page 53, line 24, after the dollar amount, insert the following: "(reduced by $43,571,360)".

Page 55, line 5, after the dollar amount, insert the following: "(reduced by $30,073,792)".

Page 55, line 20, after the dollar amount, insert the following: "(reduced by $145,152)".

Page 57, line 9, after the dollar amount, insert the following: "(reduced by $19,611,290)".

Page 58, line 13, after the dollar amount, insert the following: "(reduced by $866,208)".

Page 58, line 22, after the dollar amount, insert the following: "(reduced by $3,615,360)".

Page 59, line 7, after the dollar amount, insert the following: "(reduced by $1,120,000)".

Page 59, line 20, after the dollar amount, insert the following: "(reduced by $17,920)".

Page 60, line 1, after the dollar amount, insert the following: "(reduced by $51,520)".

Page 60, line 23, after the dollar amount, insert the following: "(reduced by $16,787,089)".

Page 62, line 19, after the dollar amount, insert the following: "(reduced by $3,089,063)".

Page 62, line 22, after the dollar amount, insert the following: "(reduced by $574,618)".

Page 63, line 3, after the dollar amount, insert the following: "(reduced by $134,324)".

Page 63, line 8, after the dollar amount, insert the following: "(reduced by $1,838,592)".

Page 63, line 17, after the dollar amount, insert the following: "(reduced by $37,099)".

Page 63, line 21, after the dollar amount, insert the following: "(reduced by $42,067)".

Page 64, line 5, after the dollar amount, insert the following: "(reduced by $2,703,725)".

Page 64, line 14, after the dollar amount, insert the following: "(reduced by $4,077,696)".

Page 64, line 19, after the dollar amount, insert the following: "(reduced by $44,800)".

Page 64, line 25, after the dollar amount, insert the following: "(reduced by $3,190)".

Page 65, line 4, after the dollar amount, insert the following: "(reduced by $2,719)".

Page 65, line 9, after the dollar amount, insert the following: "(reduced by $88,484)".

Page 65, line 20, after the dollar amount, insert the following: "(reduced by $5,224,630)".

Page 66, line 26, after the dollar amount, insert the following: "(reduced by $4,639,040)".

Page 68, line 26, after the dollar amount, insert the following: "(reduced by $120,960)".

Page 69, line 3, after the dollar amount, insert the following: "(reduced by $23,744)".

Page 69, line 12, after the dollar amount, insert the following: "(reduced by $42,560)".

Page 69, line 18, after the dollar amount, insert the following: "(reduced by $98,560)".

Page 69, line 25, after the dollar amount, insert the following: "(reduced by $44,800)".

Page 71, line 4, after the dollar amount, insert the following: "(reduced by $26,880)".

Page 71, line 11, after the dollar amount, insert the following: "(reduced by $224,000)".

Page 71, line 22, after the dollar amount, insert the following: "(reduced by $2,777,600)".

Page 72, line 16, after the dollar amount, insert the following: "(reduced by $48,801)".

Page 76, line 6, after the dollar amount, insert the following: "(reduced by $5,251)".

Page 76, line 11, after the dollar amount, insert the following: "(reduced by $2,236)".

Page 76, line 17, after the dollar amount, insert the following: "(reduced by $40,750)".

Page 77, line 6, after the dollar amount, insert the following: "(reduced by $14,336)".

Page 77, line 13, after the dollar amount, insert the following: "(reduced by $9,094)".

Page 77, line 20, after the first dollar amount, insert the following: "(reduced by $8,512)".

Page 78, line 15, after the dollar amount, insert the following: "(reduced by $1,483,901)".

Page 79, line 9, after the dollar amount, insert the following: "(reduced by $1,298,174)".

Page 80, line 8, after the dollar amount, insert the following: "(reduced by $945,280)".

Page 81, line 14, after the dollar amount, insert the following: "(reduced by $4,480)".

Page 81, line 19, after the first dollar amount, insert the following: "(reduced by $1,481,997)".

Page 82, line 17, after the dollar amount, insert the following: "(reduced by $8,355)".

Page 82, line 25, after the dollar amount, insert the following: "(reduced by $3,978,764)".

Page 84, line 18, after the dollar amount, insert the following: "(reduced by $1,424,770)".

Page 85, line 10, after the dollar amount, insert the following: "(reduced by $60,480)".

Page 85, line 14, after the dollar amount, insert the following: "(reduced by $12,817)".

Page 85, line 17, after the dollar amount, insert the following: "(reduced by $4,480)".

Page 86, line 11, after the dollar amount, insert the following: "(reduced by $559,825)".

Page 86, line 16, after the dollar amount, insert the following: "(reduced by $356,330)".

Page 86, line 22, after the dollar amount, insert the following: "(reduced by $222,728)".

Page 88, line 5, after the dollar amount, insert the following: "(reduced by $8,960)".

Page 88, line 12, after the dollar amount, insert the following: "(reduced by $17,920)".

Page 88, line 19, after the dollar amount, insert the following: "(reduced by $102,368)".

Mr. TERRY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that debate on this amendment, and any amendments thereto, conclude by 15 minutes, and that the time be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The gentleman from Nebraska (Mr. TERRY) and the gentleman from Virginia (Mr. WOLF) each will control 7½ minutes.

The Chair recognizes the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I am honored today to offer this amendment to now fully fund Byrne-JAG grants with the gentleman from Minnesota (Mr. RAMSTAD), the gentleman from Michigan (Mr. STUPAK), the gentleman from Minnesota (Mr. KENNEDY), the gentleman from Iowa (Mr. KING), the gentleman from Washington (Mr. LARSEN), the gentleman from Washington (Mr. REICHERT), the gentleman from Nebraska (Mr. OSBORNE). And I also want to thank the gentleman from Indiana (Mr. SOUDER) and others for their help in this.

I also want to congratulate or show my appreciation to the gentleman from Virginia (Chairman WOLF), who certainly has been an advocate in the fight against drugs and methamphetamines in our communities and, from the President's budget that zeroed out the Byrne-JAG grants, was able in his subcommittee to put back $300 million. I am here, with my colleagues that I just read off, to take that back to the $600 million that was in there before.

Let us put this in context. This amendment, unlike the last amendment that went after just one or two areas, this is an across-the-board reduction of .448. So as the subcommittee's report, the bill that comes out, the funding remains at 99.55 percent, in essence, of what the committee has asked.

Just to show that there has been incredible impact in our communities from methamphetamines, and the Byrne-JAG grants go directly to our police departments, our sheriff departments to fight the drug dealers on the ground, they are our front line in the war on drugs, and it just makes no sense to me that we are moving towards a policy of nationalizing our drug crime fight at a time when it is our police officers on the streets that are fighting meth and other drugs.

At least in the Midwest it started off as a drug that was easy and cheap to make. They just needed ammonia, Sudafed, other chemicals to make this. It is highly addictive, and it is highly destructive to our communities and to our families, and I would encourage support for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself 2 minutes.

This amendment takes the worst possible approach to finding offsets with an across-the-board cut. It is a blunt instrument and does tremendous damage. Indiscriminate cuts in this amendment would be irresponsible. Hundreds of people, perhaps thousands, would lose their jobs, and many other negative consequences would occur in virtually every agency in the bill.

For every Federal law enforcement agency in the bill this is a cut. The FBI, working around the clock to protect the country from the next terrorist attack is cut by $26 million. If adopted, a reduction of 161 FBI agents, gone; 45 DEA agents gone, 35 deputy U.S. marshals gone; 22 ATF agents gone; 65 U.S. attorneys gone. In addition, the Bureau of Prisons, $22 million out; State and local law enforcement programs are reduced including a $2 million reduction in COPS and $1.5 million from Juvenile Justice.

This amendment, not that the gentleman meant it to be that way, even cuts education benefits for the survivors of public safety officers killed in the line of duty, as well as disability benefits for officers while injured on duty.

Lastly, NASA is cut by $70 million. Science goes down the tubes and is cut with regard to that. Embassy security, $6.8 million, and remember Americans killed in Tanzania, Americans killed in Nairobi. A $4 million is cut from SEC. Remember Enron, and we would take money from the SEC. Nineteen million dollars cut from the National Science Foundation. At the very time we are falling behind and everyone here is saying put more money into NSF, this takes money out of NSF, as we are falling down behind in engineers and math and science and physics and chemistry, and we just had the colloquy with the gentleman from New York (Mr. BOEHLERT) and the gentleman from Michigan (Mr. EHLERS).

Lastly, there have been a number of groups opposed to this: the National Taxpayers Union, Citizens Against Government Waste, American Conservative Union, Americans for Tax Reform. If Members find something, if they need something, look at a bill and go through it. To have it equally across the board is the wrong way to go.

Mr. TERRY. Mr. Chairman, I yield 1½ minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I would like to thank the gentleman from Nebraska (Mr. TERRY) for yielding me this time.

I would also like to thank the gentleman from Virginia (Chairman WOLF) for doing an almost impossible job and doing it very well.

Methamphetamine use has increased at an alarming rate in the last 15 years, and these charts illustrate this. This is what meth abuse looked like in 1990. Two States had 20 or more meth labs. In 1998, this is what it looked like, about two-thirds of the country. And this is what it looks like today. Almost the whole country has been inundated by meth.

I would also like to point out what meth does to a human being. It is the most addictive substance known to man. This is a 10-year snapshot of one life. It started out when this young lady was about 30 and ended when she was 40, in the morgue.

We are being inundated by this problem, and we think that we need to reintroduce the Byrne funding and sustain it at $634 million, which was what it was last year. Otherwise, our local law enforcement people will simply be overwhelmed by this problem. We hate to do it in this way. We respect the chairman, but this is about the only course of action that we were given in order to make this in order.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, the gentleman from Nebraska and the other supporters of this amendment should be appreciative of the chairman's efforts with regard to law enforcement. They have a focus on methamphetamine and the plague that it represents across our country. They should know that there is hardly a hearing that goes by that the gentleman from Virginia (Chairman WOLF) does not bemoan the condition that the country and the challenge that the Nation faces with regard to methamphetamine and illegal drug use. He is totally supportive of their efforts in principle.

The problem is we have a tough bill, and when they go to an across-the-board cut, that is an expression of extreme desperation with regard to the appropriation process. When they offer an across-the-board cut as an offset, what they are really saying is that this bill is so incredibly tight that we cannot find offsets anywhere else. It is absolutely the wrong place to go.

I would suggest to the gentlemen that are down to offering across-the-board cuts to reassess their vote on the budget resolution. We need more money in these bills for law enforcement, to provide funds to State and localities which are being cut from last year.

I oppose the amendment, Mr. Chairman.

Mr. TERRY. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Chairman, I thank the gentleman from Nebraska (Mr. TERRY) for his leadership on this. I also want to thank the gentleman from Virginia (Chairman WOLF) for the great work he has done with the very difficult challenge of funding very important programs.

But I just cannot help but continue to think about a young girl named Megan in a beautiful town in Minnesota that started using meth in seventh grade at age 13, and when she first took it, which she got from a friend, she said. This is something I am going to do over and over again. She did. But when she could not afford it, her addiction, she, like too many other female addicts, was exploited into becoming a prostitute to pay for the meth she craved every day. After hitting bottom at age 18, she is now pulling her life back together. But she has too many in her company. One out of five people that are meth addicts in recovery are 17 years or younger in the State of Minnesota.

We need to make sure that we have the resources at the local level to address this. We need to send a signal that this is important to Congress, that we stand with our law enforcement agents as they are trying to rid this country of this scourge. We need to make sure that those that are trying to sell this poison know that we are out to stop them.

Mr. WOLF. Mr. Chairman, I yield 1 minute the gentleman from New York (Mr. BOEHLERT).

☐ 1330

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to the amendment. An appropriations bill is all about balance. All of us have programs in this bill we would like to see funded a little more or a little less. But the question before us is whether the bill strikes the overall balance among programs, given the fiscal constraints that we all face. And I think that with this bill, the appropriators did an outstanding job with their balancing act. We should be very cautious about throwing off that balance.

Let me give you an example from a program under the jurisdiction of the Committee on Science. Is the National Science Foundation lavishly funded? Hardly. The appropriation for NSF, for example, is not even enough to bring the agency back to its 2004 funding level. The committee recognized the importance to our Nation's future of funding long-range basic research at our Nation's universities, but the committee could not find the money to provide anything like the authorized level of funding. That is the kind of balancing act the committee had to pull off throughout the bill.

Now this arbitrary across-the-board amendment comes along that would unravel all of this, and I oppose it.

I urge my colleagues to oppose the amendment.

Mr. TERRY. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Chairman, I would like to express my support for the Byrne-JAG restoration amendment. Byrne and Justice Assistance Grants are critical to our local law enforcement and in the fight against methamphetamine. As cochair of the Congressional Meth Caucus, I know firsthand the importance of these funds to our local drug task forces as they work to bust meth labs.

I want to thank and recognize the subcommittee chair and ranking member for their great efforts in drafting this bill. Despite those efforts, the level of Byrne grant funding in this bill would cause harm to Washington State's drug task forces. These cuts would eliminate at least three task forces and potentially six others, and small police departments in my district rely on Byrne grants to make communities safer.

This past week there were two clear examples in my district of why Byrne grants are needed. One of those is in Whatcom County, where close to 40 arrests were made of Bandidos motorcycle gang members and their associates in Operation Roadhouse. This effort was a culmination of a 2-year investigation by Federal, State, and local law enforcement agents. The entire Northwest Regional Drug Task Force was closely involved in this investigation, expending literally thousands of dollars in resources and man hours to ensure the success of this operation.

As one sheriff from my district told me, these cuts cannot come at a worse time. So we need to be sure to fund Byrne grants.

I thank the gentleman from Nebraska for his hard work and urge a "yes" vote on the Byrne-JAG restoration amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, all of us understand the intent of this amendment. We would like to stop the use and abuse and the sale of methamphetamine and other dangerous drugs. As a matter of fact, this bill does a great deal towards that end. But the problem with the amendment is that it robs Peter to pay Paul because you are gutting other long-standing law enforcement programs to start up new programs that traditionally have been established and protected at the local and State levels.

In addition, as I mentioned before, one of the things that we are trying to do is not to lose the next space race. In the year 2010, the United States will, by plan, be out of the manned flight business because we will retire the shuttle. The President has proposed making sure we have a replacement vehicle more flexible and capable for the future.

This has huge ramifications for American security, American intelligence, American communications capabilities. The President's proposal and that of Michael Griffin, the new NASA Administrator, is to move up our manned capabilities to the year 2010 so we will have no gap where we have to rely on the Russians or other foreign powers to get us in a manned way into space. By the way, the Chinese are coming. In 2012, they expect to have a vehicle on the Moon. They will have manned flights after that.

Please, do not gut America's predominance in space when it comes to manned space flight and undermine law enforcement across America.

Mr. TERRY. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Mr. Chairman, Edmund Burke put it best when he said the main reason we have government is to keep people safe. That is why the cut made by the committee is extremely disappointing. We need to restore the funding for the important Byrne grant program.

In my home State of Minnesota, I have seen firsthand the importance of Byrne grants to local police in reducing crime and drugs and improving public safety. Byrne grants fund critical overtime pay, task forces, equipment and "buy" money. How else are you going to prosecute drug cases if you do not have Byrne grants to provide "buy" money? Without this money, Minnesota would lose nearly half of its 20 multijurisdictional drug task forces.

We all know in this body that violent crime is at a 30 year low. Why go backwards? We must never forget our cops are on the front lines in the war on crime, fighting drug dealers and protecting our homeland. I encourage my colleagues to support this amendment to restore funding for the important Byrne grants. Let us restore this program to the 2005 levels.

It is time to honor the sacrifices made each and every day by our Nation's law enforcement community and give our finest the support they deserve.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chairman, I serve on this subcommittee, and in every single hearing the gentleman from Virginia (Chairman WOLF) brought up the problem of fighting meth labs. In fact, this committee has tripled the request the President made for fighting meth abuse from $20 million to $60 million.

There is $348 million in this bill for the Byrne-Justice Assistance Grant programs. We cannot through the National Science Foundation even fund two out of five of the many grant requests that NSF receives. We are not making the investment necessary for a great country like the United States to protect our technological edge for the future.

The Chinese recognize the importance of investing in scientific research and in their space program. The Chinese will launch a lunar science orbiter in 2007. They will launch a lunar sample return mission in 2015. They will launch a lunar rover in about 2012. The chief scientist for the Chinese lunar program pointed out that the lunar exploration project will spur high-tech development in China, and I cannot calculate how much return there will be on that investment for the Chinese people.

I urge Members to vote against this amendment and support the bill laid out by the chairman as a wise investment in the future prosperity of the United States in science.

Mr. TERRY. Mr. Chairman, I yield 30 seconds to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman from Nebraska for yielding me time and for bringing this amendment.

There has been a lot of good work done on this bill overall, but I have heard said on this floor that this bill strikes the right balance. If it does, then the bill last year and the year before and the year before did not strike the right balance, because we are seeing a reduction in these funds that go into the JAG grant.

We have an intense amount of methamphetamine abuse across this country, and particularly in the Midwest. That is why you see Midwesterners down here on this floor. I will see 1,119 fewer adults and juveniles be offered up for treatment or be adjudicated due to violations of methamphetamine if we do not get this amendment passed today.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

Mr. TERRY. Mr. Chairman, I yield 30 seconds to the gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. Mr. Chairman, I too commend the gentleman from Virginia (Mr. WOLF) on his efforts to help local law enforcement. I commend the gentleman from Nebraska for his leadership in supporting the Byrne-JAG program. It is an important issue, and I am pleased to see it addressed.

I was the King County sheriff and worked for the sheriff's office for 33 years and spent my life in law enforcement. During my time in law enforcement, I have seen how Byrne and JAG grants have helped local law enforcement fight the war on drugs.

Washington received $9.6 million under the Byrne grant formulas. Without this funding, our State would not have been able to effectively work to reduce violent drug-related crimes.

Mr. WOLF. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, my father was a policeman for 20 years, so I am not going to take any back seat to anybody else.

If you really want to do something, stand up to the drug industry, which this Congress will not do, and do what the State of Oklahoma did: pass the law that makes you go up to the counter and ask for it. If you really want to do something, do that and stand up to the drug industry and deal with it.

This amendment cuts COPS $2 million; U.S. Attorneys, $7 million; Marshals Service, $4 million; the Do Not Call, FEC, $4 million; Small Business Administration, $3 million; NSF, $19 million; NASA, $72 million; DEA, $7 million; public safety officer benefits. Why? If we were looking to have an amendment, we would sort of exempt that out.

That is why these across-the-boards are a bad thing. We would exempt that out. Oceans. We just had a colloquy with the gentleman from Maryland (Mr. GILCHREST) on oceans. We go down on oceans.

I understand. Meth is coming to my area. We do not want to take away from embassy security so Federal employees get blown up, or reduce the FBI that is fighting that, or DEA. There are other ways to deal with this.

I care about the meth issue as much as anybody else. This is not the way to do it. You cannot go out and explain why we make all these cuts. There must be some focus. If you think this is so important, find out that area, offer an amendment to cut it, and put it back in this. But across the board, this is a bad amendment.

I urge Members to vote "no."

Mr. STUPAK. Mr. Chairman, I want to thank Congressman TERRY for his leadership on this issue. I am pleased to be able to join my colleagues, as a co-sponsor and advocate of our amendment to restore funding to the Byrne-Justice Assistance Grant, JAG, program in the Science-State appropriations bill. If, we, as the House, do not pass the Obey amendment, then we must pass the Terry amendment—even though it may hurt some programs, we all support.

Unfortunately, this program is grossly underfunded in the bill—cutting funding from the $634 million that was provided in fiscal year 2005 to only $348 million in fiscal year 2006—a 45-percent cut. Our amendment restores $286 million to Byrne, which will put the funding back to last year's level.

If we do not restore this funding now, it will only be a matter of time before this program is completely wiped out.

As a former Escanaba city police officer and Michigan State trooper as well as co-chair of the Congressional Law Enforcement Caucus, I understand how much our local communities need and rely on the Byrne grants program monies.

Byrne grants provide funding for 29 vital programs such as anti-drug education programs, treatment programs and alternative sentencing initiatives, giving the States the ability to choose the programs where this Federal funding would be most beneficial to law enforcement issues faced in their State.

Local drug enforcement teams are crucial to keeping our communities drug free. Without our amendment, our teams will not have the funding to hire the officers they need to sustain their drug enforcement teams. In my home State of Michigan, we would lose 11 of our 25 task forces. California will lose 26 of 58, Texas will lose 21 of 46 and New York will lose 34 of 76.

Fighting the war on drugs must be an inter-jurisdictional, unified effort between local, county, and State police working together. Without the necessary Federal funding, this coordination will not be possible because our local task forces will no longer be in existence.

Losing these task forces is a frightening thought considering that 90 percent of drug arrests nationwide are made by State and local law enforcement agencies.

This would have a devastating and far reaching effect in Michigan—especially on our rural communities. Let me be clear—when it comes to drug abuse, no community—urban or rural—is immune to this problem.

Congress needs to step up to the plate and show their strong commitment to law enforcement and the criminal justice system. They have that chance today by voting for our amendment and showing their support for law enforcement officers who put their lives on the line to keep our communities safe and drug free.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TERRY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nebraska (Mr. TERRY) will be postponed.

AMENDMENT OFFERED BY MR. BOSWELL

Mr. BOSWELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOSWELL:

Page 2, line 7, after the dollar amount, insert "(reduced by $2,500,000)".

Page 26, line 25, after the dollar amount, insert "(increased by $2,500,000)".

Page 28, line 3, after the dollar amount, insert "(increased by $2,500,000)".

Mr. BOSWELL. Mr. Chairman, I first want to thank the gentleman from Virginia (Chairman WOLF) and the gentleman from West Virginia (Mr. MOLLOHAN) for their great work on this important piece of legislation. They both have done a fine job faced with very, very difficult budget realities. We recognize that. However, we hope that this might be considered.

Mr. Chairman, during the Memorial Day district work period, I traveled my district to announce the introduction of H.R. 2659, the Safe Children Safe Communities Act which we introduced on May 26. This legislation seeks to provide $300 million in grants to States based on their population to implement better and more comprehensive sex offender registries and tracking systems. Now, the amendment I have offered today does not seek $300 million, but I believe it will help provide the States with needed resources to update their records.

Mr. Chairman, my amendment seeks to increase funding for the Criminal Records Update Program by $2.5 million. My amendment offsets this increase in funding by reducing the Department of Justice general administration salaries and expense account by $2.5 million.

The subcommittee has funded the Criminal Records Update Program at $25 million for FY 2006, which is an increase of $334,000 over the previous year. However, this falls drastically short of the administration's request by some $33 million.

Mr. Chairman, the goal of this program is to ensure accurate records are available for use in law enforcement, including sex offender registry requirements. The program helps States build their infrastructure to connect to a national record check system both to supply information and to conduct checks.

Mr. Chairman, during my time traveling my district, I have spoken to countless law enforcement officials; and during our conversations we have agreed on many issues. This is not a Republican issue; this is not a Democratic issue, national, State or local. It is all of it together. It is all of it together to protect our children.

We are in 100 percent agreement: we must work together at the Federal, State, and local levels to ensure the safety of our children.

□ 1345

I realize times are tight when it comes to spending, but if we can spare any additional dollars to ensure communities and our children are safe, then we absolutely must do it.

Mr. WOLF. Mr. Chairman, I think it is a good amendment, and I have no objection. I think it should pass.

Mr. MOLLOHAN. Mr. Chairman, I have no objection to the amendment.

The CHAIRMAN (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Iowa (Ms. BOSWELL).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. ISSA

Mr. ISSA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. ISSA:

Page 2, line 7, insert "(reduced by $5,000,000)" after the dollar amount.

Page 6, line 12, insert "(increased by $5,000,000)" after the dollar amount.

Mr. WOLF. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Virginia reserves a point of order.

The gentleman from California (Mr. ISSA) is recognized for 5 minutes on his amendment.

Mr. ISSA. Mr. Chairman, I rise with this amendment today in order to increase the funding to the attorneys general for trafficking in humans that is going on rapidly throughout the country. I want to thank the gentleman from Virginia (Chairman WOLF) and his committee for working to bring this legislation to the floor and to highlight these problems here today.

Illegal immigration is the number one issue in my district and in the State of California. One of the greatest reasons that Members of Congress oppose illegal immigration is the dangerous practice of smuggling human beings into the United States by practitioners known as "coyotes." Coyotes care little for the welfare of their cargo, only about the fee they will have, and have killed countless aliens in the process.

Over the past few years, the U.S. Attorney's Office has not prosecuted coyotes by any means to the fullest extent possible. As a matter of fact, in November of 2004, the U.S. Attorney for the Southern District of California, Carol Lamb, set up new guidelines. Under these guidelines, the only prosecution of a coyote for bringing somebody into the United States would include that they would be prosecuted only if they committed three felonies, and two of these crimes occurred in the district in the past 5 years. At least one of these offenses should have had the result of a prison sentence of at least 13 months, and it goes on. Essentially, you have to be a three-time criminal felon who endangered either the Border Patrol or directly the lives of individuals involved in order to even be eligible for prosecution. As a result, people who have been caught and released 20 or more times continue to not be prosecuted in the San Diego district. Throughout the district and throughout the country, the Office of the U.S. Attorney claims that they have to prioritize prosecution of human smugglers because there are insufficient funds. We aim to deal with that here today.

We should not allow smugglers to go free due to the lack of resources. There is no question that we have over 11 million, by the U.S. Census, over 11 million illegals in this country. I, for one, make no claim that tomorrow we could remove them all, but certainly, while we are trying to figure out how to grapple with this vexing problem, we should have a zero tolerance for people who traffic in human beings.

My amendment is intended to begin that process. It is my sincere hope that I can work with the Committee on Appropriations in order to put an emphasis on this area of trafficking.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Virginia Chairman Wolf.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. ISSA. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, this is subject to a point of order, and it is unfortunate that it is. I would pledge to the gentleman that we will do everything we can to deal with this problem.

Several weeks ago several of us were down in El Salvador where they made the very case of the people who were involved in violent gangs had gone to coyotes who would take them up. I think the gentleman is right on target, so we will work with him, and I appreciate him bringing this to our attention, so that we can see what we can do.

Mr. ISSA. Mr. Chairman, I appreciate the chairman's assurances.

I will at this time insert in the RECORD all of my statement and additional relevant materials.

Mr. Chairman, I rise today to amend H.R. 2862 in order to increase funding for the prosecution of human smugglers, known as "coyotes." I thank Chairman WOLF for his Committee's work in bringing this legislation before us.

Illegal immigration is the number one issue I hear about from my constituents in California. Illegal immigration not only endangers our nation's security but in many cases the security of those individuals illegally immigrating. Aliens who allow themselves to be smuggled into the United States are at the greatest risk, and it is their smugglers who need to be prosecuted most expeditiously.

The U.S. Attorney's Office has stated in the past that it does not have the resources needed to fully prosecute arrested coyotes. Border Patrol agents who arrest many of the coyotes have compared their detention and prosecution to a catch-and-release program, stating that many are released within hours of arrest and caught again the next day. For example, the Border Patrol was instructed to release known coyote, Antonio Amparo-Lopez, an individual with 21 aliases and 20 arrests. Releasing a criminal such as this due to lack of funds is completely unacceptable, and is demoralizing to the Border Patrol agents who work so hard to make the arrests in the first place.

For this reason I am proposing this amendment to increase the funding for the United States Attorneys by $5,000,000. The amendment redirects funds from the General Administration account of the Department of Justice into the Salaries and Expenses account of the United States Attorneys. I truly hope the U.S. Attorney's Office takes to heart the seriousness of this Congress' commitment to coyote prosecution.

I look forward to working with the Appropriations Committee further in efforts tied to the prosecution of alien smugglers. I also look forward to working with Chairman Sensenbrenner as we continue to address this issue within the Judiciary Committee during the Department of Justice Reauthorization process.

[From the Associated Press State & Local Wire, Nov. 2, 2004.]

FEDERAL PROSECUTORS TO BE MORE SELECTIVE ON IMMIGRATION CASES

(By Elliot Spagat)

Federal prosecutors in San Diego said a burgeoning caseload was forcing them to be more selective about charging illegal immigrants who have committed crimes.

Under proposed guidelines, the government would focus on prosecuting immigrants whose previous crimes occurred only a short time ago and happened nearby, making it easier to get police and court records.

Illegal immigrants with criminal records are often charged with re-entry after deportation, a felony offense. Federal prosecutors in San Diego file more than 2,000 re-entry cases a year.

The guidelines would also be more selective about prosecuting immigrant smugglers, concentrating on cases in which migrants are led through dangerous terrain.

Carol Lam, the U.S. attorney for the Southern District of California, asked the Border Patrol to 'comment on the proposals, and hasn't set a date for them to take effect, said Steve Clark, first assistant U.S. attorney. The changes would apply only to the Southern California district—which encompasses San Diego and Imperial counties.

Clark on Monday declined to discuss specifics, saying that might encourage criminals to alter their behavior in an effort to escape prosecution. But, he said, the changes are a response to "finite resources" and a growing caseload.

"(The) number of alien smuggling cases presented to our office has increased significantly over the last year," Steven Peak, an assistant U.S. attorney, wrote Paul Blocker Jr., the Border Patrol's acting San Diego sector chief. "Alien smuggling cases are manpower-intensive and often difficult to prosecute successfully."

Peak's Aug. 24 letter—first reported by KGTV—TV of San Diego—said many illegal immigrants with criminal histories committed their offenses outside Southern California or haven't been arrested for 10 years, making it difficult to get police and court documents.

Under the new guidelines, offenders with three felony convictions would be prosecuted only if two of those crimes occurred within the district in the last five years. At least one of those offenses should have resulted in a prison sentence of at least 13 months.

The new guidelines for prosecuting immigrant smugglers would require that the suspect "intentionally or recklessly created a substantial risk of death or serious bodily injury," Peak wrote. Examples include guiding migrants through remote areas in extreme weather.

A spokesman for the Border Patrol, Sean Isham, said the agency was working closely with prosecutors on the revisions and emphasized that they are still only proposals.

Shawn Moran, a spokesman for National Border Patrol Council Local 1613, which represents Border Patrol agents in San Diego, was more critical.

"We're not happy about it," he said. "It pretty much just raises the bar on the threshold for prosecution."

[From the Washington Times, June 8, 2005.]

ILLEGALS AND MURDER

Even hardened cops found it difficult to comprehend the carnage they found at 7000 Park Heights Ave. in Northwest Baltimore on May 27, 2004. There lay the bodies of Ricardo Solis Quezada Jr. and his sister, Lucero Solis Quezada, both 9 years old, and their cousin, Alexis Espejo Quezada, 10, illegal aliens from Mexico. One of the children was decapitated, and the other two were all but beheaded with a fillet knife. The trial of the alleged "Baltimore Butchers" begins today.

Two relatives of the children—Adan Espinoza Canela, 17, who worked at a Baltimore slaughterhouse, and Policarpio Espinoza, 22, who sold food from a truck—were arrested and charged with the slayings. Both suspects are illegal aliens. Police suspect that the killings were in retaliation for the failure of the children's parents to pay off their debts to "coyotes" who smuggled the family into the country. Family members claim the defendants are innocent, and have refused to cooperate with prosecutors and police.

There are two separate issues here. The first is that three innocent children were brutally murdered. Whoever committed this crime must be severely punished. The second is the matter of illegal immigration and crime—a subject that has serious implications for people across the United States and Marylanders in particular.

To begin with, anyone who crosses the border illegally, as the defendants did, has committed a crime by doing so. But a significant minority of illegal aliens go on to perpetrate more disturbing crimes after arriving in the United States. They include such persons as Angel Maturino Resendiz, the so-called Railroad Killer, who murdered at least nine people as he traveled the country by train, and the Mexican drug dealers who killed ranger Kris Eggle, 28, at Organ Pipe National Monument in Arizona on Aug. 9, 2002. In 2003, the Federal Bureau of Prisons estimated that criminal aliens—noncitizens who commit crimes—comprise more than 29 percent of federal prison inmates.

One of the first people to arrive at the murder scene on that horrible afternoon last May was Baltimore Mayor Martin O'Malley, who denounced the crimes and vowed to bring those responsible to justice. But there is no getting around the fact that politicians like Mr. O'Malley, a Democrat, bear a measure of responsibility for the fact that illegal aliens are finding Maryland an increasingly attractive place to reside. Their number has more than doubled since 2000, a period during which the mayor, Montgomery County Executive Doug Duncan and other Democrats have fought to ensure that illegals will not be barred from obtaining driver's licenses and immigration status. Mr. O'Malley also has lobbied aggressively against legislation that would encourage better federal-state cooperation to apprehend illegal aliens. If Mr. O'Malley and the Democratic establishment get their way, Maryland will continue to be an attractive place to people like the Baltimore Butchers and the Railroad Killer.

[From the San Diego Union-Tribune, Nov. 25, 2003]

Three Men Found Slain in Arizona Desert

(By New York Times News Service)

Three men, believed to have been illegal immigrants from Mexico, were found slain execution-style in the Arizona desert over the weekend, the Maricopa County sheriff said yesterday.

Sheriff Joe Arpaio said the men had been kidnapped, tied up and shot. There have been nine similar killings in the county since March 2002.

All 12 bodies were found within 25 to 30 miles of remote, rural desert areas surrounding Phoenix.

Authorities blame the killings on organized gangs of "coyotes," who smuggle people across the border.

Sheriff's detectives believe the smuggling gangs are trying to cut into their competitors' business and send a message to those who can't pay their smuggling fees of about $1,000.

"We think they throw them right off the roadway to send a message," Arpaio said.

In the latest killings, the three bodies were found Sunday morning by a bicyclist along a dirt road on the Gila Indian Reservation.

Two of the victims appeared to have been in their 20s and the third in his 40s. Autopsies are being conducted.

There are no suspects. The earlier nine victims were immigrants from Mexico.

Local authorities and a federal task force are investigating the killings.

[From the Los Angeles Times, May 5, 2005]

148 Immigrants Found Captive in South L.A. Homes

TWO ALLEGED SMUGGLERS ARE ARRESTED AFTER POLICE FIND 58 PEOPLE IN ONE HOUSE. NINETY ARE LATER FOUND IN SECOND HOME.

(By Claudia Zequeira and Jill Leovy, Times Staff Writers)

Los Angeles police found 148 immigrants held captive in two South Los Angeles houses Wednesday and arrested two suspected smugglers who were allegedly demanding payment for their release.

The discoveries are just the latest in a string of safe houses authorities have uncovered over the last two years. Officials say Los Angeles has emerged as a center of the human-smuggling business, with immigrants shipped from Latin America, across the border and to houses in Los Angeles. Often, they are eventually put on airplanes to other parts of the country.

Fifty-eight immigrants were discovered about 1 p.m. in the 800 block of West 80th Street. Ninety were discovered six hours later, about 20 blocks away in a house in the 100 block of West 59th Place.

Police discovered the first group after one of the prisoners escaped and called 911 from a nearby pay phone, said Los Angeles Police Det. Javier Lozano of LAPD's 77th Street Division.

The caller told authorities people were being held in the house and then fled. Officers arriving at the house found bars on the rear windows and a large awning or canopy screening the back.

Police said they noticed a powerful odor when they entered the house and discovered men and women shoulder to shoulder in two locked bedrooms. The immigrants were from Ecuador and Mexico, officials said.

The house "was a hot oven, and these people were just crowded in," Lozano said.

Two men, including one inside the house, were arrested.

The immigrants described being held for as long as a month as smugglers, called coyotes, demanded payments of $3,000 for their release. Police loaded the immigrants onto a bus for transfer into federal custody. Federal immigration officials have taken over the case, Lozano said. The house was rented.

Authorities declined to say how the second house was discovered, except to say that the circumstances were similar. Immigrants taken into custody at that house were from Guatemala, El Salvador and Mexico.

At the first house, a single-story stucco home, police spent much of Wednesday questioning neighbors and the landlord. Residents said they had noticed nothing unusual at the property and were surprised to learn that so many people had been found inside.

"We thought the house was for rent. We never saw people there," said Tyrine Soil, 19. "We're shocked to hear that there were 60 people living in there."

Other residents said that they saw only one man entering the house, and said that he sometimes carried bags of groceries.

Landlord Matthew Lux of Downey said he also had no idea that there were so many people in the house. "There was no noise, no smell," Lux said. "I never saw 50 people until they brought them out."

Lux said he rented the three-bedroom house in January to a couple with two children. The man and woman told Lux that they worked for a church. They did not have credit but they gave the name of a friend who backed their $1,300-a-month lease.

"They were great tenants," Lux said. "They always paid in cash. They were always on time. I wish I had more tenants like them."

Federal authorities have struggled to combat human smuggling. They have made arrests but they have found it hard to find those who run the operations. Federal agents have begun patrolling Los Angeles International Airport as part of a crackdown launched last year.

Mr. ISSA. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Davis of Illinois:

Page 2, line 7, insert "(reduced by $5,000,000)" after the dollar amount.

Page 26, line 25, insert "(increased by $5,000,000)" after the dollar amount.

Page 28, line 6, insert "(increased by $5,000,000)" after the dollar amount.

Mr. DAVIS of Illinois. Mr. Chairman, first of all, let me commend the gentleman from Virginia (Chairman Wolf) and the gentleman from West Virginia (Ranking Member Mollohan) for the outstanding work that they have done in crafting this appropriation.

My amendment is designed, and I actually plan to withdraw it, but my amendment is designed to raise the issue and highlight the fact that 630,000 individuals, roughly 1,700 a day, will be released from prisons to return to their communities. We can expect on an annual basis that this large number of released inmates from prison will continue for the next 5 years. Also, we must be mindful of the fact that local jails are releasing 7 million people each year. Many of these individuals are never able to find a decent place to live, cannot access various entitlement programs such as public housing, financial assistance for college, and, in some instances, food stamps, and are oftentimes denied employment because of their past criminal convictions. Statistics show that nearly 52 percent of these individuals end up back in jail within 3 years.

As these men and women transition from incarceration to freedom, what they need most are comprehensive reentry solutions. Prevention, treatment, and rehabilitation are just as important as incarceration. These men and women and children still have to live in our communities. Therefore, increasing public safety is a primary concern of communities and neighborhoods all across the country.

Successful reentry is difficult to obtain because of the vast and extreme barriers that ex-offenders encounter every day of their lives. In Illinois, just a year ago, ex-offenders were prohibited from working in 57 occupational categories without some form of waiver. For example, ex-offenders were not allowed to be barbers, nail technicians; they could not be a custodian in a hospital or school. Many of these individuals were convicted of nonviolent offenses, mainly drug convictions. So it is extremely difficult for ex-offenders to find housing and get a job after they have paid their debt to society.

I would hope that as we continue to explore budgetary preparations and appropriations, that we would recognize that if we are to seriously deal with the issue of recidivism reduction, the issue of public safety, the issue of helping individuals become contributing members of society, we must put adequate funding into reentry.

Again, I want to commend the gentleman from Virginia (Chairman Wolf) for his support of these kinds of programs. I would like to extend a little dialogue, engage in a colloquy with him, and then I would withdraw my amendment.

Mr. Chairman, would the chairman explain the kind of resources that we are putting into reentry programs this year for next year's budget?

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I appreciate the gentleman raising this issue. This is really an important issue. Before I came to Congress, I was involved in a reentry program at Lorton Reformatory, so I think what the gentleman is trying to do is a good idea.

Reentry programs are critical to rehabilitating prisoners. I support the programs and will continue to work with the gentleman. The bill includes a $6 million increase in the Bureau of Prisons and $10 million in OJP for reentry programs. You really cannot put a man or a woman in jail for 15 years and then, at the end, just open up the cell and let them out without having any reentry programs. So what the gentleman is trying to do is exactly right. But that is the status of funding, a $6 million increase within the Bureau of Prisons and $10 million in OJP for reentry programs.

Mr. DAVIS of Illinois. Again, I want to thank the gentleman from Virginia (Chairman WOLF) and the gentleman from West Virginia (Ranking Member MOLLOHAN) for their sensitivity to these issues, and I look forward to working with them throughout the year as we continue to try and strengthen the possibility of reducing recidivism and helping people maintain quality life in this country.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 2, line 7, after the dollar amount insert "(reduced by $50,100,000)".

Page 55, line 5, after the dollar amount insert "(increased by $50,100,000)".

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN (Mr. THORNBERRY). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, first of all, let me thank the chairman of this subcommittee and the subcommittee ranking member for their hard work on a hard task. This bill, that includes funding for NASA, the Department of Justice, the Department of State, a number of science programs, the Equal Opportunity Commission, is a tough legislative agenda, but certainly the hard work has been evidenced.

I rise today to offer an amendment that would have added $50.1 million to the NASA Exploration Capabilities provision, and to note to my colleagues when I arrived here in this body and was assigned to the Committee on Science, one of the comments I used to make is that science would be the work of the 21st century.

Mr. Chairman, I still maintain that, that out of science will come the opportunities for this country to boost its economic engine. The sad part about it is we find ourselves in 2005 having the least number of young people going into math and sciences, the least number of graduates out of chemistry and physics. So the vision of this Congress and the President and the American people coming together and talking about space exploration is so very important. This bill allows for $9 million to be added to this vision, and I think it is crucial that we stay focused, stay consistent, and stay determined and committed.

I support the Vision of Space Exploration, because I have seen the results on humankind and what it has done in health care in America. In fact, space exploration has generated research and results on HIV/AIDS treatment, stroke, heart attack, and cancer. It has also had the potential to detect tsunamis, as we saw the tragedy that occurred in the winter of 2004 that saw hundreds of thousands of people lose their lives.

Space exploration is real, and it means a lot to America. It is sad to note that America's young people do not find hopes and dreams in the study of science and technology and space exploration. What is known is that they want to see that there is a future, that there is hope, and out of this vision to go to Mars gives us hope. There is nothing more exciting than to see our early astronauts like former Senator John Glenn land or to travel into space, nothing more exciting to be able to note that we can achieve.

So my amendment was to provide extra resources so that we could stay steady on the course. I believe, however, it is important to maintain the already existing funding. I expect to offer an amendment to provide greater funding for training legal officers dealing with child abuse under the Violence Against Women Act, or trained legal professionals such as counselors and lawyers. I would like to see more dollars for the Equal Opportunity Commission for the job that they need to do, and certainly I hope that as we look toward the Vision of Space Exploration, we will focus on safety. I want to thank this subcommittee for focusing with language in their legislation on safety and ensuring that those skilled workers who are trained in safety are not let go.

I conclude by saying there are a number of good points in this bill, and I want to thank both the chairman and the ranking member for their language on torture to ensure that we do not adhere to that, and I would be offering an amendment to suggest that the terrorism dollars that are in this bill not be used to single out one religion over another.

Mr. Chairman, I hope my colleagues will support this legislation, and particularly the appropriations on the space exploration.

Mr. Chairman, I rise today to support my Amendment which would fund NASA Exploration Capabilities for an additional $50.1 million, with the funds to be taken from the Department of Justice General Administration funds. This funding would restore the President's full request for NASA Exploration Capabilities. This funding would be provided for the Space Operations Missions Directorate, including the International Space Station, the Space Shuttle program, and Space and Flight Support.

The funds for NASA Exploration Capabilities are essential to the President's vision for space exploration. This appropriation comes at a watershed moment for NASA and the future of America's space exploration mission. After the tragic Columbia Space Shuttle accident we had to step back and reassess our space shuttle program. Today, NASA is preparing to return to flight, but safety is still at the forefront of our concerns. The funds being addressed here are applicable to safety as well and we must ensure that everything is done to keep our NASA astronauts from possible harm.

Under this Amendment, funding for NASA Exploration Capabilities are to be taken from Department of Justice General Administration funds. The reason funds are being taken from this specific department is because they have received a very large increase of 14 percent or $250 million more than they did last year. Clearly, the Appropriations Committee has worked to make this a tight bill without much excessive spending. Most Departments are funding right at the President's request or even below last year's funding level. While I am in favor of many of the funding initiatives at the Department of Justice, I also feel strongly that NASA needs to be fully funded for space exploration. In addition, this Amendment would take money from General Administration funds instead of taking money from any specific program.

This Amendment has been scored by the CBO, which has stated that my Amendment does not increase the budgetary authority and in fact decreases the outlays by $9 million. This Amendment is important because it strengthens our Nation in ways that will pay large dividends in the future. NASA exploration missions have taught us so much about our world and it would be a shame if we no longer led the world in this great field. I will withdraw this amendment at this time and work towards keeping NASA from being cut.

Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

□ 1400

The Acting CHAIRMAN (Mr. THORNBERRY). If there are no further amendments at this point, the Clerk will read.

The Clerk read as follows:

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and Departmental direction, $135,000,000, to remain available until expended.

NARROWBAND COMMUNICATIONS/INTEGRATED WIRELESS NETWORK

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, $110,000,000, to remain available until September 30, 2007: *Provided*, That the Attorney General shall transfer to the "Narrowband Communications" account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 605 of this Act.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. VELÁZQUEZ:

Page 3, line 8, after the dollar amount, insert the following: "(reduced by $39,126,000)".

Page 62, line 22, after the dollar amount, insert the following: "(reduced by $59,142,000)".

Page 84, line 18, after the dollar amount, insert the following: "(reduced by $13,441,000)".

Page 86, line 11, after the dollar amount, insert the following: "(increased by $79,132,000)".

Ms. VELÁZQUEZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the debate on this amendment and any amendments thereto, conclude by 15 minutes, and that the time be equally divided and controlled by the proponent and myself, the opponent.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. WOLF. Mr. Chairman, I withdraw that and would insert 20 rather than 15.

The Acting CHAIRMAN. As the Chair understands, the unanimous consent request is to limit debate on this amendment and all amendments thereto to a total of 20 minutes equally divided between the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed.

Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Acting CHAIRMAN. The gentlewoman from New York (Ms. VELÁZQUEZ) is recognized for 10 minutes on her amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, today's small businesses are having a difficult time in accessing affordable capital due to recent changes to the 7(a) program. This amendment will change that by restoring funding to its fiscal year 2004 level.

As you can see from this chart, the cost of the 7(a) program on small business has doubled, translating into an additional $1,500 to $3,000 in upfront costs. And for larger loans, fees are now more than $50,000.

In addition, SBA has proposed even more fees on top of those that were implemented last year, and projections are that these fees will only continue to increase year after year.

Clearly, these actions are having a negative effect. Since the fee increase, the total dollars going into the economy has dropped, small businesses are receiving less capital, and the number of active lenders making a loan has declined by 50 percent. These actions have resulted in a highly unstable program, as you can see from this chart.

History has shown that operating loan programs without a government commitment is a recipe for failure. For proof, look at the SBA venture capital program which has been credited with investing billions of dollars in small businesses. Four years ago, it was taken to a zero subsidy rate. The argument is that it would make the program more stable. Well, today that program is shut down because it simply became too costly. By voting for this amendment, you are ensuring that the 7(a) program does not suffer the same fate.

The offsets for this amendment can come from the IT accounts of the State Department, Justice Department, and SBA. This is a small price to pay for job creation. The 7(a) program is a proven job creator. For every $33,000 in loans, one job is created. With just a minor investment from our government, we can empower this Nation's entrepreneurs to do what they do best, create jobs and build this economy.

This is the same amendment that was offered last year that passed with overwhelming bipartisan support. The only thing that has changed since then is that our Nation's small businesses have now had to endure a year of increased costs, and they have told us that these costs are hurting them. We cannot let this happen again.

Fifteen trade associations, including the National Small Business Association; the Independent Community Bankers of America; the Credit Union National Association; the American Hotel and Lodging Association; and the U.S. Black Chamber of Commerce, representing businesses and lenders from across the country, are supporting this amendment and calling on Congress to restore this funding.

By voting "yes" to restore the appropriations to the 7(a) loan program, you are voting to relieve our Nation's 23 million small businesses of these additional costs. This is a vote for continued job creation and economic development, two things, small businesses and our Nation's economy need now more than ever.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

The Acting CHAIRMAN. The gentleman from Virginia (Mr. WOLF) will control the time in opposition to the amendment. The gentleman is recognized.

Mr. WOLF. Mr. Chairman, I rise in opposition to this amendment. If we were to pass this amendment, then you can never write to your constituents and say you really care about the deficit. And I know the gentleman from Illinois (Mr. MANZULLO) is going to speak about this. We dealt with this program last year. We are now at a record level of loans. So if you vote for this, you will never be able to write and say that I am concerned about the deficit.

The 7(a) program has been operating at record levels without subsidy appropriations since the beginning of fiscal year 2005 when the fees on lenders and borrowers reverted to the pre-2003 level. The SBA administrator continues to assure us the program is running strong, does not require a subsidy. Since lending levels are no longer tied to appropriation, the program has been able to meet the demand.

The program is on track, Mr. Chairman, to far exceed the previous lending levels and in fact may come close to the $16 billion authorized level.

Media reports all over the country have touted the recent success of the 7(a) lending. To highlight this, I have articles which we will put in the RECORD, if it is appropriate at this time, from the Chicago Tribune, Cincinnati Press Courier. Here are some of the headlines: "SBA programs looks sound." "Stable funding turns banks on to SBA lending." In fact, lending to every segment of the population, including women and minorities is up from last year's level.

[From the Chicago Tribune, Dec. 27, 2004]

SBA PROGRAM LOOKS SOUND

(By Rob Kaiser)

Holiday magic isn't the likely reason the U.S. Small Business Administration and its numerous critics appear in harmony for the first time in years.

A more likely explanation is the $16 billion stocking stuffer for the SBA's flagship 7(a) loan program, which will likely keep it from suffering short-falls in 2005 that drew the ire of banks and small-business owners this year.

"The risk of a cap or a shutdown is basically nil," said Tony Wilkinson, president of the National Association of Government Guaranteed Lenders and a frequent SBA critic.

Such an outlook is a vast improvement from recent years, when frequent loan limits and speculation about shutdowns sent bankers scurrying to submit loan applications and left many business owners in limbo—often with unpaid bills—when expected loans suddenly evaporated.

To achieve the peace, bankers grudgingly accepted a return to paying higher fees as the Bush administration got its wish to wipe away a nearly $80 million subsidy that had been supporting the 7(a) program. In return, the bankers expect to inherit a more stable program.

Such stability would have saved Julie Valenza a lot of time and money.

Valenza was close to purchasing her second Jimmy John's sandwich franchise in January when the $250,000 loan she expected to secure through the 7(a) program was suddenly stalled when SBA stopped accepting new applications due to a funding short-fall.

To salvage the deal to purchase an existing store in Westmont, Valenza recruited her sister as a investor.

"At least I didn't have to bring in a stranger off the street," she said.

Still, the setback delayed the purchase by two months and means Valenza now has to split the store's profits.

Paul Andreotti, an executive vice president at National City Bank in Chicago, said SBA loans exist so such situations are avoided.

Without 7(a) loans, many business owners would have to finance growth on their credit cards or through other expensive means.

"If the SBA wasn't guaranteeing loans, banks couldn't be as aggressive and provide as much capital," said Andreotti, whose bank is putting together a 7(a) loan so Valenza can open a third Jimmy John's location in Oak Lawn.

While he's not happy to see the fees climbing, Andreotti said, "In the long run I think it will positively impact small businesses."

Fees for the 7(a) program are now 2 percent on loans up to $150,000, up from 1 percent. Loans between $150,001 and $700,000 carry a 3 percent fee, up from 2.5 percent. Loans for more than $700,000 still carry a 3.5 percent fee.

The loan applicant usually pays these fees. Banks have to pay another fee, which has also increased recently.

The SBA guarantees 85 percent of 7(a) loans up to $150,000 and 75 percent of loans for more than $150,000.

Previously, the highest loan guarantee was $1 million, but under the new legislation that figure was raised to $1.5 million. This means the program will now guarantee 75 percent of a $2 million loan, the largest 7(a) loan available.

Still, not everyone in the SBA universe is sold that the recent compromise was the best solution.

"Clearly there were members of Congress that felt this program was worthy of receiving an appropriation," said James Ballentine, director of community and economic development at the American Bankers Association.

Balentine said some business owners as well as leaders may be dissuaded from taking part in the program because of the fees.

Early indications, though, are that participation in the 7(a) program is at record levels.

From Oct. 1, the beginning of the fiscal year, through Dec. 10, the program has done more than 18,000 loans, worth nearly $2.8 billion. During the same period last year, the program did fewer than 15,000 loans, worth $2.4 billion.

In all of the last fiscal year, the 7(a) program did nearly 75,000 loans, worth $12.6 billion. The program has $16 billion in loans available for the current fiscal year.

"We think that should be sufficient," said Jodi Polonet, senior vice president of Business Loan Express LLC in New York. "We are satisfied."

Mr. WOLF. The gentleman from Illinois (Mr. MANZULLO), the chairman of the Small Business Committee who last year supported this amendment, is now supportive of the program continuing to operate without a subsidy appropriation. He has written a Dear Colleague letter, and I hope every Member has read that Dear Colleague letter in support of the status quo. This would really hit Justice Department programs and State Department programs.

So in summary, Mr. Chairman, it is not necessary to provide a subsidy appropriation for 7(a) loan programs. With the legislative and appropriation changes made last year, the program is running strong. The offsets are not a good idea.

I urge Members to oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, when SBA claims that the program is doing record levels I have to say that they said that they would do $16 billion. Today they are $2 billion behind, and they are clearly not going to achieve a record level.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Chairman, I rise today to urge my colleagues to support the amendment offered by our colleague, the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member of the Small Business Committee.

In my district in northeastern Ohio, locally owned small businesses are the foundation of our communities, from tool and die makers to landscapers to mom and pop corner hardware stores. The Small Business Administration 7(a) program has a proud history of ensuring that these small businesses will continue to have access to affordable financing.

As the gentlewoman from New York (Ms. VELÁZQUEZ) has noted, changes were made to the 7(a) program last year that dramatically altered its funding structure by eliminating the Federal Government's contribution and making the entire program self-sustaining. I have seen the data from my district on the amount of funding provided to small businesses since the program was altered, and I have heard the arguments that the program is actually more stable and that lending has not dropped off.

And while I have nothing but respect for not only the gentleman from Virginia (Mr. WOLF) but also the gentleman from Illinois (Chairman MANZULLO), I have to ask myself what could have been. If a furniture maker in Middlefield, Ohio, wanted access to capital to expand his facilities but decided against it because the fees on the 7(a) loan would have been too much of a burden for his business, how many more jobs could we have created if we had continued the Federal participation in the 7(a) program?

And I listened intently and I have the greatest respect for the gentleman from Virginia (Mr. WOLF) when he spoke against the last amendment, the last couple of amendments on the Byrne issue when across-the-board amendment cuts are not a good idea. And I agree with that. But I want to congratulate the gentlewoman from New York (Ms. VELÁZQUEZ) for where we found the offsets. They come from the IT accounts at the Justice Department, the State Department, and the Small Business Administration.

It is my understanding, and if I am wrong in this regard I am sure the gentleman from Virginia (Mr. WOLF) can correct me, that relative to the Justice Department, it comes from a proposal to sell off and replace computer broadband and replace with narrow band, allowing them to sell the broadband, and money will actually be recouped to finance that.

Secondly, in the State Department they are charging fees on visas which would also allow those upgrades. And relative to the IT account in the Small Business Administration, the upgrade that needs to take place in the country is the small business community. And I would just indicate that, you know, on this side of the aisle we champion all the time that small businesses in this country are the backbone, the drivers of this economy. The 7(a) program needs Federal participation to not only be as good as it is today but to be better tomorrow.

Ms. VELÁZQUEZ. Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield to the gentleman from Illinois (Mr. MANZULLO), the chairman of the SBA committee, such time as he may use.

Mr. MANZULLO. Mr. Chairman, I would note that as to the gentleman from Ohio's (Mr. LATOURETTE) district, in all of 2004, he had 185 7(a) loans totaling about $30,400,000. For 2005, year to date, it is 319 loans totaling nearly $29 million in loans. So it just amazes me that the gentleman from Ohio would say that we need to spend $79 million worth of taxpayers' money.

Last year, I led the fight to add in $79 million for the 7(a) program. I was under the assumption that it was absolutely necessary to have the Federal Government subsidize small business people who wanted to get a loan. And I took a look at this, and I said what kind of a message does this send? There is no legal or constitutional right to have loans subsidized by the taxpayers of this country for people to get involved in businesses. And, in fact, that sends the wrong messages. People getting involved in business should realize that it is a free enterprise system that works.

And what we did last year was something epochal; 7(a) loan program last year for the first time did not depend upon a government handout. Small business people do not need government handouts to start businesses.

My dad was in the grocery store business. He was in the restaurant business. He would have never thought about applying for a loan that was subsidized by taxpayers.

And so what happened last year, the subsidy was taken away. Taxpayers saved $80 million that was spent in areas, other areas, as important as it is. And the problem that I have is whenever you have the government subsidy, then the program is subject to shut down. That is what happened 2 years ago when the SBA 7(a) program in December ran out of money. The 7(a) program shut down. Small business people could not plan. The lenders had no idea what was going on and chaos broke loose in the 7(a) industry. We do not need the 7(a) subsidy.

As the chairman of the Small Business Committee, I have spoken to people all over the country thanking me saying, you know, we are paying a little bit more for our loan, but we realize that by the small business people paying a little bit more for their loan and the amount up front gets rolled over to the eventual length of the term of the loan, that makes not only more money available, but it makes the program predictable.

So I would encourage my colleagues to vote "no" on the Velázquez amendment. Vote "no" to spending $80 million in taxpayers' funds.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to inquire as to how much time is left on each side.

The Acting CHAIRMAN. The gentlewoman from New York has 4 minutes remaining. The gentleman from Virginia has 5 minutes remaining.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. Mr. Chairman, as a small business owner and a member of the Small Business Committee, I appreciate the need for entrepreneurs and small business owners to have access to affordable capital. That is why I speak today in support of the Velázquez amendment to restore funding for the SBA 7(a) small business loan program.

□ 1415

Small businesses are the growth engine for our Nation's economy, and it is important for the Federal Government to encourage domestic hiring and expansion. This amendment will help achieve that goal by returning 7(a) loan fees to their previous affordable level.

Access to affordable capital is an important alternative to higher-interest personal credit cards, which, while helpful, have become the number one source of financing for U.S. entrepreneurs for lack of options.

Since October 2004, loan costs have increased by up to $3,000, and program utilization and loan capital have dropped drastically by almost half a million dollars. We have been told today that the SBA is processing more loans than ever before, that is true, but the loans being processed are significantly smaller. After the new fees were put in place, the average amount received by individual small businesses has dropped by approximately $75,000.

The small business community creates up to 80 percent of the new jobs in this country. The SBA estimates that a new job is created for every $33,000 in small business loans. Thus, $79 million in Federal investment has the potential to create 500,000 jobs in this country.

First, let us correct the rhetoric. These are not subsidies or handouts that we are talking about. These are loans at affordable interest rates, and if one is for deficit reduction, then they should support this amendment, which reduces the overall cost to the bill by $32 million per the Congressional Budget Office.

It is time that Congress steps forward to support the small business community through access to affordable capital. The Velazquez amendment will reduce fees to small business owners and lenders and create an environment which will foster critical domestic job growth and the local economic expansion so vital to the Eighth District of Illinois and to communities across the Nation.

I urge my colleagues' support of this amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, in looking at the figures for the gentlewoman from Illinois' (Ms. BEAN) district, my colleague, for fiscal year 2004, there were 193 loans, that is 7(a) loans, totaling $31 million. So far, to date, in fiscal year 2005, 7 months, there are 177 loans at $26 million. That is almost there.

At this rate, the number of loans in 2005 will greatly exceed the number of loans in 2004, showing that when the subsidy was cut and the taxpayers saved $79 million, more loans were given in the gentlewoman from Illinois' (Ms. BEAN) district than when the subsidy was in effect.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to inquire as to how much time I have left?

The Acting CHAIRMAN (Mr. THORNBERRY). The gentlewoman from New York (Ms. VELÁZQUEZ) has 2 minutes remaining.

Ms. VELÁZQUEZ. Mr. Chairman, I have two additional speakers, and I ask unanimous consent for 2 more additional minutes on each side.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The Acting CHAIRMAN. The gentlewoman from New York (Ms. VELÁZQUEZ) has 4 minutes remaining.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, the Small Business Administration 7(a) loan program is a proven success. In past years it has provided 30 percent of all long-term small business loans in this country, making it the largest source of public or private financing. So one would assume that such a proven program would be supported by everyone.

However, last year we found out that when there was a choice between more tax cuts for the wealthiest Americans or helping our small businesses, the administration and the Republican leadership were all too willing to change that 7(a) program in conference, so that all expenses and risks would be borne by the small businesses themselves.

The result of this change is exactly what we predicted. Fees for loans of less than $150,000 have nearly doubled. Fees for larger loans have risen by $3,000 to $5,000. Fifty lenders have dropped out of the program. It is much harder for small businesses in rural areas and small towns to get loans. Most significantly, 7(a) lending has decreased every quarter since the new fees were added, and the amount of the average 7(a) loan has dropped by $75,000 since the changes have been put in place.

So we have a problem, and the Velázquez amendment would solve that problem, restoring funding for the 7(a) program, $79 million for loan-loss reserves, which will leverage $18 billion in new loans. Vote for the Velázquez amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Chairman, I rise today in strong support for the Velazquez amendment to H.R. 2862. This amendment would restore funding for the Small Business Administration's 7(a) loan guarantee program at fiscal year 2004 levels.

Small businesses are the driving force behind job creation and productivity-enhancing technology. The 7(a) loan program has been a worthwhile investment for taxpayers, as statistics demonstrate impressive returns insofar as business growth and job creation, especially, Mr. Chairman, in economically disadvantaged areas like the territory of Guam that I represent.

Perhaps for this reason a similar amendment introduced last year garnered strong support from both sides of the aisle, and therefore, I urge my colleagues to send a strong message that the House continues to value the importance of this program by again voting to restore funding for the 7(a) loan program.

Ms. VELÁZQUEZ. Mr. Chairman, I yield to the gentlewoman from California (Ms. LORETTA SANCHEZ) for a unanimous consent request.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise today to express my firm support for the amendment offered by my colleague Ms. VELÁZQUEZ and for continuous and increased funding for the Small Business Administration 7(a) loans programs.

Designed as a public-private partnership, the 7(a) program helps small businesses that otherwise could not obtain a commercial bank loan.

By minimizing the risk to lenders, the SBA's 7(a) loans program secures access for small businesses to the affordable capital they need to start, develop and flourish.

7(a) loans are the most widely used SBA program. These loans provide critical funding for start-ups, real estate acquisition, business expansion, recapitalization, working capital, and machinery and equipment purchase.

The 7(a) loan program has proved to be an insightful and successful initiative.

Just in 2003, these loans benefited more than 70,000 small businesses. And over the last decade, they provided resources for over 424,000 small businesses.

Today, 7(a) loans provide 30 percent of all long-term loans for small business lending.

Unfortunately, the budget under consideration today, fails to provide the resources that small businesses in this country require to continue flourishing.

It fails to restore funding for the SBA's 7(a) loan program and to decrease the harsh conditions that small businesses confront to access affordable capital.

I would remind my colleagues of the critical importance and contribution that small businesses represent for our country.

Small businesses are the most important driving force of our economy. But they require access to capital in order to continue as the catalyst for the U.S. economy.

The rationale behind the 7(a) program is that of investment, cooperation and success.

It is a national partnership for growth, productivity and welfare.

For all these reasons, I encourage my colleagues to support this amendment, which will benefit all Americans.

Ms. VELÁZQUEZ. Mr. Chairman, I am ready to close if the gentleman does not have any other speakers.

Mr. WOLF. Mr. Chairman, I would close when it is appropriate under the rules.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is a vote for helping small businesses. Today the program is more costly, $3,000 more, and half a billion dollars less is going into the economy. We have also seen a 50 percent drop in lenders, which has a particularly negative impact on rural communities. This is not a picture of stability, but the good news is that we can fix this. By voting "yes" on the Velazquez amendment, we can return the 7(a) program to a source of affordable capital for our Nation's small business owners.

Almost 20 national groups, from the National Small Business Association and the Hotel and Motel Association to the Independent Community Bankers and the Credit Unions, say that this is a problem, and they want us to fix it.

For the small commitment on the government's part, we can create jobs and create economic growth, two of the most important things we can do right now. That is why I encourage my colleagues to support my amendment, the same amendment that was voted last year overwhelmingly.

Let me just say, Mr. Chairman, that when SBA claims that they are doing record levels, what they do not say is that they are comparing the program's performance to a time last year when it was shut down and operating under a $750,000 cap. When compared to the last quarter before fees were raised, the program actually shows a decline of over $500.

Mr. Chairman, I ask for a vote for the Velázquez amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, how much time do I have?

The Acting CHAIRMAN. The gentleman from Virginia (Mr. WOLF) has 6½ minutes remaining.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

The numbers cited by the proponents of this amendment say that SBA's numbers are deceiving. I understand what the gentlewoman is trying to do.

I have information here on the gentlewoman's district, showing that 7(a) demand is up. Last year in the gentlewoman's district, for the entire year, there were 7,849 loans. This year, for the year to date, meaning there are still 3½ months left to the end of the fiscal year, the figure is 9,267 loans, if that trend continues, the number of loans will, almost double. It is one of the few times we have actually made a difference and rolled something back in this body.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to correct the record.

Mr. Chairman, yes, it might be true they are doing more loans, but they do not say that they are rationing capital in its loan program. The average loan size for the 7(a) loan program today is $170,000. The average for an African American is only $86,000. The average loan for an Hispanic is $128,000, and this is happening because the restrictions that they have imposed on the 7(a) loan program.

I thank the gentleman for yielding.

Mr. WOLF. Mr. Chairman, I thank the gentlewoman for her comments as well.

Hector Barreto, the SBA Administrator, in a letter dated June 3, 2005, that he sent in opposition to the amendment says: "Through May 20, 2005, SBA guaranteed 60,266 small business loans, a 24 percent increase over the number of loans approved at the same time in 2004."

That is dramatic, and the cost of this amendment will be upwards of $70-plus million.

I continue to read the letter, "At this time last year, SBA had guaranteed more than $7 billion in 7(a) loans which was a record-setting figure."

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, well, the numbers that Mr. Barreto is giving my colleague is when the program was shut down, and he does not say to my colleague that they are doing $2 billion below what they said they would be doing at this time.

Mr. WOLF. Mr. Chairman, reclaiming my time, I thank the gentlewoman.

He goes on to say: "I am proud to report that as of May 20, 2005, SBA has shattered that record by guaranteeing more than $9.2 billion in loans to America's entrepreneurs."

Then he goes on to say: "If you go deeper into these statistics, you can see that 7(a) loan volume has increased for women and minority entrepreneurs in fiscal year 2005, up 52 percent to African Americans, up 49 percent to women, up 15 percent to Hispanics, and up 16 percent to Asian Americans.

"At this pace," Mr. Barreto goes on to say, "SBA will likely surpass the fiscal year 2004 figures for both dollars guaranteed and the number of loans approved; especially if you consider that the fourth quarter of the fiscal year traditionally witnesses the highest volume of loans."

He closes by saying, "Mr. Chairman, I believe these number speak for themselves," and they do speak for themselves, "and should serve to reassure supporters that the 7(a) program is running strong without need of a subsidy or a reduction in fees."

I want to thank the gentleman from Illinois (Mr. MANZULLO). He was on the other side last year. Not many people in this institution do that. I mean, he got up and said, yes, this is right, and I commend him for that. I think it is the right thing to do.

The thing that I worry about, if anyone is listening to this, is if we roll this back in this tight budget, where do we find the money? I mean, if there was really a crisis with regard to small business, I would be for this amendment, but the loans are up, and if they are up, and to take all this, if I can just ask the staff how much would this amendment take, $79 million? We just had a debate on meth. If we are going to do anything, let us put $79 million in meth. If we are going to do anything, let us put $79 million in fighting the drug trade.

But we are going to take $79 million when we do not have a problem. Let us give it to the war on terrorism. Let us give it to the first responders, but not to a program that does not even need it, does not even want it, does not even ask for it.

I understand what they are saying, but if this amendment passes, I am going to go home very discouraged tonight. I think the passage of this amendment, in my own mind, if this amendment is passed, it will tell me, and it should be telling the American people, that we will never, ever be able to deal with the deficit again. There is no need for this, they are not asking for it, and the figures show that loans are up by 24 percent. The chairman for the committee who was for this amendment last year is now against it, and there is just no hope. It is a Katie-bar-the-door, we are going to spend whatever we need to spend.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentleman for yielding.

If my colleague is for deficit reduction, with this amendment we will reduce the deficit by $32 million. Then, if we pass this amendment, $78 million we leverage, $15 billion in loans, and create half a million jobs at a time when the economy is struggling to replace the jobs that we have lost.

☐ 1430

Mr. WOLF. Reclaiming my time, Mr. Chairman, I just do not think the American people could ever understand that by spending $79 million of additional money that we will help the deficit. I urge a "no" vote on the amendment.

Ms. WOOLSEY. Mr. Chairman, I rise today in support of the Velázquez amendment amendment and thank the gentlewoman from New York on all her efforts to help small busineses. I am pleased that this amendment will reinstate funding for the 7(a) loan program and ensure that small businesses will once again be able to benefit from its lending power.

As a former small business owner, I know the frustrations and worries small business owners have had as this program has been repeatedly targeted by the Bush administration. Small businesses are one of our Nation's leading employment opportunities but few businesses can afford to startup or expand without the help of loans.

The president likes to talk about an "ownership society," but his budget hurts middle class Americans by denying funding for this program. How can we have a strong middle class if we don't extend opportunities for people to start their own businesses? This just doesn't make sense.

Renewing our commitment to the small business administration 7(a) loan program will not only bolster our Nation's workforce but also the economy as a whole. This program gives people a chance to start a business of their own and make a positive impact on their lives and their communities.

Mr. Chairman, I want to urge all of my colleagues to join me in supporting this important amendment and our small business owners.

Mr. SALAZAR. Mr. Chairman, I rise today in support of the Velázquez amendment to the Science-State-Justice Appropriations bill. I thank the gentlelady from New York for her leadership and the opportunity to speak in favor of the Section 7(a) Small Business Loan Program. The 3rd Congressional District of Colorado is a large rural district with many small businesses that have benefited from the SBA's lending programs.

In 2004, the Section 7(a) provided 25.4 million dollars in loans to small businesses within my congressional district. As you know, this program helps provide capital to small business owners who are unable to access traditional financing alternatives. These small businesses provide critical jobs and are the economic engine that help drive the economy in my congressional district.

Small businesses able to take advantage of this program have added new jobs to the economy. The Section 7(a) program has created approximately 742 jobs in my district alone. It is vital that these small businesses have the resources and capital necessary to operate, otherwise rural communities will continue to fall further behind the rest of the country in ecomomic growth.

The Section 7(a) loan program is a proven success; it provides critical assistance to small businesses and I urge all of my colleagues to vote in favor of this amendment. I thank the gentlelady for the opportunity to speak on behalf of this important amendment.

Mrs. JONES of Ohio. Mr. Chairman, I rise today in support of the Velázquez Amendment and in support of America's small businesses. It is vital that we as the United States Government do all we can to foster the growth of jobs in our economy. To accomplish this we must provide the businesses with enough affordable capital to start and grow. Mr. Chairman, this will create those jobs. I am sad to say that we have not done enough to help out the small businesses that need it most.

Over the last decade we have drastically reduced the appropriated amount for the Small Business Administration's 7(a) loan program, in 1995 it was funded at nearly $200 million but last year a mere $79 million.

Mr. Chairman, I am from Cleveland, Ohio, which at the moment is the most impoverished city in the Nation. Ninety-five percent of the private sector jobs are provided by small businesses, therefore the creation of jobs and the growth of our small businesses is vital to our economic recovery.

The Small Business Administration's 7(a) lending program is essential for small business owners who cannot access capital through conventional markets. However, the program has been and is being underfunded and the burden has been shifting increasingly onto small business owners. Recent changes in the program have increased the fees to access the 7(a) program, which diminishes access of small business owners.

The 7(a) program was created to provide capital to those businesses that need it most. By making the program more expensive, we are defeating its original purpose.

I stand in support of restoring the FY 2004 appropriated level of $79 million. It is the least we can do to help small businesses grow in our country.

Mrs. CHRISTENSEN. Mr. Chairman, I would like to commend Ranking Member VELÁZQUEZ for her continued commitment to working on behalf of small businesses and once again bringing legislation to the House floor to save the 7(a) loan program.

Mr. Chairman, this year as in last year, the administration has requested zero funding for the premier lending program for the Small Business Administration. The 7(a) loan program has been systematically dismantled by the Administration. By eliminating funding, the program now runs only on the fees. charged to small businesses and lenders—which make the program inherently unstable. The recent changes have created a less stable program and increased its lending fees. Since the fee increase, small business lending declined every quarter for a total of more than half a billion dollars so far this year.

The 7(a) loan program has been a worthwhile program, particularly to women-owned business. Women-owned businesses are just as financially strong and creditworthy as the average US firm and deserve more options to raise capital. These companies have similar performance on bill payment and several levels of credit risk, and are just as likely to remain in business—yet they still fail to receive the capital needed to grow. In FY 2004, the 7(a) loan program provided more than 15,000 loans to women-owned businesses totaling nearly $2 billion.

A vote for Velázquez amendment would help guarantee that the 7(a) loan program would remain affordable for small businesses. Last year, the House overwhelmingly voted on a similar amendment to provide funding for this program. I urge my colleagues to once again support this amendment to rectify a wrong, and ensure that small businesses can still benefit from the program.

Mr. HOLT. Mr. Chairman, I rise today to support the reinstatement of funding for the Small Business Administration's 7(a) loan program. The 7(a) program provides crucial support for small businesses around the country, and funding should be restored immediately.

Central New Jersey has always worked hard to strengthen its position as a national leader in technological and economic innovation. For decades, the state's small businesses have led this charge, escorting communities toward independence and inspiration.

Without consistent governmental support, though, small businesses will falter and stagnate. And without consistent small business support, local communities and economies will suffer. We owe it to the state's small businesses to restore funding to the SBA's exceptional 7(a) program.

Consider that one new job is created for every $33,000 that SBA's 7(a) program guarantees. And consider that in just the past decade, SBA has approved over four hundred thousand loans, for more than $90 billion. You can do the math: that's a total of 2.7 million new jobs in just the last ten years. But with the lack of appropriations in FY2005, the average origination fees on small business loans doubled, creating between $1,500 and $3,000 in new costs for the average small business owner. The inevitable result is less small business access to capital, less expansion, less hiring, and less economic development.

In the past decades, we've all seen that many of the country's strongest local economies are sprouting in areas famous worldwide for their technological prowess: California's Silicon Valley; North Carolina's Research Triangle; Boston's Route 128 Corridor. Central New Jersey's growing high-technology community—Einstein's Alley—belongs squarely on that list. Establishing a center of technological innovation in central New Jersey will guarantee New Jersey's continued future as one of the greatest states in the Union. Without support from the state's small businesses, though, such a technological center could never evolve.

Strengthening New Jersey's economy and reinforcing its role as an innovation leader will benefit all New Jersey residents. A research-based economy will require regional improvements in transportation and telecommunications infrastructure, which will help reduce traffic and produce more efficient transportation options for us all. A research-based economy will require a larger tax base, which will drive down individual tax rates. And a research-based economy will demand quality schools and livable communities, in order to attract the best and the brightest entrepreneurs and employees to our region.

Central New Jersey has long lived and thrived on the frontier of scientific and technological innovation. Einstein's Alley will be home to vibrant communities, cutting-edge companies, and productive workers whose unique assets and shared vision attract new, innovative industries and create many more good jobs to add to what we already have. None of that will be possible, however, without extensive small business support. For that reason, Mr. Speaker, I strongly urge every Member of this body to vote to restore the SBA's 7(a) program to its FY2004 funding level.

Mr. AL GREEN of Texas. Mr. Chairman, I rise today in support of the Small Business Administration's 7(a) loan program.

The 7(a) loan program is essential for our nation's small business owners. It provides accessible and affordable financing that enables such businesses to grow, which in turn leads to the creation of jobs so desperately needed in the current economy. In the past 10 years, the SBA has approved more than 424,000 loans totaling over $90 billion. These loans have created jobs and economic opportunities for countless Americans.

Small business owners are the backbone of our nation's economy. Representing more than 99.7 percent of all U.S. employers, small businesses are the number one job creator in this nation. They employ more than half of all private sector employees and generate 60 to 80 percent of net new jobs annually. In Houston, 98 percent of the more than 350,000 businesses are small businesses.

Funding for this program was eliminated for FY 2005 and the cost of it was shifted to small businesses and community-based lenders. This has caused small businesses to be charged with high upfront fees which keep many from being able to obtain the financing they need. In fact, small business lending has declined every quarter for a total of half a billion dollars so far this year.

As policy-makers, we have a responsibility to the communities we represent to help them achieve economic strength. Therefore, we must provide small businesses with the resources they need to grow and flourish. One of the most effective ways to do this is to reinstate funding for the 7(a) loan program. If we fail to do this, the 9th Congressional District of Texas and Congressional Districts all over the country will suffer negative impacts.

For these reasons, I support the restoration of funding for the 7(a) loan program to its FY 2004 level of $79 million. I also urge my colleagues to vote "yes" on the Velázquez amendment.

The Acting CHAIRMAN (Mr. THORNBERRY). The time of the gentleman has expired. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) will be postponed.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know where I can spend 29 million of those dollars real quick.

I regret today, and I say this because I really truly regret, because I have great respect for the chairman of the subcommittee, but I have to oppose this legislation because it fails to include the funds necessary to implement the Pribilof Islands' environmental cleanup agreement between the State of Alaska and NOAA.

The Pribilof Islands lay in the middle of the Bering Sea. Two of the islands are inhabited today, St. Paul and St. George. Neither was inhabited until the 1780s, when the Russians forcibly relocated residents of the Aleutian Islands to the Pribs to harvest the then-valuable pelts of the North Pacific fur seal and the stellar sea lion.

The Russians retained ownership of the land and the profits from the harvest. After the United States purchased Alaska, the Federal Government treated the Pribilof residents no better. Like the Russians before us, we retained ownership of all the island property and the fur seal profits. The Bureau of Commercial Fisheries and its successors were the employer, municipal government, overseer, and landlord of the islands' residents.

The profits from the fur seal trade offset the entire purchase price of Alaska, $7.5 million, in less than 20 years. However, by 1983, profits from the fur seal trade no longer offset the expense of managing the islands, when the decision was made to transfer ownership and responsibility for the islands to the residents.

This was not a humanitarian undertaking. The profits were gone, so the Office of Management and Budget saw no need to continue to own the islands. The framework for this transfer process was laid out in the 1983 amendments to the Fur Seal Act.

Unfortunately, the transition plans have not gone smoothly, quickly, or efficiently. In 2000, Congress adopted further amendments to the Fur Seal Act that were designed to get the process back on track. Since then, significant progress has been made. However, additional environmental cleanup work remains to be done.

Unfortunately, the bill before us provides no meaningful funds for the cleanup, not even the insufficient $7.3 million requested by the President. It includes $3.5 million to be divided between three environmental cleanup projects, one of which is the Pribs. It also allows the agency to reprogram unobligated balances for the project, something NOAA can already do.

I cannot deny that, prior to the year 2000, NOAA's project management was terrible. Right now, though, it has improved. In the year 2000, the agency brought in new project managers; and these managers, especially Dave Kennedy and John Lindsay, have defined the scope of the project, established meaningful cost estimates and timetables. From 1996 through 2000, NOAA cleaned up 11 sites. Since 2000, the agency has cleaned up 75 sites. Nine sites remain.

Of course, these timetables and cost estimates are only meaningful if sufficient funds are provided to carry them out. This year, no cleanup work will be done because of the funding cuts. This means the cleanup will not be finished in 2006 as planned, but will lapse into 2007.

Congressional cuts in the administration's cleanup request in fiscal years 2003, 2004 and 2005 have been devastating. Effectively eliminating funding in fiscal year 2006 means that we are abandoning this project and saying it is okay for Federal agencies to pollute native lands with impunity.

When developing the Fur Seal Act amendments in 2000, Congress undertook a detailed review of the transition scenario established in the 1983 Fur Seal Act amendments. By 1983, the fur seal profit had diminished, and Federal expenditures on the islands had risen to $6.3 million annually. NOAA estimates that 95 percent of those expenditures were for municipal and social services.

In 1982, NOAA proposed a scheme to transfer municipal operations on the islands to local control and end the Federal subsidy. That plan consisted of four parts: the first was a $20 million trust fund. The trust fund was established and fully capitalized.

Second was the construction of useable harbors by the State. The State was very clear in testimony before Congress that it had made no such commitment, and in fact it did not fund harbor construction.

Third, the government would transfer most of its land to the local entities. That transfer is still not complete.

Fourth, the islands would manage and retain the income from the fur seal harvest. The government ended that commercial fur seal harvest the next year.

Given the failure to carry out two of the four pieces of the transition plan, and the complete abrogation of a third piece, Congress decided in 2000 to finish the cleanup and land transfer. Because of the chronic underfunding of the cleanup program, it will take roughly an additional $16 million and two more years to complete the work required by the two-party agreement between NOAA and the State of Alaska. If we put it off further, or underfund the remaining work this year, it will take longer and cost more.

I know and have great respect for the chairman of this subcommittee, and I know that he cares deeply about oppressed people throughout the world. Before finishing this bill, I hope he will look at the embarrassing history of our government in regards to the citizens of the Pribilof Islands and realize the least we can do is remove the environmental contamination which occurred under NOAA.

Mr. Chairman, because of this issue, I urge my colleagues to vote "no" on H.R. 2862.

The Acting CHAIRMAN. If there are no further amendments to this section, the Clerk will continue to read.

The Clerk read as follows:

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $215,685,000.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $1,222,000,000, to remain available until expended: *Provided*, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System and for overseeing housing related to such detention: *Provided further*, That any unobligated balances available in prior years from the funds appropriated under the heading "Federal Prisoner Detention" shall be transferred to and merged with the appropriation under the heading "Detention Trustee" and shall be available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $66,801,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

United States Parole Commission

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $11,200,000.

Legal Activities

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $665,821,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $6,333,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $144,451,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, not to exceed $116,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $28,451,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,626,146,000: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $20,000,000 shall remain available until expended: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 10,465 positions and 10,451 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $214,402,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $214,402,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year 2006 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,220,000.

United States Marshals Service

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $800,255,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which $20,000,000 for information technology systems, equipment, and the renovation of United States Marshals Service prisoner holding space in United States courthouses and Federal buildings shall remain available until expended: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the United States Marshals Service, not to exceed 4,729 positions and 4,551 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Marshals Service.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, such sums as are necessary, to remain available until expended: *Provided*, That not to exceed $8,000,000 may be made available for construction of buildings for protected witness safesites: *Provided further*, That not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses: *Provided further*, That not to exceed $7,000,000 may be made available for the purchase, installation, maintenance and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,659,000: *Provided*, That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the

Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $21,468,000, to be derived from the Department of Justice Assets Forfeiture Fund.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $506,940,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,868 passenger motor vehicles, of which 3,039 will be for replacement only; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C, $5,741,132,000; of which not to exceed $150,000,000 shall remain available until expended; of which $2,288,897,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; and of which not to exceed $25,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, gang-related crime, cybercrime, and drug investigations: *Provided*, That not to exceed $205,000 shall be available for official reception and representation expenses: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Federal Bureau of Investigation, not to exceed 31,668 positions and 30,525 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Federal Bureau of Investigation.

AMENDMENT NO. 12 OFFERED BY MR. REICHERT

Mr. REICHERT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. REICHERT:

Page 10, line 15, after the first dollar amount, insert the following: "(reduced by $50,000,000)".

Page 12, line 3, after the dollar amount, insert the following: "(reduced by $11,683,000)".

Page 26, line 25, after the dollar amount, insert the following: "(increased by $78,289,000)".

Page 71, line 22, after the dollar amount, insert the following: "(reduced by $16,606,000)".

Mr. WOLF. Mr. Chairman, I ask unanimous consent that debate on this amendment, and any amendments thereto, conclude in 15 minutes, and that the remaining time be equally divided and controlled by the proponent and myself, the opponent.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Acting CHAIRMAN. The gentleman from Washington (Mr. REICHERT) will control 7½ minutes and a Member opposed will control 7½ minutes.

The Chair recognizes the gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. Mr. Chairman, I yield myself such time as I may consume and first of all would like to thank the gentleman from Virginia (Mr. WOLF) for his great work in helping local law enforcement, but I rise today to speak on an issue that is more than something I believe in; it is who I am.

The COPS program is an essential program to our local law enforcement, and I am here today in support of it. I spent 33 years of my life as a cop. I worked my way up the ladder. I served as patrol officer, jail guard, detective, lieutenant, and finally the sheriff in King County in Seattle, Washington. I became a cop because deep in my heart I believed I could make a difference in the community and that I could protect it. The COPS program enforces that ideal.

Since 9/11, we have found our local cops in an unusual dilemma. They are expected to carry out new homeland security duties as first responders, while at the same time maintaining their original responsibilities. I am a member of the Select Committee on Homeland Security, and I believe our country's security is a priority, but I do not think that we should be carrying out this function as an unfunded mandate at the expense of local law enforcement.

We are seeing Federal law enforcement receive an unprecedented amount of funding, while at the same time the scope and the responsibility of first responders on the front lines is increasing without parallel funding. Even in this amendment, restoring COPS funding to its original level of last year still allows for very significant increases to the Federal law enforcement agencies.

In my experience, local and Federal law enforcement are most effective when they are working together. Teamwork is the key. You would not play a football game by sending some of the players out onto the field with pads and helmets and others with no equipment at all. In a team, all players should be valued equally, especially in law enforcement, where our fights have to be balanced, our attacks have to be balanced both local and Federal.

In the war on drugs, in the war on terror, in the national fight against gangs, local police officers and Federal agents are all working together towards the same goal of making our country safer. According to Attorney General John Ashcroft: "Since law enforcement agencies began partnering with citizens through community policing, we have seen significant drops in crime rates." Now that crime has dropped, we are going to cut the funding that has kept our communities safe? That is absurd.

Local cops are the ones on the front lines, they are the men and the women keeping our families safe daily, protecting our children in school, monitoring gang violence, the first responders who are there when you call 911. You do not pay a lesser price for your family's safety than you do for homeland security.

We are in a new era of both family and national security. Both our first responders play a dual role, as the first ones on the scene in the case of a terrorist attack and the first ones on the scene in everyday emergencies as well. One is not worth less than the other. Cops must be well prepared and equipped for any emergency they are sent into.

Mr. Chairman, this program is vital. Across the country it procures equipment, combats domestic violence, puts cops in schools, fights meth gangs, and much, much more. I urge my colleagues to support the COPS program and vote for this amendment today.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment and yield myself 5 minutes.

My father, as I said in one of the other amendments, was a policeman. The fact is when I think of the name COPS, my dad used to tell me never to call policemen cops, and I even have a hard time saying the word cops, while I know it is the title of the bill. My father was a Philadelphia policeman for 20-some years.

I rise in strong opposition to the amendment. I understand what the gentleman is trying to do, but perhaps the most important program we fund in this bill is the FBI and its efforts to protect the Nation from terrorist attacks.

Thirty people from my congressional district died in the attack on the Pentagon. The first CIA person killed in Afghanistan was from my congressional district. This amendment cuts the FBI by $50 million while the threat of terrorism and espionage from countries, such as China, and the spread of gangs increases.

And I would tell the gentleman that I met with a group of local law enforcement people around the country, and some were from Washington State, one police chief; and gangs are an important issue. We have a carve-out of $60 million in this bill with regard to gangs.

We must provide the FBI, though, with the sufficient resources to combat these threats. This amendment would go the other way.

The bill funds the FBI at the requested level when you account for the Administration's proposal to reduce the FBI's appropriation by $50 million and move it to OCDETF. The committee rejected this proposed transfer, as members on both sides asked us to do.

If you combine the requested increase for the FBI salaries and expenses and requested reimbursement for the FBI under OCDETF, this bill is equal to the request. A reduction now of $50 million from the FBI will reduce the number of funded FBI agents by 365. Now, why would we want to reduce the FBI by 365 agents?

According to the testimony of Director Mueller, there could be, and probably is, al Qaeda sleeper cells operating in the U.S. The committee heard testimony that Hamas and Hezbollah have operatives in the U.S. In fact, as I said to the Director: "Are there Hezbollah operators in the United States?" His answer was: "Yes, there are Hezbollah." And keep in mind, Hezbollah are the ones who blew up the 241 Marines in Beirut.

□ 1445

That group that blew up the American Embassy and the 241 marines in Beirut, that man who put that effort together, still walks the street. We know the dangers of Iran, and the Director says Hezbollah and Hamas are here, and we want to take 365 agents away.

Time Magazine reports that more than 3,000 companies in the U.S. are suspected of collecting information for China. China is spying against our companies in the United States, and I urge all Members to get that FBI briefing.

The Department of Justice estimates there are approximately 30,000 gangs with 800,000 members impacting 2,500 communities. This amendment would basically take away all of the money in the bill for gangs. If you happen to have been one of the Members who voted for the bill fighting gangs from several weeks ago, this money takes out all of the money for last year as well as this year. There is so much to deal with on the issue of gang and gang violence.

It would also have a very negative impact on DEA. We heard earlier today about meth. This amendment cuts DEA by $12 million. The debate conflicts. It switches back and forth. We are not doing enough to combat drugs, do this, do that. And so now this amendment runs counter to all of the other things we have discussed. We take $12 million from DEA. The bill provides DEA with funding above the budget request in order to restore the proposed reductions to combat meth by fully funding mobile enforcement teams. Members said do not cut those teams because locally this is so important. This literally takes out those teams. They will not be there.

The amendment hurts DEA's effort to combat meth, will result in a destruction of more lives in this deadly game. Members saw the pictures that the gentleman from Nebraska (Mr. OSBORNE) had.

It also reduces the Broadcasting Board of Governors by $16 million. If we cannot broadcast into the Middle East, and into Afghanistan and into Iran and Iraq, we are in trouble. This is a bad amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. REICHERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Virginia (Mr. WOLF) makes some excellent points. Actually, the gentleman makes some of the points I made in my initial statement.

I was the sheriff up until January 3 of this year. I have been on the front lines, as I said, for 33 years. I have kicked in doors; I have arrested drug dealers, prostitutes, pimps, murderers, robbers, and burglars. I have arrested gang members. I have been in meth houses and seen children sitting on the couches of homes where meth is cooked and made.

If the battle for homeland security is taking place across the sea in Iraq, it is also taking place right here in this country. As I partnered in the last 7 or 8 years as sheriff, as I partnered with the FBI, the DEA, the people who lead the charge in the Seattle FBI offices and DEA offices and Federal offices, the word I heard loud and clear over and over: Local law enforcement is important. Local law enforcement is a partner. Local law enforcement is key. Sharing information, working with local law enforcement is our top priority.

But in fact what happens today is we talk about a $588 million increase to the FBI. We are talking about taking away $50 million. They would still see an increase of over half a billion dollars in their budget this year. DEA would still see an increase of over $55 million in their budget this year, still bringing back $78 million to COPS.

To build that partnership, and when I talk about building a football team and some having equipment and some not having equipment, when Congress gives $588 million to the FBI and gives $55-plus million to DEA and other Federal agencies, and yet is taking away $78 million from the rest of the team. It just does not make sense.

This has to be a team effort, and if the Federal Government and Federal agencies mean what they say about team spirit and working together in partnerships, they need to show it by funding COPS fully. Bring back the $78 million that they are suggesting be removed from their budget.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment not because I oppose the COPS program, because I know the chairman does not oppose the Community-Oriented Policing Services program. As he indicated, his family understands how important community policing is. But I rise in opposition to this amendment because of the offsets. As Chairman WOLF has pointed out, the gentleman makes unacceptable offsets here.

I would ask, does the gentleman from Washington really think that a $50 million cut from the FBI, including funding for counterterrorism and counterintelligence programs, is something that the FBI can do without?

Mr. REICHERT. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Washington.

Mr. REICHERT. Mr. Chairman, I know that local law enforcement is involved in those same programs as partners with the FBI.

As sheriff in Seattle, one of the projects we were involved in is we had detectives assigned from the sheriff's office to the Washington Joint Analytical Center, which is a center that analyzes incoming intelligence data for homeland security and for other crimes in the county. We also were members as a local law enforcement agency of the Joint Terrorism Task Force, and other task forces, Federal task forces, that existed in King County.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time because I only have 2 minutes. I need a little more efficient answer. Does the gentleman think that the FBI's counterterrorism program can stand a $50 million cut from what we have appropriated and recommend in this bill?

Mr. REICHERT. Mr. Chairman, if the gentleman would continue to yield, I do not think the FBI counterterrorism program can afford to lose the local support that they already have.

Mr. MOLLOHAN. Mr. Chairman, does the gentleman think that his amendment, which cuts DE mobile enforcement teams, which go out and help State and local fight methamphetamine, does the gentleman think we can afford to cut those programs?

Mr. REICHERT. Does the gentleman think we can afford to cut local police and firefighters programs?

Mr. MOLLOHAN. Mr. Chairman, I reclaim my time. My point is, Mr. Chairman, the cuts are simply unacceptable.

The purpose is laudable. The offsets are unacceptable.

Mr. REICHERT. Mr. Chairman, I yield myself the balance of my time.

I would just restate some of the obvious here. Again, this is a partnership. The FBI is gaining a great deal of money in this budget proposal, $500 million. I think they can work within that framework. Again, local law enforcement is getting cut $78 million. This truly has to be a partnership. Let us bring the COPS program back to its 2005 level, increasing it by the $78 million which is the proposed cut.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself the balance of my time.

The first telephone call you would make if you found out a loved one was kidnapped would be to the FBI. We want to take $50 million away from that first agency you would call.

Meth—why do Members want to cut the DEA when we are all concerned about meth?

International broadcasting in Afghanistan and Iraq tell the story and do a good job. You do not want to take money from law enforcement to help law enforcement. There is a different way. This is not a good idea. I urge defeat of the amendment so the FBI has the necessary resources so it can do what it wants to do.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. THORNBERRY). All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. REICHERT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington (Mr. REICHERT) will be postponed.

The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of Federally-owned buildings; and preliminary planning and design of projects; $20,105,000, to remain available until expended: *Provided*, That $10,000,000 shall be available for equipment and associated costs for a permanent central records complex in Frederick County, Virginia.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; and purchase of not to exceed 1,043 passenger motor vehicles, of which 937 will be for replacement only, for police-type use, $1,706,173,000; of which not to exceed $75,000,000 shall remain available until expended: and of which not to exceed $100,000 shall be available for official reception and representation expenses: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 8,371 positions and 8,270 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration.

AMENDMENT OFFERED BY MR. BAIRD

Mr. BAIRD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BAIRD:

Page 12, line 3, after the dollar amount, insert “(increased by $10,000,000)”.

Page 26, line 25, after the dollar amount, insert “(increased by $10,000,000)”.

Page 39, line 22, after the dollar amount, insert “(reduced by $10,000,000)”.

Page 39, line 25, after the dollar amount, insert “(reduced by $10,000,000)”.

Page 40, line 1, after the dollar amount, insert “(reduced by $10,000,000)”.

Mr. BAIRD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that debate on this amendment, and any amendments thereto, conclude by 10 minutes, and that the remaining time be equally divided and controlled by the proponent and myself, the opponent.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Acting CHAIRMAN. The gentleman from Washington (Mr. BAIRD) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is no coincidence that the gentleman from Washington (Mr. REICHERT), as a former sheriff, spoke earlier about the problem with meth. I rise to address the same problem with a much different, but I think a more appropriate, offset.

Methamphetamine is the leading cause of crime in a number of States. It is the fastest-growing drug. It is responsible for identity theft, murders, domestic violence and horrific disfigurement of its users. We have seen a dramatic growth in methamphetamine over the years, and it is pervasive in the communities. Unfortunately, we are not winning this battle, and we must win this battle.

What I propose is fairly simple. It would provide $10 million to the Community-Oriented Policing Service program to be used for providing training to State and local prosecutors and law enforcement agents for investigation and prosecution of offenses. Of that $10 million, $3 million would be set aside for prosecutors and law enforcement agents in rural communities, and we would also provide $10 million to DEA to combat international trafficking.

Let me explain why we need to do this. Methamphetamine comes from two sources, locally manufactured so-called clan labs where the drug is made from locally available materials, and internationally imported precursors and finished product. We must confront both of these. They are destroying our families and destroying our communities.

The offset we have offered in this bill, I think, is thoroughly appropriate. Here is where it comes from: $20 million would be taken from 2010 census program, $10 million in budget authority from salaries and expenses, and $10 million in budget authority offset would come from the short form of the census.

Since fiscal year 2001, this Congress has approved close to $2.73 billion for the census. Let me say that again: $2.73 billion for the census. This year alone we are proposing to add $832 million in funding for the census. And by comparison, this bill calls for only $520 million for the COPS program.

Ask your average man and woman on the street, your law enforcement agencies, your emergency rooms, treatment centers, schools, where should we spend the money? Billions of dollars for the census, or to intercept international narcotrafficking and bringing in methamphetamine precursors and finished product?

We have a war on terror internationally, but I can tell Members the terror in our communities is being caused by methamphetamine. I used to treat meth addicts. It is a devastating drug. That is why I cofounded the Methamphetamine Caucus, a bipartisan caucus. We must get our hands around this.

This is a reasonable offset. It will provide, frankly, not enough additional funds, but a significant message that we are going to intercept international drugs and methamphetamine, and we are going to help our local law enforcement.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment, much for the same reason I rose in opposition to the previous amendment. It is not that the additional funding is not needed in the program, it is that the money that is the funded to the Census Bureau is needed in the Census Bureau.

□ 1500

The chairman and I have worked very hard in trying to balance these accounts. They are delicately balanced because of the bad allocation that we received. The Census Bureau in order to do its job has to prepare early. It looks like a lot of money. It is a big job. It is extremely important that it is done right. While I am totally supportive in increasing these local and State law enforcement assistance programs, the offsets are just untenable, this one included. I rise to oppose the amendment.

Mr. BAIRD. Mr. Chairman, I yield myself such time as I may consume.

In the last census, I remember being given paperweights, calendars, buttons, pins, all sorts of stuff. I would wager that every Member of this body received those things. When you talk to local law enforcement, when you visit meth houses, when you treat the addicts of this horrific drug, we have to understand how bad this drug is. It is devastating. And I see the Census Bureau giving glass paperweights. Somewhere our priorities are wrong.

Let me say the numbers again: $2.73 billion already for the census, another $832 million this year, compared to $520 million. I am not asking for additional expenditures of the taxpayers' money. I am asking for us to make some tough and responsible decisions. I frankly would be hard pressed to tell the constituents in my area who see their schools being corrupted, their neighborhoods being corrupted, their children being addicted, people being murdered, their identity being stolen, their financial lives being ruined that we are going to fund paperweights for the census or some awfully expensive revision.

I used to teach research design. I cannot fathom that it costs this much money to modify this census. There were some bureaucrats last time around who spent an awful lot of money buying those paperweights, and if we cut $10 million to get rid of some of those bureaucrats in order to put more cops on the streets, more international investigators to stop the influx of methamphetamine, this Congress will have done at least one good thing today in what is otherwise, I think, a very good bill; but we need to find more funding for meth.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. Mr. Chairman, I oppose this amendment which would reduce funding for the Bureau of the Census. As chairman of the House Government Reform Subcommittee on Federalism and the Census, I appreciate the important role of the census in providing information about the American people and our economy. It sounds pretty simple, paperweights versus crime fighting, and certainly the statements concerning our needs for crime fighting are compelling. But it is just not that simple.

The census provides information vital to how we as a Nation operate. Every 10 years, each congressional seat is reapportioned based on census data. The decennial census is the fundamental guarantee of fair representation. Every seat in Congress is apportioned and established according to the decennial census. Also, each year the Federal Government allocates almost $300 billion in funds based in part on census data.

Also, census information is not just used for the decennial census. Annually, the Census Bureau produces information on international trade statistics, demographics, and important economic census information is utilized by businesses as they plan locations in how to grow. Actions taken for our economy are based upon information annually and on a regular basis that is produced by the census.

I ask my colleagues to vote "no" on this amendment. An amendment to remove funds from the census budget is an amendment that would reduce the accuracy of congressional reapportionment and redistricting and impair the ability of the Federal Government to allocate funds for important programs that aid communities nationwide. Vote "no" on this amendment.

Mr. BAIRD. Mr. Chairman, I yield myself such time as I may consume.

Some years ago, I was treating a meth addict. I asked him to tell me what it was like to be hooked on methamphetamine. He said at the time, Doctor, if my children were in a corner of this room and said, Daddy, we need you. He said, I love my children. But if methamphetamine were in the other corner and my body said I want methamphetamine, and this grown man in his 40s who looked to be about 60 because of the ravages of this drug, this grown man burst into tears and he said, Doctor, I would go for the methamphetamine because I cannot help myself.

It is about priorities. We have to stop this drug. It is killing our citizens. I think the census wastes money. I think the money could be better spent on protecting the lives of our citizens and the safety of our communities and schools. I urge a "yes" vote on this. It is a reasonable offset and the money will be well spent on interdicting international imports of this drug and on local enforcement and training.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment. Taking money away from the census and the American community survey is very shortsighted. I support very much the hard work and intent of the gentleman's amendment, but it truly is shortsighted and inappropriate to take money away from the census. Too many decisions that we make in government have to be based on census data. Federal and State funds for schools, employment services, housing assistance, day care, hospitals, emergency services, programs for seniors, and much more will be distributed based on census data.

In this information age that we live in, we need reliable information in order to make good decisions for this Nation. Without good data, you cannot administer the laws of this country fairly. Without good data, money will flow to communities with powerful allies as opposed to where the need truly is. The census is important for the planning of our government.

I rise in very strong support of this amendment, the work of the committee, and the administration's and OMB's allocation for the census.

I, for one, will continue to do all I can to make sure that the Census Bureau has the capabilities to provide the Congress, and this Nation, with the ability to provide all of us with high quality data needed by the public and its elected representatives to make informed public policy decisions.

Mr. WOLF. Mr. Chairman, I yield myself the balance of my time.

I rise in opposition to the amendment, but the gentleman makes a good case. On the paperweights, we are going to do a letter to the census saying no paperweights and no gifts and things like that. If that is the case, we ought to deal with it. We ought not, though, take it from the census. I think if the gentleman can work with us, and maybe the gentleman from Indiana (Mr. SOUDER) and the gentleman from Wisconsin (Mr. SENSENBRENNER), we really need to do something beyond what we are doing with regard to meth.

This year the bill is $8 million above. I agree with the gentleman. I do not know how this amendment is going to come out. Hopefully, it will fail, because I do not think we want to go after the census as the gentleman from West Virginia (Mr. MOLLOHAN) and the gentlewoman from New York (Mrs. MALONEY) said. But the gentleman is right. Something really has to be done almost beyond what we are doing for meth. So I commit whether you win or lose on this, we will get together and see what we can do, but I would hope that we could vote this amendment down because by helping meth, we do not want to then torpedo the Census Bureau.

I urge a "no" vote on the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. THORNBERRY). The question is on the amendment offered by the gentleman from Washington (Mr. BAIRD).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BAIRD. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington (Mr. BAIRD) will be postponed.

Mrs. MUSGRAVE. Mr. Chairman, I move to strike the last word.

As we were looking at this, it came to my attention through an article in USA Today that the FBI's entertainment office consists of five agents. They are responsible for responding to requests from Hollywood for information. When I was elected to Congress, one of the things that I wanted to be aware of the whole time that I was here is that we have a responsibility to spend taxpayers' dollars wisely. I do not think that the United States taxpayers should be subsidizing Hollywood in any way. I wanted to express to the chairman of the committee, with my gratitude for his good work and to others interested in this issue, that I hope that these agencies can be more fiscally responsible with these taxpayers' dollars, and I do not think that we ought to be subsidizing Hollywood in any way when they want information.

That was what I wanted to make very clear today. The sum total of that amount is $250,000 each year that goes for Hollywood liaisons. I wanted to respectfully make the gentleman aware of this.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

We will look into this. We were led to believe by the FBI that they do not have this. The gentlewoman may be right. We will look into it and work with her to see that this does not take place.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including the purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed $25,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $923,613,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $10,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2006: *Provided further*, That no funds appropriated under this or any other Act with respect to any fiscal year may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), to anyone other than a Federal, State, or local law enforcement agency or a prosecutor solely in connection with and for use in a bona fide criminal investigation or prosecution and then only such information as pertains to the geographic jurisdiction of the law enforcement agency requesting the disclosure and not for use in any civil action or proceeding other than an action or proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives, or a review of such an action or proceeding, to enforce the provisions of chapter 44 of such title, and all such data shall be immune from legal process and shall not be subject to subpoena or other discovery in any civil action in a State or Federal court or in any administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of that chapter, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title): *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 768, of which 701 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $4,895,649,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2007: *Provided further*, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of prerelease services, halfway houses or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $70,112,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,365,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); $387,497,000, including amounts for administrative costs, to remain available until expended: *Provided*, That except as otherwise provided by law, not to exceed three percent of funds made available under this heading may be used for expenses related to evaluation, training and technical assistance: *Provided further*, That of the amount provided—

(1) $11,897,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) $1,925,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(3) $983,000 for grants for televised testimony, as authorized by Part N of the 1968 Act;

(4) $187,308,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

(A) $5,000,000 shall be for the National Institute of Justice for research and evaluation of violence against women;

(B) $10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, as authorized by the 1974 Act; and

(C) $15,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by Public Law 108–21;

(5) $63,491,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(6) $39,685,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295(a) of the 1994 Act;

(7) $4,415,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(8) $2,950,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act;

(9) $9,175,000 to reduce violent crimes against women on campus, as authorized by section 1108(a) of Public Law 106–386;

(10) $39,740,000 for legal assistance for victims, as authorized by section 1201(c) of Public Law 106-386;

(11) $4,600,000 for enhancing protection for older and disabled women from domestic violence and sexual assault, as authorized by section 40802 of the 1994 Act;

(12) $14,078,000 for the safe havens for children pilot program, as authorized by section 1301(a) of Public Law 106-386; and

(13) $7,250,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402(a) of Public Law 106–386.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. Jackson-Lee of Texas:

Page 19, line 19, after the dollar amount, insert "(increased by $2,000,000)".

Page 20, line 4, after the dollar amount, insert "(increased by $2,000,000)".

Page 22, line 21, after the dollar amount, insert "(reduced by $4,000,000)".

Page 23, line 1, after the dollar amount, insert "(reduced by $4,000,000)".

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto conclude in 10 minutes and that the time be equally divided and controlled by the proponent and myself as the opponent.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Acting CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, if I may inquire, what was the unanimous consent request stated by the gentleman from Virginia?

The Acting CHAIRMAN. The Chair would state that the unanimous consent request, which has been agreed to, was for 5 minutes for the gentlewoman from Texas and 5 minutes for the gentleman from Virginia as the opponent.

Mr. MOLLOHAN. I just want the gentlewoman to understand it. I do not think she did understand it.

The Acting CHAIRMAN. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me first of all thank the ranking member for his inquiry and also thank the chairman. I think the time frame was not in agreement, but the issue is so important that I will proceed.

Mr. Chairman, my amendment speaks specifically to what I think is the devastating disease of child violence and child abuse. This is a simple amendment. It takes from the $300 million-plus allotment for the Edward Byrne grants a simple $2 million for child abuse training programs for judicial personnel and practitioners.

In a hearing in the Judiciary Committee just a week ago, a number of us presented bills trying to fight against sexual predators and those who would abuse children. We have discovered that the number one killer of children is now homicides. Even in the backdrop of this debate, we find a troubling set of circumstances in Aruba where a young 18-year-old still goes missing after celebrating her graduation and, of course, expressing great hope and aspiration for her entry as a freshman into college. The plague on children is rampant. This is a simple way of addressing the need for ensuring that we have practitioners as well as those dealing with judicial personnel and practitioners to be able to help children to recount incidences against them.

I have introduced legislation to address the question of child predators as it relates to the DNA, but this particular amendment is important because one of the key aspects of preventing child abuse and child violence, of course, is to make sure that we can make the case, and the case is dependent upon those judicial personnel and practitioners who are sensitive enough to be able to engage a child and to understand.

□ 1515

We are always grateful when a child has been recovered, when they survive violence and abuse, but we note by a number of our States that that has not been the case. We have seen these troubling cases all across America, children that have been kidnapped, children that have been raped and killed, the Jane Does and the John Does of little babies who have suffered.

Just 24 hours ago there was a story noting the abuse of a 4-month-old, a sexual abuse of a 4-month-old. So the importance of this particular funding is to prevent child violence, prevent child abuse, and to be able to provide additional training for the vast number of practitioners and judges to be sensitive in their work dealing with children.

We can do more. I hope that we will pass a number of child predator bills that are making their way through the

Committee on the Judiciary and other committees. But, frankly, it is extremely important that we look to making a national statement, we are not going to take it anymore, a national statement in protecting our children and providing them with the kind of legal protection and as well sensitive judges and practitioners who will work with them.

This is not in any way affecting this legislation inasmuch as the moneys for the Byrne grant that deal with drug task forces. That certainly has my support, even as the President zeroed it out, but my support with oversight, an amendment that I will offer at a subsequent time. But I ask my colleagues to consider their commitment to preventing child abuse and child violence, providing them with appropriate counsel and sensitive judiciary to understand their needs and to be on the front lines of saying and suggest that this is an important cause for America and making a statement.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the gentlewoman for the amendment. I accept the amendment. I want the RECORD to show that the committee did the best it could to fund the Violence against Women. The bill provides $5.4 million over last year for these programs, and it is $500,000 over the President's request. I think the gentlewoman's amendment is good, and I accept it. I think we should adopt it. My only concern is where she takes the money from. She takes the money from the Justice Assistance Grant, the very place that we have had Members down here arguing that there is not enough. So if as we move through, I want to do this, if we can maybe look to see a different place, but I accept the amendment, and I want to thank the gentlewoman for it.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I agree with the gentleman's reasoning, and I agree to accept the amendment.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me wholeheartedly thank the chairman and the ranking member, and I look forward to working with them if we can find an accommodating place as we move forward. But I thank them very much.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. THORNBERRY). The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Missing Children's Assistance Act, including salaries and expenses in connection therewith, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21), and the Victims of Crime Act of 1984, $227,466,000, to remain available until expended.

AMENDMENT NO. 16 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. STEARNS:

Page 22, line 12, after the dollar amount, insert the following: "(increased by $10,000,000)".

Page 81, line 19, after both dollar amounts insert the following: "(reduced by $10,000,000)".

Mr. WOLF. Mr. Chairman, I ask unanimous consent that debate on this amendment, and any amendments thereto, conclude by 10 minutes, and that the remaining time be equally divided and controlled by the proponent and myself, the opponent.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Acting CHAIRMAN. The gentleman from Florida (Mr. STEARNS) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

I do not need a lot of time. This is pretty simple, this amendment. It is basically an amendment to help our local law enforcement community. Mr. Chairman, it basically transfers $10 million from the Legal Services Corporation and gives it instead to the Justice Assistance Grant, or JAG, program.

I would like to thank the chairman for funding this critical program, especially in light that the administration's budget proposed a zero funding. So he is to be commended for funding this program, and I need to compliment him on that matter.

But in my district I have heard from law enforcement officials and across the State of Florida about how much this JAG funding helps them fight crime, and to protect and serve the citizens within their jurisdiction. The JAG program is set to receive about $348 million in funding under this bill. It is my hope that an additional, just simply an additional $10 million will help increase the numerous and substantial benefits under this program.

The Legal Services Corporation would still receive $321 million, which I and many of my colleagues would agree is still a reasonable amount of money to provide for legal services to the poor. In addition to this Federal subsidy, there are thousands of attorneys across the country who provide thousands of hours and hundreds of millions of dollars in service pro bono for these people.

I would be remiss, however, if I did not point out to my colleagues that the Legal Services Corporation has been providing free legal services to quasi-legal immigrants, despite the fact that we passed a restriction in 1996 that barred local legal service groups from using Federal money for these activities. This $10 million reduction in Legal Services Corporation funding would bring it more in line, of course, with the President's request, certainly in spirit.

Mr. Chairman, this is not an anti-legal service amendment, but merely a modest, a simple, modest, amendment to further help our local law enforcement combat drugs and fight crime. So I am not asking the Legal Services to justify its existence. I am just saying let us make a modest attempt here to send a message how important it is to keep the JAG program, and I urge my colleagues to support their local law enforcement and to support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the amendment. I understand what the gentleman is trying to do. I just wanted to kind of let people know that last year's level for Legal Services was $330 million. At last year's level, the corporation and its grantees cannot do anything new. The level provided in the bill will not even pay for inflationary costs. The corporation actually requested $364 million, but the committee had only enough to fund the current level.

Eighty percent of the legal needs of people in poverty are not addressed. We tried to strike a balance with regard to the poor. This program helps the poor, and there have been so many good restrictions put on the Legal Services under the former leadership of former Congressman John Erlenborn. So to take more money away to cut the Legal Services Corporation could dramatically impact the ability of low-income Americans to seek and obtain justice. Justice, justice thou shall pursue, and I think this is really an amendment that would hurt the poor, so I would hope that we would not accept it. It is not as much as they wanted, but it is about where it should be. And with that I urge Members to vote "no."

Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I rise in strong opposition to this amendment.

This is awful. Can we not find a more vulnerable group in the country to take money away from? At a time when the country is rewarding wealth by huge high-income tax cuts, surely we can find money for worthy purposes someplace other than Legal Services. The fact is the poor people, if they are going to participate in the American dream, if they are going to participate in the American legal system that we all are so proud of, then they have to be able to have support in that effort. That is recognized. The whole premise of the Legal Services Corporation recognizes that, and its services are totally inadequate.

Fifty percent of the potential clients were turned away from Legal Services and not served at all last year. In West Virginia we are turning away 90 percent of the people requesting services. Legal Services requested more money than we were able to appropriate to them. This is not a place to cut for anything, for law enforcement.

And the other irony here is where the gentleman finds money to support law enforcement, he finds money from folks who are living in the communities that need this additional law enforcement. I would suggest to him that he go to the high income tax people who have received inordinate benefits from the tax cuts we have given them in the last 5 years to find his offsets to support the policing that is needed most in the communities from where the people who are seeking legal services aid in the Legal Services Corporation come from.

This is a bad amendment. It cuts a program that is desperately needed if we expect everybody in the country to participate in the American legal system, and we should expect and want and make sure that everybody participates in the American legal system that we are all so proud of and bragging about.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

I heard the argument of my distinguished colleague from West Virginia. He is arguing that a 2 percent, 2½, 2.8 percent cut in the Legal Services Corporation is bad, is terrible. Put that in perspective. They are getting $321 million. We are just saying take $10 million out of that and give it to the Justice Assistance Grant program, which provides grants to States. And what do these grants do? They help the local law enforcement so that they can fight crime, fight drugs, and in the end they will not need Legal Services.

So my point, Mr. Chairman, is if we cannot cut the Legal Services by 2.8 percent symbolically and give it to a program like the Justice Assistance Grant, which is going to help these people so they do not need Legal Services, they do not need the government-run legal program, because they will be free of crime, then I think we are making a mistake.

So this is a very simple amendment with great symbolic reference here that one as a Member can say, I believe in my local community, I want to fight crime. I want to give grants to the States so that they can do it so that in the end they do not need these legal services. And good golly, if we cannot cut the Legal Services Corporation by about 2.8 percent, then really, Mr. Chairman, we are really not interested in trying to even look at fiscal responsibility, much less symbolic responsibility for helping our local police sheriffs in all of our congressional districts and all the counties throughout this country.

So with that, Mr. Chairman, I urge my colleagues to consider this amendment. It is both symbolism and plus it helps the local police force. And, goodness gracious, the Legal Services Corporation is going to get roughly 2.7 percent less. I think that is a small amount considering the administration decided to zero out this program. It is only by the grace of the gentleman from Virginia (Mr. WOLF) that this program is back in place. So I urge my colleagues to support my amendment and be on the right side of the angels.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the amendment. Former Congressman John Erlenborn did a great job of restraining and bringing some sense to the Legal Services. Legal Services had an event years ago when I was running, and they criticized me. I mean, they were very political, very political, and they have changed that now.

The American Bar Association asked for $364 million. We only did $330 million. But I think we really need to in this society make sure that we are representing the poor, too, when the rich can get representation, and it is even difficult for the middle class. And I have never been a great fan of Legal Services.

☐ 1530

I have had some serious problems. The fact is, I will try to find the tape where they criticized me. But I think this year it is a good balance, it is a good level; and I think on behalf of making sure that the poor have legal representation, although I understand what the gentleman is trying to do, I would ask that we do not support the amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I appreciate what the gentleman is saying. Legal Services has been political at times. The gentleman points out cases where they have been. I think it is a commendation to the gentleman, in light of the fact of how they politicize things, he is still here arguing for a complete budget. I am asking for a 2.7 percent reduction, on behalf of the communities.

The Acting CHAIRMAN (Mr. THORNBERRY). The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

The Clerk will read.

The Clerk read as follows:

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $1,001,296,000 (including amounts for administrative costs, which shall be transferred to and merged with the "Justice Assistance" account): *Provided*, That funding provided under this heading shall remain available until expended, as follows—

(1) $348,466,000 for the Edward Byrne Memorial Justice Assistance Grant program pursuant to the amendments made by section 201 of H.R. 3036 of the 108th Congress, as passed by the House of Representatives on March 30, 2004 (except that the special rules for Puerto Rico established pursuant to such amendments shall not apply for purposes of this Act), of which—

(A) $10,000,000 is for the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement; and

(B) $85,000,000 for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement, as authorized by section 401 of Public Law 104–294 (42 U.S.C. 13751 note);

(2) $355,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act;

(3) $30,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices;

(4) $110,000,000 for discretionary grants authorized by subpart 2 of part E, of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act;

(5) $10,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386;

(6) $871,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(7) $40,000,000 for Drug Courts, as authorized by Part EE of the 1968 Act;

(8) $10,000,000 for a prescription drug monitoring program;

(9) $40,000,000 for prison rape prevention and prosecution programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79), of which $2,175,000 shall be transferred to the National Prison Rape Elimination Commission for authorized activities;

(10) $25,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by part S of the 1968 Act;

(11) $10,359,000 for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process;

(12) $10,000,000 for a capital litigation improvement grant program; and

(13) $11,600,000 for a cannabis eradication program to be administered by the Drug Enforcement Administration:

Provided, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

AMENDMENT NO. 3 OFFERED BY MR. DREIER

Mr. DREIER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. DREIER:

Page 22, line 21, after the dollar amount, insert the following: "(increased by $50,000,000)".

Page 23, line 19, after the dollar amount, insert the following: "(increased by $50,000,000)".

Page 45, line 25, after the dollar amount, insert the following: "(reduced by $50,000,000)".

Page 46, line 10, after the dollar amount, insert the following: "(reduced by $50,000,000)".

Page 46, line 11, after the dollar amount, insert the following: "(reduced by $50,000,000)".

Mr. WOLF. Mr. Chairman, I ask unanimous consent that debate on this amendment, and any amendments thereto, conclude by 10 minutes, and that the time be equally divided and controlled by the proponent and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. DREIER) and the gentleman from Virginia (Mr. WOLF) will each control 5 minutes.

The Chair recognizes the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, securing our borders is clearly the responsibility of the Federal Government. We have had a program that was initiated in 1994 called the State Criminal Alien Assistance Program, SCAAP. It has done a very good job of reimbursing the States for the appropriate incarceration of illegal immigrant criminals, people who have come into this country illegally and committed crimes. We have, unfortunately, seen not the kind of increase in that level of reimbursement that we should, so this amendment proposes that we transfer an additional $50 million from the National Oceanographic and Atmospheric Administration to the SCAAP program.

I congratulate the gentleman from Virginia (Mr. WOLF) and the committee for putting into place funding at the level of $355 million. I do not believe that that is adequate.

I am pleased to join with my distinguished colleague, the gentleman from Arizona (Mr. KOLBE), the gentleman from Arizona (Mr. FLAKE), and the distinguished chairman of the full committee, the gentleman from California (Mr. LEWIS), in support of this very important effort to have the Federal Government step up to the plate and ensure that we meet our responsibility.

In my County of Los Angeles alone, it costs $150 million a year for the incarceration of these criminals, and I believe that we need to provide more resources. I hope very much that my colleagues join in support of this important amendment.

Mr. WOLF. Mr. Chairman, I do not oppose the amendment, I support the amendment, so in fairness I ask unanimous consent to yield 2 minutes to the gentleman from Maryland (GILCHREST) and 2 minutes to the gentleman from Michigan (Mr. EHLERS) in opposition.

The CHAIRMAN. Without objection, the time will be divided as stated.

There was no objection.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from California has a good point. We were down in El Salvador 2 weeks ago and they told us they were pouring across the border, members of MS–13 and gang members. We met with gang members who told us they came across, got arrested, got into prison, and went back. It is a tremendous burden not only for my region, but also for California, Texas, Arizona, and the entire country. So I understand the gentleman's amendment.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I would just like to express my appreciation to the distinguished subcommittee chairman and congratulate him on his fine work, not only on this issue but the very important NASA programs about which we spoke earlier.

I think this $50 million amount, which enjoys the support, I know, of the distinguished chairman of the full committee, is the right thing to do. In bringing about this reduction from NOAA, we have seen a 53 percent increase in NOAA's administrative expenses over the last 3 years, and we have seen a constant reduction in the SCAAP funding. So I believe this is the appropriate thing to do.

The CHAIRMAN. The gentleman from Maryland (Mr. GILCHREST) is recognized for 2 minutes.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me time.

I want to compliment the gentleman from California on this amendment and I understand the gravity of the situation. I just wish the money did not come out of NOAA. If we look at NOAA's budget this year, it is millions of dollars below where it was last year.

Let us take a look at what that section of NOAA has to deal with: the effect of oceans on climate; the effect of oceans on the air we breathe; weather patterns that direct where the forests, deserts and agriculture are going to be; the effect on aquaculture and fish farming on the natural environment in the ocean; ocean currents that distribute the heat and the balance of the planet.

The ocean currents right now are beginning to slow down in the North Atlantic because of a redistribution of salt and fresh water in the ocean. The magnitude of the impact on that on the northeastern parts of the United States and Western Europe, if you look at London, on the same latitude as Labrador, the climate is like the State of Maryland. Finally, red tides, poisonous, deadly to humans, but do not impact the shellfish.

The huge magnitude of the research that is lacking now as a result of our lack of understanding of oceans on life on planet Earth is staggering. NOAA should be at the same level of funding and have the same understanding in our educational institutes as NASA.

So I compliment the gentleman in trying to fix this terrible problem with our border crossings and the criminal activity that results all across the United States, but the issue of our oceans I do not think is adequately being addressed.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, let me compliment the gentleman on his statement. I totally concur with those goals. The gentleman has never let me forget the importance of keeping oceans as a priority.

The fact of the matter is, as we look at the $5.7 billion budget request for the Department of Commerce, 63 percent of that budget request is for NOAA, which we know is critically important. I do not in any way undermine the importance of it. I do believe, though, if you look at this $50 million in administrative expenses, this is something that clearly could be handled very, very easily within that massive budget of NOAA.

Mr. Chairman, I yield 1 minute to the distinguished chairman of the full committee, the gentleman from California (Mr. LEWIS)

Mr. LEWIS of California. Mr. Chairman, I rise only to express my strong support for the Dreier-Kolbe amendment, which recognizes that Congress has a long-standing understanding of the fact that the difficulties of immigration, the challenges of illegal immigration especially, are a Federal responsibility.

What the gentleman is proposing is not creating a grant program, but rather reimbursing for funds already spent to meet the challenge of our borders. Indeed, it is very important that we move forward in terms of funding. This $50 million amount raises the total to $405 million, only about 25 cents on the dollar relative to the national cost. It is a very important change.

Mr. Chairman, I urge everybody to support the Dreier-Kolbe amendment, and I thank the gentlemen for their work.

The CHAIRMAN. The gentleman from Michigan (Mr. EHLERS) is recognized for 2 minutes.

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in opposition to the Dreier amendment, not because I am opposed to the intent of the amendment, but rather opposed because of the source of funding that he has taken. We have already increased in this bill the funding for the cause he is trying to increase, namely, incarcerating undocumented criminal aliens. We have already added $54 million, which is an 18 percent increase over last year. At the same time, NOAA has been cut $500 million.

Let me say that again: NOAA has been cut $500 million below last year's number in this bill, and I fail to understand the logic of stealing more money from NOAA when it has already been cut $500 million.

I appreciate that this comes from administrative expenses, but at a certain point that has got to cut into the science. NOAA, as we know, provides crucial services to this country. Each year we cope with on average 10,000 thunderstorms, 2,500 floods, 1,000 tornadoes, as well as six deadly hurricanes. The National Weather Service alone pays for itself over and over in terms of the protection it gives to people and to property.

So as much as I sympathize with the intent of the gentleman from California, I think it is a poor choice of where to take the money from. Why would one take an additional $54 million away from an entity that has already been cut $500 million in this budget compared to last year?

Mr. Chairman, I urge that we oppose the amendment and that we defeat the amendment. I know I am up against tough company here with the chairman of the Committee on Rules and the chairman of the Committee on Appropriations, but I would be happy to help the gentleman try to find some other areas.

Why take it out of science? The National Science Foundation was cut last year, the worst cut in almost 2 decades; and now we are proceeding to cut NASA, another science agency. At some point we have to recognize that the future of this country is directly tied to our research effort, and our research effort is dependent upon funding that we provide here.

I urge opposition to the Dreier amendment.

Mr. MOLLOHAN. Mr. Chairman, the way the time was divided up, the minority got no time in opposition to this amendment. Therefore, I ask unanimous consent for 8 additional minutes, to be divided equally between the gentleman from California (Mr. DREIER) and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment. This amendment is not a benign amendment. It is an anti-ocean amendment. Understand, it is really not an amendment fighting immigration on the border; it is a reimbursement amendment. I will be corrected if I am wrong in my interpretation, but it is a reimbursement amendment to States who have expended money on incarceration of illegal aliens. My point is that as it is a reimbursement to States, it is not for fighting on-the-line illegal immigration.

Secondly, Mr. Chairman, it is not benign in a very important way: the House mark already cuts the NOAA budget by over $486 million from the 2005 enacted levels and $153 million from the President's request. So NOAA in this bill is already feeling the pain, along with a lot of the other accounts, because of our inadequate allocation.

This amendment is extremely difficult to NOAA for a lot of reasons. First and foremost, just looking at it overall, this amendment would result in RIFs to NOAA. Over 100 employees, NOAA employees, government employees, would be affected, would be RIF'd by this amendment, and over 200 nongovernmental researchers and staff. This comes from operations, a lot of this money, Mr. Chairman; and it would have a real employee impact.

These are some of the operations it would cut, and they include research: $5 million from the NOAA core and program support; $12 million from the National Marine Fisheries Service. It is certainly a very anti-ocean amendment: $8 million from the National Oceans Service; $3 million from the National Environmental Satellite Data and Information Service; $7 million from the Oceanic, Atmospheric and Research Activities; and, extremely important, and we ought to understand as we deal with this amendment, it would involve a $14.9 million, almost a $15 million, reduction out of operations for the National Weather Service Hurricane and Other Severe Weather Warnings.

As I said in the beginning, Mr. Chairman, I oppose this amendment. It is not benign. It has a lot of very harmful effects on NOAA, an organization that has already experienced its fair share of pain as we moved this bill to the floor.

Again, this bill has been well balanced. For those agencies, the pain has been spread evenly. For us to go in and start having these kinds of severe cuts in agencies like NOAA is very harmful.

Mr. Chairman, I reserve the balance of my time.

□ 1545

Mr. DREIER. Mr. Chairman, may I inquire of the Chair. I was a little confused by this unanimous consent request propounded by the ranking minority member, and I do not know how much time I have remaining.

The CHAIRMAN. The gentleman from California (Mr. DREIER) now has 7 minutes remaining.

Mr. DREIER. I began with 5 minutes, and now I have 7 minutes. That sounds like a pretty good arrangement from my perspective.

Mr. Chairman, I am very happy to yield 2 minutes to the very distinguished gentleman from Arizona (Mr. KOLBE), the coauthor of this amendment and the chairman of the Subcommittee on Foreign Operations.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me this time. I do rise in support of this amendment, cognizant as I am of the arguments we have just heard against it and the source of the funding, and on recognizing the importance of science. I do not think there is a more important priority than we have right now than this law enforcement.

My district in southeastern Arizona shares about 100 miles of the U.S.-Mexico border. The communities along this border suffer the brunt of our failed national immigration policies. Last year Border Patrol apprehensions within one county, Cochise County, Arizona, alone, were more than 240,000 persons. The entire county has a population of 124,000 people. It is not difficult to imagine the strain on local resources caused by the incredible traffic of people trying to enter this country illegally through this relatively small section of the border. Local law enforcement must protect communities against increasingly dangerous traffickers; detention facilities must hold criminal aliens that cannot be held in Federal facilities.

The State Criminal Alien Assistance Program, better known as SCAAP, provides reimbursements to State and local governments for part of the cost of incarcerating foreign nationals who are criminal aliens. The amendment offered by my colleague from California and me would increase the amount of funding for this critical program by $50 million. I would point out that every dollar we do not appropriate here is a dollar that is not spent by local law enforcement in the streets on law enforcement because they are having to spend it on prosecutions or incarceration costs.

Border security clearly is a Federal responsibility, and from fiscal year 1996 through 2002, Congress appropriated over $500 million per year for SCAAP. But over the past few years, the funding has dropped dramatically, placing greater burdens on local communities, when the population of the criminal aliens is only increasing.

I appreciate the constraints placed on my colleague, the gentleman from Virginia (Chairman WOLF) with the very limited allocation that he has. I strongly believe, however, that Congress has to place a high priority on border security, and we must assist States and communities who are suffering the brunt of this burden.

I urge my colleagues to vote in favor of the Dreier-Kolbe amendment and then the underlying bill.

Mr. MOLLOHAN. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from West Virginia has 1 minute remaining; the gentleman from California has 5 minutes remaining. The gentleman from West Virginia has the right to close.

Mr. MOLLOHAN. Mr. Chairman, I reserve the balance of my time.

Mr. DREIER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say that it appears that my very good friend, the gentleman from California (Mr. FARR), is going to oppose this amendment, and I share the concern that has been raised about the issue of the funding for the National Oceanographic and Atmospheric Administration. I think that oceans continue to be a high priority.

We need to look at the funding level that we have at this point. As I was saying in my exchange with the gentleman from Maryland (Mr. GILCHREST), if you look at the $5.7 billion request that has been made for the Department of Commerce budget, 63 percent of that budget goes towards NOAA. It seems to me that as we look at a responsible area where we can take funds and deal with this critical priority of having the Federal Government step up to the plate and secure its border, this $50 million from administrative expenses is a minuscule amount juxtaposed to the impact that it could have on this priority.

The gentleman from California (Mr. FARR) and I have had the privilege of cochairing the California congressional delegation. I am very happy to say that since 1994, when the State Criminal Alien Assistance Program funding was put into place, we have been able to come together. Every single Democrat in the House and Senate from California has joined every single Republican in this House to support increased levels of funding for the State Criminal Alien Assistance Program. In fact, just last year when we had a request for $750 million, our colleagues on the other side of the aisle requested an additional $100 million. It would be nice if we could provide that support, but as the gentleman from California (Chairman LEWIS) pointed out, we in this bill, very well crafted by the gentleman from Virginia (Chairman WOLF), have $355 million, and our sole request is that we increase that from $355 million to $405 million.

So I urge strong support of this measure.

Mr. Chairman, at this time I am very happy to yield 2 minutes to the gentleman from Arizona (Mr. FLAKE), another coauthor of this amendment.

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding me this time. I thank the gentlemen for bringing this forward, the gentleman from Arizona (Mr. KOLBE) and the gentleman from California (Mr. DREIER). This is very important. That is why in Arizona we will find overwhelming support for this Republican and Democrat amendment. We simply in Arizona are dealing with a porous border, and we are dealing with costs that we can do nothing about in Arizona.

It is the Federal Government's responsibility to secure the border. The Federal Government has not secured the border. Hospitals are incurring costs. Education is incurring costs. Law enforcement, specifically for this, is incurring great cost, and if the Federal Government is failing to secure the border, it is the Federal Government's responsibility to pony up. This represents still just pennies on the dollar of what are spent in Arizona, California, and other border States in particular, but at least it is something. At least it is something.

President Bush, himself a former border Governor, said in 1995, "If the Federal Government cannot do its job enforcing the borders, then it owes the States monies to pay for its failure." That is what we are asking for here. SCAAP just reimburses States and localities for incurred costs for incarcerating undocumented criminal aliens. That is what we are asking for here, simply a little fairness. We need broader reform.

Myself and my colleagues have offered broader, meaningful immigration reform that will deal with this in the long term, but, in the short term, we need to do something for the border States in particular.

I commend my colleagues for bringing this forward, and I urge support for this amendment.

The CHAIRMAN. The gentleman from California (Mr. DREIER) has 1 minute remaining; the gentleman from West Virginia (Mr. MOLLOHAN) has 1 minute remaining.

Mr. DREIER. The gentleman from West Virginia has the right to close?

The CHAIRMAN. He does have the right to close.

Mr. DREIER. Mr. Chairman, I would like to close on our side, but I yield 10 seconds to my friend, the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, just very briefly, I would like to say that the oceans are an important aspect of funding, but I want to say that the gentleman from California (Mr. DREIER) and the gentleman from Arizona (Mr. KOLBE) have a very critical issue that needs to be addressed as well.

Mr. DREIER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, it is very clear, if you take my State of California, the annual cost for the incarceration of those who are here illegally and who have committed crimes is about $750 million. That is for one State alone. This is a nationwide problem, as we all know. All we are proposing is that we increase from $355 million to $405 million the effort to bring about reimbursement so that the resources at the State level, as the gentleman from Arizona (Mr. KOLBE) said, can be expended on the very important problems of dealing with the crime in the streets. We need to make sure the Federal Government secures our borders.

I thank my friends, the gentleman from California (Chairman LEWIS), the gentleman from Virginia (Chairman WOLF) and the gentleman from Arizona (Chairman KOLBE) and the gentleman from Arizona (Mr. FLAKE) for joining me as cosponsors of this.

Oceans are a priority, but I believe we can take this minuscule amount and deal with this very, very important societal need.

Mr. Chairman, I urge support of our amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, as I yield to another gentleman from California (Mr. FARR) to close, I note that the minuscule amount results in 100 RIFs out of NOAA.

Mr. Chairman, I yield the remaining time to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong opposition to this amendment, not because SCAAP is not a good idea to fully fund, and I support that, but not taking it from NOAA. What you are doing here is choosing to cut California to help California, and choosing to cut California results in cutting what is essentially the largest population in the entire United States living on the California coastline. They develop, on all of the issues of the marine sanctuaries, the research that goes on, of the students that go out on the NOAA ships, all of these funds are going to be affected by this cut.

Mr. Chairman, there is a lot of things we can do about SCAAP, and I strongly support more funding, but I think California can do a better job of trying those cases in Mexico where they have been successful in incarcerating and gotten 100 percent conviction in courts in Mexico, which are a lot cheaper than incarcerating them in California. This $50 million cut really wipes out NOAA. The committee already cut half a billion dollars from NOAA, and to add another $50 million, which RIFs 100 people, a lot of those people live in California.

This is a bad amendment because of what it attempts to cut, and I would strongly oppose it and ask my colleagues to defeat the Dreier amendment.

Mr. ISSA. Mr. Chairman, I rise in support of the Dreier/Kolbe amendment that would increase funding for the State Criminal Alien Assistance Program (SCAAP) by $50 million. This is an extremely important issue to the people of California, because now Californians pay a disproportionate amount of the costs of incarcerating criminal aliens. SCAAP reimburses state and local governments for some of these costs.

States do not hold authority over national immigration policy, and they should not shoulder the burden of paying for criminal alien incarceration. It is the responsibility of the Federal government to ensure the security of our borders. Because undocumented aliens pose a great risk to our national security, the Federal government should bear the costs.

I thank Congressmen DAVID DREIER and JIM KOLBE for introducing this amendment, and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DREIER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. DREIER) will be postponed.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XX, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment offered by Mr. OBEY of Wisconsin; amendment offered by Mr. TERRY of Nebraska; amendment offered by Ms. VELÁZQUEZ of New York; amendment No. 12 offered by Mr. REICHERT of Washington; amendment No. 16 offered by Mr. STEARNS of Florida; and amendment No. 3 offered by Mr. DREIER of California.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 230, not voting 7, as follows:

[Roll No. 244]

AYES—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Camp
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Cuellar
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Fossella
Frank (MA)
Gerlach
Gibbons
Gohmert
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—230

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Castle
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schiff
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Walden (OR)
Walsh
Wamp
Waters

Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Cox
Hinojosa
Oberstar
Peterson (PA)
Rothman
Sessions
Strickland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (Mr. HASTINGS of Washington) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1622

Messrs. BRADY of Pennsylvania, BARRETT of South Carolina, CONAWAY, BASS, MURPHY, MILLER of North Carolina, COSTA, Ms. WATERS, Mr. BOREN and Mr. ORTIZ changed their vote from "aye" to "no."

Messrs. HONDA, SIMMONS, FOSSELLA, McCRERY, CUELLAR, RAHALL, DANIEL E. LUNGREN of California, FATTAH and LARSON of Connecticut changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TERRY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Nebraska (Mr. TERRY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 252, not voting 6, as follows:

[Roll No. 245]

AYES—175

Ackerman
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bishop (NY)
Bishop (UT)
Blackburn
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Brown (OH)
Brown-Waite, Ginny
Burton (IN)
Cannon
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chabot
Chandler
Chocola
Coble
Cooper
Costa
Costello
Crowley
Cubin
Cuellar
Cummings
Davis (IL)
Davis (KY)
Deal (GA)
DeFazio
DeGette
Delahunt
Doggett
Doyle
Duncan
Emerson
Engel
Etheridge
Fitzpatrick (PA)
Fortenberry
Fossella
Foxx
Franks (AZ)
Gerlach
Gibbons
Gingrey
Gohmert
Gonzalez
Graves
Green (WI)
Green, Gene
Grijalva
Gutknecht
Hayworth
Herger
Herseth
Hinchey
Holden
Hooley
Hulshof
Inslee
Israel
Jackson (IL)
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kline
Larsen (WA)
Latham
Leach
Lee
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lynch
Marchant
Marshall
Matheson
McCarthy
McCotter
McCrery
McHenry
McIntyre
McMorris
McNulty
Meehan
Meeks (NY)
Melancon
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Musgrave
Napolitano
Ney
Norwood
Nussle
Ortiz
Osborne
Otter
Pallone
Pascrell
Pastor
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Radanovich
Ramstad
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (MI)
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Schiff
Scott (GA)
Sensenbrenner
Shimkus
Shuster
Simmons
Skelton
Smith (WA)
Solis
Souder
Stearns
Stupak
Sullivan
Tanner
Taylor (MS)
Terry
Thompson (CA)
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Walden (OR)
Wamp
Watt
Weiner
Weller
Westmoreland
Wu
Wynn

NOES—252

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baird
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Carter
Castle
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cramer
Crenshaw
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Drake
Dreier
Edwards
Ehlers
Emanuel
English (PA)
Eshoo
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Granger
Green, Al
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Higgins
Hobson
Hoekstra
Holt
Honda
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kanjorski
Keller
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larson (CT)
LaTourette
Levin
Lewis (CA)
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Markey
Matsui
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McKeon
McKinney
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murtha
Myrick
Nadler
Neal (MA)
Neugebauer
Northup
Nunes
Obey
Olver
Owens
Oxley
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Pickering
Pombo
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Reynolds
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Spratt
Stark
Sweeney
Tancredo
Tauscher
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—6

Cox
Hinojosa
Oberstar
Rothman
Sessions
Strickland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1632

Mrs. MALONEY, Mr. CONYERS, Ms. SCHAKOWSKY, Mr. HOLT, Mr. SNYDER, Ms. HARMAN, Ms. BEAN, Mr. DINGELL, and Mr. WAXMAN changed their vote from "aye" to "no."

Mr. ORTIZ and Mrs. EMERSON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 189, not voting 10, as follows:

[Roll No. 246]

AYES—234

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Cooper
Costa
Costello

Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gohmert
Gonzalez
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Hayes
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kline
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Ross
Roybal Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Woolsey
Wu
Wynn

NOES—189

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Crenshaw
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Gutknecht
Hall
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
King (IA)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCaul (TX)
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Conyers
Cox
Hinojosa
McCrery
Oberstar
Rothman
Ryan (WI)
Sessions
Strickland
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

☐ 1640

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. REICHERT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. REICHERT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 130, noes 297, not voting 6, as follows:

[Roll No. 247]

AYES—130

Ackerman
Allen
Baca
Bachus
Baldwin
Barrow
Bilirakis
Bishop (NY)
Bishop (UT)
Boucher
Brady (PA)
Brown (OH)
Brown (SC)
Burgess
Carnahan
Chandler
Chocola
Clay
Conyers
Costa
Costello
Crowley
Cubin
Davis (KY)
DeGette
Doyle
Duncan
Ehlers
Engel
English (PA)
Etheridge
Evans
Fattah
Filner
Fitzpatrick (PA)
Ford
Fortenberry
Frank (MA)
Gerlach
Green (WI)
Green, Al
Green, Gene
Grijalva
Harris
Hastings (WA)
Hayes
Hayworth
Holden
Honda
Hooley
Inslee
Jefferson
Johnson (IL)
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
Larsen (WA)
Lee
Lewis (GA)
Lipinski
LoBiondo
Matheson
Matsui
McCrery
McHenry
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Olver
Osborne
Otter
Owens
Pallone
Pastor
Paul
Payne
Peterson (MN)
Petri
Platts
Poe
Pomeroy
Porter
Rahall
Ramstad
Reichert
Renzi
Reynolds
Ryan (WI)
Sánchez, Linda T.
Schakowsky
Schwartz (PA)
Shimkus
Simmons
Slaughter
Smith (WA)
Souder
Stark
Stearns
Tanner
Terry
Tierney
Towns
Upton
Walden (OR)
Wamp
Waters
Watson
Weiner
Wilson (SC)
Woolsey
Young (AK)

NOES—297

Abercrombie
Aderholt
Akin
Alexander
Andrews
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown, Corrine
Brown Waite, Ginny
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson
Carter
Case
Castle
Chabot
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Drake
Dreier
Edwards
Emanuel
Emerson
Eshoo
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holt
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo

Marchant
Markey
Marshall
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Oxley
Pascrell
Pearce
Pelosi
Pence
Peterson (PA)
Pickering
Pitts
Pombo
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rangel
Regula
Rehberg
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schiff
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Spratt
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—6

Cox
Hinojosa
Oberstar
Rothman
Sessions
Strickland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1649

Mr. GRAVES and Mr. KUCINICH changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BAIRD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. BAIRD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 260, noes 168, not voting 5, as follows:

[Roll No. 248]

AYES—260

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Beauprez
Becerra
Berkley
Berman
Bilirakis
Bishop (NY)
Blumenauer
Boehlert
Bonner
Boozman
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capuano
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cooper
Costa
Costello
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Drake
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Gerlach
Gibbons
Gingrey
Gohmert
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (IL)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kline
Kuhl (NY)
LaHood
Langevin
Lantos
Larsén (WA)
Larson (CT)
Leach
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Musgrave
Nadler
Neal (MA)
Ney
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Pallone
Pastor
Paul
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pombo
Pomeroy
Price (GA)
Price (NC)
Radanovich
Rahall
Ramstad
Reichert
Renzi
Reyes
Rogers (AL)
Ross
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Shadegg
Shaw
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Stearns
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Wamp
Wasserman Schultz
Watson
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu

NOES—168

Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Berry
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bono
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capps
Cardin
Carter
Clay
Cole (OK)
Conaway
Conyers
Cox
Cramer
Crenshaw
Culberson
Cunningham
Davis, Tom
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
English (PA)
Feeney
Flake
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Granger
Gutierrez
Hall
Hart
Hayes
Hensarling
Hobson
Hoekstra
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kelly
Kirk
Knollenberg
Kolbe
Kucinich
Latham
LaTourette
Lee
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
McHenry
McKeon
Menendez
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (VA)
Murtha
Myrick
Napolitano
Neugebauer
Northup
Nunes
Otter
Owens
Oxley
Pascrell
Payne
Pearce
Pence
Petri
Pitts
Porter
Pryce (OH)
Putnam
Rangel
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Ryun (KS)
Sanchez, Loretta
Saxton
Schakowsky
Sensenbrenner
Serrano
Shays
Sherwood
Shuster
Simpson
Smith (TX)
Sodrel
Spratt
Stark
Sullivan
Sweeney
Tancredo
Taylor (NC)
Thomas
Tiahrt
Tiberi
Turner
Visclosky
Walsh
Waters
Watt
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—5

Hinojosa
Oberstar
Rothman
Sessions
Strickland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1658

Mr. SERRANO and Ms. LEE changed their vote from "aye" to "no."

Mr. REICHERT and Mr. DENT changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 16 OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 112, noes 316, not voting 5, as follows:

[Roll No. 249]

AYES—112

Aderholt
Akin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Boehner
Boozman
Boren
Brady (TX)
Burton (IN)
Buyer
Camp
Chabot
Chocola
Coble
Cole (OK)
Cox
Cubin
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
Doolittle
Drake
Duncan
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Hastings (WA)
Hefley
Hensarling
Herger
Hostettler
Hunter
Hyde
Issa
Istook
Jindal
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kline
Kuhl (NY)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McHenry
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Nussle
Otter
Paul
Pence
Petri
Pitts
Poe
Pombo
Porter
Price (GA)
Putnam
Radanovich
Reynolds
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Shadegg
Shimkus
Sodrel
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Westmoreland
Whitfield
Wilson (SC)

NOES—316

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—5

Hinojosa
Oberstar
Rothman
Sessions
Strickland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1707

Mr. SCHWARZ of Michigan and Mr. BISHOP of Georgia changed their vote from "aye" to "no."

Mr. MARCHANT and Mr. SODREL changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. DREIER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. DREIER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 231, noes 195, not voting 7, as follows:

[Roll No. 250]

AYES—231

Akin
Baca
Barrow
Bartlett (MD)
Barton (TX)
Bass
Becerra
Berman
Bishop (UT)
Blackburn
Blunt
Bonilla
Bono
Boozman
Boswell
Brady (TX)
Brown (OH)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carnahan
Carter
Chabot
Chandler
Chocola
Conaway
Costa
Costello
Cox
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (CA)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Drake
Dreier
Duncan
Emerson
Engel
English (PA)
Evans
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Gene
Grijalva
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Issa
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Schiff
Schwartz (PA)
Sensenbrenner
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Stark
Stearns
Sullivan
Sweeney
Tancredo
Thomas
Thompson (MS)
Thornberry
Tiahrt
Turner
Udall (NM)
Walden (OR)
Walsh
Wamp
Waters
Waxman
Weiner
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOES—195

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baird
Baker
Baldwin

Barrett (SC)
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bonner
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (SC)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carson
Case
Castle
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Edwards
Ehlers
Emanuel
Eshoo
Etheridge
Everett
Farr
Feeney
Fitzpatrick (PA)
Foley
Ford
Frank (MA)
Gilchrest
Gordon
Green, Al
Gutknecht
Hastings (FL)
Hefley
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (IL)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Pence
Pitts
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Ross
Rothman
Ruppersberger
Rush
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Simmons
Skelton
Slaughter
Snyder
Sodrel
Spratt
Stupak
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Tiberi
Tierney
Towns
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Weldon (FL)
Weldon (PA)
Wexler
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—7

Bachus
Fattah
Gutierrez
Hinojosa
Oberstar
Sessions
Strickland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1716

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. GUTIERREZ. Mr. Chairman, I was briefly absent from this Chamber today and inadvertently missed rollcall vote 250. I would like the RECORD to show that, had I been present, I would have voted "aye" on rollcall vote 250.

The Acting CHAIRMAN (Mr. THORNBERRY). Are there further amendments to this section of the bill?

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of New Jersey:

Page 22, line 21, after the dollar amount, insert the following: "(increased by $21,947,600)".

Page 23, line 1, after the dollar amount, insert the following: "(increased by $21,947,600)".

Page 65, line 20, after the dollar amount, insert the following: "(reduced by $21,947,600)".

Mr. GARRETT of New Jersey (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GARRETT of New Jersey. Mr. Chairman, the budget of the United Nations currently stands at $3.7 billion. The contribution from the United States, or actually the contribution from the United States taxpayers, is almost a quarter of that, $439 million. The amendment that is before us deals with just less than 1/10 of 1 percent of that entire U.N. budget.

Mr. Chairman, my amendment seeks to simply take that .6 percent of the U.N. budget from the U.S. assessments towards the U.N. and put those funds into a program that we have talked about earlier, the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program. As we have talked previously on this floor, this is a law enforcement assistance grant program that works in partnership with Federal, State, and local governments with the objective of creating a safer community for all of us. It does that by awarding grants to States and local communities and counties and local governments to help improve their functioning of their criminal justice systems, and it does it with an emphasis on violent crime and serious offenders.

What can this money be used for? It can go to provide for personnel, equipment, training, technical assistance, and information systems for more widespread apprehension, prosecution, adjudication, detention, and rehab of offenders who violate both State and local laws.

Since September 11 this grant program has been a significant program for law enforcement. As the chairman knows, I represent the Fifth District of New Jersey, an area just outside of Ground Zero in New York City, an area that is all too aware of the need to have increased law enforcement and to deal with the prospects of terrorist attack.

How much money are we talking about? The total sum of this transfer is a little under $22 million. And as I said before, the entire United Nations budget is $3.7 billion. So we are talking about .6 percent, a little less than 1 percent, of the overall U.N. budget to do this. But with that little tiny bit of money, it will translate into a 6.3 percent increase for this purpose, not enough for every law enforcement need throughout the country, but enough to meet the numerous needs that are not being met right now.

Mr. Chairman, later in this week we will be dealing with U.N. reform and pointing out that the U.N. has not lived up to its original charter. That charter sets out that the U.N.'s job is preventing war and maintaining world peace. There have been over 300 wars since 1945, when the U.N. was created. Twenty-two million people have died. Obviously, it is not living up to its full potential. In part it is because of its bloated bureaucracy, its inefficiency, and its bad management in so many different ways, an untold amount of wasted dollars at the U.N. The United Nations cannot even come up with the definition of what terrorism is. But let me tell the Members, Mr. Chairman, after September 11, local law enforcement agents in my district in New Jersey can tell us what terrorism is because they have seen it firsthand.

So I offer this amendment today to make sure that they have all the tools necessary to keep our citizens safe at home.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

I am going to accept the amendment, but I know there is going to be another amendment later that cuts $200 million out.

Secondly, I think the membership should know that in our bill last year, we had language setting up the Gingrich-Mitchell Reform Task Force, which is making their report, I believe, tomorrow or the next day, and they had some fairly dramatic recommendations to reform the U.N., and I think that is really the way to go.

Thirdly, while it is true the U.N. has failed in Srebrenica, they failed in Sarajevo, they failed in Rwanda, and they are failing in Darfur, the recommendations of the Gingrich-Mitchell can make a large difference.

Lastly, the peacekeepers that we have in some places, for instance, the peacekeepers in Sudan, keep American men and women, military, from being on the ground. So I would urge Members, where we are going to accept the amendment, to look at the Gingrich-Mitchell recommendations which will be coming out this week which will be dramatically reforming the U.N. on a bipartisan basis.

So having said that, I accept the gentleman's amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

Mrs. MALONEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have amendment at the desk, and I will offer it and withdraw it.

My amendment designates $1.2 million out of the overall census budget for research on migration to improve demographic analysis and population estimates.

When the 2000 census count was announced, there was a great deal of confusion at Census Bureau. Demographic analysis, which has been the gold standard for measuring error in the census, and which had showed a substantial net undercount in the census for 50 years, showed an overcount. The population estimates, which had been used to distribute funds throughout the decade, missed almost 8 million people. There was a simple explanation for this. The Census Bureau assumptions on net migration into the country were wrong. The Census Bureau is now asking Congress for additional funds to do the research necessary to correct these estimates.

Measuring error in the census and providing population estimates for the distribution of funds are part of the core mission of the Bureau. Improvements in those activities should be funded before anything else. I am disappointed that this research has not been funded. I will, however, withdraw this amendment, and I hope that the chairman and ranking member will work to see that the necessary research gets done before the 2010 census.

The Census Bureau has at times wasted money on gadgets and promotional items instead of basic research. We need to direct their efforts back to basic research, such as the demographic analysis.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have an amendment at the desk which would increase the funding for investigation and prosecution of consumer identity fraud.

Approximately 10 million people a year are being victimized by identity theft. Last year's business and financial institutions lost about $52 billion, and consumers lost about $5 billion due to identity theft.

Too little is being done to effectively address consumer identity theft and credit card fraud. Presently what happens is the credit card companies just simply wipe out the debt, but the fees are not never appropriately pursued. The problem is that the laws we have on the books are not being adequately enforced due to insufficient investigative and prosecutorial resources. While the Department of Justice devotes some resources towards identity theft, it is not a high priority due to inadequate resources, and so the thieves practice their wares with impunity.

Mr. Chairman, last year we passed legislation which authorized money for consumer identity theft enforcement. We have not properly funded that, and this amendment would go a long way into properly funding it. I understand, however, Mr. Chairman, that the gentleman from Virginia (Chairman WOLF) has expressed some concerns about the offsets and the funding level in the bill already, and I would ask the chairman if he would work with us to make sure that the funding of identity theft is properly done under the bill between now, over in the Senate, and in conference.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. SCOTT of Virginia. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, he has my commitment to that. This is a very important issue, and we can work together.

Mr. SCOTT of Virginia. Mr. Chairman, reclaiming my time, I thank the chairman for his commitment.

And with that, I will not offer the amendment, but will be working to make sure that consumer identity theft investigation and prosecution is properly funded under the bill.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MARCHANT) having assumed the chair, Mr. THORNBERRY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, had come to no resolution thereon.

□ 1730

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2862, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. WOLF. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2862 in the Committee of the Whole pursuant to House Resolution 314, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

amendments printed in the RECORD and numbered 1, 4, 10, 11, 17, 18, 19 and 21;

amendment printed in the RECORD and numbered 2, which shall be debatable for 15 minutes;

amendment printed in the RECORD and numbered 6, which shall be debatable for 20 minutes;

an amendment by Mr. WOLF, regarding funding levels;

an amendment by Mr. HINCHEY, regarding implementation of laws on medical marijuana, which shall be debatable for 30 minutes;

an amendment by Mr. MARKEY, regarding limitation on funds for torture, which will be debatable for 15 minutes;

an amendment by Mr. NADLER, regarding health insurance records under the PATRIOT Act, which shall be debatable for 15 minutes;

an amendment by Mr. SANDERS, regarding FISA applications under the PATRIOT Act, which shall be debatable for 40 minutes;

an amendment by Mr. SCHIFF, regarding protection of the Federal judiciary;

an amendment by Mr. CARDIN, regarding WTO action against China for currency manipulation;

an amendment by Mr. MICA, regarding U.S. and Commercial Service Funding;

an amendment by Mr. SHIMKUS or Ms. ESHOO, regarding NTIA funding;

an amendment by Mr. INSLEE, regarding NOAA Coastal Zone Management Program;

an amendment by Mr. FOSSELLA or Mr. KING of New York, regarding U.S. fugitives residing in Cuba;

an amendment by Mr. FLAKE, regarding educational cultural exchanges;

an amendment by Mr. FLAKE, regarding goods to Cuba, which shall be debatable for 20 minutes;

an amendment by Ms. JACKSON-LEE of Texas, regarding data on racial distribution of convictions;

an amendment by Ms. JACKSON-LEE of Texas, regarding affirmances by immigration judges;

an amendment by Mr. MORAN of Virginia, regarding export licenses for firearms;

an amendment by Mrs. MUSGRAVE, regarding NASA Hollywood liaison;

an amendment by Mr. OTTER, regarding delaying notice on search warrants;

an amendment by Mr. KING of Iowa, regarding implementation of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996;

an amendment by Mr. SCHIFF, regarding DNA collection from convicted felons;

an amendment by Ms. JACKSON-LEE of Texas regarding safety requirements for the Space Shuttle and the International Space Station;

an amendment by Mrs. JONES of Ohio, regarding EEOC;

an amendment by Ms. MOORE of Wisconsin, regarding SBA funding;

an amendment by Mr. WEINER, regarding State and local law enforcement funding;

an amendment by Mr. HAYWORTH, regarding U.N. funding;

an amendment by Mr. MCDERMOTT, regarding travel to Cuba;

an amendment by Mr. REYES, regarding torture of human rights activists.

Each amendment may be offered only by the Member named in this request or a designee or the Member who caused it to be printed in the RECORD or a designee; shall be considered as read; shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Science, State, Justice, Commerce, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to the demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore (Mr. MARCHANT). Is there objection to the request of the gentleman from Virginia?

Mr. OBEY. Mr. Speaker, reserving the right to object, and I do not intend to object, but under my reservation I want to simply take note of the fact that as I see the situation, counting the votes we have had today, if every amendment is offered tomorrow, there would have been 22 amendments offered and voted upon that originated from the minority side and 21 that originated from the majority side.

If you count the debate time just for the amendments that are going to be offered tomorrow, it appears that you have at least 7½ hours of debate time; and if you account for slippage and the time consumed in voting, I assume that that means it will take at least 10 hours to finish the bill. I think that makes it very difficult to finish tomorrow, if the schedule holds for tomorrow.

So I would simply note that to me that indicates that there is apparently as much discontent on the majority side with the consequences of the budget resolution on programs in this bill, including especially the squeeze on local law enforcement assistance, there is as much discontent on that side of the aisle as there is on this side of the aisle.

I would note that the membership on both sides of the aisle has been extremely cooperative in reaching time agreements, and yet we have a bill that could very possibly take fully 2 days and perhaps even a portion of the third day to finish. I think that ought to send a message with respect to the inadequacy of funding on the part of a number of these programs because of the budget resolution priorities.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Further reserving the right to object, I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, if the gentleman would yield, I was told the leadership does plan on finishing the bill tomorrow. But the gentleman's points are well taken.

Mr. OBEY. Mr. Speaker, reclaiming my time, I would point out if that is the case, we are probably going to be here until 8 or 9 o'clock.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there further objection to the request of the gentleman from Virginia?

Mr. MOLLOHAN. Mr. Speaker, reserving the right to object, I just want to associate myself with the ranking member's comments and express appreciation for the majority side in working hard on this. The number of amendments we have agreed to reflects the interest in the bill. It is an important bill, and we are certainly going to thoroughly consider it. I just want to express my appreciation for working out this unanimous consent request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there further objection to the request of the gentleman from Virginia?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2863, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

Mr. COLE of Oklahoma, from the Committee on Rules, submitted a privileged report (Rept. No. 109–127) on the resolution (H. Res. 315) providing for consideration of the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ADMINISTRATION MUST LEVEL WITH AMERICAN PEOPLE ABOUT WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, either the Bush administration refuses to see the reality on the ground in Iraq or they are deceiving the American people as to the continued war in Iraq. During a Memorial Day interview on CNN's Larry King, Vice President CHENEY said he believed the insurgency was in its "last throes."

Where exactly is the Vice President getting his information? It certainly is not coming from the generals on the ground. According to a report from Knight-Ridder, a growing number of senior American military officers in Iraq have concluded there is no longer a military solution to the insurgency in Iraq, an insurgency that military leaders on the ground say is not running out of recruits. In the news report, Lt. Colonel Frederick Wellman said, "We can't kill them all. When I kill one I create three."

That certainly does not sound like we have the insurgency under control, and, as the Vice President suggests, that they are in their "last throes."

Things are really getting so bad in Iraq, Mr. Speaker, that we are beginning finally to hear Republican Congressmen step forward and question some of the outrageous claims made by the Bush administration in regard to their policy in Iraq. This past weekend, my Republican friend, the gentleman from North Carolina (Mr. JONES), came forward and said that the Bush administration needs to have a deadline for its war in Iraq.

Mr. Speaker, the gentleman from North Carolina (Mr. JONES) and I have been next-door neighbors in the Cannon House Office Building for years. As visitors to our wing of the fourth floor walk down the hallway, they see the faces of the fallen. Since the beginning of the war, the gentleman from North Carolina (Mr. JONES) has been hanging up the pictures of the brave American soldiers who have died in Iraq. It started right outside his door and spread so quickly that the faces are outside each of the Members' doors of our wing of the Cannon Building.

Another one of our Republican colleagues, the gentleman from Pennsylvania (Mr. WELDON), criticized the Bush administration for not leveling with the American people about the real number of Iraqi troops that have been trained to date.

On Sunday's "Meet the Press," the gentleman from Pennsylvania (Mr. WELDON) said, "We can't come back to America and have our people be convinced that the Iraqi troops are prepared to take over when they are not." WELDON went on to say that the administration needs to come to grips with the rising insurgency, again an insurgency that Vice President CHENEY refuses to acknowledge.

Mr. Speaker, these are the kinds of statements we have heard for the last year from a large group of my Democratic colleagues. We have been calling on House Republican leaders to hold this administration responsible for its faulty intelligence. We have called on the House Republican leadership to hold this administration accountable for the 20-plus billion dollars spent in

Iraq. We have called on the House Republican leadership to call the war leaders at the Pentagon up to Capitol Hill to explain their war strategy. And to this date, the House Republican leadership simply refuses to hold the Bush administration responsible for the way it is conducting the war in Iraq.

It is refreshing to finally hear several Republican colleagues questioning the actions of this administration. However, it simply is not enough. At a time when the Army and Marines are having a difficult time reaching their recruitment goals for the military of the future, at a time when the Bush administration is painting a far rosier picture of the number of Iraqi troops that have been trained, at a time when the Bush administration refuses to admit that the insurgency in Iraq is getting bigger and more difficult to deal with by the day, the House Republican leadership cannot continue to ignore a growing number of Members of this Chamber, of both parties, who are demanding that the administration level with the American people about the Iraq war.

FOUR IDEAS TO IMPROVE RETIREMENT SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, in discussing the collapse of his retirement plan and pension plan, United Airlines pilot Klaus Meyer said, "I call it legalized crime. I lost almost all my United stock value in the bankruptcy, and another part of the retirement I was promised is gone. And now my Social Security is at risk. Where does it all end?"

Mr. Meyer's statement is a stark reminder of what is at stake as we continue to debate the future of Social Security. The sad fact is that for many Americans retirements are less, not more, secure and any debate about Social Security should be about how to secure its future rather than make it more risky. In fact, the head of the GAO announced that the President's plan would in fact exacerbate the financial stability of Social Security, rather than strengthen it.

The whole task is to do two things: strengthen Social Security for future generations and help Americans save for their retirement. Make no mistake, Social Security and the debate about retirement is key to the future of Americans' retirements. For United Airlines employees, and the steel industry that came before the airline industry, and probably the auto industry that will come after them, Social Security is the linchpin of their retirement security.

□ 1745

Our task before us is how to strengthen both aspects as Americans plan to retire and save for their retirement.

As John Pinto, another United States airline employee put it, "Social Security is the cornerstone of my retirement." That is our task here. Every American is asked to plan for their retirement with personal savings, employment-based savings, and Social Security. Those are the three legs to the stool of any retirement plan and any retirement security. The privatization of Social Security would exacerbate the stability that Social Security has created for millions of Americans as they plan for their retirement.

Benefits for United Airlines employees would be cut up to 40 percent, retirement benefits that they have put money away for, they have saved for, they have done everything that we as a country advocate that they do; 120,000 employees have now been cut up to 40 percent. As I always say, go ask a United Airlines employee what they think of Social Security. They are glad that it is there and they can count on it. It is the linchpin, it is the foundation for all of their retirement security.

Two-thirds of seniors and 40 percent of widows rely on Social Security as their entire retirement plan. It may come as a shock to some, but the American people like the security that comes with Social Security.

A few weeks ago, the President said, "Those who obstruct reform, no matter what party they are in, will pay a political price." Ironically, it is the President's insistence on privatization of Social Security that is slowing the reform and progress we could have in our retirement security. He is, in fact, the reason we are not making progress. Privatization has become the poison pill to progress when we discuss retirement security for Americans.

We need to broaden the debate on privatization of Social Security into a discussion on retirement security. I proposed a series of ideas, Republicans have proposed a series of ideas, Democrats have ideas. If we put away privatization, we can make progress.

I would like to remind everybody that in 1983, when we had the commission that developed and planned for the future of Social Security and gave it security for 75 years, President Ronald Reagan took privatization off the table, and you secured Social Security for 75 years. If you take privatization off the table today, you can secure Social Security for another 75 years, and we can make progress on 401(k)s, employer-based retirement, defined benefit pensions, as well as personal savings. We can do it all. But as long as privatization is on the table, it will become the stumbling block to progress, and the President's insistence is stopping the progress we can make.

Here are the four ideas I have introduced, separate pieces of legislation: Automatic enrollment to 401(k)s. Rather than the pressure being on an employee to line up and sign up for a 401(k), have them automatically enroll, and the pressure is, if you do not want to participate, the onus of responsibility is on you to get out, not in. RR Donnelley, a big corporation in Chicago, Fortune 500, set up automatic enrollment. Participation went up to 92 percent of employees, and the participation rate increased dramatically among basically support staff and others who do not have a retirement plan. Also, you would have the automatic step-up so as you were there longer, your pay went up, the participation in your plan increases.

Direct deposits from your tax refunds into your savings plan. About 100 million Americans get a refund on their tax return. The average tax return is $2,000. When you fill out the 1040, you can decide, do I want $1,000, $750, $2,000 to go to my retirement plan? That is the one day we should organize for retirement security rather than just for consumption. And if you have direct deposit, more Americans would participate.

Third, there is the fully refundable credit for people earning $60,000 or less. The government would match 50 percent on every dollar.

Lastly, we have 16 various different vehicles for retirement savings. You could, in fact, unify that to one single, universal pension and get rid of all of the paperwork that comes with 16 different versions of savings.

Those are just four ideas, but when it comes to retirement security, let us remove privatization from the discussion, secure Social Security and, therefore, secure for Americans and generations to come retirement security and the dignity that comes with Social Security and with retirement.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SMART SECURITY AND IRAQ WITHDRAWAL PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, our Constitution states that Members of Congress must be chosen by the people of the United States, and Congress must represent the people of the United States. That means that we as Members of Congress need to listen and need to act when the people speak.

Well, the American people have spoken. The last Gallup poll released earlier this week indicates that the American people are ready for our military forces in Iraq to start coming home. Nearly 60 percent of Americans believe that the U.S. should bring home some or all of our troops from Iraq. Just as revealing, the Gallup poll showed that only 36 percent of Americans support maintaining our current troop levels in Iraq. This is the lowest level of support for the war since it began in March of 2003.

The American people have stated loud and clear where they stand, and their numbers are increasing. They know that the only way to keep our sons and daughters from being killed in Iraq, and the only way to end the death and destruction that occur there every single day, is to begin the process of bringing our troops home. Clearly, the American people are way ahead of Congress on this issue.

Unfortunately, the President of the United States is way behind on the issue of Iraq. We have asked the President to come up with a plan for ending the war. He has not, so we will.

Our efforts to come up with a plan began in January when I introduced legislation calling for the President to begin bringing our troops home. Thirty-five Members of Congress support this legislation. We continued our effort on May 25 when I introduced an amendment to the defense authorization bill calling on the President to create a plan for Iraq. Mr. Speaker, 128 Members of Congress, including five Republicans and one Independent, voted in favor of this sensible amendment.

It is clear that the United States must develop a smarter agenda for Iraq than a continued military occupation, because the 2-year war has left us disturbingly weakened against the true security threats that we face here at home. Let us not forget, Osama bin Laden is still at large, and al Qaeda continues to recruit new members in Iraq and elsewhere every single day. So, we ask the President to create a plan and bring it to the Congress that will bring our troops home. Once they are home, we can secure the U.S. and Iraq for the future, and we can use a smarter resolution, which is a Sensible Multilateral American Response to Terrorism for the 21st Century. It will help us address the threats we face as a Nation.

SMART Security will prevent future acts of terrorism by addressing the root conditions which give rise to terrorism in the first place: poverty, despair, resource scarcity, and lack of educational opportunities, to mention just a few. SMART Security encourages the United States to work with other nations to address the most pressing global issues. SMART Security addresses global crises diplomatically instead of by resorting to armed conflict.

Instead of maintaining a long-term military occupation of Iraq, our future efforts to help the Iraqi people must follow the SMART approach: humanitarian assistance, coordinated with our international allies, to rebuild Iraq's war-torn physical and economic infrastructure.

That is what I mean when I talk about SMART Security. We can defend America by relying on the very best of American values: our commitment to peace and freedom, our compassion for the people of the world, and our capacity for multilateral leadership.

Mr. Speaker, we must follow a smarter approach as we work to help the Iraqi people, which means implementing a plan to end the war in Iraq. I invite the President, I invite all Americans and all Members of Congress, to join in this effort.

* * *

IMMIGRATION REFORM EMPHASIZING FAMILY VALUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. GUTIERREZ) is recognized for 5 minutes.

Mr. GUTIERREZ. Mr. Speaker, I rise this evening to talk about family values and creating an immigration system that better values families, a system that keeps families strong and, most importantly, keeps them together.

I know the issue of family values is a top priority for the President and for many in this Chamber, but when it comes to the issue of immigration, I am afraid our Nation's efforts to protect families, to keep mothers and fathers, parents and children together has fallen far short.

So let me begin this evening by highlighting an example of the tragic consequences of our failed immigration policies and its disastrous and often destructive affects on hard-working families in my district.

Meet the Benitez family. Rodolfo Benitez is a supervisor at the Civic Opera House's Tower Club. He is a U.S. citizen who works extremely hard so his children in the picture, who are also citizens, can get a good education and can realize all that our country has to offer. They are a great family. They are active and well-liked, respected in their community. And if you ever get a chance to meet Rodolfo, Jr., Brenda, Andrea, and their new baby, Eric, you will quickly realize that they are all we could wish for in children.

But, Mr. Speaker, while this story may appear on the surface to have all the makings of the American dream, our Nation's convoluted immigration laws are making life a nightmare for the Benitez family, because about a year ago, Rodolfo's wife Maria was deported without time to even get her life in order. As the Chicago Tribune wrote, "Her school-age children, who returned home one day with the panicked question: 'Where's mommy?' "

As parents, can anyone in this body imagine having to answer that question? Can anyone in this body imagine explaining to these beautiful, young children that their 4-month pregnant mother was being deported 2 days before Mother's Day with barely enough time to kiss her children goodbye? Can you imagine telling your children that they will not have the opportunity to see their new baby brother when he is born, because the Government of the United States and its immigration policy says, we are going to deport her? It is simply heart-wrenching.

But in cities and small towns across our country, there are thousands of families facing the exact same situation as the Benitez family, because too often, our immigration system tears families apart, leaving single parents to fend for themselves and leaving children to grow up without a loving mother or father. Too often their stories are never told, and defenseless children and parents are forced to suffer in silence.

In the case of Mrs. Benitez, we were fortunate enough to get her a temporary visa to return from Mexico to the United States so she could receive proper prenatal care and ensure that there were no complications with her pregnancy, but that visa expires this summer, and, after that, our immigration system, our law enforcement system will take Mrs. Benitez back to Mexico and take her away from her American citizen children and her American citizen husband. Who in this body can say that is right?

No family should ever be faced with these questions. No mother or father should be faced with this pain and anguish. No family should be forced to compromise their values.

Mr. Speaker, I respectfully ask the President and this body not to remove Mrs. Benitez, Maria Benitez, from her American citizen husband, her children, and her community. I respectfully ask that we do everything in our power to allow her the opportunity to remain a full and productive member of the United States of America. For the sake of the Benitez family and for the sake of millions of others in similar situations, let us work in a bipartisan fashion toward a much-needed, comprehensive, family-driven immigration policy in this country, because we need a system that allows people to come out of the shadows and work here legally, safely, and humanely. We need a system that regulates the future flow of workers so that it greatly enhances our border security through a combination of cutting-edge technology, improved cooperation, and increased resources.

☐ 1800

We need an immigration system that deals directly with the undocumented who are living, working, and contributing to a better and more dynamic America. We need a system that is tough and enforceable. We need a system that would eliminate the exploitation and abuses that are part of our underground economy.

Mr. Speaker, let us work together to create an immigration system that works for families, works for businesses, works for our community and does not take families like the Benitez family, and I want to reiterate, there are ten of thousands in the United States of America, American citizen husbands and American citizen wives being separated from spouses and from their American citizen children. Let us have real family values. Let us have an immigration system that keeps families united and together.

U.S. MILITARY RECRUITMENT AND RETENTION. WHAT IS GOING WRONG?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I can remember what it felt like being here in this Congress as we were first debating the invasion of Iraq. And I remember asking the question, if it did not go well, as the President of the United States and Secretary of Defense said it would, who would assume the long-term burden of security and policing in that country? And I can remember some very respected Members of this Chamber saying to me privately, do not worry, MARCY. You can buy your way to victory over there. You can buy anything you want. You can even buy people. You can even buy troops.

Now, 2 years later we witness daily the results of that arrogance. All the money being handed out, the billions of dollars on the streets, the Iraqi policing force cannot even get up three battalions to defend their own country. We ought to think about that. And filling the gap are our troops, God bless them, wanting to give to our Nation, upholding what this President and Congress has asked them to do, an administration that, in my judgment, has been far too careless and reckless with their lives.

Now we are being told that 160,000 Iraqis have now been trained, and yet all the professionals tell us if you can count three battalions over there that are ready to fight, you are doing well.

So tonight, Mr. Speaker, I rise to discuss the disturbing state of recruiting for our U.S. Armed Services, particularly in the United States Army, which is bearing the brunt of that conflict.

The newspapers report this week also that the applications for our Nation's service academies are down all over the country. This is not a good sign for regular order in our military.

While the Navy, Marine Corps, and Air Force met their recruiting goals just for the month of May, the Army fell woefully short. They were able to bring in just 75 percent of their monthly goal. Their target was 6,700, and they managed to recruit 5,039 young Americans. This is fully 1,661 recruits less than they need and that would meet the Army's goal to maintain their end-strength for this year.

Without any public notice, the U.S. Army lowered its recruiting goals in May, by the way, from 8,050 to 6,700; and I calculate that the Army thus fell 38 percent short of their real recruiting goal. And we ask our services how are they going to meet their ultimate goal for this year. They are currently 39,036 recruits away from hitting their ultimate number. And they have not had a monthly target that exceeded 8,000. So how on Earth do we expect that we can meet the goal of having units that are fully recruited?

In terms of year-to-day mission achieved, the Army Reserve, Army National Guard, Naval Reserve and Marine Corps were all nearly 20 percent below the number needed to achieve their yearly goals. So now we hear that the Army wants to offer an additional enlistment bonus of $40,000 per recruit. And Army Times reports that the Army is proposing a pilot program to provide up to $50,000 for home mortgages for those who sign up for active duty.

I have to tell you, being from a family of Marines and infantrymen, I do not think that the people of this country want to be bought either. There is a code in the military of duty, honor, and country. That is priceless. And to see these kinds of numbers being waved around cuts to the quick for a Member like myself. And throwing more and more money at our college students who are indebted, there is something that seems rather coarse and against the military code of honor that we have all come to respect and what we see the current Department of Defense doing.

I do not fault the young men and women of our country when they balk at joining the Armed Forces this year, be it active duty, Guard or Reserve. This is not what they had been led to believe would happen in Iraq. They have seen over 1,700 Americans perish, 12,861 soldiers terribly wounded. And we have seen 70 daily attacks on average now in Iraq.

And 67 percent of our active duty Army troops have been deployed at least twice since 2001, and 30 percent of our National Guard and 24 percent of our Reserve troops were deployed more than once in the same time frame. This has been so hard on families.

Mr. Speaker, I will continue later this week with additional information on what is happening in our beloved Armed Forces in this country.

Mr. Speaker, I rise today to discuss the disturbing state of recruiting for the U.S. Armed Services, particularly in the United States Army. Post reports today that applications are down at our nation's service academies as well.

On Friday June 10th, the Department of Defense released the May recruiting and retention statistics for the active and reserve components. These numbers display a negative pattern for certain components of our forces—one that is very distressing to this Member of Congress.

While the Navy, Marine Corps and Air Force met their recruiting goals for the month of May, the Army fell woefully short. They were able to bring in just 75 percent of their monthly goal—5,039 of the target 6,700.

This is a full 1,661 recruits less than the Army needs and means that the Army must to maintain their end-strength for FY 2005. And this percentage is mild compared to what it should have been.

Without any public notice, the U.S. Army lowered its recruiting goals for May from 8,050 to 6,700. Using these numbers, I calculate that the Army would have fallen 38 percent short of their recruiting goal. Thirty-eight percent Mr. Speaker. This raises many, many questions. Why was this target goal lowered with no explanation? How does the Army expect to meet their congressionally mandated end-strength totals in the last four months of this fiscal year?

The Army is currently 39,036 recruits away from hitting this number. That is just under 10,000 new recruits per month. Mr. Speaker, the Army has not recruited this many people in a single month all year. They have not had a monthly target that exceeded 8,000. How on earth do they expect to make this happen?

And this shortfall is just for the active duty component. The Army Reserve recruited 82 percent of their May monthly goal, the Marine Corps Reserve just 88 percent of their monthly goal and the Navy Reserve brought aboard 94 percent of their monthly goal.

This is not a new trend. As of March 31st, four of the Reserve components were still falling significantly short of their recruiting objectives. In terms of year-to-date mission achieved, the Army Reserve, Army National Guard, Naval Reserve and Marine Corps Reserve were all nearly 20 percent below the number needed to achieve their yearly goals. This information should be frightening to every Member of Congress. Not only is the shortfall affecting the active duty components, it is tricking down to our Guard and Reserve as well.

Mr. Speaker, I think that this speaks volumes. So what steps have been taken to increase recruiting for the services?

The Army wants to double the enlistment bonus for certain hard to fill jobs to $40,000 (as reported by USA Today on June 10) and the Army Times reports that the "Army is proposing a pilot program to provide up to $50,000 in home mortgage help for those who sign up for active duty." All this on top of having spent nearly $200 million on positive and upbeat television ads and increased their recruiter pool by 1,000. Moreover, the Army National Guard has announced that they will add another 500 recruiters for a total plus-up of

1,900 (to 4,600) in 2005. The Army Reserve is adding 734 for a total of 1,774.

Mr. Speaker, I do not believe that simply increasing the number of military recruiters and throwing more and more money in the faces of our nation's high-school and college students is going to solve the recruiting shortfall.

No, we need to dig deep to understand the factors that are causing these shortfalls and address the situation there.

A Congressional Research Service report on this very issue notes that the United States has become embroiled in several major military operations overseas "that have dramatically increased the operations tempo of the military services. This has been especially true in the Army, which has shouldered the bulk of the manpower burden associated with the occupation of Iraq. Additionally, more military personnel have been killed or wounded in Iraq than in any other conflict since the Vietnam War. Many observers have expressed concern that the current operations tempo, and the level of casualties in Iraq, might lead to lower recruiting and retention rates, thereby jeopardizing the vitality of today's all volunteer military."

There cannot be any disagreement that the Global War on Terror (specifically operations in Iraq and Afghanistan) has taken its toll on military recruitment and retention. And I'm not sure that anyone over at the Department of Defense is listening.

I don't fault young men and women when they balk at joining the armed forces this year—be it active duty, guard or reserve. This is not what they had been led to believe would happen in Iraq.

Not when we have seen more than 1,700 Americans perish in Iraq since March of 2003.

Not when 12,861 soldiers have been wounded in action.

Not when last month saw approximately 70 daily attacks by insurgents in Iraq.

Not when 67 percent of Active Duty Army troops have been deployed at least twice between 9/01 and 1/05.

Not when 30 percent of National Guard and 24 percent of Reserve troops were also deployed more than once in that same timeframe.

Not when we are sending troops to Iraq without the best armor, vehicles and equipment possible.

And not when this Administration routinely shortchanges the amount of money we should spend on Veterans in this nation all while mismanaging an unpopular war.

Mr. Speaker, our recruiting problems stem directly from the Administration's poor plan for Iraq. The young men and women in this great nation are not opposed to serving our nation in times of need. We know they are quite willing to sacrifice for the greater good. But I think it is undeniable that they do not believe protecting the oil pipelines by Iraq and unilaterally and preemptively attacking a nation that posed no strategic threat to the United States is a part of the greater good.

EFFECTS OF ACCUTANE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I come here tonight concerned about drug safety and to speak out to protect our children from the acne drug Accutane. As a legislator, I have called for more restrictions on the distribution and use of this drug, which is known to cause severe birth defects and a form of impulsive behavior and depression in patients taking this drug.

This drug has devastated my family with the loss of our son BJ and more than 268 other families who have lost their young son or daughter while he or she was taking Accutane.

News stories persist concerning the safety of our prescription drugs. When an FDA safety reviewer, Dr. David Graham, testified before the Senate Finance Committee this past winter, he stated, "I would argue that the FDA as currently configured is incapable of protecting America against another Vioxx." He went on to tell the Senate Finance Committee that "there are at least five other drugs on the market today that should be looked at seriously to see whether they should remain on the market." He cited the acne drug Accutane.

Why Accutane? Accutane is the poster child for why we need an independent body to approve and review drug safety. Accutane causes horrendous birth defects and may cause psychiatric disorders such as depression and suicide. It is linked to over 268 suicides, according to the FDA.

A recent study here by Dr. J. Douglas Bremner demonstrates how Accutane affects the brain, possibly causing impulsive behavior due to changes in the orbitofrontal cortex. This is the front part of the brain. This is an area known to cause or mediate depression.

As Dr. Bremner showed us in his study of the brain, there is a decrease in the metabolism of the brain. This chart here is of two PET scans of the same person's brain. The PET scan on your left establishes a baseline for the person before they took Accutane.

Now look at the second PET scan of the same person after 4 months on Accutane. Notice in the first scan before the Accutane the color red representing brain activity in the front part of the brain.

Now, on the second PET scan, the post-Accutane one, notice very little red, representing decreased brain activity in the same person after 4 months on Accutane therapy. Accutane decreases the metabolism in the front part of the brain, the area we know that mediates depression.

Dr. Bremner has concluded that this one patient here, there is a 21 percent decrease in brain metabolism in this patient. This change in the brain only occurred in Accutane patients.

Dr. Bremner performed PET scans on other non-Accutane patients who were taking a different oral antibiotic for acne. None of these patients experienced any brain changes.

Dr. Bremner also found that one-half of his Accutane patients in this study experienced a brain change, those who complained of severe headaches. Is it the excessive dosage found in the current formula of Accutane that is the cause of the change in the brain that we see in this PET scan?

The medical evidence is clear that Accutane causes changes in the brain, and this may be what leads some people to take their lives.

Let us join with Dr. Graham, the Centers for Disease Control, and other health care groups that have expressed strong concerns about the safety of this drug and who have called for Accutane to be withdrawn from the market as far back as 1990.

Let us pull Accutane from the market at least until we have all the answers surrounding this powerful drug. At the very least, the FDA should immediately require a large-scale review and study on the drug's effects on the brain.

Is this change of metabolism we see, that we see here, is it reversible? Will the brain repair itself? What amount or what dose of Accutane is safe? What amount or what dose of Accutane can be safely taken so the human brain is not affected? Has the FDA done enough to protect the American people, especially our young people, from the side effects of Accutane? Has the FDA seriously looked at Dr. Bremner's study and similar studies in animal testing, all of which demonstrate Accutane affects the brain?

It is time to protect our children. It is time to withdraw this drug, Accutane, from the market until all of our important safety questions are fully and completely answered.

HIDDEN COSTS OF WAR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, this evening, I would like to address the subject of the hidden cost of war. The cost of war is always more than anticipated. If all the costs were known prior to beginning a war, fewer wars would be fought. At the beginning, optimism prevails; denial and deception override the concern for the pain and penalties yet to come. Jingoistic patriotism and misplaced militarism too easily silence those who are cautious about the unforeseen expenses and hardships brought on by war. Conveniently forgotten are the goals never achieved by armed conflict and the negative consequences that linger for years. Even some who recognize that the coming war will be costly easily rationalize that the cost will be worth it. Others claim it is unmanly or weak to pursue a negotiated settlement of a political dispute which helps drive the march toward armed conflict.

It has been argued by proponents of modern technological warfare in recent decades that sophisticated weapons greatly reduce the human cost by using a smaller number of troops equipped with smart weapons that minimize battle deaths and collateral damage. This belief has led some to be more willing to enter an armed conflict. The challenge will be deciding whether or not modern weapons actually make war more acceptable and less costly.

So far, the use of sanctions, the misjudgments of resistance to occupation, and unintended consequences reveal that fancy weapons do not guarantee fancy and painless outcomes. Some old-fashioned rules relating to armed conflicts cannot be easily repealed despite the optimism of the shock-and-awe crowd.

It seems that primitive explosive weapons can compete quite effectively with modern technology when the determination exists and guerilla tactics are used. The promised efficiency and the reduced casualties cannot yet be estimated.

Costs are measured differently depending on whether or not a war is defensive or offensive in nature. Costs in each situation may be similar, but are tolerated quite differently. The determination of those defending their homeland frequently is underestimated, making it difficult to calculate cost.

□ 1815

Consider how long the Vietnamese fought and suffered before routing all foreign armies. For 85 years the Iraqis steadfastly have resisted all foreign occupation, and even their previous history indicates that meddling by Western and Christian outsiders in their country would not be tolerated.

Those who fight a defensive war see the costs of the conflict differently. Defenders have the goal of surviving and preserving their homeland, religious culture and their way of life, despite the shortcomings of their prior leaders. Foreigners are seen as a threat. This willingness to defend to the last is especially strong if the entity they fight for affords more stability than a war-torn country.

Hardships can be justified in a defensive war, and uses of resources is more easily justified than in an unpopular, far-away conflict. Motivations are stronger, especially when the cause seems to be truly just and the people are willing to sacrifice for the common goal of survival.

Defensive war provides a higher moral goal, and this idealism exceeds material concerns. In all wars, however, there are profiteers and special interests looking after their own selfish interests. Truly defensive wars never need a draft to recruit troops to fight. Large numbers voluntarily join to face the foreign threat. In a truly defensive war, huge costs in terms of money, lives and property are endured because so much is at stake; total loss of one's country the alternative.

The freer a country is, where the love of liberty is alive and well, the greater the resistance. A free society provides greater economic means to fight than a tyrannical society. For this reason, truly free societies are less likely to be attacked by tyrants, but societies that do not enjoy maximum freedom and economic prosperity still pool together to resist invaders.

A spirit of nationalism brings people together when attacked, as do extreme religious beliefs. The cause of liberty or divine emperor or radical Islam can inspire those willing to fight to the death to stop a foreign occupation. These motivations make the costs and risks necessary and justifiable, where a less popular offensive war will not be tolerated for long.

Idealism inspires a strong defense. Cynicism eventually curtails offensive wars. The costs of offensive war over time is viewed quite differently by the people who must pay. Offensive wars include those that are initiated by one country to seek some advantage over another without provocation. This includes needless intervention in the internal affairs of others and efforts at nation-building, even when well-intentioned.

Offensive war never achieves the high moral ground, in spite of proclamations made by the initiators of the hostilities. Offensive wars eventually fail, but, tragically, only after much pain and suffering. The cost is great and not well accepted by the people who suffer and have nothing to gain. The early calls for patriotism and false claims generate initial support, but the people eventually tire.

At the beginning of an offensive war, the people are supportive because of the justifications given by the government authorities who want the war for ulterior reasons, but the demands to sacrifice liberty at home to promote freedom and democracy abroad ring hollow after the costs and policy shortcomings become evident.

Initially, the positive propaganda easily overwhelms the pain of the small number who must fight and suffer injury. Offensive wars are fought without as much determination as defensive wars. They tend to be less efficient and more political, causing them to linger and drift into stalemate or worse.

In almost all wars, governments use deception about the enemy that needs to be vanquished to gain the support of the people. In our recent history, just since 1941, our government has entirely ignored the requirement that war be fought only after a formal congressional declaration, further setting the stage for disenchantment once the war progresses poorly.

Respect for the truth is easily sacrificed in order to rally the people for the war effort. Professional propagandists, by a coalition of the media and the coalition officials, beat the war drums. The people follow out of fear of being labeled unpatriotic and weak in the defense of our Nation, even when there is no national security threat at all.

Joining in support for the war are the special interest groups that have other agenda to pursue: profits, religious beliefs and partisan political obligations. Ideologues use war to pursue personal ambitions unrelated to national defense and convert the hesitant with promises of spreading democracy, freedom and prosperity. The tools they use are unrestrained state power to force their ideals on others, no matter how unjust it seems to the unfortunate recipients of the preemptive war.

For some, the more chaos, the greater the opportunity to jump in and remake a country or an entire region. At times in history, the opening salvo has been deliberately carried out by the ones anxious to get the war under way, while blaming the opposition for the incident. The deceptions must stir passion for the war through an appeal to patriotism, nationalism, machismo and jingoistic manliness of proving one's self in great feats of battle.

This early support before the first costs are felt is easily achieved. Since total victory may not come quickly, however, support by the people is gradually lost. When the war is questioned, the ill-conceived justifications for getting involved are reexamined and found to have been distorted. Frequently the people discover they were lied to so that politicians could gain support for a war that had nothing to do with national security.

These discoveries and the disenchantments come first to those directly exposed to danger in the front lines where soldiers die or lose their limbs. Military families and friends bear the burden of grief, while the majority of the citizens still hope the war will end or never affect them directly in any way.

But as the casualties grow, the message of suffering spreads, and the questions remain unanswered concerning the real reason an offensive war was necessary in the first place. Just when the human tragedy becomes evident to a majority of the citizens, other costs become noticeable: Taxes are raised, deficits explode, inflation raises its ugly head, and the standard of living for the average citizen is threatened. The funds for the war, even if immediate taxes are not levied, must come from the domestic economy, and everyone suffers. The economic consequences of the Vietnam War were felt throughout the 1970s and even into the early 1980s.

As the problems mount, the falsehood and distortions on which the war was based become less believable and collectively resented, the government and the politicians who pursued the policy lose credibility. The tragedy, however, is that once the majority discovers the truth, much more time is needed to change the course of events. This is the sad part.

Political leaders who needlessly dragged us into the war cannot and will not admit an error in judgment. In fact, they do the opposite to prove they were right all along. Instead of winding down, the war gets a boost to prove the policy was correct and bring the war to a victorious conclusion. This only motivates the resistance of those fighting the defensive side of the war. More money and more troops must be sacrificed before the policy changes.

Using surrogate foreign troops may seem to cut domestic troop losses in the country starting the war, but will only prolong the agony, suffering and the costs and the increase in the need for even more troops. Withdrawing financial support for the effort is seen as being even more unpatriotic than not having supported the war in the first place.

Support for the troops becomes evident to supporting the flawed policy that led to the mess. No matter how unwise the policy and how inevitable the results, changing course becomes almost impossible for those individuals who promoted the war. This fear of being labeled unpatriotic and not supportive of the troops on the battlefield ironically drives a policy that is more harmful to the troops and costly to the folks at home.

Sometimes it requires a new group of politicians, removed from the original decision-makers who initiated the war to bring about a policy shift. Johnson could not do it in Vietnam, and Nixon did it slowly, awkwardly and not without first expanding the war before agreeing enough was enough.

With the seemingly inevitable delays in altering policy, the results are quite predictable. Costs escalate, and the division between the supporters and nonsupporters widens. This adds to economic problems, while further eroding domestic freedoms, as with all wars.

On occasion, as we have seen in our own country, dissent invites harsh social and legal repercussions. Those who speak out in opposition will not only be ostracized, but may feel the full force of the law coming down on them. Errors in foreign affairs leading to war are hard to reverse, but even if deliberate action does not change the course of events, flawed policies eventually will fail as economic laws will assert themselves.

The more people have faith in and depend upon the state, the more difficult it is to keep the state from initiating wars. If the state is seen as primarily responsible for providing personal and economic security, obedience and dependency becomes a pervasive problem. If the state is limited to protecting liberty and encourages self-reliance and personal responsibility, there is a much better chance for limiting pro-war attitudes. The great danger of war, especially unnecessary war, is that it breeds more dependency while threatening liberty, always allowing the state to grow regardless of existing attitudes before the war.

War unfortunately allows the enemies of liberty to justify the sacrifice of personal freedoms, and the people all too often carelessly sacrifice precisely what they are supposed to be fighting for: freedom. Our revolution was a rare exception. It was one war where the people ended up with more freedom, not less.

Almost every war has an economic component, some more odious than others. Our own Civil War dealt with slavery. The tariffs and economic oppression by the North were also major factors. Remember, only a small number of Southern soldiers personally owned slaves; yet, they were enthusiastic in their opposition to the Northern invasion.

The battles fought in the Middle East since World War I have had a lot to do with securing Arab oil fields for the benefit of Western nations. Not only are wars fought for economic reasons, wars have profound economic consequences for the countries involved, even if one side is spared massive property damage.

The economic consequences of war play a major role in bringing hostilities to an end. The consequences are less tolerated by the citizens of countries whose leaders drag them into offensive and unnecessary wars. The determination to fight on cannot compete with those who see their homeland threatened by foreign invaders.

There is essentially no one, not even among the neoconservative crowd, claiming that the Iraqi war is defensive in nature for America. Early on, this was an attempt to do so, and it was successful to a large degree in convincing the American people that Saddam Hussein had weapons of mass destruction and was connected to al Qaeda.

Now the justification for the war is completely different and far less impressive. If the current justification had been used to rally the American people and Congress from the beginning, the war would have been rejected. The fact that we are bogged down in an offensive war makes it quite difficult to extricate ourselves from the mess. Without the enthusiasm that a defensive war generates, prolonging the Iraq War will play havoc with our economy.

The insult of paying for the war, in addition to the fact that the war was not truly necessary, makes the hardship less tolerable. This leads to domestic turmoil as proponents become more vocal in demanding patriotic support and opponents become angrier for the burden they must bear.

☐ 1830

So far, the American people have not yet felt the true burden of the cost of this war. Even with over 1,700 deaths and 13,000 wounded, only a small percentage of Americans have suffered directly. But their pain and suffering is growing and more noticeable every day. Taxes have not been raised to pay the bills for the current war, so annual deficits and national debt continues to grow. This helps delay the pain of paying the bills, but the consequences of this process are starting to be felt.

Direct tax increases, a more honest way to finance a foreign interventionism, would serve to restrain those who so cavalierly take us to war. The borrowing authority of governments permit wars to be started and prolonged which otherwise would be resisted if the true cost were known to the people from the beginning.

Americans have an especially unique ability to finance our war efforts while minimizing the immediate effect. As the issuer of the world's reserve currency, we are able to finance our extravagance through inflating our dollars. We have the special privilege of printing that which the world accepts as money in lieu of gold. This is an invitation to economic disaster, permitting an ill-founded foreign policy that sets the stage for problems for years to come. A system of money that politicians and central bankers could not manipulate would restrain those with grandiose ideas of empire.

The Federal Reserve was created in 1913, and shortly thereafter the Fed accommodated the Wilsonians bent on entering World War I by inflating and deficit-financing that ill-begotten involvement. Though it produced the 1921 depression and many other problems since, the process subsequently has become institutionalized in financing our militarism in the 20th century and already in the 21st.

Without the Fed's ability to create money out of thin air, our government would be severely handicapped in waging wars that do not serve our interests. The money issue and the ability of our government to wage war are intricately related. Anyone interested in curtailing war-time spending and our militarism abroad is obligated to study the monetary system through which our government seductively and surreptitiously finances foreign adventurism without the responsibility of informing the public of its cost or collecting the revenues required to finance the effort.

Being the issuer of the world's premier currency allows a lot more abuse than a country would have otherwise.

World businesses, governments, and central banks accept our dollars as if they are as good as gold. This is a remnant of a time when the dollar was as good as gold. This is no longer the case. The trust is still there, but it is misplaced. Since the dollar is simply a paper currency without real value, someday confidence will be lost and our goose will no longer be able to lay the golden egg. That is when reality will set in and the real cost of our extravagance, both domestic and foreign, will be felt by all Americans.

We will no longer be able to finance our war machine through willing foreigners, who now gladly take our newly printed dollars for their newly produced goods, then loan them back to us at below-market rates to support our standard of living and our war effort. The payment by American citizens will come as the dollar loses value, interest rates rise, and prices increase. The higher prices become the tax that a more honest government would have levied directly to pay for the war effort.

An unpopular war, especially, needs this deception as a method of payment, hiding the true costs which are dispersed and delayed through this neat little monetary trick. The real tragedy is that this inflation tax is not evenly distributed among all the people, and more than not is borne disproportionately by the poor and the middle class as a truly regressive tax in the worst sense.

Politicians in Washington do not see inflation as an unfair seductive tax. Our monetary policy, unfortunately, is never challenged, even by the proponents of low taxes who care so little about deficits. But eventually it all comes to an end because economic law overrides the politicians' deceit.

Already we are seeing signs on the horizon that this free ride for us is coming to an end. Price inflation is alive and well and much worse than government statistics show. The sluggish economy suggests that the super stimulation of easy credit over the last decades is no longer sufficient to keep the economy strong. Our personal consumption and government spending are dependent on borrowing from foreign lenders. Artificially high standards of living can mask the debt accumulation that it requires while needed savings remain essentially nil.

The ability to print the reserve currency of the world, and the willingness of foreigners to take it, causes gross distortions in our current account deficits and total foreign indebtedness. It plays a major role in the erosion of our manufacturing base and causes the exporting of our jobs along with our dollars. Bashing foreigners, and particularly the Chinese and the Japanese, as the cause of our dwindling manufacturing and job base is misplaced. It prevents the evaluation of our own policies, policies that undermine and increase the price of our own manufacturing goods while distorting the trade balance.

Though we continue to benefit from the current circumstances through cheap imports on borrowed money, the shaky fundamentals make our economy and financial system vulnerable to sudden and severe adjustments. Foreigners will not finance our excessive standard of living and our expensive war overseas indefinitely. It will end. What we do in the meantime to prepare for that day will make all the difference in the world for the future of freedom in this country. It is the future of freedom in this country that is truly the legitimate responsibility of us as Members of Congress.

Centuries ago, the notion of money introduced the world to trade and the principle of division of labor, ushering in for the first time a level of economic existence above mere subsistence. Modern fiat money, with electronic transactions, has given an additional boost to that prosperity. But unlike sound commodity money, fiat money, with easy credit and artificially low interest rates, causes distortions and malinvestments that require corrections.

The modernization of electronic global transfers, which with sound money would be beneficial, has allowed for greater distortions and debt to be accumulated, setting the stage for a much more serious period of adjustment, requiring an economic downturn, liquidation of debt, and reallocation of resources that must eventually come from savings rather than a central bank printing press.

These economic laws will limit our ability to pursue our foreign intervention no matter how well intentioned and successful they may seem. The Soviet system collapsed on its own weakness. I fear an economic collapse here at home much more than an attack by a foreign country.

Above all, the greatest concern should be for the systematic undermining of our personal liberties since 9/11, which will worsen with an ongoing foreign war and the severe economic problems that are coming. Since we are not fighting the war to defend our homeland, and we abuse so many of our professed principles, we face great difficulties in resolving the growing predicament in which we find ourselves.

Our options are few, and admitting errors in judgment is not likely to occur. Moral forces are against us as we find ourselves imposing our will on a people 6,000 miles from our shore. How would the American people respond if a foreign country, with people of a different color, religion, and language, imposed itself on us to make us conform to their notions of justice and goodness? None of us would sit idly by. This is why those who see themselves as defenders of their homeland and their way of life have the upper hand regardless of the shock-and-awe military power available to us.

At this point, our power works perversely. The stronger and more violent we are, the greater the resistance becomes. The conservatives who took us to war under false pretenses either did not know or did not care about the history and traditions of the Iraqi people. Surely they must have heard of an Islamic defensive jihad that is easy to promote when one's country is being attacked by foreign forces.

Family members have religious obligations to avenge all killing by foreign forces, which explains why killing insurgents only causes their numbers to multiply. This family obligation to seek revenge is closely tied to achieving instant eternal martyrdom through vengeful suicide attacks. Parents of martyrs do not weep, as the parents of our soldiers do. They believe the suicide bombers in their families are glorified. These religious beliefs cannot simply be changed during the war.

The only thing we can do is remove the incentives we give to the religious leaders of the jihad by leaving them alone. Without our presence in the Middle East, whether on the Arabian Peninsula or in Iraq, the rallying cry for suicidal jihadists would ring hollow. Was there any fear of our national security from a domestic terrorist attack by Islamists before we put a base in Saudi Arabia?

Our freedoms here at home have served the interests of those who are hell bent on pursuing an American empire, though this, too, will be limited by economic costs and the undermining of our personal liberties. A free society produces more wealth for more people than any other. That wealth, for many years, can be confiscated to pay for the militarism advocated by those who promote preemptive war.

But militarism and its costs undermine the very market system that provided the necessary resources in the first place. As this happens, productivity and wealth are diminished, putting pressure on the authority to ruthlessly extract even more funds from the people. For what they cannot collect through taxes, they take through currency inflation, eventually leading to an inability to finance unnecessary and questionable warfare and bringing the process to an end.

It happened to the Soviets, and their military machine collapsed. Hitler destroyed Germany's economy, but he financed his aggression for several years by immediately stealing the gold reserves of every country he occupied. That too was self-limited, and he met his military defeat.

For us, it is less difficult, since we can confiscate the wealth of American citizens and the savers of the world merely by printing more dollars to support our militarism. Though different in detail, we too must face the prospect that this system of financing is seriously flawed and our expensive policy of worldwide interventionism will collapse. Only a profound change in attitudes regarding our foreign policy, our fiscal policy, and our monetary policy will save us from ourselves.

If we did make these changes, we would not need to become isolationists, despite what many claim. Isolationism is not the only alternative to intervention in other nations' affairs. Freedom works. Free markets supported by sound money, private properties, and respect for all voluntary contracts can set an example for the world, since the resulting prosperity would be significant and distributed more widely than any socialist system.

Instead of using force to make others do it our way, our influence could be through the example we set that would motivate others to emulate us. Trade, travel, and exchange of ideas and friendly relationships, with all those who seek friendship, are a far cry from a protectionist closed-border Nation that would serve no one's interest. This type of society would be greatly enhanced with a worldwide commodity standard of money. This would prevent the imbalances that are a great burden to today's economy. Our current account deficits and total foreign indebtedness would not occur under an honest, nonpolitical commodity money. Competitive devaluations and abnormally fixed exchange rates would not be possible as tools of protectionism.

We can be certain that the distortions in the trade balance and the WTO trade wars that are multiplying will eventually lead to a serious challenge to worldwide trade. The tragedy of trade wars is that they frequently lead to military wars between nations. And until the wealth is consumed and the young men are no longer available to fight and die, the process will cost plenty.

We must not forget that real peace and prosperity are available to us. America has a grand tradition in this regard, despite her shortcomings. It is just that in the recent decades the excessive unearned wealth available to us to run our welfare warfare state has distracted us from our important traditions: honoring liberty and emphasizing self-reliance and responsibility. Up until the 20th century, we were much less eager to go around the world searching for dragons to slay. That tradition is a good one and one that we must reconsider before the ideal of personal liberty is completely destroyed.

Mr. DUNCAN. Mr. Speaker, will the gentleman yield?

Mr. PAUL. I would be glad to yield to the gentleman from Tennessee.

Mr. DUNCAN. Mr. Speaker, I have come here tonight, first of all, to commend the gentleman from Texas for these remarks and for his leadership role that he has taken in this regard. I also want to commend our colleague, the gentleman from North Carolina (Mr. JONES), because he feels so badly that he voted for this war and now he has seen what has happened. And certainly the most unfortunate thing has been the more than 1,700 young Americans who have been killed there now, and the some 12,000 who have been wounded, many of them severely wounded, maimed for life, in what was a totally unnecessary war.

I told people before this war started that there was nothing conservative about this war; that it was going to mean massive foreign aid, which conservatives have traditionally been against; that it was going to mean huge deficit spending, which conservatives have traditionally been against.

Lawrence Lindsey, who was the President's leading economic adviser, said before the war started that it would cost $100 billion to $200 billion. Now, by the end of this fiscal year, we are going to be at the astounding figure of $300 billion. And I think the only reason more people are not upset about that is that it is humanly impossible to truly comprehend a figure as high as $300 billion.

□ 1845

Of course Lawrence Lindsey lost his job over that. A few days before we voted on this war back in October of 2002, I was called to the White House with five other Members and was given a briefing by Condoleezza Rice; George Tenet, then head of the CIA; and John McLaughlin, the Deputy Director. I asked about the Lindsey prediction and was told by Ms. Rice, oh, no, the war would not cost near as much.

I asked them if you could get by the traditional conservative view against massive foreign aid and get by the traditional conservative position of being against huge deficit spending, and if you could get past the traditional conservative view that the U.S. should not be the policeman of the world, was there any evidence of any imminent threat?

I was told there was no evidence of any imminent threat, and that was later confirmed the day after Mr. Tenet resigned. He gave a speech at Georgetown and he said he told everyone all along there was no evidence of any imminent threat by Saddam Hussein, who was truly an evil man. I asked at that time meeting at the White House how much Saddam Hussein's total military budget was in regard to ours, in relation to ours, and I was told it was a little over 2/10 of 1 percent of ours.

It just amazed me that we would be considering such a drastic action, and what really impressed me later on, I read in Bob Woodward's book, and the briefing I had was in October 2002. Some 2.5 months later on December 21, the President received that same briefing from Mr. Tenet and Mr. McLaughlin and probably received more information than I did. According to Mr. Woodward, the President's comment was, Is that the best we have? That will never convince Joe Public. And yet we went on to this unnecessary war anyway.

One thing that disturbed me about this also, not as much as the deaths and the woundings, but many people, I think, mistakenly thought this was a conservative war. The gentleman from Texas (Mr. PAUL) and I are two of the most conservative Members of this House, as is the gentleman from North Carolina (Mr. JONES) and the gentleman from Indiana (Mr. HOSTETTLER), another one of our colleagues who voted against the war.

Charlie Reese, a nationally syndicated conservative columnist, who was chosen several years ago as the favorite columnist of C–SPAN viewers, said before the war that it is ludicrous to think that a Third World country like Iraq is a threat to the United States.

He went on to write, "A U.S. attack on Iraq is a prescription for the decline and fall of the American empire. Overextension, urged on by a bunch of rabid intellectuals who wouldn't know one end of a gun from another, has doomed many an empire. Just let the United States try to occupy the Middle East, which will be the practical result of a war against Iraq, and Americans will be bled dry by the cost in both blood and treasury."

James Webb, President Reagan's Secretary of the Navy and a Vietnam veteran, wrote a column in the Washington Post strongly opposing this war before it started. He said if we went in, we would be there probably for 30 years.

A professor of international affairs at Sarah Lawrence College wrote in the Washington Post before the war started, "Initially, a military liberation of Baghdad could unleash joy in the streets of Iraq. But unless the United States is willing to forcefully police the new order for many years to come, Iraq will fracture and descend into chaos, destabilizing its neighbors and giving rise to new jihad groups that will attack Americans. Not only will there be no democracy in Iraq, but U.S. vital interests will be in danger."

The gentleman mentioned the word "isolationist" a few minutes ago. Anyone who opposes any foreign adventure or misadventure is sometimes referred to as an isolationist. But our policies and actions in Iraq have isolated us almost more than anything else we have done from the rest of the world.

I have traveled in many foreign countries, and in almost every country I have been told 75 to 80 percent of the people have been against the war. Dick Armey, the Republican majority leader at the time we voted on the war, said before the war started, "I do not believe that America will justifiably make an unprovoked attack on another nation. It would not be consistent with what we have been as a Nation. My own view would be to let him bluster, let him rant and rave all he wants, and let that be a matter between he and his own country. As long as he stays within his own borders, we should not be addressing any attack or resources against him."

Jack Kemp wrote before the war, "If there is a lack of sufficient hard evidence that Saddam Hussein has his finger on the trigger of a weapon of mass destruction or is at least taking active steps to use one in the near future, are we prepared to assert the moral and legal authority to invade and conquer Iraq preemptively because we fear Saddam might use a weapon of mass destruction against us if he were able to acquire one? Would the same apply, say, to Pakistan or Iran if we fear the current regimes might fall and Taliban-like regimes take their place? What is the evidence that should cause us to fear Iraq more than Pakistan or Iran in this regard? Do we reserve the right to launch a preemptive war exclusively for ourselves, or might other nations such as India, Pakistan or China be justified in taking similar action on the basis of the fears of other nations? Based on the hard evidence I have seen, I do not believe the administration has made a compelling case for the invasion and occupation of Iraq."

Georgie Ann Geyer, a nationally syndicated columnist, wrote after the war started, "Critics of the war against Iraq have said since the beginning of the conflict that Americans, still strangely complacent about overseas wars being waged by a minority in their name, will inevitably come to a point where they will see they have to have a government that provides services at home or one that seeks empire across the globe." That seems to be what we are doing in this situation.

President Kennedy said in 1961, "We must face the fact that the United States is neither omnipotent nor omniscient, that we are only 6 percent of the world's population," now 4 percent, "that we cannot impose our will upon the other 94 percent of mankind, that we cannot right every wrong or reverse every adversity, and therefore, there cannot be an American solution to every world problem."

I can also tell Members that last year Robert Novak wrote a column and said Republicans all over the country are "distraught about the U.S. adventure in Iraq." He quoted from a speech by Senator ROBERTS, who said, "We need to restrain our growing messianic instincts, a sort of global social engineering, where the United States feels it is both entitled and obligated to promote democracy, by force, if necessary."

And of course we know, too, a few days ago that the godfather of conservativism William Buckley came out and said it is time to exit Iraq. A few months before he said if he had known in 2002 what he knows now, he would have opposed the war from the beginning.

It has not been a conservative war from the start. It was totally unfair and unconservative to put the total burden of enforcing U.N. resolutions on our taxpayers and our military. Conservatives have traditionally been the biggest critics of the U.N.

I get back to the word "isolationists," and say we should try to be friends with every nation. I think most of us support helping out during humanitarian crises. We should have trade and cultural and educational exchanges, but we should never go to war except as a very last resort.

Another great, great conservative from many years ago, Senator Robert Taft, wrote, "No foreign policy can be justified except as a policy devoted to the protection of the liberty of the American people with war only as the last resort and only to preserve that liberty." That is the true conservative position. The true conservative position is to put our own country and our own people first, and we are not doing that.

Most of what we have done in Iraq has been massive foreign aid. We have built or rebuilt over 6,000 schools. We have been rebuilding roads, water systems, power plants. We have set up a witness protection program, small business loan program, and even Internet cafes. I know that the soldiers over there are proud of these good things that they have done, but at a time when the Congress, and the gentleman from Texas (Mr. PAUL) and I do not vote to raise the national debt, but the Congress voted recently to raise our national debt to $9 trillion.

Mr. Speaker, it is not going to be many years ago, they talk about 2046, but it is going to be much sooner when we are not going to be able to pay all of our Social Security, Medicare, Medicaid. Every article says Medicare and Medicaid are in worse shape than Social Security. We have guaranteed 44 private pensions through an agency called the Pension Benefit Guaranty Corporation. We have added on a trillion-dollar prescription drug benefit. There is nobody up here that I have talked to on either side of the aisle who says we are going to be able to pay all of these obligations in the near future.

So what will we do, first we will start printing more money, but that does not work for very long. It is like a ball rolling downhill; it gets faster as it goes along, and then they are going to have to cut benefits. At the most we have 12 or 15 more years probably, and that is at the most.

A few days ago the pensioners of United Airlines woke up, and their pensions had been cut in half. It will not happen that drastically with the government, but that is the kind of future we are facing if we try to take on the obligations of the entire world.

We went into Iraq, and I can tell Members this: In 1998, I voted to give the Iraqi opposition $100 million to start the movement to take out Saddam Hussein. I was convinced that we should have let them fight their own war instead of sending our kids over there to fight and die. I think what we should do now, we should start, and I wish the President would announce a phased and orderly withdrawal. I think he could do this in a very positive way. He could say we have done far more for Iraq than any other nation has done for another in the history of the world. He could point to the $300 billion we have spent there, and he also could refer to the polls showing almost all Iraqis view us as occupiers rather than liberators. Last year in the last poll that the government took, it was 92 percent, and 78 percent in a poll taken by CNN, that the Iraqis view us as occupiers rather than liberators. They do not really appreciate what we have done. They do want our money. This is a country that Newsweek said had a gross domestic product of $65 billion before the war, and we have spent $300 billion in just a couple of years' time.

As I said earlier, some may say this is isolationist, but the truth is the war in Iraq has isolated us from almost everyone except a few foreign policy elitists around the world. When they use thoughtless cliches like we cannot cut and run, or we must stay the course, we should ask, why? Is what we are accomplishing or not accomplishing in Iraq worth one more young American being killed? Would it be worth the life of your son and daughter, I would say to anyone who happens to be listening to this?

Last June about this time I read in the Chicago Tribune a story about a young soldier who had just been killed in Iraq. Just a few days earlier he had called his mother and told her, this is not our war. We should not be here. I can tell Members this: We changed the name of the War Department many years ago to the Department of Defense. We should make it truly a Defense Department once again and bring our troops home.

I can tell Members very few people in this Congress, I do not think anybody in the Congress, really respects and admires the military more than I do, but I believe in national defense. I do not believe in international defense, and if we take on the defense obligations of the entire world, and that is another thing, conservatives have never believed in world government. This is not a conservative war. We should begin a phased, orderly withdrawal and stop the killing over there. It is such a sad thing, and it is just not worth what we are going through.

Mr. Speaker, I thank the gentleman from Texas (Mr. PAUL) for getting this time tonight and all of his comments.

Mr. PAUL. Mr. Speaker, I thank the gentleman from Tennessee (Mr. DUNCAN) for participating, and thank him for his leadership, his votes and his energy that he puts in in trying to keep this Congress straight and the budget straight.

I think the points the gentleman made about the issue of whether the conservative position is for the war or against the war is, I think, very appropriate, because too often it is assumed if there is a war going on, the conservative position is you have to promote that war.

□ 1900

As a matter of fact, sometimes I like to think of the term, which is conservative, and that is belief in the Constitution, which is a very conservative view. I believe if we adhered more strictly to the Constitution, we would probably be involved much less so in these kinds of wars.

During the time when this resolution came up, I am on the Committee on International Relations, I offered an amendment to declare war, not that I supported the war nor would I vote for the amendment, but to make the point that if this country, this Congress wants to go to war, they ought to be up front with it and make a declaration of war, decide what we have to do and go and win it. But not one single person voted to declare war. As a matter of fact, it was turned back to me and said, why would I think of bringing up such a frivolous notion about the Constitution and declaration of war? Another Member said, That part of the Constitution is anachronistic. We don't look at that anymore.

Mr. DUNCAN. If the gentleman will yield, just one brief comment. Probably, unfortunately, one of the weakest arguments up here against any legislation is that it is unconstitutional, but it should be the strongest argument.

Mr. PAUL. If we do not use that argument, what good is our oath of office? What good is our oath to our people when we talk to them at home? I think that is our obligation. Sometimes I will take a vote that I am not particularly happy with, but I will do it because I believe I am adhering to my oath of office and believe it is the process that is not correct and we have to change the Constitution if we need to do it. I think this is so important, because I do not think we have the authority in the Constitution to start preemptive war, to go into nation-building and to change regimes. I just cannot see that it is there. I think that has led us to get into these problems since World War II especially.

Of course, I did mention in my prepared text that declaration of war is important but also if we would restrain, as the Constitution does, the monetary authorities from printing money at will to finance wars like this, I think we would be fighting a lot less wars.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for June 7 on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. GUTIERREZ, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, June 21.

Mr. FOSSELLA, for 5 minutes, today.

Mr. POE, for 5 minutes, June 15.

ADJOURNMENT

Mr. PAUL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 15, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2324. A letter from the Directors, Congressional Budget Office and Office of Management and Budget, transmitting a joint report on the technical assumptions to be used in preparing estimates of National Defense Function (050) fiscal year 2006 outlay rates and prior year outlays, pursuant to 10 U.S.C. 226(a); to the Committee on Armed Services.

2325. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General Donald G. Cook, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

2326. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Admiral Walter F. Doran, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

2327. A letter from the Under Secretary for Acquisition, Technology, & Logistics, Department of Defense, transmitting information submitted to the Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2328. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Australia for defense articles and services (Transmittal No. 05-13), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2329. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Greece (Transmittal No. DDTC 014-05), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2330. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 23(g) of the Arms Export Control Act (AECA), notification concerning the request for the Goverment of Israel to cash flow finance a Foreign Military Sales (FMS) case for the procurement of repair and maintenance services under a Fleet Modernization Program (FMP) for Pratt & Whitney engines in the Israeli Air Force's F-16I fighter aircraft; to the Committee on International Relations.

2331. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting Pursuant to the Anti-Economic Discrimination Act of 1994, part C of Title V, Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, as amended (Public Law 103-236), the Secretary's determination suspending prohibitions on certain sales and leases under the Anti-Economic Discrimination Act of 1994 and the accompanying Memorandum of Justification; to the Committee on International Relations.

2332. A letter from the Chief Executive Officer, Corporation for National & Community Service, transmitting the Corporation's Report on Final Action as a result of Audits in respect to the semiannual report of the Office of the Inspector General for the period from October 1, 2004 through March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2333. A letter from the Acting Assistant Secretary for Policy, Planning, and Preparedness, Department of Veterans Affairs, transmitting in accordance with Pub. L. 105-270, the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Department's inventory of commerical activities for calendar year 2004; to the Committee on Government Reform.

2334. A letter from the Administrator, General Services Administration, transmitting the Administration's audit covering the period October 1, 2004 through March 31, 2005 and a report providing management's perspective on the implementation status of audit recommendations, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2335. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2004 through March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2336. A letter from the Secretary, Department of the Interior, transmitting the 2004 Annual Report for the Office of Surface Mining Reclamation and Enforcement (OSM), pursuant to 30 U.S.C. 1211(f), 1267(g), and 1295; to the Committee on Resources.

2337. A letter from the Secretary, Department of Health and Human Services, transmitting a petition on behalf of a class of workers from the Iowa Army Ammunition Plant (IAAP) in Burlington, Iowa, to have IAAP added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

2338. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CENTRAIR 101 Series Gliders [Docket No. FAA–2004–19522; Directorate Identifier 2004–CE–36–AD; Amendment 39–14064; AD 2005–08–12] (RIN: 2120–AA64) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2339. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–8–33 and –43 Airplanes; Model DC–8F–54 and DC–8F–55 Airplanes; and Model DC–8–60, –60F, –70, and –70F Series Airplanes [Docket No. FAA–2005–20135; Directorate Identifier 2003–NM–231–AD; Amendment 39–14060; AD 2005–08–08] (RIN: 2120–AA64) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2340. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG–800B Sailplanes [Docket No. 2003–CE–65–AD; Amendment 39–14065; AD 2005–08–13] (RIN: 2120–AA64) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2341. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Limited Models B4–PC11, B4–PC11A, and B4–PC11AF Sailplanes [Docket No. FAA–2004–20006; Directorate Identifier 2004–CE–49–AD; Amendment 39–14059; AD 2005–08–07] (RIN: 2120–AA64) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2342. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited Model Avro 146–RJ Series Airplanes [Docket No. FAA–2005–20078; Directorate Identifier 2004–NM–210–AD; Amendment 39–14068; AD 2005–08–16] (RIN: 2120–AA64) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2343. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes [Docket No. FAA–2005–20023; Directorate Identifier 2004–NM–49–AD; Amendment 39–14067; AD 2005–08–15] (RIN: 2120–AA64) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2344. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; LET a.s. Model Blanik L–13 AC Sailplanes [Docket No. 2003–CE–57–AD; Amendment 39–14066; AD 2005–08–14] (RIN: 2120–AA64) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2345. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model 800XP Airplanes [Docket No. FAA–2005–20251; Directorate Identifier 2004–NM–164–AD; Amendment 39–14071; AD 2005–09–03] (RIN: 2120–AA64) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2346. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–81(MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), and MD–88 Airplanes [Docket No. 2001–NM–293–AD; Amendment 39–14072; AD 2005–09–04] (RIN: 2120–AA64) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2347. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–300, –400, and –500 Airplanes Modified In Accordance With Supplemental Type Certificate (STC) ST00127BO [Docket No. FAA–2004–19891; Directorate Identifier 2004–NM–136–AD; Amendment 39–14006; AD 2005–05–17] (RIN: 2120–AA64) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2348. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2001–NM–322–AD; Amendment 39–13221; AD 2003–14–02] (RIN: 2120–AA63) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2349. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca S.A. Arriel 1 Turboshaft Engines [Docket No. 2002–NE–43–AD; Amendment 39–13199; AD 2003–12–14] (RIN: 2120–AA64) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2350. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McCauley Propeller Systems, Inc. Propeller Hub Model B5JFR36C1101, C5JFR36C1102, B5JFR36C1103, and C5JFR36C1104. Correction [Docket No. 2003–NE–32–AD; Amendment 39–13285; AD 2003–17–10] (RIN: 2120–AA64) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2351. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; International Aero Engines AG (IAE) V2522–A5, V2524–A5, V2527–A5, V2527E–A5, V2527M–A5, V2530–A5, and V2533–A5 Turbofan Engines; Correction [Docket No. 2003–NE–21–AD; Amendment 39–13183; AD 2003–11–23] (RIN: 2120–AA64) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2352. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hartzell Propeller Inc. ()HC–() (2,3) (X,Y) ()—() Series and HA–A2V20–1B Series Propellers with Aluminum Blades; Correction [Docket No. 96–ANE–40–AD; Amendment 39–13212; AD 97–18–02R1] (RIN: 2120–AA64) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2353. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2002–NM–100–AD; Amendment 39–13070; AD 2003–04–21 R1] (RIN: 2120–AA64) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2354. A letter from the Secretary, Department of Health and Human Services, transmitting a biennial report on evaluation, research and technical assistance activities supported by "The Promoting Safe and Stable Families Program," pursuant to Public Law 107—133; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 420. A bill to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes; with an amendment (Rept. 109–123). Referred to the Committee of the Whole House of the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 38. A bill to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System (Rept. 109–125). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 539. A bill to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System; with an amendment (Rept. 109–126). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 800. A bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages or injunctive or other relief resulting from the misuse of their products by others; with an amendment (Rept. 109–124). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLE: Committee on Rules. House Resolution 315. Resolution providing for consideration of the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–127). Referred to the House Calendar.

Mr. POMBO: Committee on Resources. H.R. 975. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the

United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, and for other purposes (Rept. 109–128 Pt. 1). Order to be printed.

Mr. POMBO: Committee on Resources. H.R. 599. A bill to provide a source of funds to carry out restoration activities on Federal lands under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, and for other purposes; with an amendment (Rept. 109–129 Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 554. A bill to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain, or obesity; with an amendment (Rept. 109–130). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Mr. SENSENBRENNER: Committee on the Judiciary. House Joint Resolution 10. Resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States (Rept. 109–131). Referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 599 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 975 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FORD (for himself, Mr. SHIMKUS, Mr. GORDON, Mr. HOLDEN, Mr. FRANK of Massachusetts, Mr. CARDOZA, Mr. CLEAVER, Mr. BARROW, Mrs. MCCARTHY, Mr. DAVIS of Illinois, Ms. WOOLSEY, Mr. BISHOP of Georgia, Ms. MILLENDER-MCDONALD, Mr. BERRY, Mr. SMITH of Washington, and Mr. HIGGINS):

H.R. 2874. A bill to provide for a program under which postal benefits shall be made available for purposes of certain personal correspondence and other mail matter sent from within the United States to members of the Armed Forces serving on active duty in military operations abroad, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALDEN of Oregon (for himself and Mr. UDALL of New Mexico):

H.R. 2875. A bill to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and for other purposes; to the Committee on Resources, and in addition to the Committees on Agriculture, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Wisconsin (for himself, Mr. CONYERS, Ms. PRYCE of Ohio, Ms. GINNY BROWN-WAITE of Florida, Ms. SOLIS, Mr. REICHERT, Ms. HART, Mr. BOUSTANY, Mr. MICHAUD, Mr. FOLEY, Mr. POE, Mrs. MALONEY, Mrs. CAPITO, Ms. DELAURO, Mrs. CAPPS, and Ms. SLAUGHTER):

H.R. 2876. A bill to reauthorize the Violence Against Women Act of 1994; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Energy and Commerce, Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. GILCHREST, and Mr. PLATTS):

H.R. 2877. A bill to provide for the expansion and intensification of efforts for prevention, education, and research activities with respect to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee; to the Committee on Energy and Commerce.

By Mr. CANTOR:

H.R. 2878. A bill to require the Secretary of the Treasury to redesign $1 Federal reserve notes so as to incorporate the preamble to the Constitution of the United States, a list describing the Articles of the Constitution, and a list describing the Amendments to the Constitution, on the reverse side of such notes; to the Committee on Financial Services.

By Mr. CHABOT:

H.R. 2879. A bill to suspend temporarily the duty on P Tolulene Sulfonyl Chloride; to the Committee on Ways and Means.

By Mr. CHABOT:

H.R. 2880. A bill to suspend temporarily the duty on 3,3 Dichlorobenzidine Dihydrochloride; to the Committee on Ways and Means.

By Mr. CHABOT:

H.R. 2881. A bill to suspend temporarily the duty on p-Amino Benzamide; to the Committee on Ways and Means.

By Mr. CHABOT:

H.R. 2882. A bill to suspend temporarily the duty on p-Cloro Aniline; to the Committee on Ways and Means.

By Mr. CHABOT:

H.R. 2883. A bill to suspend temporarily the duty on p-Chloro-o-Nitro Aniline; to the Committee on Ways and Means.

By Mr. CHABOT:

H.R. 2884. A bill to suspend temporarily the duty on 3 Chloro-4-Methylanine; to the Committee on Ways and Means.

By Mr. CHABOT:

H.R. 2885. A bill to suspend temporarily the duty on Acetoacet-o-Chloro Anilide; to the Committee on Ways and Means.

By Mr. CHABOT:

H.R. 2886. A bill to suspend temporarily the duty on Acetoacet-p-Anisidine; to the Committee on Ways and Means.

By Mr. CHABOT:

H.R. 2887. A bill to suspend temporarily the duty on Alpha Oxy Naphthoic Acid; to the Committee on Ways and Means.

By Mr. CHABOT:

H.R. 2888. A bill to suspend temporarily the duty on Pigment Green 7 Crude, not ready for use as a pigment; to the Committee on Ways and Means.

By Mr. CHABOT:

H.R. 2889. A bill to suspend temporarily the duty on 1,3 Diamino Isoindoline; to the Committee on Ways and Means.

By Mr. CHABOT:

H.R. 2890. A bill to suspend temporarily the duty on 1,8 Naphthalamide; to the Committee on Ways and Means.

By Mr. CUMMINGS:

H.R. 2891. A bill to establish a servitude and emancipation archival research clearinghouse in the National Archives; to the Committee on Government Reform.

By Mr. FITZPATRICK of Pennsylvania (for himself, Mr. MATHESON, Mrs. KELLY, Mr. FRANK of Massachusetts, Mr. GARY G. MILLER of California, Ms. GINNY BROWN-WAITE of Florida, Mr. MCHENRY, Mr. PRICE of North Carolina, and Ms. HARRIS):

H.R. 2892. A bill to amend section 255 of the National Housing Act to remove the limitation on the number of reverse mortgages that may be insured under the FHA mortgage insurance program for such mortgages; to the Committee on Financial Services.

By Mr. HASTINGS of Florida (for himself, Mr. HINCHEY, and Mr. MOORE of Kansas):

H.R. 2893. A bill to amend the Internal Revenue Code of 1986 to allow a nonrefundable credit against income tax liability for gasoline and diesel fuel used in highway vehicles for nonbusiness purposes; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky (for himself, Mr. WHITFIELD, Mr. DAVIS of Kentucky, Mr. CHANDLER, Mrs. NORTHUP, and Mr. ROGERS of Kentucky):

H.R. 2894. A bill to designate the facility of the United States Postal Service located at 102 South Walters Avenue in Hodgenville, Kentucky, as the "Abraham Lincoln Birthplace Post Office Building"; to the Committee on Government Reform.

By Mrs. LOWEY (for herself, Mr. HINCHEY, Mr. SERRANO, Mr. SMITH of Washington, Mr. WEINER, Mr. CROWLEY, Mr. NADLER, Mr. HOLT, Mr. SCOTT of Georgia, Mr. LANTOS, Mr. SHERMAN, and Mr. SHAYS):

H.R. 2895. A bill to reestablish the Office of Noise Abatement and Control in the Environmental Protection Agency, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCRERY:

H.R. 2896. A bill to amend the Harmonized Tariff Schedule of the United States to remove the 100 percent tariff imposed on roasted chicory and other roasted coffee substitutes; to the Committee on Ways and Means.

By Mr. MCNULTY:

H.R. 2897. A bill to amend title 4, United States Code, to provide for the proper display of the flag over a one-way street; to the Committee on the Judiciary.

By Ms. MILLENDER-MCDONALD:

H.R. 2898. A bill to authorize the Consumer Product Safety Commission to issue a consumer product safety rule to prevent injuries to users of vending machines; to the Committee on Energy and Commerce.

By Mr. MOORE of Kansas (for himself, Mr. SHIMKUS, Mr. MATHESON, and Mr. BACHUS):

H.R. 2899. A bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for producing fuel from a nonconventional source; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN:

H.R. 2900. A bill to enable the residents of the Bayshore Manor assisted living facility in Key West, Florida, to continue to receive supplemental security income benefits under title XVI of the Social Security Act; to the Committee on Ways and Means.

By Mrs. TAUSCHER (for herself, Mr. SKELTON, Mr. ACKERMAN, Mr. ISRAEL, Mr. ANDREWS, Mr. WEXLER, Mr. UDALL of Colorado, Mr. REYES, Ms. McCOLLUM of Minnesota, Mr. SMITH of Washington, Mr. ABERCROMBIE, Mr. CROWLEY, Ms. LORETTA SANCHEZ of California, Mr. SPRATT, Mr. SNYDER, Ms. LEE, Mr. GEORGE MILLER of California, Mr. MEEK of Florida, Ms. McKINNEY, Ms. BORDALLO, Mrs. DAVIS of California, Mr. DELAHUNT, Mr. RYAN of Ohio, and Mr. MEEHAN):

H.R. 2901. A bill to provide for the transmission to congressional committees of certain reports pertaining to international human rights law or related laws in connection with military detainees; to the Committee on Armed Services.

By Mr. KUCINICH (for himself, Mr. WELDON of Pennsylvania, Mr. LIPINSKI, Mr. SHIMKUS, Mr. EMANUEL, Mr. GREEN of Wisconsin, Ms. KAPTUR, Mr. WALSH, Mr. PALLONE, Mr. FOSSELLA, Mr. CONYERS, Mr. FOLEY, Ms. WATSON, Mr. LEACH, Mr. RANGEL, Mr. COSTELLO, Mr. PASCRELL, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Mr. GUTIERREZ, Mr. HIGGINS, Mr. McNULTY, and Mrs. McCARTHY):

H.J. Res. 54. A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously; to the Committee on the Judiciary.

By Mr. KIRK (for himself and Mr. ANDREWS):

H. Con. Res. 177. Concurrent resolution expressing the sense of Congress that the crisis regarding the Iranian nuclear program should be primarily resolved through diplomatic means; to the Committee on International Relations.

By Mr. NORWOOD (for himself, Mr. SHIMKUS, Mr. PRICE of Georgia, Mr. KINGSTON, Mr. WESTMORELAND, Mr. GINGREY, Mr. HALL, Mr. FERGUSON, Mr. UPTON, Mr. BILIRAKIS, Mr. LINDER, and Mr. PICKERING):

H. Con. Res. 178. Concurrent resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RADANOVICH (for himself, Mr. KNOLLENBERG, Mr. SCHIFF, Mr. PALLONE, Mr. DREIER, Mr. WEINER, Mr. SAXTON, Mr. LEVIN, Mr. SOUDER, Ms. WATSON, Mr. GARRETT of New Jersey, Mr. McNULTY, Mrs. MILLER of Michigan, Mr. SCHWARZ of Michigan, Mr. CARDOZA, Mr. COSTELLO, Mr. CROWLEY, Mr. McCOTTER, Mr. ISRAEL, Mrs. NAPOLITANO, Mrs. MALONEY, Mr. KIRK, Mr. FILNER, Mr. SHERMAN, Ms. ESHOO, Mr. ROGERS of Michigan, Mr. McKEON, Mr. McGOVERN, Mr. MEEHAN, Mr. VISCLOSKY, Mr. BRADLEY of New Hampshire, Mr. BASS, Mr. BERMAN, Mr. NUNES, Mr. ANDREWS, Mr. SHAW, Mr. GRIJALVA, Mr. SHIMKUS, Mr. CONYERS, Mr. HINCHEY, Mr. SWEENEY, Mr. COSTA, Mr. McDERMOTT, Mr. MENENDEZ, Ms. ROYBAL-ALLARD, Mr. ISSA, Mr. FRANK of Massachusetts, Mr. LANGEVIN, Mr. BILIRAKIS, Mr. FOLEY, Mr. KENNEDY of Rhode Island, Mr. ROTHMAN, Mr. SMITH of New Jersey, and Mr. ROYCE):

H. Res. 316. A resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes; to the Committee on International Relations.

By Mr. RADANOVICH (for himself, Mr. HOLDEN, Mr. KENNEDY of Rhode Island, and Mr. GREEN of Wisconsin):

H. Res. 317. A resolution honoring Lao and Hmong veterans and their refugee families and the 30th year of the end of the Indochina conflict in Laos; to the Committee on International Relations.

By Mr. SULLIVAN (for himself, Mr. PITTS, Mr. PENCE, Mr. McCAUL of Texas, Mr. OSBORNE, Mr. RYUN of Kansas, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. WELDON of Florida, Mrs. CUBIN, Mr. McHENRY, Mr. ISTOOK, Mr. GOODE, Mr. MARCHANT, Mr. BURGESS, Mr. FRANKS of Arizona, Mr. BARTLETT of Maryland, Mr. BARRETT of South Carolina, Mr. HOSTETTLER, Mr. KING of Iowa, Mr. BRADY of Texas, Mr. RYAN of Wisconsin, Mr. WILSON of South Carolina, Mr. GARRETT of New Jersey, Mr. AKIN, Mr. GINGREY, Mr. SAM JOHNSON of Texas, Mr. WOLF, Mr. WAMP, Mr. SOUDER, Mr. MILLER of Florida, Mr. ADERHOLT, Mr. WESTMORELAND, Mr. EDWARDS, Mr. McINTYRE, Mr. TURNER, and Ms. JACKSON-LEE of Texas):

H. Res. 318. A resolution supporting responsible fatherhood, promoting marriage, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. EVANS introduced a bill (H.R. 2902) for the relief of Diana Gecaj Engstrom; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Ms. HARRIS and Mr. McCAUL of Texas.

H.R. 164: Ms. JACKSON-LEE of Texas, and Ms. CORRINE BROWN of Florida.

H.R. 226: Mr. SCHWARZ of Michigan and Mr. ORTIZ.

H.R. 239: Mr. GOODE, Mr. NORWOOD and Mr. PENCE.

H.R. 269: Mr. HAYES and Mr. ANDREWS.

H.R. 277: Mr. BRADY of Pennsylvania, Ms. WASSERMAN SCHULTZ, and Mr. JEFFERSON.

H.R. 282: Mr. AL GREEN of Texas, Mr. LaTOURETTE, Mr. FARR, Mr. CANNON, Mr. FRELINGHUYSEN, Mr. RYAN of Ohio, Mr. FORBES, Mr. BISHOP of New York, Mr. RADANOVICH, Mr. SCOTT of Virginia, Ms. CORRINE BROWN of Florida, Mr. CASE, Mrs. EMERSON, Mr. HEFLEY, Mr. CAMP, and Ms. ZOE LOFGREN of California.

H.R. 283: Mr. COSTA, Mr. PALLONE, Ms. LEE, Mr. BRADY of Pennsylvania, Mr. McNULTY, Mr. RUPPERSBERGER, Mr. McDERMOTT, and Mr. ORTIZ.

H.R. 303: Mr. HINOJOSA.

H.R. 304: Mr. ANDREWS.

H.R. 305: Mr. ROGERS of Michigan, Mr. CARNAHAN, and Mr. BEAUPREZ.

H.R. 314: Mr. MURPHY.

H.R. 414: Mr. WAMP and Ms. SCHWARTZ of Pennsylvania.

H.R. 415: Ms. JACKSON-LEE of Texas, Mr. LYNCH, and Mr. GRIJALVA.

H.R. 438: Mr. BUTTERFIELD.

H.R. 515: Mr. WEINER and Mr. NADLER.

H.R. 521: Mr. UPTON.

H.R. 534: Mr. MARCHANT.

H.R. 535: Ms. BERKLEY and Mr. HINOJOSA.

H.R. 567: Mr. DAVIS of Florida.

H.R. 602: Mr. NADLER.

H.R. 613: Mr. VAN HOLLEN.

H.R. 625: Mr. MORAN of Kansas.

H.R. 771: Mr. WEXLER.

H.R. 823: Mr. KENNEDY of Minnesota and Mr. McDERMOTT.

H.R. 827: Mr. ENGEL.

H.R. 831: Ms. WOOLSEY.

H.R. 874: Mr. HENSARLING.

H.R. 880: Mr. SWEENEY.

H.R. 881: Mr. CUMMINGS.

H.R. 887: Ms. MILLENDER-McDONALD.

H.R. 896: Mr. GENE GREEN of Texas and Mr. MEEHAN.

H.R. 920: Mr. KILDEE.

H.R. 930: Mr. TOM DAVIS of Virginia, Mr. SCHWARZ of Michigan, and Mr. REYNOLDS.

H.R. 998: Mr. MARCHANT.

H.R. 1000: Mr. LARSEN of Washington, Mr. NADLER, and Mr. WEXLER.

H.R. 1079: Mr. HAYES.

H.R. 1088: Mr. BAIRD.

H.R. 1120: Mr. PRICE of North Carolina.

H.R. 1139: Mr. ZOE LOFGREN of California.

H.R. 1142: Mr. KENNEDY of Rhode Island.

H.R. 1156: Mr. NEAL of Massachusetts.

H.R. 1159: Mr. BEAUPREZ.

H.R. 1175: Mr. MEEHAN.

H.R. 1200: Mr. WAXMAN, Mr. ABERCROMBIE, Ms. JACKSON-LEE of Texas, Mr. ENGEL, Mr. OWENS, Mr. NADLER, and Mr. CUMMINGS.

H.R. 1204: Mr. BACA and Mr. CASTLE.

H.R. 1220: Mr. STRICKLAND and Mr. SALAZAR.

H.R. 1246: Mr. BONNER.

H.R. 1298: Mr. POMEROY, Mr. BROWN of South Carolina, Mr. BARROW, Mr. RUPPERSBERGER, Mr. McCOTTER, Mr. SESSIONS, Mr. MORAN of Virginia, Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. FORD.

H.R. 1299: Mr. HAYWORTH.

H.R. 1345: Mr. GALLEGLY, Mrs. MUSGRAVE, and Mr. LEWIS of Georgia.

H.R. 1352: Mrs. CAPPS.

H.R. 1355: Mrs. CAPITO.

H.R. 1357: Mr. MARCHANT.

H.R. 1358: Mr. FRANK of Massachusetts and Mr. TAYLOR of North Carolina.

H.R. 1382: Mr. BARRETT of South Carolina.

H.R. 1402: Mr. FRANK of Massachusetts.

H.R. 1409: Ms. SCHAKOWSKY and Ms. CORRINE BROWN of Florida.

H.R. 1425: Mr. SMITH of New Jersey and Mrs. McCARTHY.

H.R. 1426: Mr. STUPAK and Mr. HASTINGS of Florida.

H.R. 1449: Mr. CONAWAY, Mr. CULBERSON, Mr. MARCHANT, and Mr. HENSARLING.

H.R. 1498: Mr. SCHWARZ of Michigan, Mr. COSTA, Mr. STEARNS, Mr. DEAL of Georgia, Mr. BACHUS, and Mr. KILDEE.

H.R. 1515: Mr. MELANCON and Mr. JEFFERSON.

H.R. 1588: Ms. HARMAN and Ms. SCHAKOWSKY.

H.R. 1602: Mr. BASS.

H.R. 1615: Mr. COSTELLO, Mr. FILNER, Ms. SCHAKOWSKY, Mr. LIPINSKI, Mr. ANDREWS, Ms. DELAURO, Ms. MCCOLLUM of Minnesota, Ms. WOOLSEY, Mr. MENENDEZ, Mr. LEVIN, Mr. HONDA, Mr. CUMMINGS, Mr. FRANK of Massachusetts, Mr. UDALL of Colorado, Mr. RANGEL, Mr. EMANUEL, Ms. ESHOO, Mr. SCHIFF, Mr. GUTIERREZ, Mr. HASTINGS of Florida, and Mr. DOGGETT.

H.R. 1621: Mr. MENENDEZ, Mr. REHBERG, Mr. CUMMINGS, Ms. SCHAKOWSKY, Mr. CONAWAY, and Mr. SCHWARZ of Michigan.

H.R. 1647: Mrs. DAVIS of California, Mr. OWENS, Mr. PAYNE, and Mr. RUPPERSBERGER.

H.R. 1748: Mr. WICKER.

H.R. 1770: Mr. NEUGEBAUER, Mr. DEAL of Georgia, and Mr. PUTNAM.

H.R. 1772: Miss MCMORRIS.

H.R. 1791: Mr. BERRY and Mr. LARSON of Connecticut.

H.R. 1804: Mr. AKIN.

H.R. 1814: Ms. MOORE of Wisconsin, Mr. PRICE of North Carolina, Mr. SABO, Mr. MEEHAN, and Mr. EMANUEL.

H.R. 1850: Mr. OLVER.

H.R. 1876: Mr. MCDERMOTT.

H.R. 1955: Mr. WEXLER.

H.R. 1973: Ms. JACKSON-LEE of Texas.

H.R. 2000: Mr. NADLER.

H.R. 2014: Mr. CLYBURN, Mr. WICKER, and Mr. GRIJALVA.

H.R. 2062: Mr. SHERWOOD, Mr. PETERSON of Pennylvania, Mr. MURPHY, and Mr. VAN HOLLEN.

H.R. 2063: Mr. KENNEDY of Minnesota.

H.R. 2090: Mr. GRIJALVA and Ms. WOOLSEY.

H.R. 2106: Mr. SCHWARZ of Michigan.

H.R. 2134: Mrs. MALONEY.

H.R. 2206: Mr. SCHWARZ of Michigan and Mr. GORDON.

H.R. 2207: Mr. PALLONE, Ms. SCHAKOWSKY, Mrs. CHRISTENSEN, Mr. RANGEL, Mr. CUMMINGS, Mr. ETHERIDGE, Mr. GENE GREEN of Texas, and Mr. OWENS.

H.R. 2238: Mr. BISHOP of Georgia.

H.R. 2308: Mr. GOODE.

H.R. 2323: Mr. HONDA and Mr. KENNEDY of Rhode Island.

H.R. 2327: Mr. RUSH, Mr. KUCINICH, and Mr. LAHOOD.

H.R. 2343: Mr. WAXMAN.

H.R. 2355: Mr. PUTNAM and Mr. BILIRAKIS.

H.R. 2363: Mr. STUPAK.

H.R. 2391: Ms. MCCOLLUM of Minnesota and Mr. CUMMINGS.

H.R. 2410: Mr. SHAYS, Mr. DAVIS of Illinois, Mr. CROWLEY, and Ms. WATSON.

H.R. 2420: Mr. DEFAZIO.

H.R. 2429: Ms. JACKSON-LEE of Texas, Ms. VELÁZQUEZ, and Mr. BERMAN.

H.R. 2471: Mr. GILLMOR, Mr. ISSA, Mr. BLUNT, and Mr. CHABOT.

H.R. 2513: Mr. AKIN, Mr. KENNEDY of Minnesota, Mrs. JO ANN DAVIS of Virginia, and Mrs. BLACKBURN.

H.R. 2574: Mr. BEAUPREZ.

H.R. 2588: Mr. CASTLE.

H.R. 2629: Mr. NADLER.

H.R. 2642: Mr. MELANCON, Mr. BLUMENAUER, and Mr. POMEROY.

H.R. 2647: Mr. RAMSTAD and Mr. ENGLISH of Pennsylvania.

H.R. 2648: Mr. PUTNAM.

H.R. 2671: Mr. REYES.

H.R. 2673: Mr. PALLONE, Mr. MENENDEZ, Mr. MORAN of Virginia, and Mr. CASTLE.

H.R. 2688: Mr. MARKEY and Mr. BISHOP of New York.

H.R. 2693: Mr. HINCHEY, Mr. NADLER, Mr. TOWNS, Ms. KILPATRICK of Michigan, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. MORAN of Virginia, Mr. WEXLER, Mr. BLUMENAUER, Mr. LEE, Mr. DEFAZIO, and Mr. SERRANO.

H.R. 2794: Mr. ENGLISH of Pennsylvania.

H.R. 2804: Mr. JONES of North Carolina.

H.R. 2835: Mrs. DAVIS of California.

H.R. 2840: Mr. BOUCHER and Mr. MCDERMOTT.

H.R. 2842: Mr. CULBERSON.

H.J. Res. 10: Mr. BOYD, Mr. HENSARLING, Mr. BLUNT, Mr. MILLER of Florida, Mr. CHOCOLA, Mrs. NAPOLITANO, Mr. BROWN of South Carolina, Mr. FEENEY, Mr. COSTELLO, Mr. BURGESS, Mr. BARTON of Texas, Mr. MCCRERY, Ms. LORETTA SANCHEZ of California, Mrs. BONO, Mr. TIAHRT, Mr. COLE of Oklahoma, Mrs. MILLER of Michigan, Mr. BERRY, Ms. GRANGER, Mr. WELLER, Mr. GARY G. MILLER of California, Mr. ADERHOLT, Mr. SAXTON, Mr. LYNCH, Mr. BARRETT of South Carolina, Mr. MANZULLO, and Mr. HOBSON.

H.J. Res. 53: Mr. KING of Iowa, Mr. GOODE, Ms. GINNY BROWN-WAITE of Florida, and Mr. HOEKSTRA.

H. Con. Res. 128: Mr. UPTON, Mr. LYNCH, and Mr. BECERRA.

H. Con. Res. 155: Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. CARDIN, Mr. ROHRABACHER, Mr. ACKERMAN, Mr. SHERMAN, Mr. WEXLER, Mr. CROWLEY, Mr. MCGOVERN, Mr. MCCOTTER, and Mr. GERLACH.

H. Con. Res. 172: Mr. MCDERMOTT, Mr. GRIJALVA, and Ms. KAPTUR.

H. Res. 52: Mr. REICHERT.

H. Res. 53: Mr. REICHERT.

H. Res. 199: Mr. BISHOP of Georgia and Ms. SCHAKOWSKY.

H. Res. 246: Mr. BERMAN.

H. Res. 297: Mr. UDALL of Colordo.

H. Res. 306: Mr. PAYNE, Ms. SCHAKOWSKY, Ms. HERSETH, Mr. SERRANO, Mr. WEXLER, and Mr. HONDA.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2862

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 22: At the end of the bill (preceding the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 8 . None of the funds made available in this Act under the heading "OFFICE OF JUSTICE PROGRAMS—JUSTICE ASSISTANCE" may be used to fund State or local anti-drug task forces that do not collect, and make publicly available, data as to the racial distribution of convictions made as a result of their operation.

H.R. 2862

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 23: At the end of the bill (preceding the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 8 . None of the funds made available in this Act may be used to facilitate the issuance of affirmances by single members of the Board of Immigration Appeals (BIA) without an accompanying opinion.

H.R. 2862

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 24: Page 55, line 5, after the dollar amount insert "(increased by $50,100,000)".

Page 82, line 25, after the dollar amount insert "(reduced by $50,100,000)".

H.R. 2862

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 25: At the end of the bill (preceding the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 8___. None of the funds made available in this Act under the heading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" may be used to assist the patrol of borders of the United States except as authorized by law.

H.R. 2862

OFFERED BY: MR. MORAN OF VIRGINIA

AMENDMENT NO. 26: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

LIMITATION ON USE OF FUNDS TO LICENSE EXPORT OF CENTERFIRE 50 CALIBER RIFLES

SEC. 801. None of the funds made available in this Act may be used to pay administrative expenses or compensate an officer or employee of the United States in connection with licensing the export of a nonautomatic or semiautomatic rifle capable of firing a center-fire cartridge in 50 caliber, .50 BMG caliber, any other variant of 50 caliber, or any metric equivalent of such calibers, to a country that is not a member country of the North Atlantic Treaty Organization or a major non-NATO ally for purposes of section 517 of the Foreign Assistance Act of 1961.

H.R. 2862

OFFERED BY: MR. WEINER

AMENDMENT NO. 27: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 8___. The amounts otherwise provided by this Act are revised by increasing the amount made available for "OFFICE OF JUSTICE PROGRAMS—COMMUNITY ORIENTED POLICING SERVICES", and by reducing the amount made available for "NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES", by $147,053,848 and $147,053,848, respectively.

H.R. 2862

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 28: At the end of the bill, insert after the last section (preceding the short title), the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a) For expenses necessary for enforcing subsections (a) and (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373), $1,000,000.

(b) The amount otherwise provided in this Act for "DEPARTMENT OF JUSTICE—LEGAL ACTIVITIES—SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES" is hereby reduced by $1,000,000.

H.R. 2862

OFFERED BY: MR. OTTER

AMENDMENT NO. 29: Page 108, after line 7, insert the following:

TITLE VIII—LIMITATION ON AUTHORITY TO DELAY NOTICE OF SEARCH WARRANTS

SEC. 801. Section 3103a of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "may have an adverse result (as defined in section 2705)" and inserting "will endanger the life or physical safety of an individual, result in flight from prosecution or the intimidation of a potential witness, or result in the destruction of or tampering with the evidence sought under the warrant"; and

(B) in paragraph (3), by striking "a reasonable period" and all that follows and inserting "seven calendar days, which period, upon application of the Attorney General, the Deputy Attorney General, or an Associate Attorney General, may thereafter be extended by the court for additional periods of up to 21 calendar days each if the court finds, for each application, reasonable cause to believe that notice of the execution of the warrant will endanger the life or physical safety of an individual, result in flight from prosecution, or result in the destruction of or tampering with the evidence sought under the warrant."; and

(2) by adding at the end the following new subsection:

"(c) REPORTS.—(1) On a semiannual basis, the Attorney General shall transmit to Congress and make public a report concerning all requests for delays of notice, and for extensions of delays of notice, with respect to warrants under subsection (b).

"(2) Each report under paragraph (1) shall include, with respect to the preceding six-month period—

"(A) the total number of requests for delays of notice with respect to warrants under subsection (b);

"(B) the total number of such requests granted or denied; and

"(C) for each request for delayed notice that was granted, the total number of applications for extensions of the delay of notice and the total number of such extensions granted or denied.".

H.R. 2862

OFFERED BY: MR. BAIRD

AMENDMENT NO. 30: Page 12, line 3, after the dollar amount, insert "(increased by $10,000,000)".

Page 26, line 25, after the dollar amount, insert "(increased by $10,000,000)".

Page 39, line 22, after the dollar amount, insert "(reduced by $10,000,000)".

Page 39, line 25, after the dollar amount, insert "(reduced by $10,000,000)".

Page 40, line 1, after the dollar amount, insert "(reduced by $10,000,000)".

H.R. 2862

OFFERED BY: MR. MORAN OF VIRGINIA

AMENDMENT NO. 31: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

LIMITATION ON USE OF FUNDS TO LICENSE EXPORT OF CENTERFIRE 50 CALIBER RIFLES

SEC. 801. None of the funds made available in this Act may be used to pay administrative expenses or compensate an officer or employee of the United States in connection with licensing the export of a nonautomatic or semiautomatic rifle capable of firing a center-fire cartridge in 50 caliber, .50 BMG caliber, any other variant of 50 caliber, or any metric equivalent of such calibers, to a country other than Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Estonia, France, Greece, Germany, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Turkey, the United Kingdom, Australia, Argentina, Bahrain, Egypt, Israel, Japan, Jordan, Kuwait, Pakistan, New Zealand, Philippines, the Republic of Korea, or Thailand.

H.R. 2862

OFFERED BY: MR. STEARNS

AMENDMENT NO. 32: Page 22, line 21, after the dollar amount, insert "(increased by $10,000,000)".

Page 23, line 1, after the dollar amount, insert "(increased by $10,000,000)".

Page 81, line 19, after both dollar amounts, insert "(reduced by $10,000,000)".

H.R. 2862

OFFERED BY: MR. HAYWORTH

AMENDMENT NO. 33: Page 65, line 20, after the dollar amount insert the following: "(reduced by $218,000,000)".

H.R. 2863

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 2: In title IV, under "Research, Development, Test, and Evaluation, Army", insert after the dollar amount the following: "(decreased by $15,000,000) (increased by $15,000,000)".

H.R. 2863

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 3: At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the transfer, render, or return of any person who is imprisoned, detained, or otherwise held in the custody of a department, agency, or official of the United States Government, or any contractor of any such department or agency, to Algeria, Egypt, Jordan, Libya, Morocco, Pakistan, Saudi Arabia, Syria, Sudan, Tunisia, Turkey, Yemen, or Uzbekistan.

H.R. 2863

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 4: Page 117, after line 5, insert the following title:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10_____. None of the funds made available in this Act may be used to initiate military operations that—

(1) are against any country other than a country against which military operations were being carried out as of the date of the enactment of this Act; and

(2) are not authorized by Congress pursuant to Article I, Section 8 of the Constitution of the United States.

H.R. 2863

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 5: Page 117, after line 5, insert the following title:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10_____. None of the funds made available in this Act may be used to carry out military operations that were not in progress as of the date of the enactment of this Act and are not authorized pursuant to Article I, Section 8 of the Constitution of the United States or pursuant to the laws of the United States.

EXTENSIONS OF REMARKS

RECOGNITION OF BILL YOUNG

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. PALLONE. Mr. Speaker, I rise today to acknowledge the hard work and dedication of Bill Young as State President of the Ancient Order of Hibernians. Bill has served the AOH as its President for the past four years with great distinction. His service to the community and in particular, the Irish American community, has been a constant theme throughout his life going back to his early days in Bayonne with Tommy Foley and his father's shoe shine box.

Growing up as a young Irish Catholic, Bill was instilled with a sense of Christian charity early on at St. Vincent de Paul Grammar School. Those values have guided Bill throughout his career in public service at the Port Authority of NY & NJ, the New Jersey Department of Labor and Workforce Development and the United States Coast Guard Reserve.

In addition to his significant professional achievements, Bill has been actively involved in numerous community organizations where he has displayed his commitment to the purposes and goals of the AOH—to promote Irish culture and encourage civic participation. Bill has walked in the Annual Bloody Sunday march in Derry the past four years and pressures elected officials to recognize the contributions of Irish Americans ensuring that they fight for peace and justice in the North of Ireland.

Under Bill Young's leadership as State President the AOH has seen a 40 percent growth in Divisions, a strong increase in membership, and more accessibility of the State Board through roaming meetings and degree programs. The State Board has been instrumental in fundraising efforts to allow NJ Special Olympians to travel to Ireland for the Special Olympics and for the efforts to build a famine memorial in Keansburg.

Mr. Speaker, once again I ask my colleagues to join me in thanking Bill for his tireless service to the AOH and the Irish American community. I hope that he continues to remain actively involved in promoting the values of friendship, unity and Christian charity.

IN RECOGNITION OF THE ORDER SONS OF ITALY IN AMERICA ON THE 100TH ANNIVERSARY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of the Order Sons of Italy in America, OSIA, as they celebrate their 100th Anniversary. As the oldest and largest organization for Americans of Italian descent, OSIA has a rich history of making outstanding contributions to the community. The organization now has 700 local chapters across the Nation.

Since June 22, 1905 when an Italian immigrant, Dr. Vincenzo Sellaro and his five compatriots established OSIA, the organization has worked to preserve and disseminate the rich Italian heritage of 23 million Americans of Italiandescent. Men and women share equal status within OSIA. The Grand Lodge of New York founded in 1911, was OSIA's first Grand Lodge. There are now 20 Grand Lodges. Today there are 96 local chapters in New York State, with 50,000 family memberships. OSIA has also been dedicated to helping immigrants acclimate to their new country. In its early years, OSIA established free schools to teach immigrants English.

Imbued with a strong sense of patriotism, during World War I and World War II, OSIA members competed against one another to buy the greatest amount of war bonds and war stamps to raise money for the American Red Cross. To date, OSIA members have given more than $83 million to educational programs, disaster advancement and medical research. Additionally, the organization has created The Sons of Italy Foundation, which has given over $38 million for scholarships, medical research, cultural preservation and disaster relief. Today, OSIA researches Italian-American culture and history, promotes the study of Italian in the United States, provides scholarships to Italian Americans and organizes grassroots campaigns in support of legislation, as well.

Not only have the members of the OSIA dedicated themselves to charitable funding, but they have also actively promoted social justice through their anti-defamation arm, the Commission for Social Justice. The Commission has actively fought for equal treatment of people regardless of their race, religion or culture.

Dr. Vincenzo Sellaro gave an inaugural address the day the OSIA was founded. He stated, "Today I have a dream and a hope that some day even if it takes 100 years before we are ever fully accepted, our children, even if they carry a single drop of Italian blood, will be able and proud to carry on our traditions, our culture and our language. It is up to us, and what we do today." Vincenzo Sellaro would be proud to see what the Order Sons of Italy in America has accomplished for Americans of Italian descent over the past 100 years.

Mr. Speaker, the Order Sons of Italy in America has been an asset to the New York City community and our Nation as a whole for a hundred years. It has been my pleasure to work with this outstanding organization for many years, and I wish them another century of success. Mr. Speaker, I request that my colleagues join me in honoring the Order Sons of Italy in America on their 100th anniversary.

ON THE RETIREMENT OF COLONEL DEBORAH ANDWOOD FROM THE U.S. ARMY RESERVE

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. DELAHUNT. Mr. Speaker, from the Revolutionary War to the mountains of Afghanistan and the sands of Iraq, Massachusetts' sons and daughters have answered the call for military service.

This weekend, after three decades of active duty service, Colonel Deborah Andwood will retire from the U.S. Army Reserve. In her 30 years of service she's gone from being a cold warrior to homeland defender. Colonel Andwood's commitment, dedication and professionalism has earned the respect and admiration of our entire community.

For several years, Colonel Andwood has served our Commonwealth as the Emergency Preparedness Liaison Officer for the Massachusetts Emergency Management Agency. In this capacity, Colonel Andwood has assisted in coordinating responses for such events as the Democratic National Convention, LNG tanker arrivals and the 2004 World Series.

It is with some special pride, as a fellow native of the city of Quincy, that I commend to my colleagues the following narrative prepared recently by her fellow officers as they get ready to say farewell and thank you.

AWARD NARRATIVE—COLONEL DEBORAH J. ANDWOOD

COL Deborah Andwood distinguished herself by exceptionally meritorious service while serving in successive assignments of great trust and responsibility. COL Andwood received a direct commission as Second Lieutenant in the Women's Army Corps shortly after receiving her Bachelor of Science degree in Education from Westfield State College.

Following completion of Active Duty assignments as a Signal officer, COL Andwood joined the U.S. Army Reserve. COL Andwood served as the unit Training Officer in the 1037th U.S. Army Reserve School. COL Andwood completed the Transportation Officer Advanced Course and was assigned to the 1172nd Transportation Terminal Unit. She successfully completed assignments of increasing responsibility as Warehouse Officer, Chief of Cargo Documentation, Vessel Operations Chief, and Assistant Operations Chief. Later, COL Andwood was assigned to the 1173rd Transportation Terminal Unit as Vessel Section Chief and Battalion Executive Officer.

After successfully completing her tour as Battalion Executive Officer, COL Andwood was selected as Battalion Commander of the 1205th Transportation Railway Battalion.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Through her efforts in recruiting, retention and training, she improved her battalion's rating to an overall C-3 status for the first time. A significant accomplishment leading to this was the effectiveness of her unit's on-the-job railroad training program that greatly enhanced the unit's MOSQ level. COL Andwood's leadership resulted in IDT attendance remaining above 85% and outstanding performance by her unit at multi-increment Annual Training. In addition to the Railway Battalion, COL Andwood was responsible for effectively managing two subordinate units, one of which was mobilized and demobilized to support Operation Joint Endeavor. Upon successful completion of her tour as Battalion Commander, she was assigned as Logistics Officer in the 1021st CA Group (RTU). From 1997 to 1998, COL Andwood served in an Individual Mobilization Augmentee position as Air Movement Control Officer, 37th Transportation Command in Germany.

From 1998 to 2002, COL Andwood served as Combined Arms Staff Service School (CAS3) Staff Group Leader, 13th Battalion, and 6th Brigade. In her role as Staff Group Leader, COL Andwood had a significant impact on the preparation of U.S. Army Reserve and National Guard Captains for promotion to field grade officers and staff assignments of increased responsibility.

Upon successful completion of her tour as CAS3 Staff Group Leader, COL Andwood was assigned as an Emergency Preparedness Liaison Officer for the State of Vermont in 2002. In January 2003, COL Andwood was selected for the Emergency Preparedness Liaison Officer in her home state of Massachusetts. COL Andwood has been responsible for the preparation and participation in numerous emergency preparedness exercises for the Commonwealth, the New England region, other Federal Emergency Management Agency (FEMA) regions, and the U.S. Virgin Islands. She has contributed to the effective working relationships between State Joint DoD services team and the federal, state(s), and civilian authorities tasked with responding to the all hazards requirements of the federal response plan. During her tour, COL Andwood significantly contributed to the education and preparedness of the Joint Service region and State Emergency Preparedness Liaison Officer teams in New England, New York, and New Jersey by the planning, coordination, and execution of a 3-day conference in Boston. Federal, state, and local agencies were brought together to provide education and interaction in preparation for the Democratic National Convention. In July 2004, COL Andwood was called to active duty as a team member at the Joint Operations Center in Milford, Massachusetts during the Democratic National Convention as part of the DoD response in the event of an emergency or disaster. COL Andwood's dedication and selflessness at all levels within the disaster preparedness community has substantially advanced the state of readiness of the State Emergency Preparedness Liaison Team, the coordination with the Massachusetts National Guard, and the preparedness and training of the Defense Coordinating Teams that COL Andwood has supported. Her outstanding achievements and devotion to duty are in keeping with the highest traditions of military service and reflect great credit upon herself and the United States Army.

RECOGNITION OF JACK SULLIVAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. PALLONE. Mr. Speaker, I rise today to acknowledge the hard work and dedication of Jack Sullivan as State Vice President of the Ancient Order of Hibernians. Jack has served the AOH as its Vice President for the past four years with great distinction. Jack's commitment to community and his love for Irish heritage go back to his youth in Brooklyn where he attended St. Brendan's school.

Growing up in the culturally diverse borough of Brooklyn, Jack became involved in politics at an early age to ensure that the voice of the Irish Catholic community was heard. He joined the Ancient Order of Hibernians, Division 35 in Brooklyn in 1984. He went on to serve in a number of capacities in the AOH there as well as with the Knights of Columbus and Irish Northern Aid. After moving to New Jersey, Jack transferred to Division 2, now the Volunteer Pat Torphy Division 2—Monmouth County, where he has served as President since 1996.

Under Jack's leadership the Division and State Board were able to raise money for the Great Hunger Monument in Keansburg. He was also instrumental in obtaining financial assistance and manual labor for a Christian Brothers run school in Harlem, the sisters of Charity in Asbury Park and the Medical Missionaries of Mary. The Division has also been able to donate significant amounts of time and money to the Bloody Sunday Committee, the Pat Finuncane Fund, the Joe Doherty Irish Language School and the Joe Harper Fife and Drum band in county Down. Jack truly embodies the Hibernian ideal of Christian charity.

Jack has also made significant strides in the pursuit of peace and justice in the North of Ireland. He has led the annual trip to Ireland for the commemoration of Bloody Sunday and has highlighted the plight that many Catholics continue to face to this day.

Mr. Speaker, once again I ask my colleagues to join me in thanking Jack for his tireless service to the AOH and the Irish American community. I hope that he continues to remain actively involved in the AOH and in promoting the values of friendship, unity and Christian charity.

IN RECOGNITION OF ED HORN, THE CHRISTOPHER SANTORA SCHOLARSHIP FUND MAN OF THE YEAR

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of Ed Horn, who on June 17, 2005 will receive the Christopher Santora Scholarship Fund's Man of the Year Award. I had the pleasure of working with Mr. Horn last year on the 9/11 Queens Firefighters' Memorial; I will never forget sharing that beautiful and touching memorial service with Mr. Horn and many others who lost loved ones on September 11, 2001.

Mr. Horn grew up in Brooklyn, New York. Watching his mother take college courses at the age of 40 gave Mr. Horn a strong appreciation for education, which led him to pursue several college degrees and many courses of study in art and art history. Following his college career, Mr. Horn served our country by enlisting in the United States Marine Corps. Since then, Mr. Horn has raised six children and remains close to his extended family.

Mr. Horn's love of his family, friends and community might account for his dedication to ensuring that the idea of a Queens Firefighters' Memorial would become a reality. His involvement with the memorial began when Chief Alexander Santora and his wife, Maureen, came to St. Michael's Cemetery to make their pre-need arrangements. The Santoras and Mr. Horn immediately became friends. On September 11, when the Santoras lost their son, firefighter Chris Santora, the three dedicated themselves to creating a memorial not only for Chris, but for all Queens firefighters that were lost on that tragic day. As a friend of the Santoras and as a memorial counselor at St. Michael's Cemetery in Queens, Mr. Horn began planning the firefighters' memorial. The Santoras and Mr. Horn along with many other community members spent two years creating, planning and finding funds for the memorial. On September 10, 2004, 76 firefighters who died on September 11 were remembered at a beautiful and poignant memorial service in St. Michael's Cemetery.

In addition to the memorial service, the Santoras honored their son through the Christopher A. Santora Educational Scholarship Fund. The Santoras grant scholarships to those students who attend schools at which Chris Santora was a student or a teacher. Mr. and Ms. Santora have already awarded over $38,000 in academic scholarships.

Ed Horn's hard work and warm heart helped create a ceremony and place of remembrance for the brave firefighters who died on September 11, 2001. Mr. Speaker, I ask that my distinguished colleagues join me in paying tribute to The Christopher Santora Scholarship Fund and its honoree, Mr. Ed Horn.

TRIBUTE TO EDWARD A. STUTMAN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. WAXMAN. Mr. Speaker, on May 18, 2005, my close friend, Edward A. Stutman, was recognized by the Justice Department for "A Career of Exceptional Public Service." I ask my colleagues to join me in congratulating Ned on receiving this honor and thanking him for his distinguished contributions to our nation.

Ned began his government service at the former Department of Health, Education and Welfare, but he has spent most of his career at the Department of Justice. At DOJ he served as Senior Trial Attorney with the Special Litigation Section, Civil Rights Division, and later as Senior Trial Attorney with the Office of Special Investigations (OSI), Criminal Division. At OSI, Ned led the investigations and cases brought against World War II-era Nazis, including the re-prosecution of the notorious John Demjanjuk, known as Ivan the Terrible.

In addition to an extraordinary career, Ned has devoted a tremendous amount of his personal time and resources to the well-being of the Washington Jewish community and as an active member of Adas Israel Congregation. He is the proud father of Shira Stutman Shaw and her husband Russell Shaw, Zach Stutman, and Gabe Stutman; the grandfather of Caleb and Maya Stutman Shaw; and the devoted husband of Suzanne Stutman.

Janet and I congratulate Ned on his retirement and we thank him, Suzanne, and their wonderful family for many years of friendship.

The Department of Justice's recognition of Ned Stutman is reprinted below:

WASHINGTON, DC,
May 18, 2005.

The Civil Rights Division and the Office of Special Investigations, Criminal Division, thank Edward A. (Ned) Stutman for his Career of Exceptional Public Service.

While at the Department of Justice, Mr. Stutman took the lead in litigation or policy-oriented matters involving civil rights, immigration law, criminal law, and human rights. His duties included ensuring the rights of institutionalized persons, de-naturalizing World War II-era Nazi perpetrators, and pursuing language access for limited English proficient individuals.

Throughout his career, Mr. Stutman provided exceptionally outstanding contributions and leadership resulting in highly sucessful accomplishments in unique and challenging situations. His performance in three sections of the Department of Justice was of an outstanding and distinctive character in meeting civil rights and criminal enforcement goals of the Department.

Mr. Stutman began his government service at the former Department of Health, Education, and Welfare (HEW), but served the majority of his 26-year federal tenure as an attorney in the Department of Justice. From 1988 to 1992, Mr. Stutman served as a Senior Trial Attorney with the Special Litigation Section, Civil Rights Division. In that position, under the Civil Rights of Institutionalized Persons Act, Mr. Stutman investigated and brought litigation to enforce the constitutional and statutory rights of persons confined to state and local institutions. These matters addressed issues including abuse, medical and mental health care, fire safety, sanitation, security, adequacy of treatment and training, and education. Mr. Stutman's work was consistently outstanding, and the cases he handled resulted in broad relief for persons in facilities for the mentally ill and developmentally disabled, nursing homes, and juvenile justice facilities.

From 1992 to 2004, Mr. Stutman served as a Senior Trial Attorney with the Office of Special Investigations, Criminal Division. He took the lead in developing and/or litigating 13 denaturalization cases against World War II-era Nazi perpetrators, all of which resulted in victories for the Department. Mr. Stutman spearheaded development of the legal cases developed in the 1990s concerning the notorious SS facility at Trawniki, Poland, at which the Nazis trained men to implement the genocidal "Final Solution" against Jews in Poland. He played a key role in devising the legal arguments and strategies that have led to success in every one of those cases based on documentation uncovered after the fall of the Iron Curtain. Mr. Stutman's outstanding role in leading the investigation and prosecution of these cases has helped to establish important legal precedents in the fields of both immigration and human rights law. Critically, Mr. Stutman expertly led the re-prosecution of John Demjanjuk—arguably the most important case in OSI's history—even while suffering the adversity of his illness, which was identified on the first day of trial. Mr. Stutman served as a mentor and inspiration to numerous young litigators in his dedication to his work, his strong sense of ethics, and the dignity with which he comported himself before both courts and adversaries.

Mr. Stutman's passion for justice and intellectual energy could not be dimmed by health challenges. Quite the opposite, he continued to provide invaluable contributions to the Department. In February 2004, Mr. Stutman joined the staff of the Civil Rights Division's Coordination and Review Section, which performs a range of administrative law, civil rights coordination, and policy-oriented functions for the Division and across federal civil rights offices. Mr. Stutman "hit the ground running." With a background in administrative law from his years at HEW and then the Department of Education, and a familiarity with the Division from his years in the Special Litigation Section, he was a perfect fit for the Coordination and Review Section. He provided invaluable leadership in the development of the Division's first conference on limited English proficiency and the creation of a major Tips and Tools resource document on language access. He helped to frame and pursue a groundbreaking investigation of language access in a state department of corrections. Mr. Stutman's statesmanship, creative inspiration, and wise counsel aided staff and managers alike.

Ned Stutman has tackled cutting edge legal issues spanning four decades, forging legal territory for the government and the Department. From tracking down and expelling Nazis to ensuring that limited English proficient individuals could access emergency and other services; from pursuing equal educational opportunities to stamping out mistreatment of institutionalized persons, Mr. Stutman has set his sights high and attained transforming results. Providing the nation with the highest quality legal representation ensures him a legal legacy. Doing so with humor, grace, and graciousness ensures a human legacy—we are all better people for having known and worked with Ned Stutman.

It is thus with the deepest appreciation and admiration that we, on behalf of ourselves and our staffs, recognize Edward A. Stutman for a career of exceptional public service at the Department of Justice.

R. ALEXANDER ACOSTA,
Assistant Attorney General, Civil Rights Division.
ELI ROSENBAUM,
Director, Office of Special Investigations, Criminal Division.

IN RECOGNITION OF THE LIPPMAN FAMILY AND THE DEDICATION OF A RESTORED TORAH SCROLL

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mrs. MALONEY. Mr. Speaker, I rise to recognize the Lippman family and their donation of a restored Torah scroll to the residents of Warsaw, Poland. I understand that Harley and Marie Lippman obtained the Torah in November 2004 to commemorate their daughter Juliet's Bat Mitzvah. On June 17, 2005, the Torah will be dedicated to the Jewish communities in Poland and will be made available for the public to enjoy.

Mr. and Ms. Lippman tell me that their decision to restore and donate a Torah scroll was prompted by a story told to Ms. Lippman by a close friend, Rabbi Adina Lewittes. Rabbi Lewittes learned that a group of Israeli girls stumbled upon fragments of a Torah scroll during their visit to Poland in 1990. The girls determined that the fragments were part of a complete Torah that had been split into two segments: the first three books of the Torah were still intact, but the other two books had been used to decorate dolls depicting Hasidic men and sold at a local marketplace. For 14 years, the girls raised money to purchase the remains of the Torah and make necessary repairs. Once their work was complete, the girls dedicated the Torah to a synagogue in Israel that was attached to the school they attended.

Inspired by the girls' efforts, the Lippmans set out to find another European Torah in need of both repair and a permanent home. Soon, Rabbi Lewittes located a unique Torah that was originally made in Strasbourg, Austria. Following this discovery, the Lippman family brought the Torah to an artisan in New York City who carefully restored the fragile document. I am happy to report that later this month, the Lippman family will return the Torah to Eastern Europe.

"Why Poland, and not Israel or the States?" said Harley Lippman, whose maternal family hails from Poland. "In her Torah portion, Juliet talked about the importance of gravesites. Poland is certainly an immense Jewish gravesite that we must not abandon. We are Jews of the Diaspora and as long as there are Jews in Europe who want to celebrate their Judaism, we will be there for them. When the Israel girls discovered a Torah scroll in Poland, the Torah was brought home to Israel. In Juliet's Torah portion, Abraham has to bring Sarah home to the land designated for her. In our story, my family is bringing this Torah home to the Jews of Poland—restoring it not only physically, but to its rightful place."

"This Sefer Torah is unique, as it will be available for all Jews to use," remarked Poland's Chief Rabbi, Michael Schudrich. "Most Sifrei Torah are given to a specific synagogue or community. This is being donated to meet the needs of locals or visitors as the need arises anywhere in Poland. It is a greater honor to be the caretaker of this special Torah."

Mr. Speaker, I request that my distinguished colleagues join me in paying tribute to the

Lippman family for their generous and thoughtful donation. I trust that the citizens of Warsaw will enjoy this gift for generations to come.

A MEMORIAL DAY PRAYER

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. SHAYS. Mr. Speaker, I wish to insert in the CONGRESSIONAL RECORD the following Memorial Day Prayer as offered by the Reverend Dean C. Ahlberg of The First Church of Christ in Redding, Connecticut.

MEMORIAL DAY PRAYER

Loving and Gracious God, we gather together on this Memorial Day weekend, young and old, diverse in political perspective, religious affiliation and ethnic heritage, yet we gather in our too-often divided nation as one community to offer a united tribute, a testimony of gratitude, and a celebration of remembrance.

We gather, O God, to honor those veterans who've nobly served this nation we love and who've walked beside us and with us this day; we gather to remember those men and women, patriots who fought and died, who offered up the supreme sacrifice to defend the country we love, to protect the freedoms we enjoy and too often take for granted, and to advance the cause of liberty for humankind. We remember Reddingites who perished in the Revolutionary war, and those whose legacy echoes from places named Antietam, and Bull Run and Gettysburg; we remember the gallantry of doughboys, the bravery enshrined on battlefields from the Marne to Iwo lima, from Bastogne to Korea, from the jungles of Viet Nam to the mountains of Afghanistan to the streets, cities and villages of Iraq. And we humbly offer prayers, not only for their patriotic souls, but also for the families they left behind, and for families who, even now, pray each day for the safe return of a soldier son or daughter, father or mother.

Thus we ask your guidance, O Holy One. We ask your guidance that our patriotism be filtered through the prism of your divine justice and love, that our nation's power might ever serve the cause of human dignity, that our most noble impulses be laced with humility and a wisdom that fosters solidarity and understanding among the world's nations.

And so we must close our prayers this Memorial Day weekend, O God, with a prayer for ourselves and our own stewardship of our beloved democracy. Give us, we pray, the strength, the grit and the insight to be citizen soldiers in the cause of peace . . . such that our children and our children's children never know the horrors of war . . . that our collective legacy might be a world of greater harmony, a nation of less internal enmity, and a community with an unwavering appreciation for all who've labored and fought, lived and died, to make our nation a beacon of light and our flag a signal of hope for all your peoples. May God bless the United States of America. And may each one of us, in ways great and small, be a blessing to our nation, and to God's world. Amen.

RECOGNITION OF RICHARD FARRICKER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. PALLONE. Mr. Speaker, I rise today to acknowledge the hard work and dedication of Richard Farricker as State secretary of the Ancient Order of Hibernians. Rich has served the AOH as its secretary for the past 5½ years with great distinction. Over the years Rich has undertaken a significant number of pursuits while remaining actively engaged in his community.

Enlisting in the Army in the first year of the Vietnam war, and serving two tours there immediately following high school, Rich has traveled much of the world. Upon returning to the United States, Rich traveled the country playing in a band before eventually settling in Monmouth County where he raised his family.

Rich's dedication to public service was instilled in him at a very young age and he has demonstrated throughout his life a commitment to the Hibernian ideals of friendship, unity and Christian charity.

Rich's service to the State board as secretary has seen the introduction of a comprehensive website where the minutes for State board meetings are posted within days. A variety of other measures have been taken to improve communications between the State board and the various divisions during Rich's tenure as secretary.

Proud of his Irish heritage, Rich has a deep love for genealogy that has led to membership in the Irish Federation, Irish Northern Aid, and his studying of the Irish language.

Mr. Speaker, once again I ask my colleagues to join me in thanking Rich for his tireless service to the AOH and the Irish-American community. I hope that he continues to remain actively involved in the AOH and in promoting the values of friendship, unity and Christian charity.

IN RECOGNITION OF THE 504 DEMOCRATIC CLUB AND ITS DISTINGUISHED HONOREES COUNCIL

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mrs. MALONEY. Mr. Speaker, I rise to recognize the 504 Democratic Club on the occasion of its annual banquet and award dinner. I am pleased to offer my best wishes to the club's members, friends and honorees for another year of outstanding public service.

The 504 Democrats derive their name from Section 504 of the Rehabilitation Act of 1973, which mandates that all federally funded programs must be accessible to people with disabilities. This landmark legislation was the precursor to the Americans with Disabilities Act.

For 21 years, the members of the 504 Democratic Club have been vocal advocates for people with disabilities. The club's membership works within the democratic process to promote policies that recognize the barriers faced by people with disabilities. Furthermore, the group strives to remind the people of New York to remain vigilant in the effort to improve access to housing, health care, education, voting, jobs, public transportation and other areas.

I am pleased to congratulate the club's distinguished a wardees: my esteemed colleague Congressman JERROLD NADLER, who has always worked to promote the rights of the disabled; James Weisman, chairman of the American Association of People with Disabilities and counsel to the United Spinal Association; Alexander Wood, executive director of the Disabilities Network of NYC; Pamela Bates, president of 504 Northstar; and Micah Kellner, New York State Democratic Committeeman and former member of my staff. These five individuals are outstanding advocates. Individually, they have made significant contributions to improving the lives of the disabled. Collectively, they would be a force to be reckoned with.

Mr. Speaker, I request that my distinguished colleagues join me in paying tribute to the 504 Democratic Club for its longstanding tradition of advocacy and public service.

HONORING THE MEMORY OF JOHN M. COLLINS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. ENGEL. Mr. Speaker, the tragedy of September 11 casts a long shadow that still haunts our lives. Our buildings will be replaced, our streets repaved, the infrastructure repaired. But the people we lost, and the promise they had for us, can never be anything but a loss. They leave a vacuum in us that cannot be filled.

John Collins was a firefighter when he died for us, a policeman who protected us before that, and always a generous and caring son, a loving brother, and a good friend, companion, and neighbor.

He was also generous. He knew that when hard times came on someone, it was not always their fault and he would help in any way he could. He was a key part of the Skehill Foundation, an annual softball tournament that has raised more than $100,000 in scholarship money for several schools in the Kingsbridge/Riverdale area. As a police officer, friends tell of his often buying groceries for the people in his precinct or sneakers for their children.

On a personal note, John was, like my father, an Ironworker, a group I have known, loved, and admired since I was a boy and my father took me to work.

John Collins lived here and so it is appropriate that this memento of him be placed here. It is said that a man never truly dies as long as he is remembered. This small tribute will help us to remember that a true man, a hero, walked among us here, helping us in dozens of ways that, perhaps, we took for granted because he did it so effortlessly.

I want to borrow some words from a remembrance of John Collins by Karen Donnelly that so eloquently tells of our grief:

We all, have given pieces of ourselves to each other. We have taken from each other. This is bravery; this is courage. If we had not ventured out into life with both arms wide, we would not know this grief. If we had not courageously given, and taken, friendship from each other, we would have no memories of immeasurable joy and happiness. To know this sadness is our right. We have earned it. We are courageous enough to accept life's rewards, knowing we risk this almost unbearable, profound grief.

JUDGE BRUCE McMARION WRIGHT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. RANGEL. Mr. Speaker, I rise to honor the life of Judge Bruce McMarion Wright, who passed away this week. His commitment to humanity and justice were hallmarks of his tenure in the judiciary. Rather than being honored for his courage and uncompromising stance in defense of the Eighth Amendment, Judge Wright was unjustly mocked by the system, which did not want to recognize the protection of the rights of the accused.

Judge Wright had known the challenges of a just and equal system on his life and had worked to eradicate those harms from our society. He was raised by his black father and white mother who taught him about the importance of looking beyond skin color and into the hearts and minds of those before him. He would carry these childhood lessons into the administration of justice and look beyond the race of the defendants and plaintiffs before him.

In spite of the discrimination and racism he felt upon entering Princeton University, Judge Wright would further be exposed to the challenges of individuals through his educational, legal, and personal development at Virginia Union, Lincoln University, and New York Law School. Judge Wright learned about the impact of class, gender, and educational background on the common understanding of the human condition. He would understand that economic stature was not an indicator of one's worth and value.

He became aware that one could not truly achieve justice unless there was an understanding of the circumstances which led to the interjection of the law in response to behavior deemed to be anti-social. Judge Wright determined to become an advocate for competent representation of the interests of the poor in the criminal justice system. In his courtroom, he would see the Eighth Amendment as a protection of the poor against the system, not as a mechanism of deterrence for the wealthy.

The military would provide Bruce Wright with additional exposure to the universal struggle of humanity for justice and the need for compassion and understanding in government. Judge Wright was committed to this compassion and understanding and rendered judicial decisions that advocated and aided the poor. He was a defender of all classes and all races and recognized the importance of humanity in his work. While law enforcement and others often missed the significance of his reasoning, it is important to understand that he was a believer in justice and crusader for fairness.

I submit for the RECORD the following CaribNews article on the life of Judge Bruce McMarion Wright. I extend my condolences again to his family for their irreplaceable loss.

JUDGE BRUCE MCM WRIGHT MEMORIAL

JUNE 6, 2005.—A memorial celebration on the life of fearless Supreme Court Justice Bruce McM Wright, who retired in 1995, will be held on Saturday, June 4 at 11 a.m. at the Aaron Davis Hall, 135th Street and Covent Avenue in Harlem, announced his son, Assemblyman Keith L.T. Wright.

Judge Wright died in his sleep at age 86 on March 24 in his home in Old Saybrook, Conn. He was born in Princeton, N.J. on December 18, 1918 to a White mother and a Black father. A civil rights activist who faced lifelong discrimination first in the public schools in Princeton and, although outstanding student, in the rejection by Princeton University, which currently had no non-White students and which told him to apply elsewhere.

A graduate of "Historically Black" Lincoln University and New York Law School, he received an honorary degree from Princeton in 2001. The author of several books, he gained additional icon status when he wrote "Black Robes, White Justice," an expose of the entire criminal "injustice" system. Known in the White community as "Turn-Ern-Loose Bruce," he also addressed the abuse of police profiling and brutality, the dehumanizing conditions in jails populated primarily by non-Whites, and the discriminatory use of the death penalty against African-Americans.

A hero of magnificent proportions, his fame as justice, author, poet, and music lover will be celebrated by TV talk show host Gil Noble, who will serve as emcee of the memorial and the program will include Rep. Charles B. Rangel, Dean of the New York Congressional Delegation; former elected officials, namely Mayor David N. Dinkins, Manhattan Borough President Percy E. Sutton; Secretary of State Basil A. Paterson; and State Comptroller H. Carl McCall; and civil and human rights attorneys Jeff L. Greenup and John Edmonds; and family members.

RECOGNIZING ROHO GROUP, OF BELLEVILLE, ILLINOIS, AS THE RECIPIENT OF THE PRESIDENT'S "E" AWARD

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing Roho Group, of Belleville, Illinois, for being awarded the President's "E" Award for Excellence in Exporting.

ROHO was founded in 1973 by Robert H. Graebe, an electrical engineer who wanted to develop a means to heal the pressure sores that plagued so many patients at the hospital where he was working. Mr. Graebe invented a dry flotation technology in which a cushion mimics the properties of water, in a dry, air-fluid environment. This technology has proven, in clinical studies, to assist in effectively healing and preventing pressure sores.

ROHO has since developed many variations of their original cushion model to address special seating and positioning needs in the medical industry. Besides producing a wide range of cushion models, ROHO has developed back support systems, mattresses and pressure measurement devices.

In the late 1990's, ROHO entered the consumer marketplace with cushions designed for motorcycles, trucks and heavy equipment. ROHO is continuing to develop new products and update its product line to provide their customers with the best seating and positioning solutions available worldwide.

The Presidential "E" Award was created by Executive Order of President Kennedy in 1961 as the nation's highest award to honor U.S. exporters. U.S. firms are recognized for their competitive achievements in world markets and their contributions in increasing U.S. exports.

The selection process for this prestigious award begins with a written application, accompanied by samples of the company's international marketing materials. U.S. Export Assistance Center directors make their endorsements of applicants and forward these to a committee representing the U.S Government's various trade interests. Final selection is made by the U.S. Secretary of Commerce, in the name and by the authority of the President.

Roho Group has distinguished itself as a world leader in the production of support surface products used in rehabilitation and wound care. The President's "E" Award recognizes Roho as a shining example of the innovation, product quality and continuous improvement that are required to keep U.S. companies competitive in today's global marketplace.

Mr. Speaker, I ask my colleagues to join me in congratulating CEO Tom Oleksy and all the employees of Roho Group for being awarded the Presidential "E" Award for Excellence in Exporting.

HONORING THE AMERICAN AIRPOWER MUSEUM, THE DISCOVERY NETWORK'S MILITARY CHANNEL, AND CABLEVISION FOR THEIR TRIBUTE TO LONG ISLAND WOMEN WHO HAVE SERVED IN THE MILITARY

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. ISRAEL. Mr. Speaker, I rise today to honor three organizations: the American Airpower Museum, the Discovery Network's Military Channel, and Cablevision. Each of these organizations has taken tremendous time and effort to pay tribute to and acknowledge Long Island women who have served in the military. They have shown their deep appreciation for servicewomen by supporting a recent event that honored Long Island women who have served in the military.

Women have played a crucial, role in our country's military history. They have served both on the home front and in combat throughout World War II, the Korean War, the Vietnam War, Operation Desert Storm and now, in our ongoing conflicts in Iraq and Afghanistan. Over the last century, the contributions made to our nation's military forces by women are immeasurable. From the medics and support personnel of World War II, to the women currently serving in combat abroad, our Army, Navy, Air Force and Marines have been increasingly reliant on the heroism and leadership of our women in uniform. These esteemed women deserve to be recognized for their bravery and dedication and for the sacrifices they have made for our country.

For this reason, I commend both Long Island women who have served in the military and those who have made the effort to acknowledge their commitment, particularly, the American Airpower Museum, the Discovery Network's Military Channel, and Cablevision. It is crucial to take the time to recognize those who have made great sacrifices for our country.

Once again, I commend and hold in the highest esteem the women who have served in the military along with these three organizations that have taken the time and effort to acknowledge these women who have played such a crucial role in our country's history.

IN HONOR OF FIRE CHIEF STEWART GARY'S 35 YEARS AS A DEDICATED FIRE SERVICE PROFESSIONAL AND LEADER

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor Fire Chief Stewart Gary on his retirement from the Livermore-Pleasanton California Fire Department for 35 years of outstanding leadership in fire service.

Chief Gary began his career as a volunteer in a small Southern California fire department and rose steadily in his job responsibilities to his appointment in 1994 as Livermore Fire Chief.

Stewart has guided the Livermore-Pleasanton Fire Department to becoming one of the most technologically advanced, well-prepared, and harmonious fire fighting forces in the state.

He is a forward-thinker, embracing information technology innovations that expand information available to his fire fighters when they have to make emergency decisions about how to attack a fire.

Stewart also shares his professional expertise throughout the international fire-fighting community, writing and lecturing on models for optimal placement of personnel and equipment in fire situations.

Stewart is a gifted leader of people. He facilitated the merger of the separate fire departments of the cities of Livermore and Pleasanton, one of the few such successful mergers in California, and is a winner of the 1999 Helen Putnam Public Safety Grand Prize award by the California League of Cities. Under Stewart's leadership, the Livermore-Pleasanton Fire Department has continuously maintained good morale and solid employee relationships with consensus-building practices like interest based negotiations.

Mr. Speaker, I thank Chief Stewart Gary for his contributions to the Livermore-Pleasanton Fire Department and to the international fire-fighting community. The high standards he has set for his Department and his profession will strengthen fire service for many years to come.

RECOGNITION OF JERE COLE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. PALLONE. Mr. Speaker, I rise today to acknowledge the hard work and dedication of Jere Cole as State Treasurer of the Ancient Order of Hibernians. Jere has served the AOH as its Treasurer for the past two years with great distinction. Jere's dedication to public service was instilled in him at a very young age and he has demonstrated throughout his life a commitment to the Hibernian ideals of friendship, unity and Christian charity.

After graduation from high school, Jere enlisted in the United States Air Force serving in Vietnam where he won the Air Force Accommodation medal. Much of Jere's service to the community since then has been with the West Caldwell Volunteer Fire Department where he has served as 1st Assistant Chief. He has served as President of Fireman's Association, State Secretary of the NJ State Exempt Fireman's Association, and has sat on the Board of Managers of the Fireman's Home in Boonton. Jere also served as Secretary-Treasurer of the NJ State Fire Chiefs Association.

In addition to his responsibilities with the fire service, Jere has served as the Democratic Chairman of the West Caldwell Democratic committee and has been very active in Essex County democratic politics.

Jere has spent a great deal of time in service with the AOH State Board while staying very active in the Irish American community in NJ. He is a member of numerous Irish American cultural and social organizations and has served as General Chairman of the NJ Irish Festival at the PNC Bank Arts Center as well as being an active member of the Newark St. Patrick's Day Parade committee.

Mr. Speaker, once again I ask my colleagues to join me in thanking Jere for his tireless service to the AOH and the Irish American community. I hope that he continues to remain actively involved in the AOH and in promoting the values of friendship, unity and Christian charity.

53RD NATIONAL PRAYER BREAKFAST

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mrs. EMERSON. Mr. Speaker, I had the distinct honor and privilege of chairing the 53rd National Prayer Breakfast, held at the Washington Hilton, here in our Nation's Capital on Thursday, February 3, 2005. As you know, this annual gathering is hosted by Members of the U.S. Senate and the U.S. House of Representatives weekly prayer breakfast groups.

Once again, we were honored that President George W. Bush and First Lady Laura Bush participated and we were greatly encouraged by the remarks given by The Honorable Tony Hall, Ambassador, U.S. Mission to the United Nations Food and Agriculture Agencies.

This year, we hosted a gathering of over 3,500 individuals from all walks of life in all 50 states and from many countries around the world. Please find attached a copy of the program and the transcript of the 2005 proceedings that I respectfully request be printed in the CONGRESSIONAL RECORD so that all may benefit from this time together.

53RD NATIONAL PRAYER BREAKFAST—THURSDAY, FEBRUARY 3, 2005—INTERNATIONAL BALLROOM, HILTON WASHINGTON, WASHINGTON, DC

We hold these truths to be self-evident; that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness; that to secure these rights, governments are instituted among men. . . .—Declaration of Independence.

Almighty God: We make our earnest prayer that Thou wilt keep the United States in Thy Holy protection: and Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large.

And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation. Grant our supplication, we beseech Thee, through Jesus Christ our Lord. Amen.—George Washington's Prayer for the United States of America, June 8, 1783.

53RD NATIONAL PRAYER BREAKFAST

Chair: The Honorable Jo Ann Emerson; opening song, Wintley Phipps; pre-breakfast prayer, the Honorable Emanuel Cleaver II, U.S. House of Representatives, Missouri.

BREAKFAST

Welcome, the Honorable Jo Ann Emerson, U.S. House of Representatives, Missouri; opening prayer, the Honorable Tom Osborne, U.S. House of Representatives, Nebraska; remarks—Senate and House breakfast groups, the Honorable Mark Pryor, U.S. Senate, Arkansas, the Honorable Norm Coleman, U.S. Senate, Minnesota; a reading, the Honorable Dianne Feinstein, U.S. Senate, California; song, Wintley Phipps; readings from the Holy Scriptures, Sergeant Douglas Norman, 3rd U.S. Infantry Regiment "The Old Guard," U.S. Army; prayer for national leaders, the Honorable Elaine Chao, U.S. Secretary of Labor; message, the Honorable Tony Hall, Ambassador, United States Mission to the United Nations Food and Agriculture Agencies.

The President of the United States.

Closing song, Wintley Phipps; closing prayer, the Honorable Lincoln Davis, U.S. House of Representatives, Tennessee.

PROVERBS 3:3–6

Let not mercy and truth forsake you;

Bind them around your neck,
Write them on the tablet of your heart,
And so find favor and high esteem in the sight of God and man.
Trust in the Lord with all your heart, and lean not on your own understanding;
In all your ways acknowledge Him,
And He shall direct your paths.—King Solomon.

EZEKIEL 16:49–50

Thus said the Lord, behold the sin of your sister Sodom:
She and her daughters were arrogant, overfed and unconcerned; they did not help the poor and needy.
They were haughty and did detestable things before me.
Therefore I did away with them as you have seen.—The prophet Ezekiel.

MATTHEW 7:12, 22:37–40

Therefore, Whatever you want men to do to you, do also to them, for this is the Law and the Prophets.
"You shall love the Lord your God with all your heart, and with all your soul, and with all your mind." This is the great and foremost commandment. And the second is like it. "You should love your neighbor as yourself." On these two commandments depend the whole Law and the prophets.—Jesus of Nazareth.

It is impossible to account for the creation of the universe, without the agency of a Supreme Being.—George Washington.

I hold the precepts of Jesus as delivered by Himself, to be the most pure, benevolent, and sublime which have ever been preached to man.—Thomas Jefferson.

We have been the recipients of the choicest bounties of heaven; we have been preserved these many years in peace and prosperity; we have grown in number, wealth, and powers as no other nation has ever grown. But we have forgotten God! Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God who made us.—Abraham Lincoln.

Almost every man who has by his life-work added to the sum of human achievement of which the race is proud, almost every such man had based his work largely upon the teachings of the Bible.—Theodore Roosevelt.

No greater than could come to our land today than a revival of the spirit of faith—a revival that would sweep through the homes of the nation and stir the hearts of men and women of all faiths to a reassertion of their belief in God and their dedication to His will for themselves and for their world. I doubt if there is any problem—social, political, or economic—that would not melt away before the fires of such a spiritual revival.—Franklin Delano Roosevelt.

53RD NATIONAL PRAYER BREAKFAST—THURSDAY, FEBRUARY 3, 2005—HILTON WASHINGTON HOTEL, WASHINGTON, DC

CHAIR: U.S. REPRESENTATIVE JO ANN EMERSON

Mr. Wintley Phipps: Good morning. I would like to share a song with you, a song of healing, a song of reconciliation, a song of God's love and God's power. May you be blessed this morning.

(Song.)

(Applause.)

Representative Jo Ann Emerson: Good morning. I am Jo Ann Emerson, and I represent the 8th Congressional District of Missouri in the House of Representatives. I am also the president of the House Prayer Breakfast, and I am so honored and so humbled to be chairperson and your host today. Before we break bread this morning, I would like to take a moment to introduce the head table beginning to my right: Representative Emanuel Cleaver, Mrs. Nancy Osborne, Representative Tom Osborne, Alison Norman, Sergeant Douglas Norman, Senator Diane Feinstein, my best buddy, and husband Ron Gladney, Ambassador Tony Hall, Mrs. Janet Hall, Senator Mark Pryor, Jill Pryor, Laurie Coleman, Senator Norm Coleman, Secretary of Labor Elaine Chao, and her husband Senator Mitch McConnell, the incredible Wintley Phipps and his wife Linda Phipps, and my colleague from Tennessee, Representative Lincoln Davis.

(Applause.)

Our colleague and Representative and reverend, Emanuel Cleaver from Kansas City, Missouri, will give the blessing for our food today.

Representative Emanuel Cleaver: I am glad that none of you have begun to eat. (Laughter.) The Hebrews of old said those who eat without thanking the Lord are thieves. (Laughter.) One evening last February I was driving home when I observed a large number of men running across the parking lot of a florist shop. They were screaming and shouting and making obscene gestures at one another and pushing their way into the entrance of a florist shop. Some were on cell phones with exaggerated use of their hands. Others still were kicking the ground in anger, but I knew immediately what this male, out-of-controlness meant. I had seen it many times before. It was Valentine's Day.

(Laughter.)

It was 5:30 p.m., and like many of the men frantically running amok, I too was among what I call the forgetful. (Laughter.) So I quickly, dangerously crossed lanes and pulled into the parking lot and ran inside, and approached a familiar looking woman and said to her, "Ma'am, this is an emergency, I need something fast." Very helpfully she said, "Mayor, you waited until the last moment again. What can I get for Mrs. Cleaver and how much do you want to spend?" I said, "Something nice, $35 or $40," and she went into the back and returned a few minutes later with an assortment of flowers and said, "What about this?" I said, "Yes, this is lovely." And she said, "No, Mayor, lovely starts at $75."

(Laughter.)

For those of us gathered here this morning at this National Prayer Breakfast, "lovely" begins with prayer. Let us pray. Forgive us, oh God, for waiting so often until things are chaotic before we come to you. We have so often been surrounded with boundless blessings and yet we fail to thank you. But in spite of our past failings and forgetfulness, on this morning we praise you for your goodness. Thou art a lover of all human kind and as we partake of this food from your bounty, give us a heart that throbs with the sympathy for all your precious people, especially those Iraqis with fingers in the air claiming their democracy. And for those whose lives have been flooded with woe from the raging waters of the Indian Ocean. And now will God bless, please, our president. Allow your spirit to surround and sustain him, give him and us an extra ounce of your grace and mercy to conquer the great challenges ahead. And may this food do for our bodies what your spirit does for our souls. Amen.

Representative Emerson: Please eat, and the program will begin again in several minutes.

Thank you.

(Pause.)

Representative Emerson: Mr. President, Mrs. Bush, members of Congress, foreign dignitaries and distinguished guests, brothers and sisters all, welcome to this morning's gathering of faiths, the 53rd annual National Prayer Breakfast. Thanks so much for joining with us. Before I begin, I would like to share parts of a letter with you, and I quote,

"It was my privilege to be at the first prayer breakfast and to go with Senator Frank Carlson to the White House to ask President Eisenhower if he would attend. He was very reluctant at first, but later decided to go, and went to all the others during his presidency, setting a precedent followed ever since by each president. Our world has many serious problems, some of them critical. We are in great need of a spiritual awakening. I believe one of the great contributing factors is this annual prayer breakfast that brings so many leaders together to worship. I very much regret that my strength will not allow me to return to Washington for the breakfast this year as I have done so many times in the past. Please convey my warmest greetings to our president and the first lady, and to my many old friends in attendance, as well as a welcome to those for whom this is the first opportunity to be part of the annual prayer breakfast. Cordially yours, Billy Graham."

(Applause.)

I am sure I speak for all of us when I say that Reverend Graham is definitely in our prayers here this morning.

As I mentioned earlier, I represent the 8th Congressional District in Missouri, and like every other congressional district in the nation, the 8th is grounded in faith. So is our Congress. Every week that the Congress is in session, I gather with colleagues in the House of Representatives for a prayer breakfast, and a similar group meets on the Senate side of the Capitol. That hour is the most valuable and the very best hour of the week because we set aside politics, and we set aside policy. We leave our titles and our party labels at the door, and for that hour we are simply brothers and sisters gathered in conversation with one another and with God.

Today the agenda is the same: to find common ground in the spirit of Jesus, to fellowship a while, to think about how we might walk more with him in the world. Today we are not only leaders, we are followers all. We are present here in the eyes of the Lord, equal, special, full of life. Though this is a National Prayer Breakfast, we have guests from over 140 countries. We are a cross-section of faiths, beliefs and backgrounds. We have gathered as friends bound by our personal relationships to one another, and we defy any other classification.

In our world, early in this century, we face a familiar question on new terms. In the face of hunger, poverty, moral confusion, oppression and fear, in the wake of a tsunami, in the midst of terrorism, how do we lift the heavy bushel of these troubles to shine light from the lamp of our faith? Our guests and speakers here today can help us lift this bushel. As we break bread together, let us set our minds to this rewarding task. Let us lift up in prayer our president and first lady. Let us seek God's blessing as we pray for the poor and less fortunate. As we follow the example which Jesus set for us, we are always making progress in the quest to share our faith. As brothers and sisters, let us free God's light in the world today. Let us look to the guidance he freely gives to us.

It is an honor to introduce my colleague and friend from the state of Nebraska, Coach Tom Osborne for our opening prayer.

Representative Tom Osborne: Thank you, Jo Ann. Jo Ann referred to my earlier misguided profession—(laughter)—and I was talking to Mitch McConnell before we came out here, and he said, "Why did you leave coaching?" I said, "Well it was really because of illness and fatigue." He said, "I didn't know that." I said, "Yeah, fans were sick and tired of me."

(Laughter.)

So anyway, I am here today, and I wanted to comment briefly on how important that prayer breakfast has been to me, and what a wonderful job Jo Ann has done.

I thought I would tell you a quick anecdote—this was a couple of years ago. We had another congressman who was going to speak to us. This fellow, when he hit the red button, I hit the green and vice versa. When he spoke on the House floor I did not really agree with anything that he said, and I really did not want to listen to him that day. But I stuck around. And as he began to talk a little bit about his childhood and his family and some of the struggles he had been through, I began to have a little bit of compassion for him. By the time he was done, I really cared about the guy. The interesting thing is that that relationship was changed, tremendously, and it remains that way today.

I began to puzzle about that. I thought: he is still the same person, what happened? And I think I began to see him through the eyes of Jesus, and not through my eyes, and the labels that I had put on him, the compartment I had put him in, began to pass away, and when that happened our relationship began to change. And that has happened over and over again as we have had various speakers come to us, and it has been very meaningful.

This morning, we come from all parts of the country, and as Jo Ann mentioned 140 nations, and I hope that the perceptions and the walls which divide us would all fall away this morning, that we see each other as we really are, fellow travelers on our spiritual journey. We are imperfect, but we are united by His love and His grace and His acceptance. So if you would, please pray with me at this time.

Our Heavenly Father, we thank you for your word and the promise you make that, "If my people, who are called by my name, will humble themselves and pray, and seek my face and turn from their wicked ways, then I will hear from Heaven and forgive their sins and heal their land." So this morning, we who are called by your name ask that pride of position and power and possessions be removed from us. We seek your face this morning and acknowledge that we have missed the mark of your high calling, and have fallen short of what you would have us be. We pray that we might turn from those ways of ours that are not your ways, and ask forgiveness for our sins.

Please heal our land. Our nation has been blessed in so many ways, yet we also see strife and suffering and division and spiritual poverty, and we pray for a spiritual renewal that will heal our land and bring us together, united in your service. We ask especially this morning that you would bestow your blessing and a sense of your presence and sustaining power on our president and on his family. Please strengthen him and guide him and protect him and all who serve him as he starts his new term of office. We pray for the Congress, that we might devote ourselves to the common good, and rise above self-interest and partisanship. We request your blessing on elected officials everywhere as they bear the burden of leadership and responsibility.

We ask that you will be with those in South East Asia who have suffered so much, and we pray especially for children everywhere whose lives have been devastated by disasters around the world. Please sustain the Iraqi people as they enter this historic period. We thank you for their courage and example, and we pray especially for their recently elected leaders that they might be protected. Finally, we ask that you bless our soldiers and their families. We thank you for their sense of duty and honor, and their willingness to serve. Please protect them and bring them safely home. We pray these things in Jesus' name. Amen.

Representative Emerson: Every week when we meet on the House side for our prayer breakfast, the Senate also does the same, and I am very proud now to introduce my two dear colleagues from the Senate, Senator Mark Pryor from Arkansas and Senator Norm Coleman from Minnesota.

(Applause.)

Senator Norm Coleman: It is an honor for my wife Laurie and me to be here today. Minnesotans are pretty reserved. There are a lot of Scandinavians in my part of the country. In Minnesota we talk about the guy who loved his wife so much he almost told her.

(Laughter.)

I will break that tradition: Laurie, I love you, and I thank you and the family for the faith you have shown to me. God bless you, thank you very much.

(Applause.)

I was the mayor of St. Paul for eight years. It is the twin cities and our twin city is Minneapolis. I always used to tell folks that I got the much more spiritual city to represent, and the proof of that was always found in the Bible in which there were many references to St. Paul, but not one to Minneapolis. So I had the right place.

(Laughter.)

At one point, Paul said, "Work out your salvation with fear and trembling," and I am living that scripture up here today. It is a joy and a comfort to be here with my friend and my classmate, Mark Pryor.

The state of Arkansas has an amazing ability to produce national leaders, no doubt about that. I am not just talking about my colleague, Senator Clayton, or her husband, but people like former senators J. William Fulbright, Dale Bumpers and Mark's dad, David, who I am told spoke to this breakfast a decade or so ago. This may be the first father-son combo in breakfast history. Mark is showing great leadership. He has strong faith that has only grown through personal trials. We may wear different jerseys, but we are becoming good friends. On behalf of all the sinners of the Senate breakfast group, we welcome you all.

(Laughter.)

Is it not true that more than anything else we want to connect? All the great joys of life are multiplied when we share them, all the griefs are divided. I think we are designed to be together, to fill the valleys and raise the mountaintops of our lives. But there are a lot of things that divide us: politics, religion, economics, gender, race, generational differences, competitiveness. Freud came up with the name of a mental disorder for this, called the "narcissism of slight difference." We need a vaccine against that around here.

I believe that at their core people have a profound desire to connect, to be together, and to move towards the light, and that is why the Senate breakfast group began in the '50s. It has continued every Wednesday the Senate has been in session. That is something like 3,000 meetings. The beauty and power of this event is an outgrowth of what has been happening in our group for years. We lead the group ourselves. We share our joys and griefs with each other. We listen deeply, and we pray for the work of the Senate and the nation and the world. We meet around the person and principles of Jesus.

Republicans, Democrats, Catholics, Baptists, Jews, men and women, members who have been around the Senate for 30 years and 30 days. And as a Jew, I am learning a lot of new things which challenge me. I have a profound respect for the tangibility and accessibility of God that my colleagues find in Jesus. Here is the bottom line for me: This is a roomful of leaders from across the country and around the world, but we are all in the same boat. As sinners trying to be leaders, how do we find the connection we need to each other, to our communities, to God?

Well, here is a clue: God gave each of us two ears and one mouth, and we should use them in that proportion. The beauty of our breakfast group is that for at least an hour of the week we listen, really listen to each other as we talk about things that really matter. Despite our differences we connect. It is a small miracle that God gives us each week, and I am proud to experience that miracle. It is a miracle, taking place in this room right now, as brothers and sisters from Rwanda and Burundi, from Israel and Palestine, from India and Pakistan, from throughout the world, all come together looking to the same source for peace and guidance and comfort. Everyone in this room has a group of friends who need that. If you don't, go find them because I would bet that they are already looking for you.

Thank you and God bless.

(Applause.)

Senator Mark Pryor: I agree with everything Norm said, and I want to echo everything he said. I know that two years ago when we came to the Senate, Norm and I stepped into a lot of traditions. The Senate is about tradition, if you have not noticed. For better or for worse, it is about tradition. One of the great traditions in the Senate is the Senate Prayer Breakfast. Every Wednesday morning we gather in the Capitol and, as they said a few moments ago, we check our partisanship at the door, and it is a time when we can come together and talk about things and share things that are in our hearts. It is a time that we do build deep and meaningful relationships with one another, and for many, many people who participate in the Senate Prayer Breakfast, it is the most important hour that they spend all week.

I want you all to know that every week that we are in session, there is a group of usually 20 or more senators that comes together and spends some time praying for each other and for the nation and for the president, and we pray for you all too.

Norm and I thank you very much, very sincerely from the bottom of our hearts, for your prayers, because we know that you lift up the Congress and lift up our government. It means more to us than you will ever know. We can feel it as we go through the week and go through our life's work here in Washington. Thank you for being here and thank you for allowing us to serve you in this capacity.

Thank you.

(Applause.)

Representative Emerson: Thank you all.

Representing the great state of California and giving our first reading for today is United States Senator Diane Feinstein.

(Applause.)

Senator Diane Feinstein: Thank you.

President and Mrs. Bush, my colleagues at the head table, Senator Frist, Senator Nelson, and ladies and gentlemen, I have chosen two brief passages that I would like to read. One, the last one, is from the Old Testament, from Micah, and the first one is from the prayer book of the temple that I attend. It is used in many synagogues during the high holidays. It means a great deal to me. It is about living our life.

"Birth is a beginning and death is a destination, and life is a journey from childhood to maturity and youth to age. From innocence to awareness and ignorance to knowing. From foolishness to discretion and then perhaps to wisdom. From weakness to strength, or strength to weakness, and often back again. From health to sickness, and back we pray to health again. From offense to forgiveness. From loneliness to love. From joy to gratitude. From pain to compassion, and grief to understanding. From fear to faith. From defeat to defeat to defeat, until, looking backward or ahead, we see that the victory lies not in some high place along the way, but in having made the journey, stage by stage, a sacred pilgrimage. Birth is a beginning and death is a destination, and life is a journey, a sacred pilgrimage to life everlasting."

And now to Micah, chapter 6, verse 6.

"With what shall I approach the Lord, do homage to God on high? Shall I approach him with burnt offerings, with calves a year old? Would the Lord be pleased with thousands of rams, with myriads of streams of oil? Shall I give my firstborn for my transgressions, the fruit of my body for my sins? He has told you, oh, man, what is good and what the Lord requires of you: only to do justice, and to love goodness, and to walk modestly with your God. Then will your name achieve wisdom."

Thank you.

(Applause.)

Representative Emerson: Thank you so much, Diane.

We heard Wintley Phipps' magnificent voice already once this morning, but let me introduce him once again to sing "Here's One".

Mr. Wintley Phipps: That first song that I sang, "Heal Our Land", that I sang at the inauguration, was written by one of America's most prolific songwriters who has written for Gladys Knight, and Brooks and Dunn. His name is Senator Orrin Hatch of Utah.

(Applause.)

With this song that I would like to share with you this morning, we have found that even in the midst of broken English there is beauty and wisdom. In Florida, where I live, during the hurricane, they asked an old man what it was like during the hurricane. CNN put a microphone in his face, he realized he was on national television, so he had to bring his vocabulary up a notch or two, and he said, "They told us we had to leave, so we had to evaporate."

(Laughter.)

This song is a song of broken English. I sing it in honor of this month that we celebrate black history. It is a simple Negro spiritual of faith from the heart of a slave. Listen to the message in the song.

(Song.)

(Applause.)

Representative Emerson: You are awesome, Wintley.

Today's other scripture reading will be read by Sergeant Douglas Norman. Sergeant Norman is the recipient of the Bronze Star and Purple Heart awards, and is a member of the Old Guard Honor Guard duty at Arlington National Cemetery.

(Applause.)

Sergeant Douglas Norman: I read this morning from two passages. First the Gospel according to Matthew, chapter 19, verses 13 through 15.

"The little children were brought to Jesus, for him to place his hands on them and pray for them. But the disciples rebuked them. Jesus said, 'Let the little children come to me, and do not hinder them, for the Kingdom of Heaven belongs to such as these.' When he had placed his hands upon them, he went from there."

That's me. I was a child on my mother's knee when I first trusted God. I trusted him simply. As a boy growing up in Wyoming, all I ever wanted to be was a baseball player. Now, 20 years later, I am a soldier. I am a member of the strongest, most technologically advanced army in the world. But with all the advancements in weapons and equipment, I am still just a man, a man with dreams, hopes and fears, like public speaking.

(Laughter and applause.)

Though I have confidence in all my equipment, equipment fails when you need it the most. However one thing I have always been able to count on completely is my faith, affirmed by the prayers of others. Soldiers all over the world draw strength from their prayers of family, friends and strangers they have never met. Psalm 91 was given to me by my mother-in-law the night before I left for Afghanistan. It was a promise that both my family and I clung to as a prayer. On that July night 18 months ago, when an RPG tore into the Humvee in which I was riding, killing my two close friends and wounding me, it was the Psalm that I trusted in, and the prayers that sustained me. I offer these verses of Psalm 91 as God's promise. May you all find its blessing.

"He who dwells in the shelter of the Most High will rest in the shadow of the Almighty. I will say of the Lord, 'He is my refuge and my fortress, my God, in whom I trust.' Surely he will save you from the fowler's snare and deadly pestilence. He will cover you with his feathers and under his wings will you find refuge. His faithfulness will be your shield and rampart."

You are the leaders of the nations. Thank you for gathering here today to think of what it means to trust God, and to pray for peace and healing of the nations. We are the children before him.

President, Mrs. Bush, it gives us great comfort to know that you are praying. Be assured that we pray for you as well.

(Applause.)

Representative Emerson: It is fitting that no one would work harder in the federal government than the Secretary of Labor. She learned that principle at first hand as director of the Peace Corps and president and CEO of United Way of America. Please help welcome U.S. Secretary of Labor, Elaine Chao.

Secretary Elaine Chao: Mr. President, first lady, my fellow cabinet members, leaders of the Senate and the House, and my wonderful husband, Senator Mitch McConnell, friends, brothers and sisters in faith, fellow sojourners in the journey of life, we are all here because we believe in the power of faith. We all have seen examples in our own life about what faith can and will accomplish. We all believe in a higher being and it is that belief in a higher being that shows us that indeed the powerful and the mighty can be transformed, and that the power of faith itself is transformational.

I remember when I was a little child, my family and I came to America when I was about eight years old. We didn't speak English, we didn't know anyone, we had no family, no friends nearby. We were fearful of everything in this new country. Yet what sustained us was our church and the power of faith. It was the power of faith that sustained us, that kept us going, that convinced us that we had a chance to survive in this wonderful new country that was so just and that has such generous and wonderful people. It was also faith that convinced us, that taught us, that led us, that indeed there is a better tomorrow.

I am in a room full of leaders today. Leaders not only in the United States, but throughout the world, and as you leaders lead and serve in all ways, please join me in this prayer. Let us pray. Dear Heavenly Father, we are deeply grateful for the many blessings that you have given us, especially the gift of freedom. This week we are reminded once again of the power of this precious gift to liberate the human spirit, bring hope to the oppressed and heal those who have suffered. Help us to never forget those who are called upon to make the ultimate sacrifice to proclaim and protect liberty, which comes from you. And bless President Bush, the first lady, Vice-President Cheney, the leaders gathered here and all those who love freedom throughout the world and seek to do your will.

Lord, as we go about our daily lives, help us also to look beyond ourselves and to listen to your voice. Teach us to know the difference between what we want and what you want, and to trust that you will never ask of us more than we can do. You have called upon each one of us to serve others in a special way. Help us to make wise decisions for the common good. And help us to understand that every kind act, every act of kindness, no matter how small, is equally worth doing because it is a reflection of you. This is the best and truest way to bear witness to your love, and to thank you for all that we have been given. In Jesus' name we pray, Amen.

(Applause.)

Representative Emerson: It is difficult in the brief time we have together to learn much about our keynote speaker, but it won't take you all long to get a sense of the man and his selfless spirit. I first met Tony Hall when he was a member of Congress, but I have come to know him over the years as a man who is one of those rare examples of how the person matters much more than the office. Today, Tony Hall is the United States Ambassador to the United Nations Agencies for Food and Agriculture. His mission, to fight hunger in the world by offering aid, giving guidance and creating self-sustaining communities. He is a leader in political and philanthropic communities. For Tony Hall, food for the hungry is not just a prayer to God, it is his life's work every day. My colleague, my friend, a great, great human being, Ambassador Tony Hall.

(Applause.)

Ambassador Tony Hall: Thank you. Mr. President, Mrs. Bush, distinguished head table, my wife Janet, so many leaders and friends from different countries around the world, ladies and gentlemen, it is wonderful to be with you. Thank you, Jo Ann, for your very kind introduction. I am very honored to be introduced by you, and your friendship, and have as a friend such a person of great integrity and compassion.

I am very thankful today too for the people in Dayton, Ohio, that for 24 years sent me here as their congressman. They gave me a lot of freedom, gave me a lot of encouragement to pursue important issues, and they were very good to me. I also want to thank the president for appointing me ambassador.

It is a wonderful job. I get to help the hungry people of the world every day. It is an honor to serve the president of the United States, the country, and hungry people.

A list of thank yous would be incomplete if I did not thank God and I know that might sound kind of trite at a prayer breakfast. 26 years ago I did not know God, did not know anything about Him. I did not have the slightest idea that prayer breakfasts like this went on. It was at a prayer breakfast like this about 26 years ago that I began to ask myself the question: is this it? Is this all there is to life? Because I was successful, I had a wonderful wife and two great children—I still have a wonderful wife.

(Laughter and applause.)

I supposedly had arrived. I had money in my pocket, position, but I was hollow, and I was empty. I was sick and tired of my ambition. I was tired of what it was doing to me. I had this vague emptiness and I knew it had to be fulfilled. I decided to go on a search for God. I will not tell you how I went on the search, it is a long story, but the important thing is that I did find Him, and I found him through this amazing person of Jesus. What is interesting about this is that I had to come to the Congress of the United States to find God.

(Laughter and applause.)

I know that sounds strange. People have all kinds of images of what this city is all about. As a matter of fact, just before we moved here about 26 years ago, I was going past my daughter Jill's room. She was three or four at the time and she was saying her prayers, and she said, "Well, God, I guess it's time to say goodbye, for tomorrow we're moving to Washington."

(Laughter.)

There was another time not too long after that where a friend of mine introduced me to a gathering, and he got so excited he said, "Now I want to introduce to you my friend. He is a U.S. Congressman and a Christian." There were a few laughs that broke out in the audience. One older man down front couldn't take it any longer. As he was squirming in his seat he shouted out, "Make up your mind buddy, you can't be both."

(Laughter.)

In those days I was very excited about my faith. I was on fire. I wanted to tell everybody about it, and I did. I started with my wife. Big mistake. (Laughter.) Every night I would say to Jan, "How about saying that prayer to receive Jesus tonight?" Well, that didn't go over very well. She would get mad.

I learned my first lesson from my wife, and that lesson was that you cannot shove faith down people's throats. People get mad. They run. I could not understand it because a few months later my wife became a believer, and I asked her, "Why did you now become a believer?"

She said, "When you stopped preaching and stopped trying to shove it down my throat, I saw how real this was, how you changed towards me, towards your job, towards your children. I knew it was real."

When I first became a believer I had a mentor. After a couple of years he would come in and pray with me. We would talk about the scripture and I had a lot of questions. After a while he said, "Tony, don't you think it's time you start to bring God into your workplace?" I said, "Yeah, but how do I do this? I don't want to wear it on my lapel. I don't want to shove it down people's throats, but I love God and I want to do this. I must bring him into my workplace, but how? I'd rather see a sermon than hear one."

My answer came a short time later. I was serving on the hunger committee. I was the subcommittee chairman for international hunger in the world. I was asked to go to Ethiopia to see this horrendous famine in 1984, and 7,000 people were dying every day. When I arrived in Ethiopia I was not prepared for what I saw when I visited a site in the mountains run by World Vision and Sisters of Charity.

Early in the morning the doctor at the compound asked me to go outside with him to pick out children to try to save. Thousands of people had gathered overnight to receive help. As we walked among the people they held up their child for me to take. They thought I was a doctor. All of them were dying. Some were already dead. We had to decide which ones had a chance, and there was only about four or five out of thousands who were going to live that we could save. I saw at least 25 children die in a matter of minutes.

I never got over that. I was stunned by it. On my way back from that trip I thought about what my friend had said about bringing God into ones' work place, and this was a way I could do it.

What does God say about this? It actually has a lot to say in the scriptures about the poor and the sick and the hurting and the people in prison, and the lonely, and the hungry. As a matter of fact, there are over 2500 verses. It is the second most talked about theme in the Bible. There are a lot of verses, most of you have heard them. The two verses that I like are both in Proverbs, and to paraphrase—they go something like this. God says to us, "If you help the poor, you lend to me." In another passage in Proverbs He says, "If you are gracious to the poor, you honor me." I do not know many places in the Bible where God says if you do this, you honor me, you lend to me, and I was excited about that.

I do not purport to speak for God today. I have read, I have prayed, I have experienced, I have seen many things over the last 25 years as a believer. These values and principles that I have seen and experienced seem to pass the time of day. They are not the values and principles—they are not American, they are not European or Asian. They are values and principles that have been handed down for thousands of years. I just talked about one of them, caring for the poor, and I will not say any more about that.

The second principle that we have talked a lot about today, is to pray for our leaders. It says in I Timothy 2, "First of all then I urge that entreaties and prayers, petitions and thanksgivings be made on behalf of all men, for kings and all who are in authority, in order that we may lead a peaceful and quiet life in all dignity." We don't pray enough for leaders. I know that today we are going to pray for the president, but what are we going to do tomorrow? We need to pray for our president every day, our vice-president, the cabinet, the Supreme Court, the Congress of the United States, our state representatives, our mayors, our leaders in our communities.

Why do we do this? Because they are better than us? No. We do this because number one, God says do it, he says do it so that you, the people in the world, can live better lives in all peacefulness and tranquility. We must not be doing enough of this, because today 25,000 people will die, and there are 850 million people in the world. There is somewhere between 30 and 45 crises going on right now as we are talking, so we need to pray. We need to do better. I need to do better. I need to remember to do this.

The third principle is meeting together, and so many of you know what I am talking about here. I know that a number of you here today meet together in small groups. I am sure that one of the most important things that you do during the week is that. When I was in the Congress of the United States, the most important thing that I did was to meet with my best friend, Congressman Frank Wolf. We met for 18 years. Frank is a conservative Republican, I am a Democrat. I think in all those years we never had a fight.

We decided early on not to talk about issues that divided us and this was pretty hard at first because we had many differences. We started to read together, we prayed together, we traveled together, our wives became friends, our children know each other and like each other. For several years there has been this deep trust between us, and we have been able to legislate and work on hunger and human rights and family issues in a wonderfully bipartisan fashion. We put aside the issues that could separate us, and now I trust him with my life. I would do anything for him.

My friend John Nakamura and his wife, Janice, have moved to Rome to be with my wife and I—just to be my friend and to pray for my work there. Can you imagine that? That is what he does. He comes to Rome, he prays with me. He prays for my work. He is my friend. With John and Frank, I have found that two are better than one.

Paul says that when you meet like this, God is there. In Thessalonians, as he was writing his letter, he was talking about Timothy, Silvanus and himself. He said, "When we came to you, three things happened. We had power, we had the Holy Spirit, we had true conviction." I have seen this happen time and time again—the proof of this passage. When we meet like this today, when we meet in small groups, when we travel together, we are powerful. There is a great strength when we go like this—the power and the Holy Spirit.

Recently I was in an African nation for a few days, and when I got ready to leave the people that were with us began to cry. They did not want us to go. It was not because of our sparkling personalities or charm or anything like that. They felt something good and right. When I arrived back at my post in Rome they e-mailed me and said, "As an ambassador you came here, you loved us, and you prayed. We knew that, and we think that if you can do that, we can too, so we have decided to do the same." When two or three people are together it is powerful.

I experienced many situations like this. A few years back, I took a private trip as a Congressman with a couple of friends, and we stopped in this one country. Our U.S. ambassador at the time stopped me, and before I could retrieve my bags, he said, "Congressman, there is one thing I want to say to you—don't talk about religion. Don't talk about faith, don't talk about Jesus, because you will set us back. You will set our whole plan back here in this country." He said, "Because, as you know, everybody here is a Muslim." I did not say anything, I just nodded, I listened. We had a lot of good meetings that day.

One of the men I met was the top leader of the country, and of course he was a Muslim, and we had a good meeting. We shared pleasantries and I found him very easy to talk to, and after about five, six, seven minutes of this kind of chit chat, he said, "Why have you come?" And I said, "Well, I've actually come to your country for the first time because I wanted to see it, and I wanted to meet you and some new friends here, and I wanted to invite you to the National Prayer

Breakfast." I told him about this breakfast and told him that we invited people in the name of Jesus and that we have all kinds of people, all kinds of people of faith, and leaders come from all over the world.

He looked at me and he smiled. He slapped his leg and he got so excited. He said, "This is amazing. You've come all the way around the world to be my friend and talk to me about the kinds of things you're talking about. I always thought Americans were materialistic." He said, "This is the greatest conversation I have had in months." He said, "My mother used to talk to me about Jesus." And then he turns to our U.S. ambassador and he says, "Why don't you talk to me about Jesus?"

(Laughter and applause.)

That is an example of what happens when two or three go together quietly, making friends, loving each other, and there is power in it.

The last principle that I observed over the years is the one that may be familiar to many of you. It is the commandment to love God with all of our heart, soul, mind and strength, and to love others as we love ourselves. It seems to me that all the values and principles come down to this. It sounds easy to say and understand to love God. Love Him, walk with Him, talk with Him, but how do we do this?

Sometimes when I am reading the scriptures in the morning, I read something that just really stings me because it is so wonderful. It is so true and pure that I take the Bible and I hold it to my chest. I do not want this moment to pass because it is so good. It is so real, so wonderful. I know perhaps that some of you are thinking that sometimes it is very hard to understand God. Why do some of the things happen in our lives? Why do the tsunamis of the world happen? I do not know.

Our 15-year-old son, Matt, died of leukemia eight years ago. My wife and I saw him suffer for four years. I really struggled with God. I had a difficult time with him. I remember one night I was just like hanging on a wall. I was just like hanging on by my fingernails every day. One day he had an especially bad day, and he had a lot of complications. I got so mad that night that I screamed and cussed and swore and yelled. I asked God to come down, to confront me, to talk to me, why? After my son died, the most incredible thing about that experience is that my faith and love for God got better, got stronger. I cannot explain it, but my love for Him is beyond understanding and imagination.

In conclusion, I wish I could say I follow these principles every day, but I do not. I fall very short of them. But when I do, it is glorious. I tried many things in my life—when I was a congressman I voted for war, I voted against war. I voted to eliminate programs, I voted for programs. I used to work against treaties, now as an ambassador, on behalf of the president and the people of the United States, I sign treaties. Sometimes they work and they work well, but often they do not. These words that I have spoken to you today, to love the poor, to pray for our leaders, to meet together, to grow with each other, to love God, and love others, they work. They have been working for thousands of years. They simply work.

What a great honor it has been for me to share my story with you this morning. I am very thankful to you and to God for this opportunity. Thank you.

(Applause.)

Representative. Emerson: Thank you, Tony. Thank you.

This breakfast began, as I said earlier, 53 years ago when a senator wanted to encourage and help lift up President Dwight Eisenhower. It is a great honor for all of us to have the president and first lady with us here today. Ladies and gentlemen, please help welcome the president of the United States.

(Applause.)

President George W. Bush: Thank you all. Thank you all very much. Thank you for the warm welcome.

Last night was a prayerful occasion. I noticed a lot of members were praying that I would keep my speech short. (Laughter.) I want to thank you for getting up so early in the morning, you resisted temptation to sleep in. Thanks for having us. I appreciate Jo Ann Emerson's leadership on this prayer breakfast.

(Applause.)

I want to thank Elaine Chao for her prayer and for representing my cabinet, and I want to thank all of my cabinet officers who are here today.

(Applause.)

I appreciate the leadership of the Congress, Senator Frist and Leader Pelosi, Leader DeLay. I want to thank the senators who spoke, and I appreciate the Congress people who are on the stage here as well. I want to thank His Excellency Marc Ravalomanana, from Madagascar, the president of that great country.

Welcome to our country, Mr. President.

(Applause.)

Y tambien, mi amigo, the president of Honduras, Ricardo Maduro, welcome, glad you are here.

(Applause.)

We thank Wintley Phipps for his beautiful music.

(Applause.)

Sergeant Norman, your prayers work. You did a fantastic job.

(Applause.)

Pretty darn eloquent for a person from Wyoming.

(Laughter.)

Don't tell the vice president—(laughs).

(Laughter.)

Tony Hall, as you can tell, I obviously made the right choice to send somebody in there. Really good job.

(Applause.)

Janet, thank you for your service as well.

Laura and I are really honored to be here. It is a fabulous moment in our nation's capital. This morning reminds us that prayer has always been one of the great equalizers in American life. Here we thank God for his great blessings in one voice, regardless of our backgrounds. We recognize in one another the spark of the divine that gives all human beings their inherent dignity and worth, regardless of religion. Through fellowship and prayer, we acknowledge that all power is temporary, and must ultimately answer to his purposes. And we know that affirming this truth is particularly appropriate in the heart of a capital built upon the promise of self-government.

No one understood this better than Abraham Lincoln. In November 1864, after being re-elected to his second term, Lincoln declared he would be, "the most shallow and self-conceited blockhead on earth if he ever thought he could do his job without the wisdom which comes from God and not from men." Throughout a terrible civil war, he issued many exhortations to prayer, calling upon the American people to humble themselves before their maker and to serve all those in need.

Our faith-based institutions display that same spirit of prayer and service in their work every day. Lincoln's call is still heard throughout the land. People of faith have no corner on compassion. But people of faith need compassion if they are to be true to their most cherished beliefs, for prayer means more than presenting God with our plans and desires. Prayer also means opening ourselves to God's priorities, especially by hearing the cry of the poor and the less fortunate.

When the tsunamis hit those on the far side of the world, the American government rightly responded, but the American response is so much more than what our government agencies did. Look at the list of organizations bringing relief to the people from Indonesia to Sri Lanka. They are full of religious names: Samaritan's Purse, American-Jewish World Service, Baptist World Aid, The Catholic Medical Mission Board. They do a superb job delivering relief across the borders and continents and cultures.

Today, millions of people across this earth get the help they need only because our faith-based institutions live the commandment to "love thy neighbor as thyself." Often, that means remembering the people forgotten or overlooked in a busy world: those in Africa suffering from HIV/AIDS, young girls caught up in the global sex trade, victims of religious persecution. In these great moral challenges of our times, our churches, synagogues, mosques and temples are providing the vision that is changing lives.

I have seen some of their miracles up close. Last June I met Veronica Braewell, a 20-year-old refugee from Liberia. The 13-year-old child Veronica witnessed armed men killing children in horrific ways. As she fled this madness, Veronica was left for dead atop a pile of bodies until her grandmother found her. In August 2003, the Catholic Social Agency helped resettle her in Pennsylvania. Veronica is now completing the circle of compassion by working in a home for the elderly in Bethlehem, Pennsylvania and studying to become a certified nursing assistant. When Veronica told me of her story, it was through the kind of tears no young woman should ever know. And when she finished she dried her eyes and said, "Thank you, Mr. President, for my freedom," but I told her it was not me she needed to thank. She needed to thank the good hearts of the United States of America.

The America that embraced Veronica would not be possible without the prayer that drives and leads and sustains our armies of compassion. I thank you for the fine tradition you continue here today, and hope that as a nation we will never be too proud to commend our cares to providence and trust in the goodness of His plans. God bless.

(Applause.)

Representative Emerson: I hope that you all will not mind hearing Wintley Phipps one more time—(applause)—I have asked him to sing my personal favorite today, and I know the favorite of so many of you, "Amazing Grace."

Mr. Phipps: This was awesome. This song, "Amazing Grace," the melody strangely enough sounds very much like a West African sorrow chant. The words were written by a man who, before he became a Christian, used to be the captain of a slave ship. Many believe he heard this melody coming up out of the belly of a ship. I looked up this song in the Library of Congress and wherever you see it authentically printed, it says "Words, John Newton; melody, unknown." And so I recorded this song the way I believe John Newton probably first heard it coming up out of the belly of a ship with the sounds of the slave ships in the water.

Listen, you will hear them too.

(Song.)

(Applause.)

Representative Emerson: "Amazing Grace" indeed. Wintley, we have to give you one more round of applause, because you are amazing.

(Applause.)

Thank you all so very much for joining us here today. It has truly been a morning full of spirit, and I so want to thank you for participating in this fellowship. I hope in the days and weeks and months ahead that you will see your faith affirmed in the world as you extend the lessons of today. I hope to see all of you here one year from now, celebrating the progress of faith in the world and sharing God's light. To conclude today's events is our closing prayer, and it will be delivered by Tennessee's own, Congressman Lincoln Davis.

(Applause.)

Representative Lincoln Davis: We should have just said, amen when Wintley finished that song. What a wonderful song. If you have not been blessed today, you have not been listening. I am not good at humor. My wife and my friends tell me never to attempt that. When I came here two years ago, I traveled through what they call a candlelight tour of the Capitol, and I saw there a statute of Will Rogers. I had read some of his wit and some of his humor, so I realized that I did not need to attempt that, and that he had probably perfected that. One of the things he said was, "If you burglarize a home, we will send you to prison. If you steal a railroad company, we'll send you to Congress."

(Laughter)

Tony Hall, it is wonderful to hear of your life, and the message that you have given us. It is wonderful to have a president and a first lady who give us spiritual leadership. Jo Ann, you have done an outstanding job in the last year for that special hour that we each meet on Thursday morning, as our president and as the chairman of this event today. And for all of us who have gathered here today, as we give praise to God, there is a blessing that we all have received. Since the dawn of the age of civilization, man has turned to our creator, through prayer for guidance in the times of difficulty. Today in modern day America, we are no different. In fact, thanks to our founding fathers, one of the oldest traditions of the United States Congress is to begin each day with prayer so that we may have spiritual help in making decisions that affect our country, and our world.

On June the 28th in 1787 when the Constitutional Convention was lost in a sea of confusion and could not agree upon a course of action, Ben Franklin rose and addressed then-president George Washington. I quote what he said.

"We have been assured, sir, in the sacred writings, 'except that the Lord build the house, they labor in vain that build it.' I firmly believe this and I also believe that without His concurring aid, we shall succeed in this political building no better than the builders of Babel. We shall be divided in our little, particular, local interests, our projects will be confounded, and we ourselves shall become a reproach and a byword down the future ages. And what is worse, mankind may, hereafter, from this unfortunate instance despair of establishing the government by human wisdom and leave it to chance, war or conquest. I therefore beg leave to move that henceforth prayers imploring the assistance of Heaven and its' blessing on our deliberations be held in this assembly each morning before we proceed in business, that one or more of the clergy of this city be requested to officiate in that service."

Each morning we still pray when we start our actions in Congress. These words are as relevant today as they were over 200 years ago. Following in the tradition of Ben Franklin's request, rise please, and let us pray.

Father, we ask that you look down upon us today, and instill in our hearts and minds the faith and perseverance to do your will. We ask for courage and wisdom as we look toward the future and aim to establish a world where your children will not suffer from the actions of man. In these trying, uncertain times, your inspiration and love is desperately needed. Bless our endeavors and guide our steps so that we may truly do your work. Too often in today's world man's vision becomes cloudy with constant temptation. When this occurs, man can easily become lost in a Godless wilderness, void of spirituality. Sin thrives in this wilderness, and selfishness abounds. Lord, free us from temptation and give us strength. Please allow your light to shine upon our paths and bless us with the compass of your will so that we will seek to do what is best, just not for ourselves, but for others. Let us know the beauty of Godly deeds.

Lord, I have often turned to you for aid and strength in making difficult decisions. I ask divine help for each of us to continue to seek the satisfaction found only in a spiritual life. Today I ask for you to continue to bless the lives of all your children, and give today's attendees the strength to lead morally and ethically as we embrace the challenges of achieving lasting peace in the face of an unknown future.

Lord, you have blessed our country. Let us realize that it is only through your grace that we receive these blessings. Burden us to continue to give our hearts to you. Give our nation and the nations of the world the passion to clothe the naked, to feed the hungry, to quench the thirsty, heal the sick and help the oppressed break free from the torments of their oppressors. Let our passion for a Godly world never fade.

Lord, for our America, give the leaders the courage to ask for your stewardship through faith. Give our leaders peace of heart and assist us in our endeavors so that we may positively impact America and the rest of the world. Allow our spirits to feel your guiding hand. Bless all the nations of the world and fill their leaders' hearts with hope for a better tomorrow. Shepherd them through their daily challenges toward the goal of everlasting peace. Help these leaders strive to make decisions reflective of your resolve, for if we enact your will, we can know a blessed life.

Lord, help us recognize the value of mankind throughout the world. Help us to continue to thirst for peace and an end to anguish. Help us embrace our differences as we work to achieve the goals of common good. May peace, hope and God's love burn in our hearts. These things I only ask in Jesus' name, amen.

(Applause.)

PERSONAL EXPLANATION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Ms. KILPATRICK of Michigan. Mr. Speaker, personal business in my district prevents me from being present for legislative business scheduled for today, Monday, June 13, 2005. Had I been present, I would have voted "aye" on S. 643, a bill to amend the Agricultural Credit Act of 1987 to authorize State mediation programs (Rollcall No. 241), and "aye" on H.R. 2326, a bill designating the "Floyd Lupton Post Office" (Rollcall No. 242).

100TH ANNIVERSARY OF ROCHE

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. POMBO. Mr. Speaker, I rise today to offer my congratulations in honor of the 100th Anniversary of Roche, one of the leading healthcare innovators in the world. Roche is a specialty care company that employs over 10,000 people in America and 60,000 globally. I am pleased to represent Roche Molecular Systems, which employs hundreds of people in my District, all of whom are dedicated to improving the quality of health care for millions of people.

For a century now, Roche has invested in advanced research and manufacturing techniques that have yielded breakthroughs in healthcare. Founded in Switzerland in 1896, Roche's roots in America are deep and strong, dating back to the opening of its New York office in 1905. From its start in Manhattan in 1905, Roche has extended its reach to nine sites across the United States, in California, Indiana, New Jersey, South Carolina, and Colorado.

As an industry leader in the field of diagnostics, Roche's products help patients manage their diabetes, give physicians and hospitals the ability to identify illnesses more quickly and more accurately, and tailor treatments in a way that best suit an individual's personal medical condition. These inventions are part of why we are proud that Americans enjoy the highest quality medical care in the world.

I commend the people of Roche Molecular Systems in California and Roche employees worldwide for their impressive achievements, and congratulate them again on this very special 100th Anniversary.

A TRIBUTE OF DAVID LEWIS MOORE

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. BUTTERFIELD. Mr. Speaker, I rise today to commend Reverend David Lewis

Moore for his important work in North Carolina. Reverend Moore was recently chosen as one of 10 national recipients of the 2005 Robert Wood Johnson Community Health Leadership Award. This honor includes a monetary award of $105,000 which Reverend Moore can utilize to assist him with his work in the community.

Reverend Moore's efforts in rural Beaufort County, North Carolina have transformed the lives of hundreds of residents and provided health care to thousands struggling with poverty and illness.

After attending Seminary and receiving a Master's Degree at Yale University, Rev. Moore became Pastor of the African Methodist Episcopal Zion Church in Beaufort County and immediately set out to improve the quality of life of the region's low-income residents, most of whom are African-American. The county, which is also home to a small but significant number of Latino farm workers, has the highest rates of HIV/AIDS, diabetes, and heart disease in North Carolina; and we should commend Rev. Moore's diligent efforts over the years to combat these very serious and detrimental conditions.

Rev. Moore founded Metropolitan Community Health Services in 1990. One of its core programs is the Agape Community Health Clinic which offers health care to some 4,000 low-income people every year. Initially, the clinic operated with little financial support, but it grew in size through grants that Rev. Moore obtained, including one that paid for a doublewide trailer to serve as the clinic's headquarters. Soon the clinic will expand to a renovated bowling alley, thanks to funds raised by Rev. Moore.

Not stopping at improving health care for the region's poor, Rev. Moore also mobilized area churches from across the U.S. and Canada to assist in the reconstruction of homes following Hurricane Floyd. As a result, 43 new homes were constructed.

Rev. Moore has also helped to develop more than 500 units of housing for families, single mothers, senior citizens, victims of domestic violence, people with disabilities and migrant workers.

Mr. Speaker, I am proud to congratulate Rev. David Lewis Moore on receiving this award and ask my colleagues to join me in thanking him for his work, past, present and future, on behalf of the people of North Carolina.

INTRODUCTION OF THE JOHN L. BURTON TRAIL ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, today, along with the majority of California's House delegation, I am introducing legislation to name a trail in a northern California redwood grove after former State Senate President John Burton.

With this legislation, we are honoring our former colleague in the House for his pivotal role in the landmark 1999 state-Federal agreement to protect the ancient redwoods of the Headwaters Forest Reserve.

In addition to being a great ally for those who have needed a helping hand, John Burton has been a powerful advocate for environmental values throughout his time in public service. His work to protect this important redwood forest was just one of the many highlights of his inspiring career.

Among other accomplishments, he was instrumental in forcing a debate over the appropriate use of the Headwaters. That debate eventually led to a 1999 negotiated agreement through which the Federal and State governments were able to protect a total of 7,400 acres.

That agreement was not only a victory for these threatened old-growth trees and all the fish and wildlife living in this ecosystem. It was a victory for all of us: generations in the future, Americans will be able to visit this amazing natural landscape.

Under this bill, all future maps of the Reserve will include the "John L. Burton Trail" designation, ensuring that visitors to the ancient redwoods are aware of Burton's leadership to help save the grove from destruction.

I look forward to the speedy passage of this non-controversial legislation to properly recognize John Burton for just one of his many contributions to the state of California and our country.

HONORING FIRST PLACE WINNERS OF EXPLORAVISION AWARDS

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mrs. JONES of Ohio. Mr. Speaker, I rise today to recognize two very bright young men from the Eleventh Congressional District of Ohio, Alec Lai and Atreya Rajagopalan. These two students from Hawken Middle School in Lyndhurst, Ohio received first place honors in the Exploravision Awards.

Exploravision is a competition for students of all interest, skill, and ability levels in grades K–12. The purpose of the competition is to encourage students to combine their imaginations with the tools of science to create and explore a vision of a future technology.

Alec and Atreya's project was titled "Visible-Light Photocatalysis," this technology is intended to be used to clean and detoxify water and air, to create self-cleaning walls, and to prevent bacteria contamination and spreading. Their project was selected as a regional winner and then given the first place award for the middle level (grades 7–9) at the national competition.

I am very proud to say that such creative young men from my district have been honored so greatly. They are part of the next generation of great minds that keeps our country leading in the field of new and profound ideas.

INTRODUCTION OF THE YOUTH WORKER PROTECTION ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. LANTOS. Mr. Speaker, while many of us think that exploitive child labor is no longer a problem in the United States; the sad fact is that some of the most exploitative forms of child labor continue to occur in our country. In farm fields and in fast-food restaurants all over this country, employers are breaking the law by hiring under-age children and making them work in hazardous conditions.

In fact, the Child Labor Coalition (CLC), a consortium of over 30 non-profits and non government organizations (NGO's) has a new report that shows how the Administration has failed to meet its obligations to eliminate the worst forms of child labor in our country. This extraordinary report, which I urge all of my colleagues to read, is titled Protecting Working Children in the Untied States—Is the Government's Indifference to the Safety and Health of Working Children Violating an International Treaty? I request the executive summary of this report and the recommendations made by the CLC be placed in the CONGRESSIONAL RECORD.

The CLC's report details four specific developments that have occurred in the five years since the United States ratified the International Labor Organization Convention 182 Concerning the Prohibition and Immediate Action for Elimination of the Worst Forms of Child Labor (a/k/a ILO Convention 182), which raise serious concerns as to whether or not the United States remains compliant with its ILO 182 obligations.

Mr. Speaker, I am sure you agree with me that the United States must remain committed to enforcing its international obligations. That is why I am pleased to announce that along with 25 of our colleagues, today I am introducing the Youth Worker Protection Act (YWPA), legislation that would erase any doubt whether the United States is in compliance with its ILO 182 obligations.

Among the worst forms of child labor that the signers of the ILO 182 agreed to prohibit and eliminate included work which, by its nature and the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. The United States regulates these types of practices through regulations known as Hazardous Orders (HOs) that are issued by the Secretary of Labor. These regulations are amended from time to time as new information becomes available or when revisions are recommended.

Despite numerous changes in our nation's economy, these HOs have not been substantially changed or revised for over thirty-years. Even more troubling is that because of the law creates a difference for the rules governing Agriculture and non-agriculture employment, the HO's contain numerous anomalies, including the fact that a 16-year-old worker can use a power driven circular saw if they're working on the farm—but not if they're working in the shop.

Mr. Speaker, I can only assume that the Department of Labor recognized that it had not substantially revised the Hazardous Orders, and that this recognition was the impetus behind the Department's commissioning of the National Institute for Occupational Safety and Health (NIOSH) to engage a detailed analysis of the HOs. After a comprehensive view of injury data and scientific literature NIOSH's recommended revising existing HOs as well as the creation of some new orders.

The NIOSH report was completed more than three years ago and unfortunately the Department of Labor has taken zero action on NIOSH's recommendations, including such common-sense proposals such as revising the rules on children whose employment involves construction work, using chainsaws, or operating dangerous motorized vehicles.

Given the gravity of the fact that more than 200,000 youth are injured in the workplace every year, and a young person is killed while working in this county once every five days, this inaction is inexcusable and inappropriate. The Youth Worker Protection Act would implement the NIOSH recommendations into Law ensuring that our nation's children are prevented from working in hazardous jobs and keeping America compliant with ILO 182.

Mr. Speaker, in addition to ensuring that the United States is in compliance with its international obligations to end the worst forms of child labor, the YWPA also takes crucial steps to modernize America's child labor laws to reflect the changed nature of America's economy since our child labor laws were enacted nearly 70 years ago.

In some ways kids today are working just as long as their "Mill Children" predecessors, especially when one considers the hours a student is in school. Mr. Speaker, the average time a student is in class is about 7 hours a day, or 35 hours a week. This does not include additional time for extracurricular activities or homework. Going to school is almost a full-time job itself. Therefore, in addition to devoting a minimum of 35 hours a week to their schoolwork, many high-school students are also working 30 to 40 hours a week for some of America's largest corporations, often working well past midnight while simultaneously trying to balance school requirements. When one combines the hours some of today's teens are at school with their hours at work, the 70-hour workweek is still in place.

Mr. Speaker, research clearly indicates that working more than 20 hours a week in addition to a normal school schedule has a negative effect on student's academic progress. Additional studies show that children who work long hours also tend to use more alcohol and drugs, which is why the YWPA creates common-sense limits on the hours that students can work during the school year.

Mr. Speaker, my legislation will reduce the problem of children working long hours when school is in session, and it strengthens existing limitations on the number of hours children under 18 years of age can work on school days. The bill would eliminate all youth labor before school, and after-school work would be limited to 15 or 20 hours per week, depending on the age of the child. Additionally, it will require better record keeping and reporting of child labor violations.

Mr. Speaker, the issues of children working early in the morning or late into the evening is a problem facing our country. Students continuously tell me that working long hours, late into the night negatively affects their school performance, that they are too tired for class, and that the long hours on the job take away from important extra-curricular activities and take away time from their family.

Mr. Speaker, for the past 60 years our nation's agribusinesses have enjoyed special exemptions under the FLSA. Many of these exemptions were based on the historical prominence of the family farm in the American economy. Current labor laws allow children—even those less than 10 years of age—to be employed in agriculture. Child farm laborers can work unlimited hours before and after school, and they are not even eligible for overtime pay. At the age of 14, or even earlier, children working in agriculture are using knives and machetes, operating dangerous machinery, and are exposed to dangerous toxic pesticides. In no other industry are children so exploited as they are in agriculture. Despite all these dangers, there are no protections for children working on farms and in the fields.

Mr. Speaker, most of today's farms are not owned by families, but by large corporate entities, and deserve to be treated like any other company employing children. Although I am pleased to report the YWPA keeps the existing family farm exemption, I am delighted that it amends the FLSA to treat companies such as Archer-Daniels-Midland and Dole just like McDonalds and Wal-Mart, because obtaining parity in the regulations and restrictions of jobs in agriculture and the rest of the economy is long overdue.

My colleagues and I introduced the Youth Worker Protection Act because the exploitation of child labor is a national problem that continues to jeopardize the health, education and lives of many of our nation's children and teenagers. This legislation seeks to eliminate the all-too-common exploitation of children working long hours late into the night while school is in session, and working under hazardous and dangerous conditions.

Mr. Speaker, I adamantly want to make it clear, as supporters of child labor reform, we do not oppose young people working. We wholeheartedly believe that children need to be taught the value of hard work and to learn the valuable lessons of responsibility and enjoy all the rewards of working. It is not our aim to discourage employers from hiring young people. Rather, our goal is to ensure that the job opportunities available to young people are meaningful, safe and healthy.

What we oppose are the senseless deaths and needless injuries of our teenagers. We oppose the negative effects on academic achievement that result when children work excessive hours while school is in session. An education, not after-school employment, is the key to a successful future.

PROTECTING WORKING CHILDREN IN THE UNITED STATES: IS THE GOVERNMENT'S INDIFFERENCE TO THE SAFETY AND HEALTH OF WORKING CHILDREN VIOLATING AN INTERNATIONAL TREATY?

EXECUTIVE SUMMARY

In 1999, the United States ratified an international treaty known as International Labor Organization Convention 182, which requires the U.S. to "take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labor as a matter of urgency." The U.S. claimed that it was already in compliance with the treaty at the time of ratification. This report shows that U.S. compliance with the treaty is in serious doubt as a result of disturbing developments since 1999.

First, the U.S. Department of Labor (DOL), which enforces the federal child labor laws, has done almost nothing to update its outmoded "Hazardous Order" regulations, which are designed to forbid employers from permitting children to do particularly hazardous jobs. This failure is particularly shocking in view of the fact that more than three years have gone by since the National Institute for Occupational Safety and Health (NIOSH) in May 2002 published a detailed study, commissioned by DOL, which pointed out numerous safety hazards to young workers that require many improvements in the Hazardous Order regulations.

Second, a DOL report from November 2004 discloses that during the last four years, the time spent by DOL investigators in enforcing the child labor laws has decreased by 21.6 percent. The equivalent of only 34 full-time investigators are available to enforce the law, even though there are an estimated 3.2 million workers under age 18. This amounts to one investigator per 95,000 working children. Moreover, even though the maximum fine that can be imposed for a child labor violation is $11,000, the average fine actually imposed by DOL last year was only $717.78. This in the lowest seven percent of the entire range of fines, from $1.00 up to $11,000, that DOL has the authority to assess.

Third, Congress's watchdog agency, the Government Accountability Office (GAO), issued a report in September 2002 that was highly critical of DOL's child labor enforcement priorities. DOL has done little to heed this report, and what it has done shows that DOL's enforcement activities continue to suffer from serious flaws.

Fourth, In March 2000, the GAO issued a report urging the U.S. Environmental Protection Agency (EPA) to improve its pesticide regulations in order to ensure the safety of farmworkers and their children. The GAO noted, among other deficiencies, that the EPA's Worker Protection Standard for farmworkers has reentry intervals, or REIs (which establish the minimum amount of time that workers must be kept out of a field after pesticides have been applied), that are based on the effect of pesticides on a 154-pound adult male, and hence do not adequately protect children. EPA has made no changes to remedy this deficiency, or other deficiencies, in the Worker Protection Standard that would better protect children from toxic pesticides.

These failings are deeply troubling in themselves, and they also raise the question of whether the U.S. government is in compliance with the 1999 international child labor treaty.

The last few pages of this report set forth specific recommendations for action that should be taken by DOL and EPA, as well as by the U.S. Congress, to remedy these failings. Only by taking these actions can the United States live up to its obligations under International Labor Organization Convention 182, and thereby provide adequate protection against the safety and health hazards facing America's working children.

* * * * * * *

7. RECOMMENDATIONS

The Child Labor Coalition (CLC), representing a constituency of more than 40 nongovernmental organizations concerned about protecting the health and safety of working minors, believes the U.S. government should address the questions related to U.S. compliance with ILO Convention 182. In light of the safety and health hazards to working children outlined in this report, the CLC makes the following recommendations to the U.S. Department of Labor, the U.S. Environmental Protection Agency, and the Congress:

To the U.S. Department of Labor:

1. NIOSH Report. DOL should prioritize the many NIOSH recommendations for strengthening Hazardous Orders, in order to protect children from the most dangerous jobs. DOL should revise first those HOs that would have the greatest likelihood in reducing the greatest number of occupational deaths and serious injuries and illnesses, and then address the other HOs. DOL should issue proposed regulations making these changes and invite comment from interested parties. All of this should be done within 12 months. DOL has already had more than three years to work on this important project, and further delay is not justifiable. Prompt action is now essential to protect working children from deaths and injuries.

2. Enforcement. DOL should take three steps immediately. First, it should greatly increase the number of hours devoted to child labor enforcement. Doubling the 58,043 hours spent in fiscal year 2004 would still not reach the 143,000 hours spent in fiscal year 1990 in child labor enforcement, but doubling the hours should be accomplished within two years. There are more children working now than in 1990, and in any event until there is a private right of action, thus enabling children to bring their own lawsuits, enforcement activity by DOL is all the more important. Second, DOL should target enforcement more effectively. The key is to find employers who are most likely to have violated the law. Making use of state workers' compensation data on deaths and injuries to children is one very helpful way to do this. DOL needs to use this approach and other means to find child labor violations. Third, DOL must cease immediately the practice it used in the Wal-Mart case and a few other cases in which it gives employers advance notice of investigations and thereby enables the employers to cover up evidence of violations.

3. Civil Money Penalties. DOL needs to revise on a top priority basis its regulations on determining the level of a child labor civil money penalty. These penalty regulations need to (a) use more objective criteria, (b) indicate how each criterion is to be weighted, and (c) provide for higher penalties. Penalties set by DOL are too often lowered by judges, often drastically, because of the subjective factors in the present regulations and inadequate regulatory guidance on how to weight the various factors. And for a law in which the maximum penalty is $11,000, the median penalty assessed of $717.78 in 2004 is far too low.

To the U.S. Environmental Protection Agency:

1. Pesticides. Within no more than 12 months, EPA needs to make every reasonable effort to devise reentry intervals (REIs) for children, so that young workers are not allowed to reenter a field after pesticides have been used on it until it is safe for children, with their developing organs and greater sensitivity to toxic chemicals, to be there. This is the main revision needed to EPA's Worker Protection Standard, but there are others, as well, spelled out in the report by the Government Accountability Office (GAO).

To Congress:

1. Amend the FlSA to provide children in agriculture the same protections as children in other industries. Three key amendments are needed to achieve this result. First, the minimum age for hazardous work in agriculture must be raised from 16 to 18, so that all children in all employments will be protected equally. Second, the normal minimum age for non-hazardous work in agriculture must be raised from 14 to 16, in order to equalize the rules for all working children. Third, the restrictions on hours that children can work must be strengthened in agriculture, so that children in agriculture enjoy the same hours of work protections as all other children.

2. Amend the FLSA to provide a private right of action for child labor violations. Under existing federal law, if any child is employed in violation of the child labor requirements, only DOL can bring a lawsuit, and the penalty that is finally determined must be paid to the United States Treasury. In order to provide a greater incentive on the part of employers to comply with the law, lawsuits should also be permitted by children who are employed in violation of the law. The maximum employer liability for each violation should remain at the level for a penalty assessed by DOL (currently $11,000), but the money in a private action should be paid by the employer to the child (or, in the case of a death, to the parents or guardians of the child). The inability of DOL to enforce the law adequately requires that others have a role in enforcement. FLSA minimum wage and overtime lawsuits are permitted both by DOL and by individual employees, and the FLSA should be amended to allow the same approach in child labor cases.

IN RECOGNITION OF JUDGE GARRY MALPHRUS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. WILSON of South Carolina. Mr. Speaker, I am honored to congratulate Judge Garry Malphrus, his family and friends, on his appointment to the Federal Immigration Court.

I am very grateful to represent the Malphrus family in Congress and one of the great honors of serving in Congress was having the opportunity on June 3rd to join in a swearing-in ceremony to recognize the achievements of a constituent. As a former attorney who has practiced immigration law, I know the importance of this judgeship.

Garry was born and raised in Jasper County, South Carolina, a son of the Lowcountry, which is in the district that I represent. Garry's impressive career track includes his graduation from Thomas Heyward Academy of Ridgeland and his further education at the University of South Carolina for his undergraduate and law degrees. Garry was a law clerk to Federal Judges Chauncey Patterson and Dennis Shedd. I particularly appreciate the importance of clerkships because Judge Dennis Shedd was a clerk in our office. Garry also worked on the Senate Judiciary Committee for South Carolina's former Senior Senator Strom Thurmond and was an attorney for the current Bush Administration. I know he will do well with that list of former employers.

Not only do I want to congratulate Garry, but I also want to congratulate the people who helped make this possible, his family; Judy and Donnie Malphrus, his brother Barry and sister Kim and his grandmother Lorene Langford.

Garry has been instrumental in furthering the cause of justice for many years through his work on the judiciary committee and political campaigns.

Garry has been involved for campaigns, including mine, for as long as I can remember. He and his brother Barry actually recruited my chief of staff, Eric Dell, involving him in politics for the first time in 1986 as a volunteer in the gubernatorial race of Congressman Carroll Campbell in his successful election. I always enjoyed seeing Garry and Barry at state conventions; it was encouraging to see their bravery and enthusiasm to be dedicated activists in a county where they were a persistent political minority.

In the seventeen years I served in the South Carolina Senate, I had the opportunity to vote on dozens of candidates for judgeships and appoint numerous magistrates. In every election, I looked for judicial temperament of a person who would respectfully give every participant a respectful day in court, no matter who they were or what they looked like. I am confident Garry possesses this unique quality.

Again, I want to congratulate Garry, his family, and friends on his appointment as a federal immigration judge and wish him success and Godspeed.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mrs. JONES of Ohio. On House rollcall vote No. 239, H.J. Res. 27 a bill "Withdrawing approval of the United States from the Agreement establishing the World Trade Organization." I voted "yea" on this vote, and intended to vote "no." I am asking that the record show that I am supportive of he United States membership in the World Trade Organization.

LET'S KEEP FAMILIES TOGETHER

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. FILNER. Mr. Speaker. I rise today because legal immigrants and their families need our help.

As Congress continues to debate ways to address illegal immigration, we must remember the many hard-working legal immigrants that contribute so much to our nation's economy and culture. In Congress' zeal to crack down on illegal immigration, it has unfairly punished many of these legal immigrants.

That's why I invite all my colleagues to join my fight to reverse certain unfair provisions of so-called "immigration reforms" instituted by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This law has allowed stable, long-term families headed by legal immigrants to be torn apart because of minor crimes committed years ago—crimes for which the offenders have already served their sentences.

A basic legislative attempt to fix this law was passed by the House of Representatives in the 106th Congress, but it was never taken up by the Senate. So I have re-introduced my "Keeping Families Together" Act (H.R. 2865). This bill would reinstate judicial review to the immigration process, restore the definition of aggravated felony that existed prior to 1996, end the practice of automatically detaining productive members of our society for minor crimes they committed years ago and for which they have already served their sentence, and allow legal immigrants previously deported to appeal that decision.

Please join me in supporting this critical legislation to restore justice to our immigration processes and keep families together.

INTRODUCING A BILL TO CLEAR TITLE TO TWO PARCELS OF LAND LOCATED ALONG THE RIO GRANDE IN ALBUQUERQUE, NEW MEXICO

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mrs. WILSON of New Mexico. Mr. Speaker, I rise today to introduce the Albuquerque Biological Park Title Clarification Act. This legislation would assist the City of Grande.

The Albuquerque Biological Park is a distinctive environmental museum comprising four facilities: Albuquerque Aquarium, Rio Grande Botanic Garden, Rio Grande Zoo and Tingley Beach Aquatic Park. In 1997, as part of an effort to improve these facilities, the City purchased two properties from the Middle Rio Grande Conservancy District (MRGCD) for $3,875,000.

The City had been leasing the first property, Tingley Beach, from MRGCD since 1931. The City had been leasing the second property, San Gabriel Park, from the MRGCD since 1931. Both properties had been used as public parks.

In 2000, the U.S. Bureau of Reclamation interrupted the City's plans when it asserted that it had acquired ownership of all of MRGCD's property associated with the Middle Rio Grande Project in 1953. This called into question the validity of the City's title to the properties. The City cannot move forward with its plans to improve the properties until the titles are cleared.

The legislation is narrowly drafted to affect only the two properties at issue and leaves the main dispute concerning title to project works for the courts to decide. This important legislation will allow the City to move forward with a project that will provide residents and visitors with exciting new recreational opportunities.

THE BELLS OF BALANGIGA: IT IS TIME TO GO HOME

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. FILNER. Mr. Speaker and colleagues, I rise today to speak about my resolution, H. Res. 313, which urges the President to authorize the transfer of ownership to the Philippines of one of the bells taken in 1901 from the town of Balangiga in the Philippines. The bells are currently displayed at F.E. Warren Air Force Base in Cheyenne, Wyoming.

In the 100 years since the taking of the bells occurred, the citizens of the United States and the Philippines have shared many historic and political ties. The Philippines was a staunch ally of the United States during World War II. Brave Filipino soldiers were drafted into service by President Franklin D. Roosevelt, fought side-by-side with American soldiers, and were instrumental in the successful outcome of World War II. Filipino soldiers also fought alongside our soldiers on the battlefields of Korea and Vietnam.

Since the independence of the Philippines in 1946, the U.S.-Philippine relationship has been largely one of friendship and cooperation. The Philippines is a republic patterned basically on our own system of government. The Philippines is a valuable trading partner of the U.S. and an ally in the war against terrorism. Approximately two million Americans are of Filipino descent and close to 130,000 United States citizens reside in the Philippines. The acts of conflict that surrounded the taking of the bells of Balangiga are not consistent with the friendship that is currently an integral part of the relationship between our two nations.

The Republic of the Philippines has repeatedly requested the return of the bells. They are an important symbol to the Filipino people, who wish to have them re-installed in the belfry of the Balangiga Church. I believe that it is time to resolve this situation in order to solidify the bonds between our two nations. My resolution would honor and promote the positive relationship our countries enjoy.

A compromise measure has been suggested to return one of the bells, as my resolution calls for, and to create two replica bells—one for each country. This compromise would satisfy most Filipino veterans.

As the years pass, I am confident that relations between our two nations will grow even stronger. To that end, the United States Government, which has final disposition over the Bells of Balangiga, should transfer ownership of one of the bells to the people of the Philippines as a measure of good will and cooperation. I urge the passage of my resolution.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber on June 7, 2005. I would like the record to show that, had I been present, I would have voted "yea" on rollcall votes 228 and 229.

I also inadvertently missed rollcall vote 192 on May 19, 2005. I would like the record to show that, had I been present, I would have voted "no" on rollcall vote 192.

COMMENDING MS. ALMA OLIVAS

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mrs. WILSON of New Mexico. Mr. Speaker, I rise today to call the House's attention to the important work of one of my constituents, Alma Olivas, and her recent selection for the nation's highest community health leadership distinction.

Ms. Olivas was one of the 10 outstanding individuals from across the country chosen to receive this year's Robert Wood Johnson Community Health Leadership award. The award also comes with a $105,000 grant for Ms. Olivas to use to further her important efforts. Ms. Olivas works with the Coalition for Community Healthcare Access, which helps poor and uninsured people access health care in Bernalillo County, New Mexico.

A persistent and courageous advocate for the uninsured, Ms. Olivas has been working to increase access to health care from an early age. Since she was seven years old, when she moved from Mexico to Albuquerque, Ms. Olivas has served as an interpreter for extended family members and neighbors. But it was her grandmother's devastating encounter with the medical system that made it her life's work.

Her uninsured grandmother was repeatedly denied surgical treatment for a broken hip because she could not afford to pay half of the cost of the surgery upfront. Ms. Olivas became a fierce advocate, learning how to negotiate the health care system on her grandmother's behalf and eventually winning her the treatment she needed.

Since working with the Coalition for Community Healthcare Access, Ms. Olivas has increased the availability of interpreter services, improved financial assistance for low-income people, and raised community awareness of the health care problems of immigrants and the uninsured.

Mr. Speaker, I wish to take the opportunity to commend Ms. Olivas for her tremendous work and to congratulate her as a recipient of the Robert Wood Johnson Community Health Leadership award.

PERSONAL EXPLANATION

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. WICKER. Mr. Speaker, on rollcall votes Nos. 171–175, I was unavoidably absent. Had I been present, I would have voted as follows: On Nos. 171–174, "yea"; on No. 175, "aye."

CONGRATULATION TO THE TOWN OF SOUTHWEST RANCHES

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Ms. WASSERMAN SCHULTZ. Mr. Speaker, in the fall of 1996, a bill was proposed to the Broward County Legislative Delegation to annex all of the unincorporated area between Griffin Road to the north, Sheridan Street to the south, Flamingo Road to the east and SR 27 to the west, into the City of Pembroke Pines.

Hundreds of citizens from that unincorporated area, known as the Southwest Ranches, packed the Delegation hearing in November of 1996, to protest this attempted takeover and to call for the right to form their own city. As a result of this grassroots effort, the State Legislature passed a bill during the 1997 legislative session, calling for a vote of the citizens of Southwest Ranches in March of 2000.

In the summer of 1997, Southwest Ranches Homeowners Association members agreed to actively promote incorporation of a new city for the area and formed a political committee to explore this option. A feasibility committee was appointed to determine if a new city would be viable.

On July 3, 1999, the SWRHA sponsored a parade and picnic to declare the area's independence. The bill was passed by the Florida Legislature in 1997, authorizing the vote in 2000 to determine if residents wanted to annex or form their own city. On March 14, 2000, residents voted overwhelmingly to form a new Town. The election to approve the Town's charter was held on June 6, 2000, and Council Members were elected on July 25, 2000. On that day, Southwest Ranches was officially in business.

This year, we celebrate the Fifth Anniversary of the Town of Southwest Ranches and commemorate the preservation of the beautiful land and environment that its residents love so much.

HONORING AL VAN METRE, SR., CEO AND FOUNDER OF VAN METRE COMPANIES

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to recognize Mr. Al Van Metre, the founder and CEO of Van Metre Company. This recognition is well deserved for his contributions to the communities of Northern Virginia.

Al Van Metre attended the U.S. Naval Academy from June 1944 to March 1945 before graduating from George Washington University with a degree in engineering. Mr. Van Metre established the Van Metre Company in 1955, since that time his company has built over 15,000 single family homes, town homes and manages 2,200 apartments throughout Northern Virginia. These dwellings proudly serve over 50,000 homeowners and residents throughout Northern Virginia.

The developments created by Van Metre Company include Lansdowne On the Potomac, Broadlands and Stone Ridge. These planned communities have received numerous Finest for Family Living Awards including the developments of Lansdowne on the Potomac in 2001, The Lee at McNair Station in 1999 and a three time winner from 1998–2000 for The Fitzgerald at Broadlands. The company, based in Burke, Virginia, has received numerous "Major Achievements in Marketing Excellence" awards, including the Best Community Brochure, Best Print Advertising, Best Web Site and Multi-Media Campaign for Planned Communities. The success over the last half-century, growth of the company and award winning planned communities are due to the hard work and dedication of Mr. Van Metre.

Not only has Mr. Van Metre helped to create superb living communities, but he has been an active member in the community serving as a board member for the Navy Marine Coast Guard Resident Foundation and the Naval Academy foundation. He also served as the chairman of the Race Committee of the Northern Virginia Hospice Cup and as a board member of the St. Stephen's School In Alexandria, Virginia.

With his background and support for the Naval Academy and as Chairman of the Northern Virginia Hospice Cup, it is no surprise that Mr. Van Metre is an avid and accomplished sailor. He has guided his yacht, the *Running Tide*, to wins at virtually every major yachting event on the East Coast. He was a five-time overall annual champion in Chesapeake Bay racing and has earned over 200 trophies in his distinguished sailing career.

Mr. Speaker, in closing, I would like to extend my heartfelt appreciation to Mr. Al Van Metre for helping to create planned communities that benefit numerous residents and families in Northern Virginia. I call upon my colleagues to join me in congratulating Mr. Al Van Metre on his accomplishments and in wishing him the best of luck in all future endeavors.

HONORING LTC MICHAEL P. ANDERSON

HON. CATHY McMORRIS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Miss McMORRIS. Mr. Speaker, I rise today to mark the dedication of the Michael P. Anderson Memorial Statue in Spokane, WA, and to posthumously honor LTC Michael P. Anderson for paying the ultimate sacrifice while serving his country, his community, and each one of us by challenging the constraints of this world. As not only an astronaut, but a man committed to his family and community, Anderson continues to inspire us even though he is gone.

Anderson died aboard the Space Shuttle *Columbia* as it entered the Earth's atmosphere on February 1, 2003. He was the payload commander on this flight and a mission specialist, responsible for the science portion of the mission. Having a long and distinguished career with both the United States Air Force and NASA, Lieutenant Colonel Anderson exemplified hard work and a determination to reach his dreams.

As a native and resident of the Spokane region, Michael Anderson graduated from Cheney High School in 1977 and went on to pursue a Bachelor of Science in physics/astronomy from University of Washington, and a Master of Science in physics from Creighton University. Anderson leaves behind his two daughters, Kaycee and Sydney, and his wife, Sandra.

As an African-American, he was an inspiration and testament that men and women of every race, with the aid of hard work and determination, can rise to meet their goals. From a young age he dreamed of being an astronaut, and as a result he became a local hero and national inspiration.

Mr. Speaker, I rise today to honor LTC Michael P. Anderson for his spirit and sacrifice. I invite my colleagues to join me in remembering and honoring Lieutenant Colonel Anderson for his service to our country and the community of eastern Washington, and for the debt we owe him for never losing his sense of wonder.

IN HONOR OF SPECIALIST DERRICK LUTTERS

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor a true American hero, SPC Derrick Lutters of Burlington, Colorado.

On May 1, 2005, Specialist Lutters died while serving south of Baghdad, Iraq, when attacked by a suicide bomber while his unit was inspecting a bridge for enemy tampering along a supply route.

As a member of the Kansas National Guard, Specialist Lutters was in Detachment 1 of the Guard's 170th Maintenance Company and assigned to the 891st Engineer Battalion.

In 1999, after Derrick graduated from Goodland High School in Goodland, Kansas, he moved to Burlington, Colorado, where his mother currently lives.

Coming from a military family, he joined the service in 1998 and followed in the footsteps of his brother and sister.

I am proud to honor SPC Derrick Lutters for his courage and sacrifice on behalf of all Americans. His courage has helped to protect our democracy and keep our homeland safe. I urge all of my fellow colleagues to applaud Specialist Lutters for his service to our great Nation.

IN MEMORY OF RUDY EASTMAN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. BURGESS. Mr. Speaker, I rise today to give tribute to Rudy Eastman, from the 26th Congressional District of Texas, for his lifelong contributions to his community and to his fellow citizens. Eastman committed his life to the promotion of African-American theater through his service as a teacher for the Fort Worth Independent School District and later as the founder of the Jubilee Theater in Forth Worth. Eastman passed away on May 31, 2005.

I would like to recognize and celebrate Eastman's life today. Born in Oklahoma in 1944, he later moved to Texas where he earned his bachelor's degree in 1966. That same year he began teaching in Fort Worth while studying theater at the University of North Texas and Texas Christian University. In 1972, he helped form the Sojourner Truth Players. While still teaching students who routinely earned recognition in State competition, Eastman in 1981 founded the Jubilee Theater.

Through the perseverance of its founder, the Jubilee Theater would realize its goal of providing an outlet for African-American theater. Eastman produced innovative plays of his own, but also shared his knowledge with others, and helped many young talents realize their own dreams. Above all, he made African-American theater accessible to the people of Fort Worth and through this was able to positively impact race relations in the area.

It was my honor to represent Rudy Eastman. I extend my sympathies to his family and friends. May the example of this man, whose contributions made richer the fabric of our American culture, be inspiration to all who seek their dreams and serve their fellow man by them.

HONORING THE LIFE OF RICHARD EDMUND CLEMENT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor the life of the late Richard Edmund Clement. He is survived by his seven children, 24 grandchildren and former wife, Joan.

The love that Mr. Clement displayed for his country was not only evident in his work, but also recognized by his family. A second generation American, Mr. Clement had served his country throughout his life by working in both the private and public sectors.

With his expertise in the area of counterterrorism, Mr. Clement was able to contribute to the capturing of terrorists in Central America during the 1970s. His accomplishments led to his appointment as Director of the Federal Protection Agency during the Reagan Administration. Working with many great American leaders throughout the 1970s and 1980s he was willing to stand in the shadows and continued to serve and protect his country. The resolve that Mr. Clement displayed for his work had a lasting impact on his family and many others.

His children and grandchildren are carrying on the tradition of service that Mr. Clement provided to our country. Mr. Clement's sons Craig and Christopher along with grandsons Christopher, Aaron and Andrew have either served or are currently serving in this Nation's armed forces.

Mr. Speaker, in closing, I would like to pay tribute to the life and work of Mr. Clement, and express my deepest condolences to all who knew and loved him.

HONORING THE VETERANS OF THE ARMED FORCES

HON. CATHY McMORRIS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Miss McMORRIS. Mr. Speaker, I rise today to honor those who have served in the Armed Forces of the United States of America, and for those service members who throughout the course of our country's history have given their lives in the line of duty. The men and women we honor on this day have dutifully carried out their service to our country and it is in great respect that we remember their bravery and unselfish character.

This day is of a marked importance in commemorating the great sacrifices that so many Americans have made in the defense of our Nation and in upholding the ideals of freedom at home and abroad. In Washington State there are over 500,000 veterans and thousands more who came before them. Motivated by a love of their country and instilled with strong morals, these men and women have demonstrated courage and resiliency that has followed them throughout their deployments all over the globe. The gallantry and valor that has guided their actions is the cornerstone of our military's power and prestige.

Wars and conflicts have tested the will of our Nation and the principles on which our Nation was built. These wars have helped defined American history, as well as the lives of those directly involved. These conflicts have enveloped the lives of service members, their families, and loved ones. Despite all hardship, the proven strength and character of those who have served or are serving in the Armed Forces have ensured that our Nation remains strong, free and proud. We owe them an irreplaceable debt.

Mr. Speaker, I rise today to honor all veterans for their sacrifice and unselfish concern for the security of our Nation. On this Memorial Day, many Americans will remember someone close to them who has served in the Armed Forces with gratitude and admiration. As Americans we recognize each day that we owe many of our comforts and liberties to the fortitude demonstrated by those in the Armed Forces.

IN HONOR OF THE CITY OF EADS, CO

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor the fine city of Eads, CO.

The Economic Developers' Council of Colorado (EDCC) recently presented their annual achievement awards at the organization's Annual Awards Luncheon held in conjunction with the Spring Conference in Burlington, Colorado. The "EDIE Awards" recognize outstanding achievement in economic development by honoring individuals, businesses, and communities throughout the State of Colorado.

The award for Small Community of the Year is presented to a community under 20,000 in population that demonstrates support for economic development through an organized economic development program and strong leadership. The community must also illustrate long-term planning and investment in the development of the community through infrastructure planning, permanent economic development funding and strategies. Realization of a special project or development is also a criterion.

The 2004 Small Community of the Year is the Town of Eads, located in Kiowa County. The Town of Eads epitomizes the criteria for this award. Eads has been actively working with the Arkansas Valley Marketing Coalition (a five county organization) to establish itself as a community in search of expansion for its citizens. The town was awarded a $22,000 scholarship by "Your Town" for the recreation of their downtown. They are near completion of the Sand Creek Massacre National Historic Site, and are working actively with surrounding counties on a coalition tourism project. The Town of Eads is also actively involved with CRDC and Action 22 on tourism and economic development efforts.

In addition, the acquisition of the 800-acre Jackson Property is, and will continue to create, great economic opportunities for Eads and Kiowa County. Efforts to comprehensively plan how the property might best be utilized have included many areas and groups within the community and county. Working with all elected officials, businesses and most impressively, the youth have established a human capacity and formula for success that would be difficult to top anywhere.

Congratulations to the Town of Eads, the 2004 Economic Developers' Council of Colorado's Achievement Award recipient for Small Community of the Year. It is an honor to represent this community in the United States House of Representatives.

NATIONAL MEN'S HEALTH WEEK AND DR. ROBERT ADMIRE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. BURGESS. Mr. Speaker, it is my duty to clearly state the necessity of men's health awareness. This week is National Men's Health Week, and it comes at an important time as we pause to honor our Fathers. As a practicing physician for over 20 years and now having the pleasure of sitting on the House Energy and Commerce Subcommittee on Health, I wholeheartedly understand the importance of regular health screenings.

On May 10 of this ear, I introduced the Medicare Osteoporosis Measurement Act to address the issue of male osteoporosis. Osteoporosis is a degenerative bone condition that can make bones fragile and can gradually erode quality of life for our seniors. But contrary to popular belief, osteoporosis is a serious health problem for men, as well as women. Two million American men suffer under this debilitating illness, and 12 million more are at risk for developing the disease.

It is crucial that men everywhere seek out regular health check-ups. Routine medical examinations are key to detecting—and preventing—serious men's health concerns like high cholesterol and blood pressure, prostate cancer, cardiovascular disease, and osteoporosis. In addition, men should strive to equip themselves with the knowledge and information necessary for personal health awareness. They need to know about important illnesses facing men and at what age specific screenings are needed.

Dr. Robert Admire, founder of Denton Urology in 1997, has been a leader in the field of men's health for 30 years. He sits as a diplomat for the American Board of Urologists and was Chief of Staff for Denton Community Hospital for over a decade. In addition to his work at Denton Community Hospital, he also works at Presbyterian Hospital of Denton and Denton Regional Medical Center.

A graduate of U.T. Southwestern Medical School, Dr. Admire completed his residency at Parkland Hospital just a few years behind me. Today, I am honored to represent Dr. Admire in Congress. He is an upstanding member of the medical community as well as the community at large currently serving on the board of trustees for Liberty Christian School in his hometown of Argyle.

The fight for better men's health is a partnership. It is a partnership between men and their physicians. For this reason, I honor Dr. Admire, his staff and National Men's Health Week.

THANKING WILLIAM DELLAR FOR HIS SERVICE TO THE HOUSE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. NEY. Mr. Speaker, on the occasion of his retirement in June 2005, we rise to thank Mr. William Dellar for over 30 years of outstanding service to the United States government, most recently here in the U.S. House of Representatives.

Bill began his career with four years of military service in the United States Marine Corps. He continued his government service starting in 1979 at the United States Department of Energy. He followed that with service at the Naval Sea Systems Command, the Naval Air Test Center, and the United States Coast Guard, honing his procurement skills throughout this time. Bill brought his expertise to the House in 1999 as Associate Administrator of Procurement. His passionate customer service, organizational knowledge and resourcefulness, and his leadership on numerous initiatives have benefited countless Members and staff over the years.

Among his many other achievements, Bill was instrumental in leading the merger of the Office of Finance and the Office of Procurement into a single business unit, resulting in resource savings, process efficiencies, and enhanced customer service capabilities. Bill has also established the framework for the implementation of a Center of Excellence concept geared toward providing streamlined enterprise system solutions to all CAO customers and stakeholders. Over the past 6 years, Bill has been instrumental in managing the award of contracts for numerous customer-focused requirements, such as the House Fitness Center, the Modular Furniture Program, Postal Operations and a 21st century state-of-the-art enterprise resource planning system.

On behalf of the entire House community, we extend congratulations to Bill for his many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish Bill many wonderful years in fulfilling his retirement dreams.

TRIBUTE TO CHARLES W. SIMMONS, PH.D.

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to Charles W. Simmons, Ph.D., founder and president of Sojourner-Douglass College, Maryland's only independent institution of higher learning specifically focused on educating African Americans.

Like Sojourner Truth and Frederick Douglass, for whom the college is named, Dr. Simmons has devoted his life to helping others obtain the education and skills necessary to succeed both professionally and personally. Through his efforts, Sojourner-Douglass College has helped thousands of working adults become confident, self-reliant community leaders and decision-makers.

Dr. Simmons served in the U.S. Marine Corps and graduated from Antioch College. After graduating from college, he dedicated his life to empowering African Americans through education. In 1972, he established the Homestead-Montebello Center of Antioch College with just 13 students in donated space in east Baltimore. In 1980, the school was accredited under a new name, Sojourner-Douglass College. Today, it serves more than 2,000 students in locations throughout Maryland, as well as in Nassau, Bahamas.

Because of Dr. Simmons' vision, many more African American adults have obtained the skills necessary to improve not only their own lives, but the communities in which they live.

I urge my colleagues in the U.S. House of Representatives to join me in celebrating the achievements of Charles W. Simmons, Ph.D. His vision and commitment to the education and self-determination of African Americans is an inspiration to all who want to ensure that others have the opportunity to fulfill their potential.

PERSONAL EXPLANATION

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. GREEN of Wisconsin. Mr. Speaker, on rollcalls Nos. 241 and 242, I was delayed due to weather related issues.

Had I been present, I would have voted "yes."

IN RECOGNITION OF JERRY CLINTON

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. AKIN. Mr. Speaker, I rise today to recognize one of the outstanding citizens of my District.

Jerry Clinton is a native St. Louisan who is Chairman and CEO of Grey Eagle Distributors. Grey Eagle employs more than 175 people in St. Louis and has been recognized as one of America's premier Anheuser-Busch wholesalers.

Through Grey Eagle and his own personal generosity, Jerry Clinton provides financial support to hundreds of philanthropic organizations in the St. Louis area each year. One such organization is The St. Louis Backstoppers, an organization which assists the families of police officers and firefighters who lose their lives in the line of duty. Jerry created and sponsors the Budweiser "Guns 'N' Hoses" annual event that features friendly sports competition between area police and firefighters. The event has raised hundreds of thousands of dollars for The St. Louis Backstoppers.

Jerry's vision as a civic leader found its greatest expression in his pivotal role in the construction of one of St. Louis' most significant public buildings, the Edward Jones Dome. St. Louis residents benefit extraordinarily from his dedication and vision for a domed stadium in the downtown area. Not only did the Dome return St. Louis to the ranks of the NFL, but it provides a venue for numerous concerts and cultural events, and has hosted both Pope John Paul II and the Rev. Billy Graham. The Dome sparked the revival of professional sports in St. Louis, as reflected in the Bowl victory and the selection of St. Louis to host the 2005 Final Four NCAA basketball tournament.

In addition to providing a location for world-class sporting and cultural events, the Edward Jones Dome has proven to be an important economic engine, attracting major conventions to St. Louis that would have gone to other cities apart were it not for Mr. Clinton's financial leadership in the development of the Dome.

Having joined Grey Eagle as a dispatcher/cashier when it opened in 1963, Jerry Clinton personifies what is possible in America with hard work and dedication. His generosity and hard work have made St. Louis a better place for all its citizens. I ask my colleagues to join with me in honoring this fine American today.

HONORING WEBSTER ELEMENTARY SCIENCE TEAM

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor four students from Webster Elementary School in Webster, Florida. These gifted and dedicated 6- and 7-year-olds were recently honored as the Southeast Division Elementary School Champions in the 2005 National Toshiba/NSTA Explora Vision Awards Contest.

Each year the National Toshiba/NSTA Explora Vision Awards Contest is held for K–12 students throughout the United States and Canada. This year, the contest received more than 4,000 entries. Webster Elementary's website and research project was selected as the top entry for the entire Southeast Region.

Webster's student team was Dylan Brannen, Erin Tuten, Micah Lanham and Matthew Garrepy. Their coach was Mrs. Lynn Thomas and the team mentor was Mr. Kevin Garrepy.

The national contest required the students to conceive an invention that was both innovative and creative, combining imagination with scientific principles. Once the team was selected as the Southeast Champion, they entered the semifinal round where their challenge was to design five real web pages and a prototype of their invention. They should be commended for their successes.

Each member of the team received a framed certificate and a VCR/DVD player for their winning project. A Toshiba representative presented the students with the certificate and player and gave Webster Elementary a new laptop to use to complete the project.

Mr. Speaker, these students should be applauded for their hard work and innovation. Dylan Brannen, Erin Tuten, Micah Lanham and Matthew Garrepy have shown the ingenuity and hard work that all schoolchildren should strive for.

TRIBUTE TO THE STUDENTS FROM SHAKER HEIGHTS HIGH SCHOOL

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mrs. JONES of Ohio. Mr. Speaker, I rise today to recognize the participation of students from the Eleventh Congressional District of Ohio in the National History Day competition. The students are from Shaker Heights High School, and they will be competing this week at the University of Maryland.

National History Day is a year-long education program that engages students in grades 6–12 in the process of discovery and interpretation of historical topics. Students produce dramatic performances, imaginative exhibits, multimedia documentaries and research papers based on research related to an annual theme. These projects are then evaluated at local, state, and national competitions.

Steven Aviram, Katharine O'Gorman, Miriam Mack, Samantha Miller, Rebecca Glazer, Hannah Engel-Rebitzer, Nteni Nlandu, Annie Sivertson, Laura Stem, Michael Stavis Bohl, Emily Krassen, Kelly Jackson, Nate Bixenstine, Tom Chokel, Andrew Wiedemann, Sarah Sy and Carter Wang are the 17 students from Shaker Heights High School that will be representing the State of Ohio at the national competition. I take great pride in the students of my district and italways give me great joy to see them distinguish themselves nationally.

HONORING JOHN L. BURRIS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary career and achievements of civil rights attorney John L. Burris of Oakland, California. Throughout his legendary career, John has provided hope and help to people who fall victim to the inequities inherent in our justice system. A leading civil rights advocate for more than 25 years, John has changed the course of thousands of lives through his work on behalf of individual clients, and through the systemic changes his work has affected.

John was inspired to enter the legal profession after interviewing a number of lawyers in the black community for a research paper he was writing as a student at U.C. Berkeley's Haas School of Business. While working as an accountant and later attending business school in the late 1960s, he was deeply moved by the struggle for civil rights. During these socially and politically volatile years, he was affected most by the use of attack dogs and other brutal tactics by the police against peaceful civil rights activists. After successfully completing his MBA at Haas, where he helped found the National Black MBA Association and served as the president of the local chapter, he entered U.C. Berkeley's Boalt Hall School of Law in 1970 to study criminal defense and civil rights law.

John first made his mark in the civil rights arena with the publication of the "Burris Reports I and II," which were the culmination of his investigation into the shooting of 15-year-old Melvin Black by Oakland police officers in 1979. Oakland Mayor Lionel Wilson appointed John as an independent investigator of this case, and his findings provided an in-depth evaluation of flaws inherent in the law enforcement system, and of the urgent need for reform. The result for John has been over two and a half decades of work dedicated to redress for individuals and systemic reform that will decrease the number of people who need this kind of assistance. Furthermore, throughout his professional career, he has taken on extensive pro bono work, helping countless individuals and families to get their cases handled with efficiency, efficacy and compassion in a legal system that where these attributes are often lacking.

Though John's service to our community in the area of civil rights is truly unparalleled, his devotion to improving the lives of others extends far beyond the realm of direct legal assistance. In addition to his active membership in the National Bar Association, the American Association of Trial Lawyers and the National Lawyers' Guild, he was a founding member of the California Association of Black Lawyers and has done presentations and advocacy work in areas including sexual harassment, racial profiling, affirmative action, hate crimes and cameras in the courtroom. John has spoken in churches around the Bay Area on topics such as leadership, diversity and black family life, and has sponsored local youth athletic teams for over ten years.

John has also spoken at a number of local institutions of higher education, such as U.C. Berkeley, Golden Gate University, Vista Community College, and the law schools at Berkeley, Hastings, and Stanford University. At each institution he has taken the time to reach out to and mentor students at various stages of their education, providing them with advice and guidance, and often times employing them at his law offices. His legal work and community service have been recognized in a number of different forums throughout his life, and he has received dozens of prestigious awards such as the Clinton White Outstanding Trial Advocacy A ward, the Pueblo Local Hero Award, and the Peace and Justice Award from California State University, Sacramento's Center for African Peace and Conflict Resolution.

On June 11, 2005, the friends and family of John Burris will gather to celebrate the seminal achievements and tireless advocacy that have marked his career. In Oakland and across the country, John is known for being the champion of people whose rights, and indeed whose humanity, have been ignored by the law enforcement and criminal justice systems. As a result of John's commitment to helping others, thousands of lives have been changed, and on behalf of the 9th Congressional District, I salute and thank him for his service to Oakland, the Bay Area, the state of California and our entire country.

TRIBUTE TO PATRICK L. CONNOLLY: A MAN OF ACCOMPLISHMENT AND CARING

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise today to recognize and pay tribute to the late Patrick L. Connolly, a long-time resident of Miami and a person who unselfishly donated his time, intelligence and efforts to helping improve the educational opportunities for thousands of Floridians as a Board Member of Barry University in Miami Shores, Florida.

Mr. Connolly was a special kind of man who really had two careers in his lifetime. He built a very successful career in the delivery business in both the Minneapolis and Atlanta markets. He served as president of Air Courier Dispatch Inc. of Minnesota, as Chairman of the Board for Mail Dispatch Inc., and as president of Courier Dispatch in Atlanta.

When he retired from his business to live in South Florida, he was not content to sit back and simply enjoy the fruits of his labor. He became actively involved in the community, joining the Board of Trustees of what was then Barry College for Women in 1978, and remained an active member of the board for 27 years until he passed away last week. During this time, he planned and oversaw the growth of Barry into a major educational institution with a national reputation in health sciences and minority education. He helped establish a scholarship in the name of Barry's 4th president, Sister Trinita Flood. He also led an executive council which helped revise the bylaws for the Advisory Board of the Andreas School of Business. He donated generously to Barry's capital campaigns, earning the designation as member of the Society of Founders. He became a member of the University's Covenant Society, by remembering Barry in his estate planning.

Mr. Connolly's name will always be associated with the institution he loved, Barry University. He embodied the spirit of Barry through his commitment and dedication to Catholic higher education. By any standard, he was a remarkable man, and he will be missed by his family, his friends, his extended family at Barry University, and by the countless people he never met who were given opportunities in life because of his efforts.

HONORING HIS HOLINESS KAREKIN II

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. RADANOVICH. Mr. Speaker, I rise to honor His Holiness Karekin II, the Supreme Patriarch-Catholicos of All Armenians and universal head of the Armenian Apostolic (Orthodox) Church, upon his visit to the San Joaquin Valley. An event to celebrate his pastoral visit will occur on June 12, 2005 in Fresno, CA.

His Holiness Karekin II, baptized Ktrij Nersissian, was born in 1951 in the village of Voskehat in the former Soviet Republic of Armenia. In 1965, he entered the Theological Seminary of the Mother See of Holy Etchmiadzin and graduated with honors in 1971. Upon graduation from the seminary, he was ordained a celibate priest, taking the religious name Karekin.

Father Karekin then graduated from Bonn University in Germany while serving as pastor to the local Armenian community. He earned a postgraduate degree from the Russian Orthodox Academy in Zagorsk, Russia in 1979.

In 1980 he was assigned to the Araratian Pontifical Diocese, the Armenian Church's most populous diocese, which includes Yerevan, the capital of Armenia. In 1983, he was appointed primate of the Araratian Pontifical Diocese, and was elevated to the rank of Bishop and subsequently to Archbishop.

His Holiness was elected as the 132nd Supreme Patriarch and Catholicos of All Armenians on October 27, 1999 by delegates from Armenian Churches worldwide at a National Ecclesiastical Assembly, in the Republic of Armenia.

Mr. Speaker, I rise to honor His Holiness Karekin II, the Supreme Patriarch-Catholicos of All Armenians and universal head of the Armenian Apostolic (Orthodox) Church, upon his pastoral visit to the San Joaquin Valley. I invite my colleagues to join me in thanking the religious patriarch for his dedication to the service of all Armenians.

STATEMENT HONORING CONSUMERS ENERGY AND THEIR EFFORTS TO REDUCE EMISSIONS FROM THEIR POWER PLANTS

HON. JOHN J.H. "JOE" SCHWARZ

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. SCHWARZ of Michigan. Mr. Speaker, I rise today to recognize the efforts of a utility company in my district that is working diligently to reduce emissions from its power plants. By investing in the future, Consumers Energy is demonstrating the understanding and foresight that sets it apart from its peers.

Founded in Jackson, Michigan in 1886, Consumers Energy has superbly served mid-Michigan by providing reliable and affordable electricity, supporting communities, operating in the best interests of the public, and respecting the environment.

Consumers Energy is in the midst of an $815 million commitment to reduce emissions as part of current Federal and State requirements. As of March 2005, Consumers Energy has already spent $543 million to comply with U.S. Environmental Protection Agency (EPA) rulings, including the requirement that power companies significantly reduce nitrogen oxide emissions from coal-fired power plants. The Utility is currently making separate plans for future investments in compliance with the EPA's new Clean Air Interstate Rule and the Clean Air Mercury Rule, the first-ever rule for reducing mercury missions. Today, the air in Michigan is clean, and the policies pursued by Consumers Energy will continue the forty year trend of improved air quality.

Consumers Energy operates in the belief that economic growth, energy demands, and environmental quality are inextricably linked. In the past 25 years, as our Nation's economy has expanded, demand for electricity and other forms of energy have substantially increased. At the same time, Consumer Energy consistently lowered emissions from its coal-fired power plants: the rate of nitrogen oxide emissions has been reduced 70 percent and the rate of sulfur dioxide emissions has been reduced 80 percent. Consumers Energy is actively planning to reduce these emissions even further as it implements the new Clean Air Interstate Rule. In addition, the company is preparing to implement the first-ever mandate to reduce mercury emissions under the Clean Air Mercury Rule. Consumers Energy is also participating with peer companies in the Administration's voluntary greenhouse gas reduction program to reduce carbon intensity, even though this greenhouse gas is not federally regulated.

On behalf of the United States Congress, I am proud to offer my highest praise to Consumers Energy for its extraordinary efforts to address air quality in the United States. This company's initiative and forethought will not only benefit the people of the Seventh District and the State of Michigan, but the United States as a whole.

PERSONAL EXPLANATION

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. KNOLLENBERG. Mr. Speaker, on June 13 and 14, 2005, I was unavoidably absent and rollcall votes 241–243. For the record, had I been present, I would have voted: No. 241—Yea; No. 242—Yea; No. 243—Yea.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, on the evening of June 13, I missed three Rollcall votes.

I respectfully request the opportunity to record my position on Rollcall votes 241 and 242.

It was my intention to vote:

"Yes" on Rollcall 241 for S. 643—A bill to amend the Agricultural Credit Act of 1987 to reauthorize State Mediation programs.

"Yes" on Rollca1l 242 for H.R. 2326 to designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the "Floyd Lupton Post Office".

At this time I would ask for unanimous consent that my positions be entered into the RECORD following those votes or in the appropriate portion of the RECORD.

HONORING THE GRADUATING SIXTH-GRADE CLASS OF ATLANTIC AVENUE ELEMENTARY SCHOOL

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. ANDREWS. Mr. Speaker, I rise today to honor the sixth grade class of Atlantic Avenue Elementary School for its fundraising efforts to aid South-East Asia's tsunami victims during their epic crisis. The class's touching response to an event half a world away reflects the students' broad horizons and a mature appreciation for how connected we are to others.

In response to the tsunami, these students organized a spirit week with fun activities requiring a donation to participate. During the course of this week, under Mrs. Elizabeth Smith's leadership, Jacquelyn Andrews, Claudia Biddle, Peter Capano, Tyler Carr, Caitlin Cohen, Tyler Franceschini, George Gans, Gregory Gardner, Theodore Hagenbucher, Benjamin Huber, McKenna Knoettner, Marisa Konopka, Nichole Landis, Joshua Matchett, Angela Mongoni, Alexander Oswald, Jillian Pauls, Kathleen Quinn, John-Patrick Rabena, Yelaila Ramos, Andrew Snyder, Tori Southern, Michael Wasienko, and Samantha Wentz, significantly surpassed their fundraising goals and raised an incredible $1000 to help those in need. These students have grown into empathetic citizens and will continue to contribute their extraordinary talents to the betterment of humankind. In their dedication, ability, and contribution to the tsunami relief effort, the sixth graders of Mrs. Smith's class are an inspiration to students everywhere, and indeed to all citizens of the Great Nation of the United States of America.

On June 17, 2005, Mrs. Smith's class will be joined by family and friends to celebrate graduation to junior high school. I am certain that they will carry proud memories of their admirable efforts throughout their lives. I congratulate the graduating sixth grade class of Atlantic Avenue Elementary School for its noble fundraising efforts, and look forward to the continued success of these future leaders.

HONORING THE MURFREESBORO FIRE DEPARTMENT FOR ITS SAFETY EXCELLENCE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. GORDON. Mr. Speaker, I rise today to acknowledge the accomplishment of a dedicated group of men and women who work together to protect and educate their community about fire safety: the Murfreesboro, Tennessee, Fire Department.

The department has earned the Achievement Award for Excellence in Fire Safety from the Tennessee Municipal League.

Each day, these men and women put their lives on the line to protect and help their community. They have joined with Murfreesboro Police and Emergency Medical Services to establish a top-notch first-responder program.

Residents of Murfreesboro, Tennessee, can be proud of their fire department for receiving such a prestigious award. I congratulate each member of the department for making my hometown a safe and exceptional place to live and raise a family.

IN MEMORIAM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. WOLF. Mr. Speaker, the editorial page of The Richmond Times-Dispatch of Richmond, Virginia, recently carried the names of all the service men and women from Virginia who have made the ultimate sacrifice in Operation Iraqi Freedom and Operation Enduring Freedom from September 11, 2001, through May 29, 2005.

I submit for the RECORD a copy of the editorial, titled, "In Memoriam." Words cannot express the appreciation of a grateful nation to the families of these brave men and women.

IN MEMORIAM

Virginians who have died in Operations Iraqi Freedom and Enduring Freedom in America's defense since September 11, 2001—listed in the order of their death. R.I.P.:

Marine Staff Sgt. Donald C. May, Jr., 31, of Richmond.

Marine Sgt. Michael V. Lalush, 23, of Troutville.

Army Capt. James F. Adamouski, 29, of Springfield.

Air Force Maj. William R. Watkins, III, 37, of Danville.

Army 1st Lt. Jeffrey J. Kaylor, 24, of Clifton.

Marine Lance Cpl. David Edward Owens, Jr., 20, of Winchester.

Army Pvt. Jason L. Deibler, 20, of Coeburn.

Army Sgt. Michael E. Dooley, 23, of Pulaski.

Army Command Sgt. Maj. James D. Blankenbecler, 40, of Alexandria.

Army Capt. John R. Teal, 31, of Mechanicsville.

Army 1st Lt. Joshua C. Hurley, 24, of Clifton Forge.

Navy Petty Officer 2nd Class Michael J. Gray, 32, of Richmond.

Army Spc. Frank K. Rivers, Jr., 23, of Woodbridge.

Army Pfc. Andrew L. Tuazon, 21, of Chesapeake.

Army 2nd Lt. Leonard M. Cowherd, 22, of Culpeper.

Marine Pfc; Michael M. Carey, 20, of Prince George.

Army Spc. Leslie D. Jackson, 18, of Richmond.

Army Capt. Humayun S.M. Khan, 27, of Bristow.

Army Spc. Jeremy M. Dimaranan, 29, of Virginia Beach.

Army Staff Sgt. Gregory V. Pennington, 36, of Glade Spring.

Army Staff Sgt. Robert K. McGee, 38, of Martinsville.

Marine Sgt. Krisna Nachampassak, 27, of Burke.

Army Staff Sgt. Craig W. Cherry, 39, of Winchester.

Marine Lance Cpl. Tavon L. Hubbard, 24, of Reston.

Marine Staff Sgt. John R. Howard, 26, of Covington.

Army 1st Lt. Timothy E. Price, 25, of Midlothian.

Army Spc. Clarence Adams, 28, of Richmond.

Marine 1st Lt. Alexander E. Wetherbee, 27, of Fairfax.

Marine Lance Cpl. Brian A. Medina, 20, of Woodbridge.

Marine Lance Cpl. Demarkus D. Brown, 22, of Martinsville.

Marine Cpl. Bradley T. Arms, 20, of Charlottesville.

Army Sgt. Jack Bryant, Jr., 23, of Dale City.

Army Chief Warrant Officer Travis W. Grogan, 31, of Virginia Beach.

Marine Gunnery Sgt. Javier Obleas-Prado Pena, 36, of Falls Church.

Marine Cpl. Binh N. Le, of Alexandria.

Army Capt. Mark N. Stubenhofer, 30, of Springfield.

Navy Chief Joel Egan Baldwin, 37, of Arlington.

Army Sgt. David A. Ruhren, 20, of Stafford.

Army Spc. Nicholas C. Mason, 20, of King George.

Army Sgt. Maj. Robert D. Odell, 38, of Manassas.

Army Staff Sgt. Nathaniel J. Nyren, 31, of Reston.

Marine Sgt. Dayton D. Patterson, 26, of Sedley.

Marine Lance Cpl. Darrell J. Schumann, 25, of Hampton.

Marine Cpl. Christopher L. Weaver, 24, of Fredericksburg.

Marine Lance Cpl. Karl R. Linn, 20, of Chesterfield.

Marine Cpl. Jonathan W. Bowling, 23, of Patrick.

Marine Lance Cpl. Jason C. Redifer, 19, of Stuarts Draft.

Army Staff Sgt. Kristopher L. Shepherd, 26, of Lynchburg.

Army Pfc. Lee A. Lewis, Jr., 28, of Norfolk.

Marine Lance Cpl. Tenzin Dengkhim, 19, of Falls Church.

Army Pfc. Pendleton L. Sykes, II, 25, of Chesapeake.

Marine Capt. James C. Edge, 31, of Virginia Beach.

Army Sgt. Tromaine K. Toy, Sr., 24, of Eastville.

Marine Lance Cpl. Nicholas C. Kirven, 21, of Richmond.

Marine Lance Cpl. Jourdan L. Grez, 24, of Harrisonburg.

Army Pfc. Kyle M. Hemauer, 21, of Manassas.

CONGRATULATIONS TO PLUM BOROUGH SENIOR COMMUNITY CENTER

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the Plum Borough Senior Community Center on its 25th Anniversary, and recognize the exemplary performance of service that the organization provides the 4th District of Pennsylvania.

Founded in 1980 by two senior activists, Henry and Alice Corvino, the Plum Community Senior Center has been providing Plum Senior Citizens with a "home away from home" for the last quarter century. Initially, the Plum Senior Citizens Center was open 3 days a week for 6 hours per day. Patrons, however, complained and demanded more from the Center as its popularity grew. Eventually, every activity from cards, crafts and meals were provided at the center. In 1985 a large room addition was added to the center so bingo games could be held. Today, the center is open 5 days a week, eight hours each day and has over 1,800 members. In 1992, the center began its home delivered meals program and delivers an average 40 meals per day to homebound seniors. In 1995, a multipurpose room was added and now serves as a computer lab where hundreds of the center's members can surf the internet.

I ask my colleagues in the United States House of Representatives to join me in honoring the Plum Borough Senior Community

Center. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute the service of organizations like the Plum Senior Center that make the communities that they live in truly special.

CONGRATULATING RON CROWDER, RECIPIENT OF THE ROBERT WOOD JOHNSON NATIONAL COMMUNITY HEALTH LEADERSHIP AWARD

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. COOPER. Mr. Speaker, I rise today to pay tribute to Ron Crowder for his extraordinary accomplishments as the founder of the Street Works HIV prevention and education center in Nashville, Tennessee. Ron was recently selected as one of ten people to receive the nation's most prestigious community health leadership honor—the Robert Wood Johnson Community Health Leadership Program Award.

This recognition, which carries with it a $120,000 award, is given to those who have overcome significant challenges and demonstrated an exceptional and effective approach to addressing the many health care challenges facing communities across the country. After hearing Ron's remarkable story, I can think of no one more deserving of this distinguished award.

Ron Crowder, an African-American, grew up in a home with nine other children in a segregated, impoverished section of Nashville. After dropping out of high school at the age of 17, he served his country as a rifleman in the Vietnam War. The constant fear and stress of combat led to his 20-year drug addiction and contraction of HIV. Ron turned his life around in 1991 and has been drug free for 14 years. He graduated from Tennessee State University in May 1993 with a Bachelors Degree in Accounting. In 2000, he completed the Institute for HIV Prevention Leadership Program at the Centers for Disease Control and Prevention—Association of Schools of Public Health, and has since devoted his life to uplifting and educating others.

Ron's personal battle with drugs and HIV fueled his desire to start Street Works, which he founded in 1997 on a shoestring budget. Using his car as his headquarters, Ron walked the streets distributing HIV and AIDS prevention information to those in the community whom no one else had tried to reach: drug dealers, addicts, prostitutes, and inner-city youth exposed to drugs and sexual promiscuity.

Today, thanks to his tireless leadership and dedication, Street Works operates two all night drop-in centers and helps more than 5,600 Tennesseans annually, with a focus on reaching minority populations. Street Works provides a variety of HIV and AIDS-related prevention and care services at locations where high-risk behavior is most likely to occur and at the hours when most other outreach services are closed.

On behalf of the 5th District of Tennessee, I congratulate Ron Crowder for overcoming adversity and committing his life's work to improving the conditions of others through HIV and AIDS education and prevention. Through Street Works, he has brought help to Tennessee's disenfranchised and is an inspiration to all who work to end this terrible disease.

DEDICATION OF THE ST. IGNACE PUBLIC LIBRARY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to the dedication of a small town public library that was once a vision for a better place to learn and discover. The vision became a dream and today the vision is a reality. It can best be described through the words of the American Writer Normal Cousins—"a library, to modify the famous metaphor of Socrates, should be the delivery room for the birth of ideas—a place where history comes to life". On June 18th, 2005, the City of St. Ignace, Michigan will dedicate their new library that will serve as the central location to explore historic knowledge, current cultural awareness and unlock future technological advancements.

To fully embrace the significance of the work and commitment that went into the completion of this new library, we must understand the humble beginnings of the original public library in St. Ignace. In 1924, the first library began as a Civil League Library in the old City Hall comprised of only 100 books donated by the local League. For a short time following, the books were transferred to the LaSalle High School Library. However, upon the completion of the new Municipal Building in 1940, the Civic League was given a new home for their growing collection of over 1,000 volumes.

The League understood that if the library was to continue to grow at the successful rate it had been, they would need an oversight group to maintain the collected works, so they established a Library Board in 1944. Within a short 10 year period, the library had 4,000 volumes and a circulation of 10,000. In 1969, when the Civil League dissolved, the Library Board continued on with a new mission of creating a building to permanently house their library resources.

Fourteen years later, in 1983, the 10,000 volume collection moved out of City Hall and into the Spring Street building where it would stay until 2005. In 1993 the library received its first computer and one year later began providing Internet access. Today, the St. Ignace Public Library has a circulation of over 22,000 books, videos, audio books, and CD–ROMS and has access to six computers.

The library informs me that over the past 10 years they have watched their ciruculation grow by 57 percent. They have issued roughly 2,000 library cards. Between the influx of people and learning materials, their 2,600 square foot building could hardly keep up with the growth. The new library, being dedicated this Saturday, is 6,600 square feet and contains a larger children's section and expanded computer facilities. In addition, the library will contain a community room for programs, lectures and public use making this library today's new town square that will bring families together to share, learn and grow.

Mr. Speaker, I ask the United States House of Representatives to join me in congratulating the St. Ignace Library Board, Funding and Building Committee and Steering committee for continuing the strong legacy of growth for the library and the vision to see it through. This nearly $1.5 million structure took many partners to accomplish. This was financed through private donations, foundations and state and federal grants as well as in-kind support went into making this happen. I was happy to be able to earmark two grants in the federal appropriations process for $175,000 and $225,000 to help the vision of this amazing project go from dream to reality.

Just as the City of St. Ignace is the northern home to the Mackinac Bridge that connects to our neighbors in Michigan's Lower Peninsula, this library bridges and connects to neighbors next door and across the globe. Local residents now have the opportunity to connect with their neighbors through learning and activities while also connecting to those around the world through better access to technology. I applaud the St. Ignace community for their commitment to this great accomplishment that is clearly bridging them to the future.

CONGRATULATIONS TO BEAVER UNITED METHODIST CHURCH

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the Beaver United Methodist Church of Beaver, Pennsylvania on its 175th anniversary.

The Beaver United Methodist Church will celebrate two momentous anniversaries this year. Not only will the congregation celebrate the 175th anniversary of its first meeting, but they will celebrate the 100th anniversary of meeting in its current location in Beaver, Pennsylvania. The church will celebrate these anniversaries with two months of activities, including plays and music recitals.

I ask my colleagues in the United States House of Representatives to join me in honoring the congregation Beaver United Methodist Church in Beaver, Pennsylvania. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute an enduring institution like Beaver United Methodist Church.

IN RECOGNITION OF CHARLES T. WILKERSON

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. ROGERS of Alabama. Mr. Speaker, Sergeant Charles T. Wilkerson, 30, originally of Columbus, Georgia, died on May 22, 2005, in Iraq. Sergeant Wilkerson was assigned to the Army's 3rd Armored Cavalry Regiment of Fort Carson, Colorado, and according to initial reports was killed when an unknown ordnance detonated. His survivors include his wife Whitney and his two children; his mother Tomasa Goodwin of Columbus; and his father, Thomas Wilkerson of Phenix City, Alabama.

Charles Wilkeson was a proud father and had been a member of both the Marine Corps and the Army, Mr. Speaker. He had a strong faith in God, and like all soldiers he dutifully left behind his family and loved ones to serve our country overseas.

Words cannot express the sense of sadness we have for his family, and for the gratitude our country feels for his service. Sergeant Wilkerson died serving not just the United States, but the entire cause of liberty, on a noble mission to help spread the cause of freedom in Iraq and liberate an oppressed people from tyrannical rule He was a true American.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve. Thank you, Mr. Speaker, for the House's remembrance on this mournful day.

HONORING MICHAEL L. COOK

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. WAMP. Mr. Speaker, after 27 years of serving people with intellectual disabilities, Michael L. Cook is retiring as the Executive Director of Orange Grove Center in Chattanooga, TN. After receiving his Master's degree in Behavioral Disabilities, Mike Cook began his career as a direct support professional with Central Wisconsin Center and Training School. He then served as a field representative with the Accreditation Council for Individuals with Mental Retardation and Developmental Disabilities before coming to Orange Grove in 1978. During his tenure at Orange Grove Center, Mr. Cook transformed this community organization into one of the most respected agencies in the field of mental retardation in the Nation. Today, Orange Grove has a comprehensive, person-centered program serving in excess of 650 adults and children in a variety of settings.

Mike Cook's quiet dedication to improving the lives of individuals with intellectual disabilities has been the foundation of all that Orange Grove has accomplished over the years. Having served as Executive Director for more than half of the center's 52 years, Mr. Cook has left an indelible mark on every aspect of life for the people who are in their care. Mr. Cook's devotion can be best summed up in the words of Orange Grove's vision statement: "To recognize, support, and celebrate the qualities of the individual." That has been Mike Cook's vision for the past 27 years. Mr. Speaker, today I pay tribute and honor Orange Grove Center's Mike Cook.

CONGRATULATIONS TO WEST PITTSBURG UNITED METHODIST CHURCH

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the West Pittsburg United Methodist Church on its 100th anniversary.

This spring, the church will celebrate the 100th anniversary of its foundation in 1905. The congregation is a source of inspiration and symbol of strength for all its members and the Lawrence County community as a whole. In order to mark the special occasion, the church will host a 4 p.m. dinner to be followed by a 5:30 p.m. service featuring former pastors who will no doubt share memories of their times at West Pittsburg.

I ask my colleagues in the United States House of Representatives to join me in honoring the West Pittsburg United Methodist Church. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute an enduring institution like the West Pittsburg congregation.

CONGRATULATING ROCHE ON ITS ONE HUNDREDTH ANNIVERSARY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. PASCRELL. Mr. Speaker, I rise today to offer my congratulations on the 100th Anniversary of Roche, one of the leading healthcare innovators in the world. Roche is a specialty care company that employs over 10,000 people in America and 60,000 globally. I am proud to represent the 3,000 people employed by Roche North America at its headquarters in Nutley, New Jersey, in my Congressional District. We are fortunate that these folks chose to lend their tremendous talents individually and collectively to improving the quality of healthcare for us.

For a century now, Roche has invested in advanced research and manufacturing techniques that have yielded breakthroughs in healthcare. Founded in Switzerland in 1896, Roche's roots in America are deep and strong, dating back to the opening of its New York office in 1905. From its start in Manhattan in 1905, Roche has extended its reach to nine sites across the United States, with facilities in New Jersey, South Carolina, Colorado, Indiana, and California.

There are many examples of how Roche's commitment to deepening our understanding of human health and developing revolutionary treatments and tools has reaped benefits for Americans. Roche's discoveries have led to an immunosuppressant to help people fight off organ transplant rejection, the creation of a new class of drugs that is used to combat HIV/AIDS where other medications have failed, and the production of the most widely used treatment for Hepatitis C, one of the foremost threats to public health today. As an industry leader in the field of diagnostics, Roche's products help patients manage their diabetes, give physicians and hospitals the ability to identify illnesses more quickly and more accurately, and tailor treatments in a way that best suit an individual's personal medical condition. These life-saving and life-enhancing products make a tremendous difference for hundreds of thousands of people around the world each and every day, and are part of why Americans enjoy the highest quality healthcare.

As Roche employees in New Jersey, and around the world, reflect on all these accomplishments on this 100th Anniversary, I believe they can take great pride in the successes they have enjoyed as a result of their dedication and industriousness. I am confident that the century ahead holds great things in store for the Roche community.

SPECIAL TRIBUTE IN HONOR OF JARAMOGI ABEBE AGYEMAN (REVEREND ALBERT B. CLEAGE, JR.)

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Ms. KILPATRICK of Michigan. Mr. Speaker, let it be known, in tribute to Jaramogi Abebe Agyeman, an induction ceremony into the Ring of Ancestors took place on Sunday, June 12, 2005 at the Charles H. Wright Museum of African American History. It is with great respect that this tribute is offered as a memorial for the life of Jaramogi Abebe Agyeman, the founder and First Holy Patriarch of the Shrines of the Black Madonna of the Pan African Orthodox Christian Church.

Whereas, Jaramogi Abebe Agyeman was born Albert B. Cleage, Jr. in Indianapolis, Indiana on June 13, 1911. He graduated from Wayne State University, where he studied sociology, and the Oberlin Graduate School of Theology. He was a social caseworker with the Detroit Department of Public Welfare before entering the seminary. Jaramogi Abebe Agyeman served pastorates at Lexington, KY, San Francisco, CA, and Springfield, MA before founding what became known as Central United Church of Christ in 1953.

Whereas, during the civil-rights and "black power" movements of the 1960s the then Reverend Cleage was Detroit's most eloquent and uncompromising advocate and activist for African American freedom, rights, and dignity. He led campaigns for quality education and black economic empowerment and spearheaded opposition to job discrimination, police brutality and the forced removal of blacks from the central city. Jaramogi Abebe Agyeman later co-founded the Black Slate, a not-for-profit public relations and advertising group that selects and supports candidates for public office, which helped to elect Coleman A. Young as Detroit's first African American mayor.

Whereas, on Easter Sunday in 1967, he launched the Black Christian Nationalist Movement (BCN) and unveiled a 19-foot chancel mural of a Black Madonna and child by Detroit artist Glanton Dowdell. In 1970, Central formally became the Shrine of the Black Madonna and the Reverend Cleage was rechristened Jaramogi Abebe Agyeman. At this point he focused his energy inward, toward building institutions and developing a theology and program that would enable black people to become independent and self-determining.

Whereas, Jaramogi Abebe Agyeman wrote two books, "The Black Messiah" (1968) and "Black Christian Nationalism: New Directions for the Black Church" (1972). In 1978, he founded the PAOCC as a new black denomination, with branches in Atlanta, GA, Houston, TX, and Calhoun Falls, SC where the church established Beulah Land, which is believed to be the largest black owned farm in the U.S. Jaramogi Abebe Agyeman passed away at Beulah Land on February 20, 2000.

In special tribute, this document is dedicated in memory of the life of Jaramogi Abebe Agyeman.

CONGRATULATIONS TO MISS HANNAH PILEGGI AND MR. WARREN SAKEY OF FOX CHAPEL HIGH SCHOOL

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate Miss Hannah Pileggi and Mr. Warren Sakey of Fox Chapel High School on being named the winners of the National Society of the Colonial Dames of America Essay Contest. Ms. Pileggi and Mr. Sakey will represent Pennsylvania at the NCSDA's 2005 Washington Workshops Congressional Seminar in Washington, D.C.

The National Society of The Colonial Dames of America is an organization dedicated to furthering an appreciation of our national heritage through historic preservation, patriotic service and educational projects. One of these projects is the annual essay contest that challenges high school students to critically evaluate a certain period of history or topic of international significance. This year's topic presented students with an opportunity to select the American President, serving between 1850 and 1950 that they most admired.

Hannah Pileggi's winning essay focused on President Harry S. Truman, pointing out the extremely difficult decision he faced in deciding whether to drop the atomic bomb in the Pacific Theatre of Operations. Warren Sakey decided to focus on Woodrow Wilson and his tireless efforts focused at achieving peace in the world through his "Fourteen Points."

I ask my colleagues in the United States House of Representatives to join me in congratulating both Hannah Pileggi and Warren Sakey. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute the achievements of such fine young leaders.

HONORING "MR. DIABETES," ANDREW MANDELL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. KILDEE. Mr. Speaker, today I rise to recognize the accomplishments of a man who has brought a new sense of awareness to the diagnosis, treatment, and prevention of diabetes in America. On June 16, Andrew Mandell, Executive Director of the Defeat Diabetes Foundation, and known throughout the world as "Mr. Diabetes," will be in my hometown of Flint, Michigan, as part of his "Wake Up and Walk Tour"—a 10,000+ mile journey along the perimeter of the United States.

A disease afflicting 22 million Americans, diabetes ranks among our nation's leading causes of death, and is the leading cause of adult blindness, kidney disease, heart attack, stroke, and non-traumatic amputations. Knowing no boundaries, it impacts the lives of people of all ages and from all walks of life.

One such person is Andy Mandell. An avid runner, triathlete, and martial artist, Andy witnessed his life change in 1985, when he was first diagnosed as a diabetic. Although he continued to live his life as he had, the disease grew stronger, causing him to grow weaker, to the point where he was bedridden for 20 hours a day for two years. It was then that Andy made a conscious choice and developed his own recovery program of proper diet, exercise, and monitoring. Andy also decided to share his experiences with the world, and in 1990, he founded with his brother Jerry, the Defeat Diabetes Foundation, an organization whose purpose is to educate and inform the public about diabetes and the dangers it poses through articles, lectures, and personal appearances.

On December 1, 2000, Andy began the "Wake Up and Walk Tour" in Madeira Beach, Florida. Having already traveled through the South and the Pacific Northwest, he will have logged over 6500 miles by the time he reaches Flint. Upon returning to Florida, his plans are simple: to start the walk over.

Mr. Speaker, Andrew Mandell is a shining example of triumph in the face of adversity. He is a survivor rather than a victim of his disease, living with it rather than suffering from it. I ask my colleagues to join me in applauding his strength as well as his commitment to improving the quality of life for us all.

IN RECOGNITION OF NEW JERSEY ASSEMBLYWOMAN LORETTA WEINBERG, NAMED FIRST RUNNER-UP FOR THE 2005 GOOD HOUSEKEEPING AWARD FOR WOMEN AND GOVERNNMENT

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. ROTHMAN. Mr. Speaker, I rise today with great pleasure to honor my dear friend of more than 25 years, New Jersey Assemblywoman Loretta Weinberg, who has been named first runner-up for the prestigious 2005 Good Housekeeping Award for Women and Government. The award will be presented tomorrow, June 15, 2005, at a ceremony in Washington, D.C. sponsored by the Center for American Women and Politics (CAWP). Each year, Good Housekeeping magazine and the CAWP honor women, in government—elected or appointed officials, career civil servants, or members of the military—for their achievements in government that have improved people's lives. Assemblywoman Weinberg was selected from over 200 extraordinary women as first runner-up for this award because of her exemplary record of public service.

As one of only 13 women in the 80-member New Jersey General Assembly, Assemblywoman Weinberg serves as the Majority Conference Leader and represents New Jersey's Legislative District 37, which includes a number of towns we both have the privilege to represent, such as Englewood, Hackensack, and Teaneck. She has spent 13 years advocating on behalf of New Jersey's women and families and has spearheaded the passage of several pieces of landmark legislation. Two of her efforts have included passing a law, which mandates that new mothers must be allowed at least a 48-hour stay in the hospital after giving birth, as well as her law that established the first child-proof handgun law in the nation. Her leadership roles also include being the Chair of the Health and Human Services Committee and Vice-Chair of the Family, Women and Children's Services Committee. Aside from her professional work, Loretta is above all devoted to her children, grandchildren, her entire family, and her many, many friends.

Founded in 1971, the Center for American Women and Politics (CAWP) is a unit of the Eagleton Institute of Politics at Rutgers University, The State University of New Jersey. The CAWP mission is to promote greater knowledge and understanding about women's participation in politics and government and to enhance women's influence and leadership in public life. This is the eighth year the CAWP has participated along with the Ford Foundation in administering the Good Housekeeping Award for Women and Government.

Mr. Speaker, I ask my colleagues to join me in recognizing the outstanding contributions that New Jersey Assemblywoman Loretta Weinberg has made, that make the lives of all New Jerseyans so much better. I would like to acknowledge Loretta's lifetime of good works and dedication. I am proud to call her my friend.

CONGRATULATIONS, GEORGE SACCO

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate George Sacco on receiving the "Silent Defender" award from the International Code Council Foundation.

George, who is currently the fire marshall for O'Hara Township, was selected among more than 30 applicants from around the world. Mr. Sacco has held several different job titles during his incredible 76 years of dedicated service including fire chief and president of the Allegheny County Fire Chiefs Association. He has twice been named the Allegheny County Fireman of the Year and continues to mentor aspiring firefighters, teaching courses ranging from hydraulics and arson investigation to home fire safety. Currently, he is the oldest fire instructor in age and service in the entire state of Pennsylvania.

The "Silent Defender" award is given to a person or organization that exemplifies the selflessness, dignity and credibility of the profession and dedication to safety. According to his peers, George personifies all of those qualities and continues to instill them in future generations of firefighters. Mr. Sacco received the award May 16th during the Building Safety Week at the annual International Code Council Foundation Dinner in Washington, D.C.

I ask my colleagues in the United States House of Representatives to join me in honoring George Sacco. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute citizens such as George who truly embody the spirit of public service.

INTRODUCING THE WORKING FAMILIES GAS TAX CREDIT ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce legislation which will go a long way to reducing the burden placed on American consumers due to escalating gas costs.

My bill, the Working Families Gas Tax Credit Act, provides a $250 tax credit to individuals who make $25,000 or less, and $500 for joint filers who make $50,000 or less, if the cost of a gallon of gasoline over a taxable year has increased from the previous year by more than twice the rate of inflation.

The credit will increase annually at an amount equal to the rate of inflation. The cost for a gallon of gasoline is based on the U.S. Regular All Formulations Retail Gasoline Prices, prepared by the Energy Information Administration of the Department of Energy.

Except for housing costs, low- and middle-income households in the United States spend more of their earnings on transportation than anything else. This minimal credit would go a long way to helping low- and middle-income families cope with escalating gas costs and limited resources.

I ask for my colleagues' support, and I urge the House Leadership to bring this bill to the floor swiftly for its consideration.

INTRODUCTION OF THE SERVITUDE AND EMANCIPATION ARCHIVAL RESEARCH CLEARINGHOUSE (SEARCH) ACT OF 2005

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. CUMMINGS. Mr. Speaker, I rise to reintroduce the Servitude and Emancipation Archival Research ClearingHouse (SEARCH) Act of 2005, companion legislation to a bill soon to be reintroduced by Senator LANDRIEU of Louisiana. The SEARCH Act would authorize the creation of a national database of servitude and emancipation records within the National Archives.

Mr. Speaker, for most Americans, researching their genealogical history involves searching through municipal birth, death, and marriage records—most of which have been properly archived as public historical documents. However, African Americans in the United States face a unique challenge when conducting genealogical research.

Due to slavery and discrimination, and their residues, African-Americans were denied many of the benefits of citizenship that produce traceable documentation such as voter registration, property ownership, business ownership, and school attendance. As a result, instead of looking up wills, land deeds, birth and death certificates, and other traditional genealogical research documents, African Americans must often try to identify the name of former slave owners, hoping that the owners kept records of pertinent information, such as births and deaths. Unfortunately, current records of emancipation and slavery are frequently inaccessible, poorly catalogued, and inadequately preserved from decay.

Although some states and localities have undertaken efforts to collect these documents with varying degrees of success, there is no national effort to preserve these important pieces of public and personal history or to make them readily and easily accessible to all Americans. While entities such as Howard University and the Schomburg Center for Research in Black Culture Library have extensive African American archives, the SEARCH Act would create a centralized database of these historic records. This database would be administered by the Archivist of the United States as part of the National Archives.

The SEARCH Act would also authorize $5 million for the National Historical Publications and Records Commission to establish the national database, as well as $5 million in grants for states and academic institutions to preserve local records of servitude and emancipation.

On behalf of the many African Americans throughout the United States, and in recognition of the observance of June 19th as African American Emancipation Day or Juneteenth, I urge my colleagues to cosponsor the SEARCH Act. I believe that this legislation will be a vital step in resurrecting the rich history of African Americans and the vital role that they played in building America. This legislation is not only a means by which African Americans can trace their lineage, but also as a means by which our nation can preserve historically comprehensive and accurate information for generations yet unborn.

Author Maya Angelou once said that "No man can know where he is going unless he knows exactly where he has been and exactly how he arrived at his present place." Let there be no mistake Mr. Speaker, the SEARCH Act will provide African Americans an opportunity to forge a crucial nexus between the past and the present. Just as important, it will give our nation an opportunity to continue to correct the unintended consequences of the past.

Join me in ending the horrible legacies of slavery and discrimination by giving African Americans a real chance to understand who they are and from whence they came.

RECOGNIZING QUAKER VALLEY HIGH SCHOOL

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Ms. HART. Mr. Speaker, I would like to tale this opportunity to recognize Quaker Valley High School on being named one of Newsweek Magazine's top American Public High Schools.

Quaker Valley High, located in Leetsdale Pennsylvania, was recognized for its high academic standards and student scores on Advanced Placement tests. The school's Superintendent, Jerry Longo, takes pride in the fact that Quaker Valley offers its students a "well rounded curriculum, that combines traditional academic courses with the arts and sciences, technology, community service and a second language." The students of Quaker Valley also display a well rounded attitude with 80% of the student body participating in extracurricular activities.

I ask my colleagues in the United States House of Representatives to join me in honoring Quaker Valley High School on this wonderful achievement. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute the achievement of such a fine institution that plays such a vital role in the development of the future leaders of tomorrow.

PERSONAL EXPLANATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. EHLERS. Mr. Speaker, on rollcall Nos. 241 and 242, I was absent because I was detained in my district. Had I been present, I would have voted "yes" on both.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. FOSSELLA. Mr. Speaker, on rollcall Nos. 241 and 242 I was unavoidably detained. Had I been present, I would have voted "yes."

CONGRATULATIONS TO WEST PENN ALLEGHENY HEALTH SYSTEM

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the West Penn Allegheny Heath System on the Grand Opening of a Joslin Diabetes Clinic at the Citizens Ambulatory Care Center in New Kensington, Pennsylvania.

The Joslin Center for Diabetes and the Joslin Clinic are international leaders in diabetes management, research and education. The Joslin Diabetes Clinic, as part of the West Penn Allegheny Health System, will provide a variety of services includng diagnostic imaging, laboratory services, chemotherapy, outpatient surgery and an Urgent Care Center. It is estimated that over 18 million people living in America today have diabetes, 13 million of whom have been diagnosed. That leaves over 5 million Americans unaware of the fact that they have the debilitating disease. The Alle-Kiski Medical Center's primary service area includes 200,000 residents and it is estimated that 16,000 people are suffering from diabetes, while 6,000 are still undiagnosed.

The West Penn Allegheny Health System and the Joslin Diabetes Center will employ medical directors and physicians that are board certified in internal medicine and endocrinology. The Clinic will also consist of diet, exercise and mental health professionals and will oversee aggressive patient education and public awareness initiatives aimed at detection and treatment of Diabetes.

I ask my colleagues in the United States House of Representatives to join me in honoring the West Penn Allegheny Health System on bringing a world leader in diabetes detection, research and management to the Alle-Kiski Area. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute the achievements of fine institutions that truly improve the lives of the citizens that benefit from their services.

RECOGNIZING THE RETIREMENT OF RICHARD PRICE FROM THE CONGRESSIONAL RESEARCH SERVICE (CRS)

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. STARK. Mr. Speaker, I wish to express my appreciation for the outstanding service that Mr. Richard Price of the Congressional Research Service (CRS) has provided to the U.S. Congress. In June, Mr. Price is retiring from CRS after 32 years of service. In his position at CRS, Mr. Price has been an invaluable asset to Congress both through his own work analyzing major health care legislation, and in his tireless efforts to guide other analysts in Health and Medicine unit.

Over three decades at CRS, Mr. Price has worked on or supervised work on most, if not all, of the major health care legislation that Congress has considered. Mr. Price is a recognized expert in Medicare and Medicaid, the major U.S. health care financing programs; his particular areas of expertise span most aspects of Medicare and Medicaid reimbursement policy, public health service programs and long-term care issues, including Medicaid eligibility and nursing home reform. His contributions to the development of legislation in these areas have been substantial. Through thoughtful analyses, balanced presentations, and clear explanations, Mr. Price has also helped countless Congressional staff understand the effect of the legislative proposals being considered. The importance of his dedicated support to the Ways and Means Committee when major health legislation was pending cannot be understated. We have relied on the CRS staff through the years both for analytical and technical assistance during consideration of major legislation and for help in writing up reports to accompany bills that move through the Committee and the Congress. Mr. Price has played a key role in these processes.

In addition to his own work on legislation, Mr. Price has been responsible for managing an array of CRS analysts who assist Congress across a broad spectrum of health care issues, including those related to Medicare, Medicaid, the Public Health Service, the Food and Drug Administration, the National Institutes of Health, and the Veterans Administration. In his position as section head in the Domestic Social Policy Division at CRS, Mr. Price was instrumental in building the health care staff of CRS into a large team of experienced senior analysts.

His service to Congress in the analysis and development of policy alternatives affecting the range of private and public health care programs, his ability to conceptualize complex public policy issues, as well as his leadership of staff who work on many varied and complex health care issues, set the highest standards for assistance provided by CRS in service to the Congress. I am grateful for his assistance through the years, and I wish him well in his future endeavors.

AN ARTICLE BY MR. LEE JACKSON

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. PAUL. Mr. Speaker, I would like to place in today's record the following article by Mr. Lee Jackson, a constituent of mine who is battling a perverse tax law. Mr. Jackson and several other individuals were the target of a frivolous lawsuit that rightfully was dismissed for its lack of merit. Mr. Jackson and his fellow defendants—all totally blameless—spent many thousands of dollars in legal fees fighting the meritless suit. They understandably filed their own lawsuit against both the original plaintiffs and the plaintiffs' law firm. However, they cannot reach a monetary settlement for damages because our tax code treats all proceeds from such a settlement—even the portion Mr. Jackson owes to his attorneys—as taxable income for Mr. Jackson. As a result, Mr. Jackson literally cannot afford to settle his case because he will owe more in income taxes than he receives from the settlement! Furthermore, he cannot deduct his attorneys fees because of the alternative minimum tax. Mr. Jackson's story, as told below, provides a vivid example of why Congress must change the tax code to ensure that attorney fees are deemed taxable income to the attorneys who actually receive them, not their clients.

TAXING JUSTICE

"*It is in justice that the ordering of society is centered.*" Aristotle

"*Justice is the constant and perpetual will to allot to every man his due.*"—Domitus Ulpian

(By Lee Jackson)

There is perversity in using tax policy to reduce the numbers of frivolous lawsuits. Courts were developed in the first place to adjudicate impartially the relative merit of one person's argument over another's in a dispute. The controlling premise was that courts were best able to sort through facts and opposing arguments in specific cases and arrive at impartial resolutions.

Distrust in the courts has upset the delicate balance between the legislature and the judiciary. When judges pick and choose the laws they will or will not enforce; when they dictate new law from the bench; when their standard strays from the Constitution and looks to current popular thinking and foreign decisions; or when judges bow before the force of political money during confirmation re-election cycles; when those things happen, citizens lose confidence in the ability to achieve justice, and turn to the legislature for relief. Therein lies new danger.

Courts are uniquely suited to try the facts of particular cases. Legislatures are not. However, legislatures must react to concerns of constituents, and so they have sought solutions as Americans pressed them to weigh in on the perceived high volume of seemingly frivolous cases that drove up medical and other costs, and seemed to precipitate a downward spiral in quality of crucial services.

Attending these issues were actions of legislatures, courts, and executive branches of government. Take the case of Cynthia Spina, the Illinois Forest Preserve policewoman who won a judgment against her employer after a six-year sexual-harassment lawsuit. Instead of netting $300,000 after paying $1 million to her attorney, she was taxed $400,000 by the IRS. The law that made such travesty possible was promulgated in 1996 that differentiate between types of damages. Gone was the concept of damages being a monetary amount determined by a jury as the amount necessary to bring a plaintiff back to equilibrium. Justice is now a taxable event.

A new premise seems to permeate the land: That all plaintiffs are suspect, and likely to be greedy money-grubbers forwarding spurious complaints. Such a premise does a disservice to juries whose members receive negligible compensation for their services and to the vast majority of plaintiffs who turn to courts as a last resort.

Consider our case still pending in California. My partner and I appealed to the FBI and the SEC for alleged corporate malfeasance. We also alerted the public via the Internet. For our trouble, we, along with friends and family were sued personally for $60 million. The courts in California found we had done nothing wrong and further, that we were sued primarily to silence us.

In effect, the courts in California were used as a weapon to interfere with our rights to free speech. Along the way, this case resulted in a binding precedent extending First Amendment rights to the Internet. That precedent has been used all the way to the US Supreme Court as well as in several state supreme courts.

Left with hundreds of thousands of dollars in legal bills accumulated for our defense, we sought to recover through the courts. As we proceeded, we became aware of the Spina case, and feared that the same tax provisions could apply to us.

What we found was even more perverse. Spina's debacle resulted because the attorney's fee was charged as income to her, and then Alternative Minimum Tax (AMT) was applied. In tax court, Spina pleaded the unfairness with the judge, who sympathized with her but said his hands were tied by the law (a fine time to be a strict constructionist! I think it intuitively obvious to the casual observer that a US government that taxes a citizen more than the citizen receives is breaking a Constitutional proscription somewhere!).

In the California case, we (the erstwhile defendants) became plaintiffs in pursuit of recovery of our legal expense and other damages. It is worth mentioning that our wives were also sued, and another couple as well. Neither our wives nor the other couple were even alleged to have done anything wrong—they were sued in order to bring pressure on us. My partner and I live in Texas. The other couple lives in Maine.

We soon learned of a difference in treatment depending upon residence. In Texas, the legislature had defined attorneys' fees as belonging to attorneys, and therefore not taxable to plaintiffs. In Maine, no such determination had been made. Also, the Federal District court in which Texas lies had decided that damages were not subject to Alternative Minimum Taxes. The federal court district in which Maine lies had decided the opposite. As a result, the Maine plaintiffs could expect to realize an after-tax net that would have been an estimated $\frac{1}{15}$ of the net that the Texas plaintiffs could have expected on the same estimated award. Ironically, all we plaintiffs in our case had been subjected to the exact same set of circumstances; we would have appeared together in the same court; and, if damages were awarded, they would have been determined by the exact same jury.

Enter the Supreme Court. In January, 2005, the Supreme Court issued a decision that decreed equal federal tax treatment among all plaintiffs across the breadth of the United States; that attorneys' fees should be taxed to plaintiffs; and that Alternative Minimum Taxes apply. In effect, the Supreme Court's decision put almost all plaintiffs in the same tax position as Spina. Taken to its logical and viable extreme, this decision puts civil courts off limits as an alternative to violence to resolve bona fide disputes.

There is an exemption to that decision. Inspired by the Spina case, Congress last year passed the Civil Rights Tax Relief Act. It provided that, in Civil Rights cases, attorneys' fees would not be taxed to plaintiffs (on the basis that the amount had been taxed twice—first to plaintiffs, then to attorneys). Unfortunately for Spina, the law was not made retroactive, so as of this moment, she still contends with the IRS over her tax bill. However, other plaintiffs with similar cases realized tremendous relief.

Not so for us in our California case, and thousands of other plaintiffs also facing ruinous taxes after winning their cases. Clearly the courts in California were used as a weapon to infringe on our civil rights. However, in that underlying case, we were then defendants. When we filed suit to recover damages, the case was characterized differently and was no longer, technically, a civil rights case. Our dilemma had been to seek court assistance to recover, or face paying our legal expense for our own defense in the underlying case for years to come. It did not occur to us at the time we filed with the court that we could win and end up owing an even greater amount to the IRS.

That is the effect of the Supreme Court ruling. Because ours is technically not a civil rights case, we do not enjoy the benefits of the exemption inspired by the Spina case. We had properly appealed to our government for help, and the government has now placed us in a position where our own best interests are indeterminate, so we cannot settle (ironic, since the intent of most tort reform has been to encourage settlement). When a jury makes an award, the tax exposure will likely be ruinous. Another irony is that the higher the award, the greater our tax exposure. And we are middle-class citizens.

The basis on which the Supreme Court decided that attorneys' fees are taxed as income to plaintiffs is that plaintiffs pay attorneys; that the amount they pay comes to them as a result of the award; that money to pay attorneys was something they did not have prior to the award, and therefore coming, as it would from the award, must be income. The rationale is held irrelevant (in contingency cases) that attorneys receive payment only if and after an actual award is received and that there is shared risk between plaintiff and attorney.

There is another problem with taxing awards as income, and this is even more poignant. As mentioned earlier, awards are a jury's determination of the monetary equivalent of restoring a client to equilibrium (without consideration for tax consequences). By definition, plaintiffs owned that equivalent value prior to the need to seek court intervention and thus is not income.

Where back wages are sought and won, obviously income is received. However, even in those cases there should be no more taxes assessed or collected than would have been had the plaintiff been paid normally.

Another major factor that should weigh in favor of plaintiffs and obviate taxes on awards is that courts, state legislatures, and Congress establish the rules under which a citizen seeks justice. A plaintiff going into court in pro per is in extreme jeopardy of losing over factors as innocuous as presenting the case in a form that violates local-court determined rules. When citizens are sued, they often have no choice but to retain the very best legal expertise possible. When they win their cases and are left with oppressive debt, they should have recourse to the courts for relief without incurring even more horrendous debt to the government. The idea is laughable that people would willingly choose to spend their hard-earned income and scarce time to be in court for recreation (i.e. the "pursuit of happiness").

The concept of exemptions presents its own difficulties. By legislatively determining that some cases are entitled to favorable tax treatment over others, lawmakers are making judgments over the relative merits of cases in advance of either a judge or jury examining specific facts. On its face, such policy screams violation of Constitutional equal protection and equal access to the courts. Justice is no longer blind. And to the extent that such laws continue, the Federal government becomes complicit in chilling citizen participation on issues such as the ones in our case in California. Bad guys already know this, and they know that as a result, they can do bad things to good people with impunity. The combined branches of government have evolved those conditions.

At present, there is legislative effort under way to cure the situation for plaintiffs excluded by current exemptions. There is also a strong Congressional move to abolish AMT altogether. (That would be a great thing for the country, but a subject for another time.) A danger for plaintiffs is that, should AMT be abolished, a strong sense could I devolve that the plight of plaintiffs would then be resolved. Such is not the case.

AMT only increases the degree of travesty. Eliminating them for plaintiffs still leaves them exposed to ordinary tax rates (think of an ordinary citizen paying taxes on a $1 million award, half of which goes to pay attorneys, and much which goes to pay other expenses. The citizen could still be in a breakeven or deficit position, and certainly one that in no way approaches restoration or justice.).

Studying ways to include others in exemptions is self-defeating. There are too many circumstances to contemplate and leaves citizens with the dubious proposition of having to seek a legislative solution after having won in court. It further requires the impossible task of timing the court decision such that it is issued only after the passage of the legislation in order to be sure that the new law protects them (retroactivity is frowned upon in the House).

The real issues are: Should any legislature ever be deciding the relative merit of any civil dispute over any other civil dispute by creating rapacious tax laws and then establishing exemptions? (As soon as they do so, they create violations of equal protection and access.) Should the government ever be entitled to a share of what a jury has decided is the amount required to restore a plaintiff to equilibrium? (Every dollar taxed on an award is a dollar subtraction from that plaintiff's restoration as determined by a jury after due deliberation over all facts pertinent to the case—justice becomes impossible as a practical and mathematical matter). Should attorneys' fees be taxed to plaintiffs? (The government is going to tax that amount to the attorney. When the attorney is retained on a contingency basis, both attorney and plaintiff are entering into a transaction that is high risk with no gain for either unless they win at court. And, it is the courts, Congress, and state legislators that set the conditions under which requiring an attorney for any court proceeding is mandated as a practical matter for most citizens.)

If the answer to each of the above questions is "no" (and I think a reasonable man would conclude that is the correct answer for each of question), then the proper legislative response is easy: Define attorneys' fees as belonging to attorneys; and, do away with taxes on awards.

If both of those actions are taken, plaintiffs with bona fide complaints rightfully will enjoy a full measure of restoration to equilibrium as determined by a jury of their peers. Admittedly, that allows for occasionally rewarding miscreants. The alternative ensures penalizing law-abiding citizens who have already suffered.

Adopting the above leaves unsettled how to discourage frivolous cases. There are other ways to do that including award limits, and attorney fee caps. However, the solution cannot and must not include provisions that deny justice and impose further penalties on law-abiding citizens who appeal to their governments.

As these things ate contemplated, a figurative call to arms is in order. Taxes imposed on individual citizens across the breadth of the original Thirteen Colonies in our early history were only a fraction of the burden thrust on individual contemporary citizens now carrying these burdens. These unjustly treated citizens already number in thousands: and their numbers will grow rapidly as the effects of the Supreme Court decision become felt.

It is hard to conceive of a single congressional district left unaffected. Corrective action should be swift.

Citizens that must contend with government taxes and tax collecting agencies of the government after prevailing in court are denied justice. Allowing them to negotiate to a reduced amount after the fact is neither justice nor a solution—it is a mockery and refutation of the most fundamental principles which gave birth to our great country and for which patriots gave their lives.

In contemplating concepts of taxing justice, it is appropriate to recall that plaintiffs seek court resolution as an alternative to violence; that they pay in advance for their "day in court" through normal taxes; that in entering the court, they demonstrate tremendous faith in their fellow citizens and government; that the aim of the court is to return prevailing plaintiffs to equilibrium; and that if plaintiffs are successful, they are entitled to an assumption of having brought a bona fide complaint. To require more is to delay justice, and in that regard, it is well to remember William Gladstone's words: "Justice delayed is justice denied."

Or as Theodore Roosevelt said, "Justice consists not in being neutral between right and wrong, but in finding out the right and upholding it, wherever found, against the wrong." Leaving citizens stranded in bewildering circumstances that destroy the pursuit of happiness and is brought about by poorly thought out government action is wrong. Correcting quickly is right.

CONGRATULATIONS TO THOMAS J. SEMANCHIK

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the entire Semanchik Family on Thomas J. Semanchik achieving the rank of Eagle Scout. Thomas is the fifth Semanchik family member to receive the prestigious honor, carrying on the tradition set by his father and three older brothers.

John Semanchik III, Thomas's father, first received the rank of Eagle Scout on January 9th, 1969. He currently is ranked an Eagle Scout with three palms, has been the presiding Scoutmaster of Boy Scout Troop #171 for 10 years and received the Silver Beaver Award, the Boy Scouts of America's highest distinction. Thomas's oldest brother, John Semanchik IV is currently a 3 palm Eagle Scout, after receiving the rank on June 2nd, 1998. Michael Semanchik, currently an Eagle Scout with 6 palms, received the rank June 8th, 1999 while Robert Semanchik became an Eagle Scout with 9 palms on December 3rd, 2002.

The award ceremony will be held June 7th at Ingomar Methodist Church beginning at 6:30 p.m. Sadly, Janet M. Semanchik, the late wife of John and mother of the Semanchik boys will not be able to witness the rank being bestowed on her youngest son. Janet succumbed to cancer in 2003. However, her spirit still lives on in the lives and actions of the Semanchik men. I believe that it is safe to say Janet would be proud of all of her Eagle Scouts.

I ask my colleagues in the United States House of Representatives to join me in honoring the Semanchik family. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute the service of citizens like these men who personify civic pride and who truly make the communities that they live in better.

A TRIBUTE TO DR. DAVID P. SKINNER

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Mr. BOYD. Mr. Speaker, I rise today to commend the exceptional service of Dr. David Skinner to the United States Navy.

Dr. Skinner is retiring at the end of May after more than three decades of service at the Naval Surface Warfare Center Panama City (NSWCPC). Dr. Skinner has served the Navy most recently, with a national focus as the NAVSEA Product Area Director for Littoral Warfare Systems. In this capacity, Dr. Skinner was responsible for all activities in the Naval Surface Warfare Center supporting Navy and Marine Corps' operations in the littoral environment. Systems developed at NSWCPC are currently in service today helping fight the global war on terrorism.

Dr. Skinner's service has played a pivotal role in the development of systems in use today across the NSWCPC mission spectrum. His accomplishments in this leadership role have produced many results including the next generation of modular air and surface mine countermeasures systems, soon to be introduced to the Fleet; (2) Fleet introduction of the Gator Class Swimmer Delivery Vehicle; (3) Fleet introduction of a Landing Craft, Air Cushion (LCAC) with fully integrated fly-by-wire communications suite and craft control system; (4) installation of Fire Fighter Breathing Apparatus systems on all Navy ships and submarines and Coast Guard ships; (5) establishment of, and technical support for the Deployable Joint Command and Control Program Office in Panama City; and (5) unmanned underwater vehicles, computer-aided detection and classification techniques, and electro-optic sensors for mine detection, classification and identification, respectively.

During his career, Dr. Skinner held leadership roles at NSWCPC including Head of the Nonacoustic Division, Deputy Head of the Engineering Test and Evaluation Department, Head of the Submarine Undersea Weapons Defense Program, Head of the Coastal Research and Technology Department, and Executive Director of the Naval Surface Warfare Center Panama City.

Dr. Skinner received the Navy Superior Civilian Service Award in 2001, the Presidential Meritorious Executive Award in 2002, and the NDIA David Bushnell Award in 2005. Dr. Skinner has authored or co-authored more than 30 publications and holds a patent for the Naval Continuous Tone Frequency Modulated Sonar.

A native and resident' of Panama City, Florida, Dr. Skinner is also a leader in his community. His activities include working with the youth at Northside Baptist Church and coaching both youth soccer and basketball. Dr. Skinner is also a former ex-officio board member of the Coastal Operations Institute.

I invite my distinguished colleagues to join me in paying special tribute to Dr. Skinner for his invaluable service to the United States Navy. His work has made, and is making, a difference to our troops and our country. He will be deeply missed. We wish him the very best in all his future endeavors.

CONGRATULATIONS, BEAVER UNITED METHODIST CHURCH

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the Beaver United Methodist Church of Beaver, Pennsylvania on its 175th anniversary.

The Beaver United Methodist Church will celebrate two momentous anniversaries this year. Not only will the congregation celebrate the 175th anniversary of its first meeting, but they will celebrate the 100th anniversary of meeting in its current location in Beaver, Pennsylvania. The church will celebrate these anniversaries with two months of activities, including plays and music recitals.

I ask my colleagues in the United States House of Representatives to join me in honoring the congregation of Beaver United Methodist Church in Beaver, Pennsylvania. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute an enduring institution like Beaver United Methodist Church.

CONGRATULATIONS TO CHRIS COLLIER

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate Chris Collier on being named the 2005 Lawrence County Entrepreneur of the Year.

Chris is the President of S&S Processing, a company that he established in 1990, which is located in West Pittsburg. Mr. Collier, after acquiring the mining rights to a large plot of land along the Little Beaver River, has turned his company into one of the largest suppliers of specialty soils in the Tri-State area. S&S Processing distributes specialty soils for athletic fields and playgrounds, while also providing custom blended soils, premium top-soils and composts to architects, engineers and contractors.

Mr. Collier will be honored at the 2005 Lawrence County Entrepreneur of the Year Awards Dinner to be held at the New Englander Banquet Center in New Castle, Pennsylvania. Chris was selected as the 2005 winner because he personifies the entrepreneurial spirit that is so prevalent in the Lawrence County Area. Mr. Collier has indeed had a significant impact on the community as a whole and has provided the young people of Lawrence County a rich example of what it takes to be a successful business owner.

I ask my colleagues in the United States House of Representatives to join me in honoring Chris Collier. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute citizens such as Chris who add so much to the community in which they live.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 2005

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, yesterday I was unavoidably detained and missed rollcall votes numbers 241 and 242. Had I been present, I would have voted:

"Aye" on rollcall number 241, S. 643—A bill to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs,

"Aye" on rollcall number 242, H.R. 2326—To designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the "Floyd Lupton Post Office."

HOUSE OF REPRESENTATIVES—*Wednesday, June 15, 2005*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BRADLEY of New Hampshire).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 15, 2005.

I hereby appoint the Honorable JEB BRADLEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

Dr. Edward D. Johnson, Senior Pastor, First Baptist Church of Ocala, Ocala, FL, offered the following prayer:

Dear Father, I thank You for each Member of the House of Representatives. I thank You for the sacrifice they give in order to represent our communities: time spent away from their families, time spent here in Washington and time spent in serving others. I am aware of the enormity of their responsibility in making decisions about issues that not only affect our incomes, but also affect our national security, our moral well-being and our precious freedoms as a nation.

I pray that You would bless these men and women with physical health, mental acuity, moral toughness and spiritual peace. You have established us as a "nation under God." You have reminded us that in Your Word, "Blessed is the nation whose God is the Lord." Heavenly Father, we ask for Your continued blessing on our Nation and for peace and prosperity to abound through our land.

As a Christian, while I make this prayer in the name of Jesus Christ, I know that many others approach prayer in a different manner. We all ask for Your blessings and for Your grace for our lives. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. NADLER) come forward and lead the House in the Pledge of Allegiance.

Mr. NADLER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING DR. EDWARD D. JOHNSON, SENIOR PASTOR, FIRST BAPTIST CHURCH OF OCALA, OCALA, FL, TO THE HOUSE OF REPRESENTATIVES

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, it is with a great deal of delight and an honor for me to have my pastor, Dr. Ed Johnson, provide the opening prayer for the House of Representatives this morning. We were privileged today to hear his brief words of inspiration and guidance.

Dr. Johnson is the Senior Pastor of the First Baptist Church of Ocala, FL, my hometown. This is a thriving church, and one of the largest in Marion County. My wife and I attend with our family, and we enjoy the warm and welcoming atmosphere.

Pastor Johnson has been with the First Baptist Church for 22 years, where he and his wife Hilda remain active in helping throughout our community. Before arriving in Ocala, Dr. Johnson served in churches in Texas, Tennessee and West Virginia.

While attending to the needs of his flock, Pastor Johnson has served as president of the Florida Baptist Convention, chairman of the Florida Baptist State Board of Missions and the chairman of the Board of Trustees of New Orleans Baptist Theological Seminary. Although this is a distinguished record of service, more importantly, he is a respected man of the Lord.

I appreciate this opportunity to share Pastor Johnson's wisdom with my colleagues this morning, and I look forward, Mr. Speaker, to taking him to the White House for the picnic.

HELPING SMALL BUSINESSES BY KEEPING REGULATIONS FAIR

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, I rise today seeking support for H.R. 1167, which I introduced to enable Congress to better scrutinize laws and regulations imposed on America's small businesses.

In New York's Hudson Valley I represent small business owners who tell me time and again that unnecessary paperwork and unreasonable government regulations are the most severe problem they face at work each day.

Our Nation's small businesses create 7 out of 10 new jobs and are the primary engine of economic growth for our communities. However, the burden of regulatory compliance on these same small businesses is as much as 50 percent greater than it is for larger companies. It costs the average small business almost $7,000 per employee each year. Small businesses should be able to use this money to hire new employees to better serve their customers. Instead, they lose it because they are complying with excessive regulation.

Mr. Speaker, it is time for this body to take a strong stand in support of our small businesses in the Hudson Valley and throughout the country. By passing my legislation, we can improve the transparency of regulatory decisions from our Federal agencies.

Congress and the GAO must fully evaluate unfair costs and impacts on small businesses before new rules are implemented. Please help our small businesses and keep regulations fair by cosponsoring H.R. 1167.

REPUBLICANS NOT CREATING JOBS

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, job creation under the Bush administration remains disappointing, despite 3 years of economic recovery. Last month the economy created only 78,000 jobs. There are fewer private sector jobs in the United States today than there were in January 2001 when President Bush took office. In fact, the economy must still create an additional 24,000 jobs just to get back to where we were in 2001. In the Clinton years we created 23 million new jobs. We did not lose private sector jobs.

Also on this President's watch, our economy has lost 2.8 million manufacturing jobs, including 7,000 more last month. The weakness of the job market is also showing up in the continued stagnation of workers' earnings.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Today, on average, workers' hourly wages are down 1 percent from last year if you factor in inflation. That means workers are taking home less, at a time when their health care, education and gas bills are skyrocketing.

Mr. Speaker, Republicans had their chance to jump-start the economy. For 4 years they have been cutting taxes for the wealthiest few in the hopes that jobs and higher salaries would trickle down to the middle class. It has not happened.

Mr. Speaker, it is time for a new approach.

SOCIAL SECURITY PRIVATE ACCOUNTS

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, talk of bipartisanship in legislating real solutions for the American people must have been just that; talk. The 109th Congress commenced just 6 months ago, and some Members on the other side of the aisle are still scheming on how to derail practical solutions for reforming Social Security.

One promising proposal, the creation of personal retirement accounts, has already been taken off the table by the Democrats before genuine debate has even begun. I believe that younger workers should have the opportunity to plan for a higher retirement income than that which the current system would allow. Workers retiring after about 2042 can only expect to receive about 73 percent or less of what they are being promised today.

I hear from my constituents daily about broken promises by our government. Personal accounts are a perfect example of a way we can give the American public control of their hard-earned income and avoid broken promises to its people.

Mr. Speaker, it is only fair to working Americans that we have true debate on Social Security reform before tossing out so-called partisan ideas.

TRIBUTE TO THE LATE STAFF SERGEANT JUSTIN LEE VASQUEZ

(Mr. SALAZAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SALAZAR. Mr. Speaker, I stand here today to pay tribute to and recognize Army Staff Sergeant Justin Lee Vasquez. Sgt. Vasquez was killed in the line of duty while serving his country in Iraq. Justin Vasquez was proud of his service in the Army and willingly wore his country's uniform. We should honor his dedication, courage and leadership.

Each day men and women in the Armed Forces willingly face unknown dangers in the hope to bring peace and prosperity to those in need. We must not forget the individual stories of these soldiers who have served our country with courage and honor.

Justin Vasquez was from Manzanola, Colorado. He played football in high school and loved to hunt and fish with his family. He was known throughout his squadron as being a dedicated leader who always wanted to help other people.

Justin Vasquez was serving his second tour of duty. He was given the option not to return to Iraq. Instead, he returned, because he did not want to leave his men alone.

On Sunday, June 5, 2005, Staff Sergeant Justin Lee Vasquez was killed when his military convoy was attacked.

Justin Vasquez made the ultimate sacrifice by courageously and honorably serving his country. To him it was everything to be a soldier.

My heart goes out to Justin's parents Vicki and Tino, his wife Riley, and his son Justin. The Vasquez family has demonstrated exceptional selflessness and courage in such trying times.

Mr. Speaker, I submit this recognition to the United States House of Representatives in honor of their sacrifice, so that Justin Lee Vasquez may live on in memory.

RECOGNIZING THE SACRIFICE MADE BY LANCE CORPORAL AARON MANKIN

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to recognize the sacrifice made by Lance Corporal Aaron Mankin of Rogers, Arkansas. I grew up with Aaron's father Steve, and my children grew up with Aaron. They are a wonderful family.

Last month Aaron, a photographer and writer for the Public Affairs Office at Camp Fallujah, was badly wounded while serving in Iraq. He suffered intense burns and major lung damage when the armored vehicle he was traveling in ran over a land mine in Northern Iraq.

I had been in Fallujah several weeks before, and by chance Aaron saw I was there. He actually showed us around, and I cannot tell you how proud I was of him and how proud he was of being a marine serving his country in Iraq.

Aaron was sent to Brook Army Medical Center in San Antonio and placed in the ICU. The damage to his lungs was so extensive that he was placed on a ventilator. He had third-degree burns on his arms and had to have his thumb and two-thirds of his index finger on his right hand amputated.

Aaron's will to persevere is strong though, Mr. Speaker. He is off the ventilator, and he recently took his first steps since the accident. He has told his parents that he is looking forward to rejoining his fellow marines after rehab, and because of the Lord and His blessing, the doctors at Brook Army Medical Center feel positive about his chances of doing that.

Mr. Speaker, at the young age of 23, Aaron has made a tremendous sacrifice for his country. He is a true American hero. I ask my colleagues to keep Aaron and his family in their thoughts and prayers as he continues down the path of recovery.

HOUSE MUST TAKE UP CHEMICAL SECURITY IMMEDIATELY

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, today the Committee on Homeland Security will hold a hearing on chemical security, something that has been put off for far too long.

It has almost been 4 years since the attacks of September 11 showed us just how determined terrorists are to attack us. In that time the House has taken action to deal with nuclear security, cybersecurity, port security, border security and airline security, just to name a few. But we have yet to deal with chemical security, something that Richard Falkenrath, a former Bush administration official working on homeland security, called "uniquely deadly, pervasive, and susceptible to terrorist attack."

Imagine a terrorist blowing up a chemical storage facility and releasing a cloud of toxic gas, threatening the lives of millions of Americans.

The time to act is now, and that is why I have introduced the Chemical Security Act. I am glad the Committee on Homeland Security has started this process, but it cannot stop there. My own committee, the Committee on Energy and Commerce, which has jurisdiction over chemical security, must now follow suit, because the consequences of inaction are just too great.

SUPPORT THE HYDE U.N. REFORM ACT OF 2005

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, tomorrow the House will consider a very important bill that aims to institute long overdue United Nations reform. It is tragic that at a time of numerous scandals that have characterized the U.N. over the past decade, we can see that they have been no accidents. Rather, they have been the result of a flawed structure that gives rise to passing the buck at best, and corruption, profiteering and collusion at worst.

The litany of scandals reads like a rogues gallery, everything from sexual misconduct, rape and sex trafficking to embezzlement, fraud and general mismanagement. Other examples include the notorious oil-for-food scandal or the U.N.'s egregious record of the mistreatment of the State of Israel.

☐ 1015

It is clear that at a time when the international landscape is polluted by enemies of freedom who have no interest in world order, the U.N. must seek to distinguish itself by its integrity and leadership, rather than by its misdeeds.

We must save the United Nations from itself. Let us render our strong support for the Henry Hyde United Nations Reform Act of 2005 before us tomorrow.

STRENGTHEN OUR SCHOOLS

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, many of the children with the greatest capacity to learn will not be finishing their school year because they did not have a school year. I am talking about children under 5 who are often left behind because too few States offer universal, voluntary, State-funded, pre-K programs.

Democrats believe every parent who wants to send a young child to pre-K should have that opportunity, regardless of their income. Democrats are committed, as part of our "Democrats' New Partnership for America's Future," to working with States to establish, expand, or improve high-quality, pre-K programs.

The bottom line is: pre-K works. Children who participate are more likely to excel academically, go to college, and hold a secure job, and less likely to require special education, to have delinquency problems, or slip into welfare dependency.

This is the educational equivalent of preventive health care. As childhood immunizations allow us to avoid debilitating illness, similarly, high-quality pre-K reduces the need for remedial efforts and produces more successful adults.

Like all educational issues, this is fundamentally an economic issue. High-quality pre-K is a desperately needed investment in our children, their future, and our Nation's economic strength.

Mr. Speaker, our global competitors do not wait until children turn 5 to begin their formal education. Why should we?

AMBASSADOR EVANS DESERVES THE AWARD

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the U.S. Ambassador to Armenia, John Evans, recently received an award from the American Foreign Service Association for constructive dissent that is intended to "foster creativity and intellectual courage within the State Department bureaucracy."

Last year, the winner was critical of the Iraq war.

Ambassador Evans' constructive dissent was calling the deaths of 1.5 million Armenians at the hands of the Ottomans in 1915 genocide. Our national policy towards the 1915 events calls it a tragedy, but not genocide.

So Turkey was very upset, as were a number of "very serious people" at the State Department. And this award, intended to encourage dissent, was revoked.

Obviously, the State Department was concerned about upsetting our ally, Turkey, though the facts seem to support the ambassador here. The sad thing is that an award intended to encourage dissent has now reinforced the powers that be. It seems the State Department is okay with dissent from the policy of a Republican President in Iraq, but it opposes dissent from a policy that denies the truth.

So much for intellectual courage.

DEMOCRATS' EDUCATION AGENDA

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, today I rise in support of the House Democrats' positive education agenda, which includes specific steps to promote opportunity by strengthening our schools.

In my home State of California, nearly half of Latino and African American high school students failed to graduate in the year 2002. In Los Angeles, California, the situation is even worse. Just 39 percent of Latinos and 47 percent of African American students graduated from high school.

It is frustrating to see these staggering statistics, while Republicans insist on giving tax cuts to the very wealthy while shortchanging vital education programs. Republicans have failed American students.

The Democratic plan calls for boosting college opportunity, affordability, improving teacher quality, fully funding No Child Left Behind, and expanding pre-school opportunities for our children.

For these reasons, I support the Democratic agenda for a strong and equitable education system for all Americans. I urge my colleagues to do the same.

ILLEGAL IMMIGRATION

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, the need to secure our borders has never been greater. Thousands of illegal immigrants are crossing our borders on a daily basis, and every public service is taking a financial hit from illegal immigration. Whether it is education, health care, or law enforcement, our State and local governments are being stretched to the limit.

That is not even the worst of it. Illegal Mexican immigrants are given a 32-page guidebook, paid for and contributed by the Mexican Government, providing tips on how to obtain benefits, avoid arrest, and blend into our society once they have crossed our border.

Recently, a Denver area police officer was shot and killed by an illegal immigrant. That illegal alien had been pulled over and ticketed three times in the previous 7 months by officers who never asked him about his immigration status, even though he had only a Mexican driver's license and no insurance. The sad thing is that the officers did everything correctly, according to the police manual.

Mr. Speaker, our immigration policies are badly broken. When they get in the way of justice being served, it is time for strong enforcement of our laws and to secure our borders.

TIME TO TAKE STEPS TO BEGIN WITHDRAWING U.S. TROOPS FROM IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, a few moments ago, I heard my colleagues from both sides of the aisle express their grief over how the war has come home and visited families and loved ones within their district. In truth, this war is destroying the aspirations of people of both countries.

Today, the United States Congress is being visited by workers from Iraq: members of the Iraqi Federation of Labor and members of the Federation of Workers Councils and Unions of Iraq, all of whom were involved in challenging the regime of Saddam Hussein; all of whom stand very strongly in defense of workers' rights, human rights; all of whom are seeking peace; all of whom are seeking an end to the war in Iraq.

It is time for this Congress to put aside the partisan differences which have occurred over the war and to come together in a plan where we can unify to take steps to withdraw our troops from Iraq and to take steps to heal the breach which the war has created between America and the world community.

LINKING U.S. SUPPORT TO U.N. RESULTS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, as the largest financial contributor to the United Nations, the United States should be assured that U.N. programs are accountable, efficient, and results-oriented.

Unfortunately, we still have no guarantee that our contributions are used for valuable purposes. Although U.N. Secretary General Kofi Annan has discussed reform of the United Nations for years, his words have rarely resulted in action. In 1995, two dozen U.S. staffers defrauded or squandered up to $10 million in agency funds. Two years later, 16 U.N. employees were under investigation after siphoning off $6 million during an 8-year period. Additionally, in 2003, a U.N. probe into corruption allegations found that one senior U.N. official improperly gave 11 contracts to his wife.

The Committee on International Relations chairman, the gentleman from Illinois (Chairman HYDE), requires the U.N. to drastically reform or risk losing 50 percent of America's contributions to the U.N.-assessed budget. Actions speak louder than words; and if we link U.S. support to U.N. results, the U.N. will be more effective.

In conclusion, God bless our troops, and we will never forget September 11.

DEMOCRATS OFFER BETTER APPROACH TO JOB CREATION

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, as the middle class continues to feel squeezed by an economy that is creating few jobs, it is time that President Bush and the Republicans here in Congress admit that their economic policies are not working.

Democrats in the House have a plan that will lift the incomes of working families and bring the unemployment rate down. Instead, Republicans are passing legislation to meet the needs of their corporate special interest friends and the wealthy, not ordinary, Americans.

Legislative choices show values. The fact is, Democrats, historically, have a better record of creating jobs. After 5 years in office, President Bush has yet to create his first net job. At this same period, President Clinton had created 11.9 million jobs.

Oh, you can say the economy is fine, but honesty requires that you admit it is fine for the very wealthy.

You can blame people's problems on economic cycles or terrorist attacks or foreign influences, but excuses are not jobs.

The Democratic approach works and has worked historically.

MEN'S HEALTH WEEK

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to talk about men's health and the importance of screening and preventive care.

This week is National Men's Health Week, and there is no better way to observe it than to encourage men across America to take control of their health.

Mr. Speaker, it is disturbing to learn that women are 100 percent more likely to visit a doctor for preventive screenings than men. This puts our friends, husbands, fathers, and grandfathers at risk for a host of preventable and manageable diseases from colon cancer to diabetes.

In honor of Men's Health Week, I encourage all men to get the care they need. Modern medicine has provided us with previously unimaginable ways to protect and prevent illness, and we should use them to their fullest.

I encourage men to ask their doctors which screenings and tests should be part of their health care plan. From cardio evaluation to detect heart disease, to colonoscopies to check for colorectal cancer, to digital prostate exams and PSA blood tests, men should take their health seriously.

REPUBLICAN ABUSES OF POWER: SILENCING OPPOSITION TO PATRIOT ACT

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, the Committee on the Judiciary chairman turned the lights off on democracy last Friday morning when he halted a hearing on the PATRIOT Act in which opposition voices were given time. After Friday's hearing, it was clear that the chairman does not like to hear from those that do not agree with his opinion; certainly, an abuse to the freedom of speech.

During the hearing, the chairman scolded both Democratic Members and panelists; and when he did not agree with a comment, he demanded panelists wrap it up. When he got really mad, he just gaveled the hearing to an end and stormed out of the room. What appalling behavior for a distinguished leader.

Then, as Democratic members tried to continue the hearing, the microphones in the room were turned off. When that did not silence my Democratic colleagues, the Republicans finally turned off the lights.

Mr. Speaker, some congressional Republicans are abusing their power over this House to silence any opposition to either them or to the Bush administration. The gentleman from Wisconsin (Chairman SENSENBRENNER) should not only apologize to everyone who attended Friday's hearing, but to every Member of this House. That is simply not the way the people's House is supposed to work, and it is time this arrogance stops.

RECOGNIZING MEN'S HEALTH WEEK

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, since congressional passage in 1994, Men's Health Week has brought much-needed attention to the health needs of American men.

Men's Health Week encourages employers, community service organizations, public health departments, and health providers to raise awareness of men's health needs and to support preventive health measures.

Annual checkups, especially for men over the age of 40, are perhaps the single most important factor in maintaining a healthy lifestyle.

According to CDC, women are 100 percent more likely to get an annual physical exam than men. In addition to lower life expectancies than women, men are more likely to die of strokes, heart disease, cancer, and accidents. Yearly physicals have increased awareness of risks to men's health that will save lives and keep men healthy and active.

Mr. Speaker, I urge all men to take advantage of Men's Health Week and go and get a physical. Your health is worth it, and your family certainly will appreciate it.

☐ 1030

CONGRESS SHOULD ERADICATE POVERTY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I believe that this Congress has a moral obligation to eradicate poverty; to be able to stand up for those that cannot speak for themselves.

Tragically, in the backdrop of an administration who celebrates an economy that is on a track going toward a train wreck, the President's statement about a positive economy came 1 day after disappointing job numbers showed our economy created only 78,000 new jobs. This number is one-half of the 150,000 jobs that must be created each month to keep up with our increasing population.

Americans need to work. Americans need to have the opportunity for an income to provide for their families. This tragedy of job creation is the worst since Herbert Hoover. And of course our congressional colleagues believe that we should be excited.

Well, my challenge is if poverty is raging in America, we have a moral obligation to those working at Burger King and elsewhere to give them opportunities to move up. Why do we not stop the war in Iraq, invest in America, and eradicate poverty?

TRIBUTE TO NORMAN CHEEK

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to recognize and commend one of the finest citizens in North Carolina's Fifth District, Mr. Norman Cheek.

As the owner of Toyota of Boone, Norman is famous throughout northwest North Carolina for being the "Little Dealer With a Big Heart." I could not think of a more fitting description for this wonderful man.

Norman is one of the most thoughtful and caring people I have ever had the privilege of getting to know. Recently he was recognized by the North Carolina National Guard for being a top business supporter. He spent countless hours spearheading an effort to collect food, supplies, and games for local troops serving in Iraq.

In addition, Norman has worked hard to keep local high school students safe. He has raised well over half a million dollars during the past 16 years for Project Graduation, a drug- and alcohol-free celebration for high school seniors. Since the project started, there have been no fatalities on graduation night.

Mr. Speaker, it is an honor to acknowledge Norman Cheek and a privilege to recognize June 15, 2005, as Norman Cheek Day in North Carolina's Fifth District.

MEDICAID REFORM

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, when you hear Governors talk about Medicaid, the one word they use, regardless of party or what region of the country they represent, the one word they use over and over again is "unsustainable."

In 2005, the Medicaid program has grown to become a program that costs Federal and State governments $330 billion a year and covers 50 million beneficiaries. States grapple with the cost of the program, providers struggle to participate in Medicaid, and beneficiaries ask whether it is meeting their needs.

Mr. Speaker, if we were creating this program today, I doubt the current Medicaid system is one that any one of us would visualize. We should not shy away from reviewing this program to ensure that it is meeting its stated mandate: to provide quality care for the disabled, poor, elderly, and the frail.

Is the program meeting this mandate? In terms of sheer magnitude, the Medicaid program has become unworkable, and growth is a constant. The program cannot continue to grow at its current rate and meet the needs of those that its covers.

Oftentimes health care policy is a study in crisis management. We have come to a point with Medicaid that we will be pushed to make trade-offs. We must ensure that Medicaid serves as a true safety net, and we must have the institutional courage to review this program and make changes where necessary prior to its ultimate collapse from its own weight.

GIFT PARCELS TO CUBA

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, I rise today to indicate that I will be offering an amendment later to the State Department appropriation bill that will prohibit funds from being used to enforce new restrictions, new as of a year ago, that limit gift parcels to Cuba.

This amendment is called the toothpaste and toilet paper amendment because we prohibit those personal hygiene items from being shipped from a family member in the United States to a family member in Cuba. I would suggest, Mr. Speaker, that that is not what this country is all about. That is not what we should be doing.

When these new rules were promulgated, the Department of Commerce and the Department of State said we will come out and change those because of public input. Guess what? Over 1 year later, they have not. Those provisions remain in effect.

Family members here in the United States are prohibited from sending toothpaste and toilet paper and other personal hygiene items to family members in Cuba. The people of Cuba have enough to deal with just living daily life there under a dictatorship. We need not burden them any further.

U.N. REFORM

(Mr. McCOTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOTTER. Mr. Speaker, previously I introduced an amendment to the appropriations budget which would have called upon the committee to remove 50 percent of the United States' annual dues to the United Nations. I did so to expound upon a point and to presage a prospective debate.

As we debate the Hyde bill or the Lantos substitute amendment to it, let us remember that there is an American cost to the United Nations' corruption.

For example, by reducing the annual dues to the United Nations, within this budget alone we could have increased funding for violence against women prevention and prosecution by $45 million, increased trade adjustment assistance by $40 million, increased spending on minority business development by $50 million, increased spending on the Manufacturing Extension Partnerships by $40 million, and increased money for the United States Institute of Peace by over $6 million.

So as we enter this debate, let us remember that out of the oil-for-food corruption and the scandals of sex-for-food in the Congo, that if the United Nations does not cleanse itself, that American money could be better spent here at home.

HENRY J. HYDE U.N. REFORM ACT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, in 1994, staffers at UNICEF's Kenya office defrauded or squandered up to $10 million. In the Congo in the last year, U.N. peacekeepers and civilian personnel stand accused of widespread sexual exploitation of refugees of the Democratic Republic of the Congo and a $10 billion oil-for-food scandal. Mr. Speaker, it is time for U.N. reform with teeth. It is time for the Henry J. Hyde U.N. Reform Act.

In the Hyde bill, this Congress will bring about a new prioritization of programs, increased accountability and oversight, and strengthen human rights institutions within the body. Under the Hyde bill, the U.N. must meet 32 of 39 reforms, 14 of which are mandatory, or they face the potential consequences of a 50 percent reduction in U.N. assessed dues in the very near future.

It is time to save the U.N. from scandals and mismanagement. It is time for U.N. reform with teeth. Let us pass tomorrow the Henry J. Hyde U.N. Reform Act.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material, and that I may include tabular material on the further consideration of H.R. 2862, Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006.

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Is there objection to the request of the gentleman from Virginia?

There was no objection.

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 314 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2862.

□ 1040

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, June 14, 2005, the amendment by the gentleman from New Jersey (Mr. GARRETT) had been disposed of, and the bill was open for amendment from page 22, line 14 through page 25, line 17.

Pursuant to the order of the House of that day, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments printed in the RECORD and numbered 1, 4, 10, 11, 17, 18, 19 and 21;

An amendment printed in the RECORD and numbered 2, which shall be debatable for 15 minutes;

An amendment printed in the RECORD and numbered 6, which shall be debatable for 20 minutes;

An amendment by Mr. WOLF, regarding funding levels;

An amendment by Mr. HINCHEY, regarding implementation of laws on medical marijuana, which shall be debatable for 30 minutes;

An amendment by Mr. MARKEY, regarding limitation on funds for torture, which shall be debatable for 15 minutes;

An amendment by Mr. NADLER, regarding health insurance records under the PATRIOT Act, which shall be debatable for 15 minutes;

An amendment by Mr. SANDERS, regarding FISA applications under the PATRIOT Act, which shall be debatable for 40 minutes;

An amendment by Mr. SCHIFF, regarding protection of the Federal judiciary;

An amendment by Mr. CARDIN, regarding WTO action against China for currency manipulation;

An amendment by Mr. MICA, regarding U.S. and Commercial Service funding;

An amendment by Mr. SHIMKUS or Ms. ESHOO, regarding NTIA funding;

An amendment by Mr. INSLEE, regarding NOAA Coastal Zone Management Program;

An amendment by Mr. FOSSELLA or Mr. KING of New York, regarding U.S. fugitives residing in Cuba;

An amendment by Mr. FLAKE, regarding educational cultural exchanges;

An amendment by Mr. FLAKE, regarding goods to Cuba, which shall be debatable for 20 minutes;

An amendment by Ms. JACKSON-LEE of Texas, regarding data on racial distribution of convictions;

An amendment by Ms. JACKSON-LEE of Texas, regarding affirmances by immigration judges;

An amendment by Mr. MORAN of Virginia, regarding export licenses for firearms;

An amendment by Mrs. MUSGRAVE, regarding NASA Hollywood liaison;

An amendment by Mr. OTTER, regarding delaying notice on search warrants;

An amendment by Mr. KING of Iowa, regarding implementation of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996;

An amendment by Mr. SCHIFF, regarding DNA collection from convicted felons;

An amendment by Ms. JACKSON-LEE of Texas regarding safety requirements for the space shuttle and the international space station;

An amendment by Mrs. JONES of Ohio, regarding EEOC;

An amendment by Ms. MOORE of Wisconsin, regarding SBA funding;

An amendment by Mr. WEINER, regarding State and local law enforcement funding;

An amendment by Mr. HAYWORTH, regarding U.N. funding;

An amendment by Mr. MCDERMOTT, regarding travel to Cuba;

An amendment by Mr. REYES, regarding torture of human rights activists.

Each such amendment may be offered only by the Member named in the request or a designee, or the Member who caused it to be printed in the RECORD or a designee; shall be considered read; shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Science, State, Justice, Commerce, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

□ 1045

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of title I of the bill through page 34, line 11, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the remainder of title I is as follows:

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $50,000,000, to remain available until September 30, 2007, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government engaged in the investigation and prosecution of violent and gang-related crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act: *Provided further*, That of the funds appropriated for the Executive Office for Weed and Seed, not to exceed $2,000,000 shall be directed for comprehensive community development training and technical assistance.

COMMUNITY ORIENTED POLICING SERVICES

For activities athorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (including administrative costs), $520,057,000, to remain available until expended: *Provided*, That of the funds under this heading, not to exceed $2,575,000 shall be available for the Office of Justice Programs for reimbursable services associated with programs administered by the Community Oriented Policing Services Office: *Provided further*, That section 1703(b) and (c) of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act") shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.): *Provided further*, That up to $29,000,000 of balances made available as a result of prior year deobligations may be obligated for program management and administration: *Provided further*, That any balances made available as a result of prior year deobligations in excess of $29,000,000 shall only be obligated in accordance with section 605 of this Act. Of the amounts provided—

(1) $30,000,000 is for the matching grant program for law enforcement armor vests as authorized by section 2501 of part Y of the 1968 Act, of which not to exceed $3,000,000 shall be for the National Institute of Justice to test and evaluate vests;

(2) $60,000,000 is for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in "drug hot spots";

(3) $120,000,000 is for a law enforcement technologies and interoperable communications program;

(4) $25,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(5) $10,000,000 is for an offender re-entry program;

(6) $177,057,000 is for a DNA analysis and capacity enhancement program, and for other State, local and Federal forensic activities;

(7) $38,000,000 is for law enforcement assistance to Indian tribes; and

(8) $60,000,000 for a national program to reduce gang violence.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the Act"), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $333,712,000, to remain available until expended, as follows—

(1) $712,000 for concentration of Federal efforts, as authorized by section 204 of the Act;

(2) $83,000,000 for State and local programs authorized by section 221 of the Act, including training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(3) $70,000,000 for demonstration projects, as authorized by sections 261 and 262 of the Act;

(4) $5,000,000 for juvenile mentoring programs;

(5) $80,000,000 for delinquency prevention, as authorized by section 505 of the Act, of which—

(A) $10,000,000 shall be for the Tribal Youth Program;

(B) $25,000,000 shall be for a gang resistance education and training program; and

(C) $25,000,000 shall be for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(6) $5,000,000 for Project Childsafe;

(7) $15,000,000 for the Secure Our Schools Act as authorized by Public Law 106–386;

(8) $15,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(9) $60,000,000 for the Juvenile Accountability Block Grants program as authorized by Public Law 107–273 and Guam shall be considered a State:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of each amount may be used for training and technical assistance: *Provided further*, That the previous two provisos shall not apply to demonstration projects, as authorized by sections 261 and 262 of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $4,884,000, to remain available until expended for payments as authorized by section 1201(b) of said Act; and $4,064,000 for educational assistance, as authorized by section 1212 of the 1968 Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $60,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 102. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 105. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 106. The Attorney General is authorized to extend through September 30, 2007, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

SEC. 107. None of the funds made available in this Act may be used by the Drug Enforcement Administration to establish a procurement quota following the approval of a new drug application or an abbreviated new drug application for a controlled substance.

SEC. 108. The limitation established in the preceding section shall not apply to any new drug application or abbreviated new drug application for which the Drug Enforcement Administration has reviewed and provided public comments on labeling, promotion, risk management plans, and any other documents.

SEC. 109. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation initiated by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 110. Any funds provided in this Act under "Department of Justice" used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

SEC. 111. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 112. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

This title may be cited as the "Department of Justice Appropriations Act, 2006".

The CHAIRMAN. Are there any amendments to that portion of the bill?

AMENDMENT OFFERED BY MR. WOLF

Mr. WOLF. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WOLF:

Page 26, line 25, after the dollar amount, insert the following: "(increased by $34,000,000)".

Page 27, line 21, after the dollar amount, insert the following: "(increased by $34,000,000)".

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Virginia (Mr. WOLF) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I yield myself 30 seconds.

The committee is dedicated to addressing the methamphetamine problem; and now with the additional funds freed by the amendment, we can dedicate more funds to combat the meth problem. So I am offering this amendment which adds $34 million to the COPS program to combat meth production and trafficking and enhance policing initiatives.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member claim the time in opposition?

The question is on the amendment offered by the gentleman from Virginia (Mr. WOLF).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WEINER:

Page 26, line 25, after the dollar amount, insert "(increased by $126,152,000)".

Page 57, line 9, after the dollar amount, insert "(reduced by $126,152,000)".

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from New York (Mr. WEINER) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is another amendment that offers to bolster the COPS program. The hiring count is zeroed out in this bill, and it takes the funds of the National Science Foundation, reduces the NSF not back to the level it was before its deep cuts, but puts it back to where it was in 2004 before those big cuts began.

First, let me say that a consensus is emerging in this House. We have had amendment after amendment that has been offered to take the COPS program back from the scrap heap, back from a point at zero, and try to restore the hiring component.

We saw it done from Census, a proposal to do it from the FBI, and a proposal now to do it from the NSF. Let me be very clear, I think the NSF should be higher than my amendment and higher than the level provided by this House, and I believe the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from Virginia (Mr. WOLF) would both like to have more than they have allocated.

The issue is this: we have reached consensus in Congress that the COPS program should not be zeroed out. We reached that consensus because in the reauthorization for the Justice Department we included a billion dollars to reauthorize the COPS program. We reached consensus yesterday on the floor when overwhelmingly an amendment was adopted to increase the COPS program. We just adopted an amendment to restore funds to the COPS program. The COPS program should not be zeroed out because it has been arguably the most successful Federal law enforcement program ever created, and it is also the most democratic.

I have a map showing cities all around the country and the number of officers that have been funded since 1995 and the level that crime has gone down, whether it be Jackson, Mississippi, 347 officers funded, a crime rate drop of 12 percent; San Antonio, Texas, 100 officers funded, a drop of 9 percent; Boston, Massachusetts, 139 officers funded, a 28 percent crime rate reduction.

Yet in this bill, we zero out the hiring component. It is mysterious why the COPS program has become such a target, but I can tell Members it is not because the program does not work. A broad coalition, bipartisan as we saw yesterday and in the sponsorship of my effort to reauthorize the bill, shows that just about every law enforcement group and just about every Member of this House believes in the COPS program.

This is another demonstration of the same point. Look at how evenly distributed the number of new officers is: Texas, 6,074 police officers on the street. When John Ashcroft spoke about this during his confirmation hearings for Attorney General, he said, "Let me just say, I think the COPS program has been successful. The purpose of the COPS program was to demonstrate to local police departments that if you put additional police, feet on the street, that crime would be affected and people would be safer and more secure. We believe the COPS program demonstrated that conclusively." That is John Ashcroft.

When Tom Ridge was sworn in as the Secretary of Homeland Security, he said homeland security starts in our home towns.

Yet what we have done, the last 4 years, since September 11, we have had a steady decline in the COPS program to where it is zero. The hiring component is at zero. We are actually taking cops off the street rather than putting them on.

I have complete confidence that the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from Virginia (Mr. WOLF) understand the value of the COPS program. In the district of the gentleman from Virginia (Mr. WOLF), over $1.1 million has been awarded to add school resource officers. In the district of the gentleman from West Virginia (Mr. MOLLOHAN), over $26 million in the State of West Virginia.

So what does this amendment do? First of all, before my opponents stand up, let me do the argument for them. The NSF is a valuable agency. We are not saying it is not valuable. We are saying that dramatic increase they are going to get this year be limited to bringing them back to where they were in the 2004 budget before we slashed it down. Not that it should be cut, not that it should be reduced. It should be flatted out, increased rather, but only to the point where it was in 2004 before we had the reduction last year. I think it is fair and reasonable.

We also have to be careful about something else. We are in the unpleasant circumstance of having to take from Peter to pay Paul. But I would argue that Members should listen to the voice of this House. We overwhelmingly reauthorized the COPS program in the Justice Department reauthorization bill. The will of this House is to have a COPS hiring component. Yesterday's amendments showed it.

So before we get into this argument about what is better, science or police, I say they are both very, very important. What is more important, Census or police; they are both very, very important. What is more important, the FBI or the police on the beat; they are both very, very important. This amendment seeks to balance two ideals.

Mr. WOLF. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise in very strong opposition to the amendment. It would inflict a major blow to the Nation's basic scientific research. The Nation has reached a crisis point in terms of science and technology. Any advantage that we have enjoyed is rapidly eroding.

The research budget should be considered part of the national security budget. It is the most strategic investment we make in maintaining America's leadership in the world. We worked hard within our limited allocation to provide an increased funding level in the bill for NSF's basic scientific research, $157 million above last year's level. Every outside group said this is good. It is above what the Bush administration had, and to take it out now would send a message to the scientific community and the university community that would demoralize them. It would make us a second- and third-rate Nation. I urge a strong "no" vote on the amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT), chairman of the Committee on Science and one who knows so much about this issue.

Mr. BOEHLERT. Mr. Chairman, I rise in strong opposition to this amendment. I am a little bit surprised that the gentleman from New York (Mr. WEINER), who is a former member of the Committee on Science, and let me add a valuable member of the Committee on Science, I am a little surprised he would be offering this amendment.

Let me say what I have said many times in response to earlier amendments. We cannot be decimating a valuable program so another can do a little bit better, and that is what this amendment would do.

The National Science Foundation is not exactly flush with cash these days. The appropriators deserve to be congratulated for the funding they have been able to find; but let me remind Members, it is not as much as NSF received in fiscal year 2004. The approval rate for grant applications is down 20 percent. The approval rate in some subfields, some specialties, is in the single digits. Meanwhile, NSF is being asked to take on more responsibilities, such as footing the bill for the ice-breaking activities in the Antarctic. This is not the time to be cutting NSF. NSF does not have cash to spare.

Even the gentleman from New York (Mr. WEINER) recognizes this because he proudly joined us in signing a letter requesting far more money for NSF than this bill provides. That letter talks about how vital NSF programs are to our Nation's economic future.

If one takes the long view, it is kind of ironic to take money away from NSF to find funding for local law enforcement. If our economy falters, then crime will surely go up. And if we do not invest in basic research, then over time our economy surely will falter. We should not be doing this. This is not the right way to approach it.

I urge opposition to this amendment which will take money away from a vital cash-strapped agency which is dealing with our future. No one will fund basic research if the Federal Government does not. That is not true of local law enforcement. So I urge opposition to this amendment.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to this amendment. The gentleman from New York (Mr. WEINER) says before we get into this argument between COPS and NSF and NOAA and all of the other good programs in this bill, we are into the argument of balancing. He says we are trying to balance two ideals.

I want to assure the gentleman from New York (Mr. WEINER) that the chairman, the ranking member, and all of the subcommittees, in addition to the full Committee on Appropriations, have gone through an extensive exercise of balancing these ideals, more than two ideals. There are many competing domestic programs in this bill. They are all worthy purposes and projects, and they all serve our country in different ways; and given our allocation, we spent a lot of time balancing these ideals.

I suggest that this amendment puts these ideals in imbalance, particularly with regard to NSF. The whole stated purpose of moving the science programs from VA–HUD and independent agencies last year as we went through what I considered to be an unnecessary exercise of eliminating that committee, the stated purpose was to reemphasize science.

In a small way this committee has been able to do that in the sense that the chairman restored to the National Science Foundation moneys that we were not able to give it last year. In other words, in 2005 we cut NSF. That was a terrible thing to do, and it was for reasons I will speak to in just a moment. However, we have restored that money in this bill. We have done the best for the COPS program, for the law enforcement programs that we could. Although State and local law enforcement, as we have seen by the Obey amendments and the debate with regard to them, are certainly underfunded, so is the National Science Foundation which is such a critical area for the Nation's future economy.

I think everybody agrees that science research is the cutting edge, is the precursor, if you will, for a modern economy. If we are going to stay ahead of the economic conditions, of the economic realities, of the economic phenomenon that we all find ourselves in with economic globalization, we need to be at the forefront of research. We need to be at the forefront of development. That requires a Federal role in facilitating, in sponsoring, in sending the signal that the country needs to invest in research in collaboration with our great university institutions and our great corporations and small businesses and the nonprofit sector that are so active with the National Science Foundation funding.

I would point out these are competitive grants. They are particularly important as they facilitate the research that gives us that economic edge in the world.

I strongly support maintaining our funding for the National Science Foundation. It would be disastrous and it would be extremely shortsighted for all of the reasons I stated to do otherwise.

Mr. Chairman, I strongly oppose this amendment and would strongly encourage all of our colleagues on a bipartisan basis to oppose this amendment, not because we oppose COPS; we support the COPS program, and we will do everything we can for that program. At the same time, the other ideal that the sponsor of the amendment talked about, the NSF, cannot experience this kind of a cut and do the job that it needs to do.

□ 1100

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have spent a lot of time not just this session, but in the two previous sessions of this Congress fighting for additional funding for law enforcement assistance grants. I take a back seat to no one in my interest in doing that. But I absolutely agree with virtually every word said by the subcommittee chairman the gentleman from Virginia (Mr. WOLF), and by the ranking member the gentleman from West Virginia (Mr. MOLLOHAN). I have spent over 30 years on the Labor-Health-Education subcommittee. One of our main concerns on that subcommittee is health research principally centered in the National Institutes of Health. Anyone from NIH will tell you that much of the progress that they have been able to make in the past 20 years has been rooted in the most basic of all scientific research, and a good deal of that research has been funded in the past by the National Science Foundation. If we cut back the National Science Foundation, we are eating our own seed corn, we are eroding the ability of this economy to grow, we are weakening the ability of this society to increase human knowledge, and we are weakening our efforts to improve health as well.

If you would take a look at our research budget today, at our basic research budget, we are spending a smaller percentage of our national income on basic research today than we have been spending at any time since those numbers have been kept. We do not want to weaken that even more.

I would also point out that in the area of health, if you take a look at the issue of three-dimensional imaging, that has been greatly enhanced by basic research done under contract with the National Science Foundation. Research into materials, into changing materials that you can use for joints, for heart valves, much of that has originated in research financed by the National Science Foundation. Eye surgery has been refined to a great extent by what we have learned under the auspices of the National Science Foundation.

I applaud the gentleman from New York in wanting to increase funding for the COPS program. I think it is outrageous that we have seen these long-term reductions. But if we do cut back on the National Science Foundation, we not only threaten the health of America's citizens, we threaten the health of America's economic system as well. I think this is one of those examples where this agency does not have a lot of political support, but it is absolutely imperative that we step in and see to it that we make the advances that are possible with decent levels of funding.

Mr. WEINER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. WEINER. Just for the purpose of clarification, under my amendment we are not reducing the budget of the NSF. It is going up. It is going up. I just want to make that clear. What we are doing is we are saying it should rise back to the level it was cut back to.

Mr. OBEY. I understand. But the gentleman, among other things, is cutting into their education programs. This country is on the edge of being scientifically illiterate. We cannot afford to cut back science education in one classroom, in one university, in one corporation. We have got to have it all, and we need to have much more than we have right now.

Mr. WEINER. If the gentleman will yield further, the gentleman from New

York (Mr. BOEHLERT) made this characterization as well. The COPS program hiring component is zero. Not a little, not a medium amount, not cut back. Zero.

Mr. OBEY. If I can take back my time, I understand that. That is why I had an amendment yesterday to add $400 million to local law enforcement. The majority rejected that. I had another amendment adding $200 million to local law enforcement.

My position in favor of the COPS program is clear. My brother-in-law is a former district attorney who was shot. I have no less concern about law enforcement than the gentleman from New York. But the National Science Foundation and all of its ancillary programs, especially its education programs, are crucial to the future health of this country. It would be mindless to pass this amendment.

Mr. WOLF. I want to thank the gentleman from Wisconsin for his comments.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chairman, the gentleman from Wisconsin is correct. The country is on the brink of scientific illiteracy. I join the gentleman from Wisconsin, our ranking member, and our chairman in strongly opposing this amendment.

I want to reiterate something Chairman WOLF said which is vitally important. The National Science Foundation is of strategic importance to the future prosperity of the United States. We have three appropriations bills that deal with the defense of this country; one obviously the defense bill, homeland security, and then this bill which invests in the future prosperity of the country by investing in fundamental research and development through the National Science Foundation. The American Association for the Advancement of Science has shown with future projections that the purchasing power of research and development investments are expected to decline over the next 5 years.

The chairman has put together a superb bill that increases funding for the National Science Foundation, not the level we need to be because of our suballocation, but we are moving in the right direction. If we do not do so, other nations will pass us by. China is now graduating 300,000 engineers per year versus 71,000 in the United States. China's high tech output has shot up eightfold over the 1990s, while ours has only doubled. We need to reject this amendment and continue the growth in investment in research and development through the National Science Foundation.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. EHLERS), who has been a leader on this issue.

Mr. EHLERS. Mr. Chairman, first of all, I have to make a correction. The gentleman from New York keeps saying that he is not cutting NSF. Actually, the National Science Foundation appropriation under this bill is still less than fiscal year 2004 due to the large cut last year. Furthermore, the Research and Related Activities account, which we have been discussing with this amendment, will be cut $60 million below fiscal year 2004 levels by this amendment.

We have not only started to eat our seed corn, I read an article last week that said the seed corn is almost gone. Because other countries are making this a high priority, they are doing much better than we are in research.

Let me illustrate the importance of research activities. When I was a graduate student fifty years ago, a friend of mine, Charlie Townes, was working on development of a laser. Today I hold in my hand a laser which I purchased downstairs in the stationery shop for $15. That is how far we have come in 50 years. The laser industry, which rose from a simple grant to Dr. Townes from the National Science Foundation of a few million dollars, is today a multi-multibillion-dollar industry in this country. That is the kind of rate of return we get on our investment in research and our funding of the National Science Foundation. Reject this amendment. It goes in totally the wrong direction.

Mr. HIGGINS. Mr. Chairman, today, Congressman WEINER offered an amendment to H.R. 2862, the Science, State, Justice & Commerce Appropriations Act for Fiscal Year 2006. Representative WEINER's amendment, which ultimately failed, would have restored $126 million to the COPS program to help state and local governments hire police officers. The offset for the amendment came from the National Science Foundation (NSF) and would have returned that agency's funding to Fiscal Year 2004 levels, which actually represents a $30 million increase over what NSF received for Fiscal Year 2005. I voted for the amendment, because I believe and support the important work the COPS program allows, but I was troubled by the offset, knowing how important science and research are to my community.

I voted for Mr. WEINER's amendment because I have seen firsthand how important COPS programs are to local cities and communities like Cheektowaga, Jamestown and Dunkirk in my district in Western New York. In fact, since 1994, $25,609,762 in COPS grants have been awarded to law enforcement agencies in the 27th District of New York. These grants have funded 329 additional police officers and sheriffs' deputies to engage in community policing activities including crime prevention. In my district, 29 local and state law enforcement agencies have directly benefited from funding made available through the COPS Office, $1,848,680 has been awarded to add 16 school resources officers to improve safety for students, teachers, and administrators in primary and secondary schools and $3,268,820 has been awarded for crimefighting technologies. This funding has allowed officers to spend more time on the streets preventing crime through timesaving technology, information-sharing systems, and improved communications equipment.

Sadly, our underlying appropriations bill zeroes out funding for the COPS program, leaving local governments to foot the bill. Cutting the COPS program altogether is unacceptable—it is one of our most useful and successful tools in reducing crime.

I also recognize the importance of the NSF, which provides funding and guidance to laboratories, universities and research centers across the country. In New York State in Fiscal Year 2003, the NSF provided over 1,672 awards totaling approximately $389 million to more than 142 institutions in the State of New York as well as $1,816,000 in fellowships.

While I regret the offset of the amendment and the need to transfer NSF funding to allow the COPS program to continue, NSF would still have received more in Fiscal Year 2006 than it did in Fiscal Year 2005 to continue its mission. The COPS program, however, without Congressional action on the House floor, will cease to exist. Mr. Speaker, that is why I supported Representative WEINER's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WEINER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. WEINER) will be postponed.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that title II of the bill through page 52, line 17, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of title II is as follows:

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $44,779,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $124,000 shall be available for official reception and representation expenses: *Provided further*, That not less than $2,000,000 provided under this heading shall be for expenses authorized by 19 U.S.C. 2451 and 1677b(c).

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $62,752,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $406,925,000, of which $13,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That $47,434,000 shall be for Manufacturing and Services; $39,815,000 shall be for Market Access and Compliance; $62,134,000 shall be for the Import Administration of which not less than $3,000,000 is for the Office of China Compliance; $231,722,000 shall be for the United States and Foreign Commercial Service; and $25,820,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $77,000,000, to remain available until expended, of which $14,767,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $200,985,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $26,584,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $30,024,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $80,304,000, to remain available until September 30, 2007.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $208,029,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses related to the 2010 decennial census, $463,596,000, to remain available until September 30, 2007: *Provided*, That of the total amount available related to the 2010 decennial census, $213,849,000 is for the Re-engineered Design Process for the Short-Form Only Census, $169,948,000 is for the American Community Survey, and $79,799,000 is for the Master Address File/Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) system.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $160,612,000, to remain available until September 30, 2007, of which $72,928,000 is for economic statistics programs and $87,684,000 is for demographic statistics programs: *Provided*, That regarding construction of a facility at the Suitland Federal Center, quarterly reports regarding the expenditure of funds and project planning, design and cost decisions shall be provided by the Bureau, in cooperation with the General Services Administration, to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That none of the funds provided in this or any other Act under the heading "Bureau of the Census, Periodic Censuses and Programs" shall be used to fund the construction and tenant build-out costs of a facility at the Suitland Federal Center: *Provided further*, That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of Census data on race identification that does not include "some other race" as a category.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $17,716,000: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of the program as authorized by section 392 of the Communications Act of 1934, $2,000,000, to remain available until expended as authorized by section 391 of the Act.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,703,300,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2006, so as to result in a fiscal year 2006 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2006, should the total amount of offsetting fee collections be less than $1,703,300,000, this amount shall be reduced accordingly: *Provided further*, That not less than 657 full-time equivalents, 690 positions and $85,017,000 shall be for the examination of trademark applications; and not less than 6,050 full-time equivalents, 6,304 positions and $926,356,000 shall be for the examination and searching of patent applications: *Provided further*, That not more than

265 full-time equivalents, 272 positions and $37,490,000 shall be for the Office of the General Counsel: *Provided further*, That not more than 82 full-time equivalents, 83 positions and $25,393,000 shall be for the Office of the Administrator for External Affairs: *Provided further*, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2006 for official reception and representation expenses: *Provided further*, That notwithstanding section 1353 of title 31, United States Code, no employee of the United States Patent and Trademark Office may accept payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Office, or represents a person or corporation subject to regulation by the Office, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986: *Provided further*, That in fiscal year 2006, from the amounts made available for "Salaries and Expenses" for the United States Patent and Trademark Office (PTO), the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the PTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all PTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology Office of Technology Policy, $6,460,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $397,744,000, to remain available until expended, of which not to exceed $760,000 may be transferred to the "Working Capital Fund".

MANUFACTURING EXTENSION PARTNERSHIPS

For necessary expenses of Manufacturing Extension Partnerships of the National Institute of Standards and Technology, $106,000,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, $45,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $2,444,000,000, to remain available until September 30, 2007: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, $3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management" and in addition $77,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That of the $2,543,000,000 provided for in direct obligations under this heading $2,444,000,000 is appropriated from the General Fund, $80,000,000 is provided by transfer, and $19,000,000 is derived from deobligations from prior years: *Provided further*, That no general administrative charge shall be applied against an assigned activity included in this Act or the report accompanying this Act: *Provided further*, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $189,010,000: *Provided further*, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed $40,700,000: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 605 of this Act.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $936,000,000 to remain available until September 30, 2008: *Provided*, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: *Provided further*, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 605 of this Act: *Provided further*, That none of the funds provided in this Act or any other Act under the heading "National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction" shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $50,000,000: *Provided*, That this amount shall be available to fund grants to the States of Washington, Oregon, Idaho, California, and Alaska, and to the Columbia River and Pacific Coastal Tribes for projects necessary for restoration of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least thirty-three percent of the Federal funds: *Provided further*, That, in order to fulfill the matching requirement in the previous proviso, non-Federal contributions of funds pursuant to the previous proviso must be used in direct support of this program.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the "Operations, Research, and Facilities" account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

For the costs of direct loans, $60,000, as authorized by the Merchant Marine Act of 1936: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in the Federal Credit Reform Act of 1990: *Provided further*, That these funds are only available to subsidize gross obligations for the principal amount of direct loans not to exceed $5,000,000 for Individual Fishing Quota loans, and not to exceed $18,900,000 for fishing capacity reduction loans: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

OTHER

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $47,466,000: *Provided*, That not to exceed 12 full-time equivalents and $1,621,000 shall be expended for the legislative affairs function of the Department.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $22,758,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this or any other Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act.

SEC. 204. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 205. Any funds provided in this Act under "Department of Commerce" used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2006".

AMENDMENT OFFERED BY MR. MICA

Mr. MICA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MICA:

Page 36, line 11, after the first dollar amount, insert the following: "(increased by $131,900,000)".

Page 36, line 19, after the dollar amount, insert the following: "(increased by $131,900,000)".

Page 60, line 23, after the dollar amount, insert the following: "(reduced by $131,900,000)".

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Florida (Mr. MICA) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

I offer this amendment which transfers all of the funding for economic service officer positions in the Department of State, transfers their funds, $131 million for those positions, to the Foreign Commercial Service operation, which is under the Department of Commerce. I do so because this 5 or 10 minutes that we have here to discuss on this amendment is probably the only discussion we will have on this entire bill relating to our trade deficit and the inability of the United States to compete in international markets.

I would venture to say very few Members of Congress have a clue as to what the Foreign Commercial Service does or where it is positioned. The Foreign Commercial Service, which has been around for some time and has bounced around from the Department of Commerce to the Department of State, is our number one means of assistance to particularly medium and small businesses overseas to assist in promoting U.S. exports and businesses in those localities.

Our trade deficit last month, I believe, was $57 billion. We will exceed a trade deficit in the United States of over $600 billion this year. We only have 76 countries in which we have Foreign Commercial Service operations. We only have officers in 76 countries. In 96 countries, the Department of State has that responsibility. I would not mind if the Department of State had that responsibility, but from my personal experience of dealing in international trade, our system of promoting, assisting, financing and negotiating in international trade is dysfunctional at best.

We have these 98 countries, and I will include this list as part of the RECORD, that have no Foreign Commercial Service operations. It is handled by the State Department. If I thought the State Department considered this a priority in promoting trade in U.S. business, or we had the best personnel to assist in doing business, I would not be here. Here is the response I got from the Department of State on the number of positions they have:

There are currently 1,319 Foreign Service officers with economics specialization. List of overseas economic positions and posts where the State Department performs the commercial functions are enclosed. As you can see, the number of economic positions overseas, only 497, is considerably less than the number of Foreign Service officers with an economic specialty, 1,319. The difference is accounted for by the fact that many economic officers are entry-level officers who in their first one or two tours in the Foreign Service fill rotational or consular positions. Other economics officers are stationed in Washington; others are participating in long-term training or performing other noneconomic jobs overseas, and so forth.

That is not a priority. We have the emerging markets around the world in which we have not a priority nor no Foreign Commercial Service officer operating. This is a simple amendment. It transfers those, sometimes they call them bean counters, and in some countries the economic officers do do a very good job, but I am saying in most countries we do not even have and in emerging markets we do not even have a Foreign Commercial Service officer.

Finally, I have a chart that shows the level of funding for international trade promotion and assistance positions and the deficit. As we keep the level of personnel dealing with assisting business and particularly medium and small business at the lowest possible level, you can see that our trade deficit explodes.

Mr. Chairman, 19 of 20 consumers in the future are outside our borders. I cannot fault the appropriators alone because this is also authorization responsibility, but it is multijurisdictional. But no one is taking it within their turf to do anything about this, so I propose today that we take the economic officers who do not have this as a priority in the Department of State and transfer them to the Department of Commerce under the Foreign Commercial Service Office.

EMBASSIES AT WHICH STATE DEPARTMENT PERFORMS COMMERCIAL FUNCTION

AFRICA

1 Abidjan
2 Addis Ababa
3 Antananarivo
4 Asmara
5 Bamako
6 Bangui
7 Banjul
8 Bissau
9 Brazzaville
10 Bujumbura
11 Conakry
12 Cotonou
13 Dar Es Salaam
14 Djibouti
15 Freetown
16 Gaborone
17 Harare
18 Kampala
19 Khartoum
20 Kigali
21 Kinshasa
22 Libreville
23 Lilongwe
24 Lome
25 Luanda
26 Lusaka
27 Maputo
28 Maseru
29 Mbabane
30 N'djamena
31 Niamey
32 Monrovia

33 Nouakchott
34 Ouagadougou
35 Port Louis
36 Praia
37 Windhoek
38 Yaounde

EAST ASIA & PACIFIC

39 Apia
40 Bandar Seri Begawan
41 Dili
42 Kolonia
43 Koror
44 Majuro
45 Phnom Penh
46 Port Moresby
47 Rangoon
48 Suva
49 Ulaanbaatar
50 Vientianne

EUROPE

51 Ashgabat
52 Baku
53 Bishkek
54 Chisinau
55 Dushanbe
56 Ljubljana
57 Luxembourg
58 Minsk
59 Nicosia
60 Reykjavik
61 Riga
62 Sarajevo
63 Skopje
64 Tallinn
65 Tashkent
66 Tbilisi
67 Tirana
68 Valletta
69 Vilnius
70 Yerevan

NEAR EAST

71 Algiers
72 Beirut
73 Damascus
74 Doha
75 Manama
76 Muscat
77 Sanaa
78 Tripoli
79 Tunis

SOUTH ASIA

80 Colombo
81 Dhaka
82 Islamabad
83 Kabul
84 Kathmandu

WESTERN HEMISPHERE

85 Asuncion
86 Belize
87 Bridgetown
88 Georgetown
89 Kingston
90 La Paz
91 Managua
92 Montevideo
93 Nassau
94 Paramaribo
95 Port au Prince
96 Port of Spain
97 St. Georges
98 Tegucigalpa

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I was led to believe the gentleman was going to withdraw the amendment. In the interest of time. I would just say that I understand what the gentleman is saying. He makes some very valid points. We can look into that. But if the gentleman is going to withdraw it, I will not take the body's time.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, I thank the gentleman for yielding. Again, I stayed out here yesterday and today to make this point, because this is critical to the future economic development, the growth of jobs in this country. With that spirit in mind, I appreciate the gentleman's offer to look further at this proposal.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

□ 1115

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

Page 38, line 1, insert after the dollar amount the following: "(reduced by $5,000,000)".

Page 45, line 25, insert after the dollar amount the following: "(increased by $5,000,000)".

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Washington (Mr. INSLEE) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume.

This is a small, but I think meaningful, amendment that will stop some of the cuts that have been going on for several years in our Coastal Zone Management account that aids so many communities on the coast and our watersheds across the country. Unfortunately, we have continued to seek cuts in the NOAA budget, which have also impacted the Coastal Zone Management program over the last several years, this year a $500 million cut in the NOAA budget. Our amendment would restore simply $5 million to the Coastal Zone Management account to be used in numerous places across the country.

This summer our constituents are going to be going to the beaches, but unfortunately there is some bad news at those beaches. We have got algae, red tide, closures of shellfish beds in New England. We have got fish in 22 sites in coastal waterways found contaminated with toxics. One third of the beaches in the Great Lakes have been closed due to septic and sewage problems at one point or another in the last several years. We have got problems in our beaches, and we do not want to allow cuts to continue to occur to this Coastal Zone Management account.

I want to note this account is not just for the West and east coasts. This includes watersheds across the country, for instance, in the Ohio Cuyahoga County project to address some problems at Euclid Creek; in Pennsylvania in Bucks County, an award to help handicap access of Silver Lake Nature Center. This really is a nationwide program, and there are nationwide problems that we want to address.

There has been a strong bipartisan support for this program. I note the President, on our national oceans policy, has suggested we need increased, not decreased, funding with our coastal beaches, which are real jewels in the crown of our national assets.

This money would come out of the Bureau of Industry and Security. That bureau in this year's proposed budget would get a 14 percent plus-up. After our proposal, they would still have a 7 percent increase. So under our proposal, we preserve our beaches. We simply restore this to levels we had in 2002, and we still increase this agency that is responsible for export controls in the Department of Commerce. This is something to really get back to where we were in 2002 to protecting our beaches. We commend this to our Members.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself 3 minutes.

I rise in opposition to the gentleman's amendment. The amendment cuts the Bureau of Industry and Security by over 6 percent. What does that mean, because it does not sound that it is that significant? A cut of $5 million to the Bureau of Industry and Security would severely diminish efforts to deter weapons of mass destruction proliferation, would prevent sensitive dual-use items from falling into the hands of terrorists, and enforces the anti-boycott laws of the United States.

Some think that the Bureau of Industry and Security is actually too weak, and I may be in that category. American industry is being hampered in the international marketplace by the long processing time of export license applications. This amendment would roll back the progress that we have made in reducing the average processing time from 44 days to 32 days since 2003. With additional money we could probably get that down.

The trade deficit, the trade imbalance, this would really create a greater problem to deal with that. Quite frankly, I do not think this administration has done enough to deal with the trade deficit, the trade imbalance. So to take $5 million from the Bureau of Industry and Security would severely diminish our ability both on looking at weapons of mass destruction and technology and also hamper American business at the very time when we are urging them to sell American products abroad.

I understand the gentleman makes some good points with regard to the Coastal Zone Management, and maybe we can look at that as we go into conference. But I would not want to take that from here. I urge a "no" vote on the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

There is no question that Coastal Zone Management grants are important, and the committee addressed it as best they could. This is not a good place to take money from. The mission of the bureau is to advance U.S. national security, U.S. foreign policy and economic interests. It regulates the export of sensitive goods and technologies, enforces export control, antiboycott and public safety laws. This may not be a high visibility public organization, but they do extremely important work, and they have received accolades from the commission on intelligence capabilities of the United States regarding weapons of mass destruction report.

The point is that this agency does a lot of very good work, and I agree with the chairman. As we move forward, if there are any opportunities to put money into Coastal Zone Management grants or some of these other worthy accounts, we should take every opportunity to do that. However, again, this is a balancing act, and I think that the bill reflects the right balance with regard to this account.

I urge my colleagues to oppose the amendment.

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume.

This is a balancing act, but these accounts are in balance. This Bureau of Industry and Security is going up under the proposed bill by $10 million. It is going up $10 million, and under our amendment it would still go up $5 million. It would still go up 7 percent. This agency is getting bigger. It is having more capability under our amendment than it did last year, and it is going to have an ability to do its mission. But we will also at the same time with my amendment try to keep some of the toxics and sewage off the beaches that our constituents are going to see this summer in numerous places around this country.

And the challenges that we face in the oceans have not been going down. They are becoming greater. It does not make sense for this Congress year after year to cut the attention that we give to the beaches across this country and the lake shores from the Great Lakes to the Mississippi to the Gulf Coast and the Pacific. This is not our prioritization. Without this amendment there is an imbalance. Let us have both these accounts go up. Under my amendment, both of these accounts go up this year, and that is the prioritization.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I think all that is needed to be said has been said. I urge a "no" vote on the amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. INSLEE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington (Mr. INSLEE) will be postponed.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

I yield to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I am pleased that this appropriations bill increases funding for the United States Marshals Service to enhance judicial protection. We have all heard of the deadly shootings that have claimed the lives of a judge, a judge's family members, a court reporter, a sheriff's deputy, and others inside and outside courthouses and even at private residences. This increase in funding is a good step, but I hope this Congress will continue to address this important issue so that we can ensure the safety in our courtrooms and the safety of our distinguished jurists.

Mr. Chairman, in addition to the physical attacks we have witnessed, the judiciary has also been the subject of many verbal assaults as well. The independence of the judiciary, a matter so fundamental to our separation of powers, has recently come under attack and has even become a matter of contention for some, even those at the highest levels of leadership in Congress who have made no effort to disguise a growing hostility towards the courts.

In bill after bill, many of our colleagues have been calling to strip the courts of jurisdiction over issues where they believe the courts have erred, or might err, and arguing we have no need of them. The proposed sanction for judges who tread on this prohibited ground, and a word spoken in the halls of Congress with less and less restraint: impeachment.

Perhaps the single greatest example of the magnitude of the challenge to the independence of the courts, though, came with the Congress's extraordinary intervention in the case of Terry Schiavo. This heartrending private tragedy became the focus of efforts to overturn the Florida courts' interpretation of Florida law. When the Federal courts rejected this private bill and its effort to provide jurisdiction to courts that could not properly exercise it, the reaction among many in Congress was one of wrath. The same congressional leaders who had spent the last several months trying to strip the Federal courts of jurisdiction were now trying to extend it where it did not belong. Some have decided that the independence of the judiciary is an inconvenient impediment to a results-at-all-costs philosophy.

As a Member of Congress with a strong interest in improving the relationship between the legislative and judicial branches, I have formed, with the gentlewoman from Illinois (Mrs. BIGGERT), a bipartisan congressional caucus dedicated to improving comity between the branches of government. Our Congressional Caucus on the Judicial Branch currently consists of some 35 Members from both sides of the aisle, and I encourage my colleagues who share our goal to join our efforts to restore the historical comity between our two branches.

For the last 2 years, Chief Justice Rehnquist has cited the deterioration in relations between the Congress and the Federal judiciary, using his year-end reports to urge a restoration of comity between the branches. He has quoted Chief Justice Hughes' admonition to the Congress of his day that "in the great enterprise of making American democracy workable for all partners, one member of our body politic cannot say to another 'I have no need of thee.'"

So today I offer on the House floor a simple sense of Congress amendment to demonstrate to our colleagues in the judicial branch and to the American people that we are committed to working together with the other branches and to upholding the fundamental separation of powers that the Founders envisioned, even if we do not always agree with each other.

It reads: "It is the sense of Congress that all necessary steps should be taken to provide adequate security for the judiciary and to protect and uphold the independence of the judicial branch."

Mr. Chairman, efforts by Congress to force the courts to look at our transient wishes, rather than the Constitution, will damage the courts and undermine our own integrity. In the end, we cannot expect to belittle the courts without belittling ourselves. I urge support for this amendment.

I know the chairman has a point of order on this. I would like to, on a separate topic, just thank the chairman: and I would also like to thank not only the gentleman from Virginia (Chairman WOLF) but the gentleman from West Virginia (Mr. MOLLOHAN), ranking member, for their work on the NASA budget in particular as it impacted JPL. I really appreciate the chairman's diligence. He was very kind to meet and discuss this with me several times, to reach out to me after our discussions. I want to thank the chairman again for all his diligence on that issue.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, there is no amendment. We were going to reserve a point of order on it. But I just want the RECORD to show, and I appreciate the gentleman's comments, that the bill provides $800 million for the Marshals Service, which is $41 million above the current year and $10 million above the request. This is in addition to the $12 million provided in the war supplemental for judicial security.

So with that I just thank the gentleman for his comments.

□ 1130

Mr. SCHIFF. Mr. Chairman, if the gentleman will yield further, I thank the chairman, and I do appreciate the increases in courthouse security. I would ask my colleagues to join in supporting not only the physical security measures, but also the independence of the institution of the judiciary.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,564,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND EXPLORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and exploration research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $9,725,750,000, to remain available until September 30, 2007, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to "Exploration Capabilities" in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377: *Provided*, That any funds provided under this heading used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

EXPLORATION CAPABILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of exploration capabilities research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,712,900,000, to remain available until September 30, 2007, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to "Science, Aeronautics and Exploration" in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377: *Provided*, That any funds provided under this heading used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $32,400,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for "Science, Aeronautics and Exploration", or "Exploration Capabilities" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities or environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Science, Aeronautics and Exploration", or "Exploration Capabilities" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2008.

From amounts made available in this Act for these activities, subject to the operating plan procedures of the House and Senate Committees on Appropriations, the Administrator may transfer amounts between the "Science, Aeronautics, and Exploration" account and the "Exploration Capabilities" account during fiscal year 2006.

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Funding made available under the headings "Exploration Capabilities" and "Science, Aeronautics, and Exploration" in this Act shall be governed by the terms and conditions specified in the statement of managers accompanying the conference report for this Act.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $4,377,520,000 to remain available until September 30, 2007, of which not to exceed $425,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That from amounts specified for Polar research and operations support, the National Science Foundation may reimburse the Coast Guard for such sums as determined by the Director of the National Science Foundation to be necessary to support the Foundation's mission requirements: *Provided further*, That any reimbursement pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That funds under this heading may be available for innovation inducement prizes.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $193,350,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, and rental of conference rooms in the District of Columbia, $807,000,000, to remain available until September 30, 2007.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed

$9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $250,000,000: *Provided*, That contracts may be entered into under "Salaries and Expenses" in fiscal year 2006 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,000,000: *Provided*, That not more than $9,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amemded, $11,500,000, to remain available until September 30, 2007.

This title may be cited as the "Science Appropriations Act, 2006".

Mr. WOLF (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 60, line 4, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,747,118,000: *Provided*, That not to exceed 71 permanent positions and $9,804,000 shall be for the Bureau of Legislative Affairs: *Provided further*, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That, of the amount made available under this heading, $340,000,000 shall be available only for public diplomacy international information programs: *Provided further*, That of the amount made available under this heading, $3,000,000 shall be available only for the operations of the Office on Right-Sizing the United States Government Overseas Presence: *Provided further*, That funds available under this heading may be available for a United States Government interagency task force to examine, coordinate and oversee United States participation in the United Nations headquarters renovation project: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action.

In addition, not to exceed $1,469,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, $689,523,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $128,263,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $29,983,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $410,400,000, to remain available until expended: *Provided*, That not to exceed $2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $8,281,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $9,390,000, to remain available until September 30, 2007.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $603,510,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $910,200,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $10,000,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $712,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $19,751,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $131,700,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate; conventions or specific Acts of Congress, $1,166,212,000: *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations of the Senate and of the House of Representatives the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations budget for the biennium 2006-2007 to exceed the revised United Nations budget level for the biennium 2004-2005 of $3,695,480,000: *Provided further*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

AMENDMENT NO. 33 OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. HAYWORTH:

Page 65, line 20, after the dollar amount insert the following: "(reduced by $218,000,000)".

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Arizona (Mr. HAYWORTH) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment to this appropriations bill today that reduces United States contributions to the United Nations regular budget by 50 percent.

Mr. Chairman, the sad facts are these: Although plagued by scandal, the U.N. refuses to take reform seriously. Despite continued reports of U.N. employees taking advantage of the very people they are supposed to protect, allowing billions of dollars to be misspent in the oil-for-food relief program, twisted allegations of U.N. peacekeepers offering minors food in return for sex in the Congo, providing seats for China, Sudan and then Cuba at the Human Rights Commission, Kofi Annan refuses to consider necessary reforms to clean up the U.N. Indeed, Mr. Chairman, in as recently as today's headlines, we read of alleged connections and knowledge by the Secretary General into the dealings of the Swiss firm Cotecna in this horrible oil-for-food scandal.

The United Nations' regular budget is nearly $2 billion per year. Of that amount, the U.S. regularly contributes 22 percent. The underlying bill earmarks $440 million for the next year's U.N. budget, and even after, even after a $218 million reduction in dues, the United States will be the second largest contributor to the U.N. budget and the largest contributor to all other U.N. programs, including peacekeeping missions, voluntary programs and membership organizations.

Mr. Chairman, it is easier to amend the Constitution of the United States than the Charter of the United Nations, yet when we come to this floor at the outset of every Congress, we raise our right hand and express our allegiance to the Constitution of the United States.

It is time to restore the proper priorities. There is no clearer message, there is no clearer way to impact public policy, than to reduce the budget, to reduce the expenditures of the American taxpayer to this international budget.

I ask approval of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia will control the 5 minutes in opposition.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment strikes $200 million from the International Organization Account under State Department. Quite frankly, this would be devastating for the gentleman from Illinois (Chairman HYDE), who is bringing his bill up tomorrow.

This bill already, the bill we are now dealing with today, cuts $130 million from the President's request for international organizations. These cuts in the amendment offered by my good friend from Arizona would have a direct impact on critical organizations such as NATO, whose members are now providing training and support in Iraq and Afghanistan. Last night I heard the President talk about the success that is taking place in Afghanistan, and this amendment literally would try to take that success away. Further cutting this funding jeopardizes the effort.

Lastly, this body should know that along with the gentleman from New York (Mr. SERRANO), as ranking member, we had in our bill last year a task force chaired by Speaker Gingrich and Majority Leader Mitchell that just reported today. I read their entire report over the weekend on dramatic reforms to the U.N.

At a press conference today at 10 o'clock, I made the comments that because of the failure of the U.N. to deal with Darfur, and nobody has been more critical in this institution of the U.N. than I have, I led the first delegation to Darfur where genocide is taking place, we went through all those, but we set up the Gingrich-Mitchell task force of the bipartisan AEI, Heritage and all the groups like that, they have now come up with recommendations that will embolden the administration and this Congress to make sure that the reform is done.

Also, how can we even be dealing with this amendment today when the chairman of the Committee on International Relations is bringing his U.N. reform bill to the House floor this Thursday? The gentleman from Illinois (Chairman HYDE), God bless him and his committee, worked hard to ensure that reform takes place in the U.N. To take this amendment before the Hyde bill comes up is not only putting the cart before the horse, it just does not make any sense.

The bill of the gentleman from Illinois (Chairman HYDE), as the committee and Members know, requires that 39 reforms must take place, and the Secretary of State must certify that these reforms have taken place. So with the Hyde bill and the Gingrich-Mitchell task force today, there will be reforms, but to just come in now before Mr. HYDE has an opportunity would be a mistake.

I know what the gentleman is trying to do, because I care desperately about Darfur. I led the first delegation to Darfur. I have been critical of the U.N., with the failure to address the issue of hunger. We had hunger in 1984 in Ethiopia when I was there, hunger 2½ years ago, and now hunger again; also there is a problem with the sexual predators who were U.N. peacekeepers in the Congo. But all of those issues, every one of those issues, are dealt with in the Gingrich-Mitchell task force that came out today, and dealt with in the resolution by the gentleman from Illinois (Chairman HYDE) that will come up either tomorrow or Friday.

So I understand what the gentleman's problems are, but this would not be a good thing to do. So I would ask Members on both sides, as good as the gentleman's intentions are, to just reject this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would simply point out to my friend, the distinguished subcommittee chair, I appreciate his passion, and I appreciate his pioneering work in terms of what has happened at Darfur. But this amendment was brought to this House in the previous Congress, and again we were told to wait. The fact is, as constitutional officers, it is incumbent upon us to move to stop abuses.

I would point out that this amendment does not change our funding for peacekeeping missions, voluntary programs and membership organizations.

Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I, too, recognize and appreciate the passion that comes from our chairman, and to sustain that level over a couple of days is an impressive thing to see. We have watched this United Nations for a lot longer than that. This amendment was on this floor 2 years ago, and, as I recall, there were 184 votes in support of this, even though we were asked to not bring it.

The issue is in front of Americans. They understand this. They understand the United Nations needs to have a strong, strong message from Congress to reform.

This is simply something that recognizes a flaw. We recognize a flaw in the fundamental structure of the United Nations. The flaw is that the people in this country believe that they are paying for a democratic organization that represents the voice of the people of the world, but the votes that come in the U.N. General Assembly are the votes that come from the mouthpieces of dictators, counteracting and counterbalancing the mouthpieces of a free people.

We need to have fundamental reform in the United Nations, we need to have a structure that represents the voice of the free people in the world, we need to have a Free World Caucus formed within the United Nations, and the United States has got to stop funding the kind of organizations that oppose our interests. That is what we are doing here, in disproportionate share. That is what the Hayworth amendment seeks to correct, and that is why I am supporting of the Hayworth amendment.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New York is not eligible to strike the last word. Pursuant to the order of the House of yesterday, that was reserved for the subcommittee chairman, the subcommittee ranking member and the full committee ranking member.

□ 1145

Mr. SERRANO. I understand that, Mr. Chairman, and with a prior agreement, I do not know if it was manifested through the Chair, the gentleman from West Virginia (Mr. MOLLOHAN) has ceded that position to me for the time being.

The CHAIRMAN. The order of the House of yesterday prevents that request.

Mr. SERRANO. Then I will stand corrected and very quietly sit down.

Mr. WOLF. How much time do I have, Mr. Chairman?

The CHAIRMAN. The gentleman has 2 minutes remaining.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in opposition to this amendment offered by my colleague, the gentleman from Arizona (Mr. HAYWORTH). I think I share the frustrations that a lot of Members feel about the United Nations and some of the reforms, but this is a meat ax approach to it.

It is ironic that in the next 24 or 48 hours we are going to be considering on this floor legislation to reform the United Nations, and I think that legislation is the proper approach to this problem. It requires that certain steps be taken and that our United Nations representative make sure that those steps are being taken in the United Nations. Cutting off our dues, which is a legal responsibility, an agreement that we enter into with the United Nations, that each country does, to pay its share of the dues would be a little bit like my saying, well, I am for tax reform so, in the meantime, I am not going to pay my taxes. I think we have an obligation to pay our dues to the United Nations and pursue the reforms.

I would also add that there has been some significant improvements already in the United Nations' operations. I would hope we would reject this amendment.

The CHAIRMAN. The gentleman from Arizona (Mr. HAYWORTH) has 30 seconds remaining.

Mr. HAYWORTH. Mr. Chairman, do I have the right to close?

The CHAIRMAN. No. The gentleman from Virginia (Mr. WOLF) has the right to close.

Mr. HAYWORTH. Mr. Chairman, I yield myself the remaining time.

I thank my colleague from Arizona for his comments. I do not believe that his analogy about withholding tax payments in protest to the government is apt because, Mr. Chairman, our responsibility first and foremost, yes, even as a Member of an international body, is to make sure that American interests are protected and, by extension, the interests of those in the world who have been abused, such as the Iraqi people, such as those innocent, young people in the Congo who have been sexually assaulted. And with a corrupt world body, we have incumbent in this amendment an obligation to seriously reduce the funding and, by extension, might I add, allow others within the international community to pay their fair share.

I look forward to the bill from the chairman of the Committee on International Relations, but I would ask my colleagues to join with me in acceptance of this amendment, because enough is enough.

Mr. WOLF. Mr. Chairman, I move to strike the last word in order to yield to the gentleman from New York (Mr. SERRANO); but before I do, if I could just say one thing. The gentleman from Illinois (Mr. HYDE) spent a lot of time on this issue, and when a gentleman has worked to the degree that the gentleman from Illinois (Mr. HYDE) has, he ought to have a clear shot at the opportunity to pick it up.

Secondly, the Gingrich-Mitchell Task Force report has not been watered down. It is tough. And the gentleman from Iowa (Mr. KING) mentioned democracy. In the Gingrich-Mitchell report, there is a whole chapter urging the United States to push for the abolition of the Human Rights Commission, which Sudan was the chairman of and on, and Libya was on, and instead set up a democracy caucus, and also have someone in New York who would be working with the democracy.

Also, the gentleman from Arizona mentioned that we were told to wait. We did wait. He voted for the bill last year that set up the Gingrich-Mitchell Task Force, and that is what we have done. So nobody told the gentleman to wait. We acted based on something, and I would have acted whether we told the gentleman to act or not because I had concerns. I saw the suffering in Darfur, I know all about that; I have been to the Congo and saw it, but do not cut the gentleman from Illinois (Mr. HYDE) out. I urge a "no" vote.

Mr. Chairman, I yield to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I also rise in opposition to the amendment. I think that as our country asks other nations throughout the world to join us in the fight against terrorism, we should be trying in every way possible to bring people closer to us, not to separate ourselves.

Now, granted, there are many people here, and many people throughout the diplomatic world, that have problems and concerns about the way the U.N. is functioning right now; but it is still better to be a very active member of the U.N. rather than in opposition to the U.N.

The U.N. is still the only body on Earth capable of dealing with so many of these issues. And rather than run them out of town, rather than continue to put ourselves in arrears, which we, under the leadership of the gentleman from Virginia (Chairman WOLF), accomplished recently, to take our country out of arrears at the U.N. in terms of our dues, this would put us right back in; and I just think it is the wrong message.

Are there problems? Yes. Should we address them? Absolutely. Should we demand reform? Absolutely. But we do not demand reform by withdrawing, but rather by staying involved.

Mr. HAYWORTH. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I thank my friend, the gentleman from Virginia, the subcommittee chairman.

I welcome the remarks of my friend from New York because, Mr. Chairman, it gives me an opportunity to clear up any misconception about this amendment. This does not withdraw United States participation from the United Nations, nor does it change our funding for peacekeeping missions, voluntary programs, and membership organizations.

What we are saying, and what duly elected, constitutional officers here in the people's House will say with passage of this amendment, is that in terms of the regular framework of budgeting for the United Nations, a process that my colleagues admit is horribly flawed, we will reduce that funding by one-half and invite others in the international community to come forward and pay their fair share.

My friend from Virginia has been very gracious with the time, and I thank him.

Mr. WOLF. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) has 1 minute remaining under the order of the House yesterday, and 1 minute remaining under the 5-minute rule.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the gentleman offering the amendment. The fact that it is offered and, hopefully, defeated on behalf of the gentleman from Illinois (Mr. HYDE) and others, will put pressure on. I think the U.N. will have an obligation to adopt the Gingrich-Mitchell recommendations and, also, the administration will have an opportunity, but also an obligation to do that, because the U.N. has failed. It failed in Darfur, it failed in Rwanda, it failed in Srebrenica, and it failed in Sarajevo. Hopefully, this amendment will fail, and the gentleman from Illinois (Mr. HYDE) will have an opportunity to have his bill and voted on tomorrow.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HAYWORTH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) will be postponed.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $1,035,500,000, of which 15 percent shall remain available until September 30, 2007: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; (2) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in any United Nations peacekeeping mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation, and to hold accountable any such individuals who engage in any such acts while participating in the peacekeeping mission; and (3) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $27,000,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $5,300,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $9,500,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $22,000,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), $10,000,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2006, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2006, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $6,000,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $50,000,000, to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, installation, rent, and improvement of facilities for radio and television transmission and reception to Cuba, and to make and supervise grants for radio and television broadcasting to the Middle East, $620,000,000: *Provided*, That of the total amount in this heading, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting

Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $10,893,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 406 of division B of Public Law 108-7 to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

(b) None of the funds provided in this or any other Act shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 406 of division B of Public Law 108–7.

SEC. 405. Any funds provided in this Act under "Department of State" used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

SEC. 406. (a) Subsection (f) of section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(f)) is amended—

(1) by striking "(f) INELIGIBILITY.—An officer" and inserting the following:

"(f) INELIGIBILITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an officer"; and

(2) by adding at the end the following new paragraph:

"(2) EXCEPTION IN CERTAIN CIRCUMSTANCES.—The Secretary may pay a reward to an officer or employee of a foreign government (or any entity thereof) who, while in the performance of his or her official duties, furnishes information described in such subsection, if the Secretary determines that such payment satisfies the following conditions:

"(A) Such payment is appropriate in light of the exceptional or high-profile nature of the information furnished pursuant to such subsection.

"(B) Such payment may aid in furnishing further information described in such subsection.

"(C) Such payment is formally requested by such agency.".

(b) Subsection (b) of such section (22 U.S.C. 2708(b)) is amended in the matter preceding paragraph (1) by inserting "or to an officer or employee of a foreign government in accordance with subsection (f)(2)" after "individual".

AMENDMENT OFFERED BY MR. REYES

Mr. REYES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. REYES:

Page 75, after line 22, insert the following new section:

SEC. 407. Congress—

(1) urges the President and Secretary of State to incorporate the investigative and preventative efforts of the Government of Mexico in the bilateral agenda between the Governments of Mexico and the United States and to continue to express concern to the Government of Mexico over the abductions and murders of more than 370 young women since 1993 in the Mexican cities of Ciudad Juarez and Chihuahua; and

(2) supports efforts to identify unknown victims through forensic analysis, including DNA testing, conducted by independent, impartial experts who are sensitive to the special needs and concerns of the victims' families, as well as efforts to make these services available to any families who have doubts about the results of prior forensic testing.

Mr. WOLF. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Virginia reserves a point of order.

The gentleman from Texas (Mr. REYES) is recognized for 5 minutes.

Mr. REYES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment addresses the abduction and murder of more than 370 young women in Ciudad Juarez and Chihuahua, Mexico. That is the community right across from my congressional district of El Paso, Texas.

Specifically, my amendment urges the State Department to assist Mexican authorities in identifying several unidentified victims through forensic analysis and other scientific assistance; and this would include also to put this subject into the bilateral agenda, which is a discussion between both administrations on a yearly basis.

Throughout my time in Congress, I have personally asked our Federal and local law enforcement agencies in El Paso to offer any assistance that they can legally provide, and they have made and are making very good efforts to help their counterparts on the Mexican side. Also, for years I have called on the Mexican Government to bring an honest and intensive investigative effort to bear on this issue so that it can solve these horrific crimes and do more to prevent future tragedies, which also, by the way, Mr. Chairman, included a conversation with President Fox in Mexico City on this very issue.

In 2003, I joined several of my congressional colleagues on a delegation to Juarez to meet with the families of these victims and to increase awareness on this important matter. Some of the most poignant testimony we heard was from families who have been unable to confirm whether their loved ones and their remains have been found or whether they are still missing.

As I have done in the past several years, this past weekend I raised this issue at the Inter-Parliamentary Group meeting in Rhode Island where several of my colleagues in Congress and our counterparts from the Mexican legislature came together to discuss significant issues that affect both the United States and Mexico.

This is an issue that has long been of particular concern to me and to all of my constituents in El Paso because, along with Juarez, our two cities form the largest border community in the world. Our cultures, our economies and, most importantly, our families are inseparably tied to each other in this region of the world. When they need help, especially with something as horrific as murders that have taken place there, we need to step up and provide assistance, as all good neighbors often do. This amendment would provide Mexican authorities with additional assistance necessary to solve these crimes.

I strongly urge my colleagues to join me in this effort to assist Mexican authorities in identifying these victims and to put the perpetrators on the road to the penitentiary and to prevent violent acts against women of Juarez and Chihuahua. I want to thank the chairman and the ranking member for giving me the opportunity to offer this amendment.

Mr. Chairman, my amendment addresses the abduction and murder of more than 370 young women in Ciudad Juárez and Chihuahua, Mexico, near my congressional district of El Paso, Texas. Specifically, my amendment would urge the State Department to assist Mexican authorities in identifying several unidentified victims through forensic analysis and to include the topic in our bilateral agenda with Mexico.

Throughout my time in Congress, I have personally asked our federal law enforcement agencies in El Paso to offer any assistance they can legally provide, and they have made and are making good faith efforts to help their counterparts on the Mexican side. Also, for years I have called on the Mexican government to bring an honest and intensive investigative effort to bear to solve these horrific crimes and to do more to prevent future tragedies.

In 2003, I joined several of my congressional colleagues on a delegation to Juárez to meet with the families of the victims and increase awareness on this important matter. Some of the most poignant testimony we heard was from families who have been unable to confirm whether their loved ones' remains had been found or if they were still missing.

As I have done in the past several years, this past weekend I raised this issue at the Inter-Parliamentary Group where several of my colleagues in Congress and our counterparts in the Mexican legislature came together to discuss significant issues that affect both the U.S. and Mexico.

This issue has long been of particular concern to me and my constituents in El Paso because along with Juárez, our two cities form the largest border community in the world. Our cultures, economies, and most importantly, our families, are inseparably tied to each other. When they need help, especially with something as horrific as the murders that have taken place there, we need to step up to the plate and provide assistance, as all good neighbors do. This amendment would provide Mexican authorities with additional assistance necessary to solve these crimes.

I strongly urge my colleagues to join me in this effort to assist Mexican authorities in identifying the victims of these murders, put the perpetrators behind bars, and prevent violent acts against the women of Juárez and Chihuahua.

Mr. Chairman, I reserve the balance of my time.

□ 1200

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill, and therefore it violates clause 2 of rule XXI.

The CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The amendment proposes to express a legislative sentiment. As such, the amendment constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

Mr. WOLF. Mr. Chairman, I move to strike the last word. I yield to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Chairman, this is a list put out by the Federal Bureau of Investigation. It lists the 74 United States citizens convicted of felonious crimes in the United States who are currently living in Cuba under the protection of the Castro regime. This list reads like a litany of the worst of the worst, hijacking an aircraft, piracy; and, of course, the highlight to me and the most regrettable is a woman by the name of Joanne Chesimard, who murdered in cold blood a New Jersey State Trooper and has been on the lam and really in the sanctuary of Cuba.

There are those in this body, I know, who take different sides on how we deal with Cuba, whether it is trade or travel. This has nothing to do with any of those, in my opinion.

We know that Cuba has been a haven and a sanctuary for terrorists. We know that people like Joanne Chesimard are living comfortably, while the family of that New Jersey State Trooper who was murdered two decades ago, three decades ago I should say, are still living with the agony and the pain of losing their loved one.

We know that people like Guillermo Morales, who was part of the FILN who terrorized this country for many years, is living in Cuba. This is a story from the Washington Post a couple of years ago. Guillermo Morales is a fugitive on the run from the FBI, but at this particular moment he is sipping a cappuccino in a chic hotel lobby in Havana.

Nine and a half of his fingers are gone, blown to bits by a bomb he was making in New York in 1978, but he manages to open a packet of sugar and stir it into his coffee. On the lam for 23 years, he has cleverly learned how to live with what remains of his hands and his life.

The convicted felon was facing 89 years in prison for illegal possession of firearms when he escaped from a New York hospital in 1979 while under police custody.

Mr. Morales and so many of his cohorts terrorized this country, led to the demise and permanent maiming of many individuals, including many members of the New York City Police Department and other law enforcement officials.

And what we wanted to do in an amendment, Mr. Chairman, is basically get the truth out to the people of Cuba. Our effort would be to disseminate through the United States Interests Section in Havana, and next week we are meeting with folks from Radio and TV Marti to tell the people of Cuba just the truth, just about transparency, that people like Joanne Chesimard has a $1 million bounty on her head, and that if returned to the United States, she would pay for her crime, and that anybody basically participating in bringing this woman back to justice as she rightly deserves will be the recipient of a million dollars.

So I would ask you, Mr. Chairman, in ways to just get that truth out for the legacy of those who have suffered at the hands of so many of these fugitives or convicted felons, murderers, that the people of Cuba just be told the truth. And we have the opportunity to do so through the Interest Section in Havana as well as Radio and TV Marti.

Mr. WOLF. Mr. Chairman, I thank the gentleman from New York (Mr. FOSSELLA) for bringing this up. We will work with him and see what we can do to help.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2006".

TITLE V—RELATED AGENCIES

ANTITRUST MODERNIZATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Antitrust Modernization Commission, as authorized by Public Law 107-273, $1,172,000, to remain available until expended.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $499,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,096,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,200,000, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $2,030,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $1,900,000, including not more than $3,000 for the purpose of official representation, to remain available until expended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $331,228,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming provisions of section 605 of this Act.

Federal Communications Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $289,771,000: *Provided*, That $288,771,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at $1,000,000: *Provided further*, That any offsetting collections received in excess of $288,771,000 in fiscal year 2006 shall remain available until expended, but shall not be available for obligation until October 1, 2006: *Provided further*, That any funds provided under this heading used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

Federal Trade Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $211,000,000, to remain available until expended: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed $116,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That $23,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telephone Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $72,000,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to enforce subsection (e) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) or section 151(b)(2) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1831t note).

HELP Commission

SALARIES AND EXPENSES

For necessary expenses of the HELP Commission, $1,000,000, to remain available until expended.

Legal Services Corporation

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $330,803,000, of which $313,683,000 is for basic field programs and required independent audits; $2,539,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $12,826,000 is for management and administration; and $1,755,000 is for client self-help and information technology.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2005 and 2006, respectively.

Marine Mammal Commission

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $1,865,000.

Securities and Exchange Commission

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $888,117,000, to remain available until expended; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: *Provided further*, That not to exceed $863,117,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That $25,000,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2006 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2006 appropriation from the general fund estimated at not more than $0.

Small Business Administration

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108–447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $318,029,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: *Provided further*, That, of the funds made available under this heading, $1,000,000 shall be for the National Veterans Business Development Corporation: *Provided further*, That any funds provided under this heading used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $13,500,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act, as amended, $2,861,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $1,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2006 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, shall not exceed $6,000,000,000: *Provided further*, That during fiscal year 2006 commitments for general business loans authorized under section 7(a) of the Small Business Act, shall not exceed $16,500,000,000: *Provided further*, That during fiscal year 2006 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed $3,000,000,000: *Provided further*, That during fiscal year 2006 guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $12,000,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $124,961,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, $79,538,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program authorized by section 7(b), of the Small Business Act, $49,716,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $900,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $40,316,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, to remain available until expended; and of which $8,500,000 is for indirect administrative expenses: *Provided*, That any amount in excess of $8,500,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572), $2,000,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, $4,000,000, including not more than $5,000 for the purpose of official representation, to remain available until expended.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $22,850,000, to remain available until expended.

Mr. WOLF (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 88, line 20 be considered as read and printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. Are there any amendments to this section?

AMENDMENT OFFERED BY MS. MOORE OF WISCONSIN

Ms. MOORE of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. MOORE of Wisconsin:

Page 85, line 6, insert after "this Act" the following: ": *Provided further*, That of the funds made available under this heading, $5,000,000 shall be for operational assistance grants under Part B of title III of the Small Business Investment Act of 1958 (15 U.S.C. 689 et seq.), as authorized by section 368 of such Act (15 U.S.C. 689q), and $30,000,000 shall be for guarantees of debentures under Part B of title III of such Act, as authorized by section 20 of the Small Business Act (15 U.S.C. 631 note) as amended by section 121 of division K of Public Law 108–447"

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment which seeks to restore funding for a program of vital importance to distressed and blighted communities, both in urban and rural areas which are being left behind at an astounding pace in our global economy.

The New Market Venture Capital program really was designed by this House in 2000 for the purpose of making equity investments in small businesses that operate in economically distressed communities through the creation of the New Market Venture Capital companies.

Most conventional venture firms, of course, are very risk-averse to invest in these economically distressed areas, and this program was designed to fill that gap in access to capital.

During the first round of awards, the New Market Venture Capital program developed a company to serve Appalachia, the Central Appalachian region of Ohio, Kentucky, Maryland and West Virginia, and they invested this first round $2.8 million in four companies to help these rural communities.

Mr. Chairman, my amendment would provide $30 million in debenture guarantees and $5 million for operational assistance grants to fund the creation of a fresh round of New Market Venture Capital companies. And it is paid for by using funds from the Small Business Administration's salary and expense account.

Mr. Chairman, I have given you an example of how we have helped small rural areas, but I would like to call your attention to my own community in Milwaukee, Wisconsin, which I think bears mentioning.

In 2002, the Bureau of Labor Statistics found that 59 percent of African American males in Milwaukee were unemployed and out of the workforce. Since 1999, the unemployed residents of any color has increased by 80 percent. And in the last 5 years we have lost 33,000 manufacturing jobs. We know, of course, that small businesses create 75 percent of all new jobs and account for 99 percent of all employers.

Mr. Chairman, I would think that this would be a grand bipartisan effort. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the new markets program was intended to be a pilot project from fiscal year 2001 to 2006. There are still funds available for this program. There is no need to provide additional funds at this time, especially at the expense of terminating over 400 employees at the SBA. This would result in the termination, which would not be good for anyone. These employees work on critical technical assistance and loan programs at the SBA.

The amendment unnecessarily provides funds for a program that has almost $2 million left in its budget for technical assistance and over $3.1 million in loan authority. The program received a one-time funding of $59 million in fiscal year 2001 that has still not been entirely spent.

I urge the Members to reject the amendment. Particularly we would not want to cut employees who work on programs like small business development centers and women's business centers. So I understand what the gentlewoman from Wisconsin (Ms. MOORE) is doing, but I would urge that we reject the amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. MOORE of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to thank the gentleman from Virginia (Mr. WOLF) for his stewardship over these funds. I just want to respond to a couple of things that he said.

First of all, the balance of those funds for the New Venture Capital Program has been rescinded, so it is not available for another round.

Also, you know, I do not know where the gentleman from Virginia (Mr.

WOLF) received his figures about displacing 400 employees at the SBA. Certainly, I support the SBA and its functions, but we are talking here in this amendment about distressed communities and not disadvantages bureaucrats.

Mr. Chairman, I would offer to the gentleman from Virginia (Mr. WOLF) that if he were upset about the source of funding for this amendment, that he would not disparage the wonderful purpose of this amendment, but would rather seek to work with me to find ways to do this.

Surely we have an employment crisis. This initiative will help distressed communities versus just trying to buoy up a bureaucracy. Mr. Chairman, I would ask the gentleman from Virginia (Mr. WOLF) to work with me.

Mr. Chairman, I yield the balance of my time.

Mr. WOLF. Mr. Chairman, I yield the balance of my time also.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The amendment was rejected.

The CHAIRMAN. Are there further amendments to this section of the bill?

Mr. WOLF. Mr. Chairman, I move to strike the last word.

I yield to the gentleman from Kansas (Mr. TIAHRT), a member of the committee.

Mr. TIAHRT. Mr. Chairman, I want to just take a few minutes to tell you that I had intended to offer and withdraw an amendment today. It is brief, but very important for the future of the United States. The amendment would have simply said none of the funds made available in this act should be used to promulgate regulations without consideration of the effects of such regulations on the competitiveness of American business.

The reason this is important is because today the American economy is number one in the world, and it is the envy of the world. But there are some troubling signs. We have a trade deficit last year of $670 billion. This year's Federal deficit is down, but it is still over $300 billion.

We have seen high-paying, high-quality jobs move overseas. Now, these signs should concern Members of Congress, but should not surprise them, because over the last generation, legislation has been passed on the floor of this House that has put our number one standing in jeopardy and caused us to struggle to keep our economy as number one in the world, and clearly it is in jeopardy.

Legislation that has become law and then become regulation is forcing this struggle to occur within our economy. Regulations are one of the eight issues that we hope to address this year to help make America more competitive. These issues are actually barriers that keep us from keeping and creating jobs here in America. In addition to the regulations. we also want to address health care issues, education issues, research and development issues, energy policy issues, trade policy, tax policy and lawsuit abuse issues.

Today, though, I wanted to focus on regulations because it drives such a burden and barrier to our economy. First, though, I want to compliment the gentleman from Virginia (Chairman WOLF) and acknowledge what a great job the gentleman has done on this bill to make sure our competitiveness is addressed.

First of all, the gentleman from Virginia (Chairman WOLF) placed the National Science Foundation as a priority in the tight fiscal year with an increase of $44 million above the President's request.

The report language says America's advantage in science, math and technology is slipping. Our systems of basic scientific research and education are in crisis. While our countries are redoubling their efforts, the United States can remain the world's technology leader if it makes the commitment to do so.

It also has $3 million for the International Trade Administration and the Department of Commerce for the Office of China Compliance. And we need to continue our efforts to make sure that there is no antidumping policies going on through the Chinese Government.

With this bill we give the agencies with oversight of our science and technology policy and trade policy, commerce and small business development the tools to help American employers improve their competitiveness. Now we need to make sure they follow through with policies that reflect Congress' priorities.

It is my hope that each and every Federal agency should take into consideration the proposed policies on competitiveness of U.S. business and be held accountable for those effects.

To give you just a small idea how difficult it is because of regulations to start a business in America, I went to the Small Business Administration Web site, and I just listed some of the things that they have as what you need to consider before you start a business. First you need to get a business license; that could be your State, county or city. You should go to their Web site.

□ 1215

There is then a certificate of occupancy. That is also a city and county zoning problem. There is business organization, whether you are a sole proprietor, a partnership, a corporation, or a limited liability company. Then you have to register your trade name.

Then you have to apply for trademarks, patents, and copyrights. If it is a trademark, it is a State registration and a Federal registration through the Department of Commerce. If it is a patent issue, it is to the U.S. Patent and Trademark Office. If it is a copyright, you go to the U.S. Library of Congress. If it is tax information, you have Federal taxes, you have State taxes, you have local taxes. There is also self-employment tax. There is business insurance, sales tax numbers; and it just goes on and on, Mr. Chairman.

I just want to tell my colleagues it is difficult to start businesses here. We have to stop creating barriers and remove them so that America can be competitive in the future and so that we can retain our number one standing.

Mr. WOLF. Mr. Chairman, I thank the gentleman and thank him for his comments.

Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 106, line 22, be considered as read and printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the remainder of the bill through page 106, line 22, is as follows:

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices; (6) reorganizes, programs or activities; or (7) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 607. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 609. The Departments of Commerce, Justice, and State, the National Science Foundation, the National Aeronautics and Space Administration, the Federal Communications Commission, the Securities and Exchange Commission and the Small Business Administration shall provide to the Committees on Appropriations of the Senate and of the House of Representatives a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 610. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2006.

SEC. 611. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 612. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 613. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2006.

SEC. 614. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 615. None of the funds made available in this Act may be used to pay the salaries and expenses of personnel of the Department of Justice to obligate more than $625,000,000 during fiscal year 2006 from the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601).

SEC. 616. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 617. None of the funds appropriated or otherwise made available to the Department of State shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the determination of the Secretary of State under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Secretary of Homeland Security has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 618. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 619. The Departments of Commerce, Justice, and State, the Securities and Exchange Commission and the Small Business Administration shall, not later than two months after the date of the enactment of this Act, certify that telecommuting opportunities have increased over levels certified to the Committees on Appropriations for fiscal year 2005: *Provided*, That, of the total amounts appropriated to the Departments of Commerce, Justice, and State, the Securities and Exchange Commission and the Small Business Administration, $5,000,000 shall be available to each only upon such certification: *Provided further*, That each Department or agency shall provide quarterly reports to the Committees on Appropriations on the status of telecommuting programs, including the number and percentage of Federal employees eligible for, and participating in, such programs: *Provided further*, That each Department or agency shall maintain a "Telework Coordinator" to be responsible for overseeing the implementation and operations of telecommuting programs, and serve as a point of contact on such programs for the Committees on Appropriations.

SEC. 620. The National Aeronautics and Space Administration and the National Science Foundation shall, not later than two months after the date of the enactment of this Act, certify that telecommuting opportunities are made available to 100 percent of the eligible workforce: *Provided*, That, of the total amounts appropriated to the National Aeronautics and Space Administration and the National Science Foundation, $5,000,000 shall be available to each agency only upon such certification: *Provided further*, That both agencies shall provide quarterly reports to the Committees on Appropriations on the status of telecommuting programs, including the number of Federal employees eligible for, and participating in, such programs: *Provided further*, That both agencies shall designate a "Telework Coordinator" to be responsible for overseeing the implementation and operations of telecommuting programs, and serve as a point of contact on such programs for the Committees on Appropriations.

SEC. 621. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which

types, makes or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 622. None of the funds made available in this Act may be used in violation of section 212(a)(10)(C) of the Immigration and Nationality Act.

SEC. 623. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 624. None of the funds made available in this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has provided support for acts of international terrorism.

SEC. 625. (a) Except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the Marine Corps.

SEC. 626. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 627. Of the amounts made available in this Act, $393,616,321 from "Department of State"; $27,938,072 from "Department of Justice"; $14,107,754 from "Department of Commerce"; $426,314 from "United States Trade Representative"; $575,116 from "Broadcasting Board of Governors"; $291,855 from "National Aeronautics and Space Administration"; and $79,754 from "National Science Foundation" shall be available for the purposes of implementing the Capital Security Cost Sharing program.

SEC. 628. None of the funds made available in this Act may be used in contravention of the provisions of subsections (e) and (f) of section 301 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25; 22 U.S.C. 7631(e) and (f)).

SEC. 629. None of the funds made available to NASA in this Act may be used for voluntary separation incentive payments as provided for in subchapter II of chapter 35 of title 5, United States Code, unless the Administrator of NASA has first certified to Congress that such payments would not result in the loss of skills related to the safety of the Space Shuttle or the International Space Station or to the conduct of independent safety oversight in the National Aeronautics and Space Administration.

SEC. 630. Notwithstanding 40 U.S.C. 524, 571, and 572, the Administrator of the National Aeronautics and Space Administration may sell the National Aeronautics and Space Administration-owned property on the Camp Parks Military Reservation, Alameda County, California, and credit the net proceeds of such sales as offsetting collections to its Exploration, science and aeronautics account. Such funds shall be available until expended; to be used to replace the facilities at Camp Parks that are still required, to improve other National Aeronautics and Space Administration-owned facilities, or both.

SEC. 631. (a) IN GENERAL.—The President of the United States through his designee the Administrator of the National Aeronautics and Space Administration and in consultation with other Federal agencies shall develop a national aeronautics policy to guide the aeronautics programs of the Administration through 2020.

(b) CONTENT.—At a minimum, the national aeronautics policy shall describe—

(1) the priority areas of research for aeronautics through fiscal year 2011;

(2) the basis on which and the process by which priorities for ensuing fiscal years will be selected;

(3) the facilities and personnel needed to carry out the program through fiscal year 2011; and

(4) the budget assumptions on which the national aeronautics policy is based.

(c) CONSIDERATIONS.—In developing the national aeronautics policy, the Administrator shall consider the following questions, which shall be discussed in the policy statement—

(1) the extent to which NASA should focus on long-term, high-risk research or more incremental research or both and the expected impact on the U.S. aircraft and airline industries of those decisions;

(2) the extent to which NASA should address military and commercial needs;

(3) how NASA will coordinate its aeronautics program with other Federal agencies; and

(4) the extent to which NASA will fund university research and the expected impact of that funding on the supply of U.S. workers for the aeronautics industry.

(d) CONSULTATION.—In developing the national aeronautics policy, the Administrator shall consult widely with academic and industry experts and with other Federal agencies. The Administrator may enter into an arrangement with the National Academy of Sciences to help develop the national aeronautics policy.

(e) SCHEDULE.—The Administrator shall submit the new national aeronautics policy to the House and Senate Committees on Appropriations and to the House Committee on Science and the Senate Committee on Commerce, Science, and Transportation no later than the date on which the President submits the proposed budget for the Federal government for fiscal year 2007 to the Congress. The Administrator shall make available to the Congress any study done by a non-governmental entity that was used in the development of the national aeronautics policy.

SEC. 632. Any funds provided in this Act under "National Science Foundation" used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

SEC. 633. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada, or

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 634. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR Sec. 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

SEC. 635. None of the funds made available in this Act may be used to include in any bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of Article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of Article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of Article 15.9 of the United States-Morocco Free Trade Agreement.

The CHAIRMAN. Are there any points of order to this portion of the bill?

POINT OF ORDER

Mr. PORTER. Mr. Chairman, I raise a point of order against section 607. This provision violates clause 2(b) of House rule XXI. It proposes to change existing law and, therefore, constitutes legislation on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this provision proposes to change existing law with respect to eligibility requirements to receive a Federal contract with funds made available by this act.

The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the provision is stricken from the bill.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 108, line 7, be considered as read and printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the remainder of the bill through page 108, line 7, is as follows:

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $62,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(RESCISSION)

Of the unobligated balances available under this heading, $38,500,000 are rescinded.

COMMUNITY ORIENTED POLICING SERVICES

(RESCISSION)

Of the unobligated balances available under this heading, $86,500,000 are rescinded.

DEPARTMENT OF COMMERCE

EMERGENCY STEEL GUARANTEED LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, $35,000,000 are rescinded.

RELATED AGENCIES

UNITED STATES-CANADA ALASKA RAIL COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, $2,000,000 are rescinded.

AMENDMENT OFFERED BY MR. MCDERMOTT

Mr. MCDERMOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCDERMOTT:

Page 108, after line 7, insert the following (and make such technical and conforming changes as may be appropriate):

TITLE VIII—MISCELLANEOUS

SEC. 801. None of the funds made available by this Act may be used to prosecute any individual for travel to Cuba (including travel for the purpose of visiting a member of the immediate family of such individual).

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment to the Science, State, Justice, Commerce appropriations bill; and I do this in the name of freedom and justice for all Americans.

I call it the Carlos Lazo amendment, named for a brave U.S. soldier from Seattle who has been denied his right and freedom to visit his children in Cuba because of onerous new travel restrictions imposed by this administration.

Sergeant Lazo is a medic in a combat unit that served for a year in Fallujah, one of the most dangerous places in Iraq. He is a shining example of everything positive about America and about the men and women who serve in the Armed Forces.

But Carlos Lazo has been victimized by the administration's policy which has gone tilt. Carlos is caught up in the latest ploy by the United States Government to topple Castro. This time the administration is banking on restricting travel to overthrow the Castro government.

The greatest impact from this new policy is that Sergeant Carlos Lazo cannot visit his children in Cuba. One man desires only to be a father on Father's Day.

This is a man who risked his life in defense of America, a man who risked his life to reach America on a raft, a man who wants only to see and hug his children, a man in uniform defending America even as America denies his freedoms.

Last June, Carlos tried to visit his children in Cuba before the stringent new travel restrictions were put into effect. He was on leave from Iraq and went to Miami to board a charter flight to Cuba, but he was turned away because flights were flying empty to Cuba.

There he stood in his uniform, having just come back from the combat zone. He stood in an airport with a ticket in his hand, barred from a chance to visit his children, denied the most basic freedom in this country.

Carlos returned to the war zone in Iraq without seeing his children. That is the way it will stay unless the government intercedes.

Current law allows Americans to visit a family in Cuba only once every 3 years. No exceptions are made for soldiers serving abroad, families with medical emergencies, or other hardship cases.

As it stands now, Carlos can do nothing except wait for an arbitrary deadline to expire. It will take another year before he can go to Cuba. He is a naturalized American father who has been caught up in a national obsession to overthrow Castro. Decade after decade, plot after plot, the facts remain the same.

The policy, or the plot, call it what you will, the new travel restrictions inflict pain and suffering on an American, not Castro. Carlos is a person, not a political pawn, a soldier who defended his country and asks only for his country to defend his freedom.

He came to America on a raft in the 1990s. Since then he has made a new home and a new life. He has given back to his country and served with distinction. He is a patriot.

The least we can do is allow Carlos to visit his children in Cuba. Allowing him to travel to Cuba would say much more about freedom and opportunity in America than any new administration policy.

You want to hurt Castro, send Carlos to see his children. His freedom, like any American, to travel freely and speak freely and act freely will say more about what America stands for than all the rhetoric and rules the administration could ever implement.

The Department of Treasury oversees the travel ban. So far they have refused to grant him any kind of waiver. It will take us to cut through that.

Let Carlos be reunited with his children in Cuba in time for Father's Day. There is room in the heartland of America to have a heart.

I urge the passage of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself 1 minute, and I rise in opposition to the amendment.

I think Members ought to know that the U.S. State Department lists the

Cuban dictatorship as one of five remaining state sponsors of terror. The others are Iran, Libya, North Korea, and Syria.

According to the State Department's most recent patterns of global terrorism, Cuba continues to support foreign terrorist organizations and several terrorists and dozens of fugitives from the U.S., as the gentleman from New York (Mr. FOSSELLA) just spoke.

Also, if anyone is listening on the other side, I have sincerely asked for the opportunity to visit the country of Cuba through the legal ways. Everyone who always wants to lift the sanctions gets to go, but in a sincere effort at going down to find out what happens, I never can go. Something tells me there is something funny about this. We want to go on good faith. We ask to go through the normal process. We cannot get there.

I think this is a bad amendment, and I urge the rejection of it.

Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman from Virginia for the time.

I, too, rise in opposition to the McDermott amendment. At a time when the promotion of the rule of law and the consolidation of democratic institutions are pivotal to our U.S. national security strategy, we should not and we must not support an amendment that runs contrary to this commitment.

This amendment is proposing that we interfere with law enforcement; that we interfere with the U.S. courts by prohibiting the use of taxpayer funds to prosecute those who are traveling to Cuba in violation of U.S. law. What happened to the separation of powers, an element that is one of the centerpieces of our constitutional system?

As the gentleman from Virginia (Mr. WOLF) pointed out, we had just talked about U.S. fugitives that are given safe haven by the Castro regime in Cuba in an effort to bring them to justice. We want them to come here to the United States. How can we now turn around and support an amendment today that would essentially afford congressional protection to U.S. lawbreakers?

Support for this amendment would empower the enemies of the United States, such as the Castro dictatorship, and we must reject the McDermott amendment.

Mr. McDERMOTT. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

Page 108, after line 7, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to section 740.12 of title 15, Code of Federal Regulations (relating to license exemptions for gift parcels and humanitarian donations for Cuba), as published in the Federal Register on June 22, 2004 (69 Fed. Reg. 34565–34567).

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Arizona (Mr. FLAKE) and the gentleman from Virginia (Mr. WOLF) each will control 10 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

This amendment, Mr. Chairman, simply seeks to prohibit the use of funds from enforcing a particularly onerous rule with regard to Cuba. There is a section of the code in the U.S. Federal regulation that governs the sending of gift parcels to countries for which there are otherwise strict limits of what can be sent.

Under the heading of "Eligible Commodities," it reads: "For Cuba, the only eligible commodities are food, medicines, medical supplies, radio equipment and battery for such equipment."

Any reasonable person would agree that we should be permitted to send such items to ordinary Cubans.

In reading the next paragraph, however, we are told what cannot be sent in gift parcels to Cubans, and these restrictions apply only to Cuba: clothing, personal hygiene items, seeds, veterinary medicines and supplies, fishing equipment and supplies, and soap-making equipment, as well as any other items normally sent as gifts.

In other words, the U.S. Code of Federal Regulations does not permit the sending of gift parcels to Cuba containing clothes, personal hygiene items, seeds and other very basic goods, goods that would modestly improve the lot of ordinary Cubans.

It just seems silly to me, Mr. Chairman, that ordinary Americans cannot send to ordinary Cubans items like toothpaste and toilet paper. That is what this amendment is all about.

When the opponents rise and take their time, they will talk about obviously the awful dictator that Fidel Castro is, and he is. That is precisely why we need to reverse this. The Cuban people have enough burdens placed upon them living under Fidel Castro.

Why impose additional burdens on them by denying their relatives the ability to send personal hygiene items to them? What will denying toothpaste and toilet paper do to the regime in Cuba? I would submit that we are not going to prop up the regime in Cuba by sending toilet paper and toothpaste.

President Reagan once said, We must be careful in reacting to actions of the Soviet government not to take out our indignations on those not responsible. That is exactly what this amendment is seeking to reverse. We are taking out our indignations on Fidel Castro by imposing restrictions on what family members and relatives can send to ordinary Cubans. It is simply wrong.

America is a better country than that. We ought to stand taller than that. That is what we are trying to do here.

Keep in mind, if a Boy Scout from Mesa, Arizona, or somewhere in Virginia or Indiana or any State of the Union does a good turn for the day and sends soap or soup or tomato seeds to someone in Cuba, that would be a violation of the U.S. Code. If a Girl Scout in Michigan or Kansas happens to have a cousin in Cuba with a broken leg, the regulations would not allow her to send crutches to her Cuban cousin. Again, that is forbidden by our regulation.

What has our policy come to? Whatever happened to the proverb that says if you teach a man to fish, you feed him for a lifetime? Yet we prohibit sending a fishing line and hooks so ordinary Cubans can have a better meal. The Government of Cuba is making it difficult for Cubans to feed themselves. So why can Americans not send fishing poles and hooks to them?

□ 1230

Who really believes a small service project by a Boy or Girl Scout would actually be propping up the brutal Castro regime, which has unfortunately served 45 years on its own?

I am not trying to trivialize the serious nature of the issues we are dealing with in Cuba. It simply is wrong to deny ordinary Americans the ability to send gift items like this to ordinary Cubans.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, for all the good intentions of its author and proponents of this amendment, it is just bad policy. It operates under the notion that in a postal system packages are delivered on time, they are unopened, and at no undue cost to the addressee. But the postal service in Fidel Castro's Cuba does not operate like the postal service in the hometown of the gentleman from Arizona. Instead, all the packages, most of which are from family members trying to help their relatives struggling to survive in Castro's command economy, are immediately seized by the state and held essentially as the personal property of the Maximum Leader in a central depository somewhere in Havana.

This really happens. The packages are opened, they are rummaged through, and they are pilfered, after which, in the best-case scenario, the addressee is called and told how much of a service charge it will cost them to get their parcel. That is what happens in a Communist country with a dictator. Every dime of goods contained in those packages, what is left in them after they are rifled through, is a dime Castro's regime does not have to spend on services for his people and, therefore, a dime he can spend on another torture chamber, a few more secret police officers, or a deposit in his Swiss bank account.

The only suffering or hardship that this amendment would erase is Fidel Castro's. He is a murderer, and he is a thief. His government is a thugocracy, and his postal service, if you can call it that, is a profit center for a massive criminal enterprise of oppression and terror. Resources that make their way into Cuba, whatever their origin, whatever the original intent of their transmission, have only one purpose, one purpose: To enrich, entrench, and empower a regime that has kidnapped, imprisoned, and murdered 100,000-plus Cuban citizens over the last 45 years.

The Bush administration has rightly concluded that the only good Cuba policy is one that expedites the collapse of the Castro regime. To loosen the administration's rules would be to reward Castro for his recent brutal crackdown on democratic dissidents, dozens of whom remain in his prisons. To loosen the rules would send a signal, a signal, words have consequences when we speak them on this floor, and if this amendment passes loosening these rules, it would send a signal to those brave, peaceful dissidents and their families that the United States has tired of the struggle against totalitarianism.

Mr. Chairman, we cannot send such a signal. We cannot reward this tyrant and his terrorist state. We cannot allow this amendment to become law. We must stand with the Cuban people, stand with the Cuban people in their struggle against Castro and deny him the opportunity to exploit American generosity.

Vote for the Cuban people. Vote against Castro's regime. Vote "no" on this amendment.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume to respond to the majority leader's comments, that I would think standing with the Cuban people would be to allow them to receive personal hygiene items, like toothpaste and toilet paper. Keep in mind these restrictions are imposed against Americans, not Cubans. These are imposed against American families from sending to relatives in Cuba these items. These are not restrictions on Castro. These are restrictions on Americans.

We that believe in freedom ought to give Cuban Americans and others the freedom to make the choice, do we send gift parcels or do we not?

Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, one thing that I feel confident in doing is to reassure my friend, the majority leader, that denying the Cuban people toothpaste and toilet paper will not bring down Fidel Castro. The reality is that Fidel Castro has been in power for more than 45 years, despite the existence of an embargo on a whole variety of items. What we have done by denying families here in the United States the ability to send toilet paper and toothpaste to their families back in Cuba is to deny something very fundamental that reflects the deepest American tradition and values of helping our extended families who still live in their countries of origin.

At one level it is about toothpaste and toilet paper, but the real issue here is about family. That is what this is about. Let us not even make this a debate about Fidel Castro, because, trust me, Fidel Castro will survive whether there is an ounce of toothpaste that goes into Cuba from a Cuban American family. That is not what this amendment is about.

I respect the fact that there is diversity of opinion in terms of how we deal with the Castro government, but let us get past the politics and understand that this is about family, because I can assure you that standing with the Cuban people means to provide them the kind of assistance on a regular basis so that they can live a life, at least in their home, in the privacy of their daily existence, a life that has some dignity. Some dignity. That is the least we can do for the Cuban people.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, the way that the Cuban people will regain their dignity is to regain their freedom. While they are oppressed by a regime that denies them all human rights and denies them their dignity, they will not be able to live as all peoples are meant to.

Let us remind ourselves what we are dealing with here. As the gentleman from Virginia (Mr. WOLF) stated, there are five remaining terrorist states in the world, after the fall of Saddam Hussein and the liberation of Iraq. Five remaining terrorist states. But the FBI will tell you, and I would request our colleagues seek this information and this briefing from the FBI, that the most aggressive and dangerous anti-American espionage service of those five terrorist states remaining is the one of the Cuban dictatorship.

Yes, it is a bankrupt economy. Castro does not care about the suffering of the Cuban people. He does care about one thing, though: Intelligence services to fight against the interests of the leader of the free world, the United States. Nineteen Cuban agents, designated as spies, were expelled from the United States in recent years because of their work as spies. Fourteen members of Castro's spy network have been indicted and are in Federal prison today.

The President of the United States, a year ago, after much study, came forth with a very serious and comprehensive policy, which is very similar to the Reagan administration's policy towards the Soviet Union. One of the ingredients of President Bush's policy with regard to the Cuban dictatorship, one of five remaining anti-American terrorist states, is the reduction of hard currency to that regime.

Now, as was stated by the majority leader, Castro extorts payment even on humanitarian packages, at both ends of the process. The bottom line is that these regulations permit humanitarian aid to continue. Our constituents are the ones who send that humanitarian aid.

Mr. FLAKE. Mr. Chairman, may I ask what the time is remaining and who has the right to close?

The CHAIRMAN. The gentleman from Arizona (Mr. FLAKE) has 3 minutes remaining, and the gentleman from Virginia (Mr. WOLF) has 7 minutes remaining and the right to close.

Mr. FLAKE. Mr. Chairman, I yield 1½ minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, I thank the gentleman from Arizona for yielding me this time and for his leadership, his continued leadership, and his exhaustive leadership on this issue.

I really had not intended to speak on this issue. I came down to speak to an amendment that I am prepared to offer against this legislation. But I just heard my good friend and our leader on the majority side make some statements relative to the uncertainty and the government's ability to look through any matter of package that may go from the United States to Cuba.

I would just remind the leader, although I see he has already left the floor, and other people in this audience that under the PATRIOT Act, what is the difference between our policy toward Cuba today and our policy toward our own people? That package could be in the hands of our postal service, which is supposed to be sacrosanct, and our government can go through it, by the way, by administrative rule rather than by the balance of the court providing for that request. It can be in our bank, it can be in our library, it can be, quite frankly, over the safety of the threshold of our own homes, and our government can still go and look through those packages.

So I would say it is an argument that has no teeth, because if we are going to criticize a government 90 miles off our shore for that kind of action, we ought to be taking a look in our own backyard before we move in that direction.

I would also like to say, Mr. Chairman, we are hearing an awful lot about CAFTA these days, and I would just tell you that if CAFTA truly offers all of the great promise that we are told by everybody, and that by treating these fledgling democracies, these people that really want to be a democracy in these five other nations, why didn't we go sell that to Cuba?

Mr. WOLF. Mr. Chairman, how much time do I have left?

The CHAIRMAN. The gentleman from Virginia has 7 minutes remaining.

Mr. WOLF. Mr. Chairman, I yield 30 seconds to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, it is important to defeat this amendment. I thought I heard it all on this floor, but to hear a thugocracy called a fledgling democracy is something I never thought I would hear here. It is a regime of gangsters by gangsters and for gangsters, against which President Bush has a very important and solid policy that will succeed. Cuba will soon be free.

Mr. Chairman, I ask my colleagues today is to continue to stand with the Cuban people against the thugocracy and to defeat this amendment.

□ 1245

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding me this time.

We have heard the proponents of this amendment argue that they want to revoke U.S. policy toward the Cuban dictatorship. They say they are doing it to help the Cuban people. When we speak of helping the Cuban people, we need to focus on their freedom. Help is liberty. Help is working to ensure that every Cuban can speak their minds and not be imprisoned and not be beaten up for it. True humanitarian assistance is that which is not manipulated by the dictatorship in order to strengthen its own stranglehold on the Cuban people. Providing the tyrannical ruler with an escape valve to the dictatorship, that is not helping the Cuban people.

If we truly want to help the Cuban people, let us do so by working towards the day that Cubans from every background, every race, every ethnicity, and every religion will be able to live freely, free from fear and free from intimidation in a truly democratic Cuba.

Despite years of repression, there is a growing independent civil society movement on the island. Cubans today are trying, against the dictatorship, to organize themselves as independent journalists and independent librarians. Let us help them liberate themselves from totalitarianism, and the way to do that is to send true humanitarian aid, aid that is freedom and liberty and justice.

More than $1 billion is sent annually in funds and goods, sent to Cuba from those living outside of the island through various methods. Castro is making a lot of money, and little of it is going to benefit the Cuban people. So while Castro and his cronies continue to enrich themselves so they can maintain their hold on the Cuban people, what is happening to the Cuban people? They are left to struggle and suffer as a result of the dictatorship's failed policies.

It is not the U.S.'s fault that the Cuban people are in misery; it is Castro's fault. The U.S. policy is to help the Cuban people bring freedom, bring liberty, and bring that voice of justice that they so desperately need. Let us stand with the Cuban people today and reject the Flake amendment.

Mr. FLAKE. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I find it interesting, the gentleman mentioned that our constituents send these packages. If that is true, why would they if they are all opened and money is taken off the top? That may well be the case, but they make that choice. They ought to make that choice. My constituents ought to have that choice. That is what America is about, allowing people to have the freedom to make that choice.

This amendment will allow them that freedom. The current policy restricts their freedom to make that choice. They are told they cannot send these items. Again, it is back to toothpaste and toilet paper. That is what we are talking about here.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, when I listen to this debate, I am reminded of the phrase "the more things change, the more they remain the same."

This is very similar to the debate when the Soviet Union was still in existence and President Reagan had a comprehensive policy to try to eliminate that regime. And the debate is the same: it is going to hurt the people. When President Reagan was trying to cut off the funding: it is going to hurt the Soviet people; they are the victims.

No. No, Ronald Reagan was right then; George W. Bush is right today, which is why the Assembly of Civil Society, the umbrella organization, opposition organization within Cuba, that just recently had a heroic meeting in Havana, publicly supports the President's policy. They understand that dignity is not a gift. They understand that the only true road to dignity is freedom: freedom of election, freedom of association, freedom of religion, and freedom of the press.

This amendment would go a long way to reversing the policy that is working. Just as many wanted to reverse Reagan's policy that succeeded in defeating the Soviet Union, this amendment is trying to reverse the Bush policy that will ultimately allow the Cuban people to live in freedom, the freedom that they so much deserve.

Mr. FLAKE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me once again remind Members what this is all about. We all know the brutality of the Castro regime and how they deprive people of basic goods. Because of that, why in the world do we add to their burdens? Why do we deny Americans, Cuban families, Cuban-American families the ability to send items to their families? That is what this amendment is about.

We will hear all kinds of things about the brutality of the regime. Let us stipulate that. I have been there several times. It is worse than anybody knows. It is awful. People there live with such burdens. Let us not burden them further.

Let me say, last year when this amendment was offered, the opponents were saying the administration is going to change it. This amendment will be moot. Those regulations will change. There has been a public outcry; it is going to change. Guess what, a year later it is still there. The restrictions are still there, yet we heard they are going to change. Well, they have not changed. We need to send a signal this policy cannot stand.

Mr. WOLF. Mr. Chairman, I yield myself the balance of my time.

I rise in strong opposition to the amendment. I would also like to say to the gentleman from Arizona (Mr. FLAKE), I would love to go down to Cuba; and I would ask if the gentleman can intercede for both of us to go together, and that would be an unusual trip.

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Arizona.

Mr. FLAKE. I have no beef with the Cuban government.

Mr. WOLF. But the gentleman has been there several times.

Mr. FLAKE. I have never met with Castro, and I have no desire to.

Mr. WOLF. Mr. Chairman, if the gentleman has been there a couple of times and I have not, maybe the gentleman can try to help me. I would like to go.

Cuba is a source country for children trafficked internally for the purposes of sexual exploitation and forced child labor. Trafficking victims from all over Cuba are exploited in major cities. This government does not give its own people the necessary help.

Cuban forced-labor victims, and this is from the State Department reports, include children coerced into working conditions of involuntary servitude in commercial agriculture.

The Government of Cuba does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. In 2001, Cuban officials outlined an extensive plan to address the prevention and prosecution of trafficking victims on a national scale, but there is no evidence to show that the plan has been implemented. Cuba has no strategy to address its trafficking problem and growing child sex tourism industry.

Let the Cuban Government deal with eliminating the trafficking of children first. Cuba is in of the State Department's Trafficking in persons report tier 3, which is among the worst in the world. Let them deal with this issue and then perhaps we can see about some of these issues. But I urge strongly a "no" vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. FLAKE) will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. PAUL:

Page 108, after line 7, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the United Nations to develop or publicize any proposal concerning taxation or fees on any United States person in order to raise revenue for the United Nations or any of its specialized or affiliated agencies. None of the funds made available in this Act may be used by the United Nations to implement or impose any such taxation or fee on any United States person.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. Mr. Chairman, my amendment is a very simple, clear amendment. It prohibits the use of any funds in this bill to be used by the United Nations to promote a world global tax.

Over the last 10 years, there were at least five meetings in the United Nations that talked and met for the sole purpose of devising a global tax. Not too long ago the G8 met, and France and Germany proposed a global tax on airline tickets. There have been other proposals on taxes on financial services. Hans Eichel, Germany's finance minister, stated, "No one in the G8 has said anything against it. It is now on the agenda."

So it is not like I have dreamed up this possibility. This is very real. It is on the agenda. They have talked about it for years.

Mr. Chairman, I would like to say that support for my amendment would be that somebody has responded. They think that nobody has, but I think the American people through us are quite willing to respond and say we are not ready, we do not think that it is a good idea that the United Nations be funded through a global tax.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I think the gentleman's amendment is an excellent amendment, and I accept it and I am glad he offered it.

Mr. PAUL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member claim the time in opposition?

The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HINCHEY:

Page 108, after line 7, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act to the Department of Justice may be used to prevent the States of Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, Oregon, Vermont, or Washington from implementing State laws authorizing the use of medical marijuana in those States.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from New York (Mr. HINCHEY) and the gentleman from Virginia (Mr. WOLF) each will control 15 minutes.

The Chair recognizes the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

This amendment would prohibit funds for the Department of Justice from being used to prevent patients in States that have medical marijuana laws from following those laws.

Over the past 9 years, 10 States have adopted laws which allow the use of marijuana for medicinal purposes: Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, Oregon, Vermont, and Washington. They legalized the use of marijuana to relieve the intense pain that accompanies debilitating diseases, including AIDS, cancer, multiple sclerosis, and glaucoma. With the exceptions of Hawaii and Vermont, all of those laws were adopted by referendum, passed by the people.

Thousands of patients have testified, explained, and acknowledged that marijuana helps relieve symptoms, such as nausea, pain, and loss of appetite associated with serious illnesses. These people have found that marijuana is the only remedy that improves their quality of life. Yet the DEA has been targeting these people for arrest and sending them to jail. This needs to stop.

It is unconscionable that we in Congress could possibly presume to tell a patient that he or she cannot use the only medication that has proven to combat the pain and symptoms associated with a devastating illness. How can we tell very sick people that they cannot have the drug that could save their lives simply because of a narrow ideology and bias against that drug in this Congress?

A 1999 Institute of Medicine report for the National Academy of Sciences described the legitimate use of medical marijuana. It stated: "Until a non-smoked rapid-onset cannabinoid drug delivery system becomes available, we acknowledge that there is no clear alternative for people suffering from chronic conditions that might be relieved by smoking marijuana. Today there is no such alternative available."

This amendment would affect only the States that allow the use of medical marijuana by preventing the Justice Department from arresting, prosecuting, suing, or otherwise discouraging doctors and patients in those States from following the laws of those States to relieve their physical injuries and conditions.

In the Supreme Court's majority opinion last week, Justice John Paul Stevens wrote that the issue can be addressed "through the democratic process, in which the voices of voters allied with these respondents may one day be heard in the halls of Congress." With this amendment, we intend to use the powers granted us in the Constitution and reaffirmed by the Supreme Court last week to do just that.

Opponents of this amendment have tried to misrepresent it. This amendment does not encourage the recreational use of marijuana. It does not encourage drug use in children. It does not legalize marijuana. It would give relief to people suffering from horrific diseases and allow their doctors to decide which drugs will work best to do so. Organizations including the Nation's largest medical organization, the 2.7 million member American Nurses Association, the American Public Health Association, the American Academy of Family Physicians, and the New York State Medical Society, among others, have publicly endorsed the medical use of marijuana.

□ 1300

Our amendment is about compassion, in allowing patients the simple right of using the most effective medicine possible. Taxpayers' dollars should not be spent on sending seriously or terminally ill patients to jail. A vote for this amendment is a vote for States rights and for compassion. Ten States have decided to use medical marijuana in their laws. The Federal Government should not stand in their way.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to oppose this amendment. Marijuana is not a harmless drug. The National Institute on Drug Abuse, the American Medical Association and other science-based research institutes have documented the substantial risks of using marijuana. The FDA, on the other hand, has already approved Marinol, which contains THC, a derivative of the active chemical in marijuana, totally undermining claims that there is any need for medical marijuana.

If passed, this amendment would open the door for drug dealers to use medical marijuana exemptions as cover for their growing and selling operations. Up until recently, no adequate testing had been done in this country on the devastating effects of marijuana use. If only the young people of America knew of the study that just has been released recently that marijuana use curtails the development of the brain. We have very young people in this country using marijuana, and marijuana curtails the growth of our brain, and our brain is not mature until we are 25 years of age. Anything we do that encourages young people to use marijuana will have a devastating impact on their mental capacity.

I speak with a little experience on this. I have some friends who grew up when marijuana was the hot issue, and some of the brightest young people I knew became somewhat dull and have remained that way all of their life because the recent study proves that marijuana use curtails the growth and development of the brain.

I have never had a physician tell me that it was needed in his portfolio to treat medical diseases and pain. I have never had a physician, and I have been in the health care field, in the legislative process, for 20 some years.

Medical marijuana is not something that is needed in this country. It is a drug that stops the development of the brains in our youth, and it should not become legal in any way, in my view.

Mr. HINCHEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I will not contest the gentleman from Pennsylvania on the intellectual level of some of his companions, but on other issues, I very much disagree with what he has had to say.

As to its relevance, yes, marijuana is and can be a drug with serious adverse consequences. So is OxyContin. So are many other substances that can only be legally administered by a physician with a prescription.

This is not a bill to make marijuana generally available. It is not a bill to put it in baby formula. It says, what is the rationale for singling out marijuana and saying that no doctor in no State can prescribe that even if that doctor feels that is the only way or the most effective way to alleviate pain? And I say most effective.

I would have hoped we would have learned something about trying to practice medicine here. They released today the autopsy, sadly, in that tragic case of Terri Schiavo. Apparently, according to the autopsy, not only was she in a persistent vegetative state, she was blind. The fact is that we had people on the floor of this House a few months ago directly controverting what we now know to be the medical facts.

Let us not do that again. Let us not say that we will decide on a political basis at the national level that no State is competent to regulate the practice of medicine in that State if they decide to allow a doctor to prescribe marijuana, because that is what we are talking about. The regulation of medicine has been a State function. Some States have decided to allow their doctors to prescribe marijuana. This has got a double safeguard. The State has to decide to do it, and then a physician has to decide to do it.

If there are physicians that you think are misusing this, and there are with substances. Rush Limbaugh got into trouble with OxyContin. That does not mean because something can be legally prescribed that you look away when it has been illegally used.

So let us treat marijuana the way we treat many, many other substances with far more impact on individuals. Let us leave this to the States and leave it to the doctors, and let us stop this practice, which I have commented on before, where most of us are not doctors, but try to play them on C-SPAN.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman for yielding me this time.

Mr. Chairman, I serve on the Judiciary Committee where we look at these types of issues. I appreciate the support of the gentleman from Virginia on this cause.

As I listened to the gentleman from Massachusetts make the allegation that no doctor in no State shall prescribe medicinal marijuana, I acknowledge the statement, and the implication at least was that this is new legal ground that we are plowing here. But, in fact, the FDA says no doctor in no State shall prescribe a pharmaceutical or medicine that is not approved by the FDA. That is why we had this major debate in this Congress here a year or so ago with regard to the reimportation of drugs.

So it is not new ground. It is old ground. It is old ground, and we know the cause, and we know what the driving force is behind this. It is seeking to get the camel's nose under the tent, seeking to establish a very small sliver of marijuana so that eventually the people that are behind this, that want to legalize marijuana in their individual States and across this country, can drive that wedge in and eventually be able to legalize this substance that has not been supported by any branch of medicine that I can identify. The American Medical Association, the National Multiple Sclerosis Society, Glaucoma Society, Academy of Ophthalmology, Cancer Society all have rejected marijuana for medical purposes.

What we have here is an initiative that is designed to advance a social agenda, the social agenda of the people that want to legalize marijuana. And, in fact, if we do that, we are going to see it planted in more places around this country, not less, and more accessible to more people, and this society will be more replete with the abuse of this hallucinogenic drug, a gateway drug that reduces the productivity of the American people and causes more people to get on to serious drugs, such as methamphetamines, heroin, cocaine, et cetera.

I urge a "no" vote on this amendment.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman from New York for yielding me this time, and I thank him for his leadership, he and the gentleman from California (Mr. ROHRABACHER), for bringing this important bipartisan initiative to the floor. What we are discussing today is compassion, and that is a bipartisan value. I am grateful for their leadership on this issue that is critical to many in my district and across the country who are suffering from debilitating illnesses and to those who care for them.

Before I proceed with my comments, though, I want to acknowledge the tremendous leadership of the Chair of this subcommittee of appropriations, the subcommittee that has such a long name now, but we all know it is the gentleman from Virginia (Mr. WOLF). He knows, and every chance I get, I want to tell others, of the high regard that I have for him. It is a privilege to call him colleague and to serve with him in the Congress of the United States. Again, every chance I get, I want to acknowledge his tremendous leadership, especially for respecting the human rights of every person on the face of the Earth.

I thank the gentleman from Virginia (Mr. WOLF), the gentleman from New York (Mr. SERRANO) and the gentleman from West Virginia (Mr. MOLLOHAN) as well for their leadership on this important subcommittee.

This amendment, Mr. Chairman, is especially timely coming on the heels of the Supreme Court decision last week. The Court's decision makes clear that Federal regulatory and statutory changes are needed. For that reason, I strongly support the proposed legislation of the gentleman from Massachusetts (Mr. FRANK) that would change Federal laws to permit medical marijuana pursuant to State law. Make sure you know that what we are talking about here is in regard to States passing their own laws or initiatives and what would happen in this initiative, which is needed because we do not have a Federal law to respect States' rights specifically in terms of medicinal marijuana.

This amendment is necessary because it would prohibit the Justice Department from spending any funds to undermine State medical marijuana laws. It would leave to the discretion of the States how they would alleviate suffering of their citizens. This is a States rights issue. I have been a longstanding advocate for allowing States to make medical marijuana available to patients under a doctor's recommendation to alleviate painful suffering. A doctor's prescription is needed for a substance that is not otherwise legal. Doctors write prescriptions every day for that purpose, and they should be able to do so if their States allow it in the case of medical marijuana.

In my district in San Francisco, we have lost more than 20,000 people to AIDS over the last two decades. Twenty thousand people. I have seen firsthand at the bedsides of these patients the suffering that accompanies this dreadful disease. Medical marijuana alleviates some of the most debilitating symptoms of AIDS, including pain, wasting syndrome and nausea. It is not confined to AIDS, but also cancer and so many examples that our colleagues will point out. This is just the compassionate way to go.

The previous speaker says he knows of no scientific or medical institution that has said anything positive about this. I beg to differ. The fact is this has been supported by science. In 1999, the Institute of Medicine issued a report that had been commissioned by the Office of National Drug Control Policy. The study found that medical marijuana would be advantageous in the treatment of some diseases and is potentially effective in treating pain. Medical journals and other recent articles attest to the fact that active components in medical marijuana inhibit pain. Other proven medicinal uses of marijuana include improving the quality of life, as I mentioned before, for patients with cancer, multiple sclerosis and other severe medical conditions. That is why many medical associations support legal access to medical marijuana, again, if the State allows it with a doctor's prescription, including the American Academy of HIV Medicine, the American Academy of Family Physicians, the American Nurses Association, the American Public Health Association and the AIDS Action Council.

In addition, more than 10 States, including my own State of California, have adopted these laws since 1996. Most of these laws were approved by a vote of the people. Numerous polls indicate that three-quarters of the American people support the right of patients to use marijuana with a doctor's prescription. A recent AARP poll showed that 92 percent of America's seniors support the use of medicinal marijuana with a doctor's prescription in the States where it is allowed.

Religious denominations also support legal access to medical marijuana, including the Episcopal Church, the Evangelical Lutheran Church, the National Council of Churches, the National Progressive Baptist Convention, the Presbyterian Church, the Union for Reform Judaism, the United Church of Christ, the Unitarian Universalist Association, and the United Methodist Church.

We must not make criminals of criminally ill people. Excuse me. We must not make criminals of seriously ill people. My slip of the tongue may tell the tale. It is not a crime to be ill. If we need to have access to pain relief, the people who seek this therapy should be able to receive it. It is long past time to base our policies on science and not on misguided politics. The Hinchey-Rohrabacher amendment affects the health and well-being of so many Americans, and I urge my colleagues to vote for it.

I also want to commend again the gentleman from California (Mr. ROHRABACHER) and the gentleman from New York (Mr. HINCHEY) for their courage in bringing this important bipartisan, compassionate legislation to the floor.

Mr. WOLF. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. SOUDER), who has been a leader on this issue.

Mr. SOUDER. I thank the gentleman for his leadership.

Mr. Chairman, I rise in opposition to this promarijuana amendment. It has little, little to do with compassion. It is hiding behind a few sick people to try to, in effect, legalize, back door, marijuana in this country.

This amendment would prohibit the Department of Justice from enforcing Federal drug laws against anyone hiding behind a State medical marijuana statute. If passed, this amendment would put people in danger of shysters and quacks willing to recommend a dangerous drug, marijuana, in place of federally approved safe and proven medicines. You can get Marinol. We have got other ways by taking a pill to treat this. There are multiple chemicals in marijuana. It is not medicine. Marijuana is just as much medicine as the carbolic smoke ball from the late 19th century was medicine.

□ 1315

The carbolic smoke ball promised in this ad we can see promised to cure everything from asthma to sore eyes to diphtheria. Consumers were told to smoke the carbolic smoke ball three times a day for what ailed them. Similarly, snake-oil salesmen promised through their quackery that their product could cure all aches and pains.

This is why we passed the Food and Drug Act. That is why we have an FDA, to protect consumers from the nostrums of the day. Congress acted responsibly in protecting this country from fraudulent claims of nostrum sellers and from using unsafe drugs from being taken by sick or afflicted consumers. Do the Members think these people were not sick and these people did not want to be cured? But they were sold products that, in fact, could not deliver. They made them drunk just like marijuana makes one high. What they do is isolate the chemicals inside to treat the disease.

One does not smoke pot. I have told this body several times before about Irma Perez, but many seem to have a short memory about this. The rhetoric about marijuana as a "treatment" for medical purposes, which probably was dreamed up at some college dorm, was a factor in the death of Irma Perez. She was 14 years old. She heard all this talk about medical marijuana even on the floors of Congress, and she was suffering from an Ecstasy overdose. And her friends gave her marijuana, thinking it was medical instead of getting her a doctor. A medical examiner said that had she received real medical attention rather than so-called medical marijuana, Irma Perez would still be alive.

There is a reason that marijuana is illegal, a Schedule I controlled substance. It has not met the rigorous approval process of the FDA. In fact, nearly 60 percent of people in drug treatment in America are in treatment for marijuana. Marijuana has never been proven safe and effective for any disease. To the contrary, it has been linked to a greater risk of heart disease, lung cancer, bronchitis, and emphysema. The Office of National Drug Control Policy notes evidence that marijuana can increase the risk of serious mental health problems, and in teens marijuana can lead to depression, thoughts of suicide, and schizophrenia.

There is a cost to Members of Congress standing up here and pretending that this is medical. This is not safe medicine. It is not safe and effective. It is dangerous. It contains more than 400 chemicals. Moreover, we know from survey data that so-called medical marijuana is not used for medicinal purposes except in very few cases, but for recreational and emotional reasons. One single doctor in Oregon wrote more than 4,000 prescriptions for people to use marijuana. His medical license was finally suspended last year for his failure to provide proper examinations or oversight of this so-called "treatment."

We have marijuana coffee houses proliferating in these States that are supposedly for cancer patients. There are people growing tens of hundreds of acres and putting medical marijuana in front of it and hiding and saying "we are helping cancer patients," which is not true.

Finally, pro-marijuana advocates exploit the stories of people who are suffering from real pain or illness as a wedge for their pro-drug agenda, claiming that marijuana is necessary to alleviate their pain. It is simply not proven, not true, and becoming less true every single year for even the exceptional case.

The good news is that Marinol, a synthetic version of marijuana's derivative THC, has been approved by FDA as medication for appropriate treatment by prescription. Marinol has met the rigorous standard for "safe and effective" that is required for all drugs. It will be great for cancer patients and is working now in all of them. Originally, Members got on this floor and said it could not stop vomiting. It does.

The bad news is that proponents of medical marijuana are perpetrating a fraud on the public by claiming that home-grown weed, pot, reefer, marijuana, or whatever one wants to call it, should be used as medicine. Medical marijuana is a ruse. Marijuana is a dangerous and illicit drug, period.

I urge my colleagues to vote against this amendment.

Mr. HINCHEY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of this amendment. I rise in support of the separation of powers as established by our Founding Fathers in the Constitution. The Constitution clearly delegates the power to deal with criminal matters, like the use of drugs, to the States.

I agree with my colleagues, even the one who just preceded me, that marijuana is probably a dangerous drug, and I would not suggest that we do anything to encourage its use. Certainly the war on drugs has not eliminated that choice for our young people one iota. Our approach at supply rather than looking at demand has not been successful. But, most importantly, this drug, which may be harmful, reflects many other drugs that may well be harmful, but that we have decided as a society should be permitted to be prescribed by doctors whom we have empowered to make such prescriptions to people who are suffering from illnesses. There are many drugs that have many serious side effects and that are harmful to people. Marijuana is no different than that. And especially we should try to discourage young people from using marijuana.

But simply to override all of the powers of the people of the States of this Union to determine that decision and to override criminal matters that have been decided by the people of States is unconstitutional. The fact is our Founding Fathers wanted these issues to be determined in the States. All this decision we are making today is, should we use Federal money and use Federal resources to override the wishes of the people of the States who have voted, and in my State there was a referendum which won handily, on this issue. And the issue is that they have a right to decide at the State level should a doctor be able to prescribe marijuana to someone who is suffering, a cancer victim, an AIDS victim, or whatever. This makes all the sense in the world.

Let us not have a power grab by the Federal Government at the expense of these poor patients and the right of doctors to make these decisions and not politicians.

Mr. WOLF. Mr. Chairman, I yield myself 1½ minutes.

I rise in opposition to the amendment. Not only does the amendment hurt law enforcement's efforts to combat drug trafficking, but it really sends the wrong message to our children. Marijuana is the most abused drug in the United States. According to the ONDCP and the DEA, more young people are now in treatment for marijuana dependency than for alcohol or all other illegal drugs.

Mr. Chairman, if I could just read that one more time: according to the ONDCP and the DEA, more young people are now in treatment for marijuana dependency than for alcohol or for all other illegal drugs.

This amendment does not address the problem of marijuana abuse, and I know and I want to stipulate that it is not the intention of the authors, but it possibly makes it worse by sending the message to young people that there are going to be health benefits for smoking marijuana. I think it is confusing to young people for the Congress to do that. I understand what the authors of the amendment are trying to do, but it would be confusing and I think the wrong message.

Last year, this amendment failed by a vote of 148 to 268, and I urge rejection of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR), a sponsor of this amendment.

Mr. FARR. Mr. Chairman, I thank the gentleman for yielding me this time.

I stand as a Member from California, which has had a law for almost 10 years now allowing the medical prescription use of marijuana for alleviating pain. It has not been a problem in California. It does not legalize drugs. It does not get drugs into the hands of kids. That law is enforced. Drug laws in California are strictly enforced by local law enforcement. But local law enforcement also supports in my community this use of pain relief.

I mean, this issue is about doctors and patients, doctors who prescribe for pain. They can have all kinds of alternatives prescribed. In some cases, this is the way that pain is best relieved. So what we are asking is that no money be spent to enforce the laws in those States that have been working. The Supreme Court did not strike down those laws. They did not say they were illegal. This is the ability of whether Congress is going to now step in and require those 10 States that have practices in place that are alleviating pain that they can no longer do that.

Do not allow the Federal Government to bust old ladies who are suffering from pain and have a prescription for relief.

Mr. Chairman, I rise in support of the Hinchey amendment and am proud to be a cosponsor of that amendment.

Opponents of this amendment would want you to believe that this amendment is all about legalizing pot, or about unfettered access to street drugs, or about creating a generation of drug addicts.

They know it's not and their exaggeration won't change the facts.

The facts are—

This amendment is about States rights and the ultimate right of the citizens to empower their government through the democratic process.

This amendment is about health care, under a doctor's prescription and direction.

This amendment is about compassion and caring for persons who suffer from chronic pain and/or terminal illnesses.

This amendment is not about legalizing or decriminalizing marijuana.

This amendment is not about unfettered marijuana growth, distribution or usage. It is about regulated, controlled access.

My friends across the aisle seem to forget that this body, this House of Representatives gets its power from the people. In the United States the people empower their government, not the reverse.

In this country the people have the right to tell government how to govern.

In this country the people have the right to petition their government for change.

And when that happens, this government, this House of Representatives, has an obligation to respond.

When Americans called for an end to discrimination, we had an obligation to pass the Civil Rights Act.

When Americans called for fairness to persons with disabilities, we had an obligation to pass the Americans with Disabilities Act.

Ten states and millions of American citizens have voted to make it the law in their states that marijuana is available through prescriptions for health care purposes.

They are asking us—their representatives in Congress—to change the law to make it so. We have an obligation to respond.

The Hinchey amendment is the responsible thing to do. It is the right thing to do.

I urge everyone to vote "yes" on the Hinchey amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Mr. Chairman, I urge my colleagues to vote against this amendment.

Marijuana is not a therapeutic drug. It is a harmful drug. Proponents of medical marijuana claim that drugs help alleviate pain, nausea, vomiting, and loss of appetite for the terminally ill. But these alleged benefits are rejected by medical authorities. The American Medical Association, National Multiple Sclerosis Society, the American Glaucoma Society, the American Academy of Ophthalmology, and the American Cancer Society, however, have all rejected the use of marijuana for medical purposes.

Further, smoking pot is physically harmful. Smoking pot delivers three to five times the amount of tar and carbon monoxide as cigarettes. According to the National Institute on Drug Abuse, studies show that someone who smokes five joints per week may be taking in as much cancer-causing chemicals as someone who smokes a full pack of cigarettes every day. Smoking pot is not helpful; it is harmful.

I urge my colleagues to vote against this amendment.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, like my constituents. I believe that doctors should be permitted to prescribe marijuana for patients suffering debilitating diseases like cancer, AIDS, glaucoma, spastic disorders, and many more. We want the Federal Government to get out of our way because our State of California passed Proposition 215 in 1996, allowing for the use of marijuana for medical purposes.

The Members should know that my mother suffered from glaucoma and marijuana relieved her tremendously. In fact, her favorite Christmas present was a tin of marijuana. She is gone now. but I am certain that I speak for her today in asking that those who suffer from these debilitating diseases get help and can use marijuana if that help works. We want the Justice Department to stop punishing those who are abiding by their State laws. Join me in supporting this important amendment.

Mr. WOLF. Mr. Chairman. I reserve the balance of my time.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman. I am sorry that the debate on this issue is so limited. The gentleman from California (Mr. FARR). was unable to present the evidence that the teen use of marijuana, since the approval by the State of California. has gone down. And I would put this in the RECORD.

This is an opportunity for us to clarify that the 10 States, including my State of Oregon, which was approved by the voters, have the right to make sure that the 10,000 people who are using medical marijuana under the supervision of 1,700 doctors have that right. It is outrageous that the Federal Government would intervene over the rights of States like mine, like Arizona, like California where people are taking these steps. It is a sorry continuation of attempts by this Congress to try to criminalize Oregon's Death with Dignity law. the only State in the Union with end-of-life protection, and the sorry spectacle we had here on the floor where Congress was intervening with the Terry Schiavo family.

I strongly urge the approval of this amendment.

☐ 1330

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, this amendment extends the protections already provided at the State level in 10 States to the Federal level. It ensures that critically ill patients can find relief from nausea and pain without worrying that the Federal Government will prosecute them. The Federal Government should use its power to help terminally ill citizens, not arrest them.

Compassion ought to require us that we look at what we are doing here in this debate, trying to raise marijuana to the level of some kind of bogeyman when you have people who are suffering from terminal illness. and we are saying they should not be provided relief from pain.

What are we talking about in this Congress? Where is our compassion? Where is our understanding of what families go through when someone is suffering from a terminal illness, when people are looking for relief from pain? We are going to deny that to them because of some shibboleth about marijuana?

Let us get real. Let us support the Hinchey amendment.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, are we for States rights or not? I often hear from that side of the aisle we are for States rights. I guess we are for States rights until we disagree with policies adopted by a State.

My State and nine other States have by large margins adopted the right of people in a regulated way through physician prescription to receive medical marijuana for certain conditions for which there are few other effective or no other effective treatments. Plain and simple.

It is not about legalization. You say, well, do not cripple law enforcement. Do we want to divert our limited law enforcement resources, who cannot give me a permanent DEA agent to help with the meth epidemic in the rural areas of any district, into chasing around old, sick people growing marijuana? I do not think so. That is not helping law enforcement with their mission.

Let us focus them on things that are a real threat to the American people. not on issues that have been decided by the people of the various States that this is something that should be made available in a compassionate way to help a few people.

Mr. HINCHEY. Mr. Chairman. I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, I oppose legalizing marijuana. but I support this amendment. Just like the other voters in California, I do not see why we should prohibit doctors from providing for pain relief for their patients.

I will talk to you about someone I knew. I will call him Mr. X. He had terminal cancer, and he could not eat. and the only thing that could get him an appetite was marijuana. Mr. X, who was my age, had to go out and buy marijuana illegally. It was so horrible for him.

Why should we force the indignity on terminal cancer patients of having to do that? That is why my State voted to allow doctors to prescribe marijuana, so that cancer patients who cannot eat have the chance to get some nutrition. For the life of me, I cannot understand why we would interfere with that, and I strongly, strongly urge, on behalf of all cancer patients, please support this amendment.

Mr. HINCHEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to support the amendment. I ask respect for those who oppose this amendment, but I ask respect, kindness and love for those suffering with cancer. There is not a family in America that is not touched by this devastating disease.

Allow the Hinchey amendment to go forward, so there can be healing and comfort for those dying of an enormously devastating disease. That is all we ask for, and, of course, the protection of the 10th amendment, that allows States to govern the laws of their particular jurisdiction, to protect the people of their State. Support the Hinchey amendment.

I rise today in support of the Hinchey Medical Marijuana amendment. According to the Mayo Clinic, marijuana has been used as a medical treatment for thousands of years. Further, the use of marijuana for medical purposes has been proven to be beneficial in the treatment of glaucoma, cancer, multiple sclerosis, epilepsy and chronic pain.

Despite various studies and reports by medical experts, the U.S. Supreme Court, on Monday of last week, handed down its rule which would allow sick patients who rely on marijuana to relieve pain or to help with their medical conditions to be prosecuted under Federal law even if their home State allows use of the drug for such medical purposes. The 6–3 decision came as a setback to the medical marijuana movement, but it does not change the laws of the 10 States that allow patients to use the drug to ease symptoms. Needless to say, I am very disappointed with the Court's decision.

To this end, I strongly support the Hinchey amendment. This amendment would prohibit the Justice Department from preventing States that have passed medical marijuana laws from implementing them. Currently ten States have adopted laws that allow the use of marijuana for medical purposes: Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, Oregon, Vermont, and Washington. These laws were passed to allow the use of marijuana to relieve the intense pain and other symptoms that accompany several debilitating diseases, including aids, cancer, multiple sclerosis, and glaucoma. The DEA has conducted numerous raids on the homes of medical marijuana users, prosecuting patients who were using marijuana, in accordance with State laws, to relieve this pain.

Before closing, it is important to note that the Hinchey amendment will not change marijuana's classification as a Schedule I narcotic, require States to adopt medical marijuana laws, stop law enforcement officials from prosecuting the illegal use of marijuana, encourage drug use in children, and legalize marijuana or other drugs.

I urge my colleagues to support this amendment.

Mr. HINCHEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me just say in closing that the opposition to this amendment today on the floor has presented 19th century arguments for a 21st century problem.

We have people in this country who are suffering the debilitating pain that comes from cancer and chemotherapy. No relief is available to them except by association with cannabinoids. That association should be allowed under a doctor's prescription. That condition exists now in 10 States across this country. This Congress says to those 10 States, I am sorry, but you cannot do it. We are intervening.

That should stop. This Congress should not be about inducing pain, encouraging pain. This Congress should be about relieving pain in the American people. This Congress should be about enlightened medication and an enlightened health care delivery system, not one based upon 19th century prejudices, biases and a narrow ideology.

Let us pass this amendment. Let us be sensible, creative, decent and caring for the American people. Let us pass this amendment.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just respond to what the gentleman said about this "narrow ideology." My mom died of cancer, my father died of cancer, there have been many people in my family on my mother's side who died of cancer. I, at one time, supported this and changed my vote in the Congress because I have seen the devastation that drugs can have on young people, the devastation that it is doing to many people.

So people can have differences of opinion. But when the gentleman uses these inflammatory rhetoric of "narrow ideology," it is like all truth is on their side, I think that is really the wrong tone. This is a serious issue. There are good and decent people on both sides. But I think the gentleman's tone and comments were really not exactly accurate.

I care as much about this issue, and I care as much about suffering and pain as the gentleman. I stood with my mom when she died and with my father when he died.

Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. SOUDER).

The CHAIRMAN. The gentleman from Indiana is recognized for 2½ minutes.

Mr. SOUDER. Mr. Chairman, let me state that my mother and father-in-law both recently died of cancer as well.

Compassion is not limited to either side, but there is science and there is not science. In fact, the Carbolic Smoke Balls and the snake oil is very similar; getting high is the same as getting splashed.

There are, in fact, medical solutions to what has been talked about today. Serostim deals with wasting in AIDS, as does Megestrol, and they have been found by FDA to treat the very things they claim that you want treated today. You do not get high in the process, but your pain is relieved. Marinol treats the vomiting questions and other questions. It isolates the substances in it. There are 200 chemicals in marijuana. One gets you high, but other parts actually can be isolated just like in other things.

Furthermore, we have heard kind of a silly argument here on the House floor today that physicians should be making up FDA law. Physicians do not do trials of different drugs when they come to market. Physicians do not have big testing agencies. That is why we have a Food and Drug Administration. This is in effect asking to repeal the Food and Drug Administration.

Then we have kind of a very interesting legal argument going on here, not whether States have rights, but when the Federal Government has ruled, can States nullify a Federal law? The Supreme Court has always ruled unanimously that they do not, ever since the Civil War. We fought a war over nullification.

We do not believe in States rights on civil rights questions and others. When the Federal Government rules, the Court is unanimous. The split decision the other week was best explained by Justice Scalia for the majority, who said that you cannot have intrastate and interstate definitions when you are dealing with marijuana.

These huge marijuana plantations that are growing in the State of California, which, by the way, there is no limitation on doctors to cancer patients. We had one testify in our committee who gave so-called medical marijuana to teenagers for ADD, that doctors prescribe it for fingernail pain.

There is not this restriction on cancer. It is a bogus debate. California does not have that restriction. These huge marijuana plantations, nobody is going after individual doctors except in a test case where somebody wants to do it. We are going after the people prescribing to thousands of people, to the coffee shops that are proliferating in these States where the people were sold a bill of goods that they were working with cancer patients, and instead now they see the proliferation of coffee houses, they see the proliferation of marijuana plantations, with signs up in front of them saying, "This is all for medical purposes."

We in Congress have a responsibility to lead in this country, not to buy into college dormitory-type thoughts of "wouldn't it be great if we called marijuana medical, and then we could smoke pot?"

That is why the vote has actually declined the last few years here in Congress, and after the Supreme Court ruling last week, I believe it will decline even further, because there is not an intrastate. Not only was it previously upheld on interstate, it has now been upheld on intrastate, with Scalia being one of the great conservatives who historically has stood up for States rights explaining the difference very clearly.

I hope Members will join with the chairman in voting down this amendment.

Ms. ESHOO. Mr. Chairman, I rise in support of the Hinchey Amendment which will ban the U.S. Justice Department from spending taxpayer money to arrest or prosecute medical marijuana patients in the ten states where medical marijuana is legal: Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, Oregon, Vermont, and Washington.

In 1996, my home-state of California passed Proposition 215, the Compassionate Use Act, which gave seriously ill Californians the right to obtain and use marijuana for medical purposes. The medical use of the drug must be deemed appropriate and prescribed by a physician.

Since then, the U.S. Justice Department has initiated actions against individuals who are following State law and making marijuana available to individuals with a physician's prescription. Federal law enforcement officials should not be deployed to override State law in this regard.

Although the Supreme Court recently ruled that Federal drug law supercedes State medical marijuana statutes, there is no reason to imprison patients who are seeking relief from chronic pain or the doctors trying to help them.

The use of prescriptive medical marijuana is supported by the National Academy of Sciences' Institute of Medicine, the American Academy of Family Physicians, and the American Public Health Association. This is a matter of medicine not self indulgence. The use of marijuana for medical treatment should not be criminalized.

I urge all my colleagues to support this Amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

AMENDMENT OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCHIFF:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act for a DNA analysis and capacity enhancement program, and for other State, local, and Federal forensic activities, may be used for a grant to a State that does not have in effect policies and procedures to ensure that the State collects DNA from every felon convicted in the courts of the State.

Mr. WOLF. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. Pursuant to the order of the House of yesterday, the gentleman from California (Mr. SCHIFF) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as a former Federal prosecutor, I understand how the use of DNA profiles has become a powerful tool in solving crimes. States have taken the lead by expanding the use of DNA in crime-solving efforts.

The distinguished chairman's home in Virginia was the first to pass a DNA data bank law in 1989, requiring all convicted sex offenders to provide a DNA sample. Since then, Virginia has continued to be a leader in this area, expanding their law in 1990 to include all convicted felons, and further expanding it since. As a result of these laws, Virginia has obtained a staggering 2,747 hits by searching their database, solving countless crimes.

Because of the amazing crime-solving successes in Virginia, I introduced legislation in 2002 seeking to mandate an expansion of State collection regimes and an expansion of the Federal database by permitting States like Virginia to upload the increasing number and types of profiles they were obtaining.

At the time only 23 States had enacted legislation requiring DNA from convicted felons. Twenty-seven States, including my own State of California, were 12 years behind what Virginia had accomplished. Since then, I am pleased to report that 42 States have passed laws to require DNA from all convicted felons. It is now time for those last remaining eight States to come on board.

The U.S. Congress is putting a significant amount of money into DNA programs, over $177 million this year alone, with the goal of not just reducing backlogs, but also solving and preventing crimes. The eight States that do not currently collect from all convicted felons are not obtaining the hits that they should and are therefore making the entire system inefficient since cross-State matches are not being made.

These States must modernize their collection. Since these violent offenders know no State boundaries, the failure to upload these samples puts all citizens at risk, and the Federal Government has a compelling interest in making it so.

Statistics show that as many as half of the criminals that commit violent crimes have nonviolent criminal histories. Therefore, offenders who are required to submit DNA when convicted of nonviolent felonies will be identified as they leave DNA behind later at rape and murder scenes.

States originally thought there would be no law enforcement value to collecting samples from convicted felons when the crime was not sexual in nature or not particularly violent. They were wrong. Virginia's offender hits, primarily from previous nonviolent and nonsexual convictions, have aided over 2,700 investigations, including 15 rapes, 255 murders and 521 sex crimes.

Mr. Chairman, I will cite only one of the countless examples we have seen of the tragic consequences of inadequate DNA collection schemes. Some years ago, four Springfield, Massachusetts, women fell victim to a serial rapist and murderer.

☐ 1345

The man who later turned out to be the rapist and murderer had prior nonviolent felony convictions for breaking and entering and for larceny. He was sentenced to community supervision. If Massachusetts at the time had required him to give a DNA sample after either of his 1996 convictions, a DNA match could have been obtained after the first rape and murder, thereby preventing the subsequent three tragedies. Massachusetts has since modernized their law to obtain samples from all convicted felons.

Mr. Chairman, the results speak for themselves. DNA databanks are most effective with the inclusion of at least all convicted felons and applied to all forms of cases. While I will withdraw this amendment, as I know the chairman has a point of order, I intend to introduce legislation to make these important changes and would very much like to work with the chairman on it.

Mr. Chairman, I do have a second amendment which I will not speak on now because the chairman was kind enough to let me speak on it earlier, but I would like to take the opportunity immediately after consideration of this amendment to make the formal offer of that amendment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCHIFF:

At the end of the bill (preceding the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 8 . It is the sense of Congress that all necessary steps should be taken to provide adequate security for the judiciary and to protect and uphold the independence of the judicial branch.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment proposes to state a legislative provision.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. SCHIFF. I do, Mr. Chairman.

Mr. Chairman, I will be very brief, and I appreciate the opportunity to speak again on the substance of this amendment.

This is merely a sense of Congress respecting the integrity and the independence of the judiciary. I know the honorable chairman offered a sense of Congress amendment on Darfur last year to the appropriation bill. This is similarly merely a sense of Congress amendment asking that we not only observe the independence of the judiciary, but make sure we provide for the safety of the bench. We just saw another shooting today outside of a courthouse, and I would ask the chairman to consider this sense of Congress much as the one that was offered last session.

The CHAIRMAN. Does any further Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment expresses legislative sentiment. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT NO. 29 OFFERED BY MR. OTTER

Mr. OTTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mr. OTTER:

Page 108, after line 7, insert the following:

TITLE VIII—LIMITATION ON AUTHORITY TO DELAY NOTICE OF SEARCH WARRANTS

SEC. 801. Section 3103a of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "may have an adverse result (as defined in section 2705)" and inserting "will endanger the life or physical safety of an individual, result in flight from prosecution or the intimidation of a potential witness, or result in the destruction of or tampering with the evidence sought under the warrant"; and

(B) in paragraph (3), by striking "a reasonable period" and all that follows and inserting "seven calendar days, which period, upon application of the Attorney General, the Deputy Attorney General, or an Associate Attorney General, may thereafter be extended by the court for additional periods of up to 21 calendar days each if the court finds, for each application, reasonable cause to believe that notice of the execution of the warrant will endanger the life or physical safety of an individual, result in flight from prosecution, or result in the destruction of or tampering with the evidence sought under the warrant."; and

(2) by adding at the end the following new subsection:

"(c) REPORTS.—(1) On a semiannual basis, the Attorney General shall transmit to Congress and make public a report concerning all requests for delays of notice, and for extensions of delays of notice, with respect to warrants under subsection (b).

"(2) Each report under paragraph (1) shall include, with respect to the preceding six-month period—

"(A) the total number of requests for delays of notice with respect to warrants under subsection (b);

"(B) the total number of such requests granted or denied; and

"(C) for each request for delayed notice that was granted, the total number of applications for extensions of the delay of notice and the total number of such extensions granted or denied.".

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Idaho (Mr. OTTER) and a Member opposed each will control 5 minutes.

Mr. WOLF. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) reserves a point of order.

The gentleman from Idaho (Mr. OTTER) is recognized for 5 minutes.

Mr. OTTER. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the chairman allowing me the opportunity to speak on this amendment that I believe renews an important balance between protecting our Nation and confirming the freedom on which our Nation was founded.

While I realize the language is subject to a point of order, I believe it is imperative that we have this debate today. This issue drives to the core of who we hope to be as Americans, and it is important to address it on the floor of this House.

The fourth amendment, which protects us from unreasonable search and seizures by the government, is fundamental to the Bill of Rights because it protects our rights to be individual and to be private. Its creators, under direction, I believe, of their Creator, endorsed the principle that it is the government's role to protect that right and not to encroach upon it. The idea of individuality, that each person is created uniquely and with certain inborn rights that government cannot take away, is the most basic expression of who we are as a Nation and a people.

That is why I am so concerned about the way we have expanded the government's power to delay notification of search and seizure of our privacy. The issue at hand is not when or where or how often these warrants are used, but that the government holds these broad and sweeping powers at all.

It is important to know that we are safe and secure within the borders of this country. But Americans can only be secure with their liberties, and Americans are only safe, if they are free.

I understand that "sneak and peek" warrants were used before the passage of the PATRIOT Act, and I recognize that the courts have upheld their use in limited and extraordinary circumstances, but this does not justify the serious steps taken by the USA PATRIOT Act to erode away the protections offered by the fourth amendment. By broadening the use of "sneak and peek" warrants and making them the standard rather than the exception, the PATRIOT Act threatens our liberties that are given us by our Creator and protected under our Constitution.

That is why I am offering this amendment today. My amendment narrows the scope of "sneak and peek" and brings back the judicial oversight that was built into our Constitution and is the balance of power in our government. It more carefully defines the very specific circumstances in which a "sneak and peek" warrant can be used.

It also employs the notification procedure upheld by most courts before the USA PATRIOT Act. If we are going to codify this already questionable tactic, should we not at least limit it to the practice established by the courts before the USA PATRIOT Act?

This debate is even more critical this year, as we will soon be deliberating reauthorization of parts of the USA PATRIOT Act. While this amendment may not be in order today, I implore my colleagues to give this issue the consideration it deserves when the reauthorization bill does come to the floor.

As Americans, it is our fundamental belief that each of us is ultimately responsible for safeguarding our freedom and our safety. It is our obligation, nay, our duty, Mr. Chairman, as citizens of this great Nation, to see that no one, not even our own government, is allowed to take these freedoms and responsibilities away.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, we still reserve a point of order.

Mr. OTTER. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding me this time. I want to compliment the gentleman for bringing this amendment to the floor, and I want to express my disappointment if it is ruled out of order because this is such an important issue.

The fourth amendment is worth fighting for. The Founders of the country thought it was literally worth fighting for, and yet I see us here in the Congress willing to sacrifice it too easily.

One of the arguments is that success has been proven that these easy-to-obtain search warrants have produced success in catching certain criminals, but that does not prove that we could not have done it legitimately by following the fourth amendment; so we do not know whether they would not have been caught or not. Another thing is: does sacrificing security and liberty ever justify more catching of so-called criminals? What if we had a total police state? What if we turned our whole country into a concentration camp? We could make sure there would be no crimes whatsoever.

The trade-off is too great. We should never trade off safety and security for our liberties, and I think that is what we have done with the PATRIOT Act.

I want to congratulate the gentleman for bringing this to our attention; and, hopefully, we will eventually protect the fourth amendment.

Mr. OTTER. Mr. Chairman, might I inquire as to the time left.

The CHAIRMAN. The gentleman from Idaho has 30 seconds remaining.

Mr. OTTER. Mr. Chairman, I yield myself the remaining time.

I would like to close by saying that those people that the gentleman from Texas (Mr. PAUL) talked about are the same people that believe that sidewalks cause rain. They believe that this PATRIOT Act has truly cut down on crime.

Americans have a right to security not only in their persons and their property, but their civil liberties as well. Though I must withdraw my amendment, I am hopeful that we can work together during the upcoming days and weeks in reauthorization debate to offer security to the American people without changing the essence of what it means to be an American.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

There was no objection.

SEQUENTIAL VOTES IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment offered by Mr. WEINER of New York; amendment offered by Mr. INSLEE of Washington; amendment offered by Mr. HAYWORTH of Arizona; amendment offered by Mr. FLAKE of Arizona; and an amendment offered by Mr. HINCHEY of New York.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. WEINER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 31, noes 396, not voting 6, as follows:

[Roll No. 251]

AYES—31

Ackerman
Barrow
Bishop (NY)
Boswell
Bradley (NH)
Carson
Conyers
Davis (IL)
Green, Gene
Hastings (FL)
Higgins
Holden
Israel
Kelly
Kucinich
Lowey
McIntyre
Menendez
Murphy
Owens
Pallone
Pascrell
Payne
Porter
Ramstad
Renzi
Rothman
Strickland
Towns
Velázquez
Weiner

NOES—396

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Cuellar
Hyde
Melancon
Miller (FL)
Oberstar
Sessions

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1417

Messrs. GEORGE MILLER of California, GUTIERREZ, ENGEL, MICHAUD, BERRY, BUTTERFIELD, ROGERS of Alabama, JACKSON of Illinois, Ms. SCHWARTZ of Pennsylvania, Mrs. BONO, Mr. McGOVERN, Mrs. NAPOLITANO, Mr. LoBIONDO and Mr. FORD changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MILLER of Florida. Mr. Chairman on rollcall No. 251, I was unavoidably detained. Had I been present, I would have voted "no."

Mr. MELANCON. Mr. Chairman, on rollcall No. 251, Had I been on the floor, I would have voted "no."

AMENDMENT OFFERED BY MR. INSLEE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. INSLEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 248, not voting 8, as follows:

[Roll No. 252]

AYES—177

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Bilirakis
Bishop (NY)
Blumenauer
Boucher
Boyd
Bradley (NH)
Brown (OH)
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardin
Case
Castle
Clay
Cleaver
Conyers
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Fossella
Frank (MA)
Gerlach
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Hefley
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson, E. B.
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
Kline
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lowey
Mack
Maloney
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore (WI)
Nadler
Napolitano
Neal (MA)
Olver
Ortiz
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Platts
Poe
Pomeroy
Price (NC)
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Shays
Simmons
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn
Young (FL)

NOES—248

Abercrombie
Aderholt
Akin
Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carnahan
Carson
Carter
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Etheridge
Evans
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Manzullo
Marchant
Markey
Matheson
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Otter
Owens
Oxley
Pastor
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Saxton
Schwarz (MI)
Sensenbrenner
Serrano
Shadegg
Shaw
Sherman
Sherwood
Shuster
Simpson
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—8

Bachus
Cardoza
Cuellar
Hyde
Jones (OH)
Oberstar
Sessions
Shimkus

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1426

Mr. SHAYS changed his vote from "no" to "aye."

Mr. BERMAN changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 33 OFFERED BY MR. HAYWORTH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 124, noes 304, not voting 5, as follows:

[Roll No. 253]

AYES—124

Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Bonilla
Bonner
Bono
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Carter
Chabot
Coble
Cubin
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
Diaz-Balart, M.
Drake
Duncan
Emerson
Everett
Feeney
Foley
Forbes
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hostettler
Hulshof
Hunter
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
King (IA)
Kingston
Kuhl (NY)
Lewis (KY)

Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McIntyre
McMorris
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Norwood
Nussle
Otter
Paul
Peterson (MN)
Peterson (PA)
Petri
Platts
Poe
Pombo
Price (GA)
Ramstad
Renzi
Rogers (AL)
Rohrabacher
Royce
Sensenbrenner
Shadegg
Shaw
Shuster
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiberi
Upton
Wamp
Westmoreland
Whitfield
Young (AK)
Young (FL)

NOES—304

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Butterfield
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Granger
Green, Al
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Pickering
Pitts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—5

Cox
Cuellar
Hyde
Oberstar
Sessions

☐ 1434

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 216, not voting 7, as follows:

[Roll No. 254]

AYES—210

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown (SC)
Butterfield
Camp
Capps
Capuano
Cardin
Carson
Castle
Clay
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cubin
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Emerson
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Gillmor
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Ney
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wynn

NOES—216

Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berkley
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Boustany
Boyd
Bradley (NH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Cardoza
Carnahan
Carter
Case
Chabot
Chandler
Chocola
Cleaver
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Engel
English (PA)
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Murtha
Musgrave

Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Oxley
Pallone
Pascrell
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Salazar
Saxton
Schiff
Sensenbrenner
Shadegg
Shaw
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Turner
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—7

Brady (TX)
Cuellar
Garrett (NJ)
Hyde
Oberstar
Sessions
Tiberi

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

☐ 1442

Mr. CLEAVER changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HINCHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 264, not voting 8, as follows:

[Roll No. 255]

AYES—161

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Beauprez
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Clay
Cleaver
Costa
Crowley
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Frank (MA)
Gilchrest
Gonzalez
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Lantos
Larson (CT)
Lee
Lewis (GA)
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller, George
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Porter
Price (NC)
Rangel
Rehberg
Rohrabacher
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Simpson
Slaughter
Smith (WA)
Solis
Stark
Strickland
Tancredo
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—264

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costello
Cramer
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Conyers
Cox
Cuellar
Feeney
Garrett (NJ)
Hyde
Oberstar
Sessions

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1451

Mr. FORD changed his vote from "aye" to "no."

Mr. BACA changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to engage in a colloquy with the gentleman from Virginia (Mr. WOLF), the chairman of the subcommittee, and the gentleman from Maryland (Mr. RUPPERSBERGER) on an important issue regarding democracy in Venezuela.

Mr. Chairman, 2 weeks ago, several Members of Congress went to Venezuela and heard about the intimidation by the Venezuelan Government of a democracy advocate named Maria Corina Machado. Ms. Machado is the leader of Sumate, a Venezuelan nongovernmental electoral watchdog. Currently, she is charged by the Venezuelan Government for accepting illicit foreign financial contributions from our own National Endowment For Democracy.

Recently, Ms. Machado was invited to the White House to see the President and share her concerns about the endangered state of democracy in Venezuela. This Congress should stand behind Ms. Machado and support the growth of democracy in Venezuela.

Mr. WOLF. Mr. Chairman, I thank the gentleman from Virginia (Mr. TOM DAVIS).

Mr. RUPPERSBERGER. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Maryland.

Mr. RUPPERSBERGER. Mr. Chairman, I concur with the gentleman's interpretation of the difficult situation in Venezuela. Sumate has been one Venezuelan institution that has been willing and able to monitor the antidemocratic behavior of the Venezuelan Government. It has been able to bring the attention of the world to the decline in democracy in that country.

Mr. Chairman, this Congress should be supporting democratic institutions in Venezuela and those individuals fighting on the side of democracy. Does the gentleman from Virginia agree?

Mr. WOLF. Mr. Chairman, I do. I thank the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Maryland (Mr. RUPPERSBERGER) for their statements and leadership.

I think by their speaking today it sends a message to the world with regard to the importance of us promoting democracy and freedom in Venezuela. Democracy and human rights, whether it be in Venezuela or any place else, are basic fundamental freedoms that must always be preserved and supported.

The United States should always stand with those fighting for those freedoms. The United States should continue to send a clear message to everyone that we will stand with people like Ms. Machado and others like her who speak out for democracy.

I think what the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Maryland (Mr. RUPPERSBERGER) have done is send a message to the world. They have sent a message to the National Endowment For Democracy that when there is another grant application, that application should be met so she has that opportunity for freedom.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, moving to one other matter, it is my understanding that the 2006 Science, State, Justice and Commerce Appropriations bill requires agencies to notify the Committee on Appropriations 15 days before funds are reprogrammed to implement e-government initiatives.

As the chairman of the authorizing committee with jurisdiction over the E-Government Act, and in fact I was one of the authors of the E-Government Act, I would ask the gentleman from Virginia (Mr. WOLF) if he will share information that he obtains with the Committee on Government Reform on the funding and implementation of e-government initiatives in this bill so we could be so advised.

Mr. WOLF. Mr. Chairman, yes, I would be happy to provide the Committee on Government Reform with information received from the administration regarding e-government initiatives.

AMENDMENT NO. 1 OFFERED BY MR. CHOCOLA

Mr. CHOCOLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. CHOCOLA:

Page 108, after line 7, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available by this Act may be used by the National Aeronautics and Space Administration to employ any individual under the title "artist in residence".

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Indiana (Mr. CHOCOLA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. CHOCOLA).

Mr. CHOCOLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Virginia (Mr. WOLF) for his good work on this bill. I also appreciate the opportunity to offer this amendment.

This amendment is really about prioritizing spending and fiscal responsibility. Over the last 2 years, NASA has spent $20,000 for an artist-in-residence program. My amendment is designed to prevent or limit that practice in the future.

Mr. Chairman, nowhere in NASA's mission does it say anything about advancing fine arts or hiring a performance artist. In fact, Laurie Anderson, the person that was chosen to perform the role of a performance artist, when she was called to be offered the job, she said, Sure, what do I do?

And the response she got from NASA was, Well, we do not know; we have never done this before.

One of the first things that I did in 2003 after I showed up as a new Member of Congress is I attended a memorial service for the Columbia astronauts. Certainly, spending money by NASA on a performance artist and a artist-in-residence program does nothing to make sure that the shuttle program gets back into space and prevents such tragedies in the future.

Now $20,000 may not seem like much in the Halls of Congress; but to the average American family, it is a significant amount of money. I wish I could say that NASA is boldly wasting taxpayer money where no agency has wasted it before, but I am afraid that the artist-in-residence program is just a symptom of a bigger problem.

Recently, the Heritage Foundation identified $386 billion of waste, fraud, and abuse in government spending. Every American business and every American family must make hard decisions to stand by their budget and eliminate wasteful funding, and the Federal Government should be no different and NASA should not be spending taxpayer dollars on a performance artist. I encourage all of my colleagues to support this amendment.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. CHOCOLA. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I think this is a good amendment and I accept it.

Mr. CHOCOLA. Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise not in opposition, I am going to agree to the amendment, but I would like to have some comment before I do.

Mr. Chairman, I think this is a regrettable amendment for a number of reasons.

First of all, it involves an awfully little bit of money. Secondly, I think it sends a really bad signal. Indeed, one of NASA's missions is to inspire; and it has had an arts program, a very small arts program since 1962. Such luminaries as Norman Rockwell have participated in it over the years.

It is in furtherance of part of NASA's mission. NASA's mission is to inspire, to educate. Indeed, in the education theme of NASA's FY 2006 budget, it states: "To develop the next generation of explorers, NASA must do its part to inspire and motivate students to pursue careers in science and technology and engineering and in mathematics."

☐ 1500

A part of it is connectivity. One of the ways NASA has done that, if anyone has visited its facilities, is through beautiful murals and other art initiatives. This particular initiative that the gentleman is speaking to is the appointment of Laurie Anderson as an artist-in-residence, which is another phase, if you will, in NASA's arts program. It is a worthy program. It has developed over those years since 1962 an awful lot of memorable artworks. There is no reason to believe that this initiative, which is so modest in nature, would do anything but further enhance the arts program at NASA. Again, it is so small that it is just minuscule. I am afraid the amendment really represents more art bashing than it does good fiscal policy.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. As a member of the Committee on Science, might I just say to the gentleman, he could not be more correct as relates to a tool of inspiration. Let me also emphasize that the Committee on Science works in a bipartisan way on education, helping to educate young people or encourage young people to participate or to be interested in math and science.

One of the key issues happens to be girls in math and science and for them to be unafraid of those disciplines. This kind of inspirational film that was first shown internationally and then shown nationally is the kind of very small investment that seeks to inspire similarly as young people were inspired in the 1960s, led by President John F. Kennedy and Camelot, speaking about our ability to travel into space.

I am disappointed that we would focus $20,000 on this very positive effort. I would hope that we would think of this in a different manner. I would hope that boys and girls and young people across America who are deciding to go into the sciences and get graduate degrees and Ph.D.s and might, I say particularly those in the Hispanic and African American community, which we work on in a bipartisan way on the Science Committee, Historically Black Colleges, Hispanic-serving institutions, I would hope that they would still have an opportunity to see an inspiring film such as this one, and that NASA would not be limited from investing in educational projects that will generate millions of dollars in research and opportunity for our youth.

Mr. CHOCOLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is not an art-bashing amendment. Nothing could be further from the truth. It is simply a fiscal responsibility amendment. We must make decisions on how to prioritize spending. NASA will continue to have an art program. They have an art curator. They have an education program with a chief education officer. The ability to communicate the mission of NASA and the benefits of space exploration are still intact fully. But we have to make hard decisions. Having an artist-in-residence that produces a play that has minimal, if any, relationship to NASA and the mission of NASA is not wise spending of taxpayer dollars.

I appreciate the chairman's support of this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. CHOCOLA).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. JONES OF OHIO

Mrs. JONES of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. JONES of Ohio:

Page 108, after line 7, insert the following title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to close or consolidate any office of the Equal Employment Opportunity Commission or to make any reductions in the number of full-time officers or employees in any such office, or to reduce the number of full-time officers or employees serving as supervisors, management officials, mediators, examiners, investigators, or attorneys in such office, as part of any workforce repositioning, restructuring, or reorganizing of the Commission that is authorized under law.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentlewoman from Ohio (Mrs. JONES) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I yield myself such time as I may consume.

First of all, I want to thank the gentlewoman from California (Mrs. CAPPS) for cosponsoring this amendment. Our amendment deals with the issue of the Equal Employment Opportunity Commission. I am a former trial lawyer for the EEOC and also want to add the name of the gentlewoman from the District of Columbia (Ms. NORTON) as a supporter of this amendment. She would be here, but she had another piece of legislation to work on.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my good colleague from Ohio for yielding me this time.

Mr. Chairman, for 40 years the Equal Employment Opportunity Commission has been charged with ensuring that all citizens get a fair shot in the workplace, but now the Chair of the Commission is pushing a reorganization plan which may seriously compromise the agency's ability to protect employees from discrimination. This plan has had neither hearing nor review by this body. Nevertheless, the administration proposal is that many offices will be downgraded while others will experience an increase in jurisdiction and workload without a comparable increase in staff. This is in addition to an already growing backlog of cases which have yet to be investigated.

Mr. Chairman, I wish I could say that since the passage of employment antidiscrimination laws that discrimination has been eliminated in the workplace, but the truth is discrimination still exists. Job applicants are all too frequently judged on the basis of their skin color. Women are still subjected to sexual harassment. Persons with disabilities are passed over for employment even when they have the necessary skills.

I hope my colleagues will join me in voting in favor of the Jones-Capps amendment so that we can ensure that our constituents will continue to find a resource available to them which will protect them from discrimination in the workplace.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I can assure the gentlewoman that the committee has been closely following EEOC's plan to reorganize over the last 3 years. The committee has even asked the Government Accountability Office to evaluate EEOC's proposals to reposition the agency with a particular focus on the National Contact Center pilot project. I just asked the staff. GAO has not come back yet, and they are not late. We just asked them to do this last year.

Also we have language in the bill on page 78 that says, "Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations have been notified of such proposals in accordance with the reprogramming provisions of section 605 of this act."

The gentleman from West Virginia and myself would look at that before they could go ahead. It really does, though, unnecessarily restrict the agency's ability to restructure. We will be glad to work with the gentlewoman and listen to her, but I think just to accept this amendment now would really be wrong, particularly with the language that we currently have in this bill that provides that the Committee on Appropriations can stop any reorganization, or they have to come up to the committee before they move ahead.

I oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentleman from Virginia so much for the support he has given me with regard to repositioning of the EEOC, but the issue is so important to the people that I represent that I must continue to argue my amendment.

Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina (Mr. WATT), the chair of the Congressional Black Caucus.

Mr. WATT. Mr. Chairman, I thank the gentlewoman for yielding me this time.

In the Congressional Black Caucus' agenda that we rolled out on January 27 of this year, one of the things that we said was we cannot take a step back in the employment area, and that one of the important things that we have to have is aggressive enforcement of the employment discrimination laws of the Nation.

It was shocking to us when on May 13 of this year, we received notice that on May 16, the EEOC was planning to vote on a restructuring proposal. We immediately sent out a letter to the EEOC saying, please do not reduce the number of district offices from 23 to 15 or downgrade the field offices and reduce the number of attorneys' positions, because that could have a substantial negative effect on the enforcement of our employment discrimination laws. The last thing we need is to take a step back from enforcement. We need to be taking more aggressive steps to provide more employment opportunities, not taking steps backwards.

We think this amendment is absolutely critical. On behalf of the 42 House Members of the Congressional Black Caucus, I urge my colleagues to support this amendment and absolutely guarantee that no action can be taken on this restructuring proposal.

Mrs. JONES of Ohio. Mr. Chairman, I yield myself the balance of my time.

As I said, I served as a trial lawyer for the Equal Employment Opportunity Commission in the Cleveland district office. As a part of that responsibility, we were required to oversee parts of Kentucky, parts of Cincinnati, and several other areas. It is very, very important that a sufficient number of workers are available to handle EEOC cases.

The other thing that is so very important is the fact that training in the laws of EEOC are very important. It is my understanding that there is a proposal to put in place in area offices temporary workers to answer the phone who have no experience in EEOC laws or litigating or being able to advise persons calling in. That is the reason that I would offer the amendment that says that none of the funds made available in this act may be used to close or consolidate any office of the Equal Employment Opportunity Commission, or to make any reductions to the number of full-time officers or employees in any such office, or to reduce the number of full-time officers or employees serving as supervisors.

Currently the caseload of the EEOC continues to rise at the same time we are reducing the number of workers available to try, litigate or even consolidate or settle some of these cases.

□ 1515

I thank the gentleman from Virginia (Mr. WOLF), chairman, and other members of the committee for the support they have given me with regard to the EEOC, but I would continue to say this area is so very important, we cannot afford to sit down on the issue.

Mr. Chairman, just for the record, I would like to thank my staffer Terence Houston for all the work he has done on this issue.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the amendment. I understand what the gentlewoman is trying to do. I again want to remind Members, though, that the language in the bill prohibits them from moving ahead until they come to the Committee on Appropriations. So I oppose the language because the language unnecessarily restricts the agency's ability to restructure itself to meet the ever-changing needs of its constituency. We will listen to the gentlewoman, but an outright ban on closing or consolidating offices does not seem responsible in this tight budgetary requirement. We know that the EEOC is currently managing in a tight budget, and I think tying their hands could actually make the matters worse.

I am sure the gentlewoman is going to move ahead with her amendment. I think that is fine. We will work with her if she wins. God bless her. If she loses, the gentleman from West Virginia (Mr. MOLLOHAN) and I will work to make sure that before we approve any reprogramming, we talk to her and also let her see what the GAO says when they come up with their report.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Mrs. JONES).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. JONES of Ohio. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Ohio (Mrs. JONES) will be postponed.

AMENDMENT NO. 21 OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. HOSTETTLER:

Page 108, after line 7, insert the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. None of the funds appropriated in this Act may be used to enforce the judgment of the United States District Court for the Southern District of Indiana in the case of Russelburg v. Gibson County, decided January 31, 2005.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Indiana (Mr. HOSTETTLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume.

In Russelburg v. Gibson County, a Federal district judge in the Southern District of Indiana ruled that the presence of a monument depicting the Ten Commandments in Gibson County amounts to a government establishment of religion because, as he stated, the display "is in violation of the Establishment Clause of the first amendment to the United States Constitution."

This decision is inconsistent with both the clear intent of the framers and the Christian heritage of the United States, which was recounted by the Supreme Court in 1892. While it is true this opinion is consistent with more recent Supreme Court decisions, it is time that Congress exercise its authority to end the practical effect of this judicial misunderstanding. My amendment would prevent any funds from being used to enforce this unconstitutional and unlawful judgment.

The local Fraternal Order of Eagles placed the monument on the Gibson County courthouse lawn in 1956. Clearly, this generous gift to the community is not the equivalent of Congress passing a law to establish a national religion.

Mr. Chairman, here are the facts: Federal statute says, "Except as otherwise provided by law or Rule of Procedure, the United States Marshals Service shall execute all lawful writs, process, and orders issued under the authority of the United States . . . ."

Since this ruling by the Southern District Court in Indiana is not a lawful decision consistent with the Constitution, I will utilize Congress's article I, section 8 power of the purse to prevent any funding from being used by the U.S. Marshals Service to remove the Ten Commandments monument.

Mr. Chairman, the Founders of this great Nation foresaw the problem of courts imposing their own political views through their judgments and wrote about it.

In promoting the adoption of the U.S. Constitution, Alexander Hamilton wrote in Federalist No. 78: "Whoever attentively considers the different departments of power must perceive that in a government in which they are separated from each other, the judiciary . . . is beyond comparison the weakest of the three departments of power:

"The judiciary . . . has no influence over either the sword or the purse, no direction either of the strength or of the wealth of the society, and can take no active resolution whatever. It may truly be said to have neither force nor will but merely judgment . . . "

Mr. Chairman, given the fact that the judiciary has neither force nor will, it is left to the executive and the legislative branches to exert that force and will.

Time and again I am sure that my fellow Members of Congress are asked about unconstitutional decisions made by the Federal courts, and many of us say there is nothing we can do. That answer is inconsistent with our Constitution and the vision of our Founders. We can do something.

And, Mr. Chairman, that is not only my opinion and the opinion of the framers of the Constitution and the authors of the Federalist Papers. It is also the opinion of a rather noted jurist by the name of John Marshall. Many in this body may recall that Mr. Marshall was actually Chief Justice of the United States Supreme Court. While he served as Chief Justice of the Supreme Court, he had an occasion to correspond with an Associate Justice, Samuel Chase.

It seems that Justice Chase was the object of impeachment proceedings in the House of Representatives for, among other things, suggesting that Federal judiciary could disregard the clear intent of the legislature when considering cases before his court.

Chief Justice Marshall asserted to Justice Chase that there was a superior mechanism for the legislature to consider over that of impeachment when the Congress disapproved of the opinion of the Federal judiciary. Marshal stated: "I think the modern doctrine of impeachment should yield to an appellate jurisdiction in the legislature. A reversal of those legal opinions deemed unsound by the legislature would certainly better comport with the mildness of our character than would a removal of the judge who has rendered them unknowing of his fault."

Marshall's Pulitzer Prize-winning biographer, Albert Beveridge, observes of this assertion made by Marshall 11 months after Marbury v. Madison: "Marshall thus suggested the most radical method for correcting judicial decisions ever advanced, before or since, by any man of the first class. Appeals from the Supreme Court to Congress. Senators and Representatives to be the final judges of any judicial decision with which a majority of the House was dissatisfied."

Mr. Chairman, today is a great opportunity for us to exercise that very authority "advanced" by Chief Justice Marshall concerning the legislature vis-a-vis the judiciary.

After this vote, Mr. Chairman, our constituents will ask us, Congressman, do we have a voice in these most fundamental decisions, or are we condemned to wait on a new Supreme Court Justice who may or may not inject common sense into the judiciary's opinions?

And we will be able to tell them, Yes, you do have a say. The Constitution explicitly provides it. And venerated jurists such as John Marshall have "advanced" it.

This legislation is where we fund any executive agency that would enforce the Southern District Court of Indiana's judgment in this case. My amendment would prevent any funds within that act from being used to enforce the erroneous decision in Russelburg v. Gibson County, and I ask my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. NADLER) is recognized for 5 minutes.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the issue in this amendment has nothing to do with the Ten Commandments. It has nothing to do with whether the Ten Commandments, or a sculpture of them, I assume, should be removed from wherever it is in Indiana. The issue in this amendment is should Congress prohibit the enforcement of a decree of a Federal court. There is nothing more fundamental to the rule of law in this country that once a Federal court issues a decision, sometimes it may be appealable, but once there is a final court order, that is the law.

Chief Justice Marshall said in Marbury v. Madison 200 years ago, and I know that the gentleman from Indiana stated he thinks that case was wrongly decided, and he is entitled to his opinion, but it is the foundation of law in this country that it is emphatically the duty of the judiciary to say what the law is.

If Congress wants to change the law, that is our prerogative. If we want to begin the process of amending the Constitution, that is our prerogative. But in terms of interpreting what the law is, what the Constitution commands, what the law passed pursuant to the Constitution says, that is the job of the courts. To fail to enforce court orders, to arrogate to this body the right to say that we do not like a particular decision, we do not agree with the court's interpretation of the Constitution, we do not agree with the court's interpretation of a law that we passed, therefore they may not enforce the law, is to say that we are no longer a Nation of laws. It is to say that we are no longer a Nation governed by a Constitution.

This amendment is subversive in the extreme. If we can adopt this amendment saying that we shall not enforce the decision "no funds herein appropriated may be used to enforce the decision of the court," in this particular instance in the Southern District of Indiana, then we can pass a bill that says we shall not enforce a decision of the court that says so and so may not go to jail or so and so must go to jail or anything else.

No Member of this House who believes in the rule of law should vote for this amendment. The subject matter on which it is specifically aimed, the particular decision of the court, is not relevant. When President Eisenhower was faced in Little Rock, Arkansas, in 1957 with a question of sending in U.S. marshals to enforce the decree of the court in desegregating Little Rock High School, he did not approve of that decision. His biographers tell us he was not happy with it. But he sent in the U.S. marshals because the law, as decreed by the courts, as passed by Congress, as interpreted by the courts, must be enforced.

If that is not the case, if the court's determination of what the law is is not the final arbiter, which we had that once in our history, then the final arbiter becomes the cannons and the guns. The rule of law must be supreme in this country.

During the Clinton impeachment, we heard from the other side of the aisle about the rule of law. We disagreed with the rule of law dictated, but here there can be no question. The court orders must be enforced, and anyone who says that we shall not spend money to enforce a court order because I do not like that particular court order or we do not agree with that particular court order is subversive of liberty, subversive of the Constitution, subversive of every human right, and subversive of the very notion of American liberty and democracy.

This amendment should not be agreed to.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair would remind Members that the gentleman from New York (Mr. NADLER) has 1 minute remaining, and the gentleman from Indiana (Mr. HOSTETTLER) has 30 seconds remaining and he has the right to close.

Mr. NADLER. Mr. Chairman, I yield back the balance of my time.

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume.

There have been the terms "subversive" and "subversion" used a lot in the gentleman's remarks. I would simply like to point the gentleman to the very words of the individual he believed he was quoting from earlier in that the final word by Chief Justice Marshall, while he was Chief Justice of the United States Supreme Court, is very clear. It may be considered by the gentleman from New York to be subversive, but it is quite clear. John Marshall said: "I think the modern doctrine of impeachment should yield to an appellate jurisdiction in the legislature. A reversal of those legal opinions deemed unsound by the legislature would certainly better comport with the mildness of our character than would a removal of the judge who has rendered them unknowing of his fault."

Let us today preserve the subversion of Chief Justice John Marshall and allow this amendment.

The CHAIRMAN. The gentleman's time has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 23 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (preceding the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 8____. None of the funds made available in this Act may be used to facilitate the issuance of affirmances by single members of the Board of Immigration Appeals (BIA) without an accompanying opinion.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I look forward to working with the ranking member and the chairman of the subcommittee, and I want to thank them again for their courtesies as well as their staffs' courtesies in working through some of the issues that we find very troubling and important to address in this appropriation.

My amendment at the desk is one that I offer dealing with the Board of Immigration Appeals affirmances, which I intend to subsequently withdraw, and I would like to enter into a colloquy with the chairman as well as the ranking member of the subcommittee on this important issue.

It relates to the administrative review and appeals and immigration-related activities referenced in title I of this act. This matter is near and dear to many who understand the importance of the Board of Immigration Appeals.

I believe that we should withhold funds in the act for programs that would facilitate the issuance of affirmances by single members of the Board of Immigration Appeals, the BIA, without an opinion. This would protect the petitioner for immigration review by ensuring that their $110 filing fee does not leave them with a simple "affirmed" with no basis for a decision.

□ 1530

That means they have nothing to rely upon at a subsequent time. This really goes to the question of legal immigration, and it goes to the question of ensuring that we are vigorous in protecting and fighting for legal immigration as we are for fighting against illegal immigration.

This would protect the due process rights of the petitioner. The proportion of affirmances without opinion decided by a single board member has increased from 10 percent to over 50 percent of all board decisions beginning immediately after the new rules were proposed. Part, of course, of the reason is because of the overwhelming number of cases.

At the same time, the proportion of cases that are favorable to the alien decreased. Prior to proposing the procedure reforms, one in four cases were decided in favor of the opinion. Since then, only 1 in 10 is decided in favor of the alien, and there is no opinion, just an affirmation.

It is important to note that a wide number of organizations and academics in immigration law believe that these affirmances without opinion by single-member review has created bad legal and administrative precedent and an incentive to rubber-stamp immigration judges' decisions. Affirmance without opinion is much faster and easier than writing a decision and creates an incentive, whether conscious or unconscious, for board members to meet case processing guidelines by affirming removal orders, notwithstanding the merits of the appeal. The rights of the petitioner and due process requires a thorough review. That is what the appeals process is all about.

Moreover, intellectual rigor in decisionmaking may be diminished because board members no longer need to articulate the basis for their decisions. They need only to decide whether they agree with the result ultimately reached by the immigration judge. A panel of three board members is far more likely to catch an error below than a single board member.

In the immigration context, there is only one administrative hearing before the case reaches the board. Other administrative agencies that employ single-member review have several layers of administrative process. That is why it is important to change or to look into this procedure at the Bureau of Immigration Appeals.

Single-member review makes it difficult for the board itself to determine whether its members are making errors. The courts of appeal, when such review is available, similarly lack guidance when reviewing the decisions of the immigration judges and the board.

Now I would like to reaffirm my position, which is to suggest that the idea of a de novo hearing in the Federal District Court and the Court of Appeals is an option that should be considered important by giving the Bureau, if you will, more substance in its determination.

Mr. WOLF. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, it is my understanding that the gentlewoman is withdrawing the amendment; is that accurate?

Ms. JACKSON-LEE of Texas. Yes.

Mr. WOLF. Mr. Chairman, I thank her for bringing this to our attention.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to yield to the chairman. This is a colloquy that is before him.

Mr. WOLF. Mr. Chairman, if the gentlewoman will yield further, I do not have a colloquy before me. We are aware of the amendment. The gentlewoman makes some valid points. What I told the staff to say is we would work to see what could be done with regard to the filing. But I understand the gentlewoman is withdrawing the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I am withdrawing it with the idea that it is an important issue, and I hope that the committee can work together with me on this issue, because, as I indicated in my earlier remarks, the importance of fighting for a system of legal immigration that shows due diligence is as important as it is for fighting against illegal immigration.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we will work with the gentlewoman. As we understand more and learn about it, we will keep good faith and work with the gentlewoman, and also the gentleman from West Virginia (Mr. MOLLOHAN).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

AMENDMENT NO. 15 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. SANDERS:

At the end of the bill (before the short title), insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, book sales records, or book customer lists.

The CHAIRMAN. Pursuant to the order of the House of June 14, 2005, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself 3 minutes and 40 seconds.

Mr. Speaker, along with the gentleman from Idaho (Mr. OTTER), the gentleman from Michigan (Mr. CONYERS), the gentleman from Texas (Mr. PAUL), the gentleman from New York (Mr. NADLER) and the gentleman from New Mexico (Mr. UDALL), I am again offering the freedom to read amendment. This tripartisan amendment, which has the support of progressives, conservatives and people of all political stripes, would prevent the Justice Department and the FBI from using section 215 of the PATRIOT Act to access library circulation records, library patron lists, book sale records or book customer lists.

This amendment is being supported throughout our country by librarians, book sellers and all Americans who want Congress to be vigorous in protecting the American people from terrorism, but want to make sure that we do that without undermining the basic constitutional rights which have made us the free country that we are.

Mr. Speaker, this amendment is similar to the amendment I offered last year, which lost by a 210–210 vote after the voting rolls had been kept open for an extra 20 minutes.

There is one difference in this amendment compared to last year's that I do want to emphasize: I have heard from some Members who have expressed concerns about the possible need for the FBI to access library Internet records. Some Members believe that by exempting library Internet records from section 215, we could be creating an opportunity for terrorists.

The amendment today addresses that concern and does not apply to library Internet records. Under this amendment, the FBI could still use a section 215 order to obtain these records. This amendment only applies to the records that contain information on which books people are checking out of the library or buying from a bookstore.

Mr. Speaker, setting aside all of the legalese, let me tell you what this amendment does. Let me also tell you why the American Library Association, the American Booksellers Association and many other organizations are supporting it. Let me also at this time remind Members that seven States, Vermont, Alaska, Colorado, Hawaii, Idaho, Maine and Montana, as well as 379 municipalities across the country, have gone on record by passing resolutions expressing their concerns about the PATRIOT Act.

Mr. Speaker, the American people want to know that when they borrow a book from a library or buy a book from the bookstore that the government will not have access to the titles of the books they are reading. They want to read what they want to read without government looking over their shoulder and without Uncle Sam becoming Big Brother and spying on them.

Under section 215 as currently written, the FBI can walk into a secret FISA court, tell a judge that he is doing an investigation on terrorism, and that judge has to grant the FBI the right to go to a library or a bookstore and obtain their reading records. The FBI need not show probable cause nor even reasonable grounds to believe that the person whose records it seeks is engaged in criminal activities. The simple truth is that the FBI could spy on a person because they do not like the books she reads or because she wrote a letter to the editor critical of government policy.

Further, those served with section 215 orders are prohibited from disclosing the fact to anyone else. Those who are the subjects of the surveillance are never notified that their privacy has been compromised.

Mr. Speaker, that is not supposed to be what America is about and not what a free society is about. If the government can make the case that getting records from a library or bookstore can help us fight terrorism, I want them to get those records. In fact, they have always had the ability to get those records and will be able to get those records in the future through normal law enforcement processes.

But whether it is through the grand jury subpoena process or the process of getting a search warrant, there are well-established judicial safeguards to protect Americans' basic civil liberties from government overreaching. Under those long-established judicial safeguards, the FBI must demonstrate that its need for information is legitimate. They cannot get it just because they want it, and that is what this amendment is all about.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia claims the time in opposition and is recognized for 20 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Committee on the Judiciary has held over 10 hearings on the PATRIOT Act, including a hearing devoted just to this issue. The Committee on the Judiciary is planning on marking up the PATRIOT Act reauthorization bill in the near future, and the authorizers will certainly give this very close attention.

The authority of the Justice Department to obtain a library or bookstore record is not without appropriate checks and balances. A Federal judge must approve the use of this authority before the Department of Justice can obtain business records, including book records. This authority can only be used to obtain foreign intelligence information, not concerning a U.S. person, or "to protect against international terrorism or clandestine intelligence activities." It cannot be used to review the reading habits of the general public.

Mr. Chairman, I will include for the record a letter from the Justice Department dated June 14. It says the following:

"Further, libraries and bookstores have never been exempt from similar investigative authorities. Prosecutors have always been able to obtain records for criminal investigations from bookstores and libraries through grand jury subpoenas. For instance, in the recent case of Olympic Park bomber Eric Rudolph, a grand jury served a subpoena on a bookseller to obtain records showing that Rudolph had purchased a book giving instructions on how to build a particularly unusual detonator that had been used in several bombings. This was important evidence identifying Rudolph as the bomber.

"In the 1997 Gianni Versace murder case, a Florida grand jury subpoenaed records from the public libraries in Miami Beach. Similar in the 1990 Zodiac gunman investigation, a grand jury in New York subpoenaed library records after investigators came to believe that the gunman was inspired by a Scottish occult poet and wanted to learn who had checked out that poet's book.

"Finally, bookstores and libraries should not be carved out as safe havens for terrorists and spies, who have, in fact, used public libraries to do research and communicate with their co-conspirators. For example, in March and April of 2004, Federal investigators in New York conducted surveillance on an individual who was associated with al Qaeda. In the course of tracking the individual, investigators noted that, although he had a computer at his home, he repeatedly visited the library to use the computer. Investigators discovered that the individual was using the library computer to e-mail other terrorist associates around the world."

Lastly, it goes on to say, "We know that Brian Regan, a former TRW employee at the National Reconnaissance Office, who recently was convicted of espionage, extensively used computers at five public libraries in northern Virginia and Maryland to access addresses for the embassies of certain foreign governments. This evidence, which also showed that Regan consulted a book present at the library, 'How to Be Invisible,' to further his scheme, was critical during his trial."

Mr. Chairman, I include the entire letter for the RECORD.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, June 14, 2005.
Hon. FRANK WOLF,
Chairman, Subcommittee on Science, State, Justice, and Commerce, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Department of Justice is pleased to provide information about section 215 of the USA PATRIOT Act ("PATRIOT Act"), an invaluable authority afforded to national security investigators when Congress overwhelmingly passed the Act more than three years ago. It is critical that Congress' decision whether to continue this vital tool in the war on terror be informed by reason, rather than rhetoric. We would oppose any amendment that would unduly restrict our ability to compel the production of records relevant to sensitive terrorism and espionage investigations. As stated in the statement of Administration policy released today on H.R. 2862—Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006—if any amendment that would weaken the PATRIOT Act were adopted and presented to the President for his signature, the President's senior advisors would recommend a veto.

Section 215 of the PATRIOT Act provides a useful tool for catching terrorists and spies by specifically authorizing the Foreign Intelligence Surveillance Court ("FISA Court") to require a person or organization to produce "tangible things" that are relevant to international terrorism and espionage investigations. These are the same types of materials that prosecutors have long been able to obtain with grand jury subpoenas in criminal investigations. Moreover, section 215 and grand jury subpoenas are both governed by a similar relevance standard; with respect to section 215, the requested records must be relevant to a national security investigation while with respect to grand jury subpoenas, the requested records must be relevant to a criminal investigation. As a result, section 215 applies in a much narrower set of circumstances than do grand jury subpoenas. While grand jury subpoenas can be used to investigate all types of criminal conduct, section 215 can only be used "to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution." 50 U.S.C. §1861(a)(1).

Further, contrary to misleading rhetoric about section 215, it does not empower FBI agents to obtain records without a court order. Rather, section 215 can be used to obtain documents only with an order from the FISA Court. Thus the Department's use of section 215 requires more scrutiny than do grand jury subpoenas, which are generally issued without prior judicial approval. Moreover, we have taken the position in litigation that: 1) recipients of a section 215 order may disclose receipt of an order to an attorney and; 2) recipients may challenge a section 215 order in FISA court. In addition, the Attorney General has testified that the Department of Justice supports amending section 215 to clarify any ambiguity related to these points.

In addition to the requirement of court approval, this provision establishes other important safeguards. For instance, section 215 provides for thorough congressional oversight. On a semi-annual basis, the Attorney General is required to "fully inform" Congress on the Department's use of section 215. In addition, the Attorney General must report to Congress the number of times agents have sought a court order under section 215, as well as the number of times such requests were granted, modified, or denied during the preceding six month period. See 50 U.S.C. §1862.

The Attorney General recently declassified the fact that as of March 30, 2005 section 215 of the PATRIOT Act had been used 35 times, and had never been used to obtain bookstore or library records, medical records, or gun sale records. Rather, section 215 orders had only been used to obtain driver's license records, public accommodations records, apartment leasing records, credit card records, and subscriber information, such as names and addresses, for telephone numbers captured through court-authorized pen register devices. These figures demonstrate that investigators have used this tool judiciously and responsibly. The provision, moreover, has assisted the Department's national security investigations as there can be a number of situations in which the ability to access documents pursuant to a section 215 order is critical to an international terrorism or espionage investigation, particularly in the early stages of an investigation when officers are trying to develop leads.

Section 215 has been attacked for its potential application to libraries, with some critics suggesting that libraries should be exempted from it or that the provision should be repealed altogether. These critics ignore statutory context, well-established grand jury practice, and the reality of the terrorist threat. First, although a section 215 order could be issued to a bookstore or library if it possessed records relevant to an espionage or international terrorism investigation, the provision does not single them out or even mention them. Indeed, as noted above, the provision, as of March 30, 2005, had never been used to request library records. And, in any event, such a request would have to be approved by a court, ensuring an independent check on the Department's investigators.

Further, libraries and bookstores have never been exempt from similar investigative authorities. Prosecutors have always been able to obtain records for criminal investigations from bookstores and libraries through grand jury subpoenas. For instance, in the recent case of Olympic Park bomber Eric Rudolph, a grand jury served a subpoena on a bookseller to obtain records showing that Rudolph had purchased a book giving instructions on how to build a particularly unusual detonator that had been used in several bombings. This was important evidence identifying Rudolph as the bomber. In the 1997 Gianni Versace murder case, a Florida grand jury subpoenaed records from public libraries in Miami Beach. Similarly, in the 1990 Zodiac gunman investigation, a grand jury in New York subpoenaed library records after investigators came to believe that the gunman was inspired by a Scottish occult poet and wanted to learn who had checked out that poet's books.

Finally, bookstores and libraries should not be carved out as safe havens for terrorists and spies, who have, in fact, used public libraries to do research and communicate with their co-conspirators. For example, in March and April of 2004, Federal investigators in New York conducted surveillance on an individual who was associated with al Qaeda. In the course of tracking the individual, investigators noted that, although he had a computer at his home, he repeatedly visited a library to use the computer. Investigators discovered that the individual was using the library computer to e-mail other terrorist associates around the world. The library's hard drives were scrubbed after each user finished, and he used the computer at the library because he believed that the library permitted him to communicate free of any monitoring. This individual is now in Federal custody.

In addition, investigators tracing the activities of the 9-11 hijackers determined that, on four occasions in August of 2001, individuals using internet accounts registered to Nawaf Al Hazmi and Khalid Al Mihdar used public access computers in the library of a State college in New Jersey. The computers in the library were used to shop for and review airline tickets on an internet travel reservations site. Al Hazmi and Al Mihdar were hijackers aboard American Airlines Flight 77, which took off from Dulles Airport and crashed into the Pentagon. The last documented visit to the library occurred on August 30, 2001. On that occasion, records indicate that a person using Al Hazmi's account used the library's computer to review September 11 reservations that had been previously booked.

Similarly, investigators have received information that individuals believed to be Wail Al Shehri, Waleed Al Shehri, and Marwan Al Shehhi visited the Delray Beach Public Library, in Delray Beach, Florida. Wail Al Shehri and Waleed Al Shehri entered the library one afternoon in July of 2001 and asked to use the library's computers to access the internet. After about an hour, a third man, Marwan Al Shehhi, joined them. Waleed and Wail Al Shehri were hijackers aboard American Airlines Flight 11, while Al Shehhi was the pilot who took control of United Airlines Flight 175. Both of those flights crashed into the World Trade Center. A witness who recognized photos of the three individuals that ran in newspaper articles after the September 11 attacks, provided the information about the Delray Beach library visit. While no records exist to confirm the hijackers' visit to the Delray Beach library, the timing, location and behavior described are consistent with other information gathered in the course of the investigation.

We also know that Brian Regan, a former TRW employee at the National Reconnaissance Office, who recently was convicted of espionage, extensively used computers at five public libraries in Northern Virginia and Maryland to access addresses for the embassies of certain foreign governments. This evidence—which also showed that Regan consulted a book present at the library, How to be Invisible, to further his scheme—was critical during his trial.

Simply put, section 215 of the PATRIOT Act provides national security investigators with an important tool for investigating and intercepting terrorism, and at the same time establishes robust safeguards to protect law-abiding Americans. We hope that this information assists you.

Thank you for the opportunity to present our views. Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

Mr. WOLF. Mr. Chairman, I see the gentlewoman from California (Ms.

HARMAN) down there. I listened to her the other day on NPR. I was the author of the National Commission on Terrorism. They all laughed on it, frankly, and had I not been on the Committee on Appropriations, we could not have gotten it passed. The gentlewoman was on, and I remember the gentlewoman's statement the other day where she said had they listened to the recommendations, which this Congress and almost nobody did, of the Commission, maybe, maybe, 9/11 may not have taken place.

I do not know if the gentleman's amendment is the right amendment or not. I do know that 30 people from my congressional district died in the attack on the Pentagon on 9/11. I also know that the first CIA agent, from my congressional district, from Manassas Park, was the first one to die in the attack when we went into Afghanistan with regard to the Taliban.

Now, is the gentleman from Vermont (Mr. SANDERS) right? Maybe. But is the gentleman from Vermont (Mr. SANDERS) wrong? Maybe.

So I say in the interest of what took place in this country, and because of the fact that nobody listened to the gentlewoman from California (Ms. HARMAN) and also the Bremer Commission, and the fact is we were ridiculed by it when it came out, and the CIA even opposed it and ridiculed it, and the gentlewoman is right, had it been listened to, and I say listened to the authorizers, let us see what the authorizers say. Then the gentleman, after he listens can come out on that committee and offer an amendment, and it ought to be made in order.

This is not the place, and I do not want to make a mistake that may very well lead to something else happening, because, God forbid, if something else happened in this country, and the FBI comes under our jurisdiction, and the gentlewoman from California (Ms. HARMAN) knows more about it than I do, but there are people, Hamas is in this country, Hezbollah is in this country, the person who planned the bombing that killed 241 marines walks the streets of Lebanon, and nothing has been done.

□ 1545

If I thought that perhaps this amendment could maybe have one opportunity whereby we would miss somebody like that, I could not live with myself.

So the gentleman may be right, but the gentleman may be wrong. Let us defeat this amendment and allow the authorizers to deal with it and have a full, fair debate after the hearings.

Mr. Chairman, I urge a "no" vote on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, before I yield, I would remind my friend, as I am sure he already knows, that we have exempted computers that he referred to in several instances from the amendment.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Chairman, I thank the sponsor of the amendment for yielding me this time, and I also appreciate the comments of the chairman in the debate that just preceded this.

Mr. Chairman, in past years, I have opposed the Sanders amendment on two grounds. First, I felt the appropriate time to revise the PATRIOT Act was this year, because key provisions are sunsetting this year. Second, as ranking member on the Permanent Select Committee on Intelligence, I know, as the gentleman from Virginia (Chairman WOLF) also knows, that terrorists use Internet sites to communicate, and believe law enforcement needs to access terrorist traffic on these sites.

This year, the amendment's sponsors have eliminated reference to library Internet sites, and their amendment arises as Congress undertakes a serious review of the PATRIOT Act. Because the amendment has been altered and the timing is right, I am pleased to support it.

Law enforcement must have the ability to prevent and disrupt terrorist plots on our soil, but this is a sensible amendment for the following reasons: first, section 215, as currently written, is unnecessarily broad. It permits the government to obtain "any tangible thing" as long as it is "sought for" a terrorist investigation. This is a sweeping power which even the Justice Department agrees can be cut back.

I believe Congress should modify section 215 to require that the government show that the items sought belong to or would lead the government to an agent of a foreign power, the traditional FISA standard.

Second, I see no evidence that seizing someone's documentary library or bookstore records is needed to combat terrorism. The Justice Department has never sought a 215 order to obtain library records. In the rare case that a law enforcement official believes access to these records is necessary, other remedies exist. The PATRIOT Act eliminated, and I supported, the so-called "wall" between criminal and intelligence investigations, thus allowing criminal subpoenas or warrants to be secured more easily.

And third, as mentioned, this amendment, wisely, would not preclude law enforcement from obtaining library Internet records.

Mr. Chairman, Congress has an opportunity, indeed, an obligation to modify some of the authorities of the PATRIOT Act that went too far in eroding our civil liberties. This amendment signals our intention to do so, and I urge its adoption.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Chairman, I thank the chairman for yielding me this time. I say to my friend from the Green Mountains, he and I have different political philosophies, and my friend from Vermont and I are light years apart; but he will recall I vote with him every now and then, but I think he is wrong on this one.

The subcommittee on which I sit, the Subcommittee on Crime, Terrorism, and Homeland Security of the Committee on the Judiciary, we have conducted nine oversight hearings, Mr. Chairman; and although I am not sure the public at large is aware of this, section 215 now before us, the so-called "library provision," does not even mention the word "library." It covers business records. And, yes, section 215 could be used to obtain business records from a library. But we also know that from the Attorney General's oral testimony to our committee on April 6 section 215 has never been used to obtain business records from a library, nor has section 215 been used to obtain bookstore records, medical records, or gun sale records.

In fact, Mr. Chairman, no evidence has been presented to this committee, or to the Department of Justice's Inspector General, of any abuse of section 215 for any use. We also know that the Department of Justice's response to questions from our committee that terrorists are indeed using our libraries; so at some point, section 215 may well be needed there, as the distinguished gentleman from Virginia just said earlier.

In conclusion, Mr. Chairman, I want to go on record: some of my best friends are librarians, so I am in no way advocating turning the dogs loose on libraries. That is not the intent at all. I think section 215 has served us well. I do not think it has been abused.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of this amendment. I do not see any necessity for the amendment. It was put in in the period of time after 9/11 where a lot of people were very frightened; and I think, quite frankly, that we as a Congress overreacted.

I just do not understand how anybody would feel safer by the government being able to get a list of books that the American people read. Now, if there is a special condition that exists where they want to know about a particular individual, nothing precludes a legitimate search warrant to find out exactly what this information is about. But I just think that it is totally unnecessary to have this.

This morning, the gentleman from Vermont was on C–SPAN: and after he left the studio, a woman called in that I found very fascinating. She was from Russia and she talked about how things were started in Russia and how the police had an ability to come into their homes without search warrants. Then she said her family had an exposure in Germany and the same thing happened. It was unrestrained government's ability to come in and know what people were doing. She spoke about this in generalities; and she was, in an alarmist sense, she was saying, and right now, in America, that is what we are doing with the PATRIOT Act, and she talked about it in general.

I might not be an alarmist about it, but I am very concerned. I do think we have moved in the wrong direction and that we should be very cautious and protect the privacy of all American citizens.

Mr. WOLF. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), a former attorney general of the State of California.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, let us understand the context in which we are discussing this. This is post-9/11. This is after we have lost 3,000 people. This is after we understood that we had set up inappropriate barriers so that we could look at intelligence information, so that it could give us a forewarning of what might be out there.

There are those who have gotten up here and said, look, there are other techniques that can be used, a grand jury subpoena, a search warrant. Yes, but that requires the actuality of some proof of a crime at the time.

That is not what we are talking about here. What we are talking about here is the distinction between criminal investigations, in which law enforcement uses search warrants and grand jury subpoenas, and foreign intelligence investigations, in which law enforcement uses section 215 under the Foreign Intelligence Surveillance Act to request business records.

This amendment would surely restrict intelligence investigations designed to protect against international terrorism and clandestine intelligence activities. These activities do not always appear beforehand to be a crime.

For instance, it was not a crime for the members of al Qaeda to learn to fly airplanes in the U.S. However, if a member of al Qaeda goes into the library and checks out books on the tallest buildings in New York and a book on how to fly a plane, it could be relevant to an international terrorism case under FISA before you have proof of a crime. That is what we are talking about here. You have to go before the FISA court. You have to show that it is related to international terrorism. You just cannot go willy-nilly in and ask for any sort of document that you want.

Also, the Justice Department has looked at this amendment and believes that, in fact, despite the gentleman's efforts to try and eliminate coverage of computers, they believe that the Sanders amendment would cover sign-in sheets, including those using sign-in sheets to use the computer, so that it would not allow this investigative tool to be utilized in intelligence investigations.

Let us understand what we are talking about: intelligence investigations for international espionage. We are not talking about regular crimes. That is why there is a distinction. You are going to prohibit us from utilizing this tool, and there is no example, there is no evidence of abuse.

We have had 12 hearings on this. We have looked at it. In fact, as the law requires right now, the Department has to report to us on a regular basis on these sorts of things. We examine these things. I just ask why you would resolve doubt in favor of compromising our ability to go into intelligence that could lead to the uncovering of a terrorist plot.

We do not have all the lead time when we are talking about these things. That is why there is a distinction in the law carefully built in. That is why we have a separate FISA court. That is why we have judges who have expertise on this. That is why we require the oversight by the Committee on the Judiciary. We have built in these particular protections.

I would just say, rather than present this type of response to legitimate concerns people have about privacy, examine the law as it currently exists, examine the purpose, and understand the difference between a criminal investigation and an intelligence investigation, and why we have this different procedure.

Yes, it is unique, because we have unique circumstances presented to us. We have learned from our errors in the past where we did not have unique circumstances that allowed us to do these sorts of things. That is all we have done here. We are in a new world. We are trying to deal with that world in an effective way without compromising our privacy. And when on the record there is absolutely no evidence, not one modicum of evidence that there has been an abuse by the Justice Department, why we would take this action now, I just do not understand.

So I would ask Members of this body to please defeat this amendment.

Mr. SANDERS. Mr. Chairman, I am happy to yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, the PATRIOT Act, as it stands, forces or could force users to self-censor their own reading choices, just on fear alone. Mr. Chairman, censorship is not what America is about.

Under the PATRIOT Act, the FBI can go after your library or your book-purchasing records; and librarians or book sellers, under the penalty of law, cannot inform patrons of the library or the bookstore that it is under investigation or that a patron's records have been searched.

That is why, Mr. Chairman, I rise in support of the Sanders Freedom to Read amendment. America's right to read and purchase books without fear of government monitoring has been erased by the PATRIOT Act, and Congress must repeal this unconstitutional provision.

In fact, the ultimate success for terrorists is to change our country by taking away our rights and our liberties.

Mr. WOLF. Mr. Chairman, how much time do both sides have remaining?

The CHAIRMAN. The gentleman from Virginia has 8 minutes remaining, and the gentleman from Vermont has 11½ minutes remaining.

Mr. WOLF. Mr. Chairman, I will reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, I am happy to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Chairman, I rise in strong support of the Sanders amendment, and I thank the gentleman from Vermont for his leadership in protecting our Constitution and our civil liberties. I also commend the gentleman from Michigan (Mr. CONYERS) for his important work in that regard and, of course, the distinguished chairman of the full committee. Again, the gentleman from Virginia (Mr. WOLF), my compliments, and the gentleman from West Virginia (Mr. MOLLOHAN) as well.

☐ 1600

But I am rising in support of Mr. SANDERS' amendment. The amendment reaffirms the fundamental principle of our history, our Constitution, and our jurisprudence that our civil liberties that must be protected, that any intrusion must be narrowly tailored and contain strong safeguards, and finally, that the executive branch must be accountable through vigorous congressional and judicial oversight.

In his famous dissent in the Olmstead decision in 1928, Supreme Court Justice Louis Brandeis called the right to privacy "the right to be left alone, the most comprehensive of rights and the right most valued by civilized men." As he wrote: "The makers of our Constitution sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. To protect that right, every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the fourth amendment."

Against these deeply embedded values that underlie our Constitution, the

President has called for Congress not only to extend and again rubber-stamp all of the expiring provisions of the PATRIOT Act, but also to provide the FBI with additional and unprecedented powers to seize American citizens' records without the approval of a judge or grand jury.

The 9/11 Commission, however, last year recommended a full and informed debate on the PATRIOT Act, and placed the burden of proof on the President for extending the PATRIOT Act's provisions by demonstrating that they are actually needed, and that there is adequate oversight to ensure protection of civil liberties. These conditions have not been met.

Instead of a full and informed debate, we witnessed all kinds of other intrusions into the privacy of the American people and silencing of voices in our country.

When Congress voted for the PATRIOT Act, Members clearly understood that it would be accompanied by a strong congressional oversight so that the implementation would not violate our civil liberties. That oversight has not occurred effectively.

The Attorney General has admitted that the information has not been forthcoming to the Congress in a timely manner. But for the sunset provisions and the requirements for the inspector general reports, there is little doubt that Congress would not even receive the insufficient information it has received to date.

Section 215 of the PATRIOT Act permits the government to obtain library and bookstore records without any showing of specific facts that particular individuals are involved with a foreign power or with terrorism. The only requirement is a statement by the FBI that the records are sought for an authorized investigation, and the judges have no authority to deny the application.

As written, the statute would permit records of innocent and unsuspecting American citizens to be caught up in dragnets and fishing expeditions without notification. Finally, the statute has a gag provision that prohibits the recordholder from talking about the searches, thereby preventing the public from any information that the government is abusing these powers.

By itself, section 215 is problematic, and it is sweeping, but this provision and others are even more problematic when measured by the policy of the Bush administration which point to an absence of safeguards. These include the seizure and detention of more than 1,000 noncitizens in the United States without providing them access to counsel.

In particular, increased surveillance of political and other groups was made possible by the decision of the Attorney General, Attorney General Ashcroft, in July 2002 to effectively end what are known as the Levi guidelines. These guidelines were written in response to constitutional violations committed by the Nixon administration. The Levi guidelines prevented the FBI from monitoring political and religious activity in the absence of specific and articulable facts justifying a criminal investigation. Attorney Ashcroft, however, effectively ended these guidelines and permitted the FBI to monitor political and religious activities without the "special care" and supervision that the Levi guidelines required. And we saw the results of that policy: According to the New York Times, in November 2003, the FBI collected information on antiwar demonstrators.

Proponents and the Justice Department claim that section 215 will not be used solely on the basis of citizens' exercise of the first amendment, but can we be assured of that, given the effective revocation of the Levi guidelines and the reported monitoring of political groups, and the fact that section 215 does not require specific and articulable facts? Where are the safeguards?

Oversight, at least by this Republican Congress, has not worked. It is against that backdrop that we consider this amendment today. It is essential that we pass this amendment to let the world know that we will protect and defend this Nation, and, as we do so, that we will protect and defend the Constitution and the civil liberties contained therein. The amendment would not preclude law enforcement from obtaining the records of individuals that they need upon a showing of probable cause through their other authorities.

What we choose to read and the books we buy goes to the heart of our innermost thoughts and our liberty in a free society. These rights must be defended.

As we look to the future, rather than giving further unchecked powers without proper justification and safeguards, Congress should look at the measures to restore the Federal judiciary's role to make sure that law enforcement agencies do not conduct broad and indiscriminate searches.

We should not simply extend all of these provisions, but we should have extensive hearings on the PATRIOT Act, vigorous oversight and modifications to prevent abuses of our civil liberties.

Unfortunately, these essential objectives are not being met by the Republican leadership. Instead, they have sought to silence those who seek to protect our civil liberties and to protect and defend our Constitution.

We can and we must keep the American people safe without threatening their civil liberties. Our Founding Fathers knew well the balance between freedom and liberty. Let us honor their legacy and vote for the Sanders amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Chairman, there are two things that we can say conclusively since the enactment of the PATRIOT Act. Number one, there has not been another 9/11 attack, thanks in part to the PATRIOT Act and other tools that we have given the law enforcement community here in the United States.

And number two, there has been a great deal of hysteria generated around the words "PATRIOT Act." Very little of the actual complaints can ever be pointed to with respect to anything that the PATRIOT Act did, but there is enormous amount of hysteria. For example, the very name of this amendment, the Freedom to Read Act, implies that somehow there is something anywhere in the PATRIOT Act that denies us the freedom to read anything we want. Of course the PATRIOT Act does not do any such thing.

We have heard here today that we need to have some showing of probable cause to protect American citizens' privacy. Well, I need to tell you that probable cause is a fine standard after a crime has been committed. The people that believe probable cause is the appropriate thing to demonstrate would have us wait until the next 9/11 attack until we can take efforts and steps to defend ourselves. That does not work when you are dealing with terrorism.

Folks, the next 9/11-type attack may not be a plane full of citizens. It may be full of biological or chemical or nuclear weapons. And 3,000 deaths may pale in comparison to the devastation that could be heaped upon American metropolitan areas in the next attack.

The 215 provisions are very important to understand. They require a Federal judge, a FISA court to make a determination that, number one, there is a national security investigation already under way about somebody other than an American citizen, this cannot be used against American citizens; and number two, you have to demonstrate that the entire purpose of the 215 subpoena is based on international terrorism or clandestine intelligence activities. This cannot be used to fight the traditional crimes that most Americans may be concerned about with respect to their liberties and freedoms. We want, and we are protecting, those freedoms.

By the way, President Bush's White House, the OMB, has suggested that if there is any effort to undermine their number one priority as our administration, and that is to protect the safety of Americans, they intend to veto this entire appropriations bill.

Listen, if there are terrorists in libraries studying how to fly planes; if they are studying how to put together biological weapons; if they are studying how to put together chemical weapons, nuclear weapons; if they are studying how nuclear power plants in America, how the architecture and design is structured so that they can cause a devastating attack, we have to have an avenue through the Federal court system, the FISA intelligence courts, that we can stop the attacks before it occurs. Treating it as a crime and waiting until after we have hundreds of thousands of deaths is an inappropriate way to fight terrorism. It works in crime. It does not work for the next terrorism disaster, and that is what the proponents of this amendment are asking for.

215 allows the FBI to request a judicial order. This has to go through a judge. Over and over we hear that we are going to somehow be snooped upon by Federal agents without some sort of due process. Well, a Federal judge is involved at the very outset. It has never been used in a library.

What this amendment seeks to do is to build a sanctuary where every terrorist will know in perpetuity that they will be safe to read, to plan, to do whatever they need to do as long as they do it in a library. It creates a sanctuary that every terrorist will know will protect him or her as they create their evil plots to do awful harm and devastation in the United States of America. That is at all does.

We know there are incidents of the terrorists using our libraries. And yes, so far they have primarily involved use of the Internet. But we also know that terrorists used American flight schools. We also know that terrorists are interested in biological, chemical and nuclear capabilities, and I believe it is appropriate that our law enforcement agents, after the proper showing in Federal court, can get these records and prevent the next attack, not react after we lose hundreds of thousands of lives.

Mr. SANDERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I want to thank the gentleman from Vermont (Mr. SANDERS) for the time and also for his leadership on this very important issue.

I rise in strong support of this amendment to repeal section 215 of the PATRIOT Act and to restore the freedom to read, and that is what this is about.

Millions of Americans, including my constituents, are especially incensed with section 215 of the PATRIOT Act. Under this provision the FBI has the power to search for any tangible things, including books, records, papers, documents and other items, in any location after showing minimal justification.

Across this Nation, local governments representing more than 52 million people have denounced the entire PATRIOT Act and the unconstitutional invasion of privacy it represents. The PATRIOT Act was hastily drafted and is far overreaching. It is contrary to the fundamental principles for which we stand, and section 215 is especially chilling.

Families should not be afraid to check out children's books for fear that they may be investigated for collaborating with terrorists. Section 215 is un-American. This is not the way to combat terrorism.

Mr. WOLF. Mr. Chairman, I have 4 minutes remaining if my arithmetic is still good. And I have two more speakers, plus I am going to close in 30 seconds. How much does the other side have?

The CHAIRMAN. Does the gentleman reserve his time?

Mr. WOLF. Mr. Chairman, I reserve my time.

The CHAIRMAN. Nine and one-half minutes remaining for the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Idaho (Mr. OTTER), one of the real fighters for civil liberties in this Congress.

Mr. OTTER. Mr. Chairman, I thank the gentleman from Vermont for his leadership on this issue and his tenacity in continuing to, every year, fight for the rights of people in the United States to enjoy their local libraries.

I was interested in listening to the frustrations of one of the previous speakers on this side of the aisle, and it is obviously the utterances of a former Attorney General for the government who was frustrated by the Constitution. And this is precisely what the Founding Fathers intended. They did not intend for the lawyers to run this country. And obviously, when we adopted the PATRIOT Act 46 days after 9/11, the lawyers won. And not only that, but the government won.

I just want to point out one thing to everybody here. As you heard some utterances on this side relative to the need of 215, I want to remind you that no comment was ever made that the way things happen in section 215 was legal before for the government before the PATRIOT Act passed. All they did was just changed one or two major words in that whole thing.

□ 1615

Let me share those words with my colleagues, from "may" to "shall." Did my colleagues hear the speaker before me talk about how the judge on the question of section 215 is involved? Involved.

I will tell my colleagues what it is like is the ham and egg breakfast: the pig's committed; the chicken is just involved. I suspect that is where this whole bill belongs, back on the farm.

The freedom to read what we want—it may not be the first thing that comes to mind when we talk about those basic, unalienable rights for which generations of American heroes have fought and died.

The idea of a government controlling what we read is the stuff of history books and horror stories about tyrants and dictators. It is not something we expect to face here in America—the Land of the Free.

That was before the passage of the USA PATRIOT Act. Section 215 of that law has given Americans reason to wonder whether the government might be looking over their shoulders when they check out books and materials from their local library. It has dangerously undermined the people's confidence in their government and threatens the precious freedoms we enjoy under the first amendment.

That is why I support this amendment today. I fully recognize the need to provide our law enforcement officers with the tools necessary to combat terrorism and keep Americans safe. However, security bought at the price of the freedoms on which our Nation was founded is no real security at all.

Certain parts of the PATRIOT Act, including section 215, may have seemed understandable in the short term, but they are intolerable over time. We need to set things right before our precious constitutional rights are eroded beyond recognition.

We sacrifice something much more dear than our physical safety when we fail to be diligent in defending our freedoms. Once lost, they seldom, if ever, are regained.

And whether the tyranny that robs me of my liberties comes from abroad or starts here at home makes no difference: It is equally unwelcome. I am just as committed to protecting Americans from their own government's excesses as from the violence of foreign extremists.

The degree to which that commitment has captured America's imagination and has found growing support here among my colleagues is one of the most gratifying experiences in my public life. A vote for this amendment is a vote to restore America's confidence in the ability of Congress to protect the freedoms they hold dear.

Mr. SANDERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for the time.

I feel a certain irony that we are having this debate today in the aftermath of the final disclosure of the identity of Deep Throat who was part of an effort in the Federal Government to cover up illegal acts at the highest level of American government; and, in fact, Deep Throat was the number two member of the FBI caught up in the internal swirl of politics.

I would suggest that 9/11 was not so much a failure of secret access to our library records and to bookstores; but it was the fact that the FBI did not know how to talk to itself, how to listen to people who actually had information.

We do not need to extend this reach. We have tools available. The problem that we have seen over and over again is that the Federal Government has, in fact, abused the rights of American citizens, including in the FBI.

I would suggest that rather than drag our bookstores and our libraries into this ill-considered issue, that we would be far better off to approve the Sanders amendment, which is a small step towards sanity in this regard.

Mr. SANDERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, the PATRIOT Act allows Federal agents to look at public and university library, patron circulation records, books checked out, magazines consulted, all subject to government scrutiny.

There used to be a time in this country when we were worried whether our young people knew how to read. Now some in our government are more worried that government agents be able to find out what people are reading.

This section that the Sanders amendment addresses gives the FBI the power to search for any tangible thing, books, records, papers, documents and other items, in a location without having to show probable cause. The Sanders amendment would restore legal standards and warrant procedures for investigations of libraries and bookstores which were in place before the passage of the PATRIOT Act.

It is time for us to remember where we come from as a Nation. This very Chamber we are standing in is dedicated to liberty, to freedom. The things we see carved in stone and wood in this place are all about freedom. Why do we not remember where we come from? Where we come from is a Nation with a heritage of standing up for basic civil liberties, for the first amendment, the right to assemble, the right to free speech; and I say it is time to address it with the Sanders amendment.

Mr. SANDERS. Mr. Chairman, can I inquire as to how much time remains on both sides.

The CHAIRMAN. The gentleman from Vermont (Mr. SANDERS) has 6 minutes remaining. The gentleman from Virginia (Mr. WOLF) has 4 minutes remaining.

Mr. SANDERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I thank the gentleman from Vermont (Mr. SANDERS) for the time.

Mr. Chairman, Pericles, a 5th century B.C. Athenian statesman, once said that "freedom is the sure possession of those alone who have the courage to defend it." I rise today in support of this amendment and to speak on behalf of freedom.

Librarians, booksellers, and everyday Americans across the country are deeply concerned about the chilling effect of section 215 of the PATRIOT Act, which clearly encourages individuals to self-censor their reading sources.

USA Today in June of 2004 reported that an FBI agent actually went to a Washington State library branch and requested a list of people who had borrowed a biography of Osama bin Laden. The librarian refused and informed the agent that he would have to go through legal channels before the names could be released. The FBI then served a subpoena to the library a week later demanding a list of everyone who had borrowed the book since November of 2001.

With government having the ability to easily obtain records of books that everyday Americans, our constituents, are borrowing, all of us forfeit the freedom to learn more.

Section 215 of the PATRIOT Act clearly gives the Federal Government an unwarranted amount of power. There must be a higher standard of suspicion to justify this invasion of privacy.

This amendment only applies to the records that contain information about the books and reading materials that are checked out of the library or purchased from a bookstore.

It is important to note that prior to September 11, law enforcement was able to arrest Ted Kaczynski, the Unibomber, via his library records. The authority already existed in law without the secrecy and overreach of section 215.

The adage "keep your friends close and your enemies closer" can be upheld via the freedom to obtain knowledge about those who wish to do us harm.

I urge my colleagues' support.

Mr. SANDERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Chairman, I rise in support of the Sanders amendment, and this is after I opposed it last year; but I learned two things since that vote that caused me to change my position.

First of all, as has been emphasized by the opponent of this amendment, section 215 has not yet been used by the Justice Department. We hear that if we eliminate this provision, it will somehow jeopardize our entire country and that we have been able to hold off the terrorists for 4 years because of the PATRIOT Act. Yet they acknowledge at the same time that section 215 has not even been used. So, obviously, it is not critical to that effort.

The second reason is the reason this is very important. There is no clear standard for when it can be used. If a person goes to a judge and gets a subpoena by some standard, probable cause or some other standard, then that makes sense. That is in fitting with the Constitution. The problem with section 215 is that you go to the Foreign Intelligence Services Act court and seek that warrant. It is a secret court.

We do not know what the standard is. There should and must be a clear standard before the Justice Department can seek this kind of information from our citizens. If that clear standard were put in law, that could change things; but there is no standard here, and this law has not been used. So it is not critical, and it can potentially be abused. So let us eliminate that potential and support the Sanders amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman for the time.

In response to the gentleman from Washington, the PATRIOT Act under 215 has been used. It has been used 35 times. There have been 35 specific reports that have been presented to Congress. It has just not been used in libraries.

This amendment is worse than previous law before the PATRIOT Act was passed because this creates a sanctuary and the sanctuary is listed in the Sanders amendment. It says library circulation records, library patron lists, book sales records, or book customer lists. That will be the place where we cannot investigate an international terrorist investigation.

It establishes a sanctuary when there has not been a single case of abuse, not a single individual that can be named. We have had 12 to 13 hearings. I have asked for those records to be presented to our Committee on the Judiciary. The request has been made by the gentleman from Wisconsin (Chairman SENSENBRENNER) as well. We have zero records that have been offered, not a single name of an individual that has been abused.

I would ask my colleagues, inform your constituents. Do not be concerned about the fear, about the phobia of this abuse of civil liberties, but send the message to your constituents that this has been properly used. A report comes back to Congress. If there is an abuse, we will deal with it. So we want to know about that abuse.

Mr. WOLF. Mr. Chairman, how much time does each side have? I have the right to close; is that right, Mr. Chairman?

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) has 3 minutes remaining and the right to close. The gentleman from Vermont (Mr. SANDERS) has 4 minutes remaining.

Mr. SANDERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for his leadership on this amendment. It is an incredibly important one, and I rise in strong support of the Freedom to Read amendment which will restore the privacy that our constituents expect and deserve.

We all agree that combating terrorism is the number one priority, but it should not be done at the expense of the fundamental rights guaranteed by our Constitution.

Many organizations support this, the librarians, the booksellers, the publishers, many, many organizations, but very importantly, my constituents. My constituents tell me that they feel that they cannot go to the library anymore without feeling that the government is looking over their shoulder.

So I ask my colleagues, what in the world do we gain if we deny basic privacy rights to Americans in our efforts to combat terrorism?

This is a balanced amendment. Section 215 is far too broad, and it has appropriate exemptions. It is an important amendment. I urge bipartisan support for civil liberties, for privacy. Support the Sanders amendment.

Mr. WOLF. Mr. Chairman, I reserve my time.

Mr. SANDERS. Can I ask my friend how many speakers he has left.

Mr. WOLF. Mr. Chairman, I have two speakers. The gentleman from Connecticut (Mr. SHAYS) will have 2 minutes, and I will have 1 minute. If my math is right, we do have 3 minutes; is that correct?

The CHAIRMAN. That is correct.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise to support this amendment. What is the difference that this amendment will make? The difference is between good police work and fishing expeditions.

This amendment is designed to say you can read without being afraid the government will someday reveal what you are reading. We do not want the chilling effect on free speech. If there is a real reason the government needs this information, that the government suspects someone is looking up how to make atomic bombs, then let the FBI go to a court and get a search warrant or show probable cause and get a subpoena. That is the American way. That is the way we have always done it.

The gentleman from Virginia says, well, we had an attack on 9/11. Indeed, we did. In my district, 3,000 people were killed; and he says, maybe, who knows, this power could be used to stop a future event. But we can say that about anything.

Ours is a government of limited powers. That is what distinguishes us from the Soviet Union or Communist China or any other tyranny; and those powers must be limited so as to protect liberty, even in the face of threats.

The gentleman says no instance of abuse has been shown. Well, sure, because all of this is secret. No instance of abuse can be shown.

Mr. Chairman, the point of this amendment is that we need not surrender fundamental liberty to protect ourselves from terrorism, and we should not; and this is why we should adopt this amendment. We can have our protection. We must have our protection. We must also have our liberty.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, the Cold War is over, and the world is a more dangerous place. It cannot be contain and react. It has to be replaced by detect and prevent. We want to prevent a crime. There is a serious problem of chemical, biological, radiological, nuclear or even a serious conventional attack. You all seem to want to wait until the crime is committed and then you can use your criminal law to get at it. We want to detect and prevent it.

I have never felt more outraged in my heart as I listen to this debate in 19 years. Do we not get it?

The issue with the Unabomber is he committed the crime. I say to the gentlewoman from Florida, so we should wait till after he commits the crime, then we can go into a library? I want to get the information before. I want to know what that Unabomber knew, that treatise he knew in that library in Montana which we got an act for.

I like this law better than the criminal law because you have got to go to a court and the court has to keep the record. You want to just say, in my judgment, that we will have a grand jury, and as soon as you have a grand jury, the prosecutor almost at will can get this information. He does not have to go to a court.

You are trying to give the impression that civil liberties are in jeopardy. I say under this law they are protected, and then I say something else. Public safety under this law is protected.

□ 1630

I find it amazing that we want a free zone in a bookstore. I find it amazing we want a free zone in a library. I find it amazing that librarians would allow someone to come in for a crime, but for a clandestine operation that might blow up New York City? Nope, do not go there.

Mr. SANDERS. Mr. Chairman, how much time remains on both sides?

The CHAIRMAN. The gentleman from Vermont (Mr. SANDERS) has 1½ minutes remaining, and the gentleman from Virginia (Mr. WOLF) has 1 remaining and the right to close.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

This amendment is supported by the American Library Association, the American Booksellers Association. Seven States in America, Democrat and Republican legislatures, have gone on record expressing serious concerns about the PATRIOT Act. And hundreds of thousands of Americans, hundreds of thousands, have written Members of Congress about this issue.

Mr. Chairman, all of us and all Americans grieve the horror of 9/11 and the deaths of thousands of our fellow citizens. And every Member of this Congress is on record pledged to do everything he or she can to defend the American people from another terrorist attack. We have spent tens of billions of dollars, and we are prepared to spend more. But, Mr. Chairman, the reason that conservatives and progressives and people in between have come together is that we understand that what we are talking about is freedom; is liberty; that we can fight terrorism, we can defeat terrorism, we can protect the American people without undermining the constitutional rights that men and women have fought for, have died for, and that made us the greatest country on Earth.

Let us go forward defeating terrorism, but let us do it in a way that makes us all proud, that protects the greatest document ever written, the American Constitution. And that is what this amendment is about.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, Hamas and Hezbollah and al Qaeda are opposed to liberty.

The gentleman was wrong last year, because he has changed his amendment from that. So he was wrong last year, so maybe he is wrong this year.

We are at war, as the gentleman from Connecticut (Mr. SHAYS) said. Go to the Pentagon and look at the monument, go to the World Trade Center. Two of my children live in the district of the gentleman from New York (Mr. NADLER), and I know that gentleman does not speak for them on this issue.

When in doubt, do no harm. Be careful. The Justice Department made a mistake on the Moussaoui. They did not look at what was in his computer, and as a result of that mistake, we have paid a tremendous price. And if we make a mistake here, we may pay another tremendous price.

Please, vote "no" on the Sanders amendment and let the Committee on the Judiciary deal with this.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in strong support of this amendment, which I am proud to cosponsor, and which would help restore the privacy and First Amendment rights of library and bookstore patrons.

On the day that the PATRIOT Act passed this body, few Americans were aware of some of the harmful provisions contained within it. Over the course of the past few years, however, our constituents have learned about some of its harmful provisions, and they are justifiably concerned. Over 365 cities, towns, and counties in 43 States have passed resolutions expressing concern about the PATRIOT Act or an extension of it. In my home State of New Mexico alone, ten cities and four counties have passed resolutions.

Section 215 granted authorities unprecedented powers to search, or order the search of library and bookstore records without probable cause or the need for search warrants. Because these surveillance powers were cast so broadly and the law prohibits them from revealing to the subject that an investigation is occurring, librarians, storeowners and operators are left in an impossible position. As a former State attorney general, I fully understand the need, and support swift justice for criminals and terrorists. Every member of this body does. But I also believe that we can be both safe and free.

This common sense amendment before us would prohibit the expenditure of funds for the implementation of these questionable searches. It would protect our citizens' rights to read, learn and purchase books without undue government influence. At the same time, it would maintain established formal procedures that allow law enforcement agencies to obtain warrants and receive records from libraries and bookstores for terrorist-related or criminal investigations. And it is important to note that this amendment does not exclude funding for library Internet records.

The opponents of this amendment argue that those of us who are concerned about it are making up far-fetched scenarios to drum up opposition. But it doesn't take fiction to do that. Take this example: When a patron at a public library in Whatcom County, Washington discovered a handwritten note quoting Osama bin Laden in the margin of a biography of Osama bin Laden, the patron contacted the FBI. Citing powers given by the PATRIOT Act, the FBI confiscated the original book and served the library with a grand jury subpoena, and demanded the names and addresses of everyone who had checked out the book. The library refused, filing a motion to deny the subpoena. The FBI withdrew, but reserved the right to issue the subpoena in the future. If the library had told anyone that they had been subpoenaed, they would have been violating the PATRIOT Act's gag order.

Our concerns are not make believe. Our founders understood the value of open access to knowledge. I think we would all agree that one of the measures of a great democracy is the ability of ordinary citizens to explore ideas without government interference. I believe that this amendment is a positive step towards restoring some of our personal freedoms.

Mr. Chairman, I strongly urge you to allow a full and fair vote on this amendment. My colleagues will recall that during a vote on this same amendment during consideration of the fiscal year 2005 CJS Appropriations bill, the majority held open the vote on the Sanders amendment twice as long as scheduled to ensure its demise. This, despite the strong and audible support of Americans to pass this common sense amendment.

I thank my colleague from Vermont for offering this important amendment, as well as the amendment's other cosponsors, and I urge my colleagues to support its passage.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

AMENDMENT NO. 28 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Mr. KING of Iowa:

At the end of the bill, insert after the last section (preceding the short title), the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a) For expenses necessary for enforcing subsections (a) and (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373), $1,000,000.

(b) The amount otherwise provided in this Act for "DEPARTMENT OF JUSTICE—LEGAL ACTIVITIES—SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES" is hereby reduced by $1,000,000.

The CHAIRMAN. Pursuant to the order of the House of June 14, 2005, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume, and I first want to say that I appreciate the opportunity to bring this amendment forward. I want to thank the gentleman from Virginia (Mr. WOLF) for his extraordinary work on this entire bill. I want to remark that his persistence here on the floor yesterday, today, and quite likely tomorrow has been a long marathon, and he has maintained his composure, his intellect, and his judgment.

I bring before the Congress, Mr. Chairman, an amendment that seeks to upgrade this good appropriations bill that we have on Justice, and it recognizes that there is a Federal law today that prohibits sanctuary policies. Presently many cities have been enacting sanctuary policies which prohibit local police from asking about a person's immigration status or reporting illegal aliens who commit crimes to immigration authorities for deportation.

The law I am referring to was passed in 1996, and it is called the Illegal Immigration Reform and Immigration Responsibility Act. It forbids localities from preventing their police officers from asking or reporting immigration information to the Federal Government. The existing Federal law says, and I quote, "Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit or in any way restrict any government entity or official from sending to or receiving information regarding the citizenship or immigration status, lawful or unlawful, of any individual."

Now, Mr. Chairman, despite this ban, some cities continue to prohibit their officers from asking about immigration status or providing information to the Federal Government. Make no mistake, this is a situation of local governments blatantly violating Federal law. As a result, U.S. taxpayers pay to incarcerate illegal alien prisoners who are later released back onto the streets.

Sanctuary policies tie the hands of local law enforcement officers and keep illegal aliens who commit crimes in our country from being deported according to U.S. law. These sanctuary policies have disastrous consequences. A case in point, a tragic case in point, was the issue regarding a Denver police officer, Donnie Young, who was assassinated in cold blood about a month ago. The suspect in the case, Raul Garcia-Gomez, was an illegal alien, who has since fled to Mexico. He has since then actually been arrested in Mexico.

But Denver has an illegal alien sanctuary policy, and it is based upon the mayor's executive order. The current mayor, by the way, is a successor mayor to the executive order, but it is still his executive order, and he could rescind that executive order. The mayor happened to also own at least a part interest in the restaurant where this illegal alien worked. They had gotten a letter from the Social Security Administration saying that this Social Security number you sent on this individual does not match the individual.

But the individual continued working at the restaurant. He had sanctuary there. He was picked up three times on the streets of Denver. He offered no driver's license one time, a Mexican driver's license at least one other time, and no insurance card on another occasion. Each time he was allowed to drive away. There were at least four different opportunities for that community to enforce the laws and take action against this illegal alien, and each time he has been shielded by the sanctuary policy that is a direct violation of Federal law.

Last month we passed an amendment that will provide the necessary resources and training to State and local governments so that they will be more willing and better prepared to work with the Federal Government and to protect our Nation's citizens. Even with the proper training, though, law enforcement officials cannot help in this area if they are forbidden from doing so.

My amendment today would provide funding for the Department of Justice to enforce the law as it presently exists. It does not enact any new law. It does not promote a new policy. I want to repeat, it simply provides funding to see that our current law is enforced.

Our State and local governments serve as the front line of defense against terrorism and criminal aliens. Every murder, every rape, every violent gang crime committed against Americans by illegal aliens is an utterly preventable crime. If we better enforce our immigration laws to keep criminals out, we will save lives. We must use the law enforcement resources that we have to enforce our laws, with the end result of making our Nation a safer place for our children and grandchildren to grow up in.

This amendment simply directs $1 million of the $600-and-several million in this appropriations process to that enforcement of the existing Federal law. It is an issue that we raised last year as well. It is an issue I know the Chairman is very much concerned about.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member wish to claim time in opposition?

If not, the question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. NADLER:

Page 108, after line 7, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SECTION 801. None of the funds made available in this Act may be used to issue a national security letter, for health insurance records, under any of the provisions of law amended by section 505 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001.

The CHAIRMAN. Pursuant to the order of the House of June 14, 2005, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 7½ minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment prohibits funds from being used to issue national security letters to health insurance companies under the provisions of section 505 of the PATRIOT Act.

Currently, any FBI field office director is authorized to issue secret national security letters to insurance providers without any judicial approval, not even a FISA court. These NSLs open the door to a secret seizure of highly personal medical information. The FBI, if this amendment passes, will still be able to get all these records because they have so many other tools available to them, which I will describe in a moment.

Almost limitless sensitive private information from health insurance companies, including medical records, can be collected secretly by simply issuing a national security letter under section 505 on an FBI field director's own assertion that the request is merely relevant to a national security investigation. These private health insurance records can be demanded without any court review or approval, not even a FISA court.

Worse yet, the target of the NSL will never know that his health records were inspected by government agents, because health insurance companies are barred by law from telling him or anyone else that the records were demanded.

Government officials already have access to so much of our personal information, such as credit reports, library use, and telephone communications. Do we want the government to keep files detailing our personal lifestyles as revealed by our medical histories, psychiatric profiles, lab studies, and diagnostic tests like CAT scans or MRIs?

Why does the FBI need access to health records? How is this information pertinent to a terrorist investigation? If somehow your medical records are, in fact, relevant to a terrorist investigation, the government should be required to explain to a judge, in a secret FISA court if need be, why that is, instead of simply allowing an FBI field agent to demand those records in secret.

In any criminal investigation the FBI can obtain a search warrant for documents or other tangible things if there is a judicial finding of probable cause that a crime has been or will be committed. The FBI can use grand jury subpoenas issued under the supervision of a judge and the U.S. Attorney. And in international terrorism cases, such as we are talking here, the FBI has sweeping authority to obtain business records, including medical records, under section 215, which we discussed a few moments ago.

Given these existing powers, there is no reason to authorize the FBI to issue unchecked and reviewable national security letters demanding personal medical records.

I am not seeking to repeal the PATRIOT Act. This amendment seeks only to modify the application of one provision that poses a serious potential to abuse. Through this very narrow amendment we can provide checks and balances with regard to our sensitive medical records.

However, since I was greatly restricted by the House rules, this amendment does not fully address all the problems created by section 505 and national security letters. I am hopeful I can work with the Committee on the Judiciary to address these problems more completely. This amendment addresses only the health insurance provider's records; not bank records, not credit company records, not credit bureau records, not car dealerships. But when it comes to health insurance, what terrorist has health insurance? The problem is that most, but not all, innocent Americans do have health insurance, and the FBI should not have easy access to this information, at least not without telling a judge why he needs this.

I have also introduced, along with the gentleman from Arizona (Mr. FLAKE), a stand-alone bill to address more fully the issues presented by section 505.

In Doe v. Ashcroft, the New York Federal District Court struck down this section on the grounds that it violates free speech rights under the first amendment, as well as the right to be free from unreasonable searches under the fourth amendment.

We can all agree that giving the FBI access to our most intimate private information is too great an intrusion of privacy to leave unlimited and unsupervised. We can be both safe and free. And if the FBI thinks that for a terrorist investigation it needs access to private medical records, let them at least show to a judge, in a secret FISA court, under section 215, which we did not take the power away from them to do, why that is relevant to an ongoing terrorist investigation.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I claim the time in opposition to the amendment, and I yield myself 30 seconds.

Mr. Chairman, I rise in opposition. The Committee on the Judiciary has held over 10 hearings on the PATRIOT Act, including a hearing devoted just to national security letters.

We saw this amendment for the first time Monday night. It is unclear to me why health insurance records are different than any other records. We do not know how this amendment would impact a counterterrorism investigation. We just do not know. And here we are with 7½ minutes on each side. What is this? This is no way to protect the country.

I could never support 7½ minutes. And I do not care if it is just the naming of some government building somewhere. So I strongly urge Members to vote "no" on this. Seven-and-a-half minutes? We cannot do it. I urge a "no" vote.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY).

☐ 1645

Mr. FEENEY. Mr. Chairman, again, I appreciate the gentleman from Virginia (Mr. WOLF) yielding me this time, and he is exactly right. The Committee on the Judiciary has had no less than 10 hearings on the PATRIOT Act, including one specifically devoted to national security letters.

This may be an issue as we move forward on the process to find a way to reform or modify, but there have been no abuses. This is a solution in search of a problem. The fact of the matter is these types of subpoenas are already available to investigate insurance fraud or bad doctors. If we can use these subpoenas to find bad doctors taking advantage of the Medicare or the Medicaid system, why can we not use these subpoenas to track down a terrorist? We are not talking about medical personal records of anybody. We are talking about financial records.

Let us say theoretically, since there have been no abuses, let us say hypothetically al-Zawahiri was injured and sought medical attention. We could potentially track down the financing to locate him.

Let us suppose we had a known terrorist here in the United States that underwent plastic surgery to change his or her identity. We could track down the financial records to possibly intercept that.

These subpoenas have been used since 1996 under the Clinton administration as a tool for health care fraud investigations. If we can use these appropriately under the proper circumstances to find bad doctors, surely a national security letter can be used to track down evil terrorists.

I do not think this is a widespread tool being used on a regular basis, but there may come a time when we rue the day that we have taken away one more law enforcement tool to track down the bad guys.

Mr. NADLER. Mr. Chairman, there are no abuses we know of because they are all secret and they cannot tell us about abuses.

Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I rise in strong support of the Nadler amendment to prohibit the release of medical records under section 505 of the PATRIOT Act. The PATRIOT Act was drafted in a rush to respond to a perceived need of new law enforcement powers immediately after 9/11. As such, the law must be considered a work in progress at best.

Section 505 of the PATRIOT Act authorizes FBI field office directors to collect in secret almost limitless sensitive personal information, including medical records from health insurance companies. This is done without court review or approval. This is a major invasion into the right to privacy. We must draw the line at this invasion into our personal lives.

This critical Nadler amendment provides crucial checks and safeguards. Records held by health insurance companies may include laboratory tests, medications prescribed, the results of operations and other medical procedures. The FBI has no business examining America's health records without a court order.

I believe it is a rare occurrence that the FBI would truly need access to health insurance records. For the most part, such information is not pertinent to a terrorist investigation. There is a better way. If the FBI did have a real need for such records, the FBI could simply use other legal mechanisms to gain access, and those options include judicial review and thus protection of privacy.

Protection of our personal privacy is a basic and fundamental responsibility of this Congress, and that is why the Nadler amendment elevates the condition of this Congress to where we can be in the defense of the right to privacy. Support the Nadler amendment. Support the right to privacy.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman for yielding me this time and for the opportunity to say a few words with regard to the Nadler amendment, an amendment that would prohibit the use of national security letters to get medical reports of all kinds. That would also include insurance company records which qualify as financial institutions.

We have another amendment on the floor of this Congress which qualifies as a sanctuary amendment. It carves out another region that terrorists then would know that they can go ahead and go in and operate on without fear of government intervention or government investigation.

In fact, there is a significant case. Suspects have bought bulk amounts of Cipro, which is the antidote for anthrax. That may be an indicator of a dirty bomb or a series of dirty bombs that could be set up and staged and the perpetrators would want to have the antidote. Could that also be the case for smallpox?

These kinds of indicators need to be available to our investigators. This creation of this fear of Big Brother, this relentless attack on the PATRIOT Act without substance is causing concern amongst the citizens. I have civil libertarian instincts within me, but I have come to the conclusion that we are far safer, the requirement that these reports come back to Congress and we review those reports, we are far safer that way than we are erring on the side of liberty safety without merit on the other side.

I think it is important that we put protections in the PATRIOT Act. The standards that have been there before with criminal investigations are higher for the PATRIOT Act, not lower. We did not expand any access into information to speak of. We made a high standard. That high standard is held and it is maintained, and the records come back before Congress without a single case of abuse; but we want to carve out another sanctuary for another issue here to placate some people who have been caused to have fear of the PATRIOT Act by a propaganda campaign across America.

Mr. NADLER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this amendment does not carve out a sanctuary as the gentleman says, nor do they report to Congress. They report to Congress on other things, but on section 505 they report nothing. We get no information.

All this amendment says is if the FBI thinks that your personal medical records, and that is all we are talking about, the medical records from the medical insurance company, are relevant to a terrorist investigation, they go to a judge and tell him and he says yes. They can even go to a FISA court judge in a secret proceeding.

Also, we were told they can get these records by administrative proceedings on other subjects. On other subjects they get the proceedings, they ask you for the records about yourself, and you can move to quash it. You can challenge it. They do not go to the insurance company and say give me the records about him under administrative subpoenas.

Under this section, the government can go, the FBI can go to the insurance company and get your personal medical records without even telling any judge, even in a secret proceeding, why it is necessary. All this amendment says is if they want your personal medical records, they have to tell a judge why it is relevant, in secret, why it is relevant to a terrorist investigation. They do not have to not get the records, but they have to tell a judge why it is relevant, and the judge can say it is relevant.

That is the minimal standard we should insist on for liberty. Indeed, in other amendments we say it is not good enough, and I agree. But in this amendment, that is all we are asking. For personal medical records, if the government wants to rummage through your personal medical records, they should have to say to a judge in a FISA court in a secret proceeding why they think it is relevant to an investigation. Not why there is probable cause, but why it is relevant. It is a very low standard, and if the government cannot meet that standard, they should not have your personal medical record information.

I urge my colleagues to vote for this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield the balance of the time to the gentleman from California (Mr. DANIEL E. LUNGREN), a former attorney general.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, let us understand first what we are talking about here. We are talking about national security letters, NSLs. They are administrative subpoenas that can be used in international counterterrorism and foreign counterintelligence investigations, not even domestic terrorist investigations. So we are limited to that category.

Secondly, some of the statements that have been made here are questionable in terms of their conclusions, that is, that there is no reporting to Congress. As a matter of fact, NSLs are reported to our intelligence committees, both the House and the Senate. Obviously, not all Members are on those committees, but it is my information that Members can go to the Permanent Select Committee on Intelligence and examine the documents presented by the Department of Justice in this regard.

The Supreme Court has upheld the use of administrative subpoenas where the demand is definite and the information sought is relevant. As with other types of subpoenas, the national security letter is a request for information and is not self-executing. In fact, they cannot enforce it. If the recipient refuses to accept the request for information, there is no enforcement mechanism. The FBI would have to obtain an enforcement order from a Federal court, not an NSL.

In fact, the Justice Department has argued both in and out of court that the current law allows for a recipient to obtain preenforcement judicial review of an NSL. As a matter of fact, some of us working on this on the Committee on the Judiciary believe that information ought to be presented to the recipient. They ought to be notified ahead of time, and that is one of the things we ought to be working on.

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, a NSL, unlike an administrative subpoena, is not the target of the inquiry and has no interest in contesting or refusing it.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I appreciate what the gentleman is saying. It is a third party. There is no doubt about it.

In some cases it is essential to be able to get that information if you are involving yourself in a counterterrorism investigation precisely because you do not want those people to know you are going after that. But the recipient of the letter has the ability to refuse to give that to the authorities.

The idea that somehow we have such an abuse of these letters flies in the face of any presentation we have had from the committees of jurisdiction, that is, the Intelligence Committees of the House and the Senate. There has been no report to us that there has been an abuse.

I think those of us on the Committee on the Judiciary can work on this if we want to refine it more, if we want to make sure that there is an affirmative presentation to the recipient to let them know they do not have to comply, if there are some sort of other protections we want to wrap around it.

But I also think it is wrong for us to try to do it in this particular venue, and especially when we have a definition of all health records. That goes beyond just personal records. The gentleman's definition is much broader than that in terms of the whole health industry, the whole health insurance industry.

I suggest this is a precipitous action by this body, and I would ask Members to vote down the gentleman's amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the amendment authored by the Gentleman from New York, Mr. NADLER, to the Commerce-Justice-State-Science Appropriations Act for Fiscal year 2006. His proposal is simple but carriers tremendous weight in terms of protecting the Constitutional rights of individuals who live in this nation. it withholds funds from government action to issue a national security letter (NSL) for the purpose of obtaining health insurance records under any provisions amended by Section 505 of the PATRIOT Act.

Currently, under Section 505 of the PATRIOT Act, the FBI is authorized to issue self-authorized secret national security letters to insurance providers, which opens the door to he secret seizure of highly personal medical information.

Section 505 of the PATRIOT Act authorizes FBI field office directors to collect, in secret, almost limitless sensitive personal information, including medical records, from health insurance companies that are not under investigation themselves but have customers whose records the government wants by simply issuing a "national security letter" carrying the weight of law on the FBI's own assertion that the request is relevant to a national security investigation.

This unfettered access to information that has been held to be Constitutionally protected since the passage of the Bill of Rights must be checked, and the Nadler Amendment provides that check in the context of fulfilling funding requests for the Department of Justice. Not only is the scope of the searchable material under this provision unconstitutional but the prohibition on notice to the individual searched contravenes the notions of privacy that have formed the foundation of our fundamental freedoms.

Records held by health insurance companies about their customers must be turned over regardless of whether they concern financial matters, because "financial records" are defined as "any record held by a financial institution pertaining to a customer's relationship with that institution." The records sought may include laboratory test results, medications prescribed, and reports that indicate the results of operations and other medical procedures. This kind of authority might well be described as "terroristic" to Americans in and of itself.

The existence of alternative ways of accessing this kind of information with grand jury subpoenas and orders issuing under Section 215 justify offering this important amendment. This section allows the FBI to obtain virtually any business record simply by asserting the information is "relevant" to a national security investigation. It can be used to obtain records of individuals who are not suspected or accused of any crime.

Citing Section 215, the government may, unbeknownst to the suspected person, secretly obtain employment, medical, and financial records, membership lists, and even a key to one's office. The only oversight is an annual report to Congress of the number of warrants issued.

Mr. Chairman, I have been involved in the limited oversight that the House Judiciary Committee has begun. On Friday, June 10, 2005, the manner in which the Committee Majority Leadership conducted that hearing is only indicative of the manner in which the highly controversial provisions of the PATRIOT Act have been foisted upon the American people. I support the Gentleman's amendment and urge my colleagues to do the same.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The amendment was rejected.

AMENDMENT NO. 17 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 17 offered by Mr. STEARNS:
> Page 108, after line 7, insert the following title:
>
> TITLE VIII—ADDITIONAL GENERAL PROVISIONS
>
> SEC. 801. None of the funds made available in this Act may be used for the design, renovation, construction, or rental of any new headquarters for the United Nations in New York City or any other location in the United States.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Florida (Mr. STEARNS) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

Mr. WOLF. Mr. Chairman, I yield half of my time to the gentleman from West Virginia (Mr. MOLLOHAN) and ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

This amendment is more symbolic than it is substantive. It is really giving an opportunity for Members on both sides of the aisle who feel frustrated with the increased cost for things that happen around here. We know that we start out with a project that costs $40 million, and it ends up costing $550 million, and I am talking about the tourist center right outside the Capitol. We saw what happened in Boston with the Big Dig.

Basically, my amendment says before we give any money to the United Nations, $1.2 billion, that we should have a study. We should have a GAO audit. We should have some kind of reference put down before they go out and spend this money.

□ 1700

The U.N. wants to spend $1.2 billion in renovating the New York City United Nations headquarters. Then they want to spend $650 million to house the organization in the meantime for rental purposes or existing office space in Manhattan and elsewhere, so we are roughly up to $1.8 billion. It could be $2 billion. It could be $3 billion. I think before we allow the United Nations to spend any of this money, why do we not have a GAO audit, or why do we not at the very least impanel a panel to determine how they are going to spend this money? Because we know the rental price of real estate in New York, it costs a lot of money. It keeps going up every year. There is no doubt that the estimate that the U.N. gave of $1.2 billion and roughly $650 million to relocate while they renovate is very small. These initial financial estimates probably are not accurate. As I mentioned earlier, look at the Big Dig in Boston, the money we put up there, it is still going on. It is just a total overrun.

I just urge my colleagues to look at this, not so much as substantive because the money was appropriated. It was in last year's bill. This is basically saying, before we go ahead and give this money, we should tell the United Nations, give us a plan, let us have an opportunity to review the cost before you go ahead, and then we can look at it more carefully.

This is not an amendment that is against the United Nations. It is just an amendment asking for some kind of fiscal responsibility by these people before they spend the money.

The amendment that I am offering today proposed a very simple goal. It merely states that none of the funds made available in this act shall be used to renovate and modernize the U.N. headquarters in New York City.

As we all know, the United States already pays roughly 22% of all U.N. expenses. We do so despite the fact that the U.N. often goes against American values and American interests.

Now the U.N. is planning a $1.2 billion renovation of its New York City headquarters. They are also considering either the construction of a new building costing $650 million to house the organization in the meantime, or the rental of existing office space in Manhattan or elsewhere in the city. No doubt this rental of prime real estate will also cost hundreds of millions of dollars. So we are talking a renovation costing approximately $2 billion, at least.

I say "at least" because these are just the initial financial estimates, and there's a good chance the costs will increase substantially, as these projects often do.

Just look at the Big Dig in Boston, or even the Capitol visiting center, to see projects that were only expected to cost a billion or two, but have since far exceeded their initial cost expectations.

I'd like to note that even though Congress voted last year to offer a $1.2 billion loan to the U.N. for the purpose of renovation, several member countries complained that we charged interest on the loan, a modest 5.5%. As such, the U.N. General Assembly has not yet accepted the loan and its conditions, so it is possible that may find different financing. Either way, American taypayers will end up paying the lion's share of this renovation.

Mr. Chairman, there are serious questions about the costs of this renovation project. It is considered wasteful by Donald Trump, who, whatever his faults, knows a thing or two about real estate in New York City.

"The United Nations is a mess," said Trump recently, "and they're spending hundreds of millions of dollars unnecessarily on this project."

In fact, according to published reports, Mr. Trump recently met with Kofi Annan and offered to manage the renovation of the U.N. building for the much lower total of $500 million, yet he never received a response from the U.N.

Several other real estate experts have concluded that renovations in New York City should cost a fraction of what the U.N. is claiming is necessary to fix their buildings.

I submit these press accounts detailing the opposition of New York City real estate developers for the record.

If these real estate experts are right, then it appears that hundreds of millions of dollars may be unaccounted for, either through incompetence or corruption.

We are still trying to get to the bottom of the Oil-for-Food scandal, in which $20 billion in U.N. funds were also somehow "lost." The U.N. does not have the best track record for competent and legitimate spending.

Mr. Chairman, there are obviously serious questions about the U.N.'s renovation project, which, along with their plans for temporary housing, will cost close to $2 billion.

The questions involved with this renovation project are not dealt with in Chairman HYDE's bill, in the Gingrich-Mitchell report.

This amendment is not an anti-U.N. amendment. What this amendment is attempting to do is make sure that American taxpayer dollars are spent wisely. We need to make sure that this renovation project is being run in a transparent and cost-effective fashion.

If we waste hundreds of millions of dollars on this renovation, that's money that won't be able to go toward peace and humanitarian efforts.

So what this amendment will do is tell the U.N. that we will have no part of financing this renovation until we see some sort of action taken to ensure that there is financial accountability.

I urge my colleagues to support this amendment and to support financial accountability.

[From the Weekly Standard, May 16, 2005]

TROUBLE AT TURTLE BAY

(By John Hinderaker)

The United Nations has been in the news of late. As usual, most of the news is negative: evidence suggesting that one or more members of the Security Council were bribed by Saddam; an inability to deal effectively with various crises in Africa; the embarrassing presence of nations such as Iran, Syria, Libya, Zimbabwe, and Saddam's Iraq on U.N. commissions on human rights, proliferation and weapons of mass destruction; the oil for food scandal.

In the midst of these controversies, the United Nations is proceeding with plans to upgrade its Manhattan headquarters. The organization's headquarters at Turtle Bay were completed in 1950 and renovated in the 1970s. The United Nations now believes that another renovation project is necessary, and has prepared a $1.2 billion plan to carry out the work.

While the construction is underway, the organization will need to be housed elsewhere. In its original form, the U.N. plan included construction of a new, 35-story building over Robert Moses Playground, a park near Turtle Bay, at a cost of an additional $650 million. This new building was slated to be the U.N.'s home during the renovation project, and to continue in use by the organization thereafter.

It was the construction of this new building--for which approval by the New York legislature was required—that first drew public criticism of the project. Bipartisan opposition to the new building stalled legislative action in the New York Senate. With no sign that senators opposing the project would relent, Kofi Annan, on May 10, issued a statement urging the United Nations to abandon its plan for the new building, on the ground that it could not now be completed in time for its projected use as a temporary home. Instead, the United Nations will look for existing office space elsewhere in Manhattan.

There has been little debate over the broader issue of the renovation project itself, perhaps because so few people are aware of it. Establishment figures such as Colin Powell, Ed Koch, and Mortimer Zuckerman have been enlisted to head a committee to lobby for the project. With the notable exception of the New York Sun, however, the press has been virtually silent. This seems odd, in view of the serious questions that have been raised about the cost of the renovation.

The U.N.'s Capital Master Plan states that a total of 2,651,000 square feet will be renovated. Assuming that figure to be correct, the per square foot cost would be $452. But, as reported by the Sun, real estate experts question whether the U.N.'s facilities contain anywhere near that amount of space. According to the U.N.'s web site, the organization's headquarters include four main structures, whose size has been estimated as follows:

Secretariat Building: 39 floors and three subfloors, approximately 500,000 square feet.

General Assembly Building: Five total floors, approximately 380 ft. by 160 ft., or 304,000 square feet.

Conference Building: Four stories, approximately 115,000 square feet.

Dag Hummarskjold Library: Four stories and two sublevels, 219 ft. by 84 ft., total 110,376 square feet.

If these estimates are correct, only around 1,029,000 square feet will be renovated under the U.N.'s proposal. At a total cost of $1.2 billion, the project would then weigh in at over $1,100 per square foot.

Either of these figures is regarded by local real estate developers as stunning. The New York Sun reported on February 4, 2005:

The United Nations has said its plans to renovate its headquarters at Turtle Bay will cost $1.2 billion.

That strikes Donald Trump as far too much. "The United Nations is a mess," the developers said yesterday, "and they're spending hundreds of millions of dollars unnecessarily on this project."

And he's not the only one. Several Manhattan real-estate experts told The New York Sun this week that renovating premium office space should cost a fraction, on a per-square-foot basis, of what U.N. officials expect to pay.

An executive managing director at the commercial real-estate firm Julien J. Studley Inc., Woody Heller, said a thorough renovation of an office building would probably cost between $85 and $160 per square foot.

An executive vice president at Newmark, Scott Panzer, said renovation prices could range between $120 and $200 per square foot. Mr. Panzer, who works with many corporations to redevelop their buildings for future efficiency and energy cost savings, put a price of $70 to $100 per square foot on infrastructure upgrades. Those would include heating; ventilation; air conditioning; replacing the central plant; fenestration (specifically, switching from single-pane to thermal-pane windows); upgrading elevator switch gears, mechanicals, and vertical transportation; improving air quality, and making security upgrades. On top of that amount, another $50 to $100 per square foot would take care of the inside office improvements.

The chairman of global brokerage at commercial real-estate firm CB Richard Elis, Stephen Siegel, said high-end commercial renovation usually runs $50 to $100 per square foot. For a renovation that does not include new furniture—according to the 2002 Capital Master Plan, the United Nations' will not—but does provide for improved heating, ventilation, and air-conditioning equipment, as well as work on the building exterior, the cost would be closer to the $100 end of the range, Mr. Siegel said. Even accounting generously for upgrades that might be peculiar to the United Nations, Mr. Siegel added, he would set $250 per square foot as the absolute maximum.

I would appear, then, that hundreds of millions of dollars are unaccounted for, even on the most generous assumptions.

Trump has gone further, expressing the view that the expenses projected by the U.N. can only be the result of graft or incompetence. In a speech on the Senate floor on April 6, 2005, Senator Jeff Sessions recounted his conversation with Trump:

Let me share this story with you, which is pretty shocking to me. The $1.2 billion loan the United Nations wants is to renovate a building. Some member of the United Nations, a delegate, apparently, from Europe, had read in the newspaper in New York that Mr. Donald Trump . . . had just completed The Trump World Tower—not a 30-story building like the United Nations, but a 90-story building, for a mere $350 million, less than one-third of that cost. So the European United Nations delegate was curious about the $1.2 billion they were spending on the United Nations. He knew he didn't know what the real estate costs are in New York. So, he called Mr. Trump and they discussed it. Mr. Trump told him that building he built for $350 million was the top of the line. It has the highest quality of anything you would need in it. They discussed the matter, and an arrangement was made for Mr. Trump to meet Kofi Annan, Secretary-General, to discuss the concerns. . . . So according to Mr. Trump, who I talked to personally this morning, they go meet with Mr. Annan, who had asked some staff member to be there. . . . When the European asked how these numbers could happen, Mr. Trump said the only way would be because of incompetence, or fraud. That is how strongly he felt about this price tag because he pointed out to me that renovation costs much less than building an entirely new building. So he has a meeting with Mr. Annan, and they have some discussion. And Mr. Trump says these figures can't be acceptable. He told me in my conversation this morning, he said: You can quote me. You can say what I am saying. He said they don't know. The person who had been working on this project for 4 years couldn't answer basic questions about what was involved in renovating a major building. He was not capable nor competent to do the job. He went and worked on it, and talked about it, and eventually made an offer. He said he would manage the refurbishment, the renovation, of the United Nations Building, and he would not charge personally for his fee in managing it. He would bring it in at $500 [million], less than half of what they were expecting to spend, and it would be better. . . . Yet he never received a response from the United Nations.

It appears there are serious questions about the U.N.'s renovation project. Depending on which assumptions one accepts about cost and square footage, anywhere from $500 million to $1 billion in expense is unaccounted for. Given the U.N.'s history, is there any reason to doubt that the costs projected by that organization include substantial sums representing, as Trump put it, incompetence or fraud? Given what we know about the oil-for-food program, is there any reason to trust the U.N.'s business or accounting practices?

American taxpayers have a legitimate interest in knowing the answers to these question. The renovation is to be financed by a low-interest, 30-year, $1.2 billion loan from the U.S. government. (Kofi Annan's original request for an interest-free loan was turned down.) And, of course, the loan will then be repaid largely by American taxpayers, who foot a little over 20 percent of the U.N.'s bills.

A few congressmen and senators have finally begun to ask whether the U.N. building project is a boondoggle. It's about time.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself 1 minute. I think the gentleman makes some decent points. There were the Gingrich-Mitchell recommendations which have been made. The gentleman said that he would withdraw the amendment if we got a GAO study. I think we ought to look at this thing. I think that the committee will ask the GAO to do a study to look at the cost and make sure. It is hard to argue against the gentleman for wanting a study because we now know, and being the author of that task force, that the U.N. failed on the Oil-for-Food program. I think it makes sense.

With that, I will pledge and I will wait to hear what the gentleman from West Virginia says, but we will ask the GAO for a study to look at these things.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume. I rise in opposition to the amendment. It is my understanding that the gentleman will withdraw his amendment upon an understanding that the chairman, who I would support, would encourage a GAO study?

Mr. STEARNS. If the gentleman will yield, I will. I am reluctant to do it, but I would.

Mr. MOLLOHAN. Then I agree to proceed in that manner.

Mr. STEARNS. Let me just complete my presentation, then. I will be glad to withdraw it as long as I get the confirmation that there will be a GAO study before these moneys are issued.

Mr. MOLLOHAN. With that representation, I will not oppose the gentleman.

Mr. Chairman, I yield back the balance of my time.

Mr. STEARNS. Mr. Chairman, I yield myself the balance of my time.

These are serious questions when you spend $1.2 billion. Obviously we are going to pay one-fourth of this. At the very least, with all this kind of waste we have seen and fraud in some of these estimates around here, it is not unreasonable for taxpayers to have some kind of control over this. We are just trying to make sure that American taxpayers' dollars are used wisely, and that the renovation project is being run in a transparent and cost-effective manner, and, in fact, when these employees go to other places to live while they do the renovation, that they do not waste hundreds of millions of dollars in doing so.

I think the United Nations has had several offers from developers in town, in New York City, to say we will do this for one-third of the cost. I think the United Nations has to tell us, if you are going ahead with this project, we have got to have assurance that there is going to be a fixed-cost basis on this contract and not procurement on a cost-plus fee basis or cost-plus-plus basis. These are the kind of contracts that just roll out of pocket. We need to tell the United Nations that they have to be accountable and provide good financial accountability, not just for United States dollars, but also for all the dollars.

Mr. DAVIS of Illinois. Mr. Chairman, the Legal Services Corporation (LSC) is a private nonprofit, federally funded corporation that helps provide legal assistance to low-income people in civil matters. When the LSC was first established, its initial goal was to provide all low-income people with at least minimum access to legal services, defined as the equivalent of two legal services attorneys for every 10,000 poor people. This goal was achieved briefly in FY 1980 but not maintained due to inflation and subsequent budget cuts.

Legal services provided through LSC funds are available only in civil matters to individuals with incomes less than 125% of the federal poverty guidelines. The LSC places primary focus on cases that deal with family related issues like divorce, separation, child custody, support, adoption, spousal abuse, child abuse or neglect, evictions, foreclosures, access to health care, debt collection, employment, health and education. Most cases are resolved outside the courtroom via legal advice and telephone calls by attorneys. This is a very cost-effective approach to settling legal matters.

I opposed Representative STEARNS amendment to reduce the Legal Services Corporation FY2006 appropriations allocation by $10 million. The LSC is already underfunded to provide low-income people with adequate and necessary resources to solve their legal matters.

Mr. STEARNS. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 8___. None of the funds made available in this Act may be used to deny the production of safety reports regarding the NASA Space Shuttle program and the International Space Station.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is very clear and straightforward. None of the funds made available in this act may be used to deny the production of safety reports regarding the NASA space shuttle program and the international space station. To the credit of NASA and to the credit of the members of the House Science Committee, we have joined together along with the Senate and been diligent and steadfast as it relates to safety issues in the human space shuttle and international space station.

Those of us who come from the region that I come from and have as our neighbor the Johnson Space Center have lived through *Challenger* and then *Columbia*. These are our neighbors, our friends, and certainly the families are families that we care for. In fact, so many of the names are household names to us because, as I said, they are our neighbors.

This amendment simply reinforces the importance of safety and safety reports as it relates to the human space shuttle and the international space station. Just recently NASA was able to report that 3 out of the 15 safety requirements that were recommended by the Columbia report have now been completed. At the same time, the international space station is making steadfast but slow progress in securing that facility. Over the last couple of months, we have seen article after article about air quality and a number of other concerns that will require our oversight.

This amendment wants to reinforce the fact that we are committed to exploration in space, but likewise, we are committed to safety. One of the issues that was very important during the time of *Columbia* and the review that occurred, one, to put forward the most effective and efficient commission that we could, and the Gehman Commission did an outstanding job; but, two, to ensure that we retained skilled workers.

I am very gratified to note that language in this legislation indicates that if a worker is trained along the line of safety skills, then their work position should certainly be protected, or there should be some reason for their termination if that occurs.

This amendment is to focus us again on the fact that if we are recommitting ourselves to the vision of Mars, the vision of exploration, then we should commit ourselves to the safety of the personnel who are engaged, the safety of those who reside on the international space station, the safety of those who will travel.

Let me also say, Mr. Chairman, that in reviewing the articles that I have seen over the last couple of weeks listing and reviewing reports, we note that we have just discovered that the potential for falling debris can be as threatening to the human space shuttle as it was 3, 4, 5, 6 years ago. That is a safety question. No manner of reports or study are too much to determine that safety.

This amendment, as I said, is straightforward. I ask my colleagues to support it, which is to emphasize the importance of safety reports and review by NASA to ensure that whatever we do, it be done safely, protecting the lives of Americans who are willing to go forward and explore space on our behalf.

I thank the chairman and the ranking member of the subcommittee for their hard work in making the conduct of this floor consideration a bipartisan experience thus far, and I thank them for making the Jackson-Lee amendment in order. This amendment, designated as "Jackso 110," seeks to preclude funds that in any way obstruct or otherwise hinder the production of safety reports as to the NASA Space Shuttle program and the International Space Station.

As a member of the House Science Subcommittee on Space and Aeronautics as well as a Representative of the 18th Congressional District, home of the Johnson Space Center, which is where astronaut training and Mission Control take place. The safety of our space missions is paramount, and this is the impetus behind the Jackson-Lee amendment. I offered this important amendment with the upcoming launch of Space Shuttle *Discovery* next month for International Space Station Flight LF1 in mind. During this mission, new inspection and repair techniques will be implemented; therefore, it is important that full reporting remain unimpeded.

In the past, I have introduced legislation that would provide for the establishment of an independent, Presidentially appointed Commission to assess the safety of the International Space Station and its crew, H.R. 4522 in the 108th Congress. The Jackson-Lee amendment is consistent with the spirit of this legislation by preserving the oversight and reporting functions that are in place.

Since the tragic *Columbia* Space Shuttle accident safety must be our number one priority. I am working with the majority party appropriations to have language inserted in the Conference Report for this bill which would direct NASA to report the amount of money spent in its budget for safety overall as well as for each major program and initiative for it fiscal year 2007 budget request and for all following years. This language about NASA safety will help determine if enough funds are being dispersed for safety procedures. In addition, it will allow appropriators to determine from year to year whether there has been an increase or decrease in safety spending. However, more can be done and must be done to assure our brave astronauts that we have done all we can to ensure their safety.

Given the great distances that NASA has traveled in terms of progressing from widespread scrutiny and speculation as to whether it operated with a culture of safety, the Jackson-Lee amendment will preserve the transparency and the commitment to safety that will help the families of the brave astronauts who will travel with *Discovery* feel an added comfort. In the summer of 2003, *Columbia* accident investigators condemned NASA's safety culture and put as much blame on poor management as the flyaway piece of foam insulation that tore a hole in the shuttle's lift wing at liftoff. The shuttle was destroyed during reentry on February 1, 2003, killing all seven astronauts aboard.

Mr. Chairman, this is a simple amendment that does not affect the functionality of NASA. Rather, it seeks to strike the balance between the need to explore and learn expeditiously and the need to remain deliberate, responsible, and safe in doing so.

I ask that my colleagues support this amendment.

Mr. WOLF. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, we support the amendment. We support safety. I thank the gentlewoman for offering it. We accept the amendment.

Ms. JACKSON-LEE of Texas. Reclaiming my time, let me thank the gentleman and let me thank my colleagues. I thank them for the accepting of this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

I would just say, that chart has been used a lot today for different issues. This is probably the right issue for this time; is that correct? It has been up here before. It is the chart that keeps reappearing.

Mr. KING of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman for yielding. This is the right poster this time. This is a poster that illustrates a number of the States that have participated in sending their law enforcement officers to the Regional Training Center in Sioux City, Iowa. In fact, now it is the National Training Center in Sioux City, Iowa, that has trained hundreds and hundreds of police officers.

Drug trafficking and its many associated crimes such as robbery, burglary and murder contribute to the decay of our social fabric. This problem is not only found locally or regionally, but also nationally. Unfortunately, small-town and rural America are no longer shielded from the impact of illegal drugs. Methamphetamine producers and traffickers are some of the most dangerous drug offenders in our communities.

I want to thank the gentleman from Virginia for his recognition of the importance of the Regional Training Center in Sioux City and its inclusion as a line in the House report. The Regional Training Center utilizes a regional and national approach to bring communities and criminal justice agencies together to receive training to control the growing national problem of methamphetamine, poly-drugs and their associated crimes. The Regional Training Center seeks a comprehensive approach to control and reduce meth trafficking, production and usage along with other drugs. It provides training that serves small rural communities as well as large metropolitan areas, including the 38 States here in this poster.

As of last March, the center has instructed a total of 19,308 law enforcement professionals from 1,338 different agencies and actually some foreign countries as well. It establishes a central clearinghouse for organization, coordination, curriculum development and resource and intelligence sharing that will benefit everyone impacted by the meth problem. It draws on the input and cooperation of local law enforcement, the business community, educational institutions, health centers and community groups to create a network of cooperation and an atmosphere of mutual support that will exist well into the future. It provides up-to-date information and training on the growing trend of terrorists using the sale of illegal drugs to fund their activities.

Meth can be manufactured a lot of ways. We have talked about that in this appropriations process.

I want to also emphasize that they have opened up a canine training center to train drug dogs here at the Regional Training Center, now just really renamed the National Training Center. They have struggled to put together the funding. This is something that was initiated by the gentleman from Iowa (Mr. LATHAM) some years ago. Today they can hang on for a little while, but they need an appropriation. They need an appropriation that hopefully will either be implemented in the Senate or else come out of the conference report. I would ask him with confidence if the gentleman would be willing to work with me on that particular initiative.

Mr. WOLF. We will definitely work with the gentleman in conference to ensure that this program is funded.

Mr. KING of Iowa. I thank the gentleman very much for his work on this issue and on many others on this appropriations bill.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment offered by the gentlewoman from Ohio (Mrs. JONES), amendment No. 21 offered by the gentleman from Indiana (Mr. HOSTETTLER), and amendment offered by the gentleman from Vermont (Mr. SANDERS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MRS. JONES OF OHIO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Ohio (Mrs. JONES) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 222, not voting 10, as follows:

[Roll No. 256]

AYES—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle

Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Bono
Cuellar
Garrett (NJ)
Hyde
Napolitano
Northup
Oberstar
Sessions
Sullivan
Weldon (PA)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1735

Messrs. TIBERI, BOEHNER, BASS and LoBIONDO changed their vote from "aye" to "no."

Mr. TAYLOR of Mississippi, Ms. LORETTA SANCHEZ of California and Ms. McKINNEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. NAPOLITANO. Mr. Chairman, on rollcall No. 256, had I been present, I would have voted "aye."

AMENDMENT NO. 21 OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 242, noes 182, not voting 9, as follows:

[Roll No. 257]

AYES—242

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costello
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kline
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Leach
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Scott (GA)
Sensenbrenner
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wynn
Young (AK)
Young (FL)

NOES—182

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gilchrest
Gonzalez
Granger
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Wolf
Woolsey
Wu

NOT VOTING—9

Bono
Boucher
Cuellar
Garrett (NJ)
Hyde
Oberstar
Sessions
Sullivan
Weldon (PA)

ANNOUNCEMENT BY THE CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1745

Mr. BUTTERFIELD and Ms. WATERS changed their vote from “aye” to “no.”

Mr. WALSH changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 187, not voting 8, as follows:

[Roll No. 258]

AYES—238

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Flake
Ford
Frank (MA)
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kingston
Kirk
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Ney
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Poe
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Rehberg
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Woolsey
Wu
Wynn
Young (AK)

NOES—187

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
English (PA)
Everett
Feeney
Ferguson
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Murphy
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Pearce
Pence
Pickering
Pitts
Platts
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sweeney
Tancredo
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—8

Bono
Cuellar
Garrett (NJ)
Hyde
Oberstar
Sessions
Sullivan
Weldon (PA)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1754

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. THOMPSON of Mississippi. Mr. Chairman, I am deeply disappointed with the level of funding in this apropriations bill for the State Criminal Alien Assistanace Program which helps States and localities jail criminal aliens. The bill is better than the President's budget fiscal year 2006 request of $0 for SCAAP, but that isn't too difficult.

According to the Congressional Research Service, the President's Budget request hasn't included a funding request for SCAAP since fiscal year 2003. Unfortunately, even the level provided in this bill is far below levels necessary to address the need of States and localities.

Senator FEINSTEIN and a bipartisan House group including Congressman KOLBE, the gentleman from Arizona, introduced bills that address the need for higher funding levels for SCAAP, including S. 188 and H.R. 557 calling for a SCAAP funding for fiscal year 2006 of $750 million.

The President's home State of Texas is one of SCAAP's big beneficiaries. From fiscal year 1997 to fiscal year 2004 the President's home State, Texas, has received over $351 million in order to incarcerate criminal aliens. But that doesn't even come close to the approximately $1.6 billion that California received in the same period or the $691 million that New York received.

The need for SCAAP funds to jail criminal aliens may well be why Governors Jeb Bush of Florida, Rick Perry of Texas, Arnold Schwarzenegger of California, Janet Napolitano of Arizona, Bill Richardson of New Mexico, Richard Codey of New Jersey, Kenny Guinn of Nevada, George Pataki of New York, Ruth Ann Miner of Delaware, Tom Vilsack of Iowa, Rod Blagojevich of Illinois, Sonny Perdue of Georgia, Charles Turnbull of the Virgin Islands, Christine Gregoire of Washington and Tim Pawlenty of Minnesota wrote to Congress asking the appropriations committee to provide $750 million for SCAAP.

Their letter made clear that “SCAAP provides only partial, but important, reimbursement for the cost to incarcerate these individuals.”

I agree with the Governors and with Senator FEINSTEIN and with some of our colleagues in the House that in fiscal year 2006 that the $750 million level is the correct one and that increases may well be necessary in future years.

Just looking at fiscal year 2004 SCAAP awards, at the level of funding contained in this appropriations bill, California alone will eat up at least a third of the monies available through SCAAP.

As the ranking member of the Homeland Security Committee I believe that Congress must get its funding priorities right. We must focus on terrorists and criminal aliens. At a time when this Congress wants to outsource the enforcement of our civil immigration laws to the States, we need to set the right priorities. We need to fund SCAAP at higher levels.

Incarcerating criminal aliens is strongly in the homeland security interest. Making sure that our States have the money to help the Federal Government meet this commitment is in the homeland security interest.

MAY 6, 2005.

Hon. FRANK R. WOLF,
Subcommittee on Science, State, Justice and Commerce and Related Agencies, Committee on Appropriations, House of Representatives, Washington, DC.
Hon. ALAN B. MOLLOHAN,
Subcommittee on Science, State, Justice and Commerce and Related Agencies, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR CHAIRMAN WOLF AND REPRESENTATIVE MOLLOHAN: We write to express our continued support for the State Criminal Alien Assistance Program (SCAAP) and to request you appropriate $750 million for this program in Fiscal Year 2006. SCAAP is vital to states such as ours who bear a significant financial burden for the federal government's failure to control our nation's borders.

Congress has provided help in maintaining this program—but more is needed. As Governors, we are well aware of the difficult choices that must be made in prioritizing funding. It is for this reason that we join together to write you now. We want to reiterate our strong support for SCAAP and to assure you of the critical importance of this program. Each year, thousands of undocumented aliens who have committed crimes in our states are incarcerated in state or local facilities. SCAAP provides only a partial, but important, reimbursement for the cost to incarcerate these individuals.

Our states are committed to working with the Federal government to protect our nation. While we are doing what we can in this important effort, immigration policy and controlling the nation's borders are clear, fundamental responsibilities of the Federal government and an essential component of homeland security. Every effort should be made to help States and local governments cover a greater share of the expenses they incur to incarcerate criminal aliens.

Thank you for your consideration of our request. Again, we appreciate your past support and we look forward to continuing our work with you to ensure that SCAAP remains a viable program for reimbursing State and local governments for the burden they carry to incarcerate criminal aliens.

Sincerely,

Arnold Schwarzenegger, Governor of California; Rick Perry, Governor of Texas; Richard J. Codey, Governor of New Jersey; George E. Pataki, Governor of New York; Thomas J. Vilsack, Governor of Iowa.

Janet Napolitano, Governor of Arizona; Bill Richardson, Governor of New Mexico; Kenny Guinn, Governor of Nevada; Ruth Ann Miner, Governor of Delaware; Rod R. Blagojevich, Governor of Illinois.

Tommy Perdue, Governor of Georgia; Charles W. Turnbull, Governor of Virgin Islands; Jeb Bush, Governor of Florida; Christine Gregorie, Governor of Washington; Tim Pawlenty, Governor of Minnesota.

Mr. GORDON. Mr. Chairman, It is unfortunate that our current budget situation is forcing us today to make choices between funding for state and local law enforcement, science and technology, and other important programs funded in this bill. I am very concerned about the cuts to COPS and other law enforcement programs. These important programs deserve additional funding. However, I must oppose the amendments offered today that will pay for these programs by cutting funding for critical science and technology investments. Many of the science programs funded in this bill have already been reduced, and I cannot support additional reductions that will weaken our science and technology capabilities and undermine our future economic strength.

I urge my colleagues to vote "no" on amendments that reduce our commitment to science programs.

Mr. KNOLLENBERG. Mr. Chairman, I rise today in strong support of the Fiscal Year 2006 Science, State, Justice Appropriations bill and to compliment my colleague, FRANK WOLF, for a job well done.

I am particularly pleased with the increase given to the Manufacturing Extension Partnership, MEP and I would like to commend Chairman WOLF for his support of this important program.

The manufacturing sector in this country faces many challenges. There are several major issues that we and other policy makers on the Federal level need to address to improve the business environment for manufacturers. Those will take time. But the MEP program has a direct impact on thousands of small and medium manufacturers each year.

MEP is a Federal-State-private network of over 60 centers with 400 locations in all 50 States. These not-for-profit centers work with small and medium-sized manufacturers to help them adopt and use the latest and most efficient technologies, processes, and business practices.

The MEP Center in my home State, the Michigan Manufacturing Technology Center, or MMTC, helps Michigan's small and medium-sized manufacturing companies get competitive and remain that way. Founded in 1991, MMTC has six offices in Michigan. I have heard from numerous companies throughout Michigan that have benefited from MMTC's services.

Let me point out one such company, Tru-Val Tubing Company in Waterford, Michigan, which is located in my district. Tru-Val fabricates metal tubing for General Motors and DaimlerChrysler as well as several other Tier I automotive suppliers and employs approximately 120 people.

Tru-Val Tubing began working with the MMTC in 1999, and over the past 6 years of improvements, the company's defective parts-per-million have dropped from 3,500 to zero. This resulted in General Motors reclassifying Tru-Val from the bottom 5 percent to the top 5 percent of their supply base. Furthermore, Tru-Val's employees are much more satisfied with their jobs than they once were, as the company has seen a dramatic reduction in employee turnover. Most importantly, Tru-Val increased its employment from 85 to 120 as a result of the improvement in the company.

Helro Corporation of Rochester, Michigan, also located in my district, is another excellent example. Helro, a small manufacturer with 19 employees, was established in the 1960s as a form toolmaker, using a patented carbide coating and whitewall tire buffing. After relocating to Rochester, Michigan, in April 1998, Helro recognized that it would need to achieve certification if it wanted to compete in the tooling marketplace.

Finding the idea of a peer group exchange of information appealing, Helro quickly joined MMTC's ISO 9000 User Group and got everyone in the company involved. As a result, Helro came through its ISO 9001 certification audit with flying colors and was certified in September 2000. Through the certification process, Helro identified areas of waste, resulting in savings that covered the cost of its participation in the User Group. Moreover, Helro improved customer satisfaction and its credibility in the marketplace, allowing for easier introduction of its new product line.

The results at Tru-Val Tubing and Helro are not an anomaly. In fiscal year 2003 alone, MEP served more than 18,0 0 manufacturers nationwide. Those manufacturers reported an additional $2.6 billion in sales, $686 million more in cost savings, $912 million of additional investment in plant modernization, and more than 50,000 more jobs just as a result of their projects with MEP Centers that year. Additionally, an estimate of the Federal return on our investment in MEP Centers is $4 in Federal tax revenue for every $1 invested in the program.

MEP has a documented positive impact on our manufacturing sector, and is particularly vital to our small manufacturers. As vital as this program is to our manufacturers, fiscal year 2006 funding is vital to MEP.

In addition to the funding restored to MEP, I am also pleased with the increase given to the National Science Foundation. NSF is the most important funding source for universities who educate the next generation of scientists engineers and thereby plant the seed for America's future prosperity.

I hope that NSF will continue its strong support of university based laboratories and user facilities, including the National Superconducting Cyclotron Laboratory at Michigan State University. These NSF-supported labs create powerful synergies between cutting edge research and education and are a model of state and federal partnership.

We can't afford to underestimate the importance of these programs. Our educators tell us that students are attracted by on-campus capabilities; not by the promise of an airline ticket to some remote laboratory in the U.S. or even abroad where they can visit for a few weeks.

As well, the current funding level should provide NSF with the flexibility to support both its planned activities and fund peer-reviewed, non-solicited proposals. Progress in science is often unpredictable and NSF must reserve the institutional agility to invest in "bottom-up" ideas that result from fast-breaking research discoveries.

Timely, flexible funding through NSF is a critical investment in our economic future and continued scientific leadership in the world. It deserves our support.

In closing, I would like to again extend my thanks to Chairman WOLF for his excellent work, and I encourage all of my colleagues to support this bill.

Mr. UDALL of Colorado. Mr. Chairman, I rise today in reluctant support of this bill.

It needs to be passed, and I will vote for it, but in my opinion it falls short of what is needed to adequately fund a number of important purposes.

As Ranking Member of the Space and Aeronautics Subcommittee of the House Committee on Science, I am pleased that the bill includes $16.5 billion for NASA funding. NASA's working in human space exploration, space and earth science, and aeronautics plays an important role in advancing our knowledge, expanding our economy and inspiring Americans both young and old. I believe NASA performs important research which allows us to better understand our climate, the creation of our planet and the universe beyond.

I am encouraged that the Committee did not cut NASA's aeronautics budget by $54 million as the President had requested. Progress in aeronautics is crucial to the health of the Nation's air transportation industry, which in turn is crucial both to the continued strength of our domestic economy and to our international competitiveness. Aeronautics research and development can enable advances in the capability of our Nation's air transportation system to handle the enormous increases in air travel projected over the next 20 years. Aeronautics R&D can enable more environmentally compatible commercial aircraft, with significantly lower noise, emissions, and energy consumption compared to aircraft in commercial service today.

I am also pleased that the Committee includes $40 million more than the President's request for earth science programs. These programs have taken a significant cut in recent years even though they have delivered important scientific data.

I am a strong supporter of the servicing of the Hubble Space Telescope and am happy to see that this bill expresses support for a fourth servicing mission to Hubble. However, I had hoped the bill would provide more detailed guidance regarding the amount of funds to be used for the Hubble servicing mission. I will continue to work with my colleagues to ensure that a Hubble servicing mission takes place and that it is provided with necessary funding.

This bill also provides significant funding for the President's exploration initiative. I support the President's Vision for Space Exploration and believe human space exploration is a worthwhile undertaking. However, NASA's exploration plans are currently in flux. NASA Administrator Michael Griffin has expressed a desire to accelerate the development of the Crew Exploration Vehicle, and Project Prometheus is being restructured. These are just a few examples of the possible changes to the Exploration program at NASA. So in light of the relatively immature state of the Exploration program, I believe we need to proceed cautiously and thoughtfully while ensuring that the demands of the exploration mission do not take away from other core missions.

We are currently faced with a tight budget, and I realize we need to make very difficult decisions about the Federal budget. However, I am concerned that we are not investing enough in science and research and development, which has the effect of strengthening and expanding our economy.

I am also pleased that the bill includes $106 million for the Manufacturing Extension Partnership (MEP). MEP serves small and medium sized manufacturing companies nationally to enhance their ability to compete globally. Every Federal dollar appropriated for MEP leverages $2 in state and private-sector funding, which means that a small federal investment of $106 million translates into billions of dollars in benefits for the economy in terms of jobs created and retained, investment, and sales. The appropriators' acknowledgment of MEP's importance is welcome—especially as manufacturers continue to experience tough economic times.

And, because of its importance for my own Congressional District, I am glad to note that the National Institute of Standards and Technology (NIST) budget includes $45 million for construction and specifically $9.4 million for the completion of the Boulder Central Utility Plant. NIST's Boulder laboratories were built in the 1950s and are in critical need of modernization to ensure the continuation of world-class research.

However, my support for the bill is reluctant for the reasons I have expressed year after year—namely, that it provides inadequate funding for the Department of Commerce laboratories in my district in Colorado—NIST and the National Oceanic and Atmospheric Administration (NOAA).

The NOAA budget took a cut of 13 percent over the FY05 level and has been the target to draw from for other programs in the bill during debate on the floor. The office of Oceanic and Atmospheric Research (OAR), which funds the important work being conducted in the labs in my district, is funded at $326 million in the bill—down from $337 million in FY05. NOAA performs vital research in climate change, cooperates with NASA on Earth observations, monitors our oceans and provides Americans with important weather forecasting that affects one-third of all industries in our country. A 13-percent cut to this agency means not only cuts to important research but also to Americans jobs. If we do not support and protect this research and these jobs, we cannot continue to be a leader in oceanic and atmospheric research.

NIST also fared poorly in this bill—receiving a cut of $150 million from the FY05 budget. I am specifically concerned that the Advanced Technology Program (ATP) received no funding. While I believe this is an important and worthy program, if this body intends to eliminate its funding, at a minimum we need to provide close-out costs associated with its termination. The Views and Estimates of the FY06 budget signed by Democratic and Republican members of the House Science Committee identified at least $33 million in close-out costs which will have to be absorbed by NIST labs, resulting in cuts to research programs.

The Small Business Administration also has not fared well. I am disappointed by the anemic investment made by the Bush Administration and Congress in our Nation's small businesses. Although small businesses are the top job creator in this country, the Small Business Administration (SBA) budget is one of the hardest hit in the bill. While the bill improves upon the budget request by reinstating the microloan program and 7a loan program, more needs to be done. We must not turn our back on America's economic future.

My reactions are also mixed regarding the Justice Department portion of the bill.

For example, I was glad to see that under the bill as it came to the floor the State Criminal Alien Assistance Program (SCAAP) would have received an increase of $54 million over the FY05 budget. I was supportive of this increase because I think it is important that we provide states with this reimbursement. However, I could not support the Dreier amendment that took funds out of the already dramatically cut NOAA budget to further fund SCAAP. Year after year, NOAA programs have faced budgetary cuts, which translate into degraded ability to perform its world-class research, and a loss of American jobs.

I voted for some amendments intended to improve the bill. Some were adopted, including the Baird amendment to increase funding for the COPS program, but others were not.

In particular, I am very glad that the House approved the amendment to limit the use of Section 215 of the "Patriot Act" to obtain information from libraries and bookstores. I hope that the approval of this amendment demonstrates that the Congress will take a similarly thoughtful approach when we consider whether to extend or revise that Act.

However, I was disappointed by the rejection of the amendment to bar prosecution on Federal drug charges of people using marijuana for medical purposes in ways permitted by the laws of Colorado or any other state that permits such use.

I am not a doctor or a lawyer. My support for the amendment was not based on a judgment about the medical value of marijuana or a disagreement with the Supreme Court's decision upholding the constitutionality of the Controlled Substances Act as applied to its use pursuant to a state medical-marijuana law. Instead, it was based on my respect and support for the people of Colorado who voted to allow medical use of marijuana in our state. I think that the Federal government ought to share that respect and not seek to overrule that decision. That would have been the effect of the amendment, which is why I voted for it.

Finally, I am not encouraged by funding levels in the bill for State Department activities.

The State Department as a whole is funded 10 percent less than in FY 2005. Funding for peacekeeping missions is decreased from this year's levels when we take supplemental funds into account, making it harder for the international community to support activities that are ongoing in the Middle East, Afghanistan, Liberia, West Africa, East Timor, Cambodia, Western Sahara, Kosovo and Bosnia. Funding for education and cultural exchange programs is higher than last year but less than the request, which is disappointing at a time when our investment in the non-military sources of foreign policy is more important than ever. Even more disappointing at a time when the President is speaking out about the importance of U.S. democratization efforts is the 15 percent cut to National Endowment for Democracy programs.

In summary, this bill is not all that it should be—but it is not so bad that it should be rejected. I will vote for it and hope that it will improve as the legislative process continues.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MARCHANT) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 939

Ms. MILLENDER-McDONALD. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 939.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2745, HENRY J. HYDE UNITED NATIONS REFORM ACT OF 2005

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109-132) on the resolution (H. Res. 319) providing for consideration of the bill (H.R. 2745) to reform the United Nations, and for other purposes, which was referred to the House Calendar and ordered to be printed.

TRIBUTE TO ELIZABETH JACKSON, MORGAN BOAEN AND THEIR PARENTS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. KINGSTON. Mr. Speaker, I rise today to submit for the RECORD a great article on Elizabeth Jackson, who is a high school junior in Savannah, Georgia, going to St. Vincent's Academy. The article also talks about another young lady that I have had the privilege of knowing most of her life, Morgan Boaen.

Elizabeth is the daughter of Libby and Kevin Jackson, and Morgan is the daughter of Danny and Robin Boaen, all of Savannah. These two young women are very aggressive, very hardworking, very strong up-and-coming athletes. The article talks about how they play aggressively, how they play on the team, how they give it their best effort, and how they play to win.

It is interesting, having known these young women all their lives, to know what great competitors they are. And although all parents are very, very strong supporters of their children, Robin Boaen is certainly a great enthusiastic parent from the stands, and Kevin Jackson, who is Elizabeth's father, is also very, very vocal and loud as a parent. And I always say if you are going to go to one of these games, you do not want to be sitting in between Kevin Jackson and Robin Boaen because they will be calling every shot from the stands.

But it takes great parents to have great athletes, and both these young ladies are blessed to have parents who are supportive, and getting them there through those tough moments and the long practices and the long drives across the State of Georgia to go to some of those games. So I applaud the efforts of the families and Elizabeth and Morgan.

And I want to say that I am sure in the next few years they will be playing college-level soccer, and we will be hearing about them regionally and nationally in the years to come.

JACKSON SET UP SVA FOR SUCCESSFUL SEASON

When Elizabeth Jackson takes the center of the soccer field, she expects to be heckled.

The 5-foot-1 midfielder knows sooner or later she'll win a 50/50 ball against a smaller girl.

That player will end up on the ground looking to officials for relief.

Parents follow by blaming Jackson for the next series of grass stains.

Fair play or not, she is the one viewed as dirty.

"I'm a very aggressive player," Jackson said. "When I step on the field it's game time. I don't play around. I go for the ball. I don't care who the player is."

Conversely, coaches and opponents immediately recognize the girl nicknamed "E.J." by her St. Vincent's teammates.

Not just because of how Jackson goes after the soccer balls but what she does with them at her feet.

At St. Vincent's this season, the junior emerged as the communicator, the workhorse, the power and the playmaker for the Saints (15–1–2).

She merged the talents of a speedy defense behind her and a precise offense in front.

Her efforts helped the Saints move forward to the Class AAA semifinals and earned Jackson 2005 All-Greater Savannah Area Girls' Soccer Player of the Year honors.

"She didn't go out and plow through everybody," said Sister Pat Coward, who coached St. Vincent's with Andy Kaplan. "She listened, analyzed her opponents and figured out what she had to do (to make the play)."

Her teammates responded.

Midfielder Morgan Boaen, for instance, signaled Jackson again and again this season with a click of her right hand. Her index finger pointed straight to goal.

"She would put her hand up and that was my key," Jackson said. "I'd put it right where she wanted it."

With just one or two touches, Jackson could move the ball from her skilled fullbacks to the midfield.

Her teammates would bounce passes back and forth as though parts of a pinball machine.

If Jackson wasn't delivering the breakthrough chip or through ball, she directed the players who did.

The Saints facilitated goals and wins off the well-scripted plays.

Boaen ended the year as the statistical leader of the Saints' offense with 20 assists. Jackson initiated many of those connections.

"This is my role on the team," she said. "I don't care if I'm not the finisher."

Her chief heckler did mind for a time, though.

Jackson's father, Kevin, a former University of Georgia football player, used to wonder about his daughter's style.

No doubt he roared a wish or two from the sidelines that she would "Shoot!"

"All I ever wanted her to do was score," Kevin Jackson said. "I'd say, 'You didn't have a good game because you didn't score any goals.' Then you realize there is so much more to it."

Many more people likely realized the thrust of Jackson's talent this season.

She didn't just put down opponents.

She set up St. Vincent's.

"What would we have been like without Elizabeth?" Coward asked, rhetorically. "Who would know? Game after game we never took her out. We never tried it."

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

☐ 1800

CENTRAL AMERICA FREE TRADE AGREEMENT

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, it has been a little over a year since the Bush administration secretly negotiated a trade agreement called CAFTA, and we had heard that they were going to bring it before the Congress before the Memorial Day break. Of course, that did not happen, and now it appears it will not happen before the Independence Day break because they simply have not been able to twist enough arms to get enough Members of Congress to vote against the interest of the American economy, the American workers and their own constituents.

This is potentially a turning point in trade policy for the United States. The statistics are staggering. Last month we recorded a $56.96 billion trade deficit; that is, that we borrowed almost $2 billion a day from foreign interests, foreign governments, in the case of China, to finance consumption of goods produced overseas often with U.S. capital, often by jobs that were formerly filled by Americans here in the United States of America.

Now, if you use the broadest measure of the Department of Commerce, that means that is about 7 million jobs: that sort of a trade deficit on an annual basis means a loss of 7 million jobs. It means the undermining of our industrial base. And increasingly, it means the loss of some of our most sophisticated, highest-technology jobs and manufacturing in the United States of America.

This is simply not a sustainable policy, but the reaction of this administration is this is working exactly as planned. It is making a few multinational corporations and a few others very wealthy. So what if we have lost millions of jobs? So what if the United States of America is going in hock to China and Japan and other countries? They think it is working just fine, exactly as intended, so-called free trade.

So they want to extend our failed NAFTA agreement, which has contributed mightily to this deficit, the agreement with Mexico and Canada which promised to bring 800,000 jobs to the United States and instead caused us to lose a million jobs, mostly to Mexico. They want to extend that throughout Central America so that some companies might not have to go as far as China to find exploitable labor who will work for $0.25 an hour or less, oppressed by the governments, not allowed to organize, working in unsafe conditions. But until now, Congress is holding firm, and that is good news. And the American people should be contacting their Representatives and their Senators.

I was very disappointed to see both Senators from my State, a State which has lost a lot of jobs because of NAFTA and these free trade policies, vote to endorse a continuation or acceleration of these failed policies in committee in the Senate just yesterday. But they are not listening to the people of Oregon and the people of America. I am, and a majority of House is today.

So let us make them continue to listen, let us continue to speak out, and let us break the cycle of failed trade policies and begin to work for trade policy that brings and keeps quality jobs, manufacturing jobs, high-technology jobs, high-paying jobs, jobs with good benefits home here in the United States of America.

EXCHANGE OF SPECIAL ORDER TIME

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise to claim the time of the gentleman from Minnesota (Mr. GUTKNECHT).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

HONORING WENTWORTH CHESWILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. BRADLEY) is recognized for 5 minutes.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to pay tribute to Wentworth Cheswill, the founding father of Newmarket, New Hampshire.

On June 25, descendents of Wentworth Cheswill will gather in Newmarket to pay tribute to him and his contributions to the town of Newmarket. Wentworth served his town in varied capacity every year from 1768 to 1817, including terms as town selectman, justice of the peace and town assessor. During the Revolutionary War, Wentworth acted as the town's messenger, delivering messages between Exeter and Newmarket in a duty quite similar to Paul Revere's. As the town scrivener, he hand-copied the town's records, which date back to 1727. These town records remain a part of Newmarket Historical Society's collection.

Born on April 11, 1746, in Newmarket, the son of Hopestill March and Catherine Kennison Cheswill was named in honor of Governor Wentworth. Two accounts describe him as "colored" as it was reported that his grandfather, a former slave named Richard Cheswill, had married a daughter of the Wentworths of Portsmouth. This union was considered a disgrace to the Wentworth family, who sent them away to the woods of New Hampshire. It is in part because of his African American lineage that Wentworth truly stands out as a leader in diversity and equality in my State of New Hampshire.

In 1768, Wentworth became active in Newmarket town affairs at the age of 22. His first appointed position was as justice of the peace that same year, and he went on to serve as town auditor, coroner and moderator.

The Massachusetts Historical Society has in its collection a document that is thought to be the earliest archaeological report from New Hampshire. Coauthored by Mr. Cheswill, this report was later sent to the Reverend Jeremy Belknap of Boston to be included in his history of New Hampshire. The undated document is believed to be written in 1790 or 1791 and details the aboriginal artifacts and relics he had recovered in the area surrounding Newmarket.

Many historians agree that Wentworth's writing contains the seeds of modern archaeological theory. Despite the limited scope of Wentworth's writing, scholars defend his title as New Hampshire's first archaeologist.

Wentworth stands for all we admired about our Founding Fathers, integrity, dedication and resolve. Wentworth's legacy has gone uncelebrated for far too long. It is due to the hard work of his descendants and Mr. Rich Alperin, president of the Newmarket Historical Society, that his contributions have finally come to light. I thank everyone for their involvement in restoring Wentworth's legacy to its rightful place in New Hampshire history.

HONORING THE LIFE OF ARMY SERGEANT FIRST CLASS NEIL ARMSTRONG PRINCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today to pay tribute to a fallen hero, Sergeant First Class Neil Armstrong Prince, who grew up in my district in Baltimore, Maryland.

This brave 35-year-old Army sergeant was killed on June 11 in Al Taqaddum, Iraq, after a roadside bomb exploded near his vehicle.

Sergeant Prince's convoy was traveling to another city in Iraq when it encountered several improvised bombs. The first bomb did not injure anyone, but as the convoy stopped to secure the area, two more bombs exploded. The last bomb detonated directly under Sergeant Prince's vehicle, killing him and 22-year-old Specialist Casey Byers of Schleswig, Iowa.

Sergeant Prince was assigned to the 2nd Battalion, 17th Field Artillery Regiment, 2nd Brigade, 2nd Infantry Division in Fort Carson, CO. Mr. Speaker, as a committed member of the United States Army for nearly 16 years, he demonstrated his unyielding courage and strong sense of patriotism in serving this country.

I offer my deepest condolences to his family during this time. I, along with the other members of the Maryland Federal delegation, mourn their loss.

Our prayers are with his wife Suzette; his 4-year-old son Jordan; his parents Cecil and Olive Bailey; his brother Aldean Lindo; and three sisters, Ann-Marie Richards, Ava, and Shane Prince.

Sergeant Prince was one of Maryland's finest citizens. I did not know him personally; however, we share an inseparable bond as graduates of Baltimore City College High School. It was at City College where Sergeant Prince decided to pursue a career in the military. He wanted to serve his country and give something back to a Nation that had given so much to him.

Sergeant Prince took his job as a member of our armed services very seriously. It is evident that he accepted each challenge with valor and dignity, regardless of the inherent dangers involved.

While he was in Korea last year, a sergeant in another unit with the same job had a back injury, and Sergeant Prince was assigned to replace him when that unit was deployed to Iraq.

This brave young American knew of the perils of the high-risk areas into which was being sent, but he was proud to be a soldier. He was proud that, by serving in the United States Army, he was not only making a better life for himself, but he was trying to make a better life, a safer life for us all.

When his family expressed justifiable concerns about his safety in Iraq, Sergeant Prince responded with the quiet confidence that defined him. He said, "That is what I joined the Army to do. It is simply my job."

Mr. Speaker, the deadly consequences of war are a reality that we must all face. However, the knowledge of what may happen in war does little to diminish the pain, the anguish when that reality reaches your front door.

Sergeant Prince had three loves in his life: his wife, his son, and his sports. Needless to say, his wife and son will miss him immensely. How do you comfort a wife who has lost her lifelong partner, confidant and friend? How do you calm the fears of a 4-year-old boy who must now come to terms with the fact that his father will never return home? And when young Jordan Prince scores his first touchdown or hits his first home run, his dad will not be in the stands to cheer him on to victory. Jordan has lost his father, the one who is supposed to teach him how to become a man.

Perhaps there is no consolation for a loss so deep. However, there are memories to help ease the pain. This Maryland family has the memories of a man who loved them dearly and loved being a soldier. He had a vision for his life and followed that vision with intensity.

Many of us who are blessed with longevity will spend years upon years never feeling fulfilled and never doing what we were born to do. There is comfort in knowing that during his brief stay on this Earth, Sergeant Prince lived a life of purpose.

Finally, there is little doubt that his parents named him for the famous astronaut Neil Armstrong because they wanted him to be a part of a legacy of bravery and triumph. They hoped his achievements would pierce the stratosphere and reach out onward to the Moon, just like the astronaut before him. There would be no limit to Sergeant Prince's potential in this country.

They were right. Neil Armstrong Prince reached for the stars. Like all of our men and women in armed services, his courage and his commitment to the defense our great country were almost not earthly.

CENTRAL AMERICAN FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, 1 year and 1 month ago, President Bush signed the Central American Free Trade Agreement, a cousin of the North American Free Trade Agreement, which would extend the same NAFTA-type trade provisions to six countries, five in Central America and the Dominican Republic.

Unlike every other trade agreement which President Bush has signed, Morocco, Chile, Singapore and Australia, which were signed and voted on by Congress within 60 days, the Central American Free Trade Agreement has simply languished in the halls of Congress. The President has not brought it forward to vote on, in large part because the people of this body, a majority of the Members of Congress, will not vote for it. And here is why.

It is pretty clear, Mr. Speaker that our trade policy is not working. In 1992, the year I ran for Congress, we had a $38 billion trade deficit, meaning we sold $38 billion less than we imported, exported less than we imported. $38 billion. Today, or 2004, that number had increased to $618 billion, from $38 billion to $618 billion in a dozen years.

Mr. Speaker, maybe that is just numbers, but when you look at the trade deficit, and you know what it means, it has meant in large part a huge loss of manufacturing jobs. Just in the last 6 years these States in red have all lost at least 20 percent of their manufacturing. Michigan, 210,000; Ohio, 216-; Illinois, 224-; Pennsylvania, 200-; Mississippi and Alabama 130,000; North Carolina, 228,000. States in the purple here, dark blue, purple, have lost 15 to 20 percent of their manufacturing jobs.

It is clear, Mr. Speaker, that our trade policy is not working. Now, because of that and because the President cannot get nearly enough votes to pass the Central American Free Trade Agreement, they have begun to negotiate side deals, and they have promised bridges and highways as they did in 2001 on the last big trade vote in this Congress, something called trade promotion authority. They have promised to change CAFTA and do something down the road. Trust us, vote for it, and then we will make some provisions later down to help sugar, help textile, to help the steel industry, to protect jobs, to perhaps bring up living standards in Central America.

The latest promise that they have made is to offer $20 million for enforcement of labor standards. This is the same administration that has cut labor standards in the United States and has dropped the funding for the Department of Labor's Bureau of International Labor Affairs from $148 million 4 years ago down to 12 million. They want to put $20 million back.

□ 1815

We can play with numbers, but the fact is the enforcement of labor standards in Central America is basically nonexistent under CAFTA and under the President's plans.

At the same time, the International Labor Organization sets standards agreed on by all countries around the world to lift up labor standards so that workers can make a decent wage, that workers can bargain and organize collectively. The ILO standards prohibit child labor, prohibit forced labor, all the kinds of values that we in this country share with our colleagues and our workers in our families. With all of that, the administration is one of only two countries out of 80 in the world that is not fully supporting the ILO and what it wants to do in Geneva with its funding, with its programs, with all that.

So it is pretty clear, Mr. Speaker, that the $20 million offer to support labor standards is just a fig leaf to try to convince a few Members of Congress to vote for the Central American Free Trade Agreement.

While all those deals have been going on, Mr. Speaker, a group of us had a rally today at the Cannon building in Washington, a group of legislators from the United States and a group of legislators from Central America. They rallied against the Central American Free Trade Agreement, not to kill it but to defeat this Central American Free Trade Agreement and come back with a better Central American Free Trade Agreement that protects the environment, that helps working people in both countries. All of us together have called on Congress to pass a better Central American Free Trade Agreement.

These legislators from our country and from seven countries in Central America and Latin America understand that this CAFTA protects drug companies while harming the sick and the poor. They understand this CAFTA protects the world's largest corporations while hurting small businesses and working families. They understand this trade agreement protects huge industries while undermining the environment.

They understand that they want and have called for a CAFTA that lifts workers up and raises living standards, a CAFTA that protects people the same way it protects property rights and the drug industry, a CAFTA that allows HIV patients access to affordable, lifesaving drugs.

They understand, most importantly, that CAFTA was negotiated by a select few to benefit only a select few, not the masses of people in our country and the other six CAFTA countries.

It is past time to renegotiate a trade agreement that works for all citizen of all seven CAFTA Nations.

SMART SECURITY AND THE BRIDGE TO NOWHERE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the Defense appropriations bill that will be on the House floor tomorrow contains $45 billion in emergency bridge funding to pay for the war in Iraq and Afghanistan.

This money is called bridge funding because it will bridge the funding gap between the most recent $79 billion supplemental spending bill for Iraq, which Congress passed in February, and the next one, sometime this fall.

This bridge fund is like a bridge to nowhere. The latest $45 billion for the war in Iraq is just the Bush administration's latest grab into the big congressional money bag, the Defense appropriations bill, because it is virtually hidden in a huge $400 billion Defense appropriations bill. This is outrageous.

An additional $45 billion for the war in Iraq is a staggering amount. This bridge fund comes on top of the emergency supplemental bill that was approved a mere 4-months ago, allocating another $79 billion for the war, bringing the costs of the war to over $200 billion before this new $45 billion expenditure.

The bridge fund represents the fifth time Congress will fund the war in Iraq without hearings, without oversight and without accountability.

$45 billion is not insignificant. It is several billion dollars more than the President requested for homeland security funding for fiscal year 2006. In fact, it is more than the President has requested for homeland security in any year since the Department of Homeland Security was established in the year 2001.

It would be one thing if the President actually had a plan to bring our troops home, but after more than 2 years and over 1,700 American troops being killed, he still has not come to the table with a plan. Mr. Speaker, since the President will not come up with a plan for Iraq, we will have to. It will have to come from the Congress.

This unpopular war is a lose-lose. It is America's very presence in Iraq that unites the strong insurgency, a whole new generation of terrorists, whose common bond is their hatred for the United States and its aggressive militarism.

Once we have a plan in place to end the war, we can begin the long process of helping Iraq rebuild its failing physical and economic infrastructure, and we can accomplish this while we are at the same time preventing future wars through SMART security.

SMART security, which has the support of 50 Members of Congress is a Sensible, Multilateral, American Response to Terrorism for the 21st Century, and it will help us address the threats we face as a Nation.

SMART security will ensure America's security by reaching out and engaging the Iraqi people. Instead of rushing off to war for the wrong reasons, SMART security encourages the United States to work with other Nations to address the most pressing global issues.

Not every international problem has militaries, and that is why SMART security will prevent terrorism, by addressing the very conditions which give rise to terrorism: poverty, despair, resource scarcity and lack of education.

This is the best way to encourage democracy in countries like Iraq, not through wars, not through the barrel of a gun, not through ways that cause thousands of unnecessary deaths and costs billions and billions of dollars.

The Bush administration needs to get smart about Iraq, and take a long, hard look at the effects of our policies there. We can end the war, we can bring our troops home, and we can do it by creating a plan to bring them home.

The U.S. soldiers who are serving in Iraq deserve nothing less. Bringing the troops home will help secure Iraq. It will save the lives of thousands of Americans, and it is time that we do not put any other excuses in front of us because we must start this process, and we must start it today.

VENDING MACHINE SAFETY ACT OF 2005

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today to recognize the introduction of a bill that I dropped in yesterday, the Vending Machine Safety Act of 2005. This is a bill I introduced three Congresses ago due to its importance in protecting our children.

Imagine going on a routine grocery shopping trip with your child, Mr. Speaker. While shopping, you suddenly notice that your child is missing. This is every parent's nightmare. Last month, this nightmare became a frightening reality for a mother in Indiana. However, in this incident, there was a twist.

Her 3-year-old child was found trapped in a crane vending machine that he had crawled into. Without safety measures and immediate access to the owner, the machine held the young boy captive until the local fire department was brought in to release him.

While this event was not life-threatening, about one-third of vending machine injuries reported since 1978 have been. In the interest of protecting both children and adults, it is the reason I introduced the Vending Machine Safety Act.

This Vending Machine Safety Act of 2005 directs the Consumer Product Safety Commission to issue a consumer product safety standard for the manufacturing and installation of all vending machines. Whether in signage or further protective measures, the Consumer Product Safety Commission will report on how best to ensure the safety uses of these vending machines that are both cost-effective for manufacturers and protect the stores from liability.

Since 1990, 43 vending machine injuries have been reported to the Consumer Product Safety Commission. Almost 60 percent of these vending injuries involved minors, and almost 35 percent of the injuries were children under 10. While some vending machine manufacturers may place warnings on their machines, most do not.

The need to protect our children from further vending machine related injuries is clear. I ask my colleagues to support the Vending Machine Safety Act of 2005.

HENRY HYDE UNITED NATIONS REFORM ACT OF 2005

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 60 minutes as the designee of the majority leader.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to thank the leadership for arranging this time and affording me the possibility, the opportunity to discuss with the American public an important piece of legislation that we will be considering here in this body, the Henry Hyde United Nations Reform Act of 2005.

As we can see, Mr. Speaker, the United Nations Reform Act has three basic policies. It is going to have oversight, accountability, and it is going to cut bureaucracy.

Why is it that we need to do that? Because the United Nations has a history of scandals, starting with what we all know is the Oil For Food program, but going on in a litany of scandals, one right after the other. There is virtually no U.N. agency or body that has not been mired in scandal.

So the Henry Hyde United Nations Reform Act is going to mandate United Nations budget oversight. It is going to insert accountability and ethics into the U.N. It is going to reform the U.N. Commission on Human Rights. It is going to strengthen the International Atomic Energy Agency, and it is going to provide accountability in the peacekeeping operations.

In addition to all of that, it also addresses in one of the amendments that will be proposed tomorrow a problem that Donald Trump has been very interested in. The United Nations is now asking for an incredible amount of money in order to refurbish their facilities in Turtle Bay in New York City, and as Donald Trump said, the United Nations is a mess and they are spending hundreds of millions of dollars unnecessarily on this project.

It is time to reform the United Nations once and for all, and as I said, tomorrow the House will be considering a bill that aims to institute long overdue United Nations reform by shedding light on the fact that the numerous scandals that have characterized the United Nations over the past decade are no accident. Rather, they are a direct result of a flawed structure that gives rise to passing the buck at best and corruption, profiteering and collusion at worst.

The basic structure of the United Nations is broken, and it must be transformed to ensure transparency and that this world body is functioning with integrity.

The United Nations Reform Act of 2005 strategically targets crucial areas to restore this broken organization.

The goals that enshrine the United Nations charter, particularly those regarding international peace and security and the promotion of respect for fundamental human rights, have never been more significant.

Further, with the challenges of the United States and our allies that we are facing in the war on terror, there is an urgent need for an international organization that is both credible and effective, one that can work together with national governments in dealing with concrete problems of terrorism and, most importantly, nuclear proliferation.

As we learned to our horror on September 11, lives, not simply policies, are at stake in our efforts to reform the United Nations and its entities. Take the International Atomic Energy Agency for example. As it is currently structured, the membership criteria allows countries who are suspected of breaching their safeguards obligations, it allows them to serve in leadership positions within the agency.

For example, Iran, a Nation that continues to be under investigation for breaches and failures of its safeguards obligations and has admitted purchasing illicit nuclear materials through the A.Q. Khan nuclear black market network, recently served on the Board of Governors of the International Atomic Energy Agency.

Furthermore, this agency also needs a well-designed system to deter States from both developing nuclear weapons capabilities and colluding with terrorists by diverting nuclear material from the State's national program for terrorist use.

☐ 1830

The section in the Henry Hyde U.N. Reform Act dealing with the International Atomic Energy Agency, reinforces U.S. priorities concerning the safety of nuclear materials and counterproliferation by, one, calling for U.S. voluntary contributions to the agency to be primarily used to fund activities relating to nuclear security or nuclear verification and inspections; two, it seeks to prioritize funding for inspections to focus on countries of proliferation concern; and, thirdly, by seeking to prevent proliferators and countries under the International Atomic Energy Agency investigation from benefiting from certain assistance programs.

Furthermore, it seeks the suspension of privileges for member states that are under investigation or are in breach or are in noncompliance of their obligation. And it seeks to establish membership criteria that would keep such rogue states, such as Iran, that I just discussed, and Syria from serving on the Board of Governors of the International Atomic Energy Agency.

The IAEA section of this bill reinforces our U.S. priorities concerning the safety of nuclear materials and counterproliferation. So we are going to make sure that we can close those loopholes.

I was proud to work with the gentleman from Illinois (Mr. KIRK) on an amendment that he will be offering, along with the gentleman from New Jersey (Mr. ANDREWS), tomorrow on the Small Quantities Protocol. I urge my colleagues to support this amendment because we want to close this loophole from the inspections regime by calling for the International Atomic Energy Agency to rescind the Small Quantities Protocol.

I also urge strong support for an amendment that our distinguished chief deputy majority whip, the gentleman from Virginia (Mr. CANTOR), will be offering containing punitive measures against those members of the International Atomic Energy Agency that provide assistance to Iran before it dismantles its nuclear program.

And let me turn to the anti-Israel and anti-Semitic incitement that occurs every day at the United Nations. The discrimination against Israel is another structural and, indeed, a cultural issue that must be addressed. The viciousness with which Israel continues to be attacked at the U.N., and the reluctance of the member states to defend Israel or to accord it the same treatment as other states, suggests that there are considerable anti-Semitic components behind the policies pursued in the United Nations' forums.

In addition to the multiple manifestations of anti-Semitism at the U.N., Israel's temporary membership status in the Western European and Others Group is extremely limited. Israel cannot present candidates for open seats in any U.N. body, it cannot compete for any major U.N. body seat, it cannot participate in U.N. conferences on human rights, on racism, and on many other issues. And despite this gross discrimination directed against Israel, there are several U.N. groups dedicated solely to Palestinian rights and there is a disproportionate representation of Palestinian issues in different committees and in various commissions.

The U.N. Reform Act of 2005 seeks to end this discrimination against Israel. What will it do? It will expand WEOG, the Western European and Others Group, to include Israel as a permanent member, not a temporary member. It will mandate a State Department review of all U.N. commissions, all U.N. committees, all offices focused solely on Palestinian issues in order to eliminate duplicative efforts. Further, it will withhold proportional U.S. contributions to the U.N. until these recommendations are implemented.

I am also working with my colleagues on amendments to the Henry Hyde United Nations Reform Act. For example, we are calling for the issuance and implementation of a directive by the U.N. Secretary General or the Secretariat to establish a series of requirements to fight anti-Semitism at the U.N. and to ensure that all entities and efforts that promote the Palestinian agenda and perpetuate an anti-Israel bias on Israeli-Palestinian issues are addressed here in this bill.

The scandals that have plagued the U.S. peacekeeping missions is another important component of this bill, and it is indicative of wider structural deficiencies that must be addressed and are addressed in this bill. Even one instance of this terrible crime is appalling and unacceptable; but, unbelievably, over the past decade their appearance is frequent.

Crimes involving sexual misconduct on the part of U.N. staff is yet another example of the ways the U.N. is unfit to operate in its current state and must be reformed at all costs to restore its integrity and its authority. In the Congo, Burundi, and Sierra Leone, U.N. peacekeepers have reportedly engaged in gross sexual misconduct, exploitation, and even systematic rape.

In Bosnia, the U.N. police mission has been accused of corruption as well as sex trafficking. But thus far the U.N. has squashed an investigation into the involvement of its police in the enslavement of Eastern European women in Bosnia in brothels.

The U.N. Reform Act of 2005 specifically includes provisions to deter the most egregious instances of sexual misconduct that have occurred in recent years. Specifically, we will be mandating the adoption of the minimum standards of qualifications for senior leaders and managers.

Furthermore, the bill will have an adoption of a Uniform Code of Conduct for all U.N. peacekeepers. Also, the institution of educational outreach programs designed to explain prohibited acts on the U.N. peacekeepers to local populations, and providing a means for them to direct complaints or allegations of abuse. And it will establish a permanent professional and independent investigative body dedicated to U.N. peacekeeping.

The U.N. mismanagement of contracts and administration in the Oil-for-Food program is yet another problem that we have seen; and this, combined with Saddam Hussein's abuse of the program through vouchers, surcharges, and kickbacks, enabled the Iraqi regime to make a mockery of the program that was ostensibly set up to help its suffering people by collecting an estimated $20 billion while the U.N. refused to intervene.

Similar scandals have rocked the United Nations in the recent past. Notable examples are in 1995, the Kenya UNICEF office defrauded or squandered up to $10 million in agency funds. In 1996, a senior official was investigated on suspicion of embezzling between $200,000 and $600,000. In 1997, 16 past or current UNDP employees were placed under investigation after more than $6 million was found to have been siphoned off over an 8-year period.

These acts did not occur in a vacuum, but were rather part of a pattern of systematic financial mismanagement and corruption that have been going on for too many years. The Henry Hyde U.N. Reform Act of 2005 has built-in budget certification requirements and accountability provisions that include holding the Secretary General accountable for certifying that the U.N.'s biannual budget is maintained at the approved level.

By requiring transparency within the U.N. budget, creating an Office of Internal Oversight Services, and an Office of Ethics, we ensure that no one in the United Nations, from the most senior officials to the low-ranking employees, will be above the law.

There will be many amendments offered that will help to further strengthen this bill, amendments such as the one that I have had the pleasure of working on with my friend and colleague, the gentleman from Michigan (Mr. MCCOTTER). He is addressing a problem that we have with Syria.

Syria's continuing presence in Lebanon is in violation of the United Nations Security Council 1559 and other applications of international law. This is a test of the effectiveness of the U.N. and a test of the willingness of its leadership to ensure full compliance with U.N. mandates in order to prevent a rogue state, such as Syria, from making a mockery of U.N. Security Council resolutions.

Syria continues to maintain a sizable intelligence presence in Lebanon, and it has recently mobilized to mount an assassination campaign against anti-Syrian-Lebanese political figures. Both Syria and Iran also continue to arm their military proxy, the terrorist group Hezbollah. Absent substantial international pressure, Syria will continue to proceed with its campaign aimed at destabilizing Lebanon's internal affairs in clear violation of the United Nations Security Council Resolution 1559 and in breach of international law.

The McCotter amendment, cosponsored by another great freedom fighter, the gentleman from New York (Mr. ENGEL), calls on the U.S. permanent representative to ensure full implementation of the United Nations Security Council Resolution 1559, particularly relating to the presence of Syrian security and intelligence personnel and the disarming of Hezbollah and other militias. If compliance is not verified and certified, it calls for an adoption of a resolution by the United Nations Security Council to impose punitive measures on Syria and other foreign forces, such as Iran, who directly, or through their proxies, are interfering with Lebanese political independence and sovereignty.

I am also working with my colleagues on an amendment that calls for the establishment of a U.N. Democracy Fund, and this will assist countries that are emerging democracies or democracies in transition. I request the support of all of our colleagues in this Chamber for these amendments as well as for the underlying bill.

Mr. Speaker, just as the United States took the lead in forging the creation of the United Nations in the aftermath of World War II, we must lead the organization toward greater relevance and capability in this new era. The United States has waited patiently as the United Nations has paid lip service to nominal efforts to reform itself.

Tomorrow, I strongly urge my colleagues on both sides of the aisle to vote in favor of this amendment and this measure, and, in effect, save the U.N. from itself. So I urge all our colleagues to vote in a bipartisan manner and pass the Henry Hyde U.N. Reform Act of 2005.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CUELLAR (at the request of Ms. PELOSI) for today and the balance of the week on account of family medical reasons.

Mrs. BONO (at the request of Mr. DELAY) for today after 3:30 p.m. and the balance of the week on account of attending her daughter's graduation.

Mr. HYDE (at the request of Mr. DELAY) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, June 22.

Mr. BRADLEY of New Hampshire, for 5 minutes, today.

Mr. POE, for 5 minutes, June 16.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 9, 2005 he presented to the President of the United States, for his approval, the following bill.

H.R. 1760. To designate the facility of the United States Postal Service located at 215 Martin Luther King, Jr. Boulevard in Madison, Wisconsin, as the "Robert M. La Follette, Sr. Post Office Building".

ADJOURNMENT

Ms. ROS-LEHTINEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 43 minutes p.m.), the House adjourned until tomorrow, Thursday, June 16, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2355. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Updating Generic Pesticide Chemical Tolerance Regulations [OPP-2003-0176; FRL-7706-9] received June 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2356. A communication from the President of the United States, transmitting notification of the intention to reallocate funds previously transferred from the Emergency Response Fund; (H. Doc. No. 109-33); to the Committee on Appropriations and ordered to be printed.

2357. A communication from the President of the United States, transmitting a request for a FY 2006 budget amendment for the Department of Justice and the General Services Administration; (H. Doc. No. 109-34); to the Committee on Appropriations and ordered to be printed.

2358. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

2359. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Martin R. Berndt, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

2360. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting information submitted to the Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2361. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Qatar pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2362. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Republic of Korea (South Korea) pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2363. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Regulation NMS [Release No. 34-51808; File No. S7-10-04] (RIN: 3235-AJ18) received June 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2364. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the New Manchester-Grant Magisterial District SO_2 Nonattainment Area and Approval of the Maintenance Plan [R03-OAR-2004-WV-0003; FRL-7922-1] received June 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2365. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Control of Emissions of Air Pollution from New Motor Vehicles: In-Use Testing for Heavy-Duty Diesel Engines and Vehicles [OAR-2004-0072; AMS-7922-4] (RIN: 2060-AM17) received June 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2366. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Louisiana: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7922-8] received June 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2367. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Arizona State Implementation Plan, Maricopa County Environmental Services Department [AZ 137-0089; FRL-7912-4] received June 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2368. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants from Electric Utility Steam Generating Units and the Removal of Coal—and Oil—Fired Electric Utility Steam Generating Units From the Section 112(c) List [OAR-2002-0056; FRL-7921-5] (RIN: 2060-AM96) received June 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2369. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Test Procedures for Testing Highway and Nonroad Engines and Omnibus Technical Amendments (RIN: 2060-AM35) received June 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2370. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Equipment Replacement Provision of the Routine Maintenance, Repair and Replacement Exclusion: Reconsideration [FRL-7923-3; E-Docket ID No. OAR-2002-0068] (RIN: 2060-AM58) received June 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2371. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Texas: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7924-1] received June 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2372. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2373. A letter from the General Counsel, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1-732 and 1-734(a)(1)(A); to the Committee on Government Reform.

2374. A letter from the General Counsel, District of Columbia Retirement Board, transmitting a supplement to the personal financial disclosure statements of a Board member, pursuant to D.C. Code section 1-732 and 1-734(a)(1)(A); to the Committee on Government Reform.

2375. A letter from the Secretary, Department of Homeland Security, transmitting the semiannual report of the Inspector General for the period October 1, 2004 through March 31, 2005, pursuant to Public Law 95-452, section 5; to the Committee on Government Reform.

2376. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2377. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2004 through March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

2378. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Mitchell River, MA [CGD01-05-006] (RIN: 1625-AA09) received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2379. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Kennebec River, ME. [CGD01-05-034] (RIN: 1625-AA09) received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2380. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Housatonic River, CT. [CGD01-05-028] (RIN: 1625-AA09) received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2381. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures: Miscellaneous Amendments [Docket No. 30443; Amdt. No. 3120] received June 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2382. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30442; Amdt. No. 454] received June 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2383. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the status and effectivenes of the Coastal Wetlands Conservation Plan for the State of Louisiana, pursuant to Public Law 101-646, section 304(h)(2); jointly to the Committees on Resources and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BISHOP of Utah: Committee on Rules. House Resolution 319. Resolution providing for consideration of the bill (H.R. 2745) to reform the United Nations, and for other purposes (Rept. 109-132). Referred to the House Calendar.

Mr. OXLEY: Committee on Financial Services. H.R. 68. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory; with an amendment (Rept. 109-133 Pt. 1). Ordered to be printed.

Mr. OXLEY: Committee on Financial Services. H.R. 358. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes; with an amendment (Rept. 109-134 Pt. 1). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 68. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory, with an amendment; referred to the Committee on Ways and Means for a period ending not later than June 17, 2005. (Rept. 109-133, Pt. 1). Ordered to be printed.

Mr. OXLEY: Committee on Financial Services. H.R. 358. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes, with an amendment; referred to the Committee on Ways and Means for a period ending not later than June 17, 2005. (Rept. 109-134, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BAKER (for himself, Mr. McCrery, Mr. Jefferson, Mr. Alexander, Mr. Jindal, Mr. Boustany, and Mr. Melancon):

H.R. 2903. A bill to provide protection, conservation, and restoration of the wetlands, estuaries, barrier islands, and related land and features in the Lousiana coastal area, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 2904. A bill to amend the Internal Revenue Code of 1986 to allow a credit against the income tax for an owner of a radio broadcasting station which donates the license and other assets of such station to a nonprofit corporation for purposes of supporting nonprofit fine arts and performing arts organizations, and for other purposes; to the Committee on Ways and Means.

By Mr. MICA:

H.R. 2905. A bill to amend title 49, United States Code, to require the installation of counter-MANPADS systems on certain passenger aircraft; to the Committee on Transportation and Infrastructure.

By Mr. BISHOP of Georgia:

H.R. 2906. A bill to suspend temporarily the duty on linuron; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 2907. A bill to suspend temporarily the duty on N,N-dimethylpiperidinium chloride; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 2908. A bill to suspend temporarily the duty on diuron; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 2909. A bill to reduce temporarily the duty on formulated product KROVAR IDF; to the Committee on Ways and Means.

By Ms. BORDALLO:

H.R. 2910. A bill to amend the Radiation Exposure Compensation Act to include the Territory of Guam in the list of affected areas with respect to which claims relating to atmospheric nuclear testing shall be allowed, and for other purposes; to the Committee on the Judiciary.

By Mr. CANTOR (for himself and Mr. Tanner):

H.R. 2911. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition under section 355; to the Committee on Ways and Means.

By Mr. CASE (for himself and Mr. Abercrombie):

H.R. 2912. A bill to reauthorize provisions in the Native American Housing Assistance and Self-Determination Act of 1996 relating to Native Hawaiian low-income housing and Federal loan guarantees for Native Hawaiian housing; to the Committee on Financial Services.

By Mr. CASTLE:

H.R. 2913. A bill to suspend temporarily the duty on Thiamethoxam Technical; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 2914. A bill to suspend temporarily the duty on Triasulfuron Technical; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 2915. A bill to suspend temporarily the duty on Brodifacoum Technical; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 2916. A bill to suspend temporarily the duty on Pymetrozine Technical; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 2917. A bill to suspend temporarily the duty on formulations of Thiamethoxam, Difenoconazole, Fludioxinil, and Mefenoxam; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 2918. A bill to suspend temporarily the duty on Trifloxysulfuron-Sodium Technical; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 2919. A bill to suspend temporarily the duty on diisopropyl succinate; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 2920. A bill to suspend temporarily the duty on 2,4-di-tert-butyl-6-(5-chlorobenzotriazol-2-yl)phenol; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 2921. A bill to suspend temporarily the duty on a mixture of Butanedioic acid, dimethylester, polymer with 4-hydroxy-2,2,6,6-tetramethyl-1-piperidine ethanol and 1,3,5-Triazine-2,4,6-triamine,N,N'''-[1,2-ethane-diyl-bis [[[[4,6-bis-[butyl (1,2,2,6,6-pentamethyl-4-piperidinyl)amino]-1,3,5-triazine-2 yl] imino]-3,1-propanediyl]] bis]N',N''- dibutyl-N',N''-bis(1,2,2,6,6-pentamethyl-4-piperidinyl)-; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 2922. A bill to suspend temporarily the duty on 4-chloro-benzonitrile; to the Committee on Ways and Means.

By Mr. GRIJALVA (for himself and Ms. Ros-Lehtinen):

H.R. 2923. A bill to improve the literacy and English skills of limited English proficient individuals, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Florida (for himself, Mr. Moore of Kansas, and Mr. Owens):

H.R. 2924. A bill to amend the Internal Revenue Code of 1986 to reduce motor fuel excise taxes during periods of high fuel prices; to the Committee on Ways and Means.

By Mr. HINOJOSA (for himself, Mr. Otter, Mr. Salazar, Mr. Simpson, Mr. Grijalva, Mr. Udall of Colorado, and Mr. Doggett):

H.R. 2925. A bill to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance; to the Committee on Resources.

By Mr. GEORGE MILLER of California (for himself, Ms. Schakowsky, and Mr. DeFazio):

H.R. 2926. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60; to the Committee on Education and the Workforce.

By Mr. GEORGE MILLER of California (for himself, Mr. Kildee, Mr. Tierney, Mr. Holt, Mr. Grijalva, Mr. Van Hollen, Mr. Bishop of New York, Mr. Pallone, Mr. Conyers, Mr. McDermott, Ms. McCollum of Minnesota, Mr. Olver, and Ms. DeLauro):

H.R. 2927. A bill to require the Secretary of Education to rebate lost Pell Grants to students whose Pell Grants were reduced or eliminated because of excess expected family contributions computed in the needs analysis process for student financial aid for academic year 2005-2006; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHMAN (for himself, Mr. Simmons, Mr. Abercrombie, Mr. Allen, Ms. Baldwin, Ms. Berkley, Mr. Berman, Mr. Blumenauer, Mr. Bradley of New Hampshire, Mr. Brady of Pennsylvania, Mr. Brown of Ohio, Mr. Carnahan, Mrs. Capps, Ms. Carson, Mr. Case, Mr. Castle, Mr. Conyers, Mr. Crowley, Mr. Cummings, Mrs. Davis of California, Mr. DeFazio, Ms. DeGette, Ms. DeLauro, Mr. Dingell, Mr. Engel, Mr. Evans, Mr. Farr, Mr. Frank of Massachusetts, Mr. Grijalva, Mr. Gutierrez, Ms. Harman, Mr. Hastings of Florida, Mr. Holt, Mr. Inslee, Ms. Jackson-Lee of Texas, Mr. Jefferson, Mrs. Johnson of Connecticut, Mr. Kennedy of Rhode Island, Mr. Kirk, Mr. Kucinich, Mr. Larsen of Washington, Mr. Lewis of Georgia, Ms. Zoe Lofgren of California, Mrs. Lowey, Mrs. McCarthy, Ms. McCollum of Minnesota, Mr. McDermott, Mr. McGovern, Mr. McHugh, Mrs. Maloney, Mr. George Miller of California, Mr. Moran of Virginia, Mr. Nadler, Mr. Olver, Mr. Owens, Mr. Pallone, Mr. Payne, Mr. Price of North Carolina, Ms. Roybal-Allard, Mr. Sanders, Ms. Schakowsky, Mr. Schwarz of Michigan, Mr. Shays, Ms. Slaughter, Mr. Smith of Washington, Ms. Solis, Mr. Stark, Mr. Tierney, Mr. Towns, Mr. Udall of Colorado, Ms. Wasserman Schultz, Ms. Watson, Mr. Waxman, Mr. Weiner, Mr. Wexler, Ms. Woolsey, Ms. Velázquez, Mr. Miller of North Carolina, Mr. Boehlert, Mr. Honda, Mr. Schiff, Mr. Boucher, and Ms. Eshoo):

H.R. 2928. A bill to provide for the provision by hospitals of emergency contraceptives to women who are survivors of sexual assault; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALSH:

H.R. 2929. A bill to amend title 38, United States Code, to provide the same type of vocational rehabilitation benefits and services under laws administered by the Secretary of Veterans Affairs for certain children with spina bifida as are currently available to veterans with service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. MANZULLO:

H. Res. 320. A resolution congratulating Danica Patrick on her historic accomplishments in the 2005 Indianapolis 500; to the Committee on Government Reform.

By Mr. LEACH:

H. Res. 321. A resolution expressing the sense of the House of Representatives that the United States should support the regionally balanced expansion of the membership of the United Nations Security Council; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mr. BILIRAKIS, and Mr. PALLONE):

H. Res. 322. A resolution expressing support for the European Court of Human Rights for its decisions in the Loizidou v. Turkey and Xenides-Arestis v. Turkey cases and for admitting similar cases before the European Court of Human Rights; to the Committee on International Relations.

By Ms. PRYCE of Ohio (for herself, Mr. DREIER, Mrs. MYRICK, Mrs. CAPPS, Mr. ISRAEL, Mr. CANNON, Mr. BACHUS, Mr. SESSIONS, Mr. MCCAUL of Texas, Mr. DOYLE, Mr. SCHWARZ of Michigan, Mr. FITZPATRICK of Pennsylvania, and Mr. BISHOP of Georgia):

H. Res. 323. A resolution supporting efforts to increase childhood cancer awareness, treatment, and research; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII,

30. The SPEAKER presented a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial No. 1002 memorializing the Congress of the United States to enact legislation that would reform the Endangered Species Act; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 34: Mr. RANGEL.

H.R. 65: Mr. WAMP.

H.R. 97: Mr. GRIJALVA.

H.R. 98: Mr. GENE GREEN of Texas.

H.R. 111: Mr. FALEOMAVAEGA and Mr. PORTER.

H.R. 153: Ms. CARSON and Mr. ACKERMAN.

H.R. 195: Mr. FITZPATRICK of Pennsylvania.

H.R. 312: Mr. DOYLE, Mr. MCCOTTER, Mr. WEXLER, Mr. PASTOR, and Mr. CUELLAR.

H.R. 408: Ms. MATSUI.

H.R. 510: Mr. PLATTS.

H.R. 583: Mr. HONDA.

H.R. 615: Mr. CLEAVER.

H.R. 676: Mr. TIERNEY.

H.R. 690: Mr. VAN HOLLEN.

H.R. 769: Mr. HOLT.

H.R. 772: Mr. UDALL of Colorado, Mr. KENNEDY of Rhode Island, Mr. PETERSON of Minnesota, and Mr. MILLER of North Carolina.

H.R. 805: Mr. VISCLOSKY.

H.R. 819: Mr. LINDER.

H.R. 827: Mr. SAM JOHNSON of Texas.

H.R. 856: Mr. NORWOOD.

H.R. 865: Mr. HAYES.

H.R. 893: Mr. SCOTT of Virginia.

H.R. 944: Mr. RAMSTAD.

H.R. 994: Mr. WAMP, Mr. NADLER, Ms. VELÁZQUEZ, and Mr. BOREN.

H.R. 998: Mr. MORAN of Kansas.

H.R. 1059: Mr. TIERNEY.

H.R. 1103: Mr. FARR.

H.R. 1124: Mr. KENNEDY of Minnesota and Ms. WASSERMAN SCHULTZ.

H.R. 1176: Mr. BRADLEY of New Hampshire, Ms. GINNY BROWN-WAITE of Florida, and Mr. KUHL of New York.

H.R. 1182: Mr. BACA.

H.R. 1217: Mr. RAHALL.

H.R. 1219: Mr. FRANKS of Arizona.

H.R. 1226: Mr. MCHENRY.

H.R. 1249: Mrs. CAPPS.

H.R. 1272: Mr. RUPPERSBERGER and Mr. MCDERMOTT.

H.R. 1282: Mr. DUNCAN.

H.R. 1288: Mr. PITTS, Mr. HEFLEY, Mr. WELLER, Mr. KANJORSKI, Mr. DOOLITTLE, Ms. HART, Mr. WELDON of Pennsylvania, Mr. GOHMERT, and Mr. REHBERG.

H.R. 1298: Ms. SCHWARTZ of Pennsylvania, and Mr. BRADY of Pennsylvania.

H.R. 1306: Mr. CHOCOLA, Mr. HULSHOF, and Mr. BASS.

H.R. 1335: Mr. SMITH of New Jersey, Mrs. MCCARTHY, Mr. COBLE, Mr. JACKSON of Illinois, Mr. CUNNINGHAM, Ms. KAPTUR, Mrs. KELLY, Mr. MOLLOHAN, Mr. LANTOS, Mr. CLYBURN, Mr. THOMSPON of Mississippi, Mr. HUNTER, Mr. BONILLA, Mr. CARDIN, Mr. HINCHEY, Mr. WELDON of Pennsylvania, Mr. YOUNG of Florida, Mr. WALSH, Mr. GIBBONS, Mr. HAYWORTH, Mr. GILCHREST, Mr. FRANK of Massachusetts, Mr. KILDEE, Mr. SERRANO, Mr. HASTINGS of Florida, and Mr. MCHUGH.

H.R. 1358: Mr. WEXLER.

H.R. 1376: Mr. GUTIERREZ.

H.R. 1382: Mr. WELDON of Florida, Mr. HENSARLING, and Mr. WAMP.

H.R. 1426: Mr. SABO, Mr. BRADY of Pennsylvania, Mr. MORAN of Virginia, and Ms. MCCOLLUM of Minnesota.

H.R. 1468: Mr. ENGLISH of Pennsylvania.

H.R. 1505: Mrs. CAPITO.

H.R. 1549: Mr. KING of New York, Mr. PRICE of North Carolina, Mr. CHANDLER, Ms. HERSETH, Ms. WASSERMAN SCHULTZ, Ms. DELAURO, Mr. GORDON, Mr. PALLONE, Ms. ZOE LOFGREN of California, Mr. FORD, Mrs. KELLY, Mr. BISHOP of Georgia, Mr. RUPPERSBERGER, Mr. BUTTERFIELD, Mr. SIMMONS, Mr. BOEHLERT, Ms. GINNY BROWN-WAITE of Florida, Mr. INSLEE, and Mrs. CAPITO.

H.R. 1558: Mr. NADLER.

H.R. 1599: Mr. ADERHOLT.

H.R. 1607: Mr. MILLER of Florida.

H.R. 1642: Mr. MACK, Mr. GARRETT of New Jersey, and Mr. PITTS.

H.R. 1651: Mr. ALEXANDER, Mr. SHIMKUS, and Mr. AKIN.

H.R. 1652: Mr. CLAY.

H.R. 1671: Mr. BOOZMAN.

H.R. 1704: Mr. JENKINS.

H.R. 1709: Mr. SHAYS, Mr. COSTA, Mr. FILNER, Mr. CARDIN, Mr. CONYERS, Mr. WU, Mr. NADLER, and Mr. HONDA.

H.R. 1736: Mr. KENNEDY of Minnesota.

H.R. 1742: Mr. FILNER and Mr. ETHERIDGE.

H.R. 1951: Mr. WEXLER, Mr. UDALL of Colorado, Mr. WHITFIELD, Mr. BUTTERFIELD, Mr. SAXTON, and Mr. MARSHALL.

H.R. 1954: Mr. KENNEDY of Rhode Island.

H.R. 1956: Mr. PENCE and Mrs. JO ANN DAVIS of Virginia.

H.R. 1973: Mr. RUSH.

H.R. 2045: Mr. LAHOOD.

H.R. 2070: Mr. BERMAN.

H.R. 2073: Ms. MOORE of Wisconsin.

H.R. 2108: Ms. SCHAKOWSKY.

H.R. 2209: Mr. MCHUGH, Mr. GILLMOR, and Mr. FRANK of Massachusetts.

H.R. 2231: Mr. GONZALEZ, Mr. DOGGETT, Ms. WASSERMAN SCHULTZ, Mrs. JO ANN DAVIS of Virginia, Mr. FITZPATRICK of Pennsylvania, Mr. PLATTS, Mr. KENNEDY of Rhode Island, and Mr. EMANUEL.

H.R. 2237: Mrs. CAPPS.

H.R. 2251: Mr. WALDEN of Oregon, Mr. FORD, and Mr. SESSIONS.

H.R. 2355: Mr. HALL.

H.R. 2357: Mr. MCCAUL of Texas.

H.R. 2358: Mr. STUPAK.

H.R. 2383: Mr. CALVERT.

H.R. 2388: Ms. GINNY BROWN-WAITE of Florida.

H.R. 2423: Mr. PRICE of Georgia and Mrs. CAPITO.

H.R. 2486: Mr. SHAYS.

H.R. 2491: Mr. SCHWARZ of Michigan, Mr. LEVIN, Mr. HOEKSTRA, Mr. KILDEE, Mrs. MILLER of Michigan, and Ms. KILPATRICK of Michigan.

H.R. 2498: Mr. KENNEDY of Minnesota, Mr. BEAUPREZ, Mr. MCCOTTER, Mr. PETERSON of Minnesota, Mr. KING of Iowa, Mr. JENKINS, Mr. TERRY, and Mr. PITTS.

H.R. 2526: Mr. BRADY of Pennsylvania, Mr. WEXLER, Mr. LIPINSKI, and Mr. WELDON of Pennsylvania.

H.R. 2567: Mr. KILDEE, Mr. GALLEGLY, Mr. BILIRAKIS, Mr. OLVER, Mr. PLATTS, Mr. ETHERIDGE, Ms. DELAURO, Mr. FARR, Mr. KOLBE, and Mr. DEFAZIO.

H.R. 2592: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2626: Mr. FRANK of Massachusetts, Mr. GORDON, and Mr. WAMP.

H.R. 2646: Mr. BRADY of Pennsylvania and Mr. BAKER.

H.R. 2658: Mr. ADERHOLT.

H.R. 2695: Ms. SCHAKOWSKY, Mr. CAPUANO, Mr. MCGOVERN, and Mr. LAHOOD.

H.R. 2716: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2717: Mr. GRIJALVA, Mr. GEORGE MILLER of California, Mr. LAHOOD, Mr. PETERSON of Minnesota, Mr. PLATTS, Mr. MOLLOHAN, Mr. BACHUS, Mr. OBERSTAR, Ms. VELÁZQUEZ, Mr. RANGEL, Ms. BALDWIN, Mr. CHANDLER, Mr. SCHIFF, Mr. MICHAUD, Mr. CUMMINGS, Ms. MOORE of Wisconsin, Mr. DENT, Mr. BACA, Mr. FORD, and Mr. BOSWELL.

H.R. 2721: Mr. MURPHY, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. JENKINS, Mr. DENT, Mr. YOUNG of Alaska, Mr. DUNCAN, Mr. FATTAH, and Mr. MURTHA.

H.R. 2746: Mr. MCDERMOTT, Mr. WEXLER, and Mr. OWENS.

H.R. 2780: Mr. ACKERMAN, Mr. MOORE of Kansas, and Mrs. MCCARTHY.

H.R. 2792: Mr. PAUL.

H.R. 2793: Mr. LAHOOD.

H.R. 2811: Mr. ALLEN, Mr. AL GREEN of Texas, and Ms. WOOLSEY.

H.R. 2828: Mr. MORAN of Virginia.

H.R. 2834: Mr. BAIRD and Mr. GENE GREEN of Texas.

H.R. 2835: Mr. STUPAK.

H.R. 2840: Mr. KENNEDY of Minnesota.

H.R. 2876: Mrs. KELLY, Mr. UDALL of New Mexico, Mr. BASS, Mr. BONNER, Mr. VAN HOLLEN, Mrs. EMERSON, Mr. LARSEN of Washington, Ms. HARMAN, and Ms. GRANGER.

H.J. Res. 53: Mrs. BLACKBURN, Mr. UPTON, Ms. HART, and Mr. ISTOOK.

H. Con. Res. 140: Mr. PENCE and Mr. ISSA.

H. Con. Res. 155: Mr. WOLF and Mr. MCNULTY.

H. Con. Res. 157: Mr. MOORE of Kansas, Ms. MATSUI, Ms. BORDALLO, Mr. CASE, Mrs. DAVIS of California, Mr. WEXLER, Mr. GRIJALVA, Ms. WOOLSEY, Mr. SANDERS, Mr. WALSH, Mr.

Al Green of Texas, Mr. Filner, Mr. Serrano, Mr. Thompson of California, Mr. Abercrombie, Mr. Moran of Virginia, Ms. Norton, Ms. DeLauro, Mr. McCotter, and Mr. Schiff.

H. Con. Res. 160: Mr. Shimkus, Ms. Moore of Wisconsin, Mr. Al Green of Texas, Mr. Jackson of Illinois, Mr. Rangel, Mr. Thompson of Mississippi, Mr. Meeks of New York, Ms. Millender-McDonald, Mr. Cummings, Mr. Rush, Mr. Meek of Florida, Mr. Lewis of Georgia, Mr. Davis of Alabama, Mr. Gutierrez, Mr. Hinojosa, Mr. Becerra, Mr. Reyes, Mrs. Napolitano, Mr. Ortiz, Mr. Evans, Mr. Clyburn, Ms. Pelosi, Ms. Baldwin, Mr. Jefferson, and Mr. Sabo.

H. Res. 76: Mr. Owens.

H. Res. 84: Mr. Ryan of Wisconsin.

H. Res. 123: Mr. Cardoza and Mrs. Northup.

H. Res. 127: Mr. Crowley, Mr. Waxman, Mrs. Davis of California, and Mr. Filner.

H. Res. 172: Mr. Kucinich.

H. Res. 246: Mr. Upton.

H. Res. 256: Mr. Bachus.

H. Res. 276: Ms. Harris, Ms. Jackson-Lee of Texas, Mr. Putnam, Mr. Owens, Mr. Sweeney, Mrs. Myrick, Mr. Wolf, Mr. Brady of Pennsylvania, Mr. Wexler, and Mr. Barrett of South Carolina.

H. Res. 302: Ms. Ros-Lehtinen and Mr. Osborne.

H. Res. 311: Mr. Hastings of Florida, Ms. DeGette, Mr. Jefferson, Mr. McGovern, Mr. Honda, and Mr. Conyers.

H. Res. 318: Mr. Kennedy of Minnesota.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 939: Ms. Millender-McDonald.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2862

Offered By: Mr. Weiner

Amendment No. 34: Page 26, line 25, after the dollar amount, insert "(increased by $126,152,000)".

Page 57, line 9, after the dollar amount, insert "(reduced by $126,152,000)".

H.R. 2863

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 6: On page 2, line 15, insert after the dollar amount the following: "(increased by $600,000,000)".

On page 3, line 2, insert after the dollar amount the following: "(increased by $500,000,000)".

On page 3, line 13, insert after the dollar amount the following: "(increased by $100,000,000)".

On page 4, line 2, insert after the dollar amount the following: "(increased by $500,000,000)".

On page 4, line 15, insert after the dollar amount the following: "(increased by $50,000,000)".

On page 5, line 3, insert after the dollar amount the following: "(increased by $50,000,000)".

On page 5, line 17, insert after the dollar amount the following: "(increased by $50,000,000)".

On page 6, line 5, insert after the dollar amount the following: "(increased by $50,000,000)".

On page 6, line 19, insert after the dollar amount the following: "(increased by $50,000,000)".

On page 7, line 8, insert after the dollar amount the following: "(increased by $50,000,000)".

On page 29, line 17, insert after the dollar amount the following: "(reduced by $2,000,000,000)".

H.R. 2863

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 7: Page 19, line 9, insert after the dollar amount the following: "(increased by $375,000,000)".

Page 24, line 10, insert after the dollar amount the following: "(increased by $125,000,000)".

Page 29, line 17, insert after the dollar amount the following: "(reduced by $500,000,000)".

H.R. 2863

Offered By: Mr. DeFazio

Amendment No. 8: Page 117, after line 5, insert the following title:

TITLE X—ADDITIONAL GENERAL PROVISIONS

Sec. 10____. None of the funds made available in this Act may be used to initiate military operations except in accordance with Article I, Section 8 of the Constitution of the United States.

H.R. 2863

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 9: On page 2, line 15, insert after the dollar amount the following: "(increased by $300,000,000)".

On page 3, line 2, insert after the dollar amount the following: "(increased by $250,000,000)".

On page 3, line 13, insert after the dollar amount the following: "(increased by $50,000,000)".

On page 4, line 2, insert after the dollar amount the following: "(increased by $250,000,000)".

On page 4, line 15, insert after the dollar amount the following: "(increased by $25,000,000)".

On page 5, line 3, insert after the dollar amount the following: "(increased by $25,000,000)".

On page 5, line 17, insert after the dollar amount the following: "(increased by $25,000,000)".

On page 6, line 5, insert after the dollar amount the following: "(increased by $25,000,000)".

On page 6, line 19, insert after the dollar amount the following: "(increased by $25,000,000)".

On page 7, line 8, insert after the dollar amount the following: "(increased by $25,000,000)".

On page 29, line 17, insert after the dollar amount the following: "(reduced by $2,000,000,000)".

H.R. 2863

Offered By: Mr. Rush

Amendment No. 10: At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

Sec. 10001. None of the funds made available in this Act may be used by the Department of Defense to enter into a contract with an entity that a court of law, or any office within the Department of Defense that oversees contracts, has found to have violated any Federal civil rights law.

H.R. 2863

Offered By: Mr. Hostettler

Amendment No. 11: Strike section 9012 (page 115, line 14, through page 117, line 5).

SENATE—*Wednesday, June 15, 2005*

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Immortal, invisible God only wise, Your love endures throughout all generations. Thank You for Your wondrous work and for Your constant care for our world.

Lord, today, bless our Senators. Let their lips disperse knowledge and their conduct produce peace. Empower them to walk with integrity and to strive to honor You. Remind them often that humility comes before honor. Grant that whatever work they do, they may labor for You. Guide them in all of their decisions and give them the power to live victoriously. Give them the perseverance to finish the tasks they start.

Lord, help each of us to not simply honor You with our lips but also with our lives. All this we ask for Your love's sake. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 15, 2005.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will resume consideration of the Energy bill. We will be spending all of this week and, in all likelihood, all of next week on the bill. We plan on completing the bill by the end of next week. Yesterday, the chairman offered a first-degree amendment relating to ethanol. Last night, we were able to consider and table a second-degree amendment relating to safe harbor. Today, we will be considering another second-degree amendment which was offered by Senator SCHUMER. It is our expectation to have a vote in relation to that amendment very shortly this morning, hopefully within the next 30 minutes. Senators, therefore, should be on notice and their offices should notify them that we might be voting around 10 o'clock, or shortly thereafter. If we are able to table that amendment, we would like to vote on the underlying first-degree amendment as well.

We expect to make further progress on the bill following those votes. So it will be a very busy day. We may go into the early evening tonight. I know there are a number of events planned tonight. I say that only to encourage people to come and offer their amendments and debate their amendments over the course of the day.

We will be finishing the bill by the end of next week. The Democratic leader and I have been consistent with that regard. So we want people to come to the floor and offer those amendments.

The ACTING PRESIDENT pro tempore. The Democratic leader.

Mr. REID. Mr. President, we made a lot of progress yesterday. It may not seem that way because all we did was ethanol. There were a lot of activities going on behind the scenes to move this legislation forward. Senator CANTWELL will offer her amendment this morning. I do not know how long that will take. The unfortunate death of Jim Exon, I hope, will not cause us to hold things up. I hope the two managers of the bill can have a number of amendments offered and stack those amendments, with the permission of the majority leader, and probably vote on those, we hope, in the morning sometime.

The big issues left are a renewable standard for electricity, we have a number of global warming issues, and there are other issues. If we get the Cantwell amendment decided and we do the global warming amendments and electricity standards, I think we are down the road on this important piece of legislation. We need cooperation from both sides.

It is an important piece of legislation. I know the President gave a speech yesterday wanting us to move forward. We want to move forward on it. Senators DOMENICI and BINGAMAN have done a very good job of getting us to where we are.

ENERGY

Mr. FRIST. Mr. President, today we will continue consideration of the Energy bill, as we just discussed. The debate has been very thorough and robust. Today I expect it to be so as we debate a number of very important issues, but I am confident, very optimistic, that we will have a strong bipartisan bill that will be overwhelmingly supported by this body by the time we complete it at the end of next week.

I thank Senator DOMENICI and Senator BINGAMAN for their tremendous leadership. They started in this session with a bipartisan commitment to produce a bill that speaks to the needs that are so clear and evident to all of us and to the American people. They deserve great credit for working together and working hard through all of these complicated details to come up with a plan that both sides of the aisle will be able to support.

I am pleased that during the Energy bill debate we are discussing the importance of increasing our Nation's use of renewable fuels, such as ethanol, which we spent a lot of time on yesterday, as we will today, as well as biodiesel.

I am a strong supporter of the renewable fuels standard which will double the use of ethanol and biodiesel over the next 7 years. Increasing use of these home-grown, clean-burning renewable fuels is essential to reducing both our short- and long-term dependence on foreign oil.

We are currently, as has been discussed many times, 56 percent dependent on these foreign sources of oil with all predictions aiming that we will be 68 percent dependent by 2025 if we do nothing. That is a call to action and, in many ways, that explains much of the action on the floor of the Senate this week.

One of the major goals in the bill is to reduce that dependence and thereby

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

enhance our own energy security. We will accomplish that through adoption of this bill. The renewable fuels standard is a critical component, an important aspect of this energy policy.

Increasing use of ethanol and biodiesel is a bipartisan issue. It was in the last Congress. I, along with the then-Democratic leader, Senator Daschle, introduced the renewable fuels standard amendment on the Senate floor. I am working with colleagues on both sides of the aisle to help forge an agreement on this issue again this year, and I am very pleased with our progress to date, over the course of yesterday, and I expect today.

In particular I thank Senators THUNE, TALENT, LUGAR, HAGEL, GRASSLEY, INHOFE, BOND, VOINOVICH, COLEMAN, and colleagues on the other side of the aisle who worked so hard to get us to this point. It was, again, a huge bipartisan effort with people in this body working together. I look forward to supporting this bipartisan effort over the course of the coming days.

When we go back to our States, again and again we hear that anyone filling up that tank of gas knows that America is in desperate need of an energy plan. With gas now averaging well over $2 a gallon, every American family, every worker, every small business owner is feeling the bite, is feeling the pinch. Gas prices are taking a bigger and bigger piece out of the family budget and that, of course, leaves less money to spend on items such as clothes, food, groceries, as well as looking forward to that next summer vacation.

We can do better. We are doing better in this bill. We know we can. And we have within our reach the ability to deliver clean, reliable, and affordable energy. All we have to do is imagine the future and project out what the future is going to be like, and then pull that back to the present and take action by debating and, where appropriate, amending the bill and then passing it over the next several days.

As we look to the future, imagine a future where coal is turned into a clean, cheap gas. It is not as far away as one might think or as most people thought 10 or 15 years ago. We have a 400- to 500-year supply of coal right here in the United States. My colleague from Tennessee, Senator ALEXANDER, discussed on the floor last week how, if we apply our technological know-how, imagination, and ability, capture that innovation, we can turn that very coal into clean coal gas, and by doing that, as a byproduct we would be able to share that with the entire world. We can do that by capturing our innovations, taking these natural resources, applying those innovations in a way that transforms them, and then sharing them with the entire world.

That is the sort of thinking that is going on in this bill. It is the sort of transformational thinking that the American people expect and should expect. It is time for an energy plan that is long overdue but also an energy plan that incorporates this innovation and this technology. We have gone on for way too long, we have gone on for 10 years without a comprehensive plan. We have attempted this in the past. We attempted it in the last Congress and we were unsuccessful. We passed a good bill on the Senate floor and the House passed a bill, but we did not get agreement in conference to get a bill to the President of the United States.

As we have debated and have been unable to bring a bill to conclusion, energy prices have gone higher and higher. We have become more and more dependent on foreign sources of energy. These foreign sources do not necessarily have the best interests of the United States at heart.

In the 1960s and early 1970s, the United States produced almost as much oil as we consumed. In those decades, imports were very small. In about 1972, U.S. oil production began to decline, and it has been declining steadily ever since.

At the same time as our economy has grown, U.S. consumption of oil has steadily increased. So declining supply, increased consumption. As a result, our reliance on foreign oil and foreign sources of energy, of course, have had to increase. So the problem is pretty clear, and that is the response we are delivering on the Senate floor.

Today, we import most of our oil from the North, from Canada; also from the South, Venezuela, Saudi Arabia, and Mexico. However, as we look out over the next 5, 10, and 15 years, the Department of Energy's Energy Information Administration predicts that more of the oil that we need will come from the OPEC countries in the Middle East.

We must take steps to reduce our dependence on foreign countries and thereby enhance our energy security at home. When we rely on other nations for more than half our oil supply, we simply put our security at risk. We need a system based upon efficiency, balance, and common sense. We need a system that will respond to the obvious needs that are growing worse, challenges that are increasing each day that we do not produce a bill.

We can look at nuclear energy as a great example. It is clean, it is efficient, and it has the potential to significantly reduce our dependence on foreign supplies. The Navy powers dozens of its vessels with nuclear energy and docks these ships at ports all over the world. They have not had one accident.

France uses nuclear energy to provide 80 percent of its electricity supply. Japan allows one, two, three new reactors to be built each year. In the United States, we have not ordered a new nuclear power reactor plant in the last 30 years, since the 1970s. We can, and we should, pursue commonsense efforts to produce clean, safe, affordable, and reliable energy, nuclear energy, for America's families. It only makes sense. It is common sense.

Increasing our domestic supply is critically important, but we also have to look at the conservation side of the equation. We simply need to look at the transportation sector. Nearly 70 percent of the oil we use goes to power the cars and trucks that we drive every day. If we are serious about reducing our dependence on foreign oil, we must look at new ways to power and fuel those vehicles. We are already doing this with hybrid cars which, as we all know, are becoming more popular, and with the alternative fuels that we have been discussing on the floor yesterday and today, ethanol and biodiesel. We must continue to move in this direction by continuing and increasing our investment in hydrogen fuel cell research.

President Bush has said that his goal is that today's children will take their driver's test in a zero-emission vehicle. That would go a long way toward helping to reduce our dependence and enhance our security.

The fuel that we are increasingly talking about, which is probably the most dramatic when we look at the challenges before us, is natural gas. Natural gas is another energy source we depend on heavily and another area in which we are becoming increasingly reliant on imports. Because natural gas is clean burning and relatively cheap, it has become the fuel of choice for new electric power generation in recent years. Sixty percent of homes across America are heated and cooled today with natural gas.

While demand has been steadily growing, and for good reason, domestic supply has remained relatively flat. In fact, in 2003, we imported 15 percent of the gas we used but by 2025 the percent of gas that is used that will be imported is going to go up twofold, is going to double. Yes, we need to take bold action in the United States to address America's energy challenges, and we need to do this head on. We are doing that on the Senate floor.

The Energy bill we are debating over these 2 weeks is a strong step in the right direction. I hope that we will be able to continue to work together to pass a strong and bipartisan bill so we can get this important legislation to the President of the United States so that he can sign it.

America needs this policy. It needs this policy to keep our families safe, strong, and secure. We need a policy that keeps us competitive, and we need a policy that continues to help us to move forward.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

BOLTON NOMINATION

Mr. REID. Mr. President, from the outset of the debate on John Bolton's nomination, Senate Democrats have had a clear and consistent position. If the administration works in good faith to give the Senate the information it deserves, the Senate Democrats are ready to immediately give this nomination an up-or-down vote. We said this as far back as April, and it remains our position today. Despite the administration's refusal to turn over any of the requested information during this time period, Senator FRIST told me yesterday he was inclined to seek another vote on the Bolton nomination. While the majority leader is certainly within his rights to do this, unless the administration changes course before this vote is held, the outcome will be exactly the same as it was last month and may even have less support than it did before.

Here is why: The history and precedent in the Senate makes it clear the Senate has a right to information that bears directly on the fitness of a political nominee to serve. Virtually every other administration has recognized the Senate's rights and provided the needed information—every administration, that is, except this one. Many colleagues on the majority have stood for the Senate's right to get information from the executive branch in the past. We have many statements on record to that effect. These colleagues have made it clear, with their words and deeds, that it was perfectly legitimate for the Senate to withhold action on an executive nominee until the executive branch provided certain information, even if the information requested had nothing to do with the nominee in question.

In this instance, we are seeking information that bears directly on the fitness of John Bolton to serve as our representative to the United Nations. We are not engaging in any fishing expedition. We are seeking clearly defined documents and information about two very important issues:

No. 1, did Bolton attempt to exaggerate what Congress would be told about Syria's alleged weapons of mass destruction capabilities? Remember, we have some experience in weapons of mass destruction information being altered and manipulated.

No. 2, did Bolton use and perhaps misuse highly classified intelligence intercepts to spy on bureaucratic rivals who disagreed with his views or for other inappropriate purposes?

These are two very direct, simple issues that bear on this man's capability and fitness to serve in the United Nations.

The administration's position on these requests has been that political appointees are qualified to see this information but that Senators elected by the American people are not. I believe this is unacceptable.

During this impasse, Senate Democrats have repeatedly demonstrated our good faith to break the current impasse and give Mr. Bolton a vote. Yesterday, I heard some of my Republican colleagues assert that Democrats have been shifting the goalpost on resolving this issue, and they are absolutely right, we have. Instead of having a 100-yard football field, now we have made it only 60 yards. We have moved in their direction. Just last week, Senators BIDEN, ranking member of Foreign Relations and, of course, Senator DODD, the ranking member of the Rules Committee, made another effort to resolve the impasse over the Bolton nomination. Everyone in the Senate and outside this body should understand that this offer moves significantly away from our initial request in a sincere effort to resolve the situation. Everyone should also understand that, unfortunately, this latest effort to reach an accommodation with the White House has apparently met the same fate as previous efforts to work things out—silence from the administration.

Even yesterday, the ranking member of the Finance Committee—I should say the vice chair Senator ROCKEFELLER of West Virginia, which is the proper title—offered his assistance, to break the impasse. He sent a letter to the Director of National Intelligence, John Negroponte, to that effect.

We have said publicly, if this administration, similar to every other administration, respects the requests of the Senate, we will immediately move to grant Bolton an up-or-down vote. I stand by that pledge today. I hope my colleagues on the other side of the aisle will recognize we are following their precedent with our actions today. I hope this administration brings an end to its pattern of abusing its powers and treats this coequal branch of Government with the respect it deserves.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

ENERGY POLICY ACT OF 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6) to ensure jobs for our future with secure, affordable and reliable energy.

Pending:

Domenici amendment No. 779 (to amendment No. 775), to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence.

Schumer amendment No. 782 (to amendment No. 779), to strike the reliable fuels subtitle of the amendment.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I believe the order of business is my second-degree amendment to the amendment of my friend from New Mexico.

The PRESIDING OFFICER. That is the pending question.

Mr. SCHUMER. When do we expect a vote, Mr. President? What is the order of business here?

The PRESIDING OFFICER. We do not yet have a consent request. We are expecting that soon.

Mr. SCHUMER. Mr. President, I will address this amendment. Let me say, this amendment is one that still requires all the Clean Air standards to be met but removes the ethanol mandate. That is what this amendment does.

The underlying Domenici amendment on ethanol is so wrong. The amendment is a boondoggle. It hurts drivers and it hurts the free market. It is a boondoggle because it takes money out of the pockets of drivers and puts it into the pockets of the big ethanol producers.

The bottom line is very simple. In places where they need ethanol, there is a mandate, and in places where they do not need ethanol, there is a mandate. This is nothing less than an ethanol gas tax levied on every driver: the employee driving to work, the mom driving the kids to school, the truckdriver who earns a living. Gas prices are high enough. It is utterly amazing that in this body we seek to raise the prices even higher than they are now because that is what this amendment will do—particularly if you are on the coasts or in large parts of the South. If you are not in an area that has a lot of ethanol production, make no mistake about it, the underlying amendment will raise your gas prices. The Schumer amendment will make sure that gas prices do not go up any higher because of an ethanol mandate.

The bottom line is this boondoggle not only hurts drivers and puts money in the pockets of the big ethanol producers, but this amendment puts a dagger in the heart of the concept of a free market. We have lots of my friends, particularly on the other side of the aisle, who praise the free market all the time—as they should. But then they fold to the ethanol lobby and vote for one of the most anti-free-market amendments that has come on this floor in decades, because not only do we subsidize ethanol, which we do, and not only do we deal with ethanol in terms of imports, not only do we require ethanol in this amendment whether you need it but, amazingly enough, this amendment says: If you do not use the ethanol, you still have to pay for it.

So somebody driving in New York or Philadelphia or Boston or Bangor, ME, somebody driving in Seattle or Portland or Los Angeles or San Francisco—areas where there is not much ethanol—is going to pay 5 cents, 10 cents, 15 cents more to go into the pockets of the ethanol producers, even when the drivers do not use ethanol.

It is so unfair to do this. It is wrong to do this. If you come from Iowa or Illinois, and ethanol is good for your gasoline and it is the best way to make it cleaner, that is fine. But if there are other ways to do this, then why do we require ethanol?

We know why. Some say it will help the corn grower. When was the last time the little family farmer benefited from a policy where three or four big companies control the show? They do not benefit when it comes to meat, they do not benefit when it comes to milk, they do not benefit when it comes to wheat, they do not benefit when it comes to corn. So to put a few pennies—and that is all it will be—in the pocket of the family farmer, we charge drivers around the country billions of dollars.

Make no mistake about it, most of those billions will not go to the family farmer, they will go to the Archer Daniels Midlands of the world—a company that was once accused of price fixing. There will be no free market here at all.

There could not be an amendment that does more damage—damage to drivers, damage to the free market, damage to the system that says we do not force things on people they do not need. It is hard to believe.

I know the political forces here. We have coalitions. We have big industry and people from the corn-growing States on one side. But if we required every person in New Mexico or Georgia or West Virginia or Montana to buy New York milk, no matter how much it cost and whether they needed it, you would be on your feet hollering. But to require New York drivers and drivers from Maine and Florida and Texas and Arizona and California and Washington to buy Middle Western corn-based ethanol is equally outrageous.

We have had this amendment around for a while. I have been fighting it as long as I have been here. I understand the political forces, but the political forces should not mitigate what is right. If you believe in the free market, if you believe in protecting drivers, do not vote for this amendment. If you would not vote for a gas tax, why vote for an ethanol tax? It is the same thing. It is the same concept. There are many other ways to make the air cleaner.

Talk to refiners on the coasts. They can crack the petroleum to meet the Clean Air standards. They are not going to buy the ethanol, anyway, but they are still going to have to pay for it.

I urge my colleagues to defeat this poorly conceived, unfair amendment that puts a dagger in the heart of anything that we might consider the free market.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this amendment will gut the ethanol amendment which has been crafted in a bipartisan manner. My good friend from New York suggested it would be unfair to make us all buy milk produced in New York. I think that would not only be unfair, but it would be a disaster because we wouldn't have any milk anywhere because they do not produce enough milk to go anywhere in the United States.

In any event, we ought to table this amendment and get on with the Energy bill. I compliment the Senator on his arguments. He always makes excellent arguments in behalf of his State and his people. In this case I believe the country is going to be well served by making us less dependent upon oil that is imported from a cartel.

He speaks of competition and whether there is going to be competition in ethanol. Let's be serious about this. There is no competition in the world markets for oil. In this case we are going to be producing ethanol that is American in order to displace, gallon by gallon, the oil we import.

Having said that, I move to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislatuve clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Alaska (Mr. STEVENS).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 28, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—69

Akaka
Alexander
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chambliss
Cochran
Coleman
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Frist
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Kohl
Landrieu
Levin
Lincoln
Lugar
Martinez
McConnell
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reid
Roberts
Salazar
Sarbanes
Sessions
Shelby
Smith
Stabenow
Talent
Thomas
Thune
Vitter
Voinovich

NAYS—28

Allard
Boxer
Chafee
Clinton
Coburn
Collins
Corzine
Dodd
Ensign
Feinstein
Gregg
Kennedy
Kyl
Lautenberg
Leahy
Lieberman
Lott
McCain
Mikulski
Reed
Rockefeller
Santorum
Schumer
Snowe
Specter
Sununu
Warner
Wyden

NOT VOTING—3

Jeffords
Murkowski
Stevens

The motion was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

AMENDMENT NO. 779

Mr. DOMENICI. We are still on the ethanol amendment. I understand—so Senators will know—there are still negotiations taking place. I am hopeful they will be fruitful with reference to some portion of this amendment. We are going to stay on it and see what happens.

In the meantime, a couple Senators have indicated they would like to speak. I understood Senator AKAKA had come up and asked if he could be heard. He is not here.

I yield to the Senator.

Mr. REID. Mr. President, we are ready for the next amendment. What I would suggest for the good of the order is that while they are negotiating a finality of this ethanol amendment—that is taking place as we speak—Senator CANTWELL be allowed to move forward on her amendment. We would certainly agree that anytime they want to come back and finish the work on ethanol, she would step aside. But we have such a limited amount of time on this most important piece of legislation.

We have today. Of course, because of the funeral of Senator Exon, we cannot have votes this afternoon. There are six or seven Senators leaving. Then we have a longstanding conference on Friday, so tomorrow is going to be the heavy workload of this week.

This is our first amendment. We believe we would do well if we could move forward with it. Senator CANTWELL has been very patient. She waited here all day yesterday, and she is here again today.

So I am wondering—I see, of course, that the distinguished chairman of the committee is here. I wonder if I could have Senator INHOFE's attention. If I could, I am sorry to interrupt the conversation, but I am wondering if the distinguished Senator from Oklahoma would allow the present amendment to be set aside. I know there are negotiations going on at the present time. We could allow Senator CANTWELL to offer her amendment. Anytime you wanted to come back on the floor, we would be happy to yield the floor and come back to you. It would just help things move along.

Mr. INHOFE. I say to the distinguished minority leader that I appreciate his comments and I note his thoughts, but the answer would be no.

Mr. REID. Mr. President, I know the majority leader, and I want to move this legislation along. We have great plans for the last week of this work period to do some appropriations bills, one of which I hope would be the bill of Senator DOMENICI and this Senator which we have been fortunate enough to be chairman and ranking member of that committee for many years. We were able to complete that yesterday in the subcommittee and will be ready to move. It is such a waste of the country's time not to move forward. I have made my good-faith gesture to do so. I hope everyone understands that we can't rush forward on cloture when there is nothing having been done to allow us to offer amendments.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Let me say to the distinguished minority leader, I am fully aware of the problem he has discussed. I am empathetic and want to move ahead. But I think it is better for a while to let the ethanol deal which is being considered in terms of perhaps some modification to continue for a while rather than get off of it. We are going to do the best we can to move this bill. We need your help. We need our leader's help to move ahead.

Mr. McCONNELL. Will the chairman yield?

Mr. DOMENICI. I am pleased to yield.

Mr. McCONNELL. I say to my friend from Oklahoma that if his amendment became the pending business right after Cantwell, he would be in exactly the same position he is in right now. Our discussions could continue. It would at least allow the Senate to process another amendment.

Mr. REID. It is my understanding that Senator INHOFE's amendment or the underlying ethanol amendment will be the pending business after Cantwell. That would be fine with us.

Mr. DOMENICI. Let me ask maybe if we could put in a quorum for a minute.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have had a conversation as suggested by the distinguished chairman. He is, as usual, right.

I ask unanimous consent that the pending amendment be set aside and that Senator CANTWELL be allowed to offer her amendment, and that at such time as the majority wants to regain the floor to discuss the matter of ethanol, Senator CANTWELL would step down.

Mr. DOMENICI. Reserving the right to object, how long do you think the Cantwell amendment might take?

Mr. REID. A couple of hours. With the 12:30 schedule, I would hope we would have a vote on ethanol; otherwise, we will debate that and whenever that finishes move to another issue, if ethanol is not resolved. It is not going to be a day-long debate.

Mr. DOMENICI. Could I ask the distinguished minority leader another question? Do you know if there are any other amendments that are ready on your side after Senator CANTWELL?

Mr. REID. It is my understanding that the ranking member of the committee has one on renewables that is ready to go, electricity renewables, portfolio standard that we have debated on a number of occasions. I assume that with all the work done on global warming, there are several amendments around, some of which are bipartisan. I am sure that is ready to go. So there are a number of amendments ready to go.

Mr. DOMENICI. I think global warming is going to wait until next week.

Mr. REID. Which is fine with us.

Mr. DOMENICI. I have no objection—just a moment.

Mr. INHOFE. Reserving the right to object, I would inquire of the Chair, was there a UC proposed?

Mr. REID. Basically, to set aside this amendment.

Mr. INHOFE. To set aside mine. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I thank the Chair for giving me this brief opportunity to speak about the renewable fuels provisions in the Energy bill. I thank my colleagues, Senators FRIST and REID, for their leadership, and Senators LUGAR, HARKIN, TALENT, and so many others for their efforts in developing this important legislation.

I am here today to support the renewable fuels provision in the Senate Energy bill. This legislation is one of the pillars for economic development for rural America, one segment of the population that lagged behind in the economic surge of the 1990s, yet a segment positioned to play such an integral role in fueling our Nation.

It is rare when legislation benefits all. It is rare when legislation creates only winners. It is clear that the production and use of renewable fuels is a win/win situation—a win for farmers from rural communities, a win for consumers, and a win for the environment. That is why as Governor of Nebraska, I invited other Governors interested in creating a group devoted to the promotion and increased use of ethanol to join me in Nebraska. In September of 1991, we met, and the Governors' Ethanol Coalition emerged. Membership in the coalition doubled from 9 to 19 States during the first year, and now stands at 30 States, with international representatives from Brazil, Canada, Mexico, Sweden, and Thailand—30 States, red and blue States.

First, I mentioned this legislation is a win for farmers in rural communities. Three years ago, we completed the farm bill which at the time was characterized as one very important part of the economic revitalization plan for rural America. Economic stimulus can come in many forms and the production of renewable fuels is certainly a viable option for rural America, especially—and candidly—in my State of Nebraska.

It is as simple as this: Demand for corn to create ethanol raises prices for corn. Demand for sorghum to create ethanol raises prices for sorghum. Demand for soybeans to create biodiesel raises prices for soybeans. Added to the important feature of farm profitability is the idea that increased grain prices result in less assistance to producers under the farm bill in the form of loan deficiency payments and countercyclical payments—yes, less government assistance. Merging the realities of agricultural economics and farm policy into energy legislation is the type of responsible legislation the voters sent us here to enact.

I am unabashedly proud of what my home State has accomplished in this area. Within the State of Nebraska, 11 ethanol plants currently produce 523 million gallons of ethanol per year or 12 percent of the Nation's total. The benefits of the ethanol program in Nebraska don't just involve grain producers. It involves investment in industry, the creation of jobs related to plant construction, operation, and maintenance. It includes permanent jobs at the ethanol facilities and stimulates the economic engines in small rural communities. In Nebraska alone, more than 270 million bushels of corn and grain sorghum is processed at the plants annually. These economic benefits and others have increased each year during the past decade due to plant expansion, employment increases, and additional capital investment.

Next, a win for consumers: A study released by the Consumer Federation of America points out that motorists could be saving as much as 8 cents per gallon of gasoline at the pump if oil refiners would blend more ethanol into their gasoline supplies.

I ask unanimous consent to print in the RECORD a copy of the Consumer Federation of America Report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OVER A BARREL—WHY AREN'T OIL COMPANIES USING ETHANOL TO LOWER GASOLINE PRICES?

(By Mark Cooper)

Across the country, consumers are facing the highest gasoline prices in memory, while oil companies are reporting record profits. The profits at ExxonMobil alone exceeded $25 billion in 2004 with every expectation that 2005 profits will be even greater. The Wall Street Journal recently reported, "Exxon Mobil Corp. is gushing money. Amid soaring crude-oil prices, it recently reported a fourth-quarter profit that amounted to the fattest quarterly take for a publicly traded U.S. company ever: $8.4 billion. That translated into $3.8 million an hour." As oil companies squeeze every penny they can from consumers' pocketbooks, they continue to import high priced crude oil from the Middle East and elsewhere, engage in mergers that further reduce already constrained competition, and avoid, wherever possible, blending their gasoline with alternative fuels like ethanol.

In the past, some consumers have expressed skepticism of economic benefits derived from blending ethanol into gasoline. But in the face of rising gasoline prices that skepticism is beginning to wane. For example, Senator Chuck Schumer (D–NY), once a critic of ethanol, now points to the benefits of building local production capacity in New York to create jobs and markets for farmers and lower gasoline prices for consumers.

Contributing to the changing attitude toward ethanol is the fact that prices for ethanol have declined while pump prices for gasoline now exceed $2.20 per gallon in many parts of the country. As Business Week recently reported, ". . . since the start of the year, the wholesale price of ethanol has fallen more than 20 percent, to around $1.20 a gallon, while black gold is soaring to record highs." Given the sharp decline in ethanol prices, one would expect major oil companies to increase their purchases of ethanol beyond what is required by the Clean Air Act. However, contrary to rational economic expectations, oil companies are not expanding their purchases of lower-priced ethanol, but are continuing to purchase expensive crude oil and raising gasoline prices to consumers. Frustrated, some ethanol producers are beginning to export their product. This creates a situation of lower-priced ethanol leaving the country while higher-priced oil enters it—hardly an indication of rational economic behavior.

Changing consumer perceptions about the benefits of ethanol are reinforced by several recent developments:

Rising gasoline prices amidst declining ethanol prices.

At a time when the price of gasoline all over the country is increasing, the price of ethanol has been declining in part because of increased production, but in part because oil companies are refusing to purchase the available supplies to blend with their gasoline.

Major oil companies cost consumers as much as 8 a gallon by boycotting lower-cost ethanol.

With today's price differential between the wholesale price of ethanol and the average wholesale price of gasoline, consumers who purchase gasoline blended with 10 percent ethanol could be saving as much as 8 cents a gallon if oil companies purchased ethanol instead of importing more expensive foreign oil.

Terminal and other infrastructure exists to handle additional ethanol supplies in markets across the country.

Companies have built capacity—terminals, storage tanks, blending equipment—to use ethanol. But even though this capacity exists, oil companies have chosen to purchase more expensive petroleum instead of ethanol.

GASOLINE PRICE INCREASES, CONSUMER COSTS AND OIL COMPANY PROFITS

According to the most recent data published by the Energy Information Administration, the average US price for a gallon of regular unleaded gasoline was $2.24 as of April 25, 2005. This price is 42 cents a gallon higher than the year before, a jump of 23 percent. Since December 2004, the average price has climbed 40 cents a gallon. While some of this price increase is due to the higher cost of crude oil, some of it is directly related to continuing efforts by the major oil companies to keep their inventories as tight as possible.

Decisions about refinery capacity and stockpiling of product are business decisions. Figure 1 below demonstrates that oil refiners have limited gasoline inventories to less than 3 or fewer days of supply above the minimum operating reserves necessary to keep the system functioning since the consolidation of the industry. There is simply no slack in the system and this keeps markets tight. The closure of fifty refineries and the failure to build new ones in the past decade and a half reinforce this strategy.

Oil company refinery and inventory management has not only kept inventories low and prices high, but also resulted in record high monopoly profits (see Table 1). The 13 oil companies that account for over 84 percent of U.S. refinery runs in 2004 increased their income on U.S. refining and marketing operations in 2004 by more than 130 percent over 2003—from $6.6 billion to $15.3 billion. In other words, as oil companies charged consumers an average of nearly 29 cents a gallon more in 2004 than in 2003 for their gasoline, major oil companies were reaping windfall profits. For the average consumer, an increase of 29 cents a gallon means an extra $160 per year in the cost of driving the average car.

When assessing oil company profitability in the refining and marketing segment, it is important to recognize that "Domestic refining and marketing has become a more prominent contributor to net income over the past 4 years but has also demonstrated how volatile this segment of the industry can be. In 2000, 2001, and 2003, domestic refining and marketing had 3 of the 4 best years in terms of net income in the history of the FRS survey . . ." And 2004 was significantly better than 2001, the industry's previous best year.

TABLE 1.—INCOME FROM DOWNSTREAM OPERATIONS

[In millions of dollars]

Company	Refining/Marketing Income	
	2003	2004
ExxonMobil	$1,348.0	$2,186.0
Shell	379.0	1,686.0
ChevronTexaco	482.0	1,261.0
BP	748.0	2,478.0
ConocoPhillips	1,272.0	2,743.0
Valero	621.5	1,803.8
Marathon	819.0	1,406.0
Amerada Hess	643.0	977.0
Murphy	−21.2	53.4
CITGO	439.0	625.0
Sunoco	352.0	609.0
Premcor	116.6	477.9
Tesoro	76.1	327.9
Total	6,730	15,219

Source: Company Annual Reports.

The first quarter of 2005, with dramatically rising crude oil prices presents a stunning example of how domestic oil companies exercise market power over price to abuse consumers. If rising raw material (crude oil) costs were the problem then we would expect the domestic spread to decline as competition and consumer resistance (the elasticity of demand) squeezed the margin between the cost of inputs and the retail price. The opposite has happened because the industry is not competitive. Only in 2002, when demand was very weak due to the recession following September 11, did margins return to their historic levels. The winter of 2002 also taught the industry a lesson, that competition on price lowers profits.

The rising domestic spread numbers translate immediately into rising profits in the domestic refining and marketing industry (see Table 2). For the ten largest companies that refine crude oil in the U.S. profits increased by almost 60 percent in the first quarter of 2005 compared to the first quarter of 2004. This was a larger increase in profits than domestic exploration and production (16 percent) and total oil company operations (39 percent). There is no doubt that crude oil price increases contributed to the increase in the price at the pump, but so too did increasing margins and profits for domestic refining and marketing.

TABLE 2.—OIL INDUSTRY PROFITS

Company	Refining/Marketing U.S. Only		Global Total	
	1q 2004	1q 2005	1q 2004	1q 2005
EXXONMOBIL	$392	$645	$5,440	$7,860
SHELL	215	405	4,702	6,673
BP	827	1,429	4,912	6,602
CONOCOPHILLIPS	403	570	1,616	2,912

TABLE 2.—OIL INDUSTRY PROFITS—Continued

Company	Refining/Marketing U.S. Only		Global Total	
	1q 2004	1q 2005	1q 2004	1q 2005
CHEVRONTEXACO	276	58	2,562	2,677
VALERO	273	622	248	534
MARATHON	49	210	258	324
AMERADA HESS	137	102	281	219
MURPHY	−11	−8	98	113
PREMCOR	53	129	53	129
TOTAL	2,614	4,162	20,170	28,043

Source: Company 1q2005 Reports.

In contrast to gasoline prices, which have risen as a result of rising input prices and the exercise of market power by domestic refiners, ethanol prices have not risen because the cost of the raw materials has not risen and the producers of ethanol do not have market power.

So why don't oil companies use more ethanol to keep price increases down? The answer is simple. The market is not competitive enough to force them to worry about price increases. They also do not own the ethanol. They prefer to process more crude oil and make more money by keeping the price up.

GASOLINE PRICE DECREASES CONSUMERS AREN'T GETTING

While the oil marketplace has become much less competitive over the past ten years because of huge mergers between the largest companies, one would still expect that the availability of lower cost gasoline components would attract buyers.

In sharp contrast to the oil industry, the ethanol industry has become more competitive. According to a recent study "ethanol production was the only agricultural sector in which concentration has steadily decreased. A decade ago, the top four companies owned 73 percent of the ethanol market. Today the top four companies control 41 percent of the ethanol produced.

But, when it comes to ethanol, oil companies have failed to respond. Over the last several months, ethanol prices have fallen by between 40 cents and 50 cents a gallon in different parts of the country, yet there is little, if any, evidence that refiners have taken advantage of the opportunity to purchase any supplies other than those required to meet the requirements of the Clean Air Act. According to Bernie Punt, general manager of an ethanol plant in Sioux Center, Iowa, "Unless most of these oil companies are told by the government they have to use it, they won't."

Table 3 below shows price changes for spot or wholesale prices for ethanol and regular reformulated gasoline sold in three major U.S. markets between November 2004 and March 2005. In all three markets, the spot price of ethanol fell between 41 cents and 50 cents a gallon while the spot price of gasoline rose between 13 cents and 30 cents a gallon.

Ethanol production has been climbing steadily as new producers continue to add capacity that is expected to reach 4 billion gallons this year. On a monthly basis, production of ethanol reached an all-time high of 245,000 barrels per day in February.

TABLE 3.—ETHANOL AND GASOLINE PRICES

Market	Nov.	Mar.	Change
Spot Ethanol Prices (per gallon)			
LA	$1.785	$1.373	−$0.412
CHIC	1.821	1.394	−0.427
NY	1.771	1.275	−0.496
Spot Regular RFG Gasoline Prices (per gallon)			
LA	1.386	1.682	+0.296
CHIC	1.256	1.492	+0.236
NY	1.265	1.398	+0.133

Source: Platt's Oilgram Price Report.

Ethanol is blended with gasoline to help reduce air pollution. In California, New York and Connecticut—states which have phased out the use of MTBE—ethanol must be blended with gasoline to meet Clean Air Act requirements for oxygenated fuel. In New York and Connecticut, 10 percent ethanol is blended with 90 percent gasoline while in California, 5.7 percent ethanol is blended with 94.3 percent gasoline.

GASOLINE PRICE REDUCTIONS TO CONSUMERS WITH INCREASED USE OF ETHANOL

The best example of how consumers could realize lower gasoline prices is using sales of petroleum products and ethanol in New York harbor (see Table 4). Gasoline and ethanol shipped into New York harbor serve markets in New Jersey where refiners still use MTBE and New York and Connecticut where refiners blend ethanol. Assuming that refiners and gasoline marketers in New York harbor took advantage of lower-priced ethanol during March, they could have lowered consumer gasoline prices by 5 cents a gallon in New Jersey compared to RFG using MTBE and by 7 cents a gallon compared to conventional gasoline used outside of the metropolitan areas required use of RFG.

TABLE 4.—PRICES FOR REFORMULATED GASOLINE—NEW YORK SPOT PRICES

[$ per gallon]

NY RFG–MTBE	NY RFG–ETH	Diff.	NYRUL	NY	RFG–ETH	Diff.
March 2005	$1.40	$1.35	$0.05	$1.44	$1.37	$0.07

Another example where consumers could save money at the pump is California, the nation's highest price gasoline market (with the exception of Hawaii). If, instead of just blending 5.7 percent ethanol, California refiners chose to blend 10 percent ethanol as they do in New York, Chicago and Connecticut, California motorists could save as much as 8 cents a gallon.

These potential cost savings to consumers represent only the arithmetic result of blending more lower cost ethanol with higher cost gasoline. The increase in available supplies could have an additional effect in lowering prices and reducing volatility.

Oil companies have the capacity to use more ethanol to lower consumer gasoline prices.

In numerous markets across the country, oil companies have put in place all the necessary equipment to blend ethanol. In Atlanta, for example, where oil companies had prepared to supply ethanol blends starting January 1, 2005, Chevron with a market share of 14 percent stated it "invested over $2,000,000" to its Atlanta area gasoline supply terminal. In northern New Jersey, oil companies that supply metropolitan New York (including southern Connecticut) have had capacity to blend ethanol in place since January 1, 2004. Instead of supplying more expensive reformulated gasoline (RFG) with MTBE, these companies could choose to blend with less expensive ethanol to supply outlets in northern New Jersey. And in most Midwestern states—Iowa, Nebraska, Illinois, Missouri, and others—where ethanol is blended in mid-grade (89 octane) gasoline, there is nothing to prevent oil companies from blending ethanol in regular (87) and premium (91) grades of gasoline.

CONCLUSION

The consumer implications of the refusal to use more ethanol are clear. While gasoline refiners are using as much ethanol as required, the same refiners are not buying lower-cost ethanol in other gasoline markets. Thus, consumers in many parts of the country where ethanol can be delivered to existing storage and terminal facilities are not receiving lower cost supplies and are paying as much as 8 cents a gallon more at the pump than they would if oil refiners purchased ethanol to blend.

The broader public policy implications should not be overlooked because the added abuse of consumers frustrates the nation's ability to address the fundamental energy problem. The failure of the oil industry to increase the use of ethanol undercuts the claim that they need to drill in Alaska to solve the problem for two reasons. First, we could increase the production of ethanol much faster and provide a lot more output to displace imported oil than new finds in Alaska could ever produce. Second, the same companies that dominate the gasoline business would control the flow of oil from Alaska, so there is not guarantee that it would have a substantial impact on prices, even if the amount of oil found was significant.

When the American people are asked about the current gasoline situation, they blame oil companies and the Bush administration. This analysis suggests that they are correct in that assessment. The Bush Administration defends the oil companies, whose increased profits and strategic business actions have played a big part in the recent price increases, keeps asking the American people to make hard sacrifices to deal with the problem in the long term, while the oil companies get off easy and policy makers fail to implement the simple and obvious policies that would help consumers in the short and long term.

The New York Times took the administration to task because President Bush:

> ". . . completely ignored the surest way to reduce demand and thus oil dependency, which is to improve the fuel efficiency of America's cars and trucks. Indeed, everything Mr. Bush said seemed designed to divert attention from this simple and technologically feasible idea . . . Then, too, he could not resist the deceptions that make debating energy in Washington such a frustrating matter. These include . . . drilling in the Arctic Natural Wildlife Refuge."

Pointing out that the "House bill is dreadful," the Times concluded that this "leaves the job of fashioning a coherent strategy in the Senate's hands." Among the ideas with merit that the Times noted for addressing the gasoline problem, in addition to "stricter fuel economy standards," is creating "biofuels" from agricultural waste. The irony is that we already have a "biofuels" industry that is not being fully utilized.

Until policymakers start advocating sensible and simple policies in the short and long term, American consumers are right to resist the bad policies that are being foisted on them.

Mr. NELSON of Nebraska. The recent decline in ethanol prices, coupled with surging pump prices for gasoline, have created a market dynamic in which increased ethanol use could help curtail record high gas prices. Consumers in many parts of the country where ethanol can be delivered to existing storage and terminal facilities are not receiving lower cost supplies and are paying as much as 8 cents a gallon more at the pump than they would if oil refiners purchased ethanol to blend. Blending high-priced gasoline with more modestly priced ethanol results in a more affordable final product. By using ethanol, oil refiners have an opportunity to pass along real savings to consumers during this period of high gasoline prices.

The Consumer Federation of America cites several reasons for the dramatic increase in gasoline prices, including tight crude oil inventories, inadequate oil refinery capacity, lack of competition, and the oil industry's increasing market power. In contrast to gasoline prices, ethanol prices have actually fallen during the past 6 months.

As an example, the price of ethanol on the Chicago spot market hit $1.82 per gallon in November 2004 but averaged about $1.18 per gallon last month. At these prices, why don't oil companies blend more ethanol to lower consumer prices? We have an opportunity to see that consumers benefit from cleaner burning, affordable, and domestically produced fuel.

Finally, a win for the environment: For environmental and health concerns, the Nation decided to clean up the fuels which have powered America for nearly a century. The Clean Air Act identified numerous areas of the country which must reduce or eliminate their pollution levels. Those areas have been meeting the challenges of the Clean Air Act through changing the gasoline and diesel fuels used, either year-round or seasonally. Studies show ethanol reduces emissions of carbon monoxide and hydrocarbons by 20 percent, and particulates by 40 percent in 1990 and newer vehicles. In 2001 alone, ethanol reportedly reduced greenhouse gas emissions by 3.6 million tons or the equivalent of removing more than 520,000 vehicles from the road.

Now and through the next several years, cleaner and cleaner fuels such as ethanol, natural gas, propane, and biodiesel will be used in cars, trucks, and buses. Today's key issue is to determine which alternatives will extend or replace gasoline and diesel fuel to reduce pollution.

We need to be working hard to craft a comprehensive rural development plan that will spur investment in agribusiness and promote economic activity in the agricultural sector. This Energy bill, and the renewable fuels standard contained within, is an important part of such a rural development plan and is key to reversing the realities of outmigration in the rural areas.

If passed, this fuels language will establish a 4.0-billion-gallon renewable fuels standard in 2006, growing every year until it reaches 8 billion gallons by 2012. This is a responsible approach to meeting the demands of an ever-increasing demand for fuel sources. Additional benefits to this legislation include the displacement of foreign supplies of crude oil, reduction in the U.S. trade deficit, and the creation of tens of thousands of jobs throughout the United States.

It is quite apparent that increased use of ethanol will do much to boost a struggling U.S. agricultural economy and at the same time will help establish a more sound national energy policy.

A choice for renewable fuels is a choice for America, its energy consumers, its farmers, and its environment. It will help us to reverse our 100-year-old reliance on fossil fuels, a more pressing concern than ever given the unrest in the Middle East and increased competition for energy from growing economies throughout the world.

If each State were to produce 10 percent of its own domestic renewable fuel as Nebraska does, America will have turned the corner away from dependence on foreign sources of energy. When you take a hard look at the facts, you will see that this legislation is nothing but beneficial for America.

The Fuels Security Act is balanced, comprehensive, and is the result of the dedication of so many, especially Senator LUGAR and Senator HARKIN.

Now I ask my colleagues to join me in promoting new opportunities for the technologies that will put our Nation and our world's transportation fuels on solid, sustainable, environmentally enhancing ground. We owe it to our country now and to future generations to pass this legislation.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I am delighted that we are now into the debate and soon the passage of our energy bill. This is a bill we have worked on for several years. It is a bill that is an energy policy for this country. It looks ahead through the years and tries to get an idea of what our needs are going to be and how we fill those needs. It is something we really need.

Certainly, everyone recognizes increasingly the profound effect it has on our lives. Look outside at the thousands of cars. All of them are running on gasoline, of course. Look at electricity. We take it for granted. We turn the lights on, and we do not think of where it comes from or how it got there. Air-conditioning is the same. We have noticed that a lot the last few days. Think of what it would be like if we did not have air-conditioning. We would probably be on recess, and I would go back to Wyoming.

All of our technology now is tied to computers. We do not think much about it. This is an opportunity for us to give some analysis to how we provide this and, of course, costs. We do pay some attention to the costs.

We have talked about this for years, and we have had bills on the Senate floor. In the last session, we had bills passed in the Senate and in the House. We went to a conference in which they were put together. We came back to the Senate floor, and over a couple of smaller or singular items, we lost. So we have not had a comprehensive energy bill.

We rely increasingly on foreign resources, some 60 percent or so on foreign oil. Unfortunately, that is continuing to grow. At the same time it grows for us, the demand grows in other countries. Even though there is some increased production, we see a smaller amount coming, and we see the prices continue to go up.

We have greater demand. One of the things that has to be in a policy is a decision about efficient use and conservation so that not only do we talk about supply but we talk about how we can more efficiently use the resources we do have.

We think quite a bit about renewables. We think, Oh, my gosh, we do not need to use oil all the time, there must be a lot of other things. Indeed, there are. The fact is that they are in the future. They are yet in need of a great deal of research, and right now, if we take out hydro, which is a renewable, about 3 percent of our power is provided by renewable energy resources. I am optimistic that over time that can certainly be larger, but right now it is a very small part of the overall mix.

We have natural gas prices which have reenergized the effort, and we should pay attention to clean coal. Over the years, it has been easier, frankly, and somewhat less expensive to build generating plants that are fueled by gas, and so that is what has happened. We have smaller plants closer to the market, so we do not have to worry about the transmission as much, when the fact is that our greatest fossil resource for the future is coal. Coal is the largest generator of electricity, but we can use gas for many more things than we can coal.

With coal there are some challenges. One challenge is to be able to generate electricity and still take care of the clean air and environmental problems that go with that. So we want to emphasize that need for making clean coal technologies. Hydrogen is an energy that can come from coal as well. In fact, there are plants now being planned that will make synthetic diesel out of coal. So, again, that is an alternative source from where we are now.

We have some alternatives. We are importing a good deal of liquefied natural gas, which is also more expensive and has created, some controversy about the necessary facilities to have dockings for those kinds of things. All of these are very difficult issues.

I have been on the committee a good long time and have enjoyed it very much and certainly appreciate the leadership we are getting from our chairman and also our Democrat ranking member to work toward these things, but I hope that we do look out long term. We are not going to solve these problems next week or next month. We have to look out a little ways and say, all right, what are our needs, how are we going to meet those needs, and what do we have to do in the long term to get there. I hope this is a roadmap for the future. That is what it has been.

For over 4 years now, the President and the Vice President have been working. My colleagues will recall they had an energy task force which became a little controversial for unknown reasons, really, but that was one of the first items this administration talked about, and properly so. One of the controversies was that both of these gentlemen had been in the energy business, but all that did was give them more knowledge about it.

Since that time, we have experienced higher prices and low prices, and now we are back to higher prices. We have experienced blackouts, which, of course, are a possibility at any time.

There are some things we can do in terms of generation. There have been no electric generation plants built in a number of years, and we are right up to capacity, and the same way with refineries. In fact, some say we can get more oil shipped in from other places and refined here, but we do not have the refining capacity. So those are some of the things we need to talk about.

I emphasize again to my colleagues that we need a balanced program. I know we all get involved in different aspects of it as it impacts our communities and our States, but the fact is, when it is all over, we need to deal with alternatives, we need to deal with efficiency, we need to deal with conservation, we need to deal with domestic production, and we need to deal with research for alternatives and renewables. All of those things have to go together.

Then we get into the electric business. We have to talk about transmission and about a lot of things. It is not an easy subject. When a subject is brought to the Senate floor that has that many aspects, many of which affect States and communities differently—for instance, offshore drilling. Well, in Wyoming, we are not too interested in offshore drilling as it affects us. We are interested in it in that it is the largest resource we have for the future. So we have to deal with different facts in different places. We have a chance now to pass a balanced and comprehensive bill.

I am, obviously, very interested in this issue, partly because I am on the committee but more importantly because it is very important for our country. I come from a State that has incredible natural resources. They mean very much to us economically, but more than anything we are a resource for the whole country. We have probably more coal than any other State. We have low sulfur coal. We have coal that burns relatively cleaner than most. We need to continue to make it even more so. We have oil.

Some of the earliest oilfields in the West were in Wyoming, and they continue to produce. We are finding new ways to try to recapture oil that we have not been able to bring out of the Earth. We can do that. We have had a whole new growth of natural gas called methane gas. It is engulfed in water under the ground in the relatively shallow wells. We have uranium. We had uranium mines active a number of years ago, and then we kind of got away from nuclear powerplants. Now there is a new opportunity to go back into that area and some real advantages to that, particularly in terms of clean air and climate control.

Nuclear powerplants, we kind of think, well, that is a funny thing. We do not know much about them. I think 40 percent of the energy in Illinois is produced now with nuclear plants. We are concerned about the waste areas, such as the Yucca Mountain issue out in Nevada. The fact is, however, that there are opportunities to do things better there. We can look again at France. France uses almost all nuclear power. They have a system of recycling uranium so they do not have the waste the way we do. So there are opportunities to do that.

We also have quite a bit of wind, and so we can capture wind energy as well.

These are the kinds of things we must do. We must modernize conservation such as with cars—and we are doing that, but it takes a while—so we get better mileage. We are finding household equipment that better utilizes energy and electricity. We have to modernize our infrastructure. This is a tough one, too.

One of the issues most of us like to talk about is mine-mouth generation for coal-powered electricity but yet generated at the mine. One has to get it to the marketplace, and that takes very efficient transmission, more transmission than we have now.

So these are some of the things we need to do. At the same time we work with more production and different kinds of production with research, we need to protect the environment. We have issues in the West. Half of our State, nearly 85 percent of Nevada is Federal lands. So we have to have a program that allows for multiple use of public lands so that we can continue to use them for grazing, fishing, and wildlife, and at the same time in careful ways we can have production of energy as well.

This bill sets some direction in terms of research and incentives. We are beginning to do what we have not done before that may not be as efficient initially economically, but if we can provide some tax credits, we can provide some sort of assistance, then it will become efficient, and then we can back out of that. The way businesses are initiated into new things is to provide some incentive. These are all things most of us would agree to, and the opportunity to pass them is now.

The House has passed their energy bill, and when we pass ours, we will go to the conference committee and work out some differences. There are some differences, and there will be differences here. There are different ideas about what we do on world climate activities, Kyoto. I have been to several of the Kyoto meetings, and over the whole world there are different ideas. I seek to remind folks when I go there that we are not putting on some of the regulations that some countries are. We want our economy to continue, and at the same time we are spending more in research for clean air and on the global situation than the whole rest of the world put together. What really is important is to find new ways to be able to maintain the economy, manufacturing and production, and do it in such a way that it does protect the economy.

National security, of course, is obviously a real part of this. As we become more dependent on foreign countries' resources, there is some question about our security. We are getting 62 percent of our oil from outside of the United States. Fortunately, much of that comes from Canada, so that is a little less concerning. But we are at the hands of Venezuela and lots of other places if we are not able to be a little more dependent on ourselves. Energy independence depends on the things I have talked about: conservation, efficiency, and new sources of energy.

The global energy demand is changing as well. Certain places, such as China, are using a great deal more energy than they did just a few years ago. So the demand for coal has changed where they are importing the kinds of things they were not importing before. India, the whole Asian picture is changing.

So these are some of the things that I believe we need to take a look at. We need to be realistic about it. Sometimes we get in sort of a fantasy that we can do all of this with renewables and we do not need to worry about oil and coal. Frankly, at least for the foreseeable future, that is not the case. We are getting about 3 percent of our energy from renewables at this point.

We will get more. But, nevertheless, we have to also continue to improve and make sure we have those kinds of sources of energy that we now can depend on.

I am particularly involved and interested in the electricity portion of it. We need to encourage investment in generation as the demand increases—and it does, constantly. Look around our cities. Even in our rural areas, there is an increasing demand. Everything we do demands more energy. We need to generate the energy.

It becomes difficult, of course, particularly on private lands and some Federal lands, to get efficient transmission. We think there are some possibilities of getting more efficient so the same transmission lines can carry a great deal more of a load than they have in the past.

When we get into multiple kinds of ownership, we get controversy about how you have access to the lines and all those things, but we can work those out. That is partly what we are doing.

I again congratulate the leadership on this committee for getting us where we are. I am committed to doing whatever I can to get it through because I think it is so important. I believe we have a good bill, a comprehensive bill, a bill that deals with all the aspects of the future. It helps create jobs and maintain the economy—which is, of course, one of the key things—and to keep this country self-reliant and not dependent on the rest of the world.

I hope we can move forward to deal with the issues, to talk about them. It is all right to have different views. But I hope we don't get into objecting and holding up things just because we have a point of view.

Offshore drilling, already there is some debate about it. We are willing to give the States a lot of their own decisionmaking with regard to offshore. We are not going to tell them what to do.

We can make this work. I hope we can move forward and get this job done. Let's get it done.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Let me say, before the distinguished Senator leaves the floor, how much I appreciate his comments today and his analysis of this bill. But more than that, around the Senate there are some people—I guess, in the parlance of the racetrack, some are show horses and some are work horses. This Senator is a work horse. He has been on this committee for a few years—not as long as this Senator, but that is just because I have been here so long. Hardly anybody has been here longer than this Senator. But he works all the time on this. He knows a lot about this bill. He has some specialties in this area to which he has contributed immensely.

Some things on this bill he is right on. He is more correct than the bill. He didn't get to do what he wanted on some of them, but he understands that we have a good bill.

It is hard work. He was there all the time, helping us, doing his share, pulling his part of the load, helping us get this bill through.

I want those who are aware of him and know of him to understand that is what the Senator from New Mexico thinks about that. I want the record to reflect that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATIONS TO AMENDMENT NO. 779

Mr. DOMENICI. Mr. President, I send modifications to the pending amendment to the desk. It has been approved by both sides and the parties to this discussion.

The PRESIDING OFFICER. The amendment is so modified.

The modifications to the amendment (No. 779), are as follows:

1. Page 27, beginning on line 20, delete "section" and all that follows through the parenthetical on line 22, and insert "Title XIV of the Energy Policy Act of 2005".

2. Page 29, beginning on line 5, delete "notwithstanding" and all that follows through the parenthetical on line 8.

3. Page 30, delete lines 5 through 13, and renumber paragraphs (7) and (8) accordingly.

4. Page 39, line 1, delete "significant" and insert "increased".

5. Page 39, lines 3 and 4, delete "important to the cost-effective implementatation of" and insert "needed to implement".

6. Page 45, line 11, strike "the law in effect on the day" and insert "any law enacted or in effect".

7. Page 52, line 4, strike "2005" and insert "2006".

* * * * *

"(B) RELIANCE ON EXISTING REQUIREMENTS.—To avoid duplicative requirements, in carrying out subparagraph (A), the Administrator shall rely, to the maximum extent practicable, on reporting and recordkeeping requirements in effect on the date of enactment of this section.

"(3) CONFIDENTIALITY.—Activities carried out under this subsection shall be conducted in a manner designed to protect confidentiality of individual responses.

"(c) CELLULOSIC BIOMASS ETHANOL AND MUNICIPAL SOLID WASTE LOAN GUARANTEE PROGRAM.—

"(1) IN GENERAL.—Funds may be provided for the cost (as defined in the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)) of loan guarantees issued under title XIV of the Energy Policy Act of 2005 to carry out commercial demonstration projects for celluosic biomass and sucrose-derived ethanol.

"(2) DEMONSTRATION PROJECTS.—

"(E) there is a reasonable assurance of repayment of the guaranteed loan.

"(4) LIMITATIONS.—

"(A) MAXIMUM GUARANTEE.—Except as provided in subparagraph (B), a loan guarantee under this section may be issued for up to 80 percent of the estimated cost of a project, but may not exceed $250,000,000 for a project.

"(B) ADDITIONAL GUARANTEES.—

"(i) IN GENERAL.—The Secretary may issue additional loan guarantees for a project to cover up to 80 percent of the excess of actual project cost over estimated project cost but not to exceed 15 percent of the amount of the original guarantee.

"(ii) PRINCIPAL AND INTEREST.—Subject to subparagraph (A), the Secretary shall guarantee 100 percent of the principal and interest of a loan made under subparagraph (A).

"(5) EQUITY CONTRIBUTIONS.—To be eligible for a loan guarantee under this section, an applicant for the loan guarantee shall have binding commitments from equity investors to provide an initial equity contribution of at least 20 percent of the total project cost.

"(6) INSUFFICIENT AMOUNTS.—If the amount made available to carry out this section is insufficient to allow the Secretary to make loan guarantees for 3 projects described in subsection (b), the Secretary shall issue loan guarantees for 1 or more qualifying projects under this section in the order in which the applications for the projects are received by the Secretary.

"(7) APPROVAL.—An application for a loan guarantee under this section shall be approved or disapproved by the Secretary not later than 90 days after the application is received by the Secretary.

(A) increased use of MTBE could result from the adoption of that standard; and

(B) the use of MTBE would likely be needed to implement that standard;

(4) Congress is aware that gasoline and its component additives have leaked from storage tanks, with consequences for water quality;

(5) the fuel industry responded to the fuel oxygenate standard established by Public Law 101–549 by making substantial investments in—

(A) MTBE production capacity; and

(B) systems to deliver MTBE-containing gasoline to the marketplace;

(6) when leaked or spilled into the environment, MTBE may cause serious problems of drinking water quality;

(7) in recent years, MTBE has been detected in water sources throughout the United States;

(8) MTBE can be detected by smell and taste at low concentrations;

(9) while small quantities of MTBE can render water supplies unpalatable, the precise human health effects of MTBE consumption at low levels are yet unknown as of the date of enactment of this Act;

"(II) ending on the effective date of the prohibition on the use of methyl tertiary butyl ether under paragraph (5).

"(D) Authorization of Appropriations.—There is authorized to be appropriated to carry out this paragraph $250,000,000 for each of fiscal years 2005 through 2008.".

(d) No Effect on Law Concerning State Authority.—The amendments made by subsection (c) have no effect on the law in effect before the date of enactment of this Act concerning the authority of States to limit the use of methyl tertiary butyl ether in motor vehicle fuel.

SEC. 212. ELIMINATION OF OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE.

(a) Elimination.—

(1) In general.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended—

(A) in paragraph (2)—

(i) in the second sentence of subparagraph (A), by striking "(including the oxygen content requirement contained in subparagraph (B))";

(ii) by striking subparagraph (B); and

"(vi) Regulations to Control Hazardous Air Pollutants From Motor Vehicles and Motor Vehicle Fuels.—Not later than July 1, 2006, the Administrator shall promulgate final regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels, as provided for in section 80.1045 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph).".

(c) Commingling.—

(1) In general.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended by adding at the end the following:

"(11) Commingling.—The regulations under paragraph (1) shall permit the commingling at a retail station of reformulated gasoline containing ethanol and reformulated gasoline that does not contain ethanol if, each time such commingling occurs—

"(A) the retailer notifies the Administrator before the commingling, identifying the exact location of the retail station and the specific tank in which the commingling will take place; and

Mr. DOMENICI. Just for the benefit of the Senators, I know it is close here to leaving, but we are getting close also to a vote. I am very hopeful that will occur in a couple of minutes here. We will ask for the yeas and nays and have a vote on the ethanol amendment, as modified, which I think will make many people happy, before we draw to a close this afternoon. We will not be closing the Senate, but as far as voting, we will wait until the Senators return from the Nebraska trip on behalf of the late Senator Exon.

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I rise today in support of the amendment offered by the Senator from New Mexico.

During the debate on this energy bill, we have already heard and will continue to hear about the importance of strengthening the energy independence of America. The phrase "energy independence," however, must be heard no longer as a routine utterance. It must be heard as an urgent warning of the most serious magnitude.

The sirens are sounding, and I fear that we are not listening.

The days of running a 21st century economy on a 20th century fossil fuel are numbered—and we need to realize that before it is too late. The price of gas is now around $2.24 per gallon. Crude oil is now soaring over $50 a barrel. The Saudis are pumping at near-full capacity, and their own oil minister says that the price of crude will probably stay at this price for the rest of the year. And Goldman Sachs predicts that soon it may reach $100 a barrel.

Imagine what that would do the price of gas—$100 for one barrel of oil.

Our own Department of Energy predicts that American demand will jump by 50 percent over the next 15 years. And as developing countries like China and India continue to grow, the world will be faced with more drivers than it knows what to do with. Right now, there are 800 million cars on the road. By 2050, that number will grow to 3.25 billion.

Think about that 3.25 billion cars guzzling oil that is becoming more limited and more expensive with each passing day. We could open up every corner of the United States for drilling and tell the oil companies to go to town, but with only 3 percent of the world's oil supplies, it wouldn't even make a dent in the problem.

Of course, most of the rest of the world's oil lies in the Middle East, a region we have seen torn by war and terror. Every year, we send $25 billion to these countries to buy oil. It doesn't matter if they are budding democracies, despotic regimes with nuclear intentions, or havens for the madrasas that plant the seeds of terror in young minds they get our money because we need their oil.

What is worse—this oil isn't even well-protected. Over the last few years, terrorists have stepped up their attempts to attack poorly defended oil tankers and pipelines. And a former CIA agent tells us that if a terrorist hijacked a plane in Kuwait and crashed it into an oil complex in Saudi Arabia, it could take enough oil off the market and cause more economic damage in the United States than if a dirty nuclear weapon exploded in downtown Manhattan.

Recently, I came across a quote from Henry Ford, the carmaker, who said these prophetic words in 1916:

> All the world is waiting for a substitute to gasoline. When that is gone, there will be no more gasoline, and long before that time, the price of gasoline will have risen to a point where it will be too expensive to burn as a motor fuel.

Mr. Ford was right—he was just ahead of his time. His words were spoken before the shocks to our economy caused by the oil crisis of the 1970s, before the world's oil fields became areas of turmoil and terrorism, before growing nations like China and India joined us at the trough of massive petroleum consumption.

We need a 21st century energy policy. Whether this bill accomplishes that remains to be seen. But it is clear that part of the solution must be greater use of renewable fuels instead of continued reliance on foreign oil. That is why I am astonished that there is any effort in this Chamber to eviscerate a renewable fuels standard that can and will—further America's energy independence while also strengthening our economy.

The Nation's ethanol production is expected to exceed 4 billion gallons this year. In the coming years, ethanol production is expected to be so robust that as much as 8 billion gallons of renewable fuels could be in our fuel supply by 2012.

Right now, outside Washington, in cities and towns, on farms and in factories across America, there is hope for us to do so much more than we have been doing on energy. Whether it is farming the corn in Galesburg that can fuel our cars or fine-tuning the microchip in Chicago that let's us plug them in, people are taking America's energy future into their own hands with the same sense of innovation and optimism that has always kept our country on the forefront of discovery and exploration.

They deserve a government that can see that future too.

The American people are asking us to address high gas prices. The American people are asking us for greater national security. The American people are asking us to invest in job creation. The renewable fuels standard in the Domenici amendment proposes to do just that in 7 years, and I am proud to be a cosponsor of the amendment.

Instead of continuing to link our energy policy to foreign fields of oil, it should be linked to farm fields of corn. I urge my colleagues to support the Domenici amendment.

Mrs. FEINSTEIN. Mr. President, I rise today to oppose Senator DOMENICI's amendment to require that U.S. refiners blend 8 billion gallons of ethanol into gasoline each year by 2012.

I think this is a mistake that will cost the Federal treasury $2 billion by the time it is fully implemented and could further pollute California's air.

In my home State, the mandate will mean that refiners must choose between blending ethanol into gasoline or using a costly credit/trading system.

Either choice will mean California consumers pay more at the pump.

Accordiing to the California Air Resources Board, California would be able to mitigate the air quality impacts of a mandate if it were limited to 6 billion gallons or less.

With a 6 billion gallon mandate, refiners in California would be required to use about 660 million gallons of ethanol, which they could accomplish in the cooler winter months alone.

However, at 8 billion gallons, the State's refiners would be forced to use about 880 million gallons of ethanol and they would either have to use ethanol in the hot summer months, when it could pollute the air, or buy costly "credits" for not using ethanol.

While we do not know exactly how the credit trading system will work, it is estimated that the credits would cost about 40 cents per gallon of ethanol.

So if California refiners were not able to use about 220 million gallons of ethanol per year, it could cost $88 million annually to buy the credits—money that would inevitably be passed on to drivers.

I do want to thank Chairman DOMENICI for including two provisions in the amendment that could help my State: repealing the 2 percent oxygenate standard; and maintaining the summertime waiver for California.

The Federal 2 percent oxygenate standard has forced areas with poor air quality, including the entire State of California, to use either MTBE or ethanol in gasoline.

This Federal requirement has forced California's refiners to use an oxygenate even though they can make cleaner-burning gasoline without MTBE or ethanol.

To meet this oxygenate requirement, California has been forced to use ethanol since 2004 when the State officially banned MTBE, although many refiners in the State started using ethanol as early as 2003.

Beginning in the Summer of 2003, ethanol was found to have had a detrimental impact on the State's air quality. And on August 1, 2003 the California Environmental Protection Agency informed me that:

> . . . our current best estimate is that the increase in the use of ethanol-blended gasoline has likely resulted in about a one percent increase in emissions of volatile organic gases (VOC) in the SCAQMD [South Coast Air Quality Management District] in the summer of 2003. Given the very poor air quality in the region and the great difficulty of reaching the current federal ozone standard by the required attainment date of 2010, an increase of this magnitude is of great concern. Clearly, these emission increases have resulted in higher ozone levels this year that what would have otherwise occurred, and are responsible for at least some of the rise in ozone levels that have been observed.

I will provide a copy of this letter for the record.

In September 2004, the California Air Resources Board sponsored a study by the Coordinating Research council entitled "Fuel Permeation From Automotive Systems."

The purpose of the study was to find out if three different fuels had different chemical properties that made one evaporate more rapidly then the others.

The fuels that were studied were MTBE-blended gasoline, ethanol-blended gasoline, and gasoline with no oxygenate.

The study found that emissions increased from all 10 of the gas tanks and engines that were studied when ethanol replaced the MTBE in gasoline.

In fact, the ethanol blended gasoline caused emissions to increase by 65 percent when compared with MTBE blended gasoline, and by 45 percent when compared with non-oxygenated gasoline.

Here's why: ethanol-blended gasoline evaporate from the car's parts faster and does so in a vapor form. Those vapors cause smog.

Ethanol's evaporative tendencies only get worse in hot climates. The Air Resources Board has since found that the use of ethanol on hot summer days increases emissions of ozone forming compounds by about 75 tons per day above what they would be if we were allowed to use summertime gasoline without ethanol.

This is important because ozone can cause respiratory difficulties in the elderly and those with asthma.

There is a strong direct relationship between temperature and ethanol—the hotter the day, the higher the emissions. On a 100 degree day, emissions are four times higher than on a 68 degree day. Therefore, the worst time to use ethanol is in the summer months.

Overall, the Air Resources Board believes that ozone levels in California are about 1 to 2 percent higher than they should be because of the oxygenate requirement.

This is a significant problem. Almost all of California's 37 million residents already breathe unhealthy air. Current levels of ozone pollution annually result in an estimated 630 premature deaths; 4,200 hospitalizations for respiratory diseases; and 3.7 million school absences.

The Energy Committee approved my amendment to this bill to provide California with a waiver so that the State does not have to use ethanol in the summertime when ethanol-blended gasoline impacts air quality the most.

I do appreciate the fact that Chairman DOMENICI has retained this waiver in his amendment. However, I still believe the ethanol mandate is bad public policy, which increases the cost of gasoline for consumers; does next to nothing to reduce oil consumption to increase energy security; and, has severe impacts on the federal budget.

Last month, the Director of the Petroleum Division at the Energy Information Administration stated before the House Government Reform Committee that:

> . . . refiners lost production capability when replacing MTBE with ethanol. This, along with continued demand growth, has contributed to price pressures. From 2000 through 2002, California retail gasoline prices averaged about 19 cents per gallon more than the U.S. average gasoline price, but in 2003 as MTBE began to be removed, California prices averaged 27 cents per gallon higher than the U.S. average, and remained at that level through 2004.

So far this year, California's gasoline prices are at least 23 cents higher than the U.S. average.

Much of this additional cost can be attributed to the cost of transporting ethanol. Because ethanol cannot be transported through the existing pipeline infrastructure and has to be trucked from the Midwest to the coasts, it adds another 10 cents to the retail cost of gasoline.

In other words, adding ethanol to our gasoline has increased the cost at the pump.

Moreover, the ethanol mandate does not improve energy security. The ethanol mandate will only reduce U.S. oil consumption by one-half of one percent when the 8 billion gallon mandate is fully implemented in 2012.

In addition, since ethanol has a somewhat lower energy content, more fuel is required to travel the same distance.

This energy loss leads to an approximate 3 percent decrease in miles per gallon vehicle fuel economy with ethanol-blended gasoline.

And finally, I would like to point out how expensive this mandate is. Ethanol receives a tax credit of 51 cents per gallon. If the mandate were to increase to 8 billion gallons by 2012 from the 3.85 billion gallons of ethanol sold today, that would mean a net loss of an additional $2 billion to the U.S. Treasury.

We should not be imposing a larger mandate for ethanol at a time when the ethanol industry already receives such a huge subsidy, and when the Nation has such huge budget deficits.

We need to either eliminate the mandate or end the subsidy. We can keep one or the other but not both.

Yes, the provision to allow California not to use ethanol in the summertime is a win for California's air quality. But the mandate, itself, could well be a loss for consumers and the Federal Treasury.

I hope my colleagues will join me in opposing this amendment.

I ask unanimous consent that the letter from which I quoted be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY,
Sacramento, CA, August 1, 2003.
Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington DC.

DEAR SENATOR FEINSTEIN: Thank you for your letter dated July 15, 2003, in which you requested that the California Environmental Protection Agency and the California Air Resources Board (ARB/Board) investigate the impacts of ethanol-blended gasoline and its potential contribution to the recently degraded air quality in Southern California.

Like you, I am extremely concerned about the recent increase in the number of exceedances of the federal ozone standard and the high elevated peak ozone levels observed in the South Coast Air Quality Management District (SCAQMD) this summer. As you observe in your letter, the air quality in the Los Angeles Basin has deteriorated this year, concurrent with a dramatic increase in the use of ethanol-blended gasoline.

All of the causes of this year's increased ozone are not yet known. In the two weeks since you wrote, the ARB has not had sufficient time to fully determine the role that ethanol-blended gasoline has played relative to other factors. We do know that weather conditions have played a very important role, and that increased use of ethanol-blended gasoline has increased emissions over what they otherwise would have been. That said, I also think it is fair to point out that the impact of ethanol-gasoline blends, while significant and of great concern in California's ongoing efforts to reduce ozone, is not large enough to explain the majority of air quality deterioration that occurred in the SCAQMD this summer.

Unfortunately, at this time we are not able to precisely quantify the magnitude of the impact that higher emissions associated with the increased use of ethanol-blend gasoline has had relative to either weather or other factors affecting this year's ozone pollution. However, I would like to convey what we know today about the potential impact of ethanol use on emissions of smog forming compounds in Southern California.

As you know, as part of our efforts to obtain a waiver from the two percent oxygen requirement that now applies to most of the gasoline sold in California, the ARB has prepared extensive analyses of the impact of ethanol-gasoline blends on emissions and air quality. This information was submitted to the U.S. Environmental Protection Agency (U.S. EPA) to support our waiver request, and showed that emissions of ozone and particulate matter precursors would be reduced in California if U.S. EPA approved the waiver request.

In addition to the information previously submitted, the ARB has continued to conduct studies to further our understanding of how ethanol-blended gasoline would affect emissions in California. As is explained below, our current best estimate is that the increase in the use of ethanol-blended gasoline has likely resulted in about a one percent increase in emissions of volatile organic gases (VOC) in the SCAQMD in the summer of 2003. Given the very poor air quality in the region and the great difficulty of reaching the current federal ozone standard by the required attainment date of 2010, an increase of this magnitude is of great concern. Clearly, these emission increases have resulted in higher ozone levels this year than what would have otherwise occurred, and are responsible for at least some of the rise in ozone levels that have been observed.

To elaborate on the ARB's analyses, there are several ways that the use of ethanol in gasoline could potentially increase VOC emissions. The most import factors are: increased volatility of gasoline; the commingling of ethanol and non-ethanol blends in vehicle tanks; and permeation of ethanol through hoses and fuel system components.

Your letter mentions the potential for ethanol to increase the volatility of gasoline. Increases in volatility lead to increases in evaporative emissions from both the fuel distribution system and from vehicles. This effect may result in emission increases in other parts of the Nation where volatility of ethanol-gasoline blends is not tightly controlled. However, the California Phase 3 Reformulated Gasoline regulations, which ban the use of Methyl Tertiary Butyl Ether (MTBE) in California gasoline, anticipated this effect and required all gasoline to meet the same volatility standards whether ethanol was used or not. In addition, these regulations actually slightly lowered the volatility limit that most gasoline must meet. Therefore, we do not believe that this factor is contributing to increased VOC emissions in California.

Commingling emissions occur when consumers fill their fuel tanks and mix ethanol and non-ethanol gasolines. The California Phase 3 Reformulated Gasoline regulations were designed to preserve the existing Phase 2 Reformulated Gasoline vehicle emission benefits and to provide additional emission reductions to offset potential commingling effects. However, in 1999 when these rules were adopted, there was limited information on the real-world effects of commingling, and the ARB committed to further analyze this issue.

Board staff recently completed a study of the likely emissions impacts of commingling in California. Based on this study, we continue to believe that the California Phase 3 Reformulated Gasoline regulations provide adequate compensating reductions to offset the emission increases due to commingling. The findings in the commingling study have been submitted to the University of California for formal peer review, and the review is expected to be completed within the next month.

Increases in permeation emissions occur due to ethanol's greater propensity (relative to most other components of gasoline) to leak through the soft components of fuel lines and through other parts of the fuel system. Because this effect was not adequately quantified when the ARB adopted the California Phase 3 Reformulated Gasoline regulation in 1999, ARB staff was directed to investigate these impacts and to return to the Board with recommendations on whether there is a need to take further actions to address those impacts.

Preliminary results from this study are now available, and strongly suggest that permeation impacts are both real and significant. The ARB's analyses indicate that this effect could increase ethanol evaporative hydrocarbon emissions by between 10 and 15 tons per day in the SCAQMD at the current level of ethanol use.

The information presented above is especially relevant in light of the recent decision by the 9th Circuit Court that overturns U.S. EPA's denial of California's oxygen content waiver request, and requires U.S. EPA to reconsider this issue. ARB believes that the information now available on the impact of ethanol in gasoline on VOC emissions must be part of U.S. EPA's reconsideration. We believe that the data on commingling and permeation effects demonstrate that U.S. EPA's denial of California's waiver request, which was based on its conclusion that granting the waiver might lead to an increase in overall VOC emissions due to commingling effects, was in error. As part of our effort to gain a reversal of this waiver denial, California is now preparing an information package to submit this information to the U.S. EPA.

I hope the information provided above is of value to you. As in the past, I am sure that your office will be of great assistance in assuring that California receives the needed waiver, and I look forward to working with you on this effort. Relative to understanding the factors that contributed to higher ozone levels this summer, the ARB staff will continue to work closely with SCAQMD staff to understand the cause of the recent increases in ozone levels in southern California. We will keep you informed of the results of this effort. If you have any additional questions about this important issue, please feel free to contact me, at (916) 323-2514, or Alan C. Lloyd, Ph.D., Chairman, ARB, at (916) 322-5840.

Sincerely,

WINSTON H. HICKOX,
Agency Secretary.

Mr. SALAZAR. Mr. President, I rise in strong support of the bipartisan amendment to increase the renewable fuels standard. I am proud to be a cosponsor of this commonsense amendment—and honored to join the senators, such as Senators JOHNSON and LUGAR, who have been working on this issue literally since its inception.

My parents always taught me that it was important to understand the history of our family, the lands around us and our Nation. I don't think it's out of the question for us to take a moment to reflect on the history of ethanol, too.

The use of ethanol in this Nation reaches back more than a century. Henry Ford's Model T was designed to run on ethanol. During World War I, ethanol accounted for 20 percent of vehicle fuels and during World War II we converted whiskey distilleries to produce fuel ethanol. Ethanol helped combat the oil crisis of the 1970s and was pivotal in the phase-out of leaded gasoline in the early 1980s.

Now we have an opportunity to move forward again with ethanol, which Henry Ford referred to as the "fuel of the future". Last year this Nation used 140 billion gallons of motor fuel, but only 3.45 billion gallons of ethanol and biodiesel. In other words, in 2004 only 2.5 percent of our Nation's fuel was renewable. The amendment we are considering now calls for 8 billion gallons of ethanol and biodiesel to be produced in America by 2012. This will represent slightly less than 5 percent of the transportation fuel that will be used in 2012.

At the moment, most of our biofuels are ethanol, and most of that is derived from corn. But this legislation helps the country to transition to producing more biodiesel and more diverse ethanol feedstocks. This transition to a more diverse set of feedstocks will help our national security and national economy, because it will allow farmers from all over the country to grow crops that can be used to make transportation fuels. These diverse feedstocks will include potatoes, tobacco, sugar, wood waste and more. And while this amendment works to diversify the feedstocks for renewable fuels, it also contain very good incentives to establish cellulosic ethanol. This is the ethanol of the future and we need to develop it. While current ethanol has a positive energy return of around 35 percent, cellulosic ethanol has the potential to return as much as 500 percent of the energy required to make it. This will be a significant advance in our quest to set America free from foreign oil.

The amendment is meant to send a very clear signal to the market that America is committed to this cheap, clean and reliable energy source. This amendment is not, as some of my colleagues have suggested, an "outrage." This amendment is good for Colorado, good for America, and good for the environment.

First of all, this amendment is good for Colorado. Rural economies in Colorado and across the country need help. We cannot continue to maintain the policies that have made rural America the forgotten America. It is said that a rising tide lifts all boats, but too often the tides never reach the Main Streets of our rural communities. Ethanol can help make it possible for everyone to benefit from economic growth.

Domestically produced biofuels can provide that assistance, in the form of good jobs, an influx of construction dollars, and new markets for local agriculture. In Colorado alone, new ethanol plants are planned for Windsor, Evans, and Sterling. There is some talk of future ethanol plants in Fort Morgan, Commerce City, and Lamar. The facility in Sterling is under construction now and should be up and running by October of this year. It will employ about 32 people and may add up to 100 secondary jobs. The facility hopes to supply about 1 million gallons of ethanol each year.

For biodiesel, we have small producers in Berthoud and in Denver, and a new production and blending facility will come on line in Monte Vista this year that should be producing biodiesel fuel within the next two months and will employ 12 people around the clock. Once in full production, this Monte Vista plant should create a ripple effect of up to 200 additional jobs. And right now, in my own San Luis Valley, canola is being grown specifically for the production of biodiesel.

This amendment also includes potatoes as a possible feedstock for biofuel. The San Luis Valley grows, but cannot use, tons and tons of potatoes each year. The amendment allows for the possibility that someone in the San Luis Valley will pick up on this cheap feedstock and turn it into fuel.

Second, this amendment is good for America. It is a simple fact that our dependence on oil from a politically unstable region of the world puts our I national security at risk.

Remember what we are dealing with when we are so dependent on foreign sources of energy. Our four top sources for oil are Saudi Arabia, Canada, Mexico and Venezuela. It is no secret that stability in Saudi Arabia is an open question, and each week records a new outrage from the President of Venezuela.

Developing our own transportation fuels directly reduces this dependence on foreign oil and frees our nation to better protect its citizens from economic or other harms. The production and use of 8 billion gallons of ethanol and biodiesel by 2012 will displace more than 2 billion barrels of crude oil, and it will reduce the outflow of dollars to foreign oil producers by more than $60 billion.

By reducing our dependence on foreign oil and the unstable governments that provide it, we strengthen our national security. By reducing our trade deficit, we strengthen our economy. This amendment does both.

Finally, ethanol and biodiesel are good for the environment. There is no monopoly on concern for protecting our natural heritage. Everyone in this chamber share the goal of clean air, and ethanol is a simple, direct route to getting there. Net carbon dioxide emissions from biofuels are lower than from fossil fuels, because the carbon released during combustion was taken out of the air by the agricultural crops in the first place.

According to Argonne National Labs in Illinois, in 2004 ethanol use in the U.S. reduced greenhouse gas emissions by approximately 7.3 million tons, equivalent to removing the annual emissions of more than 1 million cars from the road. According to the EPA, ethanol can reduce the production of carbon monoxide, one of the chief ingredients of smog, by as much as 30 percent. In fact, ethanol can reduce urban smog more than any other fuel available.

Supporting this, amendment is the common-sense thing for the Senate today. It's a win for big cities and rural small towns alike. It benefits the environment while putting us on a stronger economic and national security footing. How often are we presented with an opportunity to implement policy that benefits every person in this country? To pass it up would be a I shame.

In closing, Mr. President, I reiterate that I am proud to cosponsor this amendment to establish a strong renewable fuels standard. It is a clear-cut case of what we can do when we work together—Republicans and Democrats—to fix problems that face our country. I wish it were not such a I unique development.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. JEFFORDS. Mr. President, I regret that I am unable to be present for the vote on the Domenici renewable fuels amendment, No. 779. I support this amendment, and I am pleased that a majority of my colleagues do as well. The Domenici amendment makes a significant step toward reducing our Nation's reliance on foreign oil. For 30 years I have been a supporter of renewable energy and alternative fuels, and I support this amendment which will require 8 billion gallons of ethanol in gasoline by 2012.

The Energy Committee's reported Energy bill sought to promote the use of biomass ethanol, biodiesel, hydrogen and biogas. I appreciate that effort. But, as we move forward with increased production of these renewable fuels, we must do so in a manner that is environmentally sound.

We cannot separate energy policy from environmental policy. The Senate Energy Committee reported bill encompasses many provisions in the jurisdiction of the Environment and Public Works Committee. Unfortunately, the only provision in this bill that was actually considered by the Environment Committee is the renewable fuels program. The reason is that boosting the use of ethanol in gasoline has significant Clean Air Act implications, and we must ensure that conforming changes to the Clean Air Act are made to ensure no worsening of air quality. As included in the reported version of the Energy bill, giving the Department of Energy authority for a new billion gallon renewable fuels program does not accomplish our dual objectives of increasing the use of renewable fuels while maintaining our Nation's air quality.

Prior to the Energy Committee consideration of this renewable fuels provision, Senator INHOFE wrote Senator DOMENICI regarding the need for changes in the Clean Air Act for an ethanol mandate to be effective. The Environment and Public Works Committee has repeatedly approved legislation to make such changes in the Clean

Air Act to make the ethanol mandate work and for the environment, air quality and public health to be protected.

The Domenici amendment is basically the same as the measure, S. 606, approved earlier this year by the Environment and Public Works Committee but with a higher ethanol mandate and updated to prevent backsliding on toxic emissions. The amendment phases out the use of methyl tertiary butyl ether, or MTBE, within 4 years. This phase-out will be accomplished more safely because refiners will be required to maintain no worse toxic emissions than occurred in 2001–2002. Those were much better performing years than the 1999–2000 baseline in S. 606. The amendment also provides EPA with authority to regulate fuels and fuel additives for the protection, not just of air, but of water resources too. This is an important provision that will allow EPA to take action should another fuel additive prove a threat to drinking water.

In addition, the amendment eliminates the oxygen content requirement for reformulated gasoline—RFG—that was put into the 1990 Clean Air Act Amendments. EPA is required to issue regulations to ensure that all nonattainment areas use RFG that contributes less to smog. The Agency must also regularly require fuel and fuel additive manufacturers to conduct health and environmental studies and make them public and to update its complex model for vehicle emissions from the outdated 1990 baseline vehicle. Further, governors in the ozone transport region may opt-in to the RFG program for their entire State, not just a nonattainment area. The amendment also sets up an automatic check-back to see what impacts the fuel system changes, the ethanol mandate and the MTBE phase-out will have on health, air quality, gasoline prices and supply, and other factors.

Oil companies began adding MTBE to gasoline as early as 1979 and by 1991, 1 year before the Clean Air Act oxygenate requirement went into effect, oil companies were using more than 100,000 barrels of MTBE per day.

These facts belie the oil companies' argument that Congress made them use MTBE and therefore Congress should stop the lawsuits. It is a well-established fact that oil companies were using MTBE years before the Clean Air Act oxygenate requirement went into effect. The Clean Air Act does not mandate the use of MTBE, and the fact that there was any oxygenate requirement in the Clean Air Act at all was due in part to oil industry lobbying.

Earlier today there was also a rollcall vote on the Schumer amendment, No. 782. Had I been present, I would have voted in opposition to the amendment offered by the Senator from New York, Mr. SCHUMER.

The Senator from New York, Mr. SCHUMER, was proposing to strike the whole second subtitle, Subtitle B, from the Domenici amendment. While the Senator from New York, Mr. SCHUMER, argues that his strike merely eliminates the "mandate" of requiring ethanol in gasoline, it does much more. First, the fact that it eliminates a national commitment to use ethanol in gasoline at significant volumes should not be overlooked. Second, the Domenici provision would promote diversification in ethanol production by promoting the development of cellulosic biomass ethanol. This is an important new technology, designed to produce ethanol from wood waste, plant materials, and animal waste, in addition to corn and soybeans. It will allow more States the opportunity to produce ethanol with locally appropriate and available materials.

In addition, to address the concerns of the Senator from New York, Mr. SCHUMER, there is detailed language in the part of the Domenici amendment he seeks to strike that would allow States to seek waivers from the use of ethanol in the event that there is disproportionate economic hardship. I think that this is the appropriate way to proceed. High gasoline prices and dependence upon foreign sources of oil are already causing economic hardship, and now is the time to try to get more domestically produced ethanol blended with our gasoline so that we can reduce that dependence.

Though I support removing the liability shield for renewable fuels in Subtitle B of the Domenici amendment, I think that the Schumer amendment is too drastic a tool to deal with the price concerns of his State and moves us away from a serious national commitment to renewable fuels. For those reasons, I would have opposed Senate Amendment 782 had I been present.

I support efforts to increase the use of renewable fuels. I believe it can and should be done in a way that is protective of this country's air, land and water. That means not allowing gasoline to become dirtier. And that means maintaining EPA's role in regulating fuels to improve air quality while protecting current and future drinking water sources and not transferring these authorities to the Energy Department. The Domenici amendment accomplishes those objectives and I am pleased it has been added to the bill.●

Mr. DURBIN. Mr. President, I rise today in support of the renewable fuels standard, RFS, amendment. This important amendment, which I have cosponsored, will create a nationwide standard for the use of renewable fuels.

A renewable fuels standard is created that will increase the use of domestically produced renewable fuels to 8 billion gallons by 2012. The bill also allows the Nation's refiners to buy credits from refiners that use ethanol in other States to meet the requirement, ensuring additional refiner flexibility to use ethanol where it is most efficient and economical.

In Illinois, roughly one in every six rows of corn, approximately 280 million bushels is the source for ethanol. Illinois ranks second in the Nation in corn production, with more than 1.5 billion bushels produced annually, and is the Nation's leading source of clean-burning ethanol. Illinois currently has five ethanol plants, with two other plants in production. Corn grown in Illinois is used to make 40 percent of the ethanol consumed in the United States. More than 95 percent of the gasoline sold in the Chicago area contains 10 percent ethanol.

Investment in the ethanol industry in Illinois exceeds $1 billion, generating 800 jobs in plant operations and 4,000 jobs in the industry-related service sector. In fact, Illinois ethanol production alone has increased the national market price for corn by 25 cents per bushel.

Illinois farmers stand ready and eager to contribute to our Nation's energy security, and the benefits extend to the environment as well. Replacing Mideast oil with Midwest ethanol is a winner for everyone but the oil sheiks. When we can use our Illinois agricultural expertise to reduce our dependence on foreign suppliers, the whole Nation benefits.

This expanded role for renewable fuels means more than a boost to industry; it means jobs to rural America, and increased energy security. And in contrast to the environmental damage that can be caused by drilling for oil, the only drilling required to produce ethanol is the initial inch and a half deep planting of the corn seed. And for the soybeans used to make biodiesel, the seeds are only drilled an inch into the ground.

American farmers are the foot soldiers in our battle for energy independence. Farmers throughout the country have come together to build ethanol production facilities that, in many instances, have become the backbone of a regional rural economy. In fact, farmer-owned ethanol plants, taken together, are the single largest segment of the U.S. ethanol industry. As we look for solutions to high oil prices, we must remember that renewable fuels are viable alternative fuels—domestically produced and environmentally friendly.

Cleaner burning biofuels, that can be produced, transported and combusted with major environmental benefits will contribute to cleaner and healthier air and less water and soil pollution. Importantly, biofuels, being essentially greenhouse gas neutral, will also contribute to achieving environmental goals while advancing the economies of rural America.

According to an analysis completed by renowned economist John Urbanchuk of LEGC, Inc., an RFS that grows to 8 billion gallons of ethanol by 2012 would have a significant impact on both the farm and overall economy over the next decade.

It would reduce crude oil imports by 2 billion barrels and reduce the outflow of dollars largely to foreign oil producers by $64 billion.

It would create 234,840 new jobs in all sectors of the U.S. economy.

It would increase U.S. household income by $43 billion.

It would add $200 billion to GDP between 2005 and 2012.

It would create $6 billion in new investment in renewable fuel production facilities.

And it would result in the spending of $70 billion on goods and services required to produce 8 billion gallons of ethanol and biodiesel by 2012.

Renewable fuels provide for a dependable domestic source of energy that increases fuel supplies, reduces our reliance on foreign oil, and enhances our ability to control our own security and economic future—while helping our farmers by increasing demand for their crops. Increasing the use of ethanol and other renewable fuels achieves many positive public policy goals.

This amendment should be adopted.

Mr. DOMENICI. Mr. President, we are ready to vote on the ethanol amendment, as modified.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: The Senator from Idaho (Mr. CRAPO), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Alaska (Mr. STEVENS).

Further, if present and voting, the Senator from Idaho (Mr. CRAPO) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

The PRESIDING OFFICER (Mr. BURR). Are there any Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 26, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—70

Akaka
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Frist
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Kohl
Landrieu
Levin
Lincoln
Lugar
Martinez
McConnell
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reid
Roberts
Salazar
Sarbanes
Sessions
Smith
Snowe
Stabenow
Talent
Thomas
Thune
Vitter
Voinovich

NAYS—26

Alexander
Allard
Boxer
Clinton
Coburn
Corzine
DeMint
Ensign
Feinstein
Gregg
Kennedy
Kyl
Lautenberg
Leahy
Lieberman
Lott
McCain
Reed
Rockefeller
Santorum
Schumer
Shelby
Specter
Sununu
Warner
Wyden

NOT VOTING—4

Crapo
Jeffords
Murkowski
Stevens

The amendment (No. 779), as modified, was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. SUNUNU. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:18 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

ENERGY POLICY ACT OF 2005—Continued

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I note the presence of the distinguished Senator from Washington, Ms. CANTWELL, on the floor. We have agreed heretofore that her amendment would now be the subject matter before the Senate. I understand the Senator is prepared to offer it.

Ms. CANTWELL. Mr. President, yes.

Mr. DOMENICI. Mr. President, may we have a copy of the final draft of the amendment?

Ms. CANTWELL. Yes, we will send the amendment to the desk.

Mr. DOMENICI. We have it. I wonder if we can discuss what the Senator's pleasure is. We have nothing else pending but her amendment for at least a couple of hours or more. How much time does the Senator think she might need?

Ms. CANTWELL. Mr. President, I know there are many colleagues who want to talk on this issue. I do not know how many members on the other side of the aisle want to speak. I would think we can dispose of this within a couple of hours. That would be my guess.

Mr. DOMENICI. Mr. President, we will not set a specific time, but let's talk about a couple of hours. I gather that the Senator would not need all that time continuously, if somebody desired to speak. I ask the Chair to recognize the Senator to answer my question.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. That is correct. I think we will start the debate on the Cantwell amendment, and if other Members want to address that or other issues, we are happy for them to come down and address those issues as the afternoon progresses.

Mr. DOMENICI. It is the understanding—and I hope Senator CANTWELL would comply—that there will not be any other subject matter come up. I ask unanimous consent that no other amendments be in order while this discussion is taking place, other than discussing the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, having said that, Senators on our side have heard we will be on this amendment for 2 hours, probably longer. If any of my colleagues desire to come down and debate the issue, I would very much appreciate them letting us know or, in fact, come to the floor and we will arrange for them to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank the chairman of the Energy Committee for his participation and help in clarifying this next segment of debate on the Energy bill. While I think we have several issues left to discuss, I think it is very important to realize what a milestone we have achieved. After a couple of sessions of the Senate trying to get energy legislation, we are now on the precipice of having an energy bill that has great bipartisan support.

I compliment the chairman of the Energy Committee for his hard work and diligence in getting an energy bill that has such great bipartisan support. As a member of the Energy Committee and as a relatively new Member of the Senate, I can tell you how honored I was that Senator DOMENICI visited me in my office to talk about the issues impacting the Northwest—because we have been hard hit by an energy crisis in the last several years—and his willingness to work with my office on those Northwest issues, particularly related to the hydro system.

I can say with certainty that just about every member of the Senate Energy Committee participated in the markup of this legislation by getting ideas and concepts into the Energy bill. While each of us have different perspectives because we represent different regions of the country, people should realize that getting an energy bill is a very important step forward in our Nation.

I contrast that to the House version. The House version reminds me of where we were in the Senate version 2 years ago, except for the House version just kept going in the wrong direction. It basically has what I call "gratuitous special interest deals" relating to groundwater pollutants. This includes letting MTBE manufacturers off the hook from their liability, something I know the Presiding Officer has concerns about. The House bill also has rollbacks of the Clean Air Act, the Clean Water Act, the National Environmental Policy Act and the Safe Drinking Water Act. I think these are bad precedents to set.

I am trying to bring attention to the fact that the product we are starting with in the Senate is good legislation. The next week and a half will probably make this legislation even better, as Members who are not on the committee bring up issues, some of which, Members who are on the committee left to be discussed by all the Members on the Senate floor.

Something of particular importance to the Northwest is the electricity title in this legislation. Establishing the electricity title was a very meaningful step toward responding to the scandalous Enron crisis and the unethical practices of market manipulation. We are really getting tough on energy traders and executives who perpetrate the kinds of abuses that we saw in the western energy market. We are sending a message to those industries and businesses that the consumer will not provide the deep pocket for Enron kinds of bankruptcies.

I am grateful to the chairman and the ranking member from New Mexico for their hard work on this legislation. There was a great irony taking place the moment the Senate was about to make a decision on changing the filibuster rules. Members of both sides of the aisle and all their staffs were hard at work marking up a very comprehensive energy bill in a very bipartisan fashion. If people were there, they would have realized it was the Senate at its best doing its best work.

There are still outstanding issues that we decided we were going to bring to the Senate floor. Some of those issues were related to a variety of concerns that we thought were best addressed on the Senate floor. One of the issues that I think is important to bring up is my amendment on energy security. It is an amendment that will set a national goal for getting off our overdependence on foreign sources of oil. I am pleased to be able to offer that amendment with Senators DURBIN, SALAZAR, and KERRY because it is important that energy independence be part of our strategy for a national energy policy.

Many Americans are feeling this overdependence at the gas pump today. They know we are overdependent on foreign oil. They want to see more competition in gas prices. Americans may not realize that now the United States imports about 58 percent of our oil supply. That is about 11 million barrels a day. This number is expected to grow to about 62 percent by 2015. The underlying bill tried to address this by saying we should cut our dependence on oil by a million barrels a day, but what that underlying bill does is leave us worse off by 2015 than we are today. It would leave us more dependent on foreign oil than we currently are. The mathematics of the underlying bill need to be improved.

My amendment would direct the President to develop and implement a long-term strategy to reduce our dependence on foreign oil by reducing 7.6 million barrels of oil per day by 2025. So, instead of allowing our foreign oil imports to grow from the 58 percent that it is today to 68 percent in 2025, my amendment would reverse this alarming trend.

We can see where we are today and where we need to get to reduce this dependence.

Under my amendment, this would be a 40-percent reduction by the year 2025. It is very important that this goal be included as part of our energy legislation.

It should be no surprise because many of the Members have talked about energy independence as part of the energy legislation. If my colleagues believe in the underlying fundamentals of this legislation, then they must believe that we can be successful in getting off our overdependence on foreign oil.

What this legislation is missing is an adequate goal to actually reduce our dependence on foreign oil.

It is no surprise that consumers and experts alike agree on this. In fact, there was a recent poll which showed that 92 percent of Americans are very worried about our dependence on foreign oil, and 93 percent of Americans want our Government to develop an energy strategy that will get us off our overdependence on foreign oil. In fact, the President has joined in the call, saying that in order to make sure our economy grows, we need to encourage small business sector growth and vitality. We need to address a major problem facing our country, and that is our Nation's growing dependence on foreign sources of energy.

The President has joined in this debate in saying that getting off our foreign dependence is important.

We have had many others speak out, such as the leadership on both sides of the aisle. In the House, Speaker HASTERT said: Our Nation is dependent on a fickle foreign oil market that is being stretched to the limit by foreign demands.

National security experts, such as CIA Director James Woolsey, former Secretary of State George Schultz, and others in the Energy Future Coalition, have said that the possibility exists for future oil embargoes and supply disruption that make us more dependent on the Middle East.

In fact, those gentlemen, in their report, said: For the foreseeable future, as long as vehicle transportation is dominated by oil, the greater Middle East and especially Saudi Arabia will remain in the driver's seat.

We have a chart that shows who owns the oil supply and who are the top global oil companies in the world. If one thinks about these companies on the chart, looking at the names, Aramco and various companies, and they look at the countries that basically own these companies, people will see that they are 100-percent owned by those entities. We can see what countries they are. We can see where the supply is.

If Americans look at this chart, then they know that we cannot leave our economic future and our national security for future oil supply in the hands of these governments and these countries. What we need to do is to get off of our overdependence on foreign oil and diversify, and that is specifically what my amendment calls for.

I ask unanimous consent that a letter from the Energy Future Coalition that calls for major new initiatives to curtail U.S. oil consumption be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENERGY FUTURE COALITION,
Washington, DC, May 18, 2005.

Hon. PETE V. DOMENICI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to follow up on the letter we sent to the President in March, urging an aggressive program to address America's growing dependence on foreign oil, which in our judgment endangers our national and economic security. We asked the President to "launch a major new initiative to curtail U.S. oil consumption through improved efficiency and the rapid development and deployment of advanced biomass, alcohol and other available petroleum fuel alternatives."

The signatories, representing a broad range of political: views, support a new national commitment: to reduce U.S. oil consumption substantially, through the accelerated introduction of advanced technology vehicles and alternative fuels. We believe domestic biofuels can cut the nation's oil use by 25 percent by 2025, and substantial further reductions are possible through efficiency gains from advanced technologies. That is an ambitious goal, but it is also an extraordinary opportunity for American leadership, innovation, job creation, and economic growth.

Mr. Chairman, we recognize that you and the other Members of the Committee are well along in the drafting process, and we hope that legislation can be enacted this year that addresses the critical energy challenges confronting the nation. We want to commend you for the leadership you are showing and the bipartisan approach you have pursued in developing a comprehensive energy bill. You have demonstrated a willingness to look anew at the facts on the ground and to adjust to those facts as appropriate.

We come forward now in a constructive spirit, with recommendations drawn from the work of several groups that have recently examined this topic in addition to the Energy Future Coalition—the National Commission on Energy Policy, the Set America Free Coalition, the Apollo Alliance, Rocky Mountain Institute, and others.

The President said last month, "Our country is on the doorstep of incredible technological advances that will make energy more abundant and more affordable for our citizens. By harnessing the power of technology, we're going to be able to grow our economy, protect our environment, and achieve greater energy independence." We could not agree more strongly.

We see a broad and bipartisan consensus emerging at various levels of government throughout the country on the need to move to a new model of energy production and use. As promising as that vision is, however, it won't happen by itself. Public policy and investment are needed to hurry the future, and now is the time to act, before a crisis.

Toward that end, we recommend certain first steps, outlined briefly below. The cost of this package is small, relative to both the risks and opportunities at hand, but it would begin to change the nation's direction on this critical issue. We would be pleased to work with you and your staff on specific legislative language.

1. Reward technological innovation that increases fuel efficiency—Transportation accounts for two-thirds of U.S. oil consumption, and light-duty vehicles account for more than half of all transportation demand. New vehicle technologies, including hybrids and advanced diesels, can dramatically increase the efficiency of that fleet.

The health of the U.S. economy is closely linked to the health of its auto manufacturing industry, which affects one out of every 10 private-sector jobs in America. The industry's vitality in turn depends on its ability to innovate and respond to rapidly changing customer preferences.

We recommend tax incentives for U.S. vehicle and component manufacturers that will enable them to retool existing production lines for both cars and trucks and produce advanced technologies that reduce fuel consumption and U.S. demand for foreign oil. We also recommend tax incentives, as the President did again last month, that will increase consumer demand for these technologies. We recognize, of course, that tax policy falls within the jurisdiction of the Committee on Finance, and we will send a similar letter to Chairman GRASSLEY.

2. Support the next generation of advanced vehicles—Fuel consumption is closely tied to vehicle weight. Lighter vehicles are thus desirable as long as they do not compromise safety or performance. Advanced materials—such as composites now used in advanced aircraft—could allow dramatic gains in fuel economy if they could be reduced in cost. We recommend that the Federal government carry out a program to demonstrate the feasibility of high-volume, low-cost manufacture of these materials, which will have important military applications as well.

Additional reductions in oil demand would flow from extending the range that hybrid vehicles can travel on the electricity stored in their batteries. This will require further improvements in battery technology and the ability to plug in to the electric power grid, but may have the additional benefit of leveling peak utility power loads. We recommend support for further development, demonstration, and deployment of these technologies.

3. Accelerate the introduction of alternative transportation fuels—The production of ethanol has increased dramatically in the last two yeas, but must grow much further to displace a major share of U.S. oil demand. Technologies to convert widely abundant plant fiber—cellulosic biomass—to liquid fuels have been demonstrated at pilot scale but face considerable financial and technical risk in moving to first-of-a-kind commercial-scale production. A Canadian company, Iogen, is currently producing ethanol from wheat straw, but at relatively small scale. Biodiesel fuels—from sources as diverse as soybeans, waste cooking oil, and turkey offal—are also emerging as important alternatives.

A well-focused and adequately funded program to take these technologies to the point of becoming low-risk commercial choices should be pursued on grounds of national security. This may be the only way that the U.S. can have—in years, as opposed to decades—a significant supply of renewable domestic fuels, chemicals, and other products for which we now depend on imported oil or limited natural gas reserves. The Federal government should be directed to conduct a one-time technology competition, supporting private-sector construction of at least 10 commercial-scale demonstration plants within the next five years—testing the comparative advantages of different conversion processes, feedstocks and end products.

We also support an aggressive program to increase the use of renewable fuels in the fleet (similar to S. 650, for example) to encourage development of these fuels and their use as fuel substitutes, not just as additives. Flexible-fuel vehicles can use ethanol or gasoline interchangeably, and some four million are already on the road. Because new cars can be given flexible-fuel capability at negligible cost, we recommend that this technology be rapidly introduced into the fleet to give consumers a choice in refueling options. We also believe the corporate average fuel economy program should provide credit for the demonstrated use of alternative fuels not based on petroleum, and we recommend that all biodiesel blends be treated alike in the tax code.

Finally, we are not unmindful of the current budget situation and its implications for the energy bill; however, we think that a more rational allocation of scarce resources would substitute the unfunded elements of this package for the $2 billion "ultra-deepwater and unconventional onshore natural gas and other petroleum research and development program" contained in the House bill. As the President noted recently, with oil at $50 a barrel, "energy companies do not need taxpayers'-funded incentives to explore for oil ad gas." We should support instead a new direction in energy policy that will reduce our dependence on foreign oil, expand the production of domestic transportation fuels from agriculture, and create new jobs, economic growth, and investment in America.

Mr. Chairman, we note that the Committee has held conferences this year on natural gas supply and on the future of coal, as well as hearings on other relevant topics, but not on the subject of oil dependence and national security, despite the remarkable rise in the price of oil over the past year. We respectfully urge you to consider such a session and offer our participation if you so desire. In any case, we would be pleased to discuss these initiatives with you as you consider incentives for innovative clean energy technologies, as well as other provisions on renewable energy, fuels and vehicles, and oil and gas.

These recommendations are the product of three years of work by the Energy Future Coalition and others, who have come together in a constructive and non-partisan effort to develop politically viable answers to seemingly intractable issues, so that we might have a national energy policy that responds strategically both to the challenges we face and to the opportunities they create.

With best wishes,

Sincerely,
Robert C. McFarlane.
R. James Woolsey.
Frank J. Gaffney, Jr.
Richard L. Trumka.
Charles B. Curtis.
C. Boyden Gray.
Timothy E. Wirth.
John D. Podesta.

Enclosures: Additional Signatories

Lt. Gen. John S. Caldwell, Jr., USA (Ret.); Adm. William T. Crowe, Jr., USN (Ret.), Former Chairman, Joint Chiefs of Staff; Hon. John H. Dalton, Former Secretary of the Navy; Vice Adm. Robert F. Dunn, USN (Ret.); Michael T. Eckhart, American Council on Renewable Energy; Hon. Vic Fazio, Former U.S. Representative; Hon. Robert W. Fri, Resources for the Future; Brig. Gen. Gordon Gayle, USMC (Ret.); Hon. Sherri W. Goodman, Former Deputy Under Secretary of Defense; Hon. James C. Greenwood, Biotechnology Industry Organization, Former U.S. Representative.

Vice Adm. Lee Gunn, USN (Ret.); Institutes for Public Research, Center for Naval Analysis; F Henry Habicht II, Former Deputy Administrator, EPA Commission on National Energy Policy; David A. Harris, American Jewish Committee; Hon. Gary Hart, Former U.S. Senator; Co-Chair, U.S. Commission on National Security for the 21st Century; Bracken Hendricks, Apollo Alliance; John P. Holdren, Harvard University, Co-Chair, National Commission on Energy Policy; Lt. Col. William C. Holmberg, USMC (Ret.), Biomass Coordinating Council; Hon. Jerry Hultin, Former Under Secretary of the Navy; Rear Adm. Leland S. Kollmorgen, USN (Ret.).

Gen. Richard L. Lawson, USAF (Ret.), Former President, National Mining Association; Maj. Gen. Charles Link, USAF (Ret.), National Defense University Foundation; Gal Luft, Institute for the Analysis of Global Security; Lt. Gen. William R. Maloney, USMC (Ret.); Vice Adm. Dennis V. McGinn, USN (Ret.); Dennis R. Minano, Former Vice President for Environment and Energy, General Motors; Hon. William A. Nitze, Former Assistant Administrator, EPA, The Gemstar Group; John L. Petersen, The Arlington Institute; Hon. Robert B. Pirie, Jr., Former Secretary of the Navy (acting).

Hon. Joe R. Reeder, Former Under Secretary of the Army; Hon. William K. Reilly, Former Administrator, EPA, Co-Chair, Commission on National Energy Policy; Maj. Gen. J. Milnor Roberts, USAR (Ret.); Larry J. Schweiger, National Wildlife Federation; Hon. Philip R. Sharp, Former U.S. Representative, Congressional Co-Chair, Commission on National Energy Policy; Hon. Susan F. Tierney, Former Assistant Secretary of Energy, Commission on National Energy Policy; Vice Adm. Richard H. Truly, USN (Ret.), Former Director, National Renewable Energy Laboratory; R.E. Turner, Turner Foundation; Adm. James D. Watkins, USN (Ret.), Former Secretary of Energy.

Ms. CANTWELL. Specifically, this coalition believes that domestic biofuel, something that we just debated as part of this energy strategy, can be used to produce a very significant amount of our future energy, and they are calling it an extraordinary opportunity for American leadership for job creation and economic growth.

I think this group of individuals, who are part of a coalition that is interested in our country's national security, are pointing out that this very chart, showing the ownership by foreign entities, is of great concern to our future. I think this letter does adequately call on us to do our job in making sure we are getting off of our foreign dependence.

I believe this underlying legislation gives us the tools to do so. That is especially true if you think about the framework that is in the bill and the debate we just had on biofuels, the 8 billion gallon biofuels goal by 2012. What is great about the biofuels amendment that was adopted and revised from the committee markup is that it includes both ethanol and biodiesel, and specifically ethanol research and development of what are called cellulosic ethanols—biomass-based ethanol materials.

We know we have Midwestern States that are already producing ethanol and giving us a source of supply. But if you take those five Midwestern States and try to transport that product to the Northwest, as we do today—we are selling biofuels and ethanol in a variety of places in Washington State today, but you are adding a 30-cent to 50-cent transportation cost. What the amendment we just adopted does is make sure that various parts of the country can also be in the biofuels business; that we can start producing products in other parts of the country, closer to the source and consumers that are going to use them. So it is a very positive step forward.

The bill also includes clean coal technology, that I know my colleague who is on the floor, the Senator from Tennessee, has worked on so diligently. It includes hydrogen fuel cells, and it includes next generation nuclear power, things I know my colleagues on the other side of the aisle have worked hard to perfect. It includes new research and development, to play a vital role in the commercialization of new technology. It promotes in, a bipartisan way, conservation initiatives. It is exciting to catch a sense of the new technology that will be in this bill to give us more efficiency in our homes and businesses. We will get a lot of savings from these programs and tools.

There are many tools in the underlying bill to achieve the goals we set out for ourselves. We believe this underlying bill has the right technology answers; that is, it has all the various means by which we can get off our foreign oil dependence, but it is simply lacking a goal. That is what my amendment will provide. This legislation should reflect the resolve of the American people, who say that getting off our overdependence on foreign oil is a national priority, and we are going to stick to it.

I know various Members are going to come down here and offer amendments on other issues, issues related to global warming and greenhouse gas emissions. We are going to have proposals regarding a renewable portfolio standard, which would basically mean that our electricity grid would use more renewable energy to provide supply. I think Senator FEINSTEIN is still going to come down and offer her amendment to close the SUV loophole, to try to make SUVs more fuel efficient.

We are going to have a lot of discussion to help improve the bill. But without setting a national goal, without saying our country has to get off our dependence on foreign oil, we will have missed an opportunity. This underlying legislation sets a goal that will actually make us, in 2015, more dependent on foreign oil than we are today. I think we need to set a goal as a legislative body, that we want to reverse that trend. In 2025 we want to actually be importing less foreign oil, and that is exactly what my amendment does.

Why is this so important? First, we all know it is in the economic interest of the United States to diversify off foreign oil. We know our dependence has cost us, since 1970, something like $3.6 trillion. In 2003, imports cost us $10 billion every single month, and our oil imports count for about 34 percent of our existing trade deficit. Think about that, 34 percent of our trade deficit, just because of the cost of oil. In fact, Alan Greenspan has said that the high cost of fuel has basically caused 8 out of the 10 postwar U.S. recessions; they were related to high energy prices and spikes in oil.

We know there is a strong relationship between energy costs to our overall economy. That is what we are trying to change. But a number of factors remain, and that is what is of great concern. Who actually controls those energy costs? We know the OPEC cartel, as well as international events and political events, have an impact. We know the growing demand in China and India for the same supply of oil has an impact. We know we need to do something about it.

If you talk to economists about what is going to happen to the price of oil in the future, the signs are pointing to oil prices could reach $100 a barrel in the next 20 years. If that is the case, that would have a devastating impact on our national economy. Yet that is exactly what we are hearing from them. That is exactly what people are saying. There is a world economic outlook report that was issued this spring by the International Monetary Fund, and that report basically said that oil could spike to $100 a barrel between now and 2030.

The Wall Street firm of Goldman Sachs also predicted that the price of oil could reach $105 in the next few years, and energy markets could easily be in the early stages of a superspike period. I know the United States has been through these periods before, where we have seen extreme spikes in energy costs. It has had a devastating impact on our economy. That is something we are trying to avoid by setting a national goal to diversify away from foreign oil.

We have many economic reasons for this amendment. But as I stated earlier, we also have security reasons. Let me expound on that just a little bit because I think it is important to understand the demand for oil and, basically, who holds the reserves. The oil reserves of every area in the world are in decline except for the Middle East. That means if we continue to be dependent on foreign oil, we are going to be more dependent on OPEC and its member countries. Given that those reserves, let's just say, are constantly under some scrutiny because of the challenges in that region of the world, some analysts, when looking at the oil futures market, basically describe what they call a fear premium. That is, the price of oil futures actually increases because people are concerned that international incidents may happen, terrorist threats and other things, that will damage that oil supply. So the cost of oil futures actually goes up, just on the fear of what might happen.

That is troubling because as we all know, we cannot predict what is going to happen on an international basis. We do our best to protect that oil supply, but Saudi Arabia alone has about a quarter of the world's oil reserves and more than 60 percent of that country's total oil inputs are processed at a single facility. So if you think about it, it is the home to almost all of the world's spare production capacity. Again, we are putting all our eggs in one basket. I am simply saying lets set a national goal to get off that dependence on foreign oil because of this security reason, as well as the economic reason and who owns this supply and how important it is.

I would like to talk for a second about the picture as it relates to other people interested in that oil supply. I mentioned China and India and the projections of the price of oil reaching $100 a barrel. Analysts agree that China, because of its growth and huge demand, is likely to shift the whole center of gravity for energy markets. That is, China has already moved past Japan in its global energy consumption. It is the second largest oil consumer and the third largest oil importer. In the next decade, China is going to continue to grow to about half of today's U.S. combined car and truck total, so they are going to be looking for lots of energy supply. It is expected that their imports are going to double by 2010 and quadruple, to 8 billion barrels of oil a day, by 2025. Imports will be 60 percent of China's total oil consumption.

While we are looking at the picture, already knowing we are overdependent on foreign oil and that the challenges to security are there and that the American economy is already suffering, we also need to recognize there are other nations who are going to be bidding for that same resource.

We need to get off our overdependence on foreign oil. How are we going to do that? First, we have to have the resolve. There are many times in American history this country has shown American resolve. We have put a man on the Moon. We have ushered in the nuclear age. We stood up in the OPEC crisis and got fuel efficiency standards for cars. We ought to have the resolve now. We need to bet on the ingenuity of American brain power to get us off our overdependence on foreign oil. If we are smart enough to put a man on the Moon, we ought to be smart enough to get off our overdependence on foreign oil. When John F. Kennedy made the declaration of wanting to put a man on the Moon in a 10-year period of time, I don't think he had the answer to every single element of how to do that. He left the details up to both the public and private sector in getting new technology developed so we could move forward.

In this case we have an underlying bill that actually can achieve this goal of reversing the trend by 2025 and reducing 40 percent the consumption of the United States of foreign oil. How do we do that? Many people have talked about how we get there. I will show one chart with examples of the oil savings technology in this legislation.

The biofuels amendment we talked about: Many organizations, including some of those security initiative organizations such as Energy Future Coalition and some environmental organizations such as Natural Resources Defense Council, have said biofuels can play a significant role. They could help produce 3.9 billion barrels of alternative fuel a day.

I hope my Midwest colleagues and my colleagues from other parts of the country who are interested in biodiesel and ethanol are excited by that opportunity. It means an economic opportunity for all the regions of our country that can produce those fuels. It also has a higher national purpose, to help us get off our over-dependence on foreign oil.

We can also improve efficiencies in various sectors such as aviation, residential applications, and various modes of transportation. I am very proud the Northwest has figured this out.

At the Paris Air Show we are seeing a lot of news about future planes. One plane you will not see there today but is on the drawing boards and is getting rave reviews from people making purchase orders is the next generation 787. What is great about that is its whole design is based on a more fuel-efficient plane. Boeing estimates it can save between 20 and 30 percent on fuel costs. They figured out the marketplace is going to be very sensitive to the high expense of transportation fuel and have developed a plane to answer the call from the marketplace. What has the marketplace said? The marketplace is responding with over 200 orders for a plane that is not even finished yet. That is a great example of how we can get efficiencies in aviation and other sectors.

This chart explains how we can make a big step forward in energy savings, which are aspects of this legislation. They are very important aspects to look at.

A few of my colleagues who are anxious about this legislation want to know if it is a back door to higher fuel efficiency standards; that somehow this bill mandates CAFE. It does not mandate a higher fuel efficiency standard, although this Member would certainly support a piece of legislation in the Senate that suggested that. This amendment realizes there are hybrid cars in the marketplace that are likely to come onboard. There are estimates that you can increase the efficiency of our economy using hybrids and save up to 2 million barrels a day by 2015. That's just from the growth in the hybrid auto market. That is just American consumers buying hybrid cars and making that investment. It does not have to be CAFE, although I personally think we are losing a huge opportunity in the American marketplace by not being more aggressive about cars that can run on alternative fuels. I say that, mentioning the Boeing experience in aviation.

The aerospace industry in the Northwest is responding to the demand of more fuel-efficient transportation. I wish the auto manufacturers would be more aggressive. Actually, as oil has hit $50 a barrel they have gotten more aggressive. They have gone over to Japan and said, okay, we want a technology deal with the Japanese auto manufacturers; we want to get more of these cars in the United States market. Maybe that will work.

However, this amendment does not assume we are going to have a new CAFE standard. It simply says to the United States, if you are serious about this problem, you will set a national goal to get off our overdependence on foreign oil by 2025 and start reducing the trend. Instead of continually importing more, we should be importing less.

This chart shows the trend we are trying to reverse. Today we are basically importing 13 million barrels a day; if we do nothing, by 2025, we will be importing 19 million barrels. This is the trend we are trying to reverse. This is the direction we did not want to go in. We want to make a change.

Some of my colleagues ask, how can you set this goal? If you are not specific about how you get there, how are we going to achieve it? There is a lot I am sure that President Kennedy thought about when he wanted to put a man on the Moon, and maybe his original projections were not accurate. There is a lot of research and development we are going to do on a variety of these technologies.

One country that has taken this challenge and embraced it is Brazil. It is a country which looked at this same dilemma the United States has, from the economic perspective. They said, we cannot afford to be dependent on the high cost of imported oil. In fact, in the 1970s, Brazil had about 80 percent of its supply from imports. That was a big challenge.

As it exists today, Brazil has, because of its biofuels initiative, changed that trend. In fact, Brazil has gone from 1975 being 80 percent dependent on foreign oil to 1990 being only 45 percent dependent on foreign oil, and in 2006, Brazil actually plans on being an energy self-sufficient country and maybe even being a net exporter of fuel. That is very interesting. As it stands today, they are only importing about 11 percent of their supply.

How do you go from 1975 at 80 percent to 11 percent in 2003? The country took the initiative and said they were going to produce a competitive product to fossil fuel. That competitive product happened to be sugar-based ethanol. They got good at producing sugar-based ethanol. They got so good at producing sugar-based ethanol they actually can produce it and ship it here cheaper than we can produce it today.

I don't like losing the competitive edge to somebody else on the production of an alternative fuel source. I want the United States to be a leader in the production of alternative fuel sources. It holds a lot of promise for the United States.

One might say, well, Brazil is only one-eighth the size of the United States economy and we have much more demand than Brazil. That is true, but Brazil has learned about the efficient production of ethanol. Are we saying somehow the United States does not have the raw material supply for ethanol, whether it is sugar-based ethanol or biomass-based ethanol?

We actually are trying to put the American farmer in the fuel business. If there is anything we ought to be sure we have its agriculture. We know we only sit on 3 percent of the oil reserves in the world, so we know we are not going to get it from there. We are talking about importing liquified natural gas, so we know we are challenged there. But we sure know that the American farmer can produce a lot of product as it relates to ethanol, whether it is sugar based or biomass based, and we can produce a lot as it relates to biodiesel products as well.

That is exactly what this legislation does. It is very specific about the research and development that needs to take place to get us into the alternative fuels business. I am so certain of the well-crafted nature of that section of the bill that I am willing to say that I think we really can achieve our goal of decreasing our energy dependence by 2025. So it is a very positive step for us to look at what we have seen around the globe as far as other countries trying to get toward energy independence or becoming less dependent on foreign oil.

Now, I have another chart that shows examples of what we are trying to reach. This chart basically demonstrates how we can reduce, by 7 million barrels a day, U.S. consumption. It does not have to be the exact mix as shown on the chart of how we achieve that. This is just one of the proposals. You have market growth in hybrid cars; industrial improvements, efficiency improvements in aviation; efficiency gains in trucks and heavy-duty equipment. One of our National Laboratories in the State of Washington, the Pacific Northwest Labs, is doing great research on lightweight trucks, lightweight materials, transportation efficiency, for the trucking industry in our country. Other areas to reduce consumption: how to make the movement of goods and services more efficient, saving transportation costs; the replacement of tires, you can get more fuel efficiency just by having better balance of your tires to get better gas mileage; and there are transportation choices; and biofuels. Again, biofuels is a big opportunity for us.

So I hope all my colleagues are listening who are very supportive of the biofuels section of this legislation—which I hope there are many because I think it is a great opportunity. If you are supportive of that biofuels section of the bill, you ought to be very supportive of setting a goal because you really ought to believe the national goal is achievable. You ought to believe that the economic interest of our country in getting that new production of biofuels is not only an economic and security matter, it is also just plain good job creation for our country. You are putting the American farmer back in business with a product that now will see huge demand.

Now, I do not know if we have it here on the floor, but I took great note that the Economist magazine wrote a piece on biofuels a few weeks ago. In fact, it was a front-page cover story article that week about biofuels. What was interesting about it is that it discussed the fact that we are at this point where biofuels make so much sense because of the price of oil.

Now, several years ago, when we were talking about oil at $20 a barrel and people were talking about biofuels, maybe it did not make much sense, the economics did not make much sense. But we have hit, as Andy Grove would say, an inflection point, and that inflection point is that now we are seeing prices over $50 a barrel for imported oil.

So the article basically says that it is no longer the "blue sky" stuff that people talk about, but it is an idea whose time has come. It is a very substantive opportunity for anybody who can produce biofuels because at anywhere around $50 a barrel, instead of $25 a barrel, biofuels can be competitive.

Now, in Washington State, we are selling biodiesel and alternative fuels. A few weeks ago, we had the opening of one of our first biofuels stations. It was actually at the same location as a previous traditional petroleum-based station. So they changed over from serving customers gasoline to now serving biodiesel.

Right now, the product is something that is shipped from the Midwest, refined at a production facility in Seattle, and then sent over to what was this particular station, Laurelhurst Oil. They are producing a biofuel in Seattle, even though the oil is still imported from another state. That biofuel, I think at the time, was about 30 cents more than what you could go around the corner and get to fill your car up with gasoline—30 cents more. And you ask: Well, how are you expecting to be competitive if it is 30 cents more? It was 30 cents more because we had the transportation cost of bringing that agricultural product to the Northwest, having it processed, and then sold. The production facility that is actually producing this biodiesel in Seattle believes it can reduce the cost by 30 cents—they could be selling the biodiesel at the same cost we are buying gasoline per gallon in Seattle—by simply producing the product in the State of Washington.

So that is what this bill allows us to do. I think the Economist was right, that the private sector is starting to respond to this and starting to come up with solutions. So then you say: Well, if the private markets are responding, why do we have to set a national goal? Well, let me address that because as a former businessperson, I understand that businesses are responsive to their customers and they are responsive to their shareholders. I do not blame a national oil company for setting its own agenda on when it wants to get into new energy technologies. That is their prerogative.

You see lots of commercials on TV all the time about how existing fossil fuel companies are going to generate biofuels, how they are going to diversify. They would make you think they are doing that in a rapid fashion. I am not so sure it is rapid enough for the consumers of Washington State, who are paying a very high price for gasoline, have paid a very high price for electricity recently, and are reeling from a hard-hit economy because of high energy costs.

We would like to see a much more aggressive effort. But those companies are not going to set a national goal and they are not going to diversify until it is in their financial interest. So the question is whether this body is going to set a national goal, which I think this underlying bill can achieve, and whether we, as a country, are going to diversify off of that overdependence on foreign oil. It is not their job; it is our job. And we should get about showing the American people that we have the will to do it and that we are betting on American ingenuity to achieve it. I have to believe that putting a man on the Moon is a lot harder than discovering how to be as efficient as the Brazilians are in the development of ethanol. I have to believe that was a tougher challenge.

So I think about the things we have achieved in our country's history. I think about the fact that, in response to the threat of what other countries might be doing with the nuclear bomb in World War II, FDR ushered in the nuclear age in 2 years. He shifted our spending in the development of energy in 2 years from about $8,000 to 86 million dollars and ushered in the nuclear age. Why? Because he saw a threat, and he wanted to set a national goal. We have had these instances where our country has decided it was in our economic interest and our security interest to move ahead. That is what we need to do today.

So I am glad to offer this amendment that simply says that we should take the underlying legislation and change its goal. The underlying bill already has a goal. It says that our goal should be to get off of foreign oil by 2015 by reducing it a million barrels a day.

What we need to do is reduce our oil supply in a much more aggressive fashion. We need to reduce that 40 percent by 2025. That is what my amendment calls for. I am happy to hear from my other colleagues on this issue. I hope that my colleagues will take this issue as an amendment to improve the underlying bill.

The underlying bill has the tools and the framework we need. What we need to do is have the resolve as a country to set a national goal. The private sector is not going to do that. We are not going to have consumers make market choices that don't exist. They want more market choices. What we have to do is set the wheels in motion. The good news is, once the Government sets a goal, it is amazing how many people respond to that.

Our country has set lots of goals. We set goals for more homeland security. I have seen more security technology companies come through my office in the last 2 years than imaginable. Why? Because we said we want more homeland security. So we have every imaginable aspect of homeland security being addressed by thousands of companies across America.

If we want to be serious about getting off our overdependence on foreign oil, we will pass this amendment, and we will be on the track for setting a goal that both the private sector and public sector will respond to. I think with that we will be able to say to Americans that we are on the right track, that we are not going to let consumers continue to pay high transportation costs, and that we have a plan for the future. We are not going to continue to be so singularly dependent on the fossil fuel industry. We are not going to continue to have transportation-sensitive industries caught in a stranglehold by high energy costs. We are going to say to them instead that our national security interests, our economic interests, our environmental interests are being met by a new national goal that all of us will participate in making a reality.

Mr. DURBIN. Will the Senator yield for a question?

Ms. CANTWELL. I yield to the Senator from Illinois.

Mr. DURBIN. I thank the Senator for her leadership. The amendment she is proposing—and we hope will be embraced by both sides of the aisle—will set a goal to reduce our dependence on foreign oil. I can't think of a single person in America who wouldn't agree with that goal. We can all understand that as we wait every day for a press release from the OPEC nations to try to determine whether or not the price of gasoline is going to go up or down. This proud, strong, leading nation in the world goes hat in hand to the Saudi peninsula looking for oil. We wait for them to determine what the price will be. It affects every individual and family and business and airline, right down the line.

Is it not true that the bill before us, S. 10, has a goal of reducing dependence on foreign oil over the next 10 years by 1 million barrels a day, which is not as ambitious or as far reaching as the goal of reducing dependence on foreign oil by 40 percent over 20 years? Is it not also true that the President sent a letter to Congress yesterday and said if we include this provision—the weaker provision that is already in the bill—reducing the barrels of oil by 1 million a day over 10 years, the President will veto the bill? Is that the message that we have received from the Bush White House about our goal in reducing dependence on foreign oil?

Ms. CANTWELL. The Senator is correct. In the underlying bill, we have language that says we should reduce our dependence on foreign oil by 1 million barrels a day by 2015. The problem with that goal is, when you are currently importing 58 percent of your oil supply from foreign sources and you calculate in the growth of demand—obviously, our economy continues to grow—there is demand for more oil. Even with that amendment, in 10 years, in 2015, we will be importing 60 to 62 percent of what our Nation consumes in oil supply from foreign sources. So the underlying amendment does nothing to stop this trend. In fact, we will continue to be more dependent on foreign oil.

I know the White House has sent some communication to Senators saying they oppose even that milestone in the bill which does attempt to try to reduce oil consumption. But the provision in the bill doesn't take into effect the fact that the economy grows. I guess it is saying: We don't want to have any goal to actually try to decrease the amount of foreign oil coming into this country.

I want to have a goal for decreasing the amount of foreign oil coming into this country. I want to reverse the trend. I want to go from what we are expected to have, 68 percent in 2025, and say, let's switch that down towards 50. Let's get to 56 percent. Let's start doing as the Brazilians did, which is an amazing story, if you think about it. Here is a nation that basically went from 80 percent, now, today to 11 percent, and is on the verge of becoming an exporter. When you think about the economic opportunities our country has in actually being an exporter of new energy efficiency technology, it is a great opportunity.

The Senator is right that the administration opposes any goal setting in this bill. Why would somebody oppose goal setting? All the tools are here in this legislation. I am not saying which technology is going to win. Basically, our amendment is technology agnostic. It doesn't say: You are going to have CAFE; you are going to have nuclear power.

A lot of my colleagues are betting on nuclear power. There is new language in here for new nuclear technology. A lot of people think it will provide us hydrogen sources, and we will have hydrogen fuel cells. We will move to having a more fuel-efficient economy that way.

I am not being prescriptive because 2025 is a long time from now. But I know if we look at specifics, we can get there through these various means, but we won't get there without a goal.

Mr. DURBIN. If the Senator will yield for a further question, we can't pick up a news magazine or a newspaper in America without reading about the growth of the Chinese economy. They are expanding at the expense of many other countries, including the United States.

We have lost hundreds of thousands of manufacturing jobs over the last 4 years to China as their economy is exploding in size. Many of the companies in China that are growing are American companies. The fact is, China is expanding its economy dramatically. It is no longer a backward Communist nation. It is a full-fledged world competitor, and many believe that China and India will be our competitors in the next 50 years for jobs and economic growth.

Is it not also true that China has one problem it has to face, and that is the fact that within the borders, as huge as China is, they don't have a lot of energy resources. So to keep this economy moving forward, they need to import energy into China, which means in the years to come, we will see more and more competition for foreign oil, not just the United States versus the rest of the world, but the United States versus China and the rest of the world, which means oil for $50 per barrel, which has now raised our price at the pump, may go to $100 per barrel.

I ask the Senator from Washington, setting this goal of reducing our dependence on foreign oil through conservation techniques, through alternative fuels, through finding environmentally sensitive resources that we can use, is that not looking forward to the kind of global competition we are going to face and accepting the reality that if we don't do this as a nation, we will find ourselves losing out from a security viewpoint as well as global competition with nations such as China?

Ms. CANTWELL. The Senator from Illinois brings up an important question, which is with China's interest in global oil supply and the demand, is it going to drive up the price. I don't think an oil company really cares whether the price of oil is driven up or not. What do they care?

Somebody is going to pay them, whether it is $50, $55, $60, $80, or $100. With an increase in demand, that is good news for them. Oil supply costs just go up. They reap the benefits; they reap the profit. But what it is not good for is the American economy.

So the Senator is absolutely right, China's entrance into the demand for foreign oil should be seen by this country as an economic and security risk. China's consumption and growth rate is staggering. China is going to be consuming I think I said 8 million barrels of imports. They have already overtaken Japan, and they are fast on our heels to catch up to our consumption, and they will get to a point where they are the 800-pound gorilla in the dynamics of world oil supply.

Even our underlying bill says you can try to ramp up different sources of U.S. production. But we all know with the United States being situated on 3 percent of the world's oil reserves, it is not a likely scenario for us in the United States to be able to drill our way to energy security. So the Senator is right, China is a unique concern in this. We ought to take that, along with the other national security factors, and the fact that the oil supply is located primarily in these Middle Eastern countries—if we can put the chart back up there. If you look at where the supply is already, the countries and state ownership, that is already worrisome enough. Now, when you throw into the equation that China is going to be demanding more supply from these entities, it is going to lead to a higher price. I am not sure any of these countries are worried about the U.S. consumer and what they have to pay for transportation costs. I don't think they are responsive to the needs of U.S. consumers. The United States might be responsive to our own consumers if we were the owner of these companies, but we are not.

So this is about setting a national goal that recognizes the hardship the American economy is going to encounter, and that we are going to be under in the future if we continue to pay these prices. We might, in 10 years, be happy we were talking about $50 a barrel prices, if some of the expectations of Wall Street come to pass—the predictions that we could see superspikes and get to $100 a barrel. We are already feeling the pain now. Americans are losing jobs, pensions, like the pensions of transportation workers, where there are issues because of high fuel costs; and people are curtailing economic activity because of high transportation costs. We ought to take the Chinese part of the equation and realize this goal needs to be set and we need to make it a reality, just as we did to reach the goal of putting a man on the Moon.

My colleague from Tennessee is also on the floor. I want to give him an opportunity to add whatever comments he wants to add about this.

AMENDMENT NO. 784

Ms. CANTWELL. Mr. President, I call up my amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Ms. CANTWELL] proposes an amendment numbered 784.

Ms. CANTWELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the energy security of the United States and reduce United States dependence on foreign oil imports by 40 percent by 2025)

Beginning on page 120, strike line 23 and all that follows through page 122, line 14, and insert the following:

SEC. 151. REDUCTION OF DEPENDENCE ON IMPORTED PETROLEUM.

(a) FINDINGS.—Congress finds that—

(1) based on the reports of the Energy Information Administration entitled "Annual Energy Outlook 2005" and "May 2005 Monthly Energy Review"—

(A) during the period beginning January 1, 2005, and ending April 30, 2005, the United States imported an estimated average of 13,056,000 barrels of oil per day; and

(B) the United States is projected to import 19,110,000 barrels of oil per day in 2025;

(2) technology solutions already exist to dramatically increase the productivity of the United States energy supply;

(3) energy efficiency and conservation measures can improve the economic competitiveness of the United States and lessen energy costs for families in the United States;

(4) United States dependence on foreign energy imports leaves the United States vulnerable to energy supply shocks and reliant on the willingness of other countries to provide sufficient supplies of oil;

(5) while only 3 percent of proven oil reserves are located in territory controlled by the United States, advances in fossil fuel extraction techniques and technologies could increase United States energy supplies; and

(6) reducing energy consumption also benefits the United States by lowering the environmental impacts associated with fossil fuel use.

(b) GOAL.—It is a goal of the United States to reduce by 40 percent the amount of foreign oil projected to be imported during calendar year 2025 in the reference case contained in the report of the Energy Information Administration entitled "Annual Energy Outlook 2005".

(c) MEASURES TO REDUCE IMPORT DEPENDENCE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every two years thereafter, the President shall—

(A) develop and implement measures to reduce dependence on foreign petroleum imports of the United States by reducing petroleum in end-uses throughout the economy of the United States sufficient to reduce total demand for petroleum in the United States by 1,000,000 barrels per day from the amount projected for calendar year 2015; and

(B)(i) subject to clause (ii), develop and implement measures to reduce dependence on foreign petroleum imports of the United States by reducing petroleum in end-uses throughout the economy of the United States sufficient to reduce total demand for petroeum in the United States by 7,640,000 barrels per day from the amount projected for calendar year 2025.

(ii) If the President determines that there are insufficient legal authorities to achieve the target for calendar year 2025 in clause (i), the President shall develop and implement measures that will reduce dependence on foreign petroleum imports of the United States by reducing petroleum in end-uses throughout the economy of the United States to the maximum extent practicable and shall submit to Congress proposed legislation or other recommendations to achieve the target.

(2) REQUIREMENTS.—In developing measures under paragraph (1), the President shall—

(A) ensure continued reliable and affordable energy for the United States, consistent with the creation of jobs and economic growth and maintaining the international competitiveness of United States businesses, including the manufacturing sector; and

(B) implement measures under paragraph (1) under existing authorities of the appropriate Federal agencies, as determined by the President.

(3) PROJECTIONS.—The projections for total demand for petroleum in the United States under paragraph (1) shall be those contained in the Reference Case in the report of the Energy Information Administration entitled "Annual Energy Outlook 2005".

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the President shall submit to Congress a report, based on the most recent edition of the Annual Energy Outlook published by the Energy Information Administration, assessing the progress made by the United States toward the goal of reducing dependence on imported petroleum sources by 2025.

(2) CONTENTS.—The report under paragraph (1) shall—

(A) identify the status of efforts to meet the goal described in subsection (b);

(B) assess the effectiveness of any measure implemented under subsection (c) during the previous fiscal year in meeting the goal described in subsection (b); and

(C) describe plans to develop additional measures to meet the goal.

Ms. CANTWELL. Mr. President, I know there are many Members who want to speak. I ask unanimous consent that Senators FEINSTEIN and REID be added as cosponsors of the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I ask unanimous consent that following the Senator from Tennessee, Senator KERRY be recognized to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the Senator from Washington for her contribution to the debate today and for her contribution to the debate in our committee process.

While it may seem like "inside baseball" to those outside the Senate, the process here is very important. We don't get anywhere unless we have some sort of consensus. That is the way this body operates. So far, over the last several years, we have not had a consensus on energy. I thought the Senator from Washington, at the close of our committee markup proceedings a couple of weeks ago, made a very important comment. She said this was a clean energy bill, but she said it also was a clean process. She was referring to the fact that both Senator DOMENICI, the Republican chairman, and Senator BINGAMAN, the Democratic ranking member on the committee, have been working together to try to identify areas of consensus.

Senator DOMENICI literally set out on that by going from office to office on the Democratic side and on the Republican side to see what he could do. We all had our say. We didn't all get our way in those proceedings, but we had long hearings on gas, we had long hearings on coal, and we had much discussion of renewable energy. In the end, we reported to this body a piece of legislation with a vote of 21 to 1. There was only one dissenting vote.

The Senator from Washington made an important contribution to that discussion, as she did today, with her discussion of biodiesel, which is a promising renewable fuel. It is in its infancy. We don't know how far it will go. Biodiesel has only contributed about 2 percent of all of the fuel we use in the United States today. We have to always remember what a huge economy we have and how long and how much it takes to turn it around. But she offered an amendment that the committee adopted and which was included in the bill now before us. It has as part of the mandate for use of renewable fuels biodiesel.

The Senate, by a large vote a few minutes ago included, I believe, an 8 billion gallon standard for renewable fuels. So she made an important contribution. And the spirit of our discussion so far has been that we recognize the urgency of the issue we are talking about, which is blue-collar workers, homeowners, keeping jobs from moving overseas, and that this is serious business and we need to get it right.

I will make some observations about the Senator's amendment. There will be three observations. One is I respectfully suggest she has the wrong goal for the near term. Two, I suggest the bill we have before us actually presents an excellent, balanced approach toward what we need to do. Three, I will reemphasize the importance of not just reducing our dependence on oil, the growth of our dependence on oil in the United States—that is the goal, I believe—but lowering the price of natural gas for the benefit of blue-collar workers, homeowners, and farmers. That is the point.

The Senator talked about President Kennedy and probably the most celebrated goal of the last 100 years—certainly one of the most celebrated in our history, and very much in keeping with the American spirit and character. We are always setting high goals, such as "anything is possible" and "all men are created equal" and "we will pay any price and bear any burden to defend freedom." A lot of our politics is about the disappointment of not reaching those goals. In fact, most of American history is the story of setting high goals, missing them, being disappointed, and recommitting ourselves to the goals. But the goals we remember and the leaders we remember are the ones who have challenged us within some reason. We used to have a wonderful citizen of Tennessee named Chet Atkins, who played the guitar. He may have been the best guitar player in the world. He always said: In this life, you have to be mighty careful where you aim, because you are likely to get there.

I don't think we would have remembered President Kennedy as well if he had said in 1960 that we need to put a man on Mars by 1970, or a man on Jupiter by 1970. President Kennedy didn't say that. That would have been far outside of our reach. Our scientists knew that, but it was within our reach to go to the Moon. He said that and challenged us, and we figured out the details of doing it.

I suggest the goal of the Senator from Washington would be like putting a man on Mars. It is out on another planet, it is somewhere out there. It might be the right goal one day, but we have to go to the Moon before we go to Mars. I suggest her goal is the wrong goal. The Senator suggests that the United States, over the next 20 years, reduce its dependence on foreign oil by 40 percent. That sounds pretty good, like going to Mars might have sounded pretty good in 1960, but we would never have gotten there. Let me try to put her goal in perspective.

She says get rid of 7.6. We use about 20 million barrels of oil a day in the United States. It supplies about 40 percent of all of our energy. The Energy Committee, including the Senator from Washington, considered all of this, and we came to a consensus that we should look for wherever the Moon might be in this goal. And we said: Let's save 1 million a day. Let's ask the President to save 1 million a day by the year 2015, 1 million of that 20 million.

That million is a pretty big number. Drilling for oil in ANWR, which we argued so heavily in this body, would produce about 1 million barrels of oil a day. If I am not mistaken, if we were to adopt the CAFE standards legislation that Senator CANTWELL herself suggested in earlier debates, that would have saved about 1 million barrels of oil a day. But she is saying 7.6 million barrels of oil a day over the next 20 years.

I agree it might be possible to go higher than 1 million barrels of oil a day. Senator JOHNSON and I introduced the National Gas Price Reduction Act of 2005 earlier this year. We had in that an oil savings amendment of 1.75 million barrels of oil a day.

All these amendments direct the President to figure out a plan for doing this and then to implement it. These are not just idle suggestions.

I think there is a consensus in this body, certainly on this side and that side of the aisle, and I might say, as Senator BINGAMAN mentioned, we did not really vote Republican and Democrat in our committee hearings. We had a lot of votes, but they generally split on our individual views and regions, not whether we are a Republican or a Democrat. I think there is still a consensus here. Of course, we want to reduce the growth of our dependence on oil, but to say our goal should be to reduce by 40 percent in 20 years our reliance on oil is somewhere out on another planet, not within our reach.

Many of us have been reading very carefully the National Commission on Energy Policy report called "Ending the Energy Stalemate, A Bipartisan Strategy to Meet America's Energy Challenges," that includes within it a broad variety of people—Mr. Holdren, Bill Reilly, Mr. Rowe from Exelon Corporation, a representative from the United Steelworkers. We all read it, and I suppose we all like the parts we agree with and try to agree with some things that may have changed our mind. Here is what this commission report, which is an excellent report, says about oil:

> Over the last 30 years, the United States has sought to improve oil security by promoting a greater diversity of world oil suppliers, reducing domestic consumption through a substantial increase in new passenger fuel economy between 1975 and 1987, and creating the largest dedicated strategic petroleum reserve in the world. Due to these policies and as a result of structural shifts, the U.S. economy today is less oil-intensive and therefore less vulnerable to oil price shocks than it was in 1970. The fact that oil imports have nonetheless steadily increased since that time suggests that calls for energy independence—while rhetorically seductive—represent the wrong focus for the U.S. energy policy.

To try to get another example of the practical effect of the amendment of the Senator from Washington, we asked the Energy Department to take a look at it. Here is what they said. Remember, the Cantwell energy security amendment calls for a 7.64-million-barrel-per-day reduction in oil consumption over the next 20 years. EIA, the Energy Information Administration, which looks at all these things, estimated that by a combination of policies outside the transportation sector, the upper limit of what we could do in this country would be 2 to 3 million barrels of oil per day.

So we take out 2 or 3 million barrels of oil a day and let's say that leaves 4.5

million barrels oil per day. The Cantwell amendment would require the President to, therefore, impose on the transportation sector of our economy this achievement, and here is what it would translate to in terms of a CAFE standard miles per gallon. It would require a 78.6-mile-per-gallon CAFE standard. That is a 185-percent increase over today's standard. And it would require 60.8 miles per gallon for light trucks. That is a 174-percent increase.

I submit that is putting a man on Mars instead of a man on the Moon. That is somewhere off on another planet and not anything that we could reasonably do. The effect of enforcing that on the American economy would be to destroy jobs and raise fuel prices and raise expectations and disappoint the people who sent us here.

I much prefer the approach the committee bill takes that came out of the committee 21 to 1, with a very broad consensus. I will admit, we all recognized, when that came out, that we would reserve for debate on the floor some of the more contentious issues, such as MTBE, global warming, CAFE standards, and the size of the oil savings amendment, about which we are talking today.

We said 1 million a day. That is what the committee could agree on. I and Senator JOHNSON thought 1.75. Senator CANTWELL is at 7.6, and that is the wrong goal.

What would the right goal be? The right goal is to say, of course, we want to reduce our dependence on foreign oil. It makes no sense whatsoever for us to rely for so much of our oil on an area of the world where men and women are getting blown up every day, including a great many Americans. It makes no sense whatsoever.

So our goal should be this: Putting us on the path to a steady supply of low-cost, adequate, American-produced clean energy—low-cost, adequate supply of American-produced clean energy. As we do that, we reduce our reliance on all oil. We reduce our reliance on oil not just from around the world but from this country.

Here would be some of the things that are already underway in this bill. As I mentioned, we just adopted an 8-billion-gallon requirement for renewable fuels. Personally, I think that is a little high. That is stretching the limit. I believe the House of Representatives is at 5. Remember, only at 2 percent of all of our energy is renewable fuels. So we have done that.

We have in our bill which is before the Senate research for biofuels, about which the Senator from Washington talks. They are very important, but they are minuscule at this time. We have a way to go. There are some associated waste problems that occur with them, and there are production problems about which we have to think. To produce large-scale biodiesel fuel requires large areas of land. We have to think about that as well. Clearly, we should do it in this bill, which supports research for that.

If we are really serious about reducing our demand for overseas oil, then we should start with efficiency and conservation in the United States, both of oil and natural gas because they often come together. And so the provisions in this legislation, twice as strong as last year's Energy bill, provide for efficiency and conservation standards for such items as appliance efficiency standards. It would avoid building 45 natural gas powerplants of 500 megawatts each and save billions of dollars.

This legislation also includes a 4-year national consumer education program which, when used in California, helped produce a 10-percent cut in peak demand. This is natural gas we are talking about. But we are talking about conserving energy, and oil and gas often are found together.

If we were to add a provision, as I tried to do in the committee, and as I would welcome the Senator from Washington helping me do on the floor as we debate this bill, to encourage utilities to use first the electricity most efficiently produced from natural gas, we could save and conserve even more. Add that to the oil savings amendment of 1 million barrels of oil per day, which is in our legislation, which is about the same as the amount of oil produced onshore in the State of Texas, and then add on top of the provisions that are in the Finance Committee's mark that would continue the deduction for American consumers to purchase hybrid, and I would hope advanced diesel vehicles as well, that saves oil, that gives an incentive, that helps to change the market in a very promising way without a mandate. If we include the provision that is also in this legislation that supports discouraging large trucks from running their motors all night long so they can have their air-conditioning on and their TV on and their appliances on, one may think that is a small potatoes item, but it is actually a big potatoes item. Big trucks are a big part of our energy use in the United States. They are a big part of our air pollution in the United States. When we encourage them to plug into a battery instead of leaving their trucks on, we are using less oil. All of this is a well-balanced approach.

So it is my respectful suggestion that we remember President Kennedy for saying, Let us go to the Moon. We would not remember him as well if he had said, Let us put a man on Mars in 1970. I believe the committee approach is the right goal and is the right balance and much more realistic than the goal of the Senator from Washington State which, according to the Energy Department, would produce a CAFE standard of 78 miles per gallon for cars and 60.8 miles per gallon for light trucks.

I conclude by making a general remark about natural gas and other aspects of how we ought to be producing energy in this country. One important part of it is American-produced. That is what the Senator from Washington is emphasizing with her amendment. Another important part is low cost. Another important part is reliable and adequate supply.

We use 25 percent of all the energy in the world in the United States of America. We spend $2,500 per person on it. Another important part is clean air. This is not the clean air debate, but it is the debate that will solve the clean air problem, in my opinion, because clean air and clean energy are so intricately related.

The legislation that is before this Senate begins with conservation and efficiency. That reduces our demand for oil, as well as natural gas, and helps to lower prices at least of natural gas. It goes next to increasing supply of natural gas, and I would say oil.

Listening to the Senator from Washington, she is saying we need to reduce our demand for oil from overseas, and since it is unrealistic to think we could save this much oil in that 20-year period of time, that would suggest to me that she would be advocating a big increase in supply of oil as well as natural gas from domestic sources in the United States.

In the legislation that Senator JOHNSON and I offered, we recommended that. It recommended that we look onshore and offshore for new supplies of natural gas as well as oil in the Rocky Mountain area and offshore. Well, that has been greeted with a very cold gaze by many Members of this body, including some who have created objections to unanimous consent agreements just to stop us from even considering increasing our exploration for drilling the large amount of oil and gas that we have just offshore, even though we could put the rigs far out to sea where no one could see them.

It would seem to me as we are talking about oil savings, if we want to keep prices down in the United States and keep jobs here, we need to talk about oil and gas supply at the same time coming from the United States. I did not hear very much about that.

We also need to hear more about LNG. I am speaking now of natural gas, which is an essential part of this debate. Many in the Senate often talk about gasoline prices. The truth is, as the Senator from Washington accurately observed, there is a huge demand for oil. Prices are going to stay up for the foreseeable future, that is the truth about it in terms of gasoline, and we need to learn to reduce our use of the oil. The one thing we can do is lower the cost of natural gas, which is a big part of this bill. That affects millions of blue-collar workers, millions of farmers, and tens of millions of homeowners.

We have gone from having the lowest priced natural gas to the highest price natural gas, and this is outsourcing jobs, putting farmers out of business, and making home heating and cooling prices too high.

If we are going to reduce the price and conservation does not do it, the next best step is to import some from overseas. That goes directly in the face of what the Senator is talking about to reduce our supply of natural gas. If we do not import liquefied natural gas from overseas, we are going to be exporting jobs from America to overseas. So we can either import natural gas or export American jobs. We have to be realistic in the near term in what we have to do.

I would hope that we could drill offshore and drill in the United States and use the extensive amounts of natural gas we have and bring down the price that way. But if we are not going to do it that way we are going to have to bring it in from overseas at least for a while until we have an alternative form of energy.

When we talk about alternative forms of energy, we often go to the renewable fuels, and I will talk about those more in a moment. I am just as excited about those as anybody. We have in Memphis a Sharp plan, for example, that produces solar energy. They have exciting new technologies. In the Oakridge National Laboratory we have a whole division on renewable energy and renewable fuels. They have exciting new technologies in solar. That is only 2 percent of our energy and 2 percent of our fuels. We have to be realistic about where we are going from there.

Where are we going to get the energy we need that will create this adequate supply of American-produced clean energy? After conservation, after new supply, we have to come to nuclear power. I suggest if we want to talk about American independence, we talk about nuclear power, that we do what France is doing. They are 80 percent nuclear power. We should do what Japan is doing. They are adding a nuclear powerplant every year. We invented the technology. We have used it without incident for more than half a century in our Navy. We produce 20 percent of our electricity today from nuclear power and 70 percent of our carbon-free electricity comes from nuclear power.

So if we really want American-produced energy, we need to build advanced nuclear powerplants so that we can have them at a cost that makes us less reliant on oil and gas from overseas.

Waiting in the wings and right behind nuclear power is coal gasification and carbon sequestration. I see the Senator from North Dakota on the Senate floor. He has been a leader in that area for a long time. He talks about it a lot and talks about it clearly. That technology is not completely with us yet. We know how to do coal gasification; that is, turn coal into gas and then gas into electricity. That gets rid of mercury, nitrogen, and hydrogen by and large. It still leaves carbon in the air, but there is a technology called carbon sequestration. We are a few years away from that, but if we accelerate research on carbon sequestration that would be a good goal.

Then we can burn the coal we have in the United States, and we have a 400- or 500-year supply of it. We are the Saudi Arabia of coal. Conservation plus our own supply of natural gas, plus nuclear power, plus coal gasification and carbon sequestration would fuel this great big economy.

One might ask, what does that have to do with automobiles? Well, hopefully, by that time we will also have invested a lot of money in research and development—not just for nuclear power, not just for carbon sequestration, but also for hydrogen, which the Senator from North Dakota is a leading spokesman for, and for fusion. When we get to hydrogen and these hybrid cars that we see being driven around America today—a gasoline engine with an electric engine, that is called a hybrid—when that hybrid becomes an electric engine and a hydrogen engine, then we have to have some way to make that hydrogen. We are either going to import oil and gas from overseas as we are doing it now, we are going to supply it from our own reserves, we are going to conserve enough, we are going to make it from nuclear, or we are going to make it from coal gasification.

I am glad we are having a debate about American energy independence. Just as President Kennedy is remembered for having the right goal by saying, Let us put a man on the Moon, and not for picking an unrealistic goal in 1960 and saying, Let us put a man on Mars in 1970, let's be realistic. Our bill stretches our country, causes us to aim differently, and if adopted will transform the way we produce electricity and will increase our independence on foreign sources of gas and oil.

One last thought about renewable fuels, before I finish. We need to keep that in perspective. If we were a small country, we might be able to rely on renewable fuels or renewable energy, but we are not. We are a country that uses 25 percent of all the energy in the world. Stretch as we might, for the foreseeable future we are going to have to rely on conservation, on our own supplies of oil and gas, and, yes, on some oil and gas from around the world. Then we are going to have to invest in an incredibly aggressive way in advanced nuclear technology and advanced coal gasification and carbon sequestration technology if we are going to have a reliable, low-cost power of American-produced clean energy.

I hope the Senate will prefer the committee report which was adopted by 21 to 1, that includes a balanced approach to the right goal. I would say it is more in keeping with President Kennedy's "man on the Moon" goal. This is a "man or woman on Mars" goal, and maybe we will get there one day, but it is unrealistic today. It would be disruptive of jobs if you set a 78 mile per gallon CAFÉ standard for cars, a 185-percent increase; a 60 mile per gallon standard for trucks, light trucks, a 174-percent increase. I hope we will stick with the consensus that passed 21 to 1, and one day we might also reach this goal.

I yield the floor.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank the Senator from Tennessee for his comments and for his diligence in following energy policy both on the committee and on the floor. I know he cares greatly about this issue and has spent many hours on the details in various sections of this legislation. I appreciate his interest and unique focus on clean coal technology. He has great interest and knowledge about clean coal technology, and has articulated his views about that numerous times.

I know my colleague from North Dakota is here so I want to give him an opportunity to talk, but I want to respond. The 7 million barrels reduction is an achievable goal. If you believe in the underlying technology the Senator from Tennessee just discussed, which is the various ways we can get to that goal, he and I are in agreement. Where we seem to be in a disagreement is whether we want to set this goal. I believe the American people deserve to have a goal set that is achievable.

The underlying bill that says in 2015 we will be more dependent on foreign oil than we are today doesn't seem the goal we should be putting forth. While the committee passed that out of committee, we knew we were going to come out here and discuss a variety of issues. Now that we have the perspective of the entire bill with a lot of different technology solutions, I would say it is time for the Senate to be more bold about this.

I commend to my colleagues this report, "Securing America: Solving Our Oil Dependence Through Innovation." There are two different organizations, the NRDC and the IAGCS, that basically outline in their report how we can save close to 7 billion barrels of oil per day.

We have a submittal to the RECORD from the Committee on the Present Danger, on our oil security. It, too, talks about how we can achieve this goal and what some of the sources are.

I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A Committee on the Present Danger
Policy Paper: Oil and Security

(By George P. Shultz and R. James Woolsey)

SUMMARY

This paper could well be called, "It's the Batteries, Stupid." Four years ago, on the eve of 9/11, the need to reduce radically our reliance on oil was not clear to many and in any case the path of doing so seemed a long and difficult one. Today both assumptions are being undermined by the risks of the post-9/11 world and by technological progress in fuel efficiency and alternative fuels.

We spell out below the risks of petroleum dependency, particularly the vulnerability of the petroleum infrastructure in the Middle East to terrorist attack—a single well-designed attack could send oil to well over $100/barrel and devastate the world's economy. That reality, among other risks, and the fact that our current transportation infrastructure is locked in to oil, should be sufficient to convince any objective observer that oil dependence, today creates serious and pressing dangers for the US and other oil-importing nations.

We propose in this paper that the government vigorously encourage and support at least six technologies: two types of alternative fuels that are beginning to come into the market (cellulosic ethanol and biodiesel derived from a wide range of waste streams), two types of fuel efficient vehicles that are now being sold to the public in some volume (hybrid gasoline-electric and modern clean diesels), and one vehicle construction technique, the use of manufactured carbon-carbon composites, that is now being used for aircraft and racing cars and is quite promising as a way of reducing vehicle weight and fuel requirements while improving safety.

The sixth technology, battery improvement to permit "plug-in" hybrid vehicles, will require some development—although nothing like the years that will be required for hydrogen fuel cells. It holds, however, remarkable promise. Improving batteries to permit them, to be given an added charge when a hybrid is garaged, ordinarily at night, can substantially improve mileage, because it can permit hybrids to use battery power alone for the first 10–30 miles. Since a great many trips fall within this range this can improve the mileage of a hybrid vehicle from, say, 50 mpg to over 100 mpg (of oil products). Also, since the average residential electricity cost is 8.5 cents/kwh (and in many areas, off-peak nighttime cost is 2–4 cents/kwh) this means that much of a plug-in hybrid's travel would be on the equivalent of 50 cent/gallon gasoline (or, off-peak, on the equivalent of 12–25 cent/gallon gasoline).

A plug-in hybrid averaging 125 mpg, if its fuel tank contains 85 per cent cellulosic ethanol, would be obtaining about 500 mpg. If it were constructed from carbon composites the mileage could double, and, if it were a diesel and powered by biodiesel derived from waste, it would be using no oil products at all.

What are we waiting for?

There are at least seven major reasons why dependence on petroleum and its products for the lion's share of the world's transportation fuel creates special dangers in our time. These dangers are all driven by rigidities and potential vulnerabilities that have become serious problems because of the geopolitical realities of the early 21st century. Those who reason about these issues solely on the basis of abstract economic models that are designed to ignore such geopolitical realities will find much to disagree with in what follows. Although such models have utility in assessing the importance of more or less purely economic factors in the long run, as Lord Keynes famously remarked: "In the long run, we are all dead."

These dangers in turn give rise to two proposed directions for government policy in order to reduce our vulnerability rapidly. In both cases we believe that existing technology should be used, i.e. technology that is already in the market or can be so in the very near future and that is compatible with the existing transportation infrastructure. To this end government policies in the United States and other oil-importing countries should: (1) encourage a shift to substantially more fuel-efficient vehicles, including fostering battery development for plug-in hybrid vehicles; and (2) encourage biofuels and other alternative fuels that wherever possible can be derived from waste products.

PETROLEUM DEPENDENCE: THE DANGERS

This fact substantially increases the difficulty of responding to oil price increases or disruptions in supply by substituting other fuels.

There is a range of fuels that can be used to produce electricity and heat and that can be used for other industrial uses, but petroleum had its products dominate the fuel market for vehicular transportation. With the important exception, described below, of a plug-in version of the hybrid gasoline/electric vehicle, which will allow recharging hybrids from the electricity grid, substituting other fuels for petroleum in the vehicle fleet as a whole has generally required major, time-consuming, and expensive infrastructure changes. One exception has been some use of liquifed natural gas (LNG) and other fuels for fleets of buses or delivery vehicles, although not substantially for privately-owned ones, and the use of corn-derived ethanol mixed with gasoline in proportions up to 10 per cent ethanol ("gasohol") in some states. Neither has appreciably affected petroleum's dominance of the transportation fuel market.

Although there are imaginative proposals for transitioning to other fuels, such as hydrogen to power automotive fuel cells, this would require major infrastructure investment and restructuring. If privately-owned fuel cell vehicles were to be capable of being readily refueled, this would require reformers (equipment capable of reforming, say, natural gas into hydrogen) to be located at filling stations, and for natural gas to be available there as a hydrogen feed-stock. So, not only would fuel cell development and technology for storing hydrogen on vehicles need to be further developed, but the automobile industry's development and production of fuel cells also would need to be coordinated with the energy industry's deployment of reformers and the fuel for them.

Moving toward automotive fuel cells thus requires us to face a huge question of pace and coordination of large-scale changes by both the automotive and energy industries. This poses a sort of industrial Alphonse and Gaston dilemma: who goes through the door first? (If, instead, it were decided that existing fuels such as gasoline were to be reformed into hydrogen on board vehicles instead of at filling stations, this would require on-board reformers to be developed and added to the fuel cell vehicles themselves—a very substantial undertaking.)

It is because of such complications at the National Commission on Energy Policy concluded in its December, 2004, report "Ending The Energy Stalemate" ("ETES") that "hydrogen offers little to no potential to improve oil security and reduce climate change risks in the next twenty years." (p. 72)

To have an impact on our vulnerabilities within the next decade or two, any competitor of oil-derived fuels will need to be compatible with the existing energy infrastructure and require only modest additions or amendments to it.

2. The Greater Middle East will continue to be the low-cost and dominant petroleum producer for the foreseeable future.

Home of around two-thirds of the world's proven reserves of conventional oil—45% of it in just Saudi Arabia, Iraq, and Iran—the Greater Middle East will inevitably have to meet a growing percentage of world oil demand. This demand is expected to increase by more than 50 per cent in the next two decades, from 78 million barrels per day ("MBD") in 2002 to 118 MBD in 2025, according to the federal Energy Information Administration. Much of this will come from expected demand growth in China and India. One need not argue that world oil production has peaked to see that this puts substantial strain on the global oil system. It will mean higher prices and potential supply disruptions and will put considerable leverage in the hands of governments in the Greater Middle East as well as in those of other oil-exporting states which have not been marked recently by stability and certainty: Russia, Venezuela, and Nigeria, for example (ETES pp. 1–2). Deep-water drilling and other opportunities for increases in supply of conventional oil may provide important increases in supply but are unlikely to change this basic picture.

Even if other production comes on line, e.g. from unconventional sources such as tar sands in Alberta or shale in the American West, their relatively high cost of production could permit low-cost producers, particularly Saudi Arabia, to increase production, drop prices for a time, and undermine the economic viability of the higher-cost competitors, as occurred in the mid-1980's. For the foreseeable future, as long as vehicular transportation is dominated by oil as it is today, the Greater Middle East, and especially Saudi Arabia, will remain in the driver's seat.

3. The petroleum infrastructure is highly vulnerable to terrorist and other attacks.

The radical Islamist movement, including but not exclusively al Qaeda, has on a number of occasions explicitly called for worldwide attacks on the petroleum infrastructre and has carried some out in the Greater Middle East. A more well-planned attack than what has occurred to date—such as that set out in the opening pages of Robert Baer's recent book, Sleeping With the Devil, (terrorists flying an aircraft into the unique sulfur-cleaning towers in northeastern Saudi Arabia)—could take some six million barrels per day off the market for a year or more, sending petroleum prices sharply upward to well over $100/barrel and severely damaging much of the world's economy. Domestic infrastructure in the West is not immune from such disruption. U.S. refineries, for example, are concentrated in a few places, principally the Gulf Coast. The recent accident in the Texas City refinery—producing multiple fatalities—points out potential infrastuture vulnerabilities. The Trans-Alaska Pipeline has been subject to several amateurish attacks that have taken it briefly out of commission; a seriously planned attack on it could be far more devastating.

In view of these overall infrastructure vulnerabilities we do not suggest that policy should focus exclusively on petroleum imports, although such infrastructure vulnerabilities are likely to be the most severe in the Greater Middle East. It is there that terrorists have the easiest access and the largest proportion of proven oil reserves, and low-cost production are also located there. Nor do we hold the view that by changing trade patterns anything particularly is accomplished. To a first approximation there is one worldwide oil market and it is not generally useful for the U.S., for example, to import less from the Greater Middle East and for others then to import more from there. In effect, all of us oil-importing countries are in this together.

4. The possibility exists particularly under regimes that could come to power in the Greater Middle East, of embargoes or other disruptions of supply.

It is often said that whoever governs the oil-rich nations of the Greater Middle East will need to sell their oil. This is not true, however, if the rulers choose to try to live, for most purposes, in the Seventh century. Bin Laden has advocated, for example, major reductions in oil production.

In 1979 there was a serious attempted coup in Saudi Arabia. Much of what the outside world saw was the seizure by Islamist fanatics of the Great Mosque in Mecca, but the effort was more widespread. Even if one is optimistic that democracy and the rule of law will spread in the Greater Middle East and that this will lead after a time to more peaceful and stable societies there, it is undeniable that there is substantial risk that for some time the region will be characterized by chaotic change and unpredictable governmental behavior. Reform, particularly if it is hesitant, has in a number of cases been trumped by radical takeovers (Jacobins, Bolsheviks). There is no reason to believe that the Greater Middle East is immune from these sorts of historic risks.

5. Wealth transfers from oil have been used, and continue to be used, to fund terrorism and its ideological support.

Estimates of the amount spent by the Saudis in the last 30 years spreading Wahhabi beliefs throughout the world vary from $70 billion to $100 billion. Furthermore, some oil-rich families of the Greater Middle East fund terrorist groups directly. The spread of Wahhabi doctrine—fanatically hostile to Shi'ite and Suffi Muslims, Jews, Christians, women, modernity, and much else—plays a major role with respect to Islamist terrorist groups: a role similar to that played by angry German nationalism with respect to Nazism in the decades after World War I. Not all angry German nationalists became Nazis and not all those schooled in Wahhabi beliefs become terrorists, but in each case the broader doctrine of hatred has provided the soil in which the particular totalitarian movement has grown. Whether in lectures in the madrassas of Pakistan, in textbooks printed by Wahhabis for Indonesian schoolchildren, or on bookshelves of mosques in the U.S., the hatred spread by Wahhabis and funded by oil is evident and influential.

It is sometimes contended that we should not seek substitutes for oil because disruption of the flow of funds to the Greater Middle East could further radicalize the population of some states there. The solution, however, surely lies in helping these states diversify their economies over time, not in perpetually acquiescing to the economic rent they collect from oil exports and to the uses to which these revenues are put.

6. The Current Account deficits for a number of countries create risks ranging from major world economic disruption to deepening poverty, and could be substantially reduced by reducing oil imports.

The U.S., in essence, borrows about $13 billion per week, principally now from major Asian states, to finance its consumption. The single largest category of imports is the $2–3 billion per week borrowed to import oil. The accumulating debt increases the risk of a flight from the dollar or major increases in interest rates. Any such development could have major negative economic consequences for both the U.S. and its trading partners.

For developing nations, the service of debt is a major factor in their continued poverty. For many, debt is heavily driven by the need to import oil that at today's oil prices cannot be paid for by sales of agricultural products, textiles, and other typical developing nation exports.

If such deficits are to be reduced, however, say by domestic production of substitutes for petroleum, this should be based on recognition of real economic value such as waste cleanup, soil replenishment, or other tangible benefits.

7. Global warming gas emissions from manmade sources create at least the risk of climate change.

Although the point is not universally accepted, the weight of scientific opinion suggests that global warming gases (GWG) produced by human activity form one important component of potential climate change. Oil products used in transportation provide a major share of U.S. manmade global warming gas emissions.

THREE PROPOSED DIRECTIONS FOR POLICY

The above considerations suggest that government policies with respect to the vehicular transportation market should point in the following directions:

1. Encourage improved vehicle mileage, using technology now in production.

Three currently available technologies stand out to improve vehicle mileage.

Diesels

First, modern diesel vehicles are coming to be capable of meeting rigorous emission standards (such as Tier 2 standards being introduced into the U.S., 2004–08). In this context it is possible without compromising environmental standards to take advantage of diesels' substantial mileage advantage over gasoline-fueled internal combustion engines.

Substantial penetration of diesels into the private vehicle market in Europe is one major reason why the average fleet mileage of such new vehicles is 42 miles per gallon in Europe and only 24 mpg in the U.S. Although the U.S. has, since 1981, increased vehicle weight by 24 percent and horsepower by 93 percent, it has essentially improved mileage not at all in that near-quarter century (even though in the 12 years from 1975 to 1987 the U.S. improved the mileage of new vehicles from 15 to 26 mpg).

Hybrid Gasoline-Electric

Second, hybrid gasoline-electric vehicles now on the market show substantial fuel savings over their conventional counterparts. The National Commission on Energy Policy found that for the four hybrids on the market in December 2004 that had exact counterpart models with conventional gasoline engines, not only were mileage advantages quite significant (10–15 mpg) for the hybrids, but in each case the horsepower of the hybrid was higher than the horsepower of the conventional vehicle. (ETES p. 11) If automobile companies wish to market hybrids by emphasizing hotter performance rather than fuel conservation they can do so, consistent with the facts.

Light-Weight Carbon Composite Construction

Third, constructing vehicles with inexpensive versions of the carbon fiber composites that have been used for years for aircraft construction can substantially reduce vehicle weight and increase fuel efficiency while at the same time making the vehicle considerably safer than with current construction materials. This is set forth thoroughly in the 2004 report of the Rocky Mountain Institute's Winning the Oil Endgame ("WTOE"). Aerodynamic design can have major importance as well. This breaks the traditional tie between size and safety. Much lighter vehicles, large or small, can be substantially more fuel-efficient and also safer. Such composite use has already been used for automotive construction in Formula 1 race cars and is now being adopted by BMW and other automobile companies. The goal is mass-produced vehicles with 80% of the performance of hand-layup aerospace composites at 20% of the cost. Such construction is expected to approximately double the efficiency of a normal hybrid vehicle without materially affecting manufacturing cost. (WTOE 64–66).

2. Encourage the commercialization of alternative transportation fuels that can be available soon, are compatible with existing infrastructure, and can be derived from waste or otherwise produced cheaply.

Biomass Ethanol

The use of ethanol produced from corn in the U.S. and sugar cane in Brazil has given birth to the commercialization of an alternative fuel that is coming to show substantial promise, particularly as new feedstocks are developed. Some six million vehicles in the U.S. and all vehicles in Brazil other than those that use solely ethanol are capable of using ethanol in mixtures of up to 85 percent ethanol and 15 percent gasoline (E–85); these are called Flexible Fuel Vehicles ("FFV") and require, compared to conventional vehicles, only a somewhat different kind of material for the fuel line and a differently programmed computer chip. The cost of incorporating this feature in new vehicles is trivial. Also, there are no large-scale changes in infrastructure required for ethanol use. It may be shipped in tank cars, and mixing it with gasoline is a simple matter.

Although human beings have been producing ethanol, grain alcohol, from sugar and starch for millennia, it is only in recent years that the genetic engineering of biocatalysts has made possible such production from the hemicellulose and cellulose that constitute the substantial majority of the material in most plants. The genetically engineered material is in the biocatalyst only; there is no need for genetically modified plants. Typically the organism that is engineered to digest the C5 sugars freed by the hydrolization of the hemicellulose also produces the enzymes that hydrolyze the cellulose.

These developments may be compared in importance to the invention of thermal and catalytic cracking of petroleum in the first decades of the 20th century—processes which made it possible to use a very large share of petroleum to make gasoline rather than the tiny share that was available at the beginning of the century. For example, with such genetically-engineered biocatalysts, it is not only grains of corn but corn cobs and most of the rest of the corn plant that may be used to make ethanol.

Such biomass, or cellulosic, ethanol is now likely to see commercial production begin first in a facility of the Canadian company, Iogen, with backing from Shell Oil, at a cost of around $1.30/gallon. The National Renewable Energy Laboratory estimates costs will drop to around $1.07/gallon over the next five years, and the Energy Commission estimates a drop in costs to 67–77 cents/gallon when the process is fully mature (ETES p. 75). The most common feedstocks will likely be agricultural wastes, such as rice straw, or natural grasses such as switchgrass, a variety of prairie grass that is often planted on soil bank land to replenish the soil's fertility. There will be decided financial advantages in using as feedstocks any wastes which carry a tipping fee (a negative cost) to finance disposal: e.g. waste paper, or rice straw, which cannot be left in the fields after harvest because of its silicon content.

Old or misstated data are sometimes cited for the proposition that huge amounts of land would have to be introduced into cultivation or taken away from food production in order to have such biomass available for cellulosic ethanol production. This is incorrect. The National Commission on Energy Policy reported in December that, if fleet mileage in the U.S. rises to 40 mpg—somewhat below the current European Union fleet average for new vehicles of 42 mpg and well below the current Japanese average of 47 mpg—then as switchgrass yields improve modestly to around 10 tons/acre it would take only 30 million acres of land to produce sufficient cellulosic ethanol to fuel half the U.S. passenger fleet. (ETES pp. 76–77). By way of calibration, this would essentially eliminate the need for oil import for passenger vehicle fuel and would require only the amount of land now in the soil bank (the Conservation Reserve Program ("CRP") on which such soil-restoring crops as switchgrass are already being grown. Practically speaking, one would probably use for ethanol production only a little over half of the soil bank lands and add to this some portion of the plants now grown as animal feed crops (for example, on the 70 million acres that now grow soybeans for animal feed). In short, the U.S. and many other countries should easily find sufficient land available for enough energy crop cultivation to make a substantial dent in oil use. (Id.)

There is also a common and erroneous impression that ethanol generally requires as much energy to produce as one obtains from using it and that its use does not substantially reduce global warming gas emissions. The production and use of ethanol merely recycles in a different way the CO_2 that has been fixed by plants in the photosynthesis process. It does not release carbon that would otherwise stay stored underground, as occurs with fossil fuel use, but when starch, such as corn, is used for ethanol production much energy, including fossil-fuel energy, is consumed in the process of fertilizing, plowing, and harvesting. Even starch-based ethanol, however, does reduce greenhouse gas emissions by around 30 percent. Because so little energy is required to cultivate crops such as switchgrass for cellulosic ethanol production, and because electricity can be co-produced using the residues of such cellulosic fuel production, reductions in greenhouse gas emissions for cellulosic ethanol when compared to gasoline are greater than 100 percent. The production and use of cellulosic ethanol is, in other words, a carbon sink. (ETES p. 73)

Biodiesel

The National Commission on Energy Policy pointed out some of the problems with most current biodiesel "produced from rapeseed, soybean, and other vegetable oils—as well as . . . used cooking oils." It said that these are "unlikely to become economic on a large scale" and that they could "cause problems when used in blends higher than 20 percent in older diesel engines". It added that "waste oil is likely to contain impurities that give rise of undesirable emissions." (ETES p. 75)

The Commission notes, however, that biodiesel is generally "compatible with existing distribution infrastructure" and outlines the potential of a newer process ("thermal depolymerization") that produces biodiesel without the above disadvantages from "animal offal, agricultural residues, municipal solid waste, sewage, and old tires". It points to the current use of this process at a Conagra turkey processing facility in Carthage, Missouri, where a "20 million commercial-scale facility" is beginning to convert turkey offal into "a variety of useful products, from fertilizer to low-sulfur diesel fuel" at a potential average cost of "about 72 cents per gallon." (ETES p. 77)

Other Alternative Fuels

Progress has been made in recent years on utilizing not only coal but slag from strip mines, via gasification, for conversion into diesel fuel using a modern version of the gasified-coal-to-diesel process used in Germany during World War II.

Qatar has begun a large-scale process of converting natural gas to diesel fuel.

Outside the realm of conventional oil, the tar sands of Alberta and the oil shale of the Western U.S. exist in huge deposits, the exploitation of which is currently costly and accompanied by major environmental difficulties, but both definitely hold promise for a substantial increases in oil supply.

Plug-In Hybrids and Battery Improvements

A modification to hybrids could permit them to become "plug-in-hybrids," drawing power from the electricity grid at night and using all electricity for short trips. The "vast majority of the most fuel-hungry trips are under six miles" and "well within the range" of current (nickel-metal hydride) batteries' capacity, according to Huber and Mills (The Bottomless Well, 2005, p. 84). Other experts, however, emphasize that whether with existing battery types (2–5 kwh capacity) or with the emerging (and more capable) lithium batteries, it is important that any battery used in a plug-in hybrid be capable of taking daily charging without being damaged and be capable of powering the vehicle at an adequate speed. By most assessments some battery development will be necessary in order for this to be the case. Such development should have the highest research and development priority because it promises to revolutionize transportation economics and to have a dramatic effect on the problems caused by oil dependence.

With a plug-in hybrid vehicle one has the advantage of an electric car, but not the disadvantage. Electric cars cannot be recharged if their batteries run down at some spot away from electric power. But since hybrids have tanks containing liquid fuel (gasoline and/or ethanol, diesel and/or biodiesel) plug-in hybrids have no such disadvantage. Moreover the attractiveness to the consumer of being able to use electricity from overnight charging for a substantial share of the day's driving is stunning. The average residential price of electricity in the U.S. is about 8.5 cents/kwh, one-quarter the cost of $2/gallon gasoline. So powering one's vehicle with electricity purchased at such rates is roughly the equivalent of being able to buy gasoline at 50 cents/gallon instead of the more than $2/gallon that it presently costs in the U.S. Moreover, many utilities sell off-peak power for 2–4 cents/kwh—the equivalent of 12-to-25 cents/gallon gasoline. (Id. p. 83) Given the burdensome cost imposed by current fuel prices on commuters and others who need to drive substantial distances, the possibility of powering one's family vehicle with fuel that can cost as little as one-twentieth of today's gasoline (in the U.S. market) should solve rapidly the question whether there would be public interest in and acceptability of plug-in hybrids.

Although the use of off-peak power for plug-in hybrids should not initially require substantial new investments in electricity generation, greater reliance on electricity for transportation should lead us to look particularly to the security of the electricity grid. In the U.S. the 2002 report of the National Academies of Science, Engineering, and Medicine ("Making the Nation Safer") emphasized particularly the need to improve the security of transformers and of the Supervisory Control and Data Acquisition (SCADA) systems in the face of terrorist threats. The National Commission on Energy Policy has seconded those concerns. With or without the advent of plug-in hybrids, these electricity grid vulnerabilities require urgent attention.

CONCLUSION

The dangers from oil dependence in today's world require us both to look to ways to reduce demand for oil and to increase supply of transportation fuel by methods beyond the increase of oil production.

The realistic opportunities for reducing demand soon suggest that government policies should encourage hybrid gasoline-electric vehicles, particularly the battery developments needed to bring plug-in versions thereof to the market, and modern diesel technology. The realistic opportunities for increasing supply of transportation fuel soon suggest that government policies should encourage the commercialization of alternative fuels that can be used in the existing infrastructure: cellulosic ethanol and biodiesel. Both of these fuels could be introduced more quickly and efficiently if they achieve cost advantages from the utilization of waste products as feedstocks.

The effects of these policies are multiplicative. All should be pursued since it is impossible to predict which will be fully successful or at what pace, even though all are today either beginning commercial production or are nearly to that point. The battery development for plug-in hybrids is of substantial importance and should for the time being replace the current r&d emphasis on automotive hydrogen fuel cells.

If even one of these technologies is moved promptly into the market, the reduction in oil dependence could be substantial. If several begin to be successfully introduced into large-scale use, the reduction could be stunning. For example, a 50-mpg hybrid gasoline/electric vehicle, on the road today, if constructed from carbon composites would achieve around 100 mpg. If it were to operate on 85 percent cellulosic ethanol or a similar proportion of biodiesel fuel, it would be achieving hundreds of miles per gallon of petroleum-derived fuel. If it were a plug-in version operating on upgraded lithium batteries so that 20–30 mile trips could be undertaken on its overnight charge before it began

> utilizing liquid fuel at all, it could be obtaining in the range of 1000 mpg (of petroleum).
>
> A range of important objectives—economic, geopolitical, environmental—would be served by our embarking on such a path. Of greatest importance, we would be substantially more secure.

Ms. CANTWELL. There are lots of third parties saying we can achieve this goal. I want to bet on the American ingenuity that is outlined in this bill, and other American ingenuity, that we can achieve what it takes to get there. So I am not afraid of setting this goal. I am glad third parties are validating that we can achieve it.

My colleague wants to say this is about putting a man on Mars or something of that nature. I can tell you, the American people are right here on planet Earth and paying $2.36 or close to it for gasoline in Seattle, and that is too high. What Americans want is relief. What they know they will not get is relief from language that says we are going to be more dependent in 2015 than we are today. They want us to set a goal to get off that overdependence because, frankly, there is not true competition on oil prices. That is to say when Americans have no alternative fuel at the pump and they have to pay that price, there is no true competition. So Americans want to get off that overdependence. That is what the amendment says and that is what we want to achieve by 2025, 20 years from now.

With all the myriad technology in the legislation and all the technology we can create between now and then, let's reverse the trend and be less dependent on foreign oil in 2025 than we are today. That seems to be a national goal on which everyone in this body ought to be able to agree. We should not be afraid of the underlying bill and the great work that has been done by my colleagues. I cannot say who the ultimate winners and losers will be. My colleague has spoken about new nuclear technology, he has talked about natural gas—there will be many ways. But I know if we set this goal and tell the American people they are not going to be strangled by high energy costs moving forward maybe up to $100 a barrel, then we will actually achieve that goal. But our underlying language right now does not get us there. So I hope we will embrace the bipartisan effort that the Senate committee had and work together on this to set a goal we will be proud of, in the sense of reversing the trend so we are not in 2015 being more dependent on foreign oil, but in 2025 being less dependent on foreign oil.

I yield the floor to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Let me thank my colleague from the State of Washington. I think she has offered an amendment that is worthy of the kind of significant debate we should be having about energy. I recognize that tomorrow's newspapers will not likely include this discussion on the front page. I was watching the television programs last Sunday, including one with perhaps one of the most esteemed columnists in this country, one of the best, in my judgment, David Broder. They were talking about the majority party and Democrats and the political differences. David Broder observed that the Democrats need to come forward with a positive agenda—with an agenda. What is their agenda?

The fact is, people don't cover positive news. You can be on the floor all day with an agenda and they will not cover it. This will not be on the front page of the paper tomorrow.

On the front page today is Michael Jackson. His attorney says he has agreed to end the behavior that got him into such trouble.

A new "Batman" movie, I noticed on the front page.

The Lakers have hired a new coach. That is on the front page of the newspaper.

I don't think this debate will make the front page and that is regrettable, because this is a big issue. This is an important issue. The question is, are we going to set goals as a country and aspire to achieve those goals? There is an old saying that if you do not care where you are going, you are never going to be lost. Where are we going with respect to energy? We know that 60 percent of our oil comes from off our shores—60 percent from off our shores.

I asked the Energy Department officials one day when they came before the Energy Committee: We talk a lot about 50 years from now, like what will be the consequences of the Social Security financing system 50 years and 75 years from now. Then I asked these officials to tell me what their plan is 50 years from now with respect to energy usage and energy supply. You would have thought I hit him with a baseball bat. They did not have the foggiest idea. They don't have a 50-year plan for energy. We know that 60 percent of our oil now comes from off our shores, much of it from troubled parts of the world. Yet here we are, blissfully moving along, buying one big vehicle after another.

In fact, pull up to the next stoplight and pull beside a humvee; that is about 6,500 pounds—I will get a letter from the humvee folks, I suppose—6,000 pounds or so. I am sure it gets single-digit gas mileage. I never took Latin, but I think of the Latin term "totus porcus" whenever I pull up next to a humvee. Someone told me it means whole hog. Here we are, blissfully moving along, driving our humvees, driving our SUVs, understanding that the question of whether we continue to have an oil and gas supply in this country is not up to us, it is up to the generosity of others, their willingness to pump it, their willingness to sell it, and the question of, at what price do they sell it to this country.

I want to tell a story. Late one evening, I was in the old Air Force One, the old 707 used by President George Bush, the first. That plane was retired and is now in a museum. But that old Air Force One is the airplane that carried John F. Kennedy's body from Dallas, TX, to Andrews Air Force Base the night that he was shot. It is a great old airplane. One of the last trips made in that old Air Force One was to Asia. I was on that trip. Senator John Glenn was on the trip and about two or three other Senators. We were going to China and Vietnam and a couple of other places to talk to foreign leaders.

Late that night, in the dark, in the front cabin which the President would have used when it was Air Force One, we began talking as we were sitting around, as colleagues do. I asked John Glenn about his space flight because I was a young boy listening to the radio with rapt attention when I heard that John Glenn circled the Earth. I asked him questions about it. What was it like going up in that space capsule and being the first American to orbit the Earth? He leaned forward, and for the first time he began talking about that flight to us.

One of the things he told us I never have forgotten. As he crossed from the light side of the Earth to the dark side of the Earth—some of you might remember that all of the citizens of Perth, Australia, decided to turn on all of their lights so that when this human being in some small little capsule called *Friendship 7* orbited over the dark side, Perth, Australia, wanted to shine all their lights up so that John Glenn could see them. And John Glenn told us that night, sitting in that old Air Force One cabin, flying across the Pacific, he told us that he looked down on the dark side, and the only thing he could see on that path around were the lights of Perth, Australia.

Think of that. This big old planet of ours, with 6 billion people, that spins around the Sun, we have a human being for the first time orbit the Earth. He looked down on the dark side and saw the product of the light switches turned on by all those citizens in that community in Australia. The only evidence on the dark side of the Earth that John Glenn could see as he orbited the Earth was the product of energy—light.

We take energy for granted every single morning. We wake up, we flip the switch on, and it is energy at our fingertips. We put our key in the ignition, we turn the ignition on, and it is energy at our fingertips. We turn on the air conditioner or the heater, it is energy at our fingertips. We take it for granted. The story John Glenn told describes that the human condition in this country depends a lot on the availability of energy.

What has the Senator from Washington said today? She said: Let's have a big idea. I am pleased to support this amendment and to come over and speak about this amendment because this is a big idea. It says: Let's set a goal. Let's set a target, a timetable. I know there will be some, and there are some, who say it shouldn't be done, won't be done, can't be done, can't be done, can't be done. I understand these comments. That is always the case.

In my little old hometown, we had a guy named Grampy. His reaction to everything was, it can't be done. He always supported it after it was done, but he always said, it can't be done. While he was saying it can't be done, the other folks in my little hometown were doing it, out making it happen.

This country has a responsibility at this intersection, at this time, at this moment, to decide on a different energy future. We cannot hold this country hostage by being dependent on 60 percent of our oil from troubled parts of the world.

I talk a lot about trade. In part, this is a trade issue. We use nearly 21 million barrels of oil a day. The Saudis suck that oil out of the sands. They are blessed with a lot of oil under their sands. Then the oil comes over here, and we say, well, go ahead and fill her up over here and we will just give you a credit card. By the way, our folks will pay for it later. That is exactly what happens because that is how we get a $640 billion trade deficit—which, by the way, next year we are on the path—for the first 4 months of this year—we are on the path to exceed $750 billion in trade deficit next year. This is just one construct of that transaction, saying: Suck the oil out of the sand, send it over here, and we will pay later. It is like going to the gas station saying: Fill it up, here is a plastic card. We will not pay now, we will pay later.

This cannot continue. What if, God forbid, we woke up and discovered our oil supplies from Iraq, from Saudi Arabia, from Kuwait, from Venezuela, from any other country around the world, were gone. If that happened, I guarantee this economy will be belly up immediately. We cannot exist as a world class economy, we cannot exist, without this supply of energy.

What about this energy? We are hopelessly addicted to oil. When you have an addiction, the best way to deal with an addiction is to have an intervention. My colleague from Washington is saying let's have an intervention. Let's decide the future has to be different from the past. She says let's propose a big idea. I support that, as do many of my colleagues. Let's really have a big idea. Let's decide to reduce our dependence on foreign oil in the next 20 years by 40 percent.

Some say it can't be done. Well, we decided to go to the Moon. We did it in 10 years. We cannot do this in 20? Don't underestimate the American people. Of course, we can do this in 20 years.

I will go through a list of technologies, and my colleague from Tennessee listed some, but there are a lot of hopeful things on the horizon. Those things alone will not solve this issue. We have to be more aggressive, much more aggressive, by setting timetables.

Those who are pilots, they understand what I mean when I say you set waypoints when you are in the airplane. You get in the cockpit and decide where you are going to fly and you set waypoints and fly to a waypoint. We need to set targets, waypoints. Where do we want to be? How do you measure where you are if you do not have a discussion about where you want to be?

That is what this amendment is about. It is not about 80-mile-per-gallon CAFE standards or 50-mile-per-gallon CAFE standards. It is not about that at all. It is about whether this country collectively will decide that when it is dependent on something, dangerously dependent on something that it must shed its dependency on, whether we will make the decision to stop that dependency. Will it make a bold decision to stop the direction we are heading, turn it around, and back off?

I don't know the answer to that. We will find out at some point. If anyone happens to be listening with respect to reporting on positive agendas, I would say here is an example of a positive agenda, a positive idea, a big idea. Big and bold. Risky? I don't know. I know the riskiest proposition for this country. By far, the riskiest proposition for this country is to keep doing what we are doing and be dependent and held hostage to 60 percent of our oil coming from outside of our country.

Those who have studied economics, and I have studied and taught economics—probably not very well—but you will recognize the doctrine of comparative advantage. It was a simple doctrine. The doctrine of comparative advantage is, and the example traditionally used is, it is easier to produce wool through sheep in England and to grow grapes and wine in Portugal. It makes more sense, is more efficient to do both in England and Portugal, and then the English can ship their wool to Portugal, and Portugal can ship their wine to England, and they have traded. They have each produced what is to their advantage. The English raise sheep, get the wool; the Portuguese raise grapes, make the wine; and you simply trade wool for wine. It is a very simple construct, the doctrine of comparative advantage.

That is not what this issue is about. The issue of energy has nothing to do with the doctrine of comparative advantage. The advantage here is not comparative. The advantage here is that in the Middle East you have a massive amount of oil under the sands. It is pulled up less expensively there than any place else in the world. A few people sit on massive reserves of oil. And we have become addicted to its supply. As a result of that, instead of getting ourselves out of a hole, we are still busy with shovels continuing to dig.

We need to find a way and develop a goal that says at a certain point this country's future is no longer dependent on someone else providing for us the oil we need. We need to do that. Is it hard? Sure, it is hard, absolutely. This is not an easy thing to do. But do we have a choice? I do not think so. I do not believe we have a choice.

My colleague described a number of technologies that are being discussed these days. Let me describe a few of them.

Wind. Does anybody here understand how much more efficient the new wind turbines are? The new turbines are much more efficient. We are in a situation where we have the capability of taking energy from the wind. You take energy from the wind, a renewable resource, use it to produce electricity, use the electricity in a process called electrolysis, and separate hydrogen from water, and have an inexhaustible supply of hydrogen coming from water. Where does that come from? It comes from renewable energy, an inexhaustible supply of energy.

We just finished the ethanol title on this piece of legislation today. What a wonderful thing that is, to grow energy in your farm fields. Take a kernel of corn, and from that kernel of corn comes a drop of alcohol and, in addition to the drop of alcohol, you still have the protein feedstock left to give to the cows. It makes a lot of sense, doesn't it?

I know some oil companies do not like it. When I learned they did not like it, I figured this has to make a lot of sense for our country. So we passed an ethanol title. The renewable part of this legislation dealing with wind energy and biodiesel and a range of other strategies makes great sense.

I particularly have been interested in helping write the title that deals with hydrogen and fuel cells. Some say: Well, we are not ready for that. You are right, at this point we do not have all the solutions of production, storage, transportation, and infrastructure. I understand that. But we can, and we will, and other countries, particularly in Europe, are moving rapidly in this direction. And even as an interim step we are seeing these hybrid cars. But we are going to move rapidly toward a different construct: hydrogen fuel cells—twice the efficiency of power to the wheel and water vapor out the tailpipe.

What a wonderful thing. Hydrogen is ubiquitous. It is everywhere. There are many strategies to employ to take hydrogen from water, using renewable resources, to extend our country's energy supply in a dramatic way and move us toward less dependence and greater independence.

The one thing that characterizes this country is how famously wrong people have been in trying to prognosticate the future. There is a whole list of these famous projections. Thomas Watson, in 1943, who was the chairman of IBM, said he thought maybe there was a world market for up to five computers. He was the head of IBM in 1943: I think maybe there is a world market for five computers. Sarnoff once said, with respect to the proposal to develop the radio: Well, who on Earth would pay for a message sent to no one in particular?

I guess they missed the mark. I could go through a long list. We are famous for not understanding what promise the future holds. This is not going to the Moon. That is not what this is. But this country does best when setting goals, such as when John F. Kennedy said, in response to Sputnik and in response to the race with the Soviets: We are going to go to the Moon by the end of the decade.

I have talked to folks at NASA who were around back then, the old codgers, the old-timers. They scratched their heads: How on Earth are we going to get to the Moon? We don't have the technology to get to the Moon.

Did you know the lunar lander that landed on the Moon with Armstrong and Aldrin had less computer power than a current new car has? Let me say that again. The lunar lander, on which Buzz Aldrin and Neil Armstrong settled on the surface of the Moon, had less computer power than a new car that you purchase today at the dealership anyplace around this country.

That is remarkable. But those scientists, those engineers, that American ingenuity, that know-how, that spirit said: We are going to do this. We are going to put someone on the Moon in a decade. And guess what. By the end of the decade, there they were. "One small step," you will recall, when Neil Armstrong planted his foot on the Moon.

This country needs to establish goals. This country needs to have aspirations. All of us need to be a part of something that is bigger than ourselves. We debate so many issues on the floor of the Senate that have so little importance. This issue will determine whether our kids and our grandkids and their kids have jobs and opportunities and live in a country that has an economy that expands, that improves the standard and scale of living in the United States. That is what this amendment is about.

Read the history books. Just because we are here on this designated spot in America, we think we have some blessing, some right to believe that America will always grow, always expand, always lead the world. Not so. It will be the case only if we make good decisions, only if we make the right decisions.

This country has a wonderful economy. You can circle the globe in any kind of plane you want and you can look down on any spot in the world, and you will not find the equivalent of the United States of America—nowhere. But we are headed toward some whitewater rapids here in a range of areas. We are spending money we do not have. We have the highest budget deficits in history. We have a trade deficit that is going to choke this country unless we get it under control. And, I think most importantly, we have an economy that is running on foreign oil.

Sixty percent of that which we use comes from elsewhere. An economy that is hostage to decisions made by OPEC, hostage to decisions that might be made by terrorists, hostage to 60 percent—and going, we estimate by the Department of Energy, to 69 percent in a relatively short period of time—of its oil coming from off its shores, is a country, in my judgment, that is not in control of its own destiny.

It falls to us to make the decisions to put this country on track. It falls to us to chart the future with respect to this country's energy. We have an energy bill on the floor. I have complimented Senator DOMENICI and Senator BINGAMAN. I am pleased this bill was brought to the floor in a bipartisan way. I voted for it out of the committee. I had a hand in a good many of the titles that were written for this bill. I could not be more pleased than to be here saying this is a step that is a positive step in the right direction: a bipartisan energy bill.

My hope is the amendment that has been offered by Senator CANTWELL will be embraced on a bipartisan basis as well because there is not a Republican or a Democratic way for this country to go off course. There is not a Republican or Democratic way for this country to need energy and not have it and, therefore, shrink its economy and shrink opportunity for the future.

We need to do this together. Together we need to describe a big, new, bold idea that charts a new course for this country, a new energy course that gives us some feeling that we are moving toward independence.

There is all this discussion these days about freedom. I am not talking about "freedom fries" now. I am talking about freedom and independence. All of that was undergirding the State of the Union Address given to us by President George Bush.

Well, in my judgment, the issue of independence related to the word "freedom" these days applies to a lot of things. And it must—it must—apply to the circumstances that this country finds itself in with respect to its dangerous, its hopeless addiction to oil coming from off our shores. As I have said previously, we simply cannot hope that in the months and years ahead the Saudis, the Kuwaitis, the Iraqis, the Venezuelans, and others, will decide there is enough oil to share with us.

My colleague from New Mexico, the other day on television, I think, actually said—I did not hear him exactly—but there may not be a completely inexhaustible supply of oil in this world. We act as though it is inexhaustible. Every day we wake up in this country and use over 20 million barrels of oil.

We pretend it is inexhaustible. Maybe it is not. If it is not, what then: That is why I believe we ought to set some goals. This has nothing to do with politics. The Senator from New Mexico just came on the floor. He missed the credit I have given him and Senator BINGAMAN. I like what we have done. I am going to vote for another energy independence amendment called the renewable portfolio standard, requiring 10 percent of our electricity be made with renewables. We didn't have that in committee because we decided to do it on the floor. Some utility companies don't want it. I understand that. There is lots of room for debate. Maybe my view isn't the right view. I don't know.

I know my view is one I hold passionately. I believe strongly that we need to do what is in this bill because it moves this country forward and advances our energy interests. I also believe we ought to do more. I believe we should set big, bold goals for America's energy future, see if we can't free ourselves from a hopeless dependence on foreign oil that is set now to grow and grow. Let's decide to make a U-turn and see if we can't begin to move in a more constructive direction.

The Cantwell amendment will improve the legislation. I am going to vote for the Energy bill. I voted for it in committee. I am proud to vote for it. I am also going to vote for some things that will improve it. This positive idea is going to improve the legislation. I am happy to be a cosponsor and happy to support it.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank the Senator from North Dakota for his comments. I wish I could take credit for the bold idea in the sense that I am happy to be the sponsor of this amendment, but there are many people in America who have been talking about this as an idea.

I submit for the record another organization that has supported a blueprint for U.S. energy security, the Set America Free Organization, which is a collective organization of individuals, and they actually submit information that would be much bolder than a proposal to set a goal in number of barrels that could be saved by 2025.

There are a lot of people out there who have their sights set even more dramatically than what we are talking about.

Clearly, my colleague outlined that we are talking about something that is technologically agnostic. We are not declaring what technology is going to win. There are lots of great solutions that are provided in this bill. But I would like to remind my colleagues that today at 2 p.m., the price of oil per barrel was up to $56.50. So that is what we are dealing with, $56.50.

I know my colleagues in the Chamber were involved in getting the original language of 1 million reduction by 2025. I think that language first emerged when the Senate was considering previous Energy bills 2 years ago. At the time we originally started thinking about this goal of how to get off our foreign oil dependence or to reduce it, we were talking about oil prices that were much lower, maybe as low as $23 a barrel. Now we are looking at $56 a barrel. It is imperative that we be more aggressive by setting this goal and by working together to achieve it.

The underlying bill is a testament to bipartisan work in saying that there are a variety of ways to reach the goal. Some may ask: Senator CANTWELL, why do you want to set this goal? You might actually find the United States pursuing more domestic oil supply as a result of this goal.

I can't say what is going to happen. I just know I want to get off the foreign dependence that we are at today because our economy cannot continue to take that risk. With the concentration of oil supply in the Middle East, we are one mishap away from having our economy face a $100-a-barrel oil cost in the future. We cannot afford $56 a barrel. Some people say: Well, economies adjust to the high cost. I guarantee, in the meantime, a lot of people are going to suffer. There is not a week that goes by that I am not on a plane flying back to the west coast, to my home State of Washington, and a transportation worker doesn't come up to talk to me about their pension, the fact that they are laid off, the fact that they are losing their job because transportation fuel costs in aviation have not been passed on to the consumer. Consequently, it is being taken out on pensions. So there isn't a week that goes by where I don't see somebody who hasn't suffered from the high cost already, at $56 a barrel.

We cannot continue this dependency or the race we are going to be in with China on competing for a limited supply.

I am confident enough in American ingenuity that I am not even going to be prescriptive about how we get there as it relates to whether it is nuclear, another supply of oil, biofuels, what is going to win the day. I showed a chart because I am a big advocate of biofuels. If you can buy biofuels in Seattle now in the $2.60 range, $2.70 range, I know that we can create more incentive, as we are in this bill, more research and development to get that cost down. So I know I can get it competitive to what I think gasoline prices are going to be. I want to do that. I am gung-ho about that.

I am gung-ho about what the Brazilians have done because they have turned their economy around by becoming almost net exporters of energy instead of net importers. That is an incredible story the United States should learn from.

As my colleague from North Dakota said, there are many different technologies in the bill, but other countries are starting to gain the advantage. If we think about it, we are not the experts on fuel efficiency that the Japanese are. We are not the experts on wind energy that some of the Scandinavian countries are. We are not the experts on the production of sugar-based ethanol that the Brazilians are. It bothers me that we are losing the technology edge to other countries.

I certainly am willing to take the risk of setting a goal of 2025 in reducing our foreign oil consumption by 40 percent and saying all the options are on the table. I believe that Senator DOMENICI and Senator BINGAMAN did a good job of putting all those options on the table. I believe in the underlying bill. What I think we should reflect on is that the underlying bill includes language from a couple of years ago that may not be bold enough in the sense that if it doesn't reduce our dependence on foreign oil in 2015, we will be more dependent.

We should reflect on that and see if we can get to a point where we are endorsing the underlying solutions in this bill and setting a higher goal so that we can say to the American people, we are reversing this trend.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Senator from Washington. I thank my kind colleague from Louisiana. I attended a meeting at the White House and just returned so I only had this time to do it. I appreciate the opportunity to discuss the Cantwell oil savings amendment.

Obviously, it sounds good. Anybody who says we are going to save more oil, it is a good thing. But I urge my colleagues to look at it for what it really is. This appears to me to be a backdoor attempt, arbitrarily, to increase the corporate average fuel economy or what we call the CAFE standards. Along with my colleague from Michigan, Senator LEVIN, we have been through the CAFE debate in both the 107th and 108th Congress. It appears, from all I can tell, that if this amendment really has any teeth, it means we are going to go through it again in this Congress. I am sure there will be other efforts to increase CAFE standards later in the debate.

Let me remind my colleagues, we went through extensive debate, and we got signed into law measures saying that we must push the technology to increase fuel economy as fast as we can. We directed the National Highway Traffic Safety Administration to examine the technology and increase the required CAFE standards as quickly as can be done with the technology available.

Now, I believe that after all of our debates on CAFE, the Members of this body understand that corporate average fuel economy is a complex issue that requires a lot of thought and scientific analysis. That is why previous CAFE measures in the last Congress were defeated. Members have come to realize that the massive arbitrary increases in CAFE standards cost lives, jobs, and stifle the ability of consumers to choose the vehicle best for their families.

It is wonderful to say we want to make a statement—we are not saying how we want to get there, but we really ought to have a major decrease. Well, Mr. President, the effort by Congress initially to establish CAFE standards, without knowing how you are going to get there, wound up with the auto manufacturers being forced to lower the average weight of their automobiles by about a thousand pounds.

As I will be discussing later, we have lost thousands and thousands of lives because of unsafe automobiles. Unless you mandate that only certain cars can be sold or you tell people what they have to buy, people may not buy the cars that are made small to conform to the CAFE standards.

While I laud my colleagues' desire to conserve oil, the fact is that under this amendment, as best we can determine, the only place oil savings can come from would be a massive increase in CAFE standards. The amendment requires the use of existing authorities to obtain these savings, but they appear to be inadequate to the task required. Authorities to implement the requirement or mandate are very limited.

According to a recent Energy Information Association report, by 2025, oil consumption reductions on the order of 1.3 million barrels per day might be expected using a broad array of incentives and policies, such as new appliance efficiency standards, credits for home efficiency upgrades, additional tax credits for advanced technologies, energy performance standards for customers of selected utilities, and, of course, the promotion and use of renewable fuels. Many of these policies are already outside of the scope of existing authorities and still fall short of the goal of this amendment of 7.64 million barrels per day.

Furthermore, assuming the renewable fuels standard included in the bill can be doubled by 2025 to 16 billion gallons per year, which is ambitious and also beyond existing authorities, it would contribute only 1 million barrels a day of petroleum reduction toward the Cantwell goal. As a result, some 4 to 5 billion barrels per day would be required, and there is no readily apparent source to get it from.

The Cantwell amendment fails to protect these policies subject to existing authorities from excessive implementation. Existing programs, such as CAFE, may be called upon to provide contributions toward the goal that are far in excess of the normal implementation of these programs if there are inadequate overall authorities or demand reductions to accomplish these goals and other measures. For example, the Energy Information Association analysis referenced above estimates that with a 20-percent increase in CAFE standards by 2012, in conjunction with the other policy options analyzed, only a 1.1-percent decrease in the net import share of oil consumption occurs by 2025. The 40-percent reduction required in the Cantwell amendment is far beyond what can reasonably be expected, using existing authorities.

The proposed amendment assumes that huge, new opportunities exist to reduce oil demand, but existing programs will ultimately be held accountable. The development of fuel cells and extensive implementation of other advanced technologies may contribute significantly to the accomplishment of the goal, but the contributions they might make are highly uncertain. If we don't know where they are coming from, the consequences could be something very different than what we bargained for and having the adverse consequences we have seen from other broad mandates where Congress assumed that great, good things could be accomplished. Those are some of the reasons, frankly, we got into this energy problem, because of some of the "great" ideas. I will only mention the forcing of electric utilities to burn natural gas, which has caused a great part of the energy problem we have today.

In addition, since the measures must be defined and implemented starting within a year, existing programs and authorities would have to be relied upon extensively to develop the plan and to make up any shortfalls.

The Cantwell amendment would push the administration to rely on contributions from programs and activities that are high risk, high cost, and the benefits are unknowable at this point. The President is allowed 1 whole year under the amendment to develop and implement measures that will save an amount of oil equivalent to 90 percent of the annual consumption of the current light-duty vehicle fleet. However, the timing and the level of contributions of programs such as fuel cell and hydrogen development can only be guessed at this point, and authorities to fully implement them are still being developed. In light of this, my question would be, How can the President obtain the oil savings required under this amendment?

According to the Department of Energy's EIA, the vast majority of petroleum consumption in the United States—68 percent in 2002—is in the transportation sector. Any reduction in petroleum consumption will imply a substantial contribution from this sector.

Under the Cantwell amendment, CAFE standards for cars, light trucks, and SUVs will skyrocket. The Alliance of Automobile Manufacturers, in its examination of the EIA's assessments on oil savings, projects that the Cantwell amendment will require CAFE standards for passenger cars nearly to triple from its current level of 27.5 miles per gallon to 78.6 miles per gallon by 2025. Anybody for riding a golf cart? Furthermore, the CAFE standard for light trucks and SUVs would nearly triple from its current level of 21 miles per gallon to 60.8 miles per gallon by 2025.

Under the 20-year duration of the proposed amendment, the yearly percentage increase for passenger cars and light trucks would be equal to a 10-percent rate of increase. According to NHTSA, the "maximum feasible" standard for cars and light trucks for the years 2005 to 2007 is a 2.8-percent rate of increase. To go above that, to have the 10-percent increase, would not only be technically infeasible, but it would have a devastating effect on employment in the auto industry. If the requirements of the Cantwell amendment are enacted, then we could kiss tens of thousands of good, high-paying, American union jobs goodbye. I don't want to do that to the roughly 36,000 hard-working men and women who work directly for the automotive industry in Missouri, nor am I willing to do that to the over 200,000 men and women who work in auto-dependent jobs in my State or those employed directly and indirectly throughout this Nation.

Furthermore, what does the Cantwell amendment mean for the size and safety of our Nation's vehicle fleet? If we force consumers to drive smaller vehicles, which is what will happen under arbitrary CAFE increases, then we can expect a lot more highway fatalities.

Yesterday, I received some frightening statistics from NHTSA and the National Center for Statistics and Analysis regarding the small vehicle fatality rates. In 2003, over 3,200 fatalities resulted from crashes involving smaller vehicles. This is anywhere from 2 to 7 times more than the fatality rates for larger, heavier vehicles, depending on their weight class.

As we talked about the last time we debated CAFE, when we take a look at it over the years, NHTSA has found that solely as a result of the lighter cars made necessary by CAFE standards, between 1,000 and 2,000 more people were killed on the highways than would have been killed if they had larger vehicles. This isn't just on head-to-head, running into another larger car or a larger vehicle; over 40 percent of those were single-car accidents.

The latest figures I have heard is that NHTSA estimates that 1,300 deaths a year occur because of the mandated smaller size cars made necessary by the CAFE standards. Make no mistake, you may call this an oil savings, but this is CAFE all over again. As I have stated time and again, far-reaching increases to fuel efficiency standards that are not based on sound science are too costly and impractical for us to adopt. The lives and safety of drivers and their passengers, along with the livelihood of men and women in the automotive workforce who manufacture these vehicles, is too much of a price to pay for unthought-out, unscientific fuel efficiency standards.

And, finally, make no mistake about it, this goes to consumer choice. Consumers are making the decision on what kind of vehicles they want to drive. Right now, more and more of them are opting for light trucks. Are we going to tell them that we are going to tell them what kind of vehicle they can purchase? Are we going to have some Soviet-style czar who says because they have two parents and two children in the family, we will allow them one minicar and one small van? Who is going to decide if we take away from the consumers their right to choose these vehicles?

If we have fuel standards of 78 miles per gallon, we are not going to be able to buy any of the cars we want. Consumers are not going to have choices. We are going to see people out of work in the auto industry, major disruptions in the transportation sector, a great inconvenience, and increased highway dangers.

I urge my colleagues to continue to work for sound, science-based ways to conserve and produce more energy and to reject a measure that does not have a good, sound scientific foundation.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will take 1 minute. Before Senator BOND leaves, I thank him for his statement. I have heard the Senator eloquently describe this whole situation regarding automobiles in the United States and CAFE standards, but it seems to me this amendment is even way beyond anything we debated before. We are talking about changing by a couple miles, 2 or 3 miles. What we are talking about here would never become law. Let's be serious about it. But if it would, we are talking 3 or 4 times the CAFE standards we have today. What kind of cars could we build?

Mr. BOND. We would have golf carts.

Mr. DOMENICI. It seems to me the answer is impossible. That is the answer. This is an impossible amendment. People want to dream, but you do not build a country on dreams. Maybe you can dream, wake up and think of something that is quite appropriate for goal achievement. This seems like somebody dreamt up something to tell us we ought to save 40 percent of crude oil we use in the United States by 2025; is that what it sounds like to the Senator?

Mr. BOND. Mr. President, I am happy to answer. Obviously, it is well-intentioned, but I agree with the distinguished chairman of the committee who has done an excellent job on this entire bill. I commend him. The chairman and ranking member, our two friends from New Mexico, have done great things in this bill, but I think this kind of amendment would cripple its chance of passage. It does not meet the test of scientific reasonableness, sound science that I think we have to follow if we are to make some major improvements in the energy situation in our country.

Mr. DOMENICI. I thank the Senator. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I wanted to come to the floor to make a few brief remarks about the overall Energy bill that is before us, about some of the strong points in this bill and how we might be able to improve upon it.

I would like to briefly mention, along the lines of the discussion that just ensued, importing oil and the challenges that brings to our Nation. I will submit a few documents for the RECORD and discuss generally the situation that we have in Louisiana. Of course, I will not be offering any amendment at this time but just discussing something I know we will be talking more about as this debate ensues.

While I understand the amendment before us is quite an aggressive amendment—and at this time, I have not made a final decision about it—I would like to say something positive about the amendment.

One of the points I like about this approach, while it is very aggressive because it is similar to an approach that Senator ALEXANDER and I took 2 years ago on the Energy bill, is the flexibility that it provides to the country to try to make smart strategic choices about how savings can occur and smart strategic choices about lessening our dependence on foreign oil.

Coming from an oil-producing State, I can say that the people in Louisiana who produce oil and gas right here at home would like to reduce our dependency on foreign sources of oil.

The question is—and I think the chairman raises a very excellent point, and it is a real question—can we do that this fast, this aggressively, and maintain our economic position? We may or may not. But I want to say that anything we can do to reduce our dependency on foreign oil, while we recognize that we are just about to open to the imports of natural gas because we virtually have no choice—we have to because we cannot step up domestic production fast enough to meet the demands because China, because India, because our industries—chemical, petrochemical, agriculture, and others—are demanding more natural gas. We are about ready to bring in natural gas, where in some ways, while I support that, it will compound the problem of dependency.

It really is a dilemma. I say to the Senator from Washington that I think the flexibility of her proposal is very important, and the fact that this amendment does not say we have to conserve, we could, in fact, produce more domestic oil and gas which I happen to think would be a great idea. I know the chairman and the ranking member support more domestic drilling of oil and gas.

I want to say a word about that for a moment. We do not do anything the same way today that we did in the 1930s. Our telephones do not work the same way. We did not even have computers in the 1930s. Everything has changed. Technology for the large part has made everything better. Some people might argue with that statement, but the efficiency, the convenience, the ability to clean up our environment—everything has been made better in large measure by technology.

The oil and gas industry is not what it once was when the men and women who started it were paddling in a pirogue, a canoe—that is what we call a pirogue in Louisiana. A pirogue is a canoe—in the marsh pumping the oil out of the ground by hand and digging with shovels and crude instruments. This industry resembles more of the space industry today. It is run by computer. It is highly technical.

The environmental advances are absolutely astonishing. I have taken the chairman down to Louisiana. He has seen this with his own eyes. The wells, where they are situated, the offshore platforms, I believe, would make any American proud, even Americans who belong to the California Sierra Club. I absolutely believe they would be proud if they could see the development of this oil and gas industry. In fact, one of the majors told me—and I do not have any reason to doubt them because I think independent studies have shown this—that in the Gulf of Mexico last year, in the entire Gulf of Mexico, that oil company collected three barrels—three barrels—of spilled oil from its operations, and it has billions of dollars invested.

That is how good we have gotten. Guess what. We are the best in the world. Instead of bellyaching, we should be proud of that. We should say thank goodness for that old American ingenuity. We did not do it very well in the 1930s, and we did not do it well in the 1940s, but one good thing about America is we never stop trying to be better. It separates us from so many places in the world.

Coming from an oil and gas State, I would be the happiest person in the world if we could stop importing oil, drill it at home and explore new places that are appropriate. Some places may need to be off-limits but not everyplace.

There is a place that is not off-limits and we are proud of, and that is south Louisiana and the work that we have contributed to this country. I am going to show my colleagues this chart because this is where all of the drilling off the coast of our country occurs: Texas, Louisiana, Mississippi, and Alabama. We have been producing oil and gas and sending $5 billion annually to the Treasury in taxes every year. Yes, there have been some environmental impacts which I am going to talk about in a moment, but they have been minor compared to the wealth that this industry has created not just for this region but for the entire Nation.

Does anybody remember we have gone through an industrial revolution? Does anybody remember that everybody moved off the farms and went to the cities? How do people think the cities got lit? It did not wave a magic wand and the lights came on. We have been producing and digging from coal, oil, and gas. So if anybody wants to say that, oh, well, we just do not have to do that any more, heck, the whole country was built on this contribution. People from Louisiana are darn proud of it.

Instead of everybody coming to the floor and saying how we do not care about our land and we do not care about our trees and we do not care about our coast and we do not have anything beautiful to preserve, not only do the people of Louisiana love our land and love our water, we survive on it and in it more than anybody in America. We swim more. We eat more fish. We spend more time in boats. We recreate more on the water than probably anyplace maybe except for a very few. Not only wealthy people get to the water, everybody lives by the water. In some places, one has to have a $5-million house before they can touch the water. In Louisiana, there are people who live in a house not worth $25,000, but they have a gorgeous marsh land behind their house, and those kids go fishing.

So I do not like to hear anybody come to this floor and say that we do not treasure our land in Louisiana. We are going to continue to produce oil and gas. We are going to continue to be proud of it, and we are going to continue to tell the story, whether anybody wants to believe us or not, that this can be done in a very safe environmental way. Why? Because we have good regulation; two, we have courts that enforce the regulation; three, we have all kinds of agencies—some would argue too many—that make sure that all of these companies are doing what they are supposed to do.

We have a free press, which means a lot because if somebody is doing something wrong, there is nothing I can do or the Senator from New Mexico can do to try to stop them from reporting it. So they can report anything they want. There is open information. I wish they would really tell people what is actually happening.

The point I want to make in just a moment is that we are going to continue to do drilling. I appreciate all the good work of my colleagues to try to give more revenues to the State. We get a little bit, but because we are generating so much and helping everybody so much—let me just use this. I wanted to thank my colleagues for their interest in helping us, but this makes my point even better. When the Senator from Washington said she wants us to be more like Brazil, I am going to learn a little bit more about what Brazil has done because I am not quite sure of the details, but I will tell my colleagues about 11 States in the United States and what they have done. Those States are Utah, Colorado, North Dakota, Montana, Oklahoma, Kentucky, New Mexico, Alaska, West Virginia, Louisiana, and Wyoming. Eleven States out of fifty are the only States in the United States that produce more energy than they consume.

Let me say that again. There are only 11 States in the United States of America that produce more energy than they consume. So if anybody wants to give Brazil an award, please give these 11 States an award first because we have already done that. We produce oil and gas. We are net exporters of energy—well, we produce oil, gas, coal, nuclear. We can produce energy from a lot of different ways. This is not just oil and gas production. This includes nuclear. This is from the Energy Information Agency, our own agency, not from Louisiana or Senator LANDRIEU. This is the U.S. Department of Energy Energy Information Agency. This includes nuclear, hydro, geothermal, wood, wind, waste, solar, oil, natural gas, and coal.

As the chairman from New Mexico will say, his goal is to increase the choices of all of these so that more States can begin producing something. If my colleagues do not want to drill for oil, then drill for gas. If they do not want to do that, put in a nuclear powerplant. If they do not want to do that, put in some wind turbines. If they do not want to do that, dam up some of their rivers and use hydro. Some people will do that; some people will not. But for heaven's sakes, do something. Do something. If they want to mine for coal, we have given them a lot of money in this bill and they can clean the coal. It can be burned and used efficiently. Put in solar panels. Go get waste from the agricultural areas of their State. That is the whole point of this bill.

We have 39 States that need to make some decisions about what they are going to produce to be free because 11 of us have already figured it out.

I do not know these other States as well as I know my State, but in addition to being a net exporter of energy, I will also tell the country that Louisiana probably has the most petrochemical plants per capita than any State in the Union. Those products that are produced in my State are not consumed by my State alone.

We make these products and send them all over the country and the world. So not only are we producing enough energy for every single person in Louisiana—the 4.5 million of us—and what we need, but we are also fueling every plant, every LNG facility, every petrochemical facility, supplying so much for the Nation and still exporting because people in Louisiana kind of believe in good old-fashioned "do your part" kind of work.

We also conserve. I am so tired of people saying, oh, the Senator from Louisiana and the people from Louisiana, all they do is waste fuel. I do not have the document, but I am going to submit for the record—I am going to take the last 10 years—the efficiencies that Louisiana, through our industry, has achieved. Yes, some of them have been mandated by this body and they had no choice and they had to do it, but some of it is voluntary. We have tried to be more efficient as well and, of course, we have produced this energy.

Let me just point out three or four States that are at the top of this list. Actually, I am probably going to do five States.

The States that consume more energy than they produce are California at the top of the list, New York second, Ohio third, Florida fourth, and Michigan fifth.

Let me point out one other thing, because you will say, Why isn't Texas on the green list. I want to find where Texas is—here it is, 25. Texas is not a net exporter, but it is close. The reason it is not is because, of course, it is a big State, a huge State—20-plus million people, and they also have so much industry that they supply energy for, that helps us all, they don't quite make it. But I have to say Texas is doing a great deal. Perhaps they could do more.

But the rest of these you can understand. Maybe Hawaii is too small. Hawaii is not very big, but they are doing a whole heck of a lot better than California.

I want to be clear about who is doing what, who is not, and where we need to go and try to help everybody make the choices that work for their State but that also work for the country. It has to happen.

I will stop for a moment on that issue and move to something else.

Mr. DOMENICI. Will the Senator yield for a moment?

Ms. LANDRIEU. I am happy to.

Mr. DOMENICI. Just for a few minutes, without losing your right to the floor.

I want to say to the Senator, thank you for your discussion, as you zero in on what States do and do not do. I will not repeat that. People heard it and they ought to heed it. Some of the States you have alluded to ought to heed it, too. Some of them are the very ones who do not want to produce anything and have production somewhere else, not there.

But in passing, the Senator discussed offshore production in her State, which she described in terms of new technology that is very safe. There is nothing happening that hurts anybody. There is no degradation of the water, no degradation of the air. I have seen one of the new facilities. I wish everybody who is worried about offshore drilling would take a helicopter and go out there. They are not next door to your house, they are miles and miles out in the ocean, and they are very large. They look like a big battleship out there all lighted up, full of technology, with 10 or 12 oil wells you cannot even see, producing natural gas for America, and you don't know where it goes, no pipes, nothing. Nothing spills, and it is our resource.

The Senator knows in this bill one big thing is missing and that is we are not going to do anything significant about letting the United States of America or States make a decision that off their shores they could produce more natural gas or crude oil for this great country. That is because Senators will not vote for it because the Senators with coastlines stand up and talk about what you have been talking about here.

"We need the energy, we need to grow, we are great Americans, we have a lot of plants, we want jobs—but you bring the energy here." Right?

Off our shores, remember—and Americans should remember it well—sits the largest reserve of natural gas that America has today, but for some parts of Alaska which are very difficult right now, but we are going to bring some down. It is the largest mainland reserve of natural gas we are going to have for generations to come.

What does it mean that we do nothing about it? Listen well, we are not going to stop using it. Remember how much crude oil we import. It will be 5, 6, 10 years and what will we be importing? The Senator knows the answer: Natural gas. Where from? Not from our seashores 100 miles away out there in the ocean where our natural gas is. From thousands of miles away in big, gigantic boats. They are going to come across the ocean and come over to America. And do what? Pump it into these States you are talking about. Because right here on this floor, if the Senator from New Mexico and two Senators from Louisiana were to say, just simple: Those States that have moratoriums off their shores where we can't drill, if they would like to let us drill, let's let them say yes and then let's pay them a little more royalties than we have been paying. Because right now we get no royalties. Give them more than we are paying now and let them decide whether they would like to or not.

Guess what would happen. I have already been told. The bill, if it passed, will die. First of all, it will not pass. Because for all this language around here—flexibility, let's do what we can, let's use every avenue for exploration—that is not true. That is not true. Because don't touch this one I have just talked about. Right?

Ms. LANDRIEU. Right.

Mr. DOMENICI. Your State has. They have done it, along with Texas and a couple of other States. Frankly, before we start giving other States resources, I wish they would start making decisions and we would start making them so other States would join. We have to help your State. We have to help you because you are taking the burden, and we are going to try to do something about that.

I don't know what we can do because we are stymied by a few things that are intangible, that we don't control—fiscal policy and budget policy and the like. But I want to say it doesn't do very much good to adopt resolutions on this floor and proposals such as are pending here from Senator CANTWELL—it doesn't do a bit of good to say these are our goals, let's do them. Flexibility.

We don't need that kind of bill if we do what we know we should do. We have not built a nuclear powerplant in two decades plus, while the rest of the world built them. We can talk all we want about why did we use so much natural gas in the powerplants of America. We know why. We didn't want to use anything else. Right? So we used natural gas, even some from offshore, some from your State. We piped it all the way over and burned it in powerplants as though it were coming out and would be here forever. It starts running out, right? So we are going to import it pretty soon.

That is the problem. We have been doing that. It is the problem in this bill. We are 90 percent where we ought to go, but the big thing is no action with reference to the largest asset we have toward independence, which is natural gas and crude oil hundreds of miles—not a mile—offshore.

There is one thing we are asking in this bill: Let's inventory it. Right? We voted in our committee. It was a hard vote. Hard? Just ask somebody to go out and tell America what we own. That natural gas you have been talking about, how much is there? You don't have to disturb anything anymore.

We have been talking about high tech. You don't drill holes to find out what is there. We do it by technology, by looking, by checking, by a new kind of geophysical equipment. Should not we tell America how much is there?

You watch, there will be a motion to strike that here on the floor. You and I will be here saying, What is the matter with that. But we are apt to lose that. Yet we are talking about some "pie in the sky," let's set a goal 30 years from now to be 40 percent less dependent upon crude oil and we will have all the flexibility in the world. We don't need flexibility of any statute. We need the flexibility of Americans deciding that we have to do what you said.

If we have a source of energy, we have to produce it. Do not think we are producing ourselves out of existence. This bill conserves more than any piece of legislation will ever ask Americans to conserve. But we can't conserve our way out of this dilemma either, right?

Ms. LANDRIEU. Right.

Mr. DOMENICI. We could close up the wells offshore in Louisiana and say, "Thank you." Of course not. We need more—and conservation. But I thought, since you raised the subject of offshore, we ought to tell the Senate, tell the few people listening, where the real value in America is, that we refuse. We are like ostriches when it comes to offshore.

People say, it is so pretty here, we don't want to touch it. What about 100 miles out from that shore? You cannot even see it. And people around here are crying that you will hurt their States. You could put any limitation you would like that is credible and let's go beyond that and try to do something with this very important asset—this asset field that is ours.

I thank the Senator for her comments and thank her for yielding.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the chairman, the distinguished Senator from New Mexico, because he is absolutely correct. I share his frustration. All I can say is as we proceed, we will continue to talk about these issues and educate the American people. People are afraid. They tend to be afraid if they are not sure of the facts. Sometimes people get the facts all confused.

But as I hope people understand, as I keep speaking the truth on this and people understand there are ways you can do this drilling, particularly for natural gas, that are safe for the environment, that meet every environmental standard we have today, and actually meet the clean air standards set out in our own act, we can most certainly explore these opportunities and continue to work on this bill. I thank the Senator for his comments, for his interest and his knowledge of the subject. I can only say I will continue to try to tell the story, and as the American people learn more about it, perhaps some of the fear will dissipate, reason will prevail, and we can begin to understand that here at home we have places on our shores and off our shores that we can tap into and minimize our dependency on foreign oil and foreign gas.

For the short term, this bill, and with the support of most of these Senators, will begin importing natural gas. We have policies in this bill to allow that to happen. It is quite ironic we are setting out in a bill to import more natural gas, and we will not take opportunities to drill for more on our shores. Again, this is a work in progress.

Let me share another part of the story that is not just about energy production. It is the great contribution our coast makes to Louisiana. There is the gold coast, the rocky coast, the cliff coast. We are the working coast. We are proud of it. We are the largest and most productive expanse of coastal wetlands in North America. It is the seventh largest delta on Earth. The Mississippi River drains two-thirds of the United States. As I said, it is one of the most productive environments in America.

In addition to the energy production I talked about which is right off this shore—and we have 20,000 miles of pipeline that can wrap around the country 10 times, 2,000 miles each way, miles of pipeline that send oil and gas to Chicago, California and to Washington and New York—in addition to the energy we produce for the Nation, through this Mississippi River, we drain the mountains in the West and all throughout the Nation; we also have a great nursery for one of the greatest flyways in the world for millions of waterfowl and migratory songbirds.

It also is a nursery for the Gulf of Mexico. Most of the seafood in the Gulf of Mexico is produced because this marsh does not exist anywhere else in the coastal United States. Again, it is an unusually large delta created by the Mississippi River. It is unique.

In addition to the energy contributions this delta makes, in addition to the drainage we contribute by our location for the Nation, in addition to the great flyways for migratory birds that this provides, and the nursery for all the gulf coast fish and species, it also serves as a protection for the two million people that live below I–10. This is the main interstate that runs in the southern part of the United States. It goes all the way through Mississippi, to Florida, and all the way through Texas and west. This I-12/I-10 corridor is one of the busiest in the Nation for many reasons. It is a great north-south trade Route.

Below this interstate, basically two million people live in Louisiana. As the map shows, this land is all marsh and low-lying wetlands. The people that live here are in some jeopardy. They are in some danger if this marsh would erode and go away as storms—whether they are hurricanes, floods, or rising tides—continue to pound our shore. That, unfortunately, is exactly what is happening today.

Yet this wetland that supplies all of this energy, seafood and other environmental benefits to the Nation, we are losing a football field every 30 minutes. We are losing 25,000 square miles every year. In the last 50 years, we have lost the size of the State of Rhode Island.

The red on this map indicates a loss of wetland. This is not caused by oil and gas and by fisheries. It is exacerbated by pipeline construction and some exploration, but it is caused primarily by the channelization of the Mississippi River. This river, for all the things I have said it is used for, you could argue the most important thing it is used for, for the Nation, is the commerce—500 tons of cargo, the largest port system in the world. When my friends from the Midwest—whether it is Senator HARKIN, Senator CONRAD, or Senator DORGAN and others—want to get grain and corn out of the States they represent, there is not a whole lot of ways to get it out except by barge. It comes down the Mississippi River.

We are happy for the trade and the traffic. But this river was levied to keep the water in, to create this major port system for the Nation, and as a result, over decades, the river cannot overflow itself, and it then cannot replenish the marsh. That is what is causing the staggering loss of these wetlands. Then, on top of that—which is probably 85 percent of the loss of wetlands, say our scientists who have been studying this for many years, the last two decades in particular—when the oil and gas industry came in and some canals had to be put in for the drilling, it exacerbated it by allowing the saltwater from the Gulf of Mexico to come into this water. We call it brackish. It is part salt and part fresh. It comes into the marsh and kills the marsh grass. The salt is toxic to that particular marsh grass. The marsh grass fades away, and before you know it, you are in open water.

I have friends that have fished down here for years and old timers I talk to. It is getting scary because it is not even people that are that old any more who are saying: When I was a kid, you could stand right here in Terrebonne Bay and look out for miles and see land. I took my little boy down there last week, the same place I used to fish when I was a kid, and there is no land left.

Senator, what is happening? Where is it going? It is eroding. I have been here for 8 years trying to get this Congress—Senator Breaux joined me, Senator VITTER now joins this effort—to try to get this Senate and this Congress to understand that this delta is not only precious to Louisiana—it is not even Louisiana's wetlands, it is America's wetlands—it deserves our attention.

Since we contribute so much toward waterborne commerce, so much to the energy infrastructure and independence of this Nation, we serve as a nursery for the fisheries industry, for the whole gulf coast of Mexico, we serve as a flyway for migratory birds which support a whole emerging and growing ecotourism industry that affects everyone in a positive way, surely we can get a few little dollars to help us save our coast.

We are only one hurricane away. We had a terrible season last season. We had five or six major storms. Luckily, they did not hit directly. Unfortunately, our friends in Mississippi and Mobile were hit. None of us along the gulf coast like to get hit. We are in great sympathy and empathy with each other because we know what a major hurricane will do. My people are sitting ducks. It is getting worse and worse. We can save our coast. But we need to use some of the moneys we can get to invest and to do this and we can make progress.

The Senator from Washington would like to wrap up on her amendment, and so let me conclude in a few moments. I thank the Senator for her courtesy and time.

This is a very precious wetland to Louisiana and to America. It is something that can be saved, must be saved and, if saved, cannot only contribute so much to Louisiana but to the Nation.

This issue is not as clearcut as some would like to believe. As I said, I like some parts of the amendment of the Senator from Washington. She has been a tremendous contributor on the Energy bill and a tremendous voice for conservation. What I do like about her amendment is its flexibility. What I do like about her amendment is the opportunity to produce more domestically so we do not have to get it from somebody else, particularly a somebody who does not share our values, who does not have America's best interests at heart. So I agree with that approach. Again, it may be too aggressive for us. But the Senate will decide if that is the case.

But I want to say from a State that is producing—and we are going to continue to produce; we are happy to produce—there are some coastal impacts associated with it. But even if we were not doing any production off the coast of Louisiana, this loss of wetlands would still be occurring because of the channelization of the Mississippi River done by the Corps of Engineers, at our request, on behalf of the Nation. It is time we get some help and some support for fixing this wetland.

I thank the Senator for her patience and her courtesies, and I wish her the best of luck as we continue to work on our bill.

The PRESIDING OFFICER. The Senator from Washington.

The Chair would advise the Senator from Washington that her last unanimous consent request for a submission was not made formally. If she would like to resubmit that request at this time, the Chair would take it. It was the last piece of information you submitted.

Ms. CANTWELL. Mr. President, I ask unanimous consent that a letter from Set America Free be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SET AMERICA FREE

For decades, the goal of reducing the Nation's dependence upon foreign energy sources has been a matter on which virtually all Americans could agree. Unfortunately, differences about how best to accomplish that goal, with what means, how rapidly and at what cost to taxpayers and consumers have, to date, precluded the sort of progress that might have been expected before now.

Today, we can no longer afford to allow such differences to postpone urgent action on national energy independence. After all, we now confront what might be called a "perfect storm" of strategic, economic and environmental conditions that, properly understood, demand that we affect over the next four years a dramatic reduction in the quantities of oil imported from unstable and hostile regions of the world.

America consumes a quarter of the world's oil supply while holding a mere 3% of global oil reserves. It is therefore forced to import over 60% of its oil, and this dependency is growing. Since most of the world's oil is controlled by countries that are unstable or at odds with the United States this dependency is a matter of national security.

At the strategic level, it is dangerous to be buying billions of dollars worth of oil from nations that are sponsors of or allied with radical Islamists who foment hatred against the United States. The petrodollars we provide such nations contribute materially to the terrorist threats we face. In time of war, it is imperative that our national expenditures on energy be redirected away from those who use them against us.

Even if the underwriting of terror were not such a concern, our present dependency creates unacceptable vulnerabilities. In Iraq and Saudi Arabia, America's enemies have demonstrated that they can advance their strategic objective of inflicting damage on the United States, its interests and economy simply by attacking critical overseas oil infrastructures and personnel. These targets are readily found not only in the Mideast but in other regions to which Islamists have ready access (e.g., the Caspian Basin and Africa). To date, such attacks have been relatively minor and their damage easily repaired. Over time, they are sure to become more sophisticated and their destructive effects will be far more difficult, costly and time-consuming to undo.

Another strategic factor is China's burgeoning demand for oil. Last year, China's oil imports were up 30% from the previous year, making it the world's No. 2 petroleum user after the United States. The bipartisan, congressionally mandated U.S.-China Economic and Security Review Commission reported that: "China's large and rapidly growing demand for oil is putting pressure on global oil supplies. This pressure is likely to increase in the future, with serious implications for U.S. oil prices and supplies."

Oil dependence has considerable economic implications. Shrinking supply and rising demand translate into higher costs. Both American consumers and the U.S. economy are already suffering from the cumulative effect of recent increases in gas prices. Even now, fully one-quarter of the U.S. trade deficit is associated with oil imports. By some estimates, we lose 27,000 jobs for every billion dollars of additional oil imports. Serious domestic and global economic dislocation would almost certainly attend still-higher costs for imported petroleum and/or disruption of supply.

Finally, environmental considerations argue for action to reduce imports of foreign oil. While experts and policy-makers disagree about the contribution the burning of fossil fuels is making to the planet's temperatures, it is certainly desirable to find ways to obtain energy while minimizing the production of greenhouse gases and other pollutants.

The combined effects or this "perfect storm" require concerted action, at last, aimed at reducing the Nation's reliance on imported oil from hostile or unstable sources and the world's dependence on oil at large. Fortunately, with appropriate vision and leadership, we can make major strides in this direction by exploiting currently available technologies and infrastructures to greatly diminish oil consumption in the transportation sector, which accounts for two thirds of our oil consumption.

The attached Blueprint for Energy Security: "Set America Free" spells out practical ways in which real progress on "fuel choice" can be made over the next four years and beyond. To be sure, full market transformation will take a longer time. In the case of the transportation sector, it may require 15–20 years. That is why it is imperative to begin the process without delay.

We call upon America's leaders to pledge to adopt this Blueprint, and embark, along with our democratic allies, on a multilateral initiative to encourage reduced dependence on petroleum. In so doing, they can reasonably promise to: deny adversaries the wherewithal they use to harm us; protect our quality of life and economy against the effects of cuts in foreign energy supplies and rising costs; and reduce by as much as 50% emissions of undesirable pollutants. In light of the "perfect storm" now at hand, we simply can afford to do no less.

SIGNATORIES

Gary L. Bauer, President, American Values; Milton Copulos, President, National Defense Council Foundation; Congressman Eliot Engel; Frank Gaffney, President, Center for Security Policy; Bracken Hendricks, Executive director, Apollo Alliance; Bill Holmberg, American Council on Renewable Energy; Anne Korin, Co-Director, Institute for the Analysis of Global Security (IAGS); Deron Lovaas, Natural Resources Defense Council (NRDC); Gal Luft, Co-Director, Institute for the Analysis of Global Security (IAGS); Cliff May, President, Foundation for the Defense of Democracies; Robert C. McFarlane, Former National Security Advisor; Daniel Pipes, Director, Middle East Forum; Professor Richard Smalley, Nobel Laureate Chemistry; Admiral James D. Watkins, former Secretary of Energy; R. James Woolsey, Co-Chairman, Committee on the Present Danger; and Meyrav Wurmser, Hudson Institute.

A BLUEPRINT FOR U.S. ENERGY SECURITY

Introduction

Historically, the United States has pursued a three-pronged strategy for minimizing the vulnerabilities associated with its dependency on oil from unstable and/or hostile nations: diversifying sources of oil, managing inventory in a strategic petroleum reserve and increasing the efficiency of the transportation sector's energy consumption. In recent years, the focus has been principally on finding new and larger sources of petroleum globally.

Rapidly growing worldwide demand for oil, however, has had the effect of largely neutralizing this initiative, depleting existing reserves faster than new, economically exploitable deposits are being brought on line. Under these circumstances, diversification among such sources is but a stop-gap solution that can, at best, have a temporary effect on oil supply and, hence, on national security. Conservation can help, but with oil consumption expected to grow by 60% over the next 25 years, conservation alone will not be a sufficient solution.

The 'Set America Free' Project

Long-term security and economic prosperity requires the creation of a fourth pillar—technological transformation of the transportation sector through what might be called "fuel choice." By leading a multinational effort rooted in the following principles, the United States can immediately begin to introduce a global economy based on next-generation fuels and vehicles that can utilize them:

Fuel diversification: Today, consumers can choose among various octanes of gasoline, which accounts for 45% of U.S. oil consumption, or diesel, which accounts for almost another fifth. To these choices can and should promptly be added other fuels that are domestically produced, where possible from waste products, and that are clean and affordable.

Real world solutions: We have no time to wait for commercialization of immature technologies. The United States should implement technologies that exist today and are ready for widespread use.

Using existing infrastructure: The focus should be on utilizing competitive technologies that do not require prohibitive or, if possible, even significant investment in changing our transportation sector's infrastructure. Instead, "fuel choice" should permit the maximum possible use of the existing refueling and automotive infrastructure.

Domestic resource utilization: The United States is no longer rich in oil or natural gas. It has, however, a wealth of other energy sources from which transportation fuel can be safely, affordably and cleanly generated. Among them: hundreds of years worth of coal reserves, 25% of the world's total (especially promising with Integrated Gasification and Combined Cycle technologies); billions of tons a year of biomass, and further billions of tons of agricultural and municipal waste. Vehicles that meet consumer needs (e.g., "plug-in" hybrids), can also tap America's electrical grid to supply energy for transportation, making more efficient use of such clean sources of electricity as solar, wind, geothermal, hydroelectric and nuclear power.

Environmentally sensible choices: The technologies adopted should improve public safety and respond to the public's environmental and health concerns.

KEY ELEMENTS OF THE 'SET AMERICA FREE' PROJECT

Vehicles

Hybrid electric vehicles: There are already thousands of vehicles on America's roads that combine hybrid engines powered in an integrated fashion by liquid fuel-powered motors and battery-powered ones. Such vehicles increase gas-consumption efficiency by 30–40%.

Ultralight materials: At least two-thirds of fuel use by a typical consumer vehicle is caused by its weight. Thanks to advances in both metals and plastics, ultralight vehicles can be affordably manufactured with today's technologies and can roughly halve fuel consumption without compromising safety, performance or cost effectiveness.

"Plug-in" hybrid electric vehicles: Plug-in hybrid electric vehicles are also powered by a combination of electricity and liquid fuel. Unlike standard hybrids, however, plug-ins draw charge not only from the engine and captured braking energy, but also directly from the electrical grid by being plugged into standard electric outlets when not in use. Plug-in hybrids have liquid fuel tanks and internal combustion engines, so they do not face the range limitation posed by electric-only cars. Since fifty-percent of cars on the road in the United States are driven 20 miles a day or less, a plug-in with a 20-mile range battery would reduce fuel consumption by, on average, 85%. Plug-in hybrid electric vehicles can reach fuel economy levels of 100 miles per gallon of gasoline consumed.

Flexible fuel vehicles (FFVs): FFVs are designed to bum on alcohol, gasoline, or any mixture of the two. About four million FFV's have been manufactured since 1996. The only difference between a conventional car and a flexible fuel vehicle is that the latter is equipped with a different control chip and some different fittings in the fuel line to accommodate the characteristics of alcohol. The marginal additional cost associated with such FFV-associated changes is currently under $100 per vehicle. That cost would be reduced further as volume of FFVs increases, particularly if flexible fuel designs were to become the industry standard.

Flexible fuel/plug-in hybrid electric vehicles: If the two technologies are combined, such vehicles can be powered by blends of alcohol fuels, gasoline, and electricity. If a plug-in vehicle is also a FFV fueled with 80% alcohol and 20% gasoline, fuel economy could reach 500 miles per gallon of gasoline.

If by 2025, all cars on the road are hybrids and half are plug-in hybrid vehicles, U.S. oil imports would drop by 8 million barrels per day (mbd). Today, the United States imports 10 mbd and it is projected to import almost 20 mbd by 2025. If all of these cars were also flexible fuel vehicles, U.S. oil imports would drop by as much as 12 mbd.

Fuels

Fuel additives: Fuel additives can enhance combustion efficiency by up to 25%. They can be blended into gasoline, diesel and bunker fuel.

Electricity as a fuel: Less than 2% of U.S. electricity is generated from oil, so using electricity as a transportation fuel would greatly reduce dependence on imported petroleum. Plug-in hybrid vehicles would be charged at night in home garages—a time-interval during which electric utilities have significant excess capacity. The Electric Power Research Institute estimates that up to 30% of market penetration for plug-in hybrid electric vehicles with 20-mile electric range can be achieved without a need to install additional electricity-generating capacity.

Alcohol fuels: ethanol, methanol and other blends:

Ethanol (also known as grain alcohol) is currently produced in the U.S. from corn. The industry currently has a capacity of 3.3 billion gallons a year and has increased on the average of 25% per year over the past three years. Upping production would be achieved by continuing to advance the corn-based ethanol industry and by commercializing the production of ethanol from biomass waste and dedicated energy crops. P-Series fuel (approved by the Department of Energy in 1999) is a more energy-efficient blend of ethanol, natural gas liquids and ether made from biomass waste.

Methanol (also known as wood alcohol) is today for the most part produced from natural gas. Expanding domestic production can be achieved by producing methanol from coal, a resource with which the U.S. is abundantly endowed. The commercial feasibility of coal-to-methanol technology was demonstrated as part of the DOE's "clean coal" technology effort. Currently, methanol is being cleanly produced from coal for under 50 cents a gallon.

It only costs about $60,000 to add a fuel pump that serves one of the above fuels to an existing refueling station.

Non-oil based diesel: Biodiesel is commercially produced from soybean and other vegetable oils. Diesel can also be made from waste products such as tires and animal byproducts, and is currently commercially produced from turkey offal. Diesel is also commercially produced from coal.

Policy Recommendations

Provide incentives to auto manufacturers to produce and consumers to purchase, hybrid vehicles, plug-in hybrid electric vehicles and FFVs across all vehicle models.

Provide incentives for auto manufacturers to increase fuel efficiency of existing, non-FFV auto models.

Conduct extensive testing of next-generation fuels across the vehicle spectrum to meet auto warranty and EPA emission standards.

Mandate substantial incorporation of plug-ins and FFVs into federal, state, municipal and covered fleets.

Provide investment tax incentives for corporate fleets and taxi fleets to switch to plug-ins, hybrids and FFVs.

Encourage gasoline distributors to blend combustion enhancers into the fuel.

Provide incentives for existing fueling stations to install pumps that serve all liquid fuels that can be used in the existing transportation infrastructure, and mandate that all new gas stations be so equipped.

Provide incentives to enable new players, such as utilities, to enter the transportation fuel market, and for the development of environmentally sound exploitation of non-traditional petroleum deposits from stable areas (such as Canadian tar sands).

Provide incentives for the construction of plants that generate liquid transportation fuels from domestic energy resources, particularly from waste, that can be used in the existing infrastructure.

Allocate funds for commercial scale demonstration plants that produce next-generation transportation fuels, particularly from waste products.

Implement federal, state, and local policies to encourage mass transit and reduce vehicle-miles traveled.

Work with other oil-consuming countries towards distribution of the above-mentioned technologies and overall reduction of reliance on petroleum, particularly from hostile and potentially unstable regions of the world.

A NEW NATIONAL PROJECT

In 1942, President Roosevelt launched the Manhattan Project to build an atomic weapon to be ready by 1945 because of threats to America and to explore the future of nuclear fission. The cost in today's prices was $20 billion. The outcome was an end to the war with Japan, and the beginning of a wide new array of nuclear-based technologies in energy, medical treatment, and other fields.

In 1962, President Kennedy launched the Man to the Moon Project to be achieved by 1969 because of mounting threats to U.S. and international security posed by Soviet space-dominance and to explore outer space. The cost of the Apollo program in today's prices would be well over $100 billion. The outcome was an extraordinary strategic and technological success for the United States. It engendered a wide array of spin-offs that improved virtually every aspect of modern life, including but not limited to transportation, communications, health care, medical treatment, food production and other fields.

The security of the United States, and the world, is no less threatened by oil supply disruptions, price instabilities and shortages. It is imperative that America provide needed leadership by immediately beginning to dramatically reduce its dependence on imported oil. This can be done by embracing the concepts outlined above with a focus on fuel choice, combined with concerted efforts at improving energy efficiency and the increased availability of energy from renewable sources.

The estimated cost of the 'Set America Free' plan over the next 4 years is $12 billion. This would be applied in the following way: $2 billion for automotive manufacturers to cover one-half the costs of building FFV-capability into their new production cars (i.e., roughly 40 million cars at $50 per unit); $1 billion to pay for at least one out of every four existing gas stations to add at least one pump to supply alcohol fuels (an estimated incentive of $20,000 per pump, new pumps costing approximately $60,000 per unit); $2 billion in consumer tax incentives to procure hybrid cars; $2 billion for automotive manufacturers to commercialize plug-in hybrid electric vehicles; $3 billion to construct commercial-scale demonstration plants to produce non-petroleum based liquid fuels (utilizing public-private cost-sharing partnerships to build roughly 25 plants in order to demonstrate the feasibility of various approaches to perform efficiently at full-scale production); and $2 billion to continue work on commercializing fuel cell technology.

Since no major, new scientific advances are necessary to launch this program, such funds can be applied towards increasing the efficiencies of the involved processes. The resulting return-on-investment—in terms of enhanced energy and national security, economic growth, quality of life and environmental protection—should more than pay for the seed money required.

Ms. CANTWELL. Thank you, Mr. President.

Mr. President, I thank the Senator from Louisiana for her comments and for her focus on the fact that the amendment is basically agnostic about where we get future supply. You can get it from more domestic production of oil or natural gas. I have been a big supporter of more natural gas production, particularly from Alaska, because I think it is so important to our country moving ahead.

I appreciate her chart showing what States are involved in energy production because we in Washington State are getting 70 percent of our electricity from a hydro system. She mentioned, yes, you can get energy from damming rivers. Well, that is exactly what we have done in the State of Washington and many parts of the Northwest. It has cost our environment, but yet we get 70 percent of our power from that.

We have one nuclear powerplant in our State. We have one coal plant in our State. We have a few natural gas-fired plants in our State. We have four major refineries that take crude oil and convert it to petroleum products, such as gasoline, jet fuel, diesel, and asphalt. So we in Washington State are involved in all those activities.

The fact is, we do not have significant oil and natural gas off the coast of Washington. I know that is something that is being discussed. But the Minerals Management Service Report that was conducted basically says there is not a lot of natural gas off the coast of Washington. So I am not in the same position as the Senator from Louisiana.

I think you have to take into consideration in this debate what some of my staff call the "accidents of geology;" that is, that Saudi Arabia happens to sit on 25 percent of the world's oil reserves, and we in the United States only sit on 3 percent. That is a fact of geology.

So the fact that Louisiana has oil and gas and Washington does not is another fact of geology. But I tell you that we do play our role in Washington State. We help keep the lights on in California. We were forced to do so by emergency order by the U.S. Government during a drought, at a cost to ratepayers in Washington State. So we do play our part in providing energy supplies around the region.

But this is an issue about regional diversity and about getting off our overdependence on foreign oil. I think the Senator correctly articulated what this amendment does; and that is, it basically sets a goal and says it is most important to get off the foreign dependence, to start reducing it. I appreciate that because she came up with the original language and I think is concerned that we do set goals. So I appreciate her comments.

I would like to add to the record, if I could—I know my colleagues from Colorado and Illinois are on the floor and want to speak. But we have had questions about whether we can get a supply of biofuels. I know a lot of my Midwestern colleagues believe in the biofuel section of this bill.

Mr. President, I ask unanimous consent to have printed in the RECORD the Executive Summary of the USDA and Department of Energy report entitled "Biomass as Feedstock for a Bioenergy and Bioproducts Industry: The Technical Feasibility of a Billion-Ton Annual Supply."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIOMASS AS FEEDSTOCK FOR A BIOENERGY AND BIOPRODUCTS INDUSTRY: THE TECHNICAL FEASIBILITY OF A BILLION-TON ANNUAL SUPPLY

EXECUTIVE SUMMARY

The U.S. Department of Energy (DOE) and the U.S. Department of Agriculture (USDA) are both strongly committed to expanding the role of biomass as an energy source. In particular, they support biomass fuels and products as a way to reduce the need for oil and gas imports; to support the growth of agriculture, forestry, and rural economies; and to foster major new domestic industries—biorefineries—making a variety of fuels, chemicals, and other products. As part of this effort, the Biomass R&D Technical Advisory Committee, a panel established by the Congress to guide the future direction of federally funded biomass R&D, envisioned a 30 percent replacement of the current U.S. petroleum consumption with biofuels by 2030.

Biomass—all plant and plant-derived materials including animal manure, not just starch, sugar, oil crops already used for food and energy—has great potential to provide renewable energy for America's future. Biomass recently surpassed hydropower as the largest domestic source of renewable energy and currently provides over 3 percent of the total energy consumption in the United States. In addition to the many benefits common to renewable energy, biomass is particularly attractive because it is the only current renewable source of liquid transportation fuel. This, of course, makes it invaluable in reducing oil imports—one of our most pressing energy needs. A key question, however, is how large a role could biomass play in responding to the nation's energy demands. Assuming that economic and financial policies and advances in conversion technologies make biomass fuels and products more economically viable, could the biorefinery industry be large enough to have a significant impact on energy supply and oil imports? Any and all contributions are certainly needed, but would the biomass potential be sufficiently large to justify the necessary capital replacements in the fuels and automobile sectors?

The purpose of this report is to determine whether the land resources of the United States are capable of producing a sustainable supply of biomass sufficient to displace 30 percent or more of the country's present petroleum consumption—the goal set by the Advisory Committee in their vision for biomass technologies. Accomplishing this goal would require approximately 1 billion dry tons of biomass feedstock per year.

The short answer to the question of whether that much biomass feedstock can be produced is yes. Looking at just forestland and agricultural land, the two largest potential biomass sources, this study found over 1.3 billion dry tons per year of biomass potential (Figure 1)—enough to produce biofuels to meet more than one-third of the current demand for transportation fuels. The full resource potential could be available roughly around mid-21st century when large-scale bioenergy and biorefinery industries are likely to exist. This annual potential is based on a more than seven-fold increase in production from the amount of biomass currently consumed for bioenergy and biobased products. About 368 million dry tons of sustainably removable biomass could be produced on forestlands, and about 998 million dry tons could come from agricultural lands.

Forestlands in the contiguous United States can produce 368 million dry tons annually. This projection includes 52 million dry tons of fuelwood harvested from forests, 145 million dry tons of residues from wood processing mills and pulp and paper mills, 47 million dry tons of urban wood residues including construction and demolition debris, 64 million dry tons of residues from logging and site clearing operations, and 60 million dry tons of biomass from fuel treatment operations to reduce fire hazards. All of these forest resources are sustainably available on an annual basis. For estimating the residue tonnage from logging and site clearing operations and fuel treatment thinnings, a number of important assumptions were made: all forestland areas not currently accessible by roads were excluded; all environmentally sensitive areas were excluded; equipment recovery limitations were considered; and recoverable biomass was allocated into two utilization groups—conventional forest products and biomass for bioenergy and biobased products.

From agricultural lands, the United States can produce nearly 1 billion dry tons of biomass annually and still continue to meet food, feed, and export demands. This projection includes 428 million dry tons of annual crop residues, 377 million dry tons of perennial crops, 87 million dry tons of grains used for biofuels, and 106 million dry tons of animal manures, process residues, and other miscellaneous feedstocks. Important assumptions that were made include the following: yields of corn, wheat, and other small grains were increased by 50 percent; the residue-to-grain ratio for soybeans was increased to 2:1; harvest technology was capable of recovering 75 percent of annual crop residues (when removal is sustainable); all cropland was managed with no-till methods; 55 million acres of cropland, idle cropland, and cropland pasture were dedicated to the production of perennial bioenergy crops; all manure in excess of that which can be applied on-farm for soil improvement under anticipated EPA restrictions was used for biofuel; and all other available residues were utilized.

The biomass resource potential identified in this report can be produced with relatively modest changes in land use, and agricultural and forestry practices. This potential, however, should not be thought of as an upper limit. It is just one scenario based on a set of reasonable assumptions. Scientists in the Departments of Energy and Agriculture will explore more advanced scenarios that could further increase the amount of biomass available for bioenergy and biobased products.

Ms. CANTWELL. The reason I am asking to do that is because this report, which was done by the Oak Ridge National Laboratory, the Tennessee research facility that is part of our national lab system, has said we currently have enough forestland and agriculture land in our country to produce biofuels to meet more than one-third of our current transportation demand. We are already doing research at these labs. They are already calculating the numbers. They are already saying we have enough forestland and timberland in our country to produce one-third of our current demand for transportation fuels. So I think this report is very telling that we can and are on our way. It is a matter of us setting the goal.

I know my colleagues talked earlier a lot about CAFE standards. One of the charts that was presented was supposedly information from the Energy Information Administration about CAFE standards. The Energy Information Administration does not have any idea where those numbers came from, and they understand this amendment does not say anything about CAFE standards. It says basically we ought to set a national goal.

It is important to set the national goal to get off our overdependence of foreign oil because this is who owns the foreign oil. These are the state-owned facilities. These are the countries: Saudi Arabia, Iran, Iraq, Kuwait, Venezuela, Libya. These are the places that have the majority of the world's oil reserves. So our policies for the future are going to be subject to factors involving these countries, so long as we are so dependent on foreign oil.

Now, it is in our economic and security interests to diversify. I think the underlying bill gives us lots of tools to do that, but it does not set a goal to reduce the amount we are dependent on foreign oil.

My amendment would say, let's reduce the amount so that in future years we actually have a reduction—not the 58 percent we are importing today, and not the 68 percent of foreign fuel we are going to import in 25 years, but actually reduce that down to 56 percent so that the trend line is going in the other direction. Let's become less dependent on foreign oil than we are today. That is the goal of my amendment.

I appreciate that my colleagues from Colorado and Illinois are also here to speak on that, so I yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, at the outset of my statement on this energy legislation, I want to provide my laudatory comments to the chairman of the committee, Senator DOMENICI, and the ranking member, JEFF BINGAMAN, for their great work in pulling together what is a great piece of legislation. I also want to say thank you to Alex Flint, Lisa Epifani, Sam Fowler, and Bob Simon for their good work as staff members on the committee.

I believe the Energy legislation is a very good first step, and I think the bipartisan nature in which that committee considered the legislation is a good template for other work this Senate Chamber engages in. I believe the keystones of energy conservation, renewable energy, new technologies, and balanced development are all very important parts of this legislation. It is my hope this Senate and the House of Representatives are able to deliver energy legislation to the President for his signature in the near future.

I will speak more broadly about the Energy bill and its importance to America because I do think it is one of the two most important things we are working on on behalf of our Nation today.

I believe the energy challenge we face in America and the health care challenge that is bankrupting America's families and businesses are the two most important things we could be working on as a Senate. But today, and for at least the week, perhaps several weeks ahead, Senators DOMENICI and BINGAMAN will lead us through the discussion on what we are going to do with respect to the energy imperative.

I rise this evening to specifically address the amendment that has been offered by the Senator from Washington to establish a goal to reduce by 40 percent the amount of oil the United States is projected to import in 2025. This amendment requests an annual report be completed that provides information about the progress the United States has made in achieving the goal.

When this goal is met, the United States would be positioned to reduce imports by 1.5 million barrels per day compared to 2005 import numbers. Those savings would be equivalent to the amount of oil the United States is currently importing from Saudi Arabia. Section 151 of the Senate Energy bill as written contains an oil savings provision. That provision would direct the President to implement measures sufficient to reduce by 2015 the country's projected demand for oil by 1 million barrels a day.

Assuming that all those savings came from import reductions, the United States would still be importing 14.4 million barrels a day. That is over a million barrels a day more than we import today. It strikes me as odd to be importing more oil and calling it oil savings. It sounds a bit like Washington doublespeak.

We need to work toward real energy independence, not away from it. We need to import less oil, not more. We have to stop putting so much money in the hands of regimes hostile to the United States in the most unstable regions of the world. We have to do everything we can to set America free from our overdependence on foreign oil.

I rise in support of this amendment because it truly represents oil savings. The amendment would reduce our oil imports by 1.5 million barrels per day less than we are importing right now. This is progress. This is the right kind of vision for America's future, a vision of energy independence, a vision of an America free of foreign oil. These oil savings can be easily achieved if we have the vision and the courage to do it. More use of renewable fuels, more efficient vehicles, and the intent to actually do something are substantial keys to setting America free through this energy legislation.

I urge my colleagues in the Senate to adopt the Cantwell amendment to the energy legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in support of the Cantwell amendment and ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I thank Senator CANTWELL for her leadership on this amendment. It is going to precipitate a debate which shows the difference in outlook between the two political parties. The goal that Senator CANTWELL has spelled out is to reduce America's dependence on foreign oil. She believes that we are capable as a nation, through our innovation, through hard work and bipartisanship, to come up with ways to conserve energy, to find alternative fuels, to find environmentally responsible places to seek new oil sources in the United States; that it is possible for us to lessen dramatically our dependence on foreign oil, 40 percent in the next 20 years. That is her vision.

Does it mean changing the way we live? Slightly. Of course, it does. But it is not too great a sacrifice. Senator CANTWELL's vision looks to an America that is no longer going hat-in-hand to OPEC saying: Please give us your oil. We cannot survive without it. Understanding that at any given moment they can cut off oil supplies and we could watch prices skyrocket as they recently have. That is her vision. It is one I share. It is a vision that challenges America to look forward in a positive way, look forward to change which lessens our dependence on oil-producing countries around the world.

In 1973, we imported 28 percent of the oil we used. Today, we are up to 58 percent. If we don't change our ways in the next 20 years, we will be up to 68 percent. When we are so dependent on foreign oil, we give up our freedom. We allow other governments that provide the oil to tax our economy, tax our businesses, tax our lives. We give up our freedom to those who turn on and off this energy spigot and make a difference.

When I was a little boy, years and years ago, growing up in East St. Louis, IL, I had a great aunt. She was a wonderful lady who, when I knew her, was very old. She used to tell us stories about growing up in her lifetime. It was Aunt Mame. I always thought it was curious, as a little boy, that she never referred to the vehicles in the driveway as cars or automobiles. She always called them machines. I thought, who in the world would call that a machine? She explained to me that in her lifetime, these machines had appeared out of nowhere, taking the place of horses and buggies. Getting into a car, which she called a machine, was a big deal for Aunt Mame. I used to laugh, after I left her, with my cousins and say: Can you believe she calls those machines? It reflected her mindset. To her, the concept of a car would always be something new and foreign.

I listened today while Republican Senators, such as the Senator from Missouri, came to the floor and said they cannot visualize or imagine a different kind of car in the future that would be more fuel efficient. They just can't see it. In fact, the Senator from Missouri, when asked what that car would look like, said it would look like a golf cart. That doesn't demonstrate the same kind of vision of our future.

We hear from the other side that the idea of reducing our dependence on foreign oil is a bad idea. They are wedded to the concept that we will continue to be dependent on foreign oil. The idea of challenging America to come up with more fuel-efficient cars and with other ways to save oil is something they don't believe in. They just don't have confidence that American creativity and ingenuity can rise to that challenge. It is a negative and dismal outlook, and they also believe that American drivers and consumers are so selfish they would never consider giving up their Hummers, or their huge cars, if it meant less dependence on foreign oil.

I see the world a lot differently. This Nation comes together time and again, sending our best and brightest and bravest over to fight in wars, rallying around the war on terrorism after 9/11. We do rise to the challenge. That is what we are all about. The Cantwell amendment lays down that challenge.

In the underlying bill, almost 800 pages long, section 151 states:

> The President shall develop and implement measures to conserve petroleum and end uses throughout the economy of the United States sufficient to reduce total demand for petroleum in the United States by 1 million barrels per day in the amount projected for calendar 2015.

This is not a new provision. It is a good one, but it is not a new one. It was offered by Senator LANDRIEU of Louisiana the last time we had an energy bill. It passed 99 to 1. Only one Senator thought this was a bad idea. Ninety-nine Senators believed reducing our dependence on foreign oil was a good idea. This amendment was an important first step.

But if the United States reached the savings included in this provision of the bill, we would still be importing 14.4 million barrels per day to sustain the economy. That is over 1 million barrels a day more than we import today, allowing America's foreign oil dependence to continue to grow. We can do better. We can slow our growth in demands on foreign oil. We can reduce America's use of foreign oil.

First, we have to agree on a national goal. That is what the Cantwell amendment is all about, a goal that recognizes our national security, our economic prosperity, our environmental integrity, and makes sure that Americans have good jobs. Those are our high priorities. We must agree that sending billions of dollars annually to foreign governments to feed our thirst for energy instead of reinvesting that money in the United States shortchanges our own economy and our future. We must agree that sending our daughters and sons, sisters and brothers, fathers, uncles, mothers, and aunts into regions of the world, whether to establish a national presence or to advance freedom or for the sake of securing our future energy supply can be shortsighted and wrong.

To be drawn into a war to protect a foreign source of oil is to say it is too much to ask someone to change the car they drive, but not too much to ask them to send their son into combat. I, frankly, think that is an easy choice. I believe it is wrong for us to see the world in those terms, that we accept this dependence on foreign oil. That is why I strongly support this amendment.

This amendment seeks to establish a goal to reduce our projected foreign imports by 40 percent over the next 20 years, and 7.6 million barrels a day would be saved. Do you know where that gets us? If we meet that goal in 2025 and reduce foreign imports, we will just begin to reduce our foreign imports overall. Today, the United States imports over 13 million barrels per day of foreign petroleum. That is the 4-month average for this year.

In 2025, after reaching this goal, we will import 11.8 million barrels per day, a decrease of only 1.5 million barrels per day of our current imports.

Energy independence is about reducing imports of foreign oil, not slowing the growth of our dependence or toeing the line. As long as oil remains the sole major fuel source for the American economy, dependence on foreign imports will remain a geologic and economic fact of life.

Last year, I participated in a discussion entitled "New Energy for America, Jobs, Security and Prosperity for the 21st Century." The discussion focused on the need to move America in a direction toward more jobs, security, and prosperity. The speakers included labor leaders, business leaders, lawmakers—all with a different message, but basically saying the same thing: We need to move America in a new direction.

I have been encouraged by new coalitions, such as Set America Free, the Energy Futures Coalition, and the Apollo Alliance, which incorporate unique bedfellows into the same common goals. In a bipartisan nature, these groups have shared resources and ideas because they share the same values: Put America first. Make America secure and less dependent upon foreign oil.

I appreciate the bipartisan fashion in which Senator DOMENICI and Senator BINGAMAN and the members of the committee crafted this bill, and I hope this amendment becomes a bipartisan amendment.

I want to note there are a couple provisions in the bill that take small steps in the right direction, such as the renewable fuels title and the provision to increase the efficiency of heavy-duty trucks by reducing the use of diesel power during idling. These are all good things. But we can do more.

I will offer an amendment on CAFE standards at a later point. That is not what the Cantwell amendment is about. I have heard the argument that the amendment is a backdoor way to increase CAFE, that that is where the Cantwell amendment is headed. But it is not. It is about setting a goal, without a prescribed recipe, understanding that we all may believe there are different means by which America can best meet this goal. We all understand it must be our goal.

How can we be stronger as a Nation while being dependent upon foreign oil? How can we talk about growing our economy if we have to beg the OPEC cartel for the oil we need? It is a fact of life. If you look at the oil resources that are available around the world, it is pretty obvious. Look at this chart. North America. When you look at 2002, we have about 4 percent of the global reserves when it comes to oil. By 2020, it is going to be 1 percent. The lion's share of the global resources is not in America, it is in the Middle East and North Africa. So even if we use all of the current available resources and can bring them forward in an environmentally sensible way, we could not get close to our energy demands. We are always going to be dependent on some other source from some other part of the world. That is why I think we have to move toward those developments in the use of energy which reduce our dependence.

Also, let me say this about China. You cannot talk about the world economy and ignore China. You don't see China on this list of producers. It happens to have a growing economy that also is dependent on foreign oil. But China gets it and the United States does not. Let's take one example. Fuel efficiency in cars. Today, China has higher fuel efficiency in cars and trucks than the United States. They get it. They understand it. If they are dependent on foreign oil, they are going to put vehicles on the road that are more fuel efficient. The United States does not. Why? It is worth a moment's discussion.

I listened to the Senator from Missouri speak earlier about the automobile industry opposing fuel efficiency, opposing this idea of lessening our dependence on foreign oil. There was a time in my lifetime when American automobile manufacturers led the world—not only in inventing the earliest vehicles, but in developing them, setting the standard for the world. Sadly, that is not the case today. Just a week or so ago, General Motors announced 25,000 employees were being laid off. Last quarter, General Motors lost a billion dollars. When you look at the legacy cost to General Motors, there is a serious concern about whether this former automobile giant can survive. When you also consider the fact that Toyota announced last week that it would raise the prices of cars in the United States so as to allow General Motors to raise its prices and stay in business—think of it, the Japanese automobile manufacturer is going to come to the rescue of General Motors for fear they would go out of business. You wonder why.

How can a country that is so good, with an industry that once led the world, be in such bad shape? I think the answer is fairly clear. Detroit and the automobile manufacturers of our country focus on making more cars this year of the same kind they made last year. They lack the vision to look to the future of what we could do, in terms of making a new generation of automobiles and trucks to serve America's economic and family needs, without sacrificing safety. They think it is an impossible dream. While they sit and puzzle over the future, lamenting the possibility of change, sadly, other automobile manufacturers are doing much more.

My wife and I decided to buy a new car a few months ago. I wanted to buy an American car. We decided we didn't need a big SUV. We joke in our house that if you want to drive a Hummer, you ought to join the Army. We decided to get a modest size car to fit our family needs. We wanted it to be fuel efficient. Do you know what? The choices are pretty limited. There are not many American-made cars that fit the standard. We heard about the Ford Escape hybrid and bought one. It is good, but it is not great. I am glad we are doing a little bit to try to reduce our dependence on gasoline in our family and on oil imports as a Nation.

That hybrid was introduced in the market 2 years after the Japanese came out with their car.

At a time when there is overwhelming demand for Japanese hybrid automobiles, Detroit still doesn't get it. They are not building that same type of vehicle to compete. I don't understand it. They seem to always miss the new trend and try to convince us to stick with the old model cars that used to be sold.

One of the aspects about this whole debate is security. In a paper that former CIA Director James Woolsey gave to me at a press conference a day or two ago, he identified six technologies that, with vigorous Government support, could dramatically change the nature of our fuel use in America over the next 20 years. I will not go through the list, but they are things that are already available. So when some Senators come to the floor and say we cannot imagine how we lessen dependence on foreign oil without dramatically tripling the fuel efficiency of cars, they haven't taken the time to do the research. If they did, they would understand there are plenty of technologies available today to reach those goals. "I am not sure every one of these is going to be implemented," Mr. Woolsey advised, but at least it gives a starting point to make the changes.

The right mix and standards and incentives are out there. I believe we can find the right set of financial incentives and standards that meet our goal. There are a lot of cynics. They probably had a lot around when Henry Ford said you don't need a horse to get around. But the fact is we know we can rise to this challenge as a nation.

I fully appreciate that in 10 years we may make technological advances we cannot fathom today. I didn't think I would be driving a hybrid vehicle a few years ago or carrying around 2,300 songs on an IPOD in my pocket. You cannot think small in America. You have to think big. Sadly, the naysayers and negative voices on the other side of the aisle cannot envision America growing with this technology and becoming more fuel efficient. I think there are creative and visionary people on both sides of the aisle. I hope they will support this amendment.

We can test the innovation of America, and I know we can rise to that challenge. We burn 10,000 gallons of oil per second today in the United States—10,000 gallons per second. We use four times more oil than any other Nation, even though we know that the United States contains just 3 percent of the world's proven oil reserves.

Two-thirds of the world reserves are located in the Persian Gulf region. In fact, the Saudi state-run oil company alone has 30 times the reserves of ExxonMobil, the largest American company. Today, nine out of ten reserve-richest companies in the world are owned by foreign governments.

Do you understand how that makes the United States subservient to these governments when it comes to our economic future? They own the oil we need to exist, and unless we start weaning ourselves from this dependence on foreign oil, it will just get worse.

A study published by the Rocky Mountain Institute found that in 2000, oil imports cost $109 billion and comprised 24 percent of that year's goods and services trade deficit. In 2003, that figure rose to $10 billion a month, $120 billion. What could we do with $10 billion fed into the U.S. economy instead of into these oil-rich nations around the world?

On the Web site for the Set America Free Coalition, there is a link called, "The True Cost of Oil." This is often a sensitive subject. Whenever externalities are calculated into the overall cost, there is often wiggle room for debate. However, on this Web site, Set America Free has a link to the National Defense Council Foundation's summary of the hidden cost of imported oil.

The report finds that the economic impact of U.S. dependence on imported oil includes almost $49 billion in annual defense outlays to maintain the capability to defend the flow of Persian Gulf oil, the equivalent of $1.17 to the price of every gallon of gasoline; the loss of 828,000 jobs in the U.S. economy because we are depending on foreign oil; and the loss of $159 billion in GNP, not to mention $13.4 billion in Federal and State revenues. Total economic penalties from our importation of oil, $297 billion to $304 billion every year. And the voices on the other side objecting to this Cantwell amendment are content to let those figures grow. I think that is just plain wrong.

One final striking figure is the cost of periodic oil shocks the U.S. economy has experienced over the last three decades. They estimate they have cost us $2.2 trillion to $2.5 trillion.

Today, vulnerabilities in oil infrastructure could easily send oil prices skyrocketing.

We all know about terrorism and terrorism in the Middle East. Unstable governments in Iraq and Saudi Arabia can certainly threaten the U.S. supply, not to mention Iran.

Finally, I would like to note that the money we spend annually in the Middle East to feed our oil thirst goes directly to the production of hate literature throughout the region. So today, while American men and women are fighting in Iraq, the U.S. consumers continue to send billions of dollars overseas funneled off to support operations that completely undermine our service men and women overseas.

Can we not see the connection here, that in this same Middle East, where we are sacrificing and have lost 1,700 American lives in combat, our enemies are being fed by our dependence on foreign oil?

We have seen the dramatic surge in Chinese economic growth at a rate of 7 percent a year. This week's U.S. News & World Report cover story is, "The China Challenge: What the Awakening Giant will Mean for America." China is the world's most populated country, with 1.2 billion. In 2003, China overtook Japan as the second largest oil-consuming nation in the world, and projections are that the Chinese demand for oil will double by 2025.

Mr. President, I see that the majority leader is on the floor. He has asked to be recognized. I yield the floor to the majority leader for whatever purpose and then reclaim my time after he is finished.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I apologize for the interruption. A number of people have called asking for the schedule for tonight in terms of voting. We will be voting on the Cantwell amendment sometime tomorrow morning, and we will not have rollcall votes tonight.

I have one unanimous consent request.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: No. 58, David Garman to be Under Secretary of Energy, and Nos. 137, 138, and 139. I further ask unanimous consent that the nominations be confirmed and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF ENERGY

David Garman, of Virginia, to be Under Secretary of Energy.

UNITED STATES POSTAL SERVICE

Carolyn L. Gallagher, of Texas, to be a Governor of the United States Postal Service for the remainder of the term expiring December 8, 2009.

Louis J. Giuliano, of New York, to be a Governor of the United States Postal Service for a term expiring December 8, 2005.

Louis J. Giuliano, of New York, to be a Governor of the United States Postal Service for a term expiring December 8, 2014 (Reappointment).

NOMINATION OF BEN S. BERNANKE TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 151.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read the nomination of Ben S. Bernanke, of New Jersey, to be a member of the Council of Economic Advisers.

Mr. BUNNING. Mr. President, I rise today to state my opposition to the nomination Dr. Ben S. Bernanke to be a member of the President's Council of Economic Advisors.

Mr. Bernanke is a member of the Board of Governors of the Federal Reserve, and he has previously come before the Senate Banking Committee. I voted for his nomination in committee and on the Senate floor to become member of the Board of Governors. I supported him based on our conversation in a private meeting we had in my office. As Members of the Senate and those who follow the Senate know, I have had some concerns about the Federal Reserve.

One of my biggest concerns is that the Federal Open Market Committee—FOMC—suffers from group think which seems to have no cure—because it seems to me that no one ever challenges Chairman Alan Greenspan.

I think for the FOMC to function properly, members must be true to their convictions and challenge the chairman. No chairman should be able to dominate without dissent. There must be intellectual sparring so all of the committee members are heard and the FOMC can come up with the best decision for our country. The FOMC needs independent voices.

Governor Bernanke promised me he would be an independent voice. He promised me he would stand up to the chairman if the thought he was wrong or was being rolled. He promised that he would be that independent voice on the FOMC that would challenge the chairman if he thought he was wrong.

Sadly, I have not seen very much evidence of his independence—or anyone else's independence for that matter. I have not seen him ever vote against the chairman. I have not seen him use his bully pulpit to challenge the chairman. As far as I can tell, they have not had a major disagreement. I find it hard to believe that he and Chairman Greenspan think exactly the same about all of these diverse and important opinions within the FOMC.

I As important as I think it is for a member of the FOMC to be independent, it is more important for the head of the President's Council of Economic Advisors—CEA—to be independent. The chairman of the CEA must stand up to the President when he believes the President is wrong. He must challenge him. And based on his performance at the FOMC, I am not convinced that Mr. Bernanke will do that.

Because he has not convinced this Senator that he will be an independent voice, I regretfully cannot support his nomination.

Mr. FRIST. Mr. President, I know of no further debate on this nomination, and we are ready for the Chair to put the question. However, I note for the RECORD that Senator BUNNING is opposed to this nomination and would have voted in the negative. We appreciate him allowing us to go forward and duly note his opposition.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Ben S. Bernanke, of New Jersey, to be a member of the Council of Economic Advisers?

The nomination was confirmed.

Mr. FRIST. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FRIST. Mr. President, I ask unanimous consent that the President be immediately notified of the Senate's actions and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. FRIST. Mr. President, I thank the distinguished Senator from Illinois. Let me ask—because I know the Senator from Kansas is going to want to follow the Senator from Illinois—about how long he will be?

Mr. DURBIN. Ten minutes.

Mr. FRIST. Mr. President, I thank the Senator again.

ENERGY POLICY ACT OF 2005—Continued

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I see the Senator from Kansas waiting patiently. I do not want him to sit here and miss the picnic. I will just speak for a few minutes more.

The point I was trying to make when I yielded to the majority leader is there is dramatic growth in the Chinese economy, and with that growth, there will be an increase in their demand for oil. They will be competing with the United States around the world.

We will find the old laws of supply and demand will not work. Increased demand without increasing supply means higher prices. So we will be in competition for this foreign oil, paying more for it, watching our economy strangled by this dependence on foreign oil.

Obviously, there are some who say that is fine, that is the way life is, get ready for it. We do not see it that way. On the Democratic side of the aisle, the Cantwell amendment sets a goal of reducing this dependence on foreign oil by 40 percent over the next 20 years. It is an achievable goal. People who follow this closely will tell you there are variety of ways to achieve it. The measures that can be used, short of changing CAFE standards, which I support personally—but if you do not want to change CAFE standards, there is market growth in hybrid vehicles, industrial, residential, and aviation efficiency, heavy-duty truck efficiency gains, replacement tires—that sounds like a small thing but it turns out to be a large element in increasing fuel efficiency—transportation choices, such as mass transit and growth in biofuels.

All of these are here. The National Commission on Energy Policy has come up with these recommendations and have given us things we can point to, to reduce our dependence on foreign oil.

Some on the other side of the aisle just do not want to concede this point. They are obviously prepared to accept this indefinitely, that our dependence on foreign oil will grow. But how can that make us stronger as a Nation, how can that make us more secure? It moves us in the wrong direction.

There may be some who profit from our dependence on foreign oil, but it is not the American economy, and it is certainly not the American taxpayers, nor the sons and daughters who are serving overseas defending America's interests.

Furthermore, unstable governments, in Iraq, in Saudi Arabia also threaten U.S. supply.

Finally, I would like to note that the money that we spend annually in the Middle East to feed our oil thirst, goes directly to the production of hate literature throughout the region. So today, while American men and women are fighting in Iraq, the U.S. continues to send billions of dollars overseas that are funneled off to support operations that completely undermine our service people's efforts there.

In the past few years we have witnessed China's surging economic growth. China's real gross domestic product is growing at a rate of 7 percent a year. In the U.S. News and World Report this week, the cover story is, "The China Challenge, What the awakening giant will mean for America."

China is the world's most populated country with 1.2 billion people.

In 2003, China overtook Japan as the second largest oil consuming nation in the world and projections are that Chinese demand for oil will double by 2025, nearly meeting current U.S. imports. The US News reports notes that China's economy is expected to surpass Japan's by 2020, making it the second largest in the world.

Recent data indicates that the number of automobiles in China has grown

19 percent annually, surpassing Germany with the number of cars they have on their roads. By the year 2010 China is expected to have 90 times more cars than in 1990. Consequently, China could surpass the total number of cars in the U.S. by 2030.

China's oil consumption has grown by 7.5 percent per year reaching a current daily demand of about 6.4 million barrels a day, yet China's oil production is flat at around 3.4 million barrels per day.

Currently, 58 percent of China's oil imports come from the Middle East and it is projected that by 2015, the share of Middle East oil will reach 70 percent.

With projected growth in automobiles, projected oil demand in China could increase to 15 million barrels a day by 2020.

This growth in demand will increase global competition for oil resources, likely to increase, not decrease the price of crude oil.

While China is attempting to diversity its oil interests, like the United States, China recognizes that the world's most substantial oil reserves are in the Middle East.

If we look at this chart, we can clearly see that in 2020, 83 percent of projected global reserves based on current production rates will be in the Middle East. The United States and China will be in very similar positions with regard to domestic oil reserves.

A story last week's Washington Post reported that nationally, daily production of oil and natural gas liquids dropped last year to an average of 7.2 million barrels a day, a 36 percent decrease since peaking in 1970. And at Prudhoe Bay, average daily production last year was about 450,000 barrels a day, a 72 percent drop from its peak, and production is expected to continue to drop.

What does this mean for the U.S.? Our increasing decline in domestic production and growing global demand on Middle East oil supply could have serious implications on foreign policy. A report by the U.S.-China Security Review Commission, a group created by Congress, warned:

> A key driver in China's relations with terrorist-sponsoring governments is its dependence on foreign oil to fuel its economic development. This dependency is expected to increase over the coming decade.

China is already competing with us for world supply, and this competition is—not may—is going to increase.

It is very clear from China's economic growth, with India emerging as well, that the United States, if it continues on the current course, feeding its thirst for energy using foreign oil, will face increasing pressures caused by increasing demand and tightening supply.

Inevitably the production decisions of foreign nations and organizations like OPEC, will determine the price of our energy, and in turn control of our economy and America's national security.

Earlier this year, in April, the price of a barrel of oil rose above $55, today it is hovering around $53. With the increase in crude prices in the spring, gas prices jumped too, increasing 40 or more cents per gallon in many parts of the country since that time last year. While we have witnessed a slow drop in gas prices, they still remain over $2 per gallon in much of the country.

An AP report noted yesterday that oil prices rose yesterday on news that OPEC may increase production quotas, and that oil prices will remain high well into 2006, even if the production ceiling is raised.

In this same report, a group of finance ministers from the Group of Eight industrialized nations, over the weekend, called for greater investment in increased energy efficiency and alternative sources of energy. They noted that sustained high energy prices "are of significant concern since they hamper global economic growth."

Not only do high oil prices hamper global economic growth, they hamper America's economic growth.

Back when oil was $43 per barrel, the International Air Transport Association estimated that the airlines would lose $5.5 billion. Yesterday's oil price, however was $10 higher than this, $53.47 per barrel, pushing this overall figure even higher. Fuel costs are the second biggest cost for our nation's airlines.

The chief of the IATA said that each dollar rise in the cost of oil boosts the industry's total fuel costs by about a billion dollars annually.

Airlines, many on the verge of bankruptcy like United Airlines in my State, cannot afford this. Workers and retirees are impacted with wage and benefits cuts. United Airlines reported that their fuel costs soared $200 million in just the first quarter of 2005.

And in this industry, where fuel makes up such a large portion on the companies operating budget, fuel efficiency is leading purchase decisions.

For instance, the next Boeing jetliner, the 787, is projected to be 20 percent more fuel efficient than its predecessors, key factor being cited by airlines like Air Canada and others who have placed orders for the new model.

The economic toll that rising energy costs has on the industrial sector is also large. For instance a $1 increase in the price of oil costs U.S. companies and consumers about $828 million in trucking costs each year.

And families are impacted too, making hard decisions as the money gasoline they pump into their gas tanks eats at a bigger portion of their paycheck.

I raise these issues because I think we can help move America in a direction whereby reducing demand will help to insulate our economy, our jobs and our national security from oil prices spikes brought on by either production quotas, infrastructure delivery implications or instability in foreign countries.

There is potential job growth if America embraces a new vision. For instance, a report completed by the Renewable Fuels Association estimated that doubling the production of ethanol could create 234,840 new jobs in all sectors of the U.S. economy—help communities grow and rejuvenate cities.

Advancing technological innovation can encourage our traditionally robust manufacturing sectors provide new parts and products that we will need to meet our goals. Cynics point to what we know, increasing fuel economy standards, visionaries embrace new ideas, advancing engineering design, alternative fuels, hybrids, hydrogen—and who knows what next.

Building new infrastructure or retooling factories are jobs that will be in America—not oversees. These jobs will provide stronger markets for goods and labor—reinvigorating some cities across the U.S.

Yesterday, Mr. Woolsey noted in our press conference that the U.S. borrows $4 billion annually to buy foreign oil. If each billion spent abroad were spent in the United States, we could create 10,000–20,000 American jobs, many in rural communities.

Technological change and advancement has always been a recipe for success for America. From the Wright brother's flier to the creation of the personal computer, we have created ways to advance and provide jobs for Americans while doing so.

But America needs to agree that we have to move in this direction. The Cantwell "40 in 20" Amendment establishes the goal that moves the U.S. forward.

Earlier on the floor today, I heard one of my colleagues say that it is not possible to reach the goal established by this amendment. First, how do we know if we do not try. Second, I challenge American's to do so—because it is our Nation's best interest.

The AP story yesterday noted that an energy analyst cautioned that, what is the so-called "global depletion midpoint"—the point at which roughly half of oil reserves have been tapped and production can no longer be increased—could come by the end of the decade.

For me, I believe that we have no choice but to turn around before it's too late.

In May 1961, President John F. Kennedy set the goal of landing an American on the moon. He did not prescribe to scientists how to get an American to the Moon; he set the goal, and provided the resources to meet that goal. Only nine years later, Neil Armstrong and Edwin Aldrin made the first human steps on the Moon. I know there were skeptics at the time—I wasn't one of them, but there were—thinking a man couldn't walk on the Moon. But we did, and we've done so much more since.

When American's are challenged they have proven that they can and will rise to the occasion.

I encourage each one of my colleagues to think long and hard about this amendment and what vision they have for America.

If you want an America whose economy is strapped to the whims of foreign governments and supply shocks of foreign oil, then vote no on this amendment.

If you believe that America's great thinkers, innovators, scientists and businesses cannot create the solutions that we need to reach this goal then you should vote no on this amendment.

If you believe that we cannot create more jobs by increasing domestically produced fuels, then you should vote no on this amendment.

But if you want a different America, one where your children or grandchildren can don a lab-coat instead of a flack-jacket; where energy solutions can create jobs, protect the environment and safeguard public health and believe that America's economic prosperity and national security are our highest priority, I encourage you to vote yes on the Cantwell energy security amendment.

In keeping with the bipartisan nature of this bill to date, I encourage all my colleagues to pass this amendment and move America toward an energy independent future.

The Cantwell amendment moves us in the right direction, reducing our dependence on foreign oil and reducing our dependence on the nations that supply that oil.

Critics have come to the Senate floor and said: Well, she does not spell out how to do it. This bill spells out many ways that we could move toward less dependence on foreign oil, and because it is a good bipartisan bill, I am looking forward to supporting it.

These things which I have noted are already existing technology that can be used to move us toward this goal. For those of us who have a positive, optimistic view of the creativity and freedom in America, the Cantwell amendment sets us on a goal that America should achieve on a bipartisan basis.

I urge my colleagues on both sides of the aisle to join me in supporting the amendment.

I yield the floor.

Mr. CRAPO. Mr. President, during Senate vote No. 139, pertaining to amendment No. 779, I was necessarily absent. Had I been present, I intended to vote "yes." I ask that the RECORD reflect this.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I ask unanimous consent that I may proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOHN BOLTON NOMINATION

Mr. ROBERTS. Mr. President, I rise today in an attempt once again to resolve an intelligence-related issue with regard to the nomination of Under Secretary John Bolton to be the U.S. Representative to the United Nations. As my colleagues are probably aware, for some time I have been engaged in an effort to assist my colleagues on the Senate Foreign Relations Committee with some concerns they have with regard to Mr. Bolton and his request for U.S. person identities that are contained in certain intelligence reports.

The last time I came to the floor of the Senate, I spoke at length about Mr. Bolton's requests. After reviewing the actual reports and examining the process whereby he was provided the information that he sought, it was apparent to me that Mr. Bolton's requests were not only appropriate but very routine. As far as I was concerned, that was the end of the matter, and I so indicated in my response to the chairman of the Foreign Relations Committee, Senator LUGAR, in a letter.

Based on statements by some of my colleagues, concerns about Mr. Bolton's requests for identities have apparently expanded to include whether the Under Secretary sought these identities to exert some form of retribution against certain Government officials. Although the Foreign Relations Committee's minority views and statements made by minority members seem to indicate that the universe of these officials, or their concerns about these officials, is very small, it is now very clear that this universe is indeed expanding, if not exploding. In fact, in a response I received from the distinguished ranking member, Senator BIDEN, and Senator DODD, we have gone from the innermost planets in our solar system of their concern to include the entire Milky Way. I have informed my colleagues that I could not support such a request because it appears to be more of an effort to preserve this issue, this stalemate, this what some people call a filibuster, than an effort to resolve it.

I also informed Senators BIDEN and DODD, however, that I could recommend a more focused request that is consistent with their public statements in their minority views. I believe that such a request could be a basis for moving this process forward, a goal I hoped we all shared to get the process moving.

In the interest of moving forward, I urged my colleagues to reconsider the scope of their request. The response quite frankly was, no, thank you. That is probably the nicest way I can put it. I believe their bottom line is now: Give us all of the names we have now put in play or no deal.

As members of the legislative branch, we have all been in the position of requesting information from the executive branch and being told no. That is not pleasant. That is not what we would like to hear from the executive branch. But we do understand—I think, I hope—that there are limits to what we can demand and expect to receive. That is just a fact of life as we negotiate the separation of powers between the two branches of Government.

My colleagues know full well that an absolutist will inevitably lead to a stalemate, and that is what has happened. That is why we tried to work in good faith to address our concerns while recognizing each branch's responsibility and their prerogatives.

In my experience, a middle ground is usually achievable. It may take time, but usually we can achieve it. In this case, I believe the administration was willing to meet my colleagues halfway. In other words, if they would provide a reasonable list of names based on actual findings by the committee, perhaps they could be assured that those names were not contained in the reports and their concerns would be simply allayed, while at the same time it would permit the executive to preserve its prerogative to control the dissemination of very sensitive information.

Let me just say that signals intelligence and intercepts is in the highest compartmented criteria in regards to intelligence information. So this is very sensitive.

Once again, I think that the middle ground, unfortunately, proved very elusive. I am sympathetic to my colleagues' desire to see information they deem necessary to their consideration of Mr. Bolton's nomination. I do not believe, however, that they should be imposing their standard on the entire Senate. The last cloture vote clearly demonstrated that a clear majority believes that the Senate does possess the sufficient information to vote on Mr. Bolton's nomination, and vote we should.

With that said, I am prepared to go one step further, in one last good-faith effort, to try to alleviate the concerns expressed by my colleagues across the aisle. Because my colleagues would not share their list of names with me, I have taken what may be viewed as the somewhat unorthodox step of compiling a list of names that I believe do actually reflect the universe of individuals who fall within the parameters set by my colleagues' public statements and their minority views.

I am not doing this with temerity. I am trying to make a good-faith effort, and I hope people appreciate my intent in the doing of this. I want my colleagues to know that I have done this in a sincere effort to move this process forward. I do not in any way wish to substitute my judgment for my colleagues', but I do hope we can reach some sort of an accommodation. So I have submitted my list of names to the Director of National Intelligence, John Negroponte, and he has assured me that none of them are among the names requested by Under Secretary Bolton.

The names I submitted included Carl Ford, Assistant Secretary of State for Intelligence and Research, his name is not in the intercepts; Christian Westermann of the INR, State Department intelligence branch, not in the intercepts; the individual known as Mr. Smith, not in the intercepts; Rexon Ryu, State Department official, not in the intercepts; Charles L. Pritchard, special envoy for negotiations with North Korea, not in the intercepts.

There were two other individuals referenced in the minority views whose names have not been made public, and I will not do so now. However, I did submit their names, and they were not in the intercepts. I am more than willing to share the two names with my colleagues on the Foreign Relations Committee, but I will not discuss them publicly.

Finally, the Foreign Relations Committee's minority views also referenced two other unnamed individuals. I understand, however, that the committee itself is not aware of who these people are, and therefore it is highly unlikely that those names would be part of anybody's list. They were certainly not on mine.

I strongly believe this compromise represents the best middle ground and should more than satisfy the concerns of my colleagues. These are the names that were mentioned in the minority views. These are the names that were mentioned in regard to the people who were interviewed. These are the names that have been referred to in the press and the media over and over again. That is what this universe is about.

I am very hopeful that this should more than satisfy the concerns of my colleagues, unless, of course, they are not interested in being satisfied, and if that is the case, there is really nothing further anybody can do to move this process forward.

I believe it is high time that we vote on this nomination, up or down, whichever way the chips fall. I urge my colleagues on both sides of the aisle to take the next step, whether they are in favor of Mr. Bolton's nomination or not, whether they are for him or they are opposed. We have made some strides recently, it seems to me, in moving nominations to a vote. It seems to me we should continue that trend with Mr. Bolton's nomination and get on with the business of the Senate.

I hope I have been helpful. I hope people do not take my actions in the wrong way. I am acting in good faith in the very best way I know how to reach a compromise to alleviate the concerns of my friends across the aisle. I hope that has been the case in regards to my remarks this evening.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE LATE SENATOR JIM EXON OF NEBRASKA

• Mr. HARKIN. Mr. President, with the passing of former Senator Jim Exon on Friday, a giant oak in the forest of public service has fallen. Political historians will remember him as a dominant force in Nebraska politics across nearly 3 decades, serving two terms as Governor and three as Senator. Those of us who were privileged to be his friend remember him, first and foremost, as a man of enormous decency, integrity, and common sense. We remember his quick mind; his slow, gravelly voice; his Midwestern directness and unpretentiousness.

Here on the Senate floor, I am privileged to sit at the same desk that Senator Exon used during the last of his 18 years in the Senate. I inherited it upon his retirement in 1996, and I have always considered it a special honor to carry on where he left off.

Of course, for people in Iowa, Jim Exon was a next-door neighbor. Over the years, Iowans got to know him well as a stalwart friend of family farmers; as a tireless promoter of rural economic development; and, a time when the bioeconomy was in its infancy, as a true believer in the future of ethanol and other home-grown, renewable sources of energy.

Jim Exon was not just present at the creation of the ethanol industry, he was an important midwife of that industry. He took office as Governor in 1970, and in 1971 he created the Nebraska Ethanol Board. In the ensuing years of ethanol's infancy, it was Nebraska and Iowa that led the way in establishing this industry. At every step, Jim Exon was there as an advocate and champion.

I will always remember my partnership with Senator Exon and Senator John Melcher of Montana on the 1985 farm bill. We fought long and hard to fend off attacks on safety-net programs for family farmers. Night after night, we kept the Senate in session into the early hours of the morning. And, thanks to Jim's leadership and sheer relentlessness, we carried the day.

Throughout his political career, Jim Exon prided himself on reaching across party lines and forging bipartisan consensus. This is very much a Nebraska tradition, going back to the legendary George Norris, who founded the State's unicameral Legislature. Jim succeeded as a Democrat in an overwhelmingly Republican State because he knew how to reach out, how to unite people around shared interests. Senator BEN NELSON, a long-time friend and protégé of Jim Exon, prides himself on continuing this tradition of bipartisanship and bridge-building.

They didn't call him Big Jim for nothing. He was big physically, tall and imposing. He was big politically—the only Nebraskan since George Norris to win five consecutive statewide elections. And Jim was big-hearted, a tough, relentless man, but also a compassionate person who cared deeply about other people and their wellbeing.

As a public official, he was an old-fashioned fiscal conservative. He railed against what he called "wild-eyed spenders." As Governor, he repeatedly vetoed the Legislature's spending bills, 141 vetoes in all. And, here in the Senate, he took on Republicans and Democrats alike who, in his eyes, were being reckless with the taxpayer's dollar.

Senator Jim Exon has been lying in state in the Rotunda of the Nebraska Capitol. Funeral services will be held this afternoon at the same location. So, today, the Senate says farewell to a truly distinguished former member. Jim was a good friend to me, and he was much beloved in this body. Today, our thoughts are with him, his family, and the people of Nebraska. May Jim rest in peace.•

AGAINST RACE-BASED GOVERNMENT IN HAWAII, PART II

Mr. KYL. Mr. President, I rise today to ask unanimous consent that the following analysis of S. 147, the Native Hawaiian Government Reorganization Act, prepared by constitutional scholar Bruce Fein, be entered into the RECORD following my present remarks.

Mr. Fein's analysis of the act builds on his analysis of the 1993 apology resolution, which was printed in the RECORD yesterday. Mr. Fein's present analysis ably demonstrates why the Native Hawaiian Government Act is at war with the U.S. Constitution's guarantees of rights and its limits on governmental power. The bill is particularly offensive to the fundamental principle of equal protection of the laws. I commend Mr. Fein's analysis of the act to my colleagues.

There being no objection, the material ordered to be printed in the RECORD, as follows:

[From the Grassroot Institute of Hawaii June 1, 2005]

(By Bruce Fein)

HAWAII DIVIDED AGAINST ITSELF CANNOT STAND—AN ANALYSIS OF THE AKAKA BILL

The Akaka Bill pivots generally on the same falsehoods and mischaracterizations as the Apology. It further celebrates a race-based government entity in flagrant violation of the non-discrimination mandates of the Fifth, Fourteenth and Fifteenth Amendments.

Section 1 misleads by naming the Act the "Native Hawaiian Government Reorganization Act of 2005." As amplified above, there has never been a government in Hawaii for Native Hawaiians alone since Kamehameha established the Kingdom in 1810. Something that has never been cannot be reorganized.

Section 2 makes twenty-three findings that are either false or misleading.

Finding (1) asserts that Congress enjoys constitutional authority to address the conditions of the indigenous, native people of the United States. But the finding fails to identify the constitutional source of that power, or how it differs from the power of Congress to address the conditions of every American citizen. Congress does not find that Native Hawaiians were ever subjugated or victimized by racial discrimination or prevented from maintaining and celebrating a unique culture. Moreover, the United States Supreme Court explicitly repudiated congressional power to arbitrarily designate a body of people as an Indian tribe in *United States* v. *Sandoval* 231 U.S. 28, 45 (1913). As Alice Thurston unequivocally stated arguing for Interior Secretary Babbitt in *Connecticut* v. *Babbitt* 228 F.3d, 82 (2nd Cir. 2000) "When the Department of the Interior recognizes a tribe, it is not saying, 'You are now a tribe.' It is saying, 'We recognize that your sovereignty exists.' We don't create tribes out of thin air." [Footnote: Jeff Benedict, Without Reservation (New York: HarperCollins Publishers, 2000) 349.]

Finding (2) asserts that Native Hawaiians are indigenous, native people of the United States. The finding is dubious. Native Hawaiians probably migrated to the Islands from other lands and remained as interlopers.

Finding (3) falsely asserts that the United States "has a special political and legal responsibility to promote the welfare of the native people of the United States, including Native Hawaiians." No such responsibility is imposed by the Constitution or laws of the United States. No decision of the United States Supreme Court has ever recognized such a responsibility. Indeed, Congress would be acting constitutionally if it abolished all tribal sovereignty that it has extended by unilateral legislation.

Finding (4) recites various treaties between the Kingdom of Hawaii and the United States from 1826 to 1893. The finding is as irrelevant to the proposed legislation as the heliocentric theory of the universe.

Finding (5) falsely declares that the Hawaiian Homes Commission Act (HHCA) set aside approximately 203,500 acres of land to address the conditions of Native Hawaiians in the then federal territory. In fact, the HHCA established a homesteading program for only a small segment of a racially defined class of Hawaii's citizens. Its intended beneficiaries were not and are not now "Native Hawaiians" as defined in the Akaka bill (i.e., those with any degree of Hawaiian ancestry, no matter how attenuated), but exclusively those with 50 percent or more Hawaiian "blood"—a limitation which still applies with some exceptions for children of homesteaders who may inherit a homestead lease if the child has at least 25 percent Hawaiian "blood."

The HHCA was enacted by Congress in 1921 based on stereotyping of "native Hawaiians" (50% blood quantum) as characteristic of "peoples raised under a communist or feudal system" needing to "be protected against their own thriftlessness". The racism of *Plessy* v. *Ferguson*, 163 US 537, (1896) was then in its heyday. If that derogatory stereotyping were ever a legitimate basis for Federal legislation, *Adarand Constructors* v. *Pena*, 515 U.S. 200 (1995) and a simple regard for the truth deprive it of any validity today.

Finding (6) asserts that the land set aside assists Native Hawaiians in maintaining distinct race-based settlements, an illicit constitutional objective under *Buchanan* and indistinguishable in principle from South Africa's execrated Bantustans.

Finding (7) notes that approximately 6,800 Native Hawaiian families reside on the set aside Home Lands and an additional 18,000 are on the race-based waiting list. These racial preferences in housing are not remedial. They do not rest on proof of past discrimination (which does not exist). The preferences are thus flagrantly unconstitutional. See *Richmond* v. *J.A. Croson Co.*, 488 U.S. 469 (1989); *Adarand Constructors*, supra.

Finding (8) notes that the statehood compact included a ceded lands trust for five purposes, one of which is the betterment of Native Hawaiians. As elaborated above, the 20 percent racial set aside enacted in the 1978 statue violates the general color-blindness mandate of the Constitution.

Finding (9) asserts that Native Hawaiians have continuously sought access to the ceded lands to establish and maintain native settlements and distinct native communities throughout the State. Those objectives are constitutionally indistinguishable from the objectives of whites during the ugly decades of Jim Crow to promote an exclusive white culture exemplified in Gone with the Wind or The Invisible Man. The United States Constitution protects all cultures, except for those rooted in racial discrimination or hierarchies.

Finding (10) asserts that the Home Lands and other ceded lands are instrumental in the ability of the Native Hawaiian community to celebrate Native Hawaiian culture and to survive. That finding is generally false. The United States Constitution fastidiously safeguards Native Hawaiians like all other groups in their cultural distinctiveness or otherwise. There is but one exception. A culture that demands racial discrimination against outsiders is unconstitutional and is not worth preserving. Further, as Senator Inouye himself has proclaimed, Native Hawaiians and other citizens are thriving in harmony as a model for other racially diverse communities under the banner of the United States Constitution.

Finding (11) asserts that Native Hawaiians continue to maintain other distinctively native areas in Hawaii. Racial discrimination in housing, however, is illegal under the Fair Housing Act, the Civil Rights Act of 1871, and the Equal Protection Clause of the Fourteenth Amendment if state action is implicated.

Finding (12) notes the enactment of the Apology Resolution, which is riddled with falsehoods and mischaracterizations as amplified above.

Finding (13) repeats falsehoods in the Apology Resolution. Contrary to its assertions, the Monarchy was overthrown without the collusion of the United States or its agents; the Native Hawaiian people enjoyed no more inherent sovereignty under the kingdom than did non-Native Hawaiians; in any event, sovereignty at the time of the overthrow rested with Queen Lilioukalani, not the people; the public lands of Hawaii belonged no more to Native Hawaiians than to non-Native Hawaiians; and, there was never a legal or moral obligation of the United States or the Provisional Government after the overthrow to obtain the consent of Native Hawaiians to receive control over government or crown lands. No Native Hawaiian lost a square inch of land by the overthrow.

Finding (14) repeats the Apology Resolution's nonsense of a need to reconcile with Native Hawaiians when there has never been an estrangement, as testified to by the 1994 remarks of Senator INOUYE.

Finding (15) corroborates the obvious: namely, that the United States Constitution fully protects Native Hawaiians in celebrating their culture, just as it does the Amish or any other group desiring to depart from the mainstream.

Findings (16), (17), and (18) similarly corroborates that the United States Constitution guarantees religious or cultural freedom to Native Hawaiians as it does for any other distinctive group. On the other hand, the finding falsely asserts that Native Hawaiians enjoy a right to self-determination, i.e., a right to establish an independent race-based nation or sovereignty. The Civil War definitively established that no individual or group in the United States enjoys a right to secede from the Union, including Native American Indian tribes.

Finding (19) falsely asserts that Native Hawaiians enjoy an "inherent right" to reorganize a Native Hawaiian governing entity to honor their right to self-determination. The Constitution denies such a right of self-determination. A Native Hawaiian's lawsuit to enforce such a right would be dismissed as frivolous. Further, there has never been a race-based Native Hawaiian governing entity. An attempt to reorganize something that never existed would be an exercise in futility, or folly, or both.

Finding (20) falsely insinuates that Congress is saddled with a greater responsibility for the welfare of Native Hawaiians than for non-Native Hawaiians. The Constitution imposes an equal responsibility on Congress. Race-based distinctions in the exercise of congressional power are flagrantly unconstitutional. See Adarand Constructors, supra.

Finding (21) repeats the false insinuation that the United States is permitted under the Constitution to create a racial quota in the administration of public lands, contrary to Adarand Constructors, supra.

Finding (22) also brims with falsehoods. Subsection (A) falsely asserts that sovereignty in the Hawaiian Islands rested with aboriginal peoples that pre-dated Native Hawaiians, i.e. that the aboriginals were practicing and preaching government by the consent of the governed long before Thomas Jefferson's Declaration of Independence. But there is not a crumb of evidence anywhere in the world that any aboriginals believed in popular sovereignty, no more so than King Kamehameha I who founded the Kingdom of Hawaii by force, not by plebiscite.

Subsection (B) falsely insinuates that Native Hawaiians as opposed to non-Native Hawaiians enjoyed sovereignty or possessed sovereign lands. The two were uniformly equal under the law. In any event, sovereignty until the 1893 overthrow rested with the Monarch. Sovereign lands were employed equally for the benefit of Native Hawaiians and non-Native Hawaiians. [See Appendix page 3 paragraphs 3, 4]

Subsection (C) falsely asserts that the United States extends services to Native Hawaiians because of their unique status as an indigenous, native people. The services are extended because Native Hawaiians are United States citizens and entitled to the equal protection of the laws. The subsection also falsely insinuates that Hawaii previously featured a race-based government.

Subsection (D) falsely asserts a special trust relationship of American Indians, Alaska Natives, and Native Hawaiians with the United States arising out of their status as aboriginal, indigenous, native people of the United States. The United States has accorded American Indians and Alaska Natives a trust relation in recognition of existing sovereign entities and a past history of oppression and subjugation. The trust relationship, however, is voluntary and could be ended unilaterally by Congress at any time. Native Hawaiians, in contrast, have never featured a race-based government entity. They have never suffered discrimination. They voted overwhelmingly for statehood. And they have flourished since annexation in 1898, as Senator INOUYE confirms. If Native Hawaiians alleged a constitutional right to a trust relationship, they would be laughed out of court.

Finding (23) falsely insinuates that a majority of Hawaiians support the Akaka Bill based on politically correct stances of the state legislature and the governor. The best polling barometers indicate that Hawaiian citizens oppose creating a race-based governing entity with unknown powers. If the proponents of the Akaka Bill genuinely believed Finding (23), they would readily accede to holding hearings and a plebiscite in Hawaii as a condition of its effectiveness on the model of the statehood plebiscite. But they are adamantly opposed because they fear defeat.

Section 3's definition of "Native Hawaiian" in subsection (8)(A) falsely insinuates that Native Hawaiians exercised popular sovereignty in Hawaii on or before 1893. Sovereignty rested with the Monarch; and, Native Hawaiians never operated a race-based government.

Section 4 is replete with falsehoods. Subsections (a)(1) and (2) falsely maintain that the United States has a special political and legal relationship with Native Hawaiians. No such special relationship is recognized in the United States Constitution, which requires equality among citizens. Subsection (a)(3) falsely maintains that the congressional power to regulate commerce "with the Indian Tribes" empowers Congress to create a race-based government for Native Hawaiians. Creating a race-based government is not a regulation of commerce; and, Native Hawaiians, unlike Indian Tribes, never organized a government exclusively for Native Hawaiians. No court has ever sanctioned the subsection's far-fetched interpretation of the Indian Commerce Clause. Article IV of the Constitution provided the congressional authority for the Hawaiian Homes Commission Act of 1920 and for Hawaiian statehood. The many several federal laws addressing the conditions of Native Hawaiians are not based on the Indian Commerce Clause. To the extent they embrace racial distinctions, they are unconstitutional.

Subsection (a)(4) falsely asserts that Native Hawaiians sport an inherent right to autonomy in their internal affairs; an inherent right to self-determination and self-governance; the right to reorganize a Native Hawaiian governing entity; and, a right to become economically self-sufficient. None of these asserted rights is recognized by the Constitution or federal statutes. All have been concocted by proponents of the Akaka Bill with no more legitimacy than the right of the Confederacy to secede from the Union.

Subsection (b) falsely asserts that the purpose of the Akaka Bill is to provide a process for the "reorganization" of the Native Hawaiian governing entity. As explained above, there has never been a race-based Native Hawaiian governing entity. Something that has never been cannot be reorganized.

Section 7 is flagrantly unconstitutional in its erection of a race-based government in violation of the non-discrimination mandates of the Fifth, Fourteenth and Fifteenth Amendments. It directs the Secretary of Interior to appoint nine Native Hawaiian Commissioners to prepare and maintain a roll of Native Hawaiians to participate in the bogus "reorganization" of a Native Hawaiian government. The race-based appointments violate the equal protection component of the Fifth Amendment. Preparing and maintaining a race-based electoral roll violates the same equal protection command. See Rice v. Cayetano, supra. As Justice Anthony Kennedy explained in that case:

"The ancestral inquiry mandated by [Hawaii] is forbidden by the Fifteenth Amendment for the further reason that the use of racial classifications is corruptive of the whole legal order democratic elections seek to preserve. The law itself may not become the instrument for generating the prejudice and hostility all too often directed against persons whose particular ancestry is disclosed by their ethnic characteristics and cultural traditions. 'Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.' Hirabayashi v. United States, 320 U.S. 81 (1943). Ancestral tracing of this sort achieves its purpose by creating a legal category which employs the same mechanisms, and causes the same injuries, as laws or statutes that use race by name." Cayetano, at 517.

Under Section 7, the enrolled race-based members are empowered to elect an Interim Governing Council from one of their own, another race-based voting distinction that violates the Fifteenth Amendment and equal protection. The Fifteenth Amendment (which promises the right to vote shall not be denied on account of race) includes any election in which public issues are decided or public officials selected. The Council establishes race-based criteria for citizenship in the Native Hawaiian governing entity, subject to a race-based plebiscite, and otherwise cobbles together an organic governing document. The Secretary of Interior then certifies the organic race-based charter under which race-based elections are held to the Native Hawaiian governing entity. That certification would violate the Secretary's solemn oath to protect and defend the Constitution without mental reservation. It seems highly improbable that the Native Hawaiian commissioners would allow an electoral role for non-native Hawaiians. The bill itself anticipates a "native Hawaiian governing entity' which would be a misnomer if non-native Hawaiians were included.

Section 8 establishes an open-ended negotiating agenda between the United States, the State of Hawaii, and the unconstitutional Native Hawaiian governing entity to fix the powers and immunities of the latter. Nothing is excluded. For example, the Native Hawaiian entity might exercise criminal and civil jurisdiction over non-Native Hawaiians. It might be exempt from all federal, state, and local taxes. It might be shielded from all federal, state, and local regulatory, health, welfare, labor, zoning, and environmental laws. It might be free of restraints imposed by the United States Constitution, and violate freedom of speech, press, religion, or association with impunity. It might be empowered to exercise eminent domain over land both within and without its geographical boundaries. It might be authorized to exempt Native Hawaiians from military service and to evict the United States Navy and Army from their current Hawaiian bases. Proponents of the Akaka Bill adamantly refuse to exclude these horrors by explicit language.

CHARLES TAYLOR AND NIGERIAN DEBT RELIEF

Mr. LEAHY. Mr. President, I want to call attention to an important, yet often overlooked, provision of law that governs the relationship of the United States with nations that harbor individuals who have been indicted by the Special Court for Sierra Leone or the International Criminal Tribunal for Rwanda. This provision, section 585 of the Foreign Operations Appropriations Act, which was signed into law by President Bush in January 2004 and reauthorized about a year later, makes it clear that the Unites States stands for the rule of law in Africa. This is not a partisan issue. Democrats and Republicans understand the importance of the rule of law, which is a cornerstone for peace, democracy, justice and development in Africa—and around the world. In fact, Senator JUDD GREGG, a Republican from New Hampshire, coauthored this provision with me.

I see my friend from Illinois, Senator OBAMA, on the floor and am wondering if he agrees.

Mr. OBAMA. I agree with the senior Senator from Vermont about the importance of upholding the rule of law in Africa and around the world. I would also like to add my support for the efforts of the Special Court for Sierra Leone to bring to justice some of the worst war criminals of the 20th century. While the Special Court has not been perfect, there is no question that the Court is doing vitally important work of promoting peace and reconciliation, increasing accountability, and strengthening the rule of law throughout West Africa. I also want to discuss a related issue—the case of Charles Taylor. I know the Senator from Vermont has been working for years on this issue.

I will simply say that Charles Taylor is an indicted war criminal, and he needs to be transferred to the Special Court to stand trial as soon as possible. The Government of Nigeria has allowed Charles Taylor to live in exile, within its borders, with the support of the international community, including the United States, since August 2003.

While we owe Nigeria a debt of gratitude for helping prevent further bloodshed in Liberia, it is time for Mr. Taylor to be transferred to the Special Court.

No nation should be permitted to willfully ignore an indictment issued by this tribunal. Moreover, there are credible reports that Mr. Taylor has broken the terms of his exile, is a threat to the Liberian peace process, and continues to meddle in the internal affairs of Liberia—just a few months before the Liberian elections.

I wonder if the Senator from Vermont shares my views?

Mr. LEAHY. I absolutely share the Senator's views of the situation. Charles Taylor's actions are a breach of his promises to Nigerian President Obasanjo. And, I believe that if Nigeria does not hand over Charles Taylor for trial, it could constitute a threat to Liberian peace, justice in Sierra Leone, and the rule of law throughout West Africa. This is why the provision of law that I mentioned earlier is so important. It is the law of the United States that there shall be no assistance to the central government—including debt relief—for countries harboring fugitives from the Special Court for Sierra Leone. There is strong bipartisan support in the U.S. Congress to reauthorize this provision in fiscal year 2006, which means that unless President Bush issues a waiver, Nigeria will not be eligible for U.S. debt relief or military assistance, or any other assistance to the central government, until it sends Charles Taylor to the Special Court for trial.

I would point out that President Bush can exercise the waiver authority in the law by simply submitting a plan in writing on how the Administration will get Mr. Taylor to the Special Court to stand trial.

Mr. President, it is not in the interests of the people of West Africa, including Nigeria, or the United States, to continue to shelter Charles Taylor from justice. As a strong supporter of debt relief, I believe there is a strong case to be made that Nigeria's debt should be forgiven—but not until President Obasanjo again demonstrates leadership and hands over Charles Taylor for trial. At that point, I will strongly support debt relief for Nigeria and actively lobby the administration and Congress to make it a reality.

Mr. OBAMA. I thank the Senator from Vermont, the ranking member of the Appropriations Subcommittee on State, Foreign Operations, because he makes a crucial point. Debt relief from the United States is not automatic. In the past, debt relief has come with conditions, including making progress in fighting corruption and on economic reform, to ensure that this relief achieves the maximum results.

For Nigeria, this means turning over Charles Taylor—an indicted war criminal who has the blood of thousands on his hands and threatens, once again, to destabilize the region—to the Special Court. Like the Senator from Vermont, I strongly believe that Nigeria is a worthy candidate for debt relief and a key U.S. partner in West Africa. When Charles Taylor is turned over, there is no doubt in my mind that I will be a forceful advocate for debt relief for Nigeria. I would also like to praise the Government of Nigeria for its leadership on other issues, especially their efforts to lead the African Union force in Darfur. I want nothing more than to see the Taylor issue successfully resolved so we can focus our attention on other important issues with the Nigerians.

I would also reiterate what the Senator said about the waiver authority contained in section 585. The President can waive these restrictions, including those pertaining to Nigerian debt relief, by formulating a plan to get Mr. Taylor to the Court.

Mr. LEAHY. I thank the Senator from Illinois and refer all Senators to section 585, entitled "War Crimes in Africa," of Public Law 108-447, the Foreign Operations Appropriations Act, 2005. I yield the floor.

NATIONAL HISTORY DAY

● Mr. BOND. Mr. President, I rise to recognize June 15, 2005 as National History Day. The National History Day Program is an annual celebration to recognize the importance of a strong history curriculum in schools in Missouri and across the country. This celebration is also a showcase for students across the Nation to present their knowledge and interest in particular events in history through performances, documentaries, and exhibits.

This year, Missouri has 5 exemplary students selected from a group 2,000 finalists to perform and present their projects at the Smithsonian American Art Museum. Kate LaRose, a student at Jefferson Junior High School in Columbia, MO, was recognized for her project "Martha Graham: The Power of Communication through Dance." Robert Adams, Raeed Chowdhury, Rui Du, and Yun-Han Huang, all students at Rolla High School in Rolla, MO, were also recognized for their exhibit titled "Controversial Art: Thomas Hart Benton's Communication Tool."

I congratulate Katie, Robert, Raeed, Rui, and Yun-Hun for this honor and commended them for their dedication, commitment, and hard work.●

Mr. LIEBERMAN. Mr. President, I rise to take note of the 25th annual National History Day and express my strong support for the goals of the National History Day program. A basic knowledge of history is essential for our Nation's children to become informed participants in our democracy. National History Day promotes history education in Connecticut and throughout the Nation.

The National History Day Program encourages students to think critically and create dramatic performances, exhibits, documentaries, and research papers by exploring a variety of resources beyond classroom textbooks. Students in grades 6-12 engage in this challenging year-long program in order to gain a better understanding of the importance of studying history. I believe that a fundamental understanding of history is imperative in order to appreciate the present world situation. Fifty students from Connecticut have demonstrated their proficiency in the subject area by having been selected as National History Day finalists from our State.

As a Senator from the State of Connecticut, I am pleased to congratulate the students from Connecticut who have been selected to represent our State at this year's National History Day competition. It also gives me great pleasure to pay special tribute to Sadie Hartell and Elizabeth Kelly. Sadie Hartell and Elizabeth Kelly, both students at Hall Memorial School in Willington, CT, were among the 19 students chosen out of more than half a million across America to display and present their history projects at the Smithsonian American Art Museum. Sadie's project is titled "The Beatles: Communicating to their Generation." Elizabeth's project is titled "The Second American Revolution: Elizabeth Cady Stanton and her Fight."

I applaud all 50 delegates from the State of Connecticut for having been selected to represent our State as finalists in the National History Day competition and commend these students for their diligence and creativity. I join with the citizens of the State of Connecticut in wishing them well in all their future endeavors.

Mrs. DOLE. Mr. President, I am delighted to come to the floor today to congratulate Nathan Przestrzelski of Swannanoa, NC and Stephen Gordon of Fletcher, NC on being selected to present their award-winning history projects at the Smithsonian National Museum of American History and the Smithsonian American Art Museum in celebration of National History Day.

For 25 years the National History Day Program has brought history to life for students across our country. By combining creativity with scholarship, students are finding a new appreciation for the past while developing valuable skills in writing and analytical reasoning. Most importantly, this program focuses on inspiring each child to reach his or her full potential, and in doing so provides a great service by increasing their confidence and ability to succeed.

This year the National History Day Program asked students to present projects on the theme "Communication in History: the Key to Understanding." Students were asked to explore the role communication plays in history and its significance in helping shape how historical changes have been understood.

Let me share with you the two wonderful projects Nathan and Stephen presented.

Nathan presented his exhibit entitled, "The History of Spring Training: Communication is the Key to Understanding the Merger of Athletic Preparation with Market Magic." His project explores how baseball's spring training has grown from traditionally being a means for athletic preparation to today becoming a multi-million dollar industry expressed through business marketing. Nathan was able to incorporate his love of sports, his interest in business, and his appreciation of history to better understand how this tradition evolved over time.

Stephen also presented his project, a documentary entitled, "Telling Tales: The Appalachian Oral Tradition." His work depicts how the people of Appalachia have communicated ideas, history, heritage, and values through the use of nothing more than oral tradition. Stephen was able to trace stories from the mountains of North Carolina back over hundreds of years and show how fundamental concepts were passed from generation to generation.

Through their hard work and dedication, these young historians show that discovering, understanding, and interpreting history is not only important, but exciting.

Today is a proud day for Nathan, Stephen, and their families. We are proud of these student's hard work, dedication, and tremendous achievements. I believe passionately that education is the foundation for success, and I am encouraged to see students so active in the learning process. I hope Nathan and Stephen have enjoyed this experience and I wish them continued success in the years ahead.

Mr. DEWINE. Mr. President, the importance of learning and appreciating history cannot be understated. Men and women—young and old—benefit from learning about the past as a way to shape the future. Today, the National History Day Program is honoring students from around our Nation who have displayed excellence in the study of history, and I am pleased to recognize five students from my home State of Ohio who are participating in this important program.

The National History Day Program actually originated in Ohio at Case Western Reserve University in Cleveland. The National History Day Program allows students to create exhibits, documentaries, and performances by using their critical thinking and research skills in the subject of history. This year is a special year, as the National History Day organization is celebrating its 25th Anniversary of training students and teachers to incorporate libraries, museums, and archives into their learning plans.

I would like to take a moment to recognize the Ohioans who are participating this year. Megan Daines, a student at Hannan Trace Elementary in Crown City, OH, presented her project, titled "The Underground Railroad: Communication between Two Worlds," at the Smithsonian National Museum of American History. Holly Anderson, a student at Canton County Day School in Massillon, OH, was one of 19 students chosen from over 2,000 finalists to perform her original work, "All of a Flutter: The Secret Language of the Fan," in the Grand Salon in the Renwick Gallery of the Smithsonian American Art Museum.

Ian Shaw of Sylvania, Michael Kreuz of Swanton, and Ben Spang of Toledo are three Ohio home-schooled students, who have been selected to present their project at the National Museum of Health and Medicine. Ian, Michael, and Ben joined Isaac Skaggs of Michigan to complete a documentary titled, "A Voice in the Darkness: Dr. Jonathan Mann, Uniting the World Against AIDS."

I congratulate all of these students for their presentations and performances. Their dedication to the pursuit of excellence in the study of history sets a great example for our Nation's youth. I join all Ohioans in wishing them all the best in their future endeavors.

Mr. HAGEL. Mr. President, I rise to congratulate Michael Walsh of Omaha, NE, an outstanding student and young history scholar whose National History Day project has been chosen out of half a million in America to be presented today at the White House Visitor Center. Michael's documentary, "Let the Word Go Forth: JFK's New Frontier," highlights President Kennedy's unique ability to communicate effectively with both Americans and leaders throughout the world, especially during the Cuban missile crisis, a critical time in America's history. His project shows that young Americans can take important historical events and share them with us in an interesting and educational way. Michael is a student at Lewis and Clark Middle School in Omaha.

National History Day is a unique approach to teaching and learning history in our Nation's classrooms. It allows students to create exhibits, documentaries and performances by using their critical thinking and research skills in the subject of history. This year marks the 25th anniversary of the National History Day organization.

All of Nebraska is proud of Michael's commitment to scholarship. This young Nebraskan understands that history shapes our future and influences the world we live in today. I ask my colleagues to join me and all Americans in honoring Michael Walsh and all students who participated in National History Day.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

• Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Last year, a 19-year-old gay man was bludgeoned with a pipe while standing on a street corner in Queens, NY.

I believe that the Governments first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.•

THE FIFTY CALIBER SNIPER WEAPON REGULATION ACT

Mr. LEVIN. Mr. President, in recent years, there has been numerous reports regarding .50-caliber sniper rifles and the danger they pose to our communities and homeland security. It is important that we take action to prevent potential terrorists and violent criminals from having easy access to these dangerous weapons.

The .50-caliber sniper rifle is a favorite weapon of militaries around the world. According to a report released by the Violence Policy Center last year, a .50-caliber sniper rifle is capable of accurately hitting a target over 1,500 yards away, and the ammunition available for the rifle includes armor-piercing, incendiary, and explosive bullets. The report also cites the U.S. Army's manual on urban combat, which states that .50-caliber sniper rifles are designed to attack bulk fuel tanks and other high-value targets from a distance using "their ability to break through all but the thickest shielding material." According to the Brady Campaign to Prevent Gun Violence, one of the leading manufacturers of the .50-caliber sniper rifle has also promoted their rifle's ability to destroy "multimillion dollar aircraft with a single hit delivered to a vital area."

While these capabilities may be desirable for military purposes, the .50-caliber sniper rifle provides the same capabilities to terrorists who may use them to bring down civilian aircraft, attack critical infrastructure, or kill innocent Americans. Currently, these powerful weapons are subject to only minimal Federal regulation and are treated the same as other long rifles including shotguns, hunting rifles, and smaller target rifles. A loophole in the law, commonly known as the "gun show loophole," also allows for .50-caliber sniper rifles to be purchased without even a minimum background check.

I have cosponsored the Fifty-Caliber Sniper Weapon Regulation Act introduced by Senator FEINSTEIN. This bill would reclassify .50-caliber rifles under the National Firearms Act, NFA, treating them the same as other high-powered or especially lethal firearms like machine guns and sawed off shotguns.

Among other things, reclassification of .50-caliber sniper rifles under the NFA would subject them to new registration requirements. Future transfers or sales of .50-caliber sniper rifles would have to be conducted through a licensed dealer with an accompanying background check. In addition, the rifle being sold would have to be registered with Federal authorities. The additional requirements would help ensure that these dangerous weapons do not fall into the hands of potential terrorists or violent criminals.

We should recognize the extraordinary capabilities of .50-caliber sniper rifles and the danger they pose to our homeland security. I urge my colleagues to take up and pass the Fifty-Caliber Sniper Weapon Regulation Act to help protect our Nation from those who may wish to do us harm.

CHUCK LUDLAM

Mr. LIEBERMAN. Mr. President, I rise to express my gratitude and, truly, this country's gratitude, to Chuck Ludlam of my staff, for his 33-year career in government service and public policy. He's retiring on June 24, 40 years to the month after his first job on Capitol Hill as a "Stanford in Government" intern in the House of Representatives.

Thomas Jefferson once asked the question: What duty does a citizen owe to the government that secures the society in which he lives?

Answering his own question, Jefferson said: "A nation that rests on the will of the people must also depend on individuals to support its institutions if it is to flourish. Persons qualified for public service should feel an obligation to make that contribution."

Chuck has answered that call—a call as old as our Republic—with dedicated service to our Nation and continued service to our world.

Chuck began his public service as a Peace Corps volunteer in Nepal in 1968–1970. After his Senate retirement, he and his wife, Paula Hirschoff, also a 1960's Peace Corps volunteer, in Kenya, will serve again as Peace Corps volunteers, in Senegal. This full circle expresses well their commitment to service.

The professionalism and accomplishments of congressional staff are often unsung and even unappreciated. While it is difficult to summarize a career as varied and distinguished as Chuck's, let me touch on a few highlights.

I have known Chuck since I arrived in the Senate in 1989, and he has served as my economic counsel since 2001. Following the anthrax attack on the Senate in October 2001, Chuck went to work on biodefense and infectious disease policy issues. BioShield I, enacted last July, was in significant part due to his work, and he has now helped Senator HATCH, Senator BROWNBACK, and me fashion BioShield II, S. 975, a visionary tour de force on the full range of issues we must address to prepare for a bioterror attack or infectious disease outbreak. This bill provides a prescription for how to prepare ourselves for these threats to our national health and well being. Now it is incumbent on us to enact it. It is hard to describe the importance to our country of moving this legislation. It is an area of extreme future risk not only for ourselves but for all nations. Chuck developed a profound view of what must be done to deter this nightmare, a nightmare not only of bio attacks but of infectious disease in general, and has been relentlessly pressing this problem and its solutions onto our national policy agenda since 2001. It has been an exceptionally dedicated and unique legislative effort and it underscores the kind of remarkable role talented and driven Senate staff like Chuck can play assisting Senator policymakers.

Chuck had a long and very special working education that has enabled him to serve in this Senate policy-developer role. Before his service in my office, Chuck served as chief tax counsel on the Senate Small Business Committee, 1985–1993, with Senator Dale Bumpers; as legal counsel on the Joint Economic Committee, 1982–1985, with Congressman Gillis Long; as legal counsel on the Carter White House Domestic Policy Staff, 1979–1981, working with Si Lazarus and Stu Eizenstat; as counsel to the Subcommittee on Administrative Practice and Subcommittee on Separation of Powers of the Senate Judiciary Committee, 1975–1979, with Senator James Abourezk; and as a trial attorney in the Bureau of Consumer Protection of the Federal Trade Commission, 1972–1975. In addition, he served as vice president for Government Relations, Biotechnology Industry Organization, 1993–2000, and Counsel, Musick, Peeler and Garrett, 1981–1982).

During his long career on Capitol Hill, Chuck has brought his strong talents to bear on a wide range of legislative issues. While on my staff, these ranged from Federal fiscal responsibility and honest government accounting, S. 1915; to building assets for the poor, S. 476; to promoting U.S.-China educational and cultural engagement; S. 1117; to U.S. economic competitiveness policy, S. 2747; and, as I mentioned, to enacting Project BioShield, Public Law 108–276.

Long before joining me, Chuck worked to establish the Office of Senate Legal Counsel, Public Law 95–521; to defeat problematic Airline Noise legislation in 1978; to enact the first law on the subject of organizational conflict of interest, Public Law 95–70; to enact the Regulatory Flexibility Act, Public law 96–354; to save the tax exemption for the bonds for non-profit hospitals and schools, Public Law 97–248; enact the Patent Reform Act of 1999, Public Law 106–113; to enact the first law banning genetic discrimination, Public Law 104–191; to make permanent the Orphan Drug Tax Credit, Public Law 104–188 and 105–34; and to defeat attempts to criminalize some stem cell research in 1997–1998.

We know Chuck to be a passionate and tenacious advocate, a dedicated mentor to the talented legislative fellows who have worked for him, an adventurer who continues to trek over some of the most forbidding and fascinating parts of the planet, a loyal friend to many in our office, someone who is always searching for the "big idea-big picture" as a visionary policy developer, and a generous human being with a sense of humor. As a Congressional Staffer, he has always kept his focus on the public interest, undistracted by partisan concerns, and I found I could always count on hearing his frank and perceptive perspective on what would be the right policy for the country.

Chuck is completing an oral history of his unusual and remarkable Senate career, based on interviews with the Office of the Senate Historian, which has been transcribed and will be available on line. This history describes the challenges, skills and tactics of a Capitol Hill staffer who has fought in the political trenches over forty years.

Chuck hopes that this history will encourage young people to consider careers in public service. He's served as the principal advisor and mentor for 25 years to the "Stanford in Government" program. He was one of 100 alumni awarded medallions to honor their service to Stanford University during centennial celebrations of the University's founding in 1991; the headquarters for "Stanford in Government" at the Haas Center for Public Service is named after him.

We wish Chuck and Paula well in their venture in Africa. We will miss Chuck in the office but we know that he's following one of his great dreams, and starting on a remarkable and courageous new round of public service. My office and I are grateful for his dedicated service to our office, to the

Senate, and to our Nation, as well as for his friendship.

Somewhere right now Jefferson and our Founding Fathers are looking down and smiling proud that our Nation still produces men and women like Chuck and Paula.

Congratulations Chuck. Keep in touch and keep teaching us. We eagerly await your reports from Africa.

ADDITIONAL STATEMENTS

NEW MEXICO JUNIOR COLLEGE BASEBALL TEAM

• Mr. BINGAMAN. Mr. President, I rise today to congratulate the New Mexico Junior College baseball team from Hobbs, NM on winning the 2005 National Junior College World Series. This is a tournament that involves baseball teams from junior colleges across the United States. The Thunderbirds swept to the national title with a perfect record of 5-0 in tournament play. Their hard work and dedication is a perfect example of what is takes to win a national championship. This is the first national championship in New Mexico Junior College history.

I would also like to recognize Coach Ray Birmingham for winning the Coach of the Year award, his seventh in 15 years. The loyalty that Coach Birmingham engenders in his players is both heart-warming and inspiring. Several of Coach Birmingham's players won awards as well. Among the outstanding honors were Renny Osuna, who was chosen for the Preston Walker MVP Award; Brian Flores, who was selected as Outstanding Pitcher; and Corey Zimmerman, who was named as Best Defensive Player.

Mr. President, fans lined the streets in Lovington and Tatum as the bus carrying the team passed through. A large group of proud supporters met the team when the bus rolled onto the campus in Hobbs on Monday. It was that kind of community support, along with the determination, skill and work ethic of the team, that swept the Thunderbirds to victory. I congratulate New Mexico Junior College on its great accomplishment.•

HONORING MARY BARDEN

• Mr. CHAFEE. Mr. President, I rise today to pay special tribute to Mary Barden, as she is recognized for her scholastic achievements on National History Day.

Mary, a student at Coventry High School in Coventry, RI, was one of 17 students chosen out of a half million across America, to display and present her history project at the Smithsonian's National Museum of American History. Mary's project is titled "Cesar Chavez: Understanding the Chicano Farmworkers Need for Justice." The National History Day program allows students to create exhibits, documentaries, and performances, by using their critical thinking and research skills in the subject of history.

I strongly support the National History Day program. A basic knowledge of history is essential for our Nation's children to become informed participants in our democracy, and this national observance promotes history education in Rhode Island and throughout the Nation. This year, National History Day celebrates its 25th anniversary as a national organization.

I congratulate Mary as she is honored for her presentation, and commend her for her dedication and commitment. I join with the citizens of Rhode Island in wishing Mary well in all her future endeavors.•

100TH ANNIVERSARY OF TOLLEY, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I honor a community in North Dakota that is celebrating its 100th anniversary. On June 26, the residents of Tolley, ND, will celebrate a proud history.

Tolley is a small town in the northwest part of the State, with a population of 41. Despite its size, Tolley holds an important place in North Dakota's history. It was founded in 1905 by Eli C. Tolley, a prominent developer and official with the Soo Line Railroad Company. As one report from the period indicates, people were so excited to start the town that they moved in 15 buildings without even having purchased lots on which to place them. Soon after, rail lines were laid through Tolley, and the town began to prosper. Within a year and a half, the residents of Tolley had built general stores, blacksmiths, restaurants, hotels, churches, and hardware stores.

Through the years, Tolley has exemplified true North Dakota perseverance. Despite suffering from a scarcity of water, countless fires, and outbreaks of smallpox and the Spanish flu, the people of Tolley have always remained loyal to this great community. During World War I, many of the men left their families and farms to fight for our country. Sadly, many did not return, yet the community remained strong. In 1920, the boys high school basketball team held its first practice, and in 1921 the homes and businesses in Tolley were lit by electricity for the first time. In 1951, through the generous efforts of local residents, the first organized fire department began serving the community. These stories from the history of Tolley serve as a remarkable example of ingenuity and perseverance for all of us.

I ask the U.S. Senate to join me in congratulating Tolley, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Tolley and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Tolley that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Tolley has had a proud past and a bright future.•

125TH ANNIVERSARY OF AMENIA, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I honor a community in North Dakota that is celebrating its 125th anniversary. On June 10 and 11, the residents of Amenia, ND, celebrated their community's founding.

Amenia is a small town in the eastern part of North Dakota, with a population just under 100. Despite its size, Amenia holds an important place in the State's history. Amenia in 1880 when the Northern Pacific Railroad established a station and a settlement grew around it. Eban Chaffee of the Amenia Sharon Land Co., on whose home the station was actually built, called the new settlement Amenia.

The post office was established on January 20, 1880, and Edwin McNeil became the first postmaster of the newly formed community. At a special election held December 27, 1927, the village of Amenia was incorporated by a vote of 14 to 1. The Amenia Sharon Land Co. rigidly controlled Amenia until it disbanded in 1928 and as a result the townsite was not platted until late in 1928. In 1967, Amenia officially became a city.

The word Amenia comes from the Latin word meaning pleasant and today that is more appropriate than ever. Amenia now has a city park, a bar and grill, a city beauty shop and an elevator. Under the leadership of Mayor Donna Myers, Amenia remains a delightful community in which to live and work.

I ask the U.S. Senate to join me in congratulating Amenia, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Amenia and all the other historic small towns of North Dakota, we keep the great tradition of the pioneering frontier spirit alive for future generations. It is places such as Amenia that have helped to shape this country into what it is today, which is why Amenia is deserving of our recognition.

Amenia has a proud past and a bright future.•

125TH ANNIVERSARY OF LISBON, NORTH DAKOTA

• Mr. CONRAD. Mr President, today I honor a community in North Dakota that is celebrating its 125th anniversary. On June 16-19, 2005, the residents of Lisbon, ND will celebrate its history and founding.

Lisbon is a small town in the southeast part of North Dakota, with a population of about 2,500. Lisbon's history began in 1880 when Joseph L. Colton founded the town-site. Colton selected land here in 1878 and built a flourmill. The new town-site was platted on both sides of the beautiful Sheyenne River at the foot of its bordering hills. In September 1880, he laid out the official town-site and appointed the first postmaster, George Murray on January 23, 1880. His wife, Diana Robinson was from Lisbon Center, NY, and the city was named for that.

Lisbon became the county seat in 1881, and the Northern Pacific Railroad reached the site in 1882. It was incorporated as a city in 1883, and G.B. Green was appointed the first mayor of the new budding community. Less than a decade later, in 1891, the North Dakota Soldiers Home was built in Lisbon. Throughout the following years, Lisbon maintained steady growth developing into the delightful community that it is today.

Today, Mayor Morris Saxerud leads this enthusiastic community. The citizens of Lisbon enjoy fine recreation including an exceptional nine-hole golf course, a beautiful park with tennis courts, a ball park, an RV park, a gazebo, swings for youngsters and even a swimming pool. The Lisbon elementary, middle and high school system maintain a high academic program with outstanding teachers, administrators and support staff for approximately 750 students. The city has clearly flourished throughout the past 125 years!

I ask the U.S. Senate to join me in congratulating Lisbon, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring Lisbon and all the other historic small towns of North Dakota, we keep the great tradition of the pioneering frontier spirit alive for future generations. It is places such as Lisbon that have helped to shape this country into what it is today, which is why the community of Lisbon is deserving of our recognition.

Lisbon has a proud past and a bright future.●

TRIBUTE TO MAJOR GENERAL BARBARA C. BRANNON, UNITED STATES AIR FORCE NURSE CORPS, ON THE OCCASION OF HER RETIREMENT

● Mr. INOUYE. Mr. President, today I wish to recognize a great American and a true military heroine who has honorably served our country for over 30 years in the U.S. Air Force Nurse Corps: MG Barbara C. Brannon. Major General Brannon began her career as a staff nurse in the Intensive and Coronary Care Unit at Malcolm Grow Medical Center, Andrews Air Force Base, MD, and subsequently served throughout the world in Nebraska, California, Texas, Florida, Alabama, England, Wyoming, Oklahoma, Italy, and the District of Columbia.

In each assignment, General Brannon excelled and overcame every challenge, accompanied by reward with greater responsibilities and opportunities. An expert educator and clinician, she assumed instructor and coordinator positions at the School of Health Care Sciences and in aeromedical evacuation, and served as assistant chief nurse, quality assurance coordinator, and director of ambulatory services at Tyndall AFB, FL. Serving as a nurse executive management fellow at Air University Regional Hospital, Maxwell AFB, AL, prepared her to lead the 7520th Air Base Squadron Medical Aid Station in Wycombe, England. Another unmatched performance led to her competitive selection as the nursing executive management fellow for the Office of the Surgeon, Strategic Air Command, Offutt AFB, NE, and was followed by her selection as the chief nurse executive, 90th Medical Group, Francis E. Warren AFB, WY.

Below-the-zone promotions to both lieutenant colonel and colonel illuminated her path to command the 382nd Technical Training Squadron, Sheppard AFB, TX, the 71st Medical Group, Vance AFB, OK and the 31st Medical Group, Aviano Air Base, Italy. She was later appointed as the director, Air Force Medical Readiness and Nursing Services, Office of the Surgeon General, Bolling AFB, DC. Serving briefly in this capacity, she returned to Andrews AFB where she became the first Nurse Corps officer to command the 89th Medical Group, concurrently served as the Assistant Air Force Surgeon General for Nursing, and became the first Air Force nurse promoted to major general in 2003.

Her career culminates in a dual role as Assistant Air Force Surgeon General, Medical Force Development and Assistant Air Force Surgeon General for Nursing, through which she established and appraised personnel policy and force development actions for over 40,000 active duty officer, enlisted, and civilian medical personnel. I extend my deepest appreciation to Major General Brannon for her 30-plus years of dedicated military service and offer her my congratulations on a phenomenal and inspirational career.●

HONORING THE COMMUNITY OF BRIDGEWATER, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, I rise today to honor and publicly recognize the 125th anniversary of the founding of the city of Bridgewater, SD. In addition to celebrating our nation's independence, we are called today to commemorate 125 years of Bridegewater's proud history.

Like many towns in South Dakota, the railroad played an influential role in the founding of Bridgewater. In early 1880, Bridgewater received its original name, Nation City, from the first settlers and townsite owners, Robert and John B. Nation. In late November of that year, however, the town's first train depot was built to accommodate the Chicago, Milwaukee and St. Paul Railroad, and the town's name changed from Nation City to Bridgewater. In fact, it was the rail workers who ultimately renamed the city, having been forced to carry their drinking water across a bridge near town.

One of early Bridgewater's unique traditions was the chatauqua, a summer festival under a tent loaded with singers, bands, orchestras, lectures, and plays. Adults paid $2 and children $1.10 for an entire week of star-studded, cultural entertainment. While this yearly ritual was a town favorite, it quickly lost popularity once roads and cars were improved and movies became more accessible. Unfortunately, Bridgewater's last chatauqua ended prematurely, as a cyclone hit and interrupted the festivities.

Bridgewater's first newspaper, the Times, was established in 1880 by Adin F. Terrill. The publication lasted for about 10 years, until it merged with the Bridgewater Brieflet in 1890 and was renamed the Bridgewater Tribune, which still exists to this day.

One of Bridgewater's notable landmarks is the city park. Created in 1960 with the help of the Green Thumb organization, the park came to fruition following the purchase of four acres of J.J. Bollinger's property. This community park, a cherished Bridgewater amenity, is host to countless family picnics and outdoor activities.

In the twelve and a half decades since its founding, Bridgewater has provided its citizens with a rich and diverse atmosphere. Bridgewater's 600 proud residents will celebrate the town's 125th anniversary on July 4, 2005, and it is with great honor that I share with my colleagues this community's unique past.●

HONORING THE CITY OF SALEM, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, I rise today to honor and publicly recognize the 125th anniversary of the city of Salem, SD. I would like to recognize this outstanding prairie community as an example of the extraordinary work ethic and perseverance of the remarkable people all across the state of South Dakota.

Salem, the county seat of McCook County in southeastern South Dakota, was named by Oliver S. Pendar. Pendar, the town's first postmaster, named the town for his former home of Salem, Massachusetts. Pendar first moved to McCook County in 1878 and eventually settled in Salem in 1880. Platted in July of that year, Salem's location was chosen by the railroad companies, as it provided an excellent spot for trains to stop and reload supplies as they made their way west. The town was incorporated in 1885, which is the same year residents chose W.D. Roberts as Salem's first mayor.

Early Salem experienced a great deal of economic prosperity during the peak railroad years of the late nineteenth century. The town grew rapidly in its first decade and boasted a number of businesses, including several hotels, a lumberyard, a furniture store, several banks, real estate brokers, livery barns, and other services vital to a growing community on the frontier.

At its zenith, Salem was home to five fine hotels, including the Lewis House, the Commercial Hotel, the Irish House of Parliament, the Depot Hotel, and the Lucerne, all of which flourished during the railroad years. Sadly, many of these hotels have come and gone, but their legacy remains.

Salem's first school, a two-story frame building located on the site of the present high school, was built by J.E. Miller in 1881 and opened in 1882. The first floor consisted of county administrative offices and classrooms. The building's second floor accommodated church services, a courthouse, and a public hall.

Since its founding, Salem has been home to three newspapers, the first of which was the Pioneer Register, started by Mr. Jonas Rutan in 1880. In 1883, Mr. C.F.M. Schenckler established Salem's second paper, the McCook County News, which Mr. J.E. Patten purchased three years later and renamed the Salem Special. This semi-weekly paper, published on Wednesdays and Saturdays, kept the community informed of important events in the area.

Through the years, the residents of Salem have demonstrated great flexibility and perseverance in their ability to flourish despite overwhelming heartbreak. Since Salem's founding in the late nineteenth century, the town experienced several destructive fires and floods, destroying grain elevators, hundreds of homes, and numerous businesses. Still, this resilient community always managed to recover, rebuild and prosper.

The pioneer men and women of early Salem also exhibited a remarkable propensity for using the resources and riches of the frontier to make a wonderful life for themselves on the plains of the Dakotas. Richard F. Kneip was a local milk equipment businessman who went on to serve as Governor of South Dakota, and later as Ambassador to Singapore. The sense of community, moral fortitude, perseverance, and enduring work ethic that is evident in the people and the history of Salem, stands as a testament to the integrity of South Dakotans. It is my honor to acknowledge the proud residents of Salem, SD as they celebrate 125 years of vibrant history on July 2–4, 2005.•

TRIBUTE TO ANTHONY ATHANAS

• Mr. KERRY. Mr. President, today I recognize and celebrate the life of a great American and a gracious host to all who crossed his threshold, Mr. Anthony Athanas. Everyone in Massachusetts, along with restaurateurs and past patrons across the country, was saddened to learn of his passing earlier this month.

Today, however, I am honored to join with the countless people who were touched by his graciousness and charm in celebrating Anthony's unique American journey. Anthony Athanas came to the United States in 1915 to pursue a dream and through hard work and perseverance, along with his instinctual hospitality and keen business sense; Anthony came to embody that dream.

His entry into the world of restaurants was by way of working on lighting and the maintenance of stoves. With a rapidly growing love of the pace and hustle of the hospitality business, Anthony opened his first restaurant, "Anthony of Hawthorn," in Lynn, MA, in 1937. This endeavor was quickly followed by four more restaurants; Hawthorne by the Sea, General Glover House, Anthony's Cummaquid Inn and Pier 4. Of the 5, Anthony's Pier 4, opened in 1963, would be his most famous and enduring.

Anthony's Pier 4 became famous for serving quality New England seafood to visitors from all over the world and by the late-1960's Anthony's Pier 4 was the port of call for movie stars, singers, performers of all sorts and athletes. Irrespective of name recognition or social standing, every guest received the same gracious reception from Anthony. To walk in his door was to be regarded and treated as someone special. This hospitable approach had practical applications as well, proven by the restaurant's ranking as the fifth most successful restaurant in the country in 1984.

The embrace he received from his peers in the restaurant community was complete and sustained. He received the Silver Plate Award from the International Foodservice Manufacturers Association, the Ivy Award of Distinction from Institutions/VFM Magazine, the Golden Door Award from the International Institute of Boston, the Restaurant of the Year Award in 1976 from the National Restaurant Association amongst many others.

The best business leaders in our country are people who not only excel in commerce but also embrace the larger needs of their community. Anthony embraced this notion with the same passion and determination that defined his professional life. He contributed time, energy and resources to preserving our national history at the USS Constitution Museum Foundation, reached out to other entrepreneurs through the Greater Boston Chamber of Commerce, brought comfort to suffering families through his work with the American Cancer Society, and helped create the next generation of restaurateurs through his support of the American Institute of Food and Wine.

Anthony breathed real life and meaning into the American Dream by not only maximizing its possibilities for him and his family but by expanding those very same opportunities for others.

The last time I walked into Anthony's Pier 4 I was greeted in the same way I have been for years: with a smile and handshake from a true gentleman. Anthony Athanas was a great man, one who sought the American Dream and through hard work and his love of people ended up defining it. We mourn his passing, but we are deeply grateful for his time on earth.•

ARIZONA STUDENT'S HISTORY PROJECT CHOSEN FOR WHITE HOUSE VISITOR'S DISPLAY

• Mr. KYL. Mr. President, I congratulate Miriam Strauss of Apache Middle School in Sierra Vista, AZ for her National History Day Project entitled, "Franklin D. Roosevelt's Fireside Chats." Miriam's project, along with seven others from around the Nation, was chosen from among more than 2,000 finalists for presentation and display at the White House Visitor's Center on June 15, 2005. Her project was part of this year's National History Day theme, "Communication: The Key to Understanding." The National History Day program includes half a million students in grades six through twelve in all 50 States and the District of Columbia, so the selection of Miriam's project for presentation is a tremendous honor. I wish this budding historian the best of luck in the future.•

ANDREW IVY

• Mrs. MURRAY. Mr. President, I rise today to recognize Mr. Andrew Ivy, an exceptional history teacher and role model from Kirkland, WA. Mr. Ivy has been named Teacher of the Year by the Richard T. Farrell Teacher of Merit Award for outstanding success in teaching history. This national award is presented every year to an educator who develops and uses innovative and creative teaching methods that interest students in history and help them make exciting discoveries about the past. As a teacher at International Community School in Kirkland, WA, Mr. Ivy has shown exemplary commitment to making history education engaging and exciting, while involving his students in the National History Day Program.

National History Day is a yearlong program in which students explore historical topics related to an annual theme. Participants qualify for national competition after competing in several local and State competitions. In preparing his students for the program, Mr. Ivy's work ethic and research skills provided students with the tools necessary to be successful in competition.

Teachers like Mr. Ivy play an important role in education. By teaching about the nations past they keep our history a part of our current lives. When children question, and discuss our history, teachers are doing something profoundly patriotic; they are helping students understand who we are as a nation—the importance of our common heritage and the values that make us unique.

Andrew Ivy has proven exceptional. His drive to offer his students the best education possible has led him to invest a great deal of personal study in his curriculum. He regularly attends training classes to ensure that the material he teaches is accurate and current. Additionally, Mr. Ivy often tries new approaches to his teaching method in order to keep his classroom interested and challenged. His curriculum often changes to meet his very own high standards and his students greatly benefit from all of his efforts.

Mr. President, I find it heartening that there are educators in this country who devote so much time and effort to shaping the minds of our young people. I hope you and our colleagues will join me in recognizing Mr. Andrew Ivy for his dedication to educating the potential leaders of tomorrow.●

AMERICAN AMBULANCE ASSOCIATION STAR OF LIFE AWARD RECIPIENTS

● Mr. SMITH. Mr. President, I am pleased to rise today to announce seven Star of Life award recipients from the State of Oregon.

The Star of Life is awarded each year by the American Ambulance Association recognizing America's top paramedics.

The reliable responsiveness and medical and safety expertise performed by paramedics throughout the neighborhoods and communities of our country deserves high recognition and praise.

Paramedics are the first to respond to the urgent health and safety needs of our Nation's citizens, providing an invaluable contribution to our society. The men and women of this profession truly are dedicated to helping others as they perform a myriad of vital services from delivering babies to rescuing the lives of individuals in harm's way.

Mr. President, I would like to recognize the following Oregonians who received the 2005 Star of Life Award: Victor Hoffer, Elizabeth Fullmer, Greg Sorenson, Michael Beaulieu, Shelly Solum, David Landstrom, and Brett LaCroix.

I want to congratulate each of these individuals for their esteemed service and recognition in receiving this prestigious award.

Oregon is proud and privileged to call Victor, Elizabeth, Greg, Michael, Shelly, David and Brett its own.

These Star of Life award recipients exemplify their extraordinary performance among a profession that provides critical services to our communities and our Nation. I am most grateful for their service.●

TRIBUTE TO HAZEL HANON AND GRACE SIERS

● Mr. THUNE. Mr. President, today I rise in honor of two exceptional women. Hazel Hanon and Grace Siers, both of Britton, SD, are the last two active charter members of Marshall Post No. 3507 Ladies Auxiliary in Britton for the Veterans of Foreign Wars Lady Auxiliary.

Hazel, now 87 years old, joined for her husband and brother who both served during World War II in the U.S. Navy and Air Force respectively.

Grace, now 90 years old, has many family members who served in the military. Her husband served in World War I, and her three brothers in World War II. She has also had five sons, a grandson, and a granddaughter serve our country.

Hazel and Grace have devoted their time and energy to the group by holding banquets, selling poppies, and even compiling a dessert cookbook. It is a privilege for me to honor them today for their past dedication and their continuing support of our veterans of foreign wars.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2626. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC–2627. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving exports to Qatar; to the Committee on Banking, Housing, and Urban Affairs.

EC–2628. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Regulation NMS" ((RIN3235–AJ18) (Release No. 34–51808)) received on June 14, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2629. A communication from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Housing/Federal Housing Commissioner, received on June 14, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2630. A communication from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy in the position of President, Government National Mortgage Association, received on June 14, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2631. A communication from the Assistant General Counsel (Banking and Finance), Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Terrorism Risk Insurance Program—Additional Claims Issues; Insurer Affiliates" (RIN1505–AB09) received on June 8, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2632. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations (70 FR 29633)" ((Docket No. FEMA–D–7571) (44 CFR 65)) received on June 14, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2633. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance (70 FR 21159)" ((Docket No. FEMA–7776) (44 CFR 64)) received on June 14, 2005; to the Committee on Banking, Housing, and Urban Affairs

EC–2634. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility (70 FR 25787)" ((Docket No. FEMA–7877) (44 CFR 64)) received on June 14, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2635. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility (70 FR 20299)" ((Docket No. FEMA–7875) (44 CFR Part 64)) received on June 14, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2636. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations (70 FR 29637)" (44 CFR 67) received on June 14, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2637. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations (70 FR 29638)" (44 CFR 67) received on June 14, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2638. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations (70 FR 29639)" (44 CFR 67) received on June 14, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2639. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations (70 FR 29634)" (44 CFR 67) received on June 14, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2640. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Child Welfare Outcomes 2002: Annual Report"; to the Committee on Health, Education, Labor, and Pensions.

EC–2641. A communication from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on June 14 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–2642. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, the report of an investigation entitled "The Impact of Trade Agreements Implemented Under Trade Promotion Authority"; to the Committee on Finance.

EC–2643. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Sports Industry Media Rights Acquired in Connection with a Sports Franchise" (UIL: 167. 03-03) received on June 14, 2005; to the Committee on Finance.

EC–2644. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Charitable Contributions of Certain Motor Vehicles, Boats, and Airplanes" (Notice 2005-44) received on June 14, 2005; to the Committee on Finance.

EC–2645. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Supplemental Information for Notice 2003-47 and Announcement 2005-19, Executive Stock Option Transaction and Settlement Initiative" (Announcement 2005-39) received on June 14 2005; to the Committee on Finance.

EC–2646. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 965—Limitations on Dividends Received Deductions" (Notice 2005-38) received on June 14, 2005; to the Committee on Finance.

EC–2647. A communication from the Chief, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "American Indian Livestock Feed Program" (RIN0560–AH26) received on June 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2648. A communication from the Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Shark Quotas and Season Lengths" ((RIN0648–AT07) (I.D. No. 020205F)) received on June 14, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2649. A communication from the Acting White House Liaison, Technology Administration, Department of Commerce, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary for Technology, received on June 14, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2650. A communication from the Acting White House Liaison, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary for International Trade, received on June 14, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2651. A communication from the Acting White House Liaison, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary and Director General, received on June 14, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2652. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's monthly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–2653. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "GEORGIA SIP: Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Georgia, Redesgination of Atlanta Severe 1-Hour Ozone Nonattainment Area to Attainment for Ozone; Maintenance Plan; Motor Vehicle Emission Budgets; Revisions to Rules for Air Quality" (FRL No. 7924-7) received on June 14, 2005 to the Committee on Environment and Public Works.

EC–2654. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "GEORGIA SIP. 1-Hour Severe Ozone Nonattainment Area and Severe Area Vehicle Miles Traveled" (FRL No. 7924–2) received on June 14, 2005; to the Committee on Environment and Public Works.

EC–2655. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "OHIO SIP. 1-Hour Ozone Standard for Ozone Maintenance" (FRL No. 7925–3) received on June 14, 2005 to the Committee on Environment and Public Works.

EC–2656. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Dyes and/or Pigments, Production Waste; Land Disposal Restrictions for Newly Identified Waste; CERCLA Hazardous Substance Designation and Reportable Quantities" (FRL No. 7924-9) received on June 14, 2005; to the Committee on Environment and Public Works.

EC–2657. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System; Correction" (FRL No. 7925–1) received on June 14, 2005; to the Committee on Environment and Public Works.

EC–2658. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2659. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2660. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2661. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2662. A communication from the Director, Federal Judicial Center, transmitting, pursuant to law, the Center's annual report for the 2004 calendar year; to the Committee on the Judiciary.

EC–2663. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Clarifying of Release Gratuities—Release Transportation Regulations to More Closely Conform to Statutory Provisions" (RIN1120–AB21) received on June 14, 2005; to the Committee on the Judiciary.

EC–2664. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Over-The-Counter (OTC) Medications: Technical Correction" (RIN1120–AB29) received on June 14, 2005; to the Committee on the Judiciary.

EC–2665. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Infectious Disease Management: Voluntary and Involuntary Testing" (RIN1120–AB03) received on June 14, 2005; to the Committee on the Judiciary.

EC–2666. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Bureau of Prisons Emergencies" (RIN1120–AB07) received on June 14, 2005; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR for the Committee on Foreign Relations.

*Jorge A. Plasencia, of Florida, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring October 27, 2006.

*Jay T. Snyder, of New York, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2007.

*Christopher J. Hanley, of Maryland, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2006.

*Craig Roberts Stapleton, of Connecticut, to be Ambassador to France.

*Eduardo Aguirre, Jr., of Texas, to be Ambassador to Spain, and to serve concurrently and without additional compensation as Ambassador to Andorra.

*Roger Dwayne Pierce, of Virginia, to be Ambassador to Republic of Cape Verde.

*Donald E. Booth, of Virginia, to be Ambassador to the Republic of Liberia.

*Molly Hering Bordonaro, of Oregon, to be Ambassador to the Republic of Malta.

*Julie Finley, of the District of Columbia, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador.

*Richard J. Griffin, of Virginia, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador during his tenure of service.

*Robert Johann Dieter, of Colorado, to be Ambassador to Belize.

*Zalmay Khalilzad, of Maryland, to be Ambassador to Iraq.

*Rodolphe M. Vallee, of Vermont, to be Ambassador to the Slovak Republic.

*Pamela E. Bridgewater, of Virginia, to be Ambassador to the Republic of Ghana.

*Ann Louise Wagner, of Missouri, to be Ambassador to Luxembourg.

*Terence Patrick McCulley, of Oregon, to be Ambassador to the Republic of Mali.

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning with Donald B. Clark and ending with Michael T. Fritz, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2005.

Foreign Service nominations beginning with Christine Elder and ending with Samantha Carl Yoder, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2005.

Foreign Service nominations beginning with Todd B. Avery and ending with John P. Yorro, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2005.

Foreign Service nominations beginning with Michael Hutchinson and ending with Marie Zulueta, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2005.

Foreign Service nominations beginning with Charles W. Howell and ending with Hector U. Zuccolotto, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2005.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

Nominee: Craig R. Stapleton.

Post: Ambassador to France.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: $2,000, 7/17/03, Bush-Cheney '04; $25,000, 12/28/03, Bush/Cheney Victory 2004; $1,000, 2/13/04, John Graves for Congress; $1,000, 5/28/04, Friends of Jack Orchulli; $2,000, 5/28/04, Shays for Congress; $25,000, 6/21/04, RNC Presidential Trust; $500, 8/21/04, Republican Majority for Choice; $1,000, 9/15/04, Peter Coors for Senate; $2,000, 3/26/04, Simmons for Congress.

2. Spouse: Dorothy W. Stapleton $2,000, 8/19/03, Bush-Cheney '04; $1,000, 3/26/04, Simmons for Congress; $1,000, 8/13/04, Fed PAC; $1,000, 10/8/04, Coors for Senate.

3. Children and Spouses: Walker Stapleton $500, 9/24/02, Beauprez for Congress; $2,000, 8/20/03, Bush-Cheney '04; $1,000, 5/24/04, $500, 10/08/04, Coors for Senate.

4. Parents: Katharine H. Stapleton, $2,000, 8/20/03, Bush-Cheney '04.

5. Grandparents: No contributions.

6. Brothers and Spouses: Benjamin F. Stapleton III (Jane) $208, 10/13/04, Coburn for Senate; $208, 10/29/04, Coors for Senate; $500, 8/06/04, Udall for Congress; $1,000, 8/26/03, Bush-Cheney '04; $1,000, 6/15/04, Bush-Cheney '04; $1,000, 5/28/04, Shelby for Senate; $1,000, 8/04/04, Coors for Senate; $2,496, 10/13/04, Majority Fund For America's Future Committee.

---

*Eduardo Aguirre, Jr., of Texas, to be Ambassador to Spain, and to serve concurrently and without additional compensation as Ambassador to Andorra.

Nominee: Eduardo Aguirre, Jr.

Post: United States Ambassador to Spain.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: $1,000, 01/2001, George W. Bush for President.

2. Spouse: Maria Teresa P. Aguirre: none.

3. Children and Spouses: Eduardo Aguirre, III: none; Maria Teresa Aguirre: none.

4. Parents: Eduardo L. Aguirre—deceased; Altagracia Reyes: none.

5. Grandparents: Juan Aguirre—deceased; Isabel Leon-Aguirre—deceased; Jose Reyes—deceased; Matilde Perez-Reyes—deceased.

6. Brothers and Spouses: Louise G. Aguirre: none; Anne Marie Aguirre: none.

7. Sisters and Spouses: none.

*Roger Dwayne Pierce, of Virginia, to be Ambassador to Republic of Cape Verde.

Nominee Roger Dwayne Pierce.

Post Praia, Cape Verde.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: 0.

2. Spouse: 0.

3. Children and Spouses: Lisa Marie Markel 0; Howard Markel 0; Christopher Pierce 0; Michael Pierce 0.

4. Parents: Reuben Pierce—Deceased; Ardieth Hamilton 0.

5. Grandparents: Claude Pierce—Deceased; Eugenia Pierce—Deceased; Lewis Davidson—Deceased; Willia Davidson—Deceased.

6. Brothers and Spouses: R. Darryl Pierce 0; Mark D. Pierce 0; Katherine S. Pierce 0.

7. Sisters and Spouses: Robin L. Pierce 0; Margo W. Pierce 0.

*Donald E. Booth, of Virginia, to be Ambassador to the Republic of Liberia.

Nominee: Donald E. Booth.

Post: Ambassador to Liberia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse—Anita S. Booth: None.

3. Children and Spouses: Alison L. Booth, None; Peter R. Booth, None; David I. Booth, None.

4. Parents: John E. Booth, Deceased—None; Eileen R. Booth, Deceased—None.

5. Grandparents: Ernest Ford, Deceased—None; Lena Ford, Deceased—None; Edward Booth, Deceased—None; Margaret Booth, Deceased—None.

6. Brothers and Spouses: John L. Booth (step-brother) None; Tibby Booth, None.

7. Sisters and Spouses: Camilla Noyes (step-sister), None; George Noyes, None.

*Molly Hering Bordonaro, of Oregon, to be Ambassador to the Republic of Malta.

Nominee: Molly Hering Bordonaro.

Post: Ambassador to Malta.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Molly Bordonaro—(see attached).

2. Spouse: Matthew Bordonaro—(see attached).

3. Children and Spouses: Brooke A. Bordonaro, No contributions (under 18); Coulter M. Bordonaro, No contributions (under 18).

4. Parents: J. Clayton Hering—see attached); Susan "Sudee" Hering, No contributions in the past four years.

5. Grandparents: Betty Boyd—(see attached); John Boyd—Deceased; Anita Hering—Deceased; Jack Hering—Deceased.

6. Brothers and Spouses: No Brothers.

7. Sisters and Spouses: Lisa Handley, No contributions; J.B. Handley, No contributions; Kristin Yaker, No contributions; James Yaker, No contributions.

Contribution, amount, date, and donee:

1. Molly H. Bordonaro, $250, 2/4/2005, Mike Simpson for Congress; $500, 3/4/2004, Friends of Gordon Smith; $250, 9/23/2004, Walden for Congress; $500, 3/8/2004, Craig Schelske for Congress; $300, 9/21/2000, Charles Starr for Congress; $1,000, 10/27/1999, Gordon Smith for U.S. Senate; $400, 11/15/2001, Gordon Smith for U.S. Senate; $1,000, 6/30/1999, George W. Bush for President; $250, 8/29/2000, Rick Lazio 2000; $1,000, 9/30/2003, Bush-Cheney '04' Primary; $1,000, 1/14/2004, Oregon Republican

Party; $500, 6/28/2002, Gordon Smith Oregon Victory; $327, 8/30/2002, Gordon Smith Oregon Victory; $500, 6/28/2002, Gordon Smith for U.S. Senate.

2. Matthew Bordonaro, $790, 8/30/2000, George W. Bush for President; $627, 8/30/2002, Gordon Smith Oregon Victory; $627, 9/24/2002, Gordon Smith for U.S. Senate.

3. J. Clayton Hering, $1,000, 7/28/2004, Oregon Republican Party; $500, 9/30/2003, Jim Zupancic for Congress; $250, 7/27/2004, Jim Zupancic for Congress; $250, 9/13/2004, Jim Zupancic for Congress; $250, 8/19/2002, Greg Walden for Congress; $1,000, 6/27/2003, Phillips for Congress; $250, 6/20/2002, Gordon Smith Oregon Victory; $1,000, 8/28/2002, Gordon Smith Oregon Victory; $250, 9/9/2004, Jim Feldkamp for Congress; $500, 6/30/2004, Jim Feldkamp for Congress; $500, 2/26/2004, Phillips for Congress; $300, 4/17/2004, Phillips for Congress; $2,000, 8/29/2003, Bush-Cheney '04 Primary.

4. Betty Boyd, $500, 1/26/2000, McCain 2000; $500, 1/11/2000, Bill Bradley For President.

---

*Julie Finley, of the District of Columbia, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador.

Nominee: Julie Finley.

Post: U.S. Ambassador to the O.S.C.E.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

Self: $1,000, 7/04, John Thune for U.S. Senate; $4,000, 8/04, D.C. Republican Committee; $1,500, 6/04, D.C. Republican Committee; $2,500, 5/04, D.C. Republican Committee; $3,750, 5/04, Leadership Circle PAC; $2,000, 10/04, Bush-Cheney '04 Compliance Committee; $32,500, 9/04, 2004 Joint Candidate Committee II; $5,000, 9/03; D.C. Republican Committee; $1,000, 5/03, D.C. Republican Committee; $2,000, 6/03, Bush-Cheney '04 (Primary); $2,000, 10/03, Citizens for Arlen Specter; $25,000, 9/03, Republican National Committee; $1,000, 4/03, The Wish List; $1,000, 5/02, Alexander for Senate Inc., $5,000, 10/02, Dole North Carolina Victory Committee Inc.; $1,000, 10/02, Forrester Victory Committee; $500, 8/02, Friends of Connie Morella for Congress; $1,000, 5/02, The Wish List; $1,000, 10/02, John Thune for South Dakota; $1,000, 2/02, D.C. Republic Committee (Federal Account); $1,000, 3/02, Raye for Congress; $1,000, 7/02, Team Sununu; $1,000, 8/02, Norm Coleman for U.S. Senate; $1,000, 3/02, Dole 2002 Committee; $1,000, 8/02, Cole for Congress; $1,750, 10/02, The Wish List; $1,000, 5/02, Over-the-Hill PAC; $500 6/02, National Conservative Campaign Fund; $25,000, 3/02, RNC Republican National State Elections Committee; $500, 3/02, Johnson for Congress; $1,000, 3/02, Lindsey Graham for Senate; $1,000, 6/02, Friends of George Allen; $2.500, 10/01, New Jersey Republican State Committee; $500, 11/01, Greenwood for Congress; $500, 10/01, Friends of Katherine Harris; $1,000, 11/01, Norm Coleman for U.S. Senate; $1,000, 3/01, The Wish List; $500, 11/01, Hagel for Senate Committee; $1,000, 6/01, Forbes for Congress; $1,000, 11/01, Talent for Senate Committee; $1,000, 6/01, Cathy Keating for Congress; $5,000, 1/25/01, D.C. Republican Committee (RNC Republican, National state Elections Committee).

Spouse: William Thompson Finley, deceased.

Children/Sons: Benjamin E. Finley, II: $500, 6/04, Bill Manger for Congress, Inc.; $500, 9/4, Bill Manger for Congress, Inc.; $2,000, 6/03, Bush-Cheney '04.

Abner M. Finely: $2,000, 6/03, Bush-Cheney '04.

Parents: Joy Elizabeth Fairman Hamm, deceased; Edward Frederick Hamm, Jr., deceased.

Grandparents: Edward Frederick Hamm, deceased; Sarah Meek Hamm, deceased; Frederick Wilson Fairman, deceased; Florence Joys Fairman, deceased.

Brother and Spouses: Thornton Edward Hamm, none.

Sisters and Spouses: Martha Hamm Spencer, none; Harold R. Spencer, None.

---

*Richard J. Griffin, of Virginia, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador during his tenure of service.

*Robert Johann Dieter, of Colorado, to be Ambassador to Belize.

Nominee: Robert Johann Dieter.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self; 2. Spouse; 3. Children and Spouses Names: Information for 1.-3. is provided on the attached sheet.

4. Parents: Both parents deceased in 1970's.

5. Grandparents: All grandparents deceased prior to 1970.

6. Brothers and Spouses: No brothers.

7. Sisters and Spouses: Barbara L. Dieter, sister, not married; no contributions.

Federal Campaign Contribution Report—Robert Johann Dieter

JANUARY 1, 2001 TO MARCH 7, 2005

1. Self: Robert J. Dieter.

Amount, date, and donee:

$250, 3-3-01, Elect Francisco Committee; $100, 3-06-01, Boulder County Republicans; $2,500, 4-22-01, Bill Owens for Governor; $50, 5-05-01, Citizens for Bill Owens; $100, 8-28-01, Mike Francisco for Congress; $250, 9-17-01, Wayne Allard for U.S. Senate Committee; $750, 3-39-02, Wayne Allard for U.S. Senate Committee; $250, 4-09-02, Elect Francisco Exploratory Committee; $1,000, 4-24-02, Allard Leadership Committee; $350, 5-16-02, Bob Beauprez for Congress Committee; $250, 9-09-02, Bob Beauprez for Congress Committee; $500, 10-14-02, Bob Beauprez for Congress Committee; $100, 4-12-03, Beauprez for Congress; $2,000, 11-07-03, Bush-Cheney '04; $1,000, 11-14-03, Bob Beauprez for Congress Committee; $1,000, 11-10-03, Campbell for Colorado; $1,000 (refund), 5-03-04, Campbell for Colorado; $250, 1-18-04, Bob Beauprez for Congress Committee; $150, 1-27-04, National Republican Congressional Committee; $50, 2-03-04, Republican National Committee; $5,000, 6-04-04, Republican National Committee; $2,000, 6-14-04, Pete Coors for Senate; $2,000, 6-14-04, Pete Coors for Senate; $650, 6-28-04, Bob Beauprez for Congress Committee; $500, 9-15-04, Walcher for Congress; $50, 9-17-04, South Dakota Republican Party; $85, 10-18-04, Colorado Republican Committee; $150, 10-26-04, National Republican Congressional Committee; $500, 11-01-04, Walcher for Congress.

2. Spouse: Gwynneth A.E. Dieter.

Amount, date, and donee:

$75, 6-12-03, Republican National Committee; $2,000, 8-14-03, Bush-Cheney '04; $25, 4-01-04, Republican National Committee; $25, 5-02-04; Republican National Committee; $112, 9-15-04, Beauprez for Congress Committee; $1,000, 10-08-04, Pete Coors for Senate.

3. Children and spouses: Megan E. Dieter (not married); no contributions.

Alexis A. Dieter (not married):

Amount, date, and donee:

$2,000, 8-14-03, Bush-Cheney '04.

Nicholas D. Dieter (not married); no contributions.

---

*Zalmay Khalilzad, of Maryland, to be Ambassador to Iraq.

Nominee: Zalmay M. Khalilzad.

Post: Iraq.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Cheryl C. Benard: Alexander Khalilzad Benard; Maximilian Khalilzad Benard.

4. Parents: Zahra Khalilzad: None; Khalilullah (deceased): None.

5. Grandparents (deceased): None.

6. Brothers and Spouses: David Khalilzad: None; Vicky Khalilzad: None; Tory Khalilzad: None.

7. Sisters and Spouses: Aziza Monawar: None; Malika Monawar: None; Ashan Monawar: None; Basima Khalilzad: None.

---

*Rodolphe M. Vallee, of Vermont, to be Ambassador to the Slovak Republic.

Nominee: Rodolphe Meaker Vallee.

6. Political Contributions: List all financial contributions made by you, your spouse or other members of your immediate family, or any organization, corporation, or subsidiary thereof, in which you or your spouse has a controlling interest to any local, state or national party committee, to any individual candidate or to any multi-candidate committee during this calendar year and during the four preceding calendar years.

Contributions, amount, date, and donee:

1. Self: Rodolphe M. Vallee:

State contribution: $400, 07/11/01, Jim Douglas for Governor; $400, 05/20/02, Bruce Hyde for Auditor; $400, 07/12/03, Jim Douglas for Governor; $400, 08/12/04, Randy Brock for Auditor; $100, 09/18/04, Wendy Schroeder for State Representative; $200, 09/24/04, George Schiavone; $2,000, 01/30/04, Bill Cobey for Governor; $300, 08/30/04, Kate Purcell for VT Senate.

Federal contributions: ($1,000), 07/17/01, Jeffords for Vermont Committee; $2,020, 02/08/01, Republican National State Elections Committee; $2,020, 02/08/01, Republican National State Elections Committee; $3,000, 07/11/01, VT Republican Committee; $1,000, 10/15/02, Meub for Congress; $5,000, 09/16/02, VT Republican Committee; $1,500, 06/10/03, Bush-Cheney 04; $500, 06/30/03, Bush-Cheney 04; $10,000, 05/16/03, VT Republican Committee; $25,000, 05/19/04, Republican National Committee; $10,000, 02/17/04, VT Republican Committee; *$12,500, 08/02/04, RNC Joint State Victory Committee; *$25,000, 05/21/04, RNC Joint Candidate Committee; *$10,500, 08/02/04, RNC Joint Candidate Committee; $743.75, 08/24/04, Arizona Republican Party; $2,000, 08/02/04, BC-04 Compliance Committee; $1,468.75, 08/02/04, CO-03 Congressional Victory Committee; $2,000, 08/02/04, Friends of Mel Martinez; $1,468.75, 08/02/04, KY-04 Congressional Victory Committee; $1,468.75, 08/02/04, LA-03 Congressional Victory Committee; $1,468.75, 08/02/04, LA-07 Congressional Victory Committee; $297.50, 08/31/04, Maine Republican Party; $1.265, 08/24/04, Michigan Republican State Committee; $818.75, 08/18/04, Missouri Republican State Committee; $372.50, 08/31/04, Nevada Republican State Central Committee; $297.50, 08/27/04, New Hampshire Republican State Committee; $1.487.50, 08/24/04, Ohio Central & Executive Committee; $521.25, 08/24/04, Oregon Republican Party; $1,468.75, 08/02/04, PA–15 Congressional Victory.com; $2,008.75, 08/02/04; Republican Party of Florida; $521.25, 08/24/04, Republican Party of Iowa; $632.50, 08/18/04, Republican Party of Minnesota; $1,562.50, 08/02/04, Republican Party of Pennsylvania; $372.50, 08/02/04, Republican Party of West Virginia; $743.75, 08/02/04, Republican Party of Wisconsin; $1,468.75, 08/02/04, WA-05 Congressional Victory Committee; $1,468.75, 08/02/04, WA–08 Congressional Victory Committee; $408.75, 08/24/04, Washington State Republican Party; $1,468.75, 09/30/04, Bob Beauprez for Congress; $1,468.75, 08/02/04, Max Burns for Congress; $2,000, 08/02/04, Richard Burr Committee; $446.25, 08/02/04, Arkansas State Committee; $2,000, 09/17/04, George Nethercutt for Senate; $1,468.75, 09/30/04, Randy Neugebauer Congressional Committee; $1,468.75, 08/02/04, Anne Northup for Congress; $1.468.75, 09/20/04, Jon Porter for Congress; $1,468.75, 08/02/04, Richard Renzi for Congress; $1,468.75, 09/29/04, Pete Sessions for Congress; $1,468.75, 09/29/04, Rob Simmons for Congress; $2,000, 08/02/04, John Thune for U.S. Senate; $2,000, 09/30/04, David Vitter for U.S. Senate; $1,468.75, 09/30/04, Heather Wilson for Congress.

*Joint Committee Contributions to Candidates also shown.

R.L. Vallee, Inc.: State contributions: $400, 07/12/01, Jim Douglas for Governor; $2,000, 02/27/01, Vermont Republican Party; $300, 08/07/02, Brian Dubie for Lt. Governor; $400, 05/20/02, Bruce Hyde for Representative; $400, 09/25/02, John V. LaBarge; $300, 08/07/02, Purcell for Senate; $300, 08/07/02, Friends of Scott Shumski; $300, 08/07/02, Diane Snelling for Senate; $300, 08/22/02, Cathy Voyer for Representative; $400, 07/02/03, Jim Douglas for Governor; $2,000, 05/15/03, Vermont Republican Committee; $400.00, 08/06/04, Randy Brock for Auditor.

Twin State Environmental, Inc.: State contributions: $400, 07/12/01, Jim Douglas for Governor; $2,000, 04/18/01, Vermont Republican Committee.

Twin State Holding, Inc.: State contribution: $2,000, 10/11/02, Franklin County Republican Committee; $400, 08/07/02, Bruce Hyde for Auditor; $400, 09/25/02, John V. LaBarge for Treasure; $300, 08/07/02, Purcell for Senate; $300, 08/07/02, Diane Snelling for Senate; $2,000.00, 12/16/03, Vermont Republican Party.

Verterre Group, Inc.: State contributions: $300, 08/07/02, Brian Dubie for Lt. Governor; $400, 05/20/02, Bruce Hyde for Treasurer; $400, 09/25/02, John V. LaBarge for Treasure; $300, 08/07/02, Purcell for Senate; $300, 09/30/02, Friends of Scott Shumski; $300 08/07/02, Diane Snelling for Senate; $300, 08/22/02, Cathy Voyer for Representative; $400, 07/05/03, Jim Douglas for Governor; $2,000, 05/15/03, Vermont Republican Party.

Twin State Fuels, Inc: State contributions: $400, 07/12/01, Jim Douglas for Governor.

Vallee Holdings, LLC: State contributions: $400, 07/12/01, Jim Douglas for Governor; $2,000, 07/12/01, Vermont Republican Party; $300, 08/22/02, Cathy Voyer for Representative; $2,000, 12/16/03, Vermont Republican Party.

2. Spouse: Denise Vallee: State contributions: $400, 07/11/01, Jim Douglas for Governor; $400, 05/20/02, Bruce Hyde for Treasurer; $300, 09/10/02, Diane Snelling for Senate; $400, 07/12/03, Jim Douglas for Governor; $400, 08/12/04, Randy Brock for Auditor; $300, 08/25/04, Kate Purcell for Senate; $100, 09/18/04, Wendy Schroeder for State Representative; $200, 09/24/04, George Schiavone; $300, 09/04/04, Diane Snelling for Senate.

Federal Contributions: ($1,000, 07/17/01, Jeffords for Vermont Committee; $2,500, 01/09/01, Vermont Republican Committee; $1,000, 10/01/02, John Sununu (Team Sununu); $5,000, 09/16/02, Vermont Republican Committee; $2,000, 06/10/03, Bush-Cheney '04; $10,000, 01/09/03, Vermont Republican Committee; $2,000, 10/20/04, Bush-Cheney '04 Compliance; $25,000, 09/22/04, National Republican Committee; $10,000, 10/19/04, Vermont Republican Committee; *$12,500, 09/16/04, RNC Joint State Victory Committee; *$35,500, 09/17/04, RNC Joint Candidate Committee; $1,075, 09/15/04, LA–03 Congressional Victory Committee; $1,075,09/15/04, LA–07 Congressional Victory Committee; $1,265, 10/04/04, Michigan Republican State Committee; $818.75, 10/01/04, Missouri Republican State Committee-Federal; $372.50, 10/07/04, Nevada Republican State Central Committee; $1,487.50, 10/04/04, Ohio State Central & Executive Committee; $743.75, 10/01/04, Republican Party of Arizona; $1,562.50, 09/30/04, Republican Federal Com. of Pennsylvania; $2,008.75, 09/15/04, Republican Party of Florida; $521.25, 09/15/04, Republican Party of Iowa; $297.50, 09/15/04, Republican Party of Maine; $632.50, 10/01/04, Republican Party of Minnesota; $297.50, 09/15/04, Republican Party of New Hampshire; $521.25, 09/15/04, Republican Party of Oregon; $743.75, 09/15/04, Republican Party of Wisconsin; $1,075, 09/15/04, WA–05 Congressional Victory Committee; $1,075, 09/15/04, WA-08 Congressional Victory Committee; $408.75, 10/04/04, Washington State Republican Party; $372.50, 10/04/04, WV Republican State Executive Committee; $1,075, 10/29/04, Roy Ashburn Congress Committee; $2,000, 11/02/04, Richard Burr Committee; $2,000, 11/24/04, Thomas Coburn for Senate Committee; $1,075, 10/18/04, Geoffrey Davis for Congress; $1,075, 09/15/04, Charlie Dent; $1,075, 11/22/04, Larry Diedrich for Congress; $446.25, 10/15/04, Arkansas State Committee; $1,075, 10/15/04, Michael Fitzpatrick for Congress; $1,075, 10/15/04, Jeff Fortenberry; $1,075, 11/01/04, Jim Gerlach for Congress Committee; $1,075, 10/17/04, Louis Gohmert for Congress Committee; $1,075, 09/15/04, Kobach for Senate; $2,000, 09/25/04, Friends of Mel Martinez; $1,075, 11/01/04, Nancy Naples for Congress; $2,000, 11/02/04, George Nethercutt for Senate; $1,075, 09/15/04, Ted Poe; $1,075, 11/02/04, Jon Porter for Congress; $1,075, 11/02/04, Rick Renzi; $1,075, 09/17/04, John Swallow for Congress, Inc.; $2,000, 11/01/04, John Thune for U.S. Senate; $2,000, 09/17/04, David Vitter for U.S. Senate; $1,075, 09/17/04, Greg Walcher for Congress; $1,075, 10/25/04, Arlene Wohlgemuth for Congress.

*Joint Committee Contributions to Candidates also shown.

3. Children and Spouses:

4. Names: Theodore Vallee (son), Charlie Vallee (son), (no contributions).

5. Parents: Rodolphe J. Vallee (father): State contributions: $400, 08/01/02, Jim Douglas for Governor; $250, 05/25/04, Jim Douglas for Governor.

Federal contributions: $1,000, 06/19/03, Bush-Cheney '04; $1,000, 01/20/04, Bush-Cheney '04.

Elizabeth Vallee (mother): State contributions: $400, 10/07/02, Jim Douglas for Governor; $400, 05/24/04, Jim Douglas for Governor.

Federal contributions: $1,000, 06/19/03, Bush-Cheney '04; $500, 08/27/03, Bush-Cheney '04; $500, 01/20/04, Bush-Cheney '04.

Mitchell Mack (father in-law): State contributions: $25, 04/15/02, Committee to Elect Sara H. Tice: $200, 10/10/02, Vinroot for Governor: $25, 01/18/03, Karen Ray for State Representative; $100, 07/01/04, Committee to elect Sara H. Tice.

Dolores Mack (mother in-law): No contributions.

6. Grandparents: Grandmother Ruth White, deceased; Grandfather Robert White, deceased; Grandmother Shirley Vallee, deceased; Grandfather Rodolphe L. Vallee, deceased.

7. Brothers and Spouses: Timothy Vallee (brother): State contributions: $400, 08/22/02, Jim Douglas for Governor; $400, 08/12/04, Jim Douglas for Governor; $200, 10/18/04, Brian Dunsmore Election Committee.

Federal contributions: $2,000, 01/20/04, Bush-Cheney '04; $1,000, 09/10/04, Bush-Cheney '04 Compliance Committee, Inc.

Lynn Vallee (sister-in-law): State contributions: $200, 09/18/04, Randy Brock for Auditor; $400, 08/12/04, Jim Douglas for Governor.

Federal contributions: $2,000, 06/16/03, Bush-Cheney '04.

8. Sisters and Spouses (no contributions): Amy Norris (sister), Kevin Norris (brother in-law); Lisa Driver (sister), Jim Driver (brother in-law); Andrea Dukas (sister), Tom Dukas (brother in-law).

Nominee: Rodolphe M. Vallee.

Post: Ambassador to the Slovak Republic.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Federal contributions: ($1,000, 07/17/01, Jeffords for Vermont Committee; $2,020, 02/08/01, Republican National State Elections Committee; $2,020, 02/08/01, Republican National State Elections Committee; $3,000, 07/11/01, VT Republican Committee; $1,000, 10/15/02, Meub for Congress; $5,000, 09/16/02, VT Republican Committee; $1,500, 06/10/03, Bush-Cheney 04; $500, 06/30/03, Bush-Cheney 04; $10,000, 05/16/03, VT Republican Committee; $25,000, 05/19/04, Republican National Committee; $10,000, 02/17/04, VT Republican Committee; *$12,500, 08/02/04, RNC Joint State Victory Committee; *$25,000, 05/21/04, RNC Joint Candidate Committee; *$10,500, 08/02/04, RNC Joint Candidate Committee; $743.75, 08/24/04, Arizona Republican Party; $2,000, 08/02/04, BC–04 Compliance Committee; $1,468.75, 08/02/04, CO–03 Congressional Victory Committee; $2,000, 08/02/04, Friends of Mel Martinez; $1,468.75, 08/02/04, KY–04 Congressional Victory Committee; $1,468.75, 08/02/04, LA–03 Congressional Victory Committee; $1,468.75, 08/02/04, LA–07 Congressional Victory Committee; $297.50, 08/31/04, Maine Republican Party; $1,265, 08/24/04, Michigan Republican State Committee; $818.75, 08/18/04, Missouri Republican State Committee; $372.50, 08/31/04, Nevada Republican State Central Committee; $297.50, 08/27/04, New Hampshire Republican State Committee; $1,487.50, 08/24/04, Ohio Central & Executive Committee; $521.25, 08/24/04, Oregon Republican Party; $1,468.75, 08/02/04, PA–15 Congressional Victory Com.; $2,008.75, 08/02/04, Republican Party of Florida; $521.25, 08/24/04, Republican Party of Iowa; $632.50, 08/18/04, Republican Party of Minnesota; $1,562.50, 08/02/04, Republican Party of Pennsylvania; $372.50, 08/02/04 Republican Party of West Virginia; $743.75, 08/02/04, Republican Party of Wisconsin;

$1,468.75, 08/02/04, WA-05 Congressional Victory Committee; $1,468.75, 08/02/04, WA-08 Congressional Victory Committee; $408.75, 08/24/04, Washington State Republican Party; $1,468.75, 09/30/04, Bob Beauprez for Congress; $1,468.75, 08/02/04, Max Burns for Congress; $2,000, 08/02/04, Richard Burr Committee; $446.25, 08/02/04, Arkansas State Committee; $2,000, 09/17/04, George Nethercutt for Senate; $1,468.75, 09/30/04, Randy Neugebauer Congressional Committee: $1,468.75, 08/02/04, Anne Northup for Congress: $1,468.75, 09/20/04, Jon Porter for Congress; $1,468.75, 08/02/04, Richard Renzi for Congress; $1,468.75, 09/29/04, Pete Sessions for Congress $1,468.75, 09/29/04, Rob Simmons for Congress; $2,000, 08/02/04, John Thune for U.S. Senate; $2,000, 09/30/04, David Vitter for U.S. Senate; $1,468.75, 09/30/04, Heather Wilson for Congress.

*Joint Committee Contributions to Candidates also shown.

2. Spouse: Denise Vallee: Federal contributions: ($1,000) 07/17/01, Jeffords for Vermont Committee; $2,500, 01/09/01, Vermont Republican Committee; $1,000, 10/01/02, John Sununu (Team Sununu); $5,000, 09/16/02, Vermont Republican Committee; $2,000, 06/10/05, Bush-Cheney '04: $10,000, 01/09/03, Vermont Republican Committee; $2,000, 10/20/04, Bush-Cheney '04 Compliance; $25,000, 09/22/04, National Republican Committee; $10,000, 10/19/04, Vermont Republican Committee; *$12,500, 09/16/04, RNC Joint State Victory Committee; *$35,500, 09/17/04, RNC Joint Candidate Committee; $1,075, 09/15/04, LA-03 Congressional Victory Committee: $1,075, 09/15/04, LA-07 Congressional Victory Committee; $1,265, 10/04/04, Michigan Republican State Committee; $818.75, 10/01/04, Missouri Republican State Committee-Federal; $372.50, 10/07/04, Nevada Republican State Central Committee; $1,487.50, 10/04/04, Ohio State Central & Executive Committee; $743.75, 10/01/04, Republican Party of Arizona; $1,562.50, 09/30/04, Republican Federal Com. of Pennsylvania; $2,008.75, 09/15/04, Republican Party of Florida; $521.25, 09/15/04, Republican Party of Iowa; $297.50, 09/15/04, Republican Party of Maine; $632.50, 10/01/04, Republican Party of Minnesota; $297.50, 09/15/04, Republican Party of New Hampshire; $521.25, 09/15/04, Republican Party of Oregon; $743.75, 09/15/04, Republican Party of Wisconsin; $1,075, 09/15/04, WA-05 Congressional Victory Committee; $1,075, 09/15/04, WA-08 Congressional Victory Committee; $408.75, 10/04/04, Washington State Republican Party; $372.50, 10/04/04, WV Republican State Executive Committee; $1,075, 10/29/04, Roy Ashburn Congress Committee; $2,000, 11/02/04, Richard Burr Committee; $2,000, 11/24/04, Thomas Coburn for Senate Committee; $1,075, 10/18/04, Geoffrey Davis for Congress: $1,075, 09/15/04, Charlie Dent; $1,075, 11/22/04, Larry Diedrich for Congress; $446.25, 10/15/04, Arkansas State Committee; $1,075, 10/15/04, Michael Fitzpatrick for Congress; $1,075, 10/15/04, Jeff Fortenberry; $1,075, 11/01/04, Jim Gerlach for Congress Committee; $1,075, 10/17/04, Louis Gohmert for Congress Committee; $1,075, 09/15/04, Kobach for Senate; $2,000, 09/25/04, Friends of Mel Martinez; $1,075, 11/01/04, Nancy Naples for Congress; $2,000, 11/02/04, George Nethercutt for Senate; $1,075, 09/15/04; Ted Poe; $1,075, 11/02/04, Jon Porter for Congress; $1,075, 11/02/04, Rick Renzi; $1,075, 09/17/04, John Swallow for Congress, Inc.; $2,000 11/01/04, John Thune for U.S. Senate; $2,000, 09/17/04, David Vitter for U.S. Senate; $1,075, 09/17/04, Greg Walcher for Congress; $1,075, 10/25/04, Arlene Wohlgemuth for Congress.

*Joint Committee Contributions to Candidate also shown.

3. Children and Spouses: (No contributions): Theodore Vallee (son); Charlie Vallee (son).

4. Parents: Rodolphe J. Vallee (father); Federal contributions: $1,000, 06/19/03, Bush-Cheney '04; $1,000, 01/20/04, Bush-Cheney '04.

Elizabeth Vallee (mother): Federal contributions: $1,000, 06/19/03 Bush-Cheney '04; $500, 08/27/03 Bush-Cheney '04; $500, 01/20/04 Bush-Cheney '04.

Mitchell Mack (father in-law): No Contributions.

Dolores Mack (mother in-law): No Contributions.

5. Grandparents: Grandmother Ruth White—deceased; Grandfather Robert White—deceased; Grandmother Shirley Vallee—deceased; Grandfather Rodolphe L. Vallee—deceased.

6. Brothers and Spouses: Timothy Vallee (brother): Federal contributions: $2,000, 01/20/04, Bush-Cheney '04; $1,000, 09/10/04, Bush-Cheney '04 Compliance Committee, Inc.

Lynn Vallee (sister-in-law): Federal contributions: $2,000, 06/16/03, Bush-Cheney '04.

7. Sisters and Spouses (No contributions): Amy Norris (sister), Kevin Norris (brother in-law); Lisa Driver (sister), Jim Driver (brother in-law); Andrea Dukas (sister), Tom Dukas (brother in-law).

---

*Pamela E. Bridgewater, of Virginia, to be Ambassador to the Republic of Ghana.

Nominee: Pamela Ethel Bridgewater.

Post: Republic of Ghana.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee

1. Se: None other than on U.S. Fed tax return for Presidential elections.

2. Spouse: No spouse.

3. Children and Spouses: No children.

4. Parents: Mrs. Mary H. Bridgewater none; Mr. Joseph N. Bridgewater, Jr: (deceased) (1977).

5. Grandparents: Mrs. Blanche Hester (deceased); Reverend B.H. Hester, (deceased); Mr. Joseph N. Bridgewater (deceased): Mrs. Ethel Bridgewater (deceased).

Brothers and Spouses: Joseph N. Bridgewater III (adopted step brother), none to my knowledge.

Sisters and Spouses: Mrs. Claudia Walton, step sister, none to my knowledge.

*Ann Louise Wagner, of Missouri, to be Ambassador to Luxembourg.

Nominee: Ann L. Wagner.

Post: United States Ambassador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: $375, 02/24/2001, MO Republican State Cmte.; $1,000, 10/19/2001, Talent, James; $1,000, 12/31/2001, Akin, Todd: $1,000, 03/25/2002, Talent, James; $1,000, 06/06/2003, Bond, Kit; $1,850, 07/07/2003, Bush, George W.; $150, est. 04/2004, Bush, George W.

2. Spouse: Raymond Thomas Wagner, Jr., $500, 02/01/2001, RNC Nat'l St. Elections Cmte.; $225, 02/03/2001, ERAC PAC*; $500, 07/20/2001, ROYB Fund**; $500, 12/31/2001, ERAC PAC*; $1,000, 12/09/2002, ERAC PAC*; $2,000, 09/30/2003, Bush, George W.: $250, 12/25/2003, Bond, Kit; $1,250, 12/31/2003, ERAC PAC*; $1,250, 08/2004, ERAC PAC*.

*Enterprise Rent-A-Car Political Action Committee.

**Rely On Your Beliefs Political Action Committee (Roy Blunt).

3. Children and Spouses: Raymond Thomas Wagner, III, None (unmarried minor); Stephen Earl Wagner, None (unmarried minor); Mary Ruth Wagner, None (unmarried minor).

4. Parents: Ruth Ann Trousdale, None; Charles Earl Trousdale, $100, 03/25/2002, Talent, James.

5. Grandparents: Ruth Ann Sinnett—deceased; Charles Joseph Sinnett—deceased; Delma Brown—deceased; Delma Brown—deceased; S. Earl Trousdale—deceased.

6. Brothers and Spouses: David Earl Trousdale, None; Jennifer Trousdale, None.

7. Sisters and Spouses: Karen Marie Wright, None; Marshall Wright, None.

*Terence Patrick McCulley, of Oregon, to be Ambassador to the Republic of Mali.

Nominee: Terence P. McCulley.

Post: Mali.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none, (except for annual check-off on joint federal Income tax return);

2. Spouse, none, (except for annual check-off on joint federal Income tax return).

3. Children and Spouses: Sean P. McCulley (12), none; Liam T. McCulley (8), none.

4. Parents: William M. McCulley, None; Doris J. McCulley, none.

5. Grandparents: Roy Millage—deceased (1961); Grace Millage Smith, deceased (1997); Elzie McCulley, deceased (1985); Jessie McCulley, deceased (1990).

6. Brothers and Spouses: Larry A. McCulley, none; Karen McCulley (sister-in-law), none; Stephen W. McCulley, none; Christine McCulley (sister-in-law), none.

7. Sisters and Spouses: None.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORZINE (for himself, Mr. KENNEDY, Mrs. CLINTON, and Mr. REED):

S. 1249. A bill to require the Secretary of Education to rebate the amount of Federal Pell Grant aid lost as a result of the update to the tables for State and other taxes used in the Federal student aid need analysis for award year 2005-2006; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. JEFFORDS (for himself, Mrs. MURRAY, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. CHAFEE)):

S. 1250. A bill to reauthorize the Great Ape Conservation Act of 2000; to the Committee on Environment and Public Works.

By Mr. ALLARD:

S. 1251. A bill to authorize the Secretary of Energy to purchase certain essential mineral rights as part of a comprehensive natural resource damage settlement: to the Committee on Armed Services.

By Mr. AKAKA (for himself and Mr. SALAZAR):

S. 1252. A bill to amend section 1922A of title 38, United States Code, to increase the amount of supplemental insurance available for totally disabled veterans; to the Committee on Veterans' Affairs.

By Mr. COLEMAN (for himself, Mr. PRYOR, Mr. DEWINE, Mr. GRAHAM, and Mr. NELSON of Florida):

S. 1253. A bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain rural development projects, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. OBAMA (for himself and Mr. LEVIN):

S. Con. Res. 42. A concurrent resolution recognizing the historical significance of the Juneteenth Independence Day, and expressing the sense of Congress that history should be regarded as a means for understanding the past and solving the challenges of the future; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 51

At the request of Mr. BROWNBACK, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 51, a bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child.

S. 58

At the request of Mr. INOUYE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 58, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 59

At the request of Mr. INOUYE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 59, a bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary and exchange stores.

S. 146

At the request of Mr. INOUYE, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 146, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 155

At the request of Mrs. FEINSTEIN, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 155, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 241

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 340

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 340, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 471

At the request of Mr. SPECTER, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 471, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 472

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 472, a bill to criminalize Internet scams involving fraudulently obtaining personal information, commonly known as phishing.

S. 512

At the request of Mr. SANTORUM, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 512, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 521

At the request of Mrs. HUTCHISON, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 521, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 647

At the request of Mrs. LINCOLN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 647, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 695

At the request of Mr. COCHRAN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from South Dakota (Mr. THUNE), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from California (Mrs. FEINSTEIN) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 695, a bill to suspend temporarily new shipper bonding privileges.

S. 714

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 714, a bill to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

S. 722

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 722, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 760

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 760, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 784

At the request of Mr. THOMAS, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 784, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 861

At the request of Mr. ISAKSON, the name of the Senator from Montana

(Mr. BURNS) was added as a cosponsor of S. 861, a bill to amend the Internal Revenue Code of 1986 to provide transition funding rules for certain plans electing to cease future benefit accruals, and for other purposes.

S. 876

At the request of Mr. HATCH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 876, a bill to prohibit human cloning and protect stem cell research.

S. 911

At the request of Mr. CONRAD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 911, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 1002

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1002, a bill to amend title XVIII of the Social Security Act to make improvements in payments to hospitals under the medicare program, and for other purposes.

S. 1034

At the request of Mr. ALEXANDER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1034, a bill to provide for local control for the siting of windmills.

S. 1046

At the request of Mr. KYL, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1046, a bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance.

S. 1081

At the request of Mr. KYL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1138

At the request of Mr. ALLEN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1138, a bill to authorize the placement of a monument in Arlington National Cemetery honoring the veterans who fought in World War II as members of Army Ranger Battalions.

S. 1157

At the request of Mr. CRAPO, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1157, a bill to amend the Internal Revenue Code of 1986 to treat gold, silver, platinum, and palladium, in either coin or bar form, in the same manner as equities and mutual funds for purposes of maximum capital gains rate for individuals.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1240

At the request of Mr. SMITH, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1240, a bill to amend the Internal Revenue Code of 1986 to allow an investment tax credit for the purchase of trucks with new diesel engine technologies, and for other purposes.

S.J. RES. 18

At the request of Mrs. FEINSTEIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S.J. Res. 18, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 31

At the request of Mr. COLEMAN, the names of the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. FEINSTEIN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Res. 31, a resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as "National Health Center Week" in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

S. RES. 39

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. Res. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

At the request of Ms. LANDRIEU, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Res. 39, supra.

S. RES. 42

At the request of Mr. LUGAR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 42, a resolution expressing the sense of the Senate on promoting initiatives to develop an HIV vaccine.

S. RES. 134

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 134, a resolution expressing the sense of the Senate regarding the massacre at Srebrenica in July 1995.

S. RES. 154

At the request of Mr. BIDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 154, a resolution designating October 21, 2005 as "National Mammography Day".

S. RES. 155

At the request of Mr. BIDEN, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Res. 155, a resolution designating the week of November 6 through November 12, 2005, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

AMENDMENT NO. 783

At the request of Mr. NELSON of Florida, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 783 intended to be proposed to H.R. 6, a bill Reserved.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE (for himself, Mr. KENNEDY, Mrs. CLINTON, and Mr. REED):

S. 1249. A bill to require the Secretary of Education to rebate the amount of Federal Pell Grant aid lost as a result of the update to the tables for State and other taxes used in the Federal student aid need analysis for award year 2005-2006; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I join with Senator KENNEDY and others today in introducing an urgent and critical piece of legislation, the Student Fairness Act.

This bill would provide rebates to the many college students who will be receiving a dramatic reduction in their Federal financial aid come the return of classes this September. Due to an obscure change made in December of 2004 to a complicated and little-known formula used by the Department of Education to determine Pell Grant eligibility and allotment, many students will see a surprising increase in their expected family contribution, EFC, and a decrease in their Pell Grants. We must act now to prevent these decreases in aid from pricing our students out of college, forcing them to postpone their education and put their career goals on hold.

These changes to the tax tables, at the behest of the Administration, have the effect of cutting $300 million from the successful Pell grant program, upon which more than 5 million students nationwide rely. It is projected that, as a result of these cuts, 1.3 million students will see a reduction in their Pell grants and a projected 90,000 more will become ineligible entirely for Pell grant assistance. According to a survey performed by the New York Times, some students could lose up to $6,000 in financial aid and the average family will have to pay an extra $1,700 before clearing the eligibility bar.

Although the situation is imminent, this is not the first time the Senate has acted to block such changes to the Pell Grant award formula. I successfully secured language in the FY04 Onmibus Appropriations bill that blocked the administration from carrying out a similar plan for the 2004–2005 school year. The same provision, however, was dropped during the conference deliberations of the FY05 Omnibus Appropriations bill. In response, I, along with 31 of my Senate colleagues, introduced S. 187, the Ensuring College Access for All Americans Act, which would have prevented the new calculations from reducing Pell Grants for the 2005–2006 academic year. Alas, the Senate has not acted with enough haste, and by now many financial aid departments have already determined their student aid packages based on the new figures. Students are beginning to realize the harsh reality of rising college tuitions matched by a government unwilling to support its own future leaders. Our only remaining option is to provide these students with these rebates so that they will not lose their financial aid for the coming school year.

This bill calls on the Secretary of Education to calculate the increase in a student's expected family contribution due to the tax table modifications and then provides each such student with a rebate equal to that increase. The legislation would hold harmless any student whose expected family contribution decreased or stayed the same as a result of the changes. Furthermore, the rebate would be treated in the same manner as other financial assistance for tax purposes and would not affect future Pell Grant eligibility.

In addition, our bill has recently received the endorsement of the Campaign for America's Future, an organization that has been a great advocate for students and has been actively collecting stories from American students about the incredible impact of financial aid on their lives.

I thank the National Association of Student Financial Aid Administrators for their help in crafting this bill and their support in helping students receive the financial aid they deserve.

I urge my colleagues to pass the Student Fairness Act immediately to prevent any student from putting off college because their financial aid has suddenly and mysteriously disappeared.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Fairness Act".

SEC. 2. REBATE REQUIRED.

(a) CALCULATION OF EXPECTED FAMILY CONTRIBUTION.—Beginning 60 days after the date of enactment of this Act, the Secretary of Education (referred to in this Act as the "Secretary") shall, for each student who submits a completed Free Application for Federal Student Aid described in section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090) for the 2005–2006 award year, calculate—

(1) the expected family contribution, as determined for such student for such award year on the basis of the allowance for State and other taxes as adjusted by the updated tax tables published in the Federal Register on Thursday, December 23, 2004 (69 Fed. Reg. 76926-76927); and

(2) the expected family contribution that would apply to such student if such calculation was based upon the allowance for State and other taxes used for the 2004–2005 award year.

(b) REBATE THE DIFFERENCE IN THE PELL GRANT AWARD.—

(1) IN GENERAL.—For each student for whom the amount determined under subsection (a)(1) exceeds the amount determined under subsection (a)(2), the Secretary shall—

(A) determine the amount (if any) by which—

(i) the Federal Pell Grant aid under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) that would have been provided to such student if such calculation was based upon the allowance for State and other taxes for the 2004–2005 award year, exceeds

(ii) the Federal Pell Grant aid provided to such student for award year 2005–2006, based upon the updated tax tables described in subsection (a)(1); and

(B) not later than 30 days after the date of the determination under subparagraph (A), provide directly to such student a rebate equal to the amount of such excess.

(2) NO REDUCTION.—If the amount determined under subsection (a)(1) for a student is equal to or less than the amount determined under subsection (a)(2), the Secretary shall not reduce the amount of the Federal Pell Grant under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) available for such student based on the updated tax tables described in subsection (a)(1) for award year 2005–2006.

(c) TREATMENT OF REBATE.—Any rebate amount provided to a student under this section shall not be—

(1) treated as a resource or estimated financial aid for determining an overaward;

(2) adjusted based upon the student's attendance status during the 2005–2006 payment period;

(3) included as assistance provided to such student under section 484B of the Higher Education Act of 1965 (20 U.S.C. 1091b);

(4) considered as income received when completing any form required by the Secretary under section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090); and

(5) treated as other financial aid, assets, or income for purposes of determining the need for financial assistance for any award year subsequent to award year 2005–2006.

(d) AUTHORITY TO USE CONTRACTORS FOR ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may provide by contract for the administration of the requirements of this section.

(2) INSTITUTIONS NOT REQUIRED TO PERFORM ADMINISTRATIVE TASKS.—Any institution that is eligible to participate in programs under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) shall not be required to perform any administrative requirement under this Act.

(e) USE OF FAFSA DATA PERMITTED.—The Secretary may use information provided on the Free Application for Federal Student Aid to comply with the requirements of this section.

(f) REQUIRED PAYMENTS OF REBATE.—The Secretary shall transfer any unobligated funds available to the Secretary under the Consolidated Appropriations Act, 2005 (Public Law 108–447) as may be necessary to carry out this Act.

Mr. KENNEDY. Mr. President, today I join Senators CORZINE, CLINTON, and REED to introduce legislation to ease the harsh effects of the implementation of changes in the State and local tax tables on college students receiving need-based financial aid.

When a decision is made by any administration that affects what families pay for college, it is important for Congress to understand the factors that led to the decision and the impact of the decision on the Nation's families.

In light of the slumping economy, State budget crises, and rising college costs, the Department's proposed changes come at a very difficult time for students and their families. Raising the cost of tuition by a few hundred dollars may force a student to leave school, and it is our responsibility to ensure that these changes are being made for sound reasons.

The Department is authorized to make annual revisions in the State and local tax tables, but for years the lag in the data has made administrations reconsider making changes. We need to look for better ways to make sure that the data reflect the taxes that are currently being paid by families before we adjust the tables.

I urge the Department of Education to work with Congress to decide if these data are indeed the best information that we have. We can use the opportunity of the reauthorization of the Higher Education Act this year to find a data source that provides timely, accurate information. Until we have done so, I urge my colleagues to support the Kennedy-Corzine bill, so that thousands of students who are harmed by these changes can retain their grants of aid and continue their college education.

By Mr. REID (for Mr. JEFFORDS (for himself, Mrs. MURRAY, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. CHAFEE)):

S. 1250. A bill to reauthorize the Great Ape Conservation Act of 2000; to the Committee on Environment and Public Works.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. JEFFORDS. Mr. President, today I introduce the Great Ape Conservation Reauthorization Act of 2005. Over the past decade I have sponsored legislation to establish and reauthorize programs designated for the conservation of several multinational species including African elephants, Asian elephants, rhinoceros and tigers, and marine turtles.

Throughout my years in Congress, endangered species conservation has been among my highest priorities, but the recent birth of my first grandson lends new strength to my commitment to preserve the natural world for future generations.

The great apes—chimpanzees, gorillas, bonobos, orangutans, and gibbons—constitute a group of 14 primate species that share a high percentage of genetic characteristics with human beings. Among them, certain species have demonstrated the ability to learn human behaviors. Left unharmed, they may live for 30 to 50 years and form complex social relationships. As Dr. Jane Goodall said in a BBC News article in 2002, "All [great ape species] have minds that can solve simple problems and all have feelings. So it's a moral responsibility to save them from extinction."

The United Nations Environment Programme estimates that fewer than 100,000 Western lowland gorillas currently remain worldwide. Only 30,000 orangutans remain in Southeast Asia. According to the U.S. Fish and Wildlife Service, whereas more than one million chimpanzees populated the dense forests of Africa in 1960, fewer than 200,000 survive in the wild today.

In regions of Western and Central Africa and Southeast Asia, where populations of these captivating creatures still remain, the continued existence of great ape species will depend upon finding solutions to various complicated threats including habitat destruction, disease, and poaching.

One problem of elevated concern for scientists is the alarming number of new outbreaks of the ebola virus in Africa. As we have become increasingly aware of the substantial risk to human life that ebola and similar viruses pose in parts of Central and Western Africa, few understand the serious impact that these diseases have on great ape populations. A study published in the journal Nature in 2003 reports that when an ebola outbreak affects a given area, more than 80 percent of all great apes living in that area will die of the disease.

In August 2004, the International Primatological Society released preliminary evidence that suggests that as many as 20,000 Western lowland gorillas may be at risk as the result of a new outbreak of the ebola virus in the Republic of Congo.

Developing vaccines and techniques to prevent the decimation of great ape populations as a result of ebola will require a coordinated effort among conservationists, wildlife biologists, and those responding to human outbreaks. Supported in part by the Great Ape Conservation Fund, the U.S. Fish and Wildlife Service recently convened a meeting of experts to begin the process of developing a research and intervention plan. This meeting typifies this kind of collaborative conservation effort that the Great Ape Conservation program was designed to undertake.

The Great Ape Conservation Fund has also played an invaluable role in protecting habitat. One of the first such projects to receive support from the Fund, the Goualougo Triangle Chimp Project in the Republic of Congo, is a success story that stands out among what can often be disheartening news from the frontlines of chimpanzee conservation.

In 1993, scientists first discovered a small population of chimpanzees in the Goualougo Triangle that had never been hunted and were therefore not afraid of humans. The presence of such chimps is extraordinary given that their habitat coincides with a region that is rife with logging and bushmeat hunting.

With help from the Great Ape program, scientists from the Wildlife Conservation Society produced scientific evidence to document 272 individual chimps and acquired rare video footage of their social interactions. As a result of this study, conservationists convinced the government of Congo to protect the Goualougo chimps and their habitat from the eminent threat of logging and hunting and to cede the Goualougo Triangle to a national park.

Over the course of merely 5 years, the Great Ape Conservation Fund has provided financial assistance for 94 research and restoration projects in 22 countries and leveraged millions of dollars in additional matching and in-kind funds.

My legislation reauthorizes the Great Ape Conservation Fund, which receives its annual appropriation through the Multinational Species Conservation Fund, for 5 years and gradually raises the funding authorization from $5 million for each year to $7 million for fiscal year 2008 and $10 million for fiscal years 2009 and 2010. The bill raises the top threshold cap on administrative expenses from $80,000 to $150,000, though I should note that over the past five years, Federal appropriations have yet to bring the cap on administrative expenses to the top threshold amount.

Additional provisions of the bill will expand the variety of conservation projects eligible for assistance to include those that address the root causes of threats to great apes in range states, including the illegal bushmeat trade, diseases, lack of regional or local capacity for conservation and habitat loss due to natural disasters.

The bill also amends an existing requirement in the law that requires that the U.S. Fish and Wildlife Service annually convene a panel of experts. My bill exempts expert panels under this law from the Federal Advisory Committee Act and provide the administrator with greater flexibility to determine when it is appropriate to convene an expert panel.

I remain hopeful that despite the overwhelming challenges that jeopardize the continued survival of great apes, we can do our part to sustain efforts to halt their unnecessary extinction.

Federal assistance for the conservation of rare, threatened and endangered international species through the use of species conservation funds has received bipartisan support from Congress for nearly 15 years. I ask you to please join me in maintaining this longstanding commitment to wildlife protection.

I ask unanimous consent that the text of the bill be printed in the RECORD.•

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GREAT APE CONSERVATION ASSISTANCE.

Section 4 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6303) is amended—

(1) in subsection (d)—

(A) in paragraph (4)(C), by striking "or" after the semicolon at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(6) address root causes of threats to great apes in range states, including illegal bushmeat trade, diseases, lack of regional or local capacity for conservation, and habitat loss due to natural disasters."; and

(2) in subsection (i)—

(A) by striking "Every" and inserting the following:

"(1) IN GENERAL.—Every";

(B) in paragraph (1) (as designated by subparagraph (A)), by striking "shall" and inserting "may"; and

(C) by adding at the end the following:

"(2) APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to a panel convened under paragraph (1).".

SEC. 2. GREAT APE CONSERVATION FUND.

Section 5(b)(2) of the Great Ape Conservation Act of 2000 (16 U.S.C. 6304(b)(2)) is amended—

(1) by striking "expand" and inserting "expend"; and

(2) by striking "$80,000" and inserting "$150,000".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

The Great Ape Conservation Act of 2000 is amended by striking section 6 (16 U.S.C. 6305) and inserting the following:

"SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Fund—

"(1) $5,000,000 for each of fiscal years 2006 and 2007;

"(2) $7,000,000 for fiscal year 2008; and

"(3) $10,000,000 for each of fiscal years 2009 and 2010.".

By Mr. COLEMAN (for himself, Mr. PRYOR, Mr. DEWINE, Mr. GRAHAM, and Mr. NELSON of Florida):

S. 1253. A bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain rural development projects, and for other purposes; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Rural Renaissance Act II of 2005".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. CREDIT TO HOLDERS OF RURAL RENAISSANCE BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new subpart:

"Subpart H—Nonrefundable Credit to Holders of Rural Renaissance Bonds

"Sec. 54. Credit to holders of rural renaissance bonds.

"SEC. 54. CREDIT TO HOLDERS OF RURAL RENAISSANCE BONDS.

"(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a rural renaissance bond on a credit allowance date of such bond, which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a rural renaissance bond is 25 percent of the annual credit determined with respect to such bond.

"(2) ANNUAL CREDIT.—The annual credit determined with respect to any rural renaissance bond is the product of—

"(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

"(B) the outstanding face amount of the bond.

"(3) DETERMINATION.—For purposes of paragraph (2), with respect to any rural renaissance bond, the Secretary shall determine daily or caused to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of rural renaissance bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer.

"(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term 'credit allowance date' means—

"(A) March 15,

"(B) June 15,

"(C) September 15, and

"(D) December 15.

Such term also includes the last day on which the bond is outstanding.

"(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this part (other than subpart C thereof, relating to refundable credits).

"(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(d) RURAL RENAISSANCE BOND.—For purposes of this section—

"(1) IN GENERAL.—The term 'rural renaissance bond' means any bond issued as part of an issue if—

"(A) the bond is issued by a qualified issuer,

"(B) 95 percent or more of the proceeds from the sale of such issue are to be used for capital expenditures incurred for 1 or more qualified projects,

"(C) the qualified issuer designates such bond for purposes of this section and the bond is in registered form, and

"(D) the issue meets the requirements of subsections (e) and (g).

"(2) QUALIFIED PROJECT; SPECIAL USE RULES.—

"(A) IN GENERAL.—The term 'qualified project' means 1 or more projects described in subparagraph (B) located in a rural area.

"(B) PROJECTS DESCRIBED.—A project described in this subparagraph is—

"(i) a water or waste treatment project,

"(ii) an affordable housing project,

"(iii) a community facility project, including hospitals, fire and police stations, and nursing and assisted-living facilities,

"(iv) a value-added agriculture or renewable energy facility project for agricultural producers or farmer-owned entities, including any project to promote the production, processing, or retail sale of ethanol (including fuel at least 85 percent of the volume of which consists of ethanol), biodiesel, animal waste, biomass, raw commodities, or wind as a fuel,

"(v) a distance learning or telemedicine project,

"(vi) a rural utility infrastructure project, including any electric or telephone system,

"(vii) a project to expand broadband technology,

"(viii) a rural teleworks project, and

"(ix) any project described in any preceding clause carried out by the Delta Regional Authority.

"(C) SPECIAL RULES.—For purposes of this paragraph—

"(i) any project described in subparagraph (B)(iv) for a farmer-owned entity may be considered a qualified project if such entity is located in a rural area, or in the case of a farmer-owned entity the headquarters of which are located in a nonrural area, if the project is located in a rural area, and

"(ii) any project for a farmer-owned entity which is a facility described in subparagraph (B)(iv) for agricultural producers may be considered a qualified project regardless of whether the facility is located in a rural or nonrural area.

"(3) SPECIAL USE RULES.—

"(A) REFINANCING RULES.—For purposes of paragraph (1)(B), a qualified project may be refinanced with proceeds of a rural renaissance bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred after the date of the enactment of this section.

"(B) TREATMENT OF CHANGES IN USE.—For purposes of paragraph (1)(B), the proceeds of an issue shall not be treated as used for a qualified project to the extent that a borrower takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a rural renaissance bond.

"(e) MATURITY LIMITATIONS.—

"(1) DURATION OF TERM.—A bond shall not be treated as a rural renaissance bond if such bond is issued as part of an issue and—

"(A) the average maturity of bonds issued as a part of such issue, exceeds

"(B) 120 percent of the average reasonable expected economic life of the facilities being financed with the proceeds from the sale of such issue.

"(2) DETERMINATION OF AVERAGES.—For purposes of paragraph (1), the determination of averages of an issue and economic life of any facility shall be determined in accordance with section 147(b).

"(3) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a rural renaissance bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each calendar year that the issue is outstanding.

"(f) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

"(g) SPECIAL RULES RELATING TO EXPENDITURES.—

"(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if—

"(A) at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the rural renaissance bond,

"(B) a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the rural renaissance bond or, in the case of a rural renaissance bond, the proceeds of which are to be loaned to 2 or more borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a borrower, and

"(C) such projects will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

"(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

"(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended within such 5-year period (and no extension has been obtained under paragraph (2)), the qualified issuer shall redeem all of the nonqualified bonds on the earliest call date subsequent to the expiration of the 5-year period. If such earliest call date is more than 90 days subsequent to the expiration of the 5-year period, the qualified issuer shall establish a yield-restricted defeasance escrow within such 90 days to retire such nonqualified bonds on the earlier of the date which is 10 years after the issue date or the first call date. For purposes of this paragraph, the term 'nonqualified bonds' means the portion of the outstanding bonds in an amount that, if the remaining bonds were issued on the fifth anniversary of the date of the issuance of the issue, at least 95 percent of the proceeds of the remaining bonds would be used to provide qualified projects.

"(h) SPECIAL RULES RELATING TO ARBITRAGE.—

"(1) IN GENERAL.—A bond which is part of an issue shall not be treated as a rural renaissance bond unless, with respect to the issue of which the bond is a part, the qualified issuer satisfies the arbitrage rebate requirements of section 148 with respect to gross proceeds of the issue (other than any amounts applied in accordance with subsection (g)). For purposes of such requirements, yield over the term of an issue shall be determined under the principles of section 148 based on the qualified issuer's payments of principal, interest (if any), and fees for qualified guarantees on such issue.

"(2) EXCEPTION.—Amounts on deposit in a bona fide debt service fund with regard to any rural renaissance bond are not subject to the arbitrage rebate requirements of section 148.

"(i) QUALIFIED ISSUER.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified issuer' means any not-for-profit cooperative lender which has as of the date of the enactment of this section received a guarantee under section 306 of the Rural Electrification Act and which meets the requirement of paragraph (2).

"(2) USER FEE REQUIREMENT.—The requirement of this paragraph is met if the issuer of any rural renaissance bond makes grants for economic and community development projects on a semi-annual basis every year that such bond is outstanding in an annual amount equal to ½ of the rate on United States Treasury bills of the same maturity multiplied by the outstanding principal balance of rural renaissance bonds issued by such issuer.

"(j) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

"(k) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) BOND.—The term 'bond' includes any obligation.

"(2) POOLED FINANCING BOND.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

"(3) RURAL AREA.—The term 'rural area' means any area other than—

"(A) a city or town which has a population of greater than 50,000 inhabitants, or

"(B) the urbanized area contiguous and adjacent to such a city or town.

"(4) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

"(5) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any rural renaissance bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"(6) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a rural renaissance bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

"(7) REPORTING.—Issuers of rural renaissance bonds shall submit reports similar to the reports required under section 149(e).

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(8) REPORTING OF CREDIT ON RURAL RENAISSANCE BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54(f) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54(b)(4)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.".

(c) CLERICAL AMENDMENTS.—

(1) The table of subparts for part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Subpart H. Nonrefundable credit to holders of rural renaissance bonds.".

(2) Section 6401(b)(1) is amended by striking "and G" and inserting "G, and H".

(d) ISSUANCE OF REGULATIONS.—The Secretary of Treasury shall issue regulations required under section 54 of the Internal Revenue Code of 1986 (as added by this section) not later than 120 days after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 42—RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE JUNETEENTH INDEPENDENCE DAY, AND EXPRESSING THE SENSE OF CONGRESS THAT HISTORY SHOULD BE REGARDED AS A MEANS FOR UNDERSTANDING THE PAST AND SOLVING THE CHALLENGES OF THE FUTURE

Mr. OBAMA (for himself and Mr. LEVIN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 42

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2 years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War;

Whereas on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African Americans who had been slaves in the Southwest celebrated June 19, commonly known as Juneteenth Independence Day, as the anniversary of their emancipation;

Whereas African Americans from the Southwest continue the tradition of Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas for more than 135 years, Juneteenth Independence Day celebrations have been held to honor African American freedom while encouraging self-development and respect for all cultures;

Whereas although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) Congress—

(A) recognizes the historical significance of Juneteenth Independence Day to the Nation;

(B) supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation; and

(C) encourages the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(2) it is the sense of Congress that—

(A) history should be regarded as a means for understanding the past and solving the challenges of the future; and

(B) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

Mr. LEVIN. Mr. President, this week there will be celebrations in observance of the date upon which slavery finally came to an end in the United States, June 19, 1865, also known as "Juneteenth Independence Day." It was on this date that slaves in the Southwest finally learned of the end of slavery. Although passage of the 13th amendment in January 1863, legally abolished slavery, many African Americans remained in servitude due to the slow dissemination of this news across the country. Since that time, over 130 years ago, the descendants of slaves have observed this anniversary of emancipation as a remembrance of one of the most tragic periods of our nation's history. The suffering, degradation and brutality of slavery cannot be repaired, but the memory can serve to ensure that no such inhumanity is ever perpetrated again on American soil.

Throughout the Nation, we also celebrate the many important achievements of former slaves and their descendants. We do so because in 1926, Dr. Carter G. Woodson, son of former slaves, proposed such a recognition as a way of preserving the history of African Americans and recognizing the enormous contributions of a people of great strength, dignity, faith and conviction—a people who rendered their achievements for the betterment and advancement of a Nation once lacking in humanity towards them. Every February, nationwide, we celebrate African American History Month. And, every year on June 19 we celebrate "Juneteenth Independence Day."

I am happy to join with my colleague, Senator BARACK OBAMA, in commemorating Juneteenth Independence Day with the submission of S. Con. Res. 42, in recognition of the end of slavery and to never forget even the worst aspects of our Nation's history.

AMENDMENTS SUBMITTED AND PROPOSED

SA 784. Ms. CANTWELL (for herself, Mrs. FEINSTEIN, Mr REID, and Mr. DURBIN) proposed an amendment to the bill H.R. 6, Reserved.

SA 785. Mr. FRIST (for Ms. MURKOWSKI) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 786. Mr. FRIST (for Ms. MURKOWSKI) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 787. Mr. FRIST (for Ms. MURKOWSKI) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 788. Mr. DEWINE (for himself, Mr. KOHL, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, Mr. FEINGOLD, Mr. COBURN, Mr. LEVIN, Ms. SNOWE, Mrs. BOXER, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 789. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 784. Ms. CANTWELL (for herself, Mrs. FEINSTEIN, Mr. REID, and Mr. DURBIN) proposed an amendment to the bill H.R. 6, Reserved; as follows:

Beginning on page 120, strike line 23 and all that follows through page 122, line 14, and insert the following:

SEC. 151. REDUCTION OF DEPENDENCE ON IMPORTED PETROLEUM.

(a) FINDINGS.—Congress finds that—

(1) based on the reports of the Energy Information Administration entitled "Annual Energy Outlook 2005" and "May 2005 Monthly Energy Review"—

(A) during the period beginning January 1, 2005, and ending April 30, 2005, the United States imported an estimated average of 13,056,000 barrels of oil per day; and

(B) the United States is projected to import 19,110,000 barrels of oil per day in 2025;

(2) technology solutions already exist to dramatically increase the productivity of the United States energy supply;

(3) energy efficiency and conservation measures can improve the economic competitiveness of the United States and lessen energy costs for families in the United States;

(4) United States dependence on foreign energy imports leaves the United States vulnerable to energy supply shocks and reliant on the willingness of other countries to provide sufficient supplies of oil;

(5) while only 3 percent of proven oil reserves are located in territory controlled by the United States, advances in fossil fuel extraction techniques and technologies could increase United States energy supplies; and

(6) reducing energy consumption also benefits the United States by lowering the environmental impacts associated with fossil fuel use.

(b) GOAL.—It is a goal of the United States to reduce by 40 percent the amount of foreign oil projected to be imported during calendar year 2025 in the reference case contained in the report of the Energy Information Administration entitled "Annual Energy Outlook 2005".

(c) MEASURES TO REDUCE IMPORT DEPENDENCE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every two years thereafter, the President shall—

(A) develop and implement measures to reduce dependence on foreign petroleum imports of the United States by reducing petroleum in end-uses throughout the economy of the United States sufficient to reduce total demand for petroleum in the United States by 1,000,000 barrels per day from the amount projected for calendar year 2015; and

(B)(i) subject to clause (ii), develop and implement measures to reduce dependence on foreign petroleum imports of the United States by reducing petroleum in end-uses throughout the economy of the United States sufficient to reduce total demand for petroleum in the United States by 7,640,000 barrels per day from the amount projected for calendar year 2025.

(ii) If the President determines that there are insufficient legal authorities to achieve the target for calendar year 2025 in clause (i), the President shall develop and implement measures that will reduce dependence on foreign petroleum imports of the United States by reducing petroleum in end-uses throughout the economy of the United States to the maximum extent practicable and shall submit to Congress proposed legislation or other recommendations to achieve the target.

(2) REQUIREMENTS.—In developing measures under paragraph (1), the President shall—

(A) ensure continued reliable and affordable energy for the United States, consistent with the creation of jobs and economic growth and maintaining the international competitiveness of United States businesses, including the manufacturing sector; and

(B) implement measures under paragraph (1) under existing authorities of the appropriate Federal agencies, as determined by the President.

(3) PROJECTIONS.—The projections for total demand for petroleum in the United States under paragraph (1) shall be those contained in the Reference Case in the report of the Energy Information Administration entitled "Annual Energy Outlook 2005".

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the President shall submit to Congress a report, based on the most recent edition of the Annual Energy Outlook published by the Energy Information Administration, assessing the progress made by the United States toward the goal of reducing dependence on imported petroleum sources by 2025.

(2) CONTENTS.—The report under paragraph (1) shall—

(A) identify the status of efforts to meet the goal described in subsection (b);

(B) assess the effectiveness of any measure implemented under subsection (c) during the previous fiscal year in meeting the goal described in subsection (b); and

(C) describe plans to develop additional measures to meet the goal.

SA 785. Mr. FRIST (for Ms. MURKOWSKI) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 49, between lines 4 and 5, insert the following:

SEC. 12___. YOUTH ENERGY CONSERVATION CORPS.

(a) PURPOSES.—The purposes of this section are to—

(1) provide a local, low-cost source of labor for energy conservation projects;

(2) allow service and conservation corps to enter into agreements with the Department to carry out projects to increase energy efficiency in communities of the United States, particularly low-income communities;

(3) offer young people, ages 16 through 25, particularly those who are at-risk or economically disadvantaged, the opportunity to gain productive employment and experience in the field of energy conservation; and

(4) give those young people the opportunity to serve their communities and to participate in energy conservation activities in their communities.

(b) DEFINITIONS.—In this section:

(1) ALASKA NATIVE CORPORATION.—The term "Alaska Native Corporation" means a Regional Corporation or Village Corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(2) CORPS.—The term "Corps" means the Youth Energy Conservation Corps established under subsection (c).

(3) HAWAIIAN HOME LANDS.—The term "Hawaiian home lands" has the meaning given the term in section 203 of Public Law 91–378 (16 U.S.C. 1722).

(4) INDIAN LANDS.—The term "Indian lands" has the meaning given the term in section 203 of Public Law 91–378 (16 U.S.C. 1722).

(5) SERVICE AND CONSERVATION CORPS.—The term "service and conservation corps" means any organization established by a State or local government, nonprofit organization, Indian tribe, or Alaska Native Corporation that—

(A) has a research-validated demonstrable capability to use the corps model to provide productive work to individuals;

(B) gives participants a combination of work experience, basic and life skills, education, training, and support services;

(C) provides participants with the opportunity to develop citizenship values through service to their communities and the United States; and

(D) is accredited by a national or regional body with expertise in service and conservation corps.

(6) STATE.—The term "State" means—

(A) each of the several States of the United States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the Federated States of Micronesia;

(H) the Republic of the Marshall Islands;

(I) the Republic of Palau; and

(J) the United States Virgin Islands.

(c) ESTABLISHMENT.—There is established a Youth Energy Conservation Corps.

(d) PARTICIPANTS.—The Corps shall consist of young adults who are enrolled as members of a service or conservation corps covered by a contract or cooperative agreement entered into under subsection (e).

(e) CONTRACTS OR AGREEMENTS.—The Secretary may enter into contracts or cooperative agreements directly with—

(1) any service or conservation corps to carry out a project described in subsection (f); or

(2) a department of energy of any State that has entered into a contract or cooperative agreement with a service or conservation corps to carry out an energy conservation project described in subsection (f).

(f) AUTHORIZED PROJECTS.—For purposes of this section, an authorized project is an energy conservation project authorized under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287).

(g) PRIORITY PROJECTS.—In entering into a contract or cooperative agreement under subsection (e), the Secretary shall give priority to projects that will—

(1) result in the most energy conservation;

(2) result in training for a career in the energy conservation industry;

(3) instill in members of the corps a work ethic and sense of personal responsibility;

(4) be labor intensive; and

(5) be planned and initiated promptly.

(h) SUPPORTIVE SERVICES.—The Secretary may provide to the Corps such services as the Secretary considers necessary to carry out this section, including technical assistance, oversight, monitoring, and evaluation to or for—

(1) State departments of energy (or equivalent agencies);

(2) service and conservation corps;

(3) in the case of Indian lands, the applicable Indian tribe;

(4) in the case of Hawaiian home lands, the applicable State agency in the State of Hawaii; and

(5) in the case of land under the jurisdiction of an Alaska Native Corporation, the applicable Alaska Native Corporation.

(i) OTHER USES OF FUNDS.—Funds made available under this section may be used to support implementation, monitoring, training, technical assistance, and administrative work of service and conservation corps covered by a contract or cooperative agreement entered into under subsection (e).

(j) NONDISPLACEMENT.—The nondisplacement requirements of section 177(b) of the National and Community Service Act of 1990 (42 U.S.C. 12637(b)) shall apply to activities carried out under this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 786. Mr. FRIST (for Ms. MURKOWSKI) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 130, line 24, insert "ocean (tidal, wave, current, and thermal)," after "wind,".

On page 134, line 3, insert "ocean (tidal, wave, current, and thermal)," after "biomass,".

SA 787. Mr. FRIST (for Ms. MURKOWSKI) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 131, lines 18 and 19, strike "or an Indian tribal government or subdivision thereof," and insert "an Indian tribal government or subdivision thereof, or a Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)),".

SA 788. Mr. DEWINE (for himself, Mr. KOHL, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, Mr. FEINGOLD, Mr. COBURN, Mr. LEVIN, Ms. SNOWE, Mrs. BOXER, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . NO OIL PRODUCING AND EXPORTING CARTELS.

(a) SHORT TITLE.—This section may be cited as the "No Oil Producing and Exporting Cartels Act of 2005" or "NOPEC".

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

"SEC. 7A. OIL PRODUCING CARTELS.

"(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

"(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

"(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

"(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

"(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

"(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

"(d) ENFORCEMENT.—The Attorney General of the United States and the Federal Trade Commission may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.".

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking "or" after the semicolon;

(2) in paragraph (7), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(8) in which the action is brought under section 7A of the Sherman Act.".

SA 789. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXCLUSION FOR CERTAIN FUEL COSTS OF RURAL COMMUTERS.

(a) IN GENERAL.—Section 132(f)(1) (defining qualified transportation fringe) is amended by adding at the end the following new subparagraph:

"(D) In the case of an eligible rural commuter, the cost of fuel for a highway vehicle of the taxpayer the primary purpose of which is to travel between the taxpayer's residence and place of employment.".

(b) LIMITATION ON EXCLUSION.—Section 132(f)(2) (relating to limitation on exclusion) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) $50 per month in the case of the benefit described in subparagraph (D).".

(c) ELIGIBLE RURAL COMMUTER.—Section 132(f)(5) (relating to definitions) is amended by adding at the end the following new subparagraph:

"(F) ELIGIBLE RURAL COMMUTER.—The term 'eligible rural commuter' means any employee—

"(i) who resides in a rural area (as defined by the Bureau of the Census), "(ii) who works in an area which is not accessible by a transit system designed primarily to provide daily work trips within a local commuting area, and

"(iii) who is not be eligible to claim any qualified transportation fringe described in subparagraph (A) or (B) of paragraph (1).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses incurred on and after the date of the enactment of this Act and before January 1, 2006.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 15, 2005 at 9:30 a.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 15, 2005 at 9:30 a.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, June 15, 2005, at 10 a.m. for a hearing titled, "Is the Federal Government Doing Enough to Secure Chemical Facilities and Is More Authority Needed?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, June 15, 2005. at 2:30 p.m. to consider the nominations of Linda M. Springer to be Director of the U.S. Office of Personnel Management, Laura A. Cordero to be Associate Judge of the Superior Court of the District of Columbia, and Noel Anketell Kramer to be Associate Judge of the District of Columbia Court of Appeals.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. THOMAS. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 15, 2005, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on Youth Suicide Prevention. Those wishing additional information may contact the Indian Affairs Committee on 224-2251.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, June 15, 2005, at 10 a.m., to hear testimony on "The Future of Medicaid: Strategies for Strengthening American's Vital Safety Net".

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL OCEAN POLICY STUDY

Mr. THOMAS. Mr. President, I ask unanimous consent that the Subcommittee on National Ocean Policy Study be authorized to meet on Wednesday, June 15, 2005, at 9:30 a.m., on Coral Reef Ballast Water, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. THOMAS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 15, 2005 at 2:30 p.m. to hold a briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, June 15, 2005 at 9:50 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Detainees" on Wednesday, June 15, 2005 at 9:30 a.m. in Dirksen Senate Office Building, Room 226. The tentative witness list is attached.

Panel I: Brigadier General Thomas L. Hemingway, Department of Defense Office of Military Commissions, United States Department of Defense, Washington, DC; Rear Admiral James M. McGarrah, Director of Administrative Review of the Detention of Enemy Combatants, Department of the Navy, Washington, DC; the Honorable J. Michael Wiggins, Deputy Associate Attorney General, United States Department of Justice, Washington, DC; the Honorable Glenn A. Fine, Inspector General, United States Department of Justice, Washington, DC.

Panel II: Lieutenant Commander Charles D. Swift, Defense Counsel, Office of Chief Justice Counsel, United States Department of Defense, Washington, DC; the Honorable William P. Barr, Executive Vice-President and General Counsel, Verizon Corporation, Washington, DC; Joseph Margulies, Esq., Principal, Margulies & Richman, Minneapolis, MN; Stephen Schulhofer, Esq., Professor, New York University School of Law, New York City, NY.

SPECIAL COMMITTEE ON AGING

Mr. THOMAS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Wednesday, June 15, 2005 from 3 p.m.-5 p.m. in Hart 216 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent request that Lauren Mical, a fellow with Senator JEFFORDS's Environment and Public Works Committee staff, Margaret McCarthy, Katie Gallagher and Matthew Kireker, three interns on Senator JEFFORDS's staff, be granted the privilege of the floor during consideration of H.R. 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that Jerry Hinkle, a fellow in my office, be granted the privileges of the floor through the pendency of the Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask unanimous consent that John Plumb, a fellow in my office, be granted floor privileges for the duration of the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that Ken Ende, a fellow in Senator BUNNING's office, be given privilege of the floor during consideration of the Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. McCONNELL. I ask unanimous consent that it be in order for the Senate to proceed en bloc to the consideration of the following calendar items: No. 122 and No. 123.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent the bills be read three times and passed, the motion to reconsider be laid upon the table en bloc, the consideration of these items appear separately in the RECORD, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR WILLIAM V. ROTH, JR. BRIDGE

The bill (S. 1140) to designate the State Route 1 Bridge in the State of

Delaware as the "Senator William V. Roth, Jr., Bridge," was considered, read the third time, and passed, as follows:

S. 1140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF SENATOR WILLIAM V. ROTH, JR. BRIDGE.

The State Route 1 Bridge over the Chesapeake and Delaware Canal in the State of Delaware is designated as the "Senator William V. Roth, Jr. Bridge".

SEC. 2. REFERENCES.

Any reference in a law (including regulations), map, document, paper, or other record of the United States to the bridge described in section 1 shall be considered to be a reference to the Senator William V. Roth, Jr. Bridge.

REYNALDO G. GARZA AND FILEMON B. VELA UNITED STATES COURTHOUSE

The bill (H.R. 483) to designate a United States courthouse in Brownsville, TX, as the "Reynaldo G. Garza and Filemon B. Vela United States Courthouse," was considered, read the third time, and passed.

Mr. LEAHY. I am pleased that the Senate today has taken action on H.R. 483, a bill that designates a courthouse in Brownsville, TX, as the "Reynaldo G. Garza and Filemon B. Vela United States Courthouse" in honor of these two judges, including the first Mexican-American named to a Federal judge. Unfortunately, the Senate has repeatedly delayed action on this bill. Congressman SOLOMON P. ORTIZ first introduced a similar bill honoring these judges in 1998. It is now 7 years later and months after both these Judges' deaths in 2004.

Both this Congress and last, I have introduced a companion bill with Congresswoman NORTON that designates the new annex to the E. Barrett Prettyman United States Courthouse in Washington, DC, the "William B. Bryant Annex." This historic figure should be honored, and that honor should occur during his lifetime. Regrettably, the Senate has yet to act on this bill, S. 478, which I introduced on March 1, 2005.

In order to prevent repeating the regrettable timing of the Judge Garza and Vela Courthouse naming, I urge that the Senate move ahead on this worthy commendation of Judge Bryant's lifetime of public service.

Judge Bryant continues to perform his duties as a senior Federal judge at the age of 93. His commitment to ending racial segregation and his belief in public service and the law has carried him through a historic career. He was the first African-American Chief Judge for the United States District Court in DC. The current Chief Judge Thomas F. Hogan and all of Judge Bryant's fellow judges recognize his truly remarkable lifetime achievements and have unanimously requested naming the newly constructed annex in his honor.

Naming the new annex to the E. Barret Prettyman Courthouse after Judge Bryant is long overdue. I urge the Senate to take this action without further delay and allow Judge Bryant the commendation he deserves.

ORDERS FOR THURSDAY, JUNE 16, 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, Thursday, June 16. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of H.R. 6, the Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Tomorrow, the Senate will resume consideration of the Energy bill. Pending is the Cantwell amendment on consumption reduction. We expect to lock in a time certain for a vote on that amendment in the morning. Following the disposition of the Cantwell amendment, we will continue working through other amendments to the bill. Rollcall votes should be expected throughout the day tomorrow.

As was announced this morning, we will complete action on this important legislation next week; therefore, Senators who wish to offer an amendment should contact the bill managers as soon as possible.

I also remind everyone there will be no rollcall votes on Friday in order to accommodate the Democrat retreat.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate at 6:35 p.m., adjourned until Thursday, June 16, 2005, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Wednesday, June 15, 2005:

DEPARTMENT OF ENERGY

DAVID GARMAN, OF VIRGINIA, TO BE UNDER SECRETARY OF ENERGY.

UNITED STATES POSTAL SERVICE

CAROLYN L. GALLAGHER, OF TEXAS, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 8, 2009.

LOUIS J. GIULIANO, OF NEW YORK, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2005.

LOUIS J. GIULIANO, OF NEW YORK, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2014.

EXECUTIVE OFFICE OF THE PRESIDENT

BEN S. BERNANKE, OF NEW JERSEY, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

RECOGNIZING SUE WAGNER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Sue Wagner of Saint Joseph, Missouri. Ms. Wagner is a retired teacher of the Saint Joseph School District and in a few days will receive the Saint Joseph YWCA Women of Excellence Award for Women in Community Service and Volunteerism.

Although she retired from teaching, Ms. Wagner is still extremely active in the community. She regularly reaches out to and positively impacts students throughout the Saint Joseph area. Ms. Wagner currently serves as a student mentor, a Cotillion for Achievement committee member, and a volunteer docent for the Albrecht-Kemper Art Museum. Through her hard work, Ms. Wagner has touched the lives of over 500 students this year.

Ms. Wagner also serves as an affiliate director for Missouri Future Problem Solving, directing a competition program for the State of Missouri. She serves on multiple committees and organizations ranging from Community LINK, to SAGE, to Trails West, to the Landmarks Commission. In addition to all of these commitments, Ms. Wagner still finds time to serve as president of her local neighborhood association.

Mr. Speaker, I proudly ask you to join me in congratulating Sue Wagner. Her commitment to the Saint Joseph community exemplifies the qualities of service and dedication. I am honored to represent her in the United States Congress.

TRIBUTE TO LONNIE McCOY BRIGHT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. TOWNS. Mr. Speaker, I rise to acknowledge the accomplishments of Lonnie McCoy Bright. Lonnie McCoy Bright, affectionately known as "Coy," is a native of Belleross, North Carolina. He is the son of the late Zerus and Lona Mae Bright, and was raised in New York City. He received his education in the New York City public schools, culminating with his graduation from George Westinghouse Vocational High School. Then, he devoted 30 years of loyal service to United States Postal Service.

Mr. Bright is a former Board member of the NAACP Brooklyn Branch, a founding member and Treasurer of Congressman Edolphus Towns' Men's Caucus, former Treasurer and Worshipful Master of the African 459 Lodge #63, and President Emeritus of the Masters Council.

Currently, Mr. Bright is an active, dedicated member of the Berean Baptist Church. He is on the Trustee Board and serves as the Treasurer of the church. He has organized numerous voter registration drives in his community, East New York, and the Bedford-Stuyvesant sections of Brooklyn. He has also sponsored "Making Books Come Alive" a day of reading and dramatizing stories for children. He loves to cook and is an annual participant in the Men Who Cook-Cook-Offs.

His greatest love, after his Lord and Savior Jesus Christ, is his wife Vivian Y. Bright, and they are the proud parents of Teresa, Gary, James (deceased), Marvin Jamal and Tiffany.

Mr. Speaker, it is my pleasure to recognize Mr. Bright's remarkable leadership and service.

IN RECOGNITION OF THE COLORADO GOLF HALL OF FAME

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today in recognition of the Colorado Golf Hall of Fame and its newly acquired home at the Riverdale golf courses in Brighton.

As an avid golfer I could not help but notice this news, and at the risk of allowing my love of the game to get the better of me, I think it is appropriate to acknowledge the positive contributions that golf has made to communities.

The Colorado Golf Hall of Fame has been in operation for 33 three years and has honored 107 members. Yet, due to a space constraint, the golf memorabilia had been stored in boxes at the Colorado Golf Association headquarters, unavailable for public viewing. Thanks to the combined efforts of the Riverdale Golf courses, Adams County Board of Commissioners, the Colorado Golf Association and the Hall of Fame President, John Edwards, the Colorado Golf Hall of Fame is now featured in a prominent display within the Riverdale golf courses clubhouse.

The Hall of Fame honors the 107 deserving members who have made important contributions to Colorado's sports history. Pictures of each hall of fame member are now front and center under glass in the clubhouse of the Riverdale golf courses. In addition, the Hall of Fame showcases multiple displays honoring golf greats, highlights in golf history and a golf history timeline. The current displays honor female golfer Mildred "Babe" Zacharias and the history of Cherry Hills Country Club.

Hall of Famer and winner of three Colorado Opens, Bill Bisdorf remarked, "If you don't have something lke this, it's forgotten, just like everything else. It's out of sight, out of mind." Thanks to the hard work of many, Colorado's rich golf history will no longer be "out of sight, out of mind." It is very exciting for golf-enthusiasts like myself to have access to that history. What is more, it provides just another excuse to play at the Riverdale courses, the Dunes and the Knolls—two of the finest public courses in Colorado.

Mr. Speaker, I ask my colleagues to join with me in thanking Riverdale Golf Courses and the Colorado Golf Hall of Fame for creating a fitting location to preserve and display Colorado's golf history and artifacts.

RECOGNIZING AMANDA GUMM

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Amanda Gumm. In a few days, Ms. Gumm will receive the Saint Joseph YWCA Women of Excellence Award for Future Leaders.

Amanda is currently a student at Benton High School and has served as Student Body President. As Student Body President, Amanda was responsible for reading the daily announcements to all of Benton High School; I've been told that one faculty member cited Amanda as quite possibly the best public speaker Benton has seen in years. She is also widely recognized for her positive attitude and dynamic personality, and motivates her peers to excel.

Amanda aspires to be the Governor of Missouri, and recently received the 2005 Missouri Award for Outstanding Achievement in Citizenship. Amanda will soon join the other recipients of the award and their families for a luncheon at the Governor's Mansion in Jefferson City.

Mr. Speaker, I proudly ask you to join me in recognizing Amanda Gumm. Her commitment to excellence exemplifies the qualities of service and dedication. I am honored to represent her in the United States Congress.

A TRIBUTE TO THOMAS E. CAVE, SR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. TOWNS. Mr. Speaker, I rise to acknowledge Thomas Cave for his outstanding community service. Mr. Cave is a native of Augusta, Georgia, and has been a resident of the Bedford-Stuyvesant community for the past fifty-five years. In Bedford-Stuyvesant, he has volunteered his time and shared his experience in order to improve the quality of life of his community. He is particularly concerned with the plight of youth and senior citizens.

Mr. Cave has served the Unity Democratic Club for over twenty-five years as Chairperson of the Men's Council and President of the Club for four years. Under his tutelage several programs were created, including the Scholarship Program at Boys and Girls High School, and the Chess Club Program at P.S. 5.

Mr. Cave has received many awards, including Learning Leader from P.S. 5 for his dedication and commitment to the school and community. He has also secured a Certificate of Recognition from State Senator Ada L. Smith and the Exemplary Service Award from Unity Democratic Club.

In addition to his political and civic involvement, Mr. Cave is an avid traveler and devoted family man. As a result, we proudly recognize him today.

CONGRATULATING ROCHE ON ITS 100TH ANNIVERSARY IN THE UNITED STATES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to offer my congratulations in honor of the 100 Anniversary of Roche, one of the leading healthcare innovators in the world. Roche is a specialty care company that employs over 10,000 people in America and 60,000 globally. I am pleased that Boulder is home to Roche Colorado, which employs over 300 people, all of whom are dedicated to improving the quality of health care for millions of people.

For a century now, Roche has invested in advanced research and manufacturing techniques that have yielded breakthroughs in healthcare. Founded in Switzerland in 1896, Roche's roots in America are deep and strong, dating back to the opening of its New York office in 1905. From its start in Manhattan in 1905, Roche has extended its reach to nine sites across the United States, in Colorado, New Jersey, Indiana, South Carolina, and California.

As an industry leader, Roche Colorado researches and manufactures products such as the first in an entirely new class of drugs to combat HIV, a potent oral antiviral that is our most promising weapon against the threat of pandemic influenza, and a treatment that preserves the sight of people with AIDS infected with a virus that usually leads to blindness. These inventions are just a few examples of how Roche helps provide Americans with the highest quality medical treatment in the world.

Roche's ties to Boulder date back to 1946 as Arapahoe Chemicals and subsequently Syntex, which joined Roche in 1994. I applaud Roche Colorado for being an active corporate citizen, supporting the Boulder County AIDS Project, the Women's Health Project, and the Grillo Information Center which provides educational help to individuals suffering from cancer, all efforts that truly enhance our quality of life in Boulder and build our sense or community.

I commend the people of Roche Colorado in Boulder and Roche employees worldwide for their impressive achievements, and wish them the very best on this special 100th Anniversary.

THE AMERICAN FOREIGN SERVICE WITHDRAWAL OF AMBASSADOR EVANS' AWARD

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. PALLONE. Mr. Speaker, I rise this evening to express my disappointment with the American Foreign Service Association, and its decision to withdraw awarding a "Constructive Dissent" award to U.S. Armenian Ambasador John Evans.

Ambassador Evans was due to receive the Christian A. Heter Award for intellectual courage, initiative, and integrity later this week. The award was a result of courageous statements he made regarding the recognition of the Armenian Genocide.

In a series of public statements, Ambassador Evans, who has studied Russian history at Yale and Columbia and Ottoman history at the Kennan Institute, stated, "I will today call it the Armenian Genocide." Mr. Speaker, Ambassador Evans has studied the history of Armenia, and based on his substantial studies of the issue, he was willing to go on the record and define the actions taken against Armenians as genocide.

The Armenian Genocide was the systematic extermination—the murder—of one-and-one-half million Armenian men, women and children.

To this day, the Repulic of Turkey refuses to acknowledge the fact that this massive crime against humanity took place on soil under its control, and in the name of Turkish nationalism.

Unfortunately, some 90 years later, the U.S. State Department continues to support Turkey's denials despite all evdence to the contrary. It's not likely that the State Department was happy with their Ambassador to Armenia acknowledging the Armenian Genocide. Therefore, Evans retracted his remarks after receiving substantial pressure from the State Department.

Well, now the selectton committee at the American Foreign Service Association has decided to withdraw the award with no reason for its actions. I find the timing of the decision peculiar. The sharp turnaround came right before Turkish Prime Minister Recep Tayyip Erdogan arrived in Washington for a meeting with President Bush. Based on past history, it's clear that the State Department, the Bush Administration, and the powerful pro-Turkish lobby pressured A–F–S–A to withdraw Ambassador Evans' Award.

It is simply unacceptable for this administration to continue to penalize the ambassador for his comments. Ambassador Evans did a courageous thing; his statements did not contradict U.S. policy, but rather articulated the same message that this Administration has sent to the public. The only difference in this case is that Ambassador Evans assigned a word to define the actions taken against the Armenians.

This was a refreshing break from a pattern on the part of the State Department of using evasive and euphemistic terminology to obscure the full reality of the Armenian Genocide, Ambassador Evans pointed out that, "No American official has ever denied it," and went on to say that, "I think we, the U.S. government, owe you, our fellow citizens a more frank and honest way of discussing this problem."

Ambassador Evans was merely recounting the historical record, which has been attested to by over 120 Holocaust and genocide scholars from around the world. By doing this, he earned a prestigious award that was taken from him because of politics and denial.

I want to add my voice to all those who, in Ambassador Evans' own words, (and I'm quoting) "think it is unbecoming of us as Americans to play word games here. I believe in calling things by their name." Evans was right, and the American Foreign Services Association was correct in awarding him the Christian A. Heter Award. We should encourage our Ambassadors to speak the truth, and, more boadly, end, once and for all, our complicity in Turkey's campaign of genocide denial.

Mr. Speaker, Ambassador Evans has been penalized for telling the truth. The American Foreign Service Association has set a terrible example by retracting Ambassador Evans' award. I guess even in America the Turkish Government is able to stifle debate.

[From the California Courier]

RESCINDING OF "DISSENT" AWARD TRIGGERS INTERNATIONAL UPROAR

(By Harut Sassounian)

Last week, in this column, I disclosed the news that the American Foreign Service Association had just reversed itself, taking the unprecedented step of withdrawing the "Constructive Dissent" award from John Evans, the U.S. Ambassador to Armenia.

This was a shocking development, as this award is given to high-ranking diplomats for their "intellectual courage, initiative and integrity in the context of constructive dissent [and] for demonstrating the courage to speak out and challenge the system on a subject related to their work."

Last February, Ambassador Evans had forthrightly and appropriately referred to the Armenian Genocide, as a genocide, to the chagrin of the Turkish government and its supporters in the Bush administration. It was highly ironic that the U.S. Ambassador would lose this award for the very reason that it was given to him in the first place—"dissent." So much for encouraging honesty and integrity at the State Department.

I posted my last week's column on the groong web site in the evening of June 6, a couple of hours after being informed by AFSA that it had just decided to rescind the award. Little did I know then that within a couple of days, my column would trigger a national and international uproar and would be picked up by scores of newspapers and wire services from around the world, such as the Washington Post, the Associated Press, the UPI, Hurriyet, Radio Free Europe/Radio Liberty, Turkish Daily News, AzerTag (Azerbaijan), Webindia123 (India), and Armenian newspapers in several countries. Even the spokesman for the State Dept., Sean McCormack, was asked about this controversial issue during his daily press briefing on June 9.

Despite attempts AFSA and State Dept. officials to cover up the real reasons for the withdrawal of the award, it has become clear that the award was rescinded after direct pressure was brought to bear on AFSA from the State Dept. When John Limbert, the president of AFSA, was asked by the Washington Post to explain the reason for his group's action, he replied: "State Department officials would have to explain their concerns." The Award Committee is composed of current and former State Department officials. L. Bruce Laingen, who chaired the selection committee, was more forthcoming.

He told the Post that "very serious people from the State Department in particular" expressed concerns about this award being given to Amb. Evans. Laingen said that the award committee had not focused on the criterion that dissent had to be expressed within the system, until it was reminded of that by the State Department!

Once again, as a result of the over-reaction of Turkish officials and their Washington cronies, the issue of the Armenian Genocide was publicized worldwide. All of the above newspapers and wire services, even the Turkish and Azeri ones, reported that the award had been withdrawn from Amb. Evans because of his comments on the Armenian Genocide. The Washington Post wrote that Amb. Evans had characterized "as genocide the deaths of 1.5 million Armenians in the waning days of the Ottoman Empire in 1915." It included in its article lengthy quotations from the statements Amb. Evans had made last February on the Armenian Genocide—the same quotations that I had cited in my last week's column.

The Washington Post also wrote: "the timing of the association's decision appeared curious, given it came just before Turkish Prime Minister Recep Tayyip Erdogan arrived in Washington for a meeting with President Bush to bolster strained U.S.-Turkish relations. John W. Limbert, president of the association, said that no one at the organization can remember an award being withdrawn after it had been announced. 'It is not something we do easily,' he said."

Ironically, if the State Department thought that by withdrawing this award it would avoid the awkward situation of honoring the U.S. ambassador to Armenia for acknowledging the Armenian Genocide, at a time when the Turkish Prime Minister was meeting with Pres. Bush, it actually ended up creating a bigger embarrassment, as the national and international media reported AFSA's controversial decision, while the Turkish leader was still in Washington.

By withdrawing the "Dissent" award, AFSA and the State Department made fools of themselves in front of the whole world. Their unwarranted action not only undermined the credibility of the award, but also the reputations of both AFSA and the U.S. government which acted in this case with intolerance more typical of oppressive third world regimes.

[From the California Courier]

FOREIGN SERVICE AGENCY WRONGLY WITHDRAWS AWARD FROM AMB. EVANS

(By Harut Sassounian)

The American Foreign Service Association took the very unusual step this week of rescinding the prestigious "Constructive Dissent" award that it had decided to bestow upon U.S. Ambassador to Armenia John Evans, during a special ceremony that was to be held at the Benjamin Franklin Diplomatic Reception Room of the State Department on June 17.

The AFSA is the professional association of the United States Foreign Service. It represents 26,000 active and retired Foreign Service employees of the Department of State and Agency for International Development. The Secretary of State usually attends the group's annual award ceremony.

Last February, during his tour of various Armenian communities in the United States, Amb. Evans publicly referred to the extermination of the Armenians in Ottoman Turkey as genocide. "I will today call it the Armenian Genocide," the U.S. Ambassador said. "I informed myself in depth about it. I think we, the U.S. government, owe you, our fellow citizens, a more frank and honest way of discussing this problem. Today, as someone who has studied it, . . . there is no doubt in my mind what happened. . . . I think it is unbecoming of us, as Americans, to play word games here. I believe in calling things by their name." Referring to "the first Genocide of the 20th century," Amb. Evans said, "I pledge to you, we are going to do a better job at addressing this issue."

Amb. Evans knew that his frank comments ran counter to the official line of recent U.S. administrations that have avoided using the term genocide to characterize the mass killings of Armenians. After complaints from Turkish officials to the U.S. government, Amb. Evans was forced by his superiors to issue "a clarification," stating that he used the term "genocide" in his personal capacity—and he now found that to be "inappropriate." To make matters worse, Amb. Evans was then forced to correct his clarification," replacing the word "genocide" with "Armenian tragedy."

Since Amb. Evans had dared to challenge the position of his own superiors, he was nominated for the AFSA's coveted "Constructive Dissent" award. The AFSA's web site explains that this award "publicly recognizes individuals who have demonstrated the intellectual courage to challenge the system from within, to question the status quo and take a stand, no matter the sensitivity of the issue or the consequences of their actions." The AFSA states: "The purpose of the Dissent Awards is to encourage Foreign Service career employees to speak out frankly and honestly." It also states that the Constructive Dissent Awards "offer an opportunity to publicly recognize and honor the courageous and thoughtful actions of our colleagues, over and above their responsibilities."

Last week, Haygagan Jamanag, a newspaper published in Yerevan, reported that Amb. Evans was the winner of this year's "Constructive Dissent" award. Since the name of the honoree was not yet officially announced, I contacted the AFSA in Washington, D.C., and was told that Amb. Evans was indeed the winner of this prestigious award. I was also told that he was selected because of his stand on the Armenian Genocide.

As this column was about to go to print, I received an unexpected call from an AFSA official in Washington, informing me that the Award Committee had just met and decided to reverse itself and "withdraw the award" from Amb. Evans. When I asked why, the answer was "no comment."

We can safely speculate that the same cast of characters at the upper echelons of the Bush Administration, who had earlier forced Amb. Evans to withdraw his remarks on the Armenian Genocide, had now succeeded in forcing the AFSA to rescind this award.

Incredibly, what they were taking away from Amb. Evans was not just any award. It was an award for dissenting from the Bush administration's immoral position on the Armenian Genocide. It was an award for simply telling the truth Amb. Evans was basically repeating what President. Ronald Reagan had said back in 1981 in his Presidential Proclamation, acknowledging the Armenian Genocide. It would seem that Bush administration officials are not afraid to go after an Ambassador, but they would not dare to take on President. Reagan who committed the same sin of telling the truth!

It is a telling sign of decadent times that an individual has to be given an award for having "the courage" to tell the truth—and worse yet, have that award unfairly taken away from him.

All those who side with truth and justice, should complain to the AFSA (berger@afsa.org) for its withdrawal of Amb. Evans' award and ask that Secretary of State Condoleezza Rice (http://contact-us.state.gov) have it reinstated promptly.

RECOGNIZING JOSHUA FISHER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Joshua Fisher of Weston, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and in earning the most prestigious award of Eagle Scout. Joshua achieved the rank of Eagle Scout on October 14, 2004.

Joshua has been very active with his troop, participating in many scout activities. Over the many years that Joshua has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

For his Eagle Scout project, Joshua organized the creation of a new welcome sign, the pouring of concrete slabs for picnic tables, and the installation of a new flag pole with lighting around t, all at Bless Park in Weston.

Mr. Speaker, I proudly ask you to join me in commending Joshua Fisher for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO DR. ROGER WITHERSPOON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. TOWNS. Mr. Speaker, I rise to honor Dr. Roger Witherspoon. Dr. Witherspoon completed his undergraduate studies at North Carolina Agricultural and Technical State University. He is a graduate of Adelphi University's Graduates School of Social Work in Garden City, New York and earned his doctorate degree from the University of Massachusetts, Amherst. Dr. Witherspoon previously was Associate Dean of Student Affairs at CUNY Lehman College. He is currently the Vice-President of Student Development at CUNY John Jay College of Criminal Justice where his responsibilities include chairing the Communication Skills and Counseling Department, administrative oversight of Student Activities, Freshman Program, Children's Center, Career Advisement, Women's Center, Disabled Student Services, Financial Aid, Health Services, Co-op Education/Internships, and Student Support Services.

Prior to his appointment as Vice-President, Dr. Witherspoon taught both graduate and undergraduate courses in education and social work for over 17 years. He has lectured at Columbia University, St. John's University, San Francisco State, Smith College, Fordham University, and many others. His publications on urban education have appeared in national and local journals. Two of his recent publications are "Do You Know If Your Child Has a Credit Card," in the New York Times and "Handling Cultural Diversification Efforts of College Campuses," in the Journal of Mediation.

Dr. Witherspoon was a member of the Board of the Queens Children's Psychiatric Center. He has also served on many boards that include childcare, teen pregnancy, and community mental health.

Dr. Witherspoon was selected as a participant in the 23rd Annual Session of the Harvard University's Institute for Educational Management, Class of 1992.

Dr. Witherspoon has participated in conferences held on "International Perspectives: Crime, Justice and Public Order" in Russia, Ireland, Turkey, Italy, England, Hungary and most recently Romania. He was involved in the establishment of a branch campus in Puerto Rico that has awarded 4,400 Associates Degrees to police cadets and currently a program for New York City Police Officers to teach cultural diversity and leadership.

Dr. Witherspoon has been involved at national and local levels consulting on issues of urban education and social work, with a focus on urban minorities. His visits to South Africa, Ireland, Dominican Republic, Namibia, Turkey, South Korea, Slovenia, England, Guyana. Jamaica, and throughout the Caribbean have only increased his awareness of International Education and Criminal Justice.

Mr. Speaker, Dr. Roger Witherspoon's continued his commitment to higher education and social development have made him more than worthy of our recognition today.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. UDALL of Colorado. Mr. Speaker, because participating in events connected to the ongoing meeting of Western Governors in Colorado, I was unable to be present for two votes on Monday, June 13, 2005.

If I had been present, I would have voted as follows:

On S. 643, to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs, I would have voted "yes."

On H.R. 2326, to designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the "Floyd Lupton Post Office," I would have voted "yes."

TRIBUTE TO MRS. LIZ KOVACH. FOR HER 50 YEAR COMMITMENT TO PORT COLUMBUS INTERNATIONAL AIRPORT

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to honor and recognize the tremendous achievement of Liz Kovach, a successfull and respected employee at the Port Columbus International Airport. As an ambassador to the Airport Authority and Columbus, Ohio she has represented Eastern Airlines, Continental Airlines and America West for half a century with first class style.

Mrs. Kovach began her career at Port Columbus exactly 50 years ago today working for Eastern Airlines at the old terminal on Fifth Avenue. In late 1990, when Eastern Airlines declared bankruptcy, Liz's diligence and dedication were greatly appreciated when she assisted with the liquidation of the airline's assets before being hired by Continental Airlines in April of 1991. Her career again took off in November of 1992 when she accepted a new position with America West. Her effervescent character and strong intellect were recognized in 1993, as she was honored by America West as the Best of the Best Employees. She was one of only two customer service representatives to receive the honor out of 10,000 employees.

In Liz's 50 year commitment to Port Columbus, she has been witness to the transformation of the airline industry. She has seen the airport rise to "international status," its entrance into the Jet age, concourse and runway expansion, and the completion of the new state-of-the-art control tower.

Mrs. Kovach, respectively known as "Mama Liz," is revered by her colleagues as someone you can always count on for a smile and kind words. She has been described as an irreplaceable talent to the customer service team. In addition to her noted superior work ethic and admirable character, she has been very active with the Columbus Zoo. Through her perseverance, she negotiated the travel of rare animals by plane to be brought to the zoo.

I am grateful for the time, commitment and grace Liz has given to Port Columbus International Airort and her community. She exemplifies what public service and professionalism are all about.

RECOGNIZING ALEXANDER J. McCURN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Alexander J. McCurn of Kansas City, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 261, and in earning the most prestigious award of Eagle Scout.

Alexander has been very active with his troop, participating in many scout activities. Over the many years Alexander has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Alexander J. McCurn for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO JENNIFER FLYNN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. TOWNS. Mr. Speaker, I rise to honor Jennifer Flynn. For close to two years, Jennifer Flynn ended her workday by standing for six hours in front of New York City's largest welfare center. She and other activists took their place on the sidewalk whether it rained or snowed to protest the lack of legally mandated emergency housing for homeless people living with AIDS.

Ms. Flynn is one of 10 outstanding individuals from across the country chosen to receive this year's Robert Wood Johnson Community Health Leadership Program award.

The unusual strategy, combined with litigation and public education, resulted in the City being found in contempt of a court order—and insured that nearly every homeless New Yorker living with AIDS who needed emergency housing received it.

Ms. Flynn didn't stop there. She went on to co-found and direct the New York City AIDS Housng Network (NYCAHN), which has seen to it that housing is provided to every single New Yorker with HIV/AIDS who requests shelter.

HIV has hit low-income people of color harder than any other demographic group in New York City. A full 92 percent of New Yorkers living with HIV/AIDS are from communities of color.

Of Ms. Flynn, Christine Quinn, Councilmember for the 3rd District says: "Jennifer Flynn has managed to be a constant activist for the rights of homeless and low-income people living with HIV/AIDS, while building an organization in this time of financial hardship. She is fearless in her advocacy."

Teaching people with HIV/AIDS to advocate on their own behalf has been key to Ms.

Flynn's success. In fact, NYCAHN is a membership organization led by people living with HIV/AIDS. She has trained more than 1,000 of NYCAHN's members in community organizing and advocacy.

Recently, she and her staff pressured the New York City Council to release a report about its emergency housing system. NYCAHN's efforts led to the introduction of the first bill in U.S. history that insures permanent housing for people living with AIDS/HIV. She has also exposed the dangerous conditions that exist in illegal rooming houses the City was using to house formerly incarcerated people with AIDS/HIV.

One woman who works at NYCAHN and finds shelter for people living with HIV/AIDS every day says, "We are all willing to do this grueling work because we know that Jennifer is working 10 times harder all of the time. She is there fighting with her heart to make sure that we have access to housing and to our human rights."

The Robert Wood Johnson Community Health Leadership Program distributes $1.2 million each year o innovators who have creatively surmounted obstacles to meet the challenges of providing health care and social services to the underserved members of their communities. Ms. Flynn and this year's other winners will be honored at a June event in Washington, D.C. She will receive $105,000 to apply to her program and a $15,000 personal award.

Ms. Flynn was chosen from nearly 700 people nominated this year. Since 1992, the program has given 133 awards in 45 states, Puerto Rico and Washington, D.C. Award winners are nominated by civic leaders, health professionals, government representatives and others inspired by their efforts to provide essential health services to their communities.

Mr. Speaker, Ms. Flynn is motivated by the disparity and inconsistencies that she observes in her community. She believes that a commitment to help those who are regarded as less fortunate is a small price to pay. Her commitment in turn inspires others to continue to strive for a better future. Ms. Flynn is more than worthy of our recognition today.

THE CARIBBEAN MULTI-NATIONAL BUSINESS CONFERENCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. RANGEL. Mr. Speaker, I rise today to honor the accomplishments and success of the Caribbean Multi-National Business Conference, organized by the New York Carib News, which will celebrate its tenth anniversary this year in the U.S. Virgin Islands between November 10 and 13. Thanks to the hard work and dedicated effort of the organizers of this event, a real dialogue between U.S. and Caribbean businesses has emerged that promises to generate plenty of economic benefit for both the U.S. and the island nations of the Caribbean.

Karl and Faye Rodney, the publishers of the New York Carib News have brought together hundreds of elected officials, civic leaders, entrepreneurs, and business executives from the U.S. and the Caribbean to explore the possibilities and opportunities for economic growth and expansion in the Caribbean. This year's conference will be held in St. Thomas and promises to be an extraordinary success.

Personally, I have found the conference extremely influential in building and supporting political and econbmic relationships between this country and the nations of the Caribbean. I have also had the honor of participating in these successful conferences and know that they are extremely enlightening and educational endeavors that nurture a growing and important global sector in the world.

This conference has repeatedly addressed important issues of concern to our mutual economic interets. It has concentrated on the challenges and problems of foreign investment, market access, and private sector support. The attendees at the conference come with bright ideas and innovative solutions to these problems and to addressing our common concerns.

I encourage my colleagues and businesses throughout the country to consider attending this year's conference. I submit for the RECORD a Carib News article providing an assessment of this year's planning and the opportunities available for corporations, government leaders, and citizens, written by Tony Best, who always participates and provides wise guidance and counsel.

SET FOR ST. THOMAS, U.S. VIRGIN ISLANDS

A decade after it was launched to build bridges between Caribbean and the U.S. businsses the Caribbean Multi-National Business Conference is moving towards an important milestone in its evolution.

It is the 10th anniversary of an innovation in economic and social developmet partnerships, spurred by links between the large, mediumsized and small businesses in an area that stretches from New York, Washington DC, Miami, Colorado, Chicago, Ohio, Texas, New Jersey, and other parts of the U.S. to such nations and territories as Jamaica, Barbados, St. Lucia, St. Croix in the U.S. Virgin Islands, Grenada, St. Marteen, the Bahamas, and St. Kitts-Nevis.

The annual Caribbean Multi-National conference which brought together about 4,000 Caribbean and U.S. business amd Government leaders since 1995 to discuss everything from investment, Hemispheric trade and bilateral economic and social partnerships to U.S.-Caribbean relations and health and education challenges is scheduled to be held at Caribbean regional integration, in the U.S. and the Caribbean, especially the members of CARICOM is bemg held this year in St. Thomas in the U.S. Virgin Islands between November 10–13.

The conference has become a highly sucessful annual event for those interested in creating profitable business parnerships in the Caribbean and for goverment representatives whose goal is to improve the quality of people's lives, said Pamela Richards, U.S. Virgin Island's Commissioner of Tourism, who is also Chairman of the Board of the Caribbean Tourism Organization.

We have seen the positive results of these meetings, ever since the 1998 meeting in St. Croix. We are delighted that we are being given another opportunity to serve as hosts.

With issues that range from foreign investment, access to markets, the essential role of the private sector in economic expansion and job creation to the march forward in information communications technology on the table for consideration, this year's meeting in St. Thomas, Dr. Karl Rodney, Publisher of the New York Carib News and the driving force behind the conference's 10-year record of success, said that they expect the sessions in St. Thomas to attract the largest gatherings of participants.

We have already seen an exceptionally high level of interest, he explained. One reason is the appeal of St. Thomas. Another is the track record of providing participants with a unique chance to explore commercial deals and to share ideas about new business ventures in several fields, be it retailing, manufacturing, tourism, and other services and import-export.

The presence of many members of the U.S. Congress, senior Caribbean government ministers and their advisers would once again allow them to have a meaningful exchange of ideas about moving U.S Caribbean relations forward. U.S. Congressional delegate from the U.S. Virgin Islands, Representative Dr. Donna Christian Christensen, agreed. We in Congress and outside of it, know the value of the conference both in terms of the business ventures that evolve out of the private meetings and the public sessions and the discussions which take place during the Dialogue between elected representatives and other Government officials from the U.S. and the Caribbean, said Congresswoman who has attended almost all the conference. That's why we in the U.S. Virgin Islands consider it an honor to welcome the participants from across the U.S. and the Caribbean.

HONORING PAUL J. WILMES

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Paul J. Wilmes of Nodaway County, Missouri. Paul will soon retire from a 28-year career of distinguished service to the rural residents and communities of 22 counties in northwest Missouri. Although we wish that Paul could stay on at USDA, he has certainly given back to his community, his state, and his Nation, and well deserved retirement awaits him, though given Paul's reputation for being an active citizen in his community, I doubt this is the last we will hear from Paul Wilmes.

Paul was born on April 22nd, 1953 to Francis and Clara Wilmes of Nodaway County; a county I have been fortunate enough to represent since 1992 at the state and now federal level. Paul grew up in a devout Catholic farm home, and attended St. Gregory's Catholic elementary school, followed by Maryville High School where he was active with football and wrestling. Upon his graduation from Maryville High School, Paul enrolled in Northwest Missouri State University, where he was a member of the Phi Sigma Epsilon Fraternity. He graduated from Northwest with a Bachelor's Degree in Animal Science.

On July 10, 1976 he married Robin Lamb. Today, Paul and Robin have two children, Meredith and Kyle, and they remain active in their local community in Nodaway County. Paul has served as a Trustee for the endowment for St. Gregory's School, Advisor to the

Area Vocation Technical School, Committee Advisor for the Parents as Teacher Program, a Bantam League football coach, as well as many other church committees and the Finance Board at St. Gregory Barbarigo.

Paul began his career with USDA on April 18, 1977 working for the Farmers Home Administration. He was promoted to the position of County Supervisor in Nodaway County, and later advanced to the position of District Farm Loan Specialist within the Farmers Home Administration. Paul was selected as the District Director of that agency, and on April 30, 1995, Paul began his tenure supervising 22 rural counties in Northwest Missouri. Over the years, the agency has changed its name and refocused its mission, but Paul has remained constant as the leader and director of what is now known as Area 1 of USDA Rural Development.

Mr. Speaker, I proudly ask you to join me in commending Paul J. Wilmes, a remarkable citizen who exemplifies the qualities of dedication and service. While rural Missouri will miss his leadership, experience, and knowledge, I will still have the great honor of representing Paul in the United States Congress.

A TRIBUTE TO JoANN LUM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. TOWNS. Mr. Speaker, I rise to honor JoAnn Lum. Ms. Lum, the daughter of Chinese immigrants, recently won the Nation's highest community health leadership honor for mobilizing sweatshop workers and Lower Manhattan victims of 9/11 to seek improved access to benefits and quality health services as part of a larger effort to gain control of their lives.

Ms. Lum is one of 10 outstanding individuals from across the country chosen to receive this year's Robert Wood Johnson Community Health Leadership Program award.

While growing up in California, Lum observed the hardships suffered by her father and other relatives as they put in long hours as 'houseboys,' busboys and garment workers. During a stint in the Manhattan Borough President's office in the early 1990s, she volunteered as an English teacher for Chinese immigrants and was inspired by the impact of workers organizing to improve conditions.

Ms. Lum founded the National Mobilization Against SweatShops (NMASS) to harness the power of worker campaigns to create healthier workplaces and communities. She works primarily with Latina, Afro-Caribbean, Polish and African American women and men. In one project, she is targeting injured workers' access to benefits and medical treatment, campaigning to overhaul the Workers' Compensation system. In addition, she is calling for an end to 'forced overtime' and other unfair practices, to prevent injuries among more workers.

A testament to Ms. Lum's work is a statement from a Polish immigrant who suffered chemical injuries as an asbestos worker and received assistance from Ms. Lum's organization: "I joined NMASS after being denied my Workers' Compensation benefits numerous times. I was alone and felt powerless, with no money or health care. JoAnn not only assisted me to get needed medical treatment, but has opened my eyes to how disabled workers like myself can join together to advocate for fair health benefits."

Another NMASS initiative launched by Lum, called "Beyond Ground Zero," is a coalition of pubic health advocates, doctors, clergy and community groups that came together in response to the health crisis among Lower Manhattan's poor population following 9/11.

The coalition compelled private entities to create disaster health insurance for individuals working in Lower Manhattan whose health and income were damaged by 9/11. And in Partnership with Bellevue Hospital, the coalition started a treatment and documentation program for respiratory problems and post-traumatic stress disorder symptoms experienced by victims who were largely ignored by other relief efforts.

More than 3,000 people attended two Lower Manhattan town hall meetings organized by Ms. Lum. Ultimately, her coalition assisted 10,000 poor families in accessing medical coverage and treatment or disaster relief. Ms. Lum's coalition continues to advodate for public and private support for programs that address the longterm health needs of the working poor in Lower Manhattan.

"JoAnn is gifted with the ability to create a movement where the people who must speak for themselves are the center of the work," said one of Lum's nominators.

The Robert Wood Johnson Community Health Leadership Program distributes $1.2 million each year to innovators who have creatively surmounted obstacles to meet the challenges of providing health care and social services to the underserved members of their communities. Ms. Lum and this year's other winners will be honored at a June event in Washington, D.C. She will receive $105,000 to apply to her program and a $15,000 personal award.

Ms. Lum was chosen from nearly 700 people nominated this year. Since 1992, the program has given 133 awards in 45 states, Puerto Rico and Washington, D.C. Award winners are nominated by civic leaders, health professionals, government representatives and others inspired by their efforts to provide essential health services to their communities.

Mr. Speaker, Ms. Lum is motivated by the disparity and inconsistencies that she observes in her community. She believes that a commitment to help those who are regarded as less fortunate is a small price to pay. Her commitment in turn inspires others to continue to strive for a better future. Ms. Lum is more than worthy of our recognition today.

HONORING THE 2005 GRADUATES FROM GLOUCESTER COUNTY COLLEGE AND GLOUCESTER COUNTY INSTITUTE OF TECHNOLOGY GED PROGRAMS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. ANDREWS. Mr. Speaker, I rise today to honor the recent graduates from the Gloucester County College and Gloucester County Institute of Technology GED programs. These students have now completed their high school education and earned their diplomas. I commend them for their dedication and hard work, and hope that their education will not end here. Education is a lifelong goal, one that serves to promote the betterment of the individual, and of society. I ask them to read the newspaper; read a novel; write poetry; study current events; talk to friends and family about the issues of the day. Their graduation today is a starting point from which they can grow and learn, and I wish these students all the best in their future endeavors.

The following are the 2005 graduates from the Gloucester County College and Gloucester County Institute of Technology GED Programs:

Anello, Sharon; Bacho, Maria; Booker, Tara Lynn; Boychuck, Laura; Byerly, Kimberly; Childers, Jayne; Conroy, Joseph; Conroy, Margaret; Cook, Christoffer; Cooper, Kimberly; Davis, Damien; D'Costa, Stuart; Devine, Debra; Dobleman, Erik; Doty, Jason; Dozier, Jarrid; Fink, Trisha; Flynn, Tenaya; Ganley, Heather; Goffney, Robert; Gonzalez, Kara and Hale, Michelle.

Hamill, Leah; Harper, Nicole; Harrison, Doreen; Herron, Kimesha; Hilliard, Shawahn; Houseberg, Joyce; James, Shadee; Johnson, Khanyeen; Justis, Helen E.; Karas, Anthony; Karnuk, Christopher J.; Kenyon, Ashley; Kevenaar, Krystle; Lane, Terri; Laramore, Anthony; Livingston, Jason; Long, Todd; Lowe, Bryan; Luongo, Christina; Luton, Karen; McCaughan, Michael; McCloskey, Jeannie and Merideth, Heather.

Moodhard, Shanna; Morrow, Heather; Nickel, James; Paris, David; Patel, Nick; Pettit, Christopher; Pogue, Jason; Quann, Tuana; Rivera, Marielisa; Roundtree, Ajirde; Scolpino, Rachel; Scott, Brittney; Scott, Dante; Seltzer, Christopher; Serock, Christie; Siewert, Jerry; Snyder, Eric; Stepp, Ashley; Uebele, Evan; Velazquez, Flor; Verdinelli, Robert; Williams, Renee and Wilson, Meya.

RECOGNIZING JESSE WEST FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jesse West of Weston, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy

Scouts of America, Troop 249, and in earning the most prestigious award of Eagle Scout. Jesse achieved the rank of Eagle Scout on August 4, 2004.

Jesse has been very active with his troop, participating in many scout activities. Over the many years that Jesse has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

For his Eagle Scout project, Jesse designed and landscaped a "Welcome to Weston" sign at the edge of the school property.

Mr. Speaker, I proudly ask you to join me in commending Jesse West for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING MR. AND MRS. JESSE R. BAXTER, JR.

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. ADERHOLT. Mr. Speaker, I would like to honor Mr. and Mrs. Jesse R. Baxter, Jr. J.R. Baxter, Jr., was born in Lebanon, Alabama on December 8, 1887. Clarice Howard was later born in Henagar, Alabama on October 1, 1897. The two married on June 23, 1918. They shared a commitment to faith and a love for music. Along with V.O. Stamps they founded Stamps-Baxter Music & Printing Company, in 1926. As devoted Christians, they committed their lives to furthering the gospel by setting it to music. Stamps-Baxter Music & Printing Company has played a crucial role in the promotion of gospel music worldwide. Mr. and Mrs. Baxter passed away in January 1959 and May 1972, respectively. However, their contributions to the composition, publishing, and distribution of gospel music are greatly appreciated and will benefit many generations to come. The Baxters were loved and respected by many and leave a legacy of service and humility. It is an honor to know that Mr. and Mrs. Baxter were both born and raised in DeKalb County, Alabama, which I have the privilege of representing as part of Alabama's Fourth Congressional District.

RECOGNIZING THE JAPANESE AMERICAN CULTURAL AND COMMUNITY CENTER

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to recognize the outstanding work of Little Tokyo's Japanese American Cultural and Community Center (JACCC) located in my congressional district. This year, the JACCC is celebrating its 25th anniversary of presenting, propagating, communicating and promoting Japanese American arts and culture.

The JACCC is the realization of a dream of visionary Issei and Nisei (first-generation and second-generation) Japanese American pioneers to create a permanent cultural center for all generations to enjoy. Its beginnings are rooted in the 1971 redevelopment of Little Tokyo, when a citizen's advisory committee made the cultural community center an essential component of a new Little Tokyo.

As one of the leading arts organization in Los Angeles and the nation, the JACCC has successfully introduced Japanese and Japanese American arts and culture to diverse audiences for 25 years.

The JACCC opened its doors in 1980 and was completed in 1983. The five-story Center building houses the George and Sakaye Aratani/Japan America Theatre; the JACCC plaza designed by Isamu Noguchi; the award-winning James Irvine Japanese Garden; the George J. Doizaki Gallery; meeting and conference rooms; and nonprofit community tenant offices.

One of the largest ethnic cultural centers of its kind in the United States, the JACCC has presented throughout the United States over 250 premiers of Japanese art, over 100 premiers of Asian American artists, and more exhibitions of Japanese performing arts than any facility outside Japan. It is the most active facility in the United States for the exhibition of Japanese contemporary design. It is also home to a variety of cultural, educational, and community organizations.

The JACCC also presents annual events celebrating the traditional holidays of New Year's and Children's Day. These celebrations preserve traditions inherited from Japan and define uniquely Japanese American traditions and values to younger generations. To ensure the continuation of the next generation of Japanese American artists and audiences, the JACCC has developed artist-in-residency and artist resource programs, which provide support services such as rehearsal and workshop space.

As part of the JACCC's 25th Anniversary celebration, the Shochiku Grand Kabuki Chikamatsuza troupe will provide four special performances of the Grand Kabuki of Japan. This troupe, based in Osaka, Japan, is led by Living National Treasure Nakamura Ganjiro III and features a cast of 45 actors and musicians. It will be the first full-scale company of the Grand Kabuki to tour the United States in nearly ten years.

I congratulate the JACCC on the occasion of its 25th anniversary, and I commend them for the outstanding work they do to ensure that Angelenos and all Americans benefit from the beautiful Japanese culture and Japanese American history.

RECOGNIZING JARED HILL FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jared Hill of Weston, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and in earning the most prestigious award of Eagle Scout. Jared achieved the rank of Eagle Scout on February 10, 2005.

Jared has been very active with his troop, participating in many scout activities. Over the many years that Jared has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

For his Eagle Scout project, Jared organized the placement of park benches, tables, parking, and landscaping at Weston Bend State Park.

Mr. Speaker, I proudly ask you to join me in commending Jared Hill for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO COLONEL ROBERT J. DEVLIN

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. CRAMER. Mr. Speaker, I rise today to recognize Colonel Robert Devlin upon his retirement from the U.S. Army after more than 24 years of outstanding service to our country.

Colonel Devlin has been assigned to several key military positions throughout his career, which culminated as the Garrison Commander of the Redstone Arsenal located in Huntsville, Alabama. It is in this role that Colonel Devlin helped modernize and strengthen Redstone to better meet the demands and challenges of today's Army.

Colonel Devlin has distinguished himself throughout his military service in many challenging and diverse assignments. Throughout his remarkable career, he has received many medals and awards for his ability to lead by example, encourage excellence from his peers and subordinates, effectively manage the Army's resources, and consistently produce outstanding results. I commend Colonel Devlin for his ability to energize a diverse staff toward a common purpose, setting high goals and inspiring his staff to achieve them.

Mr. Speaker, during Colonel Devlin's tenure in North Alabama, he has been a true partner with our community. His openness, visibility, and willingness to help has done a great deal to bring Redstone and the larger community closer together.

Mr. Speaker, on behalf of the people of North Alabama, I congratulate Colonel Devlin for his 24 years of service to our country.

HONORING KATHY SPOOR, DIRECTOR OF PACIFIC COUNTY PUBLIC HEALTH AND HUMAN SERVICES DEPARTMENT

HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. BAIRD. Mr. Speaker, I rise today to honor Kathy Marie Spoor, Director of Pacific

County Public Health and Human Services Department, for her service in promoting the health of her community. Ms. Spoor was recently recognized as a 2005 Robert Wood Johnson Community Health Leader. This prestigious award goes to only 10 recipients annually, and includes with it a grant of $105,000 to continue her work.

Seeing her grandmother struggle with the effects of childhood polio and losing her mother to a smoking-related illness inspired Ms. Spoor to dedicate her life to preventing and treating illness.

This dedication has led her to serve those who need help the most. Rural Pacific County is one of the poorest regions in the State of Washington. Of its 21,000 residents, close to 10,000 have incomes that are below 250 percent of the federal poverty level. More than 2,000 have no health insurance, and many more are underinsured and have no dental insurance or dental care.

The Health Department offers all of the traditional public health services, from disease surveillance to tracking pregnancy outcomes, but under Spoor's leadership it has extended its work to include HIV and STD testing, family planning, low-cost or free a pharmaceuticals, a host of youth development programs, and even dental care.

Ms. Spoor relies on her background as a registered nurse, a talent for raising funds when budgets are tight, and no small amount on ingenuity to serve the area's residents.

In one instance, Ms. Spoor called in the National Guard to increase access to dental services for local residents. She then convinced one of the National Guard dentists to relocate by finding low-rent space for his practice in a local hospital.

Mr. Speaker, it is for her dedication and indomitable spirit that Ms. Spoor is so deserving of this national award as a Robert Wood Johnson Community Health Leader. It is my honor to recognize her today.

* * *

RECOGNIZING ARTHUR H. SCHNUCK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Arthur H. Schnuck of Cooper County, Missouri. Mr. Schnuck will soon celebrate his 97th birthday.

Arthur H. Schnuck was born on June 22, 1908 on the Schnuck Century Farm known as the "Walnut Range Stock Farm" to Henry E. Schnuck and Ida Vieth Schnuck. The Walnut Range Stock Farm is located in Cooper County, just east of Boonville in Saline Township.

Mr. Schnuck's early schooling took place at a one room school house at Highland. He attended Boonville High School, and after graduating in 1928, he went on to the University of Missouri. While at Mizzou, Mr. Schnuck competed on several judging teams. His main interests were grain farming and cattle. In 1952, Mr. Schnuck won a corn growing contest sponsored by a radio station in Kansas City; he won with 152 bushels of corn on a single acre in the senior division.

Mr. Speaker, I proudly ask you to join me in recognizing Arthur H. Schnuck of Cooper County, Missouri. Mr. Schnuck's livelong dedication to agriculture and his community is remarkable, and his accomplishments are commendable. It is an honor to represent him in the United States Congress. I offer him my warmest regards on this important milestone, and my best wishes for many more birthdays in the future.

* * *

CONGRATULATING THE UNIVERSITY OF WISCONSIN-WHITEWATER MEN'S BASEBALL TEAM

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Ms. BALDWIN. Mr. Speaker, I rise today in recognition of the University of Wisconsin-Whitewater men's baseball team who in a stunning display of athleticism, captured the NCAA Division III national championship. Led by head coach John Vodenlich, the Warhawks capped an extraordinary season by winning their first national championship in school history. UW-Whitewater compiled a 45–7 overall record, the best in school history, and became the first team since 1999 to not lose a single game in the double elimination championship tournament.

UW-Whitewater demonstrated impeccable skill both in the field and at the plate. The pitching duo of Senior Kevin Tomasiewicz and Junior Greg Reinhard led the charge for the Warhawks. Tomasiewicz, who was recently selected by the New York Mets in the 2005 Major League Baseball Draft, garnered MVP honors for the championship series after earning two wins and a save during the Warhawks' four game run. Reinhard, who was also selected in the Draft by the Tampa Bay Devil Rays, earned first-term All-American Honors and was named the Wisconsin Intercollegiate Athletic Conference and ABCA Division III Pitcher of the Year. At the plate, junior designated hitter Eddie Adamson batted a Ted Williams like .417 and set the single season school records for hits, RBIs, runs scored and doubles. The Warhawks also demonstrated their toughness and determination off the field. Outfielder Eric Baldwin earned the WIAC Max Sparger Scholar Athlete of the Year award in honor of his academic excellence.

Winning the title in Grand Chute, just outside of Appleton, Wisconsin, the Warhawks brought tremendous pride for people from all over the great state of Wisconsin. I would like to sincerely congratulate the University of Wisconsin-Whitewater men's baseball team for their remarkable achievements and wish them the best of luck in their quest to repeat as National Champions.

* * *

TRIBUTE TO RETIRING DR. BOBBY PATTON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished career in the field of education will soon come to an end. Dr. Bobby Patton will be retiring from his position as President of Central Missouri State University on June 30 after six years of service to the University.

Dr. Patton received a BA in Speech, Theatre, and English at Texas Christian University, a Masters in Speech and Drama at the University of Kansas, and a Doctorate in Speech Communication at the University of Kansas.

Dr. Patton has had an exceptional career in education for many years. In 1967, Dr. Patton began his educational career at the University of Kansas as the Associate Chair and Acting Chair of the Department of Speech and Drama. In 1972, Dr. Patton continued his career at the University of Kansas as the Chair of the Department of Speech and Drama. In 1980, Dr. Patton was Chair of the Division of Communication and Theatre at the University of Kansas. After his twenty year career with the University of Kansas, Dr. Patton continued his educational career with California State University as the Dean of the School of Arts and Letters. Following his career at California State University, Dr. Patton served as the Vice President for Academic Affairs and Professor of Communication Studies at Wichita State University. In 1999, Dr. Patton continued his educational career as the 13th president of Central Missouri State University.

Mr. Speaker, Dr. Patton has served the field of education for over thirty-eight years. As he prepares for the next stage in his life, I am certain that my colleagues will join me in wishing him all the best.

* * *

RECOGNIZING COMMERCE BANK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Commerce Bank. In a few days, Commerce Bank will receive the Saint Joseph YWCA Women of Excellence Award for Employer of Excellence.

Commerce Bank has worked to make banking an outstanding career choice for women. Since 1986, the business has continually provided opportunities for Saint Joseph women. High achievement is encouraged by Commerce through educational assistance, career training opportunities, and scheduling flexibility. While maintaining their regular work schedules, several female officers and employees have obtained or are currently working toward college degrees. Currently 61 percent of Commerce Bank's employees are women. From Secretary to Senior Vice President, women are entrusted to fill critical positions.

Commerce has also been widely recognized for its commitment to community volunteerism. In the 10-year history of the Commerce Commendation Award, Commerce Bank of Saint Joseph has won the award nine times; five of those awards have gone to female employees. Commerce's female employees are engaged in a wide range of community activities including the Partners in Education program, tutoring school children, and even taking part in the Red Cross Hurricane Relief effort.

Mr. Speaker, I proudly ask you to join me in recognizing Commerce Bank, an exceptional employer in Missouri's Sixth Congressional District that has made banking an outstanding career choice for women. Commerce Bank's commitment to excellence is inspiring, and I am honored to represent so many of its fine employees and officers in the United States Congress.

INTRODUCING THE GAS PRICE SPIKE RELIEF ACT OF 2005

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce legislation that will help ease the effect on consumers and airline passengers if the price of gas spikes dramatically. This bill reduces or refunds federal tax on gasoline and motor fuel when the price of gas spikes dramatically.

My legislation, the Gas Price Spike Relief Act of 2005, temporarily cuts the federal gas tax for consumers by providing a tax refund to retailers if the price of motor or aviation fuel rises 10 percent during the course of a month. When the price of fuel jumps this drastically, the Gas Price Spike Relief Act will reduce the tax on motor and aviation fuel by 4.3 cents/gallon and allow retailers to apply for a refund of this tax, ensuring that this tax relief will not affect any money designated for the repair of highways and roads through the Highway Trust Fund. Providing this relief will spur the reduction of gasoline prices at the pump as well as the price of airline tickets.

This legislation address a growing need to provide relief to average Americans from wildly fluctuating gas prices. For example, from March to April of 2005, the cost to fill up a tank of gas rose by more than 10 percent. That's more than twice the increase for the same period last year! We need to be helping working families out—not abandoning them like Republicans have—when no logical explanation exists for ridiculous gas price spikes.

Mr. Speaker, I urge my colleagues to support this legislation. Gas prices have gotten out of control. This legislation will provide some needed relief while maintaining the gas price stability our Nation needs. I look forward to working with my colleagues and moving this legislation forward.

HONORING OSCAR BROWN, JR.

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Ms. LEE. Mr. Speaker, I rise today to honor one of the artistic and political icons of our time and a longtime personal friend, Oscar Brown, Jr. Throughout his life, Oscar defied convention not only by blurring the lines between art and activism, but by consistently and passionately articulating a message of hope, freedom and equality for all people. Oscar passed away on May 29, 2005, in his hometown of Chicago, Illinois.

A performer from an early age, Oscar was known for acting his songs as much as for singing them. Through the popularity of songs like "Brown Baby" and "Signifyin' Monkey," he became known for his use of art as a way to celebrate African-American culture and to denounce racism.

I met Oscar during the early 1970s in Oakland, California. I was amazed at his profound sense of history, his insight and clarity on the root causes of racism and economic exploitation, and his "bold defiance" of all that was corrupt. He often spoke of his deep love for and dedication to his family. A man of tremendous strength, dignity and sensitivity, Oscar Brown, Jr. was a man for all seasons.

Oscar wrote a number of plays that addressed the issues of cultural politics and social division, and made those expressions even more powerful through his regular inclusion of Chicago youth in their casts. One of his best known plays was "The Great Nitty Gritty," which focused on gang problems in Chicago and featured a number of local teenagers onstage and in the production process.

Oscar remained a cultural force in Chicago throughout his life, and is credited with inspiring or influencing countless artistic careers. His bright spirit touched and improved the lives not only of those he knew and mentored, but of the countless others who found hope, purpose and pride through his work.

I was in Los Angeles on December 4, 2004, and learned that Oscar was performing locally. My spirit led me to go see him perform, not knowing that this would be the last time I would see and hear this great genius. After a magnificent performance, I went backstage and we talked and reminisced, and in his unique way, he gave me his candid critique of the United States government and the critical issues facing us. He was excited when I invited him to be my guest at the upcoming Congressional Black Caucus dinner in September, and again talked about his love for his family.

On June 24, 2005, Oscar's family and friends will gather to celebrate his extraordinary life. Oscar was a visionary thinker, a cultural legend, and political guru. My life, like the lives of many, has been enriched by my friend: the great, the magnificent, Oscar Brown, Jr. He will be deeply missed.

HONORING THE SERVICE OF KAREN C. BROOKE

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Ms. HARMAN. Mr. Speaker, perhaps the only good thing to come out of Congressman Max Sandlin's defeat in the November election was that it brought his long-time staffer Karen Brooke to the Intelligence Committee as Minority Executive Assistant—where her good humor, good will and remarkable institutional knowledge were instant assets.

Much to our dismay, Karen has decided to retire after 30 years of loyal and dedicated service to the U.S. government, the House, and most recently, to the Committee.

Except for a year at the State Department, Karen's entire career has been spent in the Legislative Branch working for four different Members from four different parts of the country until joining the Committee staff. She is a pleasure to be around, and everyone has benefitted from her professionalism, efficiency, her meticulous approach to every task, and her ability to make it all look so easy.

Through it all, Karen Brooke has somehow found the time to dote on her wonderful husband John, and together they have raised two great children—daughter Adrienne and son Anthony. On behalf of the Members and staff of the House Permanent Select Committee on Intelligence, I extend our congratulations and wish her and her family the very best as they begin this new, exciting chapter of life.

RECOGNIZING JEANNE DAFFRON, PH.D.

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jeanne Daffron Ph.D. Dr. Daffron is Assistant Vice President for Academic and Student Affairs at Missouri Western State College in Saint Joseph, Missouri and in a few days will receive the Saint Joseph YWCA Women of Excellence Award for Women in the Workplace.

Dr. Daffron received her undergraduate degree and doctorate in nursing from Texas Woman's University. For nineteen years she served as a faculty member in the nursing department at Missouri Western, and later served as chair of the department and Dean of Professional Studies for seven years. Recently, Dr. Daffron was appointed Assistant Vice President of Academic and Student Affairs. She is a member of the International Honor Society of Nursing, as well as the Missouri Nurse Association. In 1999, she was recognized by her alma mater as one of its "Distinguished Alumna." In 2004, Dr. Daffron was selected by students as the "Outstanding Honors Program Faculty Member."

In addition to her career at Missouri Western, Dr. Daffron has served in a number of leadership positions throughout the greater

Saint Joseph community. She currently serves on the Board of Directors for Heartland Regional Medical Center Foundation, Leadership Northwest Missouri, and Junior Achievement, and served as only the second female chair of the Saint Joseph Area Chamber of Commerce. Dr. Daffron is also Co-Chair of the Higher Education Division for the United Way, and is a member of the Saint Joseph Community Plan Board. She was appointed by Governor Blunt to a three-year term on the State of Missouri Life Science Research Board as well.

Mr. Speaker, I proudly ask you to join me in recognizing Jeanne Daffron, Ph.D. Her commitment to Saint Joseph exemplifies the qualities of service and dedication. I am honored to represent her in the United States Congress.

HONORING THE EFFORTS OF FLICK SEED COMPANY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. SKELTON. Mr. Speaker, it has come to my attention that the Flick Seed Company, Kingsville, MO, has received an Honorable Mention award from Region Seven of the Environmental Protection Agency. This is the second time in as many years that Flick Seed has been recognized for its environmental awareness.

Since Steve Flick founded Flick Seed more than twenty years ago, he and his company have worked with state, municipal, and federal agencies, as well as private businesses to restore the original ecosystems that once covered Missouri and the rest of the Midwest. Steve is a graduate of the University of Missouri at Columbia and has put his agriculture degree to good use with the founding of Flick Seed Incorporated.

Flick Seed has worked tirelessly to keep seed waste out of the landfills. They have done this by combining seed waste with office paper waste and creating pellets that are used in pellet burning stoves. This work has not only kept our landfills from becoming full of seed waste, but it has provided a unique and innovative form of renewable energy.

I know that my fellow House members will join me in congratulating Flick Seed Company for its recognition by the Environmental Protection Agency.

TRIBUTE TO JUDY SCHNEIDER

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. VAN HOLLEN. Mr. Speaker, it is with great pleasure that I rise to commend one of my constituents, Judy Schneider, on receiving the Women in Government Relations 2004 Distinguished Member Award.

Ms. Schneider is a specialist on Congress at the Congressional Research Service (CRS), a department of the Library of Congress, and an adjunct scholar at The Brookings Institution. She worked previously for Senate and House committees, including the Senate Select Committee to Study the Senate Committee System. Ms. Schneider is a frequent speaker and lecturer on Congress and legislative procedures. She holds a bachelor's and master's degree from The American University. Ms. Schneider is also co-author of the Congressional Deskbook, a comprehensive resource tool frequently used by Congress and Lobbyists.

Ms. Schneider is well known on Capitol Hill by Members of Congress, staff, lobbyists and others as "The person" for information on numerous topics including House, Senate and Committee Procedure.

Ms. Schneider has been a long time friend of WGR. Valuing Ms. Schneider's dedication and support for the organization, she was granted Emeritus Member status in 2004. Emeritus Membership status is reserved for women who have displayed an exceptional commitment to helping other women succeed in the field of government relations, and who have also achieved notable personal success in that endeavor. Previously, only Members of Congress have been awarded this honor.

Judy is a dedicated public servant who is committed to making a difference in the lives of others. I am proud to represent her in the U.S. Congress and to have the benefit of her wisdom, insights and experience.

I commend Judy Schneider on her accomplishments and wish her continued success in the years ahead.

RECOGNIZING BAR MITZVAH OF CHARLIE DANN

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. RYAN of Ohio. Mr. Speaker, I rise today in recognition of the Bar Mitzvah of Charlie Dann, on June 4, 2005. Here is Charlie's speech entitled "Memory is Powerful."

There were many, especially some of my former Hebrew teachers, who would have doubted my commitment to Judaic and Hebrew studies.

At times, to be honest, I've doubted myself.

But I stand here today honored to join in a tradition that has meant something to so many in our world, our community and our family. And means so much to me. I am still not sure of exactly who I am in a large context, but I continue working on that with the help of so many.

Thank you Rabbi Schonberger. And thank you Mrs. Kessler. And thank you Mr. Zevor and thank you Mr. Zaltsman and yes, thank you Mr. Grabiner and thank you Mrs. Schonberger. More thank you's later.

Now I want to talk about why I decided to go ahead with a Bar Mitzvah.

For those of you who know my parents, you probably realize that they did not force me to go through with this Bar Mitzvah. It was my choice.

I chose to do this for many reasons. But many of them center around five men and five women. Four of the men aren't here in a physical sense. And two of the women aren't here either. So, now before I explain more, I'd like to ask my grandfather Bentley Lenhoff to stand. Next, I'd like my great-grandmother, Eva Dann to stand. Now my grandmothers, Hope Ellis, Michelle Dann, and Nancy Lenhoff and even though she denies it, I'd also like Barbie Hodros to stand as she too has been a grandmother to me. Thank you for everything that you've taught me and thank you for loving me and believing in me.

Now I will explain more.

The men that can't be here today—those that I knew and one that I never met—have given me an incredible legacy. Phil Arian, Stuart Dann, Julie Dann, Dean Cribbs and the men after whom I'm named, Charlie Lenhoff and Phil Oxman, valued tradition and doing the right things in life. None of them led a conventional life. But their lives have taught me the importance of being connected to a larger community and of making contributions to the family.

And my great-grandmothers—Jessie Gorsline and Bess Lawrence Oxman—you were real pioneers in life. From you, I have been given drive and determination. I sometimes wish I had more of your scholarly dedication. But perhaps that will come in time. Like my grandfathers and great-grandfathers, you also valued community and being connected to larger goals that extended beyond your own universes.

I stand up here today to pay tribute to my family, of course. And to Rabbi Schonberger who suffered through my occasional—OK frequent—obstinence and poor study habits. And I would be remiss not to thank my mom and dad, Alyssa Lenhoff and Marc Dann. And my aunts and uncles, Frank and Maddy Joseph, Ken and Marilyn Steinback, Kathy and Robert Leb, Scott and Priscilla Dann, Dan and Nan Arian, Mark and Ellen Arian and Lyndean and Myron Brick and my wonderful cousins—all of you—the little ones and the big ones—Big Emily, Meg, Robin, Amanda, Sylvie, Benji, Molly, Harte, little Emily, Mickey, Jillian, Jordan, and Jackson.

And there are two others who I must mention—my sisters, Mavilya, Mia—who is studying somewhere in Italy or at least that's what she told her mom. Dr. Gulnara Tarpe who is a lot like a second mom to me as well. And of course my younger sister, Jessie—Pishur to me. I love you.

But I also stand up her to talk about my thoughts about our community—the Mahoning Valley.

I'm a politician's son. You didn't expect me to be brief, did you?

I believe our community is at a crossroads and I further believe that we—as individuals—have the power to determine its future.

As a graduate of Akiva Academy, it is painful for me to see the school suffer enrollment declines year after year after year. It is even more painful to drive to downtown Youngstown or over to Girard and see the remnants of what once was. It makes me sad to think of how we—as a community—have allowed our economy and our population to decline.

Of course I realize that the steel mills can't come back. And I realize that there is no magic bullet for the economic development problems that plague our community.

But I truly believe that some of our problems could be cured with a little bit of the ideas that are presented in today's Torah portion.

Today's Torah portion talks about a census—counting people.

Counting people involves more than just lining them up and ticking off numbers.

Surveying the population of a town, a community, a state or a nation is something that is critically important as the Torah portion explains. But when you count them, it is important to realize the value inherent in every human being. We are more than numbers. I think this message is extremely important to us as a community and can help us better address the problems that we face.

For too long, we have been intimidated by the declining census. We have allowed ourselves to believe that we are on a slippery slope down because our population has fallen.

If we do what the Torah portion seems to advise and count people as more than just numbers, our census will swell to incredible proportions. We will see that among us are people of immense talent and incredible energy and great values. We will see that our census is among the best in the Nation.

I am ready to join the community and to help so many of you who have been working so diligently to preserve what's left and to try to recapture what once was. I will join as a person of a lot of energy, a lot of creativity and a great deal of dedication to the values and morals that we as Jews have inherited from the prophets. I believe in honesty. I believe in hard work. I believe in compassion. I believe in solving and not creating problems. I am sure of all of this. But other questions still linger for me. What will I be? A politician? Perhaps. A football player? Doubtful. A journalist? Maybe. What I do know for certain is that—guided by my faith as a Jew—I will be a good person. I will be a person who knows right from wrong and who practices it. And, I will be a person who thinks and who cares and who draws on faith, memory and tradition in daily life.

We can't forget who we are. We can't forget what we were. We can't lose sight of what we could be.

Memory is powerful.

And they say, past can be prologue. It is up to us to decide which past we choose.

A TRIBUTE TO YOLANDE I. NICHOLSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. TOWNS. Mr. Speaker, I rise today in recognition of the accomplishments of Yolande I. Nicholson.

Ms. Nicholson obtained a Bachelor of Arts in Political Science and Bachelor of Fine Arts in Journalism at Southern Methodist University in Dallas, Texas. Then she earned a Juris Doctor from Columbia University School of Law, where she was actively involved in the Columbia Journal of Transnational Law. As a student, she received the Harry S. Truman Congressional scholarship, George B. Dealy Journalism Award, and a Distinction in Political Theory for academic excellence. In 1994, she received the Mayoral Special Achievement Award for commitment to economic development projects involving small businesses and entrepreneurial activities in New York City.

Ms. Nicholson began her admirable career as a legal assistant at Bozeman & Trott, P.C. in Mount Vernon, New York, and subsequently held executive roles in several prominent financial institutions, including Vice President and Transaction Execution Manager at J.P. Morgan Securities Inc. and Vice President and Assistant General Counsel at Chase Manhattan Bank. She now holds the position of Executive Vice President and General Counsel at the Bedford-Stuyvesant Restoration Corporation in Brooklyn, where she has served since June 2004.

Ms. Nicholson has continually shared her talents and experience to help others. Therefore, Mr. Speaker, I proudly recognize Ms. Yolande I. Nicholson, an asset to the community.

IN SUPPORT OF MAIN STREET AMERICAN SMALL BUSINESSES

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. FARR. Mr. Speaker, I rise in strong support of robust funding for two important Small Business Administration programs: the 7(a) Lending Program and the Microloan program.

Small business owners take huge risks to try to realize their dreams of owning their own business which fuel U.S. economic growth. If we want a strong economy and a business environment that encourages this entrepreneurial spirit, the federal government needs to give small business the economic tools to be successful. That tool is the 7(a) program that was created to provide capital to small business owners unable to access traditional financing. Through this program, more capital has been made available for small business investment that has helped grow the economy. Companies who participate in the 7(a) program account for approximately 75 percent of the net new jobs added to the economy! Funding the 7(a) program at $79 million is an investment in Main Street, USA.

The Microloan Program is another excellent SBA program that creates jobs on Main Street. This program provides loans to low- and moderate-income entrepreneurs that are not served by private sector banks or the 7(a) loan program. One example of the benefits of the SBA Microloan program is the California Coastal Rural Development Corporation (Cal Coastal) in my district, which has made microloans totaling $2,775,000 since 1998. With the loan and technical assistance financing provided by the SBA Microloan Program, Cal Coastal has financed more than 153 businesses with an average loan of $18,000. Cal Coastal is just one example of the excellent work being done by non-profit intermediaries throughout our state and across the country. Fully funding the SBA Microloan program is a smart business investment for Main Street.

DR–CAFTA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. KUCINICH. Mr. Speaker, on Wednesdy, June 15, 2005, I issued the following statement during a press conference on how the Dominican Republic-Central American Free Trade Agreement (DR–CAFTA) will be harmful to minorities and would like to submit it for the CONGRESSIONAL RECORD.

Today I am here to join my colleagues to reject the current text of DR–CAFTA and insist on the renegotiation of DR-CAFTA. Many sectors of society in some form or another will be negatively impacted by DR-CAFTA, but today I'd like to highlight how DR-CAFTA will be harmful to unions, and especially minority unionists. We have seen the detrimental effects of the NAFTA-model on unions. After NAFTA's signing, the rate of union-busting factory owners following through on threats to close plants tripled. Union busting will only increase with DR-CAFTA, which will affect all unionists, but particularly minorities, who are more likely to be in unions than the population at large. Minority communities have lower median wages and higher unemployment rates, and the benefits of union membership are greater than for non-minority workers. Unionized African-American, Asian-American and Latino workers all make substantially higher wages than their non-union counterparts. Furthermore, the difference in wages between union and non-union workers is much greater for minorities than for average union workers. For example, while average union workers make 28 percent more than their non-union counterparts, unionized Latino workers, for example, make 59 percent more than their nonunion counterparts.

Unions have played a significant role in making America a more just and equitable place for all. They helped to establish the middle class, making the "American dream" a reality for many workers and their families. Before the successes of the civil rights movement were marked by law, unions helped to provide freedom from discrimination in the workplace for minority workers and to integrate minority populations into the greater population. Sadly, trade agreements following the NAFTA model will weaken unions, and the benefits of unions guaranteed to minority workers.

When DR–CAFTA comes before Congress for a vote, I will urge my colleagues to oppose this unfair agreement, and send it back for renegotiation. Trade between nations does not and should not have to lead to such negative consequences.

SALUTING SERVICE ACADEMY STUDENTS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a tremendous honor to salute our soldiers of tomorrow—the service academy bound students of the Third District of the Texas. This district of Texas is home to some of the best and the brightest young people.

I'm truly confident that they are ready to join the premier military force of the world. It is a privilege to send such fine young people on to our Nation's prestigious service academies.

We lift them and their families up in prayer for their future service and sacrifices. I am so very proud of them.

God bless them and God bless America. I salute them.

The appointees and their hometowns follow.

THIRD CONGRESSIONAL DISTRICT SERVICE ACADEMY APPOINTMENTS

United States Military Academy—Morgan Peterson—Plano, Texas—Plano Senior High School; Jessica Shurtz—Parker, Texas—Plano East Senior High School; Chris Villarreal—Allen, Texas—Allen High School.

United States Naval Academy—Douglas McDonald—Plano, Texas—Plano East Senior High School; Andrew Treat—Dallas, Texas—Trinity Christian Academy.

United States Air Force Academy—Mitchell Himes—Lucas, Texas—Allen High School; Benaiah Lozano—Garland, Texas—Garland High School; John Schrader—Murphy, Texas—Plano East Senior High School; Mitchell Woods—Lucas, Texas—Allen High School.

United States Merchant Marine Academy—Donald Finnie—Wylie, Texas—Wylie High School.

A TRIBUTE TO JAMES T. CONOLLY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. TOWNS. Mr. Speaker, I rise today in recognition of a Brooklynite and distinguished public servant, James T. Conolly. It is an honor to represent Mr. Conolly in the House of Representatives and it behooves us to pay tribute to such an outstanding leader.

Mr. Speaker, Mr. Conolly obtained his bachelor's degree at the City University of New York. He subsequently pursued a career in public service, where he dedicated several years to assisting and leading others.

Mr. Conolly has demonstrated exemplary leadership and devotion to the community as the Executive Director of Alternative Sentencing in the Office of the Brooklyn District Attorney and Director of the Work Experience Program for the New York City Human Resources Administration under Mayor Giuliani. In conjunction with the late honorable Shirley Chisholm, he co-founded the Mid-Brooklyn Civic Association. In addition, Mr. Conolly was the first black man to be elected as District leader in the 42nd Assembly District, which included the Flatbush area of Brooklyn. He is continuing his ongoing commitment to the Brooklyn community through his activity as Deputy Commissioner for the New York City Human Resources Administration.

Mr. Speaker, I believe that it is incumbent upon this body to recognize the achievements and selfless service of Mr. Conolly as he continues to offer his talents and philanthropic services for the betterment of the community.

Mr. Speaker, Mr. James T. Conolly has continuously demonstrated his altruistic dedication to the community that makes him more than worthy of our recognition today.

IN HONOR OF MR. VICTOR GHIO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. FARR. I rise today to honor the life of Victor Ghio, an influential member of the Santa Cruz community. He passed away on March 31, 2005 at age 88 and is survived by his brother, Johnnie M. Ghio; his sisters, Victoria Gemignani, Mary Marsalisi, and Gloria Della Mora; and numerous nieces, nephews, grandnieces, and grandnephews. Mr. Ghio is most notable as a local legend and a vital link to the city's storied Italian fishing colony.

Mr. Ghio was born on August 20, 1916 in Santa Cruz, California. Following the footsteps of his grandfather and father, Mr. Ohio learned to fish around the age of 8. Shortly after graduating from high school, he went into the family business. However, when World War II broke out, he enlisted, and spent a decade in the service. Mr. Ghio earned the prestigious award of a Purple Heart for his assistance in the war effort.

Mr. Ghio spent more than 60 seasons fishing the Monterey Bay area on his 30-foot boat, Catherina G., named after his beloved mother. Just shortly before his death, Mr. Ghio was still buying fishing equipment to get ready for the season's commercial salmon season. The ocean was evidently his world in which he could live as a free spirit, away from the bustle of the city.

Mr. Speaker, I am joined by Mr. Ghio's family and friends in honoring his life and contributions to the community. He will be remembered by his positive spirit and a wonderful outlook on life. Mr. Ghio's service will be truly missed.

VENEZUELAN RESOLUTION REGARDING TERRORIST LUIS POSADA CARRILES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. KUCINICH. Mr. Speaker, I would like to submit the following for the CONGRESSIONAL RECORD. On Wednesday, June 15, 2005, Representative DENNIS KUCINICH met with legislators from Venezuela who presented him with a resolution that passed in the Venezuelan legislative assembly regarding the terrorist Luis Posada Carriles. The following is a translation of that resolution.

Non Official Translation

THE NATIONAL ASSEMBLY OF THE BOLIVARIAN REPUBLIC OF VENEZUELA—RESOLUTION EXPRESSING SUPPORT FOR THE DECISION OF THE SUPREME TRIBUNAL OF JUSTICE REQUESTING THE EXTRADITION OF LUIS POSADA CARRILES

CONSIDERING

That on October 6, 1976, a Cubana de Aviacion airplane was victim of an abominable terrorist act over the island of Barbados, exploding in mid-air and resulting in the death of its passengers and crew;

CONSIDERING

That among the victims were 57 Cuban nationals, 24 of which were members of the Cuban National Fencing Team who had recently emerged victorious in the Fencing Championships of Central America and the Caribbean, held in Caracas, Venezuela; alongside 11 Guyanese students and 5 Korean students;

CONSIDERING

That material responsibility for the condemnable terrorist act was linked to Venezuelan nationals Heman Ricardo and Freddy Lugo, and that a consequent investigation determined that the sinister plan was hatched in Caracas, under the direction of Orlando Bosch and Luis Posada Carriles, a Cuban-Venezuelan, who from 1967 served in an official capacity in various police forces, including as the Chief of the Explosives Brigade of the Division of Intelligence and Prevention Services (DISIP), known by the alias "Commissar Basilio;"

CONSIDERING

That the commission of this crime affected traditional relations between the countries linked to the events, and could have resulted in international political conflicts;

CONSIDERING

That joint actions by state authorities in Cuba and Venezuela allowed judicial officials to prosecute and sanction those responsible for such actions;

CONSIDERING

That the terrorist Luis Posada Carriles avoided being brought to justice on numerous occasions and often with the use of violence, escaping from various Venezuelan prisons, most notably his escape from the San Juan de los Morros Prison on August 18, 1985;

CONSIDERING

That having detected that the terrorist fugitive Luis Posada Carriles had been detained in the Republic of Panama, accused and convicted of planning a new terrorist attack against the President of the Republic of Cuba, Fidel Castro, the Government of the Bolivarian Republic of Venezuela requested his extradition pursuant to a decision of the Chamber of Penal Cassation of the Supreme Tribunal of Justice;

CONSIDERING

That said request was denied by the Government of Panama under the presidency of Mireya Moscoso, who reprieved Luis Posada Carriles, effectively ignoring the Extradition Treaty between the two countries and provoking international condemnation;

CONSIDERING

That terrorist attacks constitute crimes against humanity that can cause social commotion and must be punished by the competent authorities in any country in the world;

CONSIDERING

That the families of the victims and their respective countrymen await that justice be done for these abhorrent terrorist acts.

AGREES

First: To express support for the decision of the Supreme Tribunal of Justice which, in a sovereign, autonomous, and independent decision, dictated the issuance of an extradition request for the terrorist Luis Posada Carriles to the Government of the United States of America.

Second: To ratify the National Assembly's repudiation and condemnation of this abominable terrorist act, just as the repudiation and condemnation of similar acts that occur anywhere else in the world.

Third: To ratify the National Assembly's repudiation of the conduct of the Republic of Panama's former president, Mireya Moscoso, who in reprieving the terrorist Luis Posada Carriles violated the terms of the Extradition Treaty in force between Panama and Venezuela.

Fourth: To request that the Government of the United States of America provide information as to whether Luis Posada Carriles is within its territory, and if so, to provide for his immediate extradition.

Fifth: To encourage the Organization of American States, the United Nations, and the international community coordinate efforts to capture and extradite one of the most dangerous terrorists in the history of Latin America and the Caribbean.

Sixth: To request that the Congress of the United States of America ratify their absolute rejection of terrorism and their conviction to fight it.

Seventh: To deliver copies of this legislation to the diplomatic representatives in Venezuela of Cuba, Guyana, Barbados, South Korea, Panama, and the United States of America.

Eighth: To publicize said legislation.

Ratified and signed in the Federal Legislative Palace, headquarters of the National Assembly, in Caracas, Venezuela, on the fifth day of May of the year 2005, year 195 of Venezuelan independence and year 146 of the federation.

NICOLÁS MADURO MOROS,
President.
RICARDO GUTIÉRREZ,
First Vice-President.
PEDRO CARREÑO,
Second Vice-President.
IVÁN ZERPA GUERRERO,
Secretary.
JOSÉ GREGORIO VIANA,
Assistant Secretary

CONGRATULATING THE AMERICAN TRACT SOCIETY ON ITS 180TH ANNIVERSARY

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. SAM JOHNSON of Texas. Mr. Speaker, this year the American Tract Society is celebrating the 180th Anniversary of its founding in 1825. There is no doubt that the American Tract Society has played a pivotal role in advancing Christian family values in this country. Not only does American Tract Society have a widespread and profound impact on the current moral climate of the United States, but its tracts deliver a message of hope worldwide.

The American Tract Society was founded to address the need for solid Biblical teaching and evangelism in the wide-open, ever-expanding Western frontier of our country. Too often, frontier families found themselves without any access to a church and without vital Christian fellowship. The Society was born out of this profound need and quickly became the largest publishing house in the United States, publishing around 8 million pieces in 1860.

The American Tract Society has continued to grow and evolve based on the changing world around it. While the society holds steadfastly to the timeless and unchanging quality of Christ's Gospel message, they recognize the need to remain relevant in their medium to maximize the impact.

And so in this Anniversary year, I congratulate the American Tract Society and challenge them to continue spreading God's message of salvation to a world that desperately needs it.

TRIBUTE TO CHARLES E. SIMPSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. TOWNS. Mr. Speaker, I rise today in recognition of a Brooklynite and distinguished lawyer, Charles E. Simpson. It is an honor to represent Mr. Simpson in the House of Representatives and it behooves us to pay tribute to such an outstanding leader.

Mr. Speaker, Mr. Simpson received his Bachelor of Arts degree in 1974, graduating magna cum laude from Pepperdine University and named a Martin Luther King, Jr. Fellow. He subsequently obtained his Juris Doctor from Harvard University in 1978. Before completing his undergraduate studies, Mr. Simpson dedicated three years of service to the United States Air Force. As a lawyer, Mr. Simpson often represents debtors and creditors in Chapter 11 Reorganization cases. He is currently a partner of Windels Marx Lane & Mittendorf, LLP, and chairs the firm's Bankruptcy, Creditors' Rights and Workouts Practice Group, and is a member of the Corporate and Securities, Litigation and Alternative Dispute Resolution, and Real Estate Practice Groups.

Mr. Simpson has served as counsel to me since 1981. He also acted as outside counsel to the Brooklyn Navy Yard Development Corporation from 1983 through 1996. Mr. Simpson engaged in several philanthropic activities and demonstrated true dedication by serving on the Board of Directors of the Brooklyn Children's Museum, the Brooklyn Red Cross, and the Queens Society for the Prevention of Cruelty to Children, as well as acting as Brooklyn's representative on the Board of Directors of the New York City Public Development Corporation. He was also active as a member of the Brooklyn Area Council of Boy Scouts of America and the New York State Bar Association's Committee on Minorities in the Profession.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments and selfless service of Mr. Simpson as he continues to offer his talents and philanthropic services for the betterment of the community.

Mr. Speaker, Mr. Charles E. Simpson has continuously demonstrated his altruistic dedication to the community that makes him more than worthy of our recognition today.

IN MEMORY OF MR. FRANK LICHTANSKI

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. FARR. Mr. Speaker, I rise today to honor the life of a great public servant for Monterey County, California. Frank J. Lichtanski passed away on June 9, 2005 in his home in Del Rey Oaks, California after a battle with cancer.

Frank was passionate about all modes of transportation, and particularly buses, for more than 31 years. At age 23, he worked as a bus driver for Monterey-Salinas Transit, beginning what would become an illustrious career. After six years, Frank became general manager, and in 1982 he became Monterey-Salinas Transit's Chief Executive Officer. In his 31 years of service with MST, Frank turned a fledgling bus service with only nine buses and twenty employees into a thriving public transit system. Today, Monterey-Salinas Transit provides public transit service in Monterey, Santa Clara and Santa Cruz counties and carries 4.8 million passengers each year. Each time Frank came to Washington, D.C., he marveled at the Metro system and how Union Station had developed as a commercial center with transportation as the anchor for restaurants and entertainment. He took that inspiration and figured out how a public transit station could benefit Monterey County. The City of Marina is the northern gateway to the Monterey Peninsula. Frank's vision grew to become the Marina Transit Station, situated at the west end of a major corridor between the coastal communities and the inland communities of Monterey County. The Marina Transit Station is a multimodal connection serving transit and over-the-road buses, as well as automobile passengers, taxis, and bicyclists. It will serve as the anchor for economic development in a part of the county that had lost its commercial businesses when the former Fort Ord military base closed.

He was a regional leader in implementing Intelligent Transportation Systems that include visual tracking of buses through enhanced communication systems, automated voice announcements to ensure compliance with ADA, and visual displays at transit centers to provide passengers with real time bus arrivals and departures. Frank understood that technology improvements alone would not improve ridership and championed the purchase of new fuel efficient buses. Always a creative problem solver, Frank fought for and won FTA approval to leverage the purchase of three buses into a financing package of 46 new buses to respond to 10 percent annual growth in ridership.

Frank amassed a collection of train and bus schedules dating back to the early 1900s, and I am talking to officials at the Smithsonian Institution about the possibility of a display of Frank's memorabilia. Being passionate about all modes of transportation, Frank personally traveled to 34 countries and inspected more than 180 transit systems, always searching for ideas to improve public transit on the Central Coast.

The residents of Del Ray Oaks, Monterey County and the Central Coast mourn the passing of Frank Lichtanski and join me in expressing our heartfelt condolences to Frank's wife, Pam; his daughter, Erin; and sisters Jeannie Stopa and Fran Stauff, and to the MST family to whom Frank devoted his stellar career.

HONORING SIR FERNANDO MUY

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. HONDA. Mr. Speaker, I rise today with my colleagues in the Congressional Asian Pacific American Caucus to honor the contributions and achievements of Sir Fernando Muy on his recent passing. Sir Muy was an entrepreneur, friend, community volunteer, husband, father, grandfather, and great grandfather. Sir Muy made an impact to each person he came in contact with and left them with compassion, patience, and generosity.

I had the honor of meeting Sir Muy at a community gathering at the On Leong Chinese Community Center last July. I learned that he was a kind and caring man who took interest in helping others. He was a man who pushed for the rights of Chinese both in the U.S. and internationally.

The title "Sir" was bestowed upon Fernando Muy by the 25th Knight of the Imperial Byzantine Order of the Star of Asia, by H.I.R.H. Prince Henri Constantine III the current leader of Byzantine Dynasty of the Eastern Roman Empire. His title was placed upon him for his outstanding accomplishments in making great contributions to the public charity, culture, and his promotion of world peace. Other such winners of this award include President Harry Truman and John Glenn.

Since he had been oppressed by two Communist regimes in China and in Cuba, Sir Muy was a staunch opponent of Communism. With a sound financial foundation behind him, the retired entrepreneur decided to become active in the community. Sir Muy's contributions and tireless advocacy work helped make it possible for Chinese immigrants to have the rights they have today. He advocated and encouraged all immigrants to become citizens, to register to vote so as to exercise their duty and power as citizens.

Sir Muy worked tirelessly to reduce the tension between China and Taiwan by traveling to both countries to encourage on-going dialogue between the two sides. In Miami, his place of residence, he continued his personal commitment to the community by establishing the following organizations in Miami: Chinese Welfare Council in 1978, World Kwong Tung Community Association in 1991, Florida Chinese Federation in 1993 and Overseas Chinese Association in 2000. He also helped with the creation of the following: Chinese American Benevolent Association in 1956, Organization of Chinese Americans—South Florida Chapter in 1987, and United Chinese Association of Florida in 2003.

Sir Muy accepted the position of the National President of Overseas Chinese Association in 2000. He wanted to revitalize an inactive ten-year-old organization with only one chapter in the country of Macao. In order to make an international impact, he decided to stay in Taiwan. The mission of OCA is to unite all overseas Chinese worldwide, to promote harmony by using Founding Father Dr. Sun Yat-San's "Three People's Principles"; preserve the Chinese heritage, and encourage members to actively participate in local civil affairs for equality, and advancement of Chinese.

Sir Fernando Muy will be remembered as a great philanthropist, a successful entrepreneur, a caring father and grandfather. Most of all, he will be remembered for his philanthropy and chivalry's spirit of justice, his commitment to advocate for the welfare and advancement of Chinese worldwide, and the promotion of the Chinese culture.

TRIBUTE TO GENERAL DONALD G. COOK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. SKELTON. Mr. Speaker, let me take this opportunity to honor General Donald Cook, United States Air Force, for his 36 years of dedicated service.

During the past 36 years, General Cook has served in the Air Force with honor and distinction. He's a command pilot with over 3,300 hours. The general has commanded a flying training wing, two space wings, and the 20th Air Force—a real tribute to his leadership capabilities.

General Cook has been the commander of Air Education and Training Command since December 9th, 2001. This command includes the Air Force Recruiting Service, two numbered air forces, Air University and consists of 15 wings, more than 66,000 active-duty members and 15,000 civilians. As commander of the Air Force University, General Cook was responsible for recruiting, training and educating Airmen to sustain the combat capability of the Air Force.

On a personal note, I have known General Cook and his wife Diane for a number of years. They and their family members are outstanding Americans who have dedicated a great deal of time and energy to public service. General Cook worked in my office for a year, working with me to formulate legislation on professional military education. Through the years, I have seen Don grow into a superb military leader.

I know the members of the House will join me in Honoring General Cook and in wishing his family and him all the best in the years to come.

A TRIBUTE TO DR. TERRY E. GRANT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. TOWNS. Mr. Speaker, I rise today in recognition of a distinguished member of the healthcare profession and Brooklynite, Dr. Terry E. Grant.

Dr. Grant is the Chief Executive Officer of Gentle Dental, which offers cosmetic and general dentistry, and which serves nursing homes and assisted living facilities. He has also been active as a Chief Division of Geriatric Dentistry at several universities and medical centers. Through dentistry he has conducted various efforts to improve the health of his community.

Dr. Grant's efforts include establishing base line data to track children and families in need of dental services, providing free dental service in his private office to children and families of the working poor and uninsured. He has also developed strategies to improve the overall healthcare of children in his community, including contacting the national dentifrice companies and soliciting their support. Most notably, he has spearheaded a community-based preventive children's dentistry program. The program provides free toothbrushes, fluoride toothpaste, and preventive dentistry lectures to children in conjunction with the Nassau County Dental Society for Children Dental Health month.

Mr. Speaker, it behooves us to pay tribute to the achievements and service of Dr. Grant. May our country continue to benefit from the selfless endeavors of individuals, such as Dr. Terry E. Grant.

CELEBRATING 40TH ANNIVERSARY OF LANDMARK U.S. SUPREME COURT DECISION IN GRISWOLD V. CONNECTICUT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Ms. SLAUGHTER. Mr. Speaker, I rise today to celebrate the 40th anniversary of the landmark U.S. Supreme Court decision in Griswold v. Connecticut. This decision served as the foundation for improvements in women's reproductive health, felt even to this day.

It is difficult to believe that just 40 years ago, it was actually illegal for American women to use birth control. But as late as 1965, 30 states still had laws prohibiting or restricting the sale and use of contraception.

The case of Griswold v. Connecticut involved Estelle Griswold, the Executive Director of the Planned Parenthood League of Connecticut, and the League's Medical Director, Dr. C. Lee Buxton. Ms. Griswold and Dr. Buxton were arrested and convicted under Connecticut's 1879 law forbidding the use of contraception or assisting anyone seeking contraception. They challenged this law—ultimately fighting their case all the way to our Nation's highest court. And, on June 7th 1965, the U.S. Supreme Court invalidated the Connecticut law, opening the door for nationwide counseling and use of contraception.

Griswold v. Connecticut paved the way for future decisions regarding a women's right to reproductive health and privacy—including the 1972 U.S. Supreme Court decision that extended the right to access contraception to unmarried women.

Why was Griswold v. Connecticut so important? Well, consider the fact that in 1965, 45 percent of births to married women were unintentional. But, today, only 14 percent of births to married women occur sooner that planned. In 1965, only 38 percent of women used some form of birth control. Today, nearly 70 percent of women do.

With good cause, a recent poll shows that 80 percent of Americans strongly support women having access to contraception. With newfound ability to control how many children to have and when, women have been able to achieve educational and professional goals that before 1965 were extremely difficult. Access to contraception has dramatically changed women's health, giving them dignity and control over their lives and their futures. Control over their own bodies has also contributed to reductions in maternal and infant mortality through better birth spacing and better health status. Because of contraception, couples can decide when they are financially and emotionally ready to start a family. So children are born into families that are ready and able to fully care for them.

Access and use of birth control are essential components of basic preventative health care for women across the U.S. and has successfully helped reduce national rates of unintended pregnancies.

And, who would have predicted in 1965, that the Centers for Disease Control and Prevention would recognize the significant impact of birth control on American society? But they did. In 1999, the CDC included family planning in their list of the "Ten Great Public Health Achievements in the 20th Century."

However, despite these achievements, access to contraceptives is far from guaranteed. Today, we, as political leaders, stand at a crossroads. We can maintain the status quo, or we can further strive to improve reproductive health and reduce unintended pregnancies in this country. My Prevention First bill would permit women to take greater control over their reproductive health. This legislation would allow greater access to contraception by increasing funding for family planning services to low-income women and requiring insurance companies to cover contraceptives if they cover other prescription drugs.

Today, as we commemorate the momentous Griswold v Connecticut Supreme Court decision that made such a great impact on reducing unintended pregnancies by allowing women to control their reproductive health, I urge my colleagues to support common sense legislation like the Prevention First Act and join me in taking action to further reduce unintended pregnancies.

We have certainly come a long way in just 40 years, but we must remain vigilant to ensure that all women have access to the most basic reproductive health care services and that they are empowered to make the best personal decisions about when they are financially and emotionally ready to start a family.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Ms. LEE. Mr. Speaker, on June 13, 2005 I missed rollcall votes Nos. 241 and 242. Had I been present, I would have voted "aye" on S. 643 and H.R. 2326.

RECOGNIZING JOHN WERKMEISTER OF MEADVILLE, PENNSYLVANIA

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. ENGLISH. Mr. Speaker, I would like to recognize John Werkmeister of Meadville, Pennsylvania, as an exceptional history teacher and role model. Mr. Werkmeister has been named one of eight national finalists for the Richard T. Farrell Teacher of Merit Award. This national award is presented every year to an educator who develops and uses innovative and creative teaching methods to enhance students' interest in history. As a teacher at Cambridge Springs High School in Cambridge Springs, Pennsylvania, he has shown exemplary commitment to making history education engaging and exciting, while involving his students in the National History Day Program.

National History Day is a yearlong program in which students explore historical topics related to an annual theme. Participants qualify for national competition after competing in several local and state competitions. In preparing his students for the program, Mr. Werkmeister's work ethic and research skills provided students with the tools necessary to be successful in competition.

Mr. Speaker, I find it heartening that there are educators in this country who devote so much time and effort to shaping the minds of our young people. It is with great pleasure that I recognize Mr. Werkmeister for his dedication to educating the potential leaders of tomorrow.

TRIBUTE TO ALBERT C. WILTSHIRE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Albert C. Wiltshire, an esteemed community leader. It is an honor to represent Mr. Wiltshire in the House of Representatives and it behooves us to pay tribute to such an outstanding leader.

Mr. Wiltshire obtained a Bachelor of Science Degree in Urban Studies from St. Francis' College and a Master's Degree in Public Administration from New York University. He also received a Senior Managers Program certification from Harvard University's John F. Kennedy School of Government.

Mr. Wiltshire is currently a Government Relations Manager for the KeySpan Corporation. At KeySpan, he provides counsel to the Senior Vice President of Corporate Affairs and Director of Government Relations on the relevant implications of government policy. Prior to joining KeySpan, he served as a Government Relations Manager for Consolidated Edison. Mr. Wiltshire's administrative experience also includes his previous service as President and Chief Operating Officer at the Brooklyn Navy Yard Development Corporation. Through his efforts, the Navy Yard has become the most successful industrial park and economic development project in the nation.

Mr. Wiltshire is certainly a model for the youth in our community. His drive to improve the standard of living and to clear a path for our youth to enter the economic mainstream is evident in all of his endeavors. Mr. Wiltshire has even served as a member of the New York City Police Department, where he became involved in reaching out to young adults at risk. He also restructured the Citywide Model Cities Program and devoted two years to reforming the New York City Juvenile Justice System's approach to youth crime and incarceration.

Mr. Speaker, I believe that it is incumbent on this body to recognize the achievements and service of Mr. Albert C. Wiltshire.

IN RECOGNITION OF THE VARIETY BOYS AND GIRLS CLUB ON THE OCCASION OF ITS 50TH ANNIVERSARY CELEBRATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mrs. MALONEY. Mr. Speaker, I rise to recognize the achievements of the Variety Boys and Girls Club of Queens and its honoree, Chuck Viane, on the evening of the organization's 50th anniversary celebration. The Boys and Girls Club is a wonderful nonprofit organization that offers a wide array of services to New York City children. Our community's young people are truly fortunate to have such an effective and necessary resource at their disposal.

The Variety Boys Club of Queens was established five decades ago in response to the growing problem of youth gangs in the borough. The organization opened May 1, 1955 and registered 3,000 members that first day. Boys came from all parts of Queens to watch movies, play games and participate in sports. In 1981, the club's board of directors first extended services to girls and by 1985, all club programs were available to the young women of Queens.

Today, the club provides youths aged 6 to 17 with a wide range of educational and recreational activities. The club makes every effort to ensure that these children do not "fall through the cracks," giving them a place to do their homework, providing learning assistance, promoting exercise programs, and giving them a safe place to socialize with other children their own age. In so doing, the Club offers young New Yorkers a constructive alternative to truancy, violence, street gangs, drug abuse and teenage pregnancy. Variety Boys and Girls Club members can swim in an Olympic-size indoor swimming pool, participate in a drama group or a cheerleading team, or use the club's Calder Knowledge Lab to do homework, use computers and receive tutoring. The club also provides flute, guitar, and karate lessons, along with many other stimulating and constructive programs. In short, the Variety Boys and Girls Club of Queens gives local kids an opportunity to succeed in whatever field inspires them.

The foregoing would not have been possible without the club's many supporters, including tonight's honoree, Chuck Viane. Mr. Viane, President of Buena Vista Pictures Distribution, is the recipient of the club's 2005 Humanitarian Award for his dedication to public service. Mr. Viane has worked closely with the organization and has coordinated such activities as a Variety Club program to purchase two neonatal ventilators for St. Francis Hospital in Los Angeles. Mr. Viane's generosity has helped the club become an even stronger force in the community, a fact for which I am most grateful.

Mr. Speaker, I request that my colleagues join me in paying tribute to the staff, volunteers and friends of the Variety Boys and Girls Club.

HONORING FLINT MASONIC LODGE NO. 23, F&AM

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. KILDEE. Mr. Speaker, as my hometown of Flint, Michigan celebrates its 150th anniversary this year, I rise before you today to honor an organization that is also celebrating its sesquicentennial. On June 18, Flint residents are invited to join Flint Masonic Lodge No. 23, Free & Accepted Masons will invite the public to join in their commemoration festivities, which include a parade, reception, and banquet.

Based in the Flint Masonic Temple on South Saginaw Street in downtown Flint, Flint Masonic Lodge 23 was chartered on January 11, 1855, becoming another branch of America's oldest and largest fraternal organization. The new members, coming from all walks of life, now counted emperors, kings, and even many of our Founding Fathers as brethren.

Some of Flint's most prominent citizens have been or currently are members of the Masonic fraternity. Several of the city's Mayors, including Charles Stewart Mott, Colonel James Fenton, Harry Cull, George Poulous, James Rutherford, and current Mayor Don Williamson, can be counted among their ranks. Many city streets were named in honor of business and civic leaders who also served as Masons. Their legacy has become an integral part of Flint's history, and its heritage.

Flint Masons have been selflessly committed to improving the community and enhancing human dignity. They are often found at the forefront of charitable drives to benefit the less fortunate, the disabled, and both our younger and older citizens. Their efforts have benefited thousands, and have indeed made the Greater Flint area a better place in which to live.

Mr. Speaker, I ask my colleagues in the 109th Congress to please join me in congratulating the members, past and present, of Flint Masonic Lodge No. 23, F&AM, on their celebration of a true milestone, and wish the Lodge continued success and growth for the next 150 years and beyond.

RECOGNIZING OPERATION SLUGGER

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. LEWIS of Kentucky. Mr. Speaker, I would like to bring to the attention of my colleagues a fantastic program aimed at boosting the morale of our soldiers serving in Iraq and Afghanistan. Operation Slugger is a partnership between the Association for the U.S. Army, AUSA, DHL Express, Louisville Slugger, USA Cares, and the Veterans of Foreign Wars, VFW, focused on providing sporting equipment for recreational activities for our soldiers in the field. This partnership is a response to the numerous requests from U.S. soldiers asking for sports equipment for use during their leisure time.

I am proud to represent Fort Knox, which is one of the many locations across the country, including VFW posts and private businesses, where new and gently used equipment is being collected to make up sports kits. These kits will consist of baseball bats and balls, softball and baseball gloves, hats, footballs, basketballs, rugby balls, and soccer balls. The donated goods, which are expected to exceed 20 tons, will be transported by DHL to Louisville Slugger Field and on to the U.S. troops serving in Afghanistan.

As the men and women of our military put their lives on the line for us, I want to thank these organizations for giving something back to the troops. Please join me in thanking AUSA, DHL, Louisville Slugger, USA Cares, the VFW, and all of the people who have participated for their contributions to Operation Slugger.

REAUTHORIZATION OF THE HAWAIIAN HOME LANDS HOMEOWNERSHIP ACT

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. CASE. Mr. Speaker, I rise to introduce crucial legislation with my colleague from Hawaii, Congressman NEIL ABERCROMBIE, reauthorizing the Hawaiian Home Lands Homeownership Act of 2000. Our bill simply reauthorizes the program for FY 2006 through FY 2009.

Established in 2000 through Title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), the Hawaiian Home Lands Homeownership Act provides affordable housing opportunities to Native Hawaiian families living on the Hawaiian Home Lands of Hawaii.

The Hawaiian Home Lands program, authorized by the federal government under the Hawaiian Homes Commission Act of 1920, is currently being administered by the State of Hawaii's Department of Hawaiian Home Lands. The Department receives over $9 million annually from Title VIII of NAHASDA. The rest of its funds come from the State of Hawaii as well as revenues derived from its own assets and commercial activities.

Funds provided through the Hawaiian Home Lands Homeownership Act, which is the first significant infusion of federal housing for Native Hawaiians assistance since the Hawaiian Home Lands program began in 1921, have been well-utilized and administered through the Department of Hawaiian Home Lands to service our under-served Native Hawaiian communities across the state. Funds have been used for: Infrastructure construction of approximately 200 residential lots; Technical assistance for 110 families constructing their homes using the selfhelp method or with the assistance of Habitat for Humanity; Homeownership counseling for over 300 families; Assistance to community associations to construct or renovate community facilities; and Downpayment assistance and low interest loans to families.

As the housing needs of all of our Hawaii grow more and more critical, particularly given our small land base, any improvement to Native Hawaiian housing needs helps not only our Hawaiian community but all communities in our state.

I look forward to working with my colleagues in the House and Senate, where a companion bill was introduced by Senator DANIEL INOUYE, on passage of this important legislation. Mahalo!

IN RECOGNITION OF ROBROY INDUSTRIES COMPANY'S 100TH ANNIVERSARY

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. EHLERS. Mr. Speaker, I rise to recognize the 100th anniversary of Robroy Industries Company, which is the privately held parent company of Stahlin Non-Metallic Enclosures, a large and progressive employer since 1935 in Belding, Michigan, which is in the Third Congressional District of Michigan.

On June 18, Robroy officials will be celebrating their centennial with an event at their Belding facility. The company was founded as the Enameled Metals Company in 1905 by Scottish immigrant Peter McIlroy in Etna, Pennsylvania. The company's headquarters were relocated to Verona, Pennsylvania in 1958, and in 1977 the renamed Robroy Industries acquired the Stahlin operation in Belding. Today, the company's five plants in Pennsylvania, Texas and Michigan and its headquarters employ about 350 workers.

Stahlin Enclosures is a widely recognized leader in the electrical products industry, making fiberglass electrical enclosures that are used worldwide. The nearly 90 Stahlin officials and employees are very active in their community, contributing to the Belding Public Schools band and athletic programs, the Belding scholarship program, Big Brothers/Big Sisters, Special Olympics and other charities. The company also was named one of "West Michigan's 101 Best & Brightest Companies to Work For" by a local publication.

I hope you join me in congratulating Robroy Industries Company on their century of business and their subsidiary, Stahlin Enclosures, for their 70 years of business in Belding, Michigan.

THE SIGNIFICANCE OF THE UNDERGROUND RAILROAD AND THE IMPORTANCE OF KNOWING THE TRUTH ABOUT OUR HISTORY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. RANGEL. Mr. Speaker, I rise today to recognize the first racially integrated civil rights movement in this country: the Underground Railroad. I recognize the author of the first highly regarded and well researched book on this topic to be written in 100 years, Fergus M. Bordewich. In "Bound for Canaan: The Underground Railroad and the War for the Soul of America," Fergus Bordewich has revealed the truth behind the myth of the Underground Railroad. I was privileged this evening to host with Senator CHARLES SCHUMER of New York a reception to recognize the contribution this new book is making to a greater awareness and understanding of the history of slavery and racial oppression in this Nation and of the heroic efforts of brave Americans to resist these evils.

The myth which generations of Americans have believed is that the Underground Railroad was a monochromatic narrative of high-minded whites assisting terrified helpless blacks to freedom. This myth disintegrates in the powerful true stories of the heroes of the Underground Railroad. The railroad was not a system of tracks. The railroad consisted of people along routes in rural areas and forested areas in cities and on plantations: people who for political and spiritual and religious reasons had one goal: to free human beings from slavery.

In "Bound for Canaan," Mr. Bordewich delivers a powerful message in the gripping personal stories of the heroes who were the Underground Railroad, the slaves and the free. Mr. Bordewich writes in his introduction: "Only recently have African Americans begun to be restored to their rightful place at the center of the story. But the Underground Railroad is no more 'Black history than it is White history': it is American history, and it swept into its orbit courageous Americans of every hue. It was the country's first racially integrated civil rights movement in which whites and blacks worked together for six decades before the Civil War, taking great risks together, saving tens of thousands of lives together and ultimately succeeding together in one of the most ambitious political undertakings in American history."

This political undertaking has not ended; it has continued. Blacks and whites worked together in the Civil Rights Movement of the 1960s; some paying the ultimate price to bring the freedom that had not yet been fully realized in the South because Blacks could not vote. On June 13, 2005, jury selection began in Philadelphia Mississippi in the Civil Rights case against Edgar Ray Killen for the slayings of James Chaney, Andrew Goodman and Michael Schwerner, three young civil rights workers, white and black, brutally killed in 1964. Together with thousands of others, Black and White, took great risks in the tradition of the people who were the Underground Railroad, ultimately bringing the vote to the descendants of the slaves the Underground Railroad saved. They are not forgotten. People of good will have kept their memories alive and their cause alive. The trial now is important because it reminds us of the high price of freedom and who has paid that price.

Emmett Till's case has been reopened and this reopening is important for the same reason. He was 14 years old in 1955 when on a visit to his relatives in Mississippi he was kidnapped from his uncle's house. When Emmett Till's body was found and returned to his mother in Chicago, it was so disfigured from beating and torture that his mother almost didn't recognize him. She refused offers from the funeral home to clean up his battered body. For his funeral, she insisted on an open casket. The two men tried for the murder were acquitted by a jury of 12 white men. However in a 1956 article in Look magazine, these two men confessed to Emmett Till's brutal murder. The article, pictures of Emmett Till and the confessions reenergized the Civil Rights movement. People all over America were outraged. Artistic works drawing on the incident included the first play by eventual Nobel laureate Toni Morrison, a poem by Langston Hughes and a song by Bob Dylan.

On May 10, 2004, the United States Department of Justice announced that it would reopen the case, an action that many had been calling for to determine if others had been involved in the kidnapping and murder of Emmett Till. In October 2004, the Justice Department confirmed it was focused on two people who had not been charged in the original trial. On June 1, 2005, the body of Emmett Till was exhumed. Through the work of many people, Black and White, this child's killers may finally be brought to justice.

On June 13, 2005, the Senate apologized for refusing in the past to make lynching a federal crime. This was an important vote for the Senate to take. It shows that we as Americans can recognize and take responsibility for terrible mistakes of our past.

It also reminds us that the Underground Railroad was "illegal" and many who helped slaves to freedom broke the law. Slaves were property and were expected to be returned to their owners if discovered attempting to run away. The Fugitive Slave Act voted into Law on August 26, 1850 made anyone who hindered a slave catcher, attempted the rescue of a recaptured fugitive, directly or indirectly assisted a fugitive to escape, or harbored a fugitive, liable to a fine of up to one thousand dollars and six months' imprisonment, plus damages of one thousand dollars to the owner for each slave that was lost. Even with the enactment of the law, the Underground Railroad continued its work.

Now we know the crime was slavery. Just as we now recognize lynching was a heinous crime, we must come to see that the laws of the day contributed to the oppression of the Black race by the White majority.

The truth is always important no matter when we learn it. We thank Fergus M. Bordewich for his excellent history of the Underground Railroad.

Reviews of "Bound for Canaan" from The Wall Street Journal, The New Yorker, Publishers Weekly, and other publications have given this book high praise.

John J. Miller of the Wall Street Journal wrote Fergus M. Bordewich "has written an excellent book that is probably as close to a definitive history as we are likely to see."

Cornell West, University Professor of Religion, Princeton University, and author of "Race Matters" wrote "This is a masterful story—a deeply American story— of the quest for freedom. This multi-racial movement is still a beacon of hope in our present dark times.'

For today, Mr. Speaker, it is important that we reflect on the importance of the racially integrated Civil Rights movement that began with the Underground Railroad and continues today. The men and women who challenged slavery, the policy of segregation, and the policies of racism should be commended for their deeds. They should have the full appreciation of this Nation. Mr. Fergus M. Bordewich deserves the thanks of this Nation for an important book on the history of the first racially integrated civil rights movement in this country.

140TH ANNIVERSARY OF JUNETEENTH

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Ms. PELOSI. Mr. Speaker, I rise today to honor the 140th anniversary of Juneteenth. On June 19, 1865, General Gordan Granger of the Union Army arrived in Galveston, Texas with news of the Emancipation Proclamation and the end of the Civil War. Although President Abraham Lincoln's Emancipation Proclamation went into effect on January 1, 1863, it took almost two and a half years for the Proclamation to be enforced throughout all of the United States.

The 140th anniversary of Juneteenth is a significant milestone in American history. Juneteenth is a reference point from which to appreciate the progress made by African Americans in our society. The 140th anniversary coincides with the 50th anniversary of the Montgomery Bus Boycott in 1955 and the 40th anniversary of Congressional enactment of the Voting Rights Act in 1965.

I would like to congratulate Representative DANNY DAVIS of Illinois for his resolution recognizing the historical significance of Juneteenth. As Representative DAVIS says, "History should be regarded as a means for understanding the past and solving the future." As we look back and honor the past, let us celebrate the progress we have made as a Nation.

The Voting Rights Act, arguably the most successful piece of civil rights legislation ever, is set to expire in 2007. Congress and the President must reauthorize the act to ensure fairness in our political process and equal opportunity for minorities in American politics. Congress must also address the unfortunate disparities facing African Americans, which persist in every aspect of daily life. I congratulate my colleagues in the Congressional Black

Caucus who have created an agenda to address these inequalities. We as Americans must work to eliminate injustices and move toward the goal of full equality.

COMMENDING AMERICANS WRITE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. CAMP. Mr. Speaker, I rise today to recognize Americans Write, an organization that is committed to helping the people of Northern Michigan contact their elected officials.

Americans Write builds on the success of other well-known national opinion ballot organizations, by incorporating issues of the day in its monthly newsletters. By focusing on issues that are most important to its recipients, Americans Write provides the opportunity and inspiration for individuals to engage in the democratic process.

It is important that all Americans become involved in our government, to ensure that their voices are heard. As Americans become increasingly busy, it becomes more important to have organizations like Americans Write to facilitate easy communication with their elected officials.

I commend Americans Write for their efforts in keeping representatives at every level of government apprised of the issues important to the American people.

A CALL FOR MORE THAN A SENATORIAL APOLOGY FOR NOT PASSING ANTI-LYNCHING LAWS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2005

Mr. RANGEL. Mr. Speaker, I rise today to respond to the Senate's apology for not passing anti-lynching legislation.

The Senate adopted a Resolution this week apologizing for its refusal to pass anti-lynching bills. It acted on June 13, 2005 to apologize for decades of failure to enact a law that would have stopped the systematic torture and murder of thousands; decades during which the U.S. Congress knowingly perpetuated the practice of lynching. Seven presidents asked Congress to outlaw lynching, almost 200 anti-lynching bills were introduced and the House passed anti-lynching legislation three times, but southern filibusters killed all three bills.

The Senate stood by as over 4,700 people, mostly African American, were reportedly lynched between 1882 and 1968. Victims of these horrific acts were subjected to public humiliation. Most were beaten and some were even burned alive amidst the cheering of racist mobs. Their bodies were often left hanging in their communities as a warning to other African Americans, emphasizing the purposeful use of violence and torture by the White majority in America as a tool of oppression of the Black minority.

Although the Senate is being praised for admitting one of the many injustices that have shaped this country, there is still more work to be done. Only 80 of the 100 senators cosponsored the resolution and the senators that did co-sponsor the resolution were able to avoid putting themselves on record because the resolution passed by voice vote. There still appears to be reluctance, even today, on the part of many senators to publicly apologize for the complicity of the Senate in allowing the perpetration of systematic acts of terrorism against African Americans.

Lynching has destroyed generations of African American families. Today, African American communities are still suffering at the hands of injustice. The increasing prison population, disparities in public schools and lack of access to healthcare services continue to disable African Americans. We must have the apology become the beginning of a serious effort to examine the consequences of the oppression of African Americans symbolized by the practice of lynching, consequences which continue to afflict this community today.

Let us address these problems now instead of apologizing for them later.

The following New York Times article by Sheryl Gay Stolberg discusses the Senate action.

SENATE ISSUES APOLOGY OVER FAILURE ON LYNCHING LAW

Anthony Crawford's granddaughter went to her grave without speaking a word to her own children about his lynching, so painful was the family history. On Monday, Mr. Crawford's descendants came to the Capitol to tell it—and to accept a formal apology from the Senate for its repeated failure, despite the requests of seven presidents, to enact a federal law to make lynching a crime.

The formal apology, adopted by voice vote, was issued decades after senators blocked antilynching bills by filibuster. The resolution is the first time that members of Congress, who have apologized to Japanese-Americans for their internment in World War II and to Hawaiians for the overthrow of their kingdom, have apologized to African-Americans for any reason, proponents of the measure said.

"The Senate failed you and your ancestors and our nation," Senator Mary L. Landrieu of Louisiana, chief Democratic sponsor of the resolution, said at a luncheon attended by 200 family members and descendants of victims. They included 100 relatives of Anthony Crawford, as well as a 91-year-old man believed to be the only known survivor of an attempted lynching.

He is James Cameron, who in 1930, as a 16-year-old shoeshine boy in Marion, Ind., was accused with two friends of murdering a white man and raping a white woman. His friends were killed. But as Mr. Cameron felt a noose being slipped around his neck, a man in the crowd stepped forward to proclaim Mr. Cameron's innocence. Mr. Cameron came here in a gray suit and a wheelchair, his voice shaky but his memories apparently fresh.

"They took the rope off my neck, those hands that had been so rough and ready to kill or had already killed, they took the rope off of my neck and they allowed me to start walking and stagger back to the jail, which was just a half-block away," Mr. Cameron told a news conference. "When I got back to the jail, the sheriff said, 'I'm going to get you out of here for safekeeping.'"

He learned only later, he said, that the sheriff was a member of the Ku Klux Klan. "I was saved," Mr. Cameron said, "by a miracle."

There have been 4,742 recorded lynchings in American history, Ms. Landrieu said.

Historians suspect that many more went undocumented. Although the House passed antilynching legislation three times in the first half of the 20th century, the Senate, controlled by Southern conservatives, repeatedly refused to do so. Senator George Allen of Virginia, chief Republican sponsor of the new resolution, called it "this stain on the history of the United States Senate."

Although the Senate garnered praise on Monday for acting to erase that stain, some critics said lawmakers had a long way to go. Of the 100 senators, 80 were co-sponsors of the resolution, and because it passed by voice vote, senators escaped putting themselves on record.

"It's a statement in itself that there aren't 100 co-sponsors," Senator John Kerry, Democrat of Massachusetts, said. "It's a statement in itself that there's not an up-or-down vote."

Others described the resolution as an act of expediency for Mr. Allen, who is a likely presidential candidate and who has been criticized for displaying a Confederate flag at his home and a noose in his law office. Mr. Allen said that they were part of collections of flags and Western paraphernalia and that he was motivated not by politics, but by a plea by Dick Gregory, the civil rights advocate, who wrote him a letter urging him not to "choose to do nothing."

The memories were especially painful for the relatives of Anthony Crawford, whose family was torn apart by the lynching. Mr. Crawford had been a wealthy black landowner in Abbeville, S.C., a cotton farmer, registered voter and community leader who founded a school for black children and a union for black families. In 1916, after a dispute with a white man over the price of cotton seed, he was hanged from a pine tree and shot more than 200 times. His family lost his land, and the relatives scattered.

"Someone is finally recognizing our pain," said Alberta Merriwether, a retired schoolteacher who is his great-granddaughter and whose mother never spoke of the lynching.

Mrs. Merriwether's aunt Magdalene Latimer, 84, was not so certain about the senators. "I have to let God be the judge," Ms. Latimer said, "because I don't know if they meant it out of their heart or they're just saying it out of their mouth."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 16, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 21

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine regulatory relief proposals.
SD–538

Commerce, Science, and Transportation
Fisheries and Coast Guard Subcommittee
To hold hearings to examine the Coast Guard's revised deepwater implementation plan.
SR–253

Homeland Security and Governmental Affairs
To hold hearings to examine issues relating to juvenile diabetes, focusing on the personal toll on families, financial costs to the Federal health care system, and research progress toward a cure.
SH–216

Rules and Administration
To hold hearings to examine the issue of voter verification in the Federal elections process.
SR–301

2:30 p.m.
Foreign Relations
To hold hearings to examine the nominations of Larry Miles Dinger, of Iowa, to be Ambassador to the Republic of the Fiji Islands, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, the Kingdom of Tonga, Tuvalu, and the Republic of Kiribati, Joseph A. Mussomeli, of Virginia, to be Ambassador to the Kingdom of Cambodia, and Emil A. Skodon, of Illinois, to be Ambassador to Brunei Darussalam.
SD–419

3 p.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
Business meeting to markup H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006.
SD–192

JUNE 22

9:30 a.m.
Environment and Public Works
To hold an oversight hearing to examine grants management within the Environmental Protection Agency.
SD–406

Indian Affairs
To hold an oversight hearing to examine the In Re Tribal Lobbying Matters, Et Al.
SH–216

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine telecom mergers.
SR–253

Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

10:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the Livestock Mandatory Reporting Act of 1999.
SR–328A

2:30 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine financial stability of airlines.
SR–253

JUNE 23

10 a.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

Health, Education, Labor, and Pensions
To hold hearings to examine Family Medical Leave Act.
SD–430

Veterans' Affairs
To hold hearings to examine pending veterans benefits related legislation.
SR–418

2 p.m.
Appropriations
Business meeting to markup H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and proposed legislation making appropriations for fiscal year 2006 for the Legislative Branch.
SD–106

JUNE 28

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the Agricultural Risk Protection Act of 2000 and related crop insurance issues.
SR–328A

Commerce, Science, and Transportation
Global Climate Change and Impacts Subcommittee
To hold hearings to examine coastal impacts.
SR–253

Indian Affairs
To hold an oversight hearing to examine regulation of Indian gaming.
Room to be announced

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 206, to designate the Ice Age Floods National Geologic Trail, S. 556, to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona, S. 588, to amend the National Trails System Act to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study on the feasibility of designating the Arizona Trail as a national scenic trail or a national historic trail, and S. 955, to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin.
SD–366

JUNE 29

9:30 a.m.
Indian Affairs
Business meeting to consider pending committee issues.
SR–485

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine Spectrum-DTV.
SR–253

2:30 p.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold hearings to examine national weather service-severe weather.
SR–253

JUNE 30

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine e-health initiatives.
SR–253

2 p.m.
Appropriations
Business meeting to markup H.R. 2528, making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, proposed legislation making appropriations for fiscal year 2006 for the Department of State, and proposed legislation making appropriations for fiscal year 2006 for foreign operations.
SD–106

3 p.m.
Health, Education, Labor, and Pensions
Education and Early Childhood Development Subcommittee
To hold hearings to examine issues relating to American history.
SD–430

SEPTEMBER 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.
345 CHOB

SENATE—*Thursday, June 16, 2005*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, the Reverend Dr. Therman E. Evans of Morning Star Community Christian Center in Linden, NJ.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

God, You are the one who created the universe. You are the one who established the life-sustaining ecological order of nature and the life being biological order of humans. You are the one who provides for all—the Sun, the soil, the atmosphere, the water, and the nourishment that results therefrom. And for all of this we say, "Thank You."

You save us from destruction. You support us through difficulty. You sustain us to meet challenges. You strengthen us where we are weak. You steady us when we are shaky. You shake us when we need to be awakened. You stimulate us when we need to be active. And for all of this we say, "Thank You."

Bless now, in a special way and inspire as never before, these our political leaders. Give them Your wisdom, Your peace, Your humility, Your kindness, Your love, Your righteousness, and Your faith as they continue to do the work they have been called to do. And for this opportunity You have given them to bless this wonderful Nation, we say, "Thank You and amen."

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 16, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I yield to the Senator from New Jersey to speak for a moment at this time.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

THE GUEST CHAPLAIN

Mr. CORZINE. Mr. President, I thank the distinguished Senator from New Mexico for this courtesy.

I am extraordinarily proud to have the friendship, the moral support, and the leadership of Dr. Therman Evans, who opened our session today with a prayer. This is an individual who is a true man for all seasons—a physician, a minister, an entrepreneur, a chief of a village in Ghana—an extraordinary man who is leading his flock and ministering in a ministry of wholeness, one that deals with the complete aspect of a human being's life and sets a tone and a message for the community in Linden, NJ, and much more broadly across New Jersey and Pennsylvania. He is truly a unique and wonderful individual. We welcome him.

I am truly honored to call Dr. Therman Evans my friend.

I yield the floor.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

LESSENING DEPENDENCE ON FOREIGN OIL

Mr. REID. Mr. President, first, I rise to express my appreciation to Senator CANTWELL for the issue she has brought before the Senate. I am so convinced that the 40 percent can be met in 20 years. When President Kennedy said, We need to go to the Moon, he did not set a formula how we would get to the Moon, but we got to the Moon. When we were in the depths of our Depression in 1932, President Roosevelt said, We need to get out of this. We went a number of steps forward, some steps back, but we were able to work our way out of the Great Depression.

Senator CANTWELL's amendment is visionary. I really do believe that we can do this. I know there are people concerned, well, does this mean CAFE standards? Does this mean we are going to go totally to biomass? Are we going to do it all with alternative energy? I do not know, but the great genius of America can figure out a way to do this.

We need to lessen our dependence on foreign oil. There is no question about that. Fifty-eight percent of the oil we use comes from foreign countries. Listening to the news this morning, the stock market just moved a little bit yesterday. Why did it not move more? Because the price of oil went up almost a dollar a barrel. We have to do better than that. The only way we can do it is to lessen our dependence on foreign oil.

Unless we have a directive of this President and Presidents that follow him to meet this goal, we will continue to be dependent on foreign oil.

So I am totally impressed with the Senator from Washington and the great work she has done on this amendment. I hope it passes by a large margin.

FUNERAL OF FORMER SENATOR EXON

Mr. REID. Mr. President, the time I have is leader time, and I wanted to say a few things. I was not here yesterday afternoon because of the funeral of Senator Exon. I say to my colleagues, those of us who went to that funeral were so impressed with what this man did for the State of Nebraska. For the first time in the history of Nebraska, a funeral was held in the State capitol. Why? Because Jim Exon made a difference in the State of Nebraska. I am sure all 100 Senators, as I have, ask are we making a difference in what happens in our States, in our country. The lesson we can look to is Jim Exon, a man with not a great education by

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

modern-day standards but a person who by modern-day standards, or any standard, had a great heart and a great mind and was able to do wonderful work for the State and for the country.

His family expressed so many warm feelings about their father and grandfather. Bob Kerrey gave one of the most moving eulogies that has ever been given. I am sorry I was not here yesterday, but for those of us who went to that funeral—Senator BEN NELSON, Senator HAGEL, Senator BINGAMAN, Senator LEVIN, Senator AKAKA—it was so worth our time.

JOHN BOLTON NOMINATION

Mr. REID. Mr. President, I rise to respond to a statement that was made yesterday. I want to provide an update on the status of the Bolton nomination. As I said yesterday, and I say now, we on this side of the aisle have been clear and consistent on our position on this matter. If the administration works in good faith to give the Senate the information it requires, Senate Democrats are ready immediately to give this nomination a vote.

We are not going on a fishing expedition in this instance. Democrats are seeking clearly defined and specific information about two very important issues that bear directly on John Bolton's fitness to represent this great country in the United Nations. I know what a fishing expedition is. A fishing expedition is, for example, in the law when one does a deposition or sends interrogatories and they have no idea what the answers are going to be, they have no idea what information they are really seeking to obtain, they hope something will turn up. That is not the case here because we have given two important areas where we want information: Did Mr. Bolton attempt to exaggerate what Congress and the American people would be told about Syria's alleged weapons of mass destruction capabilities? Secondly, did Mr. Bolton use or maybe perhaps misuse highly classified intelligence intercepts to spy on bureaucratic rivals who disagreed with his views or for other inappropriate purposes?

At the time I made those remarks, sadly, the administration and Senate Republicans had taken the position for the past month or more that nothing needed to be provided to the Senate on either of these issues, nothing. Last evening, the chairman of the Intelligence Committee, my friend, Senator ROBERTS, came to the floor to announce that he had attempted, "one last good-faith effort to alleviate Senate Democrats' concerns."

These questions were not directed to a member of the Intelligence Committee or to a member of the Armed Services Committee. These questions that we have asked were directed to the White House, to this administration.

Let us take a look, though, at Senator ROBERTS' efforts. First, it completely ignored one of the two issues on which we are seeking further clarification; namely, whether Bolton attempted to exaggerate what Congress and the American people would be told about Syria's alleged weapons of mass destruction capabilities.

I remind my colleagues, this is no small matter. All over the news the last 2 days has been concerns about weapons of mass destruction by virtue of the memo that was discovered in England. Concerns about this administration hyping intelligence and Great Britain hyping intelligence cannot be dismissed lightly.

U.S. troops are fighting in Iraq today largely because this administration told the Congress and the American people that Iraq not only possessed stockpiles of weapons of mass destruction but was also capable of using them against us and our allies.

U.S. troops are fighting in Iraq today. In the last 48 hours, 11 American soldiers have been killed. During that same period of time, I do not know the exact count, but well over 100 Iraqis have been killed. During that same 48-hour period, I do not know how many American soldiers have been grievously injured. I have no idea how many Iraqis have been paralyzed, blinded, or lost limbs. It is serious.

But we have learned since the war that the administration's own investigator concluded Iraq did not possess either the stockpiles or the means of delivery. Just as importantly, there are a series of unanswered questions about whether senior officials in this administration dramatically and intentionally hyped this threat to justify their desire to invade Iraq. So one can see why we believe it is no small matter for us to learn whether Mr. Bolton was a party to other efforts to hype intelligence.

Let's be clear about what is happening in Washington and the Senate. We have a White House that continues to drive an agenda—some say it is a radical agenda—determined to consolidate power and abuse it when necessary to push its unpopular policies. This disagreement over the Bolton nomination is not about partisan politics, ideology, or even reform at the United Nations. It is about whether we permit this administration yet again to walk roughshod over the Constitution.

Our duty as Senators is to ensure that our country is represented by qualified and, yes, ethical individuals. Instead of joining the Senate to protect and respect the Constitution, the administration has decided to pick a fight with large rhetoric and negative attacks as it consecrates its power and continues its secretive approach to governing.

Instead of joining us in a bipartisan conversation to reform Social Security, the administration pursues a risky privatization scheme that will slash benefits and threaten our economy with massive new debt. Public support for this privatization scheme is around the 20-percent mark.

This administration has also acquiesced to its radical rightwing base and supported the intrusion of the Federal Government into the private lives of families.

Just as troubling as all of this might be, when the administration fails to get what they want, they rev up the negative attack machine and set up the slash and burn, and I can say that is certainly true.

This pattern could not be clearer, and the American people are joining us to say enough is enough. For months now we have been talking about reforming Washington and focusing on the issues that affect the lives of the American people. We have been trying to do that as Democrats. Our work on the Energy bill this week is an example of what can be done with bipartisan work. We have a bipartisan bill that we hope to continue to improve.

Senator DOMENICI and Senator BINGAMAN have been exemplary in the work that they have done. We want to improve the bill. That is what legislation is all about. Americans are tired of getting caught in the crossfire of partisan sniping. So let us continue to join in a commonsense center and do the work the American people sent us to do.

I end as I began. If this administration, like previous administrations, respects requests of the Senate, we will immediately move to grant Bolton an up-or-down vote. I stand by that pledge today as I did more than a month ago.

Mr. DOMENICI. Mr. President, I ask that I be permitted to speak 1 minute as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRISONER TREATMENT

Mr. DOMENICI. Mr. President, I listened with great attention to the minority leader. I want to state to the Senate, as I listened I had one question that went through my mind. I am in no way—I have not been studying Guantanamo, in terms of hearings and the like. But some of our leading officials, in whom I have great confidence—the generals who speak, the Vice President—are asking the question, What would we do with those people, those prisoners?

I guess it would be interesting for those who are very concerned about the issue to think with us a minute. What about the other side? What do they do with their prisoners? They don't have any problems, right? They kill them. We have been watching that. They hold them as hostages, tell the whole world about it, and then the next day they say cut off their heads. That is how they get rid of people who they think are an impediment to what they want to do, those who are fighting their cause.

We don't have that luxury. We pick up these combatants and what do we do with them? What are we going to do with them, I ask rhetorically. We surely are not going to do what they are doing. We have to do something with them and it is not an easy solution. Who wants them? Will we put them out and say go home and then they will be out there killing our men again?

It is a very serious proposition, in terms of the United States of America having a difficult problem here.

I understand my time has elapsed.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ENERGY POLICY ACT OF 2005

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6) to ensure jobs for our future with secure, affordable and reliable energy.

Pending:

Cantwell amendment No. 784, to improve the energy security of the United States and reduce United States dependence on foreign oil imports by 40 percent by 2025.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. The time has come to move back to this bill. I want to say to Senators it happens frequently, when things are going well, that nobody is very interested in moving along. So we have to push you along by making sure Senators, or their staffs, understand this has to be a day where we get rid of three or four amendments, including a couple of very important ones that are here for the Senate to consider.

There is a pending amendment Senator CANTWELL has before us. We are trying right now to work out a unanimous consent agreement whereby we will move off that amendment and have a time for a vote. Then we will move onto an amendment—we are thinking that will be an amendment by Senator BINGAMAN—with a time agreement, somewhere around 3 hours equally divided. We will share that with Senator BINGAMAN and others.

Then there is a third amendment from our side of the aisle which, for the sake of naming it, we will call the DeWine amendment. It is not necessarily the name, but he is one of the Senators. We know he has an amendment. We hope we can lock that in to follow after the Bingaman amendment. We will agree on the time. Then the DeWine amendment will have a certain amount of time after which it will be ready for a vote.

I am thinking with some degree of certainty we will have three votes. That will take us into the evening. We will have this pending amendment, the Bingaman amendment, that he considers very important on the mandate for renewables across the land, and then we will have a DeWine amendment that has to do with the oil cartel.

I am waiting for those who are putting these numbers together to come here because Senators have to be consulted.

If people wonder why this takes a little bit of time, let me explain. We are agreeing to something, but people in the Senate have to agree. So we are checking with them now. The only other way we could do it, you see, for those who wonder where they are, we could have all Senators down here and say, Do you agree with this or that? But we can't do that, so we have this little time interval where we ask the Senate be put into a quorum call and that is what I was going to ask right now.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I would like to speak to the pending amendment, the Cantwell amendment, if it is appropriate, unless the chairman has some other business he wants to raise at this point?

Mr. DOMENICI. I would ask the Senator, if he would, give me a little bit of time before he does that and let me see if we can have a unanimous consent agreement locked in so we have some idea how much time you will use, or others.

Mr. DURBIN. Maybe I could make an alternative suggestion to the chairman. I will speak until I receive a signal from him that he wants to speak for any reason.

Mr. DOMENICI. If you are so generous, I will listen and when I think I am tired of listening to you, I will put up my hand.

Mr. DURBIN. It will then be a very short speech, I am sure.

Mr. DOMENICI. I have no objection.

Mr. DURBIN. I hate to live under that standard, but I will proceed nevertheless, at my peril, to discuss this bill.

This 800-page bill is our energy bill. We have been working on it for years. No one has worked harder than the Senator from New Mexico. This Republican Senator has joined with the Democratic Senator from New Mexico, Senator BINGAMAN, and they have produced a bill which in many respects is a good bill. If this bill were presented to me today to vote on, I would vote for it because I think there are so many positives here. It not only is good in itself, it is certainly good in comparison to what the House has produced. The House of Representatives has produced a grab bag of incentives and benefits to energy producers that doesn't get to the heart of the question: What is the best energy policy for America, for our children and grandchildren? What is the long-term view of America, when it comes to energy?

Senator DORGAN of North Dakota asked a question of the administration when they came to testify on this bill. He said, You look forward 30 or 40 years on Social Security and say we have to be prepared. What are you prepared to say will be our energy policy in 30 or 40 years? What should we be aiming for?

The simple answer was they couldn't answer it. They had no long-term energy policy. There is one thing we know will happen, unless we change course from where we are today. Each and every day of every month of every year for at least the next 20 years, we will become more dependent on foreign oil. Today, 58 percent of the oil consumed in the United States comes from overseas. That number has grown dramatically. In 1973, that number was 28 percent. So in 32 years we have more than doubled our dependence on foreign oil. We all need it: to fuel our cars, trucks, businesses—the economy of America. So the obvious question is. Is this something that should concern us? I think it is clear on its face it should.

As we become increasingly dependent on Saudi Arabia, the OPEC cartel, Iraq, Iran, Libya, and so many other countries for our oil sources, frankly, we are surrendering some of our freedom and control of our own future. If we lessen our dependence on their foreign oil, it strengthens our economy. Less money is going overseas to buy oil. More money goes into the United States. There is less dependence on what happens.

Saudi Arabia is a country we ought to take a close look at because we depend on it so much. Saudi Arabia is a royalty. It is a kingdom. It is a government which, on any given day, we are either embracing because they provide us with oil or admonishing because they are doing things as a matter of policy that are inconsistent with American values. How much longer do we want to be joined at the hip with Saudi Arabia? How much longer do we want to wait for these sheiks and princes to decide how much oil they will release from their country and directly impact the cost of gasoline in America?

I think the answer is very clear. The sooner we move toward independence, the more secure America is, the less dependent we are on Saudi Arabia and other countries. The pending amendment by Senator CANTWELL of Washington sets a goal for America. I think it is a goal that can be reached by people of good faith on both sides of the aisle who are prepared to accept the challenge.

I have attempted just to tell the Senate the truth. I have attempted to offer an amendment to this and just up the ante and say if we can do 7.2 million, why don't we do 8.2 or 9.2, and put it in there and say we will vote on a bigger one. Then I thought, maybe I ought to be what I have tried to be on this bill all along, honest and forthright, and as best I could explain to the Senate, we have to do everything we can, with imagination, with vigor, with certainty, with resources, but the kind of things we know we can do, that we know we put our shoulders to it and we work hard.

We are finally coming to the point where Americans do believe it is a big problem. I don't think they are blaming people anymore. It used to be we called the big oil companies up, swear them in under oath—I don't know if the Senator remembers the day we called them up here and had them swear. We said: You are the problem; you are why we are importing all this oil.

Remember those days? They told us everything they could. That hearing went away. What happened? The next year we imported more oil and more oil.

It isn't that the Senator doesn't think we should have an American plan. What we have in this bill is an American plan. Senator BINGAMAN and I and many others have worked hard to put it together. Some people say it does not do enough as it is. I heard some reporters yesterday commenting. I wondered what they were reading. They said: It doesn't do anything for nuclear. It is the most far-reaching pronuclear set of proposals we will have ever before us. The same commentators said it cost too much money. I don't know where they got the numbers. We have not even spent in this bill. We were given a $2-billion reserve fund. We have not spent all of that yet. I shouldn't have said that because everybody will be down here wanting to spend it, but they have to go through us before they can spend it.

The tax portion is about like the House portion. It is a pretty good bill. It is not a spending bill. When you authorize programs, incidentally, you are not saying we are going to buy them or pay for them. The distinguished occupant of the Chair knows in agriculture you authorize programs, but you do not expect the appropriations to do exactly what you say. You say: This is a program we would like you to think about. That is what this bill does in terms of authorization. Overall, it is a very good bill.

Is the proposed unanimous consent agreement satisfactory?

Mr. BINGAMAN. Yes.

Mr. DOMENICI. I ask unanimous consent the Cantwell amendment be temporarily set aside, Senator BINGAMAN be recognized in order to offer an amendment regarding RPS; provided further there be 3 hours of debate equally divided in the usual form and that following the use or yielding back of time, the Senate proceed to a vote in relation to the amendment and that no second-degree amendments be in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 791

(Purpose: To establish a renewable portfolio standard)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. COLEMAN, Mr. JEFFORDS, Ms. COLLINS, Mr. DORGAN, Ms. FEINSTEIN, Ms. CANTWELL, Mr. REID, and Mr. SALAZAR, proposes an amendment numbered 791.

Mr. BINGAMAN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BINGAMAN. Mr. President, this is a proposal that has been offered before in the Senate. This is a proposal that was included in the comprehensive Energy bill we passed in the 107th Congress, again in the bill that was passed in the 108th Congress. It sets a standard referred to, generally, as a renewable portfolio standard. It is essentially a requirement that those producing electricity in the country produce 10 percent of that electricity that they sell by 2020 from renewable sources.

The Senate has approved this proposition again and again. As I indicated, in the 107th Congress, we included such a portfolio standard as part of an Energy bill. We had various votes in the Senate that affirmed the Senate's determination that the standard should not be weakened. In the 108th Congress, there was a letter signed by 53 Senators that went to the chairs of the conference on the Energy bill, H.R. 6. Senate conferees went on to approve the portfolio standard and pass it on to the House as part of the Senate action.

Now we have the opportunity to renew our support for this proposal to place it in this bill where we can, hopefully, get broad bipartisan support and get it to the President's desk.

There are good reasons for the strong support that we have seen in the Senate. A strong renewable portfolio standard is an essential component of any comprehensive national energy policy—not just an important part of such a strategy but an essential component.

The benefits are clear and they are many. Let me cite the major benefits: This provision would reduce our dependence on traditional, polluting sources of electricity. It would reduce our dependence on foreign energy sources. It would reduce the growing pressure on natural gas as a fuel for the generation of electricity. It would reduce the price of natural gas. It would create new jobs. It would make a start on reducing greenhouse gas emissions. It would increase our energy security and enhance the reliability of the electricity grid.

The renewable portfolio standard that we are offering—and I have various cosponsors—and I hope we have additional cosponsors before this amendment is dealt with—Senator COLEMAN, Senator JEFFORDS, Senator COLLINS, Senator DORGAN, Senator CANTWELL, Senator FEINSTEIN, Senator REID, Senator SALAZAR. I believe many other Members in the Senate strongly support this effort.

The RPS we have offered is a flexible and market-driven approach to achieving the various goals I have mentioned at a negligible cost to consumers in this country. According to the Energy Information Administration, the amendment would result in over 350 billion kilowatt hours or 68,000 megawatts of renewable generation between 2008 and 2025. That is enough power generation to supply 56 million U.S. homes. The cost to consumers would be about .18 of a percent or less than one-fifth of 1 percent increase in overall energy prices.

This proposal would require retail sellers of electricity that sell more than 4 million megawatt hours per year to provide 10 percent of that electricity from renewable resources by the year 2020. The requirement would be ramped up in 3-year increments to allow for planning flexibility. The Secretary of Energy would be required to develop a system of credits for renewable generation that could be traded or sold; again, making the program easier to comply with. Utilities could use existing renewable generation to comply with the program or they could comply with the program by buying credits from someone else who is producing renewable energy. New renewable producers could receive the credits to trade or to sell.

The cost of the program to the utilities would be capped by allowing the Secretary to sell credit at 1.5 cents per kilowatt, adjusted for inflation. As long as the difference between the cost of the renewable generation is less than 1.5 cents per kilowatt hour, the utility could buy or generate renewables. When it reaches or exceeds that price, obviously the cap would kick in, and it would become more cost effective for the utility to go ahead and buy

Here is the challenge: Can we, over the next 20 years, reduce our dependence on foreign oil by 40 percent? It is a challenge. It is not as great a challenge as putting a man on the Moon, but America did that. It may not be as great a challenge as the Manhattan Project, when President Franklin Roosevelt said develop an atomic bomb that will end World War II, but we did that. I am confident, with the creativity and ingenuity of America, we can meet this challenge—40-percent reduction in dependence on foreign oil over the next 20 years. That is the pending amendment.

You would think most Senators would say: Fine, let's accept the challenge. Let America rise to this challenge and meet it. But sadly, if you listen to the debate, primarily from the other side of the aisle, that is not what we hear. We hear, instead: Oh, this is too big a challenge for America. We can't do that. The technology isn't there. We would have to change the cars we are driving. We would have to challenge Detroit and automobile manufacturers to build more fuel-efficient vehicles. They say that is impossible, America cannot meet that challenge, and they oppose the pending amendment.

I would say from my point of view this should be a bipartisan challenge we all accept. There are people who love their SUVs. I understand that. But I think we can say to Detroit, you can, and we know you can, produce a fuel-efficient vehicle that is safe and meets the needs of America, our families and our businesses. But to continue to build cars larger and heavier, that get fewer and fewer miles per gallon, is to increase our dependence on oil, particularly foreign oil, and our addiction to this source of energy. I think we can do better. I think the amendment offered by Senator CANTWELL of Washington does establish that challenge for us.

I personally believe we should do something about the fuel efficiency of the vehicles we drive. Do you know it has been 20 years since we held Detroit responsible for reducing the amount of fuel that you consume to travel a mile in America? For 20 years we have stepped out of the picture, and what has happened in the meantime? The fuel efficiency of vehicles in America has gone down, down, down. People drive these Hummers. Have you ever seen them? I personally think if you want to drive a Hummer, you ought to join the Army. People want them and get 5 or 6 miles a gallon and Detroit keeps churning out these big, heavy cars.

From my point of view, we ought to step back as a nation and say, isn't it worth something for us to have more fuel-efficient vehicles so we don't get drawn into foreign conflicts over oil? It is more important to me to drive a sensible car and to spare someone's son or daughter from serving in the military in the Middle East in a war. That is not a great sacrifice on my part. And it is certainly a great reward, when we have fewer and fewer times when we are entangled in this Middle East problem that continues today over our sources of oil.

I happen to believe this is a good bill. It can be improved and the Cantwell amendment improves it. There is one provision, only one in 800 pages, which talks about better fuel efficiency in America—or at least reduces our dependence. Let me be more specific: reducing our dependence on foreign oil. There was a provision that was passed by the Senate the last time we debated this bill, 99 to 1. It was overwhelmingly supported. It said, over the next 10 years we will reduce our dependence on foreign oil by 1 million barrels a day. That is a good step in the right direction. The Cantwell amendment takes us a little further and I think is better overall, but I support what is in the bill. Do you know, 2 days ago President Bush and his White House sent us their evaluation of this bill and said if that provision is included in the bill, the President will veto it.

The President will veto it if we embark on a policy of reducing our dependence on oil by 1 million barrels a day over the next 10 years? What are they thinking? How can we be any safer as a nation more dependent on foreign oil? Should not we be accepting this challenge? Why is the Bush White House walking away from it?

Senator DOMENICI, myself, virtually every other Senator, agreed to put this provision in the bill last time. I think it is a good provision this time. Yet the Bush White House is opposed to it.

There is only a certain amount of oil we can drill for around America and around the areas we control to meet our needs. The total world oil supply in the control of the United States is about 3 percent. Yet we use 25 percent of the oil that is consumed each day. If we are going to be realistic, we have to understand we need more efficient vehicles, more use of alternative fuels such as ethanol and biodiesel, and we need to be looking for ways to reduce the waste of fuel, such as the one included in this bill, and I commend the Senator from New Mexico on this. The provision in your bill which relates to the idling of diesel trucks is a great provision. All of these are sensible moves in the right direction. If they are, why isn't this administration supporting it? Why don't we have a good, strong bipartisan vote not only for that provision but for the Cantwell provision, as well?

Let us accept the challenge. Let us not view that as a negative alternative that America just cannot do it. We can. We have proven it in the past. We can come together and pass this bill on a bipartisan basis.

I thank the Senator from New Mexico. I am greatly rewarded by his patience in allowing me to speak a full 10 or 15 minutes without boiling his bile or whatever might have occurred.

I yield the floor and hope we are moving toward a vote.

Mr. DOMENICI. We are grateful. We will have a unanimous consent to take care of today.

Let me just say briefly, if I were President of the United States—which obviously is beyond the realm of possibility—I would be opposed to this amendment. It is not as if it does nothing to the President. It says, Mr. President, whoever you are—and it obviously will not be this one—tell us how, give us a plan, tell us how you will reduce America's consumption of crude oil by 40 percent by a year certain.

What President would like to do that? What President would think that is a worthwhile effort if he would have to send up some kind of plan at which the whole world would laugh? Our cars would have to be the size of golf carts or we would have to make a breakthrough in the next 10 years, which we have been working on for 40 or 50 years, and we have not made it yet.

The very ones talking about it do not want to even get the oil from ANWR. That is a million of what they are asking for, and it surely would be here by the time their resolution talks about it. What if the President, whoever it is, says: Let's go to ANWR and get a million. Guess what they would say: Destroying the world, getting rid of the environment. But a nice little resolution, nice little bill saying we have a solution to this. We will just be a John F. Kennedy and say our goal is to some way, somehow, cut America's consumption of crude oil from overseas by 40 percent, when it has been going up every year with everything we are trying to do.

In this bill, we are trying what is real. We are challenging all of the technocrats, the technologists, the scientists. We are telling them: Here are resources, find solutions. What superentity would we create in this country and say: Here you are. You are on top of all this. You prepare this plan. You give it to the President so he can give it to the people. To what end? What would it do? A 40-percent reduction reduces our consumption by 7.2 million barrels. We cannot even get anyone to vote to let America produce 1 million barrels now. If that 1 million would come off 7.2 million barrels, we would still be a huge way away.

Do not misunderstand, this issue is an American issue of high consequence. America is doing everything it can. We did not used to. That is why it is so hard now. We let it get away from us. It will not come back under control with a gaudy, impossible resolution that will sound like somebody has a plan.

the credits. We also would create a program for the sale of the credits to fund State programs for the development of renewables.

Congress has tried before to spur the development of renewables. In 1978, we passed the Public Utility Regulatory Policies Act, PURPA. That bill required utilities to buy renewables if the generators could meet the avoided cost of the utilities. Cogeneration—that is, the combined use of heat for industrial processes and for generation of electricity—was also eligible. That program resulted in a huge growth of cogeneration. Over half of the new generation that came online in the country during the 1980s and 1990s was from that resource.

It did not, however, do much for renewable generation. These technologies have remained at about 2 percent of total electricity supply for decades now. In other words, PURPA did not work to stimulate development of renewables as we had hoped it might.

Let me put up a chart to make the point of this 2 percent figure to give people an idea of what we are dealing with today.

This shows electricity generation by fuel for the period of 1970 through 2025. Of course, some of that is anticipated. This is from the Energy Information Agency which is part of the administration.

You can see that by far the largest percentage of the electricity we produce in this country is produced from coal. That is the case today, in 2005, as shown by this white line on the chart. That has been the case ever since 1970, and that will be the case in the future. That is true regardless of whether this amendment is adopted or is not adopted.

The next source of power, the next fuel for electricity generation is soon to be—right now it is nuclear but it is very soon to be natural gas. You can see a green line there. It is probably a little hard to see against that blue background on the chart, but there is a green line which goes up pretty dramatically in the future. That is a concern I know all of us who have looked at this issue share. We see the price of natural gas going up a significant degree, because we have more and more of our electricity being produced from natural gas. That puts pressure on the price of natural gas. People who are buying natural gas to heat their homes or their businesses see the cost of their utilities going up because of the increased pressure on that price of natural gas coming from the increased demand for natural gas to produce electricity.

You can see the renewables number down here. The renewables is next to the bottom line, and it is bumping along at less than 5 percent. It is down around 2 percent today. It will increase very modestly.

This chart is a chart of how the Energy Information Agency would expect production to occur absent a renewable portfolio standard. What this amendment will try to do is increase somewhat the amount of electricity we are producing from renewables and, by doing so, decrease the amount of electricity we have to produce from natural gas. This is a way to keep down the increasing cost of natural gas, and it is a way to keep down the increasing price of natural gas as well.

Let me talk about some of the criticism that has been made of this amendment and this approach. Critics of the proposal point to a number of concerns they have. The No. 1 criticism I have heard is it costs too much; also, that States are already requiring development of renewables; and, third, some areas do not have readily available renewable resources. Those are the three major criticisms we hear, so let me respond to each of those.

In response to the argument that it costs too much, I will point to a number of studies of this proposal that have been done over the last several years.

In 2003, I asked the Energy Information Agency at the Department of Energy to look at the effect the standard would have. They found our standard would result in 350 billion kilowatt hours of new renewable generation between 2008 and 2025. That would not happen absent the adoption of this provision. They found the cost would be minimal. The report indicated there would be an increase in the cost of electricity of only one-tenth of a cent in 2025 over projected costs. When combined with the reduction in natural gas prices that would be caused by the RPS, total aggregate cost to the consumer on that consumer's energy bill was projected to be less than one-twentieth of 1 percent.

I have asked the EIA to update this analysis with current conditions, and we have their update. They have sent me a letter which I can put in the RECORD. Let me cite the most important parts of it. It says:

> Cumulative residential expenditures on electricity from 2005 through 2025 are $2.5 billion lower while cumulative residential expenditures on natural gas are reduced by $2.9 billion, or 0.5 percent. Cumulative expenditures for natural gas and electricity by all end-use sectors taken together would decrease by $22.6 billion.

Now, that is their current estimate of what the effect of this provision would be.

The report also indicates the generation of electricity from natural gas would be 5 percent lower if we adopt this RPS than it would be otherwise. It also projects that total electricity-sector carbon dioxide emissions are reduced by 7.5 percent relative to the status quo. They are reduced by 249 million metric tons.

A number of other studies have found positive results, even to the point of reducing overall energy costs. Earlier this year we held a hearing in the Energy Committee on generation portfolios. Dr. Ryan Wiser of Lawrence-Berkeley National Laboratory presented a report that summarized the results of some 15 studies of renewable portfolio standards much like the one we are offering today. All of these studies found that a portfolio standard would reduce natural gas prices. Twelve of the 15 studies projected a net reduction in overall energy bills as a result of the RPS.

The Energy Information Agency report projected that the RPS would lead to a 32-percent lower allowance cost for sulfur dioxide emissions. The cost is not great. So the argument we have heard that this is too expensive a proposition I think does not hold water.

Many have argued that States are implementing renewable portfolio standards and there is no need for a Federal program. It is true that States have taken the lead in pushing for more renewable generation. Eighteen States currently have developed renewable requirements. Three more are soon to begin implementing renewable requirements.

Almost all of these standards are more aggressive than the Federal standard in the amendment I am proposing today. My home State of New Mexico requires 10 percent of electricity produced by utilities in that State to be from renewable sources by the year 2011—not 2020. Mr. President, 2020 is what our amendment calls for. But New Mexico says 2011. California says 20 percent by 2017. Maine requires 30 percent by 2000; Minnesota, 19 percent by 2015.

This will spur the growth of renewables in these regions. There is one thing, however, a State standard will not do. It will not drive a national market for these technologies. If some States have renewable standards and others do not, or if the technologies and requirements vary from State to State, it is impossible for a national market to develop for renewable credits.

This credit trading system is the piece of our proposal that gives the greatest flexibility for compliance. A credit trading system also helps to reduce the cost of compliance by allowing credits for lower cost renewables from one region to be bought by utilities in another region.

Some argue this is a cost shift from the regions without renewable resources to those with renewable resources. I would argue it is a way to spread the cost to all who are seeing the benefits. If States do not have or choose not to develop renewable resources, they still realize the benefits of lower natural gas prices, of lower SO_2 allowances, of lower cost carbon reductions. It is only fair they share the slight increase in cost for generation of electricity that has created these savings.

The argument that many regions do not have renewable generation resources has also been made. While it is true that the best wind, geothermal, and solar resources are concentrated in Western States, the entire country has extensive biomass potential. We have another chart I want to put up here for people to look at.

As Maine and other States have shown, paper production and agricultural processes are available everywhere. If Rhode Island, Pennsylvania, New Jersey, and Maryland can implement aggressive standards, then other States can as well.

This chart makes the case very strongly about where these renewable energy resources are available. You can see that solar, of course, is available everywhere but more prominently in the Southwest. That is shown in the upper right-hand part of this chart. Wind resources are not available everywhere but clearly are in many States, and particularly in the West and the Midwest. That is shown on the lower right-hand part of the chart. Geothermal resources are primarily concentrated in the West, but biomass and biofuel resources are everywhere in the country, and are particularly concentrated in the eastern part of the country. So as these technologies develop, as the markets for these technologies develop, there is an ability to produce energy from renewable sources everywhere.

The environmental benefits are clear. The renewable portfolio standard would result, according to the Energy Information Agency, in a 3.6-percent reduction in carbon emissions in the year 2025. This is a reduction of 31 million tons in that year alone. That reduction is the equivalent to planting 27.5 million acres of trees, an area about the size of Pennsylvania. And this is in one single year.

The RPS also benefits the economy by driving job growth. According to the Union of Concerned Scientists, wind turbine construction alone would result in 43,000 new jobs per year on average. An additional 11,200 cumulative long-term jobs would result from the subsequent operations and maintenance of these renewable facilities.

The Regional Economics Applications Laboratory for the Environmental Law and Policy Center found that 68,400 jobs and $6.7 billion in economic output are a result of renewable energy; wind power creates 22 direct and indirect construction and manufacturing jobs for each megawatt of installed capacity; wind power creates one operation and maintenance job for every 10 megawatts of installed capacity.

A study by the State of Wisconsin found that increased use of renewable energy sources would create three times as many jobs as increased use of traditional fuels for electricity production. U.S. PIRG reports that building 5,900 megawatts of renewable energy capacity in California would lead to 28,000 yearlong construction jobs and 3,000 operations and maintenance jobs. Over 30 years, these new plants would create 120,000 person hours of employment, four times as many person hours as building 5,900 megawatts of natural gas capacity.

According to the AFL-CIO, an estimated 8,092 jobs would be created over a 10-year period for installation and operations and maintenance of wind power in Nevada, and another 19,000 manufacturing jobs.

Support for this concept and this proposal is strong throughout the country. Recent polls have shown that support. A poll by Mellman Associates found that 70 percent of those surveyed nationwide supported a 20-percent portfolio standard. We are not proposing that aggressive a standard. We are proposing 10 percent by the year 2020, which I pointed out is substantially more modest than most of the States have embraced that have gone this route. These results held about the same in States as diverse as North Dakota, Georgia, Missouri, and Arizona.

Environmental groups from throughout the Nation, from the Sierra Club to the Natural Resources Defense Council, from industrial associations to the renewable trade groups and utilities, have all supported the RPS.

We are trying in this bill to implement a policy to develop an energy future for the Nation that would rely on our own resources, creating energy security for the country; that would provide for cleaner air and water; that would begin to reduce our emissions of carbon dioxide into the air; and that would drive our economy to greater heights. This portfolio standard is a low-cost, effective, market-driven way to accomplish these goals.

Let me put up one other chart before I yield the floor.

There is a chart we have that shows the production-added capacity of wind energy which I wanted to reference. It is entitled "Annual Installed Capacity."

One of the arguments being made against this legislation is, through the Tax Code, we are already providing incentives for utilities to do this. Therefore, something like this is not required.

The truth is, we have had incentives in the Tax Code. Our history of success at getting additional installed capacity through that device has been extremely mixed. We have a tax provision for a year, and then we let it expire. Installation drops off dramatically. We have a tax provision put back in place. The installation of capacity goes up. We let it expire. Unfortunately, that has been the history in this Congress.

I would like to say it is going to be different in the future, but I am not persuaded. What the renewable portfolio standard will do is to set a long-term path for how we want to proceed and would give utilities and those who are involved in the generation of electricity a clear idea of what is to be expected from them as they go forward. This would have a beneficial effect on the development of these technologies, on bringing the cost of producing power from renewable sources down, and would bring us into line with many of the more industrially advanced countries in the world.

This is a useful provision. It is one that has bipartisan support in the Senate and one we have had the good sense to adopt in the previous two Congresses. I hope we will do that again this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I remind the Senate that we have an hour and a half on our side. I am in control of the time. I am going to yield control of the time to the junior Senator from Tennessee. He will start and use as much time as he wants. Then I will return and use some. I have put the word out, if anybody else would like to speak in opposition to the Bingaman amendment.

With that understanding, I yield the floor and thank the Senator from Tennessee.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from New Mexico. While both Senators from New Mexico are in the Chamber, all of us appreciate the way they have brought this extremely important bill together. We know there are a handful of tough issues about which we disagree. Through their leadership, we have a consensus on what is well on its way to being an American Clean Energy Act for 2005, something that will dramatically transform the way we conserve energy, produce energy, and will help us keep our jobs and be more competitive in the world marketplace. That is our goal.

I also believe it will lower natural gas prices. And I thank the chairman and ranking member for their contributions.

At the end of our committee markup, during which the vote was 21 to 1, there were compliments thrown all around. Senator BINGAMAN said he couldn't remember a party-line vote in all the votes that we had, that we were voting based upon our own individual views and our regional differences. Senator CANTWELL said it was not only a clean energy bill, but it was a clean process. But that doesn't mean that when we disagree, we shouldn't disagree. And we have differences of opinion. That is what the Senate is for.

While I respect the other side for what is a high-sounding idea, the idea of a renewable portfolio standard, I believe there is a better way to spend these billions of dollars than the way suggested by Senator BINGAMAN, if our real goal is to create an adequate supply of low-cost, reliable American-produced energy.

It is always important to start from the proposition that this is a big country and a massive economy. We use 25 percent of all the energy in the world, and we spend about $2,500 a year per person to produce that. So when we put up a windmill that only blows 20 or 30 or 40 percent of the time, it doesn't matter much in terms of what we do. When we build a new nuclear power plant, which we haven't done since the 1970s, it matters a lot. A windmill would be one of 6,700, but that power plant would be only 1 of 1,300 or 1,400 power plants we have in the country. So it takes quite a bit to affect our energy policy.

There are three reasons I hope my colleagues will vote against the renewable portfolio standard. The first reason is that it is an $18 billion tax. It is a new $18 billion rate increase on the electric ratepayers of America. The second reason is it is an increase in subsidy for a number of people, especially wind developers who already include a huge subsidy of a couple billion dollars over the next 5 years, which the Finance Committee has recommended we increase to $3.3 billion over the next 5 years just for giant windmills. Three, if not technically, it is at least in the spirit of an unfunded Federal mandate, the kind of thing that a lot of us were elected to stop, the idea of coming up with a big idea here in Washington and imposing it on the rest of the country and then sending them the bill.

I was thinking about this: We are all going to be going home in a couple of weeks, having debated the Energy bill and hopefully having passed it, feeling good about it. Our constituents are going to ask: What did you do about high gasoline prices? What did you do about high natural gas prices? What did you do about the possibility of blackouts so my computer wouldn't work and so I wouldn't be safe in my home? What did you do about the fact that China and India and other parts of the world are buying up oil reserves and growing their economies and creating constant pressure on the price of oil? What did you do about that, Senator, while you were in Washington over the last couple of weeks?

I wonder if what we really want to say to our friends who elected us when we go back to Tennessee or Nevada or New Mexico is:

I raised your taxes $18 billion. I put a new $18 billion charge on your electric bill. That is the first thing I did. The second thing I did was I gave an increased subsidy to people who were already getting a lot of money. Windmill developers are making $2 billion over the next 5 years just to put up these giant windmills. We gave them another subsidy on top of that. And then the third thing I did was, since we all get smarter when we go to Washington on the airplanes, we decided that despite the fact that 17 or 18 States are already defining renewable energy sources in their own ways and already trying to meet them and already giving them incentives, we decided we would decide that better. We would decide that from Washington, DC.

While I am not sure about this, at least in earlier versions of the proposal, in a number of cases the credit you got for what you were doing according to your State renewable portfolio standard doesn't count towards your national renewable portfolio standard.

I don't think I want to go home and say to the people of Tennessee that what I did about the growth of China and India and the threat to their jobs and what I did about high gasoline prices and natural gas prices, what I did about blackouts was to add $18 billion to their electric rates, to give a big subsidy to windmill developers, and to put an unfunded mandate on top of what States ought to be doing for themselves.

There are better ways, if our goal is to produce low-carbon or carbon-free electricity, which is what this debate is really all about. This debate is motivated by those who feel most strongly about global warming and about low-carbon and carbon-free electricity. There is a better way to do that, particularly if we have $18 billion. I want to talk about that a little more as we go along.

The Senator from New Mexico, as he always does, gave a very careful and well-reasoned explanation of his points of view. His proposal is a little different from his proposal made in 2003. I want to go through why I said what I said and make sure my point of view is understood.

Let me begin with the idea of the $18 billion. I didn't just pull that out of the air. This is a letter from the Department of Energy in Washington dated June 15, 2005, to Senator BINGAMAN. He quoted some of it. It talks about a number of things. It does talk about some places where in the whole economy there might be some reductions in expenditures as a result of the RPS based on their monitoring. But it also says the following:

> From 2005 to 2025, the RPS has a cumulative total cost to the electric power sector of about $18 billion. . . . This cost includes $700 million in payments to the Government for compliance credits once the price cap is reached and $10.7 billion in payments to owners of customer-sited photovoltaics that are eligible for triple credits.

In other words, we are going to spend $11 billion in payments for solar power.

Let me start by talking about what we mean when we say renewable energy. Some people get confused about ethanol, renewable fuel, and renewable energy. We are not talking about ethanol. We are only talking about renewable energy, making electricity. There are only a handful of ways to do that that make much difference. Senator BINGAMAN has defined those very narrowly. Wind is one, giant windmills. Geothermal is another. That is hot water coming out of the ground to heat your home. Hydropower is one, but we exclude hydropower except for very limited new hydropower in this bill. Solar is another, using the sun. And biomass, putting grass and/or other things into coal plants and burning them is yet another.

Today, all of those renewable fuels produce a little over 2 percent of the electricity. Since the 1970s and 1980s, we tried very hard to encourage more. I can remember President Carter 20 years ago setting a goal of 20 percent of solar energy. In 1992, the wind developers said: We can make wind electricity out of wind, just give us a little bit of money to help get started, and then we will be off on our own. That was 1992.

Billions and billions of dollars later, wind is still not very much because that is not the best way to produce carbon-free electricity for an economy of this size, to compound the problem by putting new taxes and new subsidies on the American people at a time when we are supposed to be talking about lower prices. I haven't heard anybody say: I want higher natural gas prices. I want to pay a higher electric bill.

We are talking about higher prices, 18 billion new dollars on your electric rates. And for what? To build tens of thousands of windmills and to spend nearly $11 billion producing what will end up being one-fifth of 1 percent of all of the electricity that we will produce. That would be the solar electricity.

I am all for solar power. I have an amendment for solar power with Senator JOHNSON that we introduced as part of the Natural Gas Price Reduction Act. It would spend $380 million over the next 5 years for businesses and homeowners who want to use solar power. It would help that industry get started and see if it could go on its own without huge higher costs. But this is nearly $11 billion for solar power to produce one-fifth of 1 percent of all the electricity in the United States.

After solar, tens of thousands of these windmills is the other major expenditure along with biomass. So what we are talking about to begin with is wind and biomass and solar and landfill gas and geothermal, and trying to take that from 2 percent up to 10 percent. To do that, we are going to put an $18 billion tax increase on.

Now, let's go to the second objection I have. That is the size of the subsidy and the people to whom the subsidy is going. I have been doing a little investigating. It is hard to get these numbers down, to try to see how much money we are spending for this kind of fuel, so I could see if we could better spend it some other way. I have noticed that we are spending about 1 percent of our—we have something called the renewable electricity production tax credit. So far, it has been really a tax credit for windmills because solar hasn't had the chance to take advantage of it. It pays you 1.8 cents for every kilowatt hour of wind power that you produce.

Now, wind has become—according to many of the utilities who buy and sell wind power—a fairly competitive product where the wind blows. Of course, where it doesn't blow, no amount of subsidy will help it. So we have already committed $2 billion in our Tax Code over the next 5 years to subsidize wind producers. And the Finance Committee, yesterday, said they want to add a billion to that. The Finance Committee also said they not only want to subsidize the production of the kilowatt hours of power, they want to loan money so developers can build these giant windmills.

Some people may think I am talking about your grandmother's windmill out by the well somewhere pumping the water.

I will have to make one correction in trying to describe these. I have said only one will fit into the second largest football stadium in America in Tennessee. The Senator from Pennsylvania, Mr. SANTORUM, reminded me that Penn State is larger than the University of Tennessee, and I stand corrected on that. But even at Penn State, and even at the University of Michigan, which is the largest, or the University of Tennessee, which is third largest, just one of these windmills will fit in the stadium. The rotor blades extend from the 10-yard line to the 10-yard line, and it rises twice as high as the skyboxes, and you can see the red lights from 20 miles away on a clear night. These usually come in groups of 10, 20, or 30 windmills.

This proposal would have the effect of increasing the number of these gigantic windmills from about 6,700, which we have in America today, to 45,000. That is the estimate of the Energy Information Administration. Each of these produces about 1 megawatt of power—or to be accurate, is rated to produce about 1 megawatt of power. The wind only blows 20 to 40 percent of the time, so it only produces about a third of a megawatt of power. Also, you have to take into account the fact that since these often are built in remote places or on top of scenic ridges, then you would build large transmission lines through backyards to carry the electricity to places. And you have to take into account the fact that you cannot close down your coal plant and nuclear plant and your natural gas plant when you put up windmills because people don't want to shut off their computers, stop working, or turn off their lights. They have to have their electricity all of the time, and you don't store power from wind in these amounts to use later.

So the idea that the United States of America would look to the future to keep its jobs and competition with Japan, with China, and with India—our country that uses 25 percent of all the energy in the world—by taxing its ratepayers $18 billion to build tens of thousands of windmills and, as good as solar power is, to spend $11 billion on solar power, which will produce one-fifth of 1 percent of all of the electricity we need in this country—I don't believe, respectfully, it is the best way to spend our money.

The third point is this about the States, and the Senator from New Mexico mentioned about what the States are doing. Someone said, "Senator ALEXANDER hasn't gotten over being Governor." Maybe, in a way, I hope I never do because I don't think you automatically get smarter when you fly to Washington, DC. I know the Presiding Officer goes home almost every weekend. You gain a lot of wisdom while you are at home, and not here. To the extent that it is a good idea for electric utilities to begin to use a variety of different renewable sources, I submit that they are already doing it. They are working hard on it. The Governor of California made a major address the other day about the use of solar power in California.

There are 19 States, plus the District of Columbia, that have some form of RPS today. They have all sorts of different approaches to this. Iowa met its standard in 1999. Connecticut increased its standard in 2003. Texas has a well-regarded standard.

They use different definitions of renewable sources of energy. Maine defines renewable to include pulp and paper waste and black liquor. Pennsylvania has a clean energy portfolio standard that includes waste coal. Connecticut includes fuel cells. The Western Governors Association includes clean coal.

I have a number of examples of how, under Senator BINGAMAN's 2003 proposal, which I have studied since his new proposal came just today, which I have not studied as closely, but there were a number of cases where the credits at the local utilities would be received under their State plans, but they would not be allowed under the Federal plan. So we would be saying in Washington, DC, we see that in 19 States you have this idea of more renewable energy, but we are going to do that ourselves. We are going to preempt the field, we are going to set the rules, we are going to define it, and we are going to spend $18 billion our way instead of your way. I think that is unwise, Mr. President.

So the three arguments that I make against the Senator's amendment are these:

One, it is an $18 billion new tax on ratepayers to build tens of thousands of windmills and to spend $11 billion on solar power, which would produce one-fifth of 1 percent of all of the electricity we need by 2025. That is not the wisest use of money, and I don't think that is what we want to say to our constituents when we go home.

Second, it adds an unneeded subsidy, especially to wind developers, who we are giving $2 billion already over the next 5 years to build these gigantic windmills, which mars the landscape and only work 20 or 40 percent of the time. The only reason they are being built is because of these huge subsidized incentives.

I predict that if legislation like this passes and we go from 6,700 to 45,000 of these big windmills, you are going to have an uprising in every State of people who don't want to see them and wonder why we are taking $18 billion away from their electric bills and subsidizing things like this.

Third, I trust the States. Nineteen of the States have an RPS, plus the District of Columbia. These are the green ones on the chart, where you see more capacity for renewable fuel. If you put a 10-percent standard on Louisiana or Arkansas or Florida or Tennessee or Virginia, and we cannot meet that standard, what do we do? Our utility just writes a check to the Government under the RPS. It is a new tax, it is a new rate increase, and that is not the kind of thing we ought to be doing.

What should we be doing? Let me go back to my first chart, and then I will conclude my remarks. I like the direction of our bill as it is. You see, I think what our bill, as written, does—and it hasn't been widely noted, and the Senator mentioned this a while ago—it would transform the way we produce electricity in the United States. If we really want carbon-free air, if we want to meet the Kyoto standards, stop the global warming that people are concerned about, you are not going to do it by building tens of thousands of windmills and spending $11 billion on solar panels.

Here is how you will do it: conservation and efficiency. The Domenici-Bingaman bill that is here already would save us from building 45 500-megawatt gas plants just because of appliance standards. The hybrid car incentives coming from the Finance Committee will encourage the buying of 300,000 hybrid cars, resulting in more efficiency, less carbon in the air, and encouraging our auto industry to transform, as many of us hope they will do. If we do that, we should spend another $750 million, not on windmills, but on giving tax incentives to auto plants in the United States that retool to be able to produce hybrid cars. If we give incentives to buy those cars, we want them to be built in Tennessee, Michigan, or elsewhere in this country, not in Yokohama. If we spend a new $750 million for that purpose, which is a recommendation of the National Commission on Energy Policy, it will help to create 39,000 new automobile jobs in the United States.

Senator FEINSTEIN and Senator SNOWE have a proposal for energy-efficient appliances and buildings. The cost, over 5 years, is $2 billion. Some of that is in the legislation. But more could be spent on it to great effect. Coal gasification powerplants. We have talked about nuclear, so I will go to nuclear: $2 billion for deployment of advanced nuclear power plants. Mr. President, if we want carbon-free air, we know how to get it. We get it from nuclear power. Twenty percent of all of our electricity in this massive economy of ours that uses 25 percent of the energy in the world is from nuclear power today.

So why would we subsidize windmills and solar panels instead of spending $2 billion on advanced nuclear power plants? France does it. They are 80 percent nuclear. Japan has one new nuclear plant a year. We have not started one since the 1970s, although we have dozens of Navy ships docking at our ports around the country with nuclear reactors that have never had a problem. So $2 billion for advanced deployment of nuclear power.

Right behind that, waiting in line—and I know both Senators from New Mexico agree with this—is coal gasification in powerplants, along with carbon recapture and sequestration technologies. If this could work, this would back up nuclear power and produce the large amounts of low-carbon or carbon-free energy that not only we need in the United States but that the world needs. If we do it here, they will do it there. If we don't do it, they will not, and they will produce so much pollution and junk in the air that it won't matter what we do because the air will blow around on top of us.

I mentioned solar energy development. I think there should be a substantial increase for solar energy development. The production tax credit, since 1992, has done nothing for solar power. It virtually all goes to wind. But an appropriate amount of money would be, over 5 years, $380 million. That is even more than the Finance Committee recommended. Under the RPS, we are talking about $11 billion collected from increased rates and spent to produce one-fifth of 1 percent of the electricity we need in 2025.

Mr. President, I want low-carbon air. I want to transform the way we produce electricity. But I also want lower electric rates. The Tennessee Valley Authority just raised our rates 7 percent. That is a high rate increase. That means there are some manufacturing plants in Tennessee that are going to think twice about whether the jobs stay here or the jobs go somewhere else. If we start putting new taxes and new rate increases on homeowners and manufacturing plants in Tennessee and around this country in order to build tens of thousands of windmills and this extent of solar power, we will not be taking the wisest course.

I suggest we support the bill as it is written, and to the extent we have dollars, let's spend it on hybrid vehicles, auto jobs, energy efficiency, coal gasification, modest, reasonable solar energy, carbon recapture research, advanced nuclear, and cogeneration projects.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I received notice that our Republican leader wishes to speak, he said, at 11:15.

I want to make an observation and see if the Senator from Tennessee will answer it.

The Senator from Tennessee went through all these other ways we could go about cleaning up our air and reducing the carbon emissions. What strikes me is, let's assume we are going to do all those things, because I think we are. I remind the Senator, however, that the $2 billion in there on nuclear—we should all understand, we can produce nuclear powerplants before that ever happens. That is fourth generation. That is getting ready for hydrogen. That is not charged to this, nor is it going to apply.

Nonetheless, take all the rest. Let's assume we are doing them. The interesting thing about this amendment is, if we were doing them and saving carbon emissions, we do not get any credit for that; am I right? We still are going to have this 10-percent mandate for renewables. So let's assume a State 4 or 5 years from now opens a nuclear powerplant. That is as clean as wind, is it not? It is terrific from the standpoint of emissions, but we still have to do the 10 percent, right, the way this approach is; is that correct?

Mr. ALEXANDER. Yes, that is correct.

Mr. DOMENICI. And in every respect, a State will not get any credit for the fact they are doing all these things that move in the direction we want because here sits this mandate that says you do this anyway.

Mr. ALEXANDER. That is my understanding.

Mr. DOMENICI. I think that is not right, as I look at it. That confounds me as to why that would be the case. We are urging they do the others, but in some cases, they are going to be mandated to spend this rather extraordinary amount. Once the credit is gone, incidentally, this kind of energy is going to be pretty expensive stuff.

Mr. ALEXANDER. That is true. In the case of wind power, it was suggested to the Senators in the early nineties, give us a wind power production credit for a few years and then it goes away. If it goes away and it costs more, the ratepayers will end up paying for that higher cost power.

Mr. DOMENICI. The mandate does not go away. Somebody has to produce it and it has to be charged.

Mr. ALEXANDER. That is my understanding.

Mr. DOMENICI. I yield the floor.

THE PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senator from New York and I be allowed to enter into a colloquy and that the time not be charged against the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. FRIST and Mrs. CLINTON pertaining to the introduction of S. 1262 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I will take a very few minutes to respond to some of the points that the Senator from Tennessee was making. We are back on the amendment that I have offered for purposes of debate.

I ask unanimous consent that Senator OBAMA be added as a cosponsor to the Bingaman amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. The first point I would make, in response to the comments of the Senator and my colleague from Tennessee, who has contributed greatly to the development of this overall Energy bill and whose contribution has been very substantial and I very much respect his views, obviously we are in disagreement on this issue, and I will explain some of the reasons why.

First, much of what he said related to big windmills and the fact that this, in his view, is essentially a program that would cause the establishment of more big windmills. He pointed out the reasons why that was unwise.

This amendment is technology neutral. We have been very specific about this. We have said that qualifying renewables include wind, solar, ocean, geothermal, biomass, landfill gas, and incremental hydro power. We have tried to talk about all of the different renewables and make it clear we are not specifying which of these renewables are used by particular utilities to meet this requirement.

It would be up to them, and it would be up to them based on how the various technologies develop. In fact, many utilities have chosen to pursue wind generation because they have found that that was the least costly way to produce energy from renewable sources. Clearly, advances are being made in solar power, advances are being made in biomass, and in various others of these technologies. The purpose of this legislation is to accelerate that.

There is a chart which my colleague from Tennessee put up indicating the other ways in which we are trying to deal with our energy needs in this overall legislation and the other ways in which we are trying to reduce emissions into our atmosphere in this legislation. I agree with all of that. We do have provisions in this legislation to encourage the development of this gas-combined cycle technology and the use of that in our coal-fired powerplants.

I will put up the chart that we had earlier that shows the different sources for our electricity generation as they exist today and as the Energy Information Agency would expect them to exist in the year 2025.

You can see that by far the most significant source of our energy, our electricity generation in this country, is coal. It has been in the past; it is today; it is going to be in the future. The only question is to what extent does that number, that top line, go up. And, more importantly, to what extent do we see pressure put on natural gas as a source for electricity generation in the future.

But we have provisions in this bill that try to encourage the use of IGCC technology. That is very much in the public interest and I very strongly support that.

We also have provisions in here to encourage more use of nuclear power, more production of electricity from nuclear power. You can see the nuclear line is largely flat coming from today, 2005, out to 2025. It is my hope, just as it is the hope of Senator DOMENICI and I am sure of many on our committee, you will see that line go up somewhat, as companies are able to see the benefits that are provided in this legislation and look at the cost comparisons, that they will choose to put more resources into production of energy from nuclear sources as well. That is very much to be desired.

But to accomplish our goals, our overall goals for this country and our overall goals for our energy legislation, we need to pursue all available resources. That is why I believe it is important we adopt this amendment, to give that extra push for renewables. The chart from the Energy Information Agency projects very little increase in this line down here, this blue line for renewables, without this renewable portfolio standard in place.

I saw the map of the United States the Senator from Tennessee put up, showing the different States that are doing this. All of that is taken into account by the Energy Information Agency. All of those State renewable portfolio standards are taken into account in their determination that there will still be only very modest, if any, increases in the use of renewables over the next 20 years.

What we are trying to do through this renewable portfolio standard is to increase the contribution from renewables somewhat. I am the first to admit we are not going to solve our energy problems with the use of renewables alone. We have to depend on nuclear power. We have to depend on clean coal technologies. We have to depend on progress in all these areas. But the effect of this amendment I have offered is to give some additional impetus to use of renewables.

Let me make a couple of other points which I think bear mentioning at the same time. I think the Senator from Tennessee suggested that—maybe not the amendment that is currently before the Senate but an earlier version, I believe he indicated, would say you don't get credit for what you do to meet your State standard in order to meet this national standard. Let me be clear. That is not the case. I don't think that has ever been the case in any version I have seen of this amendment, but it is certainly not the case in what we are talking about here. In States where there is a renewable portfolio standard in place—and in almost more cases that is a much more aggressive and demanding requirement than anything we are contemplating here—clearly this standard would be met without any difficulty. This is not an incremental standard above what the State requires. This is an effort to require some effort to be made nationwide and hopefully get us to a nationwide market and demand for these technologies that we are promoting as part of this.

The other big point the Senator from Tennessee was making is this $18 billion cost. He is referring to this letter from the EIA. It does say the cumulative cost to the electric power sector is about $18 billion.

Three bullet points down in that same summary page, it says the cumulative expenditure for natural gas and electricity by end-use sectors, taken together, decreases by $22.6 billion.

What it is saying is the effect would be to decrease what they spend on natural gas and electricity by $22.6 billion at the same time there is the $18 billion to be shifted over in this area. So clearly the whole idea behind this legislation is that the people who are producing, the companies that are generating electricity in this country, will do less of that through use of natural gas, will invest less in natural gas production facilities, or generating facilities, and will invest more in these other areas. That is the purpose of it. We believe that is a good public purpose, a good purpose for us to be promoting in this legislation.

The final point the Senator was making is this is an unnecessary cost to consumers. That is not what I understand the EIA to be saying. The Energy Information Agency says, in a quote out of their letter to me dated the 15th of June:

> Cumulative residential expenditures on electricity from 2005 to 2025 are $2.7 billion lower, while cumulative residential expenditures on natural gas are reduced by $2.9 billion.

That is if this amendment is adopted. So the cumulative expenditures for natural gas and electricity by all end users, taken together, will decrease by $22.6 billion. It is saying, for this 20-year period we are talking about, if we adopt this amendment we will be saving consumers. They, the people who are producing the electricity the consumers are buying, will, in fact, be shifting resources to produce some additional increment of that electricity from these renewable sources rather than from natural gas plants as they otherwise would. But clearly there is a savings here for the consumer, according to the Energy Information Agency, and I think that is clearly to be desired and something we all are hoping will result from this legislation.

Before I yield the floor, let me ask unanimous consent that Senator CLINTON be added as a cosponsor. She is available to speak.

Let me ask Senator DOMENICI, did you want to go back to your side to speak now, or Senator CLINTON would like to speak on our side.

The PRESIDING OFFICER. Without objection, the Senator will be added as a cosponsor.

Mr. DOMENICI. Let me ask, Senator CLINTON, are you on some kind of time-sensitive schedule? If you are, I will let you go. How long does the Senator wish to speak?

Mrs. CLINTON. For 5 minutes.

Mr. BINGAMAN. We will yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I want to speak strongly in favor of Senator BINGAMAN's renewable portfolio standard amendment. This is a goal-setting amendment that gives us direction and impetus to do what we should be doing. Requiring us to produce 10 percent of our electricity from renewable energy sources in 15 years is something I think is necessary so we begin to change how we do business, how we conserve, what we invest in. This is a major step in the right direction. Although the critics have raised some alarms about this amendment, numerous studies have demonstrated the efficiency and savings that would flow from the adoption of this amendment.

Senator BINGAMAN has spoken at great length about some of these studies. The recent analysis conducted by the Energy Information Agency, provided some very strong support for what Senator BINGAMAN has proposed. In fact, it is the administration's analysis that shows if we passed this national 10-percent renewable portfolio standard with a 2020 deadline on it, we would save residential customers over $5 billion, we would lower natural gas prices by 6.8 percent, and that would have enormous benefits for our chemical, pharmaceutical, and other industries that rely on natural gas. It would also reduce electric utility carbon dioxide emissions by 7.5 percent.

This does not even take into account all of the benefits that I believe would flow from this amendment. When it comes to renewables, we in the United States need to catch up. We are behind in this effort compared to other countries and we need to spur innovation and creativity.

I also support Senator CANTWELL's amendment. This improves on a provision in the bill that would require the President to develop a plan to save 1 million barrels of oil per day by 2015. That is a laudable provision. Actually it was approved by the Senate 99 to 1, 2 years ago. It is unfortunate the President opposes this provision and has even threatened to veto the Energy bill over it. At a time when oil and gas prices are high, at a time when national security interests clearly dictate that we reduce our dependence on foreign oil, rather than rejecting this provision, we need to go further than we went with the 99-to-1 vote, and that is exactly what the Cantwell amendment does. It establishes an ambitious goal of reducing by 40 percent the amount of oil the United States is projected to import in 2025.

Finally, we are a can-do nation. We can do this. This is something we should be committed to do. These are goals. These are not enforceable standards, but they spur us, they raise our aspirations, they help us to think more clearly about what we need to do to protect our Nation's economy and security.

I hope the President will relinquish his veto threat and that we will have strong bipartisan support on both the Cantwell and Bingaman amendments.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. There remain 58 minutes on the majority side and 50 minutes on the minority side.

Mr. DOMENICI. I want the Senate to know on our side we do not intend to use as much time as we have, unless other Senators want to speak. Senator ALEXANDER certainly wants some additional time.

Senator BINGAMAN, I don't know if your side needs the whole amount. We are trying to get a unanimous consent agreement shortly.

As the Senator from New York leaves the floor, let me say right at the offset, the Bingaman amendment is not a goal. If it were a goal, that would be something different. It is a mandate. There is a very big difference between a goal and a mandate. This says exactly what each State is compelled to do with reference to the kinds of energies that are described. When you boil it all down, it means "wind" for the time being. It means each State has to have it. And if they do not, they have to pay money to the Secretary of Energy or they have to buy wind-generated electricity from some other State.

While I am on that subject, I would like to put up one little chart. I would like to show this to the Senate. If you look at this map, you can see the white area, in particular the white area down here in the Southeast. The interesting thing is that the white area does not have any source of wind to meet this standard.

It is nice if you are not one of those States. But if you are one of them, it is not very nice because you are sort of wind poor. The other States are wind rich. Under this bill, the States that do not have that have to pay money, either to the States that do produce it for their wind energy or they have to pay money to the Secretary of Energy who uses that for research and technology development in the area of renewables and the like.

We have been on the floor many times when we spoke about issues on coal. I remember when I was a very young Senator, we had a big debate in the Senate about mandating a certain kind of coal be used. The Senate got very excited and hot about it because we were sort of drawing a line between the States and creating a terrible kind of chasm between the States, saying these States are going to be the "have" States, these States are going to be the "have not" States.

I admit that was a very serious problem, for the clean coal was not going to be used, in spite of it being clean, and the dirty coal was going to be used because we were mandating it. So it was in some ways similar, but it would have been billions upon billions of dollars in the development of resources, so it truly would have divided the country.

This divides us in another way, in a way that I think is not necessary. Let me say from the outset, for those who do not think the Bingaman amendment is the right way to go, they are not coming to the floor in harmony, en masse, saying we do not like wind energy.

Some may, but there are many who think wind energy ought to be developed and we ought to push the frontiers of technology. But no one should think that if we do not adopt the Bingaman amendment, we have a bill that is not going to push the development of renewables. The bill is laden with incentives to produce renewable energy.

As a matter of fact, the tax-writing committee that will bring their bill here shortly, I understand almost all of their allocation of tax reductions, the loss of tax revenues by way of credits or the like, almost all of it will be renewable. As a matter of fact, the very major tax credit that, I might say, is the principal reason wind is being developed at all is extended for 2 years at a very large cost to the taxpayers—maybe $3 billion or thereabouts.

We are pursuing the development of renewable energy led by wind, which at this point is the principal one unless we consider hydro, and I don't think we are considering hydro in any of this debate. It exists, and it has nothing to do with what we are talking about.

What I am suggesting, if the amendment does not pass, we have not abandoned an American approach to pursuing the technology called renewables led by wind in these United States. What we are trying to say is that one shoe should not fit every State. States that can't do this because of the unfortunate situation of nature—they do not have the wherewithal to produce it, or if they had to produce it, they would produce it in places they would not want to produce it because it would not be consistent with another use of that land that is paramount and has a priority to the development of windmills, such as right down the middle of a national park.

Having said that, another point was made by my distinguished friend from New Mexico, Senator BINGAMAN, who has been a tremendous partner in this bill. He knows on this issue we do not agree, but he understands that on 99 percent of this bill, we will fight for it and win and have an energy bill for the first time that has a lot of good, solid things for the country. My good friend Senator BINGAMAN said that other States already have these goals. They set their own requirements—not goals, their own requirements. He used the word that they have done so "aggressively."

I remind the Senator, and I think I am correct, that those States do not use the same formula for what will make up their portfolio of renewables. I submit, if the Senator would like to amend his amendment and allow the myriad kinds of energy production used in other States to meet their current goals or current mandates, that would be a good bill.

For instance, the State of Pennsylvania has a very aggressive plan. If you think "aggressive" means they have a very aggressive wind program that would meet the mandates of this amendment, that is not true. They are using other technologies consistent with their resources, many of which are related to products related to coal. Whatever remains after they use coal is reused, and they produce a clean source of energy that counts toward their goal.

We think nuclear powerplants will be built in the future. It seems it would be appropriate that a State might be given credit for that. We believe there will be very formidable advances in converting coal not only into clean coal but into coal that has the carbon removed that will, indeed, qualify for being as good for cleaning up with reference to the gases we are worried about in global warming as solar. It may end up, and from what I understand, even though it is new technology, it might be cheaper than what we think wind energy will be. It seems to me that is a more sensible approach. Provide a variety, a mix that would make up this 10 percent.

But we should not be causing certain States to pay a very big tax because they cannot produce solar energy. No one calls it a tax, but when someone takes funds out of their consumers' pockets and gives them to some other State, to some other utility in another State, if it looks like a duck and quacks like a duck, it is a duck. It seems to me that the easiest way to talk about this is that it is a tax. I don't think, when we look at all of that, this is the best way to do it.

I don't say this in any way to belittle those who have pursued this with vigor, who think it is a very good approach. Senator BINGAMAN makes valid arguments. The Senator from Tennessee, particularly in his way of getting to the bottom of things and articulating eloquently about what he has learned, has contributed immensely to learning just what this is all about. As a consequence, I am not at all sure as many people as thought this is a wonderful idea 6 months ago, if they listen and understand, I am not so sure they would think this particular way to get renewables, led by a renewable called wind, would be the best way to go. I compliment him for that. I am not at all sure enough people are listening if we judge by the attendance in the Senate—and I don't think the people in America should do that. Senators are listening even though they are not here. If we judge on that, of course we will not change any minds.

As I see it, there is good reason to say: Look, we are doing enough right now with this enormous credit. Frankly, I will add to the credit. I will say something that is beyond dispute. We have asked those who gauge and judge, How much wind energy can you produce? What is the maximum that the fabricators of these products, these things you describe, Senator, that someone is building, that we will pay for—someone is making a lot of money on them right now because of the subsidy. How much could we produce per year for the next 2 or 3 years? The answer has come: You can't produce any more than the tax credit will cause you to produce.

Let me put it another way: This mandate has nothing to do with maximizing the production of wind so long as there is a credit. The credit is going to produce it. In a sense, why do you need both? One would say because of the long-term nature of a mandate versus we have 2 years, maybe 3 years of credits. But in America, the way we ought to look at this, you subsidize the technology so everyone involved can get with it and apply this ingenuity called America and do it better. This very large subsidy ought to surely get us in position where we can produce this wind—if that is what we want to do—that we can produce it cheaper, so the incentive is relevant to the next 8 or 10 years in that respect.

We ought to do better. To some extent, having the 10 percent out there and having the credit out there is a disincentive to maximizing innovation. What is the urgency? How are we sensitizing the marketplace to produce more efficient wind? When you give a tax credit and put a mandate on it, it seems to me whoever is doing it can sit around and say: We have a nice thing going, we do not need to change, just keep on.

I thought the idea was to move technology. It could be you are moving other technology besides wind. But there is a long way to go before you get some of that solar onboard. I don't think this will make that move in the next 10 years unless there is a big breakthrough that I don't believe will be caused by this mandate.

I have some other issues I was going to discuss. I will make a point about States that are already doing something. I call to mind Pennsylvania. One would not think of Pennsylvania as being a State with a lot of wind, producing wind energy, yet they are in red on my chart. That means they have to borrow from my friend, Senator BINGAMAN, an aggressive policy on renewables. But it is not predicated upon the same requirements of this bill. It is not a huge 10-percent wind component. It is made up of other things.

If we look at each of these States in red and ask which States are meeting this goal in an aggressive manner, and then come to the Senate floor and say how each State is doing it, and then say, Why don't we let any State that wants to do it in all of these ways and meet it—all we have said is if the State is doing it, they get credit. That is what the sponsor says. But we have not said if they do it differently than this in the future, they get credit, as I understand it.

If we have another red State added up here—and I don't think the red and the blue of the last election has anything to do with this map; we don't have blue up there; we have red and white—but if we added more reds, before we had this bill, it would not be all wind or renewables as prescribed by this bill. It would be whatever they find meets their test of renewable energy. It seems to me that kind of flexibility would be much better.

What we have is an attempt to saddle the industry and consumers with a hefty price tag to support a limited set of renewable resources.

According to the Department of Energy, only 2.2 percent of total U.S. electricity generation in 2003 was comprised of non-hydro renewable energy sources such as geothermal, photovoltaic, solar thermal, biomass, municipal solid waste and wind plants. This is so despite years of government subsidies and programs to encourage renewable energy.

Of this 2.2 percent total, 44 percent came from biomass generation (mostly at industrial facilities), 26 percent came from municipal solid waste, 16 percent from geothermal waste, 13 percent from wind, and 1 percent from solar technologies.

The RPS focuses on that 2.2 percent of our generation, mandates an increase to 10 percent and essentially imposes a 1.5 cent per kilowatt hour tax on an increasing percentage of each year's retail sales of electricity.

If electric utilities do not build new renewable facilities and have to purchase all their credits from the federal government to meet the RPS mandate, the total cost of the inflation-adjusted RPS proposal is an estimated $190.8 billion in nominal dollars.

That is a worst case scenario estimation, but we must consider that risk when we are deciding whether this gamble on renewable resource mandate is the right thing to do. This proposal is a gamble not worth taking.

Mandating a Federal Renewable Portfolio Standard is an ill advised means of achieving increased renewable resource use.

Any effort to legislate on renewable generation requires realistic targets and due deference to States' rights to make decisions suited to best serve their citizens' needs.

The proposed Federal Renewable Portfolio Standard fails to recognize these principles.

States should definitely encourage their electric utilities to offer retail customers electricity from green energy to the extent it is available and encourage investment in renewable development. Most importantly, States should be afforded the right to develop their own RPS approaches without Federal interference.

States are best able to determine appropriate fuel types, societal costs, consumer protections, and requirements to meet Federal and State environmental regulations.

Today, 19 States and the District of Columbia have their own RPS programs. Others should be afforded the same right to develop an RPS without Federal interference.

The proposed RPS amendment penalizes those States that have already acted to establish a renewable program by requiring them to replace their State program with a new Federal program.

This amendment rewards certain regions at the expense of others. Solar has limited application east of the Mississippi, wind almost no application in the southeast, and virtually all geothermal is located in the West.

We cannot ignore the reality that utilities in some regions cannot meet a renewable mandate because they are not blessed with ample renewable resources.

To ignore this would be to require these to buy credits, forcing many consumers to pay for power they never receive, and would result in massive interregional cash transfers.

Utilities that do not have access to new renewable assets will wind up paying 1.5 cents per kilowatt hour and receive no power—their customers will pay a tax with no benefit and this could have significant costs to establishing competitive markets and to low income consumers where such markets do not exist.

Each State should decide for itself and its own residents the optimal mix of renewable and alternative energy sources.

I certainly advocate state policy makers coordinating choices to maximize regional efficiencies, but I do not support instituting a one-size-fits-all national plan.

States have historically had control over the fuel choices and resource development decisions. Past federal endeavors to meddle in fuel choice mandates have resulted in disasters.

Any effort to legislate on Renewable Portfolio Standards requires due deference to States' rights to make decisions suited to best serve their citizens' needs. This amendment fails to provide that deference.

Another problem with this RPS amendment is that it mandates an arbitrary quota for some renewable energy resources without any justification as to why only a limited set of renewable resources are included as eligible.

At a hearing held by the Energy Committee in March 2005, Dr. Nogee with the Union of Concerne Scientists was asked a Question about the effect an RPM on production from wind power. He explained that ⅔ of the RPS requirements would likely be met by new wind generation. Mandating mostly wind power when wind power is not mostly available around the country is poor public policy.

Some claim that an RPS would help address emission problems. I don't think that the goal of this RPS amendment is to help lower emissions at all.

If the RPS was truly a device to help lower emissions, why shouldn't companies receive credits for environmental improvement expenditures, like pollution control equipment. The proposed amendment does not include such credit.

If cleaner energy was truly the goal of the RPS amendment, why isn't coal gasification technology or nuclear power credited?

The Energy Information Administration has noted that an RPS will "have little impact on sulfur dioxide, SO_2 or nitrogen oxide, NO_2, emission levels."

If the goal of the RPS was to lower emissions, then a broader array of our renewable technologies—particularly clean coal and nuclear—should have been included in the category of resources.

For similar reasons, I don't think that the RPS can be legitimately justified as a means to help diversify our fuel needs or reduce dependence on foreign resources. If that were the case, a greater diversity of renewable resources should been included in the category of resources.

More effective and efficient solutions to this problem are available. In response to concerns with over dependence on foreign resources, we should focus our efforts on:

Nuclear power—which is one of our cleanest fuel resources;

Oil and natural gas from Alaska and other regions of the United States;

Coal of which we have abundant reserves; and

New hydroelectric generation—which have zero emissions.

If renewable resources are to become a greater contributor to our power sector, then competitive market forces should be allowed to operate. In order to facilitate the necessary competition, transmission must be available.

One of the barriers to entry for renewable development is the lack of transmission capacity to transmit electricity generated from remote areas long distances.

Before mandating fuel choice, we need to address the real need for improved transmission capacity. A number of the electricity title's provisions are directed at accomplishing this goal.

Renewable energy should be encouraged in a reasonable, effective manner. To that end, there are already extensive Federal and State subsidies in place as well as tax credits that I support.

We all support renewables—what we should not support is Federal command and control of the market in the disguise of help for renewables. Would Senator CRAIG desire to speak on this issue before we vote?

Mr. CRAIG. I am happy to speak.

Mr. DOMENICI. I yield to Senator CRAIG to manage time, and then when he leaves, he will give that to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I yield 5 minutes to Senator JEFFORDS.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. JEFFORDS. I ask unanimous consent to deliver my remarks from my seat.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, today I speak on Senator BINGAMAN's amendment to set a national goal to obtain 10 percent of our Nation's electricity from renewable resources. I support this idea. In fact, I have filed an amendment to go one step further—requiring 20 percent renewables by the year 2020.

America needs a national commitment to encourage clean domestic sources of renewable energy. I have been in the Congress for 30 years. I have seen the Nation make tremendous advances in areas ranging from medicine to the Internet. I have even witnessed the Red Sox win the World Series. Yet the Nation literally remains dependent on many of the same powerplants that operated when I first was elected to Congress in 1974.

When I think of the next 30 years, I envision an America where clean domestic renewable energy sources are an integral part of our Nation's electricity generation. As the ranking member of the Senate Committee on Environment and Public Works, obtaining 10 percent of our country's electricity from a renewable energy represents the modest end of what we could achieve. Let me offer three reasons I believe the Nation's commitment to encourage renewable power is needed.

First, renewable power would help consumers by reducing electricity prices. According to data provided by the Bush administration's Energy Department, a renewables requirement would lower consumer energy costs by the year 2020.

The second reason is the benefit to public health and the environment. A renewables requirement would dramatically reduce carbon emissions from powerplants. It would significantly also reduce emissions of sulfur and nitrogen oxides. These pollutants contaminate our water, cause smog and acid rain, and contribute to respiratory illnesses.

Third, a renewable electricity standard would enhance our energy independence and our national security by diversifying our energy supply. As we increase our reliance on natural gas, much of the demand may have to be met by liquefied natural gas shipped to the United States from other countries. It is unthinkable that we should sink to a greater reliance on foreign fuel imports when we have abundant, inexhaustible renewable energy here.

Currently, renewable energy accounts for a little over 2 percent of U.S. electricity generation. But the United States has the technical capacity to generate 4.5 times its current electricity needs from renewable energy resources. The potential is there, but we have to give it the assistance of market incentives, as we have traditionally done for our more established fuel sources.

I urge my colleagues to again demonstrate our strong commitment to renewables and support the Bingaman amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). Who yields time?

The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield myself such time as I may consume.

Mr. President, in speaking to the Bingaman amendment, I believe renewable energy resources are an important part of our energy mix. I do not think any of us could argue they are not. I also believe all consumers should have the opportunity to purchase green power if they so choose.

But I must tell you, I strongly oppose including a nationwide mandatory renewable portfolio standard in this Energy bill. Adoption of this amendment, in my opinion, would increase consumer electrical bills at a time when we are trying to do just the opposite by the very legislation that is on the floor. This would have a particularly negative consequence for those who can least afford it, such as the working poor and the elderly living on fixed incomes.

For many regions of the country not blessed with renewable energy wealth, or resources, this RPS mandate would essentially result in a huge wealth transfer payment from consumers to the Federal Government or to renewable energy generators located in other areas of the country. In essence, if you say to all States, you have to meet this standard, and you by your physical presence on the globe cannot, you are not blessed with wind—and later on I will show this is dominantly for that purpose—then you will pay the price.

Adoption of this amendment would conflict with the RPS programs that have already been adopted in the way that we like good energy policy to evolve; that is, within the State and within the State structure. Twenty States already have developed renewable resource policies and implemented timetables. This amendment ignores those States' programs; in other words, it says: Oh, well, if it fits there, it fits everywhere.

We have simply known in our country for a long time that energy has a State, if not regional, character. While there is some national value in tying it all together, the regional character of our energy production is still very real today and my guess is will be tomorrow.

The national Energy Information Administration estimates that wind energy would benefit most by the RPS mandate. In an analysis performed in 2003, EIA projected that wind energy would provide 141 billion kilowatt hours of generation by 2020. EIA's cost estimates for an RPS are heavily dependent on wind energy being built.

I would point out that a wind resource map prepared by the National Renewable Energy Laboratory graphically demonstrates that the entire southeastern region of the country has virtually no wind potential. Large areas of the upper Midwest have marginal wind potential, unless those States plan to build wind farms in the Great Lakes.

EIA's wind energy projection seems wildly, even naively, optimistic to me. Why? Because a wind turbine is just as vulnerable as any other energy facility to a localized disease in our country called "NIMBYISM," or "Not In My Back Yard" syndrome.

And the fewer wind projects that are built, the more the RPS mandate ends up being just a new Federal energy tax that consumers will pay on traditional sources of energy, such as nuclear, coal, and natural gas.

Dollars will just be transferred from consumers' pockets to the U.S. Department of Energy to buy renewable energy credits so utilities can meet these RPS standards.

Even self-proclaimed environmentalists fall victim to NIMBYISM when the plans call for wind turbines to be built in their back yard. Apparently, wind turbines are fine in theory as long as the alleged proponents cannot see them.

Let's look at what has really happened when wind developers announced plans to build wind energy facilities.

Nantucket Sound: A wind energy firm announced plans to install 130 wind turbines, spaced one-third to one-half mile apart, more than 6 miles off the coast of Hyannis in Nantucket Sound. This project has been in the works for several years. The Massachusetts energy facilities siting board, in May, finally approved construction of two 18-mile transmission cables that would link the wind turbines to the shore.

The wind farms would provide Cape Codders with roughly 75 percent of their energy and New England with about 1.8 percent of its total energy needs. The power would come without air emissions or using a single barrel of Middle East oil.

You would think, with that kind of glowing announcement, the environmentalists would strongly support that approach. The answer is quite obvious—they do not. Many of them are up in arms organizing and moving against this very proposed idea. A coalition has been formed waging very expensive campaigns to stop the wind farm project. They are talking about it as if it were an "Exxon Valdez" crisis or disaster because of what it would do to the character of Nantucket Sound. "Not in my back yard."

Well, then, let's go to Vermont. A possible Vermont wind farm located on the mountaintops around East Haven is drawing local opposition. A "large, diverse, well-organized citizens group" is fighting the project and doesn't believe that wind energy has a place in Vermont. Well, wait a moment. Vermont is one of the most environmentally pure States in the Nation, by their own admission. And yet wind is supposed to be the most environmentally benign form of energy production. The "Montpelier Times" reported on the East Haven wind farm's future. Vermonters are saying it loudly and saying it clearly: Wind turbines have no place in Vermont.

Well, let's go to Maine. How about Maine? A 29-turbine wind energy project proposed for western Maine is being strongly opposed, again, by the environmental community of Maine. They are saying it will destroy the vistas of the Appalachian Trail. The project would be built 10 miles away from it. It is going to take a few roads and power lines. You have to have a road to get the turbine in place, and you have to have a power line to get the power away from the turbine. No, no. The park manager of the Appalachian National Scenic Trail wrote to a Maine newspaper that the project "would be an 'in your face' facility for long stretches of the Appalachian Trail. . . ."

The debate goes on. But in Maine they are saying, as they said in Massachusetts and as they said in Vermont: Not in my back yard.

Well, let's go to Virginia, then. How about Highland County in Virginia? They are strongly opposing a wind turbine project 3 years after it was proposed. The project proposes construction of 18 to 20 wind turbines. More than 500 people attended a May hearing on the project. About two-thirds of the Highland County residents signed a petition against the project.

Again, that dreaded disease of NIMBYISM has struck in the heart of Virginia. "Not in my back yard. No. Somewhere else. Not in my back yard."

But what does the amendment do? It says that it better be in everybody's back yard or you are going to get taxed for it so it can be built somewhere else.

In Kansas, landowners and environmental groups bitterly fought construction of a wind farm. This is in the Flint Hills region of Kansas. The area is the largest surviving vestige of the tall prairie grass. I did not know that wind turbines would hurt prairie grass, but it does. Of course, the tall-grass prairies out there, without question, are a beautiful piece of nature. I do not deny that, as no one should.

Work began on the $190-million project in May of 2005, despite ongoing opposition. An environmental activist said:

> It's not a time for celebration, but a time for folks to redouble their efforts to protect the remaining Flint Hills.

And so on goes the article from the "Kansas City Star."

What is the conclusion one can draw from the opposition that is now mounting against those very large turbines? The Senator from Tennessee has been so clear in explaining what these turbines are all about. For those of you who do not understand the visualness of the large German turbine, step outside, walk out to First Street, and look back at the Capitol building. Look at the top of the Statue of Freedom, and then visually come all the way down to ground level. That is about tip to tip on the large turbines. That is just about how big they are, about 300 feet tip to tip. So they have high visibility because you have to get them up above the ground, on a large tower, and fit them into the airstream.

That is why people are reacting today. Yet we know that this RPS standard is dominantly a wind standard. That is how you get there—because we are not going to build any more large power dams in Idaho. Some would even deny that hydro is a renewable resource. We know we are not going to do much more geothermal because not all States are blessed with the dynamics of geothermal energy. My State has a little of that. Dominantly, what we are talking about is wind, and some photovoltaic, although wind is by far more advanced in its engineering and its development.

As these stories and experiences make clear, wind energy facilities are no more immune to NIMBYISM and the syndrome and that lethal virus than any other item when it comes to disturbing the character or the uniqueness of one's personal surroundings. It is how we believe. It is the character of our own local community. So when many over the years have said, "Oh, but this is the most benign of all energy production, this fits our environmental portfolio," we are finding it is quite the opposite. Really, nothing fits some people's portfolio when it comes to energy production.

If wind farms are OK as long as they are built somewhere else, then where are the right places? Where are all these wind turbines going to go to be built that EIA assumes are going to be built under an RPS mandate? Will wind turbines be built in remote areas of the country without enough transmission capacity to move the power to where the consumer is? More than likely. Texas has a State RPS program, and a lot of wind capacity has been built in that State. Unfortunately, about 1,000 megawatts of wind capacity was built in west Texas on the wrong side of a transmission constraint. Got the turbines, can produce the power, can't transmit it to where the people are. As a result, a lot of that wind power has been stranded.

The regional coordinator responsible for maintaining reliability of the Texas transmission grid has stated that "the sparse transmission system in the area has required almost daily limits on the output of this [wind] resource to keep within transmission operating limits."

Maybe we can build all of the wind power we need in North Dakota. It has been called the Saudi Arabia of wind potential. I know the Senators of that State are strong supporters of this RPS mandate. Unfortunately, according to the North American Electric Reliability Council, the reliability region in which North Dakota is located is monitoring 31 transmission constraints already within the grid of that region.

The NERC 2005 Summer Assessment Report states that "these constraints can limit [power] imports and exports," and the story goes on.

Now you can see why I suggest—and I hope many support the idea—that States do it on their own as it fits their needs. But when we create a national mandate on a renewable portfolio, and it is restrictive to the character of the region or the capacity of the region, we are taxing one area against another. That simply is not good public policy. I don't think it ever takes us where we want to go.

What we crafted in our Energy and Natural Resources Committee and is now on the Senate floor as a very important piece of legislation took into consideration all of what we thought was important and right. It is a bipartisan piece of legislation. I hope the amendment that I have spoken to—and that others are speaking to—will be rejected by the Senate. It simply does not fit. It will not bring us where all of us want to go, and that is to greater sources, cleaner sources, reliable sources, a mix of sources, in our energy production for this country. I hope my colleagues will reject the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I yield 10 minutes to the Senator from Colorado, Mr. SALAZAR.

Mr. SALAZAR. Mr. President, I rise in support of Senator BINGAMAN's amendment, the renewable energy standard or, as we have come to know it, the renewable portfolio standard. When we consider the imperative with which we deal today in the Senate, we are talking about whether we can get the United States to energy independence, whether we can set America free from being held hostage to the importation of foreign oil from Iran, Iraq, and Saudi Arabia, from those places in the world where for 30 years their stranglehold on America has continued to increase day by day with no end in sight. Energy independence at the end of the day is what we should have a bipartisan consensus on with respect to this legislation.

The legislation which has been prepared by the Energy Committee came together in that kind of a bipartisan fashion, led by Senator DOMENICI and Senator BINGAMAN. It is a good piece of legislation that we can improve on. I believe the RPS proposed by Senator BINGAMAN, which would require that 10 percent of our electric generation come from renewable sources by 2020, is a very modest goal for us to have. Indeed, the experts around this country who talk to us about energy say if we have the will and the courage, we could get up to a much higher amount than 10 percent by 2020. They will tell you that we could get to 40 percent within probably 15 years, 20 years, to 2025. So the proposal that is currently being considered under this amendment is a modest proposal that moves us in the right direction.

In my own State of Colorado, in this last election in 2004, there was a proposal considered by the voters of our State. That proposal on an RPS was adopted by an overwhelming majority of the people of Colorado. What it requires us to do is to get to a point where we have produced 15 percent of our energy by the year 2020. Fifteen percent of the energy of Colorado will come from renewable sources by the year 2020. The Bingaman amendment has a more modest goal at only 10 percent by 2020.

If we can do that amount of renewable energy and meet that standard in my State by 2015, there is no doubt that we can do that with the amendment that Senator BINGAMAN has offered. My view is that setting America free from its overdependence on Saudi and Venezuelan oil is an imperative for our Nation. We must first conserve and increase efficiency, we must invest in renewable energy resources, we must develop new technologies, and we must pursue a balanced approach to developing domestic energy. This bill does much of that. The amendment that is currently on the floor of the Senate will help us move even further forward on those goals.

The oil savings provision that is already in the Senate Energy bill represents an important, if modest, goal for achieving some measure of independence from foreign oil. But it is, frankly, not enough. I am encouraged by the strong show of support for the Cantwell amendment to raise that bar even further. I am proud to be a cosponsor of her amendment. I believe we need to do more to achieve oil energy savings. But the grave problems we face with respect to long-term domestic supplies of oil are only part of the story. Even if domestic reserves of oil and other fossil fuels were limitless, the way we use hydrocarbons is jeopardizing our way of life. Sooner or later—and I prefer sooner—the people of our great country must embrace the energy challenges of the 21st century and figure out how to produce clean and abundant energy from domestic sources that do not produce carbon or other greenhouse gases and that do not involve recurring problems of intermittent supply from politically unstable and overly hostile regions of the world.

Although we have been encouraging progress in the development of new carbon-free technologies, there is still a lot of work for us to do. Earlier this year I visited the National Renewable Energy Laboratory in Golden, CO, and saw some of the cutting-edge technologies that the scientists there have advanced with respect to wind energy. I saw solar energy collection cells that could double as 20-year roofing shingles and some of the most advanced solar technologies America has developed. Today we produce only about 8 percent of our electric power needs from renewable energy sources, and most of that—approximately three-fourths of the total or 6 percent—comes from hydropower. By contrast, the two most common sources of renewable—solar energy and wind power—account for less than 1 percent of the total electric power.

Why do these sources of renewable energy account for such a small fraction of our electric energy needs, even after three decades of effort? There are at least three reasons to that question. The first is technological, and the second is economic. Both of those are closely related. As new energy technologies have advanced and solar panels and wind turbines have become more efficient, the relative cost of generating electric power from these energy sources has declined. Despite these impressive growth rates, however, and despite decades of research and development, these new energy technologies still suffer from serious engineering and economic drawbacks. Hydrogen fuel cells, despite their promise, are still many times more expensive than an internal combustion engine, and they will require several more decades of research and development to be competitive.

Likewise solar power, even after three decades of research and development, still costs five times as much as coal-fired power. Moreover, there are inherent limits in the quality of the energy these new energy technologies can produce. They are intermittent sources of energy, and they are not always located near a load source. Therefore, investment in transmission infrastructure and advances in control technologies are necessary before renewable energy sources can provide a dominant share of the future energy mix.

The third reason that alternative energy sources claim such a tiny fraction of the energy market is political. We can change that today. Alternative sources of energy must compete in an energy market dominated by hydrocarbons and the industries that profit from those hydrocarbons. I introduced legislation that would begin to level the playing field and provide tax and other incentives for renewable energy sources. Today the Finance Committee is marking up its tax title which will extend the production tax credit for certain renewable energy sources. Those incentives are extremely important for these relatively immature power industries.

Americans across the country recognize that renewable energy is an important part of our future, and they recognize that Government should be doing more to promote this type of energy. I stand with Americans who have that point of view.

On Tuesday, the White House released a statement that they do not support any kind of renewable portfolio standard. Here is one case where the President and I differ in a fundamental way. I believe the Energy bill should be a way to move us away from foreign oil, away from pollution and towards independence. I do not understand the reason the President is on the other side of this issue. The United States needs to take substantial steps forward with renewable energy. Colorado and all of the West is positioned to be America's innovation hub of the future. That is why the Federal standard of renewable energy development, which Senator BINGAMAN has proposed, is so important. Investing in these nascent technologies now will significantly improve our ability to produce energy from renewable resources.

But it is just as important for the U.S. Congress to establish a Federal standard, an achievable goal of producing a minimum amount of electric power from renewable energy sources, to establish uniform national goals and an active credit trading market based on those goals.

Other benefits of Senator BINGAMAN's renewable energy standard are the following: A standard similar to Colorado's 10 percent by 2015 is aggressive enough to stimulate the market and produce widespread and rural economic benefits. Secondly, a 10-percent RPS by 2020 will help reduce natural gas prices by reducing demand for electricity generated from natural gas powerplants. Studies show that consumers will save $9.1 billion on their natural gas bills and $4.4 billion on their electricity bills between now and 2020, for a total savings of $13.5 billion. And third, renewable energy technologies create more jobs, nearly twice as many as in traditional fossil fuel industries. The Bingaman amendment would create about 58,000 new jobs a year for America.

This kind of commonsense approach is something that the American people expect of all of us.

Let me say two final things with respect to the RPS. First, it is going to create a problem for industry and for this Nation to have a haphazard patch of RPSs around the States as they are adopted State by State. Therefore, it would make more sense to have a national standard so that industry can recognize it has to live up to one standard.

Finally, I suggest that to make renewable energy a significant part of our energy portfolio is something that makes common sense because of the national economic security issues that we face, because of the economic opportunities that it will bring to rural America, and because of the fact that we need to deal with this issue that is creating so many problems for us around the world, especially with overreliance on oil from the Middle East.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). Who yields time?

Mr. BINGAMAN. Mr. President, I will defer to Senator DOMENICI if he wants to do something at this point.

Mr. DOMENICI. Yes. This has been cleared with both sides.

I ask unanimous consent that at 2:15 today, the Senate proceed to a vote in relation to the Cantwell amendment, which will be modified with the changes that are at the desk, which we have seen. I further ask that following that vote, the Senate proceed to a vote in relation to the Bingaman amendment; provided further, that no second-degree amendments be in order to either amendment prior to the votes; and finally, prior to the vote on the Cantwell amendment, there be 30 minutes of debate equally divided in the usual form.

Before the Chair rules, I note that there is no provision for wrap-up debate on the Bingaman amendment.

Mr. BINGAMAN. Mr. President, we would like 2 minutes equally divided prior to the vote on the Bingaman amendment. I guess there is no need for 2 minutes before Cantwell because they have a period of time before theirs, but 2 minutes equally divided would be appreciated.

Mr. DOMENICI. I ask that that be added to the unanimous consent agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. I yield the floor.

Mr. BINGAMAN. Mr. President, I yield 10 minutes to Senator DORGAN from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, first I thank Senator BINGAMAN for this amendment. I support the amendment. It advances, improves and strengthens the underlying energy bill. I know that the term "renewable portfolio standard"—we have talked about that—is not necessarily something everybody understands. Much of what we do in the Senate sounds like a foreign language. Renewable portfolio standard. I think what this is is an American-made amendment, a home-grown energy amendment. It says what we ought to do is take charge and decide we are going to move in a different direction.

My colleague said, and other colleagues have said, yes, we are going to continue to use coal, oil and natural gas, and I support that. We must continue to use fossil fuels. We also need to understand that we are increasingly dependent upon a supply of oil that comes from under the sands of the Middle East. A very small part of this world has an inventory of a very substantial part of the oil resources that exist in the world. To be hopelessly addicted to that oil—foreign sources of oil—makes no sense. So as we developed a new energy bill, I think we did an excellent job in the Energy Committee. I have complimented Senator DOMENICI and Senator BINGAMAN at some length about that. We have produced a bipartisan piece of legislation and brought it to the floor.

During the debate in committee, we recognized that we would reserve this amendment for the floor of the Senate and debate it here on the floor. Again, I call this the home-grown energy, or an American-made energy amendment.

Let me use a picture to make a point. This happens to be a photograph of a wind turbine just south of Minot, ND. There are actually two wind turbines that sit on a hill south of Minot. North Dakota is a wonderful State. I am enormously proud to represent North Dakota. We happen to be fiftieth in the 50 States in native forest lands. Translated, we are dead last in trees. It is a great State. We happen to be dead last in trees. We put up a wind turbine here and there, and we like it because we are also a State that has more wind than almost any State in the Nation. We are dead last in trees, but we are first in wind—some say especially when I am at home on the weekends.

The Department of Energy says that North Dakota, among all of the States, is the "Saudi Arabia of wind." We have more potential to develop wind energy than anywhere in America. So this wind turbine is south of Minot, ND. I happen to have had a role in this wind turbine because we on the Appropriations Committee put money in for the air base to buy green power. Eight air bases are buying green power. Two of these wind turbines went up, and they are supplying wind energy to an air base. Incidentally, these turbines are named. The two south of Minot are Willy and Wally. I am not able to determine at first glance whether this is Willy or Wally. They are essentially twins. We care a lot about them and this turbine is an example of the new technology—much more efficient technology—by which you can take energy from the wind and turn it into electricity.

In the long term, I think we will be able to take energy from that wind, through these turbines, and turn it into electricity, and through the process of electrolysis, separate hydrogen from water and produce hydrogen for hydrogen fuel-cell vehicles. What a wonderful thing for this country. Then we won't be quite so addicted to oil from Saudi Arabia, Iraq, Venezuela, or Kuwait. Maybe we can shed that addiction.

As we begin to talk about energy in the future, we have all talked about natural gas and the increased use of natural gas as a result of both our country and industry wanting to have cleaner burning fuels. Now we are realizing that we don't have enough natural gas to keep up with demand. So now we are beginning to talk about how much natural gas we will import into this country. The demand for natural gas continues to increase rather substantially. We are talking about new terminals for LNG and how much LNG we will import into this country to keep pace with our need.

Isn't that moving in exactly the same direction as we find ourselves now with oil? Should we not, with just as much aggressiveness, decide we want to change the whole construct of our energy mix, to the extent we can? The answer should be yes. That is why a home-grown energy amendment makes a lot of sense.

As I said yesterday, I understand there will be opposition to every proposition that changes the way we currently do things. I understand that. "It won't work, can't work, bad idea." The fact is, this amendment asks the question, will we begin to take control ourselves? Will we take control?

This is a very simple proposition—in fact, milder than some. It says, of the electricity we produce in this country, 10 percent of it should come from renewable sources. This is not a giant lift.

I understand there are some in the electric utility industry, and others, who feel this should not happen. They don't want this. They believe it is an intrusion. But I also understand we are trying to march toward a different energy future. We are trying to push a bit, trying to stretch a bit to see if we cannot remove this hopeless addiction to foreign sources of energy. That is the basis of this amendment.

My colleague from New Mexico, Senator BINGAMAN, is going to describe information about what this amendment, if we pass it, will mean in terms of the use of fossil fuels versus the use of renewable sources of energy, what it means in costs, and what it means in the reduction of energy dependency that now exists. I think this is not only a win-win, but a win-win-win amendment for everybody. So what we are trying to do is harness energy we can produce.

Using 100 kilowatt hours of wind power each month is the equivalent of planting one-half acre of trees, or not driving 2,400 miles. Think of that. Put up a turbine—by the way, I understand the turbines didn't use to be so efficient. We had to have much more of a boost and incentive. Now they are highly efficient. Put up one of these turbines and use the wind to produce electricity. Use the wind to turn that turbine, and from it produce the electricity. And 100 kilowatt hours—incidentally, this is probably 10 times that; this is about a megawatt. But 100 kilowatt hours is the equivalent of planting a half acre of trees or not driving 2,400 miles. That is the savings in energy.

This amendment will also reduce electric sector carbon dioxide emissions by 7.5 percent. That is a great result also, because we are going to have other debates on the floor of the Senate about global warming, about CO_2, about all of these related issues.

This amendment moves us in the right direction in several areas. It makes a lot of sense. I hope at the end of this discussion we will have sent a message to the country and to the world that, while this is a good bill that came out of committee, we have improved it. This amendment moves us well down the road to a substantial improvement with respect to our energy future.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute.

Mr. DORGAN. Mr. President, we will have other debates of consequence on these issues. Yesterday, we had a big idea, which said let's reduce our dependency on foreign oil by 40 percent in the next 20 years. We had people stand up and say, oh, my gosh, we cannot do that; what are you thinking about?

We went to the Moon in 10 years. If we can go to the Moon in 10 years, we ought to be able to find a way to reduce our hopeless addiction to foreign oil in 20 years. Of course we can do that. I am tired of the can't-doers around here. Let's have some of the can-doers decide to affect the destiny of this country's energy future. Our country's economic future, our children's ability to find jobs, our economy's ability to expand, and our ability to remain a world economic power depends on energy. When the tank runs dry, this economy goes belly up.

This amendment describes an opportunity for us to move in a slightly different direction—toward home-grown energy, American made—believing in ourselves, taking control and taking charge. I support this amendment. I hope the Senate will give it very broad support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I am tempted to ask why we should have to raise electric rates in Tennessee to build windmills in North Dakota, even as much as they like them. I would prefer to send every single one of these gigantic public nuisances to North Dakota if they want them. What I object to is raising our electric rates to build them. That is what we are doing. I want to go back over carefully what Senator BINGAMAN said earlier about the letter, describing his proposal.

The one thing we can be sure about, regarding the Bingaman proposal, is it is a multibillion dollar increase in electric rates on the bills of most Americans. Surely in Tennessee it will be, because here we are, referring to this map. Senator DOMENICI pointed out the white area on the map. The prior Presiding Officer is from South Carolina and the present Presiding Officer is from Florida. They find themselves here in the white area. There is no wind down there. Now, it is true that under the Bingaman amendment, they might try to make enough electricity from solar or from geothermal or from biomass. But what the letter says is two things. The letter from the Energy Department describing the proposal of the Senator from New Mexico says it will cost an $18 billion increase in electric rates between now and 2025 in order to start making our electricity out of this limited number of ways that we call renewable energy, instead of the way we normally would do it. And if we are not able to do it—if in Tennessee, Florida, or South Carolina we cannot meet the 10 percent with big windmills or solar or biomass or landfill gas or geothermal, then we write a check to the Government. So we pay a tax or we raise our rates or we do both.

Now, the Senator from New Mexico did correctly go back to the letter of June 15 and point out I had said that the letter from the Department of Energy says that, over 20 years, the cumulative total cost of the electric power sector is about $18 billion for this amendment.

We have been having a big argument down here about the Clean Air Act, whether to take the President's version or, say, the Carper version, which I cosponsored. According to the Environmental Protection Agency analysis, the difference is a $5 billion effect on the economy, and everybody was shooting off rockets about that. This is $18 billion.

But the Senator from New Mexico said keep reading the letter. It says:

> . . . cumulative expenditures for natural gas and electricity by all end-use sectors taken together decrease by $22 billion.

That would look like the net increase was almost nothing.

The problem with that is that assumes the price of natural gas is $5. That also looks at the year 2020. If you go out to 2025 with no RPS, according to the Energy Information Administration, the cost of natural gas is $4.79 and the cost with RPS is $4.79.

What I am saying is, I do not believe we can count on a reduction in the price of natural gas to $5 to offset this $18 billion increase in our electric rates that this amendment will produce.

The Senator from New Mexico is perfectly entitled to say: If you do not believe their estimates about natural gas, why do you believe their estimates about the increase in the cost of electricity? And he would have a point. But I think the one thing we can be sure of about the new mandate of the Senator from New Mexico is that it is a multibillion-dollar rate increase of some number.

We do know in the area where the Senator from Florida lives and where I live, if the utilities produce what they are more likely to produce, they will produce electricity using nuclear power, which is carbon free, and coal. I am told that today the cost of nuclear, after it is built, is 1 cent per kilowatt hour, coal is 2 cents, natural gas is 4.8 cents, and wind is 4.8 cents, and these preferred methods in the Bingaman legislation all cost more. In other words, this is an order to Tennessee and Florida to not do what we would normally do but do this limited number of renewable fuels and, in the process, pay for it with a big increase in our electric rates.

The Tennessee Valley Authority has just announced it is considering a 7-percent rate increase. I recruited a lot of automobile plants to Tennessee. I know that aluminum is made from electricity, an electrolysis process. If these electric rates go up too much, those jobs go overseas. They will be gone by 2020 and 2025 if we put in an $18 billion increase on electric rates.

You may assume that natural gas will go down to $5 a unit. It is $7 today. Or it might not go down to $5 a unit. But it looks to me, under this mandate, the only way electric rates can go is up.

Also, the EIA letter says there is no appreciable decrease in NO_X to clean the air, no appreciable decrease in sulfur dioxide to clean the air, and the price of natural gas does not go down. By the year 2025, according to the Energy Information Administration, the price of natural gas is $4.79, with an RPS or without it.

What we have before us is a proposal to select out a very few nice sounding ideas and say let's charge the ratepayers of America $18 billion to put them in and hope the price of natural gas goes down over 20 years to offset it. That is what we are saying. We are assuming during all that time there is no growth in nuclear power.

Why would we be over here even talking about spending $18 billion to create tens of thousands of new gigantic windmills to run the American economy and spending $11 billion to produce by 2025 one-fifth of 1 percent of our total electricity in solar? That is what this would do. Why don't we do something that we know would create large amounts of carbon-free electricity?

I can go to that list. We know that nuclear power produces 70 percent of our carbon-free electricity. For those who care about global warming—and I am one Senator who does—I do not want to rely on windmills and solar energy that produces one-fifth of 1 percent of our total needs to get us where we need to go in terms of carbon-free energy.

So why don't we take this money, if we have it, and accelerate advanced nuclear powerplants, accelerate carbon recapture and sequestration, spend a reasonable amount on solar, accelerate coal gasification powerplants, accelerate conservation and energy efficiency. That is the way you have carbon-free air—conservation, nuclear power, coal gasification, and carbon sequestration, not tens of thousands of windmills.

I am not anxious to go home to Tennessee and say: We are worried about the Japanese, the Chinese, and the Indians taking our jobs and buying up the oil reserves, we are worried about our clean air, gasoline prices are high, natural gas prices are at a record high, and our solution: tens of thousands of windmills.

The Senator from New Mexico said there are many things that can be done, but the EIA letter which he cites has an estimate of what the effect of this mandate would be. It could be more or less, but this is what it says. It says we will have 35,100 new gigantic wind mills. That is a lot. We have 6,700 today, and we will have 35,000 new wind mills.

Let me take an example of these wind turbines. There is one new nuclear powerplant being opened in America today and that is at Browns Ferry. It is about 2,000 megawatts. If you had 2,000 1-megawatt wind turbines, that would spread over an area two times the size of the City of Knoxville, TN. But 2,000 would not produce the same energy you get from that one nuclear powerplant because wind turbines only work 20 to 40 percent of the time, so you have to have 4,000. So it is an area two or three times the size of Knoxville, TN, and you do not even get to close the nuclear powerplant because people want their electricity all the time, not just when the wind blows.

The Senator from North Dakota mentioned he had gotten a nice subsidy for his two big wind turbines in North Dakota. Well, that is terrific. So now they have three subsidies to build these two giant windmills. We committed $2 billion of taxpayers' money—that is such a preposterous number for this purpose, I can barely speak it—$2 billion of taxpayer money over the next 5 years for windmills. The Finance Committee suggested another billion. This mandate would, by causing those who cannot produce enough wind to write a check to the Government, be yet another subsidy, and if you know the Senator from North Dakota, you can get a third subsidy to build windmills.

Why don't we get the same amount of interest in conservation, nuclear power, coal gasification, and carbon sequestration and really clean up the air?

There is one last point I would like to make, and I will be through. The Senator from Idaho talked about the landscape a little bit. I think solar power is terrific. I have an amendment with the Senator from South Dakota to expand solar-produced power. Production tax credits have gone all to wind and left out solar power. Biomass has a great future.

I guess beauty is in the eye of the beholder, but I had always thought that the great American outdoors was one of the most essential parts of our character.

Egypt has its pyramids, Italy has its art, England has its history, and we have the great American outdoors. I do not think it is right for us to subsidize the building of these gigantic machines which are twice as tall as a football stadium and extend from 10-yard line to 10-yard line that can be seen for 20 miles away and destroy the American landscape when there is no real purpose for it. At the same time, we have unreasonable, massive subsidies to the developers to do it.

I hope we will defeat this amendment, and that is a part of the reason. I will not be through looking at these subsidies for wind power before we get through. I do not think any of us should be embarrassed that it is not right to destroy and scar the American landscape by building these what I believe are public nuisances when instead we could be producing carbon-free energy by conservation, nuclear power, coal gasification, and carbon sequestration.

This is an $18 billion increase to the ratepayers of America. Maybe you believe that the lower price of natural gas in 20 years will make up for that. I would not count on it.

REGIONAL CAPACITY

Mr. NELSON of Florida. Mr. President, energy diversification is important to the future of our country; and for that reason, the distinguished ranking member of the Energy Committee has proposed an amendment to require 10 percent of our electricity to be produced from renewable resources by 2020. However, for those regions of the country that do not have the capacity to greatly increase renewable resources in their State, a financial hardship may result through no fault of their own. My State of Florida is one of the States that will have difficulty meeting the standards because the geological, climatic and topographical conditions make it impossible to harness certain forms of renewable energy like wind and hydropower. Furthermore, the Energy Information Administration concludes that Florida's energy technical potential for renewable energy is 8 percent. Currently, Florida has 1.8 percent in existing renewables; and more than 50 percent of that 1.8 percent comes from municipal solid waste, a form of renewable energy not included in the definition of "new renewable energy" in the ranking member's amendment. For these reasons, I have expressed my concerns to Senator BINGAMAN. While I remain supportive of expanding the use of renewable energy supplies, I would prefer an approach that recognizes the regional differences in the ability of States to meet a renewable portfolio standard. An RPS standard cannot be rigid, it must be flexible.

Mr. BINGAMAN. I appreciate the concerns of my colleague from Florida. As you know, I continue to push for a renewable portfolio standard because the increased use of renewables can ease natural gas price volatility and decrease our dependence on fossil fuels and foreign imports. Having said that, differences do exist from region to region and State to State with regard to renewable energy potential. I would like to extend an offer to Senator NELSON of Florida to work in conference to find a method that will enable a renewable standard to accomplish the goal of increasing renewables while recognizing the legitimate differences among States. I acknowledge that municipal solid waste plays a large role in Florida's renewable potential and I would be willing to recognize that potential as part of our discussions in the conference. I believe we can find a way to help each State include a renewable standard as part of their overall energy production, and I am committed to working with Senator NELSON to accomplish this.

Mr. NELSON of Florida. I want to thank Senator BINGAMAN for his work on this energy bill and his commitment to work in conference to address my concerns with the renewable energy standard specifically. I look forward to working together on this important provision.

Mr. TALENT. Mr. President, I rise in opposition to amendment No. 791, Senator BINGAMAN's amendment which would require a mandatory renewable portfolio standard, or "RPS."

I am a big supporter of new, clean forms of energy. I am convinced that we cannot become energy independent without making renewable energy resources an important part of our energy mix.

I also believe that each region of the country has something to offer to meet this country's clean energy needs, but what each region has to offer is not the same. For that simple reason, I oppose including a nationwide, mandatory renewable portfolio standard in this energy bill.

In particular, for many regions of the country not blessed with renewable energy resources, this RPS mandate would essentially result in a huge wealth transfer payment from consumers to the Federal Government or to renewable energy generators located in other areas of the country. The amendment ignores the reality that some regions of the country simply do not have the amount of renewable resources demanded by this amendment.

The leading advocate for wind power, the American Wind Energy Association, lists my home State of Missouri as the 20th best state for wind energy potential. That would seem to imply that Missouri would have no trouble meeting a 10 percent RPS with wind energy.

However, the detailed studies done by the National Renewable Energy Laboratory show that the wind Missouri does have is of insufficient power and consistency for utility grade wind turbine applications. In other words, the utilities in Missouri cannot build windmills in the State to meet an RPS. There's just no wind to make them turn.

Missouri is not the only State that finds itself unable to use wind, the one renewable resource that RPS proponents do not dispute is central to meeting the proposed requirement. The wind resource map prepared by the National Renewable Energy Laboratory graphically demonstrates that the entire southeastern region of the country has virtually no wind potential. Those States are even worse off than Missouri. Moreover, large areas of the upper midwest have marginal wind potential, unless those States plan to build wind farms in the Great Lakes, and I don't think any of us expect that to happen.

So if not wind, what else might be used? The proposed amendment lists a limited number of forms of renewable energy that meet the requirement—solar, wind, geothermal energy, ocean energy, biomass, landfill gas, or incremental hydropower.

My State has just a little bit of hydropower. However, under Mr. BINGAMAN's proposal, existing hydropower, though clearly a renewable resource and one of the very cleanest and cheapest sources of electricity, inexplicably does not count. All of the hydropower in the Pacific Northwest also does not count under this proposal.

My State also has a generator that burns tire chips. Every tire that is burned to make electricity is one less that will be tossed into our overburdened landfills. That is certainly something we should encourage, but are tires considered renewable? I do not see us driving cars without tires anytime soon. Nevertheless, tire chips do not count, either.

The National Renewable Energy Laboratory has also found that Missouri does not have utility-scale geothermal, solar, or fuelwood biomass resources, either. So what do I tell my homestate utilities that they should use to meet this RPS requirement?

This morning, Sen. BINGAMAN acknowledged that many States do not have access to the best renewable resources. He recognized that wind, solar, and geothermal resources are generally concentrated in western States. These are the major sources of clean, renewable power. He suggested that, no matter, another renewable—biomass—is available in every State. What he did not tell you, however, is that you can not just toss switchgrass or other biomass into a boiler and churn out electricity.

Biomass is not generally used to make electricity today, and its use is not without substantial costs. It must be thoroughly dried before burning. That requires lots of space and energy for drying and, obviously, it can not be stored outside in a heap like coal. Building a drying and storage facility to process and store the mountain of biomass it would take to meet an RPS requirement would cost a lot of money. There would also be quite a cost to gather and transport these materials from the hundreds of acres it would take to grow sufficient biomass just to equal a couple of tons of coal. Plus, there is a substantial cost to consumers for utilities to modify their boilers to co-fire or blend biomass fuel. And, on top of this, burning biomass may leave the utilities with additional cost to comply with the Clean Air Act.

Proponents of a mandatory RPS say, "Just buy wind power from wind generators in other States." Sounds easy enough, but how do we get that power to the State? Wind turbines obviously have to be built where the wind is. These locations are usually remote and far from our cities where the electricity is most needed. In most every instance, there is insufficient transmission capacity to move that power to where it is needed. And at $1 to $3 million a mile, new transmission does not come cheaply, nor is it easy to get all of the necessary approvals to get it built. So I am not ready to say I can count on economically transmitting wind power to Missouri, if at all.

Moreover, wind turbines are just as susceptible to fierce local opposition as any other energy facility proposed near population centers. Senator ALEXANDER has highlighted how large and intrusive each of these modern wind turbines are. And while one on the horizon may be interesting, it will take hundreds of them on that horizon to meet a 10 percent RPS requirement. I do not know that this is how any of us want to meet our Nation's energy needs, if we can even get that many wind turbines built.

What is the result if this wind energy does not get built or can not be delivered? This RPS amendment will end up being nothing more than a new energy tax on consumers who depend on traditional fuels for their electricity. Higher energy costs, particularly those that result in a wealth transfer payment from our constituents to the Department of Energy, is not good energy policy.

Utilities in my State already voluntarily offer the green power that they have available to their customers if they prefer to buy green. They are adding wind generators where they can—For example, Kansas City Power and Light is adding up to 200 megawatts of wind power in Kansas. This is about as much as they have found feasible to produce there. But this does not even come close to meeting a 10-percent RPS requirement.

According to EIA, total electricity sold in 2002 by the Missouri utilities that would have to meet the proposed RPS was 47,378,256 megawatt-hours, meaning Missouri utilities would have to produce 4.7 million megawatt-hours of renewable electricity, and this amount will only grow, as electricity demand has increased in recent years by nearly 5 percent.

KCP&L's 200 megawatts of wind energy capacity will translate into no more than 584,000 megawatt-hours of wind energy, assuming the energy is available ⅓ of all hours of the year, far short of the 4.7 million megawatt-hours that a 10-percent RPS requirement would demand. Even on a capacity rather then energy basis, the 200 megawatts would only equate to 5 percent of KCP&L's current generating capacity of 4,000 megawatts.

KCP&L estimates that to meet the RPS requirement it would face with wind energy, it would need as much as 450 megawatts of wind. This equates to about 297 wind turbines, each of which needs at least 60 acres of land, meaning it would take upwards of 18,000 acres of land to meet the RPS requirement. KCP&L estimates the total cost of complying with the RPS proposal to be between $400 and $500 million. And that's just one utility that serves just a portion of Missouri.

Today, the cost of all types of energy is at unacceptably high levels. Adoption of this amendment would increase consumers' electric bills, since if a utility cannot meet the standard, it would have to buy credits at 1.5 cents per kilowatt-hour.

Missouri's average retail rate for electricity is around 6 cents per kilowatt-hour, making the RPS amount to a 25-percent increase in cost to Missouri customers for this portion of their electricity needs. This would have particularly negative consequences for those who can least afford it, such as the working poor and the elderly living on fixed incomes.

This is just a wealth transfer from States with little renewable resources to those with a lot. We do not do this for any other source of electricity—States with low cost coal or hydropower do not subsidize States that rely on higher cost fuels such as natural gas. Why should we have some States subsidize others to promote a selective fuel for producing electricity? At 1.5 cents per kilowatt-hour, this could cost Missouri consumers as much as $71 million a year.

Such a large sum of money would be better spent in shoring up our Nation's transmission grid or pursuing other clean energy sources. Missouri utilities are voluntarily spending hundreds of millions of dollars pursuing clean coal technology to take advantage of the natural resource that is readily and economically available to Missouri, just as other States are doing what they can with the resources they have available, whether that is coal, natural gas, wind, biomass or other forms of energy such as nuclear.

Utilities are also spending hundreds of millions of dollars to retrofit their plants to remove NO_X, SO_2, and mercury from emissions, and may be subject to CO_2 reductions as well. KCP&L alone is spending $280 million to meet emission reduction goals.

Adding a tax to support renewables in other regions of the country is an excessive burden on this critical industry that needs to be focusing capital resources on improving the transmission grid to increase reliability. This transmission investment is needed to improve the existing grid, not to extend the grid to remote locations where wind turbines must be placed, far from where the electricity is used.

States that have renewable resources in sufficient quantity have already moved ahead and adopted renewable portfolio standards tailored to the resources of the State. Not surprisingly, adoption of this amendment would conflict with the RPS programs adopted by 20 States that have different eligible renewable resources and implement timetables.

Even some of these States with their own RPS will not be able to meet this mandatory proposal. Of the 20 States with portfolio requirements, only 13 of them have set a standard high enough to meet the proposed 10-percent Federal standard by 2020. Some of 13 that meet the 10-percent threshold may still fail simply because their definition of renewable energy doesn't meet what would be the national standard definition. They, like other States coming up short will be subject to what amounts to a Federally-mandated energy tax.

I believe that, if we want to encourage renewable energy, and we do, a better way of doing it, particularly for wind, is through stable tax credits. Stable tax credits are the better solution to encourage renewables. A greater need for wind developers than the RPS is the certainty of a production tax credit that doesn't annually disappear and reappear. Extending this credit from an annual credit to 5 or 10 years would make wind competitive in areas of the country where it is viable and wanted. An RPS does not make wind competitive in the marketplace; it just raises the cost of electricity to consumers, who are already paying too much for energy. This is not good energy policy.

I urge the Senate to reject this amendment.

Mr. BROWNBACK. Mr. President, many people think only of wind turbines when renewable sources of energy are discussed. However, I see great potential for Kansas and our nation in the production of renewable energy from biomass sources. We have the technology to produce electricity from grass, hay, wood, livestock manure and many other bio-based sources that the State of Kansas has in abundance. This would not only provide a new market for many of our farmers to access, but would lead to a better environment for all of us by finding beneficial uses for many of these waste products.

I believe the Flint Hills to be the most environmentally significant treasure the state of Kansas has to offer. It's paramount that we protect this native land from unsightly development that will ruin this treasure for future generations of Kansans. Therefore, with my vote for a nation renewable portfolio standard, I urge the State to protect Flint Hills from wind turbine development and focus on producing renewable electricity from biomass sources. It is good for our farmers, it is good for the environment and it is good for Kansans.

Mr. McCAIN. Mr. President, I agree that clean, renewable energy technologies are an important part of a program to achieve our national energy and environmental goals. However, I do not believe that a Federal renewable portfolio standard achieves this objective.

Twenty-three States have already adopted renewable technology standards and have committed resources to find cleaner and more efficient technologies to meet their energy needs. For example, Arizona is in the process of increasing its renewable target to 15 percent by 2020, exceeding the proposed Federal standard in the amendment. I expect that Arizona will implement its program in a manner that makes the most of the State's solar potential in the long-term.

I do not believe that the proposed Federal standard would help Arizona or any other State fully achieve their clean energy and efficiency goals. I also understand that the penalty for noncompliance with the proposed Federal standard is significantly lower than the incremental cost of bringing renewables on line. While I do not believe the intent of this amendment is to impose an energy tax on consumers, I think that could be the economic reality in many circumstances.

My colleague from Tennessee has argued persuasively that this Federal RPS is primarily a wind-power bill. I was interested to read in a fact sheet from the Union of Concerned Scientists that, to achieve this 10-percent Federal RPS, we would need to build almost 55,000 new wind turbines. That is an enormous number. I suspect that the potential adverse environmental effect such a massive construction project have not been studied. In fact, it has already been suggested that in the rush to take advantage of the current tax credit for wind generation analyses of potential long-term consequences have been neglected.

I am not opposed to wind-power, but I have heard from utilities in my own State that a Federal mandate of this sort is largely a requirement to import wind, since Arizona has very limited wind resources. We are already providing substantial subsidies for wind-power and the energy tax title will provide more. I question why we need to subsidize wind to the practical exclusion of other renewables.

The need for energy sustainability and cost-effectiveness does influence my opposition to this amendment. What we need to do, what we must do, is enact a mandatory cap and trade program for greenhouse gas reduction and let the market drive the technology. A Federal RPS would stand in sharp contrast to the market-based solutions in the Climate Stewardship and Innovation Act, which Senator LIEBERMAN and I introduced last month. That legislation would promote clean and efficient energy technologies without relying solely on taxpayer subsidies or choosing particular technologies over others. That is the vision I have for our energy future—a clean, efficient and innovative mix of technologies that benefit all Americans.

Mr. OBAMA. Mr. President, I support the amendment offered by the Senator from New Mexico, Mr. BINGAMAN. This amendment is a breath of fresh air in a bill that is filled with many stale concepts regarding our approach to this Nation's energy policy. I am proud to be a cosponsor of this amendment.

Producing a significant amount of our electricity from renewable sources is not a concept for the future. It is a real possibility that exists today using solar, wind, tidal, gas from landfills, and biomass. In fact, 19 States around the country are using these renewable source of energy to steer their States towards a future of clean, sustainable energy use.

In my State of Illinois and in many other States, enacting this standard is a no-brainer. This winter, Illinois Governor Blagojevich announced a plan to adopt a renewable portfolio standard requiring Illinois electric utilities to provide 8 percent renewable energy as part of their overall power mix by 2012. This bold vision will make Illinois the second biggest wind power State in the country by 2012. The city of Chicago also has a strong commitment to using renewable sources of energy and is already planning to surpass a 10 percent contribution from renewables in its electricity stream and achieve a 20 percent goal.

In the 18 other States where renewable portfolio standards have been successfully adopted, innovations in electricity generation have flourished at virtually no cost to the consumer. Just imagine what would happen to this industry of the future if we enacted a Federal standard. And, here is the best news: According to the Union of Concerned Scientists, a 10 percent renewable portfolio standard on the Federal level would not add a single penny to consumers' bills.

Introducing renewable electricity into the mix of electricity generation also brings us a measure of physical security. By creating geographically dispersed sources of energy generation, we are providing ourselves with greater electricity security by providing smaller targets and reducing the transport of combustible materials. This is smart policy at a time when we must be vigilant about homeland security.

Our country's demand for electricity is expected to continue growing for decades to come. Enacting a renewable portfolio standard ensures that clean technologies will help us meet that enlarged demand, while not offsetting the importance of investing in clean technologies in other energy production methods, especially coal. Coal will undoubtedly play a large role in our energy portfolio for years to come, and I look forward to a vigorous debate on how we can best assist the utility industry in employing clean coal technologies.

Abraham Lincoln once said: "I am a firm believer in the people. If given the truth, they can be depended upon to meet any national crises. The great point is to bring them the real facts." The real facts are that without forward-thinking amendments such as this one, the energy bill is not going to bring us independence from the 20th century mindset of energy production. Let us give the American public this tool so they too can rise to meet this national energy crisis before it gets worse.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I am informed that the Senator from Michigan and the Senator from Washington want to interrupt the remainder of our debate on the Bingaman amendment in order to discuss and do a modification of the Cantwell amendment. I ask unanimous consent that they be yielded whatever time they need to accomplish that and it not count against the Bingaman amendment.

The PRESIDING OFFICER (Mr. BURR). Is there objection?

Without objection, it is so ordered.

The Senator from Washington.

AMENDMENT NO. 784, AS MODIFIED

Ms. CANTWELL. Mr. President, I ask unanimous consent to set aside the pending amendment and I call up amendment No. 784 and send a modification to the desk.

The PRESIDING OFFICER. The amendment is pending.

The amendment is so modified.

The amendment (No. 784), as modified, is as follows:

Beginning on page 120, strike line 23 and all that follows through page 122, line 14, and insert the following:

SEC. 151. REDUCTION OF DEPENDENCE ON IMPORTED PETROLEUM.

(a) FINDINGS.—Congress finds that—

(1) based on the reports of the Energy Information Administration entitled "Annual Energy Outlook 2005" and "May 2005 Monthly Energy Review"—

(A) during the period beginning January 1, 2005, and ending April 30, 2005, the United States imported an estimated average of 13,056,000 barrels of oil per day; and

(B) the United States is projected to import 19,110,000 barrels of oil per day in 2025;

(2) technology solutions already exist to dramatically increase the productivity of the United States energy supply;

(3) energy efficiency and conservation measures can improve the economic competitiveness of the United States and lessen energy costs for families in the United States;

(4) United States dependence on foreign energy imports leaves the United States vulnerable to energy supply shocks and reliant on the willingness of other countries to provide sufficient supplies of oil;

(5) while only 3 percent of proven oil reserves are located in territory controlled by the United States, advances in fossil fuel extraction techniques and technologies could increase United States energy supplies; and

(6) reducing energy consumption also benefits the United States by lowering the environmental impacts associated with fossil fuel use.

(b) GOAL.—It is a goal of the United States to reduce by 40 percent the amount of foreign oil projected to be imported during calendar year 2025 in the reference case contained in the report of the Energy Information Administration entitled "Annual Energy Outlook 2005".

(c) MEASURES TO REDUCE IMPORT DEPENDENCE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every two years thereafter, the President shall—

(A) develop and implement measures to reduce dependence on foreign petroleum imports of the United States by reducing petroleum in end-uses throughout the economy of the United States sufficient to reduce total demand for petroleum in the United States by 1,000,000 barrels per day from the amount projected for calendar year 2015; and

(B)(i) subject to clause (ii), develop and implement measures to reduce dependence on foreign petroleum imports of the United States by reducing petroleum in end-uses throughout the economy of the United States sufficient to reduce total demand for petroleum in the United States by 7,640,000 barrels per day from the amount projected for calendar year 2025.

(ii) If the President determines that there are insufficient legal authorities to achieve the target for calendar year 2025 in clause (i), the President shall develop and implement measures that will reduce dependence on foreign petroleum imports of the United States by reducing petroleum in end-uses throughout the economy of the United States to the maximum extent practicable and shall submit to Congress proposed legislation or other recommendations to achieve the target.

(2) REQUIREMENTS.—In developing measures under paragraph (1), the President shall—

(A) ensure continued reliable and affordable energy for the United States, consistent with the creation of jobs and economic growth and maintaining the international competitiveness of United States businesses, including the manufacturing sector; and

(B) implement measures under paragraph (1) under existing authorities of the appropriate Federal agencies, as determined by the President.

(3) PROJECTIONS.—The projections for total demand for petroleum in the United States under paragraph (1) shall be those contained in the Reference Case in the report of the Energy Information Administration entitled "Annual Energy Outlook 2005".

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the President shall submit to Congress a report, based on the most recent edition of the Annual Energy Outlook published by the Energy Information Administration, assessing the progress made by the United States toward the goal of reducing dependence on imported petroleum sources by 2025.

(2) CONTENTS.—The report under paragraph (1) shall—

(A) identify the status of efforts to meet the goal described in subsection (b);

(B) assess the effectiveness of any measure implemented under subsection (c) during the previous fiscal year in meeting the goal described in subsection (b); and

(C) describe plans to develop additional measures to meet the goal.

(e) SAVINGS CLAUSE.—Nothing in this section precludes the President from requesting additional authorities to achieve the targets in subsection (c).

Ms. CANTWELL. Mr. President, I know the Senator from Michigan has given a great deal of thought to this issue and to the modified amendment, and I yield the floor to him.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank our friend from Washington for making this modification. This is a very important modification from my perspective. But for this modification, the language of the amendment would propose that the goals that are set forth—which are only goals but nonetheless they are goals—would need to be achieved by implementing measures "under existing authorities of the Federal agencies."

That is the language which is in 151(c)(2)(B) of the amendment. That is lines 8 and 9 on page 4 of the amendment.

Now, that is very problematic language and unacceptable language because if we are going to achieve the goals that are set forth, if we have any chance of doing so, it would have to be with significant changes in our authorities—for instance, in the tax incentives which would be so essential in order to achieve a reduction in imports of oil. There is no way I can see or that many others can see that we could achieve the kinds of reductions that are hoped for without significant tax incentives being put into the law—tax incentives that do not now exist.

There are some existing authorities and some existing tax incentives, but they do not come close to what they must be if we are going to reduce the amount of imported oil that we use. So it is important to me that the existing authorities language either be removed or superseded in this amendment so that the President could seek and we could grant, if we so chose, new authority, additional authorities, new tax incentives, for instance, to move to new technologies. That is the effect of the modification to the amendment that was sent to the desk, which reads:

Nothing in this section precludes the President from requesting additional authorities to achieve the targets in subsection (c).

So that change seems to be very essential since there is no practical way that these goals can be met, in my book—either the short-term goals of one million barrels per day or the long-term goals of 7.64 million barrels per day—unless there are changes in our tax structure and the other authorities that we provide in the executive branch. This savings clause now makes it clear that both as to the short-term and the long-term goal for savings, there is not a limit in the amendment to using existing authorities but rather additional authorities can be sought by the President.

I thank the Senator from Washington for making that change. In the colloquy between myself and the Senator from Washington, it makes clear that the amendment does not assume or require changes in technologies or CAFE standards or anything else. It is technology neutral. According to this colloquy, the amendment does not assume or propose an increase in CAFE standards. All of the other potential changes, technologically, that could help get us to where we want to go, including diesel technologies that are so important, hybrid technologies, hydrogen technologies—it does not put those specific technologies in place, either requiring them or, of course, not precluding them because this is technology neutral. That becomes critically important because, again, without those technologies there is no way we can achieve these goals. But there is no effort in this amendment to identify the specific technologies or the mechanisms by which these goals would be achieved. Particularly important, obviously, is the language that states that the amendment does not assume or propose an increase in CAFE standards, and another part of the colloquy makes it clear that the amendment neither assumes nor proposes regulatory changes to the CAFE system and that is not part of this amendment.

So the colloquy will speak for itself. It is a lot longer than I have just summarized, but it is a very significant colloquy to me in terms of what the amendment does and what it does not do.

I thank the Senator from Washington for working out this colloquy with me.

MODIFICATION OF CANTWELL AMENDMENT 784

Mr. LEVIN. The amendment sets a goal for a savings of 7.6 million barrels of oil by 2025. Are there assumptions made by the amendment?

Ms. CANTWELL. This amendment is technology-neutral. It simply lays out a vision that the United States should attempt to achieve over the course of the next 20 years. The only assumption underlying this amendment is that the United States has the ingenuity and innovative spirit to reverse the rising trend of American dependence on foreign oil imports. Today, foreign oil constitutes approximately 58 percent of our domestic supply, a figure that is projected to reach 68 percent by 2025. Because of the nature of world oil markets and the geologic fact that two-thirds of global reserves are located in the Middle East, the United States is on track to become increasingly dependent on OPEC to fuel our economy; and will be competing with developing nations such as China for access to these oil supplies. Because of the economic and national security implications of foreign oil dependence, this amendment simply states that it is in the national interest of the United States to attempt to curb our appetite for imported oil. The underlying bill provides a number of tools to help this country achieve the goal established by my amendment, and there are many potential pathways to its attainment. However, none of them are specifically assumed by the Cantwell amendment.

Mr. LEVIN. Does the amendment assume an increase in CAFE standards?

Ms. CANTWELL. This amendment neither assumes nor proposes an increase in CAFE standards. In fact, some have erroneously concluded that increasing CAFE standards is the only means of achieving the goal established by the Cantwell amendment. Multiple analyses by national security-related organizations and others have concluded that increasing CAFE standards is not necessary to attain savings of 7.6 million barrels of oil a day by 2025. In addition, it is important to note that some have circulated erroneous estimates of CAFE standard increases necessary to achieve the goal in the Cantwell amendment, attributed to the Energy Information Administration, EIA. The staff of the EIA has said that these flawed estimates have no grounds in analyses performed by the EIA.

Mr. LEVIN. Does the amendment assume an increase in ethanol production and use?

Ms. CANTWELL. Because the amendment is technology-neutral and simply lays out a vision, accelerated ethanol production and use is not specifically assumed. However, there is no question that biofuels can play an important role in achieving the goal established by the Cantwell amendment, by displacing imported petroleum-based products with domestic fuel derived from plant matter. In fact, it has been estimated that increased domestic biofuels production can contribute more than half of the oil savings goal established by the Cantwell amendment. It is also worth noting that the underlying bill contains important provisions that will help accelerate the production of ethanol and other alternative fuels, including provisions I authored that would provide incentives, research, development and demonstration of processes to produce ethanol from cellulosic sources. While not specifically prescribed by the Cantwell energy security amendment, these measures would assist substantially in achieving the amendment's goal.

Mr. LEVIN. Does the amendment assume an increase in use of biodiesel fuels and technology?

Ms. CANTWELL. Again, increased use of biodiesel fuels and technology is not specifically assumed by the Cantwell amendment. However, these fuels can also help achieve the amendment's goal. It is worth noting that one of the barriers to achieving cost-effective biodiesel production is increasing the diversity of feedstocks from which biodiesel can be economically produced. The key to unlocking the potential of biodiesel is performing the research, development and demonstration of new technologies that will allow the co-production of biodiesel fuel and value-added bioproducts that lower overall costs. I was proud to add specific provisions to this underlying legislation that authorize an Advanced Biofuels Technology program, designed to accelerate the development of these processes. Again, while one of the potential tools the U.S. can use to achieve the goal, additional biodiesel production is not explicitly assumed by the Cantwell amendment.

Mr. LEVIN. Does the amendment assume an increase in the use of diesel engine technology?

Ms. CANTWELL. While advances in diesel engine technology are another potential tool for accelerating oil savings, they are not specifically assumed nor mandated by the Cantwell amendment.

Mr. LEVIN. Does the amendment assume a major increase in the use of hybrid electric vehicle technology?

Ms. CANTWELL. Because the amendment lays out a vision rather than mandating specific measures, increased hybrid use is not specifically assumed. However, some have estimated that growth in the hybrid vehicle market can achieve oil savings of up to 2 million barrels a day by 2015, 10 years before the Cantwell amendment's ultimate goal. Taken together, biofuels production and growth in the market for hybrid vehicles could provide more than two-thirds of the energy security goal established by the Cantwell amendment.

Mr. LEVIN. Does the amendment assume a major shift to use of renewable hydrogen and fuel cell vehicles?

Ms. CANTWELL. There is no question that hydrogen provides another potential pathway to achieving substantial oil savings in the United States. However, because the technology remains at a relatively early stage in its development, no specific estimates exist for the economic and energy efficiencies this technology may provide. It is not specifically assumed by the Cantwell amendment.

Mr. LEVIN. Does the amendment assume an increase in tax incentives to encourage use of advance technologies?

Ms. CANTWELL. Certainly, tax incentives can help spur the development of markets for advanced technologies, and help expand the choices available to American consumers. But these are not specified or assumed within the Cantwell amendment.

Mr. LEVIN. Does the amendment assume regulatory changes in how the CAFE system works?

Ms. CANTWELL. The amendment neither assumes nor proposes regulatory changes to the CAFE system. I view the debate regarding the efficacy of the existing CAFE program as beyond the scope of this amendment, which lays out a national vision for reducing American dependence on foreign oil imports. Certainly any changes to the CAFE system's regulatory regime would require additional legislative action, action that is not assumed in the Cantwell amendment.

Mr. LEVIN. Does the amendment assume regulatory changes that would allow for greater use of diesel technology?

Ms. CANTWELL. Certainly other nations have begun the transition to more wide-spread use of diesel technology, and initiatives or programs in this regard may ultimately be consistent with the Cantwell amendment. But they are neither specifically assumed nor required.

Mr. LEVIN. Does the amendment assume the Congress will provide other new authorities to the President?

Ms. CANTWELL. The Cantwell amendment establishes a national goal. As such, it directs the President to design and implement measures designed to help achieve the goal, and assumes that, if the President deems his existing authorities insufficient, he will propose to Congress legislation or recommendations that would help achieve the amendment's energy security target. At that time, it would be up to Congress to consider the merits of the President's proposals, via the typical legislative process.

Mr. LEVIN. Does the amendment assume that there are adequate "existing authorities of appropriate Federal agencies" to meet the goal of saving 7.64 million barrels of oil per day by 2025?

Ms. CANTWELL. The amendment assumes that the President has at his disposal adequate authority to develop and implement measures that will help achieve the goal of reducing imports on foreign oil. However, the amendment is technology-neutral and establishes a 20-year vision. As such, it is difficult to predict with any specificity what direction new technologies may take, and whether issues may arise that require additional legislation or Congressional action. For example, if biofuels begin to displace a significantly larger portion of petroleum-based fuels in the United States, certain infrastructure-related barriers may arise that require additional authority or Congressional action. Similarly, there are certain to be issues associated with infrastructure, interoperability and international technology standards associated with the development of hydrogen fuel cells. Because the Cantwell amendment is a call to accelerate the development of alternatives to petroleum-based fuel, yet does not purport to choose technology winners and losers, it is premature to speculate on whether additional authorities or Congressional action may be required. However, it does assume that proposals to expand the range of tools available to the President to achieve the Cantwell amendment's goal would be considered through the normal channels of Congressional debate and approval.

Mr. LEVIN. Does this amendment set a goal of reducing imported oil or reducing overall use of fossil fuel?

Ms. CANTWELL. The goal of this amendment is to reduce our foreign oil imports and exposure to the uncertainties of world oil markets. Because of the geologic realities of the way in which oil reserves are distributed across the globe, continued increased demand for oil will result in a growing dependence on imports. While the U.S. is situated on just 3 percent of the world's reserves, the Middle East is home to two-thirds, with a full quarter located in just one country, Saudi Arabia. In order to curb our growing reliance on imports, it is thus necessary to reduce demand for petroleum itself, across all sectors of the economy.

Mr. LEVIN. To achieve the one million barrels of oil a day in savings required by 2015, must the President use existing authorities, or can the President seek additional authority?

Ms. CANTWELL. There is nothing in this amendment that precludes the President from requesting additional legal authority to achieve the target for 2015. Certainly, any legislative proposal or recommendations from the President would be considered by Congress, through the typical legislative process. Rather, the provision in (c)(2)(B) is intended to make clear that this amendment, on its face, does not grant the President any broad, new additional authorities not previously contemplated.

Mr. LEVIN. If the President can seek additional authority to meet the requirement to save 1 million barrels of oil a day, would the Senator be willing to modify the amendment to make that clear?

Ms. CANTWELL. Yes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask how much time remains on the Bingaman amendment.

The PRESIDING OFFICER. The Senator from New Mexico has just under 23 minutes. The majority side has 10 minutes 40 seconds.

AMENDMENT NO. 791

Mr. BINGAMAN. Mr. President, I will take part of the time remaining for me to respond to a few of the points made by my good friend from Tennessee and clarify the effect of this amendment as best we understand it. Contrary to what a person might believe by listening to a lot of the debate today, this is not an amendment just about windmills. This is an amendment about trying to stimulate the development of a range of technologies, solar technologies, biomass technologies, wind technologies, clearly, and get the cost of producing electricity from those different technologies down to a more reasonable level. That is the purpose of the legislation.

My good friend from Tennessee says that in his opinion, based on his understanding of the position the Energy Information Agency has taken, this would result in an increase in electricity rates, or electric rates. He reads their analysis and their recent report in a totally different way than I do. It is very clear this does not cause an increase in electricity rates. It causes a decrease. It is clear it does not cause an increase in gas prices. It causes a decrease. It is clear it does not cost the electric power sector more. It costs the electric power sector less than it otherwise would be spending.

Let me talk about this $18 billion he continues to refer to. It does say in their report that from 2005 to 2025, the renewable portfolio standard has a cumulative total cost to the electric power sector of about $18 billion. Now, that is true. Then it goes down a couple of sentences further on. It says, the cumulative expenditures for natural gas and electricity by all end user sectors taken together will decrease by $22.6 billion. So what it is basically saying is if this amendment is adopted, which I hope very much it will be, there will, in fact, have to be more investment by the utility sector, by the electric power generation companies, in these alternative fuel generation technologies, these alternative energy sources. But it will be more than offset by what they save in fossil fuels and what they save in investment in those other areas.

As far as rates are concerned, it is very clear in this language, and I will read this again. It says: "Compared to the reference case." That means with the amendment. It says: "The cumulative residential expenditures on electricity from 2005 to 2025 are $2.7 billion lower"—that is with the amendment—"while the cumulative residential expenditures on natural gas are $2.9 billion lower with the amendment."

Residential expenditures it is talking about. These are the ratepayers that we all represent in our individual States. They are saying that, if this amendment is adopted, it is going to be cheaper for them to pay their gas bills, cheaper for them to pay their electricity bills in the future because, frankly, this will take some of the pressure off the price of natural gas. That is very much to be desired.

Let me read further from their report. They say: "The increase in renewable generation"—which is contemplated by this amendment—"will lead to lower coal and natural gas generation. By 2025, coal generation is reduced by almost 9 percent, natural gas generation reduced by over 5 percent from their respective reference case levels." That is from the level that it would be if we didn't adopt this amendment.

So in my view, this is a very substantial improvement. This legislation, this amendment will be a substantial improvement to the underlying bill which I think is a very good bill. I do not disagree with anything the Senator from Tennessee said about the advisability and desirability of seeing more nuclear power generated in our country, the advisability and desirability of seeing cleaner technologies used in coal production. All of that is in the underlying bill. What this amendment says is let's give an extra impetus to renewable power so that we can get all of the benefit from renewable power that it is reasonable for us to achieve over the next couple of decades.

That is exactly the purpose of the amendment. I think that is what the effect of the amendment will be. We have had the good fortune of passing this amendment before in the Senate. I hope very much we can pass it again this time. It will strengthen the bill, it will persuade the American people that we are trying to move this country in a different direction, as far as its energy future is concerned.

We are not satisfied with just saying that current technologies are adequate. We are not satisfied with saying the current mix of energy sources is adequate. We are trying to get back to more use of American ingenuity and creativeness to produce energy that we do not have to import from somewhere else in the world.

I hope my colleagues will support this amendment. We will have a chance to summarize very briefly the reasons for the amendment. I will have a chance, and my colleague from Tennessee will have a chance, to argue the other side of that argument before we have the vote. As I understand our agreement now, the Senator from Washington is going to have an opportunity to once again argue the merits of her amendment. That vote will occur, I believe, at 2:15. Then, after that, we will have the vote on this RPS.

With that, I yield the remainder of my time to the Senator from Washington.

AMENDMENT NO. 784

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank the Senator from New Mexico for his fine amendment. I would like to take a minute to state that I am a cosponsor of the Bingaman amendment and very much believe in the renewable portfolio standard for our electricity grid. I guess if you looked at the Northwest, particularly Washington State, you would say we are already using 80 percent renewable energy because 80 percent of our electricity grid is provided by our hydro system. So we, in the Northwest, are very big believers in renewable power.

But we also believe in the other technology that is in the underlying amendment and in the underlying bill that will help us support renewable technologies. We have a lot of wind farms. We have had a lot of discussion out here on the floor this morning about wind energy. We, in Washington State, are already employing wind energy in a variety of locations in our State and getting great response. In some areas, it is some of the best job growth we have had in rural communities. Farmers love it because, aside from providing an agricultural product, they get a second source of revenue from their land by having agriculture and wind technology on their farms. It works very well for our farmers, and the combination of hydro and wind technology works very well for Washington state and the Northwest.

But we also have solar power. We are about to have one of the first demonstrations of wave power. We, in the Northwest, are using all sorts of renewable technology to meet these goals. Certainly, I want to endorse this particular amendment as a great step forward, saying we can do more with renewable technology.

I would like to turn to the Cantwell amendment, on which we are going to have a vote I believe at 2:15, and summarize, for my colleagues who might have missed yesterday's discussion, a few points I think are important as we talk about our reliance on imported oil and the fact we want to diversify.

In the New York Times, there was an article about OPEC and their increases in quotas for various OPEC countries. It is interesting, and every day Americans want to know what is going to happen with oil futures and gas prices. You look to find out what OPEC is doing. This article, I think, brings up the very point we were trying to make yesterday; that is, that China's demand for oil continues to grow. In fact, this article says that global oil consumption climbed 2.4 or 2.5 million barrels a day in 2004, the fastest growth rate since 1978. That is world demand for energy increasing. Basically, that was a result of China's increasing energy consumption. We know what the trends are, and we know what the challenges are that are facing us.

I found it interesting, too, that the New York Times article talked about how OPEC was actually concerned that alternative fuels might affect their future price of product. They are almost telling us, yes, they are a little concerned about competition from alternative fuels.

I welcome that. I think it is about time that America make an investment in alternative fuels and about time we give consumers a choice when it comes to the demand and supply of oil in the future and not continue to be held hostage by foreign governments.

I would like to review for my colleagues what exactly the Cantwell amendment does because it is so important that we understand what the underlying bill does and what our challenges are as a country going forward.

In 1973, we were importing only 28 percent of our demand—our U.S. demand—for oil. We were importing 28 percent of what we used as a country.

Today, 2004, we are at 58 percent, a huge jump, a huge dependency by the United States on a foreign source to provide us an oil supply.

When I look at the countries involved and I look at the instability in the Middle East, I don't want to be 58 percent reliant on foreign sources of oil. I want American ingenuity to be a driver in what we can provide to the American people in driving down the cost of energy.

If we do nothing, in 2025, the United States will be importing 68 percent; nearly 70 percent of our oil supply will come from abroad. Who in their right mind thinks that 70-percent dependence on foreign oil is wise economically, to our national security, or internationally as we have to deal with international competition? Why would we want to be almost 70-percent reliant on foreign entities for something that is the backbone of our economy—energy?

I am offering a simple amendment. My amendment simply says by 2025, instead of being reliant on foreign sources for 68 percent of our supply, we bring that down to 56 percent. That is not much of a change. We are at 58 percent today, and we want to go down to 56 percent. That is a modest goal.

It is hard to achieve because our amendment assumes the growth and demand that will happen as our Nation grows. That is why we have to assume in 2025 we will be at 68 percent, and we want to see a serious reduction. That is the way my amendment is crafted.

The underlying bill says we are currently at 58 percent and let's reduce our consumption of foreign oil by 1 million barrels a day. One million barrels a day by 2015 still has us importing 60 percent of our supply from foreign sources. In 2015, instead of consuming 58 percent of our oil supply from foreign sources, we would be at 60 percent. The underlying goal in the bill does nothing to get us off our overreliance on foreign oil. It is the status quo and a bump in an increase. It is too timid in responding to what has been a gouging of the American consumer on gas prices.

This debate we have just had for the last couple of hours is interesting because a lot of my colleagues have said they refuse to support a mandate. They do not want to have a mandate in this bill. I am not proposing a mandate. It is interesting: Some Members do not support mandates. They do not even support goals. The American people deserve, on something as important as our national security and economic livelihood, to have this Senate, in transportation and energy policy, set a goal to get off our overdependence on foreign oil. Are my colleagues just giving lip service to this idea of a goal of getting off overdependence on foreign oil? Or are we willing to set a goal and do something about it?

I have pointed out that the goals we have are doable. My amendment does not say specifically how or what the mandate is. We have simply said, that from various studies, we know we can get the savings my amendment calls for in a goal. Here are a variety of sources: Fuel efficiency for tires and motor oil. The encouragement of a biofuels industry. A big chunk of this comes from alternative fuels. That is why OPEC, in today's paper, says they are very concerned about this because they know it is competition. They realize it is competition. Why don't we realize it is competition and ensure we get about making an alternative product?

Other countries certainly have this idea. One is Brazil and based on their overdependence on foreign oil they came to the same conclusions. They did not want to be in the same boat we are in today. In 1975, they were importing 80 percent of their fuel supply from foreign sources. They made a decision that was too much for them, both economically—I don't know if there are security issues—but economically they thought that was not wise so they started a process of taking steps. In 1990, they almost cut that in half. By 2003, they were down to importing only 11 percent of their fuel supply. Next year, they might achieve the great milestone of not only becoming self-sufficient but actually becoming an exporter of fuel to other countries.

They have done this because they made an investment in ethanol. They made decisions about their transportation sector so they could run on biofuel products. They have changed the economic picture of their country.

Is there something Brazil possesses that the United States cannot achieve? Are they smarter than we are? Do they have greater political will than we do? Do they have more consumers holding their politicians accountable than we do? What Brazil showed is they have a resolve because of their own national interests to get off the foreign addiction to oil. I applaud them for that.

They are only one-eighth the size of our economy, but they are proven to be smart enough to figure out how to make sugar-based ethanol in a cost-productive way, so efficient they can send it to the United States cheaper than we can produce it to the degree that some of my colleagues want to put a tax on it so that it is on a more level playing field with what sugar-based ethanol in the United States costs. To me, the Brazilians have come up with something.

I ask my colleagues, if you do not want mandates and you do not want goals and you do not want to get off our overdependence on foreign oil by setting a milestone or coming up with a goal or statement, what is it that you do want to do? The underlying bill increases our dependence by 2015 on foreign oil to 60 percent. We are at 58 percent today. It increases it to 60 percent. So we have accomplished nothing in the goal in the underlying bill.

I would like to set, primarily for international reasons, a goal to get off our dependence on foreign oil because these are our suppliers. These are the countries where the majority of U.S. oil supply comes from: Saudi Arabia sits on the largest percentage of oil reserves in the world today. I wish geography and geology had been kinder to the United States and that we sat on more than 3 percent of oil reserves. But we don't. We do not have that product. We have a very small percentage of the world reserve for oil. That is a fact of life. These are the countries and this is the State ownership of companies that are part of OPEC and have the oil supply of the future.

I didn't expect I would be in the Senate agreeing with George Shultz and James Woolsey and a bunch of neoconservatives who were espousing ideas about our national security, but I actually do agree with them that reducing our dependence on foreign oil should be a national priority and a national goal. That is why we have crafted this amendment this way.

We simply want to say to our colleagues and to the President of the United States that we believe increasing our consumption of foreign products as a way to support our economy is not a wise decision, given what growth and demand and oil prices are going to be. Yesterday, the market closed at $56.20 for oil. Economists at various Wall Street firms are saying we could easily see an oil spike of $100 a barrel. They say that oil futures have a fear premium on them; that is, there has been lots of discussion about how the price of oil futures is basically impacting the price of oil on a day-to-day basis. That is right, the speculative market about energy futures in oil basically causes the price at the pump today to increase. I find that unfortunate because the speculative price of oil futures takes into consideration those nine countries I mentioned, the fact that you could have a terrorist attack, the fact that you could have unrest in a region and that somehow supply would be diminished, thus affecting the price of oil futures.

Economists and people on Wall Street—Goldman Sachs and others—basically say there is a fear premium on the price of oil futures; that is, we are paying more for oil because we are paying for the uncertainty and the instability in the political and geographic region where oil exists. That is what I am supposed to tell Washington State residents as to why they pay some of the highest gas prices in the country? That is why they should pay almost $2.30 a gallon for gasoline? That is why I should tell people they have lost their pensions in the airline industry because the airline industry has not passed on the high fuel costs? That is what I am supposed to tell the farmers who cannot keep their farms running because of high fuel costs, or somebody who has lost their job in a transportation-sensitive industry. I am supposed to tell them that I am going to continue to put an energy goal in legislation that makes us more dependent on foreign oil than we are today?

No. We want to reverse the trend. That is what the Cantwell amendment does. It is not a mandate. It is a goal. It says that instead of being more dependent on foreign oil in 2015, as the underlying bill directs us, let's become less dependent. Let's go from 58 percent, where we are today, down to 56.5 percent. It is a goal we can achieve. It is a goal I am willing to set as a legislator for our country because I believe in the ingenuity of Americans to achieve this goal.

There is nothing the country of Brazil can do that the United States cannot do. I guarantee you that if we set our resolve to do it as a nation, we will achieve this goal as well. The reason why we, as a government entity, need to set this goal is because the private sector is going to diversify at its own darn pace; that is, the oil companies will decide what their investment in new technology and alternative fuels is at their own pace, their own wishes, their own response to their corporate shareholders, not at the interest of individual consumers who are getting strangled by the high cost of gasoline.

It is our job to set this goal and that is why we are on the Senate floor today. We are here to say we agree with the American farmers that they can produce a biofuel product in the future that can be competitive, that we agree with neoconservatives that the security risk of being 70 percent dependent on foreign oil is too great a security risk for our Nation, that we agree with technology and research experts that American ingenuity can get us to this 56.5-percent goal.

I ask my colleagues, what is wrong with setting this goal? Let's not continue to give lip service to a goal of getting off our foreign dependence and then do nothing about it in a legislative proposal. Let's show the American people we are concerned about the economic hardship they are facing and that we believe in American ingenuity. We believe in our farmers. We believe in our technology leaders. We believe that we, as a country, can achieve this great goal. If the last generation of Americans were smart enough to put a man on the Moon in a decade, this generation of Americans ought to be smart enough to reach this goal. I ask my colleagues to have the courage to set it in a piece of legislation as a mark for us to achieve.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I understand—because of certain committee meetings and time considerations—that we have been asked to extend the time in which there will be a vote. So I ask unanimous consent that the time of 2:15 be extended until 2:30 on a vote on the two amendments that are on the floor and that time be equally divided between both sides.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Ms. CANTWELL. Mr. President, I am not objecting, but I am just asking for the yeas and nays on my amendment. I think moving to 2:30 is fine, given the markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I am sure many people have been following closely the debate on the Energy bill, an 800-page bill that is trying to set the energy policy for America. It is an important piece of legislation we have debated for several years. It has so many different sections involved in all the aspects of energy. It has as its goal making certain that America has enough energy to fuel its economy, making certain that we use that energy in a responsible fashion so it does not create pollution that would cause environmental harm. These are some of the basic elements of what we are trying to achieve here.

But the pending amendment we have before us comes to a basic conclusion that I think most Americans agree with. America cannot be a safer and more secure nation in the future if we are more dependent on foreign oil. The more we have to depend on Saudi Arabia and Kuwait and other countries to send their oil to us, the less secure we are. The more independent we are in terms of our own energy needs and production, the stronger we are as a nation.

In 1973, we imported 28 percent of the oil we consumed. Today, 32 years later, we are importing 58 percent, more than double. We are that much more dependent on foreign countries to provide us with oil, which means two obvious things. If the OPEC cartel should decide they want to restrict the oil they will produce, prices will go up in the United States. Reduce the supply, and if demand stays the same, the price goes up. It is a basic law of economics. And they have done it. You have seen it at the gas pump.

When the OPEC cartel sits down and tries to figure out "How can we make the maximum profit?" they do not shed tears for American families and consumers and businesses. They try to figure out how they can make the maximum profit on the oil they have in the ground. They have the vast majority of the oil resources in the world today.

The second thing we know is that if you want to strike a crushing blow at the American economy, you may consider attacking the United States, but it may be a lot simpler to attack our oil supplies coming into the United States. If, God forbid, they could interrupt those oil supplies coming into the United States, it would really create a dangerous situation.

So the more dependent we are on that foreign oil, the less secure we are when it comes to the price of energy and the availability of energy. You would think that one of the things we would try to do as part of a national energy policy is to think ahead 10 years, 20 years, "How can we reduce our dependence on foreign oil?" since most people agree that would be a good thing.

Well, there is one provision in the bill which suggests that over the next 10 years we would reduce our demand for foreign oil by 1 million barrels a day.

That is about 6 or 7 percent of the total amount that is being consumed each day in the United States, but it is a step forward over the next 10 years. It is something the Senate agreed on 99 to 1. So over 10 years we will think of strategies which will reduce our dependence on foreign oil at least a million barrels a day. That is in the bill. It is a good provision.

Two days ago, President Bush sent a letter to us and said: You keep that provision in the bill, and I will veto the bill. Stop and think: Why? Why wouldn't the President want us to move as a national goal to reducing our dependence on foreign oil? It makes no sense. It is a tax on our economy. It is a question of national security. But, in fact, that is what the White House said. If you put a provision in here to reduce our dependence on foreign oil by 1 million barrels a day over the next 10 years, I will veto the bill.

I don't understand. In fact, I think the President has it exactly wrong. We should be even more ambitious and more innovative in our view toward this challenge.

Senator CANTWELL has an amendment now pending that will be voted on soon. Her amendment says: Keep to that goal over the next 10 years, but over 20 years, let us reduce our dependence on foreign oil by 40 percent of what we anticipate. So what does it mean? Fifty-eight percent of the oil we use is imported. If we do nothing, in 20 years, it will be 68 percent. More than two-thirds of the oil we use will come from overseas. If we adopt the Cantwell amendment, it will go down to 56 percent of the oil we use in 20 years being imported. It is still a lot. But keep in mind, the economy is going to grow. Energy needs are going to grow. We are going to find ways to work together to reduce dependence on foreign oil.

I would think most families and people who think about our environment and think about our economy would applaud the idea of setting this as a national goal, a challenge to the President, to Congress, and to the American people: Find ways to reduce our dependence on foreign oil. It will make us stronger as a nation. It will make our economy stronger. Instead of sending billions of dollars overseas to the Saudi oil princes, the money comes into the United States for investment in our own economy, building businesses, helping people prosper and create jobs.

Sadly, there is resistance to this amendment, the idea of setting this goal. There are those who say: Don't set any goals. Leave it alone. Don't touch it.

How could you possibly draw that conclusion from the current situation? Left untouched, we will continue to be dependent on foreign oil and our economy will suffer.

How do you reach a goal of reducing dependence on foreign oil by 40 percent over the next 20 years? There is a variety of ways. There are ways within this bill to do it—some large, some small. Some have to do with the most basic thing, the tires on our automobiles. Replacement tires give more fuel efficiency and reduce the oil consumption and the gasoline consumption. Idling trucks—have you ever gone by a truckstop? They are all over my State of Illinois. There are lines and lines of these tractors with trailers behind them with the engines running constantly, around the clock, idling engines burning up oil just to keep that engine alive and ready to perform when the driver comes out and is ready to go. There is a provision in this bill that talks about smarter ways to do that. Is there a way to use an electric engine to keep that tractor in a position where it can go into service and not be burning all this fuel while the driver is in eating dinner, for example?

These are simple things which, when added up over the course of our economy, lead to dramatic improvements. There are many ways to address this. They come down to three basic things we can do. First is conservation. I just gave you two examples of conservation, the ways to reduce the use of energy and still get as much performance as we want from the vehicles we use and the vehicles we drive. The second is alternative fuels. What can we use instead of the oil that now is being imported, 58 percent of it from overseas? This bill talks about it. It talks about ethanol. What is ethanol? An alcohol fuel is made from things such as corn and cellulose that can, in fact, create more independence in our economy.

Senator CANTWELL tells the story that the nation of Brazil, 10 or 20 years ago, imported 80 percent of its oil and said as a nation: We can't continue to prosper if we are so dependent on imported oil. They set out on a national goal of reducing dependence on foreign oil. They are now down to 11 percent. They have done it. They are choosing alcohol fuels. That is included in this bill, the concept of alcohol fuels. It can be done. So alternative fuels—ethanol, biodiesel—are practical alternatives to importing more oil.

The third, of course, is to find environmentally responsible ways for more exploration. There is a limit to where that will take us. The United States owns about 3 percent of the known oil resources in the world. We consume 25 percent of the oil that is consumed each day. So even if we were able in an environmentally responsible way to take every drop of oil out of the ground, you could see it is not going to sustain our economy. We are going to be dependent on foreign sources.

Despite this challenge and despite the obvious ways to meet it in this bill, there are some who have come to the floor—on the other side of the aisle, particularly—and have argued against setting this goal of lessening our overdependence on foreign oil. One of the arguments they make is: If you do this, you are going to have to have more fuel-efficient cars and trucks, as if that is something that should be avoided in America. Why would we avoid that?

Take a look at Ford Motor Company. They had a huge advertising drive to tell us about their new Ford Escape hybrid. They had so many requests to buy that car, they couldn't make it fast enough. I think Ford produced about 20,000. There were some 50,000 people who wanted to buy it. They liked the idea, a small SUV that has an electric engine as part of it that is going to get better gas mileage. Ford was moving in the right direction. I know about this because my wife and I decided to buy one. We like it. I wish it got better mileage than it does, but we didn't make any great sacrifice in our way of life. We maybe spent a couple extra thousand dollars to buy it. Yet we have a more environmentally responsible, energy-responsible vehicle.

The other side of the aisle argues we shouldn't even suggest to American consumers to change their buying habits. I will bet if Detroit or any other company started producing more and more energy-efficient vehicles, more and more Americans would be interested, not only because it reduces the cost at the gas station, but because it is good for the environment. Why wouldn't you want to do that? Why would you want to knowingly drive something that is more polluting and uses more energy or more gasoline?

The American consumers would, in fact, gravitate toward those automobiles as they did toward the Ford Escape hybrid. They like the idea. It is a good concept. The other side says: You don't want to tell people they can't buy whatever they want to buy. If they want to buy the heaviest, least fuel-efficient SUVs, you can't stand in their way. I suppose that is true, but we will pay a price for it. By buying and driving inefficient vehicles over and over, it not only costs more at the pump and makes our country more dependent, it draws us into the Middle Eastern problems. Witness 150,000 American soldiers now risking their lives today in that part of the world.

Moving toward more efficient vehicles is a good thing economically. It is certainly a good thing from a security viewpoint. It is a good thing in terms of our future as a nation.

I believe we are up to the challenge. Most of the critics of the Cantwell amendment say it just can't be done. Don't challenge America. America can't rise to the challenge. We can't possibly in 20 years figure out a way to do this. Those naysayers have no place in the American tradition. We have risen to the challenge time and again. When President Franklin Roosevelt needed an atomic bomb to end World War II, he created the Manhattan project and got the job done. When John Kennedy came to the Presidency in 1960, he said: We will put a man on the Moon. And in 9 years, it happened. He challenged America, and we rose to the challenge. We can rise to the challenge, and we must. Otherwise, we will continue to be dependent on foreign sources of oil.

When I consider some of the challenges we face, I look at the loss of jobs. It troubles me. In the State of Illinois, 400,000 or 500,000 manufacturing jobs in the last several years have been lost. I don't know if these jobs are ever coming back. I have been to Galesburg and places around our State where good-paying jobs have disappeared. A lot of them have gone to China. China has one of the fastest growing economies in the world.

We just had a little presentation in the other room. The CEO of General Electric Energy was there. He said China is in a position to dominate the world energy scene over the next 10 years, that in 10 years China will have 30 percent of the electric generating capacity in the world. China's economy is no longer a closed, backward, Communist economy. It is an exploding, expanding economy that is taking jobs away from the United States.

There are two things we ought to think about: The Chinese have fuel efficiency standards for their vehicles higher than the United States.

They know they don't have the energy in their own country. They are trying to find the most fuel-efficient vehicles to move their economy forward and they are thinking about the future. Are we? Is the United States thinking about the future and the cost of fuel inefficiency, or the cost of dependence upon foreign oil?

The second point is this. If we are in a position of competing with China for foreign oil, since they have to import it, too, what happens when there is more competition for a limited supply? The price goes up. So $50 a barrel oil today may be $100 a barrel 5 or 10 years from now. Look at what $50 a barrel oil has meant to you and your family and our economy. Filled up lately? Taken a look at what it costs? It has gone up dramatically in a short period of time to fill your car or truck. Talk about the airlines and their future lately? The cost of aviation fuel has gone up so dramatically that a lot of airlines are in bankruptcy, or facing it. That is at $50 a barrel. What happens when we reach $100 a barrel? What will it mean to the future of these same companies?

If we don't take a serious look at our energy future, sadly, we are going to leave ourselves vulnerable to competition from China, with higher costs for the basics to keep moving. Senator CANTWELL's amendment is a challenge, but one we should accept. As this President ends his term in office, another President of his party or another party will come in and see the same national goal: Reduce our dependence on foreign oil. It will call for work and dedication. We have risen to that challenge time and time again. There is no reason we cannot rise to it today.

I impress upon my colleagues the absolute necessity to reduce America's dependence on foreign oil. This is not an issue of whether we can, this is something we must do. It is imperative we impress upon America that setting a national goal of reducing our dependence upon foreign oil is a national priority and in the best interests of the American people. I believe when we send a signal we are serious about changing the future and the track we are on, people will join us in that effort. The best and brightest minds in our country will rise to the challenge.

When we go back to our States and constituents and they ask what we have done in Washington to address the growing threat to our oil supply posed by the emerging markets in China and India, and the high gasoline prices, we can take pride in the fact that the Cantwell amendment says we are charting a new course for our Nation's future. Opponents have argued we cannot do it, we don't have the smarts or the technology; they wring their hands and curse the darkness and say, "This is the way it is always going to be. We will be just more dependent upon foreign oil, so be prepared for it."

I disagree. There is technology available today, let alone advancements that may come over the next 20 years, that can move us forward on this goal. We, as leaders in this country, must signal that we won't let the future of America fall into the hands of foreign governments that own the oil supply of this world. Many of these governments are politically unstable and they don't promote the same values we do in the United States. The uncertainty of that alliance for our future oil should be enough to give us pause.

Security experts, economists, foreign policy experts, and scientists recognize that the terrorist organizations want to target the United States, that they can target the supply of our energy and threaten our economy. This is an amendment about national security, economic security, and the belief that America, with the right leadership and vision, will rise to the challenge, as we have so often done in the past.

We can use American ingenuity, innovation, and genius to reduce the growing stranglehold the foreign governments that are supplying oil to the United States have on America's future. I encourage colleagues on both sides to embrace this challenge. Don't run from it, don't be afraid of it. It is about the future of our country.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, I am glad I stayed on the floor because I was a little dismayed when I heard Senator CANTWELL describe her amendment. Senator DURBIN helped to clear it up for me in the fact that if we cut trucks off at the truckstop and if all the American people take the tires that are on their car now and we change those to new tires, we can eliminate a million barrels of oil. It is incredibly easy. It is unrealistic, but if you hear it portrayed, it is portrayed as something that is easy to accomplish.

I rise in opposition to the Senator's amendment because I believe one of the responsibilities we have as Members of the Senate is to, in fact, pass legislation that is reasonable for the American people, legislation that is technologically possible to achieve—even if we stretch technology and we push technology, and even if we were to create a "Manhattan Energy project." The reality is that some of the same individuals who stand in this chamber and claim this is easily achievable are the same ones who for the last decade have blocked domestic exploration, which is crucial to less reliance on foreign oil.

I believe every American agrees with me that we want to become less reliant on imported oil, but it is not just for national security, it is for job security. When we talk about policies on this floor that affect the cost of manufacturers in a global marketplace, we are talking about the jobs our constituents have, about the manufacturers who used to compete domestically within North Carolina or within the Southeast, or within this country, and now compete with people they will never meet. Of this year's group of graduates from college, 20 percent of them will compete for a job with somebody they will never meet and who will never live in this country because technology allows us to do it. It will be incredible when technology gets to that point, that it won't take government pushing it and saying implement it; it will implement itself because it brings efficiencies and savings to the marketplace naturally.

I think, as the occupant of the chair does, as we have gone through the creation of this energy bill, we have pushed technology and we have brought those minds into the committee in a bipartisan way and said: "Tell us where this can go over the next decade." We have truly tried in this legislation to create a blueprint for the American people and for the American economy, one that makes predictable what energy costs will be and how it will affect our competitiveness in this country and internationally. At the end of the day, if we do anything that forces American business to be at a competitive disadvantage, we have done a disservice to the American worker, who is the recipient of that business.

We need to vote against the Cantwell amendment. We need to tell the American people we have an energy policy. And if we believe that policy will lead us down the road to new technologies this year, next year, 10 years from now, it may be that 20 years from now we are all driving hybrid cars. I happen to believe that technology will make the hybrid car, 20 years from now, probably obsolete; there will be a new technology out there. But I am confident of one thing: You cannot push the mileage standards of automobiles further than where technology will allow; that for every place you surge and you try to reach a little too far, you cause, in fact, an unintended consequence on the other side.

We will also have an opportunity to vote on Senator BINGAMAN's amendment on a renewable portfolio standard, one I know the Senator from New Mexico is passionate about.

I want to correct something that Senator CANTWELL said. She said—and she is from Washington—that hydroelectric power makes up a majority of their electricity generation today, and she is right. The unfortunate thing is, hydroelectric power is not considered a renewable source of electricity unless it is new hydro.

It is incredible, the history we have in this country of hydroelectric generation, but we do not consider that to be a "renewable source of electricity." The only way hydro would qualify under a renewable portfolio standard is if it is new hydroelectric generation.

For those of us in the Southeast of the United States who for years have used electricity generated by hydro plants to compliment our coal-fired generation facilities or our nuclear facilities or our gas-fired facilities, we have understood for some time what made up a portfolio, and we assumed part of it was made up of what we considered to be renewable-hydroelectric power.

At 50 years old and now in my 11th year in Congress, I am reminded that hydroelectric power is not renewable, that water is not a renewable substance.

It is crazy it is not included. If we did include hydroelectric generation, North Carolina would in all likelihood hit the 10 percent mandate required in this amendment. I believe the Presiding Officer would hit the 10 percent possibly in Tennessee today. But the reality is we are being asked to accept a renewable portfolio standard that does not even include the generation of electricity with hydro. It does not require that rural electric cooperatives that generate electricity participate in the renewable portfolio standard. Electric co-ops account for a sizeable amount of the electricity generated in this country on an annual basis, but they are not included. We just want to place it on the backs of the ratepayers of investor-owned utilities.

I happen to come from a State that is rich with investor-owned utilities, but it is rich in electric co-ops and municipal power, probably richer than any State in the country. I defend them, but I do not believe if we put a burden like this on the ratepayers of the investor-owned utilities that we should leave anybody out and say they should be unaffected.

The fact is, what they have tried to do is put the cost of the renewable portfolio standard on the backs of one slice of electric generation, and that is the ratepayers of investor-owned utilities. They know if it extended to electric co-ops, there would be no way for this amendment to pass. There would be opposition on both sides of the aisle, on every level of our desks to this amendment.

The fact is, today we are here because we need to defeat the Bingaman amendment for a renewable portfolio standard, but we also need to defeat the Cantwell amendment. She said it is not a mandate but a goal, a goal that we cannot achieve today based upon available technology and one we ought not put into this bill, in fact, because it is unachievable.

I thank the Presiding Officer, and I yield the floor.

Mr. OBAMA. Mr. President, I rise today in support of the amendment offered by the Senator from Washington, Ms. CANTWELL. I am proud to be submitting this amendment.

Forty-four years ago, John F. Kennedy challenged America to put a man on the moon by the end of the 1960s. A bipartisan coalition in Congress joined with Presidents Kennedy, Johnson, and Nixon to make this goal a reality.

Today, we are considering a similarly bold challenge to the Nation—to reduce America's dependence on foreign oil by 40 percent by the year 2025. This challenge is no less important, no less laudable, and no less worthy of bipartisan support, Presidential leadership, and national commitment.

The bill before us purports to offer a comprehensive energy solution for the future. But, as currently drafted, the bill does nothing more than lead us down the same dangerous and unsustainable path that we have been traveling for the last several decades. Unless we draw the line now, outlining a bold change in course, with time enough to prepare, we will see the United States in 2025 even more tethered to foreign oil, and even more subject to economic shocks, than the United States of 2005. Unless we reverse course, we will continue putting our economic well-being and national security at the mercy of unstable foreign governments.

Some will argue that the goals in this amendment are unrealistic and unattainable. I do not agree with these naysayers. When President Kennedy announced his challenge in 1961, he said the following: "This decision demands a major national commitment of scientific and technical manpower, materiel and facilities, and the possibility of their diversion from other important activities where they are already thinly spread. It means a degree of dedication, organization and discipline which have not always characterized our research and development efforts."

Likewise, meeting the requirements of the Senator's amendment will require a similar commitment. But I believe the task before us is much simpler than the one that faced President Kennedy, because we already know how to decrease our reliance on foreign oil. A smart energy policy that focuses on a greater commitment to technology; including hybrid and hydrogen fuel cell technology, renewable fuels, and greater efficiency can take us a long way, if not the entire way, to the goal proposed by the Senator from Washington.

As difficult as it may be, we must try to meet the goal set forth in this amendment. We would be far worse off as a country if we just threw up our hands and admitted defeat.

The people I meet on my travels around Illinois are ready for the challenge. They are tired of giving their hard-earned dollars to foreign governments in the form of record-high gasoline prices. They are tired of seeing their foreign policy being influenced by America's insatiable need for Middle East oil. They are looking to their leaders in Washington for innovative leadership. If we lay down the challenge in this amendment, I have every reason to believe that the American people will rise up to meet it—much like they met a similar challenge 40 years ago.

In 1962, President Kennedy traveled to Rice University to speak about the challenge that he had laid down the year before. He stated: "Surely the opening vistas of space promise high costs and hardships as well as high reward. So it is not surprising that some would have us stay where we are a little longer, to rest, to wait. But this city of Houston, this State of Texas, this country of the U.S. was not built by those who waited and rested and wished to look behind them."

When it comes to our energy policy, we are long past the point of waiting and resting and looking behind us. I urge my colleagues to support the amendment offered by the Senator from Washington.

Mr. BAUCUS. Mr. President, I would like to briefly explain why I support Senator CANTWELL's oil savings amendment to H.R. 6, the Energy bill.

First, Senator CANTWELL's amendment sets a goal for the United States of reducing our dependence on foreign sources of oil by 4 percent by 2025. I do not understand how anyone could argue that it is not in this Nation's best interests to increase our domestic energy security and reduce our dependence on unreliable and undemocratic regimes abroad. We all like to talk about energy independence, but our efforts in that direction are lacking, as evidenced by the rapid growth in our dependence on oil imports that is projected to continue well into the future. I think Senator CANTWELL's amendment sets a worthy target that we can all work together to achieve.

Second, we—the world' s greatest economy—can certainly achieve this goal in a way that not only reduces our reliance on foreign oil but spurs new innovation and economic growth, without penalizing any sector of our economy. This amendment is not a backdoor effort to dramatically increase Corporate Average Fuel Economy standards, which I would not support. As modified it allows the President the flexibility to achieve the oil savings goal with existing authorities, or with new authorities that he or she requests from the Congress. Thus, the goal could be reached through a variety of means, including increased investments and incentives for hybrid vehicles and other transportation technologies or increased use of biofuels like ethanol and biodiesel.

Additionally, if the President is having difficulty reaching the goal, he or she need only reduce our depenence on foreign oil to the maximum extent practicable, and must ensure reliable and affordable energy for the country, and maintain a healthy economy with strong job growth.

This is a fair and sensible amendment, and I support it.

Mr. LEVIN. Mr. President, I support the goals for reducing this Nation's dependence on foreign oil that are embodied in the Cantwell amendment. We need to strive for energy independence, and I believe it is important to take bold steps toward reducing our oil consumption. Our policies have long ignored the problem of U.S. dependence on foreign oil, and we remain as vulnerable to oil supply disruptions today as we have been for decades. Taking the steps necessary to reduce our dependence on foreign oil is a critical objective for this country.

I have long supported a broad array of Federal efforts to meet this objective. I believe that we need a long-term, comprehensive energy plan, and I have supported initiatives that will increase our domestic energy supplies in a responsible manner and provide consumers with affordable and reliable energy. There are many provisions included in this bill that will help take important steps in this direction—particularly those provisions of this bill that address energy efficiency and renewable energy and will lead us toward greater uses of alternative fuels such as ethanol and biodiesel.

I have also long advocated Federal efforts that will lead to revolutionary breakthroughs in automotive technology. As many of my colleagues have said, we need a level of leadership similar to the effort of a previous generation to put a man on the moon. I believe we need our own moon shot in the area of automotive technology to develop alternatives to petroleum and to make more efficient use of all forms of energy.

We need a significantly larger effort than anything on the drawing boards. We need to put greater Federal resources into work on breakthrough technologies—such as hybrid technologies, advanced batteries, advanced clean diesel, and fuel cells—that will provide potentially dramatic increases in vehicle fuel economy and help us move toward making this Nation less dependent on foreign oil and reducing our emissions of greenhouse gases.

Federal Government investment is also essential not only in research and development but as a mechanism to push the market toward greater use and acceptance of advanced technologies. For example, expanding the requirements for the Federal Government to purchase advanced technology vehicles will help provide a market for advanced technologies. We also must have far greater tax incentives for advanced technologies than have been proposed to date.

I believe the goals for reducing our dependence on foreign oil in the Cantwell amendment can be met by taking bold actions in the areas I have mentioned and without relying on increases in Corporate Average Fuel Economy standards. Higher CAFE standards will not produce real results—they will only exacerbate the inherent discriminatory features in the CAFE system that give an unfair competitive advantage to foreign auto manufacturers and have contributed to the loss of manufacturing jobs in this country. Senator CANTWELL and the sponsors of this amendment have assured the Senate and her amendment was modified so that there are no policy assumptions in this amendment that will increase CAFE standards. The goals of this amendment are laudable, and since they are simply goals—which after the modification can be achieved with new authorities, tax incentives for instance, and do not rely on use of existing authorities—I can now support the amendment.

Mr. McCAIN. Mr. President, I strongly support the objective of Senator CANTWELL's amendment. It is difficult to disagree with legislation that proposes to achieve the important goal of reducing our dependence on foreign oil. Unfortunately, the amendment is an exercise in setting expectations without establishing how they will be met. As such, I cannot support it.

The job of Congress is not only to determine policy objectives, but also to establish the means to achieving such goals in a manner that best services the public interest. While this amendment sets aggressive goals for cutting America's dependence on foreign oil, it places the total burden on the President and the administration to develop and implement the measures to reduce our dependence without one iota of guidance as to how this reduction should occur. Frankly, that is both a risky and an irresponsible proposition.

What if this or any future President were to decide to meet this amendment's targets by drilling in ANWR, or by raising gasoline taxes? This amendment does not speak to those policy options, and—as shown by the examples I have set forth—the end of reducing our dependence on foreign oil does not necessarily justify the means. Instead of relying on wishful thinking and trust that the executive branch will do the right thing, we should consider and approve commonsense policies that will make our Nation more energy efficient, less dependent on foreign oil, and more competitive in the global energy market, and that will effectively address global warming.

The national energy policy that we establish in this Congress will deeply impact our security, economy, and our environment. Even though we agree on goals, we cannot in good faith transfer all responsibility for determining how to achieve them to the executive branch. That is a dereliction of our duty as Senators—a duty that I take seriously and will not relinquish merely to show that I support the laudable goal of reducing our dependence on foreign oil.

Mr. KOHL. Mr. President, I support the Cantwell energy security amendment, which would set a national goal of reducing projected imports of foreign oil by 40 percent by 2025 in the United States.

I strongly believe we must be more proactive in reducing our dependence on foreign oil, and Senator CANTWELL's amendment is a great start to accomplishing that goal. The current path we are on is detrimental to numerous facets of our economy, environment and national security. This is due to the ongoing instability in the Middle East, which is where the vast majority of our oil comes from, and coupled with the environmental problems associated with the use of fossil fuels. At present, petroleum imports account for fully one-half of our national oil use and one-third of our trade deficit. In addition, the use of oil and other fossil fuels contributes to global climate change, air pollution, and acid rain.

In order to achieve this ambitious plan we will have to implement many comprehensive energy saving policies. Many people believe this amendment down the road could raise fuel efficiency standards on automobiles. There are many energy policies we need to pursue to achieve this ambitious goal. In the past I have not supported raising CAFE standards and I do not believe this amendment would require such a change. In order to make this plan successful we need to support the development of alternative energy, such as ethanol, hybrid vehicle technology and others.

I have long believed that our Nation must implement a sensible national energy policy which emphasizes greater energy conservation and efficiency, as well as the development of renewable resources. Simply put, we cannot continue to rely on imported oil to meet such a large part of our Nation's energy needs and that is why I support Senator CANTWELL's amendment to the energy bill.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I thank the Chair.

(The remarks of Mr. DODD are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. All remaining time is controlled by the majority.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding that the only time remaining is that of the majority. Is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I will use leader time or, if no one is going to use their time, I will just use whatever is available.

The PRESIDING OFFICER. The Senator may proceed.

Mr. REID. If someone from the majority wants to speak, I will be happy to put the vote over for a few minutes for whatever few minutes I use.

I, first, want to thank Senator BINGAMAN for his leadership on the renewable energy issue. He has always been there. It is also important to mention Senator JEFFORDS. Senator JEFFORDS has been so stalwart. I remember an Energy and Water bill that Senator DOMENICI and I did in years past. We did not put enough renewable in there and Senator JEFFORDS brought amendments to the floor and fought us on this on the Senate floor. He has been a stalwart.

In this particular instance, the leader has been Senator BINGAMAN, and I appreciate very much the work he has done.

There is no question in my mind that we must harness the brilliance of the Sun, the strength of the wind, and the heat of the Earth to provide renewable energy for our Nation. There are many reasons our Nation needs to develop more renewable energy. It can power our homes and businesses without polluting the air we breath or the water we drink. Renewable energy will protect consumers from wild price swings by providing steady, reliable sources of energy. There is a reason we call the famous geothermal geyser Old Faithful, and that is because renewable energy is as old as the wind, as durable as the Sun, and as constant as the Earth.

Renewable energy will bolster our national security because it is made in the USA. The supply cannot be manipulated by any foreign power. Scientists have said, for example, the Nevada Test Site where we have detonated about 1,000 nuclear weapons, one could have solar power that would supply the whole Nation with electricity.

We do not have that, of course. We have no solar energy at the Nevada Test Site, but it is an example of what can be done.

Finally, renewable energy creates jobs, often in rural areas that need them the most. Nevada is a perfect example. Most of our geothermal energy is in rural Nevada. The steam has been coming from the ground in those places since man started coming there. When the pioneers came across Nevada, one of the places they would come after leaving the area that is now Utah is this dry, parched desert. The first thing they would see is water in a place near Gerlach, NV. The first few pioneers, immigrants, and their animals went into that water. They did not do that very often. They could not do it because it would kill them. It was boiling water. As thirsty as they were, they would have to siphon the water down and cool it.

It is still there, the same hot water, the same steam coming from areas around Gerlach. There is tremendous potential for renewable energy. In 2002 and 2003, the Senate passed the renewable energy electricity standard requiring that 10 percent of the electricity sold by utilities be generated from renewable energy sources. We should do no less this year. It would be even better if we could match our friends in Europe and achieve 20 percent.

Other nations have been developing renewable energy resources at a much faster rate than the United States. In 1990, America produced 90 percent of the world's wind power. Today, it is less than 25 percent. Germany now has the lead in wind energy; Japan in solar energy. We have an opportunity to regain the position as a world leader in renewable energy. In the United States today we get about 2 percent of our electricity from renewable energy sources, such as wind, solar, geothermal, and biomass. That is a paltry sum. The potential is there for a much greater supply.

The renewable electricity standard and the production tax credit are critical to growth of renewable energy in America. The State of Nevada is blessed with enough geothermal energy to generate one-third of the needs of Nevada today, but geothermal supply is only about 2 percent of our power. I am happy that Nevada has adopted one of the most aggressive renewable portfolio standards in the Nation. We set a goal of generating 15 percent of our electricity with renewable energy by the year 2013. Our legislature is to be commended. They did that 2 years ago.

Developing these resources will protect our environment, will help consumers, and will create jobs in our State. If Nevada can meet its renewable energy goal of 15 percent by 2013, then the Nation certainly should be able to meet a goal of 10 percent by 2020.

Many States are blessed with abundant supplies of renewable energy resources. Twenty-one States have already adopted renewable electricity standards. If we consider environmental and health effects, the real costs of energy become more apparent, and we see the renewable energy is a winner. A national renewable electricity standard by 2020 will also spur nearly $80 billion in new capital investment and $5 billion in new property tax revenues to communities.

Let's never lose sight of the fact that renewable energy sources are domestic sources of energy and using them instead of foreign sources contributes to our energy security.

I urge my colleagues, both the majority and minority, to vote for the Bingaman amendment.

Mr. SESSIONS. Mr. President, I yield back all remaining time on this side.

The PRESIDING OFFICER (Mr. VITTER). All time is yielded back.

The question is on agreeing to the amendment, as modified.

Ms. CANTWELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Wyden

NAYS—53

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 784), as modified, was rejected.

Mr. DOMENICI. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 791

Mr. DOMENICI. Parliamentary inquiry: What is the regular order?

The PRESIDING OFFICER (Mr. COLEMAN). There are 2 minutes evenly divided on the Bingaman amendment.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, when I go home on the Fourth of July and my constituents ask what I did about high natural gas prices, high gasoline prices, about our competition with China and Japan and India to keep our jobs, I am going to tell them I voted no on the Bingaman amendment to order utilities to make 10 percent of their energy from a limited number of renewable fuels, because it is an $18 billion electric rate increase over 20 years. At a time of high natural gas prices, high gasoline prices, the last thing we should do is an $18 billion electric rate increase over 20 years.

The distinguished Senator from New Mexico will tell us that it will be offset by natural gas reductions, but that is only if there is a $5 natural gas rate in 2025. One thing we know is, it is a big electric rate increase when we should be reducing prices.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, this is an amendment which says utilities that produce electricity in this country by the year 2020 should ensure that up to 10 percent of their electricity comes from renewable sources. It doesn't specify which renewable sources. It gives them a variety of choices. According to the Energy Information Agency, the $18 billion is more than offset by the savings these utilities will get by not having to invest in additional traditional sources of generation. This will result in a reduction in electricity rates and a reduction in gas rates, according to our own Department of Energy. I believe this is good legislation. I hope my colleagues will support it. It will strengthen this bill and give us a much better energy bill to take to conference.

I ask unanimous consent that Senator SNOWE of Maine be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 791.

Mr. BINGAMAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brownback
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Ensign
Feingold
Feinstein
Grassley
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Wyden

NAYS—48

Alexander
Allard
Allen
Bennett
Bond
Bunning
Burns
Burr
Byrd
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Enzi
Frist
Graham
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 791) was agreed to.

Mr. DORGAN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry, Mr. President. Are we, under regular order, scheduled to move on to another amendment?

The PRESIDING OFFICER. There is no amendment pending at this time.

Mr. DOMENICI. Mr. President, I understand the distinguished Senator from Georgia would like to engage in a colloquy with the Senator from New Mexico. For that purpose, I yield to the distinguished Senator.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in hope that the chairman of the Energy and Natural Resources Committee, the Senator from New Mexico, will engage in a colloquy with myself, as well as Senator SMITH of Oregon, regarding some concerns we have about the renewable portfolio standard amendment.

While I support the development of renewable energy and other clean energy resources, I believe that each region of the country has the ability to develop these resources in a variety of ways. In fact, at least 21 States already have a State RPS, and many other States have programs to promote renewable energy, all of this being accomplished without a Federal mandate.

The problem with the RPS amendment is that it imposes a one-size-fits-all mandate on the whole country without regard for whether the requirement is technologically or economically feasible. Not every State or region has the same amount of renewable energy available to comply with the rigid 10-percent RPS mandate the amendment would impose. As a result, utilities in States that do not have enough renewable energy will need to comply with the RPS mandate by purchasing credits at a cost of 1½ cents per kilowatt hour. Mr. President, 1½ cents may not sound like a lot of money, but when it is multiplied by the number of kilowatts needed to comply with a 10-percent RPS by 2020, it can add up to billions of dollars—billions of dollars in what should be called a tax on consumers. I call it a tax because that is essentially what it is. It is dollars that will come out of the pockets of consumers and go straight to the Federal Government. That makes no sense at all.

If the Government wants more renewable energy, it does not make sense to take billions of dollars away from consumers in a region simply because they do not have access to adequate renewable resources at a reasonable cost.

If there must be an RPS provision in this Energy bill—and I do not believe it is necessary—it must, at a minimum, allow more flexibility for each State and region.

I ask that the distinguished chairman commit to work with me in the conference to modify the provision to allow greater flexibility and to protect consumers from unnecessary cost increases. In particular, I ask that we work together to address the regional issues inherent in any such provision and ensure that States that do not have the technological capabilities to comply with the RPS mandate are not penalized. I note that even many supporters of a Federal RPS mandate recognize the need for State-by-State flexibility.

The Senator from Oregon does have a comment relative to this issue, and I yield to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I thank the Senator from Georgia for his comments. He reflects well the views of his State and the region.

Those of us, such as myself, who voted for this RPS standard understand the regional differences. In my view, an important purpose of an RPS is to diversify the Nation's energy supply. I understand that different States have different resources. For that reason, I believe it is appropriate to provide for greater flexibility for the States.

I would like to work with the Senator from Georgia and the distinguished chairman of the Energy and Natural Resources Committee to make appropriate modifications to the provision.

I yield back to the Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I thank the Senator from Oregon for his comments. Again, I strongly oppose the RPS, but if there must be one in the Energy bill, I ask the distinguished chairman if he will commit to work with the Senator from Oregon and myself in conference to make these modifications to the provision to ensure that the RPS promotes renewable energy where it is most needed without harming consumers.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, might I respond by saying to the distinguished Senator from Georgia and the distinguished Senator from Oregon that I would be delighted to work with them and, obviously, with other members of the conference in an effort to do what I can to ensure that each State is treated fairly and that none are penalized by an overly rigid mandate.

I am fully aware of the disparity between States, and I say to the Senator from Georgia and the Senator from Oregon that their States were on the map showing they are the have-not States in terms of wind. They have a lot of other items with which they can meet a standard. Renewable is going to be the test here, and it is going to be difficult.

The Senate has spoken—close vote. We will do what we can in conference. The Senator understands there is no such provision in the House bill. We will do our best to see what we can do to recognize the Senator's position and yet recognize the closeness of the vote and the very severe repercussions on some States.

Mr. CHAMBLISS. Mr. President, I thank the chairman for his comments, and I look forward to working with him.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise today with a profound sense of optimism and appreciation. We have not enacted a comprehensive energy bill since 1992. Many programs need reauthorization and many need revision. Programs and demonstrations must be updated to today's and tomorrow's energy parameters.

I have long said that the Nation needs a comprehensive blueprint for an energy policy that will take us in advanced directions, away from dependence on declining reserves of fossil fuel and foreign sources of oil. We need a policy which will reconcile growth and energy conservation in our transportation, manufacturing, utility, and consumer sectors across the Nation. We need to bring down the high costs of electricity and gasoline for the country, particularly in my State of Hawaii, and pursue greater energy independence from petroleum products. S. 10, the Energy Policy Act of 2005, provides the best opportunity that I have seen in years.

As a senior member of the Senate Committee on Energy and Natural Resources, I am familiar with cutting-edge technologies and approaches to generating energy. I was closely involved in crafting several parts of this energy bill—legislation that contains three bills that I have introduced, and a hydrogen title that was crafted with the leadership of Senators DORGAN, GRAHAM, and myself as members of the Senate Hydrogen and Fuel Cell Caucus.

I have contributed to comprehensive energy bills in 2002 and in 2003.

I wish to thank both Senators from New Mexico for their leadership and hard work in bridging many regional differences in this comprehensive bill, while still keeping in mind the overall vision for an energy bill. The Energy Committee, under the leadership of Senators DOMENICI and BINGAMAN, held a series of structured hearings that were informational briefings from a broad spectrum of industry, environmental groups, non-profits, and small businesses. Senator DOMENICI and Senator BINGAMAN are to be commended for keeping an open mind about the potential for new energy sources and a balance of renewable and fossil fuels, science and research and development. In sum, this is a balanced energy bill.

The energy policies that we address in this legislation cover a vast range of authorities and a patchwork of unruly regional alliances. This translates to an enormous challenge, and I appreciate Senator DOMENICI and Senator BINGAMAN's hard work and the work of their staffs. I want to compliment them on crafting an energy bill that will help the Nation as well as States with special "off-grid" energy needs such as Alaska, my state of Hawaii, and insular territories and commonwealths.

I support this bill and voted for it in our Committee. The bill is well-balanced between renewable energy production, energy efficiency provisions, oil and gas technologies, electricity provisions, and alternate and visionary sources of energy such as hydrogen. The bill invests in the Nation's Research and Development for energy technologies, something that we must continue doing to remain leaders in the world, as global demand for energy increases. The last title of the bill, Title Fourteen, provides much-needed incentives for innovative technologies, through loan guarantees for new energy facilities and projects.

I greatly appreciate the inclusion of title VIII, the Hydrogen title. I am an original cosponsor of S. 665, the Hydrogen and Fuel Cell Technology Act of 2005, and worked with Senators DORGAN, GRAHAM, and other members of the Hydrogen Caucus to craft this bill, which is included in S. 10. The bill reauthorizes and amends the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990, which has been the basic authority for Federal hydrogen programs for the last 20 years. Reauthorization of the Matsunaga Act is badly needed and I have been working toward that goal for several years. The bill provides for robust R&D for hydrogen fuel cells. It includes a provision to enhance sources of renewable fuels and biofuels for hydrogen production among its R&D priorities, which is very important for isolated areas such as Pacific islands and rural areas across the Nation.

In addition to the R&D section, the bill includes hydrogen fuel cell demonstration programs for vehicles and for national parks, remote island areas, and on Indian tribal land. The bill authorizes system demonstrations, including distributed energy systems that incorporate renewable hydrogen production and off-grid electricity production. In other words, the bill includes a broad range of hydrogen energy applications that will reach out to rural communities and lower income families, hospitals, military facilities—not solely vehicle applications and infrastructure. It recognizes the importance of developing hydrogen from renewable sources and demonstration projects for stationary and distributed energy systems in remote areas and islands.

I am pleased that the bill contains my request for an energy study in Hawaii. I thank Senators DOMENICI and BINGAMAN for including my bill, S. 436, the Hawaii Energy Study bill. Hawaii is uniquely dependent on crude oil for its energy sources. Before we invest in a different energy mix and infrastructure, we need to make transparent all the dynamics between fuels, generating electricity, and the consequences of the directions we choose.

The bill directs the Secretary of Energy to assess the short- and long-term prospects of oil supply disruptions and price volatility and their impacts on Hawaii, and to assess the economic relationship between oil-fired generation of electricity from residual fuel and refined products consumed for transportation needs of Hawaii. In Hawaii, the costs of gasoline, electricity, and jet fuel are intertwined in an intricate relationship, because they all come from the same feedstock, and changes in the use of one can potentially drive consumer prices up or down.

Although we approved an ethanol title yesterday, I would like to add a few words on the topic of the ethanol mandate. First, I would like to extend my appreciation to Senators TALENT and JOHNSON, and their staff, who have shown great leadership in working with committee members to understand the challenges that States face with a Federal ethanol mandate. I am particularly sensitive to States' needs with respect to renewable fuels and renewable energy. In Hawaii and other remote areas we lack the ability to produce ethanol. We would like to have that ability to free us from importing ethanol and the rising price of crude oil.

Hawaii has had the highest gasoline prices in the Nation over the last 10 years. We also have a State mandate to use ethanol, enacted last year and due to go into effect in spring of 2006. Our State ethanol mandate is driven by the desire to increase the use of biomass, increase the renewable content in our transportation fuels, and decrease the imports of crude oil to Hawaii. These are all good goals. Our sugar interests and ethanol producers are struggling to put facilities into place to produce ethanol because we need to meet our State mandate.

This is why Senator INOUYE and I greatly appreciate the inclusion of cellulosic and sugar cane-to-ethanol provisions in this bill. The demonstration provisions will greatly assist us in reaching our ethanol goals in the State.

We also need a loan guarantee program to help our producers. The loan guarantee program in the amendment we adopted is more restrictive than the one approved and reported by the Energy Committee. Hawaii's ethanol facilities are projected to produce between 7 and 15 million gallons of ethanol and the market in Hawaii is about 45 million gallons. Hawaii has an independent market and a State requirement for ethanol. Our plants will be smaller than in other States and would greatly benefit from a loan guarantee program for smaller producers. This is very important to my State and I look forward to working with my colleagues to further address this issue in conference.

In other titles of the Energy bill, I am pleased that title VI, Nuclear Matters, includes provisions of a bill I introduced earlier this year, S. 979, to require the Department of Energy to provide for a facility for the safe storage of greater-than-class-C radioactive waste. Radioactive sealed sources, which can be used to create a "dirty bomb," are all around us and pose a great risk. The administration must take action to ensure the control and safe disposal of those sources.

The energy bill also includes S. 711, a bill I introduced with Senator MURKOWSKI to reauthorize the methane hydrates program at the Department of Energy. Hydrates are important—the U.S. has enormous hydrate resources, perhaps as much as a quarter of the world's gas hydrates. As increased demand draws down natural gas reserves, we must look to additional sources, such as hydrates, for the future. The bill includes a robust methane hydrates program that includes the recommendations of the National Research Council's study on the program and future of methane hydrates.

We still have much work ahead of us. The bill does not include fuel economy standards which significantly increase the fuel efficiency of automobiles and are a vital component of a comprehensive energy policy. The American people want to spend less money on gasoline, be less dependent on foreign oil, address the issue of climate change, and breathe cleaner air. Strong fuel economy standards help provide some solutions. Also the bill does not address the growing emissions of carbon dioxide, which are radically changing the world around us. I am hopeful we will address these matters on the floor and I look forward to the debate.

Again, I appreciate and commend my colleagues Senators DOMENICI and BINGAMAN on the bipartisan nature of this bill and the process by which it was developed.

AMENDMENT NO. 794

Mr. DOMENICI. Mr. President, on behalf of myself and Senator BINGAMAN, I send a managers' amendment to the desk. It has been agreed to on both sides, is predominantly technical, and has been agreed to by anyone who has any interest.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself and Mr. BINGAMAN, proposes an amendment numbered 794.

The amendment is as follows:

On page 10, strike lines 5 through 8 and insert the following:

(2) INSTITUTION OF HIGHER EDUCATION.—

(A) IN GENERAL.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1065 (20 U.S.C. 1001(a)).

(B) INCLUSION.—The term "institution of higher education" includes an organization that—

(i) is organized, and at all times thereafter operated, exclusively for the benefit of, to perform the functions of, or to carry out the functions of 1 or more organizations referred to in subparagraph (A); and

(ii) is operated, supervised, or controlled by or in connection with 1 or more of those organizations.

On page 121, lines 9 and 10, strike "subsection (a)" and insert "paragraph (1)".

On page 223, line 16, strike "date of enactment of this Act" and insert "effective date of this section".

On page 225, between lines 4 and 5, insert the following:

(e) EFFECTIVE DATE.—This section takes effect on October 1, 2006.

On page 451, line 8, insert "manufacturability," after "electronic controls".

On page 452, strike lines 8 and 9 and insert the following:

"(b) MEMBERSHIP.—The Task Force shall be

On page 452, line 15, strike "members" and insert "Federal employees".

On page 452, strike lines 18 through 21.

On page 478, between lines 9 and 10, insert the following:

SEC. 916. BUILDING STANDARDS.

(a) DEFINITION OF HIGH PERFORMANCE BUILDING.—In this section, the term "high performance building" means a building that integrates and optimizes energy efficiency, durability, life-cycle performance, and occupant productivity.

(b) ASSESSMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Institute of Building Sciences to—

(1) conduct an assessment (in cooperation with industry, standards development organizations, and other entities, as appropriate) of whether the current voluntary consensus standards and rating systems for high performance buildings are consistent with the research, development and demonstration activities of the Department;

(2) determine if additional research is required, based on the findings of the assessment; and,

(3) recommend steps for the Secretary to accelerate the development of voluntary consensus-based standards for high performance buildings that are based on the findings of the assessment.

(c) GRANT AND TECHNICAL ASSISTANCE PROGRAM.—Consistent with subsection (b), the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 3701 et seq.), and the amendments made by that Act, the Secretary shall establish a grant and technical assistance program to support the development of voluntary consensus-based standards for high performance buildings.

On page 497, line 13, strike "using thermochemical processes".

On page 505, line 23, strike "proton exchange membrane".

On page 742, line 8, strike "Power" and insert "Energy Regulatory".

On page 755, after line 25, insert the following:

SEC. 1329. OVERALL EMPLOYMENT IN A HYDROGEN ECONOMY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall carry out a study of the likely effects of a transition to a hydrogen economy on overall employment in the United States.

(2) CONTENTS.—In completing the study, the Secretary shall take into consideration—

(A) the replacement effects of new goods and services;

(B) international competition;

(C) workforce training requirements;

(D) multiple possible fuel cycles, including usage of raw materials;

(E) rates of market penetration of technologies; and

(F) regional variations based on geography.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the findings, conclusions, and recommendations of the study under subsection (a).

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 794) was agreed to.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I would like to begin my remarks by thanking Chairman DOMENICI and Senator BINGAMAN, the ranking member, as well as their staffs, for the hard work and excellent effort they have made in preparing an energy bill. Their leadership has allowed the Senate to come together on a comprehensive energy policy that is of paramount importance to our Nation's future security and economic interests. While there are provisions in this bill about which I am troubled, I did vote for it in committee and would like very much to do so here on the floor. But there are some reservations I have. There are some things that were omitted, some that have actually been included and others that might be included about which I would like to speak, one in particular is one of great importance to the State of New Jersey.

I see my esteemed colleague Senator FRANK LAUTENBERG here as well. He will be speaking about this issue. That is the threat of oil and gas drilling off the coast of southern New Jersey's 127 miles of shore.

All of you heard Senators NELSON and MARTINEZ speak on the floor earlier this week about Florida's treasured coast and how important it is to Florida's environment and economy that its coast be protected from any weakening of the moratoria on drilling in the Outer Continental Shelf. My colleagues from Florida should take every step necessary to protect their beaches and coastal waters. As a Senator from a coastal State where tourism is the second largest industry, I think Senator LAUTENBERG and I also want to take every step necessary to protect the New Jersey shore from any effort to weaken the longstanding, bipartisan moratorium that exists on drilling in the Outer Continental Shelf.

As I understand it, the chairman and ranking member have both agreed to oppose any amendments that open up the OCS moratoria on submerged lands off of Florida's coast. I am, of course, pleased that recognition was taken in that instance. But it is a bit disconcerting that the rest of the moratoria on offshore drilling was not addressed. Many OCS areas still seem vulnerable to something that could destroy that moratoria, and that is a problem. It is a problem for the State of New Jersey. I think it is for many, if not all, of the other coastal States that are protected by the moratoria.

This has been a priority of mine since I have been in the Senate. Along with Senator LAUTENBERG, I introduced the Clean Ocean and Safe Tourism Anti-Drilling Act in the 107th, 108th, and 109th Congresses. This bill would make permanent the moratoria on drilling in the Mid- and North Atlantic Planning Areas, as opposed to having it be an issue that is dealt with year to year in the appropriations process or by Executive order.

I know, with certainty, the people of New Jersey—I mean with certainty—do not want to see oil and gas rigs off their coast. The Jersey Shore is one of the fastest growing parts of the State of New Jersey. It is in the most densely populated State already. The New Jersey shore is one of those things that defines our State. We want to maintain the beauty and cleanliness of our beaches as well as protect our fishing grounds as they make up a huge portion of our State's revenue.

The New Jersey Department of Commerce calculates that tourism in our State generates more than $31 billion in spending. Almost all of that is focused on our shore. It directly and indirectly supports 836,000 jobs, more than 20 percent of the total State employment. In addition, it generates about $16.6 billion in wages and $5.5 billion in tax revenues for the State. It is a big deal for us, a very big deal. If we are going to take a risk with our shoreline, we must first look at the cost-benefit analysis.

Any threat of drilling, any threat to New Jersey's environment and economy compel me to stand here and make sure people understand how important it is to us.

New Jersey is not alone in this. This is something that people recognize up and down the eastern seaboard and on the western coast.

New Jersey is already a State that is carrying a heavy load in terms of supporting the energy production needs and the refining needs of this Nation. We have three nuclear powerplants. We export energy. We have many traditional powerplants, and support siting of an LNG terminal. We are also a place that has been supportive of alternative energy. We are moving in the direction toward all of those things that promote efficiency. New Jersey is the east coast hub for oil refining, for the chemical industry. We are doing our part in growing and sustaining the Nation's energy resources.

But risking and exploiting our shore, to do that is a step too far. I repeat, it is a step too far, risking what I think no one else would do if it were related to their economy, their people's quality of life, their people's needs.

I am not the only Senator who has concerns about amendments to this bill that will weaken the moratorium. I have been in contact with a number of coastal State Senators. We will have a letter that speaks against any changes to the current OCS moratoria. My concern about some of the provisions of the bill, including the inventory provision, are reinforced by some of the rumblings I hear about trying to move further in opening up this Outer Continental Shelf.

I fear we are on a slippery slope that would lead to eventual drilling off the New Jersey coast, which is of great concern and will lead to the kinds of actions that can stand in the way of the overall bill. It will not be just a New Jersey issue; it will be a broader issue.

Given the minimal benefit of offshore drilling—at least based on the science that has been applied to this issue—I don't see the need to be threatening over 800,000 jobs and the state revenues I mentioned earlier for what the Minerals Management Service (MMS) estimated in 2000 to be roughly 196 million barrels of oil off our coast. That, by the way, is enough to fuel this country's needs for only 10 days. The MMS also estimated a mean of only 2.7 trillion cubic feet of natural gas for the entire Mid-Atlantic region. Compare that to areas already open to drilling in the Gulf—not those adjacent to Florida—that contain 18.9 billion barrels of oil and 258 trillion cubic feet of natural gas.

I don't know what kind of cost-benefit analysis is being taken to be pushing forward with this offshore inventory, when the studies have already shown the great capacity of one area versus what is expected to be found off of New Jersey's coast.

We want to protect this moratoria. It is an issue I take very seriously. We hear there is the potential for weakening the moratoria in another way by providing for potential amendments that allow States to opt out of the moratoria and possibly even revenue-sharing amendments that would encourage states to opt out of the moratoria. Allowing States to opt out would be detrimental to States' neighbors. This is an argument long understood and argued by Florida. New Jersey's coastline, obviously, is very close to other States. Tides move across state borders and fisheries don't recognize state borders. One State's choice could end up being detrimental to another.

We have ample reason to say that coastal states ought to be concerned about this issue. In fact, we have, for planning purposes, divided up the country into planning areas. The Mid-Atlantic and the North Atlantic OCS Planning Areas, which extend from North Carolina to Maine, is of most concern to New Jersey. But I understand the same arguments from everyone else in every other planning area. Water does not recognize the borders we have established in a political contest. We need to protect the offshore moratoria so that we can protect our beaches and our shores as we go forward.

Mr. President I have here a bipartisan, bicameral "Dear Colleague" letter from almost every member of the New Jersey Congressional Delegation that expresses the concern of those who represent New Jersey that this moratoria be sustained. I also have a bipartisan letter signed by over 100 Members of the House of Representatives, both sides of the aisle, stating their strong support for the legislative moratoria on activity in submerged lands of the Outer Continental Shelf. I ask unanimous consent that these two letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 15, 2005.

Hon. PETER DOMENICI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Hon. JEFF BINGAMAN,
Ranking Member, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN AND RANKING MEMBER: We are writing to express our strong opposition to any amendment to the Senate Energy bill that would weaken or destroy the 24-year moratoria on drilling in the Outer Continental Shelf (OCS).

As we understand, you have agreed not to vote for any amendments that alter the current OCS moratoria with respect to submerged lands off of Florida's coast.

While believe that the current OCS moratoria off the Florida's coast should be protected, we are deeply concerned that this agreement leaves the coasts of our states vulnerable to amendments that would weaken the moratoria off other areas of the Outer Continental Shelf.

As senators of coastal states whose environment and economies would be in serious danger should the OCS moratoria be weakened in any way, we will oppose any provision that would threaten the moratoria, including, but not limited to amendments allowing states of opt out of the OCS moratoria or provide for revenue-sharing as an incentive for states to opt out of the moratoria.

We are liking your commitment to oppose any amendments that endanger the moratoria on one oil and gas leases in the entire Outer Continental Shelf. As you know, Congress has infused language protecting the current OCS moratoria in annual appropriations bills since 1982. In addition, President George H.W. Bush declared a leasing moratorium on many OCS areas and President Clinton issued a memorandum to the Secretary of the Interior that extended the moratorium through 2012 and included additional OCS areas.

Given this history, any change to the moratoria will be a dramatic change in policy. It is our hope that this important bill will not get bogged down by this issue, but without assurances that you would oppose any amendments that would undermine the current moratoria, we will be forced to use all procedural tactics to protect our precious resources.

We hope we will be able to work together with you to resolve this issue.

Sincerely,
Jon S. Corzine, Paul Sarbanes, John F. Kerry, Dianne Feinstein, Patty Murray, Frank R. Lautenberg, Edward M. Kennedy, Barbara Boxer, and Ron Wyden.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 29, 2005.

Hon. CHARLES TAYLOR,
Chairman, Subcommittee on Interior and Environment, Committee on Appropriations, Rayburn House Office Building, Washington, DC.

Hon. NORM DICKS,
Ranking Member, Subcommittee on Interior and Environment, Committee on Appropriations, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN TAYLOR AND RANKING MEMBER DICKS: We are writing to express our strong support for the longstanding bipartisan legislative moratorium on new mineral leasing activity on submerged lands of the Outer Continental Shelf (OCS). We are deeply appreciative of the leadership your Subcommittee has shown on this issue over the years and hope to work with you this year to continue this vital protection.

The legislative moratorium language prohibits the use of federal funds for offshore leasing, pre-leasing and other oil and gas drilling-related activities in moratoria areas, enhancing protection of those areas from offshore oil and gas development. As you know, in 1990 President George H.W. Bush signed an executive memorandum placing a ten-year moratorium on new leasing on the OCS. In 1998, this moratorium was renewed by President Bill Clinton and extended until 2012. As you know, President

George W. Bush endorsed the moratorium in his 2006 budget. These actions have all been met with public acclaim and as necessary steps to preserve the economic and environmental value of our nation's coasts.

With a renewed interest in developing natural gas and oil on the OCS, we believe it is again imperative for Congress to reaffirm its authority on this issue. Therefore, we respectfully urge you to include the OCS moratorium language in the fiscal year 2006 Interior and Environment Appropriations legislation. Specifically, we ask you to use the language in Sections 107, 108 and 109, Division E, Department of the Interior and Related Agencies of the fiscal year 2005 Consolidated Appropriations Act (P.L. 108–447). These sections restrict oil and gas activities within the OCS in the Georges Bank-North Atlantic planning area, Mid-Atlantic and South Atlantic planning area, Eastern Gulf of Mexico planning area, Northern, Southern, and Central California planning areas, and Washington and Oregon planning area.

Once again, we encourage the Subcommittee to support these important provisions, which represent over 20 years of bipartisan agreement on the importance of protecting the environmentally and economically valuable coastal areas of the United States. Thank you for your consideration of this request.

Sincerely,

Members of the House of Representatives:

Lois Capps, Randy "Duke" Cunningham, Jeff Miller, Jim Davis, Michael Michaud, Madeleine Bordallo, Ginny Brown-Waite, Jay Inslee, Frank LoBiondo, Rob Simmons, Mark Foley, Jim Langevin, Ed Case, Jim McGovern, Sherrod Brown, Chris Smith, Dennis Cardoza, Frank Pallone, Jr., G.K. Butterfield, Tom Feeney.

Pete Stark, Robert Wexler, Anna Eshoo, Zoe Lofgren, Katherine Harris, Jerry Nadler, Carolyn Maloney, Alcee Hastings, Mike Honda, Hilda Solis, Grace Napolitano, Mark Kennedy, Brian Baird, Susan Davis, Sam Farr, Clay Shaw, Christopher Shays, Rush Holt, Betty McCollum, Ellen Tauscher.

Barbara Lee, Dennis Moore, Raul Grijalva, Chris Van Hollen, Rahm Emanuel, Nick Rahall, Loretta Sanchez, Tom Allen, Anthony Weiner, Jan Schakowsky, Brad Sherman, Jim McDermott, Kendrick Meek, Bob Etheridge, Dale Kildee, George Miller, Donald Payne, Tom Lantos, Earl Blumenauer, Maxine Waters.

Wayne Gilchrest, Rosa DeLauro, Nancy Pelosi, Richard Neal, Dennis Kucinich, Ed Markey, Henry Waxman, Michael McNulty, Michael Bilirakis, Jane Harman, Bart Stupak, Robert Menendez, Barney Frank, Lynn Woolsey, Luis Gutierrez, Jim Saxton, Ileana Ros-Lehtinen, William Delahunt, Peter DeFazio, Mike Thompson, Juanita Millender-McDonald.

David Wu, Carolyn Maloney, Bob Filner, Mario Diaz-Balart, Robert Andrews, Lincoln Diaz-Balart, Xavier Becerra, Howard Berman, Walter Jones, Connie Mack, Diane Watson, Doris Matsui, Linda Sánchez, Debbie Wasserman Schultz, Ric Keller, Adam Schiff, Corrine Brown, Jim Costa, Joe Baca, Bill Pascrell, and Eliot Engel.

Mr. CORZINE. This is a big deal for the State of New Jersey. It is for anyone who is exposed to the coast and has a tremendous amount of industry and tourism that is the livelihood of those individuals who live near the shore. We can avoid the conflict as it relates to the overall energy policy. But it is the responsibility of those who are to defend the interests of our State, to stand up firmly to protect our economy, to protect our environment, to protect our quality of life. We do not need this conflict with regard to this bill.

I hope my colleagues will keep that in mind in the days ahead. Otherwise, there will be those who have to fight in ways that are not our preferred approach especially when we would like to get a bipartisan energy bill to go forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, first let me say to my friend and colleague from New Jersey how much I admire his commitment to our State and to the things that protect our environment and our well-being. I am very proud of Senator CORZINE. I have mixed feelings about whether I want him to win the race in New Jersey because it is nice to have a hometown boy around.

I join Senator CORZINE in this attempt to protect our State from being affected by drilling for oil off our shore line. When I was a boy, I had occasion to spend time at the New Jersey shore. It was, for me, a matter of almost paradisiacal value to be able to get to that shore and never think about whether we were going to step on plastics, needles, oil spills, or anything like that. It was so much a part of our culture that to change it in any way that we do not have to is an act of poor judgment.

The top of the list, as far as we are concerned, is the New Jersey shore. We call it "the shore." In the summertime, few things are better than a day at the beach, watching your children or your grandchildren play in the surf or go out on a fishing boat or learn something about marine life. We have seen times when a spill occurs how it spoils an entire area.

We are at a time now where in desperation we are searching for ways to make up for our profligate use of oil. We are looking around, trying to find ways to substitute for the bad judgment we used for so many years, for letting it go, for not requiring cars to meet standards for oil consumption or gas consumption.

Hurting our environment, having oil ruin our most delicate and precious resources. It is just not right.

If one wants to fish or walk along the boardwalk, those from New Jersey go to the shore. If you want an evening's recreation, you go to the shore. It is nearby. It is part of our life. It is part of what we think of as the periphery of our State: 127 miles of shore line, the major economic engine for New Jersey.

Tourism, as we heard from my colleague, is a $30-billion industry and supports hundreds of thousands of jobs. Seventy percent of all the State's tourism revenues originate at the shores. Our shores are very important to us. But it goes beyond the economy. It goes beyond all kinds of things that one might think. When you look at the marine ecology, when you see what happens with clam beds or shellfish beds, we cannot fish them any more because of contamination, because of toxins. Those affect our everyday lives.

For 35 States in this country, the coast is at our door, the shore is right there for us—for 35 coastal States. Of course, it includes the States in the Great Lakes area. They too have an interest in protecting their waters. So when anyone proposes something that could put our shores at risk, we take it very seriously.

Of course, that brings us to the bill we are currently considering. There has been a great deal of discussion about violating our longstanding prohibition against offshore drilling by allowing States to opt out of the moratorium. Now, what would that mean? We recently had a spill in the Delaware River. Did it do more damage to New Jersey than it did to Pennsylvania or Delaware? It damaged all of them. Oceans know no boundaries, unless we put up a seawall that extends beyond the borders of our State way out into the ocean and say: OK, you can drill on that side but not the other.

I see the majority leader and Democratic leader looking at me so wistfully, and I wonder if it is in admiration or whether it is something else they had in mind.

Mr. REID. Admiration.

Mr. FRIST. Will the Senator yield?

Mr. LAUTENBERG. I yield, provided I do not lose the floor.

Mr. FRIST. Mr. President, we will have a very short colloquy here as to what to expect over the next several days. It will take 3 or 4 minutes.

Mr. President, Senators have been asking about the schedule for the afternoon, tomorrow, and Monday. First of all, let me congratulate the chairman and ranking member. We are making good progress. The fact that we do not have a lot of amendments flowing out tonight or a lot of requests even for tomorrow or Monday is a good sign. That, coupled with the fact we made substantial progress, leaves me very optimistic. We dealt with ethanol and oil consumption. So we are making progress.

I will come back to what we are going to have to do next week. We will remain in session this afternoon for Members to offer additional energy-related amendments. However, if the amendment requires a rollcall vote, we would order that for next week because of the schedule of tomorrow. We will have no further rollcall votes today. After our business today, we will return to the bill on Monday.

I do want to continue to rely on the continued efforts of our colleagues to come forward and offer amendments now. They have the opportunity this afternoon, early into the evening, and throughout Monday.

I do want to put our colleagues on notice that if it looks as though there is any question about finishing this bill Thursday or Friday of next week—I have told Senators on our side of the aisle to expect votes on Friday, but we are going to complete this bill next week. If there is any question about that, I do want to put our colleagues on notice that I likely will file cloture on Wednesday. And that is not even a veiled threat at all, but it demonstrates the importance on behalf of our leadership, working with the Democratic leader, that we need to move ahead now and that we will finish this bill next week.

Finally, it is also our intention on the Bolton nomination to reconsider the cloture vote on Monday evening. I mentioned earlier that we might do that today, but discussions have continued, constructive discussions have continued over the course of yesterday and over the course of today, and that being the case, we have elected to have that vote on Monday evening. That vote will likely occur—I have not talked specifically with the Democratic leader—around 6 o'clock. Therefore, Senators should be present for that important vote.

Let me turn to the Democratic leader. I would ask if he concurs that we must finish this bill next week. And that is why, indeed, I mentioned we may have to file cloture, if we do not make continued progress.

Mr. REID. Mr. President, the two managers of the bill are here. They are ready to take amendments. All amendments cannot be offered next week. When we come to these bills, it is always: I am not quite ready; I will do it tomorrow or next week. That time has arrived. We have worked through some very difficult amendments this week—three extremely difficult amendments. They are disposed of now. They were complicated. They were difficult in the eyes of many.

As I see it, Mr. Leader, I think the big issue left, in major scope, is the global warming issue. A number of Senators on both sides are concerned about this. I would hope that an amendment would be offered Monday when we come in, debate this however long it takes, within a reasonable period of time, and dispose of it, maybe Tuesday. I just think it is time we move on.

I think what the majority leader has outlined, in consultation with me, is extremely good; that we are going to finish this bill next week. And no one has been jammed on time. It has been a hard week also because there have been funerals and events that have taken some of our time, but we have worked our way through that.

I think it would be good for the country that they see we are now legislating. We have had a number of problems earlier in the year. Those are over. And now the leader has said he wishes to pass a couple of appropriations bills before we leave in August. That would set a good tone. The Appropriations Committee met today. That work has been done. The bill is ready to bring to the floor.

So I hope we can move forward. There is a tentative agreement—it is not finalized in any written form yet, but I have worked with the distinguished majority leader now for a couple weeks. There is an issue that is before the country, and that is stem cell research. We are going to try to work out something on that so we do not have a bunch of side issues coming up on the legislation we have. We have had a number of important meetings, and I think we are at a point soon where we can arrive at some way to dispose of this at a time certain.

We have other issues that we have talked about—the Hawaiian issue and China. These are all in the RECORD that we have to bring those up at a specified time. So we have our plates full. And I would acknowledge we probably might have to do some of this next Friday.

Mr. FRIST. Mr. President, I thank the Democratic leader. I believe it is pretty clear in terms of the plans: No more rollcall votes today. We will have a pro forma session tomorrow. We expect people to continue today to offer amendments and to bring them forward on Monday as well.

We will have a rollcall vote on the Bolton nomination, to reconsider the cloture vote on the Bolton nomination, at 6 o'clock on Monday. We will complete the Energy bill next week. And then we will turn to the appropriations bills, as we had planned.

Mr. REID. If the Senator will yield, I also think if cloture is going to be filed on this bill, it would be on a bipartisan basis. I think you would have an equal number of Democrats and Republicans signing that cloture motion. And I think that it is really important for this body that we do that on occasion.

Mr. FRIST. That is the cloture motion——

Mr. REID. On the Energy bill.

Mr. FRIST. On the Energy bill.

Mr. President, we yield the floor and do thank our distinguished colleague from New Jersey for his consideration.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, the point I was making just a few minutes ago was that we ought not permit States to opt out of this moratorium, this prohibition against offshore drilling because what happens in a neighboring State, whether it is Delaware or Maryland or New York State or Connecticut or Massachusetts, affects what happens in my State very often. The same is true on the Pacific side of things. The same is true for the Gulf of Mexico. You cannot simply say: Let a State do the drilling. They may be more interested in the income than in the protection of the environment. But we are not. I can't emphasize strongly enough the importance of protecting the sensitive marine areas off the New Jersey coast and other coastal States.

For more than two decades, both Democratic and Republican administrations have respected the moratorium on leasing and preleasing activities on the Outer Continental Shelf. But now we are talking about doing away with this protection. It would be foolish and shortsighted. One only needs to look at the list of accidents at sea and see what happened to neighboring States or neighboring communities not at all connected to the place where the accident happened. We just ought not permit it.

The Department of Interior's Minerals Management Service estimated in the year 2000 that the waters off New Jersey might hold enough oil to supply the country with 10 days of oil. What does it mean in the scheme of things? Ten days of oil and run the risk of destroying marine life and a culture that is associated with coastal States? It is a part of our lives. Heaven forbid that it changes from being part of our daily lives.

Do we want to risk hundreds of thousands of jobs for 10 days? I don't think so. Do we want to risk changing the culture of our society, our coastal society? I don't think so.

The people of my State and the residents of all coastal States do not want oil and gas rigs marring their treasured beaches and fishing grounds. The occupant of the Chair, coming from a beautiful coastal State, tiny though it is, but so much dependent on the sound and the ocean, I am sure understands the risks of having oil rigs out there that could damage the culture of the State as well as the marine life and the ecology. We don't want that to happen. I don't mean to speak for the Presiding Officer, but I know that Rhode Island has similar problems to States such as New Jersey.

Drilling poses serious threats to our environment and to our economy. Drilling requires onshore infrastructure that can harm sensitive coastal zones. The massive amounts of mud it displaces when drills go down into the earth must be dumped somewhere else.

The constant risk of oil spills cannot be minimized.

I was chairman of the Transportation Subcommittee of Appropriations about 15 years ago when the Exxon Valdez ran aground. Because I had Coast Guard in my subcommittee, I took the opportunity to get up to the place where the vessel was floundering within 3 days after it ran aground. It was in some way kind of a mystical allure. You could see the sheen on the water, and it spread with all of its color but all of its menace at the same time. I saw brave people from our Department of Interior and Fish and Wildlife getting off on these tiny islands with helicopters and small boats and taking the birds out and fish and trying to clean them up one by one wherever they could. It was devastating. I visited there at that time. I find out that today, 16 years later, that disaster is still taking a toll on the environment.

When I take my grandchildren to the beach, I don't want them to discover oil underneath a rock, as one still does in the area where the Exxon Valdez ran aground. I don't want them to see birds or mammals sickened by their inability to breathe properly as a result of a coating of oil. I don't want to hear about the coral destruction that provides the nutritional base for our fish and marine life.

The Exxon Valdez spill was one of the largest oil spills we have suffered, and it was only one of many. According to the Department of Interior, 3 million gallons of oil spilled from offshore operations in 73 incidents between 1980 and 1999. It is an average of about four incidents a year, more than 40,000 gallons of oil per spill. That is more than enough oil to ruin a beach town's tourist season for years to come.

We cannot afford to damage our shorelines—and we should not be asked to do it—or the marine life that inhabits our coastal waters. Nature has been good to us. It supplies us with the seas and the water and the land and the mountains. We ought to try as much as possible to keep that intact.

Ending the moratorium in any State completely undercuts the position our Nation has upheld for many decades. It clearly undercuts the stated wishes of coastal States that would incur the greatest damage. The United States needs new sources of energy. I agree with that. But where have we been in these past years as the consumption of oil increased? Buying it from people who aren't even friends of ours, but who are always asking us to protect them in moments of trouble. And some of those states we know have been accused of and it has been established that they support terrorists who fight against us. Did that cause us to say: Hey, we ought to change things? No. It didn't. We simply said: Get bigger cars and use more gas and let the devil take the high road. It ought not be that way. The United States needs new sources of energy.

Fortunately, our Nation has many energy sources that are vastly underutilized. One of those sources for finding our way out of this mess is to continue to invest in alternative methods for producing energy in universities and research institutes. We can bolster our Nation's energy security without drilling offshore. A day at the beach should mean fun, clean water, natural beauty, not oil slicks or drilling rigs. We need to keep the existing prohibition on offshore drilling in place. That is what Senator CORZINE and Senator BILL NELSON and other Senators from coastal States and I intend to do.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I rise to discuss the Energy bill. Before starting my remarks, I want to once again thank Senator DOMENICI and Ranking Member BINGAMAN for their excellent work on this bill for the last 5 months. It is a source of great pride for me to see my two neighbors from the South, from the Land of Enchantment, working so well together on such an important issue.

I also want to reiterate my thanks to their key staff, Alex Flint, Judy Pensabene, Lisa Epifani, Bob Simon, and Sam Fowler. Without the work of the staff, we would not have gotten to the point in this legislation where we are today.

I also want to congratulate Senator BINGAMAN and his staff on their successful inclusion of the RPS amendment. They have done this Nation a great favor.

The Nation has a real problem. When I look at the issues that face America today, I believe the two most significant domestic issues facing America, America's families and America's businesses are health care and the energy crisis of America. Today, this Chamber is addressing the challenge of energy.

The problem can be described in lots of different ways, but it is, in fact, an emergency. In the 1970s, our Nation imported about one-third of our oil needs. Many of us still remember then-President Jimmy Carter talking about the OPEC oil embargo and talking about the energy independence of America being the moral equivalent of war. Yet, since that time during the last 30 years, we have seen continuing reliance and dependence on foreign oil so that today 58 percent of the oil we need is being imported. By 2020, we will be importing 70 percent more of our oil. America today consumes one-quarter of the world's oil supplies but has only 3 percent of the global reserves. Currently, OPEC member countries produce about 40 percent of the world's oil and hold 80 percent of the proven global reserves, and 85 percent of those reserves are in the greater Middle East, including countries that are not particularly friendly to the United States: Iran, Iraq, and Saudi Arabia.

Twenty-two percent of the world's oil is in the hands of state sponsors of terrorism and under U.S./U.N. sanctions, and only 9 percent of the world's oil is in the hands of countries ranked "free."

We are importing more oil at a time when other growing nations continue to increase their imports of oil, including China, which is exponentially increasing its oil demand and imports. China's oil imports were up 30 percent from the previous year, making it the world's No. 2 petroleum consumer only after the United States, and there is no end in sight in terms of how this nation of 1.3 billion people will continue to import oil from other places around the world.

Experts predict China's large and rapidly growing demand for oil will have serious implications for United States oil prices and supplies. Fully one-quarter of the U.S. trade deficit today is associated with oil imports, and as we have continued to grow on our overreliance on foreign oil, it is incredible for me to take a look at the statistics with respect to American vehicles. American vehicles today get fewer miles per gallon than they did in 1988.

What that tells us is this Nation has not taken the energy crisis we currently have in a series enough fashion. It is an imperative for us to do so, and this energy bill we are considering today in the Senate is part of our response to try to make sure we live up to the challenges we face in America today.

In my view, the answer to the energy crisis we face is that we must do everything we can to set America free from its overdependence on the importation of foreign oil. Indeed, leading American conservatives and progressive organizations, both Republicans, Democrats, and Independents alike, have come forward with a concern about the security and economic implications of America's growing dependence on foreign oil. These groups have formed a coalition called Set America Free. We should embrace the Set America Free agenda as an imperative for America for energy independence and security.

Since most of the oil and the overwhelming source of known oil reserves lie in one specific region of the world, the Middle East, our national security is held hostage to the whims of despotic or increasingly unstable regions. Ominously, the money we pay for foreign oil helps pay for the activities of extremists and terrorists who hate the United States and the West in general. We need only to recall the horrors of 9/11 to know this hatred is real. Even worse, the money pit grows deeper because as the world consumes more oil, that oil becomes more expensive and the money that keeps some of those regimes in place gets more and more concentrated. So America is held hostage in a tighter and tighter grip. There is only one way for us to fix this. America must embrace an imperative of energy independence and security. We have to set America free.

This energy bill, which is a bipartisan bill, is a good first step. This energy bill that is before the Senate takes some very important steps: an important step in energy conservation, which means we will do more with what we have; an important step in embracing a new ethic of renewable energy for the 21st century, which will help us grow our own energy resources in our country; an important step in developing new technologies that will help us address the energy demands of our Nation and, also importantly, balanced development of existing fuel supplies. These are important steps to lead us to the goal of energy independence and security.

I want to review each of those steps briefly. First, conservation. Energy efficiency is the cheapest, cleanest, and quickest way for our country to extend its energy supplies and to begin to tackle the alarming increases in energy prices we have witnessed in the past few years.

This is far cheaper than any other form of energy, and for a good reason. Energy efficiency is not subject to transmission losses, and it is not subject to fluctuations in the price of fossil fuels or the availability of a renewable resource.

The Energy bill contains a number of very good provisions for conservation. It establishes requirements for energy and water savings in congressional buildings so that we in Congress can tell the rest of the Nation that we also will walk the walk on conservation. It establishes new conservation goals on energy measurement and accountability standards for Federal buildings and agencies all over the country. This is significant, for one of the Nation's largest if not the largest landlords is the Federal Government.

It extends the energy savings performance contracts, ESPCs, for 10 years. These contracts are an excellent mechanism by which the Federal Government is guaranteed to save money and save energy, savings that can be passed on directly to the taxpayers of America.

The program provides private financing of energy-saving improvements for Federal buildings.

The Senate Energy bill also authorizes or extends energy assistance for State programs, such as weatherization assistance, energy-efficient appliance rebate programs, and grants to States and local governments to create more energy-efficient buildings.

The Senate Energy bill also sets energy efficiency standards for exit signs, for lamps, certain transformers, traffic signals, heaters, lamps, refrigerators and freezers, air conditioners, washing machines, dehumidifiers, commercial ice makers, pedestrian signals, mercury vapor light ballasts, and pre-rinse spray valves. The energy portions of this legislation are a strong indication of the direction in which this country has to head, and that is to be more efficient with the fuel resources that are available for us.

Second, renewable energy—renewable energy is a great opportunity for the United States of America in the 21st century. Nothing is more important in this bill than its call for increased use of renewable energy. I am particularly proud of the people of Lamar, CO. Their efforts to produce clean, renewable energy are a great service to the entire Front Range of Colorado. The efforts in Lamar literally keep the lights on.

This morning, in our Denver Post in Colorado, they talked about the town's efforts to make their voices heard on the Senate floor. I assure you, Mr. President, and all of the people in Lamar, we hear you, and we thank you for your support for renewable energy.

The Energy bill directs the Secretary of Energy to compile a detailed inventory of the Nation's renewable energy resources and also establishes a renewable fuels standard. I am proud to be a cosponsor of the renewable fuels standard provision of the Senate Energy bill.

This amendment calls for 8 billion gallons of ethanol and biodiesel to be produced in America by 2012. This amendment is good for America and good for the environment.

Growing our own transportation fuels directly reduces our dependence on foreign oil. It not only reduces our dependence on foreign oil now, it promises to reduce our imports even more in the near future. The production and use of 8 billion gallons of ethanol and biodiesel by 2012 will displace more than 2 billion barrels of crude oil, and it will reduce the outflow of dollars to foreign oil producers by more than $60 billion.

An important provision of this renewable fuel standard is that it provides incentives for the development of cellulosic ethanol. Current methods of producing ethanol have an energy return of about 35 percent, but cellulosic ethanol, which will soon become economically feasible, will provide as much as 500 percent energy return. And once we are at that point, we will be on the edge of a brand new frontier for domestic biofuel production.

Finally, ethanol and biodiesel are good for the environment. Net carbon dioxide emissions from biofuels are lower than from fossil fuels, because the carbon released during combustion was taken out of the air by the agricultural crops in the first place.

Ethanol and biodiesel are both young industries in Colorado, but I believe that these biofuels are essential to our energy future, and the farmers of Colorado believe that they are a key component of that future. And truth be told, I simply like the idea of growing and harvesting our transportation fuels. It seems to me that this is a true way forward for America.

Third, Technology. The energy bill also includes provisions for the development of Integrated Gasification Combined Cycle plants—IGCC, commonly referred to as gasification. Using this technology, we can extract energy from coal in a much more environmentally responsible way than the pulverized coal plants in use today. IGCC significantly reduces mercury, sulfur, and nitrogen oxide pollution. It uses our most abundant natural resource—coal. And it can be used to fake a synthetic natural gas, which means coal can help drive down the price of natural gas. IGCC can also be used to make fertilizer—fertilizer is normally made from natural gas. The fertilizer industry has been shutting its doors in America, and fertilizer prices have been going up ever since our natural gas prices became so high. IGCC also offers modest gains in efficiency today, and the potential for great gains tomorrow. I think that the steps the energy bill takes towards developing IGCC are good ones. And I it comes at a crucial time.

Although the bill contains good provisions to move forward with gasification for electrical energy production, it does not yet have the necessary incentives for reducing gasoline consumption by motor vehicles.

There are about 800 million cars in active use worldwide. By 2050, as cars become more common in China and India, it will be 3.25 billion.

In America alone, two-thirds of U.S. oil consumption is due to the transportation sector.

These two facts alone tell us that we need greater fuel economy.

I do not believe we are doing enough to promote vehicle fuel economy.

The Energy Future Coalition and Set America Free are promoting the idea of a plug-in, hybrid car that gets 500 miles per gallon. Unless you are a multimillionaire, I imagine you—most consumers in America—would go for cars that can go 70, 100—500 miles on a gallon of gas. As revolutionary as it sounds, consider that a significant portion of American driving is done over short distances to and from the store or to and from work. With shorter trips powered purely by electrical batteries, the amount of gasoline conserved in America would increase significantly.

This kind of out-of-the-box thinking, combined with solid technological underpinnings, is exactly what America needs to move us forward.

Already a hybrid plug-in car has been demonstrated at over 100 miles per gallon, nearly 4 times our current national fuel economy. Five hundred miles per gallon is a lofty goal, no doubt. But only by setting high standards can we achieve great results and see progress soar.

Let me address balanced development and non-traditional sources of energy in the bill. To pursue energy independence, we must also work to develop our own natural resources. But this development must be done in a balanced and responsible way.

Over the past 2 decades the Rocky Mountain West, including my State of Colorado, has experienced an incredible boom in natural gas exploration and production. This activity has been centered in Western Colorado, also known as the Western Slope.

The exploration and production taking place on the Western Slope is on public lands as well as private lands. With over 60 drilling rigs operating in our state this month—as many as Wyoming—there is tremendous pressure on our local land and communities.

Responsible development, balanced development, means that some places are simply not appropriate for drilling or exploration. Some places are too pristine to allow the potential environmental damage that comes with fossil fuel development. In Colorado, we have the unique Roan plateau, and I do not believe the top of the Plateau should be opened for drilling.

Colorado is also home to the world's best deposits of Oil Shale from which unconventional oil can be derived. Estimates are that over one trillion barrels of unconventional oil could be recovered from the oil shale in Colorado, Utah, and Wyoming. Even a fraction of that amount would be an important contribution to what must be a national priority: lessening our dependence on foreign oil.

Oil shale development has failed in the past due to technical, environmental and economic problems. If we are to successfully develop oil shale we must follow the principle of sustainability; a marathon, not a sprint. Sustainability will focus on the long-term development of oil shale. The development must take place in cooperation with States and local communities. The development must be based on sound economics. We must make sure we have developed oil shale in an environmentally responsible manner.

I am cautiously optimistic that the future of oil shale will include its contribution to lessening the dangerous dependence of the United States on foreign oil. If we do not rise to meet this opportunity, we will only have ourselves to blame when in the years ahead we look back and wonder what we might have done better to set America free.

There is a component of the energy challenge we face which must be addressed and on which there will be further dialog in this Senate in the days ahead, and that is the issue of climate change. Climate change is happening. The scientists of America agree that climate change is here and that we must address it. The business community of America comes together with companies such as DuPont and GE. They say we must address this issue. As we move forward in the days ahead to complete our work on the energy legislation, it is my hope that we include provisions that address the issue of carbon emissions and global warming.

In conclusion, let me say that when I think back to the greatest generation of time, just like many of my colleagues in this Senate, I think back to my father and my mother, part of that "greatest generation" of World War II, where they knew that anything was possible in America and no challenge was too high or too steep to climb as an American nation. That was truly the unique spirit of the American people.

Today, when we face the crisis we are in with our overdependence on foreign oil and our energy crisis, it requires the same kind of spirit we saw in that generation of World War II. It requires the kind of leadership and courage we saw with people such as Abraham Lincoln, who staked the life of the Nation over the Civil War and resulted in the 13th, 14th, and 15th amendments and forever changed our Nation. It requires the leadership and vision and courage of someone such as Franklin Roosevelt, who could lead us through the Depression and prepare us to win World War II. It requires the leadership of people such as John Fitzgerald Kennedy, who said that we could reach the Moon and we could do it within 10 years. That is the kind of boldness we need in this energy legislation to make sure we get rid of our overdependence on foreign oil and that we set America free, not only for our generation but for generations to come.

I yield the floor.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from Colorado for his remarks on energy and for his work on the Energy Committee this year.

The Senator from Colorado is new to the Senate. I have not been here that long myself, but it is refreshing to see him here. I loved it when someone asked, How long have you have been in the United States—12 generations or 13?

Mr. SALAZAR. We were here before the United States was here, so 407 years ago.

Mr. ALEXANDER. So he has the longest lineage—his family does, I believe—of anyone in the territory we now call the United States of America. He has made a terrific contribution on energy. I appreciate his remarks.

We have come a long way in our work on energy over the last couple of years, and while we still have some important differences of opinion—we saw some of those expressed today—they are differences of emphasis, important differences of emphasis. I don't want to minimize that. For my part, I see us moving toward a different way of thinking about how we produce energy in this country. We have gone from having the lowest natural gas prices in the world to the highest. Gasoline prices are too high. We see that despite all of our efforts to reduce our use of oil, we are still importing more oil than we should. So we need to do things differently.

My formula for doing that is largely representative of the bill that was reported 21 to 1. First, conservation and efficiency. I heard the Senator talk about that. Second, new supplies of natural gas, as well as oil try to get the price of natural gas down for farmers, for homeowners, and for businesses. To do that, unfortunately, we will have to import liquefied natural gas for the next few years. Otherwise, we will be exporting jobs. We can either import some gas or export the jobs, one or the other—that is going to be our choice—so we have an adequate and substantial supply of low-cost American-produced clean energy. We then need to aggressively move on nuclear power, and we aggressively need to—and I believe there is a consensus on this—we aggressively need to explore the best technology for clean coal gasification and to make that work best to see if we can find a way to capture the carbon that is produced and put it in the ground. If we are able to do that, we then will have enough clean energy to run this economy and keep our jobs here as well as set an environmentally good example for the rest of the world. I hope that is the path we are on.

I salute the Senator for his contributions.

Mr. SALAZAR. Will the Senator yield?

Mr. ALEXANDER. Of course.

Mr. SALAZAR. Mr. President, I wish to provide a note of commendation for the junior Senator from Tennessee. We have long known his work as Governor of Tennessee, where he worked hard on behalf of land and water issues. It was through his leadership and the leadership of both Democrat and Republican colleagues on the Senate Energy and Natural Resources Committee that we were able to accomplish what is only seldom done in Washington, DC; that is, the production of a bipartisan piece of legislation that is a very good beginning for energy policy framework for the 21st century. I acknowledge the great contributions to that effort on the part of Senator ALEXANDER and all the members of the Energy Committee. I thank the Senator.

I yield the floor.

Mr. CORZINE. Mr. President, I first thank Chairman DOMENICI and the ranking member, Senator BINGAMAN, as well as both of their staffs on the Energy Committee for all of their hard work on preparing an energy bill. Their leadership has allowed the Senate to come together to develop a comprehensive energy policy that is paramount to our Nation's future national and economic security.

With reservation on some issues, I supported the Energy Committee bill.

I rise today to speak about one of those particular issues—one of great importance to the people of New Jersey—the threat of oil and gas drilling off the coast of New Jersey's 127 miles of shore.

All of my colleagues heard Senator NELSON and Senator MARTINEZ speak on the floor this week about Florida's treasured coasts and how important it is to Florida's environment and economy that its coasts be protected from any weakening of the moratoria on drilling in the Outer Continental Shelf.

My colleagues from Florida should take every step necessary to protect their beaches and coastal waters. As a Senator from a coastal State where tourism is the second largest industry, I, too, will take every step necessary to protect the Jersey shore from any effort to weaken the longstanding bipartisan moratoria on drilling in the OCS.

As I understand it, the chairman and ranking member have both agreed to oppose any amendments that would open up the OCS moratoria in the submerged lands off of Florida's coast.

I am, of course, opposed to any such exemptions from the moratoria, so I am pleased that both Senator DOMENICI and Senator BINGAMAN have also taken that position.

That being said, I find it more than a little disconcerting that the rest of the moratoria on the OCS still remain vulnerable to similar amendments that seek to weaken or destroy the moratoria.

As you may know, protecting the OCS moratoria has been a priority of mine since my tenure began in the Senate.

Along with Senator LAUTENBERG, I introduced the Clean Ocean and Safe Tourism Anti Drilling Act, COAST, in the 107th, 108th and 109th Congresses. This bill would make permanent the moratoria on OCS drilling in the Mid- and North Atlantic planning areas.

I know with certainty the people of New Jersey do not want to see oil and gas rigs off of our coast. As one of the fastest growing regions in the most densely populated State in the country, the New Jersey shore relies on the beauty and cleanliness of its beaches and the protection of its fishing grounds for a huge part of our State's revenue.

The New Jersey Department of Commerce calculates tourism alone generates more than $31 billion in spending, directly and indirectly supports more than 836,000 jobs, more than 20 percent of total State employment, generates more than $16.6 billion in wages, and brings in more than $5.5 billion in tax revenues to the State.

Any drilling or even the threat of drilling poses a real threat to New Jersey's environment, economy, and way of life. Remember, New Jersey is a State that already holds its own in supporting energy production and refining for the Nation.

We have three nuclear power plants, many traditional power plants, support siting of an LNG terminal, and we are debating wind alternatives. And New Jersey is the East Coast hub for oil refining. We are growing our energy businesses. But risking and exploiting our shore is a step too far.

I am not the only Senator who has concerns about the amendments to this energy bill that would weaken the OCS moratoria. I have been in contact with many coastal State Senators who agree that this bill must not include any provisions that undermine the moratoria.

My concern is reinforced by the inventory provision already included in the underlying bill. I am strongly opposed to this provision and voted against it during committee markup.

I consider this provision a step onto a slippery slope toward the eventual drilling off the New Jersey coast and other areas currently under the OCS moratoria and possibly exposing our beaches and fisheries to unnecessary risks from adjacent locals.

Give the minimal benefit and significant downside of drilling off the coast of New Jersey, I do not believe it is worth threatening over 800,000 New Jersey jobs to recover what the Minerals Management Service estimated in 2000 to be 196 million barrels of oil, only enough to last the country barely 10 days and 2.7 trillion cubic feet of natural gas for the entire Mid-Atlantic region.

This level of estimated production can in no way be justified.

In comparison, areas off the Gulf of Mexico already open to drilling contain 18.9 billion barrels of oil and 258.3 trillion cubic feet of natural gas.

There are other amendments being floated about which cause even greater concerns with regard to weakening the moratoria. One of these potential amendments would allow States to opt out of the moratoria.

Allowing States to opt out of the moratoria could be detrimental to a State's neighbors—an issue Florida has long understood and argued.

New Jersey's coastline is very close in proximity to other States' coasts.

Tides move across State borders. Fisheries and fish don't recognize State borders. New Jerseyans have more than ample reason to be concerned if a nearby State decided to opt out of the moratoria and allow drilling off its coast.

As you can see, we appear dangerously close to the beginning of the breakup of the OCS moratoria. This should not occur, and I am prepared to fight any amendment promoting a weakening of the moratoria. These actions are as threatening to New Jersey's economy as killing ethanol is for corn growing States.

I am also prepared to fight any amendment that would provide a revenue-sharing incentive for States to opt out of the moratoria. There is much that is good in this bill and many good amendments to be considered, especially those offered by Senator CANTWELL and Senator BINGAMAN.

I have a bipartisan, bicameral Dear Colleague letter from the New Jersey delegation expressing our concern with the inventory included in this bill, as well as these moratoria-threatening amendments I have been discussing. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, June 13, 2005

DEAR COLLEAGUE: We are writing to express our strong opposition to a provision in the Senate Energy Bill that directs the Department of Interior to inventory all potential oil and natural gas resources in the entire Outer Continental Shelf, including areas off of the New Jersey coast.

This provision runs directly counter to language that Congress has included annually in appropriations bills to prevent leasing, pre-leasing, and related activities in most areas of the Outer Continental Shelf.

Since 1982, a statutory moratorium on leasing activities in most Outer Continental Shelf, OCS, areas has been included annually in Interior Appropriations acts. In addition, President George H.W. Bush declared a leasing moratorium on many OCS areas on June 26, 1990 under Section 12 of the OCS Lands Act. On June 12, 1998, President Clinton used the same authority to issue a memorandum to the Secretary of the Interior that extended the moratorium through 2012 and included additional OCS areas.

In addition, this provision in the Energy Bill would allow the use of seismic surveys, dart core sampling, and other exploration technologies, all of which would leave these areas vulnerable to oil spills, drilling discharges and damage to coastal wetlands.

The people of New Jersey, and other residents of States along the Atlantic Coast, do not want oil or gas rigs anywhere near their treasured beaches and fishing grounds. Such drilling poses serious threats not only to our environment, but to our economy, which depends heavily on tourism along our shore. Coastal tourism is New Jersey's second-largest industry, and the New Jersey Shore is one of the fastest-growing regions in the country. According to the New Jersey Department of Commerce, tourism in the Garden State generates more than $31 billion in spending, directly and indirectly supports more than 836,000 jobs, more than 20 percent of total state employment, generates more than $16.6 billion in wages, and brings in more than $5.5 billion in tax revenues to the state.

Considering the minimal benefit and significant downside of drilling off the coast of New Jersey, we do not believe it is worth threatening over 800,000 New Jersey jobs to recover what the Minerals Management Service (MMS) estimated in 2000 to be 196 million barrels of oil, only enough to last the country barely ten days. The MMS also estimated a mean of only 2.7 trillion cubic feet of natural gas for the entire Mid-Atlantic region. In comparison, areas of the Gulf of Mexico already open to drilling contain 18.9 billion-barrels of oil and 258.3 trillion cubic feet of natural gas.

In addition, we will also work to fight against any provision that would allow states to opt out of the OCS moratorium. If a state chooses to opt out of the moratorium, it would be impossible for nearby states to protect their coasts from accidents that could happen as a result of drilling.

We will take every step to oppose any provision that would weaken the OCS moratorium. We ask you to join us in our effort to protect our nation's precious coastlines, marine ecosystems and ocean waters.

Sincerely,

Jon Corzine, Frank B. Lautenberg, Frank Pallone, Jr., Frank A. LoBiondo, Jim Saxton, Robert Menendez, Donald M. Payne, Steven R. Rothman, Bill Pascrell, Jr., Robert E. Andrews, Rush Holt, Chris Smith, Mike Ferguson, and R.P. Frelinghuysen.

Mr. CORZINE. Mr. President, I am also circulating a letter that has already been signed by many coastal Senators and I expect will be signed by additional Senators that expresses our firm resolve that any amendments that threaten the OCS moratoria in any way is unacceptable.

Finally, I have a bipartisan letter here signed by over 100 Members of the House of Representatives stating their strong support for the current legislative moratorium on new mineral leasing activity on submerged lands of the Outer Continental Shelf. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, April 29, 2005.

Hon. CHARLES TAYLOR,
Chairman, Subcommittee on Interior and Environment, Committee on Appropriations, Rayburn House Office Building, Washington, DC

Hon. NORM DICKS,
Ranking Member, Subcommittee on Interior and Environment, Committee on Appropriations, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN TAYLOR AND RANKING MEMBER DICKS: We are writing to express our strong support for the longstanding bipartisan legislative moratorium on new mineral leasing activity on submerged lands of the Outer Continental Shelf (OCS). We are deeply appreciative of the leadership your Subcommittee has shown on this issue over the years and hope to work with you this year to continue this vital protection.

The legislative moratorium language prohibits the use of federal funds for offshore leasing, pre-leasing and other oil and gas drilling-related activities in moratoria areas, enhancing protection of these areas from offshore oil and gas development. As you know, in 1990 President George H.W. Bush signed an executive memorandum placing a ten-year moratorium on new leasing on the OCS. In 1998, this moratorium was renewed by President Bill Clinton and extended until 2012. As you know, President George W. Bush endorsed the moratorium in his 2006 budget. These actions have all been met with public acclaim and as necessary steps to preserve the economic and environmental value of our nation's coasts.

With a renewed interest in developing natural gas and oil on the OCS, we believe it is again imperative for Congress to reaffirm its authority on this issue. Therefore, we respectfully urge you to include the OCS moratorium language in the fiscal year 2006 Interior and Environment Appropriations legislation. Specifically, we ask you to use the language in Sections 107, 108 and 109, Division E, Department of the Interior and Related Agencies of the fiscal year 2005 Consolidated Appropriations Act (P.L. 108–447). These sections restrict oil and gas activities within the OCS in the Georges Bank-North Atlantic planning area, Mid-Atlantic and South Atlantic planning area, Eastern Gulf of Mexico planning area, Northern, Southern and Central California planning areas, and Washington and Oregon planning area.

Once again, we encourage the Subcommittee to support these important provisions, which represent over 20 years of bipartisan agreement on the importance of protecting the environmentally and economically valuable coastal areas of the United States. Thank you for your consideration of this request.

Sincerely,

Lois Capps, Randy "Duke" Cunningham, Jeff Miller, Jim Davis, Michael Michaud, Madeleine Bordallo, Ginny Brown-Waite, Jay Inslee, Frank LoBiondo, Rob Simmons, Mark Foley, Jim Langevin, Ed Case, Jim McGovern, Sherrod Brown, Chris Smith, Dennis Cardoza, Frank Pallone, Jr., G.K. Butterfield, Tom Feeney.

Pete Stark, Robert Wexler, Anna Eshoo, Zoe Lofgren, Katherine Harris, Jerry Nadler, Carolyn Maloney, Alcee Hastings, Mike Honda, Hilda Solis, Grace Napolitano, Mark Kennedy, Brian Baird, Susan Davis, Sam Farr, Clay Shaw, Christopher Shays, Rush Holt, Betty McCollum, Ellen Tauscher.

Barbara Lee, Dennis Moore, Raúl Grijalva, Chris Van Hollen, Rahm Emanuel, Nick Rahall, Loretta Sánchez, Tom Allen, Anthony Weiner, Jan Schakowsky, Brad Sherman, Jim McDermott, Kendrick Meek, Bob Etheridge, Dale Kildee, George Miller, Donald Payne, Tom Lantos, Earl Blumenauer, Maxine Waters.

Wayne Gilchrest, Rosa DeLauro, Nancy Pelosi, Richard Neal, Dennis Kucinich, Ed Markey, Henry Waxman, Michael McNulty, Michael Bilirakis, Jane Harman, Bart Stupak, Robert Menendez, Barney Frank, Lynn Woolsey, Luis Gutierrez, Jim Saxton, Ileana Ros-Lehtinen, William Delahunt, Peter DeFazio, Mike Thompson,

Juanita Millender-McDonald, David Wu, Carolyn Maloney, Bob Filner, Mario Diaz-Balart, Robert Andrews, Lincoln Diaz-Balart, Xavier Becerra, Howard Berman, Walter Jones, Connie Mack, Rep. Diane Watson, Doris Matsui, Linda Sánchez, Debbie Wasserman-Schultz, Ric Keller, Adam Schiff, Corrine Brown, Jim Costa, Joe Baca, Bill Pascrell, and Eliot Engel.

Mr. CORZINE. Mr. President, these letters indicate the bipartisan, bicameral support to protect the current OCS moratoria. Moving in the direction of ending the moratoria will bring unnecessary opposition to the overall objective.

Residents of coastal States should not have to fear the specter of oil rigs off their beaches. Again, I thank the Chair and ranking member for their leadership on the bill, and I look forward to working with them. I hope they will join me in protecting our precious coastlines.

MORNING BUSINESS

Mr. ALEXANDER. I ask unanimous consent that there now be a period for morning business with Senators permitted after I speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. I also ask unanimous consent that I may bring in a few boxes of regulations about which I am going to speak on higher education.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 1261 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Kansas.

WOMEN IN IRAN

Mr. BROWNBACK. Mr. President, a big event is taking place in another country tomorrow. The Iranian elections are going to take place for the presidency and leadership in Iran. This is a bogus election. The people of Iran are not having a fair choice. A number of people are calling for a boycott of elections in Iran, which is unusual for us but not for them, because the whole slate of those who have been nominated has been selected by the ruling council of Iran.

If you were even going to be on the ballot, you had to have been selected by the ruling council. So there may be eight people running for president; some have dropped out, others added in. They all had to be appointed, actually, to be candidates.

I wanted to draw this point to the body that there is not just a nuclear crisis going on in Iran; there is a human crisis that is taking place in that country. These elections that will be reported on are not elections. They are appointments that are taking place. It is in many respects a fairly porous society, and yet there are severe restrictions placed on freedom of speech, on press, assembly, association, and religion.

The U.S. Commission on International Religious Freedom has concluded that "the government of Iran engages in or tolerates systematic, ongoing, and egregious violations of religious freedom, including prolonged detention and executions based primarily or entirely upon religion of the accused." I just met with members of the Ba'hai faith who talked about the severe persecution of the Ba'hai in Iran.

But the specific item I wanted to point out even prior to this election is the gender apartheid that takes place in Iran. I received this recently from the Alliance for Iranian Women.

The State Department has reported that the testimony of a woman in Iran is worth half that of a man in court. The blood money paid to the family of a female crime victim is half the sum paid for a man. A married woman must obtain the written consent of her husband before traveling outside the country.

In his book, Ayatollah Khomeini requires that young girls should be married before they reach the age of puberty. A woman does not have the right to divorce her husband, but a man can divorce his wife anytime he wishes and without her knowledge. A man is allowed to marry four wives and have as many temporary wives as he wants and may end the contract at any time with a temporary wife on a temporary marriage. Temporary marriage is often viewed as the Islamic Republic's way of sanctioning male promiscuity outside of marriage. Mothers do not get custody of their children when husbands divorce them. A widow does not get the custody of her children after the death of her husband. The children will be given to the parental grandparents, and the mother has no right to visitation. If the husband has no family, the mullah of the community takes custody of the child. Daughters get half the inheritance than that of their sons.

I point this gender apartheid out because when I heard about it, I was stunned. I wanted other Members of the body to realize this is taking place.

The greater focus of what is taking place in Iran has been primarily on nuclear weapons development. But there is a humanitarian and a human crisis and certainly a human rights crisis in that country.

I have come here shortly before the Iranian presidential elections. These elections hold no hope of change for the people of Iran. They are elections that will be boycotted and protested, and they are elections that have been manipulated by the supreme leader and the council of guardians. Just last week women in Iran staged a sit-in to protest the disqualification of women from running in the elections.

The people of Iran want change. That change will not come through these elections. But it will come through internal, strong demonstrations, and it will come through strong international support for the very people who protest and boycott these elections.

Iran has a young and vibrant base that, with the support of the international community, could promote major change in Iran and the region. I encourage the Iranian-American community to unite, build strong coalitions to further promote democracy and fundamental respect for human rights in Iran. I encourage this body to support democracy building, civil society building in and for Iran.

I encourage other Members to continue to speak up on behalf of the oppressed in Iran and voice strong support for the people who so desperately want to see democracy flourish.

This is a key issue and a timely one. These elections are taking place soon. People need to know this is a bogus set of elections.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, may I inquire of the Presiding Officer of the order to speak as in morning business for about 10 minutes.

The PRESIDING OFFICER. The Senator is informed that we are in morning business. The Senator is recognized for up to 10 minutes.

GUANTANAMO

Mr. WARNER. Mr. President, yesterday, apparently, on the floor of the Senate and elsewhere, certain statements were made with regard to the American service personnel serving in Guantanamo. I am now paraphrasing what was reported in the Washington Times of June 16, when it is alleged that in this article on the floor of the Senate, this statement was made:

> If I read this to you and did not tell you that it was an FBI agent describing what Americans had done to prisoners in their control, you would most certainly believe this must have been done by Nazis, Soviets in their gulags, or some mad regime—Pol Pot or others—that had no concern for human beings. Sadly, that is not the case. This was the action of Americans in the treatment of prisoners.

Mr. President, as you can see by this shock of gray hair, I have lived now these 78-plus years, and I remember these periods of history that were cited on the floor of the Senate yesterday very well.

I see the leader standing. Does he wish to be recognized?

Mr. McCONNELL. Mr. President, I say to my friend from Virginia, I was inclined to ask the Senator a question, if it will not interrupt his train of thought.

Mr. WARNER. Not at all.

Mr. McCONNELL. I was listening carefully to my friend from Virginia, and I gather one of our colleagues equated what happened in Guantanamo to Pol Pot or some equivalent of that. My recollection—I just ask the Senator from Virginia if his recollection is similar to mine—Pol Pot murdered 1 to 2 million of his fellow countrymen.

Mr. WARNER. Mr. President, the Senator is correct. In World War II, with which I was going to commence my remarks in that context, I served at the very end. As a 17- or 18-year-old sailor, I was simply in a training command, but I remember that period of history very vividly.

All through my early years, prior to going into the Navy, late in the fall of 1944 and starting active service in 1945, the whole of this country was consumed with that frightful conflict in which, at the hands of Nazis, some 9 million people perished, 6 million of whom were of the Jewish faith. It is just extraordinary.

I was deeply disturbed by these comments to try to draw any analogy whatsoever to that period of history.

Then, following the Soviet gulags, I served as Secretary of the Navy during the height of the Cold War for some 5 years in the Pentagon and actually had a great deal of work with the Soviet Union at that period of time in the context of that threatening situation of the Cold War.

There is just no relationship to this. I was astonished. I did not want to let the Sun go down on this day without conveying to the Senate my own historical perspective and the danger that loose comments such as that—comparisons which have no basis in history—could do harm to the men and women serving wherever they are in the world today in this war on terrorism because this is the type of thing that is picked up and utilized by press antithetical to the interests of the United States and distorted in their own way.

It has to be addressed. I was prepared to do that.

Mr. McCONNELL. Mr. President, may I ask the Senator one other question?

Mr. WARNER. Yes.

Mr. McCONNELL. The Senator from Virginia mentioned the gulags in the Soviet period. It is my recollection—correct me if I am wrong—that up to 20 million people were murdered during that period from 1930 to 1950.

Mr. WARNER. Yes. I do not have the accurate figures. I know Stalin had purged part of his country for no other reason than he just wanted to get rid of the people by the millions. The gulags came into focus primarily during the latter chapter of the Soviet Union when people disappeared by the tens of thousands into these encampments, never to be heard from again. It is not a chapter which Russia today looks back on with any pride at all.

I feel every day that I get up, and I hear of the casualties of our brave men and women, be they in Afghanistan, Iraq or occasionally in other areas of the world—I say what is it that we can do in this Chamber, what is it that we, as citizens, can do to bring them home safely? They are making enormous sacrifices together with their family to go into harm's way to protect us here at home from the threat of terrorism.

Mr. McCONNELL. Mr. President, I thank my friend from Virginia for clearing up any notion anyone might have that anything the United States is involved in, in incarcerating prisoners, would be in any way related to experiences such as those carried out by the Nazis or by the Russians during the Stalin period.

Mr. WARNER. I feel very strongly about that. I really feel so strongly, I say to the distinguished leader of our party, that I feel apologies are in order to the men and women of the Armed Forces. I do not ask it for myself. But I feel these young men and women, all of whom are volunteers, all of whom have gone into harm's way and who are bearing the brunt of the present conflict, that these allegations have absolutely no basis in fact with history. I regret they occurred.

I yield the floor to anybody who wishes to question me or I will continue.

The PRESIDING OFFICER. The Senator from Florida.

Mr. DURBIN addressed the Chair.

Mr. MARTINEZ. Mr. President, I wish to ask the Senator from Virginia a question relating to this.

I also was troubled by the comments. I was troubled by the fact that there seems to be no proportionality between the abuse of the civilian population in a systematic way versus the detention of combatants in a very different sense, in a different way.

I think the proportionality is important to be kept in mind. I had earlier last week made some comments of my concerns about Guantanamo in which I wondered if it was serving our public diplomacy, our long-term interests. However, I do know that the treatment, having been there, is appropriate as to the detainees.

I used to be mayor of Orange County, and I know the conditions under which the prisoners in the Orange County jail, which was terribly overcrowded, at times would be sleeping on mattresses on the floor, and situations such as that.

Having visited both facilities, the detainees at Guantanamo seem to have a much better day-to-day living situation, and certainly I saw no evidence of any systematic abuse.

So while I had raised some questions about the long-term advisability of our public diplomacy interests, I do want to make clear I do not in any way believe there is mistreatment of our detainees, that the detainees must continue to be detained given the threat they present to our U.S. citizens, and I most of all want to make clear that what I saw from our Armed Forces personnel who are looking after these detainees was tremendous dedication and caring. I believe their sacrifice, in a place far away from their homes, dealing on a daily basis with very difficult and unsavory people who are not related to an armed force, people not connected with a military that has been trained or fights under a given flag, and they have been labeled as enemy combatants, is a far different situation than that which can be portrayed by any suggestion of systematic abuse or even the loss of life, as would be associated with Pol Pot.

Mr. WARNER. Mr. President, I say in response to the Senator's question that yesterday afternoon the Secretary of Defense, Mr. Rumsfeld, came over to my office—we frequently visit each other in our offices. We spent over an hour and a half on a variety of subjects, and we addressed this issue. We discussed his coming up, which he is quite willing to do, for a hearing in the Armed Services Committee.

We are continuing to look into this matter. But let me point out, we are talking about millions of people, as the distinguished Senator from Kentucky said, in the period of World War II, which I remember very well as a young man and as Secretary of the Navy during the period of the Vietnam era and Pol Pot. There is no comparison. Not one incarcerated individual at Guantanamo has lost his or her life. Not one.

In sharp contrast to those mentioned about facts elsewhere in the history of this world, our Nation should look with pride as to how the Department of Defense has specifically addressed each of the grievances. They have allowed any number of us to come down there. It is in the hundreds who have come down.

There are courts-martial being considered for some at this point in time. In other words, when wrongs are done, we carefully, methodically address them, giving due process to those who are under suspicion for having committed offenses.

Given time, this entire situation at Guantanamo will be spelled out fully to the public. If there are individuals who have done wrong, they will be held accountable.

I come back to the central theme that I have is these young men and women serving all over the world in uniform today and, indeed, members of our diplomatic corps, members of other Government agencies serving in harm's way, we have to think of them when issues are raised such as they were raised yesterday.

I understand the Senator wishes to address a question to the Senator from Virginia.

The PRESIDING OFFICER. The time of the Senator from Virginia has expired.

Mr. WARNER. I ask unanimous consent that my time may be continued without limitation at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, if I understand the rules of the Senate, I am supposed to address the Senator in the form of a question, and that makes it impossible for me to make a statement at this point.

Mr. WARNER. Mr. President, I do not wish to create a parliamentary situation that precludes the Senator from expressing himself in any way that he wishes. I understood the Senator was about to ask a question. I will withdraw that. I will finish my statement, if I may, and then I will yield the floor.

To equate actions of the men and women in the Armed Forces, proudly serving in uniform and thereby representing this Government of the United States with regard to their services down there in Guantanamo maintaining the detainees, to the genocidal acts of murder and repression of the Nazis or Soviet gulags or Pol Pot is insulting to our men and women in uniform who are fighting for the safety of all of us at home and, indeed, our friends and allies abroad. To the contrary, completely unlike the repressive regimes of the Nazis—and I was moved to come down here because I think there are only a few of us around who lived during that period of time and were able to fully absorb the frightful consequences of that worldwide conflict. We had 16 million men and women of the U.S. military in uniform at that time. I just think that there is absolutely no comparison to what that chapter of history brought upon mankind by means of death to this situation we have, which is under investigation.

I was assured by the Secretary of Defense—I did not need the assurance because I knew it would be the case—that we will account for any wrongs that have been done under the due process of our system. The Department of Defense and others have investigated this situation and made known a series of facts at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, my staff contacted me to alert me that several of my colleagues had come to the Senate floor to address statements that I made on the floor on June 14, 2005. Those statements related to the treatment of prisoners at Guantanamo. The statement I made involved an FBI report, a report which has been uncontroverted and one which I read into the RECORD in its entirety. I said at the beginning when I read it into the RECORD that I did so with some hesitation because it was so graphic in its nature, but I felt that in fairness, so that the record would be complete, I had to read it.

Because there have been allusions made to statements made by me, I believe it is appropriate to read it again so that my colleagues who may not have reflected on it will have a chance to do so. Let me read this report from an agent of the Federal Bureau of Investigation about the treatment of a prisoner at Guantanamo Bay. I hope my colleagues from Kentucky, Virginia, and other States who are following this debate will listen to this and then listen to what I said in the RECORD afterwards so they understand the context of my remark. It has been nothing short of amazing what some elements of media have done with this remark and what some of my colleagues have drawn from this remark today. So I want to read it in its entirety, if my colleagues have not, and I want them to hear it in its entirety before they reach conclusions as to what was intended.

I quote from the RECORD of June 14, 2005, pages 12500–01 of the CONGRESSIONAL RECORD:

> When you read some of the graphic descriptions of what has occurred here—I almost hesitate to put them in the RECORD, and yet they have to be added to this debate. Let me read to you what one FBI agent saw. And I quote from his report.

This is a quote:

> On a couple of occasions—

Let me underline that, on a couple of occasions—

> I entered interview rooms to find a detainee chained hand and foot in a fetal position to the floor, with no chair, food or water. Most times they urinated or defecated on themselves, and had been left there for 18–24 hours or more. On one occasion, the air conditioning had been turned down so far and the temperature was so cold in the room, that the barefooted detainee was shaking with cold. . . . On another occasion, the [air conditioner] had been turned off, making the temperature in the unventilated room well over 100 degrees. The detainee was almost unconscious on the floor, with a pile of hair next to him. He had apparently been literally pulling his hair out throughout the night. On another occasion, not only was the temperature unbearably hot, but extremely loud rap music was being played in the room, and had been since the day before, with the detainee chained hand and foot in the fetal position on the tile floor.

And then I said:

> If I read this to you and did not tell you that it was an FBI agent describing what Americans had done to prisoners in their control, you would most certainly believe this must have been done by Nazis, Soviets in their gulags, or some mad regime—Pol Pot or others—that had no concern for human beings. Sadly, that is not the case. This was the action of Americans in the treatment of their prisoners.

I have heard my colleagues and others in the press suggest that I have said our soldiers could be compared to Nazis. I would say to the chairman of the Armed Services Committee, I do not even know whether the interrogator involved was an American soldier. I did not say that at any point. To suggest that I am criticizing American servicemen—I am not. I do not know who was responsible for this, but the FBI agent made this report. To suggest that I was attributing all of the sins and all the horrors and barbarism of Nazi Germany or the Soviet Republic or Pol Pot to Americans is totally unfair. I was attributing this form of interrogation to repressive regimes such as those that I noted.

I honestly believe that the Senator from Virginia, whom I respect very much, would have to say, if this, indeed, occurred, it does not represent American values. It does not represent what our country stands for. It is not the sort of conduct we would ever condone. I would hope the Senator from Virginia would agree with that. That was the point I was making.

Now, sadly, we have a situation where some in the rightwing media have said that I have been insulting men and women in uniform. Nothing could be further from the truth. I respect our men and women in uniform. I have spent many hours, as I am sure the Senator from Virginia has, at funerals of the servicemen who have been returned from Iraq and Afghanistan, writing notes to their families, and calling them personally. It breaks my heart every day to pick up the newspaper and hear of another death. The total this morning is 1,710. To suggest that this is somehow an insult to the men and women serving in uniform—nothing could be further from the truth.

It is no credit to them or to our Nation for this sort of conduct to occur or for us to ignore it or in any way, shape, or form to condone it. And understand why we are in this situation. We had a rule of law. We had agreed to the Geneva Conventions. We had agreed to policies relative to torture of prisoners. They were the law of the land. The Bush administration came in after 9/11 and said: We are going to rewrite the rules.

Secretary Rumsfeld, to whom the Senator referred, who visits his office, was party to that conversation about how we were going to treat prisoners differently. When the suggestion was made to this administration to change the rules on interrogation of prisoners, the strongest and loudest dissenter was the Secretary of State Colin Powell, former Chairman of the Joint Chiefs of Staff, who came to this administration and said: This is a mistake, to change the rules of interrogation.

Why? Because, he said, when you torture a prisoner you will not get good information. They will say anything to stop the torture. And, second, he said, if we change the rules at this point in our history, sadly it is going to just give solace to our enemy, give them encouragement that somehow the United States is backing away from its traditional values.

Those are not my words. They are a characterization of the words of one of the highest ranking members of the Bush Cabinet, former Secretary of State Colin Powell.

Unfortunately, he was right. That decision by the Bush administration, with the support of Secretary Rumsfeld, led us down a road. I hope that that road does not include any more incidents than the one that has been described here. But to say that the interrogation techniques here are the kind you would expect from a repressive regime, I do not believe is an exaggeration. They certainly do not represent the values of America. They do not represent what you risked your life for, Senator, when you put the uniform on and served our country or when you served as Secretary of the Navy or in your service in the Senate. That doesn't represent the values that you stood for or that any of us should stand for.

That was the point I was making. To say that by drawing any kind of comparison to this outrageous interrogation technique and using the words "Nazi" or "Soviets" is to demean or diminish all of the horrors created by those regimes is just plain wrong.

I have seen firsthand, as you have too, people who survived that Holocaust. I have visited Yad Vashem, the tribute to the people who died in the Holocaust. I understand that the millions of innocent people killed there far exceed the horror that occurred in Guantanamo. But when you talk about repressive regimes doing things that in history look so bad, I am afraid that this that I described to you falls closer to that category.

Mr. WARNER. Mr. President, if the Senator will yield.

Mr. DURBIN. I will be happy to yield for a question.

Mr. WARNER. You are reading from a report of one of our investigative agencies. There is no verification of the accuracy of that report. You take it at face value. I pointed out—and I discussed it with Secretary Rumsfeld—this allegation of the FBI agent, together with a lot of other facts, is now being carefully scrutinized under our established judicial process.

I trained as a lawyer and many years as a prosecutor and dealt with the Bureau. I have the highest respect for them. But I do not accept at face value everything they put down on paper until I make certain it can be corroborated and substantiated.

For you to have come to the floor with just that fragment of a report and then unleash the words "the Nazis," unleash the word "gulag," unleash "Pol Pot"—I don't know how many remember that chapter—it seems to me that was the greatest error in judgment, and it leaves open to the press of the world to take those three extraordinary chapters in world history and try and intertwine it with what has taken place allegedly at Guantanamo.

I am perfectly willing to be a part of as much of an investigation as the Senate should perform and will in my committee. But I am not going to come to the floor with just one report in hand and begin to impugn the actions of those in charge, namely, the uniformed personnel, at this time. We should allow matters of this type to be very carefully examined before we jump to a conclusion.

Mr. DURBIN. If I can respond to the Senator from Virginia, I do not have a copy with me—perhaps my staff can give it to me—of the memo from the FBI.

Mr. WARNER. Could we inquire of the Senator as to the use of this memo on the floor? Is that consistent with the practices of this body as regards—

Mr. DURBIN. I would say this memorandum was not obtained from any classified sources.

Mr. WARNER. I do not know how it came into your possession.

Mr. DURBIN. May I say to the Senator from Virginia what we are dealing with, in terms of these interrogation techniques, was disclosed in a letter, as I understand it—let me make certain I am clear—to General Ryder, on July 14, 2004, almost a year ago—almost a year ago. I have not heard a single person from this administration say this is in any way false or inaccurate. Certainly, if it were, we would have heard that, would we not, long ago?

Mr. WARNER. I ask the Senator, is it to be treated as a public document or is it part of an investigative process which—ordinarily the materials used in the course of an investigation are accorded certain privileges.

Mr. DURBIN. I say to the Senator from Virginia, I was informed by my staff this was released by a Freedom of Information Act disclosure by our Government.

Mr. WARNER. I thank the Senator.

Mr. DURBIN. So I don't believe there is any question about its authenticity in terms of it being a document in the position of our Government. In terms of the content of the document, almost a year has passed since this was written, and if it were clearly wrong, inaccurate on its face, would the Senator from Virginia not expect the administration to have made that clear by now?

Mr. WARNER. Mr. President, my understanding is it is currently under investigation and being carefully scrutinized in the context of another series of documents. Until the administration has had the opportunity to complete the investigation and make their own assessment of the allegations, it seems to me premature to render judgment.

Mr. DURBIN. I would say to the chairman of the Armed Services Committee, whom I respect very much, what I described was the interrogation techniques approved by this administration, in the extreme. There was nothing in this description here, from the agent of the Federal Bureau of Investigation, which was different than the interrogation rules of engagement which had already been spelled out—already spelled out.

So here is what we have. A letter sent to General Ryder almost a year ago, released under the Freedom of Information Act, with specifics related to the interrogation of prisoners which are consistent with the very rules of interrogation which Secretary Rumsfeld had approved in a memo.

So I do not believe that coming to the floor and disclosing this information is an element of surprise. The administration has known it for almost a year. I do not believe there is any question of falsification. The document was presented under the Freedom of Information Act. And it certainly is not, sadly, beyond the realm of possibility because the very techniques that were described in here were the techniques approved by the administration.

The PRESIDING OFFICER (Ms. MURKOWSKI). The time of the Senator has expired.

Mr. DURBIN. I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. DURBIN. I will be happy to yield to the Senator from Kentucky.

Mr. McCONNELL. My concern was not the words of the FBI agent, but the words of the Senator from Illinois. I believe I heard the Senator repeat today—let me ask the Senator if in fact this is what he meant to say—because it was the quote I had from the Senator, not from the FBI agent, earlier yesterday or the day before, which I believe the Senator repeated today. I was curious if the Senator does stand by his own words, not the words of the FBI agent, which I believe were:

> If I read this to you and did not tell you that it was a FBI agent describing what Americans had done to prisoners in their control, you would almost certainly believe that this must have been done by the Nazis, Soviets in their gulags, or some mad regime, Pol Pot or others, that had no concern for human beings. Sadly, that is not the case. This was the action of Americans in the treatment of their prisoners.

So my question of the Senator is not the words of the FBI agent but the words of the Senator from Illinois. Does the Senator from Illinois stand by these words, comparing the action of Americans in the treatment of their prisoners to the Nazis, Soviets in their gulags, or Pol Pot or others?

Mr. DURBIN. I would say, in response to the Senator from Kentucky, in this particular incident that I read, from an FBI agent describing in detail the methods that were used on prisoners, was I trying to say: Isn't this the kind of thing that we see from repressive regimes?

Yes, this is the type of thing we expect from a repressive regime. We do not expect it from the United States. I hope the Senator from Kentucky would not expect that.

Mr. McCONNELL. Will the Senator yield?

Mr. DURBIN. Yes.

Mr. McCONNELL. Is the Senator aware that Pol Pot murdered 1 to 2 million of his fellow countrymen, the Nazis murdered from 6 to 9 million men, women, and children, mainly Jews, and the Soviets, in their gulags, murdered some estimated 20 million people over a 20-year period between 1930 and 1950?

My observation, obviously, is this a fair comparison?

Mr. DURBIN. The comparison related to interrogation techniques. It is clear, and I will state it for the record, that the horrors visited on humanity by those regimes were far greater than these interrogation techniques. But the point I was trying to make was, what do we visualize when we hear of this kind of interrogation technique?

I say to the Senator from Kentucky, I visualize regimes like those described. Did they do more? Did they do worse? Of course they did. The point I was trying to make is, this is not what America should expect. This is not what we should believe reflects our values.

Mr. McCONNELL. So the Senator thinks this is a fair comparison?

Mr. DURBIN. It is a comparison in the form of interrogation that a repressive regime goes too far, that a democracy never reaches that extreme. But to say that I am in any way diminishing the other horrors brought on by these regimes is plain wrong. Those are different elements completely.

Mr. WARNER. If the Senator will yield, again, I go back on my own recollections, those three examples the Senator used. I don't know what interrogation took place. Perhaps if we go into the sinews of history there were some, but what the world recognized from those three examples the Senator used, they were death camps—I repeat, death camps—where, as my colleague from Kentucky very accurately said, millions of people perished. It is doubtful they were ever often asked their names.

To say that the allegations of a single FBI agent mentioned in an unconfirmed, uncorroborated report give rise to coming to the Senate and raising the allegation that whatever persons of the uniformed military, as referred to in that report—albeit, uncorroborated, unsubstantiated report—are to be equated with those three chapters in world history is just a most grievous misjudgment on the Senator's part, and one I think is deserving of apologizing to the men and women in uniform.

Mr. DURBIN. Let me say this to the Senator in response. I have said clearly in the Senate, and obviously the Senator does not accept it, but I will say it again: There were horrors beyond interrogation techniques committed by those three regimes. That is clear.

But I want to ask the Senator from Virginia, does he even accept the premise or possibility that this happened at Guantanamo?

Mr. WARNER. I would say, Madam President, I served as assistant U.S. attorney for 5 years and dealt with the FBI all the time. I have very high regard for that service. But the Senator knows full well that is just an investigative report by one agent. It is under investigation by the Bureau and by the Department of Defense at this time in the context of many other pieces of evidence.

One cannot come to this great forum, which is viewed the world over as one which is known for trying to assert the rights of this country as taking its place in the world, as following due process and principles of our Declaration of Independence and the Bill of Rights—and comment to the Senate about some young uniformed person who probably is the subject of that FBI report—until such time as that person in uniform is adjudicated in a proper forum as to having done what is alleged in that report, or not done, it seems to me we shouldn't be discussing it in the Senate.

Mr. DURBIN. I might say in response to the Senator from Virginia, I don't know if it is a uniformed person reported in this interrogation. The FBI did not say that. For those suggesting this reflects on our men and women in uniform, I don't know if that is a fact. I don't know if it was, in fact, a member of our armed services. I cannot say that. Nor did I, in my earlier statement, make any reference to the men and women in uniform.

But I will say this: When this type of serious allegation has been in the public forum for as long as this has been, without any denial by the administration, it raises some question as to the fact that the Senator raised, whether it should be taken as truthful or not. And I think it can be.

Now, if facts come out later on and it turns out this is not the case, so be it. I will be the first to concede that in the Senate.

Mr. WARNER. Madam President, the damage has been done. The Senator should have taken the precautionary steps prior to——

Mr. DURBIN. Let me say to the Senator from Virginia, the damage was done when we changed our interrogation policy which allowed for some of the conduct we used to hold to be unacceptable by American standards. That is when the damage was done. That is when Secretary of State Colin Powell said we were crossing a line we should not cross. And we have crossed that line.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. In a hearing yesterday before the Senate Judiciary Committee we heard there is a real controversy within this administration as to whether the people being held in Guantanamo have any rights to due process. The Senator mentioned due process earlier. That is an issue which is being litigated as high as the Supreme Court. The court came to the conclusion that the administration was wrong in the way it is treating prisoners at Guantanamo. They have not accorded them due process as they should have. Many of those aspects are still on appeal and still being debated.

I say to the Senator that to raise these issues in this forum is, frankly, the only place that one can raise them. If we do not raise questions about those interrogation techniques and whether they violate the most basic standards which we have stood by as a Nation, then I don't believe we are responsible in our duties. I don't believe we showed good judgment in ignoring what is happening, what happened at Abu Ghraib, what may be happening, based on this FBI memo, at Guantanamo Bay.

That is part of our responsibility, as difficult as it may be for the administration to accept.

Mr. WARNER. Madam President, the use of the words "due process" by the Senator from Virginia was restricted to due process that is taking place with regard to allegations in that report and others according to the actions of either uniformed or civilian personnel under the clear supervision and jurisdiction of the Department of Defense at Guantanamo. That was my use of due process.

It is a separate issue as to the due process of the detainees, the Senator is correct. That is a matter that should be openly discussed, is being discussed, and will be reviewed by this Chamber. I come back again, and I just conclude—I see there are other Senators waiting to speak—we have to be extraordinarily careful in our remarks in the Senate as they relate to the safety of our people because this series of statements the Senator has made, factual references to chapters of history, can be manipulated by other people throughout the world to their advantage. That is my deep concern.

Mr. McCONNELL. I have just one final question, very briefly.

Mr. DURBIN. I am happy to yield.

Mr. McCONNELL. I want to make sure I understand this correctly: Is it my understanding that my good friend from Illinois stands by his own words, because he read them again today, and it is his view that even if this allegation from this one FBI agent were true—and as the Senator from Virginia has pointed out is being investigated—even assuming this allegation from this one FBI agent were true, the Senator from Illinois still believes that could be correctly equated to the treatment by the Nazis, by the Soviets in the gulags, and by the Pol Pot regime?

Is that an accurate description of that, even assuming this one allegation is proven to be true?

Mr. DURBIN. What I have said is, if you were asked, without being told where this might have occurred, as I said here directly in the RECORD, you might conclude that it was done by one of those repressive regimes because that was the kind of heavy-handed tactic they used, the kind of inhumane treatment in which they engaged. You would be surprised to learn that according to the FBI, it was something that occurred at Guantanamo in a facility under the control of the United States of America.

Madam President, let me conclude by saying that I know there is some sensitivity on this issue relating to Guantanamo. I could tell it in the hearing yesterday. I can tell it from the response today. But I continue to believe the United States should hold itself to the highest standards when it comes to the interrogation of prisoners, that we should never countenance in any way, shape, or form, the torture of prisoners we have seen in other countries by other governments in history.

That was the point I was trying to make, and it is a point I still stand by. Secretary of State Colin Powell was right when he criticized the change of the interrogation techniques by this administration and said it does not reflect well on the United States, torture does not produce good information, and that we would pay a price, sadly, in terms of public and moral opinion if we engaged in that kind of conduct. His premonition or his prophecy has turned out to be accurate. That was the point I made.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. It is amazing to me, Madam President, the more the popularity of the President plummets, the more the people downtown try to play this game "I gotcha." Families are attacked, reputations are impugned, bogus, baseless statements are made. The attacks by the very noisy noise machine of the far right never stops, and it has gotten so much more in operation in the last few weeks with the numbers on the President dealing with Social Security, the unpopularity of the efforts made to spend 2 months on judges, five people, basically.

This is all a distraction by the White House. Why? Because this country is in trouble for lots of reasons, only one of which is Iraq. In the last 48 hours, 11 American soldiers have been killed in Iraq. Scores of Iraqis have been killed in the same period of time. I do not know—I do not know if anyone knows—the death and destruction that is taking place in Iraq as we speak. We focus on the dead. The dead American soldiers are on page A26 of the newspapers now. Sometimes they do not even make the front section. We do not know because we are not focusing on the blind, the maimed from that war.

But that is only one of our problems we are not focusing on. Health care: 45 million Americans are without health care. Have we spent 5 minutes this year talking about health care? No. No. We have been spending time on five judges.

Have we spent any time about what is happening in our public school systems around this country? No, not a single minute. The average age of a public school in America is approaching 50 years. The Leave No Child Behind Act is leaving kids behind in Nevada and all over this country.

The environment is something we do not even talk about anymore because global warming does not exist in the minds of the people at the White House.

Do we spend any time here talking about the devastating deficit that is affecting people in my little town of Searchlight and all over the country? No. This administration took over with a surplus in the trillions. We now have approached a $7 trillion debt in this country.

So this is all an attempt to distract us from the issues before us. Rather than spending time on my friend, the distinguished Senator from Illinois, whom I have known for going on 23 years, who has dedicated his life to public service—do we have a problem in this country with the issues he is discussing? Yes. Focus on them, not anything he said. Let's focus on the issues before us.

I would hope it would be worth a little bit of our time here to see what we could do about the Defense authorization bill. Five weeks it has been out of committee—5 weeks. We have our Guard and Reserve that are overwhelmed with responsibilities in that war. We have men and women who are there on duty station as we speak. But we do not have a Defense authorization bill. Why? We always did them in years past. Why? Because we may get an amendment on that bill dealing with what is going on with the subject about which my friend speaks. There may be other amendments that may not be in keeping with the mindset of the White House.

I want the record to reflect I have great affection for the chairman of the Armed Services Committee. He is my friend. He is truly a Southern gentleman, and I care for him a great deal. I am sure he must be frustrated by the fact that the Defense authorization bill is not before us.

But I also have great affection, loyalty, and deep friendship that will be with me for the eternities for my friend from Illinois, who has been such a good friend over all these many years. He is a person who loves to talk about issues, whether it is an issue dealing with energy, as we have talked about here for a few days—the first real substantive issue we have dealt with, really, in a long time on this Senate floor—or whether it is any of the other issues I have spoken about here: the deficit, education, the environment, health care.

Nothing is being talked about. But he cares about those issues deeply. I would hope we can turn down the noise machine downtown a little bit and understand the American people want to focus on issues, issues important to them. They are tired of this "gotcha" game because they don't get you; it is just an attempt to divert attention from the issues before this country.

The PRESIDING OFFICER. The Senator from West Virginia.

FATHER'S DAY

Mr. BYRD. Madam President, on Sunday, June 19, the Nation will honor fathers with the celebration of Father's Day. Fathers certainly deserve a day to relax and to put aside for a time the heavy burden of work and worries that they carry. Most fathers are, I believe, great worriers. They feel the pressure to perform. They feel the pressure daily to go forth and to battle in conditions over which they have little control. Yet they feel that they must present to their families a facade of mastery. That is, after all, part of the "dad mystique"—the desire of fathers everywhere to be seen as the unvanquished protector of the family, the benevolent provider of all good things, the safe harbor against all harm and all fears.

Today's economic conditions worry most fathers, no matter what their current earning prowess. If they are looking for work or to find a better job, recently reported economic indicators keep them awake at night. Housing prices continue to climb. Hiring is weak. Outsourcing and the offshore movement of jobs create heartburn. News that Chinese automobiles may soon be competing for sales in the United States will create a few ulcers, too, I am sure, as hard-working fathers wonder how they can compete against Chinese workers making only $2 an hour.

Fathers at the upper end of the pay scale are not immune from such nightmares either. They must still worry about corporate scandals that could rob them overnight of their pensions, stock options, and the rising cost of college education. All fathers feel a sense of growing unease about the spiraling deficits, the uncertain future of Social Security, the weakening of America's global competitiveness to the high price of international conflict. What kind of future are they leaving to their children?

On a very personal level, fathers also share common fears. Where are their children? Are they behaving? Are they growing up to be good people? Will the world be good to them in return? I know that fathers, with sons and daughters in the military, carry particularly heavy burdens of worry these days, as well as fathers who are in uniform themselves with families waiting, waiting, waiting and praying for them at home. I hope these fathers know that the prayers of the Nation are with them.

Fathers want the best for their children, which is why they push their children to do their best. To be sure, some fathers have taken this perhaps to unseemly, even dangerous, extremes, as the stories of some "sports dads" attest. But most fathers want their children to develop a healthy sense of competition, coupled with fairness, to learn to win and to learn to lose graciously, to foster a sense of perseverance that will stand their children in good stead no matter what field of endeavor they play upon.

Fathers want to encourage a good work ethic. They want to encourage good study habits. They want to encourage the character traits of reliability—according to an old Greek ideal, character is destiny—and dependability, thoughtfulness, and generosity of spirit, traits that will make good students, respected leaders, able employees and, some day, good fathers and mothers.

The best fathers, of course, practice what they preach. Parents are the best teachers, sometimes without ever giving a word of instruction. They teach by the example of their own lives.

My own dad was such a man, the greatest man I ever knew, my dad. He was not my father. He was the man who raised me. But he was the greatest man I ever knew. I have met kings and shahs and Presidents, princes, Governors, Senators. Just that old coal miner dad was the greatest man I ever knew—hard working, God-fearing, generous with the little that he had. He took me in when my mother died, and he raised me as his own.

"It is not flesh and blood but the heart which makes us fathers and sons," wrote Johann Schiller. He is right. Titus Dalton Byrd was not my biological father, but he was my dad, pap. He is looking down from heaven right now. He is looking down. And some day I will meet him again. He was my dad.

He encouraged me in my studies. He didn't buy me a cowboy suit. He didn't buy me a cap buster. He bought me a watercolor set, a book, a drawing tablet, and some crayons. He took pride in my accomplishments.

Benjamin West said that he was made a great painter because of his mother who, when he went to her with little drawings about birds and flowers and so on, she took him up on her knee and she kissed him on the cheek. She said: Some day you are going to grow up. You will grow up to be a great painter. And that made him a great painter. He did grow up to become a great painter, made so by a mother's kiss.

So about my old coal miner dad. After a long day at work, he would spend time with me. He talked with me. He listened to me. He watched me recite. He watched me play the violin. He feared for me when I wanted to follow him into the coal mines. He shared his fear; he shared the love that was behind it. He gave me a whipping a time or two. He always told me before he whipped me that he loved me, and it hurt him probably more than it hurt me. That was my dad. He pushed me to do better, to reach higher, to work harder. He didn't want me to have to work in the mines as he did. He gave me pride in him. He never used crude language. I never heard him use God's name in vain in all the years that I knew him—ever.

He never raised a fist in anger. He never treated anyone with anything but courtesy. He was a poor, humble, hard-working coal miner. He took life as it came. He didn't grumble at what was placed before him on the table. He never complained. He never said anything about mom's cooking. He never used bad language, as I said. He carried himself—a poor miner without two nickles at times to rub together—with the quiet dignity of a true gentleman. There was a man. I am proud to share his name. I think that is one of the greatest compliments that any child can give to his or her father—that proud inflection in their voice when they say: This is my dad.

Like fathers everywhere, I delight in their every triumph, from the first breath onward, just as I mourn their every setback and disappointment. In speaking from my own experience, no father ever ceases to worry about his children and the kind of world they are inheriting. That is why I suppose it is whatever hair fathers are allowed to keep turns white.

So on this Father's Day, I remember the old coal miner dad that I had. I could see him coming from the mines. I watched him as he walked down the railroad tracks, and I ran to meet him. As I came near, he put down that dinner bucket he had carried into the bowels of the Earth there in the darkness—the darkness of the coal mine. He put down that dinner bucket and lifted the lid, and he took out a little cake that my mom had put into the dinner bucket, and he always saved the cake for me. He gave me that cake. Yes, he took the cake into the mine, but he didn't eat the cake. He always saved the cake for me.

So on this Father's Day, I wish I could tell fathers across America to relax and enjoy the day, to sleep well, basking in the love and affection of their families. I wish I could, but I know they are still worried. That is what a father does.

Madam President, I close with a bit of verse that I memorized as a little boy. Over the years, I have come to appreciate its lesson more and more. I am sure that old coal miner dad knew it, too, for he lived with simple wisdom. It is called "The Little Chap Who Follows Me."

A careful man I ought to be,
A little fellow follows me,
I do not dare to go astray
For fear he'll go the selfsame way.

I cannot once escape his eyes,
Whate'er he sees me do, he tries;
Like me, he says, he's going to be,
The little chap who follows me.

He thinks that I am good and fine,
Believes in every word of mine.
The base in me he must not see,
The little chap that follows me.

I must remember as I go,
Through summer's sun and winter's snow,
In building for the years to be
The little chap who follows me.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

FATHER'S DAY

Mr. KYL. Madam President, first, I have been here for most of the remarks of the senior Senator from West Virginia, who has this evening caused me to reflect on my father on this Father's Day. I am sad to say that my father has now passed on, and that fact has caused me to think about things I probably should have thought a lot more about before he left. But it is good to be reminded of the qualities we look for in fathers and in our fathers, those who have led the way for us, and that as Father's Day approaches, I join my colleague from West Virginia in suggesting that we would all do well not only to think back on our fathers and set a good example but to think about what makes a good father in everything we do, and in whatever our roles are, to try to follow those precepts. I appreciate the important words spoken by the Senator from West Virginia.

Mr. BYRD. I thank the Senator from Arizona.

Mr. FRIST. Madam President, I want to take a few moments to reflect on an important holiday coming up this weekend—Father's Day.

On Sunday, families across America will celebrate their dads with lunches and dinners, homemade gifts, and, if my family is typical, some gentle teasing. It is a day we show our gratitude, and we remember how important our dads are in our lives.

I was very close to my dad, and I cherish my memories of him.

When I lived in Nashville, I used to drive by my parents' house everyday on my way to work. And everyday, no matter where I was, I would call to touch base and say hello.

My father was a man of extraordinary kindness and generosity. He was known throughout the community for his good works.

Before he died, he wrote a letter to his grandchildren, passing on his humble wisdom collected over a lifetime. In it, he told them:

> "Be happy in your family life. Your family is the most important thing you can ever have. Love your wife or your husband. Tell your children how great they are. Encourage them in everything they do.
>
> "Be happy in your community. Charity is so important. There's so much good to do in the world and so many different ways to do it."

He also wrote that,

> "I believe that life is made up of peaks and valleys. But the thing to remember is that the curve is always going up. The next peak is a little higher than the previous peak, the next valley isn't quite so low.
>
> "The world is always changing, and that's a good thing. It's how you carry yourself in the world that doesn't change—morality, integrity, warmth, and kindness are the same things in 1919 when I was born, or in 2010 or later when you will be reading this. And that's a good thing, too."

I have worked hard to live up to his high ideals and the sterling example he set before us. And I have worked hard to instill these values in my own sons Bryan, Jonathan and Harrison. If I have half succeeded, that is a very good thing.

As we celebrate our fathers this weekend, I also encourage everyone to reflect on the importance of fathers to the social fabric.

The National Fatherhood Initiative, a non-profit devoted to promoting responsible fatherhood, reports that today's fathers are more present in their children's lives than ever. Dads in two-parent families spend more time with their children than the previous generation of dads. Research also indicates that today's fathers are more active and more nurturing.

And it has a big impact.

Children with involved, loving fathers—as compared to children without—are more likely to do well in school, have healthy self-esteem, show empathy, and avoid drug use, truancy, and criminal activity. The bottom line is kids do better when their dads are around. For a while America forgot just how important dads are, but now we know in our heads what we have always known in our hearts.

So, this Father's Day, we salute them. Dads on the front line who risk their lives for our freedom. Dads on the home front who go to work everyday to support their families. America honors you as everyday you honor us.

STATEMENTS REGARDING GUANTANAMO

Mr. KYL. Madam President, one of the things I remember that my father taught me—and it has stood me in good stead, though I have not always followed the advice—is to have strong convictions but always to deal in moderation and be reasonable in your approach, to listen to other people and try to be responsible in what you say. In all things, moderation would have applied to the advice he gave me frequently. Again, not to say one should not have strong views, but you can be more effective in communicating those views if you treat people decently, if you listen to what they have to say, and if you express your own views with a degree of humility and moderation. That is something that, sad to say, even in my relatively short time in the Congress, I have seen adhered to, sadly, less and less.

Certainly, the Senator from West Virginia sets a standard for all of us in the way that he treats this body, the revere he has for the institution and, therefore, the care he takes to deal in this body in an appropriate and responsible way, in the great tradition of the body.

I mention that because the coarsening of our language, I suppose, can be expected to be manifested first in the political environment. It certainly has occurred with increasing intensity over the years, though, not just in political campaigns but even on the floor of the Senate and engaged in by colleagues in the Congress as well as pundits and others.

Strong subjects sometimes evoke strong emotions, and perhaps that explains why some of the rhetoric surrounding the discussion of our detention of enemy combatants at Guantanamo Bay has reached such a high-pitched level, to such a high degree of hyperbole and exaggeration—I daresay, in some cases, irresponsible characterizations.

If this were simply a matter of political rhetoric and partisan politics, I suppose that in some senses it could be excused, though it is not helpful. But here the consequences of such language, this over-the-top kind of rhetoric, can actually be detrimental to the effort of the United States that all of us support—certainly to the people we put in harm's way, our men and women in the military, and the other services that are helping us to fight the war on terror.

This is why it distresses me to hear the characterizations of American activities and Americans as being equated with some of the worst actors in the history of mankind—phrases thrown around, apparently, somewhat thoughtlessly, without due regard for the consequences, when enemies of the United States seize on the flimsiest of things to take to the streets and riot and kill each other.

The unfortunate reporting of Newsweek Magazine—which turned out not to be true—regarding desecration of the Holy Koran caused Muslims in the world—thousands and thousands—to riot and cause harm to each other. I believe there were at least three deaths that resulted, if I am not mistaken. Words have consequences, and when Americans speak in irresponsible terms about the actions of Americans who are simply trying to do their best in trying circumstances, in ways that denigrate their motives, denigrate their actions, and that call into question the entire character of America, because of these actions, it is irresponsible. And it should not be engaged in, especially it should not be countenanced by Members of this body or the Congress, certainly not engaged in by leaders in this body. Yet, sad to say, we all have heard in the last few days this kind of language.

I will get back to that in a moment. Let me go back and try to provide some perspective about this entire debate about Guantanamo Bay.

Guantanamo Bay is a place where the United States Government has had a lease from the Cuban Government for a long time and spent about $150 million to build a prison facility to house many of the people who had been detained in the war on terrorism, primarily people who were on the battlefield in Afghanistan, there being no facilities adequate in Afghanistan.

It is a place that was designed to be able to accommodate people of different cultures. It is significantly managed by Americans who have a significant degree of medical background and training in the culture of Islam in order to ensure that the people there are treated as humanely as possible under the circumstances and with due regard for not only their human rights but their faith as well.

This country need apologize to no one in the way that over the years we have tried to adhere to human rights standards and treat people of faith appropriately. Certainly the stories—and I say "stories" because in most cases, they are mere allegations that are untrue—of treatment of people at Guantanamo Bay have raised the interest of Americans because we are a people who instinctively pull back from such kind of conduct. We do not want to be even against terrorists engaged in inhumane activity. That is why these stories have such resonance.

Yet this facility, which takes care of these people in some respects even better than the troops there—in terms of the sleeping quarters, meals, and so on—this facility is as good, I think, as any prisoner of war facility in recent memory and certainly with the attention of the media, the International Red Cross, visits by American officials—there have been thousands of visits. It is a very wide open facility in that sense.

With all of this attention, I think the very small number of specific complaints that have been investigated and found to have any merit at all—something like five in number—is a testament to the commitment of the United States to adhere to standards of decency and humanity when dealing with people.

Who are these people? These are the worst of the worst. We do not have the time or the ability to round up people and hold them for the sake of it. It is too costly. Over 10,000 people have been captured in this war against the terrorists. Something like 520 are at Guantanamo Bay. These are the people who are the bombmakers, the bodyguards of Osama bin Laden, the financiers, the plotters, the people who have been sent out to be assassins, to be suicide bombers. These are the worst of the worst, the killers who, if let go, will return to their killing.

Since the detentions at Guantanamo Bay, the United States Supreme Court has said there is one right that these detainees have, and that is a right to have their status determined, even through a habeas corpus petition, which in the United States means a right to have questioned the appropriateness of your being detained. The Supreme Court did not hold they have a right to a trial, that they have a right to be charged with anything, that they have a right to a particular kind of legal proceeding. Simply, they have a right to have their status reviewed by an appropriate tribunal.

And since then, their status has been reviewed, every one of them. There is a process by which it is reviewed annually to determine whether they not only are still appropriately held, but whether they need to be held, whether they pose a threat.

In this period of time, a dozen of these detainees—many were released, something like 200, as I recall—a dozen have already been recaptured on the battlefield. They went right back to killing Americans.

This is why prisoners of war are detained when captured, and it has thus been throughout modern history. In World War II, for example, we have all seen the movies and read about the internment camps of Germans and Japanese and, of course, the way Americans were held as POWs as well. With the rare exception of the people at the very top of the Nazi Government and a few of the Nazi generals, the German POWs were not charged with crimes or tried for those crimes. They were simply held in these camps until the end of the war.

A couple of these camps were in Arizona. I know an Arizona physician who went through one of these camps, I believe in Nebraska. When he got out, he decided he liked America a whole lot and became a renowned physician in Phoenix. These were places that people were held until the end of the war so they could not go back to fighting against Americans. That is precisely the primary purpose of Guantanamo Bay.

For the worst of the worst, the people we do not want to go back fighting against us or committing terror against anyone else, we have to have a place to detain them.

I must say, in a debate with the senior Senator from Vermont last night on television—and he and I disagreed generally about this issue—he acknowledged this is not about Guantanamo Bay. As he said, we have to have a place to hold these people, and I agree with that proposition. Some have even suggested we close this brand-new facility. If you close it, where are you going to put them? Would you like to take one of the military bases that is being closed in your State and make it available for these detainees? Maybe that is the place to detain them. I do not think so.

The issue is not closing Guantanamo Bay. I think it is, frankly, criticism of the American Government and leaders of the American Government. Some people do it for partisan political purposes. Others do it, to bring down certain people. Others, frankly, have a disregard for this country and are quick to criticize almost anything we do.

But look at some of the specific charges. One of them is these people are being held in limbo. They are not being held in limbo any more than any other prisoner of war or enemy combatant has been held in the past. They are being held until the conflict is over so they do not go back to fighting us again.

Then they demand to know of the general and admiral who were before the Senate Judiciary Committee yesterday when we held a hearing on this: Well, how long are they going to be detained? We demand to know. We do not know how long the war is going to last, Senator. I demand to know. Will it be forever? What if the war lasts for forever, will they be detained forever?

These are pretty silly questions, if you ask me. We do not want to detain these people. We would like not to have to do it. We would like to bring the war to a close, but until it is safe to release them, they are not going to be released, not unless we are going to jeopardize the service people and others who are subject to terrorism. So let's get back to reason and solid logic here.

Another question is, Why are we treating these people possibly a little bit differently than other prisoners of wars have been treated? The answer is they are not prisoners of war. That does not mean we do not treat them humanely and in accordance with the Geneva Conventions.

That is another charge, that we violated the Geneva Conventions. No, we have not. No, we have not. The United States adheres to the Geneva Conventions, and we have not violated them, and we do not intend to. Enemy combatants are not entitled to the protection of the Geneva accords to which prisoners of war are entitled.

The reason for the Geneva accords for the POWs is we want to reward people who adhere to the laws of war. What does that mean? They fight for a country, they wear the uniform of that country, they adhere themselves to the rules of war. In the case of terrorists, that does not apply. They do not fight for a country, they fight for a cause. They do not wear a uniform. They do not fight by the rules of war. They kill innocent people indiscriminately. That is their modus operandi. That is their preferred action.

That is why they are enemy combatants, not prisoners of war. So we would not have to accord them any standards of treatment except that we are the United States of America and we say, and the President has said and Secretary Rumsfeld and everyone else in the Government has said, for the United States of America it is inappropriate to do anything less than treat people humanely, and we will not violate the Geneva accords.

So even though they are not entitled to all of the rights of prisoners of war, there are standards of treatment that have been established and have been adhered to. In the few situations in which there is an allegation that maybe those standards might have been violated in some small way, the people have been held responsible who have violated the standards. I think there have been five cases of dealing inappropriately with the Koran at Guantanamo Bay, not having both hands on it at once or not having a white glove when dealing with a prisoner. It is that kind of violation.

This kind of thing has been compared by some to Pol Pot and Nazi Germany and the Soviet gulag and the human rights abuses that the United Nations complains about each year. These comparisons are not apt. They are not responsible. They are not appropriate. They do not even begin to appropriately describe the kind of conduct that our people have engaged in and the crimes against humanity that were referred to. To even think of them in the same sense is unthinkable.

What about the question about charging them? There is a suggestion they should either be charged or released. Well, this is not a fishing contest. This is not catch and release. This is serious. This is war. When somebody is trying to kill you and you can detain them, you do it. The alternative is, obviously, you kill them. But hopefully you do not have to kill them; you can detain them, and you can put them in a place that, until the end of the war, is safe for them and safe for you.

For those who have committed war crimes, we have the option of charging them with such crimes, and there is a special tribunal set up to try them for those crimes, and they can be tried. Now, there are cases in the courts of appeal right now that are helping to define the parameters of those trials and until that is very clear those will not proceed, but that is the way we will deal with those cases.

So for those that can be tried, obviously we will do that, but that is a very small percentage. There is no point in charging prisoners of war or enemy combatants with anything because the whole point of their being held is to prevent them from going back to war against you.

The final purpose for this detention is intelligence gathering. We have found that human intelligence is the best intelligence and that the highest percentage of human intelligence is the interrogation that has occurred here and elsewhere that has led us to learn a lot about the techniques of the terrorists, their plans, the names of others, and other important information that has helped us save lives. So the point of this detention is to save lives, to keep people from killing us, and to get information that will help us to prevent future killing. That is an appropriate purpose of Guantanamo.

So when people use irresponsible language, when they seem to leap to conclude that the United States must have done wrong simply because a lawyer or some group or a prisoner has alleged abuse—and by the way, remember that the al-Qaida training includes a manual instruction on how to allege that they are being abused as a prisoner, as a detainee. They are supposed to allege abuse, and they do. So let us not jump to the conclusion that any al-Qaida terrorist who alleges abuse at Guantanamo Bay must be right and all of the Americans, from the President on down, must be wrong. I like to put my chances on Americans trying to do the right thing. We will make mistakes, but we will try to correct those mistakes and punish those responsible. In the meantime, I think the benefit of the doubt goes to those people whom we have given a very hard job to do.

To get back to my original point, the use of irresponsible language, irresponsible charges, has consequences. It can hurt those people that we put in harm's way by turning international public opinion against the United States. When responsible American officials make irresponsible charges, all the world listens. When they listen, sometimes they react very badly. It does our cause no good when—as some of my colleagues have said, this is all about winning the hearts and minds of the Muslim world. There is a great deal of truth in that. It does no good in that battle to denigrate our own actions in a way that is calculated to or one must know will inflame the passions of terrorists and others around the world that support the terrorists. It does no good to this ultimate goal of winning hearts and minds to unduly criticize America, Americans and American leaders for actions that are nothing more than what any Nation has the right to do when it captures people who have been engaged in combat or terrorism against it.

I urge my colleagues to keep this issue in perspective, to understand the reason we detain people, to understand the impact of irresponsible language, to tone down the rhetoric, understand that the President and all acting on his behalf are trying their very best to do what we want them to do, and at the end of the day, this is all about winning the war on terror, saving American lives and moving on to a more peaceful world.

Mr. FRIST. Madam President, in the past few weeks a number of allegations have been leveled against the Guantanamo Bay detention center.

There have been some legitimate questions about the treatment of detainees, which is fair and responsible. The United States is governed by the rule of law. And it is proper for the Congress, in its oversight role, to ask the executive branch about such matters and make sure the interests of our constituents and the Nation are being properly addressed.

That being said, in many cases, the allegations that have been made recently have been false, distorted or misreported.

Newsweek, as we are all too familiar, erroneously reported that an American guard flushed a Koran down a toilet. That report, which was later withdrawn, resulted in widespread protests and the deaths of several individuals.

When the facts came out, we learned that, in the 3 years that Gitmo has been in operation, there have only been 5 cases of "mishandling" of the Koran by our military staff.

In those few instances where mistakes were made—and people do make mistakes—they were corrected and persons were held accountable.

We also learned that the prisoners themselves had abused the Koran 15 times, in some cases, reportedly, to implicate our soldiers in a religious crime.

Multiple inquiries have found that the detainees at Guantanamo are being treated in accordance with the Geneva Conventions and U.S. law. They are well fed and well housed. They have access to clean showers, Muslim chaplains, and even psychological counseling if they request it.

Some might say they are living in more luxury and safety than our soldiers and marines fighting the terrorists in Afghanistan and Iraq.

Our service men and women in the field usually eat cold, packaged meals; sleep in crude living areas without beds; and often wonder if they will live to see the next day, all in the cause of promoting freedom and democracy and defending our country.

One thing is for sure, the detainees are enemy combatants who were picked up off the battlefields of Afghanistan and elsewhere. They are hardened terrorists and have pledged their lives to jihad, the death of Americans, and the destruction of our country.

They are being held at Guantanamo so they don't kill more Americans, either at home or abroad.

They are being held at Guantanamo so that we can question them, so that we can prevent their colleagues from committing more terrorist acts.

The intelligence we have learned about the terrorists, their networks, their plans, and so on, has been a treasure trove that has saved lives and is helping us win the war on terror.

Personally, I am convinced that Guantanamo is humanely and fairly serving its much needed purpose. And I am also convinced that if we closed the camp, it wouldn't make one bit of difference to the terrorists who hate us and murdered 3,000 innocent American citizens before Guantanamo or the war on terror was ever conceived of.

And it will make no difference to those who have agitated and protested against American policy from the very start.

We can debate whether Guantanamo helps us save lives and win the war on terror. But what I can't stomach are the comparisons being made between Guantanamo and some of the most egregious symbols in the history of mankind.

I am referring to the remarks of Amnesty International officials that compared the U.S.-run Guantanamo to the Soviet gulag.

I am referring to the International Committee of the Red Cross official who reportedly compared U.S. soldiers to Nazis.

And, regrettably, I am referring to a Senate colleague who, this week, called Guantanamo a "death camp" and drew parallels to Hitler's Germany, Stalin's gulags, and Pol Pot's killing fields.

This was a heinous slander against our country, and against the brave men and women who have taken great care to treat the captured terrorists with more respect than they would ever have received in any point in human history.

It is reported that nearly 9 million people were killed by Adolf Hitler; about 20.7 million were killed in the soviet gulags from 1929–1953; and over 1.5 million people were killed in Cambodia from 1975 to 1979.

And there is no need to recount the brutal torture and manner in which many of these people died, most of whom, if not all, were innocent people.

Do we know how many people have been killed at Guantanamo? Zero. That's right: zero people.

And yet we have members of this body who have come to the Senate floor to level the most egregious charges, compare our troops to Nazis, and charge the United States with crimes against humanity. To accuse our sons and daughters, who are serving proudly to keep killers from the battlefield, with committing genocide and war crimes is beyond the pale.

It is wrong to make these comparisons; it is wrong to suggest such things. It is unfair to our military; it is unfair to the American people; and it is unfair to this body. This is wrong and it is the worst form of demagoguery.

It is anti-American and only fuels the animus of our enemies who are constantly searching for ways to portray our great country and our people as anti-Muslim, anti-Arab. It is this type of language that they use to recruit others to be car bombers; suicide attackers; hostage takers, and full-fledged jihadists.

It is darkly ironic that those who want to close Guantanamo for the sake of public diplomacy are themselves wreaking great damage to our public diplomacy by floating outlandish and slanderous allegations.

It has to stop. We can, and should, have serious debates about legitimate policy questions. But comparing our Nation, our Government and our military to the regimes of Hitler's Germany, Stalin's Soviet Russia, and Pol Pot's Cambodia is the height of irresponsibility.

Frankly, I think it demands an apology to our service men and women, and to all others in our Government who are working hard every day to stop the terrorists, prevent attacks on our homeland, and to win the war on terrorism.

We are fighting a war. And young men and women are out in the field, risking their lives. For their sake, the toxic rhetoric must stop.

CMA FESTIVAL

Mr. FRIST. Madam President. Nashville, TN is home to some of the best music in the world. Last weekend, I had the pleasure of being back home during the 2005 Country Music Association Festival—"Country Music's Biggest Party."

More than 130,000 country music lovers from around the world come to hear their favorite stars perform for the 4-day extravaganza. The energy is electric.

From legendary artists like Kenny Rogers and Dolly Parton, to new talents like Sarah Evans, Rascal Flats, and Gretchen Wilson, more than 400 country music stars perform over 70 hours of music.

Not only are fans treated to the best country music has to offer, they get to meet their favorite stars up close and personal at the Fan Fair Exhibit Hall where performers sign autographs and mingle with the crowd.

This year, fans were treated to the first ever Music Festival Kick-Off parade in downtown, and a spectacular fireworks display, Sunday night, at the Coliseum. In just 4 days, the festival generates more than $20 million for the local economy.

The CMA Festival has become a Nashville institution, joining the Grand Ole Opry and the Ryman Auditorium as symbols of our rich musical traditions.

Nashville's thriving music scene has also attracted another festival called Bonaroo—a 4-day event that brings more than 75,000 music lovers to Manchester, TN. The event showcases a wide variety of music including rock, jazz and bluegrass.

This year, more than 80 bands participated, including: the Allman Brothers; Dave Matthews; and Alison Krauss. In just 4 years, Bonaroo has become America's premier rock festival.

Tennessee is truly a musical mecca. And it has launched some of the biggest careers in music history, including: Elvis Presley; Hank Williams; Johnny Cash; Loretta Lynn; B.B. King; and Garth Brooks, one of the biggest selling popular music artists of all time.

I'm proud and blessed to be from this extraordinary place. And I am proud to be from Nashville, "Music City USA."

OBSTRUCTIONISTS

Mr. LAUTENBERG. Madam President, on Tuesday—for the record, today is Thursday—President Bush gave a speech in which he complained that Democrats are obstructionists because we are not accepting his entire agenda.

The President also said that we say no to everything. I listened to him and I watched him on TV. But look at all the things he says no to. President Bush said no to Tony Blair when the Prime Minister was here to ask for more help for Africa, to help with AIDS, hunger, and loan reduction. He said no.

President Bush says no to kids with juvenile diabetes, autism, or other childhood diseases, when they ask to be permitted to do stem cell research to see if we can prevent those diseases from plaguing these youngsters for life.

President Bush said no to parents and teachers who want education fully funded.

President Bush said no to a real Patients' Bill of Rights.

President Bush said no to making polluters pay for Superfund environmental cleanups, a program that has been very successful. I was author of the second iteration of Superfund in 1986. It was a program that needed some time to get going. But now we can look at lots of sites that have been cleaned up and are put to useful purposes that don't threaten children or families who live in the area. President Bush said no to making the polluters pay. He said yes to making the taxpayers pay for the cleanup problems the polluters created.

President Bush said no to getting tough with the Saudi Arabians, so we can really bring down oil prices. The Saudis said no to us when we asked for help in keeping oil prices down. Look what has happened to oil prices. I remember so vividly in the last Presidential campaign, when Senator KERRY challenged President Bush. The thing that came out of the White House—the statement most clearly was: If Senator KERRY becomes President, you are going to see taxes on oil prices. If you want to see taxes on oil prices, just look at what happened. The only difference is these taxes are being paid to Saudi Arabia and other places that are not friendly to the United States. But the public is paying for it. Gasoline has gone from $1.20 to, in some places, $2.50, which I paid recently. I don't hear the President saying no to them when they call and say they want help from us.

And the President calls us the obstructionists? I find that label very interesting. What it means is, if you oppose any of President Bush's policies, you are an obstructionist. Frankly, in a democratic Nation, that is unacceptable. It is a disastrous line of thinking. In my view, if you don't like challenge, then you don't understand democracy. This is not a nation where we have a dictator. There should not be a time when simply because the President of the United States thinks it is a good idea that we avoid debate or challenge that we should. No, not on your life. That is how we get ideas and how we challenge the public in this country to say something about the programs in which we are engaged.

The President says: If you don't like my programs, then you are an obstructionist.

Tell that to the people whose pensions are fading in front of their eyes. Tell that to the people who work 25, 30 years for a company and see their jobs ended, without the prospect of coming anywhere near the salary they were earning. No, he doesn't say no to the people he ought to say no to. The President proposed the other day—yesterday—that the tax rate that has done us so much good is something he wants to make permanent—I wish he would say no to that—so that the wealthiest among us don't go ahead and wait for their airplanes to be delivered after 3 years. If you order a private airplane—a $25 million or $30 million airplane—if you want to buy one, sorry, there is a line. If you want large yachts, 100 to 200 feet, you have to wait 2 years. What a pity it is for those rich guys to have to pay their share of taxes. I am one of those who have been so fortunate in America. I created a business that got to be very big, along with two other friends who grew up in the poor neighborhood in which I lived. I am more than willing to pay more taxes because, if I do that, I have more money left.

I wish the President of the United States would say no to those people and yes to the people struggling to make a living; yes to the kids who cannot afford to pay for college tuition; yes to those people and don't accuse the Democrats of being obstructionists. Saddam Hussein didn't have to worry about obstructionists in his country. He killed them or jailed them. Mr. President, leaders who are free of obstructionists are also known as dictators.

Our constituents elected us to represent them and their viewpoints in the Senate. One thing I knew when I came to this Senate—now over 20 years ago—I wasn't elected by all the Republicans, by a long shot. I am not even sure I was elected by all of the Democrats. But I won. When I stood and took my oath, I never thought once that I don't have to pay attention to those who did not vote for me—the Republicans, typically. When I won this seat and the responsibility, I accepted the responsibility, and I had an obligation to every citizen in my State and the citizens of this country to listen to them and try to understand their needs. That is what you get in a democracy. You get the opportunity to represent all of the people. It is not just the rubberstamp of the President's initiatives. The Constitution created the Senate as a check on Presidential power. The Founding Fathers created the Senate in order to obstruct the President, when necessary.

Mr. President, throughout history, so-called obstructionists have been the champions of democracy. Looking at these photos of people like this who resisted tyranny, are they obstructionists? Are the people who stood up against tyranny in so many other countries obstructionists? Are they people who are fighting for a cause, or are they obstructionists? This picture looks like Boston. Can those people be called obstructionists as they tried to defend their land? I don't think so. If we look further, there were people who disagreed with some of the Founding Fathers' views, who obstructed the King of England with our Declaration of Independence. It was a pretty good idea, one would have to assume. There was another time when an obstructionist stood up with incredible courage; her name was Rosa Parks. She obstructed immoral rules in her State, and in the picture you see her being fingerprinted before she goes to jail. Obstructionist? There was a former Republican Senator, Margaret Chase Smith. She spoke so eloquently in 1950 in the Senate in order to obstruct the tactics of Senator Joe McCarthy, with his bullying, sadistic kind of approach. Is that an obstructionist or is that a heroine? Women fought for the right to vote. The young women who are here tonight cannot think about times like that. Imagine a woman not being allowed to vote. Were they obstructionists?

Mr. President, the signs in the picture say, "How long must women wait for liberty?" And "Mr. President, what will you do for woman suffrage, for the right to vote?" Yes, they obstructed immorality.

So obstructionism, per se, is not an evil force if you are on the side of the people.

I say here today, in light of our democracy's heritage of productive obstructionism, I will be proud to obstruct some of President Bush's proposals this year.

I am happy to obstruct the President's plan to privatize Social Security and throw our retirement security into the stock market. I will be happy to obstruct those. If people want to take a chance, if they want to gamble, they should go to Atlantic City or Las Vegas, but do not do it with your pension because when you need it, it is liable not to be there.

A few months ago the President presented an unrealistic and flawed budget to Congress, and I hope to obstruct many items in the President's misguided budget proposal. For example, I hope to obstruct President Bush's plan to cut Medicaid by $60 billion over 10 years. Cuts that hurt the poor and the elderly, our Nation's most vulnerable populations. They need that help for their health and for their families. I am not going to stand by and not obstruct those cuts.

President Bush wants to take health care away from lower income families and lower income senior citizens. Is there any compassion there? I do not think so.

If we look at Amtrak, the Nation's premier rail service, the President wants to leave it without money, zero fund Amtrak, shut down the system. You better believe I am going to be there to obstruct that plan whenever I can. Shut down the system that took 25 million riders to their destinations last year?

The President also wants to slash community development programs. He proposes cutting funding to these programs by more than a third. Nearly $4 billion will be taken out of communities across the country. I want to obstruct that.

In regard to protecting our homeland, President Bush has proposed reducing homeland security block grants, cutting them by $253 million. America's soil, America's land, it is a second front in this war against terrorism, and our soldiers are paying a price for their fight there, a terrible price, because the President said no to having enough soldiers to do that job right from the beginning. There are great generals who now reflect on the mission and say: We could have used more soldiers there. One very senior general got fired for suggesting we need over 300,000 troops there.

The President said no to them, but he should not say no to having homeland security financed sufficiently to protect our citizens when they go to work, go to school, go to the library, or travel about our country. I hope everyone in this Chamber will obstruct that cut. I would like my colleagues to say no to that.

On the issue of airline travel, President Bush wants to increase the airline passenger tax by $3 for each leg of a flight. A family of four traveling with a layover each way could see their taxes increase by up to $64 for their round trip.

People are already paying too much in airline passenger taxes. I will obstruct, yes, obstruct President Bush's tax increase.

On our environment, President Bush's budget cuts environmental and natural resource programs by $2 billion. With child asthma cases increasing and other environmental dangers increasing across the country, why would we reduce environmental protection?

I have a grandson who is 11, and he happens to have asthma. He is the oldest of my 10 grandchildren. He is a very good athlete. But whenever my daughter takes him to compete in a baseball game or a soccer game, she always checks where the nearest emergency clinic is in case he has an asthma attack. Childhood asthma is growing in this country by leaps and bounds, and it is because the air is bad and we are not doing enough to clean it up. Asthma and other environmental dangers are increasing across the country. Why would President Bush say no to environmental protection? President Bush, I do not know why you want to obstruct funding for those programs.

Obstructionism is all that separates democracy from dictatorship. Sometimes obstruction is necessary, and in the case of President Bush's agenda, it deserves a healthy amount of obstruction. I hope my colleagues on this floor, regardless of party, will look at each of the President's programs and say: Remember that President Bush obstructed funding for teaching, for schools, for stem cell research, for research on Parkinson's or Alzheimer's. Remember, he obstructed funding for those programs. He took care of the rich, who are only getting richer.

If you looked in the New York Times about 2 weeks ago, there was an article about how the richest in this country are leaving the rich behind, about how 90 percent of the people in this country who work to keep their families together own only 10 percent of the assets of the country, and it is just the reverse on the top side.

In the case of President Bush's agenda, it deserves a healthy amount of obstruction, and I hope the people in this Chamber have the courage to stand up and say: No, I obstruct those terrible cuts and that mean, unhelpful disposition to make it tougher for hard-working families in this country to be able to support themselves, their children, and their needs.

BOLTON NOMINATION

Mr. DODD. Madam President, last evening, something rather extraordinary happened here in the waning minutes of the session. My very good friend from Kansas, the distinguished chairman of the Intelligence Committee, took the floor to discuss the Bolton nomination—an issue, I say to my colleagues, no one wants to be resolved more quickly than the Senator from Connecticut. I have been involved in this for two straight months. The Presiding Officer and I are both on the Committee on Foreign Relations. This goes back to April 11, the day we had hearings. My hope is that we can resolve this matter sooner rather than later.

Last night, my friend from Kansas took the floor and announced that he knew what names the members of the Senate Foreign Relations Committee were concerned about when dealing with the Bolton nomination. This is the matter of the intercepts Mr. Bolton requested—some 10 of them—involving 19 names of U.S. citizens, Americans, on those 10 intercepts. We made the request earlier on to allow the chairman and ranking member of the Intelligence Committee, as well as the chairman and ranking member of the Foreign Relations Committee, to review the raw data on those 10 intercepts to determine whether there were any problems associated with Mr. Bolton's desire to see those intercepts, since there has been a basis of information concerning efforts by Mr. Bolton to intimidate a number of people within the intelligence community—of both the intelligence and research division of the State Department, as well as the CIA—concerning certain intelligence conclusions. Therefore, it is a matter of concern to many of us on the committee that we have an opportunity to review whether there has been any further intimidation.

I offered initially that we have the four Senators I mentioned review the matter. That was rejected by the administration. I then suggested why not just submit the names we are interested in and have the Intelligence Director inform us as to whether those names were part of the intercepts. If they were not, end of matter. If they were, we might want to proceed further to determine why those names were sought out. That was also rejected because the number of names requested to be reviewed was some 36 names. The reason I made the request for 36 names is because we had no idea specifically what these 10 intercepts involved. We were even denied a synopsis of what may be involved. We were flying in the dark about this information.

At any rate, my colleague and friend from Kansas proceeded to say he was familiar with what the six or seven names would be that we should be interested in. As a result, he proceeded to publicly name five of the seven individuals he identified. Not surprisingly, he also announced he consulted with Director Negroponte, who informed my friend that none of the names Senator ROBERTS provided to the administration were among the names Mr. Bolton and his staff were given by the National Security Agency.

What is remarkable about what happened last evening is that the Senator from Kansas is not a member of the Senate Foreign Relations Committee—the committee of jurisdiction with respect to the Bolton nomination. The Senator did not participate in more than 10 hours of hearings on the nomination. I sincerely doubt whether our colleague reviewed the more than 1,000 pages of transcripts from more than 30 interviews conducted by the bipartisan staff who jointly conducted those interviews. I know of no one on the committee who was consulted by our friend from Kansas to provide any input to the list that was settled upon.

I do believe we owe our colleague from Kansas a debt of gratitude, because the administration has at least now accepted the principle of cross-checking names against the list of names reviewed by Mr. Bolton. If the administration, in a matter of hours can cross-check seven names offered up by Senator ROBERTS, chairman of the Intelligence Committee, why is it a problem to cross-check the 36 names we have drawn up based on our own participation in the 10 hours of committee hearings and review of over 1,000 pages of interview?

We are not on some fishing expedition here at all to derail the Bolton nomination. We have not opened the State Department phonebook and selected names at random. There is a very specific rationale for each of the names on the list of 36 developed as a result of 10 hours of hearings, 1,000 pages of transcripts, and some 30 interviews.

The report of Mr. Bolton's hearing quite clearly and starkly paints a picture of an individual who is an ideologue determined to have his own way. We know what he tried to do with the underlings at the State Department and CIA—that is not in debate—who dared resist his efforts to endorse as fact what was not supported by available intelligence. Mr. Bolton tried to crush them. We know what he tried to do with other career State Department employees who ran afoul of him for inexplicable reasons. He sought to have them excluded in legal deliberations in areas of their responsibility or blackballed them from being assigned positions within the Department.

Mr. Bolton was a very driven individual when he sought to get his way with underlings. He even went so far as to propose a CIA analyst be denied country clearance so that he could not undertake official foreign travel.

He even sought to have the same individual's State Department building pass revoked. I do not need to go over these matters in detail, but the fact is, there is more than ample justification for seeking these 36 names, as well as the information that Senator BIDEN has raised regarding the raw data, the draft speeches dealing with testimony before the House committees on Syria.

These are not difficult requests to satisfy. As I said a minute ago, my friend from Kansas submitted seven names to the Department, and he was told within a matter of hours or less that they were not on the 10 intercepts. So whether or not the 36 names sought by the Foreign Relations Committee are included on those intercepts should also be a question that can be answered in a reasonable amount of time.

I have not told anyone, despite a number of requests, the names of the 36 people we would like to have checked out. I think acknowledging certain names is dangerously close to bordering on revealing the importance of the intercept traffic. When certain names are mentioned and then excluded, there is an implication that maybe they should be on those lists. So I would caution Members from publicly talking about the names. We have made no effort to do so. We, of course, want to limit the number of Senators who would actually be able to review this matter to four Senators out of the 100 in this body.

In all my years here, I have never faced such a situation where a coequal Member of this body has presumed to speak on behalf of another—in this case, suggesting that he knew which names we should request. Having submitted those names, he then discovered, of course, that those names were not on the intercept list that we saw.

So I am still hopeful this matter can be resolved. I do not think it should take that long. Certainly, if the administration would just respond to the two requests regarding the draft statements—congressional testimony by Mr. Bolton—and check out the names that we have requested regarding these intercepts, if that information is provided and clears up those two matters, then I think this body is ready to vote up or down on Mr. Bolton.

Perhaps he behaved more judiciously in dealing with his peers and superiors than he did with those below him in rank. Perhaps the information he requested from the NSA was routine and solely to carry out his responsibilities as Under Secretary of State for Arms Control and International Security.

But given Mr. Bolton's zealotry on proliferation, on North Korea, on Libya, on Syria and other policy areas, it is not unreasonable to worry that he used all tools at his disposal to advance his causes. That is what we seek to find out through a cross checking of our names of concern against the names provided to Mr. Bolton.

As a matter of institutional right, we have, I think, an absolute right, as a coequal branch of Government, to solicit information that directly pertains to the qualifications of this individual to be confirmed by the Senate for the position to which he has been nominated. So I would hope that the information would be forthcoming and that we would be able to get the answers and move on.

The PRESIDING OFFICER. The Senator from Massachusetts.

TOBACCO

Mr. KENNEDY. Mr. President, this morning's reports on the Justice Department's tobacco case are deeply disturbing for all Americans concerned about the health of their children. The Justice Department memos obtained by reporters show that high-level Bush administration political appointees overruled professional lawyers in the case in slashing damages the tobacco companies would be required to pay. There is no clearer example of this administration's view that Government and the courts should protect big corporations first and real people last. Whether it is global warning or Iraq or tobacco, their view is that the facts should never be allowed to get in the way of their rightwing politics.

There are few initiatives that would have a greater impact on the health of our children than smoking prevention. No parent in America ever says, "I hope my child grows up to be a smoker." Parents know that every child we prevent from smoking will have a healthier, fuller, happier life.

That is what this lawsuit was all about—requiring big tobacco companies to pay for antismoking programs.

I urge the President to intervene with his Justice Department. They made a political decision to back big tobacco. Now the President should make the responsible decision to back America's families.

If the tobacco companies do not pay for their misdeeds, then our families will pay with more cancer, more illness, and shortened lives.

From a public interest perspective, the worst thing would be for the Justice Department to settle with the tobacco companies based upon the weak and inadequate demand that DOJ made to the court last week. At this point, we have far more confidence that the court will do the right thing than the Justice Department will do the right thing. The court has the authority to look beyond the Justice recommendations and to order strong remedies based on the evidence presented at the trial. We should let the court decide.

AGAINST RACE-BASED GOVERNMENT IN HAWAII, PART III

Mr. KYL. Madam. President, I rise today to ask unanimous consent that the following account of the history of the Hawaiian monarchy be printed in the RECORD following my present remarks.

The PRESIDING OFFICER. Without objection, it is ordered.

(See exhibit 1.)

Mr. KYL. This history is in the appendix to "Hawaii Divided Against Itself Cannot Stand," an analysis of the 1993 apology resolution and S. 147, the Native Hawaiian Government Reorganization Act, that was prepared by constitutional scholar Bruce Fein. I previously have introduced earlier parts of that analysis into the RECORD—this is the third and final instalment.

The appendix to Mr. Fein's analysis carefully explains the nature of the Hawaiian monarchy, its evolution toward constitutional democracy, the attempt by the last monarch to undercut those reforms and compromise the judiciary, and the actors involved in stopping that monarch and establishing a democratic republic. This account is a useful antidote to the tendentious blame-America narrative provided in the 1993 apology resolution. The truth is much more nuanced than the resolution's "Whites vs. Natives" account. The real story is about a multiracial constitutional monarchy slowly evolving toward democratic norms and equal rights—a process whose final step was the admission of Hawaii as a State in the Union. That step was approved in 1959 by 94 percent of Hawaii's voters—large majorities of non-Natives and Natives alike.

The Native Hawaiian Government Act would undo that step—Hawaii's admission to the Union as a unified people and State. Indeed, it would even undo the progress made under the Kamehameha monarchy. That constitutional monarchy was not a monoracial institution. It included Hawaiians of all races. This bill would create, for the first time in Hawaii since the early 19th century, a government of one race only. This is not progress.

I urge my colleagues to read Mr. Fein's history, and to ask themselves why we would want to undo the achievements of past generations of Hawaiians by enacting S. 147 and creating a race-based government in Hawaii.

EXHIBIT 1

[From the Grassroot Institute of Hawaii, Jun. 1, 2005]

HAWAII DIVIDED AGAINST ITSELF CANNOT STAND

(By Bruce Fein)

APPENDIX

The apology issued by the United States Congress in 1993 to the Native Hawaiians for the "illegal" overthrow of the Hawaiian monarchy and its annexation to the United States is riddled with historical inaccuracies. The resolution alleges that the Committee of Safety, the political juggernaut that deposed Queen Lili'uokalani, "represented American and European sugar planters, descendants of missionaries, and financiers." The language fails to disclose the Hawaiian monarchy's deep and lasting ties with the most powerful sugar planters on the islands. Many of the wealthiest sugar barons steadfastly supported the monarchy in opposition to the Committee for Safety.

Chinese and Japanese immigrants provided an abundant source of cheap labor on the sugar plantations. They labored for wages below what was required on the American mainland. The sugar planters owed their impressive profit margins to these workers. Annexation to the United States would have eliminated the sugar planter's labor cost advantage. Many sugar barons vigorously defended the monarchy to retain their access to cheap labor.

The sugar barons invested heavily in the monarchy. Claus Spreckels, the wealthiest sugar baron on the islands, established Claus Spreckels & Co. Bank in 1885. King Kalakaua borrowed heavily from Spreckels' bank; the planter's substantial influence garnered him the nickname "King Claus". King Kalakaua unsuccessfully endeavored to secure a two million dollar loan from the British to settle his debts to Spreckels' bank. Spreckels' financial stake in the monarchy provided him with considerable political capital, which he spent securing his business interests. After the Committee of Safety deposed the Queen, Spreckels vigorously lobbied for her reinstatement.

Some planters and financiers did offer their support to the Committee of Safety due to economic concerns. Prior to 1890, the United States conferred the privilege of duty free sugar imports only on Hawaii. The McKinley Tariffs eliminated Hawaii's advantage by allowing all foreign suppliers to export their sugar to the United States duty free and subsidizing domestic sugar production. Some businessman favored establishing a free trade agreement with the United States; others contended that annexation would assure unfettered access to American markets for Hawaiian goods. However, the congressional resolution exaggerates the presence of sugar planters on the Committee of Safety. Two members did hold management positions at sugar companies, and the Honolulu Ironworks, a provider of equipment to the plantations, employed another member. No member held a controlling interest in a sugar company, nor would it be accurate to assert that any of the members were sugar barons.

Queen Lili'uokalani herself furnished the proximate cause of the revolt. Since its inception in 1810, the Hawaiian monarchy embraced increasingly democratic governance. Queen Lili'uokalani reversed that trend when she sought to unilaterally change the constitution to augment her own power and weaken the government's system of checks and balances. The Hawaiian constitution, that the Queen had sworn to uphold, explicitly limited the power to revise the Constitution to the legislature, which represented native and non-Native Hawaiians alike. Her proposed Constitution allowed the monarch to appoint nobles for life, reduced judges' tenure from life to six years, removed the prohibition against diminishing judge's compensation, and admonished Cabinet members that they would serve only "during the queen's pleasure." The Queen's own cabinet refused to legitimize her autocratic constitution. Her disregard for democracy provoked the 1893 revolution. The congressional resolution blatantly ignores the historical circumstances surrounding her overthrow.

While the apology expressly condemns the alleged military intervention by the United States, the Hawaiian monarchy itself established its primacy through a series of bloody conflicts with rival chieftains. King Kamehameha I succeeded in uniting the islands and establishing control over foreign immigration, which began with Captain Cook's arrival nearly thirty years earlier. He did not hold elections. He gained power through brute force and ruthless measures. During a battle in the Nuuanu Valley, Kamehameha's forces drove thousands of Oahuan warriors off steep cliffs to their death. According to the logic of the congressional Apology Resolution, King Kamehameha I's seizure of land by force amounts to a violation of international law. The Hawaiian monarchy, which the resolution holds in such high regard, is guilty of far more egregious "illegal" actions than those supposedly perpetrated by the United States.

In 1819, shortly after the death of Kamehameha I, his widow, Kaahumanu, became the de facto ruler and installed the deceased King's 23 year old son by another wife, Liholiho, as the nominal ruler, thereafter known as Kamehameha II. Under pressure from Kaahumanu and Keopuolani, the young king's mother, Liholiho broke the kapu, ordered the destruction of heiaus (stone alters) and the burning of wooden idols. Anthropologists have long regarded pre-contact Hawaii as the most highly stratified of all Polynesian chiefdoms. The chiefly elite from Maui and Hawaii Island had exercised a cycle of territorial conquest, promulgating the kapu system, an ideology based on the cult of Ku, a human sacrifice-demanding god of war, to legitimize chiefly dominance over the common people. The chiefs typically imposed the death penalty for violating kapu; women and those of lower castes suffered disproportionately under the system. When Liholiho broke the kapu by sitting down to eat with the women Ali'i, Kaahumanu announced, "We intend to eat pork and bananas and coconuts and live as the white people do." The following year, 1820, the first American missionaries arrived in Hawaii. Soon after, Kaahumanu took charge of Christianity and made it the official religion of the Kingdom. These shattering changes in the religion, culture and governance of Hawaii were the work of the Native Hawaiians themselves.

All foreigners came under the purview of the Native Hawaiian monarchy. The Apology Resolution decries the imperialist tendencies of the missionaries, yet their access to Native Hawaiians remained contingent on the monarchy's good graces. Several attempts to inject the Ten Commandments into the civil code failed, and King Kamehameha III actually banned Catholic missionaries for a time.

The Hawaiian monarchy had gained international recognition by the reign of King Kamehameha III. The child king ceded power to his regent, Kaahumanu, who remained the de facto ruler until her death in 1832. While the regency yielded significant changes in Hawaiian common law, including the introduction of jury trials, King Kamehameha III affected a seismic shift toward democracy when he produced the Constitution of 1840. The influx of foreign merchants and settlers had exposed the Native Hawaiians to new modes of jurisprudence and governance. These revolutionary ideas found expression in the new Hawaiian constitution. King Kamehameha III took a particular interest in studying political structures; he requested that an American missionary, William Richards, tutor him in political economy and law.

The king, the chiefs, and their advisors convened to draft a declaration of rights and laws in 1839. The declaration secured the rights of each Hawaiian citizen to "life, limb, liberty, the labor of his lands, and productions of his mind" and represented a critical concession to the king's subjects. The language ensured that native and non-Native Hawaiian citizens enjoyed equal protection under the law.

The following year, the council of chiefs and King Kamehameha III drafted a formal constitution. The document provided for the creation of a "representative body" chosen by the people and a supreme court consisting of the king; the kuhina-nui, the premier or regent; and four judges appointed by the "representative body." Moreover, the document specified that only the legislature could approve alterations to the constitution following a year's notice of the proposed change. The government followed the mandated procedure and revised the constitution in 1852, which more explicitly outlined the powers accorded to each branch of government. While the Hawaiians borrowed many of their political philosophies from Western civilization, they forged a government of their own accord.

The Apology Resolution contends that "the Indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States," yet the land system remained virtually unchanged after the 1893 overthrow and subsequent annexation. King Kamehameha III embarked on an ambitious land reform program in 1848, termed the "Great Mahele." The original spate of reforms, the Buke Mahele, divided the land amongst the King and the 245 chiefs. The King further divided his lands into the Crown Lands and the Government Lands, the latter was to be "managed, leased, or sold, in accordance with the will of said Nobles and Representatives . . ." [Footnote: R.S. Kuykendall, The Hawaiian Kingdom 1778–1854 Vol 1, pg. 289.] Then, the Kuleana Grant program offered fee simple titles to the native tenants tilling each plot or kuleana. The commoners' share of land constituted a small fraction of the total; however, the kuleana lands were the primary productive agricultural land of the Kingdom and were considered extremely valuable. The Kuleana Grants awarded land to approximately two out of every three Native Hawaiian families.

The editor of the Polynesian newspaper extolled the grant as "the crowning fact that gives liberty to a nation of serfs." Indeed, fifty years prior to annexation, the Hawaiian monarchy dismantled the "subsistent social system based on communal land tenure" that the Apology Resolution references. The government only extended the possibility of land ownership to foreign born residents two years after the Kuleana Grant. The provisional government of 1893 simply gained ownership of the crown lands and the government lands. The Apology Resolution faults the United States for acquiring those lands from the provisional government without providing compensation to Hawaii. Yet, the United States assumed over 3.8 million dollars of Hawaii's public debt, largely incurred under the monarchy, after annexation. That debt burden amounts to twice the market value of the land the United States inherited. Native Hawaiians did not forfeit one acre of land as a consequence of the overthrow or annexation.

King Kamehameha III's reign institutionalized a measure of representative democracy and property rights in Hawaii. King Kamehameha V's failure to designate a successor afforded native and non-native subjects alike the opportunity to elect the next two monarchs, King Lunalilo and King Kalakaua. The Hawaiian monarchy itself infused democracy, property rights, and a system of common law into Hawaiian society. The annexation did not alter those institutions.

The Constitution of 1887 extended democracy to the selection of nobility, reduced the arbitrary power of the King, stipulated that only the legislature could approve constitutional changes, and mandated that no cabinet minister could be dismissed without the legislature's consent. While the King signed the new constitution under pressure from a militia group, the Honolulu Rifles, the net effect of the revisions provided Hawaiian citizens with a more democratic government. Many natives expressed concern over the extension of suffrage to resident foreigners of western descent and the property qualifications to vote for or become nobles. A minority embarked on an ill-fated effort to depose King Kalakaua and install Lili'uokalani in his place. However, most native and non-native dissenters sought redress within the democratic system. Their opposition parties, the National Reform Party and the Liberal Party, garnered a substantial number of seats in the legislature. Queen Lili'uokalani's autocratic demands in 1893 appear even more egregious against the backdrop of liberalization that her predecessors championed.

The Apology Resolution also casts United States Minister to Hawaii, John Stevens, in a sinister light, charging that he "conspired with a small group of non-Hawaiian residents of the Kingdom of Hawaii . . . to overthrow the indigenous and lawful Government of Hawaii." Moreover, the resolution contends that the United States Navy invaded Hawaii and positioned themselves "near Hawaiian Government buildings and the Iolani Palace to intimidate Queen Liliuokalani." There is not a shred of hard evidence to support either of those claims. The Blount Report itself, cited by the Apology Resolution, contains statements from the leaders of the revolution and from John Stevens himself which directly refute those allegations. W.O. Smith recounted the Committee of Safety's contact with Minister Stevens in Blount's report: "Mr. Stevens gave assurances of his earnest purpose to afford all the protection that was in his power to protect life and property; he emphasized that fact that while he would call for the United States troops to protect life and property, he could not recognize any government until actually established. He repeated that the troops when landed would not take sides with either Party, but would protect American life and property."

Minister Stevens consistently denied any involvement in the revolution. Any statement to the contrary amounts to little more than speculation.

The Blount Report was a partisan endeavor. The newly elected Democratic President Cleveland castigated the outgoing Republican administration of President Harrison for its "interventionist" tactics in Hawaii prior to any investigation. Cleveland accused Minister Stevens of orchestrating virtually every aspect of the revolution in an address to Congress claiming that "But for the notorious predilections of the United States Minister for annexation, the Committee of Safety, which should be called the Committee of Annexation, would never have existed." In fact, King Kamehameha III first proposed annexation to the United States in 1851, despite strenuous objections from the French and the British. When Cleveland commissioned the Blount report, the ongoing effort to discredit the Harrison administration colored Blount's impartiality. He did not swear in his witnesses, nor did he interview all involved. Cleveland even attempted to reinstate Queen Liliuokalani, although he aborted those efforts after the Queen repeatedly insisted that all involved in the Committee of Safety be executed. The Senate's bipartisan Morgan Report found little evidence to support Queen Lilioukalani's fraudulent claims that United States pressure forced her to abdicate the crown.

The provisional government encountered little resistance. Just 800 Hawaiian royalists staged a short-lived counter-revolution in 1895. Under the leadership of President Sanford B. Dole, the new government convened a constitutional convention in the summer of 1894. The resulting document cemented civil liberties for all Hawaiian citizens, similar to the American Bill of Rights, and mandated that a Senate and House of Representatives be elected by the people. Royalists continued to express their frustrations in opposition newspapers without censure. After the 1898 annexation, Native Hawaiians proved a dynamic force in island politics. While just one of the Washington-appointed Governors, Samuel Wilder King, possessed Hawaiian blood, five out of ten elected Delegates to Congress boasted Native Hawaiian ancestry. In 1903, a Native Hawaiian Delegate to Congress of royal ancestry, Prince Kuhio, delivered Hawaii's first petition for statehood to Washington.

August 21, 1959 remains a day of celebration for Hawaiians of all races and creeds. Hawaii's induction into the union as the fiftieth state marked the culmination of its protracted struggle for statehood. Native and non-Native Hawaiians voted overwhelming in favor of statehood in the plebiscite preceding the formal declaration. Native Hawaiians did not rally in opposition to statehood; just 6 percent of the voters opposed the measure whereas 94 percent resoundingly announced their support. As Senator Inouye of Hawaii so eloquently testified, "Hawaii remains one of the greatest examples of a multiethnic society living in relative peace." Congressional Record, 1994, Page S12249. He echoes the same sentiments Captain Ashford expressed in 1884 to King Kalakaua when he referred to the Hawaiian flag as, "this beautiful emblem of the unity of many peoples who, blended together on a benignant basis of political and race equality, combine to form the Kingdom of Hawaii . . ." The Akaka Bill would thus represent a wretched regression in race relations that would occasion equally wretched racial ills.

JUNETEENTH INDEPENDENCE DAY

Mr. OBAMA. Madam. President, I was pleased to join the Senator from Michigan, Senator LEVIN, in submitting a resolution on the Juneteenth Independence Day.

I have heard people ask, "Why celebrate Juneteenth?" We have so many holidays and remembrances already—why add more history to the calendar?

But of course, Juneteenth is not just about celebrating history. It is about learning from it. Just like the day when the greatest civil rights leader of our time was born or the day when we finally gave African Americans a ballot and a voice, Juneteenth is a day when we can look back on a time when everyday Americans faced the most daunting challenges and the slimmest odds and still persevered. When they said "we shall overcome," and they did. When the hopes held by so many for so long finally led to the victory of freedom over servitude; of independence over enslavement.

Juneteenth is a day that allows us to remember that America is still the place where anything is possible. It has been that place in the past, and it can be that place in the future when it comes to the challenges we have yet to meet.

And so when we think of those challenges—when we think of the injustice we still face and the miles we have left to march—when we think of the millions without health care, the children without good schools, the families without jobs, and the disparities that still exist between black and white, rich and poor, educated and uneducated—when we think about all these challenges, we can also think "Juneteenth."

We can think of a day when the word began to spread from town to plantation to city to farm that after more than a hundred years of slavery, millions were now free. That after so many hopeless days and years of despair, the impossible was now truth; the shackles were now broken and a new day was finally here.

In the memory of this day, I believe we can find hope for all the trying days we have yet to face as a people and as a nation. And as we continue to overcome, we will continue to celebrate those victories as historical markers that give future generations the same hope we have today.

I commend Senator LEVIN for his longtime leadership on civil rights issues and urge my colleagues to support this resolution.

Mr. KERRY. Mr. President, I wish to recognize the upcoming Juneteenth celebration that will occur this Sunday, June 19, 2005. This celebration commemorates the end of slavery throughout the United States. Although the Emancipation Proclamation was issued on January 1, 1863, the information had not been passed to the most rural parts of the South until some two and a half years later when General Gordon Granger entered Galveston, TX on June 19, 1865, and issued the proclamation, officially freeing the town.

There are a number of theories to explain why it took so long for the message of freedom to reach many slaves throughout the South. While there is yet to be a definitive explanation for the delay, as we continue to recognize the importance of this date, we can be assured that scholars will continue to research this part of our Nation's history.

Annual Juneteenth celebrations have long been a part of our Nation's history. Although they were held in the years immediately following 1865, they were not popular in the Jim Crow-era South. In fact, they were banned from public property, and, in order to continue the celebrations, churches throughout the South held fundraisers to sponsor Juneteenth events. This was common until the Great Depression, when people could no longer afford the necessities of everyday life, let alone celebrations of our past. At the same time, in many public schools, teachers often focused discussion on the day of the Emancipation Proclamation, even though it had no immediate impact for slaves in many parts of the South. Thus, there was limited recognition of the importance of Juneteenth until the Texas legislature recognized it as an official holiday on January 1, 1980.

This weekend we recognize this important celebration. In so doing, we take time to reflect on the evil of slavery. This is a time to learn from the past and to redouble our efforts to ensure that the values of freedom and liberty in this country are afforded to all its citizens. Juneteenth is a day for reflection, for prayer and for hope that our country will continue to grow together in the spirit of liberty, equality and justice.

I am proud to honor the 140th commemoration of the African American emancipation day, Juneteenth, June 19, 1865.

"HEROES AMONG US" AWARD RECIPIENTS

Mr. KENNEDY. Mr. President, all of us in New England are proud of the Boston Celtics. They led the Atlantic Division of the NBA this season, but they are also leaders in the community. Each year, the Celtics honor outstanding persons in New England as "Heroes Among Us"—men and women who have made an especially significant impact on the lives of others.

The award, now in its 8th year, recognizes men and women who stand tall in their commitment to their community. The extraordinary achievements of the honorees this year include: saving lives, sacrificing for others, overcoming obstacles to achieve goals, and lifelong commitments to improving the lives of those around them. The winners include persons of all ages and all walks of life—students, community leaders, founders of nonprofit organizations, members of the clergy, and many others.

At home games during this season, the Celtics and their fans salute the efforts of an honoree in a special presentation on the basketball court. So far, over 300 individuals have received the "Heroes Among Us" award.

The award has become one of the most widely recognized honors in New England. I commend each of the honorees for the 2004–2005 season, and I ask unanimous consent that their names and communities be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

Bill Annino, Scituate, RI
Mattie Arkord, Brighton, MA
Suzin Bartley, Milton, MA
Boston MedFlight, Bedford, MA
Andrea Casanova, Boston, MA
Mike Cataruzolo, Watertown, MA
Marisol Chalas, Lynn, MA
Erika Ebbel, Cambridge, MA
Jini Fairley, Dorchester, MA
Judi Fanger, Needham, MA
Autumn Faucher, Pelham, NH
Students from Fenway High School, Boston, MA
Sue Fitzsimmons, Wellesley, MA
Officer Steven Fogg, Waltham, MA
Lauren Fox, Brookline, MA
Gladys Aquino Gaines, Andover, MA
Sean Gavin, Brighton, MA
The Giangrande Family, Andover, MA
Manna Heshe, Brookline, MA
Deborah Jackson, Milton, MA
Hubie Jones, Newton, MA
Kirk Joselin, Holliston, MA
Paula Kane, Westborough, MA
Rick De Muinck Keizer, Belmont, MA
Dr. Punyamurtula Kishore, Chestnut Hill, MA
Sotun Krouch, Lynn, MA
Iwona and Emily Londono, Dorchester, MA
George Mazareas, Nahant, MA
Jake Mazza, Newton, MA
Jane Melchionda, Reading, MA
Kimo Murphy and David Dorriety, Hillsboro, NH
Kyle Power, Methuen, MA
Pat Pumphret, Winthrop, MA
Jerry Quinn, Brighton, MA
Margie Rabinovitch, Newton, MA
Sergeant Steve Roche, Worcester, MA
Freddie Rodrigues, Dorchester, MA
Dick Rogers, Waltham, MA
Jothy Rosenberg, Newton, MA
The Sammis Family, Rehoboth, MA
The Schoen Family, Weston, MA
Peter Trovato, North Attleboro, MA
Three members of the original Tuskegee Airmen: Jack Bryant, Cohasset, MA; James McLaurin, Weymouth, MA; Enoch Woodhouse, Boston, MA.
Nancy Tyler Schoen, Franklin, MA
Steven Vellucci, Jr., Tyngsboro, MA

NOMINATION OF THOMAS GRIFFITH

Mr. BIDEN. Madam President, I ask unanimous consent to have printed in the RECORD my statement on the nomination of Thomas Griffith.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NOMINATION OF THOMAS GRIFFITH

Mr. BIDEN. Mr. President, I rise today to discuss the nomination of Thomas Griffith to the U.S. Court of Appeals for the District of Columbia. I intend to vote for Mr. Griffith's nomination today. When the Judiciary Committee reported Mr. Griffith's nomination to the floor on April 14, I opposed his nomination because of my concern over the nexus between his public views on title IX and his views on stare decisis. More specifically, I expressed concern that Mr. Griffith had not clearly indicated that he would respect 27 years of the accepted legal interpretation espoused by successive administrations and other Federal appellate courts regarding the "substantial proportionality" test of title IX. In my view, failure to accept this consensus as "applicable precedent" would mark a monumental, and unacceptable, shift in the ability to enforce title IX.

When I voted against Mr. Griffith in the Judiciary Committee, however, I stated that I would reconsider my vote on the floor if I received assurances that he would respect the unanimous consensus of the Federal appellate courts and prior and current administration interpretations on title IX. When I was unable to reach Mr. Griffith, I had my staff director speak to him to ask a series of followup questions. Mr. Griffith assured my staff that he would consider the consensus views of the appellate courts and administration views as "applicable precedent" with respect to any challenge to title IX he might face as a sitting judge on the DC Circuit. He also reiterated the point, made in his earlier written responses, that he would recuse himself in any case where the DC Circuit's recusal rules required it. Mr. Griffith also noted that he has five daughters who are all active in sports and who had been direct beneficiaries of title IX. He stated that, having seen first-hand the tangible effects of increased participation for women in sports, he would never do anything to curtail the continued success of title IX.

By all accounts, Mr. Griffith is an honorable man and I take him at his word. It is my hope and expectation that he will apply the consensus precedent on title IX matters should he consider them on the bench. I am fortified in my views by the strong endorsement of Mr. Griffith's nomination by three individuals for whom I have great respect—Judge Abner Mikva, Gregory Craig, and Lanny Breuer. I served in Congress with Judge Mikva, helped shepherd his nomination to the Federal bench, and worked closely with him when he was White Counsel and I was chairman, then ranking member, of the Judiciary Committee. I have worked with all three of these individuals, and their personal assurances to me that Mr. Griffith is both a man of his word and possessed of the requisite judgment and temperament to sit on the Federal bench is a significant factor in my decision to support his nomination. Finally, I am hopeful that Mr. Griffith will also remain true to his word for the sake of his five daughters who have been direct beneficiaries of title IX.

For these reasons, I have decided to support Mr. Griffith's nomination on the floor.

ADDITIONAL STATEMENTS

RECOGNITION OF ECONOMIC EDUCATION ACHIEVEMENTS

• Mr. AKAKA. Mr. President, I want to recognize the achievements of several individuals from Hawaii who have excelled in an area of great interest to me, the area of economic education.

First is Lance Suzuki, a teacher at Maryknoll High School in Hawaii. For his AP Economics class he developed a new and very innovative piece of curriculum, a novel approach to involve the students in learning economics. This lesson is called "What Does 2 Trillion Dollars Buy?" where students participate in learning the political side of the economy as well as how the federal budget is developed and approved by the Congress. For this lesson, he was recognized by the NASDAQ Stock Market Educational Foundation, Inc. and the National Council on Economic Education as the Grand Winner of their 2005 National Teaching Award.

Economic education is very important to our nation. Commercial marketing continues to target younger audiences—not just teenagers, but young children—to become consumers and in some cases provides them with easy access to lines of credit. We must ensure that our students have the necessary tools for sound financial decision making. Lance Suzuki's curriculum achieves this important goal. Not only will his students and school benefit, but all of us will gain from the innovative efforts of Lance Suzuki. I am proud that a teacher in my home State of Hawaii has been recognized with this prestigious award for expanding economic education.

I also wish to congratulate a group from Iolani School. They are students Justin Van Etten, Lara Malins, Tyler Mizumoto and Reed Ayabe, and their coach, Col. Richard Rankin. These four students along with team member Steve Schowalter, who was unable to attend the competition, comprise the top Iolani School Economics Team. On May 23, 2005, they won the 2005 National Economics Challenge, a competition that started out with 34,000 teams nationwide. The future of our country depends on our students, and I am pleased to know that Hawaii is turning out such successful young people. I earnestly congratulate them for their achievement.

I have been very active in working to address economic and financial illiteracy in the United States. I have introduced legislation including the Mutual Fund Transparency Act, the College Literacy in Financial Education Act and the enacted Excellence in Economic Education Act. We must strive for better economic and financial literacy, which, in turn, will result in stronger families, better-functioning markets, and a more secure future for our nation.

It is a critical time for citizens to be literate in economic issues. More than ever, the need for leadership in the classroom is foremost and the involvement of students is paramount. Lance Suzuki and the Iolani Economics Team are role models for our country and I am proud to extend my sincere congratulations and appreciation for their hard work.•

RECOGNIZING JULIA DYER

• Mr. ALLEN. Mr. President, today I am pleased to recognize Julia Dyer, a teacher at Albemarle High School in Charlottesville, VA, who is one of eight finalists for the Richard T. Farrell Teacher of Merit Award for outstanding success in teaching history.

The Richard T. Farrell Award is presented each year to a teacher who employs innovative and creative teaching methods in and out of the classroom. The teacher must participate in the National History Day program, develop and use creative teaching methods to pique students' interest in history, help them make exciting discoveries about the past, show exemplary commitment to helping students develop their awareness of history and recognize their achievements.

Ms. Dyer is being recognized for her dedication to the National History Day program and her success with improving history education. She has been involved in helping students participate in National History Day for over 20 years. Ms. Dyer has a unique ability to take a classroom curriculum and personalize it for each student. And, most impressively, she continues to have an impact on students even after they have left her classroom.

As a former Governor who implemented academic standards for Virginia's students in a broad range of subjects, including history, I am especially pleased that we have outstanding women like Julia teaching in our schools. I commend Julia on her selection for this award and applaud her dedication to her students, the improvement of the educational process and the teaching of our common history. With dedicated teachers like Julia Dyer, I know the students in Virginia, and indeed across America, have a bright future.•

COLLEGE WORLD SERIES IN OMAHA—JUNE 2005

• Mr. NELSON of Nebraska. Mr. President, on June 17, 2005, more than a half-century baseball tradition continues in Omaha, NE. This is the 56th year in a row that Omaha plays host to what is officially named the NCAA Men's College World Series. Of course, baseball fans nationwide know it by its unofficial name—"The Road to Omaha."

The Men's College World Series features the best teams that college baseball has to offer. Many of the players are the professional superstars of tomorrow. One has even gone on to become President of the United States. As a student at Yale University, President George H.W. Bush played in the College World Series in Kalamazoo, MI, in 1948, 2 years before the games found their permanent home in Omaha.

In 2001, President George W. Bush came to Omaha to throw out the first ball at Johnny Rosenblatt Stadium. The stadium, named in honor of a former Omaha mayor and avid baseball fan, serves as the home ballpark for the Omaha Royals, which is the Pacific Coast League AAA farm team of the Kansas City Royals.

Since the College World Series came to Omaha in 1950, there have been 799 games played at Rosenblatt Stadium with 5,692,950 fans in attendance. The attendance shows remarkable growth from that first year when fewer than 18,000 fans showed up for the entire series. Today, the average attendance for the entire 10-day event approaches 230,000 with an average per-session attendance of nearly 23,000.

Credit for this phenomenal success story goes to College World Series of Omaha, Inc., a nonprofit organization which has captured the imagination of the people of Omaha, its business leaders, city officials and volunteers.

We are often asked by fans that follow their teams here and are attending their first College World Series, "Why Omaha?" The answer is easy. The entire city rolls out the red carpet for visiting teams and their supporters. Baseball fans, most from the Omaha area, fill the stadium for each game. They cheer all participating teams equally, making players, families and fans from other parts of the country feel welcome. Even when hometown favorites, the Nebraska Cornhuskers or Creighton Bluejays make it to the series, fans continue to cheer for teams coming from other States.

Many Omaha supporters take time off from work during the 10-day event, tailgating on the stadium grounds and attending games each day. They will often wait in line all night to buy tickets which remain low in price despite sellouts and the fact that games are telecast nationwide on ESPN and ESPN2. A book of 50 general admission tickets sells for $50. Even box seats for the championship games sell for only $30.

The College World Series in Omaha has become as much of a tradition as baseball itself. Even the name, Omaha, has become synonymous with championship baseball. Instead of referring to it as the College World Series or the NCAA Division I Baseball Championship, teams competing to play here all refer to Regional and Super Regional tournaments as the "Road to Omaha."

In the same year that baseball returned to Washington, DC, I am proud that the College World Series returns to Omaha for its 56th consecutive year with contractual assurances that it will remain here at least through 2010.

I'd like to extend a warm Nebraska invitation to all of my colleagues and baseball fans everywhere to come to Omaha from June 17 through 27 to enjoy college baseball's finest tradition. You are certain to enjoy yourselves, and like many of the players who earn the right to participate in the College World Series, you, too, will find yourself part of the "Road to Omaha" experience.•

SOL M. LINOWITZ

• Mr. SARBANES. Mr. President, when Sol M. Linowitz died recently, at the age of 91, this country lost a distinguished citizen and his family lost a loving, wise and generous husband, father, brother and grandfather. Those who had the privilege of working with him—and there are many of us—lost a colleague and wise counselor and, above all, a dear friend.

It says much about Sol Linowitz that he opened his 1985 memoir, The Making of a Public Man, with a citation from Justice Oliver Wendell Holmes, Jr.: "It is required of a man that he should share the passion and action of his time at peril of being judged not to have lived." That is precisely what Sol did over the course of what his brother, Bob Linowes, described—too modestly—as Sol's "exemplary and productive life." Indeed, it can be said of Sol Linowitz that almost from his birth in 1913 until his death earlier this year, he reflected in his own life the highest ideals, aspirations and achievements of 20th-century America.

Sol Linowitz was the eldest of Joseph and Rose Linowitz's four sons. Both his parents had come to this country as adolescents from what was then the Russian empire. They met and married in this country, settling in Trenton, NJ, and raising their family there. Of his parents Sol has written simply but eloquently: they "were not highly educated people; they had come across the ocean . . . bringing their hopes and little more . . . their life was a struggle." From his parents he received the priceless gift of principles by which to live his own life: the fundamental importance of education; values taught by example, not rhetoric; people helping others in need. He grew up in a neighborhood of families similar to his own, except that they had come from Ireland, and Italy and in an earlier time and under different conditions, from Africa. He could see that his parents "most of all loved and trusted this country."

On the strength of advice from a high school teacher and a modest scholarship, Sol Linowitz went to Hamilton College, where he went on to become the Class of 1935 Salutatorian. Advice from a distinguished Hamilton alumnus, Elihu Root, led him to law school; when he told Root that he was thinking of becoming a rabbi or studying law, Root replied: "Become a lawyer. I have found that a lawyer needs twice as much religion as a minister or rabbi." Once again, this time at Cornell Law School, he rose to the top of his class, finishing first and serving as editor-in-chief of the Cornell Law Quarterly. A number of his law-school friends, like Senator Edmund Muskie and Secretary of State William Rogers, went on to become eminent public servants and practitioners of the law. But Sol wrote with typical understatement in his memoir that "the most significant social contact" of his years at Cornell was Toni Zimmerman, a Cornell student. All who know Toni Zimmerman Linowitz would certainly agree. Sol and Toni were married for 65 years.

Sol chose to practice law in Rochester with the small family firm of Sutherland and Sutherland. Following government and military service during World War II, he and Toni returned to Rochester. Sol resumed his law practice. At the same time, he entered into the sustained engagement in community and national affairs that was to illuminate his entire life.

Sol Linowitz's commitment to public service extended far beyond his government service, which began with his OAS ambassadorship, in 1969. He found an extraordinary range of opportunities to serve. For many years he was a trustee of Hamilton College and of Cornell University, which had both served him so well—and also of Johns Hopkins University, in Baltimore, and the University of Rochester and the Eastman School of Music, in Rochester. He was chairman of the Jewish Theological Seminary of America. He served as president of the National Urban League. He was a co-founder of the International Executive Service Committee, in 1964, and the founder of the InterAmerican Dialogue, in 1982. He was an advisor to three U.S. Presidents, and was President Carter's representative in the Israel-Egypt negotiations following the Camp David Accord.

With Ambassador Ellsworth Bunker, Sol Linowitz led the U.S. team that negotiated the Panama Canal Treaties. It has been reported that years later Sol said of this daunting challenge, "In retrospect, I'd have to say that assignment was probably the most difficult and the most challenging of my life. It is also the accomplishment of which I am most proud." Sol had reason to take pride in his achievement. The treaties were brilliantly drafted and negotiated. They put an end to a growing source of friction in U.S. relations not just with Panama but with all of

Latin America, and assured the continuing, smooth operation of the Canal.

It was in my capacity as a manager of the floor debate over the Senate's advice and consent to the treaties that I worked closely with Sol Linowitz over many months and got to know him well. He was an extraordinarily skillful diplomat, an honorable and dedicated public servant. He was also a person of singular intelligence, integrity, and human compassion. It was my privilege to consider him a friend.

Sol opened his memoir with the quotation cited above from Justice Oliver Wendell Holmes, Jr. In closing, he turned to Archibald MacLeish. MacLeish, he noted, "once said that 'America is promises,' but these promises have not been kept equally to all. Those of us for whom the most extravagant promises of this land have become a reality are, I think, required to seek appropriate expressions of their gratitude." Sol Linowitz never ceased to find opportunities to express his gratitude. Again and again over the course of his long and productive life, he found innumerable ways to make our Nation a better place for all its people.

At a memorial service at Adas Israel Congregation on March 29, 2005, Sol Linowitz was remembered in a series of moving tributes from members of his family, friends and colleagues. Every tribute reminded us yet again how deeply the loss of Sol Linowitz is felt. He was "a man comfortable with himself, and thus everyone was comfortable with him," said Jim Lehrer. "He asked questions and then he listened to the answers." Bernard Kalb observed, "Sol Linowitz may have been the president of Xerox but no one has yet succeeded in making a copy of Sol." Mr. President, I ask that the service be printed in the RECORD.

The service follows.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORIAL SERVICE

RABBI JEFFREY A. WOHLBERG

We begin with a poem:

To the living, death is a wound,
It's name is grief, it's companion loneliness.
But death belongs to life
As night belongs to day
As shadow belongs to substance
As the fallen leaf belongs to the tree,
So does death belong to life.

Death is normal and natural, it is part of reality—we know that. And yet, when it comes, when it touches someone close to us, when it takes someone, that is beloved we are somehow not ready and unprepared no matter what we know, no matter what we think we know and no matter what the age of the person who is gone. This is the difference between intellect and emotion.

So we gather to mourn and to eulogize and to share memories, vignettes and strength as we come together for Sol Linowitz. There is a void in your lives, an unfillable hole for which we feel unprepared.

We have all lost someone precious, a man who was extraordinary, quite unique and very special. Your loss is shared by many of us outside the family, not merely because we knew Sol or because he had done something for us, but because of what he's done for all including many who never knew him, and yet who are in his debt. Outside the family he was known, admired and respected by world leaders, by people of prominence, by people of stature. He was a quintessential attorney, an accomplished businessman, an effective diplomat, a trusted counsel to presidents and prime ministers, as well as to rabbis and the public in general. He served as Chairman of the Board of the Jewish Theological Seminary and that of course brings him added distinction.

But beyond all his successes—as an attorney at Xerox, in service to our government, on boards and boards at universities—and other accomplishments, it all comes down to family. Our condolences are extended to brothers David, Robert, and Harry, who remember parents Joseph and Rose, growing up in Trenton, New Jersey, Hamilton College and Cornell University and so much more that they shared over these many years. Our condolences are extended to Toni, his wife of 68 years. Theirs was a love affair which began when she was in college and he was in law school. She remembers wearing a green dress and that she signed up for archery so that she could meet him on the path when he came out of law school and would see her. Our condolences are extended to daughters, to Anne, June, Jan, and Roni as well as their spouses who have always been close and supportive as well as supported by his love. And of course to eight grandchildren, Judy, David, another David, Michael, Steven, Danny, Jessie and Sandy, who were the dividends of his life. He shared their trials, challenges and successes. The family was of critical importance to him no matter what was going on. You said that after dealing with family he was ready to deal with anything and it made him a great negotiator. And so there is a great deal of pride, pleasure and strength that you shared as you gave each other mutual support.

Long after the violin is set aside the music plays on. And so it is with a human life. Sol (who played the violin) is gone, but the music of his life will remain with us forever.

Servant of God well done;
Rest thy loved employ
The battle fought, the victory won
Enter the martyrs' joy.
The pain of death is past,
Labor and sorrow cease,
Life's long warfare closed at last,
May thy soul now rest in peace.

May the memory and name of Sol Linowitz bring comfort to all who hold it dear.

JUNE LINOWITZ

Hello and welcome. On behalf of my family I want to thank everyone for being here. It means a lot to us.

My name is June Linowitz and it is my honor to speak on behalf of my sisters—Anne, Jan and Ronni. What I'm going to say is the result of the conversations with my sisters. I assume that other speakers this afternoon will discuss my dad as diplomat, humanitarian, businessman and sage. I just want to talk about Sol Linowitz—our dad. Implied in this discussion is, of course, our mother Toni Linowitz. My parents were married for 65 years and had a remarkable marriage. My parents respected each other, supported each other, encouraged each other, adored each other and truly shared their lives. As far as we kids were concerned they presented a united front. So often when I talk about my dad, I'm talking about my mom too.

I can't talk about Dad without mentioning his sense of humor. A lot of you know he had a story for every occasion but what we kids remember is was how funny he could be. My dad loved to laugh and to make other people laugh. He felt that one of the best ways to relate to a person was through laughter and he was very good at making that happen.

My sisters and I remember a routine from when we were little and he'd put us to bed. He'd tuck us in, say "goodnight" turn off the light and—walk into the closet. He'd come out of the closet saying "oh, oh, sorry" and bump into a wall. Flustered he'd walk into another wall. Then he'd say "ok now, enough, I'm leaving now" and (walk down imaginary stairs). We'd howl with laughter! My dad was our favorite playmate! And a routine like that was psychologically pretty savvy for small kids because we knew no monsters were hiding anywhere. He'd been everywhere trying to get out of the room!

My dad was a great amateur psychologist. For example—My sister Jan used to be painfully shy. My dad would talk with her saying "A woman visited me in the office today. She's concerned about her son Johnnie because he's afraid of meeting people. She doesn't know what to do. What do you think I should tell her?" Jan would confer with dad and come up with a way to tackle Johnnie's shyness and of course her own. It was a very effective tactic.

My dad the amateur psychologist even devised behavioral charts. With Jan he devised a chart where she would get a star each day she shook somebody's hand and if she did that for 2 weeks she'd get a treat.

No big surprise! My sister Jan has grown up to be a psychologist!

My parents wanted us to know the value of money. We got what we needed but not necessarily what we wanted. We were given allowances (small ones, I might note) that were defendant on our performing certain chores. Unfortunately my parents would also dock us if we didn't do certain things or if we misbehaved and I was the kind of kid who at the end of the week often ended up with nothing. At holidays, or our birthdays, our gifts weren't extravagant. We got socks and underwear wrapped as presents for Chanukah. We got other gifts too but at least some of our presents were things we needed and should have been grateful to receive. Because my dad didn't want us to take things for granted. He wanted us to know how fortunate we were. We had food on the table and clothes on our backs and a place to sleep and he knew and wanted us to know that most of the children in the world weren't as fortunate.

We talked about current events at the dinner table. My dad made it a priority to be with us at dinner time. He was a busy man but he had time for his family. We'd talk about the events of the day, not just what happened with us kids at school, but what dad had experienced and what had happened in the world. And my dad would be interested in our opinions. He'd question our views and so taught us how to think.

He wanted us to think for ourselves and be independent. And of course he paid for that. When we got older, and we realized what a big shadow he cast, we fiercely stated our independence. When we started looking for jobs—we wouldn't use his contacts. When we had problems—we wouldn't take his advice. We didn't really want to be seen with him.

We wanted to be successful and respected on our own terms and to my dad's credit, he respected us for that. We made him kind of crazy, but he was proud of us.

And as we've made our way in the world, Anne is a social worker, Jan is a psychologist, and Ronni and I are artists, he became our biggest fan. He was our good friend and wise counsel. No matter what was going on in his life, no matter how busy he might be, our dad was always available if we needed him. He would listen to us and we listened to him too.

We would discuss our careers, our marriages, our families and our lives. We would talk about the nature of death and the purpose of life. We would discuss the state of the world and the current conflicts. And, as many of you know, my dad's outlook would always be hopeful. He would acknowledge the difficulty of the situation but he'd believe in man's capacity to prevail. He looked for the best in people and so he would bring out the best in people. He was both a realist and an optimist. He was quite simply an exceptional human being.

My dad used to say that he felt closer to his own parents after they died. My sisters and I are hoping and praying that we'll find that true too. Because we miss our dad a lot.

RONNI LINOWITZ JOLLES

I am honored to be here today, as one of Sol Linowitz's daughters, to speak about our father. My sister June spoke so well about the wonderful father he was to the four of us. I think you know of some of his tremendous accomplishments that truly made the world a better place. I want to share with you a conversation that I had with him that will give you a different perspective about the kind of person he was.

I called him one Sunday morning—about 15 years ago, although I remember it clearly—and asked him if I could come talk to him about something that was bothering me. Without hesitation, he instantly said, "Yes, of course. Your mother and I will be here all afternoon so come on over." He had a certain excitement in his voice; he loved to talk about things that were deep, or meaningful, and he loved to help you to work through a problem and find solutions.

I came over that afternoon and went up to the den. I talked to both mom and dad for a while, and then my dad and I went to talk. When I came into the study, I could see that my dad had set things up for our talk; he had cleared off his desk, except for a big yellow legal pad and a pen. He was prepared to do what he did better than anyone I have ever known; to listen. And I was lucky enough to be listened to by the wisest person I will ever know in my life.

So, I began to talk: I went over the most important things in my life, because I knew that those things all would have an impact on what was bothering me; I talked about my marriage, my kids, my job, my synagogue, my close friends. I talked about the balance I was seeking to find as I lived my life.

Then I got to the issue at hand: "Dad, " I said, ". . . I've been really struggling with this: I hope you don't think this is silly, but . . . I don't think I'm making a difference in the world. I just don't feel like I'm doing enough.

If I weren't here tomorrow, have I left a mark?

Have I made the world a better place?

I don't think I'm doing as much as I can to make a difference.

He looked at me and started with what I knew he would say first. "Being a mother is one of the most important jobs you'll ever have. . . . your teaching is such a gift." We went back and forth about a few things, but it just wasn't feeling right.

"You know, Dad, this may just be due to having someone as amazing as you as a father. I mean our dinner conversations were a little unusual . . . I grew up hearing about world peace, solving world hunger, starting new companies, building new organizations!

"Maybe I just have to come to terms with the fact that I'm not you, and I am not going to be able to be do the kinds of things that you did and are still doing. Maybe you can just help me reach a peace about it so it won't bother me anymore."

He just looked at me for a few minutes, and finally said, "OK. I want to talk to you about, something. I know exactly what you're feeling."

He went on—"You know, you think I'm such an important person. I know that you think I'm doing all of these important things, and sometimes maybe I am, but I also wonder if I'm making a difference."

He went on, "The truth is; I don't know if what I'm doing is making a difference. I hope I'm making a difference, and some days, after something very positive has happened, I do feel like I'm really making a difference.

But I honestly don't know if the treaties I'm helping to implement will be here in 50, or 100 years.

I don't know if the peace that I've worked towards will last.

I don't know if the organizations that I'm working with will still be here years from now.

No one can know that. So I also worry if I'm really doing enough in this world.

Then he stopped and just looked at me and said, "So I'm going to tell you about something that I do that has helped me. "Every day I try to do things. Sometimes I'm not able to do it, but I always try. 2 things."

I may know of someone who is ill, so I'll send some flowers and write a note.

Or I may know someone who has just lost a loved one, so I'll write something meaningful and look for a quote that I may have that may bring them some comfort.

It could be that I just went to a concert, saw a play, or an art exhibit and I was touched by it and I wanted to write something and say thank you.

As he was talking, I drifted off and thought about all of the notes I had received from my dad over the years—the notes telling me how great he thought I was in that play or how much he enjoyed having me at that Passover seder or how he always sent me flowers on my birthday with the most loving of cards. I wonder how many of you have received a note or two from my father.

He then continued, "I try to do two things like that every day—2 things that are reaching out to someone who I can either appreciate or help or comfort or just say I love you to. Those things I try to do every day give me a feeling that I'm making a difference in the world and I find them very fulfilling—perhaps more fulfilling than any of the other things that I'm doing on a much grander scale.

Today, as I look at the people who are here—some of you may be here because you respect my father and admire his many public accomplishments—but I'll bet that most of you are here because you loved him. Maybe he touched you in a very personal and meaningful way that made you so appreciate him. Maybe you were a part of his "2 things."

That is what I think made our Dad, Sol Linowitz, the truly amazing man that he was.

And as we all think about his life and as we try to think about ways we can remember him, it may be that some of us might try to do 2 things every day—2 things for people we know in your own lives that might make them feel comforted or loved or appreciated, and we can think about Sol Linowitz every time we do that. And truly, I can't think of anything that would make him happier than knowing that the people he touched throughout his life are remembering him by doing kind things for others.

We have all been blessed by knowing Sol Linowitz.

WILLIAM BRODY

Some years back. John Updike wrote a short poem, titled "Perfection Wasted." which begins with these words:

And another regrettable thing about death
is the ceasing of your own brand of magic,
which took a whole life to develop and market—

Ambassador Linowitz's life was so long, and so varied, and so full of marvelous adventures, that his own brand of magic was, as a result, inexpressibly unique.

Of course, there were many stories. Who could live through such times, and frequently be at the center of things, and not have stories to tell?

One time in the 1960s, when he was ambassador to the Organization of American States, he went on a particularly grueling trip through Central and South America accompanied by Lincoln Gordon, who had served as ambassador to Brazil and was assistant secretary of state for inter-American affairs, and was not far off from becoming the ninth president of Johns Hopkins University. They were making arrangements for a summit meeting that President Lyndon Johnson was planning to attend, so the hours were very long, the work was hard, and it involved traveling to many different countries in a very short period of time.

When they finally arrived back in the United States, they landed in San Antonio late in the evening, and were scheduled to report to President Johnson at his ranch the next morning. But at 11:30 at night the phone rang, and it was the President, who said, 'I want you out here tonight.' So Sol got out of bed, woke up Lincoln Gordon, and they got on a helicopter and flew out to the LBJ ranch in the middle of the night.

When they landed there was a station wagon waiting for them with a driver in the front seat. The helicopter people loaded the bags in the back of the station wagon, and then Sol and Lincoln Gordon climbed into the back seat. And the driver of the station wagon said, 'Welcome back home, Sol' and turned around and it was the President of the United States. With not a secret service agent anywhere in sight.

When Sol told that story, he said, you know, 'I've worked with several presidents. and there aren't many who would drive out in the middle of the night and pick someone up.'

Which is a story that says more, perhaps, about Sol Linowitz, than about Lyndon Johnson.

When someone of Ambassador Linowitz's stature and renown dies, the articles in the New York Times and the Washington Post have a favorite epithet they like to use: he or she was 'an advisor to presidents.' This signifies that these people were not only powerful, but also sagacious. That they had wisdom to share.

This was doubly true of Sol Linowitz, who shared his insights not only with United

States presidents, but also, for many, many years with the presidents of a select and lucky few colleges and universities. I count myself as extremely fortunate to have been among that group, as were presidents Dan Nathans, Bill Richardson and Steven Muller before me at Johns Hopkins, and the presidents at Cornell University, Hamilton College, the University or Rochester and the Eastman School of Music, where he also serve as a trustee and advisor.

We were fortunate in one respect because of Sol's often shrewd analysis and penetrating insights. When Bill Clinton awarded Ambassador Linowitz the Presidential Medal of Freedom in 1998, he said "Receiving advice from Sol Linowitz . . . is like getting trumpet lessons from the angel Gabriel." And he was right.

Sol was the quintessential Renaissance man: distinguished lawyer, businessman and statesman, part-Rabbi, part-psychiatrist. Sol was an accomplished violinist. But above all, he was a true scholar. His passion for learning enhanced the depth of his wisdom, compassion and insight into people's behavior. And to this day, I have never met anyone other than Sol who had given a college salutarian address at commencement in Latin.

Sol Linowitz truly admired and valued higher education. He was a champion of America's colleges and universities. He believed that what we do is not only important, but it also serves a higher cause. Later in his life he would say that when he enrolled in Cornell Law School during the Great Depression, he went there "burning with a desire to do good." Colleges and universities, he believed, could be instruments of social justice. They could be bastions not only of learning, but also of the will to do that which is needful and right.

Many years back, long before the cost and expense of a college education had become a national obsession, Sol wrote an article titled 'A Liberal Arts College is Not a Railroad' in which he very eloquently defended the utility and need for a liberal education, even as it became more and more costly. At one point in the article he wrote the following: 'A college may offer a course in Persian history, for example, which only five students will attend during a particular term. Should we abolish the course? Or should we hope that the few students who do learn something of Persian history will thereby become uniquely qualified to perform some important service for which this particular aspect of their education has especially fitted them?'

There he was; years and years ago, saying that it may not appear needful, but that someday we may want to have some people around who knew the history and culture of Persia—modern day Iran. How prescient that was. How thoughtful. And how like Sol Linowitz.

Which is why today, though we have come to celebrate a life lived greatly, yet we cannot help but feel saddened that one like this has passed from our midst. Sol's brand of magic cannot be replaced. And John Updike, ending his poem, says it all:

The jokes over the phone.
The memories packed in the rapid-access file.
The whole act.
Who will do it again? That's it: no one; imitators and descendants aren't the same.

MARTIN MAYER

I am grateful to Robert Linowes for this opportunity to give public thanks for forty years of friendship with his brother Sol.

When I met Sol he was the non-executive chairman of the board of Xerox and the senior partner in a Rochester law firm built significantly but by no means entirely on work for Xerox. Bobby Kennedy and James Perkins, president of Cornell, had suggested to The New York Times that Sol would be a good candidate for the Democrats to run against Nelson Rockefeller for Governor of New York in 1966, and Sol had not yet declined the invitation. So the Times asked me to write a profile of this unknown fellow in Rochester who had so brilliantly used the patent laws and the anti-trust laws to give his friend Joe Wilson's little company so large a lead worldwide in the burgeoning business of copying. But Sol did not define himself as a businessman. He was first of all an attorney, and as such, like Brandeis, he was always a professional who had clients, never just somebody's lawyer.

Joe Wilson wanted Sol at his side as Lyndon Johnson and Jimmy Carter, various secretaries of state and the clients of Coudert wanted him in later years, because his judgment was always intelligent, widely focused, uncontaminated by self-interest, and responsive to the problem. And generous. Sol was a great man, but also—it is not a common combination—a good guy. He was always looking for nice things to say about someone, and even when he couldn't find any—which happened—he remained reluctant to speak ill of anyone.

I worked with him on his memoirs and again only a dozen years ago on his book The Betrayed Profession, his cry of anguish at the dessication and corruption of lawyering. I told him I would help on this book only on his promise that when the book was published there would be people at the 1925 F Street Club who would no longer smile at him when he walked through the door. Instead, they had to tear down the F Street Club.

Especially when dealing with questions of urban blight, social justice, hunger and the obligations of successful businesses, which he did from leadership positions, Sol could slip into the trite and true, but he had a gift of expression and an occasionally puckish irreverence. My favorite Linowitz line was his last laugh at Arthur D. Little, which had saved Xerox from the bear-hug of IBM by telling IBM that there wasn't going to be any mass demand for copying machines. In the Xerox case, Sol said, "invention was the mother of necessity."

Having pulled off the near miracle of negotiating the Panama Canal Treaty and selling it to the Senate, Sol was lured by Jimmy Carter after the first Camp David accord to take charge of closing the deal with Anwar Sadat and Menachim Begin. He hung on his wall at the State Department Casey Stengel's comment on the Mets, "They say you can't do it, but sometimes that doesn't always work." Arafat, as people forget, was not then in the picture. In late 1980—and, indeed, the last time we talked about it, only a couple of years ago—Sol thought he was close to a deal that Begin and Sadat could sign, including his invention of a "religious sovereignty" that would allow Muslims to place a Muslim flag, not a national flag, over the Muslim holy places on Israeli soil ("What does 'religious sovereignty' mean?" Begin asked, and Sol replied, "Exactly")—but Ronald Reagan and Alexander Haig thought it best to let the Middle East stew in its own bloody juice; and Sol, still a young man at 67, went back to the practice of law and the chairing of civic organizations.

One thought he would always be around, to call and ask how a book was coming or to tell me what great things he'd heard my wife was doing as the American executive director of the IMF, to which she had been appointed in part because he had lobbied Lloyd Bentsen on her behalf. "You know," he'd say, "people talk to me." And so they did: this city is full of people whose balance was restored by talking with Sol. His lesson was that straightforwardness can get you there. Of course nobody is always around, and Sol wouldn't have wanted to be forever. Not fair; you have to get out of the way and make room for the next crowd. But there won't be a Sol Linowitz in the next crowd; there was only one of those.

R. ROBERT LINOWES

We are here today to say good-bye and pay tribute to a great human being—Sol Myron Linowitz.

As most of you know, Sol was my brother. He was also my closest friend and confidant. I admired Sol for many reasons. He lived an exemplary and productive life. Much has justifiably been said and written about his remarkable, history-making achievements.

I'd like to just take a few minutes to talk about him—as a person, as a brother, and as a man.

Sol sincerely cared about people and wanted to do whatever he could to help. His compassion, his thoughtfulness and his humility will be well-remembered by many. His advice and counsel were constantly sought by people from all walks of life, and he gave freely of his time and efforts. He listened when people spoke to him, and he paid attention. He tried to help everyone who called upon him, and if he couldn't do it himself, he tried to enlist others who might be of help. I know—I received a number of those calls to be of assistance.

He had an unparalleled sense of humor, and his story-telling and quips were memorable. He was much sought after as a speaker.

Many of you are aware that our family is very close. We are each available and responsive when any one of us needs help or guidance—and that includes not only the brothers, Sol, Dave and Harry, and our wives, Toni, Dorothy, Ada, and Judy, but also all the sons and daughters, and nieces and nephews—quite a tribe, I might add. Sol was particularly nurturing of this relationship and continually showed it.

Sol and I, however, had a special relationship. We would meet once or twice each week for lunch at the Hay Adams or the Cosmos Club, and solve all the problems of the city, the Nation, and the world. Unfortunately, those solutions rarely got any farther than our table.

For more than 40 years, Toni and Sol, and Ada and I would vacation together, generally twice a year.

I remember every so often when things got a little boring, we would be. sitting at a table or in a room with a number of people around, none of whom obviously knew us, and Sol and I would start talking to each other loudly in a made-up language. We would talk with great animation and conviction for about 15–20 minutes. You could see people looking at us oddly, trying to understand who we were and what we were saying. Meanwhile, our wives were trying to distance themselves from us as much as possible.

When we travelled together, it was our regular practice to exercise in the morning. I remember once on a cruise, Sol was taking his exercise walk around the deck, while I was in the fitness center on the treadmill. Later over breakfast, Sol told me he looked in the window of the fitness center and was amazed that there were six men all walking at the same intensely vigorous pace as I. He marveled even more that they all had the same shiny bald spot on the backs of their heads. I told him that was impossible—there was nobody else in there. He was adamant and demanded that we go up to the fitness center to see. We made our usual bet of $100,000. As it turned out, Sol had observed me reflected six times in the fitness center mirrors. He used some convoluted logic to avoid paying the debt.

We used to kid and get kidded often about the change of names. I claimed he changed his name and he would point to me and respond—How could anyone blame him with a brother like me. I recall a dinner at which I was being honored by The National Conference of Christians and Jews. Sol had been similarly honored some years previously, and he was asked to make the presentation. He noted in his introduction that he was not sure whether or not this was the first time two brothers had received this honor, but he was certain that it was the first time that two brothers with different last names had received this award.

Sol and I would talk on the phone frequently. It was one of the highlights of the day. We would often call to tell each other a story, or just talk, and often we would break out in uncontrollable laughter, and not be able to continue the conversation. People who would walk by my office thought I needed an ambulance—or a strait jacket.

Let me just mention one other part of Sol's life that is not generally known. We do know that Sol played the violin and played it well, but what many of you do not know is that during summer vacations when he was attending Hamilton College, Sol organized, led, and played in a band in one of the small hotels located at a New Jersey beach. The name of that outstanding entertainment enterprise was Chick Lynn and his Chickadees. Sol never included that in his bio.

Sol and Toni were married 67 years and it remained a love story from start to finish. Toni committed and dedicated herself completely to him, and Sol to her. Toni rarely left his side the last year of his life while he was in failing health.

Sol loved his four daughters and their husbands. He regarded them not as sons-in-law, but rather as sons. His grandchildren were the light of his life. He suffered terribly at the tragedy endured by Judy.

Many people strive to leave this world a better place than when they entered it. Sol was one of the few who actually did. For this, we all owe him a debt of gratitude.

All of us have been most fortunate to have had the opportunity to know Sol and to love him. All of us have benefited from that relationship. All of us will sorely miss him. The world has lost a great man, and I have lost my best friend.

Closing Prayer

Rabbi Wohlberg and Hazzan Tenna Greenberg

Exalted, compassionate God.
Grant infinite rest, in your sheltering Presence,
Among the holy and the pure,
To the soul of Sol Linowitz
Who has gone to his eternal home.
Merciful One, we ask that our loved one find perfect peace in Your eternal embrace.
May his soul be bound up in the bond of life.
May he rest in peace.
And let us say: Amen.●

AIDS

● Mr. SMITH. Mr. President, I discuss the recent announcement by the Centers for Disease Control and Prevention that the number of Americans living with HIV has now surpassed 1 million. An estimated 1.039 million to 1.185 million people nationwide were HIV-positive as of December 2003, an increase over the estimated 850,000 to 950,000 cases at the end of 2002. While the number of persons with HIV in my state of Oregon is small relative to other states, Oregon still saw an 85 percent increase in the number of cases between 2002 and 2003. Not since the height of the AIDS epidemic in the 1980s has there been so many Americans living with this terrible disease.

The latest estimate reveals both our success and failure at combating this disease. On a positive note, the increase reflects the significant advances in antiretroviral drug therapy that have allowed persons diagnosed with HIV to live longer, healthier lives. On the other hand it also reflects our shortcomings in preventing the spread of this disease. Despite the Federal government's goal to cut in half the number of new HIV cases each year, the figure continues to hold steady at about 40,000—the same rate of infection as in the 1990s. Moreover, some researchers believe that the number of new infections may actually be as high as 60,000 a year.

To be fair, responsibility for reducing the spread of HIV does not rest solely with the Federal government. According to the CDC, those at highest risk of contracting HIV have become far too complacent in their behavior, particularly as it relates to the practice of safe sex. Nevertheless, there is much the Federal government can do to help stem the spread of HIV.

One way to reduce the number of new HIV cases is to ensure that those infected with HIV have access to treatment. Such treatments not only prevent individuals from developing full-blown AIDS, but also significantly lower the risk of transmitting the disease to others. Unfortunately, the cost of these treatments is prohibitive, especially for those who are uninsured or underinsured. For this reason, it is critical that Congress reauthorize and bolster the Ryan White Care Act this year. Among other things, the act includes the vitally important AIDS Drug Assistance Program, ADAP, which helps low-income and uninsured HIV/AIDS patients afford their costly drug treatments. An estimated 150,000 people—30 percent of all Americans receiving treatment for HIV currently receive their care through ADAP. Even with this program, however, States and local communities are overwhelmed. That is why I am requesting that Congress provide an additional $300 million for ADAP for the 2006 fiscal year.

As successful as ADAP has been, critical gaps in our approach to HIV treatment and prevention remain. For example, HIV positive individuals have access to treatment under Medicaid only after they have developed full-blown AIDS. To remedy this flaw, I introduced the Early Treatment for HIV Act, ETHA, S. 311, with Senator HILLARY CLINTON. By providing access to HIV therapies before such persons develop AIDS, ETHA would reduce overall Medicaid costs and, as important, reduce the likelihood of additional infection.

By reducing the amount of virus in the bloodstream, early access to HIV therapies is a key factor in helping curb infectiousness and reducing HIV transmission. Strengthening ADAP and enacting ETHA will help put us on the right track to providing both adequate treatment for those with HIV, as well as reducing the number of new HIV cases.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker of the House of Representatives has signed the following enrolled bill:

S. 643. An act to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 6:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2862. An act making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1042. An act to amend the Federal Credit Union Act to clarify the definition of net worth under certain circumstances for purposes of the prompt corrective action authority of the National Credit Union Administration Board, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2862. An act making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–87 A joint memorial adopted by the Legislature of the State of Washington relative to the importation of Canadian beef and the reestablishment of export markets for United States beef; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE JOINT MEMORIAL 8010

Whereas, On January 4, 2005, the United States Department of Agriculture proposed a rule to reopen on March 7, 2005, the United States border to the importation of Canadian live cattle and processed beef products; and

Whereas, On January 11, 2005, Canada announced that yet another cow in Alberta tested positive for bovine spongiform encephalopathy (BSE); and

Whereas, The United States Department of Agriculture has dispatched a technical team to Canada to investigate the circumstances that resulted in this additional infection including effective enforcement by Canada of the 1997 ruminant-to-ruminant feed ban; and

Whereas, The only incident in the United States where a cow tested positive with BSE was on December 23, 2003, and that animal originated in Canada and unfortunately was shipped into Washington State; and

Whereas, The severe ramifications caused by this single animal was the closure by many foreign markets to beef produced within the United States; and

Whereas, Although progress has been made in reestablishing trust with our Asian trading partners, many of these bans to the import of beef from the United States continue in effect thirteen months after this single incident; and

Whereas, Even though the United States has commenced a major BSE testing program and no cattle indigenous to the United States have been detected to have BSE, once these foreign markets are closed, they have remained closed for prolonged periods of time; and

WHEREAS, Consumers in the United States continue to have confidence in beef produced in the United States and maintaining the safety of food supplies is the paramount concern to state and federal governmental officials; and

Whereas, Reestablishing trust with our trading partners and reopening export markets is of paramount importance to the American beef industry; and

Whereas, On February 25, 2005, the United States Department of Agriculture announced the results of the "science-based" decision to adopt the rule to lift the ban on importation of Canadian beef, for which a temporary injunction was immediately issued against the United States Department of Agriculture decision by a federal district court on February 28, 2005, and for which the United States Senate approved on March 3, 2005, Senate Joint Resolution 4 to nullify the United States Department of Agriculture rule: Now, Therefore, Your Memorialists respectfully pray that the United States Department of Agriculture: (1) Reaffirm to the Congress and the courts that the rule to lift the limited ban on importation of Canadian beef is based on sound scientific proof that consumer safety and animal health in the United States will be maintained; and (2) redouble its efforts to swiftly and successfully conclude negotiations with our trading partners to reestablish critical export markets for United States beef based on the same sound science, be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the Secretary of the United States Department of Agriculture, Mike Johanns, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–88. A joint resolution adopted by the General Assembly of the State of Tennessee relative to the awarding of the Congressional Medal of Honor; to the Committee on Armed Services.

HOUSE JOINT RESOLUTION 146

Whereas, First Lieutenant Garlin Murl Conner was a native of Clinton County, Kentucky, who served with distinction and valor in the United States Army during World War II; and

Whereas, Kentucky Congressman Ed Whitfield has introduced H.R. 605 in the 109th Congress to authorize the President to award a Medal of Honor posthumously to First Lieutenant Garlin Murl Conner; and

Whereas, Lieutenant Garlin Murl Conner is Kentucky's most decorated war hero, who served on the front lines for more than eight hundred days in eight major campaigns; he was wounded seven times, but returned to combat and continued to fight on the front lines after each incidence; and

Whereas, during World War II, more than forty 3rd Division soldiers received Medals of Honor, more than any other Division; however, Lieutenant Garlin Murl Conner was not awarded the Medal of Honor due to an oversight and a failure to process the paperwork; and

Whereas, Lieutenant Conner served in the 3rd Infantry Division with Audie L. Murphy, America's most decorated war hero; compared to Audie L. Murphy, Lieutenant Conner was awarded more Silver Stars for acts of valor, fought in more campaigns, served on the front lines for a longer period of time, and was wounded more times. Lieutenant Conner was awarded many honors, including the Distinguished Service Cross, the Silver Star with three Oak Leaf Clusters, the Bronze Star, the Purple Heart with six Oak Leaf Clusters, and other medals; and

Whereas, on June 20, 1945, Lieutenant Conner was awarded the Croix de Guerre, the French Medal of Honor, which was also awarded to Sergeant Alvin C. York, America's most decorated World War I soldier. Lieutenant Conner and Sergeant York were friends who lived only a few miles apart on the Kentucky-Tennessee border; and

Whereas, Stephen Ambrose, America's foremost World War II historian, founder of the D-Day Museum in New Orleans, Louisiana, and author of many books, wrote on November 11, 2000, "I am in complete support of the effort to make Lieutenant Garlin M. Conner a Medal of Honor recipient. What he did in stopping the German assault near Houssen, France, in January, 1945, was far above the call of duty. I've met and talked at length with many Medal of Honor recipients and am sure they would all agree that Lieutenant Conner more than deserves the honor of joining them"; and

Whereas, on April 3, 2001, the 3rd Infantry Division leaders named the new EAGLE BASE in Bosnia-Herzegovina after Lieutenant Conner because of his gallantry in World War II and because "It's a company-grade forward operating base named after a soldier with a company-grade rank"; and

Whereas, Richard Chilton, a former Green Beret from Genoa City, Wisconsin, has been on a mission since 1996 to have the Medal of Honor awarded to Lieutenant Conner; his research has documented that Lieutenant Conner is one of the great combat heroes of World War II, equal in every way to Audie Murphy; and

Whereas, Mr. Chilton has made presentations to dozens of schools about Lieutenant Conner's war record and has copies of over 2,500 letters written by students to President George W. Bush requesting the Medal of Honor be awarded to Lieutenant Conner; after reviewing Mr. Chilton's information, a host of war veterans have written Congress requesting passage of legislation to award the Medal of Honor to one of America's greatest Citizen Soldiers, Lieutenant Garlin Murl Conner: Now, therefore, be it

Resolved by the House of Representatives of the One Hundred Fourth General Assembly of the State of Tennessee, the Senate Concurring, That this Body urges the United States Congress to enact legislation authorizing the President to posthumously award a Medal of Honor to First Lieutenant Garlin Murl Conner, United States Army, be it further

Resolved, That enrolled copies of this resolution be delivered to: Congressman Duncan Hunter, Chairman of the House Armed Services Committee; the Speaker and the Clerk of the House of Representatives of the United States; the President and the Secretary of the Senate of the United States; each member of the Tennessee Congressional Delegation; and the widow of First Lieutenant Garlin Murl Conner, Mrs. Pauline W. Conner.

POM–89. A resolution adopted by the General Assembly of the State of Ohio relative to the exclusion of the Youngstown Joint Air Reserve Station in Vienna Township, Ohio from the list of base closures for the Base Realignment and Closure process; to the Committee on Armed Services.

(SENATE CONCURRENT RESOLUTION NUMBER 13)

Whereas, the Youngstown Joint Air Reserve Station in Vienna Township, Ohio, is the home of the 910th Airlift Wing and supports national objectives by providing mission-ready C–130 airlift forces, state-of-the-art C–130 aerial spray capability, and a premier air reserve station with modern facilities as a part of its mission. The Station also hosts a Navy-Marine Corps Reserve Center; and

Whereas, In addition to its mission, 910th Airlift Wing participates in a variety of community events, including the unit's "Pilot for a Day" program; and

Whereas, Congress authorized a new round of the Base Realignment and Closure process (BRAC) to occur this year, which has the potential to affect the Youngstown Air Reserve Station and the surrounding communities that support the station; and

Whereas, The Youngstown Joint Air Reserve Station is a key component of the community, having approximately 1,300 drilling members in the 910th Airlift Wing and hosting approximately 400 Naval and Marine Corps Reservists: Now, therefore, be it

Resolved, That the 126th General Assembly of the State of Ohio supports the Youngstown Joint Air Reserve Station and firmly believes that the Station should not be included in the Defense Base Closure and Realignment Commission's list of proposed installations to be closed, as it is a valuable asset to the state of Ohio and the defense of our nation, and memorializes Congress to take appropriate action so that this station is not included in the Commission's closure list; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the Secretary of Defense of the United States, the members of the Ohio Congressional delegation, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and the news media of Ohio.

POM-90. A resolution adopted by the General Assembly of the State of Ohio relative to the exclusion of the Wright-Patterson Air Force Base from the list of base closures for the Base Realignment and Closure process; to the Committee on Armed Services.

(SENATE CONCURRENT RESOLUTION NUMBER 11)

Whereas, Wright-Patterson Air Force Base is one of the largest and most complex air force bases in the United States and has a wide range of missions, including handling many diverse defense-related activities and developing the weapons systems of the future; and

Whereas, Wright-Patterson Air Force Base is the birthplace of aeroscience and is a leader in aerospace research for the Air Force, as the base includes the Air Force Research Laboratory, the foremost aeronautical and aerospace research organization in the Air Force; and

Whereas, Thousands of students train each year at the Air Force Institute of Technology and millions of people visit the Air Force Museum, both of which are located at the base, and both aid in the economy of the region; and

Whereas, Wright-Patterson Air Force Base is the fifth largest employer in Ohio, employing approximately 22,000 people, and the closure of this base would have a devastating economic impact in the local community and the state; and

Whereas, Congress authorized a new round of the Base Realignment and Closure process (BRAC) to occur this year, which has the potential to affect Wright-Patterson Air Force Base and the surrounding communities that support the base; now therefore be it

Resolved, That the 126th General Assembly of the State of Ohio supports Wright-Patterson Air Force Base and firmly believes that the base should not be included in the Defense Base Closure and Realignment Commission's list of proposed bases to be closed, as it is a valuable asset to the state of Ohio and the defense of our nation, and memorializes Congress to take appropriate action so that this base is not included in. the Commission's closure list; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the Secretary of Defense of the United States, the members of the Ohio Congressional delegation, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and the news media of Ohio.

POM-91. A resolution adopted by the General Assembly of the State of Ohio relative to the funding of the Joint Systems Manufacturing Center in Lima, Ohio through the Base Realignment and Closure process; to the Committee on Armed Services.

(SENATE CONCURRENT RESOLUTION NUMBER 7)

Whereas, The Joint Systems Manufacturing Center in Lima, Ohio, formally known as the Lima Army Tank Plant, produces a variety of anned combat vehicles and defense systems for the Army, Navy, and Marine Corps; and

Whereas, The Joint Systems Manufacturing Center is the only tank production facility in the United States and has the largest machining and fabrication product envelope in the United States Department of Defense; and

Whereas, Congress authorized a new round of the Base Realignment and Closure process to occur this year, which has the potential to affect the Joint Systems Manufacturing Center and the community of Lima that supports the Center; and

Whereas, The Joint Systems Manufacturing Center employs approximately 700 individuals and has an annual economic impact of $246 million; Now, therefore, be it

Resolved, That the 126th General Assembly of the State of Ohio supports the Joint Systems Manufacturing Center in Lima, Ohio, and memorializes Congress to take appropriate action so that funding to the Center is not reduced through the Base Realignment and Closure process; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the Secretary of Defense of the United States, the members of the Ohio Congressional delegation, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and the news media of Ohio.

POM-92. A joint resolution adopted by the Legislature of the State of California relative to the Lemoore Military Operations Area (MOA) Initiative; to the Committee on Armed Services.

SENATE JOINT RESOLUTION NO. 1

Whereas, The United States Navy at Naval Air Station (NAS) Lemoore in joint partnership with the California Air National Guard (CANG) 144th Fighter Wing, Fresno, have proposed the establishment of a new Military Operations Area. (MOA) over NAS Lemoore to satisfy many critical national defense training requirements, the Lemoore MOA Initiative; and

Whereas, The current price of military aircraft training in the existing training environment is substantial. The cost per flight hour of military aircraft is high. The current need to travel long distances to secure needed training requires large amounts of fuel and time to transit to and from the training location. Current training locations are increasingly crowded with other joint users of the training airspaces, which interferes with the quality of training and the safety of these training events. The current need of our military personnel to travel within the United States to secure needed training unavailable in the current training environment increases their time away from home, in a time where they are already overtaxed with overseas commitments; and

Whereas, The benefits of training in the new Lemoore MOA would be substantial because pilots would train closer to home base and reduce the costs of longer transits to existing training locations. The establishment of an additional, new training airspace location would relieve the pressure on the existing training locations increasing their training quality and safety. Our military personnel would have reduced requirements to travel away from home to secure needed training. It is estimated that up to 30 million taxpayer dollars annually could be saved or better utilized in training for national defense requirements. The increase in military service member morale resulting from fewer training deployments from home would also be significant; and

Whereas, The existing NAS Lemoore Air Traffic Control (ATC) airspace already exists and is approximately 30 nautical miles by 70 nautical miles to support current NAS Lemoore airport operations. The Lemoore MOA Initiative would allow tactical training flights inside this existing airspace. No supersonic, weapons employment, or aggressive maneuvering flights over populated areas will be allowed in the new airspace; and

Whereas, It is estimated that the high altitudes of the desired training flights and the sparsely populated rural environment of the land below the Lemoore MOA will have minimal environmental impact. To ensure this, the Navy in cooperation with the Federal Aviation Administration (FAA) is completing an Environmental Assessment (EA). The Lemoore MOA would not increase air emissions for the State Implementation Plan. Military training flights over the Sierra Nevada Mountains, including wilderness areas and the Sequoia and Kings Canyon National Parks, could be reduced if some of these flights were redirected to the Lemoore MOA; and

Whereas, The impact of the Lemoore MOA Initiative on the current civilian air traffic environment is considered minimal. The Navy in conjunction with the FAA is completing an operational analysis on both military and civilian air traffic patterns within the vicinity of NAS Lemoore. The footprint of the Lemoore MOA does not impact most air traffic flows; and,

Whereas, Both the Navy and FAA are conducting outreach programs to the civilian aviation community to explain that the Lemoore MOA Initiative will allow for simultaneous military and civilian use of designated training airspace. These outreach programs are also informing civilian pilots that the Lemoore MOA will be managed in real time in an effort to prevent a conflict between military and civilian aircraft: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California urges the President and the Congress of the United States to support the establishment of the

Lemoore Military Operations Area, for joint use by military aircraft from both the Naval Air Station Lemoore and the California Air National Guard, Fresno; and be it further

Resolved, That the California Legislature requests that the Federal Aviation Administration approve the creation of the Lemoore MOA as quickly as possible and that the California Congressional delegation pursue all efforts to ensure that the Lemoore MOA is established; and be it further

Resolved, That the Secretary, of the Senate transmit copies of this resolution to the President and Vice President of the United States, each Senator and Representative from California in the Congress of the United States, the Administrator of the Federal Aviation Administration, the Secretary of Defense, the Secretary of the Navy, the Secretary of the Air Force, and both author for appropriate distribution.

POM 93. A resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to Federal Community Block Grant Funding for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE RESOLUTION

Whereas, the federal Community Development Block Grant Program (Program) was initiated with the passage of the Housing and Community Development Act of 1974, Public Law 93-383, and is one of the oldest programs in the Department of Housing and Urban Development (HUD); and

Whereas, the Program provides annual grants on a formula basis to many different types of grantees through several programs such as:

(1) Entitlement Communities, which provides annual grants on a formula basis to entitled cities and counties to develop viable urban communities by providing decent housing and a suitable living environment and by expanding economic opportunities, principally for low- and moderate-income persons;

(2) State Administered Community Development Block Grant, which awards grants only to units of general local government that carry out development activities in participating states that develop annual funding priorities and criteria for selecting projects;

(3) Section 108 Loan Guarantee Program, which allows Program entitlement communities to apply for a guarantee, and is available to Program non-entitlement communities if its state agrees to pledge the block grant funds necessary to secure the loan;

(4) Department of Housing and Urban Development-Administered Small Cities Program for non-entitlement areas in the State of Hawaii directly administered by HUD's Hawaii State Office in Honolulu;

(5) Insular Areas Program, which provides grants to four designated areas, including American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands;

(6) Disaster Recovery Assistance, in which HUD provides flexible grants to help cities, counties, and states recover from disasters declared by the President, especially in low-income areas, subject to availability of supplemental appropriations;

(7) Colonias, which allows Texas, Arizona, California, and New Mexico to set aside up to ten percent of their state Program funds for use in colonias; and

(8) Renewal Communities/Empowerment Zones/Enterprise Communities, a program with an innovative approach to revitalization, bringing communities together through public and private partnerships to attract the investment necessary for sustainable economic and community development; and

Whereas, to be eligible, not less than 70 percent of the Community Development Block Grant funds must be used for activities that benefit low- and moderate-income persons over a one-, two-, or three-year period selected by the grantee; and

Whereas, all activities must meet one of the following national objectives to be eligible for the Program: (1) Benefit low- and moderate-income persons; (2) Prevention or elimination of slums or blight; and (3) Community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community; and

Whereas, the Program works largely without fanfare or recognition to ensure decent affordable housing for all, to provide services to the most vulnerable in our communities, and to create jobs and expand business opportunities; and

Whereas, the Program is an important tool in helping local governments tackle the most serious challenges facing their communities and has made a difference in the lives of millions of people living in communities all across this country; and

Whereas, the fiscal year 2006 budget offered by the Bush Administration eliminates the Program in its entirety by combining it along with 17 other programs into two new programs, reducing funding for the consolidated programs to $3,700,000,000 and moving them to the Department of Commerce, which has no experience in community development; and

Whereas, the City and County of Honolulu, and the counties of Hawaii, Maui, and Kauai all receive Program grants from HUD and have used the grants to provide a plethora of much-needed facilities and services that have benefited low- and moderate-income household across the State; and

Whereas, elimination of the Program has been denounced by the United States Conference of Mayors, National Association of Counties, National Association of Housing and Redevelopment Officials, National League of Cities, National Community Development Association, and Local Initiatives Support Corporation: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, That the Legislature expresses its strong support of the Program and urges the United States Congress not to cut federal Program funding as proposed by the Bush Administration in the fiscal year 2006 federal budget and to support its restoration into the HUD budget at its current funding level of $4,700,000,000; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, Vice-President of the United States, Speaker of the United States House of Representatives, members of Hawaii's Congressional delegation, HUD Assistant Secretary for Public and Indian Housing, the Governor, and mayor of each county.

POM–94. A joint resolution adopted by the House of the Legislature of the State of Utah relative to financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE JOINT RESOLUTION 1

Whereas, the financial institution industry is a critical part of Utah's economy;

Whereas, the state is benefitted by and relies upon a diversity of financial institutions within the state including the existence of a strong credit union industry and a healthy commercial bank industry;

Whereas, nationally, the competitive environment for banks and credit unions, has changed significantly since the first credit unions were formed in the early 1900's;

Whereas, the rise and scope of federal credit unions is rooted in the Federal Credit Union Act of 1934, as amended over the years;

Whereas, the early credit unions started as small groups of people who shared a close and meaningful "common bond" such as occupations, the neighborhood where they lived, or a church they attended;

Whereas, such persons were less able to obtain loans from other financial institutions because of low income and the perceived high risk of default and were, therefore, especially vulnerable to usury lending practices by those that might unfairly take advantage of such conditions;

Whereas, a credit union chartered in this state is required to be a cooperative, nonprofit association, incorporated to:

(1) Encourage thrift among its members; (2) create sources of credit at fair and reasonable rates of interest; and (3) provide an opportunity for its members to use and control their resources on a democratic basis in order to improve their economic and social condition;

Whereas, Congress has previously found that: (1) The credit union movement in America began as a cooperative effort to serve the productive and provident credit needs of individuals of modest means; (2) maintaining a meaningful affinity or common bond between members is critical to the fulfillment of the public mission of credit unions including promoting thrift and credit extension; and (3) credit unions are exempt from federal and most state taxes because they are member-owned, democratically operated, not-for-profit cooperative organizations generally managed by volunteer boards and because they have historically had the specified mission of meeting the credit and savings needs of their members, especially persons of modest means;

Whereas, financial institutions are subject to regulation by different federal governmental entities depending on their structure, charter, and identity as financial institution;

Whereas, the National Credit Union Administration charters and regulates federally chartered credit unions and as insurer oversees state chartered credit unions;

Whereas, commercial banks are subject to a variety of federal regulators depending on their charter including the Office of the Comptroller of the Currency, the Federal Reserve Board, or the Federal Deposit Insurance Corporation;

Whereas, the National Credit Union Administration has expanded its determination of what has historically constituted a well-defined local community for purposes of defining a field of membership to include large geographic areas;

Whereas, the broad field of membership established by the National Credit Union Administration allows state chartered credit unions to easily convert to a federal charter, allowing for: (1) Differences in tax treatment of federally chartered credit unions; and (2) differences in the regulations of member business lending;

Whereas, the U.S. Supreme Court held in 1998 that the original intent of the Federal Credit Union Act was to require a more narrow interpretation of credit unions' common bond and field of membership than what now exists under legislation adopted by Congress;

Whereas, commercial banks are subject to taxes on the federal, state, and local level;

Whereas, under the Internal Revenue Code, federal or state, chartered credit unions are exempt from paying federal income taxes;

Whereas, under the Federal Credit Union Act, as amended in 1937, states are prohibited from imposing certain taxes on federal credit unions;

Whereas, in Utah, federally chartered and state chartered credit unions do not pay state income taxes;

Whereas, credit unions pay property taxes;

Whereas, federally chartered credit unions do not pay sales and use taxes;

Whereas, the state and not the federal government should control and determine public policy affecting, the imposition of state taxes;

Whereas, all taxes on financial institutions, including both credit unions and commercial banks, should be examined to determine whether a different and more principled approach to taxing could lessen the tax burden wherever possible;

Whereas, federal tax policies and regulations related to financial institutions can result in the erosion of state and local tax bases;

Whereas, the possible erosion of the state tax base because of federal tax policy and regulations related to financial institutions can result in lost revenues to the state;

Whereas, the loss of revenues to the state impacts the state's ability to meet the essential needs of its citizens including the funding of education;

Whereas, all income tax revenues collected by the state are constitutionally dedicated in Utah to funding education;

Whereas, the funding of education is a top priority of the Legislature and, therefore, all exemptions from paying income tax are carefully scrutinized by the Legislature;

Whereas, the federal encroachment into state policy areas regarding financial institutions is not limited to taxation but also includes preemption of state regulation of the business activities of financial institutions within the state;

Whereas, this federal encroachment raises constitutional issues under the 10th Amendment and the Supremacy Clause; and

Whereas, the Financial Institutions Task Force has found that because of the conversion of many state chartered credit unions to federally chartered credit unions, significant issues of tax policy and competitive fairness among financial institutions now need to be addressed at the federal level: Now, therefore, be it

Resolved, That the Legislature of the state of Utah affirms its decision to differentiate between traditional credit unions and those that have lost a meaningful affinity or bond and encourages Congress to consider a similar approach; and be it further

Resolved, That the Legislature urges Congress to examine the rulings of the National Credit Union Administration regarding "common bond" and field of membership to determine whether those rulings are over broad and inconsistent with the original intent of the Federal Credit Union Act; and be it further

Resolved, that the Legislature urges Congress to recognize and affirm the authority of states and local governments to determine whether federally chartered credit unions may be taxed the same as state chartered credit unions according to state law and related policy considerations; and be it further

Resolved, That the Legislature urges Congress to provide a principled, fair, and equitable tax structure for financial institutions, including credit unions and commercial banks alike, that allows the states to determine what state and local taxes shall apply to financial institutions whether state or federally chartered; and be it further

Resolved, That once a principled, fair, and equitable tax structure for financial institutions is adopted, Congress should examine whether the economic circumstances have changed since the enactment of the Federal Credit Union Act such that credit unions should have a broader role in the current financial marketplace; and be it further

Resolved, That the Legislature requests that if Congress elects to retain the current tax structure for financial institutions unchanged, it provide Utah and other states with a reasoned explanation for maintaining that tax structure without alteration; and be it further

Resolved, That the Legislature requests that Congress in determining monies provided to the state by the federal government for programs, including education programs, take into account revenues that may be lost to the state as a result of federal tax policy and regulations related to financial institutions; and be it further

Resolved, That the Legislature urges Congress to fully and carefully consider the principles, policies, circumstances, and conditions, identified and referenced in this resolution and promptly act as needed in order to remedy the same; and be it further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM–95. A concurrent resolution adopted by the Legislature of the State of Utah relative to honoring an individual for preserving the Range Creek Area; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION 10

Whereas, a ranch straddling remote Range Creek, a tributary of the Green River, and spreading to a nearby plateau, was recently sold by Waldo Wilcox, to the Trust for Public Land, a conservation group;

Whereas, with key funding appropriated by the United States Congress and the Utah Quality Growth Commission, and extensive lobbying for the purchase by the Sportsmen for Fish and Wildlife, the ranch was subsequently acquired by the state of Utah;

Whereas, the archaeological and cultural significance of the land contained on the ranch is extraordinary because an estimated 2,000 to 5,000 archaeological sites, most in excellent condition, are located on the 4,350 acre property;

Whereas, what makes Range Creek unique is that most of the archaeological sites obtained by the state are pristine because the Wilcox family vigilantly protected the land from vandals since acquiring the land more than 50 years ago;

Whereas, much of Range Creek is believed to have been inhabited a thousand years ago by pre-Columbian cultures, including the Fremont and the Archaic;

Whereas, radiocarbon tests date the village and rock shelter sites to between 1000 A.D. and 1200 A.D., and analysis of projectile points and pottery, using dates of known styles, shows the same range;

Whereas, the finds include individual pit houses, villages, arrowheads, shafts, granaries, pottery, basketry, and scattered rock art, the latter often representing otherworldly human figures, pecked spirals, and sheep figures;

Whereas, these items are found in areas that are at times green and pasture-like and at other mostly barren, with sparse desert vegetation;

Whereas, teams of volunteers and archaeologists have been documenting the sites, some of which are in the lower area beyond the ranch boundaries and have been raided and damaged by vandals;

Whereas, most of the sites on the property, however, are pristine and literally untouched;

Whereas, the Utah Division of Wildlife Resources manages the land, which is protected by a conservation easement controlled by the Utah Department of Agriculture and Food and the Utah Division of Forestry, Fire and State lands;

Whereas, the state is developing a management plan for the gated property, involving wildlife managers and other partners, that may include regulated public access;

Whereas, the Range Creek property is not only an incredible archaeological resource, it is also a wildlife haven, with wild turkey, eagles, hawks, bears, cougars, elk, deer, bighorn sheep, and other important species;

Whereas, the creek itself could be developed as a blue ribbon trout fishery;

Whereas, the work of Waldo Wilcox to protect the land from vandals makes the archaeological sites unique and extraordinarily valuable now and for generations to come; and

Whereas, Waldo Wilcox's efforts symbolize the spirit of service and recognize the value of history to modern times: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, honor Waldo Wilcox for his tireless efforts to protect the archaeological sites on his former property along Range Creek for the benefit of future generations; and be it further

Resolved, That the Legislature recognize Waldo Wilcox's determination to preserve the state's history and make it possible for great advancements to be made in the understanding of early cultures in Utah; and be it further

Resolved, That a copy of this resolution be sent to Waldo Wilcox, the Utah Division of Wildlife Resources, the Utah Division of Forestry, Fire and State Lands, the Utah Department of Agriculture and Food, the Utah Quality Growth Commission, Sportsmen for Fish and Wildlife, the Trust for Public Land, and the members of Utah's congressional delegation.

POM–96. A joint resolution adopted by the Legislature of the State of Utah relative to space exploration; to the Committee on Commerce, Science, and Transportation.

JOINT RESOLUTION

Whereas, when Christopher Columbus made his voyages across the Atlantic in the 15th and 16th centuries, his ships carried the inscription "Following the light of the sun, we left the Old World";

Whereas, exploration and discovery have been especially important to the American experience, providing vision, hope, and economic stimulus, from New World pioneers and American frontiersmen to the Apollo space program;

Whereas, just as Lewis and Clark could not have predicted the settlement of the American West within a hundred years of the start of their famous 19th century expedition, the total benefits of a single exploratory undertaking or discovery cannot be predicted in advance;

Whereas, the desire to explore is part of the national character, and history has shown that space exploration benefits all humankind through new technologies for everyday application;

Whereas, new jobs formed across the entire economic spectrum have been created as a result of space exploration, along with new markets and commercial products;

Whereas, space exploration has inspired and educated many across the world, has enhanced United States leadership, has increased security, and has left a legacy for future generations;

Whereas, since its inception in 1958, the National Aeronautics and Space Administration (NASA) has accomplished many great scientific and technological feats, in addition to advancing humankind's knowledge of the Earth and the universe;

Whereas, on January 14, 2004, President George W. Bush announced a new vision for United States space exploration, with the goal of returning humans to the moon within the next decade and extending a human presence across the solar system; and

Whereas, the President's fiscal year 2005 budget request for NASA is $1 billion higher than the previous year's request and would redirect $11 billion in the existing funding to provide a total of $12 billion over five years to help address the space exploration vision: Now, therefore, be it

Resolved, That the Legislature of the state of Utah expresses support for returning humans to the moon and pursuing human exploration of Mars and the solar system; and be it further

Resolved, That the Legislature supports continued funding of human space flight, Earth Science, and other programs, as well as continued funding of the space-related Shuttle Booster Program; and be it further

Resolved, That the Legislature encourages the United States Congress to enact and fully fund the proposed budget for the Space Exploration Program as submitted in the 2005 budget, which will enable the United States and the state of Utah to remain leaders in the exploration and the development of space; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, NASA, and the members of Utah's congressional delegation.

POM-97. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the sale of violent video games to children; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 33

Whereas, Americans have grown increasingly alarmed about youth violence. Inspired in part by violent media images, for too many of our children are committing violent crimes; and

Whereas, Numerous medical organizations, including the American Medical Association and the American Psychological Association, as well as law enforcement agencies such as the Federal Bureau of Investigation, have concluded that viewing entertainment violence can lead to an increase in aggressive attitudes, values, and behaviors, particularly in children. Recent academic literature corroborates the findings of earlier studies that demonstrate exposure to violent video games produces aggressive behavior in children and young people; and

Whereas, Violent, point-and-shoot video games are such effective combat simulators that law enforcement and military organizations use them extensively for training to accurately and effectively shoot firearms in real combat situations. Such games could actually serve to create a more deadly accurate youth criminal armed with a firearm; and

Whereas, There are concerns that current initiatives, including rating systems, are largely ineffective in shielding young children from video game images. While parental and family actions are of the utmost importance in this effort, there are steps that Congress can take: Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to conduct an investigation and take action to prevent the sale of violent video games to children; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-98. A Senate Concurrent Resolution adopted by the General Assembly of the State of Ohio relative to the exclusion of the NASA John H. Glenn Research Center and the Defense Finance Accounting Services Center in Cleveland, Ohio from the list of base closures for the Base Realignment and Closure process; to the Committee on Commerce, Science, and Transportation.

(AMENDED SENATE CONCURRENT RESOLUTION NUMBER 12)

Whereas, The NASA John H. Glenn Research Center at Lewis Field in Cleveland, Ohio, is one of NASA's ten field offices, working to meet NASA's goals of understanding and protecting our home planet, exploring the universe and searching for life, and inspiring the next generation of explorers; and

Whereas, The focus of the Glenn Research Center is on research related to exploration systems; it leads NASA in fields of microgravity science and works in partnership with others to increase national wealth, safety, and security, to protect the environment, and to explore the universe. The Center also is NASA's leader in the area of aeropropulsion research, which is important to NASA's goals to promote economic growth and national security and have safe, superior, and environmentally compatible civil and military aircraft propulsion systems; and

Whereas, Congress authorized a new round of the Base Realignment and Closure process (BRAC) to occur this year, which has the potential to affect the NASA Glenn Research Center and the community of Cleveland that supports the Center; and

Whereas, The Glenn Research Center employs approximately 3,300 individuals, and the employment of these individuals and the economic impact of the Center, along with the Center's research, make the Center a vital installation to Cleveland, the state of Ohio, and the nation; and

Whereas, The Defense Finance Accounting Services Center in Cleveland efficiently provides accounting and payroll services for our military and civilian personnel serving our country; and

Whereas, The Defense Finance Accounting Services Center is a vital part of Greater Cleveland's economy, providing employment to 1,200 persons; and

Whereas, The Base Realignment and Closure Process has the potential to affect the Defense Finance Accounting Services Center and the community of Cleveland that supports the Center: Now, therefore, be it

Resolved, That the 126th General Assembly of the State of Ohio supports the NASA John H. Glenn Research Center and the Defense Finance Accounting Services Center, and firmly believes that neither Center should be included in the Defense Base Closure and Realignment Commission's list of proposed bases to be closed, as both are valuable assets to the state of Ohio and the defense of our nation, and memorializes Congress to take appropriate action so that neither Center is included in the Commission's closure list; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the Secretary of Defense of the United States, the members of the Ohio Congressional delegation, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and the news media of Ohio.

POM-99. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to establishing and requiring the .xxx domain name for adult-only web sites; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 30

Whereas, From 1983 to 1998, the federal government managed the Internet, including the Domain Name System (DNS), a central coordinating body that assigns unique e-mail and web site addresses so that the network runs smoothly. As the Internet evolved from a small-scale system of links among American academic institutions into a mainstream international communications, educational, and electronic commerce medium, the federal government concluded that it should no longer manage its development. In 1998, the United States Department of Commerce (DOC), in an effort to establish global standards and consensus-based policies, agreed to a Memorandum of Understanding (MOU) with the California-based private sector, nonprofit corporation called the Internet Corporation of Assigned Names and Numbers (ICANN). In part, the MOU calls for the joint development of the DNS in order to facilitate its future transfer to the private sector; and

Whereas, While the DOC continues to serve as the steward of the DNS during its transition to private sector management, it does not regulate ICANN, play a vital role in ICANN's internal governance or day-to-day operations, or intervene in ICANN activities unless the corporation's actions are inconsistent with the MOU. The only way that the department can influence ICANN decisions is either to not renew the MOU, which expires September 30, 2006, or through informal discussion with corporation officials; and

Whereas, In 2001, ICANN approved seven new top-level domain names, but refused to approve the .xxx domain name, which would have provided a cyber sanctuary to protect children from the corrupting influences of online pornography. To protect children, Congress has the authority to direct the DOC to establish and operate the second-level .xxx domain name within the United States. The .xxx domain name will safeguard children by allowing parents and libraries to employ filtering or blocking software technologies: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to enact legislation allowing the Department of Commerce (DOC) to help shield children by establishing and requiring the .xxx domain name for adult-only web sites; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Commerce, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–100. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to action that would improve storage, desalt and augment the flow of Colorado River water supplies to river basin states; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT MEMORIAL 2007

Whereas, in 1964, the United States Supreme Court decreed that Arizona is entitled to 2.8 million acre-feet of water from the Lower Colorado River each year. The water allocations for California and Nevada, the other lower basin states, were determined in the same litigation and each state was given equal priority under the Supreme Court's decree; and

Whereas, despite prevailing in the litigation, Arizona was unable to practically use its entitlement to the water until the Central Arizona Project (CAP) was constructed. As a condition of obtaining congressional approval for the construction of the CAP, Arizona accepted a limitation on its water entitlement that effectively gives the state the lowest priority in times of shortage in exchange for commitment on the part of the federal government to augment Colorado River water supplies; and

Whereas, CAP provides one-third of Arizona's renewable water supplies and without this water, the many cities, towns, Indian communities and agricultural water users that depend on the CAP in Central Arizona would face critical water supply shortages.

Whereas, the Yuma desalting plant was constructed by the federal government pursuant to the Colorado River Basin Salinity Control Act to treat water for delivery to Mexico in satisfaction of United States treaty obligations, but the United States has failed to operate the desalter, thus causing the loss of more than one hundred thousand acre feet of water annually from Lake Mead; and

Whereas, the lack of adequate regulatory storage facilities in the Colorado River system above the Mexican border has resulted in the continuing overdelivery of water to Mexico, further reducing the supplies available to meet the needs of California, Nevada and Arizona and increasing the risk of shortage.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of the United States take such actions, including enacting legislation and appropriating funds, as are required to construct or improve regulatory storage facilities in the lower Colorado River system, operate the Yuma desalting plant and augment the flow of the Colorado River to protect Arizona's Colorado River water supplies and allow the lower Colorado River basin states to maximize the benefits of their water entitlements.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United State Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–101. A joint memorial adopted by the Legislature of the State of Washington relative to the establishment of the Ice Age Floods National Geologic Trail; to the Committee on Energy and Natural Resources.

SENATE JOINT MEMORIAL 8000

Whereas, The Ice Age Floods Study of Alternatives and Environmental Assessment recommends that the "Ice Age Floods National Geologic Trail" be established by the Congress of the United States of America to follow the floods' pathways; and

Whereas, The floods are responsible for shaping a fascinating landscape that spans much of Washington State from its eastern border to the Pacific Ocean; and

Whereas, The landscape and its natural history are a draw to recreators, scientists, and tourists, which stimulate interest in the region and benefit local economies; and

Whereas, Many floods' resources are on public lands and can be viewed from existing public roadways; and

Whereas, The envisioned trail is to be a public-private partnership coordinated by the National Park Service; and

Whereas, The Study of Alternatives recommends that no more than 25 acres be acquired by the National Park Service for use in the trail: Now, therefore, Your Memorialists respectfully support establishment of the Ice Age Floods National Geologic Trail; and, further be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–102. A joint memorial adopted by the Legislature of the State of Washington relative to the rejection of the proposal to transition the Bonneville Power Administration from cost-based rates to market-based rates; to the Committee on Energy and Natural Resources.

SUBSTITUTE SENATE JOINT MEMORIAL 8018

Whereas, The Bonneville Power Administration supplies seventy percent of the electrical power consumed in the state of Washington; and

Whereas, Currently and since its creation the rates established for such power have been based upon recovery of its costs; and

Whereas, The ratepayers of the Pacific Northwest and West Coast have paid those costs in their entirety through their rates; and

Whereas, The Pacific Northwest region has experienced a nearly fifty percent increase in wholesale power rates since the energy crisis of 2001–2002; and

Whereas, The President's proposed fiscal year 2006 budget would transition the Bonneville Power Administration from cost-based rates to market-based rates;

Whereas, The Office of Management and Budget has estimated that such change would result in an estimated increase of one hundred dollars per year for each Pacific Northwest ratepayer; and

Whereas, This budget proposal would cost the Northwest region four hundred eighty million dollars next year and two and one-half billion dollars over three years; and

Whereas, The first argument to justify these increased rates, that the ratepayers of the Pacific Northwest are being subsidized by the federal government, is not well-founded in light of the fact that all of the Bonneville Power Administration's costs, including repayment of debt at market-based interest rates to the United States Treasury, are recovered from ratepayers, primarily individuals and businesses in the Pacific Northwest; and

Whereas, The second argument to justify these increased rates, that of further accelerating Bonneville's debt repayment to the United States Treasury, are not well-founded in light of Bonneville's success in recent years of early repayment of its debt, despite the sale of power at-cost and during difficult economic times; and

Whereas, This proposal if enacted would essentially result in a one hundred percent increase in power rates over a seven-year period, which will severely harm the region's businesses and industries, as well as all the residents of the region; and

Whereas, The administration's additional budget proposal to increase the types of transactions that would count against the Bonneville Power Administration's authorized debt limit would negatively impact the Bonneville Power Administration's ability to upgrade existing or build new vital infrastructure; and

Whereas, This proposal would lead to further limiting investment in an already constrained transmission system which could result in electricity shortages and decreased reliability: Now, Therefore, Your Memorialists respectfully pray that the proposal to transition the Bonneville Power Administration from cost-based rates to market-based rates, as expressed in the President's fiscal year 2006 proposed budget, be rejected; and furthermore, your memorialists respectfully pray that the proposal to add additional transactions for inclusion into the Bonneville Power Administration's authorized debt limit be rejected; and, be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington, and the Secretary of the United States Department of Energy, Samuel W. Bodman.

POM–103. A concurrent resolution adopted by the Legislature of the State of Utah relative to approving the Utah recreational land exchange; to the Committee on Energy and Natural Resources.

Whereas, the Legislature of the state of Utah has an important role in reviewing land exchange proposals between subdivisions of the state and the United States;

Whereas, the School and Institutional Trust Lands Administration is seeking federal legislation authorizing the state of Utah to exchange up to 48,000 acres of state school and institutional trust lands and mineral interests for up to 40,000 acres of federal lands and mineral interests;

Whereas, the legislation would exchange state school and institutional trust lands that are currently scattered and, in many cases, surrounded by federal lands for consolidated lands that could be more efficiently managed and administered for the benefit of the trust land beneficiaries;

Whereas, the proposed exchange would also help preserve lands with significant scenic and recreational values within the Colorado River corridor, the vicinity of Dinosaur National Monument, and the Book Cliffs, benefiting local economies and that of the state as a whole; and

Whereas, the proposed exchange is in the best interests of the citizens of Utah: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, support the proposed land exchange between the state of Utah and the United States government; and be it further

Resolved, That the Legislature and the Governor request that the United States Congress enact laws authorizing the Secretary of the Interior to take all necessary actions to complete this exchange; and be it further

Resolved, That a copy of this resolution be sent to the United States Secretary of the Interior, Utah's School and Institutional Trust Lands Administration, and to the members of Utah's congressional delegation.

POM–104. A concurrent resolution adopted by the Legislature of the State of Utah relative to the opposition of nuclear testing; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION 7

Whereas, nuclear testing began at the Federal Government's Nevada Test Site in 1951;

Whereas, according to the United States Department of Energy's Nevada Operations Office, 45 of the 515 announced nuclear weapons tests that occurred between 1961 and 1984 released radioactivity beyond the testing site;

Whereas, many Utahns and many other citizens living downwind of those tests suffered as a result of being "active participants" in the nation's nuclear testing program;

Whereas, the Legislature of the State of Utah supports a strong military defense, but not at the expense of its citizens through renewed nuclear testing;

Whereas, as part of its recognition of the 50th Anniversary of nuclear testing at the Nevada Test Site in the 2001 General Session, the 54th Legislature of the State of Utah expressed "the fervent desire and commitment to assure that such a legacy will never be repeated";

Whereas, surviving "downwinders" who continue to suffer today know their fight against renewed nuclear testing will not benefit them personally because it is too late for them;

Whereas, surviving downwinders fight renewed nuclear testing for the sake of their children and grandchildren;

Whereas, a resumption of nuclear testing at the Federal Government's Nevada Test Site would mean a return to the mistakes and miscalculations of the past which have marred many Utahns;

Whereas, a resumption of nuclear testing essentially means the creation of a new generation of downwinders;

Whereas, a resumption of nuclear testing at the Federal Government's Nevada Test Site would verify the axiom that those who fail to learn from the mistakes of the past are doomed to repeat them;

Whereas, the resumption of nuclear testing at the Federal Government's Nevada Test Site would signify a dramatic step backward in the United States of America's resolve to learn from its tragic nuclear testing legacy;

Whereas, the "Wind Wall" is a planned monument to pay tribute to the people who lost their lives to nuclear testing, those who are battling downwinder-related diseases now, and for those who have lost loved ones because of nuclear testing;

Whereas, it is intended that the Wind Wall be placed in or near Washington County, Utah, as residents of that county were the most impacted by nuclear fallout; and

Whereas, the State of Utah has an obligation to its citizens, especially those who have suffered so much, to do all in its power to ensure that the lingering wounds from nuclear testing are not reopened to afflict both current and future generations: Now, therefore, be it

Resolved, That the Legislature of the State of Utah, the Governor concurring therein, strongly urge that the United States Government not resume nuclear testing at its Federal Government's Nevada Test Site; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, Downwinders, Inc., and the members of Utah's congressional delegation.

POM–105. A joint resolution adopted by the Legislature of the State of Utah relative to oil and gas drilling and exploration; to the Committee on Energy and Natural Resources.

Whereas, significant reserves of oil have been discovered in Utah;

Whereas, many investors are working through the steps to obtain oil and gas leases from the Utah state office of the Bureau of Land Management;

Whereas, for all federal oil and gas leases sold in the state, 50 percent of the proceeds go to the state of Utah;

Whereas, federal oil and gas lease sales for November 2003, totaled $982,387; for February 2004, $6,325,314; for June 2004, $9,951,502; for September 2004, $28,030,004; and for December 2004, $521,916;

Whereas, although the September 2004 oil and gas lease sales were the largest in Utah in terms of acreage, roughly 190,000 acres were deferred or deleted from the sale when the Bureau of Land Management received new information on wilderness characteristics of the land;

Whereas, every parcel available as part of an oil or gas lease is scrutinized prior to the sale to determine if it can be offered in compliance with, among others, the National Environmental Policy Act, the Endangered Species Act, and the National Historic Preservation Act;

Whereas, to protect other resources, numerous stipulations and stringent requirements are placed on the oil and gas leases that are issued;

Whereas, currently over 400 oil and gas leases have been awarded but not yet issued because of litigation instigated by environmental groups;

Whereas, groups suing to halt the issuance of the awarded oil and gas leases are not parties to the sales of the oil and gas leases;

Whereas, much of the Bureau of Land Management's time is taken up with addressing protests of the sales of oil and gas leases;

Whereas, millions of dollars that could be invested in the state are being held pending the outcome of these lawsuits;

Whereas, individuals and companies who have purchased oil and gas leases in Utah or are contemplating a purchase are greatly concerned with how long their funds have remained tied up in a system that is not performing its intended purpose;

Whereas, protests should be addressed up to the time that the oil and gas leases are awarded, then should be restricted unless an error was made in the plain language of the lease; and

Whereas, unless concerns with the oil and gas lease process are resolved, many potential investors in Utah oil and gas leases will choose to do business in other states, costing the state much needed revenues: Now, therefore, be it

Resolved, That the Legislature of the state of Utah urges the United States Congress and the members of Utah's congressional delegation to take legislative steps necessary to address Utah's oil and gas drilling and exploration lease issuance problems; and be it further

Resolved, That the Legislature of the state of Utah urges that Congress and Utah's delegation act decisively to end the legal delays caused by individuals and groups who are not a party to the sale of an oil and gas lease; and be it further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Utah office of the Bureau of Land Management, and to the members of Utah's congressional delegation.

POM–106. A concurrent memorial adopted by the Senate of the Legislature of the State of Arizona relative to the reform of the endangered species act; to the Committee on Environment and Public Works.

SENATE CONCURRENT MEMORIAL 1002

Whereas, since its enactment thirty years ago, the Endangered Species Act has created unreasonable regulatory hurdles for property owners while failing to help many species; and

Whereas, the House Resource Committee of Congress has passed bills this session that would change the existing law by requiring peer review before a species could be listed as endangered and by allowing critical habitat to be designated for species only when "practicable"; and

Whereas, these bills now require passage by the full House and the Senate in order to become law; and

Whereas, the Western Governors Association has long supported legislation that would reform the Endangered Species Act to protect the rights of property owners while continuing to meet its intended purpose of recovering species.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the Congress of the United States take steps to enact legislation that would reform the Endangered Species Act to protect property owners while meeting its intended purpose of recovering species.
2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–107. A resolution adopted by the House of Representatives of the General Assembly of the State of Ohio relative to the Clear Skies Act of 2005; to the Committee on Environment and Public Works.

(AMENDED HOUSE RESOLUTION NUMBER 21)

Whereas, Although the nation's air quality has improved significantly since the early 1970's, pollutants such as sulfur dioxide, nitrogen oxide, and mercury continue at levels that cause environmental and public health concerns. Because of those concerns, the United States Environmental Protection Agency has established stricter National

Ambient Air Quality Standards, most recently for ozone and particulate matter; and

Whereas, Currently, 474 counties, including 33 in Ohio, are in nonattainment with the ozone standard and 225 counties, including 32 in Ohio, are in nonattainment with the particulate matter standard. Nonattainment designations place a significant burden on state and local governments, which must develop plans to reduce emissions and come into attainment by a specified date; and

Whereas, In order to ensure that the states have the most effective means of attaining the new standards, the Clear Skies Act of 2005 (S. 131) has been introduced in the United States Senate. This legislation not only is based on the successful Acid Rain Program, it also incorporates a multi-emissions approach that takes advantage of the benefits that would result from controlling multiple pollutants at the same time; and

Whereas, The Clear Skies Act balances environmental, energy, and economic needs. For example, it requires power plants to reduce emissions of sulfur dioxide, nitrogen oxide, and mercury by 70% by 2018 and allows the nation to continue burning coal, our most abundant and low-cost energy source, while improving our nation's air quality: Now, therefore, be it

Resolved, That we, the members of the House of Representatives of the 126th General Assembly of the State of Ohio, support concepts in the Clear Skies Act of 2005 and urge Congress to seek resolution of the issues involved and enact legislation for the purpose of improving our nation's air quality and ensure our nation's economic stability; and be it further

Resolved, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the President of the United States, the President Pro Tempore and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, the members of the Ohio Congressional delegation, and the news media of Ohio.

POM–108. A joint memorial adopted by the Legislature of the State of Washington relative to Social Security; to the Committee on Finance.

SENATE JOINT MEMORIAL 8014

Whereas, In August 1935, when Franklin Delano Roosevelt signed into law the Social Security program, he asserted that the fundamental purpose of the initiative was to "give some measure of protection to the average citizen and his family against the loss of a job and against a poverty ridden old age;" and

Whereas, Today, seventy years later, about 48 million Americans—both retired workers and those who are disabled—receive modest checks from Social Security; and

Whereas, This modest support continues to be a bulwark against the indignities of poverty, accounting for more than half the income of two-thirds of those who receive benefits; and

Whereas, Social Security is now widely recognized by the public as one of the most successful programs in our nation's history, guaranteeing as it does, to all Americans, today and tomorrow, a basic standard of living; and

Whereas, It is being argued that Social Security should be privatized by diverting payroll taxes from current beneficiaries to private investment accounts; and

Whereas, Such reforms are likely to require the federal government to borrow nearly $2 trillion, or $100 billion to $150 billion per year for ten years, to finance the transfer to create new private accounts; and

Whereas, In addition to adding to the already significant federal debt, this proposal would partially replace guaranteed benefits with ones that expose millions of retired Americans to the ups and downs of the stock market: Now, therefore, Your Memorialists respectfully request that the Congress and the Administration reject the current effort to privatize Social Security and instead engage in an open dialogue with the American public to arrive at a sensible solution that preserves the original intent of Franklin Delano Roosevelt, making Social Security an insurance fail-safe for the aged and disabled and a complement to every individual's ability to invest in the private market on their own; and be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–109. A concurrent memorial adopted by the Senate of the Legislature of the State of Arizona relative to Social Security reform; to the Committee on Finance.

SENATE CONCURRENT MEMORIAL 1003

Whereas, Social Security is the foundation of retirement income for most Americans; and

Whereas, preserving and strengthening the long-term viability of Social Security is a vital national priority and is essential for the retirement security of today's working Americans current and future retirees and their families; and

Whereas, Social Security faces significant fiscal and demographic pressures; and

Whereas, the nonpartisan Office of the Chief Actuary at the Social Security Administration reports that:

1. The number of workers paying taxes to support each Social Security beneficiary has dropped from 16.5 in 1950 to 3.3 in 2002;

2. Within a generation there will be only two workers to support each retiree which will substantially increase the financial burden on American workers;

3. Without structural reform, the Social Security system, beginning in 2018, will pay out more in benefits than it will collect in taxes;

4. Without structural reform, the Social Security trust fund will be exhausted in 2042 and Social Security tax revenue in 2042 will only cover seventy-three per cent of promised benefits, and will decrease to sixty-eight per cent by 2078;

5. Without structural reform, future Congresses may have to raise payroll taxes fifty per cent over the next seventy-five years to pay full benefits on time, resulting in payroll tax rates of as much as 16.9 per cent by 2042 and 18.3 per cent by 2078;

6. Without structural reform, Social Security's total cash shortfall over the next seventy-five years is estimated to be more than $25,000,000,000,000 in constant 2004 dollars or $3,700,000,000,000 measured in present value terms; and

7. Absent structural reforms, spending on Social Security will increase from 4.3 per cent of gross domestic product in 2004 to 6.6 per cent in 2078; and

Whereas, the Congressional Budget Office, the Government Accountability Office, the Congressional Research Service, the Chairman of the Federal Reserve Board and the President's Commission to Strengthen Social Security have all warned that failure to enact fiscally responsible Social Security reform quickly will result in one or more of the following: 1. Higher tax rates; 2. lower Social Security benefit levels; 3. increased federal debt or less spending on other federal programs;

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the President, the Congress and the American people, including seniors, workers, women, minorities and disabled persons, should work together at the earliest opportunity to enact legislation to achieve a solvent and permanently sustainable Social Security system.

2. That Social Security reform must:

(a) Protect current and near retirees from any changes to Social Security benefits.

(b) Reduce the pressure on future taxpayers and on other budgetary priorities.

(c) Provide benefit levels that adequately reflect individual contributions to the Social Security system.

(d) Preserve and strengthen the safety net for vulnerable populations including the disabled and survivors.

3. That the United States Congress should honor section 13301 of the Budget Enforcement Act of 1990.

4. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–110. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to the United States entering into the Free Trade Area of the Americas; to the Committee on Finance.

HOUSE CONCURRENT MEMORIAL 2006

Whereas, the United States of America has always been the world leader in pushing for free trade, which is a hallmark of our capitalistic society; and

Whereas, both the World Trade Organization (WTO) and the North American Free Trade Agreement (NAFTA), through the use of trade tribunals, now claim the sovereign authority to overrule decisions of American courts and make awards to foreign businesses for violations of trade agreements; and

Whereas, the United States is considering entering into a new thirty-four member Free Trade Area of the Americas (FTAA) in 2005.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring prays:

1. That the United States Congress vote no on any agreement for the United States to enter into a Free Trade Area of the Americas (FTAA).

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GREGG, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2360. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109–83).

By Mr. DOMENICI, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2419. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109–84).

By Mr. ROBERTS, from the Select Committee on Intelligence, without amendment:

S. 1266. An original bill to permanently authorize certain provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, to reauthorize a provision of the Intelligence Reform and Terrorism Prevention Act of 2004, to clarify certain definitions in the Foreign Intelligence Surveillance Act of 1978, to provide additional investigative tools necessary to protect the national security, and for other purposes (Rept. No. 109–85).

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 491. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to expand the definition of firefighter to include apprentices and trainees, regardless of age or duty limitations.

By Mr. SPECTER, from the Committee on the Judiciary, with amendments:

S. 852. A bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR for the Committee on Foreign Relations. *Richard J. Griffin, of Virginia, to be an Assistant Secretary of State (Diplomatic Security).

By Mr. SPECTER for the Committee on the Judiciary. Terrence W. Boyle, of North Carolina, to be United States Circuit Judge for the Fourth Circuit. Rachel Brand, of Iowa, to be an Assistant Attorney General. Alice S. Fisher, of Virginia, to be an Assistant Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. DOLE:

S. 1254. A bill to suspend temporarily the duty on nitrocellulose; to the Committee on Finance.

By Mr. VOINOVICH (for himself, Mr. AKAKA, Ms. COLLINS, Mr. DURBIN, and Mr. STEVENS):

S. 1255. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts paid on behalf of Federal employees and members of the Armed Forces on active duty under Federal student loan repayment programs; to the Committee on Finance.

By Mr. BIDEN:

S. 1256. A bill to require the Secretary of Homeland Security to develop regulations regarding the transportation of extremely hazardous materials, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself and Mr. LAUTENBERG):

S. 1257. A bill to amend title 28, United States Code, to clarify that persons may bring private rights of actions against foreign states for certain terrorist acts, and for other purposes; to the Committee on the Judiciary.

By Mr. CHAMBLISS:

S. 1258. A bill to designate the building located at 493 Auburn Avenue, N.E., in Atlanta, Georgia, as the "John Lewis Civil Rights Institute"; to the Committee on Environment and Public Works.

By Mr. SALAZAR:

S. 1259. A bill to amend title 38, United States Code, to extend the requirement for reports from the Secretary of Veterans Affairs on the disposition of cases recommended to the Secretary for equitable relief due to administrative error and to provide improved benefits and procedures for the transition of member of the Armed Forces from combat zones to noncombat zones and for the transition of veterans from service in the Armed Forces to civilian life; to the Committee on Veterans' Affairs.

By Mr. VITTER:

S. 1260. A bill to make technical corrections to the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs.

By Mr. ALEXANDER:

S. 1261. A bill to simplify access to financial aid and access to information on college costs, to provide for more learning and less reporting, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself, Mrs. CLINTON, Mr. MARTINEZ, Mr. BINGAMAN, Mr. TALENT, Ms. MIKULSKI, Mr. THUNE, and Mr. OBAMA):

S. 1262. A bill to reduce healthcare costs, improve efficiency, and improve healthcare quality through the development of a nationwide interoperable health information technology system, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND:

S. 1263. A bill to amend the Small Business Act to establish eligibility requirements for business concerns to receive awards under the Small Business Innovation Research Program; to the Committee on Small Business and Entrepreneurship.

By Mr. CORZINE (for himself, Mrs. CLINTON, Mrs. MURRAY, Mr. LAUTENBERG, Mrs. BOXER, Ms. CANTWELL, Mr. KENNEDY, Mr. INOUYE, and Mr. KERRY):

S. 1264. A bill to provide for the provision by hospitals of emergency contraceptives to women, and post-exposure prophylaxis for sexually transmitted disease to individuals, who are survivors of sexual assault; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VOINOVICH (for himself, Mr. CARPER, Mrs. CLINTON, Mr. ISAKSON, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. INHOFE, and Mr. JEFFORDS):

S. 1265. A bill to make grants and loans available to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines; to the Committee on Environment and Public Works.

By Mr. ROBERTS:

S. 1266. An original bill to permanently authorize certain provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, to reauthorize a provision of the Intelligence Reform and Terrorism Prevention Act of 2004, to clarify certain definitions in the Foreign Intelligence Surveillance Act of 1978, to provide additional investigative tools necessary to protect the national security, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Mr. BINGAMAN:

S. 1267. A bill to amend title IV of the Higher Education Act of 1965 to reauthorize the Gaining Early Awareness and Readiness for Undergraduate Programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself and Mr. CORZINE):

S. Res. 172. A resolution affirming the importance of a national weekend of prayer for the victims of genocide and crimes against humanity in Darfur, Sudan, and expressing the sense of the Senate that July 15 through 17, 2005, should be designated as a national weekend of prayer and reflection for Darfur; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Ms. COLLINS, Mr. DODD, Mr. MCCAIN, Mr. BIDEN, and Mr. LEAHY):

S. Res. 173. A resolution expressing support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland; to the Committee on Foreign Relations.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. FRIST, Mr. LUGAR, and Mr. REID):

S. Res. 174. A resolution recognizing Burmese democracy activist and Nobel Peace Laureate Aung San Suu Kyi as a symbol of the struggle for freedom in Burma; considered and agreed to.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. Res. 175. A resolution commending the University of Michigan softball team for winning the National Collegiate Athletic Association Division I Championship on June 8, 2005; considered and agreed to.

ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 398

At the request of Mr. SANTORUM, the name of the Senator from Alaska (Mr.

STEVENS) was added as a cosponsor of S. 398, a bill to amend the Internal Revenue Code of 1986 to expand the expensing of environmental remediation costs.

S. 441

At the request of Mr. SANTORUM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 441, a bill to amend the Internal Revenue Code of 1986 to make permanent the classification of a motorsports entertainment complex.

S. 473

At the request of Ms. CANTWELL, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 473, a bill to amend the Public Health Service Act to promote and improve the allied health professions.

S. 642

At the request of Mr. FRIST, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 662

At the request of Ms. COLLINS, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 662, a bill to reform the postal laws of the United States.

S. 681

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 681, a bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells.

S. 772

At the request of Mr. CORNYN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 772, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 889

At the request of Mr. REED, his name was added as a cosponsor of S. 889, a bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks, to require fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight, to increase the fuel economy of the Federal fleet of vehicles, and for other purposes.

S. 914

At the request of Mr. ALLARD, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 914, a bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 962

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 962, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes.

S. 1076

At the request of Mr. TALENT, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1076, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax and income tax credits for the production of biodiesel.

S. 1081

At the request of Mr. KYL, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1152

At the request of Mr. KERRY, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1152, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program.

S. 1153

At the request of Mr. BUNNING, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1153, a bill to provide Federal financial incentives for deployment of advanced coal-based generation technologies.

S. 1197

At the request of Mr. BIDEN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Jersey (Mr. CORZINE), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1244

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1244, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term needs.

S. 1248

At the request of Ms. LANDRIEU, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1248, a bill to establish a servitude and emancipation archival research clearinghouse in the National Archives.

S. 1250

At the request of Mr. JEFFORDS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1250, a bill to reauthorize the Great Ape Conservation Act of 2000.

S. CON. RES. 37

At the request of Mr. DEWINE, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Colorado (Mr. SALAZAR), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Con. Res. 37, a concurrent resolution honoring the life of Sister Dorothy Stang.

S. RES. 31

At the request of Mr. COLEMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. Res. 31, a resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as "National Health Center Week" in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

S. RES. 39

At the request of Ms. LANDRIEU, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

S. RES. 165

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Res. 165, a resolution congratulating the Small Business Development Centers of the Small Business Administration on their 25 years of service to America's small business owners and entrepreneurs.

AMENDMENT NO. 771

At the request of Mr. JEFFORDS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 771 intended to be proposed to H.R. 6, a bill Reserved.

AMENDMENT NO. 783

At the request of Mr. NELSON of Florida, the names of the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of amendment No. 783 intended to be proposed to H.R. 6, a bill Reserved.

At the request of Mr. BURR, his name was added as a cosponsor of amendment No. 783 intended to be proposed to H.R. 6, supra.

AMENDMENT NO. 784

At the request of Ms. CANTWELL, the names of the Senator from Illinois (Mr.

OBAMA), the Senator from Colorado (Mr. SALAZAR), the Senator from North Dakota (Mr. DORGAN), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 784 proposed to H.R. 6, a bill Reserved.

AMENDMENT NO. 788

At the request of Mr. DEWINE, the names of the Senator from New York (Mr. SCHUMER), the Senator from Oregon (Mr. WYDEN), the Senator from Illinois (Mr. DURBIN), the Senator from Iowa (Mr. HARKIN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 788 intended to be proposed to H.R. 6, a bill Reserved.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VOINOVICH (for himself, Mr. AKAKA, Ms. COLLINS, Mr. DURBIN, and Mr. STEVENS):

S. 1255. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts paid on behalf of Federal employees and members of the Armed Forces on active duty under Federal student loan repayment programs; to the Committee on Finance.

Mr. VOINOVICH. Mr. President, today I rise to introduce the Generating Opportunity by Forgiving Educational Debt for Service Act of 2005, a bill that will help Federal agencies and the Armed Forces recruit talented individuals to serve in all areas of the Federal Government and the military. This legislation is a modestly expanded version of a bill I introduced in the 108th Congress.

Current law authorizes Federal agencies to pay student loans up to $10,000 a year with a cumulative cap of $60,000, but the incentive is taxed. Known as GOFEDS, this bill would amend the Federal tax code and allow the Federal Government's student loan repayment programs to be offered on a tax-free basis.

In recent years, many educational institutions have established programs that repay a portion of the student loan debt their graduates owe. These programs are designed to encourage students to seek jobs with government or non-profit organizations that cannot pay salaries commensurate with the private sector upon graduation. Under current law, the amounts these institutions offer their graduates as student loan repayment are not taxed as income, provided the recipients choose to work for the government or non-profit organizations.

Unfortunately, the Federal Tax Code does not treat the Federal Government's loan repayment programs in the same way, considering such loan repayment as taxable income to the employee. As a result, the net benefit of any such program is reduced by the amount of tax that the individual has to pay on the debt repaid. This bill would amend the tax code so that the Government does not continue to undermine its own loan repayment recruitment incentive. This change will help Federal agencies recruit and retain well-qualified graduates.

This Congress, I have expanded GOFEDS to our military because recent reports indicate that all four services missed their recruiting goals last year. Unfortunately, military recruiting levels are now at a 30-year low. Under GOFEDS, military education loan programs, like the Active-Duty Loan Repayment Program will be offered on a tax free basis.

With more than half of the Federal workforce eligible for retirement in the next 5 years and surveys showing that fewer Americans find government services attractive, the need for this legislation is even more necessary. I believe the cost of this bill is minimal, but its potential impact is great. I urge all of my colleagues to support this legislation and I am confident that it can be enacted this year.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Generating Opportunity by Forgiving Educational Debt for Service Act of 2005".

SEC. 2. EXCLUSION FOR STUDENT LOAN REPAYMENTS BY THE FEDERAL GOVERNMENT.

(a) EXCLUSION FROM GROSS INCOME.—Section 108(f) of the Internal Revenue Code of 1986 (relating to student loans) is amended by adding at the end the following:

"(5) STUDENT LOAN REPAYMENTS BY FEDERAL GOVERNMENT.—In the case of an individual, gross income does not include any payments made by the Federal Government on behalf of such individual under—

"(A)(i) section 5379 of title 5, United States Code; or

"(ii) any other similar Federal program for its employees; or

"(B) section 510(e)(2), chapter 109, or chapter 1609 of title 10, United States Code.".

(b) EXCLUSION FROM WAGES.—

(1) IN GENERAL.—Section 3121(a) of such Code (defining wages) is amended—

(A) in paragraph (21), by striking "or" at the end;

(B) in paragraph (22), by striking the period at the end and inserting "; or"; and

(C) by inserting after paragraph (22) the following:

"(23) any payment excluded from gross income under section 108(f)(5) (relating to student loan repayments by the Federal Government).".

(2) SOCIAL SECURITY ACT.—Section 209(a) of the Social Security Act (42 U.S.C. 409(a)) is amended by adding at the end the following:

"(20) Any payment excluded from gross income under section 108(f)(5) of the Internal Revenue Code of 1986 (relating to student loan repayments by Federal Government).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made on or after the date of enactment of this Act in taxable years ending after such date.

By Mr. BIDEN:

S. 256. A bill to require the Secretary of Homeland Security to develop regulations regarding the transportation of extremely hazardous materials, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BIDEN. Mr. President, I rise today to introduce the Hazardous Materials Vulnerability Reduction Act of 2005. It is regretful that I am introducing this legislation, as the Department of Homeland Security has all of the legal authorities necessary to undertake the steps set out in this legislation. However, nearly 4 years after September 11, the Department of Homeland Security is still not doing its job. Quite frankly, officials at the Department of Homeland Security are either unaware, or even worse, they are purposely ignoring a grave threat to our cities. Hazardous materials being transported by 90-ton rail tankers has been described as a "uniquely dangerous" threat—comparable only to a nuclear or biological attack. According to the Department of Homeland Security and the Department of Transportation, these materials pose special risks during transportation because their uncontrolled release can endanger significant numbers of people. In addition, there have been countless reports of lax security along the urban area rail routes they travel. Nevertheless, the administration has done nothing to reduce this threat. The legislation that I am introducing today will require the Department of Homeland Security to develop a comprehensive, risk-based strategy for reducing the threat of a terrorist attack on extremely hazardous materials in our Nation's high-threat cities. The steps set out in this legislation should have been taken years ago, but it is clear that the Department of Homeland Security will not act. I hope that my colleagues will join me in passing this legislation to require them to act.

Within just a few miles of where we stand right now, rail tankers carrying the world's most dangerous chemicals are being transported over tracks that are not sufficiently safeguarded or monitored. According to Richard A. Falkenrath, a former homeland security adviser to President Bush, this threat stands out "as acutely vulnerable and almost uniquely dangerous." He is not alone in this opinion. The Homeland Security Council released a report in July 2004 indicating that an explosion, in an urban area, of a rail tanker carrying chlorine could kill up to 17,500 individuals and could require the hospitalization of nearly 100,000. An analysis by the Naval Research Laboratory depicted a more troubling scenario when it studied the potential for damage if an attack occurred while an event was being held on the National Mall, such as the annual Fourth of July celebration. According to this analysis, "over 100,000 people could be seriously harmed or even killed in the first half hour." Let me say that again, according to a study by the Naval Research Laboratory "over 100,000 people could be seriously harmed or killed in the first half hour."

Terrorist groups already understand the potential impact of such an attack. The FBI and CIA have uncovered evidence that terrorists have targeted chemical shipments, and just a few months ago during testimony before the Senate Intelligence Committee, FBI Director Mueller indicated that threats to rail remain a key concern. This should not be a surprise. Rail systems are the most frequently attacked targets worldwide, and the wide open nature of their architecture makes them vulnerable at many points. In other words, rail systems present many soft targets. Incidentally, I have introduced separate legislation in the last three Congresses that would provide $1.2 billion to eliminate some of the vulnerabilities in our rail system; however, this legislation has not been supported by the Bush administration and it has not passed Congress. In fact, the administration has not asked for a single dime specifically for rail security. This is very troubling because we know that the modus operandi for many terrorist groups is to cause mass casualties and spectacular damage. According to the Chlorine Institute, an attack on a 90-ton tanker could create a toxic cloud 40 miles long and 10 miles wide. The Environmental Protection Agency estimates that in an urban area this toxic cloud could extend 14 miles. Can you imagine the psychological impact of a toxic cloud of poisonous gas expanding and moving slowly over one of our major metropolitan areas—leaving death and chaos in its path?

Given the potential damage and the direct threat against chemical rail tankers, you would think that the Bush administration has been busy reducing or eliminating this threat. Unfortunately, as with so many other areas involving our homeland security this does not appear to be the case. In January testimony before the Senate Homeland Security Committee, Mr. Falkenrath stated that "to date, the Federal Government has not made a material reduction in the inherent vulnerability of hazardous chemical targets inside the United States." He went on to say that this should be the highest priority for the Department of Homeland Security. A Wall Street Journal article written last year—"Graffiti Artists Put Their Mark on War Against Terrorism"—provides a chilling example of the exposure of these chemical tankers. The reporter followed a graffiti artist to a railroad tunnel along tracks that run near I–395 not far from where we stand. As he was conducting the interview, a tanker carrying dangerous chemicals rolled by on an adjacent track. The graffiti artist noted that "it wouldn't be hard at all for someone like Al Qaeda to wait right here for the right poison and bang! Good-bye Washington."

This threat and the lack of action by the Department of Homeland Security has led many city officials to consider local legislation to ban shipments of hazardous materials. Right now, a dispute between the District of Columbia and the transportation companies joined by the Bush administration is being litigated in Federal courts. Other cities, such as Philadelphia and Boston are considering similar action. As a former county executive, I am sympathetic to the plight of local officials, and they should certainly be allowed to exercise their police powers in appropriate situations. I believe, and I am sure most local officials would agree, that it would be better to have a national, comprehensive policy on this issue. This is simply too important to have a patchwork strategy. The Department of Homeland Security should have already done this. Unfortunately, they have not, and this legislation will require the Department to take some basic, fundamental steps to enhance safety for the American people.

The legislation that I am introducing requires the Department of Homeland Security to issue regulations establishing a national policy for dealing with the transport of the world's most dangerous chemicals by rail through our high threat cities. It will require the Department to develop protocols for the notification of State and local officials, and it will require the Department to study and report to Congress regarding security enhancing measures such as secondary containment technologies, GPS tracking of shipments, and the feasibility of smaller, more secure tankers. The bill also includes a provision requiring the Department of Homeland Security to work with State and local officials, the rail industry and other stakeholders to develop a strategy for rerouting a small fraction of the most dangerous materials around our most threatened city. It is estimated that only 5 percent of all hazardous materials shipped by rail will be subjected to this regulation. Finally, the bill will provide $100 million to State and local governments and rail operators to purchase safety equipment and provide training to first responders and rail workers who are likely to discover and respond to an incident involving hazardous materials. An additional $10 million will be made available to the National Labor College to provide further training for rail workers.

I realize that the rail industry has invested considerable amounts of its own money to enhance security since September 11, and this legislation is not an indictment of their efforts. I have been pushing to get more Federal funding for rail security for years, but this plea has fallen on deaf ears within the administration. I realize that we cannot eliminate every conceivable risk, but at a time when we have troops overseas fighting the war on terror and our Nation's law enforcement agencies are on high alert, the least that we should do is ensure that we have a national strategy for handling a threat that is comparable in scope to a nuclear or biological attack. I will close by again referring to the grave warning set out in the study by the Naval Research Laboratory—"over 100,000 people could be seriously harmed or even killed in the first half hour" of an attack. The danger is simply too great to ignore, and I ask my colleagues to join me in passing this critical legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Hazardous Materials Vulnerability Reduction Act of 2005".

(b) FINDINGS.—Congress makes the following findings:

(1) Congress has specifically given the Department of Homeland Security, working in conjunction with the Department of Transportation and other Federal agencies, the primary authority for the security of the United States transportation sector, including passenger and freight rail.

(2) This authority includes the responsibility to protect American citizens from terrorist incidents related to the transport by rail of extremely hazardous materials.

(3) Federal agencies have determined that hazardous materials can be used as tools of destruction and terror and that extremely hazardous materials are particularly vulnerable to sabotage or misuse during transport.

(4) The Federal Bureau of Investigation and the Central Intelligence Agency have found evidence suggesting that chemical tankers used to transport and store extremely hazardous chemicals have been targeted by terrorist groups.

(5) Rail shipments of extremely hazardous materials are often routed through highly attractive targets and densely populated areas, including within a few miles of the White House and United States Capitol.

(6) According to security experts, certain extremely hazardous materials present a mass casualty terrorist potential rivaled only by improvised nuclear devices, certain acts of bioterrorism, and the collapse of large occupied buildings.

(7) A report by the Chlorine Institute found that a 90-ton rail tanker, if successfully targeted by an explosive device, could cause a

catastrophic release of an extremely hazardous material, creating a toxic cloud 40 miles long and 10 miles wide.

(8) The Environmental Protection Agency estimates that in an urban area a toxic cloud could extend for 14 miles.

(9) The United States Naval Research Laboratories concluded that a toxic plume of this type, created while there was a public event on the National Mall, could kill or injure up to 100,000 people in less than 30 minutes.

(10) According to security experts, rail shipments of extremely hazardous materials are particularly vulnerable and dangerous, however the Federal Government has made no material reduction in the inherent vulnerability of hazardous chemical targets inside the United States.

(11) While the safety record related to rail shipments of hazardous materials is very good, recent accidental releases of extremely hazardous materials in rural South Carolina and San Antonio, Texas, demonstrate the fatal danger posed by extremely hazardous materials.

(12) Security experts have determined that re-routing these rail shipments is the only way to immediately eliminate this danger in high threat areas, which currently puts hundreds of thousands of people at risk.

(13) Security experts have determined that the primary benefit of re-routing the shipment of extremely hazardous materials is a reduction in the number of people that would be exposed to the deadly impact of the release due to an attack, and the principal cost would be the additional operating expense associated with possible increase inhaul for the shipment of extremely hazardous materials.

(14) Less than 5 percent of all hazardous materials shipped by rail will meet the definition of extremely hazardous materials under this Act.

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) EXTREMELY HAZARDOUS MATERIAL.—The term "extremely hazardous material" means any chemical, toxin, or other material being shipped or stored in sufficient quantities to represent an acute health threat or have a high likelihood of causing injuries, casualties, or economic damage if successfully targeted by a terrorist attack, including materials that—

(A) are—

(i) toxic by inhalation;

(ii) extremely flammable; or

(iii) highly explosive;

(B) contain high level nuclear waste; or

(C) are otherwise designated by the Secretary as extremely hazardous.

(2) HIGH THREAT CORRIDOR.—

(A) IN GENERAL.—The term "high threat corridor" means a geographic area that has been designated by the Secretary as particularly vulnerable to damage from the release of extremely hazardous materials, including—

(i) large populations centers;

(ii) areas important to national security;

(iii) areas that terrorists may be particularly likely to attack; or

(iv) any other area designated by the Secretary as vulnerable to damage from the rail shipment or storage of extremely hazardous materials.

(B) OTHER AREAS.—

(i) IN GENERAL.—Any city that is not designated as a high threat corridor under subparagraph (A) may file a petition with the Secretary to be so designated.

(ii) PROCEDURE.—The Secretary shall establish, by rule, regulation, or order, procedures for petitions under clause (i), including—

(I) designating the local official eligible to file a petition;

(II) establishing the criteria a city shall include in a petition;

(III) allowing a city to submit evidence supporting its petition; and

(IV) requiring the Secretary to rule on the petition not later than 60 days after the date of submission of the petition.

(iii) NOTICE.—The Secretary's decision regarding any petition under clause (i) shall be communicated to the requesting city, the Governor of the State in which the city is located, and the Senators and Members of the House of Representatives that represent the State in which the city is located.

(3) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security or the Secretary's designee.

(4) STORAGE.—The term "storage" means any temporary or long-term storage of extremely hazardous materials in rail tankers or any other medium utilized to transport extremely hazardous materials by rail.

SEC. 3. REGULATIONS FOR TRANSPORT OF EXTREMELY HAZARDOUS MATERIALS.

(a) PURPOSES OF REGULATIONS.—The regulations issued under this section shall establish a national, risk-based policy for extremely hazardous materials transported by rail or being stored. To the extent the Secretary determines appropriate, the regulations issued under this section shall be consistent with other Federal, State, and local regulations and international agreements relating to shipping or storing extremely hazardous materials.

(b) ISSUANCE OF REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue, after notice and opportunity for public comment, regulations concerning the rail shipment and storage of extremely hazardous materials by owners and operators of railroads. In developing such regulations, the Secretary shall consult with other Federal, State, and local government entities, security experts, representatives of the hazardous materials rail shipping industry, labor unions representing persons who work with hazardous materials in the rail shipping industry, and other interested persons, including private sector interest groups.

(c) REQUIREMENTS.—The regulations issued under this section shall—

(1) include a list of the high threat corridors designated by the Secretary;

(2) contain the criteria used by the Secretary to determine whether an area qualifies as a high threat corridor;

(3) include a list of extremely hazardous materials;

(4) establish protocols for owners and operators of railroads that ship extremely hazardous materials regarding notifying all governors, mayors, and other designated officials and local emergency responders in a high threat corridor of the quantity and type of extremely hazardous materials that are transported by rail through the high threat corridor;

(5) require reports regarding the transport by railroad of extremely hazardous materials by the Secretary to local governmental officials designated by the Secretary, and Local Emergency Planning Committees, established under the Emergency Planning and Community Right to Know Act of 1986 (42 U.S.C. 11001 et seq.);

(6) establish protocols for the coordination of Federal, State, and local law enforcement authorities in creating a plan to respond to a terrorist attack, sabotage, or accident involving a rail shipment of extremely hazardous materials that causes the release of such materials;

(7) require that any rail shipment containing extremely hazardous materials be re-routed around any high threat corridor; and

(8) establish standards for the Secretary to grant exceptions to the re-routing requirement under paragraph (7).

(d) HIGH THREAT CORRIDORS.—

(1) IN GENERAL.—The criteria under subsection (c)(2) for determining whether an area qualifies as a high threat corridor may be the same criteria used for the distribution of funds under the Urban Area Security Initiative program.

(2) INITIAL LIST.—If the Secretary is unable to complete the review necessary to determine which areas should be designated as high threat corridors within 90 days after the date of enactment of this Act, the initial list shall be the cities that receive funding under the Urban Areas Security Initiative Program in fiscal year 2004.

(e) EXTREMELY HAZARDOUS MATERIALS LIST.—If the Secretary is unable to complete the review necessary to determine which materials should be designated extremely hazardous materials under subsection (c)(3) within 90 days of the date of enactment of this Act, the initial list shall include—

(1) explosives classified as Class 1, Division 1.1, or Class 1, Division 1.2, under section 173.2 of title 49, Code of Federal Regulations, in a quantity greater than 500 kilograms;

(2) flammable gasses classified as Class 2, Division 2.1, under section 173.2 of title 49, Code of Federal Regulations, in a quantity greater than 10,000 liters;

(3) poisonous gasses classified as Class 2, Division 2.3, under section 173.2 of title 49, Code of Federal Regulations, that are also assigned to Hazard Zones A or B under section 173.116 of title 49, Code of Federal Regulations, in a quantity greater than 500 liters;

(4) poisonous materials, other than gasses, classified as Class 6, Division 6.1, under section 173.2 of title 49, Code of Federal Regulations, that are also assigned to Hazard Zones A or B under section 173.116 of title 49, Code of Federal Regulations, in a quantity greater than 1,000 kilograms; and

(5) anhydrous ammonia classified as Class 2, Division 2.2, under section 173.2 of title 49, Code of Federal Regulations, in a quantity greater than 1,000 kilograms.

(f) NOTIFICATION.—

(1) IN GENERAL.—The protocols under subsection (c)(4) shall establish the required frequency of reporting by an owner and operator of a railroad to the Governors, Mayors, and other designated officials and local emergency responders in a high threat corridor.

(2) REPORTS TO SECRETARY.—The protocols under subsection (c)(4) shall require owners and operators of railroad to make annual reports to the Secretary regarding the transportation of extremely hazardous materials, and to make quarterly updates if there has been any significant change in the type, quantity, or frequency of shipments.

(3) CONSIDERATIONS.—In developing protocols under subsection (c)(4), the Secretary shall consider both the security needs of the United States and the interests of State and local governmental officials.

(g) REPORTS.—

(1) FREQUENCY.—

(A) IN GENERAL.—The Secretary shall make an annual report to local governmental officials and Local Emergency Planning Committees under subsection (c)(5).

(B) Updates.—If there has been any significant change in the type, quantity, or frequency of rail shipments in a geographic area, the Secretary shall make a quarterly update report to local governmental officials and Local Emergency Planning Committees in that geographic area.

(2) Contents.—Each report made under subsection (c)(5) shall incorporate information from the reports under subsection (c)(4) and shall include—

(A) a good-faith estimate of the total number of rail cars containing extremely hazardous materials shipped through or stored in each metropolitan statistical area; and

(B) if a release from a railcar carrying or storing extremely hazardous materials is likely to harm persons or property beyond the property of the owner or operator of the railroad, a risk management plan that provides—

(i) a hazard assessment of the potential effects of a release of the extremely hazardous materials, including—

(I) an estimate of the potential release quantities; and

(II) a determination of the downwind effects, including the potential exposures to affected populations;

(ii) a program to prevent a release of extremely hazardous materials, including—

(I) security precautions;

(II) monitoring programs; and

(III) employee training measures utilized; and

(iii) an emergency response program that provides for specific actions to be taken in response to the release of an extremely hazardous material, including procedures for informing the public and Federal, State, and local agencies responsible for responding to the release of an extremely hazardous material.

(h) Transportation and Storage of Extremely Hazardous Materials Through High Threat Corridors.—

(1) In general.—The standards for the Secretary to grant exceptions under subsection (c)(8) shall require a finding of special circumstances by the Secretary, including that—

(A) the shipment originates in or is destined to the high threat corridor;

(B) there is no practical alternate route;

(C) there is an unanticipated, temporary emergency that threatens the lives of people in the high threat corridor; or

(D) there would be no harm to persons or property beyond the property of the owner or operator of the railroad in the event of a successful terrorist attack on the shipment.

(2) Practical alternate routes.—Whether a shipper must utilize an interchange agreement or otherwise utilize a system of tracks or facilities owned by another operator shall not be considered by the Secretary in determining whether there is a practical alternate route under paragraph (1)(B).

(3) Grant of exception.—If the Secretary grants an exception under subsection (c)(8)—

(A) the extremely hazardous material may not be stored in the high threat corridor, including under a leased track or rail siding agreement; and

(B) the Secretary shall notify Federal, State, and local law enforcement and first responder agencies (including, if applicable, transit, railroad, or port authority agencies) within the high threat corridor.

SEC. 4. SAFETY TRAINING.

(a) Homeland Security Grant Program.—

(1) In general.—The Secretary may award grants to local governments and owners and operators of railroads to conduct training regarding safety procedures for handling and responding to emergencies involving extremely hazardous materials.

(2) Use of funds.—Grants under this subsection may be used to provide training and purchase safety equipment for individuals who—

(A) transport, load, unload, or are otherwise involved in the shipment of extremely hazardous materials;

(B) would respond to an accident or incident involving a shipment of extremely hazardous materials; and

(C) would repair transportation equipment and facilities in the event of such an accident or incident.

(3) Application.—A local government or owner or operator of a railroad desiring a grant under this subsection shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably establish.

(4) Authorization of appropriations.—There are authorized to be appropriated $100,000,000 to carry out this subsection.

(b) Railway Hazmat Training Program.—

(1) Program.—Section 5116(j) of title 49, United States Code, is amended by adding at the end the following:

"(6) Railway hazmat training program.—

"(A) In order to further the purposes of subsection (b), the Secretary of Transportation shall, subject to the availability of funds, make grants to national nonprofit employee organizations with experience in conducting training regarding the transportation of hazardous materials on railways for the purpose of training railway workers who are likely to discover, witness, or otherwise identify a release of extremely hazardous materials and to prevent or respond appropriately to the incident.

"(B) The Secretary of Transportation shall delegate authority for the administration of the Railway Hazmat Training Program to the Director of the National Institute of Environmental Health Sciences under subsection (g). In administering the program under this paragraph, the Director of the National Institute of Environmental Health Sciences shall consult closely with the Secretary of Transportation and the Secretary of Homeland Security.".

(2) Authorization of appropriations.—Section 5127 of title 49, United States Code, is amended by adding at the end the following:

"(h) Railway Hazmat Training Program.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2006, 2007, and 2008 to carry out section 5116(j)(6).".

SEC. 5. RESEARCH AND DEVELOPMENT.

(a) Transport.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Secretary shall conduct a study of the benefits and availability of technology and procedures that may be utilized to—

(A) reduce the likelihood of a terrorist attack on a rail shipment of extremely hazardous materials;

(B) reduce the likelihood of a catastrophic release of extremely hazardous materials in the event of a terrorist attack; and

(C) enhance the ability of first responders to respond to a terrorist attack on a rail shipment of extremely hazardous materials and other required activities in the event of such an attack.

(2) Matters studied.—The study conducted under this subsection shall include the evaluation of—

(A) whether safer alternatives to 90-ton rail tankers exist;

(B) the feasibility of requiring chemical shippers to electronically track the movements of all shipments of extremely hazardous materials and report this information to the Department of Homeland Security on an ongoing basis as such shipments are transported; and

(C) the feasibility of utilizing finger-print based access controls for all chemical conveyances.

(3) Reporting.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress describing the findings of the study conducted under this subsection, which shall include recommendations and cost estimates for securing shipments of extremely hazardous materials.

(b) Physical Security.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Secretary shall conduct a study of the physical security measures available for rail shipments of extremely hazardous materials that will reduce the risk of leakage or release in the event of a terrorist attack or sabotage.

(2) Matters studied.—The study conducted under this subsection shall consider the use of passive secondary containment of tanker valves, additional security force personnel, surveillance technologies, barriers, decoy rail cars, and methods to minimize delays during shipping.

(3) Reporting.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress describing the findings of the study conducted under this subsection, which shall contain recommendations and cost estimates for securing shipments of extremely hazardous materials.

(c) Leased Track Storage Arrangements.—

(1) In general.—Not later than 90 days after enactment of this Act, the Secretary shall conduct a study of available alternatives to storing extremely hazardous materials in or on leased track facilities.

(2) Matters studied.—The study conducted under this subsection shall—

(A) evaluate the extent of the use of leased track facilities and the security measures that should be taken to secure leased track facilities; and

(B) assess means to limit the consequences of an attack on extremely hazardous materials stored on leased track facilities to nearby communities.

(3) Report.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress describing the findings of the study conducted under this subsection, which shall contain recommendations and cost estimates for securing shipments of extremely hazardous materials.

SEC. 6. WHISTLEBLOWER PROTECTION.

(a) Prohibition Against Discrimination.—No owner or operator of a railroad may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to the Secretary, the Attorney General, or any Federal supervisory agency regarding a possible violation of any provision of this Act by the owner or operator of a railroad or any director, officer, or employee of an owner or operator of a railroad.

(b) Enforcement.—Any employee or former employee who believes that such employee has been discharged or discriminated against in violation of subsection (a) may file a civil action in the appropriate United States district court before the end of the 2-year period beginning on the date of such discharge or discrimination.

(c) REMEDIES.—If the district court determines that a violation has occurred, the court may order the owner or operator of a railroad that committed the violation to—

(1) reinstate the employee to the employee's former position;

(2) pay compensatory damages; or

(3) take other appropriate actions to remedy any past discrimination.

(d) LIMITATION.—The protections of this section shall not apply to any employee who—

(1) deliberately causes or participates in the alleged violation of law or regulation; or

(2) knowingly or recklessly provides substantially false information to the Secretary, the Attorney General, or any Federal supervisory agency.

SEC. 7. PENALTIES.

(a) RIGHT OF ACTION.—

(1) IN GENERAL.—Any State or local government may bring a civil action in a United States district court for redress of injuries caused by a violation of this Act against any person (other than an individual) who transports, loads, unloads, or is otherwise involved in the shipping of extremely hazardous materials by rail and who violated this Act.

(2) RELIEF.—In an action under paragraph (1), a State or local government may seek, for each violation of this Act—

(A) an order for injunctive relief; and

(B) a civil penalty of not more than $1,000,000.

(b) ADMINISTRATIVE PENALTIES.—

(1) IN GENERAL.—The Secretary may issue an order imposing an administrative penalty of not more than $1,000,000 for each failure by a person (other than an individual) who transports, loads, unloads, or is otherwise involved in the shipping of extremely hazardous materials to comply with this Act.

(2) NOTICE AND HEARING.—Before issuing an order under paragraph (1), the Secretary shall provide the person who allegedly violated this Act—

(A) written notice of the proposed order; and

(B) the opportunity to request, not later than 30 days after the date on which the person received the notice, a hearing on the proposed order.

(3) PROCEDURES.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue regulations establishing procedures for administrative hearings and the appropriate review of penalties issued under this subsection, including establishing deadlines.

By Mr. SPECTER (for himself and Mr. LAUTENBERG):

S. 1257. A bill to amend title 28, United States Code, to clarify that persons may bring private rights of actions against foreign states for certain terrorist acts, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, along with my colleague, Senator LAUTENBERG, I am introducing the Justice for Marine Corps Families—Victims of Terrorism Act. I am submitting this legislation on behalf of the families of the brave servicemen who died when terrorists—with the support of the Government of Iran—sent a suicide bomber into the Marine Corps Barracks in Beirut, Lebanon, on October 23, 1983, killing 241 U.S. servicemen—18 sailors, 3 soldiers, and 220 marines.

This legislation clarifies a private right of action, in Federal courts, for U.S. citizens against state sponsors of terrorism and will ultimately make it easier for victims of such acts to collect court-ordered damages against state-sponsors of terrorism. The specific provisions of the legislation have been drafted to harmonize existing statutory law with the recent decision by the District of Columbia circuit in *Cicippio-Puleo* v. *Islamic Republic of Iran*, 353 F.3d 1024, D.C. Cir. 2004, which held that "neither 28 U.S.C. §1605(a)(7) nor the Flatow Amendment to the Foreign Sovereign Immunities Act. . . ., nor the two considered in tandem, creates a private right of action against a foreign government." 353 F.3d 1024, 1032–33 (D.C. Cir. 2004). This bill will permit the families of the brave servicemen who died at the Marine Corps Barracks in Beirut, Lebanon, to collect court-ordered damages against state-sponsors of terrorism such as Iran.

The initial section of the bill clarifies that victims of a state-sponsored terrorist attack are permitted to bring a private suit against the sponsoring foreign terrorist government. Congress first allowed U.S. citizen victims of state sponsored terrorism to pursue private actions against a foreign terrorist government when we passed the Flatow Amendment in 1996. Now, some 9 years and over 50 successful cases later, the Federal Appellate Court for the District of Columbia Circuit in *Cicippio-Puleo* v. *Islamic Republic of Iran*, 353 F.3d 1024 D.C., 2004, has held that the Flatow amendment did not create a private right of action against a foreign terrorist government. Accordingly, the initial section of this bill will correct *Cicippio-Puleo* by explicitly inserting language into the Flatow amendment enabling U.S. citizens to once again bring private suits against foreign terrorist governments who have murdered or maimed their loved ones.

The second section of the bill eliminating many of the barriers which have prevented U.S. citizens from collecting on court ordered damages against state sponsors of terrorism. The bill does this by changing the legal standard of the Bancec doctrine from day to day-managerial control to those under the beneficial ownership of the state. The Supreme Court enunciated the so-called *Bancec* doctrine in *First Nat'l City Bank* v. *Banco Para El Comercio Exterior de Cuba*, 462 U.S. 611, 626–27, 1983. In this case, the U.S. Supreme Court created a presumption against a party that seeks to satisfy an outstanding judgment against a foreign government by seizing the foreign government's assets. This section of the bill will ease the burden on the families of victims of terrorism by permitting them to attach the hidden assets of terrorist states held within the United States. Finally, the remaining portions of the bill would create a mechanism whereby a lien could be filed in any jurisdiction in the United States where a state sponsor of terrorism directly or indirectly owns assets. This would prevent foreign state sponsors of terrorism from removing these assets from the country after the passage of this legislation.

On October 23, 2004, in Philadelphia, I was privileged to take part in a memorial service held in honor of the servicemen killed in the 1983 Beirut attack. Some of the family members of those killed attended the event. Their moving comments about how they had been denied the ability to seek legal redress, despite clear findings implicating Iran in the attacks, were both poignant and persuasive. It is vitally important to victims' families that they have a private right of action against the state sponsor itself, not just against its officials, employees, or agents acting in their official capacity. These victims and their families deserve not only a day in court but also the ability to recover damages from these terrorist states that commit, direct, or materially support terrorist acts against American citizens or nationals. This bill reaffirms that the United States will not tolerate state-sponsored terrorism. Accordingly, I urge my colleagues to join us in support of this bill. I yield the floor. I ask unaminous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1257

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF PRIVATE RIGHT OF ACTION AGAINST TERRORIST STATES; DAMAGES.

(a) RIGHT OF ACTION.—Section 1605 of title 28, United States Code, is amended—

(1) in subsection (f), in the first sentence, by inserting "or (h)" after "subsection (a)(7)"; and

(2) by adding at the end the following:

"(h) CERTAIN ACTIONS AGAINST FOREIGN STATES OR OFFICIALS, EMPLOYEES, OR AGENTS OF FOREIGN STATES.—

"(1) CAUSE OF ACTION.—

"(A) CAUSE OF ACTION.—A foreign state designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or an official, employee, or agent of such a foreign state, shall be liable to a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or the national's legal representative for personal injury or death caused by an act of that foreign state, or by that official, employee, or agent while acting within the scope of his or her office, employment, or agency, for which the courts of the United States may maintain jurisdiction under subsection (a)(7) for money damages. The removal of a foreign state from designation as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or other provision of law shall not terminate a cause of action arising under this subparagraph during the period of such designation.

"(B) DISCOVERY.—The provisions of subsection (g) apply to actions brought under subparagraph (A).

"(C) NATIONALITY OF CLAIMANT.—No action shall be maintained under subparagraph (A) arising from an act of a foreign state or an official, employee, or agent of a foreign state if neither the claimant nor the victim was a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) when such acts occurred.

"(2) DAMAGES.—In an action brought under paragraph (1) against a foreign state or an official, employee, or agent of a foreign state, the foreign state, official, employee, or agent, as the case may be, may be held liable for money damages in such action, which may include economic damages, damages for pain and suffering, or, notwithstanding section 1606, punitive damages. In all actions brought under paragraph (1), a foreign state shall be vicariously liable for the actions of its officials, employees, or agents.

"(3) APPEALS.—An appeal in the courts of the United States in an action brought under paragraph (1) may be made—

"(A) only from a final decision under section 1291 of this title, and then only if filed with the clerk of the district court within 30 days after the entry of such final decision; and

"(B) in the case of an appeal from an order denying the immunity of a foreign state, a political subdivision thereof, or an agency of instrumentality of a foreign state, only if filed under section 1292 of this title.".

(b) CONFORMING AMENDMENT.—Section 589 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in section 101(a) of Division A of Public Law 104-208 (110 Stat. 3009-172; 28 U.S.C. 1605 note), is repealed.

SEC. 2. PROPERTY SUBJECT TO ATTACHMENT EXECUTION.

Section 1610 of title 28, United States Code, is amended by adding at the end the following:

"(g) PROPERTY INTERESTS IN CERTAIN ACTIONS.—

"(1) IN GENERAL.—A property interest of a foreign state, or agency or instrumentality of a foreign state, against which a judgment is entered under subsection (a)(7) or (h) of section 1605, including a property interest that is a separate juridical entity, is subject to execution upon that judgment as provided in this section, regardless of—

"(A) the level of economic control over the property interest by the government of the foreign state;

"(B) whether the profits of the property interest go to that government;

"(C) the degree to which officials of that government manage the property interest or otherwise control its daily affairs;

"(D) whether that government is the real beneficiary of the conduct of the property interest; or

"(E) whether establishing the property interest as a separate entity would entitle the foreign state to benefits in United States courts while avoiding its obligations.

"(2) UNITED STATES SOVEREIGN IMMUNITY INAPPLICABLE.—Any property interest of a foreign state, or agency or instrumentality of a foreign state, to which paragraph (1) applies shall not be immune from execution upon a judgment entered under subsection (a)(7) or (h) of section 1605 because the property interest is regulated by the United States Government by reason of action taken against that foreign state under the Trading With the Enemy Act or the International Emergency Economic Powers Act.".

SEC. 3. APPOINTMENT OF SPECIAL MASTERS.

(a) VICTIMS OF CRIME ACT.—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking "December 21, 1988, with respect to which an investigation or" and inserting "October 23, 1983, with respect to which an investigation or a civil or criminal".

(b) JUSTICE FOR MARINES.—The Attorney General shall transfer, from funds available for the program under sections 1404C of the Victims of Crime Act of 1984 (42 U.S.C. 10603c), to the Administrator of the United States District Court for the District of Columbia such funds as may be required to carry out the orders of United States District Judge Royce C. Lamberth appointing Special Masters in the matter of Peterson, et al. v. The Islamic Republic of Iran, Case No. 01CV02094 (RCL).

SEC. 4. LIS PENDENS.

(a) LIENS.—In every action filed in a United States district court in which jurisdiction is alleged under subsection (a)(7) or (h) of section 1605 of title 28, United States Code, the filing of a notice of pending action pursuant to such subsection, to which is attached a copy of the complaint filed in the action, shall have the effect of establishing a lien of lis pendens upon any real property or tangible personal property located within that judicial district that is titled in the name of any defendant, or titled in the name of any entity controlled by any such defendant if such notice contains a statement listing those controlled entities. A notice of pending action pursuant to subsection (a)(7) or (h) of section 1605 of title 28, United States Code, shall be filed by the clerk of the district court in the same manner as any pending action and shall be indexed by listing as defendants all named defendants and all entities listed as controlled by any defendant.

(b) ENFORCEMENT.—Liens established by reason of subsection (a) shall be enforceable as provided in chapter 111 of title 28, United States Code.

SEC. 5. APPLICABILITY.

(a) IN GENERAL.—The amendments made by this Act apply to any claim for which a foreign state is not immune under subsection (a)(7) or (h) of section 1605 of title 28, United States Code, arising before, on, or after the date of the enactment of this Act.

(b) PRIOR CAUSES OF ACTION.—In the case of any action that—

(1) was brought in a timely manner but was dismissed before the enactment of this Act for failure to state of cause of action, and

(2) would be cognizable by reason of the amendments made by this Act, the 10-year limitation period provided under section 1605(f) of title 28, United States Code, shall be tolled during the period beginning on the date on which the action was first brought and ending 60 days after the date of the enactment of this Act.

By Mr. CHAMBLISS:

S. 1258. A bill to designate the building located at 493 Auburn Avenue, N.E., in Atlanta, Georgia, as the "John Lewis Civil Rights Institute"; to the Committee on Environment and Public Works.

Mr. CHAMBLISS. Mr. President, I rise today to honor a man who has been at the front of our country's fight for civil rights. Born a son of sharecroppers in Troy, AL, JOHN grew up to become one of the leading proponents fighting on the frontlines of the civil rights movement.

JOHN grew up listening to speeches from the Reverend Martin Luther King Jr., and observing many courageous acts, such as the Montgomery bus boycotts. Through those examples, LEWIS could no longer stand idly by while others suffered for his sake. He was motivated to become an active participant in these historical events. From organizing peaceful demonstrations, to riding in the fronts of buses, LEWIS was a key leader and played a dynamic role in the civil rights movement.

From 1963–1966 LEWIS served as chairman of the Student Nonviolent Coordinating Committee. In 1963 LEWIS was named one of the Big Six Civil Rights leaders along with Martin Luther King Jr., James Farmer, Roy Wilkins, Whitney Young, and A. Phillip Randolph.

In August 1963, JOHN LEWIS was a keynote speaker at the momentous March on Washington where Martin Luther King, Jr. gave his "I Have a Dream" speech. On March 7, 1965, LEWIS helped the now pivotal voting rights march from Selma to Montgomery, AL. Sustaining physical injuries for the principles he believed in, JOHN LEWIS remained steadfast in his commitment to promoting human rights in the United States. The violent reactions by Alabama state troopers that day sparked an outcry and eventually served to facilitate passage of the Voting Rights Act of 1965.

Mr. President, as a congressman, statesman, humanitarian, the Nation has benefited greatly from the lifelong contributions of JOHN LEWIS. I am proud to introduce legislation honoring JOHN LEWIS.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1258

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN LEWIS CIVIL RIGHTS INSTITUTE.

(a) DESIGNATION.—The building located at 493 Auburn Avenue, N.E., in Atlanta, Georgia, shall be known and designated as the "John Lewis Civil Rights Institute".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the John Lewis Civil Rights Institute.

By Mr. ALEXANDER:

S. 1261. A bill to simplify access to financial aid and access to information on college costs, to provide for more learning and less reporting, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, in case the President may be wondering, and I asked consent about this, these are 7,000 regulations. We have 6,000 autonomous institutions of higher education in the United States, colleges and universities.

The Presiding Officer comes from the State that has some of the finest colleges and universities anywhere in America. I will not begin to name them because there are so many of them I might leave one out. Every single college or university, public or private, in North Carolina, Tennessee, or Colorado which has students with Federal grants or loans gets all of these boxes this year. These are the Federal regulations under title IV of the Higher Education Act that somebody at the smallest college or the biggest university must wade through in order to help students have Federal grants and Federal loans. The Federal grant and Federal loans are one of the great success stories of the United States of America. I will talk more about that.

Mr. President, 60 percent of our college students and university students at those 6,000 public and private and profit and nonprofit institutes of higher education, 60 percent of them have a Federal grant or loan to help pay for college. That has increased over the last 4 or 5 years about 10 times faster—9 times faster—than State funding for higher education.

But my goal today, in my remarks and in the bill I am introducing, is to make it easier for boys and girls and men and women who attend our colleges and universities—and many of them are mature, older students—to make it easier for them to go through these documents. And then, on the other hand, to make it easier for our colleges and universities to comply with all these rules and regulations. I would like for them to be spending their time and their money helping our students learn instead of spending their time and their money reporting to us what they are doing.

That is the purpose of what I want to do today. I am introducing the Higher Education Simplification and Deregulation Act of 2005, a bill that does what I just described. It will help students get access to available financial resources. Second, it will reduce the burden on colleges and universities imposed by Federal regulations so they can devote more of their time doing what they are meant to do: provide the highest quality postsecondary education in the world. And third, it will ensure that the autonomy and independence of our 6,000 institutions of higher education are preserved.

I am delighted I am able to interrupt the energy debate to talk about higher education because I think while it sounds like we are shifting gears, they really go together. If I am looking at our country today, and I had to take an exam this minute about the two greatest issues facing the United States of America, I would say, No. 1, terrorism, and, No. 2, competitiveness. "Competitiveness" a big word, meaning: How are we going to keep our jobs? How are we going to keep our standard of living in this country when we have 5 or 6 percent of the people in the world, and yet we produce a third of all the money, consume 25 percent of all the energy? And China and India and Singapore and Malaysia, not to mention Japan and Europe, are saying: Wait a minute. Our brains are as good as those American brains. A lot of our students have been going to the United States, creating jobs for those Americans. In fact, 572,000 foreign students are in this country today, basically improving our standard of living by their work here.

So we are in a very competitive time. Just as we have been saying in energy, here comes China, here comes Malaysia, here comes India buying up the oil reserves, driving up the price. Here comes Germany and other parts of the world with lower natural gas prices than we have. And our jobs are going toward them.

The other thing we could do to ensure our good jobs and to keep our higher standard of living is to focus on our brainpower. The great advantages the United States of America has had since World War II have been our low cost, reliable supply and access to energy, our science and technology edge, and our educational institutions. There are so many examples of that.

Mrs. KAY BAILEY HUTCHISON, the senior Senator from Texas, and our majority leader, Senator BILL FRIST, had a little session in the leader's office last year. They invited the former Brazilian President Fernando Henrique Cardoso. He was concluding his residency at the Library of Congress. I remember after he had said what he had to say, we asked our questions.

Senator HUTCHISON asked of President Cardoso: Mr. President, what is the one thing you are going to remember about the United States from your stay here at the Library of Congress that you will take with you back to your country of Brazil? Without a moment's hesitation, he said: The American university, the greatness and the autonomy of the American university.

I will tell you another story. A few years ago, I was asked to be the president of the University of Tennessee. It was 1988. I was glad to do it. I had been chairman of the board of the university for 8 years as Governor, and I appointed a lot of the trustees, but I was not a skilled university president. So I sought out David Gardner, the president of the University of California, which I regard, with all respect to North Carolina, at least at that time, to be the outstanding public university in America and perhaps one of the best in the world.

I said to David Gardner: Why is the University of California so good? Without a moment's hesitation, he said: First, autonomy. When California created the university—they created four branches of government, really: legislative, executive, judicial, and then the University of California. He said: Fundamentally, they give us the money, and then our board and we decide how to spend it. Our autonomy has permitted us to do the second thing, set very high standards. And then he said the third thing was the large amount of Federal dollars that follows students to the educational institution of their choice.

So autonomy, excellence, and choice—Federal dollars following students to the schools of their choice. That is how David Gardner explained the California model for excellence in higher education.

That model has worked for our country since the GI bill for veterans was enacted in 1944. I have wondered many times how we were fortunate enough to have decided to do it in the way they did it. This was for the veterans. It was the end of World War II. There were college presidents who were very upset about the idea of giving the veterans money and just telling them to go wherever they wanted to go to college.

The president of the University of Chicago said it would make the University of Chicago a hobo's jungle. But we know what it did. We had veterans coming back and taking their GI bill. Many of them took it to Catholic high schools and other high schools because they had not finished high school. But they went wherever they wanted, to any accredited institution. They went to Yeshiva. They went to Vanderbilt. They went to the historically Black colleges and universities across America—Harvard. It did not matter. If it was accredited, they chose the institution.

The same formula was applied when the Pell grants were created by this Congress in honor of Senator Pell, who was a former Member of this body; as is true with Senator Stafford and the Stafford loans. Instead of giving those grants and loans to the University of North Carolina and the University of Tennessee, they went to the student. The student then said: Well, I will decide where I want to go. I may want to go to Rhodes College, or I may want to go to Lenore Rhyne or I may want to go to the University of Florida or Yeshiva or Howard. They go where they want to go.

Because of that, we now have 6,000 autonomous institutions around the country. Many of them are nonprofit. Many of them are for profit. Eighty percent of our students go to public institutions, but 20 percent go to private institutions. Because it is a marketplace of 6,000 institutions, and some are, of course, better than others, because it is a marketplace, we have been able to adapt to a changing world that now has different subjects, different standards, a more global environment, and students who are, by and large, much older and have different needs than they did before.

If we had not had that kind of marketplace of colleges and universities, we would be stuck in the mud, and we would not have former President Cardoso of Brazil talking so well about our colleges and universities.

We do not just have some of the best colleges and universities in the world; we have almost all of them. And the rest of the world knows that. We do not have 572,000 foreign students studying in our country this year because we made them come, or even because we give them scholarships. They pay to come for the most part. They are the brightest students in most of these countries. And 60 percent of our postdoctoral students are from overseas. Half our students in computer and engineering graduate programs are from overseas. They are here for that reason. So we attract these students. The Federal Government has continued to be generous.

So there are two things I am introducing today with this bill. Number one, this legislation would simplify the financial aid process and expand access for students. We do it in these ways: (a) streamline the forms for Federal grants and loans, making access to student financial aid easier; (b) provide students who want to expedite their education and study year-round the Federal support to do so; (c) provide students with financial information about colleges and universities in a clear and concise manner that does not require additional reporting from institutions.

The second purpose of the bill is to protect that autonomy, that one word, that independence, that autonomy of these 6,000 institutions. That is, in my view, a critical element of why we have the best colleges and universities in the world.

What I mean by that is we did not order them to be good from Washington. That is not how they got to be great. They were autonomous and independent. We allowed them to be, and then we gave them students, followed by money, who created a competitive marketplace. And they became the best in the world.

So this legislation eliminates, streamlines, and evaluates regulations currently imposed on institutions of higher education with the goal of lessening the burden on schools. That way, universities can focus more on teaching and researching and less on maintaining reporting requirements for the Federal Government.

The bill, No. 1, appoints an expert panel to review Department of Education regulations and to recommend how those regulations might be streamlined or eliminated. Two, it accelerates the "negotiated rulemaking process" whereby universities negotiate new rules with the Department so that an end result can be reached without costly delays. And three, it develops a compliance calendar so that universities know what requirements they have to meet and when they to have meet them.

What I mean by that is, it will be up to us in the Federal Government to send to the University of North Carolina or Maryville College in Tennessee a list of the rules they have to comply with so they don't have to hire a whole team of people to try to wade through and read everything.

This is just one title of the Higher Education Act. It has several titles. So a compliance calendar would help deregulate.

These changes build on the successful model for American higher education. By making the financial aid process more user friendly and more accessible, more students will have Federal funds following them to the college or university of their choice. And by relieving some of the Federal regulatory burden, we are restoring university autonomy so they can spend more time teaching and researching and less time filling out paperwork.

I have two major purposes. The first is to simplify and expand access to financial aid, to make it easier for the 60 percent of our college students who fill out a form to get a Federal grant or loan; and second, to reduce the burdensome paperwork on the colleges and universities.

In terms of simplifying access, we need to remember that the faces and needs of our college students have changed. More typically these days, when I go to a graduation—this has been true for a number of years—the cry you hear from the audience is: Way to go, mom. It is the mom who is getting her degree, or the dad, going back to school, college, community college, trade school, university to get the skills they need to get a better job or another job in a rapidly changing world.

In 1970, we had 7.4 million students, 28 percent of whom were enrolled part time and 38 percent at two-year colleges. Only 28 percent were 25 or older. By 1999, enrollment had grown to 12.7 million, a 7.2-percent increase with 39 percent enrolled part time and 44 percent in two-year colleges. Nearly half our students in 1999 were in two-year colleges. Our financial aid system needs to catch up.

The first thing we can do is to simplify what we call the Free Application Federal Student Aid. As one might expect, it is known around here as FAFSA. Imagine that. You go out and try to talk to a family of someone who might be going to college for the first time and that family says let me talk to you about FAFSA.

I think we ought to change the name. I think we ought to make it easy for people to understand what we are talking about. I recently met a chief financial officer of a company who said she found the form challenging when helping her high school daughter fill out a form for financial aid. I can only imagine the challenge to a high school student, or a working mother, when trying to answer over 100 confusing questions, the vast majority of which are only applicable for the State of California.

So a second thing we can do is make sure students can use the Federal aid for education they need year round. Flexibility for year-round Pell grants is a part of this legislation so students can have the flexibility they need to go and continue their education in the summer. There is a disincentive for that. Not only is that inconvenient for students and working students, it tends to encourage institutions to waste the resources in the summertime, which they should be putting to better use.

The third thing we can do is make sure there is more information. That is why I suggest the "best buy" list—a list of the 100 schools with the lowest tuition and required fees, with the greatest availability of scholarships and grants. In other words, this would help parents and students decide where they could get the biggest bang for their buck.

Many of the ideas that are in our legislation came from the Advisory Committee on Student Financial Assistance. Senator GREGG, when he was chairman, and I invited them to work on this. They did a terrific job and they came up with 10 recommendations, 8 of which are in this bill, and I believe they have no cost to the budget.

The other area and my final comments have to do with the other side of the ledger. While we are making it easier for students to have access to financial aid, we should work to relieve the regulatory burden on colleges and universities represented by these boxes of 7,000 regulations that contain all the forms any college or university in Florida or Tennessee or North Carolina would receive this year to fill out. Thanks to the last two rounds of reauthorizing the Higher Education Act, there are today more than 7,000 regulations associated with the title IV student aid program. With the exception of the Consumer Product Safety Commission and the Federal Trade Commission, every Federal agency is involved in regulating some aspect of higher education. That is incredible and it is absolutely ridiculous.

In 1997, Gerhard Casper, the president of Stanford University, said Stanford spends 7 cents out of every tuition dollar on compliance with Government regulations. This has only gotten worse in the last 9 years. We need to ease the burden. For example, under the Higher Education Act, universities are required to report how many full-time employees have dental insurance, whether the university is a member of a national athletic association, and the number of meals that are in a "board" charge. Colleges are required to hand every student a paper in-State voter registration form and cannot use modern technology such as Web registrations, which would actually reach more students. We are giving university staff busy work to do when they ought to be helping students.

Here is another example. When a major chemical company such as DuPont produces 55-gallon containers of a potentially hazardous waste, we require Dupont to report on how all that waste is disposed and ensure that it is done in a certain manner. This is a good regulation and idea. Right now, we are applying the same regulation and paperwork to a chemistry class at a college that might produce half a test tube of the same substance.

Mr. President, I don't know about the presiding officer, the Senator from Florida, and I now see the Senator from Virginia; I suspect that when we all go back to our States and speak to our Lincoln Day dinners, or when the Democrats go to the Jefferson Day dinners, we all say the thing we need to do once we pass these laws is to have more oversight and ease the burden of regulation. When I say that, I get a big round of applause, because at home people don't think we get any smarter when we fly to Washington, DC, each week. They think it would be absurd to know there are 7,000 regulations governing college grants and loans, and that Stanford University spends 7 cents out of—and this is a private university—every tuition dollar paying for the cost of Government regulations.

One reason we have an increased interest in regulating is because there are a great many Members of Congress, as well as people in the country, who worry about rising tuition costs. I worry about those, too. When I was Governor of Tennessee, we used to have a deal with the students. The State will pay 70 percent of the cost, and you pay 30 percent, and if we raise your tuition, we will raise the State contribution. That has changed, I am afraid, and I think it is important for us to know that. Tuition is not going up because the Federal Government is failing to do its job. Over the last 4 years, Pell grants, work-study, scholarships all gone up about 30 percent. At the same time, over the last 4 years, State spending for higher education is up 3.6 percent. I will say that again. This is according to various educational institutions, including the Center for Study of Education Policy, Illinois State University. In fiscal year 2001, there was a 3.4 percent increase in State funding for higher education. In 2002, there was a 1.2-percent decrease; in the next year, a 2.4-percent decrease. This is State funding for higher education. Last year, there was a 3.8-percent increase—3.6 over the 4 years.

So what our colleges and universities are feeling, and what our students are feeling, is decreased State support for higher education. One reason they are feeling that is because we have not given States the tools to control the growth in Medicaid spending. So in Tennessee, Florida, Virginia, and North Carolina, our colleges and universities are hurting because the Governors and legislatures are spending the dollars that ought to be going for excellence in universities. They are spending it on huge increases in Medicaid costs. That is part of our responsibility, too.

So I come to the floor today to introduce the Higher Education Simplification and Deregulation Act of 2005. I invite my colleagues to join me in it. We will be marking up a Higher Education Authorization Act next month. It affects 60 percent of the college students in the United States. I am sure we are going to continue to fund those grants and loans, as we have from here, but we also need to do two other things. One of them is in here, and that is not to get busy regulating more colleges and universities. We should be deregulating. The other thing we should do, which is not a part of this bill, is to keep our commitment to the Governors that, by about the fall of this year, we should give them the legislative tools they need—and I believe also relief from Federal court consent decrees, which are outdated—so they can manage the growth of Medicaid spending, so that in turn we can continue to support higher education.

Our energy bill and our higher education bill are at the forefront of our policies to keep our jobs and our competitiveness.

Here's one more example: If you grab a pint bottle of rubbing alcohol from your bathroom and take it to a university laboratory, it will immediately fall under the regulation and scrutiny of six different regulatory agencies:

(1) the air quality management district,

(2) the sewer district,

(3) OSHA,

(4) the local fire department,

(5) the county environmental health department, and

(6) the state hazardous waste agency.

While all of these are not directly governed by federal regulations, many are responding to them, and we should do our part to reduce this type of burden. In one instance, a prestigious institution in the Midwest was visited by the EPA and a bottle of dishwashing soap was found in a lab near a sink. The institution was fined for improper management of hazardous waste because the label was not still attached to the bottle. Even worse, the institution had to pay to have the soap analyzed to document that it was not hazardous.

Colleges are in the business of teaching students, not sending meaningless paperwork to the federal government. To fix this problem, my legislation would establish an expert panel to review federal regulations applicable to colleges and universities and make recommendations to the Secretary of Education and the Congress on how some of these regulations could be streamlined or eliminated. The bill also would assist institutions in complying with all these requirements by requiring the Department to develop a compliance calendar outlining specific deadlines for paperwork submissions.

In those cases where there is already clarity about how to deal with regulations, the bill takes action. The bill will accelerate the "negotiated rulemaking process," a process whereby university representatives negotiate new regulations with the Department. Today this process can drag on for years, imposing unnecessary costs along the way due to uncertainty over a final outcome for the rule. Under my bill, that process would have a one year deadline. To give schools a chance to adjust to newly agreed regulations, institutions of higher education would be provided with a minimum of at least 270 days between the publication of any final regulations or guidance and the initiation of data collection related to new disclosure requirements.

The bill also reinstates provisions to allow schools with a low "cohort default rate," meaning that less than 10 percent of their students fail to pay all their loans back on time, the option of distributing loan money to students right at the beginning of the year rather than waiting a month or spacing the money out over the period of a year. This is important since students incur many expenses up front during their education and need the flexibility to pay for fees, books, and other costs.

Mr. President, since the end of World War II, our system of higher education has been unmatched around the globe. According to the Institute of Higher Education at Shanghai University, more than half the world's top 100 universities are in the United States.

But our lead is slipping. During a trip to Europe, I discovered that Chancellor Schroeder of Germany is putting a strong emphasis on reforming his country's university system to mirror—and perhaps even eclipse—our own. British prime minister Tony Blair is overhauling his nation's system because he sees a growing gap between the quality of American and British universities. Authorities in India and especially China are working harder than ever to improve the quality of education in their own countries and keep their brightest minds from leaving their countries. Australia and Canada are making strides as well. And, for the first time, we have witnessed a decline in graduate student enrollment. The Council on Graduate Schools estimated that foreign applications to graduate programs in the U.S. were down this year by five percent.

This greater competition means that not only do we find it harder than ever to attract foreign students, but our graduates will find it harder to compete for top-paying jobs in the global economy since they will be competing against talented, well-educated individuals from around the world.

Now is the time to fine-tune our own system of higher education and restore its greatest strengths: generous financial assistance for students, autonomy, and high standards. Generous support is most effective when students can access it with a minimum of hassle and with maximum flexibility to apply it to their accredited program. Freedom from over-regulation or control by government allows colleges and universities to quickly adjust to the needs of their students and focus on teaching and research. High standards are the natural result of a competitive system where schools compete among each other for dollars and students.

My bill restores the pillars of our higher education system and gives us the ability to move forward with confidence in the twenty-first century. I urge my colleagues to join me in this effort.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the Higher Education Simplification and Deregulation Act of 2005.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIGHER EDUCATION SIMPLIFICATION AND DEREGULATION ACT OF 2005

There are 6,000 autonomous institutions of higher education nationwide, and it is the autonomy and independence that our universities possess that makes our system of higher education the best in the world. While the federal government partners with American students, families and institutions to make a college education accessible, increased regulations on these same entities threatens this remarkably successful relationship. Countries around the world look to our higher education system and are trying to emulate it. The Higher Education Simplification and Deregulation Act of 2005 (the Act) takes steps to reduce bureaucratic red tape, increase autonomy and allow the U.S. to continue to be the best in the world. As we reauthorize The Higher Education Act over the next five years, our goal should be to make college more accessible and not restrict that autonomy.

SIMPLIFY: ACCESS TO FINANCIAL AID AND INFORMATION ON COLLEGE COSTS

(1) Simplify the Free Application for Federal Student Aid (FAFSA)

Implement the majority of recommendations from the Advisory Committee on Student Financial Assistance on simplification of the FAFSA form including improved transparency, verification of need and earlier notification of financial aid eligibility. There is no cost associated with implementing these recommendations.

(2) Year-Round Pell Grants and Flexible Loans for Year Round Study

Authorize year-round Pell grants for both 2 and 4 year institutions. This will help working students and older adults who need increased flexibility and year round financial aid.

Increase annual loan limits for greater funding flexibility for students attending college for more than two academic semesters.

(3) Secretary's list on College "BEST BUYS"

Secretary will publish existing institutional data in a user friendly way.

Best Buy List of "the top 100" will help students decipher institutional expenses and financial aid.

Each year the Secretary shall publish a list of institutions of higher education, by all nine sectors, that identifies:

(a) The 100 schools with the lowest tuition and required fees;

(b) The 100 schools with the lowest cost of attendance;

(c) The 100 schools with the largest percentage of incoming full-time students who receive financial aid;

(d) The 100 schools with the largest average amount of incoming full-time student financial aid on a per student basis;

(e) The 100 schools with the largest percentage of students who receive institutional grants and scholarships;

(f) The 100 schools with the slowest increase in tuition and fees during the preceding 5 years; and

(g) The 100 schools with the slowest increase in total cost of attendance during the preceding 5 years.

(4) Make the Department of Education's Graduate Programs' Need Analysis consistent with other federal graduate programs.

All graduate and professional students are, by definition, independent students and therefore highly likely to have financial need. The federal need analysis requirement in Jacob K. Javits fellowship and Graduate Assistance in Areas of National Need (GAANN) programs often causes lengthy delays in processing grant applications. Instead of yielding helpful distinctions among the applicant pool, the requisite utilization of the federal needs analysis methodology creates massive amounts of paperwork for students, institutions, and the Department of Education. Comparable graduate fellowship programs, such as the Title VI Foreign Language and Area Studies program, and similar training and fellowship programs at National Institutes of Health, National Science Foundation, and the Department of Defense contain no such requirement. Therefore, Javits and GAANN will not be subject to federal needs analysis.

MORE LEARNING, LESS REPORTING

Institutions of higher education are among the most regulated entities in the United States.

With the exception of the Consumer Product Safety Commission and the Federal Trade Commission, all federal agencies are involved in regulating some aspect of higher education.

In addition, there are more than 7,000 regulations associated with Title IV student aid programs alone.

Seven cents of every tuition dollar is spent on government regulations (Stanford University, 1997)

There are lots of regulators of higher education and even more regulations issued by the Department.

(1) Appoint an Expert Panel to Review and Streamline Department of Education Regulations

Panels, appointed by the Secretary, will review regulations on financial aid, institutional eligibility, regulations unrelated to the delivery of student aid and dissemination of information requirements. The panel would then make recommendations to the Secretary and the appropriate Congressional committees on streamlining and eliminating these regulations.

(2) One Size Does Not Fit All for Industry and Academic Regulations

Fund a project by the National Research Council to develop standards in environmental, health and safety areas to provide for differential regulation of industrial facilities, on the one hand, and research and teaching laboratories and facilities on the other. The report will make specific recommendations for statutory and regulatory changes that are needed to develop such a differential approach.

(3) Accelerate Negotiated Rulemaking Process

The process, while somewhat successful, is costly, and significantly delays implementation of regulations. This process should be streamlined. This bill gives the Secretary of Education the authority to engage in negotiated rulemaking, but she is not required to do so if she decides the process is too cumbersome or inefficient.

(4) Develop a Compliance Calendar

For financial aid programs alone, institutions must comply with over 7,000 pages of regulations.

Each year, the Secretary will be required to provide eligible institutions a list of the reporting and disclosure requirements under the Higher Education Act to assist institutions in complying with these requirements.

The list will include: (1) the date each report is required to be completed and to be submitted, made available, or disseminated; (2) the required recipients of each report, including reports that must be kept on file for inspection upon request; (3) any required method for transmittal or dissemination; (4) a description of the content of each report sufficient to allow the institution to identify the appropriate individuals to be assigned the responsibility for its preparation; (5) references to the statutory authority, applicable regulations, and current guidance issued by the Secretary regarding each report; and (6) any other information which is pertinent to the content or distribution of the report or disclosure.

(5) Reinstate two expiring provisions on disbursement of student loans.

The first provision allows schools with cohort default rates below 10 percent to disburse a loan in a single installment rather than in multiple disbursements over the year.

The second lets schools with low cohort default rates waive the requirement that loan proceeds of a first-year, first-time borrower loan be withheld for thirty days so that these students can purchase books and supplies, pay housing costs, and meet other expenses.

(6) Voter Registration Dissemination.

This bill clarifies that institutions can use electronic means to meet the requirement to disseminate voter registration forms to students. Electronic means will ensure that dissemination to students occurs both effectively and efficiently.

ELIMINATE OR ALTER THE FOLLOWING REPORTING REQUIREMENTS IN THE HEA

(1) Application of Change of Ownership to non-profit institutions

The Department of Education applies provisions concerning change of institutional ownership to nonprofit institutions, despite clear expression of contrary congressional intent and the common understanding that nonprofit institutions do not have owners. This places unnecessary burdens on institutions, and may act as a deterrent to governance changes intended to make institutions more efficient and effective.

(2) Disclosure of Foreign Gifts

When an institution receives a foreign gift in excess of $250,000 they must report it to the federal government. This data is publicly available in the annual reports prepared by every college and university and is carefully monitored for public institutions by state governments. The Department of Education reports that it never gets public requests for this information. Institutions will no longer be required to provide this information to the federal government, but make it publicly available on an annual basis.

By Mr. FRIST (for himself, Mrs. CLINTON, Mr. MARTINEZ, Mr. BINGAMAN, Mr. TALENT, Ms. MIKULSKI, Mr. THUNE, and Mr. OBAMA):

S. 1262. A bill to reduce healthcare costs, improve efficiency, and improve healthcare quality through the development of a nation-wide interoperable health information technology system, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, this morning I am pleased to be joined on the floor by my distinguished colleague from the State of New York. Together we share an important goal to improve health care quality and reduce costs through the use of health information technology tools.

I had the wonderful opportunity of spending 20 years as a physician and as a heart surgeon before coming to this body. Like most physicians, I wanted to and, in fact, did use the very latest, most advanced technology, anything that could possibly, in my practice, make my patients live a healthier life, a better life, a more comfortable life.

But amidst the artificial heart assist devices, the lasers that are used to remove lesions in the windpipe or the trachea, CT scan machines, x-rays, digital x-rays, digital thermometers, doctors today, unfortunately, for the most part, keep patient records the very same way I did 10 years ago and, indeed, almost exactly as my dad did 60 years ago as he practiced medicine, and that is handwritten on paper in manila folders, typically stored in the basements of clinics or doctors' offices or hospitals.

It is amazing because we design hospitals, structures on computers today, we conduct medical research with computers, we use computers in nearly every aspect of the clinical setting, the delivery of medicine. From very compact bedside monitors to these massive MRI scanners we have today, computers power almost everything we use, everything we do in terms of diagnosis in medicine, in health care.

But—and this is what we have come to the floor to address—when it comes to health information, when it comes to electronic medical records, we are in the stone age and not the information age.

Imagine a traveler far away from home who gets in an automobile accident and is taken unconscious or confused to a hospital. Paramedics rush them to a hospital, and at the very moment that individual arrives at the door of that emergency room, the emergency room physician meets them, but emptyhanded, with no notification of allergies or past medical history or preexisting illnesses, all of which is potentially lifesaving information. That is inexcusable in this day and age.

My colleague from New York knows this all too well.

Mrs. CLINTON. Mr. President, I wish to express my appreciation to Senator FRIST for his leadership on this issue because we certainly do need to bring our health care system out of the information dark ages. I am pleased to be introducing this legislation today with the majority leader. It is a priority for both of us, and I look forward to continuing our partnership to move this legislation through the legislative process.

For several years, I have been promoting the adoption of health information technology as a means to improve our health care system and bring it into the 21st century. I introduced health quality and information technology legislation in 2003 to jump-start the conversation on health IT. I am very pleased that I have had the opportunity now to work with the majority leader for more than a year on realizing what we believe would work, that would enable patients, physicians, nurses, hospitals—all—to have access electronically in a privacy-protected way to health information.

We have a lot of challenges facing us in health care. We have a long way to go to achieve the goal of expanding access to quality, affordable health care for all Americans. But creating a health information technology infrastructure needs to be a key part of achieving our health care goals because we are facing an escalating health care crisis.

Information technology has radically changed business and other aspects of our lives. It is time to use it to bring our health sector into the information age.

Currently, the health industry spends 2 to 3 percent of its revenues on information technology, compared to roughly 12 percent in industries such as finance or banking. That is why you can go to an ATM virtually anywhere in the world and access money from your bank account.

But despite evidence that greater investments could yield returns, we have not put in place the necessary infrastructure to facilitate the necessary investment in an interoperable health information technology and quality infrastructure.

Mr. FRIST. Mr. President, this needs to change and it must change. We must establish an interoperable privacy-protected electronic medical record for every American who wants one. Working together, our Nation can confront these challenges, and we can build an interoperable national health information technology system. We know it will save lives. We know it will save money. It will improve quality and it will lead to huge measurable progress in the medical field, in the health field.

We face enormous problems as a result of the underinvestment in health information technology. No industry as important to our economy as health spends as little on information technology. Our Nation has nearly 900,000 doctors and over 2.8 million nurses. Americans visit a doctor 900 million times per year. We have nearly 6,000 hospitals all over the country. Our health care system is enormous, yes, but it is dangerously fragmented. Even a small efficiency improvement can greatly reduce cost and improve quality, and there is plenty of room for improvement.

Mrs. CLINTON. Mr. President, I could not agree more. The majority leader comes to this debate with a lifetime of experience and expertise. Researchers at Dartmouth University found that we waste as much as one-third of the $1.8 trillion we spend on health care on care that is not necessary.

Doctors write over 2 billion prescriptions each year by hand. With all respect to my doctors, some are unclear or even illegible. Handwritten prescriptions filled incorrectly result in as many as 7,000 deaths each year because we do not have access to a fail-safe system so that providing the prescription electronically, which also would trigger a response if it was interacting with another drug the patient was taking, is not yet available.

With that data, it is difficult, sometimes even impossible, to track the quality of care patients receive. We cannot reward good providers or work to improve those who provide inferior care.

Widening health care disparities really are a growing problem in our society. It is especially important because every moment that a doctor or a nurse spends with a patient is precious. For every hour that they spend with a patient, they spend one-half hour filling out those forms by hand. So we can save time, we can save money, and we can make it clear that this information will be easily electronically transportable where it is needed.

Mr. FRIST. The problem is enormous and the problem is real. So what are we going to do about it? Senator CLINTON and I propose three concrete steps to remedy these problems and establish a fully interoperable information technology system. First, we must establish standards for electronic medical records. Sharing data effectively requires more than just that fiber optic cable, more than those Internet connections. It requires standards and laws that make it possible to exchange medical information in a privacy-protected way throughout our Nation.

The Government should not impose these standards on the private sector, but it has a duty, and indeed it has an obligation, to lead the way. Medicare, Medicaid, SCHIP, the Indian Health Service, and other Federal programs should lead the way and establish electronic health records for all of their clients.

The Veterans' Administration already leads the way with interoperable systems, but we need to get the VA to be able to talk to the Department of Defense.

Mrs. CLINTON. That is absolutely the case, especially as we tragically know so many young people who have been injured in Iraq or Afghanistan move from the DOD to the VA. We have to have a better system so that they can know what needs to be done for these brave young men and women.

Secondly, we believe our legislation should work to reduce barriers and facilitate the electronic exchange of health information among providers in a secure and private way to improve health care quality and meet community needs. When communities come together, as is beginning to happen all over the country, the Federal Government should help them implement an interoperable health IT system.

Interoperable sounds like a confusing word, but it means they can talk to each other, they can operate in the same overall system and do it in a way that complies with national standards. To speed up this process, we propose spending a total of $600 million—$125 million a year, over 5 years—to begin the work of rolling out interoperable electronic medical records systems around the Nation.

Finally, we must use the data we collect to focus intensely on improving the quality of health care. Our medical system, which is, and deserves to be, the envy of the world, still suffers from enormous and unpardonable disparities in the quality of care. Health IT will be a tool to help our dedicated health care professionals improve care, and efficiently, so that they spend more time at the bedside, more time at the office visit, and less on paperwork.

Through this legislation, we will begin to collect consistent data on the quality of health care delivered in America. As the largest health care payer in the country, the Federal Government has a responsibility to begin that process of collecting data on its own health care programs and share it with the public. Then, with this data, we can begin to move to a health care system that actually rewards providers who give their patients superior care.

Mr. FRIST. Mr. President, as we talk about these systems and standards and words such as interoperability, which, as the Senator from New York said, does mean being able to connect it all together, people who are listening must ask: Well, how in the world do these electronic health records and the appropriate use of that data bring concrete benefits to them as individuals and to their families?

First, it will reduce waste and inefficiency in the system. It only makes sense that fragmented systems, with no interconnectivity at all, have inherent inefficiencies and waste. That is moved aside. That has a very direct impact on lower costs, making health care more affordable and thus available for people broadly.

It improves quality. Right now we know that medical errors occur. Too many medical errors occur in our health care system today. By the application of technology, we can move those medical errors aside. They will not occur and that improves quality.

They will empower patients. It gives that individual who is listening right now the knowledge and power to be able to participate in a consumer-driven system where choices can be made, where the focus is on the patient, that is provider friendly, that is driven by information and choice and empowerment to make that choice.

They will protect patient privacy and promote the secure exchange of lifesaving health information. It is spelled out in the legislation. It is going to be privacy protected.

For the first time, they will seamlessly integrate this advancement in health information technology with quality measures, with quality advancements, harmonizing and integrating them in a way that simply has not been done in the past.

This proposal brings together people, as we can see, from across the political spectrum, and it will unlock the potential of medical information technology for all Americans.

Mrs. CLINTON. I am delighted to be working on this very important national initiative with the majority leader because we are at a pivotal moment. Pockets of innovation and investment are developing all over the country. In my State, places like Rochester, NY, and in the majority leader's State, the Tri-Cities region of Tennessee, health care providers, employers and community groups are beginning the process of building a health information technology network. That is a positive first step, but it could be either a last step or a misstep because to truly achieve the promise of health information technology, we must ensure that these efforts do not become silos. In other words, there is one system for every hospital, one system for every clinical practice. They cannot talk to each other. So a person goes to one doctor. Their doctor is in New York, but they travel to Tennessee to visit friends, they are in an accident, and nobody knows how to get the information that will give them the best possible treatment.

So if we do this right, this comprehensive legislation will create a health information technology framework that improves quality, protects patient privacy and ensures interoperability through the adoption of health IT standards and quality measures.

We are marrying technology and quality to create a seamless, efficient health care system for the 21st century. I thank the majority leader, who has brought so much interest and expertise to this, for being a leader and making this happen in the next 18 months.

Mr. FRIST. I thank my colleague in this endeavor. As mentioned earlier, we began working on the information technology aspects of health care about a year ago and published our first op-ed together about July of last year.

In closing, this is not going to be an easy process. I look back at the technology in my past in medicine for 20 years, but then also in my dad's practice; he practiced medicine for 55 years. I remember he had one of the very earliest electrocardiogram, EKG, machines in the State of Tennessee. At that time—because there were so few machines and so few cardiologists—he would take referrals from all over the State of Tennessee. The machine itself was bigger than the desk before me, at the time.

What would happen then is, if there was a machine in a little rural community 100 miles away from Nashville, the machine there would take a piece of paper, they would run it through, they would send it by mail. It would take 2 days to get to Nashville. Dad would read it and send it back. Four days later, that doctor would be able to read that EKG.

Then, when I was about 9 or 10 years of age—because their bedroom was right around the corner from mine—I remember so well when he installed a telephone to put another big box there to have the first in Tennessee again of a machine—and it was amazing at the time—one could transmit these EKGs electronically over the telephone wire and have it interpreted at the bedside. He would keep it there because people, of course, have heart attacks in the middle of the night. Then it would take probably about 30 or 40 minutes to get the result back.

Of course, today we are at a point where with a little tiny machine, an EKG machine, we can get an instantaneous readout not just of the paper and of the EKG but the result actually read by the box.

I have been able to see huge progress in my own life and watching my dad's practice and my practice. Now we need to see all of that sort of progress condensed, applied not just to the technology but to the collection of information, the promotion of electronic health records, and the appropriate sharing of that information which is privacy protected. That is the sort of progress we are going to see. We are going to see it come alive on the Senate floor and with the House and work in concert with the President of the United States to make sure that the great advantages, in terms of lowering costs, getting rid of inefficiencies, and promoting quality will be realized.

The bill that we will shortly introduce does present a comprehensive approach of medical information and the use of medical information as we address our health care challenges. It provides that important backbone and critical building block for a better, a stronger, and a more responsive health care system for all Americans.

Again, I thank my distinguished colleague from New York. We urge all of our colleagues to look at this bill and support this bill. With this legislation, there is no doubt in my mind that we will, yes, help save money and help save time, but most importantly we will save lives.

I ask unanimous consent that the text of the bill we will shortly send to the desk be printed in the RECORD.

Mr. OBAMA. Mr. President, I am proud to join Senators FRIST and CLINTON in introducing the Health Technology to Enhance Quality Act of 2005.

Our national health care system is in crisis. Forty-five million Americans are uninsured, and this number continues to rise. Health care costs are increasing at almost double digit rates. Millions of Americans are suffering, and dying, from diseases such as diabetes or AIDS that could have been prevented or delayed for many years. And the chance of Americans receiving the right care, at the right time and for the right reason is no greater than the flip of a coin.

These health care issues are varied and complex, as are the solutions. But, as one of my constituents advised, it is time for us in the Congress to put on our hard hats, pick up our tool belts and get to work fixing our broken health care system.

One place to start is by bringing the health care system into the 21st century. In our lifetimes, we have seen some of the greatest advances in the history of technology and the sharing of information. Yet, in our health care system, too much care is still provided with a pen and paper. Too much information about patients is not shared between doctors or readily available to them in the first place. And providers too often do not have the information to know what care has worked most effectively and efficiently to make patients healthy.

Mistakes are easily made—medical errors alone kill up to 98,000 people a year, more people than the number who die from AIDS each year.

But embracing 21st century technology is not just about reducing errors and improving the quality of medical care. It is also about cost.

We spend nearly $1.5 trillion a year on health care in America. But a quarter of that money—one out of every four dollars—is spent on non-medical costs—most of it on bills and paperwork. Every transaction you make at a bank now costs them less than a penny. Yet, because we have not updated technology in the rest of the health care industry, a single transaction still costs up to $25—not one dime of which goes toward improving the quality of our health care.

The Health Technology to Enhance Quality Act of 2005 is going to help bring the health care system into the 21st century. This bill will lead to the development and implementation of health information technology standards to ensure interoperability of health information systems. The legislation codifies the Office of National Coordinator for Information Technology and establishes standards for the electronic exchange of health information. The bill also provides grant funding to support development of health information technology infrastructure as well as measurement of the quality of care provided to patients.

This legislation will help our health care system take a huge step forward. A vote for the Health TEQ Act is a vote for health care that is safe, effective, and affordable. I urge my colleagues to join us in passing this bill quickly.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Technology to Enhance Quality Act of 2005" or the "Health TEQ Act of 2005".

TITLE I—HEALTH INFORMATION TECHNOLOGY STANDARDS ADOPTION AND INFRASTRUCTURE DEVELOPMENT

SEC. 101. ESTABLISHMENT OF NATIONAL COORDINATOR; RECOMMENDATION, ADOPTION, AND IMPLEMENTATION OF HEALTH INFORMATION ELECTRONIC EXCHANGE STANDARDS.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXIX—HEALTH INFORMATION TECHNOLOGY

"SEC. 2901. DEFINITIONS.

"For purposes of this title:

"(1) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning giving that term in section 2791.

"(2) HEALTHCARE PROVIDER.—The term 'healthcare provider' means a hospital, skilled nursing facility, home health entity, healthcare clinic, community health center, group practice (as defined in section 1877(h)(4) of the Social Security Act), a physician (as defined in section 1861(r)(1) of the Social Security Act), a pharmacist, a pharmacy, a laboratory, and any other category of facility or clinician determined appropriate by the Secretary.

"(3) HEALTH INFORMATION.—The term 'health information' means any information, recorded in any form or medium, that relates to the past, present, or future physical or mental health or condition of an individual, the provision of healthcare to an individual, or the past, present, or future payment for the provision of healthcare to an individual.

"(4) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning given that term in section 2791.

"(5) LABORATORY.—The term 'laboratory' has the meaning given that term in section 353.

"(6) PHARMACIST.—The term 'pharmacist' has the meaning given that term in section 804 of the Federal Food, Drug, and Cosmetic Act.

"SEC. 2902. OFFICE OF THE NATIONAL COORDINATOR OF HEALTH INFORMATION TECHNOLOGY.

"(a) OFFICE OF NATIONAL HEALTH INFORMATION TECHNOLOGY.—There is established within the Office of the Secretary an Office of the National Coordinator of Health Information Technology (referred to in this section as the 'Office'). The Office shall be headed by a National Coordinator who shall be appointed by the President in consultation with the Secretary and shall report directly to the Secretary.

"(b) PURPOSE.—It shall be the purpose of the Office to carry out programs and activities to develop a nationwide interoperable health information technology infrastructure that—

"(1) improves healthcare quality, reduces medical errors, and advances the delivery of patient-centered medical care;

"(2) reduces healthcare costs resulting from inefficiency, medical errors, inappropriate care, and incomplete information;

"(3) ensures that appropriate information to help guide medical decisions is available at the time and place of care;

"(4) promotes a more effective marketplace, greater competition, and increased choice through the wider availability of accurate information on healthcare costs, quality, and outcomes;

"(5) improves the coordination of care and information among hospitals, laboratories, physician offices, and other entities through an effective infrastructure for the secure and authorized exchange of healthcare information;

"(6) improves public health reporting and facilitates the early identification and rapid response to public health threats and emergencies, including bioterror events and infectious disease outbreaks;

"(7) facilitates health research; and

"(8) ensures that patients' health information is secure and protected.

"(c) Duties of National Coordinator.—

"(1) In general.—The National Coordinator shall—

"(A) facilitate the adoption of a national system for the electronic exchange of health information;

"(B) serve as the principal advisor to the Secretary on the development, application, and use of health information technology, and coordinate and oversee the health information technology programs of the Department;

"(C) ensure the adoption and implementation of standards for the electronic exchange of health information, including coordinating the activities of the Standards Working Group under section 2903;

"(D) carry out activities related to the electronic exchange of health information that reduce cost and improve healthcare quality;

"(E) ensure that health information technology policy and programs of the Department are coordinated with those of relevant executive branch agencies (including Federal commissions) with a goal of avoiding duplication of efforts and of helping to ensure that each agency undertakes health information technology activities primarily within the areas of its greatest expertise and technical capability;

"(F) to the extent permitted by law, coordinate outreach and consultation by the relevant executive branch agencies (including Federal commissions) with public and private parties of interest, including consumers, payers, employers, hospitals and other healthcare providers, physicians, community health centers, laboratories, vendors and other stakeholders;

"(G) advise the President regarding specific Federal health information technology programs; and

"(H) submit the reports described under paragraph (2).

"(2) Reports to congress.—The National Coordinator shall submit to Congress, on an annual basis, a report that describes—

"(A) specific steps that have been taken to facilitate the adoption of a nationwide system for the electronic exchange of health information;

"(B) barriers to the adoption of such a nationwide system; and

"(C) recommendations to achieve full implementation of such a nationwide system.

"(d) Detail of Federal Employees.—

"(1) In general.—Upon the request of the National Coordinator, the head of any Federal agency is authorized to detail, with or without reimbursement from the Office, any of the personnel of such agency to the Office to assist it in carrying out its duties under this section.

"(2) Effect of detail.—Any such detail shall—

"(A) not interrupt or otherwise affect the civil service status or privileges of the Federal employee; and

"(B) be in addition to any other staff of the Department employed by the National Coordinator.

"(3) Acceptance of Detailees.—Notwithstanding any other provision of law, the Office may accept detailed personnel from other Federal agencies without regard to whether the agency described under paragraph (1) is reimbursed.

"(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out the activities of the Office under this section for each of fiscal years 2006 through 2010.

"SEC. 2903. COLLABORATIVE PROCESS FOR THE RECOMMENDATION, ADOPTION, AND IMPLEMENTATION OF HEALTH INFORMATION STANDARDS.

"(a) Establishment of Working Group.—Not later than 60 days after the date of enactment of this title, the National Coordinator, in consultation with the Director of the National Institute of Standards and Technology (referred to in this section as the 'Director'), shall establish a permanent Electronic Health Information Standards Development Working Group (referred to in this title as the 'Standards Working Group').

"(b) Composition.—The Standards Working Group shall be composed of—

"(1) the National Coordinator, who shall serve as the chairperson of the Standards Working Group;

"(2) the Director;

"(3) representatives of the relevant Federal agencies and departments, as selected by the Secretary in consultation with the National Coordinator, including representatives of the Department of Veterans Affairs, the Department of Defense, the Office of Management and Budget, the Department of Homeland Security, and the Environmental Protection Agency;

"(4) private entities accredited by the American National Standards Institute, as selected by the National Coordinator;

"(5) representatives, as selected by the National Coordinator—

"(A) of group health plans or other health insurance issuers;

"(B) of healthcare provider organizations;

"(C) with expertise in health information security;

"(D) with expertise in health information privacy;

"(E) with experience in healthcare quality and patient safety, including those with experience in utilizing health information technology to improve healthcare quality and patient safety;

"(F) of consumer and patient organizations;

"(G) of employers;

"(H) with experience in data exchange; and

"(I) with experience in developing health information technology standards and new health information technology; and

"(6) other representatives as determined appropriate by the National Coordinator in consultation with the Secretary.

"(c) Standards Deemed Adopted.—On the date of enactment of this title, the Secretary and the Standards Working Group shall deem as adopted, for use by the Secretary and private entities, the standards adopted by the Consolidated Health Informatics Initiative prior to such date of enactment.

"(d) Duties.—

"(1) First year review.—Not later than 1 year after the date of enactment of this title, the Standards Working Group shall—

"(A) review existing standards (including content, communication, and security standards) for the electronic exchange of health information, including such standards deemed adopted under subsection (c);

"(B) identify deficiencies and omissions in such existing standards;

"(C) identity duplications and omissions in existing standards, and recommend modifications to such standards as necessary; and

"(D) submit a report to the Secretary recommending for adoption by such Secretary and private entities—

"(i) modifications to the standards deemed adopted under subsection (c); and

"(ii) any additional standards reviewed pursuant to this paragraph.

"(2) Ongoing review.—Beginning 1 year after the date of enactment of this title, and on an ongoing basis thereafter, the Standards Working Group shall—

"(A) review existing standards (including content, communication, and security standards) for the electronic exchange of health information, including such standards adopted by the Secretary under subsections (c) and (e);

"(B) identify deficiencies and omissions in such existing standards;

"(C) identity duplications and omissions in existing standards, and recommend modifications to such standards as necessary; and

"(D) submit reports to the Secretary recommending for adoption by such Secretary and private entities—

"(i) modifications to any existing standards; and

"(ii) any additional standards reviewed pursuant to this paragraph.

"(3) Limitation.—The standards described under this subsection shall not include any standards developed pursuant the Health Insurance Portability and Accountability Act of 1996.

"(e) Adoption by Secretary.—Not later than 1 year after the receipt of a report from the Standards Working Group under paragraph (1)(D) or (2)(D) of subsection (d), the Secretary shall review and provide for the adoption by the Federal Government of any modification or standard recommended in such report.

"(f) Voluntary Adoption.—Any standards adopted by the Secretary under this section shall be voluntary for private entities.

"(g) Application of FACA.—

"(1) In general.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Standards Working Group established under this section.

"(2) Limitation.—Notwithstanding paragraph (1), the 2-year termination date under section 14 of the Federal Advisory Committee Act shall not apply to the Standards Working Group.

"SEC. 2904. IMPLEMENTATION AND CERTIFICATION OF HEALTH INFORMATION STANDARDS.

"(a) Implementation.—

"(1) In general.—The Secretary, in consultation with the National Coordinator and the Director of the National Institute of Standards and Technology, shall develop criteria to ensure uniform and consistent implementation of any standards for the electronic exchange of health information voluntarily adopted by private entities in technical conformance with such standards adopted under this title.

"(2) Implementation assistance.—The Secretary may recognize a private entity or entities to assist private entities in the implementation of the standards adopted under this title.

"(b) Certification.—

"(1) In general.—The Secretary, in consultation with the National Coordinator and the Director of the National Institute of Standards and Technology shall develop criteria to ensure and certify that hardware, software, and support services that claim to be in compliance with any standard for the electronic exchange of health information adopted under this title have established and maintain such compliance in technical conformance with such standard.

“(2) CERTIFICATION ASSISTANCE.—The Secretary may recognize a private entity or entities to assist in the certification described under paragraph (1).

“(c) DELEGATION AUTHORITY.—The Secretary may delegate the development of the criteria under subsection (a) and (b) to a private entity.

“SEC. 2905. AUTHORITY FOR COORDINATION AND SPENDING.

“(a) IN GENERAL.—The Secretary acting through the National Coordinator—

“(1) shall direct and coordinate—

“(A) Federal spending related to the development, adoption, and implementation of standards for the electronic exchange of health information; and

“(B) the adoption of the recommendations submitted to such Secretary by the Standards Working Group established under section 2903; and

“(2) may utilize the entities recognized under section 2904 to assist in implementation and certification related to the implementation by the Federal Government of the standards adopted by the Secretary under this title.

“(b) LIMITATION.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, no Federal agency shall expend Federal funds for the purchase of hardware, software, or support services for the purpose of implementing a standard related to the electronic exchange of health information that is not a standard adopted by the Secretary under section 2903.

“(2) EFFECTIVE DATE.—The limitation under paragraph (1) shall take effect not later than 1 year after the adoption by the Secretary of such standards under section 2903.”.

SEC. 102. ENCOURAGING SECURE EXCHANGE OF HEALTH INFORMATION.

(a) STUDY AND GRANT PROGRAMS RELATED TO STATE HEALTH INFORMATION LAWS AND PRACTICES.—

(1) STUDY OF STATE HEALTH INFORMATION LAWS AND PRACTICES.—

(A) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the “Secretary”) shall carry out, or contract with a private entity to carry out, a study that examines—

(i) the variation among State laws and practices that relate to the privacy, confidentiality, and security of health information;

(ii) how such variation among State laws and practices may impact the electronic exchange of health information (as defined in section 2901 of the Public Health Service Act) (as added by section 101)—

(I) among the States;

(II) between the States and the Federal Government; and

(III) among private entities; and

(iii) how such laws and practices may be harmonized to permit the secure electronic exchange of health information.

(B) REPORT AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(i) describes the results of the study carried out under subparagraph (A); and

(ii) makes recommendations based on the results of such study.

(2) SECURE EXCHANGE OF HEALTH INFORMATION; INCENTIVE GRANTS.—Title XXIX of the Public Health Service Act (as added by section 101) is amended by adding at the end the following:

“SEC. 2906. SECURE EXCHANGE OF HEALTH INFORMATION; INCENTIVE GRANTS.

“(a) IN GENERAL.—The Secretary may make grants to States to carry out programs under which such States cooperate with other States to develop and implement State policies that will facilitate the secure electronic exchange of health information utilizing the standards adopted under section 2903—

“(1) among the States;

“(2) between the States and the Federal Government; and

“(3) among private entities.

“(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to States that provide assurance that any funding awarded under such a grant shall be used to harmonize privacy laws and practices between the States, the States and the Federal Government, and among private entities related to the privacy, confidentiality, and security of health information.

“(c) DISSEMINATION OF INFORMATION.—The Secretary shall disseminate information regarding the efficacy of efforts of a recipient of a grant under this section.

“(d) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to recipients of a grant under this section.

“(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2006 through 2010.”.

(b) STUDY AND GRANT PROGRAMS RELATED TO STATE LICENSURE LAWS.—

(1) STUDY OF STATE LICENSURE LAWS.—

(A) IN GENERAL.—The Secretary shall carry out, or contract with a private entity to carry out, a study that examines—

(i) the variation among State laws that relate to the licensure, registration, and certification of medical professionals; and

(ii) how such variation among State laws impacts the secure electronic exchange of health information (as defined in section 2901 of the Public Health Service Act) (as added by section 101)—

(I) among the States; and

(II) between the States and the Federal Government.

(B) REPORT AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish a report that—

(i) describes the results of the study carried out under subparagraph (A); and

(ii) makes recommendations to States regarding the harmonization of State laws based on the results of such study.

(2) REAUTHORIZATION OF INCENTIVE GRANTS REGARDING TELEMEDICINE.—Section 330L(b) of the Public Health Service Act (42 U.S.C. 254c–18(b)) is amended by striking “2002 through 2006” and inserting “2006 through 2010”.

(3) HIPAA APPLICATION TO ELECTRONIC HEALTH INFORMATION.—Title XXIX of the Public Health Service Act (as added by section 101 and amended by subsection (a)) is further amended by adding at the end the following:

“SEC. 2907. APPLICABILITY OF PRIVACY AND SECURITY REGULATIONS.

“The regulations promulgated by the Secretary under part C of title XI of the Social Security Act and sections 261, 262, 263, and 264 of the Health Insurance Portability and Accountability Act of 1996 with respect to the privacy, confidentiality, and security of health information shall—

“(1) apply to any health information stored or transmitted in an electronic format as of the date of enactment of this title; and

“(2) apply to the implementation of standards, programs, and activities under this title.”.

(c) STUDY AND REPORT.—

(1) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary shall carry out, or contract with a private entity to carry out, a study that examines the integration of the standards adopted under the amendments made by this Act with the standards adopted under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191).

(2) PLAN; REPORT.—

(A) PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary shall, based on the results of the study carried out under paragraph (1), develop a plan for the integration of the standards described under such paragraph and submit a report to Congress describing such plan.

(B) PERIODIC REPORTS.—The Secretary shall submit periodic reports to Congress that describe the progress of the integration described under subparagraph (A).

TITLE II—FACILITATING THE ADOPTION AND IMPLEMENTATION OF INTEROPERABLE ELECTRONIC HEALTH INFORMATION

SEC. 201. GRANTS FOR THE IMPLEMENTATION OF REGIONAL OR LOCAL HEALTH INFORMATION TECHNOLOGY PLANS.

Title XXIX of the Public Health Service Act (as amended by section 102) is further amended by adding at the end the following:

“SEC. 2908. GRANTS FOR THE IMPLEMENTATION OF REGIONAL OR LOCAL HEALTH INFORMATION TECHNOLOGY PLANS.

“(a) IN GENERAL.—The Secretary, in consultation with the National Coordinator, may award competitive grants to eligible entities to implement regional or local health information plans to improve healthcare quality and efficiency through the electronic exchange of health information pursuant to the standards, protocols, and other requirements adopted by the Secretary under sections 2903 and 2910.

“(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a) an entity shall—

“(1) demonstrate financial need to the Secretary;

“(2) demonstrate that one of its principal missions or purposes is to use information technology to improve healthcare quality and efficiency;

“(3) adopt bylaws, memoranda of understanding, or other charter documents that demonstrate that the governance structure and decisionmaking processes of such entity allow for participation on an ongoing basis by multiple stakeholders within a community, including—

“(A) physicians (as defined in section 1861(r)(1) of the Social Security Act), including physicians that provide services to low income and underserved populations;

“(B) hospitals (including hospitals that provide services to low income and underserved populations);

“(C) group health plans or other health insurance issuers;

“(D) health centers (as defined in section 330(b)) and Federally qualified health centers (as defined in section 1861(aa)(4) of the Social Security Act);

“(E) rural health clinics (as defined in section 1861(aa) of the Social Security Act);

“(F) consumer organizations;

“(G) employers; and

"(H) any other healthcare providers or other entities, as determined appropriate by the Secretary;

"(4) adopt nondiscrimination and conflict of interest policies that demonstrate a commitment to open, fair, and nondiscriminatory participation in the health information plan by all stakeholders;

"(5) adopt the national health information technology standards adopted by the Secretary under section 2903;

"(6) facilitate the electronic exchange of health information within the local or regional area and among local and regional areas;

"(7) prepare and submit to the Secretary an application in accordance with subsection (c); and

"(8) agree to provide matching funds in accordance with subsection (e).

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(2) REQUIRED INFORMATION.—At a minimum, an application submitted under this subsection shall include—

"(A) clearly identified short-term and long-term objectives of the regional or local health information plan;

"(B) a technology plan that complies with the standards adopted under section 2903 and that includes a descriptive and reasoned estimate of costs of the hardware, software, training, and consulting services necessary to implement the regional or local health information plan;

"(C) a strategy that includes initiatives to improve healthcare quality and efficiency, including the use of healthcare quality measures adopted under section 2910;

"(D) a plan that describes provisions to encourage the implementation of the electronic exchange of health information by all physicians, including single physician practices and small physician groups participating in the health information plan;

"(E) a plan to ensure the privacy and security of personal health information that is consistent with Federal and State law;

"(F) a governance plan that defines the manner in which the stakeholders shall jointly make policy and operational decisions on an ongoing basis; and

"(G) a financial or business plan that describes—

"(i) the sustainability of the plan;

"(ii) the financial costs and benefits of the plan; and

"(iii) the entities to which such costs and benefits will accrue.

"(d) USE OF FUNDS.—Amounts received under a grant under subsection (a) shall be used to establish and implement a regional or local health information plan in accordance with this section.

"(e) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—The Secretary may not make a grant under this section to an entity unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the infrastructure program for which the grant was awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount equal to not less than 50 percent of such costs ($1 for each $2 of Federal funds provided under the grant).

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under paragraph (1) may be in cash or in kind, fairly evaluated, including equipment, technology, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $125,000,000 for each of fiscal years 2006 through 2010.

"(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available for obligation until expended.

"SEC. 2909. REPORTS.

"Not later than 1 year after the date on which the first grant is awarded under section 2908, and annually thereafter during the grant period, an entity that receives a grant under such section shall submit to the Secretary, acting through the National Coordinator, a report on the activities carried out under the grant involved. Each such report shall include—

"(1) a description of the financial costs and benefits of the project involved and of the entities to which such costs and benefits accrue;

"(2) an analysis of the impact of the project on healthcare quality and safety;

"(3) a description of any reduction in duplicative or unnecessary care as a result of the project involved; and

"(4) other information as required by the Secretary.".

SEC. 202. EXCEPTION FOR THE PROVISION OF PERMITTED SUPPORT.

(a) EXEMPTION FROM CRIMINAL PENALTIES.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)(3)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (G), by striking "and" at the end;

(B) in subparagraph (H), as added by section 237(d) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2213)—

(i) by moving such subparagraph 2 ems to the left; and

(ii) by striking the period at the end and inserting a semicolon;

(C) by redesignating subparagraph (H), as added by section 431(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2287), as subparagraph (I);

(D) in subparagraph (I), as so redesignated—

(i) by moving such subparagraph 2 ems to the left; and

(ii) by striking the period at the end and inserting "; and"; and

(E) by adding at the end the following new:

"(J) subject to paragraph (4), the provision, with or without charge, of any permitted support (as defined in paragraph (4)(A) and subject to the conditions in paragraph (4)(B)) to an entity or individual for developing, implementing, operating, or facilitating the electronic exchange of health information (as defined in section 2901 of the Public Health Service Act), so long as such support is primarily designed to promote the electronic exchange of health information."; and

(2) by adding at the end the following:

"(4) PERMITTED SUPPORT.—

"(A) DEFINITION OF PERMITTED SUPPORT.—In this section, the term 'permitted support' means the provision of, or funding used exclusively to provide or pay for, any equipment, item, information, right, license, intellectual property, software, or service, regardless of whether any such support may have utility or value to the recipient for any purpose beyond the exchange of health information (as defined in section 2901 of the Public Health Service Act).

"(B) CONDITIONS ON PERMITTED SUPPORT.—Paragraph (3)(J) shall not apply unless the following conditions are met:

"(i) The provision of permitted support is not conditioned on the recipient of such support making any referral to, or generating any business for, any entity or individual for which any Federal health care program provides reimbursement.

"(ii) The permitted support complies with the standards for the electronic exchange of health information adopted by the Secretary under section 2903 of the Public Health Service Act.

"(iii) The entity or network receiving permitted support is able to document that such support is used by the entity or the network for the electronic exchange of health information in accordance with the standards adopted by the Secretary under section 2903 of the Public Health Service Act.".

(b) EXEMPTION FROM LIMITATION ON CERTAIN PHYSICIAN REFERRALS.—Section 1877(e) of the Social Security Act (42 U.S.C. 1395nn(e)) is amended by adding at the end the following:

"(9) PERMITTED SUPPORT.—The provision of permitted support (as described in section 1128B(b)(3)(J)).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to permitted support provided on or after the date of enactment of this Act.

SEC. 203. GROUP PURCHASING.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a safe harbor for group purchasing of hardware, software, and support services for the electronic exchange of health information in compliance with section 2903 of the Public Health Service Act (as added by section 101).

(b) CONDITIONS.—In establishing the safe harbor under subsection (a), the Secretary shall establish conditions on such safe harbor consistent with the purposes of—

(1) improving healthcare quality;

(2) reducing medical errors;

(3) reducing healthcare costs;

(4) improving the coordination of care;

(5) streamlining administrative processes; and

(6) promoting transparency and competition.

SEC. 204. PERMISSIBLE ARRANGEMENTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and notwithstanding any other provision of law, the Secretary shall establish guidelines in compliance with section 2903 of the Public Health Service Act that permit certain arrangements between group health plans and health insurance issuers (as defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91)) and between healthcare providers (as defined in section 2901 of such Act, as added by section 101) in accordance with subsection (b).

(b) CONDITIONS.—In establishing the guidelines under subsection (a), the Secretary shall establish conditions on such arrangements consistent with the purposes of—

(1) improving healthcare quality;

(2) reducing medical errors;

(3) reducing healthcare costs;

(4) improving the coordination of care;

(5) streamlining administrative processes; and

(6) promoting transparency and competition.

TITLE III—ADOPTION, IMPLEMENTATION, AND USE OF HEALTHCARE QUALITY MEASURES

SEC. 301. STANDARDIZED MEASURES.

Title XXIX of the Public Health Service Act (as amended by section 201) is further amended by adding at the end the following:

“SEC. 2910. COLLABORATIVE PROCESS FOR THE DEVELOPMENT, RECOMMENDATION, AND ADOPTION OF STANDARDIZED MEASURES OF QUALITY HEALTHCARE.

“(a) IN GENERAL.—

“(1) COLLABORATION.—The Secretary, the Secretary of Defense, the Secretary of Veterans Affairs, and any other heads of relevant Federal agencies as determined appropriate by the President, (referred to in this section as the ‘Secretaries’) shall adopt, on an ongoing basis, uniform healthcare quality measures to assess the effectiveness, timeliness, patient self-management, patient-centeredness, efficiency, and safety of care delivered by healthcare providers across Federal healthcare programs, including those in titles XVIII, XIX, and XXI of the Social Security Act.

“(2) REVIEW OF MEASURES ADOPTED.—The Secretaries shall conduct an ongoing review of the measures adopted under paragraph (1).

“(3) EXISTING ACTIVITIES—Notwithstanding any other provision of law, the measures and reporting activities described in this subsection shall replace, to the extent practicable and appropriate, any duplicative or redundant existing measurement and reporting activities currently utilized by Federal healthcare programs, including those in titles XVIII, XIX, and XXI of the Social Security Act.

“(b) PRIORITY MEASURES.—

“(1) IN GENERAL.—In determining the measures to be adopted under subsection (a), and the timing of any such adoption, the Secretaries shall give priority to—

“(A) measures with the greatest potential impact for improving the quality and efficiency of care provided under Federal programs;

“(B) measures that may be rapidly implemented by group health plans, health insurance issuers, physicians, hospitals, nursing homes, long-term care providers, and other providers; and

“(C) measures which may inform healthcare decisions made by consumers and patients.

“(2) NATIONAL QUALITY FORUM MEASURES; QUALITY OF CARE INDICATORS.—To the extent determined feasible and appropriate by the Secretaries, the Secretaries shall adopt—

“(A) measures endorsed by the National Quality Forum, subject to compliance with the amendments made by the National Technology Transfer and Advancement Act of 1995; and

“(B) indicators relating to the quality of care data submitted to the Secretary by hospitals under section 1886(b)(3)(B)(vii)(II) of the Social Security Act.

“(c) COLLABORATION WITH PRIVATE ENTITIES.—

“(1) IN GENERAL.—The Secretaries may establish collaborative agreements with private entities, including group health plans and health insurance issuers, providers, purchasers, consumer organizations, and entities receiving a grant under section 2908, to—

“(A) encourage the use of the healthcare quality measures adopted by the Secretary under this section; and

“(B) foster uniformity between the healthcare quality measures utilized in Federal programs and private entities.

“(2) USE OF MEASURES.—The measures adopted by the Secretaries under this section may apply in one or more disease areas and across delivery settings, in order to improve the quality of care provided or delivered by private entities.

“(d) COMPARATIVE QUALITY REPORTS.—Beginning on January 1, 2008, in order to make comparative quality information available to healthcare consumers, health professionals, public health officials, researchers, and other appropriate individuals and entities, the Secretaries and other relevant agencies shall provide for the aggregation, analysis, and dissemination of quality measures collected under this section. Nothing in this section shall be construed as modifying the privacy standards under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191).

“(e) EVALUATIONS.—

“(1) ONGOING EVALUATIONS OF USE.—The Secretary shall ensure the ongoing evaluation of the use of the healthcare quality measures adopted under this section.

“(2) EVALUATION AND REPORT.—

“(A) EVALUATION.—The Secretary shall, directly or indirectly through a contract with another entity, conduct an evaluation of the collaborative efforts of the Secretaries to adopt uniform healthcare quality measures and reporting requirements for federally supported healthcare delivery programs as required under this section.

“(B) REPORT.—Not later than 2 years after the date of enactment of this title, the Secretary shall submit a report to the appropriate committees of Congress concerning the results of the evaluation under subparagraph (A).”.

SEC. 302. VALUE BASED PURCHASING PROGRAMS; SENSE OF THE SENATE.

(a) MEDICARE VALUE BASED PURCHASING PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) a value based purchasing pilot program based on the reporting of quality measures pursuant to those adopted in section 2910 of the Public Health Service Act (as added by section 301) and the overall improvement of healthcare quality through the use of the electronic exchange of health information by entities (including Federally qualified health centers, as defined in section 1861(aa)(4) of the Social Security Act (42 U.S.C. 1395x(aa)(4))) pursuant to the standards adopted under section 2903 of the Public Health Service Act (as added by section 101). Such pilot program should be based on experience gained through previous demonstration projects conducted by the Secretary, including demonstration projects conducted under sections 1866A and 1866C of the Social Security Act (42 U.S.C. 1395cc-1; 1395cc-3), section 649 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2322), and other relevant work conducted by private entities.

(2) EXPANSION.—After conducting the pilot program under paragraph (1) for not less than 2 years, the Secretary may transition and implement such program on a national basis.

(3) FUNDING.—

(A) IN GENERAL.—Payments for the costs of carrying out the provisions of this subsection shall be made from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t) (in this subsection referred to as the “Trust Funds”), as determined appropriate by the Secretary.

(B) LIMITATION TO ENSURE BUDGET NEUTRALITY.—The Secretary shall ensure that the total amount of expenditures from the Trust Funds in a year does not exceed the total amount of expenditures from the Trust Funds that would have been made in such year if this subsection had not been enacted.

(C) MONITORING AND REPORTS.—

(i) ONGOING MONITORING BY THE SECRETARY TO ENSURE FUNDING LIMITATION IS NOT VIOLATED.—The Secretary shall continually monitor expenditures made from the Trust Funds by reason of the provisions of this subsection to ensure that the limitation described in subparagraph (B) is not violated.

(ii) REPORTS.—Not later than April 1 of each year (beginning in the year following the year in which the pilot program under paragraph (1) is implemented), the Secretary shall submit a report to Congress and the Comptroller General of the United States that includes—

(I) a detailed description of—

(aa) the total amount expended from the Trust Funds (including all amounts expended as a result of the provisions of this subsection) during the previous year compared to the total amount that would have been expended from the Trust Funds during such year if this subsection had not been enacted;

(bb) the projections of the total amount that will be expended from the Trust Funds (including all amounts that will be expended as a result of the provisions of this subsection) during the year in which the report is submitted compared to the total amount that would have been expended from the Trust Funds during the year if this subsection had not been enacted; and

(cc) specify the steps (if any) that the Secretary will take pursuant to subparagraph (D) to ensure that the limitation described in subparagraph (B) will not be violated; and

(II) a certification from the Chief Actuary of the Centers for Medicare & Medicaid Services that the descriptions under items (aa), (bb), and (cc) of subclause (I) are reasonable, accurate, and based on generally accepted actuarial principles and methodologies, including that the steps described in subclause (I)(cc) will be adequate to avoid violating the limitation described in subparagraph (B).

(D) APPLICATION OF LIMITATION.—If the Secretary determines that the provisions of this subsection will result in the limitation described in subparagraph (B) being violated in any year, the Secretary shall take appropriate steps to reduce spending that is occurring by reason of such provisions, including through reducing the scope, site, and duration of the pilot project.

(E) AUTHORITY.—The Secretary shall make necessary spending adjustments under the medicare program to recoup amounts so that the limitation described in subparagraph (B) is not violated in any year.

(b) SENSE OF THE SENATE REGARDING PHYSICIAN PAYMENTS UNDER MEDICARE.—It is the sense of the Senate that modifications to the medicare fee schedule for physicians' services under section 1848 of the Social Security Act (42 U.S.C. 1394w-4) should include provisions based on the reporting of quality measures pursuant to those adopted in section 2910 of the Public Health Service Act (as added by section 301) and the overall improvement of healthcare quality through the use of the electronic exchange of health information pursuant to the standards adopted under section 2903 of such Act (as added by section 101).

(c) MEDICAID VALUE BASED PURCHASING PROGRAMS.—

(1) IN GENERAL.—The Secretary shall authorize waivers under section 1115 of the Social Security Act (42 U.S.C. 1315) for States to establish value based purchasing programs for State medicaid programs established under title XIX of such Act (42 U.S.C. 1396 et seq.). Such programs shall be based on the reporting of quality measures pursuant to those adopted in section 2910 of the Public Health Service Act (as added by section 301) and the overall improvement of healthcare quality through the use of the electronic exchange of health information pursuant to the standards adopted under section 2903 of the Public Health Service Act (as added by section 101).

(2) WAIVER.—In authorizing such waivers, the Secretary shall waive any provisions of title XI or XIX of the Social Security Act that would otherwise prevent a State from establishing a value based purchasing program in accordance with paragraph (1).

(d) QUALITY INFORMATION SHARING.—

(1) REVIEW OF MEDICARE CLAIMS DATA.—

(A) PROCEDURES.—In order to improve the quality and efficiency of items and services furnished to medicare beneficiaires under title XVIII of the Social Security Act, the Secretary shall establish procedures to review claims data submitted under such title with respect to items and services furnished or ordered by physicians.

(B) USE OF MOST RECENT MEDICARE CLAIMS DATA.—In conducting the review under subparagraph (A), the Secretary shall use the most recent claims data that is available to the Secretary.

(2) SHARING OF DATA.—Beginning in 2006, the Secretary shall periodically provide physicians with comparative information on the utilization of items and services under such title XVIII based upon the review of claims data under paragraph (1).

SEC. 303. QUALITY IMPROVEMENT ORGANIZATION ASSISTANCE.

(a) IN GENERAL.—Section 1154(a) of the Social Security Act (42 U.S.C. 1320c–3(a)) is amended by adding at the end the following:

"(18) The organization shall assist, at such time and in such manner as the Secretary may require, healthcare providers (as defined in section 2901 of the Public Health Service Act) in implementing the electronic exchange of health information (as defined in such section 2901).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contracts entered into on or after the date of enactment of this Act.

By Mr. BOND:

S. 1263. A bill to amend the Small Business Act to establish eligibility requirements for business concerns to receive awards under the Small Business Innovation Research Program; to the Committee on Small Business and Entrepreneurship.

Mr. BOND. Mr. President, the United States biotechnology industry is the world leader in innovation. This is due, in large part, to the Federal Government's partnership with the private sector to foster growth and commercialization in the hope that one day we will uncover a cure for unmet medical needs such as cystic fibrosis, heart disease, various cancers, multiple sclerosis, and AIDS.

However, the industry was dealt a major setback last year when the Small Business Administration—SBA—determined that venture-backed biotechnology companies can no longer participate in the Small Business Innovation Research—SBIR—program. Prior to the SBA's decision, the SBIR program was an example of a highly successful Federal initiative to encourage economic growth and innovation in the biotechnology industry by funding the critical startup and development stages of a company.

Traditionally, to qualify for an SBIR grant a small business applicant had to meet two requirements: one, that the company have less than 500 employees; and two, that the business be 51 percent owned by one or more individuals. Now, according to the SBA, the term "individuals" means natural persons only, whereas for the past 20 years the term "individual" has included venture-capital companies. As a result, biotech companies backed by venture-capital funding in Missouri and throughout our Nation, who are on the cutting edge of science, can no longer participate in the program.

The biotech industry is like no other in the world because it takes such a long span of time and intense capital expenditures to bring a successful product to market. In fact, according to a study completed by the Tufts Center for the Study of Drug Development, it takes roughly 10-15 years and $800 million for a company to bring just one product to market. As you can imagine, the industry's entrepreneurs are seeking financial assistance wherever they can find it.

For the past 20 years, the SBIR program has been a catalyst for developing our Nation's most successful biotechnology companies. In addition to these important government grants, venture capital funding plays a vital role in the financial support of these same companies. The strength of our biotechnology industry is a direct result of government grants and venture capital working together.

However, some have argued that a biotech firm with a majority venture capital backing is a large business. This is simply a bogus conclusion. Venture capital firms solely invest in biotech start-ups for the possibility of a future innovation and financial return and generally do not seek to take control over the management functions or day-to-day operations of the company. Venture capital firms that seek to invest in small biotech businesses do not, simply by their investment, turn a small business into a large business. These are legitimate, small, start-up businesses. Let's not punish them.

Instead, we must work together to avoid stifling innovation. Let me be clear. Our impact today will foster cures and medicines tomorrow that were once thought to be inconceivable. However, the industry cannot do it alone. We must nurture biotechnology and help the industry grow for the future of our economy and for our well-being.

This bill that I am introducing today will do just that. It will ensure that the biotechnology industry has access to SBIR grants, as it has had for 20 years. It will level the playing field to ensure that SBIR grants are given to small businesses based on fruitful science and nothing else. This is still a young and fragile industry, and we are on the cusp of great scientific advances. However, there will be profound consequences if biotechnology companies continue to be excluded from the SBIR program.

Mr. President, I ask unanimous consent that text of the bill be in printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Save America's Biotechnology Innovative Research Act of 2005" or "SABIR Act".

SEC. 2. ELIGIBILITY FOR PARTICIPATION IN SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following new subsection:

"(x) ELIGIBILITY FOR PARTICIPATION IN SBIR PROGRAM.—

"(1) IN GENERAL.—To be eligible to receive an award under the SBIR program, a business concern—

"(A) shall have not more than 500 employees; and

"(B) shall be owned in accordance with one of the ownership requirements described in paragraph (2).

"(2) OWNERSHIP REQUIREMENTS.—The ownership requirements referred to in paragraph (1) are the following:

"(A) The business concern is—

"(i) at least 51 percent owned and controlled by individuals or eligible venture capital companies, who are citizens of or permanent resident aliens in the United States; and

"(ii) not more than 49 percent owned and controlled by a single eligible venture capital company (or group of commonly-controlled eligible venture capital companies).

"(B) The business concern is at least 51 percent owned and controlled by another business concern that is itself at least 51 percent owned and controlled by individuals who are citizens of or permanent resident aliens in the United States.

"(C) The business concern is a joint venture in which each entity to the joint venture meets one of the ownership requirements under this paragraph.

"(3) EMPLOYEE DEFINED.—For purposes of paragraph (1)(A), the term 'employee' means an individual employed by the business concern and does not include—

"(A) an individual employed by an eligible venture capital company providing financing to the business concern; or

"(B) an individual employed by any entity in which the eligible venture capital company is invested other than that business concern.

"(4) TREATMENT OF OTHER FORMS OF OWNERSHIP.—

"(A) STOCK OPTION OWNERSHIP.—For purposes of this subsection, in the case of a business concern owned in whole or in part by an employee stock option plan, each stock trustee or plan member shall be deemed to be an owner.

"(B) TRUST OWNERSHIP.—For purposes of this subsection, in the case of a business concern owned in whole or in part by a trust, each trustee or trust beneficiary shall be deemed to be an owner.

"(5) EXCEPTION FOR START-UP CONCERNS.—Notwithstanding paragraphs (1) through (4), any business concern that is a start-up concern shall be eligible to receive funding under the SBIR program.".

(b) DEFINITIONS.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended by adding at the end the following new paragraphs:

"(9) The term 'eligible venture capital company' means a business concern—

"(A) that—

"(i) is a Venture Capital Operating Company, as that term is defined in regulations promulgated by the Secretary of Labor; or

"(ii) is an entity that—

"(I) is registered under the Investment Company Act of 1940 (15 U.S.C. 80a–51 et seq.); or

"(II) is an investment company, as defined in section 3(c)(14) of such Act (15 U.S.C. 80a–3(c)(14)), which is not registered under such Act because it is beneficially owned by less than 100 persons; and

"(B) that is not controlled by any business concern that is not a small business concern within the meaning of section 3.

"(10) The term 'start-up concern' means a business concern that—

"(A) for at least 2 of the 3 preceding fiscal years has had—

"(i) sales of not more than $3,000,000; or

"(ii) no positive cash flow from operations; and

"(B) is not formed to acquire any business concern other than a small business concern that meets the requirement under subparagraph (A).".

(c) REGULATIONS.—Before the date that is 90 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall—

(1) in accordance with the exceptions to public rulemaking under section 553(b)(A) and (B) of title 5, United States Code, promulgate regulations to implement the provisions of this Act;

(2) publish in the Federal Register a notification of the changes in eligibility for participation in the Small Business Innovation Research program made by this Act; and

(3) communicate such changes to Federal agencies that award grants under the Small Business Innovation Research program.

(d) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to any business concern that participates in the Small Business Innovation Research program on or after the date of the enactment of this Act.

By Mr. CORZINE (for himself, Mrs. CLINTON, Mrs. MURRAY, Mr. LAUTENBERG, Mrs. BOXER, Ms. CANTWELL, Mr. KENNEDY, Mr. INOUYE, and Mr. KERRY):

S. 1264. A bill to provide for the provision by hospitals of emergency contraceptives to women, and post-exposure prophylaxis for sexually transmitted disease to individuals, who are survivors of sexual assault; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today to introduce the Compassionate Assistance for Rape Emergencies Act. In the United States, more than 300,000 women are raped each year and an estimated 25,000 to 32,000 become pregnant as a result. That is why I am reintroducing the Compassionate Assistance in Rape Emergencies Act, or CARE Act.

This bill will ensure that women who are survivors of sexual assault have access to the medical care they need, including emergency contraception. Emergency contraception reduces a woman's risk of becoming pregnant by up to 89 percent when taken within 72 hours of the assault. I want to be clear: emergency contraception does not end a pregnancy. Instead, emergency contraception works before a pregnancy can occur.

There is widespread consensus in the medical community that emergency contraception is safe and effective. Yet, New Jersey is one of only six States that legally require all medical providers to offer this care to rape survivors. Before this law, one-third of New Jersey's hospitals did not provide this vital medication. New Jersey's law should be the national standard. The bill would require that all hospitals that receive Federal funding offer information and access to emergency contraception for victims of rape.

In January of this year I, along with 21 Senators, wrote a letter to the Department of Justice asking that they include information about emergency contraception in their national protocol for sexual assault hospital examinations. But they did not. In all 141 pages, the protocol fails to provide sexual assault victims with access to this needed information and treatment. The protocol instead leaves the door open for health care professionals to decide whether or not to discuss certain treatment options. Today, I want to close that door.

In order to provide comprehensive medical care, hospitals must also provide quick access to preventive medication that helps protect victims of sexual assault from potentially fatal sexually transmitted diseases, such as HIV and hepatitis B. We have an obligation to protect sexual assault victims from these life threatening infections.

We must not sit idly by while so many sexual assault survivors are deprived the medical care they need and deserve. Once these survivors seek treatment we ought to make sure that they get the treatment they need. Ideology should never stand between patients and the care they deserve.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1264

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Compassionate Assistance for Rape Emergencies Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) It is estimated that 25,000 to 32,000 women become pregnant each year as a result of rape or incest. An estimated 22,000 of these pregnancies could be prevented if rape survivors had timely access to emergency contraception.

(2) A 1996 study of rape-related pregnancies (published in the American Journal of Obstetrics and Gynecology) found that 50 percent of the pregnancies described in paragraph (1) ended in abortion.

(3) Surveys have shown that many hospitals do not routinely provide emergency contraception to women seeking treatment after being sexually assaulted.

(4) The risk of pregnancy after sexual assault has been estimated to be 4.7 percent in survivors who were not protected by some form of contraception at the time of the attack.

(5) The Food and Drug Administration has declared emergency contraception to be safe and effective in preventing unintended pregnancy, reducing the risk by as much as 89 percent if taken within days of unprotected intercourse and up to 95 percent if taken in the first 24 hours.

(6) Medical research strongly indicates that the sooner emergency contraception is administered, the greater the likelihood of preventing unintended pregnancy.

(7) In light of the safety and effectiveness of emergency contraceptive pills, both the American Medical Association and the American College of Obstetricians and Gynecologists have endorsed more widespread availability of such pills.

(8) The American College of Emergency Physicians and the American College of Obstetricians and Gynecologists agree that offering emergency contraception to female patients after a sexual assault should be considered the standard of care.

(9) Approximately 30 percent of American women of reproductive age are unaware of the availability of emergency contraception.

(10) New data from a survey of women having abortions estimates that 51,000 abortions were prevented by use of emergency contraception in 2000 and that increased use of emergency contraception accounted for 43 percent of the decrease in total abortions between 1994 and 2000.

(11) It is essential that all hospitals that provide emergency medical treatment provide emergency contraception as a treatment option to any woman who has been sexually assaulted, so that she may prevent an unintended pregnancy.

(12) Victims of sexual assault are at increased risk of contracting sexually transmitted diseases.

(13) Some sexually-transmitted infections cannot be reliably cured if treatment is delayed, and may result in high morbidity and mortality. HIV has killed over 520,000 Americans, and the Centers for Disease Control

and Prevention currently estimates that over 1,000,000 Americans are infected with the virus. Even modern drug treatment has failed to cure infected individuals. Nearly 80,000 Americans are infected with hepatitis B each year, with some individuals unable to fully recover. An estimated 1,250,000 Americans remain chronically infected with the hepatitis B virus and at present, one in five of these may expect to die of liver failure.

(14) It is possible to prevent some sexually transmitted diseases by treating an exposed individual promptly. The use of post-exposure prophylaxis using antiretroviral drugs has been demonstrated to effectively prevent the establishment of HIV infection. Hepatitis B infection may also be eliminated if an exposed individual receives prompt treatment.

(15) The Centers for Disease Control and Prevention has recommended risk evaluation and appropriate application of post-exposure treatment for victims of sexual assault. For such individuals, immediate treatment is the only means to prevent a life threatening infection.

(16) It is essential that all hospitals that provide emergency medical treatment provide assessment and treatment of sexually-transmitted infections to minimize the harm to victims of sexual assault.

SEC. 3. SURVIVORS OF SEXUAL ASSAULT; PROVISION BY HOSPITALS OF EMERGENCY CONTRACEPTIVES WITHOUT CHARGE.

(a) In General.—Federal funds may not be provided to a hospital under any health-related program, unless the hospital meets the conditions specified in subsection (b) in the case of—

(1) any woman who presents at the hospital and states that she is a victim of sexual assault, or is accompanied by someone who states she is a victim of sexual assault; and

(2) any woman who presents at the hospital whom hospital personnel have reason to believe is a victim of sexual assault.

(b) Assistance for Victims.—The conditions specified in this subsection regarding a hospital and a woman described in subsection (a) are as follows:

(1) The hospital promptly provides the woman with medically and factually accurate and unbiased written and oral information about emergency contraception, including information explaining that—

(A) emergency contraception has been approved by the Food and Drug Administration as a safe and effective way to prevent pregnancy after unprotected intercourse or contraceptive failure if taken in a timely manner, and is more effective the sooner it is taken; and

(B) emergency contraception does not cause an abortion and cannot interrupt an established pregnancy.

(2) The hospital promptly offers emergency contraception to the woman, and promptly provides such contraception to her at the hospital on her request.

(3) The information provided pursuant to paragraph (1) is in clear and concise language, is readily comprehensible, and meets such conditions regarding the provision of the information in languages other than English as the Secretary may establish.

(4) The services described in paragraphs (1) through (3) are not denied because of the inability of the woman to pay for the services.

SEC. 4. PREVENTION OF TRANSMISSIBLE DISEASE.

(a) In General.—No hospital shall receive Federal funds unless such hospital provides risk assessment, counseling, and treatment as required under this section to a survivor of sexual assault described in subsection (b).

(b) Survivors of Sexual Assault.—An individual is a survivor of a sexual assault as described in this subsection if the individual—

(1) presents at the hospital and declares that the individual is a victim of sexual assault, or the individual is accompanied to the hospital by another individual who declares that the first individual is a victim of a sexual assault; or

(2) presents at the hospital and hospital personnel have reason to believe the individual is a victim of sexual assault.

(c) Requirement for Risk Assessment, Counseling, and Treatment.—The following shall apply with respect to a hospital described in subsection (a):

(1) Risk assessment.—A hospital shall promptly provide a survivor of a sexual assault with an assessment of the individual's risk for contracting sexually transmitted infections as described in paragraph (2)(A), which shall be conducted by a licensed medical professional and be based upon—

(A) available information regarding the assault as well as the subsequent findings from medical examination and any tests that may be conducted; and

(B) established standards of risk assessment which shall include consideration of any recommendations established by the Centers for Disease Control and Prevention, and may also incorporate findings of peer-reviewed clinical studies and appropriate research utilizing in vitro and non-human primate models of infection.

(2) Counseling.—A hospital shall provide a survivor of a sexual assault with advice, provided by a licensed medical professional, concerning—

(A) significantly prevalent sexually transmissible infections for which effective post-exposure prophylaxis exists, and for which the deferral of treatment would either significantly reduce treatment efficacy or would pose substantial risk to the individual's health; and

(B) the requirement that prophylactic treatment for infections as described in subparagraph (A) shall be provided to the individual upon request, regardless of the ability of the individual to pay for such treatment.

(3) Treatment.—A hospital shall provide a survivor of a sexual assault, upon request, with prophylactic treatment for infections described in paragraph (2)(A).

(4) Ability to pay.—The services described in paragraphs (1) through (3) shall not be denied because of the inability of the individual involved to pay for the services.

(5) Language.—Any information provided pursuant to this subsection shall be clear and concise, readily comprehensible, and meet such conditions regarding the provision of the information in languages other than English as the Secretary may establish.

(d) Rule of Construction.—Nothing in this section shall be construed to—

(1) require that a hospital provide prophylactic treatment for a victim of sexual assault when risk evaluation according to criteria adopted by the Centers for Disease Control and Prevention clearly recommend against the application of post-exposure prophylaxis;

(2) prohibit a hospital from seeking reimbursement for the cost of services provided under this section to the extent that health insurance may reimburse for such services; and

(3) establish a requirement that any victim of sexual assault submit to diagnostic testing for the presence of any infectious disease.

(e) Limitation.—Federal funds may not be provided to a hospital under any health-related program unless the hospital complies with the requirements of this section.

SEC. 5. DEFINITIONS.

In this Act:

(1) Emergency contraception.—The term "emergency contraception" means a drug, drug regimen, or device that is—

(A) approved by the Food and Drug Administration to prevent pregnancy; and

(B) is used postcoitally.

(2) Hospital.—The term "hospital" has the meaning given such term in title XVIII of the Social Security Act, including the meaning applicable in such title for purposes of making payments for emergency services to hospitals that do not have agreements in effect under such title. Such term includes a health care facility that is located within, or contracted to, a correctional institution or a post-secondary educational institution.

(3) Licensed medical professional.—The term "licensed medical professional" means a doctor of medicine, doctor of osteopathy, registered nurse, physician assistant, or any other healthcare professional determined appropriate by the Secretary.

(4) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(5) Sexual assault.—

(A) In general.—The term "sexual assault" means a sexual act (as defined in subparagraphs (A) through (C) of section 2246(2) of title 18, United States Code) where the victim involved does not consent or lacks the capacity to consent.

(B) Application of provisions.—The definition under subparagraph (A) shall—

(i) in the case of section 2, apply to males and females, as appropriate;

(ii) in the case of section 3, apply only to females; and

(iii) in the case of section 4, apply to all individuals.

SEC. 6. EFFECTIVE DATE; AGENCY CRITERIA.

This Act shall take effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act. Not later than 30 days prior to the expiration of such period, the Secretary of Health and Human Services shall publish in the Federal Register criteria for carrying out this Act.

By Mr. VOINOVICH (for himself, Mr. CARPER, Mrs. CLINTON, Mr. ISAKSON, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. INHOFE, and Mr. JEFFORDS):

S. 1265. A bill to make grants and loans available to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines; to the Committee on Environment and Public Works.

Mr. VOINOVICH. Mr. President, I speak as Chairman of the Environment and Public Works Subcommittee on Clean Air, Climate Change, and Nuclear Safety to introduce a landmark, bipartisan piece of legislation—the Diesel Emissions Reduction Act of 2005.

This bill is cosponsored by Environment and Public Works Committee JIM INHOFE and ranking member JIM JEFFORDS and Senators TOM CARPER, JOHNNY ISAKSON, HILLARY CLINTON, KAY BAILEY HUTCHISON, and DIANNE FEINSTEIN.

Focused on improving air quality and protecting public health, it would establish voluntary national and state-level grant and loan programs to promote the reduction of diesel emissions. Additionally, the bill would help areas come into attainment for the new air quality standards.

Developed with environmental, industry, and public officials, the legislation complements Environmental Protection Agency, EPA, regulations now being implemented that address diesel fuel and new diesel engines. I am pleased to be joined by a strong and diverse group of organizations and officials: Environmental Defense; Clean Air Task Force; Union of Concerned Scientists; Ohio Environmental Council; Caterpillar Inc.; Cummins Inc.; Diesel Technology Forum; Emissions Control Technology Association; Associated General Contractors of America; State and Territorial Air Pollution Program Administrators/Association of Local Air Pollution Control Officials; Ohio Environmental Protection Agency; Regional Air Pollution Control Agency in Dayton, Ohio; Mid-Ohio Regional Planning Commission.

The cosponsors of this legislation and these groups do not agree on many issues—which is why this bill is so special.

The process for developing this legislation began last year when several of these organizations came in to meet with me. They informed me of the harmful public health impact of diesel emissions. Onroad and nonroad diesel vehicles and engines account for roughly one-half of the nitrogen oxide and particulate matter mobile source emissions nationwide.

I was pleased to hear that the administration had taken strong action with new diesel fuel and engine regulations, which were developed in a collaborative effort to substantially reduce diesel emissions. However, I was told that the full health benefit would not be realized until 2030 because these regulations address new engines and the estimated 11 million existing engines have a long life.

I was pleased that they had a constructive suggestion on how we could address this problem. They informed me of successful grant and loan programs at the State and local level throughout the Nation that were working on a voluntary basis to retrofit diesel engines.

I was also cognizant that the new ozone and particulate matter air quality standards were going into effect and that a voluntary program was needed to help the nation's 495 and Ohio's 38 nonattainment counties—especially those that are in moderate nonattainment like Northeast Ohio.

Additionally, I have visited with University of Cincinnati Medical Center doctors—as recently as this month—to discuss their Cincinnati Childhood Allergy and Air Pollution Study. Some of the early results indicate disturbing impacts on the development of children living near highways.

It became clear to me that a national program was needed. We then formed a strong, diverse coalition comprised of environmental, industry, and public officials. The culmination of this work is being revealed today in the Diesel Emissions Reduction Act of 2005.

This legislation would establish voluntary national and State-level grant and loan programs to promote the reduction of diesel emissions. It would authorize $1 billion over 5 years—$200 million annually. Some will claim that this is too much money and others will claim it is not enough—which is probably why it is just right.

We should first recognize that the need far outpaces what is contained in the legislation. This funding is also fiscally responsible as diesel retrofits have proven to be one of the most cost-effective emissions reduction strategies. Furthermore, as a former Governor, I know firsthand that the new air quality standards are an unfunded mandate on our states and localities—and they need the Federal Government's help.

This legislation would help bring counties into attainment by encouraging the retrofitting or replacement of diesel engines, substantially reducing diesel emissions and the formation of ozone and particulate matter.

The bill is efficient with the Federal Government's dollars in several ways. First, 20 percent of the funding would be distributed to States that establish voluntary diesel retrofit programs. 10 percent of the bill's overall funding would be set aside as an incentive for States to match the Federal dollars being provided. The remaining 70 percent of the program would be administered by the EPA.

Second, the program would focus on nonattainment areas where help is needed the most. Third, it would require at least 50 percent of the Federal program to be used on public fleets since we are talking about public dollars. Fourth, it would place a high priority on the projects that are the most cost effective and affect the most people.

Lastly, the bill would include provisions to help develop new technologies, encourage more action through non-financial incentives, and require EPA to outreach to stakeholders and report on the success of the program.

EPA estimates that this billion dollar program would leverage an additional $500 million leading to a net benefit of almost $20 billion with a reduction of about 70,000 tons of particulate matter. This is a 13 to 1 benefit-cost ratio.

The Diesel Emissions Reduction Act of 2005 enjoys broad bipartisan support, and it is needed desperately. I plan to work with the bill's cosponsors and the coalition to use every avenue to get it signed into law as soon as possible.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Diesel Emissions Reduction Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) CERTIFIED ENGINE CONFIGURATION.—The term "certified engine configuration" means a new, rebuilt, or remanufactured engine configuration—

(A) that has been certified or verified by—

(i) the Administrator; or

(ii) the California Air Resources Board;

(B) that meets or is rebuilt or remanufactured to a more stringent set of engine emission standards, as determined by the Administrator; and

(C) in the case of a certified engine configuration involving the replacement of an existing engine or vehicle, an engine configuration that replaced an engine that was—

(i) removed from the vehicle; and

(ii) returned to the supplier for remanufacturing to a more stringent set of engine emissions standards or for scrappage.

(3) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a regional, State, local, or tribal agency with jurisdiction over transportation or air quality; and

(B) a nonprofit organization or institution that—

(i) represents organizations that own or operate diesel fleets; or

(ii) has, as its principal purpose, the promotion of transportation or air quality.

(4) EMERGING TECHNOLOGY.—The term "emerging technology" means a technology that is not certified or verified by the Administrator or the California Air Resources Board but for which an approvable application and test plan has been submitted for verification to the Administrator or the California Air Resources Board.

(5) HEAVY-DUTY TRUCK.—The term "heavy-duty truck" has the meaning given the term "heavy duty vehicle" in section 202 of the Clean Air Act (42 U.S.C. 7521).

(6) MEDIUM-DUTY TRUCK.—The term "medium-duty truck" has such meaning as shall be determined by the Administrator, by regulation.

(7) VERIFIED TECHNOLOGY.—The term "verified technology" means a pollution control technology, including a retrofit technology, that has been verified by—

(A) the Administrator; or

(B) the California Air Resources Board.

SEC. 3. NATIONAL GRANT AND LOAN PROGRAMS.

(a) IN GENERAL.—The Administrator shall use 70 percent of the funds made available to carry out this Act for each fiscal year to provide grants and low-cost revolving loans, as determined by the Administrator, on a competitive basis, to eligible entities to achieve significant reductions in diesel emissions in terms of—

(1) tons of pollution produced; and

(2) diesel emissions exposure, particularly from fleets operating in areas designated by the Administrator as poor air quality areas.

(b) DISTRIBUTION.—

(1) IN GENERAL.—The Administrator shall distribute funds made available for a fiscal year under this Act in accordance with this section.

(2) FLEETS.—The Administrator shall provide not less than 50 percent of funds available for a fiscal year under this section to eligible entities for the benefit of public fleets.

(3) ENGINE CONFIGURATIONS AND TECHNOLOGIES.—

(A) CERTIFIED ENGINE CONFIGURATIONS AND VERIFIED TECHNOLOGIES.—The Administrator shall provide not less than 90 percent of funds available for a fiscal year under this section to eligible entities for projects using—

(i) a certified engine configuration; or

(ii) a verified technology.

(B) EMERGING TECHNOLOGIES.—

(i) IN GENERAL.—The Administrator shall provide not more than 10 percent of funds available for a fiscal year under this section to eligible entities for the development and commercialization of emerging technologies.

(ii) APPLICATION AND TEST PLAN.—To receive funds under clause (i), a manufacturer, in consultation with an eligible entity, shall submit for verification to the Administrator or the California Air Resources Board a test plan for the emerging technology, together with the application under subsection (c).

(c) APPLICATIONS.—

(1) IN GENERAL.—To receive a grant or loan under this section, an eligible entity shall submit to the Administrator an application at a time, in a manner, and including such information as the Administrator may require.

(2) INCLUSIONS.—An application under this subsection shall include—

(A) a description of the air quality of the area served by the eligible entity;

(B) the quantity of air pollution produced by the diesel fleet in the area served by the eligible entity;

(C) a description of the project proposed by the eligible entity, including—

(i) any certified engine configuration, verified technology, or emerging technology to be used by the eligible entity; and

(ii) the means by which the project will achieve a significant reduction in diesel emissions;

(D) an evaluation (using methodology approved by the Administrator or the National Academy of Sciences) of the quantifiable and unquantifiable benefits of the emissions reductions of the proposed project;

(E) an estimate of the cost of the proposed project;

(F) a description of the age and expected lifetime control of the equipment used by the eligible entity;

(G) a description of the diesel fuel available to the eligible entity, including the sulfur content of the fuel; and

(H) provisions for the monitoring and verification of the project.

(3) PRIORITY.—In providing a grant or loan under this section, the Administrator shall give priority to proposed projects that, as determined by the Administrator—

(A) maximize public health benefits;

(B) are the most cost-effective;

(C) serve areas—

(i) with the highest population density;

(ii) that are poor air quality areas, including areas identified by the Administrator as—

(I) in nonattainment or maintenance of national ambient air quality standards for a criteria pollutant;

(II) Federal Class I areas; or

(III) areas with toxic air pollutant concerns;

(iii) that receive a disproportionate quantity of air pollution from a diesel fleet, including ports, rail yards, and distribution centers; or

(iv) that use a community-based multistakeholder collaborative process to reduce toxic emissions;

(D) include a certified engine configuration, verified technology, or emerging technology that has a long expected useful life;

(E) will maximize the useful life of any retrofit technology used by the eligible entity; and

(F) use diesel fuel with a sulfur content of less than or equal to 15 parts per million, as the Administrator determines to be appropriate.

(d) USE OF FUNDS.—

(1) IN GENERAL.—An eligible entity may use a grant or loan provided under this section to fund the costs of—

(A) a retrofit technology (including any incremental costs of a repowered or new diesel engine) that significantly reduces emissions through development and implementation of a certified engine configuration, verified technology, or emerging technology for—

(i) a bus;

(ii) a medium-duty truck or a heavy-duty truck;

(iii) a marine engine;

(iv) a locomotive; or

(v) a nonroad engine or vehicle used in—

(I) construction;

(II) handling of cargo (including at a port or airport);

(III) agriculture;

(IV) mining; or

(V) energy production; or

(B) an idle-reduction program involving a vehicle or equipment described in subparagraph (A).

(2) REGULATORY PROGRAMS.—

(A) IN GENERAL.—Notwithstanding paragraph (1), no grant or loan provided under this section shall be used to fund the costs of emissions reductions that are mandated under Federal, State or local law.

(B) MANDATED.—For purposes of subparagraph (A), voluntary or elective emission reduction measures shall not be considered "mandated", regardless of whether the reductions are included in the State implementation plan of a State.

SEC. 4. STATE GRANT AND LOAN PROGRAMS.

(a) IN GENERAL.—Subject to the availability of adequate appropriations, the Administrator shall use 30 percent of the funds made available for a fiscal year under this Act to support grant and loan programs administered by States that are designed to achieve significant reductions in diesel emissions.

(b) APPLICATIONS.—The Administrator shall—

(1) provide to States guidance for use in applying for grant or loan funds under this section, including information regarding—

(A) the process and forms for applications;

(B) permissible uses of funds received; and

(C) the cost-effectiveness of various emission reduction technologies eligible to be carried out using funds provided under this section; and

(2) establish, for applications described in paragraph (1)—

(A) an annual deadline for submission of the applications;

(B) a process by which the Administrator shall approve or disapprove each application; and

(C) a streamlined process by which a State may renew an application described in paragraph (1) for subsequent fiscal years.

(c) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—For each fiscal year, the Administrator shall allocate among States for which applications are approved by the Administrator under subsection (b)(2)(B) funds made available to carry out this section for the fiscal year.

(2) ALLOCATION.—Using not more than 20 percent of the funds made available to carry out this section for a fiscal year, the Administrator shall provide to each State described in paragraph (1) for the fiscal year an allocation of funds that is equal to—

(A) if each of the 50 States qualifies for an allocation, an amount equal to 2 percent of the funds made available to carry out this section; or

(B) if fewer than 50 States qualifies for an allocation, an amount equal to the amount described in subparagraph (A), plus an additional amount equal to the product obtained by multiplying—

(i) the proportion that—

(I) the population of the State; bears to

(II) the population of all States described in paragraph (1); by

(ii) the amount of funds remaining after each State described in paragraph (1) receives the 2-percent allocation under this paragraph.

(3) STATE MATCHING INCENTIVE.—

(A) IN GENERAL.—If a State agrees to match the allocation provided to the State under paragraph (2) for a fiscal year, the Administrator shall provide to the State for the fiscal year an additional amount equal to 50 percent of the allocation of the State under paragraph (2).

(B) REQUIREMENTS.—A State—

(i) may not use funds received under this Act to pay a matching share required under this subsection; and

(ii) shall not be required to provide a matching share for any additional amount received under subparagraph (A).

(4) UNCLAIMED FUNDS.—Any funds that are not claimed by a State for a fiscal year under this subsection shall be used to carry out section 3.

(d) ADMINISTRATION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3) and, to the extent practicable, the priority areas listed in section 3(c)(3), a State shall use any funds provided under this section to develop and implement such grant and low-cost revolving loan programs in the State as are appropriate to meet State needs and goals relating to the reduction of diesel emissions.

(2) APPORTIONMENT OF FUNDS.—The Governor of a State that receives funding under this section may determine the portion of funds to be provided as grants or loans.

(3) USE OF FUNDS.—A grant or loan provided under this section may be used for a project relating to—

(A) a certified engine configuration; or

(B) a verified technology.

SEC. 5. EVALUATION AND REPORT.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Administrator shall submit to Congress a report evaluating the implementation of the programs under this Act.

(b) INCLUSIONS.—The report shall include a description of—

(1) the total number of grant applications received;

(2) each grant or loan made under this Act, including the amount of the grant or loan;

(3) each project for which a grant or loan is provided under this Act, including the criteria used to select the grant or loan recipients;

(4) the estimated air quality benefits, cost-effectiveness, and cost-benefits of the grant and loan programs under this Act;

(5) the problems encountered by projects for which a grant or loan is provided under this Act; and

(6) any other information the Administrator considers to be appropriate.

SEC. 6. OUTREACH AND INCENTIVES.

(a) Definition of Eligible Technology.—In this section, the term "eligible technology" means—

(1) a verified technology; or

(2) an emerging technology.

(b) Technology Transfer Program.—

(1) In general.—The Administrator shall establish a program under which the Administrator—

(A) informs stakeholders of the benefits of eligible technologies; and

(B) develops nonfinancial incentives to promote the use of eligible technologies.

(2) Eligible stakeholders.—Eligible stakeholders under this section include—

(A) equipment owners and operators;

(B) emission control technology manufacturers;

(C) engine and equipment manufacturers;

(D) State and local officials responsible for air quality management;

(E) community organizations; and

(F) public health and environmental organizations.

(c) State Implementation Plans.—The Administrator shall develop appropriate guidance to provide credit to a State for emission reductions in the State created by the use of eligible technologies through a State implementation plan under section 110 of the Clean Air Act (42 U.S.C. 7410).

(d) International Markets.—The Administrator, in coordination with the Department of Commerce and industry stakeholders, shall inform foreign countries with air quality problems of the potential of technology developed or used in the United States to provide emission reductions in those countries.

SEC. 7. EFFECT OF ACT.

Nothing in this Act affects any authority under the Clean Air Act (42 U.S.C. 7401 et seq.) in existence on the day before the date of enactment of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $200,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

By Mr. BINGAMAN:

S. 1267. A bill to amend title IV of the Higher Education Act of 1965 to reauthorize the Gaining Early Awareness and Readiness for Undergraduate Programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, our country is facing a crisis. Too many of our young people leave high school without the skills necessary to meet the demands of a global economy. According to a recent U.S. Chamber of Commerce survey, 75 percent of employers report severe difficulties when trying to hire qualified workers, with 40 percent of job applicants having poor skills. As many as 3.3 million jobs may be sent overseas in the next 15 years, causing American workers to lose $136 billion in wages. The strength of our economy, and the future of our nation, largely rests on our ability to improve educational opportunities for all of our citizens.

An educated, skilled, and flexible workforce is essential to building a strong and dynamic economy, and, if we are going to maintain our country's ability to compete in a global economy, we must help prepare young people to meet the demands of the 21st century workforce. I introduce legislation that will ensure more students graduate high school ready for college and the workforce.

Only 68 percent of all students in the U.S. graduate high school on time with a regular diploma. And, the numbers are worse if the student is Hispanic, African American, Native American, has a disability, or is male. Sadly, a recent report indicates that students are dropping out at a younger age, resulting in an even less educated workforce.

For students who graduate with a high school diploma, too few go on directly to college. Astonishingly, only 38 percent of high school freshmen will earn a high school diploma and make the immediate transition to college directly after graduation. In New Mexico, the statistics are pretty staggering. For every 50 ninth graders in New Mexico, only 30 will graduate high school; 18 will enter college; 11 are still enrolled in their sophomore year; and 5.5 graduate from college within 6 years. We must do better.

We also know, unfortunately, that as many as 40 percent of this country's high school graduates are not prepared to meet the demands of college or a competitive workforce. A survey of college professors reveals that half of all public school graduates are not adequately prepared to do college-level math or writing.

There is some good news, however; we know what works. Research conducted by the Department of Education shows that the single best predictor of college success is the quality and level of a student's high school classes. Students who take a solid college prep curriculum are less likely to need remedial classes, and are more likely to earn a college degree. In fact, evidence shows that the intensity and quality of high school curriculum is the greatest measure of completion of a bachelor's degree. Importantly, studies also show that not only do college-bound students benefit from rigorous courses, but that all students benefit from more rigorous coursework. Accordingly, it is critical that all of our young people have access to rigorous coursework in secondary school in order to meet the demands of postsecondary education and a competitive workforce.

Therefore, I introduce legislation that builds on this research and works toward a goal of ensuring that all secondary school students are enrolled in classes that prepare them to excel in college and in the workplace.

The GEAR UP program, Gaining Early Awareness and Readiness for Undergraduate Programs, was first authorized in 1998 and was designed to promote student achievement and access to postsecondary education among low-income students. Since that time, GEAR UP grants have served over a million students per year. In my home State of New Mexico, there are six GEAR UP programs that serve thousands of students in many different ways, including by instituting reading and math programs, taking students to colleges so they can begin to imagine themselves on a college campus, creating science fairs and technology training seminars, providing career and financial counseling, and many other vital services. And, the individuals who work with GEAR UP programs are some of the most dedicated professionals I have met.

I believe we can build on the successes of GEAR UP to ensure more students leave high school prepared for the academic rigor of college and a competitive workforce. My legislation, called Gearing Up for Academic Success, will support and strengthen GEAR UP so that it promotes lasting and systemic change in the schools served by the GEAR UP grant.

The legislation places a particular focus on encouraging more students to take college preparation courses, especially those who are at risk for dropping out of school. But, it also builds capacity within the school so that activities funded with a GEAR UP grant benefit not only the students who receive the services, but also future cohorts of students who enter GEAR UP schools after the initial grants have ended.

My legislation does not change the fundamental structure of GEAR UP; it maintains States and partnerships as eligible entities. The legislation, however, changes the focus and the types of activities the eligible entities must engage in. Eligible entities will now be required to provide activities that ensure more students participate in college preparation coursework. Further, my legislation requires the activities to be designed so as to benefit both current students as well as future cohorts of students.

As in current law, partnerships are comprised of school districts, institutions of higher education, and community organizations. The legislation also retains the focus on cohorts of students that exists in current law by requiring grantees to serve one grade level of students, beginning not later than the 7th grade, through the 12th grade. Unlike current law, however, partnerships will now be required to provide activities designed to ensure the secondary school completion and college enrollment of this cohort of students. The legislation will also require the partnership to focus on developing a more rigorous curriculum and on professional development opportunities for teachers of college prep courses. Consequently, future cohorts of students would benefit from the more rigorous curriculum and the professional development available to the teachers.

Partnerships may also engage in a wide variety of other activities permissible under current law, including providing mentoring and advising, creating summer programs at institutions of higher education, providing skills assessment, personal and family counseling, financial aid counseling, and activities designed to foster parent involvement in issues surrounding completion of high school and the attainment of a college education.

The State can play a more effective role in ensuring students graduate high school prepared for college, and accordingly, my legislation requires State grantees to focus on two types of activities. First, the State would be required to provide policy leadership to promote college readiness of students in the State, particularly those who are at risk of dropping out of school and those who are economically disadvantaged. And, second, the State will be responsible for promoting coordination and information sharing among all GEAR UP grantees in the state, providing technical assistance and training, disseminating information about best practices, and providing opportunities for eligible partnerships to coordinate their efforts.

This program is so worthwhile, and leadership at the State level is absolutely critical, and accordingly, propose changing the formula to make funds available to every State. When appropriations for GEAR UP exceed $400,000,000 per year, one third of the funds will be made available to each State by formula. The remainder of the allocation will go to eligible partnerships on a competitive basis.

We all can agree that it is in our national interest to ensure that all of our students leave high school prepared to meet the demands of the 21st century workforce. This legislation provides an opportunity to systemically change the way our secondary schools prepare all students for college and a competitive workforce. I ask unanimous consent the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gearing Up for Academic Success Act".

SEC. 2. GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS

Chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–21 et seq.) is amended to read as follows:

"CHAPTER 2—GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS

"SEC. 404A. DEFINITION OF ELIGIBLE ENTITY.

"In this chapter, the term 'eligible entity' means—

"(1) a State; or

"(2) a partnership consisting of—

"(A) 1 or more local educational agencies acting on behalf of—

"(i) 1 or more elementary schools, middle schools, or secondary schools; and

"(ii) the secondary schools that students from the schools described in clause (i) would normally attend;

"(B) 1 or more degree granting institutions of higher education; and

"(C) at least 2 community organizations or entities, such as businesses, professional associations, community-based organizations, philanthropic organizations, State agencies, institutions or agencies sponsoring programs authorized under subpart 4, or other public or private agencies or organizations.

"SEC. 404B. EARLY INTERVENTION AND COLLEGE AWARENESS PROGRAM AUTHORIZED.

"The Secretary is authorized to award grants in accordance with section 404C—

"(1) to eligible entities described in section 404A(1) to enable the eligible entities to carry out the authorized activities described in section 404D(b); and

"(2) to eligible entities described in section 404A(2) to enable the eligible entities to carry out the authorized activities described in section 404D(a).

"SEC. 404C. GRANTS TO ELIGIBLE ENTITIES.

"(a) GENERAL RESERVATIONS.—From the amount appropriated under section 404H for a fiscal year the Secretary shall reserve—

"(1) an amount sufficient to continue multiyear grant and scholarship awards made under this chapter prior to the date of enactment of the Gearing Up for Academic Success Act, in accordance with the terms and conditions of such awards; and

"(2) the amount described in section 404G to carry out section 404G.

"(b) COMPETITIVE GRANT AWARDS.—

"(1) IN GENERAL.—If the amount appropriated under section 404H for a fiscal year is less than $400,000,000, then the Secretary shall use the amount that remains after reserving funds under subsection (a) to award grants, on a competitive basis and in accordance with paragraph (2), to eligible entities described in paragraphs (1) and (2) of section 404A to enable the eligible entities to carry out the authorized activities described in section 404D.

"(2) DISTRIBUTION OF COMPETITIVE GRANT AWARDS.—From the amount made available under paragraph (1) that remains after reserving funds under subsection (a) for a fiscal year, the Secretary shall—

"(A) make available—

"(i) not less than 33 percent of the remainder to eligible entities described in section 404A(1); and

"(ii) not less than 33 percent of the remainder to eligible entities described in section 404A(2); and

"(B) award the remainder not made available under subparagraph (A) to eligible entities described in paragraph (1) or (2) of section 404A.

"(3) SPECIAL RULE.—The Secretary shall annually reevaluate the distribution of funds described in paragraph (2)(B) based on the number, quality, and promise of the applications and adjust the distribution accordingly.

"(c) FORMULA AND COMPETITIVE GRANT AWARDS.—

"(1) IN GENERAL.—If the amount appropriated under section 404H for a fiscal year is equal to or greater than $400,000,000, then the Secretary shall use the amount that remains after reserving funds under subsection (a) as follows:

"(A) 33 percent of the remainder shall be used to award grants, from allotments under paragraph (2), to eligible entities described in section 404A(1) to enable the eligible entities to carry out the authorized activities described in section 404D.

"(B) 67 percent of the remainder shall be used to award grants, on a competitive basis, to eligible entities described in section 404A(2) to enable the eligible entities to carry out the authorized activities described in section 404D.

"(2) FORMULA.—

"(A) RESERVATIONS.—If the amount appropriated under section 404H is greater than or equal to $400,000,000, then the Secretary shall reserve, in addition to amounts reserved under subsection (a)—

"(i) ½ of 1 percent of the amount to award grants to the outlying areas according to their respective needs for assistance under this chapter to enable the outlying areas to carry out activities authorized under this chapter; and

"(ii) 1 percent of the amount to award a grant to the Bureau of Indian Affairs to enable the Bureau of Indian Affairs to carry out activities authorized under this chapter.

"(B) FORMULA.—If the amount appropriated under section 404H for a fiscal year is equal to or greater than $400,000,000, then the Secretary shall allocate the amount that remains after reserving funds under subsection (a) and subparagraph (A) among eligible entities having plans approved under section 404E as follows:

"(i) 50 percent of the remainder shall be allocated on the basis of the number of individuals in the State; and

"(ii) 50 percent of the remainder shall be allocated on the basis of the number of children in the State, aged 5 through 17, who are from families with incomes below the poverty line.

"(C) CENSUS DATA.—In allocating funds under subparagraph (A) the Secretary shall use the most recent data available from the Bureau of the Census.

"(D) DEFINITIONS.—In this paragraph;

"(i) OUTLYING AREA.—The term "outlying area" means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(ii) POVERTY LINE.—The term "poverty line" means the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved.

"(iii) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 404D. AUTHORIZED ACTIVITIES.

"(a) USES OF FUNDS FOR PARTNERSHIPS.—

"(1) COHORT APPROACH.—

"(A) IN GENERAL.—The Secretary shall require that eligible entities described in section 404A(2)—

"(i) provide services under this chapter to at least 1 grade level of students, beginning not later than 7th grade, in a participating school that has a 7th grade and in which at least 50 percent of the students enrolled are eligible for a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (or, if an eligible entity determines that it would promote the effectiveness of a program, an entire grade level of students, beginning not later than the 7th grade, who reside in public housing as defined in section 3(b)(1) of the United States Housing Act of 1937); and

"(ii) ensure that the services are provided through the 12th grade to students in the participating grade level.

"(B) COORDINATION REQUIREMENT.—In carrying out subparagraph (A), the Secretary shall, where applicable, ensure that the cohort approach is done in coordination and collaboration with existing early intervention programs and does not duplicate the services already provided to a school or community.

"(2) MANDATORY ACTIVITIES.—In order to receive a grant under this chapter, an eligible entity described in section 404A(2) shall demonstrate to the satisfaction of the Secretary, in the plan submitted under section 404E, that the eligible entity will provide activities designed to ensure the secondary school completion and college enrollment of children at risk of dropping out of school, with a focus on providing access to rigorous core courses that reflect challenging academic standards. Such activities shall be designed so as to ensure systemic change in the school, so that future cohorts of children will benefit from the changes as well. Such activities shall include—

"(A) enrollment of participating students in a standard college preparation curriculum or, in the case of younger students, in a curriculum that logically articulates with a college preparation curriculum;

"(B) professional development opportunities for instructors of college preparation classes; and

"(C) funds for curriculum development related to the institution of college preparation classes.

"(3) PERMISSIBLE ACTIVITIES.—In addition to the activities described in paragraph (1), an eligible entity described in section 404A(2) may provide other services or supports that are designed to ensure the secondary school completion and college enrollment of children at risk of dropping out of school, such as comprehensive mentoring, counseling, outreach, and supportive services. Examples of activities that meet the requirements of the preceding sentence include the following:

"(A) Providing participating students in elementary school, middle school, or secondary school through grade 12 with a continuing system of mentoring and advising that—

"(i) is coordinated with the Federal and State community service initiatives; and

"(ii) may include such support services as after school and summer tutoring, assistance in obtaining summer jobs, career mentoring, and academic counseling.

"(B) Requiring each student to enter into an agreement under which the student agrees to achieve certain academic milestones, such as completing a prescribed set of courses and maintaining satisfactory progress described in section 484(c), in exchange for receiving tuition assistance for a period of time to be established by each eligible entity.

"(C) Activities such as the identification of children at risk of dropping out of school, volunteer and parent involvement, providing former or current scholarship recipients as mentor or peer counselors, skills assessment, personal counseling, family counseling and home visits, and programs and activities that are specially designed for students of limited English proficiency and students with disabilities.

"(D) Summer programs for individuals who are in their sophomore or junior years of secondary school or are planning to attend an institution of higher education in the succeeding academic year, that—

"(i) are carried out at an institution of higher education which has programs of academic year supportive services for disadvantaged students through projects authorized under section 402D or through comparable projects funded by the State or other sources;

"(ii) provide for the participation of the individuals who are eligible for assistance under section 402D or who are eligible for comparable programs funded by the State;

"(iii)(I) provide summer instruction in remedial, developmental or supportive courses;

"(II) provide such summer services as counseling, tutoring, or orientation; and

"(III) provide financial assistance to the individuals to cover the individuals' summer costs for books, supplies, living costs, and personal expenses; and

"(iv) provide the individuals with financial assistance during each academic year the individuals are enrolled at the participating institution after the summer program.

"(E) Requiring eligible students to meet other standards or requirements as the State determines necessary to meet the purposes of this section.

"(F) Financial aid counseling and information regarding the opportunities for financial assistance.

"(G) Providing activities or information regarding—

"(i) fostering and improving parent involvement in—

"(I) promoting the advantages of a college education;

"(II) academic admission requirements; and

"(III) the need to take college preparation courses;

"(ii) college admission and achievement tests; and

"(iii) college application procedures.

"(b) USE OF FUNDS FOR STATES.—

"(1) MANDATORY ACTIVITIES.—In order to receive a grant under this chapter, an eligible entity described in section 404A(1) shall demonstrate to the satisfaction of the Secretary, in the plan submitted under section 404E, that the eligible entity will provide—

"(A) policy leadership designed to promote the college readiness of students in the State, especially those who are at risk of dropping out of school and those who are economically disadvantaged; and

"(B) if there are eligible entities in the State that received a grant under this chapter, services designed to promote coordination and information sharing among all such eligible entities in the State.

"(2) PERMISSIBLE ACTIVITIES.—

"(A) POLICY LEADERSHIP.—In order to meet the requirements of paragraph (1)(A), an eligible entity described in section 404A(1) may engage in the following activities:

"(i) Developing a core curriculum of college preparatory classes that can be adopted by all State secondary schools.

"(ii) Facilitating curriculum development in individual schools where needed.

"(iii) Supporting and creating professional development opportunities for teachers in relation to the core curriculum.

"(iv) Facilitating the alignment of kindergarten through grade 12 classes with the requirements for passing college entrance exams, and entering college without the need for remedial courses.

"(v) Convening and consulting with groups of individuals and organizations that can provide input and expertise related to clauses (i), (ii), (iii), and (iv).

"(vi) Developing a comprehensive, statewide database that can be used to track indicators of college readiness, and to track enrollment in and completion of college, among the secondary school students in the State.

"(vii) Other activities that will promote the college readiness of students in the State, especially students who are considered at risk for not completing secondary school.

"(C) COORDINATION AND INFORMATION SHARING.—In order to meet the requirements of paragraph (1)(B), an eligible entity described in section 404A(1) may engage in the following activities:

"(i) Providing technical assistance and training for eligible entities described in section 404A(2) that receive a grant under this chapter.

"(ii) Disseminating information about best practices among eligible entities described in section 404A(2) that receive a grant under this chapter.

"(iii) Providing eligible entities described in section 404A(2) that receive a grant under this chapter with opportunities for coordinating their efforts and networking.

"(iv) Assisting eligible entities described in section 404A(2) that receive a grant under this chapter in adopting a core curriculum and providing professional development opportunities for teachers.

"(v) Providing a centralized source of information, regarding college planning, college entrance requirements, and opportunities for financial aid, to students in the State.

"(vi) Providing other services that promote and support the activities of eligible entities described in section 404A(2) in the State that receive a grant under this chapter.

"(c) ALLOWABLE PROVIDERS.—In the case of eligible entities described in section 404A(1), the activities required by this section may be provided by service providers such as community-based organizations, schools, institutions of higher education, public and private agencies, nonprofit and philanthropic organizations, businesses, institutions and agencies sponsoring programs authorized under subpart 4, and other organizations the State determines appropriate.

"SEC. 404E. ELIGIBLE ENTITY PLANS.

"(a) PLAN REQUIRED FOR ELIGIBILITY.—

"(1) IN GENERAL.—In order for an eligible entity to receive a grant under this chapter, the eligible entity shall submit to the Secretary a plan for carrying out the program under this chapter.

"(2) CONTENTS.—Each plan submitted pursuant to paragraph (1) shall be in such form, contain or be accompanied by such information or assurances, and be submitted at such time as the Secretary may require by regulation. Each plan shall—

"(A) describe the activities for which assistance under this chapter is sought; and

"(B) provide such assurances as the Secretary determines necessary to ensure compliance with the requirements of this chapter.

"(3) ADDITIONAL REQUIREMENTS FOR PARTNERSHIPS.—An eligible entity described in section 404A(2) shall also include in its plan—

"(A) a description of the college preparation curriculum that will be instituted;

"(B) a description of all uses of funds;

"(C) a description of how the funds provided under this chapter shall be used to affect systemic schoolwide change that will ensure that future cohorts of students will also benefit from the use of the grant funds; and

"(D) a needs analysis detailing the ways in which the funds provided under this chapter will be most profitably used to ensure the success of curricular changes (for example, by spending such funds on professional development, the purchase of curricular materials, or other activities).

"(4) ADDITIONAL REQUIREMENTS FOR STATES.—An eligible entity described in section 404A(1) shall also include in its plan—

"(A) an assessment of the activities and programs most needed to enhance the college readiness of students in the State;

"(B) a description of how the proposed activities will enhance the college readiness of students in the State;

"(C) a description of how the State will ensure that students who are at risk of dropping out of school and those who are economically disadvantaged receive and benefit from the proposed activities; and

"(D) if applicable, a description of how the proposed activities will promote coordination and information-sharing among all eligible entities in the State that receive a grant under this chapter.

"(b) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—The Secretary shall not approve a plan submitted under subsection (a) unless such plan—

"(A) provides that the eligible entity will provide, from State, local, institutional, or private funds, not less than 50 percent of the cost of the program, which matching funds may be provided in cash or in kind;

"(B) specifies the methods by which matching funds will be paid; and

"(C) includes provisions designed to ensure that funds provided under this chapter shall supplement and not supplant funds expended for existing programs.

"(2) SPECIAL RULE.—Notwithstanding the matching requirement described in paragraph (1)(A), the Secretary may modify, by regulation, the percentage requirement described in paragraph (1)(A) for eligible entities described in section 404A(2).

"(3) METHODS FOR COMPLYING WITH MATCHING REQUIREMENT.—An eligible entity may count toward the matching requirement described in subsection (b)(1)(A)—

"(A) the amount of the financial assistance paid to students from State, local, institutional, or private funds under this chapter;

"(B) the amount of tuition, fees, room or board waived or reduced for recipients of financial assistance under this chapter; and

"(C) the amount expended on documented, targeted, long-term mentoring and counseling provided by volunteers or paid staff of nonschool organizations, including businesses, religious organizations, community groups, postsecondary educational institutions, nonprofit and philanthropic organizations, and other organizations.

"(c) PEER REVIEW PANELS.—The Secretary shall convene peer review panels to assist in making determinations regarding the awarding of grants under this chapter.

"SEC. 404F. REQUIREMENTS.

"(a) COORDINATION.—Each eligible entity shall ensure that the activities assisted under this chapter are, to the extent practicable, coordinated with, and complement and enhance—

"(1) services under this chapter provided by other eligible entities serving the same school district or State; and

"(2) related services under other Federal or non-Federal programs.

"(b) DESIGNATION OF FISCAL AGENT.—An eligible entity described in section 404A(2) shall designate an institution of higher education or a local educational agency as the fiscal agent for the eligible entity for purposes of this chapter.

"(c) COORDINATORS.—Each eligible entity described in section 404A(2) that receives a grant under this chapter shall have a full-time program coordinator or a part-time program coordinator, whose primary responsibility is to assist such eligible entity in carrying out the authorized activities described in section 404D(a).

"(d) DISPLACEMENT.—An eligible entity described in 404A(2) shall ensure that the activities assisted under this chapter will not displace an employee or eliminate a position at a school assisted under this chapter, including a partial displacement such as a reduction in hours, wages, or employment benefits.

"SEC. 404G. EVALUATION AND REPORT.

"(a) EVALUATION.—Each eligible entity receiving a grant under this chapter shall biennially evaluate the activities assisted under this chapter in accordance with the standards described in subsection (b) and shall submit to the Secretary a copy of such evaluation. The evaluation shall permit service providers to track eligible student progress during the period such students are participating in the activities and shall be consistent with the standards developed by the Secretary pursuant to subsection (b).

"(b) EVALUATION STANDARDS.—The Secretary shall prescribe standards for the evaluation described in subsection (a). Such standards shall—

"(1) provide for input from eligible entities and service providers; and

"(2) ensure that data protocols and procedures are consistent and uniform.

"(c) FEDERAL EVALUATION.—In order to evaluate and improve the impact of the activities assisted under this chapter, the Secretary shall, from not more than 0.75 percent of the funds appropriated under section 404H for a fiscal year, award 1 or more grants, contracts, or cooperative agreements to or with public and private institutions and organizations, to enable the institutions and organizations to evaluate the effectiveness of the program and, as appropriate, disseminate the results of the evaluation.

"(d) REPORT.—The Secretary shall biennially report to Congress regarding the activities assisted under this chapter and the evaluations conducted pursuant to this section.

"SEC. 404H. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this chapter $400,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 172—AFFIRMING THE IMPORTANCE OF A NATIONAL WEEKEND OF PRAYER FOR THE VICTIMS OF GENOCIDE AND CRIMES AGAINST HUMANITY IN DARFUR, SUDAN, AND EXPRESSING THE SENSE OF THE SENATE THAT JULY 15 THROUGH 17, 2005, SHOULD BE DESIGNATED AS A NATIONAL WEEKEND OF PRAYER AND REFLECTION FOR DARFUR

Mr. BROWNBACK (for himself and Mr. CORZINE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 172

Whereas, on July 22, 2004, Congress declared that genocide was taking place in Darfur, Sudan;

Whereas, on September 9, 2004, Secretary of State Colin L. Powell testified to the Senate Committee on Foreign Relations that "genocide has been committed in Darfur";

Whereas, on September 21, 2004, President George W. Bush stated to the United Nations General Assembly that "the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide";

Whereas Article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide, done at Paris December 9, 1948, and entered into force January 12, 1951, states that "[t]he Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish";

Whereas fundamental human rights, including the right to freedom of thought, conscience, and religion, are protected in numerous international agreements and declarations;

Whereas the United Nations Security Council, in Security Council Resolution 1591, condemned the "continued violations of the N'djamena Ceasefire Agreement of 8 April 2004 and the Abuja Protocols of 9 November 2004 by all sides in Darfur and the deterioration of the security situation and negative impact this has had on humanitarian assistance efforts";

Whereas scholars estimate that as many as 400,000 have died from violence, hunger and disease since the outbreak of conflict in Darfur began in 2003, and that as many as 10,000 may be dying each month;

Whereas it is estimated that more than 2,000,000 people have been displaced from their homes and remain in camps in Darfur and Chad;

Whereas religious leaders, genocide survivors, and world leaders have expressed grave concern over the continuing atrocities taking place in Darfur; and

Whereas it is appropriate that the people of the United States, leaders and citizens alike, unite in prayer for the people of Darfur and reflect upon the situation in Darfur: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) that the weekend of July 15 through 17, 2005, should be designated as a National Weekend of Prayer and Reflection for Darfur, Sudan;

(2) to encourage the people of the United States to observe that weekend by praying

for an end to the genocide and crimes against humanity and for lasting peace in Darfur, Sudan; and

(3) to urge all churches, synagogues, mosques, and religious institutions in the United States to consider the issue of Darfur in their activities and to observe the National Weekend of Prayer and Reflection with appropriate activities and services.

SENATE RESOLUTION 173—EXPRESSING SUPPORT FOR THE GOOD FRIDAY AGREEMENT OF 1998 AS THE BLUEPRINT FOR LASTING PEACE IN NORTHERN IRELAND

Mr. KENNEDY (for himself, Ms. COLLINS, Mr. DODD, Mr. MCCAIN, Mr. BIDEN, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 173

Whereas in 1998, the Good Friday Agreement, signed on April 10, 1998, in Belfast, was endorsed in a referendum by the overwhelming majority of people in Northern Ireland;

Whereas the parties to the Good Friday Agreement made a clear commitment to "partnership, equality, and mutual respect" as the basis for moving forward in pursuit of lasting peace in Northern Ireland;

Whereas the parties to the Good Friday Agreement also affirmed their "total and absolute commitment to exclusively democratic and peaceful means" in pursuit of lasting peace in Northern Ireland;

Whereas inclusive power-sharing based on these defining qualities is essential to the viability and advancement of the democratic process in Northern Ireland;

Whereas paramilitary and criminal activity in a democratic society undermines the trust and confidence that are essential in a political system based on inclusive power-sharing in Northern Ireland;

Whereas the United States Government continues to strongly support the peace process in Northern Ireland; and

Whereas the Government of the United Kingdom and the Government of Ireland continue to strongly support the Good Friday Agreement as the way forward in the peace process, and have committed themselves to its implementation: Now, therefore, be it

Resolved, That—

(1) the Senate reiterates its support for the Good Friday Agreement, signed on April 10, 1998, in Belfast, as the blueprint for a lasting peace in Northern Ireland; and

(2) it is the sense of the Senate that—

(A) the Irish Republican Army must immediately—

(i) complete the process of decommissioning;

(ii) cease to exist as a paramilitary organization; and

(iii) end its involvement in any way in paramilitary and criminal activity;

(B) the Democratic Unionist Party in Northern Ireland must—

(i) share power with all parties according to the democratic mandate of the Good Friday Agreement; and

(ii) commit to work in good faith with all the institutions of the Good Friday Agreement, which established an inclusive Executive and the North-South Ministerial Council, for the benefit of all the people of Northern Ireland;

(C) Sinn Fein must work in good faith with the Police Service of Northern Ireland;

(D) the leadership of Sinn Fein must insist that those responsible for the murder of Robert McCartney and those who were witnesses to the murder—

(i) cooperate directly with the Police Service of Northern Ireland; and

(ii) be protected fully from any retaliation by the Irish Republican Army; and

(E) the Government of the United Kingdom must—

(i) permanently restore the democratic institutions of Northern Ireland;

(ii) complete the process of demilitarization in Northern Ireland; and

(iii) advance equality and human rights agendas in Northern Ireland.

Mr. KENNEDY. Mr. President, Senators COLLINS, DODD, MCCAIN, BIDEN, LEAHY, and I are submitting a resolution expressing support for the 1998 Good Friday Agreement as the blueprint for lasting peace in Northern Ireland. All of us are hopeful that a constructive way forward will be found, and the way to do so is by continuing to implement the Good Friday Agreement.

The 1998 agreement was endorsed in a referendum by the overwhelming majority of people in Northern Ireland and in the Republic of Ireland. The parties to the Good Friday Agreement made a clear commitment to "partnership, equality, and mutual respect" as the basis for moving forward to end the long-standing conflict and achieve lasting peace for all the people of Northern Ireland. The parties to the agreement affirmed their "total and absolute commitment to exclusively democratic and peaceful means" to achieve the goal of peace.

Our resolution reiterates the support for the agreement as the way forward in Northern Ireland. It rejects the statement of Democratic Unionist leader Ian Paisley, who said in May that the Good Friday Agreement "should be given a reasonable burial." Inclusive power sharing based on the defining qualities of the agreement is essential to the viability and success of the peace process.

The resolution calls on the Irish Republican Army to immediately complete the process of decommissioning, cease to exist as a paramilitary organization, and end its involvement in any way in paramilitary and criminal activity. We know that discussion of the issue is underway within the IRA, and we all await a final, positive, and decisive action.

In addition, the resolution calls on the Democratic Unionist Party in Northern Ireland to share power with all the other parties, according to the democratic mandate of the Good Friday Agreement, and commit to work in good faith with all the institutions established under the agreement, including the Executive and the North-South Ministerial Council, to benefit all the people of Northern Ireland.

It calls on Sinn Fein to work in good faith with the Police Service of Northern Ireland.

It also calls for justice in the case of Robert McCartney, the Belfast citizen who was brutally murdered there in January.

Finally, the resolution calls on the British Government to permanently restore the democratic institutions of Northern Ireland and complete the process of demilitarization in Northern Ireland and advance equality and human rights in Northern Ireland.

The U.S. Government continues to strongly support the peace process in Northern Ireland. The Government of the United Kingdom and the Government of Ireland continue to strongly support the Good Friday Agreement as the way forward.

The Good Friday Agreement is the only way forward in Northern Ireland, and it deserves our strong support. I urge my colleagues to approve this resolution.

SENATE RESOLUTION 174—RECOGNIZING BURMESE DEMOCRACY ACTIVIST AND NOBEL PEACE LAUREATE AUNG SAN SUU KYI AS A SYMBOL OF THE STRUGGLE FOR FREEDOM IN BURMA

Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. FRIST, Mr. LUGAR, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 174

Whereas June 19, 2005 marks the 60th birthday of Burmese democracy activist and Nobel Peace Prize Laureate Aung San Suu Kyi;

Whereas Burma is misruled by the State Peace and Development Council, an illegitimate, repressive military junta led by General Than Shwe;

Whereas although the main opposition party in Burma, the National League for Democracy, won a landslide victory in national elections in 1990, the State Peace and Development Council has refused to honor the results of that election and peacefully transfer power in Burma;

Whereas the State Peace and Development Council as a matter of policy carries out a campaign of violence and intimidation against the people of Burma and ethnic minorities that includes the use of rape, torture, and terror;

Whereas hundreds of democracy activists, including Aung San Suu Kyi who is the leader of the National League for Democracy, remain imprisoned by the repressive State Peace and Development Council; and

Whereas the United States and other democratic countries recognize and applaud the dedication and commitment to freedom demonstrated by Aung San Suu Kyi and the people of Burma: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Burmese democracy activist and Nobel Peace Prize Laureate Aung San Suu Kyi as a symbol of the spirit and dedication of the people of Burma who are courageously and nonviolently struggling for freedom, human rights, and justice;

(2) calls for the immediate and unconditional release of Aung San Suu Kyi and all

other prisoners of conscience who are held by the State Peace and Development Council, the illegitimate, repressive military junta in power in Burma; and

(3) strongly urges Secretary of State Condoleezza Rice to initiate a discussion of the repressive practices of the State Peace and Development Council during the 12th Association of Southeast Asian Nations regional forum and post-ministerial meeting scheduled to take place in Vientiane, Laos on July 29, 2005.

SENATE RESOLUTION 175—COMMENDING THE UNIVERSITY OF MICHIGAN SOFTBALL TEAM FOR WINNING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I CHAMPIONSHIP ON JUNE 8, 2005

Mr. LEVIN (for himself and Ms. STABENOW) submitted the following resolution; which was considered and agreed to:

S. RES. 175

Whereas the top-ranked University of Michigan softball team defeated the University of California-Los Angeles (UCLA) Bruins in the Women's College World Series 2 games to 1, becoming only the eighth team to win the National Collegiate Athletic Association (NCAA) Softball Championship and the first Big Ten Conference team to claim a national title in softball or baseball since 1966;

Whereas the University of Michigan softball team clinched the 2005 Women's College World Series in an exciting extra-innings game with a 3-run homer in the 10th inning to win 4 to 1;

Whereas the University of Michigan softball team hit a home run in 57 of 65 games during the 2005 season and is just 1 of 3 schools in NCAA history to hit 100 home runs in a season;

Whereas in 2005, the University of Michigan softball team earned its first Number 1 ranking in school history and won its tenth Big Ten Conference championship and seventh Big Ten Tournament title en route to advancing to its eighth Women's College World Series;

Whereas the NCAA championship title marks the 52nd national championship for a sports program at the University of Michigan, the second for a women's athletic program at Michigan, and the first for a softball program east of the Mississippi River;

Whereas the University of Michigan softball team mounted an impressive season record of 65 wins and 7 losses;

Whereas Coach Carol Hutchins eclipsed the 900 win mark, capping a stellar 21 year career at Michigan that has seen her become the most victorious coach in University of Michigan history, currently ranking among the top 10 Division I active coaches, with 940 career wins and a .729 winning percentage;

Whereas 2 University of Michigan softball players, shortstop Jessica Merchant and pitcher Jennie Ritter, were finalists for the USA Softball Collegiate Player of the Year Award;

Whereas a record-tying 8 players from the University of Michigan softball team were named to the Big Ten All-Conference Team, and 6 players were named to the Spring 2005 Academic All-Big Ten Conference Team;

Whereas the University of Michigan softball team was led by the solid coaching of Carol Hutchins, Bonnie Tholl, Jennifer Brundage, and Jennifer Teague;

Whereas players on the University of Michigan softball team included Stephanie Bercaw, Angie Danis, Samantha Findlay, Alessandra Giampaolo, Tiffany Haas, Lauren Holland, Jennifer Kreinbrink, Grace Leutele, Becky Marx, Jessica Merchant, Rebekah Milian, Nicole Motycka, Jennie Ritter, Lauren Talbot, Michelle Teschler, Michelle Weatherdon, Lorilyn Wilson, Stephanie Winter, and Tiffany Worthy; and

Whereas Michigan had tremendous support from its hometown fans during their season, setting a home attendance record in 2005, and bringing in the 5 largest crowds in program history: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Michigan softball team for winning the 2005 National Collegiate Athletic Association Division I Championship on June 8, 2005;

(2) recognizes all of the players and coaches who were instrumental in this achievement; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the University of Michigan athletic department for appropriate display.

AMENDMENTS SUBMITTED AND PROPOSED

SA 790. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table.

SA 791. Mr. BINGAMAN (for himself, Mr. COLEMAN, Mr. JEFFORDS, Ms. COLLINS, Mr. DORGAN, Mrs. FEINSTEIN, Ms. CANTWELL, Mr. REID, Mr. SALAZAR, Mr. OBAMA, Mrs. CLINTON, Mr. KERRY, Mr. LAUTENBERG, Mr. JOHNSON, and Ms. SNOWE) proposed an amendment to the bill H.R. 6, supra.

SA 792. Mr. WYDEN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 793. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 794. Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill H.R. 6, supra.

SA 795. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 796. Mr. FEINGOLD (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 790. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 159, after line 23, add the following:

SEC. 211. ETHANOL CONTENT OF GASOLINE.

(a) DEFINITIONS.—In this section:

(1) CELLULOSIC BIOMASS ETHANOL.—The term "cellulosic biomass ethanol" means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

(A) dedicated energy crops and trees;

(B) wood and wood residues;

(C) plants;

(D) grasses;

(E) agricultural residues; and

(F) fibers.

(2) WASTE DERIVED ETHANOL.—The term "waste derived ethanol" means ethanol derived from—

(A) animal wastes, including poultry fats and poultry wastes, and other waste materials; or

(B) municipal solid waste.

(3) ETHANOL.—The term "ethanol" means cellulosic biomass ethanol and waste derived ethanol.

(b) RENEWABLE FUEL PROGRAM.—Notwithstanding any other provision of law, not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations ensuring that each gallon of gasoline sold or dispensed to consumers in the contiguous United States contains 10 percent ethanol by 2015.

SA 791. Mr. BINGAMAN (for himself, Mr. COLEMAN, Mr. JEFFORDS, Ms. COLLINS, Mr. DORGAN, Mrs. FEINSTEIN, Ms. CANTWELL, Mr. REID, Mr. SALAZAR, Mr. OBAMA, Mrs. CLINTON, Mr. KERRY, Mr. LAUTENBERG, Mr. JOHNSON, and Ms. SNOWE) proposed an amendment to the bill H.R. 6, Reserved; as follows:

At the end of title II, add the following:

Subtitle F—Renewable Portfolio Standard

SEC. 271. RENEWABLE PORTFOLIO STANDARD.

Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

"SEC. 609. FEDERAL RENEWABLE PORTFOLIO STANDARD.

"(a) RENEWABLE ENERGY REQUIREMENT.—

"(1) IN GENERAL.—Each electric utility that sells electricity to electric consumers shall obtain a percentage of the base amount of electricity it sells to electric consumers in any calendar year from new renewable energy or existing renewable energy. The percentage obtained in a calendar year shall not be less than the amount specified in the following table:

"Calendar year:	**Minimum annual percentage:**
2008 through 2011	2.5
2012 through 2015	5.0
2016 through 2019	7.5
2020 through 2030	10.0.

"(2) MEANS OF COMPLIANCE.—An electric utility shall meet the requirements of paragraph (1) by—

"(A) generating electric energy using new renewable energy or existing renewable energy;

"(B) purchasing electric energy generated by new renewable energy or existing renewable energy;

"(C) purchasing renewable energy credits issued under subsection (b); or

"(D) a combination of the foregoing.

"(b) RENEWABLE ENERGY CREDIT TRADING PROGRAM.—

"(1) Not later than January 1, 2007, the Secretary shall establish a renewable energy credit trading program to permit an electric utility that does not generate or purchase enough electric energy from renewable energy to meet its obligations under subsection (a)(1) to satisfy such requirements by purchasing sufficient renewable energy credits.

"(2) As part of such program the Secretary shall—

"(A) issue renewable energy credits to generators of electric energy from new renewable energy;

"(B) sell renewable energy credits to electric utilities at the rate of 1.5 cents per kilowatt-hour (as adjusted for inflation under subsection (g));

"(C) ensure that a kilowatt hour, including the associated renewable energy credit, shall be used only once for purposes of compliance with this section; and

"(D) allow double credits for generation from facilities on Indian Lands, and triple credits for generation from small renewable distributed generators (meaning those those no larger than 1 megawatt).

"(3) Credits under paragraph (2)(A) may only be used for compliance with this section for 3 years from the date issued.

"(c) ENFORCEMENT.—

"(1) CIVIL PENALTIES.—Any electric utility that fails to meet the renewable energy requirements of subsection (a) shall be subject to a civil penalty.

"(2) AMOUNT OF PENALTY.—The amount of the civil penalty shall be determined by multiplying the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (a) by the greater of 1.5 cents (adjusted for inflation under subsection (g)) or 200 percent of the average market value of renewable energy credits during the year in which the violation occurred.

"(3) MITIGATION OR WAIVER.—The Secretary may mitigate or waive a civil penalty under this subsection if the electric utility was unable to comply with subsection (a) for reasons outside of the reasonable control of the utility. The Secretary shall reduce the amount of any penalty determined under paragraph (2) by an amount paid by the electric utility to a State for failure to comply with the requirement of a State renewable energy program if the State requirement is greater than the applicable requirement of subsection (a).

"(4) PROCEDURE FOR ASSESSING PENALTY.—The Secretary shall assess a civil penalty under this subsection in accordance with the procedures prescribed by section 333(d) of the Energy Policy and Conservation Act of 1954 (42 U.S.C. 6303).

"(d) STATE RENEWABLE ENERGY ACCOUNT PROGRAM.—

"(1) The Secretary shall establish, not later than December 31, 2008, a State renewable energy account program.

"(2) All money collected by the Secretary from the sale of renewable energy credits and the assessment of civil penalties under this section shall be deposited into the renewable energy account established pursuant to this subsection. The State renewable energy account shall be held by the Secretary and shall not be transferred to the Treasury Department.

"(3) Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to appropriations, for a program to provide grants to the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production, including programs that promote technologies that reduce the use of electricity at customer sites such as solar water heating.

"(4) The Secretary may issue guidelines and criteria for grants awarded under this subsection. State energy offices receiving grants under this section shall maintain such records and evidence of compliance as the Secretary may require.

"(5) In allocating funds under this program, the Secretary shall give preference—

"(A) to States in regions which have a disproportionately small share of economically sustainable renewable energy generation capacity; and

"(B) to State programs to stimulate or enhance innovative renewable energy technologies.

"(e) RULES.—The Secretary shall issue rules implementing this section not later than 1 year after the date of enactment of this section.

"(f) EXEMPTIONS.—This section shall not apply in any calendar year to an electric utility—

"(1) that sold less than 4,000,000 megawatt-hours of electric energy to electric consumers during the preceding calendar year; or

"(2) in Hawaii.

"(g) INFLATION ADJUSTMENT.—Not later than December 31 of each year beginning in 2008, the Secretary shall adjust for inflation the price of a renewable energy credit under subsection (b)(2)(B) and the amount of the civil penalty per kilowatt-hour under subsection (c)(2).

"(h) STATE PROGRAMS.—Nothing in this section shall diminish any authority of a State or political subdivision thereof to adopt or enforce any law or regulation respecting renewable energy, but, except as provided in subsection (c)(3), no such law or regulation shall relieve any person of any requirement otherwise applicable under this section. The Secretary, in consultation with States having such renewable energy programs, shall, to the maximum extent practicable, facilitate coordination between the Federal program and State programs.

"(i) DEFINITIONS.—For purposes of this section:

"(1) BASE AMOUNT OF ELECTRICITY.—The term 'base amount of electricity' means the total amount of electricity sold by an electric utility to electric consumers in a calendar year, excluding—

"(A) electricity generated by a hydroelectric facility (including a pumped storage facility but excluding incremental hydropower); and

"(B) electricity generated through the incineration of municipal solid waste.

"(2) DISTRIBUTED GENERATION FACILITY.—The term 'distributed generation facility' means a facility at a customer site.

"(3) EXISTING RENEWABLE ENERGY.—The term 'existing renewable energy' means, except as provided in paragraph (7)(B), electric energy generated at a facility (including a distributed generation facility) placed in service prior to the date of enactment of this section from solar, wind, or geothermal energy; ocean energy; biomass (as defined in section 203(a) of the Energy Policy Act of 2005); or landfill gas.

"(4) GEOTHERMAL ENERGY.—The term 'geothermal energy' means energy derived from a geothermal deposit (within the meaning of section 613(e)(2) of the Internal Revenue Code of 1986).

"(5) INCREMENTAL GEOTHERMAL PRODUCTION.—

"(A) IN GENERAL.—The term 'incremental geothermal production' means for any year the excess of—

"(i) the total kilowatt hours of electricity produced from a facility (including a distributed generation facility) using geothermal energy, over

"(ii) the average annual kilowatt hours produced at such facility for 5 of the previous 7 calendar years before the date of enactment of this section after eliminating the highest and the lowest kilowatt hour production years in such 7-year period.

"(B) SPECIAL RULE.—A facility described in subparagraph (A) which was placed in service at least 7 years before the date of enactment of this section shall commencing with the year in which such date of enactment occurs, reduce the amount calculated under subparagraph (A)(ii) each year, on a cumulative basis, by the average percentage decrease in the annual kilowatt hour production for the 7-year period described in subparagraph (A)(ii) with such cumulative sum not to exceed 30 percent.

"(6) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional energy generated as a result of efficiency improvements or capacity additions made on or after the date of enactment of this section or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date. The term does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions. Efficiency improvements and capacity additions shall be measured on the basis of the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission.

"(7) NEW RENEWABLE ENERGY.—The term 'new renewable energy' means—

"(A) electric energy generated at a facility (including a distributed generation facility) placed in service on or after January 1, 2003, from—

"(i) solar, wind, or geothermal energy or ocean energy;

"(ii) biomass (as defined in section 203(a) of the Energy Policy Act of 2005);

"(iii) landfill gas; or

"(iv) incremental hydropower; and

"(B) for electric energy generated at a facility (including a distributed generation facility) placed in service prior to the date of enactment of this section—

"(i) the additional energy above the average generation in the 3 years preceding the date of enactment of this section at the facility from—

"(I) solar or wind energy or ocean energy;

"(II) biomass (as defined in section 203(a) of the Energy Policy Act of 2005);

"(III) landfill gas; or

"(IV) incremental hydropower.

"(ii) the incremental geothermal production.

"(8) OCEAN ENERGY.—The term 'ocean energy' includes current, wave, tidal, and thermal energy.

"(j) SUNSET.—This section expires on December 31, 2030.".

SA 792. Mr. WYDEN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 6. Reserved; which was ordered to lie on the table; as follows:

On page 208, strike lines 11 through 20 and insert the following:

(e) FILL STRATEGIC PETROLEUM RESERVE TO CAPACITY.—

(1) DEFINITION OF PRICE OF OIL.—In this subsection, the term "price of oil" means the West Texas Intermediate 1-month future price of oil on the New York Mercantile Exchange.

(2) ACQUISITION.—The Secretary shall, as expeditiously as practicable, without incurring excessive cost or appreciably affecting

the price of gasoline or heating oil to consumers, acquire petroleum in quantities sufficient to fill the Strategic Petroleum Reserve to the 1,000,000,000-barrel capacity authorized under section 154(a) of the Energy Policy and Conservation Act (42 U.S.C. 6234(a)), in accordance with the sections 159 and 160 of that Act (42 U.S.C. 6239, 6240).

(3) SUSPENSION OF ACQUISITIONS.—

(A) IN GENERAL.—The Secretary shall suspend acquisitions of petroleum under paragraph (2) when the market day closing price of oil exceeds $58.28 per barrel (adjusted in accordance with the Consumer Price Index for all-urban consumers United States city average, as published by the Bureau of Labor Statistics) for 10 consecutive trading days.

(B) ACQUISITION.—Acquisitions suspended under subparagraph (A) shall resume when the market day closing price of oil remains below $40 per barrel (adjusted in accordance with the Consumer Price Index for all-urban consumers United States city average, as published by the Bureau of Labor Statistics) for 10 consecutive trading days.

SA 793. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

Beginning on page 135, strike line 6 and all that follows through page 160, line 1, and insert the following:

(d) REPORT.—Not later than April 16, 2007, and every 3 years thereafter, the Secretary shall provide to Congress a report on the progress of the Federal Government in meeting the goals established by this section.

Subtitle B—Reliable Fuels

SEC. 211. RENEWABLE CONTENT OF GASOLINE.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (r); and

(2) by inserting after subsection (n) the following:

"(o) RENEWABLE FUEL PROGRAM.—

"(1) DEFINITIONS.—In this section and section 212:

"(A) CELLULOSIC BIOMASS ETHANOL.—The term 'cellulosic biomass ethanol' means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

"(i) dedicated energy crops and trees;

"(ii) wood and wood residues;

"(iii) plants;

"(iv) grasses;

"(v) agricultural residues;

"(vi) fibers;

"(vii) animal wastes and other waste materials; and

"(viii) municipal solid waste.

"(B) CELLULOSIC BIOMASS FEEDSTOCK.—The term 'cellulosic biomass feedstock' means—

"(i) dedicated energy crops and trees;

"(ii) wood and wood residues;

"(iii) plants;

"(iv) grasses;

"(v) agricultural residues;

"(vi) fibers;

"(vii) animal wastes and other waste materials; and

"(viii) municipal solid waste.

"(C) CELLULOSIC BIOMASS-DERIVED LIQUID ALTERNATIVE FUEL.—

"(i) IN GENERAL.—The term 'cellulosic biomass-derived liquid alternative fuel' means an alternative fuel (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211)), or a blending component for alternate fuel, that—

"(I) is derived from cellulosic biomass feedstock or waste; and

"(II) remains substantially in a liquid phase at room temperature and atmospheric pressure.

"(ii) CERTAIN LIQUID ALTERNATIVE FUELS.—For any liquid alternative fuel that contains a component that is not derived from a cellulosic biomass feedstock or waste, only the portion of the fuel that is derived from a cellulosic biomass feedstock shall be considered to be a biomass-derived liquid alternative fuel.

"(D) RENEWABLE FUEL.—

"(i) IN GENERAL.—The term 'renewable fuel' means motor vehicle fuel that—

"(I)(aa) is produced from grain, starch, oilseeds, sugarcane, sugar beets, sugar components, tobacco, potatoes, or other biomass; or

"(bb) is natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place where decaying organic material is found; and

"(II) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

"(ii) INCLUSION.—The term 'renewable fuel' includes—

"(I) cellulosic biomass ethanol; and

"(II) biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f))).

"(E) SMALL REFINERY.—The term 'small refinery' means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

"(F) WASTE.—The term 'waste' means—

"(i) animal wastes, including poultry fats and poultry wastes, and other waste materials; or

"(ii) municipal solid waste (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

"(2) RENEWABLE FUEL PROGRAM.—

"(A) REGULATIONS.—

"(i) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Administrator shall promulgate regulations to ensure that gasoline sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with subparagraph (B).

"(ii) NONCONTIGUOUS STATE OPT-IN.—

"(I) IN GENERAL.—On the petition of a noncontiguous State or territory, the Administrator may allow the renewable fuel program established under this subsection to apply in the noncontiguous State or territory at the same time or any time after the Administrator promulgates regulations under this subparagraph.

"(II) OTHER ACTIONS.—In carrying out this clause, the Administrator may—

"(aa) issue or revise regulations under this paragraph;

"(bb) establish applicable percentages under paragraph (3);

"(cc) provide for the generation of credits under paragraph (5); and

"(dd) take such other actions as are necessary to allow for the application of the renewable fuels program in a noncontiguous State or territory.

"(iii) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under clause (i)—

"(I) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this paragraph are met; but

"(II) shall not—

"(aa) restrict geographic areas in which renewable fuel may be used; or

"(bb) impose any per-gallon obligation for the use of renewable fuel.

"(iv) REQUIREMENT IN CASE OF FAILURE TO PROMULGATE REGULATIONS.—If the Administrator does not promulgate regulations under clause (i), the percentage of renewable fuel in gasoline sold or dispensed to consumers in the United States, on a volume basis, shall be 3.2 percent for calendar year 2006.

"(B) APPLICABLE VOLUME.—

"(i) CALENDAR YEARS 2006 THROUGH 2012.—For the purpose of subparagraph (A), the applicable volume for any of calendar years 2006 through 2012 shall be determined in accordance with the following table:

"Calendar year:	**Applicable volume of renewable fuel (in billions of gallons):**
2006	4.0
2007	4.7
2008	5.4
2009	6.1
2010	6.8
2011	7.4
2012	8.0.

"(ii) CALENDAR YEAR 2013 AND THEREAFTER.—Subject to clauses (iii) and (iv), for the purposes of subparagraph (A), the applicable volume for calendar year 2013 and each calendar year thereafter shall be determined by the Administrator, in coordination with the Secretary of Agriculture and the Secretary of Energy, based on a review of the implementation of the program during calendar years 2006 through 2012, including a review of—

"(I) the impact of the use of renewable fuels on the environment, air quality, energy security, job creation, and rural economic development; and

"(II) the expected annual rate of future production of renewable fuels, including cellulosic ethanol.

"(iii) MINIMUM QUANTITY DERIVED FROM CELLULOSIC BIOMASS.—For calendar year 2013 and each calendar year thereafter—

"(I) the applicable volume referred to in clause (ii) shall contain a minimum of 250,000,000 gallons that are derived from cellulosic biomass; and

"(II) the 2.5-to-1 ratio referred to in paragraph (4) shall not apply.

"(iv) MINIMUM APPLICABLE VOLUME.—For the purpose of subparagraph (A), the applicable volume for calendar year 2013 and each calendar year thereafter shall be not less than the product obtained by multiplying—

"(I) the number of gallons of gasoline that the Administrator estimates will be sold or introduced into commerce in the calendar year; and

"(II) the ratio that—

"(aa) 8,000,000,000 gallons of renewable fuel; bears to

"(bb) the number of gallons of gasoline sold or introduced into commerce in calendar year 2012.

"(3) APPLICABLE PERCENTAGES.—

"(A) PROVISION OF ESTIMATE OF VOLUMES OF GASOLINE SALES.—Not later than October 31 of each of calendar years 2005 through 2011, the Administrator of the Energy Information Administration shall provide to the Administrator of the Environmental Protection

Agency an estimate, with respect to the following calendar year, of the volumes of gasoline projected to be sold or introduced into commerce in the United States.

"(B) Determination of applicable percentages.—

"(i) In general.—Not later than November 30 of each of calendar years 2005 through 2012, based on the estimate provided under subparagraph (A), the Administrator of the Environmental Protection Agency shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements of paragraph (2) are met.

"(ii) Required elements.—The renewable fuel obligation determined for a calendar year under clause (i) shall—

"(I) be applicable to refineries, blenders, and importers, as appropriate;

"(II) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce in the United States; and

"(III) subject to subparagraph (C)(i), consist of a single applicable percentage that applies to all categories of persons specified in subclause (I).

"(C) Adjustments.—In determining the applicable percentage for a calendar year, the Administrator shall make adjustments—

"(i) to prevent the imposition of redundant obligations on any person specified in subparagraph (B)(ii)(I); and

"(ii) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under paragraph (9).

"(4) Cellulosic biomass ethanol.—For the purpose of paragraph (2), 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

"(5) Credit program.—

"(A) In general.—The regulations promulgated under paragraph (2)(A) shall provide—

"(i) for the generation of an appropriate amount of credits by any person that refines, blends, or imports gasoline that contains a quantity of renewable fuel that is greater than the quantity required under paragraph (2);

"(ii) for the generation of an appropriate amount of credits for biodiesel; and

"(iii) for the generation of credits by small refineries in accordance with paragraph (9)(C).

"(B) Use of credits.—A person that generates credits under subparagraph (A) may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with paragraph (2).

"(C) Duration of credits.—A credit generated under this paragraph shall be valid to show compliance for the calendar year in which the credit was generated.

"(D) Inability to generate or purchase sufficient credits.—The regulations promulgated under paragraph (2)(A) shall include provisions allowing any person that is unable to generate or purchase sufficient credits to meet the requirements of paragraph (2) to carry forward a renewable fuel deficit on condition that the person, in the calendar year following the year in which the renewable fuel deficit is created—

"(i) achieves compliance with the renewable fuel requirement under paragraph (2); and

"(ii) generates or purchases additional renewable fuel credits to offset the renewable fuel deficit of the previous year.

"(6) Seasonal variations in renewable fuel use.—

"(A) Study.—For each of calendar years 2006 through 2012, the Administrator of the Energy Information Administration shall conduct a study of renewable fuel blending to determine whether there are excessive seasonal variations in the use of renewable fuel.

"(B) Regulation of excessive seasonal variations.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under subparagraph (A), makes the determinations specified in subparagraph (C), the Administrator of the Environmental Protection Agency shall promulgate regulations to ensure that 35 percent or more of the quantity of renewable fuel necessary to meet the requirements of paragraph (2) is used during each of the 2 periods specified in subparagraph (D) of each subsequent calendar year.

"(C) Determinations.—The determinations referred to in subparagraph (B) are that—

"(i) less than 35 percent of the quantity of renewable fuel necessary to meet the requirements of paragraph (2) has been used during 1 of the 2 periods specified in subparagraph (D) of the calendar year; and

"(ii) a pattern of excessive seasonal variation described in clause (i) will continue in subsequent calendar years.

"(D) Periods.—The 2 periods referred to in this paragraph are—

"(i) April through September; and

"(ii) January through March and October through December.

"(E) Exclusion.—Renewable fuel blended or consumed in calendar year 2006 in a State that has received a waiver under section 209(b) shall not be included in the study under subparagraph (A).

"(F) State exemption from seasonality requirements.—Notwithstanding any other provision of law, the seasonality requirement relating to renewable fuel use established by this paragraph shall not apply to any State that has received a waiver under section 209(b).

"(7) Waivers.—

"(A) In general.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirements of paragraph (2) in whole or in part on petition by 1 or more States by reducing the national quantity of renewable fuel required under paragraph (2)—

"(i) based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

"(ii) based on a determination by the Administrator, after public notice and opportunity for comment, that there is an inadequate domestic supply.

"(B) Petitions for waivers.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall approve or disapprove a State petition for a waiver of the requirements of paragraph (2) within 90 days after the date on which the petition is received by the Administrator.

"(C) Termination of waivers.—A waiver granted under subparagraph (A) shall terminate after 1 year, but may be renewed by the Administrator after consultation with the Secretary of Agriculture and the Secretary of Energy.

"(8) Study and waiver for initial year of program.—

"(A) In general.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Energy shall conduct for the Administrator a study assessing whether the renewable fuel requirement under paragraph (2) will likely result in significant adverse impacts on consumers in 2006, on a national, regional, or State basis.

"(B) Required evaluations.—The study shall evaluate renewable fuel—

"(i) supplies and prices;

"(ii) blendstock supplies; and

"(iii) supply and distribution system capabilities.

"(C) Recommendations by the Secretary.—Based on the results of the study, the Secretary of Energy shall make specific recommendations to the Administrator concerning waiver of the requirements of paragraph (2), in whole or in part, to prevent any adverse impacts described in subparagraph (A).

"(D) Waiver.—

"(i) In general.—Not later than 270 days after the date of enactment of this paragraph, the Administrator shall, if and to the extent recommended by the Secretary of Energy under subparagraph (C), waive, in whole or in part, the renewable fuel requirement under paragraph (2) by reducing the national quantity of renewable fuel required under paragraph (2) in calendar year 2006.

"(ii) No effect on waiver authority.—Clause (i) does not limit the authority of the Administrator to waive the requirements of paragraph (2) in whole, or in part, under paragraph (7).

"(9) Small refineries.—

"(A) Temporary exemption.—

"(i) In general.—The requirements of paragraph (2) shall not apply to small refineries until calendar year 2011.

"(ii) Extension of exemption.—

"(I) Study by Secretary of Energy.—Not later than December 31, 2008, the Secretary of Energy shall conduct for the Administrator a study to determine whether compliance with the requirements of paragraph (2) would impose a disproportionate economic hardship on small refineries.

"(II) Extension of exemption.—In the case of a small refinery that the Secretary of Energy determines under subclause (I) would be subject to a disproportionate economic hardship if required to comply with paragraph (2), the Administrator shall extend the exemption under clause (i) for the small refinery for a period of not less than 2 additional years.

"(B) Petitions based on disproportionate economic hardship.—

"(i) Extension of exemption.—A small refinery may at any time petition the Administrator for an extension of the exemption under subparagraph (A) for the reason of disproportionate economic hardship.

"(ii) Evaluation of petitions.—In evaluating a petition under clause (i), the Administrator, in consultation with the Secretary of Energy, shall consider the findings of the study under subparagraph (A)(ii) and other economic factors.

"(iii) Deadline for action on petitions.—The Administrator shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

"(C) Credit program.—If a small refinery notifies the Administrator that the small refinery waives the exemption under subparagraph (A), the regulations promulgated under paragraph (2)(A) shall provide for the generation of credits by the small refinery under paragraph (5) beginning in the calendar year following the date of notification.

"(D) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of paragraph (2) if the small refinery notifies the Administrator that the small refinery waives the exemption under subparagraph (A).

"(10) ETHANOL MARKET CONCENTRATION ANALYSIS.—

"(A) ANALYSIS.—

"(i) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, and annually thereafter, the Federal Trade Commission shall perform a market concentration analysis of the ethanol production industry using the Herfindahl-Hirschman Index to determine whether there is sufficient competition among industry participants to avoid price-setting and other anticompetitive behavior.

"(ii) SCORING.—For the purpose of scoring under clause (i) using the Herfindahl-Hirschman Index, all marketing arrangements among industry participants shall be considered.

"(B) REPORT.—Not later than December 1, 2005, and annually thereafter, the Federal Trade Commission shall submit to Congress and the Administrator a report on the results of the market concentration analysis performed under subparagraph (A)(i).

"(p) RENEWABLE FUEL SAFE HARBOR.—

"(1) IN GENERAL.—

"(A) SAFE HARBOR.—Notwithstanding any other provision of Federal or State law, no renewable fuel (as defined in subsection (o)(1)) used or intended to be used as a motor vehicle fuel, nor any motor vehicle fuel containing renewable fuel, shall be deemed to be defective in design or manufacture by reason of the fact that the fuel is, or contains, renewable fuel, if—

"(i) the fuel does not violate a control or prohibition imposed by the Administrator under this section; and

"(ii) the manufacturer of the fuel is in compliance with all requests for information under subsection (b).

"(B) SAFE HARBOR NOT APPLICABLE.—In any case in which subparagraph (A) does not apply to a quantity of fuel, the existence of a design defect or manufacturing defect with respect to the fuel shall be determined under otherwise applicable law.

"(2) EXCEPTION.—This subsection does not apply to ethers.

"(3) APPLICABILITY.—This subsection applies with respect to all claims filed on or after the date of enactment of this subsection.".

(b) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking "or (n)" each place it appears and inserting "(n), or (o)"; and

(B) in the second sentence, by striking "or (m)" and inserting "(m), or (o)"; and

(2) in the first sentence of paragraph (2), by striking "and (n)" each place it appears and inserting "(n), and (o)".

(c) EXCLUSION FROM ETHANOL WAIVER.—Section 211(h) of the Clean Air Act (42 U.S.C. 7545(h)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

"(5) EXCLUSION FROM ETHANOL WAIVER.—

"(A) PROMULGATION OF REGULATIONS.—Upon notification, accompanied by supporting documentation, from the Governor of a State that the Reid vapor pressure limitation established by paragraph (4) will increase emissions that contribute to air pollution in any area in the State, the Administrator shall, by regulation, apply, in lieu of the Reid vapor pressure limitation established by paragraph (4), the Reid vapor pressure limitation established by paragraph (1) to all fuel blends containing gasoline and 10 percent denatured anhydrous ethanol that are sold, offered for sale, dispensed, supplied, offered for supply, transported, or introduced into commerce in the area during the high ozone season.

"(B) DEADLINE FOR PROMULGATION.—The Administrator shall promulgate regulations under subparagraph (A) not later than 90 days after the date of receipt of a notification from a Governor under that subparagraph.

"(C) EFFECTIVE DATE.—

"(i) IN GENERAL.—With respect to an area in a State for which the Governor submits a notification under subparagraph (A), the regulations under that subparagraph shall take effect on the later of—

"(I) the first day of the first high ozone season for the area that begins after the date of receipt of the notification; or

"(II) 1 year after the date of receipt of the notification.

"(ii) EXTENSION OF EFFECTIVE DATE BASED ON DETERMINATION OF INSUFFICIENT SUPPLY.—

"(I) IN GENERAL.—If, after receipt of a notification with respect to an area from a Governor of a State under subparagraph (A), the Administrator determines, on the Administrator's own motion or on petition of any person and after consultation with the Secretary of Energy, that the promulgation of regulations described in subparagraph (A) would result in an insufficient supply of gasoline in the State, the Administrator, by regulation—

"(aa) shall extend the effective date of the regulations under clause (i) with respect to the area for not more than 1 year; and

"(bb) may renew the extension under item (aa) for 2 additional periods, each of which shall not exceed 1 year.

"(II) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted under subclause (I) not later than 180 days after the date of receipt of the petition.".

SEC. 212. RENEWABLE FUEL.

(a) IN GENERAL.—The Clean Air Act is amended by inserting after section 211 (42 U.S.C. 7411) the following:

"SEC. 212. RENEWABLE FUEL.

"(a) DEFINITIONS.—In this section:

"(1) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' has the meaning given the term 'solid waste' in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

"(2) RFG STATE.—The term 'RFG State' means a State in which is located 1 or more covered areas (as defined in section 211(k)(10)(D)).

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

"(b) SURVEY OF RENEWABLE FUEL MARKET.—

"(1) SURVEY AND REPORT.—Not later than December 1, 2006, and annually thereafter, the Administrator shall—

"(A) conduct, with respect to each conventional gasoline use area and each reformulated gasoline use area in each State, a survey to determine the market shares of—

"(i) conventional gasoline containing ethanol;

"(ii) reformulated gasoline containing ethanol;

"(iii) conventional gasoline containing renewable fuel; and

"(iv) reformulated gasoline containing renewable fuel; and

"(B) submit to Congress, and make publicly available, a report on the results of the survey under subparagraph (A).

"(2) RECORDKEEPING AND REPORTING REQUIREMENTS.—

"(A) IN GENERAL.—The Administrator may require any refiner, blender, or importer to keep such records and make such reports as are necessary to ensure that the survey conducted under paragraph (1) is accurate.

"(B) RELIANCE ON EXISTING REQUIREMENTS.—To avoid duplicative requirements, in carrying out subparagraph (A), the Administrator shall rely, to the maximum extent practicable, on reporting and recordkeeping requirements in effect on the date of enactment of this section.

"(3) CONFIDENTIALITY.—Activities carried out under this subsection shall be conducted in a manner designed to protect confidentiality of individual responses.

"(c) CELLULOSIC BIOMASS ETHANOL AND MUNICIPAL SOLID WASTE LOAN GUARANTEE PROGRAM.—

"(1) IN GENERAL.—Funds may be provided for the cost (as defined in the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)) of loan guarantees issued under title XIV of the Energy Policy Act of 2005 to carry out commercial demonstration projects for celluosic biomass and sucrose-derived ethanol and cellulosic biomass-derived liquid alternative fuels.

"(2) DEMONSTRATION PROJECTS.—

"(A) IN GENERAL.—The Secretary shall issue loan guarantees under this section to carry out not more than 4 projects to commercially demonstrate the feasibility and viability of producing cellulosic biomass ethanol, sucrose-derived ethanol, or cellulosic biomass-derived liquid alternative fuels, including at least 1 project that uses cereal straw as a feedstock and 1 project that uses municipal solid waste as a feedstock.

"(B) DESIGN CAPACITY.—Each project shall have a design capacity to produce at least 30,000,000 gallons of cellulosic biomass ethanol or cellulosic biomass-derived liquid alternative fuels each year.

"(3) APPLICANT ASSURANCES.—An applicant for a loan guarantee under this section shall provide assurances, satisfactory to the Secretary, that—

"(A) the project design has been validated through the operation of a continuous process facility with a cumulative output of at least 50,000 gallons of ethanol or cellulosic biomass-derived liquid alternative fuels;

"(B) the project has been subject to a full technical review;

"(C) the project is covered by adequate project performance guarantees;

"(D) the project, with the loan guarantee, is economically viable; and

"(E) there is a reasonable assurance of repayment of the guaranteed loan.

"(4) LIMITATIONS.—

"(A) MAXIMUM GUARANTEE.—Except as provided in subparagraph (B), a loan guarantee under this section may be issued for up to 80 percent of the estimated cost of a project, but may not exceed $250,000,000 for a project.

"(B) ADDITIONAL GUARANTEES.—

"(i) IN GENERAL.—The Secretary may issue additional loan guarantees for a project to cover up to 80 percent of the excess of actual project cost over estimated project cost but not to exceed 15 percent of the amount of the original guarantee.

"(ii) PRINCIPAL AND INTEREST.—Subject to subparagraph (A), the Secretary shall guarantee 100 percent of the principal and interest of a loan made under subparagraph (A).

"(5) EQUITY CONTRIBUTIONS.—To be eligible for a loan guarantee under this section, an applicant for the loan guarantee shall have binding commitments from equity investors to provide an initial equity contribution of at least 20 percent of the total project cost.

"(6) INSUFFICIENT AMOUNTS.—If the amount made available to carry out this section is insufficient to allow the Secretary to make loan guarantees for 3 projects described in subsection (b), the Secretary shall issue loan guarantees for 1 or more qualifying projects under this section in the order in which the applications for the projects are received by the Secretary.

"(7) APPROVAL.—An application for a loan guarantee under this section shall be approved or disapproved by the Secretary not later than 90 days after the application is received by the Secretary.

"(d) AUTHORIZATION OF APPROPRIATIONS FOR RESOURCE CENTER.—There is authorized to be appropriated, for a resource center to further develop bioconversion technology using low-cost biomass for the production of ethanol at the Center for Biomass-Based Energy at the Mississippi State University and the Oklahoma State University, $4,000,000 for each of fiscal years 2005 through 2007.

"(e) RENEWABLE FUEL PRODUCTION RESEARCH AND DEVELOPMENT GRANTS.—

"(1) IN GENERAL.—The Administrator shall provide grants for the research into, and development and implementation of, renewable fuel production technologies in RFG States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol.

"(2) ELIGIBILITY.—

"(A) IN GENERAL.—The entities eligible to receive a grant under this subsection are academic institutions in RFG States, and consortia made up of combinations of academic institutions, industry, State government agencies, or local government agencies in RFG States, that have proven experience and capabilities with relevant technologies.

"(B) APPLICATION.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Administrator an application in such manner and form, and accompanied by such information, as the Administrator may specify.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2006 through 2010.

"(f) CELLULOSIC BIOMASS ETHANOL CONVERSION ASSISTANCE.—

"(1) IN GENERAL.—The Secretary may provide grants to merchant producers of cellulosic biomass ethanol in the United States to assist the producers in building eligible production facilities described in paragraph (2) for the production of cellulosic biomass ethanol.

"(2) ELIGIBLE PRODUCTION FACILITIES.—A production facility shall be eligible to receive a grant under this subsection if the production facility—

"(A) is located in the United States; and

"(B) uses cellulosic biomass feedstocks derived from agricultural residues or municipal solid waste.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection—

"(A) $250,000,000 for fiscal year 2005; and

"(B) $400,000,000 for fiscal year 2006.".

(b) CONFORMING AMENDMENT.—The table of contents for the Clean Air Act (42 U.S.C. 7401 prec.) is amended by inserting after the item relating to section 211 the following:

"Sec. 212. Renewable fuels".

SEC. 213. SURVEY OF RENEWABLE FUELS CONSUMPTION.

Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

"(m) SURVEY OF RENEWABLE FUELS CONSUMPTION.—

"(1) IN GENERAL.—In order to improve the ability to evaluate the effectiveness of the Nation's renewable fuels mandate, the Administrator shall conduct and publish the results of a survey of renewable fuels consumption in the motor vehicle fuels market in the United States monthly, and in a manner designed to protect the confidentiality of individual responses.

"(2) ELEMENTS OF SURVEY.—In conducting the survey, the Administrator shall collect information retrospectively to 1998, on a national basis and a regional basis, including—

"(A) the quantity of renewable fuels produced;

"(B) the cost of production;

"(C) the cost of blending and marketing;

"(D) the quantity of renewable fuels blended;

"(E) the quantity of renewable fuels imported; and

"(F) market price data.".

Subtitle C—Federal Reformulated Fuels

SEC. 221. SHORT TITLE.

This subtitle may be cited as the "Federal Reformulated Fuels Act of 2005".

SEC. 222. LEAKING UNDERGROUND STORAGE TANKS.

(a) USE OF LUST FUNDS FOR REMEDIATION OF CONTAMINATION FROM ETHER FUEL ADDITIVES.—Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

(1) in paragraph (7)(A)—

(A) by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraphs (1), (2), and (12)"; and

(B) by inserting "and section 9010" before "if"; and

(2) by adding at the end the following:

"(12) REMEDIATION OF CONTAMINATION FROM ETHER FUEL ADDITIVES.—

"(A) IN GENERAL.—The Administrator and the States may use funds made available under section 9013(1) to carry out corrective actions with respect to a release of methyl tertiary butyl ether or other ether fuel additive that presents a threat to human health, welfare, or the environment.

"(B) APPLICABLE AUTHORITY.—Subparagraph (A) shall be carried out—

"(i) in accordance with paragraph (2), except that a release with respect to which a corrective action is carried out under subparagraph (A) shall not be required to be from an underground storage tank; and

"(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).".

(b) RELEASE PREVENTION AND COMPLIANCE.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by striking section 9010 and inserting the following:

"SEC. 9010. RELEASE PREVENTION AND COMPLIANCE.

"Funds made available under section 9013(2) from the Leaking Underground Storage Tank Trust Fund may be used for conducting inspections, or for issuing orders or bringing actions under this subtitle—

"(1) by a State (pursuant to section 9003(h)(7)) acting under—

"(A) a program approved under section 9004; or

"(B) State requirements regulating underground storage tanks that are similar or identical to this subtitle, as determined by the Administrator; and

"(2) by the Administrator, acting under this subtitle or a State program approved under section 9004.

"SEC. 9011. AUTHORIZATION OF APPROPRIATIONS.

"In addition to amounts made available under section 2007(f), there are authorized to be appropriated from the Leaking Underground Storage Tank Trust Fund, notwithstanding section 9508(c)(1) of the Internal Revenue Code of 1986—

"(1) to carry out section 9003(h)(12), $200,000,000 for fiscal year 2005, to remain available until expended; and

"(2) to carry out section 9010—

"(A) $50,000,000 for fiscal year 2005; and

"(B) $30,000,000 for fiscal years 2006 through 2010.".

(c) TECHNICAL AMENDMENTS.—

(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by striking the item relating to section 9010 and inserting the following:

"Sec. 9010. Release prevention and compliance.

"Sec. 9011. Authorization of appropriations.".

(2) Section 9001(3)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(3)(A)) is amended by striking "sustances" and inserting "substances".

(3) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking "subsection (c) and (d) of this section" and inserting "subsections (c) and (d)".

(4) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended in the second sentence by striking "referred to" and all that follows and inserting "referred to in subparagraph (A) or (B), or both, of section 9001(2).".

(5) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking "study taking" and inserting "study, taking";

(B) in subsection (b)(1), by striking "relevent" and inserting "relevant"; and

(C) in subsection (b)(4), by striking "Evironmental" and inserting "Environmental".

SEC. 223. RESTRICTIONS ON THE USE OF MTBE.

(a) FINDINGS.—Congress finds that—

(1) since 1979, methyl tertiary butyl ether (referred to in this section as "MTBE") has been used nationwide at low levels in gasoline to replace lead as an octane booster or anti-knocking agent;

(2) Public Law 101–549 (commonly known as the "Clean Air Act Amendments of 1990") (42 U.S.C. 7401 et seq.) established a fuel oxygenate standard under which reformulated gasoline must contain at least 2 percent oxygen by weight;

(3) at the time of the adoption of the fuel oxygenate standard, Congress was aware that—

(A) increased use of MTBE could result from the adoption of that standard; and

(B) the use of MTBE would likely be needed to implement that standard;

(4) Congress is aware that gasoline and its component additives have leaked from storage tanks, with consequences for water quality;

(5) the fuel industry responded to the fuel oxygenate standard established by Public Law 101–549 by making substantial investments in—

(A) MTBE production capacity; and

(B) systems to deliver MTBE-containing gasoline to the marketplace;

(6) when leaked or spilled into the environment, MTBE may cause serious problems of drinking water quality;

(7) in recent years, MTBE has been detected in water sources throughout the United States;

(8) MTBE can be detected by smell and taste at low concentrations;

(9) while small quantities of MTBE can render water supplies unpalatable, the precise human health effects of MTBE consumption at low levels are yet unknown as of the date of enactment of this Act;

(10) in the report entitled "Achieving Clean Air and Clean Water: The Report of the Blue Ribbon Panel on Oxygenates in Gasoline" and dated September 1999, Congress was urged—

(A) to eliminate the fuel oxygenate standard;

(B) to greatly reduce use of MTBE; and

(C) to maintain the environmental performance of reformulated gasoline;

(11) Congress has—

(A) reconsidered the relative value of MTBE in gasoline; and

(B) decided to eliminate use of MTBE as a fuel additive;

(12) the timeline for elimination of use of MTBE as a fuel additive must be established in a manner that achieves an appropriate balance among the goals of—

(A) environmental protection;

(B) adequate energy supply; and

(C) reasonable fuel prices; and

(13) it is appropriate for Congress to provide some limited transition assistance—

(A) to merchant producers of MTBE who produced MTBE in response to a market created by the oxygenate requirement contained in the Clean Air Act (42 U.S.C. 7401 et seq.); and

(B) for the purpose of mitigating any fuel supply problems that may result from elimination of a widely-used fuel additive.

(b) PURPOSES.—The purposes of this section are—

(1) to eliminate use of MTBE as a fuel oxygenate; and

(2) to provide assistance to merchant producers of MTBE in making the transition from producing MTBE to producing other fuel additives.

(c) AUTHORITY FOR WATER QUALITY PROTECTION FROM FUELS.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended—

(1) in paragraph (1)(A)—

(A) by inserting "fuel or fuel additive or" after "Administrator any"; and

(B) by striking "air pollution which" and inserting "air pollution, or water pollution, that";

(2) in paragraph (4)(B), by inserting "or water quality protection," after "emission control,"; and

(3) by adding at the end the following:

"(5) RESTRICTIONS ON USE OF MTBE.—

"(A) IN GENERAL.—Subject to subparagraph (E), not later than 4 years after the date of enactment of this paragraph, the use of methyl tertiary butyl ether in motor vehicle fuel in any State other than a State described in subparagraph (C) is prohibited.

"(B) REGULATIONS.—The Administrator shall promulgate regulations to effect the prohibition in subparagraph (A).

"(C) STATES THAT AUTHORIZE USE.—A State described in this subparagraph is a State that submits to the Administrator a notice that the State authorizes use of methyl tertiary butyl ether in motor vehicle fuel sold or used in the State.

"(D) PUBLICATION OF NOTICE.—The Administrator shall publish in the Federal Register each notice submitted by a State under subparagraph (C).

"(E) TRACE QUANTITIES.—In carrying out subparagraph (A), the Administrator may allow trace quantities of methyl tertiary butyl ether, not to exceed 0.5 percent by volume, to be present in motor vehicle fuel in cases that the Administrator determines to be appropriate.

"(6) MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.—

"(A) IN GENERAL.—

"(i) GRANTS.—The Secretary of Energy, in consultation with the Administrator, may make grants to merchant producers of methyl tertiary butyl ether in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (C) to the production of—

"(I) iso-octane or alkylates, unless the Administrator, in consultation with the Secretary of Energy, determines that transition assistance for the production of iso-octane or alkylates is inconsistent with the criteria specified in subparagraph (B); and

"(II) any other fuel additive that meets the criteria specified in subparagraph (B).

"(B) CRITERIA.—The criteria referred to in subparagraph (A) are that—

"(i) use of the fuel additive is consistent with this subsection;

"(ii) the Administrator has not determined that the fuel additive may reasonably be anticipated to endanger public health or the environment;

"(iii) the fuel additive has been registered and tested, or is being tested, in accordance with the requirements of this section; and

"(iv) the fuel additive will contribute to replacing quantities of motor vehicle fuel rendered unavailable as a result of paragraph (5).

"(C) ELIGIBLE PRODUCTION FACILITIES.—A production facility shall be eligible to receive a grant under this paragraph if the production facility—

"(i) is located in the United States; and

"(ii) produced methyl tertiary butyl ether for consumption in nonattainment areas during the period—

"(I) beginning on the date of enactment of this paragraph; and

"(II) ending on the effective date of the prohibition on the use of methyl tertiary butyl ether under paragraph (5).

"(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $250,000,000 for each of fiscal years 2005 through 2008.".

(d) NO EFFECT ON LAW CONCERNING STATE AUTHORITY.—The amendments made by subsection (c) have no effect on any law enacted or in effect before the date of enactment of this Act concerning the authority of States to limit the use of methyl tertiary butyl ether in motor vehicle fuel.

SEC. 224. ELIMINATION OF OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE.

(a) ELIMINATION.—

(1) IN GENERAL.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended—

(A) in paragraph (2)—

(i) in the second sentence of subparagraph (A), by striking "(including the oxygen content requirement contained in subparagraph (B))";

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(B) in paragraph (3)(A), by striking clause (v); and

(C) in paragraph (7)—

(i) in subparagraph (A)—

(I) by striking clause (i); and

(II) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(ii) in subparagraph (C)—

(I) by striking clause (ii); and

(II) by redesignating clause (iii) as clause (ii).

(2) APPLICABILITY.—The amendments made by paragraph (1) apply—

(A) in the case of a State that has received a waiver under section 209(b) of the Clean Air Act (42 U.S.C. 7543(b)), beginning on the date of enactment of this Act; and

(B) in the case of any other State, beginning 270 days after the date of enactment of this Act.

(b) MAINTENANCE OF TOXIC AIR POLLUTANT EMISSION REDUCTIONS.—Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) is amended—

(1) by striking "Within 1 year after the enactment of the Clean Air Act Amendments of 1990," and inserting the following:

"(A) IN GENERAL.—Not later than November 15, 1991,"; and

(2) by adding at the end the following:

"(B) MAINTENANCE OF TOXIC AIR POLLUTANT EMISSIONS REDUCTIONS FROM REFORMULATED GASOLINE.—

"(i) DEFINITION OF PADD.—In this subparagraph the term 'PADD' means a Petroleum Administration for Defense District.

"(ii) REGULATIONS CONCERNING EMISSIONS OF TOXIC AIR POLLUTANTS.—Not later than 270 days after the date of enactment of this subparagraph, the Administrator shall establish by regulation, for each refinery or importer (other than a refiner or importer in a State that has received a waiver under section 209(b) with respect to gasoline produced for use in that State), standards for toxic air pollutants from use of the reformulated gasoline produced or distributed by the refiner or importer that maintain the reduction of the average annual aggregate emissions of toxic air pollutants for reformulated gasoline produced or distributed by the refiner or importer during calendar years 2001 and 2002 (as determined on the basis of data collected by the Administrator with respect to the refiner or importer).

"(iii) STANDARDS APPLICABLE TO SPECIFIC REFINERIES OR IMPORTERS.—

"(I) APPLICABILITY OF STANDARDS.—For any calendar year, the standards applicable to a refiner or importer under clause (ii) shall apply to the quantity of gasoline produced or distributed by the refiner or importer in the calendar year only to the extent that the quantity is less than or equal to the average annual quantity of reformulated gasoline produced or distributed by the refiner or importer during calendar years 2001 and 2002.

"(II) APPLICABILITY OF OTHER STANDARDS.—For any calendar year, the quantity of gasoline produced or distributed by a refiner or importer that is in excess of the quantity subject to subclause (I) shall be subject to standards for emissions of toxic air pollutants promulgated under subparagraph (A) and paragraph (3)(B).

"(iv) CREDIT PROGRAM.—The Administrator shall provide for the granting and use of credits for emissions of toxic air pollutants in the same manner as provided in paragraph (7).

"(v) REGIONAL PROTECTION OF TOXICS REDUCTION BASELINES.—

"(I) In general.—Not later than 60 days after the date of enactment of this subparagraph, and not later than April 1 of each calendar year that begins after that date of enactment, the Administrator shall publish in the Federal Register a report that specifies, with respect to the previous calendar year—

"(aa) the quantity of reformulated gasoline produced that is in excess of the average annual quantity of reformulated gasoline produced in 2001 and 2002; and

"(bb) the reduction of the average annual aggregate emissions of toxic air pollutants in each PADD, based on retail survey data or data from other appropriate sources.

"(II) Effect of failure to maintain aggregate toxics reductions.—If, in any calendar year, the reduction of the average annual aggregate emissions of toxic air pollutants in a PADD fails to meet or exceed the reduction of the average annual aggregate emissions of toxic air pollutants in the PADD in calendar years 2001 and 2002, the Administrator, not later than 90 days after the date of publication of the report for the calendar year under subclause (I), shall—

"(aa) identify, to the maximum extent practicable, the reasons for the failure, including the sources, volumes, and characteristics of reformulated gasoline that contributed to the failure; and

"(bb) promulgate revisions to the regulations promulgated under clause (ii), to take effect not earlier than 180 days but not later than 270 days after the date of promulgation, to provide that, notwithstanding clause (iii)(II), all reformulated gasoline produced or distributed at each refiner or importer shall meet the standards applicable under clause (iii)(I) beginning not later than April 1 of the calendar year following publication of the report under subclause (I) and in each calendar year thereafter.

"(vi) Regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels.—Not later than July 1, 2006, the Administrator shall promulgate final regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels, as provided for in section 80.1045 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph).".

(c) Commingling.—

(1) In general.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended by adding at the end the following:

"(11) Commingling.—The regulations under paragraph (1) shall permit the commingling at a retail station of reformulated gasoline containing ethanol and reformulated gasoline that does not contain ethanol if, each time such commingling occurs—

"(A) the retailer notifies the Administrator before the commingling, identifying the exact location of the retail station and the specific tank in which the commingling will take place; and

"(B) the retailer certifies that the reformulated gasoline resulting from the commingling will meet all applicable requirements for reformulated gasoline, including content and emission performance standards.".

(d) Consolidation in Reformulated Gasoline Regulations.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall revise the reformulated gasoline regulations under subpart D of part 80 of title 40, Code of Federal Regulations, to consolidate the regulations applicable to VOC-Control Regions 1 and 2 under section 80.41 of that title by eliminating the less stringent requirements applicable to gasoline designated for VOC-Control Region 2 and instead applying the more stringent requirements applicable to gasoline designated for VOC-Control Region 1.

(e) Savings Clause.—

(1) In general.—Nothing in this section or any amendment made by this section affects or prejudices any legal claim or action with respect to regulations promulgated by the Administrator before the date of enactment of this Act regarding—

(A) emissions of toxic air pollutants from motor vehicles; or

(B) the adjustment of standards applicable to a specific refinery or importer made under those regulations.

(2) Adjustment of standards.—

(A) Applicability.—The Administrator may apply any adjustments to the standards applicable to a refinery or importer under subparagraph (B)(iii)(I) of section 211(k)(1) of the Clean Air Act (as added by subsection (b)(2)), except that—

(i) the Administrator shall revise the adjustments to be based only on calendar years 2001 and 2002;

(ii) any such adjustment shall not be made at a level below the average percentage of reductions of emissions of toxic air pollutants for reformulated gasoline supplied to PADD I during calendar years 2001 and 2002; and

(iii) in the case of an adjustment based on toxic air pollutant emissions from reformulated gasoline significantly below the national annual average emissions of toxic air pollutants from all reformulated gasoline—

(I) the Administrator may revise the adjustment to take account of the scope of the prohibition on methyl tertiary butyl ether imposed by paragraph (5) of section 211(c) of the Clean Air Act (as added by section 211(c)); and

(II) any such adjustment shall require the refiner or importer, to the maximum extent practicable, to maintain the reduction achieved during calendar years 2001 and 2002 in the average annual aggregate emissions of toxic air pollutants from reformulated gasoline produced or distributed by the refiner or importer.

SEC. 225. PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS OF FUELS AND FUEL ADDITIVES.

Section 211(b) of the Clean Air Act (42 U.S.C. 7545(b)) is amended—

(1) in paragraph (2)—

(A) by striking "may also" and inserting "shall, on a regular basis,"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) to conduct tests to determine potential public health and environmental effects of the fuel or additive (including carcinogenic, teratogenic, or mutagenic effects); and"; and

(2) by adding at the end the following:

"(4) Study on certain fuel additives and blendstocks.—

"(A) In general.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall—

"(i) conduct a study on the effects on public health (including the effects on children, pregnant women, minority or low-income communities, and other sensitive populations), air quality, and water resources of increased use of, and the feasibility of using as substitutes for methyl tertiary butyl ether in gasoline—

"(I) ethyl tertiary butyl ether;

"(II) tertiary amyl methyl ether;

"(III) di-isopropyl ether;

"(IV) tertiary butyl alcohol;

"(V) other ethers and heavy alcohols, as determined by then Administrator;

"(VI) ethanol;

"(VII) iso-octane; and

"(VIII) alkylates; and

"(ii) conduct a study on the effects on public health (including the effects on children, pregnant women, minority or low-income communities, and other sensitive populations), air quality, and water resources of the adjustment for ethanol-blended reformulated gasoline to the volatile organic compounds performance requirements that are applicable under paragraphs (1) and (3) of section 211(k); and

"(iii) submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the studies under clauses (i) and (ii).

"(B) Contracts for study.—In carrying out this paragraph, the Administrator may enter into 1 or more contracts with nongovernmental entities such as—

"(i) the national energy laboratories; and

"(ii) institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).".

SEC. 226. ANALYSES OF MOTOR VEHICLE FUEL CHANGES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) (as amended by section 205(a)) is amended by inserting after subsection (p) the following:

"(q) Analyses of Motor Vehicle Fuel Changes and Emissions Model.—

"(1) Anti-backsliding analysis.—

"(A) Draft analysis.—Not later than 4 years after the date of enactment of this paragraph, the Administrator shall publish for public comment a draft analysis of the changes in emissions of air pollutants and air quality due to the use of motor vehicle fuel and fuel additives resulting from implementation of the amendments made by the Federal Reformulated Fuels Act of 2005.

"(B) Final analysis.—After providing a reasonable opportunity for comment but not later than 5 years after the date of enactment of this paragraph, the Administrator shall publish the analysis in final form.

"(2) Emissions model.—For the purposes of this section, not later than 4 years after the date of enactment of this paragraph, the Administrator shall develop and finalize an emissions model that reflects, to the maximum extent practicable, the effects of gasoline characteristics or components on emissions from vehicles in the motor vehicle fleet during calendar year 2007.

"(3) Permeation effects study.—

"(A) In general.—Not later than 1 year after the date of enactment of this paragraph, the Administrator shall conduct a study, and report to Congress the results of the study, on the effects of ethanol content in gasoline on permeation, the process by which fuel molecules migrate through the elastomeric materials (rubber and plastic parts) that make up the fuel and fuel vapor systems of a motor vehicle.

"(B) Evaporative emissions.—The study shall include estimates of the increase in total evaporative emissions likely to result from the use of gasoline with ethanol content in a motor vehicle, and the fleet of motor vehicles, due to permeation.".

SEC. 227. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(6) of the Clean Air Act (42 U.S.C. 7545(k)(6)) is amended—

(1) by striking "(6) Opt-in areas.—(A) Upon" and inserting the following:

"(6) Opt-in areas.—

"(A) Classified areas.—

“(i) IN GENERAL.—Upon”;

(2) in subparagraph (B), by striking “(B) If” and inserting the following:

“(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.—If”;

(3) in subparagraph (A)(ii) (as redesignated by paragraph (2))—

(A) in the first sentence, by striking “subparagraph (A)” and inserting “clause (i)”; and

(B) in the second sentence, by striking “this paragraph” and inserting “this subparagraph”; and

(4) by adding at the end the following:

“(B) OZONE TRANSPORT REGION.—

“(i) APPLICATION OF PROHIBITION.—

“(I) IN GENERAL.—On application of the Governor of a State in the ozone transport region established by section 184(a), the Administrator, not later than 180 days after the date of receipt of the application, shall apply the prohibition specified in paragraph (5) to any area in the State (other than an area classified as a marginal, moderate, serious, or severe ozone nonattainment area under subpart 2 of part D of title I) unless the Administrator determines under clause (iii) that there is insufficient capacity to supply reformulated gasoline.

“(II) PUBLICATION OF APPLICATION.—As soon as practicable after the date of receipt of an application under subclause (I), the Administrator shall publish the application in the Federal Register.

“(ii) PERIOD OF APPLICABILITY.—Under clause (i), the prohibition specified in paragraph (5) shall apply in a State—

“(I) commencing as soon as practicable but not later than 2 years after the date of approval by the Administrator of the application of the Governor of the State; and

“(II) ending not earlier than 4 years after the commencement date determined under subclause (I).

“(iii) EXTENSION OF COMMENCEMENT DATE BASED ON INSUFFICIENT CAPACITY.—

“(I) IN GENERAL.—If, after receipt of an application from a Governor of a State under clause (i), the Administrator determines, on the Administrator's own motion or on petition of any person, after consultation with the Secretary of Energy, that there is insufficient capacity to supply reformulated gasoline, the Administrator, by regulation—

“(aa) shall extend the commencement date with respect to the State under clause (ii)(I) for not more than 1 year; and

“(bb) may renew the extension under item (aa) for 2 additional periods, each of which shall not exceed 1 year.

“(II) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted under subclause (I) not later than 180 days after the date of receipt of the petition.”.

SEC. 228. FEDERAL ENFORCEMENT OF STATE FUELS REQUIREMENTS.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) by striking “(C) A State” and inserting the following:

“(C) AUTHORITY OF STATE TO CONTROL FUELS AND FUEL ADDITIVES FOR REASONS OF NECESSITY.—

“(i) IN GENERAL.—A State”; and

(2) by adding at the end the following:

“(ii) ENFORCEMENT BY THE ADMINISTRATOR.—In any case in which a State prescribes and enforces a control or prohibition under clause (i), the Administrator, at the request of the State, shall enforce the control or prohibition as if the control or prohibition had been adopted under the other provisions of this section.”.

SEC. 229. FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall jointly conduct a study of Federal, State, and local requirements concerning motor vehicle fuels, including—

(A) requirements relating to reformulated gasoline, volatility (measured in Reid vapor pressure), oxygenated fuel, and diesel fuel; and

(B) other requirements that vary from State to State, region to region, or locality to locality.

(2) REQUIRED ELEMENTS.—The study shall assess—

(A) the effect of the variety of requirements described in paragraph (1) on the supply, quality, and price of motor vehicle fuels available to the consumer;

(B) the effect of the requirements described in paragraph (1) on achievement of—

(i) national, regional, and local air quality standards and goals; and

(ii) related environmental and public health protection standards and goals (including the protection of children, pregnant women, minority or low-income communities, and other sensitive populations);

(C) the effect of Federal, State, and local motor vehicle fuel regulations, including multiple motor vehicle fuel requirements, on—

(i) domestic refiners;

(ii) the fuel distribution system; and

(iii) industry investment in new capacity;

(D) the effect of the requirements described in paragraph (1) on emissions from vehicles, refiners, and fuel handling facilities;

(E) the feasibility of developing national or regional motor vehicle fuel slates for the 48 contiguous States that, while protecting and improving air quality at the national, regional, and local levels, could—

(i) enhance flexibility in the fuel distribution infrastructure and improve fuel fungibility;

(ii) reduce price volatility and costs to consumers and producers;

(iii) provide increased liquidity to the gasoline market; and

(iv) enhance fuel quality, consistency, and supply; and

(F) the feasibility of providing incentives, and the need for the development of national standards necessary, to promote cleaner burning motor vehicle fuel.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 1, 2008, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—The report shall contain recommendations for legislative and administrative actions that may be taken—

(i) to improve air quality;

(ii) to reduce costs to consumers and producers; and

(iii) to increase supply liquidity.

(B) REQUIRED CONSIDERATIONS.—The recommendations under subparagraph (A) shall take into account the need to provide advance notice of required modifications to refinery and fuel distribution systems in order to ensure an adequate supply of motor vehicle fuel in all States.

(3) CONSULTATION.—In developing the report, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall consult with—

(A) the Governors of the States;

(B) automobile manufacturers;

(C) State and local air pollution control regulators;

(D) public health experts;

(E) motor vehicle fuel producers and distributors; and

(F) the public.

SEC. 230. ADVANCED BIOFUEL TECHNOLOGIES PROGRAM.

(a) IN GENERAL.—Subject to the availability of appropriations under subsection (d), the Administrator of the Environmental Protection Agency shall, in consultation with the Secretary of Agriculture and the Biomass Research and Development Technical Advisory Committee established under section 306 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note), establish a program, to be known as the “Advanced Biofuel Technologies Program”, to demonstrate advanced technologies for the production of alternative transportation fuels.

(b) PRIORITY.—In carrying out the program under subsection (a), the Administrator shall give priority to projects that enhance the geographical diversity of alternative fuels production and utilize feedstocks that represent 10 percent or less of ethanol or biodiesel fuel production in the United States during the previous fiscal year.

(c) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—As part of the program under subsection (a), the Administrator shall fund demonstration projects—

(A) to develop not less than 4 different conversion technologies for producing cellulosic biomass ethanol and cellulosic biomass-derived liquid alternative fuel (as defined in section 211(o)(1) of the Clean Air Act (as amended by section 211(a))); and

(B) to develop not less than 5 technologies for coproducing value-added bioproducts (such as fertilizers, herbicides, and pesticides) resulting from the production of biodiesel fuel.

(2) ADMINISTRATION.—Demonstration projects under this subsection shall be—

(A) conducted based on a merit-reviewed, competitive process; and

(B) subject to the cost-sharing requirements of section 1002.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $110,000,000 for each of fiscal years 2005 through 2009.

SEC. 231. SUGAR CANE ETHANOL PROGRAM.

(a) DEFINITION OF PROGRAM.—In this section, the term “program” means the Sugar Cane Ethanol Program established by subsection (b).

(b) ESTABLISHMENT.—There is established within the Environmental Protection Agency a program to be known as the “Sugar Cane Ethanol Program”.

(c) PROJECT.—

(1) IN GENERAL.—Subject to the availability of appropriations under subsection (d), in carrying out the program, the Administrator of the Environmental Protection Agency shall establish a project that is—

(A) carried out in multiple States—

(i) in each of which is produced cane sugar that is eligible for loans under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272), or a similar subsequent authority; and

(ii) at the option of each such State, that have an incentive program that requires the use of ethanol in the State; and

(B) designed to study the production of ethanol from cane sugar, sugarcane, and sugarcane byproducts.

(2) Requirements.—A project described in paragraph (1) shall—

(A) be limited to the production of ethanol in the States of Florida, Louisiana, Texas, and Hawaii in a way similar to the existing program for the processing of corn for ethanol to demonstrate that the process may be applicable to cane sugar, sugarcane, and sugarcane byproducts;

(B) include information on the ways in which the scale of production may be replicated once the sugar cane industry has located sites for, and constructed, ethanol production facilities; and

(C) not last more than 3 years.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $36,000,000, to remain available until expended.

Subtitle B—Insular Energy

SA 794. Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill H.R. 6, Reserved; as follows:

On page 10, strike lines 5 through 8 and insert the following:

(2) Institution of higher education.—

(A) In general.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1065 (20 U.S.C. 1001(a)).

(B) Inclusion.—The term "institution of higher education" includes an organization that—

(i) is organized, and at all times thereafter operated, exclusively for the benefit of, to perform the functions of, or to carry out the functions of 1 or more organizations referred to in subparagraph (A); and

(ii) is operated, supervised, or controlled by or in connection with 1 or more of those organizations.

On page 121, lines 9 and 10, strike "subsection (a)" and insert "paragraph (1)".

On page 223, line 16, strike "date of enactment of this Act" and insert "effective date of this section".

On page 225, between lines 4 and 5, insert the following:

(e) Effective Date.—This section takes effect on October 1, 2006.

On page 451, line 8, insert "manufacturability," after "electronic controls".

On page 452, strike lines 8 and 9 and insert the following:

"(b) Membership.—The Task Force shall be

On page 452, line 15, strike "members" and insert "Federal employees".

On page 452, strike lines 18 through 21.

On page 478, between lines 9 and 10, insert the following:

SEC. 916. BUILDING STANDARDS.

(a) Definition of High Performance Building.—In this section, the term "high performance building" means a building that integrates and optimizes energy efficiency, durability, life-cycle performance, and occupant productivity.

(b) Assessment.—Not later than 120 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Institute of Building Sciences to—

(1) conduct an assessment (in cooperation with industry, standards development organizations, and other entities, as appropriate) of whether the current voluntary consensus standards and rating systems for high performance buildings are consistent with the research, development and demonstration activities of the Department;

(2) determine if additional research is required, based on the findings of the assessment; and,

(3) recommend steps for the Secretary to accelerate the development of voluntary consensus-based standards for high performance buildings that are based on the findings of the assessment.

(c) Grant and Technical Assistance Program.—Consistent with subsection (b), the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 3701 et seq.), and the amendments made by that Act, the Secretary shall establish a grant and technical assistance program to support the development of voluntary consensus-based standards for high performance buildings.

On page 497, line 13, strike "using thermochemical processes".

On page 505, line 23, strike "proton exchange membrane".

On page 742, line 8, strike "Power" and insert "Energy Regulatory".

On page 755, after line 25, insert the following:

SEC. 1329. OVERALL EMPLOYMENT IN A HYDROGEN ECONOMY.

(a) Study.—

(1) In general.—The Secretary shall carry out a study of the likely effects of a transition to a hydrogen economy on overall employment in the United States.

(2) Contents.—In completing the study, the Secretary shall take into consideration—

(A) the replacement effects of new goods and services;

(B) international competition;

(C) workforce training requirements;

(D) multiple possible fuel cycles, including usage of raw materials;

(E) rates of market penetration of technologies; and

(F) regional variations based on geography.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the findings, conclusions, and recommendations of the study under subsection (a).

SA 795. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 159, after line 23, add the following:

SEC. 211. SENSE OF THE SENATE REGARDING INCLUSION OF LIABILITY WAIVER TO MTBE PRODUCERS.

It is the sense of the Senate that the Senate conferees should not agree to the inclusion of a provision in the conference report that would grant a liability waiver to MTBE producers.

SA 796. Mr. FEINGOLD (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 697, between lines 6 and 7, insert the following:

SEC. 127___. FAIR COMPETITION AND FINANCIAL INTEGRITY.

Section 204 of the Federal Power Act (16 U.S.C. 824c) is amended by adding at the end the following:

"(i)(1) In this subsection, the terms 'affiliate', 'associate company', and 'public-utility company' have the meanings given those terms in section 1272 of the Energy Policy Act of 2005.

"(2)(A) Not later than 1 year after the date of enactment of this subsection, the Commission shall issue regulations to regulate transactions between public-utility companies and affiliates and associate companies of the public-utility companies.

"(B) At a minimum, the regulations under subparagraph (A) shall require, with respect to a transaction between a public-utility company and an affiliate or associate company of the public-utility company, that—

"(i) any business activity other than public-utility company business shall be conducted through 1 or more affiliates or associate companies, which shall be independent, separate, and distinct entities from the public-utility company;

"(ii) the affiliate or associate company shall—

"(I) maintain separate books, accounts, memoranda, and other records; and

"(II) prepare separate financial statements;

"(iii)(I) the public-utility company shall conduct the transaction in a manner that is consistent with the transactions among nonaffiliated and nonassociated companies; and

"(II) the public-utility company shall not use its status as a monopoly franchise to confer on its affiliate, or associate company, any unfair competitive advantage;

"(iv) the public-utility company shall not declare or pay any dividend on any security of the public-utility company in contravention of such regulations as the Commission considers appropriate to protect the financial integrity of the public-utility company;

"(v) the public-utility company shall have at least 1 independent director on its board of directors;

"(vi) the affiliate or associate company shall not structure its governance nor shall it acquire any loan, loan guarantee, or other indebtedness in a manner that would permit creditors to have recourse against the tangible or intangible assets of the public-utility company;

"(vii) the public-utility company shall not—

"(I) commingle any tangible or intangible assets or liabilities of the public-utility company with any assets or liabilities of an affiliate, or associate company, of the public-utility company; or

"(II) pledge or encumber any assets of the public-utility company on behalf of an affiliate, or associate company, of the public-utility company;

"(viii)(I) the public-utility company shall not cross-subsidize or shift costs from an affiliate, or associate company, of the public-utility company to the public-utility company; and

"(II) the public-utility company shall disclose and fully value, at the market value or other value specified by the Commission, any tangible or intangible assets or services by the public-utility company that, directly or indirectly, are transferred to, or otherwise provided for the benefit of, an affiliate, or associate company of the public-utility company; and

"(ix) electricity and natural gas consumers and investors—

"(I) shall be protected against the financial risks of public-utility company diversification and transactions with and among affiliates and associate companies of public-utility companies; and

"(II) shall not be subject to rates or charges that are not reasonably related to the provision of electricity or natural gas service.

"(3) This subsection does not preclude or deny the right of any State or political subdivision of a State to adopt and enforce standards for the corporate and financial separation of public-utility companies that are more stringent than those provided under the regulations issued under paragraph (2).

"(4) It shall be unlawful for a public-utility company to enter into or take any action in the performance of any transaction with any affiliate, or associate company, of a public-utility company in violation of the regulations issued under paragraph (2).".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 16, 2005, at 10 a.m. to conduct a hearing on "Meeting the Housing and Service Needs of Seniors."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Science, and Transportation be authorized to meet on Thursday, June 16, 2005, at 10 a.m., on a hearing to Examine Federal Legislative Solutions to Data Breach and Identity Theft.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, June 16, 2005, at 2:30 p.m. on the nominations of William Jeffrey, to be Director of the National Institute of Standards and Technology, Ashok Kaveeshwar, to be Administrator of the Research and Innovative Technology Administration, Edmund S. Hawley, to be Assistant Secretary of Homeland Security, and Israel Hernandez, to be Assistant Secretary of Commerce and Director General of the U.S. Foreign and Commercial Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Thursday, June 16, 2005, at 10:30 a.m., to consider an original bill entitled, "Energy Policy Tax Incentives Act of 2005".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 16, 2005 at 9:30 a.m. to hold a hearing on Stabilization and Reconstruction.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. CRAIG. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 16, 2005, at 9:30 a.m., in room 485 of the Russell Senate Office Building to conduct an oversight hearing on Indian Education.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 16, 2005, at 9:30 a.m., in Senate Dirksen Office Building room 226. The agenda will be provided when it becomes available today.

Agenda

I. Nominations: Terrence W. Boyle, II, to be U.S. Circuit Judge for the Fourth Circuit; Rachel Brand, to be an Assistant Attorney General for the Office of Legal Policy; Alice S. Fisher, to be an Assistant Attorney General for the Criminal Division.

II. Bills: S. 491, Christopher Kangas Fallen Firefighter Apprentice Act [Specter, Leahy]

III. Matters: Senate Judiciary Committee Rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 16, 2005, at 3 p.m., to hold a confirmation hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, June 16, 2005, at 9:30 a.m., for a hearing entitled "Civilian Contractors Who Cheat On Their Taxes And What Should Be Done About It."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. I ask unanimous consent Lydia Olander and Joseph Helble, two fellows from the Office of Senator LIEBERMAN, be granted floor privileges during consideration of this Energy bill.

I also ask that during the pendency of the Energy bill, the following interns from my office be permitted privileges on the floor: Amaris Singer, Jed Drolet, Mike Garcia, Ed Kellum, Katy Sterba, Anna Wadsworth, and Matt Shunkomolah.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. I ask unanimous consent that Melissa Ho, a fellow in my office, be granted the privilege of the floor for the remainder of the debate on the Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Jeff Muhs, a science fellow in my office, be granted the privilege of the floor during the pendency of the Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's executive calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Calendar 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, and all nominations on the Secretary's desk. I further ask unanimous consent that all of the mentioned nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Jorge A. Plasencia, of Florida, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring October 27, 2006.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Jay T. Snyder, of New York, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2007. (Reappointment)

OVERSEAS PRIVATE INVESTMENT CORPORATION

Christopher J. Hanley, of Maryland, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2006.

DEPARTMENT OF STATE

Craig Roberts Stapleton, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

Eduardo Aguirre, Jr., of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Andorra.

Roger Dwayne Pierce, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Republic of Cape Verde.

Donald E. Booth, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Liberia.

Molly Hering Bordonaro, of Oregon, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

Julie Finley, of the District of Columbia, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador.

Richard J. Griffm, of Virginia, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador during his tenure of service.

Robert Johann Dieter, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize.

Zalmay Khalilzad, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iraq.

Rodolphe M. Vallee, of Vermont, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Slovak Republic.

Pamela E. Bridgewater, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

Ann Louise Wagner, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

Terence Patrick McCulley, of Oregon, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

[NEW REPORTS]

Richard J. Griffin, of Virginia, to be an Assistant Secretary of State (Diplomatic Security).

FOREIGN SERVICE

PN120–3 FOREIGN SERVICE nominations (3) beginning Donald B. Clark, and ending Michael T. Fritz, which nominations were received by the Senate and appeared in the Congressional Record of January 24, 2005.

PN387 FOREIGN SERVICE nominations (96) beginning Christine Elder, and ending Samantha Carl Yoder, which nominations were received by the Senate and appeared in the Congressional Record of April 4, 2005.

PN388 FOREIGN SERVICE nominations (101) beginning Todd B. Avery, and ending John P. Yorro, which nominations were received by the Senate and appeared in the Congressional Record of April 4, 2005.

PN389 FOREIGN SERVICE nominations (167) beginning Michael Hutchinson, and ending Marie Zulueta, which nominations were received by the Senate and appeared in the Congressional Record of April 4, 2005.

PN485 FOREIGN SERVICE nominations (122) beginning Charles W. Howell, and ending Hector U. Zuccolotto, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2005.

NOMINATION OF RODOLPHE "SKIP" VALLEE

Mr. LEAHY. Madam President, I am pleased that the nomination of Rodolphe "Skip" Vallee to be Ambassador to the Slovak Republic has been confirmed so expeditiously. This is an important post, and I am confident that he will serve honorably.

Skip is a native Vermonter whose family has lived in the State for generations, and I know he will take his strong Vermont values with him to Slovakia. While we may not always agree on political matters, I have great respect for Skip's integrity, intelligence, and commitment.

During his hearing before the Senate Foreign Relations Committee, Skip discussed a number of initiatives he will undertake in this position: from enhancing trade opportunities to promoting democracy. His business experience will be of immense value as the Slovak Republic seeks to build its economy and integrate itself more fully into the global economy.

While I will miss seeing Skip in Vermont, I know I am joined by Vermonters in saying how proud I am to have one of our own representing our country overseas. I would like to congratulate Skip and his family and wish them the best in this new endeavor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

RECOGNIZING BURMESE DEMOCRACY ACTIVIST AND NOBEL PEACE PRIZE LAUREATE AUNG SAN SUU KYI

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 174, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 174) recognizing Burmese democracy activist and Nobel Peace Prize Laureate Aung San Suu Kyi as a symbol of the struggle for freedom in Burma.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Madam President, I would just like to add a real note of appreciation to an individual, Jackson Cox, who has spent much time focusing on this issue of Burmese democracy.

The resolution sponsored by Senators MCCONNELL and FEINSTEIN is a resolution celebrating the tremendous struggle for freedom in Burma. Jackson Cox is someone for whom I have tremendous respect, who has focused on that initiative. I do want to recognize his tremendous work.

Mr. MCCONNELL. Madam President, along with my colleagues from California, Arizona, Tennessee and Indiana, I support this resolution recognizing Burmese democracy activist and Nobel Peace Prize laureate Aung San Suu Kyi as a symbol of the struggle for freedom in Burma.

While many may know of the horrors committed in Burma by the illegitimate State Peace and Development Council, SPDC, and the courage, dignity and determination of Suu Kyi and her compatriots in the face of this repression, some people may be unaware that June 19 marks Suu Kyi's 60th birthday.

I would like nothing more than to pick up the telephone and call her in Rangoon to give her best wishes on her birthday. However, I cannot. Nor can anyone else. Suu Kyi remains under house arrest by the SPDC.

In addition to my colleagues in the Unofficial Burma Caucus in the Senate—Senators FEINSTEIN, MCCAIN, FRIST and LUGAR to name but a few—it is important to recognize the expressions of support for Suu Kyi and democracy in Burma by other stalwarts of freedom, including Georgian President Mikheil Saakashvili, Mongolian Prime Minister Elbegdorj Tskahiagiin, former Czech Republic President Vaclav Havel, former Malaysian Deputy Prime Minister Anwar Ibrahim, and a litany of fellow Nobel Peace Prize recipients. I ask that statements by President Saakashvili and Prime Minister Elbegdorj be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MCCONNELL. Let me close by reiterating the call for the immediate and unconditional release of Suu Kyi and all prisoners of conscience in Burma. I urge Secretary of State Rice to encourage regional neighbors and allies to redouble their efforts to support freedom in Burma when she attends the 12th Association of Southeast Asian Nations regional forum, and post-ministerial meetings in Laos.

Happy birthday, Suu Kyi. You continue to be in our thoughts and prayers.

EXHIBIT 1

STATEMENT IN SUPPORT OF AUNG SAN SUU KYI AND FREEDOM IN BURMA

I want to extend my warm greetings to those attending this important ceremony and most of all to offer my heartfelt support to Nobel Peace Prize Laureate Aung San Suu Kyi. It is a tragedy that she could not be celebrating her birthday among her family, friends and the Burmese people. Her continued jailing is a powerful symbol of the strength of Burma's democracy movement and the weakness of those trying to block this country's path to freedom.

There are those who try to argue that democracy and individual rights are Western ideals. How wrong they are. In Mongolia, our constitution guarantees the right to life, religious tolerance, the right to own property, the right to a free press and free expression, and for the public to bring grievances before their democratically elected representatives. These are not Western ideals, these are rights that each of us inherit at birth from our Supreme Creator.

Today, Burma is ruled by a military regime that inflicts death, terror and fear on the people in their struggle to maintain power. History as written by the Czechs, Poles, Hungarians, Serbs, Georgians, Ukrainians, Romanians, Indonesians, we Mongolians and many others has proven that freedom in the face of tyranny will triumph. Burma's generals should take this history to heart.

Friends, it is up to each of us living in free societies to reach out and help those living under oppression to find their freedom. I can assure the Burmese people of one thing: No dictatorship, no military regime, no authoritarian government can stand against the collective will of a people determined to be tree.

Tonight, as darkness settles across Mongolia, I will light a candle and place it in the front window of my residence as a symbol of hope and support for the Burmese people and Aung San Suu Kyi—Prime Minister Elbegdorj Tskahiagiin.

Statement by President Mikheil Saakashvili in Commemoration of Aung San Suu Kyi and Democracy in Burma

On behalf of the Georgian people I want to extend our collective greetings to the Senators, Congressmen, and freedom activists gathered here in support of Nobel Peace Prize Laureate Aung San Suu Kyi. Her continued arrest by Burma's military junta is an outrage, her courage in the face of terror and intimidation serves as an inspiration to those throughout the world who cherish freedom and democracy.

In 1990 the Burmese people voted overwhelmingly in parliamentary elections for Aung San Suu Kyi and her National League for Democracy (NLD) to lead them into a new era based on democratic governance. The junta has refused to recognize the results of this election. Each day they must wage war on the Burmese people, using murder, terror and intimidation, to keep their hold on power. This is a war they are destined to lose.

We in Georgia understand first-hand what it is like to live under tyranny and the sacrifices necessary to gain liberty. Following the collapse of Soviet rule, Georgians embraced democracy and set about building a new society dedicated to human rights and the rule of law. When our democracy was hijacked by corruption, the Georgian people went to the streets and took it back in what is now known as the Rose Revolution. Today, individual freedoms are guaranteed, religious and ethnic groups celebrated, and we are working out at the peace table differences that once threatened our territorial integrity. I am proud to say that democracy is alive and well in Georgia, but our work is far from finished.

It is up to those who are free to join the fight of the oppressed. I know that the winds of freedom that have blown across Georgia, touched off an Orange Revolution in Ukraine, spawned a Tulip Revolution in Kyrgyzstan, and shook the cedars of Lebanon will someday soon reach Burma. To the millions of Burmese who are imprisoned with Aung San Suu Kyi in their own country, I say this: Doi Yea (Our Cause)! Because your cause is our cause. Wherever freedom-loving people rise up to carry on the legacy of the Rose Revolution, the spirit and support of the Georgian people stand with you.

RECOGNIZING DAW AUNG SAN SUU KYI

Mr. SALAZAR. Madam. President, I rise today to take a moment to recognize a woman on the occasion of her 60 birthday, a woman whose leadership and courage in her home country of Burma inspires the people of that country and the world to continue to fight for democracy and human rights.

Daw Aung San Suu Kyi has devoted her life to fighting for peace in a country whose people live under an oppressive one-party socialist government known as the State Law and Restoration Council, SLORC. This government is responsible for the deaths of thousands of its own people and the unjust imprisonment of untold more. Suu Kyi remains the only detained Nobel Peace Laureate in the world.

Suu Kyi was born in Burma in 1945 to General Aung San, the leader of the Burmese movement for independence from Great Britain. After his group achieved Burmese independence and took control of the government, he was assassinated for his democratic beliefs and practices. Suu Kyi left Burma and moved to India with her mother after she became the Burmese Ambassador to India in 1960. Although Suu Kyi was only 2 when her father was killed, it was his legacy that inspired her to head the National League for Democracy, NLD when she returned to Myanmar after graduating from Oxford University many years later.

Under her leadership, the NLD won the general election in 1990 with a landslide victory. However, the SLORC refused to acknowledge their win and put the elected pro-democracy leaders under house arrest, including Suu Kyi.

Although no longer in prison, Suu Kyi is not allowed to travel freely due to restrictions by the Burmese Government. As a result, she will not leave the country out of fear of being permanently exiled from her homeland. Her commitment to her people is so enduring that she is willing to forsake seeing her children who live abroad ever again.

Suu Kyi has inspired countless other Burmese supporters and the world to focus global attention on this conflict. In my State of Colorado, for example, many people from that country have relocated to Boulder. One such person is former Burmese princess Inge Sargent who founded the Burma Lifeline. This organization funds refugee camps along the Thai border and works in conjunction with other groups such as the Shan Women Action Network. Inge Sargent was awarded the United Nations International Human Rights Award in 2000.

In an effort to lend my voice to the efforts of Senator MCCONNELL and Inge Sargent, I am happy have joined with 42 other Senators as a cosponsor of a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

It is because of brave women like Suu Kyi and the hundreds of people from Burma who have made Colorado their home that Burma has a bright future. Yet the struggle is far from over; these brave leaders will not be free until Suu Kyi's call for democracy is answered.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 174) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 174

Whereas June 19, 2005 marks the 60th birthday of Burmese democracy activist and Nobel Peace Prize Laureate Aung San Suu Kyi;

Whereas Burma is misruled by the State Peace and Development Council, an illegitimate, repressive military junta led by General Than Shwe;

Whereas although the main opposition party in Burma, the National League for Democracy, won a landslide victory in national elections in 1990, the State Peace and Development Council has refused to honor the results of that election and peacefully transfer power in Burma;

Whereas the State Peace and Development Council as a matter of policy carries out a campaign of violence and intimidation against the people of Burma and ethnic minorities that includes the use of rape, torture, and terror;

Whereas hundreds of democracy activists, including Aung San Suu Kyi who is the leader of the National League for Democracy, remain imprisoned by the repressive State Peace and Development Council; and

Whereas the United States and other democratic countries recognize and applaud the dedication and commitment to freedom demonstrated by Aung San Suu Kyi and the people of Burma: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Burmese democracy activist and Nobel Peace Prize Laureate Aung San Suu Kyi as a symbol of the spirit and dedication of the people of Burma who are courageously and nonviolently struggling for freedom, human rights, and justice;

(2) calls for the immediate and unconditional release of Aung San Suu Kyi and all other prisoners of conscience who are held by the State Peace and Development Council, the illegitimate, repressive military junta in power in Burma; and

(3) strongly urges Secretary of State Condoleezza Rice to initiate a discussion of the repressive practices of the State Peace and Development Council during the 12th Association of Southeast Asian Nations regional forum and post-ministerial meeting scheduled to take place in Vientiane, Laos on July 29, 2005.

COMMENDING UNIVERSITY OF MICHIGAN'S SOFTBALL TEAM

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 175 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 175) commending the University of Michigan's softball team for winning the National Collegiate Athletic Association Division I Championship on June 8, 2005.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Madam President, it is with great pride that I congratulate the University of Michigan Softball Team on winning the 2005 National Championship. The Wolverines completed an impressive season by defeating the two-time defending champion University of California-Los Angeles Bruins two games to one in thrilling fashion capped by a three run home run in the tenth inning of the final game of the 2005 College World Series. This victory marks the first time a team east of the Mississippi River has won this title and cements the University of Michigan program as a true national powerhouse in college softball. The Wolverines played with superb skill and dogged determination throughout the season and in the World Series to clinch their first championship, the second National Championship ever for a women's athletic program at the University of Michigan.

The top ranked Wolverines entered Wednesday night's game hungry for the final win that would secure their first National Championship trophy. The Wolverines and Bruins split the first two games of the best of three series and were locked in a fierce battle in the third and final game to determine the ultimate victor. The Wolverines and Bruins ended regulation with the score tied at one run each. The tenth inning would prove pivotal as Samantha Findlay seized this opportunity and hit a three run homer to provide the boost necessary to secure this extra innings win. This grand display of athleticism, coupled with her play throughout the postseason, helped earn Findlay the Women's College World Series Most Valuable Player Award.

That victory provided the perfect ending to a remarkable season for the University of Michigan Softball Team. After a 32 game winning streak at the beginning of the season, the Wolverines became the Nation's top-ranked college softball program for the first time in school history, and they were able to maintain the top ranking for the rest of the season. The Wolverines ended the season with 65 wins and 7 losses, the best record in school history and was one of three schools in NCAA history to hit 100 home runs in a season.

Many members of the Wolverine team have been honored for their efforts both on and off of the field. Eight of the team's 19 members were named to the Big Ten all-conference team, including five on the Big Ten first team. Perhaps even more impressive is that six Wolverine players were named to the spring 2005 Academic All-Big Ten Conference team. The Wolverines' pitcher, Jennie Ritter, was honored with the Big Ten Pitcher of the Year title and was a finalist for the Amateur Softball Association's USA Softball Collegiate Player of the Year. A member of the Big Ten second team, Samantha Findlay, earned an award as the Big Ten Freshman of the Year. The 2005 University of Michigan Softball team included Stephanie Bercaw, Angie Danis, Samantha Findlay, Alessandra Giampaolo, Tiffany Haas, Lauren Holland, Jennifer Kreinbrink, Grace Leutele, Becky Marx, Jessica Merchant, Rebekah Milian, Nicole Motycka, Jennie Ritter, Lauren Talbot, Michelle Teschler, Michelle Weatherdon, Lorilyn Wilson, Stephanie Winter, and Tiffany Worthy.

This season proved to be an especially memorable one for Head Coach Carol Hutchins for several reasons. Coach Hutchins eclipsed the 900 career win mark during the season, and her 940th win resulted in a championship for the Wolverines. She currently enjoys the distinction of being the most victorious coach in University of Michigan history and currently ranks among the top ten Division I active coaches in career wins and winning percentage.

As we honor this impressive triumph, I am reminded of the many times I have had the pleasure of congratulating a strong Wolverine team. Michigan can be proud of this most recent success, their fifty-second National Championship in school history. I am proud to join Senator STABENOW in congratulating the University of Michigan Softball Team on winning the 2005 Softball National Championship. I know my Senate colleagues share my admiration of the poise, skill and hard work necessary to achieve this milestone.

Ms. STABENOW. Madam President, I rise today to congratualte the University of Michigan softball team on winning the National Collegiate Athletic Association championship on June 8, 2005.

Coach Carol Hutchins's team completed a remarkable season last Wednesday on national television when Michigan took a 4-1 lead after freshman first baseman Samantha Findlay hit a three run homer in the 10th inning.

The 2005 University of Michigan softball team had a remarkable and historic season. They were recognized mid-season as the top ranked collegiate softball team in America. They went on to win both the Big Ten regular season championship and Big Ten Tournament title and then advanced to their eighth Women's College World Series to defeat the two-time defending champion UCLA Bruins in the three-game series finals.

I am very proud of the women on this University of Michigan team which finished with a school record of 65 wins and 7 losses. Several of Michigan's players received honors during the season for their spectacular play and at the end of the year for their consistent excellence during the season. In fact, the Women's College World Series Most Outstanding Player honors went to Samantha Findlay, the first freshman position player to be so recognized. In addition, three Michigan players were nominated for the USA Softball Collegiate Player of the Year, two of which are finalists for the award.

The 2005 University of Michigan softball team was also very exciting to watch because they hit a home run in 57 of 65 games during the 2005 season. They are just one of three schools in NCAA history to hit 100 home runs in a season. Michigan's fans recognized this and came out in support of their team all year, setting a single-season home attendance record and bringing in the top five crowds in program history.

Most importantly may be the honor given to six University of Michigan softball players that were named to the spring 2005 Academic All-Big Ten Conference team. I am a strong supporter of women's athletics and believe that through their participation and accomplishments the women of University of Michigan's 2005 national championship softball team, and all the other women involved in collegiate athletics, provide powerful and very positive message to girls and young women in our country.

Mr. FRIST. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the Record, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 175) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 175

Whereas the top-ranked University of Michigan softball team defeated the University of California-Los Angeles (UCLA) Bruins in the Women's College World Series 2 games to 1, becoming only the eighth team to win the National Collegiate Athletic Association (NCAA) Softball Championship and the first Big Ten Conference team to claim a national title in softball or baseball since 1966;

Whereas the University of Michigan softball team clinched the 2005 Women's College World Series in an exciting extra-innings game with a 3-run homer in the 10th inning to win 4 to 1;

Whereas the University of Michigan softball team hit a home run in 57 of 65 games during the 2005 season and is just 1 of 3 schools in NCAA history to hit 100 home runs in a season;

Whereas in 2005, the University of Michigan softball team earned its first Number 1 ranking in school history and won its tenth Big Ten Conference championship and seventh Big Ten Tournament title en route to advancing to its eighth Women's College World Series;

Whereas the NCAA championship title marks the 52nd national championship for a sports program at the University of Michigan, the second for a women's athletic program at Michigan, and the first for a softball program east of the Mississippi River;

Whereas the University of Michigan softball team mounted an impressive season record of 65 wins and 7 losses;

Whereas Coach Carol Hutchins eclipsed the 900 win mark, capping a stellar 21 year career at Michigan that has seen her become the most victorious coach in University of Michigan history, currently ranking among the top 10 Division I active coaches, with 940 career wins and a .729 winning percentage;

Whereas 2 University of Michigan softball players, shortstop Jessica Merchant and pitcher Jennie Ritter, were finalists for the USA Softball Collegiate Player of the Year Award;

Whereas a record-tying 8 players from the University of Michigan softball team were named to the Big Ten All-Conference Team, and 6 players were named to the Spring 2005 Academic All-Big Ten Conference Team;

Whereas the University of Michigan softball team was led by the solid coaching of Carol Hutchins, Bonnie Tholl, Jennifer Brundage, and Jennifer Teague;

Whereas players on the University of Michigan softball team included Stephanie Bercaw, Angie Danis, Samantha Findlay, Alessandra Giampaolo, Tiffany Haas, Lauren Holland, Jennifer Kreinbrink, Grace Leutele, Becky Marx, Jessica Merchant, Rebekah Milian, Nicole Motycka, Jennie Ritter, Lauren Talbot, Michelle Teschler, Michelle Weatherdon, Lorilyn Wilson, Stephanie Winter, and Tiffany Worthy; and

Whereas Michigan had tremendous support from its hometown fans during their season, setting a home attendance record in 2005, and bringing in the 5 largest crowds in program history: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Michigan softball team for winning the 2005 National Collegiate Athletic Association Division I Championship on June 8, 2005;

(2) recognizes all of the players and coaches who were instrumental in this achievement; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the University of Michigan athletic department for appropriate display.

ORDER TO PRINT AS A SENATE DOCUMENT

Mr. FRIST. Madam President, I ask unanimous consent that tribute statements regarding former Senator Exon be printed as a Senate document, provided that Senators have until the close of business on June 30 to submit such statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JUNE 20, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, June 20. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of H.R. 6, the Energy bill; provided further that at 5 p.m. on Monday the Senate proceed to executive session for the consideration of Calendar No. 103, John Bolton to be Ambassador to the United Nations; I further ask consent that the time until 6 p.m. be equally divided between the two leaders or their designees and at 6 p.m. the motion to proceed to the motion to reconsider the failed cloture vote be agreed to, the motion to reconsider then be agreed to, and the Senate then proceed to a vote on cloture on the Bolton nomination.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, on Monday, the Senate will resume consideration of the Energy bill. We began the Energy bill earlier this week, and we do plan to continue working aggressively on that bill with amendments also Monday afternoon and with the hope that we will be able to debate amendments and set votes in relation to those amendments as needed.

At 6 p.m. on Monday, as we just agreed to, we will vote on a motion to invoke cloture on the Bolton nomination.

With respect to the Energy bill, as we have said again and again, next week will be the final week for consideration. It is vitally important we finally complete action on a national energy policy, and we need to bring this bill to a close soon.

Having said that, as the Democratic leader and I had a colloquy earlier today and pointed out, it may be necessary to file cloture. If so, we will do so, in all likelihood, on Tuesday night to ensure that we finish next week. If that cloture motion is necessary, the vote would not occur until Thursday. Therefore, Members would have ample time to offer and consider their amendments prior to that vote.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask the Senate stand in adjournment under the previous order, following the remarks of Senator SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

THE TREATMENT OF PRISONERS AT GUANTANAMO

Mr. SESSIONS. Mr. President, I heard a good deal of the remarks of the distinguished Senator from Arizona, Mr. KYL, as he discussed the issues surrounding the treatment of prisoners at Guantanamo and the actions of our military. I could not agree with him more. He is one of the Senate's finest lawyers. He is on the Judiciary Committee, where we just had hearings, and has been involved in these issues for some time. In fact, I serve with him on the Judiciary Committee and am also a Member of the Armed Services Committee.

I would have to say to this body that our Congress has had a total of 29-plus hearings involving the handling of prisoners since the war on terrorism began. I think I have been at most of them. Most of them have been before the Armed Services Committee and Judiciary Committee. We have had a host of these hearings. We have had witnesses and complainants and issues brought up to us time and time again.

Yesterday, at our hearing in Judiciary, I really reached a point where I just felt I had to speak out. It was in the morning before Senator DURBIN made his remarks. But it was something I felt deeply, and it became more and more clear to me: that is, we in this Senate are creating an impression around the world that wholesale violations of human rights are occurring in our prisons, and this is absolutely not true.

Members of our own Congress have suggested and even stated that it is the policy of our country to abuse and violate prisoners' rights. This is completely misstating the true facts that are occurring. Anyone who visits the Guantanamo prison—and I believe that some 60-odd Congressmen and Senators have been there, including my own visit to the temporary facility several years ago—would find a new $150-million prison right on the top of the island overlooking the water. It is a beautiful site where they built this prison. It is a shame really that a prison was built there, but it is part of the military base where it is located. These prisoners are being given tremendous medical care. They are being treated for their diseases, for the parasites with which many of them have become infested. They have been cared for effectively. They have gained weight. They are provided food at a financial cost substantially exceeding that of other prisoners in America and soldiers in the U.S. military. We have treated the Koran with respect and the highest esteem and tried to handle these prisoners in a way that is appropriate.

I will say a couple of things. It is important we treat these prisoners humanely, because we have high ideals as Americans. There are thousands of prisoners and we have thousands of soldiers involved in this area. That someone would overstep their bounds is not something we would not expect. It happens in American prisons every day. Prison guards are fined, they are removed, they are fired, they are prosecuted for abuse. We do not like to admit that, but it happens. We take care of it in America. We do not allow this to continue.

The facts are these detainees at Guantanamo are detainees who are being held consistent with the general principles of the Geneva Conventions but are not covered by that convention. As Senator KYL noted, they are not lawful combatants, they are unlawful combatants. They are people who sneak into a country. They do not wear a uniform. They are not part of any state army. Their goal is to kill innocent civilians, men and women and children not involved in a war effort at all. The purpose of the Geneva Conventions is to help one army identify the members of the other army and to encourage those armies not to endanger civilians, but to focus their attention on their enemy and to deal with them. These prisoners are entirely different. They do not qualify for those conventions. But we provide them great protections, anyway.

We have spent $109 million on the prison there at Guantanamo. We are going to spend another $50 million making it even better. I don't see that there is any basis to move those prisoners, to alter what we are doing there and to create a new prison. How would that make us any safer if that were to occur?

Let me share this about the 500 or so prisoners who are there. In the course of this war on terrorism, our country has apprehended 10,000 detainees, individuals who have been captured. Each one has been screened carefully. As a result, some 750 have been identified for incarceration at Guantanamo, the worst of the worst. Since that time, we have continued to monitor them. Each one of them has had a full review. As that has occurred, another 200 have been released and we are down now to a little more than 500 at Guantanamo. I note of the 200 released, some 12 have already been rearrested as they go about their efforts to kill Americans and American soldiers. They have been rearrested, because they returned to battle. This clearly suggest that of those other 500 detainees remaining, many of those are dedicated totally to killing American citizens. They believe in what they are doing. They are sold on this effort. They are implacable in their goal and intentions and should not be confused with the normal prisoners of war where you have a soldier who was drafted into an army and they go out and get captured and they dutifully stay in their prison until the war is over.

What do you do with prisoners of war or these kind of prisoners? Prisoners of war are held until the war is over. You do not turn them loose so they can then re-engage in killing your soldiers. That is the crisis.

When will the war end? I am not sure. So we have people say, they have to all be released. You cannot hold them because this war might go on forever.

Might, might, might. We are talking about now. It has not been going on that long. Most have only been held 1, 2, 3 years. This is not the time to be wholesale releasing these people. This battle is tough and hot right now. If you do not believe it, look at what is happening in Iraq and how many are killed by these attacks, surreptitious sneak attacks by roadside bombs in that country. This war is not over. It is ongoing.

We are lucky and have been fortunate that because we were aggressive, we as a nation have not had another attack on our homeland since September 11. But we know they would like to do that. We know they are attacking places all over the globe.

A number of Supreme Court decisions has impacted how these prisoners are to be held. The Department of Defense created, therefore, as a result of the court rulings what is called the combatant status review tribunal. Every prisoner in Guantanamo has been reviewed by the combatant status review tribunal. Annually, each prisoner there goes before the ARB, which is an annual review board, sort of like a parole board. If they can justify letting these prisoners go on that annual review, they let them go because the last thing we need is to be housing a bunch of prisoners that do not amount to a threat to our people.

I will share this. I will not continue too long tonight. I want to share a few facts that are important. We are committed as a nation to high standards of duty in handling those we capture. Since this war has begun, there have been 10 major commissions and investigations empaneled to review allegations of misconduct. We have had commission after commission, review after review and, as I said, 29 plus congressional hearings. We have been alert to ensuring that prisoners are not abused in any systematic way and that those who violate the law are prosecuted for it.

Let me carry on. There have been 1,700 interviews as a part of these investigations; 16,000 pages of documents delivered to Congress. Detention operation enhancements to improve our detention operations range from increased oversight to expanded training of the guards to improved facilities and new doctrines.

When we have had a problem, we have dealt with it, we have confronted it, and we have improved the situation.

Mr. President, 390-plus criminal investigations of American soldiers and Guards have been completed or are ongoing. More than 40 staff briefings have been given to the staff members of the Congress. People are being held accountable. They are really being held accountable. One general officer has been removed from command, received a general officer memorandum of reprimand. Thirty-five soldiers have been referred to trial by court-martial—35. Sixty-eight soldiers have received nonjudicial punishment, which is a career ender. Twenty-two memoranda of reprimand have been issued. Eighteen soldiers have been administratively separated from the Army. The Navy has had nine receive nonjudicial punishment. Fifteen marines have been convicted by court-martial. Seven received nonjudicial punishment, and four have been reprimanded.

We know in Abu Ghraib there was this uproar. This story had been broken by the media, one Senator said yesterday at our hearing. But if you remember, it was the general who made the briefing every day to the news media who announced, days before the media had any report of these abuses in Abu Ghraib, he had reports of abuses in Abu Ghraib prison and investigations were being commenced. And they commenced immediately. People were removed from command immediately and no more abuses took place in that prison from that date onward.

We know since then, because we have had hearings and newspaper articles and investigative reports on TV, that these people who violated the rights of those prisoners were tried and convicted and are being sent to jail for long periods of time.

Although none were seriously physically injured, as I recall, they were humiliated and handled in a way unbecoming of an American soldier. Those soldiers have been disciplined severely for their errors, and rightly so. I think it is something we should be proud of.

Do you remember the colonel whose soldiers were under attack? He needed information from an Iraqi, and to get it, he fired a gun near the Iraqi's head. He did not hurt him in any way. And this terrorist gave information that helped save soldiers' lives. And they cashiered him out of the Army because he was not allowed to use that kind of action. We had a marine officer—who after 9/11 gave up his stock brokerage job to go and serve his country—be prosecuted, it now appears falsely, by a lower ranking soldier who made complaints against him, a soldier he had referred for disciplinary action. After full review, they dismissed all charges.

This record is clear. This Government, our Nation, does not tolerate abuse. We have taken strong actions to see that it is not allowed and does not continue. But we have a duty to protect the people of our Nation. These detainees, these terrorists, who are being held, these unlawful combatants present a risk to us.

Some say, well, somehow we have made this all happen by being aggressive militarily. But I would remind my colleagues that for almost 20 years al-Qaida, and groups like that, have been attacking our embassies, our marines, our soldiers—our warships, the USS *Cole*—around the globe. We had been in a constant state of combat with Saddam Hussein truthfully since the gulf war in 1991. Up until the actual commencement of these hostilities, we were flying missions to enforce the no-fly zone under the U.N. resolutions. He was firing missiles at our aircraft, and we were dropping bombs on him.

This is a dangerous part of the globe. That is why the Congress, when President Clinton was President, passed a resolution setting the policy of this Government to effect a regime change in Iraq.

So this is what it is all about. It is a dangerous world out there. I want to call on my colleagues, with the greatest sincerity, to be careful what we say. Do not be telling the media, the world, speaking out in ways that suggest it is a policy in the actions of our military routinely to abuse prisoners. If prisoners are unlawfully treated, the guards are prosecuted. And the people who did it are prosecuted. It is not our policy to abuse prisoners. It does not happen on a regular basis. We do not tolerate it. We will not tolerate it. We will comply with the law and treat people appropriately.

But when Senators come in hearings and to this floor and make statements in the news media—and when the news media writes reports, as was done about the Koran, saying it was flushed down the toilet—they had to retract that story, bad things happen. After the false Koran incident a riot occurred because people in the Middle East believed that was true. They believed what they read in our national news, that we were unfairly or disrespectfully treating the Koran. Whereas in Guantanamo, our guards use gloves. They hold the Koran with both hands, in every way try to treat it in a respectful manner and make sure that every prisoner there is provided a copy, if they desire.

So this is bad when we create a climate in this body that falsely characterizes our people. Yes, we make mistakes. Yes, if we do, they need to be fixed, and people ought to be punished. And I have shown we are punishing them. But it is wrong and irresponsible, and it places our soldiers whom we have sent in harm's way at greater risk when we suggest to that entire region of the world that we do not respect the faith of Islamic peoples, that we do not treat respectfully the prisoners who we apprehend, and that we are irresponsible, maybe even carrying on activities that are so bad as to be compared with Hitler, Pol Pot, or the Soviet Union. Those irresponsible comments can cost soldiers' lives. We need to be careful about it. If someone has proof of an individual act that amounts to a crime, let's see them bring it forward. Let's have an investigation. If somebody deserves to be prosecuted, let's prosecute them. But if not, quit making these statements. I think we have had enough hearings. As far as I am concerned, 29-plus is enough.

The military has demonstrated, with all clarity, that they are prepared and willing to honestly and aggressively prosecute wrongdoers. They are also committed to protecting our citizens. They have given their lives, many of them, in that effort. They volunteered to serve in our military. They are the finest military this world has ever known. In the heat of combat they have shown restraint. They have not used heavy weapons, and they have held back in order to be sure innocent civilians are not injured. They do everything they can on a daily basis to reach out to the people of Iraq and Afghanistan, to appeal to their hearts and minds, to encourage them on the road to building a new and better life for themselves and their families. They do the things that Americans have no idea of on a daily basis to try to reach out and reconcile and improve our relationship with the people in that area of the globe.

It is positively damaging to that effort when Members of Congress make the kinds of statements that have been made, when news media outlets, great organs of information, make mistakes, twist, exaggerate, misrepresent things that have occurred. It is not right. We need to show more responsibility. We need to show more discipline. It is not justified. No matter how strongly one feels politically and wants to try to blame the President for all these things, it is not just being heard in this body, it is not just the American people who are hearing criticisms of the President. These comments are being heard throughout the globe. It is not helpful to our efforts to build a better and more peaceful world.

I thank the Chair for the opportunity to say these words, late at night though it is. I believe we are at a point where our Congress needs to improve its behavior. We need to show more restraint. If we do so, this will allow our soldiers to have a better chance to succeed at the difficult mission they have and the one they are working at so ably and so courageously.

I yield the floor.

ADJOURNMENT UNTIL 2 P.M. MONDAY, JUNE 20, 2005

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m. on Monday, June 20, 2005.

Thereupon, the Senate, at 7:35 p.m., adjourned until Monday, June 20, 2005, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate June 16, 2005:

DEPARTMENT OF DEFENSE

JOHN G. GRIMES, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE JOHN P. STENBIT.

DEPARTMENT OF JUSTICE

WAN J. KIM, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE RENE ACOSTA, RESIGNED.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NOMINATED, SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be commander

PAUL L SCHATTGEN
HARRIS B HALVERSON II
BARRY K CHOY
MICHAEL D FRANCISCO
MARK P MORAN
DOUGLAS D BAIRD, JR
DANIEL S MORRIS, JR
DAVID A SCORE
STEPHEN F BECKWITH

To be lieutenant commander

JAMES A ILLG
ALEXANDRA R VON SAUNDER
ROBERT A KAMPHAUS
RICHARD T BRENNAN
ADAM D DUNBAR
PETER C FISCHEL
JEREMY M ADAMS
DAVID J DEMERS
MICHAEL J SILAH
SCOTT M SIROIS
DEVIN R BRAKOB
SARAH L SCHERER
DAVID J ZEZULA

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL W. PETERSON, 5177

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, June 16, 2005:

EXECUTIVE OFFICE OF THE PRESIDENT

JORGE A. PLASENCIA, OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING OCTOBER 27, 2006.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

JAY T. SNYDER, OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2007.

OVERSEAS PRIVATE INVESTMENT CORPORATION

CHRISTOPHER J. HANLEY, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2006.

DEPARTMENT OF STATE

CRAIG ROBERTS STAPLETON, OF CONNECTICUT, TO BE AMBASSADOR TO FRANCE.

EDUARDO AGUIRRE, JR., OF TEXAS, TO BE AMBASSADOR TO SPAIN, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR TO ANDORRA.

ROGER DWAYNE PIERCE, OF VIRGINIA, TO BE AMBASSADOR TO REPUBLIC OF CAPE VERDE.

DONALD E. BOOTH, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF LIBERIA.

MOLLY HERING BORDONARO, OF OREGON, TO BE AMBASSADOR TO THE REPUBLIC OF MALTA.

JULIE FINLEY, OF THE DISTRICT OF COLUMBIA, TO BE U.S. REPRESENTATIVE TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE, WITH THE RANK OF AMBASSADOR.

RICHARD J. GRIFFIN, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, AND TO HAVE THE

RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE.

ROBERT JOHANN DIETER, OF COLORADO, TO BE AMBASSADOR TO BELIZE.

ZALMAY KHALILZAD, OF MARYLAND, TO BE AMBASSADOR TO IRAQ.

RODOLPHE M. VALLEE, OF VERMONT, TO BE AMBASSADOR TO THE SLOVAK REPUBLIC.

PAMELA E. BRIDGEWATER, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF GHANA.

ANN LOUISE WAGNER, OF MISSOURI, TO BE AMBASSADOR TO LUXEMBOURG.

TERENCE PATRICK MCCULLEY, OF OREGON, TO BE AMBASSADOR TO THE REPUBLIC OF MALI.

RICHARD J. GRIFFIN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (DIPLOMATIC SECURITY).

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH DONALD B. CLARK AND ENDING WITH MICHAEL T. FRITZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 24, 2005.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CHRISTINE ELDER AND ENDING WITH SAMANTHA CARL YODER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 2005.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH TODD B. AVERY AND ENDING WITH JOHN P. YORRO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 1, 2005.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH MICHAEL HUTCHINSON AND ENDING WITH MARIE ZULUETA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 2005.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CHARLES W. HOWELL AND ENDING WITH HECTOR U. ZUCCOLOTTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2005.

WITHDRAWAL

Executive message transmitted by the President to the Senate on June 16, 2005, withdrawing from further Senate consideration the following nomination:

THOMAS V. SKINNER, OF ILLINOIS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, WHICH WAS SENT TO THE SENATE ON JANUARY 24, 2005.

HOUSE OF REPRESENTATIVES—*Thursday, June 16, 2005*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

By Your divine providence, Lord God, through free election and the personal decisions of the American people, You have assembled these individuals as Members of the House of Representatives.

They are the men and the women who will create the laws that will guide the Nation, direct the behavior of the people of this country, and, through the appropriation process, shape the priorities of the future.

In Your judgment, Lord, they are the ones who are adequate for the moment to address the problems and needs of Your people.

Because the United States is regarded as the most powerful Nation in the world at this time, this Congress, as it is, becomes Your instrument to unite people around the globe and accomplish Your holy will in our day.

Knowing their awesome responsibilities and understanding the limitations of human nature, we, the people, commend them to You, Almighty God, for we place our trust in You now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Minnesota (Mr. GUTKNECHT) come forward and lead the House in the Pledge of Allegiance.

Mr. GUTKNECHT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has agreed to the following resolution:

> In the Senate of the United States, June 13, 2005.
>
> Whereas J. James Exon served in the United States Army Signal Corps from 1942–1945 and in the United States Army Reserve from 1945–1949;
>
> Whereas J. James Exon served as Governor of the State of Nebraska from 1971–1979;
>
> Whereas J. James Exon served the people of Nebraska with distinction for 18 years in the United States Senate where he was a proponent of a strong national defense and knowledgeable source of geopolitical matters;
>
> *Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable J. James Exon, formerly a Senator from the State of Nebraska.
>
> *Resolved*, That the Secretary of the Senate communicate these resolutions of the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.
>
> *Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable J. James Exon.

The message also announced that the Senate has passed without amendment a bill of the House of the following title:

> H.R. 483. An act to designate a United States courthouse in Brownsville, Texas, as the "Reynaldo G. Garza and Filemon B. Vela United States Courthouse".

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

> S. 1140. An act to designate the State Route 1 Bridge in the State of Delaware as the "Senator William V. Roth, Jr. Bridge".

The message also announced that pursuant to Public Law 94-304, as amendment by Public Law 99-7, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Commission on Security and Cooperation in Europe (Helsinki) during the One Hundred Ninth Congress:

The Senator from Oregon (Mr. SMITH).

The Senator from Georgia (Mr. CHAMBLISS).

The Senator from North Carolina (Mr. BURR).

The Senator from Louisiana (Mr. VITTER).

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to ten 1-minute requests on each side.

SHAME ON CONGRESS IF WE DO NOT BAN CLONING

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Edmund Burke once said: "All that is necessary for the triumph of evil is for good men to do nothing." I might change that to read: "All that is necessary for human cloning to begin in America is for Congress to do nothing."

When Korean scientists announced last month they had cloned 18 sick people and killed their clones to get their stem cells, some thought that would provide the motivation for the Congress to ban human cloning. They were wrong.

The history of cloning is replete with defects, deformities, and death. It took 277 tries to clone Dolly the sheep. That is 276 dead and deformed sheep. And yet Congress does nothing to stop human cloning from happening in America. The House has done very little to force the Senate to act, and the House has yet to take up a bill this year.

Human cloning is wrong and dangerous, no matter what cause it serves. Yet Congress and its leaders refuse to act, content to wait for a politically opportune time for a vote. But scientists are not operating on our electoral timetable. While we wait, cloning is coming down the pike, and it will happen here sooner than we know if we do not act.

Those who would delay and do nothing will bring shame on Congress and on this body if we do not stop it.

DEALING WITH PROBLEMS FACING GULF WAR VETERANS

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, Abraham Lincoln in his second inaugural said: "We shall care for him who has borne the battle." Today, men and women who have served this country in the Gulf War are waiting for this Congress to respond affirmatively to their medical needs.

Congress took steps in the 1990s by authorizing a scientific research program that looked into Gulf War Syndrome, and that report from the Research Advisory Committee on Gulf Veterans Illness found out that the illnesses suffered by Gulf War veterans, these often debilitating problems, could not be scientifically explained by stress or psychiatric illnesses; that veterans were having problems with their neurological and immunological systems, and they were having it with a frequency that was twice those of peer veterans not deployed.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

They cited a list of possible exposures, which included chemical weapons, biological weapons, drugs to protect them from biological and chemical weapons, depleted uranium, oil well fire smoke, diesel fuel, jet fuel, and on and on and on.

Today, Congress will have before it a budget-neutral amendment that will give us a chance to do something about funding a program to help deal with the problems that Gulf War veterans are experiencing.

PASSING NEEDED PENSION REFORM

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, pension plans are on the minds of the American people. Just typing the words "pension plan" into an Internet search engine yields over 4,000 returns in less than a second.

Americans are very concerned about their retirements. Couples who were planning where they will spend their golden years now are trying to figure out what to do with shrinking pension checks, as businesses struggle to fund their pension plans.

Government and taxpayer bailouts are not fair to the public, and they are not a solution to the problem. Recent hearings here in the House have made the case crystal clear as experts have said that they think we need industry-specific reform.

United Airlines recently dumped their pension plan onto the Pension Benefit Guarantee Corporation, so now thousands and thousands of their employees face an uncertain future and the PBGC goes billions of dollars further into the red. This is a no-win situation for everyone involved.

Mr. Speaker, let us take action. Let us be proactive, and let us pass much-needed pension reform now.

ANSWERS NEEDED FOR QUESTIONS REGARDING IRAQ

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, if you do not know where you are going, you are never going to get there. Another truism is that you do not begin a war without a plan to win the peace.

Is it now well past time for the legislative branch to ask of the executive branch the very things that our constituents are demanding of us: What is the White House's strategy for success in Iraq? How many Iraqi troops need to be adequately trained and sufficiently equipped, to take over the military protection of that country? How many Iraqi police forces are needed to restore law and order? How many more American dollars are needed to rebuild the infrastructure so that nation can be economically viable? And what does this administration consider to be political stability?

These are reasonable questions. We should have had the answers before we went to war, but we must demand them now. It is unfair, not only to the mothers and fathers of our soldiers, but to our senior military officers of our country not to know where they are headed in Iraq.

RESTORING HOPE, ORDER, AND PURPOSE TO THE UNITED NATIONS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the world has entrusted peacekeepers from the United Nations with the tremendous task of promoting peace and international cooperation throughout the globe.

Unfortunately, for years we have watched U.N. peacekeepers neglect their lofty goals and actually contribute to the demise of war-torn nations. From the jungles of the Congo to the swamps of Sierra Leone, U.N. peacekeepers have committed crimes, including sexual exploitation, corruption, sex trafficking, and the systematic rape of women. In Bosnia, the U.N. quashed an investigation into the involvement of U.N. police in enslavement of Eastern European women.

Today, Congress has a rare opportunity to restore hope, order, and purpose to the U.N. Decades of U.N. waste, fraud, and abuse prove that strong action is the only remedy for the problems plaguing the organization. By linking U.S. support to U.N. reform, we can ensure the U.N. peacekeepers rightfully fulfill their mission.

In conclusion, God bless our troops and we will never forget September 11.

THE GROWING NATIONAL DEBT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, these are tough economic times; but our economy is resilient, and I trust that we will eventually turn things around. But even then, this administration has created structural problems that will hinder us over the long run.

This administration continues to set economic records, only they are the wrong economic records. We have set under this administration a record trade deficit of over $600 billion, a record budget deficit of over $450 billion, and they have raised the debt ceiling three times. As we stand here, our national debt is over $7.8 trillion, and that is over $26,000 for each citizen.

Mr. Speaker, let me tell my colleagues, that is not the legacy that I want to leave to my children and my grandchildren and the children of America. I hope it is not the legacy that Members want to leave.

REFORM THE UNITED NATIONS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I ask our colleagues to help stop sexual predators among the United Nations peacekeeping forces and vote in favor of the Hyde U.N. Reform Act of 2005.

It is monstrous that an international organization charged with assisting nations to rebuild after major turmoil has experienced an alarming number of scandals involving sexual harassment, rape, sex trafficking, misconduct, and harassment. Even one instance of these terrible crimes is appalling and unacceptable: but, unbelievably, over the past decade their appearance is frequent.

United Nations peacekeepers, the very people who have been sworn to protect and assist those most in need, in some instances have been the perpetrators of these deplorable crimes against the most vulnerable of our population, refugees. These crimes are yet another example of the ways in which the U.N. is currently unfit to operate in its current state and must be reformed in order to restore its integrity and its authority.

Through the United Nations Reform Act of 2005, the United States, as the greatest contributor to U.N. peacekeeping, will do away with all of these scandals.

UPHOLDING THE PROMISES OF SOCIAL SECURITY

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, when this President was reelected, he announced proudly that he had political capital and he intended to spend it. He intended to replace Social Security. All of his proposals provide that we would replace Social Security with something less: "Let us give the working people of this country less than we promised."

□ 1015

Social Security is a covenant between our working people and the United States Government. They are entitled to get what they have paid for. They have worked all their days and paid honorably into the system. Now this President and some of my colleagues on the Republican side say, I am sorry, we just do not want to do that anymore, so we are not going to pay you. You paid into the system; that is just your tough luck. We are just not going to do that.

We do not need to replace Social Security, we just need to fund it.

SUPPORTING CONTINUED OPERATION OF DETENTION FACILITY IN GUANTANAMO BAY

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute.)

Mr. WESTMORELAND. Mr. Speaker, I rise today to call on my colleagues in the House to support the continued operation of the detention facility in Guantanamo Bay, Cuba.

If it is proven that detainees have suffered abusive treatment, we should take corrective action, but continue to operate the detention facility.

I ask my colleagues, what good does it do to simply move to a different location? The fact is, we have to put these enemy combatants somewhere. What better place than a heavily guarded island?

Mr. Speaker, the detainees at Guantanamo are not there for jaywalking or stealing a Snickers bar from the 7-Eleven. They are well-trained, hate-filled jihadists inflamed by an anti-American ideology. If they were released back into the wild, they would not return to a quiet family life of shepherding in the mountains of Afghanistan. They would simply take up arms to fight Americans again.

Already we have recaptured combatants on the battlefield who had been released from Guantanamo. We should learn a lesson from that. Let us make sure they stay there.

ABUSE OF POWER BY REPUBLICANS

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, how can we spread democracy abroad if it is being, quite frankly, abused here in the House?

The Republican abuse of power appears to no know bounds. Last Friday the Republicans literally cut off debate on the renewal of the USA PATRIOT Act. Apparently, it was not enough to bar witnesses critical of the PATRIOT Act, or to force Democrats to fight to get a critical witness in front of the committee, or to schedule that hearing for a day when the House was not in session. When dissenting voices started to speak, the hearing was abruptly ended, and the microphones were turned off.

Critics of the PATRIOT Act say that it represents the threat of unaccountable, undemocratic government, and the behavior of its Republican supporters here only serves to prove that point and is proof of that.

Hubert Humphrey once said that "Freedom is hammered out on the anvil of discussion, dissent, and debate."

I hope that this Republican abuse of power will be ended before it is allowed to undermine our freedom.

Once again, how can we spread democracy abroad when it is being abused right here at home in the House of Representatives?

HONORING THE 25TH ANNIVERSARY OF EL MUNDO

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, I rise today to honor the 25th anniversary of one of southern Nevada's first Spanish-language publications, the El Mundo.

I would also like to recognize the dedication and perseverance of my longtime friend Eddie Escabedo, El Mundo's founder and publisher.

What began as a truly local community newsletter has grown to a newspaper that reaches 50,000 Nevadans and many more through radio and television affiliations.

I applaud Eddie and all of those who have assisted him throughout these 25 years. The service that you provide the Spanish-speaking community in southern Nevada has benefited us all by demonstrating our common needs, despite our diversity.

Eddie, it was great to see you in Washington last week. Your efforts to provide our Spanish-speaking students with information on the resources available to them to continue their education are truly an invaluable service. I look forward to working with you on the Hispanic Scholarship Directory long into the future. I congratulate you and El Mundo on this milestone and wish you all the best of luck in the next 25 years.

Eddie, I am proud to call you a friend. Congratulations.

URGING THE PROTECTION OF AMERICA'S FLYING PUBLIC FROM THE THREAT OF SHOULDER-FIRED MISSILES

(Ms. BEAN asked and was given permission to address the House for 1 minute.)

Ms. BEAN. Mr. Speaker, I am here to urge my colleagues to act now to protect America's flying public from the threat of shoulder-fired missiles.

Unfortunately, today, thousands of portable, easy-to-use antiaircraft missiles are in the hands of terrorist groups around the world, including al Qaeda. The FBI, CIA, State Department, and White House recognize this serious threat. Now is the time for Congress to act.

Mr. Speaker, the Department of Homeland Security has been diligently working to apply successful military technology to our commercial aircraft, and now, for the same cost as in-flight entertainment systems, we can install proven portable defense systems on passenger jets.

Just this week, the Chicago Tribune editorialized that the financial costs of safeguarding our airlines are well worth it. However, while we have spent billions of dollars on transportation security since 9/11, Congress has not yet committed to providing such protection.

Last week, the gentleman from New York (Mr. ISRAEL) and I introduced the Commercial Airline Missile Defense Act, authorizing the TSA to provide missile defense systems to our commercial passenger jets. Today I urge my colleagues to cosponsor H.R. 2780 and join us in protecting America's business and family travelers.

DOD APPROPRIATION

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today in strong support of H.R. 2863, the Department of Defense authorization bill.

As we continue assessing our national defense strategy to guard our Nation from threats at home and abroad, we must provide the necessary funding for our military needs to keep us safe.

We in Congress often praise our service men and women for the fine job they do, but lipservice is not enough. We must back up our words with action.

The 2006 defense appropriation bill does just that. Mr. Speaker, $366 billion for our military will go to procure vital weapons systems, to further research, to develop new technologies, and to fund military operations in Iraq and Afghanistan. The bill also includes a 3.1-percent pay raise for soldiers, sailors, airmen, and marines.

Mr. Speaker, we have the most dominant military in the history of the world, and this bill will keep it that way. With this funding, we are giving our defenders the tools they need to keep us safe.

URGING SUPPORT FOR SUCCESSFUL WITHDRAWAL STRATEGY FROM IRAQ

(Mr. RANGEL asked and was given permission to address the House for 1 minute.)

Mr. RANGEL. Mr. Speaker, I ask my colleagues to vote "no" on the previous question on the rule on the defense appropriation bill so that the gentlewoman from California (Ms. PELOSI) might give us an opportunity to vote, to consider and vote on her amendment, which actually contains a strategy for success in Iraq by allowing or asking the President to tell us, within 30 days after the enactment, what is his plan for success to bring the troops home.

Whether you voted for or against the war, or whether you are concerned about it, everyone has to be concerned about our troops that are there. The way this war has been waged is putting a huge strain on our men and women in uniform, and has become a threat to our armed forces' capacity to meet future needs. And if you take a look at what is happening with our military being spread through 120 countries, you will recognize that the administration's so-called "strategy" requires more troops to add on to the troops that are already in Iraq.

The problem that we are having is recruitment. We are not finding, notwithstanding the increases in bonuses up to $40,000, that we are getting the recruits that we need. We also find that they reduced the standards. One no longer has to be a high school graduate; they are now taking sub-high school graduates. And all the while, the President has still made no direct appeal to areas of this country, other than those where jobs and opportunity are lacking, to join the service and share in the sacrifices needed to defend this great republic.

So I am hoping if you are concerned about our troops, you will give us a chance to ask the President, how in the heck are we going to get out of this so that we can preserve our armed forces and stop taking advantage of the heroes who have served far more than their fair share?

LAYOFFS IN WESTERN NORTH CAROLINA

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Mr. Speaker, last Wednesday, my congressional office in Hickory, North Carolina, got news that Broyhill Industries, the big furniture company, would be cutting up to 1,009 jobs in Caldwell and Rutherford Counties. This is devastating to my people in my district. This is only one chapter in a long story of continuous layoffs in western North Carolina.

My district, North Carolina's 10th, is called by the Almanac of American Politics the most blue-collar district in America. But many of those blue-collar jobs are being lost. The textile industry has been devastated. The furniture industry, we have lost a lot of jobs there as well. Towns Lenoir and Rutherfordton are only the latest chapter in a long series of job losses in the region.

But I want my constituents to know, Mr. Speaker, that there is help, there is hope, and they can contact my congressional office.

In Congress we cannot keep companies from closing, but there are some things we can do, and we will act and do what is right for our people and do what is best for our country.

EXTENDING A WARM WELCOME TO MEMBERS OF PARLIAMENT FROM MAIN OPPOSITION PARTY IN ZIMBABWE

(Mrs. CAPPS asked and was given permission to address the House for 1 minute.)

Mrs. CAPPS. Mr. Speaker, I rise today to welcome three women Members of Parliament from the main opposition party in Zimbabwe, the Movement for Democratic Change: the Honorable Thokozani Khupe, the Honorable Paurina Mpariwa, and the Honorable Priscilla Mishiairambwi.

In the face of continued repression, this Movement for Democratic Change is working tirelessly to realize democracy for Zimbabwe. The Congressional Caucus on Women's Issues is honored to host these leaders of Zimbabwe today.

All three women have a remarkable record of advocating passionately for the issues that affect women and society in Zimbabwe. It is a real pleasure to welcome leaders from other nations who are working to bring about peaceful democratic changes within their country, and I know my colleagues will join me in extending a warm welcome to them today.

U.N. REFORM

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, today we will debate the U.N. Reform Act, and I want to thank the gentleman from Illinois (Chairman HYDE) for making this a priority. We are trying to bring change to an organization that has grown fat, happy, and arrogant off of American taxpayer dollars.

Over the past several years, we have watched the oil-for-food scandal, and numerous scandals listed here on this poster, accounting errors, and then on top of this, in 2005, the U.N. asked for a $400 million budget increase.

Countries like Libya, Sudan, and Cuba are on the U.N. Human Rights Commission, and we, the taxpayers, are paying for this.

The United States sends more than $400 million a year to the U.N. We spend billions of dollars in direct aid and military aid, and no one can say we are not doing our fair share. Requiring the U.N. to try and find spending priorities is clearly not a bad thing; it is a good thing. Neither is asking them to cut spending. If they are not using our money wisely, we should not be sending as much.

Mr. Speaker, I hope the House will overwhelmingly support this important and overdue legislation.

REPUBLICANS SILENCE OPPOSITION TO PATRIOT ACT IN COMMITTEE HEARING

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, while we are on the subject of arrogance, as a new Member of the House Committee on the Judiciary, the Republican majority, I noticed, has become so arrogant that they are now attempting to silence even the opposition from the minority party, preventing us from giving any opposing testimony.

The latest abuse comes from the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary. As the committee prepares to vote on the reauthorization of the PATRIOT Act, Chairman SENSENBRENNER has conducted 12 hearings on the issue, but has refused to allow almost any testimony from those who oppose the PATRIOT Act or its provisions.

Opposing testimony was allowed only after the gentleman from Michigan (Mr. CONYERS) used the rules of the committee to force the chairman to hold a hearing that included Democratic panelists. Clearly miffed by this action, the gentleman from Wisconsin (Chairman SENSENBRENNER) scheduled the hearing for just 18 hours later on a Friday morning when the House was not even in session. And that is not the worst of it.

During the actual hearing, the gentleman from Wisconsin (Chairman SENSENBRENNER) rudely cut opposition voices off, and then abruptly and unilaterally concluded the hearing without a vote of the committee. After Democrats called a point of order, he gaveled the hearing to a close and left the room. When Democrats continued to voice their opposition, he turned the microphones off. When that did not stop them, he turned the lights off in the room.

Mr. Speaker, when are Republicans going to realize that the minority voice is an important one?

PAYING TRIBUTE TO CHUCK COLSON, FOUNDER OF PRISON FELLOWSHIP

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I rise today to pay tribute to a convicted felon.

Earlier this month, with the revealing of Deep Throat, we were reminded of Watergate, a pivotal event in American history that also marked a major turning point in the life of then White House hatchet man Chuck Colson. Instead of returning to a career in the private sector after serving his prison sentence, Colson felt called to return to those still behind bars.

☐ 1030

In 1976 he founded Prison Fellowship, the world's largest prison outreach organization.

In 2002, after nearly 30 years of leading Prison Fellowship, Colson named former Virginia Attorney General Mark Earley as the man who would take the organization into the next generation. Now, June 16, 2005, marks another crowning moment as they dedicate new headquarters in Landsdowne, Virginia.

With over two million Americans behind bars in the United States, Prison Fellowship is working to change hearts and help return inmates to society as productive citizens.

Today we may dedicate bricks and mortar, but we are truly giving thanks that Prison Fellowship is not just an organization; it is a movement of churches and volunteers in all 50 States and now 108 countries around the world

Thank you, Chuck Colson, for saving lives by saving souls.

REPUBLICAN ABUSES OF POWER

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, how much does the majority leader underestimate the American people? For 6 months now the House Ethics Committee has been unable to meet because the Ethics Committee chairman refuses to abide by the committee's own rules. And now, this week, the gentleman from Texas (Mr. DELAY) says it is the Democrats who are keeping the committee from meeting because, according to him, they want to delay his case before the Ethics Committee until an election year.

If the majority leader really wants his case heard before the Ethics Committee, he should persuade the Ethics Committee chairman to abide by the ethics rules and appoint a nonpartisan staff director. The rules of the committee are clear that the staff be assembled and retained as a professional nonpartisan staff. If the gentleman from Washington (Chairman HASTINGS) is allowed to appoint his chief of staff, he would be breaking the committee rules by having a partisan staffer on the committee.

Democrats want the Ethics Committee to play by the rules. Please play by the rules.

PROVIDING FOR CONSIDERATION OF H.R. 2863, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

Mr. COLE of Oklahoma. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 315 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 315

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FORBES). The gentleman from Oklahoma (Mr. COLE) is recognized for 1 hour.

Mr. COLE of Oklahoma. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. COLE of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 315.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COLE of Oklahoma. Mr. Speaker, on Tuesday the Rules Committee met and reported a rule for consideration of the House Report for H.R. 2863, the Department of Defense Appropriations Bill for Fiscal Year 2006.

Mr. Speaker, when the Rules Committee met, it granted an open rule, providing 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Appropriations. This rule waives all points of order against consideration of the bill. For the purposes of amendment, the bill shall be read by paragraph. Additionally, this rule waives all points of order against provisions in the bill which fail to comply with clause 2 of rule XXI, and it authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the RECORD. It provides one motion to recommit with or without instructions.

Mr. Speaker, the committee believes this rule will provide ample opportunity for Members to fully debate the funding of our national defense.

Mr. Speaker, I rise today in support of the rule for H.R. 2863 and the underlying bill. This important legislation takes dramatic steps to further prosecute the global war on terror, enhance our security, and improve the lives of our servicemen and women. It is a bill that fundamentally addresses many of the transformative challenges faced by our military in the future and implements many measures needed to meet those challenges.

Mr. Speaker, the Defense Appropriations Subcommittee and the full Appropriations Committee have presented us with an excellent bill. This bill provides us with a way to meet many of the current challenges that we face by addressing the immediate requirements of our forces as well as the ongoing need to transform our military through the adoption of new technology, advanced methods of warfare, and innovative changes in military doctrine.

To fully appreciate the significance of H.R. 2863, one must understand the four long-term challenges that we seek to address in this legislation.

The first long-term challenge is a direct result of the procurement holiday that was taken by our country in the 1990s. To understand the consequences of shortchanging our military during this era, one need only to recall the ammunition accounts as they were funded, or perhaps better described as not funded, during this period. The failure to maintain adequate stocks of ammunition is a shortcoming we are only now beginning to overcome. Additionally, one can see the adverse effects that a constant surge in deployments in the 1990s had upon the maintenance levels of our hardware. This bill takes important steps to rectify that problem associated with the procurement holiday.

Mr. Speaker, the second long-term challenge we must address on a continual basis is related to the transformation of our military forces. The famous Goldwater-Nichols legislation of 1986 altered the manner in which we organize to fight wars and committed us to transforming the nature of our forces. transformation demands an ongoing strategic, operational, and tactical review of our needs in relation to technology, procurement and the development of joint warfighting capabilities.

Each service. all our units and all our equipment must complement one another and contribute to the increased effectiveness of our forces. Transformation is not a goal in and of itself. It is a process of continuous change and adaptation that makes our forces more effective. This is an issue we must address on an ongoing basis. H.R. 2863 does just that.

Mr. Speaker, the third long-term challenge we face is related to our force structure and manpower requirements. This legislation, while meeting the request of the President's budget, also continues to fund additional forces required to prosecute the global war on terror. This is a good start. In future years, we will need to closely examine and, I believe, increase the size of our forces. There is no short-term easy solution to recruiting and maintaining the larger forces I personally believe we will need in the dangerous world in which we live. Still, H.R. 2863 is a good interim step and one which we should take and support and build on in the coming years.

The fourth long-term challenge faced by the military results from the global war on terror. This is not a conventional war. We are not fighting a nation state. We are fighting the adherents of a fanatical ideology that transcends national borders and takes root whenever and wherever it can. We are involved in a generational war against these fanatics that will last for decades. It will require a wide range of diplomatic, developmental, intelligence, communications, and civil affairs tools and activities to win.

The military component of this effort will be expensive and ever-changing. Hence, I believe we took a wise and important step when we added $45.3 billion in bridge funding in "Emergency Wartime Appropriations" to this defense bill. It is something that indicates our understanding of the long-term nature of the challenge we face and our determination to commit the resources needed to be successful.

Today, some Members may wish to have a broad discussion on the situation in Iraq. I welcome that debate, and the open rule attached to this legislation will allow that discussion. However. in the end, this bill is not about Iraq. It is about providing the men and women who defend our country with the tools they need to prevail against those who would do harm to the United States. After the collapse of the old Soviet Union, we took our security for granted and we underfunded the military for a decade. September 11, 2001, taught us the folly of our assumptions in this regard.

Since that time, the administration and the Congress have made the tough decisions needed to rebuild our military and expand its capabilities while waging a war on terror. This bill is another step in that process. It is well crafted, essentially bipartisan, and moves us in the proper direction. Once passed, this legislation will enhance our security, enable us to fight the war on terror, and improve the quality of life for our service men and women.

Mr. Speaker, to that end, I urge support for the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I want to thank the gentleman from Oklahoma (Mr. COLE) for yielding me the customary 30 minutes. I yield myself 6 minutes.

Mr. Speaker, I want to begin by commending the gentleman from California (Mr. LEWIS), the Appropriations Committee chairman and the gentleman from Wisconsin (Mr. OBEY), the ranking member, and the gentleman from Florida (Mr. YOUNG), Defense Subcommittee chairman, and the gentleman from Pennsylvania (Mr. MURTHA), the ranking member, for their continuing bipartisan work in drafting the annual defense appropriations bill.

I will not take time to detail the programs funded under this bill. However, I would like to express concern and my deep unease with a few aspects of this spending bill.

Mr. Speaker. H.R. 2863 appropriates $408.9 billion for the Department of Defense. That is $3.3 billion below what the administration requested. This total also includes $45.3 billion in unrequested funds for operations in Iraq and Afghanistan. Total defense spending now accounts for nearly 55 percent of the entire Federal discretionary budget for fiscal year 2006.

Now, while the Committee has trimmed somewhat the administration's budget request, overall defense spending, in real terms, is currently about 20 percent greater than the average Cold War budget.

Mr. Speaker, this is spending of historic proportions.

Since the spring of 2003, Congress has appropriated approximately $250 billion-plus for the war efforts in Iraq and Afghanistan, largely through three huge supplemental appropriations bills. U.S. spending in Iraq alone will be at least 75 to 80 billion this year alone. And it could approach a $400 billion total by 2006, making the Iraq war one of the costliest in U.S. history. Everyone in this House expects the President to ask for additional funds later this year, an expectation that I guess led the Committee to appropriate the $45.3 billion in as-yet-unrequested funds for operations in Iraq.

This so-called "bridge fund" means, Mr. Speaker, that we are, in essence, passing two appropriations bills for Iraq and Afghanistan. One is called the Iraq supplemental, which Congress takes up at the beginning of each year, and the other is this bridge fund. Remember we had one last year too, and it is attached to the annual defense appropriations bill.

Mr. Speaker, it is no longer breaking news that we are engaged in Iraq and Afghanistan. And it is critical for the economic and fiscal health of our Nation that the now-predictable spending for continued operations in Iraq and Afghanistan be included in the regular budget process so we can plan for it, make the necessary budgetary tradeoffs, and most importantly, Mr. Speaker, so we can pay for it.

We should be paying for this war now, Mr. Speaker, not handing the cost off to our grandchildren.

Mr. Speaker, just this week the death toll of American troops killed in Iraq exceeded 1,700. Last month was one of the deadliest months in Iraq in the 2 years since President Bush declared the end of major combat operations. In May of 2005, 67 U.S. soldiers and Marines were killed by hostile fire, the fourth highest tally since the war began.

In a June 12 Knight-Ridder article entitled "Military Action Won't End Insurgency, Growing Number of U.S. Officers Believe," Lieutenant Colonel Frederick P. Wellman, who works with the task force overseeing the training of Iraqi security troops, said the insurgency doesn't seem to be running out of new recruits. "We can't kill them all," Wellman said. "When I kill one, I create three."

Mr. Speaker, I personally believe there is no military solution in Iraq, immediate or long term. General George Casey, the top U.S. commander in Iraq, has expressed similar sentiments. He has called the U.S. military efforts "the Pillsbury Doughboy idea," meaning that if you press the insurgency in one area, it only causes it to rise somewhere else.

Mr. Speaker, I very much regret that an amendment offered by the Democratic minority leader, the gentlewoman from California (Ms. PELOSI), was not made in order by the Rules Committee. This amendment is quite simple. It calls on the President to transmit to congressional leaders a report on what is our strategy for success in Iraq, one that identifies criteria to determine when it is appropriate to begin the withdrawal of our military from Iraq. The gentlewoman from California's (Ms. PELOSI) amendment is a reasonable, thoughtful approach. For the life of me, I cannot understand why the Rules Committee would not make it in order.

☐ 1045

Mr. Speaker, we need that kind of clarity in our policy. We need a change, of course, and at the end of this debate, I will ask my colleagues to vote "no" on the previous question so that the Pelosi amendment may be considered.

Mr. Speaker, there are some who believe that our only responsibility in this time of war is to automatically approve appropriations bills, no questions asked. Let me remind my colleagues that we also have a responsibility to do proper oversight, to conduct thoughtful debate, and to ensure that there is a clearly defined mission, which includes when our men and women can come home. That is what the Pelosi amendment seeks to accomplish, but for some reason the Republican leadership does not want to talk about it.

To be honest, I do not think this administration has a clue about what they are doing in Iraq, and, Mr. Speaker, that is a tragedy.

Clearly the current situation is not what the administration predicted, but instead of giving us a truthful assessment, instead of candor and clarity, we are given spin. We are told that things are going great. That is simply not credible.

Mr. Speaker, it takes no courage for a politician to stand before a microphone and say, we must stay the course. It is not our lives that are on the line. We must recognize that the Members of this House have a responsibility that has for too long been neglected.

We owe our troops, indeed we owe our country, some answers. I know that this is not a comfortable topic, but I would plead with my colleagues on both sides of the aisle to start worrying less about saving face and more about doing what is right.

At the end of this debate, Mr. Speaker, I will remind my colleagues I will be asking for a "no" vote on the previous question.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Oklahoma for yielding me time.

Mr. Speaker, I rise in strong support of the rule for the fiscal year 2006 Department of Defense Appropriations Act and the underlying legislation.

I would like to commend the gentleman from California (Chairman LEWIS), the gentleman from Wisconsin (Ranking Member OBEY), the gentleman from Florida (Chairman YOUNG), the gentleman from Pennsylvania (Ranking Member MURTHA) and the staff of the Subcommittee on Defense for their tireless efforts in support of our soldiers, sailors, airmen and marines who are bravely defending us at home and abroad.

Mr. Speaker, the bill does a remarkable job of covering a wide scope of issues that are vitally important to our armed services, both Active and Reserve components, and it clearly meets the immediate needs of the warfighter.

I am particularly grateful for the work the Committee on Appropriations has done to fund the FA–22 program this year. The funding for 25 planes will go a long way towards providing stability for that program and assuring that America does maintain air dominance for the foreseeable future. I also wholeheartedly agree with the committee's assessment that the Department of Defense should look into the future needs for the FA–22 fighter and consider both a multiyear contract and extending the procurement life of the program beyond fiscal year 2009.

I am especially appreciative for the hard work of the gentleman from California (Chairman LEWIS) and the gentleman from Florida (Chairman YOUNG) in restoring the multiyear contract for the procurement of C–130Js. This is an absolutely vital program, Mr. Speaker, for our military's current and future airlift capability, and I and our Nation are grateful for their strong support.

Again, Mr. Speaker, I would like to thank the chairman and ranking member of the committee for their hard work on this bill.

Mr. McGOVERN. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), our Democratic leader, whose amendment was not allowed to be made in order by the Committee on Rules last night.

Ms. PELOSI. Mr. Speaker, I rise today in opposition to action taken by the Committee on Rules last night when they refused to grant a waiver for my amendment, which I will describe in a moment.

First, I want to commend the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Florida (Mr. YOUNG) for their patriotism, for their hard work on behalf of the safety and security of our country and the well-being of our troops. I say to the gentleman from Florida (Mr. YOUNG) congratulations and thank you for what you have done.

The gentleman from Pennsylvania (Mr. MURTHA) is not in the room at the moment, but I want to acknowledge his great leadership, as well as that of the gentleman from Wisconsin (Mr. OBEY), our ranking member of the full committee, and the gentleman from California (Mr. LEWIS), the new chairman of the full committee. They have all had a strong commitment to our national defense, to our men and women in uniform, to the safety and security of our country. They help us honor our oath of office which calls for providing for the common defense.

I would have hoped that in this legislation that comes before us we would have had an opportunity to give an accounting to the American people as to the conduct of the war in Iraq.

As we all know, Mr. Speaker, this Sunday is Father's Day, and many fathers, young fathers, will be away from their families. They will be in Iraq. They will be in Iraq, just as many mothers were on Mother's Day. These brave young mothers and fathers, sons and daughters, and many others are fighting a war of choice in which we sent our young people in harm's way without leveling with the American people. They were sent into a war without the intelligence about what they were going to confront, without the equipment to protect them and without a plan of what would happen after the fall of Baghdad.

I, as well as many of my colleagues on both sides of the aisle, have visited with soldiers in Iraq and many of whom are on their second tour of duty there. I have conveyed to those brave soldiers, as I have to the wounded in military hospitals in the United States and overseas, how grateful the American people are for their valor, their patriotism and the sacrifice they are willing to make for our country. They have performed their duties with great courage and great skill, and we are all deeply in their debt.

Disagreement with the policies and the conduct of the war that sent our troops to Iraq, and which keeps them in danger today, in no way diminishes the respect and admiration that we have for our troops. Sadly, their level of sacrifice has not been met by the level of the administration's planning, and now the American people agree. This war is not making America safer.

This unnecessary, preemptive war has come at great cost. More than 1,700 of our troops have lost their lives, and thousands more have suffered wounds, many of them, many thousands of them, suffering permanent wounds. Since the war began more than 2 years ago, Congress has appropriated nearly $200 billion for the war in Iraq, and the United States has suffered devastating damage to our reputation in the eyes of the world. The cost in lives and limbs, the cost in dollars, the cost in reputation has been enormous.

Then-Republican Senator from Ohio, Senator Robert Taft, soon to become the majority leader, the Republican leader in the Senate of the United States, had this to say about our duty in time of war. He said, "Criticism in a time of war is essential to the maintenance of any kind of democratic government." He is a Republican. That was during World War II, and what he said was right, "Criticism in a time of war is essential to the maintenance of any kind of democratic government."

Each passing day confirms that the Iraq War has been a grotesque mistake. We are here today considering a rule for a defense appropriations bill that will provide another $45 billion for that war, in addition to the hundreds of billions of dollars already appropriated, and the end is not in sight. This money has been spent in Iraq without question by Congress, without accountability by the administration and without success.

Today we must also finally, if belatedly, heed the admonition of Senator Taft and pose questions. The questions are long overdue, about the policies by which the Iraq War is conducted. Congress did not discharge its responsibility to oversee the policies at the start of the war, and it has not done so since. The American people, particularly our troops who are serving in harm's way, deserve better.

If we defeat the previous question on this rule, this is a technicality inside a baseball process here, but if we defeat the previous question on this rule, we can consider my amendment, which says to the President: "Within 30 days of enactment of this legislation, Congress expects an accounting from you as to what the strategy for success is. What security and political measures have you established that will bring our troops home?"

Specifically, my amendment would require the President within 30 days of enactment, as I mentioned, submit to Congress a report identifying the criteria that will be used to determine when it is appropriate to begin to bring our troops home from Iraq. It does not require that the troops be brought home by a particular day. It requires only that the means for judging when they may be brought home be shared with the Congress.

This is not new language. Under the leadership of the gentleman from Virginia (Mr. MORAN), even more expanded, more detailed criteria were set forth in the supplemental bill, which was agreed to in a bipartisan way. I believe the gentleman from Florida (Mr. YOUNG) was a party to that agreement with the gentleman from Pennsylvania (Mr. MURTHA).

So this is just raising the profile once again of that requirement, and I commend the gentleman from Virginia (Mr. MORAN) for his leadership, for his attention to the detail of all of this, for providing some questions for much-needed answers for the American people.

It is long time past due that the President level with the American people and tell them what the plan is for our troops to complete their work in Iraq. Before any more money is provided for this war, Congress must insist that this information be shared.

I hope that the administration will honor the request, the bipartisan request, in the supplemental. This appropriations bill, which has even more money for Iraq, is an appropriate place for us to make that request as well.

This is an enormous issue in our country. Our troops are in harm's way. Their actions there, again, have been marked by their patriotism, their skill, their love of our country and their courage, but we have to let them know what the goal is and when we have accomplished it so that they can come home.

I hope that we will have bipartisan consensus for a strategy for success in Iraq.

Regrettably, the Republican majority on the Committee on Rules refused to make my amendment in order. Therefore, opposing the previous question on the rule is the only way that we can force this issue on the defense appropriations bill.

I urge my colleagues to vote "no" on that vote and to "yes" for accountability for a safer America.

I thank the gentleman from Massachusetts (Mr. MCGOVERN) for his time.

Mr. COLE of Oklahoma. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking Democrat on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for the time.

Mr. Speaker, I would strongly urge that this House vote "no" on the previous question for the reasons just laid out by the distinguished minority leader. I think there are some other reasons as well.

I happen to think that the Iraqi war is the dumbest war that we have engaged in since the War of 1812, but my opinion is not relevant on that point today. We are there, and the question is how do we best deal with the problem now that we are.

To me, it is irresponsible and mindless for us to be involved in a war unless we have some kind of idea how we will define success. How will we know when we have won; or conversely, how will we know if and when this effort becomes obviously counterproductive?

Right now we have no specific measuring stick. All we know is that we are in a morass, and we are likely to remain there for years. I would predict American troops are going to be there for a decade under existing policy. I do not think the American people will stand for that unless there is a clear policy and a clear set of goals and a clear set of tools to evaluate what it is we are doing. We need to know what standard of success will be held up for training Iraqi replacements. We need to know the answer to a wide variety of other questions.

☐ 1100

But there is another reason why I think this is important. The bill we will debate today spends $45 billion in a "bridge fund" for Iraq. That means that we are bumping up against the ceiling in the budget resolution. The problem is that the $45 billion in the defense bill today only pays for 6 months of the war. How are we going to pay for the other 6 months? The answer is, we do not know. All we know is that the next time a supplemental comes up to pay for that war, we are going to have to find $40 billion or more.

I would suggest if we have to do that, there are only two ways that are responsible: one is to require the Budget Committee to come up with another resolution which spells out how we are going to pay for that additional $40 to $45 billion without raising the deficit.

The second way to do it would be to have reconciliation instructions to the Ways and Means Committee to actually find ways to raise enough revenue to pay for that next $40 or $45 billion so that we do not increase the deficit even further. If we do not do one of those two things, then this House engaged in an elaborate sham when it passed the last budget resolution, because everybody knows it only paid for half the cost of the war this year.

Therefore, I think that what the gentlewoman from California is trying to do is infinitely reasonable; it is certainly prudent and fiscally responsible, and it produces a product that every soldier fighting in Iraq and Afghanistan today has a right to see produced. They have a right to know that they are not in an open-ended mess. They have a right to know that we know what we are doing. They have a right to know that we will have some idea of how to gauge whether what we are doing is productive or counterproductive. Right now, we are simply flying blind.

I congratulate the gentleman from Virginia for offering the original language on the supplemental. This is a follow-up to that in a simplified version, but it aims at the same thing. It says, "Mr. President, tell us how you are going to determine whether this policy is a success or not. Quit the bull gravy. Give us specifics, not generalized platitudes which the Congress has been getting on this subject for the last 2 years."

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume. My main purpose here, obviously, was to focus on the bill and the rule for the bill, but I want to discuss some of the concerns that my good friends on the other side of the aisle have.

Frankly, I do not doubt their patriotism for a minute, and I welcome the discussion and debate. I think it is a very good one and a very important one for the national purpose. But I think we ought to go back and recall a little bit the situation in Iraq. We ought to remember who and what Saddam Hussein was. This was brought home to me very dramatically on my first visit to Iraq in October 2003. I have since gone back on three additional occasions, plus to Afghanistan.

I was talking with a young American soldier. At that point we, like every other intelligence service in the world and most people in the world, thought there were WMDs in significant quantities in Iraq, although I do hasten to point out the capacity to acquire and to develop those was still very much there and Mr. Hussein was still working himself out of U.N. sanctions and placing himself in a position to do that.

So I still think we were right to have acted early. But this young soldier that I was visiting with, I asked him: We've been here a considerable amount of time. We've not found the quantities of WMDs we expected. Do you think it was a wise decision to come?

He was quiet for a moment and looked at me and he said: Yes, sir, I will tell you regardless, and I still think they had the capacity, but regardless I think it was a good decision to come.

I said: Why?

And he answered my question with a question of his own. He said: Sir, have you ever been to a mass grave site?

I said: No, I haven't.

He said: I have. He said, Until you've seen hundreds of wailing women as bodies are coming out, one after another, trying to identify, is that a father, is that a son, is that a husband, is that a brother, you don't know what terror really is. He said: My question is why the whole world wasn't here 10 years ago.

That is a very interesting question to ask. Because we of all people had the ability 10 years previously to have done that. We had just won a war with Saddam Hussein, we stopped at the border, and we actually urged people on the other side to rise up, and they did. And 50,000 of them were killed by Saddam Hussein and neither we nor our coalition allies did anything to help.

So I think looking at what was going on in Iraq, looking at the 400,000 deaths, looking at the 263 identified mass grave sites and looking, frankly, at our responsibility to have done something when, indeed, for a decade we did nothing is something that we ought to think about and, frankly, something that the whole world ought to think about.

Just 2 weeks ago, or last week, actually, the New York Times ran an article on another mass grave site that had been located, was being frankly explored, if that is even the appropriate term, in preparation for Saddam Hussein's trial, and in that there were 2,500 people, almost all of them women or children, some of them as young as 3 or 4 years of age. That is the type of thing that American intervention in Iraq stopped. My friends on the other side say, Well, are there any signposts? Any hope?

I think that is a very legitimate question to raise, too, because there is no doubt this has been a rough road that we have walked down and no doubt, and I think my friends are appropriate when they raise this, that it has not gone as predicted and as planned and it has been a very, very difficult process.

But I think we ought to stop and look at the Iraqis on the ground and see what they are doing, the fact that a constitutional government has been established or is being established, the fact that 8 million people came out to vote under the most difficult of circumstances, the fact that we have elections scheduled for October and again for December of this year, an extraordinary achievement by very brave Iraqis under very difficult circumstances to set up what we most need in that part of the world, which is a functioning democracy.

That would not be possible without the sacrifice and the service of the brave men and women of the United States military. That is one of the things they are accomplishing. Their first accomplishment, of course, is to make us more secure. I think it is always legitimate to ask, are we more secure or less secure as a result of the war in Iraq? I would argue we are more secure. I would argue that anybody that believes somebody like Zakawi would not be busy trying to kill Americans someplace in the region or in the world probably is missing the point. Our troops are engaged there and are engaging an enemy that, left otherwise free to operate, would be busy trying to kill other Americans as they demonstrated pretty dramatically on 9/11.

I would also argue that over time the best way to transform the region is exactly the one that the President suggests, that is, to establish a functioning democracy. I have a lot of faith in the Iraqi people. I have met the political leaders there. I saw the courage of people going out. I talked to a young soldier on the way back just after the elections actually in March of this year who had been wounded at Mosul.

I asked him: Were you there for the elections?

He said: Yes, sir, I was. It was the proudest moment in my 15 years of service to my country. I was never so proud of my unit, my Army or my country for what we accomplished. And, frankly, I was enormously proud and impressed with the Iraqi people who came out and demonstrated their determination with our help to establish a free society.

So I think we should have this discussion. I think it is a good discussion for us to have. But I think we should remember the horror that was there before the Americans intervened, the process that is under way that will not only improve the lives of the people in Iraq but is essentially the manner in which we hope someday to be able to leave a self-governing and free country.

It is not going to be an easy task. It is not going to be a simple task, but it is a noble task and it is one I think that the men and women engaged in it that wear the uniform of the United States can be extraordinarily proud of and, frankly, something that all of us can be grateful to them for accomplishing and running such great risks to achieve.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Let me just respond to the gentleman briefly by saying that I do not believe that we are more secure today. We were not told the truth about this war in Iraq. We were not told the truth about WMDs or Iraq's tie to al Qaeda. The justification for this war was based on false or falsified information. Things are getting worse. And this administration does not have a clue.

I was in Iraq as well. I saw firsthand what is going on over there. What the gentlewoman from California (Ms. PELOSI) is trying to do is to get some clarity, to get the administration to come out and explain to us what their strategy is, if they have one, and if they do not, to try to get them to come up with one. This is a very serious matter. Those men and women who are serving our country so bravely over there deserve more from us than they have gotten.

That is the reason why I hope people will vote "no" on the previous question, to give us an opportunity to force this administration to do what it should have done a long time ago and that is define what this mission is all about.

Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank my friend and colleague from Massachusetts for yielding me this time.

Mr. Speaker, I am very much interested in the debate that just took place. I cannot help but be mindful of the fact that we are still debating today the advisability of going to war in Vietnam which concluded 30 years ago and we may continue this debate on the Iraq war for another generation.

But the comments that the gentleman makes are really not particularly relevant to this amendment that we are focusing on in the rule. I did not feel we should go into the Iraq war without an adequate exit strategy and without more reliable information connecting Saddam Hussein to the 9/11 attacks, but I was in the minority. The Congress gave the President the authority to go to war in Iraq. We accept that. But we did not give the President the authority to spend an unlimited amount of money. We did not give the President the authority to take an unlimited amount of time in completing the mission in Iraq. We certainly did not give the President the authority to expend an unlimited number of Americans' lives in pursuing that mission.

We have to retain our oversight responsibility.

In the newspaper today, in the Washington Post, maybe some of my colleagues were struck at the juxtaposition of headlines, one headline says, "Bush Is Expected to Address Specifics on Iraq." And on the page facing it, it says: "Exit Strategy on Social Security Is Sought." Interesting juxtaposition. But in the story on Iraq, the White House spokesperson says, the President takes seriously his responsibility as Commander in Chief to continue to educate the American people about our strategy for victory.

That is all this amendment was about. That is all we are asking for, some reasonable information that is critical for assessing how well we are doing, how much in the way of resources are necessary. We put that language into the conference on the Iraq supplemental. The gentleman from Pennsylvania (Mr. MURTHA) and I had it put into report language. The minority leader asked that that language become bill language as part of the defense appropriations bill.

I do not think it is inconsistent with what the White House acknowledges is their responsibility to provide us with measurable criteria for success in Iraq. What level of military capability is necessary for the Iraq forces, what level of economic viability is necessary for the Iraq economy, what level of political stability is necessary for the Iraq Government.

That is what we are asking. More importantly, that is what our constituents are asking. If we had a child in that war, would that not be the first thing we would want to know? What does it take to accomplish the mission so they can get back home to their loved ones?

The Government Accountability Office, the GAO, just gave us a report that states that "U.S. Government agencies do not report reliable data on the extent to which Iraqi security forces are trained and equipped. The reported number of Iraqi police is unreliable because the Ministry of Interior does not receive consistent and accurate reporting from the police forces around the country.

Further, the Departments of State and Defense no longer report on the extent to which Iraqi security forces are equipped with their required weapons, vehicles, communications equipment, and body armor. Without reliable reporting data, a more capable Iraqi force, and stronger Iraqi leadership, the Department of Defense faces difficulties in implementing its strategy to draw down U.S. forces from Iraq."

I quoted all those words. That is our GAO. We are not fighting the issue of the war. We are trying to exercise our oversight responsibility. What number of Iraqi military forces are going to be necessary, adequately trained, sufficiently equipped so that we can turn over some of the military responsibility? What number of Iraqi police forces are necessary to restore law and order in that country?

□ 1115

How much more in the way of American dollars are going to be necessary to reconstruct the infrastructure of the Iraqi economy so that it will be economically viable? And how much more in the way of political stability will be necessary so that they could start to govern themselves? Until we get those questions answered, we do not know where we are going. And if we do not know where we are going, we are never going to get there.

Mr. COLE of Oklahoma. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, first I want to thank the gentleman from Oklahoma for yielding me this time, but primarily for the outstanding statement he has made during the discussion of this rule.

I also want to thank the ranking minority member, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Pennsylvania (Mr. MURTHA), because the bill that we will be working on after this rule is adopted is a bipartisan bill, as any wartime bill should be.

But I think most of the debate on the rule has not been about the bill that the rule provides for. Most of the debate has been at a different level on the issue of the so-called war in Iraq. I may get in a little trouble here, but I do not think we should call this the Iraqi war or the war in Iraq. This is a global war against terrorism, against terrorists, who hide and strike from cover. That is what this war is about. The Iraqi part of the war, because of the tremendous military capability that we have, that war was over quickly. Saddam Hussein's villainous regime was toppled quickly and effectively. Saddam's military was either defeated or ran for cover. That part of the war was over early, and the President said, "Mission accomplished." That was accomplished. Saddam was gone. His bad guys were gone.

What we are dealing with today is a war on terror, a war against terror. The battleground today happens to be Iraq. The battleground today is in Iraq. On September 11 of 2001, the battleground was in New York City when terrorists attacked the World Trade Center, killing several thousand of our people. That was the battleground then. The battleground was at the Pentagon just across the river from the Capitol on September 11. That was the battleground then. Today it is in Iraq.

On February 26 of 1993, the battleground again was at the World Trade Center where terrorists attacked. Six lives were lost in that attack. The battleground again was on June 25 of 1996, at the Khobar Towers in Saudi Arabia, the home of our Air Force personnel who were working there at the airbase. Nineteen lives were lost. That was the battleground in this global war on terror. On August 7 of 1998, the United States Embassies, our sovereign property in Kenya and Tanzania, were bombed. Two hundred and fifty-nine lives were lost, including 11 Americans. That was the battleground then. On October 12 of 2000, USS *Cole*, off the shore of Yemen was attacked by terrorists. Seventeen sailors lost their lives, and many, many more were wounded seriously. That was the battleground in this global war on terrorists then.

The battleground today is in Iraq and Afghanistan, but it is not the Iraqi war. That just happens to be the battleground today. We are trying to prevent any further battlegrounds in the United States or anywhere else in the civilized world.

If I were going to make a criticism today, I would criticize many of our friends in the civilized world because we now have an established government in Iraq, elected by large numbers of Iraqi people. We are seeing that government attacked because the major loss of life since that government was established has been of the Iraqis themselves. Where is the rest of the civilized world in fighting this war on terror? They have already been subject to terror in many parts of the world, and they will continue to be as long as the terrorists reign free and roam the globe free.

This is not an Iraqi war. Iraq just happens to be the battleground today. It is an expensive war, and it is an expensive war in the lives of our personnel. And we want to conclude this war against terror as quickly as we can, as effectively as we can. And the civilized world has a responsibility that they are not meeting to help the United States in this effort to allow this established government in Iraq to take a strong hold and to be able to provide for their own security as we battle against the forces of terrorism wherever they might be.

Let us pass the previous question, let us pass the rule, and let us pass this very good bipartisan defense appropriations bill and get on with our work.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I would just say to the very distinguished gentleman from Florida, whom that I have a great deal of respect for, that all these terrible terrorist acts that he has cited were committed by al Qaeda. And, unfortunately, most of those masterminds are still at large because our forces have been diverted into this war in Iraq, and they are not focused in on where they should be, on bringing to justice those members of al Qaeda who are the masterminds of these crimes.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Our strategy to win the peace in Iraq is failing. We have been killing or eliminating 1,000 to 3,000 Iraqi insurgents a month for 17 months, and in that same period of time, the insurgency has quadrupled. If we talk to people in the theater in Iraq today, they would tell us that that insurgency is anywhere from 150- to 200,000 people.

So what do we want to do? The gentlewoman from California (Ms. PELOSI) wants to have an amendment asking the President to come up with a success strategy. We do that to support our men and women in uniform and to support the administration's coming up with an exit strategy, because it has been 25 months and 1,700 American fatalities since the President declared "mission accomplished" in Iraq. For over 2 years we have stayed the course, and it has brought us only casualties and less stability.

After returning to the United States from Iraq, I suggested 5 months ago that we needed to think of an exit strategy. Five months later the case for an exit strategy has only grown stronger. And having an exit strategy does not mean cut and run. It means having a blueprint for achieving our goal of leaving the Iraqi people sovereign and truly independent. And it is not a novel idea. All we are asking is for this President to have the same principle he had when he was Governor of Texas, when he said, "Victory means exit strategy." It is important for the President to explain to us what that exit strategy is, and that is what Governor George W. Bush said relative to our campaign in Kosovo, and it is more relevant today in Iraq than it was even then.

Any successful strategy in Iraq has to address the fundamental factors that are continuing to fuel the insurgency. One of those factors, Mr. Speaker, is the suspicion that the United States is going to occupy Iraq indefinitely. And until we lay out a framework with the Iraqi Government to bring our troops home, the Iraqi people will never feel that they have control of their own destiny.

A fundamental problem with our failed strategy has been the failure to counter the suspicion among the Iraqis that the United States intends permanent occupation. We are pouring concrete all over that country, and in order to build credibility for the new government and make clear that our forces in Iraq are only temporary peacekeepers. we need to renounce any intention of a long-term presence in Iraq. There are difficult and fundamental questions about Iraq's future, the structure of government, the degree of influence and religious and political minorities. All of these things have to be worked out. But this process must be fully inclusive. It is our obligation to press the process and pulling Iraqis out of the insurgency, pulling them into the political process. A clear exit strategy would help splinter insurgent groups and help them set aside their own differences. The only reason they have united is to unite against us in our occupation. We should support this strategy.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

I have great respect, Mr. Speaker, for my colleagues on the other side of the aisle for their passion and their commitment, but I think they are make a fundamental mistake in their argument about Iraq. I think what they want is a timetable, not a strategy.

We have a strategy. It is called getting an elected government up and operational that can defend itself. We have made important steps along the way in succeeding in that strategy. We have turned over power to the Iraqis. The Iraqis have had an election. They have an elected government that, as we debate here, is debating there about the constitution that they want to have, that they want to live under, that they want to put in front of their people to approve of in October, followed by scheduled elections in December for a government.

I remind my friends that while they call for an exit strategy and a date certain, our friends in Iraq want exactly the opposite of a date certain. Repeatedly, the elected leaders, the elected leaders in Iraq, the people who have the voice, the mandate of the people behind them, have said, Our biggest fear about the United States is that they will not stay the course, that they will quit and run.

I tell the Members that some of the most surprised people that I met when I was in Iraq came in two categories when I was there in March after the elections. First, I met with a group of the newly formed United Iraqi Alliance, basically a group of Shia and other people who are now the majority. And we were visiting about the political process there, and one of the individuals I was visiting with, now a leader in the government, made the point that, We were not sure that you would actually allow free elections to occur, and you did, and we are astonished and pleased and committed to staying the course. So our next question is, will you stay here and help us against the people that want to take us back to the era of Saddam Hussein, back to that regime, because we are going to need your help in this transition process?

That is a very legitimate question. Do we have the political will to stay while the people that are elected put together the government that they need to succeed? So we are going to see that in the course of the coming time. But I think we should be more understanding that there is a strategy and that there is a process under way that is producing good results for the Iraqi people, that is giving them actually a government for the first time that they choose.

I also met with a group of Sunnis who were dissidents, who were not particularly supportive of the process, and in the course of our discussion, a number of them made the point, We made a big mistake. We should have participated in the last elections. The situation in the country would be different. We would be at the political table. We would be in a position to affect what is happening. But we also did not have faith that the United States was serious about democracy. But we look at the outcome of the election, and we understand that indeed you were, and we intend to participate as we move forward.

I think the gentleman from Florida made a very good point. We need to recognize that most people in Iraq are on the same side we are. Most people in Iraq want a democracy, and most people believe that our presence there is important in ensuring that that process take root and actually succeed. I think if we stay the course, frankly, in time we will be very pleased with the result, but, more importantly, we will have restored faith.

My friends on the other side of the aisle say people question our intention about staying long term. I can tell them from my personal experience it is exactly the opposite. They doubt our willingness to stay. I would suggest that setting dates certain would sound more like a surrender strategy than an exit strategy, more like we can count on at this particular point that the Americans will not be here anymore. That is a nice thing to know if one happens to be in the insurgency. It is also a pretty worrisome thing if one happens to be part of the forces of democracy. At that point whether we have succeeded or not, whether or not the government is able to deal with the insurgency on its own, the Americans are saying, sayonara, we are out of here, good-bye. That is a catastrophic mistake. That, in my opinion, would undermine the sacrifice, the effort, and the service so far.

So. again, I welcome the debate. And I hope at some point in the discussion on the rule we can get back to this excellent piece of legislation, which I think really is important, and where, frankly, there is bipartisan unity in terms of the things we need to do to move our military forward.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

If the gentleman from Oklahoma has a strategy on Iraq or knows that the

Bush administration has written down such a strategy, would he please share with us a copy because I have yet to see one?

Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

□ 1130

Mr. SPRATT. Mr. Speaker, the aftermath of the war in Iraq has been marred by miscalculations and mistakes, made up for in many cases by our troops, who have filled the breach brilliantly by improvising, often doing duty for which they were never trained. You cannot go to Iraq and talk to our troops in the field and come home without saying to yourself, thank God there are such Americans.

But their valiant efforts would have been more effective if the Pentagon had not ignored General Shinseki and deployed too few troops initially to secure the country and capitalize on our victory in battle.

Their efforts would have been more effective if the Pentagon had not ignored General Garner and cashiered the entire Iraqi Army.

Their efforts would have been more effective if we had moved much sooner to set up a representative government and stand up Iraqi security forces to whom we can ultimately and must ultimately hand over the responsibility for securing their own country.

Before we disengage from Iraq, we have to do both of the above. I firmly believe that. We have to stand up security forces, and by that I mean police and border guards and the army, adequate to stabilize the country; and we have to steer the Iraqis through the shoals towards the adoption of a constitution and the election of a government under that constitution.

We cannot leave any sooner without risking the collapse of Iraq into a fractious and bloody civil war which could very well require us to return. I believe that.

But to be sure that we are moving systematically in the right direction, the minority leader, the gentlewoman from California (Ms. PELOSI), is asking for a yardstick, milestones, by which to measure our progress. This is not a plan of withdrawal. If it were, I would not vote for it. This is a strategy for success.

Let me give you one reason from a budget perspective why we need it. Basically, the budgets in the out years beyond 2006 contain no estimation of what the deployments in Iraq, Afghanistan, and North American Air Defense are costing us. Even though the cost is $80 billion to $100 billion a year, it is not included in the budget.

CBO undertook to estimate, to model, what our likely deployment in Iraq may cost, because otherwise there is a gaping hole, an unrealistic aspect, to the budget. Their estimate was that if we drew down to 20,000 troops in theater by the end of 2006 and 20,000 troops in Afghanistan by the end of 2006, and then taper that force off over the rest of the remaining 10-year period, the cost over 10 years would be $384 billion. That is a significant item.

If that is what is in the cards, if that is what is likely, given the strategy for success, we need to know it, we need to plan for it, we need to be expecting it.

Given what is at stake, given the lives that have been lost, given the billions that have been spent, what we are asking is a modest request to make of the Pentagon; and, Mr. Speaker, it involves the sort of planning that I would hope they would be doing anyway and should be sharing with us if they are doing it.

I would therefore urge a "no" vote on the previous question and a vote for the leader's amendment.

Mr. COLE of Oklahoma. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman for yielding me time and for his leadership.

Mr. Speaker, I rise in opposition to this very misguided $409 billion defense appropriations rule and bill. As the proud daughter of a veteran of two wars, I believe that our Nation is best defended by funding priorities that truly make our Nation and world safer. This bill, I am sorry to say, does not do that.

What does it say about our priorities when Congress appropriates $45 billion more for the unnecessary war in Iraq, without any accountability, direction, or exit strategy or even a plan to end this permanent occupation? Does the President plan to have permanent bases in Iraq?

We are in an impossible situation. Taken to war under false pretenses, our troops have become the very rallying points for the insurgency they are trying to contain.

This administration continues to stonewall what is a very simple question: What is the plan to bring our troops home? The purpose of this funding bill is to provide for our national defense. Yet in the same way that this war has made us less safe, the funding priorities in this bill are for weapons systems and military contractors, and billions of additional funds are unaccounted for in waste, fraud, and abuse. This only undermines our national interest.

Mr. Speaker, we must get our funding priorities right. And the American people need to know what the President's plan is. What is his strategy? What does he consider success? The information that the Pelosi amendment is requesting is absolutely necessary to begin what the American people are demanding, and that is the withdrawal of the United States Armed Forces from Iraq.

It is incredible to me that we are sacrificing our funding needs for our critical efforts here in America, such as for housing and health care and education. Once again, we must get our funding priorities correct. We must get them straight. We must know what the President's plan is. We must know what he intends to do. The Pelosi amendment gets that information. I urge an "aye" vote.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to take this opportunity to differ with an underlying assumption that has been made by a number of my friends on the other side of the aisle, which is that we are somehow paying an extraordinary amount of our national wealth for defense. I would actually argue quite the opposite.

In 1959 and 1960, at the height of the Cold War, this country spent 50 percent, 50 percent, of the entire Federal budget on defense, almost 9 percent of the gross national product, an enormous sum of money.

1980, fast forward, Ronald Reagan, we are spending about 6 percent of the Gross National Product and about one-third of the Federal budget on defense.

1990, 4.8 percent of the gross national product and a significantly lower percentage of the Federal budget.

Today, about 3.7 percent of the national wealth and about 18 to 19 percent of the total Federal budget.

I could make a pretty good argument that either, one, we are very efficient because we are actually defending the country for considerably less of its national wealth than we have done at any period in the postwar period; or we need to be doing more. I would argue toward the latter, actually. I think we should be doing more, and I think this bill is a step in that direction.

The second assumption that I want to disagree with is that we are somehow less safe today because of the Iraqi war. That is asserted, never demonstrated.

The reality is, I think, if you asked most Americans on September 12, 2001, did they expect other incidents inside the domestic confines of the United States, they would have said yes, and they would have expected them in rather short order. It is a little short of miraculous that we have not had that horrific incident occur again. It could occur at any moment. As the President has said repeatedly in recent months, America is safer; America is certainly not safe.

But I would argue, again, the engagement of the enemy a far distance away from the United States and in a method that keeps them tied down has actually contributed to the security of our country. This excellent piece of legislation will enable our military to continue to do the outstanding job it is doing. Again, on that piece of legislation, at least, I am delighted there is bipartisan unity.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I rise to urge a "no" vote on this rule. A little over 2 years ago, the President announced on that aircraft carrier off San Diego, "mission accomplished" in Iraq. Today, we must ask what really has been accomplished with the hundreds of billions of dollars that the United States has spent and will spend.

Iraq is in chaos. 1,714 U.S. servicemembers have been killed and 12,855 wounded. In the first half of this month alone, 431 Iraqi citizens have died randomly at the hands of insurgents and terrorists. Multiple car bombings have become a daily occurrence in Baghdad and throughout Iraq. The elected government is struggling to gain control and cannot provide security for its citizens.

Just 2 weeks ago, the New York Times and international news organizations reported our Marines' discovery of an enormous underground bunker near the city of Fallujah that was used by insurgents as a hideout and weapons cache. This bunker is the size of four football fields and sports dormitories, with full kitchen, showers, and sanitation facilities. This is just the largest example of the weapons caches patrols find every week. How can we call the mission a success when insurgents can operate so freely as to still utilize bunkers of this size?

All of this simply underscores how spectacularly and tragically wrong our civilian leadership, from Secretary Rumsfeld right up through President, was when they rejected military commanders' advice that at least 300,000 troops would be needed on the ground to occupy and pacify Iraq.

Mr. Speaker, as we discuss this bill, I urge my colleagues to think about whether our huge commitment, the thousands of young lives lost and the hundreds of billions of dollars spent, is being deployed effectively and wisely.

It is very late in this Iraq tragedy. Congress needs to force the development of a workable strategy to achieve stability in Iraq and then bring our young men and women home. That was the subject of the distinguished minority leader's amendment which this rule denies.

I urge a "no" vote.

Mr. COLE of Oklahoma. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the gentleman for yielding me time.

As we debate the 2006 Defense Appropriations Act, I rise to commend the actions of Secretary of Defense Donald Rumsfeld and Brigadier General Casey McClain. Their swift effort to implement a tough policy against sexual assaults in the military is praiseworthy.

I became aware of the troublesome issue in the military when the Congressional Caucus for Women's Issues held a hearing last spring to give voice to military women who were victims of sexual assault.

In this time of conflict, when brave young men and women are willing to put their lives at risk, it is essential that those soldiers do not fear the actions of their comrades in arms. The act of sexual assault is condemned in civilian society. It is especially unforgivable when one soldier sexually assaults another. The bonds of trust and respect unite soldiers on the battlefield. It therefore is imperative that this trust not be eroded because of insufficient policies addressing sexual assault among our troops.

After the hearing, Congress acted last year to include language in the Defense Authorization Act that required DOD to develop a definition of sexual assault that is uniform for all of the Armed Forces. That was part of the problem before. It was no small task, yet the Joint Task Force on Sexual Assault Prevention and Response led by Brigadier General McClain carried out this charge with the utmost professionalism and timeliness.

As a result of their efforts, I am pleased to report that the new policy on confidential reporting went into effect just earlier this week. The new policy provides for a confidential means for soldiers to report assaults and ensures that victims feel safe and that they are encouraged not to hide, but rather to report this violation.

It is clear that the Department of Defense places a high priority on the prevention of and response to sexual assault within the military. I commend their actions, but I remind them that this Congress will continue to exercise authority over them to ensure that this policy is continued.

Mr. McGOVERN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will be asking Members to oppose the previous question. If the previous question is defeated, I will amend the rule so we can consider the Pelosi amendment that was offered in the Committee on Rules Tuesday night, but rejected on a straight party-line vote.

Mr. Speaker, the Pelosi amendment would require the President to submit to Congress within 30 days a report on a strategy for success in Iraq. That is it.

Mr. Speaker, whatever one's position is on the war in Iraq, I think most of us realize that it is past time for the administration to assess the situation in Iraq and to address the matter of an eventual withdrawal from that country. I hope Members will agree to at least consider this amendment today.

The House has a responsibility to ask tough questions and to demand straight answers. I am tired of the spin, as so many other Members are. It is time for candor. The people of this country deserve that.

A "no" vote will not prevent us from considering the defense appropriations bill under an open rule, but a "no" vote will allow Members to vote on the Pelosi amendment. However, a "yes" vote will block the House from considering and voting on the need for a success strategy in the war in Iraq.

Mr. Speaker, we need a strategy, not just slogans.

Mr. Speaker, at this time I will enter into the RECORD two articles cited in my opening statement. I also had a very moving meeting yesterday with members of the Gold Star Families for Peace who have lost sons and daughters in the war in Iraq. These families have experienced the tragedy of this war firsthand, and they believe we should set a very different course. I will enter into the RECORD the personal statements by these family members regarding the continuing U.S. presence in Iraq.

[From Knight Ridder Newspapers, June 12, 2005.]

MILITARY ACTION WON'T END INSURGENCY, GROWING NUMBER OF U.S. OFFICERS BELIEVE

(By Tom Lasseter)

BAGHDAD, IRAQ.—A growing number of senior American military officers in Iraq have concluded that there is no long-term military solution to an insurgency that has killed thousands of Iraqis and more than 1,300 U.S. troops during the past two years.

Instead, officers say, the only way to end the guerilla war is through Iraqi politics—an arena that so far has been crippled by divisions between Shiite Muslims, whose coalition dominated the January elections, and Sunni Muslims, who are a minority in Iraq but form the base of support for the insurgency.

"I think the more accurate way to approach this right now is to concede that . . . this insurgency is not going to be settled, the terrorists and the terrorism in Iraq is not going to be settled, through military options or military operations," Brig. Gen. Donald Alston, the chief U.S. military spokesman in Iraq, said last week, in a comment that echoes what other senior officers say. "It's going to be settled in the political process."

Gen. George W. Casey, the top U.S. commander in Iraq, expressed similar sentiments, calling the military's efforts "the Pillsbury Doughboy idea"—pressing the insurgency in one area only causes it to rise elsewhere.

"Like in Baghdad," Casey said during an interview with two newspaper reporters, including one from Knight Ridder, last week. "We push in Baghdad—they're down to about less than a car bomb a day in Baghdad over the last week—but in north-center (Iraq) . . . they've gone up," he said. "The political process will be the decisive element."

The recognition that a military solution is not in the offing has led U.S. and Iraqi officials to signal they are willing to negotiate with insurgent groups, or their intermediaries.

"It has evolved in the course of normal business," said a senior U.S. diplomatic official in Baghdad, who spoke on the condition of anonymity because of U.S. policy to defer to the Iraqi government on Iraqi political matters. "We have now encountered people who at least claim to have some form of a relationship with the insurgency."

The message is markedly different from previous statements by U.S. officials who spoke of quashing the insurgency by rounding up or killing "dead enders" loyal to former dictator Saddam Hussein. As recently as two weeks ago, in a Memorial Day interview on CNN's "Larry King Live," Vice President Dick Cheney said he believed the insurgency was in its "last throes."

But the violence has continued unabated, even though 44 of the 55 Iraqis portrayed in the military's famous "deck of cards" have been killed or captured, including Saddam.

Lt. Col. Frederick P. Wellman, who works with the task force overseeing the training of Iraqi security troops, said the insurgency doesn't seem to be running out of new recruits, a dynamic fueled by tribal members seeking revenge for relatives killed in fighting.

"We can't kill them all," Wellman said. "When I kill one I create three."

Last month was one of the deadliest since President Bush declared the end of major combat operations in May 2003, a month that saw six American troops killed by hostile fire. In May 2005, 67 U.S. soldiers and Marines were killed by hostile fire, the fourth-highest tally since the war began, according to Iraq Coalition Casualty Count, an Internet site that uses official casualty reports to organize deaths by a variety of criteria.

At least 26 troops have been killed by insurgents so far in June, bringing to 1,311 the number of U.S. soldiers killed by hostile action. Another 391 service members have died as a result of accidents or illness.

The Iraqi interior minister said last week that the insurgency has killed 12,000 Iraqis during the past two years. He did not say how he arrived at the figure.

American officials had hoped that January's national elections would blunt the insurgency by giving the population hope for their political future. But so far, the political process has not in any meaningful way included Iraq's Sunni Muslim population.

Most of Iraq's Sunnis Muslims, motivated either by fear or boycott, did not vote, and they hold a scant 17 seats in the 275-member parliament.

There was a post-election lull in bloodshed, a period that saw daily attack figures dip into the 30s. But with the seating of the interim government on April 28, attacks spiked back to 70 a day. More than 700 Iraqis have been killed since then.

The former Iraqi minister of electricity, Ayham al-Samarie, has said he's consulted with U.S. diplomatic officials about his negotiations with two major insurgent groups to form a political front of sorts. There has been similar talk in the past—notably by former Prime Minister Ayad Allawi's administration, which spoke of inclusion through amnesty—but nothing has come of it.

At the heart of the problem is the continued failure of U.S. and Iraqi officials to bring the nation's Sunni minority, with more than five million people, to the political table. Sunnis now find themselves in a country ruled by the Shiite and Kurdish political parties once brutally oppressed by Saddam, a Sunni.

With Shiites and Kurds stocking the nation's security forces with members of their militias, Sunnis have been marginalized and, according to some analysts in Iraq, have become more willing to join armed groups.

Since September of last year, some 85 percent of the violence in Iraq has taken place in just four of Iraq's 18 provinces: the Sunni heartland of al Anbar, Baghdad, Ninevah and Salah al Din.

U.S. officials prefer not to talk about the situation along religious lines, but they acknowledge that one of the key obstacles to resolving Iraq's problems is the difference between Sunni and Shiite religious institutions.

Shiites are organized around their marja'iya, a council of clerics—led in Iraq by Grand Ayatollah Ali al Sistani—that issues religious edicts that Shiite faithful follow as law. Sunnis, on the other hand, have no such unifying structure.

The difference was made clear in January when one list formed under the guidance of Sistani was the choice of almost all Shiites voting. Those Sunnis who did go to the polls split their votes among a myriad of organizations including those backed by a presumptive monarch, a group of communists and a religious group that mayor may not have been boycotting the election.

Sunni Muslims near downtown Baghdad have only to drive down the street to see how precarious their position in Iraqi politics and society is these days. On roads near the party headquarters for the Shiite Supreme Council for Islamic Revolution in Iraq, which is in large part shaping the policy of the nation, Kurdish militia members patrol the streets.

The troops are ostensibly part of the nation's army, but they still wear militia uniforms and, as is the case with some in Kurdistan, many either can't or won't speak Arabic. One of the roads they patrol has been named Badr Street, for the armed wing of the Supreme Council. There is a large billboard with the looming face of Abdul Aziz al Hakim, the Supreme Council's leader.

Unless Sunnis develop confidence that the government will represent them, few here see the insurgency fading.

Asked about the success in suppressing the insurgency in Baghdad recently—the result of a series of large-scale raids that in targeted primarily Sunni neighborhoods—Brig. Gen. Alston said that he expects the violence to return.

"We have taken down factories, major cells, we have made good progress in (stopping) the production of (car bombs) in Baghdad," Alston said. "Now, do I think that there will be more (bombs) in Baghdad? Yes, I do."

[From the Washington Post, June 8, 2005.]

Pentagon Wasted Supplies, GAO Finds

(By Griff Witte)

The Defense Department spent at least $400 million in recent years buying boots, tents, bandages and other goods at he same time it was getting rid of identical items it had paid for but never used, government investigators told House members yesterday.

That finding came as part of a broader inquiry by the Government Accountability Office that uncovered deep flaws in the Pentagon's system for determining when it needs to buy new supplies and how it disposes of supposedly excess inventory.

Investigators discovered that out of $33 billion of goods the Defense Department marked as excess from 2002 through 2004, $4 billion was in excellent condition. Only about 12 percent of that was reused by the department. The other $3.5 billion "includes significant waste and inefficiency," the GAO said, because new or good-as-new items were "transferred and donated outside of DOD, sold for pennies on the dollar, or destroyed."

Investigators brought some of that equipment with them to the hearing of a House Government Reform Committee subcommittee yesterday. Among the items on display were unused military uniforms and medals that GAO had purchased off of a publicly available Web site intended for disposing of unwanted government property. The GAO also obtained the power-supply system for a component of a nuclear submarine that was on the Pentagon's "critical shortage" list at the time.

"We're not sure why DOD would be letting GAO have that. We don't have any nuclear submarines at GAO," said Gregory D. Kutz, the GAO's managing director for special investigations.

Subcommittee members reacted angrily to the findings.

"Waste on this scale affects our ability to meet the immediate needs of men and women in uniform," said Rep. Christopher Shays (R-Conn.), who chaired the hearing. "The $400 million spent on unneeded equipment could have bought body armor, medical supplies or more than 1,700 fully armed Humvees to protect coalition forces against deadly improvised explosive devices."

Rep. Henry A Waxman (D-Calif.) said the only beneficiaries of the Pentagon's mismanagement are the companies that sell equipment to the government. "Federal contractors are reaping a bonanza while taxpayers are being gouged," Waxman said.

Rep. John J. Duncan Jr. (R-Tenn.) said the GAO's findings involved the waste of "an unbelievably staggering amount of money."

"Anybody who's not horrified by this does not deserve to be called a conservative," he said.

Pentagon officials testified that they generally agreed with the GAO's findings, saying new items had been accidentally labeled in some cases as excess inventory. The officials said they have made improvements, however, and plan to have a computer system up and running by January that would prevent Pentagon officials from buying new equipment that is already available internally.

"We do have a fix on the horizon," said Maj. Gen. Daniel G. Mongeon, director of logistics operations at the Defense Logistics Agency.

Yesterday's report followed GAO inquiries that uncovered evidence the Defense Department was selling unused biological- and chemical-weapons-resistant suits for $3 each. At the same time it was buying hundreds of thousands more for $200 apiece.

Investigators found that example typified a broader problem. For instance, they paid $2,898 for $79,649 worth of tires, badges, circuit cards and medical supplies. In some cases, the goods had been marked as junk but were delivered in their original packaging. At the same time, the Pentagon continued to order more of the same items from its suppliers.

The GAO concluded that the Pentagon could have saved $400 million in fiscal 2002 and 2003 had it used what it already owned, rather than buying more.

GAO investigators also found that at contractor-operated facilities where excess equipment was supposed to be liquidated, items were left exposed to rain and wind. Much of it ended up damaged beyond repair.

In addition, the Defense Department said that between 2002 and 2004, $466 million of equipment marked as excess—including sensitive equipment such as missile warheads—had been lost, stolen or damaged. Kutz, who said he believes the total of unaccounted-for equipment could be far higher, said the GAO will continue to investigate where those items ended up.

Statements From Members of Gold Star Families for Peace

Iraq has been the tragic Lie of Historic Proportions of Washington, DC since before the first gulf war. For years, Saddam was one of our government's propped up and militarily supported puppets. Many people have seen the famous footage of Donald Rumsfeld shaking hands with Saddam. I suppose the two are smiling so big for the cameras because they are kindred spirits. After all of the hand-shaking and weapon brokering, when did Saddam become such a bad guy to Bush, Cheney, Halliburton and Co.? (Insert your favorite reason here). During the Clinton regime the US–UN led sanctions against Iraq and the weekly bombing raids killed tens of thousands of innocent people in Iraq. Many of them were children, but since one of her children didn't have to be sacrificed to the homicidal war machine, Madeline Albright, thinks the slaughter during the "halcyon" Clinton years was "worth it." More lies.

Anyone with even a rudimentary understanding of current events understands that this invasion/occupation of Iraq was not about Saddam being a "bad guy." If that logic is used, then how many innocent Iraqi people have to die before the citizens of America wake up and know that our government is a "bad guy?" We also know that Iraq was not about WMD's. They weren't there and they weren't going to be there for at least a decade, by all reports. Another reason, so wispy and more difficult to disprove, is that America invaded Iraq to bring freedom and democracy to the Iraqi people. When one tries to dispute this particular deception, one is accused of being unpatriotic or hating freedom. Even though correct, the statement "Freedom isn't Free" is very insulting to me. False freedom is very expensive. Fake freedom costs over one billion of our tax dollars a week; phony freedom has cost the Iraqi people tens of thousands of innocent lives; fanciful freedom has meant the destruction of a country and its infrastructure. Tragically, this fabricated notion of freedom and democracy cost me far more than I was willing to pay: the life of my son, Casey. The Lie of Historic Proportions also cost me my peace of mind. I do not feel free and I do not feel like I live in a democracy.

One of the other great deceits that is being perpetuated on the American public and the world is that this occupation is to fight terrorism: If we don't fight terrorism in Iraq then we will have to fight it "on our streets." In fact, terrorist attacks have skyrocketed in Iraq and all over the world. So much so, that the State Department has stopped compiling the statistics and quit issuing the yearly terrorism report. I guess if one doesn't write a report, then terrorism doesn't exist? All of Casey's commendations say that he was killed in the "GWOT" the Global War on Terrorism. I agree with most of GWOT, except that Casey was killed in the Global War Of Terrorism waged on the world and its own citizens by the biggest terrorist outfit in the world: George and his destructive Neo-con cabal.

The evidence is overwhelming, compelling, and alarming that George and his indecent bandits traitorously had intelligence fabricated to fit their goal of invading Iraq. The criminals foisted a Lie of Historic Proportions on the world. It was clear to many of us more aware people that George, Condi, Rummy, the two Dicks: Cheney and Perle, Wolfie, and most effectively and treacherously, Colin Powell, lied their brains out before the invasion. The world was even shown where the WMD'S were on the map. We were told that the "smoking gun" could come at any time in the form of a "mushroom cloud" or a cloud of toxic biological or chemical weapons. Does anyone remember duct tape and plastic sheeting?

Finally, the side of peace, truth and justice has our own smoking gun and it is burning our hands. It is the so-called Downing Street Memo dated 23, July 2002, (almost 8 months before the invasion) that states that military action (against Iraq) is now seen as "inevitable." The memo further states that: "Bush wanted to remove Saddam through military action", justified by the conjunction of "terrorism and WMD's." The most damning thing to George in the memo is where the British intelligence officer who wrote the memo claims that the intelligence to base Great Britain and the U.S. staging a devastating invasion on Iraq was being "fixed around the policy." Now, after over three years of relentless propaganda, it is difficult to distinguish the proven lies from the new "truth:" that this occupation is bringing freedom and democracy to the people of Iraq.

Casey took an oath to protect the U.S. from all enemies "foreign and domestic." He was sent to occupy and die in a foreign country that was no threat to the USA. However, the biggest threat to our safety, humanity, and our way of life in America are George and his cronies. Congress made a Mistake of Historic Proportions and waived its Constitutional responsibility to declare war. It is time for the House to make up for that mistake and introduce Articles of Impeachment against the murderous thugs who have caused so much mindless mayhem. It is time for Congress to revalidate itself by holding a hearing about the Downing Street Memo. The reader can help by going onto www.AfterDowningStreet.org and signing a petition to Rep. John Conyers so he will know that the American people are behind him to convene an investigation in the House Judiciary Committee. You can also write your Congressional Representative to help push the inquiry.

It is time to put partisan politics behind us to do what is correct for once and reclaim America's humanity. It is time for Congress and the American people to work together in peace and justice to rid our country of the stench of greed, hypocrisy, and unnecessary suffering that permeates our White House and our halls of Congress. It is time to hold someone accountable for the carnage and devastation that has been caused. As a matter of fact, it is past time, but it is not too late—Cindy Sheehan, mother of Casey Sheehan, KIA Apr. 4, 2004.

My son Sherwood Baker, only 30 years old, a fine man, father, husband, social worker, musician, entertainer, friend, protector, patriot, national guard soldier lost his precious life on April 26, 2004 in Baghdad.

He had been in Iraq for six weeks. He was assigned to protect the Iraq Survey Group the very people looking for the weapons of mass destruction. He was guarding that group as they entered a munitions factory, it exploded, something hit my son in his head as he raised himself from his humvee. He died two hours later, half a World away from all of us who love him so much.

Two years before this happened, people in the Administration of George Bush had decided they wanted a war with Iraq. They were determined to have one, though the facts about any real dangers were "thin", though so many disagreed, though the American people rejected a capricious war. So these people who took their oath before God to be honorable leaders, betrayed the public trust and committed themselves and our Country to finding a way to have a war.

Some of us suspected all this then, many of us know it now, the Downing Street memo and other revealing documents bring the light of truth everyday to these horrendous betrayals.

Now it is the duty of congress to stand up and face these truths, investigate the documents, follow them where ever they lead. Hold those accountable who betrayed my son, my family and this Country I love.

If we are ever to reach Peace in Iraq we must confront the lies and deceptions that got us there, just as we could not wage a war successfully on lies, there can be no Peace based on lies.

It is very simple in some ways, 1706 Americans have given up their lives, they stand just beyond us now, tied forever by grief and longing to those who loved them. Tied to the history of this Country, tied to its honor, now they wait on us to honor the fallen and honor the truth.

I pray YOU will support the Downing Street memo hearings—and stand with honor for the truth—Celeste Zappala, mother of Sgt Sherwood Baker, KIA Apr. 26, 2004.

The world as I knew it ended when Neil was killed. Many years ago someone gave us a beautiful vase and somehow I knocked it over and it broke into two pieces. I glued it together, it still holds water, but it lost its beauty. We are like that vase. For a while I lost my ability to pray. That has come back, thank God and all those who prayed for us. Many people go to work with coffee or tea in their cupholder. I go with tissues in my cupholder, because I cry to and from work. I am able to function at work because I work with children. Daily activities are no longer the same. I can speak to a large group of people, yet I have trouble going into stores. I cannot be in crowded stores. One of my dearest friends just retired and I did not go to her retirement party, because I was worried that I would start sobbing. I love the theater, but do not go. My son was an honorable man killed by the actions of dishonorable men—Dianne Santoriello, mother of 1st Lt. Neil Anthony Santoriello, KIA Aug. 13, 2004.

My son, Sgt. Mike Mitchell, was killed in Sadr City on April 4, 2004, the first day of the Shiite uprising. He had been in Iraq for 11 months, had turned in all of his equipment on April 3, as he was headed to Kuwait the next week then back to Germany and his fiancee and wedding—Bill Mitchell, father of Sgt. Mike Mitchell, KIA Apr. 4, 2004.

Jeff was sent to Kuwait on a 6 month rotation tour with his Battery, C/1–39 FA (MLRS) in August 2002. He was due back to the states in February 2003, until orders to returned were halted in December 2002 because of the build-up. He was caught in this melee of horror with no other recourse to be a true soldier and fight for the cause. You can imagine my horror listening to the propaganda and lies our government leaderships so vehemently declared to the nation as the truth. It was out of my control to tell my baby he was in the wrong place at the wrong time. I felt absolutely helpless. He died 4 weeks into the invasion. He was just commissioned as a second lieutenant, he married the love of his life, he acquired his mustang muscle car, and he was living on his own in Ft. Stewart, Georgia. He had the world ahead of him and eager to be part of life. He didn't expect to lose his life. He died from a shrapnel metal that pierced his right eye and traveled through his brain knocking out all the vital parts to sustain life. He was a victim to an explosion a football field away. Back then, his unit (FA) was not equipped with protective gear nor properly trained to handle infantry, engineers, and explosive specialist jobs. Jeff was 24 yrs old when he died and my only son. He was the love of my life and such a cuddly baby to raise. He always had kisses for me even into his adult life. I miss him so! This war shouldn't happen and I want the truth. I want someone to gather all the casualty families and tell them the truth—why it was necessary to fabricate intelligence information to make a case for war. We have the right to know even if its classified—Roxanne Kaylor, mother of LT. Jeff Kaylor, KIA Apr. 7, 2003.

The Department of Defense announced today the death of two soldiers who were supporting Operation Iraqi Freedom. They died April 19 in Baghdad, Iraq, when a vehicle-borne improvised explosive device detonated near their dismounted patrol. Both Soldiers were assigned 3rd Battalion, 7th Infantry Regiment, 3rd Infantry Division, and Fort Stewart, Ga. The soldiers are: Spc. Jacob M. Pfister, 27, of Buffalo, N.Y., Spc. Kevin S.K. Wessel, 20, of Newport, Ore—Lori Wessel, mother of Spc Kevin S.K. Wessel, KIA Apr. 19, 2005.

Let me tell you why I think, no demand that Congress investigate Bush's Iraq War lies. It starts with a conversation that I remember as if it were yesterday. It was a conversation between my son and me. He had called me from Ft. Lewis, Wa.; his duty station. He was assuring me that there was no way that we were going to invade Iraq. I replied that I wasn't so sure; after all I kept hearing those war drums. He told me with all confidence that there were two reasons. First Saddam was not a threat to the U.S., that we had him contained. Second, even though Saddam was a bad guy he was OUR bad guy and if we removed him we would be creating a political vacuum in Iraq that we would not be able to control. How very confident he was. Needless to say, that when we did invade he was more than a little disillusioned. Of course his two reasons have both proved to be true. Unfortunately, his Commander and Chief had decided on this war possibly even before 9/11. In my son's name I demand that Congress investigate. I demand it in my son's name because he is unable to demand it himself. Cpl. Jonathan Castro, my only child, was killed December 21, 2004, when a suicide bomber was allowed into a military base mess tent in Mosul. I also demand the investigation in the name of all those still serving. Many of them would demand it themselves if they didn't fear military retribution—Vickie Castro, mother of Spc. Jonathan Castro, KIA Dec. 21, 2004.

As you meet today and discuss the additional evidence of the lies that were used to launch this illegal, immoral invasion and occupation of a recognized, sovereign nation, I would humbly like to put before you yet a few more numbers, reasons to stay the course and continue to reveal these crimes and bring the perpetrators to justice.

That number is 538. My nephew, PFC William Ramirez, was American soldier number 538 to die in this horrific travesty committed on the people of Iraq in the name of the Congress of the United States, our citizens and our allies. Think then of the 537 who came before and the 1100+ who have died since. Think also of the 100,000 innocent Iraqi civilians whose lives have been lost and blown to rubble by American munitions and their aftermath.

Here's another number—19. That is how many years William spent on this earth. Two of those in the U.S. Army. He was anxious to serve and defend. He was promised a chance to learn architecture or engineering, to create and build. Instead, he was sent to destroy, kill and die. And for what? How many of you, knowing what you know about this war, would willingly allow a child, a grandchild, a nephew or niece or even your dog to be sacrificed for it? Can you wrap your minds around the suffering, pain and grief that lies behind each number in the newspaper, in your briefings, on the TV? Multiply those numbers 10 times or so and envision the lives shattered by injury, physical and mental, and the military families who must support those victims.

It is horrible and wrong for a life to be cut off violently and short. The greater horror is the senselessness of it, in knowing that William's death was in vain. There is no comfort in thinking the world is a better place because of it. His heroism was squandered by liars, cheats and profiteers. His courage was used to attack a nation that was not a threat. His youth and inexperience was stolen by conniving draft dodgers waving flags of patriotism and fear who never answered the call to serve. His life was manipulated to achieve the ends chosen by a handful of people and his death means nothing to them.

Congress was lied to, but Congress is still culpable. Our entire country will continue to pay for this. It is your job and duty now to investigate without stopping until truth and justice are rooted out. Number 538 is just one in a sea of numbers that don't look like much on a piece of paper. It really isn't that large of a number relative to so many others in the news. To our family, however it is a fatal number. It is the difference between a hope-filled future for a loving, intelligent boy and a silent headstone in a military cemetery. How many more families will receive a number like that? How many more?

William may have wanted to defend our country and its democracy, but the truth is that battle must be waged on these shores, in these very buildings. And you are the soldiers. Yes, you have position, influence, money and power at stake and you might feel that you have much to lose on the front lines of this conflict. The United States has much to lose if you do not fight. Please be inspired by our heroic and selfless troops and by the memory of our fallen. Take up their cause and restore our nation to one they would be proud of, to the one they thought they suffered and died for. You can give meaning to their deaths if only you will—Annette Pritchard, aunt of PFC William Ramirez, KIA Feb. 11, 2004.

My son, Spc. Joseph Blickenstaff, lost his life in the line of duty for our country. Yes, we were and are proud of him as a man and thrilled at his accomplishments. Today is the 18-month anniversary of his death. One day, at the age of 20, Joe came to see me and was very excited. He had enlisted in the Army. I was not happy. He convinced me it was something he really wanted to do and thought he would be good at it. I finally agreed it might be good for him.

He left for Basic Training May 1, 2001. He arrived home from Basic on September 6, 2001. The party to celebrate this achievement was September 9, 2001. You know what happened next. All the rules changed. He married his Sweetheart, Angela, shortly after Basic Training. They moved to Washington near the Base. Joe continued to prepare in the Stryker Brigade at Fort Lewis, Washington for the next 25 months. He achieved the Expert Infantryman designation, which few managed to do. He told me he wanted to be the "one" to bring down Osama Bin Laden. He was full of the righteous anger that flowed through most Americans after 9-11. He did not, however, believe we had the right to invade Iraq. He decided he wanted to go to Iraq to protect his comrades. He was a gunner. He wanted to take good care of them. He also wanted to see what he could do to help the Iraqi people. He hated bullies and spent his life looking out for the underdogs. He literally would walk down the street and give his money and his clothes away. As parents, we thought that maybe the experience of mastering the many skills and participating in helping other people would turn out to be Joe's reward for all the hard work he put in as we watched him become a proud and capable soldier. So, we met him for dinner and kissed him goodbye in the parking lot of the restaurant on November 13, 2003. He assured us he would be home in a few months in order to be discharged on time. The last words I heard him speak were on my answering machine about 2 weeks later: "Mom, they're keeping me for the year, they're not letting me out." My heart broke for him. He had signed a contract with the United States Government that said he would serve 3 years. This was to be his last disillusionment with the Army.

In the early hours of December 9, 2003, we got that most-dreaded knock on our door. When four uniformed Army officers face you at 1:30 a.m., there is little to ask except "How did it happen?"

As everyone will acknowledge, there are no words to describe the pain of losing a child. In our case, we held each other and assured one another that he died doing what he believed was right. We proudly displayed his Casket Flag and Bronze Star. We went through the motions of living, though we felt detached from ourselves.

We did not even know who would answer all the questions we had. The ticking clock seemed like a relentless tyrant as it clicked away all the time he would be gone from us.

We had an invitation to meet President Bush at Fort Lewis. We went to that meeting. I wanted and needed for our Commander-In-Chief to look into my eyes and tell me he was sorry for this terrible loss. I was sure I would know if he was sincere. We had pictures taken with President Bush looking at the picture of me pinning on Joe's boutonniere at his wedding. The President asked me if he could keep the words to the last song Joe wrote while in Iraq. The song "Worthy", expressed Joe's deep conviction that he was loved by his Lord.

In the year since that meeting I have been very disturbed to learn how many things were wrong with our decision to declare war on Iraq. I say "our decision" because I supported it in the beginning. I tried to rationalize that mistakes happen and that "Freedom Isn't Free" and on and on. Nothing really helped us except to keep saying to each other that Joe died doing something he believed in. Joe died knowing we all loved him and that he was a precious child of his Creator. Joe died among friends who had watched him overcome so many obstacles as the unsure boy, Joe, became the capable and assured man and soldier, Joe.

But now, to learn how many ways the American people were deceived into believing our leaders had our best interest at heart, after believing we had the kind of responsible leadership that would only put our bravest young people in danger if absolutely necessary, after believing that we could trust them with our very lives—it's just a horror beyond the thinkable. Surely this misuse and loss of our precious young people constitutes murder.

My Sweet Joe, my brave and independent Joe, my kind and loving and giving Joe was taken from us through a series of lies and deception. My heart is breaking—for us, for this country, for this world. I know there are hundreds of thousands of people who have paid the ultimate price and each one of those people leaves a family as stricken and changed as my own.

I think the only thing this Nation can do now to save any honor we might have had in the eyes of the World would be to lay bare the lies and do whatever we need in order to restore the things we took from the Iraqi people when we decided to "shock and awe" them over 2 years ago. America has not lost nearly as many people as the Iraqis over this insane approach to "helping" these people, but we have had tens of thousands of families changed, crippled, and denied their rights as we are told over and over that our loved ones offered themselves up to a higher cause.

My son would never have offered himself for the kind of abuse of power that now exists because of this evilly-conceived war. And the abuses aren't just happening in Iraq, as we read daily now. Besides all of the prisoner abuse, the American people have been abused, our society has been abused, our financial future has been abused. Every man, woman and child without food and medical care right here in America has been abused.

It took an incredible amount of "fixing" to make sure this war happened as planned.

We will never regain our own dignity until we stop this insanity and become responsible members of our Global Community. We can do it! Let's start now—Georgia Shilz, proud mother of Spc. Joseph Michael Blickenstaff, KIA, Dec. 8, 2003.

They just drove away. Your new world is black and white; it's upside down and inside out. You scream and do not recognize the pain coming from a place you never knew existed. You scream again and the sound is your soul leaving your body.

You might not have even heard the words, "I regret to inform you", because all you needed was to see who was at your door and you knew. Every nightmare you had about your loved one being killed in Iraq has just come true. Every prayer for their safety on this earth will never be answered. Every deal you made was off.

You cannot possibly know, but you are not alone. 1699 other hearts broke again as we saw the number tick one more to 1700 and then 1701 and 1702. We know your pain, we know the hellish journey that you have just begun and there is nothing to say except "I'm sorry". We have hugs to offer and maybe some advice, but as the moon rises, you will be alone, knowing that your son or daughter, your husband or wife, your nephew or niece, your best friend is never coming home.

The sun will come up in the morning and you may be grateful that you survived another night of your new life, not knowing how. You may be angry that you survived another night without your loved one and wonder why you live and they don't. If only you could trade places.

Some sleep easily, some with medication, some not at all. You want to sleep to fend off exhaustion, but know if you do the nightmares might enter the quiet place that once meant solace. The exhaustion just finds a deeper place inside you, another place unfamiliar to you.

If you cry, and some cannot or will not, you will wonder if the crying will ever stop. You don't ever want to stop crying—how will you ever, ever, ever get your arms around this new life? You will never want to cry again; it's just so excruciating. You will wonder how one body can cry so many tears and for so many hours, days and months.

There will be phone calls, cards, flowers and food. But all you want is your old life back, knowing that your loved one will be coming home alive and well.

There will be prayers and religious services. Prayers for you, prayers for your loved one, prayers for peace, prayers for strength. Some will seek comfort in their faith, some will be interminably angry at God.

You never imagined signing a document called "Disposition of Remains" but there it is, your loved one's name, in black and white. That name doesn't belong there. It belongs on a letter with love from Iraq, it belongs on an email, but it doesn't belong there. You will see their name again in headlines, on TV, on letters of condolence and on other legal documents and it never feels right. His or her name doesn't belong there!

There will be questions, there will be details. You want to know all the details; you want to know none—at the same time. You have questions—so many questions and so do they. How could this be happening? What kind of funeral service, cremation or burial? Who will speak? When is the body coming home? Why is the body coming home? My son or daughter is supposed to be coming home—not their body!

The flags will fly at half staff, an indication that one young friend described as "someone is sad". The flag will cover the coffin, soon to be handed to you, with the words "On behalf of a grateful nation . . ." Flags will arrive in the mail having flown over the state capitol or the nation's capitol. They all mean the same thing—your loved one is never coming home and someone is very, very sad.

Maybe you never heard the phrase "Pain shared is divided". We share your pain; we live and breathe your pain every single day. While you may have never imagined you would be a part of this group, please know that you are not alone—Karen Meredith, mother of 1LT Kenneth Ballard, KIA May 30, 2004.

Silence in the Face of Truth: The Downing Street Memo

(By Dante Zappala)

For the first 30 years of my brother Sherwood Baker's life, his mission was to be a responsible citizen. He made oaths and he honored those oaths. This made him a loving father and husband. This also made him a noble and committed soldier. He courageously deployed with his National Guard unit to Iraq in 2004.

For the last six weeks of his life, Sherwood's mission was to provide convoy security for the Iraq Survey Group. He was killed in action, providing site security for the group that was looking for weapons of mass destruction. Mounting evidence indicates that the weapons' non-existence wasn't a mistake. It was a ruse.

The clouds surrounding Sherwood's death became even darker recently when I read the contents of a memo from the upper echelons of the British government. The memo reiterates the fact that our administration had every intention of invading Iraq in the summer of 2002. The White House needed only to sell the idea to the American people.

Prior to Congressional approval, prior to saying, "War is the last resort," the decision had been made to go to war regardless of legal justification or the problems associated with the aftermath of an invasion. The most telling quote in this memo reads, "The intelligence and facts were being fixed around the policy." Read the memo: http://www.downingstreetmemo.com/memo.html.

My brother died scouring the Iraqi countryside not to protect his country, but to satisfy the Bush administration's public relations agenda.

The leaders of our country politicized intelligence to satisfy an ideology. My brother and more than 1,650 other soldiers have been killed as a result. Yet I have to sift through the papers and the news channels to find even a pulse of concern. In the wake of such disturbing revelations, a majority of our press and populace resoundingly choose to be silent.

Overwhelmingly, Americans have ceased to care about how and why we went war. Apathy, in the face of our soldiers' sacrifice, seems more convenient.

We cannot allow our government to simply replace the motivations for war midstream and expect an entire nation and all its allies to succumb to selective memory. Yet that is exactly what has happened.

The poet Archibald MacLish, who also lost a brother in war, wrote:

They say
We leave you our deaths
Give them their meaning.

If we are to give meaning to the deaths in Iraq, we must be willing to engage in truthful dialogue about the pretenses of war. Acquiescing to the lure of silence and ignorance is an affront to the families and memories of all who have fallen. It is a prescription for unending violence and suffering.

Are we so ashamed of what our soldiers have and continue to do in Iraq that we can't even talk about how they got there? Or, are we simply ashamed of ourselves for letting it happen?

We must each confront ourselves over the failures in Iraq. For that failure is not simply the fault of our leaders misusing suspect intelligence. Our course as a country, ultimately, stems from the individual conclusion of all of us to be either complicit or resistant to war.

The government's failure in Iraq becomes our own failure when we substitute political rhetoric or blanket ideology for reason. It becomes our fault when we are recklessly arrogant and willfully deaf.

Our responsibility as citizens is to acknowledge and embrace the whole truth about the Iraq War. We must look past partisanship and hold ourselves and our leaders to the high standards of integrity that citizenship demands. When we fail to honor that responsibility, we fail to honor the sacrifices of our soldiers.

☐ 1145

Mr. Speaker, I also ask unanimous consent to insert the text of the amendment immediately prior to the vote.

The SPEAKER pro tempore (Mr. FORBES). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Mr. Speaker, again, I urge all of my colleagues to vote "no" on the previous question so that we can have an opportunity to vote on the Pelosi amendment. It is our responsibility as Members of Congress to ask tough questions, to demand answers, to do the oversight, to make sure that we are getting this right. We have not been doing that. This is an opportunity for us to demand that the administration give us answers.

Mr. Speaker, I yield back the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself the remaining time.

We have had an excellent and interesting discussion here this morning on the issue of Iraq, and we will continue to have those discussions undoubtedly as we move forward.

In closing, Mr. Speaker, I want to again draw the attention of Members to the strength of this piece of legislation. Unfortunately, it was not discussed very much during the course of our exchange.

Mr. Speaker, H.R. 2863 takes many important steps forward in reforming the procurement and acquisition systems of the United States military, and increasing its end strength, and providing $45.3 billion in supplemental "bridge funding" for the war on terror.

Mr. Speaker, it must also be noted that this legislation would not have been possible without much hard work on the part of the gentleman from Florida (Chairman YOUNG), the gentleman from California (Mr. LEWIS), and the members of the Subcommittee on Defense Appropriations and the members of the full committee. As evidenced by their hard work, this is a bipartisan bill that the vast majority of the House will undoubtedly agree is a good product.

Mr. Speaker, no legislation is perfect, and, as I said in my opening statement, the defense appropriation bill takes important steps in an ongoing process that does not end; that is, the defense of our country. However frustrated some may be with particular aspects of H.R. 2863, it undoubtedly moves our military in the direction it needs to evolve and enhances the security of our country and the well-being of our men and women in uniform.

Therefore, I, once again, urge my colleagues to support this rule and the underlying concurrent resolution.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in opposition to the rule for the FY06 Defense Appropriations Bill. This rule, unfortunately, does not allow consideration of the Pelosi Amendment—an amendment critical to our current and future efforts in Iraq.

We consider the situation in Iraq this week in the midst of growing public concern over the way this administration has, and continues, to execute the war. For the first time since the war in Iraq began, more than half of the public believes that our campaign there has not made the United States safer. Nearly three-quarters of Americans say the number of casualties in Iraq is unacceptable and two-thirds say the U.S. military is "bogged down." Nearly six in ten say the war is not worth fighting.

To date, the lives of nearly 1,700 men and women in uniform have been lost, and another 12,000 have been injured. Close to 200 billion in taxpayer dollars have been spent without a clear plan for success. And today, we are no closer to true success in Iraq than we were since the days of "Shock and Awe."

The Democratic Leader's amendment is simple—it asks that this administration report to Congress within 30 days with their "Strategy for Success" in Iraq. The Pelosi amendment requires the President to explain how he will ensure that there are well-trained Iraqi military, border and police forces that can ensure the security of Iraq and that there is political stability in the country.

This amendment isn't about setting a hard date for withdrawal, or leaving Iraq before we finish what we started. This amendment, rather, simply ensures that Congress—and the American people—know what milestones and criteria by which our Nation will judge success in Iraq. Without such a guide, we will continue to be left with an open-ended military commitment with no end in sight.

Our men and women in uniform deserve nothing less than clear milestones that lead us to the day when we can bring them home. To get to that day, we need to know how we are going to assess the capabilities and readiness of Iraqi security forces and when we can expect them to take over vital security missions in their country. We need to know the number of U.S. and coalition advisors needed to support Iraqi security forces. And, finally, we need to know the benchmarks by which we will measure the political stability of Iraq.

The fog of war is thick in Iraq, and this administration has only added to it by sticking to their vague notions of success and stability. But the President can cut through the fog by providing clear and demonstrable criteria by which we can judge our progress and, hopefully, success in Iraq.

Since the start of this war, I and many of my colleagues have implored the President to level with the American people and our troops over the true cost and end strategy for the war. It is time for the administration and Congress to be honest with us about a path forward in Iraq—a path towards a success that brings our men and women home and restores our credibility at home and abroad.

I urge my colleagues to oppose the rule, and allow consideration of a critical amendment that will give our Nation a clear path forward in Iraq.

The material previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION ON H. RES. 315—RULE FOR H.R. 2863 FY06 DEPARTMENT OF DEFENSE APPROPRIATIONS

At the end of the resolution, add the following new sections:

"SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by Representative PELOSI of California or a designee. The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO H.R.   , AS REPORTED
OFFERED BY MS. PELOSI OF CALIFORNIA
(Defense Appropriations, 2006)

At the end of title VIII (page   , after line ___), insert the following new section:

SEC.   . (a) Not later than 30 days after the date of the enactment of this Act, the President shall transmit to the Speaker and minority leader of the House of Representatives and the majority leader and minority leader of the Senate a report on a strategy for success in Iraq that identifies criteria to be used by the Government of the United States to determine when it is appropriate to begin the withdrawal of United States Armed Forces from Iraq.

(b) The report shall include a detailed description of each of the following:

(1) The criteria for assessing the capabilities and readiness of Iraqi security forces, goals for achieving appropriate capability and readiness levels for such forces, as well as for recruiting, training, and equipping such forces, and the milestones and timetable for achieving such goals.

(2) The estimated total number of Iraqi personnel trained at the levels identified in paragraph (1) that are needed for Iraqi security forces to perform duties currently being undertaken by United States and coalition forces, including defending Iraq's borders and providing adequate levels of law and order throughout Iraq.

(3) The number of United States and coalition advisors needed to support Iraqi security forces and associated ministries.

(4) The measures of political stability for Iraq, including the important political milestones to be achieved over the next several years.

(c) The report shall be transmitted in unclassified form but may contain a classified annex.

Mr. COLE of Oklahoma. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 2862, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 314 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2862.

□ 1149

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, June 15, 2005, the amendment by the gentleman from Vermont (Mr. SANDERS) had been disposed of, and the bill had been read through page 108, line 7.

AMENDMENT NO. 11 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. PAUL:

Page 108, after line 7, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to pay any United States contribution to the United Nations or any affiliated agency of the United Nations.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment I have is very simple, and it tells us exactly what it does, so I am just going to read it. It says, "None of the funds made available in this Act may be used to pay any United States contribution to the United Nations or any affiliated agency of the United Nations."

So, very simply, a vote for my amendment would be a vote to defund the United Nations, and it would be a policy statement, obviously. We have had some debate already on the United Nations, and we will be having another debate either later today or tomorrow dealing with reform of the United Nations. Yesterday we had a vote dealing with removing half of the funding from the United Nations. This would be in the same direction, but it would remove all of the funding.

The United Nations has been under serious attack, and most Americans know there is a big problem with the United Nations. There is corruption involved with the oil-for-food scandal, as well as the abuse of human rights. There are a lot of people who believe that we can reform the United Nations and make it much more responsive to our principles. I do not happen to share that belief.

I have been a longtime opponent of the United Nations not so much because of the goals they seek, but because of their failure to reach these goals, as well as the attack on our national sovereignty. For me, it is a sovereignty issue, and that is the reason that I believe that it does not serve our interests to be in the United Nations, and we should make a statement for the many Americans who share that particular view.

But I would like to take a little bit of this time right now to relate my position on the United Nations with the bill that is coming up later today or tomorrow, and that is the reform bill. The reform bill is very controversial. We already have former Republican and Democrat ambassadors, Secretaries of State who are in opposition to this, and our own President has expressed opposition to this. It is not for the same reasons that I am opposed to that reform bill, but they are opposed to it because there is a threat of cutting some funding.

But in their attack on the reform bill, they do say they support the policy changes. That is what I would like to emphasize here. Most people see the reform bill as a mere threat to the United Nations to shape up, or we are going to cut half of their funds. Yesterday we had a much more straightforward vote, because if you, also, believe in true reform, all those supporters of the reform bill should have supported the Hayworth amendment and just flat out cut half of the funding. But the reform bill says that, well, if you do certain things, we are going to give you your money. Of course, those who really like the U.N. find that offensive and think that is too intrusive on the functioning of the United Nations.

But I, quite frankly, do not believe that if the U.N. reform bill gets anyplace, that there is any way, since the President is opposed to it and so many individuals are opposed to it, that any funds will ever be cut. But I do believe a bill could get passed, and, that bill, also changes policy, which I think that too many of my conservative colleagues on this side of the aisle have failed to look at, and that is what I am concerned about, the policy changes.

So instead of tightening up the reins and the financial control of the United Nations and getting them to act more efficiently and effectively, what they are doing, if they do not have the ability to really strike the 50 percent, the bill institutionalizes new policy changes.

I want to just mention the policies that I believe that are risky, especially if you are interested in protecting our national sovereignty.

The first thing it would do is it would change the definition of terrorism as related to United Nations, and it would change the ability and the responsibility of the United Nations to become involved. Today it is currently understood that if there is an invasion of one country by another, the United Nations is called up, and they assume responsibility, and then they can put in troops to do whatever they think is necessary. But if this new policy is adopted, it will literally institutionalize the policy that was used by our own government to go into Iraq, and that is preemptive war, preemptive strikes, to go in and either support an insurgency, or in order to get rid of a regime, or vice versa. This is a significant change and an expansion of U.N. authority. I, quite frankly, think that this is a move in the wrong direction.

Also, the Peacebuilding Commission, I think, is very risky, and also something that we should look at.

So not only do I urge my colleagues to vote for my resolution to defund the United Nations, I urge my colleagues to look very cautiously at the U.N. reform bill, because there is a lot more in there than one might think. The one thing we do not need is John Bolton and Paul Wolfowitz, the authors of our policy for regime change in Iraq, in charge of the same policy in the U.N.

Mr. WOLF. Mr. Chairman, I rise in opposition to the gentleman's amendment, and I yield myself such time as I may consume.

Mr. Chairman, this amendment amounts to a complete rejection of the United States' engagement with the United Nations and many other nations of the world.

Last year this bill created a high-level task force to review the efforts of the United Nations. This task force was chaired by former Speaker of the House Newt Gingrich, and former Majority Leader Senator Mitchell, and the task force came out with its recommendations yesterday. They are fairly dramatic, which will mandate, if you will, and force the United Nations to make dramatic change. Hopefully the Bush administration will embrace the Gingrich-Mitchell recommendations that will then be adopted by the United Nations when they meet in September.

As the chairman knows, we initiated this task force because of the U.N.'s lack of involvement on the Darfur, Sudan, issue, the sexual exploitation of young girls by U.N. peacekeepers, and the oil-for-food scandal. If we were not participating at all, we would not be able to put pressure on the U.N. to do the right thing with regard to Darfur. Genocide is taking place in Darfur as we now speak. Also, the U.N. will be sending peacekeepers to the North-South Sudanese peacekeeping agreements, and, as my colleagues know, better than 2.1 million people, mainly Christian, some Muslim, died at the hands of the Khartoum government as a result of their activities for the North. Also, Sudan is involved in terrorist activities, and we need to be able to put pressure on the Sudanese.

Not speaking boldly in an effort to force the U.N. to do something on this issue, the genocide in Darfur, and also to be able to implement and monitor, not with American soldiers, but with U.N. peacekeepers in Sudan, would be a mistake.

As the gentleman knows, we already have cut the administration request for international organizations by $130 million; therefore, essentially we are already recommending holding back any growth of the U.N. Lastly, as the gentleman from Texas says, the Hyde bill will be coming up shortly after this bill, and that is where you should address these issues.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The time of the gentleman from Texas (Mr. PAUL) has expired.

Mr. WOLF. Mr. Chairman, I yield the balance of my time to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. How much time remains, Mr. Chairman?

The CHAIRMAN. The gentleman has 3 minutes remaining.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

I rise in joining the chairman in opposition to this amendment, and I hope the same majority of our colleagues reject this amendment this year as did last year. I would note that this is the same or an extremely similar amendment that the gentleman from Texas (Mr. PAUL) introduced last year and was defeated by a 83-to-355 vote majority.

□ 1200

I hope that the body takes the same position with regard to this amendment this year as it did last. At a time when the United States is involved in a war against global terrorism, at a time when the international economic community is becoming increasingly integrated and the world is becoming increasingly smaller and we are increasingly bumping up against our friends and adversaries around the world, this is no time to do away with the organization.

However imperfect it may be, that brings together all of those divergent political interests, all those divergent countries, all those divergent political philosophies that represent people around the world. We need to bring people closer to us so that we can debate them, so that we can fight them in the context of a civilized body, rather than going out and fighting them in wars. That is what the U.N., at its best represents. That is what we ought to be aspiring to, that is, perfecting the U.N., making it better, dealing with its imperfections instead of doing away with it.

We are lucky to have the U.N. in that sense. We are also fortunate to be a powerful enough country to influence the U.N. for the better because of the size of our contribution. If we were to withdraw our contribution, there is no doubt that that whole process would unravel. That would be a tragedy.

For all the above reasons, Mr. Chairman, I oppose the gentleman's amendment and urge my colleagues to oppose it as well.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6, rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. Appropriations made in this Act are hereby reduced in the amount of $570,000,000.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise again today to offer this amendment to cut the level of funding in this appropriation bill by approximately 1 percent. This would equal $570 million. As you well know, I have offered this amendment on a number of bills this year and in prior years. And I understand the difficulty that the appropriators have with narrowing down the requests from Members and from the administration; and although this committee has done an excellent job on this, and I understand also that the committee will oppose me and beat me into submission, I will whimper and go away.

But I still think the point needs to be made that we need to begin to really draw the line, and the projected deficit is simply too large. We could do something about the deficit. Now, this will not solve it by any means if we did 1 percent. I mean, we are talking one cent on the dollar, and that will not solve it. But it would tell the American public that at least we are concerned about the deficit and we are willing to do something significant in that direction.

I have no doubt that some of the good programs in this bill would take a cut, and that is unfortunate. But the budget should be no different from the taxpayers' budgets at home. When you have less money, you spend less money. It is really as simple as that, although we all know it is not really simple. It is a difficult thing to do.

I would ask for support of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the gentleman from Colorado's (Mr. HEFLEY) amendment.

As the gentleman can see, and I have great respect for the gentleman from Colorado (Mr. HEFLEY). I know what he is trying to do, and I want to acknowledge that. As the gentleman can see from the debate and the other amendments offered on the bill, many Members feel the funding for the whole host of programs in this bill is already inadequate. In fact, all the amendments, most that we have been able to reject, have been to add money into the bill. The one that was accepted by the body was the one to add $73 million in for 7(a) loan programs which nobody in the country wants or needs. So the gentleman can see the trend that things are moving.

The budget resolution passed by the Congress has imposed upon us a very restrictive spending climate. This amendment constitutes attempts to reopen the decisions we already made in the budget resolution. The bill we are considering today stays within the budget resolution framework and represents a lot of hard work and difficult decisions to match limited funds to competing national priorities. A number of accounts in the bill are funded very close to the bone and a reduction of 1 percent in many salaries and expenses would have a dramatic effect on the FBI, DEA, ATF, Marshals Service.

And so for those reasons, respecting what the gentleman is trying to do, I would ask for a "no" vote on the amendment.

Mr. Chairman, I yield the balance of time to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, the gentleman knows that I have the greatest respect and friendship for him and for all the tremendous work that he does in this body. But I must rise and oppose this across-the-board cut. First of all, I oppose across-the-board cuts generally because they are indiscriminate, and I think anybody who supports across-the-board cuts has to admit that the cuts are bound to affect some good programs, even in their judgment, as well as adversely affect programs that the author of the amendment may not fully appreciate.

Having said that, I hope that the body judges this amendment in the same way it has in past years and on other bills and expresses its concern for the offering of across-the-board cuts generally. But having said that, I think that if the gentleman is not successful, if he does not prevail on his amendment, he should feel good for the same reasons I feel bad about this bill, and that is that it represents a huge number of cuts much greater than 1 percent on programs that I consider to be extremely worthy and that I would hope the chairmen of the sub and full committees, as well as ranking, would consider the same.

NASA is increased by 2 percent, the Justice Department by 4 percent, and the FBI by 10 percent. That is the good news. Federal law enforcement programs have increased. Almost everything else in the bill has decreased a lot more than 1 percent. State and local law enforcement experienced a 22 percent reduction. The COPS program, a 13 percent reduction. Juvenile justice programs, a 12 percent reduction. The Commerce Department, a 12 percent reduction. And the State Department is receiving 11 percent less than the current level, in addition to international organizations receiving 10 percent less.

The gentleman ought to be pleased with the reductions in most of this bill, and surely he would not oppose the increases to the FBI and the Justice Department and hopefully not NASA.

This bill has taken its fair share of cuts. It has experienced the pain that has been imposed upon domestic discretionary programs generally, by the budget resolution; and I will note an inordinate number of amendments being offered by the majority here in the last 3 days have been trying to increase the author of each amendment's particular favorite domestic discretionary program.

But you add them all up and the majority has offered a lot of amendments increasing domestic discretionary spending. For those who have done that, I suggest that you look at the budget resolution the next time around, understand the relationship, the real relationship between a vote for the budget resolution and a squeeze on domestic discretionary programs as I have just described in response to the gentleman from Colorado's (Mr. HEFLEY) amendment.

For all those reasons, Mr. Chairman, I rise in opposition to the Hefley amendment and hope that my colleagues will turn it down.

Mr. HEFLEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

For what purpose does the gentleman from Massachusetts (Mr. MARKEY) rise?

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if the next is the amendment that I think the gentleman is offering, I was going to say I accept it. I understand the gentleman from Massachusetts (Mr. MARKEY) wants to speak on it. I have to go upstairs briefly for a brief moment. But I wanted to be on record as being for it, and so I did not want to have my absence for 5 minutes look like I was avoiding an issue. I think this is the torture amendment. If it is, I think it is a good amendment, and I urge the Congress to adopt it, and I am going to vote for it.

I will yield to the gentleman from Massachusetts (Mr. MARKEY).

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and any regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 7½ minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute. And in that 1 minute, I will say that I appreciate very much the statement by the gentleman from Virginia (Mr. WOLF). Even when he is not physically present, he is a huge spiritual presence in this Chamber when it comes to the issue of human rights and torture, and I appreciate his willingness to support this amendment.

The amendment, quite simply, says that the United States, because of our support for the convention against torture, because of our support for the Geneva Convention, cannot condone the United States, after we have prisoners in our possession, sending those prisoners to other countries in the world that do not abide by the convention on torture, that do not abide by the Geneva Convention.

So this amendment will make it unambiguously clear that that is a responsibility that the United States takes very seriously, and notwithstanding what goes on at Guantanamo, that when the United States has possession of a prisoner that we will not outsource torture, that we will not actually put these prisoners on planes and send them to countries which we know do engage in torture.

Mr. Chairman, I reserve the balance of my time.

The ACTING CHAIRMAN (Mr. GILLMOR). Is there any Member seeking time in opposition to the amendment? If not, the gentleman from Massachusetts is recognized.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Minnesota (Ms. McCOLLUM).

Ms. McCOLLUM of Minnesota. Mr. Chairman, torture is a crime. It is an international crime, and it is a violation of U.S. law. The state-sponsored exportation or outsourcing of torture called "extraordinary rendition" is repugnant and it is immoral. Outsourcing torture threatens America's security. It destroys our Nation's moral authority in the world, and it is the height of hypocrisy.

The fact that this country, through the Bush administration, has been sending detainees, including innocent individuals, to countries like Syria to be tortured and abused is a stain on America's reputation, and it is a shameful rejection of our national values.

Extraordinary rendition is indefensible. It is legally and morally to be condemned by this Congress.

I am pleased that it is to be incorporated into the bill. I strongly urge all Members of Congress to watch this issue carefully. Those of us who value human rights want to end the use of our tax dollars to fund the outsourcing of torture. And I am very pleased that this has been included in the bill.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding to me and rise to applaud the fact that this amendment will clearly be accepted as no one is speaking against it. This amendment has already passed the House on the 2005 supplemental appropriations bill by a vote of 420 to 2, and a modified version of it was signed by the President.

This amendment states a policy we can all endorse. It does not expand existing law. Existing federal law makes it illegal and it is also a violation of international law to torture people. And existing law also bans cruel, inhuman, and degrading treatment of detainees.

I want to say to the gentleman from Massachusetts (Mr. MARKEY) that, as the ranking member on the Intelligence Committee, I have followed his work on this closely. I am pleased that he has raised this subject, that the entire House has heard him and agrees with him.

□ 1215

Let me go further, however, because this amendment does not expand existing law.

I think in light of clear issues around detentions and interrogations, some of which are being investigated very responsibly on a bipartisan basis by the House Permanent Select Committee on Intelligence Subcommittee on Oversight, in light of many questions and what I might call a fog of law on these issues, I think we need additional legislation.

It is going to be hard to put together the right bill, the right bill that states what we believe in with respect to detentions. My own personal view is no one should be detained without a status and without the ability to challenge that status, but the right bill, should also state what we believe in with respect to interrogations policy.

I firmly believe that we need interrogations consistent with our values so that we learn the plans and intentions of the bad guys before they attack us. But precisely how to set limits is the hard part.

So I hope to work on a bipartisan basis to craft a legal framework for the detentions and interrogations. I commend the gentleman from Massachusetts (Mr. MARKEY) for this useful effort to remind us all that on a bipartisan basis we condemn the use of torture.

Mr. MARKEY. Mr. Chairman, I thank the gentlewoman for her eloquent statement, and I yield 1½ minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend for yielding me time, and I rise in strong support of this amendment. I want to thank the gentleman from Virginia (Chairman WOLF) for accepting it in advance because it is a very important amendment.

Let me make two very brief points. The Convention against Torture could not be more clear in proscribing any kind of torture. It is never acceptable. The United States is a signatory and has ratified that convention, and that includes, as the gentleman from Massachusetts (Mr. MARKEY) pointed out, the outsourcing of torture, and I think his amendment is very, very important. It comes at a very important time.

Let me also make the point, too, that next Thursday I will be holding a hearing on the victims of torture. I have written three laws on torture, The Torture Victims Relief Act, as it is called, and two reauthorizations over the last several years, and during the course of hearings that we have held, and we have one set for next Thursday in my subcommittee, we heard from people who actually suffered, the psychological scars that they bear, the post-traumatic stress, the sleepless nights that they endure because they have had to endure severe torture.

We want absolutely no part of torture in any manifestation. This amendment makes it very clear. This is already law. This makes it very clear that there is an absolute bright line of demarcation between interrogation methods that are real, that are listed, that are ethical and those that cross that line.

So I want to thank the gentleman for offering his amendment.

Mr. MARKEY. Mr. Chairman, I thank the gentleman, and I yield 30 seconds to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I rise in strong support of this amendment. If we look at it clearly, it is only an affirmation of current law, but I think in the environment in which we are operating, with some of the revelations that are coming out about America's policy with regard to the treatment of incarcerated persons, it is really important to affirm current law.

We are identifying and pointing out and prosecuting very low-level people in the military with regard to certain transgressions, and I think it is particularly important to affirm to the whole chain of command, right up to the very top, that our laws with regard to incarceration are to be obeyed.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, America's treatment of prisoners over the last several years speaks poorly, and that is an understatement, to our national integrity.

Since 9/11, prisoners have been tortured in Iraq, Afghanistan, Guantanamo Bay, and considering the widespread use of torture, no one can claim that these are isolated incidents, that it is merely the work of a few bad apples.

At a time when the United States is courting the support of the international world, particularly the Arab world, the torture of foreign prisoners gives the world's extremists and Iraqi insurgents what they believe to be a reason to hate the United States. There has been no better recruiting tool for al Qaeda than our attacking Iraq in the first place and the events at Abu Ghraib in the second place.

Mr. Chairman, there is a better way to conduct foreign policy. I urge all of my colleagues to support the Markey amendment and to end the use of torture by the United States.

Mr. MARKEY. Mr. Chairman, I yield myself the remaining time.

I urge the House to embrace this amendment unanimously. It is wrong for the political, military and moral leader of the world to be taking prisoners which we have captured, putting them on planes, blindfolding them, drugging them and sending them to Syria, sending them to Uzbekistan, with the sure and certain knowledge that those prisoners are going to be tortured by countries that have already been condemned by the United States for those practices. That is wrong. It undermines our position in the world. It gives al Qaeda more ammunition to put up on al Jazeera that undermines our moral leadership.

Vote "aye" on this very important amendment.

The amendment I am offering today simply reaffirms the U.S. commitment to the Convention Against Torture by prohibiting the use of funds in contravention of laws and regulations promulgated to implement the Convention Against Torture. The U.S. signed this treaty under President Reagan, and the Senate ratified it in 1994.

The House voted overwhelmingly to approve an identical amendment that I offered to the Emergency Supplemental Appropriations bill on March 16, 2005 by a vote of 420 to 2. That amendment, however, only applied to funds appropriated in the Emergency Supplemental. The amendment I am offering today would apply to all funds appropriated for fiscal year 2006 to the Departments of State and Justice.

I am offering this amendment today because despite our commitments under this treaty and the statements made by the Administration emphasizing that the U.S. is emphatically and unambiguously against the use of torture, reports keep growing of the U.S. sending detainees to countries where they are likely to face torture, including to countries notorious for human rights violations. This practice, known as "Extraordinary Rendition," amounts to nothing more than Outsourcing Torture.

In order to meet its obligations under the Convention Against Torture, the Administration has been engaging in a piece of legalistic fiction. It obtains "diplomatic assurances" that the transferred detainee will not be tortured, and then based on these assurances it argues that our obligation under the Convention Against Torture has been satisfied because there is no longer a substantial likelihood that the person we are sending to one of these known torturing countries will, in fact, be tortured.

This is a sham. If Uzbekistan, a country that has actually boiled prisoners to death says they will not torture a prisoner, can we believe them? If Syria, a country that Secretary Rice says we cannot trust, says they won't torture—can we believe them?

Syria has broken off all relations with U.S. military and CIA. What does this mean for the "diplomatic assurances" we received from Syria?

Here is what the State Department's annual human rights report says about Syria's methods of interrogation:

> administering electrical shocks, pulling out fingernails, forcing objects into the rectum, . . .

In Uzbekistan, hundreds of protesters were recently killed under the corrupt regime of President Karimov in what human rights groups are calling a massacre.

Last year former Secretary of State Colin Powell refused to certify that Uzbekistan had met its human rights obligations. Why?

Because the State Department found that Uzbekistan used the following interrogation techniques:—"suffocation, electric shock, rape, beatings, and boiling prisoners to death . . ."

The amendment I am offering today prohibits the use of any funds included in this bill to the contravention of our legal obligations under the Convention Against Torture, U.S. Law, and regulation. While I would have liked to include language barring the use of diplomatic assurances as the basis for renditions, I have not done so today, out of recognition that such an amendment would go beyond the scope of this bill and constitute new legislation. But what we can do today is take another step by having the U.S. Congress reaffirm that it does not support or condone torture, or rendition to countries likely to torture an individual.

Throughout United States history we have encountered and defeated brutal enemies, inhumane and monstrous dictators and met with hideous violence. We take pride that even as our Nation fought for its survival against the Nazis and the Japanese Empire during World War II, that we did not ask our "Greatest Generation" to engage in torture or other war crimes. The legacy of the U.S. then, and now, is that we uphold our commitment to justice in the face of shadows of terror and war. The test of a nation is found as much in how it wages war as how it promotes the values of peace and democracy. That is what we must to today.

I urge you to vote "yes" on this amendment, and say "no" to torture.

The Acting CHAIRMAN (Mr. GILLMOR). The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) will be postponed.

AMENDMENT NO. 19 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 19 offered by Mr. TANCREDO:
>
> At the end of the bill, insert after the last section (preceding the short title) the following:
>
> TITLE VIII—ADDITIONAL GENERAL PROVISIONS
>
> SEC. ____. None of the funds made available in this Act for the State Criminal Alien Assistance Program under the heading "DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

The Acting CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from West Virginia (Mr. MOLLOHAN) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

Dozens of American cities, major cities, have policies that tie the hands of police officers to cooperate with immigration enforcement agents. The cities include Houston, Los Angeles, Chicago, San Francisco, Denver, Boston, Portland and Seattle.

Cities that have such policies extend to their jails as well. Often jails do not identify or report illegal aliens to ICE, these illegal aliens that have been incarcerated, so they are released back into the community after serving a sentence for a minor crime. These policies, I have pointed out in the past, violate Federal law.

It is especially galling, however, that local governments who have these illegal policies and practices do not hesitate then to seek and receive Federal reimbursement for the costs of incarcerating illegal aliens, aliens they refuse to turn over to ICE for deportation. They take the money and then turn the folks loose.

In 2004, the Federal State Criminal Alien Assistance program, or SCAAP, gave awards totaling $300 million to States and counties in reimbursements for housing illegal aliens. Yesterday, or the day before, we added another $50 million to the amount that was being appropriated for that purpose, and I voted for the amendment.

In Los Angeles in 2003, over 30,000 criminal aliens were released from the county jail and not deported.

In Denver in 2004, the city-county jail asked for reimbursement for over 1,900 illegal aliens, but only turned over the names of 175 to Immigration Customs Enforcement.

It is amazing that Denver alone sent the Federal Government a bill for over 1,900 people they have incarcerated for committing other kinds of crimes, besides the fact they are here illegally; yet, when it came to turning those names over to ICE, they refused to do so, or turned over only 175, again as a result, I think, to a large extent, of these things we call sanctuary policy.

Why should Denver or Los Angeles be asking for Federal taxpayer dollars to reimburse their costs of housing illegal aliens but then refuse to turn those names over to ICE for deportation?

There are real human consequences to these "don't ask, don't tell" policies. From 1995 to 1999, the INS released over 35,000 criminals who were not deported. Over 11,000 of them, almost 30 percent, went on to commit other crimes, and 2,000 committed violent crimes.

In Denver last month, on Mother's Day, a police officer was shot and killed and a second officer critically wounded by an illegal alien who has now been arrested in Mexico. He had been stopped twice by the Denver police for driving without a license and had appeared in municipal court twice. In April, less than 1 month before the shooting, this man was in court with a Mexican driver's license; yet no one asked him about his immigration status because of Denver's sanctuary policy.

In July of 2004, a young man was riding his motorcycle in north Denver. He was struck and killed by a hit-and-run driver. The driver has been arrested. He has been arrested and is in jail awaiting trial. He is an illegal alien. He had six prior arrests, but was released every time because the offenses were "minor." Never, of course, was he reported to the Department of Immigration and Customs Enforcement. So they are free to commit other crimes.

This policy is insane, responsible for thousands of major crimes that could have been prevented.

One ICE agent told me recently that when he was doing routine checks in jail bookings in a major city, routine checks that are no longer done, by the way, 25 percent of all the files he looked at were of illegal aliens eligible for deportation. That means we could possibly reduce crime rates significantly by detaining and deporting illegal alien criminals who are already in local jails, but instead, the revolving-door sanctuary policies allow them to go free over and over again.

Today, over 1 year and several meetings with these agencies later, the answer appears to be that nothing will happen. The chairman of the committee graciously allowed for us to meet with several of the agencies involved with Justice and Homeland Security. We were to have heard from them as to exactly how they were going to enforce the law that is already on the books, but their answer is, of course, silence, and it is deafening.

Mr. Chairman, we as a Nation need to get serious about deporting criminal aliens, and we as a Congress need to get serious about requiring the agencies to comply with the law.

My amendment does not make any new laws or create any new penalty or change any laws on the books. It merely requires the Federal administration to comply with the Federal law, and I hope my colleagues will support the amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman probably does not intend his amendment and argument to be thus, but I am afraid he is burgeoning on local police force bashing here.

He makes statements like, they take the money and let the aliens go. Well, in fact, by the gentleman's own statistics that he cites, local law enforcement does turn over illegal aliens at some percentage of those that they arrest and identify, and I assume that they turn over a very large percentage of those that they identify. I have not looked closely at that question, but in any regard, it is clear they are participating in this process with the Federal Government of identifying and turning over some illegal aliens.

I would suggest to the gentleman that local law enforcement, first of all, are not trained to do this mission. We have a Federal police force. We have Federal agents that are trained to perform this mission.

Local law enforcement have a little different mission. They are in the business of trying to maintain stability in neighborhoods, and are particularly trained in identifying criminals in neighborhoods, which is a full-time job.

While this is not my constituency, I can imagine in talking to my colleagues who do represent constituencies that have sizeable numbers of newly arrived immigrants, that it is a particularly difficult job to operate in those communities effectively if the policemen are seen as reporters on or, if you will, tattle-talers on the people who live in that community.

☐ 1230

I can see where it would dry up information about what is going on and have the opposite effect of what we are trying to achieve with the COPS program. We are trying to establish relationships with the local community so we can help the local police force maintain stability and keep down crime in those local communities.

So for that reason, I think this is an ill-advised amendment. We do not give local police forces responsibilities of the Federal Government, unless we train them to do that and they freely take on that mission and unless we give them additional resources to fulfill that mission.

So first of all, local police have to agree to do what the gentleman is suggesting, go out and perform the Federal mission; and, secondly, if we are going to ask them to take on this Federal mandate, it seems to me we ought to give it to them not on an unfunded basis, but we should give them additional resources to perform that mission, if they would voluntarily accept it.

Mr. Chairman, as I have outlined, I am strongly opposed to the Tancredo amendment.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN (Mr. GILLMOR). The time of the gentleman from Colorado (Mr. TANCREDO) has expired. Does the gentleman from West Virginia yield back?

Mr. MOLLOHAN. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from New York (Mr. SERRANO).

The Acting CHAIRMAN. The gentleman from New York (Mr. SERRANO) is recognized for 2 minutes, the balance of time of the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. SERRANO. Mr. Chairman, I rise in strong opposition to the amendment. The irony of this amendment would be amusing if its implications were not so serious. On one hand, we are providing SCAAP funding to help our States and localities incarcerate criminal aliens that pose a danger to our communities; yet, on the other hand, the gentleman's amendment would make it harder for our State and local law enforcement agencies to catch criminals in the first place.

Many law enforcement agencies have carefully built a relationship of trust with their immigrant communities over the years. If we were to damage this trust by confusing a State's law enforcement roles with Federal immigration enforcement roles, we would be hampering the ability of our police departments to perform their primary function: protecting communities from crime.

That is why police departments in our districts do not want this amendment. The amendment would have a chilling effect on immigrants' willingness to report crimes and cooperate with government overall, because immigrants are less likely to come forward with tips or to testify as witnesses if doing so could lead to deportation or other adverse consequences.

The effects of the amendment would be devastating. Law enforcement agencies, whether performing counterterrorism or other public safety functions, must rely on cooperation from immigrant communities to operate effectively. Furthermore, the harm of this amendment would extend beyond law enforcement. Public health could be harmed if, out of fear of being reported to the INS, immigrants were reluctant to make use of State and local services.

For instance, I imagine many communities throughout the Nation consider it in the best interest of all of its residents, documented or not, to ensure that everyone gets a vaccine shot for their children from city hospitals. If an undocumented person were presented a choice between deportation and risking illness, I am sure that person would make a choice that is not in the best interest of the community.

In closing, please understand law enforcement gets information and wants information from the immigrant community. If they now become Federal immigration officers, that information will not be forthcoming.

The Acting CHAIRMAN. All time for debate has expired. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. TANCREDO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. CLEAVER

Mr. CLEAVER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CLEAVER:

Page 108, after line 7, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided by the National Logistics Support Center of the National Oceanic and Atmospheric Administration in Kansas City, Missouri.

The Acting CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Missouri (Mr. CLEAVER) and a Member opposed each will control 7½ minutes.

The Chair recognizes the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by thanking the gentlemen from Virginia and West Virginia. They have both been very easy to work with.

Mr. Chairman, the amendment I am offering with my good friend and colleague, the gentleman from Missouri (Mr. SKELTON), is a very simple amendment. It would simply prohibit any funds appropriated under the bill from being used to carry out an A-76 privatization review of 25 employees at the

National Oceanic and Atmospheric Administration's National Logistics Supply Center, known as the NLSC, in Kansas City, Missouri.

Our amendment does not require Members to vote on the A–76 issue overall; rather, it simply asks that our colleagues take a stand against this particular A–76 review. The NLSC's A–76 was begun in order to achieve a quota established by OMB that Congress subsequently prohibited. That fact was outlined in a June 2002 NOAA memorandum. No other rationale other than this quota was given to justify targeting the NLSC for an A–76 review. Even after OMB repudiated privatization quotas, the NLSC A–76 went forward.

Additionally, the review seemingly ignores the inherently competitive nature of the NLSC. There is no requirement that any agency use this service; rather, agencies decide on their own whether or not to use the NLSC. The NLSC competes every day to sell its services to agencies. It has been the recipient of multiple service awards, and it has reduced its response time to 2 days and raised its accuracy rates to 99 percent.

Finally, let me just say that the trouble that I have with this, that I hope every Member of Congress will have, is that we have spent over $1 million hiring consultants to study 25 employees. That turns out to be $41,000 per employee, more than many of them earn.

In April of this year, I, along with the gentleman from Missouri (Mr. SKELTON), Senators BOND and TALENT, wrote the Department of Commerce urging Secretary Gutierrez to bring this privatization review to an end. However, despite this bipartisan support and the clear reasons for stopping this review, the Department of Commerce moved ahead.

Let me be clear, Mr. Chairman. This amendment does not address even slightly the overall issue of contracting out Federal jobs.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I claim time in opposition to the gentleman's amendment, and I yield myself such time as I may consume.

I rise in opposition to the gentleman's amendment to prohibit funds for a competitive sourcing study. We had asked the gentleman to consider withdrawing the amendment. We would have a meeting with the Weather Bureau and really do everything we could. But for the Congress to interfere and do something like this, would be unprecedented.

I understand that NOAA first announced this particular cost competition in 2003. NOAA recently canceled the competition to ensure that the statement of work is comprehensive and plans to reannounce the study shortly. These competitions are conducted pursuant to the Competitive Sourcing Initiative in the President's Management Agenda, and NOAA supports the competition.

Though I understand the gentleman's concerns and have no preconceived notion as to the outcome of the study, I believe we cannot have the Congress on every A–76 proposal coming down and stopping it.

I see the gentleman from Virginia is here, the chairman of the committee.

Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I too understand the gentleman's concern on particular employees. The difficulty here is if the Congress starts coming out with each and every single group trying to protect this group or the other from competitive sourcing, we lose basically one of the best tools the executive branch has to make it run more efficiently.

Federal employees win 70 percent of the A–76 competitions at this point. But in almost every case, even when they have won, they have retooled themselves and made themselves more efficient than when they started. And to cherrypick one group or another, I think we will have every Member coming to the floor trying to protect this group or the other group, and the whole thing falls apart. And if that happens, the Federal executive branch loses its major tool in trying to become more efficient and saving the taxpayers' dollars.

I do not know anything about the specifics of this one, but I know from a committee perspective we have tried to look at this, we have tried to give Federal employees appeals rights now, so that if they lose it that they can have appeals rights and things they have not had in the past. We have tried to give them protections.

But, Mr. Chairman, I would also join the gentleman from Virginia (Mr. WOLF) in opposing this amendment, and urge my colleagues to do likewise.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume just to say again, for the Congress to be voting on each and every procurement issue like this, it would just never end. So I reluctantly oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CLEAVER. Mr. Chairman, I ask how much time remains.

The CHAIRMAN. The gentleman from Missouri (Mr. CLEAVER) has 5 minutes remaining.

Mr. CLEAVER. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I rise in strong support of the amendment; and I certainly understand the reasons for the opposition of the chairman, the gentleman from Virginia (Mr. WOLF), and the gentleman from Virginia (Mr. TOM DAVIS) as well. If every one of these studies were challenged in this way, then it would be a lot of activity on these A–76 privatization reviews in the United States Congress.

But not every one is, and those that are particularly egregious, I think, need to be brought to the floor. The gentleman from Missouri has done that today, and I compliment him for that. The gentleman from Missouri (Mr. CLEAVER) makes the case that is being made by his constituents in Missouri, in addition to the Members from the other side of the Capitol, who are also supportive of his position.

Just understand that the National Logistics Support Center is a particularly fine organization, and this review is being undertaken for only one reason. It is because management has been ordered to hit a particular numerical privatization number. That is it. That is how arbitrary it is. It has nothing to do with the organization itself. This organization has won tremendous awards. It does not merit privatization, and I think it would be inefficient to do so.

Mr. Chairman, I thank the gentleman for allowing me to rise in support of his amendment.

Mr. WOLF. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, just a couple of things. First of all, to my friends here, I understand their concern. I tell them that I do not know anything about this particular office. But it is not privatization; it is competitive sourcing. Basically, this allows the government sector to compete with the private sector to see how we can deliver a service to taxpayers the most efficiently.

The government wins 70 percent of these competitions, but in most cases ends up being more efficient as a result of that. They are able to retool their organizations and do things that, without the competition, the marketplace would probably not be incentivized to do.

Secondly, there are no numerical quotas or figures. In fact, Congress took those out several years ago when this administration set targeted figures in terms of the amounts of competitive sourcing they wanted to do under OMB Circular A–76. So that should not be part of this. It is not legal to be doing this, and I hope that is not driving it in this case.

But, again, for Congress to come back and cherrypick different segments and say, this is exempt, and this is exempt, basically destroys the whole system. And once again, although I am sympathetic with where the gentleman wants to go on this, I think there are other ways to accomplish it rather than coming to Congress. I think this will encourage everybody to offer these kinds of amendments, and we will lose one of the greatest tools we have toward government efficiency, and I would urge the amendment be defeated.

Mr. CLEAVER. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, if the gentleman from Virginia will yield for a colloquy, I fully understand, as the gentleman knows I am a co-sponsor of this amendment with the other gentleman from Missouri, and I think there are several good reasons for it and that the economics of the case would compel that this proceed and that the amendment be adopted.

As I understand it, the chairman, and we also heard from the gentleman from Virginia (Mr. TOM DAVIS) a few moments ago, would be willing to work on this, because this is an exceptional situation. I think the gentleman from Virginia, the chairman, recognizes that.

What would the chairman be willing to do to see that this gets a fair shake? Because we have 25 employees out there that are doing such a magnificent job, I just hate to see them go down the drain when, truth in fact, it just should not happen.

□ 1245

If there was ever an amendment that ought to be adopted, but I understand the gentleman's position because you would have 15 dozen of these amendments coming up here every time this bill is brought up, but would you tell the gentleman from Missouri (Mr. CLEAVER) what you are willing to do.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, we would be glad to work with the gentleman from Virginia (Chairman TOM DAVIS), too. The chairman of the committee has jurisdiction. We could have a meeting, the gentleman could bring the representative of the group out there, and we would try to make sure that this is done appropriately. We would do everything we possibly can.

This concern is if we did every one of these on the floor, and if we did one for the gentleman, there are probably 15 Members that would then come forward and say, Why did I not have an opportunity? I give my word, we would work in good faith.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I think the gentleman makes a strong case for this particular item. I would be happy to work with the gentleman as well in my position as chairman of the Committee on Government Reform to make sure that these employees are fully protected as we move forward on this and given the benefit of the doubt.

Mr. CLEAVER. Mr. Chairman, I ask unanimous consent to withdraw my amendment, and express appreciation to both gentlemen from Virginia, and look forward to working with them.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 18 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. TANCREDO:

Page 108, after line 7, insert the following:

TITLE VIII—ADDITIONAL PROVISIONS

SEC. 801. None of the funds appropriated or otherwise made available in this Act may be used to include in any bilateral or multilateral trade agreement any provision that would—

(1) increase any limitation on the number of aliens authorized to enter the United States as a nonimmigrant, or to adjust to such status; or

(2) increase any limitation on the number of aliens authorized to enter the United States as an alien lawfully admitted for permanent residence, or to adjust to such status.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from California (Mr. THOMAS) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as a result of a peculiar event arising out of the inclusion of immigration provisions in the Singapore and Chile fast track trade bills of last year, I have decided to offer this amendment that would restrict the use of funds in the bill to include in any provision in any bilateral or multilateral trade agreements that would increase the number of aliens authorized to enter the United States as an immigrant or nonimmigrant.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMAS. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, except for the provision of the limitation of funds which has become a gimmick to avoid the committees of jurisdiction, this particular piece of legislation would land right smack right in the middle of the Committee on Ways and Means in terms of international trade.

There are two reasons to oppose the amendment. The gentleman from Colorado (Mr. TANCREDO) indicated that he was concerned about content in the Singapore and Chile free trade agreements. Had he consulted the chairman of the committee of jurisdiction, he would have found out that we had entered into significant negotiations with the United States Trade Representative, and that they fully appreciate the fact that there will be no temporary provisions in any additional bilateral bills. They have expressly stated this in side letters accompanying various agreements. In addition, the United States Trade Representative has committed to the committee of jurisdiction that it will not deal with any issues related to temporary entry without extensive consultation with Congress and the appropriate committees.

The second reason to oppose this amendment is because as we speak, the United States is attempting to negotiate the Doha Round, especially in the area of market access for U.S. goods, services and agricultural products in emerging markets. The United States was principally responsible for making sure the Doha Round went forward.

A provision of the market access, or so-called GATS Mode 4, involves the discussion in negotiation over temporary movement of business personnel. If this amendment were to pass, we would be fundamentally and substantively undermining the United States in its attempts to negotiate agreements favorable to the United States in terms of market access.

The chairman of the Committee on Ways and Means would have appreciated knowing that this amendment was coming because of these two vital pieces of information: One, it is not necessary. We have taken steps to ensure it does not happen. And, two, an expression of undermining the United States as it attempts to negotiate through the World Trade Organization fundamental agreements beneficial to the United States makes no sense whatever.

Mr. Chairman, I reserve the balance of my time.

Mr. TANCREDO. Mr. Chairman, I yield myself 30 seconds.

Of course, this amendment was printed in the CONGRESSIONAL RECORD 4 days ago. I assume that was an indication of our intent to offer it. I am pleased also to hear, as the chairman has indicated, that arrangements have been discussed about this, and there have been promises made that none of this kind of thing will come forward. Of course, if that is the case, this amendment should not provide a problem for anyone. We should simply make sure that we put in place the rule that Congress determines our immigration policy. We did not give that up with TPA.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, having to search through the CONGRESSIONAL RECORD to discover that someone is meddling in another committee's jurisdiction is probably not the best way to make sure that the United States passes laws that are in the interest of the United States.

Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I rise in strong opposition to the Tancredo amendment. Let me first say that I take a back seat to no one in being concerned about the effects of the internationalization of our economy. I represent the steel industry and other basic industries that have been disadvantaged in this whole process terribly, and we have been concerned about the inadequacy of trade agreements as they do not protect these industries during the short term.

The first thing I want to say about the Tancredo amendment, is that this is a particularly bad vehicle to make the kind of decisions that this amendment is trying to make. This is an appropriations bill. This is for the Committee on Ways and Means, to do, and not to try to slip into an appropriations bill.

Second, this amendment addresses legal immigration. If there is anything we need to do, it is to be able to debate and discuss and compromise on how we deal with legal immigration, not to limit it on an appropriation bill.

Finally, Mr. Chairman, there are skills that we need in this country, and we have to be very careful about how we might impact our ability to access those skills through this kind of a process.

Mr. TANCREDO. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the gentleman mentions the need to debate. I absolutely believe in the need to debate these issues, especially immigration issues. But when they get wrapped up into trade agreements, we cannot. That is the purpose of my amendment, to ensure that debate stays in this Congress where it belongs, not in the negotiations between trading partners.

It is the unique responsibility of the Congress of the United States to establish immigration procedures. It is not something that we should cede over to our trade negotiators.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMAS. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, we just voted in committee on the question of a trade agreement with the Central America free trade region. It is extensively debated, it is discussed by the committees of jurisdiction, and the administration has to listen to what Congress has to say. It is entirely appropriate that it be done through the appropriate committees.

Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. SHAW), the chairman of the Subcommittee on Trade.

Mr. SHAW. Mr. Chairman, this amendment does not just apply to these trade agreements. The amendment would prevent the use of the funds by State, Justice, Commerce and related agencies for any negotiations that would have the effect of increasing immigration.

The amendment is unnecessary. The U.S. Trade Representative, as we have already heard, has long recognized that trade agreements are not the appropriate forum to negotiate provisions regarding permanent immigration.

In addition, the U.S. Trade Representative has confirmed with the Committee on the Judiciary that it will refrain from negotiating any immigration provisions in any trade agreement negotiated since implementation of the Singapore and Chile agreements, including the agreement in the World Trade Organization.

This amendment would send a very negative signal to our trading partners about the United States' commitment to seeking liberalization in goods, agricultural services in the Doha Round. At a time when the services sector accounts for 8 out of 10 U.S. jobs and roughly 30 percent of U.S. exports, we have much to gain from these negotiations. Let us not tie the hands of those negotiating for the United States.

Mr. TANCREDO. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the fact is if there is an agreement made, and Members feel secure in the fact that there are never going to be any immigration provisions in a trade agreement, then no Member should be concerned about my amendment. We should allow it to pass in order to establish that as the will of Congress.

Mr. THOMAS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I will repeat the second point I made. We are currently in delicate negotiations in the World Trade Organization on market access, and one of the provisions is the question of temporary movement of legal aliens; not that it will be done, but that it is being discussed.

The gentleman's amendment will pull the rug out from the United States. The amendment will have significant effects, and it should not pass.

Mr. TANCREDO. Mr. Chairman, I yield myself the balance of my time.

If it would have significant effect, then I am even more sure we need to pass it, because, of course, we have to make sure that this is something that the Congress deals with, not trade representatives.

It happened last year when the trade agreements with Chile and Singapore came to the floor. A number of Democrats joined with me in expressing their concern about that. I remember particularly the gentlewoman from Texas (Ms. JACKSON-LEE) who came down and was furious about the fact that these trade agreements included immigration provisions.

Well, I would respectfully request, just remember your words because they are true. It is an example of the fact that we do have something to fear that this amendment is being opposed to the extent it is by the chairman and others. The fact is if they are fearful of what this amendment might do, then we have to pass it.

I supported fast track authority for the President when it passed the House and have supported a number of trade agreements that have come before this body. It is not the issue of trade that we are debating here. It is also not the issue of whether or not service agreements should be dealt with, because service agreements, that is just a euphemism for immigration provisions that are identified mostly by certain categories that mean essentially guest worker provisions. We have that. It is in the law. Congress establishes the number of people that will be allowed into this country for the purpose of providing services. That should be something we decide. It should not be a part of these agreements.

They come to us after the discussions. Even in committees, they come to the floor, and Members know what happens; it is either we take it or leave it. We cannot amend it. That is the concern that we have.

Whether or not we agree with immigration caps, issues that should be debated openly and talked about openly are immigration, who has the responsibility for establishing immigration law? As I say, it is the Congress of the United States. It has nothing to do with people who are negotiating our trade arrangements. That is something that is important for us to understand. It is a peculiar aspect of these trade arrangements that, as I say, has only happened in the last few years. But I fear that the past is prologue, and that is exactly where we are going with these things. They will attempt to obfuscate, and it will not be all that clear that they are in there, but they will be in there. They will be in there as service agreements, as the chairman has indicated.

☐ 1300

Does that even raise a red flag with regard to immigration policy? But it most certainly is immigration policy.

It is imperative, therefore, that we simply establish our control over immigration policy. Enough authority has been handed over to our trade negotiators already. When we enter into bilateral and multilateral trade policies, we also, then, of course, enter into jurisdictional issues with regard to the WTO. I am not willing to turn over my responsibility as a Congressman to the WTO for trade or for immigration issues.

I ask for an "aye" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TANCREDO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (preceding the short title), insert the following:

TITLE VIII–ADDITIONAL GENERAL PROVISIONS

SEC. 8. . None of the funds made available in this Act under the heading "OFFICE OF JUSTICE PROGRAMS—JUSTICE ASSISTANCE" may be used by the State Authorizing Agent that has not shared, with the Attorney General, its improvement of criminal justice records as described in Section 3759 of Title 41, United States Code.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an amendment that does not violate current law, does not in any way violate any concerns that the majority would have, and I thank both the chairman and the ranking member for over the past couple of days working with me on some of the concerns I have expressed. But I particularly offer to them this amendment because it is an amendment of fairness in Federal funding that, by the way, the President of the United States extinguished, if you will, in his budget but we added back in a bipartisan way the antidrug task forces. But what we did not support in the supporting of the funding was the discriminatory treatment of the prosecutions and arrests.

I rise today in the name of the victims of Tulia and Hearne, two cities in the State of Texas symbolic of cities around the Nation with antidrug task forces who in the past have had arrest and conviction on the single testimony of one individual. The case in Tulia showed premeditated perjury, no other evidence but the word of one task force member against 15 to 30 African Americans who were ultimately destroyed, taken away from their families, prosecuted, convicted, and jailed.

This amendment speaks to the need of ensuring that there is corroborated evidence either showing the drugs, either showing video or another witness that would corroborate that this particular individual was engaged in drug usage or drug possession or drug selling. The Jackson-Lee amendment seeks to restore justice into the justice system by making the operation of federally funded State and local antidrug task forces more transparent in order to prevent nightmares such as those that occurred in Tulia, Texas. Grants to fund State and local antidrug task forces come from the Edward Byrne grants.

As a member of the House Law Enforcement Caucus, I am an ardent proponent of initiatives that strengthen and support our law enforcement, but we also need to ensure that we have the right kind of training and funding and better facilities, the same thing that I argued for as a member of the Committee on Homeland Security in supporting first responders. But we have a grant process that does not protect against the racial imbalance of the prosecutions of African Americans and other minorities.

Racial imbalance requirement restrictions: notwithstanding any other provision of law, nothing contained in this chapter shall be construed to authorize the National Institute of Justice, the Bureau of Justice Statistics, or the Law Enforcement Assistance Administration to ensure that there is fairness. We have worked on this matter with my colleagues on the Judiciary Committee, particularly the gentleman from Michigan (Mr. CONYERS).

I offer this amendment to my colleagues to say it does not violate current law; it only requires State agencies to share the ability to improve their criminal justice records to show that they are not discriminating.

Mr. Chairman. I thank the chairman from Virginia as well as the ranking member, from West Virginia for their bipartisan work to produce a unanimous-consent agreement that made this very important amendment in order. The Jackson-Lee amendment seeks to restore "justice" into the Justice system by making the operation of federally-funded state and local anti-drug task forces more transparent in order to prevent nightmares such as those that occurred in Tulia, Texas and more recently in Hearne, Texas.

Grants to fund state and local anti-drug task forces come from the "Edward Byrne Memorial State and Local Law Enforcement Assistance Programs (Byrne Program), " In Title 42 U.S.C. Subchapter V. As a member of the House Law Enforcement Caucus, I am an ardent proponent of initiatives that strengthen and support our law enforcement agencies. Furthermore, as a member of the Committee on Homeland Security, I make it a goal whenever possible to advocate for increased funding, better facilities, training, and equipment, and for improved interoperable communications for these first responders. However, with this amendment, I seek to restore the integrity, honesty, evenhandedness, and judiciousness of our law enforcement agencies.

42 U.S.C. Sec. 3789d section (b) of the "Omnibus Crime Control and Safe Streets Act of 1968," reads

> (b) Racial imbalance requirement restriction
>
> Notwithstanding any other provision of law, nothing contained in this chapter shall be construed to authorize the National Institute of Justice, the Bureau of Justice Statistics, or the Law Enforcement Assistance Administration—
>
> (1) to require, or condition the availability or amount of a grant upon the adoption by an applicant or grantee under this chapter of a percentage ratio, quota system, or other program to achieve racial balance in any criminal justice agency; or
>
> (2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this chapter to adopt such a ratio, system, or other program.

The Jackson-Lee amendment does not seek to contravene this provision of the law. Rather, the amendment does seek to hold the State and local grant recipients accountable for the manner in which they conduct their anti-drug programs.

Mr. Chairman, the type of reporting that is prescribed under my amendment is authorized in law as found in 42 U.S.C. 3782, 42 U.S.C. 3759, and 42 U.S.C. 3789e, the Byrne Program as well as 42 U.S.C. 3751 and 3753.

Section 3782 lays out the parameters of the establishment of rules, regulations, and "procedures that are necessary to the exercise" of agency function in carrying out the provisions of Byrne. Specifically, it authorizes the promulgation of rules and regulations that ensure that the entire program has a "high probability of improving the criminal justice system" and is "likely to contribute to the improvement of the criminal justice system and the reduction and prevention of crime." More importantly, however, the rules and regulations promulgated must help the reporting agencies determine the program's "impact on communities and participants." The very negative results of the program that we saw in Tulia and Hearne, Texas clearly and unequivocally contravene these provisions, and the Jackson-Lee amendment seeks to correct this problem.

Section 3789e contains a report to the President and to Congress that relates to the nature of the activities conducted under this program. The Jackson-Lee amendment seeks to ensure that unethical and dishonest application of anti-drug task forces funded under this program do not slip through the cracks. Mr. Chairman, this amendment is vital to protecting the integrity and the evenhandedness of the activities funded under this program. Many years of Civil Rights jurisprudence and law have been ignored and thrown out the window when America permitted situations such as that in Tulia and Hearne to take place with impunity.

Improper and illegal operation of anti-drug task forces was the impetus for my introduction of H.R. 2620, The Law Enforcement Evidentiary Standards Improvement Act of 2005. This bill will provide much-needed oversight and accountability for the millions of federal dollars distributed to state and local law enforcement agencies to fight the drug war. Its provisions propose to minimize the injustice of erroneous arrests and convictions by (1) enhancing the evidentiary standard required to convict a person for a drug offense and (2) improving the criteria under which states hire law enforcement officers to participate in drug task forces.

In recent years, it has become clear that programs funded by the Edward Bryne Memorial Justice Assistance Grant program have borne opportunities for the abuse of the penal system, racially disparate treatment, corruption and tainting of law enforcement agencies, and the commission of civil rights abuses across the country. This is especially the case when it comes to the program's funding of hundreds of regional narcotics task forces. Operation of anti-drug task forces around the country, which has lacked State or Federal oversight, has been riddled with corruption and is the root of some of America's most horrific law enforcement-related scandals.

One of the better known federally funded anti-drug task force scandals occurred in Tulia, Texas several years ago. Fifteen percent of the African American population was arrested, prosecuted, and sentenced to decades in prison based on the uncorroborated testimony of a federally funded undercover officer who had a record of racial impropriety in the course of enforcing the law. The Tulia defendants have since been pardoned, but these kinds of scandals continue to plague the Byrne grant program.

In fact, just a month ago, on May 11, 2005, the defendant, the District Attorney of Robertson County, in Hearne, Texas and the South Central Texas Narcotics Task Force, in a case filed by the American Civil Liberties Union on behalf of 28 African Americans, offered to settle the case after 5 years of litigation. This case arose from the arrest of these 28 individuals—out of 4,500 other residents of Hearne in November 2000 on charges of possession or distribution of crack cocaine. During litigation, the presiding judge was asked to dismiss the charges because they were based on evidence from an unreliable informant, as reported to the Houston Chronicle. Furthermore, reportedly, Task Force officers in the case suggested that the informant had added baking soda to narcotics recovered as evidence in one of the cases.

These scandals are not the result of a few "bad apples" in law enforcement; they are the result of a fundamentally flawed bureaucracy that is prone to corruption by its very structure. Byrne-funded regional anti-drug task forces are federally-funded, state managed, and locally staffed, which means they do not really have to answer to anyone. In fact, their ability to perpetuate themselves through asset forfeiture and federal funding makes them unaccountable to local taxpayers and governing bodies.

To date, 52 organizations at the national, State, and local levels have signed on their support for this legislation and would support this important amendment that is consistent with its goals. Mr. Chairman, I ask that my colleagues on this very distinguished subcommittee work with me to accept this important amendment.

I would like to thank my staff member Dana Thompson for his detailed work on this important amendment. Thank you, Dana.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a different amendment than was printed in the RECORD. I am not even sure that it addresses the same issue. We were told we had the ability to prohibit the amendment to be offered and I did not even want to do that. We felt that whatever the outcome was, it should be. The amendment unnecessarily takes away from funds from State and local law enforcement. We just saw the amendment. I saw it 2 minutes ago, maybe it was 5 or 6 minutes ago.

We do not know the full impact of the funding prohibition. All we know is that the amendment will cut funds to fight crime. I told the gentlewoman we will continue to work with her on this issue. Just 5 minutes before, is it the same thing that the reference said it would be? Where does the language come? If my memory serves me correctly, there have been many amendments to add into that category that we have spent time here.

Because of all those reasons, not for the subject matter, but for all those reasons, I would urge a "no" vote on that.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, how much time is left?

The CHAIRMAN. The gentlewoman has 2 minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, the Jackson-Lee amendment, which is really based on the concept of no more Tulias, is one that I hope my colleagues will support. None of the funds made available in this act under the heading "Office of Justice Programs" may be used by a State authorizing agent that has not shared, with the Attorney General, its improvement of criminal justice records as described in section 3759 of title 42.

We remember the Tulia incident with great pain. This case arose out of Texas in which huge numbers of African Americans, 15 percent of the African American population was arrested and prosecuted and sentenced to decades in prison. This is our response to how we handle it. I urge support of our colleague from Texas, a member of the Judiciary Committee, on this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 20 seconds to the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, what happened in Tulia was a true disgrace. It is not an isolated example. While most of our law enforcement officers and prosecutors do a fine job and we support them, the type of information that this amendment would gather can only be helpful to them and effective law enforcement, and will do more to protect innocent victims like those in Tulia. A gubernatorial pardon or a damage award, do not satisfy the full concerns of those who were injured in Tulia.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in support of this very important amendment. This amendment would simply cause to have funds withheld for State or local antidrug task forces that do not collect and make publicly available data as to the racial distribution of convictions made as a result of their operation. This is so important. I had many of the members from Tulia, Texas, here at the Congressional Black Caucus week where we do our legislative conference. Thirty-nine of them were black. They were arrested on drug charges. There were 38 convictions, based primarily on the testimony of one informant who was later discredited. This one informant, this one man, had a record, he had a history, he lied, they came from a small town where nobody cared whether or not there was real evidence, and this was just outrageous.

The gentlewoman from Texas is absolutely correct. This information must be made available so that we can stop this kind of misjustice and miscarriage of the law. I not only support it, I would urge my colleagues to do so.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, I rise to commend the gentlewoman from Texas for her leadership on this issue. I believe that getting additional information can only be helpful to the many law enforcement and prosecuting agencies that are trying to do an effective job of protecting our families.

We have had now two instances that are publicly known in Texas of prosecutorial abuse concerning the investigation and enforcement of our drug laws, and they were really outrageous examples—so outrageous that a Republican Governor pardoned all the people involved in the Tulia incident. There have also been civil damage awards. But the damage done to a family by what wrongdoing can occur is serious, and a pardon and a damage award is not enough to make up for the harm to that family.

Getting the information will help prevent these incidences from happening, allow effective law enforcement, and appropriate protection for individual rights. We must not let racism contaminate our law enforcement.

Mr. MOLLOHAN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would just point out that this amendment by the gentlewoman simply asks the Attorney General, the State authorizing agencies, to do what they are supposed to do under the law and to do it accurately and faithfully and that, among other things, it refers to requiring complete criminal histories, to include final disposition of arrests, the full automation of criminal justice histories and fingerprint records, the frequency and quality of the criminal history reports and the improvement of State records systems. I think it is very benign in that sense and requires States and governments to report as they are supposed to report under our laws.

For that reason, Mr. Chairman, I express my support for it.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Texas (Ms. JACKSON-LEE).

The CHAIRMAN. The gentlewoman from Texas is recognized for 1½ minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to ask the chairman if he has any additional speakers.

Mr. WOLF. I will close.

Ms. JACKSON-LEE of Texas. Let me thank the distinguished ranking member for his review of the amendment and clarifying and making it a very direct and very simple proposition. Many years of civil rights jurisprudence law have been ignored and thrown out the window when America permitted situations such as that in Tulia and Hearne to take place with impunity.

Mr. Chairman, I am a former judge and a trained lawyer, and I have consistently worked with law enforcement across America and in my hometown and in my State. I am not here to impugn the hard work of good law enforcement officers. I just want there to be a balance between the rights of Americans and the law enforcement system and the judicial system. We cannot have a system of Federal funding that will fund antidrug task forces or other efforts that are not complying with the law, submitting cases that, in fact, have evidence, corroborating evidence, have video, have another witness, have the drugs that person is alleged to have actually had in their possession.

This simply requires agencies receiving Federal funds in law enforcement instances to improve their criminal justice record and to acknowledge that it is unfair to discriminate and prosecute one race, one community, one city, one rural area. I know we can do this in a bipartisan way, and I ask my colleagues to support this amendment.

Mr. WOLF. Mr. Chairman, I yield myself the balance of my time.

I urge a "no" vote on this. The gentlewoman probably would have been prohibited from offering the amendment. We said fine. The amendment was changed. In fact, the title was there and then the amendment changed. I do not think anybody truly here knows, I do not care where they went to law school, what it truly does and what it truly means.

□ 1315

They could have gone to UVA, Georgetown, Harvard, or Timbuktu.

Secondly, if I could have the gentlewoman's attention, I offered to her to let us sit down and talk about this. Nobody is opposing necessarily what she is trying to do. Let us sit down. Let us talk about it. Let us work it. No, we are going to go ahead and do it.

So this institution has to have some definition, or else we just take any amendment that comes along.

So all the amendments, I counted them up. The gentleman from Washington wanted to take money from the bill to put it in State and local law enforcement. This takes money from State and local law enforcement and puts it somewhere else. The gentleman from Nebraska (Mr. TERRY) wanted to take money from the rest of the bill and put it into State and local law enforcement. This takes it from State and local law enforcement and puts it somewhere else. The gentleman from Iowa (Mr. BOSWELL) wanted to take money from another part of the bill, and God bless him, he had a good amendment, and put it in State and local law enforcement. This takes it from State and local law enforcement and puts it somewhere else; for what, we are not even sure. The gentleman from New Jersey (Mr. GARRETT) wanted to take money from the rest of the bill to put it where? In State and local law enforcement. This takes money from State and local law enforcement and puts it not even completely where people even know it is. The gentleman from New York (Mr. WEINER) had a great debate here. I think he wanted to take $126 million from NSF to put it in State and local law enforcement. This takes money from State and local law enforcement and puts it somewhere else. The beat goes on. The beat goes on.

So, because not knowing what this does, we are going to go ahead and oppose this. I just think if Members want to vote on something they do not understand, I think they ought to come down here and vote on something that they do not understand. I think that is part of their right to being here, but I do not understand it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, first of all, the gentleman is correct that he has worked with many Members, including myself, and he is correct on that. I respectfully say that he is incorrect, and we thank him for allowing the amendment to go forward, but we worked not to not have a point of order, and the amendment is not changed from what it was previously. It just clarifies it so it would not be subject to a point of order, and all it does is ask for a reporting of these records to ensure fairness.

And I would love to work with the distinguished gentleman. I hope we can work together because he has been fair, and I want the record to show that. But this is hurting the hearts and minds of constituents across America. And I know we have good law enforcement, and I know the States would not be offended, nor would they be burdened by simply reporting this information. I ask the gentleman to understand that there was no offense intended, and I thank him for the kindness he has shown, but this is an important issue.

Mr. WOLF. Mr. Chairman, reclaiming my time, if we offered to work with the gentlewoman to resolve the issue, I think, from where I come from, that resolves the issue. But she has offered something that we do not even know what it does. It takes funds from an area that everyone else is saying they do not want to take it from. I am having a hard time understanding what that precisely means.

And I would say we could get both of these amendments in different versions and send them to Georgetown Law School or UVA Law School or George Mason Law School and see if they think there is any change. I understand we offered to work with her. I thought that was really the right thing to do.

With that I urge a "no" vote on an amendment that I am not sure what it does.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

AMENDMENT OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MORAN of Virginia:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

LIMITATION ON USE OF FUNDS TO LICENSE EXPORT OF CENTERFIRE 50 CALIBER RIFLES

SEC. 801. None of the funds made available in this Act may be used to pay administrative expenses or compensate an officer or employee of the United States in connection with licensing the export of a nonautomatic or semiautomatic rifle capable of firing a center-fire cartridge in 50 caliber, .50 BMG caliber, any other variant of 50 caliber, or any metric equivalent of such calibers, to any nongovernmental entity.

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentleman from Virginia (Mr. MORAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment that would strengthen current State Department policy regarding the export of .50-caliber sniper rifles. Under this amendment only official government entities would be allowed to purchase these weapons through the export process. The language of the amendment would simply prevent export to any nongovernmental entity; in other words, the arms dealers that bought 25 of them for al Qaeda and the representatives of the IRA and the KLA.

The .50-caliber sniper rifle is in a class by itself. A weapon of war, the Army Handbook on Urban Combat states that the .50-caliber was designed to attack both fuel tanks and other impenetrable targets. It is considered able to penetrate all but the heaviest shielding material from up to a mile away.

This high-powered antimateriel weapon has even been touted by its manufacturers in advertisements that it is capable of disabling or destroying a modern jet aircraft. I quote from Barrett Firearms Manufacturing. In their advertisement, they say, "The cost-effectiveness of the .50-caliber sniper rifle cannot be overemphasized when a round of ammunition purchased for less than 10 U.S. dollars can be used to destroy or disable a modern jet aircraft."

I should repeat that because it is hard to believe. But despite this unparelleled potential for damage, including the threat posed to railcars carrying hazardous materials and civil aviation, the .50-caliber is easier to obtain than a handgun and no less available than a common shotgun.

Governor Schwarzenegger, who recently signed a law banning the .50-caliber in California, stated that this gun is "a clear and present danger to the public's safety."

These guns are sought after by terrorists, warlords, drug smugglers, and other individuals looking to use the .50's exceptional power, accuracy, and distance for terrorist and criminal purposes.

There have been any number of substantiated reports that al Qaeda, the IRA, and the KLA have purchased a number of these guns in recent years. There is an arms race taking place just south of the border in Mexico where drug cartels are employing .50-calibers in a bloody turf war that has resulted in the deaths of hundreds of people caught up in the crossfire.

The "60 Minutes" TV show has reported at length on this issue. In their most recent piece, they profile an Albanian American gunrunner named Florin Krasniqi. Mr. Krasniqi details how he has coordinated the export of .50-calibers from the U.S. to arm the Kosovo Liberation Army in their guerilla war to break away from Serbia. The reason the .50-caliber was his weapon of choice, he stated simply, "You could kill a man from over a mile away. You can dismantle a vehicle from over a mile away." And they are so easy to buy.

If we are not going to deal with the danger that .50-calibers pose to the American public, let us at least prevent the export of these weapons of terror to foreign terrorists. Restricting exports of .50-calibers is necessary because, unlike most items controlled under the U.S. Munitions List and comparable international control lists, firearms are frequently licensed for commercial resale, increasing the likelihood that they will end up in the hands of our enemies.

Mr. Chairman, this is a human rights issue, and it is an issue of protecting our national security. We need to pass this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

I point out that this Moran amendment has been a moving target, Mr. Chairman. This thing has been moving around the last couple of days, and I have been trying to get ahold of the final draft of the final Moran amendment so I can finally look at the language that is finally going to be presented to this Congress that would set final policy on our export policy with regard to one single caliber of firearms, and not even the whole entire caliber of that particular firearm, but just a very small segment of it. And now this final language that I have in this moving target says that it would ban the utilization of Federal dollars for the regulation for "the export of a nonautomatic or semiautomatic rifle," not rifles, "capable of firing a center-fire cartridge in .50-caliber," or the like, "to any nongovernmental entity," which I commend the gentleman from Virginia for removing the broader language and narrowing it down to a nongovernmental entity. This is an improvement in this particular amendment.

But this amendment says "nonautomatic or semiautomatic rifle." It does not address fully automatic .50-caliber machine guns, but it does target rifles, rifles that I call buffalo guns that go back to the 1800s in this country. The Sharp's .50-caliber is one of the original .50-caliber long-range rifles. It was used to implement buffalo hunting back in those years, and its being a .50-caliber is not the reason why it is among the most accurate long-range rifles, but because they chose that caliber back then for long-range accuracy, and they developed the cartridge for that kind of target shooting. And, in fact, there has been an entire organization that has grown up around target shooting that has to do with the .50-caliber, that venerable buffalo gun, and I believe they are called the .50-caliber Target Shooting Club, and I know that they have been organized for over 20 years. So this amendment would target rifles when there is not a record of their being used for crime. There are allegations, but not a record that I can find.

And I look at some of these quotes: "Could be used to destroy or disable a modern jet aircraft." Are we going to outlaw every caliber and every weapon that could be used to destroy or disable a modern jet aircraft? If that is the case, then we take every deer rifle out of the rack and out of every cabinet of every home in America because they can be used the same way. We can name caliber after caliber that could destroy or disable a modern jet aircraft. In fact, sometimes we are a little concerned about that happening.

The fact that the Governor of California advocates an assault on the .50-caliber target rifle, the buffalo gun, does not convince me in the least, but this would not do anything to prevent a .49-caliber or a .51-caliber or going a little bigger or a little smaller. It would encourage that. But what it would do, Mr. Chairman, is it would make the .50-Caliber Shooting Club exclusively a USA club, and it would continue to develop the .50-caliber shooting in the United States, but our foreign friends that are involved in the same thing that we are here, legitimate hunting, legitimate target shooting and development of a venerable weapon, would be prevented from doing so for an illogical reason, if there is a reason at all.

Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I yield 1½ minutes to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Chairman, my friend from Virginia and I, and I think everyone here, share his objective, and that is to keep .50-caliber weapons, and for that matter any weapon, out of the hands of terrorists. I am afraid, though, that his amendment does not accomplish that.

The fact of the matter is that the State Department already has the ability, and uses it, to stop any type of sales of .50-caliber rifles to terrorists or any other type of undesirable groups. If there are any of these anywhere around in the world, and again I am not aware of any incidence where that has taken place, they have been sold illegally. So this amendment is not going to address the illegal sales. It may keep all weapons of .50 caliber here in this country, but they can be made elsewhere all around the world. So it just simply does not accomplish the goal that I know he wants and that we all want.

And since he did mention the Barrett M107, let me point out also that it was selected by the Chief of Staff Office of the U.S. Army as one of the "top 10 inventions of 2004" for the fight against the war on terror. Certainly it has been beneficial to our troops. It can be beneficial to our allies around the world.

Again, we do not want to see these weapons or any weapons in the hands of terrorists. We already have a method to stop that in terms of legal sales. This amendment does not get to the illegal sales. So a good objective, but a flawed amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Just to respond to the points that were made, first of all, I agree that our soldiers like the weapon. I want them to continue to be able to use it. And this, of course, does not restrict their usage. I just do not want it to get into the enemies' hands. And I think that the gentleman does not want terrorists being able to buy these. Al Qaeda has purchased 25 of them.

□ 1330

To respond to the gentleman from Iowa when he said that any number of guns could disable a commercial jet aircraft, to complete the quote, it can disable a modern jet aircraft from over a mile away.

That is the point of it. These are unparalleled weapons. I am not trying to restrict them in the United States. They can have these U.S. clubs for .50 caliber guns. I just do not want them sold by arms dealers. We know that is what is happening, and they are getting into the hands of our enemy.

In a day when we see reports about people being arrested on public property because they were photographing public buildings, on the one hand, and then on the other hand we are allowing these weapons to be sold to terrorists? No. It is okay to sell them to a government, but not to these private individuals who are going to turn around and sell them to the terrorists.

There are certain things that we need to adjust to after 9/11. We are in a war against terrorism. Why would we go along with arming the opposition? So I think much of the argument that has been made supports our contention that we ought to ban the export of these to nongovernmental entities.

Mr. Chairman, I yield to the gentlewoman from New York (Mrs. MALONEY) for the purpose of making a unanimous consent request.

Mrs. MALONEY. Mr. Chairman, I rise in support of the Moran amendment.

Mr. Chairman, I rise in support of the Moran amendment to restrict the exportation of .50 caliber sniper rifles.

This weapon was not built for hobbies or marksmanship, but for military purposes. According to its original patent filing, it was designed to destroy aircraft at long range, beyond security perimeters.

Semi-automatic versions of these guns can fire as many as ten rounds in one minute at a plane, but it only takes one accurate hit to the fuselage, engine or cockpit to cause disaster.

There are even two published books on the market that explain how to use this sniper weapon to attack planes and helicopters.

All this may be why the conservative Rand Corporation, in a 1995 report, found the .50 caliber sniper rifle to be a serious threat to U.S. military air bases.

Today, nine years after that report and three and a half years after 9/11, these terrorist weapons remain under extremely loose regulation.

They are as easy to purchase as a regular rifle and even easier to purchase than a hand gun and yet we know terrorists and criminal organizations have sought them.

According to the Violence Policy Center, Al Qaeda has at least 25, the Church Universal and Triumphants has at least 10, the IRA has 2, and the Militia Training Camp in Canada has 1.

This weapon not only threatens American planes and airports, but also chemical and refinery plants.

The military's top choice of ammunition for the .50 caliber is not only armor-piercing, but also explosive and incendiary—meaning it causes fire.

That type of ammunition could easily cause a huge disaster.

We should protect ourselves and pass the Moran Amendment.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MORAN of Virginia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. MORAN) will be postponed.

AMENDMENT NO. 6 OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mrs. MALONEY:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to enforce any provision of law that prohibits or restricts funding for the United Nations Population Fund (UNFPA).

The CHAIRMAN. Pursuant to the order of the House of June 14, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this limiting amendment simply prevents the State Department from spending taxpayer dollars to restrict funding for the United Nations Population Fund, UNFPA. The effect of this amendment would be to release much-needed funds to help women, children, and men in nearly 150 countries around the world.

For 3 years, the Bush administration has withheld $34 million annually from UNFPA that passed both the House and Senate. UNFPA is the only multilateral agency devoted to helping developing countries combat female genital mutilation and obstetric fistula, to helping countries advance access to family planning and quality reproductive health care, to promoting HIV-AIDS prevention, improved education and health care. These are the jobs of UNFPA. They are the world's leader in this task.

In this world in which we live, while I have been speaking, one woman has died from pregnancy-related causes, nine people have contracted HIV, and 6 have died from AIDS. All of this tragedy occurs in just one minute, and all of it can be prevented if UNFPA is funded and allowed to do its work.

This is not the way it has to be. The U.S. annual $34 million contribution could prevent 2 million unintended pregnancies, 800,000 induced abortions, 4,700 maternal deaths, and 77,000 infant deaths around the world. This is why we need UNFPA. We should not stand in their way, especially when women and girls are dying.

We are a government that champions tolerance, equal opportunity, life and hope. I urge my colleagues to allow the United States to join 169 countries that are already funding and supporting UNFPA. We are standing alone. We should join the world community and support this important work.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 10 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment does not belong in the bill. It is really an amendment that relates to the Foreign Assistance Appropriation, under the bill of the gentleman from Arizona (Mr. KOLBE) where this comes. It is inappropriate to use the funds for the Department of State's operations, including salaries, to enforce the law, because it is the responsibility of the Secretary of State to enforce the law and would in essence mean that there could be no enforcement of Kemp-Kasten. It would make it null and void.

It was determined by the Secretary of State in 2004 that because UNFPA continues its involvement in China's coercive birth limitation program, current law precludes funding for UNFPA.

I visited China. The China policy with regard to coerced and forced abortion, the one-child policy, is barbaric. I could take a whole day to talk about the government of China with regard to the persecution of the Catholic Church, the persecution of the Protestant Church, the persecution of Buddhists, the persecution of Muslims, the sale of kidneys with regard to execution of prisoners, the slave labor camps, and now in essence the coercive policy that this government has. In order to do anything that would send a message to that government that it is okay to do what they are doing is absolutely wrong. So you can argue this on process, this is not the place, but I think you can argue this on the merits.

China is doing fundamentally evil things, and the record should state the evilness of their policies. For that, I urge a strong "no" to send a message to that government that their actions are totally inappropriate.

Mrs. MALONEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say to the gentleman from Virginia (Chairman WOLF), who worked so hard on human rights, to punish an organization working to promote human rights absolutely makes no sense. I have great respect for the gentleman from Virginia (Chairman WOLF), and I agree with the gentleman that the stories about China are absolutely appalling. That is why we need UNFPA. The only thing that not releasing the money does is ensure the Chinese women have absolutely no place to turn. UNFPA is rights-based. It is fighting the Chinese Government's oppressive policies.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I rise in strong support of the Maloney-Shays amendment regarding the United Nations Population Fund. UNFPA funding must be released to aid women, children, and men in the world's poorest countries. The UNFPA fund provides critical maternal health in these nations, emergency assistance for refugees, reproductive education, prevention and treatment for HIV and AIDS, and clinical care for infants and children.

Yet the President has withheld the U.S. contribution to the UNFPA under false accusations that funds have been used to support coercive population practices in China. Every legitimate investigation of these accusations has proven them false.

Furthermore, UNFPA work in China actually contributes to putting an end to coercive practices. It is surely time for the United States to stop withholding funds from the UNFPA. These funds can make all the difference in the world, improving lives and saving lives around the world. I urge my colleagues to support this amendment and allow the U.S. to support the world's largest international source of funding for population and reproductive health programs.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Lancaster, Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in strong opposition to this amendment. The Chinese Government has a policy of killing unborn children it deems a waste of valuable space in one of the world's largest countries. UNFPA actively and passively supports this policy of thinning the population by killing unborn children. In fact, it has gone so far as to praise China's population control tactics. Until that changes, UNFPA should not get a dime of taxpayer money.

As we debate this bill, let us face the truth: Is that really what we want to support or encourage? I do not think so.

Make no mistake about it, UNFPA is in bed with Beijing on forced abortions; and if we fund UNFPA, Beijing gets stronger. If we fund UNFPA, we only encourage the regime's strategy of exterminating the babies they do not want. If we truly care about human rights, we should support programs that work, programs that uphold the dignity of human life, not programs that allow a repressive, Communist government to enforce a systematic effort of abuse and repression and murder.

Our country does not believe in forced abortion. We do not believe in harvesting the organs of prisoners who are being executed.

Why would we want to support this? A Nation that believes in the rights to life, liberty, and the pursuit of happiness should not give aid to any organization that does not support these rights.

I urge opposition to and defeat of this amendment.

Mrs. MALONEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota. Mr. Chairman, it is a fact. It is a fact that international delegations have visited the UNFPA's programs consistently in China, and it is a fact that they have said that the UNFPA is part of the solution in China, helping to promote voluntary family planning.

It is a fact that, since 1999, 60 delegations, 145 diplomats from around the world, have visited UNFPA's China program, and not one of them has found any evidence to suggest that the UNFPA is doing anything other than making the situation better.

Every year the world's poorest nations have millions of mothers dying needlessly during childbirth. Millions of infants die every year in these same countries. These deaths, most of them, can be prevented.

It is the mission of UNFPA to save lives, to promote healthy women, healthy babies, and healthy families by allowing voluntary family planning.

Mr. WOLF. Mr. Chairman, I yield 5½ minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend for yielding me time.

Mr. Chairman, I rise in strong opposition to this amendment. For 25 years, the United Nations Population Fund has been an aggressive and shameful accessory to gross crimes against women and babies in the People's Republic of China. Despite being admonished to do otherwise on countless occasions, the U.N. Population Fund continues to be the chief apologist and enabler for both past and ongoing crimes against humanity.

Now the gentlewoman from New York (Mrs. MALONEY) is offering an amendment that would suspend all U.S. laws, including all of our human rights laws, in order to compel U.S. taxpayer funding for the U.N. Population Fund. The Maloney amendment is written in such a way to immunize UNFPA from having to obey any U.S. law or funding restrictions, including the Kemp-Kasten anti-coercion amendments. I strongly urge its defeat.

Mr. Chairman, let us not forget that the UNFPA has whitewashed, sanitized, and facilitated—it has been an accomplice—in China's barbaric one-child-per-couple coercive population program that has victimized hundreds of millions of women and murdered hundreds of millions of children.

As a direct result, there is this exceedingly dangerous statistical demographic anomaly known as the "missing girls." There may be as many as 100 million missing girls in China today, a tragedy beyond words. As a result, there are also on any given day, according to the Country Reports For Human Rights Practices, the human rights report by the State Department, 500 women in China who commit suicide every day. Five hundred. This coercion has a terrible, deleterious effect on Chinese women.

As violations of human rights go, coercive population control in China is among the worst and most degrading systematic abuse in human history.

Let us not forget or be naive, I say to my colleagues, about the fact that in China today, brothers and sisters are illegal and children can only be born if permission is granted by the state.

We all know that in the United States, families get State and Federal tax credits and deductions for their children so they can better cope with economic pressures.

☐ 1345

In China, on the other hand, there is no welcome mat for children, and Chinese parents have huge fines imposed upon them if they try to bring their children into the world. Unwed mothers are also severely punished in China, and are compelled to abort, even if it is their only one child, the one that they are supposedly permitted to have. China's eugenics policy, which compels the murder of disabled babies, is clearly reminiscent of the Nazis.

Those who violate these cruel, inhumane, antichild policies are fined up to 10 times the annual salary of both husband and wife, a draconian penalty that usually ensures that the child, at the end of the day, is aborted.

This is China's national policy, Mr. Chairman. In all counties, including UNFPA-supported counties, severe fines are imposed on women who have babies out of plan. Some women do resist. Some women have their children on the run, as they say. Some resist or pay bribes or endure the harsh penalty, the so-called "social compensation fee." Others are forcibly aborted, trussed, and brought into the so-called family planning clinics to have their babies aborted, and some are even tortured, and some are jailed.

Last December I chaired yet another hearing on forced abortion in China. I have had about 18 or more hearings over the last several years, and we heard from a woman by the name of Mrs. Mao Hen Feng, a Chinese woman who had been imprisoned and tortured because of her resistance to coercive population control.

I would point out to my colleagues, I met with Peng Peiyun, the woman who runs this program, and, during the course of that several-hour conversation, she kept coming back to the fact that, oh, the UNFPA is here. They do not see any coercion. The UNFPA clearly enables the PRC to practice this draconian program, and then they resort to the whitewash and say, but the UNFPA is here, and, again, they do not find any of this.

Amazingly, Mr. Chairman, the UNFPA calls China's massive violence against women like Mrs. Mao voluntary family planning, as if cheap sophistry makes it all okay. Just call it voluntary family planning, and it is all okay. It makes the definition of "voluntary" a joke.

To make matters worse, Mr. Chairman, UNFPA spokesmen gleefully encourage other countries to follow China's disgraceful lead.

I hope the majority of our colleagues will have no part in enabling either China or its best friend, the UNFPA, in these horrible abuses. Instead of funding the UNFPA, both they and China should be on trial at the International Criminal Court for crimes of genocide and crimes against humanity.

Talk to these women who have suffered. Look at the terrible loss of life, millions upon millions of babies killed, often right at the ninth month as women try to conceal their pregnancy, and the UNFPA is there on the ground enabling this terrible abuse. They provide cover, respectability, tangible support, and technical capabilities that predictably results in massive acts of cruelty and murder in China.

Defeat the Maloney amendment.

Mrs. MALONEY. Mr. Chairman, may I inquire on the time, please?

The CHAIRMAN. The gentlewoman from New York has 5½ minutes remaining, and the gentleman from Virginia has 30 seconds remaining.

Mrs. MALONEY. Mr. Chairman, I yield 10 seconds to the distinguished minority leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentlewoman from New York (Ms. MALONEY) for yielding me this time and for her leadership over the years on this issue that is very important for America, to speak out in terms of reducing the number of abortions that take place throughout the world.

Mr. Chairman, I came to the floor because I listened with interest to the statements that were being made here, especially by a couple of speakers ago about China, including my distinguished friend, the gentleman from New Jersey Mr. SMITH. The gentleman from New Jersey (Mr. SMITH) and the gentleman from Virginia (Mr. WOLF) and I have worked together over the years to speak out against China's coercive family planning, as they call it, policies. The gentleman from New Jersey (Mr. SMITH), the gentleman from Virginia (Mr. WOLF) and I have fought together against the human rights abuses in China. We spoke against them when there was a Democratic President. We spoke against them when it was the policy of a Republican President. We never hesitated to criticize Presidents of our own party for their coddling of the Beijing government while they were repressing their people.

None of us takes second place to anyone in our denunciation of the regime in Beijing for its inhumane treatment of its own people. The list is a long one that we could go into, but we do not have time for that now.

Where the gentleman from Virginia (Mr. WOLF) and the gentleman from New Jersey (Mr. SMITH) and I part company is on their characterization of the role of UNFPA. Certainly, I think without any question, every person in this body would denounce the coercive abortion policy of the Beijing government. Certainly we want fewer abortions to take place. The best way to do that is to have family planning. For some reason, there has been a campaign against UNFPA, because they have been effective in promulgating family planning information to women in need so that they will not find themselves in a situation where an abortion is an option.

When I was ranking member on the Committee on Foreign Operations Appropriations a number of years ago, we put forth a compromise where the money would go forth for UNFPA, but none of the funds would be used in China. It was a compromise. I was not happy with that, because it made certain concessions, but it was a compromise, and each side had to yield something on it.

I just want our colleagues to know that a vote for the Maloney amendment is not a vote in support of any organization that would be sympathetic to the coercive abortion policies in China. It simply is not so.

UNFPA has done very, very valuable work. We go through this year in and year out. I remind my colleagues that in 2001, President Bush, our new President, sent a team to China who certified that UNFPA had nothing to do with China's coercive policies, and they were not in violation of Kemp-Kasten, and $21.5 million went forward.

Since 1999, there have been 60 delegations and 145 diplomats from around the world who have visited UNFPA's China program. None of them have found any evidence to suggest that UNFPA is doing anything other than making the situation better. Family planning reduces abortions. It is that simple. Even after President Bush's first certification, Secretary Powell was part of reviewing the activities there as well and came back with the same result.

What we are talking about here today is, let us reduce abortions, let us denounce the Beijing regime for what they do not only in this area, but in other areas, and not look the other way from that, because that is in my view, a crime against humanity, the way they treat women.

The gentleman from New Jersey (Mr. SMITH) knows chapter and verse. There is probably nobody in the Congress who knows better than the gentleman from New Jersey (Mr. SMITH) how coercive their abortion policies are. He has tried to move to give some opportunity to people who have been victims, and I salute him for that. But I disagree with the gentleman when he says that UNFPA is a part of any of that, and that they have done anything other than make the situation better in China.

So I hope that our colleagues will understand these distinctions and support the very important Maloney amendment.

Mrs. MALONEY. Mr. Chairman, the United States is isolated; 169 countries support the important work of UNFPA.

Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, this is not a debate about Chinese policy on population growth, but I want to just say, I cannot imagine what it would be like to be in the United States and have four times as many people living here, four times as many people in Washington, D.C., four times as many people in New York City. So I do understand that China needs to deal with this issue, but not the way they are dealing with it. This amendment does not in any way impact what China is doing.

Cutting funds to the UNFPA will prevent vital assistance for poor women and children in developing countries. The UNFPA's program helps families prevent unwanted pregnancies, undergo childbirth safety, avoid STDs including HIV/AIDS, and combat violence against women. I think that is what we want to do.

I believe we must support the UNFPA and its family planning initiatives, because world population continues to grow out of control. In 1960, we had 3 billion people on this Earth. Today we have 6 billion people. In 40 years, without worldwide family planning services, it will rise to 9 billion people.

The UNFPA responds to this growth by assisting the world's poorest countries in formulating population policies and strategies. Overpopulation threatens not only the world's political stability, but our global environment as well.

As a former Peace Corps volunteer, I can attest to the substantial contributions international family planning makes to economic development, higher living standards, and improved health and nutrition.

Mr. Chairman, I just hope that we do not get sidetracked on a debate about what China is doing, when there are 150 poor countries around the world that need our help, and millions and millions of women who need our help and assistance.

Mrs. MALONEY. Mr. Chairman, may I inquire about the time?

The CHAIRMAN. The gentlewoman has 3¼ minutes remaining.

Mrs. MALONEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, we recently experienced the Southeast Asia tsunami that destroyed valuable medical services for women across the affected area. But, with the help of the UNFPA, we were able to calculate that 150,000 women were pregnant in the region at the time of the trauma, putting them at greater risk than normal because of sudden loss of medical support. Without UNFPA, these women would not have had the guarantee of safe, clean environments to deliver their babies. They would not have had the access to the medical support and medicines they need to ensure a healthy birth.

Safe and healthy childbirth should not be a political issue. While disagreements about UNFPA will certainly remain, continuing to ensure this program has never been more important than it is now. I urge my colleagues to join me in supporting the Maloney-Shays amendment.

Mrs. MALONEY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Chairman, I thank the gentlewoman for yielding me this time. I am proud to be a cosponsor of this amendment. I respect the passion and force the gentleman from New Jersey brings to the fight against coercive abortions in China, but this is not about coercive abortions in China. This is about saving lives in Sri Lanka and Indonesia and areas that have been devastated by the tsunami.

I was in Sri Lanka only a few months after the tsunami. I was in a maternity hospital that was ravaged by the first wave. That region has lost its capacity for maternal health care. It has lost its nurses, its doctors, its midwives, its entire maternity health care infrastructure.

Mr. Chairman, 150,000 women scheduled to give birth after the tsunami, they need help. The UNFPA is one of the only agencies of its kind that can provide that help. It does not make sense for us to abandon the lives of newborn babies and their mothers in tsunami-affected areas because of what we do not like happening in China. The two issues are not at all related.

We have an opportunity. This is something we can agree on, and that is maternal health care and reproductive health care, and saving lives in areas that desperately need it.

Mr. Chairman, I urge support for this amendment.

Mrs. MALONEY. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from New York (Mrs. LOWEY) who has been a great leader on this issue.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of this amendment, which would correct an error in the interpretation of our law that has put the lives of the world's most vulnerable women and children at risk.

Since 2002, the United States has provided no funds to the United Nations Population Fund. The facts are clear. UNFPA has a worldwide policy of not providing abortions, even when they are legal in the country in which UNFPA is operating. UNFPA does not coerce women into abortion and sterilization. It works to secure voluntary reproductive health options around the world.

U.S. law prohibits funding for organizations that support coercive practices.

□ 1400

But UNFPA is being penalized because it is trying to overturn, end coercive practices in China.

In meeting after meeting over the past 3 years, the State Department has repeatedly said that nothing UNFPA does will lead to a restoration of its funding as long as it continues to operate in China, unless China changed its laws.

Let us make it very clear. UNFPA is the premier multilateral organization helping to provide safe motherhood, reproductive health assistance to the world's poorest children.

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Mr. Chairman, may I inquire on the time.

The CHAIRMAN. Fifteen seconds.

Mrs. MALONEY. Mr. Chairman, is that on both sides?

The CHAIRMAN. The gentleman from Virginia has 30 seconds.

Mrs. MALONEY. Mr. Chairman, I would just like to say that we may have a disagreement in some ways, but UNFPA is a world leader.

Mr. Chairman, I yield the remaining time to the gentleman from Virginia (Mr. MORAN).

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) is recognized for 15 seconds.

Mr. MORAN of Virginia. Mr. Chairman, I cannot understand why, without passing the Maloney amendment, we punish millions of women throughout the Third World. Our annual $34 million contribution could prevent 2 million unintended pregnancies; 800,000 induced abortions; 4,700 maternal deaths, and most of them are young girls that have no control over their lives; and 77,000 infant deaths. That is what we should be doing. This should not be about China. This should be about the Third World.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want my comments to be separated. One, I want to commend and thank the minority leader, the gentlewoman from California (Ms. PELOSI), for her strong support on human rights. Particularly, she has been very good in China. She was there from the Tiananmen Square times and all the time. So I just want the record, we want to separate these out, but I want the record to show that I admire her and respect very much her support for human rights in China. It has been outstanding.

The second point I want to make is to separate back to the debate that my good friend, the gentleman from Virginia (Mr. MORAN), was just talking about. I favor family planning. I am speaking for myself. I favor family planning. But this is a government that still has Tiananmen Square demonstrators in prison. In 1991 the gentleman from New Jersey (Mr. SMITH) and I were in Beijing Prison Number 1, and we are the only two Members of the Congress that have been in a Chinese gulag, and we saw Tiananmen Square demonstrators making socks. Some of you may be wearing the socks, socks for export to the United States. God bless him, Senator Moynihan got the socks, when I came back, held the socks up on the Senate floor with regard to how bad China was. And I will get that, what Senator Moynihan said, and put it in the RECORD.

> Mr. MOYNIHAN. Mr. President, here are products of prison labor, sold in international trade by the Chinese. You can buy these: socks with a panda with the word "boxing" and a little boxer; this fellow is playing golf, whatever.
>
> Representative Wolf was in Beijing Prison No. 1, and not recognizing him as a Member of the House of Representatives, they thought he was a buyer. They started showing him the goods for sale.
>
> They have stopped that. We have ratified that treaty at long last. Surely we ought to indicate that we mean it, that we intend to help enforce this international labor standard.

This is a fundamentally evil government that you cannot trust. Many Tiananmen Square demonstrators that we lament about and talk about are still in prison. Now, they moved them out of Beijing Prison Number 1, but they are still in prison. And if you do not think there is coercion, call Harry Wu. Harry Wu lives out in Fairfax County, in the district of the gentleman from Virginia (Mr. MORAN). And Harry will tell the gentleman about the forced abortions and the policies and the abuse of this government. If you need a new kidney, they will go in the prisons, they will find somebody with your blood type, they will shoot them, maybe a Catholic priest, maybe Buddhist monk, maybe a Protestant pastor, or maybe a pickpocket. But you can get a new kidney for $50,000. This is the government that you basically want to give money to.

Now, many of you saw it. I think I did a Dear Colleague letter. Soon after the death of Pope John Paul, they arrested two elderly Catholic priests. And I say to my friend, the gentleman from Connecticut (Mr. SHAYS), talk to the Cardinal Kung Foundation and let them tell you of all the persecution. I believe they are now 11 Catholic bishops. The gentleman from New Jersey (Mr. SMITH) took holy communion from Bishop Su.

Mr. Chairman, I would ask if I could yield to the gentleman just for two words. Where is Bishop Su now?

Mr. SMITH of New Jersey. He is in prison.

Mr. WOLF. He is in prison. One other question. How old is he?

Mr. SMITH of New Jersey. He is in his mid-70s. Twenty-seven years in prison.

Mr. WOLF. Mid-70s in prison for giving holy communion.

Now, the government put him in jail. Nobody else. You have a government that you fundamentally cannot trust.

Lastly, Secretary Powell, a constituent of mine, somebody that we all admire. He lives out in my congressional district. Here is what he said on July 15, 2004: "Despite these efforts, China continues to employ coercion in its birth planning program including through severe penalties for out-of-plan births. And UNFPA's program has not been restructured to solve the problems identified in 2002."

So Secretary Powell, who we all trust, said they are still doing it. And then he ends, "however, as in 2002, UNFPA continues its support and involvement in China's coercive birth limitation program in counties where China's restrictive law and penalties are enforced by government officials." I urge you to defeat this amendment and send a message to this fundamentally bad government that is doing all these horrible things to women, doing all these things to Catholic priests, Catholic bishops, to evangelical pastors, to Buddhist monks.

I was in Tibet, went in every monastery we could. They told us what they are doing to the Buddhist Church. It is against the law to have a picture of the Dalai Lama. Vote "no" on this amendment.

THE SECRETARY OF STATE,
Washington, DC, July 15, 2004.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, House of Representatives.

DEAR MR. CHAIRMAN: The Foreign Operations, Export Financing and Related Programs Appropriations Act, 2004 (Pub. L. 108-199, Div. D) ("Act"), like every foreign operations appropriations act since 1985, provides that "none of the funds made available in this Act . . . may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization." Separately in Section 567, the Act earmarks $34 million for the United Nations Population Fund ("UNFPA").

In July 2002, I determined that UNFPA's support of, and involvement in, China's population-planning activities allowed the Chinese Government to implement more effectively its program of coercive abortion, and that, therefore, the Kemp-Kasten Amendment precluded funding of UNFPA at that time.

Since that time, we have had numerous discussions with the Government of China to urge an end to China's program of coercive abortion. We have also urged UNFPA and China to restructure the UNFPA program so that UNFPA does not support or participate in the management of China's coercive program. Despite these efforts, China continues to employ coercion in its birth planning program, including through severe penalties for "out of plan births" and UNFPA's program has not been restructured to solve the problems identified in 2002. However, as in 2002, UNFPA continues its support and involvement in China's coercive birth limitation program in counties where China's restrictive law and penalties are enforced by government officials. More information on the nature of China's birth-limitation regime and UNFPA's involvement therein is contained in the enclosed report on China's Birth-Limitation Policy.

The Administration is preparing to take the steps, including consulting with Congress, that would be necessary to apply the amount that had been reserved for UNFPA in the "International Organizations and Programs" account to the ESF account, for use in support of the President's initiative to aid victims of trafficking.

We will continue to remain engaged with China and UNFPA on this issue. As I stated in 2002, if Chinese laws and practices were changed so that UNFPA's activities did not support a program of coercive abortion, or if UNFPA were to change the program implementation for its funding so that it did not support a program of coercive abortions, I would be prepared to consider funding UNFPA in the future.

Sincerely,

COLIN L. POWELL.

Enclosures: As stated.

REPORT TO CONGRESS ON CHINA'S BIRTH LIMITATION POLICY

The Conference Report accompanying H.R. 2673, H. Report 108–401, in the Statement of Managers, requests the Department of State [hereinafter "the Department"] to report "not later than July 15, 2004, on the steps it and UNFPA have taken to urge the Government of China to end its birth limitation policy, including the social compensation fee, and the results of those efforts, nationally, and particularly in the counties in which UNFPA operates." This report responds to that request.

U.S. ENGAGEMENT

Since the Secretary's determination of July 21, 2002, that funding for UNFPA was precluded by the Kemp-Kasten Amendment of the FY 2002 Foreign Operations Appropriations Act, the United States has actively engaged with China to end coercive practices in its birth-limitation program and with UNFPA to end its support for that program. We have urged China to implement fully the principle recognized in the Programme of Action of the International Conference on Population and Development (ICPD) that all couples should have the right "to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and . . . to make decisions concerning reproduction free of discrimination, coercion and violence. . . ." In order to implement this principle the Chinese family planning program should be fully voluntary and free of all forms of coercion.

Immediately following the Secretary's determination, the Department commenced a round of five negotiating sessions with China with the objective of eliminating coercive provisions in law and ending coercive practices in the counties in which UNFPA is involved. We also encouraged China and UNFPA to restructure their proposal for the new fifth country program (CP5) agreement in a way that would allow the United States to fund UNFPA. Discussions were held with senior UNFPA and Chinese officials in New York, Washington, Beijing, and during international meetings on population matters. Department personnel visited UNFPA project counties in China on two occasions, in November 2002 and August 2003. Embassy and Consulate personnel based in China made numerous field visits, both to counties in which UNFPA operates and counties in which there is no UNFPA assistance. These field visits were designed to learn about the implementation of China's birth limitation laws and policies/practices, and about UNFPA's activities in China. Despite several rounds of discussions with U.S. representatives, UNFPA and China decided not to make substantive changes to the proposed UNFPA fifth country program. For example, UNFPA did not condition the start of the program on the elimination of social compensation fees (SCF). When CP5 was adopted at the first regular session of the UNFPA Executive Board in January 2003, the United States could not support the program because of coercive measures in the enforcement of China's birth limitation laws. The U.S. delegate stated that the United States believes that UNFPA should not be associated in any way with coercion.

In the summer of 2003, the Administration considered that circumstances surrounding UNFPA's continued involvement in China's birth limitation program had not changed sufficiently to warrant U.S. funding.

As described below, many of those circumstances continue to persist, despite claims by Chinese officials that they are working to eliminate coercive measures. These, along with others described in State's annual human rights reports, information supplied by UNFPA, the results of U.S. efforts to engage both UNFPA and China on numerous occasions from 2002 through 2004, and the fact that China's coercive policies have, since the Secretary's July 2002 determination, now been codified and enforced as a matter of national law, all contribute to the finding that the Kemp-Kasten amendment continues to preclude funding for FY 2004.

CHINA'S BIRTH-LIMITATION REGIME—NOW LAW

A new national Law on Population and Birth-Planning went into effect on September 1, 2002. This law codifies on a national basis, for the first time, China's long-standing "one child policy" and specifies a number of government birth-limitation measures that amount to coercion. (As mentioned in the 2002 determination, county laws had previously been in place and were used to enforce the birth limitation policy.) The national law provides, inter alia, ". . . practicing birth planning is a basic national policy of the State. The State (shall) employ comprehensive measures to control population quantity and improve population quality." (Article 2.) "Citizens have a right to have a child and also have a duty to practice birth planning according to the law. . . . (Article 17.) "The State shall stabilize currently implemented birth policies. . . . Those who meet the conditions in laws and regulations can request the arrangement of the birth of a second child. Specific methods (shall be) stipulated by the people's congresses of provinces. . . ." (Article 18.) "Citizens who give birth to a child in violation of Article 18 of this law should pay a social compensation fee. . . ." (Article 41.) "Among (government) personnel who pay a social compensation fee in accordance with Article 41 of this law, those who are State staff should also be given administrative punishment according to law." "Other personnel (who are not state staff) should also (in addition to the social compensation fee) be given disciplinary punishment by their own unit or organization." (Article 42.)

Since the promulgation of the national law, all provinces and equivalent governmental units except the Tibetan Autonomous Region have issued implementing regulations that set out birth planning requirements. These regulations generally allow only one child, with specific exceptions that allow qualified couples to have a second, or in rare cases, a third child. They also set ranges for assessment of the social compensation fees (SCF) by local authorities. Fees range from the equivalent of one half the local average annual household income to as much as 10 times that level. One county where UNFPA has activities, Liuyang in Hunan Province, assesses a fee of two times the average annual household income. Liuyang County has waived the fee for premarriage births, but not for inadequate birth spacing (when an additional child is allowed), or for "out-of-plan" births. (An example of province implementing regulations is provided as annex two.)

The Department has urged Chinese government officials to eliminate the SCF, as well as other coercive birth limitation measures. UNFPA has urged experimentation with the fee in UNFPA program counties with a view towards elimination by the end of the current program. The Chinese government has suggested that because the SCF is specifically prescribed in national law, local governments do not have authority to completely waive collection of the fee. Other coercive measures in place in China include cutting off state-funded education or health care benefits for "out of plan" children, loss of employment, and imposition of a system of severe fines and penalties. National and Provincial Chinese government officials have declined or been unable to assure us that penalties such as demotion or loss of job are not also imposed in countries where UNFPA operates.

The 2004 State Department Country Report on Human Rights Practices confirms China continues enforcement of its birth limitation policies and law. (Annex One.)

UNFPA'S ENGAGEMENT WITH CHINA

Last month, at the Department's request, UNFPA furnished in a very timely fashion information regarding its China program. The Director of UNFPA's Asia and Pacific Division, Sultan Aziz, wrote to the Department on June 14, 2004, highlighting the concerns UNFPA shares with the United States "over aspects of China's family planning strategy that could lead to coercion." In particular, he made the following points about UNFPA's view of it approach and progress in China:

"UNFPA, like all UN organizations, is guided by international human rights standards and principles in all our programs. Using the ICPD principles as our platform, UNFPA Country Programmes focus on voluntary, client-oriented family planning services with a range of choices and options."

"UNFPA has made a significant contribution in improving reproductive health knowledge, reducing (the) proportion of sterilization and abortions, reducing maternal mortality and increasing the proportion of births with skilled attendants."

"UNFPA does not support China's one-child policy, and has proactively engaged in serious dialogue with the Chinese government on this issue. There is growing realization in the government, if not directly stated, about the problems arising from the one-child policy—sex ratio imbalances, ageing and population structure."

"China is committed to the ICPD and its steadily, incrementally and firmly moving beyond demographic targets towards a voluntary and client-oriented FP [family planning] approach. UNFPA, has been catalytic in fostering, supporting and guiding the transition."

UNFPA'S FIFTH COUNTRY PROGRAMME FOR CHINA

Much of UNFPA "input," i.e., its programs, goals, and activities, in China is designed to assist China in "forming new management and service approaches of its population and family planning program." The goals of its current program (CP5), building on those of its previous program (CP4), continue to strive toward moving the Chinese government from an "administrative" approach to a "client-centered, quality of care" approach, closer to the standards of the Programme of Action—and thus toward achieving through individual counseling desirable population goals without coercion. But these efforts miss the mark; they are narrowly tailored to expand access to reproductive health information and to allow couples and individuals to select their contraceptive methods in compliance with the national and provincial regulations. Their end result is not that couples and individuals may freely make decisions as to the number and spacing of their children. Rather, in counties where the UNFPA operates, China continues to implement its coercive laws and practices.

The UNFPA-China agreement sets as a hortatory objective the elimination of the SCF by 2010, but it provides for no specific actions to further that end. UNFPA noted that it required CP5 participating counties to lower fees and encouraged further experimentation, but the agreement does not provide for elimination. Further, the agreement requires that counties participating in CP5 eliminate targets and quotas, but does not require them to eliminate coercive "administrative" or "disciplinary" punishments—thus continuing to reflect UNFPA's support for China's coercive program.

The UNFPA budget for CP5 amounts to almost $8 million over 3 years. The funding allocation for CP5 is similar to that in CP4 funding. It includes cost for personnel (including consultants), monitoring and evaluation, research, publications, international meetings and exchange visits, and vehicles. UNFPA also continues to fund equipment for China, including for management information systems and data management software which are capable of tracking births, although UNFPA claims in its June 14, 2004 letter that the Management Information System [MIS] is "categorically not intended for tracking out of plan pregnancies, or to help enforce the social compensation fees." UNFPA is also financing improvements in the administration of the local family planning offices.

These resources are provided directly or indirectly to the State Family Planning Commission in counties where it enforces the fines and administrative penalties such as job loss, demotion, and expulsion from the Communist Party. The UNFPA activities include training of reproductive health service providers in, among other things, awareness of the law in order that they may provide reproductive health counseling. This, as well as UNFPA's supplying equipment and supplies to the very agencies that employ coercive practices, amounts to support for not only in China's broader population-planning activities, but also specifically for the Chinese government's more effective implementation of its program of coercive abortion.

CONCLUSION

Both China and UNFPA have been willing to engage with the United States on approaches to eliminating coercion in China's birth planning law and policy. We welcome this dialogue and efforts by China to move forward in this important area and we will continue our engagement. We congratulate China and UNFPA on the elimination of targets and quotas in UNFPA counties and reduction of the incidence of maternal mortality. Unfortunately, coercive birth limitation measures in law and policy continue in counties in which UNFPA assists China.

EXCERPTS FROM COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES CHINA, 2003

Authorities continued to reduce the use of targets and quotas, although over 1,900 of the country's 2,800 counties continued to use such measures. Authorities using the target and quota system require each eligible married couple to obtain government permission before the woman becomes pregnant. In many counties, only a limited number of such permits were made available each year, so couples who did not receive a permit were required to wait at least a year before obtaining permission. Counties that did not employ targets and quotas allowed married women of legal child-bearing age to have a first child without prior permission.

The country's population control policy relied on education, propaganda, and economic incentives, as well as on more coercive measures such as the threat of job loss or demotion and social compensation fees. Psychological and economic pressure were very common; during unauthorized pregnancies, women sometimes were visited by birth planning workers who used the threat of social compensation fees to pressure women to terminate their pregnancies. The fees were assessed at widely varying levels and were generally extremely high. Reliable sources reported that the fees ranged from one-half to eight times the average worker's annual disposable income. Local officials have authority to adjust the fees downward and did so in many cases. Additional disciplinary measures against those who violated the limited child policy by having an unapproved child or helping another to do so included the withholding of social services, higher tuition costs when the child goes to school, job loss or demotion, loss of promotion opportunity, expulsion from the Party (membership in which was an unofficial requirement for certain jobs), and other administrative punishments, including in some cases the destruction of property. These penalties sometimes left women little practical choice but to undergo abortion or sterilization. Rewards for couples who adhered to birth limitation laws and policies included monthly stipends and preferential medical and educational benefits. In the cases of families that already had two children, one of the parents was usually pressured to undergo sterilization.

In March, the U.N. Population Fund (UNFPA) concluded a 4-year pilot project in 32 counties. Under this program, local birth planning officials emphasized education, improved reproductive health services, and economic development, and they eliminated the target and quota systems for limiting births. However, these counties retained the birth limitation policy, including the requirement that couples employ effective birth control methods, and enforced it through other means, such as social compensation fees. Subsequently, 800 other counties also removed the target and quota system and tried to replicate the UNFPA project by emphasizing quality of care and informed choice of birth control methods. In April, a new UNFPA program began in 30 counties. Under this program, officials defined a list of "legitimate rights of reproduction according to law," including the rights to choose contraception and right to legal remedies, among others.

JIANGSU PROVINCE BIRTH LIMITATION REGULATIONS EXCERPTS

CHAPTER I GENERAL PRINCIPLES

Article 5

Local people's governments at all levels within the province shall take integrated measures to control the size of the population and to improve its quality, and shall implement population and family planning programs. . . .

Article 7

Citizens have the right to reproduce and the obligation to practice family planning in accordance with the law. . . .

CHAPTER 3 FERTILITY REGULATION

Article 21

A man and a woman who have been legally registered as married may have one child, provided that neither has had a child previously.

Article 22

Married couples meeting any of the following conditions may apply to give birth to one additional child:

The couple has only one child, and that child is certified by a pediatric illness and disability authentication institution to have a disability, other than a serious genetic disability, that cannot at present be treated, or that despite systematic treatment will prevent that child from developing into a normal worker or seriously affect that child's future marriageability.

Either spouse is a member of the armed forces, armed police, or public security police or is a 'Good Samaritan' and that spouse has sustained a Class 2, Grade 2 or higher disability in the exercise of duty; or either spouse is the only child of a [revolutionary] martyr and [the couple] has only one child.

One spouse has been widowed and the other spouse has never had a child.

One spouse is divorced and has either had only one child or has legally had two children and the other spouse has never had a child.

Neither spouse has had a child and, after having legally adopted a child, the wife becomes pregnant.

One spouse is a second-generation only child, or both spouses are only children, and [the couple] has only one child.

One spouse has been occupied in downhole operations for a continuous period of five years or longer, is currently occupied in downhole operations, and [the couple] has only one child which is a daughter.

Article 23

Apart from the provisions of Article 22 of these regulations, married couples may apply to give birth to one additional child if the wife is a rural resident and any of the following conditions is met:

One spouse is an only child, and [the couple] has only one child.

Only one child has been had, and the brother(s) of the husband is/are unable to have a child.

The husband has moved his residence to the place of residence of the wife and is supporting the parents of the wife, who has no brothers, and [the couple] has only one child which is a daughter. This rule shall apply to only one sister on the wife's side.

The man has no brothers and only one sister, and [the couple] has only one child which is a daughter.

The couple permanently resides in a coastal reclamation area with population density not greater than one person per five mu of land (calculated on a per village basis), and has only one child which is a daughter.

One spouse has been continuously occupied in ocean fishing for five years or more, is currently employed in ocean fishing, and the couple has only one child which is a daughter.

CHAPTER VI LEGAL LIABILITY

Article 44

A couple that gives birth to a child not in accordance with these regulations shall pay the social compensation fee. . . .

For urban residents, social compensation fees shall be calculated by taking as the basic standard the per capita annual disposable income of urban residents in the municipality with districts or in the country (city) in the year prior to the child's birth. For rural residents, social compensation fees shall be calculated by taking as the basic standard the per capita annual net income of rural residents in the township (town in the year prior to the child's birth. . . .

The specific standards for the social compensation fees to be paid in accordance with paragraph one of this article are:

Those who have had one additional child not in accordance with the provisions of these regulations shall pay social compensation fees in the amount of four multiples of the basic standard.

Those who have had two or more additional children not in accordance with the provisions of these regulations shall pay social compensation fees in the amount of five to eight multiples of the basic standard.

Those who have had one child outside of marriage shall pay social compensation fees in the amount of 0.5 to 2 multiples of the basic standard.

Those who have had two or more children outside of marriage shall pay social compensation fees in the amount of five to eight multiples of the basic standard.

Those who have had a child in a bigamous marriage shall pay social compensation fees in the amount of 6 to 9 multiples of the basic standard.

Mr. CROWLEY. Mr. Chairman, I rise in support of this amendment, and I thank Congresswoman MALONEY, along with Congressman SHAYS and Congressman ISRAEL, for joining me in support of this important issue.

This amendment is simple. If you support the good work UNFPA does around the world, in approximately 150 countries, supporting women's health programs, fighting HIV/AIDS, and improving child health—then you will vote for the Maloney/Crowley amendment.

This Congress has consistently voted to fund UNFPA. But the Administration refuses to release that money. They hide behind the fact that UNFPA works in China, helping move that country away from its abhorrent one-child policy.

Of course, when the President sent over an investigative team, it reported that there was no coercion in the Chinese program and that UNFPA should be funded. Moreover, Congress has put into law that, if the U.S. contributes to UNFPA, it will deduct $1 for every $1 spent in China. Clearly, the China issue is simply meant to muddy the waters of this debate.

But one thing that remained abundantly clear to me during my trip to see the impact of the recent tsunami—UNFPA funding is nothing short of critical.

I recently visited tsunami-affected sites that, with UNFPA funding, often serve as the first line of support for women and families in need. But it is not only the important work they do in disaster zones, it is the work they do day in and day out to help women in the developing world.

And while USAID is involved in related initiatives, the fact remains that the USAID is only in approximately 50 countries while UNFPA is in approximately 150.

Let's focus on the facts. UNFPA saves lives, UNFPA brings dignity to those in need, and UNFPA helps women. UNFPA does not coerce. UNFPA does not provide abortion, and no U.S. money will go to China.

Mr. WOLF. Mr. Chairman, I yield back all of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. MALONEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York (Mrs. MALONEY) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6, rule XVIII, proceedings will now resume on those amendments on which further proceeding were postponed in the following order: amendment No. 11 offered by the gentleman from Texas (Mr. PAUL), amendment No. 4 by the gentleman from Colorado (Mr. HEFLEY), an amendment by the gentleman from Massachusetts (Mr. MARKEY), amendment No. 19 by the gentleman from Colorado (Mr. TANCREDO), amendment No. 18 by the gentleman from Colorado (Mr. TANCREDO), an amendment by the gentlewoman from Texas (Ms. JACKSON-LEE), an amendment by the gentleman from Virginia (Mr. MORAN), amendment No. 6 by the gentlewoman from New York (Mrs. MALONEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 11 OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 65, noes 357, not voting 11, as follows:

[Roll No. 259]

AYES—65

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Bilirakis
Bishop (UT)
Bonner
Burgess
Burton (IN)
Cannon
Coble
Cubin
Davis (KY)
Davis, Jo Ann
Deal (GA)
Doolittle
Duncan
Everett
Feeney
Foley
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Goode
Hayworth
Hefley
Herger
Hostettler
Hulshof
Hunter
Jindal
Johnson, Sam
Jones (NC)
Keller
King (IA)
Kingston
Lewis (KY)
Manzullo
McHenry
Miller (FL)
Moran (KS)
Musgrave
Neugebauer
Ney
Norwood
Otter
Paul
Peterson (PA)
Platts
Pombo
Price (GA)
Rogers (AL)
Rohrabacher
Ryun (KS)
Shuster
Simpson
Stearns
Tancredo
Taylor (MS)
Tiberi
Wamp
Westmoreland
Wilson (SC)

NOES—357

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Bono
Chandler
Cox
Cuellar
Davis, Tom
McCrery
McKinney
Oberstar
Pryce (OH)
Sessions
Woolsey

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1428

Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Georgia, Mr.

CROWLEY and Ms. HOOLEY changed their vote from "aye" to "no."

Mrs. CUBIN, and Messrs. EVERETT, SHUSTER and DEAL of Georgia changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 91, noes 336, not voting 6, as follows:

[Roll No. 260]

AYES—91

Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Brady (TX)
Burton (IN)
Buyer
Cannon
Chabot
Chocola
Coble
Costello
Cox
Cubin
Deal (GA)
Diaz-Balart, M.
Duncan
Everett
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gohmert
Graves
Gutknecht
Hall
Harris
Hart
Hefley
Hensarling
Herger
Hostettler
Inglis (SC)
Issa
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
King (IA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
McCotter
McHenry
McMorris
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Poe
Price (GA)
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Shadegg
Shimkus
Shuster
Sodrel
Stearns
Tancredo
Tanner
Taylor (MS)
Westmoreland
Wilson (SC)

NOES—336

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Bono
Conyers
Cuellar
Oberstar
Pitts
Sessions

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

☐ 1438

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MARKEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 8, answered "present" 1, not voting 9, as follows:

[Roll No. 261]

AYES—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte

Gordon
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—8

Blunt
Bonilla
Davis (KY)
Feeney
Graves
Hayes
Mica
Westmoreland

ANSWERED "PRESENT"—1

Hayworth

NOT VOTING—9

Bono
Buyer
Cantor
Cuellar
Kirk
Oberstar
Rogers (MI)
Sessions
Waters

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 1446

Mr. KNOLLENBERG changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. KIRK. Mr. Chairman, on rollcall No. 261 I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 19 OFFERED BY MR. TANCREDO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 204, noes 222, not voting 7, as follows:

[Roll No. 262]

AYES—204

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Carter
Case
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Feeney
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Kolbe
LaHood
Latham
LaTourette
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryun (KS)
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NOES—222

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)
Frelinghuysen
Gilchrest
Gonzalez
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hastings (WA)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reichert
Reyes

Reynolds
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—7

Bono
Cuellar
Foley
Hunter
Oberstar
Sessions
Tierney

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1454

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FOLEY. Mr. Chairman, on rollcall No. 262 I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 19 OFFERED BY MR. TANCREDO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 106, noes 322, not voting 5, as follows:

[Roll No. 263]

AYES—106

Abercrombie
Aderholt
Akin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bilirakis
Boozman
Boren
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Case
Chabot
Coble
Cox
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
Drake
Duncan
Emerson
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Hayes
Hayworth
Hefley
Herseth
Holden
Hostettler
Hunter
Istook
Jones (NC)
Kaptur
Keller
King (IA)
LoBiondo
Manzullo
Marchant
Marshall
McCotter
McHenry
McHugh
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Ney
Norwood
Otter
Pascrell
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Radanovich
Rehberg
Renzi
Rogers (AL)
Rogers (MI)
Rohrabacher
Royce
Ryan (OH)
Ryun (KS)
Sensenbrenner
Shuster
Simpson
Skelton
Smith (TX)
Sodrel
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Wamp
Weldon (PA)
Whitfield
Wilson (SC)
Wolf
Young (FL)

NOES—322

Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Tom
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hensarling
Herger
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pickering
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Reynolds
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stupak
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—5

Bono
Cuellar
Delahunt
Oberstar
Sessions

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1502

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 244, not voting 6, as follows:

[Roll No. 264]

AYES—183

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel

Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—244

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Bono
Cuellar
McDermott
Oberstar
Rush
Sessions

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1510

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MORAN OF VIRGINIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. MORAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 149, noes 278, not voting 6, as follows:

[Roll No. 265]

AYES—149

Abercrombie
Allen
Andrews
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Clay
Cleaver
Clyburn
Conyers
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Frank (MA)
Gilchrest
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kilpatrick (MI)
Kirk
Kucinich
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Ramstad
Rangel
Regula
Rothman
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Solis
Spratt
Stark
Tauscher
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wolf
Woolsey
Wynn

NOES—278

Ackerman
Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Etheridge
Everett
Feeney
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack

Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanders
Saxton
Schwarz (MI)
Scott (GA)
Sensenbrenner
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wu
Young (AK)
Young (FL)

NOT VOTING—6

Bono
Cuellar
Green, Gene
Oberstar
Oxley
Sessions

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1518

Mr. CASTLE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MRS. MALONEY

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 6 offered by the gentlewoman from New York (Mrs. MALONEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 192, noes 233, not voting 8, as follows:

[Roll No. 266]

AYES—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cooper
Costa
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy (RI)
Kilpatrick (MI)
Kind
Kirk
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Ramstad
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—233

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costello
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Bono
Conyers
Cuellar
Delahunt
Hinchey
Jackson-Lee (TX)
Oberstar
Sessions

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1526

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. If there are no further amendments, the Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006".

Mr. BLUMENAUER. Mr. Chairman, each year, funding for essential programs under this bill is drastically cut. The National Oceanic and Atmospheric Association, the Community Oriented Policing Services, and the Public Telecommunications Facilities and Planning Account are all examples of successful and important programs that have been continually under-funded. While I have supported this appropriations bill in the past, the cumulative affect of these cuts has reached a point where I can no longer support the legislation.

I was heartened to see the Sanders amendment pass which will repeal some of the most dangerous provisions of the PATRIOT Act. This is a common sense step to restore some of our civil liberties. I was also pleased that the Committee did not include the Administration's proposed initiative under the Commerce

Department, which would have obliterated Community Development Block Grants as well as other valuable community development programs.

These victories, however, are not enough to compensate for the unacceptable cuts to community policing programs, public broadcasting, and economic development programs, along with many other programs that positively contribute to the livability of our communities. I cannot support a bill that fails to support these basic needs of our Nation.

Mr. BLUMENAUER. Mr. Chairman, I continue to be concerned about some of the funding cuts in this bill, but am heartened by the Committee's rejection of the President's proposal to eliminate Community Development Block Grants and the passage of the Sanders amendment that rolls back some of the most egregious components of the PATRIOT Act. While I am troubled by the lack of funding for important programs such as community policing and public broadcasting, the final version of the bill reflected significant improvements from the Bush administration's recommendations. Despite my initial opposition, when it came time to vote, I felt the improvements made to the bill warranted my support.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 314, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. MOLLOHAN. Mr. Speaker, I demand a separate vote on amendment No. 28 offered by the gentleman from Iowa (Mr. KING).

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

☐ 1530

The SPEAKER pro tempore (Mr. FOLEY). The Clerk will designate the amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment:

At the end of the bill, insert after the last section (preceding the short title), the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a) For expenses necessary for enforcing subsections (a) and (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373), $1,000,000.

(b) The amount otherwise provided in this Act for "DEPARTMENT OF JUSTICE—LEGAL ACTIVITIES—SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES" is hereby reduced by $1,000,000.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 208, not voting 7, as follows:

[Roll No. 267]

AYES—218

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Feeney
Fitzpatrick (PA)
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NOES—208

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Foley
Ford
Frank (MA)
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Knollenberg
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reichert
Reyes
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—7

Bono
Cuellar
Hinchey
McDermott
Oberstar
Sessions
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1547

Mr. UDALL of Colorado changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FOLEY. Mr. Speaker, on rollcall No. 267, the King of Iowa Amendment, I inadvertently voted "no". I meant to vote "aye."

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 2862 will be followed by 5-minute votes on ordering the previous question on H. Res. 315, and on adoption of H. Res. 315, if ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 7, not voting 8, as follows:

[Roll No. 268]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Cooper
Duncan
Flake
Hefley
Matheson
Miller (FL)
Paul

NOT VOTING—8

Barton (TX)
Bono
Cuellar
Delahunt
Lee
Oberstar
Sessions
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1603

Mr. TANCREDO changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BARTON of Texas. Mr. Speaker, on rollcall No. 268 I was unavoidably detained. Had I been present, I would have voted "yea."

PROVIDING FOR CONSIDERATION OF H.R. 2863, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 315 on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 200, not voting 10, as follows:

[Roll No. 269]

YEAS—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)

Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Bono
Cuellar
Davis, Tom
English (PA)
Granger
Jones (OH)
Kennedy (RI)
Oberstar
Sessions
Thomas

☐ 1612

Ms. HARMAN changed her vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

PROVIDING FOR CONSIDERATION OF H.R. 2745, HENRY J. HYDE UNITED NATIONS REFORM ACT OF 2005

Mr. BISHOP of Utah. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 319 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 319

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2745) to reform the United Nations, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived.

(b) Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived.

(e)(1) Consideration of amendments printed in subpart A of part 1 of the report of the Committee on Rules shall begin with an additional period of general debate, which shall be confined to the subject of accountability of the United Nations and shall not exceed 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations.

(2) Consideration of amendments printed in subpart B of part 1 of the report of the Committee on Rules shall begin with an additional period of general debate, which shall be confined to the subject of United Nations peacekeeping operations and shall not exceed 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations.

(3) Consideration of amendments printed in subpart C of part 1 of the report of the Committee on Rules shall begin with an additional period of general debate, which shall be confined to the subject of the International Atomic Energy Agency and shall not exceed 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations.

(4) Consideration of amendments printed in subpart D of part 1 of the report of the Committee on Rules shall begin with an additional period of general debate, which shall be confined to the subject of human rights and shall not exceed 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations.

(5) Consideration of amendments printed in subpart E of part 1 of the report of the Committee on Rules shall begin with an additional period of general debate, which shall be confined to the subject of the Oil-for-Food Program and shall not exceed 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations.

SEC. 3. It shall be in order at any time for the chairman of the Committee on International Relations or his designee to offer amendments en bloc consisting of amendments printed in part 2 of the report of the Committee on Rules not earlier disposed of or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

☐ 1615

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Utah (Mr. BISHOP) is recognized for 1 hour.

Mr. BISHOP of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

This resolution waives all points of order against consideration of the bill H.R. 2745, the Henry J. Hyde United Nations Reform Act of 2005, and provides a structured rule for consideration of 28 different amendments, including an amendment in the nature of a substitute offered by the minority.

The rule provides for the offering of the 28 specified amendments according to subject areas as designated in the text of the resolution, and with a cumulative total of an hour and 40 minutes of general debate to be divided equally by the chairman and ranking minority member of the Committee on International Relations.

Madam Speaker, I am pleased to stand before the House today in strong support of this rule and the underlying legislation, H.R. 2745, the Henry J. Hyde United Nations Reform Act of 2005. Madam Speaker, with 28 amendments in order, to poorly paraphrase Winston Churchill, never will so much be said by so many about so little, in this case, just a single subject act.

It is fitting, though, Madam Speaker, that this bill be named after our esteemed colleague to my right, the gentleman from Illinois (Chairman HYDE), who has served and is serving with such distinction and integrity and has been a stalwart in these halls for the past 30 years. He is to be commended for putting together a well-thought-out, comprehensive measure aimed at helping to bring about real and needed reforms within the United Nations.

I commend also the gentleman from California (Mr. LANTOS), the ranking member, as well for the long-standing cooperation and dedication to bipartisanship in the area of U.S. policy and diplomacy which is evident in many important aspects of this legislation.

In fact, Madam Speaker, when these two distinguished gentlemen were testifying before the Committee on Rules on this bill, I was struck by the fact that the House, and indeed the entire Nation, is the beneficiary of decades' worth of their collective wisdom and firsthand experience.

We spent the last few weeks discussing DOD authorization and appropriations, Interior, State and Justice appropriations, and these acts have a wide range of topics and generated a multitude of amendments. This specific act has generated 28 potential amendments on a single topic, and, Madam Speaker, I know my colleagues are going to love listening to all 28 of those amendments, but let that not overshadow the reality of this bill.

This bill is unusual in the bipartisan unity of the content. When it comes to the issue of United Nations reform, I was also impressed that both gentlemen, the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Ranking Member LANTOS), seemed to be of one mind when it relates to the necessity for reforms in the wake of continued scandals within various United Nations functions.

There was also a unique, bipartisan unity in supporting the need for a penalty to follow failure of reform. There is a small disagreement on who should trigger that penalty, which differences I know my colleagues on the other side of the aisle will bring forward, but there can be no doubt as to the underlying need of this penalty phase. That is telling.

To put it in a nutshell, Madam Speaker, this legislation is long overdue. It would require 39 very specific reforms within the areas of U.N. budgeting, oversight, accountability, and human rights. It provides clarity and a reasonable timetable under which the U.N. must act. With the U.S. footing the largest share of dues of any Nation, a share consistent with our voice, this act should provide some real teeth and real incentives to get the job done. To not require such withholdings would only create a paper tiger.

As an old teacher, I learned that I never made a threat that I was not willing to carry out. If students ever thought I was not seriously going to follow through on my disciplinary commitments, I would lose all credibility and lose both the respect and the cooperation of the kids. It would create an atmosphere of weakness and chaos. No learning would take place. Such an atmosphere of distrust cannot be part of our foreign policy. We have seen that too often, and such a potential cannot be ignored.

There are indeed precedents for what we are trying to do both in the 1980s and 1990s when actions by Congress ensured change within the United Nations.

It is regrettable, Madam Speaker, that this bill is even necessary. It is regrettable that the United Nations would not undertake to clean up its own act in the wake of the oil-for-food scandal, irregularities in the accounting and uses of its funds, misconduct by entrenched U.N. bureaucrats, and the deplorable state of the U.N. Commission on Human Rights.

We all witnessed the appalling lack of resolve and consistency in the U.N. when it failed to live up to and enforce the 17 different resolutions condemning Saddam Hussein's murderous regime.

When I am at home in my district, some of my constituents will say to me that we ought to pull out of the United Nations entirely. It is hard to argue with many of them who say that the U.N. is merely a haven for corruption, waste and, frankly, anti-Americanism. We must do all we can to try and rectify all these problems, and to not act would indeed be irresponsible.

This act sends an unmistakably clear message that specific reforms must be enacted or face real consequences. If these reforms are not enacted, the future looks bleak and will only increase the calls to replace the United Nations with a more updated handling of international disputes.

In conclusion, Madam Speaker, this rule is a good and fair rule. It made every single amendment in order, all 28, which were filed before the Committee on Rules. In short, the only complaint that one may have with this rule is that is may be somewhat parsimonious in its general debate, and we will provide in those 28 amendments a long and wide-ranging debate of all of these important issues.

With that, Madam Speaker, I urge adoption of this rule.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself 7 minutes, and I thank the gentleman from Utah (Mr. BISHOP) for yielding me the time.

Let me quote, this would undermine American credibility at the United Nations. It would undermine our effectiveness. Those are the words of the distinguished Under Secretary of State Nicholas Burns, who said of the bill that we are considering, it will call into question our reliability as the founder and host Nation and leading contributor to the United Nations and would also harm our image worldwide.

My colleague from Utah pointed to the bipartisanship. I gather that he would agree that it is bipartisan when Nicholas Burns and ALCEE HASTINGS and other Democrats and this administration join in opposing this measure.

In my opinion, this bill takes a shortsighted approach to reforming the United Nations. There are decent, necessary and desirable provisions in this legislation, but, Madam Speaker, this bill takes well-thought-out ideas and pushes them far into the realm of demagoguery, demonstrating a contempt for the United Nations that is entirely unfounded.

The United Nations Reform Act is yet another example of the majority's willingness to bulldoze over dissension and force its will upon those who would otherwise disagree. The draconian requirements of the underlying legislation will affect everything from the promotion of human rights in the organization to the inclusion of mandatory sunset provisions for all new U.N. programs.

The most shortsighted of the bill's provisions would require a mandatory withholding of peacekeeping funds unless the requirements in this legislation are met.

Madam Speaker, simply put, prohibiting the Secretary of State from exercising discretion regarding the withholding of funds to the United Nations is counterproductive. The Secretary herself told a group here in the Capitol day before yesterday that the Bush administration is not supporting the mandatory withholdings contained in this bill. It seems clear that if even this administration, which has never been reluctant to withhold criticism of the U.N., is against this provision, then it must be bad.

It has become a cliche when Members of the House speak repeatedly about winning the hearts and minds of the world; yet our constant use of gun-barrel diplomacy continues to fail. Do my colleagues really believe that withholding millions of dollars from the United Nations will encourage the member nations to go along with what we are trying to do today?

Adlai Stevenson, that great champion of world diplomacy, said, "The whole basis of the United Nations is the right of all nations, great or small, to have weight, to have a vote, to be attended to." Now, more than 40 years later, the underlying legislation seeks to eliminate the right of any country besides our own to chart the future of the United Nations.

The only way for us to reform the U.N. is to work within it rather than threatening to take our ball and go home. We will not be successful by withholding the funds that are needed to do the job.

Thanks to the Bush administration, the United States' international reputation as a peace-loving Nation is in tatters. Now my friends on the other side want to pass a bill which will withhold peacekeeping funds while conflicts rage around this world unchecked? This is irresponsible, immoral and a foreign policy disaster.

Everyone in this body realizes that the United Nations is not a perfect organization, but on balance, the United Nations has been and will continue to be good for America on a range of global issues.

Let us not forget the thousands of United Nations personnel who risked their lives in Iraq and Afghanistan to bring about successful and free elections in those countries or the role of the U.N. in effecting the withdrawal of Syrian military forces from Lebanon.

□ 1630

In March of 2005, Secretary-General Annan released a string of initiatives to combat terrorism, proposals that the United States Government has openly supported. And in the Sudan, the U.N. has committed aid workers, troops, police, and money to ensure the success of peace accords.

The U.N. also continues to provide a global voice and to be a powerful advocate for change around the world. How many millions of children's lives have been saved through UNICEF, Madam Speaker? How many millions of lives have been saved through disease treatment and eradication programs? How many have been made better through development assistance, cultural programs, and advances in education? Can we really justify cutting off our support for all these efforts simply because the U.N. does not implement every single one of our reform proposals?

Madam Speaker, that is the reason I will be supporting the Lantos-Shays substitute to this bill. Eleanor Roosevelt, our country's first representative to the United Nations, remarked, "Do what you feel in your heart to be right, for you will be criticized anyway." It may be that the United States will still be criticized even if we adopt the substitute and these reforms are pushed through. But I would rather do the right thing and be criticized than give up and go home because things did not go 100 percent of the way that we wanted it to.

The Lantos-Shays substitute takes a realistic approach to reforming the United Nations. It includes virtually all of the reforms in H.R. 2745, with one crucial difference. The substitute gives the Secretary of State the flexibility to make decisions regarding funds based on the needs of the United States. The substitute avoids the counterproductive all-or-nothing diplomacy of this measure, while still promoting the reforms everyone agrees are needed.

Madam Speaker, legislating unrealistic ultimatums will not achieve the goal that we are seeking. I urge my colleagues to oppose this ill-advised and shortsighted legislation.

Madam Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield 1 minute to the distinguished gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations.

Mr. HYDE. Madam Speaker, I want to respond to my friend from Florida that the language that substitutes for debate around here is troublesome. Demagogic, I heard the gentleman say. Immoral, gun-boat diplomacy, contempt for the U.N. None of those inflammatory terms, in my judgment, apply to this debate.

And I suggest that we can disagree as to the one issue, and that is how to enforce the reforms we all agree are needed, without calling each other names or disparaging our motives.

Mr. HASTINGS of Florida. Madam Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. I thank the chairman, and I agree with him regarding our rhetoric. When I made my references I was referring to the Bush administration and not to the distinguished chairman and other Members in the body. And I stand by those statements, Mr. Chairman.

Mr. HYDE. Well, reclaiming my time, Madam Speaker, I thank the gentleman, but the Bush administration is on your side, not mine, this time.

Mr. HASTINGS of Florida. Madam Speaker, I yield 4 minutes to the distinguished gentlewoman from California (Ms. MATSUI), my colleague on the Committee on Rules.

Ms. MATSUI. Madam Speaker, I thank the gentleman from Florida for yielding me this time.

Madam Speaker, the second Secretary-General of the United Nations, Dag Hammarskjold, commented during his tenure that "the United Nations was not created to take humanity to heaven but save it from hell." A keen observation on the fundamental tensions present in such a massive and massively important institution.

The U.N. was built upon the very highest of ideals: support for human rights, peaceful resolution of conflict, and respect for international law and conventions. However, the reality of the U.N.'s composition of 191 member states, often with 191 different national interests, has challenged these high ideals. We all know that.

Many are examining how to meet these challenges and improve the weaknesses of the organization: the Secretary-General's report, the U.N. High Level Advisory Panel, the Volcker Commission Investigation, the Mitchell-Gingrich report. And each of them, in addition to the bill we are debating today, is circling around the same group of reforms. But the central debate here on the House floor is not about what the reforms should be. Madam Speaker, the debate here is how you sell them.

There are 191 individual members of the organization that must agree on the reforms, sometimes unanimously, if we are to make the U.N. an even better organization than it already is. And this is where I diverge from some of my colleagues.

I share the views of the eight former U.S. ambassadors to the United Nations. I do not believe harsh, automatic penalties hold any chance of garnering support among the many nations needed to enact these reforms. I must note that their experience spans each of the five Presidencies, from Jimmy Carter to George W. Bush. We should be heeding their sage advice.

For this reason, I support the Lantos-Shays substitute, which authorizes the Secretary of State to withhold a portion of our U.N. dues at his or her discretion instead of the severe automatic penalties.

We should not advocate a policy of withdrawal from the world community on the one hand and ask for it to engage on the other. But H.R. 2745 would stir up exactly that resentment in its current form, resentment that will kill any hope for change.

In closing, Madam Speaker, the United Nations has a genuine opportunity to reform and, with our leadership, the potential for great success. We must add to this momentum by supporting the Lantos-Shays substitute.

Mr. BISHOP of Utah. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Florida (Mr. CRENSHAW).

Mr. CRENSHAW. I thank the gentleman for yielding me this time, Madam Speaker; and I rise in strong support of this rule.

I think that the underlying legislation is much needed and long overdue. I have been working to help reform the United Nations since I first came to Congress, and I have not found anybody yet that disagrees with the fact that we very, very direly need to reform the United Nations. This once-utopian organization has degenerated into an institution that is largely dysfunctional and on the verge of becoming irrelevant, and that is why we need these reforms and we need them now.

There are a lot of areas that this legislation deals with, whether it is cronyism, corruption, or financial mismanagement. But I just want to stress one that relates to budgetary reform and the way that people vote on that.

Right now, the United States contributes about 22 percent of the general budget of the United Nations and 28 percent of the peacekeeping budget. If you take the last 128 nations that contribute dues, if you put all their dues together, that adds up to less than 1 percent; yet they have the same vote. Those 128 nations have the same vote as the United States. In fact, if you take the top three countries, they contribute over half the dues, and yet everybody has the same vote on budgetary matters.

Imagine a family, if you will, where the dad goes out and works all year and provides income for his family. And at the time to decide how to spend it, the four kids get up and say, this is what we want to do, this is where we want to go on our vacation, this is what hotel we want to stay in. Well, that is the way the United Nations works, and that is why we need the Henry Hyde U.N. Reform Act we are considering today.

One of the reforms in this act would say that when you vote on budgetary matters, then you weight those votes. That would do two things: number one, it would mean that the countries that contribute the most money would have more leverage in making sure that the money gets spent where it is supposed to be spent and in making sure that they get the results they want to get. And it also would encourage some of the other countries to contribute more money to the dues of the United Nations.

One of the areas we often hear criticized is this area of cronyism. It is unbelievable, but the United Nations, if you count the full-time and the contract employees, they have over 43,000 employees. To put that in perspective, a lot of multibillion dollar corporations do not have that many employees. Ebay, people have heard of that, is a company worth $52 billion, and the United Nations has five times as many employees as they have. Anheiser Busch, which makes and sells beer around the world, the U.N. has a third more employees than they have.

So I think it is time that we got a handle on how the money that American taxpayers send off to the United Nations gets spent, and this haphazard budgetary process can be changed by weighted voting.

There is no doubt in my mind that the time is now for reform at the U.N. This organization has become a shadow of its former self and likely bears little resemblance to what its founders had envisioned. Amid charges of cronyism, corruption, and financial scandal in recent months, the relevance and reputation of the United Nations has deteriorated drastically. What's more, the U.N. appears to engage in anti-American sentiment for sport, promoting it around the globe.

This is a true slap in the face to the United States. After all, we are going to contribute 22 percent of the U.N.'s general budget and 28 percent of its peacekeeping budget this year. This means a funding request for Fiscal Year 2006 of $439 million by President Bush. The top 10 contributors of U.N. dues account for more than 76 percent of all dues paid while the 128 countries with the lowest dues account for less than 1 percent of dues paid. However, among the 192 member countries, everyone's vote is worth the same. Imagine this scenario: parents agreeing to fund the family vacation, but allowing the children to dictate where the family goes, what hotel they stay at, and what activities they do. That's what is happening at the U.N. right now and that is why we need to support the Hyde Bill.

H.R. 2745 calls for weighted voting on budgetary matters. Weighted voting on budgetary matters would give the U.N.'s biggest contributors more leverage to ensure that their money is achieving the purposes for which it is intended. Weighted voting would encourage other countries to increase their contribution to the organization.

The State Department said the U.S. paid nearly $3.9 billion in contributions to the U.N. system in 2004. And who knows where that money went? Some of it likely went to fund patronage jobs of which the U.N. has many. Between full-time employees and contract workers, the U.N. employs almost 43,000 people. Let me put that in perspective: 43,000 workers is more than five times more the total employed by eBay, a company worth almost $52 billion. Another kicker: total U.N. employment is nearly one third greater than that of Anheuser-Busch, another multi-billion dollar company.

As elected officials, we have an obligation to be good stewards of the taxpayers' money. It is our responsibility to bring reform to the U.N.'s haphazard budget practices and the Henry Hyde U.N. Reform Act of 2005 is a step toward accomplishing that goal. The American people deserve nothing less.

Madam Speaker, I urge adoption of the rule and the underlying bill.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 8 minutes to my very good friend, the gentleman from California (Mr. LANTOS), the distinguished ranking member of the Committee on International Relations.

Mr. LANTOS. Madam Speaker, I thank the gentleman for yielding me this time. First, I want to thank my friend from Utah for his most gracious words at the outset of this debate, and I would like to commend my distinguished colleague, the gentleman from Florida (Mr. HASTINGS), for his leadership on foreign policy matters and for his invaluable assistance on the Committee on Rules.

Madam Speaker, as we embark upon today's historic debate, at the outset I would like to publicly express my respect, my admiration, my affection, and my friendship to the chairman of the House Committee on International Relations. The gentleman from Illinois (Mr. HYDE) has been a giant in this body for many years. His contributions to the work of the Congress and to the welfare of our Nation are without limits, and it has been one of the great privileges of my congressional career to have had the opportunity of serving on his committee.

Madam Speaker, let me make it clear that there is no Member of this body who is opposed to far-reaching reforms at the United Nations. We must approve legislation to fight corruption, hypocrisy, ineffectiveness, waste, and anti-Americanism at this important global institution. There is no disagreement, Madam Speaker, between Chairman HYDE and me as to whether the U.N. must be reformed. Where we part ways is on how to accomplish this incredibly important goal.

Madam Speaker, the good Lord gave us Ten Commandments. The legislation before the House today gives us 39.

□ 1645

While I know there has been some inflation over time, there is no rational explanation for such an explosion of legislative commandments.

The United Nations Reform Act is truly a guillotine on autopilot. If the United Nations accomplishes 38 out of 39 commandments, but only accomplishes one-half of the last commandment, the United States will automatically cut off 50 percent of our contributions to the United Nations. Secretary of State Rice will have absolutely no choice in the matter. The President of the United States will have no choice in this matter. The Congress will have no choice in this matter.

The bill under consideration is also a death blow to United Nations peacekeeping. Upon enactment of this legislation, the United States will be forced to oppose any new or expanded peacekeeping mission until a comprehensive series of peacekeeping reforms are implemented, many of which we all know will take years to accomplish. Rwanda-style genocides could unfold before our eyes, and the United Nations would have to turn its back.

Madam Speaker, I agree that peacekeeping desperately needs reform, but it boggles the mind to think that this body would approve legislation which automatically cuts off all U.S. support for U.N. peacekeeping unless congressionally mandated commandments are immediately implemented.

We are not alone, Madam Speaker, in our deep opposition to the United Nations Reform Act in its current form. This Republican administration is strongly opposed to this legislation. Under Secretary of State Nicholas Burns said yesterday that this legislation "would undermine American credibility at the United Nations and would call into question our reliability as the founder and host Nation and leading contributor to the United Nations."

Eight of our former Ambassadors to the United Nations, Republicans and Democrats alike, ranging from Ambassador Jeanne Kirkpatrick to Ambassador Danforth, a former distinguished Republican Senator, all oppose this legislation.

Madam Speaker, my Republican colleague, the gentleman from Connecticut (Mr. SHAYS), and I will offer a substitute amendment to promote U.N. reform effectively. Our substitute, which is rational, responsible and bipartisan, does not have the rigid and arbitrary dictate that automatically cuts 50 percent of our dues. This provision makes the bill, which has many good provisions in it, a guillotine on autopilot. I urge all of my colleagues to vote for the Lantos-Shays substitute.

Mr. BISHOP of Utah. Madam Speaker, I yield 4 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN), one of the leading voices on the Committee on International Relations.

Ms. ROS-LEHTINEN. Madam Speaker, I thank the gentleman for yielding me this time.

We are all sinners even though we have the 10 Commandments, but can Members imagine how much more sin we might be committing had those commandments been mere suggestions? That is why the Henry Hyde U.N. Reform Act does have commandments that the U.N. should and must adhere to. I rise in strong support of this bill.

On Monday as we were preparing for the debate on reforming the United Nations, a constituent of mine was at one of the sessions of the Economic and Social Council, one of the many United Nations bodies, and he was immediately struck by the almost Orwellian and secretive nature of the proceedings, as well as by the vitriolic, anti-American attacks in which the chairman and other members of the committee were engaged.

My constituent made several observations to me that reaffirmed that lives, not just policies, are at stake in our efforts to reform the U.N. institutions. This same constituent sent me a postcard like this one that reaffirmed to me the need for this. It had a note encouraging the Congress to overhaul the United Nations, and the picture on the postcard is a sculpture of a broken world, implying that the United Nations is the means by which to fix it.

However, how can the United Nations be considered a legitimate source of stability or an instrument for the protection of the most vulnerable populations or a tool for the promotion of human rights and good governance when it is plagued with graft and corruption, when sexual predators and traffickers in human beings are part of the policing and peacekeeping mission, and when the Human Rights Commission is a country club of rogue states made up of dictators and tyrants and thugs?

Reforming the United Nations is necessary for its survival, and it is long overdue. However, reform must not be limited to rearranging the deck chairs, but instead to correcting the organization's serious institutional and systemic flaws. The U.N. has paid lip service to nominal efforts to reform itself, and the few times that those promises have been kept, it is when the United States has leveraged its financial support for the organization and its specialized agencies.

For this reason, the Henry Hyde U.N. Reform Act of 2005 mandates spending cuts in specific programs, redirects funds to priority areas, and, yes, withholds 50 percent of U.S.-assessed dues if certifications are not made in critical areas. Those commandments must be adhered to.

If we are serious about making the United Nations relevant again, and I think in a bipartisan way we are, if we are serious about restoring it to reflect its core mission, and I think in a bipartisan way we are, if we are serious about saving the United Nations from itself, then we must render our overwhelming support for the Henry Hyde U.N. Reform Act of 2005.

I would just like to close by saying that it is very fitting that this bill before us should have the name of our distinguished chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), who has been the conscience of the House, the voice of the people for so many years, has had such a distinguished public service career in the House and led us through some very difficult times as chairman of the Committee on the Judiciary as well as chairman of our Committee on International Relations. I am so pleased that this bill before us, which will reform this wonderful peacekeeping institution, will have his name as part of its reform legislation.

Mr. HASTINGS of Florida. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Madam Speaker, I also want to add to the remarks of the gentleman from Florida (Mr. HASTINGS) and our ranking member, the gentleman from California (Mr. LANTOS), when it comes to the gentleman from Illinois (Mr. HYDE). I have served with the chairman both on the Committee on the Judiciary and on the Committee on International Relations. I have profound respect and deep affection for him, but I do not like his bill.

It is clear that there is a consensus that the United Nations needs reform. We want reform. Our allies want reform. The Secretary General wants reform. Just this week a congressionally created task force chaired by the former Speaker of the House Newt Gingrich and the former majority leader Senator George Mitchell issued a report urging adoption of many of the proposals put forth by the Secretary General; but it did not recommend that Congress withhold dues to serve as a catalyst to bring about those reforms.

Presumably, they were in agreement with the eight former U.S. Ambassadors to the United Nations, both Republican and Democrat, who stated yesterday in a letter to the congressional leadership, and I would ask my colleagues to pay close attention to this particular excerpt, "Withholding U.S. dues to the United Nations may sound like smart policy, but would be counterproductive. It would create resentment, build animosity and actually strengthen opponents of reform. It would place in jeopardy the reform initiatives most important to U.S. interests." Remember, these are Americans who represented our Nation at the United Nations. They understand how the institution works. They know how to get things done.

Yes, Madam Speaker, I am optimistic that reform will occur, but it will not happen as a result of this bill, it will happen in spite of this bill.

If it were a thoughtful effort to effect change, why did the committee proceed before the Gingrich-Mitchell task force that we created and funded back in December even made its recommendations?

No, this bill will not promote U.N. reform, Madam Speaker. It is more likely to undermine those efforts. Support for this bill will reinforce a growing belief that we are not committed to strengthening the United Nations, to working with our like-minded allies to make it a more effective tool to promote our interests.

I recognize that some, a few, on the other side honestly believe we should end any participation, any U.S. participation in the United Nations. They prefer to go it alone, but they forget that without the United Nations it would fall on us to do much of what the United Nations is doing on the planet today, and that the United Nations has supported the United States in some of our critical foreign policy needs. It was the United Nations that organized and ran the elections in Iraq and in Afghanistan and played a critical role in forcing the Syrian withdrawal from Lebanon.

The Ambassadors are correct, resentment towards the United States will increase. That is because what this bill simply says is unless you do everything we want, we will cut off your funds. In other words, if you do not play the game according to our rules, we will take our ball and go home.

This take-it-or-leave-it approach does not help us, it hurts us. A recent GAO report stated, and again I am quoting, "Recent polling data show that anti-Americanism is spreading and deepening around the world. Such anti-American sentiments can increase foreign public support for terrorism directed against the United States, impact the cost and effectiveness of military operations, weaken the United States' ability to align with other nations in pursuit of common policy objectives, and dampen foreign publics' enthusiasm for U.S. business services and products."

□ 1700

That is a quote from our own GAO. This bill is bad for our national security interests, it is bad for America, and I hope it is defeated.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

I love history. In fact, this is not necessarily unprecedented. The Kassebaum-Solomon amendment in 1985 asked for change, and meaningful change took place. In 1994, we insisted on an oversight committee and an oversight committee took place. And under the bipartisan Helms-Biden approach, once again we insisted on changes with the United Nations. The United Nations responded to it. This bill is keeping a tradition that is historical going back for at least 20 years in this body.

Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, first of all, let me echo what has been said about the gentleman from Illinois (Mr. HYDE). There has never been a finer Member of Congress in the history of the Republic than the gentleman from Illinois. He was one of the most eloquent speakers I have ever known in this House. We really appreciate all his hard work on this bill.

Now, let me say to my friend from Massachusetts, I have been listening to this stuff for 20 years. You cannot do anything to put pressure on the United Nations, because if you do, the whole world is going to hate us. The sky is going to fall, Henny Penny. The State Department has been working with the United Nations for the last 20 years that I have been here and working on the Foreign Affairs Committee, International Relations now. The problems still exist. The only difference is, it is worse now than it has ever been.

We have got to do something about it. Mr. Bolton needs to be confirmed on the other side because we need a tough guy over there to force the issue. We have got an Oil-for-Food scandal that is growing daily. Kofi Annan, the head of the United Nations, the Secretary-General, said, Oh, I didn't have anything to do with it. We now are finding memos where he talked to the people in the oil industry saying that he would give them unqualified support.

A few months ago, he said, Oh, I never did that, and he said he would never resign under any circumstances. Now he is hedging his bets on that because the case against him and the Oil-for-Food scandal is growing and growing and growing. He is the head man over there. On his watch, everything has been going haywire.

We have got U.N. peacekeeping forces raping women and kids, and nothing has been done about that. We have got all kinds of problems over there and something must be done. How do you do that? We say, Well, let's follow the same course we have been following for the last 20 years. The State Department says, My gosh, we'll go over there and we'll do something about it. I have high regard for Condoleezza Rice. I think she is a dynamite lady and going to do a dynamite job. But this body needs to put the hammer by using American taxpayers' dollars on the U.N. to clean up that mess over there. We cannot go on day after day, week after week, month after month, year after year letting this thing be completely out of hand.

The gentleman talked about the Mitchell and Gingrich report. They said that it is a mess over there. How do you clean it up? You make a change from top to bottom. How do you do that when the rest of the world or much of the rest of the world says, Oh, my gosh, we don't want the United States dictating to us. I can understand that. We are the big guy on the block. They do not want us dictating to them, and we do not want to dictate to them. We want to work with them. But the fact of the matter is they are not listening in many cases and the corruption goes on and on and on, the mismanagement goes on and on and on, and nothing changes. And the United States keeps pouring in 25 percent, or almost that much, of the funds out of the taxpayers' pockets in this country for that body.

How do you change it? You take out the hammer, and the hammer is the money. You say to the world body, the United Nations, If you don't clean up that mess, we are going to withhold funds. And if we withhold funds, you are going to have a big, big problem over there.

Mr. Speaker, the gentleman from California (Mr. LANTOS) is one of my dearest friends in this place and the gentleman from Massachusetts is not a bad friend, either. We have traveled together. I have high regard for him, even though he is wrong a lot of the time. But I just want to say, something has to be done. There must be something in the water in Massachusetts. I do not know. But something has to be done. And what has to be done is we have got to put pressure on the U.N. and the best way to do it is to say, either you change things over there or we are going to withdraw funds.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased and privileged to yield 3 minutes to my good friend and classmate, the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I would like to say a word about the gentleman from Illinois, also. There are probably no two people that are more opposite than the two of us. I want the gentleman to know, I am going to miss him when he really does leave the floor.

Mr. Speaker, if H.R. 2745 is enacted, it will be a huge step backward for women around the world, because it would end U.S. funding for CEDAW. CEDAW is the U.N. Convention on the Elimination of Discrimination Against Women, which is the U.N. treaty on the rights of women around the world. CEDAW is a United Nations treaty that supports international standards to discourage sex-based discrimination and encourages equality in education, health care, employment and all other arenas of public life for all women around the world. This treaty serves as a powerful tool for women worldwide as they fight against discrimination. It also leads to substantial improvements for women's lives across the world.

The impact of CEDAW can be seen in countries like Australia where the government cited its treaty obligations in passing national legislation against sexual harassment in the workplace based on CEDAW, or in Pakistan where education for young women was introduced in primary schools after treaty ratification in Pakistan, causing sharp increases in female enrollment in their schools.

To date, 170 countries have ratified CEDAW. Sadly, the United States continues to be the only industrialized nation that has not ratified, leaving us in the company of Afghanistan, North Korea, and Iran. It is time to abandon this unfavorable distinction. It is time to be a world leader and a champion of human and women's rights. We must ratify CEDAW, and we must do it now. That is why I urge my colleagues to cosponsor my resolution on CEDAW, H. Res. 67, to support the Lantos amendment, and to vote against this base bill unless we do something drastically to improve it.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. I thank the gentleman from Utah (Mr. BISHOP) for yielding me the time.

Mr. Speaker, I rise today in support of the rule and the bill. I also want to thank the gentleman from Illinois (Mr. HYDE) for his service and this bill. I had some prepared remarks, but I have got to respond to the last speaker who talked about CEDAW. It seems to me that that is a perfect example of what is wrong with the United Nations and our funding the United Nations. What a joke CEDAW is. We are the only industrialized country that has not signed that treaty. Women do better here than anyplace in the world. There is no person who supports equal rights for women more than I do, and I think that CEDAW is a joke because of those who have supported it, look at how they treat women.

As Members of Congress, we have a duty to ensure accountability of each and every American taxpayer dollar that goes to the United Nations. From the U.N. Oil-for-Food program, to its lack of action with respect to the genocide in Darfur, to the horrendous human rights abuses by U.N. peacekeeping staff during their mission in the Congo, what did they care about CEDAW. The U.N. is rife with fraud and abuse and needs reform.

Two of the most important items this bill requires are to direct the U.S. permanent representative to aggressively pursue a definition of terrorism and to mandate that the U.N. adopt criteria for membership on any human rights body. The U.N. counts some of the world's leading human rights violators and state sponsors of terrorism among its membership and even taps many of them to be in leadership positions on its subcommittees. This is outrageous and ironic.

Let us empower our new ambassador to the U.N. and the administration with reforms that have some teeth and will effect change. The United Nations' reputation of being a credible and effective international peacekeeping body has been tarnished. It is no wonder so many Americans question the efficacy and the very necessity of the United Nations.

Mr. Speaker, I rise today in support of this rule and bill and thank Mr. HYDE for his service and this bill. The United Nations Charter includes some very laudable goals, but when the rubber meets the road, the U.N. has failed miserably to put these ideals into practice, especially in recent years.

As a founding member of the U.N. and a permanent member of the U.N. Security Council, we have a duty to insist on a higher standard. And as Members of Congress, we have a duty to ensure accountability of each and every American taxpayer dollar that goes to the U.N.

From the U.N. Oil for Food program to its lack of action with respect to the genocide in Darfur, Sudan to the horrendous human rights abuses by U.N. peacekeeping staff during their mission in the Congo, the U.N. is rife with fraud and abuse and needs reform.

This bill includes a call for certifiable reforms including: Shifting 18 programs from the regular assessed budget to voluntary funded programs so their funding would not be automatic; all new programs started by the U.N. to include sunsetting provisions; cuts and streamlining in the funding for the 15,484 conferences and scheduled meetings that occurred in 2004 and 2005, some of which cost $7–8,000 per hour; creation of an ethics office to provide oversight over the U.N. budget and financial disclosure form.

And two of the most important items this bill requires are to direct the U.S. Permanent Representative to aggressively pursue a definition of terrorism and to mandate that the U.N. adopt criteria for membership on any human rights body.

The U.N. counts some of the world's leading human rights violators and state sponsors of terrorism among its membership and even taps many of them to be in leadership positions on its subcommittees. This is completely outrageous and dangerously ironic.

Let us empower our new ambassador to the U.N. and the administration with reforms that have some teeth and will effect change. The United Nations' reputation of being a credible and effective, international peacekeeping body has been sorely tarnished. It is no wonder so many Americans question the efficacy and the very necessity of the United Nations.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE), a member of the Committee on International Relations.

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me this time. I am a proud original cosponsor of the Henry J. Hyde U.N. Reform Act, and I rise today in support of the rule and with a profound sense of gratitude for the leadership that my mentor and friend, HENRY J. HYDE of Illinois, has provided on this bill and throughout an illustrious career in this Congress. I also want to commend for what I know will be a vigorous debate that has already begun the gentleman from California (Mr. LANTOS) for his thoughtful consideration of this bill.

One of the extraordinary things about this debate as it unfolds before the American people, Mr. Speaker, is the degree of agreement between the two men that I just mentioned. It is a rare piece of legislation indeed where there is so much agreement about the goals. But I believe what will become apparent to any observer of this debate is that we are not so much arguing over the ends as the means, and that is a legitimate argument that will be, I believe, a great service to the country. The United Nations is desperately in need of fundamental reform, and the Henry J. Hyde U.N. Reform Act does just that.

In 1994, staffers at UNICEF's Kenya office defrauded and squandered up to $10 million by some estimates. In the Congo last year, U.N. peacekeepers and civilian personnel stand accused of widespread sexual exploitation. And we all know of the $10 billion Oil-for-Food scandal. Both sides agree it is time for reform in the wake of years of mismanagement and outright scandal. But I submit humbly that it is time for U.N. reform with teeth, and that is precisely what the Hyde U.N. Reform Act provides. It focuses on budgets, streamlining, prioritization of programs, oversight, accountability, peacekeeping, and human rights. But the Hyde bill also uses the leverage of withholding up to 50 percent of U.S. assessed dues if certifications are not made in key areas.

Under the Hyde bill, the U.N. must achieve 32 of 39 reforms, 14 of which are mandatory, or face the potential loss of 50 percent of U.S. assessed dues. Let us be clear. This is the point of contention, Mr. Speaker, that is, who controls the power of the purse. I submit at the beginning of this debate that the power of the purse is the power of the American people. It is not for the State Department or even the Secretary of State to say when and how the resources of the American people will be spent. That is the function of the Congress of the United States even where the United Nations is concerned. It is time to save the U.N. from its own scandals and mismanagement. It is time for U.N. reform with teeth.

Let us begin the debate. Then let us pass the Henry J. Hyde U.N. Reform Act.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. Pitts).

Mr. PITTS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, billions of dollars in coverups, fraud investigations, abuses of power, calls for resignation, shredded documents. I am not talking about the Nixon or the Clinton administrations, though both contained plenty of the above. I am talking about the U.N., that most sacred cow of international organizations. It has been the subject of many scandals. Billions of dollars intended to help the Iraqi people were stolen from the Oil-for-Food program.

☐ 1715

It appears that that happened because of conflicts of interest at the highest levels of the U.N. Countries like Syria, Sudan, Libya, North Korea, China and Cuba have had seats or still have seats on the Human Rights Commission, the U.N.'s body for addressing human rights issues. Those nations are all members of the U.N., and we should not kick them out, but they should not be setting policy on human rights. Members of this Commission can veto certain resolutions that come before the U.N.

Sudan, from its seats on the Commission, has vetoed efforts to condemn the genocide it is committing in Darfur. U.N. peacekeepers were recently found to be raping the children, the very people they were ordered to protect, in the Congo. We could go on and on.

The U.N. plays a vital role in mediating disputes, in caring for the poor, and facilitating dialogue. But the system seems to breed abuse and fraud and wasteful spending because of the U.N.'s huge bureaucracy. It is accountable to no one. Much of what happens happens behind closed doors.

Changes need to be made. They need to be made in the structure of the U.N. They need to be substantial, not cosmetic changes. The mess needs to be cleaned up.

I urge support for the Henry J. Hyde U.N. Reform plan, which will make changes of substance.

Mr. BISHOP of Utah. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. McCaul), also a member of the Committee on International Relations.

Mr. McCAUL of Texas. Mr. Speaker, today I rise in support of the rule and this important piece of legislation. And I want to thank the gentleman from Illinois (Chairman Hyde) for his leadership on this important issue, and it is an honor to serve with him on the Committee on International Relations.

World leaders gathered in 1945 to implement a vision that began with President Woodrow Wilson's League of Nations, was conceived by President Franklin Roosevelt and brought into existence by Harry Truman, now known as the United Nations. What the United Nations has become today would surely break the hearts of these great men.

More than just a group of countries working towards peace, the United Nations represents the idea that each human being deserved a better existence. What happens at the United Nations today does not represent these ideals. And until the United Nations becomes the body envisioned by these giants of the past, until it becomes a place where the good of mankind is truly advanced, and not a place where the agendas of tyrants and dictators are protected, we should not continue to pay 25 percent of the United Nations budget.

There are those who believe that we should simply leave the U.N. and start over, and there are moments when I wonder if really there is no other option. There may be a day when this becomes inevitable, but now is not the time to cut and run. Now is the time to hold the United Nations accountable. It is important for the United States to remain engaged and a player on the world's stage to enact these important reforms.

This legislation has offered 39 important reforms with the teeth of tied to funding, which will return honor and integrity to what was once a distinguished body.

I urge my colleagues to support this important legislation.

Mr. BISHOP of Utah. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. Smith).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend for yielding me this time.

I rise in strong support of the Henry J. Hyde U.N. Reform Act of 2005. It is tough but necessary medicine designed to finally at long last reform the United Nations so that they can realize the noble dream of its founders.

Today the United Nations is rife with scandal, corruption, hypocrisy, and missed opportunity. Clearly there are bright and committed people at the U.N., and I applaud them. But others with less laudable motives often hijack the U.N. mission, its programs, and undermine the vital missions of the United Nations.

Those of us who believe the U.N. can and must do better refuse to accept the status quo. Business as usual just does not cut it. The Henry J. Hyde U.N. Reform Act of 2005 injects real and measurable accountability into the United Nations, and that is exceedingly important in a myriad of areas including the area of peacekeeping operations and in human rights.

I want to thank the gentleman from Illinois (Chairman Hyde) for his great leadership on this and on so many human rights issues around the world. This is important legislation. I hope the body will support it.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to join in wholehearted endorsement in echoing of all of the words of praise that have been directed toward the distinguished chairman of the Committee on International Relations. I have known the gentleman from Illinois (Chairman Hyde) to not only be gentlemanly and eloquent, but fair-minded and bipartisan in a substantial number of efforts, and I, like all of our colleagues here, deeply appreciate the work that he has done on behalf of this Nation and indeed this world throughout the course of his career, and I compliment him in that regard.

I also accept the chastisement of the distinguished Chair with reference to rhetoric, but I would urge that some of the rhetoric that I may have used is rhetoric that I learned here in the House of Representatives that has been used on both sides of the aisle much too often, in my judgment.

That said, I would like not to be an apologist for the United Nations. The United Nations needs to be reformed, and I think that it could be put better by the words of Under Secretary of State Nicholas Burns, whom I quoted when I began. I further quote him in saying that it is more important to press for structural reforms. I think Ambassador Burns is absolutely mindful of what all of us are. The gentleman from Illinois (Chairman Hyde); the gentleman from California (Mr. Lantos), my good friend, the distinguished ranking member; the gentleman from Connecticut (Mr. Shays), his colleague in filing this measure; all of the members of the Committee on International Relations, indeed all the Members of this body recognize that the United Nations has problems. But if we are in the business of using this as precedent, then we would not want to establish a precedent where using the hammer, as the gentleman from Indiana referred to the monetary withholding as being the hammer, to cause people to undertake to do what we say. Then we establish that as a precedent, and we look up next month, 2 months from now, another country comes forward. We are not the only dues payor, we are the largest dues payor to the United Nations. So someone else that decides that it should reform in a way more likely to comport with their government's understandings could use this as a precedent. I do not think that that is a good thing. I do not think that is good policymaking, and I have tried to make that clear.

Let me give the Members the analogy by way of an exact example. I happen to be the president of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe. It is the first time that an American has been the president, and we are holding the Assembly's conference here in Washington, D.C., and I thank the Speaker of the House and the majority leader of the Senate for the extraordinary effort that they have put in allowing that this Assembly be undertaken in appropriate fashion in a bipartisan way. Secretary Rice is one of the featured speakers at that Assembly.

I raise it only for this reason, and I see the gentleman from New Jersey (Mr. SMITH), my good friend, who is the Chair of the Helsinki House side of the same Assembly that I am talking about. The gentleman from New Jersey (Mr. SMITH) can relate to what I am about to say, and I ask the gentleman from Illinois (Chairman HYDE) to do so as well.

More than a year ago, the governing side of the OSCE was met with threats from the country Russia. And we agree even today that transparency and accountability in that organization is critical. They hold most of their undertakings behind closed doors. They operate on the consensus rule, and it primarily stagnates the mission of the OSCE. But Russia said that unless the United States paid more dues, interestingly enough in this particular instance, and that they paid less dues, and that reform measures that they were seeking were implemented, that they would withhold their dues from the OSCE. It did not stop the organization from running. It is not going to stop the Assembly from taking place here in Washington, DC, July 1 through July 5. But what it did was that threat caused turmoil inside the organization that is in need of reform, and I think we run into the same kind of measure here in this particular proposal.

Listen, Madeleine Albright and John Danforth, Richard Holbrooke and Jeane Kirkpatrick are nobody's rookies, and they are not naive when it comes to what is needed. Thomas Pickering and Bill Richardson and Donald McHenry and Andrew Young, all eight of these individuals were people that served as our Ambassadors under Republican and Democratic administrations to the United Nations, and during that entire period of time, each of them in their own way contributed to meaningful reform. All of them have said, The need for United Nations reform is clear, but we urge that you carefully consider this legislation because it will not, it will not, do the necessary reforms at the U.N.

The SPEAKER pro tempore (Mr. TERRY). The gentleman's time has expired.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate the kindness and flexibility of my good friend from Florida.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I am proud to rise in support of the rule and the Henry J. Hyde U.N. Reform Act, and just as proud to rise in tribute to the gentleman from Illinois (Mr. HYDE).

When the gentleman from Illinois (Mr. HYDE) feels something needs fixing, we had better take notice and know it needs fixing.

We need an organization of nations that cares about human rights, but we need a united group of nations that believes more in the rights of individuals than it believes that the right of individuals is to plunder others.

It should be noticed that at a time when the United Nations' reputation for truth, justice, and following its own rules is at an all-time low, it should be doing everything it can to bring information to light, whether it is good or bad. If the U.N. leadership, however, spent half the time lining the fabric of freedom than it has been lining the pockets of friends and family, then this would be approaching utopia. That is not the case.

Last month there was an investigator who had something called a conscience. He wanted to come forward with information. What did the U.N. do? They hired attorneys to have an injunction to keep us from knowing the truth.

It is time to be united and holding the United Nations accountable. Support the rule on the Henry H. Hyde bill.

Mr. BISHOP of Utah. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank my colleague on the Committee on Rules for yielding me this 1 minute.

I grew up in the Deep South in the late 1950s. Every other billboard in the South, in my part of Georgia, said, "Get out of the United Nations." I did not think that was correct then, and I do not feel that way now. In fact, maybe we should have joined the League of Nations and we would never have had World War II. But if there is ever a time to reform an organization, it is absolutely now.

I am proud to support the rule and the bill, H.R. 2745, the Henry J. Hyde United Nations Reform Act of 2005.

The gentleman from California earlier talked about the Ten Commandments and the fact that we are burdening the U.N. with these 39 commandments. But really what he is suggesting is that they are not commandments at all. They become suggestions. It does not really matter, the number.

□ 1730

I think we need some teeth in this reform, and that is what the Henry J. Hyde United Nations Reform Act does. I am fully supportive. I ask my colleagues on both sides of the aisle to support this, and let us straighten out that organization.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I appreciate the opportunity for having had a very quality debate here today. It is interesting to note once again that the ranking member and the chairman have said the need for reform is obvious. There is no disagreement on that point. It is seemingly the mechanism of doing that.

Once again I point out that in 1985, 1994 and 1999, this House set precedent by doing the exact same concept that is there. And it is true that maybe I have heard a new concept here that I do not need to make all Ten Commandments to get to heaven, but I also know that when I was in my classroom and I put high standards and high expectations, my kids met those standards; and if I wavered, then they wavered at the same time.

This is a good piece of legislation. It is an excellent rule, and I urge its adoption and passage of the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2745.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Is there objection to the request of the gentleman from Illinois?

There was no objection.

HENRY J. HYDE UNITED NATIONS REFORM ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 319 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2745.

The Chair designates the gentleman from New Hampshire (Mr. BASS) as Chairman of the Committee of the Whole, and requests the gentleman from Nebraska (Mr. TERRY) to assume the chair temporarily.

□ 1733

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2745) to reform the United Nations, and for other purposes, with Mr. TERRY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 10 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to announce that I am terribly flattered by the extravagant things that have been said, but I must confess I did not name this bill after myself. While I deeply appreciate the honor, I am a trifle embarrassed, not thoroughly embarrassed, but a trifle.

Mr. Chairman, most informed people agree that the U.N. is in desperate need of reform. Corruption is rampant, as evidenced by the ever-expanding Oil-for-Food scandal. U.N. peacekeepers have sexually abused children in Bosnia, the Congo, Sierra Leone and other places; and the culture of concealment makes rudimentary oversight virtually impossible. A casual attitude towards conflict-of-interest rules undermines trust in the U.N.'s basic governance.

I could spend many hours reciting a litany of waste, fraud, and abuse that has become intolerable. So what do we do about it? What leverage do we have to bring about change in how this institution operates?

First of all, we pay 22 percent of the budget. That is $440 million. We pay 27 percent of the peacekeeping budget. Do not ask me what that is. You cannot find out. That is a secret. China pays 2.1 percent, or $36.5 million. Russia pays 1.1 percent, or $19 million.

Over the years, as we listened to the counsels for patience, the U.N.'s failings have grown worse, not lessened. Our many warnings, plans and urgings have largely come and gone, with few lasting accomplishments to mark their presence. Trust in gradual change has been interpreted as indifference, a very expensive indifference.

So the time has finally come when we must in good conscience say "enough." "Enough" to allowing odious regimes such as Cuba, Sudan and Zimbabwe to masquerade as arbiters of human rights. "Enough" to peacekeepers exploiting and abusing the people they were sent to protect. "Enough" to unkept promises and squandering the dreams of generations.

Very few are opposed to the U.N.'s role in facilitating diplomacy, mediating disputes, monitoring the peace, and feeding the hungry. But we are opposed to the legendary bureaucratization, to political grandstanding, to billions of dollars spent on multitudes of programs with meager results, to the outright misappropriation of funds represented by the Oil-for-Food program. And we rightly bristle at the gratuitous anti-Americanism that has become ingrained over decades, even as our checks continue to be regularly cashed.

No observer, be he a passionate supporter of this legislation or dismissive critic, can pretend that the current structure and operations of the U.N. represent an acceptable standard. Even the U.N. itself has acknowledged the need for extensive measures and, to its credit, has put forward a number of useful proposals for consideration.

In the United States, the recognition of need for change is widely shared and bipartisan. Republican and Democratic administrations alike have long called for a more focused and accountable budget, one that reflects what should be the true priorities of the organization, shorn of duplicative, ineffective, and outdated programs. Members on both sides of the aisle in Congress agree that the time has come for far-reaching reform.

I have heard no arguments in favor of maintaining the status quo. Even the opponents of this legislation concede the need for deep change. The key difference, the all-important difference, between their proposals and the one we have put forward lies in the methods to be used to accomplish that universally desired goal.

We are already experiencing strenuous resistance to change from many sources, both within the U.N. and without. But admonishment will not transform sinners into saints; resolutions of disapproval will not be read; flexible deadlines and gentle proddings will be ignored.

Instead, more persuasive measures are called for. This legislation brings to bear instruments of leverage sufficient to the task, the most important being tying the U.S. financial contribution to a series of readily understandable benchmarks.

In an effort to derail this legislation, it has been proposed that we hand to the Secretary of State the power to selectively withhold funds from the U.N. as a means of inspiring a cooperative attitude in the organization. I certainly mean no disrespect for the current Secretary, whom I hold in the highest esteem, but the power of the purse belongs to Congress and is not delegable, no matter who holds that high office.

We cannot escape this burden. The task we face is an extensive one, and I have no illusions regarding the difficulties and the challenges we face. But the choice is simple: we can either seek to accomplish concrete improvements, which will require an enforcement mechanism more credible and more decisive than mere wishes, or we can pretend to do so. For there can be no doubt that any proposal resting upon discretionary decisions concedes in advance that any reform will be fragmentary at best, if there is any at all.

We are in a peculiar situation. Opponents of change cloak themselves in the robes of defenders of the U.N., when it is in fact they who would condemn it to irrelevance. Those of us who believe the U.N. can yet reclaim its mission and assume the role foreseen by the vision of its founders have no choice but to take up this task of U.N. reform.

Yes, this is radical surgery. Sometimes it is the only way to save the patient.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this bill, and I urge all of my colleagues across the aisle to do so. Let me state at the outset that I fully share the passionate commitment of the gentleman from Illinois (Chairman HYDE) to meaningful and thorough reforms at the United Nations. This global institution must become more transparent and open, its employees must be held to the highest ethical and moral standards, and the abuses of the Oil-for-Food program must never be repeated.

Mr. Chairman, the United Nations must put an end to its persistent and pathological persecution of the democratic nation of Israel, which has become the whipping boy for totalitarian regimes around the globe. Serial human rights abusers, Mr. Chairman, must also be kept off U.N. institutions explicitly designed to fight for the cause of human rights and democracy.

Mr. Chairman, the crushing flow of stories of scandal at the United Nations has forced a long-overdue recognition of an essential fact about the place: it is not a real country, like Japan or Norway. It is a derivative reality reflecting its less-than-perfect member states in a deeply flawed world.

I would like to remind my colleagues that there will be no quick fix for an organization composed of 191 member states which, in varying degrees, have their own shortcomings, their own injustices, their own flaws, their own hypocrisies of all types. Because a quick fix is not to be expected, and rigid, punitive measures will not bring about a long-term fix, Mr. Chairman, I must oppose the legislation before the House today and indicate my intention to offer a substitute amendment.

Just yesterday, Mr. Chairman, our Republican administration informed Congress that it strongly opposes the automatic withholding provisions of the Hyde bill as well as its infringements upon the President's constitutional powers.

Let me repeat that, Mr. Chairman, and I want my Republican friends to listen. The Republican administration strongly opposes the Hyde bill.

□ 1745

This does not come as a surprise to us, Mr. Chairman. Just a few weeks ago, high-ranking officials at the Department of State told Congress that the legislation would undoubtedly create new arrears at the United Nations because not all of the U.N. reform benchmarks contained in the bill are achievable. While many of the reforms being sought in the Hyde bill are worthy goals, many require unanimous agreement by all 191 U.N. member states, including the likes of Iran, Syria, and Sudan.

Mr. Chairman, the Lord gave us Ten Commandments, but the bill before the House today gives us 39. What is worse, Mr. Chairman, is that if the United Nations achieves 38 of these benchmarks and only accomplishes half of the thirty-ninth, the Hyde bill automatically, automatically, cuts off 50 percent of the U.S. contribution to the United Nations. With this rigid and inflexible mechanism, the legislation before us will undercut, not strengthen, our ability to press for the very reforms we all seek.

Senior State Department officials argue that the bill, if enacted, would severely undermine America's national security interests by killing desperately needed U.N. peacekeeping operations, including a possible mission to deal with genocide.

The State Department is not alone in opposing the Hyde bill. Eight former United States Ambassadors to the United Nations have expressed their strongest opposition to the bill. These Ambassadors include distinguished Republicans like Jeane Kirkpatrick, John Danforth, a former distinguished Republican Senator; and Ambassadors Richard Holbrooke, Madeleine Albright, Donald McHenry, Thomas Pickering, Bill Richardson, and Andrew Young. They argue that the bill "threatens to undermine our leadership and effectiveness at the U.N. and the reform effort itself."

In short, Mr. Chairman, while the Hyde bill has the best of intentions, it will cause our Nation to go back into an arrears at the United Nations without achieving the desired outcomes. Given the important role the United Nations is currently playing in Afghanistan, in Iraq, in Darfur, and scores of other places, I fail to see how going into debt at the United Nations will promote our national security interests. It will only force the United States to take on greater global responsibilities at the very moment when our troops and our diplomats are already spread thin.

I also fail to see, Mr. Chairman, how tying the hands of our distinguished Secretary of State, Dr. Condoleezza Rice, as she pursues reform at the United Nations would serve our national interest. The legislation before the Congress micromanages every possible reform at the United Nations. It creates mechanical, arbitrary, and automatic withholdings, and it gives Secretary of State Rice zero flexibility to get the job done.

For these reasons, Mr. Chairman, I will offer a substitute amendment to achieve U.N. reform which will give Secretary Rice the flexibility she asks for, she needs, and she fully deserves from the Congress.

Mr. Chairman, I urge all of my colleagues to side with our Nation's bipartisan foreign policy leaders in opposing this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

I just want to respond to my dear friend, and he is my dear friend. If I ever become President of the United States, I would nominate the gentleman from California (Mr. LANTOS) as my Secretary of State and be guided by his advice.

Mr. LANTOS. Mr. Chairman, if the gentleman will yield, I deeply appreciate that, Mr. Chairman.

Mr. HYDE. Mr. Chairman, that is what I think of the gentleman from California (Mr. LANTOS).

Mr. Chairman, I just want to point out that substantial compliance is accorded to the Secretary of State, so if 38 of the 39 are complied with, the 39th could have been substantially complied with and suffice.

Mr. Chairman, I yield the remaining time to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I rise today in strong support and appreciation really of both of our leaders on this bill, the gentleman from California (Mr. LANTOS), and I am particularly pleased to see this bill named in appreciation and recognition of the great leadership of our Committee on International Relations chairman, the gentleman from Illinois (Mr. HYDE).

I think we all know on both sides of the aisle that the United Nations has not lived up to its expectations. It unfortunately has come way too close to mirroring the ineffective activities of the organization it replaced, the League of Nations.

This year, the U.N.'s budget increased to $1.8 billion. Of that $1.8 billion, we pay a substantial part of the cost of the U.N. These reforms are necessary. Moving the programs that this bill suggests be moved to voluntary programs only increases the willingness of people to support those programs, the transparency of those programs.

I strongly urge support for this bill. I strongly urge support for the penalties that it contains. I appreciate my friend, the gentleman from Illinois (Mr. HYDE), and also our great Ranking Member of this committee, the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1½ minutes to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, although I believe in the values and principles expressed in the United Nations Charter, the organization has been hijacked by some member states who have betrayed those values. The use of blood libels by representatives of member states in official U.N. reports and by NGOs is unacceptable.

It is time to do more to press the U.N. to reform. It is not enough to criticize the U.N. and to denounce its institutional anti-Semitism. Slandering the Jewish people, their aspirations for self-determination, and their homeland is unacceptable. Excluding Israel, a member state, from the community of nations because of ancient hatreds and slanders is unworthy of an organization founded to promote world peace and end human suffering.

No other nation would be denounced for taking steps to protect its citizens from acts of terror aimed intentionally at civilians. No nation has exercised as much restraint as Israel, yet no nation has been subjected to so much condemnation, indeed vilification and demonization, including those countries that practice slavery, torture, and genocide, some of whom have been privileged to sit on the United Nations Commission on Human Rights, a right denied to Israel in the more than half a century it has been a member.

The U.N. is capable of good and important work in the eradication of disease, in alleviating poverty, in averting genocide, in peacekeeping. It can and should do more, but it can never live up to its potential and its mission unless it sheds the stain of anti-Semitism.

For these reasons, the United Nations critically needs to be reformed. Yet, some commands for change, including several provisions in the Hyde bill, are counterproductive and unwise.

Specifically I cannot support the Hyde bill provision that mandates cutting in half U.S. payments to the U.N. unless the U.N. adopts 39 specific reforms, many of which cannot conceivably be adopted because they require unanimous consent from all 191 member states, including Syria, Iran, and North Korea.

The Hyde bill would halt funding for peacekeeping missions, endangering vital new or expanded U.N. operations in Darfur and Haiti, and ignoring the possibility of future crises that may demand international intervention is such places as Iran or Syria.

The Lantos substitute recommends reforms that will make the U.N. more fair and effective, but it avoids the rigid and draconian approach that makes the Hyde bill both unreasonable and potentially dangerous, so I urge adoption of the Lantos substitute.

Mr. Chairman, although I believe in the values and principles expressed in the United Nations Charter, the organization has been hijacked by some member states who have betrayed these values. The use of blood libels by representatives of member states, in official U.N. reports, and by NGOs, is unacceptable and clearly evidence that the United Nations needs to be reformed.

I believe it is time for the United States to do more to press the U.N. to reform. It is not enough to criticize the U.N. It is not enough to denounce the U.N.'s institutional anti-Semitism.

Slandering the Jewish people, their aspirations for self-determination, and their homeland, is unacceptable. Excluding Israel, a member state, from the community of nations because of ancient hatreds and slanders is unworthy of an organization founded to promote world peace and end human suffering.

No other nation would be denounced for taking steps to protect its citizens from acts of terror aimed intentionally at civilians. No nation has exercised as much restraint as Israel, yet no nation has been subjected to so much condemnation, indeed vilification and demonization, including those countries that practice slavery, torture, and genocide, some of whom have been privileged to sit on the United Nations Commission on Human Rights—a right denied to Israel in the more than half-century it has been a member.

The U.N. is capable of good and important work, in the eradication of disease, in alleviating poverty, in averting genocide, in peacekeeping. It can and should do more, but it can never live up to its potential and its mission unless it sheds the stain of anti-Semitism.

For these reasons, the United Nations critically needs to be reformed. Yet, some demands for change—including several provisions in the Hyde bill—are counterproductive and unwise.

Specifically, I cannot support the Hyde bill provision that mandates cutting in half United States payments to the U.N. unless the U.N. adopts 38 specific reforms—many of which cannot conceivably be adopted because they require unanimous consent from all 191 memberstates, including Syria, Iran, and North Korea.

The Hyde bill would also halt funding for peacekeeping missions, endangering vital new or expanded U.N. operations in Darfur and Haiti, and ignoring the possibility of future crises that may demand international intervention in such places as Iran or Syria.

The Democratic substitute, offered by my colleague and good friend from California Mr. LANTOS, which authorizes the Secretary of State to use her discretion in withholding funds to promote adoption of the reforms we seek, is far preferable. The Lantos substitute recommend reforms that will make the U.N. more fair and effective, but it avoids the rigid, draconian, automatic approach that makes the Hyde bill both unreasonable and dangerous.

Mr. NEUGEBAUER. Mr. Chairman, I rise today to express my strong support for H.R. 2745, the United Nations (U.N.) Reform Act. I would like to take this opportunity to thank the distinguished gentleman from Illinois (Mr. HYDE), Chairman of the International Relations Committee, for his leadership on this critically important issue.

For years, Americans have watched with disbelief as the United Nations has put brutal dictatorships like Syria and Sudan on its Human Rights Commission, while at the same time it lectures free democracies on what it means to respect human rights. Now, we are seeing not only misplaced condescension, but also widespread corruption.

The U.N. was established in order to promote international cooperation and peace between nations. However, the good intentions that led to the U.N.'s founding have been followed by a long list of mismanagement, scandal and corruption. Clearly, the U.N. is in desperate need of reform. Most recently, for example, there were problems of kickbacks, bribes and nepotism within the Oil for Food program. There are also serious concerns with the behavior of the U.N. peacekeepers in Africa, including accusations of sexual abuse of the very people they are there to protect. These are just two areas of concern; there are countless other examples.

This important legislation requires the U.N. to make 39 critical reforms to decrease bureaucracy, increase oversight and most significantly provide accountability. In order to ensure that the U.N. takes action, the bill requires the U.S. to withhold 50 percent of our contribution if the U.N. does not enact these much-needed reforms.

The United States is by far the largest contributor to the U.N. This year, the U.S. is expected to provide 22 percent of the U.N.'s budget, an estimated $362 million. It is a travesty that our tax dollars are being misused by the U.N. with no accountability. This is why we need this legislation.

In closing, Mr. Chairman, I urge my colleagues to support this bill.

The Acting CHAIRMAN (Mr. TERRY). All time for initial general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Henry J. Hyde United Nations Reform Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Statement of Congress.

TITLE I—MISSION AND BUDGET OF THE UNITED NATIONS

Sec. 101. United States financial contributions to the United Nations.
Sec. 102. Weighted voting.
Sec. 103. Budget certification requirements.
Sec. 104. Accountability.
Sec. 105. Terrorism and the United Nations.
Sec. 106. United Nations treaty bodies.
Sec. 107. Equality at the United Nations.
Sec. 108. Report on United Nations reform.
Sec. 109. Report on United Nations personnel.

TITLE II—HUMAN RIGHTS AND THE ECONOMIC AND SOCIAL COUNCIL (ECOSOC)

Sec. 201. Human rights.
Sec. 202. Economic and Social Council (ECOSOC).

TITLE III—INTERNATIONAL ATOMIC ENERGY AGENCY

Sec. 301. International Atomic Energy Agency.
Sec. 302. Sense of Congress regarding the Nuclear Security Action Plan of the IAEA.

TITLE IV—PEACEKEEPING

Sec. 401. Sense of Congress regarding reform of United Nations peacekeeping operations.
Sec. 402. Statement of policy relating to reform of United Nations peacekeeping operations.
Sec. 403. Certification.

TITLE V—DEPARTMENT OF STATE AND GOVERNMENT ACCOUNTABILITY OFFICE

Sec. 501. Positions for United States citizens at international organizations.
Sec. 502. Budget justification for regular assessed budget of the United Nations.
Sec. 503. Review and report.
Sec. 504. Government Accountability Office.

TITLE VI—CERTIFICATIONS AND WITHHOLDING OF CONTRIBUTIONS

Sec. 601. Certifications and withholding of contributions.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) EMPLOYEE.—The term "employee" means an individual who is employed in the general services, professional staff, or senior management of the United Nations, including contractors and consultants.

(3) GENERAL ASSEMBLY.—The term "General Assembly" means the General Assembly of the United Nations.

(4) MEMBER STATE.—The term "Member State" means a Member State of the United Nations. Such term is synonymous with the term "country".

(5) SECRETARY.—The term "Secretary" means the Secretary of State.

(6) SECRETARY GENERAL.—The term "Secretary General" means the Secretary General of the United Nations.

(7) SECURITY COUNCIL.—The term "Security Council" means the Security Council of the United Nations.

(8) SPECIALIZED AGENCIES AND SPECIALIZED AGENCIES OF THE UNITED NATIONS.—The terms "specialized agencies" and "specialized agencies of the United Nations" mean—

(A) the Food and Agriculture Organization (FAO);

(B) the International Atomic Energy Agency (IAEA);

(C) the International Civil Aviation Organization (ICAO);

(D) the International Fund for Agricultural Development (IFAD);

(E) the International Labor Organization (ILO);

(F) the International Maritime Organization (IMO);

(G) the International Telecommunication Union (ITU);

(H) the United Nations Educational, Scientific, and Cultural Organization (UNESCO);

(I) the United Nations Industrial Development Organization (UNIDO);

(J) the Universal Postal Union (UPU);

(K) the World Health Organization (WHO) and its regional agencies;

(L) the World Meteorological Organization (WMO); and

(M) the World Intellectual Property Organization (WIPO).

SEC. 3. STATEMENT OF CONGRESS.

Congress declares that, in light of recent history, it is incumbent upon the United Nations to enact significant reform measures if it is to restore the public trust and confidence necessary for it to achieve the laudable goals set forth in its Charter. To this end, the following Act seeks to reform the United Nations.

TITLE I—MISSION AND BUDGET OF THE UNITED NATIONS

SEC. 101. UNITED STATES FINANCIAL CONTRIBUTIONS TO THE UNITED NATIONS.

(a) STATEMENTS OF POLICY.—

(1) IN GENERAL.—It shall be the policy of the United States to use its voice, vote, and influence at the United Nations to—

(A) pursue a streamlined, efficient, and accountable regular assessed budget of the United Nations; and

(B) shift funding mechanisms of certain organizational programs of the United Nations specified under paragraph (4) from the regular assessed budget to voluntarily funded programs.

(2) UNITED STATES CONTRIBUTIONS.—It shall be the policy of the United States to—

(A) redirect United States contributions to the United Nations to achieve the policy objectives described in paragraph (1)(B); and

(B) redirect a portion of funds from the following organizational programs to pursue the policy objectives described in paragraph (1)(A):

(i) Public Information.

(ii) General Assembly affairs and conference services.

(3) FUTURE BIENNIUM BUDGETS.—It shall be the policy of the United States to use its voice, vote, and influence at the United Nations to ensure that future biennial budgets of the United Nations, as agreed to by the General Assembly, reflect the shift in funding mechanisms described in paragraph (1)(B) and the redirection of funds described in paragraph (2).

(4) CERTAIN ORGANIZATIONAL PROGRAMS.—The organizational programs referred to in paragraph (1)(B) are the following:

(A) Economic and social affairs.

(B) Least-developed countries, landlocked developing countries and small island developing States.

(C) United Nations support for the New Partnership for Africa's Development.

(D) Trade and development.

(E) International Trade Center UNCTAD/WTO.

(F) Environment.

(G) Human settlements.

(H) Crime prevention and criminal justice.

(I) International drug control.

(J) Economic and social development in Africa.

(K) Economic and social development in Asia and the Pacific.

(L) Economic development in Europe.

(M) Economic and social development in in Latin America and the Caribbean.

(N) Economic and social development in Western Asia.

(O) Regular program of technical cooperation.

(P) Development account.

(Q) Protection of and assistance to refugees.

(R) Palestine refugees.

(b) AUTHORIZATION WITH RESPECT TO THE REGULAR ASSESSED BUDGET OF THE UNITED NATIONS.—Subject to the amendment made by subsection (c), the Secretary of State is authorized to make contributions toward the amount assessed to the United States by the United Nations for the purpose of funding the regular assessed budget of the United Nations.

(c) UNITED STATES FINANCIAL CONTRIBUTIONS TO THE UNITED NATIONS.—Section 11 of the United Nations Participation Act of 1945 (22 U.S.C. 287e-3) is amended to read as follows:

"SEC. 11. UNITED STATES FINANCIAL CONTRIBUTIONS TO THE UNITED NATIONS.

"(a) POLICY OF THE UNITED STATES RELATING TO THE REGULAR ASSESSED BUDGET OF THE UNITED NATIONS.—

"(1) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to—

"(A) pursue a streamlined, efficient, and accountable regular assessed budget of the United Nations; and

"(B) shift funding mechanisms of certain organizational programs of the United Nations specified under paragraph (2) of subsection (c) from the regular assessed budget to voluntarily funded programs.

"(2) UNITED STATES CONTRIBUTIONS.—It shall be the policy of the United States to—

"(A) redirect United States contributions to the United Nations to achieve the policy objectives described in paragraph (1)(B); and

"(B) redirect a portion of funds from the following organizational programs to pursue the policy objectives described in paragraph (1)(A):

"(i) Public Information.

"(ii) General Assembly affairs and conferences services.

"(3) FUTURE BIENNIUM BUDGETS.— The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to ensure that the shifting of funding mechanisms under paragraph (1)(B) and redirecting of contributions under paragraph (2) be reflected in future resolutions agreed to by the General Assembly for the regular assessed budget of the United Nations for the period of a current biennium. To achieve the policies described in paragraphs (1) and (2), the United States Permanent Representative to the United Nations shall withhold the support of the United States for a consensus for such budget until such time as such budget is reflective of such policies.

"(b) 22 PERCENT LIMITATION.—In accordance with section 601 of the Henry J. Hyde United Nations Reform Act of 2005, the Secretary may not make a contribution to a regularly assessed biennial budget of the United Nations in an amount greater than 22 percent of the amount calculable under subsection (c).

"(c) ANNUAL DUES.—

"(1) IN GENERAL.—For annual dues paid by the United States to the United Nations each fiscal year, the percentage specified in subsection (b) shall be multiplied by one-half of the amount of the regularly assessed budget of the United Nations for a current biennial period, as agreed to by resolution of the General Assembly.

"(2) CALCULATION WITH RESPECT TO CERTAIN ORGANIZATIONAL PROGRAMS FOR REDIRECTION.—The percentage specified in subsection (b) shall be multiplied by one-half of the sum of amounts budgeted by resolution of the General Assembly for a current biennial period for the following certain organizational programs:

"(A) Economic and social affairs.

"(B) Least-developed countries, landlocked developing countries and small island developing States.

"(C) United Nations support for the New Partnership for Africa's Development.

"(D) Trade and development.

"(E) International Trade Center UNCTAD/WTO.

"(F) Environment.

"(G) Human settlements.

"(H) Crime prevention and criminal justice.

"(I) International drug control.

"(J) Economic and social development in Africa.

"(K) Economic and social development in Asia and the Pacific.

"(L) Economic development in Europe.

"(M) Economic and social development in in Latin America and the Caribbean.

"(N) Economic and social development in Western Asia.

"(O) Regular program of technical cooperation.

"(P) Development account.

"(Q) Protection of and assistance to refugees.

"(R) Palestine refugees.

"(3) REDIRECTION OF FUNDS.—Of amounts appropriated for contributions towards payment of regular assessed dues to the United Nations for 2008 and each subsequent year, if the funding mechanisms of one or more of the organizational programs of the United Nations specified in paragraph (2) have not been shifted from the regular assessed budget to voluntarily funded programs in accordance with subsection (a)(1), the Secretary shall ensure that such amounts in each such fiscal year that are specified for each such organizational program pursuant to the resolution agreed to by the General Assembly for the regular assessed budget of the United Nations for the period of a current biennium are redirected from payment of the assessed amount for the regular assessed budget as follows:

"(A) Subject to not less than 30 days prior notification to Congress, the Secretary shall expend an amount, not to exceed 40 percent of the amount specified for each such organizational program pursuant to the resolution agreed to by the General Assembly for the regular assessed budget of the United Nations for the period of a current biennium, as a contribution to an eligible organizational program specified in paragraph (4).

"(B) Subject to not less than 30 days prior notification to Congress, the Secretary shall expend the remaining amounts under this paragraph to voluntarily funded United Nations specialized agencies, funds, or programs.

"(4) ELIGIBLE ORGANIZATIONAL PROGRAMS.—The eligible organizational programs referred to in paragraph (3)(A) for redirection of funds under such paragraph are the following:

"(A) Internal oversight.

"(B) Human rights.

"(C) Humanitarian assistance.

"(D) An organizational program specified in subparagraphs (A) through (P) of paragraph (2), subject to paragraph (5).

"(5) EXPENDITURE OF REMAINING AMOUNTS TO CERTAIN ORGANIZATION PROGRAMS.—

"(A) VOLUNTARY CONTRIBUTION.—Subject to not less than 30 days prior notification to Congress and the limitation specified under subparagraph (B), the Secretary is authorized to make a voluntary contribution to an organizational program of the United Nations specified in subparagraphs (A) through (P) of paragraph (2) of any amounts not contributed in a fiscal year to an eligible organizational program specified in subparagraphs (A) through (C) of paragraph (4).

"(B) 10 PERCENT LIMITATION.—A voluntary contribution under subparagraph (A) to an organizational program of the United Nations specified in subparagraphs (A) through (P) of paragraph (2) may not exceed 10 percent of the total contribution made under paragraph (3)(A).

"(d) FURTHER CALCULATION WITH RESPECT TO BUDGETS FOR PUBLIC INFORMATION AND GENERAL ASSEMBLY AFFAIRS AND CONFERENCE SERVICES.—

"(1) 22 PERCENT LIMITATION.—The Secretary may not make a contribution to a regularly assessed biennial budget of the United Nations in an amount greater than 22 percent of the amount calculable under paragraph (2).

"(2) ANNUAL DUES EACH FISCAL YEAR.—

"(A) IN GENERAL.—For annual dues paid by the United States to the United Nations each fiscal year, the percentage specified in paragraph (1) shall be multiplied by one-half of the

amount of the regularly assessed budget of the United Nations for a current biennial period, as agreed to by resolution of the General Assembly.

"(B) CALCULATION WITH RESPECT TO PUBLIC INFORMATION AND GENERAL ASSEMBLY AFFAIRS AND CONFERENCE SERVICES.—With respect to such United States annual dues, the percentage specified in paragraph (1) shall be multiplied by one-half of the sum of amounts budgeted by resolution of the General Assembly for the 2004–2005 biennial period for the following organizational programs:

"(i) Public Information.

"(ii) General Assembly affairs and conferences services.

"(C) REDIRECTION OF FUNDS.—

"(i) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to make every effort, including the withholding of United States support for a consensus budget of the United Nations, to reduce the budgets of the organizational programs specified in subparagraph (B) for 2007 by ten percent against the budgets of such organizational programs for the 2004-2005 biennial period. If the budgets of such organizational programs are not so reduced, 20 percent the amount determined under subparagraph (B) for contributions towards payment of regular assessed dues for 2007 shall be redirected from payment for the amount assessed for United States annual contributions to the regular assessed budget of the United Nations.

"(ii) SPECIFIC AMOUNTS.—The Secretary shall make the amount determined under clause (i) available as a contribution to an eligible organizational program specified in subparagraphs (A) through (C) of paragraph (4) of subsection (c).

"(3) POLICY WITH RESPECT TO 2008–2009 BIENNIAL PERIOD AND SUBSEQUENT BIENNIAL PERIODS.—

"(A) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to make every effort, including the withholding of United States support for a consensus budget of the United Nations, to reduce the budgets of the organizational programs specified in subparagraph (B) of paragraph (2) for the 2008-2009 biennial period and each subsequent biennial period by 20 percent against the budgets of such organizational programs for the 2004-2005 biennial period.

"(B) CERTIFICATION.—In accordance with section 601, a certification shall be required that certifies that the reduction in budgets described in subparagraph (A) has been implemented.".

(d) EFFECTIVE DATE.—The amendment made by subsection (c) shall take effect and apply beginning on October 1, 2006.

SEC. 102. WEIGHTED VOTING.

It shall be the policy of the United States to actively pursue weighted voting with respect to all budgetary and financial matters in the Administrative and Budgetary Committee and in the General Assembly in accordance with the level of the financial contribution of a Member State to the regular assessed budget of the United Nations.

SEC. 103. BUDGET CERTIFICATION REQUIREMENTS.

(a) CERTIFICATION.—In accordance with section 601, a certification shall be required that certifies that the conditions described in subsection (b) have been satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) NEW BUDGET PRACTICES FOR THE UNITED NATIONS.—The United Nations is implementing budget practices that—

(A) require the maintenance of a budget not in excess of the level agreed to by the General Assembly at the beginning of each United Nations budgetary biennium, unless increases are agreed to by consensus and do not exceed ten percent; and

(B) require the identification of expenditures by the United Nations by functional categories such as personnel, travel, and equipment.

(2) PROGRAM EVALUATION.—

(A) EXISTING AUTHORITY.—The Secretary General and the Director General of each specialized agency have used their existing authorities to require program managers within the United Nations Secretariat and the Secretariats of the specialized agencies to conduct evaluations in accordance with the standardized methodology referred to in subparagraph (B) of—

(i) United Nations programs approved by the General Assembly; and

(ii) programs of the specialized agencies.

(B) DEVELOPMENT OF EVALUATION CRITERIA.—

(i) UNITED NATIONS.—The Office of Internal Oversight Services has developed a standardized methodology for the evaluation of United Nations programs approved by the General Assembly, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(ii) SPECIALIZED AGENCIES.—Patterned on the work of the Office of Internal Oversight Services of the United Nations, each specialized agency has developed a standardized methodology for the evaluation of the programs of the agency, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(C) REPORT.—The Secretary General is assessing budget requests and, on the basis of evaluations conducted under subparagraph (B) for the relevant preceding year, submits to the General Assembly a report containing the results of such evaluations, identifying programs that have satisfied the criteria for continuing relevance and effectiveness, and an identification of programs that have not satisfied such criteria and should be terminated.

(D) SUNSET OF PROGRAMS.—Consistent with the July 16, 1997, recommendations of the Secretary General regarding a sunset policy and results-based budgeting for United Nations programs, the United Nations and each specialized agency has established and is implementing procedures to require all new programs approved by the General Assembly to have a specific sunset date.

SEC. 104. ACCOUNTABILITY.

(a) CERTIFICATION OF CREATION OF INDEPENDENT OVERSIGHT BOARD.—In accordance with section 601, a certification shall be required that certifies that the following reforms related to the establishment of an Independent Oversight Board (IOB) have been adopted by the United Nations:

(1) An IOB is established from existing United Nations budgetary and personnel resources. Except as provided in this subsection, the IOB shall be an independent entity within the United Nations and shall not be subject to budget authority or organizational authority of any entity within the United Nations.

(2) The head of the IOB shall be a Director, who shall be nominated by the Secretary General and who shall be subject to Security Council approval by a majority vote. The IOB shall also consist of four other board members who shall be nominated by the Secretary General and subject to Security Council approval by a majority vote. The IOB shall be responsible to the Security Council and the Director and board members shall each serve terms of six years, except that the terms of the initial board shall be staggered so that no more than two board members' terms will expire in any one year. No board member may serve more than two terms. An IOB board member may be removed for cause by a majority vote of the Security Council. The Director shall appoint a professional staff headed by a Chief of Staff and may employ contract staff as needed.

(3) The IOB shall receive operational and budgetary funding through appropriations by the General Assembly from existing levels of United Nations budgetary and personnel resources, and shall not be dependent upon any other entity, bureau, division, department, or specialized agency of the United Nations for such funding.

(4) While the IOB shall have the authority to evaluate all operations of the United Nations, the primary mission of the IOB is to oversee the Office of Internal Oversight Services and the Board of External Auditors. The IOB may direct the Office of Internal Oversight Services or the Board of External Auditors to initiate, abandon, or modify the scope of an investigation. Every three months or more frequently when appropriate, the IOB shall submit, as appropriate, to the Secretary General, the Security Council, the General Assembly, or the Economic and Social Council a report on its activities, relevant observations, and recommendations relating to its audit operations, including information relating to the inventory and status of investigations by the Office of Internal Oversight Services.

(5) In extraordinary circumstances and with the concurrence of the Secretary General or the Security Council by majority vote, the IOB may augment the Office of Internal Oversight Services with a special investigator and staff consisting of individuals who are not employees of the United Nations, to investigate matters involving senior officials of the United Nations or of its specialized agencies when allegations of serious misconduct have been made and such a special investigation is necessary to maintain public confidence in the integrity of the investigation. A special investigator and staff shall comply with all United Nations financial disclosure and conflict of interest rules, including the filing of an individual Annual Financial Disclosure Form in accordance with subsection (c).

(6) The IOB shall recommend annual budgets for the Office of Internal Oversight Services and the Board of External Auditors.

(b) CERTIFICATION OF UNITED NATIONS REFORMS OF THE OFFICE OF INTERNAL OVERSIGHT SERVICES.—In accordance with section 601, a certification shall be required that certifies that the following reforms related to the Office of Internal Oversight Services (OIOS) have been adopted by the United Nations:

(1) The OIOS is designated as an independent entity within the United Nations. The OIOS shall not be subject to budget authority or organizational authority of any entity within the United Nations except as provided in this section.

(2) The regular assessed budget of the United Nations shall fully fund the Internal Oversight Budget from existing levels of United Nations budgetary and personnel resources and shall not be dependent upon any other entity, bureau, division, department, or specialized agency of the United Nations for such funding.

(3) All United Nations officials, including officials from any entity, bureau, division, department, or specialized agency of the United Nations, may—

(A) make a recommendation to the OIOS to initiate an investigation of any aspect of the United Nations; or

(B) report to the OIOS information or allegations of misconduct or inefficiencies within the United Nations.

(4) The OIOS may, sua sponte, initiate and conduct an investigation or audit of any entity, bureau, division, department, specialized agency, employee (including the Secretary General) of the United Nations, including any employee of the specialized agencies of the United Nations, or contractor or consultant for the United Nations or its specialized agencies.

(5) At least every three months and more frequently when appropriate, the OIOS shall submit to the IOB a report containing an inventory and status of its investigations.

(6) The OIOS shall establish procedures for providing "whistle-blower" status and employment protections for all employees of the United Nations, including employees of the specialized agencies of the United Nations, who provide informational leads and testimony related to allegations of wrongdoing. Such procedures shall be adopted throughout the United Nations. Such status and protection may not be conferred on the Secretary General.

(7) The OIOS shall annually publish a public report determining the proper number, distribution, and expertise of auditors within the OIOS necessary to carry out present and future duties of the OIOS, including assessing the staffing requirements needed to audit United Nations contracting activities throughout the contract cycle from the bid process to contract performance.

(8) Not later than six months after the date of the enactment of this Act, the Director shall establish a position of Associate Director of OIOS for Specialized Agencies and Funds and Programs who shall be responsible for supervising the OIOS liaison or oversight duties for each of the specialized agencies and funds and programs of the United Nations. With the concurrence of the Director, the Associate Director of OIOS for Specialized Agencies and Funds and Programs may, from existing levels of United Nations budgetary and personnel resources, hire and appoint necessary OIOS staff, including staff serving within and located at specialized agencies and funds and programs permanently or as needed to liaison with existing audit functions within each specialized agency and fund and program.

(9) Not later than six months after the date of the enactment of this Act, the Director shall establish a position of Associate Director of OIOS for Peacekeeping Operations, who shall be responsible for the oversight and auditing of the field offices attached to United Nations peacekeeping operations. The Associate Director of OIOS for Peacekeeping Operations shall receive informational leads and testimony from any person regarding allegations of wrongdoing by United Nations officials or peacekeeping troops or regarding inefficiencies associated with United Nations peacekeeping operations. The Associate Director of OIOS for Peacekeeping Operations shall be responsible for initiating, conducting, and overseeing investigations within peacekeeping operations.

(10) Not later than six months after the date of the enactment of this Act, the Director shall establish a position of Associate Director of OIOS for Procurement and Contract Integrity, who shall be responsible for auditing and inspecting procurement and contracting win the United Nations, including within the specialized agencies. The Associate Director of OIOS for Procurement and Contract Integrity shall receive informational leads and testimony from any person regarding allegations of wrongdoing by United Nations officials or regarding inefficiencies associated with United Nations procurement or contracting activities. The Associate Director of OIOS for Procurement and Contract Integrity shall be responsible for initiating, conducting, and overseeing investigations of procurement and contract activities. Not later than 12 months after the establishment of the position of Associate Director of OIOS for Procurement and Contract Integrity, the Director, with the assistance of the Associate Director of OIOS for Procurement and Contract Integrity, shall undertake a review of contract procedures to ensure that practices and policies are in place to ensure that—

(A) the United Nations has ceased issuing single bid contracts except for such contracts issued during an emergency situation that is justified by the Under Secretary General for Management;

(B) the United Nations has established effective controls to prevent conflicts of interest in the award of contracts; and

(C) the United Nations has established effective procedures and policies to ensure effective and comprehensive oversight and monitoring of United Nations contract performance.

(c) CERTIFICATION OF ESTABLISHMENT OF UNITED NATIONS OFFICE OF ETHICS.—In accordance with section 601, a certification shall be required that certifies that the following reforms related to the establishment of a United Nations Office of Ethics have been adopted by the United Nations:

(1) A United Nations Office of Ethics (UNOE) is established. The UNOE shall be an independent entity within the United Nations and shall not be subject to budget authority or organizational authority of any entity within the United Nations. The UNEO shall be responsible for establishing, managing, and enforcing a code of ethics for all employees of United Nations and its specialized agencies. The UNEO shall also be responsible for providing such employees with annual training related to such code. The head of the UNEO shall be a Director who shall be nominated by the Secretary General and who shall be subject to Security Council approval by majority vote.

(2) The UNEO shall receive operational and budgetary funding through appropriations by the General Assembly from existing levels of United Nations budgetary and personnel resources and shall not be .dependent upon any other entity, bureau, division, department, or specialized agency of the United Nations for such funding.

(3) The Director of the UNEO shall, not later than six months after the date of its establishment, publish a report containing proposals for implementing a system for the filing and review of individual Annual Financial Disclosure Forms by each employee of the United Nations, including by each employee of its specialized agencies, at the P–5 level and above and by all contractors and consultants compensated at any salary level. Such system shall be in place and operational not later than six months after the date of the publication of the report. Such completed forms shall be made available to the Office of Internal Oversight Services at the request of the Director of the Office of Internal Oversight Services. Such system shall seek to identify and prevent conflicts of interest by United Nations employees and shall be comparable to the system used for such purposes by the United States Government. Such report shall also address broader reforms of the ethics program for the United Nations, including—

(A) the effect of the establishment of ethics officers throughout all organizations within the United Nations;

(B) the effect of retention by the UNEO of Annual Financial Disclosure Forms;

(C) proposals for making completed Annual Financial Disclosure Forms available to the public on request through their Member State's mission to the United Nations;

(D) proposals for annual disclosure to the public of information related to the annual salaries and payments, including pension payments and buyouts, of employees of the United Nations, including employees of its specialized agencies, and of consultants;

(E) proposals for annual disclosure to the public of information related to per diem rates for all bureaus, divisions, departments, or specialized agencies within the United Nations;

(F) proposals for disclosure upon request by the Ambassador of a Member State of information related to travel and per diem payments made from United Nations funds to any person; and

(G) proposals for annual disclosure to the public of information related to travel and per diem rates and payments made from United Nations funds to any person.

(d) CERTIFICATION OF UNITED NATIONS ESTABLISHMENT OF POSITION OF CHIEF OPERATING OFFICER.—In accordance with section 601, a certification shall be required that certifies that the following reforms related to the establishment of the position of a Chief Operating Officer have been adopted by the United Nations:

(1) There is established the position of Chief Operating Officer (COO). The COO shall report to the Secretary General.

(2) The COO shall be responsible for formulating general policies and programs for the United Nations in coordination with the Secretary General and in consultation with the Security Council and the General Assembly. The COO shall be responsible for the daily administration, operation and supervision, and the direction and control of the business of the United Nations. The Chief Operating Officer shall also perform such other duties and may exercise such other powers as from time to time may be assigned to the COO by the Secretary General.

(e) CERTIFICATION OF ACCESS BY MEMBER STATES TO REPORTS AND AUDITS BY BOARD OF EXTERNAL AUDITORS.—In accordance with section 601, a certification shall be required that certifies that Member States may, upon request, have access to all reports and audits completed by the Board of External Auditors.

SEC. 105. TERRORISM AND THE UNITED NATIONS.

The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to work toward adoption by the General Assembly of—

(1) a definition of terrorism that builds upon the recommendations of the Secretary General's High-Level Panel on Threats, Challenges, and Change, and includes as an essential component of such definition any action that is intended to cause death or serious bodily harm to civilians with the purpose of intimidating a population or compelling a government or an international organization to do, or abstain from doing, any act; and

(2) a comprehensive convention on terrorism that includes the definition described in paragraph (1).

SEC. 106. UNITED NATIONS TREATY BODIES.

The United States shall withhold from United States contributions to the regular assessed budget of the United Nations for a biennial period amounts that are proportional to the percentage of such budget that are expended with respect to a United Nations human rights treaty monitoring body or committee that was established by—

(1) a convention (without any protocols) or an international covenant (without any protocols) to which the United States is not party; or

(2) a convention, with a subsequent protocol, if the United States is a party to neither.

SEC. 107. EQUALITY AT THE UNITED NATIONS.

(a) INCLUSION OF ISRAEL IN WEOG.—

(1) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States to expand the Western European and Others Group (WEOG) in the United Nations to include Israel as a permanent member with full rights and privileges.

(2) NOTIFICATION TO CONGRESS.—Not later than six months after the date of the enactment of this Act and every six months thereafter for the next two years, the Secretary of State shall notify the appropriate congressional committees concerning the treatment of Israel in the United Nations and the expansion of WEOG to include Israel as a permanent member.

(b) DEPARTMENT OF STATE REVIEW AND REPORT.—

(1) IN GENERAL.—To avoid duplicative efforts and funding with respect to Palestinian interests and to ensure balance in the approach to Israeli–Palestinian issues, the Secretary shall, not later than 60 days after the date of the enactment of this Act—

(A) conduct an audit of the functions of the entities listed in paragraph (2); and

(B) submit to the appropriate congressional committees a report containing recommendations for the elimination of such duplicative entities and efforts.

(2) ENTITIES.—The entities referred to in paragraph (1) are the following:

(A) The United Nations Division for Palestinian Rights.

(B) The Committee on the Exercise of the Inalienable Rights of the Palestinian People.

(C) The United Nations Special Coordinator for the Middle East Peace Process and Personal Representative to the Palestine Liberation Organization and the Palestinian Authority.

(D) The NGO Network on the Question of Palestine.

(c) IMPLEMENTATION BY PERMANENT REPRESENTATIVE.—

(1) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the implementation of the recommendations contained in the report required under subsection (b)(1).

(2) WITHHOLDING OF FUNDS.—Until such recommendations have been implemented, the United States shall withhold from United States contributions to the regular assessed budget of the United Nations for a biennial period amounts that are proportional to the percentage of such budget that are expended for such entities.

(d) GAO AUDIT.—The Comptroller General of the United States of the Government Accountability Office shall conduct an audit of—

(1) the status of the implementation of the recommendations contained in the report required under subsection (b)(1); and

(2) United States actions and achievements under subsection (c).

SEC. 108. REPORT ON UNITED NATIONS REFORM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and one year thereafter, the Secretary shall submit to the appropriate congressional committees a report on United Nations reform since 1990.

(b) CONTENTS.—The report required under paragraph (1) shall describe—

(1) the status of the implementation of management reforms within the United Nations and its specialized agencies;

(2) the number of outputs, reports, or other items generated by General Assembly resolutions that have been eliminated;

(3) the progress of the General Assembly to modernize and streamline the committee structure and its specific recommendations on oversight and committee outputs, consistent with the March 2005 report of the Secretary General entitled "In larger freedom: towards development, security and human rights for all";

(4) the status of the review by the General Assembly of all mandates older than five years and how resources have been redirected to new challenges, consistent with such March 2005 report of the Secretary General; and

(5) the continued utility and relevance of the Economic and Financial Committee and the Social, Humanitarian, and Cultural Committee, in light of the duplicative agendas of those committees and the Economic and Social Council.

SEC. 109. REPORT ON UNITED NATIONS PERSONNEL.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report—

(1) concerning the progress of the General Assembly to modernize human resource practices, consistent with the March 2005 report of the Secretary General entitled "In larger freedom: towards development, security and human rights for all"; and

(2) containing the information described in subsection (b).

(b) CONTENTS.—The report shall include—

(1) a comprehensive evaluation of human resources reforms at the United Nations, including an evaluation of—

(A) tenure;

(B) performance reviews;

(C) the promotion system;

(D) a merit-based hiring system and enhanced regulations concerning termination of employment of employees; and

(E) the implementation of a code of conduct and ethics training;

(2) the implementation of a system of procedures for filing complaints and protective measures for work-place harassment, including sexual harassment;

(3) policy recommendations relating to the establishment of a rotation requirement for non-administrative positions;

(4) policy recommendations relating to the establishment of a prohibition preventing personnel and officials assigned to the mission of a Member State to the United Nations from transferring to a position within the United Nations Secretariat that is compensated at the P–5 level and above;

(5) policy recommendations relating to a reduction in travel allowances and attendant oversight with respect to accommodations and airline flights; and

(6) an evaluation of the recommendations of the Secretary General relating to greater flexibility for the Secretary General in staffing decisions to accommodate changing priorities.

TITLE II—HUMAN RIGHTS AND THE ECONOMIC AND SOCIAL COUNCIL (ECOSOC)

SEC. 201. HUMAN RIGHTS.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States to use its voice, vote, and influence at the United Nations to ensure that a credible and respectable Human Rights Council or other human rights body is established within the United Nations whose participating Member States uphold the values embodied in the Universal Declaration of Human Rights.

(b) HUMAN RIGHTS REFORMS AT THE UNITED NATIONS.—The President shall direct the United States Permanent Representative to the United Nations to ensure that the following human rights reforms have been adopted by the United Nations:

(1) A Member State that fails to uphold the values embodied in the Universal Declaration of Human Rights shall be ineligible for membership on any United Nations human rights body.

(2) A Member State shall be ineligible for membership on any United Nations human rights body if such Member State is—

(A) subject to sanctions by the Security Council; or

(B) under a Security Council-mandated investigation for human rights abuses.

(3) A Member State that is currently subject to an adopted country specific resolution, in the principal body in the United Nations for the promotion and protection of human rights, relating to human rights abuses perpetrated by the government of such country in such country, or has been the subject of such an adopted country specific resolution in such principal body within the previous three years, shall be ineligible for membership on any United Nations human rights body. For purposes of this subsection, an adopted country specific resolution shall not include consensus resolutions on advisory services.

(4) A Member State that violates the principles of a United Nations human rights body to which it aspires to join shall be ineligible for membership on such body.

(5) No human rights body has a standing agenda item that relates only to one country or region.

(c) CERTIFICATION.—In accordance with section 601, a certification shall be required that certifies that the human rights reforms described under subsection (b) have been adopted by the United Nations.

(d) PREVENTION OF ABUSE OF "NO ACTION" MOTIONS.—The United States Permanent Representative shall work to prevent abuse of "no action" motions, particularly as such motions relate to country specific resolutions.

(e) OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS.—

(1) STATEMENT OF POLICY.—It shall be the policy of the United States to continue to strongly support the Office of the United Nations High Commissioner for Human Rights.

(2) CERTIFICATION.—In accordance with section 601, a certification shall be required that certifies that the Office of the United Nations High Commissioner for Human Rights has been given greater authority in field operation activities, such as in the Darfur region of Sudan and in the Democratic Republic of the Congo, in furtherance of the purpose and mission of the United Nations.

SEC. 202. ECONOMIC AND SOCIAL COUNCIL (ECOSOC).

(a) STATEMENT OF POLICY.—It shall be the policy of the United States to use its voice, vote, and influence at the United Nations to—

(1) abolish secret voting in the Economic and Social Council (ECOSOC);

(2) ensure that, until such time as the Commission on Human Rights of the United Nations is abolished, only countries that are not ineligible for membership on a human rights body in accordance with paragraph (1) through (4) of section 201(b) shall be considered for membership on the Commission on Human Rights; and

(3) ensure that after candidate countries are nominated for membership on the Commission on Human Rights, the Economic and Social Council conducts a recorded vote to determine such membership.

(b) CERTIFICATION.—In accordance with section 601, a certification shall be required that certifies that the policies described in subsection (a) have been implemented by the Economic and Social Council.

TITLE III—INTERNATIONAL ATOMIC ENERGY AGENCY

SEC. 301. INTERNATIONAL ATOMIC ENERGY AGENCY.

(a) ENFORCEMENT AND COMPLIANCE.—

(1) OFFICE OF COMPLIANCE.—

(A) ESTABLISHMENT.—The President shall direct the United States Permanent Representative to International Atomic Energy Agency (IAEA) to use the voice, vote, and influence of the United States at the IAEA to establish an Office of Compliance in the Secretariat of the IAEA.

(B) OPERATION.—The Office of Compliance shall—

(i) function as an independent body composed of technical experts who shall work in consultation with IAEA inspectors to assess compliance by IAEA Member States and provide recommendations to the IAEA Board of Governors concerning penalties to be imposed on IAEA Member States that fail to fulfill their obligations under IAEA Board resolutions;

(ii) base its assessments and recommendations on IAEA inspection reports; and

(iii) shall take into consideration information provided by IAEA Board Members that are one

of the five nuclear weapons states as recognized by the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) (commonly referred to as the "Nuclear Nonproliferation Treaty" or the "NPT").

(C) STAFFING.—The Office of Compliance shall be staffed from existing personnel in the Department of Safeguards of the IAEA or the Department of Nuclear Safety and Security of the IAEA.

(2) SPECIAL COMMITTEE ON SAFEGUARDS AND VERIFICATION.—

(A) ESTABLISHMENT.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to establish a Special Committee on Safeguards and Verification.

(B) RESPONSIBILITIES.—The Special Committee shall—

(i) improve the ability of the IAEA to monitor and enforce compliance by Member States of the IAEA with the Nuclear Nonproliferation Treaty and the Statute of the International Atomic Energy Agency; and

(ii) consider which additional measures are necessary to enhance the ability of the IAEA, beyond the verification mechanisms and authorities contained in the Additional Protocol to the Safeguards Agreements between the IAEA and Member States of the IAEA, to detect with a high degree of confidence undeclared nuclear activities by a Member State.

(3) PENALTIES.—

(A) IN GENERAL.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to ensure that a Member State of the IAEA that is under investigation for a breach of or noncompliance with its IAEA obligations or the purposes and principles of the Charter of the United Nations has its privileges suspended, including—

(i) limiting its ability to vote on its case;

(ii) being prevented from receiving any technical assistance; and

(iii) being prevented from hosting meetings.

(B) TERMINATION OF PENALTIES.—The penalties specified under subparagraph (A) shall be terminated when such investigation is concluded and such Member State is no longer in such breach or noncompliance.

(b) UNITED STATES CONTRIBUTIONS.—

(1) VOLUNTARY CONTRIBUTIONS.—Voluntary contributions of the United States to the IAEA should primarily be used to fund activities relating to Nuclear Safety and Security or activities relating to Nuclear Verification.

(2) LIMITATION ON USE OF FUNDS.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to—

(A) ensure that funds for safeguards inspections are prioritized for countries that have newly established nuclear programs or are initiating nuclear programs; and

(B) block the allocation of funds for any other IAEA development, environmental, or nuclear science assistance or activity to a country—

(i) the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or other provision of law, is a government that has repeatedly provided support for acts of international terrorism and the government of which the Secretary has determined has not dismantled and surrendered its weapons of mass destruction programs under international verification;

(ii) that is under investigation for a breach of or noncompliance with its IAEA obligations or the purposes and principles of the Charter of the United Nations; or

(iii) that is in violation of its IAEA obligations or the purposes and principles of the Charter of the United Nations.

(3) DETAIL OF EXPENDITURES.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to secure, as part of the regular budget presentation of the IAEA to Member States of the IAEA, a detailed breakdown by country of expenditures of the IAEA for safeguards inspections and nuclear security activities.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to block the membership on the Board of Governors of the IAEA for a Member State of the IAEA that has not signed and ratified the Additional Protocol and—

(A) is under investigation for a breach of or noncompliance with its IAEA obligations or the purposes and principles of the Charter of the United Nations; or

(B) that is in violation of its IAEA obligations or the purposes and principles of the Charter of the United Nations.

(2) CRITERIA.—The United States Permanent Representative to the IAEA shall make every effort to modify the criteria for Board membership to reflect the principles described in paragraph (1).

(d) REPORT.—Not later than six months after the date of the enactment of this Act and annually for two years thereafter, the President shall submit to the appropriate congressional committees a report on the implementation of this section.

SEC. 302. SENSE OF CONGRESS REGARDING THE NUCLEAR SECURITY ACTION PLAN OF THE IAEA.

It is the sense of Congress that the national security interests of the United States are enhanced by the Nuclear Security Action Plan of the IAEA and the Board of Governors should recommend, and the General Conference should adopt, a resolution incorporating the Nuclear Security Action Plan into the regular budget of the IAEA.

TITLE IV—PEACEKEEPING

SEC. 401. SENSE OF CONGRESS REGARDING REFORM OF UNITED NATIONS PEACEKEEPING OPERATIONS.

It is the sense of Congress that—

(1) although United Nations peacekeeping operations have contributed greatly toward the promotion of peace and stability for the past 57 years and the majority of peacekeeping personnel who have served under the United Nations flag have done so with honor and courage, the record of United Nations peacekeeping has been severely tarnished by operational failures and unconscionable acts of misconduct; and

(2) if the reputation of and confidence in United Nations peacekeeping operations is to be restored, fundamental and far-reaching reforms, particularly in the areas of planning, management, training, conduct, and discipline, must be implemented without delay.

SEC. 402. STATEMENT OF POLICY RELATING TO REFORM OF UNITED NATIONS PEACEKEEPING OPERATIONS.

It shall be the policy of the United States to pursue reform of United Nations peacekeeping operations in the following areas:

(1) PLANNING AND MANAGEMENT.—

(A) GLOBAL AUDIT.—As the size, cost, and number of United Nations peacekeeping operations have increased substantially over the past decade, an independent audit of each such operation, with a view toward "right-sizing" operations and ensuring that such operations are cost effective, should be conducted and its findings reported to the Security Council.

(B) REVIEW OF MANDATES AND CLOSING OPERATIONS.—In conjunction with the audit described in subparagraph (A), the United Nations Department of Peacekeeping Operations should conduct a comprehensive review of all United Nations peacekeeping operation mandates, with a view toward identifying objectives that are practical and achievable, and report its findings to the Security Council. In particular, the review should consider the following:

(i) Activities that fall beyond the scope of traditional peacekeeping activities should be delegated to a new Peacebuilding Commission, described in paragraph (3).

(ii) Long-standing operations that are static and cannot fulfill their mandate should be downsized or closed.

(iii) Where there is legitimate concern that the withdrawal from a country of an otherwise static United Nations peacekeeping operation would result in the resumption of major conflict, a burden-sharing arrangement that reduces the level of assessed contributions, similar to that currently supporting the United Nations Peacekeeping Force in Cyprus, should be explored and instituted.

(C) LEADERSHIP.—As peacekeeping operations become larger and increasingly complex, the Secretariat should adopt a minimum standard of qualifications for senior leaders and managers, with particular emphasis on specific skills and experience, and current senior leaders and managers who do not meet those standards should be removed or reassigned.

(D) PRE-DEPLOYMENT TRAINING.—Pre-deployment training on interpretation of the mandate of the operation, specifically in the areas of use of force, civilian protection and field conditions, the Code of Conduct, HIV/AIDS, and human rights should be mandatory, and all personnel, regardless of category or rank, should be required to sign an oath that each has received and understands such training as a condition of participation in the operation.

(2) CONDUCT AND DISCIPLINE.—

(A) ADOPTION OF A UNIFORM CODE OF CONDUCT.—A single, uniform Code of Conduct that has the status of a binding rule and applies equally to all personnel serving in United Nations peacekeeping operations, regardless of category or rank, should be promulgated, adopted, and enforced.

(B) UNDERSTANDING THE CODE OF CONDUCT.—All personnel, regardless of category or rank, should receive training on the Code of Conduct prior to deployment with a peacekeeping operation, in addition to periodic follow-on training. In particular—

(i) all personnel, regardless of category or rank, should be provided with a personal copy of the Code of Conduct that has been translated into the national language of such personnel, regardless of whether such language is an official language of the United Nations;

(ii) all personnel, regardless of category or rank, should sign an oath that each has received a copy of the Code of Conduct, that each pledges to abide by the Code of Conduct, and that each understands the consequences of violating the Code of Conduct, including immediate termination of the participation of such personnel in the peacekeeping operation to which such personnel is assigned as a condition of appointment to such operation; and

(iii) peacekeeping operations should conduct educational outreach programs to reach local communities where peacekeeping personnel of such operations are based, including explaining prohibited acts on the part of United Nations peacekeeping personnel and identifying the individual to whom the local population may direct complaints or file allegations of exploitation, abuse, or other acts of misconduct.

(C) MONITORING MECHANISMS.—Dedicated monitoring mechanisms, such as the Personnel Conduct Units already deployed to support United Nations peacekeeping operations in Haiti, Liberia, Burundi, and the Democratic Republic of Congo, should be present in each operation to monitor compliance with the Code of Conduct, and—

(i) should report simultaneously to the Head of Mission, the United Nations Department of Peacekeeping Operations, and the Associate Director of OIOS for Peacekeeping Operations (established under section 104(b)(10)); and

(ii) should be tasked with designing and implementing mission-specific measures to prevent misconduct, conduct follow-on training for personnel, coordinate community outreach programs, and assist in investigations, as OIOS determines necessary and appropriate.

(D) INVESTIGATIONS.—A permanent, professional, and independent investigative body should be established and introduced into United Nations peacekeeping operations. In particular—

(i) the investigative body should include professionals with experience in investigating sex crimes, as well as experts who can provide guidance on standards of proof and evidentiary requirements necessary for any subsequent legal action;

(ii) provisions should be included in a Model Memorandum of Understanding that obligate Member States that contribute troops to a peacekeeping operation to designate a military prosecutor who will participate in any investigation into an allegation of misconduct brought against an individual of such Member State, so that evidence is collected and preserved in a manner consistent with the military law of such Member State;

(iii) the investigative body should be regionally based to ensure rapid deployment and should be equipped with modern forensics equipment for the purpose of positively identifying perpetrators and, where necessary, for determining paternity; and

(iv) the investigative body should report directly to the Associate Director of OIOS for Peacekeeping Operations, while providing copies of any reports to the Department of Peacekeeping Operations, the Head of Mission, and the Member State concerned.

(E) FOLLOW-UP.—A dedicated unit, similar to the Personnel Conduct Units, staffed and funded through existing resources, should be established within the headquarters of the United Nations Department of Peacekeeping Operations and tasked with—

(i) promulgating measures to prevent misconduct;

(ii) coordinating allegations of misconduct, and reports received by field personnel; and

(iii) gathering follow-up information on completed investigations, particularly by focusing on disciplinary actions against the individual concerned taken by the United Nations or by the Member State that is contributing troops to which such individual belongs, and sharing such information with the Security Council, the Head of Mission, and the community hosting the peacekeeping operation.

(F) FINANCIAL LIABILITY AND VICTIMS ASSISTANCE.—Although peacekeeping operations should provide immediate medical assistance to victims of sexual abuse or exploitation, the responsibility for providing longer-term treatment, care, or restitution lies solely with the individual found guilty of the misconduct. In particular, the following reforms should be implemented:

(i) The United Nations should not assume responsibility for providing long-term treatment or compensation by creating a "Victims Trust Fund", or any other such similar fund, financed through assessed contributions to United Nations peacekeeping operations, thereby shielding individuals from personal liability and reinforcing an atmosphere of impunity.

(ii) If an individual responsible for misconduct has been repatriated, reassigned, redeployed, or is otherwise unable to provide assistance, responsibility for providing assistance to a victim should be assigned to the Member State that contributed the troops to which such individual belonged or to the manager concerned.

(iii) In the case of misconduct by a member of a military contingent, appropriate funds shall be withheld from the troop contributing country concerned.

(iv) In the case of misconduct by a civilian employee or contractor of the United Nations, appropriate wages shall be garnished from such individual or fines shall be imposed against such individual, consistent with existing United Nations Staff Rules.

(G) MANAGERS AND COMMANDERS.—The manner in which managers and commanders handle cases of misconduct by those serving under them should be included in their individual performance evaluations, so that managers and commanders who take decisive action to deter and address misconduct are rewarded, while those who create a permissive environment or impede investigations are penalized or relieved of duty, as appropriate.

(H) DATA BASE.—A centralized data base should be created and maintained within the United Nations Department of Peacekeeping Operations to track cases of misconduct, including the outcome of investigations and subsequent prosecutions, to ensure that personnel who have engaged in misconduct or other criminal activities, regardless of category or rank, are permanently barred from participation in future peacekeeping operations.

(I) WELFARE.—Peacekeeping operations should assume responsibility for maintaining a minimum standard of welfare for mission personnel to ameliorate conditions of service, while adjustments are made to the discretionary welfare payments currently provided to Member States that contribute troops to offset the cost of operation-provided recreational facilities.

(3) PEACEBUILDING COMMISSION.—

(A) ESTABLISHMENT.—Consistent with the recommendations of the High Level Panel Report, the United Nations should establish a Peacebuilding Commission, supported by a Peacebuilding Support Office, to marshal the efforts of the United Nations, international financial institutions, donors, and non-governmental organizations to assist countries in transition from war to peace.

(B) STRUCTURE AND MEMBERSHIP.—The Commission should—

(i) be a subsidiary body of the United Nations Security Council, limited in size to ensure efficiency;

(ii) include members of the United Nations Security Council, major donors, major troop contributing countries, appropriate United Nations organizations, the World Bank, and the International Monetary Fund; and

(iii) invite the President of ECOSOC, regional actors, Member States that contribute troops, regional development banks, and other concerned parties that are not already members, as determined appropriate, to consult or participate in meetings as observers.

(C) RESPONSIBILITIES.—The Commission should seek to ease the demands currently placed upon the Department of Peacekeeping Operations to undertake tasks that fall beyond the scope of traditional peacekeeping, by—

(i) developing and integrating country-specific and system-wide conflict prevention, post-conflict reconstruction, and long-term development policies and strategies; and

(ii) serving as the key coordinating body for the design and implementation of military, humanitarian, and civil administration aspects of complex missions.

(D) RESOURCES.—The establishment of the Peacebuilding Commission and the related Peacebuilding Support Office, should be staffed within existing resources.

SEC. 403. CERTIFICATION.

(a) NEW OR EXPANDED PEACEKEEPING OPERATIONS CONTINGENT UPON PRESIDENTIAL CERTIFICATION OF PEACEKEEPING OPERATIONS REFORMS.—

(1) NO NEW OR EXPANDED PEACEKEEPING OPERATIONS.—

(A) CERTIFICATION.—Except as provided in subparagraph (B), until the Secretary of State certifies that the requirements described in paragraph (2) have been satisfied, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to oppose the creation of new, or expansion of existing, United Nations peacekeeping operations.

(B) EXCEPTION AND NOTIFICATION.—The requirements described under subparagraphs (F) and (G) of paragraph (2) may be waived until January 1, 2007, if the President determines that such is in the national interest of the United States. If the President makes such a determination, the President shall, not later than 15 days before the exercise of such waiver, notify the appropriate congressional committees of such determination and resulting waiver.

(2) CERTIFICATION OF PEACEKEEPING OPERATIONS REFORMS.—The certification referred to in paragraph (1) is a certification made by the Secretary to the appropriate congressional committees that the following reforms, or an equivalent set of reforms, related to peacekeeping operations have been adopted by the United Nations Department of Peacekeeping Operations or the General Assembly, as appropriate:

(A) A single, uniform Code of Conduct that has the status of a binding rule and applies equally to all personnel serving in United Nations peacekeeping operations, regardless of category or rank, has been adopted by the General Assembly and mechanisms have been established for training such personnel concerning the requirements of the Code and enforcement of the Code.

(B) All personnel, regardless of category or rank, serving in a peacekeeping operation have been trained concerning the requirements of the Code of Conduct and each has been given a personal copy of the Code, translated into the national language of such personnel.

(C) All personnel, regardless of category or rank, are required to sign an oath that each has received a copy of the Code of Conduct, that each pledges to abide by the Code, and that each understands the consequences of violating the Code, including the immediate termination of the participation of such personnel in the peacekeeping operation to which such personnel is assigned as a condition of the appointment to such operation.

(D) All peacekeeping operations have designed and implemented educational outreach programs to reach local communities where peacekeeping personnel of such operations are based to explain prohibited acts on the part of United Nations peacekeeping personnel and to identify the individual to whom the local population may direct complaints or file allegations of exploitation, abuse, or other acts of misconduct.

(E) A centralized data base has been created and is being maintained in the United Nations Department of Peacekeeping Operations that tracks cases of misconduct, including the outcomes of investigations and subsequent prosecutions, to ensure that personnel, regardless of

category or rank, who have engaged in misconduct or other criminal activities are permanently barred from participation in future peacekeeping operations.

(F) A Model Memorandum of Understanding between the United Nations and each Member State that contributes troops to a peacekeeping operation has been adopted by the United Nations Department of Peacekeeping Operations that specifically obligates each such Member State to—

(i) designate a competent legal authority, preferably a prosecutor with expertise in the area of sexual exploitation and abuse, to participate in any investigation into an allegation of misconduct brought against an individual of such Member State;

(ii) refer to its competent national or military authority for possible prosecution, if warranted, any investigation of a violation of the Code of Conduct or other criminal activity by an individual of such Member State;

(iii) report to the Department of Peacekeeping Operations on the outcome of any such investigation;

(iv) undertake to conduct on-site court martial proceedings relating to allegations of misconduct alleged against an individual of such Member State; and

(v) assume responsibility for the provision of appropriate assistance to a victim of misconduct committed by an individual of such Member State.

(G) A professional and independent investigative and audit function has been established within the United Nations Department of Peacekeeping Operations and the OIOS to monitor United Nations peacekeeping operations.

TITLE V—DEPARTMENT OF STATE AND GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 501. POSITIONS FOR UNITED STATES CITIZENS AT INTERNATIONAL ORGANIZATIONS.

The Secretary of State shall make every effort to recruit United States citizens for positions within international organizations.

SEC. 502. BUDGET JUSTIFICATION FOR REGULAR ASSESSED BUDGET OF THE UNITED NATIONS.

(a) DETAILED ITEMIZATION.—The annual congressional budget justification shall include a detailed itemized request in support of the assessed contribution of the United States to the regular assessed budget of the United Nations.

(b) CONTENTS OF DETAILED ITEMIZATION.—The detailed itemization required under subsection (a) shall—

(1) contain information relating to the amounts requested in support of each of the various sections and titles of the regular assessed budget of the United Nations; and

(2) compare the amounts requested for the current year with the actual or estimated amounts contributed by the United States in previous fiscal years for the same sections and titles.

(c) ADJUSTMENTS AND NOTIFICATION.—If the United Nations proposes an adjustment to its regular assessed budget, the Secretary of State shall, at the time such adjustment is presented to the Advisory Committee on Administrative and Budgetary Questions (ACABQ), notify and consult with the appropriate congressional committees.

SEC. 503. REVIEW AND REPORT.

Not later than six months after the date of the enactment of this Act, the Secretary of State shall conduct a review of programs of the United Nations that are funded through assessed contributions and submit to the appropriate congressional committees a report containing—

(1) the findings of such review; and

(2) recommendations relating to—

(A) the continuation of such programs; and

(B) which of such programs should be voluntarily funded, other than those specified in subparagraphs (A) through (R) of subsection (c)(2) of section 11 of the United Nations Participation Act of 1945, as amended by section 101(c) of this Act.

SEC. 504. GOVERNMENT ACCOUNTABILITY OFFICE.

(a) REPORT ON UNITED NATIONS REFORMS.—Not later than 12 months after the date of the enactment of this Act and again 12 months thereafter, the Comptroller General of the United States of the Government Accountability Office shall submit to the appropriate congressional committees a report on the status of the 1997, 2002, and 2005 management reforms initiated by the Secretary General and on the reforms mandated by this Act.

(b) REPORT ON DEPARTMENT OF STATE CERTIFICATIONS.—Not later than six months after each certification submitted by the Secretary of State to the appropriate congressional committees under this Act and subsection (d)(3) of section 11 of the United Nations Participation Act of 1945 (as amended by section 101(c) of this Act), the Comptroller General shall submit to the appropriate congressional committees a report on each such certification. The Secretary shall provide the Comptroller General with any information required by the Comptroller General to submit any such report.

TITLE VI—CERTIFICATIONS AND WITHHOLDING OF CONTRIBUTIONS

SEC. 601. CERTIFICATIONS AND WITHHOLDING OF CONTRIBUTIONS.

(a) CERTIFICATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (3), the certifications required under subsection (d)(3) of section 11 of the United Nations Participation Act of 1945 (as amended by section 101(c) of this Act) and section 103, sections 104(a) through 104(e), sections 201(c) and 201(e), and section 202 of this Act are certifications submitted to the appropriate congressional committees by the Secretary of State that the requirements of each such section have been satisfied with respect to reform of the United Nations.

(2) ALTERNATE CERTIFICATION MECHANISM.—

(A) IN GENERAL.—Except as provided in paragraph (3), in the event that the Secretary is unable to submit a certification in accordance with paragraph (1), the Secretary may submit to the appropriate congressional committees, in accordance with subparagraph (B), an alternate certification that certifies that the requirements of the section to which the original certification applies have been implemented through reforms that are substantially similar to the requirements of such section or accomplish the same purposes as the requirements of such section.

(B) EQUIVALENCY.—Reforms are substantially similar or accomplish the same purposes if—

(i) such reforms are formally adopted in written form by the entity or committee of the United Nations or of its specialized agency that has authority to enact or implement such reforms or are issued by the Secretariat or the appropriate entity or committee in written form; and

(ii) such reforms are not identical to the reforms required by a particular certification but in the determination of the Secretary will have the same, or nearly the same effect, as such reforms.

(C) WRITTEN JUSTIFICATION AND CONSULTATION.—

(i) WRITTEN JUSTIFICATION.—Not later than 30 days before submitting an alternate certification in accordance with subparagraph (A), the Secretary shall submit to the appropriate congressional committees a written justification explaining in detail the basis for such alternate certification.

(ii) CONSULTATION.—After the Secretary has submitted the written justification under clause (i), but no later than 15 days before the Secretary exercises the alternate certification mechanism described under subparagraph (A), the Secretary shall consult with the appropriate congressional committees regarding such exercise.

(3) LIMITED EXCEPTION FOR SUBSTANTIAL COMPLIANCE.—

(A) SUBSTANTIAL COMPLIANCE.—Subject to subparagraph (B), if at least 32 of the 39 reforms represented by the ten certifications specified under paragraph (1) have been implemented, all such reforms (including the unimplemented reforms) so represented shall be deemed to have been implemented for the year in which the Secretary submits such certifications.

(B) MANDATORY IMPLEMENTATION OF CERTAIN REFORMS.—

(i) IN GENERAL.—The provisions of subparagraph (A) shall not apply unless the reforms under the following sections have been implemented for the year to which subparagraph (A) applies:

(I) Subsection (d)(3) of section 11 of the United Nations Participation Act of 1945 (as amended by section 101(c) of this Act).

(II) Section 103(b)(1)(A).

(III) Section 103(b)(2)(D).

(IV) Section 104(a)(1).

(V) Section 104(a)(6).

(VI) Section 104(b)(1).

(VII) Section 104(b)(2).

(VIII) Section 104(c)(1).

(IX) Section 201(b)(1).

(X) Section 201(b)(2).

(XI) Section 201(b)(3).

(XII) Section 201(b)(5).

(XIII) Section 202(a)(1).

(XIV) Section 202(a)(2).

(ii) FULL COMPLIANCE IN SUCCEEDING YEAR.—If the unimplemented reforms under subparagraph (A) are not implemented in the year succeeding the year to which subparagraph (A) applies, the provisions of subsection (b) shall apply for such succeeding year.

(b) WITHHOLDING OF UNITED STATES CONTRIBUTIONS TO REGULAR ASSESSED BUDGET OF THE UNITED NATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (4) and in accordance with paragraph (2), until such time as all certifications (or alternate certifications) are submitted in accordance with subsection (a), the United States shall appropriate, but withhold from expenditure, 50 percent of the contributions of the United States to the regular assessed budget of the United Nations for a biennial period.

(2) AVAILABLE UNTIL EXPENDED.—The contributions appropriated but withheld from expenditure under paragraph (1) are authorized to remain available until expended.

(3) APPLICATION WITH RESPECT TO SECTION 11(B) OF THE UNITED NATION PARTICIPATION ACT OF 1945.—Until such time as all certifications (or alternate certifications) are submitted in accordance with subsection (a), subsection (b) of section 11 of the United Nations Participation Act of 1945 (as amended by section 101(c) of this Act) shall be administered as though such section reads as follows: "The Secretary may not make a contribution to a regularly assessed biennial budget of the United Nations in an amount greater than 11 percent of the amount calculable under subsection (c).".

(4) SECTION 11(D)(3) OF UNITED NATIONS PARTICIPATION ACT OF 1945.—

(A) SPECIAL RULE.—A certification under subsection (d)(3) of section 11 of the United Nations Participation Act of 1945 (as amended by section 101(c) of this Act) (relating to the 2008–2009 biennial period and subsequent biennial periods) shall not be required until such time as the

United Nations makes its formal budget presentation for the 2008–2009 biennial period.

(B) APPLICATION.—If the Secretary does not submit a certification under such section, the 50 percent withholding described under paragraph (1) shall apply.

(c) RELEASE OF FUNDS.—At such time as all certifications (or alternate certifications) are submitted in accordance with subsection (a), the United States shall transfer to the United Nations amounts appropriated but withheld from expenditure under subsection (b).

(d) ANNUAL REVIEWS.—

(1) IN GENERAL.—The Secretary shall conduct annual reviews, beginning one year after the date on which the Secretary submits the final certification (or alternate certification) in accordance with subsection (a), to determine if the United Nations continues to remain in compliance with all such certifications (or alternate certifications). Not later than 30 days after the completion of each such review, the Secretary shall submit to the appropriate congressional committees a report containing the findings of each such review.

(2) ACTION.—If during the course of any such review the Secretary determines that the United Nations has failed to remain in compliance with a certification (or an alternate certification) that was submitted in accordance with subsection (a), the 50 percent withholding described under subsection (b) shall re-apply with respect to United States contributions each fiscal year to the regular assessed budget of the United Nations beginning with the fiscal year immediately following such review and subsequent fiscal years until such time as all certifications (or alternate certifications) under subsection (a) have been submitted.

(e) EFFECTIVE DATE.—The certifications (or alternate certifications) specified under subsection (a) shall be required with respect to United States contributions towards payment of regular assessed dues of the United Nations for 2007 and subsequent years.

The Acting CHAIRMAN. No amendment to the committee amendment shall be in order, except those printed in House Report 109–32 and amendments en bloc described in section 3 of House Resolution 319.

Each amendment printed in the report shall be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to an amendment, and shall not be subject to a demand for division of the question.

Additional periods of general debate shall be in order as follows, to be equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations:

Number 1, 20 minutes prior to consideration of amendments printed in subpart A of part 1 of the report on the subject of accountability of the United Nations;

Number 2, 10 minutes prior to consideration of amendments printed in subpart B of part 1 of the report on the subject of United Nations peacekeeping operations;

Number 3, 10 minutes prior to consideration of amendments printed in subpart C of part 1 of the report on the subject of the International Atomic Energy Agency;

Number 4, 20 minutes prior to consideration of amendments printed in subpart D of part 1 of the report on the subject of human rights; and,

Number 5, 20 minutes prior to consideration of amendments printed in subpart E of part 1 of the report on the subject of the Oil-for-Food program.

It shall be in order at any time for the chairman of Committee on International Relations or his designee to offer amendments en bloc consisting of amendments printed in part 2 of the report not earlier disposed of or germane modifications of any such amendment. Amendments en bloc shall be considered read, except that modifications shall be reported, shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The original proponent of an amendment included in amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendment en bloc.

It is now in order to debate the subject of accountability of the United Nations.

The gentleman from California (Mr. ROHRABACHER) and the gentleman from California (Mr. LANTOS) each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I stand here with great pride next to my chairman, the gentleman from Illinois (Mr. HYDE), and recall all the great and wonderful battles that he has fought in his career, and I am so proud to be at his side at this, not the last battle that we will fight, but, as we lead into the sunset of his career, a battle that will be meaningful and remembered, and for which the American people will be grateful that we had his leadership.

Also, I might add, we are grateful for the honorable adversarial relationship that we have on the other side of the aisle, the gentleman from California (Mr. LANTOS), a champion of human rights, a dear friend, and someone who I greatly respect and whose guidance, I might say, has been important to my own career.

We are here today to take up the bill named for the gentleman from Illinois (Mr. HYDE), the Henry Hyde United Nations Reform Act of 2005. This bill will reform the United Nations in a meaningful and lasting way, especially in the arena of accountability.

□ 1800

Reform is vital in this area. And if anyone should doubt that, they only need look at the Oil-for-Food scandal which my subcommittee, under the leadership of the gentleman from Illinois (Mr. HYDE), has been investigating. The Oil-for-Food scandal, let us remember what it was. The Oil-for-Food program was set up in order to make sure that the women and children and noncombatants of Iraq did not die of lack of food and medicines because of an oil boycott that we had put, the United Nations had placed, on Iraq under Saddam Hussein's regime as a way of pressuring Saddam Hussein to give up his chemical and biological weapons, weapons of mass destruction, and to continue, and to refrain from his hostile acts like the invasion of Kuwait.

Unfortunately, the Oil-for-Food scandal is what happened to the Oil-for-Food program. We decided to establish a program, the Oil-for-Food program, which would permit the Iraqi regime to sell a certain amount of oil under United Nations supervision and to use the resources from that sale to purchase a certain amount of humanitarian supplies to help the so-called starving women and children of Iraq so these people would not be necessarily harmed.

Right from the beginning, as the United Nations organized the program, Saddam Hussein, this vicious dictator, this mass murderer, was able to choose the buyers for Iraq's oil, as well as the suppliers of humanitarian goods, which would then be the product of the sale of that oil. What do you expect will happen when that is the way it is organized? And why was it organized that way? It was organized that way because it was a United Nations program.

Let us note that our allies, including France and Russia, who had demanded that we have an Oil-for-Food program to help those poor and starving Iraqi children, that as we put the program in place, instead of helping us, they became hindrances to our making sure that the program was run in an honest way. Saddam Hussein was able to demand kickbacks and surcharges for the sale of oil and the purchase of humanitarian goods. Our allies were all too willing to pay those kickbacks. These are the same ones who pressured us to establish the program.

Business was the driving factor, of course, in their decision. But let us note that another driving factor was the fact that we have uncovered that as part of the Oil-for-Food program bribes were being channeled to people in those very governments, and perhaps that had something to do with the decision-making process of our so-called allies.

Of the estimated $65 billion in oil sales during the time of the Oil-for-Food program, perhaps as much as $10 billion was siphoned off by Saddam Hussein, this mass murderer, and this $10 billion, which was supposed to be going to the Iraqi people to alleviate their suffering.

A United Nations-sanctioned inquiry led by Federal Reserve Bank chairman Paul Volcker has unearthed these evidences of kickbacks paid, for example, to the former director of the Oil-for-Food program in the United Nations. Thus we are saying that it was a United Nations program and the Oil-for-Food program resources were used to bribe Benon Sevan, United Nations official who oversaw the program who had been appointed by Secretary-General Kofi Annan and was a close confidant of Kofi Annan.

The Volcker Commission also published evidence detailing the destruction of documents about the Oil-for-Food program as late as last year by Annan's former chief of staff, Iqbal Riza.

The House International Relations Committee has been investigating the United Nations Oil-for-Food program since March of 2004. The oversight of the Oil-for-Food program at the United Nations itself was undercut by the weak institutional oversight management structures in the United Nations itself. The United Nations, as it was organized, as it is organized unless we act today, bears a great deal of the responsibility for the failure of these type of programs like the Oil-for-Food program.

There is not a culture of openness at the United Nations nor is the structure open, but instead a closed structure and a culture of arrogance. The United Nations Office of Internal Oversight Services, for example, was denied adequate funding and manpower needed to properly audit the Oil-for-Food program. If they were not given the proper resources, why would we expect it not to be corrupted, especially when dealing with the likes of Saddam Hussein?

Saddam provided gifts from $10,000 to $25,000 to families of Palestinian suicide bombers with the kickback money that he received from the Oil-for-Food program. And let us note something else. If you want to find out what this program did and the power it gave Saddam Hussein, and the corruption of this idea of saving innocent women and children as a program officiated over by the United Nations, let us recall a speech in this body, not too long ago.

The President of the United States gave his State of the Union message here and introduced us to a lady sitting next to his wife, the first lady. Next to her was an Iraqi woman whose father had been assassinated by Saddam Hussein because he was a human rights activist. How was the assassin paid off? We have traced back the payment of the assassin of the woman who joined us for the State of the Union, the assassin of that woman's father, we have traced back that payment to a man who received the money from Saddam Hussein, and it was channeled through this United Nations program; and the money ended up going through a United Nations program to an assassin who murdered the father of the woman who was introduced to us because he was a human rights activist.

If ever there was a travesty, it is this. Saddam Hussein was manipulating the program; and the United Nations, it seems, if not willing to go along with Saddam Hussein, was certainly not willing to go along with the reforms that would have corrected the program.

Without approval, the New York office of the Banque de Paris, or Paribas, this was the bank that oversaw the Oil-for-Food program, the U.N.'s bank for the program made unauthorized payments from the program to so-called third parties on more than 400 occasions. These third parties where the unauthorized payments were made went to people that they had no idea who they were giving the money to. We have yet to be able to trace back who actually runs the corporations who received over 400 payments from the bank that ran this Oil-for-Food program, all of this, of course, under the United Nations' direction.

Now, that is the Oil-for-Food program. We could go on about that for hours. But there are other problems at the U.N. which we need to mention, the nepotism at the United Nations. We have seen over and over again people hiring their children. We have seen situations where, for example, Benon Sevan sold his vouchers to a company in which his stepdaughter was hired, which was in violation of U.N. job violation rules. And let us note former Secretary Boutros Boutros Ghali's nephew.

Neoptism is rampant at the U.N. Maurice Strong, a long-time U.N. official and confidant of Secretary General Annan, hired his stepdaughter Kristina Mayo for a U.N. job in violation of U.N. staff regulations. Benon Sevan allegedly sold his oil vouchers to a company run by former Secretary General Boutros Boutros-Ghali's nephew. Moreover, this deal with Sevan was set up by Fred Nadler, Boutros-Ghali's brother-in-law.

Strong has also been tainted by his association with the Tongsun Park, from the Koreagate scandal, against whom a complaint was filed by the U.S. Attorney in the Southern District of New York in April. Park was attempting to illicitly influence "a U.N. official" through Iraqi Oil-For-Food money. Strong has confirmed that he was that U.N. official but denies wrongdoing.

The WMO in Geneva, Switzerland, a long-time WMO employee and Sudanese national was accused of skimming $3 million from accounts at the organization over a 3–4 year period. The funds were lost to this corruption and they will likely never be recovered.

He is said to have faked his death to avoid investigation. Accordingly, his wife presented a death certificate, acknowledged by Sudanese authorities to have been false, in order to claim his U.N. pension, which the U.N. has withheld pending the results of a full investigation being conducted by the Swiss authorities at the request of the WMO.

WMO authorities believe that ultimately there are 10–15 other WMO employees who could be viewed as negligent or even gross negligence.

The WMO Senior Legal Advisor reported that while bad, "the internal procedures were not the worst seen in the U.N. family of organizations."

At WIPO, also in Geneva, Michael Wilson, an Annan family friend, is being investigated by a Swiss judge on charges of bribing a senior official at WIPO to win a renovation contract on the agency's headquarters. The WIPO official acknowledges receiving $270,000 from Wilson. Wilson claims the money was from a private business venture.

There are also allegations of employee skimming of WIPO agency funds related to the renovation.

Prior to Operation Iraqi Freedom, the agency coordinated with international relief agencies and U.N. member states to relieve the suffering of the Iraqi people.

In January of 1998, $43,701 had to be recovered from staff members no longer at the mission as well as outstanding obligations of $328,287 in November 1997 for the UNOHCI.

The audit revealed that an inventory of physical assets in May 1998 discovered that 185 items totaling $100,994 could not be accounted for.

The United Nations Claims Commission (UNCC) processes claims for losses and damage suffered as a direct result of Iraq's unlawful invasion and occupation of Kuwait in 1990–91.

In an audit of the UNCC's awards, the OIOS viewed the present system resulted in overpayments of $2,170,951 to the claimants in the 10th installment. Furthermore, in the absence of relevant information, OIOS estimates that UNCC has overpaid by $.51 billion to date for other claims. In addition, it is estimated that UNCC would overpay future claims by $1.27 billion, under the current exchange rate procedures."

The United Nations Population Fund and U.N. Environment Program promotes environmental and population strategies among member governments.

In a statement before a U.N. Committee in 2004, Thomas Respasch of the U.S. Mission to the U.N. explained, the following extravagant travel expenses of two programs at the U.N.: "In the U.N. Population Fund, we were quite surprised to learn that some senior staff members who spend more than half their time in travel status are racking up travel costs of $225,000. In the U.N. Environment Program, travel advances to other persons, in the amount of $82,208, had been outstanding for more than 20 months."

United Nations Office of Drugs and Crime (UNODC) assists member states in their struggle against illicit drugs, crime and terrorism.

In 2003, Samuel Gonzalez-Ruiz, a senior adviser to UNODC, resigned, charging that the office "tolerates administrative and in some cases criminal violations" such as nepotism, mismanagement and misappropriation of funds by agency staff. A U.N. probe into corruption allegations found that "a senior official improperly gave 11 contracts to his wife." In 2003, an OIOS probe found mismanagement by executive director Pino Arlacchi; collapse of $250 million 10-year plan to eradicate drugs from Afghanistan. Also found evidence of lavish, excessive spending, such as purchase of a $100,000 Mercedes.

These are but a few of the signs that the U.N. is on the wrong path. But talking about problems is not enough, we must do something about it.

This bill is vital for reform of the United Nations. Chairman HYDE's bill brings real reform to an institution that is quite simply broken.

Regarding the Accountability section of the bill, there is a provision for a special investigator to be assigned to investigate further instances of corruption by high officials of the U.N., such as Benon Sevan.

This bill brings independence to the Office of Internal Oversight Services, OIOS, removing it from under the thumb of political influence at the U.N. and assures OIOS of proper funding to carry out its mission.

This bill creates a U.N. Office of Ethics—an office that after more than a year of investigation into the Oil-for-Food Program has shown—is sorely needed.

Also, the Ethics office will be tasked in this bill with facilitating and operating a system for financial disclosure.

Finally, the bill creates an Independent Oversight Board (IOB) to review the audits of the OIOS and other audit bodies of the U.N. This office is vital to provide proper oversight of the U.N.

What we have certainly discovered about the U.N. in the hearings on the Oil-for-food program that I have held in the subcommittee on Oversight and Investigations in the International Relations Committee, is that the U.N. was corrupted by Saddam Hussein. This bill will go some distance toward repairing this corruption.

I conclude by saying that the U.N. has not been accountable, transparent and it has not been living up to the standards expected of an institution that receives hundreds of millions of dollars every year from the United States. The American taxpayers deserve more for their money. This is why Chairman HYDE wrote this bill and why we are here today: to fix the U.N. so that the problems exemplified by the Oil-for-Food program as well as others such as the horrific rapes committed by U.N. peacekeepers are never repeated.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before yielding, let me commend the gentleman from California (Mr. ROHRABACHER) for his powerful statement. And let me commend the gentleman from Illinois (Chairman HYDE) for including in his bill extremely important measures that enhance accountability. I would like to state that the Lantos-Shays substitute which we will present later contains the same measures. We are in full accord on dramatically enhancing accountability at the United Nations.

Mr. ROHRABACHER. Mr. Chairman, would the gentleman yield for one moment?

Mr. LANTOS. Mr. Chairman, I would be delighted to yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, let me just note that what measures that we have been suggesting in the bill, as you have just underscored, are very reasonable, and the fact that we have bipartisan support on the measures demanding accountability suggest that these are things that the United Nations should not be opposing. This is nothing that should raise the fur up on the back of the necks of any official at the United Nations. So I appreciate the gentleman, and also, all those ladies and gentlemen on the other side of the aisle coming at these issues of accountability in a very bipartisan fashion.

Mr. LANTOS. Mr. Chairman, I thank the gentleman from California (Mr. ROHRABACHER) for his comments.

I am delighted to yield 3 minutes to the gentleman from Iowa (Mr. LEACH), the distinguished chairman of the Asia and Pacific Affairs Subcommittee of the International Relations Committee, my distinguished Republican colleague.

Mr. LEACH. Mr. Chairman, as so ably demonstrated by the gentlemen from California (Mr. LANTOS and Mr. ROHRABACHER), the U.N. is crying out for reform. But let us not forget that the only oath we as Members take is to the Constitution and votes should reflect this obligation, not pique, not ideology, not well-intentioned concern for reform.

Unfortunately, the approach contained in the bill before us contravenes the United Nations charter and undercuts the rule of law. It also misreads the constitutional prerogatives of Congress. It is true that under article 1 we have been given purse-string authority. It is not true that we have been provided the power to negotiate. That authority resides with the executive branch.

There has been a suggestion made that only by threatening the withholding of resources can progress be made at the U.N. This assertion at first blush sounds like commonsense realism. But counterintuitively to utterers of this precept, historical experience reveals that prior U.S. withholding tactics have frequently embarrassed the United States and weakened, rather than strengthened, our diplomatic positions. Nobody likes to be threatened, especially when threats represent breaches of the law of nations.

It is no accident that the Bush administration has voiced opposition to this bill and warned that unilaterally backing out of our financial obligations will undermine our credibility and effectiveness at the U.N.

One obvious issue, especially for my Republican colleagues, is whether deference to the judgment of House leadership in matters of multilateral diplomacy is more compelling than deference to the President. But this quandary is secondary to the issue of the rule of law. The fundamental choice today is between deference to the law or to sovereign impunity.

Any sense of history would suggest that now is not the time to denigrate law. The passions of men, no matter how understandable must be constrained by law if there is any hope for a more peaceful and just world.

Accordingly, I intend to vote for the principal substitute to the committee bill, but against either the committee bill or the substitute on final passage. The former represents a congressional directive that in all likelihood will require the U.S. to declare financial war on the United Nations. The alternative approach, while more restrained, has the effect of authorizing the executive branch to conduct a financial war on the U.N. should the Secretary of State choose to do so. Both presumptuously imply that the United States is free of an international obligation to pay its assessment. This body would be wiser to abide by the rule of law and fidelity to the Constitution, not the politics of the moment.

Finally, Mr. Speaker, it is at times like this I am reminded of the warning of the English philosopher, John Locke, who once suggested that little is more dangerous than a good prince, because that prince is so respected it is hard to object when he may be wrong. HENRY HYDE is not just a good prince, he is a great one. But I fear in this instance he may be wrong, and I would suggest to my colleagues that the most appropriate way to show our esteem is through respectful dissent to the finest in our midst.

Mr. Chairman. At the outset, let me express my appreciation to Chairman HYDE and his staff for reaching out to consult with me as this legislation was developed. Although we have differing perspectives on this bill, I have the utmost respect for our distinguished Chairman, as well as his staff, who are among the finest on Capitol Hill.

The Committee has done a quality job in assembling a panoply of United Nations reform proposals. Virtually all of the suggestions are compelling. The problem is the framework of their consideration. Unfortunately, in my judgment, the underlying Committee approach is thoroughly inappropriate. The Democratic substitute is better, but is inappropriate as well.

All of us have pique of one kind or another about the U.N. As a supporter of the principles that underlie the founding of the United Nations, I must confess to profound disappointment in the conflicts of interest that developed in the oil-for-food program.

Bizarrely, according to a federal indictment made public earlier this spring, a South Korean named Tongsun Park appears to be at the center point of one set of Iraqi oil transfers in which as a middleman he may have used part of his commissions to influence several U.N. officials. What is astonishingly "déjà vu" about these charges is that Tongsun Park had been indicted on bribery and conspiracy charges in the late 1970s for using his role as a rice agent for the U.S. Food for Peace program to bestow money and gifts on Members of Congress who had legislated the guidelines that allowed commissions on those agricultural sales.

The involvement of Tongsun Park in the Iraqi oil-for-food scandal may be a footnote to the abuses that developed but it symbolically underscores the urgent need for reform, accountability and transparency in U.N. endeavors.

Ironically, the oil-for-food program was authorized by the Security Council with U.S. support and every contract had to be approved by the government of the United States. It appears that proceeds from some of these contracts may have benefited influential individuals and institutions in various countries, including Russia and France, and thus had the effect of providing financial incentives for people in key foreign countries to oppose the policy perspectives of the United States. It also appears that conflicts of interest may have been precipitated with a small number of U.N. employees.

Perspective is difficult to bring to issues of the day, but with regard to the oil-for-food program, it is apparent that the international system is vulnerable to corruption. It may be that relative to the multi-billion-dollar size of the program, the conflicts in New York may to some seem paltry. But it should be clear that a few thousand here and a few thousand there add up to a loss of confidence in institutions of governance.

Bureaucratic waste and ineptitude are a challenge to any large organization, but of all institutions the U.N. should be the one most sensitive in the world to the problem of the "two c's:" corruption and conflicts of interest.

The United Nations was created to promote the rule of law among and within nations. It was expected to be an honest and implacably neutral broker to help settle international disputes and advance international law in areas as diverse as arms control, trade, human rights, and the environment. In all these activities, political differences were to be expected, but integrity of purpose and deed was to be the U.N.'s hallmark. But tragically, no institution can fulfill its mission if its programs are subverted or its representatives conduct themselves in ways that are not respectful of the law. Corruption is the bitterest breach of trust, especially for the U.N., which in so many parts of the world represents the aspirations of people who live in desperate poverty and fear.

In this regard, in December 2004, Congress directed the United States Institute of Peace to establish a Task Force on the United Nations. The 12-member bipartisan Task Force, chaired by former House Speaker Newt Gingrich and former Senate Majority Leader George Mitchell, worked with leading public policy organizations to assess reforms that would enable the U.N. to better meet the goals of its 1945 charter and offer the U.S. government an actionable agenda to strengthen the U.N.

The report recommends establishing a chief operating officer to be in charge of daily U.N. operations; empowering the Secretary General to replace his or her top officials; and creating an Independent Oversight Board with adequate audit powers to prevent another scandal like oil-for-food. In addition, the report suggests abolishing the current U.N. Human Rights Commission and establishing a new Human Rights Council, ideally to be composed of democratic governments committed to monitoring, promoting, and enforcing human rights.

Over the years, there have been many reports advocating U.N. reform. By background, in the early 1990's I co-Chaired the United States Commission on Improving the Effectiveness of the United Nations. The Commission held six hearings in regional centers across the country, receiving testimony from hundreds of witnesses representing a cross-section of philosophical perspectives.

The report the commission put forth underlined a certain degree of optimism that the U.N. could play a constructive role in world affairs, but explicitly recognized "serious management problems" and lack of adequate financial accountability in the U.N. system, and called for the U.N. to establish a fully independent Inspector General's office.

With respect to political and security issues, the Commission, like the Gingrich-Mitchell Commission, recognized that means must be found to make the Security Council more representative of power balances in the world today; accordingly, it recommended the expansion of permanent membership of the Security Council. I introduced a bill to this effect yesterday, House Resolution 321, and am hopeful it will receive serious Committee and House review at a later date.

Also like the Gingrich-Mitchell Commission, the U.S. Commission on Improving the Effectiveness of the United Nations recommended the establishment of a U.N. rapid reaction force to prevent acts of genocide and crimes against humanity.

Arguably, these last recommendations—expansion of the Security Council and establishment of a U.N. rapid deployment force—are the two most important reform proposals the U.N. is considering today. The reform bill before us today is silent on each.

While both the Gingrich-Mitchell Commission and the earlier U.N. Commission highlighted severe management concerns, neither advocated linking progress on U.N. reform to U.S. payment of dues to the organization. Indeed, eight former U.S. ambassadors to the United Nations—Madeleine Albright, John Danforth, Richard Holbrooke, Jeane Kirkpatrick, Donald McHenry, Thomas Pickering, Bill Richardson and Andrew Young—urged Congress earlier this week to reject legislation that would withhold payments to the world body unless specific reform plans were enacted.

Here, we must understand precisely what the meaning of a 50 percent cut in U.S. contributions to the U.N., as envisioned in the bill before us, implies. As the country in the world that most stands for the rule of law, we are proposing to circumvent it. The Committee approach represents a Congressional directive that in all likelihood will require the U.S. to declare financial war on the United Nations. The alternative Democratic approach, while more restrained, has the effect of authorizing the Executive Branch to conduct a financial war on the U.N. should the Secretary of State choose to do so.

Both approaches contravene the U.N. Charter, a treaty binding all parties, including the United States. It specifies: "The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly" (Article 17(2)). In 1962, the International Court of Justice held—sustaining the position of the United States—that apportionment of expenses by the General Assembly creates the obligation of each Member to bear that part of the expenses apportioned to it.

Both efforts, the first boldly, the second with an extra Executive Branch hurdle, presumptuously imply that the United States is free of an international obligation to pay its assessments. This position runs counter to elemental principles of international law. The Vienna convention on the Law of Treaties provides that: "Every treaty in force is binding upon the parties to it and must be performed by them in good faith" (Article 26). It specifies that: "A state party to a treaty may not invoke the provisions of internal law as justification for its failure to perform the treaty" (Article 21(1)).

The only oath we as Members take is to the Constitution. Votes should reflect this obligation, not pique, not ideology, not well-intentioned concern for reform.

The bill before us undercuts the rule of law. It also misreads the Constitutional prerogative of Congress. It is true under Article I that we have been given purse string authority. It is not true that we have been provided the power to negotiate. That authority resides with the Executive Branch.

The legislation before us eviscerates the separation of powers that our founders so thoughtfully constructed. The Democratic alternative represents a credible political, but uncompelling legal balancing. The wiser way to go is to take the group of reform ideas assembled in the Committee bill, many of which, by the way have been derived from recommendations of various U.N. initiated panels, and simply direct the Executive to use its authority to seek to advance them in a way only it can.

There has been a suggestion made that only by threatening the withholding of resources can progress at the U.N. be made. This assertion at first blush sounds like common-sense realism. But counter-intuitively to utterers of this precept, historical experience reveals that prior U.S. withholding tactics have frequently embarrassed the U.S. and weakened rather than strengthened U.S. diplomatic positions. Nobody likes to be threatened, especially when threats represent breaches of the law of nations.

This bill, while frustratingly reflective of many legitimate sentiments, will almost certainly prove counterproductive. While it contains good ideas that many in the U.N. community support, the coercive methodology implicit in the threat of withholding legally obligated resources will jeopardize rather than advance prospects for reform. It is no accident that the Bush Administration has voiced opposition to this bill and warned that unilaterally backing out of our financial obligations will undermine our credibility and effectiveness at the U.N.

We may be the greatest democracy in history but in a world where U.S. leadership has for so many lost its luster, good policy is far likelier to precipitate constructive results than big economic threats.

One obvious issue, especially for my Republican colleagues, is whether on matters of multilateral diplomacy deference to the judgment of House leadership is more compelling than deference to the President. But this quandary is secondary to the issue of the rule of law. The fundamental choice today is between deference to the law or to sovereign impunity.

Any sense of history would suggest that now is not the time to denigrate law. The passions of men, no matter how understandable, must be constrained by law, if there is any hope for a more peaceful and just world.

Accordingly, I intend to vote for the principal substitute to the Committee bill, but against either the Committee or the substitute on final passage. It is the rule of law and fidelity to the Constitution, not the politics of the moment that should guide our consideration of this bill.

Mr. LANTOS. Mr. Chairman, I am delighted to yield the balance of my time to the gentleman from Massachusetts (Mr. DELAHUNT), the ranking member of the Oversight and Investigation Subcommittee of the International Relations Committee.

Mr. DELAHUNT. Mr. Chairman, I think it is important that when we talk about reforming the United Nations that we have to be clear about what the United Nations is. It is not simply the Secretariat. The Secretariat is just the staff. They are the hired help. They run the day-to-day affairs of the United Nations; but it is the Member states that set policy, that make decisions that are responsible for oversight in implementation of the United Nations resolutions.

□ 1815

In particular, it is the function of the Security Council to carry out those responsibilities. The United States is a permanent member of the Security Council, with the power to veto any resolution.

When the Security Council does not want the United Nations to work, it will not work. The Gingrich-Mitchell report put it this way, and I am quoting, "Too often the phrase 'the United Nations failed' should actually read 'members of the United Nations blocked or undermined action by the United Nations.'"

An excellent example of this concept is the sanctions against Iraq in the Oil-for-Food program. The United States advocated for the sanctions on Iraq in the aftermath of the Gulf War and then supported the Oil-for-Food program, advocated for it, but it was the Security Council, not some amorphous United Nations somewhere up in New York, that had the responsibility to oversee the Oil-for-Food program and the sanction regime.

But when Jordan and Turkey notified the Security Council that they intended to purchase oil from Iraq, in direct violation of the sanctions regime, the Security Council simply took notice, whatever that means. I still cannot figure it out, but they did nothing else. It did not block Jordan and Turkey from this trade. It did not sanction those countries. It did not instruct the Secretariat to take any action. It did nothing.

As a result, Syria and Egypt then began to purchase oil from Iraq as well, and it is important to understand that this ended up as the largest illicit source of revenue for Saddam Hussein, and it had nothing to do with the Oil-for-Food program, nothing to do with it at all. The moneys derived from these so-called trade protocols far exceeded the money that Saddam Hussein skimmed from the Oil-for-Food program. This chart next to me shows that the so-called trade protocols generated over $8 billion in revenue for Saddam Hussein.

My friend, the chairman of the Subcommittee on Oversight and Investigations talks about $10 billion; 8 billion of that came from the Security Council's inaction while looking the other way.

Even some of the money that Saddam stole from the Oil-for-Food program could have been saved by aggressive oversight by the Security Council. It is important to note it was the Security Council that approved all prices on oil exports from Iraq, and every contract needed their approval for humanitarian goods coming into Iraq, and yet when the Secretariat brought 71 contracts to the attention of the Security Council because of concerns of pricing irregularities, the Security Council did nothing, did nothing, and Saddam profited and stayed in power as a result.

Why? Why did the Security Council not address any of these issues? Because the Security Council, including our own government, and there was two administrations involved, both the Clinton and the Bush administration, reached a political decision that it was not in their interests to fully enforce the sanctions. That has to be understood.

So when we talk about making the United Nations more effective, let us be clear that the changes that are being proposed, and that I embrace, do not fully address the problem. What is ultimately required is improving the way member states work together, and some level of transparency in the internal workings of the Security Council, not unilaterally withholding dues.

I am convinced that those eight Ambassadors who sent that letter to our congressional leadership are correct when they say withholding dues to the United Nations may sound like smart policy, but would be counterproductive. It would create resentment, build animosity and actually strengthen the opponents of reform. It would place in jeopardy the reform initiatives that we embrace. Please understand that.

The CHAIRMAN. All time for general debate has expired on Part 1.

It is now in order to consider amendment No. 1 printed in Subpart A of Part 1 of House Report 109–132.

PART 1, SUBPART A AMENDMENT NO. 1 OFFERED BY MR. KING OF NEW YORK

Mr. KING of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 1, Subpart A Amendment No. 1 offered by Mr. KING of New York:

In section 104, add at the end the following new subsection:

(f) WAIVER OF IMMUNITY.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to ensure that the Secretary General exercises the right and duty of the Secretary General under section 20 of the Convention on the Privileges and Immunities of the United Nations to waive the immunity of any United Nations official in any case in which such immunity would impede the course of justice. In exercising such waiver, the Secretary General is urged to interpret the interests of the United Nations as favoring the investigation or prosecution of a United Nations official who is credibly under investigation for having committed a serious criminal offense or who is credibly charged with a serious criminal offense.

The CHAIRMAN. Pursuant to House Resolution 319, the gentleman from New York (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. KING).

Mr. KING of New York. Mr. Chairman, I yield myself such time as may consume.

At the outset, Mr. Chairman, let me join with my other colleagues in commending the gentleman from Illinois (Chairman HYDE) for the outstanding leadership he has demonstrated on this bill. It caps a tremendous career in this body and is just one further shining example of how much we owe him and how we are indebted to him for his years of service to the United States Congress.

Mr. Chairman, my amendment should be noncontroversial. As both sides have acknowledged, there have been enormous scandals at the United Nations. Its reputation has suffered dramatically.

For those who do wish the United Nations to be reformed, and for the United Nations to reform itself, it is essential that it restore or regain some modicum of credibility from the American public and, indeed, from the world community. To do that, my amendment urges or directs the President of the United States to urge our permanent representative to the U.N. to call upon the Secretary General to waive immunity in those instances where U.N. officials have committed serious offenses.

We have heard descriptions of various alleged misconduct by officials such as

Benon Sevan, who is head of the Oil-for-Food program. Also, other individuals have been relieved of their duties at the U.N., such as the official charged with supervising contractor selection.

To me, it just makes elemental sense that the Secretary General under section 20 exercise his discretion to waive immunity in those cases so that criminal action, if necessary, can be brought, and it would be imperative upon our upcoming representative to the United Nations to call upon him to do that.

It is an amendment on which I urge its adoption. I believe it is essential, again, a significant step, and yet one which is a common-sense step to restoring the credibility that the U.N. deserves.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. KING of New York. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I want to commend my friend from New York for offering this amendment. Our side is prepared to accept the gentleman's amendment.

The diplomatic immunity that the United Nations is granted under international law is not designed to shield its employees from the due process of law when they commit crimes. Secretary General Kofi Annan has stated on numerous occasions that he would never allow the U.N.'s diplomatic immunity to protect any employee from prosecution for a crime she or he may have committed.

The Lantos-Shays substitute has a parallel amendment, and we are happy to accept the gentleman's amendment.

Mr. KING of New York. Mr. Chairman, reclaiming my time, as always, I appreciate the kind words of the gentleman from California who, again, I am proud to call my friend, and I certainly accept his support of the amendment.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. KING of New York. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding.

We, too, are very pleased to accept this excellent amendment and thank the gentleman from New York.

Mr. KING of New York. Mr. Chairman, I thank the chairman.

Mr. DELAHUNT. Mr. Chairman, will the gentleman yield?

Mr. KING of New York. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding to me.

I do obviously support the acceptance by our ranking member of the amendment.

I think it is important to note for the record that there are currently investigations that are ongoing, and for the information of my friend from New York, the Secretary General has been very explicit that he will fully cooperate. We have received information back that that cooperation is, in fact, occurring, and he has publicly stated, without equivocation, that there will be no immunity for members of the United Nations.

Mr. KING of New York. Mr. Chairman, reclaiming my time, I would agree with the gentleman.

In my remarks, I particularly did not direct my remarks to the Secretary General, and, in fact, the remarks are directed to our Ambassador to the United Nations, that in the future he continue that policy.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. KING).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. KING of New York. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. KING) will be postponed.

It is now in order to consider amendment No. 2 printed in Subpart A of Part 1 of House Report 109–132.

PART 1, SUBPART A AMENDMENT NO. 2 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 1, Subpart A Amendment No. 2 offered by Mr. GARRETT of New Jersey:

In section 504, add at the end the following new subsection:

(c) UNITED NATIONS CONSTRUCTION AND CONTRACTING.—Not later than six months after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate a report describing the costs associated with the contracting for and construction of the Geneva, Switzerland, buildings of the World Meteorological Organization (WMO) and the World Intellectual Property Organization (WIPO). The report shall include analyses of the procurement procedures for each such building and shall specifically address issues of any corrupt contracting practices that are discovered, such as rigged bids and kickbacks, as well as other improprieties. The report shall also include an identification of other credible allegations of corrupt contracting at United Nations construction projects that involve major construction on a scale comparable to the WMO and WIPO construction projects, and a description of the results of an investigation into each such credible allegation.

The CHAIRMAN. Pursuant to House Resolution 319, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Before I begin, let me just use this opportunity to extend my appreciation to the chairman for his work in so many different areas important and vital to the people of this country, but right now, at the issue at hand before us, an area that is of utmost importance to the constituents in my district, as well as the citizens of this Nation and the world community as well. So I thank the chairman for his steadfast dedication to addressing these problems.

Also, let me take this opportunity to express my appreciation to the chairman's staff as well for their efficiency in bringing these matters to the floor and their cooperation in working with our offices in order to proceed along on these matters.

I rise today, Mr. Chairman, to offer an amendment regarding possible contract abuses by high-ranking U.N. officials and to hopefully make the U.N. a more accountable and transparent body.

This amendment will ask the Office of the Comptroller General to submit a report to Congress detailing the costs associated with the renovation of two U.N. buildings in Geneva, Switzerland. Let my give my colleagues a little background.

Michael Wilson, a friend of U.N. Secretary General Kofi Annan, who has referred to the Secretary General as his "uncle," is being investigated by a Swiss judge of possibly bribing a top U.N. official for a $50 million renovating contract at the World Intellectual Property Organization.

It is alleged that Mr. Wilson paid $270,000 to a top official at the intellectual property agency named Khamis Suedi. In return, the construction company Mr. Wilson represented was to be awarded the construction contract for this renovation work.

Here is the interesting connection. Mr. Wilson has also been a close business partner with the Secretary General's son Kojo Annan. In fact, Mr. Wilson helped get Kojo a job at Cotecna, a Swiss-based inspection firm. Not long after hiring him, Cotecna was awarded a lucrative contract to inspect goods going to Iraq with the newly implemented Oil-for-Food program that we have heard talked about on this floor earlier.

Kofi Annan has continuously denied ever meeting with or supporting the Cotecna contract proposal. In fact, the Volcker Commission, appointed by Kofi Annan to investigate the Oil-for-Food scandal, in their second interim report that came out this spring came out and stated, "There is no evidence that the selection of Cotecna in 1998 was subject to any affirmative or improper influence of the Secretary General in the bidding or selection process."

□ 1830

However, just this week, a memo obtained from Mr. WILSON around the time that the Oil-for-Food inspection contract was being decided, stated: "We had brief discussions with the Secretary-General. We could count on their support."

Now, the Volcker Commission only now is hastily reevaluating its initial findings in light of this new evidence; and Kofi Annan, as suspected, is dodging questions and hiding now behind the commission. I believe that the Volcker Commission has proven to be too cozy to the Secretary-General to adequately assess the true depth of corruption. In order to provide a full accounting of any illicit dealings to the American taxpayer, the United States must continue its aggressive investigation, and my amendment will further that goal.

Even real estate magnet Donald Trump states, in speaking about the proposal in New York City about their planned expansion of their headquarters, "The United Nations is a mess and they are spending hundreds of millions of dollars unnecessarily on this project." If Donald Trump says they are wasting millions of dollars, I can only imagine what the average American taxpayer's view must be on the U.N.

Investigations of the U.N. financial dealings under Kofi Annan resemble the peeling back of an onion. The more that is cut away, the greater the stench. This amendment is a bold step, I believe, in slicing away one more slice of the onion, another layer, to reveal the full account of any illicit dealings at the U.N.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I claim time in opposition to the amendment, although I am not in opposition.

Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

The CHAIRMAN. Without objection, the gentleman from California will control the time in opposition.

There was no objection.

Mr. DELAHUNT. Mr. Chairman, I thank my friend for yielding me this time.

I also read the same report that the gentleman from New Jersey referred to, but I would like to provide him an update at this point because I am sure he received his information from a newspaper report, if I am correct.

Mr. GARRETT of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. I received it from different locations, actually. It began, if I may, it began with newspaper reports.

Mr. DELAHUNT. Mr. Chairman, reclaiming my time, again, let me provide this as an update, because this is a report by the Associated Press from today, titled "U.N. Oil-for-Food author of e-mail memo says he never discussed Oil-for-Food contract bid with Kofi Annan. The executive who wrote an e-mail suggesting that the U.N. Secretary General Kofi Annan may have known about a U.N. contract awarded to his son's company has denied ever discussing the firm's bid with Annan, a law firm said Wednesday."

So, again, I think it is worthy of a review, clearly worthy of an investigation; but I do find it interesting that when we talk about investigations that we have not taken the opportunity to investigate the report by the Special Inspector General for Iraq Reconstruction of the report by an American official indicating that the Coalition Provisional Authority provided less than adequate controls for approximately $9 billion of development funds for Iraq funds provided to Iraq through the national budget process. We cannot find that money.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume. Our side is prepared to accept the gentleman's amendment. We have heard very disturbing reports about possible contracting scandals involving kickbacks at the World Meteorological Organization and the World Intellectual Property Organization in recent years. It will be extremely helpful to have our General Accounting Office also undertake a thorough review of these matters.

We are looking forward to working with the gentleman from Illinois (Mr. HYDE) and others to make certain that all U.N.-affiliated organizations achieve the appropriate reforms, and I thank the gentleman for offering this important amendment which will support our efforts.

Mr. Chairman, I yield back the balance of my time.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume, and I just want to say that I appreciate both gentlemen's comments and the information that they conveyed.

Mr. Chairman, I yield 30 seconds, the balance of my time, to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding me this time. On behalf of the majority we are also very happy to accept this amendment.

This amendment seeks to identify overspending due to possibly rigged contracts at U.N. buildings around the world. The U.S. generally pays 22 percent of those costs. The savings could be in the millions of dollars for U.S. taxpayers if other instances of building improprieties were found and, by connection, action taken to correct those improprieties.

Mr. Chairman, I want to congratulate the gentleman on his amendment, and we are accepting it again as well.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in Subpart A of Part 1 of House Report 109–132.

PART 1, SUBPART A AMENDMENT NO. 3 OFFERED BY MR. CANNON

Mr. CANNON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 1, Subpart A amendment No. 3 offered by Mr. CANNON:

In section 108(b)(4) (relating to the report on United Nations reform), strike "and" after the semicolon.

In section 108(b)(5), strike the period at the end and insert "; and".

In section 108(b), add at the end the following new paragraph:

(6) whether the United Nations or any of its specialized agencies has contracted with any party included on the Lists of Parties Excluded from Federal Procurement and Nonprocurement Programs.

The CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Utah (Mr. CANNON) and a Member opposed each will control 5 minutes.

The gentleman from Utah (Mr. CANNON) is recognized for 5 minutes.

Mr. CANNON. Mr. Chairman, I yield myself such time as I may consume.

For their work on this bill, I would first of all like to thank the gentleman from Illinois (Mr. HYDE), the chairman, and the gentleman from California (Mr. LANTOS), two giants of this institution and people who I am pleased to call friends.

Mr. Chairman, our government is being forced to give financial support to corporations we normally would exclude because of our membership in the United Nations and where our dues are spent. When a Federal agency takes an action to exclude a contractor under the nonprocurement or procurement debarment and suspension system, the agency enters the information about the excluded party into the Excluded Parties List System, the EPLS, which is maintained by the General Services Administration.

This means that we have a list of individuals and companies with whom our government is forbidden to do business or provide grants or similar assistance. The EPLS identifies those who are deemed corrupt or untrustworthy or even those involved in terrorist activities, like the Islamic jihad and

Hezbollah. These contractors are excluded from entering contracts and agencies may not solicit offers from, award contracts to, or consent to subcontracts with these contractors.

Contractors are excluded from conducting business with the government as agents or representatives of other contractors. What is more, every U.S. citizens can view the EPLS on line. We know who we do not support and why we do not support them and what their punishment is.

However, though our government has a list of parties we refuse to deal with, our dollars might be supporting them through the U.N. I am offering an amendment that will add a paragraph to section 108 of H.R. 2745, the Henry J. Hyde United Nations Reform Act of 2005. This section requires a report to be filed with the Congress of the United States on the status of the U.N.'s reform. My amendment requires a report on the contracts entered into by the U.N. or any of its specialized agencies with parties on the U.S. Government's EPLS.

This amendment is endorsed by the Heritage Foundation, as well as Americans For Tax Reform. U.N. officials have time and again demonstrated poor judgment and an inability to appropriately manage the money provided by many countries, including the United States. It is absolutely clear, Mr. Chairman, that something has to be done about the U.N.

The release this week of the Oil-for-Food contractor Cotecna, calling into question Kofi Annan's claim that he was unaware of Cotecna's bid for a contract in 1998, is just the latest in a long stream of ethical blunders.

As a bipartisan report, featured in yesterday's Wall Street Journal stated, "Until and unless it changes dramatically, the United Nations will remain an uncertain instrument, both for the governments that comprise it and for those that look to it for salvation."

It is only logical that the same restrictions we place upon on our Federal agencies be applied to the money we give to the U.N. This extra measure of oversight will help prevent future corruption by the U.N. and create clear guidelines regarding who the U.N. contracts with.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I want to thank my friend for yielding, and I want to commend him for bringing before this body an important amendment. We strongly support his amendment, and I am very pleased to accept it.

Mr. CANNON. Reclaiming my time, Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, on behalf of the majority, I want to thank the gentleman from Utah (Mr. CANNON) for offering this very, very important amendment. It will ensure that the U.N. is not using its funds to inadvertently fund terrorism or fraudulent companies. It is a very good amendment, and we accept it and support it.

Mr. CANNON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. CANNON).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4, printed in Subpart A of Part 1 of House Report 109-132.

PART 1, SUBPART A AMENDMENT NO. 4 OFFERED BY MR. MC COTTER

Mr. McCOTTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 1, Subpart A amendment No. 4 offered by Mr. McCOTTER:

In section 104(c)(1), add at the end the following new sentence: "The UNOE shall promulgate ethics rules, including the following:".

In section 104(c)(1), add at the end the following new subparagraphs:

(A) No employee of any United Nations entity, bureau, division, department, or specialized agency may be compensated while participating in the domestic politics of the country of such employee, except for voting or acting as part of a Security Council, General Assembly, or legitimately authorized United Nations mission or assignment.

(B) No United Nations entity, bureau, division, department, or specialized agency may hire an individual convicted in a generally recognized court of a democratically-elected government with an independent judiciary and an extradition treaty with the United States and the European Union for any crime or crimes involving financial misfeasance, malfeasance, fraud, or perjury.

(C) The employment of an employee of any United Nations entity, bureau, division, department, or specialized agency who is convicted in a generally recognized court of a democratically-elected government with an independent judiciary and an extradition treaty with the United States and the European Union of any crime or crimes involving financial misfeasance, malfeasance, fraud, or perjury shall be subject to termination.

(D) If an employee of any United Nations entity, bureau, division, department, or specialized agency has contact regarding the disposition of ongoing internal United Nations operations or decisions with an individual who is not an employee or official of the government of a Member State (or a similarly situated individual), with an individual who is not officially employed by any United Nations entity, bureau, division, department, or specialized agency, or with an individual who is not a working member of the media, a memorandum of such contact shall be prepared by such employee and, upon request, be made available to Member States.

The CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Michigan (Mr. McCOTTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. McCOTTER).

Mr. McCOTTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is relatively self-explanatory. It is an effort to add some commonsense reforms to the United Nations in the area of employment, in the area of what their employees may or may not do with the entity's monies while they are politicking in their own domestic elections and an attempt to make sure there is a record should they have outside unauthorized contact with individuals who are not members of government or the media.

I would like to say that the rationale for bringing this forward is to provide a practical benefit to the reform effort at the United Nations; but I think it also is important that we recognize, as Martin Luther King, Jr., once said, "There can be no great sorrow where there is no great love."

We are engaged today to try to redeem the dream of Franklin Roosevelt that the United Nations in the age of the nuclear bomb; that in the age of a global war on terror, at some point we could have something at night to get us to sleep, and that is the belief that the United Nations would be a force for good in the world; that international disputes could be resolved there; that the finest and most noble motives of humanity could find expression and implementation.

Mr. Chairman, as the gentleman from California (Mr. LANTOS) has said in a wonderfully elegant phrase, "Unfortunately the United Nations at present is a derivative reality." So I am trying to inject some practicality into that derivative reality.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. McCOTTER. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I thank the gentleman for yielding to me, and we are prepared to accept the gentleman's amendment. I want to commend him on bringing this matter before the body.

Mr. McCOTTER. Mr. Chairman, I yield myself such time as I may consume and would like to thank the distinguished minority ranking member, the chairman of our committee, and everyone who is engaged in this debate. It has been an honor to work on this issue with them. It has been an honor to learn from them. And more importantly, it has been an honor to see the example they set and to set a bar for others in this institution to emulate their integrity.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. McCOTTER).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in Subpart A of Part 1 of House Report 109–132.

PART 1, SUBPART A AMENDMENT NO. 5 OFFERED BY MR. POE

Mr. POE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 1, Subpart A amendment No. 5 offered by Mr. POE:

In title I, add at the end the following new section:

SEC. 110. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

Not later than 12 months after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate a report on United States contributions to the United Nations. Such report shall examine assessed, voluntary, in-kind, and all other United States contributions.

The CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Texas (Mr. POE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Chairman, I yield myself such time as I may consume.

As a former judge, I believe in consequences for bad conduct; and of course when improper behavior takes place, I do not believe in saying to the perpetrator, no matter who it is, try to do a little better. The United Nations has a history of abuse, misconduct, criminal negligence, money laundering, some corruption, and sexual violence against the very people the United Nations swears to protect. Mr. Chairman, there should be consequences, and my question is who is holding the United Nations accountable for that conduct.

Thanks to the leadership of the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), and others in Congress, the United States has begun the tough task of investigating the scandals which the United Nations is ridden with. But in my opinion, the United States will never be able to hold the United Nations accountable if we do not know where our aid, our money is going once we hand it over to the United Nations.

My amendment simply would require the OMB to give a yearly report to Congress on all the contributions, whether they be assessed, voluntary, or in-kind, that the United States gives to the United Nations. The American taxpayers have the right to know how the United Nations is spending American money. So by keeping track of our contributions, the United States will be more capable of holding the United Nations accountable for the way it spends members' monies and makes use of members' contributions.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. POE. I yield to the gentleman from California.

□ 1845

Mr. LANTOS. Mr. Chairman, I commend the gentleman from Texas (Mr. POE) for presenting this amendment. We have no objections. We are prepared to accept it.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. POE. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for offering this amendment. One of the difficulties we had when involved with the arrearage issue some years ago was the fact that for many Americans, it was a shock to learn how much of the voluntary and in-kind contributions the United States did make, which were justified, but for which we got no credit.

I think by getting all of the information on assessed, voluntary and in-kind contributions, I think Americans will be amazed, as will international friends around the world in like manner will be amazed, how much the U.S. Government does provide.

So often in-kind contributions like airlift for military operations in no way gets on the ledger, so we do not have a thorough and a full accounting of the U.S. contribution and how the money is spent. I commend the gentleman for his amendment.

Mr. POE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. POE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. POE) will be postponed.

It is now in order to consider amendment No. 6 printed in Part 1, Subpart A of House Report 109–132.

It is now in order to debate the subject of United Nations peacekeeping operations.

The gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I thank the ranking member for yielding me this time.

Because he is not on the floor at this point, I am not going to take this opportunity, I will have many more, to express in some detail my affection, my respect and my admiration for the chairman of our committee who sponsors this bill and who has announced his intent not to seek reelection to the next Congress. But once in a while in the course of both of our tenures here, I have had occasion to oppose an initiative, and in this case I do so very strongly.

On the surface this may look like a partisan conflict, but in reality it is not. The Ambassador under Ronald Reagan to the United Nations says about the bill before us, Reforming the United Nations is the right goal. Withholding our dues to the U.N. is the wrong methodology. When we last built debt to the U.N., the U.S. isolated ourselves from our allies within the U.N. and made diplomacy an impossible task. Modernizing the United Nations to be more capable and effective must be done through engaging our allies and being a leader for creating a U.N. for a new century. That is Ambassador Jeane Kirkpatrick, no member of the United World Federalists is she.

A recent commission co-chaired by our former speaker Newt Gingrich, not a man enamored of ideological multilateralism, prepared a report on much-needed U.N. reforms and never suggests a mandatory dues cut as a way to effectively achieve those results.

The President of the United States and this administration, which I believe is a Republican administration, indicates very strongly the error of this approach and asks this body to reconsider moving ahead with this particular bill.

But the area that I want to most focus on does not deal with the dues cut, but has a provision on peacekeeping that is particularly egregious. Based on the failure to implement five reforms by the effective date of this bill, the day after this bill is signed into law, and those reforms are much needed, I think they are on the way to happening, I do not quarrel with any of them, in fact, I think they are compelling in their nature, this bill mandates the President of the United States to instruct our Ambassador to the United Nations to veto any new or the expansion of any existing peacekeeping operation.

In other words, the Congress steps in, usurps the executive branch function of formulating foreign policy in exercising its discretion on what its appointee will do in the end without regard to U.S. national interests and in direct violation of executive branch prerogatives.

For the chairman of this committee to sponsor a bill that does something like that is, I would suggest, quite out of character because there is no one in this House who has made a stronger point in his career of trying to ensure that the President's power as Commander in Chief and implementer of foreign policy is maintained.

The national interest issue compels us to say this is not the right approach. What if a new U.N. peacekeeping operation, the problems with China or Russia in the context of Darfur are overcome, and there is a consensus for a new augmented operation there involving African countries, involving European countries, perhaps with no commitment whatsoever from the United States for such an operation? Because of the failure to fully implement all five of these reforms, our Ambassador, notwithstanding the humanitarian tragedy, notwithstanding how the United States will look to the rest of the world, our Ambassador is required to veto such a peacekeeping operation?

What if a situation like East Timor comes up again, and whatever the problems have been, and whatever the failures to fully implement these reforms, there is a compelling national interest reason for us to support a peacekeeping operation once again that may not involve U.S. troops or forces? Why would we want to mandate something that is fraught with constitutional problems and does a disservice to our national interest in such legislation? This is a foolish and improper amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Indiana (Mr. PENCE) and that he may control the time.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PENCE. Mr. Chairman, I yield myself such time as I may consume.

I rise for a few brief moments to speak on behalf of title VI of this bill which calls for far-reaching reforms in the areas of planning, management, conduct and accountability of peacekeeping operations within the United Nations. It does, as the gentleman from California said quite accurately, it does involve some tough love and the potential for withholding support for the creation of new or expanded peacekeeping missions if the U.N. does not implement the most basic yet critically important reforms that are called for.

As I have said before, the power of the purse is the power of the American people. While title IV of the peacekeeping reforms of this bill do not cut peacekeeping funds, they do withhold the expansion of any U.S. involvement in peacekeeping operations if these reforms are not enacted.

The need for the reforms are obvious. The Congo in this last calendar year, U.N. peacekeepers and civilian personnel stand accused of widespread sexual exploitation of refugees in the Democratic Republic of Congo.

In Eritrea in 2005, U.N. peacekeeping staff ran up more than $500,000 of unpaid international calls.

In Burundi in 2004, two U.N. peacekeepers were suspended following allegations of sexual misconduct.

In Sierra Leone in 2003, U.N. peacekeepers were accused by Human Rights Watch of systematic rape of women, and the list goes on and on and on.

The need for reform is real. I am pleased to say there is broad agreement about the need for reform. In fact, the United Nations Special Committee on Peacekeeping Operations has endorsed specifically all seven of the reforms that are included in this legislation. In fact, those reforms have been endorsed by Prince Zeid of Jordan, the Secretary General's special advisor on sexual exploitation and abuse, and all but one, the signature of an oath, have already been adopted by the U.N. special committee.

According to officials at the U.N., most of these reforms are expected to be in place by the end of July 2005. Five of the peacekeeping reforms under this title are linked to immediate withholding of support for new and expanded missions. They are: the adoption of a uniform code of conduct; the training of peacekeeping personnel on that code of conduct; the signature of an oath to abide by the code of conduct; design of programs to explain prohibited acts to host populations so there would be greater accountability for the behavior of peacekeepers; and the creation of a centralized database to track these areas of misconduct.

Once again I say that officials at the U.N. believe that most of these reforms will be in place in a matter of weeks, so it is difficult to understand how requiring these reforms before any additional U.S. missions are approved under peacekeeping operations is a little hard to understand.

Two additional reforms are equally critical, but may require more time to implement: the adoption of a model memorandum of understanding; and the establishment of an independent investigative audit that functions for peacekeeping missions.

These are all part and parcel of restoring the credibility of the good work that U.N. peacekeepers have done throughout the past 60 years, and it is central to the principle of the Henry J. Hyde U.N. Reform Act that we stand, even with tough love, for the idea that we use the power of the purse, which is the power of the American people, in this case the threat of withholding additional missions to the United Nations under peacekeeping operations to demand that these necessary reforms are implemented.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. PENCE. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I have the greatest respect for the gentleman from Indiana (Mr. PENCE). The problem with this provision, as with much of the bill, is the lack of judgment that our Secretary of State could bring to bear as a new, tragic Darfur-like situation erupts someplace.

We do not question the need for improving the peacekeeping process, we are with you totally on that, but we would like to have our Secretary of State have the opportunity of exercising her judgment in a rapidly changing and evolving situation.

The CHAIRMAN. All time for general debate on Part 1, Subpart B has expired.

It is now in order to consider amendment No. 1 printed in Subpart B of Part 1 printed in House Report 109-132.

☐ 1900

PART 1, SUBPART B AMENDMENT NO. 1 OFFERED BY MR. BOOZMAN

Mr. BOOZMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 1, Subpart B amendment No. 1 offered by Mr. BOOZMAN:

In section 402(1) (relating to reform of United Nations peacekeeping operations), add at the end the following new subparagraph:

(E) GRATIS MILITARY PERSONNEL.—The General Assembly should lift restrictions on the utilization at the headquarters in New York, the United States, of the Department of Peacekeeping Operations of gratis military personnel by the Department so that the Department may accept secondments from Member States of military personnel with expertise in mission planning, logistics, and other operational specialties.

The CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Arkansas (Mr. BOOZMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment that would give the United Nations greater flexibility in the peacekeeping operations that they are involved in by allowing voluntary military personnel to serve at the Department of Peacekeeping Operations in New York. This was the norm until early 1999. Over time, 130 experienced officers had been loaned. They had expertise in mission planning, logistics, all of the things that are so important in these types of missions. There was a lull and because of the complaint of some of the other nations that 85 percent of this group came from developed countries, it was discontinued.

As a member of the Committee on International Relations, I frequently hear of the problems that we have with peacekeeping, the atrocities in various parts of the world. Again, I think that this is a situation that would greatly remedy that.

Rotating these professionals into the U.N. on a periodic basis provides a means for introducing new ideas, techniques, and experience without having to deal with terminating contracts or moving people and positions. It allows the system to deal with unexpected demands. The U.N.'s new operational responsibilities demand a more flexible approach.

I think the other thing is that this would not cost anything. This would be a mechanism where, in fact, I think we could save a great deal of money by being much more efficient. We are asking the United Nations to be more effective with their planning and their operations. The other thing that is important is that in no way does this require our Department of Defense to assign any U.S. military personnel. It only leaves the door open.

I want to thank my chairman and thank the ranking member for their work on this and, again, our staffs.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent, although we do not oppose this amendment, that we have 5 minutes to explain our position.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding me this time. I just want to respond to what I think was an inadvertent misstatement by the gentleman from Indiana on what I think is an over-the-top provision of this bill, requiring a veto of any new or expanded peacekeeping operations in the Security Council. He referred to it as an ability for the U.S. to withhold its forces for it. But read the provision you have written: the President shall direct the United States permanent representative to the U.N. to use the voice, the vote and the influence of the U.S. at the U.N. to oppose the creation of a new or expansion of existing peacekeeping operations.

"Vote" means "veto" at the Security Council. You veto the peacekeeping operation, it does not happen. The genocide in Darfur continues, no matter what the political will is of the body, because we have only trained 60,000 of the 68,000 peacekeepers by the day this bill passes. This has nothing to do with the debate about withholding dues as leverage. This has to do with define our own national interests in the name of I do not know what. It makes no sense, it is unconstitutional, and it should have been stricken from this bill.

Mr. LANTOS. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. DELAHUNT).

The CHAIRMAN. The gentleman from Massachusetts is recognized for 4 minutes.

Mr. DELAHUNT. I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to speak to reality, too, as the gentleman from California just did. I think it is important we not deceive ourselves. While the United Nations clearly needs our leadership, we also need the United Nations, particularly in the area of peacekeeping. There are some 16 peacekeeping missions deployed around the world today. They number at least 70,000 troops. Ten of them, 10, are American. These so-called "blue helmets" have saved the lives of hundreds of thousands of innocent people and some of them have been killed while doing so.

Are there problems? Clearly there are problems. Is progress being made? Yes, progress is being made. The gentleman from New Jersey (Mr. SMITH) and myself recently met with Prince Zeid. There is progress being made, but this amendment does not help the cause.

Just imagine, if you will, the cost to the United States in terms of dollars and blood if Americans were required to fill those roles. This bill could very well force the U.S. military, which is as we know already stretched dangerously thin, to deploy to more and more inhospitable venues. One example that we are all familiar with, Haiti. There are 6,700 United Nations troops in Haiti today along with 1,400 U.N. police working to keep order, and more are scheduled. Without that United Nations presence, the United States would be left with the responsibility of restoring order, providing security, and rebuilding a functioning government. This is nation-building for real that hopefully will transpire in Haiti. Otherwise, we will be looking at a failed state close to our southern borders with all the consequences that that will implicate.

It is the United Nations that is keeping Haiti from total collapse into anarchy. I have no doubt that the expenses associated with that scenario, if there is a total collapse, will vastly exceed our annual commitment to the United Nations, both voluntary and assessed, for years to come. Not only would we have to commit U.S. troops to restore order; we might have to deal with a humanitarian crisis that could very well compel us to use Guantanamo for something significantly different from its current use, much like we did in the early 1990s when it was a refugee center for Haitians who were fleeing from their country in makeshift crafts and dying by the thousands. As the world's richest nation and the sole superpower, this unpleasant task would fall to us alone.

Do we really want to assume that burden? That is just one example. Multiply the potential by 16, by a factor of 16, if this particular provision should eventually become law. We put ourselves, our troops, our taxpayers at great risk.

Mr. BOOZMAN. Mr. Chairman, I yield myself such time as I may consume.

Not too long ago, my wife came to me. She had, the night before, seen a program on television. She said, John, is it true that the U.N. peacekeepers are trading sex for peanut butter with 9- and 10-year-old kids? She could not believe it. I looked at her, and I said, Cathy, it's true. That is happening.

I talked to Chairman SMITH and he subsequently held hearings. They came over and assured us that things were getting better. We were told that basically the implication was on the battlefield, these things happen, sexual abuse occurs. My response was, This isn't sexual abuse. That taking pictures of 9- and 10-year-old kids, exploiting them, was child abuse and a criminal matter.

We heard that there would be zero tolerance. A week later, another television program and the guy said, We have heard there is going to be zero tolerance. He said, What does that mean? He showed pictures of these guys sneaking out at night to a village, again to do their work and showed a picture of a guy riding around in a U.N. vehicle with a prostitute.

I think we have worked, we have held our hearings, we have coerced. I think the time now is to demand accountability. Again, I would ask all of my colleagues to vote for this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas (Mr. BOOZMAN).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in Subpart B of Part 1 of House Report 109–132.

PART 1, SUBPART B AMENDMENT NO. 2 OFFERED BY MR. KLINE

Mr. KLINE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 1, Subpart B amendment No. 2 offered by Mr. KLINE:

In title IV (relating to United Nations peacekeeping operations), add at the end the following new section (and conform the table of contents accordingly):

SEC. 404. RULE OF CONSTRUCTION RELATING TO PROTECTION OF UNITED STATES OFFICIALS AND MEMBERS OF THE ARMED FORCES.

Nothing in this title shall be construed as superseding the Uniform Code of Military Justice or operating to effect the surrender of United States officials or members of the

Armed Forces to a foreign country or international tribunal, including the International Criminal Court, for prosecutions arising from peacekeeping operations or other similar United Nations-related activity, and nothing in this title shall be interpreted in a manner inconsistent with the American Servicemembers' Protection Act of 2002 (title II of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States; Public Law 107-206).

The CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Minnesota (Mr. KLINE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Mr. Chairman, I am very pleased to yield 30 seconds to the gentleman from Texas (Mr. DELAY), the distinguished majority leader.

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in strong support of the Kline amendment and thank the gentleman from Minnesota for offering it today.

No one in this body knows better than the gentleman from Minnesota the paramount and absolute need to protect, with every tool at our disposal, our men and women in uniform. The gentleman from Minnesota's amendment today does just that by expressly stating in this long overdue United Nations reform package that all of the reforms we will pass augment, and in no way change, the Federal law that exempts our troops from prosecution in the International Criminal Court.

The ICC is a threat not only to the sovereignty of the United States and to the constitutional rights of American citizens; it is an overreaching distortion of the United Nations charter and its mission. The ICC would, in effect, disregard not only Federal and State law but also the Uniform Code of Military Conduct, thereby establishing a rogue court in which foreign judges can indict, try, and convict American troops for broadly defined and openly interpreted crimes, all without any of the fundamental legal rights guaranteed by the United States Constitution.

The ICC, then, represents a clear and present danger to the ultimate success of the civilized world's war on terror and an affront to both our troops and the Nation they serve. When we ask American men and women to risk their lives around the world to defend our freedom, the least we can do is promise them they will not be hauled before an unaccountable, politically motivated court just for doing their job.

The United States is not a party to the ICC and has even taken the unprecedented step of "unsigning" the treaty to clarify that point. We do not cooperate in any of its proceedings or pretenses, and we do not recognize its authority over any action undertaken by a single citizen of this Nation. The ICC is a product of the worst excesses of the undemocratic mindset that has so permeated the United Nations and distorted its true purpose.

The United Nations' mission is to protect and promote human rights around the globe, to exhort with clarity and courage the principles of justice and liberty to those who would seek to oppress them. The ICC, on the contrary, could be an instrument of undemocratic score-settling, a shadowy kangaroo court in which despots and their diplomats can humiliate and even imprison the men and women who have the courage to do the work the U.N. refuses to do.

I urge our colleagues to vote for the Kline amendment and reiterate America's commitment to our troops, our national sovereignty, and the hard work of human freedom.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent that we be given 5 minutes to explain our position.

The CHAIRMAN. Is the gentleman from California in opposition to the amendment?

Mr. LANTOS. I am not opposed to the amendment.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

□ 1915

Mr. LANTOS. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I would like to use this time, if I might, to ask the gentleman from Minnesota a question.

His amendment says that nothing in this title, this title that the gentleman from Illinois (Chairman HYDE) has brought to us, should be construed to supersede the Uniform Code of Military Justice or surrender U.S. officials to a foreign country or international tribunal.

Could the gentleman tell the body what section of the gentleman from Illinois' (Chairman HYDE) bill could be construed to require the surrender of officials, what section of the gentleman from Illinois' (Chairman HYDE) bill could be construed as requiring superseding the Uniform Code of Military Justice? I am certainly unaware of any such section, and I am certainly unaware of any desire by the gentleman from Illinois (Chairman HYDE) to present to the body such a section.

Mr. KLINE. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Minnesota.

Mr. KLINE. Mr. Chairman, I thank the gentleman for yielding to me.

This is extremely well-crafted legislation that the chairman has brought forward in close cooperation with many of his colleagues on the Committee on International Relations, and I am in very strong support of this bill. There is language in section 4 which calls for a uniform code of conduct, which I think is a very excellent idea.

We want to be very certain that as this legislation goes forward, it in no way can be misinterpreted to impinge upon the Uniform Code of Military Justice or the American Servicemembers' Protection Act. We are trying to avoid any confusion here and make sure that our men and women who are going to work in United Nations peacekeeping operations and go around the world are in no way compromised.

Mr. DELAHUNT. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, I do not know if the proponent of the amendment is aware of the fact that U.S. personnel are already prohibited from being under the command of another nation, and therefore would always be subject to the UCMJ.

Mr. KLINE. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from Minnesota.

Mr. KLINE. Mr. Chairman, we are trying to make sure that there is no possibility for misinterpretation as we bring forward this very important new legislation, and that it can in no way subject the American Armed Forces or any other American personnel, for that matter, to foreign tribunals or the International Criminal Court.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, would it be fair to say that, in effect, his effort is an effort to gild the lily?

Mr. KLINE. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. I yield for the final time, but before I do so, Mr. Chairman, let me say that we accept the gentleman's amendment.

I yield to the gentleman from Minnesota for the final time.

Mr. KLINE. Mr. Chairman, I thank the gentleman for yielding to me.

I just want to be very brief.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I just want to say to my colleagues this is a very serious debate, and when one starts using terminology like is he trying to gild the lily, he is trying to protect American servicemen from any kind of legal action that might be taken against them. So let us be serious about it.

Mr. KLINE. Mr. Chairman, I yield myself such time as I may consume, and I thank the gentleman from Indiana for his comments.

I want to be very clear that I am in strong support of this legislation that has come forward by the Committee on International Relations, but there are things that raise my interest and my concern.

A few weeks ago media outlets throughout the world proudly parroted Amnesty International's unfounded charges of torture and ill treatment in the so-called America "gulags." Instead of condemning the government-inflicted famine in Kim Jong-Il's North Korea or continued human rights abuses in Castro's Cuba, the executive director of Amnesty International USA revealed the true goal of organizations such as his when he called on foreign governments to arrest and prosecute U.S. Government officials and military personnel. We want to make sure that we have got language in here that would prevent that.

The Belgian experience, for example, and recent propaganda espoused by Amnesty International shows that we were wise to doubt the merchants who were peddling "universal jurisdiction" at the cost of national sovereignty. Indeed, even President Clinton did not send the Rome Statute establishing the International Criminal Court to the U.S. Senate because of its fundamental flaws.

The United States is a Nation dedicated to justice and the rule of law, and we cannot allow these fundamental protections to be stripped from our servicemen and women performing peacekeeping missions, and I think we in this body need to be ever vigilant to ensure that that does not happen.

Mr. LANTOS. Mr. Chairman, if the gentleman will yield, we are pleased to accept the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KLINE. Mr. Chairman, I yield the balance of my time to the gentleman from Missouri (Mr. BLUNT), the distinguished majority whip.

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding me this time.

I thank our friends for accepting this important amendment that the gentleman from Minnesota (Mr. KLINE) has brought forward to the bill. Certainly today United States troops are deployed around the world as they defend our freedoms and as they assist others in defending their freedom.

In Iraq and Afghanistan they are working tirelessly to create a secure environment for fledgling democracies. On the Korean Peninsula, they face a brutal dictator. In Kosovo they observe an uneasy peace among old adversaries, and in Japan and Europe they stand to react to any national crisis. In addition, our naval personnel operate in dozens of bases worldwide to protect global trade routes, prevent nuclear proliferation, and many other important tasks.

And even as they perform these actions in defense of liberty in other nations, our troops serve the United States of America, not the United Nations or any other foreign power. Their mission may send them abroad, but we must never allow a foreign court to interfere in U.S. military affairs.

Examples already exist of the dangers of the International Criminal Court. During the most notable example recently, European opponents of the Iraq War suggest that senior U.S. officials including the Secretary of Defense and top military commanders should be tried by that Court.

The United States of America has a long history of fair and firm military justice. The Uniform Code of Military Justice is understood and respected by our military personnel that serves our Armed Forces well. Under no circumstances should our men and women in uniform fear retribution in the form of prosecution by a foreign court of justice.

I think the gentleman from Minnesota (Mr. KLINE) understands this as well as any Member of this body. I appreciate his bringing this amendment to the floor, and I am pleased to see it included in a bill that I hope is heartily responded to by support today.

Mr. KLINE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. KLINE).

The amendment was agreed to.

The CHAIRMAN. It is now in order to debate the subject of the International Atomic Energy Agency.

The gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong support of the Henry J. Hyde United Nations Reform Act and would like to provide some insight on the background and the impetus for Title III of the bill that relates, as the Chair pointed out, to the International Atomic Energy Agency.

To put it simply, the catalyst was the Iran case. For at least two decades, the Iranian regime has been pursuing a covert nuclear program. According to the November 2003 report of the IAEA, Iran's deceptions have dealt with the most sensitive aspects of the nuclear cycle. Furthermore, the International Atomic Energy Agency could not disprove that Iran's nuclear program was not for weapons development. In 2004, the IAEA reports enumerated more Iranian breaches, including work on an element that could be used for nuclear explosions. And the response from the Iranian Foreign Minister as well as the Secretary of Iran's Supreme National Security Council was that Iran had to be recognized by the international community as a member of the nuclear club and, "This is an irreversible path," they said.

Fast forward to this year, and the news reports appearing in the last few months state that the Iranian regime plans to install 54,000 advanced P-2 model centrifuges at its facility in Natanz. The Director General of the IAEA has called upon Iran to allow its inspectors full access to the sites in Lavizan and Parchin.

Yet Iran has recently barred the International Atomic Energy Agency from visiting those sites, and Western intelligence sources cited by the media sources suspect that Iran may be experimenting with high explosives appropriate for nuclear weapons.

Just yesterday at the Board meeting in Vienna of the IAEA, it was revealed that Iran had conducted experiments to create plutonium for many more years beyond what it claimed.

All of this, and Iran has yet to suffer any consequences or has been held accountable by the IAEA for its flagrant and indeed dangerous violations and breaches. In fact, Iran recently served on the Board of Governors of the International Atomic Energy Agency because, under the current structure, under its policies, countries that are suspected of breaching their safeguards, they are allowed to serve in leadership positions within the Agency.

The Iran case as well as the linkage to the nuclear black market network of Pakistani scientist A.Q. Khan illustrates another grave issue, the need to deny and deprive terrorists, whether state or nonstate actors, the access to the technology, to the parts, and to the materials to develop a nuclear-related arsenal. These dangers prompted the gentleman from Illinois (Chairman HYDE) and me to take immediate steps within the context of the U.N. reform bill to strengthen the International Atomic Energy Agency in the areas of safeguard inspections and nuclear security; also, to effectively use U.S. contributions to deny rogue states and state sponsors of terrorism, such as Iran, such as Syria, the ability to pursue dangerous weapons with virtual impunity.

And title III of this bill thereby translates objectives into concrete actions to achieve U.S. counterproliferation goals. It seeks the establishment of an Office of Compliance and enforcement within the Secretariat of the Agency to function as an independent body of technical experts that will assess the activities of member states and recommend specific penalties for those that are in breach or violation of their obligations. Also, it establishes a Special Committee on Safeguards and Verification to advise the Board of Governors on additional measures necessary to enhance the Agency's ability to detect undeclared activities by member nations. Furthermore, it seeks the suspension of privileges of member states that are under investigation or in breach or noncompliance of their obligations and the establishment of membership criteria that would keep such rogue states, such as Iran, such as Syria, from serving on the Board of Governors.

The section in this act reinforces our U.S. priorities concerning the safety of nuclear materials and counterproliferation by calling for U.S. voluntary contributions to the Agency to primarily be used to fund activities related to nuclear security.

And, Mr. Chairman, that is why, under the leadership and expertise of the gentleman from Illinois (Chairman HYDE), we understand that the bill before us and especially Title III of this bill translates these objectives into concrete actions, and we hope that the full body will recommend passage of this bill.

The CHAIRMAN. The time of the gentlewoman from Florida expired.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

The International Atomic Energy Agency is a vital U.N.-affiliated agency that directly serves the national security interests of the United States and underpins the global nuclear nonproliferation regime.

The IAEA safeguards and inspection system is the primary means, and sometimes the only means, by which we and the rest of the world can gain information and insight into the nuclear activities of countries of concern such as Iran.

□ 1930

I want to take this opportunity to commend the IAEA's investigation into Iran's deceit, obfuscation and outright lies about its nuclear activities. For over 2 years now, IAEA investigators have refused to be intimidated by Iran's crude threats and tactics, and they keep confronting Tehran with facts and inconsistencies in Iran's feeble excuses and fabrications about its nuclear activities.

Even today, Mr. Chairman, an IAEA official is reporting that Iran has admitted, when confronted by IAEA investigators, to conducting plutonium processing experiments far more recently than it previously claimed and lying about when it obtained uranium centrifuge enrichment equipment.

Mr. Chairman, we must provide with all the financial and other support that we can, while pushing it, and its governing councils of member states, to give it more authority to investigate and even punish countries that have violated their safeguards agreements and their non-nuclear commitments. The provisions of the Lantos-Shays substitute amendment do just that.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate under Part 1 of Subpart C has expired.

It is now in order to consider amendment No. 1 printed in Subpart C of Part 1 of House Report 109–132.

PART 1, SUBPART C AMENDMENT NO. 1 OFFERED BY MR. CANTOR

Mr. CANTOR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 1, Subpart C amendment No. 1 offered by Mr. CANTOR:

In section 301, redesignate subsection (d) as subsection (e).

In section 301, insert after subsection (c) the following new subsection:

(d) NUCLEAR PROGRAM OF IRAN.—

(1) UNITED STATES ACTION.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to make every effort to ensure the adoption of a resolution by the IAEA Board of Governors that makes Iran ineligible to receive any nuclear material, technology, equipment, or assistance from any IAEA Member State and ineligible for any IAEA assistance not related to safeguards inspections or nuclear security until the IAEA Board of Governors determines that Iran—

(A) is providing full access to IAEA inspectors to its nuclear-related facilities;

(B) has fully implemented and is in compliance with the Additional Protocol; and

(C) has permanently ceased and dismantled all activities and programs related to nuclear-enrichment and reprocessing.

(2) PENALTIES.—If an IAEA Member State is determined to have violated the prohibition on assistance to Iran described in paragraph (1) before the IAEA Board of Governors determines that Iran has satisfied the conditions described in subparagraphs (A) through (C) of such paragraph, such Member State shall be subject to the penalties described in section 301(a)(3), shall be ineligible to receive nuclear material, technology, equipment, or assistance from any IAEA Member State, and shall be ineligible to receive any IAEA assistance not related to safeguards inspections or nuclear security until such time as the IAEA Board of Governors makes such determination with respect to Iran.

The CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Virginia (Mr. CANTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of this amendment to increase the ability of the United States to protect our world from the spread of nuclear weapons to dangerous governments.

This amendment does two things: first, it calls for the U.S. permanent representative to the International Atomic Energy Agency to do all it can to ensure that Iran be cut off from any nuclear material technology and assistance.

Secondly, the amendment provides for penalties for any country that continues to provide assistance to Iran's nuclear efforts.

Mr. Chairman, for over 35 years Iran has been a non-nuclear party to the Nuclear Nonproliferation Treaty. As such, it is bound by the treaty to open up all of its nuclear program efforts for international inspection. Despite this obligation, Iran has continued to pursue the development of nuclear capability in the dark without transparency.

Two years ago, an Iranian opposition group revealed the location of hidden facilities used for the development of a nuclear program, locations which have since been verified by the IAEA. As the gentlewoman from Florida (Chairman ROS-LEHTINEN) pointed out just yesterday, Iran acknowledged working with plutonium, a possible nuclear arms component, for years longer than it admitted to the IAEA. We also found out it had received sensitive technology that can be used as parts of weapons programs earlier than it originally said it did.

Iran claims these efforts are for a peaceful purpose. But how can one really believe that Iran needs a civilian nuclear program when it sits on the world's second largest proven reserves of natural gas, not to mention its petroleum deposits? Clearly, Mr. Chairman, I posit Iran cannot be trusted.

As Iran has repeatedly lied to the world regarding the extent and sophistication of its nuclear program, Tehran serves as the world's capital for the export and sponsorship of terrorism. It has demonstrated a willingness to provoke its neighbors, as well as the United States and Israel. Past efforts to stop Iran's pursuit of nuclear weapons have obviously failed.

Mr. Chairman, this amendment makes a clear and unequivocal declaration to Iran, as well as to the nations of the world, that the United States is serious about stopping Iran's development of nuclear weapons. I urge the passage of this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. BERKLEY. Mr. Chairman, I am not opposed to the amendment, and I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

The CHAIRMAN. The gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for their work on this issue, and my good friend, the gentleman from Virginia (Mr. CANTOR), for cosponsoring this amendment with me.

This amendment would take a strong stand against Iranian nuclear proliferation and would help to ensure that Iran ceases its weapons program. The amendment directs the permanent representative to the IAEA to use his influence to ensure that Iran does not receive any nuclear material or technological assistance from other IAEA member states. This restriction will remain in place until Iran allows full access to its nuclear-related facilities by IAEA inspectors, has fully implemented IAEA's additional protocol, and has completely ended all nuclear enrichment programs.

Tehran has relentlessly pursued a large-scale, covert nuclear weapons program for almost 2 decades. This program represents the great proliferation challenge to the United States. Iran is the most active state sponsor of terrorism. It has provided Hezbollah, Hamas, Islamic jihad, and the Popular Front For the Liberation of Palestine with funding, training, and weapons to continue their terrorist attacks throughout the world.

Unless the world community intervenes, Iran will become the first active state sponsor of terrorism to acquire the greatest instrument of terror and destruction, nuclear weapons. A nuclear-armed Iran will terrorize and destabilize the entire Middle East and pose a serious threat to Europe, Asia, Africa, as well as the United States.

Iran has already tested the Shahab-3 missile, with a range of over 1,250 miles. This not only puts Israel, the only democracy in the Middle East, in danger, but can be used to attack U.S. bases in the region. There is strong evidence that Iran would be willing to sell nuclear material to the highest bidder. Worse yet, Iran might be willing to simply give the nuclear material away. Faced with the reality of a radical Iran with nuclear weapons, other countries in the region might feel compelled to develop their own nuclear capability to maintain an awful balance of power.

Iran continues to deceive the international community and hide its actions from international observers. Iran did not acknowledge the existence of the Natanz fuel enrichment plant until after its existence was discovered. This facility can manufacture enough uranium to produce 25 to 30 nuclear weapons per year. In 2003, Iran admitted that it had a laser uranium enrichment program not previously disclosed.

We know of two facilities that manufacture and refine nuclear materials, including an enrichment facility designed for 1,000 centrifuges, and a large buried facility intended to house up to 50,000 centrifuges.

Today, a report was delivered to the IAEA's Board of Governors by the Deputy Director General of the UN. In it Iran admits to experimenting with and producing plutonium.

Recently, Moscow entered into an agreement to provide nuclear fuel for Iran's controversial Bushehr reactor. Under the agreement, Russia would control the fissile material. But there is nothing to prevent Iran from withdrawing from the agreement. If Iran did that, the Bushehr reactor could produce enough plutonium annually for 30 nuclear weapons.

The Ayatollahs of Terror must not be allowed to acquire nuclear weapons under any circumstances. A nuclear Iran threatens the entire planet. I urge adoption of this amendment.

Mr. LANTOS. Mr. Chairman, will the gentlewoman yield?

Ms. BERKLEY. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I want to commend my good friend from Virginia and the gentlewoman from Nevada for their outstanding amendment. We strongly support it.

Ms. BERKLEY. Mr. Chairman, I yield back the balance of my time.

Mr. CANTOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from California for his leadership and also the gentlewoman from Nevada. But I do want to take this time, Mr. Chairman, to recognize the extraordinary leadership of the gentleman from Illinois (Chairman HYDE) of the Committee on International Relations.

The gentleman from Illinois is truly a man with a backbone of steel and a heart of gold. He is an icon of this institution; and I, for one, know I am joined by every Member of this House in thanking him for his leadership on this bill and the number of other measures that he has worked on and done such a tremendous job with.

I am proud to be here in support of the Henry J. Hyde U.N. Reform bill, and I know my colleagues join me in thanking the gentleman from Illinois (Chairman HYDE) for all that he does.

In paraphrasing a well-known phrase, I would like to just say, Mr. Chairman, I sleep better every night knowing that HENRY HYDE is here fighting for America.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. CANTOR).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CANTOR. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. CANTOR) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in Subpart C of Part 1 of House Report 109-132.

PART 1, SUBPART C AMENDMENT NO. 2 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the gentleman from New Jersey seeking to offer the amendment as the designee of the gentleman from Illinois (Mr. KIRK)?

Mr. SMITH of New Jersey. Yes, I am.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 1, Subpart C amendment No. 2 offered by Mr. SMITH of New Jersey:

In section 301, redesignate subsection (d) as subsection (e).

In section 301, insert after subsection (c) the following new subsection:

(d) SMALL QUANTITIES PROTOCOL.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to make every effort to ensure that the IAEA changes the policy regarding the Small Quantities Protocol in order to—

(1) rescind and eliminate the Small Quantities Protocol;

(2) require that any IAEA Member State that has previously signed a Small Quantities Protocol to sign, ratify, and implement the Additional Protocol, provide immediate access for IAEA inspectors to its nuclear-related facilities, and agree to the strongest inspections regime of its nuclear efforts; and

(3) require that any IAEA Member State that does not comply with paragraph (2) to be ineligible to receive nuclear material, technology, equipment, or assistance from any IAEA Member State and subject to the penalties described in section 301(a)(3).

The CHAIRMAN. Pursuant to House Resolution 319, the gentleman from New Jersey (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, by way of background, the Small Quantities Protocol frees countries from reporting the possession of up to 10 tons of uranium, up to 20 tons of depleted uranium, depending on enrichment, and up to 2.2 pounds of plutonium. Some experts suggest that 10 tons of natural uranium can be processed into sufficient material for up to two nuclear warheads. Iran has already reportedly utilized much smaller quantities of uranium or plutonium in laboratory experiments with suspected links to nuclear arms programs.

A recent IAEA internal memorandum reportedly recommended that the agency's board approve no further small quantity protocols and that it grant the IAEA chief the authority to ask that all signatories to the protocol agree to cancel them.

This amendment seeks to close the loophole from the inspections regime by, number one, calling for the IAEA to rescind the Small Quantities Protocol; secondly, to require that any nation that has signed the Small Quantities Protocol to have implemented and be in compliance with the additional protocol providing for more stringent inspections; and, third, to prohibit any IAEA members from receiving any nuclear-related material, technology, equipment, or assistance and be subjected to penalties if they do not adhere to the higher inspection standards.

Clearly, Mr. Chairman, the protocol is out of date in an era marked by secret nuclear programs that have been discovered in Iran, Libya and North Korea, and where the bar is set much higher for suspicions of possible atomic activities. By rescinding the Small Quantities Protocol, the IAEA will have additional access to evaluate the nuclear program of an IAEA member state and to confirm that the state is in full compliance with its safeguards obligations.

Mr. Chairman, I reserve the balance of my time.

Mr. MENENDEZ. Mr. Chairman, I am not opposed to the amendment, but I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The gentleman from New Jersey (Mr. MENENDEZ) is recognized for 5 minutes.

Mr. MENENDEZ. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I wanted to rise in strong support of the previous amendment by the gentleman from Virginia (Mr. CANTOR) and the gentlewoman from Nevada (Ms. BERKELEY). It is an important initiative, one that I have been working on in similar context for some time as a member of the Committee on International Relations.

It is certainly appropriate that we be voting on this amendment tonight, the day after Iran admits that it has once again lied to the international community, this time about its plutonium experiments, 5 years after they said that they had ceased continuing such experiments.

☐ 1945

For nearly two decades, Iran has pursued a clandestine nuclear program, while claiming it had to keep this program hidden from the international community because of sanctions against it. Iran has repeatedly stated that it will never give up its right to enrich fuel for peaceful purposes under the Nuclear Nonproliferation Treaty.

What they have here is clearly a pattern of deception. They have forfeited their right to any peaceful nuclear technology when they deliberately hid the activities, facilities, and materials of their nuclear program from the entire world for nearly two decades.

Let us be clear. Iran is a country with huge oil and natural gas reserves. They simply do not need nuclear power for energy consumption. That is why I am very happy to support this amendment. We need to send a very clear message. It is clearly in the national security interest of the United States that Iran cannot move forward with impunity, and, certainly, that we do not, through the IAEA, give it operational capacity to do so; to be able to have the ability, for example, at the Bushehr Nuclear Facility, to be able to have operational capacity.

That is why that amendment is clearly so important. I look forward to the State Department authorization bill, where language has been included that we hope moves us closer, along with the Security Council, to coming to understand the grave nature of the challenge that we face in Iran and its nuclear energy.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank my good friend, the gentleman from New Jersey for yielding me this time, and I rise in strong support of the amendment that the gentleman from New Jersey (Mr. SMITH) has proffered. I commend the gentleman from Illinois for being the original author of the amendment, and I am proud to be his cosponsor.

The reason we need this amendment is that a quantity of nuclear materials that could be put into a suitcase and made into a nuclear weapon and detonated in Times Square or in some other major place in the United States or around the world could be legally obscured from international inspection under the present protocol. This inspection protocol was written at a time when nuclear weapons were only reusable on warheads or submarines. It ignored the deadly new technology that can compress the size of the weapons, but not their deadliness.

The fact of the matter is that no quantity of uranium or plutonium that could be used for weapon purposes is too small for inspection. Those who would deem it worthy of using these quantities are more dangerous with smaller amounts.

So the idea here is that the international inspection regime be geared to the realities of the present risk. It is a very good idea. I would urge Members on both sides to support it so we can preclude the awful day when a very small amount of weapons material makes a very big and horrible difference for innocent people in our country or innocent people around the world.

I would urge a "yes" vote in favor of the amendment.

Mr. MENENDEZ. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 3 printed in Subpart C of Part 1 of House Report 109–132.

PART 1, SUBPART C AMENDMENT NO. 3 OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 1, Subpart C Amendment No. 3 offered by Mr. MARKEY:

In section 301(a)(3), amend the paragraph heading so as to read: "PENALTIES WITH RESPECT TO THE IAEA.—".

In section 301(a), add at the end the following new paragraph:

(4) PENALTIES WITH RESPECT TO THE NUCLEAR NONPROLIFERATION TREATY.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to ensure that a Member State of the IAEA that is found to be in breach of, in noncompliance with, or has withdrawn from the Nuclear Nonproliferation Treaty shall return to the IAEA all nuclear materials and technology received from the IAEA, any Member State of the IAEA, or any Member State of the Nuclear Nonproliferation Treaty.

The CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, in the 35 years since the Nuclear Nonproliferation Treaty has been in force, much has changed around the world, but what has not changed is the danger inherent in the spread of nuclear weapons.

My amendment says that the President of the United States shall direct the United States permanent representative to the IAEA to use their influence and their vote to secure an agreement within the IAEA requiring that any member state of the NPT that is in breach of the treaty or withdraws from the treaty must return any nuclear materials or technology acquired for peaceful purposes.

Now, why is this amendment needed? Well, for the first time in the treaty's history, one country has withdrawn from the treaty. In 2002, international inspectors were asked to leave North Korea, and, in 2003, North Korea withdrew from the nonproliferation treaty. And just this year North Korea announced to the world that it has nuclear weapons; all the while, North Korea is allowed to keep any and all nuclear materials, nuclear technology, and assistance they receive as a member of the NPT.

So while considerable diplomatic activity has taken place to try to convince North Korea to reverse its action, there is actually no rule in place now at the IAEA that would require North Korea to return all of the nuclear materials it received.

My amendment would mandate that the President direct the United States permanent representative at the IAEA to secure such an agreement amongst the IAEA member states.

This type of requirement is not just important because of North Korea. Currently we have Iran declaring its rights to pursue all nuclear technology for peaceful purposes, it says. The United States and Europe are worried that Iran has a clandestine nuclear weapons program, but all the while Iran is insisting on its right to receive all nuclear materials, nuclear technology, and assistance for its peaceful program.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of the amendment, and I yield myself such time as I may consume.

Let me just say to my friends and colleagues that this is a good amendment, and, on behalf of the majority, we would like to accept it.

I would say very briefly that unless states which are in noncompliance with their nuclear nonproliferation treaty obligations, or which seek to withdraw from the treaty, are forced to give up their peaceful nuclear capabilities legally acquired under the treaty, they can use these to illegally develop nuclear weapons. As was pointed out by my colleague, such states as North Korea and Iran have already used their status as nuclear nonproliferation treaty parties to develop nuclear weapons, and this closes the loophole. It is a good amendment.

Mr. Chairman, I yield the remainder of the time to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of this amendment offered by the gentleman from Massachusetts (Mr. MARKEY). The global nuclear nonproliferation regime that has served the world well for many years has developed shortcomings, and the Markey amendment addresses one such shortcoming that I think we must address.

This is an issue that is especially important to me as chairman of the Subcommittee on International Terrorism and Nonproliferation. We held a hearing in April on the Nuclear Nonproliferation Treaty, and one of the key issues that we looked at was how NPT states should address the noncompliance or attempted withdrawal of a state from the treaty. This amendment takes a step forward in solving this challenge by calling upon the President to work with other International Atomic Energy Agency member states to mandate that any State which is found to be in noncompliance with its NPT obligations, or attempts to withdraw from the NPT, will be compelled to return all the nuclear materials and technology it received as a consequence of being an NPT member. I believe such a provision would be helpful in convincing states to adhere to their NPT obligations.

States such as North Korea and Iran have likely already used their status, past status in the case of North Korea, as NPT states to develop nuclear weapons programs, and I believe it is vital that the United States play a leading role in multilateral efforts to close the loophole in the NPT that allows states to receive nuclear energy assistance, but not pay any penalty if they subsequently withdraw from the treaty, as has North Korea. Compelling the surrender of materials and equipment gained under the NPT would be a positive step forward, so I am pleased to support the Markey amendment.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I thank my friend for yielding me this time. I want to commend him on this most important amendment.

We cannot permit countries such as Iran to profit from their exploitation of the nuclear nonproliferation regime to acquire nuclear equipment and technology that they then use to develop nuclear weapons capabilities in violation of their solemn commitments under the Nuclear Nonproliferation Treaty.

The Markey amendment is a necessary step to establish a new global requirement that violators of the Nuclear Nonproliferation Treaty must surrender all nuclear materials, equipment, and technology they acquired through the subterfuge of "peaceful nuclear activities."

This is a singularly significant amendment, and I urge my colleagues across the aisle to support the amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield back the balance of my time.

Mr. MARKEY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Massachusetts has 2 minutes remaining.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

I will conclude by saying this: There are no Democrats, there are no Republicans when it comes to the issue of nuclear nonproliferation. The one thing that President Bush and JOHN KERRY agreed upon in their Presidential debates is that this is the most important issue in the world. It may have been the only thing that they agreed upon, but they did agree upon this one issue.

Now, interestingly, in the Atomic Energy Act of the United States, in 1954, it is, in fact, a requirement under our law that if another nation is in violation of the agreement, that the nuclear materials which we give to that country is not used for peaceful purposes, that all of the materials that we have sent to that country must be returned to our country.

What this amendment says is that as a member of the United Nations and the IAEA, that we now will extend this not just to the United States, but to all countries in the world; that the IAEA must enforce a requirement that if a country is in violation of its agreement to use materials only for peaceful purposes, then the IAEA must act immediately to begin the process of reclaiming all of the material that all of the countries of the world have sent to that country which is in violation of the law.

We must put teeth in this law. We must not allow the short-term diplomatic or political agenda of any President or any Secretary of State, Democrat or Republican, to interfere with the overarching goal of ensuring that nuclear weapons are not used anywhere on this planet at any time.

□ 2000

And so I urge all Members to support this amendment. It goes a long way in sending a message to the rest of the world that the United States intends on being the leader on the issue of nuclear nonproliferation, regardless of which other country in the world is involved and regardless of which other country in the world was the supplier of those materials. We will be the moral leader.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 1 printed in Subpart A by the gentleman from New York (Mr. KING), amendment No. 5 printed in Subpart A by the gentleman from Texas (Mr. POE), amendment No. 1 printed in Subpart C by the gentleman from Virginia (Mr. CANTOR).

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PART 1, SUBPART A, AMENDMENT NO. 1 OFFERED BY MR. KING OF NEW YORK

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 1 printed in Subpart A of Part 1 of House Report 109–132 offered by the gentleman from New York (Mr. KING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 405, noes 13, answered "present" 1, not voting 14, as follows:

[Roll No. 270]

AYES—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOES—13

Capuano
Conyers
Hastings (FL)
Hinchey
Jones (OH)
Kucinich
Lee
McDermott
McKinney
Rangel
Scott (VA)
Stark
Woolsey

ANSWERED "PRESENT"—1

Waters

NOT VOTING—14

Blumenauer
Bono
Cardin
Cox
Cuellar
Davis, Tom
Gillmor
Hooley
Millender-McDonald
Oberstar
Pelosi
Reyes
Sessions
Young (AK)

□ 2027

Mrs. JONES of Ohio, Ms. LEE, Mr. CONYERS, Ms. WOOLSEY, and Messrs. CAPUANO, McDERMOTT, KUCINICH and RANGEL changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART 1, SUBPART A AMENDMENT NO. 5 OFFERED BY MR. POE

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 5 printed in Subpart A, Part 1 of House Report 109–132 offered by the gentleman from Texas (Mr. POE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 402, noes 14, not voting 17, as follows:

[Roll No. 271]

AYES—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt

Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOES—14

Carson
Frank (MA)
Hastings (FL)
Honda
Jackson (IL)
Kucinich
Lee
McDermott
McGovern
Moore (WI)
Payne
Stark
Watt
Woolsey

NOT VOTING—17

Blumenauer
Bono
Buyer
Cardin
Conyers
Cox
Cuellar
Davis, Tom
Gillmor
Hooley
Inslee
Millender-McDonald
Oberstar
Pelosi
Reyes
Sessions
Young (AK)

□ 2036

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART 1, SUBPART C AMENDMENT NO. 1 OFFERED BY MR. CANTOR

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CANTOR) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 411, noes 9, not voting 13, as follows:

[Roll No. 272]

AYES—411

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—9

Abercrombie
Conyers
Kucinich
Lee
McDermott
McKinney
Moore (WI)
Paul
Stark

NOT VOTING—13

Blumenauer
Bono
Cox
Cuellar
Davis, Tom
Gillmor
Hooley
Millender-McDonald

Oberstar
Pelosi
Reyes
Sessions
Young (AK)

☐ 2056

Mr. CAPUANO changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. FORTENBERRY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. BASS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2745) to reform the United Nations, and for other purposes, had come to no resolution thereon.

LIMITING DEBATE ON HOUSE RESOLUTION 324

Mr. DELAY. Mr. Speaker, I ask unanimous consent that debate on the resolution noticed by the gentleman from New York (Mr. NADLER) be limited to 30 minutes equally divided and controlled by the gentleman from New York (Mr. NADLER) and the gentleman from Wisconsin (Mr. SENSENBRENNER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PRIVILEGES OF THE HOUSE—INTEGRITY OF PROCEEDINGS OF THE HOUSE

Mr. NADLER. Mr. Speaker, I offer a privileged resolution (H. Res. 324) as to a question of the privileges of the House and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 324

Resolution disapproving the manner in which Representative Sensenbrenner has responded to the minority party's request under rule XI of the House of Representatives for an additional day of oversight hearings on the reauthorization of the USA PATRIOT Act and the manner in which such hearing was conducted.

Whereas Representative Sensenbrenner willfully and intentionally violated the Rules of the House of Representatives by abusing and exceeding his powers as chairman;

Whereas subsequent to receiving a request for an additional day of hearings by members of the minority party pursuant to rule XI, Representative Sensenbrenner scheduled such hearing on less than 48 hours notice;

Whereas such hearing occurred on Representative Sensenbrenner's directive at 8:30 a.m., on Friday, June 10, 2005, a date when the House was not in session and votes were not scheduled;

Whereas Representative Sensenbrenner directed his staff to require that the witnesses' written testimony be made available on less than 18 hours notice;

Whereas, during the course of the hearing, Representative Sensenbrenner made several false and disparaging comments about members of the minority party in violation of rule XVII;

Whereas, Representative Sensenbrenner failed to allow members of the committee to question each witness for a period of 5 minutes in violation of rule XI;

Whereas Representative Sensenbrenner refused on numerous and repeated occasions throughout the hearing to recognize members of the minority party attempting to raise points of order;

Whereas when Representative Nadler and Representative Jackson-Lee sought recognition to raise a point of order, Representative Sensenbrenner refused to recognize Representative Nadler or Representative Jackson-Lee, and intentionally and wrongfully adjourned the committee without obtaining or seeking either unanimous consent or a vote of the committee members present in violation of rule XVI;

Whereas subsequent to Representative Sensenbrenner's improper adjournment of the hearing, his staff turned off the microphones and the electronic transmission of the proceedings and instructed the court reporter to stop taking transcription, even though the committee hearing had not been properly adjourned, and members of the minority party had invited witnesses to continue to speak; and

Whereas Representative Sensenbrenner willfully trampled the right of the minority to meaningfully hold an additional day of hearings in violation of the Rules of the House of Representatives, and brought discredit upon the House of Representatives: Now, therefore, be it

Resolved, That

(1) the House strongly condemns the manner in which Representative Sensenbrenner has responded to the minority party's request for an additional day of oversight hearings on the reauthorization of the USA PATRIOT Act, and the manner in which such hearing was conducted; and

(2) the House instructs Representative Sensenbrenner, in consultation with Representative Conyers, to schedule a further day of hearings with witnesses requested by members of the minority party concerning the reauthorization of the USA PATRIOT Act."

☐ 2100

The SPEAKER pro tempore (Mr. THORNBERRY). The resolution presents a question of the privileges of the House.

Under the previous order of the House, the gentleman from New York (Mr. NADLER) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 15 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with regret that I must rise again to invoke the privileges of the House and to defend the rules and the spirit of simple courtesy and cooperation. I do not enjoy taking the time of this House away from our important business to do so; but recent events, the willful and repeated disregard for the rules of the House, the persistent abuse of power by the chairman of the Judiciary Committee, and the flagrant abuse of the rights of the minority make this resolution necessary.

As I said the last time I came to the floor for this purpose, it is my fervent hope that this will be the last time it will ever be necessary for me or any other Member to offer such a resolution or to rise on a question of personal privilege. We should be spending our time dealing with the problems and concerns of the American people; but when a chairman abuses his power to stifle debate, Members of this House, both Republicans and Democrats, have a duty to defend the honor of this institution and the integrity of its proceedings. So long as power is abused, rules are ignored and broken and the rights of Members who represent millions of Americans are violated, this House cannot do its job properly. The American people are cheated of their right to an honest, open, fair, and democratic debate on issues affecting the future of our Nation. That is why we are here again today.

These are the facts: the minority is entitled by the rules to a day of hearings. It is a right rarely exercised, but it guards against the majority abusing its power to exclude competing views. Call it the fair and balanced rule. It is not the chairman's right to determine whether we deserve, in quotes, a hearing. It is not the chairman's right to decide whether his prior hearings were sufficient. It is not the chairman's right to decide whether what we say or think is acceptable or relevant. And it is certainly never the chairman's right to violate the rules in order to interfere with our right to conduct the hearing guaranteed to us by the rules.

The chairman is entitled to his opinions. He is not entitled to break the rules, to abuse his power and to impose his will. The chairman as a general rule permits only one minority witness in each committee or subcommittee hearing of the Judiciary Committee. I know of no other committee with this sort of restrictive rule. No matter what the issue, no matter how complex, no matter how many perspectives there might be, the chairman does not allow more than one minority witness.

On that basis alone, we have every right to insist on a day of hearings every time, a day of minority hearings, but we do not. Of course, that is when he allows hearings at all. In this Congress alone, the chairman has decided that we do not need hearings on such important issues as amendments to the Constitution, alleged mistreatment of detainees, and a rewrite of our bankruptcy code. These are hardly isolated cases. Is that the way we are supposed to do our job? No need for a hearing, the chairman wants to do it, so let's just do it. We do not need a hearing to look at the facts.

Members under the rules have the right to question each witness for 5 minutes apiece. We checked with the Parliamentarian. That is 5 minutes for each member for each witness. Yet the chairman repeatedly refused to recognize members. He consistently and abusively cut off members and witnesses in mid-sentence. It is the chairman's custom, to which we have not objected, to be fairly strict and after the 5 minutes are over to say, finish your thought or make your answer brief. That is fine.

In this hearing, because it was a minority-called hearing, he consistently cut off members and witnesses in mid-sentence, and rather rudely. In one case, when a member of the majority accused a witness of endangering American lives, the chairman refused the witness the opportunity to respond. Of course, the chairman did not limit himself to 5 minutes. He recognized himself for an additional 5 minutes toward the end of the hearing in order to deride the witnesses and the minority members of the committee without allowing any response.

Every Member of this House, Mr. Speaker, serves on committees and every Member of this House knows that this kind of abusive behavior is virtually unheard of. Witnesses should be treated with respect. So should colleagues. I thought we all knew that. The chairman refused to recognize members who were seeking recognition. He refused to recognize members who were attempting to raise points of order. Unacceptable. A clear violation of the rules. A plain abuse of power.

The chairman simply ended the hearing unilaterally. While members were seeking recognition and attempting to raise points of order, he simply ignored them and banged the gavel and got up from his seat. The rules require a motion to adjourn because hearings are not normally ended unilaterally by a chairman. We consulted with the House Parliamentarian who confirmed that an adjournment motion must be approved by the members of the committee unless there is unanimous consent. The fact that adjournment is not normally contested because it is not necessary because everybody agrees does not change the rules.

After the chairman unilaterally adjourned the hearing, while members were seeking recognition, while he refused to recognize those members seeking to raise points of order, the committee staff, either on the chairman's instructions or acting on their own accord, switched off members' microphones while we were attempting to speak, instructed the stenographer to stop recording the hearing and turned off the electronic transmission of the hearing. Again, the hearing was still proceeding because it had not been legally adjourned because there had been no vote and no unanimous consent. Thanks to C-SPAN, the rest of the hearing was recorded and broadcast so the chairman was unable to censor the minority and hide our thoughts from the American people, although he tried.

Can any Member recall a time when a member's microphone was turned off while he or she was speaking in a committee meeting? Mr. Speaker, it is fair to ask, why should a member of the majority or the public care about adherence to the rules in these respects or about the rights of the minority? The answer is simple. Every Member represents more than half a million American citizens. Every one of those Americans is entitled to a voice in our government. No one should ever be allowed to abuse the power of his office to silence opposing views or to disenfranchise millions of Americans from having their views represented simply because they chose representatives of the minority party.

The greatness of our Nation is our freedom to stand up for what we believe and to have everyone's voice heard in the halls of government. The arrogance of power, the abuse of power, the silencing of minority voices, is a direct threat not only to our rules but to our democracy and to our freedom. The rules of this House exist to protect our democracy. Every Member of this House, regardless of party, must stand up for this institution, for its rules, and for the democracy it represents.

That is why I urge the adoption of this resolution and why I hope such a resolution will never again be necessary in this House.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

I strongly oppose this resolution because it does not state what the facts are relative to the Judiciary Committee's consideration of the PATRIOT Act. I rise today to respond to false, misleading, and malicious allegations that have been made by Members of this House and reported in the media concerning the conduct of the Judiciary Committee's June 10 hearing on the reauthorization of the USA PATRIOT Act and my consideration of the PATRIOT Act as chairman of the Committee on the Judiciary.

Since becoming chairman of this committee in January 2001, I have consistently demonstrated a commitment to fair and equitable consideration of issues before the committee. Perhaps no other issue better demonstrates this commitment than the committee's response to the tragic events of September 11, 2001. Shortly following the attacks, I called a committee hearing to draft antiterrorism legislation at which the Attorney General and other top officials of the Justice Department testified. At that meeting, I pledged to work with the minority to draft bipartisan legislation to help detect, deter, and defeat terrorist threats to our Nation's security.

Since that time, the record clearly demonstrates that I have kept my word by conducting bipartisan and even-handed consideration of this critical issue.

In October of 2001, the committee unanimously approved the PATRIOT Act by a vote of 36–0. I was enormously proud of this vote because it proved that a committee comprising sharply diverging viewpoints could speak in a clear and united voice on an issue of overwhelming importance to the security, safety, and liberty of all Americans. When drafting this legislation, I also insisted that provisions expanding the scope of Federal authority be subject to congressional reauthorization. I included sunsets in these provisions because I strongly believe that Congress must play an active and continuing role in ensuring that the PATRIOT Act protects the safety and security of all Americans while preserving the freedom and liberty that distinguish us as Americans.

To ensure that the PATRIOT Act is being implemented in a manner that reflects the priorities of Congress, on multiple occasions Ranking Member CONYERS and I have sent detailed, extensive, and bipartisan inquiries to the Department of Justice concerning the implementation of the legislation.

□ 2115

When the Justice Department did not fully respond to one set of detailed inquiries, I forcefully asserted the committee's prerogatives by raising the possibility of a committee subpoena to obtain the requested information.

The committee has conducted several hearings on matters related to the PATRIOT Act, at which senior administration officials have testified. At my request committee members have also received briefings on the implementation of the PATRIOT Act from senior law enforcement officials.

On March 28 of this year, the gentleman from Michigan (Mr. CONYERS), ranking member, and I jointly announced a series of hearings on the reauthorization of the PATRIOT Act. We made this announcement in the same spirit of bipartisanship that has typified the committee's consideration of this issue since the committee's first hearing on this subject following September 11. While the primary focus of this series of hearings has been to examine provisions in the PATRIOT Act that are set to expire at the end of this year, the scope of these hearings has been broadened to include provisions of the PATRIOT Act that will not sunset, and issues that are only tangentially related to PATRIOT Act have also received formal committee consideration at the request of the minority.

The record clearly proves that I have worked in a bipartisan manner to ensure that the committee has received testimony from an array of knowledgeable witnesses of diverging viewpoints, and that members had the opportunity to address questions to each of them. And at this time I include in the RECORD a listing of the oversight activities and a chronology of the hearing record that has been held since April before the Committee on the Judiciary and its subcommittees.

OVERSIGHT: HOUSE JUDICIARY COMMITTEE OVERSIGHT OF THE USA PATRIOT ACT

OVERSIGHT THROUGH LETTERS TO THE DEPARTMENT OF JUSTICE

House Judiciary Committee sent the Attorney General, John Ashcroft, a letter on June 13, 2002, with 50 detailed questions on the implementation of the USA PATRIOT Act. The questions were a result of extensive consultation between the majority and minority Committee counsel. Assistant Attorney General, Daniel Bryant, responded to Chairman Sensenbrenner and Ranking Member Mr. Conyers on July 26, 2002, providing lengthy responses to 28 out of the 50 questions submitted. On August 26, 2002, Mr. Bryant sent the responses to the remaining questions, after sending responses to six of the questions to the House Permanent Select Committee on Intelligence. Then, on September 20, 2002, Mr. Bryant sent the minority additional information regarding the Department of Justice's responses to these questions.

On April 11, 2003, Chairman Sensenbrenner and Ranking Member Mr. Conyers sent a second letter to the Department of Justice with additional questions regarding the use of pre-existing authorities and the new authorities conferred by the USA PATRIOT Act. Once again, the questions were the product of bipartisan coordination by Committee counsel. Acting Assistant Attorney General, Jamie E. Brown, responded with a May 13, 2003 letter that answered the questions she deemed relevant to the Department of Justice and forwarded the remaining questions to the appropriate officials at the Department of Homeland Security on June 13, 2003, the Assistant Secretary for Legislative Affairs at the Department of Homeland Security, Pamela J. Turner, sent responses to the forwarded questions.

On November 20, 2003, Chairman Sensenbrenner and Congressman Hostettler, Chairman of the Subcommittee on Immigration, Border Security, and Claims, sent a letter to the Comptroller General of the Government Accountability Office (GAO) requesting a GAO study of the implementation of the USA PATRIOT Act anti-money laundering provisions. This report was released on June 6, 2005.

OVERSIGHT THROUGH HEARINGS

On May 20, 2003, the Committee's Subcommittee on the Constitution held an oversight hearing entitled, "Anti-Terrorism Investigations and the Fourth Amendment After September 11th: Where and When Can Government Go to Prevent Terrorist Attacks." On June 5, 2003, the Attorney General testified before the full Committee on the Judiciary at an oversight hearing on the United States Department of Justice. Both the hearing on May 20 and the hearing on June 5 discussed oversight aspects of the USA PATRIOT Act.

OVRSIGHT THROUGH BRIEFINGS

The Subcommittee on Crime, Terrorism, and Homeland Security of this Committee requested that officials from the Department of Justice appear and answer questions regarding the implementation of the USA PATRIOT Act. In response to our request, the Department of Justice gave two separate briefings to Members, counsel, and staff:

During the briefing held on August 7, 2003, Department officials covered the long-standing authority for law enforcement to conduct delayed searches and collect business records, as well as the effect of the USA PATRIOT Act on those authorities.

During the second briefing, held on February 3, 2004, the Department of Justice discussed its views of S. 1709, the "Security and Freedom Ensured (SAFE) Act of 2003" and H.R. 3352, the House companion bill, as both bills proposed changes to the USA PATRIOT Act.

The Department of Justice has also provided three classified briefings on the use of the Foreign Intelligence Surveillance Act (FISA) under the USA PATRIOT Act for Members of the Judiciary Committee:

On June 10, 2003, October 29, 2003, and June 7, 2005 the Justice Department provided these briefings.

The Department also provided a law enforcement sensitive briefing on FISA to the House Judiciary Committee Members and staff on March 22, 2005.

HEARING CHRONOLOGY: HOUSE JUDICIARY COMMITTEE CONSIDERATION OF THE USA PATRIOT ACT

FULL COMMITTEE CONSIDERATION

June 10, 2005: Oversight Hearing on the Reauthorization of the USA PATRIOT Act: Carlina Tapia-Ruano, First Vice-President of the American Immigration Lawyers Association (Minority witness); Dr. James J. Zogby, President of the Arab American Institute (Minority witness); Deborah Pearlstein, Director of Human Rights First (Minority witness); and Chip Pitts, Chair of the Board of Amnesty International USA; Minority Members Present: Conyers, Jackson-Lee, Nadler, Scott, Van Hollen, Wasserman Shultz, Watt.

June 8, 2005: Oversight Hearing on the Reauthorization of the USA PATRIOT Act: Deputy Attorney General James B. Comey; Minority Members Present: Berman, Conyers, Delahunt, Lofgren, Nadler, Scott, Wasserman Shultz, Waters.

April 6, 2005: Oversight Hearing on the Department of Justice, The Use of the Law Enforcement Authorities Granted under the USA PATRIOT Act: Attorney General Alberto Gonzales; Minority Members Present: Berman, Conyers, Delahunt, Jackson-Lee, Lofgren, Nadler, Schiff, Scott, Van Hollen, Watt, Weiner.

SUBCOMMITTEE CONSIDERATION

May 26, 2005: Oversight Hearing on Material Witness Provisions of the Criminal Code and the Implementation of the USA PATRIOT Act: Section 505 that Addresses National Security Letters and Section 804 that Addresses Jurisdiction over Crimes Committed at U.S. Facilities Abroad: Chuck Rosenberg, Chief of Staff to the Deputy Attorney General of the Department of Justice (Majority witness); Matthew Berry, Counselor to the Assistant Attorney General of the Department of Justice (Majority witness); Gregory Nojeim, Acting Director of the Washington Legislative Office of the American Civil Liberties Union (Minority witness); and Shayana Kadidal, Staff Attorney, Center for Constitutional Rights (Minority witness); Minority Members Present: Conyers, Delahunt, Nadler, Scott, Waters.

May 10, 2005: Oversight Hearing on the Prohibition of Material Support to Terrorists and Foreign Terrorist Organizations and on the DOJ Inspector General's report on Civil Liberty Violations under the USA PATRIOT Act: Honorable Glenn Fine, Inspector General of the Department of Justice (Majority witness); Honorable Gregory G. Katsas, Deputy Assistant Attorney General, Civil Division of the Department of Justice (Majority witness); Barry Sabin, Chief of the Counterterrorism Section of the Criminal Division of the Department of Justice (Majority witness); and Ahilan Arulanantham, Staff Attorney for the American Civil Liberties Union of Southern California (Minority witness); Minority Members Present: Delahunt, Scott, Waters.

May 5, 2005: Oversight Hearing on section 212 of the USA PATRIOT Act that Allows Emergency Disclosure of Electronic Communications to Protect Life and Limb: Honorable William Moschella, Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice (Majority witness); Willie Hulon, Assistant Director of the Counterterrorism Division, Federal Bureau of Investigation (Majority witness); Professor Orrin Kerr, Professor of Law at the George Washington University Law School (Majority witness); and James X. Dempsey, Executive Director of the Center for Democracy and Technology Minority witness); Minority Members Present: Conyers, Delahunt, Jackson-Lee, Scott.

May 3, 2005: Oversight Hearing on Sections 201, 202, 213, and 223 of the USA PATRIOT Act and Their Effect on Law Enforcement Surveillance: Honorable Michael J. Sullivan, US. Attorney for the District of Massachusetts (Majority witness); Chuck Rosenberg, Chief of Staff to the Deputy Attorney General (Majority witness); Heather Mac Donald, John M. Olin fellow at the Manhattan Institute (Majority witness); and the Honorable Bob Barr, former Representative of Georgia's Seventh District (Minority witness); Minority Members Present: Delahunt, Scott.

April 28, 2005: Oversight Hearing—Section 218 of the USA PATRIOT Act—If it Expires will the "Wall" Return?: Honorable Patrick Fitzgerald, U.S. Attorney for the Northern District of Illinois (Majority witness); David Kris, former Associate Deputy Attorney General for the Department of Justice (Majority witness); Kate Martin, Director of the Center for National Security Studies (Minority witness); and Peter Swire, Professor of Law at Ohio State University (Minority witness); Minority Members Present: Jackson-Lee, Scott.

April 28, 2005: Oversight Hearing—Have sections 206 and 215 improved FISA Investigation: Honorable Kenneth L. Wainstein, U.S. Attorney for the District of Columbia Majority witness); James Baker, Office for Intelligence Policy and Review (Majority witness); Robert Khuzami, former Assistant United States Attorney in the United States Attorney's Office for the Southern District of New York (Majority witness); and Greg Nojeim, the Associate Director and Chief Legislative Counsel of the American Civil Liberties Union's Washington National Office (Minority witness); Minority Members Present: Conyers, Delahunt, Jackson-Lee, Scott, Waters.

April 26, 2005: Oversight Hearing—Have sections 204, 207, 214 and 225 of the USA PATRIOT Act, and Sections 6001 and 6002 of the Intelligence Reform and Terrorism Prevention Act of 2004, improved FISA Investigations?: Honorable Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania (Majority witness); James Baker, Office for Intelligence Policy and Review, U.S. Department of Justice (Majority witness); and Suzanne Spaulding, Managing Director, the Harbour Group, LLC (Minority witness); Minority Members Present: Conyers, Delahunt, Scott.

April 21, 2005: Oversight Hearing on Crime, Terrorism, and the Age of Technology—Section 209: Seizure of Voice-Mail Messages Pursuant to Warrants; Section 217: Interception of Computer Trespasser Communications; and Section 220: Nationwide Service of Search Warrants for Electronic Evidence: Laura Parsky, Deputy Assistant Attorney General of the Criminal Division, U.S. Department of Justice (Majority witness); Steven M. Martinez, Deputy Assistant Director of the Cyber Division, Federal Bureau of Investigation (Majority witness); James X. Dempsey, Executive Director of the Center for Democracy and Technology (Majority witness as a favor to Minority); and Peter Swire, Professor of Law, Mortiz College of Law, the Ohio State University (Minority witness); Minority Members Present: Delahunt, Jackson-Lee, Scott, Waters.

April 19, 2005: Oversight Hearing on Sections 203(b) and (d) of the USA PATRIOT Act and their Effect on Information Sharing: Barry Sabin, Chief of the Counterterrorism Section of the Criminal Division of the Department of Justice (Majority witness); Maureen Baginski, Executive Assistant Director of FBI Intelligence (Majority witness); Congressman Michael McCaul (Majority witness); and Timothy Edgar, the National Security Policy Counsel for American Civil Liberties Union (Minority witness); Minority Members Present: Delahunt, Scott, Waters.

Mr. Speaker, by scheduling 12 hearings on the reauthorization of the PATRIOT Act during this Congress, in addition to the bipartisan record established in previous Congresses, I have proven my commitment to conducting rigorous and comprehensive oversight of the implementation of the PATRIOT Act. Since commencing this latest series of hearings in April, two top officials at the Justice Department, Attorney General Gonzales and his Deputy James Comey, have testified before the committee on separate occasions. In each of the nine additional recent hearings held on the subject, the minority was allowed to designate at least one and sometimes two of the customary four witnesses at committee hearings, thus providing a consistent platform for additional and often dissenting views.

The record clearly demonstrates that this committee has engaged in a thorough, comprehensive, and bipartisan review of the PATRIOT Act since its passage. Assertions to the contrary are not only unfounded, they are plainly false, misleading, and malicious.

On June 8, 2005, the committee held a hearing on the "Reauthorization of the PATRIOT Act," at which Deputy Attorney General Comey testified. At the commencement of this hearing and without previous notice or consultation, the gentleman from Michigan (Mr. CONYERS), ranking member, and other minority members of the committee requested additional witnesses to testify before the committee on the "Reauthorization of USA PATRIOT Act" pursuant to House Rules.

House Rule XI(2)(j)(1) states: "Whenever a hearing is conducted by a committee on a measure or matter, the minority members of the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least 1 day of hearing thereon." I complied with that request and set the additional hearing on June 10.

At the outset of this hearing, I reminded members and witnesses of the permissible scope of the hearing requested by the minority under House Rule XI by stating: "It is the Chair's intention to limit the scope of the hearing to the topic that was chosen by the Democratic minority that called this hearing and chose the witnesses, which is the reauthorization of the PATRIOT Act. Members and witnesses are advised that questions and testimony not falling within the subject matter of the hearing chosen by the Democrats will not be included in the hearing record pursuant to House Rule XI." After reviewing the testimony of the witnesses, I again expressed my concern stating that, "I am disturbed that some of the testimony that has been presented in written form by the witnesses today are far outside the scope of the hearing, which the Democratic minority called and which they set in their letter."

Notwithstanding repeated reminders and admonitions concerning the permissible scope of the hearing under House Rules, the gentleman from Michigan (Mr. CONYERS), ranking member, and members of the minority invited witnesses to provide testimony and make statements clearly outside of the scope of the reauthorization of the PATRIOT Act.

For example, in his opening remarks, the gentleman from Michigan (Mr. CONYERS) stated: "For many of us, this process of hearings is not merely about the extension of the 16 expiring provisions of the PATRIOT Act. It is about the manner in which our government uses its legal authority to prosecute the war against terror both domestically and abroad. As we hear from our witnesses today, I think we will demonstrate that much of this authority has been abused."

My repeated reminders and admonitions about House Rules concerning the permissible scope of the hearing were ignored by witnesses and members of the committee.

In the face of this refusal by the witnesses and members to appropriately conform their testimony to the subject matter of the hearing requested by the minority, I exercised great patience in permitting witnesses and members to weigh in on issues totally unrelated to that subject. I recognized all four witnesses as well as each majority and minority member present at the hearing for 5 minutes. The record clearly shows that I evinced no favoritism in providing time either to witnesses or members.

At the conclusion of the hearing, when each witness and member had been provided equal time to raise questions, and the witnesses asked and received permission to submit their complete testimony into the hearing record, I expressed my great disappointment that opponents of the PATRIOT Act have used it as a vehicle to assert broad, sweeping, and sometimes wildly unsubstantiated allegations concerning matters totally unrelated to the legislation.

As I concluded my remarks, at least two minority members who had been accorded their time to speak again sought recognition, and I adjourned the hearing in a manner inconsistent with the spirit of comity that has and should continue to inform committee deliberations. While I concede this point without qualifications, Members should also be aware that the practice of the Democratic chairman of the Committee on the Judiciary under whom I have served, as well as the practice of the gentleman from Michigan (Mr. CONYERS), ranking member, during his chairmanship of the Committee on Government Operations, was to adjourn hearings without motion and without expressly seeking the unanimous consent of committee members.

Since this hearing I have been unfairly criticized by several Members of this body. In a press release dated June 10, the gentlewoman from California (Ms. PELOSI), minority leader, said, "Chairman Sensenbrenner proved again today that he is afraid of ideas, that Republicans will stop at nothing to silence Democrats and the voice of the minority, to deny millions of Americans a voice in Congress. Republicans are unwilling and unable to compete in the marketplace of ideas; so they have chosen to arbitrarily and capriciously abuse their power simply because they can."

In a similar statement, the gentleman from Maryland (Mr. HOYER), minority whip, stated that the committee's June 10 hearing represented a "quintessential example of shutting up, shutting down opposition, dissenting views, and democracy."

Both these statements are a grossly unfair and distorted depiction of my conduct and demand correction. I am not afraid of diverse ideas. I welcome that, and the chronology of the hearing record shows that. I have never attempted to stifle democracy, and I never will.

This committee's bipartisan consideration of the PATRIOT Act under my leadership underscores the malice that motivates these accusations. There is a difference between spirited debate and partisan vitriol that transgresses the bounds of decency and maligns the integrity of a Member of this House.

Following the hearing, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), who is the newest member of the committee, issued a press release stating that I had acted in an illegal manner under headlines stating: "Democracy Thwarted at Judiciary Committee Hearing on the PATRIOT Act." In the course of this hearing, I did nothing that remotely resembles conduct that can be described as illegal. And as chairman of the Committee on the Judiciary, I take particular umbrage at this mischaracterization.

The gentleman from New York (Mr. NADLER) has also contended that I chaired the hearing in a manner that was "with an attitude of total hostility." Based on these remarks, it has been inaccurately reported that I "abruptly pulled the plug . . . when a hearing on the PATRIOT Act turned to prisoners and anti-immigration militia on the Mexican border." These statements are clearly false. I permitted each witness an opportunity to complete his or her oral remarks, and the hearing was only concluded after 2 hours' duration only when each member had been provided an equal opportunity to speak.

Following the hearing, I have met with the gentleman from Michigan (Mr. CONYERS), ranking member, to discuss ways in which the committee could respond to concerns expressed by some members of the minority, and we reached a resolution that might have averted this impasse. However, some in the minority have preferred a political issue to a workable solution. I trust that by fully and fairly examining the record of the June 10 hearing, as well as my demonstrated longstanding record of bipartisan consideration of matters relating to the PATRIOT Act and other matters before the committee, Members of this House and the public at large will reject the false, malevolent, and derogatory allegations leveled against me by certain minority Members of this body.

Mr. Speaker, the American people expect and deserve Members of Congress to approach terrorism prevention in a thoughtful, factual, and responsible manner. All too often opponents of the PATRIOT Act have constructed unfounded and totally unrelated conspiracy theories, erected strawmen that bear no relation to reality, engaged in irresponsible and totally unfounded hyperbole, or unjustly impugned the law enforcement officials entrusted with protecting the security of America's citizens. While the PATRIOT Act was drafted and passed by both Houses with wide bipartisan majorities, it has been transformed by some into a political weapon of choice to allege a broad range of violations which have nothing to do with that legislation. These efforts coarsen public debate and undermine the responsible, substantive examination that must inform congressional and public consideration of this critical issue.

I will not be deterred by malicious attacks or minority obstructionism. In the coming months I will continue to energetically discharge my responsibilities as chairman to ensure thorough, bipartisan, and thoughtful consideration of issues relating to the PATRIOT Act and other legislation before the committee. This House and the American people who elect us to represent them expect and deserve no less.

Mr. Speaker, I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I believe all of my colleagues would accept the premise that justice is not outside of the jurisdiction of the Committee on the Judiciary, nor is the concept of justice outside of the concept of this august body.

Judge Learned Hand is cited to have stated that the spirit of liberty is a spirit which is not too sure that it is right. So sometimes, Mr. Speaker, it is appropriate that those of us who believe in liberty should step back for a moment and question whether everything that we have done or everything that we think is right.

I think it is well to remind my colleagues that our Founding Fathers, those who came freely to this Nation, fled because they fled from persecution. And they fled to have the opportunity and the right to speak. We have always abhorred the tyranny of the majority. So it is important that those of us who stand today welcome, welcome, the offer being made by the previous speaker that we can sit down and resolve these questions and these disputes.

But there is no doubt that the resolution offered by the gentleman from New York (Mr. NADLER) has not been refuted. Violation of Rule XVII did occur. A motion did not occur to adjourn, and it is the rule that we have accepted. The violation of Rule XVII did occur, and as much as we did have a hearing, there were witnesses who were not able to respond to accusations or allegations being made by Members of Congress.

□ 2130

I think that we as Members recognize that we represent the American people, and whether or not witnesses come and take an oath and offer to this Congress words that you agree or disagree with, courtesies should be given to them so that their voice might be heard.

The previous speaker is right. We worked in a bipartisan way on the PATRIOT Act. We did it within a 6 week period. But ultimately another bill went to the floor of the House. It behooves us now to insist on behalf of the American people a complete overview and oversight of the PATRIOT Act.

So I simply say to my colleagues, justice should not be fleeting, and we should abide by justice, all of us, and we should vote for the Nadler resolution.

Mr. Speaker, Judge Learned Hand is cited to have stated that "The spirit of liberty is the spirit which is not too sure that it is right. . . ." I would like to associate myself with the resolution filed by the Gentleman from New York and I join him in expressing displeasure and outrage at the disrespectful conduct of the Republican majority at the Committee hearing that was held on Friday, June 10, 2005. The Hearing was requested by the distinguished Ranking Member Mr. CONYERS, for the purpose of hearing important testimony relating to questions of civil rights and civil liberties, immigration policy, and human rights resulting from the provisions to be reauthorized in the USA PATRIOT Act.

What happened on June 10 was not only an attempt to silence Democratic Members of Judiciary, it was to silence Democracy in America. In my 11 years on the Committee on the Judiciary, I have never witnessed such treatment and disrespect as we saw by the Committee Leadership, who in addition to walking out of the hearing, also unilaterally decided to shut off the microphones for both Members and witnesses.

Furthermore, to do so in the context of analysis of very substantive legislation such as PATRIOT Act Reauthorization, something that greatly concerns all Americans, only exacerbated the repugnancy with which the very legislation itself was passed.

Throughout that hearing, which was called at the least convenient time of 8:30 a.m. on a Friday when Congress was not in session, witnesses and Members were cut-off in mid-sentence, and the Chairman refused to yield to points of order or points of personal privilege called for by the Committee Democrats. The hearing was abruptly adjourned by the Chairman, in violation of the Rules of the House while microphones of Democratic members were shut off while they attempted to speak.

Sixteen provisions of the USA PATRIOT Act automatically sunset at the end of the year unless reauthorized by Congress. As such, the Judiciary Committee held hearings on the reauthorization of the USA PATRIOT Act that absolutely required bipartisan cooperation. Legislation that touches upon fundamental civil rights and civil liberties should not be commingled with petty games, personal gripes, or hostile acts steeped in partisan politics. It is my hope that the Republicans will issue an apology and begin taking strides to form a bridge across the aisle that has been widened by ugly partisan divide.

Sixteen (16) provisions that are due to sunset at the end of 2005 are set for reauthorization. These provisions include Section 213 that allows delayed notification search warrants, Section 209's emergency disclosure of e-mails without a court order, and the provision that allows access to business records.

I commend the Chairman for his disposition to hold the 10 oversight hearings that have been held on these controversial provisions. However, if my colleagues on this side of the hearing room were to file an action based on the common law principle of forum non conveniens, we would likely be justified based on the fact that this hearing has been called for 8:30 a.m. on the day following the end of votes for the week! Nevertheless, we applaud this de minimis effort to appeal to the requests for hearings that have been made by the distinguished Ranking Member of this body.

By way of background, I remind this body that the PATRIOT Act was passed into law a mere six weeks following the terrorist attacks on September 11, 2001. The process of drafting this bill until its signing into law by President Bush took only four days from October 23 to October 26, 2001. The final measure, H.R. 3162, incorporated provisions of H.R. 2977, which the House passed on October 12, 2001, and S. 1510, which the other body passed on October 11, 2001. While Congress grappled with the need to act expeditiously to fight terrorism, I still marvel that a bill more than three hundred pages long moved from introduction to enactment at such a daunting speed. The process of reauthorization seems to resemble this path.

Mr. Speaker, while the Committee on the Judiciary has exercised oversight on the provisions that are up for reauthorization, I feel that, given their continued and increasing contentiousness, we must further analyze the possibly negative impact that they will have on our civil rights, civil liberties, and other guarantees under the U.S. Constitution. Conduct that disrespects Members who wish to conduct substantive debate as representatives of the House of Representatives.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank the gentleman from New York for yielding me time.

Mr. Speaker, last week it was an honor to begin my new assignment as a member of the Committee on the Judiciary. This Nation was founded on the principles of ensuring that the rights of the minority are protected from the tyranny of the majority. The display that I witnessed and experienced at our committee hearing last Friday was, honestly, the most egregious abuse of power witnessed in my 13 years of combined public service in three legislative bodies.

This is a political institution, with individuals who feel passionately about their views, and this is an institution that runs on power. But my hope is that even when we disagree, we will treat each other with respect and dignity. Respect and dignity were nowhere to be found at that hearing last Friday, and it was a shame.

I was particularly surprised and disappointed by the disposition demonstrated by the chairman during the hearing, and found it ironic that the Committee on the Judiciary, whose responsibilities include reviewing, safeguarding and upholding our Constitution, thought nothing of trampling the rights the minority's witnesses by severely limiting their opportunities to be heard.

After 9/11, the vast majority of Americans were and remain willing today to give up some of our freedoms and civil liberties in order to keep us safe. When the USA PATRIOT Act was adopted by Congress, there were 16 provisions that were troubling enough to most Members that they were required to be reviewed by Congress before they could remain in law past this year.

I think I share the views of many when I say that I may ultimately support all 16 provisions remaining in law. However, it did not seem too much to ask to thoroughly review those provisions, and not just hear a drastically lopsided set of witnesses called by the majority party.

If we are going to restrict civil liberties in the name of national and homeland security, it is more important than ever to shine the light on these provisions and make sure they can withstand a rigorous test.

Forfeiting civil liberties is not merely an inconvenience for our citizens. It must be a conscious decision, made with full disclosure and review and for good reason. If this forfeiture cannot withstand a review where proponents and opponents have their concerns aired, then our citizens cannot be expected to give up rights they were born with and for which our forefathers and foremothers so desperately fought.

It is my hope that, like the other committee on which I serve, the Committee on Financial Services, which operates in an spirit of bipartisanship even on the most contentious of issues, that we can withstand the test, and this should be done without the abuse of power and trampling of democracy that we experienced last week.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking minority member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, this is an embarrassing circumstance that we again find ourselves in. There are reasons that have required that the gentleman from New York, regretfully, bring this privileged resolution to the floor. There is little question that the demeanor of the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), was very, very unusual for the meeting that was held, which he was required to hold.

Now, do not take my word for it. I want you to go look at the evidence. It was all taped. I was stunned by my friend's continued hostility, not just toward the members of the Democratic side, but the witnesses themselves. I have never, ever experienced a witness being stopped dead in mid-sentence. It was highly inappropriate. The meeting was ended incorrectly. You cannot walk out of a meeting. You cannot say "The meeting is adjourned," slam the gavel down and walk out.

I have worked in the Committee on the Judiciary. I came to this committee and all my career has been spent there. I worked under Emanuel Celler, Jack Brooks and Peter Rodino. I had wonderful times with the chairman that preceded the gentleman from Wisconsin (Chairman SENSENBRENNER), the gentleman from Illinois (Mr. HYDE).

What I want Members to do, and I plead with them, is to support the gentleman from New York's privileged resolution, and allow the gentleman from Wisconsin (Chairman SENSENBRENNER) and me to continue meetings trying to get this committee back on track and make it whole again. Join us in that request. Please.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from New York has 2 minutes remaining.

Mr. NADLER. Mr. Speaker, we are not here discussing the substance or the merits of the PATRIOT Act or the manner in which it was adopted 4 years ago or the sufficiency of the oversight of the PATRIOT Act by the Committee on the Judiciary. We will have plenty of time to discuss that on the floor in coming weeks. We are discussing the abuse of power and flouting of the rules by the chairman of the committee at the minority hearing on June 10.

What the chairman said today did not contest or dispute a single point or a single allegation or assertion in the resolution. He did not deny that he rigidly cut off witnesses, every witness, in mid-sentence, a practice unheard of normally in the Committee on the Judiciary.

He did not deny that he made several false and disparaging comments about members of the minority in violation of the rules.

He did not deny that he refused on numerous occasions throughout the hearing to recognize members of the minority party attempting to raise points of order.

He did not deny that he violated the rules by adjourning unilaterally and peremptorily the committee hearing while members were seeking recognition and seeking points of order.

He did not deny that his staff cut off our microphones and even the lights when we were attempting to continue the hearing that he had illegally attempted to cut off.

He says that I said that he chaired the hearing with an attitude of total hostility. Watch the C-SPAN tape, not the tape on the committee website, the entire tape on the C-SPAN website. You will see the accuracy of what I said.

This was unforgivable, it was undemocratic, it was tyrannical. It was demeaning to the House and it should not occur again. Regardless of how he normally chairs hearings, regardless of whatever may happen about the PATRIOT Act in the future, this was an exercise in tyrannical disregard of the rights of the members of the minority and the millions of Americans we represent.

It is intolerable, it is abusive, and, therefore, this resolution should be passed and it should not happen again.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

MOTION TO TABLE OFFERED BY MR. DE LAY

Mr. DELAY. Mr. Speaker, I move to table the resolution.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Texas (Mr. DELAY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. NADLER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 191, not voting 20, as follows:

[Roll No. 273]

AYES—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—191

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Berman
Blumenauer
Bono
Boucher
Cox
Cuellar
Davis, Tom
Delahunt
Dicks
Gillmor
Hooley
LaTourette
Millender-McDonald
Miller, George
Oberstar
Oxley
Pelosi
Reyes
Sessions
Young (AK)

□ 2208

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

PACTS MEAN LITTLE WHEN IT COMES TO TRADE

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, a quote from Congress Daily: "Lawmakers seeking to trade their votes on CAFTA should be forewarned. Such deals do not pan out."

A Public Citizen report catalogues promises made to lawmakers by the Clinton and Bush administrations on trade votes from NAFTA to PNTR to TPA. Democratic and Republican administrations delivered on 16 out of 92 deals.

Examples of broken promises, a pledge from the Clinton administration to put in place expedited safeguard procedures for tomatoes. The Bush administration did nothing to utilize those procedures. Tomato imports have grown 137 percent.

On textiles and apparel, a promise made during 2002 TPA to the gentleman from North Carolina (Mr. HAYES), the gentlewoman from North Carolina (Mrs. MYRICK), and then-Representative Ballenger to hire 72 additional customs inspectors, which was never fulfilled.

The gentleman from North Carolina (Mr. HAYES) is leaning against CAFTA. The gentlewoman from North Carolina (Mrs. MYRICK) this week announced her support. That support is based on a pledge from Trade Representative Portman to seek an amendment to CAFTA to help North Carolina producers of pockets and linings proving that textile members like the gentlewoman from North Carolina (Mrs. MYRICK) seem to have learned nothing from the record of broken deals, the report states.

The gentlewoman from North Carolina (Mrs. MYRICK) said she has been assured by Secretary Chertoff that those positions would be filled by 2006.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CONAWAY). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ORDER OF BUSINESS

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CENTRAL AMERICAN FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, at a recent White House news conference President Bush called on Congress to pass the Central American Free Trade Agreement this summer. A couple of weeks ago in this Chamber the most powerful Republican in the House, the gentleman from Texas (Mr. DELAY), promised a vote by July 4. Well, actually, last year the gentleman promised a vote on CAFTA during 2004, then a couple of months ago he promised there would be a vote by Memorial Day. Now, I think the gentleman from Texas (Mr. DELAY) really means it, that there will actually be a vote on CAFTA by July 4.

The many of us who have spoken out against CAFTA, and that includes lots of Republicans and Democrats, people on both sides of the aisle have a message. Our message is dump this Central American Free Trade Agreement. Renegotiate a CAFTA that large numbers of Members of both parties can support.

Now, President Bush signed CAFTA more than a year ago. Every trade agreement negotiated by this administration, Chile, Singapore, Australia, Morocco, every single trade agreement negotiated by this administration has passed Congress within 2 months.

□ 2215

CAFTA, on the other hand, was signed in May of 2004. It has been almost 13 months since CAFTA was signed by the President, but it has languished in Congress for more than a year, six times longer than any other trade agreement. It has languished in Congress for more than a year because this wrong-headed trade agreement offends Republicans and Democrats in large numbers.

Just look at what happened with our trade policy in the last decade. I was elected to Congress in 1992. In those days for that year, the trade deficit, meaning the amount of goods exported from the United States versus imported into the United States, the trade deficit was $38 billion. Twelve years later, in 2004, last year, our trade deficit was $618 billion. From $38 billion to $618 billion, and the President and the gentleman from Texas (Mr. DELAY), the most powerful Republican in the Congress, says that our trade policies are working.

If you think it is working look at this. In addition to the trade deficit going from $38 billion to $618 billion in a dozen years, look at what is happening to the American manufacturing in the last 5 or 6 years.

The States in red are States which have lost 20 percent or more, at least 20 percent, of their manufacturing: Michigan, 210,000 jobs lost; Illinois, 224,000 jobs lost; Pennsylvania, 199,000; New York, 222,000; Mississippi and Alabama, 138,000; South Carolina and North Carolina, 207,000; the gentleman from Ohio's (Mr. KUCINICH) and my State, 217,000 manufacturing jobs lost, more than one out of five manufacturing jobs in our State.

The States in blue have lost 15 to 20 percent of their manufacturing jobs. More than 200,000 in Texas; Florida and Georgia, 178,000. State after State after State. Our trade policy simply is not working, Mr. Speaker.

Now, what the administration's doing, though, what CAFTA supporters in this Congress have done is they have crafted a one-sided plan to benefit multinational corporations at the expense of American and Central American workers, at the expense of American and Central American small business, at the expense of American and Central American farmers.

It is the same old story. Every time there is a trade agreement, the President says three things: It will be mean jobs for Americans, it will mean more manufacturing done in the U.S. and more exports, and it will mean better wages for workers in developing countries.

Mr. Speaker, Benjamin Franklin said 200 or so years ago, the definition of insanity is doing the same thing over and over and over and expecting a different outcome. Every time the President says it is going to mean more jobs for Americans it is going to mean more manufacturing and more export, and it is going to raise living standards in the developing countries. Mr. Speaker, it never, ever does. These promises fall by the wayside in favor of big business interests that send U.S. jobs overseas.

Again, look at this chart. Look at the millions, 200,000, 200 plus, 200, 200, 200,000, 350,000 in California. Millions of jobs sent overseas. The standard of living in the developing world is stagnant, not going up. We are continuing to outsource jobs and the administration says let us pass the dysfunctional cousin of NAFTA. It is pass CAFTA. There is a reason CAFTA and NAFTA rhyme. It is because it is the same old story, the same dysfunctional cousin of NAFTA.

Now, the administration is doing something different. They are linking CAFTA to helping democracy, and helping democracy develop in the developing world. That argument does not sell.

In May, the Chamber of Commerce brought the six Central American and Dominican Republic presidents to the United States on a junket, to Cincinnati, to Albuquerque, to New York, to Los Angeles, to Washington, trying to convince the American people and the American media that this is not working.

The Costa Rican president said they will not ratify CAFTA unless an independent commission could determine the agreement will not hurt the working families in his country.

Now, the administration has opened the bank in time to cut deals.

Mr. Speaker, when the world's poorest people can buy American products, not just make them, we will know our trade policies are finally working.

IN HONOR OF THE 140TH ANNIVERSARY OF JUNETEENTH

The SPEAKER pro tempore (Mr. CONAWAY). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I rise today in honor of the 140th anniversary of Juneteenth. This is the oldest known African American celebration commemorating the ending of slavery in the United States. This holiday actually started because of an event in Texas history.

Back on June 19, 1856, Major General Gordon Granger led Northern soldiers into Galveston, Texas, to announce the ending of the War Between the States and to order the release of the last remaining slaves. While President Lincoln's issuance of the Emancipation Proclamation occurred over 2 years earlier, on January 1, 1863, in the midst of the War Between the States, the peculiar institution of slavery, as Southerners referred to it, continued until this historic day. No one in Texas had ever heard that the slaves had been freed until June 19, 1865.

Before Texas was a State, it was a free republic, independent nation, for 9 years. The Constitution of the Republic of Texas of 1836 expressly forbid the importation of slaves from Africa, but slaves continued to come to Texas from the United States. As a result, slavery spread.

Texas was admitted to the Union in 1845, by just one vote. I might add that some say they wish the vote had gone the other way. Nonetheless, the Lone Star State had some 30,000 slaves. In the census of 1850, 27 percent of the Texas population was slaves. In 1860, right before the war started, it was almost 30 percent.

So on that day in 1865, June 19, thus the phrase, "Juneteenth," Major General Granger dramatically declared when he landed in Galveston, Texas: "The people of Texas are informed that in accordance with a Proclamation from the Executive of the United

States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves."

It is interesting to note, Mr. Speaker, that Lincoln's Emancipation Proclamation only applied to the Southern States. It took the 13th Amendment to free the slaves in the border States and the rest of the United States.

Now Juneteenth has become not just a Texas holiday but a national event. This Sunday, as thousands of Americans across the Nation celebrate Juneteenth through cultural displays and various educational activities, let us reflect back on this milestone in this ongoing struggle for equality and freedom. Let us remember the committed, courageous and critical men and women who made tremendous sacrifices to secure the end of slavery.

Our Nation's history is littered with struggles for freedom starting with our revolution for independence from the British empire. World history, too, is filled with great labors for liberty, based on gender, race, religion and ethnicity. Just this January, I traveled to Iraq to observe its historic election, in which young and old, men and women, achieved the opportunity to make a free choice.

So amidst intimidation, threats and actual violence, the people of Iraq spoke out against the past oppression and broke off the chains of slavery from Saddam Hussein. There is something down in the soul of each of us that we have the yearning and the God-given desire to be free.

African American freedom fighters throughout countless generations paid a precious price to deliver equality and freedom for their brothers and sisters and their posterity. Overcoming many dangers, toils, and snares, civil rights activists like Texan Barbara Jordan, the first black woman to serve in the United States Congress from the South and Craig Washington, a masterful criminal defense attorney and the first black State senator in the State of Texas. He was an attorney and former Member of the United States House of Representatives. James Farmer, another Texas and principal organizer of the "Freedom Rides." Dred Scott, Frederick Douglass, Sojourner Truth, Rosa Parks and Dr. Martin Luther King and some colleagues in this House, as well as many more, helped in the fight for equality in America.

Although we have made significant strides in ensuring that this country fulfills the words of our national anthem, "land of the free and home of the brave," we must always remain ever vigilant and also make the Declaration of Independence a true reality for all peoples.

As that Declaration of Independence says, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

CENTRAL AMERICAN FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Mr. Speaker, soon the House of Representatives will bring before it legislation to clear the way for the Central American Free Trade Agreement to not only be discussed but, in my view, to be challenged.

Earlier my colleague the gentleman from Ohio (Mr. BROWN) spoke about the loss of manufacturing jobs. I come from the Cleveland area, where we know that these trade agreements, NAFTA, GATT, the WTO which followed, have all worked against the American working people. We were told when these agreements were formed that it would mean more jobs in the United States because people in other countries would be buying our goods.

Well, let us look at the facts. Let us look at what the actual wages are and the purchasing power of people in various countries.

How, for example, can people in Honduras, $2,600 a year, be able to buy something that is made in the United States that has any powerful commercial value, like a car or like a washing machine? How could someone living in El Salvador, $4,800 a year, be able to purchase something, some manufactured product in the United States, that costs hundreds or thousands of dollars?

What is happening is that trade agreements are seeking cheaper labor where they can go to countries where the labor is cheap, but they are not selling American goods there. So we are seeing that we are not finding new markets for our goods; yet, we are finding markets for cheap labor. That is what these trade agreements do. They open up markets for cheap labor.

Keep in mind, the workers in Honduras, Guatemala, El Salvador, Dominican Republic, Nicaragua and others represented on this chart, they do not have any rights. They do not have a right under these trade agreements, an inherent right for collective bargaining, a right to organize, a right to strike, a right to decent wages and benefits.

No. As these corporations get more power, they force upon the workers a take-it-or-leave-it proposition where people are basically left to accept working under conditions that are awful, for wages that are miserably low, and if they do not like it, they do not have any kind of a job at all.

Meanwhile, what happens in the United States? We are losing jobs by the millions. The trade agreements, which we have seen this country pass over the last 12 years, have resulted in a destruction of America's basic manufacturing capability.

Remember, our national security has depended on our strategic industrial base of steel, automotive and aerospace, and yet, we are seeing that base decline because of these trade agreements. We are giving away our ability to even defend our country. We are giving away our ability to create good-paying jobs.

Henry Ford understood more than 100 years ago that you had to be able to pay people a good wage so they could buy the things they make. These trade agreements turn all that on its head. Now, American workers are seeing their jobs exported to countries where people make low wages and countries where people cannot by American goods. That is where we are.

CAFTA is another in a long series of trade agreements which have worked against the interests of the American people. We have welcomed representatives of Central America to this Congress in the last week. They have communicated to us. These Members of Congress of Central American countries have communicated to us that this trade agreement was passed in the dead of night in their countries; that this trade agreement was passed without the representatives even knowing what was in the bill; that this trade agreement was passed and set the stage for the privatization of public services. This trade agreement was passed and set the stage for higher taxes, with people already living very humbly with the lowest wages.

We are here to stand up for the American worker, stand up for American manufacturing, to stand up for the future of this country and to stand up for international solidarity on questions of human rights, workers rights and environmental quality principles.

□ 2230

It is time for us to say that CAFTA must be defeated; that we must go back to a whole new trade structure that is based on workers' rights, that is based on human rights, that is based on environmental quality principles.

Commerce essentially depends on the agreements which we come up with in this House of Representatives. But commerce without economic justice is tyranny. Commerce without morality is a degradation of the human spirit. Commerce without basic principles which can strengthen a society is commerce that erodes the social compact of a society.

Mr. Speaker, I appreciate having this opportunity to share with the American people the urgency of seeing CAFTA defeated.

JUNETEENTH

The SPEAKER pro tempore (Mr. CONAWAY). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, June 19th, Juneteenth as it is called, is a unique people's holiday. It is the oldest known celebration of the end of slavery in the United States. It marks the day that union soldiers arrived in Galveston, Texas, in 1865, with news that the war had ended and that all slaves were now free, 2½ years after the Emancipation Proclamation.

We do not know why it took so long for the news to get to Texas, but we do know that the military general order which was posted that day read in part, and I quote "The people of Texas are informed that in accordance with the proclamation from the executive of the United States, all slaves are free."

The news spread like wildfire, and spontaneous celebrations sprang up throughout the State and were repeated each June 19th of each following year. We continue to celebrate Juneteenth because of the importance of slavery in American history and because the lingering effects of slavery remain a part of the legacy of our country.

The legacy of slavery continues to play a role in our daily lives and politics. The vast racial disparities in employment, income, home ownership, education, voter registration and participation, health status and mortality all continue to exist. The great historian John Hope Franklin wrote, and I quote, "Much history occurs of which some historians decide to take no notice."

Juneteenth is the people's answer to the obscuring and distortion of much of the history and experience of African Americans in this country. It is an enduring statement that the truth cannot be suppressed forever, and that the struggle for justice and equality will and must continue.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BLUMENAUER (at the request of Ms. PELOSI) for today after 4:10 p.m. and the balance of the week on account of official business.

Ms. HOOLEY (at the request of Ms. PELOSI) for today after 4:10 p.m. and the balance of the week on account of official business in the district.

Mr. REYES (at the request of Ms. PELOSI) for today after 4:10 p.m. and the balance of the week on account of official business.

Mr. TOM DAVIS of Virginia (at the request of Mr. DELAY) for today after 3:30 p.m. and the balance of the week on account of personal reasons.

Mr. GILLMOR (at the request of Mr. DELAY) for today after 8:00 p.m. and the balance of the week on account of business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, June 23.

Mr. POE, for 5 minutes, June 17 and 20.

Mr. NORWOOD, for 5 minutes, June 17.

Mr. OSBORNE, for 5 minutes, June 20.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. KUCINICH, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1140. An act to designate the State Route 1 Bridge in the State of Delaware as the "Senator William V. Roth, Jr. Bridge"; to the Committee on Transportation and Infrastructure.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title which was thereupon signed by the Speaker:

H.R. 483. An act to designate a United States courthouse in Brownsville, Texas, as the "Reynaldo G. Garza and Filemon B. Vela United States Courthouse".

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 643. An act to amend the Agriculture Credit Act of 1987 to reauthorize State mediation programs.

ADJOURNMENT

Mr. DAVIS of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Friday, June 17, 2005, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2384. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2385. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2386. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Dental Devices: Reclassification of Tricalcium Phosphate Granules and Classification of Other Bone Grafting Material for Dental Bone Repair [Docket No. 2002P-0520] (formerly Docket No. 02P-0520) received May 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2387. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's "Major" final rule — Use of Ozone-Depleting Substances; Removal of Essential-Use Designations [Docket No. 2003P-0029] (RIN: 0910-AF18) received April 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2388. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7877] received June 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2389. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Placement of Alpha-Methyltryptamine and 5-Methoxy-N,N-Diisopropyltryptamine Into Schedule I of the Controlled Substances Act [Docket No. DEA-252F] received April 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2390. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sparta and Morrison, Tennessee) [MB Docket No. 04-316; RM-11047] received May 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2391. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Standards for Business Practices of Interstate Natural Gas Pipelines [Docket No. RM96-1-026] received June 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2392. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Children's Online Privacy Protection Rule — received April 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2393. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Various Changes to the Thrift Savings Plan — received June 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2394. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule — Recruitment, Relocation, and Retention Incentives (RIN: 3206-AK81) received May 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2395. A letter from the Director, Office of Workers' Compensation Programs, Department of Labor, transmitting the Department's final rule — Performance of Functions; Claims for Compensation Under the Energy Employees Occupational Illness Compensation Program Act (RIN: 1215-AB51) received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2396. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30444; Amdt. No. 3121] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2397. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30374; Amdt. No. 3063] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2398. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30379; Amdt. No. 3068] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2399. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Pyrotechnic Signaling Device Requirements [Docket No. FAA-2004-19947; Amendment No. 91-285] (RIN: 2120-AI42) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2400. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Incorporated by Reference Provisions [Docket No. FAA-2004-19247; Amdt. Nos. 71-33, 97-1355] (RIN: 2120-AI39) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2401. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Aviation Safety and Health Partnership Program [Docket No. FAA-2003-14578] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2402. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Harrisburg, PA [Docket No. FAA-2005-20056; Airspace Docket No. 05-AEA-01] received June 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2403. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Washington, KS. [Docket No. FAA-2005-20575; Airspace Docket No. 05-ACE-12] received June 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2404. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Harper, KS. [Docket No. FAA-2005-20577; Airspace Docket No. 05-ACE-14] received June 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2405. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Burns, OR [Docket FAA 2004-18915; Airspace Docket 04-ANM-11] received June 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2406. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Harrisburg, PA [Docket No. FAA-2005-20057; Airspace Docket No. 05-AEA-02] received June 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2407. A letter from the Director, Regulations Management, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Presumption of Sound Condition: Aggravation of a Disability by Active Service (RIN: 2900-AL90) received May 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2408. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Estate of Mitchell v. Commissioner — received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2409. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2005-46] received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2410. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Time for performing certain acts postponed by reason of service in a combat zone or a Presidentially declared disaster (Rev. Proc. 2005-27) received May 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2411. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, first-out inventories. (Rev. Rul. 2005-34) received May 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2412. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Announcement and Report Concerning Pre-Filing Agreements (Announcement 2005-42) received June 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 394. A bill to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes; with an amendment (Rept. 109–135). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 2123. A bill to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes; with an amendment (Rept. 109–136). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1412. A bill to amend the Ports and Waterways Safety Act to require notification of the Coast Guard regarding obstructions to navigation, and for other purposes; with an amendment (Rept. 109–137). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 280. A bill to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields (Rept. 109–138). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. STUPAK (for himself, Mr. EHLERS, Mr. EMANUEL, Ms. SCHAKOWSKY, Mr. BROWN of Ohio, Mr. KILDEE, Mr. KIRK, Mr. LATOURETTE, Ms. BALDWIN, Mr. DINGELL, Mr. LEVIN, Mr. KUCINICH, Ms. BEAN, Mr. HIGGINS, Ms. KAPTUR, and Ms. SLAUGHTER):

H.R. 2930. A bill to prohibit the issuance of any Federal or State permit or lease for new oil and gas slant, directional, or offshore drilling in or under one or more of the Great Lakes; to the Committee on Energy and Commerce.

By Mr. OWENS:

H.R. 2931. A bill to amend part B of title III of the Higher Education Act of 1965 to expand the eligibility requirement to include Predominantly Black Institutions of higher education; to the Committee on Education and the Workforce.

By Mrs. BLACKBURN:

H.R. 2932. A bill to amend the International Air Transportation Competition Act of 1979 to modify restrictions on the provisions of air transportation to and from Love Field, Texas; to the Committee on Transportation and Infrastructure.

By Mr. FORBES (for himself, Mr. Gallegly, Mrs. Jo Ann Davis of Virginia, Mr. Goodlatte, Mr. Boozman, Mr. Burton of Indiana, Mr. Norwood, Mr. Deal of Georgia, Ms. Harris, Ms. Ginny Brown-Waite of Florida, Mr. Issa, Mr. Feeney, and Mr. King of Iowa):

H.R. 2933. A bill to amend the Immigration and Nationality Act to render inadmissible and deportable aliens who have participated in criminal street gangs, and for other purposes; to the Committee on the Judiciary.

By Mr. FILNER (for himself, Mr. Kolbe, Mrs. Davis of California, and Mr. Flake):

H.R. 2934. A bill to authorize Federal payment to emergency ambulance and medical services providers for the cost of uncompensated care of aliens aided by the border patrol or other Federal immigration official; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California:

H.R. 2935. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs; to the Committee on Ways and Means.

By Mrs. DAVIS of California:

H.R. 2936. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for second opinions; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California:

H.R. 2937. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans permit enrollees direct access to services of obstetrical and gynecological physician services directly and without a referral; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN (for himself and Mr. Gordon):

H.R. 2938. A bill to provide for local control for the siting of windmills; to the Committee on Energy and Commerce, and in addition to the Committees on Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Pennsylvania (for himself, Mr. Farr, Mr. Allen, and Mr. Saxton):

H.R. 2939. A bill to establish a national policy for our oceans, to strengthen the National Oceanic and Atmospheric Administration, to establish a Committee on Ocean Policy, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. Becerra, Mr. Reynolds, Mr. Boehlert, Mr. Thompson of California, and Mr. Weller):

H.R. 2940. A bill to amend the Internal Revenue Code of 1986 to clarify that certain settlement funds established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 are beneficially owned by the United States and are not subject to tax; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2941. A bill to amend the Internal Revenue Code of 1986 to modify the qualified small issue bond provisions; to the Committee on Ways and Means.

By Mr. GRAVES (for himself, Mr. Kennedy of Minnesota, and Mr. Wilson of South Carolina):

H.R. 2942. A bill to amend title 18, United States Code, to protect potential victims of sex crimes by strengthening the sentencing provisions for sex offenders; to the Committee on the Judiciary.

By Mr. GRAVES (for himself, Mr. Honda, Mr. Inslee, and Mr. Baird):

H.R. 2943. A bill to amend the Small Business Act to establish eligibility requirements for business concerns to receive awards under the Small Business Innovation Research Program; to the Committee on Small Business, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Mr. Hinchey, Mr. Moore of Kansas, and Mr. Owens):

H.R. 2944. A bill to provide for the assessment of a penalty to gasoline retailers who charge prices grossly in excess of the prescribed index price for gasoline; to the Committee on Energy and Commerce.

By Mr. LoBIONDO (for himself, Mr. Holden, Mr. Saxton, Mr. Hastings of Florida, Mr. King of New York, Mr. Van Hollen, Ms. Herseth, Mr. Brown of South Carolina, Mr. Moore of Kansas, Mr. Pascrell, Mr. Frelinghuysen, Mr. Smith of New Jersey, Mr. Menendez, Mr. Owens, Mr. Platts, Mr. Holt, Mr. McNulty, Mr. Pallone, Mr. Hinchey, and Mr. Issa):

H.R. 2945. A bill to amend the Public Health Service Act to extend preventive-health and research programs with respect to prostate cancer; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself and Ms. Hart):

H.R. 2946. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-McDONALD:

H.R. 2947. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize the use of funds for the inclusion in domestic violence education programs of information on legal rights available to teenage victims of dating violence; to the Committee on Education and the Workforce.

By Ms. MILLENDER-McDONALD (for herself, Mr. Owens, Mr. Moore of Kansas, Mr. Jefferson, Mr. Wexler, and Ms. Woolsey):

H.R. 2948. A bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the Medicaid and State children's health insurance programs through better linkages with programs providing nutrition and related assistance to low-income families; to the Committee on Energy and Commerce.

By Mr. GEORGE MILLER of California (for himself, Mr. Kildee, Ms. Pelosi, Mr. Owens, Mr. Payne, Ms. Woolsey, Mr. Hinojosa, Mrs. McCarthy, Mr. Tierney, Mr. Wu, Mr. Kucinich, Mr. Holt, Ms. McCollum of Minnesota, Mrs. Davis of California, Mr. Davis of Illinois, Mr. Grijalva, Mr. Van Hollen, Mr. Ryan of Ohio, Mr. Bishop of New York, Mr. Barrow, Mr. Higgins, Mr. Doggett, Ms. Matsui, Ms. Baldwin, Mr. Michaud, Mrs. Jones of Ohio, Mr. Stark, Mr. Conyers, and Ms. Solis):

H.R. 2949. A bill to amend the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. NEAL of Massachusetts:

H.R. 2950. A bill to amend the Internal Revenue Code of 1986 to provide a revenue-neutral simplification of the individual income tax; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 2951. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments by excluding from income a portion of such payments; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin (for himself and Mr. Herger):

H.R. 2952. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage bond financing, and for other purposes; to the Committee on Ways and Means.

By Mr. SCOTT of Georgia:

H.R. 2953. A bill to designate the building located at 493 Auburn Avenue, N.E., in Atlanta, Georgia, as the "John Lewis Civil Rights Institute"; to the Committee on Resources.

By Mr. SESSIONS:

H.R. 2954. A bill to suspend temporarily the duty on manganese metal flake containing at least 99.5 percent by weight of manganese; to the Committee on Ways and Means.

By Mr. SMITH of Texas:

H.R. 2955. A bill to amend title 28, United States Code, to clarify that the Court of Appeals for the Federal Circuit has exclusive jurisdiction of appeals relating to patents, plant variety protection, or copyrights, and for other purposes; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 2956. A bill to provide for the establishment of certain restrictions with respect to drugs containing isotretinoin (including the drug marketed as Accutane); to the Committee on Energy and Commerce.

By Mr. ABERCROMBIE (for himself, Mr. Jones of North Carolina, Mr. Kucinich, Mr. Paul, Mr. Meehan, Ms. Woolsey, and Ms. Lee):

H.J. Res. 55. A joint resolution requiring the President to develop and implement a plan for the withdrawal of United States

Armed Forces from Iraq, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself and Mr. BILIRAKIS):

H. Con. Res. 179. Concurrent resolution expressing the sense of the Congress regarding bone marrow failure diseases; to the Committee on Energy and Commerce.

By Mr. HOYER (for himself, Mr. WELDON of Pennsylvania, Mr. ANDREWS, Mr. BOEHLERT, and Mr. THOMPSON of Mississippi):

H. Con. Res. 180. Concurrent resolution to support initiatives developed by the Firefighter Life Safety Summit and the mission of the National Fallen Firefighters Foundation and the United States Fire Administration to reduce firefighter fatalities and injuries, to encourage implementation of the new "Everyone Goes Home" campaign to make firefighter safety a national priority, and to support the goals of the national "stand down" called by fire organizations; to the Committee on Science.

By Mr. FOSSELLA (for himself, Mr. BILIRAKIS, Mrs. MALONEY, Mr. RYAN of Ohio, Mr. PETERSON of Minnesota, Mr. MCNULTY, Mr. ANDREWS, Mr. RANGEL, Mr. KUHL of New York, Mr. DAVIS of Illinois, Mr. ROTHMAN, Ms. WATSON, Mr. FRELINGHUYSEN, Mr. HOLT, Mr. MCGOVERN, Mr. PALLONE, Mr. LANTOS, Mr. SCOTT of Virginia, Mr. MENENDEZ, and Mr. MCCOTTER):

H. Res. 325. A resolution honoring the spiritual leadership of Archbishop Iakovos to Greek Orthodox Christians in the Western Hemisphere; to the Committee on Government Reform.

By Mr. GALLEGLY (for himself, Mr. WEXLER, and Mr. SMITH of New Jersey):

H. Res. 326. A resolution calling for free and fair parliamentary elections in the Republic of Azerbaijan; to the Committee on International Relations.

By Ms. LEE (for herself, Mr. LANTOS, Mr. PAYNE, Mr. GUTIERREZ, Ms. NORTON, Mr. CONYERS, Mr. OWENS, and Ms. JACKSON-LEE of Texas):

H. Res. 327. A resolution supporting the goals and ideals of National Passport Month; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. MCCAUL of Texas.

H.R. 21: Ms. SCHWARTZ of Pennsylvania and Mr. PLATTS.

H.R. 66: Mr. FITZPATRICK of Pennsylvania.

H.R. 70: Mr. TOM DAVIS of Virginia.

H.R. 75: Mr. BASS.

H.R. 97: Ms. SOLIS.

H.R. 98: Mr. COBLE.

H.R. 111: Mr. OLVER.

H.R. 128: Mr. ISRAEL and Mr. MILLER of Florida.

H.R. 147: Mr. BOOZMAN and Mr. FORBES.

H.R. 274: Mr. GERLACH and Mr. SOUDER.

H.R. 282: Mr. LUCAS, Mr. LEWIS of Kentucky, and Mrs. BLACKBURN.

H.R. 408: Mrs. CAPPS, Mrs. BONO, and Ms. ZOE LOFGREN of California.

H.R. 503: Mr. SCOTT of Virginia and Mr. BOEHLERT.

H.R. 515: Mr. GREEN of Wisconsin.

H.R. 517: Ms. WOOLSEY, Mr. HAYWORTH, Mr. MATHESON, Mr. TAYLOR of North Carolina, Mr. DANIEL E. LUNGREN of California, and Mrs. NAPOLITANO.

H.R. 559: Mr. NADLER and Mr. BRADY of Pennsylvania.

H.R. 586: Mr. RENZI.

H.R. 602: Mr. AL GREEN of Texas, Mr. KENNEDY of Rhode Island, Mrs. JO ANN DAVIS of Virginia, and Mr. SOUDER.

H.R. 676: Ms. MCKINNEY.

H.R. 698: Mr. KUHL of New York and Mr. MARCHANT.

H.R. 752: Ms. ROYBAL-ALLARD, Mr. SPRATT, and Mr. ORTIZ.

H.R. 758: Mr. RYAN of Ohio and Mr. GRIJALVA.

H.R. 759: Mr. HINCHEY, Mr. SERRANO, Mr. RANGEL, Mr. FATTAH, Mr. CLAY, Ms. LEE, Mr. WEINER, and Mr. BISHOP of New York.

H.R. 791: Mrs. MALONEY and Ms. WATSON.

H.R. 801: Mr. BOUCHER.

H.R. 809: Mr. HENSARLING, Mr. PRICE of Georgia, Mr. MCKEON, Mr. DOOLITTLE, and Mr. REICHERT.

H.R. 822: Mr. LEWIS of Georgia and Mr. CONYERS.

H.R. 827: Mr. ROTHMAN.

H.R. 846: Mrs. CAPPS.

H.R. 881: Mr. BISHOP of New York.

H.R. 910: Mr. WELLER, Mr. RYUN of Kansas, Mr. REYES, and Mr. RAHALL.

H.R. 916: Mr. STRICKLAND, Mr. FITZPATRICK of Pennsylvania, and Mr. NADLER.

H.R. 920: Mr. JONES of North Carolina, Mr. LATHAM, and Mr. FRANKS of Arizona.

H.R. 923: Mr. SOUDER.

H.R. 947: Mr. MILLER of Florida and Mr. JEFFERSON.

H.R. 953: Mr. BRADY of Pennsylvania.

H.R. 972: Mr. GRIJALVA.

H.R. 997: Mr. FEENEY.

H.R. 1002: Mr. LAHOOD, Mr. BACA, and Mr. MOORE of Kansas.

H.R. 1059: Mr. LYNCH.

H.R. 1078: Ms. SCHAKOWSKY.

H.R. 1106: Mr. BRADY of Pennsylvania and Mr. STUPAK.

H.R. 1149: Mr. SOUDER.

H.R. 1155: Ms. BERKLEY.

H.R. 1157: Mr. THOMPSON of California.

H.R. 1186: Mr. CANNON.

H.R. 1199: Mr. PASTOR.

H.R. 1204: Mr. HIGGINS, Mr. DAVIS of Tennessee, Ms. BERKLEY, and Mr. WATT.

H.R. 1214: Mr. LARSEN of Washington.

H.R. 1216: Mr. HIGGINS.

H.R. 1219: Mr. PRICE of Georgia.

H.R. 1288: Mr. HOEKSTRA, Mr. RENZI, Mr. PEARCE, Mr. FLAKE, Mr. HAYWORTH, Mr. GIBBONS, Mr. BISHOP of Utah, and Mr. ENGLISH of Pennsylvania.

H.R. 1295: Mr. BACA.

H.R. 1306: Mr. BUYER, Mr. SAXTON, and Mr. PICKERING.

H.R. 1313: Mr. GOODE, Ms. SCHWARTZ of Pennsylvania, and Mr. MARCHANT.

H.R. 1316: Mr. CARTER, Mr. BURTON of Indiana, and Mr. WILSON of South Carolina.

H.R. 1322: Mr. KENNEDY of Rhode Island.

H.R. 1402: Mr. MICHAUD, Mr. FORD, and Mr. BRADY of Pennsylvania.

H.R. 1417: Mr. MACK.

H.R. 1424: Mr. LEACH.

H.R. 1431: Ms. ZOE LOFGREN of California.

H.R. 1438: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1471: Mr. BASS.

H.R. 1494: Mr. BOSWELL, Mr. WELDON of Pennsylvania, Mr. BOEHLERT, Mr. BISHOP of Georgia, Mr. RYAN of Ohio, Ms. BORDALLO, and Mr. UDALL of Colorado.

H.R. 1510: Mr. DAVIS of Kentucky.

H.R. 1517: Mrs. JO ANN DAVIS of Virginia, Mr. HAYWORTH, and Mrs. DRAKE.

H.R. 1526: Mr. NADLER and Ms. WOOLSEY.

H.R. 1540: Mr. ADERHOLT.

H.R. 1548: Mrs. JONES of Ohio, Mr. LEACH, and Mr. FORD.

H.R. 1566: Mr. DUNCAN.

H.R. 1582: Mr. HINCHEY.

H.R. 1588: Ms. HOOLEY and Mr. BRADY of Pennsylvania.

H.R. 1591: Mr. KILDEE, Mr. STUPAK, and Mr. HINCHEY.

H.R. 1600: Mr. MURTHA.

H.R. 1632: Mr. POMEROY and Mr. COOPER.

H.R. 1639: Mr. TIERNEY.

H.R. 1668: Mr. THOMPSON of Mississippi, Mr. PAYNE, and Mr. FRANK of Massachusetts.

H.R. 1671: Mr. SCHIFF.

H.R. 1672: Mr. PAYNE.

H.R. 1696: Mr. SNYDER.

H.R. 1736: Mr. HIGGINS, Ms. MCCOLLUM of Minnesota, and Mr. REICHERT.

H.R. 1749: Mr. LAHOOD and Mr. ETHERIDGE.

H.R. 1792: Mr. CLYBURN, Mr. CUMMINGS, Mr. DAVIS of Illinois, and Mr. PASCRELL.

H.R. 1793: Mr. SPRATT.

H.R. 1850: Mr. WAXMAN.

H.R. 1951: Mr. REYES, Mr. BARTLETT of Maryland, and Mr. PETERSON of Minnesota.

H.R. 2012: Ms. SCHAKOWSKY.

H.R. 2061: Mrs. MUSGRAVE, Mrs. DRAKE, Mr. LATHAM, Mr. TIAHRT, Mr. BOREN, Mr. MACK, Mr. ENGLISH of Pennsylvania, and Mr. BOUSTANY.

H.R. 2123: Ms. ROS-LEHTINEN.

H.R. 2188: Mr. CUMMINGS.

H.R. 2207: Mr. JEFFERSON and Mr. CONYERS.

H.R. 2216: Mrs. MUSGRAVE.

H.R. 2230: Mr. CAMP.

H.R. 2233: Mr. MENENDEZ, Mr. MCDERMOTT, and Mr. WEXLER.

H.R. 2234: Mr. TOM DAVIS of Virginia and Mr. ENGLISH of Pennsylvania.

H.R. 2317: Mr. ANDREWS, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Mr. ROTHMAN, Ms. LORETTA SANCHEZ of California, and Ms. WATERS.

H.R. 2327: Mr. KENNEDY of Rhode Island and Mr. CARNAHAN.

H.R. 2328: Ms. HERSETH.

H.R. 2335: Mr. ALEXANDER, Mr. WEXLER, Mr. FALEOMAVAEGA, and Mr. ROGERS of Kentucky.

H.R. 2389: Mr. JINDAL.

H.R. 2418: Mr. DAVIS of Illinois, Mr. FEENEY, Mr. BRADY of Pennsylvania, Ms. ZOE LOFGREN of California, Mr. CROWLEY, Mr. JOHNSON of Illinois, Mr. SCHIFF, and Mrs. BLACKBURN.

H.R. 2429: Mr. ISRAEL, Mr. PASTOR, and Mr. RUSH.

H.R. 2474: Mr. BURTON of Indiana and Mr. ISSA.

H.R. 2521: Mr. PUTNAM, Mr. PAYNE, and Ms. NORTON.

H.R. 2533: Mr. SKELTON, Mr. MCHUGH, and Mr. HINOJOSA.

H.R. 2562: Mr. SABO.

H.R. 2574: Mr. BLUNT.

H.R. 2616: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2629: Mr. BRADY of Pennsylvania.

H.R. 2648: Mr. SOUDER and Mr. FOLEY.

H.R. 2692: Mr. ALLEN.

H.R. 2694: Mr. SCHIFF.

H.R. 2722: Mr. DOYLE.

H.R. 2794: Mrs. CUBIN, Ms. HERSETH, and Mr. MCNULTY.

H.R. 2804: Mr. BASS and Mr. ROGERS of Michigan.

H.R. 2830: Mr. SHAW and Mr. SESSIONS.

H.R. 2834: Mr. COOPER.

H.R. 2877: Mr. OWENS.

H.R. 2895: Mr. STARK.

H.R. 2899: Mrs. CUBIN.

H.R. 2927: Mr. CARNAHAN.

H.J. Res. 53: Mr. LUCAS, Mr. HEFLEY, Mr. CAMP, and Mr. EHLERS.

H. Con. Res. 40: Ms. HERSETH.

H. Con. Res. 55: Mr. COBLE, Mr. ALEXANDER, Mr. OWENS, Mr. CONAWAY, and Mr. SALAZAR.

H. Con. Res. 71: Mr. DAVIS of Illinois.

H. Con. Res. 90: Mr. KENNEDY of Rhode Island and Mr. BERMAN.

H. Con. Res. 123: Mr. FATTAH.

H. Con. Res. 128: Mr. WAXMAN.

H. Con. Res. 155: Mr. KING of New York, Ms. SLAUGHTER, and Mr. POMEROY.

H. Con. Res. 157: Mr. VAN HOLLEN, Mr. MILLER of Florida, Mr. ENGLISH of Pennsylvania, Ms. MILLENDER-McDONALD, Mr. CUMMINGS, Mr. MURTHA, Mr. CHANDLER, Mr. McGOVERN, Mr. HINCHEY, Mr. GOHMERT, Ms. HERSETH, Mr. SNYDER, Mr. BOEHLERT, and Mr. CONYERS.

H. Con. Res. 160: Mr. HOLT.

H. Con. Res. 172: Mr. McNULTY, Mr. OWENS, Mr. BERMAN, Mr. RANGEL, and Mrs. McCARTHY.

H. Res. 15: Mr. COOPER, Mr. WAMP, Mr. FORD, Mr. JENKINS, Mr. TANNER, Mr. DAVIS of Tennessee, Mr. GORDON, Mr. McINTYRE, Mr. ORTIZ, and Mr. JEFFERSON.

H. Res. 67: Mr. SABO.

H. Res. 166: Mr. MEEHAN, Mr. KIRK, Mr. PAYNE, Mr. CONYERS, Mr. KILDEE, Mr. TOWNS, Mrs. LOWEY, Mr. MARIO DIAZ-BALART of Florida, Mr. ANDREWS, Mr. BERMAN, and Mr. HOLT.

H. Res. 215: Mr. MARCHANT.

H. Res. 220: Mr. COSTA, Mr. CASE, Mr. JOHNSON of Illinois, Mr. OTTER, Mrs. DAVIS of California, and Mr. PICKERING.

H. Res. 289: Mr. McNULTY, Mr. OLVER, Mr. BISHOP of Georgia, Mr. ABERCROMBIE, Mr. CASE, Mr. SHIMKUS, Ms. ZOE LOFGREN of California, Mr. LAHOOD, and Mrs. DAVIS of California.

H. Res. 318: Mr. FEENEY.

H. Res. 323: Mr. VAN HOLLEN, Mr. SOUDER, Mr. MOORE of Kansas, Mr. WELDON of Pennsylvania, Mr. BOSWELL, and Mr. OWENS.

PETITIONS, ETC.

Under clause 3 of rule XII,

22. The SPEAKER presented a petition of the Committee on European Affairs, Hungarian Parliament, relative to a Declaration regarding the imprisonment of medical staff in Libya; which was referred to the Committee on International Relations.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2863

OFFERED BY: MR. DEAL OF GEORGIA

AMENDMENT NO. 12: At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Defense Prisoner of War/Missing Personnel Office of the Department of Defense until the Secretary of Defense submits to Congress a report assessing the level of cooperation and interaction of that Office with the National League of Families of American Prisoners and Missing in Southeast Asia and The Chosin Few (the organization of Korea/Cold War Families) and the members of those organizations, particularly with respect to compliance with chapter 76 of title 10, United States Code, and other applicable provisions of law.

H.R. 2863

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 13: Page 29, line 17, after the dollar amount, insert the following: "(reduced by $500,000,000)".

Page 102, line 24, after the dollar amount, insert the following: "(increased by $500,000,000)".

Page 112, line 4, after the dollar amount, insert the following: "(increased by $500,000,000)".

HOUSE OF REPRESENTATIVES—*Friday, June 17, 2005*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. BONNER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 17, 2005.

I hereby appoint the Honorable JO BONNER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal God, Father of all, bless the work of Congress today. May the Members of this Chamber and all Americans find true significance in their work and rejoice with coworkers in the final product or collaborative service they produce for the good of others.

As we approach the weekend, we praise You and we bless You, Lord, for all fathers, both living and dead. Their very presence or their memory can instill in us strength wrapped in gentleness, forbearance revealed in practicality, and a self-giving love which is a reflection of Your own infinite life and goodness.

Grant stability to American family life, that children of this generation and the next may know peace of heart, and find refuge from a competitive and violent world in the recesses of home.

May fathers of this Nation be the first and best teachers of their children to find satisfaction in hard work, beauty and strong character, the ways of faith, the joys of family life, and the importance of justice.

This we ask of You, Eternal Father, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minute requests on each side.

ATLANTA'S ENVIRONMENTAL SUCCESS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, today is a great day for metropolitan Atlanta. For the first time in quite a while, Georgians can breath easier and healthier.

According to the EPA, the air quality in the Atlanta area is better today than it has been for over a quarter century. In fact, the region has made significant strides when it comes to the environment. Custom fuel, periodic automobile emission checks, and curbing industrial emissions have all contributed to these much-improved results.

In fact, the environment is shaping up, and air quality is on the rise all across the Nation. Reports have shown that in the 1990s levels of air pollution decreased, for lead by 60 percent, for carbon monoxide by 36 percent, for particulates by 18 percent, and for ozone by 4.

We in Georgia are on our way to building on this news. Thanks to the commitment made by citizens and business and elected officials, a true partnership has developed. Today I congratulate the hard work of all of those who have made this possible and look forward to even more environmental success in the Sixth District of Georgia and all across this great Nation.

THE PRESIDENT IS THE OBSTRUCTIONIST

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, a few weeks ago the President said, "Those who obstruct reform, no matter what party they are in, will pay a political price."

Ironically, it is not the Democrats that are slowing Social Security reform, but the President's insistence on the privatization of Social Security. The privatization of Social Security has become the poison pill to progress.

In a world where retirements have become less, not more secure, people like the security that comes with Social Security, as the United Airlines employees have just told us. The American people have overwhelming rejected the President's proposal for privatization of Social Security. It is time to move on.

We Democrats have retirement security ideas, such as a 401(k) automatic enrollment, direct deposit of tax returns into 401(k)s, a 50-percent government match for savings. Republicans have ideas as well, and we are not all that far apart. But before we can move forward, privatization of Social Security has to come off the table, just like it was removed in 1983, that led to a 75-year security of Social Security.

We can choose to lead, or we can endlessly debate the privatization of Social Security, a plan the American people have already rejected. Let us not allow the President's privatization to stand in the way of progress.

THE NEED FOR SENATOR DURBIN TO APOLOGIZE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, two suspected terrorists were arrested last week for plotting to blow up a supermarket in California. If they are convicted and sent to Guantanamo, they will be greeted by U.S. soldiers who treat them humanely and provide Korans, prayer rugs and nutritious meals.

However, the Democrat whip Senator DURBIN this week slanderously compared U.S. soldiers serving honorably at Guantanamo to mass murderers Hitler, Stalin, and Pol Pot. His statements were irresponsible, disrespectful and, most of all, dangerous.

By likening American troops to brutal tyrants who killed millions of innocent civilians and misrepresenting the vital mission at Guantanamo, the Democrat whip Senator DURBIN has put our soldiers and the American people at risk. His dangerous political diatribe will only embolden terrorists who seek to justify their determined war against our citizens at home and abroad.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Senator DURBIN should apologize to U.S. soldiers and American families for his smear and slander. As terrorists plot to infiltrate our country and murder innocent civilians, American leaders should not embolden their horrific agenda.

In conclusion, God bless our troops, and we will never forget September 11.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair advises Members that remarks in debate may not engage in personalities toward Members of the Senate.

SUPPORT H.J. RES. 55, WITHDRAWING U.S. TROOPS FROM IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, yesterday a bipartisan coalition of Members of Congress introduced H.J. Res. 55, which is a binding congressional resolution calling on President Bush to begin withdrawing the United States Armed Forces from Iraq on or before October 1, 2006.

This bipartisan binding resolution is entitled Homeward Bound, and it is about bringing our troops home. I would like to cite some provisions of the statement of policy which is in H.J. Res. 55. It says that it is the policy of the United States to announce, not later than December 31, 2005, a plan for the withdrawal of all U.S. forces from Iraq.

And, second, it is our policy to turn over all military operations in Iraq to the elected Government of Iraq, and provide for the prompt and orderly withdrawal of all U.S. Armed Forces from Iraq; and, finally, to initiate such a withdrawal as soon as possible, but not later than October 1, 2006.

Support H.J. Res. 55. Thank you.

ELECTION DAY IN IRAN

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, today is election day in Iran. As cochair of the Iran Study Group, with my colleague the gentleman from New Jersey (Mr. ANDREWS), we saw 1,000 people stand for the Presidency of Iran. But the Guardian Council only allowed eight candidates to actually run.

We expect that Rafsanjani will win this election today, and when we does, with less than half of the Iranian people voting, he will have a choice before him and his nation: whether to continue Iran's policy of lying to the U.N. about its nuclear weapon program, of supporting terror, and continuing a policy of economic isolation and stagnation, or rejoining the international community and spurring economic growth in a new Iran as part of a worldwide community that does not support terror.

Mr. Speaker, we hope, we hope, that the new Iranian Government chooses wisely.

SUPPORTING CHAIRMAN SENSENBRENNER

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, 1 week ago the House Committee on the Judiciary convened a memorable hearing on the PATRIOT Act. Members of the Democratic minority called the hearing. All of the witnesses at the hearing opposed the PATRIOT Act, and, in fact, broadly opposed administration action. Since I was there, I can say with authority, throughout a contentious hearing the Chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), was tough, fair and respectful to Members and witnesses regardless of their point of view.

Now, some have called the hearing undemocratic. Well, there were hard issues, strong disagreements, but they were debated under the rules fairly administered. Undemocratic? Hardly. This was democracy at work.

I commend the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER) for his leadership of the Committee on the Judiciary and am proud to serve on it.

COMMUNICATION FROM CONSTITUENT REPRESENTATIVE OF HON. DEVIN NUNES

The SPEAKER pro tempore laid before the House the following communication from Marjorie Risi, Constituent Representative of the Honorable DEVIN NUNES, Member of Congress:

JUNE 15, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the Superior Court for Fresno County, California, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

MARJORIE RISI,
Constituent Representative.

HENRY J. HYDE UNITED NATIONS REFORM ACT OF 2005

The SPEAKER pro tempore (Mr. BONNER). Pursuant to House Resolution 319 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for further consideration of the bill, H.R. 2745.

☐ 0913

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for further consideration of the bill (H.R. 2745) to reform the United Nations, and for other purposes, with Mr. LAHOOD (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the committee of the Whole rose on Thursday, June 16, 2005, amendment No. 3 printed in Subpart C of Part 1 of House Report 109–132 by the gentleman from Massachusetts (Mr. MARKEY) had been disposed of.

It is now in order to debate the subject of human rights.

Pursuant to House Resolution 319, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Florida (Ms. HARRIS).

Ms. HARRIS. Mr. Chairman, I rise today in support of the Henry J. Hyde United Nations Reform Act. We have seen in recent years a steady stream of reports detailing mismanagement, corruption and outright abuse of the U.N. operations, from the Oil-for-Food Scandal in Saddam Hussein's Iraq, to reports of U.N. peacekeepers raping children in Bosnia and Sudan, to reports of nepotism, cronyism, and financial irregularities in the U.N. missions around the world.

We have seen clearly evidence of mismanagement and corruption, fraud and abuse in this institution. The U.N. Reform Act was developed to address these failings by streamlining U.N. programs, restoring accountability, setting clear budget and operational priorities. These are baseline reforms that many U.N. supporters agree have been needed for years, and that can be achieved within a reasonable timeframe to restore the U.N.'s functionality and credibility.

To drive the process of reform, this bill sets forth a strong enforcement mechanism by withholding 50 percent of U.S. dues if these reforms are not instituted by 2007. With this enforcement mechanism we can ensure that the U.N. lives up to the ideals it was founded to advance six decades ago.

I would like to take this opportunity to thank Chairman HYDE for his leadership, for his wisdom and for his statesmanship in developing this legislative package to bring a new era of oversight and accountability to the U.N.

Mr. LANTOS. Mr. Chairman, I yield to the distinguished Democratic whip as much time as he might consume.

Mr. HOYER. Mr. Chairman, I thank the distinguished gentleman from California (Mr. LANTOS) for yielding me the time.

Mr. Chairman, the question before this House today is not whether the United Nations should be reformed, but how the institution must be reformed. Virtually every Member of the House agrees with this proposition. If the U.N. is going to retain its credibility, it must implement meaningful reform in areas such as budgeting, oversight, and accountability, and certainly peacekeeping and human rights.

We, of course, are not alone in this assessment. The administration agrees. The congressionally established Task Force on the United Nations, which just issued its report on reform this week, agrees. Even top officials of the United Nations agree that reform is needed, and Secretary General Kofi Annan has issued a broad reform agenda.

It is well established, Mr. Chairman, that the U.N. suffers under poor management, low staff morale, and a lack of accountability and professional ethics. Even worse, the organization has been wracked by scandal; for example, revelations of corruption in the Food-for-Oil program in Iraq, and evidence that U.N. peacekeepers sexually abused women and children that they were sent to protect.

However, administrative incompetence and even corruption pale in comparison to the United Nations's failure to act to prevent genocide, most recently in Rwanda, Bosnia and Kosovo, and, yes, even as we speak in Darfur, Sudan.

Let no one be mistaken, Mr. Chairman, I believe the United States' national security interests are served and strengthened by our active participation in international organizations, including the United Nations, but, Mr. Chairman, we must not flinch from asking, can an organization established to promote tolerance, human rights and the peaceful resolution of disputes long survive when its members cannot summon the will to stop the slaughter of innocent men, women and children, or to enforce resolutions adopted overwhelmingly to achieve international stability and security?

The answer, I think, is self-evident. Specifically, I believe the U.N. ideal is undermined when members refuse to act against an international outlaw such as Saddam Hussein, who flagrantly flouts his obligations under countless Security Council resolutions.

Frankly, Mr. Chairman, we are mired in a war in Iraq, where the United States is bearing the overwhelming burden to act against an international lawbreaker against whom the United Nations unanimously passed 17 resolutions in 12½ years saying that he was in violation of the obligations imposed upon him by the United Nations, and which they, in a united way, agreed he had not complied with. As I have stated before, the member states of the United Nations must respond to such defiance with more than mere words. They must respond with action.

Now, Mr. Chairman, I appreciate the motivation of Chairman HYDE's bill; however, I disagree with its method, an enforcement mechanism that would mandate a 50 percent cut in the United States contribution to the U.N. should the legislation's 39 proposed reforms not be implemented. As Under Secretary of State Nicholas Burns of this administration told the Washington Post, this approach would undermine American credibility at the United Nations; it would undermine our, meaning the United States' effectiveness.

In contrast, the Democratic substitute offered by Mr. LANTOS is far superior. It maintains, Mr. Chairman, the link between achieving U.N. reforms and withholding a portion of the United States assessed dues; however, critically importantly, it gives the Secretary discretion to make such cuts, rather than mandating them.

As an aside, let me say, Mr. Chairman, that I believe that as long as we are a member of the U.N., we have an obligation, a duty, it is in our interest, to pay our fair share. Importantly as well, the substitute provides the Secretary with a waiver to the requirement to veto all new peacekeeping missions or to expand existing missions. To do otherwise, in my opinion, would be a significant mistake.

The Republican bill provides no waiver. In effect, it would block the United States from supporting any new peacekeeping mission, including involvement in a crisis like the one in Darfur, until peacekeeping reforms are completed.

Very frankly, the victims of genocide cannot wait for a recalcitrant United Nations to accomplish those reforms until such time as we act to save lives, prevent dislocation, and maintain the safety and human rights of the inhabitants of some country.

Finally, Mr. Chairman, this substitute directs the Secretary of State to withhold 10 percent of our contributions to the U.N.'s peacekeeping budget when the U.N. fails to suspend the membership and act against a member which is engaged in or acquiescing in genocide.

Again, Mr. Chairman, none of us questions the necessity of U.N. reform. Reform is not optional, it is imperative. The underlying bill, however, is an unproductive and harmful response to real problems.

The Democratic substitute, the substitute offered by the ranking Democrat, the gentleman from California (Mr. LANTOS), gives us our best opportunity to strengthen and revitalize the U.N., and I urge my colleagues in a bipartisan way, on both sides of the aisle, liberals and conservatives, concerned about both the reform of the United Nations, but also the effective operation of an international organization, our best hope to maintain international law and order, to protect human rights and redeem the promises made when we created the organization we know as the United Nations.

And I thank my friend for yielding the time, supporting this substitute, and I urge all of my colleagues to do the same.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Henry J. Hyde U.N. Reform Act of 2005 is, without a doubt, tough but necessary medicine designed to effectuate systematic and sustainable reforms at the United Nations bureaucracies, its missions, and programs. It is serious and refuses to accept business as usual. And nowhere is the need for massive reform more compelling than in the realm of human rights.

Over the years we have heard calls for reform. Time and again they have fallen on deaf ears. In a bizarre rendition of George Orwell's Animal Farm, countries which severely violate human rights of their own citizens are members in good standing at the U.N. Human Rights Commission and as such sit as judge and jury of human rights conditions around the world. ECOSOC, the United Nations body which appoints states to the Human Rights Commission, facilitates this cruel hoax, which guarantees dysfunction at the human rights body, and allows violators and violating countries to continue to be placed on the Commission with no accountability whatsoever because of its secret voting procedures.

Even U.N. officials have admitted the Commission is not doing its job. A U.N. high-level panel in December of 2004 concluded that the UNCHR's credibility and professionalism has been undermined due to the active undermining of the work of the Commission by members with poor human rights records.

In March, U.N. Secretary Kofi Annan told the Commission, and I quote him, "unless we remake our human rights machinery, we may be unable to renew public confidence in the United Nations."

Indeed, Mr. Chairman, in March I was in Geneva for the Human Rights Commission for the umpteenth time. I first started going back when Armando Valladares, that great human rights leader in Cuba, was appointed as our ambassador by Ronald Reagan. And I had seen over these many years that that body has gone from bad to worse. There was no resolution, for example, this year on Zimbabwe, called an outpost of tyranny by Secretary Rice.

There was no resolution on Turkmenistan, the most repressive of the 55 countries of the OSCE, whose government bulldozes mosques, tortures Christians and closes rural hospitals. And there is no resolution on the People's Republic of China, despite the fact that they have an egregious human rights record and routinely torture and maim, especially those who are political dissidents, and those who practice their faith, whether it be Christian, Jewish, Tibet or the Muslims. China persecutes all of those individuals, by the tens of thousands, including the Falun Gong, and yet there was no resolution on China.

Resolutions, I am happy to say, against Belarus and Cuba were approved, but that was because President Bush himself and Rudy Boschwitz, who led our delegation, and Ambassador Moley and others did a Herculean job of getting countries that were likely not to support them to do so, but it took their personal lobbying. It was not about their human rights records, it was about trying to motivate these countries to do the work that they should have done otherwise.

Even the U.N. High Commissioner for Human Rights, Louise Arbour, a former Supreme Court Justice from Canada, told me in a conversation I had in Geneva just a few weeks ago that she believes the atmosphere at the Commission on Human Rights is surreal, her word, and that there is, quote, no intellectual engagement or serious consideration on the issues.

The current model is ill-suited to the task, she noted, in which the Commission is both the adjudicator and the implementor of human rights. She said, and I quote her again, the process needs to reinvent itself, and that is precisely what Congressman HYDE is trying to do with this, very strong language, very strong piece of legislation; to finally say, time to put away the games and speak truth to power, especially to these dictatorships.

I would just point out to my colleagues anecdotally that the Commission on Human Rights so often turns human rights on its head.

Bob Fu, the president of China Aid Association, and a victim of the Chinese gulag himself, who testified before my subcommittee in April, is just one more example of the hypocrisy of that body. Mr. Fu was physically expelled from the Commission when the Chinese delegation objected and said they felt threatened by the electric shock device that Mr. Fu was showing at a demonstration on how China mistreats and tortures its prisoners. His credentials were taken away, and he was given the boot.

But it is not just the Commission on Human Rights that is broken; other human rights bodies that deal with human rights have also strayed from their core mandates and have failed to act against severe human rights violators.

Mr. Chairman, despite almost universal acknowledgment of the problems which exist at the U.N. human rights system, there has been little reform; lots of lip service, lots of we will do it next week, we will do it next year; nothing tangible. In fact, it has actually gotten worse over these many years.

It is clear more pressure is needed, and the Henry J. Hyde U.N. Reform Act of 2005 is intended to end this deplorable state of affairs.

□ 0930

The legislation mandates that the U.N. adopt criteria for membership on any human rights body. It should be a no-brainer, but this legislation stipulates that countries which fail to uphold the Universal Declaration of Human Rights should be ineligible for membership. You would think that would be a given. Well, it is not. This legislation tries to ensure that it is a given.

Likewise, countries that are subject to sanction by the Security Council, countries that are subjected to country-specific human rights resolutions, or countries that violate the principles of the human rights bodies they aspire to join would be ineligible for membership.

In addition to the other criteria, the bill mandates that no human rights body has a standing agenda item that relates only to one country or region. We all know what that is all about. Every time I have been over in Geneva, and I know the gentleman from California (Mr. LANTOS) and others have been concerned about this as well, there is a whole agenda item that focuses on Israel. And the Israel bashing is unconscionable, while China and other countries get by scott-free.

We had to fight to ensure that Sudan, as the killing and maiming was occurring in Darfur, was even on the agenda. Then there was this attempt made by a number of countries including Sudan and Cuba to water down the language.

Genocide is being committed, and they are worrying about upsetting the apple cart and using language that might cause somebody in Khartoum to be upset.

H.R. 2745 also mandates that the Economic and Social Council, ECOSOC, abolish secret voting, which is an outrage. That is one of the things that ensures that these violator states, these rogue states, get on to the Commission on Human Rights.

Finally, Mr. Chairman, I do believe that in the Hyde bill there is very strong support for the work of the U.N. High Commissioner for Human Rights and the need to strengthen and expand its authority to go into regions where human rights monitors are most needed, such as Darfur and eastern Congo.

I strongly urge my colleagues to support this bill and to enact the human rights reform contained in this legislation. We need a United Nations which speaks strongly and clearly for the universal respect for and observance of fundamental human rights and the dignity and worth of each and every human person, and equal rights of men and women as a foundation for freedom and justice and peace in the world.

More high-sounding words will not help the U.N. reform itself. We need the strength of this legislation to do it, and we have a responsibility to do it as the largest donor and as a world leader in the realm of human rights.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, how much time remains?

The Acting CHAIRMAN (Mr. LAHOOD). The gentleman from California (Mr. LANTOS) has 2 minutes remaining.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first commend the gentleman from Illinois (Chairman HYDE) for crafting particularly powerful provisions with respect to the human rights issue. Let me pay tribute to my friend, the gentleman from New Jersey (Mr. SMITH), an indefatigable fighter for human rights, for his powerful statement; and let me identify myself with his comments. And let me commend the Democratic whip, the gentleman from Maryland (Mr. HOYER), for his strong statement on the bill and on the human rights aspects of it.

Probably no issue relating to human rights is as hypocritical as the performance of the U.N. in recent years. The hypocrisy of the U.N. has reached astronomical proportions when it comes to human rights. The leading advocate of human rights, the United States, is excluded from the Human Rights Commission. The most outrageous violators of human rights are placed in positions of power within the Human Rights Commission. And if it would not be so serious, it would be a ludicrous theater of the absurd as we watch the so-called U.N. Human Rights Commission protect human rights violators and attack champions of human rights.

The gentleman from Illinois (Chairman HYDE) and I stand shoulder to shoulder in our determination to improve the human rights mechanism of the United Nations. We feel that this hypocritical performance of recent years must come to an end. And it is absolutely mandatory that the current Human Rights Commission be abolished and a new human rights entity composed only of countries that respect human rights be created.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time has expired.

It is now in order to consider amendment No. 1 printed in Subpart D of Part 1 in House Report 109–132.

PART 1, SUBPART D AMENDMENT NO. 1 OFFERED BY MR. ROYCE

Mr. ROYCE. Mr. Chairman, I offer an amendment.

The Acting Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 1, Subpart D amendment No. 1 offered by Mr. ROYCE:

In section 201(b) (relating to human rights reforms at the United Nations), add at the end the following new paragraph:

(6) The practice of considering in the principal body in the United Nations for the promotion and protection of human rights country specific resolutions relating to human rights abuses perpetrated by the government of a Member State within such Member State shall not be eliminated.

In section 601(a)(3)(A), strike "39" and insert "40".

In section 601(a)(3)(B)(i), redesignate subclauses (XIII) and (XIV) as subclauses (XIV) and (XV), respectively, and insert after subclause (XII) the following new subclause:

(XIII) Section 201(b)(6).

The Acting CHAIRMAN. Pursuant to House Resolution 319, the gentleman from California (Mr. ROYCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as has been discussed today, the United Nations is in need of widespread reform. And one area where the United Nations has egregiously failed is its appalling human rights record and its appalling Commission on Human Rights. If this issue were not so serious, it would really be laughable.

The promotion and protection of human rights has been a core task of the United Nations since its founding in 1945. Yet over the years, the Commission on Human Rights has gone from, in fact, being a protector of human rights to an accomplice of dictators throughout the world.

Some of the worst violators of human rights work through their regional blocs to gain nomination and election to this commission in order to protect themselves and their allies from criticism.

This April our ambassador to the U.N. in Geneva said of the process, "The inmates are very close to being in charge of the asylum."

Mr. Chairman, the U.N.'s human rights mechanisms frankly are broken. Unless the United Nations recasts its human rights body, it may be unable to renew any level of public confidence. The Hyde bill takes several well-overdue steps to ensure that a future U.N. human rights body does not become the farce that today's is. Under the Hyde legislation, the United Nations would adopt the foundational principle that countries that fail to uphold the universal declaration of human rights would be ineligible for membership in that body as well as those who have been sanctioned by the Security Council.

This amendment would add another important reform in the area of human rights. The amendment simply states that country-specific resolutions shall not be eliminated within the human rights body. And this provision would be subject to the certification and withholding process of the underlying bill.

The amendment's purpose is to thwart attempts to eliminate country-specific resolutions within the Commission on Human Rights or any other future human rights bodies.

Believe it or not, in the recent past, several countries have informally advanced the idea of eliminating these resolutions which highlight the abuses of individual countries. The "naming and shaming process," as it is called, is one of the most effective ways at the U.N. to pressure countries to curtail human rights abuses. Were it to be eliminated, we might as well shut down the human rights body all together, which is exactly what the violator countries would like to have us do.

This issue was brought earlier this year before the Subcommittee on Africa, Global Human Rights and International Operations of which I serve as vice chair. Deputy Assistant Secretary of International Organizations Mark Lagon testified before the subcommittee that "there has been a disturbing trend against which we have fought for developing countries to turn away from country-specific resolutions that single out and place under international scrutiny those countries with the worst of human rights records. Even more pernicious," he says, "some countries argue for the elimination of all country-specific resolutions," and there is a growing consensus among states that practice these abuses, "except those targeted at Israel under Item 8, the only agenda item devoted exclusively to one country." That is what they want to maintain while eliminating all other country-specific resolutions.

The sad reality is that there are countries out there that are working to eliminate what should be the core function of any U.N. human rights body, naming the human rights violators. Unlike this year where there was no resolution on Zimbabwe and no resolution on Sudan, there would not even be the possibility of bringing up a resolution focused on a specific country. Just when you thought it could not get worse. Again, it would be laughable if it were not so serious.

That is why this amendment is important. Some argue that the naming and shaming is too blunt an instrument. Instead, they prefer what they call "quiet diplomacy." More often than not, silent diplomacy is the best friend of states who violate human rights.

When I meet with those who have been beaten and tortured for attempting to stand for election in Zimbabwe or victims of the Janjaweed in Darfur, Sudan, many tell me how much words of support and condemnation from the world mean to them and those in their country who are fighting for freedom.

This important leverage of naming and shaming must be kept if there is hope of reviving the United Nations' standing on human rights. I urge the passage of this amendment.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first commend my good friend, the gentleman from California (Mr. ROYCE), for his extremely valuable amendment, which of course we are prepared to accept with the exception of the 50 percent penalty provision which applies to all of the amendments that we accept during our presentation of the Lantos-Shay substitute in which we will deal with the penalty provisions.

Without being able to single out perpetrators of human rights violations, the Human Rights Commission and its work is useless.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. SCHIFF), the distinguished member of the Committee on International Relations.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, from a distance, the United Nations headquarters gleams, its signature glass tower dominating the East River skyline of Midtown Manhattan. But a closer look reveals evidence of decades of neglect. Sandbags and tar paper dot the roof to plug leaks. The Under Secretary-General for Management's office shows signs of water damage. Asbestos hangs from ceilings. The buildings furniture and fixtures clearly date from the early 1960s.

The crumbling infrastructure of the headquarters is a metaphor for the state of the United Nations itself. Conceived in the waning days of World War II, the U.N. is a mid-20th century institution in a 21st-century world. While the U.N. was designed to prevent war between nations, it has been called upon with increasing frequency to stop intrastate conflict and solve the challenges of failed states and terrorism. In this new undertaking, the U.N.'s performance has been unremarkable.

In early March, I visited the United Nations and met with members of the

U.S. mission and high-level officials of the Secretariat to discuss the ongoing reform of the world body and to assess the state of the relationship between the U.S. and the U.N. I came away impressed with the urgent need for reforms that I hope will lead to a more effective United Nations.

We need to strengthen the U.N.'s capacity to quickly and effectively deploy peacekeepers to halt and prevent genocides and other forms of intrastate and ethnic violence that have become prevalent in the post-Cold War period.

We need to end the obscene irony of having Libya and Sudan sit in judgment of human rights practices of others. We need to stop member states of the U.N. from dominating the agenda with innumerable attacks on our democratic ally Israel as a means of deflecting attention from the appalling lack of economic opportunity and political freedom in many parts of the world.

As by far the largest contributor in the U.N., this country has a huge stake in the success of these reform efforts. But even as we work to correct the U.N.'s problems, we cannot lose sight of the fact that the U.N. serves so many of our national security interests. U.N. peacekeepers instead of American troops are stationed in numerous hot spots around the globe from Haiti to the Middle East to the Congo. The U.N. helped structure and manage the recent Iraqi elections that were an important milestone.

The U.N. has coordinated the global response for Asian tsunami relief for nearly 6 months. It played a vital role in Afghanistan's transformation from a medieval theocracy to a nascent democracy. And the U.N. has also been a key player in the creation of the nation of East Timor.

U.N. experts have been instrumental in coordinating international efforts to fight diseases that in this age of jet travel move across borders and between continents easily and often with devastating results. These are significant contributions to America's national security, and we cannot discount their importance.

We must push the U.N. to change, but I have deep misgivings about the legislation introduced by my distinguished colleague, the gentleman from Illinois (Mr. HYDE). And as an aside, Mr. Chairman, we use the word "distinguished" here very readily, perfunctorily. It is an honorific. It is occasionally a soporific. But in the case of our chairman, the gentleman from Illinois (Mr. HYDE), I mean the word in all its sincerity. I think there is no chairman and indeed no ranking member held in higher regard by the members of the committee than our chairman, the gentleman from Illinois (Mr. HYDE), and our ranking member, the gentleman from California (Mr. LANTOS).

Mr. Chairman, I feel honored to serve in the same Congress with the chairman.

I believe the bill that we are considering today is too focused on unilaterally punishing the U.N. rather than using our prestige and diplomatic leverage to achieve reforms. If the idea is to use reform as a way to strengthen the U.N., I do not believe this is the right approach.

My misgivings are shared by the administration and by a bipartisan group of former U.S. ambassadors to the U.N. including Richard Holbrooke, Tom Pickering, and Jeane Kirkpatrick. Yesterday, Under Secretary of State Nicholas Burns said the bill would undermine the credibility of the U.S. at the U.N.

I will be supporting the substitute, Mr. Chairman, authored by our ranking member, the gentleman from California (Mr. LANTOS).

In conclusion, I believe the substitute is a sensible and tough approach that will help us push a reform agenda and give us the flexibility to choose not to use punitive measures if our Secretary deems it is in the national interest.

The Acting CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. ROYCE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. ROYCE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. ROYCE) will be postponed.

It is now in order to consider amendment No. 2 printed in subpart D of part 1 of House Report 109–132.

PART 1, SUBPART D AMENDMENT NO. 2 OFFERED BY MR. FORTENBERRY

Mr. FORTENBERRY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 1, Subpart D amendment No. 2 offered by Mr. FORTENBERRY:

In title I, add at the end the following new section (and conform the table of contents accordingly):

SECTION 110. GENOCIDE AND THE UNITED NATIONS.

(a) UNITED STATES ACTION.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to ensure the formal adoption and implementation of mechanisms to—

(1) suspend the membership of a Member State if it is determined that the government of such Member State is engaged in or complicit in, either by commission or omission, acts of genocide, ethnic cleansing, or crimes against humanity;

(2) impose an arms and trade embargo and travel restrictions on, and freeze the assets of, all groups and individuals responsible for committing or allowing such acts of genocide, ethnic cleansing, or crimes against humanity to occur;

(3) deploy a United Nations peacekeeping operation or authorize and support the deployment of a peacekeeping operation from an international or regional organization to the Member State with a mandate to stop such acts of genocide, ethnic cleansing, or crimes against humanity;

(4) deploy monitors from the United Nations High Commissioner for Refugees to the area in the Member State where such acts of genocide, ethnic cleansing, or crimes against humanity are occurring; and

(5) authorize the establishment of an international commission of inquiry into such acts of genocide, ethnic cleansing, or crimes against humanity.

(b) CERTIFICATION.—In accordance with section 601, a certification shall be required that certifies that the mechanisms described in subsection (a) have been adopted and implemented.

In section 601(a)(1), insert "section 110," after "104(e),".

In section 601(a)(3)(A), strike "39" and insert "40".

In section 601(a)(3)(A), strike "ten" and insert "11".

The Acting CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Nebraska (Mr. FORTENBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when a government of a member state of the United Nations is engaged in or complicit in acts of genocide, war crimes or crimes against humanity, other member states must not stand idly by.

The U.N. is given the authority and mechanisms to discipline such members in article 5 of its charter; yet it often fails to do so.

This amendment explicitly directs the U.S. permanent representative to use the voice, vote, and influence of the United States to make every effort to see that member states are held accountable. This accountability would include the following actions:

One, suspending the membership of a member state if it is determined that the member state's government is engaged in or complicit in, either by omission or commission, acts of genocide, ethnic cleansing, or crimes against humanity;

Two, imposing an arms and trade embargo, travel restrictions, and asset freeze upon groups or individuals responsible for such acts;

Three, deploying a U.N. peacekeeping operation or authorize and support the deployment of a peacekeeping operation from an international or regional organization;

Four, deploying monitors from the United Nations High Commissioner for Refugees to the area where such acts are occurring;

Five, authorizing the establishment of an international commission of inquiry into such acts.

Mr. Chairman, as an active member of the United Nations, America has a responsibility to help strengthen this important body for worldwide deliberation. The spirit of the United Nations is undermined when it fails to address blatant disregard for its own charter. Its very character and effectiveness are weakened. Those governments engaged in crimes against humanity should not maintain their full rights and privileges at the U.N.

Finally, Mr. Chairman, I would like to thank the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS) for their important leadership on the issue of U.N. reform, and the chairman, as well as his staff in particular, for working with me on this important issue of genocide.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, as I am not opposed to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend my friend from Nebraska (Mr. FORTENBERRY) for his very useful amendment. In substance we are in agreement with the amendment; but as I will point out when we offer our substitute, the punitive portions are particularly absurd in this instance.

Any permanent member of the Security Council can veto U.N. action. Assuming that China would veto action in the instance described by my friend from Nebraska, the United Nations would not be able to mount the action called for, yet we would penalize the U.N. for a veto by a member state. That is why the automaticity of the 50 percent withholding is simply illogical. It makes no sense.

The substance of the gentleman's amendment is sound and valid. We have no objections to it, and I want to commend him for his initiative.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The gentleman from Nebraska (Mr. FORTENBERRY) has 3 minutes remaining.

Mr. HYDE. Mr. Chairman, I will accept the amendment.

Mr. FORTENBERRY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Nebraska (Mr. FORTENBERRY).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. FORTENBERRY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nebraska (Mr. FORTENBERRY) will be postponed.

It is now in order to debate the subject of the Oil-for-Food program. The gentleman from California (Mr. ROYCE) and the gentleman from California (Mr. LANTOS) each will control 10 minutes.

The gentleman from California (Mr. ROYCE) is recognized.

Mr. ROYCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think every Member in this House agrees that the United Nations needs reform, and I believe that frankly reform at the U.N. is imperative.

The substitute bill that our esteemed ranking member, the gentleman from California (Mr. LANTOS), has offered in our markup in many, many ways mirrors the bill we are considering today. It endorses many of the same reforms that the Hyde bill also endorses. But there is a fundamental difference between the two bills, and that goes to the issue of what mechanism do we employ to try to bring about the type of reforms both bills endorse.

Now, the substitute that was offered in committee and will be offered on the floor authorizes the Secretary of State to push for reforms The Hyde bill is tougher. It requires that reforms be made or U.S. dues are partially withheld. The majority of members on the Committee on International Relations consider that the leverage of dues is the necessary mechanism, and I believe the only mechanism, with a chance of actually bringing about these needed reforms.

Some have suggested that the bill here has too strong a pill in it. This is tough treatment. But I would ask Members to remember that reforming the United Nations is a tough game. Without strong leverage, I am afraid that the Secretary of State's voice would be lost in the din of voices at the U.N. that have resisted reform for years and years.

The Oil-for-Food scandal is the exclamation point when we speak about the need for U.N. reform. I think it is safe to say that we would not be here today promoting broad reform across the U.N. were it not for the magnitude of the malfeasance and graft in the Oil-for-Food program.

It was this scandal that propelled many to take a hard look at the United Nations. The portion of this bill that addresses the U.N.'s systemic weaknesses in its current oversight efforts is particularly welcome. The bipartisan Gingrich-Mitchell report released this week found that "despite the effort of a few member states, the United Nations remains lacking in oversight and accountability."

The underlying bill mandates the creation of a well-funded independent oversight board with the authority to initiate investigations into mismanagement and wrongdoing. It establishes procedures to protect U.N. employees or contractors who report allegations of misconduct; and it establishes policies to end single-bid contracts.

Mr. Chairman, the Committee on International Relations has been investigating the United Nations Oil-for-Food program since March of 2004. In this Congress, the committee has established the Subcommittee on Oversight and Investigations, chaired by my colleague, the gentleman from California (Mr. ROHRABACHER), on which I serve, which has looked deep into this scandal.

The U.N. Oil-for-Food program was established in December of 1996 to provide relief to Iraqi people who were facing hardships as a result of U.N. sanctions which were imposed on Baghdad after the 1990 invasion of Kuwait. Under the program, Iraq was permitted to sell oil to purchase food and medicine and humanitarian supplies. We entrusted the U.N. to contain a dictator who had used WMD on his own people and invaded a neighboring country.

By accepting oil for food, we put great trust in the U.N. and it failed. Lax oversight and corruption enabled Saddam's regime to raise billions in illicit revenue by requiring its trading partners to pay kickbacks in exchange for doing business in Iraq.

The seriousness of the Oil-for-Food's corruption cannot be underweighed. This program centered on issues of war and peace. Saddam Hussein's regime manipulated this program which helped the Iraqi dictator stay in power. Our country went to war in Iraq which has come at great cost in American lives and treasure. Those who did not support this policy put even greater faith in Oil-for-Food.

With Oil-for-Food, we are not talking about run-of-the-mill waste and fraud that is standard at the U.N. We are talking about corruption of a program that seriously impacted our vital national interests, interests vital enough to send our servicemen and -women to Iraq.

The issues surrounding the Oil-for-Food program brings into question the ability of the United Nations to conduct a containment-oriented sanctions regime.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I want to pay tribute to the leadership of the gentleman from Illinois (Chairman HYDE) on the Oil-for-Food investigation. I also want to recognize the work of my friend, the gentleman from California (Mr. ROHRABACHER), and the ranking member on the investigations committee, my good friend, the gentleman from Massachusetts (Mr. DELAHUNT).

It is now clear that the U.N.'s management of that program was plagued by sloppy administration which led to a failure to detect solicited bribes, collusion with contractors, interference with auditors who were assigned to ferret out abuse.

Even more sickening than these U.N. failings was the behavior of some member states such as France and Russia who jumped at the chance to participate in Saddam's crimes against the international community.

□ 1000

To win Russian support for lifting U.N. sanctions, Saddam granted one-third of the Oil-for-Food contracts, worth some $10 billion, to Russian firms. He also appears to have directed bribes in the form of tradable oil vouchers to key officials on Putin's staff, his former Chief of Staff Alexander Voloshin, and to Russian political parties and politicians, including the fascist Vladimir Zhirinovsky.

With respect to the amendments we are about to debate, we consider generally the amendments acceptable, but the withholding of U.N. dues on an automatic basis makes them in some cases unenforceable, and, in other cases, disproportionate to the events under discussion. We feel strongly that the United Nations must clean up its act if it is to continue to receive the support of the American people and this Congress.

Mr. Chairman, I reserve the balance of my time.

Mr. ROYCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me explain some of the difficulty we face here in the way in which this sanctions regime broke down. Because of the need to maintain consensus within the Security Council and the broader membership in the United Nations, somehow the United Nations inevitably seems to become neutral or perhaps even sympathetic to the very regime being sanctioned, in this case it was Saddam Hussein's regime, and that neutrality inevitably led to loopholes in the program that Saddam Hussein was able to effectively exploit.

When the Committee on International Relations began to look into the Oil-for-Food scandal, I stated that support for similar U.N. administrative programs will be zero unless the United Nations is forthcoming with information needed to investigate this scandal, and that the withholding of this information was a scandal in itself.

We all agree that the credibility of the United Nations is on the line. As reports continue to come to light, and they come to light even this week, they seem to offer more questions than answers. Wherever this investigation leads, the seriousness of this issue cannot be discounted.

Some have argued that U.N. Secretary General Kofi Annan is making reforms, so why push him? The fact is that the Secretary General needs help. For one, he is a lame duck due to his necessity of leaving office in 2006. He may not realize it, he may not even appreciate it, frankly, but this bill will give Secretary General Annan the leverage he needs to make reform in his limited time left, should he choose to use it. Nothing focuses a bureaucracy like a threatened budget cut. Sometimes strong medicine is what is needed. This is needed.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 3 minutes to my good friend, the distinguished gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in opposition to the underlying bill, H.R. 2745. I also believe that these two amendments are probably superfluous. But, broadly speaking, clearly the Oil-for-Food scandal is a problem. It needs serious attention.

I think all of us in this House agree that the U.N. is in need of serious, ambitious reform, but the underlying bill seeks to achieve that reform by assuming once again that the United States can dictate to the rest of the world. The United Nations does need to clean up its act, and it has already begun to do so. It is establishing a Management Performance Board to monitor senior managers, appointing the top U.S. State Department finance expert as the U.N.'s new management chief, and consolidating a comprehensive antifraud and corruption policy, in part based on a recent model developed by the World Bank. These are just a few of the many actions the U.N. is taking.

In short, the organization's top bureaucrats are pressing for reform, and they need to, because the world is watching. But this U.N. Reform Act ignores this reality. It is self-destructive in its isolationism. In shifting funds from assessed to voluntary contributions, the Hyde bill attempts to legislate for the world by circumventing the General Assembly, where budgetary matters must be approved by consensus. Measures such as these breed resentment and weaken our credibility. At a time when the U.S. public image abroad is already suffering, member states do not need a new excuse to think of the U.S. as a bully.

The Hyde bill would halt the expansion or creation of new peacekeeping missions if the U.N. does not meet a very unrealistic time line for reform. Such a move would signal a U.S. disengagement from the world's problems, including the worst humanitarian crisis of our time, the genocide in the Sudan, and it would make the U.S. appear narrowly focused on our pocketbook, rather than grave humanitarian concerns. I would add, the Oil-for-Food scandal is not one where the U.S. has perfectly clean hands.

We have several golden opportunities these next few months to make the world safer and to fight global poverty. We have the G–8 meeting in Scotland in July and the U.N. General Assembly summit in New York City in September. The U.S. should be showing leadership regarding the proposed Peacebuilding Commission, which the administration supports, and increasing the effectiveness and amount of aid. The Hyde bill is an unfortunate distraction that detracts from U.S. leadership and undermines the potential of the U.N.

There is a price to be paid for putting the U.S. at odds with some of our closest allies. Our allies and other nations are going to be less willing to cooperate with the U.S. on antiterrorism or other efforts if the U.S. continues to refuse to be a global team player.

For those reasons, I urge my colleagues to support the Lantos-Shays substitute, which removes these harmful provisions.

Mr. ROYCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, most Americans probably do not realize it, but most other governments, friends and foes alike, put great stock in the United Nations, for better or for worse, and for this reason the U.N. impacts the United States very significantly. That is why in this era of great challenges, of great threats to our security, we must do all we can to shake the U.N. from the deep failings described by the Gingrich-Mitchell report and referenced in this legislation. That is why I am supporting this bill and asking my colleagues to do the same.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. HYDE), our distinguished chairman.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I just wanted to respond to the last speaker who used the words "bully" and "legislating for the world." The litany of reforms which we deem essential in our legislation is mirrored in the Lantos bill, so if I am a bully, he is a bully. Actually, neither of us are bullies. We are a couple of nice guys. But these changes that are necessary, we all agree. The only difference is how to implement them.

So I thought I would just make that comment.

Mr. LANTOS. Mr. Chairman, I am delighted to yield the balance of my time to the gentleman from Massachusetts (Mr. DELAHUNT).

The Acting CHAIRMAN (Mr. LAHOOD). The gentleman from Massachusetts is recognized for 4½ minutes.

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I think it is important to note that the former Speaker of this institution Mr. Gingrich considers that this is a moment where reform is attainable without the necessity of mandatory, automatic withholding of United Nations dues.

Let me read an excerpt from a press conference that the former Speaker held back on April 15 of this year: "I know of no occasion where there has been as wide an agreement that the U.N. has to be reformed. I know of no occasion where we have had a Secretary General as open and direct as Kofi Annan has been the last 2 months about the need for reform. And I think the very reason that Senator Mitchell and I were willing to chair this particular project is our belief that this could be a remarkable moment to get some significant things done that will give the world a more transparent, a more accountable and a more effective United Nations."

Mr. Chairman, I think what is particularly important about the Gingrich-Mitchell task force report is that it does not recommend the automatic withholding of dues. Presumably they agree with those eight former United States Ambassadors to the United Nations, individuals like Jeane Kirkpatrick, who is an icon to many who are of the politically conservative persuasion. And this is what those eight former U.S. Ambassadors had to say, that the base bill would "create resentment, build animosity and actually strengthen opponents of reform."

Do we just simply want to ignore their warnings? Do we want to proceed in a manner that is going to defeat what is clearly a consensus in this institution about the need for reform? This is being practical. This is about an effort to secure a more effective, more transparent organization.

The stars are aligned, I would suggest. Yes, as Speaker Gingrich says, this is a propitious moment for reform, and we, I would suggest, could very well derail that effort.

I would like to just make a brief observation about the Oil-for-Food program, and I see my friend, the Chair of my subcommittee, here. Let me suggest that the base bill, and even the substitute for that matter, does not address, if you will, a fundamental problem that very well may be inherent in the institution, because, as I have said over and over and over again, we can reform the Secretariat. I do not think that is a difficult chore. But we ignore the fact that it was the Security Council, the Security Council itself.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. ROHRABACHER), the chairman of the Subcommittee on Oversight and Investigations.

Mr. ROHRABACHER. Mr. Chairman, I would agree with my colleague and friend that this is a moment, a rare moment, when we actually have an opportunity to get something done that needs to be done. Unfortunately, what we hear from the other side of the aisle is let us pass this opportunity up by not making the demands that we are making contingent upon anything that we do.

In other words, we are now going to make our demands for accountability, make our demands for reforms, which we have done in the base bill, but if these reforms are not implemented, if the United Nations continues in its incompetent and corrupt way, as in the past, there is going to be no penalty for it. If that is the case, what will happen is we will have surely passed up this historic moment to bring true reform to an international organization.

□ 1015

I would suggest that those who think that withholding our dues and the threat of withholding our dues is wrong, because Mr. Gingrich, by the way, supports the withholding of the dues as a tactic, if they are opposed to withholding dues or any other form of implementation, they are not for reform. This requires more than simple talk.

The Acting CHAIRMAN (Mr. LAHOOD). It is now in order to consider amendment No. 1 printed in Subpart E of Part 1 of House Report 109–132.

PART 1, SUBPART E AMENDMENT NO. 1 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 1, Subpart E amendment No. 1 offered by Mr. FLAKE:

At the end of section 104, insert the following new subsection:

(f) CERTIFICATION OF UNITED NATIONS COOPERATION RELATING TO OIL-FOR-FOOD PROGRAM.—

(1) ACTIONS.—In accordance with section 601, a certification shall be required that certifies that the following actions relating to the oil-for-food program have been taken by the United Nations:

(A) The United Nations Secretary General has authorized the release to a law enforcement authority of any Member State (upon request by the permanent representative to the United Nations of such Member State on behalf of such law enforcement authority) or to a national legislative authority authentic copies of any document in the possession of the United Nations, including any document in the possession of a person who was engaged on a contract basis to provide goods or services to the United Nations, that in the judgment of such requesting law enforcement authority or national legislative authority directly or indirectly concerns the oil-for-food program or a sanction imposed on Iraq related to the oil-for-food program.

(B) The United Nations has waived any immunity enjoyed by any United Nations official from the judicial process in the United States for any civil or criminal acts or omissions under Federal or State law that may have transpired within the jurisdiction of the United States in connection with the oil-for-food program.

(2) DEFINITION.—As used in this subsection, the term "oil-for-food program" means the program established and administered pursuant to United Nations Security Council Resolution 986 (April 14, 1995) and subsequent United Nations resolutions to permit the sale of petroleum products exported from Iraq and to use the revenue generated from such sale for humanitarian assistance.

In section 601(a)(1), strike "104(e)" and insert "104(f)".

In section 601(a)(3)(A), strike "39" and insert "41".

In section 601(a)(3)(A), strike "ten" and insert "11".

The Acting CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to the Hyde U.N. Reform Act. I appreciate the work that the chairman has done on this important topic and the work of the entire committee and staff.

I lived in the country of Namibia April 1989 through April of 1990. I worked with government officials and the future leaders of that country as it sought full implementation of U.N. Resolution 435. This experience gave me a firsthand witness of how effective the U.N. can be in ushering in democracy and helping a country in its peaceful and successful emergence from the authority of another country.

Several years later, after the fall of Saddam Hussein's regime, I traveled to Iraq with my colleague, the gentleman from Indiana (Mr. PENCE). While we were there, we saw the indulgences of Saddam, his sons, and his friends in the form of palaces and rooms full of booze, paintings, fine china, luxury furniture, and more. Several of these palaces were built and outfitted when the U.N. was supposed to be monitoring the sale of oil in exchange for food and medicine for the Iraqi people.

Sure, the lot of some Iraqis improved marginally under the Oil-for-Food program, but they were the lucky ones, and their conditions went from destitute to impoverished. We cannot characterize Saddam's agreement to the program as being driven by a genuine concern for Iraqis. His intention was malicious at the outset. He only agreed to the program after he was satisfied that he would be able to manipulate it.

My point is that I have seen the U.N. work, but, more often and more recently, I have seen it fail miserably. I will not recount the list of scandals, because it is too long. We have heard all about them already.

Let me just touch on a couple of points in the Oil-for-Food scandal, however, because that is the catalyst for the reform we are talking about today.

The GAO estimates that more than $10 billion of illegal transactions took place under the program. In January of last year, an Iraqi newspaper published a list of about 270 foreign officials, business people, and political entities that have benefited from the scheme, and many of those officials are from countries opposed to U.S. interests. Russia alone received more than $1 billion worth of oil vouchers.

Benon Sevan, the leader, the senior official responsible for the administration of the program, solicited and received on behalf of a third party several million barrels of allocations of oil. The U.N.'s own investigations under Paul Volcker have stated that Saddam's actions "seriously undermined the integrity of the United Nations."

The son of the Secretary General was employed by a contracting firm up until the time that the firm won a contract from the U.N. for the program. The Volcker Committee reported that "Kojo Annan actively participated in efforts by Cotecna to conceal the continuing relationship with him."

Just this week we are hearing about questionable communications between the Secretary General and that same contracting firm. Two of the senior investigators on the U.N.'s self-appointed investigation led by Paul Volcker recently resigned on principle and said that the inquiry downplayed Annan's role in the corruption in an interim report released in March. So now, the U.N.'s own investigation is under question.

We need effective investigations into this scandal, truly independent inquiries. We also need to serve justice where necessary and where possible under our law.

In the last Congress and once again in this Congress, I introduced the Oil-for-Food Accountability Act with cosponsors from both parties, I believe around 70 at last count. This amendment that I am introducing today contains provisions of that bill.

Specifically, this amendment would create a certification of U.N. cooperation that, one, requires the U.N. to provide documentary evidence to member states investigating the Oil-for-Food program; and, two, to waive privileges and immunities of any U.N. employee charged with a crime associated with the program.

Mr. Chairman, this scandal is far too big and too connected to the U.N. to not include these amendments as part of an underlying bill to reform the U.N. I urge support of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as in other instances, we have no substantive complaint about the gentleman's amendment. We believe the automaticity of the punitive provisions are counterproductive, and we will deal with that later on.

Mr. Chairman, I yield 3½ minutes to the gentlewoman from California (Ms. LEE) to address this issue.

Ms. LEE. Mr. Chairman, first let me thank my friend, the gentleman from California (Mr. LANTOS), and I want to thank him for helping really to make some sense out of this entire U.N. reform effort with his substitute.

I rise in opposition to the deeply flawed Hyde bill and in support of the Lantos substitute.

I am glad that we are having this debate on the floor today. I think it is a very healthy debate. I do not think anyone will argue with the fact that the United Nations is in need of reform, but I question the end goal of this overall process with regard to the Hyde legislation.

Is the effort real reform, or is it the Republican leadership's, and I think it is, a very cynical attempt to maybe begin to send the message that we would like to help dismantle or, even worse, begin to pull back or withdraw from the United Nations. I say this because it seems very much in line with public statements of the administration's nominee for the United Nations Ambassador, Under Secretary John Bolton.

As many have observed, the nomination hearings have shown just how much disdain Under Secretary Bolton has for the United Nations and the U.N. system. What message does this send to our allies when such a nomination is made?

Mr. Chairman, it is no secret that many of my colleagues on the other side are vocal critics of the United Nations, but I think the Hyde bill turns criticism really into contempt. It ensures that we return to arrears with the United Nations by requiring withholding of our dues for any one of a number of inflexible reasons. In effect, it is my belief that the Hyde bill sets up any U.N. reform effort to, quite frankly, fail. There simply is no reason to link much-needed U.N. reforms with the withholding of dues in such a drastic fashion.

Mr. Chairman, we should work to reform the United Nations, but, at the same time, also work to support the important programs and the initiatives at the U.N. The fact is, Mr. Chairman, contrary to Under Secretary Bolton's assertions, the U.N. has made a difference in keeping the peace and in diffusing conflicts and easing regional tension. But there is more that needs to be done. The Lantos substitute acknowledges this.

Our efforts should be working with our friends to promote peace and security throughout the world. The fact is, Mr. Chairman, the United Nations is needed now more than ever. How can our commitment to peace and democracy be taken seriously when the administration's nominee has been quoted as saying such things as, "The Secretariat building in New York has 38 stories. If you lost 10 stories today, it would not make a bit of difference." Or, "If I were redoing the Security Council today, I'd have one permanent member because that is the real reflection of the distribution of power in the world."

It is a dangerous and cynical message to be sending on the 60th anniversary of the founding of the United Nations. I find it incredible, Mr. Chairman. It is very incredible that at the time when we have nuclear weapons and weapons of mass destruction pointed in all directions, that we would simply be looking to pull back from the family of nations. It is simply a terrible message to be sending to the rest of the world. In an interdependent world like ours, international organizations like the United Nations should be recognized as an indispensable partner not only in the administration's stated policy of spreading democracy throughout the world, but also in helping us in securing our national security goals.

So please support the Lantos amendment. It does achieve what we need to do with regard to United Nations reform rather than trying to blackmail in pursuit of political interests.

Mr. FLAKE. Mr. Chairman, before yielding the balance of my time to the distinguished chairman, let me just point out, if this is contempt, the only difference, because the Lantos substitute is the same substance, is that this maybe is contempt with teeth as opposed to toothless contempt. It is the same bill.

Mr. Chairman, I yield the balance of my time to the distinguished chairman, the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I simply want to say, in response to my friend, the gentlewoman from California (Ms. LEE), that contempt is not animating our legislation, and I really question the wisdom of penetrating motives, which seems to be a habit with some people. Blackmail was another phrase used. We have a difference of opinion on how to implement the same reforms. That is what we are talking about, what will be effective and what will not.

I do not think we need to question or ascribe contempt for the U.N. We are trying to make the U.N. work. When you pay $442 million a year, you ought to have something to say about how the place operates.

Years ago there was a phenomenon called the Stockholm Syndrome, and I will tell my colleagues about the Stockholm Syndrome later, then.

The Acting CHAIRMAN. The gentleman from California has 1 minute remaining.

Mr. LANTOS. Mr. Chairman, I yield the balance of the time to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I just want to respond to the observation of the gentleman from California (Mr. ROHRABACHER) and comment regarding the former Speaker in terms of the issue of withholding. It was yesterday that Mr. Gingrich said, and I am quoting again from reports of his statement, "Withholding should not be our first resort, but should remain as our last resort." I would submit that this is precisely the logic that is put forth in the Lantos substitute.

One further comment, and I am not going to speak of the Stockholm Syndrome, but with all due respect to my dear friend, the gentleman from Arizona (Mr. FLAKE), his amendment is dangerous because he very well might be jeopardizing investigations, criminal investigations that are ongoing now, because we know what happens when this institution receives information. It appears in the press.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois (Chairman HYDE) be allowed to make his statement.

The Acting CHAIRMAN. A request to extend controlled debate on an amendment must be congruent with the terms of the order of the House. How much time is the gentleman asking for?

Mr. LANTOS. As much time as he requires.

The Acting CHAIRMAN. The Chair would ask the gentleman to be a little more specific.

Mr. LANTOS. I could not be more specific, Mr. Chairman.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIRMAN. The gentleman from Illinois (Mr. HYDE) and the gentleman from Arizona (Mr. FLAKE) each will be recognized for 2 minutes.

Mr. HYDE. Well, I will not abuse the privilege.

Let us get the whole story out on Mr. Gingrich, what he says about withholding. On Wednesday, at the press conference held with himself and Senator Mitchell, Mr. Gingrich stated that he "supports Mr. HYDE's efforts," so that ought to be put into the mix.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. FLAKE) will be postponed.

It is now in order to consider amendment No. 2 printed in Subpart E of Part 1, House Report 109–132.

□ 1030

PART 1, SUBPART E AMENDMENT NO. 2 OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN (Mr. LAHOOD). The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 1, Subpart E, amendment No. 2 offered by Mr. BARTON of Texas:

In section 104(a), add at the end the following new paragraph:

(7)(A) The IOB shall review the Final Report of the Independent Inquiry Committee (IIC) into the United Nations Oil for Food Program (OFF). The IOB's review should focus on the adequacy of the IIC's Final Report or any subsequent reports of the IIC or of any possible successor to the IIC. The IOB's review of the IIC's Final Report should address the Final Report's treatment of and adequacy in the following areas:

(i) OFF's operations from inception through the transfer of power from the Coalition Provisional Authority to the interim Iraqi government;

(ii) claims of oil smuggling, illegal surcharges on oil and commissions on commodity contracts, illegal kick-backs, use of oil allocations to influence foreign government officials and international people of influence, and use of funds for military purposes;

(iii) the involvement, directly or indirectly, of any entity, bureau, division, department, specialized agency, or employee (including the Secretary General) of the United Nations, including any employee of the specialized agencies of the United Nations or any employee or officer of the Secretariat;

(iv) the IIC's findings, discovery and use of evidence, and investigation practices; and

(v) the extent of cooperation by the United Nations with requests by Congress for testimony, interviews, documents, correspondence, reports, memoranda, books, papers, accounts, or records related to the Oil for Food Program.

(B) Subsequent to the IOB's review, the IOB shall determine in a written report whether the IIC investigation is incomplete or inadequate in any respects and whether any additional investigation is justified. If the IOB determines that additional investigation is warranted, it shall appoint, in accordance with paragraph (5), a special investigator and staff consisting of individuals who are not employees of the United Nations and to identify specific areas within the OFF to investigate.

The Acting CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Texas (Mr. BARTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I want to comment favorably on how refreshing it is to come to the floor and be exposed to the civility of the debate between the gentleman from California (Mr. LANTOS) and our distinguished chairman, the gentleman from Illinois (Mr. HYDE). It shows the Congress at its best in terms of debating the high issues before our country. And I want to compliment both gentlemen for their civility and their decorum in this debate.

I also want to thank the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations, for his leadership on this issue, his dedication to trying to find a solution that reforms the United Nations and puts that body back in the realm that it originally was right after World War II when it was the epitome of world cooperation and hope for the future. Unfortunately, its image has been tarnished, and justifiably so.

My amendment deals with one of the blights on the United Nations, and this is their ill-fated Oil-for-Food program. I was the first subcommittee chairman to hold an investigation on that program back in the mid-1990s under the Clinton administration. The gentleman from Texas (Mr. HALL) and I, on a bipartisan basis at the time, since he was a member of the Democratic Party, held several hearings in the Committee on Energy and Commerce Subcommittee on Oversight and Investigations. We could see even back then that it was a program headed for disaster.

In the last several years, my committee, the Committee on Energy and Commerce, in addition to the gentleman from Illinois (Mr. HYDE's) committee and the Committee on Government Reform, have launched independent investigations into the Oil-for-Food program, and I have to tell you that the United Nations does not cooperate.

I can tell you of an incident that happened just this week. The Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce is going to hold a hearing in the near future in which we try to bring to light some more of the corruption in that program. We have not deposed, but we have interviewed a U.N. employee who wants to testify, volunteers to testify, on the record. So I had my chief of staff call Paul Volcker, distinguished former Chairman of the Federal Reserve System, and ask Mr. Volcker if this particular individual could testify. Mr. Volcker said he could not. Here is the person appointed by the U.N. to get to the bottom of the corruption in the Oil-for-Food program, distinguished former Chairman of the Federal Reserve System of the United States of America, and he refused to let an employee of the U.N., who wanted to testify, testify before a committee of the Congress of the United States. I think that is inexcusable.

So what my amendment would do, if accepted, and my understanding is that the gentleman from Illinois (Mr. HYDE) would accept it, and I hope that the gentleman from California (Mr. LANTOS) would also accept it, would simply say that this independent oversight board that the base bill creates has to conduct a thorough investigation of Mr. Volcker's investigation and any successor investigations, and it sets out some guidelines, the most important of which is that the U.N. has to cooperate with congressional committees and their request for testimony, interviews, documents, correspondence, memoranda, books, papers, accounts and records related to the Oil-for-Food program; and if they do not, then we can require, again under the auspices, under the base bill of the oversight board, that an independent committee has to be appointed that is made up not of U.N. officials, not of U.N. employees.

That is all the amendment does. It attempts to get to the bottom of the Oil-for-Food scandal by requiring that they cooperate with the various congressional committee investigations underway, and if they do not, that we have to appoint another board outside the U.N. to get the investigation on track.

I hope that we accept this on a voice vote by unanimous consent. I am told that it is going to be supported by the gentleman from Illinois (Mr. HYDE), and I strongly appreciate his support.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Mr. Chairman, I want to commend my friend from Texas (Mr. BARTON) for a very useful amendment, which we will be pleased to accept on this side.

Mr. Chairman, I am delighted to yield 3½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise as well to reflect on the words of the gentleman from California (Mr. SCHIFF), a distinguished friend, as I heard him this morning acknowledging the relationship, but also the excellence between the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Ranking Member LANTOS) and referring to the gentleman from Illinois (Chairman HYDE) as one of the more outstanding Members of this body. And I associate myself with those words and thank the gentleman from Illinois (Chairman HYDE) for his service and as well his leadership on a number of issues.

I think this question of U.N. reform is a difficult question, and I think it is an important question. I am reminded of my history and my childhood. My history tells me that President Wilson's effort at the League of Nations, if it had succeeded, we might have had a better life, and we might not have had World War II and the tragedy of the Holocaust. But it failed.

And so we come now to the United Nations, almost 60 years old. And I am reminded of Ralph Bunche, one of the first African Americans to serve at the United Nations and to be nominated for the Nobel Peace Prize, how proud so many of us were as we read that in history, knowing that the United Nations was reflective of the world's diversity and its concerns and its policies. So I think the United States is better off because the United Nations exists.

And the Lantos substitute, in essence, captures that spirit, the spirit of the necessity of reform, but yet that we are better off because the United Nations exists. It appropriately gives the right kind of stick, and that stick, Mr. Chairman, deals with providing the guidelines, the regulations, the standards, the moral compass, but it gives the Secretary of State, the chief diplomat of the United States, the discretion to withhold funds, and so that Secretary of State can engage on the world forum and speak with their fellow foreign ministers and discuss a world that would be better off with peace.

In addition, I am gratified that the Lantos amendment thoughtfully does not give an automatic cut-off of new U.N. peacekeeping missions. How many of us are reflecting on our life and wish that we had been in a place, in a position to go into Rwanda and save the million lives? The U.N. did not act. The world did not act as we would have preferred it to act. The peacekeepers could not stop the violence. And so reforms are necessary, but we know that peacekeeping is necessary.

Those many Members of Congress who have gone into the refugee camps, as I have done in Chad, and seen that the only body that was there was a representative of the U.N. High Commission on Refugees, the only physical body that could get into help the starving people of Sudan.

And the Lantos amendment substitute has compassion and heart, and it has a strong voice and a strong stick. That is the balance of diplomacy that we need. That is why I ask my colleagues to support the Lantos substitute, because the United Nations makes the world better. It makes America better. And we, as leaders of the world and world peace, need to work with the United Nations, a strong United Nations and a reformed United Nations. Vote for the Lantos substitute.

I rise in strong support of the Lantos Substitute to United Nations Reform Act of 2005. The goal of reforming the United Nations to be a stronger and more effective organization is a worthy one, one which the Secretary-General is working towards, a goal which most nations of the world are in favor of. This substitute amendment will help alter a bill that has a worthy goal, but which is flawed in its method of achieving those goals.

The Hyde bill on U.N. reform contains many serious flaws which if implemented would not be welcome by the international community. Peacekeeping is one such area where this bill contains deeply flawed logic. The Hyde bill points to peacekeeping reforms that everyone agrees are needed. These reforms are in fact endorsed by the U.N. Department of Peacekeeping Operations and in most cases, these reforms are already underway to address recent concerns raised about sexual exploitation and abuse in peacekeeping missions. However, the Hyde bill says that starting this fall, the United States must prevent the expansion of existing missions or the creation of any new U.N. peacekeeping missions until all specified reforms are completed and certified by the Secretary of State. The truth is that some of these requirements simply cannot be met by the fall. True reform takes time. Reforms will require careful implementation at the U.N. as well as by the 100-plus troop contributing countries, and in some cases will require additional U.N. staff and funding which of course is not provided by this legislation. And yet, the Hyde bill will likely prevent Security Council resolutions to enable the creation or expansion of important U.N. missions in places like Darfur in Sudan, Haiti, Congo and Afghanistan. We as the United States of America have always prided ourselves on helping those who cannot help themselves, on aiding those who are being massacred simply because of who they are, but now this bill seeks for our Nation to turn a blind eye to these people. We, as the 109th Congress cannot allow ourselves to be the ones who cut off assistance to these desperate people.

Not only does the Hyde bill take a wrong approach to peacekeeping, but it will also create great problems with the budget at the United Nations. The Hyde bill claims to "pursue a streamlined, efficient, and accountable regular assessed budget of the United Nations," yet in reality the approach taken by the bill will wreak havoc on the U.N. budget process and will result in the automatic withholding of U.S. financial obligations to the U.N. regular budget. This flawed bill attempts to shift funding for 18 specific programs from assessed contributions to voluntary contributions. To achieve these goals, the bill mandates the withholding of up to $100 million in U.S. dues to the U.N. regular budget. While this idea may have merit, the U.S. should work with its allies to advance it through the Budget Committee at the U.N. instead of starting from the point of withholding dues, which should be our Nation's last resort. Furthermore, the Hyde proposal links 50 percent of U.N. dues to a list of 39 conditions, not only at the U.N. Secretariat, but also at various U.N. specialized agencies over which the U.N. has no direct control. All of this will create a new U.S. debt at the U.N., since many of the conditions are so rigid and specific that they are not achievable. In the end, all that any of this will do is create resentment towards the United States in the international community. As the Washington Post editorialized, "This is like using a sledgehammer to drive a nail into an antique table: Even if you're aiming at the right nail, you're going to cause damage."

The Hyde bill also calls for certain steps supported by the U.N. and the U.S., such as the strengthening of the U.N.'s oversight function, the creation of a Peacebuilding Commission, and reforms in U.N. peacekeeping. However, it calls for these reforms to be funded solely within existing resources. If the U.S. withholds dues as this bill calls for, even less funding will be available to support these reforms. This bill also calls for the creation of new positions in several departments, including the Office of Internal Oversight Services and the Department of Peacekeeping Operations, without allowing resources to fund these positions.

The Lantos substitute is a more constructive and cooperative approach to U.N. reform. This is not a time when the United States needs to be taking an aggressive approach against the United Nations and the international community. The Lantos bill gives the Administration much more flexibility to negotiate the reform proposals with other Member States, and references the withholding of dues as an option of the Administration rather than something that will occur automatically.

The Lantos substitute also waives certain provisions of the Hyde bill if it is in the national security interests of the United States. This is particularly important when it comes to the provisions on U.N. peacekeeping, since new or expanded missions may be necessary to support international peace and stability. We can not predict where or when we will have to mobilize the international community next and in this world of uncertainty we need to have flexibility instead of the rigid and overly harsh approach of the Hyde bill.

The Lantos substitute amendment does not completely alter the United Nations Reform Act. The Lantos substitute supports many of the same reforms as the Hyde bill—such as the inclusion of Israel as a full Member State at the U.N., a series of reforms to address recent problems in U.N. peacekeeping, overhaul of the U.N. Human Rights Commission, and administrative and management reforms necessary to make the U.N. more effective, transparent and accountable. Clearly, those who believe in the United Nations as a tool of international cooperation can get behind the Lantos substitute. We as a Nation, should all support the United Nations because it is a tool of international cooperation, an ideal to which we should all aspire.

Mr. LANTOS. Mr. Chairman, I yield the balance of our time to the gentleman from Massachusetts (Mr. DELAHUNT).

The Acting CHAIRMAN. The gentleman from Massachusetts has 90 seconds.

Mr. DELAHUNT. Mr. Chairman, I find it ironic that the Volcker action is supported by a former Attorney General of the United States, Dick Thornburgh, in a very thoughtful op ed piece, because he understands what investigations are about.

I would describe the amendment put forth by the gentleman from Texas (Mr. BARTON) as the tip-off amendment. Give the information so that in the course of an investigation, those who might be targets or subjects of an investigation know what you have and can anticipate the questions.

I would also comment, and I have never met Mr. Volcker, but I have read the reports to date. They have been extremely harsh and critical and underline the need for reform.

At the same time, a comment was made, and I think it has to be addressed. Everyone involved in the independent inquiry under the leadership of Mr. Volcker and the jurists from South Africa is not a United Nations employee. In fact, many of them are former career Federal prosecutors from our own Department of Justice. I had an opportunity to discuss this matter with them. They understand how to conduct an investigation. Let them conclude their investigation, and then I am sure they would be happy to disseminate any documents they might have.

The Acting CHAIRMAN. The gentleman from Texas has 30 seconds remaining.

Mr. BARTON of Texas. Mr. Chairman, I ask that we all vote for the amendment.

Mr. Chairman, I yield the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BARTON).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in Part 2 of House Report 109–132.

PART 2, AMENDMENT NO. 1 OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2, amendment No. 1 offered by Mr. CHABOT:

In title I (relating to the mission and budget of the United Nations), add at the end the following new section (and conform the table of contents accordingly):

SEC. 110. ANTI-SEMITISM AND THE UNITED NATIONS.

(a) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to—

(1) ensure the issuance and implementation of a directive by the Secretary General or the Secretariat, as appropriate, that—

(A) requires all employees of the United Nations and its specialized agencies to officially and publicly condemn anti-Semitic statements made at any session of the United Nations or its specialized agencies, or at any other session sponsored by the United Nations;

(B) requires employees of the United Nations and its specialized agencies to be subject to punitive action, including immediate dismissal, for making anti-Semitic statements or references;

(C) proposes specific recommendations to the General Assembly for the establishment of mechanisms to hold accountable employees and officials of the United Nations and its specialized agencies, or Member States, that make such anti-Semitic statements or references in any forum of the United Nations or of its specialized agencies; and

(D) develops and implements education awareness programs about the Holocaust and anti-Semitism throughout the world, as part of an effort to combat intolerance and hatred;

(2) work to secure the adoption of a resolution by the General Assembly that establishes the mechanisms described in paragraph (1)(C); and

(3) continue working toward further reduction of anti-Semitic language and anti-Israel resolutions in the United Nations and its specialized agencies.

(b) CERTIFICATION.—In accordance with section 601, a certification shall be required that certifies that the requirements described in subsection (a) have been satisfied.

In section 601(a)(1), insert "section 110," after "104(e),".

In section 601(a)(3)(A), strike "39" and insert "40".

In section 601(a)(3)(A), strike "ten" and insert "11".

The Acting CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Ohio (Mr. CHABOT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, first let me commend the gentleman from Illinois (Chairman HYDE), our most distinguished colleague, for his outstanding leadership in bringing this well-crafted and much-needed legislation to the floor.

Since being elected to Congress almost 11 years ago, I have had the distinct honor of serving on both of the committees that the gentleman from Illinois (Chairman HYDE) has led, first the Committee on the Judiciary, and now the Committee on International Relations. And I can sincerely say that I have not served with a more honorable and decent man. Thank you, Mr. Chairman, for your great service to our country.

I am pleased to be offering this amendment today with another distinguished and universally respected Member, the gentleman from California (Mr. LANTOS), the ranking member of the Committee on International Relations, and it is an honor to be doing this amendment with him.

I am pleased to be offering the amendment. Our amendment would add a new section to this legislation requiring the U.S. delegation to the U.N. to make every effort to officially and publicly condemn anti-Semitic statements made at any session of the United Nations. It requires U.N. employees to be subject to punitive actions, including immediate dismissal, for making anti-Semitic statements or references. It requires the development of educational awareness programs about the Holocaust and anti-Semitism throughout the world, and it requires a certification that these requirements have been carried out.

The United Nations has for some time been a breeding ground for the dissemination of anti-Semitic and anti-Israeli propaganda. It took 16 years to reverse a General Assembly resolution that declared Zionism to be a form of racism and racial discrimination. And it was only reversed after considerable pressure from the United States, coupled with Israel's decision to make its participation in the Madrid Peace Conference conditional upon repeal of that resolution.

As noted in H. Res. 282, a bipartisan resolution introduced by the gentlewoman from Florida (Ms. ROS-LEHTINEN), the distinguished chairman of the Subcommittee on the Middle East and Central Asia, and adopted in this body last week, the U.N. Human Rights Commission took several months to correct in its record a statement by the Syrian Ambassador that Jews allegedly had killed non-Jewish children to make unleavened bread for Passover.

If that were not enough, the president of the U.N. Human Rights Commission in 1997 refused to challenge an assertion made by the Palestinian observer that the Government of Israel had injected 300 Palestinian children with the HIV virus. What an absurdity.

Speaking from experience, Mr. Chairman, I can assure my colleagues of the anti-Israel activity at the U.N. In 2001, I was honored to be nominated by President Bush to serve as one of the two congressional representatives to the U.N., along with the gentleman from American Samoa (Mr. FALEOMAVAEGA).

□ 1045

During the year-long appointment, I traveled back and forth from New York several times to meet with our ambassador at that time, John Negroponte, and our diplomatic delegation.

On one occasion, I went to New York to participate in a special summit on children. Throughout the conference, we discussed resolutions on childhood disease, HIV/AIDS, humanitarian assistance, child trafficking, and other critical issues. Throughout the final day, our delegation trudged through the minutiae of resolutions in committee and in plenary session. Aside from the occasional objection to a comma or a whereas from the Chinese or the French, the day passed uneventfully, or so I thought.

As I was getting ready to leave that evening, I learned from our diplomatic corps that the real battle was not fought in the committees or on the floor. It was fought behind the scenes as our American delegation successfully fought off an attempt from the Arab bloc to deny Israel its credentials to even participate in the children's summit. So much for the children.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I rise to claim the time in opposition, even though I am proud to be a cosponsor of the amendment of my friend from Ohio.

The Acting CHAIRMAN (Mr. LAHOOD). Without objection, the gentleman from California (Mr. LANTOS) claims the time.

There was no objection.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

For years, it has been a pathological preoccupation of the United Nations to engage in isolating and persecuting the democratic State of Israel. Weeks before 9/11 in Durban, South Africa, an international conference was called under U.N. auspices to deal with the subject of racism and anti-Semitism; and a conference which was designed with noble goals turned into a lynching party, the target of it being the State of Israel.

I think the gentleman's amendment is long overdue; and the responsibility of our representative at the United Nations to oppose in any form anti-Semitism and the singling out of the State of Israel for persecution and denunciation is long overdue.

My expectation is that statements such as the ones we heard from Mr. Brahimi, Kofi Annan's representative to Iraq earlier this year, will no longer be heard or be allowed to be made.

I strongly urge my colleagues to support this amendment. It provides additional support for the one democratic state in the Middle East and prevents the recurrence of the upsurge of anti-Semitism which under Hitler led to the Holocaust in many countries of the world.

This is a singularly useful amendment, and I ask all of my colleagues to support it.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend for yielding.

I want to thank the gentleman from Ohio (Mr. CHABOT) and the gentleman from California (Mr. LANTOS) for offering this very important amendment, which would hopefully lead to the creation of a code of conduct to ensure that U.N. employees and officials, as well as U.N. member states, reduce, hopefully eliminate absolutely, anti-Semitic language and anti-Semitic resolutions.

I point out to my colleagues, we have had an ongoing series of hearings in my subcommittee, as well as in the Commission on Security and Cooperation in Europe, concerning this spike in anti-Semitism that we have seen.

The first hearing we held was back in 1995, and then in 2002 we saw a particularly alarming spike in countries that make up the OSCE region, particularly in France and the Netherlands and some of these other countries.

Part of it is some of the hatred is being carried by emigres into their new home, that is to say, France and places like that; and as was pointed out by my colleague, some of the absolute, some of the most despicable, slanders against Jewish people are being carried uncontested.

We now, in the OSCE, have had three major summits. Last week in Spain in Cordova at a summit, nations sent ambassadors and heads of states and foreign ministers to Spain, as we did in Vienna and as we did in Berlin last year, to look at what the best practices ought to be to try to end this scourge of anti-Semitism; and very good action plans have been adopted.

The U.N. needs to take a page out of the OSCE and develop the kind of action plans and sensitivity to this terrible prejudice because, if left unchecked, it will fester and lay the seeds for acts of violence against Jews as well as desecration of cemeteries, as well as synagogues.

So let me finally say that last year, the gentleman from California (Mr. LANTOS), the gentleman from Illinois (Chairman HYDE), Senator VOINOVICH, and I all crafted the Global Anti-Semitism Review Act, which created an office within the State Department and also mandated that global reports be done. I urge Members to read those reports, one of which just came out earlier this year. It is a very, very disturbing read about this growing menace of anti-Semitism; and the U.N., rather than being a part of the solution, has for too often been part of the problem.

I thank the gentleman for yielding.

Mr. LANTOS. Mr. Chairman, I thank my friend for his comments.

The Acting CHAIRMAN. The gentleman's time has expired. The gentleman from Ohio (Mr. CHABOT) has 1 minute remaining.

Mr. CHABOT. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. DELAY), the majority leader of the House.

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, there was a time 60 years ago, at the end of the war that took the lives of 30 million people, when the ancient sin of anti-Semitism seemed finally to have exhausted its appeal, even among the most hateful of men.

When it was hoped, at long last, that Jews could take their place among the other free peoples of the world, that they could rise from their unique experience in that war, live their lives and pursue their happiness free from the genocidal evil that haunted our race.

In the decades since, however, that hope has been ignored, undermined, and even attacked by two generations of U.N. bureaucrats and diplomats who remind one of Yeats's observation: "The best lack all conviction, while the worst are filled with passionate intensity."

The best, in this case, is the world's effete, elite diplomatic corps, among whom anti-Semitism is considered a harmless amusement, like smoking or bribery.

The worst, on the other hand, Mr. Chairman, are the leaders and legitimizers of a bloody cult, bent not only on the destruction of Israel but on the slaughter of the Jewish people.

Either in the interests of consensus or for more malicious ends, the institutions of the United Nations have become infected by a relentless hostility to Israel, Zionism, and Jews themselves.

The U.N., which could not bring itself to offer even the mildest rebuke to the aggressors in three wars aimed at Israel's destruction or even against the campaigns of terror waged against Israeli civilians, has littered Lower Manhattan with its countless condemnations of Israel's self-defense.

The U.N., whose charter calls on all nations to "practice tolerance and live together in peace," for 2 decades declared that "Zionism is a form of racism."

The U.N. General Assembly has hosted countless forums for slander against Jews, like the charge that Israel had injected Palestinian children with the HIV virus, that contain no mention of the deceitfulness of the attacks.

In too many parts of the world, Mr. Chairman, including those parts which should be most sensitive to unchecked anti-Semitism, the U.N.'s tolerance of such hostility is dismissed as diplomatic necessity. It is, instead, diplomatic terrorism.

Hatred of Jews, unchecked, begets violence against Jews; and violence against any race of people ultimately leads to violence against all races of people.

The United Nations should know better than to allow its institutions to be poisoned by hatred.

Hopefully, this amendment by the gentleman from Ohio will help the U.N. learn that valuable lesson.

The Acting CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. CHABOT) will be postponed.

Mr. SMITH of New Jersey. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KING of Iowa) having assumed the chair, Mr. LAHOOD, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2745) to reform the United Nations, and for other purposes, had come to no resolution thereon.

PERMISSION TO OFFER AMENDMENT TO H.R. 2745, HENRY J. HYDE UNITED NATIONS REFORM ACT OF 2005, OUT OF THE SPECIFIED ORDER

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that, during further consideration of the bill, H.R. 2745, pursuant to House Resolution 319, the gentleman from Indiana (Mr. PENCE), or his designee, may be permitted to offer the amendment numbered 5 in Part 2 of House Report 109–132 out of the specified order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

HENRY J. HYDE UNITED NATIONS REFORM ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 319 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2745.

□ 1057

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2745) to reform the United Nations, and for other purposes, with Mr. LAHOOD (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 1 printed in Part 2 of House Report 109–132 by the gentleman from Ohio (Mr. CHABOT) had been postponed.

Pursuant to the order of the House of today, it is now in order to consider amendment No. 5 printed in Part 2 of House Report 109–132.

PART 2 AMENDMENT NO. 5 OFFERED BY MR. PENCE

Mr. PENCE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2 amendment No. 5 offered by Mr. PENCE:

In section 101, add at the end the following new subsections:

(e) SCALE OF ASSESSMENTS.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to ensure that the difference between the scale of assessments for the five permanent members of the Security Council is not greater than five times that of any other permanent member of the Security Council.

(f) DENIAL OF USE OF VETO.—If the Secretary of State determines that a permanent member of the Security Council with veto power is not in compliance with the requirement described in subsection (e), the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to deny to such permanent member the use of the veto power of such permanent member until such time as such permanent member satisfies the requirement of such subsection.

The Acting CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Indiana (Mr. PENCE) and a Member opposed each will control 5 minutes.

The gentleman from Indiana (Mr. PENCE) is recognized on his amendment.

Mr. PENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today with an amendment that I believe brings fairness and common sense to the United Nations and specifically to the administration of the Security Council.

The Security Council is tasked with some of the most difficult decisions in the United Nations. Of the 15 member states that serve on the council, only five have veto power. These nations are China, France, Russia, the United Kingdom, and the United States.

Mr. Chairman, let me say at the outset, I realize the United States has the largest economy in the world. We pay more in assessed dues to the United Nations than any other member state, but I do not believe that all nations are able to pay equally to the U.N. However, those member states, I would humbly offer today, that serve as permanent members on the Security Council with veto power should be assessed equally balanced dues to the United Nations.

Where I grew up down south of Highway 40 we have an old saying that you have got to pay to play; but that is not the way it really works at the United Nations, at least with regard to the veto power of the Security Council.

The United States, for instance, was assessed dues in the last year of approximately $440 million, 22 percent of the U.N.'s total assessment. China, a country home to over 1 billion people, with a rapidly growing economy, was assessed dues of $36.5 million or 2.1 percent of the U.N. assessment.

□ 1100

Let me say again, the United States' $440 million, 22 percent of the U.N.'s assessment; and China, a voting member with veto power on the Security Council, paid just $36 million, less than 10 percent, and with only 2.1 percent of the U.N.'s assessment.

The Pence amendment today would direct the President of the United States to have the United States' permanent representative to the U.N. use the voice vote and influence of the United States to make every effort to ensure that the difference between the scale of assessments of the five permanent members of the Security Council is not greater than five times that of any other permanent member of the Security Council.

In addition to that, if the Secretary of State determines a permanent member of the Council with veto power is not in compliance with that requirement, the President could direct the U.S. permanent representative of the U.N. to use his voice vote and influence to make every effort to deny such permanent member the use of veto power.

Not only does common sense and fairness argue for the Pence amendment, but there are serious issues that will come before the Security Council in the immediate future. For instance, China is, in many respects, acting on the global scene contrary to U.S. interests. Recently China state-owned oil companies began massive investments in Iran's energy sector. This is in direct violation of the Iran-Libya Sanctions Act. In the event serious decisions have to be made on the Security Council on U.N. sanctions against Iran, China and Russia, who have complicated relationships with Iran, are almost certainly to veto any measure. They can play, but they do not have to pay.

If China and Russia will have an equal right to veto tough action at the Security Council, should they not also, Mr. Chairman, have an equal obligation to support the work of the United Nations in the form of dues?

Mr. Chairman, I urge my colleagues to support the Pence amendment to bring justice and fairness and common sense to the assessment of dues at the United Nations.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume to commend my friend from Indiana for presenting this very useful amendment, which we are very pleased to accept.

Mr. Chairman, I yield 4 minutes to my good friend, the gentleman from Tennessee (Mr. DAVIS).

Mr. DAVIS of Tennessee. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, Cordell Hull is the father of the United Nations, and has been recognized as such. His birthplace is located in the Fourth Congressional District of Tennessee, where he served as a Member of the U.S. House of Representatives. Mr. Hull received the Nobel Peace Prize as a result of his work forging the alliances to establish the United Nations. He had observed the failures of the League of Nations and, as a result, saw the unleashing of the horrible occurrences of World War II.

Mr. Chairman, I do not rise today to honor Mr. Hull, although it would be fitting to do so. It is my firm belief that the United Nations has prohibited a third world war. We today are at the edge of an attempt to undermine this viable world organization that has perhaps saved us from a catastrophic confrontation between the countries of the world. As we debate these issues, 6 million souls of those whose lives were taken during the Holocaust are crying out for us to preserve this vehicle that has carried the message of peace in the world. The souls of tens of millions, both civilians and soldiers, who lost their lives during World War II are also being felt, I believe, inside this Chamber.

The United Nations has been an entity of the world that we have looked to as we have confronted aggressor nations. I recall as a boy the young men from our community who went to Korea in what was called a U.N. police action. The U.N. also played a major role after Iraq invaded Kuwait, when the nations of the world came together to demanded Saddam Hussein and his army withdraw from that country, and then authorized military action that successfully forced Saddam and his army from Kuwait.

After the September 11 attack, Congress authorized the President and this current administration to invade Iraq if there was evidence that Saddam's thugs were a threat to America, possessed weapons of mass destruction, or had been training the terrorists that attacked this country. This Congress had confidence in the current administration and their abilities to make decisions involving Iraq, and we gave them that authority.

The Lantos substitute puts us in exactly the same posture of confidence in this President as the Iraqi resolution. The Lantos substitute gives the President and this administration the right to withhold funds from the leaders of the U.N. if they do not adhere to the concerns we have in this Congress.

It is difficult for me to see how any Member of Congress who voted to authorize the President to invade Iraq and gave him and his administration that authority would today show a lack of confidence in this administration. We need to be sure the leaders of the U.N. understand our disenchantment with many of the occurrences that have happened. But to cripple this viable world organization that has ministered to the lesser amongst us, fed the hungry, housed the homeless, clothed the naked, cured the sick, provided clean water and a safe environment for many in the world is something America cannot afford to lose.

Bear in mind, my support of the U.N. will never include letting the United Nations impose in any way on the sovereignty of this Nation, as our Constitution would prohibit. Mr. Chairman, I encourage adoption of the Lantos substitute.

Mr. PENCE. Mr. Chairman, I yield myself such time as I may consume.

Colleagues, there is an old saying south of Highway 40: You have to pay to play. Having an equal veto on the Security Council when the United States pays ten times what China pays is unfair to the American people. It is unjust, and it defies logic. The Pence amendment will amend this inequity.

If China and Russia will have the equal right to veto tough action at the Security Council level, they should also have the equal obligation to support the work of the United Nations in the form of dues.

Mr. Chairman, I urge my colleagues to pass and accept the Pence amendment, and I thank the gentleman from California for his gracious acceptance, compliments, and leadership.

Mr. Chairman, I yield back the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Indiana (Mr. PENCE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. PENCE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana (Mr. PENCE) will be postponed.

It is now in order to consider amendment No. 2 printed in Part 2 House Report 109–132.

PART 2. AMENDMENT NO. 2 OFFERED BY MR. WILSON OF SOUTH CAROLINA

Mr. WILSON of South Carolina. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2 Amendment No. 2 offered by Mr. WILSON of South Carolina:

In section 107(b)(2), add at the end the following new subparagraphs:

(E) The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

(F) Any other entity the Secretary determines results in duplicative efforts or funding or fails to ensure balance in the approach to Israeli-Palestinian issues.

The Acting CHAIRMAN. Pursuant to House Resolution 319, the gentleman from South Carolina (Mr. WILSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Chairman, I yield myself such time as I may consume, and I want to thank the gentleman from Illinois (Mr. HYDE), our chairman, for his extraordinary leadership in bringing this important legislation which reforms the United Nations to the House floor today. It has been an honor for me to serve on the Committee on International Relations with Chairman HENRY HYDE, a legendary gentleman of public service. I also appreciate the civility of my neighbor, the ranking member, the gentleman from California (Mr. LANTOS).

Mr. Chairman, for too long the United Nations has taken an unbalanced approach to the Israeli-Palestinian conflict. Nongovernmental organizations and commissions within the U.N. that monitor human rights abuses have often resorted to an anti-Israel campaign under the guise of protecting human rights. As a result, numerous organizations exist within the U.N. that are not constructively engaged in establishing peace in the Middle East, but, rather, serve to continue inflaming anti-Israel sentiment throughout the region due to one-sided reporting of human rights abuses.

Chairman HYDE's legislation in section 107(b)(2) seeks to end duplicative efforts and fundings to organizations within the U.N. that focus on the Israeli-Palestinian conflict. The legislation requires the Secretary of State within 60 days of enactment to audit the enlisted organizations and report to the appropriate congressional committees recommendations to eliminate these duplicative efforts.

My amendment adds The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories to the list of organizations that are to be audited and reported upon. This Committee was established by the U.N. General Assembly in 1968. In its most recent report dated September 23, 2004, it notes that the Palestinian people's hopes for their own homeland and a better future have been considerably diminished.

Nothing could be further from the truth. The prospects of Palestine and Israel living side by side in peace for mutual benefit grows stronger every day as world leaders continue to work together to resolve this conflict. This Special Committee goes so far as to criticize Israel for building a security wall, without mentioning how the wall has made Israel more secure from suicide bombers, whose sole purpose is to commit the most egregious human rights violations by killing innocent Israeli civilians. Under these circumstances, it is entirely appropriate to add this U.N. Special Committee to the list of entities to be audited and reviewed.

In conclusion, God bless our troops. We will not forget September 11.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although we accept the gentleman's amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 2½ minutes to my friend from Iowa the distinguished chairman of the Subcommittee on Asia and the Pacific (Mr. LEACH).

Mr. LEACH. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to speak to the broader subject for a moment. At issue clearly before this body is our problem with the U.N., and there is near consensus on both sides of this subject. At issue also is the manner in which reform is to take place, and here there is a difference of judgment.

The deepest question before this body is whether we want to abide by the rule of law as we attempt to advance a new regime of law. And here we all have to recognize that the U.N. Charter, a treaty binding on all parties, including the United States, provides that, and I quote, "expenses of the organization shall be borne by the members as apportioned by the General Assembly."

In 1962, the International Court of Justice held, sustaining a position of the United States, that apportionment of expenses by the General Assembly creates the obligation of each member to bear that part of the expenses apportioned to it.

The bill before us presumptuously implies that the United States is free from an international obligation to pay its assessments. This position runs counter to elemental principles of international law. The Vienna Convention on the Law of Treaties, for instance, provides that "every treaty in force is binding on the parties to it and must be performed by them in good faith." It further specifies that "a State party to a treaty may not invoke the provisions of internal law as justification for its failure to perform its treaty obligations."

This body has every reason to direct the executive branch to attempt to initiate the compelling list of reform proposals contained in this bill, but this domestic lawmaking body does not embellish its reputation by refusing to honor our country's treaty commitments.

Violating the Law of Nations is neither an appropriate nor effective technique to express exasperation with the United Nations.

The goals of this legislation are thoroughly laudable, but we must all understand that the framework we adopt to advance them puts us on trial.

Mr. WILSON of South Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. CANTOR), the distinguished deputy majority whip.

Mr. CANTOR. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the United Nations for too long has failed in its mission to serve as a world mediating body. One of the great and glaring failures of the U.N. is most evident in its treatment of the State of Israel. For 57 years, Israel has been a glowing light of democracy and a staunch American ally in the Middle East. Sadly, in the eyes of the U.N., Israel's defense of its democracy and its citizens is worthy only of condemnation.

Israel is treated as a lesser nation, with reduced membership privileges. While genocide in Yugoslavia and Rwanda went unrecognized, the U.N. found time to hold repeated emergency sessions to condemn Israel for acting in its own self-defense. Nearly a third of the criticisms of the Security Council have been devoted to one single country: Israel. While the U.N. Commission on Human Rights often consists of delegations representing maniacal tyrannies, it has issued over a quarter of all official condemnations to a single democracy: Israel. It is no wonder we have lost confidence in the U.N.

The goal of the United Nations should be to spread freedom and democracy throughout the world, not entrench tyranny. I urge the passage of this legislation and hope we can bring long overdue change to a very troubled world body.

Mr. LANTOS. Mr. Chairman, may I inquire how much time we have?

The Acting CHAIRMAN. The gentleman from California (Mr. LANTOS) has 2½ minutes remaining, and the gentleman from South Carolina (Mr. WILSON) has 1 minute remaining.

Mr. LANTOS. Mr. Chairman, I yield the balance of my time to my distinguished colleague, the gentleman from California (Mr. SHERMAN), a member of the Committee on International Relations.

□ 1115

Mr. SHERMAN. Mr. Chairman, the gentleman from South Carolina has an excellent amendment that is already encompassed in the Lantos substitute. The vote of the day will be on the Lantos substitute amendment. That will determine what policy this House establishes.

Let me first address those who are supporters of the U.N., or only mildly skeptical, and urge them to vote for the Lantos substitute because it undoubtedly ameliorates the underlying legislation. That amendment makes this legislation less draconian and less harsh. If and when the Lantos amendment is passed and becomes part of the legislation, then Members can decide on final passage, whether to vote for an ameliorated bill. But please do not give up the opportunity to ameliorate this bill simply because you do not feel that the amelioration is fully sufficient.

Now, let me address those who are quite skeptical of the United Nations, who want to get tough in demanding reform. The question is what strategy do we use. Do we use the straitjacket strategy where we do not trust the administration, we think they are insufficiently dedicated to the cause of U.N. reform, and so we impose upon them a straitjacket, a formula that says even if 38 out of 39 reforms are adopted, if one of those 14 that is special is not adopted, 38 out of 39 is not enough? We force our negotiators to walk into the room wearing a straitjacket.

Or do we adopt the Lantos approach where we empower the administration, state our goals, provide the power to withhold a substantial part of our dues, and let them begin to negotiate? That question depends on whether Members think the Bush administration is tough enough, are they sufficiently dedicated to U.N. reform.

What has this administration done to show where it stands on being tough on U.N. reform? The answer is two words: John Bolton. Whoever represents us at the U.N. will be representing a President and carrying out the policies of a President who, when asked who in the world could best represent us, selected John Bolton. It will either be John Bolton or someone selected by a man who wanted John Bolton.

Mr. WILSON of South Carolina. Mr. Chairman, I yield the balance of my time to the gentleman from Louisiana (Mr. JINDAL).

Mr. JINDAL. Mr. Chairman, in yesterday's New York Times, the administration took a very positive step forward. They adopted a position in favor of expanding the permanent membership of the U.N. Security Council. I rise in strong support of this move. In news accounts, there are many countries that are mentioned. The countries include India, Japan, and Germany as potential members, potential new members to the Security Council.

Given the changes that we have seen in the past decades in the international community, especially the recent rise in the Chinese economy and recent press reports about the military buildup within China, I think it is entirely appropriate that this important body, the permanent members of the Security Council, be changed and expanded to reflect today's world and today's reality.

I rise in strong support of the administration's new position, and I rise in strong support of expanding, changing, and modernizing the membership of the United Nations Security Council.

The Acting CHAIRMAN (Mr. SIMPSON). All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from South Carolina (Mr. WILSON).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in part 2 of House Report 109-132.

PART 2, AMENDMENT NO. 3 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2 amendment No. 3 offered by Mr. KING of Iowa:

In section 101, add at the end the following new subsection:

(e) LIMITATION ON UNITED STATES CONTRIBUTIONS TO UNRWA.—The Secretary of State may not make a contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in an amount greater than the highest contribution to UNRWA made by an Arab country, but may not exceed 22 percent of the total budget of UNRWA. For purposes of this subsection, an Arab country includes the following: Algeria, Bahrain, Comoros, Dijibouti, Egypt, Iran, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, the United Arab Emirates, Iraq, and Yemen.

The Acting CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

In initial discussion with regard to this amendment, I would like to associate myself with regard to the remarks made by the gentleman from South Carolina (Mr. WILSON) about the chairman of the Committee on International Relations. It is an outstanding privilege to be on the floor of this Congress with the gentleman from Illinois (Mr. HYDE) and to work to improve on a bill that he has courageously stepped forward with to address the issue of United Nations reform.

I have an amendment here before this Congress that addresses one component of our United Nations contribution, and it is the component that goes to UNRWA, the United Nations Relief and Works Agency for Palestinian refugees. This is something that was established for about 650,000 refugees years ago when the nation of Israel was formed, and today there are 2.5 million refugees trapped in a bind between the Arab world that does not want to accept them and pushes them toward Israel.

We have contributed to that significantly over the years. In fact, the United States contribution has grown to approximately one-quarter of the world's contribution to fund the UNRWA budget. We need to put a limit on that. We need to hold the Arab world accountable to fund their neighbors and some of their residents. So with the United States contributing approximately a quarter of that overall budget, the highest contributor from the Arab world is Saudi Arabia, contributing less than one-seventieth that contributed by the United States.

This amendment caps the amount we would contribute to UNRWA at 22 percent of the overall contribution and limits the United States contribution to an amount no greater than the greatest amount contributed by the Arab nations. And included in that list of Arab nations for full disclosure purposes is Iran as well, a neighbor, but not technically an Arab nation.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do not oppose this amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I strongly support this amendment. I want to commend the gentleman from Iowa (Mr. KING) for introducing it. Last year, the United States paid over 25 percent of the UNRWA budget, over $127 million. No Arab country paid as much as $2 million, and only two Arab states paid as much as $1 million.

This is a long-standing absurdity; but in a year when Saudi Arabia earned a windfall profit of some $58 billion, this situation is obscene. It is an insult to the United States taxpayer. And it is sickening, Mr. Chairman, that Saudi Arabia and much of the Arab world, cynically ignoring this situation, continue to lecture to us that we are not doing enough to help the Palestinian people.

Mr. Chairman, this amendment stops short of prescribing the range of reforms to which I believe UNRWA needs to be subjected. It must do a better job of ensuring that its assistance does not go to anyone who engages in terrorism, as U.S. law requires; that their textbooks need to be rewritten to promote

Israeli-Palestinian peace; that UNRWA needs to stop perpetuating a culture of camps and dependency. It must promote programs to encourage Palestinians to leave the refugee camps that are a breeding ground for misery and terrorism and build a prosperous life on the outside.

Soon I will propose comprehensive reform of UNRWA, but today is not that day.

For today, I only want to rationalize the process of supporting the UNRWA budget. I do not want to take one penny of humanitarian aid from the Palestinians, nor do I want to increase the burden on a state like Jordan, which has done so much, far more than any other Arab state to help Palestinian refugees.

Mr. Chairman, I simply want to see oil-rich Arab states pay a small portion of their fair share, and I want to see the U.S. taxpayer treated with respect. Our amendment makes an important start toward accomplishing these goals. I urge all of my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from Iowa (Mr. KING) for offering this amendment. It is sorely needed as we examine both the plight of Palestinian refugees and the propaganda that emanates from those who prey upon the frustrations of Palestinian refugees.

Mr. Chairman, UNRWA stands for the United Nations Relief and Works Agency for Palestine refugees, created in the wake of hostilities in 1948. This seeks first on a humanitarian basis to aid those who have been afflicted, and as is so often the case, the United States of America, maligned internationally by many, has stood front and center and has borne the financial burden of one-quarter of the world's expenditures for UNRWA. And others around the world, we should point out, have also stepped in. But the fact is that the United States, Sweden, Japan, and Italy pay individually into UNRWA more than all the Arab nations combined.

It is a fair question to ask in terms of geopolitical proximity, i.e., neighbors living closest to those experiencing the problems, why do those nations not step forward to pay their fair share? Why do those nations who in their satellite news organizations that chronicle the plight of the Palestinians, why do those same nations not step forward? Saudi Arabia ranks 16th in contributing country with $1.8 million in funding. A nation that earns billions from its natural wealth of petroleum offers less than $2 million. This amendment is wise and fair. Adopt this amendment.

Mr. KING of Iowa. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I thank the gentleman from California (Mr. LANTOS) for his support of this amendment and the work that he has done on human rights. This is an amendment that is constructive and sends the right message. It encourages resources coming from the right people to support some people who do need some support.

I urge its adoption.

The Acting CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in part 2 of House Report 109-132.

PART 2, AMENDMENT NO. 4 OFFERED BY MR. MC COTTER

Mr. McCOTTER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2, amendment No. 4 offered by Mr. McCOTTER:

In title I (relating to the mission and budget of the United Nations), add at the end the following new section (and conform the table of contents accordingly):

SEC. 110. UNITED NATIONS SECURITY COUNCIL AND LEBANON.

(a) RESOLUTION 1559.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to ensure that the Security Council is undertaking the necessary steps to secure the implementation of Security Council Resolution 1559, including—

(1) deploying United Nations inspectors to verify and certify to the Security Council that—

(A) all foreign forces, including intelligence, security, and policing forces, have been withdrawn from Lebanon; and

(B) all militias in Lebanon have been permanently disarmed and dismantled and their weapons have been decommissioned; and

(2) continuing the presence of United Nations elections monitoring teams in Lebanon to verify and certify to the Security Council that—

(A) citizens of Lebanon are not being targeted for assassination by foreign forces, in particular by foreign forces of Syria, or by their proxies, as a means of intimidation and coercion in an effort to manipulate the political process in Lebanon;

(B) elections in Lebanon are being conducted in a fair and transparent manner and are free of foreign interference; and

(C) that such foreign forces, or their proxies, are not seeking to infringe upon the territorial integrity or political sovereignty of Lebanon.

(b) UNITED STATES ACTION.—If the steps described in paragraphs (1) and (2) of subsection (a) have not been verified and certified to the Security Council by July 31, 2005, or by the date that is not later than 30 days after the date of the enactment of this Act, whichever is sooner, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to secure the adoption of a resolution in the Security Council imposing punitive measures on the governments of countries whose forces remain in Lebanon in violation of Security Council Resolution 1559 and who directly, or through proxies, are infringing upon the territorial integrity or political sovereignty of Lebanon.

The Acting CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Michigan (Mr. McCOTTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. McCOTTER).

Mr. McCOTTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment calls upon the President of the United States to ask our permanent representative to the United Nations to use his voice, his vote, and every means that he possibly can to enforce Security Council Resolution 1559.

□ 1130

Security Council Resolution 1559 calls upon a full Syrian withdrawal of intelligence forces and their troops; it calls upon for free and fair elections within Lebanon; and, in the end, it guarantees and ensures the sovereignty of Lebanon.

I do not expect there will be much opposition to this. I would like to thank the gentleman from New York (Mr. ENGEL) for all of his support in championing the cause of Lebanese freedom.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). Does any Member claim time in opposition to the amendment?

Mr. BERMAN. Mr. Chairman, I am not opposed to the amendment. I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, very quickly, while I strongly disagree with the underlying framework that mandates a dues cutoff if all these conditions are not met, this particular condition, I think, seeks a very important goal of American foreign policy and the implementation of U.N. Security Resolution 1559 and the withdrawal of all foreign forces and the disarming and dismantlement of all the militias in Lebanon. So I compliment the gentleman for proposing this, and ask him to reconsider the underlying structure of the bill on which we will be voting.

Mr. Chairman, I yield back the balance of my time.

Mr. MCCOTTER. Mr. Chairman, I yield myself such time as I may consume.

Well, at least the gentleman will get half a loaf, I suppose. I do want to point out, in fairness to the United Nations, that they have sent their second verification team into Lebanon in the wake of the assassination of a popular journalist to again ensure that foreign forces and the intelligence network has been removed.

For too long the people of Lebanon have wept for decades over their dead, and now they see the dawn of freedom at the end of the dark days. It is critical that the United States and United Nations and every nation of the world do everything within its power to ensure that the peaceful seeds of revolution continue and perhaps light the way for other nations suffering from an oppressive yoke to break free of their dictators and tyrants and enter the world's democracies.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. MCCOTTER).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in Part 2 of House Report 109–132.

PART 2. AMENDMENT NO. 6 OFFERED BY MS. ROS-LEHTINEN

Ms. ROS-LEHTINEN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2, amendment No. 6 offered by Ms. ROS-LEHTINEN:

In title II (relating to human rights and the Economic and Social Council), add at the end the following new section (and conform the table of contents accordingly):

SEC. 203. UNITED NATIONS DEMOCRACY FUND.

(a) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to—

(1) establish a Democracy Fund at the United Nations to be administered by Member States of the United Nations Democracy Caucus;

(2) secure political and financial support for the Democracy Fund from Member States of the United Nations Democracy Caucus; and

(3) establish criteria that limits recipients of assistance from the Democracy Fund to Member States that—

(A) are not ineligible for membership on any United Nations human rights body, in accordance with paragraphs (1) through (4) of section 201(b); and

(B) are determined by the Secretary of State to be emerging democracies or democracies in transition.

(b) POLICY RELATING TO FUNDING FOR THE DEMOCRACY FUND.—It shall be the policy of the United States to shift contributions of the United States to the regularly assessed budget of the United Nations for a biennial period to initiate and support the Democracy Fund referred to in subsection (a).

(c) CERTIFICATION.—In accordance with section 601, a certification shall be required that certifies that the requirements described in subsection (a) have been satisfied.

In section 601(a)(1), strike "and section 202" and insert "section 202, and section 203".

In section 601(a)(3)(A), strike "39" and insert "40".

In section 601(a)(3)(A), strike "ten" and insert "11".

The Acting CHAIRMAN. Pursuant to House Resolution 319, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the few times that the United Nations has implemented even a modicum of reform, it has been when the United States has leveraged its contribution to press for those changes.

It has been almost a year since President Bush addressed the U.N. General Assembly and raised the creation of a U.N. Democracy Fund. The U.N. Secretary General favorably has referred to the fund, but there is no fund. We have been down this road many times. The U.N. will pay lip service, but its rhetoric rarely, if ever, translates into concrete action.

This is obviously an important issue for my good friend the distinguished ranking member, the gentleman from California (Mr. LANTOS), as he included such a fund in the Advanced Democracy Act and includes a $10 million authorization of funds for the Democracy Fund in his own substitute to the Henry J. Hyde U.N. Reform Act. I would therefore assume that my distinguished colleague, the gentleman from California (Mr. LANTOS), would want to ensure that it actually becomes a reality and it does not perish in the abyss that is the United Nations currently. That is why we need the certification that is provided in my amendment.

Since the distinguished ranking member agrees that the United Nations needs reforming, particularly on the human rights front, he would want to ensure that there are safeguards in place for the administration of the moneys that are donated to the U.N. Democracy Fund, and he would not want the same corrupt officials that administered the Oil-for-Food program to now administer the U.N. Democracy Fund.

As the distinguished ranking member is aware, the member countries of the U.N. Democracy Caucus have asked for an agenda, one that includes tangible criteria and objectives, and my amendment does that. It makes the Democracy Caucus responsible for the U.N. Democracy Fund.

The United Nations was created from the ashes of the Second World War in an effort to prevent future atrocities and to fight the rise of the oppressive, power-hungry, dictatorial rulers who threaten peace and security. Yet, as we have witnessed with grave concern, the United Nations has become a rogues gallery, where pariah states proceed with virtual impunity. There is no effective mechanism to support new and transitioning democracies.

My amendment addresses this deficiency by calling for the establishment of a Democracy Fund at the U.N. to provide grants and in-kind assistance for emerging democracies. It would seek a wide spectrum of participation, one that reflects democratic experience from old and new. But it provides safeguards that are going to ensure that only countries that uphold and defend human rights and democratic values can benefit from and participate in the Fund's activities.

My amendment also calls on the U.S. permanent representative to the U.N. to work to secure political and financial support for the Democracy Fund from fellow democracies, and it calls for a shift in U.S. contributions to provide start-up funds for this endeavor.

This amendment translates the vision of a Democracy Fund into a concrete initiative. We need to make sure that we are accountable to our U.S. taxpayers. We have got to take immediate steps to weaken brutal, evil regimes, as the underlying Hyde U.N. Reform Act proposes, while we empower and assist those countries who embody and uphold democratic values, as this amendment seeks.

We are once again, Mr. Chairman, engaged in a test of wills and a battle of ideas, a battle between those who hate, who incite to violence, who oppress and subjugate, against those who stand for the democratic beliefs that we cherish and to which we are committed.

Thus, whether your views are shaped by former President Ronald Reagan, who said, "Freedom is never more than one generation away from extinction . . . it must be fought for, protected"; or whether your views have been shaped by former President John F. Kennedy, who said, "In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility," Mr. Chairman, let us not shrink from our responsibility, and let us pass this amendment.

The United Nations was created from the ashes of the second World War in an effort to prevent future atrocities against innocent human beings and a means to combat the rise of oppressive power-hungry dictatorial rulers that threaten peace and stability.

This commitment is underscored in the Preamble of the U.N. Charter which reaffirms:

"faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small," and in the promotion of justice and better standards of life "in larger freedom."

Yet, as we have witnessed with grave concern, the United Nations has become a rogue's gallery, where pariah states proceed with virtual impunity.

Even when dealing with dictatorships such as the one in Myanmar, what the brutal Burmese military junta hears from the U.N. leadership are mere statements expressing "concern" over the arrests of members of opposition parties.

In addition, there is no effective mechanism to support nascent and transitioning democracies.

The amendment I have sponsored seeks to address this deficiency by calling for the establishment of a Democracy Fund at the United Nations which will provide grants and in-kind assistance for emerging democracies, and which will focus on supporting the development of civil society and democratic institutions.

The Democracy Fund would seek a wide spectrum of participation—one that reflects the democratic experience from old and new, while providing safeguards that will ensure that only countries that uphold and defend human rights and democratic values can benefit from and participate in the Fund's activities.

The safeguards embedded in my amendment include: A requirement that the Fund be administered by member countries of the U.N. Democracy Caucus; membership criteria that block repressive regimes; and certification that the Fund is in force within the parameters set forth.

The success of the Fund will largely depend on the active involvement and direction of both the donor states and the emerging democracies themselves.

For this reason, my amendment also calls on the U.S. Permanent Representative to the United Nations to work to secure political and financial support for the Democracy Fund from fellow democracies, while calling for a shift in U.S. contributions to provide the start-up funds for this endeavor.

President Bush proposed the creation of a Democracy Fund at last year's U.N. General Assembly meeting and the Secretary General's recent report U.N. reform highlighted the Democracy Fund. However, the Fund still does not exist. This amendment translates the vision of a Democracy Fund into a concrete initiative.

Concurrently, it provides for accountability and for the most efficient use of U.S. funds. It doesn't just simply authorize millions of additional U.S. dollars to a United Nations system plagued by allegations of graft and corruption—a United Nations system that has sexual predators in peacekeeping missions and tyrants dictating the human rights agenda. It places control over the Fund in the hands of those most knowledgeable about the needs of nascent democracies—fellow democracies.

My colleagues, we are, once again, engaged in a test of wills and battle of ideas—a battle between those who hate, who incite to violence, who oppress and subjugate, against those who stand for the democratic beliefs we cherish and to which we are committed.

Thus, whether your views have been shaped by former President Ronald Reagan who said: "Freedom is never more than one generation away from extinction . . . It must be fought for, protected . . ."; or by former President John F. Kennedy who said: "In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility,"; we must take immediate steps to weaken brutal, evil regimes, as the underlying Hyde UN Reform Act proposes, while we empower and assist those countries who embody and uphold democratic principles, as this amendment seeks.

I ask my colleagues to render their strong support to the Ros-Lehtinen amendment.

Mr. BERMAN. Mr. Chairman, I am not opposed to the amendment, but I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. BERMAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I compliment the gentlewoman for raising the subject of the U.N. Democracy Fund, but this is a wonderful illustration of the road we are embarking on here.

The gentlewoman seeks to add a condition which must be met, or else we will slash the dues to 50 percent. In other words, if the rest of the world that are member nations of the United Nations do not create and support this U.N. Democracy Fund, we will cut our dues.

The Lantos substitute authorizes a contribution to the U.N. Democracy Fund. The condition that the gentlewoman proposes on the base bill threatens to cut funds. It does not authorize any contribution by us to a very important fund. The gentlewoman spoke eloquently about what we want to achieve here, and then says we are cutting it unless somebody else does it. The Lantos substitute says this is a wonderful idea; we authorize $10 million in contributions to this fund.

There is also a second issue. The gentlewoman properly encourages contributions to democratic governments, but it is most important to push democracy in those places where there are not democratic governments. There is no eligibility in her amendment for contributions from this U.N. Democracy Fund to nongovernmental organizations and dissidents and democratic forces in nondemocratic governments.

But, by and large, the gentlewoman is focusing on an issue that is important. Unfortunately, it is in the context of a mandatory imposed cut.

I will just end by quoting a woman I know the gentlewoman respects, our former Ambassador Jeane Kirkpatrick, who said on this subject, "Withholding U.S. dues to the United Nations may sound like smart policy but would be counterproductive at this time, so soon after the Helms-Biden process was completed. It would create resentment, build animosity and actually strengthen opponents of reform."

Withholding the dues to the U.N. is the wrong methodology. When we last built debt with the U.N., the U.S. isolated ourselves from our allies within the U.N. and made diplomacy a near impossible task. In other words, everything we share in common and want to achieve is undercut by the base bill to which the gentlewoman is proposing a condition.

I am going to support her amendment. I simply wanted to use this time to point out what I think are a few flaws in the amendment, the absence of a positive authorization of money for the U.N. Democracy Fund, and remind people why the underlying bill is in this case wrong-headed.

Ms. ROS-LEHTINEN. Mr. Chairman, I ask unanimous consent that there be 4 additional minutes of debate on this matter, equally divided between the two sides.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), our distinguished friend.

Mr. BLUNT. Mr. Chairman, I am privileged to have been yielded time to speak. I am grateful that we got this time extended without objection, and I join the gentleman from California (Mr. BERMAN) in supporting the gentlewoman's amendment, without some of his reservations, but these are the kinds of things that grow as they move.

The idea of a United Nations Democracy Fund is so critically important. There are so many things happening in the world today where we need to encourage those democracies, whether they be in Lebanon or the Ukraine or many other places around the world where democracy is beginning to grow, beginning to flourish, and to do those things that encourage the institutions to grow and perpetuate and maintain and sustain democracy. A free press, the rule of law, civil society that works in a democratic way, the protection of minority rights are all the kinds of things that the gentlewoman's fund and the concept would promote around the world.

It is a critical element. Sustaining democracy, sustaining peace is more than just having the instruments of war, which are important to have, but also having the instruments of peace, the instruments of democracy.

Democracy is more than just the absence of war. Democracy is the kind of society that the United Nations needs to encourage, needs to encourage in a greater way, and through all its institutions I think we need to be prejudiced towards the democracies of the world. One of the ways we can do that is to grow those democracies.

Mr. Chairman, I strongly support this concept in this bill, and later perhaps in other versions and other ideas, and I encourage our colleagues really not only to vote for it today, but to sustain this thought as we talk about our position in international agencies.

Ms. ROS-LEHTINEN. Mr. Chairman, will the gentleman yield?

Mr. BLUNT. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Chairman, I am so glad the gentleman brings up this important topic. As the gentleman from California has pointed out, our friend, in his own statement, the times we have had reform in the United Nations is when we have used our leverage of this assistance. I think that making sure that we are accountable to the taxpayers, that is what this amendment is all about.

Mr. BERMAN. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. DELAHUNT).

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 4 minutes.

Mr. DELAHUNT. I appreciate the comments by my friend, the majority whip from Missouri.

□ 1145

He references respect for the rule of law, and we all concur.

But I think there is a certain irony here, because as the chairman of the Subcommittee on Asia, the gentleman from Iowa (Mr. LEACH), alluded to, in fact, what we are doing here today, if the base bill should become law, is we are disrespecting the rule of law. We are walking away from our treaty obligation.

Now, we have been accused of embracing the concept of unilateralism. I cannot imagine, I cannot imagine what the rest of the world is contemplating as we are here debating whether we simply will abrogate, without a formal process of abrogation, renouncing the charter, just simply not meeting our charter obligations. In many respects, this is not just simply about the United Nations; this is about the rule of law. Do we pick and select and choose what treaties we have ratified and are signatory to, which ones we will abide by?

I do not have to repeat the arguments, the eloquent and, I think, accurate arguments put forth by the gentleman from Iowa (Mr. LEACH), but that is what we are doing here, if the base bill should pass. We will preach and speak about respect for the rule of law, which is obviously essential in democracy; but by our action, we will open ourselves to charges of hypocrisy. We do not need that now in this time, where our own GAO is telling us that there is increasing anti-Americanism spreading throughout the world, which puts our national security interests at risk. This amendment, although well intentioned, I think creates that potential.

I know the gentlewoman from Florida is conversant with what is happening in the United Nations now. There is a critical mass for reform. There are like-minded democracies that support the democracy theme, that want to achieve the same goals that we want to. Yet not a single one of them is taking the same approach in terms of effecting and bringing about the same reform that we all wish to accomplish, because they know that if we begin to selectively abrogate our responsibilities under international treaties, which we have signed on to, that that creates a very, very slippery slope.

Ms. ROS-LEHTINEN. Mr. Chairman, will the gentleman yield?

Mr. DELAHUNT. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Chairman, when the gentleman talks about responsibilities and abrogating our responsibilities, I am sure that the gentleman, my good friend, would agree that we also have an obligation to our taxpayers, those who are funding so many of their dollars to the United Nations; and we have seen so many scandals unfolding from the U.N., and I believe that this amendment gets to accountability and transparency.

The Acting CHAIRMAN (Mr. SIMPSON). All time for debate on the amendment has expired.

The question is on the amendment offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in part 2 of House Report 109–132.

PART 2, AMENDMENT NO. 7 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2, amendment No. 7 offered by Mr. GARRETT of New Jersey:

In title I, add at the end the following new section (and conform the table of contents accordingly):

SEC. 110. POLICY WITH RESPECT TO EXPANSION OF THE SECURITY COUNCIL.

It shall be the policy of the United States to use the voice, vote, and influence of the United States at the United Nations to oppose any proposals on expansion of the Security Council if such expansion would—

(1) diminish the influence of the United States on the Security Council;

(2) include veto rights for any new members of the Security Council; or

(3) undermine the effectiveness of the Security Council.

The Acting CHAIRMAN. Pursuant to House Resolution 319, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment addressing another and very important issue, and that is the possible expansion of the United Nations Security Council.

My amendment would state that it should be the policy of the United States Government to use its voice, vote, and influence of the United States at the U.N. to oppose any proposal on expansion of the Security Council if that expansion would either diminish the influence of the United States on the Security Council, or if it included veto rights for any new members of the Security Council or, finally, and most importantly, if it would undermine the effectiveness of the Security Council.

Currently, there are five permanent members and there are 10 rotating members to the Security Council. It takes a vote of nine members, that is 60 percent of all there, a majority, to advance any initiative to the Security Council.

Now, the recent proposal that we have heard about expanding it says we should expand it up to 24 members. That would mean we would need 15 member countries to support any initiative to get it through the Security Council. Now, why is that a problem?

Well, one blatant example of how the number of countries on the council and their competing interests have hindered the ability to move forward and get substantive and important resolutions passed, the one most important one that has been discussed on this floor of recent is the genocide that has occurred in Sudan. It has been extremely difficult for the United States to try and get any member of the Security Council to come to an agreement on this and a resolution, such as China, who has economic interests in the area, and African countries, who have their own regional difficulties and disagreements in the area as well. If we increase the size of the Security Council, we would have an even harder time moving important missions through the Security Council such as this.

Now, for those who believe that the United States should play an active role in the Security Council, you should support this amendment. The more that the United States' influence is lessened in the council, the more the United States will have to act unilaterally to deal with international crises.

The expansion of the U.N. Security Council could undermine the effectiveness and its ability to respond to threats to international peace and security. So I think it is important that Congress send a message to the administration and the U.N. that we do not want to diminish the influence of the United States on the Security Council. My amendment would do just that, and I ask my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent to claim the time in opposition.

The Acting Chairman. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

There is no Member in this body who wants to see the influence of the United States diminished in the Security Council. It is my personal judgment that adding democratic friends and allies, such as the world's largest democracy, India, or Japan, a proven friend and ally, standing with us in many difficult situations around the globe, will only strengthen our influence at the United Nations.

I see no reason to oppose this amendment. We accept it.

Mr. Chairman, I yield back the balance of my time.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Just very briefly, to respond, any increase in the members where they have the veto power in the Security Council will possibly have the effect of diminishing the U.S. role there, because that means that that additional member would be able to block what is in the interests of the United States and the interests of the American taxpayers and citizens of this Nation.

Likewise, any proposal to increase the size, even without the ability to veto, would diminish the ability of the United States to get important initiatives through, just as I stated before, because even if they are other democratic nations, they may have competing interests with those of the United States, and, therefore, compete with what we are trying to do in the Security Council.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I thank my friend for yielding.

There is no one who favors granting veto power to any new Security Council member. It is a fact that with Russia moving in a totalitarian direction and China being a nondemocracy, adding democratic nations as permanent members of the Security Council will enhance our influence, but we are in accord of not granting veto power to any new member.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in part 2 of House Report 109-132.

PART 2, AMENDMENT NO. 8 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2 amendment No. 8 offered by Mr. GARRETT of New Jersey:

In section 101, add at the end the following new subsection:

(e) POLICY RELATING TO ZERO NOMINAL GROWTH.—It shall be the policy of the United States to use the voice, vote, and influence of the United States at the United Nations to make every effort to enforce zero nominal growth in all assessed dues to the regular budget of the United Nations, its specialized agencies, and its funds and programs.

(f) 5.6 RULE.—It shall be the policy of the United States to use the voice, vote, and influence of the United States at the United Nations to actively enforce the 5.6 rule at the United Nations, requiring the Secretariat to identify low-priority activities in the budget proposal. The United Nations should strengthen the 5.6 rule by requiring that managers identify the lowest priority activities equivalent to 15 percent of their budget request or face an across the board reduction of such amount.

(g) ANNUAL PUBLICATION.—It shall be the policy of the United States to use the voice, vote, and influence of the United States at the United Nations to ensure the United Nations is annually publishing a list of all subsidiary bodies and their functions, budgets, and staff.

The Acting CHAIRMAN. Pursuant to House Resolution 319, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer another amendment, and this one is to reform the U.N. budget process.

The amendment seeks to control the overall growth of the U.N.'s budget and establish priorities within the U.N. budget process and also to increase transparency and accountability in it and its subsidiaries, and it does so basically in three ways.

Just to step back for a moment, the U.N.'s budget right now, the biennial budget, is around $3.6 billion; but over the last 10 years, we have seen that budget grow by almost $1 billion. That is a 39 percent increase. Now, I wonder if any of us would think to say that the U.N.'s productivity over the last 10 years has also increased by 39 percent. I would rather guess not.

My amendment, first of all, would help to rein in that bloated, out-of-control bureaucracy at the U.N. by stating that it shall be the policy of the U.S. to make every effort to enforce a zero nominal growth in the regular budget of the U.N., its specialized agencies, and the funds and programs that it has.

Secondly, another part of my amendment seeks to strengthen the United Nations rule 5.6. Now, this is a rule that was set up to instruct the Secretariat to identify low-priority activities in the U.N.'s budget proposal. Unfortunately, the U.N. has looked at that rule over the years and failed to designate almost any programs as low priorities under 5.6.

So my amendment would indicate that every activity that the U.N. is involved in cannot simply be a top priority proposal or rule right now. So, instead, my amendment would say that the U.N. must look to the 5.6 rule and identify 15 percent of their budget request as their lower-priority activities. If they fail to do so, they will face an across-the-board reduction of such amount.

Finally, the third point and the last part of my amendment is it seeks to address the lack of transparency and accountability at the U.N. My amendment seeks to ensure that the U.N. is annually publishing a list of all its subsidiary bodies and functions, their budget, and their staff as well.

Now, the much talked-about Gingrich-Mitchell U.N. Task Force that went to the U.N. last year, they went to the U.N. and asked for a similar list and the U.N. simply could not provide one. Well, if we want to rein in this out-of-control bureaucracy that the U.N. is, I believe that it is essential that we know who is working for them, how much they are paying them, and exactly what is it that they are doing.

Now, one example of one of these subsidiary agencies that would appear to have outlived its usefulness and is wasting some vital resources is the Economic Commission for Europe. This commission was created right after World War II, and it was designed to help Europe to know how they can grow economically and develop. Now, I, quite frankly, would argue that we have passed the point that Europe needs any more help from the U.N. and advice from the U.N. on how to grow and develop, and that this is an agency and a portion of the U.N. that can be dissolved.

Mr. Chairman, I believe this amendment is an important step in making the U.N. a more transparent, accountable, and functioning world body; and I would urge my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does any Member rise in opposition to the amendment?

Mr. LANTOS. Mr. Chairman, we do not object to this amendment.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

The Acting CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. SMITH of New Jersey) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

The SPEAKER pro tempore. The committee will resume its sitting.

HENRY J. HYDE UNITED NATIONS REFORM ACT OF 2005

The Committee resumed its sitting.

☐ 1200

The Acting CHAIRMAN (Mr. SIMPSON). It is now in order to consider amendment No. 9 printed in Part 2 of House Report 109–132.

PART 2, AMENDMENT NO. 9 OFFERED BY MR. GOHMERT

Mr. GOHMERT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2, amendment No. 9 offered by Mr. GOHMERT:

Page 76, after line 9, add the following new title (and conform the table of contents accordingly):

TITLE VII—UNITED NATIONS VOTING ACCOUNTABILITY ACT OF 2005

SEC. 701. SHORT TITLE.

This title may be cited as the "United Nations Voting Accountability Act of 2005".

SEC. 702. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT OPPOSE THE POSITION OF THE UNITED STATES IN THE UNITED NATIONS.

(a) PROHIBITION.—United States assistance may not be provided to a country that opposed the position of the United States in the United Nations.

(b) CHANGE IN GOVERNMENT.—If—

(1) the Secretary of State determines that, since the beginning of the most recent session of the General Assembly, there has been a fundamental change in the leadership and policies of the government of a country to which the prohibition in subsection (a) applies, and

(2) the Secretary believes that because of that change the government of that country will no longer oppose the position of the United States in the United Nations,

the Secretary may exempt that country from that prohibition. Any such exemption shall be effective only until submission of the next report under section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2414a). The Secretary shall submit to the Congress a certification of each exemption made under this subsection. Such certification shall be accompanied by a discussion of the basis for the Secretary's determination and belief with respect to such exemption.

(c) DEFINITIONS.—As used in this section—

(1) the term "opposed the position of the United States" means, in the case of a country, that the country's votes in the United Nations General Assembly during the most recent session of the General Assembly and, in the case of a country which is a member of the United Nations Security Council, the country's votes in the Security Council during the most recent session of the General Assembly, were the same as the position of the United States less than 50 percent of the time, using for this purpose the overall percentage-of-voting coincidences set forth in the annual report submitted to the Congress pursuant to section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991;

(2) the term "most recent session of the General Assembly" means the most recently completed plenary session of the General Assembly for which overall percentage-of-voting coincidences is set forth in the most recent report submitted to the Congress pursuant to section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; and

(3) the term "United States assistance" means assistance under—

(A) chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund);

(B) chapter 5 of part II of that Act (relating to international military education and training); or

(C) the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act.

(d) EFFECTIVE DATE.—This section takes effect upon the date of the submission to the Congress of the report pursuant to section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, that is required to be submitted by March 31, 2006.

The Acting CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Texas (Mr. GOHMERT), and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Chairman, I yield myself such time as I may consume.

The United Nations, at its inception, was one of the most noble undertakings in modern human history. Its vision was of world governments working in concert to ameliorate, if not eradicate, world problems. This ideal, however, has over its more recent course become a body where some member nations appear more focused on institutional anti-Americanism than addressing the growing maladies that face the world's citizens.

If the U.N. member nations insist upon open antagonism toward the United States at seemingly every turn, then the time has come to reexamine our role as their benefactor. It is counterintuitive to financially reward countries whose motivation is in opposition to American efforts. In order to correct this problem of incongruity, I propose a simple solution.

My amendment would cause the United States to end all financial assistance to those countries who vote against us more than 50 percent of the time in the United Nations. That also includes an end to training the soldiers of nations who oppose us. The ban on our funding antagonistic nations, however, would not begin until March of 2006. March 31 of 2006, the next report will come out that says how everyone voted on each position. This will give all such countries notice of the coming consequences of their action.

The rationale is simple. They are sovereign nations, they can make their own decisions, but we do not have to pay them to hate us. Throwing money at our enemies has made them more contemptuous, not less.

I share the concerns of many Americans about the U.N., its bureaucracy and its approach to world problems. They run counter to U.S. values and interests. The U.N. is currently an inefficient bureaucratic organization badly in need of reform, and too often it has become a forum for radical anti-American rhetoric and policies that would violate many of our Nation's most cherished freedoms, laws, customs and recognized human rights.

My amendment simply stops the flow of American tax dollars to countries that claim to be our allies and who are happily taking the hard-earned tax dollars from American pockets, then using the money to spew anti-American venom all over the world.

My constituents in east Texas have told me, I have heard it around the country time and time again, they are fed up with this anti-American rhetoric coming out of the U.N. that their money is paying for. Surely we can find a better use of this money than to fund nations that oppose all we hold dear. On numerous occasions I have had citizens ask me why government is sending their money overseas to support governments and countries that are against the amendments and things for which we stand.

Some say we should be more loving and send these billions of dollars anyway. Friends, your heart may be good, but you are not using your head. I have relatives and friends that I love with all my heart. I would give my life for them, but if they are doing things to demean and destroy the very things I am fighting to preserve, I would not send them money.

Accordingly, and in conclusion, we do not have to pay these countries to hate us. We do not have to fund our opposition. If a foreign nation wants to take the tax dollars of hard-working Americans, well, then they better start helping us seek truth, justice and freedom's ways at least 50 percent of the time.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Who claims time in opposition to the amendment?

Mr. HYDE. Mr. Chairman, I ask unanimous consent that I be allowed to claim the time in opposition.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Acting CHAIRMAN. The gentleman is recognized to control 5 minutes.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

I do not know of anything I have done more reluctantly than object to the gentleman from Texas (Mr. GOHMERT'S) very good amendment, not only well-intentioned, but it makes a statement that is very hard to disagree with. But I must because I can conceive of circumstances where it is in our national interest to help support another country that does not vote with us in the U.N., but having a stable country in certain portions of the world can be in our national interest. And I would rather leave that flexibility with the State Department and with the Defense Department so that these grants that are made support our security interests and not necessarily make us feel good because we are rewarding a country that votes with us. Egypt almost never votes with us, but it is important to have the largest Muslim country, other than Indonesia, supporting the aims that we have and goals in the Middle East.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Yes, I yield to my friend, the gentleman from California.

Mr. LANTOS. Mr. Chairman, I am delighted to join the gentleman from Illinois (Mr. HYDE), my distinguished chairman, in opposing this amendment. I think the chairman, as always, shows great wisdom in opposing this amendment. But I am particularly thrilled that the chairman has embraced the principle of providing our Secretary of State flexibility in dealing with this issue, and I very much hope that during the course of the remaining few minutes of our debate, the chairman will see the wisdom of providing Secretary Rice with flexibility on similar issues.

I thank the gentleman for yielding.

Mr. HYDE. Mr. Chairman, the gentleman from California (Mr. LANTOS) has just administered the perfumed icepick.

Mr. DELAHUNT. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding, and I support him in his opposition. I point out that the nation of Colombia, for whom we have provided billions of dollars in terms of dealing with the interdiction and eradication of drugs, would fall because they vote against us 90 percent of the time. I presume that most of that aid would be eliminated by this amendment.

And I would also point out for those of you who support CAFTA that at least five of the countries I have been able to determine here vote against us, so that if we extend the logic of the gentleman's argument, I would suggest that maybe during the course of that debate, when it comes to the floor, if it should come to the floor, that that should be a precondition to approval of the CAFTA trade agreement.

Mr. HYDE. Mr. Chairman, if I may reclaim my time, I want to say to the gentleman from Texas (Mr. GOHMERT), this is a marvelous amendment. The spirit in which it is offered is exemplary, and it is a very difficult thing to oppose it. But I see a problem with it that needs a little work. But I congratulate him and the spirit in which his good amendment was offered, but I hope it is not accepted in its present form.

Mr. Chairman, I yield the balance of my time.

The Acting CHAIRMAN. The gentleman from Texas has 1 minute remaining.

Mr. GOHMERT. Mr. Chairman, I yield myself such time as I may consume.

In response, and of course I have nothing but utmost respect for the gentleman from Illinois (Mr. HYDE), and it is a pleasure for me to support your amendment, and all three of the distinguished gentlemen that spoke bring up a good point. The Secretary of State does need flexibility, and that is why in this amendment I provided flexibility. If the Secretary of State certifies that there has been such a change in the regime attitudewise, personnelwise, that he or she firmly believes that the next session they will be voting with us more than half the time, then that makes an exception, and they will get funding.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. GOHMERT. Well, I am nearly done. But that makes an exception. That gives them flexibility.

Mr. Chairman, I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I just heard the gentleman advocating for flexibility for our Secretary of State. Does this flexibility extend to the bill as a whole, in the gentleman's view?

Mr. GOHMERT. It extends in whole if they are going to vote with us more than 50 percent of the time.

The Acting CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. GOHMERT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GOHMERT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. GOHMERT) will be postponed.

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in Part 2 of House Report 109-132.

PART 2 AMENDMENT NO. 10 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2 Amendment No. 10 offered by Mr. KUCINICH:

At the end of title I, add the following new section:

SEC. 110. STRENGTHENING OF INTERNATIONAL LABOR RIGHTS.

(a) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to work to strengthen and expand the Social Protection sector of the International Labor Organization (ILO) in order to allow the ILO to issue more field and regional units of the ILO, to increase site inspections of working conditions, and to issue more reports on such conditions to the international community.

(b) CERTIFICATION.—In accordance with section 601, a certification shall be required that certifies that the following requirements have been satisfied:

(1) Member States are broadening the scope and the instruments of social security schemes, improving and diversifying benefits, strengthening governance and management, and developing policies to combat adverse effects of social and economic insecurity.

(2) ILO constituents are targeting and taking effective action to improve the safety and health conditions at work, with special attention to the most hazardous conditions in the workplace.

In section 601(a)(1), insert "section 110," after "104(e),".

In section 601(a)(3)(A), strike "39" and insert "40".

In section 601(a)(3)(A), strike "ten" and insert "11".

The Acting CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Ohio (Mr. KUCINICH) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

The Kucinich amendment would add another requirement for U.N. reform, that the International Labor Organization must be strengthened and expanded; specifically, the social protection sector. It is not the intention of this amendment to limit the U.S. contribution to the U.N. The intention of my amendment is to make it the policy of the United States at the U.N. to place the highest priority on the improvement of international labor rights. Therefore, it is necessary that this amendment has the same certification requirement for the strengthening of the International Labor Organization as the other reform criteria have. Labor rights, which are the same as human rights, should not be treated with any less importance.

The ILO does an important job, and they do it well. My amendment would urge the U.S. representative to the U.N. to use the voice, vote and influence of the United States to encourage the International Labor Organization to do even more. I believe the most important work of the ILO is in the social protection sector, which is responsible for coming up with the tools, instruments and policies to ensure that men and women have working conditions that are as safe as possible, that respect human dignity, take into account family and social values, allow for adequate compensation in the case of lost or reduced income, permit access to adequate social and medical services, and respect the right to free time and rest. In a global economic context of sweatshops, child labor, exploitative labor practices and unfettered capitalism, the work of the ILO social protection sector is vastly important.

The social protection sector sends on-site inspectors to investigate labor conditions around the globe. The hard evidence gathered by these inspectors is published in highly regarded in-depth reports for consumption by policymakers, decisionmakers, journalists and various labor and human rights groups throughout the international community. These reports have served as a basis for labor rights campaigns. They have served as a basis for government reforms. They have served as a basis for campaigns against unfair trade agreements with exploitative labor provisions.

The following are examples of recent reports in paper published by the ILO: Global Report 2005, a global alliance against slave labor; an economic study of the costs and benefits of eliminating child labor; a report by the Director General, A Fair Globalization, the Role of the ILO; Towards a Fair Deal for Migrant Workers in a Global Economy; Eleventh Synthesis Report on the Working Condition Situation in Cambodia's Garment Sector.

The ILO is responsible for gathering evidence for and disseminating the following facts: that there are 48,000 children working in floriculture in Cayambe and Cotopaxi in Ecuador. Conditions in Cotopaxi are worse than in Cayambe. In Cotopaxi all employees are involved in all stages of production, including fumigation, and younger children fumigate most frequently. In medical exams of 105 children between the ages of 9 and 18, 27 percent had experienced migraines, 50 percent blackouts; 32 percent experienced shaking.

It is estimated that in Brazil as many as 25,000 persons are subjected to slave labor conditions, mostly in the Amazonian States of Para and Mato Grosso.

In a number of countries freer trade has replaced or undercut domestic industrial and agricultural industries displacing workers, while structural adjustment programs have restricted government spending to cushion unemployment.

□ 1215

Job creation in some countries under Structure Adjustment Programs has lagged behind the increased number of unemployed, and the net result of these job losses due to trade and structural change has been a large number of people without opportunities for decent work in their homelands.

It was estimated at the end of 1998 that some 1 billion workers, or one-third of the world's labor force, were either unemployed or underemployed.

It is essential that we know about preexisting labor and living conditions in different regions around the world as steps are taken towards a globalized economy. It is essential that the world learn about the negative consequences that accompany this economic model. The ILO is the foremost international institution responsible for gathering information and making recommendations amid this context.

The only thing wrong with the ILO is that while its recommendations and conventions are important, they are not enforceable. Nevertheless, the ILO's work is significant, influential and does make a difference.

Mr. Chairman, we should be encouraging and expanding the important work of the ILO so that we will make better informed decisions and develop more sound policies to eradicate the worst labor abuses around the world. With the expansion of the social protection sector, more field and regional units would be established, which would allow more on-site inspections to occur and more reports to be published. A strengthened ILO would have a civilizing effect on corporate behavior.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

As someone who appreciates the work performed by the International Labor Organization and efforts to bring about and secure labor rights for oppressed people in countries under dictatorial rule, it is with difficulty that I rise in opposition of the gentleman's amendment, but I must.

Had the amendment called on the U.S. permanent representative to the U.N. to work to strengthen the ILO, to increase site inspections, as we had wanted to do, I am confident that we would have gladly supported the gentleman's amendment.

However, this amendment before us today does not seek to reform the ILO, but seeks to use the U.N. to dictate and determine domestic policies of the U.N. member states, policies such as Social Security schemes and employee benefits; and these are issues that in the U.S., for example, we in the Congress are working on and are responsible for. We should not use legislation that seeks to reform the U.N., an international institution, as a means of influencing very specific domestic policy initiatives.

The bill before us, the Henry Hyde U.N. Reform Act of 2005, deals with bringing accountability to the U.N.'s budget process. It does not concern itself with dictating internal, substantive outcomes on the U.N.'s budget process.

In short, today, we are focused on reforming how the U.S., how the U.N. makes the decisions, not on what decisions it makes or what the member states make.

The gentleman from Ohio would have been, I believe, better served by offering his amendment, as others have, by it having called upon the President to direct the U.S. permanent representative to work to ensure enhanced funding for the international labor rights organization, which I believe is a worthy goal, and on that very issue, in fact, this is already being done.

The amendment suggests that the ILO is not doing enough in the social protection sector. However, the 2006–2007 budget that was agreed to shows a significant increase in the budget for the activities of this sector.

The 2004–2005 budget for the protection sector was $72.7 million in 2006, and the 2007 budget is $91 million.

Overall, the International Labor Organization budget increased 12 percent from $529 million during the 2004 and 2005 biennium to $594 million in 2006 and 2007. That is $297 million per year.

The amendment also requires an increase in the field presence by the ILO. However, the organization is currently undertaking a review of the field structures to determine the most effective overseas profile, and this amendment would have the effect of preempting the outcome of this study.

I have been a proud supporter of labor organizations. We want to make sure that they help the oppressed people in all of these countries and do not abuse their people. However, I do not think that this amendment, dictating what member states do with their domestic policies, would get to the heart of the gentleman's amendment.

Mr. LANTOS. Mr. Chairman, will the gentlewoman yield?

Ms. ROS-LEHTINEN. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I appreciate my good friend for yielding.

I merely wish to express my support for the gentleman's amendment. I think it is worthwhile and ask my colleagues to vote for it.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was rejected.

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in Part 2 of House Report 109–132.

PART 2, AMENDMENT NO. 11 OFFERED BY MR. PEARCE

Mr. PEARCE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2, amendment No. 11 offered by Mr. PEARCE:

In section 201, add at the end the following new subsection:

(f) PROHIBITION ON CONTACT WITH MEMBER STATES SUBJECT TO SANCTIONS.—An employee from of any United Nations entity, bureau, division, department, or specialized agency may not have unauthorized contact, including business contact, with a Member State that is subject to United Nations sanctions.

The Acting CHAIRMAN. Pursuant to House Resolution 319, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from California (Mr. LANTOS) each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Chairman, I yield myself such time as I may consume.

I rise with this amendment today that would prohibit any employee of a United Nations entity, bureau, division, department, or specialized agency from having any unauthorized contact, particularly business contact, with a government that is subject to United Nations sanctions.

The purpose and ideals of the United Nations are to maintain international peace and security and to engage in collective action to preserve both.

It also is to promote friendly relations among nations founded upon the principles of human rights and self-determination.

Finally, it is to achieve multilateral cooperation on the critical global crises of our age.

I support these goals and ideals, but these purposes are being undermined and threatened by corruption and mismanagement within the U.N. today. That is why I am here today in support of this overall legislation and offering this particular amendment.

One of the most blatant examples of fraud, corruption, and abuse in the United Nations is that of the United Nations employees enriching themselves through personal deals with rogue governments.

In 1991, the United Nations placed sanctions on Iraq for Saddam Hussein's persistent noncompliance with the provisions of the cease-fire that ended the first Gulf War.

In an effort to mitigate the sanctions impact on the Iraqi population, the Oil-for-Food program was created in 1996 to allow the Iraqis to sell oil in order to pay for humanitarian goods. Under the auspices of the United Nations, the oil was to be sold with the proceeds to be deposited with the Banque National de Paris. Humanitarian goods were then to be supplied to Iraq using those funds.

However, Saddam Hussein was allowed to choose his own business partners for this program, those buyers for Iraq's oil, as well as the suppliers of humanitarian goods.

For each 180-day phase of the program, Iraq developed a list of allocations identifying companies and individuals to whom it would be willing to sell oil. Saddam personally reviewed who would receive the oil.

Mr. Hussein would then complete oil contracts based on the allocations list. As this process evolved, Saddam began to give special allocations for the benefit of particular individuals or entities that were perceived to support his brutal regime.

It is abominable for U.S. taxpayers' funds to be used to pay U.N. employees who take advantage of international sanctions and make deals to receive kickbacks.

That is exactly what happened with the U.N. Oil-for-Food program.

While visiting Iraq in the course of his official duties, director of the Oil-for-Food program, Mr. Benon Sevan, requested special allocations from the Iraq oil ministry for African Middle East Petroleum Company to help a friend. That friend turned out to be former Secretary-General Boutros Boutros Gali's nephew.

It was later found by the Independent Inquiry Committee into the U.N. Oil-for-Food program that what Mr. Sevan sought was more than just for his friend.

Mr. Sevan was in a position of influence and could lift restrictions on various parts of the Oil-for-Food program.

So the Saddam Hussein regime granted the oil allocations to AMEP and Mr. Sevan. AMEP purchased the oil from Iraq, but then sold it to oil companies for as much as $750,000 per transaction more than what they paid for it, all while giving the proceeds to Mr. Sevan for making the deal. Additional oil allocations granted through the years of the program as restrictions were lifted on aspects of the Oil-for-Food program.

When the program came under scrutiny, Mr. Sevan blocked the proposed audit of his office.

Because of these personal deals, Saddam was able to skirt around the restrictions of sanctions, siphoning off as much as $10 billion in the form of illicit revenue while the Iraqi people starved.

Saddam Hussein used much of this money to purchase weapons, many of which are being used to kill Americans and Iraqis today as the Allied forces continue to fight terrorism in that country.

Actions such as Mr. Sevan's personal dealings with the sanctioned Iraqi Government undermine the United Nations' purposes.

I ask that my colleagues support this amendment that makes clear to the United Nations that the United States will not tolerate U.N. employees making deals with rogue governments subject to U.N. sanctions.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I am delighted to yield as much time as she may consume to the gentlewoman from New York (Mrs. LOWEY), my friend and colleague.

Mrs. LOWEY. Mr. Chairman, I thank the ranking member for yielding the time, and I want to express my enormous respect for the gentleman from Illinois (Mr. HYDE), my dear friend, with whom I agree on some things but not on this issue, although the majority of the bill I know is consistent with the gentleman from California's (Mr. LANTOS) and my view, although I do rise in strong support of the Lantos substitute and in opposition to the underlying bill, but it is with great respect; and I appreciate the opportunity to work with my colleague on this and many other issues.

It is no secret that the United Nations is going through a period of intense soul-searching, precipitated by increasing evidence that it has become an ineffective and unwieldy institution that long ago lost sight of its reason for being.

When the world changes, its institutions must change with it or become irrelevant, and so the U.N. has embarked on a mission to adapt to the changing times. As the Nation most involved in the founding of the U.N., the United States has an obligation to play a key role in this reform process.

Reform cannot, frankly, come quickly enough. The U.N. suffers today from a credibility gap around the world and for good reason. The Volcker Commission has exposed some uncomfortable truths about the Oil-for-Food program. The U.N. has dragged its feet in addressing some of our world's worst crises, such as the Darfur genocide, and has been impotent on human rights issues; and the record of the U.N. and many of its member states with respect to Israel has, frankly, been abominable.

In many ways, the U.N. is broken; but we must remember that it remains and must remain a central actor in global affairs. The organization has provided critical resources to nations coping with great poverty and social dislocation.

The U.N. Population Fund has reduced the number of unintended pregnancies around the world through basic family planning services.

UNICEF is the premier organization combating childhood disease in poor countries.

Agencies like the United Nations Development Program have raised living standards by improving governance, health, and education.

For millions around the world, the U.N. is not some distance bureaucracy. It is a hot meal for a hungry family. It is a doctor for a pregnant mother. It is protection for a first-time voter, and it is peace for a war-ravaged village. Indeed, even when the U.N. efforts fall short, and they often do, progress toward international cooperation is made, and recognition of common interests and values is encouraged.

As many have said, the U.N. is the kind of organization we would have to invent if it did not already exist. A strong U.N. is good for the United States and good for the world.

So enacting the Hyde bill, which is more about punishment than reform, simply does not serve, in my judgment, the best interests of this country.

In requiring a mandatory 50 percent cut in the United States dues to the U.N., unless 32 of 39 specific reforms are achieved, the Hyde bill provides no flexibility whatever to the State Department to negotiate with other U.N. member states. Rather than providing Secretary Rice a tool to encourage ongoing U.N. reform negotiations, it ties her hands.

The Lantos substitute would call for most of the same reforms as the Hyde bill, while providing the Secretary of State with room to maneuver to get real reforms passed.

□ 1230

It is a common-sense way to achieve the changes we all agree are needed with the right balance of diplomacy and muscle. And while I support the goals of the chairman, I cannot endorse his means, and I urge my colleagues to support the Lantos substitute and defeat the underlying bill.

Mr. PEARCE. Mr. Chairman, I yield myself the balance of my time to wrap up my comments by saying that we all know what corruption looks like, smells like, and acts like. We are seeing corruption at many different levels in the U.N., and I would request that all Members support this amendment, which would limit the unauthorized contact between the United Nation employees and the nations which have been sanctioned.

Mr. Chairman, I yield back the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 12 printed in Part 2 of House Report 109–132.

PART 2, AMENDMENT NO. 12 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2, amendment No. 12 offered by Mr. STEARNS:

In section 601(b)(1) (relating to the withholding of United States contributions to the regular assessed budget of the United Nations), strike "50 percent" and insert "75 percent".

In section 601(b)(3), strike "11 percent" and insert "5.5 percent".

In section 601(b)(4)(B), strike "50 percent" and insert "75 percent".

In section 601(d)(2), strike "50 percent" and insert "75 percent".

The Acting CHAIRMAN. Pursuant to the House Resolution 319, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have a chart here which the gentleman from Illinois (Mr. HYDE) prepared, and I think you can see all the scandals at the United Nations. This has been shown several times. I think it is a good reminder to all of us that the U.N. is obviously in need of serious reform. I commend Chairman HYDE and his reform bill for doing just that. I think it ensures the reforms that we need.

My amendment is very simple. The main part of the Hyde bill is to withhold U.S. contributions to the regular assessed budget of the U.N. unless they make real and substantial reforms in the way they operate. So his underlying legislation calls for a 50 percent withholding, and my amendment simply increases that to 75 percent. I think you can think over it in terms of a glass half full, half empty, his 50 percent. My amendment would make it 75 percent empty, which I think for most people is a real clear sign we should do something. So it is not just adding more teeth, it is also one of symbolism.

I think just to review, we all know the U.N. is not as effective as it could be, not to mention all these scandals. The number one scandal is the Oil-for-Food program that we are still investigating, and we still have not got to the bottom of this scandal.

I think the American people, understandably, have sort of lost faith in the United Nations. It does not seem to be fulfilling its founding mission, as long as it continues to coddle dictators and appease terrorists. There is an ever-growing list of grievances against the United Nations, and suggested reform is desperately needed. If not, we will continue to pour hundreds of millions of American taxpayers' dollars down into what I call a bottomless pit. So leveraging our dues this way is the only way we can ensure the U.N. makes the necessary change.

Now, the question would be what is the difference, as I mentioned, between 50 and 75 percent? I think in real dollars and real impact, this will be more important, to move it to 75 percent. For many of us who feel strongly about this, it gives a little more weight to it.

I would also say, Mr. Chairman, that I had a dream last night, and this dream was of the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on the international Relations. In this dream he was puzzling how much to withhold from the U.N. until they enact the necessary reform—so in his great wisdom. As he sat in his chair in my dream, he set in a magnificent chair, and there were clouds and harps all around him, and he was deliberating very carefully whether to do 50 percent or 75 percent. He finally decided, after much deliberation, to do 50 percent. But I could tell in this dream that in his heart of hearts he wanted to have 75 percent.

So, Mr. Chairman, the dream I had of you convinced me that I should come down to the House floor today and offer 75 percent as a humble way to extend your feelings that were in my dream.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I want to commend my good friend from Florida for an improved version of the underlying Hyde bill.

I refer to the Hyde bill as a guillotine on autopilot, and I think it is in the true American spirit that the gentleman now has a more effective, faster-working, more suicidal guillotine which he is offering to this body.

I do not think this proposal deserves really any serious comment. If, in fact, 38½ of the 39 Hyde commandments are fulfilled, we should not automatically chop off 75 percent of our dues to the United Nations.

Mr. STEARNS. Mr. Chairman, I wish to reclaim my time, because the gentleman from California (Mr. LANTOS) is very eloquent, and I would like to continue to have a little less say on my amendment. If he is accepting my amendment, I would sure appreciate his support.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I claim the time in opposition, and I yield myself such time as I may consume.

Mr. Chairman, it is with painful reluctance that I object to my dear friend's dreams and his emanating bill. He is on the right track, God knows, but it is overkill. I think 50 percent bites just enough; 75 percent might kill the patient. And so with reluctance and admiration, and a hope that he gets a good night's sleep tonight, undisturbed by dreams. I must object to the amendment.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. With pleasure, I yield to the gentleman from California.

Mr. LANTOS. I thank the chairman for yielding to me.

Mr. Chairman, this is yet another occasion that Chairman HYDE and I stand shoulder to shoulder on attempting to reform the United Nations. I strongly concur with the chairman, this is overkill. It is over-overkill.

Using the gentleman's logic, it is difficult to see why he is not proposing a 95 percent automatic dues cut-off. But maybe upon reflection he might propose that on a future occasion.

Mr. HYDE. Mr. Chairman, I yield back the balance of my time.

Mr. STEARNS. Mr. Chairman, I yield myself the balance of my time, and I would say to the gentleman from California (Mr. LANTOS) that tonight I will try to get more sleep, because I have spent so much more time dreaming, and perhaps tonight he will be in my dreams. And I will be dreaming that he wished that we would have had the amendment at 95 percent instead of the 50 percent.

My colleagues, when you come down to the House floor to vote on the amendment, I want you to vote "yes" for the Stearns amendment because in your heart of hearts, in fact in the heart of hearts of Chairman HYDE in my dream, he wanted 75 percent.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

It is now in order to consider amendment No. 13 printed in Part 2 of House Report 109–132.

PART 2, AMENDMENT NO. 13 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. LANTOS

Mr. LANTOS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Acting CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Part 2, amendment No. 13 in the nature of a substitute offered by Mr. LANTOS:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United Nations Reform and Institutional Strengthening Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Statement of Congress.

TITLE I—MISSION AND BUDGET OF THE UNITED NATIONS

Sec. 101. United States financial contributions to the United Nations.
Sec. 102. Weighted voting.
Sec. 103. Certification requirements.
Sec. 104. Accountability.
Sec. 105. Terrorism and the United Nations.
Sec. 106. Equality at the United Nations.
Sec. 107. Reforms at the specialized agencies.
Sec. 108. Report on United Nations reform.
Sec. 109. Report on United Nations personnel.
Sec. 110. Anti-Semitism and the United Nations.
Sec. 111. United Nations cooperation relating to oil-for-food investigation.

TITLE II—HUMAN RIGHTS AND THE ECONOMIC AND SOCIAL COUNCIL

Sec. 201. Human Rights.
Sec. 202. Economic and Social Council (ecosoc).
Sec. 203. International responsibility to protect.

TITLE III—INTERNATIONAL ATOMIC ENERGY AGENCY

Sec. 301. International atomic energy agency.
Sec. 302. Sense of Congress regarding the Nuclear Security Action Plan of the IAEA.

TITLE IV—PEACEKEEPING

Sec. 401. Sense of Congress regarding reform of United Nations Peacekeeping Operations.
Sec. 402. Statement of policy relating to reform of United Nations Peacekeeping Operations.
Sec. 403. Certification.
Sec. 404. United States Contributions to United Nations Peacekeeping Operations.
Sec. 405. Genocide and the United Nations.
Sec. 406. Rule of construction relating to protection of United States officials and members of the Armed Forces.

TITLE V—DEPARTMENT OF STATE AND GOVERNMENT ACCOUNTABILITY OFFICE

Sec. 501. Positions for United States citizens at international organizations.
Sec. 502. Budget justification for regular assessed budget of the United Nations.
Sec. 503. Review and report.
Sec. 504. Government accountability office.

TITLE VI—CERTIFICATIONS AND WITHHOLDING OF CONTRIBUTIONS

Sec. 601. Certifications and withholding of Contributions.
Sec. 602. Diplomatic Campaign to Achieve Reform.

TITLE VII—UNITED NATIONS RENEWAL AND TOOLS TO FULLY IMPLEMENT UNITED NATIONS REFORM

Sec. 701. Synchronization of U.S. assessed Contributions to International Organizations.
Sec. 702. Increased funding for United States assessed contribution to the United Nations to support reform efforts.
Sec. 703. Buyout of United Nations personnel.
Sec. 704. United Nations democracy fund.
Sec. 705. United States personnel to international organizations.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) ECONOMIC AND SOCIAL COUNCIL.—The term "Economic and Social Council" means the Economic and Social Council of the United Nations.

(3) EMPLOYEE.—The term "employee" means an individual who is employed in the general services, professional staff, or senior management of the United Nations.

(4) GENERAL ASSEMBLY.—The term "General Assembly" means the General Assembly of the United Nations.

(5) MEMBER STATE.—The term "Member State" means a Member State of the United Nations.

(6) OFFICE OF INTERNAL OVERSIGHT SERVICES.—The terms "Office of Internal Oversight Services" and "OIOS" mean the Office of Internal Oversight Services of the United Nations.

(7) SECRETARY.—The term "Secretary" means the Secretary of State.

(8) SECRETARY GENERAL.—The term "Secretary General" means the Secretary General of the United Nations.

(9) SECURITY COUNCIL.—The term "Security Council" means the Security Council of the United Nations.

(10) SPECIALIZED AGENCY.—The term "specialized agency" means any of the following agencies of the United Nations:

(A) The Food and Agriculture Organization, or FAO.

(B) The International Atomic Energy Agency, or IAEA.

(C) The International Civil Aviation Organization, or ICAO.

(D) The International Fund for Agricultural Development, or IFAD.

(E) The International Labor Organization, or ILO.

(F) The International Maritime Organization, or IMO.

(G) The International Telecommunication Union, or ITU.

(H) The United Nations Educational, Scientific, and Cultural Organization, or UNESCO.

(I) The United Nations Industrial Development Organization, or UNIDO.

(J) The Universal Postal Union, or UPU.

(K) The World Health Organization, or WHO.

(L) The World Meteorological Organization, or WMO.

(M) The World Intellectual Property Organization, or WIPO.

SEC. 3. STATEMENT OF CONGRESS.

Congress declares that, in light of recent history, it is incumbent upon the United Nations to enact significant reform measures if it is to restore the public trust and confidence necessary for it to achieve the laudable goals set forth in its Charter.

TITLE I—MISSION AND BUDGET OF THE UNITED NATIONS

SEC. 101. UNITED STATES FINANCIAL CONTRIBUTIONS TO THE UNITED NATIONS.

(a) AUTHORIZATION WITH RESPECT TO THE REGULAR ASSESSED BUDGET OF THE UNITED NATIONS.—The Secretary is authorized to make contributions toward the amount assessed to the United States by the United

Nations for the purpose of funding the regular assessed budget of the United Nations.

(b) UNITED STATES FINANCIAL CONTRIBUTIONS TO THE UNITED NATIONS.—Section 11 of the United Nations Participation Act of 1945 (22 U.S.C. 287e-3) is amended to read as follows:

"SEC. 11. UNITED STATES FINANCIAL CONTRIBUTIONS TO THE UNITED NATIONS.

"(a) POLICY OF THE UNITED STATES RELATING TO THE REGULAR ASSESSED BUDGET OF THE UNITED NATIONS.—

"(1) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations—

"(A) to pursue a streamlined, efficient, and accountable regular assessed budget of the United Nations;

"(B) to make efforts to shift funding mechanisms of some of the organizational programs of the United Nations from the regular assessed budget to voluntarily funded programs; and

"(C) to shift funding from entities whose efforts are found duplicative or unbalanced under section 106(b) of the United Nations Reform and Institutional Strengthening Act of 2005 to programs under subsection (b) of this section or other related programs.

"(2) FUTURE BIENNIUM BUDGETS.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek to shift funding mechanisms of operational programs of the United Nations and to reduce the funding for programs specified in subsection (c) in future resolutions agreed to by the General Assembly for the regular assessed budget of the United Nations.

"(b) ELIGIBLE ORGANIZATIONAL PROGRAMS.—To the extent that any organizational programs are shifted from the regular assessed budget to voluntarily funded programs, the Secretary shall seek to use funds created by any reduction in the amount of the United States assessed contribution to the United Nations to make voluntary contributions to programs at the United Nations which—

"(1) conduct internal oversight;

"(2) promote human rights;

"(3) provide humanitarian assistance; and

"(4) are organizational programs which have been shifted from assessed to voluntary contributions.

"(c) PUBLIC INFORMATION AND GENERAL ASSEMBLY AFFAIRS AND CONFERENCE SERVICES.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to reduce by 20 percent the amount budgeted by resolution of the General Assembly for the 2008–2009 biennium compared to the amount budgeted by resolution of General Assembly for the 2004–2005 biennial period for the following organizational programs:

"(1) Public Information.

"(2) General Assembly affairs and conference services."

SEC. 102. WEIGHTED VOTING.

It shall be the policy of the United States to actively pursue weighted voting in the United Nations with respect to all budgetary and financial matters in the Administrative and Budgetary Committee and in the General Assembly in accordance with the level of the financial contribution of a Member State to the regular assessed budget of the United Nations.

SEC. 103. CERTIFICATION REQUIREMENTS.

(a) CERTIFICATION.—In accordance with section 601, a certification shall be required that certifies that the conditions described in subsection (b) have been satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) NEW BUDGET PRACTICES FOR THE UNITED NATIONS.—The United Nations is implementing budget practices that—

(A) require the maintenance of a budget not in excess of the level agreed to by the General Assembly at the beginning of each United Nations budgetary biennium, unless increases are agreed to by consensus and do not exceed ten percent, or unless the Secretary of State certifies that any increase that would be inconsistent with this paragraph is important to the national interest of the United States; and

(B) require the identification of expenditures by the United Nations by functional categories such as personnel, travel, and equipment.

(2) PROGRAM EVALUATION.—

(A) EVALUATION OF PROGRAMS.—The Secretary General has used the existing authorities to take measures to ensure that program managers within the United Nations Secretariat conduct evaluations of such programs in accordance with the standardized methodology referred to in subparagraph (B) of United Nations programs approved by the General Assembly.

(B) DEVELOPMENT OF EVALUATION CRITERIA.—The Office of Internal Oversight Services has developed a standardized methodology for the evaluation of United Nations programs approved by the General Assembly, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(C) REPORT.—The Secretary General is assessing budget requests and, on the basis of the evaluations of programs conducted pursuant to subparagraph (A) for the relevant preceding year, reports to the General Assembly on the continuing relevance and effectiveness of such programs and identifies those that need reform or should be terminated.

(D) SUNSET OF PROGRAMS.—Consistent with the July 16, 1997, recommendations of the Secretary General regarding a sunset policy and results-based budgeting for United Nations programs, the United Nations has established and is implementing procedures to require all new programs approved by the General Assembly to have a specific sunset date or a date by which such programs should be evaluated for continuing relevance and effectiveness.

SEC. 104. ACCOUNTABILITY.

(a) CERTIFICATION OF CREATION OF INDEPENDENT OVERSIGHT BOARD.—In accordance with section 601, a certification shall be required that certifies that the following reforms related to the establishment of an Independent Oversight Board (IOB) have been adopted by the United Nations:

(1) An IOB or an equivalent entity is established. Except as provided in paragraph (2), the IOB shall be an independent entity within the United Nations and shall not be subject to budget authority or organizational authority of any entity within the United Nations.

(2) The head of the IOB shall be a Director. The IOB shall also consist of four other board members who shall be nominated by the Secretary General and subject to Security Council approval by a majority vote. The IOB shall be responsible to the Security Council. The Director and board members shall each serve terms of six years, except that the terms of the initial board shall be staggered so that the terms of not more than two board members will expire in any one year. No board member may serve more than two terms. An IOB board member may be removed for cause by a majority vote of the Security Council. The Director shall appoint a professional staff headed by a Chief of Staff and may employ contract staff as needed.

(3) The IOB shall receive operational and budgetary funding through appropriations by the General Assembly and shall not be dependent upon any other bureau, division, or department of the United Nations for such funding.

(4) The IOB shall have the authority to evaluate all operations of the Office of Internal Oversight Services and the Board of External Auditors of the United Nations. Every three months or more frequently when appropriate, the IOB shall submit, as appropriate, to the Secretary General, the Security Council, the General Assembly, or the Economic and Social Council a report on its activities, relevant observations, and recommendations relating to its audit operations, including information relating to the inventory and status of investigation by the Office of Internal Oversight Services. The IOB may direct the Office of Internal Oversight Services or the Board of External Auditors to initiate an investigation.

(5) In extraordinary circumstances, and with the concurrence of the Secretary General and Security Council by majority vote, the IOB may augment the Office of Internal Oversight Services with a special investigator and staff consisting of individuals who are not employees of the United Nations, to investigate matters involving senior officials of the United Nations when allegations of serious misconduct have been made and such a special investigation is necessary to maintain public confidence in the integrity of the investigation. A special investigation staff shall comply with all United Nations financial disclosure and conflict of interest rules, including the filing of an individual annual financial disclosure form in accordance with subsection (c).

(6) The IOB shall recommend annual budgets for the Office of Internal Oversight Services and the Board of External Auditors.

(b) CERTIFICATION OF UNITED NATIONS REFORMS OF THE OFFICE OF INTERNAL OVERSIGHT SERVICES.—In accordance with section 601, a certification shall be required that certifies that the following reforms related to the Office of Internal Oversight Services (OIOS) have been adopted by the United Nations:

(1) The OIOS is designated as an independent entity within the United Nations. The OIOS shall not be subject to budget authority or organizational authority of any entity within the United Nations.

(2) The head of the OIOS shall be a Director.

(3) The OIOS shall receive operational and budgetary funding through appropriations by the General Assembly and shall not be dependent upon any other bureau, division, department, or specialized agency for such funding.

(4) All United Nations officials, including officials from any bureau, division, or department of the United Nations, may—

(A) make a recommendation to the OIOS to initiate an investigation of any aspect of the United Nations; or

(B) report to the OIOS information or allegations of misconduct or inefficiencies within the United Nations.

(5) The OIOS may, sua sponte, initiate and conduct an investigation of any bureau, division, department, or employee (including the Secretary General) of the United Nations or contractor or consultant for the United Nations.

(6) At least every three months and more frequently when appropriate, the OIOS or another responsible office shall submit to the IOB a report containing an inventory and status of its investigations.

(7) The OIOS shall establish or approve procedures for providing "whistle-blower" status and employment protections for all employees of the United Nations, who provide informational leads and testimony related to allegations of wrongdoing. Such procedures shall be adopted throughout the United Nations. Such status and protection may not be conferred on the Secretary General.

(8) The OIOS shall annually publish a public report determining the proper number, distribution, and expertise of auditors within the OIOS necessary to carry out present and future duties of the OIOS, including assessing the staffing requirements needed to audit United Nations contracting activities throughout the contract cycle from the bid process to contract performance.

(9) The Director of OIOS shall establish a position of Associate Director of OIOS for Specialized Agencies and Funds and Programs, who shall be responsible for supervising the OIOS liaison and oversight duties for each specialized agency and funds and programs of the United Nations. With the concurrence of the Director and the relevant specialized agency, the Associate Director may hire and appoint necessary OIOS staff, including staff serving within and located at a specialized agency and funds and programs permanently or as needed to liaison with existing audit functions with each specialized agency and funds and programs.

(10) Not later than six months after the date of the enactment of this Act, the Director shall establish a position of Associate Director of OIOS for Peacekeeping Operations or an equivalent position, who shall be responsible for the oversight and auditing of the field offices attached to United Nations peacekeeping operations. The Associate Director of OIOS for Peacekeeping Operations shall—

(A) receive informational leads and testimony from any person regarding allegations of wrongdoing by United Nations officials or peacekeeping troops or regarding inefficiencies associated with United Nations peacekeeping operations; and

(B) shall be responsible for initiating, conducting, and overseeing investigations within peacekeeping operations.

(11)(A) Not later than six months after the date of the enactment of this Act, the Director shall establish a position of Associate Director of OIOS for Procurement and Contract Integrity or an equivalent position, who shall be responsible for auditing and inspecting procurement and contracting within the United Nations. The Associate Director of OIOS for Procurement and Contract Integrity shall—

(i) receive informational leads and testimony from any person regarding allegations of wrongdoing by United Nations officials or regarding inefficiencies associated with United Nations procurement or contracting activities; and

(ii) be responsible for initiating, conducting, and overseeing investigations of procurement and contract activities.

(B) Not later than 12 months after the establishment of the position of Associate Director of OIOS for Procurement and Contract Integrity, the Director, with the assistance of the Associate Director of OIOS for Procurement and Contract Integrity, shall undertake a review of contract procedures to ensure that practices and policies are in place to ensure that—

(i) the United Nations has ceased issuing single bid contracts, except during an emergency situation that is justified by the Under Secretary General for Management;

(ii) the United Nations has established effective controls to prevent conflicts of interest in the award of contracts; and

(iii) the United Nations has established effective procedures and policies to ensure effective and comprehensive oversight and monitoring of United Nations contract performance.

(c) CERTIFICATION OF ESTABLISHMENT OF UNITED NATIONS OFFICE OF ETHICS.—In accordance with section 601, a certification shall be required that certifies that the following reforms related to the establishment of a United Nations Office of Ethics or an equivalent entity (UNOE) have been established by the United Nations:

(1) A UNOE is established. The UNOE shall be an independent entity within the United Nations and shall not be subject to budget authority or organizational authority of any entity within the United Nations. The UNEO shall be responsible for establishing, managing, and enforcing a code of ethics for all employees of the United Nations. The UNEO shall be responsible for providing such employees with annual training related to such code. The head of the UNEO shall be a Director.

(2) The UNEO shall receive operational and budgetary funding through appropriations by the General Assembly and shall not be dependent upon any other bureau, division, department, or specialized agency of the United Nations for such funding.

(3) The Director of the UNEO shall, not later than six months after the date of its establishment, publish a report containing proposals for implementing a system for the filing and review of individual annual financial disclosure forms by each employee of the United Nations at the P-5 level and above and by all consultants for the United Nations compensated at any salary level. Such forms shall be made available at the request of the Director of the Office of Internal Oversight Services. Such system shall seek to identify and prevent conflicts of interest by United Nations employees and shall be comparable to the system used for such purposes by the United States Government. Such report shall also address broader reforms of the ethics program for the United Nations, including—

(A) the effect of the establishment of ethics officers throughout all organizations within the United Nations;

(B) the effect of retention by the UNEO of annual financial disclosure forms;

(C) proposals for making completed annual financial disclosure forms of each employee and consultant available to the public, on request, through the mission to the United Nations of the Member State of which the employee or consultant is a national;

(D) proposals for annual disclosure to the public of information related to the annual salaries and payments, including pension payments and buyouts, of employees of and consultants for the United Nations;

(E) proposals for annual disclosure to the public of information related to per diem rates for all bureaus, divisions, departments, or specialized agencies within the United Nations;

(F) proposals for disclosure upon request by the Ambassador of a Member State of information related to travel and per diem payments made from United Nations funds to any person; and

(G) proposals for annual disclosure to the public of information related to travel and per diem payments made from United Nations funds to any person.

(d) CERTIFICATION OF UNITED NATIONS ESTABLISHMENT OF POSITION OF CHIEF OPERATING OFFICER.—In accordance with section 601, a certification shall be required that certifies that the following reforms related to the establishment of the position of a Chief Operating Officer or an equivalent position have been adopted by the United Nations:

(1) There is established the position of Chief Operating Officer (COO). The COO shall report to the Secretary General.

(2) The COO shall be responsible for formulating general policies and programs for the United Nations in coordination with the Secretary General and in consultation with the Security Council and the General Assembly. The COO shall be responsible for the daily administration, operation and supervision, and the direction and control of the business of the United Nations. The COO shall also perform such other duties and may exercise such other powers as from time to time may be assigned to the COO by the Secretary General.

SEC. 105. TERRORISM AND THE UNITED NATIONS.

The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to work toward adoption by the General Assembly of—

(1) a definition of terrorism that builds upon the recommendations of the Secretary General's High-Level Panel on Threats, Challenges, and Change, and includes as an essential component of such definition any action that is intended to cause death or serious bodily harm to civilians with the purpose of intimidating a population or compelling a government or an international organization to do, or abstain from doing, any act; and

(2) a comprehensive convention on terrorism that includes the definition described in paragraph (1).

SEC. 106. EQUALITY OF ISRAEL AT THE UNITED NATIONS.

(a) INCLUSION OF ISRAEL IN WEOG.—

(1) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States to expand the Western European and Others Group (WEOG) in the United Nations to include Israel as a permanent member with full rights and privileges.

(2) NOTIFICATION TO CONGRESS.—Not later than six months after the date of the enactment of this Act and every six months thereafter for the succeeding 2-year period, the Secretary of State shall notify the appropriate congressional committees concerning the treatment of Israel in the United Nations and the expansion of WEOG to include Israel as a permanent member.

(b) DEPARTMENT OF STATE REVIEW AND REPORT.—

(1) IN GENERAL.—To avoid duplicative efforts and funding with respect to Palestinian interests and to ensure balance in the approach to Israeli-Palestinian issues, the Secretary shall conduct an audit of the functions of the entities listed in paragraph (2) and submit to the appropriate congressional committees, not later than 60 days after enactment of this Act, a report containing recommendations for the elimination of such entities.

(2) ENTITIES.—The entities referred to in paragraph (1) are the following:

(A) The United Nations Division for Palestinian Rights.

(B) The Committee on the Exercise of the Inalienable Rights of the Palestinian People.

(C) The United Nations Special Coordinator for the Middle East Peace Process and Personal Representative to the Palestine Liberation Organization and the Palestinian Authority.

(D) The NGO Network on the Question of Palestine.

(E) The United Nations Relief and Works Agency for Palestinian Refugees in the Near East.

(F) The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

(G) Such other entities as the Secretary determines to constitute duplicative efforts and funding or fail to ensure balance in the approach to Israeli-Palestinian issues.

(c) IMPLEMENTATION BY PERMANENT REPRESENTATIVE.—

(1) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the implementation of the recommendations contained in the report required under subsection (b)(1).

(2) WITHHOLDING OF FUNDS.—Until such recommendations have been implemented, the Secretary of State is authorized to withhold from United States contributions to the regular assessed budget of the United Nations for a biennial period amounts that are proportional to the percentage of such budget that are expended for such entities.

(d) GAO AUDIT.—The Comptroller General of the United States shall conduct an audit of—

(1) the status of the implementation of the recommendations contained in the report required under subsection (b)(1); and

(2) United States action and achievements under subsection (c).

SEC. 107. REFORMS AT THE SPECIALIZED AGENCIES.

(a) BUDGET REFORM.—The Secretary of State shall direct the United States representative to each specialized agency to use the voice, vote, and influence of the United States ensure that each specialized agency—

(1) has developed a standardized methodology for the evaluation of the programs of the agency, including specific criteria for determining the continuing relevance and effectiveness of the programs, patterned on the work of the Office of Internal Oversight Services of the United Nations under section 103;

(2) provides the results of such evaluations to the governing body of such agency; and

(3) has established and is implementing procedures to require all new programs of such agency have a specific sunset date.

(b) ACCOUNTABILITY.—The Secretary of State shall direct the United States representative to each specialized agency to use the voice, vote and influence of the United States to ensure that each specialized agency—

(1) has a strengthened internal inspection capability or has agreed to allow the Office on Internal Oversight Services of the United Nations to conduct an investigation or audit of any program in such agency, including any employee or contractor of, or consultant for, such agency; and

(2) has adopted whistleblower protections patterned on the protections developed by OIOS under section 104 of this Act.

(c) ETHICS.—The Secretary shall direct the United States representative to each specialized agency to use the voice, vote and influence of the United States to ensure that each specialized agency—

(1) is using a system for the filing and review of individual annual financial disclosure forms developed by the United Nations Ethics Office established by section 104 of this Act or a system patterned after such system; and

(2) has established its own ethics office or is using the services of the United Nations Ethics Office to review and otherwise implement the ethics system described in paragraph (1).

(d) AUTHORITY.—If the Secretary is unable to certify that one or more of the policies described in this section has been implemented for any specialized agency, the Secretary is authorized to withhold up to 50 percent of the United States contribution to the regular assessed budget of such specialized agency, beginning with funds appropriated for such contribution for fiscal year 2008.

SEC. 108. REPORT ON UNITED NATIONS REFORM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on United Nations reform since 1990.

(b) CONTENTS.—The report required under paragraph (1) shall describe—

(1) the status of the implementation of management reforms within the United Nations and its specialized agencies;

(2) the number of outputs, reports, or other items generated by General Assembly resolutions that have been eliminated;

(3) the progress of the General Assembly to modernize and streamline the committee structure and its specific recommendations on oversight and committee outputs, consistent with the March 2005 report of the Secretary General entitled "In larger freedom: towards development, security and human rights for all";

(4) the status of the review by the General Assembly of all mandates older than five years and how resources have been redirected to new challenges, consistent with the March 2005 report of the Secretary General referred to in paragraph (3); and

(5) the continued utility and relevance of the Economic and Financial Committee and the Social, Humanitarian, and Cultural Committee, in light of the duplicative agendas of those committees and the Economic and Social Council.

(c) UPDATE.—Not later than one year after submitting the report under subsection (a), the Secretary shall submit to the appropriate congressional committees a report updating the information included in the first report.

SEC. 109. REPORT ON UNITED NATIONS PERSONNEL.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report—

(1) concerning the progress of the General Assembly to modernize human resource practices, consistent with the March 2005 report of the Secretary General entitled "In larger freedom: towards development, security and human rights for all"; and

(2) containing the information described in subsection (b).

(b) CONTENTS.—The report shall include—

(1) a comprehensive evaluation of human resources reforms at the United Nations, including an evaluation of—

(A) tenure;

(B) performance reviews;

(C) the promotion system;

(D) a merit-based hiring system and enhanced regulations concerning termination of employment of employees; and

(E) the implementation of a code of conduct and ethics training;

(2) the implementation of a system of procedures for filing complaints and protective measures for work-place harassment, including sexual harassment;

(3) policy recommendations relating to the establishment of a rotation requirement for nonadministrative positions;

(4) policy recommendations relating to the establishment of a prohibition preventing personnel and officials assigned to the mission of a Member State to the United Nations from transferring to a position within the United Nations Secretariat that is compensated at the P–5 level or above;

(5) policy recommendations relating to a reduction in travel allowances and attendant oversight with respect to accommodations and airline flights; and

(6) an evaluation of the recommendations of the Secretary General relating to greater flexibility for the Secretary General in staffing decisions to accommodate changing priorities.

SEC. 110. ANTI-SEMITISM AND THE UNITED NATIONS.

(a) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to—

(1) ensure the issuance and implementation of a directive by the Secretary General or the Secretariat, as appropriate, that—

(A) requires all employees of the United Nations and its specialized agencies to officially and publicly condemn anti-Semitic statements made at any session of the United Nations or its specialized agencies, or at any other session sponsored by the United Nations;

(B) requires employees of the United Nations and its specialized agencies to be subject to punitive action, including immediate dismissal, for making anti-Semitic statements or references;

(C) proposes specific recommendations to the General Assembly for the establishment of mechanisms to hold accountable employees and officials of the United Nations and its specialized agencies, or Member States, that make such anti-Semitic statements or references in any forum of the United Nations or of its specialized agencies; and

(D) develops and implements education awareness programs about the Holocaust and anti-Semitism throughout the world, as part of an effort to combat intolerance and hatred;

(2) work to secure the adoption of a resolution by the General Assembly that establishes the mechanisms described in paragraph (1)(C); and

(3) continue working toward further reduction of anti-Semitic language and anti-Israel resolutions in the United Nations and its specialized agencies.

(b) CERTIFICATION.—In accordance with section 601, a certification shall be required that certifies that the requirements described in subsection (a) have been satisfied.

SEC. 111. UNITED NATIONS COOPERATION RELATING TO OIL-FOR-FOOD INVESTIGATION.

The President shall direct the United States Permanent Representative to the United Nations to make efforts to ensure that the United Nations provides all appropriate and necessary information to the relevant law enforcement authority of a Member State relating to a prosecution initiated by such authority regarding the oil-for-food program of the United Nations and that the United Nations waives immunity regarding any official charged with a serious criminal offense under such prosecution.

TITLE II—HUMAN RIGHTS AND THE ECONOMIC AND SOCIAL COUNCIL

SEC. 201. HUMAN RIGHTS.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States to use its voice, vote, and influence at the United Nations to ensure that a credible and respectable Human Rights Council or other human rights body is established within the United Nations whose participating Member States uphold the values embodied in the Universal Declaration of Human Rights.

(b) HUMAN RIGHTS REFORMS AT THE UNITED NATIONS.—The President shall direct the United States Permanent Representative to the United Nations to seek to ensure that the following human rights reforms have been adopted by the United Nations:

(1) A Member State that fails to uphold the values embodied in the Universal Declaration of Human Rights shall be ineligible for membership on any United Nations human rights body.

(2) A Member State that is subject to sanctions by the Security Council or under a Security Council-mandated investigation for human rights abuses shall be ineligible for membership on any United Nations human rights body.

(3) A Member State that is subject to a country specific resolution relating to human rights abuses perpetrated in that country by the government of that country that has been adopted, within the preceding 3-year period, by a United Nations or regional organization that has competence regarding such matters shall be ineligible for membership on any United Nations human rights body. For purposes of this paragraph, a country specific resolution shall not include consensus resolutions on advisory services.

(4) A Member State that violates the principles of a United Nations human rights body to which it aspires to join shall be ineligible for membership on such body.

(5) No human rights body has a standing agenda item that only relates to one country or one region.

(c) CERTIFICATION.—In accordance with section 601, a certification shall be required that certifies that the human rights reforms described under subsection (b) have been adopted by the United Nations.

(d) PREVENTION OF ABUSE OF "NO ACTION" MOTIONS.—The United States Permanent Representative to the United Nations shall work to prevent abuse of "no action" motions, particularly as such motions relate to country specific resolutions.

(e) OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS.—

(1) STATEMENT OF POLICY.—It shall be the policy of the United States to continue to strongly support the Office of the United Nations High Commissioner for Human Rights.

(2) CERTIFICATION.—In accordance with section 601, a certification shall be required that certifies that the Office of the United Nations High Commissioner for Human Rights has been given greater authority in field operation activities, such as in the Darfur region of Sudan and in the Democratic Republic of the Congo, in furtherance of the purpose and mission of the United Nations.

SEC. 202. ECONOMIC AND SOCIAL COUNCIL (ECOSOC).

(a) STATEMENT OF POLICY.—It shall be the policy of the United States to use its voice, vote, and influence at the United Nations to—

(1) abolish secret voting in the Economic and Social Council (ECOSOC);

(2) ensure that, until such time as the Commission on Human Rights of the United Nations is abolished, only countries that are not ineligible for membership on a human rights body in accordance with paragraph (1) through (4) of section 201(b) shall be considered for membership on the Commission on Human Rights; and

(3) ensure that after candidate countries are nominated for membership on the Commission on Human Rights, the Economic and Social Council conducts a recorded vote to determine such membership.

(b) CERTIFICATION.—In accordance with section 601, a certification shall be required that certifies that the policies described in subsection (a) have been implemented.

SEC. 203. INTERNATIONAL RESPONSIBILITY TO PROTECT.

(a) FINDINGS.—The situation in Darfur, Sudan, declared to be genocide by the U.S. House of Representatives in H.Con.Res. 467 (adopted on July 27, 2004), demonstrates the need for an internationally agreed framework for effective action to prevent genocide or other crimes against humanity that threaten a large scale loss of life.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the United States and other members of the international community should endorse the Secretary General's initiative described in his report entitled "In larger freedom: towards development, security and human rights for all" to require that—

(1) the government of every country has the responsibility to protect its civilian population from genocide, ethnic cleansing, or crimes against humanity; and

(2) in the case of a government that is unwilling or unable to do carry out its responsibility under paragraph (1) in the face of such gross violations of internationally recognized human rights, members of the international community must use diplomatic, humanitarian, and other necessary means to help protect civilian populations and save lives.

TITLE III—INTERNATIONAL ATOMIC ENERGY AGENCY

SEC. 301. INTERNATIONAL ATOMIC ENERGY AGENCY.

(a) ENFORCEMENT AND COMPLIANCE.—

(1) OFFICE OF COMPLIANCE.—

(A) ESTABLISHMENT.—The President shall direct the United States Permanent Representative to International Atomic Energy Agency (IAEA) to use the voice, vote, and influence of the United States at the IAEA to establish an Office of Compliance in the Secretariat of the IAEA under the direction of the Deputy Director General for Safeguards.

(B) OPERATION.—The Office of Compliance shall—

(i) function as an independent body composed of technical experts who shall work in consultation with IAEA inspectors to assess compliance by IAEA Member States and provide recommendations to the IAEA Board of Governors concerning penalties to be imposed on IAEA Member States that fail to fulfill their obligations under IAEA Board resolutions;

(ii) base its assessments and recommendations on IAEA inspection reports; and

(iii) take into consideration information provided by IAEA Board Members that are among the five nuclear weapons states as recognized by the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) (commonly referred to as the "Nuclear Non-Proliferation Treaty" or the "NPT").

(C) STAFFING.—The Office of Compliance shall be staffed from existing personnel in the Department of Safeguards of the IAEA or the Department of Nuclear Safety and Security of the IAEA.

(D) OPERATION.—The Office of Compliance shall operate in consultation with IAEA inspectors and enforcement actions shall be based on inspection reports, IAEA Board of Governors resolutions, Director General reports, and shall take into consideration information provided by IAEA Board Members that are among the five nuclear weapons states as recognized by the Treaty on the Non-Proliferation of Nuclear Weapons.

(2) SPECIAL COMMITTEE ON SAFEGUARDS AND VERIFICATION.—

(A) ESTABLISHMENT.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to establish a Special Committee on Safeguards and Verification.

(B) RESPONSIBILITIES.—The Special Committee shall—

(i) improve the ability of the IAEA to monitor and enforce compliance by Member States of the IAEA with the Nuclear Non-Proliferation Treaty and the Statute of the International Atomic Energy Agency; and

(ii) consider which additional measures are necessary to enhance the ability of the IAEA, beyond the verification mechanisms and authorities contained in the Additional Protocol to the Safeguards Agreements between the IAEA and Member States of the IAEA, to detect with a high degree of confidence undeclared nuclear activities by a Member State.

(3) PENALTIES WIT RESPECT TO THE IAEA.—

(A) IN GENERAL.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to ensure that a Member State of the IAEA that is under investigation for a breach of or noncompliance with its IAEA obligations or the purposes and principles of the Charter of the United Nations has its IAEA privileges suspended, including—

(i) limiting its ability to vote on its case;

(ii) being prevented from receiving any technical assistance; and

(iii) being prevented from hosting meetings.

(B) TERMINATION OF PENALTIES.—The penalties specified under subparagraph (A) shall be terminated when the investigation is concluded and the Member State is no longer in such breach or noncompliance.

(4) PENALTIES WITH RESPECT TO THE NUCLEAR NONPROLIFERATION TREATY.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to ensure that a Member State of the IAEA that is found to be in breach of, in noncompliance with, or has withdrawn from the Nuclear Nonproliferation Treaty shall return to the IAEA all nuclear materials and technology received from the IAEA, any Member State of the IAEA, or any Member State of the Nuclear Nonproliferation Treaty.

(b) UNITED STATES CONTRIBUTIONS.—

(1) VOLUNTARY CONTRIBUTIONS.—Voluntary contributions of the United States to the IAEA may only be used to fund activities relating to Nuclear Safety and Security or activities relating to Nuclear Verification.

(2) LIMITATION ON USE OF FUNDS.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to—

(A) ensure that funds for safeguards inspections are used giving first priority to address countries that are initiating or developing nuclear activities; and

(B) block the allocation of funds for any other IAEA development, environmental, or nuclear science assistance or activity to a country—

(i) the government of which the Secretary of State has determined—

(I) for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or other provision of law, is a government that has repeatedly provided support for acts of international terrorism; and

(II) has not dismantled and surrendered its weapons of mass destruction under international verification;

(ii) that is under investigation for a breach of or noncompliance with its IAEA obligations or the purposes and principles of the Charter of the United Nations; or

(iii) that is in violation of its IAEA obligations or the purposes and principles of the Charter of the United Nations.

(3) DETAIL OF EXPENDITURES.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to secure, as part of the regular budget presentation of the IAEA to Member States of the IAEA, a detailed breakdown by country of expenditures of the IAEA for safeguards inspections and nuclear security activities.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to block the membership on the Board of Governors of the IAEA of a Member State of the IAEA that has not signed and ratified the IAEA Additional Protocol and—

(A) is under investigation for a breach of, or noncompliance with, its IAEA obligations or the purposes and principles of the Charter of the United Nations; or

(B) is in violation of its IAEA obligations or the purposes and principles of the Charter of the United Nations.

(2) CRITERIA.—The United States Permanent Representative to the IAEA shall make every effort to modify the criteria for Board membership to reflect the principles described in paragraph (1).

(d) NUCLEAR PROGRAM OF IRAN.—

(1) UNITED STATES ACTION.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to make every effort to ensure the adoption of a resolution by the IAEA Board of Governors that makes Iran ineligible to receive any nuclear material, technology, equipment, or assistance from any IAEA Member State and ineligible for any IAEA assistance not related to safeguards inspections or nuclear security until the IAEA Board of Governors determines that Iran—

(A) is providing full access to IAEA inspectors to its nuclear-related facilities;

(B) has fully implemented and is in compliance with the Additional Protocol; and

(C) has permanently ceased and dismantled all activities and programs related to nuclear-enrichment and reprocessing.

(2) PENALTIES.—If an IAEA Member State is determined to have violated the prohibition on assistance to Iran described in paragraph (1) before the IAEA Board of Governors determines that Iran has satisfied the conditions described in subparagraphs (A) through (C) of such paragraph, such Member State shall be subject to the penalties described in section 301(a)(3), shall be ineligible to receive nuclear material, technology, equipment, or assistance from any IAEA Member State, and shall be ineligible to receive any IAEA assistance not related to safeguards inspections or nuclear security until such time as the IAEA Board of Governors makes such determination with respect to Iran.

(e) REPORT.—Not later than six months after the date of the enactment of this Act and annually thereafter for the succeeding 2-year period, the President shall submit to the appropriate congressional committees a report on the implementation of this section.

SEC. 302. SENSE OF CONGRESS REGARDING THE NUCLEAR SECURITY ACTION PLAN OF THE IAEA.

It is the sense of Congress that the national security interests of the United States are enhanced by the Nuclear Security Action Plan of the IAEA and the Board of Governors of the IAEA should recommend, and the General Conference of the IAEA should adopt, a resolution incorporating the Nuclear Security Action Plan into the regular budget of the IAEA.

TITLE IV—PEACEKEEPING

SEC. 401. SENSE OF CONGRESS REGARDING REFORM OF UNITED NATIONS PEACEKEEPING OPERATIONS.

It is the sense of Congress that—

(1) although United Nations peacekeeping operations have contributed greatly toward the promotion of peace and stability for the past 57 years, and the majority of peacekeeping personnel who have served under the United Nations flag have done so with honor and courage, the record of United Nations peacekeeping has been severely tarnished by operational failures and unconscionable acts of misconduct; and

(2) if the reputation of and confidence in United Nations peacekeeping operations is to be restored, fundamental and far-reaching reforms, particularly in the areas of planning, management, training, conduct, and discipline, must be implemented without delay.

SEC. 402. STATEMENT OF POLICY RELATING TO REFORM OF UNITED NATIONS PEACEKEEPING OPERATIONS.

It shall be the policy of the United States to pursue reform of United Nations peacekeeping operations in the following areas:

(1) PLANNING AND MANAGEMENT.—

(A) GLOBAL AUDIT.—As the size, cost, and number of United Nations peacekeeping operations have increased substantially over the past decade, an independent audit of each such operation, with a view toward "right-sizing" operations and ensuring that such operations are cost effective, should be conducted and its findings reported to the Security Council.

(B) REVIEW OF MANDATES AND CLOSING OPERATIONS.—In conjunction with the audit described in subparagraph (A), the United Nations Department of Peacekeeping Operations should conduct a comprehensive review of all United Nations peacekeeping operation mandates, with a view toward identifying objectives that are practical and achievable, and report its findings to the Security Council. In particular, the review should consider the following:

(i) Activities that fall beyond the scope of traditional peacekeeping activities should be delegated to a new Peacebuilding Commission, described in paragraph (3).

(ii) Long-standing operations that are static and cannot fulfill their mandate should be downsized or closed.

(iii) If there is legitimate concern that the withdrawal from a country of an otherwise static United Nations peacekeeping operation would result in the resumption of major conflict, a burden-sharing arrangement that reduces the level of assessed contributions, similar to that currently supporting the United Nations Peacekeeping Force in Cyprus, should be explored and instituted.

(C) LEADERSHIP.—As peacekeeping operations become larger and increasingly complex, the Secretariat should adopt a minimum standard of qualifications for senior leaders and managers, with particular emphasis on specific skills and experience, and current senior leaders and managers who do not meet those standards should be removed or reassigned.

(D) PRE-DEPLOYMENT TRAINING.—Pre-deployment training on interpretation of the mandate of the operation, specifically in the areas of force, civilian protection, field conditions, the Code of Conduct described in paragraph (2)(A), HIV/AIDS, gender, and human rights issues should be mandatory, and all personnel, regardless of category or rank, should be required to sign an oath that each has received and understands such training as a condition of participation in the operation.

(2) CONDUCT AND DISCIPLINE.—

(A) ADOPTION OF A UNIFORM CODE OF CONDUCT.—A single, uniform Code of Conduct that has the status of a binding rule and applies equally to all personnel serving in United Nations peacekeeping operations, regardless of category or rank, should be promulgated, adopted, and enforced.

(B) UNDERSTANDING THE CODE OF CONDUCT.—All personnel, regardless of category or rank, should receive training on the Code of Conduct prior to deployment with a peacekeeping operation, in addition to periodic follow-on training. In particular—

(i) all personnel, regardless of category or rank, should be provided with a personal copy of the Code of Conduct that has been translated into the national language of such personnel, regardless of whether such language is an official language of the United Nations;

(ii) all personnel, regardless of category or rank, should sign an oath that each has received a copy of the Code of Conduct, that each pledges to abide by the Code of Conduct, and that each understands the consequences of violating the Code of Conduct as a condition of appointment to such operation, including immediate termination of the participation of such personnel in the peacekeeping operation to which such personnel is assigned; and

(iii) peacekeeping operations should conduct educational outreach programs within communities hosting such operations, including explaining prohibited acts on the part of United Nations peacekeeping personnel and identifying the individual to whom the local population may direct complaints or file allegations of exploitation, abuse, or other acts of misconduct.

(C) MONITORING MECHANISMS.—Dedicated monitoring mechanisms, such as the personnel conduct units deployed to support United Nations peacekeeping operations in Haiti, Liberia, Burundi, and the Democratic

Republic of Congo, should be present in each operation to monitor compliance with the Code of Conduct, and—

(i) should report simultaneously to the Head of Mission, the United Nations Department of Peacekeeping Operations, and the Associate Director of OIOS for Peacekeeping Operations (established under section 104(b)(9)); and

(ii) should be tasked with designing and implementing mission-specific measures to prevent misconduct, conduct follow-on training for personnel, coordinate community outreach programs, and assist in investigations, as OIOS determines necessary and appropriate.

(D) INVESTIGATIONS.—A permanent, professional, and independent investigative body should be established and introduced into United Nations peacekeeping operations. In particular—

(i) the investigative body should include professionals with experience in investigating sex crimes, as well as experts who can provide guidance on standards of proof and evidentiary requirements necessary for any subsequent legal action;

(ii) provisions should be included in a Model Memorandum of Understanding that obligate each Member State that contributes troops to a peacekeeping operation to designate a military prosecutor who will participate in any investigation into an allegation of misconduct brought against an individual of that Member State, so that evidence is collected and preserved in a manner consistent with the military law of that Member State;

(iii) the investigative body should be regionally based to ensure rapid deployment and should be equipped with modern forensics equipment for the purpose of positively identifying perpetrators and, where necessary, for determining paternity; and

(iv) the investigative body should report directly to the Associate Director of OIOS for Peacekeeping Operations, while providing copies of any reports to the Department of Peacekeeping Operations, the Head of Mission, and the Member State concerned.

(E) FOLLOW-UP.—A dedicated unit, similar to the personnel conduct units, staffed and funded through existing resources, should be established within the headquarters of the United Nations Department of Peacekeeping Operations and tasked with—

(i) promulgating measures to prevent misconduct;

(ii) coordinating allegations of misconduct, and reports received by field personnel; and

(iii) gathering follow-up information on completed investigations, particularly by focusing on disciplinary actions against the individual concerned taken by the United Nations or by the Member State that is contributing troops to which the individual belongs, and sharing that information with the Security Council, the Head of Mission, and the community hosting the peacekeeping operation.

(F) FINANCIAL LIABILITY AND VICTIMS ASSISTANCE.—Although peacekeeping operations should provide immediate medical assistance to victims of sexual abuse or exploitation, the responsibility for providing longer-term treatment, care, or restitution lies solely with the individual found guilty of the misconduct. In particular, the following reforms should be implemented:

(i) The United Nations should not assume responsibility for providing long-term treatment or compensation by creating a "Victims Trust Fund", or any other such similar fund, financed through assessed contributions to United Nations peacekeeping operations, thereby shielding individuals from personal liability and reinforcing an atmosphere of impunity.

(ii) If an individual responsible for misconduct has been repatriated, reassigned, redeployed, or is otherwise unable to provide assistance, responsibility for providing assistance to a victim should be assigned to the Member State that contributed the troops to which the individual belonged or to the manager concerned.

(iii) In the case of misconduct by a member of a military contingent, appropriate funds should be withheld from the troop-contributing country concerned.

(iv) In the case of misconduct by a civilian employee or contractor of the United Nations, appropriate wages should be garnished from such individual or fines should be imposed against such individual, consistent with existing United Nations Staff Rules.

(G) MANAGERS AND COMMANDERS.—The manner in which managers and commanders handle cases of misconduct by those serving under them should be included in their individual performance evaluations, so that managers and commanders who take decisive action to deter and address misconduct are rewarded, while those who create a permissive environment or impede investigations are penalized or relieved of duty, as appropriate.

(H) DATA BASE.—A centralized data base should be created and maintained within the United Nations Department of Peacekeeping Operations to track cases of misconduct, including the outcome of investigations and subsequent prosecutions, to ensure that personnel who have engaged in misconduct or other criminal activities, regardless of category or rank, are permanently barred from participation in future peacekeeping operations.

(I) WELFARE.—Peacekeeping operations should assume responsibility for maintaining a minimum standard of welfare for mission personnel to ameliorate conditions of service, while adjustments are made to the discretionary welfare payments currently provided to Member States that contribute troops to offset the cost of operation-provided recreational facilities.

(3) PEACEBUILDING COMMISSION.—

(A) ESTABLISHMENT.—Consistent with the recommendations of the Report of the Secretary General's High Level Panel on Threats, Challenges, and Change, the United Nations should establish a Peacebuilding Commission, supported by a Peacebuilding Support Office, to marshal the efforts of the United Nations, international financial institutions, donors, and non-governmental organizations to assist countries in transition from war to peace.

(B) STRUCTURE AND MEMBERSHIP.—The Commission should—

(i) be a subsidiary body of the United Nations Security Council, limited in size to ensure efficiency;

(ii) include members of the United Nations Security Council, major donors, and Member States that contribute troops, appropriate United Nations organizations, the World Bank, and the International Monetary Fund; and

(iii) invite the President of ECOSOC, regional actors, Member States that contribute troops, regional development banks, and other concerned parties that are not already members, as determined appropriate, to consult or participate in meetings as observers.

(C) RESPONSIBILITIES.—The Commission should seek to ease the demands currently placed upon the Department of Peacekeeping Operations to undertake tasks that fall beyond the scope of traditional peacekeeping, by—

(i) developing and integrating country-specific and system-wide conflict prevention, post-conflict reconstruction, and long-term development policies and strategies; and

(ii) serving as the key coordinating body for the design and implementation of military, humanitarian, and civil administration aspects of complex missions.

(D) RESOURCES.—The establishment of the Peacebuilding Commission and the related Peacebuilding Support Office should be staffed with existing resources.

SEC. 403. CERTIFICATION.

(a) NEW OR EXPANDED PEACEKEEPING OPERATIONS CONTINGENT UPON PRESIDENTIAL CERTIFICATION OF PEACEKEEPING OPERATIONS REFORMS.—

(1) NO NEW OR EXPANDED PEACEKEEPING OPERATIONS.—Beginning on January 1, 2007, and until the Secretary certifies that the requirements described in paragraph (2) have been satisfied, the President shall direct the United States Permanent Representative to the United Nations use the voice, vote, and influence of the United States at the United Nations to oppose the creation of new, or expansion of existing, United Nations peacekeeping operations unless the Secretary certifies to the appropriate congressional committees that such creation or expansion is in the national interest of the United States, and includes with the certification a written justification therefor.

(2) CERTIFICATION OF PEACEKEEPING OPERATIONS REFORMS.—The certification referred to in paragraph (1) is a certification made by the Secretary to the appropriate congressional committees that the following reforms, or an equivalent set of reforms, related to peacekeeping operations have been adopted by the United Nations Department of Peacekeeping Operations or the General Assembly, as appropriate:

(A) A single, uniform Code of Conduct that has the status of a binding rule and applies equally to all personnel serving in United Nations peacekeeping operations, regardless of category or rank, has been adopted by the General Assembly and mechanisms have been established for training such personnel concerning the requirements of the Code and enforcement of the Code.

(B) All personnel, regardless of category or rank, serving in a peacekeeping operation have been trained concerning the requirements of the Code of Conduct and each has been given a personal copy of the Code, translated into the national language of such personnel.

(C) All personnel, regardless of category or rank, are required to sign an oath that each has received a copy of the Code of Conduct, that each pledges to abide by the Code, and that each understands the consequences of violating the Code as a condition of the appointment to such operation, including the immediate termination of the participation of such personnel in the peacekeeping operation to which such personnel is assigned.

(D) All peacekeeping operations have designed and implemented educational outreach programs that reach local communities where peacekeeping personnel of such operations are based for a significant period of time, explaining prohibited acts on the part of United Nations peacekeeping personnel and identifying the individual to whom the local population may direct complaints or file allegations of exploitation, abuse, or other acts of misconduct.

(E) A centralized data base has been created and is being maintained in the United Nations Department of Peacekeeping Operations that tracks cases of misconduct, including the outcomes of investigations and subsequent prosecutions, to ensure that personnel, regardless of category or rank, who have engaged in misconduct or other criminal activities are permanently barred from participation in future peacekeeping operations.

(F) A Model Memorandum of Understanding between the United Nations and each Member State that contributes troops to a peacekeeping operation has been adopted by the United Nations Department of Peacekeeping Operations that specifically obligates each such Member State to—

(i) designate a competent legal authority, preferably a prosecutor with expertise in the area of sexual exploitation and abuse, to participate in any investigation into an allegation of misconduct brought against an individual of the Member State;

(ii) refer to its competent national or military authority for possible prosecution, if warranted, any investigation of a violation of the Code of Conduct or other criminal activity by an individual of the Member State;

(iii) report to the Department of Peacekeeping Operations on the outcome of any such investigation;

(iv) undertake to conduct on-site court martial proceedings relating to allegations of misconduct alleged against an individual of the Member State;

(v) assume responsibility for the provision of appropriate assistance to a victim of misconduct committed by an individual of the Member State; and

(vi) establish a professional and independent investigative and audit function within the United Nations Department of Peacekeeping Operations and the OIOS to monitor United Nations peacekeeping operations.

SEC. 404. UNITED STATES CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) 25 Percent Limitation.—Section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note; Public Law 103–236) is amended to read as follows:

"(2) Fiscal year 2006 and subsequent fiscal years.—Funds authorized to be appropriated for 'Contributions for International Peacekeeping Activities' for fiscal years 2006 and 2007 shall not be available for the payment of the United States assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 27.1 percent of the total of all assessed contributions for that operation.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect and apply beginning on October 1, 2005.

SEC. 405. GENOCIDE AND THE UNITED NATIONS.

(a) United States Actions.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to ensure the formal adoption and implementation of mechanisms to—

(1) suspend the membership of a Member State in the United Nations if genocide, ethnic cleansing, or crimes against humanity are determined to be occurring in such Member State, regardless of whether such acts are being committed by the government of such Member State or by a third party;

(2) impose an arms and trade embargo and travel restrictions on, and freeze the assets of, all groups and individuals responsible for committing or allowing such acts to occur;

(3) deploy a United Nations peacekeeping operation or authorize and support the deployment of a peacekeeping operation from an international organization to the Member State with a mandate to stop such acts;

(4) deploy monitors from the United Nations High Commissioner for Refugees to the area where such acts are occurring in the Member State; and

(5) authorize the establishment of an international commission of inquiry into such acts.

(b) Certification.—Unless the Secretary certifies that the mechanisms described in subsection (a) have been adopted and implemented, the Secretary is authorized to withhold up to ten percent of United States contributions to the peacekeeping budget of the United Nations.

SEC. 406. RULE OF CONSTRUCTION RELATING TO PROTECTION OF UNITED STATES OFFICIALS AND MEMBERS OF THE ARMED FORCES.

Nothing in this title shall be construed as superceding the Uniform Code of Military Justice or operating to effect the surrender of United States officials or members of the Armed Forces to a foreign country or international tribunal for prosecutions arising from peacekeeping operations or other similar United Nations related activity.

TITLE V—DEPARTMENT OF STATE AND GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 501. POSITIONS FOR UNITED STATES CITIZENS AT INTERNATIONAL ORGANIZATIONS.

The Secretary of State shall make every effort to recruit United States citizens for positions within international organizations.

SEC. 502. BUDGET JUSTIFICATION FOR REGULAR ASSESSED BUDGET OF THE UNITED NATIONS.

(a) Detailed Itemization.—The annual congressional budget justification shall include a detailed itemized request in support of the assessed contribution of the United States to the regular assessed budget of the United Nations.

(b) Contents of Detailed Itemization.—The detailed itemization required under subsection (a) shall—

(1) contain information relating to the amounts requested in support of each of the various sections and titles of the regular assessed budget of the United Nations; and

(2) compare the amounts requested for the current year with the actual or estimated amounts contributed by the United States in previous fiscal years for the same sections and titles.

(c) Adjustments and Notification.—If the United Nations proposes an adjustment to its regular assessed budget, the Secretary of State shall, at the time such adjustment is presented to the Advisory Committee on Administrative and Budgetary Questions of the United Nations (ACABQ), notify and consult with the appropriate congressional committees.

SEC. 503. REVIEW AND REPORT.

Not later than six months after the date of the enactment of this Act, the Secretary of State shall conduct a review of programs of the United Nations that are funded through assessed contributions and submit to the appropriate congressional committees a report containing—

(1) the findings of such review; and

(2) recommendations relating to—

(A) the continuation of such programs; and

(B) which of such programs should be voluntarily funded.

SEC. 504. GOVERNMENT ACCOUNTABILITY OFFICE.

(a) Report on United Nations Reforms.—Not later than 12 months after the date of the enactment of this Act and 12 months thereafter, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the status of the 1997, 2002, and 2005 management reforms initiated by the Secretary General and on the reforms mandated by this Act.

(b) Report on Department of State Certifications.—Not later than six months after each certification is submitted by the Secretary of State to the appropriate congressional committees under this Act, the Comptroller General shall submit to the appropriate congressional committees a report on each such certification. The Secretary shall provide the Comptroller General with any information required by the Comptroller General to submit any such report.

TITLE VI—CERTIFICATIONS AND WITHHOLDING OF CONTRIBUTIONS

SEC. 601. CERTIFICATIONS AND WITHHOLDING OF CONTRIBUTIONS.

(a) In General.—The certifications required under sections 103, 104(a) through 104(d), 110, 201(c), 201(e), and 202 of this Act are certifications submitted to the appropriate congressional committees by the Secretary of State that the requirements of each such section have been satisfied with respect to reform of the United Nations.

(b) Alternative Certification Mechanism.—

(1) In general.—In the event that the Secretary is unable to make any certification described in subsection (a), the Secretary may nonetheless satisfy the requirements referred to in such certification by certifying that—

(A) the United Nations has implemented reforms that are either substantially similar to or accomplish the same purposes as the requirements referred to in any such certification; or

(B) in the case of the policies described in subsections (a) and (c) of section 11 the United Nations Participation Act of 1945 (as amended by section 101 of this Act) or the requirements of sections 201(c) and 202(b) of this Act, substantial progress has been made in implementing such policies or requirements.

(2) Definitions.—For the purposes of this subsection, reforms are "substantially similar to or accomplish the same purposes as" if the reforms are—

(A) formally adopted by the organ or committee of the United Nations that has authority to take such action or are issued by the Secretariat or the appropriate entity or committee in written form; and

(B) are not identical to the measures required by a particular certification but in the judgment of the Secretary will have the same or nearly the same effect as such measures.

(3) Written justification and consultation.—

(A) Written justification.—Not later than 30 days before submitting an alternate certification in accordance with paragraph (1), the Secretary shall submit to the appropriate congressional committees a written justification explaining in detail the basis for such alternate certification.

(B) Consultation.—After the Secretary has submitted the written justification under subparagraph (A), but not later than 15 days before the Secretary exercises the alternate certification mechanism described in clause (i), the Secretary shall consult with the appropriate congressional committees regarding such exercise.

(c) Withholding of United States Contributions to Regular Assessed Budget of the United Nations.—If the Secretary is unable to make one or more of the certifications described in subsection (a) or (b), the Secretary is authorized to withhold from expenditure until such time as the Secretary deems appropriate up to 50 percent of the contribution of the United States to the regular assessed budget of the United Nations for a biennial period, beginning with funds appropriated for the United States Assessed contribution for fiscal year 2008.

(d) Consultation on Progress of Reforms.—Beginning six months after the date of the enactment of this Act, and every three months thereafter until all the certifications under subsection (a) and (b) are made, the Secretary shall consult with the appropriate congressional committees regarding the progress in adoption and implementation of the reforms described in this Act.

(e) Duration of Funds.—

(1) Assessed contributions to the U.N.—Any amounts of funds appropriated for the United States assessed contribution to the United Nations that are withheld under subsection (c) are authorized to remain available until expended in fiscal years after the fiscal year in which all certifications are made under subsections (a) and (b).

(2) Assessed contributions to specialized agencies.—Any amounts of funds appropriated for the United States assessed contribution to a specialized agency that are withheld under section 107(d) are authorized to remain available until expended in fiscal years after the fiscal year in which the Secretary makes the certification with respect to the policy or policies described in section 107 by reason of which the funds were withheld.

(f) Biennial Reviews.—

(1) In general.—The Secretary shall conduct biennial reviews, beginning two years after the date on which the Secretary submits the last of the certifications under subsections (a) and (b), to determine if the United Nations continues to remain in compliance with all such certifications. Not later than 30 days after the completion of each such review, the Secretary shall submit to the appropriate congressional committees a report containing the findings of each such review.

(2) Action.—If during the course of any such review the Secretary determines that the United Nations has failed to remain in compliance with a certification that was submitted in accordance with subsection (a), the Secretary is authorized to exercise the authority described in subsection (c) with respect to the biennial period immediately following such review and subsequent biennial periods until such time as all certifications under subsection (a) or (b) have been submitted.

SEC. 602. DIPLOMATIC CAMPAIGN TO ACHIEVE REFORM.

(a) Sense of Congress.—It is the sense of the Congress that in order to achieve the reforms required by this Act, the President must undertake an extensive diplomatic campaign, in combination with like-minded countries at the United Nations to achieve those reforms, including acting through the United States Permanent Representative to the United Nations to use its voice, vote and influence at the United Nations and direct diplomatic intervention at the highest levels of government in Member States.

(b) Report to Congress.—Sixty days before exercising the authority to withhold funds under section 601(c), the Secretary shall consult with the appropriate congressional committees and submit a report on how the exercise of such authority will further the purposes of this Act.

(c) Content of Report.—The report required by subsection (b) shall include—

(1) a description of efforts by the United States to achieve the reforms required by this Act to date;

(2) an analysis of why reforms sought by the United States have not been achieved; and

(3) an explanation of how United States policy will be furthered by conditioning or withholding funds for assessed contributions to the United Nations, as well as an analysis of how withholding such funds are expected to affect programs, operations, staff, and reforms of the United Nations and United States interests.

TITLE VII—UNITED NATIONS RENEWAL AND TOOLS TO FULLY IMPLEMENT UNITED NATIONS REFORM

SEC. 701. SYNCHRONIZATION OF U.S. ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) Findings.—Congress makes the following findings:

(1) In the early 1980s, the United States Government began to pay United States assessments to certain international organizations in the last quarter of the calendar year in which they were due. This practice allowed the United States to pay its annual assessment to the United Nations and other international organizations with the next fiscal year's appropriations, taking advantage of the fact that international organizations operate on calendar years. It also allowed the United States to reduce budgetary outlays, making the United States budget deficit appear smaller.

(2) The United States, which is assessed 22 percent of the United Nations regular budget, now pays its dues at least 10 months late, and often later depending on when the relevant appropriation is enacted.

(3) This practice causes the United Nations to operate throughout much of the year without a significant portion of its operating budget. By midyear, the budget is usually depleted, forcing the United Nations to borrow from its peacekeeping budget, since the organization is prohibited from borrowing externally. As a result, countries that contribute to United Nations peacekeeping missions are not reimbursed on a timely basis.

(4) For years, continuing this practice is inconsistent with the purposes of this Act to encourage the United Nations to engage in sound, fiscally responsible budgetary practices.

(b) Authorization of Appropriations.—Beginning in the fiscal year in which all certifications under subsection (a) and (b) of section 601 have been made, the following amounts are authorized to be appropriated to a process to synchronize the payment of its assessments to the United Nations and other international organizations over a multiyear period so that the United States can resume paying its dues to such international organizations at the beginning of each calendar year:

(1) For the fiscal year after all such certifications have been made, **$150,000,000**.

(2) For the second year after all such certifications have been made, **$150,000,000**.,

(3) For the third year after all such certifications have been made, **$150,000,000**.

SEC. 702. INCREASED FUNDING FOR UNITED STATES ASSESSED CONTRIBUTION TO THE UNITED NATIONS TO SUPPORT REFORM EFFORTS.

It is the sense of the Congress that the United States should support an increase in the 2006-2007 United Nations biennium budget and future United Nations budgets to support the creation of new offices or institutions and the strengthening of existing offices in order to fully implement the reforms required by this Act.

SEC. 703. BUYOUT OF UNITED NATIONS PERSONNEL.

It is the sense of the Congress that the United States should support an increase in the appropriate United Nations biennium budget to fund a buyout of United Nations personnel to the extent that the buyout is a targeted buyout of personnel that do not have the skills necessary for the United Nations in the 21st century.

SEC. 704. UNITED NATIONS DEMOCRACY FUND.

There is authorized for fiscal year 2006 for a voluntary contribution to the United Nations International Democracy Fund **$10,000,000**.

SEC. 705. UNITED STATES PERSONNEL TO INTERNATIONAL ORGANIZATIONS.

The President is authorized to detail any United States Government officer or employee to the United Nations on a nonreimbursable basis for up to three years to assist in the implementation of the reforms described in this Act, including providing for any necessary housing, education, cost-of-living allowances, or other allowances authorized under the Foreign Service Act the United Nations Participation Act of 1945.

The Acting CHAIRMAN. Pursuant to House Resolution 319, the gentleman from California (Mr. Lantos) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from California (Mr. Lantos).

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the outset, let me thank all Members of the House for a singularly civilized, substantive, and I believe informative debate. I particularly want to thank my dear friend, the chairman of the Committee on International Relations, with whom I have had the privilege of serving now for some 25 years, and with whom I have had the privilege of sharing the leadership of the Committee on International Relations for the past 5 years.

Mr. Chairman, the bipartisan substitute offered by me and my distinguished Republican colleague, the gentleman from Connecticut (Mr. Shays), is a rational and logical proposal to promote U.N. reform while giving the Secretary of State sufficient flexibility to do her job. With our substitute amendment, we align ourselves strongly on U.N. reform issues with our Nation's foreign policy leadership, including Secretary of State Rice and eight former U.S. Ambassadors to the United Nations, including a former distinguished Republican Senator, John Danforth, and the revered Ambassador Jeane Kirkpatrick.

We are fighting to ensure that the United States is better armed to propose serious U.N. reform and not forced to cut off funds to the United Nations in an arbitrary manner that is counterproductive to our national interest.

Mr. Chairman, our amendment addresses four primary deficiencies, fatal deficiencies, in the Hyde bill. First, our substitute does not sever the link between achieving U.N. reform benchmarks and the possibility of withholding half of our U.N. dues, which is the Hyde proposal. Rather, though the benchmarks are the same as in the underlying bill, the Lantos-Shays amendment would give Secretary Rice the authority to withhold up to 50 percent of our U.N. dues, not mandate such a cut.

This is the fundamental distinction between the Hyde and the Lantos bills, and I want to reiterate it so every Member of the House will be clear on what they are voting on. The Hyde bill is a guillotine on autopilot, while our bill gives desperately needed discretion to Secretary of State Rice.

Secondly, Mr. Chairman, the Hyde bill would prohibit the United States from supporting any new U.N. peacekeeping mission unless a far-reaching set of peacekeeping reforms is adopted. My substitute keeps these reforms, but provides Secretary Rice with a waiver in the event that a new mission is required, such as preventing genocide.

I want to repeat this, too, Mr. Chairman. The Hyde bill would prevent a U.N. peacekeeping mission to prevent genocide in an automatic, rigid, nonnegotiable and arbitrary fashion. The Lantos-Shays substitute provides our Secretary of State the authority to waive that restriction.

Our substitute also ensures that we do not withhold funds from the United Nations when it is separate specialized agencies, such as the World Intellectual Property Organization or others, which have failed to make necessary reforms. It is a non sequitur, it is fundamentally flawed logic to hold the U.N. accountable for shortcomings of organizations that the United Nations does not control. It boggles the mind that we would penalize the U.N. for the failure of an agency that the U.N. does not control instituting necessary reforms.

Our amendment also incorporates a number of the amendments that have been adopted in this 2-day debate on anti-Semitism, the Oil-for-Food scandal, nonproliferation and others.

Mr. Chairman, there are touches of a Greek tragedy as we move towards the vote. Many of my Republican friends would like to vote for the Lantos substitute because they recognize the wisdom of flexibility to be given to our Secretary of State. I find myself in the delicious but unaccustomed position of having the support of the White House, the Secretary of State of a Republican administration, eight former Ambassadors to the United Nations, a united front on the Democratic side, and a handful of bold Republicans who are prepared to break party discipline and vote for what is in our national interest.

□ 1245

Newt Gingrich, who has been referred to repeatedly, clearly does not favor the rigid and automatic requirement in the chairman's bill. He favors our initiative, as do I.

I stand shoulder to shoulder with the chairman in calling for these reforms, but my alternative offers the Secretary of State desperately needed flexibility that she wants and needs.

There is an additional item that we should recognize. This is a very fast-moving world. A year ago there were Syrian troops in Lebanon. A year ago many developments globally were not even on the horizon. Why should we freeze ourselves into autopilot for a 4-year period when none of us are clairvoyant, none of us can predict what conditions our Secretary of State and our country will confront in 2007 or 2008 or 2009.

I have the highest respect for the chairman. We have worked together on countless issues. We have brought most pieces of legislation to this House on a bipartisan basis. In a sense, this too is a bipartisan piece of legislation in terms of its substance. Where we part company is in making the legislation, in terms of the chairman's preference calling for automatic 50 percent reductions in U.N. dues if everything is not done perfectly.

I have used the phrase 39 amendments or commandments. We have adopted a few more. We are now up to 46 commandments. So if 45½ commandments are fully complied with, do we really want to cut our contribution to this international organization which we so desperately need all across the globe? Do we really want to cut our contributions by 50 percent, giving the President, the Secretary of State and this body no flexibility? I do not think so.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN (Mr. SIMPSON). The gentleman from Illinois (Mr. HYDE) is recognized.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

First, I want to say to the gentleman from California (Mr. LANTOS) what an absolute pleasure it is working with him. He brings to these very critical issues intellect, dignity, and a fierce patriotism. I have been very proud and pleased to have had this association.

One of the most interesting aspects of today's debate is the fact that we have focused very little on what the U.N. needs to do, and we spent most of our time on how we should ensure these reforms are actually implemented. We have heard from our opponents quote after quote from informed and not-so-informed sources that withholding dues is absolutely the death knell of the U.N. They are victimized by effective reform.

Well, how our opponents can make this charge and then support the Lantos substitute suggests a conflicted state of mind. It is clear that the Lantos substitute is nearly identical to our bill except for the powers given to Secretary Rice. I assert she does have flexibility under our bill as well. She can waive the withholding, decide what level of withholding, if any, is appropriate under the Lantos bill. He cedes to her total control over the purse strings. But every Member voting for the Lantos bill, and God bless them, every one of them is voting to withhold dues. I tip my hat to the gentleman from California (Mr. LANTOS) for achieving consensus in his party for securing unanimity among his flock on the conclusion that the U.N. will not reform unless dues are withheld. That is a signature achievement. Of course the Democrats withhold dues in a fashion different than we do. We legislate them. We say we have had enough waivers, enough resolutions, enough statements; it is time we have some teeth in reform.

It is not impossible to achieve this notwithstanding the naysayers. There are 2 years before the certifications even kick in, 2 years for the U.N. to get its act together; and then you can do 32 of the 39 reforms, still be certified, and no funds are withheld and still you have another year to accomplish the remaining reforms. So both measures have nearly identical reforms and both measures withhold dues. Only it is the Secretary of State who has the authority in their substitute, and we legislate it.

What does history show? History shows when Congress stands tough, when it says if you do not reform, we are not going to pay, then change occurs.

Does anyone remember Kassebaum-Solomon? The amendment eventually led to the implementation of consensus-based budgeting, a reform that no one said could be achieved.

Does anyone remember UNESCO? We withdrew in protest. We stopped paying our assessed dues. Let me repeat that: we stopped paying our assessed dues. Reforms of that agency were made and we rejoined.

Does anyone remember the genesis of the Office of Internal Oversight Services? In the mid-1990s, the U.S. threatened to withhold funding, and lo and behold the U.N. created an oversight function.

Even with Helms-Biden, Congress leveraged the fact that in order for us to pay arrears, the U.N. had to undertake certain reforms. All of these requirements were legislated and directed actions which resulted in reforms that were actually implemented.

Look, if we want to reform the United Nations, we have to legislate the reforms and have some teeth in the sanctions if they fail to. The U.N. will go sailing its merry way on if it reforms. If it does not reform, there is a penalty.

The eight ambassadors that wrote this letter prove our point. There is a mind-set in the upper realms of diplomacy that worships at the theater of the U.N. and could not possibly bring itself to withholding dues, so I do not think it will work. I implore Members to put some teeth in the sanctions.

Simon Bolivar, the great South American patriot, had a phrase for political futility. He said it was plowing in the sea. I suggest when it comes to sanctions against the U.N. for failing to reform, if Members leave it to the discretion of the State Department, we are plowing in the sea.

Mr. Chairman, let us begin real reform of the U.N., a monumental task, a long road ahead. Let us begin it here and now, June 17, right in this room; and let us begin it with your vote.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa (Mr. LEACH), the distinguished chairman of the Subcommittee of Asia and Pacific Affairs.

Mr. LEACH. Mr. Chairman, let me say I may consider the Lantos-Shays alternative imperfect, but it represents a credible political balancing and is clearly preferable to the underlying bill.

But listening to the debate over the past 2 days, I sense a lack of perspective not only for treaty obligations but for the U.N. itself.

Corruption exists in all societies. It is rife, indeed endemic, in some. At the U.N., it is isolated; it is not endemic. I have known hundreds and hundreds of people who have worked for the U.N. itself or U.N. agencies. They are honorable, decent people doing a decent job. It is true that a few thousand dollars here and a few thousand dollars there pretty soon adds up to a loss of confidence in institutions of governance, and we have that problem at the U.N. Hence, we cannot ignore scandal, but scandal does not define the United Nations; it defines a problem that must be dealt with there and elsewhere.

We should do this, but we should do this with the understanding that the world would be a far worse place without the U.N. and that the activities and actions of its various organizations and agencies have made this a better world society. So improvement, not destruction, is the goal.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

I would like to state improvement is our goal, too. A healthy U.N., rather than a vast, sprawling, bureaucratic cesspool which is where it is headed. Everyone agrees to that.

Now this notion that we are obliged by the treaty to pay our dues and that it would be an international default if we did not, that was argued before back in the 1980s. Contributions to the U.N. are made subject to authorization and appropriation of the U.S. Congress. We have a duty to the taxpayer first to ensure that there is good stewardship of their dollars. We have to hold the U.N. accountable.

All countries benefit from an efficient, transparent, and accountable U.N. It is not only in our interest. We have not signed away part of our sovereignty. We are paying big dues: $442 million a year just on the dues part. Peacekeeping is another $1 billion. To say we do not have an obligation to make the providers that we purchase with our dues perform honorably and efficiently does not make sense.

Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I rise to oppose the Lantos-Shays substitute and to direct Members' attention to a serious flaw in the peacekeeping section, which I respectfully submit are reasons enough to vote against the substitute.

The substitute amendment gives the U.N. until 2007 to complete even the most basic tasks. This is completely unnecessary, and I submit only encourages some states who view rape and exploitation of young women and children by U.N. peacekeepers as a mere public relations problem and thus an opportunity to dig in their heels and stall the reform process.

□ 1300

Prince Zeid has told some of us, I met with him last week, that sustained pressure is needed to get results. We have been here before. In 2002, we knew about the exploitation of children by U.N. personnel in the Congo. I have already chaired two hearings on it myself in my subcommittee. Yes, the U.N. is moving in the right direction, but there needs to be considerable pressure brought to bear to make this happen.

What is perhaps most troubling about the substitute is that it authorizes an up to 10 percent withholding of U.S. assessed contributions to U.N. peacekeeping. I want to be clear on this point. The Hyde bill supports full funding of all existing missions, while the substitute authorizes up to a 10 percent cutoff of our assessed contributions to U.N. peacekeeping. The withholding is linked to a certification requirement which is, plain and simple, bad policy. The intent is good. I have no doubt about that. But it is flawed.

The substitute requires the Secretary of State to certify that the U.S. permanent rep at the U.N. has made every effort to ensure the formal adoption and implementation of mechanisms to suspend the membership of a member state if genocide, ethnic cleansing or crimes against humanity are determined to be occurring in that member state regardless of whether the acts are being committed by the government or by a third party. "Third party" is the problem. There are countries like the Congo, and we have also seen it in Uganda, where there are "third-party" groups of terrorists and killers and maimers who the government would like to see done away with and are actively cooperating with the international community and the U.N. itself to try to mitigate this terrible problem.

Under this language, which is very different than the language that the gentleman from Nebraska (Mr. FORTENBERRY) offered, we would be in a strange and, I think, even bizarre situation where even where there has been an effort made by the state, there could be an explusion and a cutoff of peacekeeping money, 10 percent assessed contribution cutoff. It would be wrong for a state to lose their membership when there was no omission, no commission on their part with regards to crimes against humanity and that is where the Fortenberry amendment got it right.

I think we can all agree that genocidal governments do not deserve to have an equal voice at the U.N. with other peacekeeping and peace-loving nations. But we should not punish those governments which are fighting against those who would commit such heinous acts. I think that language is, as I said, egregiously flawed. The Hyde amendment does get it right.

Mr. LANTOS. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I rise in support of the Lantos substitute.

Mr. Chairman, I rise to speak in support of the substitute legislation offered by the ranking member of the House International Relations Committee, Mr. TOM LANTOS.

As a former U.S. Ambassador, I know and appreciate that the United Nations serves a most useful purpose. It is the only international body that allows those countries that support the United States and those that do not to sit down in peaceful dialogue to address issues of concern and to work together. To maintain the opportunity to resolve our differences, we must not cut the funds we provide to the United Nations.

Mr. LANTOS' bill supports the necessary reforms we all recognize are needed for the United Nations but does so without malice. Like H.R. 2745, the substitute supports the goal of reforming budgeting procedures, but it eliminates the devastating automatic withholding of 50 percent of the dues we owe to the United Nations. We should not tie the hands of our Secretary of State nor should we give those who do not support the United States, an issue in which to embarrass us. The substitute gives the Secretary of State the authority to make the cut but does not mandate such cuts. A more preferable position.

The substitute also keeps the peacekeeping reforms of H.R. 2745 but does not mandate the vetoing of any new or expanded U.N. peacekeeping operation that does not serve our national interest. Again, the flexibility contained in the substitute is preferable to H.R. 2745.

Mr. Chairman, the United States is the world leader and we should be a leader in all areas including serving as a model country in its relationships to the world community. This means pushing for reforms in the United Nations when such reforms are necessary but it also means being a good citizen and doing our part to fulfill our responsibilities and to be a good world citizen.

Mr. Chairman, I urge support for the Lantos substitute.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 30 seconds to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I rise with great respect for both the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) in this. While we can all agree that our country, as the biggest contributor to the U.N., must help the organization become more efficient and effective, the Lantos-Shays substitute finds a compromise that I think reflects where the majority of Americans come down on this issue. The Gingrich-Mitchell task force takes serious issue with much of the damaging policies that have occurred at the U.N., but it refrains from calling for mandatory withholding of dues. President Bush has also signaled his opposition to many of these provisions, which may hinder our Ambassador's dealings with the organization.

Under the Lantos-Shays substitute, we can send the same message to the international community without undermining our efforts to promote democracy and protect those in need.

Mr. Chairman, I rise in support of the Lantos/Shays substitute. Chairman HYDE has been an indispensable Member of this body for many years, and I commend you for bringing this important debate before us.

While I strongly agree with Chairman HYDE, that serious and fundamental problems exist at the United Nations, I prefer the President's approach of continuing to pursue negotiations for reform through diplomatic means.

Regardless of preference for this bill, we can all agree that the U.N. and the international community should hear our outrage for the mismanagement of what is meant to be an example of unity and peace. I commend the Chairman and the full committee for trying to improve the accountability of those at the U.N. and hope this debate will trigger reforms in the functioning of this embattled, yet well-meaning organization.

The Lantos-Shays substitute reflects the significant reforms outlined in the Chairman's bill. However, it makes an all important distinction in rightly leaving the Secretary of State with the discretion to decide when, and if, the ultimatums are a hindrance to our national interests. Alternatively, automatically withholding funds may derail our international and global commitments and could have a devastating impact on poor nations around the world.

While we can all agree that our country, as the biggest contributor to the U.N., must help the organization become more efficient and effective, the Lantos-Shays substitute finds a compromise that I think reflects where the majority of Americans come down on this issue. The Gingrich-Mitchell task force takes serious issue with much of the damaging policies that have occurred at the U.N., but it refrains from calling for mandatory withholding of dues. President Bush has also signaled his opposition to many of these provisions, which may hinder our Ambassador's dealings with the organization.

Under the Lantos-Shays substitute, we can send the same message to the international community without undermining our efforts to promote democracy and protect those in need.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank our great esteemed chairman, Chairman HYDE, for yielding me this time.

By limiting instruments of persuasion to an authorization by the Secretary of State to withhold U.S. dues, this substitute would all but guarantee that few of these reforms would actually be implemented. Much of the world, including many at the U.N., would be excused if they saw any threats as a mere bluff. The historical record tells us very accurately that any level of success can only be done if we use our leverage. If we adopt the Lantos-Shays substitute amendment, we will not have that leverage.

My colleagues maintain that our legislation does not afford sufficient flexibility. Yet a fair reading of this text reveals that that is just not the case. First, the certifications for action are not required until the year 2007. Secondly, this legislation allows the Secretary of State to certify U.N. reforms that are substantially similar to, or accomplish the same goals and the same objectives as, the Hyde U.N. Reform Act. That is plenty of flexibility, Mr. Chairman.

If the U.N. does on its own institute these reforms, then we have no problems. The withholding provisions in the Henry Hyde U.N. Reform Act will only be triggered and implemented if the U.N. does not reform itself. The onus is on the U.N. to fulfill its stated commitment to reform.

The Constitution gives to Congress the responsibility for determining how the public's money will be spent. The Lantos substitute proposes to surrender that obligation, that principal source of congressional authority, to an unelected official of the executive branch who has not been entrusted with it by the Constitution. However burdensome that task is, Mr. Chairman, it is ours to carry out.

Reforming the U.N. is about lives. It is not just about policies. Let us carry out our obligation to the taxpayers by rejecting the Lantos substitute and by affirming the Hyde bill.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), the chairman of the Democratic Caucus.

Mr. MENENDEZ. Mr. Chairman, it is time that we make real reforms at the United Nations that address the real problems, but I believe that the Hyde bill simply sets the United Nations up to fail by creating a series of requirements that will be almost impossible to meet. One might even argue that this is the actual goal of some U.N. critics. The United Nations is governed by 191 countries, including Syria, Iran, and North Korea, who would have to approve the majority of these changes. This seems highly unlikely as structured by the bill. Right now this bill is medicine which may kill the patient rather than cure a specific disease.

The Hyde bill ties the hands of the Secretary of State with a mandatory 50 percent withholding, even if the U.N. improves significantly. That is like kicking a child out of school who has moved from an F to a B because they did not get an A. The bill also keeps the U.S. from supporting any new peacekeeping missions until far-reaching reforms have been implemented, even in cases like a Sudan and when innocent civilians are at risk. We do not know when and where U.N. peacekeepers will be needed next, but we do know that we cannot risk the lives of innocent people or risk American interests around the world. We simply cannot create legislation which hurts our own security interests and our national interest while we are at war.

This is a time, when our own human and financial resources are stretched thin, for the United States to get the world to act with us rather than destroy the institution which unites the world.

I am concerned that the bill condemns us to lose only American lives, shed only American blood and spend only American capital instead of having the world share this responsibility with us. That is why I urge my colleagues to vote against the Hyde bill and to vote for the Lantos-Shays substitute that does the reforms we want, but gives the Secretary of State the flexibility to do the peacekeeping and to achieve the reforms we all want to see.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, this has been a fine debate today, and I believe that both sides have handled it very responsibly, but let us take a look at what the real issue is.

There is broad agreement on both sides as to the need for reform in the

United Nations. This is not in contention. There is even broad agreement of what changes need to be made, what are the issues at the United Nations, a lack of accountability and some of these monstrous atrocities that we have seen, and the inefficiency and corruption that we have seen at the U.N. There is agreement on the problem.

The fundamental difference between the sides of this debate is whether or not there should be consequences if the United Nations does not reform. What is going on? The American people understand that in order to get an organization like the United Nations to reform, there must be consequences. Do we think the United Nations, this entrenched bureaucracy, will just say, Oh, we're enlightened by the wonderful debate that we've heard, you've appealed to our heart, that they are going to make the changes that are necessary to prevent corruption in their organization that they have lived with for years because we have touched their hearts, we have reached their intellect? No. We have got to make sure that there are consequences if they do not reform, or they will not pay any attention to us.

You remember the old show Truth Or Consequences? Unless we provide consequences for activities and actions that are wrong, we are not going to get any truth. There will be no truth unless they have consequences for telling us lies. For years we have lived with the lie that the United Nations is somewhat above corruption, that the United Nations represents the best of humankind. It will only represent the best of humankind and reach these higher standards if we say to them, if you are not living up to these standards, there is a price to pay.

The American people deserve to get their money's worth. We deserve to try to put pressure on the United Nations to live up to its standards. If we just give them a free pass, whether or not they reform or not, there will be no reform at the United Nations, and all of this will have gone for nothing.

Mr. LANTOS. Mr. Chairman, I am delighted to yield the balance of my time to my distinguished Republican coauthor, the gentleman from Connecticut (Mr. SHAYS).

The Acting CHAIRMAN (Mr. SIMPSON). The gentleman from Connecticut is recognized for 1½ minutes.

Mr. SHAYS. I thank the gentleman for yielding me this time.

Mr. Chairman, I love HENRY HYDE. I have awesome respect for TOM LANTOS. I thank the gentleman from California for supporting the President in the war against Iraq and to go into Afghanistan. I thank him for being such a clear thinker along with the gentleman from Illinois on so many issues.

We are not part of the Kyoto agreement. We are not part of the land mine agreement. We are not part of other treaties. We are not part of the ICC, the International Criminal Court. I understand those things. We are in a war in Afghanistan, a war in Iraq, and we are telling the President of the United States and the Secretary of State, Forget it. We don't care what you think. We're going ahead. Mandatory, nuclear option. It is going to happen even if the U.N. does most of what we ask. Even if they do 80 percent of what we ask, it is still going to happen. Mandatory.

I cannot believe when our men and women are fighting in Iraq that we would move forward with legislation like this when we need to draw countries together. The problem is not all the reforms can physically happen, and some of them will not happen, and some in the U.N. might not even want them to happen. They are eager to have us withhold funds. They are eager to have more people hate the United States.

The United States, the President, the Secretary of State, they are working so hard, and they are making progress. We have a new manager, Chris Burnham, who is the Under Secretary running the whole management of the U.N. We are making progress.

Go with the Hyde bill, but with the flexibility to let our President and our Secretary of State have the ability to work with these countries to move them along and see progress.

Mr. HYDE. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. DELAY), the distinguished majority leader.

Mr. DELAY. Mr. Chairman, I first want to thank the gentleman from California (Mr. LANTOS) for his longstanding leadership on issues related to the United Nations and human freedom. No one has greater respect for him in this body than I do. But in this case, Mr. Chairman, I think and I believe that the Lantos substitute just falls a little short.

Six decades ago, the United Nations was formed to save succeeding generations from the scourge of war; to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small; and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained; and to promote social progress and better standards of life in larger freedom.

These words, from the preamble of the United Nations' historic Charter, today hover over that institution not as a symbol of its founding mission, but as a reminder of its abject failure.

☐ 1315

Far from saving future generations from the scourge of war, the United Nations' history of hand-wringing, appeasement, and moral equivalence has exacerbated the scourge of war.

Far from reaffirming faith and fundamental rights and the dignity of the human person, the United Nations has overseen the degradation of human rights even of vulnerable human beings in its own care through routine abuses of power, corruption, and even horrific sexual exploitation of peoples at the hands of U.N. peacekeepers.

Far from reaffirming faith in the equal rights of nations large and small, the U.N. has instead adopted an institutional posture favoring belligerent tyrannies at the expense of freedom-loving democracies, standing with Palestinian terrorists against Israeli families, standing with Saddam Hussein against the civilized world, and too often standing with anyone against the United States of America.

Far from promoting justice and respect for international law, the United Nations has become one of the world's greatest apologists for tyranny and terror where justice is merely one point of view; a place where Sudan and Syria and Castro's Cuba are given a soap-box on which to lecture the free world on human rights; a place where international lawyers scheme to haul American soldiers before a rogue court, irrespective of constitutional rights; a place where an international humanitarian mission to feed and heal the Iraqi people resulted in $10 billion in siphoned bribes and kickbacks.

And far from promoting social progress and the better standards of life in larger freedom, the United Nations has become a hindrance to both progress and freedom. Just ask the besieged citizens of Israel whose every gesture of goodwill has been returned by violence from their enemies and condemnation from the U.N.

Diplomatic pretenses aside, Mr. Chairman, corruption has infected the United Nations. And yet given its organizational structure, how could it be otherwise? There is no independent financial oversight. There are no standards of transparency. Most U.N. divisions are exempt from democratic accountability. And most U.N. leaders are protected from the law by diplomatic immunity.

The rampant corruption that today infects the United Nations is not a function of its personnel. Not really. It is a function of its structure. That is what we get, Mr. Chairman, from an organization driven by consensus instead of principle. And as long as tyrants and terrorists get as much say in policymaking as democratically elected leaders, the U.N. will continue to betray its charter and betray the billions of people on this planet who look to it for hope.

This substitute essentially agrees with that conclusion. It just does not do enough about it. But what more do we need to hear, Mr. Chairman? The U.N.'s corruption is so breathtaking in its scope as to be almost universal:

peacekeepers raping women that they are sent to protect; sexual exploitation of children at the hands of their humanitarian relief workers; institutional anti-Semitism so brazen that Yasser Arafat was considered a moderate; $10 billion, $10 billion, stolen from sick and starving children in Iraq; bribery, embezzlement, misappropriation of funds, and conflicts of interests so extensive that the financial management of many of the U.N. agencies resembles that of a second-rate kleptocracy.

What further evidence could we possibly need?

The pervasive corruption at the U.N. is not a problem; it is a crisis. No one denies this. And in response to the overwhelming evidencing, the Democrat substitute says the reforms in the underlying bill should happen. But, Mr. Chairman, it is not enough to say that these reforms should happen. They must happen. And they must happen right now. We should not be asking the U.N.'s leaders to make these reforms. We need to tell them. The philosophy of flexibility and appeasement create loopholes that diplomats drive huge trucks through. And if they were serious about giving the administration flexibility, why did they not give it to the President instead of the Secretary of State? The President leads foreign policy in this country, not the Secretary of State.

The American people are today underwriting rampant corruption, 22 percent of it to be precise, and it needs to stop. Today the Congress must take this stand and clearly voice not simply our frustration but our expectation of concrete reform. We must act, Mr. Chairman. And as he has so many times in his decades with us, the gentleman from Illinois has shown us the way.

The gentleman from Illinois (Mr. HYDE) has brought before this House a comprehensive, almost exhaustive, package of reform that, if enacted, will finally bring the United Nations under some semblance of control. If and when these reforms are enacted, Mr. Chairman, the world will be safer and stronger. The American people will be assured their money is being well spent, and the United Nations charter to prevent wars, protect human rights, and advance the cause of human freedom will be reaffirmed.

And every man, woman, and child on this planet will owe a great debt of gratitude to HENRY J. HYDE.

I just ask my colleagues to vote "no" on the Democratic substitute. Vote "yes" on the Hyde reform bill, and let us put the United Nations back on track to fulfill its promise to the human race.

Ms. PELOSI. Mr. Chairman, this is an instance in which both the proponents and opponents of the Lantos substitute share the same goal: reforming the United Nations. We differ over the best means to accomplish that goal, and that disagreement is fundamental.

The committee bill embodies a go-it-alone, take-it-or-leave-it approach to dealing with the United Nations that is entirely inconsistent with the tenets of an international organization founded on the belief that nations should be respectful of each other's views.

With the United States having so recently suffered the debacle of dealing with U.N. members in an imperious way before the invasion of Iraq, and then being surprised by the U.N.'s reluctance to join us on the course we had pre-determined, one would think that the Republican majority in the House would have learned a lesson about the kind of approach likely to produce international cooperation. This bill is evidence that they have not.

The committee bill mandates the withholding of dues if certain reforms are not implemented, dictates the scope of the reforms, and provides precious little time to have them agreed to and put in place. The bill creates a system designed to fail, and then imposes draconian consequences for the failure. Not only have eight former U.S. ambassadors to the U.N. come out strongly in opposition to the bill, but Secretary of State Rice has been noticeably silent about it.

The Lantos substitute fashions a better way to achieve needed reform at the U.N. without imperiling American interests in peacekeeping and other activities. That way is to provide the secretary of state with the maximum flexibility to employ diplomacy to expand the number of countries sharing our views on reform so that a broad-based mandate for reform is produced. By holding out the possibility that U.S. dues would be withheld if reform is not achieved, but not making withholding mandatory, the substitute creates the conditions for diplomacy to work effectively.

I urge my colleagues to recognize the interest that the United states has in a strong and effective United Nations, and to weigh carefully whether the steps we take in this bill will strengthen that institution or weaken it. Reform is the right way to go and the right way to achieve it is to adopt the Lantos substitute. I urge my colleagues to vote for it.

Mr. FARR. Mr. Chairman, the U.N. soon to celerate its 60th anniversary, is chartered to promote universal human rights, justice and social progress. These are perfect ideals that the global community must strive to put into action, but that does not mean the U.N. is a perfect organization. Recent scandals and the lack of transparency within the U.N. undermine the essential role the U.N. plays in world affairs. Reform is an urgent priority but the cure for fixing these problems should not be worse than the disease.

H.R. 2745 will hamstring the U.S.'s ability to create positive reform within the U.N., tarnish the image of the U.S. abroad when public opinion of the U.S., particularly in the Arab countries where is at an all time low, and defeat the Administration's public diplomacy efforts before Karen Hughes even assumes her new responsibilities in September. Additionally, H.R. 2745 would halt funding for any new or expanded peacekeeping missions. Unilaterally preventing the U.S. from supporting new peacekeeping missions puts an untold number of lives at risk and additionally, could endanger U.S. national security interests. In fact many of the peacekeeping reforms contained in the Hyde bill are endorsed by the U.N. Department of Peacekeeping Operations, and in most cases are already underway, to address recent concerns raised about sexual exploitation and abuse in peacekeeping missions.

Moreover, H.R. 2745 does not enjoy the full support of the administration. According to R. Nicholas Burns, under secretary of state for political affairs, "We have serious concerns with the bill. We are the founder of the U.N. We're the host country of the U.N. We're the leading contributor to the U.N. We don't want to put ourselves in a position where the United States is withholding 50 percent of the American contributions to the U.N. system."

Congress must provide the State Department with the tools and flexibility to push for positive changes within the U.N. The Lantos/Shays substitute would provide the authority, but not mandate, the Secretary of State to withhold dues from the U.N. if reform measures aren't implemented in a timely manner. The United States, as the world leader, must take an active, positive role in helping reform the U.N. The Lantos/Shays substitute is the step in the right direction for U.S. reform efforts and I will vote in favor of this substitute and against the U.N. Reform Act.

Mr. CROWLEY. Mr. Chairman, I rise today to speak in support of the Lantos Shays substitute and in opposition to the United Nations Reform Bill sponsored by Chairman HYDE.

While I am concerned about the withholding of funding from the United Nations, I believe that reforms are needed within this world body while enhancing not diminishing the U.S.'s moral authority in this august body.

While I agree with many of my colleagues who have spoken on this bill that reform is needed, I am troubled by the way Chairman HYDE has drafted this bill.

I have great respect for the Chairman but I think the bill could have been drafted in a less draconian manner.

This bill makes it almost impossible for the United Nations to complete all the reforms within the time frame that has been set.

I do not believe that the United States should be withholding contributions if reforms are not made at the pace this bill sets them at.

Withholding our contributions from the United Nations until certain programs are shifted to voluntary is something that all of the member states would have to approve and I do not believe that this bill gives a reasonable enough time frame.

The Lantos Shays substitute will arm the United States to promote serious reforms and not just forcing to cut off funds to the United Nations that would be counterproductive to our national interests.

The substitute keeps the reform of the Chairman HYDE's bill as a goal, but does not link it to a mandatory $100 million deduction in U.S. contributions.

Another important difference between the Chairman's bill and the substitute is the inflexibility on the issue of peacekeeping.

The substitute retains the much needed reforms on peace keeping instead of just cutting aid to these missions. The substitute will provide the Secretary of State with a waiver in the event that a new mission is essential to America's national interest.

We all know that the United States has problems and we see one of the most evident ones in its treatment of the state of Israel.

The General Assembly has turned itself into a forum to bash Israel and until recently it had a policy equating Zionism as racism.

The U.N. Commission on Human Rights also routinely castigates Israel and the General Assembly has gone out of its way to pass a one-sided resolution condemning Israel for protecting its citizens from terrorism.

The General Assembly created two committees which focus negatively on Israeli actions and protectively on the Palestinians: the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories, and the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

The United Nation needs to be reformed so it is a body of creating diplomacy and understanding not a forum for hate.

I do believe the United Nations needs to be reformed to remain a strong supporter not just because of its close proximity to my Congressional district or the large amounts of my constituents who work at the United Nations but because I strongly believe in the founding principals of the United Nations.

This multilateral organization has helped the world come together since its creation and brought us out of the horrors of World War II.

If we truly want to work toward reform we must work with our friends and partners to make this happen—not just threaten the loss of contributions.

This will solve none of the reforms that are needed so badly to get the United Nations back on the right tract.

I do not support this bill in its current form and urge all of my colleagues to support the Lantos Shays substitute so we can start to have a real dialogue on the much needed reform of the United Nations.

The Acting CHAIRMAN (Mr. SIMPSON). All time for debate on the amendment in the nature of a substitute has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. LANTOS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. LANTOS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment in the nature of a substitute offered by the gentleman from California (Mr. LANTOS) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 1 printed in subpart D by the gentleman from California (Mr. ROYCE), amendment No. 2 printed in subpart D by the gentleman from Nebraska (Mr. FORTENBERRY), amendment No. 1 printed in subpart E by the gentleman from Arizona (Mr. FLAKE), amendment No. 1 printed in part 2 by the gentleman from Ohio (Mr. CHABOT), amendment No. 5 printed in part 2 by the gentleman from Indiana (Mr. PENCE), amendment No. 9 printed in part 2 by the gentleman from Texas (Mr. GOHMERT), amendment No. 12 printed in part 2 by the gentleman from Florida (Mr. STEARNS), and amendment No. 13 in the nature of a substitute printed in part 2 by the gentleman from California (Mr. LANTOS).

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PART 1, SUBPART D AMENDMENT NO. 1 OFFERED BY MR. ROYCE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 1 printed in subpart D of part 1 of House Report No. 109–132 offered by the gentleman from California (Mr. ROYCE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 373, noes 32, not voting 28, as follows:

[Roll No. 274]

AYES—373

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (WI)
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—32

Capuano
Clyburn
Conyers
Delahunt
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Jackson (IL)
Jones (OH)
Kanjorski
Kucinich

Larson (CT)
Lee
Lewis (GA)
Markey
McGovern
Meeks (NY)
Murtha
Olver
Pascrell
Paul
Payne
Rangel
Schakowsky
Scott (VA)
Serrano
Solis
Thompson (MS)
Waters
Watson
Woolsey

NOT VOTING—28

Andrews
Baird
Bishop (GA)
Blumenauer
Boehner
Bono
Brown, Corrine
Cuellar
Davis, Tom
Fossella
Gillmor
Gingrey
Graves
Hooley
Issa
Johnson, E. B.
McDermott
Millender-McDonald
Pelosi
Reyes
Sessions
Simmons
Skelton
Smith (WA)
Stark
Taylor (MS)
Walsh
Waxman

☐ 1346

Messrs. SERRANO, GRIJALVA, RANGEL, and AL GREEN of Texas, and Ms. SCHAKOWSKY changed their vote from "aye" to "no."

Messrs. LEWIS of California, SPRATT, WELDON of Florida, NADLER, and RAHALL changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FOSSELLA. Mr. Chairman, on rollcall No. 274, I was unavoidably detained. Had I been present, I would have voted "aye."

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SIMPSON). The Chair would advise Members of its intention to run this next series of votes as 5-minute votes.

PART 1, SUBPART D AMENDMENT NO. 2 OFFERED BY MR. FORTENBERRY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Nebraska (Mr. FORTENBERRY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 375, noes 29, not voting 29, as follows:

[Roll No. 275]

AYES—375

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Istook
Jackson Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—29

Clyburn
Conyers
Delahunt
Dingell
Grijalva
Gutierrez
Hastings (FL)
Jackson (IL)
Kanjorski
Kilpatrick (MI)
Larson (CT)
Lee
Lewis (GA)
McKinney
Meek (FL)
Meeks (NY)
Miller, George
Murtha
Pascrell
Paul
Payne
Rahall
Scott (VA)
Serrano
Solis
Towns
Waters
Watson
Woolsey

NOT VOTING—29

Andrews
Baird
Bishop (GA)
Blumenauer
Boehner
Bono
Brown, Corrine
Cuellar
Davis, Tom
Gillmor
Gingrey
Graves
Hooley
Issa
Johnson, E. B.
McDermott
Millender-McDonald
Pelosi
Reyes
Sessions
Simmons
Skelton
Smith (WA)
Stark
Taylor (MS)
Walsh
Watt
Waxman
Weldon (PA)

☐ 1353

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART 1, SUBPART E, AMENDMENT NO. 1 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 366, noes 38, not voting 29, as follows:

[Roll No. 276]

AYES—366

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin

Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—38

Capuano
Conyers
Davis (IL)
DeGette
Delahunt
Dingell
Farr
Grijalva
Gutierrez
Hastings (FL)
Honda
Jackson (IL)
Jones (OH)
Kilpatrick (MI)
Kucinich
Larson (CT)
Lee
Lewis (GA)
McCollum (MN)
McGovern
Meek (FL)
Miller, George
Nadler
Oberstar
Olver
Owens
Payne
Rush
Sabo
Schakowsky
Scott (VA)
Serrano
Solis
Thompson (MS)
Tierney
Watson
Watt
Woolsey

NOT VOTING—29

Andrews
Baird
Bishop (GA)
Blumenauer
Boehner
Bono
Brown, Corrine
Cuellar
Davis, Tom
Gillmor
Gingrey
Graves
Hooley
Issa
Johnson, E. B.
Kaptur
Lynch
McDermott
Millender-McDonald
Obey
Pelosi
Reyes
Sessions
Simmons
Skelton
Stark
Taylor (MS)
Walsh
Waxman

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1400

Mr. NADLER and Mr. THOMPSON of Mississippi changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART 2, AMENDMENT NO. 1 OFFERED BY MR. CHABOT

The Acting CHAIRMAN (Mr. SIMPSON). The pending business is the demand for a recorded vote on amendment No. 1 printed in Part 2 of House Report 109–132 offered by the gentleman from Ohio (Mr. CHABOT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 405, noes 2, not voting 26, as follows:

[Roll No. 277]

AYES—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula

Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano

Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt

Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—2

McKinney
Paul

NOT VOTING—26

Andrews
Baird
Bishop (GA)
Blumenauer
Boehner
Bono
Brown, Corrine
Cuellar
Davis, Tom

Gillmor
Gingrey
Graves
Hooley
Issa
Johnson, E. B.
McDermott
Millender-McDonald

Pelosi
Reyes
Sessions
Simmons
Skelton
Stark
Velázquez
Walsh
Waxman

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1407

Mr. CONYERS changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART 2, AMENDMENT NO. 5 OFFERED BY MR. PENCE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 5 printed in Part 2 of House Report 109-132 offered by the gentleman from Indiana (Mr. PENCE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 281, noes 126, not voting 26, as follows:

[Roll No. 278]

AYES—281

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)

Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gohmert
Goode
Goodlatte
Granger
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kuhl (NY)
LaHood
Langevin
Lantos
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Musgrave
Myrick
Napolitano
Neugebauer

Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker

Wilson (SC)
Wolf

Wu
Wynn

Young (AK)
Young (FL)

NOES—126

Ackerman
Allen
Baca
Baldwin
Becerra
Berman
Biggert
Bishop (NY)
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Carson
Case
Clay
Cleaver
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Eshoo
Evans
Farr
Fattah
Filner
Gilchrest
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Harman

Hastings (FL)
Hinchey
Hinojosa
Holt
Honda
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kolbe
Kucinich
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Markey
Marshall
McCollum (MN)
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moran (VA)
Murtha

Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Price (NC)
Rahall
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Stupak
Tauscher
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Waters
Watson
Watt
Wexler
Wilson (NM)
Woolsey

NOT VOTING—26

Andrews
Baird
Bishop (GA)
Blumenauer
Boehner
Bono
Brown, Corrine
Chocola
Cuellar
Davis, Tom

Gillmor
Gingrey
Graves
Hooley
Issa
Johnson, E. B.
McDermott
Millender-McDonald
Pelosi

Reyes
Sessions
Simmons
Skelton
Stark
Walsh
Waxman

□ 1414

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART 2, AMENDMENT NO. 9 OFFERED BY MR. GOHMERT

The Acting CHAIRMAN (Mr. SIMPSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. GOHMERT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 108, noes 297, not voting 28, as follows:

[Roll No. 279]

AYES—108

Akin
Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blunt
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Cannon
Cantor
Capito
Carter
Chabot
Coble
Conaway
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, M.
Doolittle
Drake
Duncan
Emerson
Feeney
Foley
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gohmert
Goode
Goodlatte
Green, Gene
Hall
Hart
Hayes
Hayworth
Hefley
Herger
Hostettler
Hulshof
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
King (IA)
Kingston
LaTourette
Lewis (KY)
Linder
Lucas
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Norwood
Otter
Paul
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Price (GA)
Rehberg
Rohrabacher
Royce
Ryun (KS)
Sensenbrenner
Shadegg
Shuster
Smith (TX)
Sodrel
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Tiahrt
Tiberi
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Young (AK)

NOES—297

Abercrombie
Ackerman
Aderholt
Allen
Baca
Bachus
Baldwin
Barrow
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (NY)
Blackburn
Boehlert
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Butterfield
Calvert
Camp
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Dreier
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gonzalez
Gordon
Granger
Green (WI)
Green, Al
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hastings (FL)
Hastings (WA)
Hensarling
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simpson
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Strickland
Stupak
Sweeney
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—28

Andrews
Baird
Bishop (GA)
Blumenauer
Boehner
Bono
Brown, Corrine
Cuellar
Davis, Tom
Diaz-Balart, L.
Gillmor
Gingrey
Graves
Hooley
Issa
Istook
Johnson, E. B.
Kennedy (RI)
McDermott
Millender-McDonald
Pelosi
Reyes
Sessions
Simmons
Skelton
Stark
Walsh
Waxman

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1420

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART 2, AMENDMENT NO. 12 OFFERED BY MR. STEARNS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 100, noes 306, not voting 27, as follows:

[Roll No. 280]

AYES—100

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bishop (UT)
Blackburn
Boozman
Boustany
Brown (SC)
Burgess
Burton (IN)
Buyer
Cannon
Carter
Chabot
Coble
Davis, Jo Ann
Deal (GA)
Diaz-Balart, M.
Doolittle
Drake
Duncan
Emerson
Feeney
Foley
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gohmert
Goode
Green (WI)
Green, Gene
Hayes
Hayworth
Hefley
Herger
Hostettler
Hulshof
Hunter
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
King (IA)
Kingston
Lewis (KY)
Linder
Lucas
Lynch
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Norwood
Otter
Paul
Petri
Platts
Pombo
Price (GA)
Radanovich
Rehberg
Renzi
Rogers (AL)
Rohrabacher
Royce
Ryun (KS)
Sensenbrenner
Shuster
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Tiahrt
Tiberi
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—306

Abercrombie
Ackerman
Allen
Baca
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Blunt
Boehlert
Bonilla
Bonner
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown-Waite, Ginny
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Dreier
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gonzalez
Goodlatte
Gordon
Granger
Green, Al
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hensarling
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hoyer
Hyde
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)

Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Mack
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McGovern
McHugh
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Reichert
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—27

Andrews
Baird
Biggert
Bishop (GA)
Blumenauer
Boehner
Bono
Brown, Corrine
Cuellar
Davis, Tom
Gillmor
Gingrey
Graves
Hooley
Issa
Johnson, E. B.
Kennedy (RI)
McDermott
Millender-McDonald
Pelosi
Reyes
Sessions
Simmons
Skelton
Stark
Walsh
Waxman

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1427

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART 2, AMENDMENT NO. 13 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. LANTOS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from California (Mr. LANTOS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 190, noes 216, not voting 27, as follows:

[Roll No. 281]

AYES—190

Abercrombie
Ackerman
Allen
Baca
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Boehlert
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonilla
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gohmert
Goode
Goodlatte
Granger
Green (WI)
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McKinney
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—27

Andrews
Baird
Bishop (GA)
Blumenauer
Boehner
Bono
Brown, Corrine
Cuellar
Davis, Tom
Gillmor
Gingrey
Graves
Hooley
Issa
Johnson, E. B.
Kennedy (RI)
McDermott
Millender-McDonald
Pelosi
Peterson (MN)
Reyes
Sessions
Simmons
Skelton
Stark
Walsh
Waxman

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SIMPSON) (during the vote). There are 2 minutes remaining in this vote.

☐ 1434

Mr. BOEHLERT changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. There being no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. LEVIN. Mr. Chairman, I rise in strong opposition to H.R. 2745. There is a need for reform at the United Nations. No one disagrees with that, but the legislation before the House is an extreme and deeply flawed bill that would actually set back our efforts to strengthen and improve this important institution.

The problem with the amendment is its complete lack of flexibility. It requires the United States to withhold 50 percent of our dues if 32 of 39 specific goals are not met by 2007. Furthermore, 14 of those goals are mandatory, and if a single one is not met, our dues are withheld. Such a rigid approach weakens the Bush Administration's hand in negotiating the changes that we all agree are necessary there.

I want to quote from a June 14 letter to Speaker HASTERT and Leader PELOSI from eight former U.S. Ambassadors to the United Nations. These ambassadors served in Republican and Democratic administrations alike, range broadly in their political persuasions, and include President Bush's most recent Ambassador to the U.N., John Danforth, as well as Madeleine Albright, Richard Holbrooke, Jeane Kirkpatrick, Donald McHenry, Thomas Pickering, Bill Richardson and Andrew Young.

In their letter, they write that "withholding U.S. dues to the U.N. threatens to undermine our leadership and effectiveness at the U.N. and the reform effort itself—as well as the U.N.'s ability to take on responsibilities critical to protecting our national security. . . . Reforming the United Nations is the right goal. Withholding our dues to the U.N. is the wrong methodology."

These distinguished former ambassadors go on to assert that, "Withholding U.S. dues to the United Nations may sound like smart policy but would be counterproductive at this time. . . . It would create resentment, build animosity and actually strengthen opponents of reform."

For these reasons, I will vote for the substitute offered by Ranking Member LANTOS. The Lantos substitute would give Secretary of State Rice the tools and flexibility needed to bring about reform at the United Nations.

Let me conclude by saying that the bill before the House is a perfect example of how the priorities of the Majority are out of step with the needs of the country. It is simply amazing that the House is debating this bill—a bill that the President would almost certainly veto if it ever reached him—when there are so many more important and unmet needs that the House has yet to address and could effectively address.

Millions of manufacturing jobs have left the United States over the last four years, and more jobs are leaving every day. The cost of gasoline remains near record highs, yet we still have no strategy to deal with it. Over 40 million Americans have no health insurance, and the cost of health insurance for all Americans continues to rise. These are the issues that the American people need us to address.

I urge my colleagues to oppose this flawed and unbalanced bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to oppose the United Nations Reform Act of 2005 as it is currently constituted. This legislation sends the signal to the world that our Nation has a disdain for the United Nations and I for one cannot support that idea.

There are many instances in which the U.N. has been instrumental in furthering U.S. foreign policy objectives. In the past year alone, the U.N. helped organize parliamentary elections in Iraq, reconstruction efforts following the Indian Ocean tsunami, and helped mediate the withdrawal of Syrian armed forces from Lebanon. A reformed U.N. could be even more complementary to U.S. interests abroad, but only if the U.S. does not alienate other Member States and create animosity in the process. The inflexibility of the Hyde legislation would create resentment among Member States, and the automatic withholding of dues would cripple the institution.

Hyde's unilateral approach to U.N. reform promises to thwart the growing international consensus for reform, which will be addressed by at least 174 nations at the September Summit in New York. We need a more flexible approach which does not dictate unrealistic deadlines for changes or threaten automatic withholding of dues, will achieve U.S. goals without causing widespread resentment among Member States whose support we depend on.

The Hyde bill on U.N. reform contains many serious flaws which if implemented would not be welcome by the international community. Peacekeeping is one such area where this bill contains deeply flawed logic. The Hyde bill points to peacekeeping reforms that everyone agrees are needed. These reforms are in fact endorsed by the U.N. Department of Peacekeeping Operations and in most cases, these reforms are already underway to address recent concerns raised about sexual exploitation and abuse in peacekeeping missions. However, the Hyde bill says that starting this fall, the U.S. must prevent the expansion of existing missions or the creation of any new U.N. peacekeeping missions until all specified reforms are completed and certified by the Secretary of State. The truth is that some of these requirements simply cannot be met by the fall, true reform takes time. Reforms will require careful implementation at the U.N. as well as by the 100-plus troop contributing countries, and in some cases will require additional U.N. staff and funding which of course is not provided by this legislation. And yet, the Hyde bill will likely prevent Security Council resolutions to enable the creation or expansion of important U.N. missions in places like Darfur in Sudan, Haiti, Congo and Afghanistan. We as the United States of America have always prided ourselves on helping those who cannot help themselves, on aiding those who are being massacred simply because of who they are, but now this bill seeks for our Nation to turn a blind eye to these people. We, as the 109th Congress cannot allow ourselves to be the ones who cut off assistance to these desperate people.

Not only does the Hyde bill take a wrong approach to peacekeeping, but it will also create great problems with the budget at the United Nations. The Hyde bill claims to "pursue a streamlined, efficient, and accountable regular assessed budget of the United Nations," yet in reality the approach taken by the bill will wreak havoc on the U.N. budget process and will result in the automatic withholding of U.S. financial obligations to the U.N. regular budget. This flawed bill attempts to shift funding for 18 specific programs from assessed contributions to voluntary contributions. To achieve these goals, the bill mandates the withholding of up to $100 million in U.S. dues to the U.N. regular budget. While this idea may have merit, the U.S. should work with its allies to advance it through the Budget Committee at the U.N. instead of starting from the point of withholding dues, which should be our Nation's last resort. Furthermore, the Hyde proposal links 50 percent of U.N. dues to a list of 39 conditions, not only at the U.N. Secretariat, but also at various U.N. specialized agencies over which the U.N. has no direct control. All of this will create a new U.S. debt at the U.N., since many of the conditions are so rigid and specific that they are not achievable. In the end, all that any of this will do is create resentment towards the United States in the international community. As the Washington Post editorialized, "This is like using a sledgehammer to drive a nail into an antique table: Even if you're aiming at the right nail, you're going to cause damage."

The Hyde bill also calls for certain steps supported by the U.N. and the U.S., such as the strengthening of the U.N. oversight function, the creation of a Peacebuilding Commission, and reforms in U.N. peacekeeping. However, it calls for these reforms to be funded solely within existing resources. If the U.S. withholds dues as this bill calls for, even less funding will be available to support these reforms. This bill also calls for the creation of new positions in several departments, including the Office of Internal Oversight Services and the Department of Peacekeeping Operations, without allowing resources to fund these positions.

Clearly, too many of the provisions of the Hyde U.N. reform bill will only cause resentment against the United States in the international community. Achieving reform by consensus in a body with 191 members is difficult, but this is not in itself a reason to bypass the consensus building process. The more Member States that are engaged in achieving reform, the more legitimate and effective the changes will be. The U.S. should lead the way by actively promoting a tough reform agenda and retaining the threat of withholding dues as a last resort. Reform should not, however, be a crusade led by the U.S. against the institution and its Member States. Unfortunately, this bill on U.N. reform will not lead to reform, but only to the weakening of the United Nations. With great respect for Chairman HYDE and his intent I regretfully will have to oppose H.R. 2745.

Mr. UDALL of Colorado. Mr. Chairman, I regret that I cannot vote for this bill.

I am not opposed to the ostensible purpose of the bill—in fact, I share the view that the United Nations needs to be improved so it can better carry out its indispensable role.

The U.N. is a critically important body that has taken on many of the world's problems and solved them—problems such as poverty, disease, and international disputes. And the U.S. has benefited from U.N. actions. Just recently, the U.N. helped with elections in Afghanistan and Iraq and helped negotiate the withdrawal of Syrian forces from Lebanon.

But it has serious problems, as exemplified by the oil-for-food scandal and offenses committed by U.N. peacekeeping forces.

So, I support U.N. reform—but I cannot support the approach the bill takes toward achieving that objective.

The bill would require the Secretary of State to push for reforms at the U.N. in the areas of budgeting, oversight and accountability, peacekeeping, and human rights. That is something that needs to be done. But if the Secretary of State cannot certify that the reforms have been achieved, starting in 2007, the Secretary would be required to withhold 50 percent of the U.S. assessed contributions to the U.N.'s regular budget. The assessed U.S. contributions are estimated at $362 million for 2005, and $439 million for 2006.

I think such a punitive and unilateral approach to reform will not work. I think its primary result would be to further isolate the United States while at the same time actually undermining ongoing efforts at reform and potentially jeopardizing the U.N.'s ability to focus on global threats and work toward greater global stability.

The substitute proposed by Representatives LANTOS and SHAYS would have been a better approach, and I regret that it was not adopted.

As it stands, the bill is problematic on a number of fronts. First, it would mandate withholding of dues from programs that do not get moved from the U.N.'s assessed budget to a system of voluntary contribution, a goal unlikely to be achieved.

Also, it would require the United States to veto Security Council resolutions establishing any new U.N. peacekeeping missions—including involvement in a crisis like the one taking place in Darfur—until the peacekeeping reforms called for by the bill have been completed. This is like forbidding firemen to respond to a blaze because we are unhappy about the way the department is organized and financed. I cannot support that.

The bill would cut U.S. contributions to U.N. conferences and public information programs by 20 percent unless the overall budgets for these programs are cut by 20 percent, and if the 20 percent target is not met by 2008, the bill would mandate the withholding of 50 percent of U.S. contributions. It also would require that 50 percent of annual dues be withheld even if just one of 14 mandatory benchmarks were not met. These go beyond stern—they are petulant. Their predictable result is not reform, but failure.

In short, the bill as it stands would simultaneously demand reform and make it impossible to achieve.

The substitute offered by Representatives LANTOS and SHAYS would have used carrots as well as sticks and would have given much greater flexibility to the Secretary of State.

The substitute included benchmarks very much like those in the base bill, but it gave flexibility to the Secretary of State to mandate the 50 percent cuts to our U.N. dues. Similarly, the substitute did not link the change from "assessed" to "voluntary" contributions to withholding a portion of our dues, and it would have allowed the Secretary of State to waive the peacekeeping reform requirements if it is determined that a new mission is in the U.S. national interest.

The substitute also included incentives by supporting an effort to pay our dues on time, an increased U.N. budget for the large number of new offices that will be needed to implement the reforms, a well structured buyout of unneeded U.N. personnel, and a contribution to the U.N. Democracy Fund.

The difference between the bill now before us and the Lantos-Shays substitute is that while the substitute was realistic in the way it set out a path toward reform, the majority's bill if fully implemented would effectively destroy the chances of achieving an effective and improved U.N.

Instead of adopting such an approach, the United States should engage the U.N. member countries in the process of reform and provide the U.N. with the resources necessary to accomplish reforms, rather than alienate the global community by threatening to withhold dues.

The Bush Administration itself is opposed to this legislation as it stands. I do not often agree with them, but I do in this instance and I therefore must vote against the bill.

Mr. SULLIVAN. Mr. Chairman, I rise in strong support of H.R. 2745, the Henry J. Hyde United Nations Reform Act of 2005.

H.R. 2745 is a common sense piece of legislation that would mandate timely change to a United Nations suffering from scandal, mismanagement and abuse. Specifically, it would withhold 50 percent of regular assessed budget contributions unless the U.N. enacts 39 specific budgetary, accountability, and human rights-related reforms necessary to providing needed transparency to the world body.

The need for this legislation could not be more evident. Over the past few years we have witnessed a United Nations mired in scandal. The U.N. Oil-for-Food program was a glaring failure that served only to benefit a tyrant and keep the Iraqi people in a state of despondency and despair. As a result, the Oil-for-Food program has become the biggest scandal in the history of the U.N. and one of the greatest financial scandals of modern times.

Scandals involving U.N. peacekeeping operations have also escalated. In Congo and Bosnia, U.N. peacekeepers were accused of widespread sexual exploitation and rape of refugees, betraying the trust of the very people they were there to protect. In Sierra Leone, peacekeepers were accused of systematically raping women. These actions are reprehensible in any society and unbecoming to an organization whose founding charter is dedicated to the promotion and respect for human rights and maintaining international peace and security.

In recent years, the U.N. has also abdicated their role as a protector of human rights. This legislation rightfully prevents some of the world's premier human rights abusers such as Cuba, Sudan and Libya from having a seat on the U.N. Commission of Human Rights.

Without H.R. 2745, we will be sending American taxpayer dollars to support an international organization that currently embraces mediocrity, corruption and waste as the status quo. The United Nations Reform Act will go a long way to employ proper checks and balances to an organization that I believe has lost control of both its purpose and mission, and no longer adequately represents the United States' interests, nor the interests of democracies around the world.

It is time for these common sense reforms. The American people who pay 22 percent of the U.N. dues demand that their tax dollars go to an organization that is transparent, and accountable.

Mr. Chairman, I urge passage of this legislation.

Mr. BOEHNER. Mr. Chairman, I rise today to thank Mr. HYDE for his distinguished service in the House of Representatives and to support his work to bring accountability and transparency to the United Nations.

Throughout his career, Mr. HYDE has been a promoter and a defender of conservative issues, including the rights of the unborn and the need for a strong national defense.

While many of my colleagues are committed and dedicated to these issues, my friend from Illinois has truly led by example in how he has advocated for conservative policies and championed family values.

He is well known for his consistency and tenacity in his beliefs, yet he is well-respected within the House by Members of both sides of the aisle. He has strongly disagreed with Members about issues that evoke emotional responses, yet he has maintained his dignity and gentlemanly conduct.

Mr. Chairman. I would like to thank Mr. HYDE for his work to increase the credibility of the United Nations and to wish him well in his retirement. Unfortunately, I was committed to attend an event in my district, and I was unable to vote for the final passage of the Henry J. Hyde United Nations Reform Act of 2005. I would like the official record to reflect I support this important legislation.

HENRY, thank you for your service and best wishes to you and your family.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I stand in wholehearted opposition to this outrageous Republican bill, which requires the Secretary of State to press for numerous reforms at the United Nations (UN) including budgeting, oversight and accountability, peacekeeping, and human rights. H.R. 2745, which requires the Secretary of State to withhold 50 percent of U.S. assessed contributions to the regular budget of the U.N., if the Secretary is unable to certify that the reforms called for by this bill have been met, is simply unacceptable.

The United Nations, which is based in our country, in New York City, was created in 1947 by the United Nations Participation Act, with a mission of assisting the President and the Department of State in conducting United States policy at the United Nations.

Along with my Democratic colleagues, I wholeheartedly believe in the goals of the United Nations, yet I do believe there is some need for reforming the organization. The idea that our country can just unilaterally withhold 50 percent of what we owe to the U.N. and then veto any new or expanded peacekeeping operations is not good politics, and does not serve our national interest by any means. I do however; strongly believe that the Lantos-Shays substitute, which, if passed, would empower the Secretary of State to withhold funds if the suggested reforms are not met, would allow the United States to work with other nations to achieve true reform.

There are numerous problems with this bill. Perhaps the most ridiculous is the mandating of the withholding of 50 percent of our dues to the U.N. by giving inadequate flexibility to the Secretary of State. The bill, in effect, mandates a withholding of U.S. dues by imposing an unrealistically long list of 38 reforms, a number of which are virtually impossible to achieve in such a short period of time.

In my estimation, given that our country has been, and remains to be, the single largest contributor to the U.N., that we should not attempt to simply strong arm the organization with threats or sanctions merely to achieve the types of reforms we deem necessary. In fact, in 2002, our contributions to the U.N. totaled more than $3.0 billion, a total which included over $5 million in assessed contributions to their regular budget and U.N. affiliated agencies; about $750 million in assessed contributions to U.N. peacekeeping activities; about $50 million for war crimes tribunals; and about $1.7 billion in voluntary contributions to U.N.-affiliated organizations and programs. To reiterate, I simply do not think that unilaterally withholding funds from the United Nations is a good way to achieve real reform of the organization, and if I had been able to be here today, I would have voted "yes" on the Lantos-Shays Substitute, and "no" on overall passage of the Hyde bill.

Mr. COSTELLO. Mr. Chairman, I rise today in support of H.R. 2745, which focuses on reform at the United Nations. I do so not because I am against the mission of the U.N. To the contrary, I support the U.N.'s role in facilitating diplomacy, mediating disputes, keeping the peace and feeding the hungry. Moreover, I continue to advocate for a much larger role for the U.N. in Iraq as a means of bringing U.S. troops home.

However, I believe that on the heels of the Oil for Food scandal, we must send a strong signal that reform at the U.N. must proceed. I am voting yes today because the current structure and operations of the U.N. must be reviewed, as just about every speaker on the floor today has acknowledged. Even the U.N. leadership itself has acknowledged the need for reform and, to its credit, has put forward a number of useful proposals for consideration.

Like many bills we consider in the House, I do not like every aspect of this legislation. I am particularly concerned for how it would affect peacekeeping activities. But this legislation importantly calls for a more focused and accountable U.N. budget, one that reflects what should be the true priorities of the organization. I am hopeful that the prospect of this bill will force the U.N. to implement the kinds of changes we all agree are necessary to make the body more effective and efficient.

Mr. Chairman, voting yes today sends a strong signal that we are serious about ensuring a strong United Nations for the future. I urge my colleagues to vote yes on H.R. 2745.

Mrs. MALONEY. Mr. Chairman, I rise today in opposition to H.R. 2745, the Henry J. Hyde United Nations Reform Act, because I believe that withholding funds from the United Nations will not help it reform. Rather, decreased funding will slowly starve the organization and prevent it from fulfilling its mission of peace and high standards of human rights all over the world.

With the passage of H.R. 2745, the United States declares it will withhold half of the dues it owes the United Nations. Restricting United Nations funds will have a devastating impact on the effectiveness of the Convention to Eliminate Discrimination Against Women: Treaty for the Rights of Women. This treaty supports international standards for basic human rights for women. It establishes a universal definition of discrimination against women, seeks legal protection for victims of violence, and equality in areas of health care, education and employment. Funds are essential in the establishment of equal rights for women: access to health care, education, and legal protection services is not free.

The United States is the only industrialized nation that has not ratified the Treaty for the Rights of Women. Our Nation's withdrawal of funding for the organization that supports this essential doctrine of human rights is shameful, and not the action the world expects of a nation that declares freedom and liberty its unchanging identity.

The need for the Treaty for the Rights of Women is undeniable. At least 4 million women and girls are sold into sexual slavery every year, two-third of the world's 799 million illiterate adults are women, and an estimated 25–30 percent of all women suffer domestic violence. The Treaty for the Rights of Women establishes international standards that serve to encourage world nations to eradicate injustices imposed on its female citizens, and to establish standards for basic human rights; the Treaty does not impose laws on any nation. For these reasons, the Treaty is in line with past treaties that support international standards, treaties that the United States has supported and subsequently funded through dues paid to the United Nations.

Until this Nation, the seat of freedom and the land of liberty, declares to the world its commitment to equality, as embodied in the Treaty, and makes that commitment a reality through essential funding, we cannot expect other nations to follow our lead and adopt freedom as their creed. If we starve the United Nations of necessary funding, we cannot expect it to become a more effective organization. Withholding funds from this worthy organization is the wrong way to urge its reform. It hinders the organization's efforts to reform and deprives the world of the benefits that treaties such as the Treaty for the Rights of Women advocate.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PUTNAM) having assumed the chair, Mr. SIMPSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2745) to reform the United Nations, and for other purposes, pursuant to House Resolution 319, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. NUSSLE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 184, not voting 28, as follows:

[Roll No. 282]

AYES—221

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berkley
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonilla
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costello
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gohmert
Goodlatte
Granger
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)

Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—184

Abercrombie
Ackerman
Allen
Baca
Baldwin
Bean
Becerra
Berman
Berry
Bishop (NY)
Boehlert
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Goode
Gordon
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Smith (WA)
Snyder
Solis
Spratt
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—28

Andrews
Baird
Bishop (GA)
Blumenauer
Boehner
Bono
Brown, Corrine
Cuellar
Davis, Tom
Gillmor
Gingrey
Graves
Hooley
Issa
Johnson, E. B.
Kennedy (RI)
McDermott
Millender-McDonald
Pelosi
Reyes
Sessions
Simmons
Skelton
Slaughter
Stark
Tanner
Walsh
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PUTNAM) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1451

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ISSA. Mr. Speaker, on Friday, June 17, 2005, I was not in Washington, DC, for votes. Had I been present, I would have voted in favor of H.R. 2745, the Henry J. Hyde United Nations Reform Act of 2005.

Regarding the amendments, I would have voted in favor of the Royce, Fortenberry, Flake and Chabot/Lantos amendments, and I would have voted against the Pence, Gohmert, Stearns and Lantos/Shays amendments.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, due to official business that has great importance to residents of the 30th Congressional District of Texas, I was not present on June 17, 2005.

Mr. Speaker, on rollcall No. 274, On Agreeing to the Royce of California Amendment (House Resolution 2745), had I been present, I would have voted "aye."

Mr. Speaker, on rollcall No. 275, On Agreeing to the Fortenberry of Nebraska Amendment (House Resolution 2745), had I been present, I would have voted "aye."

Mr. Speaker, on rollcall No. 276, On Agreeing to the Flake of Arizona Amendment (House Resolution 2745), had I been present, I would have voted "aye."

Mr. Speaker, on rollcall No. 277, On Agreeing to the Chabot of Ohio Amendment (House Resolution 2745), had I been present, I would have voted "aye."

Mr. Speaker, on rollcall No. 278, On Agreeing to the Pence of Indiana Amendment (House Resolution 2745), had I been present, I would have voted "no."

Mr. Speaker, on rollcall No. 279, On Agreeing to the Gohmert of Texas Amendment (House Resolution 2745), had I been present, I would have voted "no."

Mr. Speaker, on rollcall No. 280, On Agreeing to the Stearns of Florida Amendment (House Resolution 2745), had I been present, I would have vote "no."

Mr. Speaker, on rollcall No. 281, On Agreeing to the Lantos of California Amendment (House Resolution 2745), had I been present, I would have voted "aye."

Mr. Speaker, on rollcall No. 282, Final Passage of H.R. 2745, the United Nations Reform Act of 2005, had I been present, I would have voted "no."

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote 282. Had I been present, I would have voted "no." Mr. Speaker, I ask unanimous consent that my statement appear in the permanent RECORD immediately following this vote.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the gentleman from Texas (Mr. DELAY) regarding the schedule of the week to come.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the distinguished whip yielding to me.

Mr. Speaker, Monday the House will convene at 12:30 p.m. for morning hour debates and 2 p.m. for legislative business. We will consider H.R. 2863, the Department of Defense Appropriations Act for fiscal year 2006, and any recorded votes requested will be rolled until 6:30.

On Tuesday, the House will convene at 9 a.m. for morning hour debates and 10 a.m. for legislative business. We expect to consider several measures under suspension of the rules, as well as H.R. 2475, the Intelligence Authorization Act for Fiscal Year 2006.

For the rest of the week, the House will consider several additional bills under a rule: H.J. Res. 10, the Flag desecration amendment; the Legislative Branch Appropriations Act of Fiscal Year 2006; and the Departments of Labor, Health and Human Services and Education Appropriations Act for Fiscal Year 2006 some time later in the week.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information. If I may inquire, Mr. Leader, the Labor-Health bill was marked up yesterday, and the legislative branch bill was marked up as well. What days does the gentleman expect those bills to be on the floor?

Mr. DELAY. First, let me repeat what I mentioned in my statement. This is rather unusual, but we will be considering the Department of Defense appropriations bill on Monday afternoon. We will roll votes until 6:30 p.m., but Members should know that we will be having very important debate Monday afternoon, including amendments.

In terms of the rest of the week, I would expect us to consider intelligence authorization, Flag amendment, and legislative branch appropriations on Tuesday and Wednesday, and Labor-HHS would be reserved for Thursday and Friday.

Mr. HOYER. Mr. Speaker, the Flag constitutional amendment is on the calendar as well. Within the framework of the other bills, would that be left until Friday, or when will that be considered?

Mr. DELAY. Mr. Speaker, I would expect the Flag amendment would follow right after the intelligence authorization bill, and then legislative branch right after that.

Mr. HOYER. Mr. Speaker, reports indicate that there has now been some agreement as it relates to the ability of the national intelligence director to move personnel. That obviously was a problem we had. The gentleman from California (Chairman HUNTER) did not feel that was appropriate. Apparently, there has been some discussion and that matter has been resolved. Would it be the gentleman's expectation there will be an amendment to the bill because that provision is still in the bill: or do you expect to have a provision in the rule itself which would be self-executing to remove the constraint from the intelligence authorization bill?

Mr. DELAY. Mr. Speaker, I think that the gentlewoman from California (Ms. HARMAN), the gentleman from Michigan (Chairman HOEKSTRA), and the gentleman from California (Chairman HUNTER), and the ranking member, the gentleman from Missouri (Mr. SKELTON), will be all in sync on that particular issue. They have been working together and working well to come to a solution to that. I would imagine it would be in a manager's amendment, whatever solution they come to.

Mr. HOYER. Mr. Speaker, what I understand the gentleman is saying is whatever is agreed to by those three will be how it is carried out?

Mr. DELAY. Mr. Speaker, as far as I have been advised, that is correct.

Mr. HOYER. Mr. Speaker, two additional issues: campaign finance legislation, or Pence-Wynn, and CAFTA. Can the leader give us any thoughts as to when those might be considered as it relates to the July 4 break?

Mr. DELAY. Mr. Speaker, as far as campaign finance reform legislation, we have no plans right now to consider any legislation.

As far as the Central America Free Trade Agreement, the President has not transmitted any proposed agreement so we will not make any decisions about scheduling until he does.

Mr. HOYER. Mr. Speaker, lastly, the gentleman from Texas (Leader DELAY) had to leave early right after the votes last week, and the gentleman from Missouri (Mr. BLUNT) and I discussed that I am concerned, the gentleman is concerned, everybody is concerned and everybody is talking about it in the papers, the Committee on Standards of Official Conduct is still not staffed and unable to proceed. The gentleman has expressed concern that that is the case. We have expressed concern that that is the case.

We believe, Mr. Leader, that under the rules the executive director and counsel need to be hired through agreement by both the Republican and Democratic members of the Committee on Standards of Official Conduct. We believe that is what the rules says.

The impediment it seems, frankly, is that the chairman of the Committee on Standards of Official Conduct is still focused on having his chief of staff, who may be an outstanding individual, no aspersions whatsoever on his character or his integrity in working on the Committee on Standards of Official Conduct, but he has not been selected in a bipartisan fashion.

□ 1500

Could the leader advise me, the Speaker indicated he thought he ought not to get involved, but we appear to have an impasse. It seems to me as one of the leaders, I would certainly be prepared to work with you, with the Speaker, I think the gentlewoman from California (Ms. PELOSI) would, in trying to resolve this impasse so we could as an institution select bipartisan personnel that both sides could have confidence in that could then proceed to have an operating, effective Ethics Committee. I frankly hope we could do that. I think both of us and probably the entire institution is frustrated by the fact that we cannot get by this impasse.

It is, however, from our perspective, as the gentleman knows, a very important issue because if both sides are going to have confidence in the impartiality of investigations, of Republicans or Democrats, it will be because both sides participated in and had confidence in those who were selected to, from a staff standpoint, proceed with those investigations.

I would be glad to yield to my friend for his comments.

Mr. DELAY. I appreciate the gentleman yielding. The gentleman is correct in saying that this gentleman is very interested in getting the Ethics Committee up and running. It is for the good of the institution. I do not agree with the gentleman in his assessment of the rules, because the rules also provide for other alternatives other than what he suggested.

I have to say that I think it is unfortunate that some—no one that serves on the committee am I saying this about—that some would use the Ethics Committee for political purposes. I think it is unfortunate. I think that the Democrats that serve on the Ethics Committee and the Republicans that serve on the Ethics Committee are more than capable of coming to some resolution.

The gentleman assumes and suggests that the leadership ought to get involved in it. I think the problem is that the leadership has gotten involved in it. In the 20 years I have been here, the tradition of this institution to maintain the integrity of the Ethics Committee is that leadership should not be involved in these matters at the Ethics Committee level; that the Ethics Committee is a bipartisan committee set up to function as a bipartisan committee, and when leaders start dictating to the members on that committee, it undermines the credibility of that committee.

I would hope that the members of the committee could look at alternatives, and there have been alternatives suggested and allowed by the rules. For instance, if they can come to no resolution of one single director, you can have codirectors, allowed by the House rules. The ranking member can have a director hired by him, and the chairman can have a director hired by him, and the committee can function on the staff level as the committee is set up to function on the Members level.

I think the involvement of either leaders on both sides of the aisle should encourage, publicly or privately, for the members of the committee to work this out and not be involved in the decision-making, nor the discussion, nor negotiations. The leaders should stay out of it. I would hope that the Ethics Committee would come together and work together and function so that issues before this House protecting the integrity of this House and the credibility of this House as an institution can go forward.

Mr. HOYER. Reclaiming my time, the leader and I have a different perspective on this. He is correct in that observation. First of all, let me say that clearly the leadership ought to stay out of any determinations or considerations or reference to complaints raised or under investigation or determination by the Ethics Committee. I agree with the leader on that.

I do not agree with the leader on the fact that the leadership does not have a particular responsibility to ensure that the Ethics Committee is operating, is functioning, is performing the responsibilities of ensuring the public that we are maintaining the ethics of this institution and the democratic processes in a transparent and open and honest fashion. That is not any different, very frankly, than the leadership appointing the members of the Ethics Committee. It does not stay out of that. It appoints the members of the Ethics Committee on both sides of the aisle. It, in fact, removes members from the Ethics Committee. The problem has arisen here where for the first time since I can remember as a Member of this House, we have an impasse and a failure to, in a bipartisan fashion, agree on a single director.

Mr. Leader, very frankly, I will tell you that the initial problem was raised and our perspective is that the rules were changed to provide for impasse, for gridlock, where five people could not agree to proceed with the investigation, and it would not proceed. I know we differ on that perspective, but that was our perspective. Frankly, for whatever reasons, we have now gone back to the rules that we believe provide for proceeding with investigations without providing for the possibility of partisan gridlock or partisan veto. If you had codirectors, which is what has been suggested, you have one director for the Republicans, one director for the Democrats, you provide indirectly what you have now abandoned in the rule change that you made in January and gone back to the old rule. The whole purpose of having one director, selected in a bipartisan fashion, I suggest to my friend, was to provide and to have a confidence level in proceeding in a way that would provide for an effective operation of the Ethics Committee.

Mr. DELAY. If the gentleman will yield, I do not agree with anything he said, and I appreciate it.

ANNOUNCEMENT BY COMMITTEE ON RULES ON AMENDMENT PROCESS FOR CONSIDERATION OF LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2006

Mr. DREIER. Mr. Speaker, the Rules Committee may meet next week to grant a rule which could limit the amendment process for floor consideration of the Legislative Branch Appropriations Act for fiscal year 2006.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and 1 copy of a brief explanation of the amendment to the Rules Committee in room H-312 of the Capitol by 3 p.m. next Tuesday, June 21, 2005. Members should draft their amendments to the bill as reported by the Appropriations Committee on Thursday, June 16, 2005, which is expected to be filed with the House on Monday, June 20, 2005. Members are also advised that the text should be available for their review on the Web sites of the Appropriations and Rules Committees by Monday, June 20, 2005.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format, and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

ADJOURNMENT TO MONDAY, JUNE 20, 2005

Mr. DREIER. Mr. Speaker I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. PUTNAM). Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALL OF THE PRIVATE CALENDAR ON TUESDAY NEXT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with on Tuesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DEMOCRATS PLAY HOUSE

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, the Washington Post ran an article today titled "Democrats Play House to Rally Against the War."

"Play house," Mr. Speaker. That is all the far left leadership seems to think about these days. If you have not read the article, basically Judiciary Committee Democrats are angry they are not running the committee and they are not the majority, so they are playing dress-up. Literally.

To quote the article, they pretended a small conference room was the Judiciary Committee hearing room. The ranking member banged a large wooden gavel and got the other Members to call him "Mr. Chairman." He liked that so much he started calling himself "the chairman."

Mr. Speaker, here we are trying to reform the United Nations, trying to win the war on terror, and the far left leadership in the House is playing pretend. They have pretended winning the war on terror would be cost-free, and that raising taxes grows the economy. They need to stop playing dress-up, and they need to join us in moving forward on a positive agenda for the American people.

CAFTA

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, quoting from Roll Call, Lawmakers who are seeking to trade their votes on CAFTA should be forewarned: Such deals don't pan out.

A Public Citizen report catalogs promises made to lawmakers by the Clinton and Bush administrations on trade votes from NAFTA to the 2002 TPA vote. Democratic and Republican administrations delivered on only 16 out of 92 promises; 16 out of 92 promises.

On textiles, the report highlights a promise made during consideration of the 2002 TPA vote to Representatives HAYES and MYRICK to hire 72 additional Customs inspectors, which was never fulfilled. HAYES is leaning against CAFTA, but MYRICK this week announced her support.

Quoting further from Roll Call:

That support is partly based on a pledge from ROB PORTMAN to seek an amendment to CAFTA to help producers of pockets and linings, proving that textile Members like Myrick seem to have learned nothing from the record of broken deals.

Quoting further from Roll Call:

> Myrick said she has been assured by Homeland Security Secretary Chertoff that those positions would be filled by 2006.

Mr. Speaker, do not believe the deals when they try to buy votes on CAFTA.

CITRUS COUNTY VETERANS SUPPORT FLAGS IN THE CLASSROOM

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise to speak on behalf of the Citrus County Coalition of Veterans. We just this week recognized Flag Day. I would like to recognize this very special group that provided flags to elementary and high schools in Citrus County.

Why did they do it? Because the Florida Legislature passed a law that said every classroom has to have a flag. Many parents were surprised that they did not already have flags, but I am very proud that in Citrus County, the Veterans Coalition, which is a combination of so many veterans organizations, that they actually stepped up to the plate, collected money from their members and from the community, and that they were able to provide the appropriate flags for the classroom.

Certainly having a real, tangible flag in each classroom will serve as a poignant reminder of the freedoms we enjoy in our great Nation.

Again, I would like to thank the Citrus County Veterans Coalition for their efforts to ensure that our schoolchildren truly understand the meaning of the Stars and Stripes.

RUNAWAY BRIDE STANDS TO REAP BONANZA

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I rise in outrage over a reported deal to pay the runaway bride, Jennifer Wilbanks, half a million dollars.

Jennifer Wilbanks, purported to have been kidnapped, blamed Hispanics, worried her parents, cost untold hundreds of thousands of dollars and the compassion of millions of Americans concerned for her well-being, all in a stunt, a stunt that is now going to earn her one-half million dollars. This is insane. It is outrageous.

Police officers, firefighters, Boy Scouts and Girl Scouts combing the country for this girl that we assumed was taken from her family and her fiance shows up in Albuquerque, New Mexico, and then apologizes in a tearful manner that she misled people. And now we are going to pay her half a million dollars.

This merely increases the likelihood that misguided and deranged young people will do stupid things in order to profit, and we fall prey to their pranks. I urge any media source thinking of paying her to reject the negotiations and treat her like the criminal she is.

DARK CLOUDS ON HORIZON

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, today America has the number one economy in the world. It is the envy of the world. But there are dark clouds in the West, and an economic storm is brewing.

Last year our trade deficit was over $670 billion, our Federal deficit was over $300 billion, and our economy lost many high-quality, high-paying jobs. Many in Congress have blamed big corporations for letting profits outweigh people. They have called the CEOs Benedict Arnold CEOs.

Mr. Speaker, I think these Members are wrong and misguided. There are two divisions of costs for those who keep and create jobs in America. Entrepreneurs, small businessmen, small businesswomen and CEOs have costs they can control and costs they cannot control. It is the costs that they cannot control that have been driven by Congress. Barriers have been created by Congress over the last generation. Good intentions resulting in bad regulation has caused us to lose many of our jobs.

□ 1515

Mr. Speaker, I am forming the Economic Competitive Caucus to deal with these issues by removing these barriers. With my colleagues' help, we will remove the barriers, bring back jobs, and make America competitive well into the future.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO RISK OF NUCLEAR PROLIFERATION FROM FISSILE MATERIAL IN TERRITORY OF RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–35)

The SPEAKER pro tempore (Mr. MARCHANT) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2005. The most recent notice continuing this emergency was published in the *Federal Register* on June 18, 2004 (69 FR 34047).

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 17, 2005.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SMART SECURITY AND TORTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the way we treat our enemies speaks volumes about our character as a Nation, and I am embarrassed to say that America's treatment of prisoners over the last several years does not speak highly of our national integrity.

Since 9/11 and especially over the last 2 years, news of prisoners being mistreated, beaten, sexually assaulted, and even killed while in U.S. custody has become all too commonplace. Prisoners have been tortured in Iraq, Afghanistan, and Guantanamo Bay. Considering the widespread use of torture, no one can claim that these are isolated incidents, that it is merely the work of a few bad apples.

In fact, Mr. Speaker, I fear there will be more appalling news about American abuses of Iraqi people coming. The fact that torture occurred in separate places and under the command of different interrogators leads me to believe that a more systemic failure took place.

One could say that the turning point, the day torture became a routine tactic employed by the United States, was August 1, 2002. That is the day the Justice Department sent a memo to the White House stating that torturing terrorists in captivity "may be justified." It is just not that physical abuse has taken place under our watch. That is bad enough. What is just as appalling is that legal abuses have taken place here at home. We have kept people in prison for more than 3 years without charging them with a crime, and the administration has affirmed this practice through legal memos.

This approval of torture by the White House, the Pentagon, and the Justice Department is not only shameful; it also endangers the United States. At a time when the United States is courting the support of the international world, particularly the Arab world, the torture of foreign prisoners along with our invasion of Iraq gives the world's extremists what they believe to be a legitimate reason to hate the United States. There has been no better recruiting tool for al Qaeda than the events at Abu Ghraib and in Iraq.

Mr. Speaker, there must be a better way to conduct foreign policy than by beating, torturing, and sexually assaulting our enemies. The United States has other options than to engage in the sadistic practices of torture. We in the United States are better people than that.

That is why I have reintroduced the SMART Security legislation with the support of 50 of my colleagues. SMART Security is a Sensible, Multilateral, American Response to Terrorism for the 21st Century; and it will help secure the United States for the future. SMART Security will ensure America's security by reaching out and engaging the Iraqi people. Instead of rushing off to war for the wrong reasons and then engaging in torture once we are there, SMART Security encourages the United States to work with other nations to address the most pressing global issues.

Not every international problem has a military answer, and that is why

SMART Security will prevent terrorism by addressing the very conditions which give rise to terrorism in the first place: poverty, despair, resource scarcity, and lack of proper education.

The situation in the Middle East requires the best America has to offer. SMART Security relies on the very best of America: our commitment to peace and freedom, our compassion for the people of the world, and our capacity for multilateral leadership. This is the best way to encourage democracy in countries like Iraq. Not through wars that cost thousands of unnecessary deaths, not by throwing billions of dollars at our problems, and certainly not by torturing our enemies.

We have a responsibility to set a positive example for the rest of the world. We can end this shameful chapter in our Nation's history by pledging that the United States does not condone acts of torture.

To show the world that we mean business, we need to create a plan to begin bringing home the soldiers serving in Iraq. By ending the military occupation of Iraq, we will demonstrate that America is committed to peace in the Middle East and the rest of the world. It is time to start this process. We need to start it today.

EXCHANGE OF SPECIAL ORDER TIME

Mr. NORWOOD. Mr. Speaker, I ask unanimous consent to take the Special Order time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

THE USA PATRIOT ACT AND THE BORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I came to have a little chat with the Members about immigration, and I intend to do that. But I cannot help but point out from the previous speaker that torture means many things. Perhaps the people who can best define torture would be prisoners of war in Vietnam, in Korea, and World War II. And I can say to the mothers of America that the people that we are accusing of torturing are people who want to kill their children as fast as they can. I would say to the fathers of America that the soldiers we are accusing of torturing are people that would like to kill their family as fast as they can. And I can assure the Members, having been in Vietnam, that pouring water on somebody, playing loud music, and lowering the air conditioner is not torturing anybody. It, though, however, may save an American GI.

Mr. Speaker, like most of the Members of the body, on October 24, 2001, I voted for the U.S. PATRIOT Act, which passed with an overwhelming bipartisan majority of 357 to 66.

At the time many of us had concerns about whether or not the bill crossed the line on infringing on our constitutional liberties. We were assured that it did not. And when the new protections against terrorism were in place, we could actually see for ourselves that it did not.

So we approved that bill, based on the fact that our Nation had just suffered 3,000 dead in New York and Washington at the hands of illegal immigrant terrorists.

Since then we have put up with library and bookstore records examined by Federal agents. We have endured having our personal e-mail scanned by intelligence agents. We have seen our grandmothers forced to take off their shoes at airports, with no probable cause other than they have chosen to travel. All of these things are aggravating. We have been willing to put up with it as patriots if it means we can better defend ourselves against another 9/11.

But we have also seen nearly 200,000 American troops sent to war in Iraq and Afghanistan, where over 1,800 of them have given their lives.

All the while we have seen the administration and the Congress turn a blind eye to the continuing hordes of millions of illegal immigrants pouring across our northern and southern borders. There is no amount of eavesdropping, searches, or overseas military actions that will protect us against another 9/11 while we leave our borders wide open to terrorists with suitcase nuclear weapons or biological agents.

We can secure our borders within months. We can secure our borders within months with a simple executive order or an agreement between our border State Governors and the Secretary of Defense. Congressional investigators say somewhere between 36,000 and 48,000 troops would do the job. The Secretary of Border Control and Immigration says maybe it will take 50,000. Since we are in agreement on needing somewhere between 36,000 and 50,000, there is no reason not to start deploying these forces soon.

And that is just the first step. We then need to build up our border patrol to a level at which we do not need help and we can send our troops back home. We ought to be able to do that over the next 5 years, as an adequate number of new border patrol agents are trained and placed on duty and we get new fencing, lighting, sensors, and other improvements in place.

Mr. Speaker, I would like to see us get to a point where we do not need the PATRIOT Act. We can let it quietly expire as we did with other internal security measures enacted during previous wars. But I would like for the Speaker and this Congress not to ask me to vote for any new so-called "guest worker" program while this outrage at our borders continues. The Members can count on me for a "no" vote right now.

When our borders are secure and we have absolutely stopped the invasion of our Nation by illegal immigrants, then and only then can we sit down and discuss how to solve this problem.

This week the Minutemen volunteers are heading back out into the Southwest desert to do the job the Federal Government is supposed to do. I do not want them to have to do that. As a matter of fact, they do not want to have to be doing that. But until Congress starts enforcing the immigration laws of this country, they will continue in growing numbers.

Mr. Speaker, protecting Americans against terrorists begins with illegal immigrants at our borders, not with our own citizens here at home.

☐ 1530

CENTRAL AMERICAN FREE TRADE AGREEMENT NOT GOOD FOR AMERICA

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, 13 months ago, President Bush signed the Central American Free Trade Agreement, a trade agreement among six Latin American countries with the United States. The gentleman from Texas (Mr. DELAY), the most powerful Republican Member of the House, said last year when the agreement was signed in May of 2004 that Congress would soon vote on it. We did not. Then the gentleman from Texas (Mr. DELAY) said we would vote on it before Memorial Day. We did not. Now the gentleman from Texas (Mr. DELAY) says we are going to vote on it before July 4. I think he means it this time.

But the reason we have not voted on the Central American Free Trade Agreement is pretty simple: A majority of Members of this House, Republicans and Democrats, large numbers of Members of this House simply do not think our trade policy is working.

Every single trade agreement that has come before this Congress that President Bush has signed has been voted on within 60 days: Morocco, Chile, Australia and Singapore. The Central American Free Trade Agreement has not been voted on in almost 13 months because Americans, represented by their Members of Congress, have said we do not like the way our trade policy is working.

Just take a look. In 1992, the year I was elected to Congress for the first time, our trade deficit, imports versus exports, was $38 billion. Last year, 2004, our trade deficit was $618 billion. From $38 billion to $618 billion in a dozen years.

Now, that is just numbers, that is just economics maybe. But look what that means. What that really means is a huge loss in manufacturing jobs. In the last 6 years, for example, the States in red are States which have lost 20 percent, at least one out of five, of their manufacturing jobs: New York, 222,000; Pennsylvania, 200,000; Ohio, my State, 217,000; Michigan, 210,000 lost manufacturing jobs alone; Illinois, 224,000; Mississippi and Alabama together, 132,000; North Carolina, 228,000. The States in blue have lost 15 to 20 percent, between one out of six and one out of five, of their manufacturing jobs. Texas, 201,000; California, 354,000 manufacturing jobs.

Our trade policy, Mr. Speaker, simply is not working. The Central American Free Trade Agreement is going to be more of the same. It is a dysfunctional cousin of the North American Free Trade Agreement, which helped to begin this trend of a huge burgeoning trade deficit and the continuing loss of more manufacturing jobs.

The President has said he wants us to pass the Central American Free Trade Agreement and he makes some promises. The President said the Central American Free Trade Agreement will mean more jobs for Americans, it will mean more manufacturing in the U.S. and more exports to the developing world, and it will mean an increase in the standard of living for all seven countries, not just us, but the six countries in the Central American Free Trade Agreement.

Unfortunately, that is the same promise that presidents have made for a decade and a half. They promise more jobs for Americans, they promise more manufacturing exports, they promise a higher standard of living in the developing world. And we end up with this: We end up with wages stagnant in the developing world, continued poverty in Mexico or China or wherever these trade agreements are, whichever countries these trade agreements affect, and more lost jobs in the U.S.

The people that have supported CAFTA like to tell us we will start selling more products to Guatemala, Honduras, Costa Rica, El Salvador and Nicaragua. What they do not tell us is that people in those countries simply cannot afford to buy American products.

The average wage in the United States is $38,000. The average wage in El Salvador is $4,800. The average wage in Honduras is $2,600. The average wage in Nicaragua is $2,300. People in El Salvador cannot buy cars made in Ohio. People in the Dominican Republic cannot buy software from Seattle. People in Nicaragua cannot buy textiles and apparel from North Carolina. People in Honduras cannot buy steel from West Virginia or Pennsylvania.

The fact is, these trade agreements are about one thing: These trade agreements are about exporting more U.S. jobs, outsourcing more U.S. work. That is why the largest companies in this country support CAFTA, because they want to move more production to these countries and continue to pay these very low wages instead of these higher wages.

When you see who lines up for this agreement, the people who support CAFTA are the largest companies in the United States. The people who oppose CAFTA are religious leaders in Central America, religious leaders in the United States. The people who support CAFTA, again, are the largest banks and the largest financial institutions in the United States. The people who oppose CAFTA are people representing workers, the environment, people who advocate for food safety. The people who support CAFTA are the most powerful people in our country. The people who oppose CAFTA are Central American trade unions and people who represent the poorest of the poor in Latin America.

This trade agreement simply will not work for Americans. It will mean more lost jobs for the United States. It will mean more manufacturing going offshore. It will mean a higher trade deficit with the United States, already going from $38 billion to $618 billion in just a dozen years. It will mean more stagnant wages in Central America. It will mean a pulling down of wages in the United States.

The fact is, we can pass a different CAFTA. We should defeat the Central American Free Trade Agreement and we should negotiate a CAFTA with labor standards, with protections for the environment, with protections for food safety.

Why do we have protections for the drug companies, and not workers in CAFTA? Why do we have protections for Hollywood films, but not for the environment or food safety?

Mr. Speaker, when workers in the developing world can buy American products, not just make them, then we will know finally that our trade policy is working.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Visitors in the gallery should not express approval or disapproval of House proceedings.

NECESSARY REFORMS AT THE UNITED NATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is recognized for 5 minutes.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, it is time for America to wake up. The United Nations is a mess, riddled with scandals. In fact, the U.N. itself is a scandal. The Oil-for-Food scheme and the sex trafficking by U.N. officials in Bosnia and the Congo are only two in a long list of egregious acts.

The Oil-for-Food program began as a humanitarian plan to soften the sanctions against Saddam Hussein's Iraq. The U.N. would allow Iraq to sell a predetermined amount of oil each year, provided that the Iraqi government used the profits to buy food, medicine and other necessities for its citizens. Instead, Saddam and his cronies twisted this program. These villains got rich while the people of Iraq suffered. U.N. Secretary General Kofi Annan's own son benefited from the Oil-for-Food program.

Only after extreme international pressure did Secretary Annan appoint former Federal Reserve Chairman Paul Volcker to investigate the scandal ridden program. Volcker's report found grave conflicts of interest in the program.

The real question is, should the U.N. be above the law? It is blatantly obvious that the U.N. considers itself above the law of nations and answers to absolutely no one. Secretary Annan has said that he will waive diplomatic immunity for any U.N. official who has done wrong. However, his promise carries little meaning, because which government would prosecute the guilty U.N. officials? The officials are not U.S. citizens, their offenses did not take place on U.S. soil and none of the documents in question were required to follow U.S. law. There is no vote for U.N. leaders and no international referendum on its policies. The U.N. sets its own shabby standards for conduct.

These are some of the very reasons why so many of our constituents oppose U.S. membership in the U.N., and it is why many fear U.N. efforts to have the power to tax, field an army or create a court system. Possessing these powers would transform the U.N. into a global governing body. America must draw a line.

The United States provides large sums of money to the U.N. so that "business as usual" can continue. America must no longer blindly follow every policy, scheme, international conference and peacekeeping mission that the U.N. peddles.

The United Nations' greatest fear is that average Americans will no longer tolerate these international scandals and demand that America withdraw from the international organization. If this ever occurred, the U.N.'s thin veil of relevance would be completely ripped away.

Let us face it, the U.N. has failed. It has failed in its mission to promote world peace. While the U.N. claims to provide a forum where nations can air their differences and avoid the battlefield, more dictators have terrorized nations and more generations have been lost to genocide. Instead of removing threats to peace, the U.N. has encouraged, actually even nurtured, regimes that wage violence on their neighbors and oppress and torture their own people.

Instead of a peaceful, prosperous, stable trading partner, the U.N. condones brutal, murdering dictatorships that starve and torture their own people, while once-great powers tremble and use diplomatic double-talk to ignore their responsibilities. Most of these international thugs have two things in common: Each has a voice and a vote in the United Nations.

The United Nations has come under the control of outlaw nations and self-serving special interest groups. Each promotes an agenda to line their pockets with the world's wealth as they diminish the power of the United States and enslave the citizens of their Third World countries. How else could terrorist states like Libya and Syria have served on the U.N.'s Human Rights Commission, while Israel is condemned time after time? Why else would the U.N. refuse membership to a prosperous Nation like Taiwan, and give vicious brutes like Zimbabwe's Robert Mugabe a prominent voice at U.N. conferences?

The U.N. scandals are not isolated incidents. The scandals are ingrained in the very structure of the United Nations. The idea that a U.N. Secretary General can act as a global representative or that the U.N. staff can function as an honest and effective international servant is preposterous.

While the time has come for America to wake up, it is also time for Congress to act. That is why just today we approved the United Nations Reform Act of 2005. Now it is up to the U.S. Senate to follow our lead and demand reforms.

I applaud the gentleman from Illinois (Chairman HYDE) for his hard work to finally bring accountability and integrity to the U.N. However, reform in the United Nations has been long overdue and action must come soon.

Secretary Annan's task is clear: Bring in the era of integrity and accountability you were charged with, or you will lose the United Nations' single largest contributor, the United States.

REEXAMINING THE WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, a large majority of Members of the United States House of Representatives voted on October 14, 2002, to allow the President to wage war, probably an extra-constitutional delegation of authority. There was no direct declaration of war, yet it was authorized under the War Powers Act by this body, so a great deal of the responsibility lies here.

The rationale at the time that was frequently mentioned in the weeks leading up to the vote was the potential for mushroom clouds, as mentioned by Ms. Rice, Mr. CHENEY, President Bush and others very prominently just before the vote in the House, just before an election, when Members felt great pressure. There was a lot of talk about the delivery system of Saddam Hussein for his widely believed-to-be-extensive arsenal of chemical and biological weapons and links to al Qaeda.

Now, I attended the briefings, saw the thin gruel that was presented to Members, and I certainly was not convinced, but I am sure many others were, particularly with a picture of a UAV, which looked like something that could not fly. It had aluminum patches riveted on it and it clearly could not carry anything. It seemed the Air Force guy giving the briefing did not think much of it either. Be that as it may, a large majority of this House bought into that rationale and authorized the President to go to war.

Subsequent to that, revelations about "yellow cake" and Niger and uranium and the potential for nuclear threat was totally dispelled shortly, well, actually internally in the administration before the President used it in the State of the Union, but publicly after that.

So much had been dispelled that on February 5, 2003, I introduced a resolution suggesting that Members of Congress had been misled, had not had good information, and should reconsider this extraordinary delegation of war-making authority to the President.

□ 1545

The Congress failed to act, and we know what proceeded from then.

But now, I would believe that a majority of the Members, not just those of us who opposed the war or some who now feel that they should not have supported the war, but a large majority, would want to have a full investigation of how this happened. How did this all happen? Was it the result of a massive failure of intelligence? If so, then why did the President pin the highest civilian honor, the Medal of Honor, on George Tenet, the head of the CIA who is now an expensive consultant and living in luxury. If he was responsible, then maybe he should suffer some consequences.

Well, that did not happen, but they want to blame the intelligence agencies. Now, is it all the intelligence agencies? Is it one intelligence agency? Is it because of total misinterpretation and incompetence by the administration, or was it selective use, cherry-picking of intelligence, or was it something even worse, deliberate manipulation? We do not know. We simply do not know.

The Senate held one set of hearings on the failure of intelligence. They promised that after the election they would hold yet another set and reveal a report on the use of the intelligence. They are now refusing to do that with an emboldened and enlarged Republican membership. So we do not know. The American people do not know. Something that is costing $1 billion a day, almost 1,800 American lives, more than 10,000 wounded, and we do not know exactly why this administration took us to war and under what auspices they took us to war.

Now we have a memo, the so-called secret Downing Street Memo from British intelligence, saying that as early as July 2002 that many of these facts were known.

Now, a number of us were disturbed by that and we wrote to the President on May 5. Mr. Speaker, 122 Members have now signed that letter. The President has not even acknowledged the letter from 122 duly elected representatives of the United States House of Representatives. He should answer that letter.

But, better still, the majority should stop stonewalling an investigation. If this was all very innocent or if it was just the incompetence of the intelligence agencies, then let us find those who were responsible. If it is something else, let us find those who were responsible. You should not stonewall this important information, so that we can learn from our mistakes and move forward with more confidence in the Congress and the administration when it might come to future threats against the United States of America.

Now, yesterday, we were sent to the basement, led by the gentleman from Michigan (Mr. CONYERS), because we were told there were no rooms available to hold a hearing on this memo and these issues. Unfortunately, it turned out that all of the rooms in that vicinity, which were much larger, were vacant, as were many other hearing rooms.

This Republican leadership should have a full and fair and nonpartisan investigation of how America was led to war.

STATE DEPARTMENT RECOMMENDS AND GRANTS AGREEMENT ON QUESTIONABLE BOSNIAN AMBASSADOR APPOINTMENT

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, in April of this year, my office expressed a deep and sincere concern to the State Department over agreeing to the designation of Bisera Turkovic as the new Bosnian Ambassador to the United States. At that time, State was postured to recommend an agreement on this appointment.

After several discussions, the State Department asked me not to go public with my concerns because there was a pending deal with the Bosnian government to send Bosnian troops to Iraq in July. In good faith, Mr. Speaker, my office agreed not to publicly raise our very grave and sincere concerns.

But, Mr. Speaker, our office was surprised and profoundly disappointed when we learned this past Wednesday, after literally months, that the State Department had granted agreement on this outrageous appointment without contacting us or informing us in any way.

Mr. Speaker, President Bush has repeatedly and strongly stated that in this fight against terrorism, that you are "either with us or you are against us." Yet, I am beginning to wonder if our own State Department is with us.

Bisera Turkovic is one of the founders of the radical Islamist Muslim SDA Party in Bosnia, a party that has had, since its foundation, strong links with al Qaeda, numerous other terrorist organizations, and even the intelligence mechanisms of Iran.

In 1939, Bisera Turkovic's father and Alija Izetbegovic started a group called the Young Muslims. After World War II, they were prosecuted as Nazi war criminals and spent time in prison together. Over the years, Dr. Turkovic was promoted by Izetbegovic and then founded the SDA Party with him in 1990.

Alija Izetbegovic was a close confidante of Iran's Ayatollah Khomeini. And when he became President Izetbegovic, he recirculated his 1970 Islamic Declaration and openly espoused his view that "there can be no peace or coexistence between Islamic faith and non-Islamic faith."

Mr. Speaker, soon after the beginning of the Bosnian civil war in 1992, Dr. Turkovic was accredited as Bosnian ambassador to Zagreb. It was this post, coordinating with others, that was constantly used by the SDA and their leadership to provide Bosnian passports, visas, humanitarian worker status, and logistical support to radical Islamist mujahideen coming into Bosnia to fight their own jihad there. Individuals such as Anwar Sha'ban, the spiritual leader of al Qaeda in Bosnia and the cousin of Osama bin Laden, Abu al-Madani, who was killed fighting soldiers in Sarajevo, and even Osama bin Laden himself entered Bosnia through Zagreb.

In violation of a U.S. embargo, the SDA also organized a massive flow of weapons from Iran through Croatia during Bisera Turkovic's time as ambassador.

When my office raised these concerns, Mr. Speaker, we were told that the actions during the war were Bosnian government policy at that time and that it was a long time ago. But, Mr. Speaker, can it possibly be the position of our State Department that despite the fact that we know that Iranian weapons were smuggled into Bosnia in contradiction to a U.N. embargo, and that foreign mujahideen were given documentation to enter Bosnia to fight a jihad, often fronting as humanitarian workers, that that is not enough evidence to deny diplomatic status to someone who was centrally involved and who remains a senior level official for the party that instituted these very policies?

My office has also raised issues of concern with regard to Bisera Turkovic's ethical fitness, Mr. Speaker; and the State Department has said that "we can't deny appointees on the basis of being corrupt."

Mr. Speaker, these actions on the part of our State Department are a disservice to our President, they are a disgrace to the United States of America, and they are a betrayal to the cause of human freedom. It is past time that the State Department start acting like it represents the interests of America and the citizens of this Nation. The people of this Nation deserve better than to be served by a State Department that aids our enemies and then lies to cover its actions.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again, it is a pleasure to address the House, and I would like to thank the Democratic leader for allowing the 30-something Working Group, once again, to come to the floor to not only address the Members, but also make sure that we continue our commitment of sharing information as we get it on various issues that are facing 30-somethings throughout the United States of America; also to be able to address the issues that are facing everyday Americans, whether they be young or old, school age, or those that are yet unborn.

It is very, very important for us to come to the floor, especially in this democracy that we celebrate, and talk about some of these issues that are taking place, some that we are taking action on, others that we have had very little action on, and some that we are not acting upon at all.

The focus of the 30-something Working Group is to make sure that on issues that are ongoing, such as Social Security, an ever-growing Federal debt, a deficit that is in the trillions of dollars that will keep future generations and even the present generation indebted to this Federal Government, and also issues that are facing our young people as it relates to education, making sure that they are able to not only go to college, but when they leave college, that they do not find themselves in debt.

Just for a moment, Mr. Speaker, I think it is important to point out the issue of Social Security. I do, Mr. Speaker, have some good news to report: one, that this issue of private accounts and taking benefits away from the American people is very unpopular with Americans; also, two, that it is unpopular with Members of the Congress.

Now, in the other body, there is a chairman of a committee over there that basically cannot get the Social Security bill rolling as long as they are talking about private accounts. As a matter of fact, there is an article today in The Washington Post that talks about the fact that even at the White House, and some of the leaders of this House have said, either we are going to deal with Social Security soon or we are not going to deal with it at all, and why put Members of the House in jeopardy to vote for private accounts that will take benefits away from the American people, not only those who are retirees, but also those who are receiving survivor benefits and those who are receiving disability benefits. It will take away benefits from them by using the private account formula.

The good thing about this, Mr. Speaker, is the fact that when we get off the agenda of trying to privatize Social Security, then we can do what we have been trying to do all along in a bipartisan way and coming up with great ideas and putting them into action to be able to strengthen Social Security. I hope, as a Member not only of this House, but as a member of the 30-something Working Group, that we can work in a way that, even though we are strengthening Social Security, the money that it will take to strengthen Social Security, that we will not only explain to the American people, but to make sure that ever Member of this House understands that we have to have a way to pay for it. Not just saying that we are going to throw a lot of money in there and not find a way to pay for it, because it is almost like, Mr. Speaker, taking a carton of milk out of the refrigerator and smelling it and saying, wow, it is sour, and putting it back in and maybe it will be fresh tomorrow. It will continue to be an issue for the American people in future generations, and that is something that we have to work on.

I would ask the Members to take a look at The Washington Post article today speaking of the strategy on Social Security. It is nothing that I am going to sit here and say "we told you so" as it relates to private accounts, but it is something that is encouraging. Hopefully, Republican leaders will start to say, well, maybe we need to back off this strategy of $944 billion going to Wall Street, and maybe we need to work on strengthening Social Security, making sure that those that elected us to come here know that Social Security is here for future generations, and also for this generation and the baby boomers.

I also believe that a great deal of credit should be given not only to the Members here in Congress, and I would like to commend the very few Members on the Republican side of the aisle that said, no way, Jose on privatizing Social Security. And I am so glad that they are standing against the Republican leadership, and I am so glad on this issue of Social Security, and I am so glad here on the Democratic side, from the beginning, the Democratic leader, the gentlewoman from California (Ms. PELOSI), the Democratic whip, the gentleman from Maryland (Mr. HOYER), also the gentleman from New Jersey (Chairman MENENDEZ), and also the vice chairman, the gentleman from South Carolina (JIM CLYBURN), of our leadership on this side of the aisle, all along, without any problems, have said that they are standing shoulder to shoulder with the Democratic Caucus to make sure that we strengthen Social Security, just like we did in the 1980s when Ronald Reagan was in the White House and Tip O'Neill was the Speaker of this House with a bipartisan bill to make sure that we shored it up.

Also, even when we start talking about the history of it, I am glad that President Clinton took the position he did when he took the position of balancing the budget and putting us into surpluses to make sure that we could shore up the Social Security Trust Fund and to know how we were paying for it. We were paying for it with an ever-growing surplus. But right now we do not have that surplus. The majority side and the leadership on the majority side have led us into an almost $7.8 trillion deficit, and I think that we have to work on that.

Mr. Speaker, I see the gentleman from Ohio (Mr. RYAN) is here, and I am so glad that the gentleman is here, and that the 30-something Working Group is here on the floor once again.

☐ 1600

But if I can read into some of the groups that have been out there sharing with the American people about the fact that why do we want to privatize Social Security when it is going to take away benefits; from right from the beginning we were saying you are going to lose somewhere up to 70 percent of the benefits. In some cases individuals will lose benefits, and even if they were not in the private account side of the privatization of Social Security, they would lose 30 percent of their benefits. So that is even saying, well, listen, I want to stay in a system that I have now. You still will lose.

I want to thank those groups for going out there because I say to the gentleman from Ohio (Mr. RYAN) if it was not for them, and, Mr. Speaker, I believe that if it was left up to the mechanics of the Beltway here in Washington, DC, I think once again the American people would be a recipient of the Potomac two-step.

I would like to thank the Americans United to Protect Social Security; also thank Rock the Vote, College Democrats, Young Democrats, Progressive Democrats of America; also AFSCME, AFSCME Retiree Program, the National Council of Individuals With Disabilities, the Americans for Democratic Action, the American Nurses Association, the American Public Health Association, the American Association of Community Organizations for Reform, the Alliance for Retired Americans, which is AARP, the largest senior organization here in the United States, America Votes, California Health Advocates, Campaign for America's Future, Center for American Progress, Center for Medicare Advocacy, Center on Budget and Policy Priorities, Center on Economic Policy and Research, Child Welfare League of America, Coalition of Human Needs, Code Blue Now, Consumers Union, Economic Policy Institute, Families USA, American Baptist Convention, Fair Taxes for All, Independent Living Services, Leadership Council on Civil Rights, Medicare Rights Center; also the National Academy of Social Insurance, the National Association of Area Agencies on Aging, the National Association of Police Organizations, the National Association of Social Workers, the National Coalition on Nursing Home Reform, the National Conference of State Legislators, which is bipartisan, I must add, the National Committee to Preserve Social Security and Medicare, the National Education Association, the National Health Law Program, the National Organization of Social Security, the National Senior Citizens Law Center, the New Democratic Network.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I have just got a couple more.

Mr. RYAN of Ohio. Mr. Speaker, the gentleman from Florida is saying there is a lot of support against the President's Social Security plan.

Mr. MEEK of Florida. The gentleman is correct.

Mr. RYAN of Ohio. Mr. Speaker, I yield back.

Mr. MEEK of Florida. Mr. Speaker, I just want to make sure. Against privatization of Social Security. The Subcommittee on Social Security, also you have the Century Foundation, the U.S. Action, Visiting Nurses Association of America, American Corn Growers Association. That is good to have them on board. The Center For Rural Affairs, the Federation of Southern Cooperatives, the League of Rural Voters, the National Catholic Rural Life Conference, the National Family Farm Coalition, Progressive Student Initiative and the 21st Century Democrats.

I am going to put this list in for the record. But I just want to say to the gentleman from Ohio (Mr. RYAN), it is always good, and all of the people were not mentioned because we would take a good part of this Special Order talking about those individuals that are out there. But I want to make a case in point.

Young people in America have risen up beyond the expectations of many individuals in the past as it relates to advocacy on this issue of Social Security. So I am so glad that they are a part of it because that is the reason why the American people are being educated.

Americans United to Protect Social Security; Rock the Vote; College Democrats; Young Democrats; Progressive Democrats of America; AFSCME; AFSCME Retiree Program; The US PIRGS; National Council on Individuals With Disabilities; Americans for Democratic Action: American Nurses Association: American Public Health Association; Asthma and Allergy Foundation of America; Association of Community Organization for Reform Now (ACORN): Alliance for Retired Americans (AARP); America Votes; California Health Advocates; CALPERS; Campaign for America's Future; Center for American Progress; Center for Medicare Advocacy; Center on Budget and Policy Priorities (CBPP); Center on Economic Policy and Research; CHC; Child Welfare League of America; Coalition on Human Needs; Code Blue Now; Consumers Union; Economic Policy Institute (EPI); Families USA; Fair Taxes for All; Half The Planet; and HBC Dems.

Independent Living Services; Leadership Conference for Civil Rights; Medicare Rights Center; MoveOn; National Academy of Social Insurance; National Association of Area Agencies on Aging; National Association of Police Organizations; National Association of Social Workers; National Coalition for Nursing Home Reform; National Conference of State Legislators; National Committee to Preserve Social Security and Medicare; National Education Association; National Health Law Program; National Organization of Social Security Claimants Representatives (NOSSCR); National Senior Citizens Law Center; New Democratic Network; Public Citizen; Subcommittee on Social Security, Committee on Ways and Means; The Century Foundation; United Cerebral Palsy; USAction; Visiting Nurse Association of America; American Corn Growers Association; Center for Rural Affairs; Federation of Southern Cooperatives; League of Rural Voters; National Catholic Rural Life Conference; National Family Farm Coalition; Progressive Student Initiative; and 21st Century Democrats.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman would yield.

Mr. MEEK of Florida. Mr. Speaker, I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, what has been great, really, is to watch that debate kind of evolve since early January since the President came to this Chamber and talked to the American people and basically said he had an idea for how to fix Social Security: stated that the Social Security program is in crisis, which we have refuted many times here in this Chamber through the 30-something Working Group. And it has been interesting to watch the evolution of the debate and the support for the President's proposal in January not only among many Americans, but among young people, and as the young citizens of the country became more and more educated on exactly what the President's plan would do through some of the groups that you mentioned, through Rock the Vote and a variety of other groups, became educated on, you know, basically what the President's proposal would be.

And the issue that the gentleman from Florida (Mr. MEEK) and I and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), the gentleman from Alabama (Mr. DAVIS), other members of the 30-something Working Group here have focused on that we think is the most poignant argument to make is this issue right here, the national debt. The President's proposal would add $5 trillion to the national debt over the next 20 years.

Now, as you can see here, and this is actually not updated, and we will have the new numbers next week. It is actually now $7.8 trillion this country is in debt that we owe; 7.8 trillion. The President's proposal over the next 20 years would add an additional $5 trillion to this number here and almost doubling the national debt. And if we keep going at the rate we are spending money here, we will double it in the next 20 years if we do not get our house in order.

But this is the main issue, and I think young people, when they saw the President's proposal, when they saw that his proposal would add $5 trillion, increase their taxes, push the responsibility of paying the bills off on the next generation, I think that is when you began to see the rug come out from underneath the President's proposal. And so we have got to keep focused on the national debt and the annual deficits that are costing each taxpayer that is in the country, or each citizen in the country, almost $27,000.

Mr. MEEK of Florida. I would say to the gentleman from Ohio (Mr. RYAN), for a child that was just born 10 minutes ago already owes $26,349.67, and even that number has gone up. When we have our new chart next week, we will be able to have that new number. Unfortunately it continues to go up, and there is no sight of that number going down. We cannot see the end of the tunnel as it relates to the Federal debt continuing. I see that you have a new chart.

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. This is exactly what you were talking about just before I arrived here. This is the chart of the deficits over the past probably 40 some years, since the Johnson administration. We ran a pretty tight budget for a good many years. And into the Reagan administration you see a deep, deep dip, and into the Bush administration, and we were running $300 billion deficits every year.

And then when President Clinton came in with a Democratic House, with a Democratic Senate, in 1993 passed a budget without one Republican vote. Al Gore came to the Senate to break the tie to vote for it. And it led to record surpluses in the United States of America. This is where we were in the late 1990s; and back with the current President, back into an era of deficits, of borrowing money from the Chinese, borrowing money from Asian countries, putting in jeopardy the future of many of the young people who live in this country today.

Mr. MEEK of Florida. I would say to the gentleman from Ohio (Mr. RYAN), the bottom line is that it is important that we not only come to the floor to make sure the Members understand what has happened, because we want to make sure that no one suffers from what one may say amnesia of not knowing what has taken place in this Chamber when the leadership rose to the level of saying that we had to do something about the Federal deficit and we did. I think it is also important for us to understand if we are ever going to have an about-face as it relates to spending, without having a plan to pay for what we are spending, it is going to continue to carry on.

I do not look forward to not only our days left in the 109th Congress, but when the 110th Congress comes in to be able to talk about what took place in the 109th Congress, because we could not stop ourselves from spending irresponsibly. And, you know, serving on the Armed Services Committee, a lot of money, almost $150 billion are going into the war annually. With that, and the forecast of that continuing to take place, and I must say to the gentleman from Ohio (Mr. RYAN), it is good to hear the Democratic leader and others push the card on the Republican leadership also as it relates to the White House of coming up with a plan, a plan on how we are going to proceed from this point, because the reason why we want to know what is the plan as it relates to training Iraqi troops is so that our troops can start focusing on other issues and be able to carry out action there in Iraq, versus every day patrol that Iraqi troops could be doing, the training of those troops are important. It is important that the majority side gives us that information so that we are able to make sure that we are on course in having the proper oversight over this war.

Now, we both support our men and women in uniform. We are both on the Armed Services Committee. We both appreciate their commitment and sacrifice, and we give our love and appreciation out to those families that are also making a sacrifice and, unfortunately, those that have made the ultimate sacrifice of losing a loved one.

But what I also think is important, Mr. Speaker, is that we make sure that we have a plan, a forecast plan, because there are domestic needs also that need to be addressed.

The gentleman from Ohio (Mr. RYAN) is right. A budget comes to this floor. We need something for our men and women in Iraq and Afghanistan, I am a yes vote. When education comes to this floor, leave No Child Left Behind, the fully funding of that program, I am a yes vote.

But guess what? It is just not happening. And our leadership, and on the Democratic Caucus side we want to prioritize our children's future just as much as we are prioritizing the future of the Iraqi people. And so it is important that towns and cities and locations that we both represent, the gentleman being from Ohio, I am being from Florida, that they receive their just due of their Federal tax dollar and making sure they are a part of the solution and their own family needs, versus saying that, well, we are going to continue to make a sacrifice, you know, on behalf of the Iraqi people, versus the individuals that are living in our own communities that we go to church with every day. And it is counterproductive if we do not plan to be able to focus those same kind of dollars and those efforts towards helping local communities.

Mr. RYAN of Ohio. The gentleman is exactly right. And I think when you look at the number that we are going to spend in Iraq, probably by the end of this year it is going to be over $300 billion that we are going to spend in Iraq with absolutely no end in sight. No one has any idea of how much longer we are going to be there and what the cost in human life and U.S. treasure is going to be.

Now, imagine, 435 Members in this Chamber, $300 billion. You are talking about $6- to $700 million per Member of Congress. Now, the American people need to ask themselves, would you have rather given that money to your congressional Representative in the House of Representatives to spend in your community on building schools, on building clinics, on making sure everyone has health care, or on this mess that we have in the Middle East?

And I know people in Youngstown, Ohio, and Niles, Ohio, and Warren, Ohio, and Akron, Ohio, and Ravenna, Ohio, and Kent, Ohio, they would rather have the money spent in their districts. Because you are getting the same kind of calls that I am getting. No money for police and fire. No money for mental health levies. No money for their schools. And we have a boondoggle going on in the Middle East right now that no one even knows where the money is being spent. And money is being lost. U.S. taxpayer money is being lost.

Now, you mention how we have bills that come to the floor to fund education, fund veterans and fund some programs that we believe in and we support and how underfunded they are, and how many thousands of kids. We had a study in Ohio that said No Child Left Behind was underfunded in the State of Ohio by over $1 billion.

☐ 1615

Mr. MEEK of Florida. Do you know that four States have sued the Federal Government for lack of Leave No Child Left Behind funding? Texas is one of those States.

I am going to tell you something, the bottom line is it is about priorities. Do we want to bring about the standardized testing of our children, making sure they are under the umbrella for them to learn, but better yet, we do not want to provide the dollars to make that happen? We do not want to give a teacher an environment where she can teach and children an environment they can learn?

We are saying that, well, you know, do not worry, you have to work it out, and matter of fact, we are going to penalize you if you do not reach the bar. This is why it is important if we worry about these domestic needs, we do something about it.

I want you to share that chart with the Members because I want to talk about what we have in plan and in store if we had Democratic leadership that was in the majority in this House, to be able to carry out some of these plans.

Mr. RYAN of Ohio. Mr. Speaker, what happened, what we had done here is we have a chart that we broke down and basically puts in the perspective, what has been happening down here. As you can see, on the left, it is the red chart. It is the cost in trillions of dollars over the next 10 years to make President Bush's tax cuts permanent, of which a majority went to people who make over $500,000 a year. $1.8 trillion is what we are going to spend over the next 10 years. This is our priority. Tax cuts for rich people.

The next is of that tax cuts for the top 1 percent, $800 million. Now, the top 1 percent in this country make a lot of money. So we are going to take $800 million from education and health and all these other programs, and we are going to give that $800 million back to the top 1 percent of the people in the country.

Now look at this. This is the bar for how much we are going to spend over the next 10 years for veterans budget authority, $300 million. $300 million. Why would we choose permanent tax cuts for people who make over four, five, six, seven, $800,000 a year? Warren Buffett, Bill Gates, they are going to get the big tax cuts. Our friends at Enron, Tyco, all the big dogs are going to get a tremendous amount of money, and yet, we are shutting out veterans.

We have thousands of veterans who are now in our hospitals in Bethesda and Walter Reed who are coming back single, double, triple amputees. This is a real problem, and I think this sends a message to the country that we just do not have the priorities that I think a lot of people in America have, and if you look at the polling, if you look at what the American people are saying, the approval rating, 33 percent for Congress, the President's approval rating is not much better.

The ultimate question is, does Congress or does the President or the administration represent your values? Do you think they are fighting on behalf of what you want and what you need? The answer is becoming more and more apparent that this Congress is out of touch with the American people, that this President's agenda is out of touch with the American people.

I think when you brought up priorities earlier, in a recent bill that was passed, big oil got a $2 billion subsidy. Can you imagine with the price of gas now and oil by the barrel going over $50, that we are going to take money from middle class Americans, take their tax dollars and give $2 billion of it for big oil companies to go explore and find more areas to get more oil? Is that not what they say, when the price increases, they need that money because it is expensive to go dig for oil, it is expensive to go drill? We are going to take taxpayer money to go do this, and I think that is a perfect example of how this Congress does not represent the values that many people in this country have.

Would you not rather have $2 billion spent on your schools? We have got to compete with 1.3 billion Chinese workers, over 1 billion Indian workers over the next couple of decades. We need to be investing into our kids. We need to be investing into our schools, making sure our kids are healthy with programs in their communities, in their schools, that they can learn Chinese and they can learn a different foreign language of the countries they are going to be competing with.

Why do the rich schools have two swimming pools and art programs? God bless them, we want schools to have them, but why do all schools not have a liberal education and liberal in the sense of speech and debate, art, visual arts, music, dance, all these things that provide for a well-rounded education?

Those are the first programs that end up getting cut, and it is because, back here, we are cutting taxes for the top 1 percent and cutting benefits for veterans and the No Child Left Behind program and the health and welfare of our average citizens.

Mr. MEEK of Florida. What is important, and I think, Mr. Speaker, it is good for the Members to be able to note the fact that if the situation was different in this House, and when I say the situation, I am saying, if we were in the majority on this side and it was a Democratic House, the discussion about veterans at .3 percent would been a discussion, as a matter of fact, the action would be taken to make sure our veterans are treated the way they should be treated for the service and the freedom that we celebrate every day.

I think it is important because this is not the Kendrick Meek/Tim Ryan Report from Ohio and from Florida. This is what we are getting from the Congressional Budget Office. This is information that is publicly printed in a number of nonpartisan groups that are out there.

I think it is also important for us to talk about our new partnership for America's future, what we are talking about on the Democratic side, and it is good to make sure that everyone understands that by the Democrats being in the minority here in this House, we cannot agenda bills to come before a committee by House rules. We cannot call a committee hearing. We cannot bring a bill to the floor because of the House rules, because we are in the minority. We cannot say, well, there will be no privatization of Social Security whatsoever and the bill will not come to the floor because we are in the minority.

To be in the majority, it is going to take the American people and also some individuals to continue to focus on the issues that are not happening on behalf of not only our patriots, and patriots come in two forms. Many of them are everyday Americans that are out there, trying to make sure they provide for their families. They go to church, the synagogues, what have you, to the mosques, if they go, and they work hard every day. They expect their piece of the American apple pie.

You have individuals that are going even a step further, those individuals that are wearing the uniform in a forward area, in Iraq and Afghanistan or wherever they may be, individuals that have served this country before. This is our veterans. Those individuals that not only have stories of war and conflict but have stories of real life experience.

When they signed up, we promised them that we would help them in their health care. We promised them that they would not have to wait 6 months to see the ophthalmologist. We promised them that they will receive the respect that they deserve out of this Congress as it relates to making sure they have the necessary funds to be able to carry out the rest of their lives, either with a disability or what have you.

I must report that that is not happening right now. It is important that hopefully we can get some sort of forward movement to get us moving down in the right direction.

We have the new partnership for America's future which is a Democratic plan that has six components, which brings about prosperity, national security, fairness, opportunity, community and accountability.

Accountability, Mr. Speaker, is pivotal in this debate as it relates to balancing the national debt or making sure that we do not have a deficit at about $8 trillion number. Accountability is making sure that we pass a Leave No Child Left Behind Act, that we fund it and that we stand by our States and we stand by our children or our future generations, to be able to do what the gentleman from Ohio (Mr. RYAN) was talking about, of making sure that they are prepared to carry out the jobs that we need them to carry out. We are being outcompeted in other areas because our kids are not carrying the mathematics and some other areas, the sciences, that they need.

So the Leave No Child Left Behind Act was put into place to hopefully bring about that kind of accountability, and guess what, it was a bipartisan effort. Guess what again, it is not a bipartisan effort to fund it. It is being underfunded, and if we were in the majority here in the House, it would have better funding. The gentlewoman from California (Ms. PELOSI), Democratic leader, has said that she will fully fund Leave No Child Left Behind. That is a major statement, and better yet, an action that would take place because she said it would happen.

Just like we are bold in saying we will make sure that the millionaires and billionaires get their tax cuts, we are going to make sure that our children are educated. Guess what, again, here is another thing. They are Democrat, Republican, Independent, Libertarian, Green Party, Reform Party households. No one's picking and choosing. We are saying all of America's children should receive that kind of leadership and that kind of accountability.

A perfect example, when we talk about opportunity within our six principles and we talk about community and we talk about prosperity, we are the 30 Something Working Group. We have individuals that are going to school and leaving college with what, 20, $30,000 in debt. Am I correct?

Mr. RYAN of Ohio. Absolutely.

Mr. MEEK of Florida. They are leaving in debt. Better yet, the administration gives them a bad hand of cards in saying that we want you to go to college, we want you to educate yourself. Individuals are running around here, going to commencement ceremonies throughout the United States of America saying that we are with you, but better yet, as it relates to the Pell grant obligation, it is because they changed their formulary it is going to be $300 million coming out of that formula, which is going to take the cost up of Pell grants in the year 2005, 2006.

I do not think that is a message of what we should do, but I can tell you what we are doing on this end. There is legislation that has already been filed, and which I have signed on to and you are signed on to, to replace that $300 million back in so that the Pell grant opportunity for kids that want to better themselves and move on and educate themselves, that they do not have to end up paying what you may call this, I call it a $300 million tax. When you change the formula and you go up and you give them a greater responsibility, you are taxing them, but better yet, you want to make tax cuts permanent for those individuals that are slamming Cadillac doors here in the United States, eating lunch at some of the finest restaurants in this country, walking around here, not even worrying about how we are going to pay the rent. They are collecting the rent, but better yet, we want to send our young people into a fixed situation.

We already know that on average kids are leaving school with 20, $30,000 in debt, which means they are going to be living at home with mom or dad or grandmother or someone because they cannot get a loan to be able to buy a house because you do not come out of college making a lot of money to be able to make that happen.

So I am glad on this side of the aisle, if anyone wants to know the difference between what is going on in the majority side, and I do not want to generalize because there are some individuals on the majority side who see it the way we see it. They see it the way we see it. They know that this is an important effort and that we have to make sure that we stand up for our children.

Mr. RYAN of Ohio. Mr. Speaker, I was talking to a young person in my district a couple of days ago, and he is so talented on the organ. He is a great singer, and he is a great song writer, and I go to his church in Youngstown, Ohio, frequently. He is the head musician and head of the choir.

☐ 1630

And I talked to him, and he is going through a difficult situation. So I asked him, well, why not go to school? Why not sign up at Youngstown State and get a degree in music and teach music? You know what the initial thing he said was? I cannot afford it. I cannot afford it. There is no way I am going to be able to do it.

Part of this that we talk about here is nuts and bolts. We need money for this program, and we are going to reduce or increase the Pell Grant scholarship by $1,000 per student. And I know if the Democrats were in charge, we would do that. But it is not just about reducing the debt, it is about communicating to that person. And there are millions of people just like this young man who are talented and skilled and want to do better, but do not think anybody is on their side.

What we are trying to say is that if you put us in charge, if you give us a chance, we are going to be on your side. We are going to be your partner in this. We cannot do it for you. We cannot make this kid go to school. We cannot make him study. But there are millions of people out there who want to live a better life, and what the Democratic Party wants to do is help them do that; help them achieve their goals; help them move forward.

Whether it is with education or health care or clinics or whatever it is, we are offering solutions here to create incentives for people to be able to go and experience their dreams and to move on. We are in the hopes and dreams business here. That is what the Democrats are all about. And we want to be in charge because we believe that we have a better program, better solutions than just saying everybody gets a tax cut, especially the top 1 percent, because that clearly has not worked.

President Bush's dad called it voodoo economics. It has not worked yet. We are still waiting for what is going to happen here. Job creation is low and slow. People are taking up jobs that pay $10,000 less than the job they lost, without health care benefits. That is not progress.

Mr. MEEK of Florida. It is important we move beyond personalities and look at what is actually taking place and what is not taking place. I think it is important looking at the numbers that we understand that it is just not happening.

When we dealt with the whole Medicare issue and we dealt with prescription drugs, the majority side, the leadership on the majority side came over and told us it would cost $350 billion. They also said that it would cost $400 billion. Now it is well over $400 billion; matter of fact, it is even closer to $500 billion.

There was the same information that came to this House regarding the weapons of mass destruction. We had prima facie evidence that there were weapons of mass destruction. But no weapons of mass destruction.

There was also an initiative that came to the floor by the majority, now majority side, that said we are going to do something about health care, and the President said, well, we are going to have these health care savings accounts, and everyone will be able to save, and everyone will be able to have good health care. Still, today, we have millions upon millions of working families without health care, families that go to work every day that do not have a health care plan.

Public hospitals and private hospitals are going under throughout this country, and not because they are bad managers. It is because they do not have the necessary attention or the funds that they need from this Federal Government to be able to provide health care to the everyday American.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will yield once again, I might just comment that we should just look at the way it is set up. Everyone screams, let us have universal health care, and America needs universal health care. America has universal health care. Unfortunately, it is through the emergency room. It is the most expensive, inefficient way to run a health care system, because hospitals who run emergency rooms, especially in cities that have high concentrations of crime and people accessing health care through the emergency room, they get charitable funds. The taxpayer is still paying.

So the question is are we going to pay for it up front and take care of someone when they have a cold, or are we going to wait until they go to the emergency room with pneumonia and it costs you 10 times more?

What we are saying is restructure, reform the health care system and have the courage to take on the big donors with all the nice cufflinks and the Cadillacs; take them on and say, we are going to act on behalf of the American people, not on behalf of specific interest groups that are making a ton of money.

Now, we cannot take on the pharmaceutical industry because they donate so much money to this body. So you either pick them, or you pick the people you represent back in your district. In the path of $400 billion, then $700 billion, then a $1 trillion prescription drug bill you do not do one thing about reimportation to help drive the cost down, or not do something as simple as giving the Secretary of Health and Human Services the ability to negotiate down the cost of the drugs?

Why not say to Pfizer and Merck, you want the contract for Medicare? Well, we are going to sit down and we are going to talk price. But no one had the courage to do that, because they get too much money from that industry.

But there is a choice. And what we are saying is we are going to make a choice to represent the people of the country who need help, your grandparents, your parents who cannot afford prescription drugs, instead of the pharmaceutical companies. People elect us to come down here and do this. They want us to say, we do not want to bankrupt the pharmaceutical companies, we want you to keep doing your research and doing what you do, but you have to play fair.

The bottom line is that a lot of the patents that the pharmaceutical companies get are researched out at the National Institutes of Health. They are publicly funded institutions. The taxpayers are paying for a good portion of this. Merck comes in and picks up a patent and only has to pay NIH .5 percent of their profits, and they go out and make billions of dollars at the expense of our grandparents, the 30-somethings' grandparents, or our parents.

There is a certain unfairness there. And what we are saying and communicating with these charts, and what we are talking about is we want a chance to lead this Chamber. We have ideas, and we will implement them, and we will help partner with the American people to make their lives better and improve their lives and give them opportunities that they do not have or have not had in many, many years.

Mr. MEEK of Florida. Mr. Speaker, it is important that everyone understands that what my colleague and I are talking about here right now is doing something about the issues that are facing everyday Americans. Everyday Americans, Democrat, Republican, Independent, Green Party, Reform Party, you name it, we are out there trying to help them. We want to make sure that they get the butter from the duck.

We want to make sure, as we start talking about devolution of taxation, that when we cut funding to State and local governments, the difference between us and them is the fact that we can reach back in our pocket, and I will not even use my big credit card today, matter of fact I do not even have my credit card in my wallet, but I have my debit card. If we were to take a card out and say, fine, we will put another $3 billion on the credit card. That is fine, we will put it away. Matter of fact, no, we will not put it away, we will just throw it away. We will throw it away because we do not have to pay for it. It is someone else who has to pay for it.

Mr. RYAN of Ohio. Let our kids pay for it.

Mr. MEEK of Florida. Let our kids pay for it. Let someone else worry about paying for it. But as relates to the State governments, they have to balance their budgets, and the reason why they have to balance their budget is that they have a balanced budget amendment. Many States do. They cannot deficit spend. So they cut education, tuition goes up, and in many of the States Medicaid reform, oh, my goodness, it is just a travesty what is happening in many of these programs that have helped so many people. And transportation dollars on the State level is drying up.

So when we get down to the county commissioners or the cities or the town, or what have you, municipal governments, which way are they going to turn?

Mr. RYAN of Ohio. Nowhere to go.

Mr. MEEK of Florida. Then guess what? The local folks start seeing the millage rate go up from the school board. They start putting these local bond referendums on the ballots, because they do not have the money. Meanwhile, we are sitting up here in Washington talking about what is the problem, we have not raised your taxes? Yes, we have, we have raised your taxes.

Mr. RYAN of Ohio. That is right. They raise them at the local level, and in many instances those people at that level vote "no" on the school board levy. Some States, like Ohio, it is elected. It just cannot be assessed. So in Ohio, the average person who lost their job and are making $10,000 less, and their kids' college tuition is up, and here comes the school board levy and they vote "no," who is hurt then?

We are all hurt then, because how are we going to compete with other countries who are focusing on educating their kids? How are we going to compete with an engineer in China who makes $5 an hour?

Mr. MEEK of Florida. I want to correct myself, because in my last statement I said we here, as a Congress, raise taxes. No, we did not; the majority side who came up with a strategy on how we can cut funding in certain areas did, and that is the reason why those States are suing the Federal Government right now. We have given them an unfunded mandate.

When my constituents woke up at 7 a.m. on a given Tuesday morning last November, they did not go to the voting booth and take their voter registration card out and say, well, Congressman, I am going to vote for you to make sure you have better health care than I have, you and your family; or to make sure as relates to undue taxes or what have you that you can raise my taxes, and I will vote on me raising my own taxes. That is why I am sending you to Congress.

No, better yet, I am sending you to Congress to make sure you do nothing about health care. Matter of fact, take my credit card, use it, because I am going to have to pay it off. I am going to let you use it. That is like sending someone to the mall that you know has a problem with shopping and saying, do not worry about it, take it to the maximum.

Can I have my credit card? I said I was not going to pull it out, but I am. My congressional spending card right here, the numbers are going up so fast, I keep having to change the numbers. The thing about our credit card, unlike any other credit card in the wallets of everyday Americans, is that it just keeps going and going and going and going to the tune of $7.8 trillion.

Now, I know my colleague wants to say something, but let me just say this. For those individuals on the majority side that want to say, boy, those Democrats, they just tax and spend, look at the deficit. I want to know where they are now? I cannot even hear them. I do not even see them. Where are they? Where are these fiscal conservatives? Where are they? They are nowhere to be found. You go out in the hall and say, conservative, it just keeps echoing, conservative, conservative, conservative. Where are they?

So we have not been in the majority here, I would say, for 10 years now? Maybe 10 years. Maybe 8?

Mr. RYAN of Ohio. Going on 11.

Mr. MEEK of Florida. Going on 11. Once again, I want to make sure everyone understands that we have to be in the majority to be able to run this House. So everything that takes place in this House and comes to this floor and goes before a committee, the agendas in committees, and bills moving, and appropriations and all of that is done by the majority side because they are in the majority.

In some instances, to be very truthful, we are able to work out some bipartisan efforts sometimes. We have a lot of votes that go up on the board where we are all together on the post offices and the Federal buildings, the naming of those post offices and the Federal buildings. But when it comes to issues like the budget, the Federal deficit, health care, education, in many cases we are not together, and that is unfortunate.

This is nothing we would like to see continued. We would like to work in a bipartisan way. You know, I have Republican constituents, and I have Independent constituents, and I have all the other parties even though I am a Democrat. And they go and vote for what? Leadership. They are going to vote for leadership.

So I want to make sure that Members understand, and before my colleague got here I was sharing with the Speaker and the Members the fact that I am glad that there are some leaders in this Congress that have said we need an exit strategy on the privatization issue.

☐ 1645

That is in The Washington Post today. It is just not flying back home to say we are going to private accounts, and if you are in the private account or not, you are still going to lose benefits, but this is what we are doing to shore up Social Security. We can shore up Social Security and strengthen Social Security without private accounts. I am glad we have leaders here that can carry that message on.

Mr. RYAN of Ohio. Mr. Speaker, we are not against deficits for the sake of being against deficits. Many would like to borrow and spend as much as they can, and that is what this Congress has been doing. But when you borrow, you have to pay the interest payments.

Here is a very interesting statistic. Here is 2004, here is 2014, 10 years from now. The red is the interest on the debt that we pay every year, $7.8 trillion. That is the red. The light blue is education, the purple environment, and this last one here, a bluish-green is veterans. This red gets bigger because the interest payments that we have to pay every single year are getting huge. We do not like deficits because it diverts money from education, from the environment, from veterans, from health, Medicare, Medicaid, investments in which we will see a good return by having healthy, educated citizens who will create wealth and keep the system running.

With deficits, that money is going down the toilet. A bigger and bigger portion of the budget goes to pay deficits. It is a waste of money. For this Chamber to be run by a group of fellows who said in 1994 that they wanted to pass a balanced budget amendment and make it a Constitutional amendment to have to balance the budget, to give us this, I think, begs the question why do we not turn the Chamber over to the other party. That is what we are asking for.

The money we are borrowing is coming from outside of the United States. The turquoise here is domestically held debt, 2000 to 2004. The purple is debt held by foreigners. As we start to borrow more and more money, out in California it was not so much held by foreign interests, and as we move, we are borrowing more from the Chinese, Japanese, we are turning high deficits, high debt over to our children, and who do we owe? Asian countries we are competing directly against. Bad news, bad leadership, and we need a change. That is what this is all about here.

Mr. Speaker, as we are starting to wind things down here, I just wanted to mention we had a tragedy in my district. On June 13, we lost a soldier in Iraq from Austintown, Ohio, Sergeant Larry Kuhns, Jr., who was 24 years old. He was 3 weeks from coming home.

I wanted to take this opportunity to pass on condolences from this Congress to his family, to his wife, Courtney, their 23-month-old daughter, McKenzie, his mom, Kelly, and his mom's fiance, Jerry. We sometimes think we are important, but moments like this I think wake us all up and kind of allow us to recognize the gravity of some of the decisions we make. Whether it is sending kids off to war or putting the burden on them in the future, I wanted to mention Sergeant Kuhns and thank him and his family for his sacrifice to the country.

Mr. MEEK of Florida. Mr. Speaker, I send my condolences to the family. We appreciate the commitment of our men and women in uniform who pay the ultimate sacrifice.

Mr. Speaker, would the gentleman give our Web site out.

Mr. RYAN of Ohio. Mr. Speaker, to send us an e-mail, tell us what the challenges in your life are, 30somethingdems@mail.house.gov. Drop us an e-mail, and we will possibly read it here on the floor.

Mr. MEEK of Florida. Mr. Speaker, I want to make sure that we close out by not only thanking the gentlewoman from California (Ms. PELOSI) and the rest of the leadership here on the Democratic side of the aisle for allowing us to take advantage of this hour, also the new Partnership for America's Future. We talked about the six principles if we had the opportunity to be able to lead within this House, which are values of prosperity, national security, fairness, opportunity, community, and also accountability.

Accountability is making sure that we deal with issues such as health care, making sure our troops have what they need as it relates to national security, making sure our children have opportunities, making sure that every American is paying tax dollars which are spent in the way that they are supposed to be spent and bring about the kind of fairness that they deserve from their Federal tax dollars. And also opportunity, making sure our children have opportunities, that we do what we are supposed to do as the Federal Government in holding up our end of the deal.

HONORING AUNG SAN SUU KYI

The SPEAKER pro tempore (Mr. MARCHANT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. POE) is recognized for 60 minutes as the designee of the majority leader.

Mr. POE. Mr. Speaker, in this week where we as a House voted to reform the United Nations, hold them accountable for their actions, I rise to talk about a place in the world where the United Nations is not, but where it ought to be, and a brave woman who is doing the work of the entire United Nations.

Mr. Speaker, I rise to salute a woman born on June 19, 1945. I would like to read a poem that she wrote:

"Emerald cool we may be, as water in cupped hands. But of that we might be, as splinters of glass, in cupped hands."

This poem was written by a lady who may be small in stature, but is a giant and noble in character. She carries no weapons, commands no Army; yet this lady actually brings fear into the hearts of at least 400,000 sinister armed soldiers in her native country of Burma. The lady I am referring to is Aung San Suu Kyi, the leader of the pro-democracy movement in Burma whom the Burmese people affectionally refer to as "The Lady."

She is unassuming, but her vision for her country brings fright in the whole army of despots and tyrants that occupy her nation.

In her poem she says even though she and the rest of the pro-democracy movement are emerald cool and as harmless as water in cupped hands, their stand for liberty and democracy is like glass splinters in the hands of the military tyrants that have a stranglehold on her own nation of Burma.

Most Americans do not know where Burma is, much less hear about what occurs in this nightmare of a country. Burma's military regime has created a human rights nightmare for its people. It even arms children, 12, 13 and 14 year olds, and makes them become soldiers. Over 70,000 kids, more than any other country in the world, are armed and fighting for this nation's tyrants.

There are over 1,400 political prisoners who are locked up for supporting this basic concept of human rights and democracy. For something that is as trivial as owning an unauthorized fax machine, listening to radio signals, people are imprisoned in Burma for up to 7 years by the military.

Up to 2 million Burmese have fled the country as refugees and migrants. For those who remain in this country, a brutal campaign by the tyrants in control includes burning the villages and destruction of rice supplies. Killings by the Burmese military regime have resulted in the forcible displacement of 500,000 to a million people, civilians, people in Burma hiding from the military, hiding in their own nation.

These people cannot flee into neighboring Thailand, nor can they return to their homes. They are refugees within their country, unable to grow food and living in extreme poverty, all because of the military tyrants that control this nation.

Aung San Suu Kyi remains steadfast in her calls against the Burmese junta's reign of terror. Though under house arrest for 10 of the past 15 years by these evildoers, Aung San Suu Kyi has led her political party to an 82 percent victory in Burma's last election. While she should be the democratic leader of this country, the outlaw military regime annulled the results of the election.

Mr. Speaker, 2 years ago just before her most recent arrest, this regional hero was almost assassinated. In May 2003 when she was briefly arrested from house arrest, she took a trip to the Burmese countryside. The military regime forced hundreds of criminals out of jail and shaved their heads so they would look like Buddhist monks. They were drugged up on methamphetamine and ordered to attack this lady. Her car was in the middle of a motorcade, and in the middle of the night these criminals used clubs and iron rods to beat to death 100 of her supporters who were watching her.

Aung San Suu Kyi has never committed a crime. She is the mother of two children. Her husband passed away outside of Burma, and the regime refused to grant him a visa to spend his dying days with his wife. Despite overwhelming oppression, the Burmese people, following the example of Aung San Suu Kyi, The Lady, continued to courageously express their desire for human rights and freedom.

During The Lady's last pro-democracy speaking tour in 2003, she spoke to dozens of cities around her country. Hundreds of thousands of Burmese people showed up to hear her speak, or see her as she went by. In several towns, the regime cut the electricity off at night so she could not speak and so people could not see her. But the Burmese people simply held up their matches and lighters to create a light for her.

Even in the midst of overwhelming darkness and oppression, the people of Burma stand with courage. No, freedom's flame may not burn within the seats of power, but it burns within the hearts of the Burmese people. Light always defeats darkness, as it will here in Burma.

Over the last 8 months, the Burmese people have collected 300,000 signatures calling for change in Burma. In the United States, of course, petitions are really common; but in Burma, this is groundbreaking. Every single person who signs a petition risks his life. They plan to present these pleas to the United Nations Secretary-General.

The rallying cry for the Burmese people is "do-yay, do-yay," which means "our cause, our cause." It is a powerful symbol, revealing that the Burmese people realize their struggle for human rights is not their own and not to be imposed upon them by the outside world. Nevertheless, they have called on international support for their hope.

Aung San Suu Kyi has called on people around the world to take action, stating, Please, please use your liberty to promote our liberty. She specifically has called upon people around the world to encourage their governments to impose political and economic pressure on the Burmese military regime until they agree to change, knowing that unless they are pressured, the renegades will never sit down and discuss this concept of democracy.

"The Lady" has encouraged broad public awareness of Burma with the message that a free world stands with the Burmese people.

□ 1700

Aung San Suu Kyi also requests that the people of the free world send as much encouragement and free information into Burma as possible, including music, poems, news broadcasts and images of people living in open, free, democratic societies.

She has also called on the United Nations Security Council to pass a resolution demanding change in Burma. The U.N. Secretary-General's office has miserably failed in this matter. It needs to undertake a full-court diplomatic press in order to create a transformation.

I just want to mention briefly and expand on this point. We have, as I said, yesterday and today in this House been debating the Henry Hyde United Nations Reform Act. No matter how Members of the House voted for Chairman HYDE's bill or Ranking Member LANTOS' substitute amendment, most colleagues here in this House are in agreement on one thing. The United Nations is ineffective, it is corrupt, it is not fulfilling its mission, and it has lost credibility as an international organization. It is the hot air in the balloon of a world organization.

When it comes to Burma, the United Nations has failed miserably. Kofi Annan has said a lot of words about the tragedy of Burma and the injustice against the little lady and these people. Yet he has actually done nothing. He says over and over again that, quote, he is concerned, he is interested, he is hopeful, yet to date Kofi Annan has not demanded any consequences for what is occurring in this nation of Burma. What good are words if there is no action to back them up?

November 21, 2002, Kofi Annan said that he was hopeful that there would be national reconciliation in Burma.

February 2, 2003, he said, the Secretary-General is concerned about the arrests by the Burmese authorities of 12 members of opposition parties.

May 13, 2003, he again said that he was hopeful, that famous word he continues to say, that national reconciliation and negotiations would begin in Burma.

May 31, 2003, he said he was concerned and called for negotiations and that he would be following closely with concern the situation in Burma.

On June 6, 2003, he called for the release of this lady, Aung San Suu Kyi.

On March 31, 2004, he called for negotiations, said he was concerned about this lady that is imprisoned in her own home and that she should be released from captivity.

It goes on and on and on, just asking, asking this military regime to do something about the people of their own nation. My grandfather used to say, "When all is said and done, more is said than done." Here again we find the United Nations making a lot of talk and not doing anything about this nation that is imprisoned by its own government. My question to Kofi

Annan is, why are there no consequences? Does Kofi Annan really expect to be taken seriously by the tyrants controlling Burma if he has no action to back up his words?

What about demanding a transition to democracy as the Burmese people have asked for? What about saying, Enough is enough. If Burma's regime does not heed 10 consecutive U.N. resolutions calling for Burma to simply participate in a dialogue with the democracy movement, then refer this issue to the U.N. Security Council and call for international economic sanctions.

Unfortunately, with Kofi Annan's track record as seen with the 14 plus resolutions alone on Iraq and his lack of action on the genocide in Sudan and other examples of ineffectiveness, Kofi Annan seems to be not willing to demand consequences, and there is no action. For the sake of the millions of people around the world and especially in Burma that are subject to slaughter and rape, displacement, starvation and victimization at the hands of their government, specifically the evil tyrants of Burma, we should stop talking in the United Nations and start doing something about it. Why do we have the United Nations? Is this not its mission? Is this not why the United Nations started, to help these tortured people?

But enough about the broken and ineffective United Nations. There is a voice for freedom in Burma, the lady, Aung San Suu Kyi.

Mr. Speaker, I ask this question. Why are those 400,000 Burmese soldiers consistently afraid of the lady? The answer is, because she wants a democracy in her nation. Simple. She wants her people to be free, a free country like our country. The forces of evil in this world always fear the forces of good. Forces that promote life, liberty and the pursuit of happiness are the forces that make all of us desire to be free. Every human being is created down in our soul with these God-given desires and rights.

So, Mr. Speaker, on this birthday of Aung San Suu Kyi, I am here to assure her that the United States has not forgotten her and her people. Even though the United Nations has dreadfully forsaken her cause, this country stands firm for all freedom-loving people, people who just want to control their own lives and their own country. Even though Burma's neighbors look the other way while making money in shady business deals, the United States is watching and I hope the United States does not abandon this nation of Burma. The United Nations and Burma's neighbors might be able to sleep at night while the people of Burma are beaten and pillaged, some slaughtered, but we hope that the United States will take note. Liberty's blaze burns bright and burns strong in this nation of Burma and her people.

So in closing, I am sending a special birthday greeting to this lady who is under house arrest, this lady, Aung San Suu Kyi, on her 60th birthday, wishing her a respite of peace in the darkness that surrounds her. The United Nations may do nothing but hopefully the United States is standing with her and the United States remembers her on her 60th birthday.

May God bless you, Aung San Suu Kyi, and God bless Burma and the people who desire freedom, freedom that all of us desire no matter who we are, what we look like, male or female, anyplace in this world.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of Georgia (at the request of Ms. PELOSI) for today.

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for the evening of June 16 and today on account of important matters in the district.

Mr. GINGREY (at the request of Mr. DELAY) for today on account of attending to family commitments.

Mr. WALSH (at the request of Mr. DELAY) for today on account of personal reasons.

Mr. YOUNG of Florida (at the request of Mr. DELAY) for today until 12:30 p.m. on account of attending the funeral at Arlington National Cemetery of Spc. Louis Niedermeier of Largo, Florida, who died in Iraq on June 1, 2005.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. NORWOOD) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, June 24.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today and June 20.

Mr. FOLEY, for 5 minutes, today.

ADJOURNMENT

Mr. POE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until Monday, June 20, 2005, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2413. A letter from the Acting Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Revision of User Fees for 2005 Crop Cotton Classification Services to Growers [CN-05-001] (RIN: 0581-AC43) received June 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2414. A letter from the Acting Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Milk in the Upper Midwest Marketing Area; Interim Order Amending the Order [Docket No. AO-361-A39; DA-04-03A] received June 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2415. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Addition of Malaysia To List of Regions in Which Highly Pathogenic Avian Influenza Subtype H5N1 Is Considered to Exist [Docket No. 04-091-2] received June 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2416. A letter from the Acting Assistant Secretary, Department of Labor, transmitting the Department's final rule — Oregon State Plan; Final Approval Determination [Docket No. T-027A] (RIN: 1218-AC13) received June 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2417. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received June 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2418. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Permits; Determination that Falconry Regulations for the State of Connecticut Meet Federal Standards (RIN: 1018-AT63) received June 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2419. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fishery of the Gulf of Mexico; Red Snapper Rebuilding Plan [Docket No. 0408044227-5143-02; I.D. 072604A] (RIN: 0648-AP02) received June 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2420. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Spiny Dogfish; Open Access; Routine Management Measure; Closure Authority [Docket No. 050302053-5120-03; I.D. 042605G] (RIN: 0648-

AT38) received May 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2421. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Amendment 2 [Docket No. 041229366-5088-02; I.D. 122304D] (RIN: 0648-AQ25) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2422. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 051705F] received June 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 68. Committee on Ways and Means discharged; Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

H.R. 358. Committee on Ways and Means discharged; Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey (for himself, Mr. Payne, Mr. Pitts, and Mr. Pence):

H.R. 2957. A bill to amend the Foreign Assistance Act of 1961 to provide for the establishment of centers for the treatment of obstetric fistula in developing countries; to the Committee on International Relations.

By Mr. MURPHY:

H.R. 2958. A bill to require notification of appropriate emergency response authorities when damage to underground pipeline facilities occurs or is discovered; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS (for himself, Mr. Baker, Mr. Boehlert, Mr. Udall of Colorado, Mrs. Maloney, Mr. Pickering, Ms. Hooley, Mr. King of New York, and Mr. Blumenauer):

H.R. 2959. A bill to amend title 38, United States Code, to provide for the establishment of Parkinson's Disease Research Education and Clinical Centers in the Veterans Health Administration of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. GEORGE MILLER of California (for himself, Mr. Kildee, Ms. Pelosi, Mr. Owens, Mr. Payne, Ms. Woolsey, Mr. Hinojosa, Mrs. McCarthy, Mr. Tierney, Mr. Wu, Mr. Kucinich, Mr. Holt, Ms. McCollum of Minnesota, Mrs. Davis of California, Mr. Davis of Illinois, Mr. Grijalva, Mr. Van Hollen, Mr. Ryan of Ohio, Mr. Bishop of New York, Mr. Barrow, Mr. Higgins, Mr. Doggett, Ms. Matsui, Ms. Baldwin, Mr. Michaud, Mrs. Jones of Ohio, Mr. Stark, Mr. Conyers, Ms. Solis, Ms. Berkley, and Mr. Strickland):

H.R. 2960. A bill to amend the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. WALDEN of Oregon (for himself and Mr. Tanner):

H.R. 2961. A bill to amend title XVIII of the Social Security Act to extend and improve protections for sole community hospitals under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ABERCROMBIE (for himself, Mr. Filner, Ms. Corrine Brown of Florida, Mr. Evans, Mr. Gutierrez, Mr. Hinchey, Ms. Hooley, Mr. Kildee, Mr. Matheson, Mr. McDermott, Mr. Sanders, Mr. Serrano, and Mr. Wexler):

H.R. 2962. A bill to amend title 38, United States Code, to revise the eligibility criteria for presumption of service-connection of certain diseases and disabilities for veterans exposed to ionizing radiation during military service, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. BALDWIN (for herself, Mr. Boozman, Mr. Miller of Florida, Ms. Berkley, Mr. Hunter, Mr. Skelton, Mr. Evans, Mr. Murtha, Mr. Shimkus, Mrs. Emerson, Mr. Snyder, Mr. Kennedy of Minnesota, Mr. Gingrey, Mr. Spratt, Mr. Gilchrest, Mr. Fattah, Mr. Stearns, Mr. Price of North Carolina, Mr. Weldon of Florida, and Mr. Gene Green of Texas):

H.R. 2963. A bill to amend title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes; to the Committee on Veterans' Affairs.

By Mr. COLE of Oklahoma (for himself, Mr. Lucas, and Mr. Boren):

H.R. 2964. A bill to amend the National Trails System Act to designate the Chisholm Trail and Great Western Trail historic cattle-drive trails for study and for potential addition to the National Trails System, and for other purposes; to the Committee on Resources.

By Mr. HOEKSTRA (for himself, Mr. Frank of Massachusetts, Mrs. Maloney, Mr. Sensenbrenner, Mr. Conyers, Mr. Coble, Mr. Manzullo, Mr. Nadler, Mr. Ehlers, Mr. Tom Davis of Virginia, Mr. Dingell, Mr. Jenkins, Mr. Everett, Mr. Rangel, Mr. Hostettler, Mr. Feeney, Mr. Kingston, Ms. Baldwin, Mr. Inglis of South Carolina, Mr. Upton, Mr. Emanuel, Mr. Bartlett of Maryland, Mr. Knollenberg, Mr. Forbes, Mr. Flake, Mr. Sessions, Mr. Olver, Mr. LoBiondo, Mrs. Myrick, Mr. Royce, Mr. Lantos, Mr. McGovern, Mr. Pence, Mr. Souder, Mr. Camp, Mr. Doyle, Mr. Boehner, Mr. Ney, Mr. Carter, Mr. Nussle, Mr. Weiner, Mr. Norwood, Mr. Rogers of Michigan, Mr. Brady of Pennsylvania, Mr. Duncan, Mr. McCotter, Mr. McKeon, Ms. Hart, Mr. Kucinich, Mr. Thornberry, Mr. Ryan of Wisconsin, Mr. Latham, Mrs. Miller of Michigan, Mr. Leach, Mr. Shadegg, Ms. Woolsey, Mrs. Blackburn, Mr. Culberson, Mr. Gingrey, Mr. Terry, Mr. Wamp, Mr. Ferguson, Mrs. Musgrave, Mr. Chocola, Mr. Beauprez, Mr. Porter, Mr. Osborne, Mr. Tiberi, Mrs. Biggert, Mr. Wilson of South Carolina, Mr. Shuster, Mr. Moran of Kansas, Mr. Hayes, Mr. King of Iowa, Mrs. Wilson of New Mexico, Mr. Barrett of South Carolina, Mr. Platts, and Mr. Cantor):

H.R. 2965. A bill to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations and other public service programs, and for other purposes; to the Committee on the Judiciary.

By Mr. HONDA:

H.R. 2966. A bill to amend title 38, United States Code, to clarify the availability of emergency medical care for veterans in non-Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

By Ms. KILPATRICK of Michigan (for herself, Mr. Watt, Mr. Conyers, Mr. Abercrombie, Mr. McCotter, Mr. Grijalva, Ms. Eddie Bernice Johnson of Texas, Mr. Honda, Mr. Upton, Mr. McDermott, Ms. Watson, Mr. Camp, Mr. Stupak, Mr. Levin, Mr. Dingell, Mr. Kildee, Mr. Hoekstra, Mr. Holt, Mr. Rogers of Michigan, Mr. Schwarz of Michigan, Mrs. Miller of Michigan, Mr. Ehlers, and Mr. Knollenberg):

H.R. 2967. A bill to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. KING of New York (for himself, Mr. Shimkus, Mr. Grijalva, Mr. Burton of Indiana, and Mr. LaHood):

H.R. 2968. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from individual retirement plans for adoption expenses; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Mr. George Miller of California, Mr. Conyers, Mr. Frank of Massachusetts, Mr. Markey, and Mr. Andrews):

H.R. 2969. A bill to amend title 9 of the United States Code to exclude all employment contracts from the arbitration provisions of chapter 1 of such title; and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUHL of New York:

H.R. 2970. A bill to provide public safety officer disability benefits to officers disabled before the enactment of the Federal public safety officer disability benefits law; to the Committee on the Judiciary.

By Mrs. MUSGRAVE:

H.R. 2971. A bill to provide for parental notification and intervention in the case of a minor seeking an abortion; to the Committee on the Judiciary.

By Mrs. MYRICK:

H.R. 2972. A bill to suspend temporarily the duty on 2-Naphthaienesulfonic acid, 6-[(2,4-diaminophenyl)azo]-3-[[4-[[4-[[7-[(2,4-diaminophenyl azo]-1-hydroxy-3-sulfo-2-naphthalenyl]azo]phenyl]amino]-3-sulfophenyl]azo]-4-hydroxy-, trisodium salt; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2973. A bill to suspend temporarily the duty on Methylene Bis-Benzotriazolyl Tetramethylbutylphenol; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2974. A bill to suspend temporarily the duty on Bis-Ethylhexyloxyphenol Methoxyphenol Triazine; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2975. A bill to suspend temporarily the duty on Benzenesulfonic acid, 2,2'-[(1-methyl-1,2-ethanediyl)bis[imino(6-fluoro-1,3,5-tria ine-4,2-diyl)imino[2-[(aminocarbonyl)amino]-4,1-phenylene]az]]bis[5-[(4-sulfophenyl)azo]-, sodium salt; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2976. A bill to suspend temporarily the duty on Chromate(2-), [3-(hydroxy-.kappa.O)-4-[[2-(hydroxy-.kappa.O)-1-naphthale yl]azo-kappa.N2]-1-naphthalenesulfonato(3-)][1-[[2-(hydroxy kappa.O)-5-[4-methoxyphenyl)azo]phenyl]azo-.kappa.N2]-2-nap hthalenolato(2-)-.kappa.O]-, disodium; to the Committee on Ways and Means.

By Mr. REHBERG:

H.R. 2977. A bill to designate the facility of the United States Postal Service located at 306 2nd Avenue in Brockway, Montana, as the "Paul Kasten Post Office Building"; to the Committee on Government Reform.

By Mr. REHBERG:

H.R. 2978. A bill to allow the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation to enter into a lease or other temporary conveyance of water rights recognized under the Fort Peck-Montana Compact for the purpose of meeting the water needs of the Dry Prairie Rural Water Association, Incorporated, and for other purposes; to the Committee on Resources.

By Mr. REHBERG:

H.R. 2979. A bill to amend the Crow Boundary Settlement Act of 1994 regarding the distribution of capital gains from the Crow Tribal Trust Fund; to the Committee on Resources.

By Mr. TANCREDO:

H.R. 2980. A bill to amend the Internal Revenue Code of 1986 to provide for the nonrecognition of gain on real property which is involuntarily converted as the result of the exercise of eminent domain, without regard to whether such property is replaced; to the Committee on Ways and Means.

By Mr. UDALL of New Mexico (for himself, Ms. VELÁZQUEZ, Mr. OBERSTAR, Mr. CASE, Mr. GRIJALVA, Mr. ABERCROMBIE, Mr. MCDERMOTT, Mr. REYES, Mr. HONDA, Mr. HASTINGS of Florida, Mr. PALLONE, Mr. YOUNG of Alaska, Mr. TOWNS, Mr. MATHESON, Ms. HERSETH, Mrs. CUBIN, Ms. MCCOLLUM of Minnesota, Mr. MORAN of Virginia, and Mr. MANZULLO):

H.R. 2981. A bill to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Native Alaskans, and Native Hawaiians; to the Committee on Small Business.

By Mr. WYNN:

H.R. 2982. A bill to require the Federal Communications Commission to reorganize the bureaus of the Commission in order to better carry out their regulatory functions; to the Committee on Energy and Commerce.

By Mrs. BIGGERT (for herself, Mr. KANJORSKI, Mr. BRADLEY of New Hampshire, Mr. FEENEY, Mr. HENSARLING, Mr. BURTON of Indiana, Mr. HINOJOSA, Mr. CROWLEY, Mr. GARY G. MILLER of California, Mr. MCCOTTER, Mr. PORTER, Mr. BOEHLERT, Mr. LEACH, Mr. KNOLLENBERG, Mr. MANZULLO, Mr. RAMSTAD, Mr. POMEROY, Mr. HOLDEN, Mr. GORDON, Mr. BACHUS, Ms. PRYCE of Ohio, Mrs. MALONEY, Mr. PUTNAM, Mrs. KELLY, Mr. LEWIS of Georgia, and Mr. LEWIS of California):

H. Con. Res. 181. Concurrent resolution supporting the goals and ideals of National Life Insurance Awareness Month, and for other purposes; to the Committee on Government Reform.

By Mr. GALLEGLY (for himself, Mr. DINGELL, Mr. WEXLER, Mr. LIPINSKI, Mr. KANJORSKI, Mr. ROYCE, Mr. ENGEL, and Mr. FALEOMAVAEGA):

H. Res. 328. A resolution recognizing the 25th anniversary of the workers' strikes in Poland in 1980 that led to the establishment of the Solidarity Trade Union; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mrs. LOWEY, Mr. ROSS, Mr. BACA, Mr. BRADY of Pennsylvania, Ms. CARSON, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. CROWLEY, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HONDA, Mr. ISRAEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KANJORSKI, Mr. LANTOS, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MATSUI, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. PAYNE, Mr. SCOTT of Georgia, Mr. STRICKLAND, Mr. VAN HOLLEN, and Ms. WATSON):

H. Res. 329. A resolution honoring former President William Jefferson Clinton on the occasion of his 59th birthday; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BRADY of Pennsylvania:

H.R. 2983. A bill for the relief of Zhuljeta Zhegra; to the Committee on the Judiciary.

By Mr. BRADY of Pennsylvania:

H.R. 2984. A bill for the relief of Shpetim Daku; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. PICKERING.

H.R. 42: Mr. KUHL of New York.

H.R. 63: Mr. PASCRELL, Ms. DELAURO, Mr. MEEK of Florida, Mr. TOWNS, Mr. SCHIFF, Mr. THOMPSON of Mississippi, and Ms. MATSUI.

H.R. 181: Mr. PRICE of Georgia.

H.R. 226: Mr. UPTON.

H.R. 269: Mrs. JO ANN DAVIS of Virginia.

H.R. 282: Mr. LARSON of Connecticut and Mr. CRENSHAW.

H.R. 294: Mr. PLATTS.

H.R. 303: Mr. SNYDER, Mr. HAYWORTH, and Mr. GREEN of Wisconsin.

H.R. 406: Mr. MCHENRY.

H.R. 421: Mr. MOORE of Kansas.

H.R. 457: Mr. PRICE of North Carolina, Mr. UDALL of Colorado, and Mr. ORTIZ.

H.R. 475: Mr. JEFFERSON.

H.R. 500: Mr. MORAN of Kansas.

H.R. 535: Mr. CUMMINGS, Mr. AL GREEN of Texas, Ms. MOORE of Wisconsin, Mr. GUTIERREZ, Mr. FALEOMAVAEGA, Mr. DAVIS of Illinois, Mr. SALAZAR, Mr. RUSH, and Mr. CARDIN.

H.R. 537: Ms. JACKSON-LEE of Texas and Mr. WESTMORELAND.

H.R. 559: Mrs. JONES of Ohio.

H.R. 566: Mr. ENGEL.

H.R. 616: Mr. LYNCH, Mr. FORD, Ms. MILLENDER-MCDONALD, and Mr. WAXMAN.

H.R. 688: Ms. GINNY BROWN-WAITE of Florida.

H.R. 697: Mr. HOLDEN.

H.R. 699: Mr. BAKER, Mrs. MILLER of Michigan, Mr. FATTAH, Mr. LATHAM, and Mr. LEACH.

H.R. 772: Mr. BOYD and Mr. CLEAVER.

H.R. 783: Ms. SLAUGHTER, Mr. ROTHMAN, Mr. FRANK of Massachusetts, Mr. LATHAM, and Mr. DOYLE.

H.R. 808: Mr. FEENEY, Mr. JINDAL, Ms. MATSUI, Mr. MILLER of North Carolina, Mr. OSBORNE, Mr. POMBO, and Mr. RUSH.

H.R. 817: Mr. DAVIS of Kentucky, Mrs. BIGGERT, Mr. WILSON of South Carolina, Mr. SIMMONS, and Mr. MEEHAN.

H.R. 844: Mr. OWENS, Mr. CUMMINGS, and Mr. BISHOP of Georgia.

H.R. 857: Mr. MCCOTTER.

H.R. 870: Mr. HINCHEY.

H.R. 893: Mrs. TAUSCHER.

H.R. 896: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 898: Ms. LINDA T. SÁNCHEZ of California, Mr. RYAN of Wisconsin, and Mr. ETHERIDGE.

H.R. 920: Mr. HOLT.

H.R. 923: Mr. NORWOOD.

H.R. 930: Mr. BARRETT of South Carolina.

H.R. 949: Ms. GINNY BROWN-WAITE of Florida.

H.R. 951: Mrs. WILSON of New Mexico, Mr. GENE GREEN of Texas, Mr. DOGGETT, and Mr. VAN HOLLEN.

H.R. 964: Mr. PETERSON of Minnesota, Mr. PLATTS, Mr. OLVER, Mr. BOUCHER, Mr. MCGOVERN, and Mr. PRICE of North Carolina.

H.R. 983: Mr. FARR.

H.R. 997: Mr. WESTMORELAND, and Miss MCMORRIS.

H.R. 1067: Ms. HARMAN.

H.R. 1070: Mr. STEARNS.

H.R. 1088: Mr. GENE GREEN of Texas.

H.R. 1100: Mr. RYAN of Wisconsin.

H.R. 1125: Mr. PASCRELL, Mr. BRADY of Pennsylvania, and Mr. MEEKS of New York.

H.R. 1131: Mr. BARRETT of South Carolina, Mr. CHANDLER, Mr. ETHERIDGE, Mr. SPRATT, Mr. EHLERS, Ms. ZOE LOFGREN of California, and Ms. ESHOO.

H.R. 1146: Mr. EVERETT.

H.R. 1204: Ms. MOORE of Wisconsin and Mr. CLYBURN.

H.R. 1217: Mr. LEACH and Ms. DEGETTE.

H.R. 1222: Ms. Eddie Bernice Johnson of Texas and Mr. Crowley.

H.R. 1258: Mr. Michaud.

H.R. 1288: Mr. Green of Wisconsin, Mr. Hunter, Mr. Keller, Mr. Lewis of California, Mr. Goodlatte, Mr. McKeon, and Mr. Jenkins.

H.R. 1298: Mr. Ortiz, Mr. Emanuel, Ms. Hart, Mr. Renzi, and Mr. Hulshof.

H.R. 1312: Mrs. Lowey and Mr. Sabo.

H.R. 1319: Mr. Cuellar.

H.R. 1333: Mr. McIntyre, Mr. Barrett of South Carolina, Mr. Fitzpatrick of Pennsylvania, Ms. Berkley, Mr. Inslee, Mr. Meehan, and Mr. Strickland.

H.R. 1345: Mr. English of Pennsylvania.

H.R. 1372: Mr. Payne, Mr. Towns, Mr. Wynn, Mr. Pallone, Ms. Schakowsky, Mr. Hinchey, Ms. Roybal-Allard, Mr. Brady of Pennsylvania, Mr. Stark, and Ms. Eddie Bernice Johnson of Texas.

H.R. 1447: Mr. Gordon.

H.R. 1449: Ms. Jackson-Lee of Texas.

H.R. 1456: Mr. McNulty and Mr. Miller of North Carolina.

H.R. 1478: Mr. Gillmor.

H.R. 1498: Mr. Cramer, Mr. Doyle, Mr. Forbes, and Mr. Peterson of Pennsylvania.

H.R. 1545: Mr. Gordon.

H.R. 1578: Mr. Ross and Mr. Payne.

H.R. 1582: Mr. Olver and Mr. Allen.

H.R. 1663: Mr. Doyle, Mrs. Musgrave, Ms. Zoe Lofgren of California, and Mr. Deal of Georgia.

H.R. 1667: Ms. Ginny Brown-Waite of Florida, Mr. Owens, Mr. Edwards, and Mrs. Davis of California.

H.R. 1704: Mr. Latham.

H.R. 1707: Mrs. Tauscher.

H.R. 1708: Ms. Matsui.

H.R. 1745: Mr. Davis of Illinois.

H.R. 1748: Mr. Gallegly and Mrs. Blackburn.

H.R. 1795: Mrs. Lowey.

H.R. 1850: Mr. Rangel, Mr. Neal of Massachusetts, Mr. Wynn, Mr. Holt, and Ms. Schakowsky.

H.R. 1931: Mr. Kennedy of Rhode Island.

H.R. 1946: Mr. Pascrell, Mr. Nadler, and Mr. Brady of Pennsylvania.

H.R. 2108: Mrs. Lowey.

H.R. 2196: Mrs. Lowey.

H.R. 2207: Mr. Menendez.

H.R. 2209: Mr. Ross and Mr. Bartlett of Maryland.

H.R. 2238: Mr. LaHood and Ms. DeGette.

H.R. 2305: Mr. Thompson of Mississippi and Mr. Holden.

H.R. 2317: Mr. Meek of Florida.

H.R. 2327: Mr. Doyle and Mr. Frank of Massachusetts.

H.R. 2356: Mr. Walden of Oregon, Mr. Gerlach, Mr. Dicks, Mr. Andrews, Mr. Latham, Mr. Kennedy of Minnesota, Mr. Marchant, Mr. Rothman, Mr. Snyder, Mrs. Davis of California, Mr. Payne, Ms. Woolsey, Mr. Souder, Mrs. Capito, Mr. Matheson, Mr. Reyes, Mr. LaHood, and Mr. Wolf.

H.R. 2386: Mr. Shadegg, Mr. Etheridge, Mr. Bradley of New Hampshire, Ms. Pryce of Ohio, Mr. Hastings of Washington, Mr. Beauprez, Mr. Van Hollen, Mrs. Jo Ann Davis of Virginia, Mr. Weldon of Pennsylvania, Mr. Franks of Arizona, Mr. Pickering, Mr. Linder, Mr. Porter, and Mr. Forbes.

H.R. 2387: Mr. Blunt.

H.R. 2389: Mr. Bonilla and Miss McMorris.

H.R. 2423: Mr. Souder and Mr. Schiff.

H.R. 2429: Mr. Gene Green of Texas.

H.R. 2458: Mr. Stearns.

H.R. 2498: Mr. Akin, Mrs. Capito, Mr. LaHood, Mr. Boswell, Miss McMorris, and Mr. Holden.

H.R. 2553: Mr. Allen and Mr. Levin.

H.R. 2567: Ms. Berkley.

H.R. 2600: Mr. Putnam.

H.R. 2637: Mr. Gerlach, Mr. Miller of Florida, and Ms. Norton.

H.R. 2642: Mr. Wamp and Mr. Filner.

H.R. 2646: Mr. Brown of South Carolina, Mr. Camp, Mr. Hefley, Mr. Keller, Mr. Lucas, Mr. Rehberg, Mr. Shuster, Mr. Upton, Mr. Thornberry, and Mr. Doyle.

H.R. 2652: Mr. Boren, Mr. Lucas, and Mr. Sullivan.

H.R. 2662: Mr. Meeks of New York, Mr. Emanuel, Ms. Zoe Lofgren of California, Ms. Pelosi, Mr. Andrews, Mrs. Bono, Ms. Bordallo, Mr. Gonzalez, Mr. Rothman, Mr. Weiner, Mr. Scott of Virginia, Mr. Skelton, Mr. Carnahan, Mr. Lewis of Georgia, Mr. Dingell, Mr. DeFazio, Ms. Carson, Mr. Pascrell, Mr. Foley, Mr. Udall of New Mexico, and Mr. Snyder.

H.R. 2679: Mr. Ramstad.

H.R. 2680: Mr. Owens, Mr. Lewis of Kentucky, and Mr. Paul.

H.R. 2717: Mr. Moran of Kansas, Mr. Kildee, Mr. Bishop of New York, Mr. Emanuel, Mr. Sabo, and Mr. Van Hollen.

H.R. 2721: Mr. Fitzpatrick of Pennsylvania, Mr. Cooper, Mr. Tanner, Mr. Pitts, Mr. Saxton, Mr. Gilchrest, Mr. Tiahrt, and Mr. Bartlett of Maryland.

H.R. 2726: Mr. Miller of Florida.

H.R. 2736: Mr. Nadler and Mr. Doggett.

H.R. 2746: Mr. McGovern and Mr. Brown of Ohio.

H.R. 2794: Mr. McHugh.

H.R. 2804: Mr. Stearns.

H.R. 2835: Mr. Menendez and Mr. Strickland.

H.R. 2861: Mr. Snyder, Mr. Holt, and Mr. Gordon.

H.R. 2874: Mr. Souder.

H.R. 2876: Mr. Bachus, Mr. Moran of Virginia, Mr. Filner, Mr. Case, and Mr. McCaul of Texas.

H.R. 2877: Mr. Langevin and Mr. Kennedy of Rhode Island.

H.R. 2891: Mr. McDermott.

H.R. 2899: Mr. Aderholt.

H.R. 2927: Mrs. Jones of Ohio.

H.R. 2930: Mr. Upton and Mr. McHugh.

H.R. 2943: Mrs. Kelly.

H.R. 2945: Mr. Cunningham, Mr. Marshall, and Mrs. McCarthy.

H.J. Res. 55: Mr. Hinchey, Mr. George Miller of California, Mr. Brown of Ohio, Ms. Eshoo, Ms. Zoe Lofgren of California, Ms. Schakowsky, Mr. Delahunt, and Mr. DeFazio.

H. Con. Res. 24: Ms. McCollum of Minnesota.

H. Con. Res. 90: Mr. Waxman.

H. Con. Res. 128: Mr. Schiff.

H. Con. Res. 137: Mr. McCotter.

H. Con. Res. 160: Mr. Gonzalez and Mr. Gene Green of Texas.

H. Con. Res. 162: Mr. Doyle.

H. Con. Res. 172: Mr. Doyle, Mr. Waxman, Mr. Andrews, and Mr. Kildee.

H. Res. 15: Mr. Gene Green of Texas, Mr. Snyder, and Mr. Fortuño.

H. Res. 76: Mr. McGovern.

H. Res. 316: Ms. McCollum of Minnesota, Mr. Dingell, Mr. Ackerman, Ms. Baldwin, Mr. Van Hollen, Ms. Woolsey, Mr. Doyle, Mr. Capuano, Mr. Waxman, and Mrs. Kelly.

H. Res. 318: Mr. Radanovich and Mrs. Jones of Ohio.

H. Res. 323: Mr. Duncan, Mr. McNulty, Ms. Ros-Lehtinen, Mr. Burton of Indiana, Ms. Baldwin, and Mr. Menendez.

H. Res. 325: Mr. Snyder.

H. Res. 326: Mr. Kirk.

EXTENSIONS OF REMARKS

THE "CHILDREN'S EXPRESS LANE TO HEALTH COVERAGE ACT OF 2005"

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Ms. MILLENDER-McDONALD. Mr. Speaker, today, I introduced the "Children's Express Lane to Health Coverage Act of 2005."

Far too many children in this Nation are not covered by even the most basic health insurance. In my home State of California, 10 percent of the approximately 10 million children do not have health insurance. Close to 9 million children nationwide are in similar situations.

This does not have to be the case. Of the almost 9 million children who are uninsured, an estimated 6.9 million are eligible for public health insurance coverage. What is keeping them from obtaining coverage?

In many cases, children who are eligible for subsidized health care do not receive it because of the cumbersome and confusing process families must go through to obtain health insurance for their children.

The bill I introduce today, the Children's Express Lane to Health Coverage Act, a companion bill to the one introduced by my colleagues in the Senate: Mr. LUGAR, Mrs. FEINSTEIN, Mr. KERRY, Mr. DURBIN, Mr. BINGAMAN, and Mr. COCHRAN, will streamline the process by which children are enrolled in both Medicaid and State Children's Health Insurance Programs or SCHIP.

This legislation will allow States to streamline enrollment in Medicaid and SCHIP. It would allow a child's enrollment in WIC and similar assistance programs to serve as a gateway to health coverage, thus avoiding a separate lengthy and confusing application process.

The need for health care coverage for these children is urgent. Without health insurance, children do not see doctors with the regularity that is essential for their well-being and the well-being of their peers they come into contact with at school, at daycare and on the playground. Many children without health insurance end up in the emergency room with illnesses that could easily be treated in a doctor's office. Emergency room visits are extremely costly, both for parents and for hospitals. The cost of health care for everyone increases as a result.

For the good of our Nation's children and for the good of our Nation's communities, I ask my colleagues today to join me in support of this vital piece of legislation.

HONORING L.C. GREENE, A SOUTH CAROLINA LEADER

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. WILSON of South Carolina. Mr. Speaker, I am proud today to recognize the tremendous achievements of L.C. Greene, a life-long resident of South Carolina who has demonstrated a tradition of excellence and a commitment exceptional leadership throughout his life. From his distinguished twenty-three year career in the U.S. Air Force to his thirty years of service in municipal and county government, L.C. Greene has exemplified the qualities that are critical for leaders of good government.

After retiring from the military, L.C. Greene brought his leadership skills to the classroom. He later became the Emergency Medical Service Director for Aiken County, South Carolina. Because of his leadership skills and ability to handle crisis situations, L.C. Greene was then promoted to County Administrator, and served a total of eight years. During this time, Mr. Greene was awarded the Distinguished Service Citation, the highest Federal award to a civilian, by the U.S. Department of Defense, for his outstanding leadership and cooperation in the aftermath of a B-52 Bomber crash in Aiken County. He was also recognized by the U.S. Army at Ft. Gordon for the role he played in the recovery operation of this tragic accident.

After serving as a director for Lockheed Aircraft Support Systems for two years, Mr. Greene became the City Manager for the Town of Winnsboro, South Carolina, serving in that capacity for eight years. During his service to the citizens of Winnsboro, Mr. Greene played a critical role in the recruitment of the Mack Truck Assembly Plant, which invested $168 million and created over 2,000 jobs, and the Rite Aid Southern Distribution Center, which invested $80 million and created over 325 jobs. Mr. Greene was also recognized by the U.S. Senate for his innovative approach to public-private partnerships and was invited to Washington, DC for a briefing. Mr. Greene's leadership skills in the area of natural disaster were also called upon in Winnsboro as he led the emergency preparedness and clean-up efforts after the town was struck by three different tornadoes.

For the past fourteen years, L.C. Greene has been the Town Administrator for the Town of Lexington, which has become the fastest growing municipality in South Carolina. During this time, he has been instrumental in working with other state and local governments to form regional partnerships and cooperation, especially in the area of water and wastewater infrastructure. Mr. Greene is recognized throughout the state as having expertise in all facets of local government and is often called upon for assistance and advice from other municipal and county leaders as well as from state officials and past governors. He selflessly shares his wealth of information and wisdom in an effort to bring better government to all communities throughout the state.

Mr. Greene has consistently led with a management style that focuses on people and the improvement of the quality of life for the citizens of his community. Whether it is in obtaining grant funding for blighted and impoverished areas, recruiting industries that will build investment and create jobs, responding to the devastating effects that a tornado had on the Lexington community, sharing scarce water supplies with sister cities in need, sending utility personnel to other States devastated by hurricanes or building a special-needs park for handicapped children, Mr. Greene's commitment to finding better procedures and more cost-effective measures to achieve the highest level of services to the citizens at the lowest possible tax cost is an inspiration to all who know him. He exemplifies the true spirit of leadership through the development of friendship, team building, and cooperation for the greater good.

L.C. Greene is also a devoted family man, having been married to his wife Colleen for 48 years. They are the proud parents of five daughters and one son, fifteen grandchildren, and five great grandchildren. Mr. Greene has also served on various boards such as the South Carolina Retirement Advisory Board, the Central Midlands Environmental Protection Agency Committee, the South Carolina Local Government Assurance Group, Lexington County Municipal Association, and the Lexington Economic Development Association Board. Additional awards and recognitions include recognition by: the South Carolina Senate; Low-Country Regional Emergency Medical Services; the Strategic Air Command; and the Midlands Human Sources Development Commission for service to Low-Income Home Energy Program. Mr. Greene was also named as the Jaycees "Boss of the Year" and was named Who's Who in Executives and Professionals in 1996–97.

As L.C. Greene retires as Town Administrator of Lexington, it is only fitting that his selfless, lifelong commitment and service to his community, his State and his country be recognized by awarding the Order of the Palmetto. Truly, cities and counties are vital to the health of our State because they provide essential elements of our civilization. And, in order to have healthy, growing communities, there must be stalwart leaders of good government. L.C. Greene has been such a leader. When Mr. Greene retires on June 30th, he should take pride in knowing that our community and our State is better because of his exemplary service.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

BROOKLYN REMEMBERS

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. FOSSELLA. Mr. Speaker, on May 17th, I was joined by 9/11 families, elected officials, and community leaders to unveil Brooklyn's official memorial dedicated to the events of September 11, 2001. This memorial pays tribute to the 283 men and women of King's County killed on that horrific day. The air was filled with sadness in the days and months that followed. Because of this, in October of 2001, I along with State Senator Marty Golden, realized that a memorial was the best way to honor the lives of these brave men and women. Within days community leaders organized a committee to raise private funds and started the process to design a memorial and make it a reality. Realizing that this was not only a New York State issue but also a national one, I worked hard to secure $50,000 to begin the groundwork for the memorial.

The memorial, entitled the "Beacon," soars 25 feet in the air and is shaped like a speaking trumpet to resemble the device once used by the volunteer fire brigades of New York City to transmit warnings to the crowd and give orders to the firefighters. The thoughtfulness and simplicity of the design is second to none. It directly reflects the Bay Ridge community and the residents of King's County New York. The memorial was placed at the 69th Street Pier. This was fitting with its broad vista's of the harbor and downtown Manhattan, as it was the location to which many Brooklynites went to watch the tragic events of September 11, 2001 unfold.

Those whose lives were lost on September 11 will remain in our thoughts and prayers forever. The "Beacon" will help all of us, not only New Yorkers, but those all over our great Nation keep alive the names and memories of those who are no longer with us. It will allow us to remember their sacrifice and honor their lives. The memorial will serve as a reminder to future generations that our freedom must be cherished and never taken for granted because so many gave their lives in its name.

I would like to personally praise the outstanding efforts of the memorial committee. They raised the necessary funding, established a selection process, chose an outstanding artist, and organized the beautiful ceremony. They devoted their time and efforts without any compensation or recompense. Without their continued efforts and determination this memorial would not have been possible.

I would like to enter into the Record the names of the Brooklyn Remembers Committee:

Stephen Harrison, Robert Howe, Basil Capetanakis, Richard Conti, William Guarinello, Patrick Condren, Gene Brody, Howard Feuer, Denise Virga, Serge Allegretti, Corrado Manfredi, Craig Eaton, Joseph Caruanna, Anthony Troia.

TEEN DATING VIOLENCE EDUCATION ACT OF 2005

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Ms. MILLENDER-McDONALD. Mr. Speaker, while teenage dating violence often does not get the widespread attention that adult domestic violence receives, it is no less of an insidious epidemic. Currently, girls and women between the ages of 16 and 24 are the most vulnerable to domestic violence, experiencing the highest per capita rates of non-fatal intimate partner violence. One-third of teens report experiencing some kind of abuse in their romantic relationships and approximately one in five adolescent girls report being physically or sexually hurt by a dating partner.

Both CNN and ABC News have recently run reports on the tragic consequences of teen dating violence. In one such incident, an Austin, Texas 16-year-old star football player stabbed his 15-year-old girlfriend to death. The perpetrator of this crime had a history of teen dating violence that started when he was in the 8th grade. This horrifying incident may have been preventable had the victim of this crime or his previous girlfriends had full access to information about legal steps they could have taken to ensure they would not be in further danger.

Unfortunately, this act of violence is not an isolated incidence. These situations play themselves out across this nation. Dating violence cuts across ethnic, racial and socio-economic lines.

We can take affirmative steps to ensure that this type of tragedy is not repeated in other forms. Preventative action is necessary.

Today, I introduce legislation that will empower young victims of dating violence with information about their legal rights. The "Teenage Dating Violence Education Act of 2005" mandates that domestic violence educational programs geared towards elementary and high school students include information about the legal rights of teenage victims of dating violence.

It is not enough to tell students that abusive relationships are wrong. We also need to specifically inform them on the various ways they can get out of those relationships. The legal system is one place they can turn. They deserve to know about these recourses. For victims of dating violence, knowledge really is power.

Teenagers who engage in dating violence in this country need to know that there are legal ramifications for their actions. Teenage victims of dating violence need to know that mechanisms in the legal system exist to help them.

Educating teenagers in this area is a matter of safety and a matter of common sense. We can do our part to make sure the cycle of violence is not perpetuated. We must do our part.

I ask my colleagues today to join me in support of this vital piece of legislation.

CELEBRATING THE BIRTH OF MISS SARAH GRACE POTTER

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. WILSON of South Carolina. Mr. Speaker, today, I am happy to congratulate Jim and Karen Potter of Potomac Falls, Virginia, on the birth of their beautiful baby girl Sarah Grace Potter was born Wednesday at 12:37 p.m., weighing 7 pounds, 15 ounces and measuring 21 inches long. Sarah has been born into a loving home, where she will be raised by parents who are devoted to her well-being and bright future. Her birth is a blessing.

INTRODUCTION OF LEGISLATION TO NAME THE "JOHN LEWIS CIVIL RIGHTS INSTITUTE"

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. SCOTT of Georgia. Mr. Speaker, I am pleased today to introduce legislation to honor the senior Member from the state of Georgia and my friend, John Lewis, for his work as an engineer of the civil rights movement. Along with my colleague in the other body, Senator Saxby Chambliss, I proudly put my name as the original sponsor of this bill to name a historic building near the center of the struggle for equality—Auburn Avenue in Atlanta, Georgia—as the "John Lewis Civil Rights Institute."

Without question, Congressman Lewis' work in the civil rights movement was crucial to the success of that struggle. He grew up in Alabama, and was inspired to get involved after hearing reports of the Montgomery bus boycott, orchestrated by the young Rev. Martin Luther King, Jr. As a student at Fisk University in Nashville, Tennessee, Congressman Lewis began organizing sit-ins at segregated lunch counters. He also participated in the freedom rides, challenging segregated bus stations across the South. For these simple acts of non-violent resistance, John Lewis was often violently physically attacked. But his resolve did not waver.

Congressman Lewis served as Chaiman of the Student Non-Violent Coordinating Committee (SNCC) which students of history recall as the central group working to organize and publicize the demonstrations by young people which were occurring across the region. This increasingly high-profile work lead him to be named as one of the "Big Six" leaders of the movement, and brought about his role as a speaker at the March on Washington in August 1963, a political and cultural event that changed the course of the nation.

But Congressman Lewis' life-threatening commitment to change did not end there. In 1965, Congressman Lewis led over 600 nonviolent protesters in the march across the Edmund Pettus Bridge in Selma, Alabama. Through the gripping media coverage of this disturbing event, the rest of America was finally forced to confront the violence and injustice being perpetrated against African Americans.

And his work for civil rights continues to this day. From his work during the height of the civil rights movement, to his time as a Presidential appointee during the Carter Administration, to his service as an elected official first on the Atlanta City Council and finally as a Member of Congress, JOHN LEWIS has never wavered.

The victories our country can claim in this fight are in no small part due to the selfless sacrifices of JOHN LEWIS. For his humble service, for his commitment to justice and equality for all people, he deserves to be honored in this small way. I call on my colleagues in the House of Representatives to join me in working for the swift passage of this legislation.

CONGRATULATING THE SCRANTON, PENNSYLVANIA, CHAPTER OF UNICO NATIONAL ON THE OCCASION OF ITS 50TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Scranton Chapter of UNICO National on the occasion of its 50th anniversary.

Built from the initiative of Dr. D.J. Maldonato and Attorney John Morano, among others, the Scranton Chapter of UNICO was chartered in June 1955 and immediately began supporting community efforts through scholarships and the then Boys' Club.

Over the years, the Scranton Chapter of UNICO has grown in generosity and prestige, supporting scholarships for college students at six local colleges, supporting the good work of the St. Francis of Assisi Kitchen and the now Boys and Girls Club.

Scranton UNICO also contributes to the national effort to find a cure for cancer through the UNICO V Foundation.

Scranton UNICO also supports Italian studies through book donations and language classes.

Scranton UNICO promotes convivial camaraderie among its 330 members, the largest UNICO chapter in the United States of America.

UNICO was founded in 1922 as an Italian American service organization dedicated to performing good works as a means of uplifting the prestige of its members. UNICO stands for unity, neighborliness, integrity, charity and opportunity. The motto of UNICO is "service above self."

Mr. Speaker, please join me in congratulating the Scranton chapter of UNICO as its members celebrate their 50th anniversary. Time and time again, UNICO members distinguish themselves by helping others and making their community a much better place to live.

TRIBUTE TO FRANK TING-KUO CHEN

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. BACA. Mr. Speaker, it is with great respect that I pay tribute today to the life of Frank Ting-Kuo Chen, a man whose contributions to family and community cannot be understated. Frank was a man of great compassion and character. He will be deeply missed, but always be fondly remembered.

Frank's life is a true example of the achievement of the American Dream. Mr. Chen was born on January 1, 1941, in Taipei, Taiwan, the seventh child in a family of five sons and three daughters. In 1965 he married his love, Cha Cheng Chen, and they went on to celebrate 40 years of marriage.

Frank began his own company in Taiwan in 1970, where he manufactured and traded products that were distributed across the United States. He went on to hold several positions in public office, including serving as District Representative for the Chung Shan district in Taipei from 1976 to 1977. Frank had a passion for reading and worked for the newspapers China Post and the Stars and Stripes.

In 1977 Frank moved to the United States to give his children a better education. He settled in Moreno Valley, California, where he expanded his business and went on to achieve his lifelong dream of sending his children to college. Even with Frank's successful business career, he always made time for his wife and family. He is survived by Cha Cheng Chen, and his children, Suzanne, Ping and Lee.

Frank tirelessly devoted himself to his community, and in particular to facilitating the cultural exchange of Chinese Americans in the greater Los Angeles area. He was involved with numerous civic organizations in Southern California, and in particular the Chinese Students Association of the University of California at Riverside. He was later appointed as an official delegate of Taiwan's Overseas Chinese Affairs Commission, where he dedicated himself to providing assistance to immigrants and new residents in the Inland Empire. In 1988, he founded and served as President of the Inland Chinese Association, which has since grown to over 1,000 members. In 1989, he spearheaded the establishment of the first Inland Empire Chinese Language School. He later also led the movement to establish the Chinese Pavilion, a major landmark in downtown Riverside, to commemorate the early Chinese immigrants who inhabited the area in the late 19th century.

Although Frank is no longer with us, his legacy will never leave us. He dedicated his life to his family and his community, and in doing so improved the lives of thousands. His life is an example to all of us of how one person can make a difference. We are all truly better for having known Frank Ting-Kuo Chen.

CORPUS CHRISTI'S CALALLEN HIGH SCHOOL BASEBALL TEAM, 2005 4A STATE CHAMPS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. ORTIZ. Mr. Speaker, I rise today to congratulate Corpus Christi's Calallen High School Varsity Baseball team on winning the 2005 4A State Championship last weekend, winning the championship game 10–3. This is the second time the Wildcats have dominated Texas high school baseball, the first being in 2000.

The Cats' won their first victory against the Wichita Falls Riders—an impressive 12–2 game, with seven hits and a grand slam by sophomore Ryan Duke. The game was called in the fifth inning, by way of the 10-run "mercy rule." But mercy was the last thing the Wildcats showed their next opponents, the Waco-Midway Panthers.

Calallen earned the title through sheer power at the plate, with 13 hits and 10 runs, all scored by the fourth inning. Leading the Cats at bat in the championship game were Seniors Jonathan Vest, Luke McCall, Wes Callihan, Randy Haughton, and Sophomore Ryan Duke.

Wildcat pitchers Seniors Chip Nance and Brandon Key, and Sophomore Ryan Duke provided the other power station for the Cats on the mound. Nance boasted nine strikeouts in six innings and held the Midway Panthers to five hits, earning MVP honors in the championship game.

South Texas is proud of these young men as is their coach, Steve Chapman, to whom the victory came as no surprise. With such talented players and excellent coaching, it seemed only right that this would be the year. Besides receiving an impressive ring to commemorate their victory, these boys have learned the endurance, discipline, self-sacrifice, and determination that it takes to be the champions.

In high school sports, as in life, the way to winning is hard work and a can-do spirit every day, both in practice and on the field. Sports teach young people many things, most importantly how to be gracious In defeat and in victory. That will be as important as how they play the game of life.

I congratulate the Wildcats, for their hard work which paid off handsomely. The following roster of players earned the title of Champions: Chip Nance, Wes Callihan, Jonathan Vest, Tyler Marrou, Cameron Lucky, Ryan Miller, Brandon Key, Corey Schick, Steven Vidaurri, Bucky Bryan, Randy Haughton, Sean Hoelscher, Paul Flores, Ryan Duke, Jared Verret, Daniel Alonzo, Luke McCall, Matt Brynestad, Kyle Plumley, and Jacob Kaup.

The Coaches who led them to victory are: Coach Steve Chapman, Asst. Coach Rudy Salinas, Asst. Coach Jon Irvine, Asst. Coach Micheal Watson, and Asst. Coach Jose Luis Lopez.

HONORING THE NETCONG FIRE DEPARTMENT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Netcong Fire Department, in the Borough of Netcong, New Jersey, a patriotic community that I am proud to represent. On June 11, 2005, the good citizens of Netcong celebrated the Fire Company's Centennial Anniversary with special festivities and a parade.

For one hundred years, the Netcong Fire Department has been protecting and serving the residents of their community and surrounding towns. Featuring 48 fire companies mostly from Morris, Sussex, and Warren Counties, the firefighters on the parade committee have been planning the event for the past several years. Fritz Grogan, the parade's Grand Marshal, rode in a 1922 Brockway. He has 55 years of experience serving in the department, including a two-year term as chief in the late 1960s. Well over 1,000 people marched in the parade, and the event drew a crowd from all over New Jersey.

The Netcong Fire Department was formally created in 1905. It was badly needed, especially after a fire on Nov. 16, 1903. The blaze was so bad that even some buildings in neighboring Stanhope were set on fire by flying sparks, although none were destroyed. A history compiled by the department says its first piece of equipment was a two-wheeled hose cart pulled by the members. Equipment was housed at the Mansion house stables on Main Street and Maple Avenue, and the first firehouse opened in February 1906.

Currently the fire department, led by Fire Chief Michael Pellek, has about 100 members, half of whom marched in Saturday's parade. Last year the department responded to 113 calls, including one fatal fire, and this year it has already responded to 50.

Mr. Speaker, I urge you and my colleagues to join me in congratulating the volunteers of the Netcong Fire Department on the celebration of 100 years of a rich history in the protection of one of New Jersey's finest municipalities.

TRIBUTE TO DISTRICT STAFF MEMBER, KATHY OLSON

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to honor a very able district staff member, Kathy Olson, who is leaving our employ at the end of the month.

There is not one of us in this esteemed body who fails to appreciate what a key role our staff members play in helping us to serve our constituents. As you know, people often seek our assistance when all else has failed. By the time they reach their Member of Congress, they are frustrated, discouraged, and sometimes angry. It is always heartening when we can intervene to solve those serious and longstanding problems.

Often, it takes a tremendous amount of knowledge and research to find the one key that will enable us to resolve an issue for a constituent. With her high level of knowledge and understanding, Kathy is an unqualified expert on Social Security and Medicare. Through her keen intellect and tireless work ethic, Kathy has garnered a sound grasp of the most complicated of issues. I not only value her for the unselfish assistance that she has provided my constituents, but I also rely heavily on her expertise and counsel in dealing with Social Security and Medicare issues.

Kathy has taken constituent service to a high level of excellence. Although her professionalism and mastery of the issues are indeed outstanding, it is her inherent goodness and concern for others that has made her so effective. Kathy begins every case with a sympathetic ear and a sincere desire to help ease the pain for those who call my office.

There are countless examples that demonstrate her effectiveness, but the one that resonates most with me was when an agency referred a homeless and destitute woman to me who had exhausted all alternatives. In her eighties, this constituent had no Social Security benefits because she had no record of her birth. She didn't know her real name. She didn't know who her mother and father were. She spent a life of being dependent on abusive people who manipulated her. She had lived a life of hopelessness, and her declining years promised only more despair.

After months of frustrating research and chasing down tenuous leads, Kathy found the woman's identity and established a case that qualified her for benefits that would allow her to live the rest of her life in relative comfort and free of fear. Although the woman was deeply grateful for having a life of misery put behind her and a sense of hope restored, she was most appreciative of the photo of her mother that Kathy found during her exhaustive research. The woman had never seen a picture of her mother. Kathy not only assisted in giving her a life of dignity, she was able to give her a sense of self that most of us take for granted.

Kathy's demonstrated ability to work well with others and to get things done led me to ask her to take on an extra load to manage my academy selection process. She already had a very full agenda, but she cheerfully took on the new task and made many valuable improvements in how I select nominees. My selection committee consists of retired military officers with the ranks of major, colonel, captain, and general; men who expect top performance. Each member of the selection committee has shared with me their admiration of Kathy's professionalism and enthusiasm in coordinating a very complicated process.

After almost six years of serving constituents in the Second Congressional District of Oregon, both for my predecessor, Congressman Bob Smith, and for me, Kathy has chosen to leave the office to devote more time to her family. Her husband, Brian, and daughter, Alyssa, have been most understanding as Kathy's demanding job has taken so much of her time. They are rightfully proud of the great work that she has done and very pleased to have her able to spend more time with them in the near future.

Mr. Speaker, I am indeed sad to see Kathy Olson leave our team. Her unselfish service has helped countless families in the Second Congressional District over the years, and it is only fitting that she now devote full attention to her own.

As you can tell, Mr. Speaker, I am very proud of the great and unselfish work Kathy Olson has done on my behalf, but I am most proud to join many, many others in calling her a friend. I know that I reflect the feelings of all of her fellow staff members in wishing her continued success and happiness.

INTRODUCTION OF THE PROSTATE CANCER RESEARCH AND PREVENTION ACT REAUTHORIZATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. LoBIONDO. Mr. Speaker, I rise here today in support of the "Prostate Cancer Research and Prevention Act." This important piece of legislation will reauthorize through 2010 important programs at the Centers for Disease Control and Prevention (CDC) and the National Institutes of Health (NIH) which will help increase awareness and surveillance of prostate cancer, address the serious issues of prostate cancer screening, and help unlock the mysteries of prostate cancer through research.

Prostate cancer is the second most common type of cancer found in American men. The American Cancer Society estimates that there will be about 232,090 new cases of prostate cancer in the United States in 2005 and that approximately 30,350 men will die of this disease. It is the second leading cause of cancer death in men, behind only lung cancer.

While these statistics remain alarming, the death rate for prostate cancer is actually decreasing in all racial and ethnic groups. While 1 man in 6 will still be diagnosed with prostate cancer during his lifetime, only 1 man in 33 will now die of this disease. More men, especially African-American men and others in high risk categories, are being made aware of the risk of prostate cancer and being encouraged to take steps to ensure early detection.

This awareness and action is critically important when dealing with all cancers, but especially cancer of the prostate—which grows slowly and without symptoms and is all too often undetected until in its most advanced and incurable stage. That is why reauthorizing the "Prostate Cancer Research and Prevention Act" is so important.

Reauthorizing the "Prostate Cancer Research and Prevention Act" will allow the CDC to continue to comprehensively evaluate the effectiveness of various screening strategies for prostate cancer and to further expand public information and education programs about the issues regarding the disease. It will also allow the CDC to continue to make grants to States and local health departments to ensure that this information is being thoroughly spread, especially among communities and groups where the risk is highest. The bill also extends the authority of the National Cancer Institute at the NIH to conduct and support basic and clinical research to expand the understanding of the cause of prostate cancer and to ultimately find a cure for the disease. Reauthorizing these important programs will help continue the rising trend towards awareness and action and hopefully result in even fewer untimely deaths.

The American Cancer Society, the Men's Health Network and the Dean and Betty Gallo Prostate Cancer Center at the Cancer Institute of New Jersey join me in supporting this reauthorization of the "Prostate Cancer Research and Prevention Act." These organizations know first hand the important roles education, awareness and research play, and I applaud each of them for their dedication to battling this disease.

As National Men's Health Week draws to a close and we prepare to celebrate Father's Day on Sunday, I encourage each of you to reflect on the serious health threat that prostate cancer continues to pose for men across the country—including the men closest and most important to each of us, and urge my colleagues in the House to support the "Prostate Cancer Research and Prevention Act."

IN HONOR OF JAMES H. GILLIAM, SR.

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Mr. James (Jim) H. Gilliam, Sr., the founder and first chairman of the board of directors of the Metropolitan Wilmington Urban League.

After a 13-year career with the Housing Authority of Baltimore City, Maryland, Jim came to Delaware in 1965 to serve as the Director of Neighborhood and Housing Services for the Greater Wilmington Development Council. Jim's determination soon lead him to become the Director of New Castle County's Department of Community Development and Housing, where he would serve with distinction until his retirement in March 1990. Regardless of retirement, he had much left to accomplish.

In 1999, with one million dollars in start-up funds and the assistance of more than 70 community and business leaders, Jim formed the Metropolitan Wilmington Urban League. In only nine-months, the Wilmington chapter of the National Urban League was formed; the fastest an affiliate has ever been organized. The formation of this wonderful organization was only the beginning of Jim Gilliam's many successes at the Urban League.

The Metropolitan Wilmington Urban League envisions a community where African Americans and other people of color from a wide array of income levels, backgrounds and experiences directly benefit from and contribute to a multi-racial alliance that is committed to principled advocacy, action-oriented public policy research and the coordination of public, private, and non-profit resources.

Mr. Speaker, in closing, I would like to once again commend Mr. James Gilliam. Under his skilled leadership, the Metropolitan Wilmington Urban League has been a tremendously successful community organization, and I have no doubt he will maintain the organization's commitment to excellence.

IN HONOR OF CHIEF TROY L. LOINING

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. PALLONE. Mr. Speaker, I rise today to honor Chief Troy L. Loining who will assume the position of "Officer in Charge" at the United States Coast Guard Station in Annapolis, Maryland on June 17, 2005.

Chief Loining enlisted in the United States Coast Guard in 1989 and began serving our great Nation aboard the United States Coast Guard Cutter Northland out of Portsmouth, Virginia. In 1999, serving as an Executive Petty Officer aboard the United States Coast Guard Cutter Adek based out of Sandy Hook, New Jersey, Chief Loining was awarded the George Ban Cleaves Award after he was selected as the "District One Enlisted Person of the Year."

Still serving aboard the Adek, Chief Loining was awarded the "United States Coast Guard 911 Medal," for his service on September 11,2001 when all personnel in New York Harbor were immediately called upon for assistance and defense. Under new heightened levels of security, Chief Loining continued his defense of the United States while reassigned to the United States Coast Guard Cutter Line. In 2002, he received his official certification as "Officer in Charge."

Mr. Speaker, I am truly pleased that the United States Coast Guard has chosen Chief Troy L. Loining to assume the position of "Officer in Charge" in Annapolis, Maryland. Please join me today in honor and recognition of a person who has willingly served and defended his country.

HONORING ST. JOSEPH PARISH ON CHURCH BUILDING CENTENNIAL

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. WELLER. Mr. Speaker, I rise today to honor St. Joseph Parish on their Church Building Centennial. The official celebration will take place at St. Joseph Parish in Joliet, Illinois on October 16, 2005.

St. Joseph Parish, Joliet's fifth Catholic church, was founded in 1891 by Slovenian immigrants. The first pastor, Reverend Francis Sustersic, arrived from Slovenia on May 12, 1891. The original church, which was blessed on October 16, 1891, was born of the love, labor and sacrifice of Slovenians, whose men toiled in the local steel mills. They provided a house of worship for their families and for their descendants who would preserve their Catholic Slovenian heritage.

The parish grew quickly and a second St. Joseph Church was consecrated on October 15, 1905, as an official place of worship under the Archdiocese of Chicago. The second church was built with Indiana Bedford limestone at a cost of $130,000. It was the first stone and steel structure and the largest and grandest church in Joliet. In 1949, St. Joseph Church became part of the newly established Diocese of Joliet.

Architecture of the church is considered "modern Roman". Three bells from the original church continue to toll in the current bell towers. The bells were named to honor St. Joseph, St. George, and Sancta Maria. The high altar remains the focal point of the church interior. The nineteen stained glass windows, magnificent rose window, Marian Shrine, and the angel bedecked gold-leaf dome serve to inspire the faithful in prayer and adoration.

Today, the Church is a tapestry of diverse cultures and ethnic backgrounds while maintaining strong familial ties to their Slovenian founders. 2005 marks the 100th Anniversary and the second year of a $1.5 million dollar restoration of St. Joseph Church.

Mr. Speaker, I urge this body to identify and recognize other organizations in their own districts whose actions have so greatly benefitted and strengthened America's families and communities.

HONORING MRS. RUBY FITZGERALD

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor Mrs. Ruby FitzGerald, a resident of Virginia's Eighth Congressional District that I am proud to represent. Mrs. FitzGerald has truly been a pillar of public service, devoting her career and herself to the betterment of our community. There are citizens who by their perseverance alone decide to make a difference, and she is certainly one.

Perhaps Mrs. FitzGerald's most significant influence on the citizens and residents of the City of Alexandria comes from her two decades of volunteer service to public safety. Mrs. FitzGerald first began volunteering at the Alexandria jail, teaching art to inmates there. Later, in 1986, Mrs. FitzGerald volunteered for the Alexandria Police Department, working in the Crime Prevention Unit. Since the Volunteer Program was formalized in 1989, Mrs. FitzGerald has donated more than 7,000 hours of service to the police department.

In her regular assignment, Mrs. FitzGerald has handled hundreds of phone calls from people requesting crime prevention tips, neighborhood safety and information about youth programs. Because of her contribution of time and knowledge, citizens and business people received helpful assistance and crime prevention officers were free to be out in the community, conducting security surveys and increasing police presence.

Mrs. FitzGerald's service was showcased in May of 2002 by United States Attorney General John Ashcroft. When Attorney General

Ashcroft appeared in Alexandria to launch the "Volunteers In Police Service" (VIPS) initiative, he specifically recalled Mrs. FitzGerald's service and devotion, recognizing her volunteer work as an example for others to follow.

In addition to her exceptional service to the police department, Mrs. FitzGerald organized an annual holiday party for children in need. For years, as part of the Alexandria Crime Prevention Council, Mrs. FitzGerald collected gifts and coordinated a holiday event for the city's young people. In 2000, Frances Becker of the Carpenter's Shelter, Northern Virginia's largest homeless shelter, wrote of Mrs. FitzGerald, "You went above and beyond with your generosity and truly made each and every child feel the love and generosity of the Christmas holiday. We are so fortunate to have angels like you." Mrs. FitzGerald has been her neighborhood's lead organizer for National Night Out since it was started. Her local neighborhood street, Summers Drive, is always one of the best organized National Night Out events held in the city. Lastly, Mrs. FitzGerald worked on the Crime Prevention Month display at Landmark Mall when the Crime Prevention Council was working on that event. The council hosted this event for several years, discontinuing it only when the mall attendance was getting low.

As if her work for the police department and children weren't enough, Mrs. FitzGerald has set up annual blood drives at police headquarters for as long as anyone can remember. She worked closely with the Red Cross and recruited dozens of donors every time.

Mrs. FitzGerald is one of those incredibly gracious and modest people who give to others for the truest of reasons, because she really, really cares. Mr. Speaker, the people of Virginia's Eighth Congressional District are losing Mrs. FitzGerald as she returns to her home state of Montana. That state is fortunate to inherit a gem of a person. We wish her the best of luck in all of her future endeavors, and thank her one last time for blessing our community.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained in my Congressional district. Had I been present, I would have voted "yes" on Rollcall Nos. 241, 242, 246, 248 and 250. I would have voted "no" on Rollcall Nos. 243, 244, 245, 247, and 249.

TRIBUTE TO REAR ADMIRAL J. STANTON THOMPSON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. SKELTON. Mr. Speaker, let me take this opportunity to pay tribute to Rear Admiral J. Stanton Thompson, of Higginsville, MO, who will soon be retiring from the United States Navy after an outstanding 35 years of service.

On July 9, 2005, Stanton will be ending an outstanding career as a Rear Admiral in the United States Navy Reserve. Over the years, Stanton has dedicated his life to serving the American people.

Rear Admiral J. Stanton Thompson serves currently as the Special Assistant for Reserve Matters to the Commander, United States Northern Command and North American Aerospace Command, Peterson Air Force Base, Colorado Springs, Colorado, and is credited with the integration of reserves in homeland defense and military support to civilian authorities. He also serves his country as a principal advisor to the Commander for Maritime Homeland Defense.

Rear Admiral Thompson's awards include: Defense Superior Service Medal, Legion of Merit (2 awards), Navy and Marine Corps Medal, Meritorious Service Medal (3 awards), Navy and Marine Corps Commendation Medal (three awards), Navy and Marine Corps Achievement Medal, Joint Meritorious Unit Commendation, Navy Unit Commendation, National Defense Service Medal with Bronze Star and various other service and campaign awards.

Mr. Speaker, Rear Admiral J. Stanton Thompson has honored his country with 35 years of service. Following retirement, Stanton plans to contribute to his country and community by continuing to manage a 160-acre family farm and working at the USDA. I know the Members of the House will join me in wishing him all the best in the days ahead.

OSTEOPOROSIS EARLY DETECTION AND PREVENTION ACT OF 2005

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mrs. MALONEY. Mr. Speaker, today, along with my Republican colleague, MELISSA HART, I am introducing the Osteoporosis Early Detection and Prevention Act of 2005. This bill will ensure that individuals at high risk for osteoporosis have access to screening tests for the disease. The legislation would require private insurance plans to cover bone mass measurement testing for those at risk for developing the disease.

Osteoporosis is a disease that has no symptoms and usually remains undiagnosed until a fracture occurs. Approximately 44 million Americans suffer from osteoporosis or are at risk of developing it, and 80 percent of those at risk are women. Every year, there are 1.5 million bone fractures caused by osteoporosis.

Since there is no known cure for osteoporosis, the most effective way to reduce the prevalence and cost of the disease is through prevention and early diagnosis. As a result, bone mass measurement tests are crucial to early detection because ordinary x-rays do not detect osteoporosis until the disease is so advanced that 25 to 40 percent of bone mass has been lost.

Bone mass measurement is a non-invasive, painless and reliable way to diagnose osteoporosis before costly fractures occur. By ensuring that high risk individuals have access to screening tests. The Osteoporosis Early Detection and Prevention Act will make a huge difference in defending men and women from osteoporosis.

TRIBUTE TO RABBI RICHARD A. LEVINE

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. ANDREWS. Mr. Speaker, I rise today to celebrate the retirement of Rabbi Richard A. Levine and to honor his years of commitment to education and tolerance in our community.

Rabbi Levine has worked hard for the Jewish community over the past 40 years. He was the first New Jersey Rabbi ever to serve as President of the Greater Philadelphia Board of Rabbis. He has served as a member of the board and president for countless Jewish organizations in the New Jersey, Pennsylvania, and Delaware area.

Locally, Rabbi Levine has been committed to helping children and teenagers in South Jersey. He is a very active participant in many programs of the Juvenile Diabetes Research Foundation. In the greater community he has chaired a number of regional councils or committees, such as Operation Head Start, which is dedicated to the education of our youth. Rabbi Levine is a regular speaker at regional high schools, teaching students a myriad of topics including interpersonal relationships and family life. Leading over 30 tours since 1955 to Israel, Rabbi Levine has managed to educate new and old generations alike about the country.

Mr. Speaker, it is a great privilege to honor Rabbi Richard Levine today. He has certainly accomplished much for our community in the past 40 years, and I know Adath Emanu-El will miss him dearly. I thank him for his dedicated community service and wish Rabbi Richard Levine all the best in his future endeavors.

PAY UP: THE FEDERAL GOVERNMENT, NOT HOSPITALS, IS RESPONSIBLE FOR IMMIGRATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. FILNER. Mr. Speaker, as California's Border Congressman, I am here to deliver some bad news and some good news about the health care providers in my district, the whole border region, and other parts of the country with large immigrant populations. The bad new is: they can't take it anymore!

They can't take the Federal Government's continued failure to assume the responsibility for fixing our broken immigration system.

They can't take the increasing cost of uncompensated emergency care for undocumented immigrants. The growing burden on hospitals, physicians and ambulance providers threatens to cripple the health care services that are available to all the residents of these communities.

In San Diego, UCSD is planning to close down a hospital, partly because of the growing costs of treating undocumented immigrants. The solvency of other hospitals is increasingly endangered. Continued neglect threatens the very existence of many of these hospitals and the health of communities throughout the Nation.

It's hard to blame the hospitals for their growing financial woes. Turning away uninsured, undocumented patients with medical emergencies would not only violate their moral and legal duties; it would endanger everyone's health by sending sick people back out into the community.

Instead, it is the Federal Government who is to blame. The Federal Government is responsible for immigration and therefore must take responsibility for the costs imposed on hospitals by a broken immigration system

As Congress continues to debate the best approach to reforming our immigration system, we must act now to shore up these hospitals and secure the health of communities throughout the country.

So, along with the bad news, I am also here to deliver some good news: I have joined with Congressman KOLBE to introduce bi-partisan legislation, the Pay for All Your Undocumented Procedures (PAY UP!) Act (H.R. 2934), to require the Federal Government to reimburse health care providers for these costs.

This legislation will bolster our hospitals and safeguard the health of both U.S. citizens and immigrants. I urge my colleagues to strongly support the PAY UP! Act.

PERSONAL EXPLANATION

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mrs. NORTHUP. Mr. Speaker, my vote on the Jones of Ohio amendment to the fiscal year 2006 Science, State, Commerce and Justice Appropriations Act (H.R. 2862) was not recorded. I respectfully request the RECORD to show that I intended to vote "aye" on the Jones amendment, Rollcall vote number 256.

CONCERNING THE DEATH OF PUERTO RICAN WRITER ENRIQUE LAGUERRE

HON. LUIS FORTUÑO

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. FORTUÑO. Mr. Speaker, today, Puerto Rico grieves the loss of one of our most famous and talented writers, Enrique Laguerre.

Born in Moca, Puerto Rico, on July 15th, 1905, Laguerre devoted his life to enrich society by creating literature and promoting the development of theatrical studies. His work as a playwright has taken root on the lives of three generations in our Island and the Hispanic community in general, with masterpieces like "La Llamarada", "La Resaca" and "El Laberinto".

In 1975, the Puerto Rico Institute of Culture decorated him with the National Literature Award; in 1985, the Puerto Rico Humanities Foundation declared him the Humanist of the Year; and as recent as in 1999, he was nominated for the Nobel Prize in Literature.

Enrique Laguerre, novelist, essayist, playwright, professor, poet and critic, is in fact one of the foundations of Puerto Rico's literary history.

At 99 years of age, Laguerre says farewell to all of us, leaving an invaluable legacy to be cherished by future generations.

As I mentioned, Puerto Rico grieves the loss of Laguerre, but we are also very thankful to the Almighty for the opportunity of having among us someone with such sensitivity and devotion towards the arts, humanities and society.

May God have him in his glory . . . rest in peace, Enrique Laguerre.

IN HONOR OF THE NORTHERN OHIO HATE CRIMES WORKING GROUP. 2005 CLEVELAND CONFERENCE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Northern Ohio Hate Crimes Working Group (HCWG), as volunteers from participating agencies gather on June 20 and June 21 for the 4th Annual Hate Crimes Conference in Cleveland, Ohio. The mission of the HCWG has been constant since its creation in 1998—to provide programs of prevention and education regarding hate crimes; to build avenues of human rights and civil rights through community outreach, education and awareness programs; to create and strengthen bonds of communication, solutions and action between community leaders, elected officials, educators and law enforcement teams.

The HCWG is comprised of more than fifty organizations from Cleveland and Northern Ohio. The all-volunteer leadership and membership of HCWG reflects a rich palette of cultural diversity—a representation as diverse as the cultural fabric of Northern Ohio. The three-day conference serves to underscore the significant work of the individuals in our community who work with unwavering diligence to address and prevent hate crimes in our community—our police officers, teachers, social workers, business owners and leaders, community leaders and neighborhood volunteers.

As Eleanor Roosevelt said, "Where, after all, do universal human rights begin? In small places, close to home."

Mr. Speaker and Colleagues, please join me in honor and recognition of every leader and member of the Northern Ohio Hate Crimes Working Group, sponsored by the U.S. Attorney's Office for the Northern District of Ohio and the Cleveland Division of the Federal Bureau of Investigation. Their vigilant dedication to stand united against hate crimes serves as a light of possibility for the attainment of peace and civil justice within our homes, schools and along our streets. This conference offers the Cleveland community a critical forum to gauge our collective and ongoing efforts, and presents the promise of unwavering protection of civil and human rights for every one of us.

SENATE APOLOGY: LONG OVERDUE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize the importance of several issues of historical and contemporary significance involving racial violence in the State of Mississippi.

On Friday, June 10, 2005, the Washington Post ran an article detailing the story of James Cameron; the only living survivor of a lynching. Cameron, a 91-year-old native of Marion, Indiana, recalled the ordeal in which he was falsely accused of a rape and murder and then attacked by a mob of white citizens after being arrested and jailed. Once the mob had beaten, kicked, and humiliated three innocent men; they were all lynched. At some point during this process, someone cried out to the mob that James Cameron had nothing to do with the murder, and so he was then taken back to jail where he was eventually detained on robbery charges. Today, James Cameron is alive to see the passage of the U.S. Senate Resolution, apologizing for and acknowledging the failure of Senate to enact anti-lynching legislation.

Though it lacked the signatures of the two Senators representing the State with the most reported incidents of lynching, I commend the United States Senate for their resolution offering a formal apology to the victims of lynching and the descendants of those victims. In 1900, Congressman George White, an African American, introduced anti-lynching legislation which was fought off tooth and nail. Since then, it has taken more than 100 years for the Congress to offer an apology or acknowledge this failure.

The State of Mississippi has had the most lynching reports in the Nation. Since 1882 there have been 581 reported cases of lynching in the State of Mississippi. That tallies in at a whopping 4.7 reported cases each year. These numbers do not include the unreported cases and those "conspiracy theories" like Raynard Johnson of Kokomo, MS, found in his yard hanging from a tree with a belt wrapped around his neck in 2000.

It has been more than 40 years since the murder of Andrew Goodman, James Chaney, and Michael Schwerner, who were lynched in Philadelphia, MS, and it has been more than 50 years since the murder of Emmitt Louis Till, who was lynched in Money, MS. Today, the case of the three civil rights workers and the case of Emmitt Louis Till have been re-opened so that the State of Mississippi can finally bring forth resolution in these murders. These cases have one similar thread; they are perpetuated by the fact that there has been no justice rendered.

The issuance of the U.S. Senate's apology, the re-opening of the case of the three civil rights workers and young Mr. Till are long overdue. It has taken our Nation decades to come to grips with these atrocities. The Senate apology and the justice sought in the murders do not mend the perceived racial rift that has transpired, but the actions are definitely a step in the right direction.

IN HONOR OF MR. SHANE MEYERS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. FARR. Mr. Speaker, I rise today with my colleagues, Congresswoman ZOE LOFGREN and Congressman MICHAEL HONDA, to honor Mr. Shane Lee Meyers, who has dedicated the last several years to establishing two websites that provide political information to the public. These websites, including the Election Volunteer Project (www.electionvolunteer.com) and the Join California site (www.joincalifornia.com). focus on the Santa Clara county area and serve to educate that region's voters in a non-partisan way by providing biographies of candidates for major public office. The Election Volunteer Project intends to eventually expand the websites to include all of northern California and perhaps even the entire state.

Mr. Meyers deserves recognition today for the great interest he has shown in improving the lines of communication between the public and their representatives at both the state and federal levels. A longtime resident of Capitola, he has volunteered a large portion of his time toward the website's public education effort. His efforts toward improving community political awareness are to be commended.

I would also like to add that Mr. Meyers is a recent graduate in electrical engineering from Cal Poly-San Luis Obispo. He is currently employed by Nokia as a Software Quality Assurance Engineer.

Mr. Speaker, I would like to honor the many accomplishments of Mr. Meyers and wish him continued success in the future.

IN HONOR AND RECOGNITION OF JOHN YANKEY, PH.D.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Dr. John Yankey, the Leonard W. Mayo Professor of Family and Child Welfare at the Mandel School of Applied Social Sciences, Case Western Reserve University, upon his retirement. His dedication, articulation, and energy toward the education of his students, social and organizational research, and the advancement of social justice touch all who come in contact with him and his work.

Dr. Yankey is a nationally renowned researcher and scholar in multiple areas, including the public human services sector, development of strategic alliances and fundraising among nonprofit organizations, and the related field of strategic planning. During his past 32 years as a professor, he has directed local and national studies in these and other areas. Dr. Yankey was instrumental in founding the Mandel School's Center for Public Sector Leadership, Fundraising Academy, and the Mandel Center for Non-Profit Organizations.

Professor Yankey taught diverse groups of students and consistently received the highest levels of student feedback and appreciation as evidenced by multiple Outstanding Teacher of the Year Awards. Though he primarily taught graduate social work students, he also worked with many public officials through the Ohio Executive Institute, an organization he helped to create and direct, as well as the leadership of many non-profit organizations.

Dr. Yankey has held several leadership and advisory positions with organizations such as the American Public Welfare Association and the Ohio Chapter of the National Association of Social Workers. He has authored numerous publications and several popular text books including Skills for Effective Management of Nonprofit Organizations, which has become an important text for social work and nonprofit education programs.

Prior to his service at Case Western Reserve University, Dr. Yankey advanced through the West Virginia Department of Welfare from a part-time caseworker to the Assistant Commissioner for Welt Virginia's Child Welfare program. He has an undergraduate background in both secondary education and in the Baptist faith.

Mr. Speaker and colleagues, please join me in recognizing Dr. John Yankey for his immeasurable contribution to the public and private human services sectors, the body of academic research and insight which he formed, and his drive to and success in shaping future leaders and professionals in human service-related fields.

BUFFALO SOLDIER: MOUND BAYOU RESIDENT, ONE OF AMERICA'S LAST

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize Rev. C.L. Woodley. Rev. Woodley currently' presides in Mound Bayou, Mississippi and is one of the last Buffalo Soldiers in the Nation. I submit the following article by Robert Smith of the Cleveland News Leader in Cleveland, Mississippi.

> The Rev. C.L. Woodley's moral conscience is still powerfully stirred by events he witnessed when he served in the U.S. Army during World War II.
>
> "I pray for America. We're in bad shape and don't know it," the retired African Methodist Episcopal (AME) presiding elder says, reflecting on both past and present.
>
> Woodley, 85, is one of the last of the Buffalo Soldiers—African Americans trained as horse-riding cavalrymen, who served the nation in both peacetime and war from the late 1860s up through the mid 1940s—Native Americans of the Great Plains were the source of the nickname.
>
> A native of Stringtown, Woodley was drafted in 1941 and received his cavalry instruction at Camp Funston, Kansas. He later took part in U.S. military actions in North African and Italy.
>
> However, he recalls with a laugh that he had experience as a rider before he trained with horses at Camp Funston. As a youth in the Stringtown area, in southwest Bolivar County, he was a jockey in mule races. Today, he still rides a bicycle in the mornings, he explained.
>
> .Turning the pages of his photo album, Woodley commented during an interview at his home about how he and other soldiers had to cross the burning, but not sunken, remains of a bombed ship to get from their vessel to shore when they arrived at Casablanca, Morocco. He became motor-pool sergeant for a contingent of replacement troops, who supported men on the fighting line, and the sound of shells and bombs exploding became a regular feature of their environment. "We got it so bad until you could tell the sound of a German plane from an American plane," he said.
>
> In addition to the dangers of combat, Woodley had disturbing experiences with which he still grapples. Among those experiences was the sight of hungry civilians begging for food—mothers asking U.S. soldiers for bits of their rations to feed to keep the civilians back.
>
> "Our orders were to take that club and beat them back, but I told the commanding officer I didn't have the heart to do it," he said, adding that he is concerned about how the U.S. treats civilians in present-day conflicts, such as the fighting in Iraq and Afghanistan.
>
> "I don't know whether we'll ever get out of this war. There are way too many people getting killed," he said, voicing anxiety that America may be losing men and women it will need in the future. He sees a national indifference to the value of life expressed both in our foreign policy and in social practices such as legalized abortion.
>
> "God is not dead," Woodley warns. "I might lie to you but that Bible's going to come true."
>
> When he returned to Mississippi after his Army days, Woodley studied at Campbell College in the Jackson area and became an AME clergyman. He served for more than 40 years as a presiding elder in the church, which means he was responsible for helping the bishop to supervise preachers. He became senior presiding elder of the Eight AME District, comprised of Mississippi and Louisiana.
>
> Woodley settled in Mount Bayou with his wife, Willie Thelma Woodley, who was a native of the historic settlement founded by former slaves of Joe Davis.
>
> Shelton Woodley of Mound Bayou, one of the minister's sons, says his own service in the Vietnam War helped him to appreciate and better understand his father's experiences.
>
> The elder Mr. Woodley, who stays busy keeping up the shrubbery at his home and at the Mound Bayou branch of the Bank of Bolivar County, says he hates to be idle. He recalls how hard work shaped him as a child.
>
> "I picked 200 pounds of cotton in Stringtown, Mississippi, when I was nine years old," he says with a smile.

Most of us are aware of the contributions that men like Rev. C.L. Woodley and the Buffalo Soldiers have made to the preservation of our Nation and our democracy.

In the history of the Buffalo Soldiers there were not only men that served, but women as well. Cathy Williams, the only woman who served in 1866 as a Buffalo Soldier, also deserves recognition by the House; therefore, these are men and women of courage, bravery, and honor.

The remarkable irony of the history of the Buffalo Soldiers and many other African American soldiers like Rev. Woodley is that they fought to preserve the high ideals of liberty, freedom, and democracy; however, they were fighting for principles and privileges that they themselves were being denied on their own soil.

Mr. Speaker and to the Members of Congress, too many times do we celebrate the men and women of our armed services and veterans after they are no longer with us. I ask you to join in saluting Mr. Woodley and the men and women of the Buffalo Soldiers, to ensure him while he is living and well that we are grateful and indebted to him and others like him for his service in the United States Army.

PERSONAL EXPLANATION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. HYDE. Mr. Speaker, on June 15, 2005, I was absent for several votes for personal reasons. Had I been present, I would have voted: Vote No. 251, Weiner Amendment regarding funding for COPS program, "no"; vote No. 252, Inslee Amendment regarding funding for NOAA, "no"; vote No. 253, Hayworth Amendment regarding contribution to U.N., "no"; vote No. 254, Flake Amendment regarding Cuba "no"; vote No. 255, Hinchey Amendment regarding medical marijuana "no"; vote No. 256, Jones of Ohio Amendment regarding the EEOC "no"; vote No. 257, Hostettler Amendment regarding Southern Dist. of Indiana case "yes"; and vote No. 258, Sanders Amendment regarding Section 215 of PATRIOT Act "no".

IN HONOR OF BISHOP RICHARD R. WILLIAMS AND BISHOP ELAINE WILLIAMS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Bishop Richard R. Williams and Bishop Elaine Williams, as they are honored by their congregation for founding the Mt. Calvary III Deliverance Outreach Ministries International, Inc., a spiritual haven of assistance, support and services focused on the most vulnerable citizens of our Cleveland community.

Bishop Richard Williams and Bishop Elaine Williams, united in marriage for nearly twenty years, are also unified in their unwavering advocacy and service on behalf of at-risk children, and are united in their outreach work that includes offering educational programs and counseling services to youth and adults who are suffering from HIV and AIDS. Bishop Richard Williams has initiated and supported numerous HIV and AIDS prevention programs throughout our community. He is a certified instructor in the African-American HIV/Aids Program through the American Red Cross, and is state certified in Communicable Disease Management/First Aid.

His remarkable rise from the darkness of his own personal suffering, is an unending source of inspiration and strength for children and adults who are lost in a cycle of pain, struggle and uncertainty. The community outreach and ministry that exists at the heart of Mt. Calvary Ministries begins at home. Over the past eighteen years, Bishop Richard Williams and Bishop Elaine Williams have opened their hearts and homes as foster parents. The Williams' have welcomed the most vulnerable and at-risk children into their lives, from babies, to children, to high-risk teens, offering an abundance of love, guidance, security and hope, where none existed before.

Mr. Speaker and Colleagues, please join me in honor and recognition of Bishop Richard R. Williams and Bishop Elaine Williams, cofounders of the Mt. Calvary III Deliverance Outreach Ministries International, for nearly twenty years of compassionate service as teachers, mentors, foster parents and healers. Their unified commitment, kindness and caring for the children of our community has served to lift the spirits of countless individuals, and will forever reflect faith, hope and light throughout our entire community.

RECOGNIZING MR. THOMAS CONKLIN

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to recognize the tremendous career of Mr. Thomas Conklin, a physician and visionary.

After graduating from Louisiana State Medical School, Dr. Thomas Conklin became board certified in psychiatry and administration and established a private practice in his hometown of Ellington, Connecticut. Dr. Conklin left his practice with twenty years of experience in search of a place where he could administer medicine. In 1992 Dr. Conklin became Director of Health Services at the Hampden County Correctional Center in Ludlow, Massachusetts. Sheriff Michael J. Ashe Jr. once said upon meeting Dr. Conklin how amazed he was with his dedication, innovation, and willingness. Dr. Conklin saw a lack of attention from the local community towards inmatos, especially through proper medical care. Dr. Conklin once called correctional facilities "reservoirs of illness" because these facilities can harbor many diseases like HIV, STDs, and Hepatitis which endanger the local population when released inmates bring these diseases out into the public. Instead of waiting for these diseases to breakout into the public, Dr. Conklin took a proactive approach by beginning a Public Health Model. This revolutionary system established relationships with inmates by using local health physicians and setting up neighborhood health centers.

As a result of Dr. Conklin's persistent efforts, today 100 percent of Hampden County inmates obtain a complete physical exam, and over 90 percent of those inmates being released keep medical appointments in the community. In 1998 the National Commission for Correctional Healthcare selected Hampden County Correctional Center as facility of the year. Dr. Conklin's efforts brought national attention to the growing risks from lack of inmate healthcare within corrections facilities. Dr. Conklin's model now serves as catalyst for other correctional facility health programs nationwide.

Dr. Conklin continues teaching other facilitators about the Public Health Model through producing publications and leading numerous health conferences. As a member of the NCCHC–NIJ expert panel on mental illness, he led Hampden County Correction Facility to new groundbreaking achievements. Through his compassion, Dr. Conklin has been able to make his dreams as a visionary become reality for all that helps regardless of their wealth or status. Mr. Speaker, Dr. Conklin's commitment and leadership during his forty years of service as physician and administrator are more than worthy of our recognition today.

PERSONAL EXPLANATION

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, on Monday, June 13, I was absent for votes on rollcall No. 241 and 242. Had I been present, I would have voted "yes" on rollcall No. 241, and "yes" on rollcall No. 242.

THE CASE OF MALACHY McALLISTER

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. WEINER. Mr. Speaker, I rise today to express my steadfast support of H.R. 2827, a Private Bill for the relief of Malachy McAllister, Nicola McAllister, and Sean Ryan McAllister offered by my friend from New Jersey, Mr. ROTHMAN. I would also like to recognize my colleagues Mr. ENGEL and Mr. KING of New York for their advocacy on behalf of the McAllisters.

Malachy McAllister is an Irish Catholic national who fled to the United States from Belfast in 1988. He left his homeland and moved to New York City with his wife and four children. Since then, Mr. McAllister has been living in the New York metropolitan area, building a new, safe home for his family, abiding by the laws of our land, and contributing to society.

Unfortunately, the Bush administration seems intent on deporting him to a country where his life will be put in danger.

While in Northern Ireland, Mr. McAllister did participate in an Irish National Liberation Army attack on a member of the Royal Ulster Constabulary and played a role in planning another attack. He was imprisoned from 1981 to 1985, and has paid his debt to society.

When released from prison, he and his family were attacked by British loyalists who fired 26 shots into his home. After fleeing to the United States he applied for political asylum, which was denied to him in 2000 and to his children and deceased wife in 2003. The McAllisters have appealed the decisions to the Third Circuit Court of Appeals, but they have no further legal options if the appeal is denied.

The House and Homeland Security Secretary Michael Chertoff should act to ensure that Mr. McAllister and his family can stay in America. H.R. 2827 makes Malachy, Nicola and Sean eligible for permanent resident status and halts pending deportation proceedings. If Mr. McAllister is returned to Northern Ireland, he will be in constant and immediate danger of persecution because of his political and religious beliefs and retribution for his past affiliations.

As a member of the House Judiciary Committee, I believe the McAllisters should be granted political asylum. In the wake of September 11, we must make sure to balance security concerns with the historical role of the United States as a place of safe harbor for individuals fleeing political oppression. Mr. McAllister is the first person to express regret for his past actions and sorrow that they have led to his family's current position. He and his children deserve to live free of fear and continue building their American Dream.

IN HONOR OF MARDELLE RETZLOFF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Mrs. Mardelle Retzloff, upon the occasion of her retirement following forty-five years of outstanding service and ministry to others, in and out of the classroom.

Inspired by a true calling of spiritual and humanitarian duty, Mrs. Retzloff initiated her journey as an educator in 1954, when she began working at Jack and Jill Nursery School in her native city of Aurora, IL. In 1960, she earned a Bachelor's degree in Education. That same year, she accepted a position at Milwaukee Lutheran High School, where she taught English and history. She taught there, and within the Milwaukee Public School District, for nearly twenty years before moving to Cleveland.

In 1979, Mrs. Retzloff joined the staff at St. Paul Lutheran School in Westlake. Her devoted service at St. Paul's has enhanced the lives of two generations of children in her kindergarten classroom. Beyond the classroom, Mrs. Retzloff, her husband, Richard, and her children, Barbara and John, have offered their strength and hope to the most vulnerable children of our community. As foster parents to thirty-six children, Mr. and Mrs. Retzloff have given these children a loving, stable home, offering light and hope where none existed before.

Mr. Speaker and Colleagues, please join me in honor and recognition of Mardelle Retzloff, for her years of dedicated service as teacher, mentor, foster parent and friend. Her commitment, kindness and caring for the children of our community has served to lift the spirits of countless individuals, and will forever reflect faith, hope and light throughout our entire community. I wish Mrs. Retzloff and her family an abundance of peace, health and happiness, today, and in all the years to come.

INTRODUCTION ON THE GROSS OVERCHARGING UNDERMINES GASOLINE ECONOMICS, OR GOUGE ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the Gross Overcharging Undermines Gasoline Economics, or GOUGE Act.

As the travel season approaches, many children are out of school and families are happily looking forward to vacations. What they won't be happy about is the skyrocketing cost of getting to their destinations. Unfortunately, whether traveling on the road or in the air, this summer's vacationers will be hit hard by the escalating cost of gasoline.

From March to April of 2005, the cost to fill up a tank of gas rose by more than 10 percent. That's more than twice the increase for the same period last year! But the detrimental effects of high gas prices don't just stop at the pump—they domino throughout every segment of the economy. For a basic item like a loaf of bread, it costs more to fertilize the wheat, more to transport the wheat to the baker, more for the plastic bag to package the bread, and more to get it to the grocery store.

Meanwhile, President Bush has suggested little to lessen the impact of high gas prices. In fact, the President doesn't believe anything can be done. In April 2005, he was quoted as saying, "An energy bill wouldn't change the price at the pump today. I know that and you know that."

With all due respect, Mr. President, plenty can and must be done. The Internet is full of comments from people reporting sudden gasoline price increases. In some cases, consumers have witnessed a 10-cent increase in less than 24 hours. There is no possible reason or explanation for these overnight increases. While states across the country are doing what they can to deal with complaints, they have limited recourse to make lasting, beneficial changes until there are consistent federal guidelines.

The GOUGE Act that I am introducing today addresses federal guidelines against gas gouging in four parts. First, the bill imposes a penalty on gas retailers who raise prices on any given day at a rate that is twice the inflation rate. Prices are compared to a base price index derived from the contract price on the New York Mercantile Exchange and adjusted for regional variances. These variances take into account stringent pollution controls, altitude requirements, and special reformulations across the country. The penalties would be no less than $5000 for the 1st offense, no less than $10,000 for the 2nd offense, and no less than $25,000 for the 3rd offense or thereafter.

A steady supply of oil is critical to cost effective gasoline production as well as national security. The second part of my bill helps to ensure this supply through use of the Strategic Petroleum Reserve (SPR).

Following the oil embargo in 1975, the SPR was created to provide a domestic inventory of crude oil, and was intended to be used in emergency situations when the supply of crude oil to the United States is disrupted. The first such use of the SPR was in 1991 during the Iraqi invasion of Kuwait by then President George H. W. Bush.

The current Administration, however, has a very different policy on the SPR. In November 2001, President George W. Bush ordered the SPR be filled to its current 700 million barrel capacity with oil from the government's share federally leased oil sites. Since then, maintaining this capacity has had a detrimental affect on oil price increases. First, continuing to fill the SPR at the same time it is 98% full takes oil from the open market, decreasing supply and thereby potentially increasing prices. Second, these additional fills to the SPR are being made while crude prices remain high and volatile. My bill suspends these new fills and releases an additional million barrels per day onto the open market for 30 days to significantly ease market concerns that lead to artificially inflated prices. The laws of supply and demand clearly support this idea as a basic tenet of economics.

Third, the GOUGE Act directs the Federal Trade Commission (FTC) to report on antitrust practices throughout the oil industry and to make recommendations to protect consumers from price gouging. This report is essential for putting the oil industry on notice and developing sound federal price gouging legislation.

Finally, my legislation establishes a Pricing and Economic Impact Commission to review the effect of oil supply and demand on the U.S. economy and national security. The Commission will be comprised or 23 members. The President will appoint 11 members total (including at least 1 each) from the Environmental Protection Agency, the Department of Transportation, the Department of Energy, the Department of Commerce, the Council of Economic Advisors, and the Office of Science and Technology. There will also be 12 members appointed by the House and Senate.

Mr. Speaker, our economy depends on reasonable gasoline prices to produce and transport items we use everyday. Without some kind of protection, we all pay higher prices for everything from food to pharmaceuticals. Now that the bubble on fuel cost has burst, prices will only increase. Without action, the supply demands of this summer will soon give way to increased requirements for the winter heating. My legislation works to protect consumers from arbitrary price increases by gas retailers, make effective use of the Strategic Petroleum Preserve, and monitor price irregularities in the oil industry.

I ask for my colleagues' support and urge the House Leadership to bring it swiftly to the House floor for consideration.

TRIBUTE TO RETIRING MAJOR STEVEN O'DELL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. SKELTON. Mr. Speaker, let me take this opportunity to recognize the long and distinguished career of Major Steven O'Dell who is retiring after serving our nation's military with distinction for 25 years.

Major O'Dell as born in St. Joseph, Missouri. Major O'Dell received a BS in Criminal Justice from Missouri Western State College and a Masters of Science Degree in Adult and Continuing Education from Kansas State University. Major O'Dell was commissioned in August 1980. He also attended the Field Artillery Officer Basic Course at Fort Sill, Oklahoma.

Major O'Dell has received numerous decorations and badges for his outstanding efforts in the United States Army. These decorations and badges include the Meritorious Service Medal, Army Commendation Medal, Navy and Marine Corps Commendation Medal, and the Southwest Asian Service Medal. Major O'Dell has not been able to achieve this level of distinction on his own, however, and I would be remiss if I did not recognize the support, love and encouragement that his family has offered to him throughout his career.

Mr. Speaker, I know the Members of the House will join me in paying tribute to Major O'Dell for his exceptional commitment to his fellow soldiers, the United States Army, and the safety and security of America. As he prepares for the next stage in his life, I am certain that my colleagues will join me in wishing Major O'Dell, his wife Julia and their daughters Sarah, Amanda, and Katherine all the best.

IN HONOR OF THE POLISH VETERANS COMMITTEE OF CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Polish Veterans Committee of Cleveland, Ohio, as they commemorate the 85th Anniversary of The Battle of the Vistula River.

The people and leaders of Poland, determined to protect their newly reacquired independence, were poised and committed to defend their borders from foreign invaders. The invasion of Poland was a key component in Soviet leader Vladimir Lenin's strategy of forcing the spread of communism throughout central and western Europe. On August 13, 1920, the Soviet Red Army descended just outside the Polish capital of Warsaw. The Battle of Warsaw had begun, and raged on for the next fifteen days. Polish forces, commanded by Jozef Pilsudski, counter-attacked from the south, forcing Russian troops to withdraw east.

This unexpected Polish victory, known as "The Miracle at the Vistula" severely crippled the Soviet army. Both Polish and Soviet forces sustained tens of thousands of casualties, and thousands more were injured or missing. The Polish triumph stunned political leaders around the world, as most expected the Red Army to secure a swift collapse of Warsaw, and a complete communist takeover of Poland.

Mr. Speaker and Colleagues, please join me in tribute of the Polish Veterans Committee, as they honor the sacrifice, courage and heart of Polish veterans who bravely defended their homeland during the Battle of the Vistula River, 85 years ago. The Miracle at the Vistula continues to serve as a striking reminder that humankind's fundamental quest for freedom and justice is far stronger than a formidable army. The Miracle at the Vistula reflects our modern day hope of liberty, peace and justice rising for all veterans and civilians, in Cleveland, Ohio, in Warsaw, Poland, and throughout the world.

A TRIBUTE TO DOUGLAS P. DEVORE

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. CUNNINGHAM. Mr. Speaker, I rise today to express my gratitude for the exceptional services which Encinitas Union School District Superintendent Douglas P. DeVore has performed for the students of San Diego City Schools and for our great Nation. Superintendent DeVore's leadership, commitment to excellence and vision for the future has inspired students in San Diego for the past 11 years. For the past 36 years, Dr. DeVore has dedicated his life to public education and I believe it is only fitting that he be recognized by this body.

Superintendent DeVore began his career as a middle school science and math teacher in Santa Barbara, California. Dr. DeVore moved on to high school and became the Science Department Chair in the Fullerton High School District, where he also served as the football coach. Superintendent DeVore's commitment to education next took him to the Placentia Yorba Linda School District where he entered school administration as an Assistant Principal. It was not long before Dr. DeVore became Principal DeVore in the Centralia School District. In 1993, Superintendent DeVore completed his doctorate and in 1994 he made the move to Encinitas Union School District where he was selected as Assistant Superintendent of Administrative Services. In 1997, Dr. DeVore became Superintendent.

Under Superintendent DeVore's leadership, the Encinitas Union School District has gained statewide recognition for excellence. With his dedication and inspiration, every school in the District became a California Distinguished School and two became National Blue Ribbon Schools. The ninth school in the District, El Camino Creek, was built under Dr. DeVore's supervision. Over the past 11 years, Superintendent DeVore guided the District in formulating an Asset Management Plan to safeguard District assets and ensure the District's vision for the future as well as the modernization of all schools in the district. He also worked on the development of a District Facilities Master Plan to ensure equity among all schools. Superintendent DeVore served as President of the Association of Low Wealth Schools, Board Member of the Classroom of the Future Foundation and sat on the Board of Governors for the North Coastal Consortium for Special Education.

Superintendent DeVore has continually gone above and beyond the responsibilities of his office. He has served as a teacher, a leader and an inspiration to all who know him. Dr. DeVore has taken the Encinitas Union School District into the 21st Century in terms of technology and student progress and provided a great example for its future leaders. One of his favorite sayings is "all about the relationships." I agree. In fact, that is what I will miss the most . . . the great relationship we shared. Doug's straightforward manner has always been helpful to me and I will never forget that. Dr. DeVore will retire as District Superintendent on July 30, 2005. I urge my colleagues to join me in wishing him the very best success as he starts a new chapter in his life.

CONGRATULATING JEFFREY REISENAUER

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. ENGEL. Mr. Speaker, I rise today to congratulate Jeffrey Reisenauer on his receipt of the Congressional Award Gold Medal. As you know, this distinction is the highest expression of national appreciation for distinguished achievements and contributions, and Mr. Reisenauer is a well-deserving recipient of this award.

Through hard work and commitment, Jeffrey has become a leader in his community. Mr. Reisenauer, 19 years old, acknowledges the significant effect that the Boy Scouts has had on his life. Jeffrey has stated, "The skills and values you learn can bring lifelong benefit[s]." Jeffrey has certainly amassed a number of such skills, as a high school varsity athlete, and captain of his high school ice hockey team. He has also passed the benefit of his skills and work ethic along to younger athletes, by coaching youth roller hockey teams, and by assisting with player development clinics.

Mr. Reisenauer has demonstrated his ability to tackle life's challenges by training for, and embarking on a 16-day backpacking trek through the southwestern United States. This experience, at the Boy Scout High Adventure Ranch in Cimarron, New Mexico, was best summed up by Mr. Reisenauer in his own words. "You learn to go beyond what you think are your physical and mental limits. It was the most challenging and rewarding experience of my life."

By applying the principles of dedication, hard work, and commitment, Jeffrey Reisenauer has become a shining example for others to follow. Mr. Speaker, I ask my colleagues to join me in honoring Jeffrey Reisenauer on his accomplishments and on his receipt of the Congressional Award Gold Medal.

RECOGNIZING THE CONTRIBUTIONS OF THE ARC OF HILO AND LANAKILA

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. ABERCROMBIE. Mr. Speaker, I rise today to recognize the Arc of Hilo and Lanakila for their hard work and dedication in improving the quality of life for people with developmental or other disabilities in Hawaii. I also want to pay tribute to the many achievements and contributions of Michael Gleason, the Arc of Hilo's executive director, and Marian Tsuji, President/CEO of Lanakila. The Arc of Hilo and Lanakila are a Javits-Wagner-O'Day Program (often referred to as JWOD), which provides job skills and training to those who are blind or who have other severe disabilities so they may earn good wages and benefits and gain a greater independence and the quality of life. Overall, the JWOD program empowers people with disabilities who traditionally face an unemployment rate of 70 percent and rely heavily on social support programs such as welfare and Supplemental Security Income (SSI).

The Arc of Hilo's mission is to improve the quality of life for people with developmental and other disabilities in Hawaii through educational, recreational, vocational, and skill training as well as employment and residential opportunities. Lanakila's mission is to offer programs and services for adults with cognitive, physical, social or age-related challenges that build and support higher levels of independence and an improved quality of life. By employing people who are blind or who have other severe disabilities, the Arc of Hilo and Lanakila are able to increase independence and self-esteem by helping these individuals enjoy full participation in their communities and market their JWOD skills to other public/private sector employers.

Demonstrating an excellent federal-private sector partnership, NISH, NIB, and local nonprofits such as the Arc of Hilo and Lanakila enhance the opportunities for economic and personal independence of people who are blind or who have other severe disabilities, primarily through creating, sustaining, and improving employment. Through the JWOD program, the Arc of Hilo provides employment opportunities and training for 60 people with visual and other severe disabilities enabling them to lead more productive and meaningful lives, support their families, and gain important work experience.

Mr. Speaker, please join me in recognizing the important contributions of the Arc of Hilo and Lanakila in the great aloha state of Hawaii. I commend all persons who are committed to and work towards enhancing employment opportunities for people with visual and other severe disabilities.

IN HONOR OF JACK KASHUBECK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Mr. Jack Kashubeck, U.S. Veteran, internationally known author, poet, artist and lecturer, whose inspiring work rises beyond the borders of Cleveland, bridging our community with the great poets, writers and artists throughout the world.

His extensive body of work reflects a personal passage of exploration, a journey of experience, as he explores the cultures, history and people of distant lands. Mr. Kashubeck's introspective and poignant observations serve to highlight the human spirit, revealing the common elements of humanity that connect every one of us.

From Egypt, to South America, to Cleveland, Mr. Kashubeck's poetry and prose reflects upon the confining boundaries and soaring possibilities dually inherent within the human condition, offering us an introspective look back, and a hopeful vision rising on the horizon.

Mr. Speaker and Colleagues, please join me in honor and recognition of Jack Kashubeck, whose evolving life's work reflects the core of our existence—the tragedy and the triumph. The heart and soul of any society is held aloft by the artists who flourish within it, and the poetic works of Jack Kashubeck, words that pierce the darkness and carry critical social issues into the rational light of day, serve to elevate the Cleveland community, and far beyond.

ON THE RETIREMENT OF DIANE FURNAS FROM THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is with great pleasure that I rise today to recognize Diane Furnas' retirement as Chair of the National Association of Federal Credit Unions (NAFCU). Since her election in 2003 as the first female Chair of the NAFCU Board, Ms. Furnas has been a leader in the credit union community both nationally and within the great state of Texas.

For the past two years, Ms. Furnas has been balancing her time as NAFCU Chair and President/CEO of Southwest Airlines Federal Credit Union, headquartered in my District. At her credit union, Ms. Furnas has fostered several savings programs targeted to today's youth at her credit union by teaching the importance of saving through targeted programs ranging from kindergarten through college. She has promoted financial education programs and has armed her members with protecting themselves against identity theft.

Throughout her tenure as Chair of the NAFCU Board of Directors, Ms. Furnas worked tirelessly to enhance the federal credit union charter by working with Congress for regulatory relief legislation for credit unions. As Chair, she has also helped maintain NAFCU's status as a leading credit union trade association. She was first elected to the NAFCU Board in 1998, the same year she received NAFCU's prestigious "Professional of the Year" award. Ms. Furnas is also the silver award recipient in the 2005 Society of National Association Publications Excel Awards for a column published in The Federal Credit Union magazine.

I rise today to congratulate Ms. Diane Furnas on all of her fine work throughout her illustrious tenure as Chair of NAFCU. With her more than 30 years' experience in the credit union community, there is no doubt in my mind that our good friends at NAFCU will feel a great void once Ms. Furnas steps down. Ms. Furnas deserves our heartfelt thanks for her years of dedicated service and our best wishes for the future.

PERSONAL EXPLANATION

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. GARRETT of New Jersey. Mr. Speaker, due to attendance at my daughter's school graduation on June 15, 2005, I was regrettably absent during the following votes.

Please add to the official record how I would have voted on the following rollcall votes: rollcall No. 254—"nay," rollcall No. 255—"yea," rollcall No. 256—"nay," rollcall No. 257—"yea," rollcall No. 258—"nay."

THE LONG TERM CARE SUPPORT AND INCENTIVE ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mrs. DAVIS of California. Mr. Speaker, I rise today to talk about an important issue facing our community: the affordability of long-term care. People today are living longer and healthier lives than ever before.

When the Declaration of Independence was signed, the average life expectancy was 23. In the United States today, life expectancy is 83 years.

While this increased life expectancy is allowing us to live fuller lives, it is also presenting us with serious financial challenges. It is estimated that more than 40 percent of those who turn 65 will spend some time in a nursing home. Long-term care is expensive. On average, a year's nursing home charges can range from $60,000 to $70,000.

My own family had to make difficult emotional and financial decisions when my father needed care. My dad was a pediatrician, and always lived a full life. When he needed care, my sisters and I struggled to find the perfect place for him to live.

We wanted to make sure he was happy and received high quality medical care. We searched for months to find the right place for our dad and we learned very quickly how expensive long-term care is.

My experience with my dad renewed my commitment to improve our long-term care system. I took on this mission in Congress and I am pleased today to reintroduce the Long Term Care Support and Incentive Act. This much needed legislation will make a real difference for San Diegans caring for older family members.

First, the bill will give a $4,000 tax credit for seniors with long-term care needs and their caregivers. We know how many sacrifices families make to take care of their loved ones. They miss work, or in some cases are forced to give up their jobs. They pay for expensive medical supplies and equipment, and bare the burden of enormous medical bills. This tax credit will help ease their financial burden.

The second section of my legislation will establish a tax deduction for long-term care insurance premiums. As the long-term care needs in our community increase, we must face the reality that many seniors do not have family or friends to take care of them full time.

This is particularly important to women. Women live longer than men. Often times, women are the primary caregivers for their husbands. After their husbands pass away, there is often no one around to take care of them.

Long-Term Care Insurance can help fill this gap, but premiums can be expensive. My legislation will make long-term care insurance more affordable by allowing individuals over 65 to deduct 75 percent of the cost of their premiums and individuals under 65 to deduct 50 percent of the cost of their premiums.

In addition, I have included several important consumer protections in the bill to ensure that people are purchasing responsible insurance plans that will adequately meet their long-term care needs.

The bill requires plans to include: Mandatory Inflation Protection, A Lifetime Deductible Requirement that ensures policy holders must only pay their deductible one time in their lifetime, Mandatory Interchangeablity so that individuals can determine where their benefits are spent, A Care Coordination program that ensures seniors receive assistance in planning and securing the services they need.

By encouraging people to plan ahead for the future and purchase Long-Term Care Insurance, we can ensure that seniors live dignified and independent lives. I urge all of my colleagues in Congress to work with me to pass it quickly into law.

BOEING-AIRBUS WTO DISPUTE

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. CROWLEY. Mr. Speaker, I rise to speak today concerning the recent dispute between Airbus and Boeing, which has developed into a clash between the European Union and the United States.

The dispute is long and complicated and both sides are convinced they are right. Nevertheless, one incontrovertible fact remains: the EC/EU have given Airbus massive subsidies over the past three decades, which Airbus used to buy market share and skew competition against U.S. companies, mainly Boeing.

The 1992 US–EC Agreement outlined the maximum amount of governmental support and subsidies a state could provide in aircraft production, while calling for progressively reducing subsidies. Further, Airbus agreed to provide a considerable amount of transparency in their business dealings, a standard they continue to ignore when it is not completely advantageous to them. The 1992 agreement presented Airbus with the best option, but they failed to abide by its terms. As a result, the U.S. terminated the 1992 agreement in October, 2004 and, looked to the WTO as the/international body to address this trade matter.

The EU continues to provide Airbus with massive subsidies, which undermine the ability of Boeing to compete on a level field. If the EU continues to write off billions of euros in Airbus debt, how can Boeing fairly compete?

Despite Europe's repeated flaunting of the terms of the 1992 agreement, the US pressed the EU to commit itself to fairer trade policies. As we all know, the EU refused to back down and continued their hard line stance regarding aircraft subsidies.

Reluctantly, the U.S. government filed papers with the WTO so that a panel of judges could hear the complaint, a step our government does not take lightly. We would prefer to arrive at a private understanding with the EU, one that does not resort to this WTO panel. However, the ED's insistence on continuing to provide massive subsidies and refusing to reach a compromise, have forced us to act.

I fully support the US government and Boeing in their dispute with the EU and Airbus. I believe that the EU must cease providing massive subsidies, which undermine competition and unfairly undercut Boeing. American workers can compete with anyone in the world. I'm only asking that this Congress and the Administration do everything possible to make sure that the competition is fair and equal for both sides.

INTRODUCTION OF THE AMERICAN VETERANS HOMEOWNERSHIP ACT OF 2005

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. RYAN of Wisconsin. Mr. Speaker, I, along with Congressman WALLY HERGER, introduced today, the American Veterans Homeownership Act of 2005, and I ask my colleagues to support this legislation.

As you know, under current law, the States of Alaska, California, Oregon, Texas and my home state of Wisconsin, have the authority to issue tax-exempt bonds, which are called Qualified Veterans Mortgage Bonds (QVMBs). The proceeds of these bonds are used to finance mortgage loans to veterans who served on active duty before 1977 and who applied for the financing before the date of 30 years after the last date of which the veteran left active service.

As a result of the limits under current law, veterans of Operation Iraqi Freedom, Operation Enduring Freedom, Kosovo, Bosnia, Haiti, Somalia and the 1991 Persian Gulf War are not eligible for these mortgage loans that are financed by QVMBs. In addition, the QVMB program has, in effect, ended or is ending in the five affected States due to the current 3D-year time limitation.

My legislation, the American Veterans Homeownership Act of 2005, would allow all veterans in these five States to be eligible for QVMB-financed mortgage loans by repealing the requirement that veterans receiving loans financed by QVMBs must have served before 1977 and would provide new State limits for these bonds. These veterans deserve the homeownership opportunities this program provides. I ask my colleagues to join me in supporting these veterans and cosponsor this important legislation.

THE WOMEN'S OBSTETRICIAN AND GYNECOLOGIST MEDICAL ACCESS NOW ACT (THE WOMAN ACT)

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mrs. DAVIS of California. Mr. Speaker, today, I am reintroducing the Women's Obstetrician and Gynecologist Medical Access Now Act, the WOMAN Act. This bill will ensure that every woman has direct access to her ob-gyn.

I believe women should not need a permission slip to receive ob-gyn care. Unfortunately, that is the reality faced by many women when they need to see their doctor. Numerous managed care plans require women to visit their primary care physicians before seeking the health care services they need from the providers they want. Denying direct access, or forcing women to jump through numerous bureaucratic hoops to see their ob-gyn is not acceptable treatment.

The WOMAN Act recognizes women have different medical needs than men and the significant role ob-gyns play in women's health.

Women who see an ob-gyn on a regular basis are more likely to receive important screening services such as pelvic exams, as well as counseling on critical reproductive health issues. My legislation removes the barriers complicating women's access to their doctors. Women will no longer have to contend with the gatekeeper system that can prevent or delay appropriate care.

It is easy to understand what a difference direct ob-gyn access makes in women's health care. Imagine, for a moment, a woman in San Diego who works 45 hours a week and has limited sick and vacation time. Now, imagine she has an urgent medical problem requiring an ob-gyn visit. On Monday, she calls from work to make an appointment with her primary care physician. If she is lucky, she gets an appointment for the following morning. She takes time off Tuesday to go see her doctor. Her primary care doctor agrees she should be seen by her ob-gyn and gives her a referral. Tuesday afternoon she returns to work and calls her ob-gyn for an appointment. The doctor is in surgery on Wednesday, but they offer her an appointment on Friday morning. On Friday she takes another morning off from work and finally, after almost a week, gets the care she needs. The unnecessary referral process resulted in her taking an extra morning off work and delayed her proper medical care by 5 days. The patient, employer, primary care physician, and health plan provider would have saved money and time if the patient had been able to go directly to her ob-gyn.

The public overwhelmingly supports direct access to ob-gyn care. A survey conducted by the Kaiser Family Foundation and Harvard University found that 82 percent support direct access legislation and 63 percent would support it even if their health insurance costs increased.

While serving in the California State Assembly, I heard from many women who experienced the same problems I have outlined today. After meeting with women, obstetricians and gynecologists, health plan representatives, and providers in the State of California, I wrote the state law allowing women direct access to their ob-gyn. That law was a good first step; however, it still does not cover women enrolled in self-insured, federally regulated health plans. This means that even if a woman lives in a state with direct access protections, like California, she may not be able to see her ob-gyn without a referral if she is covered by a federally regulated ERISA health plan.

I believe the time has come to make direct access to an ob-gyn a national standard.

I urge you, Mr. Speaker, and all of my colleagues to pass this critical legislation into law.

WOMEN OF BURMA DAY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. CROWLEY. Mr. Speaker, June 19 marks the 60th birthday of Burma's Democracy Leader Aung San Suu Kyi. She has been held under house arrest since May 30, 2003—this is the third time since 1988 that the regime has confined Suu Kyi to house arrest for political reasons—after narrowly escaping an assassination attempt by Burma's ruling military regime in May of 2003. June 19 also marks the Women of Burma Day. In recognition of this day I would like to take this opportunity to acknowledge the courageous and honorable efforts made by Suu Kyi and other Burmese women who continue to struggle for democracy, human rights, and an end to brutal dictatorship in Burma.

Today, Burmese women are a driving force in the fight for freedom and democracy in Burma. They inspire us all in their courage to carry out non-violent activities, challenging the military regime's repressive and violent rule. Burmese women are struggling to save a homeland that continues to deteriorate under military dictatorship.

The military regime's response to non-violent political protestors has been abominable. Since winning the popular election by a landslide in 1988, supporters of democracy in Burma have been killed, arrested, imprisoned, and tortured by the thousands. Fearing certain imprisonment and death, many of these democracy supporters have fled the country.

I would like to honor ten Burmese women who have dedicated their lives to improving the health, welfare, and future of Burma's people. With unwavering commitment, these women have sought to address critical issues affecting the people of Burma. These honorees have been involved in a diverse range of activities in the arena of social welfare and democracy and human rights. Eight of the honorees, Daw Aye Aye Mar, Daw Hla Hla Moe, Ma Mi Suu Pwint, Ma Nilar Thein, Ma Su Su Nway, Ma Than Than Htay, Ma Tin Tin Myint and Ma Zinmar Aung have endeavored to continue the ongoing struggle for freedom, human rights, and democracy in Burma. Two of the honorees, Dr. Myint Myint Khin and Ma Than Myint Aung, are deeply involved in organizing and engaging in social welfare and education programs. Demonstrating a unifying commitment to the people of their country, these extraordinary women have pursued their life's work with courage and perseverance. In the course of their lives, many have served, or continue to serve, lengthy jail sentences dealt by Burma's repressive military regime. I request that we honor and show solidarity with Daw Aung San Suu Kyi and all of "2005 Profiles in Courage" honorees. We should celebrate their achievements, and honor their personal sacrifice and vision for the future of Burma.

Democracy will come to Burma soon. I believe that one day, the people of Burma will have a chance to openly honor these women and I am very sure that they will do so with great happiness. For the time being, they need our help, and we need to assist them consistently and strongly so that they will attain the goal to which they have been aspiring for so long.

30TH ANNIVERSARY OF PANCAKES ON THE PLAZA

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to recognize the 30th anniversary of Pancakes on the Plaza, an annual fundraising event hosted by the United Way of Santa Fe County in my home state of New Mexico. Pancakes on the Plaza not only raises money but brings people together as New Mexicans from all walks of life volunteer side-by-side to make a difference in Santa Fe County.

Each July 4 on the historic Santa Fe Plaza, hundreds of volunteers prepare and serve pancakes to thousands of attendees whose contributions to United Way directly benefit residents of Santa Fe County.

Pancakes on the Plaza has been held in Santa Fe each Fourth of July since 1975, building on traditional annual festivities that date back to the 1920's. The Santa Fe Plaza is an appropriate location for this event as it has historically been a multi-cultural gathering place highlighting the unique diversity within the Northern New Mexico community. Pancakes on the Plaza is a celebration of the American spirit of generosity, volunteerism and community-building that raises money to help foster independence for underserved individuals and families of Santa Fe County.

To pull off an event of this scale takes an enormous amount of collaboration: Three 15 by 60 foot tents for cooking and serving pancakes; twelve pancakes cooks per tent, flipping cakes on 12 stoves per tent; two batter transporters per tent, per shift; two tent captains per tent, per shift; six Army Reservists taking batter from refrigerated trucks to cook tents; twelve batter mixers; two ham and vegetarian sausage cooks per tent, per shift; four fruit, butter and syrup servers per tent, per shift; four beverage servers per tent, per shift to pour milk, juice and coffee; two milk and juice runners per tent, per shift to rush cold beverages from the trucks to the tents; three refrigerated truck workers per shift to relay ham, vegetarian sausage, juice, milk, butter and batter transporters; two ticket takers per tent, per shift; six stage crewmembers; twelve Girl Scouts to keep the Plaza and table neat and clean; eighteen crew members to set up and break down tents and stoves.

And, of course, a massive amount of goods comes together to serve 10,000 breakfasts: 2,500 pounds of pancake batter; 4,000 pints of milk (regular and chocolate); 300 gallons of fresh-squeezed juice; 100 pounds of locally-roasted gourmet coffee; 600 pounds of fruit; 300 pounds of butter; 3,000 pieces of vegetarian sausages; 1,000 pounds of ham; 14,000 place settings; 12,000 cups; 20,000 packets of sugar and artificial sweetener; 20,000 packets of syrup.

The United Way of Santa Fe County fulfills the mission of "creating lasting change in chronic community conditions" with events such as Pancakes on the Plaza which fund specific programs that target health, learning and self-sufficiency. Yet Pancakes on the Plaza is more than just a fundraiser, this event also features the diverse music, art and crafts unique to Northern New Mexico with many activities for children and families. Locals and visitors alike enjoy the annual July 4th United Way of Santa Fe County Pancakes on the Plaza.

Mr. Speaker, I am proud to say that I have participated in Pancakes on the Plaza for several years now. This United Way event raises much needed money for social programs while building community, enhancing lives and creating opportunities in Santa Fe County. Northern New Mexico is a place rich in history and steeped in tradition and I am fortunate to be a part of such wonderful programs as Pancakes on the Plaza.

SECOND OPINION COVERAGE ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Mrs. DAVIS of California. Mr. Speaker, today, I am introducing the Second Opinion Coverage Act—legislation that will ensure the accessibility and coverage of medical second opinions.

Imagine that your doctor tells you that you must undergo radical surgery that may threaten the use of a limb or leave you with a serious chronic condition. Understandably, you would request a second opinion from another physician. Most health care groups see the value in such requests and provide patients with a second opinion. Besides giving patients much needed peace of mind, second opinions can benefit health plans by reducing the number of invasive procedures and result in better patient care through increased dialogue about treatment options.

However, when I was a member of the California State Assembly, I heard from a number of patients who experienced a glitch in their health care coverage. They noticed the absence of a clear process for obtaining medical second opinions. These patients, many struggling with challenging health conditions, had difficulties obtaining second opinions through their health plans.

After meeting with patients, physicians and health groups, I authored a law in California that guarantees coverage of second opinions. Patients, meeting any one of several qualifying conditions, are entitled to a timely second opinion by a "qualified health care professional," within 72 hours in cases of serious or imminent health threat. When another expert is not available within the provider group or network, the organization will pay for an appropriately qualified doctor outside of the plan. Patients are responsible for the costs of applicable co-payments.

The law in California was a good first step. Unfortunately, this legislation does not cover the more than 4 million Californians enrolled in self-insured, federally regulated health plans. Nationwide, this translates into almost 51 million persons without guaranteed access to second opinions. This means that one in four insured families are not protected by California's own second opinion law! I believe the time has come to make access to second opinions a national standard.

I urge you, Mr. Speaker, and all of my colleagues to pass this critical legislation into law.

ON THE OCCASION OF FATHER'S DAY: A SALUTE TO RALPH R. SALIMPOUR, MD, DCH, FAAP

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2005

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, "Blessed indeed is the man who hears gentle voices call him father!" The name Ralph Salimpour has become synonymous with charity and commitment in the greater Los Angeles area. Indeed, Ralph Salimpour is blessed for selflessly giving him energy and his love, and dedicating his left to those most in need.

Dr. Ralph R. Salimpour is the senior attending physician of the highly acclaimed Salimpour Pediatric Medical Group in Los Angeles. Dr. Salimpour is internationally recognized as a global expert in the fields of Tetanus, Malnutrition, and Rickets and has the largest published series on Tetanus and Rickets in the world.

Dr. Salimpour graduated from medical school at the age of 23 and has practiced medicine on 3 continents over the span of nearly 5 decades. He attended the Shiraz School of Medicine in Iran, the Royal College of Physicians and Surgeons of England, and Cedars-Sinai Medical Center—UCLA School of Medicine.

In Iran, Dr. Salimpour emerged as the Director of the Research Institute of Child Health where he described, for the first time, Rickets and its etiology in tropical countries. This pioneering research eventually helped to change the American Academy of Pediatrics' recommendations for Vitamin D Supplementation in breastfed babies, staving off the debilitating disease in America. His research and his leadership in the treatment of Tetanus cut the mortality rate of this horrific disease from a devastating 100 percent to half of that value, directly resulting in countless saved lives. Dr. Salimpour also tackled the issue of malnutrition in Iran, demonstrating that it resulted from poor education rather than poverty. Dr. Salimpour's scientific and clinical research propelled him to the world's medical center stage, gaining international acclaim for his pioneering research.

After the 1979 Iranian revolution, Dr. Salimpour and his family moved to the United States where Dr. Salimpour, a man nearly in the 6th decade of his life, sat for and successfully passed the rigorous series of exams enabling him to once again practice medicine, this time in America. He has been awarded the prestigious Governor's Commendation from the State of California and the Award of Excellence from California's Vaccine for Children Program. Today, Dr. Salimpour serves as Clinical Assistant Professor of Pediatrics at the UCLA School of Medicine and is a practicing pediatrician in Los Angeles.

Dr. Salimpour is also a founding Board Member of the NexCare Collaborative, which created a state-of-the-art, highly-innovative and successful call center/web site and communications program aimed at families with young children. This program has assisted more than 100,000 families and helped enroll more than 18,000 children into free or low cost health insurance programs.

Married to his wife Farah for 44 years, the 2 have raised 4 children, Pejman, Sherry, Pedram, and Nilou. Dr. and Mrs. Salimpour also have 6 grandchildren, Koby, Alexa, Branden, Gabriella, Allen, and Ariella. Dr. and Mrs. Salimpour have inspired a love of medicine and children amongst their sons. Doctors Pejman and Pedram Salimpour are practicing pediatricians and leaders in their field.

Mother Teresa once said, "I slept and I dreamed that life is all joy. I woke and I saw that life is all service. I served and I saw that service is joy." Dr. Salimpour has improved the human condition by way of perseverance and leadership. He has passed on these ideals to his students as a professor of pediatrics, to his tens of thousands of patients, and to his children and grandchildren. As we approach Father's Day, I salute Dr. Salimpour for his blessings as a "father" to many.

IN RECOGNITION AND REMEMBRANCE OF THE LIFE OF U.S. MARINE CORPS CAPTAIN KELLY C. HINZ

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mrs. McCOLLUM of Minnesota. Mr. Speaker, I thank you for the opportunity to recognize and honor the life U.S./Marine Corps Capt. Kelly C. Hinz.

Capt. Hinz was a Marine Corps fighter pilot who died May 2, 2005, from injuries received when the F/A–18 Hornet aircraft he was piloting crashed in Iraq while flying in support of Operation Iraqi Freedom. Capt. Hinz was a native of Woodbury, Minn., and a 1993 graduate of St. Thomas Academy in Mendota Heights, Minn., where he was a member of the State championship downhill ski team, and where his family remained active after their sons had graduated. Capt. Hinz was also a graduate of the University of St. Thomas, in St. Paul, Minn., in the District I represent.

Capt. Hinz earned his wings as an aviator in March 2002, after which he and his wife Molly were stationed in San Diego. Capt. Hinz and his wife have one daughter, Abby.

Capt. Hinz comes from a military, and flying, family. Donald Hinz was a retired naval and commercial pilot who died in a plane crash in 2004. In his retirement, Donald Hinz had committed himself to restoring a P–51 C Mustang fighter plane in honor of the Tuskegee Airmen. His brother, Ben Hinz, is also a Marine pilot. His brother Kurt has his private pilot's license, and brother Luke will earn his this summer.

Capt. Hinz inherited a strong sense of duty to his country from his father, and reminds us of the human face of Operation Iraqi Freedom. There have been 19 members of the military from Minnesota who have died in Iraq since 2003. I honor Capt. Hinz for his courageous service to this country, and his commitment to protecting our freedom.

CONGRATULATING HORACE L. DICKERSON, JR. ON HIS RETIREMENT FROM THE SOCIAL SECURITY ADMINISTRATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to commend Horace L. Dickerson, Jr. for his service to the Social Security Administration and to congratulate him on his upcoming retirement. Mr. Dickerson began his career at SSA in 1971 and held several field office positions before moving to Social Security's headquarters as a Division Director, and later Director of Disability Operations.

After a stint as the Director of Social Security's Central Records Operations, Mr. Dickerson was promoted to Regional Commissioner for the Dallas Region in 1997. In that role he has ably overseen more than 4,000 employees in 151 field offices and has been responsible for SSA Teleservice Centers in Arkansas, Louisiana, New Mexico, Oklahoma, Texas and part of Arizona.

Mr. Dickerson's work at the Social Security Administration has touched countless lives in these States, where one in every six residents is a Social Security beneficiary. Under his stewardship, SSA has distributed $49 billion in benefits each year and has processed, on average, 740,000 benefit claims annually.

Since becoming Regional Commissioner, Mr. Dickerson has been recognized several times for his outstanding leadership qualities. He is the two-time recipient of the Award as a Meritorious Executive in the Senior Executive Service. Mr. Dickerson has also been named a Distinguished Executive in Senior Executive Service and received the Presidential Distinguished Rank Award in 1999. Most recently, Mr. Dickerson was inducted as a Fellow into the National Academy of Public Administration, an impressive recognition from his peers of Mr. Dickerson's many accomplishments.

For his service to my constituents, the State of Texas and the country, I offer Mr. Dickerson my most sincere congratulations and wish him the best of luck in his well-deserved retirement.

HONORING RICHARD GALLO

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. SHUSTER. Mr. Speaker, I rise today to honor Richard Gallo, owner and president of Gallo Office Products in Indiana, Pennsylvania, who has been named a NFIB Small Business Champion Award Winner for 2005. The NFIB Small-Business Champion award program identifies a smallbusiness activist in each of the 50 States who have distinguished themselves through their involvement and participation in NFIB programs and activities.

Within months of starting his own business in 1992, Richard Gallo joined NFIB and has worked ever since to support Main Street small businesses. As an elected official, candidate for State office, civic leader, and NFIB member, Richard has been a tireless advocate for his community and a supporter for the free enterprise system.

As a committed member for over thirteen years, Richard Gallo is currently serving his second term on the NFIB/Pennsylvania Leadership Council as a vice president. Prior to his election as a LC vice president, Richard served as chairman of the Area Action Council—Pennsylvania's first AAC.

On top of his local NFIB leadership, Rich has supported the NFIB Young Entrepreneur Foundation Scholarship program, which encourages entrepreneurship in young Americans. Rich has testified before both Congress and the Pennsylvania State legislature. In 1999, Rich testified before the U.S. House Committee on Small Business concerning small-business health plans (formerly known as AHPs). In 2000, he testified before the Pennsylvania House Select Committee on Pharmaceuticals, and in 2004 Richard testified before the Pennsylvania House State Government Committee on Contract Bundling. Rich has represented NFIB at several Presidential events and has also worked actively to help the sales team to recruit new NFIB members, including attending drive-a-longs with sales representatives. In addition to his extensive activities with NFIB, Richard is a long time community activist. Richard recently retired as Indiana Borough Council vice president and has run three times for the state legislature. In 1994, Richard was named Indiana County's Republican Man of the Year, and he also served as the State Board Vice Chairman of the Yokefellowship Prison Ministry. He is a past president of the Indiana Lions Club, a board member of a local YMCA, an Indiana Midday Rotary Club member, and a member of the Indiana County Chamber of Commerce.

Richard Gallo's contribution to America's small businesses, NFIB, and his surrounding community is truly invaluable. I am proud of his efforts to strengthen the economy and the engine of our economy, small business.

STEM CELL RESEARCH ENHANCEMENT ACT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of H.R. 810, the Stem Cell Research Enhancement Act. I am proud to be a cosponsor of this important legislation, which expands stem cell research and ensures that the Federal Government can implement ethical guidelines. This bill will provide hope and opportunity for millions of Americans suffering from chronic and life threatening health conditions. This legislation will also ensure that the Federal Government can implement ethical guidelines over this research.

On August 9, 2001, President Bush announced that for the first time, Federal funds would be used to support research on human embryonic stem cells, but funding was to be limited to "existing stem cell lines where the life and death decision has already been made." Prior to this decision, no Federal funds had been used to support research on stem cells derived from either embryos or fetal tissue. Previous experiments involving stem cells were conducted privately, with no ovesight or public input.

I believe that the expansion of funding to stem cell research is an effective way of moving this science forward. Stem cells offer remarkable potential contributions to medical science and improve the lives of millions of people who suffer from incurable diseases such as juvenile diabetes, Alzheimers's, Parkinson's, AIDS, and spinal cord injuries. It may also help us to understand abnormal cell growth that occurs in cancer and birth defects and change the way we develop drugs and test them for safety and potential efficacy.

Former First Lady Nancy Reagan and 69 percent of Americans are in favor of the expansion of stem cell research. This effort is supported by over 200 patient groups, universities, and scientific societies, and has been endorsed by more than 75 national and local newspapers and eighty Nobel Laureates.

It is imperative that we support efforts to improve the quality of life. I am pleased that we have the opportunity to move this important bill forward today, and it is my hope that the Senate will do the same. Unfortunately, the President has indicated that he will veto efforts to expand stem cell research—even H.R. 810 which only proposes to allow stem cell research on discarded embryos with the donor's consent. In this case, the President is clearly choosing radical ideology over American lives.

THANKING MRS. ROSE AVALOS FOR HER SERVICE TO THE ALDINE INDEPENDENT SCHOOL DISTRICT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to congratulate the work and dedication that Mrs. Rose Avalos, Principal of MacArthur High School, has done in the Aldine Independent School District and North Houston community for the last 33 years. She has led MacArthur High School to become a leader in academic achievement regardless of the socio-economic status of its students.

Mrs. Avalos's strong family upbringing enabled her to commit herself to others in educating the children of her own community. She is a role model for all of Aldine ISD as she was one of the first graduates of MacArthur High School in 1968. After graduating from Sam Houston State University, she went on to become a teacher in Aldine ISD and her success as a teacher led to her promotion as Principal of MacArthur High School in 1994.

Through her leadership, student test scores rose consistently and her commitment to educating all students was evident to everyone in the community when the school reached exemplary status in 2001–02. She gained the respect of her teachers, counselors, coaches, and support and administrative staff by setting high goals for the school and achieving them.

Mrs. Avalos will be greatly missed and thanks to her success, the next principal has a steady foundation to build upon. Again, we applaud the efforts of Mrs. Avalos and wish her well in her future endeavors.

A TRIBUTE TO WALTER J. ZABLE ON HIS 90TH BIRTHDAY

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. HUNTER. Mr. Speaker, I rise today to recognize and pay tribute to a leading San Diego citizen who, on this day, is celebrating his 90th birthday. Walter J. Zable, the founder of Cubic Corporation, has served as the chairman, president and CEO of the corporation for five decades.

Walt Zable formed Cubic in 1951 with just one product and plenty of grit and determination. Today, Cubic Corporation is a $722 million company that employs 1,200 in the San Diego area and nearly 6,000 employees worldwide.

Prior to forming Cubic in 1951, Mr. Zable was project supervisor in charge of electronics for the Atlas and Terrier missiles, and the microwave and antenna development sections at General Dynamics Convair. His background includes engineering and management posts with Sperry Gyroscope Company, where he directed development of fire control, guidance, communications, and command and control systems. He also held key technical, scientific and administrative positions with Federal Telecommunications Laboratories of ITT, Flight Research Company, and Newport News Shipyard and Drydock Company.

Before launching his engineering career, Mr. Zable was a professional football player for the Richmond Arrows and the New York Giants. He went on to receive numerous sports honors, including the 1962 SPORTS ILLUSTRATED Silver Anniversary All-American Team and induction into William and Mary's Hall of Fame in 1969. In 1971, he established the Walter J. Zable/San Diego Chapter of the National Football Foundation and College Hall of Fame (NFFCHF) to help preserve the genuine sportsmanship and integrity exhibited in high school and college football.

He credits the Boston school system for his success in business, because "if it weren't for athletics during the depression years, it would have been difficult to go to college," said Mr. Zable, who received a full football scholarship from the College of William and Mary. Today, he's still dedicated to helping other young student-athletes realize their dreams and reach their full academic and athletic potential through the NFFCHF local chapter, which is among more than 100 chapters in the country.

Recognized as Cubic's largest and most visible community relations project, the Walter J. Zable/San Diego Chapter has helped further the careers of the hundreds of honorees, including sports giants such as former San Diego Charger Junior Seau and Mark Malone, a sports broadcaster and former Pittsburgh Stealers quarterback. In 1987, the NCAA acknowledged his contribution to athletics by naming Walter Zable a winner of the Teddy Roosevelt Award, its most prestigious honor. Other winners of this award have included President George Bush, Dwight D. Eisenhower and Senator Leverett Saltonstall.

In addition to his work in helping young student-athletes, Walter Zable and his company give generously to charitable causes, most of them benefiting children. He has also set up a $10 million endowment that will become effective for the College of William and Mary upon the deaths of Walter and his wife, Betty.

Walter Zable is a humble man who eschews the limelight and would rather see the focus be on his company and its hardworking employees. However, I think even he would be willing to make an exception for this special recognition for reaching his 90th birthday. I ask my colleagues to join me in congratulating Walter J. Zable on attaining this significant milestone and wish him many more years in the company of his loving wife and family.

H.R. 1279, THE GANG DETERRENCE AND COMMUNITY PROTECTION ACT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise to express my disappointment with H.R. 1279, the Gang Deterrence and Community Protection Act.

The Gang Deterrence and Community Protection Act will neither deter youth from entering gangs nor add protections to our community. This legislation increases the use of the death penalty, creates new mandatory minimum sentences, and subjects more juveniles to trial as adults. I believe strongly that criminals must be punished and that we need to do more to deter our youth from entering gangs. However, research shows that these measures do not have their intended effect of reducing crime, have been misapplied based on race, are not the assistance requested by law enforcement, and do not address the reasons given by youth for their participation in gangs. In fact, this bill does nothing to address the real problems facing our youth or the needs of local law enforcement working with youth on a daily basis.

This year, in order to make room for tax cuts for the wealthy, the President and House Republicans have chosen to cut the very programs that provide hope and opportunity for youth. In his Fiscal Year 2006 budget, the President proposed eliminating funding for Safe and Drug Free Schools and freezing funding for after school programs. He also proposed eliminating funding for TRIO programs, which offer the opportunity for disadvantaged students to access higher education and for many job training programs currently serving youth in our communities.

Republicans have also chosen to cut funding for local law enforcement by eliminating funding for the COPS program and Byme grant dollars which are vital to ensuring our peace officers have the training and manpower they need to keep our communities safe. In addition, Republican Leadership has failed to keep promises to fund juvenile justice programs that promote prevention and early intervention.

Investments in our youth and in local law enforcement will reduce crime and improve the safety of our neighborhoods. Law enforcement needs adequate equipment, training, and personnel. In order to succeed, children need recreational opportunities, a quality education, and role models to provide a positive example. Families need to have safe housing, access to health care, and the opportunities for good-paying jobs. Our priority should be investing in families—not prisons. For these reasons, I opposed H.R. 1279.

FREEDOM FOR ALFREDO MANUEL PULIDO LÓPEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Alfredo Manuel Pulido López, a political prisoner in totalitarian Cuba.

Mr. Pulido López is a dentist, an independent journalist and a member of the Christian Liberation Movement. He believes in writing and speaking the truth about the nightmare that is the Castro regime. As a dentist, trained in protecting and nurturing human life, he could not tolerate the tyrant's incessant abuse of Cuban people. He understood the human condition and he knew that freedom is infinitely superior to the ills of tyranny and repression.

On March 18, 2003, as part of the dictator's condemnable crackdown on peaceful pro-democracy activists, Mr. Pulido López was arrested because of his belief in liberty over repression. In a sham trial, he was sentenced to 14 years in the inhuman, totalitarian gulag.

Mr. Pulido López' wife, Rebeca Rodriguez, described the abhorrent treatment of her husband in a phone call with Reporters Without Borders. She said:

> My husband has 11 ailments, seven of them chronic. They include high blood pressure, liver problems, malnutrition and migraines aggravated by cervical osteoporosis. He has permanent bronchitis which affects his breathing and gastric problems that are the cause of rectal bleeding. I don't know all of the problems. The prison officials know. But my husband has not been hospitalized since August 2004. He is in a critical condition and that's the price paid by all those who have wanted to defend human rights in Cuba.

Reporters Without Borders also reports that Mr. Pulido López he has been placed in solitary confinement. According to the Department of State's Country Reports on Human Rights Practices for 2004, he has been "held in 'punishment cells,' which usually were located in the basement of a prison, with continuous semi dark conditions, no available water, and a hole for a toilet." This is in addition to the grotesque depravity of the gulag that also includes beatings, isolation, denial of medical treatment to detainees and other forms of condemnable abuse.

Mr. Pulido López is a brilliant example of the heroism of the Cuban people. No matter how horrifically brutal the consequences of a dignified struggle for liberty, the totalitarian dungeons are full of men and women of all backgrounds and ages who represent the best of the Cuban nation.

Mr. Speaker, we must speak out and act against this abominable disregard for human rights, human dignity, and human freedom just 90 miles from our shore. My Colleagues, we must demand the immediate and unconditional release of Alfredo Manuel Pulido López and every political prisoner in totalitarian Cuba.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Ms. LEE. Mr. Speaker, I was unavoidably detained on June 16, 2005 during rollcall vote No. 268. Had I been present, I would have voted "aye" on final passage of H.R. 2862, the FY06 Science, State, Justice, Commerce appropriations bill.

COMMENDING COAST GUARD AUXILIARY FLOTILLA 11–08 D1NR AT AIR STATION CAPE COD

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. DELAHUNT. Mr. Speaker, I rise today to commend the members of the Coast Guard Auxiliary Flotilla 11–08 D1NR for their distinguished service at Air Station Cape Cod. As a former member of the Coast Guard Reserve, and as Co-Chair of the Congressional Coast Guard Caucus, I know full well the vital role that Auxillarists carry out. They are an integral and valued part of the Coast Guard family.

I commend to my colleagues the following article from The Navigator, which showcases the dedicated efforts of Auxillarists like the men at Air Station Cape Cod.

[From the Navigator, Spring 2005]

VALUED SERVICE

CAPE COD.—Members of Auxiliary Flotilla 11–08 D1NR just surpassed the one year milestone in their volunteer service to Coast Guard Air Station Cape Cod.

A dedicated team of seven Auxilarists has been providing an extremely valuable service in the Aviation Engineering Department of Air Station Cape Cod since November 2003.

By performing administrative tasks, which require meticulous attention to detail and frequent repetition, they freed up over 300 work hours that would have otherwise been a burden on the over tasked active duty workforce.

Aircraft maintenance technicians, who also serve as flight crewmembers, are frequently task-saturated with flying duties related to search and rescue, law enforcement, and Homeland Security missions.

When they are not flying, the active duty workforce is fully employed with HU-25 and HH-60 maintenance responsibilities. The regular presence of trained volunteers to assume critically important administrative functions has had an extremely positive effect on aircraft and crew readiness postures.

Working together in cohesive teams, Auxiliary volunteers dedicate as much as 15 hours per week to administrative tasks related to aircraft maintenance.

One of the first and most successful projects this team took on was the monthly audit of the aircraft maintenance logbooks for the eight aircraft assigned to Air Station Cape Cod.

Working teams of two, these Auxiliarists compared the computer printed configuration reports of all installed components to the detailed component history reports. Ensuring that the lists of installed components matched the component history reports was an arduous task requiring great attention to detail.

An accurately performed logbook audit required that each component be cross checked for the proper serial number and part number against two computer generated reports for all major airframe and engine installations. With over 240 such components per aircraft, this monthly review normally consumes eight to ten man hours per month.

Another vital maintenance support role that the Auxiliary recently performed was a comprehensive audit of the technical publications library.

Semi-annual audits of the technical publications library are required to ensure that vital technical publications are updated with the latest revisions. Not only did the dedicated Auxiliary team complete the audit, they also performed several page changes to aircraft technical manuals that are used by technicians on a regular basis.

The Auxiliary team drew from their diverse work experience to develop processes that increased the efficiency of each hour dedicated to administrative actions. In the classic case of working smarter to avoid the need to work harder, they created a photographic archive of all tools requiring calibration and cataloged them in an easy to use binder. This made tracking tool locations and calibration intervals much easier.

With aircraft tools and avionics test sets distributed among five different shops and two separate hangars, the Auxiliary team had a daunting task ahead of them.

Fortunately, their previous work experience lent itself well to the arduous task and they made great progress. One of their first initiatives was to catalog each tool according to its location and function in a binder complete with digital photographs which they took themselves. This greatly eased the burden of sorting through the Precision Measurement Equipment Lab (PMEL) report which lists the items that were due for calibration.

By relieving active duty members of certain administrative functions, the Auxiliary team has significantly enhanced productivity and morale. Auxiliary members committed over 400 hours in direct support of aviation maintenance activities. Representing a significant departure from the traditional uses of Auxiliary members at air stations, the innovative management practices of this Auxiliary team made it possible for active duty members to be relieved of support roles and assigned to maintenance or flight related tasks.

This was only possible because the highly talented Auxiliary team gained the skill and ability to act autonomously within the scope of their responsibilities after receiving initial training and guidance from active duty members.

The Auxiliary members also represent a degree of continuity that, as a result of frequent job rotations within the enlisted workforce, has historically resulted in frequent learning curves. Realizing the impact of their commitment, technicians on the hangar deck accept the Auxiliary members as part of the team that makes Air Station Cape Cod one of the best units in the Coast Guard.

INTRODUCTION OF NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. UDALL of New Mexico. Mr. Speaker, it gives me great pleasure to rise today to introduce legislation to provide assistance to Native American entrepreneurs throughout the country. This bill authorizes grants that Small Business Development Centers (SBDCs) can apply for to provide assistance with outreach, development, and enhancement on Indian lands of small business startups and expansions that are owned by Indian tribe members, Alaska Natives, or Native Hawaiians.

I introduced this legislation during the 107th and 108th Congresses and it passed the House overwhelmingly both times but it did not pass the Senate. I am pleased to reintroduce this legislation today and wish to thank Small Business Committee Chairman MANZULLO, Ranking Member VELÁZQUEZ, as well as Representatives OBERSTAR, CASE, GRIJALVA, ABERCROMBIE, MCDERMOTT, REYES, HONDA, HASTINGS, PALLONE, YOUNG, TOWNS, MATHESON, HERSETH, CUBIN, MCCOLLUM, and MORAN for their support.

While economic data shows much uncertainty for our national economy, the effects from our struggling economy are desperate on our Native American lands. The unemployment rate is over 10 times the national average on Native American lands and Native Americans and Native Alaskans have almost double the poverty rate than the national average.

There is, however, a bright spot. Small business creation has drastically increased on tribal lands, which has lead to job growth in these areas. In fact, in recent decades, Native American business growth and gross receipts have dwarfed overall small business growth rates and total gross receipts. You can see why there is a reason to be optimistic. As we all know, small businesses are the fuel for the engine of economic growth. That is why it is so imperative that we take steps to help ensure that small business development reaches the places in this country where economic prosperity has yet to be realized.

My bill ensures that Native Americans, Native Alaskans and Native Hawaiians seeking to create, develop and expand small businesses, have full access to the counseling and technical assistance available through the SBA's SBDC program. The business development tools offered by the SBDCs can assist Native

Americans with the information and opportunity to build sustainable businesses in their communities.

Additionally, this legislation requires a state receiving a small business development center program grant to request the advice of the governing bodies of Indian tribes, corporations organized pursuant to the Alaska Native Claims Settlement Act and other Alaska Native entities, and Native Hawaiian organizations, as appropriate, on how best to provide assistance to such members, Alaska Natives, and Native Hawaiians and where to locate satellite centers to provide—such assistance. This ensures assistance from the SBDC that is culturally sensitive and appropriate.

It is clear we can do more to aid Native American entrepreneurs. Not enough has been done to assist Native Americans in building their businesses, which in turn helps benefit their communities. I hope to change that with my proposal.

I look forward to passage of this bill, and to the day it is signed into law.

ON THE PASSING OF MS. BRENDA PILLORS, CHIEF OF STAFF TO REP. EDOLPHUS TOWNS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Ms. LEE. Mr. Speaker, I wish to send my deepest condolences and prayers to the family, friends and colleagues of my good friend Brenda Pillors, especially to her partner Mr. Marwan Burgan and my good friend and colleague Congressman ED TOWNS from New York.

I first met Brenda at the very beginning of her congressional career over 25 years ago when I was a congressional staffer to my predecessor Representative Ronald V. Dellums and she was a Congressional Black Caucus fellow. Her legacy of service to this institution, the CBC, and the 10th Congressional District of New York is one of the most memorable careers during a truly historic era. Serving as legislative assistant and eventually as legislative director, Brenda was instrumental when former Representatives Shirley Chisholm and Walter Fauntroy traveled to visit Haitian refugees in detention camps. My recollections of their great work continue to inspire my activism for rights of Haitians.

As one of the last two Chisholm staff still working on the Hill, Brenda played a leadership role, in coordinating the Congressional Black Caucus memorial service that Congressman TOWNS and I organized earlier this year. Brenda and I sat next to each other during Shirley Chisholm's funeral in Florida, and I will always remember those moments, sharing our grief and our memories of Chisholm's legacy. Looking back at that time, I never imagined that we would be mourning another great woman only six months later.

Brenda Pillors was solid as a rock. Humble, caring, wise and considerate, the knowledge, presence and spirit of Brenda will be missed by all. And her respect, her dignity, and her beauty will be remembered by many. My thoughts and prayers are with all who knew and loved her.

RECOGNIZING THE TWENTIETH ANNUAL IMAGEN AWARDS

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Ms. SOLIS. Mr. Speaker, I rise today to recognize and applaud the efforts of the Imagen Foundation. Today, the Imagen Foundation will host its Twentieth Annual Imagen Awards and will bestow special achievement awards to a distinguished group of Latino talent for their outstanding contributions to the entertainment industry.

For the past twenty years, the Imagen Foundation has raised awareness, increased knowledge and encouraged positive portrayal of Latinos and the Latino culture in the media. Under the strong leadership of its founder and president, Helen Hernandez, the Imagen Foundation has fostered countless career opportunities to inspiring Latino actors, writers, and producers.

It is with great pride that I highlight two distinguished individuals who will be recipients of Imagen's special awards tonight. Nina Tassler will be the recipient of Imagen's 2005 Career Achievement Award. As the first Latino to head a major television network, CBS, Nina Tassler has built a remarkable career. She oversees the network's entertainment programming and uses her heritage as a tool to help her be more proactive in showcasing diverse talent. Jose Rivera, a prominent Latino writer, will receive the Norman Lear Writer's Award. He is the author of the Oscar-nominated screenplay, "The Motorcycle Diaries," and a two-time Obie Award-winning playwright whose works have been translated into seven languages.

Through groups such as the Imagen Foundation and people like Helen Hernandez, more doors are opening for Latinos in the entertainment industry. Although we have seen significant progress, there is still much to be done and we need to continue to work together. I was proud to join the Imagen Foundation in hosting a workshop in my district to inform talented Latinos about the entertainment industry and how to break into it. With institutions such as the Imagen Foundation, who are committed to fighting prejudices and committed to bringing diversity and cultural sensitivity to television and society, I look forward to the accomplishments that are yet to come.

The Imagen Foundation has been an amazing force working to develop, showcase and honor the talent in the Latino community. It is my privilege to take this opportunity to pay tribute to the Imagen Foundation.

FATHER'S DAY 2005

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. RANGEL. Mr. Speaker, I rise to commemorate one of the proudest institutions of human society—the father. This Sunday, many in our country will turn those individuals who often go underappreciated throughout our lives. As a father myself, I know the joys and wonders of being a father and I applaud those fathers that stand up for and behind their children throughout their lives.

Dads are an important aspect of many of our lives. They, like mothers, dedicate their lives to the rearing of their kids. They sacrifice and suffer for the betterment of the family. They fret and worry constantly over the safety and future of their loved ones. Fathers nevertheless play an important role in the lives of the community, intentionally or not. They are an integral part of the national fabric that weaves and connects us to one another and to our collective futures.

Fathers on Father's Day seldom get to the attention and praise that mothers do on Mother's Day. We get interesting ties, not fresh roses. Greeting cards on Father's Days are rarely as lovely and thoughtful. The importance of fathers, like mothers, however is not reflected in the gifts and praises lauded on us. The importance is seen at birthdays and holidays, graduations and weddings. Our biggest accomplishments are turning our little boys into men and our girls into women. That is where our praise comes from.

Nonetheless, I want to acknowledge the fathers of this country today. I want to thank them for spending time with their families, providing the necessities of life to their children, caring and supporting their wives, and being role models for and leaders of their communities. I want to recognize the hard work and sacrifice that they endure for their loved ones and the advice and wisdom they give to guide the family. I applaud their daily efforts, sympathize with their trials and tribulations, and encourage them to persevere through difficult moments. The rewards far outweigh the sacrifices.

I especially want to thank the fathers that are serving in Iraq and Afghanistan today. Their service to this nation means they will not able to hold their kids and their wives on this Father's Day. I also want to thank the fathers of our men and women in Iraq and Afghanistan. They too will be unable to hold their kids and their wives because of their service to this country. I have spoken before about my admiration and love for our military forces. The sacrifices they endure for our freedom and safety must be appreciated and we must continue to recognize and honor these men and women on Father's Day and every day.

HONORING JIGGS MANN, RANCHER OF THE YEAR

HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. THORNBERRY. Mr. Speaker, our nation includes many traditions and cultures which have influenced our history and our national character. In my area, none is stronger than ranching.

Cowboy Roundup, USA, is an organization dedicated to preserving the Ranching Heritage of Amarillo and the Texas Panhandle. It works to educate the public, "in the spirit of our ranching ancestry and the lifestyle of the great American Cowboy."

Each year at the Ranch Rodeo in Amarillo, Texas, which this organization sponsors, an individual is named as "Rancher of the Year," to recognize a lifetime of accomplishment. This year's recipient is W.C. "Jiggs" Mann, from my home county, Donley County, Texas.

In thinking about ranchers, the stereotype characters from movies, books, songs, and stories will come to mind for many people. But I think that they would be more impressed to meet the real thing. Jiggs Mann is the real thing.

Jiggs began working on the JA ranch as a schoolboy during the summers of World War II. He rode with the chuck wagon all summer as it moved from pasture to pasture on Texas' second largest ranch, sleeping on the ground and eating by campfire. After returning from serving his country in Korea in 1953, Jiggs went to work at the JA again and served as foreman of the ranch from 1959 until 1969. He leased part of the ranch, running his own cattle, and now runs cattle on his own property in Donley County.

More than his decades of experience with land and cattle, Jiggs Mann was honored because of his character and integrity and because he is a shining example of what a rancher is and should be.

A rancher, like others who make their living off of the land, is a risk taker. His whole year's work can be wiped out by weather, disease, or a tumble in the market.

A rancher is independent and does not look for—or feel entitled to—a hand-out from government or anyone else, but he will drop whatever he is doing, even at considerable sacrifice, to help out a neighbor.

He is honest and straight talking; he has no need to beat-around-the-bush. Mother Nature and the demands of making a living off the land do not allow it for one thing, but more importantly, he comes from a background where a man's word is still his honor. He tells it as he sees it. The strength of what he says is found not so much in the words used but in his integrity.

He works hard—incredibly hard—from sun up until sun down and understands the value of a job well done, whether measured by the depth of his corner post or the number of hay bales stacked in the field. While some of the tools he uses have changed over the years, like steel post drivers or pick-ups with round bale haulers mounted on the back, others have not changed at all, like a good horse. He realizes that some things, however simple they may seem on the surface, will forever stand the test of time, and it is in those things that he puts his faith.

A rancher has to respect nature and all of God's creation or he will not last long. From taking care of the land, which may have been in the family for generations, to helping a cow give birth, or nursing a new calf with a bottle, he understands the give and take that this life demands and the sacrifices necessary to maintain those things we cherish most, our families and our heritage.

These are some of the qualities which this award recognizes. Jiggs Mann is not the only person I know with these qualities, but he is the "best of the breed." It is appropriate to honor him, and through him, this important part of our national character.

TRIBUTE TO WILLIAM MICHAEL FINE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. CARDIN. Mr. Speaker, I rise today to pay tribute to Bill Fine, who is leaving his position as President and General Manager of Baltimore's WBAL–TV to return to Boston, where he will become Executive Vice President and General Manager, and, in 2006, President of WCVB, a station where he worked as Sales Manager before coming to Baltimore.

Baltimore's loss will be Boston's gain, as Bill has been a pillar of our community. He has selflessly volunteered his time and energy to numerous charitable causes, including the Chesapeake Region 2012 Olympic Coalition and the Cystic Fibrosis Foundation. Through these efforts, Bill has established himself as a true civic leader.

At WBAL, he transformed the station into "the leader in nighttime news" in Baltimore. Under his leadership, WBAL won the Peabody Award in 2004, the most prestigious award in broadcasting, for its reporting on Chesapeake Bay pollution. WBAL was also named as one of the "Ten Stations That Do It Right" by MediaWeek Magazine in 2001.

Bill's accomplishments have been recognized by his peers as well. Baltimore Magazine named him Baltimore's "Best CEO" in 2000 and he was selected as one of the "25 Leaders We Most Admire" by Baltimore Smart CEO Magazine in 2005. Bill Fine was also awarded the American Advertising Federation's "Silver Medal Award" in 2004, in recognition of his "Outstanding Contributions to Advertising."

I hope my colleagues in the U.S. House of Representatives will join me in saluting Bill Fine's exemplary record of leadership and service to the Baltimore community. We will miss his presence in our city and we wish him all the best in Boston.

CONGRATULATING CITY OF COCONUT CREEK

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. SHAW. Mr. Speaker, I rise today to congratulate the City of Coconut Creek for its designation as a "community wildlife habitat" by the National Wildlife Federation. Coconut Creek becomes the first city in Florida and the eleventh city in the Nation to receive this environmental recognition.

In order to receive such a designation, criteria set by the National Wildlife Federation mandates that applicants must have a number of homes declared as back yard wildlife habitats while establishing habitats at schools and residential complexes. In addition, applicants must also create educational programs about various wildlife within the city.

Facing these various guidelines, residents of Coconut Creek met the challenge by planting trees and various gardens around the city. City Manager John Kelly stated, "They tackled the project and took it as their own. And it's been a wonderful instrument for getting the word out about the environment in our schools."

Mr. Speaker, Coconut Creek, located in Broward County, was incorporated in 1967. Today, with a population of 48,000, the city takes great pride in promoting itself as an environmentally friendly community. In fact, Coconut Creek is considered the Butterfly Capital of the World.

Mr. Speaker, I am privileged to represent the city of Coconut Creek and its residents in the House of Representatives. I congratulate Mayor Gerber, the City Commission and the residents of Coconut Creek on being designated a "community wildlife habitat."

IN HONOR OF REESE EDWARD PHILLIPS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to honor and pay tribute to Reese Edward Phillips of Milford, Delaware. Known to his family and friends as "Pappy," Mr. Phillips was born in Zion Grove, Pennsylvania on May 5th, 1916.

Mr. Phillips was a deeply patriotic man who went to great lengths to defend our freedom. A proud veteran of the United States Air Force, his 32-year career in the military spanned both World War II and the Korean War. Although he retired from the service in 1972, Mr. Phillips would continue his unwavering devotion to our Nation's veterans for the rest of his life.

Mr. Phillips was instrumental in the planning and development of countless projects for Delaware's veterans, including the Delaware Veterans Cemeteries located in Bear and Millsboro, the state's first veterans home, and the establishment of the Governor's Veterans Advisory Council, known today as the Delaware Commission of Veterans Affairs. Mr. Phillips would serve with distinction on the Commission from its creation until his recent passing, a period that included tenure as Chairman from 1991–1992.

In addition to these projects, Mr. Phillips was actively involved in other community organizations, including membership in the Walter L. Fox Post #2 in Dover, the Disabled American Veterans Department of Delaware, and the Calvary United Methodist Church in Milford.

Mr. Speaker, in closing, Reese Edward Phillips was a persistent man whose community involvement greatly benefited the entire state of Delaware. Those of us with the good fortune to know Mr. Phillips were touched by his kindness and caring. While he is greatly missed by his family and friends, "Pappy" will always be remembered for the work he has done on behalf of the veterans of our great Nation.

PERSONAL EXPLANATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. OBERSTAR. Mr. Speaker, I underwent corrective hernia surgery on June 13, and I was unable to record my vote during the consideration of legislation earlier this week, including the fiscal year 2006 appropriations bill for Science, State, Commerce and Justice.

Had I been present, I would have voted "aye" on rollcall votes Nos. 241, 242, 244, 246, 248, 252, 254, 255, 256, 258, 261, 264, 268, 270, 271, and 272.

Had I been present, I would have voted "nay" on rollcall votes Nos. 243, 245, 247, 249, 250, 251, 253, 257, 259, 260, 262, 263, 265, 266, 267, 269, and 273.

COMMENDING ED MESSER FOR EXEMPLARY COMMUNITY SERVICE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to commend the exemplary public service of Ed Messer, a resident of the Chautauqua County Town of Carroll, upon the occasion of the celebration of his years of dedicated community involvement.

As a young man Ed demonstrated his strength, courage and devotion to his country as a member of the United States Marine League.

Ed's patriotism continues to be evident today, as he devotes his time as an avid member and past Commander of the Frewsburg American Legion and the Chautauqua County American Legion.

Mr. Messer became active in the Town of Carroll Democratic Committee in mid 1970's. During that time he served as the election machine custodian for the Town of Carroll for many years.

Presently Ed serves as the Chairman of the Town of Carroll's Democratic Committee. His success in that role is apparent in the fact that currently, except for town justices, every office in the Town of Carroll including the County Legislator position is held by Democrats.

I ask that we pause to consider the contributions Mr. Ed Messer has made, not just to the Democratic Party in general, but to the people of his community, his county and to western New York as well. Chautauqua County is a better place because of Ed Messer's commitment to public service, and I am proud, Mr. Speaker, to have an opportunity to honor him today.

TRIBUTE TO CAPTAIN STEVEN C. MILLER, USN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor Captain Steven C. Miller, United States Navy, for his twenty-six years of active duty service to our country. He is the Commanding Officer of the Naval Surface Warfare Center in Corona, California and will retire on June 17, 2005.

Captain Miller graduated from the United States Naval Academy in 1979. After being commissioned as an officer he embarked on an extraordinary active duty career as a Surface Warfare Officer. He has deployed throughout the world in support of America's global naval presence and power projection. Captain Miller has served as a Surface Warfare Officer on destroyers, frigates and cruisers. He was the Executive Officer of the USS *Ticonderoga* (CG 47) when she went to war in support of Operation Desert Shield and Desert Storm in 1990 and 1991. Captain Miller was hand picked to be the first Commanding Officer of the USS *Stethem* (DDG 63) when she entered service in 1995. Under his leadership, the crew of the *Stethem* earned the coveted Battle "E" award for combat readiness in the first year of the ship's service.

Besides being a true warrior at sea, Captain Miller has had a distinguished career ashore. He has served in the office of the Chief of Naval Operations as the Executive Secretary for Joint Chiefs of Staff Affairs and as the Flag Secretary for the Commander Naval Surface Force, U.S. Atlantic Fleet. Following his command tour on the USS *Stethem*, Captain Miller shaped the future of the Navy's surface combat force while working on the program start of the DD(X). This new destroyer program will lead the Navy into the twenty-first century. Captain Miller has earned a Master's Degree in National Security Strategy at the Naval War College and qualified as a U.S. Navy Acquisition Professional.

I first met Captain Miller when he assumed command of the Naval Surface Warfare Center in my district. NSWC, Corona provides independent assessment and testing and evaluation to the fleet on weapons systems and operations and provides quality control for the tools our Navy uses to fight the Global War on Terrorism. I have come to know him as a strong leader who accomplishes the mission and takes care of his people.

Captain Steve Miller has done much to preserve our way of life. Our country, our Navy and my community have benefited from his selfless service. He is a fantastic example for today's young people who want to serve their country and for those who dream of attending one of our service academies. He has earned my many thanks. I wish him well in his retirement from the Navy and all his future endeavors.

CONGRATULATIONS TO MOORE HIGH SCHOOL AND TOTTENVILLE HIGH SCHOOL

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. FOSSELLA. Mr. Speaker, I would like to take this opportunity to congratulate the stellar baseball seasons of Moore High School and Tottenville High School. Both of these schools recently completed their seasons with respective City Championships.

Andrew Costello, a Tottenville senior, couldn't have scripted a better ending to his already impressive high school career. The right-hander fired a complete-game three hitter to give the Pirates their third Public School Athletic League city championship in six years. The Pirates finished their season with a 23–1 record, including a 6–0 record in the playoffs.

Costello put his three-pitch arsenal of fastballs, curve balls, and sliders to work against what some considered the city's most talented hitting order and could have hardly been much better. He allowed one earned run, walked one, and struck out seven. He retired the first nine batters that he faced took a no-hitter into the fifth.

Moore Catholic High School, just as Tottenville had, rode the strong arm of their starting pitcher, Nick Doscher. He pitched five of scoreless baseball and even helped his own cause from behind the plate by homering off the left field foul pole.

Moore High School, winners of their second Catholic High School Athletic Association championship, battled adversity through the early stages of the game by failing to score twice with the bases loaded.

Doscher, selected by the Kansas City Royals in the Major League Baseball Amateur Draft overmatched his opponents over the final five innings of play; only allowing one hit and recording seven strikeouts, at one point, retiring twelve in a row.

On behalf of family, friends, fans, and the entire 13th Congressional District of Staten Island and Brooklyn New York, I would like to again congratulate both Tottenville and Moore Catholic High Schools for their outstanding seasons. Each player, coach, and fan should be very proud of their efforts. I commend them for their drive, desire, and sportsmanship that they revealed throughout the season.

REGARDING THE INTRODUCTION OF H.R. 2939, THE OCEANS CONSERVATION, EDUCATION, AND NATIONAL STRATEGY FOR THE 21ST CENTURY ACT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. FARR. Mr. Speaker, yesterday represented a giant step forward towards the protection and sustainable management of this nation's largest public trust: our oceans. I introduced OCEANS 21, a comprehensive oceans policy bill that answers the calls of the Pew Oceans Commission and the U.S. Commission on Ocean Policy, along with other bipartisan co-chairs of the House Oceans Caucus, Curt Weldon of Pennsylvania, Tom Allen of Maine, and Jim Saxton of New Jersey.

Our bill offers a comprehensive legislative solution to crises documented in both of the Oceans Commissions reports by establishing a strong National Oceans Policy that protects, maintains, and restores the health of marine ecosystems. This National Oceans Policy will secure, for present and future generations, the full range of benefits of healthy marine ecosystems—a responsibility that I take quite seriously in my job of representing California's central coast, home to the Monterey Bay National Marine Sanctuary.

The importance of this policy cannot be overstated, as we all depend on our oceans and coasts, from the person who lives off the water to the person who visits the ocean once in a lifetime. The oceans provide food, jobs, vacation spots, as well as opportunities for scientific inquiry, including medical discovery, and personal reflection. Despite our inability to measure the many non-market values associated with our oceans and coasts, we are able to quantify some of the benefits they provide. For example, the ocean economy—the portion of the economy that relies directly on ocean attributes—contributes well over $100 billion to American prosperity. About one tenth of the nation's annual gross domestic product (GDP) is generated in nearshore areas, the relatively narrow strip of land immediately adjacent to the coast. If that area is expanded to include coastal watershed counties, representing about one quarter of the nation's land area, the contribution increases to about half of the nation's GDP. This is a huge economic contribution to our gross domestic product; a contribution that must be protected so the returns keep coming.

Oceans-21 was introduced in the 108th Congress to begin a national dialogue on our coasts and oceans. Since that time, the cochairs of the House Oceans Caucus have revised the bill based on input from the oceans and fishing communities. This effort reflects continued forward momentum toward the goal of healthy marine ecosystems for present and future generations of Americans. The most substantive changes to the bill from the 108th Congress are to the regional governance and trust fund provisions. The bill would establish Regional Ocean Partnerships that facilitate communication among federal, state, and local management entities. The Oceans and Great Lakes Conservation Trust Fund no longer relies on monies from outer continental shelf activities and instead draws from general revenues.

One of the most common concerns about the 108th Congress bill was that the structure of Regional Governance added an ineffective layer of bureaucracy without helping ecosystem-based management efforts. The integration of ecosystem-based management into current ocean and coastal management regimes must occur incrementally. Regional Ocean Partnerships are a first step toward deliberate and strategic planning for the long term health of our marine ecosystems. The revised language removes regulatory mandates from the Partnership's purview and concentrates instead on planning, removing the extra layer of bureaucracy. Currently, there is no organized forum for communication between federal and state entities responsible for management of coastal and ocean resources. The successful co-management of the oceans relies on frequent and effective communication.

Fisheries are not only affected by the number of fish we take out of the sea but are also affected by pollution, invasive species, degradation of nursery areas, and other ocean uses. Fishermen have not been able to adequately address or voice their concerns about non-fishing issues that affect their resource. Oceans 21 will give fishing a loud voice by including the executive director of each Regional Fishery Management Council on the corresponding Regional Ocean Partnership. Fishermen need the ability to be effective ocean stewards.

I urge all of my colleagues to dedicate themselves to shaping a better future for our oceans by supporting the House Oceans Caucus Founder's ocean policy bill. Our bill will not only bring U.S. ocean policy into the 21st century, it will set the tone for a future in which our oceans remain vital components of our economy, our communities, and our lives.

Mr. Speaker, I would like to close with a quote from the U.S. Commission Report that encapsulates my thoughts on the urgency of considering OCEANS 21 this session: "The responsibility of our generation is to reclaim and renew the oceans for ourselves, for our children, and—if we do the job right—for those whose footprints will mark the sands of beaches from Maine to Hawaii long after ours have washed away."

NAMING THE FEDERAL BUILDING AT 333 MT. ELLIOTT STREET IN DETROIT, MICHIGAN AS THE "ROSA PARKS FEDERAL BUILDING"

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Ms. KILPATRICK. Mr. Speaker, I rise today to introduce legislation that would name the Federal Building at 333 Mt. Elliott Street in Detroit, Michigan after Rosa Parks.

Rosa Parks was a seamstress and the secretary of the local NAACP. Mrs. Parks refused to give up her seat on a Montgomery, Alabama bus in December 1955. She was arrested and fined for violating a city ordinance. Her defiance began a movement that ended legal segregation in America and made her an inspiration to people everywhere.

The bus incident led to the formation of the Montgomery Association. The Association called for a boycott against the city-owned bus company. Black people citywide boycotted of the bus system for more than a year. As a result of the boycott and the actions of Rosa Parks, the Supreme Court eventually outlawed racial segregation on public transportation.

Rosa Parks was born Rosa Louise McCauley in Tuskegee, Alabama on February 4, 1913. In 1957, Mrs. Parks and her husband Raymond moved to Detroit. She continued her seamstress career and later served on the staff of Congressman John Conyers: After the death of her husband, she founded the Rosa and Raymond Parks Institute for Self Development. The Institute sponsors leadership programs for youth, including an annual summer program for teenagers called Pathways to Freedom.

Rosa Parks' work helped change history. Her contributions to the Civil Rights Movement brought this country a step closer to equality. Her devotion to the Civil Rights Movement and the city of Detroit will always be remembered.

I believe people who make meaningful contributions to society should be recognized and honored. Naming the Federal Building at 333 Mt. Elliott Street at E. Jefferson after Mrs. Rosa Parks will remind everyone who drives by or visits the building of the contribution she made for Civil Rights.

Mr. Speaker, I urge all of my colleagues to join me in honoring the "Mother of the Civil Rights Movement," Mrs. Rosa Parks, by becoming a cosponsor of my legislation to name the Federal Building at 333 Mt. Elliott Street at E. Jefferson in Detroit, Michigan after Rosa Parks. The building will serve as a reminder of her strong sacrifice and unwavering commitment to her community and America.

PERSONAL EXPLANATION

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. DELAHUNT. Mr. Speaker, on June 8, 2005, I inadvertently voted in the affirmative on rollcall No. 234 on H.R. 2744. It was my intention to be recorded as "no" on this measure and I offer this clarification for the Record.

TRIBUTE TO REVEREND MONSIGNOR JOSEPH J. GRANATO—GOLDEN ANNIVERSARY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. PAYNE. Mr. Speaker, it is with great enthusiasm that I ask my colleagues here in the House of Representatives to join me as I rise to offer heartfelt congratulations to Monsignor Joseph J. Granato as he celebrates 50 years in the priesthood. Father Joe, as he is affectionately known was ordained on June 4, 1955, at St. Lucy's Parish in Newark, New Jersey.

As a youngster in his First Ward neighborhood of Newark, Father Joe embraced the Catholic traditions that were intricately woven into the lives of his family and friends. His Catholic school education began at Sacred Heart Cathedral Grammar School and included Our Lady of Good Counsel High School and Seton Hall University. He attended Darlington Seminary where he studied diligently and paid close attention to his prayers of obligation. Although Father Joe yearned for his mom's cooking and the camaraderie of his old neighborhood while in the Seminary, he was appreciative of the jovial exchanges he shared with his fellow seminarians.

Father Joe's religious assignment to St. Lucy's Parish has been a true blessing to him and his congregation. In addition to being close to his own home, Father Joe flourished under the guidance of Father Ruggiero until his death in 1966. Father Joe took responsibility for the CYO, Drum Corps, Children of Mary, Altar Boys, sick calls, First Friday calls and confessions. He was subsequently appointed Administrator in 1971 and in 1977; he was assigned by Archbishop Peter Gerety as the Pastor of his beloved St. Lucy's. On July 16, 1979, Father Joseph J. Granato was awarded the honor of being named Monsignor by His Holiness, John Paul II, which the humble Father Joe attributed to the virtue of the people of St. Lucy's rather than himself. Father Joe has worked hard to transform the neighborhood around St. Lucy's. His leadership along with the cooperation of the city, state and federal government has resulted in the removal of the old abandoned high-rise apartments which have been replaced with new beautiful townhouses.

Mr. Speaker, Reverend Monsignor Joseph J. Granato has served his church and the community well over the past 50 years. He has received several awards including the first Msgr. Joseph Granato Italian Culture Award from Seton Hall University and an induction into the Our Lady of Good Counsel Hall of Fame. St. Lucy's Parish is thriving under his guidance and leadership. I know my colleagues join me in wishing Father Joe a very happy 50th anniversary.

HONORING THE RETIREMENT OF JOHN KACZOROWSKI, PRESIDENT OF THE BUFFALO AFL–CIO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor the retirement of Buffalo's wonderful American Federation of Labor–Congress of Industrial Organizations (AFL–CIO) President, John Kaczorowski.

After nine years of stalwart service as Buffalo's AFO–CIO president, Mr. Kaczorowski chaired his final meeting on February 8, 2005. He has previously served at the Erie County Medical Center and the Erie County Industrial Development Agency. In a previous career, Mr. Kaczorowski was both an autoworker and a union chief for General Motors Corporation, Tonawanda engine plant.

John Kaczorowski has worked tirelessly to improve the quality of life for the working men and women of Western New York. His contingent of 75,000 affiliated union workers is among the largest of AFL–CIO members in any congressional district nationwide and he has vigorously campaigned on their behalf. He has organized numerous boycotts and protests, deftly handling both picket lines and conference rooms. This past December Mr. Kaczorowski made national news headlines by organizing a campaign with M-ONE Financial Services to send AT&T phone cards to U.S. troops overseas. He serves on numerous boards, including the Coalition for Economic Justice and the Workforce Development Center.

Mr. Speaker, I am personally proud to call John Kaczorowski my confidant and friend. He is the consummate campaigner—he has the know-how, gravitas and experience to get the job done. His tireless work in my race for U.S. House of Representatives last year was immeasurable. Although he may no longer be Buffalo's labor president, I am fortunate that he will remain a resident of the 27th Congressional District. Once again, I would like to thank this outstanding gentleman for his munificent service to our community. I wish him well with all his future ventures.

IN MEMORY OF SERGEANT KENNETH J. SCHALL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. FRANKS of Arizona. Mr. Speaker, I rise today to pay tribute to a fallen hero—Sergeant Kenneth J. Schall of El Mirage, Arizona.

On May 22, 2005, we tragically lost this soldier of freedom when his military vehicle was involved in an accident. Kenneth was nobly serving his country in Yusafiyah, Iraq as a vital and supportive member of Operation Iraqi Freedom.

At the young age of 22, Kenneth has marked history as a true American hero. He sacrificed his life to protect the citizens of this great Nation and the cause of human freedom. Today, we deeply honor his memory with our profound gratitude and extend our most loving condolences to his family and parents, Mr. and Mrs. John and Terri Schall.

JUNETEENTH, 2005

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. DELAY. Mr. Speaker, it has been 140 years now since the United States finally severed its ties with the ancient inhumanity of slavery.

At the end of a great civil war—a war fought over slavery and won to eradicate the "curious institution"—600,000 Americans were dead, but 4 million were freed.

The last of those 4 million were freed 140 years ago Sunday, June 19th, 1865, in Galveston, Texas—by a man named Gordon Granger.

On his arrival in Galveston, Major General Granger of the United States Army, issued General Order Number Three to the people of Texas, informing them of the end of the war and the emancipation of slaves.

As he read the words of President Lincoln's self-consciously legalistic Emancipation Proclamation, the world changed in front of him:

"This [order] involves an absolute equality of rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and free laborer."

The United States, the first nation in history "conceived in liberty and founded on the proposition that all men are created equal," was, at long last, fulfilling that conception and proposition for the millions of African-Americans whose freedom had theretofore been denied.

Juneteenth, then, is not merely a celebration for African-Americans, or for Texans—it is a celebration for all men in all times.

It should instead be a celebration of humanity itself, and of the human race's universal yearning to be free.

How many Americans—black and white—joined in arms decades after emancipation, to pass along the gift of human freedom to the continent of Europe in World War II?

How many more risked and gave their lives together in the Cold War against communist aggression?

How many more today are serving together to bring a new emancipation to the people of Afghanistan and Iraq, who for too long have suffered under slave-like conditions at the hands of their oppressors?

The answer? As many as it takes.

Americans of all races today are joined in our hope for the freedom of all mankind, and will stand united against any enemy who would deny any people their human rights.

Juneteenth, then, is a reminder not simply of the great freedom won 140 years ago, but of the great freedom to be secured in the coming years, around the world.

COMMEMORATION OF JUNETEENTH DAY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. CARDIN. Mr. Speaker, I am pleased to be here today to celebrate the 140th Anniversary of Juneteenth Day. Today we remember the events of June 19, 1865, when Major General Gordon Granger led his Union troops through Galveston, Texas, to spread the news of the Emancipation Proclamation. This was more than two years after President Lincoln issued this directive. Initially celebrated by African Americans who had been slaves in the southwest, Juneteenth Day officially commemorates the ending of slavery in the United States.

This important anniversary represents how far we have come as a nation. With an emphasis on freedom, education, and achievement, Juneteenth Day recognizes the ending of one of the most sinister periods in our Nation's history and the beginning of a new era of liberty, not just for the slaves that were freed, but for all Americans.

Today, a growing number of Americans celebrate Juneteenth Day. People of all faiths, races, and creeds from cities and towns across our country are gathering together to both rejoice in the progress this Nation has made and reflect upon how much work there is still to be done. We celebrate this day by spending time with our close friends and family, enjoying ourselves and listening to others.

In my own district in the State of Maryland, Juneteenth Day is being observed at Fort McHenry. In addition, on June 22nd, the members of the Boys and Girls Club of Central Maryland will re-enact the events of that historic day.

By celebrating this holiday, we recognize the progress that this Nation has made in advancing the fundamental values to which we, as a country hold true—life, liberty and the pursuit of happiness.

I call upon my colleagues to join me in celebrating this monumental day. Juneteenth Day has become part of the fabric of this Nation's history, and deserves to be acknowledged and celebrated.

OUTSTANDING HIGH SCHOOL SENIORS. FIRST CONGRESSIONAL DISTRICT OF NEW MEXICO

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mrs. WILSON of New Mexico. Mr. Speaker, the following high school students from the First Congressional District of New Mexico have been awarded the Congressional Certificate of Merit. These are exceptional students that serve the community and participate actively in school and civic activities. It is my pleasure to be able to recognize these outstanding students for their accomplishments. Their parents, their teachers, their classmates, the people of New Mexico, and I are proud of them.

CERTIFICATE OF MERIT AWARD WINNERS 2005

Juanita Martizes, Albuquerque High School; Laura Rogers, Cibola High School; Britten Smith, Highland High School; Gary R. Stinnet, La Cueva High School; Robert Cordwell, Rio Grande High School; Cameron Banes, Creative Education Preparatory Institute; David Gullet, Temple Baptist Academy; Adam Geoffry Cowan, Calvary Christian Academy; and Leanne Raskob, St. Pius X High School.

Merethy Billian, Cornerstone Christian School; Jordan Spence, Evangel Christian Academy; Markenzi Williamson, Hope Christian Schools; Aaron Smith, Menaul High School; Emily Wildsmith, Southwest Secondary Learning Center; Nicholas Trumbley, Albuquerque Evening School; Karl Nieman, Career Enriched Center; Takesha Haynes, New Future High School; and Suzia Vanswol, East Mountain High School.

Jane Yein Song, Sandia High School; Erika Anaya, Moriarty High School; Samuez Luban, Charter Vocational High School; Danielle Treadgill, Bernalillo High School; Jessica R. Siegel, Sandia Preparatory High School; Ruth Ann Huning, Los Lunas High School; Kenneth David Rael, Sierra Alternative High School; Marie Jiron, Career Academy; Maggie Elizabeth Crank, Albuquerque Academy; and Orlando Pacheco Los, Puentes Charter School.

HOW MUCH TO FEED A DRAGON

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. RYAN of Ohio. Mr. Speaker, I rise today to share with you an article written by Scott Lilly, the former Democratic Staff Director to my distinguished colleague and Ranking Member of the Committee on Appropriations, David Obey. Scott, a longtime friend and valued resource to Members and staff on both sides of the aisle, left Capitol Hill last year after 32 years of distinguished service. His departure was and continues to be deeply felt by many of us, but as the article below reveals, Scott remains a tremendous resource for this institution as we work to deal with serious policy issues that impact our constituents, our communities and our nation.

In this article, How Much to Feed a Dragon, Mr. Lilly discusses the extremely important issue of the threat of China to the United States as an economic and world power. As Scott articulates so well, the time to act against China and its currency undervaluation is now I urge my colleagues in the House to heed the warnings detailed in this article and to stop the rhetoric. We must act immediately and decisively to address the serious risk China poses to the American way of life—our nation's future depends on it.

HOW MUCH TO FEED A DRAGON

A few weeks ago the Bush administration took action to cap the growth of Chinese textile imports to no more than 7.5 percent a year, professing grave concern for what is left of America's textile industry. The controversy generated by that move largely obscured a far more profound decision by the administration only a week earlier. In a formal report to Congress, Treasury Secretary John Snow refused to designate China as a currency manipulator despite massive evidence of China's continuous intervention in global currency markets—keeping the yuan at levels far below what most economists believe is its true value. Snow stated that Chinese officials "have repeatedly vowed" to move toward "a more flexible" currency. When they will move or how far they will move is an issue that Snow will apparently continue to leave to the discretion of China's central planners.

While this issue sounds arcane, it may also rate as one of the most important economic issues of this generation. The intense manipulation of the Chinese yuan impacts greatly on numerous problems facing American households, ranging from high gas prices to weak job growth and stagnant wages. It has materially contributed to the problem of our growing foreign debt, the weakness of the dollar and a potential worldwide currency crisis that could lead to global depression. In addition, it has serious implications for the balance of global power in the decades ahead.

How has China impacted U.S. gasoline prices? World demand for energy grew by more than 3.4 percent last year-the largest yearly increase since the gas lines of the 1970s and more than twice the average yearly growth over the past two decades. Furthermore, it is clear that the big players in world energy markets see this spike in demand as anything but temporary. They are not only buying up oil futures and the shares of companies that own and sell oil but companies that explore and drill for oil as well.

The reason for this rapid growth in oil demand is attributable to one single fact: Oil consumption in China is growing at astronomical rates. During 2004 Chinese consumption of oil averaged more than one million barrels a day above the previous year, an increase of 19.3 percent, or eight times faster than the growth of energy consumption in the rest of the world. Without China, the global growth in oil consumption during 2004 would have been just 2.2 percent—a rate that the normal expansion of world oil exploration and production can accommodate without significant upward pressure on oil prices. Even in per capita terms, China's oil consumption is growing three times faster than the rest of the world.

Why is China guzzling so much petroleum? China's skyrocketing demand for energy is largely a function of the nation's skyrocketing rate of economic growth. For several years China has been growing at a rate of more than 9 percent per annum even after accounting for inflation. Some experts expect growth in the 8 to 10 percent range for the indefinite future. This rate of growth drove China last year to consume 40 percent of the globe's increased demand for crude oil in 2004—more than the rest of the developing world combined.

How can China maintain such a rapid pace of growth? The answer to that is also relatively simple. According to a report released in Beijing last month by the State Information Center, foreign trade is the major driving force of China's economy. In particular, China's net exports, or trade surplus with the rest of the world, are credited with bringing strong growth to the nation. The report discloses that Chinese exports totaled $156 billion in the first quarter of 2005 while imports totaled only $143 billion. More than 60 percent of Chinese surplus came at the expense of the United States. Last year, the U.S; bilateral trade deficit with China exceeded $162 billion, while the rest of the world actually ran a trade surplus with China. As a result, it is almost entirely the Chinese trade surplus with the United States that is providing the country with this extraordinary pace of expansion.

What makes China so competitive with U.S. and other foreign producers? It is important to remember that China is not a market economy. Prices in a particular sector can easily be manipulated by central economic planners. This goes for all inputs: labor, land, capital and energy. If China wants to compete and be the low price producer for a particular product, no other producers functioning in a market economy with fixed prices can match the price at which China will be able to sell.

But even more important has been China's manipulation of its currency, the yuan. The central government has gone to extraordinary lengths to cap the value of the yuan to no more than 8.3 to the dollar. As Secretary Snow points out, leaders in Beijing have talked at great lengths about future plans to allow the yuan to trade more freely on world currency markets.

But they have taken no such action and the rapid export-led growth of the Chinese economy would drop back to more normal levels if they did. Since rapid growth is seen by the leadership in Beijing as central to the nation's economic, political and geopolitical goals, it is hard to imagine that significant change will occur without strong external pressure. Since the United States alone represents nearly all of China's net trade surplus, the lever to force revaluation of the yuan is almost entirely in the hands of the United States.

Isn't China's growth good for the world? It depends on what part of the world you are talking about. Oil producing countries are having a bonanza. Saudi Arabia, a country in danger of not being able to make payments on its foreign debts just a few years ago, is now raking in revenues at a rate that dwarfs even the oil price boom of the 1970s.

Oil executives in this country are also prospering. The 3 million shares of Exxon Mobil held by Board Chairman and CEO Lee R. Raymond are now worth about $170 million, up more than $62 million or about 59 percent from the level such shares would have sold for only 18 months ago. Raymond is only one of thousands of oil company executives enjoying the new prosperity that China's demand for petroleum has created for the industry.

There are also other domestic winners in the unbalanced trade relationship between the U.S. and China—at least over the short term. Companies ranging from Mattel to Boeing have increasingly moved production operations from the U.S. to China in recent years. They reap two benefits in such transactions. First, the lower wages paid in the Chinese factories provide savings that go largely to the bottom line on corporate balance sheets. Chinese workers make about one-twentieth of what U.S. workers make.

But secondly, the mere threat of moving more production to China keeps downward pressure on wages paid to U.S. workers. Since 2001, the hourly output of U.S. workers has increased by more than 16 percent, but the average wage production and non-supervisory worker wage remained virtually flat after adjusting for inflation. Corporate profits, on the other hand, have jumped by about 58 percent since the beginning of 2001 despite slower than normal economic growth. Not since the 1920s have workers' wages fallen so far behind their increases in productivity and at no time in the post-World War II era have corporate profits accounted for such a large portion of the growth in national output.

So while American corporations have at least thus far been winners in U.S. acceptance of China's trade and currency policies, U.S. workers have been major losers. Not only have wages been stagnant, but so have the number of jobs. The number of Americans with manufacturing jobs has dropped by 2.8 million, or 16 percent, since January of 2001. At the same time, the U.S. population has continued to grow. About 12 million more individuals are now being supported with paychecks that are no bigger in either size or number.

Whether or not U.S. corporations—outside the oil patch—will be long-term winners in this arrangement is a matter of increasing concern on Wall Street. Many on the street are expressing concerns that U.S. corporate profits cannot grow over the long term if American families have less and less income with which to make purchases. Since production and non-supervisory workers make up about 80 percent of the total workforce, the long-term health of the U.S. consumer is inextricably linked to the earning power of the U.S. worker.

There are also losers in other countries around the world. Underdeveloped countries with large pools of low-wage and underutilized labor are among those who suffer the most. Their dreams of development have been stymied by China's export gluttony and they have not only lost out in the struggle to attract industry and earn hard currency, but they now live in a world where the winner has driven the cost of energy they need for their own development to prices they can no longer afford.

But there are implications to our unbalanced trading relationship with China that may be grimmer than the impact it is having on the U.S. and world economy. Those implications involve China's geopolitical ambitions, which are clearly less benign than proponents of unbridled U.S.-Chinese trade would want us to believe.

While the CIA may have overestimated Iraq's military capabilities, it has consistently underestimated (at least until recently) the pace of Chinese military modernization. China has taken the politically painful steps of slimming down its uniform forces to levels compatible with high-tech, modern, Western military doctrine. It has invested heavily in the development of highly capable fighter planes, air-to-air missiles, radars, landing craft and other military resources needed to confront U.S. forces in the Formosa Straits and eventually in other parts of Asia.

China now has hundreds of nuclear weapons which are both strategic and tactical in type. It maintains at least twenty intercontinental ballistic missiles capable of hitting targets in the western United States and is believed to have recently recommissioned a submarine capable of launching nuclear missiles from waters off U.S. coasts. China is working on the DR-41 missile, believed to have greater range, accuracy and a shorter launch time than existing Chinese ICBMs. They are believed to be working on between four to six new submarines capable of launching nuclear armed missiles.

As Thomas Kane wrote last year in Parameters, a publication of the U.S. Army War College, "Nuclear weapons allow the People's Republic of China to take diplomatic and military positions with a much greater level of confidence."

China's booming economy also has geopolitical implications beyond the mere contribution it makes to military modernization. If China's economy continues to experience real growth in the 9 percent range, it could surpass the United States as the world's largest economy within a single decade, even if GDP growth in the United States remains relaively strong. As the magnitude of China's economy grows, so will its geopolitical will. One does not need to go to Asia to find examples. Brazil has become a major source for Chinese raw materials and in turn China is discussing financing the construction of a long sought after road from the Amazon basin across the Andes to ports on the Pacific. Korea is becoming something of a "Silicon Valley" for Chinese industry, and even old adversaries such as India and Japan have to rethink how to accommodate the new reality that a rapidly growing China presents.

Some of these changes are inevitable. China needs to grow and will grow almost regardless of U.S. policy. But does China have the political maturity to absorb such a rapid increase in economic, political and military power and use it wisely? Its record on human rights, democratic reform and the treatment of its own citizens should raise serious doubts. We should want a growing economy and rising prosperity for the world's most populous nation, but we should question whether the current torrential rate of growth—growth driven almost entirely by huge net export surpluses with the United States—is a positive for the economic well-being of our own citizens or the prospects for world peace over the coming decades.

COMMENDING JAKE DILLENBURG FOR EXEMPLARY COMMUNITY SERVICE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to commend the exemplary public service of Jake Dillenburg, a resident of the Town of Arkwright in Chautauqua County, upon the occasion of his recognition as the 2005 Chautauqua County Democrat of the Year.

Jake's dedication to public service has been manifest, and his commitment to the residents of Chautauqua County has been outstanding.

Jake's served as an appointed member of New York State Assemblyman Rolland Kidder staff from 1976 until 1982.

During that time Jake continued to work very hard for his constituents back home. In 1975, Jake was elected to the Forestville Village Board of Trustees where he served until 1977 when he was elected Mayor.

In 1980, Jake began a four term streak as a member of the Chautauqua County Legislature. During his time as a Legislator, Jake's leadership and consensus building skills led him to be chosen by his colleagues to be both the Majority Leader and the Minority Leader.

The year 1992 ushered in six terms as the Arkwright Town Supervisor where there is no doubt that he did all he could to better the community.

Over 20 years later, Jake decided to hang up his hat as an elected official and in 1998 he began a five-year duty as the Clerk of the Chautauqua County Legislature; a responsibility, he was well suited to fill following his years of experience in the Legislature.

In addition to all of these outstanding achievements in public service, Jake still gave his all and served as the Town of Arkwright's Democratic Chair for 27 years.

Mr. Dillenburg deserves recognition and congratulations for the vast contributions he has made over the last three decades, not just to the Democratic Party in general, but to the people of his community, his county and to all of Western New York. Chautauqua County is a better place because of Jake Dillenburg's commitment to public service, and I am proud, Mr. Speaker, to have an opportunity to honor him today.

RECOGNIZING THE 94TH BIRTHDAY OF PAOLI TROOP 1 OF THE BOY SCOUTS OF AMERICA

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. GERLACH. Mr. Speaker, I rise today to recognize Paoli Troop 1 of the Boy Scouts of America on its 94th birthday.

In 1911 at the Good Samaritan Church in Paoli, Pennsylvania, Paoli Troop 1 was established. Its name was derived from it being the first Boy Scout Troop in the Paoli area. The Reverend Horace A. Walton was the Troop's first Scoutmaster and he established two patrols within the Troop called the Wolves and the Lions. As the group grew in membership, three additional patrols were created. The Colour Patrol guarded and carried the Troop colors. Thereafter the Eagle Patrol was established and, most recently, the Fox Patrol was added in 2003.

At the outset, Paoli Troop 1 had significant challenges. They were poorly equipped in both uniform and camping gear. During World War I, Troop activity diminished due to the lack of available young men. Following the War, Colonel Clifton Lisle became Scoutmaster and the Charter was resurrected under a "Group of Citizens" as sponsor. In 1924, the Troop moved to Wayne, PA.

Tradition has always been the foundation of Paoli Troop 1. Adherence to the Scout Law and Scout Oath constitute the bedrock principles of the Troop, but other traditions play an important role in the Troop's daily life, such as giving a sailor hat as a memento of the first summer trip. The Troop also adheres to the tradition of military dress (the wool shirt and military press) as started by Colonel Lisle. For 20 years, Richard T. "Dick" Bensing led the Troop until his retirement in 2004. Today, Scoutmaster Mike Manotta heads the Troop.

Paoli Troop 1's approaching 94th birthday is a wonderful achievement. With a rich, long history, the Troop has maintained its core purpose of promoting, maintaining, and carrying out the principles of the Boy Scouts of America and to work for the best interests of its members.

Mr. Speaker, I ask my colleagues to join me today in recognizing Paoli Troop 1 on its 94th birthday. The Troop's efforts to create a positive environment to shape our youth into exemplary role models and citizens is a marvelous contribution to our state and nation and we commemorate them for this.

HONORING THE CAREER OF LIEUTENANT GENERAL RICHARD V. REYNOLDS

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. BOEHNER. Mr. Speaker, I rise today to pay tribute to Lieutenant General Richard V. Reynolds. Lieutenant General Reynolds is retiring as the Vice Commander of Air Force Materiel Command after thirty-three years of faithful and distinguished service to our country.

In addition to being an effective Air Force officer, Lieutenant General Reynolds has been a positive contributor to the Wright Patterson Air Force Base community for the past eleven years. I met Lieutenant General Reynolds when I began to serve areas surrounding the base after the re-districting of 2002. I have always appreciated his candor, professionalism, and accessibility. In addition, I appreciated his willingness to educate my staff about both the Air Force and Wright Patterson at our 2003 staff retreat.

I am also greatly impressed by Lieutenant General Reynolds' dedication to our country and his commitment to advancing the competitive edge of the United States Air Force. He has a distinguished service record and has worked with some of the best aircraft and service technologies in our military. His service to both the Air Force and our country will be greatly missed.

To you Dick, I thank you for your service to our country, and I wish you and your family best wishes in your future endeavors. Congratulations for a successful and dedicated career.

DEMOCRATIC RIGHTS LEADER AUNG SAN SUU KYI HONORED

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

Mr. LANTOS. Mr. Speaker, this Sunday the world will celebrate the 60th birthday of Nobel Laureate and Burmese democracy leader Aung San Suu Kyi. It's usually not polite to discuss a lady's age—but in this case, I'm sure that this feisty fighter known by her supporters simply as "the Lady" will forgive us, because this occasion provides an opportunity to highlight the horrendous human rights situation in Burma.

Today Aung San Suu Kyi is under strict house arrest. Isolated from her family, her colleagues, and the Burmese people who so strongly support her. Sadly, this is not a new state of affairs. Suu Kyi has spent nine of the past 16 years either behind bars or under house arrest.

We must remember that Aung San Suu Kyi is not simply another democracy campaigner toiling away in a totalitarian nation—her party actually won elections in 1990, only to find the halls of power to be locked when she tried to assume the role she had won by right.

Aung San Suu Kyi is an inspiring figure. She could have left Burma countless times to rejoin her family, but she refused. Suu Kyi would not abandon her people to the ruthless Burmese military goons, nor her hope that Burma would someday be a strong, democratic nation that respected human rights.

Sadly, house imprisonment has been the least of Aung San Suu Kyi's worries. Two years ago, the Burmese government tried to kill her in an ambush of her convoy in rural Burma. Burma's ruling thugs simply couldn't stand the fact that she remained enormously popular despite years of imprisonment, and was being greeted by throngs of supporters everywhere she went.

We in Congress have not forgotten the cause of human rights in Burma, Mr. Speaker. Next week, it is my hope that the House will move forward with H.J. Res. 52, my legislation to renew import sanctions against Burma for an additional year. Only when the Burmese thugocracy feels the economic pinch of their sick rule will change finally come.

Mr. Speaker, this afternoon, I will be pleased to deliver 6,000 birthday cards to Aung San Suu Kyi via the Burmese Embassy. I have no illusion that they will be delivered, or even that word of this deed will be delivered to her. But these good wishes from people across America show that the world has not forgotten Aung San Suu Kyi, nor the cause for which she fights. One day, Aung San Suu Kyi will finally be sworn in as the democratically elected leader of Burma, and it will be my great honor to attend her inauguration.